

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Friday, 10 May 2019

Led by Commissioner:       The Honourable Margaret McMurdo AC

Also Present

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

Counsel for Victoria Police   Mr S. Holt QC  
                                  Ms R. Enbom  
                                  Ms K. Argiropoulos

Counsel for State of Victoria Ms C. McCudden

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

Counsel for DPP/SPP          Ms A. Martin

Counsel for Andrew Hodson    Dr K. Hanscombe QC  
and Mandy Leonard            Ms K. Bowshe11

Counsel for Tony Mokbel       Mr R. Maidment QC

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1 (UPON RESUMING IN PUBLIC HEARING):  
2  
11:05:40 3 COMMISSIONER: Yes Mr Winneke.  
11:05:41 4  
11:05:41 5 MR WINNEKE: Thank you Commissioner. Mr De Santo, I just  
11:05:49 6 wanted to ask you a little bit about your background, if I  
11:05:52 7 could, it's set out in your statement. You were a member  
11:05:58 8 of the Police Force from 1979 through to 2017; is that  
11:06:03 9 right?---Yes.  
11:06:03 10  
11:06:05 11 You became a detective in about 1985?---Yes.  
11:06:08 12  
11:06:09 13 You were involved in the Tactical Investigation Group in  
11:06:16 14 1990 of those persons acquitted of the Walsh Street  
11:06:24 15 murders; is that right?---Yes.  
11:06:25 16  
11:06:25 17 And you were seconded to the Royal Commission into the New  
11:06:31 18 South Wales Police Force as the senior investigator?---As a  
11:06:33 19 senior investigator.  
11:06:33 20  
11:06:34 21 A senior investigator?---Yes.  
11:06:35 22  
11:06:35 23 And in November 2000 you were promoted to Detective  
11:06:41 24 Inspector of the ESD and you were involved in a number of  
11:06:45 25 operations concerning the investigation of the then Drug  
11:06:50 26 Squad?---Yes.  
11:06:50 27  
11:06:51 28 And corruption within that Drug Squad?---Yes.  
11:06:54 29  
11:06:58 30 That investigation was ongoing and then court proceedings  
11:07:03 31 which flowed on from that went on for quite some time, so  
11:07:06 32 in all it involved about six years of your life?---Yes, it  
11:07:10 33 did.  
11:07:10 34  
11:07:16 35 Thereafter you were in various other positions but  
11:07:18 36 eventually you retired from the Police Force in  
11:07:22 37 2017?---Yes, I did.  
11:07:23 38  
11:07:25 39 And you have a number of awards including the Australian  
11:07:29 40 Police Medal in June 2010?---Yes.  
11:07:33 41  
11:07:36 42 Just a couple of matters in relation to your statement by  
11:07:39 43 way of corrections. I think if we go to, so as the  
11:07:48 44 document makes sense, if we go to paragraph 23 in the  
11:07:53 45 redacted document. Have you got a copy of the redacted  
11:07:58 46 document in front of you?---Yes.  
11:08:00 47

11:08:00 1 In relation to that you say in the redacted document, "I do  
11:08:11 2 not know if Person 5 had been a legal representative at any  
11:08:16 3 time" for a person whose name has been removed. Your  
11:08:22 4 understanding is in fact you believe he had represented  
11:08:25 5 him; is that correct?---Yes.  
11:08:26 6  
11:08:26 7 And in the statement that you say, "I do not recall acting  
11:08:29 8 on the information"?---But in fact I did.  
11:08:35 9  
11:08:35 10 In fact you did act on the information but nothing came of  
11:08:37 11 it; is that correct?---That's correct.  
11:08:39 12  
11:08:43 13 Can I just ask you a couple of questions about your  
11:08:51 14 knowledge of Ms Gobbo and when you first became aware of  
11:08:55 15 Ms Gobbo. Are you able to give some evidence about  
11:09:00 16 that?---It was back around early 2002.  
11:09:16 17  
11:09:16 18 Early 2002?---Yes.  
11:09:18 19  
11:09:22 20 At that stage she, to your understanding, was acting for  
11:09:26 21 Tony Mokbel?---Yes.  
11:09:28 22  
11:09:35 23 You had a number of interactions with her with respect to  
11:09:40 24 Tony Mokbel in the sense that she was acting for him and  
11:09:44 25 you were investigating various police officers for  
11:09:48 26 corruption who had been involved in investigations against  
11:09:50 27 Mokbel?---That's correct.  
11:09:51 28  
11:09:52 29 And so a lot of the early interactions that you had with  
11:09:56 30 her was in that context?---Yes.  
11:09:57 31  
11:09:57 32 Are you able to say explain that in more detail?---It had  
11:10:10 33 been made public knowledge that the Task Force I was  
11:10:13 34 leading at the time, or I should I say I was the Operations  
11:10:18 35 Manager of at the time, were investigating members of the  
11:10:22 36 Kayak Task Force for allegations of corruption and I think  
11:10:25 37 at around 2002 two members of that Task Force had already  
11:10:30 38 been charged with large commercial drug trafficking.  
11:10:36 39  
11:10:36 40 Right?---And through testimony in cross-examination I had  
11:10:50 41 disclosed that other members within, without naming them,  
11:10:54 42 members of that whole Task Force and other members of the  
11:10:57 43 Drug Squad were under investigation for serious allegations  
11:11:02 44 of corruption.  
11:11:03 45  
11:11:07 46 Your operation was called Ceja?---Yes, that's right, Ceja  
11:11:15 47 Task Force.

11:11:15 1  
11:11:18 2 When these people, when for example Mokbel, there were  
11:11:23 3 proceedings against him, there were applications made for  
11:11:28 4 disclosure, correct?---Hundreds.  
11:11:32 5  
11:11:32 6 Hundreds of applications for disclosure. In effect the  
11:11:38 7 Mokbel team and those charged with him, with offences  
11:11:42 8 arising out of Kayak?---Yes.  
11:11:44 9  
11:11:44 10 Were seeking to find material to assist them in defending  
11:11:49 11 their clients?---Most definitely.  
11:11:51 12  
11:11:51 13 And Ms Gobbo was one of those?---Yes.  
11:11:53 14  
11:11:55 15 And she was representing Mokbel. Insofar as disclosure was  
11:12:02 16 concerned, what was your understanding as to the  
11:12:05 17 obligations of the police to make disclosure?---We were  
11:12:12 18 duty-bound to provide the information sought as long as it  
11:12:17 19 was specific, not a fishing expedition.  
11:12:22 20  
11:12:22 21 Yes?---It was relevant and it was not subject to any claims  
11:12:25 22 of public interest immunity.  
11:12:26 23  
11:12:28 24 And you were involved in quite a number of these  
11:12:30 25 applications. Did you engage counsel or did your - - -  
11:12:36 26 ?---We initially used the services of VGS0.  
11:12:39 27  
11:12:40 28 Yes?---And then we progressed because of the inundation of  
11:12:44 29 the amount of subpoenas we were getting.  
11:12:46 30  
11:12:46 31 Yes?---We progressed to having in-house counsel who was  
11:12:50 32 Gerard Maguire.  
11:12:52 33  
11:12:52 34 So if there was - you as a police officer, if you took the  
11:12:56 35 view that there was material within the investigation  
11:13:00 36 brief, or investigation file, if you like, which may be of  
11:13:05 37 assistance to an accused person to establish a clear  
11:13:10 38 defence, was that something that had to be disclosed to  
11:13:14 39 them if it was sought?---Yes, it had to be.  
11:13:19 40  
11:13:19 41 And there were circumstances where it may not be  
11:13:23 42 disclosed?---Well, no, that's back to the argument for  
11:13:28 43 public interest immunity, whether it involved the use of  
11:13:31 44 informants and whether the investigations were ongoing.  
11:13:34 45  
11:13:36 46 If you took the view that there was relevant material but  
11:13:39 47 there may be an argument of public interest



11:13:42 1 immunity?---Yes.  
11:13:42 2  
11:13:43 3 Was that something you simply determined yourself or did  
11:13:46 4 you get legal advice about it?---No, we presented in front  
11:13:50 5 of the presiding magistrate or judge where we would then  
11:13:56 6 tender both an open affidavit which would be served on the  
11:13:59 7 defence seeking the material and a closed affidavit to the  
11:14:04 8 Bench saying what the material is and the arguments for  
11:14:07 9 which we seek non-disclosure of that material, and that was  
11:14:12 10 done in nearly every case.  
11:14:13 11  
11:14:16 12 Was there a view about whether or not the Drug Squad was  
11:14:23 13 making appropriate disclosure to barristers or legal  
11:14:31 14 representatives such as Ms Gobbo?---Yes, there was a view  
11:14:34 15 formed with, inside the Ceja Task Force, yes.  
11:14:37 16  
11:14:38 17 What was that view?---That they were noncompliant.  
11:14:40 18  
11:14:41 19 In other words, the Ceja Task Force took the view that  
11:14:48 20 there was material which was relevant, potentially relevant  
11:14:51 21 to a defence, which was simply not being disclosed?---Well,  
11:14:55 22 it didn't even get to that stage. They just wouldn't  
11:14:59 23 produce anything despite being instructed to by the courts.  
11:15:03 24  
11:15:06 25 How was that something that came to your  
11:15:11 26 knowledge?---Ms Gobbo approached me, some other legal  
11:15:15 27 representatives had approached me saying, "We've served  
11:15:21 28 subpoenas. We're getting no traction with the provision of  
11:15:25 29 any material in relation to this, we're just getting  
11:15:27 30 nothing".  
11:15:28 31  
11:15:28 32 Was that made known by you to more senior members of the  
11:15:32 33 Police Force hierarchy?---Yes, it was.  
11:15:34 34  
11:15:34 35 Do you recall who you discussed that with?---Would have  
11:15:37 36 been Commander Maloney.  
11:15:38 37  
11:15:38 38 Yes?---I think at that time also it was brought to the  
11:15:42 39 attention of Assistant Commissioner Graham McDonald who was  
11:15:46 40 the head of Ethical Standards Department.  
11:15:48 41  
11:15:49 42 In any event, would you say that it's the appropriate thing  
11:15:52 43 to do, if there's an issue with respect to disclosure it's  
11:15:55 44 something - if a police officer is concerned about whether  
11:15:58 45 something should be disclosed, it's not up to them to make  
11:16:03 46 a decision about whether there's public interest immunity  
11:16:06 47 or not, it's something that really requires legal

11:16:09 1 advice?---Yes.  
11:16:09 2  
11:16:12 3 Is that something that you believe that most police  
11:16:17 4 officers would know or should know?---Perhaps not the  
11:16:21 5 junior ranks but perhaps those who throughout their  
11:16:26 6 experience dealing in, you know, the upper court trials  
11:16:31 7 should become conversant with it. And I think it's even  
11:16:34 8 trained within Detective Training School.  
11:16:36 9  
11:16:37 10 Do you think that there was sufficient training for  
11:16:41 11 detectives in the period say going back to 2000 or  
11:16:46 12 thereabouts about obligations of disclosure?---It would be  
11:16:50 13 hard to say but I do remember being trained on it.  
11:16:54 14  
11:16:54 15 Yes?---And becoming aware of it even at my junior rank of  
11:17:01 16 say a Senior Detective. I understood what PII was, I  
11:17:05 17 understood what disclosure was and I understood what needed  
11:17:09 18 to be produced in accordance with subpoenas that had been  
11:17:12 19 issued.  
11:17:12 20  
11:17:14 21 You took the view from your involvement in Ceja Task Force  
11:17:17 22 that the position with respect to the Drug Squad was that  
11:17:20 23 there simply wasn't appropriate disclosure?---They were  
11:17:24 24 extremely reluctant to provide anything in way of  
11:17:27 25 subpoenas.  
11:17:27 26  
11:17:28 27 What about more generally in other areas of criminal  
11:17:33 28 investigation?---Look, that would depend on the individual  
11:17:40 29 members or the levels of management that sat above them.  
11:17:44 30  
11:17:46 31 Do you have a view as to whether there ought be more  
11:17:53 32 significant training in this area to highlight to police  
11:17:59 33 investigators the importance of disclosure?---I don't know  
11:18:02 34 what the current training regime is.  
11:18:04 35  
11:18:05 36 Yes?---I. In my own personal experience, I benefitted by  
11:18:12 37 being involved with it and being guided through these  
11:18:15 38 issues to have a personal knowledge of it.  
11:18:17 39  
11:18:17 40 Yes?---I don't think that is the experience of a lot of  
11:18:20 41 members across the organisation unfortunately.  
11:18:22 42  
11:18:22 43 Yes, all right. So you derived, you believe your knowledge  
11:18:27 44 of the importance of it was heightened because of your  
11:18:31 45 involvement in this particular matter where it was really  
11:18:33 46 highlighted?---And previous matters, my previous experience  
11:18:36 47 in the State Commonwealth joint Task Force, matters

11:18:41 1 involving organised crime where respected counsel had been  
11:18:45 2 representing them and we'd gone through the disclosure  
11:18:48 3 process.  
11:18:48 4  
11:18:49 5 Yes, all right. What about with respect to legal  
11:18:53 6 professional privilege, do you have anything to say about  
11:18:57 7 the situation of training back in 2000 and whether the  
11:19:01 8 knowledge of police officers at that time was sufficient  
11:19:05 9 about LPP?---I'm aware that there was training around it.  
11:19:14 10  
11:19:14 11 Yes?---And that it was something that an investigator  
11:19:19 12 should have been well aware of.  
11:19:20 13  
11:19:20 14 Right. So in other words a person's entitled to speak to a  
11:19:26 15 lawyer in private and not have their discussions overheard  
11:19:32 16 and police officers, if they come into possession of  
11:19:37 17 information which clearly has or even may have come from  
11:19:44 18 discussions between lawyers, what would your understanding  
11:19:48 19 be of that back then?---Should have been quarantined and  
11:19:52 20 not dealt with.  
11:19:53 21  
11:19:53 22 Right, okay. Now, I think one of the issues that you were  
11:20:07 23 asked about was your knowledge of whether Ms Gobbo had ever  
11:20:11 24 been registered as a human source?---Yes.  
11:20:14 25  
11:20:14 26 When did you first become aware of that?---Around 2013.  
11:20:18 27  
11:20:20 28 You hadn't been aware back in 2001, 2, 3, 4 that she had  
11:20:31 29 ever been registered?---No.  
11:20:33 30  
11:20:33 31 Can you explain the circumstances in which you came to be  
11:20:36 32 aware that she was registered as a human source?---I had  
11:20:39 33 returned to Crime Command as a Detective Superintendent in  
11:20:45 34 one of the operational areas. At a senior leaders' meeting  
11:20:53 35 or a committee meeting in regards to a matter now referred  
11:20:58 36 to as Loricated there was to be the appointment of a senior  
11:21:02 37 manager to oversee the process required for a review of  
11:21:07 38 Loricated, where the then Assistant Commissioner - because  
11:21:14 39 I didn't know what Loricated was.  
11:21:16 40  
11:21:16 41 Yes?---Steve Fontana, the Assistant Commissioner at the  
11:21:21 42 time, disclosed to me it was in reference to Nicola Gobbo  
11:21:24 43 and being a human source and a matter requiring review in  
11:21:29 44 relation to information that she'd provided over a  
11:21:33 45 prolonged period of time.  
11:21:34 46  
11:21:34 47 Yes?---Of which I claimed conflict of interest because of

11:21:39 1 my dealings with her through 2002 up to 2004.  
11:21:44 2  
11:21:45 3 Yes, all right.  
11:21:49 4  
11:21:49 5 COMMISSIONER: In general terms what was your relationship  
11:21:51 6 with Nicola Gobbo during that time?---2002 to 2004?  
11:21:55 7  
11:21:55 8 Yes?---In relation to predominantly her representation of  
11:22:01 9 various clients who were facing charges before the court.  
11:22:04 10  
11:22:04 11 Purely professional?---Purely professional. I bumped into  
11:22:09 12 her on one occasion in a social environment.  
11:22:16 13  
11:22:16 14 MR WINNEKE: Did you get an understanding of the extent to  
11:22:18 15 which she'd been used as a human source when you were  
11:22:21 16 told?---Yes.  
11:22:21 17  
11:22:22 18 What were you told in 2013?---That she'd been used  
11:22:30 19 extensively.  
11:22:30 20  
11:22:31 21 What was your response? Were you surprised?---Well I  
11:22:37 22 wasn't aware of it and, yeah, I was very surprised.  
11:22:41 23  
11:22:49 24 At that stage did you have any discussion about whether or  
11:22:55 25 not any legal advice had been obtained about her use as a  
11:22:59 26 human source, were you aware of that?---No.  
11:23:02 27  
11:23:04 28 Did you have any discussion about that with  
11:23:08 29 Mr Fontana?---No.  
11:23:08 30  
11:23:09 31 Was there any discussion about whether any cases had been  
11:23:12 32 affected by her use as a human source?---No, once I  
11:23:16 33 declared my conflict of interest I remained totally out of  
11:23:20 34 it.  
11:23:20 35  
11:23:21 36 Okay, all right then. Can I just ask you about some of  
11:23:25 37 your dealings with her and to that - - -  
11:23:28 38  
11:23:28 39 COMMISSIONER: Just before Mr Winneke goes on to that. At  
11:23:31 40 the time you declared your conflict of interest you told us  
11:23:34 41 in private session that police officer Pope also declared a  
11:23:39 42 conflict?---Yes.  
11:23:40 43  
11:23:40 44 Could you just tell us again what that conflict was?---That  
11:23:44 45 he'd had some involvement with her in the past and that - I  
11:23:49 46 just remember he declared a conflict of interest and that  
11:23:53 47 was it.

11:23:53 1  
11:23:54 2 Do you recall if that was a professional or a personal  
11:23:57 3 involvement?---No, from what I was led to believe it was a  
11:23:59 4 professional involvement.  
11:24:00 5  
11:24:00 6 And you didn't know anything about any personal involvement  
11:24:03 7 with him and Ms Gobbo?---Not at that time, no.  
11:24:08 8  
11:24:08 9 Did you later find out something?---At a later stage  
11:24:22 10 somebody came to me and sought advice on legal  
11:24:24 11 representation for Mr Pope in relation to allegations  
11:24:32 12 against Mr Pope.  
11:24:36 13  
11:24:37 14 Do you want to follow that up?  
11:24:39 15  
11:24:39 16 MR WINNEKE: Can you expand on the circumstances of  
11:24:41 17 that?---I'm being very careful here. I had been involved  
11:24:48 18 in a defamation matter and I was approached by somebody  
11:24:55 19 within Victoria Police seeking advice as to counsel I had  
11:25:02 20 used for my matter.  
11:25:05 21  
11:25:05 22 Right. Mr Pope had considered taking defamation action; is  
11:25:14 23 that right?---I don't know. I never spoke with Mr Pope.  
11:25:19 24 All I was asked was who was the counsel I used.  
11:25:21 25  
11:25:21 26 Yes?---Because something to do with Mr Pope, either was  
11:25:26 27 going to seek an injunction or defamation against a media  
11:25:32 28 outlet.  
11:25:33 29  
11:25:33 30 Right, okay. Do you recall when that was?---Well, Pope  
11:25:40 31 would have been around - I'm not sure. It may have been  
11:25:54 32 prior to 2013, it may have been post-2013.  
11:25:57 33  
11:25:58 34 I take it you never spoke to Pope about these  
11:26:01 35 matters?---No, no.  
11:26:01 36  
11:26:02 37 That meeting that you talked about where you made the  
11:26:04 38 disclosure and you recall Pope making a disclosure, do you  
11:26:08 39 recall who else was there?---I think Assistant Commissioner  
11:26:25 40 Fontana, Commander Doug Fryer I think could have been, or I  
11:26:31 41 think he was the Commander of Intelligence Covert Support.  
11:26:36 42 A couple of other Superintendents, I'm not exactly sure,  
11:26:39 43 but the meeting was a meeting that was held on a regular -  
11:26:42 44 it was documented, yes.  
11:26:43 45  
11:26:43 46 Right?---It was minuted.  
11:26:45 47

11:26:46 1 We call for any meeting of that sort, Commissioner, the  
11:26:51 2 minutes of any meeting of that sort to be produced.  
11:26:53 3  
11:26:54 4 COMMISSIONER: Yes. Can I just ask you one more question  
11:26:56 5 about this defamation business. You've obviously come up  
11:26:59 6 with that when I've asked you about the relationship  
11:27:02 7 between Nicola Gobbo and Pope, so you were very cautious in  
11:27:07 8 what you said but was it your apprehension that you were  
11:27:10 9 being asked that question because of Mr Pope and something  
11:27:16 10 that had been said about him and Nicola Gobbo, was that  
11:27:19 11 your apprehension?---My apprehension was who asked me and  
11:27:27 12 what capacity they asked me. I'm sorry. Perhaps - - -  
11:27:37 13  
11:27:37 14 Can you not answer the question directly? What's the  
11:27:40 15 difficulty?---The difficulty is it was from within the  
11:27:45 16 legal services area of Victoria Police.  
11:27:51 17  
11:27:51 18 MR WINNEKE: Right. Was it Mr McCrae?---Yes, it was.  
11:27:55 19  
11:27:55 20 He asked you about who could be an appropriate legal  
11:28:02 21 practitioner?---Yes.  
11:28:02 22  
11:28:03 23 To engage in this action that you're not certain whether it  
11:28:08 24 was a defamation or injunction or something along those  
11:28:14 25 lines?---Yes, an injunction, yes.  
11:28:18 26  
11:28:18 27 COMMISSIONER: But you came up with this in the context of  
11:28:20 28 being asked questions about Pope and Gobbo?---Yes.  
11:28:24 29  
11:28:24 30 So did you infer that that was what it was about?---Well I  
11:28:32 31 did because it was - I'd been involved in a defamation case  
11:28:37 32 and it was along the lines of either an injunction or  
11:28:41 33 something defamatory about Pope and who was capable  
11:28:52 34 counsel.  
11:28:53 35  
11:28:53 36 MR WINNEKE: It was your understanding that a media entity  
11:28:59 37 was going to publish some material about a relationship or  
11:29:02 38 a connection between Mr Pope and Ms Gobbo?---Yes.  
11:29:04 39  
11:29:05 40 And the view was taken, or there was a concern that that  
11:29:09 41 ought be prevented and accordingly your recollection is  
11:29:13 42 that Mr McCrae came to you and was canvassing you about an  
11:29:18 43 appropriate legal practitioner to take that cause  
11:29:21 44 up?---Yeah, he asked me the legal team I used in my matter.  
11:29:25 45  
11:29:26 46 Do you know whether anything did come of that?---No, I  
11:29:30 47 don't know.

11:29:30 1  
11:29:30 2 You're not in a position to say whether steps were taken to  
11:29:33 3 prevent any publication?---That was the end of the  
11:29:36 4 conversation, haven't discussed it since.  
11:29:38 5  
11:29:39 6 You don't know - save that it concerned a relationship  
11:29:43 7 between Gobbo and Pope, was there any discussion about the  
11:29:46 8 nature of that relationship?---No.  
11:29:48 9  
11:29:49 10 Did Pope say anything about him having registered her  
11:29:51 11 previously as an informer in that disclosure that he made,  
11:29:55 12 does that jog your memory?---No, I can't say. I know he  
11:30:03 13 said that he'd had professional dealings with her  
11:30:06 14 previously and that was the basis upon which he declared  
11:30:09 15 conflict.  
11:30:09 16  
11:30:15 17 Had you been at any meetings previously which Mr Pope had  
11:30:20 18 attended and those matters, matters concerning Ms Gobbo,  
11:30:24 19 had been discussed?---Not that I can recall, no.  
11:30:27 20  
11:30:27 21 You think it was only the one meeting where this matter of  
11:30:30 22 Gobbo came up, you declared your involvement and that was  
11:30:33 23 the end as far as you were concerned?---Well I was out of  
11:30:35 24 it.  
11:30:36 25  
11:30:36 26 Yes, all right. If he had been a handler, in other words  
11:30:45 27 if he'd handled her as a human source, I take it from what  
11:30:51 28 you say to be open and transparent you would make that  
11:30:56 29 abundantly clear, if you were to then have any involvement  
11:31:00 30 with her, you would make that clear that you'd been a  
11:31:03 31 handler one assumes?---I don't think Mr Pope was the chair  
11:31:07 32 of the meeting.  
11:31:07 33  
11:31:07 34 Right?---He declared a conflict.  
11:31:10 35  
11:31:10 36 Yes?---As I did. My conflict in my expression was that I'd  
11:31:16 37 had her dealings with her during the Ceja Task Force and it  
11:31:19 38 was inappropriate for me to be involved in it. And a  
11:31:22 39 similar - Jeff Pope turned around and said he also had a  
11:31:27 40 privilege from dealing with her in the past.  
11:31:29 41  
11:31:29 42 After you'd declared?---I can't recall.  
11:31:32 43  
11:31:32 44 Yes, all right, okay. What assistance - effectively you  
11:31:41 45 were being asked to collect and review information  
11:31:45 46 concerning the use of Ms Gobbo as a human source, you were  
11:31:49 47 going to be involved in that task?---It was matter of

11:31:53 1 reviewing all the material that had been gleaned over the  
11:31:56 2 period of time where she'd been used as an informer. That  
11:32:01 3 was to oversight a review of all that material and that's  
11:32:06 4 where I said I was conflicted.  
11:32:09 5  
11:32:10 6 Do you understand who was engaged to carry out that task  
11:32:13 7 ultimately?---I have a recollection that it was Inspector  
11:32:24 8 level but I can't tell you at senior management level who  
11:32:30 9 ended up with it.  
11:32:31 10  
11:32:31 11 Inspector level?---I think Inspector Swain, Monique Swain  
11:32:37 12 ended up involved in it. I can't recall who the senior  
11:32:40 13 manager was.  
11:32:40 14  
11:32:40 15 Was Monique Swain at the meeting, can you remember?---No,  
11:32:45 16 she wouldn't have been at that meeting.  
11:32:46 17  
11:32:47 18 All right. Now, if I can ask you about generally some of  
11:32:51 19 your meetings and the discussions that you had with  
11:32:58 20 Ms Gobbo. If you could go to your diary entry of 19 March  
11:33:03 21 2002. Do you have your diary there?---Yes, I do.  
11:33:08 22  
11:33:09 23 In your statement you've said that there was a meeting with  
11:33:13 24 Ms Gobbo and Jim Valos in court regarding an examination of  
11:33:18 25 a person by the name of Zoinetti?---Yes.  
11:33:22 26  
11:33:26 27 If you can just have a look at the entries in your diary.  
11:33:33 28 At 11.32 there's an entry above that with respect to Sadler  
11:33:42 29 and Ferguson, Ian?---Yes.  
11:33:45 30  
11:33:46 31 Do you recall what that's about?---Only that they entered  
11:33:59 32 the court.  
11:34:00 33  
11:34:00 34 It says, "SD Sadler". I assume that's Senior  
11:34:07 35 Detective?---Yes.  
11:34:07 36  
11:34:08 37 "And Ferguson into court", is that what it says?---Yes, it  
11:34:12 38 does.  
11:34:12 39  
11:34:12 40 The next entry eight minutes later is, "Nicola Gobbo, Jim  
11:34:18 41 Valos into court", if that's what those last two words  
11:34:22 42 say?---Yes.  
11:34:22 43  
11:34:23 44 Do you know whether there was any connection between the  
11:34:25 45 two entries in your diary?---Not that I can recall. Only  
11:34:31 46 that they'd entered the court.  
11:34:32 47



11:34:32 1 Are you able to say in relation to what court proceeding  
11:34:35 2 what reason you were at court on that occasion looking at  
11:34:39 3 your diary? We've only got a blacked out version of  
11:35:08 4 it?---It's only that for some reason I had an interest in  
11:35:12 5 the court matter. I make a reference - - -  
11:35:15 6  
11:35:16 7 We might need to be a bit careful about that because I'm  
11:35:19 8 told that there's some possibility of public interest - if  
11:35:25 9 we can do it in this way. Was that at a committal mention  
11:35:30 10 court or was it an actual hearing in relation to an accused  
11:35:34 11 person?---No, it was a - court 14 Melbourne Magistrates'  
11:35:41 12 Court.  
11:35:41 13  
11:35:41 14 Right. So that might well be a mentions court?---Yes, but  
11:35:46 15 there's a reference there that certain persons were under  
11:35:49 16 cross-examination.  
11:35:50 17  
11:35:51 18 Right. Are you able to, looking at that entry, draw any  
11:36:01 19 connection between the Sonia Zoinetti and the persons being  
11:36:04 20 cross-examined and Sadler and Ferguson?---No, I can't.  
11:36:08 21  
11:36:11 22 Because your recollection doesn't serve you or because the  
11:36:14 23 diary isn't - - - ?---My recollection doesn't serve me in  
11:36:17 24 relation to this.  
11:36:17 25  
11:36:18 26 In relation to the case itself is there any - are you able  
11:36:26 27 to say what Gobbo and Valos were doing in the court that  
11:36:35 28 you were in?---No.  
11:36:36 29  
11:36:37 30 No?---No.  
11:36:37 31  
11:36:38 32 All right. Were they connected with that proceeding?---I  
11:36:41 33 don't know.  
11:36:41 34  
11:36:42 35 Don't know, all right. Are you able to say who Zoinetti  
11:36:48 36 was?---I don't have a recollection of - - -  
11:36:51 37  
11:36:51 38 You don't have a recollection?---No.  
11:36:53 39  
11:36:56 40 It might be easier if we go to your statement. Have you  
11:36:59 41 got your - - - ?---Yes.  
11:37:00 42  
11:37:03 43 There's an entry on 26 April 2002 which in your statement  
11:37:13 44 says, "I spoke to Ms Gobbo regarding Mokbel and a tape  
11:37:17 45 regarding Marty Alison and Strawhorn in park in December of  
11:37:24 46 2001"?---Which date, sorry Mr Winneke?  
11:37:39 47

11:37:39 1 We're talking about 26 April?---Yes.  
11:37:43 2  
11:37:46 3 Aside from the fact that it clearly concerns Ms Gobbo's  
11:37:51 4 representation of Mr Mokbel, there's a tape regarding the  
11:38:00 5 two members who I've mentioned in the park in December of  
11:38:03 6 2001. Does that assist you in determining what it was  
11:38:10 7 about? There was a recording of some sort or - - - ?---I  
11:38:14 8 can't recall, Mr Winneke.  
11:38:15 9  
11:38:15 10 It would be, I take it, with respect to disclosure in any  
11:38:21 11 event, would it?---I don't know.  
11:38:22 12  
11:38:22 13 You don't know, all right. What you do say is it may well  
11:38:31 14 be that it was simply one of the many discussions that you  
11:38:35 15 had with Ms Gobbo which were relevant to her representation  
11:38:40 16 of Mr Mokbel?---Yes.  
11:38:41 17  
11:38:45 18 And as that interconnected with your role in investigating  
11:38:49 19 members of the Drug Squad?---Yes.  
11:38:50 20  
11:38:52 21 Likewise the entry on 5 May 2002 which immediately follows  
11:38:57 22 that is of a similar type; is that right?---Yes, well that  
11:39:22 23 goes out a little bit wider than just Mokbel.  
11:39:25 24  
11:39:25 25 Yes?---Because Danielle Maguire is brought into it.  
11:39:30 26  
11:39:31 27 Yes?---But I think that he wishes to speak to me, he wants  
11:39:39 28 to try and get a benefit for Danielle Maguire which I've  
11:39:42 29 said it won't work.  
11:39:44 30  
11:39:44 31 Right. In other words he would speak to you, Mokbel wanted  
11:39:49 32 to speak to you, provide information?---Yes.  
11:39:52 33  
11:39:53 34 With a desire of Danielle Maguire getting the  
11:39:58 35 benefit?---That's right.  
11:39:58 36  
11:39:59 37 As far as you were concerned that wasn't - - - ?---It  
11:40:01 38 wasn't on, no.  
11:40:01 39  
11:40:01 40 It wasn't on, righto. On 6 May there was a discussion  
11:40:07 41 between you and Mokbel as per the IR and that goes back to  
11:40:13 42 the previous entry; is that right?---Yes.  
11:40:15 43  
11:40:19 44 The same day there's a telephone communication between you  
11:40:22 45 and Ms Gobbo and in effect you're conveying that  
11:40:26 46 information?---Well all I've said was that Mokbel spoke to  
11:40:33 47 me only in general matters.

11:40:34 1  
11:40:35 2 Yes?---Nothing specific. And confirming that I'd had a  
11:40:40 3 conversation with him.  
11:40:40 4  
11:40:41 5 Yes, all right. Is there anything else you can recall  
11:40:50 6 about that discussion with Ms Gobbo?---No.  
11:40:52 7  
11:40:54 8 What you would say is in all probability there would be  
11:40:59 9 information reports prepared by you around these  
11:41:06 10 matters?---Yes.  
11:41:06 11  
11:41:08 12 Commissioner, we make a standard call for any information  
11:41:13 13 reports that are referred to.  
11:41:14 14  
11:41:14 15 COMMISSIONER: Yes. Yes, thanks Ms Enbom.  
11:41:20 16  
11:41:20 17 MR WINNEKE: Can I deal perhaps cryptically with the 14 May  
11:41:25 18 2002 entry. If you have a look at the redacted statement  
11:41:29 19 that might assist you and us in not doing anything that we  
11:41:36 20 shouldn't do. On 14 May - do you recall whether Ms Gobbo  
11:41:45 21 rang you or did you call her?---No, I don't have a  
11:42:20 22 recollection of whether she rang me or I rang her and I  
11:42:24 23 have no reference to how the communication commenced.  
11:42:27 24  
11:42:28 25 All right. But in any event it was a discussion between  
11:42:32 26 you and Ms Gobbo about a person who she was acting  
11:42:36 27 for?---Yes.  
11:42:37 28  
11:42:39 29 That person wanted to speak to you regarding a number of  
11:42:43 30 matters about which we don't need to go into detail?---Yes.  
11:42:46 31  
11:42:47 32 Save for one matter, he was able to speak to you about  
11:42:53 33 Wayne Strawhorn?---Yes.  
11:42:55 34  
11:42:55 35 So in other words she had a client who wanted to speak to  
11:43:02 36 you about a number of matters, including Wayne Strawhorn,  
11:43:04 37 so presumably in relation to corruption within the Drug  
11:43:07 38 Squad?---Yes.  
11:43:07 39  
11:43:11 40 Your interpretation of that is that she's got a client been  
11:43:16 41 charged with a drug offence and was interested in speaking  
11:43:18 42 to you in order to get a benefit?---Yes.  
11:43:21 43  
11:43:22 44 Right, okay. Now so far as that's concerned is there  
11:43:27 45 anything unusual about that communication between you and  
11:43:31 46 Ms Gobbo as a barrister who has a client who's been charged  
11:43:36 47 with an offence?---At around this time, no, it wasn't

11:43:40 1 unusual.

11:43:41 2

11:43:41 3 Did other barristers make similar communications to

11:43:45 4 you?---Yes.

11:43:45 5

11:43:48 6 Was this particular to your involvement in the

11:43:51 7 investigation of the Drug Squad?---Yes.

11:43:53 8

11:43:55 9 Do you know whether anything came of that? Did you speak

11:44:01 10 to that person?---No, I don't think that ever eventuated.

11:44:05 11

11:44:05 12 Right?---I don't have a recollection of it and I don't have

11:44:09 13 a note of it. It may - from memory it didn't eventuate. I

11:44:14 14 could be mistaken.

11:44:15 15

11:44:17 16 I asked you whether it was usual for there to be

11:44:23 17 communication between - for barristers or solicitors to

11:44:29 18 approach you. In terms of the amount of approaches, would

11:44:32 19 you say Nicola Gobbo perhaps approached you more so than

11:44:37 20 any other people in terms of provision of

11:44:39 21 assistance?---That would be fair to say, yes.

11:44:40 22

11:44:41 23 To what extent do you say?---She was quite prominent in

11:44:51 24 reporting what she perceived to be allegations of

11:44:54 25 corruption involving members of the Drug Squad or members

11:44:58 26 associated with the Drug Squad.

11:44:59 27

11:45:00 28 And what about in effect giving her clients to you to get

11:45:07 29 information from?---I did speak with some of her clients on

11:45:16 30 occasions where I actually, I may have even instigated

11:45:20 31 trying to speak to her client as an avenue of inquiry, and

11:45:25 32 then where she said to me "you need to speak to so and so

11:45:29 33 about an allegation that has arisen".

11:45:32 34

11:45:32 35 She might contact you about a client who may be able to

11:45:38 36 provide you with some useful information, that might

11:45:41 37 occur?---More along the lines of allegations rather than

11:45:44 38 information.

11:45:44 39

11:45:44 40 On any occasions about the provision of information?---Not

11:46:00 41 really. It was more around allegations or if you looked at

11:46:04 42 information there were occasions where I think she

11:46:12 43 contacted me and she said, "You need somebody to be sitting

11:46:15 44 in this courtroom because here we go again, more

11:46:20 45 allegations against the Drug Squad of allegations of

11:46:22 46 thefts, of load-ups and things like that".

11:46:26 47

11:46:26 1 Those sorts of communications, I would imagine that would  
11:46:30 2 be reasonably peculiar for a barrister to be calling you  
11:46:33 3 regularly and telling you about those sorts of  
11:46:36 4 things?---Intertwined with all the activity going on around  
11:46:40 5 Mokbel not so much, but bearing in mind across this period  
11:46:46 6 there was a lot of media around what was going on inside  
11:46:52 7 the Victoria Police Drug Squad.  
11:46:54 8  
11:46:55 9 So on occasions she'd ring you unsolicited, in other words  
11:47:00 10 out of the blue and say, "Look, you might want to go here  
11:47:03 11 and listen to this or be present at this particular court  
11:47:07 12 hearing"?---Yes.  
11:47:08 13  
11:47:11 14 On each of those occasions you say that you'd make a note  
11:47:15 15 of it?---Yes.  
11:47:16 16  
11:47:27 17 On 15 May it appears that you attended a meeting with the  
11:47:44 18 CDC. Have you got your diary for 15 May or your statement  
11:47:52 19 if that's more convenient?---Yes.  
11:47:54 20  
11:48:00 21 You say that you can't recall any details about that matter  
11:48:03 22 but what you do say is that there was an information report  
11:48:09 23 which Strawhorn had submitted in relation to Mokbel, Valos  
11:48:14 24 and Ms Gobbo?---Yes.  
11:48:15 25  
11:48:18 26 Is it the case that the information report was a report  
11:48:29 27 about a recorded conversation that Strawhorn had had with  
11:48:33 28 Ms Gobbo?---That's what my note says and that's all I can  
11:48:36 29 remember about it.  
11:48:37 30  
11:48:38 31 There's evidence that she had met with Wayne Strawhorn  
11:48:49 32 outside court in relation to a - Mr Strawhorn recalls that  
11:49:16 33 he attended a bail application at the Melbourne  
11:49:19 34 Magistrates' Court for a person by the name of McCulloch.  
11:49:25 35 I take it you're aware of that name?---Yes.  
11:49:28 36  
11:49:28 37 And whilst there he had a brief meeting with Ms Gobbo where  
11:49:31 38 he invited her for a coffee and it says that Ms Gobbo  
11:49:37 39 declined as she was too busy, and he says the aim of this  
11:49:43 40 contact was to have a meeting with Ms Gobbo to discuss her  
11:49:46 41 contact of 29 April. He says that he was contacted by  
11:49:55 42 Ms Gobbo, the barrister for Mokbel, regarding a meeting.  
11:50:04 43 It appears that Strawhorn and Gobbo - well, Strawhorn wants  
11:50:13 44 to meet with Gobbo and have a discussion with her with  
11:50:17 45 respect to Tony Mokbel. At this stage you're involved in  
11:50:21 46 investigating Strawhorn; is that right?---At this stage,  
11:50:24 47 yes.

11:50:24 1  
11:50:29 2 Ms Gobbo has a discussion with Strawhorn, he records that  
11:50:35 3 conversation, and you're invited to come along and have a  
11:50:44 4 listen to that conversation and that's what you make a note  
11:50:47 5 of doing?---Yes.  
11:50:49 6  
11:50:54 7 Firstly, you say you don't have any independent  
11:51:01 8 recollection of that but does that additional information  
11:51:03 9 assist you at all, or not?---No, I'm sorry, it doesn't.  
11:51:07 10  
11:51:07 11 Do you know whether at that stage Mr Mokbel was in effect  
11:51:10 12 trying to approach you and provide information and/or cut a  
11:51:15 13 deal?---If you go by the entries in the schedule, Mokbel  
11:51:36 14 had approached me initially, or he had communicated through  
11:51:48 15 Ms Gobbo on around 5 May that he was prepared to talk to  
11:51:53 16 me.  
11:51:53 17  
11:51:53 18 Right?---That he wanted to speak to me.  
11:51:56 19  
11:51:56 20 All right?---It's around the same period.  
11:52:02 21  
11:52:02 22 As well as you can recall, or at least going from your  
11:52:05 23 notes, there was some desire on the part of Mokbel to speak  
11:52:09 24 to you. He did speak to you but it was of a general  
11:52:13 25 nature. You don't recall him providing any information  
11:52:16 26 which was of use to your investigation; is that  
11:52:18 27 right?---Yes, that's right.  
11:52:19 28  
11:52:31 29 The following entry, there's a more detailed entry that you  
11:52:35 30 make of a discussion that you have with Ms Gobbo and  
11:52:41 31 Mr Heliotis I think at a café. Mr Heliotis was a QC  
11:52:48 32 representing Mr Mokbel?---That's correct.  
11:52:50 33  
11:52:50 34 And there's a discussion, quite a detailed discussion, that  
11:52:53 35 you have with them and it's recorded in your notes and  
11:52:57 36 you've set that out there, right?---Yes.  
11:52:59 37  
11:53:00 38 You've interpreted that and that's in your statement and we  
11:53:04 39 needn't go into that. Is there anything you can recall and  
11:53:07 40 assist the Commission about with respect to that  
11:53:09 41 meeting?---Sorry, in relation to - to the Commissioner, no,  
11:53:13 42 other than I remember some comments Mr Heliotis made,  
11:53:23 43 that's all.  
11:53:23 44  
11:53:23 45 I'm sorry?---I remember some comments Mr Heliotis made.  
11:53:26 46  
11:53:27 47 Are they of any assistance to the Commission or

11:53:29 1 not?---Other than he made a bit of a joke of Ceja, he said,  
11:53:35 2 "You're going to go round in a circle for a couple of years  
11:53:38 3 and have no outcomes", that's why I remember the meeting  
11:53:42 4 quite vividly.  
11:53:43 5  
11:53:43 6 Ultimately you proved him wrong, ultimately?---Well we had  
11:53:47 7 some outcomes, yes.  
11:53:49 8  
11:53:53 9 Then 17 May there's briefing papers for Ian Campbell. You  
11:53:58 10 advised Taylor regarding Mokbel affidavits for a Gobbo  
11:54:06 11 meeting and that relates to a public interest immunity  
11:54:09 12 argument in a Mokbel proceeding?---Yes.  
11:54:14 13  
11:54:14 14 And that's the sort of thing that you've described before,  
11:54:18 15 there would be discussions with - well who's  
11:54:25 16 Mr Campbell?---Ian Campbell was one of my investigators at  
11:54:29 17 the time.  
11:54:29 18  
11:54:29 19 Yes?---That's about another issue, not relevant.  
11:54:33 20  
11:54:33 21 Yes?---Neville Taylor at the time was a Senior Sergeant I  
11:54:38 22 think within, still within Ethical Standards Department at  
11:54:45 23 that time.  
11:54:45 24  
11:54:47 25 Then on 30 May there's a hearing concerning the privilege  
11:54:52 26 issues that you'd been looking into previously; is that  
11:54:56 27 right?---Yes.  
11:54:57 28  
11:55:00 29 There was a discussion between you and Mokbel that you've  
11:55:03 30 set out in your statement?---Yes.  
11:55:05 31  
11:55:13 32 If we go to 24 June?---Yes.  
11:55:16 33  
11:55:24 34 Without going into what's in your statement you speak to  
11:55:28 35 Ms Gobbo. Now do you know whether she calls you or do you  
11:55:32 36 call her? In fact I think you say in your statement she  
11:55:38 37 called you to convey information?---Yeah, I'm pretty sure  
11:56:11 38 she called me.  
11:56:12 39  
11:56:12 40 Right. The next few meetings that you have with her  
11:56:27 41 apparently concern Mokbel, subpoenas, et cetera. If we go  
11:56:36 42 to 17 July 2002?---Yes.  
11:56:41 43  
11:56:41 44 You get a call from her and this is an example, is it, of  
11:56:50 45 one of those calls that you receive from her unsolicited,  
11:56:54 46 out of the blue?---Yes.  
11:56:55 47

11:56:57 1 Indicating that there might be some useful information for  
11:57:03 2 you?---She's saying that I should get somebody to courtroom  
11:57:09 3 2 of the Melbourne Magistrates' Court because of  
11:57:11 4 allegations of theft being made against the Drug Squad  
11:57:13 5 members.  
11:57:14 6  
11:57:16 7 Was that the sort of information that you acted  
11:57:19 8 upon?---Yes, I sent somebody - I'll just confirm but I'm  
11:57:24 9 pretty sure that I sent somebody to that courtroom  
11:57:26 10 immediately.  
11:57:26 11  
11:57:38 12 Can I move to the period around September of 2003. At that  
11:57:51 13 stage you've got a reasonably good professional  
11:57:55 14 relationship with Ms Gobbo, would that be fair to  
11:57:57 15 say?---Yes.  
11:57:58 16  
11:58:03 17 We know that there was a burglary on a house in Oakleigh at  
11:58:09 18 Dublin Street?---Yes.  
11:58:10 19  
11:58:15 20 That was on the night of 27 September 2003, Grand Final  
11:58:22 21 night?---Yes.  
11:58:24 22  
11:58:24 23 Do you recall when you were first informed of that  
11:58:27 24 burglary?---The following morning, the Sunday morning.  
11:58:31 25  
11:58:31 26 That's the 28th. Do you have a note in your diary about  
11:58:47 27 when you were first informed about that?---Yeah, I was rung  
11:59:06 28 at 09:40 on the 28th from Steve Fontana.  
11:59:12 29  
11:59:12 30 Yes?---Do you want me to read the entry?  
11:59:14 31  
11:59:14 32 Yes.  
11:59:15 33  
11:59:16 34 MS ENBOM: Commissioner, we just need to be careful, it  
11:59:19 35 hasn't been reviewed for PII.  
11:59:20 36  
11:59:21 37 COMMISSIONER: I think the witness is pretty cluey about  
11:59:23 38 PII and this is a matter of notorious - of notoriety. Yes.  
11:59:32 39  
11:59:33 40 MR WINNEKE: If there's anything that you take the view -  
11:59:36 41 you understand what public interest immunity is and you've  
11:59:39 42 had many legal arguments about public interest  
11:59:42 43 immunity?---Yes.  
11:59:42 44  
11:59:42 45 What's your understanding of public interest  
11:59:46 46 immunity?---Well, that if it's subject to the disclosure of  
11:59:50 47 informers or it's subject to ongoing investigation matters.



11:59:53 1  
11:59:53 2 Or police methods or anything like that?---Police  
11:59:56 3 methodology, yes.  
11:59:57 4  
11:59:58 5 Can you bear that in mind when I ask you about any diary  
12:00:03 6 entries?---All it is, Steve Fontana, who was the  
12:00:08 7 Commissioner or the Acting Assistant Commissioner in  
12:00:13 8 relation to ESD at the time, rang me in relation to an  
12:00:19 9 incident re Miechel at Oakleigh overnight.  
10  
12:00:23 11 That's David Miechel?---David Miechel, yes.  
12:00:23 12  
12:00:23 13 Did you know him?---Yes.  
12:00:24 14  
12:00:25 15 I take it your investigations of the former Drug Squad had  
12:00:27 16 included investigations of David Miechel?---Yes.  
12:00:32 17  
12:00:32 18 And the people with whom he worked?---Yes.  
12:00:34 19  
12:00:36 20 Right. Had you previously had conversations about Miechel  
12:00:43 21 with Ms Gobbo? If you go to 25 October 2002, you'd had a  
12:00:53 22 discussion regarding bail and informant Miechel in a matter  
12:00:58 23 which she was involved in, Shane Pidoto?---That's one of  
12:01:03 24 the matters where the matter of failing to produce  
12:01:06 25 documents, the behaviour had come to light and I attended  
12:01:12 26 at a hearing in relation to that matter.  
12:01:14 27  
12:01:14 28 Yes, yes. In any event the reason you were contacted about  
12:01:19 29 this was because there was, at this early stage, a  
12:01:24 30 suggestion that a Drug Squad member had in fact been  
12:01:28 31 involved in this burglary?---Yes.  
12:01:29 32  
12:01:29 33 And that's why ESD became involved at an early  
12:01:35 34 stage?---Yes.  
12:01:35 35  
12:01:36 36 On the 28th were you involved in any investigations  
12:01:39 37 yourself on the Sunday?---Yes.  
12:01:42 38  
12:01:46 39 Any of those matters matters that are PII and you can't  
12:01:52 40 reveal to this Commissioner?---It's in relation to - I was  
12:02:01 41 involved in a matter and I attended a premises in relation  
12:02:04 42 to information provided by Person 5.  
12:02:13 43  
12:02:13 44 On the 28th?---Yes.  
12:02:16 45  
12:02:17 46 Concerning the Dublin Street - - - ?---No, no. You asked  
12:02:20 47 me if I was working and that's what I was doing.

12:02:22 1  
12:02:22 2 Okay?---I was following up something in relation to the  
12:02:25 3 matter that's previously been discussed around Person 5.  
12:02:29 4  
12:02:30 5 Right?---And his client.  
12:02:31 6  
12:02:31 7 Okay, all right. We don't need to go into that because  
12:02:35 8 that's not relevant to this aspect of it. But when's the  
12:02:38 9 next time that you were involved in the investigation of  
12:02:42 10 the Dublin Street matter?---The Monday at 14:00.  
12:02:54 11  
12:02:54 12 Monday at 14:00?---Yes.  
12:02:59 13  
12:02:59 14 That's the 30th. I'm sorry, the 29th?---Yes.  
12:03:03 15  
12:03:04 16 What occurred at that time?---I was party to a briefing in  
12:03:09 17 relation to the Dublin Street incident.  
12:03:15 18  
12:03:18 19 Are you able to say what information you received?---So  
12:03:36 20 it's around more setting up the procedures of how to  
12:03:46 21 advance the investigation on the incident that had  
12:03:49 22 happened.  
12:03:50 23  
12:03:50 24 Right?---It was - - -  
25  
12:03:53 26 Do you recall who that meeting was with?---Yes, Commander  
12:03:57 27 Steve Fontana, Danye Moloney, Acting Detective Inspector  
12:04:09 28 Dave Snare, Murray Gregor, Gerry Ryan, David Hermit, and  
12:04:11 29 it's about uploading the information on to our systems, to  
12:04:16 30 pursue warrants in relation to David Miechel's Melbourne  
12:04:19 31 address and also an address in Cobram.  
12:04:22 32  
12:04:22 33 Right?---An approach via legal representation for Hodson to  
12:04:28 34 cooperate.  
12:04:30 35  
12:04:30 36 The decision was taken at that stage, at about 2 o'clock,  
12:04:35 37 to approach legal representatives of Hodson?---Yes.  
12:04:40 38  
12:04:41 39 To see if he might be able to assist?---Yes.  
12:04:44 40  
12:04:45 41 In other words, get him to roll and provide any evidence  
12:04:49 42 against potentially corrupt police officers?---Yes.  
12:04:52 43  
12:04:52 44 So Hodson, this is Terrence Hodson, had been arrested at  
12:04:56 45 the scene with David Miechel or in the vicinity of David  
12:05:00 46 Miechel?---Yes.  
12:05:01 47

12:05:02 1 Right. I take it that you knew - had you dealt with Terry  
12:05:10 2 Hodson before?---No.  
12:05:12 3  
12:05:12 4 But you had dealt with Andrew Hodson?---Yes.  
12:05:16 5  
12:05:19 6 And were you aware that Nicola Gobbo had previously acted  
12:05:23 7 for Andrew Hodson and indeed represented him in a bail  
12:05:29 8 application I think?---Yes, I think - I knew that Nicola  
12:05:32 9 Gobbo was the connection into Andrew Hodson, yes.  
12:05:35 10  
12:05:37 11 Amongst the discussion it was considered appropriate to  
12:05:40 12 approach Nicola Gobbo to see if she might be able to assist  
12:05:46 13 in bringing Terry Hodson in?---Or get to Andrew to get to  
12:05:51 14 Terry, yes.  
12:05:52 15  
12:05:53 16 Yes, okay. I take it that's what you did?---Yes.  
12:05:58 17  
12:05:58 18 Had you heard at that stage that Nicola Gobbo had been  
12:06:07 19 contacted earlier on on the morning of the 28th or  
12:06:15 20 thereabouts by Paul Dale, who rang her?---No.  
12:06:19 21  
12:06:20 22 Paul Dale was obviously the Sergeant in charge of that  
12:06:23 23 particular operation, I think it was called Operation  
12:06:27 24 Gallop, is that right, at Dublin Street?---I can't remember  
12:06:31 25 the Operation name but I do remember Dale's involvement,  
12:06:34 26 yes.  
12:06:34 27  
12:06:34 28 He was at that stage a Detective Sergeant, Miechel was a  
12:06:40 29 Detective Senior Constable?---Yes.  
12:06:41 30  
12:06:43 31 And they worked in the same team to the best of - - -  
12:06:48 32 ?---To the best of my - - -  
12:06:49 33  
12:06:50 34 If you can't recall - - -?---I can't recall if they were on  
12:06:52 35 the same team.  
12:06:55 36  
12:06:56 37 Did you know if Gobbo had been contacted by any other  
12:06:59 38 people that night, that is the night of the burglary into  
12:07:03 39 the following morning, who were connected with the Dublin  
12:07:06 40 Street operation?---No.  
12:07:07 41  
12:07:08 42 As far as you were concerned Nicola Gobbo wasn't involved  
12:07:12 43 in this potential drug offending?---No.  
12:07:21 44  
12:07:22 45 I'm not suggesting - she wasn't involved with any of the  
12:07:26 46 people who had been involved?---No, I wasn't aware.  
12:07:28 47

12:07:29 1 No, okay. What do you do next in relation to putting this  
12:07:34 2 or making this approach?---I spoke to Ms Gobbo re Andrew  
12:07:39 3 and re an approach to Terry. She advises will attempt to  
12:07:46 4 make contact.  
12:07:46 5  
12:07:50 6 She did so and she left you a message, according to your  
12:07:54 7 statement, at - or what time was that call, do you have a  
12:07:57 8 note in your diary?---Yes, 16:00.  
12:08:01 9  
12:08:01 10 At 16:00?---Yes.  
12:08:03 11  
12:08:04 12 Again, we don't seem to have been provided with that. We  
12:08:12 13 do, I'm sorry. I apologise. Just have a look at your  
12:08:29 14 diary if you wouldn't mind?---Yes.  
12:08:30 15  
12:08:30 16 What's the entry at 16:00?---"Spoke to Nicola Gobbo re  
12:08:38 17 approach to Andrew Hodson and Terry Hodson. Advised will  
12:08:42 18 attempt to make contact".  
12:08:43 19  
12:08:43 20 I wonder if you could just - are you able to provide that  
12:08:48 21 to me, that diary entry, or show me that? What we've got  
12:09:19 22 here is at - just excuse me?---Mr Winneke, before you go  
12:09:39 23 through my diary - - -  
12:09:40 24  
12:09:40 25 Yes?--- - - - there are other notations in there not  
12:09:44 26 relevant to this.  
12:09:45 27  
12:09:45 28 I'm not going to ask you about those?---They're in relation  
12:09:51 29 to other sensitive matters.  
12:09:52 30  
12:09:54 31 I understand that. I'm only going to ask you about matters  
12:09:58 32 concerning this and I'm not going to - - -  
12:09:59 33  
12:09:59 34 MS ENBOM: Commissioner, may I approach?  
12:10:01 35  
12:10:01 36 COMMISSIONER: Yes Ms Enbom.  
12:10:02 37  
12:10:03 38 (Discussion at Bar table.)  
12:10:17 39  
12:10:17 40 MR WINNEKE: You've got here, "Spoke to Nicola Gobbo re  
12:10:22 41 Andrew Hodson and approach to Terry Hodson. Advised will  
12:10:27 42 attempt to make contact". I'll just hand that back to you.  
12:10:51 43 Commissioner, we haven't been provided, and I'm sorry for  
12:10:54 44 this mucking around, we haven't been provided with the 29th  
12:10:57 45 it seems. We've got the 29th from 20:30 hours but it seems  
12:11:02 46 there were materials I've now been provided with. I  
12:11:05 47 apologise for that.

12:11:06 1  
12:11:06 2 COMMISSIONER: No, that's all right.  
12:11:08 3  
12:11:08 4 MR WINNEKE: Can you read the next entry after the one that  
12:11:11 5 I've just read out to you?---Involving Ms Gobbo?  
12:11:14 6  
12:11:16 7 Yes. Involving your actions with respect to this  
12:11:21 8 investigation?---Well the diary's full of it from there on  
12:11:25 9 in.  
12:11:25 10  
12:11:26 11 All right. Can you read the next one? Obviously if  
12:11:28 12 there's matters of PII - - - ?---That's why I asked did you  
12:11:32 13 want me to go to my next involvement with Ms Gobbo or - - -  
12:11:37 14  
12:11:37 15 COMMISSIONER: I think the concern is that some of this  
12:11:39 16 hasn't got into the statement and the annexure to the  
12:11:42 17 statement so we're trying to work out what - - - ?---Okay.  
12:11:43 18  
12:11:44 19 MR WINNEKE: We're trying to work out what you did and how  
12:11:46 20 the investigation progressed. If you could - - - ?---Okay.  
12:11:49 21 After 16:00 I have a conversation with a solicitor from the  
12:11:56 22 OPP re Hodson.  
12:11:59 23  
12:11:59 24 Does it say who the solicitor is?---Yes, it does.  
12:12:02 25  
12:12:02 26 Are you able to tell us that?---Rod Gray.  
12:12:05 27  
12:12:05 28 Rod Gray, yep?---Yep. "Advise via AC Fontana nil recent  
12:12:15 29 records of Hodson being before courts recently". 17:10 I  
12:12:22 30 spoke to Ian McCartney AFP re Hodson and Miechel, "will  
12:12:28 31 advise Frank Prendergast" - who were they were senior  
12:12:34 32 members of the AFP at that time.  
12:12:35 33  
12:12:35 34 Do you know why there's communications with the AFP at that  
12:12:38 35 time?---A possible cross-over into Commonwealth matters.  
12:12:42 36  
12:12:42 37 Do you know whether any information was obtained?---I can't  
12:12:45 38 recall, no.  
12:12:45 39  
12:12:45 40 Okay, yep. Go on?---Then I have briefings with Ceja  
12:12:51 41 investigators re Miechel warrants, so that's getting  
12:12:55 42 affidavits up for warrants, as I've referred to earlier.  
12:12:59 43  
12:12:59 44 Yes?---At ten to seven or 18:50 I brief Acting Inspector  
12:13:09 45 Gregor re warrants on Miechel. Determine Miechel to  
12:13:14 46 undergo skin graft on Wednesday and not to be discharged  
12:13:18 47 prior to, meaning he won't be out of hospital before

12:13:29 1 Wednesday.  
12:13:29 2  
12:13:30 3 He'd been bitten by a police - or a Canine Unit I  
12:13:38 4 think?---That's correct.  
12:13:38 5  
12:13:39 6 The next one?---Then we agreed that warrants will go am/pm  
12:13:44 7 Tuesday.  
12:13:44 8  
12:13:45 9 Yes?---Then I put "nil" in question marks. We're  
12:13:50 10 discussing whether we need to put a guard on Mische1.  
12:13:53 11  
12:13:53 12 Yes?---Then at 19:00 a message, I leave a message for Gobbo  
12:13:59 13 re Hodson.  
12:14:00 14  
12:14:00 15 Right?---At 20:30 I have an incoming call from Gobbo,  
12:14:05 16 "Spoke to Andrew. Has spoken to father and attending her  
12:14:09 17 chamber at 12:00 on 30 September 03".  
12:14:14 18  
12:14:14 19 Yes?---"Andrew Hodson reluctant to talk on the phone. Will  
12:14:18 20 speak to her tomorrow."  
12:14:21 21  
12:14:22 22 Yes?---At 20:40 I've got a dash there and I think it's  
12:14:27 23 another - I'm not sure if it's Hodson ringing me, I'm not  
12:14:33 24 sure, but I have a notation, "Andrew Hodson stated father  
12:14:38 25 is very scared by police or others".  
12:14:40 26  
12:14:40 27 Yes?---"- nil known", not knowing who they are, or I don't  
12:14:48 28 know who they are.  
12:14:48 29  
12:14:48 30 Yes?---"Stated she represents Abby Haynes".  
12:15:00 31  
12:15:01 32 At that stage you were aware of Abby Haynes I take it?---I  
12:15:04 33 was aware that Abby Haynes had some involvement in around  
12:15:07 34 Dublin Street.  
12:15:08 35  
12:15:08 36 And that Ms Gobbo was representing her?---Yes. "Who stated  
12:15:15 37 she has" - "she was asked on the evening if she had packed  
12:15:23 38 the bags".  
12:15:25 39  
12:15:25 40 Yes?---Bags being, from what I knew at that time, the bags  
12:15:30 41 of money.  
12:15:31 42  
12:15:31 43 Right. So that information is coming from?---Nicola.  
12:15:34 44  
12:15:34 45 From Nicola?---Yep.  
12:15:35 46  
12:15:36 47 And she's telling you effectively what Abby Haynes has told

12:15:42 1 her?---Yes.  
12:15:42 2  
12:15:45 3 Yes?---"Initially replied yes but in fact has not touched  
12:15:52 4 same."  
12:15:53 5  
12:15:54 6 Do you know whether Abby Haynes was aware of the  
12:15:58 7 discussions between you and Ms Gobbo?---No, I don't.  
12:16:01 8  
12:16:05 9 In any event was there another name mentioned  
12:16:09 10 there?---Yeah, she spoke - - -  
12:16:16 11  
12:16:16 12 There seems to be a name?---It could - - -  
12:16:18 13  
12:16:19 14 I don't know whether it's crossed out or not?---It could  
12:16:22 15 be - - -  
12:16:22 16  
12:16:22 17 It seems to be a name of Kinsey, K-i-n-s-e-y, Louise. Do  
12:16:29 18 you see that?---Yeah, that's up on the other line, yes.  
12:16:34 19  
12:16:35 20 Right. Where Abby Haynes or near where Abby Haynes is  
12:16:41 21 written. Do you know whether Ms Gobbo had either spoken or  
12:16:44 22 was representing that person as well, Ms Kinsey?---No, I  
12:16:49 23 don't know.  
12:16:49 24  
12:16:53 25 Can you just read that entry?---"She stated she represents"  
12:17:02 26 - I've written Louise Kinsey and then I've put a line  
12:17:06 27 through it.  
12:17:06 28  
12:17:07 29 Then you've written Abby Haynes above?---Yes.  
12:17:10 30  
12:17:10 31 It may well be she stated both names but it became apparent  
12:17:14 32 to you that it was Abby Haynes and not Louise  
12:17:20 33 Kinsey?---That's why I've put a line through it.  
12:17:22 34  
12:17:22 35 That may be right. Was that person, Louise Kinsey, also  
12:17:26 36 the subject of that investigation as well?---I can't  
12:17:29 37 recall.  
12:17:29 38  
12:17:31 39 If you could continue with that?---So then she stated  
12:17:37 40 something on remand, then a name.  
12:17:39 41  
12:17:40 42 As in Ahmed?---Yes.  
12:17:42 43  
12:17:43 44 And he was also a subject of that investigation?---Right.  
12:17:50 45  
12:17:51 46 Are you aware of that?---I'm not sure at that time if I  
12:17:53 47 was.

12:17:54 1  
12:17:54 2 Were you aware he was an occupant of the house or was the  
12:17:57 3 tenant of the house?---No, I wasn't aware because - - -  
4  
12:18:00 5 Early days?---I had nothing to do with this investigation  
12:18:03 6 whatsoever.  
12:18:03 7  
12:18:03 8 Right?---So I didn't attend the scene, I didn't know who  
12:18:07 9 the targets were on the house.  
12:18:08 10  
12:18:08 11 Yes?---I had a rough idea of what was going on.  
12:18:12 12  
12:18:13 13 In any event, whatever's written down there came from  
12:18:16 14 Nicola Gobbo?---Yes.  
12:18:18 15  
12:18:19 16 Yes, okay?---"Been told by", I've got there DS, I take that  
12:18:31 17 to be Drug Squad.  
12:18:32 18  
12:18:32 19 Yes?---It could be something else, or Detective Sergeant.  
12:18:35 20  
12:18:35 21 Yes?---Somebody, "Two people had been charged re the  
12:18:41 22 burglary".  
12:18:42 23  
12:18:42 24 Yes?---And I've said to her, I've advised "possibly an  
12:18:52 25 induced statement from Hodson".  
12:18:54 26  
12:18:54 27 Right. Can you explain what that means?---I've held out to  
12:18:58 28 her that I'd probably be prepared to do an induced format  
12:19:02 29 of a statement from Hodson.  
12:19:05 30  
12:19:06 31 From Terry Hodson?---Terry Hodson, yes.  
12:19:08 32  
12:19:11 33 An induced statement means?---Means that the preamble in it  
12:19:15 34 says that it can't be used against them at any later time.  
12:19:20 35  
12:19:20 36 So in other words if she could get a message to Terry  
12:19:25 37 Hodson?---Yes.  
12:19:26 38  
12:19:28 39 To the effect that if he was to come in and make a  
12:19:32 40 statement then anything that he said in that statement  
12:19:37 41 wouldn't be used against him at a future time?---That's  
12:19:42 42 correct.  
12:19:42 43  
12:19:42 44 Is there any other effect of that statement as to whether,  
12:19:45 45 for example, he might or might not be prosecuted or is it  
12:19:49 46 simply a case of whatever he says in the statement can't be  
12:19:53 47 used against him?---It's whatever he says in that statement



12:19:57 1 can't be used against him in any subsequent proceedings.  
12:20:00 2  
12:20:01 3 That's something that you've got authority to do---I did  
12:20:04 4 it at that time.  
12:20:05 5  
12:20:06 6 Yes?---That had already been cleared, if you go back to the  
12:20:10 7 entry, meeting with Fontana, in order to get Hodson to  
12:20:18 8 cooperate.  
12:20:19 9  
12:20:19 10 All right. Do you know whether the information that Nicola  
12:20:33 11 Gobbo gave to you about, for example, what Abby Haynes had  
12:20:38 12 said to her, or at least what she said about Abby Haynes,  
12:20:43 13 was ever passed on or used?---I would have shared that  
12:20:51 14 information with Murray, Murray Gregor, who was in charge  
12:20:54 15 of it, ultimately in charge of it.  
12:20:56 16  
12:20:57 17 Yes?---Whether it was used I don't know.  
12:20:58 18  
12:20:59 19 All right. If it was information that she had got from  
12:21:03 20 speaking to her client, what would your assumption be about  
12:21:09 21 that? What would your expectation be about that?---I think  
12:21:15 22 it was in the context that Abby Haynes had cooperated with  
12:21:20 23 police on that night, that she'd said she hadn't done  
12:21:24 24 something when now she was coming back to correct that she  
12:21:28 25 actually had done it. Sorry, she said she had but she  
12:21:33 26 actually hadn't.  
12:21:34 27  
12:21:34 28 Right?---My memory from it was that I think Abby Haynes  
12:21:38 29 ultimately made a statement.  
12:21:40 30  
12:21:40 31 Did you take a statement from her?---No, I didn't.  
12:21:43 32  
12:21:46 33 What's the next step in your investigation, of relevance to  
12:21:50 34 the investigation?---I approved search warrants under s.465  
12:21:54 35 of the Crimes Act for Garnet Street in Essendon West and  
12:22:04 36 road mail delivery box 201A Campbell Road, Cobram. The  
12:22:10 37 applicant was - - -  
12:22:11 38  
12:22:12 39 That's Miechel?---The applicant was Detective Senior  
12:22:17 40 Sergeant Knight.  
12:22:17 41  
12:22:18 42 If we can move on to matters perhaps relevant to  
12:22:21 43 Mr Hodson?---Yes.  
12:22:21 44  
12:22:23 45 What's the next thing that occurred there?---On the 30th of  
12:22:48 46 September, being the Tuesday, at 13:40 there's an incoming  
12:23:00 47 call from Ms Gobbo.

12:23:01 1  
12:23:01 2 Yes?---She's spoken to Andrew Hodson. She's confirmed a  
12:23:07 3 relationship between Mandy Hodson and David Miechel.  
12:23:10 4  
12:23:10 5 Right. Do you know where she got that information  
12:23:16 6 from?---No. I would assume Andrew Hodson but I don't think  
12:23:22 7 so.  
12:23:22 8  
12:23:23 9 Right. When you say you don't think so?---Because I'm now  
12:23:27 10 thinking of what happens post this century.  
12:23:32 11  
12:23:32 12 Given what happens post what - - - ?---I would say that she  
12:23:36 13 didn't get it from Andrew Hodson.  
12:23:38 14  
12:23:39 15 Where do you believe it came from?---I don't know.  
12:23:42 16  
12:23:42 17 Right. Can you explain that?---What makes me believe that?  
12:23:49 18  
12:23:50 19 Yes?---Because in the interview room when Terry Hodson  
12:23:53 20 cooperated and disclosed that Mandy had been in a  
12:23:57 21 relationship with Andrew's sister, Andrew went through the  
12:24:04 22 absolute roof. He had no - - -  
12:24:06 23  
12:24:06 24 That Miechel had been in a relationship with his  
12:24:08 25 sister?---Yes, sorry. That Miechel had been in a romantic  
12:24:13 26 relationship with David Miechel, Andrew Hodson went  
12:24:17 27 berserk.  
12:24:17 28  
12:24:18 29 Your belief is that it came from somewhere else?---Yes.  
12:24:21 30  
12:24:25 31 Do you have any belief as to where it might have come  
12:24:29 32 from?---It'd only be speculation, Mr Winneke.  
12:24:34 33  
12:24:37 34 The alternative is that he may well have - Andrew may well  
12:24:41 35 have shared that with Nicola in the expectation that she  
12:24:45 36 wouldn't have passed it on to you?---That Andrew Hodson had  
12:24:49 37 shared - - -  
12:24:49 38  
12:24:50 39 Yes, had told Nicola something he hadn't expected she was  
12:24:54 40 going to convey to you?---No, you misunderstood what I just  
12:24:59 41 said.  
12:25:00 42  
12:25:00 43 Yes, I obviously have?---When Terry Hodson agrees to  
12:25:06 44 cooperate and begins cooperating in an interview room at  
12:25:10 45 ESD some days later.  
12:25:12 46  
12:25:12 47 Yes?---Andrew Hodson is present in the room.

12:25:14 1  
12:25:15 2 Yes?---And when Terry discloses that Andrew's sister had  
12:25:19 3 been in a romantic relationship with Mandy, he went berserk  
12:25:24 4 because David Miechel, whilst in the romantic relationship  
12:25:28 5 with Mandy, had given evidence against him to keep him on  
12:25:32 6 remand.  
12:25:34 7  
12:25:35 8 So what you're saying is Andrew didn't know about the  
12:25:38 9 relationship?---No, that's what I'm saying. That's why I  
12:25:41 10 said when I read that, no, it didn't come from Andrew at  
12:25:46 11 the time.  
12:25:46 12  
12:25:46 13 I follow what you're saying, all right. Can you continue  
12:25:55 14 reading that entry?---"Relationship between Mandy Hodson  
12:26:00 15 and Dave Miechel." "Also other member" in brackets.  
12:26:07 16  
12:26:07 17 "Other member" is their words that she's actually  
12:26:13 18 used?---Yes. "Involved at meetings with Terry Hodson."  
12:26:16 19  
12:26:16 20 Yes?---"Not one of Kayak crew."  
12:26:20 21  
12:26:21 22 What does that mean?---Not one of the Kayak Task Force team  
12:26:25 23 members.  
12:26:25 24  
12:26:25 25 Did that mean anything to you at that stage?---I knew it  
12:26:29 26 was another police member of the Drug Squad who was not  
12:26:33 27 part of Kayak.  
12:26:34 28  
12:26:35 29 So in other words a more recent, either a more recent  
12:26:38 30 addition to what was now the MDID or someone who simply  
12:26:44 31 hadn't been involved in the Operation Kayak?---Yes.  
12:26:47 32  
12:26:47 33 One of the two?---Yes, one of the two.  
12:26:48 34  
12:26:49 35 Okay?---She was awaiting advice to meet with Terry. "Will  
12:26:57 36 advise in due course."  
12:26:58 37  
12:26:58 38 Yes, okay?---Then at 15:55, "Spoke to Gobbo. Advised via  
12:27:06 39 Andrew Hodson Terry was advised from talking to Ceja."  
12:27:13 40  
12:27:13 41 Prior to?---Yes, "was advised prior to talking to Ceja he  
12:27:18 42 wished to speak to someone else re issues".  
12:27:20 43  
12:27:20 44 Right. He obviously wanted to get some advice, it seems,  
12:27:30 45 from someone?---From someone.  
12:27:32 46  
12:27:33 47 Then the next - you conveyed that information to

12:27:36 1 Gregor?---Yes, so I told Murray what the contents of that  
12:27:46 2 communication were.  
12:27:47 3  
12:27:48 4 Is there anything relevant at 16:20?---16:20, "Incoming  
12:27:52 5 call from Gobbo, still awaiting call. Going into a  
12:27:56 6 conference for one, phone is off so will call after - Abby  
12:28:04 7 Haynes will make a statement, to speak to Gobbo first".  
12:28:09 8  
12:28:10 9 The entry prior to that, is that a relevant entry?---That's  
12:28:16 10 a butterfly knife, et cetera, had been - - -  
12:28:18 11  
12:28:19 12 Is that connected to this?---Yeah, that's the search that  
12:28:23 13 was ongoing at Garnet - the address in Garnet Street or  
12:28:29 14 whatever in West Essendon.  
12:28:32 15  
12:28:33 16 Right?---An incoming call from the Inspector out there,  
12:28:38 17 what they had located, and that it had been video-taped.  
12:28:42 18  
12:28:42 19 Was that Mische'l's address?---Mische'l's Melbourne address,  
12:28:45 20 yes.  
12:28:45 21  
12:28:45 22 Then you get an incoming call from Gobbo at 16:20,  
12:28:50 23 4.20?---Yes.  
12:28:50 24  
12:28:50 25 She's still awaiting call?---Yes, and I mentioned Abby  
12:28:55 26 Haynes.  
12:28:55 27  
12:28:55 28 Yes?---Then I spoke to Detective Sergeant Murphy who was at  
12:29:04 29 Cobram about what they'd located up in there.  
12:29:07 30  
12:29:07 31 Yes?---Then I spoke to the Inspector back in charge at  
12:29:13 32 Garnet Street about that and they're all issues about  
12:29:20 33 services required.  
12:29:21 34  
12:29:21 35 Yes, that's okay?---And then - - -  
12:29:24 36  
12:29:24 37 17:40?---Yes, it's an incoming - - -  
12:29:32 38  
12:29:32 39 Sorry, 7.40 rather?---19:40, "Spoke to Gobbo. Advised nil  
12:29:42 40 call. Hodson" - - -  
12:29:45 41  
12:29:45 42 Advised - yeah?---"Hodson" - sorry, the interpretation of  
12:29:56 43 my notes, "male to speak to was Dale".  
12:30:01 44  
12:30:01 45 What do you interpret that as being?---That the person that  
12:30:04 46 Terry Hodson had to speak to before talking to us was  
12:30:08 47 actually Dale.

12:30:09 1  
12:30:09 2 Right. So in other words from Nicola Gobbo, she was saying  
12:30:16 3 to you, "Look, Terry Hodson doesn't want to speak to you  
12:30:19 4 until he speaks to Paul Dale"?---Yes.  
12:30:22 5  
12:30:22 6 Right, okay?---Then she says that the relationship between  
12:30:26 7 Mandy and David Miechel was full on. "Hodson clearly in  
12:30:34 8 with Dale."  
12:30:36 9  
12:30:38 10 Again, do you know or did you know at that stage where she  
12:30:41 11 was getting that information from?---No.  
12:30:43 12  
12:30:47 13 Was it a matter of concern to you at that stage or not  
12:30:49 14 where she was getting it from?---No, I thought - I didn't  
12:31:01 15 know where she was getting it from. I was still trying to  
12:31:04 16 use her as the go between to get to Terry Hodson.  
12:31:07 17  
12:31:10 18 The next entry of relevance?---Incoming call from Gobbo,  
12:31:18 19 "Just spoke to Andrew Hodson. Terry's to come in tomorrow  
12:31:24 20 at 1 pm. Andrew stated that Terry had been told not to  
12:31:29 21 talk to De Santo and that he tapes all conversations".  
12:31:35 22  
12:31:35 23 Can I just clarify. What you've said is "not to trust  
12:31:42 24 De Santo"?---Yes.  
12:31:43 25  
12:31:44 26 In your statement, is it not to talk to or not to  
12:31:48 27 trust?---Sorry, I'm looking at my - it's not to trust,  
12:31:53 28 "tr", trust De Santo.  
12:31:54 29  
12:31:54 30 Yes, "as he tapes all conversations"?---Conversations, yes.  
12:32:03 31 Gobbo - - -  
12:32:04 32  
12:32:04 33 Can I ask is there any truth in that, would you have been  
12:32:09 34 taping the conversations?---Absolutely.  
12:32:10 35  
12:32:11 36 Yes, okay. Go on?---"Gobbo" - - -  
12:32:43 37  
12:32:43 38 It's a bit difficult to read that but are you able to  
12:32:46 39 interpret that? Is it "same"?---"Same and will advise  
12:32:54 40 Hodson" - not sure. "Will advise re" - it's that I will  
12:33:18 41 communicate the following morning with her.  
12:33:20 42  
12:33:20 43 Can I just ask you this, insofar as your statement is  
12:33:23 44 concerned?---Yes.  
12:33:25 45  
12:33:26 46 Did you make those translations or were they translated by  
12:33:29 47 someone else and presented to you as being the effect or

12:33:34 1 the interpretation?---Somebody else wrote them and I went  
12:33:38 2 through with them and went, yes, that's - - -  
12:33:43 3  
12:33:43 4 That probably is right?---So I can't understand - my  
12:33:48 5 hieroglyphics there saying, "Will advise re" and then  
12:33:57 6 "Gobbo will be in communication in the morning".  
12:33:59 7  
12:33:59 8 Righto. That's obviously on 1 October?---Yes.  
12:34:02 9  
12:34:04 10 You let Maloney know about that and that's in your note  
12:34:08 11 there?---Yes.  
12:34:08 12  
12:34:11 13 Indeed, you say to him it appears that Hodson may have met  
12:34:19 14 Dale?---That he's met up with Dale.  
12:34:23 15  
12:34:24 16 Met up with Dale?---Or at least spoken to him.  
12:34:26 17  
12:34:27 18 That was your view at that stage?---Yes.  
12:34:28 19  
12:34:31 20 In your statement you say, "I'll let Maloney know that  
12:34:36 21 Hodson had already met up with Dale", that may or may not  
12:34:39 22 be correct?---Well no, in relation to what I said to  
12:34:48 23 Maloney?  
12:34:50 24  
12:34:50 25 Yes?---No, I would have told Maloney what I believed had  
12:35:00 26 happened, yes.  
12:35:00 27  
12:35:01 28 Can I ask you this: did you have a view as to whether or  
12:35:05 29 not Nicola Gobbo had permission either from Andrew Hodson  
12:35:08 30 or Terry Hodson to be passing on this information to  
12:35:11 31 you?---I wouldn't have known.  
12:35:13 32  
12:35:14 33 Would you have asked her or not?---Not at that time because  
12:35:20 34 it wasn't as though I was aware that she was acting for - I  
12:35:26 35 knew that she was acting for Andrew in relation to  
12:35:29 36 unrelated matters.  
12:35:30 37  
12:35:31 38 Right?---I wasn't aware that she had actually been engaged  
12:35:35 39 to act for Terry at that time.  
12:35:36 40  
12:35:37 41 Righto. The next thing is that you speak to Ms Gobbo at  
12:35:48 42 9:35 in the morning?---Yes.  
12:35:49 43  
12:35:50 44 Just before we get there - are you reading from p.194 of  
12:36:12 45 your diary there?---Yes.  
12:36:13 46  
12:36:14 47 It appears we're missing that. There's an entry, is there,

12:36:20 1 of relevance on p.194?---Yes.  
12:36:22 2  
12:36:22 3 I wonder if you could just again - I'll only look at 194 -  
12:36:29 4 if you could pass that to me.  
12:36:35 5  
12:36:36 6 MS ENBOM: Commissioner, may I interrupt briefly. Perhaps  
12:36:40 7 if we explain the schedules. The request of the witness  
12:36:41 8 was to set out all the content that he had to do with  
12:36:48 9 Ms Gobbo, which is what he's done in the schedule. There  
12:36:49 10 are other entries in his diary that don't relate to contact  
12:36:52 11 with Ms Gobbo but relate to the investigation of the  
12:36:55 12 Oakleigh burglary, which I think are some of the entries  
12:36:59 13 that Mr Winneke's going to.  
12:37:03 14  
12:37:05 15 MR WINNEKE: Right. On p.194 it says this, "Spoke to Gobbo  
12:37:09 16 re inhibiting factors re" - what does it say?  
12:37:13 17  
12:37:14 18 MS ENBOM: It should be in the schedule.  
12:37:16 19  
12:37:16 20 MR WINNEKE: It's in the schedule. We don't have the  
12:37:19 21 diary. I can hand that back to you?---Inhibiting factors  
12:37:45 22 re possibly interview with Hodson.  
12:37:49 23  
12:37:50 24 Yes?---I advised that Danye Maloney is available to speak  
12:37:54 25 to Hodson if required.  
12:37:55 26  
12:37:56 27 The inhibiting factors, can you explain those?---From  
12:38:01 28 memory I think at that time possibly a bit concerned about  
12:38:12 29 coming in and speaking to us or cooperating with us.  
12:38:15 30  
12:38:17 31 Do you have any idea or did you have a view as to what the  
12:38:21 32 concern was around?---I think further on there's further  
12:38:24 33 entries where it's communicated to me that he's scared.  
12:38:32 34  
12:38:32 35 Right?---And that I think he even calls me and speaks to me  
12:38:36 36 and says that he's scared himself.  
12:38:38 37  
12:38:38 38 Yes?---He rings me from a phone box.  
12:38:41 39  
12:38:42 40 We'll come to that. The discussion with Ms Gobbo, although  
12:38:53 41 you don't make a note of it, would have included those  
12:38:56 42 matters, is that right, or not?---Yeah, it could have been  
12:39:00 43 those matters.  
12:39:00 44  
12:39:06 45 Then there's nothing else of relevance on that page that  
12:39:09 46 you can see with respect to Gobbo but insofar as the  
12:39:13 47 investigation is concerned?---Yes. There's further entries

12:39:21 1 down the page in the approach of the assignment of  
12:39:25 2 corruption investigators and who they're going to  
12:39:32 3 interview, members involved in Dublin Street.  
12:39:34 4  
12:39:35 5 Are there references to any of the suspects at that  
12:39:39 6 stage?---There's a reference to Sergeant Dale and that  
12:39:45 7 interview would be conducted by Chief Inspector Daly and  
12:39:48 8 Inspector Gregor.  
12:39:49 9  
12:39:51 10 Insofar as your communications with Gobbo we can move on to  
12:39:55 11 1.30 pm; is that right?---Yes, where there's an incoming  
12:39:58 12 call from Gobbo, meeting with Terry, 5 to 5.30 pm, "will  
12:40:04 13 call and be in a position to either attend or call via  
12:40:08 14 phone". I've said I'll initially start with Miecchel and  
12:40:13 15 move on from there.  
12:40:14 16  
12:40:14 17 In other words you'll speak to Miecchel first?---No.  
12:40:17 18  
12:40:18 19 No?---No, I would speak to Terry first about his  
12:40:21 20 involvement with David Miecchel and then probably move on to  
12:40:24 21 other matters.  
12:40:24 22  
12:40:26 23 Righto. Is there any reason why you'd be conveying that to  
12:40:30 24 her, was that to give - - -?---That's to provide, I think  
12:40:35 25 the inhibiting factors, might go back to the inhibiting  
12:40:37 26 factors as to how this is going to take place, "what's the  
12:40:39 27 way you're going to do it".  
12:40:41 28  
12:40:42 29 Sorry, go on?---To try and settle him down to get him  
12:40:47 30 through the door.  
12:40:48 31  
12:40:48 32 Your expectation was that she would then convey that to him  
12:40:52 33 and say, "This is the way in which it's going to occur",  
12:40:55 34 and hopefully that will settle him down and get him to come  
12:40:59 35 to you?---Yes.  
12:40:59 36  
12:41:00 37 Your desire was to get information against corrupt  
12:41:02 38 police?---Yes.  
12:41:03 39  
12:41:03 40 Apparently corrupt police or possibly corrupt  
12:41:06 41 police?---Yes.  
12:41:06 42  
12:41:18 43 Can I ask you about the entry at 14:50. What's all that  
12:41:23 44 about, that's a report to Commissioner Maloney "re request  
12:41:28 45 for permission to give evidence"?---I don't think that's  
12:41:31 46 related to this matter.  
12:41:33 47



12:41:33 1 That's another matter, is it?---Yes.  
12:41:35 2  
12:41:35 3 Then the next entry is at 4.1.5, that reflects a discussion  
12:41:42 4 with Ms Gobbo, "she'll introduce you to Terry Hodson but  
12:41:45 5 she advised" - - - ?---"She doesn't want to be party to the  
12:41:48 6 interview."  
12:41:48 7  
12:41:49 8 Did she explain to you why that was the case?---No, just  
12:41:54 9 that said she said, "I don't need to be there".  
12:41:58 10  
12:41:59 11 She also made a reference to another matter that she was  
12:42:02 12 involved in and that was concerning a person by the name of  
12:42:07 13 David Waters who was a client of hers; is that  
12:42:10 14 right?---Yes, which was another process that was on foot in  
12:42:14 15 relation to another matter.  
12:42:16 16  
12:42:17 17 That was another allegation or a police corruption matter  
12:42:25 18 that was going on at the time?---Yes.  
12:42:26 19  
12:42:26 20 She was involved in that as a legal representative?---For  
12:42:30 21 Waters.  
12:42:30 22  
12:42:30 23 For Waters. You had subsequent communications with her  
12:42:34 24 about Waters and we might come back to that briefly?---Yes.  
12:42:37 25  
12:42:38 26 You received an incoming call from Ms Gobbo?---Yes.  
12:42:42 27  
12:42:42 28 At 18:50, 6.50?---Yes.  
12:42:46 29  
12:42:47 30 And she told you that she'd been with Mr Hodson since,  
12:42:52 31 that's Terry Hodson, since 5.20?---Yes.  
12:42:55 32  
12:42:55 33 And she told you about him being very scared and paranoid  
12:42:59 34 and possibly drug affected?---Yes, and he's considering his  
12:43:03 35 options overnight. Will get back to her in the morning.  
12:43:07 36 He believes he's under surveillance. She advises - I state  
12:43:18 37 advising the laying of possible serious offences, reverse  
12:43:23 38 onus, exceptional circumstances for bail.  
12:43:26 39  
12:43:26 40 That's obviously designed to have her convey to him that  
12:43:30 41 things could be pretty bad for him and he mightn't get  
12:43:33 42 bail, I assume?---Yeah, if we were to go down that track,  
12:43:37 43 yes.  
12:43:37 44  
12:43:39 45 She's saying to you or are you - she's saying she advises.  
12:43:45 46 She's telling you what she's advising him or is that  
12:43:48 47 something - - - ?---No, I think it's actually from me

12:43:52 1 because Terry's delaying.  
12:43:57 2  
12:43:58 3 Does your note say, "States she advised  
12:44:03 4 possible"?---"Possibility of laying of serious offences,  
12:44:05 5 reverse onus, exceptional circumstances re bail", and then  
12:44:09 6 I've got a dash in there saying, "ESD would rather deal  
12:44:13 7 with Terry Hodson as a witness".  
12:44:17 8  
12:44:17 9 I'm just trying to establish whether your note reveals that  
12:44:20 10 she's telling, in effect she's telling Terry Hodson about  
12:44:25 11 the difficulties that he could be in?---It could be either  
12:44:29 12 way, Mr Winneke. I could have said it or she could have  
12:44:32 13 said it.  
12:44:33 14  
12:44:33 15 Your note seems to suggest that that's what she's saying to  
12:44:36 16 you?---That's right.  
12:44:37 17  
12:44:37 18 And in effect she's helping you in a way if she's telling  
12:44:40 19 him that?---Yes, there's no doubt she was helping.  
12:44:44 20  
12:44:47 21 The ESD would rather deal with Hodson as a witness. I take  
12:44:52 22 it that's likely to be you conveying that to her to convey  
12:44:58 23 to Hodson, I assume, rather than the other way  
12:45:01 24 around?---Yes.  
12:45:01 25  
12:45:01 26 You said you'd call her tomorrow?---"Will call tomorrow."  
12:45:07 27  
12:45:09 28 Will call her tomorrow?---'Will call tomorrow."  
12:45:11 29  
12:45:13 30 Okay, all right. If we move to the next day?---Yep.  
12:45:22 31  
12:45:27 32 Was there relevant investigation on the following day prior  
12:45:32 33 to 5.05 pm?---No, it was in relation to other Task Force  
12:45:56 34 matters prior to the communication at 5.05.  
12:46:02 35  
12:46:02 36 Okay, so nothing relevant to this investigation on that day  
12:46:06 37 at all as far as you can tell looking at your diary?---Up  
12:46:09 38 until 5.05, no.  
12:46:11 39  
12:46:11 40 By that stage you hadn't heard from Ms Gobbo so you sent  
12:46:15 41 out a call saying, "What's going on, what's he  
12:46:20 42 doing"?---Yes.  
12:46:21 43  
12:46:21 44 Effectively. That prompts a response. Would you have  
12:46:24 45 called her on her mobile phone, do you know, or  
12:46:28 46 not?---Could have been.  
12:46:29 47

12:46:29 1 I take it you had her mobile phone?---Yes, I do recall that  
12:46:32 2 I did, yes.  
12:46:33 3  
12:46:33 4 Then you get a call from her at 5.20?---Yes.  
12:46:36 5  
12:46:38 6 She'd spoken to Andrew Hodson?---Yes.  
12:46:40 7  
12:46:41 8 And will call back in the morning?---Yes.  
12:46:43 9  
12:46:47 10 You advised, "Not good enough"?---That's right.  
12:46:50 11  
12:46:51 12 The next words are?---"Will proceed with interview."  
12:46:54 13  
12:46:54 14 In other words, "We'll just move on and interview you and  
12:46:59 15 treat you like a normal suspect"?---Yes.  
12:47:02 16  
12:47:03 17 And obviously that's designed to have an effect?---Yes.  
12:47:05 18  
12:47:05 19 To get him to - put some pressure on him I take it?---Yes.  
12:47:10 20  
12:47:12 21 That's reasonable as far as you're concerned?---Yes.  
12:47:14 22  
12:47:16 23 So then what's the next words?---"Stated Miehchel will be in  
12:47:27 24 court tomorrow."  
12:47:29 25  
12:47:29 26 That's something you've told Ms Gobbo?---Yes, I think I  
12:47:33 27 have. I'm not sure, there's a - in my diary there's an  
12:47:37 28 entry - - -  
12:47:38 29  
12:47:38 30 In your statement it says, "Ms Gobbo stated Miehchel in  
12:47:42 31 court tomorrow"?---Yes.  
12:47:43 32  
12:47:43 33 Is there an abbreviation which suggests - - - ?---I've put  
12:47:47 34 a "G" around it.  
12:47:48 35  
12:47:49 36 Which may mean that that's what she stated?---Yeah, Gobbo.  
12:47:53 37 Then - - -  
12:47:55 38  
12:47:57 39 "Gobbo doesn't know if Dale in court all day"?---I've then  
12:48:06 40 said that Terry would want to get in first as a witness.  
12:48:09 41  
12:48:09 42 Yes?---She advised "will pass it on to Terry. Possible  
12:48:16 43 appointment for tomorrow morning".  
12:48:17 44  
12:48:18 45 Righto. And then the next entry?---"Incoming  
12:48:23 46 call/voicemail from Gobbo stating she'd spoke to Terry  
12:48:30 47 Hodson."

12:48:30 1  
12:48:30 2 Yes?---Terry's not happy with the pressure. Something  
12:48:37 3 about - with Andrew Hodson and a number.  
12:48:43 4  
12:48:44 5 Yes. In car with Terry Hodson?---Yes, he's in the car with  
12:48:51 6 Andrew Hodson.  
12:48:51 7  
12:48:52 8 Andrew Hodson, yes?---The message was passed on.  
12:48:54 9  
12:48:54 10 Yes?---"If you want to arrest same, do it. Saw Valos with  
12:49:05 11 Andrew Hodson this afternoon." Then it's "re Andrew Hodson  
12:49:09 12 fees." Possible discussion re same with Valos and I've  
12:49:15 13 requested to call.  
12:49:16 14  
12:49:17 15 What's your interpretation of that communication or  
12:49:22 16 that - - -?---Either she's spoken to Terry, Terry's not  
12:49:26 17 happy with the pressure. Terry's with Andrew at the  
12:49:29 18 current time.  
12:49:30 19  
12:49:30 20 And effectively says if you want to arrest, arrest, go  
12:49:32 21 ahead and do it?---Go ahead.  
12:49:34 22  
12:49:34 23 He's, in effect, calling your bluff at that stage?---He's  
12:49:38 24 just putting pressure back on me to see which way I'm going  
12:49:41 25 to make a decision or which way I'm going to jump.  
12:49:44 26  
12:49:44 27 Okay. Then the next call is 5.45 pm?---Correct.  
12:49:49 28  
12:49:49 29 And that's a call from Nicola to you?---I think it is and  
12:49:55 30 "Terry will be here at 13:30 on the 3rd of the 10th to be  
12:49:59 31 spoken to". I've advised basically I don't want him drug  
12:50:05 32 affected or affected by alcohol.  
12:50:06 33  
12:50:06 34 Righto. Then there's another telephone call, is that  
12:50:11 35 incoming again?---Yes. A voicemail message at 18:00  
12:50:21 36 confirming the appointment at 1.30, Andrew and Terry  
12:50:25 37 attending. Andrew Hodson's phone number and then his phone  
12:50:31 38 number.  
12:50:31 39  
12:50:33 40 Is the next message concerning this matter as an advice to  
12:50:38 41 Maloney it seems, re above?---Yes, yep, I'd kept Dannye  
12:50:45 42 informed of what was going on.  
12:50:47 43  
12:50:47 44 And also you've advised Daly and Gregor as to the  
12:50:52 45 appointment the following day?---Yes.  
12:50:53 46  
12:50:56 47 On 3 October what occurs?---At 13:50 I spoke to Gregor re

12:51:09 1 Hodson at around 11 o'clock that morning when we were in  
12:51:13 2 Melbourne Magistrates' Court for another matter.  
12:51:15 3  
12:51:15 4 Yes?---At 13:50 I meet Hodsons in the lift.  
12:51:21 5  
12:51:21 6 Yes?---Enter southern interview room on D8. D8's being the  
12:51:28 7 floor of ESD within the VPC.  
12:51:33 8  
12:51:33 9 There's an interview conducted; is that right?---Yes,  
12:51:39 10 "Spoke re the Miechel incident. At this time not willing  
12:51:43 11 to talk about same at this time. Notify Gregor and Daly re  
12:51:46 12 the same".  
12:51:47 13  
12:51:47 14 Yes?---And then - - -  
12:51:51 15  
12:51:51 16 Can I just ask you what page of your diary are you reading  
12:51:55 17 from?---199.  
12:51:56 18  
12:51:56 19 Yes?---And Murray comes into the interview, Murray Gregor  
12:52:05 20 comes into the interview room. Terry Hodson reiterates  
12:52:08 21 "not prepared to talk re Saturday night". Gregor explains  
12:52:12 22 situation re procedures and processes. Advice given to  
12:52:17 23 options and methods to be adopted if common purpose is  
12:52:23 24 agreed upon and the notes as per Murray's entry in his  
12:52:27 25 diary.  
12:52:28 26  
12:52:28 27 Those communications that you had with Terry Hodson are all  
12:52:36 28 recorded?---Video, yes.  
12:52:37 29  
12:52:38 30 And we understand they've been kept and they've been  
12:52:39 31 transcribed and so forth in the usual course?---Yes.  
12:52:41 32  
12:52:49 33 There's no further communication that you have with Nicola  
12:52:52 34 Gobbo on that day?---No.  
12:52:53 35  
12:52:54 36 You had an incoming call - do you recall there was any  
12:52:58 37 further discussion that you had with Nicola Gobbo over the  
12:53:00 38 next few days, that is in the immediate aftermath of 3  
12:53:08 39 October?---I spoke to her on the 6th of October but it was  
12:53:13 40 about Waters.  
12:53:15 41  
12:53:15 42 About Waters?---Yep.  
12:53:16 43  
12:53:16 44 Yes. Have you got a note of that there?---Yes, and then I  
12:53:21 45 spoke to her twice on that day, "Court 12, spoke to Gobbo  
12:53:26 46 re Waters".  
12:53:29 47

12:53:29 1 You might need to read those out because again that's not  
12:53:33 2 in your statement and we don't have diary entries of that.  
12:53:39 3 So can you just tell us about any communications that  
12:53:43 4 you've had with Nicola Gobbo?---It's around David Waters  
12:53:46 5 and the 56A application.  
12:53:48 6  
12:53:48 7 What does that say - that's on the 6th do you say?---On 6  
12:53:53 8 October. It's around the matter being adjourned.  
12:54:04 9  
12:54:05 10 Right?---And then I return to the office.  
12:54:15 11  
12:54:16 12 Any other discussions that you've had with Ms Gobbo in  
12:54:19 13 those days? In your diary - sorry, in your statement  
12:54:24 14 there's no reference to any communication between you and  
12:54:27 15 Ms Gobbo until 29 October. Do you say that there are no  
12:54:34 16 communications that you had with her between 3 October and  
12:54:39 17 29 October, aside from the ones that you've just mentioned  
12:54:44 18 about Waters?---No, that's about it. It goes quiet.  
12:54:48 19  
12:54:48 20 It goes quiet?---Yep.  
12:54:49 21  
12:54:50 22 Have you examined your diary?---Yes.  
12:54:51 23  
12:54:53 24 What you do say is that there's an incoming call from Terry  
12:54:57 25 Hodson on 4 October and - Terry Hodson via a phone box, so  
12:55:03 26 he's told you he's calling from a phone box?---Yes.  
12:55:05 27  
12:55:06 28 And he stated that there'd been contact made by the three  
12:55:11 29 striper, which is clearly a reference to the Sergeant, Paul  
12:55:14 30 Dale?---Yes.  
12:55:15 31  
12:55:16 32 And that's what he's saying and the message is to the  
12:55:20 33 effect, "Stick together, no need to get into bed with  
12:55:23 34 anyone"?---That's right.  
12:55:24 35  
12:55:24 36 And you've made a note of that?---Yes.  
12:55:26 37  
12:55:35 38 What page is that in your diary, Mr De Santo?---Page 200.  
12:55:39 39  
12:55:40 40 What's in your statement, is that a word for word  
12:55:45 41 reflection of what's in your diary on 4 October?---Apart  
12:55:52 42 from what's in brackets in the second-last line.  
12:55:54 43  
12:55:54 44 The second line and probably - have you put Dale in  
12:55:58 45 brackets in your diary as well?---No, I hadn't put Dale in  
12:56:01 46 brackets in my diary, nor the reference to the blonde lady,  
12:56:06 47 being Gobbo, in my diary. I've literally written in there

12:56:11 1 what he told me.  
12:56:12 2  
12:56:12 3 Perhaps if you can read out the entry of 4 October, the  
12:56:17 4 relevant entry?---"Incoming call, Terry Hodson via a phone  
12:56:20 5 box. Stated contact's been made by the three striper.  
12:56:24 6 Stick together, no need to get into bed with anyone. Also  
12:56:27 7 advises that the blonde lady is sleeping with the three  
12:56:31 8 striper. Advised I will see him on Monday."  
12:56:36 9  
12:56:37 10 Okay?---That's a Saturday when I took that call.  
12:56:39 11  
12:56:42 12 Subsequent to that you had discussions with  
12:56:47 13 Mr Hodson?---Yes.  
12:56:48 14  
12:56:48 15 Terry Hodson?---Yes.  
12:56:49 16  
12:56:49 17 And again all of those communications that you had with  
12:56:55 18 Terry Hodson were either recorded by tape recording or  
12:57:00 19 recorded by video recording; is that right?---Yes.  
12:57:07 20  
12:57:15 21 Did you have any discussion with Terry Hodson about where  
12:57:20 22 he got the idea that the blonde lady was sleeping with the  
12:57:24 23 three striper?---When, over the phone?  
12:57:27 24  
12:57:27 25 Yes?---No.  
12:57:28 26  
12:57:29 27 Or at any stage thereafter, do you know where that  
12:57:32 28 information came from?---I think it was covered in the  
12:57:37 29 debrief of him.  
12:57:37 30  
12:57:38 31 Of?---Of Terry.  
32  
12:57:39 33 Hodson?---Yes.  
12:57:40 34  
12:57:40 35 Do you recall what that debrief revealed?---I can't. The  
12:57:44 36 debrief went for a couple of days.  
12:57:47 37  
12:57:47 38 In fact there were a number of debriefs that you had with  
12:57:50 39 him?---Correct.  
12:57:51 40  
12:57:51 41 And processes which are appropriate for making statements  
12:57:57 42 and so forth. He made a number of statements, didn't  
12:57:59 43 he?---Yeah, after I was no longer involved in that  
12:58:02 44 investigation.  
12:58:02 45  
12:58:03 46 All right?---I understand.  
12:58:04 47

12:58:05 1 Commissioner, if we haven't been provided with any of those  
12:58:08 2 debriefings we'd certainly call for the provision of those  
12:58:13 3 debriefings and transcripts of any of those communications.  
12:58:17 4  
12:58:18 5 MS ENBOM: I'll obtain some instructions about that,  
12:58:20 6 Commissioner.  
12:58:21 7  
12:58:23 8 COMMISSIONER: Well they're called for under the Notice to  
12:58:26 9 Produce.  
12:58:26 10  
12:58:26 11 MS ENBOM: They are. Can I ask that the relevance of the  
12:58:28 12 debriefs with Terry Hodson - - -  
12:58:31 13  
12:58:32 14 MR WINNEKE: Certainly. Insofar as they relate to - - -  
12:58:35 15  
12:58:36 16 COMMISSIONER: Nicola Gobbo.  
12:58:37 17  
12:58:38 18 MR WINNEKE: - - - Nicola Gobbo and briefings about  
12:58:39 19 information received by Victoria Police about Ms Gobbo.  
12:58:42 20  
12:58:42 21 COMMISSIONER: Yes.  
12:58:48 22  
12:58:49 23 MR WINNEKE: Is it your awareness that there was a desire  
12:58:51 24 on the part of ESD to get Terry Hodson to speak to Paul  
12:59:03 25 Dale on tape, is that your understanding?---I can't say  
12:59:12 26 because my involvement with the matter ceased almost  
12:59:20 27 immediately after the conclusion of the debrief.  
12:59:24 28  
12:59:26 29 Can you, looking at your diary, tell us when your  
12:59:30 30 involvement ceased?  
13:01:25 31  
13:01:25 32 Commissioner, I note the time. It may well be that  
13:01:29 33 Mr De Santo can over lunch go through the diary because I'm  
13:01:32 34 going to ask him also about anything he's mentioned already  
13:01:36 35 about references to comments made by Terry Hodson about  
13:01:41 36 Nicola Gobbo in the debrief and I'll Mr De Santo about that  
13:01:45 37 as well, so it might be worthwhile if he perhaps over lunch  
13:01:51 38 has a look at those notes.  
13:01:53 39  
13:01:54 40 COMMISSIONER: We'll resume at 1.40 because I have to  
13:01:57 41 adjourn at 3.30 this afternoon. Adjourn until 1.40 thanks.  
13:02:38 42  
13:02:39 43 LUNCHEON ADJOURNMENT  
44  
45  
46  
47



13:02:41 1 UPON RESUMING AT 1.43 PM:

13:43:46 2  
13:43:46 3 COMMISSIONER: Yes Mr Winneke.

13:43:48 4  
13:43:53 5 MR WINNEKE: Now, two things. Were you able to find  
13:43:57 6 anything in your diaries about, firstly, when you ceased  
13:44:01 7 being involved in this investigation?---No.

13:44:04 8  
13:44:06 9 And equally were you able to find anything in your diaries  
13:44:10 10 about a debriefing which involved the information  
13:44:13 11 concerning Nicola Gobbo sleeping with the three  
13:44:19 12 striper?---No, because as I said, shortly after I completed  
13:44:22 13 the debriefs with Murray Gregor I ceased to be involved in  
13:44:27 14 that investigation.

13:44:28 15  
13:44:29 16 Do you know why you ceased to be involved in the  
13:44:31 17 investigation?---No.

13:44:37 18  
13:44:38 19 You were simply told that you weren't any more involved in  
13:44:41 20 it, more or less you were instructed that was the  
13:44:44 21 situation?---Yes.

13:44:44 22  
13:44:44 23 Who instructed you that?---That came from Deputy  
13:44:49 24 Commissioner Nancarrow.

13:44:52 25  
13:44:53 26 I mean this is an investigation which potentially involves  
13:44:56 27 significant corruption involving members of the Drug  
13:45:00 28 Squad?---Yes.

13:45:01 29  
13:45:01 30 At this stage that's right within your remit I assume  
13:45:06 31 because that's what you've been doing?---Yes.

13:45:09 32  
13:45:11 33 Can you offer any explanation why you might have been taken  
13:45:14 34 off it or not?---Not really.

13:45:16 35  
13:45:20 36 There would have been a decision made by senior officers  
13:45:23 37 about that, about your involvement?---I understand there  
13:45:26 38 was.

13:45:26 39  
13:45:28 40 And do you think there was a Task Force or a steering  
13:45:35 41 committee which was making decisions about this part of the  
13:45:38 42 investigation?---Yes.

13:45:39 43  
13:45:40 44 And do you have any idea who was on that steering  
13:45:43 45 committee?---At that time I believe it was chaired by a  
13:45:48 46 Deputy Commissioner Nancarrow. There was Assistant  
13:45:57 47 Commissioner Graham McDonald or then Kieran Walsh,

13:46:01 1 Commander Danye Moloney and a couple of others.  
13:46:07 2  
13:46:07 3 I asked you before lunch about whether you had an  
13:46:12 4 understanding of ongoing communications between  
13:46:16 5 investigators and Nicola Gobbo and whether there was an  
13:46:21 6 attempt to have Terry Hodson meet with Paul Dale?---Yes.  
13:46:27 7  
13:46:28 8 As to whether or not Nicola Gobbo was in effect used by  
13:46:37 9 police or, as either an intermediary or a person who might  
13:46:47 10 enable that meeting to occur, do you know or not?---I  
13:46:51 11 wasn't involved in any of that.  
13:46:53 12  
13:46:54 13 All right. You mightn't have been involved but do you have  
13:47:00 14 any knowledge now about that?---Not really, yeah.  
13:47:07 15  
13:47:07 16 Who would we be best to ask about that?---Probably Murray  
13:47:15 17 Gregor.  
13:47:15 18  
13:47:16 19 Murray Gregor, all right. Would the Task Force have had a  
13:47:20 20 name? It was the Ceja Task Force?---It was Ceja steering  
13:47:30 21 committee.  
13:47:30 22  
13:47:31 23 The information that you got to the effect that the three  
13:47:36 24 striper was sleeping with Nicola Gobbo, or the blonde  
13:47:42 25 lady?---Yes.  
13:47:42 26  
13:47:42 27 Was not insignificant information as far as investigators  
13:47:46 28 were concerned?---No.  
13:47:47 29  
13:47:48 30 And that's not information which would have simply been  
13:47:51 31 ignored and put to one side?---No.  
13:47:53 32  
13:47:53 33 So something would have been done with that  
13:47:56 34 information?---I would have assumed, yes.  
13:47:59 35  
13:48:00 36 And it may well be that there would be information within  
13:48:03 37 steering committee notes or something along those lines  
13:48:06 38 which could shine some light on that?---The steering  
13:48:12 39 committee was more about governance of the task force.  
13:48:18 40 Whether it delved into operational matters or matters  
13:48:21 41 you're referring to, I don't know.  
13:48:23 42  
13:48:42 43 Your decision to speak to Nicola Gobbo to reach out to  
13:48:46 44 Terry Hodson, that was something which arose in the meeting  
13:48:51 45 which you described previously, is that right?---Yes.  
13:48:54 46  
13:48:54 47 Or was it a direction from a steering committee?---No.

13:48:57 1  
13:48:58 2 All right. Now, in any event that's your end of the  
13:49:06 3 involvement in that part of the investigation, you're taken  
13:49:09 4 out of it?---Yes.  
13:49:09 5  
13:49:10 6 You next speak to Ms Gobbo in relation to someone described  
13:49:14 7 as Person 1 and a person by the name of Arnautovic?---Yes.  
13:49:20 8  
13:49:20 9 Is it the situation that there had been a complaint made by  
13:49:26 10 Arnautovic to ESD which you were then obliged to  
13:49:32 11 investigate?---Yes. From memory, yes.  
13:49:34 12  
13:49:36 13 Is that a matter that you looked into from your  
13:49:39 14 recollection?---It would have been investigated by the task  
13:49:43 15 force, as I said yesterday there was around 133 live  
13:49:49 16 investigations, yes.  
13:49:50 17  
13:49:50 18 Did you have any involvement in the investigation?---Not  
13:49:52 19 that I can recall, no.  
13:49:53 20  
13:50:00 21 Ultimately you said, was it your advice that the matter is  
13:50:04 22 currently being left for the DPP or were you advised of  
13:50:08 23 that?---Just let me have a look. Just so you understand  
13:50:31 24 there were regular meetings with the DPP at that time where  
13:50:37 25 matters of concern were raised by myself and Commander  
13:50:43 26 Moloney in relation to ongoing prosecutions that the DPP  
13:50:46 27 needed to take interest in because of the allegations  
13:50:49 28 raised.  
13:50:50 29  
13:50:50 30 Right, okay. As far as that goes you can't provide any  
13:50:57 31 information to the Commission apart from that?---No, no.  
13:51:00 32  
13:51:04 33 You next meet and speak to Ms Gobbo at Flemington on Cup  
13:51:10 34 Day, 4 November 2003?---Yes, I did.  
13:51:22 35  
13:51:26 36 Are you able to tell the Commission the circumstances of  
13:51:29 37 that meeting?---I was off duty.  
13:51:32 38  
13:51:33 39 Yes?---Walked into the Champagne Bar in the members area  
13:51:39 40 and Nicola Gobbo was there with David Waters and I think  
13:51:47 41 Steven Campbell is his Christian name.  
13:51:50 42  
13:51:50 43 Steven Campbell. Did you understand that Mr Campbell had a  
13:51:56 44 relationship with Ms Gobbo?---I think he was part of  
13:52:00 45 matters that Ms Gobbo was dealing with in relation to he  
13:52:06 46 and Waters from memory.  
13:52:07 47

13:52:07 1 Your understanding was that he and Waters had been charged  
13:52:10 2 with certain offences and Ms Gobbo was involved as a legal  
13:52:16 3 representative?---My understanding was with at least  
13:52:21 4 Waters, yes.  
13:52:22 5  
13:52:22 6 And I think with - I can't recall the name of the person  
13:52:27 7 now - person number - that's the case involving - -  
13:52:36 8 -?---No.12.  
13:52:37 9  
13:52:37 10 No.12, Person 12, no.12. Your view was that she was  
13:52:46 11 representing that person, that's the person that  
13:52:49 12 rolled?---Yes.  
13:52:49 13  
13:52:50 14 And your understanding was that that person had rolled on  
13:52:54 15 other people in the case?---Yes.  
13:52:56 16  
13:52:56 17 And she's representing that person and she's at the Cup  
13:53:02 18 with the people or a couple of the people at least upon  
13:53:08 19 whom he's rolled?---Yes.  
13:53:10 20  
13:53:11 21 You don't know whether she was in a personal relationship  
13:53:13 22 with one of those people, that is Mr Campbell?---No, I  
13:53:16 23 didn't.  
13:53:17 24  
13:53:17 25 Didn't know at the time?---No.  
13:53:18 26  
13:53:19 27 And don't know?---I don't know.  
13:53:21 28  
13:53:21 29 Okay. And you had a discussion with Ms Gobbo and Mr Waters  
13:53:29 30 and Mr Campbell at the Champagne Bar?---Yes.  
13:53:34 31  
13:53:34 32 Were you all together when the discussion was held?---Yes,  
13:53:37 33 we were standing around.  
13:53:38 34  
13:53:38 35 Standing round. Can I just ask you to have a look at a  
13:53:43 36 piece of paper with a name on it?---Yes.  
13:53:54 37  
13:53:54 38 If I can pass that piece of paper up to the Commissioner.  
13:53:58 39  
13:53:58 40 COMMISSIONER: Thank you.  
13:54:01 41  
13:54:02 42 MS ENBOM: Commissioner, may I approach Mr Winneke?  
13:54:04 43  
13:54:05 44 COMMISSIONER: Yes.  
13:54:06 45  
13:54:06 46 MR WINNEKE: Are we up to Person 13, Commissioner?  
13:54:09 47

13:54:09 1 COMMISSIONER: Yes, we are. So you probably need to show  
13:54:13 2 this to - - -  
13:54:15 3  
13:54:15 4 MR WINNEKE: I do. And I'm content to show it to all  
13:54:19 5 members - - -  
13:54:20 6  
13:54:20 7 MS ENBOM: Mr Winneke has told me the name on the piece of  
13:54:23 8 paper.  
13:54:23 9  
13:54:24 10 MR WINNEKE: I understand that. Do the police have any  
13:54:26 11 concern with other people at the Bar table knowing?  
12  
13 COMMISSIONER: Is there any problem with the lawyers  
13:54:30 14 knowing the name?  
13:54:30 15  
13:54:31 16 MS ENBOM: As I understand it there is a suppression order  
13:54:33 17 over the identity of that person. I don't have the order  
13:54:36 18 with me but I think there is one.  
13:54:37 19  
13:54:37 20 MR WINNEKE: I don't propose to lead from the witness any  
13:54:41 21 evidence about the identity or any evidence which might  
13:54:43 22 reveal the identity of the person.  
13:54:46 23  
13:54:46 24 COMMISSIONER: In the interests of justice I think I'll  
13:54:48 25 show it to people at the Bar table.  
26  
27 MR WINNEKE: Yes.  
28  
13:54:51 29 COMMISSIONER: There is apparently a  
13:54:54 30 suppression/non-publication order in respect of this name  
13:54:56 31 so that binds you all. That will be on the list and become  
13:55:01 32 Person 13 - Exhibit 81.  
13:55:15 33  
13:55:15 34 MR WINNEKE: I think everyone's seen that. Was there any  
13:55:19 35 discussion in the presence of Ms Gobbo about Person 13? If  
13:55:24 36 so, what was said?---I was invited out to the car park of  
13:55:31 37 Person 13 for a drink.  
13:55:32 38  
13:55:33 39 And who said that?---Waters.  
13:55:35 40  
13:55:35 41 Waters said that Person 13 was in the car park and he was  
13:55:44 42 suggesting that you go out and have a drink with him?---He  
13:55:47 43 extended an invitation to me to go out to the car park,  
13:55:50 44 yes.  
13:55:50 45  
13:55:51 46 Did you have an understanding at that stage as to the  
13:55:53 47 nature of the relationship between Waters and Person

13:55:57 1 13?---Yes.  
13:55:58 2  
13:55:58 3 And what was that?---Um, well - - -  
13:56:05 4  
13:56:05 5 Did they drink together?---I understood they were  
13:56:09 6 associates, yes.  
13:56:09 7  
13:56:13 8 You knew who Person 13 was?---Yes.  
13:56:16 9  
13:56:16 10 And I take it you accepted that invitation or not?---No, I  
13:56:21 11 politely declined.  
13:56:23 12  
13:56:24 13 Now Ms Gobbo - was there jocularly about that  
13:56:28 14 invitation?---Most definitely.  
13:56:29 15  
13:56:30 16 It was assumed that you wouldn't accept the  
13:56:33 17 invitation?---No, that's correct.  
13:56:34 18  
13:56:34 19 Ms Gobbo was a part of the discussion?---Yes.  
13:56:36 20  
13:56:37 21 And no doubt was she laughing as well?---I think it was all  
13:56:41 22 said, you know, tongue in cheek, things like that.  
13:56:45 23  
13:56:49 24 She also gave you information about the Hodson matter, or  
13:56:56 25 at least - I'm sorry, the Dublin Street matter?---Yes.  
13:56:59 26  
13:57:00 27 And you've set that information out in your diary and in  
13:57:06 28 your statement?---Yes.  
13:57:08 29  
13:57:12 30 And she advised that Paul Dale had met with her and did you  
13:57:19 31 understand the circumstances of the meeting with Ms Gobbo  
13:57:23 32 and Paul Dale?---No.  
13:57:24 33  
13:57:24 34 Did she tell you anything about that?---No.  
13:57:26 35  
13:57:28 36 Effectively she said to you that she'd met with him and he  
13:57:32 37 told her that, "His phone was off by ESD and not to talk on  
13:57:37 38 it"?---Yes.  
13:57:39 39  
13:57:40 40 I take it you didn't have your diary with you there at the  
13:57:44 41 races and you didn't make notes about that  
13:57:48 42 immediately?---No.  
13:57:49 43  
13:57:50 44 When you had an opportunity to do so did you make an entry  
13:57:53 45 in your diary?---I wrote it in my diary prior to commencing  
13:57:59 46 my next day back at work which was Wednesday, the next day.  
13:58:03 47

13:58:06 1 Fresh in your mind were the words she used and you have  
13:58:11 2 used inverted commas to in effect characterise that they  
13:58:17 3 were the words she used to you?---Yes.  
13:58:19 4  
13:58:20 5 She advised that Dale, your statement says, "Advised that  
13:58:23 6 Dale had her, that he may require legal advice in due  
13:58:30 7 course". I take it should say "told her"?---Yes.  
13:58:35 8  
13:58:35 9 In fact your diary says - perhaps if you can read your  
13:58:39 10 diary?---That Dale had told her he may require legal advice  
13:58:44 11 in due course.  
13:58:44 12  
13:58:45 13 What did she also state?---She believed Dale, Miehchel,  
13:58:50 14 Hodson had been trafficking prior to the incident or the  
13:58:53 15 event prior - um, prior to the incident.  
13:58:58 16  
13:59:01 17 The advice which is next referred to, "Not involved in the  
13:59:04 18 investigation", I take it was you telling her, "Look, I'm  
13:59:08 19 not involved in the investigation"?---Yeah, I'm not  
13:59:10 20 involved in that investigation any more.  
13:59:12 21  
13:59:12 22 Were these things said in that same - - - ?---Yes.  
13:59:16 23  
13:59:16 24 - - - meeting. In other words, Waters and Campbell were  
13:59:21 25 there?---Yes.  
13:59:21 26  
13:59:22 27 And would have overheard all of this?---Yes.  
13:59:24 28  
13:59:25 29 Really, you made a note of it because this was information  
13:59:31 30 of some significance?---Yes.  
13:59:32 31  
13:59:33 32 Did you pass that information on?---Yes.  
13:59:37 33  
13:59:43 34 You make reference to a number of other meetings that you  
13:59:46 35 had with her. I don't need to go through those. You meet  
13:59:50 36 with her - I'm sorry, you speak to her on 21 November and  
13:59:55 37 your recollections are set out in your statement, is that  
13:59:58 38 right?---Yes.  
13:59:59 39  
14:00:00 40 Then 24 November on two occasions, at 11.55 am you speak to  
14:00:07 41 her?---Yes.  
14:00:08 42  
14:00:09 43 Did she call you at that stage, on 24 November?---I can't  
14:00:27 44 say.  
14:00:29 45  
14:00:29 46 Okay?---I think it was her. I didn't have much contact  
14:00:32 47 with her post - - -

14:00:34 1  
14:00:34 2 It probably only was because it says that she was following  
14:00:37 3 up advice regarding a time frame for Hodson/Miechel  
14:00:43 4 charging?---Yes.  
14:00:44 5  
14:00:44 6 You simply told her you weren't aware?---Yes.  
14:00:47 7  
14:00:47 8 Then you spoke to her about another issue, was that at the  
14:00:52 9 same time or later on in the day?---Later on - that should  
14:01:05 10 read the 25th.  
14:01:06 11  
14:01:07 12 That should read the 25th?---Yep.  
14:01:09 13  
14:01:10 14 Okay. Again, your statement is self-explanatory. Is there  
14:01:15 15 anything that you can add to that?---No.  
14:01:17 16  
14:01:22 17 Again, she asked you to follow up regarding Hodson and did  
14:01:28 18 you say you'd advise or she would advise you?---I said -  
14:01:36 19 no, asked to follow up re Hodson, I said yep, I'll come  
14:01:40 20 back to you, will advise.  
14:01:41 21  
14:01:42 22 Do you recall what it was you were to follow up on?---I  
14:01:46 23 think it might have been, she might have been trying to  
14:01:49 24 work out what the time frames were with Hodson, et cetera,  
14:01:53 25 and I've just put her off.  
14:01:54 26  
14:01:59 27 Further communications on 26 November, the following  
14:02:04 28 day?---Yes.  
14:02:05 29  
14:02:08 30 And you told her - that was in effect the follow up, you  
14:02:14 31 advised that the Hodson matter was with the OPP?---Yep.  
14:02:17 32  
14:02:18 33 In other words they were making decisions about whether  
14:02:21 34 people would be charged and what charges and so forth?---I  
14:02:22 35 just said it was with the OPP.  
14:02:25 36  
14:02:27 37 2.15 received a call again from her. She had received  
14:02:30 38 instructions by fax letter within half an hour. That  
14:02:36 39 relates to a matter of Hutchinson that you've referred  
14:02:40 40 to?---Yes, I think so.  
14:02:41 41  
14:02:42 42 Then I think there's matters that we've dealt with. Can I  
14:02:46 43 ask you, if we go down to the bottom of p.13 of your  
14:02:57 44 statement?---Yes.  
14:02:57 45  
14:02:59 46 This is the meeting that you had on 20 January out the back  
14:03:03 47 of the NAB?---Yes.



14:03:05 1  
14:03:06 2 There's the reference to money stolen in the Miechel job by  
14:03:14 3 Dale and unknown member before ESD arrived?---Yes.  
14:03:18 4  
14:03:18 5 Contaminated scene, criticised ESD?---Yes.  
14:03:22 6  
14:03:23 7 Do you know where that information - that's information  
14:03:27 8 coming from her to you, is that right?---Yes, yes.  
14:03:29 9  
14:03:30 10 Do you know where that information came from, did she tell  
14:03:33 11 you?---Not that I can recall, no.  
14:03:35 12  
14:03:36 13 Are you able to hazard an educated guess as to how that  
14:03:42 14 information would have come to her?---Only that she had  
14:03:45 15 been representing the female.  
14:03:52 16  
14:03:53 17 Abby Haynes?---Abby Haynes.  
14:03:56 18  
14:03:58 19 I think there's a reference earlier in your diary notes to  
14:04:04 20 Azzam Ahmed, did you know at that stage she was  
14:04:09 21 representing him as well?---No, not necessarily.  
14:04:11 22  
14:04:11 23 Again there's a reference to part of it used for Miechel's  
14:04:15 24 defence if he keeps his mouth shut. Same, don't know how  
14:04:19 25 she got that information?---No.  
14:04:21 26  
14:04:27 27 Did you ask her how she knew or would you have asked her  
14:04:32 28 how she knew?---Um, I may have.  
14:04:37 29  
14:04:37 30 In any event there's no record of it?---No, there's no  
14:04:40 31 record. I may have asked her where it had come from or I  
14:04:44 32 may have just sat there and listened to what she had to  
14:04:47 33 say.  
14:04:47 34  
14:04:47 35 And made a note about it in your diary subsequently?---Yes.  
14:04:50 36  
14:04:50 37 Put in an information report perhaps?---Yes, did put an  
14:04:55 38 information report in, yes.  
14:04:56 39  
14:05:03 40 It follows that we'd be seeking any information reports.  
14:05:07 41  
14:05:07 42 COMMISSIONER: I think you've already called for all the  
14:05:09 43 information reports in relation to this witness and  
14:05:11 44 Ms Gobbo.  
14:05:12 45  
14:05:13 46 MR WINNEKE: Yes. Now, if we can move on, 11 February  
14:05:21 47 2004. There were discussions again with respect to

14:05:26 1 Ms Gobbo. She is representing a person by the name of  
14:05:32 2 Kettyle?---Yes.  
14:05:33 3  
14:05:33 4 Your recollection is that which you've set out in your  
14:05:36 5 statement, is that right?---Yes.  
14:05:37 6  
14:05:42 7 On 26 April 2004 you were at the Melbourne Magistrates'  
14:05:47 8 Court in relation to Mr Mokbel's matter and you spoke to  
14:05:53 9 Ms Gobbo in relation to a matter of Sadler?---Yes.  
14:05:55 10  
14:05:55 11 That's the same matter involving Ferguson and Cox?---Yes.  
14:05:59 12  
14:05:59 13 And that's high level drug trafficking within the Drug  
14:06:03 14 Squad?---Yes.  
14:06:03 15  
14:06:05 16 And she was in effect saying, well look, she's acting for  
14:06:09 17 Glen Sadler and asking whether he would be interested in  
14:06:12 18 cooperating, sorry, you were asking whether he would be  
14:06:16 19 interested in cooperating?---I told her the door was open.  
14:06:20 20  
14:06:20 21 Was that an approach that you made to her or was it  
14:06:23 22 something that she has suggested to you?---No, it's  
14:06:27 23 something I brought up.  
14:06:29 24  
14:06:29 25 Do you know whether anything came of that?---No, it didn't.  
14:06:33 26  
14:06:42 27 Now, there's references to communication in May, early May,  
14:06:48 28 4 and 6 May, which you set out in your diary. Do you have  
14:06:52 29 any further information or recollections about those  
14:06:54 30 matters?---I'm just getting them, Mr Winneke. No.  
14:07:47 31  
14:07:49 32 At 6.30 pm on 16 May 2004 you were at home, is that right?  
14:07:57 33 At least you weren't on duty?---That's correct.  
14:08:00 34  
14:08:00 35 You received a call from Ms Gobbo?---Yes.  
14:08:04 36  
14:08:05 37 And she wanted your mobile - she wanted your mobile number  
14:08:13 38 for Valos - I'm sorry, your mobile number for Valos as  
14:08:22 39 Andrew Hodson believed Terry and Christine had been  
14:08:25 40 murdered. If you can just go to your diary?---Yes.  
14:08:31 41  
14:08:36 42 Could you just read your diary entry out, please?---"18:30,  
14:08:41 43 incoming call, Nicola Gobbo. Requested my mobile for Valos  
14:08:45 44 re Andrew Hodson believing his parents (Terry and  
14:08:50 45 Christine) had been murdered. Advise give phone out for  
14:08:57 46 Andrew to call direct".  
14:08:59 47

14:09:00 1 So effectively what you said is, "He can call me directly  
14:09:03 2 and this is the number"?---Yes.  
14:09:05 3  
14:09:09 4 Immediately after that, or shortly after that you get a  
14:09:13 5 call from Andrew Hodson?---Yes.  
14:09:15 6  
14:09:23 7 I'm going to have to ask you to read out the entry because  
14:09:28 8 we don't appear to have it. It's been blacked out in any  
14:09:32 9 event. Can you read out your diary entry there, please.  
14:09:38 10  
14:09:40 11 MS ENBOM: Again can I just ask that we be careful with  
14:09:43 12 PII.  
14:09:44 13  
14:09:44 14 MR WINNEKE: The same applies with PII, et cetera,  
14:09:48 15 obviously?---Sure. "Incoming call Andrew Hodson. Mum and  
14:09:52 16 dad murdered. At the flat. They've been shot in the back  
14:10:01 17 of their heads. I need you to come. I don't want to talk  
14:10:05 18 to anybody else, to anyone else. Will you come?" I've  
14:10:11 19 dashed, "Yes. Also spoke to Senior Constable Dave Kelly"  
14:10:15 20 who I think was a policeman on the scene on a certain  
14:10:20 21 telephone number. I asked him to secure the scene.  
14:10:22 22  
14:10:22 23 You were given that telephone number, were you, by Andrew  
14:10:25 24 Hodson?---I think the phone was actually passed over to him  
14:10:28 25 and I took his telephone number so I had another contact  
14:10:33 26 number at the scene. I advised him it was an ESD/Homicide  
14:10:38 27 investigation.  
14:10:38 28  
14:10:38 29 And the address was given?---The address was given. I  
14:10:41 30 spoke to Andrew, asked him to go outside and await my  
14:10:44 31 arrival. He agreed. Mandy is with him. Then another  
14:10:49 32 telephone number and I've written in there Q251 is in  
14:10:54 33 attendance, which is the sub-officer, supervisor, shift  
14:11:02 34 supervisor for the area. Do you want me to read on?  
14:11:07 35  
14:11:07 36 Yes, if it's relevant?---Spoke to, I rang - at 18:42 I ring  
14:11:15 37 Commander Moloney re above. Advised I will attend scene  
14:11:20 38 location where Andrew Hodson is. Will call out Brigham and  
14:11:29 39 Peever to meet me there, to meet - so they're two other  
14:11:33 40 investigators.  
14:11:33 41  
14:11:33 42 Were there any further communications with respect to that,  
14:11:38 43 as to you going out there?---Yes, there was.  
14:11:40 44  
14:11:41 45 What were they?---I was told not to go.  
14:11:45 46  
14:11:45 47 By who?---There was politics being played out between, um,

14:11:58 1 Simon Overland.  
14:11:59 2  
14:11:59 3 Yes?---I think Peter Nancarrow, Danye, Danye Moloney.  
14:12:07 4  
14:12:07 5 What was your understanding of the situation? Were you  
14:12:10 6 told - you were told not to go?---I later learnt that  
14:12:12 7 Overland didn't want corruption investigators there because  
14:12:17 8 media would pick up that possible police corruption is  
14:12:21 9 involved.  
14:12:21 10  
14:12:22 11 And yet Hodson had said to you he didn't want to speak to  
14:12:26 12 anyone else?---That's right.  
14:12:28 13  
14:12:28 14 So what happened?---A number of phone calls backwards and  
14:12:31 15 forth. I was eventually allowed - I was eventually told to  
14:12:36 16 go.  
14:12:36 17  
14:12:36 18 By whom?---Danye said it had then been cleared by Overland  
14:12:43 19 that I could go but not to be seen.  
14:12:45 20  
14:12:46 21 Not to be seen. Have you got a note of those  
14:12:51 22 matters?---No. Hang on. Cleared by Overland - no, not to  
14:13:01 23 those matters, no.  
14:13:02 24  
14:13:02 25 That's your recollection in any event, is that  
14:13:05 26 right?---Yes.  
14:13:05 27  
14:13:12 28 And obviously you went out, you went out to the  
14:13:15 29 scene?---Yes, I did.  
14:13:16 30  
14:13:17 31 And you spoke to Andrew Hodson, is that right?---Yes.  
14:13:21 32  
14:13:22 33 Were you involved in investigation out there?---No, the  
14:13:28 34 Homicide Squad came in and took, took control of the  
14:13:35 35 matter. I stayed with Andrew for most of the night, the  
14:13:40 36 remainder of the night until a statement had been secured  
14:13:44 37 from him by Homicide investigators.  
14:13:46 38  
14:13:48 39 And Mr Bezzina, was he involved at that stage in the  
14:13:52 40 investigation?---Yes, he was.  
14:13:53 41  
14:13:54 42 He was at the scene?---Yes.  
14:13:55 43  
14:13:59 44 You had no further involvement, did you, in that  
14:14:02 45 investigation?---No.  
14:14:03 46  
14:14:04 47 All right. And then you've had subsequent meetings, sorry,

14:14:28 1 you've had a discussion with Ms Gobbo on 21 May  
14:14:33 2 2004?---Yes.  
14:14:33 3  
14:14:36 4 And the matters are set out in your statement?---Yes.  
14:14:38 5  
14:14:38 6 Again, they were issues concerning public interest immunity  
14:14:42 7 in respect to the Mokbel matter?---Yes.  
14:14:45 8  
14:14:46 9 Applications for subpoenas and so forth?---Yes.  
14:14:48 10  
14:14:50 11 You had a discussion with Mr Mokbel which you've set out in  
14:14:55 12 your diary and in your statement, as to 16 July 2004?---I  
14:15:01 13 met with him, yes.  
14:15:02 14  
14:15:10 15 And that conversation was recorded?---Yes, it was.  
14:15:12 16  
14:15:18 17 The next matter and final matter that you can talk about  
14:15:27 18 with respect to Ms Gobbo concerned discussions that you've  
14:15:30 19 had with Ms Gobbo regarding "Williams re a request for  
14:15:37 20 statement, 56A Waters, possible privilege, will have to  
14:15:41 21 speak to client for instructions" and you were in the  
14:15:45 22 company of SS Brigham?---Senior Sergeant Brigham, yes.  
14:15:50 23  
14:15:51 24 Can you just explain what that's all about?---I can't - I  
14:15:55 25 don't have an independent recollection of the reference to  
14:15:58 26 Williams but the request for a statement, we were chasing a  
14:16:05 27 statement from Waters.  
14:16:07 28  
14:16:07 29 Yes?---Gobbo said that there was possible privilege issues  
14:16:12 30 involved and that she would have to speak to her client for  
14:16:16 31 instructions.  
14:16:17 32  
14:16:17 33 Yes?---And that was about it, because I think there was a  
14:16:22 34 pending 56A hearing at Melbourne Magistrates' Court.  
14:16:25 35  
14:16:26 36 Yes. So the 56A appearance is an application pursuant to  
14:16:34 37 s.56A of the Crimes Act - Magistrates' Court Act to examine  
14:16:41 38 someone on oath?---Yes.  
14:16:42 39  
14:16:43 40 Can I just ask you to have a look at this document here.  
14:16:48 41 It may assist you in recollecting exactly what occurred.  
14:16:56 42  
14:16:57 43 MS ENBOM: Excuse me, Commissioner, may I have a copy of  
14:16:59 44 the document that's been given to the witness?  
14:17:06 45  
14:17:06 46 MR WINNEKE: Just a moment.  
14:17:07 47

14:17:07 1 COMMISSIONER: When it's tendered, yes.  
14:17:09 2  
14:17:11 3 MR WINNEKE: Does that assist you in refreshing your  
14:17:15 4 memory?---Yes.  
14:17:15 5  
14:17:16 6 So what's your evidence about whose statement was being  
14:17:21 7 sought?---I said I wish to obtain a statement from her in  
14:17:25 8 relation to her communications with David Waters pertaining  
14:17:28 9 to a 56A examination.  
14:17:30 10  
14:17:31 11 In effect you were keen to get a statement from her?---Yes.  
14:17:34 12  
14:17:35 13 About matters pertaining to the 56A  
14:17:38 14 application?---Application, yes.  
14:17:39 15  
14:17:39 16 And she in effect said to you, "Look, I can't do that  
14:17:42 17 unless I get instructions from my client to waive  
14:17:51 18 privilege" and so forth?---That's right.  
14:17:53 19  
14:17:53 20 COMMISSIONER: What are you doing with that document,  
14:17:55 21 Mr Winneke?  
14:17:56 22  
14:17:56 23 MR WINNEKE: I don't need to tender it.  
14:17:58 24  
14:17:58 25 COMMISSIONER: Just return it to Mr Winneke, please.  
14:18:01 26  
14:18:01 27 MR WINNEKE: Ultimately do you recall whether you did get  
14:18:04 28 that statement or not?---No, I didn't.  
14:18:06 29  
14:18:51 30 What you understood was - - -  
14:18:53 31  
14:18:53 32 COMMISSIONER: Can I just clarify, I understood there was  
14:18:56 33 an arrangement that, Ms Enbom, you'd be provided with  
14:18:58 34 notification of police documents that were being shown to  
14:19:01 35 witnesses beforehand but not every single document that the  
14:19:04 36 Royal Commission has in its possession.  
14:19:08 37  
14:19:08 38 MS ENBOM: I don't know what the arrangement is in relation  
14:19:10 39 to the provision of documents prior to the witness being  
14:19:13 40 called but I'm appearing on behalf of this witness and in  
14:19:17 41 my submission I have a right to have a look at a document  
14:19:20 42 that's shown - - -  
14:19:20 43  
14:19:20 44 COMMISSIONER: Not if it's not tendered. Anyway,  
14:19:23 45 Mr Winneke has given it to you so that's all right, but I  
14:19:26 46 was just watching the drama at the Bar table. Have I  
14:19:30 47 stated the position?

14:19:31 1  
14:19:31 2 MR WINNEKE: The matter was resolved with the witness. I  
14:19:35 3 don't propose to tender the document, it's not contentious.  
14:19:39 4 Ms Enbom wanted it, I was content on this occasion to  
14:19:42 5 provide it to her.  
14:19:43 6  
14:19:43 7 COMMISSIONER: But there is no obligation to do so.  
14:19:45 8  
14:19:46 9 MR WINNEKE: No, there's not. The other point is this,  
14:19:46 10 Ms Enbom says that she appears for this witness. Can I  
14:19:50 11 clarify who in fact she does appear for? Is she appearing  
14:19:51 12 for this witness or is she appearing for Victoria Police?  
14:19:53 13  
14:19:54 14 MS ENBOM: I appear for both, Commissioner. That has been  
14:19:56 15 the case since the beginning, that we're appearing for the  
14:20:00 16 witness.  
14:20:00 17  
14:20:01 18 COMMISSIONER: As I understand it she is appearing for  
14:20:03 19 both. If there's a conflict then that's an issue I  
14:20:07 20 suppose.  
14:20:07 21  
14:20:07 22 MR WINNEKE: I just think it ought to be made clear. It is  
14:20:11 23 certainly clear that she is appearing for both now because  
14:20:14 24 I've asked her and she's said so.  
25  
14:20:20 26 It was apparent from this interaction with her that  
14:20:24 27 she understood the nature of legal professional privilege  
14:20:28 28 because she said to you, "I'm going to go and ask my client  
14:20:32 29 if he's prepared to allow me to make a statement concerning  
14:20:36 30 matters that relate to his legal affairs"?---From memory it  
14:20:41 31 wasn't in relation to that. If I could see the date of  
14:20:44 32 that document. There was an issue what happened in as far  
14:20:48 33 as Waters didn't turn up, didn't answer the subpoena or a  
14:20:51 34 summons to appear.  
14:20:52 35  
14:20:53 36 Yes?---And it was more around the service of the subpoena  
14:20:58 37 or the knowledge Waters had that he was required to attend  
14:21:02 38 because there was a subsequent warrant issued for Waters.  
14:21:05 39  
14:21:05 40 I follow that. So you wanted a statement from her which  
14:21:08 41 would explain or provide information as to why he didn't  
14:21:12 42 appear?---That's right.  
14:21:14 43  
14:21:16 44 And you didn't insist upon a statement and you didn't get  
14:21:19 45 one?---That's right.  
14:21:21 46  
14:21:24 47 I've asked you a number of questions about Ms Gobbo being

14:21:28 1 willing to speak to you and provide information to you.  
14:21:34 2 Are you able to say in your view, can you provide an  
14:21:38 3 opinion as to the nature - perhaps I'll withdraw this.  
14:21:49 4 It's apparent that she was prepared to talk to you about a  
14:21:53 5 number of different matters. That's a general question,  
14:21:57 6 right?---Yes. I say that with caution in as far as in  
14:22:07 7 relation to at that time people she was representing.  
14:22:10 8  
14:22:11 9 Yes?---In relation to things, um, that I was investigating.  
14:22:17 10  
14:22:20 11 Would you say that insofar as a barrister who represents  
14:22:25 12 clients, she was one who was far more willing to talk to  
14:22:28 13 you than any other barrister that you'd had dealings  
14:22:31 14 with?---She spoke to me on more occasions than other  
14:22:37 15 barristers, yes.  
14:22:38 16  
14:22:50 17 Thanks very much.  
14:22:51 18  
14:22:51 19 COMMISSIONER: Thank you. Mr Nathwani.  
14:22:52 20  
21 <CROSS-EXAMINED BY MR NATHWANI:  
22  
14:22:53 23 Can I just pick up with that. That last, those last few  
14:22:57 24 questions and a question you were asked earlier which was  
14:23:00 25 repeated, which was is it fair to say Nicola Gobbo  
14:23:07 26 approached you more than other barristers. Can we just put  
14:23:10 27 that into context because your response was that was fair  
14:23:11 28 to say. As I hope is clear, you were investigating senior  
14:23:16 29 Drug Squad members who had a number of prosecutions ongoing  
14:23:19 30 at the time?---Yes.  
14:23:20 31  
14:23:21 32 Including, for example, Mr Mokbel, who you refer to in your  
14:23:24 33 contact with Ms Gobbo, agree?---Yeah, I agree.  
14:23:29 34  
14:23:31 35 Andrew Hodson was another?---I agree, yes.  
14:23:33 36  
14:23:33 37 I'm just using some of the names you have detailed.  
14:23:36 38 Hutchinson was another?---Yes.  
14:23:39 39  
14:23:42 40 Person 13 I think was another - Person 12?---Yes.  
14:23:48 41  
14:23:51 42 I think we could go through your notes and pretty much say  
14:23:56 43 that every single person she was talking to she was  
14:23:58 44 representing them in drugs cases that were investigated by  
14:24:02 45 one or some of the police officers you were investigating  
14:24:05 46 for corruption, do you agree with that?---I agree with  
14:24:07 47 that.



14:24:07 1  
14:24:07 2 What she was in effect trying to get from you, looking back  
14:24:11 3 now, do you agree, was information in relation to your  
14:24:16 4 investigations of Strawhorn and others that she could then  
14:24:19 5 use to damage the case that they were using to prosecute  
14:24:22 6 people like Mokbel, for instance?---I agree, I've said  
14:24:26 7 that.  
8  
14:24:26 9 I know you have, I just want to make it clear?---It was  
14:24:30 10 quite evident that she sought the results or the  
14:24:39 11 investigations that we were undertaking to try and put her  
14:24:46 12 clients in a better position.  
14:24:49 13  
14:24:49 14 And by that you mean, just to be clear for anyone who is in  
14:24:54 15 doubt, try and get the case against them either damaged so  
14:24:57 16 they could get out of the case in some way on a legal  
14:25:01 17 argument potentially, do you agree?---I agree.  
14:25:03 18  
14:25:03 19 Alternatively as you said, issue subpoenas which she issued  
14:25:07 20 several times as far as you were concerned, do you agree  
14:25:09 21 with that?---It was the material held by Ceja Task Force  
14:25:14 22 was always requested for via way of subpoena.  
14:25:17 23  
14:25:18 24 In pretty much every single drugs case she was involved in,  
14:25:22 25 do you agree with that?---Yes, I agree.  
14:25:24 26  
14:25:24 27 As an example, for instance, there was a hearing on 13  
14:25:27 28 October 2005 in relation to Mr Mokbel, the Supreme Court,  
14:25:31 29 where she was led by Mr Priest, Queen's Counsel, as he was  
14:25:36 30 then?---Yes.  
14:25:36 31  
14:25:37 32 Whereby you, through your counsel, Mr Maguire, disclosed  
14:25:42 33 something like 20 boxes?---Delivered 20 boxes of material  
14:25:46 34 to Justice - - -  
14:25:50 35  
14:25:50 36 Gillard?---Gillard's chamber for his perusal in relation to  
14:25:54 37 the subpoena argument.  
14:25:55 38  
14:25:56 39 And so that was perhaps the biggest example of the  
14:25:59 40 information she was getting from you and then seeking in  
14:26:01 41 subpoenas or trying to get from you?---Yes.  
14:26:03 42  
14:26:03 43 Of course that was in trying to assist Mr Mokbel in his  
14:26:06 44 case?---I think it was to test the credibility of the  
14:26:12 45 witnesses in Mr Mokbel's case.  
14:26:14 46  
14:26:14 47 It's fair to say in your dealings with her, as far as you

14:26:19 1 were concerned she was acting in the best interests of her  
14:26:22 2 clients?---I said that previously. In relation to my  
14:26:27 3 dealings with her.  
14:26:27 4  
14:26:28 5 I understand?---Yes, yes.  
14:26:30 6  
14:26:31 7 Just dealing if we can with - going back to, I'll move on  
14:26:49 8 to the Hodsons?---Yes.  
14:26:50 9  
14:26:51 10 Obviously you were investigating corruption within the  
14:26:55 11 Police Force and the burglary where Mr Hodson and  
14:27:01 12 Mr Miechel were caught within close proximity was of  
14:27:05 13 interest to you because it involved a serving police  
14:27:07 14 officer?---Yes.  
14:27:08 15  
14:27:09 16 You were interested to get information to see whether or  
14:27:14 17 not it was just that one police officer or others involved,  
14:27:17 18 do you agree with that?---Yes.  
14:27:18 19  
14:27:18 20 And you as a tactic formed the view that Terrence Hodson  
14:27:23 21 could be of assistance to you?---Definitely.  
14:27:25 22  
14:27:25 23 So that's why some of the discussions refer to, for  
14:27:29 24 example, where there's a suggestion he may be charged with  
14:27:32 25 offences, you were indicating to Ms Gobbo that in fact,  
14:27:34 26 "No, we would be prepared to do a deal in effect, we are  
14:27:38 27 more interested in him being a witness"?---Yes, that's what  
14:27:41 28 I said.  
14:27:41 29  
14:27:41 30 In other words, either charge may be withdrawn or if he was  
14:27:45 31 charged he would receive what we know as a letter of  
14:27:49 32 comfort indicating he had assisted police and get a  
14:27:52 33 reduction in his sentence?---Yes.  
14:27:54 34  
14:27:54 35 As a means of getting to him you were aware, weren't you,  
14:27:57 36 because this was in 2003 the burglary happened, we know  
14:28:01 37 September 03, you were aware that Nicola Gobbo had  
14:28:04 38 represented Andrew and was still representing Andrew, his  
14:28:07 39 son, from as early as 2001?---Yes.  
14:28:10 40  
14:28:10 41 Because in 2001, I think I'm right in saying, Andrew and  
14:28:15 42 his sister were both arrested in relation to a drug  
14:28:19 43 sting?---Yes, that's from what I recall, yes.  
14:28:22 44  
14:28:22 45 And from public records that are available it appears to  
14:28:25 46 suggest that it was around then that Terrence Hodson became  
14:28:30 47 of assistance to the police because of the operation

14:28:32 1 against his children. That is in the Coroner's Inquest  
14:28:36 2 documentation?---I'm not aware of that.  
14:28:38 3  
14:28:39 4 Understood. Because you had known she had represented  
14:28:43 5 Andrew Hodson that was your means of getting to Terrence,  
14:28:45 6 do you agree with that?---I agree.  
14:28:46 7  
14:28:46 8 Can we just pause at looking what she had done as far as  
14:28:51 9 Andrew Hodson was concerned. It was a similar MO as far as  
14:28:54 10 you were concerned, she had made numerous subpoena requests  
14:28:59 11 indicated corrupt police officer involved in her case and  
14:29:02 12 was trying to get the material to support her case, Andrew  
14:29:08 13 Hodson's case?---I think so. I would have to go back and  
14:29:12 14 have a look at what reference Andrew's matter had, yes.  
14:29:16 15  
14:29:16 16 As an example, Andrew was in custody for a lengthy period  
14:29:20 17 of time but released in mid-2002, again on the basis of  
14:29:24 18 your ongoing investigation into the police officers  
14:29:27 19 involved in his case?---I don't disagree with you.  
14:29:30 20  
14:29:31 21 Once you had become involved, you've been asked a few times  
14:29:37 22 about whether you know, whether or not Terrence Hodson had  
14:29:43 23 given his consent to Nicola Gobbo to speak to you, you  
14:29:47 24 can't answer that obviously, can you?---No, I can't.  
14:29:51 25  
14:29:51 26 What you can say, when you and your colleagues finally  
14:29:55 27 spoke to Terrence Hodson he did provide information to  
14:30:00 28 you?---Yes.  
14:30:00 29  
14:30:00 30 And ultimately Paul Dale, his handler, or controller, and  
14:30:05 31 Miechel were charged off the back of his statement?---Yes.  
14:30:09 32  
14:30:09 33 And thereafter we know an IR went missing or an IR file or  
14:30:16 34 documents from his IR file went missing?---I understand  
14:30:19 35 yes, they did.  
14:30:20 36  
14:30:20 37 And just to put that into - - - ?---When you say his, you  
14:30:24 38 say Terry's.  
14:30:25 39  
14:30:25 40 Terry. Just following the sequence through because I take  
14:30:29 41 this from again public documents into the leaking of this  
14:30:32 42 information, it's an OPI document. Miechel when he was  
14:30:35 43 arrested at the scene of the burglary and injured by a dog  
14:30:41 44 called Paul Dale, didn't he?---Yes, I believe he did.  
14:30:43 45  
14:30:43 46 And Dale over the next day or two went to the office which  
14:30:46 47 housed those documents?---I'm not sure. You're testing not

14:30:54 1 only my memory but my knowledge.  
14:30:55 2  
14:30:56 3 I understand. As far as the contact with Ms Gobbo in  
14:31:06 4 relation to Hodson was concerned, the sequence is you were  
14:31:12 5 interested to talk to him, she facilitated it and he did  
14:31:17 6 talk to you?---With Terry, yes.  
14:31:19 7  
8 And the plan as far as he was concerned - I'll just follow  
14:31:20 9 through, he was in fact charged, wasn't he?---I understand  
14:31:23 10 that he was charged, yes.  
14:31:24 11  
14:31:24 12 And a plea date set, in other words he had indicated a  
14:31:27 13 guilty plea, I think for some time in August 2004?---I was  
14:31:33 14 well and truly out of that part of that investigation.  
14:31:39 15  
14:31:39 16 You can't help?---I can't help, sorry.  
14:31:41 17  
14:31:41 18 I understand. Thank you very much.  
14:31:44 19  
14:31:44 20 COMMISSIONER: Thank you. Yes Dr Hanscombe.  
14:31:48 21  
22 <CROSS-EXAMINED BY DR HANSCOMBE:  
23  
14:31:50 24 Thank you, Commissioner. Mr De Santo, my name is  
14:32:01 25 Hanscombe. I'm here for Andrew Hodson and Mandy  
14:32:05 26 Leonard?---Thank you.  
14:32:06 27  
14:32:07 28 I'll try and do this in chronological order but I may not  
14:32:11 29 be able to?---Yes.  
14:32:18 30  
14:32:26 31 Can I cast your mind back, please, to late 2001. How did  
14:32:33 32 you know Nicola Gobbo then?---I met her through an  
14:32:42 33 appearance, as I've given evidence, in regards to the  
14:32:44 34 matter of I think Zoinetti, I met her through Zoinetti or  
14:32:50 35 something. It's a matter in the Supreme Court.  
14:32:54 36  
14:32:54 37 She was appearing then for the defendant?---Yes.  
14:32:57 38  
14:32:57 39 You've given evidence that you made contact with Andrew  
14:33:03 40 Hodson while he was on remand?---Yes.  
14:33:04 41  
14:33:05 42 In late 2001 or early 2002, do you recall that?---I think  
14:33:10 43 it was around that time.  
14:33:12 44  
14:33:12 45 Yes?---Yep, and I did meet him, as I've given evidence, at  
14:33:16 46 Port Phillip Prison.  
14:33:17 47

14:33:18 1 Yes, in the prison?---Yes.  
14:33:19 2  
14:33:20 3 Andrew Hodson is very clear that you made contact with him,  
14:33:24 4 not the other way round?---Could be the case.  
14:33:27 5  
14:33:28 6 That could be the case?---Could be the case. My memory was  
14:33:31 7 that he was introduced to me or that I was told he wanted  
14:33:34 8 to speak to me.  
14:33:35 9  
14:33:36 10 Right?---And I think my evidence, my evidence was that I  
14:33:39 11 was out there pertaining to something else and I asked to  
14:33:44 12 speak to him.  
14:33:46 13  
14:33:46 14 You agree you asked to speak to him?---Well I'm saying, I'm  
14:33:50 15 not sure whether I was - I'm not sure whether somebody said  
14:33:56 16 you need to go and speak to him or he wants to speak to you  
14:34:00 17 but I asked to speak to him when I was out seeing another  
14:34:04 18 person at the prison.  
14:34:05 19  
14:34:06 20 Are there any diary notes of that, of that contact at Port  
14:34:12 21 Phillip Prison?---Um, I'm not sure.  
14:34:15 22  
14:34:16 23 I wonder if you'd have a look for me?---You want me to go  
14:34:19 24 through all my diary now?  
14:34:21 25  
14:34:21 26 You only need to look at late 2001, 2002. If it's too  
14:34:26 27 arduous, no. Can you have a look and we'll ask the  
14:34:30 28 Commission to provide anything.  
14:34:31 29  
14:34:32 30 COMMISSIONER: Is this relevant to the Terms of Reference  
14:34:33 31 of the Commission which is the relationship between Nicola  
14:34:37 32 Gobbo and Victoria Police?  
14:34:40 33  
14:34:41 34 DR HANSCOMBE: Well it's indirectly relevant we would  
14:34:44 35 submit, but I'm mindful that you are pressed for time.  
14:34:47 36 There might be another way we might be able to come at  
14:34:51 37 this. Can I park it for a moment?  
14:34:53 38  
14:34:53 39 COMMISSIONER: All right then. The questioning will be  
14:34:54 40 limited, the questioning will be limited to the Terms of  
14:34:58 41 Reference.  
14:34:58 42  
14:34:59 43 DR HANSCOMBE: Yes, of course it will.  
14:35:00 44  
14:35:00 45 COMMISSIONER: I'm not saying this because I'm pushed for  
14:35:03 46 time, I'm saying it because the Terms of Reference set the  
14:35:08 47 framework for the cross-examination.

14:35:09 1  
14:35:10 2 DR HANSCOMBE: Yes. The context, as the Commission knows,  
14:35:13 3 is often highly relevant to how evidence - - -  
14:35:15 4  
14:35:15 5 COMMISSIONER: We have a lot of evidence to get through,  
14:35:19 6 Dr Hanscombe.  
14:35:20 7  
14:35:20 8 DR HANSCOMBE: If the Commission please.  
9  
14:35:24 10 Do you know if you made any information reports about  
14:35:27 11 that meeting at Port Phillip Prison?---I may have, Doctor,  
14:35:32 12 yes.  
14:35:32 13  
14:35:40 14 And Andrew says that Ms Gobbo encouraged him, Andrew, to  
14:35:47 15 tell you the truth about everything he knew at that  
14:35:51 16 meeting, does that sound right to you?---I don't have - I  
14:36:00 17 don't recall but that's probably why I asked to speak to  
14:36:03 18 him.  
14:36:07 19  
14:36:11 20 Did Ms Gobbo provide you with any information at that time  
14:36:17 21 that Andrew Hodson had told him, had told her, I'm  
14:36:28 22 sorry?---Not specifically that I can recall without  
14:36:38 23 referring back maybe to the investigation file around  
14:36:44 24 Andrew's complaint.  
14:36:47 25  
14:36:47 26 I see. When you were collating material later about those  
14:36:51 27 early contacts?---No, Andrew, from memory Andrew's  
14:36:57 28 complaint or matter became subject of what I referred to  
14:37:00 29 yesterday as an, an alleged incident of corruption.  
14:37:04 30  
14:37:04 31 Yes?---And I would probably, in order to answer your  
14:37:09 32 question I would probably like to have a look at that.  
14:37:13 33  
14:37:13 34 Do you know if that's been produced to the Commission?---I  
14:37:16 35 don't know.  
14:37:18 36  
14:37:18 37 COMMISSIONER: Can anyone assist as to whether it's been  
14:37:22 38 produced to the Commission? Mr Winneke?  
14:37:26 39  
14:37:26 40 MR WINNEKE: I can't assist you, Commissioner.  
14:37:29 41  
14:37:29 42 COMMISSIONER: It certainly hasn't been tendered before the  
14:37:32 43 Commission.  
14:37:32 44  
14:37:32 45 MR WINNEKE: I can't assist, Commissioner.  
14:37:34 46  
14:37:34 47 COMMISSIONER: Can you assist, Ms Enbom?

14:37:36 1  
14:37:36 2 MS ENBOM: I can't sorry, Commissioner.  
14:37:37 3  
14:37:38 4 DR HANSCOMBE: Perhaps counsel assisting would be in a  
14:37:40 5 position to make that inquiry and follow up.  
14:37:43 6  
14:37:43 7 COMMISSIONER: Certainly.  
14:37:46 8  
14:37:46 9 DR HANSCOMBE: We're indebted to counsel assisting.  
10  
14:37:53 11 Now you've given evidence that you didn't know that  
14:37:55 12 Ms Gobbo was "a registered informer" until some time in  
14:38:01 13 2013?---Yes.  
14:38:03 14  
14:38:03 15 But were you aware that many years before that she was  
14:38:07 16 already providing information to police, whether you knew  
14:38:10 17 she was a registered informer or not?---No.  
14:38:12 18  
14:38:13 19 Not at all?---Correct.  
14:38:15 20  
14:38:24 21 Did you do anything with the information that Andrew gave  
14:38:28 22 you during that interview at Port Phillip Prison in  
14:38:32 23 relation to the Ethical Standards Department, did you make  
14:38:37 24 any use of that in any ethical investigation at that  
14:38:40 25 time?---Doctor, I've just said from memory it became an  
14:38:44 26 alleged incident of corruption.  
14:38:46 27  
14:38:46 28 Later?---It would have been shortly thereafter.  
14:38:50 29  
14:38:50 30 I see, I misunderstood, thank you?---Which was one of some  
14:38:56 31 130 investigations.  
14:38:57 32  
14:38:58 33 I'm sorry, I misunderstood Mr De Santo?---That's okay.  
14:39:02 34  
14:39:02 35 As I say, it is hard to keep the chronology straight on the  
14:39:06 36 information we have. I think I don't need to ask you  
14:39:26 37 anything more about that early meeting in 2001 or 2002 with  
14:39:31 38 Andrew. Can you now bring your mind forward to the events  
14:39:34 39 that occurred in September 2003. You've already given  
14:39:41 40 quite a lot of evidence about this. So the burglary  
14:39:51 41 happens on the Saturday night, that's 27 September  
14:39:58 42 2003?---27th or 20 - - -  
14:40:00 43  
14:40:00 44 I thought it was the 27th. That's Grand Final night, I  
14:40:08 45 think. Is that right? That's when the burglary  
14:40:33 46 occurs?---I'm just checking my diary.  
14:40:35 47

14:40:35 1 You're still looking, okay?---Yes, the 27th, you're  
14:40:40 2 correct.  
14:40:40 3  
14:40:41 4 And some time on the Sunday, on the 28th, you get a phone  
14:40:44 5 call, is that right?---9.40 in the morning.  
14:40:48 6  
14:40:48 7 Yes. From?---Steve Fontana.  
14:40:51 8  
14:40:52 9 Yes. At that time you haven't heard anything from  
14:40:59 10 Ms Gobbo?---No.  
14:41:00 11  
14:41:03 12 When's the first contact about that burglary you have from  
14:41:08 13 Nicola Gobbo?---It's a contact that I initiate.  
14:41:13 14  
14:41:13 15 Yes. And when is it?---I think I gave evidence it was at  
14:41:19 16 16:00, 4 pm on the 29th, Monday the 29th of September.  
14:41:23 17  
14:41:27 18 So nothing happens in respect of contact between you and  
14:41:30 19 Ms Gobbo between the Saturday night and the following  
14:41:34 20 Monday?---No.  
14:41:35 21  
14:41:35 22 Thank you. There was a meeting on that same day with  
14:41:49 23 Messrs Fontana, Moloney, Gregor, some other names I didn't  
14:41:55 24 get down, about approaching Ms Gobbo to see if she would  
14:42:00 25 approach Hodson, do you recall giving that evidence?---Yes,  
14:42:05 26 I do.  
14:42:05 27  
14:42:06 28 Was there any reference at that meeting to Ms Gobbo having  
14:42:10 29 previously assisted police?---No.  
14:42:13 30  
14:42:14 31 None that you heard or - you were there for the whole  
14:42:17 32 meeting?---There was, there was discussions - those people  
14:42:21 33 knew that I was dealing with Ms Gobbo in relation to court  
14:42:26 34 matters.  
14:42:26 35  
14:42:26 36 Yes?---And knew that I had also dealt with Andrew and that  
14:42:33 37 I was an avenue in to Ms Gobbo.  
14:42:37 38  
14:42:39 39 Okay. But other than that you had no reason at that time  
14:42:41 40 to think she had been providing information to police other  
14:42:45 41 than as a lawyer representing a client?---I've previously  
14:42:53 42 said no.  
14:42:53 43  
14:42:53 44 What did you know at that time about her relationship with  
14:42:56 45 Mr Dale?---I didn't.  
14:42:57 46  
14:42:58 47 Nothing?---Nothing.



14:42:59 1  
14:43:22 2 Then in your diary entries that are attached to your  
14:43:25 3 statement you've recorded some other incoming phone calls  
14:43:31 4 in the evening of the 29th from Ms Gobbo. I don't want to  
14:43:36 5 go through those in detail, you've already done that. Did  
14:43:39 6 you make information reports about those calls?---Yes, they  
14:43:43 7 would have been either in information reports or an  
14:43:46 8 investigation log.  
14:43:47 9  
14:43:47 10 Do you know if they have been produced to the  
14:43:50 11 Commission?---I don't know.  
14:43:52 12  
14:43:52 13 Again, I'd ask for the assistance of counsel assisting.  
14:43:57 14  
14:43:58 15 MR WINNEKE: Again, I don't know whether we have  
14:44:00 16 information logs. I don't believe so but I may be  
14:44:03 17 incorrect. We have an awful amount of documents. I  
14:44:08 18 haven't seen an information log but we'll find out.  
14:44:11 19  
14:44:11 20 COMMISSIONER: Yes, and there has been a general call for  
14:44:13 21 information reports prepared by this witness in respect of  
14:44:17 22 Nicola Gobbo's contacts.  
14:44:19 23  
14:44:20 24 DR HANSCOMBE: Yes, indeed. If in due course we can have  
14:44:23 25 access to those I needn't waste time asking for the others.  
14:44:26 26  
14:44:27 27 COMMISSIONER: If they're relevant, yes, absolutely, if  
14:44:30 28 they're relevant to your clients you will be provided with  
14:44:33 29 them once we've got them.  
14:44:35 30  
14:44:36 31 DR HANSCOMBE: Yes, we're indebted to the Commission. In  
14:44:41 32 that case I can move through this a bit faster. And at  
14:44:54 33 that date, late September 2000 - excuse me a moment,  
14:45:00 34 Commissioner, I might have already asked this. Yes, I've  
14:45:05 35 done that, yes. Yes, we can move into the next week.  
14:45:21 36 Early in October of 2003 you had a meeting, you have it, if  
14:45:29 37 it's the same meeting, on 2 October 2003. You say in your  
14:45:36 38 office, was that at the World Trade Centre? Is that when  
14:45:42 39 your office was down at the World Trade Centre?---Yes, it  
14:45:45 40 was.  
14:45:46 41  
14:45:47 42 Andrew Hodson remembers that meeting as 3 October. Did you  
14:45:50 43 only ever have one meeting in early October at the World  
14:45:56 44 Trade Centre with Andrew Hodson and Terry or did you have  
14:45:58 45 two?---No, it did happen on 3 October.  
14:46:02 46  
14:46:03 47 3 October. In your schedule it's listed as the 2nd. The 2

14:46:14 1 October entry is then making the appointment for the 3rd,  
14:46:17 2 is that right? I'm just trying to get the sequence  
14:46:31 3 right?---On 2 October.  
14:46:33 4  
14:46:33 5 Yes?---There's a voicemail message that's left for me, yes.  
14:46:53 6  
14:46:54 7 Okay?---On the 2nd of October.  
14:46:56 8  
14:46:56 9 So this entry in the schedule to your witness statement is  
14:46:59 10 just about the phone call and there's no record in the  
14:47:02 11 typed excerpts of the meeting itself on the 3rd, is that  
14:47:06 12 correct?---No, that's right.  
14:47:09 13  
14:47:10 14 Okay. So there was only the one meeting, it was down in  
14:47:14 15 the World Trade Centre, is that right?---That's right.  
14:47:17 16  
14:47:17 17 And Andrew, I think, had his arm in a cast, does that jog  
14:47:25 18 your memory about the actual meeting?---He may have, I  
14:47:32 19 don't recall.  
14:47:32 20  
14:47:33 21 Don't remember, okay. Gregor was present at that  
14:47:40 22 meeting?---Yes.  
14:47:40 23  
14:47:41 24 And Terry gave you information regarding Dublin Street, is  
14:47:45 25 that right?---Um, he gave us, he gave us initial  
14:47:52 26 information and an agreement to cooperate or - I'm just  
14:47:57 27 trying to remember because Murray actually made the  
14:48:10 28 handwritten notes on that day. It was video recorded. I'm  
14:48:14 29 not sure whether we went through, whether we skimmed  
14:48:19 30 through what had happened or whether - I know we didn't do  
14:48:24 31 a full debrief until a couple of days later.  
14:48:27 32  
14:48:27 33 And you've already said that videotaped interview is being  
14:48:31 34 transcribed, is that correct?  
14:48:35 35  
14:48:35 36 MR WINNEKE: I think it has been.  
14:48:36 37  
14:48:37 38 DR HANSCOMBE: Has been transcribed.  
14:48:38 39  
14:48:38 40 COMMISSIONER: It has been transcribed or many years ago  
14:48:42 41 for another proceeding, not for this Commission. It  
14:48:47 42 doesn't seem directly relevant, it doesn't seem relevant to  
14:48:51 43 this Commission's work. If you say it is relevant I'd be  
14:49:00 44 interested to hear but I don't see how it is. Ms Gobbo  
14:49:04 45 wasn't present there.  
14:49:05 46  
14:49:05 47 DR HANSCOMBE: No, Ms Gobbo wasn't present there, but at

14:49:08 1 the time she is representing - well, it's a bit circular,  
14:49:14 2 isn't it? What information is coming out first, who is  
14:49:18 3 telling who what? Can we take that under advisement and  
14:49:22 4 perhaps make a written submission to the Commission about  
14:49:25 5 that rather than take time now in oral argument?  
14:49:31 6  
14:49:31 7 COMMISSIONER: Certainly. Do you want this witness to go  
14:49:33 8 to his notes about that meeting on 3 October?  
14:49:36 9  
14:49:37 10 DR HANSCOMBE: I do want him to go to those. I'm not sure  
14:49:40 11 he has any notes. Do you have notes about that  
14:49:42 12 meeting?---I have limited notes.  
14:49:43 13  
14:49:43 14 But Gregor took the notes?---And I also have a note where I  
14:49:48 15 adopted Murray Gregor's notes.  
14:49:50 16  
14:49:50 17 You saw Murray Gregor's notes at some stage and said, "Yes,  
14:49:54 18 that's right"?---Yes, I made it brief in view of the  
14:49:58 19 circumstances, I made brief diary entries but Murray made  
14:50:02 20 detailed notes. I adopted Murray's notes.  
14:50:08 21  
14:50:08 22 COMMISSIONER: Read out your diary entry, please?---So we  
14:50:12 23 spoke, spoke re Miechel incident. He told us that he  
14:50:21 24 wasn't willing to speak, to talk about the same at this  
14:50:24 25 time. Then he - Murray comes into the room. Terry Hodson  
14:50:33 26 reiterates not prepared to talk re Saturday night. Gregor  
14:50:37 27 explains the situation and the procedures and processes.  
14:50:41 28 We give advice for his options and the methods to be  
14:50:45 29 adopted if a common purpose is agreed upon, notes as per  
14:50:51 30 Gregor's entry. And at 15:30 they clear the conference  
14:50:57 31 room.  
14:50:59 32  
14:50:59 33 You don't recall if there was any mention of Ms Gobbo in  
14:51:02 34 that conversation?---No, I can't. I'm not saying it didn't  
14:51:06 35 happen, Commissioner.  
14:51:06 36  
14:51:07 37 No, I understand.  
14:51:08 38  
14:51:10 39 DR HANSCOMBE: Do you know if Mr Gregor's notes have been  
14:51:12 40 produced to the Commission?---I wouldn't know.  
14:51:15 41  
14:51:15 42 Do you know if there was an information report made about  
14:51:18 43 this interview?---There was a transcript and a videotape of  
14:51:23 44 the interview.  
14:51:24 45  
14:51:24 46 So that would count as an information report?---It would be  
14:51:27 47 referred to in an investigation log, yes.

14:51:29 1  
14:51:33 2 Now the next day is Cup Day, that's 4 November 2003 and  
14:51:41 3 you've given evidence - I'm sorry. I've jumped a whole  
14:51:51 4 month.  
14:51:52 5  
14:51:52 6 COMMISSIONER: The next date that you want to take him to.  
14:51:55 7  
14:51:56 8 DR HANSCOMBE: The next date that is of concern to us, I'm  
14:51:58 9 sorry, is 4 November which is Cup Day and you gave some  
14:52:01 10 evidence about speaking at the racecourse, do you recall  
14:52:04 11 that?---Yes, I do.  
14:52:05 12  
14:52:05 13 All that the summary here says and all that counsel  
14:52:08 14 assisting took you to was, "Spoke about the situation re  
14:52:13 15 Hodson". That's you talking to Gobbo?---Yes.  
14:52:17 16  
14:52:17 17 What does that mean, the situation re Hodson?---Well it  
14:52:27 18 just means the investigation re Miechel, what was going on,  
14:52:34 19 but I was out of it and that's where I reiterated I'm not  
14:52:38 20 involved in it any more.  
14:52:39 21  
14:52:40 22 It must mean something? "We spoke about the situation re  
14:52:43 23 Hodson"?---My notes there says I'm not in the investigation  
14:52:50 24 but charges are not too far away.  
14:52:56 25  
14:52:56 26 I'm sorry, I want to press you on this point. "Gobbo  
14:53:01 27 advised in relation to Miechel investigation and situation  
14:53:05 28 re Hodson", is that Ms Gobbo volunteering information to  
14:53:09 29 you about Hodson?---It's about the Miechel investigation  
14:53:14 30 and the involvement of Hodson.  
14:53:16 31  
14:53:16 32 Of Terry Hodson?---Terry Hodson.  
14:53:18 33  
14:53:20 34 And the involvement of Terry Hodson in the burglary or the  
14:53:23 35 involvement of Terry Hodson as a possible informer?---I  
14:53:27 36 don't know.  
14:53:28 37  
14:53:31 38 You don't have any further memory of why you wrote those  
14:53:35 39 words?---Doctor, I wrote - we would have had possibly - I  
14:53:44 40 don't know what conversation we would have had. I was  
14:53:46 41 pressed on the matter about what was going on with it and  
14:53:49 42 I've turned around and said I wasn't involved. I'm no  
14:53:52 43 longer involved. I was removed from it probably within  
14:53:55 44 five days of completion of the debrief.  
14:54:00 45  
14:54:02 46 Moving on at transcript 1626 in respect of 25 November, so  
14:54:10 47 we jump forward three weeks, your evidence was she, that's

14:54:18 1 Ms Gobbo, was trying to work out what the time frames were,  
14:54:22 2 et cetera. This is you speaking to Ms Gobbo in relation to  
14:54:28 3 Hutchinson and Milad Mokbel. What do you mean, "Trying to  
14:54:34 4 work out what the time frames were", the time frames for  
14:54:37 5 what?---What time's the entry you're referring to?  
14:55:22 6  
14:55:22 7 25 November 2003 is all that I have. 24 November, sorry.  
14:55:40 8 Time frames, 24 November?---24 November, is it?  
14:55:45 9  
14:55:45 10 2003. Was that about putting pressure on Terry, "You  
14:55:55 11 either hurry up or we will charge you"?---Sorry, what date  
14:56:04 12 are we referring to, Doctor?  
14:56:06 13  
14:56:07 14 24 November 2003?---24 November?  
14:56:10 15  
14:56:10 16 COMMISSIONER: This is the schedule to the statement, yes.  
14:56:13 17  
14:56:13 18 DR HANSCOMBE: Yes.  
14:56:13 19  
14:56:14 20 COMMISSIONER: It's what, at page - - -  
14:56:16 21  
14:56:17 22 DR HANSCOMBE: At p.12.  
14:56:18 23  
14:56:18 24 COMMISSIONER: And there are two marked 24 November but I  
14:56:21 25 thought the bottom one was changed to 25 November.  
14:56:23 26  
14:56:24 27 DR HANSCOMBE: It was changed to 25, yes.  
14:56:26 28  
14:56:26 29 COMMISSIONER: It was a mistake in this document and it  
14:56:28 30 didn't correlate with the diary. So which one are you  
14:56:33 31 taking him to, the 24th or the 25th?  
14:56:36 32  
14:56:36 33 DR HANSCOMBE: 24 November?---Terry was a cooperating  
14:56:38 34 witness at that time.  
14:56:39 35  
14:56:39 36 Then what does it mean, "Regarding the time frames,  
14:56:42 37 et cetera", when you gave that evidence at 1626?---I think  
14:56:46 38 at that time Terry - I'm not sure if Terry or Miehchel had  
14:56:54 39 been charged. He was already cooperating.  
14:57:00 40  
14:57:00 41 This says you spoke to Ms Gobbo, who was following up  
14:57:04 42 advice regarding the time frame for their  
14:57:07 43 charging?---That's correct.  
14:57:07 44  
14:57:07 45 You think he'd been charged?---No, no, no. You miss - - -  
14:57:12 46  
14:57:13 47 You think Miehchel had been charged?---I think Miehchel had

14:57:16 1           been charged.  
14:57:16 2  
14:57:17 3           Yes?---I don't know whether Terry was charged at that time.  
14:57:20 4           From recollection, bearing in mind I was not involved in  
14:57:23 5           the investigation at this time, I think Terry was charged  
14:57:27 6           with and dealt with in order to be used as a witness  
14:57:31 7           against Miechel.  
14:57:32 8  
14:57:32 9           Yes.   And Dale?---Yes, I presume Dale as well.  
14:57:39 10  
14:57:42 11          Come forward again - no, I'm sorry, I withdraw that.  So  
14:57:58 12          can I finally take you to the events around the murder of  
14:58:04 13          my clients' parents?---Yes.  
14:58:06 14  
14:58:08 15          You gave some evidence that although Andrew wanted you to  
14:58:12 16          come you were told not to come, do you recall that  
14:58:15 17          evidence?---Yes, I do.  
14:58:16 18  
14:58:16 19          There was politics and you named various people?---Yes.  
14:58:19 20  
14:58:21 21          And you said on the phone to Senior Constable Kelly,  
14:58:27 22          "Secure the scene, it's an ESD/Homicide  
14:58:31 23          investigation"?---Yes.  
14:58:32 24  
14:58:32 25          Why was it already an ESD investigation?---Because there  
14:58:37 26          had - in the conversation was that Terry had been involved  
14:58:43 27          with ESD.  He was already involved in matters with ESD, so  
14:58:50 28          that means ESD would be involved, and because it was a  
14:58:53 29          murder, homicide would be involved.  
14:58:55 30  
14:58:56 31          Yes.  The second bit's clear?---He'd actively been involved  
14:59:01 32          with ESD.  
14:59:01 33  
14:59:02 34          Okay.  So that didn't refer to the possible involvement of  
14:59:06 35          any policeman?---No.  
14:59:10 36  
14:59:11 37          That referred to Terry's involvement as an  
14:59:14 38          informer?---That's right.  
14:59:14 39  
14:59:14 40          You didn't in your mind at that time think that there might  
14:59:18 41          be a policeman involved?---At the time when I had the  
14:59:21 42          conversation with Andrew that you're asking me about.  
14:59:23 43  
14:59:23 44          Yes?---ESD don't turn out to homicides.  There had to be a  
14:59:27 45          reason.  
14:59:27 46  
14:59:28 47          I know that?---There had to be a reason that I had to tell

14:59:31 1 the member, uniform member there, "ESD will be there and  
14:59:35 2 homicide will be there".  
14:59:37 3  
14:59:38 4 Yes, okay. And that was the only reason that ESD was  
14:59:41 5 mentioned?---That's right.  
14:59:42 6  
14:59:42 7 Because Terry was an informer?---Yes.  
14:59:44 8  
14:59:48 9 COMMISSIONER: About matters which touched on the ESD  
14:59:53 10 investigations?---Yes.  
14:59:55 11  
14:59:55 12 DR HANSCOMBE: Yes, I understand that. The only other  
14:59:59 13 question I have to ask you was Mr Nathwani asked you some  
15:00:04 14 questions about Ms Gobbo being helpful to her clients,  
15:00:09 15 trying to get information for her clients over the years,  
15:00:12 16 do you recall that?---In my involvement with Ms Gobbo, yes.  
15:00:15 17  
15:00:15 18 Yes, your involvement?---Yes.  
15:00:17 19  
15:00:17 20 Did any of the other people that she represented, to your  
15:00:22 21 knowledge, become informers?---People that she represented?  
15:00:37 22  
15:00:38 23 Yes?---There's already people on the witness list that I  
15:00:41 24 know that she had some involvement with which later became  
15:00:46 25 - - -  
15:00:46 26  
15:00:47 27 Yes. And did you know that during your dealings with  
15:00:51 28 Ms Gobbo?---I'm a bit lost with your question, Doctor.  
15:00:56 29  
15:00:56 30 COMMISSIONER: Did you know this at the time, back at the  
15:00:58 31 time in 2002, 3?---I knew a couple of the names that are on  
15:01:05 32 the list.  
15:01:05 33  
15:01:06 34 You are being asked did you know that Ms Gobbo's other  
15:01:10 35 clients subsequently became informers as - -  
15:01:15 36 -?---Commissioner, not subsequently. I did have some  
15:01:17 37 knowledge that some people she'd represented had been  
15:01:20 38 informers or became informers. That's the best way I can  
15:01:24 39 answer it.  
15:01:25 40  
15:01:25 41 At that time?---Yes.  
15:01:27 42  
15:01:27 43 DR HANSCOMBE: Yes, I don't have anything else.  
15:01:31 44  
15:01:31 45 COMMISSIONER: Thank you very much Dr Hanscombe. Ms Enbom,  
15:01:35 46 any re-examination?  
15:01:37 47

15:01:37 1 MS ENBOM: No re-examination.  
15:01:38 2  
15:01:38 3 COMMISSIONER: We've finished with the witness now?  
15:01:40 4  
15:01:40 5 MR WINNEKE: Just a couple of matters. Can I clarify one  
15:01:43 6 thing. Dr Hanscombe asked you about, I think your  
15:01:48 7 statement which reflects, or at least is supposed to  
15:01:51 8 reflect your diary entry on 4 November 2003, this is the  
15:01:55 9 meeting at the Champagne Bar?---Yes.  
15:01:57 10  
15:01:57 11 She asked you about this line, it seems in your statement,  
15:02:02 12 "Gobbo advised in relation to Miechel investigation and  
15:02:05 13 situation re Hodson, advised not in the investigation but  
15:02:10 14 charges would not be too far away". If you can just have a  
15:02:14 15 look at your diary entry. This may clarify the same date,  
15:02:19 16 4 November. Do you see that there? If you go to the third  
15:02:26 17 line, it may well be another one of the mistranscriptions  
15:02:32 18 but just read "Gobbo -", is that asked or advised?---That's  
15:02:36 19 Gobbo saying, "Asked re Miechel investigation and situation  
15:02:42 20 re Hodson - I've advised not in the investigation but I  
15:02:48 21 presume charges wouldn't be too far away".  
15:02:51 22  
15:02:51 23 She is in fact asking you about the situation, not advising  
15:02:55 24 you, she's asking you and you're saying, "Look, I'm not  
15:02:58 25 involved"?---That's right.  
15:02:59 26  
15:02:59 27 Just finally, Mr Nathwani asked you about some questions  
15:03:06 28 and obviously you've given evidence about the subpoenas  
15:03:10 29 that were issued on behalf of Ms Gobbo's clients with a  
15:03:16 30 view to establishing or assisting the clients with respect  
15:03:19 31 to their cases and uncovering material in relation to  
15:03:24 32 corruption within the Drug Squad?---Yes.  
15:03:26 33  
15:03:26 34 And indeed there were a number of those?---Yes.  
15:03:28 35  
15:03:29 36 And I think there was one in particular which you were  
15:03:32 37 asked about, and indeed I think you mentioned that there  
15:03:37 38 was an application by Ms Gobbo on behalf of Mr Mokbel in  
15:03:43 39 which she was led by Phillip Priest who is now a judge,  
15:03:50 40 Mr Priest?---Yes.  
15:03:50 41  
15:03:51 42 That resulted in the provision of about 20 boxes of  
15:03:53 43 documents for the attention of Justice Gillard?---Yes.  
15:03:57 44  
15:03:57 45 It was suggested that that was obviously done with a view  
15:04:00 46 to assisting her client and so forth. Now, you accept that  
15:04:09 47 that's what was done?---It was part of discovery.



15:04:12 1  
15:04:13 2 Part of discovery. Did you know at that stage, assuming  
15:04:16 3 that application was made in about early October, late  
15:04:21 4 September 2005, that about a week and a half before that  
15:04:26 5 she had been registered as an informer, did you know  
15:04:31 6 that?---No.  
15:04:32 7  
15:04:33 8 And one of the main reasons of registering her was to  
15:04:37 9 provide information against Mr Mokbel, did you know  
15:04:41 10 that?---Did not have a clue.  
15:04:42 11  
15:04:44 12 If you'd have known that, along with the 20 boxes of  
15:04:48 13 documents that you disclosed, might you have considered  
15:04:52 14 disclosing that information as well?---Had I have been told  
15:04:58 15 it would have gone all the way up through executive command  
15:05:02 16 to ESD that this is the situation we're in that we're not  
15:05:05 17 aware of.  
15:05:06 18  
15:05:06 19 You would have at the very least got legal advice, wouldn't  
15:05:11 20 you?---We had in-house counsel.  
15:05:13 21  
15:05:15 22 Commissioner, I've taken the witness to a number of diary  
15:05:18 23 entries and there appear to be discrepancies between the  
15:05:21 24 diaries and the entries in the statement.  
15:05:24 25  
15:05:24 26 COMMISSIONER: Yes.  
15:05:25 27  
15:05:27 28 MR WINNEKE: Can I do it this way: I don't want for there  
15:05:30 29 to be a process whereby all of the diaries are redacted but  
15:05:34 30 I do want to tender the relevant diary entries where  
15:05:38 31 there's a discrepancy between that which is in the  
15:05:41 32 statement and the actual diary entries. Can I perhaps do  
15:05:46 33 it this way: I tender the relevant entries of the diary  
15:05:51 34 and in due course we can go through the process of  
15:05:56 35 tendering and only tendering entries, diary entries which  
15:06:00 36 are in relation to which there is discrepancy.  
15:06:03 37  
15:06:04 38 COMMISSIONER: Yes. Mr De Santo's relevant diary entries  
15:06:09 39 will be Exhibit 101 and they will be produced to the  
15:06:12 40 Commission, or a copy of them will be produced to the  
15:06:16 41 Commission subsequently.  
15:06:17 42  
15:06:17 43  
15:06:17 44 #EXHIBIT 101 - Relevant diary entries of Mr De Santo.  
15:06:19 45  
15:06:19 46 COMMISSIONER: Might I say just, I think either Mr Holt -  
15:06:22 47 we'll let this witness be excused now?---Commissioner,

15:06:27 1 before I leave I apologise for the discrepancies between my  
15:06:30 2 diaries and the statement. It's nobody's fault other than  
15:06:34 3 myself, I didn't properly check the statement due to a  
15:06:39 4 number of personal issues I've just been through. I  
5 apologise to the Commissioner.  
6  
15:06:42 7 Yes, thank you. The witness is free to go?  
8  
15:06:45 9 MR WINNEKE: The witness can be excused.  
10  
15:06:46 11 MS ENBOM: Commissioner, just before the witness leaves the  
15:06:47 12 witness box, Exhibit 97B, which is a redacted version of  
15:06:51 13 his statement has been compiled, would you like the witness  
15:06:54 14 to see that?  
15:06:55 15  
15:06:56 16 COMMISSIONER: It's probably as well. Thank you very much,  
15:06:59 17 Ms Enbom. If you could perhaps give it to Mr Winneke,  
15:07:02 18 thank you. This is the agreed redacted version.  
15:07:05 19  
15:07:05 20 MS ENBOM: It is.  
15:07:07 21  
15:07:07 22 COMMISSIONER: It was tendered yesterday as 97B but now  
15:07:12 23 we're handing it up as 97B.  
15:07:43 24  
15:07:44 25 MR WINNEKE: I just need to make a notation on it.  
15:07:46 26  
15:07:46 27 COMMISSIONER: Sure. Here's my working copy. You've got  
15:07:51 28 one?  
15:07:51 29  
15:07:54 30 MR WINNEKE: It's all right, I've got the answer. I think  
15:07:56 31 that's it. If you can have a look at that and just make  
15:07:59 32 sure that that's - - -  
15:08:04 33  
15:08:04 34 COMMISSIONER: This is a redacted copy of the unredacted  
15:08:08 35 statement that was tendered yesterday but has been tendered  
15:08:12 36 as 97B.  
15:08:20 37  
15:08:21 38 WITNESS: Yes, Mr Winneke.  
15:08:23 39  
15:08:23 40 MR WINNEKE: I tender that as the redacted version of that  
15:08:28 41 statement.  
15:08:28 42  
15:08:28 43  
15:08:29 44 #EXHIBIT 97B - Redacted version of Mr De Santo's statement.  
15:08:31 45  
15:08:32 46 MR WINNEKE: I suppose whilst Mr De Santo is here, I don't  
15:08:36 47 suppose we need it done but could you just have a look at

15:08:40 1 this. This is a redacted version of Exhibit 98 which  
15:08:44 2 you've looked at. That's the document that you've seen  
15:08:52 3 that you were shown previously when you were giving  
15:08:55 4 evidence yesterday I think?---I was shown it.  
15:08:58 5  
15:08:59 6 You were shown, okay. I tender that as the redacted  
15:09:03 7 version of that document, 98.  
15:09:07 8  
15:09:07 9 COMMISSIONER: Are we tendering the unredacted as well?  
15:09:10 10  
15:09:10 11 MR WINNEKE: I think we have tendered the unredacted.  
15:09:13 12  
15:09:13 13 COMMISSIONER: That was Exhibit 98.  
15:09:14 14  
15:09:15 15 MR WINNEKE: It was.  
15:09:15 16  
15:09:15 17 COMMISSIONER: That will be 98A and the redacted will be  
15:09:22 18 98B.  
15:09:28 19  
15:09:29 20 MR WINNEKE: Commissioner, I don't anticipate Mr De Santo  
15:09:31 21 being called upon again so I'd ask that he be excused.  
15:09:36 22 Things may change but I don't anticipate that will be the  
15:09:40 23 case.  
15:09:40 24  
15:09:41 25 MS ENBOM: Just before he is, Commissioner, we tendered -  
15:09:46 26 an unredacted copy was tendered yesterday, and I think that  
15:09:49 27 was 97A. I think the witness has with him in the witness  
15:09:52 28 box the only signed version, the signed version of the  
15:09:56 29 unredacted statement which perhaps should be tendered.  
15:10:01 30  
15:10:01 31 COMMISSIONER: That's been tendered already.  
15:10:03 32  
15:10:03 33 MS ENBOM: That may have been an unsigned version.  
15:10:07 34  
15:10:08 35 WITNESS: I've got the signed version.  
15:10:09 36  
15:10:10 37 MS ENBOM: The witness has the signed version.  
15:10:12 38  
15:10:12 39 COMMISSIONER: 97A.  
15:10:14 40  
15:10:15 41 MR WINNEKE: If it has, I thought the signed version was  
15:10:17 42 tendered, but if it hasn't could that replace the exhibit.  
15:10:20 43  
15:10:20 44 COMMISSIONER: Sorry, is that 97A? We're looking for the  
15:10:26 45 97A unredacted version of 97. That looks as though it has  
15:10:31 46 redactions on it, doesn't it? So we've got that now.  
15:10:41 47 #EXHIBIT 97A - Unredacted version of 97.

15:10:49 1  
15:10:49 2 MR WINNEKE: Thanks Commissioner.  
15:10:50 3  
15:10:50 4 COMMISSIONER: Thanks Mr De Santo you're excused and free  
15:10:53 5 to go.  
15:10:54 6  
7 (Witness excused.)  
8  
15:10:55 9 <(THE WITNESS WITHDREW)  
15:10:55 10  
15:10:55 11 Could I just say in respect of the attachment diary  
15:11:04 12 entries, I understood it was either Mr Holt or Ms Enbom  
15:11:08 13 said yesterday that this was an experiment to see what was  
15:11:12 14 the more efficient process as to whether redacted diary  
15:11:17 15 notes or copies of extracts from diary notes were used or  
15:11:21 16 they did it in this way.  
15:11:23 17  
15:11:23 18 MR WINNEKE: Yes.  
15:11:23 19  
15:11:25 20 COMMISSIONER: I have the impression from your reaction in  
15:11:28 21 examining the witness that you preferred the former  
15:11:36 22 procedure with the actual copies of the diaries, rather  
15:11:40 23 than this procedure?  
15:11:42 24  
15:11:42 25 MR WINNEKE: Commissioner, the only issue is this: in some  
15:11:46 26 cases diaries are hard to read and it appears that there  
15:11:49 27 are differences between the two. I think as a matter of -  
15:11:55 28 well, to ensure that there's no doubt it would be  
15:11:58 29 appropriate if all witnesses came to court with their  
15:12:02 30 diaries, so the original diaries are in the hearing room so  
15:12:06 31 as there can be comparisons if necessary. Ordinarily if  
15:12:11 32 there is no discrepancy there's probably no problem.  
15:12:15 33  
15:12:15 34 COMMISSIONER: So you want to keep trialling this method.  
15:12:18 35  
15:12:19 36 MR WINNEKE: If we can keep trialling that method but  
15:12:20 37 ensure when witnesses give evidence the original copy of  
15:12:24 38 the diaries are available and we get copies of them.  
15:12:28 39  
15:12:28 40 COMMISSIONER: Of the original?  
15:12:29 41  
15:12:29 42 MR WINNEKE: Yes, of all relevant pages.  
15:12:31 43  
15:12:32 44 COMMISSIONER: And also the witnesses will have to check  
15:12:37 45 their transcription of the diaries which Mr De Santo  
15:12:40 46 volunteered he had not had time to do and that was the  
15:12:43 47 problem here.

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MR WINNEKE: Yes. It seems he had some time constraints.

COMMISSIONER: Time constraints, yes. So that will need to be done beforehand in the future.

MS ENBOM: Just on that topic, Commissioner, we certainly will have the original diaries in the hearing room with witnesses. We had decided not to continue on with the approach that we took with Mr De Santo's statement because

- - -

COMMISSIONER: Because of the problems.

MS ENBOM: Yes, it does seem to be inefficient.

COMMISSIONER: So you'll go back to the original method.

MS ENBOM: Yes.

COMMISSIONER: All right then. Just so the press and the media people understand, Mr De Santo has now left so his statements, the redacted statements and redacted exhibits that are now before the court can be published on the website, as can the transcript of the public hearing, and what about the private hearing? Some of that will be able to be published on the website too, won't it, once it's redacted, or not?

MR WINNEKE: I think, Commissioner, there will be some difficulties about that.

COMMISSIONER: All right. So you're not asking for that to be done?

MR WINNEKE: Ultimately, Commissioner, as much as can be, but I think the reason it was held in private was because it was felt not appropriate, that it would be difficult to in a sensible way adduce the evidence. Now it may well be that some of that evidence can be put on the - - -

COMMISSIONER: I thought probably a good chunk of it could.

MR WINNEKE: Some of it clearly can be. Obviously that's going to involve examining the transcript and making sure that there are no matters which would reveal the informers or other public interest immunity matters. But I think as

15:14:42 1 a matter of course clearly there should be an examination  
15:14:46 2 of the transcript with a view to putting as much as  
15:14:51 3 possible on.  
15:14:52 4  
15:14:53 5 COMMISSIONER: That can be done in due course but for the  
15:14:55 6 moment the transcript of the public hearing and the  
15:14:59 7 redacted Exhibits 97 to 99 inclusive and Exhibits 100 and  
15:15:14 8 101.  
15:15:15 9  
15:15:15 10 MR WINNEKE: Yes, and 100, which is the memorandum I think  
15:15:24 11 we indicated to Mr Maidment that there would be an  
15:15:28 12 opportunity to make submissions about that.  
15:15:30 13  
15:15:31 14 COMMISSIONER: So that's not ready to go on the website  
15:15:33 15 yet?  
15:15:33 16  
15:15:34 17 MR WINNEKE: 100 is the court book entry.  
15:15:37 18  
15:15:38 19 COMMISSIONER: Yes. Can that be published?  
15:15:40 20  
15:15:41 21 MR WINNEKE: 99 is the memorandum and I think that one  
15:15:44 22 can't be published, the court book can be so long as it is  
15:15:48 23 redacted, the redacted version of it. But at this stage it  
15:15:52 24 hasn't been redacted.  
15:15:53 25  
15:15:54 26 COMMISSIONER: It is just 97 and 98 for the moment which  
15:15:58 27 have been redacted.  
28  
15:15:59 29 MR WINNEKE: Yes.  
15:15:59 30  
15:16:00 31 COMMISSIONER: And the other exhibits have yet to be  
15:16:01 32 redacted for publication on the website.  
15:16:04 33  
15:16:05 34 MR WINNEKE: That's correct, yes.  
15:16:05 35  
15:16:06 36 COMMISSIONER: All right then. Do we know which witnesses  
15:16:08 37 we are proceeding with on Tuesday?  
15:16:10 38  
15:16:10 39 MR WINNEKE: At this stage there's a degree of uncertainty  
15:16:13 40 so I can't announce those at this stage, but as soon as we  
15:16:17 41 are in a position to do so we will.  
15:16:20 42  
15:16:20 43 COMMISSIONER: Yes, all right. So is there anything else  
15:16:23 44 that can usefully be dealt with this afternoon?  
15:16:26 45  
15:16:27 46 MR WINNEKE: Not that I can think of immediately.  
15:16:29 47

15:16:29 1 COMMISSIONER: All right then. We'll adjourn until  
15:16:33 2 ten o'clock on Tuesday morning.

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ADJOURNED UNTIL TUESDAY 14 MAY 2019

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