

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Thursday, 2 May 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

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

Counsel for Victoria Police Mr S. Holt QC
 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

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11:28:08 1 UPON RESUMING IN OPEN COURT:
11:28:12 2
11:28:15 3 COMMISSIONER: Yes.
11:28:16 4
11:28:16 5 MR WOODS: Thank you, Commissioner. With that I call David
11:28:21 6 Ronald Bartlett.
11:28:23 7
11:28:24 8 MR HOLT: And I appear for Mr Bartlett.
11:28:27 9
11:28:27 10 COMMISSIONER: Yes, thank you. Oath or affirmation
11:28:30 11 Mr Bartlett?---The oath is fine.
11:28:32 12
11:28:34 13 <DAVID RONALD BARTLETT, sworn and examined:
11:28:45 14
11:28:45 15 MR HOLT: Thank you Mr Bartlett. Your full name is David
11:28:47 16 Ronald Bartlett?---Yes.
11:28:49 17
11:28:50 18 You are presently a police officer with Victoria
11:28:52 19 Police?---Yes.
11:28:53 20
11:28:53 21 And in relation to this matter have you prepared and signed
11:28:57 22 a statement, indeed the final version of which was signed
11:29:01 23 this morning which is in front of you?---Yes.
11:29:03 24
11:29:03 25 Is that statement true to the best of your knowledge and
11:29:05 26 belief?---Yes, it is.
11:29:06 27
11:29:07 28 Thank you, Commissioner, I tender the statement but on the
11:29:11 29 basis that it go into the sealed envelope until those other
11:29:16 30 matters are resolved.
11:29:18 31
11:29:18 32 COMMISSIONER: Yes, we'll leave it before the witness for
11:29:21 33 the moment. Exhibit 93, in due course it will be placed in
11:29:27 34 a sealed envelope marked only to be opened by order of the
11:29:31 35 Commissioner.
11:29:31 36
11:29:32 37 MR HOLT: Thanks Commissioner. That is the evidence in
11:29:36 38 chief, may it please the Commission.
39
11:29:41 40 COMMISSIONER: Thank you. Mr Woods.
11:29:41 41
42 MR WOODS: Just before we go into the evidence I should say
11:29:42 43 for the purposes of those watching the live stream, just
44 remind them that an order has been made and so those
11:29:44 45 watching the live stream will not see the image of the
11:29:46 46 witness.
11:29:47 47

11:29:47 1 COMMISSIONER: Yes, that's correct. That order is posted
11:29:50 2 on the door of the hearing room, I understand. And nor can
11:29:52 3 they publish any image of the witness.
11:29:57 4
5 <CROSS-EXAMINED BY MR WOODS:
6
11:29:58 7 Mr Bartlett, you graduated at the Police Academy in 1987,
11:30:02 8 is that right?---Yes.
11:30:03 9
11:30:04 10 In 1998 you first became a member of the Drug Squad, is
11:30:09 11 that correct?---Yes.
11:30:09 12
11:30:10 13 You entered that role as a Detective Senior
11:30:13 14 Constable?---Yes.
11:30:14 15
11:30:14 16 And you were there until late 2003?---Yes.
11:30:18 17
11:30:20 18 Now, you had some dealings during that time and later on
11:30:27 19 with Nicola Gobbo?---Yes.
11:30:29 20
11:30:30 21 And the dealings that you had in particular during those
11:30:36 22 early stages of the Drug Squad were in relation to two
11:30:39 23 operations, namely Kayak and Matchless, am I
11:30:44 24 correct?---Yes.
11:30:44 25
11:30:44 26 And the first of those, Kayak, involved Tony Mokbel?---Yes.
11:30:50 27
11:30:50 28 And Ms Gobbo represented Tony Mokbel in relation to the
11:30:54 29 charges that came out of that operation, am I correct
11:30:56 30 there?---Yes, that's my recollection.
11:30:58 31
11:30:59 32 In relation to Operation Matchless it was an individual
11:31:03 33 called Person 7 who was a person of interest in that
11:31:06 34 operation?---That's correct.
11:31:07 35
11:31:07 36 And Ms Gobbo represented Person 7 in relation to the
11:31:10 37 charges that came out of that?---That's my recollection,
11:31:12 38 yes.
11:31:12 39
11:31:14 40 You in your statement, you've got your diaries for the
11:31:18 41 relevant period sitting in front of you there I see?---Yes
11:31:21 42 I have.
11:31:21 43
11:31:22 44 They were only located relatively recently, is that
11:31:26 45 correct?---That's correct.
11:31:27 46
11:31:27 47 They were held by Victoria Police rather than you

11:31:29 1 personally?---That's correct.
11:31:30 2
11:31:31 3 You say in your statement, this is at paragraph 3, you've
11:31:35 4 endeavoured to identify and review all relevant extracts in
11:31:38 5 your diaries in the time available, is that
11:31:43 6 correct?---That's correct, yes.
11:31:43 7
11:31:44 8 Do I take that to mean you can't give us a guarantee now
11:31:48 9 that you've picked up everything that's relevant?---There
11:31:51 10 may be references to Ms Gobbo in there that I have missed,
11:31:54 11 but to the best of my ability I've located every mention.
11:31:58 12
11:31:58 13 All right. I might ask that following today you do go
11:32:02 14 through again and we might ask the solicitors for Victoria
11:32:07 15 Police for a confirmation that that's the case but I
11:32:09 16 understand we're proceeding on that basis for now?---Yes.
11:32:12 17
11:32:15 18 MR HOLT: Sorry, Commissioner, may I just approach my
11:32:17 19 friend.
11:32:18 20
11:32:18 21 (Discussion at Bar table.)
11:32:25 22
11:32:26 23 MR WOODS: All right. Sorry, Mr Bartlett, just bear with
11:32:30 24 me for a moment. There's another person I'm told who's
11:32:35 25 named in the statement where there might be some
11:32:38 26 uncertainty about their status, Commissioner. I didn't
11:32:42 27 understand that until just now. I will be cautious and not
11:32:47 28 name that person but ask the witness simply to identify
11:32:50 29 them and you can talk around it that way. I'm in the
11:32:53 30 Commissioner's hands about that. I can tell you it is the
11:32:56 31 person named in paragraph 16, line 2, it's the second name
11:33:00 32 on that line.
11:33:05 33
11:33:05 34 COMMISSIONER: Right.
11:33:08 35
11:33:09 36 MR WOODS: While Victoria Police are getting instructions
11:33:11 37 in relation to that I'm happy just to avoid it for now.
11:33:14 38
11:33:15 39 COMMISSIONER: Mr Bartlett, you've seen that name
11:33:16 40 too?---Yes, Commissioner.
11:33:17 41
11:33:18 42 Thank you.
11:33:18 43
11:33:19 44 MR WOODS: I'm sure someone will tell me if I say it by
11:33:24 45 accident. Now, on 9 May - firstly, before we go into your
11:33:32 46 diaries, you indicate on a number of occasions that we'll
11:33:37 47 go through that you had contact with Ms Gobbo through the

11:33:41 1 period 2002 to 2006, do you agree with that?---Yes.
11:33:46 2
11:33:46 3 Did you have contact with her in any capacity before that
11:33:51 4 first date to the best of your recollection?---I have no
11:33:54 5 recollection whether I did or I didn't. It's quite
11:33:57 6 possible over the expanse of time within my time in VicPol
11:34:02 7 but I have no recollection of it.
11:34:03 8
11:34:04 9 What about after 15 November 2006, do you recall having any
11:34:10 10 contact with her after that date, which is the last date
11:34:12 11 identified in your diaries?---No, not to the best of my
11:34:15 12 knowledge.
11:34:15 13
11:34:16 14 During the period that's identified in your statement, May
11:34:20 15 2002 to November 2006, were there other occasions on which
11:34:25 16 you had contact with Ms Gobbo or were present where
11:34:28 17 Ms Gobbo was present perhaps not in a formal setting that
11:34:32 18 wouldn't be in your diaries for that reason?---Yes.
11:34:35 19
11:34:35 20 And what were some of those occasions?---It could have been
11:34:39 21 in the court precinct, anything like that. It could have
11:34:42 22 been walking in the street.
11:34:43 23
11:34:43 24 Yes?---It could have been anywhere, it was just a, "Hello,
11:34:46 25 how are you going? Good. How are you? Good. See you
11:34:48 26 next time".
11:34:49 27
11:34:50 28 You had a social - I won't say a social relationship but
11:34:53 29 you recognised each other, was that as a result of the
11:34:55 30 interactions that you had which are recorded in your
11:34:57 31 statement?---Yes.
11:34:58 32
11:34:59 33 What about social interactions, police functions and things
11:35:02 34 like that?---Not to my recollection, no.
11:35:04 35
11:35:07 36 On 9 May 2002, and I'm now referring to the paragraphs 15
11:35:13 37 onwards in your statement, and there's a couple of
11:35:17 38 operations that we're not going to name there, you had
11:35:22 39 contact and to the best of your recollection all these
11:35:24 40 years later that was the first contact you had with
11:35:27 41 Ms Gobbo?---Yes.
11:35:28 42
11:35:28 43 All right. What was Ms Gobbo's attendance or where did you
11:35:32 44 see her for a start?---Are we talking about 9 May?
11:35:36 45
11:35:36 46 Yes, talking about 9 May 2002?---That was at the St Kilda
11:35:40 47 Road complex at the Drug Squad.

11:35:41 1
11:35:42 2 What was the reason for her attendance there?---She was
11:35:45 3 listening to a recording.
11:35:46 4
11:35:46 5 And what was the purpose of her listening to that
11:35:49 6 recording?---I don't know. I have no recollection of it,
11:35:53 7 my note in my diary indicates that I took them over briefly
11:35:58 8 from another member and she was listening to some
11:36:01 9 recordings.
11:36:01 10
11:36:01 11 Can I take it that that was a fairly regular occurrence
11:36:04 12 that barristers would attend or was that irregular, to
11:36:08 13 listen to recordings?---In my experience it was irregular.
11:36:12 14
11:36:13 15 Do you remember the circumstances in which she was
11:36:15 16 permitted access to do that?---No.
11:36:18 17
11:36:19 18 As you sit there now do you remember what the purpose,
11:36:23 19 without naming the operation, do you remember what the
11:36:25 20 purpose of her listening to those recording was?---No, I
11:36:29 21 have no recollection of that at all.
11:36:31 22
11:36:33 23 On 11 April 2003 - - -
11:36:35 24
11:36:35 25 COMMISSIONER: Other than you recall it was in relation to
11:36:37 26 a particular operation?---Yes.
11:36:40 27
11:36:40 28 MR WOODS: And that's because it's recorded in your notes
11:36:42 29 as being so?---That's correct.
11:36:44 30
11:36:45 31 On 11 April 2003 yourself, DS Flynn and DSC Hunter were
11:36:54 32 involved in the execution of a warrant for the arrest of a
11:36:57 33 Person 7 and another individual in Coburg?---Yes.
11:37:01 34
11:37:01 35 Do you have an independent recollection of
11:37:05 36 that?---Somewhat, yes, a long time ago.
11:37:07 37
11:37:07 38 And there were other people arrested as part of that, is
11:37:10 39 that correct?---That's correct.
11:37:11 40
11:37:13 41 Now, the reason that you have included that information
11:37:19 42 here is that Ms Gobbo had later dealings on behalf of the
11:37:24 43 first of those people, can I take it that's why it's
11:37:28 44 there?---Yes.
11:37:29 45
11:37:29 46 But there's no record of contact with Ms Gobbo on that day,
11:37:33 47 rather than someone who became her client?---That's

11:37:35 1 correct.
11:37:35 2
11:37:38 3 The next contact you had with Ms Gobbo though was on 14
11:37:42 4 April 2003, so it was three days later?---Yes.
11:37:45 5
11:37:45 6 And that was at the Melbourne Magistrates' Court, am I
11:37:48 7 correct?---Yes.
11:37:49 8
11:37:50 9 And does your diary record why you were at the Melbourne
11:37:52 10 Magistrates' Court on that occasion?---Yes.
11:37:54 11
11:37:54 12 And why was that?---That was to - I provided Ms Gobbo with
11:37:58 13 interview tapes regarding a Kabalan Mokbel interview.
11:38:05 14
11:38:06 15 Was Ms Gobbo representing that individual at the time?---If
11:38:12 16 I've given her the interview tapes I would suggest so but
11:38:16 17 I've got no record that she was the - - -
11:38:18 18
11:38:18 19 But I assume you wouldn't give them to someone who wasn't
11:38:23 20 representing him?---Absolutely not.
11:38:26 21
11:38:26 22 Do you have a recollection of seeing her at court on that
11:38:29 23 day?---No.
11:38:30 24
11:38:30 25 On 31 April you received a telephone call from Ms Gobbo
11:38:35 26 thanking you for the service of the brief regarding Kabalan
11:38:42 27 Mokbel and that's a note that's in your diary?---That's
11:38:45 28 correct, 31 May.
11:38:46 29
11:38:47 30 Can I ask is that an unusual thing for the barrister of an
11:38:49 31 accused to ring one of the investigating officers and say
11:38:53 32 "thanks for delivering the brief"?---No, I've had it happen
11:38:57 33 many times over the years.
11:38:57 34
11:38:58 35 It wasn't because of some particular pre-existing
11:39:02 36 relationship or anything like that, she was just saying
11:39:04 37 thanks?---Absolutely, that's correct.
11:39:06 38
11:39:07 39 9 August 2004, you attended the Melbourne Magistrates'
11:39:11 40 Court for the committal mention in relation to two
11:39:15 41 operations, the first of them was Matchless, the second one
11:39:18 42 we're referring to as Operation 2?---Yes.
11:39:21 43
11:39:22 44 And you were in court on that occasion and you observed
11:39:28 45 that Ms Gobbo was acting on behalf of both Person 7 and
11:39:32 46 Kabalan Mokbel?---I have a note to that effect, yes.
11:39:36 47

11:39:36 1 Do you remember being there?---No.
11:39:37 2
11:39:37 3 Do you remember what the nature of the application was that
11:39:40 4 day?---If I referred to my diary I might be able to assist.
11:39:43 5
11:39:44 6 You can go ahead, it is 9 August 2004. And, Commissioner,
11:39:50 7 as was stated before, we're not bringing these up on the
11:39:53 8 screen but I take it the Commissioner has a copy of them in
11:39:56 9 front of you?
11:39:58 10
11:39:58 11 COMMISSIONER: Yes. Are you going to be tendering some of
11:40:00 12 these? Not necessarily, if you read it into the record I
11:40:05 13 suppose that's sufficient.
11:40:06 14
11:40:06 15 MR WOODS: I've agreed with my learned friends to do that
11:40:09 16 for the purpose of today and what's happening in the
11:40:11 17 meantime is Victoria Police are attending to some inquiries
11:40:14 18 about what can and can't be published in their view. So in
11:40:18 19 the meantime I'm just going to step around tendering them.
11:40:29 20 I might just for the record identify that what we have is
11:40:35 21 three separate copies taken from Mr Bartlett's diaries.
11:40:41 22 The first encompasses a period May 2002 to June 2004 and on
11:40:48 23 the first page has the word May at the top on p.69. The
11:40:52 24 second is August 2004 to April 2006 and the first page is
11:40:59 25 August 2004 and has p.27. And the third is May 2006 to
11:41:05 26 November 2006 and the first page has the number 2 and May
11:41:10 27 2006 written on it but the witness is looking at his
11:41:15 28 original copy of those. So the date that I was asking
11:41:18 29 about was 21 March 2005 and that will be in the second of
11:41:23 30 the bundles that other people have. Do you have a copy of
11:41:28 31 that in front of you?---You asked me to look at 9 August
11:41:31 32 2004?
11:41:32 33
11:41:32 34 Sorry, I did, yes, 9 August 2004?---A committal mention.
11:41:36 35
11:41:39 36 COMMISSIONER: Sorry, which one was this one?
11:41:41 37
11:41:42 38 MR WOODS: 9 August 2004.
11:41:43 39
11:41:44 40 COMMISSIONER: The time is?
11:41:46 41
11:41:46 42 MR WOODS: The time of day, sorry, yes.
11:41:48 43
11:41:48 44 COMMISSIONER: The first entry, is it? I'm just wondering
11:41:55 45 which of the entries we're looking at?---The entry for 9
11:41:59 46 August 2004 I've attended the Melbourne Magistrates' Court
11:42:02 47 at 9.40 am.

11:42:03 1
11:42:04 2
11:42:04 3
11:42:05 4
11:42:10 5
11:42:14 6
11:42:16 7
11:42:17 8
11:42:27 9
11:42:30 10
11:42:34 11
11:42:39 12
11:42:43 13
11:42:47 14
11:43:17 15
11:43:20 16
11:43:25 17
11:43:28 18
11:43:29 19
11:43:35 20
11:43:42 21
11:43:45 22
11:43:46 23
11:43:51 24
11:43:53 25
11:43:54 26
11:43:54 27
11:43:58 28
11:44:03 29
11:44:06 30
11:44:09 31
11:44:31 32
11:44:35 33
11:44:40 34
11:44:40 35
11:44:40 36
11:44:46 37
11:44:51 38
11:44:52 39
11:44:53 40
11:44:53 41
11:44:57 42
11:44:59 43
11:44:59 44
11:45:02 45
11:45:05 46
11:45:11 47

Thank you.

MR WOODS: Yes, it's that third entry down. And your attendance was because - were you the informant in that or were you one of the investigators or why were you there?---I was the informant.

About six months later on 21 March 2005 you attended the Melbourne Magistrates' Court with DS Flynn in relation to those same two operations and you have a note that again Ms Gobbo was appearing on that occasion on behalf of Person 7. Can you tell me what the nature of that appearance was before the court?---I don't recall and I don't have a note of the actual nature of the hearing but there is reference to some negotiations in relation to appropriate charges and periods of times and amounts and the like.

Monday, 21 March appears to have been the committal for Operation Matchless?---It does say committal. I'm not sure if it went ahead as a committal at that stage.

I understand. Obviously the listing for that is about six months after the committal mention so that would make sense, wouldn't it?---Yes.

Then we have 28 April 2006 and that was at the County Court and you were there with DS Flynn and it was in relation to Operation Matchless and again Ms Gobbo appeared on behalf of Person 7. Are you able to tell the Commissioner what the nature of that hearing was, 28 April 2006?---I actually have in my note here that's tagged in relation to a reference to Ms Gobbo it's actually 27 April at the County Court.

So it may be that date at paragraph 23 should be 27. As I look at that page I see Friday, 28?---I beg your pardon.

Second-last page?---Beg your pardon.

Are you looking at the photocopy?---I beg your pardon, I'm on the wrong page, I beg your pardon.

I'll put it to you that you were at the Melbourne County Court, you were there with DS Flynn and it was in relation to - - - ?---Yes, yes.

11:45:11 1 - - - Milad Mokbel and Person 7?---Yes.
11:45:15 2
11:45:15 3 And you identify the barristers who were there?---Yes.
11:45:18 4
11:45:19 5 And do you know if that was for the trial or - I think
11:45:32 6 you'll see there it says "Milad Mokbel 21/8/06, ten days",
11:45:39 7 so that might indicate that that one was adjourned
11:45:42 8 off?---Yes, I believe so. That was the setting of trial
11:45:44 9 dates, plea dates and the like I believe.
11:45:47 10
11:45:47 11 You'll see further down that Chief Judge Rozenes was in a
11:45:52 12 courtroom and the dates and the people who were mentioned
11:45:55 13 there for their trials?---Yes.
11:45:57 14
11:45:57 15 That seems to be a record of what was ordered on the day,
11:46:00 16 do you agree with that?---Yes, I do.
11:46:01 17
11:46:02 18 On 15 May 2006 you commenced taking a statement from Person
11:46:10 19 7. You've got a note of that?---Yes, I will have.
11:46:15 20
11:46:15 21 That was a person that Ms Gobbo was acting for you say
11:46:21 22 previously in your statement, is that correct?---Yes.
11:46:23 23
11:46:24 24 And DS Flynn had asked you to take that statement. Do you
11:46:27 25 remember any conversations with DS Flynn in relation to
11:46:31 26 Person 7's statement?---No.
11:46:33 27
11:46:34 28 And can you explain what the nature of his statement was?
11:46:39 29 What was he giving a statement in relation to?---My
11:46:43 30 recollection, it was a statement in relation to his history
11:46:46 31 relating to the manufacture of amphetamines and his
11:46:51 32 involvement.
11:46:51 33
11:46:52 34 And he was in fact giving a statement to provide evidence
11:46:55 35 against various other individuals that he was involved
11:46:58 36 with, am I correct there?---Yes.
11:47:00 37
11:47:01 38 Ultimately he became a witness in those proceedings?---I
11:47:07 39 believe so. I at a point had no further involvement with
11:47:13 40 Person 7 after the statements.
11:47:14 41
11:47:15 42 During the taking of that statement from 15 May, 15, 17 and
11:47:22 43 18 May, Person 7 telephoned Ms Gobbo on those three
11:47:27 44 occasions, is that correct?---Yes.
11:47:28 45
11:47:29 46 And was it your understanding that he was obtaining advice
11:47:31 47 from Ms Gobbo in those conversations?---Yes, and welfare.

11:47:37 1 Just checking on his welfare.
11:47:38 2
11:47:44 3 All right. Then you've got some other entries in relation
11:47:46 4 to another person that I won't take you through one by one,
11:47:50 5 but a person referred to as Person 8 in the exhibit. You
11:47:54 6 know who Person 8 is?---Yes.
11:47:57 7
11:47:57 8 Just from reading the name?---Just from reading the name,
11:48:00 9 yes.
11:48:00 10
11:48:00 11 Is Person 8 a person you have any memory of or just a name
11:48:04 12 in your diary?---Just a name in my diary.
11:48:07 13
11:48:07 14 Ms Gobbo was representing that person?---From reading my
11:48:11 15 note it would appear so.
11:48:12 16
11:48:13 17 That person was also giving evidence against certain
11:48:18 18 co-accused according to your diary notes?---Was heading
11:48:22 19 down that path, yes.
11:48:23 20
11:48:23 21 I understand. Both those people represented by Ms Gobbo
11:48:32 22 giving evidence against with their co-accused, is that a
11:48:36 23 very regular occurrence in your experience?---Yes.
11:48:40 24
11:48:41 25 Did you find it unusual that it was the same barrister on
11:48:43 26 each occasion or is that of no moment at all?---No moment
11:48:48 27 at all for me.
11:48:49 28
11:48:51 29 When we were looking at 27 February 2006, and you don't
11:48:57 30 need to look at the actual entry, I just want to suggest to
11:49:02 31 you that was the County Court where a barrister and
11:49:05 32 Ms Gobbo were acting for Tony Mokbel?---Yes.
11:49:08 33
11:49:08 34 And it was around the time Tony Mokbel failed to
11:49:12 35 appear?---Yes.
11:49:12 36
11:49:16 37 Did you know at that stage that in fact Ms Gobbo was a
11:49:19 38 registered human source and was providing information to
11:49:23 39 the Source Development Unit?---No.
11:49:25 40
11:49:26 41 Can I suggest that it would have come as a great surprise
11:49:30 42 to you if you had have known that?---Absolutely.
11:49:33 43
11:49:33 44 And it would have been a serious cause for concern, do you
11:49:36 45 agree with that?---Yes, absolutely.
11:49:39 46
11:49:44 47 So your first knowledge of Ms Gobbo providing information

11:49:47 1 in that manner was through media reports, is that
11:49:51 2 correct?---That's correct.
11:49:51 3
11:49:51 4 And around about what time was that?---This year.
11:49:54 5
11:49:56 6 The previous reports that weren't naming the person, did
11:50:00 7 you have any inkling of who that might be earlier on - -
11:50:05 8 -?---Absolutely no idea.
11:50:06 9
11:50:07 10 Okay?---Effectively through the media I put two and two
11:50:12 11 together.
11:50:12 12
11:50:16 13 During your time at the Drug Squad Mr Strawhorn was there.
11:50:22 14 Is he someone you had regular contact with at the Drug
11:50:25 15 Squad?---Yes.
11:50:25 16
11:50:25 17 What was his position in relation to yours at the Drug
11:50:31 18 Squad?---He was my unit Detective Senior Sergeant.
11:50:33 19
11:50:34 20 Did you observe any particular relationship between
11:50:38 21 Mr Strawhorn and Ms Gobbo?---No.
11:50:39 22
11:50:39 23 Did you know that they were having dealings with each other
11:50:42 24 throughout that period?---I had no idea at all.
11:50:45 25
11:50:47 26 Did you have any other observations of Ms Gobbo and her
11:50:50 27 contact with other members of the Drug Squad during your
11:50:53 28 time there?---Only that she would represent clients, that's
11:50:59 29 it.
11:50:59 30
11:51:00 31 So not socially?---No.
11:51:01 32
11:51:04 33 What about observations as to her relationship with known
11:51:08 34 criminals and her clients?---I had no observations of any
11:51:14 35 of that, just that she represented them.
11:51:18 36
11:51:19 37 You only saw her in court in that professional
11:51:23 38 capacity?---Yes.
11:51:23 39
11:51:27 40 In your statement, the request for your statement you were
11:51:30 41 asked a number of questions and you deal with them at
11:51:32 42 paragraph 37 and they were asked of you at question 13 and
11:51:37 43 they relate to various training that you've received both
11:51:42 44 initially and over the years at Victoria Police in relation
11:51:45 45 to issues of legal professional privilege et cetera, do you
11:51:49 46 agree with that?---Yes.
11:51:50 47

11:51:52 1 You've explained when you recall receiving those particular
11:51:59 2 bits of training but what you say as I understand it is you
11:52:02 3 don't have access to the content so you don't have your own
11:52:05 4 memory of exactly when and where things were taught other
11:52:08 5 than what's recorded here?---Detective Training School was
11:52:12 6 in the very early 1990s.
7
11:52:15 8 Yes?---Academy training so way back in the 1980s and then
11:52:19 9 e-learning modules just through the expanse of time.
11:52:22 10
11:52:22 11 I might just ask you a couple of general questions about
11:52:25 12 some of those issues. You say at paragraph B that both at
11:52:31 13 Academy training and in Detective Training School and also
11:52:35 14 on the caution cards you carry?---Yes.
11:52:37 15
11:52:38 16 That you've received training in relation to the right of
11:52:41 17 an accused person to silence, is that correct?---Yes.
11:52:43 18
11:52:43 19 What's your understanding of an accused's right to
11:52:48 20 silence?---Just they don't have to answer any questions if
11:52:52 21 they don't wish to, anything they answer can be used in
11:52:55 22 evidence.
11:52:55 23
11:52:56 24 You understand who carries the burden of proof in a
11:52:59 25 criminal proceeding?---Yes.
11:53:01 26
11:53:01 27 And who is that?---The prosecution.
11:53:03 28
11:53:03 29 In relation to the right to have a legal practitioner, can
11:53:06 30 you just explain briefly what your understanding is
11:53:09 31 there?---That every accused person that is interviewed or
11:53:11 32 charged has the right to legal representation.
11:53:13 33
11:53:14 34 What's the expectations on the representation and the
11:53:18 35 relationship between the accused person and their
11:53:23 36 lawyer?---That the accused can have open and frank
11:53:26 37 conversations, give them direction in relation to their
11:53:29 38 matters and get legal advice and guidance in relation to
11:53:33 39 it.
11:53:33 40
11:53:34 41 What can they expect in relation to the things that they
11:53:38 42 disclose to their lawyers?---That it will be kept between
11:53:41 43 them and the lawyer.
11:53:42 44
11:53:43 45 That also touches on the issues of legal professional
11:53:46 46 privilege, in fact what we've just exchanged about is the
11:53:50 47 essence of legal professional privilege, do you agree with

11:53:53 1 that?---Yes.

11:53:54 2

11:53:54 3 Putting those rights and those privileges together, do you

11:53:59 4 agree that the situation that we've talked about before of

11:54:02 5 Ms Gobbo acting as a human source from that period that we

11:54:07 6 identified in the diaries that you didn't know

11:54:09 7 about?---Yes.

11:54:09 8

11:54:09 9 Was repugnant to all of those elements we've just talked

11:54:14 10 about, would you agree with that?---Yes.

11:54:16 11

11:54:19 12 If it was suggested to you in your professional capacity

11:54:23 13 that a practising barrister might be used as a human

11:54:28 14 source, what would you do?---What course of action would I

11:54:43 15 take?

11:54:43 16

11:54:43 17 Yes?---I'd be extremely surprised and actually seek some

11:54:48 18 guidance from a superior in relation to it.

11:54:50 19

11:54:51 20 Is that guidance in available to you?---Yes, it would be.

11:54:56 21

11:54:56 22 So you'd get it from a superior, would you obtain legal

11:54:59 23 advice as well given the proposal was a barrister?---Yes.

11:55:02 24

11:55:02 25 Is that legal advice available to Victoria Police?---I

11:55:05 26 believe so, yes.

11:55:05 27

11:55:06 28 Do you know the channels where you could go and get that

11:55:09 29 advice?---No, I've never been in that position.

11:55:11 30

11:55:11 31 I understand. But you do understand it's available to

11:55:13 32 you?---Yes.

11:55:14 33

11:55:14 34 I don't have any further questions.

11:55:16 35

11:55:16 36 COMMISSIONER: So that's certainly your understanding now,

11:55:19 37 would that have been your understanding when you were in

11:55:22 38 the Drug Squad?---Only that I would have gone and sought

11:55:25 39 advice from a superior and then got advice on the

11:55:29 40 appropriate course of action to take in relation to it.

11:55:32 41

11:55:32 42 So it's your understanding now, it's your understanding

11:55:35 43 then also at that time?---Yes. In relation to getting

11:55:38 44 legal vision and what have you, probably not hence why I

11:55:42 45 would seek out a superior to establish the proper course of

11:55:47 46 conduct.

11:55:47 47

11:55:48 1 But you would have immediately identified it as something
11:55:51 2 irregular back at your period of time in the Drug
11:55:54 3 Squad?---Yes, yes.
11:55:55 4
11:55:55 5 Did you see Nicola Gobbo socialising with other police
11:56:00 6 officers?---Over the years. I never saw it occur but it
11:56:05 7 was certainly well-known that over the years, that it
11:56:09 8 occurred.
11:56:10 9
11:56:10 10 Can you be a bit more specific. This was her
11:56:16 11 reputation?---Yes, her reputation.
11:56:18 12
11:56:19 13 Which was, could you be a bit more specific?---That she was
11:56:21 14 very social with police members and in the legal
11:56:25 15 fraternity. There's no specific, it was just a reputation.
11:56:28 16
11:56:29 17 That she was very friendly with police officers?---Just on
11:56:34 18 a social capacity, whether it was to have a beer after
11:56:38 19 hours or - I never experienced it but that was the
11:56:43 20 reputation.
11:56:44 21
11:56:44 22 Thank you. Yes, any questions Mr Collinson.
11:56:49 23
24 <CROSS-EXAMINED BY MR COLLINSON:
25
11:56:51 26 Just a few questions if the Commissioner pleases.
27
11:56:54 28 Mr Bartlett, can I direct your attention to paragraph
11:56:57 29 15 of your statement?---Yes.
11:56:58 30
11:56:59 31 Where you record an event involving Ms Gobbo attending at
11:57:06 32 the Drug Squad to listen to a recording on 9 May 2002 and
11:57:12 33 you were asked some questions about that. Can I ask you to
11:57:15 34 go to the file note that corresponds to paragraph 15. Have
11:57:19 35 you got access to that?---Yes.
11:57:21 36
11:57:35 37 On my photocopy it's 12.25 pm and it seems to be page
11:57:43 38 number 70 if that assists?---Yes, I have that.
11:57:45 39
11:57:46 40 You'll see what's recorded there in relation to this
11:57:51 41 particular matter?---Yes.
11:57:54 42
11:57:54 43 And the first question I wanted to ask you was, don't of
11:58:00 44 course mention the name of the operation, but you'll see
11:58:04 45 there that in your note the name of the operation that the
11:58:07 46 tapes related to is recorded?---Yes.
11:58:10 47

11:58:11 1 And I take it that you would adopt the practice for a note
11:58:17 2 of this kind to link what a particular matter like a tape
11:58:24 3 would relate to so that you would remember which operation
11:58:28 4 it concerned, almost as a ready reference tool?---As I've
11:58:33 5 done there?
11:58:34 6
11:58:35 7 Yes?---Yes.
11:58:35 8
11:58:36 9 But my next question was, it doesn't follow that you would
11:58:40 10 have mentioned the name of the operation to Ms Gobbo?---No.
11:58:43 11
11:58:45 12 No?---No.
11:58:46 13
11:58:46 14 Yes. I take it it's also possible, you were asked some
11:58:50 15 questions about the purpose of her attendance on that
11:58:52 16 occasion. It's possible that Ms Gobbo was attending for
11:58:56 17 the performance of her professional duties on behalf of her
11:58:59 18 client?---I would have thought so.
11:59:00 19
11:59:03 20 Just one other question relating to paragraph 24 of your
11:59:09 21 statement, this was the occasion when you were taking some
11:59:16 22 instructions for a statement from Person 7 and you say at
11:59:23 23 the end of paragraph 24, and you were asked some questions
11:59:26 24 about this, that on a couple of occasions Person 7
11:59:32 25 telephoned Ms Gobbo, 15, 17 and 18 May. I've had a look at
11:59:39 26 the file notes and you can check if you like but I don't
11:59:41 27 know that you particularly need to, for most of them there
11:59:46 28 isn't any content about what the call by Person 7 to
11:59:51 29 Ms Gobbo related to although for one of them on 17 May 2006
11:59:59 30 it does say "Person 7 telephoned Nicola Gobbo for welfare
12:00:05 31 check". And when you were asked questions about this it
12:00:10 32 was suggested to you that the purpose of the calls to
12:00:14 33 Ms Gobbo was for the purpose of taking advice and I think
12:00:18 34 you agreed with that but then slightly qualified your
12:00:22 35 answer and said also welfare, is that correct?---Yes.
12:00:25 36
12:00:26 37 Just so I can understand this, when you're in this
12:00:30 38 situation do you leave the room when Person 7 in this
12:00:36 39 situation wants to speak to his counsel?---Yes.
12:00:39 40
12:00:39 41 Yes. So how is it then that you would know what the
12:00:45 42 purpose of the call is except for the case where the
12:00:49 43 welfare check is noted?---He would have told me it's either
12:00:55 44 legal advice or "letting them know I'm okay".
12:00:59 45
12:00:59 46 Do you know whether the purpose of these calls might have
12:01:02 47 all been for welfare check or legal advice or you can't

12:01:05 1 recollect?---No, I have no recollection.
12:01:06 2
12:01:07 3 My final question was you were asked some questions about
12:01:10 4 social interactions between Ms Gobbo and various police
12:01:14 5 officers and I think you said you had a general awareness
12:01:17 6 that Ms Gobbo had a reputation for engaging in that kind of
12:01:21 7 social interaction?---Yes.
12:01:22 8
12:01:23 9 Were you aware of any - you don't have to name them, but
12:01:28 10 was that unusual for that kind of contact to occur or were
12:01:32 11 there other members of the legal fraternity acting for
12:01:36 12 accused persons who had social relationships with the
12:01:38 13 police as well?---I had no idea, no opinion on it at that
12:01:43 14 stage whatsoever. It was, wasn't, I don't know whether it
12:01:48 15 was common, uncommon. I certainly didn't engage, that was
12:01:51 16 not how I conducted myself, but I don't know about others.
12:01:55 17
12:01:55 18 I suppose my question is without naming anybody were you
12:01:58 19 aware that there were other members of the legal fraternity
12:02:03 20 that might have had social contact with members of the
12:02:06 21 police as well?---No.
12:02:07 22
12:02:07 23 No further questions.
12:02:09 24
12:02:09 25 COMMISSIONER: No questions from Ms McCudden?
26
27 MS McCUDDEN: No Commissioner.
28
29 COMMISSIONER: Ms Martin?
30
31 MS MARTIN: No Commissioner.
32
12:02:17 33 COMMISSIONER: Any questions, Mr Holt?
12:02:17 34
12:02:18 35 MR HOLT: No Commissioner.
12:02:19 36
12:02:20 37 MR WOODS: There was one thing arising from the
12:02:22 38 Commissioner's questions and Mr Collinson's questions.
39
40 COMMISSIONER: Yes.
41
12:02:23 42 MR WOODS: In answer to a question from the Commissioner
12:02:25 43 you gave evidence that you made observations of Ms Gobbo
12:02:30 44 that she was particularly social with police
12:02:33 45 officers?---Yes.
12:02:34 46
12:02:35 47 And in answer to a question from Mr Collinson a moment ago

12:02:39 1 you said that you didn't really observe that with other
12:02:42 2 barristers, is that correct?---Yes.
12:02:44 3
12:02:46 4 Can you tell the Commissioner who those police officers
12:02:49 5 were that you observed Ms Gobbo being particularly social
12:02:52 6 with?---Social could have been interaction at the court as
12:02:57 7 well.
12:02:57 8
12:02:57 9 I understand?---But she, it was quite apparent that she
12:03:02 10 knew them quite well.
12:03:02 11
12:03:03 12 Can you tell us who they were?---I have no idea.
12:03:06 13
12:03:06 14 So you don't have any recollection of who those individuals
12:03:09 15 might be?---No. It wasn't uncommon to see Ms Gobbo at the
12:03:14 16 court and would be in conversation with other members for
12:03:20 17 other matters and there'd be some laughter or just
12:03:23 18 conversation.
12:03:23 19
12:03:23 20 But the laughter and the conversation you say was
12:03:28 21 unusual?---It's not what - unusual for me, that's not how I
12:03:32 22 would have engaged.
12:03:33 23
12:03:33 24 And unusual for other - - - ?---I don't know about other
12:03:37 25 members but certainly for me.
12:03:38 26
12:03:38 27 Unusual from your observations of the relationship between
12:03:44 28 defence counsel and police officers, is that correct?---Any
12:03:46 29 defence counsel, yes.
12:03:46 30
12:03:47 31 What squads are we talking about that she was particularly
12:03:49 32 social with?---Again I have no idea who the members were or
12:03:55 33 where they came from.
12:03:56 34
12:03:56 35 What about socialising after court, do you have any
12:04:01 36 recollection of that?---No.
12:04:01 37
12:04:03 38 Have you heard anything about that?---Just by reputation
12:04:04 39 that she would occasionally go out and have drinks with
12:04:07 40 members at social events, it could have been just at a pub
12:04:10 41 having a beer. But who they are, I have no idea. It was
12:04:14 42 just a reputation that was flying around at the time.
12:04:18 43
12:04:18 44 I don't have anything further, thanks Commissioner. Thank
12:04:21 45 you Mr Bartlett.
12:04:22 46
12:04:22 47 COMMISSIONER: Thanks Mr Bartlett, you're not required

12:04:25 1 further at this stage?---Thank you.
12:04:27 2
12:04:27 3 Leave the statement there.
12:04:30 4
5 <(THE WITNESS WITHDREW)
12:04:31 6
12:04:31 7 MR WOODS: Yes, and in relation to the statement and those
12:04:34 8 three exhibits from the diary, the proposed course, subject
12:04:39 9 to what you say, Commissioner, is that the police will
12:04:41 10 continue to consider those entries in the diary that might
12:04:44 11 be problematic. Once that's done we'll tender them either
12:04:50 12 in open hearing or in chambers and the statement needs, I
12:04:56 13 think still needs to be attended to in some regard for the
12:04:59 14 same purpose so if I could just delay the tender of those
12:05:03 15 statements until then.
12:05:04 16
12:05:04 17 COMMISSIONER: We have already tendered the statement and
12:05:06 18 it has been placed in a sealed envelope.
19
20 MR WOODS: That's true.
21
12:05:09 22 COMMISSIONER: But we need a redacted statement, which will
12:05:11 23 be Exhibit 93B - and so this original statement will be
12:05:19 24 93A - 93B, so that can be in a redacted form that can be in
12:05:25 25 a redacted form that can be placed on the website.
12:05:26 26
12:05:27 27 MR WOODS: Yes.
12:05:27 28
12:05:27 29 COMMISSIONER: I'd ask, probably, Mr Holt, it would
12:05:31 30 probably be easiest if you prepared that.
12:05:33 31
12:05:33 32 MR HOLT: Yes Commissioner.
12:05:34 33
12:05:34 34 COMMISSIONER: And then showed it to Mr Woods and if there
12:05:37 35 are any difficulties with that, there are any contentious
12:05:42 36 issues, I'll deal with that on Wednesday next week.
12:05:45 37
12:05:46 38 MR HOLT: Thank you, Commissioner. There is an issue I
12:05:47 39 need to raise now and that relates to Person 7, the name
12:05:51 40 that's been raised this morning. I do seek an interim
12:05:56 41 non-publication order of that person's name and ask that we
12:06:00 42 move into non-web streamed.
12:06:03 43
12:06:04 44 COMMISSIONER: Is this a retrospective application or?
12:06:07 45
12:06:08 46 MR HOLT: It's an application now.
12:06:09 47

12:06:09 1 COMMISSIONER: From this point onwards.
2
12:06:11 3 MR HOLT: From this point onwards so that reports are not
12:06:13 4 made of what occurred this morning, until I've had an
12:06:16 5 opportunity to address the Commission.
12:06:18 6
12:06:18 7 COMMISSIONER: Yes. We'll now go into private session.
8
12:06:32 9 MR WOODS: Before we go into that closed session, I will
12:06:34 10 just remind Commissioner what I said at the beginning,
12:06:36 11 which was we'll expect confirmation that the diaries have
12:06:39 12 been through again and any other references, because there
12:06:42 13 was that bit of uncertainty and so I'd ask for that.
12:06:43 14
12:06:43 15 COMMISSIONER: Can that be done by Wednesday next week?
12:06:46 16
12:06:46 17 MR HOLT: It certainly can be, Commissioner.
12:06:48 18
12:06:49 19 COMMISSIONER: Thank you.
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12:17:49 1 COMMISSIONER: We are now streaming again. It's now public
12:17:52 2 hearing again while we discuss [REDACTED]. So he is
12:17:55 3 unavailable for various reasons to give evidence to give
12:17:59 4 evidence this week, but he is available as of Wednesday
12:18:02 5 next week.
12:18:02 6
12:18:03 7 MR WINNEKE: Commissioner, I believe it's Thursday that
12:18:04 8 he's available.
12:18:05 9
12:18:06 10 COMMISSIONER: Thursday next week?
12:18:08 11
12:18:09 12 MR WINNEKE: Yes.
12:18:09 13
12:18:09 14 COMMISSIONER: Right. The Commission has commitments first
12:18:12 15 thing but we could start to sit at 11.
12:18:17 16
12:18:17 17 MR WINNEKE: On Thursday?
12:18:18 18
12:18:18 19 COMMISSIONER: On Thursday, yes. So we're going to hear
12:18:20 20 from [REDACTED] on Thursday.
12:18:21 21
12:18:22 22 MR WINNEKE: That's the expectation.
12:18:24 23
12:18:27 24 COMMISSIONER: If Police Officer 1 was able to - - -
25
26 MR HOLT: If that name could be struck from the record,
12:18:30 27 Commissioner.
12:18:30 28
29 COMMISSIONER: Yes, sorry. Strike that name from the
12:18:38 30 record. Thank you, Mr Holt. If the other witness who is
12:18:40 31 to be called, other police witness who is to be called in
12:18:40 32 this tranche of witnesses is well enough to give evidence
12:18:45 33 by telephone we could accommodation that on either
12:18:48 34 Wednesday or Thursday or Friday next week.
35
12:18:51 36 MR HOLT: Thank you, Commissioner.
12:18:51 37
12:18:51 38 MR WINNEKE: Yes. In light of some of the more recently
12:18:58 39 gathered materials we would like to have Mr Kruger recalled
12:19:04 40 to put some matters to him, so it may well be that we could
12:19:08 41 accommodate Mr Kruger on Wednesday next week, or possibly
12:19:13 42 Thursday, but if he was able on Wednesday either in person
12:19:20 43 or perhaps by video that would be of some use.
12:19:23 44
12:19:23 45 COMMISSIONER: Thank you.
12:19:24 46
12:19:25 47 MR HOLT: I don't think we were aware of that up until now,

12:19:28 1 but we will make inquiries.
12:19:29 2
12:19:30 3 MR WINNEKE: That's something that's - - -
12:19:32 4
12:19:32 5 COMMISSIONER: It has just recently arisen, yes.
12:19:35 6
12:19:36 7 MR WINNEKE: So that's that situation. So that's where we
12:19:43 8 are at this stage.
12:19:44 9
12:19:44 10 COMMISSIONER: Yes, thank you. All right, we need a short
12:19:47 11 adjournment to see how much time is needed to deal with - -
12:19:51 12 -
12:19:51 13
12:19:52 14 MR HOLT: Commissioner, I'm told, and I'll do this in a way
12:19:54 15 that can be done in open court, I'm told that we don't yet
12:19:59 16 have that document that we're waiting for, but a call is in
12:20:02 17 to that person waiting for a call back so it might be the
12:20:03 18 better course is to deal with it perhaps at 1 o'clock or
12:20:07 19 something of that kind. I'm content to liaise with our
12:20:12 20 friends if that might be more convenient.
12:20:12 21
12:20:13 22 MR WINNEKE: Why don't we stand it down. It may well be
12:20:16 23 that there could be a telephone call made. If the person
12:20:20 24 we're talking about has seen the other person, the doctor,
12:20:22 25 then it may well be that we'll be able to some sort of
12:20:25 26 information reasonably smartly.
12:20:28 27
12:20:28 28 MR HOLT: We'll get it to the Commission as soon as we
12:20:33 29 receive it.
12:20:33 30
12:20:34 31 COMMISSIONER: I understand that communications with this
12:20:37 32 witness is proving very difficult for Mr Holt's legal team,
12:20:41 33 and there may well be legitimate reasons for that, but I
12:20:44 34 would like to know what's going on. We could, I suppose,
12:20:49 35 stand it over till next Wednesday.
12:20:51 36
12:20:51 37 MR WINNEKE: That may well be the appropriate thing to do.
12:20:53 38 I have no doubt Mr Holt's team are working assiduously and
12:20:58 39 conscientiously to try and get things done as soon as
12:21:05 40 possible.
12:21:06 41
12:21:06 42 COMMISSIONER: Yes. I understand it's very difficult.
12:21:07 43
12:21:08 44 MR HOLT: We'll provide information to solicitors assisting
12:21:12 45 as soon as we receive it, Commissioner.
12:21:14 46
12:21:14 47 COMMISSIONER: Thank you. And we'll mention that matter

12:21:16 1 again next Wednesday.
12:21:16 2
12:21:16 3 MR WINNEKE: Just before we do leave that, there's a - at
12:21:19 4 this stage I mentioned that we'd be calling [REDACTED]. I
12:21:24 5 understand a statement has either been prepared or close to
12:21:28 6 being completed.
12:21:30 7
12:21:30 8 MR HOLT: It's being completed, Commissioner.
12:21:32 9
12:21:33 10 MR WINNEKE: We'd certainly seek that that be provided to
12:21:36 11 us as soon as possible if not today, tomorrow.
12:21:41 12
12:21:41 13 MR HOLT: I don't have an update on where it's at finally,
12:21:44 14 Commissioner. I will get one and advise our friends
12:21:51 15 immediately.
12:21:51 16
12:21:51 17 COMMISSIONER: I mean I can sit again this afternoon.
12:21:54 18
12:21:55 19 MR WINNEKE: No, again, Commissioner, I have no doubt
12:21:57 20 that's something Mr Holt and his team is working
12:21:59 21 assiduously and conscientiously on and we'd certainly like
12:22:01 22 that - - -
12:22:01 23
12:22:01 24 MR HOLT: The difficulty, Commissioner, if I can indicate,
12:22:04 25 is that the personal commitment which was this week for
26 [REDACTED], which was a very serious personal commitment
12:22:08 27 today relating to the death of a person close to him, is
12:22:11 28 occurring today, so we are going to struggle to find out
12:22:17 29 today and how things are at but we will let our friends
12:22:19 30 know as soon as we can.
12:22:21 31
12:22:21 32 COMMISSIONER: All right. Presumably you'll have that
12:22:23 33 statement very soon.
12:22:24 34
12:22:26 35 MR HOLT: I should say, Commissioner, all of the work done
36 necessary to finalise those matters has been done, it's in
12:22:29 37 it's final stages but it just need to be finalised.
12:22:35 38
12:22:35 39 COMMISSIONER: All right then. We'll now adjourn until
12:22:37 40 ten o'clock on Wednesday.
12:23:12 41
12:23:16 42
12:23:19 43 ADJOURNED UNTIL WEDNESDAY 8 MAY 2019
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