

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 26 June 2019

Led by Commissioner:       The Honourable Margaret McMurdo AC

Also Present

|                                    |  |
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| Counsel Assisting:                 | Mr C. Winneke QC<br>Mr A. Woods<br>Ms M. Tittensor |
| Counsel for Victoria Police        | Mr J. Hannebery QC<br>Ms R. Enbom                  |
| Counsel for State of Victoria      | Dr C. Button SC                                    |
| Counsel for Nicola Gobbo           | Mr P. Collinson QC<br>Mr R. Nathwani               |
| Counsel for DPP/SPP                | Mr P. Doyle  |
| Counsel for CDPP                   | Ms C. Fitzgerald                                   |
| Counsel for Police Handlers        | Mr G. Chettle<br>Ms L. Thies                       |
| Counsel for Goussis<br>and Zirilli | Mr A. Chernok                                      |
| Counsel for Orman                  | Ms C. Lloyd  |
| Counsel for Witness A              | Mr R. Kornhauser                                   |

10:13:12 1 COMMISSIONER: I'll take appearances first. Mr Winneke.  
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10:13:15 3 MR WINNEKE: Commissioner, I appear with Mr Woods and  
10:13:18 4 Ms Tittensor to assist the Commission.  
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10:13:20 6 COMMISSIONER: Thank you.  
10:13:21 7  
10:13:21 8 MR COLLINSON: I appear, with Mr Nathwani, for Ms Gobbo.  
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10:13:24 10 COMMISSIONER: Thank you, Mr Collinson.  
10:13:27 11  
10:13:27 12 MR HANNEBERY: I appear, with Ms Enbom, on behalf of  
10:13:30 13 Victoria Police.  
10:13:31 14  
10:13:31 15 DR BUTTON: I appear for the State of Victoria.  
10:13:34 16  
10:13:35 17 MR CHETTLE: I appear for the handlers, with Ms Theis.  
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10:13:36 19 COMMISSIONER: Thank you, Mr Chettle.  
10:13:39 20  
10:13:40 21 MR DOYLE: I appear for the DPP.  
10:13:44 22  
10:13:46 23 MS FITZGERALD: I appear for the CDP.  
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10:13:48 25 COMMISSIONER: Thank you, Ms Fitzgerald.  
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10:13:52 27 MR CHERNOK: Commissioner, I appear for Mr Goussis.  
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10:13:54 29 COMMISSIONER: You have leave to appear in respect of the  
10:13:56 30 witness Mr Trichias.  
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10:13:58 32 MR CHERNOK: Correct, yes, that's my understanding, not  
10:13:59 33 this witness.  
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35 COMMISSIONER: Not this witness, no.  
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10:13:59 37 MR CHERNOK: What I would seek is to be excused at this  
10:14:01 38 stage.  
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10:14:01 40 If I could also mention, just as a matter of  
10:14:03 41 housekeeping, that, together with Dr Gumbleton, I act for  
10:14:06 42 Mr Goussis. We've currently got a jury that's about to go  
10:14:11 43 out in a trial we've done together, so we're trying to  
10:14:14 44 juggle the two commitments as best as we can and we hope  
10:14:18 45 there'll be no disruption whatsoever to the Commission.  
46  
10:14:21 47 In relation to the witness Trichias, I'm still waiting

10:14:24 1 on a copy of the Trichias statement. I understand that  
10:14:27 2 there are some discussions that have been had between  
10:14:30 3 counsel assisting and those representing Victoria Police's  
10:14:33 4 interests.  
5

10:14:34 6 I'm also waiting, Madam Commissioner, and I don't know  
10:14:37 7 that I'd necessarily get this, but on a copy of  
10:14:39 8 Mr Trichias' notes. I anticipate that counsel assisting  
10:14:46 9 will, if I can put it this way, lead the cross-examination  
10:14:51 10 of Mr Trichias and then on behalf of Mr Goussis, we may be  
10:14:54 11 in a position to ask some questions, but ultimately I'd be  
10:14:57 12 seeking to reserve our position as far as cross-examining  
10:15:00 13 him, or having him recalled is concerned, until the witness  
10:15:05 14 Mr Jim O'Brien gives his evidence, given that they're both  
10:15:09 15 involved, as I understand it, with Person 13 and also with  
10:15:11 16 Ms Gobbo. So if I can just lay that out at this stage and  
10:15:16 17 get out of the Commission's way so that this witness can  
10:15:20 18 proceed, but perhaps we can return to those matters  
10:15:24 19 when - - -  
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10:15:24 21 COMMISSIONER: I'll just try and get an estimate as to how  
10:15:29 22 long we'll be with this witness, Mr Allen. Ms Tittensor?  
10:15:32 23

10:15:32 24 MS TITTENSOR: I think I told the Commissioner maybe an  
10:15:36 25 hour and a half, last night.  
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10:15:37 27 COMMISSIONER: That includes cross-examination?  
10:15:39 28

10:15:40 29 MS TITTENSOR: It might depend on what happens down the Bar  
10:15:44 30 table.  
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10:15:44 32 COMMISSIONER: All right. If it assists, we could probably  
10:15:47 33 give you a not before 11.30 time anyway.  
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10:15:50 35 MR CHERNOK: I'm very grateful, Madam Commissioner, thank  
10:15:53 36 you. If I might be excused.  
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10:15:55 38 COMMISSIONER: Yes, thank you.  
10:15:59 39

10:16:00 40 MS LLOYD: Commissioner, I appear on behalf of Mr Orman.  
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42 COMMISSIONER: Ms Lloyd, is it?  
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10:16:03 44 MS LLOYD: Our position is similar to that of Mr Chernok,  
10:16:06 45 in that we've also been - we had leave - - -  
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10:16:07 47 COMMISSIONER: I should mention at the moment this is an

10:16:10 1 open hearing.  
10:16:11 2  
10:16:12 3 MS LLOYD: Yes, understood. We have leave with respect to  
10:16:15 4 a number of the witnesses appearing today, we have leave to  
10:16:19 5 appear, that's all.  
6  
10:16:20 7 COMMISSIONER: Yes.  
8  
10:16:22 9 MS LLOYD: We've been provided with a number of very  
10:16:24 10 heavily redacted statements and the redactions - the effect  
10:16:27 11 of those redactions are such that we're not actually in a  
10:16:30 12 position to determine whether these witnesses actually  
10:16:33 13 concern Mr Orman and so we're here as a fact-finding  
10:16:39 14 exercise. But we're happy not to be here if they don't  
10:16:44 15 concern us, but - - -  
16  
10:16:46 17 COMMISSIONER: Which witnesses are you referring to there?  
18  
10:16:50 19 MS LLOYD: We currently have statements for Mr Allen,  
10:16:53 20 Hatt, L'Estrange. We also have leave with respect to  
10:16:59 21 Bateson and Buick later on.  
22  
10:17:01 23 COMMISSIONER: The statements - would it be right,  
10:17:02 24 Mr Winneke, for Ms Lloyd to assume that if she's provided  
10:17:06 25 with a statement, the Commission thinks it is relevant to  
10:17:10 26 her client?  
27  
10:17:14 28 MR WINNEKE: Yes, Commissioner, that's right, although it  
10:17:17 29 would seem to me that the lawyers for those two people,  
10:17:26 30 Orman and Goussis, ought be provided with a statement which  
10:17:29 31 is shaded - - -  
32  
10:17:33 33 COMMISSIONER: Yes.  
34  
10:17:34 35 MR WINNEKE: - - - insofar as it's relevant to their  
10:17:36 36 clients. If there are other matters which are irrelevant,  
10:17:39 37 okay. But, I mean, the reality is they will be in court  
10:17:41 38 for the cross-examination of these people and they ought  
10:17:44 39 have an opportunity to have the statements in a way which  
10:17:48 40 makes it sensible to them.  
41  
10:17:49 42 COMMISSIONER: Subject to them giving an undertaking not to  
10:17:51 43 publish.  
44  
10:17:53 45 MR WINNEKE: Obviously, subject to appropriate  
10:17:55 46 undertakings.  
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10:17:55 1 COMMISSIONER: And can they discuss it with their clients?  
2

10:17:58 3 MR WINNEKE: That's one of the issues, Commissioner. My  
10:18:03 4 submission would be that they need to.  
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10:18:05 6 COMMISSIONER: They have to.  
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10:18:06 8 MR WINNEKE: For them to be effectively able to participate  
10:18:08 9 in the inquiry to assist the Commission, they need to be  
10:18:11 10 able to seek instructions from their client.  
11

10:18:14 12 It seems that, in Mr Orman's case, there's been a  
10:18:19 13 decision made, whether it be by police or Corrections, that  
10:18:23 14 he can't view this material. If he can't view it, he's not  
10:18:26 15 able to give instructions.  
16

10:18:28 17 MS LLOYD: He's effectively entirely shut out of these  
10:18:31 18 proceedings. He's not able to view the live stream,  
10:18:34 19 Corrections have instituted, I think, a Corrections-wide  
20 ban - - -  
21

22 COMMISSIONER: Could you just make sure you're speaking in  
23 front of a microphone so it's recorded, please, Ms Lloyd.  
24

10:18:41 25 MS LLOYD: Mr Orman is effectively entirely shut out of  
10:18:47 26 these proceedings. He's not able to view the live stream  
10:18:50 27 because of a decision made by Corrections. He's now no  
10:18:54 28 longer able to have the public hearings recorded and  
10:18:59 29 brought into him, that's become entirely unworkable, and as  
10:19:01 30 I understand it, there won't be - I'm not sure whether  
10:19:03 31 there'll be a transcript of the in camera proceedings, that  
10:19:07 32 can then be provided to him at a later date, but as at  
10:19:09 33 today, we're unable to take instructions in relation to any  
10:19:12 34 of these matters and he's shut out entirely.  
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10:19:16 36 So how he can - his participation can be facilitated  
10:19:21 37 is a matter of concern. We've written to Corrections,  
10:19:26 38 we've written to lawyers acting on behalf of the  
10:19:28 39 Attorney-General. We've yet to receive a satisfactory  
10:19:31 40 response. So that's - so because of that, we are in a  
10:19:36 41 similar position to Mr Chernok, in that we would seek to  
10:19:41 42 reserve our position. We will not be seeking to  
10:19:44 43 cross-examine any witnesses because we still don't have  
10:19:47 44 notes and we cannot obtain our client's instructions.  
45

10:19:54 46 COMMISSIONER: I have seen an affidavit I've been provided  
10:19:57 47 with - I'm not sure that it's been tendered before the

10:20:00 1 Commission yet - of Mr Brendan Money that touches on these  
10:20:03 2 issues. Have you seen that affidavit?  
3

10:20:06 4 MS LLOYD: No. That affidavit was a confidential  
10:20:08 5 affidavit, as I understand it. We've not been provided  
10:20:10 6 with that.  
7

10:20:11 8 MR CHERNOK: If I could just interrupt my learned friend.  
10:20:14 9 My understanding, based on Mr Goussis' instructions, is  
10:20:17 10 that all affected persons are in the same position. We  
10:20:21 11 haven't seen the affidavit of Mr Money. It's impossible  
10:20:25 12 for us, in my respectful submission, to properly take  
10:20:28 13 instructions from our client on matters that really are  
10:20:31 14 material as far as this Royal Commission's Terms of  
10:20:35 15 Reference are concerned.  
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10:20:40 17 COMMISSIONER: Thank you. Mr Hannebery, what do you say to  
10:20:49 18 the legal representatives for Witness A and Mr Orman  
10:20:54 19 obtaining unredacted statements from the witnesses for whom  
10:20:59 20 they have leave to appear?  
21

10:21:01 22 MR HANNEBERY: I know you directed that question to me, but  
10:21:04 23 Ms Enbom is handling the witnesses today, so it might be  
10:21:07 24 better - - -  
25

10:21:07 26 COMMISSIONER: All right, thank you. Yes, Ms Enbom.  
10:21:09 27

10:21:10 28 MS ENBOM: I should formally announce an appearance,  
10:21:12 29 Commissioner, for today's witnesses.  
30

10:21:14 31 Can I hand - perhaps the best place to start is with  
10:21:20 32 the witness statement of Mark Hatt. Do you, Commissioner,  
10:21:25 33 have a copy of that to hand?  
34

10:21:43 35 COMMISSIONER: Yes.  
10:21:45 36

10:21:46 37 MS ENBOM: Commissioner, if you could please go to  
10:21:48 38 paragraph 38. I won't read out the paragraph because the  
10:21:52 39 names in that paragraph have all been redacted in the  
10:21:57 40 version of the statement that has been provided to  
10:21:59 41 Mr Orman's solicitors.  
42

10:22:12 43 COMMISSIONER: Yes.  
10:22:13 44

10:22:14 45 MS ENBOM: Then if, Commissioner, you could please move to  
10:22:16 46 paragraph 50. You'll see in paragraphs 50 through - 50  
10:22:31 47 onwards, and again, those names have all been redacted in

10:22:35 1 the version provided to Mr Orman's solicitors.

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10:22:44 3 COMMISSIONER: 50 on to where?

10:22:46 4

10:22:47 5 MS ENBOM: 50 on through to - right through to paragraph

10:22:56 6 71, but you don't need all of those paragraphs,

10:22:59 7 Commissioner. The point is that you'll see that this

10:23:03 8 witness is a witness relevant to Mr Orman. The statement

10:23:10 9 has been provided with names redacted because I think PII

10:23:17 10 claims have been made.

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10:23:26 12 You'll see also, Commissioner, if you go back to,

10:23:30 13 let's say, paragraph 7, you'll see in the heading above

10:23:36 14 paragraph 7 the people that this witness will be giving

10:23:43 15 evidence about. Then if we move to paragraph 23, the

10:23:48 16 heading above paragraph 23, you'll see there another person

10:23:51 17 that this witness will be giving evidence about. Because

10:23:53 18 of those matters, in my submission this witness, and the

10:24:01 19 same issue arises for Mr Allen, who is the first witness

10:24:04 20 this morning, and Mr L'Estrange, who is the last witness

10:24:09 21 today, their evidence will need to be given in camera

10:24:12 22 because their evidence deals with those people. So that

10:24:15 23 then raises an issue as to who should be present during the

10:24:22 24 in camera hearing.

25

10:24:26 26 Following the ruling made last week, accredited media

10:24:32 27 will be present during the in camera hearing, but the real

10:24:35 28 issue is whether Mr Orman's counsel should be present

10:24:40 29 during the in camera hearing.

30

10:24:43 31 COMMISSIONER: Yes.

10:24:44 32

10:24:45 33 MS ENBOM: Victoria Police's position is that counsel

10:24:48 34 should not be present because there is a comprehensive

10:24:54 35 disclosure process under way so that - so Mr Hatt will give

10:25:02 36 evidence today. That transcript will then be reviewed

10:25:05 37 following his evidence and an assessment will be made as to

10:25:14 38 what, if anything, ought to be disclosed to Mr Orman. The

10:25:19 39 transcript will be reviewed, it'll be reviewed for

10:25:23 40 disclosure obligations, but it will also, obviously, be

10:25:26 41 reviewed for PII and any disclosure will be made.

42

10:25:33 43 If, disclosure having been made, Mr Orman would then

10:25:41 44 like to cross-examine a witness about a matter that has

10:25:48 45 been covered in evidence, then either - and I accept that

10:25:53 46 it's not ideal - but either that witness could be recalled,

10:25:57 47 so that counsel assisting could deal with that issue, any

10:26:01 1 issue that's arisen, or potentially Mr Orman. So that's  
10:26:07 2 the primary position in relation to Mr Orman's presence  
10:26:10 3 during the in camera hearing.  
10:26:15 4  
10:26:16 5 There's then - as I understand it, in court today we  
10:26:22 6 also have a solicitor appearing for the person - - -  
7  
10:26:33 8 COMMISSIONER: I think Mr Kornhauser, for Witness A, is  
10:26:37 9 going to seek leave to appear for the witnesses Allen,  
10:26:40 10 L'Estrange and Swindells.  
11  
10:26:47 12 MR KORNHAUSER: Yes, Commissioner. We act on behalf of  
10:26:51 13 Witness A and we understand that he may be the subject of  
10:26:54 14 some of the evidence given in what might be a closed  
10:26:57 15 session today, and if that is the case, we would seek leave  
10:27:00 16 to be present in that closed session.  
17  
10:27:01 18 COMMISSIONER: There will be open and closed sessions, I  
10:27:03 19 imagine.  
10:27:04 20  
10:27:04 21 MR KORNHAUSER: Yes, Commissioner.  
22  
10:27:05 23 COMMISSIONER: You are asking for leave to appear in both?  
10:27:07 24  
10:27:08 25 MR KORNHAUSER: Yes, Commissioner.  
26  
10:27:10 27 COMMISSIONER: Because the evidence of those witnesses  
10:27:12 28 affects your client?  
10:27:14 29  
10:27:14 30 MR KORNHAUSER: That's correct, Commissioner.  
31  
10:27:15 32 COMMISSIONER: All right. Thank you.  
10:27:16 33  
10:27:17 34 MS ENBOM: Commissioner, Victoria Police's position in  
10:27:20 35 relation to A is that there is no objection to A being  
10:27:24 36 present during the evidence that's given about A, but, of  
10:27:27 37 course, these witnesses will cover matters well beyond A.  
38  
10:27:39 39 COMMISSIONER: It's very difficult - - -  
10:27:41 40  
10:27:41 41 MS ENBOM: It's difficult.  
42  
10:27:42 43 COMMISSIONER: - - - with people popping in for half a  
10:27:44 44 sentence. Unworkable, I would have thought.  
10:27:48 45  
10:27:48 46 MS ENBOM: It's difficult without a bit of planning and I  
10:27:51 47 know that it's hard to plan just before these witnesses



10:27:54 1 give evidence. But with a bit of planning, the  
10:27:57 2 cross-examination could be conducted by subject matter. So  
10:28:01 3 if Mr Allen, for example, could be first cross-examined in  
10:28:04 4 relation to A, A's solicitor would then be present for that  
10:28:09 5 cross-examination, and the same - - -  
6

10:28:16 7 COMMISSIONER: The difficulty too is trying to separate  
10:28:20 8 these things can interrupt the narrative and mean that the  
10:28:24 9 full picture isn't being received by the person  
10:28:28 10 representing that particular interest.

10:28:29 11  
10:28:30 12 MS ENBOM: Yes. It's hard, though, for me to identify what  
10:28:33 13 interest A would have in Mr Allen's evidence, for example,  
10:28:42 14 about a number of other people. But that is Victoria  
10:28:48 15 Police's position in relation to who ought to be present  
10:28:51 16 during the closed hearings when today's witnesses give  
10:28:57 17 evidence.

18  
10:28:58 19 COMMISSIONER: Right. Thank you. Does the State have a  
10:29:02 20 position?

10:29:04 21  
10:29:05 22 DR BUTTON: Commissioner, I don't have any instructions on  
10:29:07 23 the presence of witnesses or the extent to which they  
10:29:10 24 should be provided with unredacted statements. However,  
10:29:14 25 can I just say, in relation to the matters that have been  
10:29:17 26 raised by those here for Mr Goussis and Mr Orman, that the  
10:29:22 27 State does not accept that those individuals are shut out  
10:29:26 28 in the way that's been put. Mr Money's affidavit is  
10:29:30 29 confidential, so I won't travel into the detail of it, but  
10:29:34 30 the Commission will be aware that Mr Money has set out  
10:29:38 31 avenues to facilitate the taking of instructions from those  
10:29:42 32 individuals.

33  
10:29:42 34 COMMISSIONER: It's not very helpful when they haven't got  
10:29:46 35 access to the affidavit. They're going to have to have  
10:29:48 36 access to Mr Money's affidavit, aren't they, so that they  
10:29:52 37 can understand what's being proposed. This is sort of  
10:29:55 38 cloud cuckoo land.

10:29:58 39  
40  
10:29:59 41 DR BUTTON: Commissioner, the avenues to which I'm  
10:30:00 42 referring have been the subject also of correspondence with  
10:30:03 43 Mr Orman, so that's not specific or confined to the  
10:30:05 44 affidavit. If the Commission is pressing for some form of  
10:30:08 45 the affidavit to be provided to those individuals, I need  
10:30:12 46 to take instructions and see what amendments or changes  
10:30:15 47 would need to be made to protect the confidential  
information concerning the custodial arrangements of some

10:30:18 1 individuals.  
2

10:30:19 3 COMMISSIONER: What information that is in the confidential  
10:30:22 4 affidavit that I have read has been communicated to  
10:30:24 5 Mr Orman and other people who claim to have been affected  
10:30:29 6 by Ms Gobbo's conduct about the taking of instructions,  
10:30:33 7 because let's talk about that, what is available to them?  
10:30:37 8

10:30:38 9 DR BUTTON: So far as Mr Orman is concerned, there's been  
10:30:40 10 an offer that if a matter arises where there's a need to  
10:30:44 11 take instructions from him, his representatives have been  
10:30:47 12 invited to contact Mr Money directly, so that he can  
10:30:51 13 facilitate expedited confidential communication between  
10:30:55 14 Mr Orman and his representatives. I understand that there  
10:31:02 15 hasn't been any engagement about those arrangements with  
10:31:06 16 the other affected persons, that they have not been in  
10:31:11 17 contact about the same concerns in the way that Mr Orman  
10:31:13 18 has.  
19

10:31:17 20 COMMISSIONER: All right. I suppose it might be reasonable  
10:31:22 21 to infer that if those arrangements can be made for  
10:31:26 22 Mr Orman, they may be able to be made for others, but that  
10:31:29 23 remains to be seen.  
24

10:31:31 25 DR BUTTON: Yes, Commissioner. Might I also say that as  
10:31:34 26 matters stand at this point, it does not appear that a  
10:31:37 27 situation where a need to take instructions - let me  
10:31:41 28 withdraw that. The situation hasn't yet arisen, in the  
10:31:45 29 sense that there's been an identified need to take  
10:31:47 30 instructions or a way in which counsel assisting's  
10:31:54 31 cross-examination has not exposed a relevant issue. So to  
10:31:57 32 some extent, the issue has not crystallised in a way that  
10:32:01 33 is feared by those representing those individuals.  
34

10:32:03 35 COMMISSIONER: Except, Dr Button, the first term of  
10:32:06 36 reference is the number of and extent to which cases may  
10:32:09 37 have been affected by the conduct of Ms Gobbo as a human  
10:32:12 38 source. The second is the conduct of current and former  
10:32:16 39 members of Victoria Police and their disclosures about and  
10:32:20 40 recruitment handling and management of Nicola Gobbo as a  
10:32:24 41 human source.  
42

10:32:25 43 DR BUTTON: Yes, Commissioner. I didn't mean to - - -  
44

10:32:27 45 COMMISSIONER: These are people who claim to have been  
10:32:29 46 affected by her conduct and who may well be able to assist  
10:32:34 47 the Commission in getting to the truth of the matter,

10:32:41 1  
10:32:42 2 DR BUTTON: Yes, Commissioner, they may. I don't think  
10:32:45 3 anyone's disputing they may have relevant information and  
10:32:49 4 have an interest in the Commission's proceedings. But as  
10:32:50 5 we understand it, including from the Practice Note  
10:32:53 6 concerning cross-examination, the primary vehicle through  
10:32:56 7 which the issues going to Terms of Reference 1 and 2 is to  
10:33:01 8 be exposed is through the examination of counsel assisting.  
10:33:03 9 We can't take it further, unless the Commission has  
10:33:05 10 further questions at this point.  
11  
10:33:06 12 COMMISSIONER: Thank you. Do you want to say anything,  
10:33:09 13 Mr Chettle?  
10:33:09 14  
10:33:10 15 MR CHETTLE: No, Commissioner.  
16  
10:33:11 17 COMMISSIONER: Does anyone else at the Bar table want to  
10:33:13 18 say anything? No. Yes, Mr Winneke.  
19  
10:33:17 20 MR WINNEKE: Commissioner, I must say I find this somewhat  
10:33:20 21 extraordinary. This really is the first time it's been  
10:33:24 22 suggested that affected persons - potentially affected  
10:33:28 23 persons will not be present in court, or their lawyers  
10:33:30 24 wouldn't be present in court, to assist the Commission  
10:33:34 25 by - - -  
26  
10:33:35 27 COMMISSIONER: In the hearing room, rather.  
28  
10:33:38 29 MR WINNEKE: In the hearing room, to assist the Commission  
10:33:40 30 in coming to grips with Terms of Reference 1 and 2. That  
10:33:45 31 hasn't been suggested before, whether it be in the argument  
10:33:49 32 that was had previously, nor on 5 June, I think, when we  
10:33:55 33 had a discussion about how the SDU hearings would proceed.  
34  
10:33:58 35 I find it somewhat strange that it's now being said,  
10:34:01 36 after the Commissioner has made the orders with respect to  
10:34:04 37 a private hearing, that it's now going to be said - it's  
10:34:07 38 now said that lawyers will not have access to the hearing  
10:34:12 39 and the clients won't have access to the hearing.  
40  
10:34:16 41 Yes, as a matter of course, counsel assisting will do  
10:34:25 42 - we will do our best to expose the materials to enable the  
10:34:30 43 Commission to come to a conclusion with respect to 1 and 2,  
10:34:33 44 but it is essential, as I've said previously, for those  
10:34:37 45 potentially affected persons to be able to participate and  
10:34:41 46 assist the Commission insofar as they can. I mean, we're  
10:34:44 47 dealing with potentially tens, if not hundreds, of cases

10:34:48 1 which may have been affected. Now, I don't think it will  
10:34:50 2 go that far, but many, many cases which may have been  
10:34:53 3 affected, complicated cases. We can't possibly be expected  
10:34:58 4 to get on top of all of those issues in the time that we  
10:35:01 5 have, and that's why it's essential that affected persons,  
10:35:04 6 with the benefit of their knowledge of their own individual  
10:35:07 7 cases and the nuances of those cases, are in a position to  
10:35:10 8 assist. And to that extent, that is why, in our  
10:35:14 9 submission, they ought be present and they ought have  
10:35:17 10 access to material to enable them to properly assist.

11  
10:35:20 12 I mean, if one looks at, for example, the statement  
10:35:24 13 that my learned friend Ms Enbom has referred to, the  
10:35:29 14 statement of Mark Hatt, and if you go to paragraph 57,  
10:35:33 15 without going into details, it's suggested that, out of the  
10:35:38 16 shaded parts of that paragraph, that counsel for Mr Orman  
10:35:43 17 and Mr Orman shouldn't be able to have access to that  
10:35:47 18 material. It's absurd.

19  
10:35:49 20 I mean, further to that, it's absurd to suggest that  
10:35:53 21 those particular people, the people that we're talking -  
10:35:57 22 perhaps I'll refer to Mr Orman - wouldn't, in any event, be  
10:36:01 23 aware of the majority of the information in this statement,  
10:36:05 24 and I challenge the police to assert otherwise. I mean,  
10:36:08 25 his own name's there; it's redacted.

26  
10:36:12 27 Commissioner, in our submission, it is absolutely  
10:36:16 28 essential and it's fundamental that the legal practitioners  
10:36:20 29 be present and they be able to get appropriate  
10:36:24 30 instructions.

31  
10:36:24 32 COMMISSIONER: And they should have copies of the  
10:36:26 33 unredacted statements shaded, so they know what are the  
10:36:30 34 sensitive areas.

35  
10:36:31 36 MR WINNEKE: Yes.

37  
10:36:32 38 COMMISSIONER: Subject to an undertaking that they won't  
10:36:34 39 publish.

40  
10:36:36 41 MR WINNEKE: Commissioner, you made an order last night, as  
10:36:38 42 I understood it, and I haven't got the transcript in front  
10:36:41 43 of me, but certainly that those people with general leave  
10:36:45 44 to appear should be provided with unredacted statements.  
10:36:48 45 My understanding was that - it may well be they're  
10:36:54 46 restricted to those at the Bar table. Start with  
10:36:56 47 tomorrow's statements and see how we go. So the statements

10:36:59 1 of the witnesses tomorrow, I think all of those at the Bar  
10:37:02 2 table at the moment should be given the unredacted  
10:37:05 3 statements, subject to the undertaking that they are  
10:37:09 4 provided - - -  
5  
10:37:10 6 COMMISSIONER: That's right, it was limited to those at the  
10:37:11 7 Bar table yesterday.  
8  
10:37:13 9 MR WINNEKE: Commissioner, we received communications from  
10:37:14 10 Dr Gumbleton last night - he was unable to be present  
10:37:17 11 because he was in a trial - but Mr Trichias was giving  
10:37:20 12 evidence concerning his client. He was provided with a  
10:37:23 13 transcript of that evidence. Effectively, he was de facto  
10:37:26 14 at the Bar table in any event, so one assumes that he ought  
10:37:30 15 be provided with that material and ought be provided with  
10:37:34 16 an unredacted statement, because he will be here during the  
10:37:37 17 course of the evidence, despite we're now told that he  
10:37:40 18 shouldn't be. That's never been said before. And this is  
10:37:47 19 going to apply down the track also with respect to SDU  
10:37:51 20 hearings, where we get to fundamental - - -  
21  
10:37:56 22 COMMISSIONER: Yes. Of course, they're subject to the  
10:37:58 23 undertaking and I think we can accept that they will keep  
10:38:01 24 the undertaking. The difficulty then arises when they need  
10:38:05 25 to discuss this with their clients to get instructions,  
10:38:09 26 which they obviously need to.  
27  
10:38:11 28 MR WINNEKE: Of course.  
29  
10:38:11 30 COMMISSIONER: So I suppose the statements - they'll only  
10:38:14 31 need to discuss the statements insofar as they are required  
10:38:17 32 to get relevant instructions from their clients. So there  
10:38:21 33 will be parts of these statements where they might not need  
10:38:25 34 to - - -  
35  
10:38:26 36 MR WINNEKE: There'll be parts of the statement which won't  
10:38:29 37 be relevant to their particular matters and they won't need  
10:38:32 38 to get instructions with respect to those matters.  
39  
10:38:35 40 COMMISSIONER: Or pass that information on to their  
10:38:37 41 clients. Then they will also have to explain to their  
10:38:40 42 clients, for what it's worth, that there's a  
10:38:43 43 non-publication order in respect of the material and they  
10:38:45 44 can't discuss it with anybody else.  
45  
10:38:47 46 MR WINNEKE: These sorts of hearings take place on a daily  
10:38:50 47 basis.

1  
10:38:50 2 COMMISSIONER: Am I right about what I say there?  
3  
10:38:53 4 MR WINNEKE: Yes, of course. These sorts of hearings take  
10:38:56 5 place on a daily basis in the criminal courts in this  
10:38:58 6 State, where there are similar sorts of issues and  
10:39:01 7 non-publication orders. Those who are affected participate  
10:39:04 8 and they're subject to orders of courts and, in this case,  
10:39:07 9 would be subject to similar orders from the Commission.  
10  
10:39:11 11 COMMISSIONER: And they'd have to explain to their clients  
10:39:13 12 that breaching the orders is a serious matter that could  
10:39:18 13 involve criminal penalties.  
14  
10:39:21 15 MR WINNEKE: Of course.  
16  
10:39:22 17 MR CHERNOK: Madam Commissioner, we, of course, would be  
10:39:25 18 more than prepared to give the relevant undertakings, to  
10:39:29 19 give our clients strong and clear advice, as far as  
10:39:32 20 Mr Goussis is concerned - I can't speak on behalf of  
10:39:34 21 others - but strong and clear advice about the consequences  
10:39:38 22 of transgressing any non-publication directions. But,  
10:39:43 23 frankly, Madam Commissioner, Franz Kafka himself couldn't  
10:39:49 24 have dreamt up this position. For a potentially affected  
10:39:53 25 person to effectively be shut out of these proceedings and  
10:39:55 26 the offensive suggestion - and it is offensive, in my  
10:39:58 27 respectful submission - that counsel, members of counsel  
10:40:02 28 representing those interests, should also be shut out - - -  
29  
10:40:05 30 COMMISSIONER: Or any lawyer.  
31  
10:40:08 32 MR CHERNOK: It's just - as I say, Kafka himself couldn't  
10:40:11 33 have dreamt it up.  
34  
10:40:15 35 COMMISSIONER: Yes. Ms Enbom, I don't agree with your  
10:40:22 36 submissions and I am directing that the legal  
10:40:28 37 representatives of parties given leave to appear for these  
10:40:32 38 witnesses are entitled to unredacted but shaded statements  
10:40:39 39 of the witnesses that they have leave to appear for,  
10:40:46 40 subject to the lawyers giving undertakings in the terms  
10:40:51 41 discussed and subject to them discussing the matters with  
10:40:55 42 their clients only insofar as they are relevant to getting  
10:40:58 43 instructions from their clients, and informing their  
10:41:04 44 clients of the strict nature of the non-publication orders  
10:41:09 45 relating to the suppression orders extant and the serious  
10:41:20 46 criminal sanctions that would apply for breach.  
10:41:25 47

10:41:25 1 MS ENBOM: Yes.  
2  
10:41:26 3 COMMISSIONER: The reason I'm making those orders is that I  
10:41:28 4 think it is important to the work of the Commission to  
10:41:32 5 enable the legal representatives of those who claim to have  
10:41:37 6 been affected by Ms Gobbo's conduct to assist the  
10:41:40 7 Commission in its work.  
10:41:43 8  
10:41:43 9 MS ENBOM: Yes. As the Commissioner pleases. May I raise  
10:41:48 10 two matters?  
11  
10:41:49 12 COMMISSIONER: Yes.  
10:41:49 13  
10:41:50 14 MS ENBOM: The first is that the shaded statements contain  
10:41:56 15 a significant amount of information that is entirely  
10:42:01 16 irrelevant to, for example, Mr Orman.  
17  
10:42:06 18 COMMISSIONER: Is entirely irrelevant to?  
10:42:08 19  
10:42:10 20 MS ENBOM: Irrelevant to, for example, Mr Orman. So  
10:42:11 21 dealing with Andrew Allen's statement and, in fact, all of  
10:42:20 22 them, Andrew Allen, Mr Hatt and Mr L'Estrange's statements,  
10:42:26 23 they cover a number of matters and many of those matters  
10:42:30 24 are not relevant to Mr Orman. So, in my submission,  
10:42:34 25 Mr Orman and his solicitor should not be given the shaded  
10:42:41 26 version of the statement in its entirety. If Mr Orman is  
10:42:49 27 to be given any part, it should be only the part that's  
10:42:52 28 relevant to Mr Orman.  
29  
10:42:55 30 COMMISSIONER: Well, the lawyers, of course, will have  
10:42:58 31 given an undertaking not to discuss parts that aren't  
10:43:02 32 relevant with their clients and they're not going to  
10:43:06 33 publish it, the rest of it, and unless you've got those  
10:43:11 34 statements ready to give out immediately in that form, I  
10:43:17 35 think that, for practical reasons, they should be given the  
10:43:22 36 statements as they are, because they need them now.  
10:43:25 37  
10:43:26 38 MS ENBOM: Yes. It might be that we could prepare a  
10:43:30 39 document that's in an appropriate form to go to them, but  
10:43:32 40 there is a - - -  
41  
10:43:33 42 COMMISSIONER: They're going to be present when the  
10:43:37 43 evidence is given. We can't be adjourning every two  
10:43:41 44 minutes every time someone's name's mentioned, to push  
10:43:45 45 people out and bring other people in. It's just  
10:43:48 46 impractical. I've made my ruling, Ms Enbom, that's it.  
10:43:52 47

10:43:52 1 MS ENBOM: I need to raise one other matter, Commissioner.  
2  
10:43:55 3 COMMISSIONER: Yes, all right.  
10:43:56 4  
10:43:57 5 MS ENBOM: I'm sorry to aggravate. But as I understand it,  
10:43:59 6 the claims that have been made - so the redactions that are  
10:44:03 7 made are PII redactions, so the redactions made to the  
10:44:12 8 statement given to Mr Orman's solicitor are PII claims that  
10:44:14 9 are not abandoned, and those PII claims have not been  
10:44:20 10 argued and determined and, in my submission, they would  
10:44:24 11 need to be argued and determined before the redactions are  
10:44:29 12 lifted and provided to Mr Orman. Now, that will, of  
10:44:33 13 course, cause delay, that will delay the witnesses today,  
10:44:39 14 which we all want to avoid. So a way around that, and  
10:44:44 15 perhaps a practical way forward, is for Mr Orman's  
10:44:51 16 solicitor to be present during the evidence that's given by  
10:44:56 17 the three witnesses about matters that directly concern  
10:45:03 18 Mr Orman, without the benefit of the statement, but the way  
10:45:09 19 the cross-examination has been conducted so far, much of  
10:45:13 20 what's in the statement is often put to the witness, so  
10:45:17 21 Mr Orman will hear all that evidence, and Victoria Police  
10:45:23 22 then be given an opportunity to read the transcript after  
10:45:29 23 the hearing and make any PII claims in relation to that  
10:45:33 24 transcript before the transcript goes to Mr Orman's  
10:45:37 25 solicitor, to be shared with Mr Orman.  
26  
10:45:41 27 So the solicitor would be present during the evidence  
10:45:43 28 in relation to Mr Orman, on an undertaking that that  
10:45:47 29 evidence not be disclosed to Mr Orman, or to anyone, until  
10:45:52 30 Victoria Police has had an opportunity to read the  
10:45:54 31 transcript and make any PII claims and those PII claims are  
10:45:57 32 heard and determined. That would mean that we could get on  
10:46:01 33 with today's witnesses and that the witnesses are not  
10:46:05 34 delayed by having to have a protracted PII argument.  
35  
10:46:13 36 MR CHERNOK: Madam Commissioner, I'm sorry to cut across my  
10:46:16 37 learned friend, but I've heard nothing said about  
10:46:17 38 Mr Goussis and the position in relation to him.  
10:46:20 39 Mr Trichias, a witness that is to be called this morning,  
10:46:22 40 as I understand it, is one that we have leave to  
10:46:27 41 cross-examine. I hear what my learned friend says about  
10:46:30 42 not delaying proceedings, but at this stage, I still  
10:46:35 43 haven't received the statement, I don't have Mr Trichias'  
10:46:38 44 notes and I'm wondering whether the position is the same  
10:46:40 45 insofar as Mr Goussis' representatives are concerned.  
10:46:45 46  
10:46:45 47 MS ENBOM: Mr Trichias is not my witness. I was dealing



10:46:49 1 with Mr Allen, Mr Hatt and Mr L'Estrange. Perhaps  
10:46:54 2 Mr Hannebery can deal with it.  
10:46:56 3  
10:46:56 4 MR HANNEBERY: We'd adopt the same. He hasn't been  
10:46:57 5 cross-examined as yet and I don't think there has been  
10:47:01 6 leave granted to cross-examine him.  
10:47:02 7  
10:47:02 8 COMMISSIONER: I don't think leave for cross-examination  
10:47:03 9 has been given, but he certainly has leave to appear, so he  
10:47:08 10 should have a copy of Mr Trichias' statement.  
10:47:10 11  
10:47:10 12 MR HANNEBERY: I understand he had leave to appear, but as  
10:47:12 13 I understood it, the process for getting leave to  
10:47:16 14 cross-examine would be in accordance with the Practice  
10:47:19 15 Note, which would necessarily have to occur subsequent to  
10:47:22 16 counsel assisting.  
17  
10:47:23 18 COMMISSIONER: Yes, but I'm saying he has leave to appear,  
10:47:27 19 he should have Mr Trichias' statement and he doesn't have  
10:47:29 20 it.  
10:47:29 21  
10:47:29 22 MR HANNEBERY: Yes. I understand that, Commissioner.  
23  
10:47:31 24 MR CHERNOK: And what's the response, Madam Commissioner,  
10:47:37 25 from Victoria Police, because I'm still waiting. Whether  
10:47:38 26 we talk about leave to appear or - - -  
10:47:38 27  
10:47:39 28 COMMISSIONER: I understand I've given a direction that  
10:47:40 29 you're to get a copy of the statement of Mr Trichias. I'm  
10:47:46 30 not sure whether Mr Trichias' notes have been tendered yet.  
10:47:51 31  
10:47:51 32 MR WINNEKE: No, they haven't.  
33  
10:47:53 34 COMMISSIONER: They haven't been. So you'll be in the same  
10:47:54 35 position as - you'll be present when they're tendered and  
10:47:56 36 you'll have a look at them then.  
37  
10:47:59 38 MR CHERNOK: Thank you.  
10:47:59 39  
10:48:00 40 MR HANNEBERY: Perhaps I can clarify, based on what  
10:48:01 41 Ms Enbom was raising, in what form is the Commissioner  
10:48:05 42 directing that Mr Goussis' counsel should be given  
10:48:08 43 Mr Trichias' statement?  
44  
10:48:10 45 COMMISSIONER: He's going to be present for the  
10:48:13 46 cross-examination in private hearing, so he should be given  
10:48:19 47 the statement unredacted, shaded, and subject to his

10:48:22 1 undertaking.  
10:48:23 2  
10:48:23 3 MR HANNEBERY: Yes.  
4  
10:48:32 5 MS LLOYD: Sorry, Commissioner, do I understand that's the  
10:48:34 6 same order that you've made in relation to these witnesses  
10:48:37 7 today with respect to Mr Orman, that we're to be provided  
10:48:40 8 with shaded copies of the statements, we will be also  
10:48:43 9 provided with copies of notes when they - - -  
10  
10:48:46 11 COMMISSIONER: I haven't heard from Mr Winneke yet about  
10:48:49 12 this PII claim and I suppose what I've said in respect of  
10:48:53 13 Trichias' statement will have to be the same, that there  
10:48:56 14 are - are there unresolved PII claims in respect of  
10:49:00 15 Trichias' statement?  
16  
10:49:02 17 MR HANNEBERY: There's one, I can say. There's the one  
10:49:03 18 that we raised yesterday, in relation to paragraph 26, the  
10:49:07 19 first three lines of it.  
20  
10:49:09 21 MS LLOYD: Commissioner, if I could indicate with respect  
10:49:11 22 to the orders that were made yesterday, Mr Orman's legal  
10:49:15 23 team have not been provided with those, so I'm not sure how  
10:49:19 24 they affect these proceedings.  
25  
10:49:20 26 But if I could indicate, just in relation to the issue  
10:49:24 27 of whether or not Mr Orman is shut out of these  
10:49:28 28 proceedings, we have been provided with correspondence sent  
10:49:30 29 to my instructor in relation to accessing Mr Money at some  
10:49:35 30 point, but I don't understand how that is supposed to work  
10:49:38 31 practically. So we're present in the hearing, yet we don't  
10:49:44 32 have advance copies of statements or notes, we're present  
10:49:46 33 in the hearing - - -  
10:49:46 34  
10:49:46 35 COMMISSIONER: We're hoping you will have advance copies of  
10:49:49 36 statements.  
37  
10:49:51 38 MS LLOYD: So we hear evidence that we think is relevant,  
10:49:53 39 it's a matter we want to raise with our client. Are we  
10:49:56 40 supposed to then run out of the room, call Mr Money, or do  
10:50:00 41 we stand up and try to stand these matters down? How is it  
10:50:03 42 supposed to work on a practical level?  
43  
10:50:04 44 COMMISSIONER: The only thing that can - if we're going to  
10:50:06 45 continue in this way, the only thing that can happen is  
10:50:12 46 that you'll have to reserve your rights to cross-examine,  
10:50:15 47 unless there's something you want to do, and you might want

10:50:17 1 to do some - ask for leave to do some cross-examining, and  
10:50:21 2 then reserve your right after you've spoken to your client  
3 and then re-apply if necessary.  
4

10:50:24 5 MS LLOYD: That's the position we've taken, we've not  
10:50:26 6 sought leave to cross-examine any witnesses, but we only  
10:50:28 7 take that position because we don't have the materials that  
10:50:30 8 we need in order to conduct any kind of effective  
10:50:34 9 cross-examination.  
10

10:50:38 11 COMMISSIONER: I'm still trying to find the PII claim in  
10:50:42 12 respect of Mr Trichias' statement.  
13

10:50:46 14 MR WINNEKE: Commissioner, there's an asserted claim for  
10:50:48 15 public interest immunity with respect to paragraph 26, I  
10:50:51 16 think, of Mr Trichias' statement - yes, in relation to  
10:51:01 17 paragraph 26. I have suggested to my learned friend that  
10:51:05 18 there would need to be some material to justify that claim.  
19

10:51:10 20 Can I say this at this stage: I'm reasonably  
10:51:12 21 confident that the matters in paragraph 26 are not of  
10:51:15 22 concern to Mr Goussis, so that may mean that we could forge  
10:51:24 23 on with respect to that evidence.  
24

10:51:25 25 COMMISSIONER: All right. Then you can supply the  
10:51:27 26 statement without the PII business in it. All right. Then  
10:51:34 27 we've got a suggestion that there's PII redactions to the  
10:51:42 28 remaining statements.  
29

10:51:44 30 MR WINNEKE: Commissioner, insofar as those - whilst I'm  
10:51:47 31 not dealing with these particular witnesses, I'm confident  
10:51:50 32 that the matters that are the subject of an asserted claim  
10:51:59 33 for PII have not been - certainly haven't been established  
10:52:02 34 and we haven't accepted them. There are, obviously, other  
10:52:06 35 issues which are being dealt with currently by the Court of  
10:52:09 36 Appeal, but it's not accepted that, without the benefit of  
10:52:15 37 evidence, that those particular matters in those statements  
10:52:19 38 are the appropriate subject of a claim for public interest  
10:52:27 39 immunity.  
40

10:52:27 41 COMMISSIONER: Well, for example, I've got - Ms Enbom, I've  
10:52:31 42 got Mr Allen's statement here. The one I have is  
10:52:35 43 unredacted completely, no shading or anything. Are there  
10:52:38 44 any bits in Mr Allen's statement that are PII claimable?  
10:52:43 45

10:52:43 46 MS ENBOM: The version of the statement that Mr Orman's  
10:52:47 47 counsel showed me this morning - I think it was that one -

10:52:51 1 had a lot of redactions in it. Perhaps I can just have a  
10:52:55 2 look at that. It's not a version I have.  
3  
10:53:02 4 COMMISSIONER: I've been handed one with some shadings.  
10:53:08 5  
10:53:09 6 MS ENBOM: Do you have, Commissioner, the version that was  
10:53:10 7 sent to Mr Orman's solicitor?  
8  
10:53:12 9 COMMISSIONER: I don't know whether this was sent to  
10:53:14 10 Mr Orman's solicitor. I have one with some shadings on it.  
10:53:19 11  
10:53:19 12 MS ENBOM: It's not a shaded version, it's a black boxed  
10:53:22 13 version.  
14  
10:53:28 15 COMMISSIONER: I don't have it. I'll see if we can get it.  
10:53:30 16  
10:53:30 17 MS ENBOM: I have a hard copy here. Dr Button has given me  
10:53:33 18 a hard copy. Perhaps I can hand that up.  
19  
10:53:37 20 COMMISSIONER: I've been handed another copy now. I think  
10:53:39 21 it's the same as the shaded version I've got. I can't see  
10:53:55 22 that that's of critical PII interest, in the circumstances.  
10:54:01 23  
10:54:01 24 MS ENBOM: Yes. So the black boxing does reflect the  
10:54:04 25 shading.  
26  
10:54:05 27 COMMISSIONER: In fact, for example, you've PIIed the  
10:54:06 28 footnote saying, "This person's identity is the subject of  
10:54:09 29 a suppression order."  
10:54:11 30  
10:54:11 31 MS ENBOM: Yes, I can see that. This one reflects the  
10:54:13 32 shading, but the version of the Hatt statement that counsel  
10:54:19 33 for Mr Orman showed me earlier - - -  
34  
10:54:23 35 COMMISSIONER: Well, we're talking about Allen first.  
10:54:25 36  
10:54:25 37 MS ENBOM: Yes, we are, and it does seem to reflect  
10:54:27 38 the - - -  
39  
10:54:28 40 COMMISSIONER: So there doesn't seem to be anything  
10:54:31 41 critical there relevant to PII.  
42  
10:54:33 43 MR WINNEKE: I agree, Commissioner.  
44  
10:54:35 45 COMMISSIONER: Thank you. Next we'll go to the Hatt  
10:54:38 46 statement, will we?  
10:54:39 47

10:54:40 1 MS ENBOM: Mr Hatt's statement seems to be in a different  
10:54:44 2 category. My instructions are, Commissioner, that those  
10:55:14 3 redactions or shading in Mr Allen's statement are made for  
10:55:19 4 two reasons; one being the suppression order and two being  
10:55:22 5 a PII claim.  
6  
10:55:24 7 COMMISSIONER: A suppression order and?  
10:55:28 8  
10:55:29 9 MS ENBOM: And a PII claim.  
10  
10:55:30 11 COMMISSIONER: All of them?  
10:55:31 12  
10:55:31 13 MS ENBOM: Yes.  
14  
10:55:32 15 COMMISSIONER: Every single one of them?  
10:55:34 16  
10:55:35 17 MS ENBOM: Yes, they're my instructions.  
18  
10:55:36 19 COMMISSIONER: They're your instructions. All right.  
10:55:38 20 Including all the footnotes on the first page about  
10:55:41 21 suppression orders. I just can't understand that. I'm  
10:55:51 22 not - - -  
10:55:52 23  
10:55:52 24 MS ENBOM: Can I suggest this, Commissioner, because we're  
10:55:58 25 losing time and I know it's my fault that we're losing  
10:56:02 26 time. Can I suggest this: if, Commissioner, you accept  
10:56:03 27 the suggestion that Mr Orman's solicitor be present during  
10:56:08 28 the closed evidence of these witnesses about matters  
10:56:13 29 concerning Mr Orman, on an undertaking that the solicitor  
10:56:19 30 not disclose what happens in the closed hearing until  
10:56:23 31 Victoria Police has had an opportunity to review the  
10:56:27 32 transcript and make any PII claims, then it would make  
10:56:31 33 complete sense to adopt that same approach in relation to  
10:56:33 34 the witness statement, so that we would provide to  
10:56:38 35 Mr Orman's solicitor, to use during the closed session, the  
10:56:44 36 statement, with parts unredacted that concern Mr Orman, and  
10:56:53 37 so he'll have that at the Bar table while here for the  
10:56:57 38 closed evidence. It would be illogical to maintain the  
10:57:01 39 redactions if Mr Orman's solicitor is going to be here for  
10:57:06 40 the evidence that's relevant to him, on the undertaking.  
41  
10:57:14 42 So I can - with a little bit of time, I can get the  
10:57:19 43 statement for Mr Allen, I can amend it by hand to reveal  
10:57:26 44 the redactions that are relevant to Mr Orman and he'll have  
10:57:30 45 that while Mr Allen gives his evidence in private about  
10:57:34 46 matters that concern Mr Orman. Can I suggest that as a  
10:57:40 47 practical way forward?

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COMMISSIONER: Thanks very much, Ms Enbom. Did you want to say something further, Mr Winneke?

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MR WINNEKE: Commissioner, as far as I understand it, you've already determined this issue. It's impractical to have counsel who's appearing get up, leave, come back again. In my submission, unless there are matters which are appropriately and justifiably public interest immunity claims, in our submission they ought be present and they ought to have the unredacted statement.

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COMMISSIONER: It was Ms Enbom's submission on that aspect that made me revisit the statements, but having revisited the statements, I'm not satisfied that they're legitimate PII claims of such a nature that would warrant a departure from the procedure that I initially foreshadowed. So what I'm directing is that the statements be provided in a shaded form to the legal representatives of those given leave to appear in respect of these witnesses and those legal representatives will, of course, have given the necessary undertakings that have been discussed earlier, they will be present during the evidence of these witnesses in both public and private hearing and they will only discuss with their clients those aspects of the evidence that are relevant to them getting instructions for potential cross-examination of the witnesses and they will inform their clients of the non-publication orders and the criminal sanctions that would apply for any breach of those. All right. We'll continue now with Mr Allen in open session. I should say - did I give leave to Mr Kornhauser to appear? Mr Kornhauser, did I give you leave to appear?

11:00:35  
MR KORNHAUSER: I don't think so, Commissioner. I don't think that matter was determined either way.

11:00:37  
11:00:39  
11:00:43  
11:00:47  
COMMISSIONER: No-one wants to speak against Mr Kornhauser having leave to appear? No? All right then. I'll give you leave to appear for the witnesses Allen, L'Estrange and Swindells.

11:00:49  
MR KORNHAUSER: Thank you, Commissioner.

11:01:02  
11:01:03  
11:01:06  
11:01:11  
MS TITTENSOR: Commissioner, the witness who is appearing by video link on the screen is Andrew Paul Allen. If he might be sworn.

1  
11:01:12 2 COMMISSIONER: Thanks, Mr Allen. Sorry for holding you up  
11:01:14 3 for so long there. Are you going to take the oath or  
11:01:16 4 affirmation?  
5  
11:01:20 6 MR ALLEN: I'm taking the oath, Commissioner.  
7  
11:01:24 8 COMMISSIONER: Thank you.  
11:01:26 9  
11:01:27 10 <ANDREW PAUL ALLEN, sworn and examined:  
11  
11:01:52 12 COMMISSIONER: Yes, Ms Enbom.  
11:01:55 13  
11:01:55 14 MS ENBOM: Thank you, Commissioner. Mr Allen, is your full  
11:01:59 15 name Andrew Paul Allen?---Yes, it is.  
16  
11:02:02 17 Is your address care of Corrs Chambers Westgarth lawyers,  
11:02:07 18 567 Collins Street, Melbourne?---Yes, it is.  
19  
11:02:10 20 What is your occupation, Mr Allen?---I'm a retired Victoria  
11:02:14 21 Police officer.  
22  
11:02:15 23 Mr Allen, have you prepared a witness statement for this  
11:02:18 24 Royal Commission?---I have.  
25  
11:02:20 26 Do you have a copy of that statement with you?---I do have,  
11:02:26 27 yes.  
28  
11:02:26 29 Do you wish to make some corrections to the annexure to  
11:02:29 30 that statement?---Just some small amendments to Annexure A,  
11:02:34 31 yes.  
32  
11:02:35 33 Could you please take us through those corrections?---In  
11:02:42 34 point 5 - paragraph 5, where it mentions, on the third line  
11:02:50 35 "on secondment to the A District Support Group in 1987,  
11:02:55 36 where I investigated drug and related criminal offenders",  
11:02:59 37 I think the "was" is incorrect there.  
38  
11:03:01 39 Thank you?---In paragraph 7, from 1990 to 1991 I was a  
11:03:10 40 Senior Sergeant at the sub-officers course. And the last  
11:03:22 41 one is paragraph 8, the bottom line - the third line,  
11:03:27 42 sorry, "managing major investigations into sexual assaults  
11:03:32 43 of child and adult victims". "Statements" should be  
11:03:41 44 deleted. So it should read "adult victims, including cold  
11:03:44 45 cases". Those are the amendments.  
46  
11:03:46 47 Thank you. Is it the case that overnight, you've had an

11:03:50 1 opportunity to review your diaries again?---Yes, with some  
11:03:53 2 additional material provided, I did another review of my  
11:04:00 3 diary relevant to 2004.  
4

11:04:04 5 Are there matters that you wish to bring to the  
11:04:06 6 Commissioner's attention, having reviewed your diaries  
11:04:15 7 again?---Yes. There's a matter of a meeting I had with  
11:04:18 8 Ms Gobbo, which I hadn't recalled prior to compiling my  
11:04:21 9 statement, on or around 9 April 2004 in South Melbourne, in  
11:04:29 10 relation to someone she was representing at that time. And  
11:04:34 11 I've made a diary entry in relation to that, which I didn't  
11:04:40 12 pick up prior to compiling my statement, for which I  
11:04:45 13 apologise.  
14

11:04:46 15 Are there any other matters in your diary that you wanted  
11:04:49 16 to bring to the Commissioner's attention?---There was one  
11:04:53 17 other matter that - and I don't know if I have the  
11:05:01 18 independent recollection of it - it was in relation to a  
11:05:09 19 meeting I had with then Senior Sergeant Gavan Ryan and we  
11:05:17 20 met Ms Gobbo and another solicitor in the vicinity of the  
11:05:22 21 Melbourne County Court, and I don't know whether I've got  
11:05:27 22 that date - yes, I have, sorry. It was prior to that. So  
11:05:31 23 that would have been on Wednesday, 7 April 2004 and that  
11:05:39 24 was in the vicinity of Melbourne County Court, with  
11:05:43 25 Ms Gobbo and another solicitor, regarding a person she was  
11:05:47 26 representing at that time.  
27

11:05:50 28 Thank you, Mr Allen. Do you have the diary entries with  
11:05:54 29 you?---I've got hard copies, yes.  
30

11:05:58 31 Can you see a number on those diary entries starting  
11:06:02 32 VPL?---Yes, I can.  
33

11:06:05 34 The meeting that you just referred to with Ms Gobbo, the  
11:06:09 35 diary entry for that meeting is the diary entry marked  
11:06:15 36 VPL.0005.0130.0005?---Yes, it is.  
37

11:06:24 38 And the earlier meeting that you've just given evidence  
11:06:30 39 about, on 9 April 2004, do you have the diary entry for  
11:06:37 40 that meeting with you?---Yes, I do. That's on the top of  
11:06:40 41 the page, yes.  
42

11:06:41 43 And is the number - is the VPL number for that entry  
11:06:47 44 VPL.0005.0130.0008?---Yes, that's correct.  
45

11:06:56 46 Thank you, Mr Allen. Commissioner, that's the  
11:06:58 47 evidence-in-chief.



1  
11:06:59 2 COMMISSIONER: So you would like to tender the witness  
11:07:01 3 statement?  
11:07:02 4  
11:07:02 5 MS ENBOM: Yes, please, Commissioner. I'm tendering two  
11:07:05 6 versions, the unredacted signed version and a redacted  
11:07:12 7 version.  
11:07:15 8  
11:07:16 9 #EXHIBIT RC248A - Unredacted version of Andrew Allen's  
11:07:27 10 statement.  
11  
11:07:28 12 COMMISSIONER: Is the redacted version an agreed redacted  
11:07:34 13 version or does that yet have to be looked at?  
11:07:35 14  
11:07:36 15 MS TITTENSOR: That will be subject to those matters in the  
11:07:37 16 Court of Appeal but in the current - - -  
17  
11:07:38 18 COMMISSIONER: I see. So it can go up as it is at the  
11:07:41 19 moment?  
11:07:42 20  
11:07:42 21 MS TITTENSOR: Yes.  
22  
11:07:43 23 COMMISSIONER: The redacted version will be 248B.  
11:07:45 24  
11:07:46 25 #EXHIBIT RC248B - Redacted version of Andrew Allen's  
11:07:52 26 statement.  
11:07:53 27  
11:07:53 28 MS ENBOM: Thank you Commissioner.  
29  
11:07:55 30 COMMISSIONER: Thank you Ms Enbom. Yes, Ms Tittensor.  
11:07:57 31  
32 <CROSS-EXAMINED BY MS TITTENSOR:  
33  
11:07:58 34 Just in relation to those matters that you've just raised,  
11:08:00 35 Mr Allen, is it your understanding that there was an  
11:08:06 36 initial review of your diaries in which a number of those  
11:08:11 37 matters you've just spoken were not picked up?---Yes, yes,  
11:08:15 38 I agree with that.  
39  
11:08:19 40 Do you know who did the initial review of your  
11:08:22 41 diaries?---Well I had the opportunity to do an initial  
11:08:26 42 review and I didn't pick it up in that initial review in  
11:08:29 43 order to compile my statement.  
44  
11:08:32 45 Is it your understanding that Commission staff did the  
11:08:35 46 second review and those matters were picked up and brought  
11:08:38 47 to your attention following that?---No, I'm not aware of

11:08:44 1 that, no. But the most recent documents I received in  
11:08:52 2 looking at those, I then ascertained that I had made an  
11:08:57 3 oversight and not included those two particular entries.  
4  
11:09:05 5 How was it brought to your attention that you had made that  
11:09:11 6 oversight?---I found those entries in reviewing that  
11:09:15 7 condensed number of extracts just in the last 24 hours or  
11:09:22 8 so.  
9  
11:09:22 10 Do you understand that the condensed version that was  
11:09:24 11 provided to you was provided as a result of a review by  
11:09:28 12 Commission staff of your diaries?---It may well have been,  
11:09:33 13 I'm not aware fully of how that occurred.  
14  
11:09:38 15 I might tender those diaries while I'm thinking about it,  
11:09:42 16 Commissioner. There were initial diaries provided to the  
11:09:47 17 Commission. I have the code number for the shaded form of  
11:09:51 18 those diaries, I'm not sure if it's a similar number for  
11:09:54 19 the fully redacted version. But the shaded version which  
11:09:59 20 will need to be at least not published for now is  
11:10:07 21 VPL.0005.0118.0001. Again, I think these have been  
11:10:19 22 redacted but they may need to be checked because mine's got  
11:10:24 23 some red markings about non-publication at the moment, but  
11:10:27 24 that's VPL.0005.0130.0001.  
11:10:34 25  
11:10:34 26 #EXHIBIT RC249 - Diary entries.  
11:10:43 27  
11:10:44 28 Mr Allen, you were a Detective Inspector with the Homicide  
11:10:47 29 Squad between 2000 and 2003; is that right?---That's  
11:10:50 30 correct, yes.  
31  
11:10:51 32 You were managing and overseeing murder investigations and  
11:10:56 33 suspicious missing persons and cold cases?---Yes, that's  
11:11:01 34 correct.  
35  
11:11:03 36 Then there was a jump from the Homicide Squad into the  
11:11:09 37 Purana Task Force in about August 2003?---Yes, there was a  
11:11:14 38 lead-up phase with regard to the initial murder  
11:11:19 39 investigations and then I formally took charge of the Task  
11:11:24 40 Force on and around August 2003.  
41  
11:11:26 42 That Task Force itself had been established a bit earlier  
11:11:30 43 that year; is that right?---It was not formally established  
11:11:36 44 until a bit later that year but there was some current  
11:11:44 45 investigations with a crew from the Homicide Squad that had  
11:11:48 46 been operating in the months prior.  
47

11:11:52 1 Were you the initial officer-in-charge of the Purana Task  
11:11:56 2 Force?---Yes, that's correct.  
3

11:12:03 4 When that crew was initially established was there just one  
11:12:06 5 crew of detectives led by Detective Senior Sergeant  
11:12:11 6 Swindells?---Yes, that's my recollection, yes.  
7

11:12:15 8 As the Commission understands it, come about March 2004  
11:12:19 9 upon the murder of Andrew Veniamin the Purana Task Force  
11:12:24 10 expanded and there was a second crew put in which was led  
11:12:29 11 by Gavan Ryan?---No, I thought we had expanded the numbers  
11:12:37 12 earlier than that to be honest. Probably in the latter  
11:12:41 13 part of 2003.  
14

11:12:45 15 In any event is it the case there came to be a second crew,  
11:12:51 16 so there were two crews operating, one with Swindells in  
11:12:54 17 charge and one with Gavan Ryan in charge?---Well if I could  
11:12:58 18 just perhaps indicate that I could - there were a number of  
11:13:07 19 investigation teams headed up by a Sergeant and over  
11:13:12 20 sighting some of those teams was Senior Sergeant Swindells  
11:13:18 21 had carriage of, or had line management of a number of  
11:13:21 22 those crews and Senior Sergeant Gavan Ryan had a number of  
11:13:26 23 other crews who were conducting investigations at the same  
11:13:31 24 time.  
25

11:13:31 26 Did they have under them specific Sergeants operating in a  
11:13:39 27 line control under them?---Yes, that's my recollection.  
28

11:13:44 29 So you wouldn't have one Sergeant being directed by  
11:13:47 30 multiple Senior Sergeants?---No, there was - it was quite a  
11:13:54 31 unified arrangement but there was a delineation to assist  
11:14:01 32 in the various investigations being managed at that time.  
33

11:14:07 34 You sat over the top of Swindells and Ryan?---Yes, that's  
11:14:14 35 correct.  
36

11:14:15 37 Is it the case that when you moved out of Purana in October  
11:14:18 38 2004 that Gavan Ryan succeeded you?---That is possibly  
11:14:25 39 quite correct, although I did have a recollection that it  
11:14:30 40 may have been handed over to Jim O'Brien at that time. I'm  
11:14:34 41 not 100 per cent clear on that.  
42

11:14:37 43 We may have some understanding that ultimately he does take  
11:14:41 44 charge but it might be another year after that?---Okay,  
11:14:45 45 yeah, I can't dispute that, yes.  
46

11:14:47 47 Although maybe there's some acting positions

11:14:50 1 involved?---Right, that could well be the case.  
2  
11:14:55 3 In terms of Stuart Bateson, do you recall who was his line  
11:15:00 4 manager?---From recollection I think it was Mr Swindells.  
5  
11:15:10 6 When Ryan came on board was there any changing of those  
11:15:14 7 lines of reporting?---I'm not entirely sure. It's very  
11:15:24 8 difficult to recall.  
9  
11:15:26 10 I appreciate it is some time ago. Were you aware of any  
11:15:31 11 tensions between Bateson and Swindells?---Not specifically.  
11:15:40 12 Look, there may have been some robust discussions that  
11:15:45 13 occurred which would occur in most workplaces and most  
11:15:49 14 squads I've worked in, but I've got no specific  
11:15:52 15 recollection of that.  
16  
11:15:55 17 In terms of the establishment of the Purana Task Force, was  
11:16:01 18 Assistant Commissioner of Crime Overland involved in that  
11:16:06 19 establishment?---Yes, I'm pretty sure he would have given  
11:16:13 20 the final approval for the formal establishment.  
21  
11:16:17 22 Is it the case that he was closely involved in monitoring  
11:16:20 23 the work of the Purana Task Force?---Yes, that'd be a fair  
11:16:26 24 comment, yes.  
25  
11:16:27 26 And were there regular steering committees or executive  
11:16:31 27 management group meetings discussing the workings that were  
11:16:35 28 going on and the investigations that were going on?---Yep,  
11:16:40 29 I'd probably describe them more so as briefings rather than  
11:16:45 30 steering committees, et cetera.  
31  
11:16:48 32 What would you understand the difference to be?---Oh well,  
11:16:53 33 one would be a formalised steering committee or a group set  
11:16:57 34 up for that. But my recollection is that it was more so  
11:17:04 35 briefings up to my line manager who was a Superintendent at  
11:17:09 36 the time. Above him was a Commander at the Crime  
11:17:13 37 Department and then the Assistant Commissioner. So it was  
11:17:16 38 more of briefings rather than being directed by committee,  
11:17:23 39 to my recollection anyway.  
40  
11:17:26 41 Would you be involved in briefings of the Assistant  
11:17:32 42 Commissioner or would you simply brief your line manager  
11:17:34 43 and he would brief the Assistant Commissioner?---No, both  
11:17:37 44 types of briefings occurred where it would be, you know, my  
11:17:42 45 line managers and up to the Assistant Commissioner, so that  
11:17:48 46 from my recollection occurred on a number of occasions.  
47

11:17:53 1 Were there documents recording the briefings or were they  
11:17:56 2 simply a matter of recording in diaries?---I don't  
11:18:02 3 specifically recall. Probably more so diary entries.  
11:18:06 4 There would have been on occasions, and I think I do recall  
11:18:10 5 a number of briefing papers that would have been submitted,  
11:18:13 6 but as to the content I'd struggle to recall exactly what  
11:18:18 7 they might have been.  
8  
11:18:19 9 In terms of names of each up the line from you, who was  
11:18:25 10 your superior?---So the Superintendent in charge of the  
11:18:30 11 division over sighting me was Superintendent John Whitmore  
11:18:37 12 and above him was the Commander for Crime who was Commander  
11:18:44 13 Purton at one time and there were a number of Acting  
11:18:50 14 Commanders if I remember rightly, and then Assistant  
11:18:54 15 Commissioner Overland.  
16  
11:19:00 17 Did the briefings go beyond that to the Chief  
11:19:06 18 Commissioner?---There probably were some briefings taken to  
11:19:09 19 the Chief Commissioner by more likely than not Mr Overland.  
20  
11:19:14 21 Can you recall yourself being involved in any?---I could  
11:19:19 22 have. It's very difficult to recall specifically but I  
11:19:24 23 could have.  
24  
11:19:31 25 During the course of Purana operating was it the case when  
11:19:34 26 matters went to court there were generally a lot more  
11:19:38 27 investigators that would go along and watch proceedings  
11:19:43 28 than would ordinarily be the case in other investigations?  
11:19:47 29 In other words there was a heavier presence of lawyers -  
11:19:50 30 sorry, of investigators at court, is that the case?---From  
11:19:58 31 time to time perhaps for security purposes maybe and other  
11:20:02 32 matters, perhaps involvement with the OPP. I really don't  
11:20:07 33 specifically recall too many of those occasions.  
34  
11:20:13 35 You mention in your statement that you may have seen and  
11:20:16 36 spoken to Ms Gobbo at court when she was acting for accused  
11:20:20 37 persons. Did you usually attend court as a Detective  
11:20:26 38 Inspector?---No, not often. Probably towards the latter  
11:20:35 39 part of the Task Force era, that first Purana phase I would  
11:20:43 40 term it as, and if I had any other matters or if I was in  
11:20:49 41 the vicinity going to the OPP, something along those lines.  
11:20:53 42 But that was my recollection of my dealings, predominantly  
11:20:59 43 my dealings with Ms Gobbo.  
44  
11:21:01 45 When you say you might have attended court during the first  
11:21:04 46 part of the Purana phase, why specifically would you as a  
11:21:07 47 Detective Inspector attend court?---Oh, well, could be for

11:21:14 1 a number of reasons. There could have been a requirement  
11:21:20 2 from a prosecutor, an instructor to be there for whatever  
11:21:26 3 reason. It could have been for support of my people. It  
11:21:30 4 could have been a number of reasons.  
5  
11:21:35 6 You indicate in your statement having attended the scene of  
11:21:37 7 a number of murders yourself during that period of time.  
11:21:42 8 One was the Hodson murders in May of 2004?---Yes, I did  
11:21:50 9 attend that scene but that was not one of the Purana  
11:21:54 10 investigations.  
11  
11:21:58 12 There was some issue apparently that night about the  
11:22:01 13 attendance of Peter De Santo from ESD going to the scene,  
11:22:06 14 did you know about that?---Yeah, well I had to - obviously  
11:22:12 15 there's a diary entry in relation to that which occurred  
11:22:16 16 and, yeah, I was instructed to attend at the scene and  
11:22:23 17 await the arrival of the on-call Homicide team.  
18  
11:22:28 19 Were there any instructions given in relation to ensuring  
11:22:33 20 that Andrew Hodson didn't speak to ESD investigators on the  
11:22:37 21 night?---If I'm able to - if you're able to direct me to  
11:22:44 22 that diary extract I could provide you with some accurate  
11:22:51 23 answers.  
24  
11:22:53 25 I might come back to that if I need to. Do you have any  
11:22:56 26 recollection of that from your own memory now?---Not so  
11:23:01 27 much from my memory but refreshing my memory from those  
11:23:07 28 diary extract. I believe there's commentary there in  
11:23:12 29 relation to that issue.  
30  
11:23:15 31 Do you have a recollection of there being an issue about  
11:23:19 32 ESD being at the scene that night?---Yes, again on  
11:23:25 33 refreshing my memory from that diary entry, yes, I believe  
11:23:29 34 there was.  
35  
11:23:34 36 Was there concern about the optics of the situation if it  
11:23:39 37 might be considered that police were involved in the  
11:23:42 38 crime?---I'm wondering if you could put that to me in  
11:23:48 39 another way and explain that, please?  
40  
11:23:50 41 Was there concern that the public or the media might become  
11:23:53 42 aware of ESD involvement in a murder investigation and put  
11:23:57 43 two and two together that there might be police involvement  
11:24:01 44 in a murder?---I'm not sure whether that was the actual  
11:24:08 45 issue at the time but there was some sensitivity around it  
11:24:13 46 because of the ESD involvement. I recall that.  
47

11:24:16 1 Yes?---And also in conjunction with reviewing my diary  
11:24:21 2 entry.  
3

11:24:30 4 The Commission's heard some evidence from Mr De Santo that  
11:24:38 5 he was told it wouldn't be a good look for him to go there  
11:24:41 6 and there was an instruction given by Mr Overland for him  
11:24:44 7 not to go, were you aware of that?---No, I don't believe I  
11:24:49 8 was aware of any instruction given to him. I think on the  
11:24:52 9 night, and again I'd have to review my diary entry to give  
11:24:57 10 an accurate response, that I was given a direction to  
11:25:01 11 attend by the then Commander of Crime and to hold the scene  
11:25:07 12 until Senior Sergeant Bezzina from Homicide attended.  
13

11:25:38 14 Sorry, I was just trying to find the actual diary entry but  
11:25:42 15 I may come back to it. You indicate in your statement to  
11:25:50 16 the Commission that your solicitors asked you if you recall  
11:25:55 17 having a conversation with Ms Gobbo in 2003 in relation to  
11:25:58 18 a threat to her by Mr Veniamin over his unhappiness about  
11:26:05 19 her representation of Lewis Moran. Do you recall  
11:26:10 20 that?---Yes, I recall being asked that, yes.  
21

11:26:14 22 Do you recall having an understanding that there was  
11:26:22 23 seemingly a belief on the part of Mr Veniamin that Ms Gobbo  
11:26:27 24 shouldn't be representing those in the underworld from an  
11:26:29 25 opposing side?---I believe I responded that I had no  
11:26:34 26 recollection of that issue at that time.  
27

11:26:44 28 You have no recollection of the issue at all?---No, not  
11:26:49 29 having a conversation with her in relation to that or that  
11:26:53 30 particular matter. And in mid-2003 I think - mid-2003 I  
11:27:02 31 was still at the Homicide Squad when the early stages of  
11:27:10 32 Purana was occurring and I don't have any recollection of  
11:27:15 33 any threats against Ms Gobbo occurring at that time.  
34

11:27:21 35 Are you aware what led your instructing solicitor to ask  
11:27:28 36 you that question, was that information provided to  
11:27:32 37 you?---No, I'm not aware why that was put.  
38

11:27:36 39 Are you aware that Ms Gobbo later told one of her SDU  
11:27:42 40 handlers that she'd been approached by - - - ?---Sorry,  
11:27:45 41 sorry, I recall that now. Something was said to have  
11:27:50 42 occurred in 2007 to her handlers which implicated me in  
11:27:56 43 that particular matter, but again I've got no recollection  
11:27:59 44 of that occurring back in 2003.  
45

11:28:03 46 Just to clarify, were you told that she'd told her SDU  
11:28:09 47 handlers that she'd been approached firstly by Swindells

11:28:18 1 saying that he knew about this threat and then later she'd  
11:28:20 2 spoken to you about it as well?---I just remember I was  
11:28:21 3 alleged to have been involved in that conversation  
11:28:25 4 regarding some threats concerning Veniamin. But I've got  
11:28:32 5 no recollection of that at all.  
6  
11:28:33 7 Do you have a recollection that you might have spoken to  
11:28:35 8 her about those issues at a later time?---No, I don't  
11:28:41 9 believe so. There's nothing there and there's nothing that  
11:28:45 10 I've found in my diaries which would indicate that I would  
11:28:49 11 have had any involvement in that.  
12  
11:28:52 13 We'll come back to it later but in terms of those diary  
11:28:57 14 entries, your initial statement to the Commission was that  
11:29:00 15 you didn't remember meeting her at all but it seems from  
11:29:03 16 the diary entries that you've read that you had at least  
11:29:07 17 two meetings with her; is that right?---Well I'd call it  
11:29:10 18 one out of the ordinary meeting, the one where she rang and  
11:29:14 19 asked me to come and speak with her in South Melbourne.  
11:29:17 20 The other one was more so in relation to court matters, in  
11:29:24 21 the vicinity of the court.  
22  
11:29:25 23 Do you think you might have spoken to her about these  
11:29:28 24 issues during one of those meetings?---Look, I haven't got  
11:29:35 25 a specific recollection of that.  
26  
11:29:42 27 The information that the Commission has is that  
11:29:47 28 Mr Swindells approached Ms Gobbo about this issue after a  
11:29:51 29 bail variation hearing. Do you recall whether you went to  
11:29:56 30 court with Mr Swindells at all in relation to any bail  
11:30:00 31 variation hearings for Lewis Moran?---No, I don't believe -  
11:30:07 32 I can't recall that, no. Are you saying that that's  
11:30:11 33 mid-2003?  
34  
11:30:12 35 Possibly later in 2003 but it seems as though you might not  
11:30:18 36 have hit the - I think the bail variation hearing is likely  
11:30:23 37 to have occurred in September 2003 and you would have been  
11:30:28 38 at the Purana Task Force by that stage?---Yeah, I would  
11:30:37 39 have been but I haven't got a recollection of going to a  
11:30:39 40 bail hearing for Lewis Moran at all.  
41  
11:30:47 42 Would it be the case - sorry, I withdraw that. It seems as  
11:30:54 43 though Mr Swindells on that occasion, well he says one of  
11:30:58 44 the reasons he spoke to her was that he wanted to convey to  
11:31:01 45 her that Purana had extensive information. He said in his  
11:31:09 46 statement that Mr Veniamin was the first target of Purana  
11:31:12 47 and they wanted to know as much as they could about him.



11:31:17 1 Do you think that Mr Swindells' approach to Ms Gobbo at  
11:31:24 2 that stage with those things in mind would have been  
11:31:26 3 discussed with you?---Look, I don't have a recollection of  
11:31:31 4 that. With the passage of time and a number of concurrent  
11:31:39 5 matters that were going on in that particular time frame, I  
11:31:43 6 really can't say yes or no.  
7  
11:31:48 8 I just want to ask you about your awareness of Ms Gobbo  
11:31:52 9 around that stage. You would have known that she was  
11:31:54 10 someone that represented various people within the  
11:31:56 11 underworld ranks?---You're dating this September 2003?  
12  
11:32:05 13 From that period of time into 2004?---Yes, yes, she - I was  
11:32:11 14 aware that she represented a number of criminal persons.  
15  
11:32:17 16 And that was something that Purana would keep a track of,  
11:32:20 17 who was representing who?---Yeah, no more than any other  
11:32:28 18 lawyer representing some of the other accused from my  
11:32:32 19 recollection.  
20  
11:32:34 21 Would Purana keep a track of who was visiting prisoners in  
11:32:39 22 custody?---Quite possibly. In September and beyond  
11:32:50 23 September 2003 you're putting?  
24  
11:32:53 25 Yes?---Yes, quite possibly. We needed to have a good  
11:32:57 26 working relationship with Corrections in relation to some  
11:33:01 27 of the accused people in custody.  
28  
11:33:04 29 It was good intelligence for Purana to know who was  
11:33:08 30 visiting who; is that right?---I can't say whether it was  
11:33:17 31 good intelligence. There may have been advantages in that  
11:33:22 32 but I can't recall to be honest.  
33  
11:33:27 34 Ms Gobbo had quite a media presence around that  
11:33:33 35 time?---From memory, yes. She did appear on a number of  
11:33:40 36 media stories I believe.  
37  
11:33:42 38 It was well-known she was representing, for instance, Tony  
11:33:48 39 Mokbel?---Yeah, I believe so. I couldn't say exactly at  
11:33:53 40 what stage that might have been but certainly she was  
11:33:56 41 representing a number of people that we had an interest in.  
42  
11:34:01 43 And people associated with Tony Mokbel, Carl Williams and  
11:34:05 44 his family?---Yep, correct, yep. I recall there was an  
11:34:14 45 association/relationship with Williams' family and  
11:34:20 46 Ms Gobbo.  
47

11:34:21 1 And she would also represent people associated with them in  
11:34:24 2 their group or crew as they might call it?---Yes, from what  
11:34:32 3 I recall, yeah, there was a number of others, yep.  
4  
11:34:36 5 And it was known at that stage that Ms Gobbo associated  
11:34:40 6 with those people both professionally and in a more  
11:34:45 7 personal capacity, social capacity?---Yes, that would be my  
11:34:51 8 recollection.  
9  
11:34:55 10 Do you recall in November 2003 that Carl Williams was  
11:35:01 11 arrested for making a threat to kill Stuart Bateson and his  
11:35:04 12 girlfriend?---I can remember something about that. Yes,  
11:35:12 13 yes, I can remember there were threats and I was advised  
11:35:16 14 and subsequently, yes, he was taken into custody.  
15  
11:35:22 16 Do you recall if Ms Gobbo came to represent Carl Williams  
11:35:25 17 at around that stage?---Not specifically, no, but I  
11:35:33 18 couldn't dispute it.  
19  
11:35:34 20 Do you know whether she was involved in a successful bail  
11:35:37 21 application for Mr Williams in early December  
11:35:44 22 2003?---Again, I'd be struggling to recall specifically,  
11:35:46 23 but I couldn't dispute it.  
24  
11:35:50 25 Those proceedings were in the indictable stream, is that  
11:35:54 26 right? There was a committal mention proceeding in  
11:35:59 27 February of 2004?---Again, I can't really recall what that  
11:36:08 28 may have involved.  
29  
11:36:09 30 Well - - - ?---I presume so if it's a threat to kill.  
31  
11:36:12 32 If I enlighten you that it seems as though Ms Gobbo  
11:36:17 33 appeared on the committal mention in February 2004, arguing  
11:36:26 34 that Detective Bateson should be cross-examined at  
11:36:30 35 forthcoming committal proceedings. Are those the types of  
11:36:33 36 things, although you don't have any memory now, those are  
11:36:36 37 things you would have been very aware of at the  
11:36:40 38 time?---More likely than not, yes - you know, with ongoing  
11:36:44 39 proceedings, probably, but because of, as I said, the  
11:36:51 40 number of concurrent matters that were happening at the  
11:36:55 41 time, they kind of blend, if I can use that expression.  
42  
11:36:59 43 This one was a bit different because it specifically  
11:37:01 44 involved a member of - a detective under your supervision.  
11:37:07 45 You would have had quite some knowledge of that, wouldn't  
11:37:10 46 you?---Yes, that's a fair comment, but specifically - you  
11:37:17 47 know, you'd have to point me in the direction of some note

11:37:22 1 or reference to me being involved directly with that for my  
11:37:26 2 memory to be refreshed.  
3  
11:37:28 4 Regardless of whether it was direct involvement, certainly  
11:37:31 5 you would accept that you would have been aware of what was  
11:37:33 6 going on?---As I said, I recall the time that the threats  
11:37:45 7 were made and the subsequent arrest of Carl Williams in  
11:37:48 8 relation to those matters.  
9  
11:38:01 10 Your statement indicates that you attended some other  
11:38:04 11 scenes of murders in relation to Marshall, Jason Moran,  
11:38:11 12 Pasquale Barbaro, as well as the Hodsons - I think that's  
11:38:19 13 in paragraph 9 of your statement?---Yes, that's correct.  
14  
11:38:21 15 And you were aware at the time that those investigations  
11:38:27 16 had dealings with Ms Gobbo?---Could you just run that past  
11:38:34 17 me again, please?  
18  
11:38:36 19 You indicate that you are aware that those investigations  
11:38:40 20 had dealings with Ms Gobbo from time to time?---Yes - in  
11:38:47 21 relation to accused persons?  
22  
11:38:48 23 Yes?---Yeah, yes, I accept that.  
24  
11:38:55 25 Do you say it was your belief that all those dealings in  
11:38:58 26 relation to her were as a legal representative?---Yes, yes,  
11:39:06 27 that's my recollection.  
28  
11:39:09 29 Did you have any knowledge or suspicion that she might have  
11:39:13 30 been having dealings, other than simply in her capacity as  
11:39:17 31 a legal representative, with a detective or any detectives  
11:39:21 32 from Purana?---No, I had no information or reason to  
11:39:27 33 believe otherwise.  
34  
11:39:29 35 Were you ever given any information that suggested that  
11:39:32 36 Ms Gobbo had revealed information to investigators that  
11:39:36 37 might be of some assistance to their work?---No, I don't  
11:39:45 38 recall that. My view was that she was representing a  
11:39:51 39 number of accused people and trying to - attempting to get  
11:39:56 40 the best result for those people she was representing.  
41  
11:40:00 42 And that was your - - - ?---As were a number of other legal  
11:40:06 43 representatives involved in those investigations and  
11:40:11 44 prosecutions.  
45  
11:40:13 46 And you understood that to be appropriate legal  
11:40:16 47 representation?---Yes, yes, and again, we were working with

11:40:26 1 the assistance of the OPP in relation to those matters.  
2  
11:40:36 3 And you understood the duty of a legal representative was  
11:40:40 4 to act in the best interests of their client?---Well,  
11:40:45 5 that's my general understanding, yes.  
6  
11:40:49 7 There would be something going wrong if the legal  
11:40:52 8 representative was putting someone else's interests ahead  
11:40:56 9 of that of their client?---I'm not sure what that means.  
11:41:06 10 Are you able to rephrase that for me?  
11  
11:41:09 12 Well, if a legal representative was acting in the best  
11:41:14 13 interests of police instead of acting in the best interests  
11:41:17 14 of your client, that would not be appropriate?---Correct,  
11:41:22 15 and I never formed that view.  
16  
11:41:28 17 During this period of time that we're dealing with, you  
11:41:32 18 would have been aware that there was a new informer  
11:41:35 19 management policy within Victoria Police that came into  
11:41:38 20 effect?---You would have to assist me by giving me some  
11:41:48 21 dates as to changes. There were a number of iterations to  
11:41:53 22 the informer management procedures and policies over a  
11:41:59 23 period of time, so you would have to assist me with time  
11:42:03 24 dating that, please.  
25  
11:42:05 26 Very succinctly, I hope, do you recall that there was a  
11:42:10 27 review by Mr Purton as a result of some goings on in the  
11:42:16 28 Drug Squad?---I do recall that Mr Purton did a review of  
11:42:23 29 the Major Drug Investigation Division, as I think it was  
11:42:26 30 then.  
31  
11:42:27 32 And do you recall that one of the things that flowed from  
11:42:30 33 that was a new informer management policy within Victoria  
11:42:35 34 Police outlining circumstances in which informers ought be  
11:42:38 35 registered and the procedures and so forth?---Yeah, I  
11:42:43 36 couldn't dispute that. I can't specifically recall when  
11:42:46 37 that might have been, but I accept that.  
38  
11:42:49 39 We understand initially there was a Chief Commissioner's  
11:42:52 40 instruction in about September, maybe, of 2003 and then it  
11:42:58 41 was seemingly ratified the following year. But in any  
11:43:04 42 case, you would have been aware of those new policies at  
11:43:08 43 the time?---Yep, I'm sure I would have been at that time.  
44  
11:43:14 45 Were policies such as those complied with by those in  
11:43:20 46 Purana or were Purana considered - was it considered that  
11:43:24 47 Purana could exempt itself from those policies?---So the

11:43:33 1 informer management policy at that time is what you're  
11:43:38 2 asking?  
3  
11:43:40 4 If there's an informer management policy which outlines  
11:43:41 5 when people must be registered as informers within Victoria  
11:43:47 6 Police, did that policy apply to Purana or were they an  
11:43:51 7 exception?--No, there would have been no exception, that I  
11:43:57 8 was aware of, at all.  
9  
11:44:03 10 I think we might have reached a stage where we might have  
11:44:06 11 to go into private hearing, Commissioner.  
12  
11:44:08 13 COMMISSIONER: Yes, all right then. Pursuant to s.24 of  
11:44:10 14 the Inquiries Act, access to the inquiry during the  
11:44:13 15 evidence of this witness, Andrew Allen, is limited to legal  
11:44:17 16 representatives and staff assisting the Royal Commission  
11:44:19 17 and the following parties with leave to appear in the  
11:44:22 18 private hearing and their legal representatives: the State  
11:44:25 19 of Victoria, Victoria Police, Director of Public  
11:44:28 20 Prosecutions and Office of Public Prosecutions,  
11:44:30 21 Commonwealth Director of Public Prosecutions, Ms Nicola  
11:44:33 22 Gobbo, the SDU handlers, Farouk Orman and Witness A. Media  
11:44:38 23 representatives accredited by the Royal Commission are  
11:44:41 24 allowed to be present in the hearing room. The hearing is  
11:44:44 25 to be recorded but not streamed or broadcast. There is to  
11:44:48 26 be no publication of any matters which are subject to  
11:44:49 27 suppression orders affecting the individuals and evidence  
11:44:51 28 given before the Commission. A copy of this order is to be  
11:44:54 29 posted on the door of the hearing room.  
11:44:56 30  
11:44:56 31 Do we need to adjourn to go into closed hearing? No.  
11:45:00 32 All right then.  
11:45:06 33  
11:45:09 34 MS ENBOM: Commissioner, may I please approach Ms Tittensor  
11:45:12 35 just for a moment?  
36  
11:45:13 37 COMMISSIONER: Sure. Perhaps we'll just have a five-minute  
11:45:20 38 adjournment to give everyone a break.  
39  
40 (Short adjournment.)  
41  
12:02:05 42 COMMISSIONER: Yes, Ms Lloyd.  
43  
12:02:07 44 MS LLOYD: My apologies, Commissioner. I have had  
12:02:10 45 discussions with my learned friend and there are two  
12:02:12 46 matters I should clarify before we proceed to the in camera  
12:02:16 47 hearing. One is I'm instructed by Robinson Gill.

12:02:20 1 Ms Parker, from Galbally Rolfe, is also present in court.  
12:02:25 2 She appeared I think at the mention on 5 June and explained  
12:02:30 3 that the two firms were essentially collaborating in  
12:02:33 4 relation to Mr Orman's various matters, so I would seek  
12:02:37 5 that leave also be granted to Ms Parker to be here, in  
12:02:42 6 circumstances where she's also - - -  
7  
12:02:45 8 COMMISSIONER: That's in respect of Trichias, not in  
12:02:48 9 respect of this witness, isn't it?  
10  
12:02:50 11 MS LLOYD: Not in respect of Trichias, no. I don't have  
12:02:53 12 leave with respect to Trichias either.  
13  
12:02:56 14 COMMISSIONER: Not Trichias, yes. In respect of this  
12:02:57 15 witness.  
16  
12:02:58 17 MS LLOYD: In respect of this witness and L'Estrange.  
18  
12:03:00 19 COMMISSIONER: I said "legal representatives for", so that  
12:03:02 20 will cover that.  
21  
12:03:03 22 MS LLOYD: Thank you, Commissioner. The only other matter  
12:03:07 23 I should also clarify is in the nature of the undertaking  
12:03:10 24 that both Ms Parker and I will give, I've not seen the  
12:03:13 25 undertaking. As I understand it, it's not to discuss any  
12:03:16 26 matters that we hear that are not relevant to Mr Orman.  
27  
12:03:23 28 COMMISSIONER: That is with Mr Orman.  
29  
12:03:25 30 MS LLOYD: With Mr Orman.  
31  
12:03:27 32 COMMISSIONER: And also not to publish, it's a - you're  
12:03:31 33 subject to a non-publication order as well.  
34  
12:03:33 35 MS LLOYD: Absolutely. But in relation to the status of  
12:03:36 36 the unredacted statements that we will be provided with,  
12:03:39 37 are we to return those to Victoria Police before we leave  
12:03:43 38 or are we allowed to retain them on the same undertaking,  
12:03:47 39 that we're not to disclose or discuss anything in those  
12:03:50 40 statements, other than what is relevant to Mr Orman, and  
12:03:54 41 only to Mr Orman?  
42  
12:03:57 43 COMMISSIONER: That's as far as my order extends.  
12:04:00 44 Obviously they'll have to be kept securely and  
12:04:04 45 confidentially, so they will have to be - care will have to  
12:04:08 46 be taken with how they're treated, to make sure that they  
12:04:12 47 are kept confidential.

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12:04:26

MS LLOYD: Yes, understood. Thank you, Commissioner.

COMMISSIONER: Yes, Ms Tittensor.

MS TITTENSOR: Are we now in private session?

COMMISSIONER: Yes, we're in private session. You can see the notice on the door.

(IN CAMERA HEARING FOLLOWS)























































































1 UPON RESUMING IN OPEN COURT:

2  
14:55:56 3 MS TITTENSOR: Just to be clear, I'm going to ask you some  
14:56:00 4 questions about a time after you've left the Purana Task  
14:56:03 5 Force as such. It seems as though from 23 March 2005  
14:56:10 6 Mr Bateson starts receiving information from Ms Gobbo.  
14:56:18 7 Were you aware following your leaving the Purana Task Force  
14:56:22 8 that Mr Bateson started receiving intelligence,  
14:56:27 9 effectively, from Ms Gobbo?---No, I wasn't.

10  
14:56:32 11 That she began speaking with him not as a legal  
14:56:35 12 representative of clients perhaps but rather providing him  
14:56:39 13 with information about potential criminal activities by her  
14:56:43 14 clients and perhaps by other lawyers?---No, I've never been  
14:56:51 15 made aware of that.

16  
14:56:54 17 That she was advising him that legal professional privilege  
14:56:58 18 might be being abused by one solicitor who was using it to  
14:57:03 19 pass messages between various people in the underworld,  
14:57:06 20 including Mokbel and Williams, both of whom she'd been  
14:57:10 21 representing, are you aware of that?---No, not aware of  
14:57:15 22 that at all.

23  
14:57:16 24 That she was advising him about matters such as caveats and  
14:57:21 25 loans in relation to a George Williams' property, including  
14:57:25 26 potentially fraudulent loans at a time she was representing  
14:57:29 27 George Williams?---No.

28  
14:57:33 29 And that Detective Bateson was asking her to find out a bit  
14:57:38 30 more about such matters, were you aware of that?---No, I  
14:57:40 31 wasn't aware of that.

32  
14:57:42 33 That she was indicating at a time that she was representing  
14:57:46 34 Tony Mokbel that not enough attention was being paid to his  
14:57:50 35 restrained assets, are you aware of that?---No, I wasn't  
14:57:53 36 aware of that.

37  
14:57:56 38 That she was advising him about payments made for  
14:57:59 39 representation to solicitors and barristers and indicating  
14:58:04 40 that perhaps such funds were the proceeds of crime, are you  
14:58:10 41 aware of that?---No, I'm not aware of that.

42  
14:58:17 43 That she was giving advice as to questions that might be  
14:58:21 44 asked at ACC examination, aware of that?---No, I'm not  
14:58:30 45 aware of that.

46  
14:58:31 47 That she was indicating the state of mind of a certain

14:58:35 1 person after the ACC examination, that was someone that  
14:58:42 2 she'd been involved in providing advice to, aware of  
14:58:48 3 that?---No, I'm not aware of that.  
4  
14:58:54 5 Do you accept that those kinds of matters raise serious  
14:58:57 6 concerns about breaches of legal professional privilege and  
14:59:01 7 confidentiality?---Are you asking me in an experiential  
14:59:11 8 position?  
9  
14:59:14 10 Hearing those matters that Ms Gobbo has conveyed - assuming  
14:59:18 11 Ms Gobbo conveyed such matters to Detective Bateson in  
14:59:21 12 relation to people that she was representing at the time,  
14:59:25 13 do you accept that those matters raise serious concerns  
14:59:27 14 that she might be breaching legal professional privilege or  
14:59:31 15 confidentiality?---On what you've put to me I would  
14:59:38 16 consider that would be a possibility.  
17  
14:59:43 18 Would you accept that if those things were true that  
14:59:46 19 Ms Gobbo couldn't possibly continue to act in the client's  
14:59:50 20 best interests at the same time that she was providing such  
14:59:53 21 information to the police?---Yeah, I believe that if that  
15:00:01 22 was the position then that is - you know, that's quite a  
15:00:07 23 dangerous position to be in as far as a lawyer is  
15:00:10 24 concerned.  
25  
15:00:12 26 If you had remained Detective Inspector of Purana and those  
15:00:16 27 types of matters were being reported to you as occurring,  
15:00:19 28 what would you have done?---I would have had an immediate  
15:00:31 29 cessation of any of those activities and I would have  
15:00:36 30 called an urgent review of anything that involved Ms Gobbo  
15:00:45 31 should matters such as that have come to my attention.  
32  
15:00:49 33 You would have immediately elevated it up the chain of  
15:00:52 34 command?---Yes, I would, like everything, take into account  
15:01:01 35 all the facts and circumstances and made an evaluation from  
15:01:04 36 there.  
37  
15:01:06 38 And at the very least sought some legal advice about those  
15:01:10 39 matters?---I would have thought so, yes.  
40  
15:01:12 41 In October 2004 you became chief of staff to Chief  
15:01:24 42 Commissioner of Police Nixon; is that right?---Yes, it was  
15:01:27 43 an acting role at that time.  
44  
15:01:31 45 Would you as chief of staff attend meetings or briefings  
15:01:35 46 about Purana related matters?---No, not unless matters  
15:01:44 47 arose that required any attention in my role as the acting

15:01:49 1 chief of staff. But, you know, I'd left Purana and someone  
15:01:54 2 else had taken over from that point.  
3  
15:01:58 4 Can you say how involved in terms of her knowledge and  
15:02:03 5 awareness of Purana related developments and matters Chief  
15:02:09 6 Commissioner Nixon was?---I really couldn't say in detail.  
15:02:17 7 I mean there were obviously briefings that I wasn't privy  
15:02:24 8 to from other members of Command at that time. But, you  
15:02:29 9 know, it was a really busy, you know, and complex role and  
15:02:36 10 there were a number of concurrent matters there that one  
15:02:44 11 had to deal with and I don't recall any specific briefings  
15:02:52 12 regarding any issues for Purana past my time there.  
13  
15:02:58 14 The circumstances that I've just outlined to you in  
15:03:01 15 relation to Detective Bateson receiving some information  
15:03:03 16 from Ms Gobbo, you accept might be of the nature that if it  
15:03:11 17 got out could cause reputational damage to Victoria  
15:03:15 18 Police?---If there was a clear conflict and concerns which  
15:03:21 19 might - my concern would be affecting any impending  
15:03:28 20 prosecutions. Yes, that could damage reputation.  
21  
15:03:33 22 Would you expect if that was going on, that conduct, that  
15:03:42 23 that would be run past Chief Commissioner Nixon?---Oh, as I  
15:03:47 24 said I was out of that role at that time, out of the Purana  
15:03:53 25 role, and really was divorced from the Crime Department and  
15:03:58 26 the Task Force. So that would be up to others to evaluate  
15:04:02 27 and escalate as required.  
28  
15:04:05 29 Are you able to say if that was the type of information  
15:04:07 30 that Assistant Commissioner Overland would have discussed  
15:04:12 31 with Chief Commissioner Nixon?---I couldn't say for certain  
15:04:19 32 whether that was a matter that would have been brought to  
15:04:21 33 her attention.  
34  
15:04:23 35 Thanks Mr Allen.  
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15:04:25 37 COMMISSIONER: Any questions?  
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15:04:29 39 MR NATHWANI: No Commissioner.  
15:04:30 40  
15:04:31 41 MS ENBOM: No Commissioner.  
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15:04:32 43 COMMISSIONER: Thank you Mr Allen. You can go now, you're  
15:04:35 44 free to go?---Thank you Commissioner.  
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46 <(THE WITNESS WITHDREW)  
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15:04:54 1 COMMISSIONER: I think we have to resume in private hearing  
15:04:54 2 with Mr Trichias now.

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15:04:54 4 MR WINNEKE: Yes, Mr Trichias.  
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15:04:54 6 COMMISSIONER: In respect of that, I revoke the order made  
15:04:54 7 yesterday as to closing the court hearing concerning part  
15:04:54 8 of the evidence of Peter Trichias and instead I order,  
15:04:54 9 pursuant to s.24 of the *Inquiries Act* access to the inquiry  
15:04:54 10 during the evidence of Peter Trichias is limited to legal  
15:04:54 11 representatives and staff assisting the Royal Commission  
15:04:57 12 and the following parties with leave to appear in the  
15:04:59 13 private hearing and their legal representatives: the State  
15:05:03 14 of Victoria, Victoria Police, Director of Public  
15:05:06 15 Prosecutions, the Office of Public Prosecutions, the  
15:05:09 16 Commonwealth Director of Public Prosecutions, Ms Nicola  
15:05:12 17 Gobbo, SDU handlers and Evangelos Goussis. Media  
15:05:17 18 representatives accredited by the Royal Commission are  
15:05:20 19 allowed to be present in the hearing room. The hearing is  
15:05:24 20 to be recorded but not streamed or broadcast. There is to  
15:05:26 21 be publication of any matters which are subject to  
15:05:27 22 suppression orders affecting the individuals and evidence  
15:05:30 23 given before the Commission. A copy of this order is to be  
15:05:35 24 posted on the hearing room door.

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26 (IN CAMERA HEARING FOLLOWS)

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