

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Friday, 9 August 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Ms R. Enbom Ms K. Argiropoulos
Counsel for State of Victoria	Mr C. McDermott
Counsel for Nicola Gobbo	Mr R. Nathwani
Counsel for DPP/SPP	Mr K. O'Gorman
Counsel for CDPP	Ms Fitzgerald
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for Faruk Orman	Ms S. Wallace

00:52:10 1 COMMISSIONER: I note we are now in public hearing with the
00:52:13 2 transcript being streamed with a 15-minute delay.
00:52:17 3 Appearances are as - - -
00:52:21 4
00:52:21 5 MR WOODS: I appear with Mr Winneke and Ms Tittensor to
00:52:23 6 assist.
7
00:52:24 8 COMMISSIONER: Yes, thanks Mr Woods. Mr Nathwani for
00:52:27 9 Ms Gobbo, Ms Enbom and Ms Argiropoulos for Victoria Police,
00:52:31 10 Mr McDermott for the State, Mr Chettle and Ms Thies for the
00:52:36 11 handlers, Ms O'Gorman for the DPP, Ms Fitzgerald for the
00:52:40 12 Commonwealth DPP and Ms Wallace for Mr Orman. Yes.
00:52:49 13
00:52:50 14 MR WOODS: Commissioner, Mr Gavan Anthony Ryan is to be
00:52:55 15 interposed this morning. As you know, Sandy White's
00:53:02 16 evidence has been progressing over the last eight hearing
00:53:04 17 days so we've interposed Mr Ryan today. I'm not yet sure
00:53:11 18 how long that's going to take and whether or not we'll
00:53:15 19 continue with Mr Ryan, but at this stage we're able to do
00:53:19 20 at least the first, and probably a significant part, of his
00:53:22 21 evidence in public hearing.
22
00:53:24 23 COMMISSIONER: Yes, thank you.
00:53:26 24
00:53:26 25 MR WOODS: Unless there's anything to be said by anyone
00:53:29 26 else I call Gavan Anthony Ryan.
27
00:53:32 28 COMMISSIONER: Yes. Did you want to say something about
00:53:35 29 the late material?
00:53:38 30
00:53:39 31 MR WOODS: Yes. Sorry, Mr Ryan, before you come into the
00:53:40 32 witness box, we've received overnight, I'm not quite sure
00:53:46 33 how many emails relevant to Mr Ryan. He has been
00:53:49 34 interposed and that might explain to some extent why
00:53:54 35 they've arrived last night. But in any event, I haven't
00:53:57 36 yet had an opportunity to read all of them. If Mr Ryan
00:54:03 37 isn't finished today there is some - sorry, if he is
00:54:06 38 finished today there's some prospect he might need to come
00:54:10 39 back because I need to read all of those emails. That's
00:54:14 40 simply the situation we're in because of the timing of the
00:54:18 41 production.
42
00:54:19 43 COMMISSIONER: Yes. Ms Enbom, it is a shame that they
00:54:21 44 arrived so late. I know this witness was interposed, but
00:54:26 45 he was originally due to give evidence earlier this week,
00:54:29 46 that was the original hope.
00:54:30 47

00:54:30 1 MS ENBOM: Yes. I expect that - I understand there are 23
00:54:35 2 emails. I haven't yet looked at them either and I
00:54:39 3 understand they were sent to counsel assisting last night.
00:54:43 4 My instructors have looked at them but there are only 23
00:54:48 5 and I expect that the reason they weren't produced earlier
00:54:51 6 is as you have suggested, which is that we weren't
00:54:56 7 expecting this witness to be called today. It was looking
00:54:59 8 more like he would be a witness who would give evidence
00:55:04 9 late next week.
10
00:55:07 11 COMMISSIONER: At one stage we had anticipated he'd be
00:55:11 12 giving evidence earlier this week. We had originally
00:55:14 13 thought that Mr White's evidence would only take the best
00:55:16 14 part of the first week.
15
00:55:19 16 MS ENBOM: Yes, and it became fairly apparent to us that he
00:55:21 17 was going to be in the witness box for a long time and I
00:55:25 18 suspect most of the attention has been directed towards
00:55:27 19 him.
20
00:55:27 21 COMMISSIONER: Yes, but again there's this ongoing
00:55:30 22 disclosure obligation that as soon as documents are found
00:55:32 23 that are relevant to the Commission they're meant to be
00:55:35 24 produced under the Notices to Produce. Now the fact that
00:55:38 25 they were able to be produced so quickly once you knew he
00:55:41 26 was called does suggest that people knew that that material
00:55:46 27 was there and would need to be produced.
28
00:55:49 29 MS ENBOM: Yes. I'll look into it, Commissioner.
30
00:55:51 31 COMMISSIONER: Thank you, Ms Enbom.
00:55:52 32
00:55:53 33 MR WOODS: If I could ask through you, Commissioner, one
00:55:57 34 other thing. If it's correct that there's only 23 emails
00:56:01 35 that have been produced I just simply point out that the
00:56:01 36 witness joined Purana in April 2003 and left Victoria
00:56:06 37 Police in April 2008, was at Petra in the meantime. I
00:56:09 38 would be very surprised if there are 23 emails relevant to
00:56:13 39 this Royal Commission relating to this witness in that
00:56:14 40 entire period. So I just seek confirmation in due course
00:56:16 41 that there are only 23 emails that are relevant.
42
00:56:19 43 COMMISSIONER: Yes. Thanks Ms Enbom.
00:56:24 44
00:56:24 45 MS ENBOM: I'll get those instructions.
00:56:28 46
00:56:28 47 MR WOODS: Sorry, Commissioner. I call Gavan Anthony Ryan.

00:56:31 1 Thank you, Mr Ryan.
2
00:56:34 3 COMMISSIONER: Mr Ryan, I understand you'll take the
00:56:37 4 oath?---Yes.
00:56:38 5
00:56:39 6 <GAVAN ANTHONY RYAN, sworn and examined:
7
00:56:52 8 COMMISSIONER: Would you prefer to stand or sit?---If it's
00:56:55 9 okay I'm used to standing. I know I'll be looking at the
00:56:58 10 screen so I will sit for that.
11
00:57:01 12 All right, stand or sit as you find more comfortable,
00:57:04 13 Mr Ryan, that's fine?---Thank you.
00:57:06 14
00:57:07 15 MS ENBOM: Thank you, Commissioner. Mr Ryan, is your full
00:57:09 16 name Gavan Anthony Ryan?---It is.
17
00:57:11 18 Are you a retired police officer?---That's correct.
19
00:57:13 20 When did you retire from the Police Force?---I retired from
00:57:17 21 Victoria Police in April 08 and from the AFP in March 2013.
22
00:57:26 23 Is your current address care of your lawyers Corrs Chambers
00:57:36 24 Westgarth, 567 Collins Street, Melbourne?---It is.
25
00:57:37 26 Have you prepared two witness statements for this Royal
00:57:40 27 Commission?---I have.
28
00:57:43 29 Do you have those two statements with you?---I do.
30
00:57:45 31 Is the first statement dated 13 June 2019?---It is.
32
00:57:52 33 Is that statement, to the best of your recollection, true
00:57:55 34 and correct?---It is.
35
00:57:57 36 Did you recently prepare a supplementary statement?---Yes.
37
00:58:00 38 Is that one dated 31 July 2019?---Yes.
39
00:58:05 40 Is that one true and correct to the best of your
00:58:07 41 recollection?---Yes.
42
00:58:09 43 Commissioner, if I could tender those two statements.
44
00:58:12 45 COMMISSIONER: Yes.
00:58:13 46
00:58:14 47 MS ENBOM: There are some redactions to both.

00:58:16 1
00:58:16 2 #EXHIBIT RC310A - (Confidential) Two statements of Gavan
00:58:26 3 Ryan.
00:58:26 4
00:58:27 5 #EXHIBIT RC310B - Two redacted statements of Gavan Ryan.
6
00:58:30 7 COMMISSIONER: Is the redactable form ready to go on the
00:58:35 8 website?
00:58:36 9
00:58:37 10 MS ENBOM: I'm not sure that we've received a response to
00:58:39 11 the proposed redactions.
12
00:58:40 13 COMMISSIONER: Thank you.
00:58:41 14
00:58:42 15 MR WOODS: It certainly is in its current form. There
00:58:44 16 might be some items that might need further discussion but
00:58:47 17 as it stands Victoria Police is happy with those redactions
00:58:50 18 so in my submission it should be put on the web page with
00:58:53 19 those redactions.
20
00:58:55 21 COMMISSIONER: With the understanding that there might be
00:58:59 22 further discussion about them between the - as a
00:59:02 23 preliminary.
00:59:04 24
00:59:05 25 MR WOODS: Yes, that's correct.
26
00:59:06 27 COMMISSIONER: As a preliminary view of the PII.
00:59:08 28
00:59:08 29 MR WOODS: That's correct.
30
00:59:09 31 COMMISSIONER: All right then. That will be 310B. Yes
00:59:18 32 Mr Woods.
00:59:19 33
34 <CROSS-EXAMINED BY MR WOODS:
35
00:59:19 36 Thank you, Commissioner. Mr Ryan, before we start, I do
00:59:24 37 reiterate what the Commissioner said about feeling free to
00:59:26 38 take a seat when and if you want to?---Thank you.
39
00:59:28 40 Things might go on for a little while?---Yes, I appreciate
00:59:32 41 that.
42
00:59:32 43 You joined Victoria Police in 1979; is that
00:59:35 44 correct?---That's correct.
45
00:59:36 46 You started in Port Melbourne?---Yes.
47

00:59:37 1 And according to your statements you had various roles in
00:59:41 2 various positions following that stint at Port
00:59:44 3 Melbourne?---Yes.
4
00:59:46 5 You were at Brunswick uniform between 98 and
00:59:50 6 2001?---Correct.
7
00:59:51 8 I think you say in your statement at one point that you
00:59:54 9 were Paul Dale's boss while you were there?---That's
00:59:56 10 correct, yes.
11
00:59:58 12 You then went to Homicide between 93 and 98?---Yes.
13
01:00:05 14 As a Detective Sergeant and then Detective Acting Senior
01:00:12 15 Sergeant?---That's correct.
16
01:00:13 17 Then from there you went to - well not from there, later on
01:00:17 18 in September 2003 you started at Purana?---Yes.
19
01:00:20 20 That was the early days of Purana?---Yes.
21
01:00:25 22 Andy Allen was running Purana at the time; is that
01:00:28 23 correct?---Yes.
24
01:00:29 25 You were a Detective Senior Sergeant when you
01:00:32 26 joined?---Yes.
27
01:00:32 28 Later you became a Detective Inspector during your time at
01:00:37 29 Purana?---Correct, just at the end.
30
01:00:40 31 There were periods of time after Mr Allen left and
01:00:47 32 Mr O'Brien took over as the head of Purana. There were
01:00:51 33 periods of time when Mr O'Brien was on leave and you would
01:00:54 34 step into his role for those periods of leave; is that
01:00:56 35 right?---That's correct.
36
01:00:57 37 Following your time at Petra, which we'll come to in a
01:01:02 38 moment, when Mr O'Brien retired you took over as the head
01:01:05 39 of Purana from about early to mid-2007 until you left for
01:01:13 40 the AFP in about April 2008?---Yes, I think it was August
01:01:17 41 07 till April 08.
42
01:01:20 43 Sure, all right. As I mentioned a moment ago, in between
01:01:26 44 those stints at Purana you were the head of the Petra Task
01:01:30 45 Force?---Correct.
46
01:01:32 47 And that was established - well, you became the head of the

01:01:36 1 Task Force in April 2007?---I think - my recollection is it
01:01:42 2 was March.
3
01:01:43 4 I think there were initial discussions with you in March
01:01:46 5 and it might have been established slightly after that, but
01:01:49 6 in any event - - - ?---Okay, yeah.
7
01:01:52 8 - - - March/April?---I accept that.
9
01:01:55 10 That was the Task Force obviously that was established to
01:01:57 11 investigate the murder of the Hodsons?---Correct.
12
01:02:01 13 I might have asked this but you were the initial and only
01:02:05 14 officer-in-charge during your period there, you were in
01:02:08 15 charge that whole time you were at Petra?---Yes.
16
01:02:11 17 I should ask as well, during that time did you have to step
01:02:14 18 out of that role to take Jim O'Brien's role during leave
01:02:19 19 periods or were you only at Petra during that time?---I
01:02:22 20 don't think I stepped out. Because he retired in August 07
01:02:31 21 and I went to Petra in April 07, so it's only a short time.
22
01:02:38 23 All right. As I mentioned earlier, in April 2008 you left
01:02:43 24 Victoria Police and commenced a role at the Australian
01:02:47 25 Federal Police?---Correct.
26
01:02:48 27 I just want to ask a question, you heard the exchange a
01:02:51 28 moment ago about emails and the emails that have been
01:02:58 29 disclosed overnight. I just want to ask, was it a usual
01:03:05 30 thing for you to use email during time at both Purana and
01:03:10 31 Petra, were you an email person?---Yes.
32
01:03:13 33 Were there issues that you wouldn't record in emails that
01:03:16 34 were better to be done either verbally or in hard copy
01:03:20 35 writing or was it generally an email environment you were
01:03:24 36 in?---No, there was a combination. There'd be verbal as
01:03:30 37 well as email.
38
01:03:31 39 You were frequently using email during the period of both
01:03:35 40 Petra and Purana?---I certainly would, yeah.
41
01:03:38 42 Okay. In your statement you talk about - I'm talking about
01:03:44 43 paragraph 14 here - you talk about your recollection of
01:03:55 44 your early dealings with Nicola Gobbo. There's a
01:04:01 45 chronology that Mr Bateson has helpfully provided to the
01:04:04 46 Commission. I take it you've had a chance to see that, or
01:04:08 47 not?---I have. I recall reading the first three or four

01:04:12 1 pages.
2
01:04:13 3 Yes?---And that it seemed a good document.
4
01:04:17 5 It's certainly been useful to understand the chronology.
01:04:23 6 Is it largely in accordance, I'm not asking for specifics
01:04:27 7 at this stage, but it's largely in accordance with your
01:04:29 8 recollection of how things played out over the period in
01:04:32 9 relation to Nicola Gobbo?---Yes.
10
01:04:38 11 Before your time at Purana did you have, so that's
01:04:45 12 September 03 when you started, did you have any dealings
01:04:47 13 with her before that?---No.
14
01:04:49 15 Did you know who she was?---No.
16
01:04:54 17 I assume that upon commencing at Purana, given the major
01:05:00 18 criminal activities that Purana was dealing with, you would
01:05:04 19 have become aware of who she was pretty soon after you
01:05:07 20 commenced there?---Yes.
21
01:05:10 22 You knew that she was acting for members of the Williams'
01:05:13 23 crew?---Yes.
24
01:05:15 25 What did you know about her relationships early on, and I
01:05:20 26 accept that it's difficult all these years later, but her
01:05:23 27 relationships with members of Melbourne's criminal
01:05:26 28 underworld back in that early stage in September 2003 and
01:05:31 29 around that period of time? I mean you knew she was acting
01:05:34 30 for the Williams' crew, did you know anything more than
01:05:37 31 that about her relationships with the underworld?---Well
01:05:40 32 Williams and Mokbel were aligned so I knew she was dealing
01:05:45 33 with them.
34
01:05:46 35 Yes?---At that time.
36
01:05:48 37 Did you have any concerns about her dealings with them at
01:05:50 38 the time?---It's a - you have the Williams' crew which is
01:05:59 39 aligned with Mokbel.
40
01:06:01 41 Yes?---And you have the Gatto crew, Carlton crew.
42
01:06:04 43 Yes?---Okay. So I knew she was aligned with the
01:06:07 44 Williams/Mokbel crew, if I can put it in succinct terms.
45
01:06:13 46 I understand. When you use the term aligned, as a
01:06:17 47 barrister myself that's a term of interest when you're

01:06:20 1 talking about a barrister being aligned with a particular
01:06:22 2 group of individuals, we're usually independent people who
01:06:29 3 represent who we choose - who we're asked to represent I
01:06:32 4 should say. Sometimes we don't get the choice. In any
01:06:39 5 event, was there any concern raised that she was affiliated
01:06:43 6 with a particular group rather than simply acting for them
01:06:47 7 as their independent counsel?---Yes.
8
01:06:49 9 What do you remember about those concerns?---Well we have
01:06:55 10 surveillance units surveilling various people in the
01:07:02 11 underworld.
12
01:07:02 13 Yes?---And they - you know, she would turn up at meetings,
01:07:08 14 et cetera, and we wondered what was going on. You know, it
01:07:13 15 seemed a bit odd that a lawyer would sort of turn up at all
01:07:17 16 these meetings. So I got - I was very suspicious of it.
17
01:07:23 18 In fact you took the view that she was possibly an
01:07:26 19 intermediary between various elements of the underworld, is
01:07:31 20 that right?---Yes, that's correct.
21
01:07:32 22 Specifically, I take it from your answer a moment ago, that
01:07:35 23 was being a potential intermediary between
01:07:37 24 Mr Mokbel/Mr Williams on one hand and the Carlton crew on
01:07:42 25 the other hand; is that right?---Sorry, I didn't - - -
26
01:07:44 27 Who was she an intermediary between did you suspect?---Well
01:07:48 28 she - Williams' crew, Mokbel crew.
29
01:07:52 30 Yes?---They might discuss things. She might discuss things
01:07:55 31 with Williams and then go and see Mokbel, you know.
32
01:07:59 33 I see. Specifically between those two?---Yeah, the Carlton
01:08:01 34 crew were mortal enemies.
35
01:08:08 36 But did you know about her affiliation with the Carlton
01:08:11 37 crew in 2003?---No.
38
01:08:12 39 Or did you see her as quite separate to them?---Separate.
40
01:08:18 41 I take it that was a matter of surprise to you that you
01:08:21 42 were observing a barrister acting in that way?---Yeah, well
01:08:24 43 I wasn't observing her, it was done by surveillance units.
44
01:08:29 45 I understand. But the things that came to your attention -
01:08:31 46 - - ?---Yeah.
47

01:08:32 1 - - - from the surveillance, that would have been a matter
01:08:35 2 of surprise?---Yes.
3
01:08:36 4 Had you seen legal practitioners acting that way before in
01:08:40 5 your experience? I'm not asking for names?---No, no. No.
6
01:08:46 7 All right. The product of that surveillance and the things
01:08:52 8 you learnt from it and the surprise, did that raise in your
01:08:57 9 mind any alarm bells about the judgment that Ms Gobbo might
01:09:01 10 have in her social or professional life?---Yes.
11
01:09:13 12 Your suspicions of her arose very early on at your time in
01:09:18 13 Purana?---Correct.
14
01:09:20 15 They were prior to what we all now know about her being
01:09:24 16 registered not by you but by the SDU in September
01:09:27 17 2005?---Correct.
18
01:09:29 19 Did you share those concerns with people or were they a
01:09:33 20 topic of conversation in 2003/2004 about her involvement
01:09:39 21 with these people?---It was certainly a topic of
01:09:41 22 conversation in 2003 early on.
23
01:09:45 24 And that would be the reason why she herself was eventually
01:09:50 25 put under surveillance in late 2003, early 2004?---Yes.
26
01:09:55 27 Who ordered that surveillance, do you know?---I don't
01:09:58 28 recall specifically but it would have been either me, Phil
01:10:04 29 Swindells or Andy Allen.
30
01:10:08 31 What was the specific reason for the
01:10:09 32 surveillance?---Because she was continually going to these
01:10:12 33 meetings and we felt that she was passing on information.
34
01:10:21 35 That she was a party to criminal activity?---Highly likely,
01:10:25 36 that's how we viewed it. And we wanted to see what intel
01:10:30 37 we could get out of where she went, who she met, that type
01:10:36 38 of thing.
39
01:10:36 40 I understand. Now there's - I might have a simplistic view
01:10:42 41 of these things but in my understanding there are two broad
01:10:46 42 types of surveillance, those that you wouldn't need a court
01:10:50 43 order for, which is, for example, surveilling someone from
01:10:53 44 a street or surveilling a particular address, sitting
01:10:56 45 outside in a public area, not in a private space. That's
01:11:01 46 one category. And the second category is surveillance you
01:11:04 47 would need a court order for, TIs, LDs, that sort of

01:11:09 1 surveillance. Do you recall what surveillance was used for
01:11:12 2 Ms Gobbo?---Yes.
3
01:11:13 4 What was it?---It's only physical. There was no TI, LD or
01:11:19 5 anything like that.
6
01:11:20 7 Did you film it, or did the surveillance crew film it?---I
01:11:24 8 don't know.
9
01:11:24 10 You don't have any recollection of any films of her at that
01:11:27 11 stage?---No.
12
01:11:29 13 Okay. What was the information that was gleaned from the
01:11:37 14 surveillance back at that stage? There were the
01:11:39 15 suspicions, they led to the physical surveillance on her.
01:11:43 16 What did you learn through the surveillance?---You learned
01:11:49 17 who's who in the zoo.
18
01:11:50 19 Yes?---When we first started we lacked a lot of
01:11:56 20 intelligence about the various players, if I could put it
01:11:59 21 that way.
22
01:12:00 23 Yes?---And you've got to build that up so you know who's
01:12:04 24 aligned to who, that type of thing. So it's something that
01:12:07 25 just doesn't - snap your fingers and you've got it.
26
01:12:10 27 Yeah, I understand. Then I understand there were
01:12:12 28 significant crimes taking place at the time and you were
01:12:16 29 having to think outside the box about how you would
01:12:20 30 investigate those crimes?---Correct.
31
01:12:27 32 Did the surveillance lead to any understanding that Nicola
01:12:30 33 Gobbo was in fact engaged in any criminal activity herself
01:12:34 34 at that stage?---No. Only did it once.
35
01:12:40 36 Okay, I see. There's a document that I'll ask be put up on
01:12:46 37 the screen. It's VPL.0005.0148.0001. If it could just be
01:12:54 38 brought up on the Commissioner's and my screen for now. I
01:12:57 39 think whilst it's been reviewed - and the witness's screen.
01:13:02 40 Whilst it's been reviewed I think it's the preliminary
01:13:06 41 review rather than a review for publishing.
42
01:13:09 43 Just before we go to - just so I can understand, your way
01:13:12 44 of recording things, I assume, throughout your life in the
01:13:17 45 Police Force, but certainly during this period, was to keep
01:13:20 46 a folder and I think I've seen one of them in court with
01:13:25 47 pieces of paper like this one and with dates and sort of

01:13:29 1 real time recording of things that were going on and then
01:13:32 2 to later filter them into - well, later record those things
01:13:36 3 in a formal police diary, is that a fair description of
01:13:39 4 what it is?---Yes, it is.
5
01:13:41 6 Did you always use the folder in between putting it into
01:13:45 7 the police diary or did sometimes you put things straight
01:13:48 8 into the police diary?---No. If I could just explain. I
01:13:53 9 went for a period of, I'm guessing, roughly 05, where I
01:13:58 10 would take the notes and then transpose them into the
01:14:01 11 diary.
12
01:14:02 13 Yes?---And then I went straight to the diary.
14
01:14:05 15 Okay?---I could tell you when if I saw my diaries.
16
01:14:10 17 I understand. We might actually get to that because I want
01:14:13 18 to talk a little bit about that in due course. This
01:14:19 19 appears, rather than the formal police diary, it's that
01:14:22 20 folder you used for notes on the go, is that a fair
01:14:25 21 description?---Yes.
22
01:14:26 23 And it's the 4th of the 11th 2003?---No.
24
01:14:33 25 Sorry, I'm looking at Wednesday. The 5th of the 11th
01:14:36 26 2003?---No, no, no. It's the 14th of November 03. I've
01:14:41 27 got here "Wednesday 5/11 rec. leave". RL is recreation
01:14:47 28 leave.
29
01:14:47 30 That's a period that you were on leave?---M'hmm.
31
01:14:50 32 Is this starting on the Friday, under the word "Friday
01:14:54 33 14/11/03"?---Yeah.
34
01:14:57 35 That's something that occurred - that's the Friday the
01:14:59 36 notes go under that?---Correct.
37
01:15:01 38 Can the operator just scroll up. You're on duty 10 am.
01:15:05 39 There's a Purana meeting, it's attended by Allen, Swindells
01:15:09 40 - Allen is the head of Purana - Swindells, you, Robertson,
01:15:13 41 Trichias, another person named down there, is that
01:15:17 42 Yvonne?---Yes, Yvonne.
43
01:15:20 44 Nichols and Wilson; is that right?---Correct.
45
01:15:24 46 And Mr Buick?---Correct.
47

01:15:26 1 I understand who those top people are. Who was
01:15:29 2 Yvonne?---Yvonne Lindsey was a detective on the drug team,
01:15:37 3 the then drug team at Purana.
4
01:15:39 5 Okay?---She was, I assume the Sergeant was away and she was
01:15:44 6 representing the team.
7
01:15:45 8 All right. Then Nichols?---Nichols was in the intel unit.
01:15:54 9 It wasn't actually called intel, it was called something
01:15:57 10 else, but his team would collect all the information, et
01:16:01 11 cetera.
12
01:16:02 13 I see. And Wilson?---He's from Fraud Squad, he was part of
01:16:08 14 the initial Asset Recovery Team.
15
01:16:10 16 And we're aware who Mr Buick is. Now can you scroll down
01:16:14 17 further through those notes. This is - you've had a chance
01:16:20 18 to look at these notes in the last few days I take
01:16:23 19 it?---Not the last few days but certainly in the last month
01:16:26 20 or so, yes.
21
01:16:27 22 Can you explain to the Commissioner what this meeting was
01:16:30 23 about in broad terms?---It's a meeting whereby the
01:16:35 24 Sergeants give an update on what's been happening in the
01:16:41 25 Task Force. If I could explain. The Task Force was on the
01:16:47 26 10th floor. We're on two sides of the floor with doors, et
01:16:51 27 cetera, et cetera, between us which you have to slide
01:16:55 28 through. We had great difficulties initially getting
01:17:00 29 information and sharing, so we would have a Sergeants'
01:17:04 30 meeting to share that information.
31
01:17:05 32 I see, okay. This was that kind of meeting that was
01:17:09 33 happening?---Correct.
34
01:17:10 35 Okay. There was discussion about Ms Gobbo, Mr Mokbel and
01:17:14 36 Mr Williams and from my understanding of what's there this
01:17:18 37 was along the lines of Ms Gobbo's association with Mokbel
01:17:26 38 and Williams and her being a person of interest for that
01:17:28 39 reason in November 2003, is that a fair assumption?---Yes.
40
01:17:35 41 You've got a note there, "Gobbo wanted to see Mokbel ASAP".
01:17:41 42 Can you recall what that's about?---If I knew that word
01:17:46 43 after what was there I might be able to help you.
44
01:17:49 45 I see, I see. I might ask whether those pages are present
01:17:55 46 in court. We've only just received, I think, these ones.
01:18:05 47 I might be wrong about that.

01:18:07 1 MS ENBOM: We'll get them now, Commissioner.
01:18:10 2
01:18:10 3 MR WOODS: While we're looking for those. Again the word
01:18:14 4 "Gobbo" is a few lines down. And then, "SPU, ESD re calls
01:18:19 5 being pulled re lawyer/client privilege"?---Yes.
6
01:18:23 7 Firstly, can you recall what discussion was happening on
01:18:26 8 that date, albeit it's a long time ago?---I can recall
01:18:33 9 little bits I suppose.
10
01:18:35 11 Can you assist what that's referring to there?---The SPU,
01:18:39 12 ESD thing?
13
01:18:41 14 Yes?---Special Projects Unit is - sometimes we call it
01:18:49 15 spew, so if I slip into that I'm just letting you know.
16
01:18:52 17 That's okay, I'll know what you mean?---It's not derogatory
01:18:55 18 to them. And ESD is Ethical Standards Department.
19
01:19:02 20 Yes?---They both - at that time the Special Projects Unit
01:19:10 21 could only monitor 28 lines.
22
01:19:13 23 Because of technological issues or - - - ?---Yeah.
24
01:19:16 25 Okay?---That's for the whole Crime Department, not just us.
26
01:19:19 27 Yes?---They're on a separate floor to us and we don't have
01:19:22 28 access to the calls until they call us up and say, "You
01:19:25 29 better listen to this".
30
01:19:27 31 Okay?---ESD had a separate SPU, I suppose you could put it,
01:19:37 32 and that was in a different building and they were running
01:19:40 33 some lines for us as an overflow. Because if Williams had
01:19:47 34 eight phones, that's eight lines gone.
35
01:19:49 36 Was it unusual, given the fact that ESD's role was
01:19:54 37 essentially to oversee ethical standards of police
01:19:57 38 themselves, was it unusual that the rank and file would be
01:20:01 39 using ESD services to assist or was it just simply a matter
01:20:05 40 of you didn't have the resources and you needed
01:20:08 41 to?---Basically we didn't have resources and they would
01:20:11 42 assist. They had priority, whatever their jobs were, they
01:20:14 43 had priority. If they didn't have jobs going we could use
01:20:19 44 their lines.
45
01:20:19 46 The calls being pulled?---Yes.
47

01:20:21 1 What's that about?---When a lawyer speaks to someone on the
01:20:30 2 phone.
3
01:20:31 4 Yes?---The someone he or she speaks to may be the subject
01:20:37 5 of a TI, telephone intercept. The lawyer's not but the
01:20:42 6 phone call's captured.
7
01:20:44 8 I see?---At SPU if a call is taken and intercepted there
01:20:53 9 are call takers there that listen to the calls and it's a
01:20:59 10 24 hour a day process. They in their judgment would say,
01:21:02 11 "That's a lawyer/client privilege call".
12
01:21:08 13 Yes?---And sensitised is the actual word, so that it's
01:21:13 14 gone. You don't get it.
15
01:21:15 16 Okay?---What happens is - - -
17
01:21:18 18 Just pausing there. Lawyer/client privilege has obviously
01:21:23 19 been a pretty significant discussion in front of the
01:21:26 20 Commission?---Yes.
21
01:21:27 22 And the ability of a police officer to determine what might
01:21:29 23 or might not be privileged as well has been a topic of
01:21:32 24 discussion. The Commission is aware of the situations
01:21:37 25 where courts have issued warrants allowing LDs and TIs in
01:21:46 26 relation to the premises of a lawyer where the judge
01:21:49 27 himself in that situation had to filter out - took the
01:21:53 28 proceeds of those LDs and TIs and made sure that none of
01:21:58 29 the privileged information was available. Do you know who
01:22:01 30 it was at this stage who was determining whether or not the
01:22:03 31 information was privileged?---Yeah, look, the process was
01:22:08 32 that the call taker who is unsworn would highlight that to
01:22:14 33 a supervisor.
34
01:22:15 35 Okay?---Who in most cases would be a sworn member who
01:22:20 36 would - - -
37
01:22:21 38 Of what rank?---I'm guessing, Sergeant.
39
01:22:24 40 Yes?---And then that - they would sensitise it and that's
01:22:35 41 it, it's gone. It's not deleted but we don't get access to
01:22:38 42 it. What happens is, if I could just explain ?
01:22:41 43
01:22:42 44 Sure?---All calls get a number, they're sequential. You
01:22:46 45 might go down to listen to the calls that have come in
01:22:49 46 overnight, or whatever, and you'll notice one's missing.
01:22:52 47 And you know that's been sensitised either for legal

01:22:56 1 professional privilege or it's a corruption where a
01:22:59 2 policeman might be buying something, drugs or whatever.
01:23:02 3 You don't get that. That's sent straight to Ethical
01:23:07 4 Standards.
5
01:23:07 6 I take it from that what this dot point might be referring
01:23:10 7 to is those listening to the calls and those supervising
01:23:13 8 those listening to the calls had extracted some
01:23:16 9 calls?---Yes.
10
01:23:17 11 Because of the potential for lawyer/client
01:23:20 12 privilege?---Correct.
13
01:23:21 14 You don't know whether they got legal advice it. We assume
01:23:25 15 probably not, it was probably the Sergeant or whoever it
01:23:28 16 was listening to the call?---Yeah, there'd be a mechanism
01:23:35 17 within SPU to review it, but you'd have to call someone
01:23:40 18 from them.
19
01:23:41 20 I understand, okay?---But that's in brief what happens.
21
01:23:44 22 I don't need you to go into a lot of detail about the next
01:23:46 23 paragraph down there. In any event it's referring to there
01:23:50 24 being listening devices being put in particular rooms and I
01:23:53 25 assume that's - is that something that was already the case
01:23:57 26 then or is that something that's proposed?---It looks like
01:24:01 27 they're already in and one device to go.
28
01:24:05 29 That's not Ms Gobbo's premises I assume?---No, no. We
01:24:08 30 never had her place off.
31
01:24:41 32 There's a few names here and there that we're going to have
01:24:45 33 to tread around carefully so if you don't hear me say the
01:24:49 34 name just do your best not to say the name?---Okay.
35
01:24:52 36 We've got a 15-minute delay if we need it so don't be too
01:24:56 37 stressed about it but we'll do our best. All right. So
01:25:00 38 there's listening devices in the room of someone who was of
01:25:05 39 interest and clearly someone who was associated with Nicola
01:25:08 40 Gobbo?---No. It's about - can you just go back up, please?
01:25:19 41 They're talking about - who's delivering this one? Is this
01:25:24 42 the tactical crew?
43
01:25:28 44 Sorry, say that again, I was listening to something else.
45
01:25:31 46 COMMISSIONER: Is this the tactical crew he said.
01:25:35 47

01:25:35 1 WITNESS: It's probably on the previous page
01:25:37 2
01:25:38 3 MR WOODS: All right. Keep going up. What we might do is
01:26:01 4 we might come back to that document in due course. If that
01:26:06 5 document hasn't been produced formally in an unredacted
01:26:11 6 form I think we'll need it in an unredacted form for the
01:26:16 7 purposes of what we might need to talk about in a private
01:26:19 8 hearing. I call for that to be produced if it hasn't. Oh
01:26:23 9 we do have it. We'll pause that part of the
01:26:26 10 examination?---I can say those devices have got nothing to
01:26:30 11 do with her.
12
01:26:32 13 Okay, I understand. As I say, we'll come back to that. At
01:26:38 14 paragraph 21 of your statement, which I think you've got a
01:26:43 15 copy of in front of you, you say that you continued to be
01:26:46 16 suspicious of Ms Gobbo and her connections with the
01:26:52 17 underworld. That's talking about a period prior to
01:26:54 18 September 2005 as I understand it?---Yeah, I'm talking
01:26:59 19 about 2003.
20
01:27:00 21 Yeah, okay. Did that suspicion of her and her connections
01:27:07 22 with those people, did that persist right up until April
01:27:10 23 2008 when you left?---Yes.
24
01:27:13 25 So you never trusted her?---She was aligned to the
01:27:22 26 Williams/Mokbel camp.
27
01:27:25 28 Yes?---But when the information she provided came in and
01:27:32 29 went to fruition it was certainly valuable.
30
01:27:38 31 It was valuable but were you still - despite its value were
01:27:43 32 you still suspicious about her, about her intentions or her
01:27:46 33 connections?---Look, I was less suspicious. I was
01:27:51 34 suspicious but less suspicious as time went by.
35
01:27:53 36 I take it as time went by you understood her intentions to
01:27:57 37 be that she actually wanted to help Victoria Police rather
01:28:00 38 than help her criminal associates?---She certainly wanted
01:28:03 39 to help Victoria Police. I mean she had to do her job, she
01:28:08 40 has to make money.
41
01:28:11 42 Sandy White, which is the name we've given to the gentleman
01:28:15 43 who's been giving evidence over the last few days, do you
01:28:18 44 know who that is?---Yes.
45
01:28:23 46 He gave evidence that he didn't have concerns about
01:28:26 47 Ms Gobbo's integrity during his dealings with her and he

01:28:30 1 was pretty specific about that. Do you think that was a
01:28:33 2 naïve view given all the things Purana knew about her
01:28:38 3 before her registration?---I wouldn't say naïve. He's
01:28:42 4 having considerable contact with her and obviously builds
01:28:46 5 up a rapport.
6
01:28:49 7 Yes?---Which I never did. I just had information given to
01:28:54 8 me as a result of various investigations, surveillance, et
01:28:57 9 cetera, et cetera.
10
01:28:57 11 Yes. So he's essentially entitled to his view because he
01:29:02 12 had a lot more contact with her?---That's what I - yeah.
13
01:29:07 14 Do you think given the fact that she was under surveillance
01:29:13 15 and there were these suspicions held within Purana prior to
01:29:19 16 the SDU registration of her, there should have been better
01:29:22 17 information sharing between Purana and the SDU?---Well that
01:29:26 18 was - the SDU wasn't in existence in 2003.
19
01:29:30 20 No, no, once the SDU was established, and let's take it
01:29:33 21 from the date that Nicola Gobbo was registered by a
01:29:37 22 gentleman who says he didn't have any concerns about her
01:29:40 23 integrity, it would strike me that he wasn't really aware
01:29:45 24 of any of those concerns that Purana had about her
01:29:49 25 integrity?---We would have - I don't think there would be
01:29:53 26 any doubt we would have told him.
27
01:29:55 28 Okay, all right. Another thing that Sandy White said in
01:30:00 29 his evidence was that he spoke to O'Brien at about the time
01:30:04 30 of Ms Gobbo's stroke, which was in mid-2004, and there was
01:30:12 31 a discussion that she might have been vulnerable to an
01:30:14 32 approach in mid-2004 to have her start assisting police.
01:30:21 33 Is that a discussion you were aware of at the time?---No.
34
01:30:24 35 Is it a discussion you've heard anything about since?---No.
36
01:30:28 37 Were you aware of there being a longer term plan, i.e.
01:30:36 38 before her recruitment in September 2005, to having her
01:30:42 39 come on board and provide information, a long-term plan to
01:30:46 40 get her to do so?---No.
41
01:30:49 42 Did you hear any discussions along those lines, 2003/2004,
01:30:55 43 mid-2005?---Not in 2003 or 4 but in 5 I recall Mr Bateson
01:31:12 44 mentioning things about various people.
45
01:31:15 46 Yes, all right. We're going to go into a bit of detail
01:31:18 47 about that soon. There's a document that I'll get brought

01:31:26 1 up on just your screen, the Commissioner's screen and my
01:31:29 2 screen. This is VPL.0100.0013.3276. This is a document
01:31:47 3 that's named - I'll be cautious about the bits that I
01:31:52 4 refer, but it's named, "Highly confidential. Operation
01:31:55 5 Posse. Operational assessment into the Mokbel criminal
01:31:58 6 cartel. Not for dissemination. April 2005". It's marked
01:32:03 7 "Intelligence cell Operation Purana". Is that a document
01:32:07 8 that you've seen before?---I don't think so.
9
01:32:11 10 It's a document that in broad terms discusses a long-term -
01:32:23 11 well, a new method of trying to attack and bring down the
01:32:28 12 Mokbel criminal cartel. That was one of the significant
01:32:32 13 aims of the Purana Task Force in mid-2005, wasn't
01:32:37 14 it?---Yes.
15
01:32:49 16 Can you go to p.3280. This talks about it being proposed
01:33:03 17 that the Mokbel crime cartel will be actively targeted with
01:33:07 18 a view of either dismantling their operations or making it
01:33:11 19 impossible for them to operate. It was proposed that this
01:33:14 20 operation would target their associates and business
01:33:17 21 partners and the document then goes on to list, and we
01:33:21 22 won't go through each of them, but all of the associates
01:33:24 23 that were known of Mokbel, Tony Mokbel at that stage. Does
01:33:29 24 that assist you in remembering what this document was and
01:33:33 25 your knowledge of it at the time?---No.
26
01:33:38 27 A document like this which is purporting to bring together
01:33:42 28 all of the intelligence in relation to the Mokbel cartel, I
01:33:45 29 would assume that someone in your role would at least have
01:33:49 30 had knowledge of it at the time?---Yes.
31
01:33:53 32 Certainly you're aware of the broader plan to bring down
01:33:56 33 the Mokbel criminal cartel in 2005?---Yeah, although I -
01:34:07 34 for some reason I keep thinking it's 2006.
35
01:34:15 36 Can the operator take it to p.338, which is p.63 of the
01:34:20 37 document. It says that in order to effectively close down
01:34:31 38 the operations of Mokbel, his family and associates
01:34:35 39 Operation Posse was commenced in late 2004 under the banner
01:34:39 40 of Operation Purana. Just pausing there. Were you
01:34:47 41 involved in the establishment of Posse?---No.
42
01:34:52 43 Posse was, if I'm correct, an operation that was
01:34:57 44 established essentially to target Mokbel and his associates
01:35:00 45 and to bring them down?---I think so, yes.
46
01:35:05 47 Did you have any role in Posse moving forward?---I think I

01:35:08 1 did when I relieved Jim.
2
01:35:11 3 I see?---When he was on leave, et cetera.
4
01:35:14 5 All right?---The name is familiar but the document isn't.
6
01:35:17 7 I see, I see. All right. In any event that distinct Task
01:35:25 8 Force was established for those reasons, according to the
01:35:29 9 document. Purana was, its focus, and this Operation Posse
01:35:39 10 was bringing information in from Purana, Purana's focus at
01:35:44 11 around this period was the gangland killings, is that fair
01:35:47 12 to say, that was the main focus?---Yes, that was
01:35:50 13 essentially my part of Purana was the killings, the
01:35:53 14 murders.
15
01:35:54 16 And Operation Lorcha, which is also referred to there, was
01:35:58 17 an investigation into Italian organised crime. Do you
01:36:02 18 remember that operation?---I remember the name.
19
01:36:08 20 Were you involved in briefings regarding Operation Posse?
01:36:14 21 I mean you've said you might have been involved during the
01:36:17 22 periods of Jim O'Brien's leave, but were there regular
01:36:23 23 briefings you attended to your memory?---I certainly
01:36:27 24 attended briefings and Posse is a familiar name, but I
01:36:30 25 can't say specifically I went to, or I was at briefings.
26
01:36:35 27 Okay?---Lorcha wasn't with the MDID, was it?
28
01:36:39 29 Say that again, sorry?---Lorcha wasn't with the MDID, was
01:36:44 30 it, Major Drug Investigation Division?
31
01:36:47 32 It may well have been. I don't actually have an answer to
01:36:48 33 that. It seems more probable it was in MDID, I'd suggest,
01:36:57 34 than it was sitting inside Operation Purana given the
01:36:59 35 activities that were being focused on, but if you don't
01:37:02 36 know you don't know. All right. Now, going down to
01:37:11 37 p.3339, which is the next page. It says there that it's
01:37:23 38 expected that cooperation between Operation Posse and the
01:37:26 39 ACC will yield results in the tracking of financial
01:37:31 40 dealings and money laundering by members of the cartel.
01:37:35 41 Was it a common thing - - -
01:37:36 42
01:37:37 43 MS ENBOM: Excuse me, Commissioner.
01:37:54 44
01:37:55 45 MR WOODS: Was it a common thing for Purana or Victoria
01:38:00 46 Police at large to your knowledge during this period to use
01:38:04 47 other agencies outside Victoria Police to assist with their

01:38:08 1 investigations?---Yes.
2
01:38:10 3 Did that include agencies that had the power to hold
01:38:14 4 compulsory hearings?---Yes.
5
01:38:16 6 Was the fruit of those compulsory hearings shared with
01:38:20 7 Operation Purana on a regular basis?---Yes.
8
01:38:57 9 Towards the end of that document there's a reference at
01:39:04 10 p.3347. We're getting there, it will come up in a moment.
01:39:33 11 This is after it's gone through each of those associates of
01:39:41 12 Mr Mokbel and some of those other issues that I've just
01:39:45 13 touched on. It says, "The reputation of Victoria Police
01:39:48 14 and other law enforcement bodies will rest on the outcomes
01:39:52 15 of this operation", this is Operation Posse. "Should the
01:39:55 16 operation fail then the Mokbels, as well as other criminal
01:40:00 17 cartels such as Italian organised crime identities will
01:40:05 18 continue to run rampant in the belief that they are able to
01:40:05 19 outsmart the police. The operation will not be quick, nor
01:40:09 20 will it be cheap. If Victoria Police and the State
01:40:12 21 government do not provide full backing for the intended
01:40:14 22 operation then any hope of success will be limited". So
01:40:17 23 they were pretty important times and important issues for
01:40:21 24 Victoria Police that were being dealt with by Operation
01:40:24 25 Posse at the time?---Yes.
26
01:40:26 27 Okay. The next part is of particular interest:
01:40:31 28 "Flexibility will be the key to success. Being capable of
01:40:34 29 responding quickly to changing circumstances will be
01:40:38 30 essential. The investigation needs to be able to think
01:40:40 31 outside the box to come up with innovative and perhaps
01:40:44 32 novel ways for the investigation to continue". Are you
01:40:47 33 aware at the time, whether it be within Posse or Purana
01:40:52 34 generally, of there being a need for everyone to think
01:40:56 35 outside the box in targeting these criminal figures?---Yes.
36
01:41:00 37 Would you accept that the eventual recruitment of a
01:41:07 38 practising barrister, Nicola Gobbo, was certainly a good
01:41:11 39 example of thinking outside the box?---Yes.
40
01:41:14 41 Did you want to say something else?---No, no.
42
01:41:19 43 It was both innovative and novel, as is suggested
01:41:22 44 approaches should be in this document?---Yeah, that's just
01:41:26 45 - I mean informers are part of the process.
46
01:41:29 47 But in particular here informers are part of the process.

01:41:34 1 In fact there's nothing thinking outside the box about
01:41:38 2 using an informer to bring down criminal cartels. What I'm
01:41:41 3 talking about is using an informer who is a barrister who
01:41:44 4 is representing criminals to bring down criminal cartels,
01:41:47 5 that's thinking outside the box and the novelty that I'm
01:41:50 6 talking about, do you agree with that?---Yes. It's how she
01:41:55 7 becomes an informer that's relevant.
8
01:41:59 9 And it was a highly unusual thing to recruit a practising
01:42:03 10 barrister?---Yes.
11
01:42:03 12 You hadn't heard of it being done before?---No.
13
01:42:07 14 Okay?---But no one would tell you if that happened.
15
01:42:11 16 No, no, I understand. But in your own experience though,
01:42:16 17 have you ever registered, or firstly have you ever used
01:42:21 18 human sources yourself?---Yes.
19
01:42:22 20 Did you ever register them?---No.
21
01:42:25 22 Were you ever a controller or handler or in a position like
01:42:28 23 that?---No.
24
01:42:29 25 Did you ever meet human sources other than Ms Gobbo?---Yes.
26
01:42:43 27 They were meetings in professional environments where you
01:42:47 28 were actually obtaining information from those
01:42:49 29 sources?---It was more a welfare type thing.
30
01:42:55 31 You were brought in, what, as the boss to - - - ?---Yes.
32
01:42:59 33 - - - to assist with the handler or controller?---Yes.
34
01:43:20 35 You're aware of Mr Bateson commencing to receive
01:43:28 36 information from Ms Gobbo quite some time before her
01:43:32 37 registration with the SDU; is that right?---Yes.
38
01:43:35 39 Were you Bateson's immediate boss at that stage?---Yeah, I
01:43:39 40 was the Detective Senior Sergeant.
41
01:43:42 42 Can you recall when it was that Mr Bateson first mentioned
01:43:46 43 Ms Gobbo and his relationship in that sense of her
01:43:51 44 providing information to him, do you know when it was?---It
01:43:54 45 was in 2005, I don't know the date.
46
01:43:59 47 Can you recall any of the conversations or the general

01:44:01 1 nature of them?---In general that she wanted to give some
01:44:09 2 information - I don't know if I should say it in open
01:44:13 3 court.
4
01:44:15 5 I don't think there's any issue with it given the cat's
01:44:17 6 largely out of the bag in relation to Ms Gobbo
01:44:20 7
01:44:20 8 MS ENBOM: Excuse me, Commissioner, may I just speak to
01:44:22 9 Mr Woods?
01:44:28 10
01:44:31 11 MR WOODS: I take it the information that she was providing
01:44:35 12 was in relation to other legal practitioners?---Correct.
13
01:44:40 14 And she had what you might describe as a bee in her bonnet
01:44:44 15 about at least one of them; is that right?---It wasn't just
01:44:48 16 one.
17
01:44:49 18 Okay. Two or more?---There were three that I remember.
01:44:57 19 There might have been more.
20
01:45:01 21 Mr Bateson was having these conversations with Ms Gobbo and
01:45:04 22 he was coming back to his immediate report that was you and
01:45:08 23 saying, "These are the conversations I've had with
01:45:10 24 her"?---Yes.
25
01:45:12 26 Okay?---The bee in the bonnet I wouldn't, I might say - - -
27
01:45:17 28 It was my description, not yours. I don't think you
01:45:20 29 accepted it?---It's related to one of the three.
30
01:45:22 31 Yes?---The other two didn't, in my view, from the
01:45:27 32 conversations that I had.
33
01:45:30 34 All right. I think that's what I meant to ask you in any
01:45:35 35 event. Do you recall the conversations that you had,
01:45:42 36 without naming any of those people, the conversations that
01:45:46 37 you had with Ms Gobbo - sorry, with Mr Bateson at the time,
01:45:51 38 you had suspicions about Ms Gobbo's associates with these
01:45:56 39 serious criminals. She's now providing some information of
01:46:01 40 some description to Mr Bateson. Do you remember whether
01:46:06 41 you discussed whether or not it was a good idea to be
01:46:09 42 dealing with Ms Gobbo at that stage? Did you discuss that
01:46:12 43 with Mr Bateson?---Well I - yes, I did and that's why I
01:46:16 44 suggested that she go to the then DSU which became the SDU.
45
01:46:27 46 In that suggestion did it occur that there might be issues,
01:46:29 47 in a broad sense, with her being brought in to some sort of

01:46:34 1 formal relationship to start providing information given
01:46:37 2 her profession?---Yes.
3
01:46:40 4 Did you talk to Mr Bateson about that?---I don't recall.
5
01:46:46 6 Do you recall whether you spoke to anyone about that at the
01:46:48 7 time?---I don't recall.
8
01:46:57 9 I think - can I suggest that given the significance and the
01:47:01 10 novelty of a person who's providing information, whether
01:47:06 11 registered or unregistered, who is a barrister, you would
01:47:10 12 have spoken to someone about it at the time?---Possibly,
01:47:14 13 yeah, I just don't remember.
14
01:47:16 15 Do you remember whether or not legal advice was sought at
01:47:19 16 that early stage about whether or not anyone should be
01:47:21 17 dealing with her?---Not that I'm aware of. You've got to
01:47:31 18 remember it was about lawyers and that's where I thought it
01:47:34 19 was going to go to.
20
01:47:36 21 Sorry, can you explain that, I didn't follow that. Perhaps
01:47:41 22 just repeat yourself?---No, no. The information that she
01:47:44 23 told Bateson and wanted to give us in relation to trust
01:47:48 24 accounts was about lawyers and that's where I thought it
01:47:52 25 was going to go at that time.
26
01:47:54 27 And that was the only information that you were aware of at
01:47:57 28 that time?---Correct.
29
01:48:02 30 Are you aware of her giving information about other people,
01:48:06 31 this is in that same period of 2005, that weren't
01:48:13 32 lawyers?---I don't recall that.
33
01:48:17 34 Information she was giving Mr Bateson that related to Tony
01:48:21 35 Mokbel?---I don't recall that.
36
01:48:26 37 If Ms Gobbo was providing information about those three
01:48:29 38 individuals and Mr Bateson was reporting that to you, can I
01:48:33 39 suggest that if she was also telling Mr Bateson about
01:48:36 40 Mr Mokbel, that would also have been reported to you?---I
01:48:41 41 would say that would be very probable.
42
01:48:45 43 Also in relation to George Williams, do you remember him
01:48:50 44 passing on to you information that Ms Gobbo had provided
01:48:55 45 him about George Williams?---No.
46
01:49:00 47 These conversations, do you remember whether they were all

01:49:02 1 face-to-face conversations or did you have email exchanges
01:49:05 2 about it or you simply don't know?---The one I remember was
01:49:13 3 face-to-face.
4
01:49:16 5 Okay?---I doubt if there would have been emails.
6
01:49:19 7 Just on that issue of emails, I'll pause what we're talking
01:49:23 8 about for a moment. I take it it would come as a matter of
01:49:26 9 surprise to you, if it is the case, that there's only 23
01:49:30 10 relevant emails during this entire period up to April 2008,
01:49:35 11 that would be a surprise to you, I assume?---No.
12
01:49:37 13 You reckon there might only be 28 emails that are relevant
01:49:40 14 to the terms - - - ?---I'm surprised that there's 23. I
01:49:43 15 haven't read them. I haven't had access to them.
16
01:49:47 17 But you were in the process, you were in the habit of
01:49:50 18 emailing pretty continuously, you gave evidence previously.
01:49:54 19 But that seems like a lot to you?---About her, yes.
20
01:49:58 21 Why is that in particular?---Because she's an informer and
01:50:03 22 it's a security risk. Once you send an email it can go
01:50:08 23 anywhere.
24
01:50:17 25 Mr Bateson tells us that on 23 May 2005 he got a call from
01:50:25 26 Ms Gobbo, and I can bring this up on the chronology but I
01:50:29 27 won't for now. It says he informed - it says C Ryan, what
01:50:38 28 he's told us, was there any other Ryan that he was
01:50:41 29 reporting to?---No.
30
01:50:43 31 So it might just be a typographical error?---It might be G.
32
01:50:50 33 Yeah, I think it might be. He says that what he's been
01:50:54 34 told by Gobbo in this phone call is that as per an
01:50:58 35 arrangement made through an earlier phone call with Gobbo
01:51:02 36 he met her at the Emerald Hotel and she spoke about one of
01:51:08 37 those legal practitioners, was one of the issues she spoke
01:51:12 38 about, who is still owed money by Mr Mokbel and talked
01:51:20 39 again about another legal practitioner, I think that's the
01:51:24 40 bee in the bonnet one, saying that that person was doing a
01:51:29 41 lot of legal work for free, is no doubt providing a
01:51:34 42 particular kind of service, and then she goes on to say
01:51:40 43 those on the outside, including Tony Mokbel, who has been
01:51:44 44 attending this lawyer's office to speak to this other
01:51:48 45 person, are using legal professional privilege to make sure
01:51:51 46 that they're not being intercepted. Do you remember a
01:51:54 47 conversation along those lines that Mr Bateson was

01:51:58 1 reporting back to you?---No.
2
01:52:00 3 It included Carl Williams and information in relation to
01:52:03 4 Carl Williams?---I don't remember that conversation.
5
01:52:14 6 The only conversations that you recall in that mid-2005
01:52:17 7 period with Mr Bateson related to the three lawyers?---Yes.
8
01:52:22 9 None in relation to Carl Williams?---No.
10
01:52:26 11 George Williams?---No.
12
01:52:28 13 Tony Mokbel?---No.
14
01:52:30 15 If Mr Bateson says in his chronology that he reported these
01:52:34 16 things to you though you wouldn't take exception to
01:52:36 17 that?---No, no, I would accept that.
18
01:52:48 19 Those conversations you would accept would have been
01:52:52 20 reported up the line to Overland and others who were in
01:52:57 21 charge of these issues?---They would be - the information
01:53:09 22 would be passed to, depending on the time, who was in
01:53:14 23 charge of Purana.
24
01:53:15 25 Yes?---Whether that person then took it up the line, I
01:53:22 26 don't know.
27
01:53:23 28 That was Mr Allen?---He was there 03 to 04.
29
01:53:29 30 Yes. Mr O'Brien?---I think you're talking about 05 there,
01:53:34 31 aren't you?
32
01:53:35 33 Yes, 2005, that's right?---O'Brien took over from me in
01:53:39 34 December 05.
35
01:53:40 36 In which case if the conversation was happening at that
01:53:43 37 stage you accept that Mr Bateson, if his record says that
01:53:48 38 he spoke to you, that he did. Matters of significance like
01:53:51 39 this, would it have been your practice to pass them up the
01:53:56 40 line personally?---Yes and no. It's the volume that you
01:54:01 41 get. I'm not talking about just that there.
42
01:54:05 43 No, no, I understand. You had a job with a lot of
01:54:08 44 different strings?---That's the thing, you know, you brief
01:54:11 45 the AC once a week and you try and make it succinct.
46
01:54:16 47 Yes?---To me that's stuff that we need to deal with

01:54:21 1 internally and make decisions on.
2
01:54:24 3 The records, your own records of that, because - so you've
01:54:30 4 said you'd be cautious about recording things that might
01:54:33 5 have had some record of a human source providing
01:54:38 6 assistance. Would that have been the case in relation to
01:54:41 7 this sort of information from Mr Bateson, because it was, I
01:54:45 8 would have thought at that stage, pretty general?---It's
01:54:48 9 probably not one I'd take note of. It's just dealing with
01:54:52 10 day-to-day issues as they arise. You know, you feel like -
01:54:58 11 sometimes you feel like a logistics guy trying to get
01:55:01 12 pieces in place for things.
13
01:55:08 14 Are you aware that there was an offer from Mr Bateson to
01:55:13 15 Ms Gobbo in this period of 2005 that the door would always
01:55:19 16 be open if she wanted to come and assist?---I accept that,
01:55:22 17 yes.
18
01:55:23 19 Do you remember that phrase being used at the time?---No.
20
01:55:29 21 There's a diary I'd like to bring up. This is
01:55:35 22 VPL.0005.0120.0348. Just before we get to this, was
01:56:00 23 Mr Bateson involved in those inquiries that were happening
01:56:08 24 in relation to the Mokbel and Williams cartels and the
01:56:18 25 activities we were talking about before that were on the
01:56:22 26 Operation Posse operation plan, the document you didn't
01:56:24 27 recall seeing, was Mr Bateson involved in Operation Posse
01:56:29 28 at that early stage?---No. His clear focus was the Moran
01:56:35 29 murders.
30
01:56:36 31 Yes?---All of them. That was his job. He was - it was
01:56:43 32 defined, there were defined areas within the Task Force and
01:56:48 33 that was his key. But in fairness they cross over.
34
01:56:53 35 Yes, I understand. Because we know that in 2005 he's
01:56:56 36 attending some hearings of a Federal authority that don't
01:57:03 37 seem to match with his role?---This is Bateson?
38
01:57:09 39 Yes, that's right. When you say they cross over, he wasn't
01:57:13 40 just doing the one thing in relation to the Moran murders,
01:57:16 41 he was involved in various other aspects of Posse and
01:57:20 42 Purana's focus?---I don't know about Posse but he was
01:57:23 43 certainly - - -
44
01:57:25 45 Well he was having these conversations with Nicola Gobbo
01:57:27 46 about these lawyers - didn't seem to have anything to do
01:57:31 47 with the Morans - mid-2005?---But that's because she

01:57:35 1 contacted him.
2
01:57:37 3 Yes, I understand. What I'm saying is his focus wasn't
01:57:40 4 simply on the Moran murders, there would have been some
01:57:43 5 cross over, as you say?---There is. His main focus was the
01:57:46 6 Moran murders, we needed them solved, and he had to - well
01:57:52 7 he did focus on that. But, you know, from time to time the
01:57:57 8 whole Task Force would have worked on various things,
01:58:00 9 various cross over things, if you understand what I mean.
10
01:58:03 11 Yes, I do. Can I ask - just have a look at the screen
01:58:08 12 there now. I understand this is a diary entry of 7 April
01:58:14 13 2004, so we're going back a year. There appears to be a
01:58:23 14 meeting that takes place. I must say I find your
01:58:28 15 handwriting slightly difficult to read. Can you explain to
01:58:31 16 the Commissioner what this was about, 7 April 2004?---I'll
01:58:35 17 just read it.
18
01:58:37 19 Sure, go ahead?---Which part, the top part or - - -
20
01:58:52 21 There seems to be a meeting that's referred to about half
01:58:55 22 to two-thirds of the way down?---About purity?
23
01:58:59 24 "13:00, County Court re meeting with DDI Allen"?---Yes.
01:59:03 25
01:59:04 26 "Nicola Gobbo and Karen Ingleton"?---Yes.
27
01:59:10 28 Was that a meeting that you had with Ms Gobbo on that
01:59:13 29 day?---Yes.
30
01:59:14 31 Do you remember what that was in relation to?---Yes, I took
01:59:17 32 notes.
33
01:59:17 34 I don't want you to name the person that you were
01:59:19 35 discussing at the time but do you remember in your own mind
01:59:24 36 who her client was at that stage?---Yes.
37
01:59:26 38 Yeah, okay. We're going to have a - part of the hearing
01:59:31 39 will be closed down the track and we'll talk about some of
01:59:33 40 those issues in a bit more detail?---Okay.
41
01:59:36 42 I want to move on to some issues in your second statement.
01:59:48 43 Do you have a copy of your second statement there?---I do.
44
01:59:51 45 Can that be brought up on the screen? I think it finishes
01:59:58 46 in 0021. That actually might be the page of it that
02:00:14 47 finishes in 0021. You've got a copy anyway of your second

02:00:18 1 statement?---Yes.
2
02:00:20 3 And at paragraph 3 you say in preparing your original
02:00:26 4 statement you reviewed your police diaries and separate
02:00:30 5 handwritten notes. It was your practice "to reproduce
02:00:34 6 separate handwritten notes in my diary. Since providing my
7 witness statement I've been back through my hand written
02:00:37 8 notes and I've found some notes which refer to Ms Gobbo but
02:00:40 9 which are not in my diaries". That's the system that we
02:00:44 10 discussed a little bit earlier where you would have your
02:00:46 11 folder of pages that would then be put into your diary,
02:00:49 12 that's what you're describing there?---That's correct, yes.
13
02:00:52 14 Just generally in relation to the taking of notes, and I
02:00:56 15 understand the evidence you've given about the caution that
02:01:00 16 needs to be used when making any note about a human source
02:01:04 17 and that's your position, isn't it?---Yes.
18
02:01:08 19 More broadly, it's the case that the reason - this might
02:01:14 20 sound a bit obvious perhaps, but the reason that you take
02:01:17 21 notes as a police officer is so that you're able to
02:01:21 22 remember with clarity and correctness something that
02:01:25 23 happened at a particular time, that's inevitable, isn't
02:01:28 24 it?---Yeah, that'd be fair to say.
25
02:01:30 26 The reason you do so is that human memory is fallible and
02:01:37 27 it's good to have a note to remember precisely what
02:01:40 28 happened at the time?---Yes.
29
02:01:45 30 Obviously when you're taking notes, whether it be through
02:01:49 31 the initial folder that you used or a police diary, it's
02:01:54 32 important to be - and I should say I'm not going to be
02:01:59 33 suggesting that you're anything other than accurate, but
02:02:01 34 it's important to be accurate when you're taking
02:02:04 35 notes?---Correct.
36
02:02:09 37 You understand that in the criminal - the prosecution
02:02:14 38 process there's an obligation on the prosecution to provide
02:02:21 39 all of the documents to an accused person, firstly, that
02:02:27 40 will assist the prosecution in securing a conviction;
02:02:31 41 they've all got to be there so the accused person knows the
02:02:34 42 case they've got to answer, you agree with that?---Yes.
43
02:02:37 44 And, secondly, you've got to disclose all of the things
02:02:42 45 that might assist that accused person in finding a defence
02:02:47 46 that's available to them?---Correct.
47

02:02:49 1 Have you yourself ever been involved in the process of
02:02:52 2 putting together briefs of evidence?---Yes.
3
02:02:54 4 So you're familiar with the obligation to put both those
02:02:59 5 things on?---Yes, your subpoena is the brief.
02:03:02 6
02:03:03 7 Just a moment, before you say that. You understand that
02:03:06 8 there's no need for a subpoena, you've got to provide a
02:03:11 9 brief of evidence to an accused person?---Yes.
10
02:03:14 11 When they're charged?---Yes.
12
02:03:17 13 The subpoena, I think - you can go on and explain what you
02:03:21 14 were going to say about a subpoena?---You know, you get an
02:03:24 15 all embracing subpoena and you provide the information and
02:03:27 16 you argue it out.
17
02:03:31 18 Okay, I understand that. Was it your experience that
02:03:35 19 there's always a subpoena or was it sometimes the case the
02:03:38 20 accused gets their brief of evidence and is confident that
02:03:41 21 it's got everything they need and they'll go on and either
02:03:45 22 plead or defend the charge?---Well early days at Homicide
02:03:49 23 in the 90s it was unusual to get a subpoena.
24
02:03:52 25 Yes?---By the time I left Purana it was very prevalent.
26
02:04:03 27 Often it was the case that the subpoena would be fought out
02:04:05 28 in court and the judge might well say, "You've got to
02:04:09 29 provide some of the documents that are sought but not all
02:04:12 30 of the documents"?---Correct.
31
02:04:13 32 And that's because some of the documents were potentially
02:04:16 33 relevant and the judge might find that the others either
02:04:19 34 aren't relevant or they might be PII or anything like
02:04:21 35 that?---Correct.
36
02:04:30 37 Was there a change in that practice - you say that the
02:04:35 38 process of the issuing of subpoenas commenced - sorry, I
02:04:44 39 might not have picked up on that. When did you say that
02:04:47 40 commenced?---I'm saying that in the 90s it was my
02:04:52 41 recollection that we hardly ever got a subpoena, apart from
02:04:55 42 I remember getting one for Gangitano being charged.
43
02:05:00 44 Yes?---But it was more prevalent, much more prevalent once
02:05:06 45 I got to Purana and beyond.
46
02:05:09 47 Was there a change in disclosure practices between those

02:05:16 1 two periods that you were aware of?---No.
2
02:05:18 3 Was there any direction that you were aware of that certain
02:05:21 4 things shouldn't be disclosed and let them subpoena it
02:05:24 5 instead?---Sorry, could you just repeat that? I didn't
02:05:29 6 quite understand.
7
02:05:30 8 What I want to understand, as someone who wasn't practising
02:05:34 9 in that first period of time who's very used to seeing
02:05:38 10 subpoenas, was there some direction within the Police
02:05:44 11 Force, some change of course in relation to what briefs of
02:05:47 12 evidence should and should not include between those two
02:05:50 13 periods of time, firstly, where you said it was very rare
02:05:54 14 to get a subpoena, Gangitano is one you remember, and then
02:05:58 15 later on when you got them all the time? Was there a
02:06:01 16 change in policy that you were aware of?---No, not that I'm
02:06:05 17 aware of. I don't think there was any policy that I'm
02:06:08 18 aware of.
19
02:06:09 20 Was there a change in practice that you noticed that
02:06:11 21 certain kinds of documents, let's take diaries for
02:06:14 22 example?---Yes.
23
02:06:15 24 Do you remember diary entries were included in briefs of
02:06:18 25 evidence in the 90s?---No.
26
02:06:22 27 So they had to be asked for?---Yes.
28
02:06:35 29 Just on that point. It's often the case, and was often the
02:06:39 30 case during your time at Purana and Posse, that subpoenas
02:06:48 31 would arrive and one of the things that they were seeking
02:06:50 32 was police diaries?---Yes.
33
02:06:54 34 Was your diary - I assume it must have been asked for a
02:06:57 35 number of times during those years?---Yes.
36
02:07:04 37 You would accept the proposition that the reason that an
02:07:08 38 accused person wants to see a police diary is because they
02:07:13 39 want to understand precisely what it was that was happening
02:07:18 40 at the particular time, that's what they're trying to
02:07:21 41 determine, isn't it?---They're looking - the way we get
02:07:29 42 cross-examined, they were looking for something where they
02:07:32 43 could latch on to.
44
02:07:33 45 They were trying to find a defence?---Possibly, yes. It's
02:07:41 46 difficult for me, I'm not a lawyer.
47

02:07:43 1 No, no, I understand. I understand. It's, in the
02:07:51 2 circumstances where if you take what I say is correct -
02:07:59 3 well I'll put it to you first. The reason that they are
02:08:02 4 seeking these materials, there really can't be any other
02:08:06 5 reason other than to try and secure a defence, that's all
02:08:09 6 an accused person is trying to do in a criminal trial that
02:08:12 7 they're contesting, do you agree with that?---Sorry,
02:08:22 8 basically, yes, but they're looking for - I don't know, I
02:08:27 9 mean I'm not a lawyer.
10
02:08:28 11 No, I understand that?---They're looking for something that
02:08:32 12 they can use.
13
02:08:32 14 Something they can use to secure a defence?---Or use. I
02:08:37 15 don't know about defence. It might go the other way, they
02:08:41 16 might secure a plea.
17
02:08:43 18 They're looking for the facts as they were understood by
02:08:47 19 the person who took that diary at the time, who made that
02:08:50 20 note, that's what they want to know, don't they?---They
02:08:53 21 want to read them to see what they can get.
22
02:08:56 23 That's right, what they can get to assist themselves in a
02:09:01 24 criminal charge?---Correct.
25
02:09:04 26 You'd accept the fact that it's important for a police
02:09:10 27 officer to record fully and frankly in their notes and in
02:09:13 28 their diary what in fact did occur at a particular
02:09:16 29 time?---When you can, yes.
30
02:09:19 31 When you say when you can, when can't you?---You can get a
02:09:24 32 call driving a car and you - - -
33
02:09:27 34 I'm sorry, physically able to, yes?---Yeah.
35
02:09:37 36 You agree, I expect, that it would be inappropriate simply
02:09:41 37 not to record something in your diary because that might
02:09:46 38 help the defence down the track?---Not to include it?
39
02:09:54 40 Yes, specifically and consciously think, "I'm not going to
02:09:58 41 write that in my diary because that might cause us a
02:10:01 42 problem down the track"?---I've never done that. I've
02:10:05 43 never done that.
44
02:10:06 45 Have you known anyone else who does it for that
02:10:09 46 reason?---No. If they did it they wouldn't tell you.
47

02:10:15 1 Your concern about not recording or being reluctant,
02:10:19 2 because there are some records of Nicola Gobbo in your
02:10:22 3 diaries, the concern that you talk about in your statement
02:10:25 4 not to record her you say came from a fear for her
02:10:29 5 safety?---Yeah. You don't know what it's like to go home
02:10:33 6 every day worrying that she's going to get bumped. Killed,
02:10:39 7 sorry.
8

02:10:39 9 I understand. If I can just take that line of logic down.
02:10:48 10 If you're concerned for her safety and not writing it in
02:10:55 11 your diary for that reason, or contact concerning her in
02:10:58 12 your diary for that reason, the one place that it's most
02:11:02 13 likely to be disclosed is through this process of
02:11:07 14 disclosure in a criminal matter, that's where the diaries
02:11:09 15 might be obtained?---Correct.
16

02:11:11 17 You'd accept, I assume, that someone accused of a crime
02:11:17 18 whose barrister has assisted police with identifying their
02:11:22 19 criminal activity, that might be something - I know you're
02:11:25 20 not a lawyer, but that might be something that might assist
02:11:28 21 them with a defence down the track?---Hypothetically, yes.
22

02:11:32 23 And so despite your intention being to protect Ms Gobbo by
02:11:40 24 not writing her name down in a diary, you'd accept I think,
02:11:45 25 because of your last answer, that one of the by-products of
02:11:48 26 that might be that a person doesn't enjoy a defence because
02:11:52 27 they never know because her name wasn't written in your
02:11:54 28 diary?---I don't know how to answer that. I mean - - -
29

02:11:58 30 It's inevitable, isn't it? If they don't know - you've
02:12:02 31 accepted the fact that that might assist them with a
02:12:05 32 defence that their own barrister was providing police with
02:12:08 33 assistance?---It might, it might not. You know, like
02:12:10 34 information comes in and you either action it or you don't.
35

02:12:17 36 If - - - ?---Hang on. If you don't action it, it might be
02:12:20 37 relevant. Or you don't write it down, but you don't know
02:12:23 38 that at the time.
39

02:12:24 40 When you say it might or might not be relevant, I take it
02:12:28 41 that your view on that would have changed post December
02:12:32 42 2018 when the High Court handed down its decision in
02:12:37 43 relation to the matters that are under investigation
02:12:39 44 now?---Sorry, I don't quite get it?
45

02:12:43 46 Whether or not a person's lawyer assisting police, or a
02:12:48 47 barrister assisting police might or might not assist with a

02:12:52 1 defence, right, has your view on that matter changed since
02:12:56 2 the High Court handed down its decision and Mr Orman has
02:13:00 3 recently been released, do you accept now that it might
02:13:04 4 well assist someone with their defence - - - ?---I accept -
02:13:10 5 what I'd simply say is I wouldn't register a lawyer.
6
02:13:15 7 I think it's a common response from people sitting in that
02:13:19 8 seat?---You know, that's just obvious.
9
02:13:23 10 It wasn't obvious in September 2005 though?---No, no.
11
02:13:33 12 Just on that, why wasn't it obvious in 2005?---Why what,
02:13:37 13 sorry?
14
02:13:39 15 Why was it not obvious in 2005 that you shouldn't register
02:13:43 16 a practising barrister as a police informant?---I answered
02:13:46 17 that, because the information she was - I was told about at
02:13:50 18 that stage that I recall was about lawyers.
19
02:13:53 20 Yes. But moving on, and we'll go through some of the
02:13:57 21 detail of this, she was giving information about tonnes of
02:14:01 22 people that was being reported to you, right up until the
02:14:04 23 time you went to the AFP?---Correct.
24
02:14:06 25 And they weren't lawyers generally speaking?---No, no. But
02:14:10 26 you're talking about 05. It goes on, doesn't it?
27
02:14:15 28 Yes, it does go on. But you accept now the fact that a
02:14:21 29 person's lawyer providing information in relation to that
02:14:27 30 person might assist them in finding a defence if that
02:14:32 31 matter was known to them, if they knew their lawyer was
02:14:35 32 assisting the police?---Yeah.
33
02:14:37 34 It's inevitable because of what's happened in - - - ?---But
02:14:39 35 it also might go the other way.
36
02:14:42 37 Can you explain that - - - ?---As I said before, you might
02:14:46 38 get a plea and not a fight.
39
02:14:52 40 But it is up to the person, the individual who is looking
02:14:55 41 for that defence, the accused person to assess that on the
02:14:58 42 basis of legal advice that's given to them, isn't it, it's
02:15:01 43 not up the police?---Yes, of course.
44
02:15:03 45 Just going back to my question. One of the issues that is
02:15:07 46 now clear, which is that a barrister acting in this way
02:15:13 47 might well affect the case of the accused person had they

02:15:19 1 have known about it, then that fact being recorded in a
02:15:23 2 diary that Nicola Gobbo had given information about that
02:15:26 3 person, might have been something that might have assisted
02:15:31 4 them in finding a defence at a time?---It's a hell of a
02:15:35 5 question. Could you break it down a bit for me, please?
6
02:15:38 7 I've attempted to do that. You accept the proposition that
02:15:43 8 a person's - as you sit here now in 2019, a person's lawyer
02:15:49 9 actively assisting police might offer that person a real
02:15:55 10 chance of acquittal, being found not guilty?---Yes, that's
02:16:00 11 what's happened.
12
02:16:03 13 That being the case, that would have been the case back in
02:16:06 14 2005 had anyone - - - ?---Had I written something in my
02:16:12 15 diary?
16
02:16:13 17 - - - thought about that. No, no, that person would have
02:16:16 18 that same opportunity, that defence available to them in
02:16:19 19 2005 had they known about that fact?---Oh yeah, I get what
02:16:22 20 you mean. Yes, yes.
21
02:16:24 22 So the fact that Ms Gobbo's name wasn't recorded in
02:16:27 23 diaries, and your intention wasn't to do someone out of a
02:16:31 24 defence, it was to protect her, but a by-product of that,
02:16:34 25 you would accept, is that that person would not know, if
02:16:39 26 they subpoenaed your diaries, that a defence was available
02:16:42 27 to them because Ms Gobbo's name simply wasn't recorded in
02:16:45 28 there?---Yes.
29
02:17:12 30 You're aware of the claim that is made when police diaries
02:17:18 31 are subpoenaed, or any police material is subpoenaed that
02:17:24 32 includes information regarding a human source, that a claim
02:17:30 33 for public interest immunity is commonly made by the
02:17:32 34 police?---That's correct.
35
02:17:38 36 It is, in your experience I'd suggest, a successful
02:17:41 37 application made by the police that that information should
02:17:45 38 not be disclosed?---Yes.
39
02:17:49 40 Often?---Sorry?
41
02:17:51 42 It's often successful, that application by the
02:17:53 43 police?---Yes, but I haven't been involved in that type of
02:17:58 44 thing.
45
02:17:59 46 I understand. What I'm going to suggest to you is that's
02:18:02 47 the appropriate method of ensuring that a human source's

02:18:07 1 safety is not compromised because the police diary records
02:18:12 2 everything as it occurred?---It doesn't record everything,
02:18:15 3 it can't.
4
02:18:16 5 It records the important things as they occur. It should
02:18:25 6 do so, you accept that?---Yes, but you've got to remember
02:18:28 7 the environment.
8
02:18:29 9 I understand the environment. I completely understand.
02:18:32 10 You talk about that quite a lot in your statement?---M'mm.
11
02:18:35 12 But putting the environment to one side, as we can do in
02:18:39 13 this environment now, the claim for public interest
02:18:45 14 immunity by the police to protect a human source I'm
02:18:48 15 suggesting to you is the appropriate mechanism for
02:18:51 16 protecting the identity of that source, rather than simply
02:18:54 17 not writing it down in the diary in the first place. Do
02:18:57 18 you accept that?---I accept that but that's - the safety is
02:19:03 19 paramount and you can't - my diary is on my desk. I can't
02:19:09 20 guard it 24 hours a day. I don't know who's going to look
02:19:15 21 at it. I don't know if they could inadvertently leak
02:19:18 22 something that they shouldn't. So all those things come
02:19:21 23 into play in my mind. Safety, safety, safety. It's as
02:19:25 24 simple as that.
25
02:19:26 26 You understand as well that the reason, and you might not
02:19:29 27 know the answer to this because, as you say, you're not a
02:19:32 28 lawyer, and there's no criticism, in fact quite the
02:19:35 29 opposite?---I'm thankful I'm not.
30
02:19:38 31 But the reason that public interest immunity for human
02:19:42 32 sources is there is precisely for that reason, because
02:19:46 33 human sources are at risk?---Correct.
34
02:19:58 35 I might just talk about some of those risks for a moment.
02:20:04 36 Paragraph 62 of your statement, of your first statement,
02:20:10 37 you say - I'm moving around a bit because the bit we've got
02:20:15 38 to do in private session is its own story so I'm moving
02:20:20 39 around in time a little bit. So 11 December 2006, this is
02:20:25 40 about a year after Ms Gobbo was registered as a human
02:20:31 41 source, so that was in September 2005. Do you agree with
02:20:35 42 that?---Yes.
43
02:20:36 44 And you found out about that I think in early 2006?---My
02:20:40 45 recollection was late 2005.
46
02:20:46 47 Two or three months after the registration had

02:20:48 1 occurred?---Yes.
2
02:20:50 3 Here you say that you attended a briefing with Mr Overland.
02:20:55 4 Your diary doesn't record why you attended but you suspect
02:21:00 5 you'd been given, you'd been asked to give him a briefing
02:21:03 6 by his staff officer. Your diary records that you gave
02:21:12 7 Deputy Commissioner a briefing about a number of matters
02:21:14 8 relevant to the Purana Task Force, including threats made
02:21:17 9 to Ms Gobbo. "My diary doesn't record specific threats
02:21:21 10 that I referred to." Just focusing on the threats for a
02:21:24 11 moment. It's the case, isn't it, that really from the
02:21:28 12 outset Ms Gobbo was receiving some - at the outset of her
02:21:34 13 registration that is, Ms Gobbo was receiving some pretty
02:21:37 14 serious threats by way of text message, do you agree with
02:21:40 15 that?---I don't recall that.
16
02:21:43 17 What threats do you remember going back to the
02:21:46 18 beginning?---I remember there was a - at one stage a bullet
02:21:52 19 somewhere near her house or something.
20
02:21:55 21 Okay. In her letter box?---Yeah.
22
02:21:57 23 Okay. So you remember the bullet?---Yep.
24
02:22:01 25 What else do you remember?---That's about it.
26
02:22:05 27 Do you remember her car, anything happening to her
02:22:07 28 car?---No.
29
02:22:08 30 You don't remember her car being set on fire?---Really?
02:22:12 31 What date was that, do you know? Sorry.
32
02:22:15 33 I'm just asking if you remember it?---No.
34
02:22:17 35 Do you remember her - - - ?---I might have been out, I'm
02:22:20 36 not sure on that one. You'd think I'd remember it.
37
02:22:23 38 It was April 2008?---I was out.
39
02:22:32 40 In fact around the very time you left?---Yes, I was on
02:22:34 41 leave all of April and joined AFP on Anzac Day.
42
02:22:38 43 You recall threats. The only one - you've used the plural
02:22:43 44 there, including threats made to Ms Gobbo?---M'hmm.
45
02:22:46 46 This is obviously a recollection, a current recollection
02:22:49 47 because it's in your statement and it doesn't refer to any

02:22:55 1 detail. I suggest to you you were aware of many, many
02:23:00 2 threats received by Ms Gobbo during her period of
02:23:04 3 registration?---Yeah, I would agree with that. But I
02:23:10 4 regard every meeting as highly dangerous and what can come
02:23:18 5 out of it can be disaster for her.
6
02:23:22 7 You're talking about every meeting you had - - - ?---I'm
02:23:25 8 talking in general terms. That was my - a really big fear.
9
02:23:29 10 Yes. In fact that was why early on, at least by December
02:23:36 11 2006, you were saying - and I think Mr Overland might have
02:23:42 12 agreed with you - that she should be eased out?---Correct.
13
02:23:46 14 And she should be eased out because of those
02:23:49 15 threats?---Correct.
16
02:23:51 17 Can you bring up VPL.6042.0006.0157. I want to go to
02:24:01 18 p.0159. Halfway down that page - this is a Victoria Police
02:24:12 19 document. I'm not sure whether it's your document or
02:24:16 20 otherwise. But it says, "Since 6 December 2006 the victim
02:24:23 21 has received a total of 16 threats. The majority of these
02:24:27 22 threats have been from public phone boxes in the form of
02:24:31 23 SMS, while several of the threats have been from mobile
02:24:35 24 phones in fictitious names. In October 2007 the victim
02:24:39 25 found a sympathy card containing two rounds of ammunition
02:24:41 26 in her letter box". That's, I take it, what you were
02:24:46 27 referring to when you say the bullet?---Yes.
28
02:24:49 29 Yeah, okay. This being since 6 December 2006, and matching
02:24:55 30 that up with the meeting you had with Mr Overland that you
02:24:59 31 think was about threats, I'd suggest you would have been
02:25:02 32 aware at that stage of a significant number of threats that
02:25:04 33 she'd received, and that's why you were talking to
02:25:07 34 Mr Overland, and that's why you wanted her eased out?---I
02:25:11 35 think I covered it in paragraph - the reason - I'll start
02:25:18 36 again. If you go to paragraph 60, and I want to be careful
02:25:25 37 with names, that's what I think I was talking about with
02:25:29 38 Mr Overland.
39
02:25:30 40 At 60?---60, yeah.
41
02:25:33 42 Yep, okay. But I'm talking about 62?---Yes.
43
02:25:44 44 Where you say in the second sentence, "My diary records
02:25:48 45 that I gave the Deputy Commissioner a briefing about a
02:25:50 46 number of matters relevant to Purana Task Force, including
02:25:53 47 threats made to Ms Gobbo". What I'm saying to you is that

02:25:57 1 this is 11 December you're having that meeting with the
02:26:01 2 Deputy Commissioner. The threats themselves aren't
02:26:03 3 recorded in your diary, but when you match that up with
02:26:06 4 this document here on 6 December, so about a week before,
02:26:09 5 the victim had received a total of 16 threats. You were
02:26:13 6 reporting the threats to the Assistant Commissioner a few
02:26:15 7 days later. So you would have been aware at that stage
02:26:18 8 she'd received a total of 16 threats?---I'd just like to
02:26:21 9 know what the date of this document is.
10
02:26:24 11 Well, the document is dated self-evidently well after that
02:26:30 12 but - well if I could just - - - ?---The reason I just -
02:26:38 13 Gosford doesn't ring a bell with me.
14
02:26:41 15 I'll tell you, Gosford was the Task Force that was later
02:26:44 16 established specifically because of threats that were being
02:26:46 17 made to Nicola Gobbo and to try and investigate where those
02:26:49 18 threats were coming from and to stop them?---Okay. And
02:26:52 19 when was that? I'm not trying to be smart, I'm just trying
02:26:55 20 to - - -
02:26:55 21
02:26:56 22 The Task Force was later in time, it was later in time.
23
02:26:59 24 COMMISSIONER: After you'd left the Victoria Police?---So
02:27:00 25 this is after I've left, this document?
02:27:03 26
02:27:04 27 MR WOODS: Maybe - don't focus on that document?---Okay.
28
02:27:10 29 Focus on, if you could, the threats as you recall them in
02:27:15 30 December and the reason that you wanted her eased out at
02:27:18 31 that stage was because of the threats?---As I reviewed my
02:27:23 32 diaries and made the statement the information contained in
02:27:28 33 paragraph 60 was a major escalation.
34
02:27:32 35 Yes?---And I took that as a threat because she was dealing
02:27:41 36 with some pretty heavy duty criminals on a social basis
02:27:47 37 and - - -
38
02:27:48 39 Who before that weren't involved in weapons, as I
02:27:52 40 understand it, they were essentially drug dealers; is that
02:27:58 41 right?---Yes.
42
02:28:01 43 What I might do, if a document can be brought up on the
02:28:05 44 screen. I've put together a number of the threats that
02:28:09 45 Ms Gobbo received over time. It's by no means all of them.
02:28:21 46 This one's safe to go up on all screens. I might just try
02:28:32 47 and jog your memory about some of the threats. Before I do

02:28:34 1 it, it's correct that you wanted her eased out in part or
02:28:39 2 entirely because of the threats she was receiving; is that
02:28:42 3 right?---I thought it was inevitable she'd be killed.
4
02:28:45 5 It was inevitable she'd be killed because she was providing
02:28:48 6 information about some dangerous people?---Correct.
7
02:28:52 8 You've had that meeting on 11 December 2006 in relation to
02:29:00 9 the threats and telling the Assistant Commissioner about
02:29:02 10 them?---Yes.
11
02:29:03 12 I'm not going to read all of these out, there are much
02:29:08 13 earlier ones and there are later ones as well. But there
02:29:12 14 were death threats received in 2005. This can go up on the
02:29:19 15 other screen as well.
16
02:29:21 17 COMMISSIONER: This is a document that's been prepared by
02:29:25 18 Commission - - -
02:29:27 19
02:29:27 20 MR WOODS: It's been prepared by the Commission.
21
02:29:29 22 COMMISSIONER: From information before the Commission.
02:29:32 23
02:29:32 24 MR WOODS: And it's been PII reviewed.
25
02:29:35 26 COMMISSIONER: Yes. Did you want to tender that?
02:29:38 27
02:29:39 28 MR WOODS: Yes, I do, Commissioner.
02:29:40 29
02:29:40 30 #EXHIBIT RC311 - Schedule of threats to Nicola Gobbo.
02:29:57 31
02:29:58 32 MS ENBOM: Commissioner, I don't think this is a document
02:30:02 33 we've had access to yet. May we check that quickly
02:30:08 34 overnight re any issues.
35
02:30:10 36 COMMISSIONER: It doesn't have any problems.
02:30:11 37
02:30:12 38 MS ENBOM: The only one that just jumps out at me
02:30:14 39 immediately is the entry on 14 July. There's a reference
02:30:18 40 there - there's a pseudonym, and I had thought we weren't
02:30:23 41 publishing that pseudonym.
42
02:30:26 43 COMMISSIONER: We'll remove that for the time being. We'll
02:30:29 44 remove that but I think otherwise it can go up.
02:30:35 45
02:30:38 46 MR WOODS: We have provided that to Victoria Police and had
02:30:42 47 a response that there aren't any PII claims in relation to

02:30:50 1 the document. If that's no longer the case then - - -
2

02:30:56 3 COMMISSIONER: Well, look, I really think it is our
02:30:59 4 document. You've done that. We can take out that
02:31:03 5 reference to, in the entry for 14 July, that can be
02:31:08 6 redacted with a black line. But apart from that it's been
02:31:14 7 carefully reviewed as far as I'm aware.
02:31:18 8

02:31:18 9 MS ENBOM: I'm told now that it has been PII reviewed so
02:31:21 10 that must have been an oversight. With that out it's able
02:31:25 11 to be published.
12

02:31:26 13 COMMISSIONER: Thanks, Ms Enbom.
02:31:28 14

02:31:29 15 MR WOODS: Thank you. That's just been redacted. It's
02:31:33 16 like magic.
17

02:31:35 18 COMMISSIONER: Then we should just have in the quote after
02:31:38 19 that, in inverted commas. Yes.
02:31:43 20

02:31:44 21 MR WOODS: This is just a number of examples of threats
02:31:50 22 that were made to Nicola Gobbo and I won't read them all
02:31:54 23 out but as early as 2005, this is one that isn't on the
02:32:01 24 table, Ms Gobbo was reporting threats in her first meeting
02:32:08 25 with the human source handlers. Did you know about threats
02:32:12 26 that she was reporting very early on in her relationship
02:32:15 27 with the SDU?---I don't recall.
28

02:32:20 29 Then throughout 2006 there was - for example, the first one
02:32:31 30 there, "Milad Mokbel told Ms Gobbo that Roberta Williams is
02:32:35 31 going to bash her. Peter Smith advised O'Brien re Roberta
02:32:39 32 Williams' threats". Is that something that was reported to
02:32:42 33 you at the time?---No, it's reported to O'Brien.
34

02:32:47 35 Okay?---That's how I read it.
36

02:32:50 37 18/3/2007, this is after the meeting and, as I say, there
02:32:54 38 are ones - a number of them that come before and a number
02:32:58 39 of them that come after. But you see, for example, 18th of
02:33:02 40 the 3rd 2007, "Keep your month" - I think that's that
02:33:07 41 particular person's spelling error - "shut slut fucking
02:33:14 42 dog". The term "dog" in that is a clear reference to
02:33:17 43 someone who is assisting police by giving them information,
02:33:20 44 that's what the term means, you agree with that?---Yes.
45

02:33:23 46 As you look down the list there's a lot of references, I
02:33:26 47 won't read some of them for fear of blushing, but there's

02:33:30 1 references to "dog" in almost all of those messages that go
02:33:36 2 through to 2007 that are on the screen, you agree with
02:33:39 3 that?---Yes.
4
02:33:42 5 Throughout this period, and I should say just to confirm,
02:33:50 6 your evidence is that in late 2006 you were saying Ms Gobbo
02:33:55 7 should be eased out specifically because of the threats
02:33:57 8 that were being made to her; that's your position, isn't
02:33:59 9 it?---No, that's - well it is my position but that's
02:34:02 10 actually what Mr Overland said.
11
02:34:04 12 Okay, all right. But you agreed with Mr Overland?---Yes.
13
02:34:08 14 Then following on from that there were, taking these
02:34:13 15 threats at face value, these are people you'd accept who
02:34:19 16 are identifying to Ms Gobbo that they know that she is
02:34:24 17 talking to the police, do you agree with that?---I think
02:34:30 18 know is - I don't know if they know, but they believe is
02:34:36 19 probably the word I would use.
20
02:34:38 21 In a number of instances they are threatening her life
02:34:40 22 because of their knowledge or their belief, do you agree
02:34:43 23 with that?---Yes.
24
02:34:50 25 It's inevitably the case that where a human source has been
02:34:53 26 compromised to this extent, whether or not they knew or
02:34:58 27 suspected, whether or not those two things, that they
02:35:04 28 should simply not have been used as a human source when
02:35:06 29 someone was threatening to kill them because they were
02:35:09 30 talking to the police, do you accept that?---In my personal
02:35:12 31 opinion, yes.
32
02:35:13 33 In your personal opinion?---Yes, I would agree with that.
34
02:35:17 35 The value of the information shouldn't even come into the
02:35:19 36 equation?---Yeah.
37
02:35:23 38 If I haven't tendered that document I do so, Commissioner.
39
02:35:28 40 COMMISSIONER: It's Exhibit 311.
02:35:31 41
02:35:39 42 MR WOODS: Do you agree that - so forgetting about Ms Gobbo
02:35:44 43 being Mr Mokbel's lawyer, putting that to one side, if she
02:35:50 44 was just any individual who happened to know Mr Mokbel, do
02:35:54 45 you agree that she shouldn't have been tasked to provide
02:35:56 46 information in relation to Mr Mokbel because of the
02:35:59 47 significant risks to her life that that would pose?---Yes.

02:36:12 1 What time are you talking about here?
2
02:36:15 3 Well - - - ?---It's 07, is it?
4
02:36:18 5 Did you know that she was acting for Mr Mokbel in 2002?---I
02:36:23 6 know that she - - -
7
02:36:24 8 You know that now?---That's correct, but I was - in 2002 I
02:36:30 9 was in the Arson Squad.
10
02:36:34 11 I'm talking now early 2006 when she's acting for Mr Mokbel
02:36:38 12 when he fled the jurisdiction. You knew that she was
02:36:42 13 acting for Mr Mokbel in his matters then?---I would have
02:36:45 14 known.
15
02:36:47 16 Yes?---I don't recall now.
17
02:36:48 18 But as I say, putting to one side her status as his
02:36:55 19 barrister, and just because of what you know about
02:36:57 20 Mr Mokbel himself and the threats that she was receiving,
02:37:01 21 whether or not she was a barrister it was very dangerous
02:37:03 22 for her to be tasked to provide information against
02:37:07 23 Mr Mokbel?---It'd be - yeah.
24
02:37:10 25 That was a dangerous thing to do, whether or not she's a
02:37:15 26 barrister?---It's dangerous for her. My recollection is
02:37:18 27 she was hard to manage and may defy what she was told not
02:37:30 28 to do.
29
02:37:31 30 Yes?---So, you know, you're caught.
31
02:37:36 32 Well, you might be caught but wouldn't that also lead you
02:37:41 33 to the conclusion that they had to, as you and Mr Overland
02:37:45 34 had said in 2006, ease her out?---That was my preference
02:37:49 35 then, yes.
36
02:37:50 37 And that's what should have happened?---Well in my view as
02:37:57 38 the threats, as you've correctly pointed out there, they
02:38:02 39 were escalating, it would have been best if she'd been
02:38:06 40 deregistered. But being - yeah, that's all I'd like to
02:38:11 41 say.
42
02:38:12 43 No, I understand?---It's not my job remember.
44
02:38:15 45 No, I understand. But focusing now on her status as a
02:38:19 46 barrister, do you agree that if she was continuing to act
02:38:25 47 for a client, right, I'm not asking you to put a lawyer's

02:38:30 1 hat on or anything, just as a former police officer, if she
02:38:35 2 was continuing to act for a client she should not have been
02:38:38 3 asked to inform against that particular client?---As long
02:38:44 4 as it wasn't privileged.
5
02:38:47 6 So you're saying if it's not privileged it's okay?---If
02:38:50 7 you're talking about a future import I don't see how it's
02:38:53 8 privileged.
9
02:38:54 10 Would you be comfortable as a former police officer, or at
02:38:58 11 the time as a police officer, for her to provide that
02:39:00 12 information about that importation and then to go on acting
02:39:03 13 for the person?---No.
14
02:39:04 15 No, all right. We had an example a couple of days ago that
02:39:08 16 you won't be aware of because it was in private hearing,
02:39:10 17 but it's able to be spoken about, of the Australian Federal
02:39:16 18 Police specifically saying to one of her clients that
02:39:22 19 Nicola Gobbo was unable to act for that client because of
02:39:26 20 the conflict. Sorry, I withdraw that. I just want to talk
02:39:36 21 a little bit about your time at Petra, and again we can
02:39:43 22 still do this in open hearing. So the way that Petra - and
02:39:54 23 sorry, you were the head of Petra from its inception until
02:40:00 24 Mr O'Brien retired and you came back to Purana, that's
02:40:04 25 right?---That's correct.
26
02:40:06 27 Petra was set up essentially because Detective Inspector
02:40:16 28 O'Brien met with Carl Williams in prison and Mr Williams
02:40:19 29 made a statement that implicated Mr Dale?---That's correct.
30
02:40:24 31 The story that sits behind it, I won't go through it piece
02:40:30 32 by piece, but essentially the situation was that Mr Hodson
02:40:34 33 had been an informer in 2002, Mr Dale and Mr Miesel were
02:40:39 34 his controller and handler, there'd been a burglary at
02:40:44 35 Dublin Street on Grand Final day 2003, I'm right so
02:40:54 36 far?---Yes.
37
02:40:54 38 Then IR 44 was leaked pretty quickly after that?---Yes.
39
02:41:01 40 And the Hodsons - sorry, I should say Mr Hodson implicated
02:41:10 41 Mr Dale in the Dublin Street burglary?---Yes.
42
02:41:13 43 And the Hodsons were both executed at their home in May
02:41:18 44 2004?---Correct.
45
02:41:24 46 There'd been an ongoing police investigation following that
02:41:28 47 murder?---Yes.

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And it was the statement taking or Mr O'Brien's statement from Carl Williams that was essentially the springboard to Petra?---That was part of it, yes.

What else led to that formation?---I think I've said in my statement everyone was having a go at investigating it and no one was pulling it together.

I understand?---So we discussed it with Mr Overland and said we've got to get all the information together because there might be a nugget there.

And in paragraph 68 of your statement you talk about the meeting on 22 March 2007 and I take it that that's the meeting you're referring to, so at that meeting are Overland, Hollowood, Blayney, Ketchen and yourself, is that right?---I can't say for sure it was that meeting but I certainly raised it with him.

Mr Overland thought that a Task Force should be established to investigate the murder and Dale's possible involvement, that was the outcome?---Yes.

And at paragraph 69 of your statement on 23 March, so the following day, was when you were asked to lead that Task Force; is that right?---Yes.

And paragraph 72 refers to what you've just spoken about, which is Purana, Ceja, ESD, Homicide, AFP, ACC, OPI, Office of the Chief Examiner are all doing different things in relation to the murders and one of the things that Petra was attempting to do was pull together that information?---That's correct.

You say that Petra was oversighted by the Office of Police Integrity. Can you explain what that means?---It means you have a regular contact, I had a contact at OPI.

Who was that?---John Nolan.

Right?---And I would exchange information on the phone with him.

Okay?---I think I met him on a couple of occasions, just to give him an update.

02:43:34 1 Yes, go ahead?---And I would provide once a week, I think
02:43:42 2 from memory on either a Monday afternoon or Tuesday
02:43:44 3 afternoon, a briefing to Mr Overland, Mr Cornelius and
02:43:50 4 Mr Ashton who was then at OPI.
5
02:43:52 6 I see, I see. You're aware that - can you recall when the
02:43:58 7 OPI was first established? Not with specificity but I'm
02:44:07 8 just saying what it took over from and what its role was
02:44:11 9 when it began, do you remember the OPI being
02:44:14 10 established?---I don't think it took over from anyone, it
02:44:19 11 got established and then IBAC took over from OPI.
12
02:44:27 13 That's right. You would accept that its role, part of its
02:44:28 14 role was to be separate and distinct from Victoria
02:44:30 15 Police?---Yeah, they wanted to be part of the Task Force
02:44:33 16 and I said no, because they couldn't do an oversight.
17
02:44:36 18 We'll get there in a moment but its role was to be separate
02:44:40 19 and distinct?---Yes.
20
02:44:41 21 That role makes sense given the fact that it was
02:44:45 22 essentially, it's role was to police the police?---Yes.
23
02:44:50 24 Who was the director at the beginning, was that
02:44:54 25 Mr Strong?---No, it was Mr Brouwer, he was the Ombudsman
02:45:01 26 and the head of OPI.
27
02:45:03 28 That's right. During your dealings with them in this
02:45:06 29 period the Deputy Director was Mr Ashton?---I don't know
02:45:09 30 his title but he was high up there, yes.
31
02:45:13 32 You wanted to say something a minute ago and I'm interested
02:45:16 33 in it. You were talking about I think the tension to do
02:45:20 34 with the OPI being separate and distinct from Victoria
02:45:24 35 Police but also being involved actively in the
02:45:27 36 investigation and the function of oversight. What were you
02:45:32 37 going to say?---They just wanted to put a member in the
02:45:35 38 Task Force and I felt that, you know, who would then
02:45:39 39 oversight the OPI.
40
02:45:41 41 Yes?---You know, so I just said I didn't think it was a
02:45:45 42 prudent thing and various discussions took place above my
02:45:48 43 rank and no one came on board from the OPI.
44
02:45:52 45 Do you know who - sorry, did you say apart from at the end
02:45:57 46 there? No, sorry, I might have misheard you. Do you know
02:46:01 47 who it was who ultimately decided that that should

02:46:05 1 occur?---I don't know.
2
02:46:06 3 All right. Your concern then, if I could put that in a
02:46:11 4 nutshell, was that they wouldn't be independent of the
02:46:15 5 police if they were actively participating in a Task
02:46:21 6 Force?---Correct, they couldn't oversight us.
7
02:46:25 8 COMMISSIONER: Mr Woods, is that a convenient time to take
02:46:27 9 the mid-morning break?
10
02:46:30 11 MR WOODS: Yes.
12
02:46:30 13 COMMISSIONER: We'll have a ten minute break and then we'll
02:46:33 14 sit through until 1.15. We won't be going into private
02:46:36 15 hearing shortly?
16
02:46:38 17 MR WOODS: No time soon, Commissioner.
18
02:46:39 19 COMMISSIONER: No time soon. Excellent. Thank you, we'll
20 adjourn.
21
22 (Short adjournment.)
23
02:59:20 24 COMMISSIONER: Yes Mr Woods.
02:59:21 25
02:59:21 26 MR WOODS: Thank you, Commissioner. Before the break we
02:59:27 27 were talking about the interactions between Victoria Police
02:59:34 28 and the OPI in relation to Petra and as I understood your
02:59:40 29 evidence you'd said to whoever would listen, not a good
02:59:44 30 idea for the OPI to be part of Petra?---Correct.
02:59:48 31
02:59:49 32 Ultimately that didn't happen and there was a member of the
02:59:53 33 OPI who was in the Petra steering committee?---Yes.
02:59:56 34
02:59:57 35 And that was Mr Ashton?---Correct.
02:59:58 36
02:59:59 37 What was Mr Nolan's role during that period, did he come to
03:00:04 38 meetings as well as was it just Mr Ashton?---From the OPI?
03:00:08 39
03:00:08 40 Yes?---No, it was just him, just Mr Ashton.
03:00:11 41
03:00:14 42 There were hearings that we'll spend a bit of time talking
03:00:20 43 about now in July and August 2007, two hearings at the OPI
03:00:25 44 that Nicola Gobbo attended, do you recall those two?---Yes.
03:00:30 45
03:00:34 46 You knew at that stage, because you'd found out in late
03:00:37 47 2005, that Ms Gobbo was a registered human source?---Yes.

03:00:44 1
03:00:44 2 And you knew she was continuing in that role as a
03:00:47 3 registered human source during her interactions with the
03:00:50 4 OPI in July and August 2007?---Yes.
03:00:54 5
03:00:59 6 It's fair to say that there were some difficulties faced in
03:01:04 7 the OPI hearings due to Nicola Gobbo's role as a human
03:01:10 8 source, is that right? I'll be more specific?---Yeah.
03:01:17 9
03:01:18 10 The difficulty was that were she to be called in front of
03:01:21 11 the OPI, her role as a human source might be disclosed to
03:01:25 12 the OPI?---Correct.
03:01:26 13
03:01:27 14 And there was a lot of sensitivity around that?---Yes.
03:01:32 15
03:01:36 16 Can you bring up, I'm going to bring up a Petra steering
03:01:41 17 committee minute. This is document IBAC.001.0001.0492.
03:01:56 18 There we go, it's entitled - I don't see any reason why
03:02:03 19 others at the Bar table can't see this. So that's an
03:02:08 20 Operation Petra management committee meeting, Monday 1 May
03:02:13 21 2007, you agree with that?---Yes.
03:02:15 22
03:02:15 23 And those present were Mr Cornelius, Mr Wilson,
03:02:20 24 Mr Hollowood, Mr Ryan, Ms Curran, do you agree with
03:02:23 25 that?---They - yeah, look I would. I'm just a little
03:02:36 26 concerned that they would, the hearings, the committee
03:02:43 27 meeting would normally be Overland, Ashton and Cornelius.
03:02:49 28
03:02:49 29 I understand. I think there are some later meetings where
03:02:53 30 that's the case. As you can see here Mr Overland is an
03:02:56 31 apology at this meeting?---Oh okay.
32
03:02:58 33 Next name after Ms Curran?---Okay.
03:03:03 34
03:03:04 35 Just working through that document, you provided Task Force
03:03:10 36 update document to the meeting, do you accept that's what
03:03:12 37 occurred at the meeting?---Yeah, where does it say that?
03:03:16 38
03:03:17 39 Under that line of asterisks. So you'll see under
03:03:24 40 "apology, Deputy Commissioner Overland" there's a
03:03:28 41 line?---Yeah.
03:03:29 42
03:03:29 43 It says "GR provided Task Force update"?---Document.
03:03:35 44
03:03:35 45 Sorry, the document that's right. I haven't yet been able
03:03:38 46 to locate that document. Have you seen that document as
03:03:41 47 you've been preparing to come and give evidence?---I saw

03:03:44 1 some documents that I had prepared. I don't know if - - -
03:03:48 2
03:03:48 3 That's one of them?---- - - if that's one of them.
03:03:50 4
03:03:51 5 We might make an inquiry about that particular document if
03:03:54 6 it exists because I couldn't find it in our system. I just
03:03:59 7 want to go down to the third dot point, legal team, "S0 to
03:04:06 8 have appointed as soon as possible". Do you know what
03:04:12 9 that's a reference to? S0 is obviously Simon Overland and
03:04:17 10 he has to appoint a legal team but for what purpose?---I
03:04:22 11 don't recall. I'm trying to think of a reason why but I
03:04:26 12 can't.
03:04:26 13
03:04:27 14 The two possibilities that occur to me is, firstly, a legal
03:04:30 15 team to provide advice or, secondly, a legal team to run
03:04:34 16 hearings, does that assist?--We already had a legal team
03:04:43 17 to run hearings, Geoff Horgan used to do that.
03:04:48 18
03:04:49 19 But Geoff Horgan didn't run the hearings that we're going
03:04:52 20 to move to in a moment though, did he?---No, Mr Fitzgerald
03:04:56 21 did. I just don't know what that's about.
03:05:01 22
03:05:02 23 Perhaps might it be then that in fact that was what was
03:05:06 24 being discussed there, that the legal team, maybe Mr Horgan
03:05:09 25 was unavailable and in any event did you have, did you have
03:05:14 26 a legal team ever during Petra that were on call to provide
03:05:19 27 Petra with legal advice?---No.
03:05:21 28
03:05:21 29 Within Petra?---Not when I, not when I was there.
03:05:25 30
03:05:26 31 I'd suggest that what that is a reference to is that it's
03:05:30 32 to provide, to appoint a legal team to convene a
03:05:34 33 hearing?---It's possible.
03:05:37 34
03:05:37 35 A legal team was appointed to convene a hearing in due
03:05:42 36 course, you agree with that?---At OPI, are you talking
03:05:46 37 about?
03:05:47 38
03:05:47 39 At OPI?---I don't think he - why would he - I don't think
03:05:53 40 he would appoint a legal team for OPI.
03:05:56 41
03:05:56 42 That's why I'm interested in that entry. It does seem
03:06:00 43 strange that if it's referring to an appointment of a legal
03:06:03 44 team it wasn't Mr Overland's to appoint the legal team for
03:06:07 45 the OPI?---That's right, they appointed Mr Fitzgerald from
03:06:11 46 Queensland.
03:06:12 47

03:06:12 1 Do you think it was Mr Overland who made that
03:06:14 2 suggestion?---I wouldn't have a clue.
03:06:15 3
03:06:15 4 You don't know, okay. Given that there wasn't a legal
03:06:19 5 team, or the only legal team that ever was involved was
03:06:23 6 Mr Fitzgerald and his counsel assisting, Mr Livermore, I'd
03:06:28 7 suggest to you that that's a reference to the appointment
03:06:30 8 of Mr Fitzgerald and Mr Livermore?---No, I read it's a
03:06:37 9 legal team for VicPol, not for OPI.
03:06:41 10
03:06:42 11 A legal team to assist Petra?---I would - - -
03:06:48 12
03:06:48 13 The reason I ask the question, you said there wasn't a
03:06:53 14 legal team?---It may relate to Carl Williams has signed his
03:06:57 15 statement and potential charges, that's what it may be.
03:07:00 16
03:07:00 17 I see?---As in a prosecution team.
03:07:06 18
03:07:10 19 MS ENBOM: Commissioner, I'm sorry to interrupt. That
03:07:12 20 document that is on the public screen there does have some
03:07:19 21 PII issues in it that are unresolved.
03:07:25 22
03:07:27 23 COMMISSIONER: Take that off the public screen, please,
03:07:28 24 thank you. Yes, thanks Ms Enbom.
03:07:30 25
03:07:31 26 MR WOODS: You think one of the other possibilities is that
03:07:33 27 it's a legal team to prosecute?---Yes. There was
03:07:39 28 significant difficulties for me personally in relation to
03:07:45 29 the Williams involvement in Petra.
03:07:52 30
03:07:52 31 Yes?---Because I - do you want me to - - -
03:07:56 32
03:07:57 33 Yes, yes, I'd like to know?---I'd given evidence at his
03:08:00 34 plea.
03:08:00 35
03:08:00 36 Yes?---After he'd given evidence.
03:08:02 37
03:08:02 38 Yes?---And he'd lied and I'd said in the box that I would
03:08:07 39 never call him as a witness.
03:08:09 40
03:08:10 41 Yes?---And then I'm the head of Petra.
03:08:13 42
03:08:13 43 I think the judge might have made some similar comments
03:08:16 44 about his evidence?---Yes, she doesn't muck around.
03:08:19 45
03:08:21 46 All right. So that caused you a personal difficulty
03:08:24 47 because that was the opinion that you had formed about him

03:08:28 1 and now this new operation had come out, really spring
03:08:34 2 boarded from the fact that he was prepared to
03:08:36 3 assist?---Yes, but severe difficulty with his credibility.

03:08:40 4
03:08:40 5 I understand, yes. All right, so it might just be that for
03:08:48 6 current purposes we're just, it remains unclear about what
03:08:52 7 that legal team appointment might have been, you don't have
03:08:55 8 a recollection of it?---No.

03:09:00 9
03:09:01 10 Were any of those members at this particular meeting, I
03:09:06 11 think the answer is no but I'll ask anyway, are any of
03:09:09 12 those members OPI?---No.

03:09:14 13
03:09:20 14 Do you know if at this early stage, so this is about a
03:09:26 15 month and a half before - actually two and a half months
03:09:31 16 before Ms Gobbo gave her first evidence to the OPI, do you
03:09:38 17 recall whether or not she was discussed at an early stage
03:09:41 18 as a potential witness for the OPI hearings?---It certainly
03:09:45 19 came up from time to time.

03:09:48 20
03:09:49 21 Do you know in what context, why she was identified early
03:09:52 22 on?---As a potential witness?

03:09:54 23
03:09:54 24 [REDACTED]
03:10:03 25 [REDACTED]
03:10:06 26 [REDACTED]

03:10:18 27
03:10:19 28 [REDACTED]
03:10:25 29 [REDACTED]
03:10:30 30 [REDACTED]
03:10:32 31 [REDACTED]
03:10:39 32 [REDACTED]
03:10:43 33 [REDACTED]
03:10:49 34 [REDACTED]
03:10:54 35 [REDACTED]

03:10:56 36
03:10:56 37 [REDACTED]
03:11:01 38 [REDACTED]
03:11:05 39 [REDACTED]
03:11:09 40 [REDACTED]

03:11:10 41
03:11:10 42 [REDACTED] [REDACTED]

03:11:12 43
03:11:13 44 [REDACTED] [REDACTED]

03:11:15 45
03:11:15 46 [REDACTED]
03:11:17 47 [REDACTED]

03:11:20 1
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03:11:56 14
03:12:01 15
03:12:05 16
03:12:07 17
03:12:07 18
03:12:11 19
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03:12:36 25
03:12:42 26
03:12:47 27
03:12:54 28
03:12:58 29
03:13:04 30
03:13:06 31
03:13:07 32
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03:14:04 45
03:14:08 46
03:14:12 47

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

MR WOODS: [REDACTED]

[REDACTED] So your recollection, where we're up to, your recollection was that Mr Overland had suggested early on in Petra's life that she was someone who might be able to assist with the operation?---As a witness, yes.

Did he discuss at an early stage what the nature of her assistance might be?---I don't recall specifically.

I'm going to, you've got your statement there, paragraph 76 of your statement. And that document can come down from the screen. On 10 May 2007 you met with officer, whose name is for this Commission Sandy White. "I asked him if he could speak with Ms Gobbo to see whether she knew of any involvement of Paul Dale in the burglary and whether Carl Williams was involved in the Hodson murders." Now, was that - who gave you a direction to have that meeting with Sandy White?---I'd say I gave myself the direction, it was my decision I'd say.

Because of what you've said about Mr Overland's desire, Mr Overland's suggestion that Ms Gobbo might be able to assist, I assume that that is where the genesis came from of wanting to talk to the handler, is that right, or the controller?---That would be part of it. I'd be derelict in my duty if I didn't find out if she knew anything about the burglary, et cetera.

In your diary, which is the document ending in 0020, and p.50 of that, and I'll get that brought up on the screen. I just want to pinpoint the date of this. It's Thursday 10 May 2007. And if you could just scroll down. I'm looking at, I think it's 1905. Can you, I can read most of it but not all of it. Could you just read, and obviously don't say the name that you can't see there, that's Mr White, and just from the words "meet with"?---"Meet with Detective

03:14:18 1 Senior Sergeant re 3838. Discussion re the future possible
03:14:22 2 use of 3838 with Paul Dale. Need answers to the following:
03:14:28 3 what does 3838 know of the involvement of PD in the
03:14:31 4 burglary, Carl Williams and the Hodsons? Did 3838 receive
03:14:36 5 anything from PD and pass it on to anyone else?" Do you
03:14:41 6 want me to keep going?
03:14:43 7
03:14:43 8 Yes, keep going?---"If we take 3838 before a hearing the
03:14:47 9 possibility exists that nothing will be said, very least
03:14:53 10 hate VicPol and that" - - -
03:14:55 11
03:14:56 12 "Very least hate VicPol" was that?---Hate, h-a-t-e. "And
03:15:02 13 that we have hung 3838 out to dry. Best option is a
03:15:06 14 straightforward approach to 3838 to elicit info by the
03:15:12 15 SDU."
03:15:12 16
03:15:13 17 On 10 May 2007 there was, there had obviously been
03:15:16 18 discussions taking place whether or not Ms Gobbo should be
03:15:20 19 called before an OPI hearing, you'd agree with that?---I
03:15:27 20 would agree with that but there's also ACC from memory.
03:15:31 21
03:15:32 22 All right. But given that the OPI were an active
03:15:36 23 participant against your desire on the steering committee,
03:15:41 24 I'd suggest to you that the hearing that was being
03:15:45 25 considered in this reference was a hearing before the OPI
03:15:48 26 that in fact did take place?---I'd agree with that.
03:15:50 27
03:15:52 28 "At least hate VicPol", is that a reference to if this
03:15:56 29 course is taken with 3838 she'd be pretty upset with
03:15:59 30 VicPol?---Yeah.
03:16:00 31
03:16:01 32 Why is that?---Well, she wouldn't want to go to OPI.
03:16:13 33
03:16:13 34 Right?---But we would want information from her.
03:16:18 35
03:16:18 36 Yes?---And she may hate us for it.
03:16:21 37
03:16:21 38 So the resolution of that in the last bit that you read
03:16:24 39 out, am I correct to understand that what that's saying is
03:16:27 40 it's better at this stage just to get the handlers to find
03:16:32 41 out what she knows rather than drag her before a
03:16:36 42 hearing?---Correct, correct.
03:16:37 43
03:16:37 44 You use the term 3838, I assume that was, that was an
03:16:43 45 informer number that was known to you generally throughout
03:16:47 46 her period of registration?---Yes.
03:16:48 47

03:16:49 1 COMMISSIONER: The reason she would hate VicPol, am I right
03:16:52 2 in surmising it's because she would be concerned about the
03:16:55 3 risk to her being exposed as an informer and that leaking
03:17:00 4 more widely, and also reputational damage?---Correct.
03:17:07 5
03:17:10 6 MR WOODS: About five days after this there was another
03:17:13 7 Petra committee meeting and the operator can bring up those
03:17:19 8 minutes, I think he has the number. It's
03:17:22 9 IBAC.0010.0001.0030 and that can just be brought up on my
03:17:33 10 screen, the Commissioner's screen and the witness's screen.
03:17:38 11 15 May 2007. Sorry, I might be wrong about that. Would
03:17:51 12 you scroll down further through that document. Is that a
03:17:56 13 one-page document? Okay. Well, while we're locating the
03:18:03 14 document, I might just ask you, there's a further meeting a
03:18:10 15 few days after that last diary entry of yours which is a
03:18:15 16 Petra committee meeting which is attended by Mr Overland,
03:18:19 17 Mr Cornelius, Mr Wilson, Mr Ashton, Ms Curran and yourself
03:18:26 18 and Mr Hollowood is an absentee in that. There's a comment
03:18:39 19 in it that says, "Legal team - LC", which I take it is a
03:18:43 20 reference to Mr Cornelius, "To make reference to Brian
03:18:48 21 Dennis". Is Brian Dennis a name that rings any bells to
03:18:52 22 you?---No.
03:18:52 23
03:18:52 24 There's still discussion at this next Petra meeting about
03:18:56 25 the appointment of a legal team?---I just don't know what
03:19:04 26 that's about.
03:19:05 27
03:19:05 28 Okay?---That's something that the steering committee might
03:19:11 29 be doing.
03:19:11 30
03:19:11 31 Yes, I see, all right. The next document I want to bring
03:19:17 32 up is an ICR, I assume the ICRs wouldn't have been
03:19:21 33 documents that were - you know what an ICR is?---I know
03:19:26 34 now, yes.
03:19:26 35
03:19:26 36 They wouldn't have been documents that you were familiar
03:19:29 37 with or saw at the time I assume?---That's correct.
03:19:31 38
03:19:31 39 You received information from the SDU generally speaking by
03:19:36 40 a phone call, is that right?---Yes.
03:19:37 41
03:19:39 42 And did you ever receive information reports or was it
03:19:43 43 usually just a phone call?---I don't recall ever getting an
03:19:48 44 information report. There was always a phone call.
03:19:53 45 Occasionally one would come in.
03:19:55 46
03:19:56 47 Okay?---To the office.

03:19:57 1
03:19:58 2 Do you know why sometimes it would be - in relation to
03:20:01 3 Ms Gobbo or in relation to sources generally?---No, in
03:20:05 4 relation to her.
03:20:05 5
03:20:06 6 Do you know why sometimes they'd come in in relation to her
03:20:10 7 when - - - ?---I assume they're in the area.
03:20:13 8
03:20:13 9 Okay?---I don't know where their offices were or anything.
03:20:17 10
03:20:17 11 The overwhelming majority of times was just a phone call to
03:20:21 12 you?---Yes.
03:20:21 13
03:20:22 14 There's an informer contact report number 79 which is the
03:20:27 15 document ending 2422. And I'm after p.2424. Just the
03:20:41 16 bottom part of that document can be brought up, "SDU
03:20:45 17 management issues". This is 16 May 2007 and what the
03:20:54 18 person from the SDU who has put together this document is
03:20:59 19 saying seems to be picking up from the last thing we looked
03:21:03 20 at, which was the discussion that you had had and diarised,
03:21:07 21 saying the best thing to do at the moment is just talk to
03:21:10 22 Ms Gobbo and find out what she knows about the Hodson
03:21:14 23 murder, is that right?---The way I read that is he's
03:21:22 24 approved her going to the OPI, but I don't know how he can
03:21:26 25 approve that, he hasn't got the power to. OPI has that
03:21:30 26 power.
03:21:30 27
03:21:30 28 I must say I read it the other way. That's an interesting
03:21:34 29 and perhaps correct interpretation. I had read it was
03:21:37 30 picking up the discussion that had just been had a few days
03:21:41 31 before and you had put in your diary saying, "The options
03:21:44 32 are to put her in front of an OPI hearing but that might
03:21:47 33 cause some significant problems, or get the handlers to
03:21:50 34 talk to her about what she knows". It's been reported to
03:21:55 35 this person - - - ?---It could be either.
03:21:57 36
03:21:57 37 Okay. In any event she's asked, that person who has
03:22:01 38 recorded that document, that SDU member, has recorded there
03:22:06 39 that it's now okay to ask her questions relating to the
03:22:09 40 Hodson murders. Now, just given the fact that this is in
03:22:14 41 an ICR and because of the diary entry that came just before
03:22:19 42 it, I'd suggest that the more likely meaning of this is
03:22:23 43 that it's now for the handlers to talk to her initially,
03:22:26 44 find out what she knows?---It's certainly possible but my
03:22:32 45 recollection is there were going to be OPI hearings and it
03:22:36 46 didn't matter what we said, it's their job.
03:22:39 47

03:22:39 1 There were going to be OPI hearings in any event from an
03:22:43 2 early stage?---That's right.
03:22:46 3
03:22:46 4 COMMISSIONER: Mr Woods, what was the date of that ICR?
03:22:49 5
03:22:51 6 MR WOODS: 16 May 2007. That entry, Commissioner, that
03:22:51 7 doesn't mean that it's the ICRs between date, but it's ICR
03:22:57 8 79, p.2424.
03:22:59 9
03:23:00 10 COMMISSIONER: Thanks very much.
03:23:04 11
03:23:04 12 MR WOODS: In Mr White's diary - just so you know, that
03:23:16 13 number I've just said there is the end of the VPL code,
03:23:21 14 there were some page numbers referred to during Mr White's
03:23:25 15 evidence.
16
03:23:25 17 COMMISSIONER: That's all right, I'll find it.
03:23:25 18
03:23:27 19 MR CHETTLE: Page 838, Commissioner.
03:23:29 20
03:23:29 21 COMMISSIONER: Thanks very much, Mr Chettle.
03:23:32 22
03:23:35 23 MR WOODS: Mr White's diary, I don't need to put it to you
03:23:38 24 but I'll just tell you, I don't need to show it to you,
03:23:41 25 I'll tell you. It says, "GR, okay from DC Overland re
03:23:46 26 question 3838 re involvement in Paul Dale stolen IR".
03:23:52 27 Putting each of those things together, does that assist you
03:23:57 28 whether it was an OPI hearing or was it the handlers
03:24:00 29 talking to her?---I'd say OPI.
03:24:01 30
03:24:05 31 So do you remember the conversation with Mr Overland, do
03:24:09 32 you have an independent recollection of it?---No.
03:24:11 33
03:24:18 34 Because it was most likely referring to OPI hearings and
03:24:21 35 this was a joint investigation by the two, I assume that
03:24:27 36 the OPI had also been informed, at least by this stage,
03:24:31 37 that Ms Gobbo was going to be one of the potential
03:24:34 38 witnesses in front of their hearing?---Yes. I don't know
03:24:39 39 whether VicPol organises who to be called or the other way
03:24:45 40 around.
03:24:45 41
03:24:45 42 We'll get to that. I think we've actually got the
03:24:48 43 documents that require her attendance and they might give
03:24:52 44 us some help on that. So then there's another steering
03:24:56 45 committee on 21 May, Petra steering committee. This is
03:25:01 46 IBAC, 1110.0001.0492. This is another meeting of the Petra
03:25:43 47 management committee and it had Mr Overland, Mr Blayney,

03:25:46 1 yourself, Mr Nolan, Ms Curran and Mr Cornelius. Mr Nolan's
03:25:52 2 attendance at that meeting, is that unusual or can you
03:25:56 3 explain that?---I'd say he's just taking the place of
03:26:08 4 Mr Ashton.

03:26:08 5
03:26:10 6 I want to just scroll down. Is that a single page
03:26:14 7 document? Okay. "GR provided Task Force update and weekly
03:26:21 8 update document with attachments of VP memo and report",
03:26:26 9 et cetera. And, "Discussion re update, re ESD OPI request.
03:26:33 10 GR to speak to Bruce Wemyss", is that there?---Yes, that's
03:26:39 11 right.

03:26:39 12
03:26:39 13 The ESD and OPI requests, are you aware of what they
03:26:43 14 were?---I just don't recall.

03:26:46 15
03:26:46 16 I don't see anything in your diary about it?---No.

03:26:49 17
03:26:49 18 Is the reason I'm asking. I just wanted to understand a
03:26:52 19 bit more about it. Do you know what the OPI was requesting
03:26:57 20 in the weeks prior to the hearings commencing?---I assume
03:27:04 21 it would be, this is an assumption, information re Dale.

03:27:10 22
03:27:16 23 Then the next - so in your statement at paragraph 77 you
03:27:20 24 talk about 22 May 2007. And you say, "On 22 May 2007 I
03:27:28 25 attended a meeting with the SDU in relation to Ms Gobbo.
03:27:32 26 My diary records awaiting IRs. I do not recall what was
03:27:38 27 discussed". Now given the discussions that we've seen that
03:27:42 28 you've had with the SDU prior to this, and the fact that
03:27:47 29 there was an intention that was formulated prior to this
03:27:53 30 that Ms Gobbo would be called as a witness before an OPI
03:27:56 31 hearing, am I right to assume that those IRs you were
03:28:01 32 waiting for had something to do with information that
03:28:03 33 Ms Gobbo had told her SDU handlers about Mr Dale?---I can't
03:28:12 34 recall, like - I wish I could but - there may be IRs from
03:28:19 35 SDU, it may be IRs from ESD.

03:28:25 36
03:28:25 37 But these IRs were in relation to Ms Gobbo in particular,
03:28:30 38 weren't they? You can tell that from the entry in your
03:28:33 39 diary?---It's certainly possible.

03:28:35 40
03:28:37 41 I should say there's a document reference I need to go back
03:28:42 42 to. The document that's on the screen, if we could go to
03:28:53 43 p.8 of that document. There should be a 15 - - -

03:29:01 44
03:29:01 45 COMMISSIONER: That's only a one-page document I think.

03:29:04 46
03:29:05 47 MR WOODS: 15 May entry I'm looking for. There we go. I'm

03:29:11 1 just taking a quick step back to 15 May. That's the one
03:29:17 2 that I read to you before about making an inquiry re Brian
03:29:22 3 Dennis. You can't assist us with who Brian Dennis
03:29:26 4 was?---No. The LC is Luke Cornelius, he was then in charge
03:29:32 5 of the legal area for VicPol.

03:29:38 6
03:29:38 7 Yes?---So he may work for him, I don't know.

03:29:41 8
03:29:42 9 It's picking up that previous reference to there being a
03:29:44 10 legal team to be appointed, one can assume, and that
03:29:48 11 Mr Overland was doing it but now it's in Mr Cornelius's
03:29:53 12 lap?---Yes.

03:29:54 13
03:29:57 14 I won't take you to the reference but - sorry, I've taken
03:30:03 15 you there already. I'm back to 22 May now where you say
03:30:08 16 you're waiting for the IRs and we're not quite sure what
03:30:13 17 they might have been. So do you accept that the attendees
03:30:19 18 of these meetings was faithfully recorded in the records
03:30:23 19 that you've seen?---Yes.

03:30:24 20
03:30:29 21 There's then a meeting, you're not at this meeting, I'll
03:30:34 22 explain to you what it was, it's in Mr Sandy White's diary.
03:30:38 23 It says, "Meeting with Overland and Biggin, agreed Gobbo
03:30:42 24 viable. Overland to monitor OPI request for Gobbo to be
03:30:44 25 subpoenaed for compulsory hearing. Agreed not necessary as
03:30:49 26 Gobbo willing to assist". Were you told - there's two
03:30:55 27 possible meetings of that, as I understand it, one is she
03:30:58 28 was willing to assist without going to a hearing, the other
03:31:02 29 is she was willing to assist, she didn't need a subpoena to
03:31:06 30 go along to the OPI, can you help us with - - -?---I'd say
03:31:09 31 it's the second one. It's just she went there. That's
03:31:13 32 probably why I'm saying that.

03:31:14 33
03:31:14 34 We'll get there in a moment, but she did go there under
03:31:19 35 compulsion, she was pretty upset about going there as you'd
03:31:23 36 anticipated she might be in your notes a couple of weeks
03:31:26 37 before this?---Yeah. The handlers were doing that.

03:31:29 38
03:31:30 39 It says, "Overland to monitor the OPI request for Gobbo to
03:31:32 40 be subpoenaed", so do we understand from that and your
03:31:34 41 memory I assume of the meetings that Mr Overland had some
03:31:39 42 role in assisting the OPI in having Ms Gobbo
03:31:42 43 subpoenaed?---I don't know if he had requested her to be
03:31:48 44 subpoenaed. He would be like a liaison person at a high
03:31:52 45 level.

03:31:52 46
03:31:53 47 It does say monitor so perhaps that's accurate?---Yeah.

03:31:57 1
03:31:58 2 All right. 25 May 2007, there's a document that's signed
03:32:07 3 called a joint agency agreement. I want to bring that up.
03:32:12 4 It's IBAC.0008.0001.0053. Commissioner, I probably haven't
03:32:26 5 been carefully tendering things as I go along.
03:32:29 6
03:32:29 7 COMMISSIONER: I thought maybe you might tender all the
03:32:34 8 diary entries as one exhibit at the end and the same with
03:32:38 9 the steering committee minutes. They could all be done in
03:32:41 10 a bundle rather than individuals. I thought there was
03:32:44 11 method in your non-tendering.
03:32:46 12
03:32:47 13 MR WOODS: Of course there was. Of course there was. The
03:32:51 14 diaries, we have three large productions that overlap each
03:32:58 15 other in dates. I don't know whether for the system I need
03:33:01 16 to identify the VPL numbers of each of them or we just say
03:33:06 17 they're tendered and they are tendered magically.
03:33:10 18
03:33:10 19 COMMISSIONER: Just all the diaries of this witness.
03:33:15 20
03:33:16 21 MR WOODS: What I can say is to make it simple, they all
03:33:20 22 have the same beginning to their numbers which is
03:33:22 23 VPL.0005.0120. The first of the four ends in 0001 and goes
03:33:33 24 from 13 December 2001 to 18 February 2006. The second ends
03:33:40 25 in 0074 and goes from 3 December 2001 to 18 February 2006.
03:33:49 26 You can see the overlap there. The third of them is 0020
03:33:57 27 and goes from 9 January 2006 to 7 November 2007.
03:34:06 28
03:34:06 29 COMMISSIONER: I'll tender them all as one exhibit. It
03:34:09 30 will be a confidential exhibit I take it for now.
03:34:12 31
03:34:14 32 MS ENBOM: That's right.
03:34:15 33
03:34:17 34 #EXHIBIT RC312 - (Confidential) Diaries of Mr Gavan Ryan.
03:34:23 35
03:34:23 36 COMMISSIONER: Perhaps at the end of the evidence we'll
03:34:25 37 tender all the diary entries that you've actually referred
03:34:28 38 to as a separate exhibit.
03:34:32 39
03:34:32 40 MR WOODS: Yes, and we'll liaise with Victoria Police about
03:34:35 41 appropriate redactions for those. I should say,
03:34:37 42 Commissioner, there was one last of the four that I didn't
03:34:39 43 read out, which was 0107 and that's 9 January 06 to 7
03:34:46 44 November 07.
03:34:53 45
03:34:53 46 COMMISSIONER: Thank you. That will also be part of
03:34:55 47 Exhibit 312.

03:34:59 1
03:35:00 2 MR WOODS: I mentioned a moment ago a joint agency
03:35:03 3 agreement and I confirm your position in relation to this
03:35:10 4 was that it was a bad idea to have the OPI as part of the
03:35:14 5 steering committee, but you were overruled by whoever it
03:35:18 6 was?---No, no, no. Part of the Task Force, not part of -
03:35:23 7 you can be on the steering committee, they wanted to be on
03:35:26 8 the Task Force itself and I resisted that but they - being
03:35:31 9 on a steering committee is entirely different.
03:35:33 10
03:35:33 11 Is it though, isn't the steering committee - - -
03:35:37 12
03:35:37 13 COMMISSIONER: I think the witness's point is the steering
03:35:39 14 committee is an oversight body, whereas if he was part of
03:35:42 15 the Task Force itself, part of it and not over sighting
03:35:45 16 it?---That's right.
03:35:46 17
03:35:47 18 MR WOODS: Some of those issues I want to explore. Isn't a
03:35:52 19 steering committee steering the investigation in particular
03:35:54 20 directions?---It can. In most cases it's left to the
03:36:00 21 actual investigators to uncover what they've got and
03:36:06 22 progress it and take it to the steering committee.
03:36:08 23
03:36:08 24 When you look at the minutes of the steering committee
03:36:11 25 there are - sorry, they're not in front of you now, but in
03:36:14 26 a general sense can I say steering committees you've been
03:36:18 27 on over the years they are directing investigations, aren't
03:36:21 28 they, isn't that why they're called steering
03:36:24 29 committees?---Most of them don't. Most of them don't, it's
03:36:27 30 the other way round. They may say you're on the wrong tram
03:36:35 31 here or they may know something that you don't know and
03:36:40 32 point it out and you can go down that burrow. Usually a
03:36:46 33 steering committee is there to receive information and
03:36:46 34 digest it.
03:36:46 35
03:36:47 36 But if the investigators are doing something that the
03:36:48 37 steering committee disagrees with it's up to the steering
03:36:48 38 committee to say to the investigators - - - ?---They would
03:36:49 39 do that.
03:36:49 40
03:36:49 41 - - - "I want to steer you in a different
03:36:51 42 direction"?---Correct.
03:36:52 43
03:36:54 44 So I just want to explore that a bit. That potential and
03:36:59 45 that role that a steering committee has, doesn't it pose
03:37:03 46 the same problem for having an OPI member on a steering
03:37:06 47 committee as it does for the investigating?---I didn't view

03:37:08 1 it that way, no.
03:37:09 2
03:37:09 3 Okay?---I felt that it was an appropriate matter for them
03:37:16 4 to be on the steering committee and I just left it at that.
03:37:21 5 I was quite comfortable with that.
03:37:23 6
03:37:23 7 Even though they are separate and distinct from the police
03:37:26 8 of the police?---Yes.
03:37:27 9
03:37:27 10 That was okay just for the steering committee
03:37:30 11 purposes?---Yeah.
03:37:31 12
03:37:32 13 All right. Was there legal advice taken in relation to the
03:37:36 14 OPI's involvement in the Petra Task Force that you know
03:37:42 15 of?---No, I don't know.
03:37:44 16
03:37:45 17 You were in charge, did you ever direct legal advice to be
03:37:47 18 obtained in relation to the OPI's involvement?---No.
03:37:51 19
03:37:58 20 This joint agency agreement, is this a document that you're
03:38:04 21 - I mean it's a document I assume you saw back in the
03:38:06 22 day?---Yes.
03:38:06 23
03:38:07 24 And was it discussed at the steering committee?---I assume
03:38:12 25 so. Like I can't say definitively.
03:38:15 26
03:38:17 27 Do you know if legal advice was taken in relation to this
03:38:20 28 particular document? I'll put it more simply, do you know
03:38:27 29 if a lawyer drafted the document?---I don't know who
03:38:30 30 drafted it.
03:38:30 31
03:38:33 32 Was it a document that was determined to be, was it a
03:38:43 33 document that was - was this this joint approach and a
03:38:52 34 joint agency agreement, was it something that was resolved
03:38:55 35 at a steering committee to your memory, this would be a
03:38:59 36 document that would be entered into?---There would have
03:39:01 37 been - no. It would have been done at Mr Overland's level.
03:39:05 38
03:39:07 39 Paragraph - so it sets out at the start of the background
03:39:13 40 which is all well-known, why these matters were being
03:39:18 41 investigated and the seriousness of these matters. Down at
03:39:21 42 paragraph 3.2 there is, "Steering committee has been formed
03:39:28 43 to monitor the progress", and that's consistent with what
03:39:30 44 you were saying a moment ago, "To monitor the progress of
03:39:34 45 the Petra Task Force. The Assistant Director Police
03:39:39 46 Integrity Mr Graham Ashton attends all steering committee
03:39:43 47 meetings in an oversight capacity". Was that consistent

03:39:49 1 with your recollection of Mr Ashton's involvement in the
03:39:54 2 steering committee meetings?---Yes.
3
03:39:59 4 He was simply there for over sight?---Yes, he hardly said a
03:40:01 5 word.
03:40:01 6
03:40:01 7 Despite your evidence a moment ago, did you find it
03:40:05 8 uncomfortable at any of the steering committee meetings
03:40:09 9 that there was a member of the OPI sitting there?---No.
03:40:11 10
03:40:14 11 You can take that zooming away. It then talks about the
03:40:21 12 participants and it's Mr Overland, Mr Cornelius, Mr Ryan
03:40:25 13 and Mr Ashton. And then at 4.2 it talks about information
03:40:33 14 sharing. So, "Petra Task Force steering committee will be
03:40:38 15 responsible and accountable for the overall conduct of the
03:40:43 16 operation including developing a concept of the operation
03:40:45 17 including operational objectives, maintaining coordination
03:40:49 18 of the operation and enhancing cooperation and information
03:40:51 19 sharing between participating agencies". It's that
03:40:55 20 particular part of the sentence that I'm interested in.
03:40:58 21 The steering committee was, part of its role was to
03:41:02 22 maintain coordination and information sharing between
03:41:05 23 participating agencies. Can you assist the Commission
03:41:08 24 about what that means?---It's, it's why you have a weekly
03:41:18 25 briefing, you know, so that you can tell people who are in
03:41:22 26 the steering committee what's happened in the previous week
03:41:25 27 and what you intend to do in the next week.
03:41:28 28
03:41:28 29 Okay?---And you've got to maintain not friendships, but
03:41:36 30 you've got to maintain working relationships with people
03:41:40 31 from all sorts of different agencies and they were
03:41:44 32 expecting that.
03:41:45 33
03:41:46 34 The reason I was interested in those words is that what
03:41:50 35 ultimately happened here was that the information obtained
03:41:53 36 by the OPI was indeed shared with Victoria Police, it's not
03:41:58 37 a reference to that, is it? Participating agencies appear
03:42:04 38 to be Victoria Police and the OPI?---I think it's a two-way
03:42:07 39 thing, you know, we're sharing information with them.
03:42:09 40
03:42:09 41 Yes?---Because we would want to use them in hearings with
03:42:14 42 whoever we would like.
03:42:16 43
03:42:16 44 Okay?---And if they agree to it and the other way.
03:42:21 45
03:42:21 46 At 7.1 I should point out it talks about the OPI
03:42:26 47 maintaining detachment. I might get that to be brought up

03:42:31 1 on the screen. So the word "independent" is underlined by
03:42:39 2 the person who drafted the document. "The OPI will
03:42:44 3 maintain detachment from the day-to-day running of the
03:42:47 4 murder investigation." So that seems to be consistent with
03:42:50 5 what you were saying before, that they were sitting on the
03:42:53 6 committee and providing oversight, is that right?---Yes.
03:42:55 7
03:42:57 8 The maintaining of detachment from the murder
03:43:00 9 investigation, it's correct to say that the reason the OPI
03:43:06 10 held hearings was to further the investigation of the
03:43:10 11 murder investigation?---That's correct, yes.
03:43:13 12
03:43:13 13 So do you see there's a tension between those two things in
03:43:17 14 these paragraph here. We'll go to other aspects of the
03:43:20 15 document in a moment. It is difficult for it to maintain
03:43:24 16 detachment from the murder investigation when it is
03:43:27 17 actually carrying out the murder investigation I'm
03:43:28 18 suggesting to you?---What they are looking for, IR44, is
03:43:33 19 definitely part of the Homicide investigation.
03:43:35 20
03:43:36 21 When you say what they're looking for IR44?---That's what
03:43:39 22 it says.
03:43:40 23
03:43:40 24 Yes?---So they're using their coercive powers to try and
03:43:46 25 elicit information relative to IR44 and if it becomes
03:43:50 26 relevant to us they would tell us.
03:43:52 27
03:43:53 28 IR44 and the murder of the Hodsons, the leaking of IR44 and
03:43:58 29 the murder of the Hodsons were inextricably linked though,
03:44:02 30 weren't they?---I think so, yes, from memory.
03:44:05 31
03:44:05 32 You would accept then that the OPI maintaining detachment
03:44:09 33 from running the murder investigation but also holding
03:44:11 34 hearings to further the murder investigation are at odds
03:44:16 35 with each other?---I don't see it that way, I just see each
03:44:20 36 side is helping the other.
03:44:21 37
03:44:22 38 The reason they called Gobbo in was to further the murder
03:44:26 39 investigation, wasn't it?---Yeah, that's right.
03:44:28 40
03:44:28 41 That's not really maintaining detachment from the
03:44:32 42 day-to-day running of the murder investigation, that's what
03:44:34 43 I'm saying to you?---It's up to them. They're a separate
03:44:38 44 body, they can do whatever they want.
03:44:40 45
03:44:40 46 I think what I'm suggesting to you is that in this regard
03:44:43 47 there weren't a separate body. They were furthering the

03:44:46 1 murder investigation at the same time as Victoria Police
03:44:49 2 were and indeed with Victoria Police?---Yeah, but I don't
03:44:57 3 see it as a tension. I just see it as a body assisting
03:45:04 4 over, in using their powers to assist us.
03:45:07 5
03:45:07 6 This is an independent oversight body though, isn't
03:45:11 7 it?---Sorry?
03:45:12 8
03:45:12 9 This is an independent oversight body?---Yes.
03:45:14 10
03:45:15 11 That you didn't want to have anything to do with carrying
03:45:18 12 out investigations?---On the Task Force.
03:45:19 13
03:45:19 14 On the Task Force?---Yes, because then they could do their
03:45:23 15 job.
03:45:23 16
03:45:23 17 Who called Nicola Gobbo in to try and further the
03:45:27 18 murder?---Correct, yes.
03:45:29 19
03:45:30 20 Do you now put those together and see what I'm
03:45:33 21 saying?---No, I just don't agree with you.
03:45:35 22
03:45:42 23 At 8.2, "During the course of the OPI investigation the
03:45:51 24 unauthorised disclosure of IR44, issues of internal
03:45:56 25 security at Victoria Police have been identified that may
03:45:58 26 disrupt the activities of the Petra Task Force. For this
03:46:00 27 reason it's intended that some OPI specialist resources
03:46:03 28 will be made available to the Petra Task Force on an as
03:46:09 29 needs basis". The specialist resources, do you know what
03:46:12 30 they are for a start? Are they humans or are they - -
03:46:19 31 -?---I think they're referring to, I'm not 100 per cent,
03:46:23 32 analysts.
03:46:25 33
03:46:25 34 Analysts from an independent body whose job it is to
03:46:29 35 oversee the police will be made available to the police to
03:46:32 36 help them with an investigation?---Yeah, because they're
03:46:34 37 worried about internal security.
03:46:37 38
03:46:38 39 Okay?---I mean I'm answering for the OPI here.
03:46:41 40
03:46:41 41 No, I'm actually asking the questions from the Victoria
03:46:46 42 Police point of view and for your role as the head of
03:46:49 43 Petra, because what I want to understand is whether any
03:46:52 44 issues arise with the use or the combined approach to this
03:46:58 45 between the OPI and Victoria Police and I understand the
03:47:02 46 answers that you've been giving, which is no, it doesn't
03:47:05 47 cause you any issues, but I'm just exploring that through

03:47:09 1 some of these phrases that are in this joint agency
03:47:12 2 agreement. 9.1, "Once the joint agency agreement is
03:47:20 3 executed OPI case officers will share information with the
03:47:23 4 Petra Task Force where it's considered relevant to the
03:47:27 5 Hodson murder investigator or the security of the Petra
03:47:30 6 Task Force investigation". Just pausing there. So the
03:47:35 7 information that they're going to share is firstly relevant
03:47:37 8 to the Hodsons' murder investigation. In fact they are
03:47:41 9 actively sharing information from their own investigation
03:47:44 10 into the Hodsons with Victoria Police, that's obviously the
03:47:48 11 case, isn't it?---Yes, that's right, and that's why Petra
03:47:51 12 was set up.

03:47:52 13
03:47:52 14 And then, "This includes information gained through", and
03:47:55 15 then I'll read through to the end, "OPI hearings", so it
03:48:00 16 was intended that the OPI would hand over information it
03:48:05 17 had gained through its own hearings, do you agree with
03:48:08 18 that?---Yes.

03:48:10 19
03:48:11 20 And it cites at the top of the next page, s.102G, just to
03:48:17 21 the end of that Police Regulation Act 1958. So at the far
03:48:24 22 left of that first page. What I'd like to do, and I'm not
03:48:39 23 trying to make things difficult for you because I
03:48:42 24 understand you're not a lawyer, but the drafter of this
03:48:45 25 document has identified s.102G of that Act as the basis for
03:48:51 26 the sharing of information obtained through the OPI's
03:48:57 27 coercive hearings with Victoria Police. Can you bring up
03:49:02 28 the Police Regulation Act as it stood at the relevant time.
03:49:08 29 Again, I'm not going to take you into areas of complex
03:49:13 30 legal analysis, I just want to put a couple of propositions
03:49:16 31 to you. I'm after p.99 of that document. Just for your
03:49:23 32 purposes, this is the enabling legislation of the office of
03:49:31 33 police integrity as it stood at the time during Ms Gobbo's
03:49:38 34 hearings and this section talks about one aspect of its
03:49:42 35 hearing power which is the confidentiality of a summons.
03:49:47 36 Now, you might not know this yet but the reason or the
03:49:52 37 method by which the OPI got Ms Gobbo to attend its hearing
03:49:58 38 is it issued her with a summons, did you know that
03:50:01 39 then?---No.

03:50:02 40
03:50:02 41 Do you know that now?---You just told me.

03:50:05 42
03:50:06 43 Other than me telling you?---You just told me.

03:50:08 44
03:50:08 45 You definitely know it now?---Yes.

03:50:10 46
03:50:10 47 So there was a summons that was issued on Ms Gobbo and with

03:50:15 1 that summons was a notice requiring that the summons be a
03:50:24 2 confidential document, all right. And you can see there,
03:50:27 3 sub-s.(2), "The Director of the OPI can give a person to
03:50:31 4 whom the summons was issued a written stating that the
03:50:37 5 summons is a confidential document and it's an offence to
03:50:40 6 disclose it to anyone or the existence of that to anyone"
03:50:43 7 and we'll go to the documents in a moment but I can tell
03:50:47 8 you along with her summons was a confidentiality notice,
03:50:50 9 okay?---Yes.
03:50:50 10
03:50:50 11 That said to her, "You're not allowed to tell anyone about
03:50:53 12 the fact that you've been pulled before the OPI"?---H'mm.
03:50:57 13
03:51:01 14 Unless the person has a reasonable excuse, I'm reminded,
03:51:04 15 yes. Now, the next part is that, "If the Director gives a
03:51:09 16 notice under sub-s.(2), a person must not disclose to
03:51:13 17 anyone else the existence of the summons or the subject
03:51:16 18 matter of the investigation to which it relates unless the
03:51:19 19 person has a reasonable excuse" and there's a 12 month
03:51:22 20 maximum of imprisonment for doing so. Again, as has been
03:51:27 21 pointed out to me, without a reasonable excuse. So you'd
03:51:31 22 accept, and again I'm not asking you to give a complex
03:51:34 23 legal analysis, but the plain language of that is that not
03:51:37 24 only is the person who received the summons not allowed to
03:51:41 25 talk about it, but any other person can't disclose the
26 existence of the summons to anyone, that's pretty plain,
03:51:46 27 isn't it?---Certainly in relation to the person who's got
03:51:49 28 the summons. Can you just go to where - - -
03:51:51 29
03:51:51 30 Sub-section (3), "If the Director gives a notice under 2 a
03:51:54 31 person must not disclose to anyone else the existence of
03:51:57 32 the summons". So the first one, the director - - -?---So
03:52:02 33 she's got a summons and she can't tell anyone.
03:52:05 34
03:52:06 35 Right. Sub-section (2), "The person to whom the summons is
03:52:08 36 issued", there's an offence for them to disclose it?---Yes.
37
03:52:13 38 Sub-section (3), "A person must not disclose to anyone else
03:52:17 39 the existence of the summons". Anyway, they're the words
03:52:20 40 of the Act. You were generally aware during the period, I
03:52:25 41 assume this is one of your concerns about the OPI being
03:52:27 42 involved in investigations, you were generally aware that
03:52:30 43 there were confidentiality provisions that restricted who
03:52:34 44 could know about what the OPI was doing at its
03:52:36 45 hearings?---Correct.
03:52:37 46
03:52:40 47 You're aware that that also applied to other bodies at the

03:52:43 1 time, the ACC?---Yep.
03:52:46 2
03:52:46 3 Okay. The fact that Gobbo was to give evidence before this
03:52:58 4 Commission, or sorry, before the OPI, when did you, when
03:53:03 5 were you first told about that and by who?---My
03:53:06 6 recollection is it was someone from the SDU. I don't - I
03:53:12 7 don't know if I was told she had a summons but I know that
03:53:17 8 they told me that she was being called.
03:53:19 9
03:53:24 10 There's a document that I'd like to bring up. I'll just
03:53:27 11 need a moment. It's IBAC.0010.0001.1386. It's then got an
03:54:30 12 _0001 if that helps. Sorry, Mr Ryan, it will come up in a
03:54:42 13 moment. While that's coming up, you're aware - so you say
03:54:49 14 that it was a member of the SDU you think who might have
03:54:53 15 told you that Ms Gobbo had received a summons?---Yes,
03:54:59 16 paragraph 78.
03:55:01 17
03:55:01 18 Yes. The summons that will be brought up on the screen is
03:55:13 19 - if you can scroll down slowly to the next page. This is
03:55:17 20 a bundle of documents that are received, it firstly has a
03:55:20 21 delegation. Can you scroll down further? There is
03:55:25 22 Mr Brouwer's signature delegating his powers to
03:55:30 23 Mr Fitzgerald and you're aware, because you attended the
03:55:34 24 hearing, that Mr Fitzgerald was the person who presided
03:55:37 25 over the hearing, is that right?---Yes.
03:55:39 26
03:55:39 27 Scroll down. And then there's a determination to conduct
03:55:47 28 an investigation pursuant to 86NA, Mr Brouwer has
03:55:52 29 determined to conduct an investigation of his own motion
03:55:55 30 into the following matters and the first of those is in
03:55:59 31 relation to IR44, and then the second of those is the links
03:56:05 32 between the deaths of the Hodsons and any potential
03:56:10 33 involvement of a police member or any direct or indirect
03:56:15 34 relationships between current or former members of Victoria
03:56:18 35 Police and Mr Mokbel and Mr Williams. So that was the
03:56:25 36 focus of the OPI investigation which you attended part of,
03:56:31 37 is that right?---That's correct.
03:56:32 38
03:56:33 39 Scroll down again. Sorry, thirdly, whether or not, whether
03:56:40 40 Victoria Police are properly investigating. This was the
03:56:43 41 oversight function you were talking about before, it was
03:56:46 42 going to look at what Petra was doing and determine whether
03:56:50 43 or not Petra, ESD and others, whether or not they were
03:56:53 44 adequately investigating the deaths, is that right?---It
03:56:58 45 looks like that.
03:56:59 46
03:56:59 47 Next page down. So there's an order there, and that is by

03:57:08 1 Mr Fitzgerald and it's of a later date and he's been
03:57:13 2 delegated the powers and he decides to exclude the public
03:57:17 3 from the hearing, which is to happen at the offices of the
03:57:23 4 Police Integrity in Collins Street on that particular date.
03:57:27 5 Now, you accept that that order was made in relation to the
03:57:32 6 OPI hearings?---Yes.

03:57:33 7
03:57:33 8 The next page down. Here is the correspondence to
03:57:40 9 Ms Gobbo, 11 July 2007, serving her with the summons. You
03:57:44 10 can go down a page. Down another page. And there is the
03:57:49 11 summons itself. And down another page. Sorry, just go up
03:57:57 12 one page. All right. Sorry, no, keep going down, and down
03:58:06 13 one more. Then it has some notes there about the
03:58:09 14 provisions that apply to her giving evidence before the OPI
03:58:17 15 and it's essentially - as you understand at the time these
03:58:21 16 OPI hearings, a person didn't have a choice about whether
03:58:24 17 or not they would turn up at them it's fair to say, isn't
03:58:28 18 it?---That's correct.

03:58:28 19
03:58:31 20 That person would - scroll down one more page. The person
03:58:35 21 would be committing an offence in fact if they don't answer
03:58:40 22 questions and that's a common power that the OPI and other
03:58:44 23 bodies had at that time, but not Victoria Police, do you
03:58:46 24 agree with that?---Yes.

03:58:47 25
03:58:51 26 I'm not sure whether that's the last page. No, there
03:58:54 27 should be a confidentiality notice underneath. So down the
03:58:58 28 bottom of the page it essentially picks up the wording of
03:59:01 29 that provision that I took you to before where it says to
03:59:05 30 Ms Gobbo that the summons is confidential and it's an
03:59:09 31 offence for her to disclose it without a reasonable excuse,
03:59:17 32 do you agree that's what it says?---Yes.

03:59:20 33
03:59:21 34 Is that the end of the document? I think it might be. And
03:59:26 35 some other provisions that it's taken from the Act there
03:59:29 36 about the non-disclosure of that summons to people. It's
03:59:38 37 signed by Mr Ashton on the page above. He was a member of
03:59:43 38 the steering committee on 11 July 2007 when that document
03:59:47 39 was signed, do you agree with that?---Yes.

03:59:49 40
03:59:50 41 Just in relation to what we spoke about before - I tender
03:59:53 42 that document, Commissioner, it's a bundle of documents.

03:59:58 43
03:59:58 44 #EXHIBIT RC313 - Bundle of documents relating to Nicola
04:00:05 45 Gobbo's evidence at the OPI.

04:00:11 46
04:00:11 47 You've accepted that part of what the OPI was doing was to

04:00:19 1 further investigate the circumstances of the murder of the
04:00:23 2 Hodsons?---Yes.
04:00:24 3
04:00:25 4 That's correct, isn't it?---Yes.
04:00:26 5
04:00:28 6 If Victoria Police were doing, were investigating that,
04:00:34 7 those circumstances on its own, you accept that as a
04:00:39 8 general proposition a person of interest doesn't need,
04:00:42 9 isn't required to talk to the police, if the police ask to
04:00:47 10 talk to them, as a general proposition?---Sorry, can you
04:00:50 11 just repeat that?
04:00:51 12
04:00:51 13 If a person of interest?---Yes.
04:00:52 14
04:00:53 15 Let's not talk about the Hodsons, let's talk
04:00:56 16 generally?---Yeah.
04:00:57 17
04:00:57 18 The police are interested in the way an offence might have
04:01:02 19 been committed and the people who might have been
04:01:04 20 associated with that offence, the police don't have the
04:01:07 21 power to force someone to speak to them?---That's correct,
04:01:09 22 yes.
04:01:09 23
04:01:10 24 The OPI on the other hand did have the power to force
04:01:13 25 people to speak to them?---Yes, and it can't be used
04:01:16 26 against them.
04:01:17 27
04:01:20 28 Did you see any issue with this joint approach of the OPI
04:01:25 29 and the OPI sharing the fruits of its hearings with
04:01:28 30 Victoria Police, given the fact that there was no right to
04:01:31 31 silence for Ms Gobbo and people like her called before the
04:01:35 32 Commission to investigate these events?---No. We'd used
04:01:39 33 the ACC very similar. We'd used the Office of Chief
04:01:44 34 Examiner, very similar.
04:01:45 35
04:01:45 36 When you used the ACC were you using - - - ?---Same powers.
04:01:51 37
04:01:51 38 When you say you used it?---Yes.
04:01:53 39
04:01:53 40 How was that arranged?---We would provide them with a
04:02:01 41 summary document and my memory is that Mr Horgan from the
04:02:11 42 OPP would be the person that asked the questions.
04:02:17 43
04:02:18 44 Okay?---And we would try and elicit information that we
04:02:21 45 could then use or intelligence that we could use.
04:02:26 46
04:02:26 47 Then you used that intelligence that was gleaned from those

04:02:29 1 hearings to further police investigations?---Correct, yeah.
04:02:33 2
04:02:34 3 Do you know if there was ever legal advice obtained in
04:02:37 4 relation to the use of those documents, the evidence from
04:02:42 5 coercive hearings for Victoria Police investigations, are
04:02:45 6 you aware of any advice being sought?---No, but I think
04:02:48 7 there's a mechanism where they release the information.
04:02:55 8
04:03:03 9 Are you aware of whether, just again in a general sense,
04:03:07 10 whether there was any concerns about disclosure of where
04:03:13 11 information had been obtained from when it had come from
04:03:16 12 coercive hearings? If an accused person, there are either
04:03:21 13 the accused person themselves or other people give evidence
04:03:26 14 in the coercive hearing. The Victoria Police get the
04:03:30 15 fruits of that and then the person is prosecuted. Do you
04:03:32 16 know whether the source of that information from the
04:03:35 17 coercive hearing was explained, was there a process by
04:03:39 18 which that would be disclosed to the accused person, that
04:03:44 19 it had come from a coercive hearing? That information that
04:03:48 20 led to their prosecution, all right, by Victoria
04:03:52 21 Police?---Look I just don't know.
04:03:54 22
04:03:55 23 Was it the sort of thing that you would have said should go
04:03:58 24 into a brief of evidence or you would take advice on it or
04:04:02 25 - - - ?---Well if I go to the ACC and the OCE, Mr Horgan
04:04:09 26 was doing the questioning and he was also the prosecutor.
04:04:12 27
04:04:12 28 So he was prosecuting the criminal matters for Victoria
04:04:16 29 Police?---Yeah, as well, yeah. So it's his responsibility
04:04:19 30 I think.
04:04:21 31
04:04:22 32 Was there a formal arrangement for that to occur?---I
04:04:28 33 wouldn't say formal, it was just a phone call I assume.
04:04:33 34 For him to do the hearings, is that what you're talking
04:04:35 35 about?
04:04:36 36
04:04:36 37 Yes, that's what I'm talking about?---Yeah.
04:04:39 38
04:04:52 39 To discharge Victoria Police's disclosure obligations to
04:04:56 40 accused people, was there any arrangement put in place with
04:05:02 41 Mr Horgan or with any of those coercive bodies to provide
04:05:09 42 written material to be disclosed to accused people?---I
04:05:14 43 can't recall that one.
04:05:16 44
04:05:17 45 Or information that the prosecutor or the counsel assisting
04:05:20 46 in the coercive hearing and the prosecution were the same
04:05:25 47 person, do you know whether that was ever explained to

04:05:29 1 affected people?---I don't think so but - - -
04:05:31 2
04:05:31 3 Okay. Are you aware of any Victoria Police disclosure
04:05:37 4 policy in relation to that issue?---No.
04:05:39 5
04:05:39 6 Or more broadly?---No.
04:05:40 7
04:05:46 8 I want to bring up an ICR again, you know this wouldn't be
04:05:51 9 a document that was known to you at the time. This is ICR
04:05:56 10 89 and it's VPL number is 2000.0003.2589 and I want 2591.
04:06:09 11 This is 11 July 2007. 2591, if you could bring that page
04:06:24 12 up. I'm after in fact 10.43 am, it might be just above -
04:06:44 13 it's on the first page, okay. So there is, there's one of
04:06:50 14 the SDU members has contact with Ms Gobbo who has rung him
04:06:59 15 and he's returning her call and she was saying that she had
04:07:03 16 a call from Sam at the OPI, wants to see her to serve
04:07:08 17 confidential documents on her between 2 and 4. Obviously
04:07:11 18 she thinks this will be in relation to Paul Dale, reassured
04:07:15 19 human source not to panic. She says she was talked into
04:07:19 20 speaking with a particular person last year about all this
04:07:22 21 and that was a disaster. She has fears of her identity
04:07:26 22 getting out as a human source if she gives evidence at a
04:07:30 23 hearing like this. Now, were the concerns that she had
04:07:34 24 about being served with a summons passed on to you? I know
04:07:41 25 they ultimately were but prior to her attending?---I don't
04:07:44 26 know, is there anything on the document that says that?
04:07:47 27
04:07:47 28 No, no, there's not. I'm just asking for your memory on
04:07:52 29 these things at the moment?---No, I don't recall it.
04:07:54 30
04:07:54 31 At 9.27 pm on the same day - it might just be above that.
04:08:20 32 There we go. I'm asked by Victoria Police that that only
04:08:31 33 goes on the Commissioner's and the witness's and my screen.
04:08:37 34 That's okay. Can you just scroll a little bit higher on
04:08:49 35 that screen. Other way, that's it. A little bit more.
04:09:01 36 This is further discussion on 11 July and there's a number
04:09:05 37 of phone calls on this date. There's another call from
04:09:11 38 3838, "Human source ringing to confirm she's been served
04:09:14 39 with the summons by that stage. It is all over Paul Dale
04:09:18 40 and we've looked at the contents of the summons and that's
04:09:21 41 certainly what it says, which is what she expected.
04:09:25 42 Summons relates to the 50 IRs and Tony Mokbel and she
04:09:29 43 begins crying and she is scared at where this is going.
04:09:32 44 Not scared about giving an information as she has already
04:09:36 45 told us everything about it. Human source worried re risk
04:09:39 46 of her identity coming out, her feelings are she does not
04:09:42 47 want to go. They can charge her, she does not care.

04:09:48 1 She'll apply for a letter of assistance from us. Talked
04:09:51 2 about implication of this and her reputation as a
04:09:55 3 barrister, the threat of gaol, she does not deserve this",
04:09:59 4 et cetera. One of the things I read a moment ago was that
04:10:03 5 she says she's already told the human source handlers
04:10:07 6 everything she knows. Was that the case as far as you were
04:10:10 7 concerned, that you had had these discussions with the
04:10:15 8 handlers early on where I think they said they were going
04:10:19 9 to talk to her. Had information been passed on to you
04:10:24 10 about her knowledge of these matters?---Not that I recall.
04:10:27 11
04:10:27 12 Really in your mind the first thing you were going to find
04:10:29 13 out was through these OPI hearings?---No, I wouldn't say
04:10:34 14 that.
04:10:34 15
04:10:35 16 From Nicola Gobbo that is?---No, that's right. I know
04:10:38 17 there was an interview done with Homicide.
04:10:41 18
04:10:41 19 Yes?---Which was taped.
04:10:43 20
04:10:43 21 Yes?---So there's some information there.
04:10:50 22
04:10:51 23 Okay?---And it's just so hard to think back what you read
04:10:55 24 at the time. You know, like it's 12 years ago.
04:10:59 25
04:10:59 26 Okay. There's further information further down. "She had
04:11:12 27 been sick when she last spoke to me", this is the same
04:11:15 28 date, "Very worried but calmed down now". All right, and
04:11:21 29 keep going down to the next page. "OPI summons. Went
04:11:28 30 through the same issues about OPI summons as previous call.
04:11:32 31 She does not want to go to the hearing, is prepared to get
04:11:36 32 charged to protect her life." By this stage she's made a
04:11:39 33 decision about it and says she doesn't want to go and she's
04:11:43 34 not going to and, "She believes that we, being the SDU,
04:11:46 35 cannot protect the evidence that she might give and if it
04:11:49 36 gets out that she talked then Tony Mokbel will kill her".
04:11:52 37 So do you accept what she's saying, and I'm not saying this
04:11:56 38 is something known to you at the time, but she's saying
04:11:58 39 that there should be but won't be any protection of the
04:12:02 40 evidence that she's going to give to the OPI. She says we
04:12:07 41 cannot protect the evidence, she wants the evidence to be
04:12:09 42 protected in some way so it isn't disclosed she is a human
04:12:13 43 source. You can understand that's what she was saying to
04:12:17 44 her handlers at least?---Yes, yes.
04:12:19 45
04:12:19 46 And the human source handlers say she should not perjure
04:12:23 47 herself and she says she's very scared about where this is

04:12:27 1 headed and her risk of compromise. Was her desire for the
04:12:36 2 things that she was saying to be protected passed on to you
04:12:39 3 at any stage early on, about whether or not it would be
04:12:43 4 disclosed she was a human source?---Yes.
04:12:45 5
04:12:45 6 Can you explain how that happened?---It's on paragraph 78,
04:12:49 7 it's a conversation I had with a handler.
04:12:51 8
04:12:52 9 Yes?---And it's obvious, you know what I mean, that she
04:12:56 10 would be concerned that the information would go out and
04:13:00 11 she'd be identified as the source.
04:13:01 12
04:13:01 13 Was that a concern that you had as well?---Yes, of course.
04:13:04 14
04:13:10 15 Do you know if there was any direction given to Nicola
04:13:14 16 Gobbo that she was allowed to discuss the OPI summons with
04:13:17 17 her handlers, is that something you were aware of?---No.
04:13:20 18
04:13:27 19 Do you know if the handlers, had you had discussion with
04:13:30 20 any of the people in the SDU about the fact that she was
04:13:32 21 going to be summonsed to the OPI?---You mean prior to them
04:13:38 22 coming?
04:13:38 23
04:13:38 24 Yes?---I can't recall.
04:13:41 25
04:13:41 26 Yes, okay. All right, now the next day there's ICR 89 at
04:13:50 27 VPL.2000.0003.2589. It's the same document. What I'm
04:14:06 28 looking for, just go down a bit further. This is 12 July
04:14:21 29 2007. There's a reference in this to the handler telling
04:14:33 30 Gobbo that the issue is currently at Deputy Commissioner
04:14:36 31 level, Simon Overland. That handler also notes that
04:14:41 32 attempts are being made to prevent and questions being
04:14:44 33 asked that will reveal her as a human source. You might
04:14:51 34 have to scroll through to find this while I'm reading it,
04:14:55 35 "Just wanted to let her know that this is a better position
04:14:58 36 than this morning and gives her some hope. She states that
04:15:01 37 the only way this can be done is if someone at the OPI is
04:15:04 38 told about who she is. Conceded this may have to happen
04:15:08 39 but at the highest levels only. At least nothing will be
04:15:11 40 on transcripts or recordings which have been one of her
04:15:13 41 fears. Human source does not trust the OPI and is
04:15:16 42 concerned about all of this. She agrees though that it is
04:15:19 43 a better position than this morning". So there is a
04:15:23 44 discussion on 12 July 2007 with the handler where she's
04:15:29 45 told that attempts are being made to prevent questions, and
04:15:32 46 I take that to be questions that will reveal her as a human
04:15:35 47 source. Now, just insofar as that's the case, is that

04:15:38 1 something that you were aware of, that there was some
04:15:42 2 discussions that took place between Victoria Police and OPI
04:15:45 3 to make sure that fact didn't come out?---No.
04:15:48 4
04:15:49 5 You weren't part of any such discussions?---No.
04:15:51 6
04:15:52 7 Were you aware that Mr Overland was part of any such
04:15:55 8 discussions?---No.
04:15:56 9
04:15:58 10 Did you speak to her handler about that issue?---I can't
04:16:06 11 remember.
04:16:07 12
04:16:07 13 There's the bit on the screen there. As I say, it's not a
04:16:11 14 document you would have been aware of, I'm just pointing
04:16:14 15 what she was saying and the handlers were saying to her.
04:16:16 16 Did you have any conversations with the OPI about her
04:16:19 17 status as a human source?---No.
04:16:20 18
04:16:25 19 Your own diary on the same day, VPL.0005.0120.0020, at
04:16:38 20 p.52, 9.55, "OPI. John Nolan meeting following his phone
04:16:50 21 request". What's that next word?---Previous evening.
04:16:54 22
04:16:54 23 "Previous evening re material to give me." Now do you know
04:17:00 24 what that material was?---No.
04:17:06 25
04:17:06 26 Sorry, it should be on all the screens. So was John Nolan
04:17:16 27 the person at the OPI that you were dealing with generally
04:17:19 28 in relation to these matters?---Yes.
04:17:20 29
04:17:21 30 But not at the steering committee where it was generally
04:17:24 31 Mr Ashton?---Correct, although Mr Nolan - - -
04:17:27 32
04:17:27 33 He did attend on that occasion?---Correct.
04:17:30 34
04:17:31 35 Yes, sure. So that's - that's not a reference to what we
04:17:38 36 were just discussing in the ICR, namely that there would be
04:17:46 37 some prevention of questions being asked about her status
04:17:49 38 as a human source, that's about something else, is
04:17:51 39 it?---Yeah. I didn't have any discussions - I went in
04:17:58 40 there flying blind basically.
04:17:59 41
04:18:00 42 Okay, I see. About six days prior to her giving evidence,
04:18:04 43 and this is your diary at p.52, there's 16:00 entry,
04:18:16 44 "Purana re 3838", with a particular officer, that doesn't
04:18:20 45 need to come up on everyone's screens because there is a
04:18:25 46 redaction on it so it can just come up on mine, thank you.
04:18:30 47 Can you read that to me, there's a few words I don't

04:18:33 1 understand there?---"Who have you told about the IR?"
04:18:37 2
04:18:37 3 Yes?---"Who have you told about summons? Legal problem."
04:18:41 4
04:18:42 5 Yes?---"To advise Overland of above. Protect her identity
04:18:49 6 as a source. Get up and walk out if she" - - -
04:18:53 7
04:18:54 8 "Asked wrong question" I think?---Yeah, "Fine line if they
04:18:57 9 over step. We'll lose her." I think I'm past that. Hang
04:19:06 10 on.
04:19:06 11
04:19:06 12 Yes, it's being brought up for you?---"Will ask" - "fine
04:19:10 13 line if they overlap. Will lose her. Will have you
04:19:17 14 discuss their IRs in the underworld. Criminals, clients
04:19:23 15 and associates, get her on side early."
04:19:26 16
04:19:26 17 Okay, sure. At the start of that entry it says, "Who have
04:19:31 18 you told about the summons legal problem?" Does that mean
04:19:34 19 that the person you were talking to there was saying to
04:19:38 20 you, "You haven't told anyone about 3838 summons, have you"
04:19:42 21 or is it the other way around?---No, I was concerned. It's
04:19:46 22 my - I was raising it.
04:19:48 23
04:19:48 24 So you knew about the summons at that stage?---Well I'd
04:19:51 25 been told on the 13th of July.
04:19:55 26
04:19:55 27 Yes?---And what date's this?
04:19:57 28
04:19:57 29 This is 13 July?---Yeah, okay. Yep.
04:20:00 30
04:20:00 31 And so you were talking to that particular
04:20:02 32 individual?---Yeah.
04:20:03 33
04:20:03 34 You know that individual's name, don't say it?---Yeah, I
04:20:06 35 do.
04:20:06 36
04:20:06 37 What was his role at the time?---He was a handler from
04:20:09 38 memory.
04:20:09 39
04:20:11 40 You were saying that there's a legal problem about
04:20:15 41 discussing the summons?---Yeah, in my opinion.
04:20:18 42
04:20:18 43 That legal problem with that is the summons had a
04:20:22 44 confidentiality obligation?---Yes, unless you have a lawful
04:20:26 45 excuse, as I found out today.
04:20:28 46
04:20:29 47 A reasonable excuse?---Reasonable excuse, sorry.

04:20:32 1
04:20:34 2 And so you say, "To advise Overland of the above". Is that
04:20:39 3 a discussion you then had with Mr Overland?---Yes.
04:20:42 4
04:20:43 5 Do you remember the outcome of that discussion?---It's in
04:20:48 6 paragraph 80, do you want me to refer to that.
04:20:51 7
04:20:51 8 Yes, go ahead?---Sorry, yeah, at some point prior to 19
04:20:59 9 July 2007 Deputy Commissioner Overland told me they know
04:21:05 10 her status.
04:21:06 11
04:21:07 12 Yes?---They being the OPI and the status being that she was
04:21:11 13 an informer. Which I was very surprised at.
04:21:14 14
04:21:14 15 Do you know who told the OPI that she was an informer?---I
04:21:17 16 don't know.
04:21:18 17
04:21:18 18 Do you know who at the OPI knew she was an informer?---No.
04:21:21 19
04:21:22 20 To this day do you know who it was?---I suspect it would
04:21:25 21 have been the upper echelon at OPI.
04:21:28 22
04:21:30 23 All right. And then you're recording there, "Protect her
04:21:33 24 identity as a source, get up and walk out if asked wrong
04:21:38 25 questions". I assume what you're saying there, what are
04:21:40 26 the options available to her to make sure she's not
04:21:43 27 identified?---It's more likely what that member was saying
04:21:46 28 to me.
04:21:46 29
04:21:46 30 Okay. And in fact that's probably the case because you can
04:21:51 31 see from the ICRs that's one of the things she was saying
04:21:54 32 to them she might do, which was to get up and walk
04:21:57 33 out?---Yeah.
04:21:58 34
04:22:01 35 Mr Ashton was the person who signed her notice to attend,
04:22:08 36 we saw that a moment ago, the summons?---Yes.
04:22:10 37
04:22:12 38 You accept that it was, that Mr Ashton knew at that stage
04:22:16 39 that she was a human source, at least by this stage, a
04:22:19 40 couple of weeks before the hearing?---Yeah, all I know is
04:22:25 41 he said "they know her status", he didn't name who "they"
04:22:28 42 were.
04:22:28 43
04:22:29 44 The handler you're talking about?---No, Mr Overland. He's
04:22:32 45 talking about OPI.
04:22:34 46
04:22:37 47 Now, there are a number of people - bearing in mind this

04:22:41 1 was to be a hearing conducted by the person convening the
04:22:44 2 hearing, which was Mr Fitzgerald. Counsel assisting, which
04:22:48 3 was to be Mr Livermore?---Yeah, I'm - - -
04:22:53 4
04:22:53 5 Was it them or was it the OPI themselves, Mr Ashton,
04:22:58 6 et cetera, who knew her status to your knowledge?---All he
04:23:05 7 said was they know her status and he didn't say who.
04:23:09 8
04:23:09 9 Yes?---So I'm guessing.
04:23:11 10
04:23:11 11 Do you know what it was about her status or what was your
04:23:15 12 understanding about that?---That she was an informer.
04:23:17 13
04:23:18 14 Do you know - - - ?---Registered informer, sorry.
04:23:21 15
04:23:21 16 Registered informer. The period of informing, the nature
04:23:25 17 of the informing that she was undertaking?---I don't know.
04:23:29 18
04:23:29 19 You don't know. As you point out, 78, 79 and 80 of your
04:23:36 20 statement you deal with these issues. I want to take you
04:23:40 21 to one particular phrase in paragraph 78. You say, "I said
04:23:46 22 to that particular handler that we need to protect the
04:23:49 23 safety of the source. I was worried she would walk out of
04:23:53 24 the hearing. I thought that questioning her may cause us
04:23:55 25 to lose her as a source". Now, your concern as one can see
04:24:03 26 in mid-2007 was to keep her as a human source, do you agree
04:24:08 27 with that?---Well, the situation was in 06 I wanted her
04:24:16 28 eased out, or that was Mr Overland's words. They didn't
04:24:20 29 east her out so - - -
04:24:22 30
04:24:22 31 No, they didn't?---So - - -
04:24:24 32
04:24:24 33 But you continued to think through the period she should be
04:24:27 34 eased out though?---Yes, safety, safety, safety. So I had
04:24:31 35 really no option then to use her. Do you understand?
04:24:34 36
04:24:35 37 You felt you were over a barrel and you had to accept the
04:24:37 38 information from her because they wouldn't - - - ?---I
04:24:40 39 wasn't over a barrel but I felt that to progress the
04:24:48 40 investigation, which was Petra, it's a very important
04:24:53 41 investigation, still is, that you have to use every means
04:24:57 42 that you can.
04:24:59 43
04:24:59 44 But you wouldn't lose her as a source for Petra in this,
04:25:03 45 you would lose her as a source for Victoria
04:25:05 46 Police?---Correct, yes.
04:25:06 47

04:25:06 1 The information she was providing in mid-2007 was still
04:25:11 2 very valuable, wasn't it?---Yes.
04:25:13 3
04:25:16 4 The concern you had at that stage about the OPI and the
04:25:19 5 effect that that would have on her was that you would lose
04:25:23 6 her as a human source and you wanted to keep her as a human
04:25:27 7 source?---Personally I didn't, I might add, but I didn't
04:25:31 8 have any say in it.
04:25:32 9
04:25:33 10 But you say there you thought the questioning of her "may
04:25:36 11 cause us to lose her as a source". I mean that's not
04:25:39 12 someone who has misgivings about - - - ?---As best I can
04:25:47 13 explain it, it's - she's a source, it's beyond my control
04:25:52 14 that she's a source or not a source.
04:25:55 15
04:25:55 16 Is that right though? How was that - - - ?---I've, I've
04:25:59 17 had conversations with handlers, et cetera, where I've
04:26:02 18 indicated she should be deregistered but they keep going -
04:26:07 19 she kept going as I understand it.
04:26:09 20
04:26:09 21 You had personal one-on-one conversations with the
04:26:12 22 handlers?---With White.
04:26:13 23
04:26:13 24 And did you say that on a number of occasions?---Yes.
04:26:16 25
04:26:17 26 What was his response when you said it?---Basically they
04:26:23 27 were thinking about it. Had been thinking about it. That
04:26:29 28 - - -
04:26:29 29
04:26:29 30 She was still a source when you left though, wasn't
04:26:32 31 she?---Yes. They were concerned that even if they
04:26:36 32 deregistered her she would continue along a path of just
04:26:43 33 doing whatever she pleased and they felt that they had a
04:26:48 34 duty of care, you know, which is obvious.
04:26:53 35
04:26:55 36 So the duty of care, in your understanding fell on the side
04:26:59 37 of rather than any other options that might have been
04:27:04 38 available, the best thing to do was to continue to engage
04:27:07 39 with her and to continue to obtain information from her?
04:27:09 40 I'm not saying this is your decision, I'm saying - -
04:27:12 41 -?---You've just got to work with what you've got, you
04:27:15 42 know, and that's the, you know, decisions get made above
04:27:19 43 you and you're the one that's, that carries the
04:27:23 44 responsibility.
04:27:24 45
04:27:24 46 You know there were discussions early on in her
04:27:28 47 registration about putting her essentially in baby-sitting

04:27:31 1 mode and looking after her welfare, you're aware of those
04:27:36 2 discussions, aren't you?---Yes.
04:27:37 3
04:27:38 4 That didn't happen though?---No.
04:27:40 5
04:27:40 6 When you were receiving information from her later on, or
04:27:44 7 that you knew had come from her, did you ever go a level or
04:27:47 8 two above within the force and say, "This is wrong, we've
04:27:50 9 got to stop this"?---I've certainly mentioned it quite
04:27:54 10 often to Simon Overland, that I felt that she should be -
04:28:01 11 deregistered and moved overseas.
04:28:02 12
04:28:03 13 He certainly agreed with you in December 2006?---Because I
04:28:06 14 felt, you know, it's one wrong word, one wrong thing,
04:28:09 15 someone says something or, someone puts two and two
04:28:13 16 together and she's in a body bag and I didn't want that on
04:28:19 17 my head.
04:28:20 18
04:28:20 19 There was the time in December 2006 that you talk about in
04:28:23 20 your statement where it was him that says, uses the phrase
04:28:27 21 "ease her out", which you didn't disagree with. What other
04:28:31 22 times did you talk to Simon Overland about these
04:28:33 23 issues?---It had come up, it's just in general discussion
04:28:40 24 either at a meeting or when I see him around the traps, you
04:28:46 25 know.
04:28:46 26
04:28:46 27 The aspect of it that, your focus there is on her
04:28:49 28 safety?---H'mm.
04:28:50 29
04:28:51 30 What about her status as a barrister, did you ever have
04:28:53 31 concerns about the obtaining and use of information from a
04:28:59 32 legal practitioner?---As long as it wasn't privileged I had
04:29:04 33 no problem.
04:29:05 34
04:29:05 35 Did you ever ask whether it was privileged or not?---Yes.
04:29:07 36
04:29:08 37 Who did you ask?---Handlers.
04:29:10 38
04:29:10 39 Did they give you an answer to that?---Yes.
04:29:13 40
04:29:13 41 What did they say?---They said no.
04:29:15 42
04:29:15 43 There's been some concessions in the last few days in the
04:29:19 44 hearing room that there was in fact privileged information
04:29:21 45 that was offered at least by Nicola Gobbo for a start, did
04:29:25 46 you know that she was trying to give privileged
04:29:27 47 information?---No.

04:29:28 1
04:29:28 2 Did you know in fact privileged information was used?---No.
04:29:31 3
04:29:31 4 By Victoria Police?---No.
04:29:32 5
04:29:33 6 Does that cause you concern if that's the case?---Of course
04:29:37 7 it does, yes.
04:29:37 8
04:29:37 9 Do you know if any of the handlers were legally
04:29:39 10 qualified?---I don't know.
04:29:47 11
04:29:48 12 Did you know if they had training in legal professional
04:29:52 13 privilege and what was and wasn't privileged?---You get
04:29:54 14 training at Detective Training School. It's very small.
04:29:59 15
04:30:01 16 Did you suggest that they get any advice in relation to
04:30:06 17 those issues at any stage or was that outside your
04:30:08 18 remit?---I don't think I suggested legal advice for them,
04:30:13 19 it's a matter for them. You know, they're a completely
04:30:20 20 separate area.
04:30:20 21
04:30:20 22 We'll have a break for lunch in a moment, just before we
04:30:24 23 do, I just want to understand your evidence on that. Your
04:30:27 24 primary concern and the reason why you were saying to
04:30:29 25 Mr White, "You've got to stop using her", was for her
04:30:33 26 safety?---Correct.
04:30:34 27
04:30:34 28 When it came to her status as a lawyer, the concerns about
04:30:39 29 that didn't concern you because you understood that that
04:30:41 30 was in the hands of the handlers and they would do the
04:30:44 31 right thing in relation to that information?---Correct,
04:30:47 32 correct.
04:30:47 33
04:30:47 34 Is that a convenient time?
04:30:49 35
04:30:49 36 COMMISSIONER: It is indeed. We'll adjourn now until 2
04:30:52 37 o'clock, thank you.
04:30:53 38
04:30:53 39 <(THE WITNESS WITHDREW)
04:30:53 40
04:30:53 41 LUNCHEON ADJOURNMENT
04:30:54 42
43
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05:08:33 1 UPON RESUMING AT 2.03 PM:
2
05:19:50 3 COMMISSIONER: Yes Mr Woods.
05:19:56 4
05:20:00 5 <GAVAN ANTHONY RYAN, recalled:
05:20:02 6
05:20:03 7 MR WOODS: Just before we move on, Mr Ryan, I just have to
05:20:03 8 tender a couple of documents that I didn't tender during
05:20:04 9 the last session. The first of them is the Operation Posse
05:20:08 10 Operational Assessment into the Mokbel criminal cartel
05:20:11 11 dated April 2005. The number is VPL.0100.0013.3276.
12
05:20:25 13 COMMISSIONER: That's the Operational Posse joint
05:20:29 14 agreement.
05:20:30 15
05:20:31 16 MR WOODS: No, sorry, Operation Posse Operational
05:20:35 17 assessment.
18
05:20:36 19 COMMISSIONER: Operational assessment.
05:20:37 20
05:20:37 21 MR WOODS: Yes.
22
05:20:38 23 COMMISSIONER: Is that a confidential exhibit for the
05:20:40 24 moment?
05:20:41 25
05:20:41 26 MR WOODS: It needs to be reviewed, yes.
27
05:20:43 28 COMMISSIONER: Right.
05:20:46 29
05:20:47 30 #EXHIBIT RC314 - (Confidential) Operation Posse Operational
05:20:35 31 assessment.
05:20:53 32
05:20:54 33 MR WOODS: There's five more unfortunately. The next is
05:20:56 34 Operation Purana Crew 4 current investigations document.
05:21:02 35 That's VPL.6042.0006.0157.
05:21:14 36
05:21:14 37 #EXHIBIT RC315 - (Confidential) Operation Purana Crew 4
05:20:58 38 current investigations document.
05:21:20 39
05:21:21 40 MR WOODS: The next is a bundle of Operation Petra
05:21:23 41 management committee meeting minutes. The first page of
05:21:27 42 those is IBAC.0010.0001.0492.
05:21:45 43
05:21:45 44 #EXHIBIT RC316 - Bundle of Operation Petra management
05:21:24 45 committee meeting minutes.
05:21:48 46
05:21:48 47 COMMISSIONER: All these documents need to be PIIed, do

05:21:51 1 they?
05:21:51 2
05:21:52 3 MR WOODS: I think every one of them, that's right.
4
05:21:54 5 COMMISSIONER: Hopefully that will get done over the
05:21:56 6 weekend.
05:21:57 7
05:21:57 8 MR WOODS: Finally there's the joint agency agreement dated
05:22:02 9 25 May 2007 and that's IBAC.0008.0001.0053.
05:22:16 10
05:22:16 11 #EXHIBIT RC317 - Joint Agency Agreement between Petra and
05:22:21 12 the OPI.
05:22:25 13
05:22:26 14 MR WOODS: Just for the sake of the record, Commissioner,
05:22:27 15 there were some further diary entries produced last night
05:22:32 16 that I think should be - they're not on the relativity
05:22:37 17 system the Commission's using yet but I think notionally
05:22:41 18 they would form the basis of the other exhibit of diaries
05:22:45 19 which has four bundles in it. There's a few extras to be
05:22:49 20 added to that. Again, because I don't have a relativity
05:22:54 21 number for it, I think I'll just say they form part of that
05:22:57 22 bundle and the ones that we take the witness to will be the
05:23:00 23 ones that will be ultimately reviewed and put on line.
24
05:23:03 25 COMMISSIONER: They'll be part of Exhibit 312?
05:23:06 26
05:23:07 27 MR WOODS: Yes, that's correct.
28
05:23:15 29 COMMISSIONER: Yes, thank you.
05:23:17 30
05:23:18 31 MR WOODS: Thanks for bearing with me there, Mr Ryan.
05:23:21 32 Before the break we were talking about the discussion with
05:23:28 33 the particular human source handler about - and your fear
05:23:32 34 of losing Ms Gobbo as a source and the difficulty you were
05:23:35 35 in because of your views about using her as a source and
05:23:40 36 the threats to her safety, remember that?---M'hmm.
37
05:23:46 38 I think I asked you about whether you continued to share
05:23:51 39 your views about the threats to her safety with others and
05:23:54 40 you said that generally when you spoke to Mr White from
05:24:00 41 time to time you would raise your concerns about her use
05:24:02 42 because of threats to her safety; is that right?---Yes.
43
05:24:07 44 Did you have discussions with Mr Overland after those
05:24:12 45 December 2006 discussions where the term "ease her out" was
05:24:17 46 used, did you continue to have discussions with him about
05:24:21 47 ceasing to use her as a source?---Yeah, from time to time.

1
05:24:24 2 Were they formal discussions or meetings?---No, no.
3
05:24:28 4 You expressed your views in what way?---That I felt that it
05:24:33 5 was inevitable that she'd be killed, you know, and - - -
6
05:24:38 7 Even if she was eased out or if she was continued to be
05:24:41 8 used?---It's a problem for the rest of her life.
9
05:24:46 10 Yes?---You know, and that was obvious.
11
05:24:50 12 Did he express his view, I mean his initial view in
05:24:55 13 December 2006 we spoke about, was what it was. Did he say
05:25:00 14 back to you on any of those later occasions what he thought
05:25:03 15 about her continued use?---Look he would have but I just
05:25:06 16 can't recall.
17
05:25:06 18 You can't recall the exact words of the conversation but I
05:25:13 19 suggest you would recall what his view was, whether or not
05:25:16 20 he thought it was a good idea to stop using her or not?---I
05:25:21 21 think he was heading down the path of her potentially being
05:25:26 22 a witness.
23
05:25:30 24 That was post Petra, I understand that?---Post Petra?
25
05:25:34 26 Arising out of the evidence that she might be able to give
05:25:37 27 in relation to Mr Dale's prosecution?---Yeah.
28
05:25:40 29 But did you have discussions - did you have discussions
05:25:43 30 with him about her use before the suggestion to use her for
05:25:49 31 Petra as a witness came up?---Yeah.
32
05:25:52 33 And after December 2006 when he said she should be eased
05:25:57 34 out, did you continue to talk to him like you did Mr White
05:26:00 35 about the risks to her?---It comes up in conversation, you
05:26:02 36 know, when you talk about - everyone's worried about the
05:26:05 37 risk, you know, and safety.
38
05:26:07 39 Particularly with the threats I assume?---Yeah, yeah. I
05:26:09 40 wasn't across all those threats but - - -
41
05:26:13 42 You but knew - - - ?---It weighs heavily on me. Sorry?
43
05:26:17 44 You knew about some of the threats?---Yes.
45
05:26:18 46 You knew that she was being referred to as dog in 2006
05:26:22 47 though, December 2006?---Yes.

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And earlier than that publicly by Carl Williams. He was making suggestions she was talking to the police?---I know that's come up but I don't know if I have - I think I might have read that in a paper article or something.

Okay, I understand. But in any event people were identifying her throughout her period of registration as someone who was talking to police and they were threatening her?---They were - I don't know if identifying is the right word, they were suspicious.

They were calling her a dog in text messages?---Yes, yeah.

You're saying whether they knew or whether she suspected?---Yeah.

Both cause a significant risk to someone in that position, don't they?---Yeah.

Do you recall whether Mr Overland agreed or disagreed with your views post that December 2006 easing her out conversation, whether he agreed or disagreed with your views about ceasing to use Ms Gobbo?---I can't recall.

You don't recall whether he said, "I agree we should stop using her" or, "No, I strongly disagree, we should continue to use her"?---No, I just can't recall. I just remember bringing it up from time to time with him.

Yes?---He doesn't say much, I suppose, that's the best way I could put it.

He was the - other than the Chief Commissioner, above the SDU, if one follows the line of authority up, you get to Overland at the top before you got to the Chief Commissioner; is that right?---Yeah, you'd have - when he was the Assistant Commissioner Crime he was in the same building as us, so you'd see him from time to time when you go to the café or whatever. When he became the Deputy Commissioner he went to the VPC, Victoria Police Centre. Different location. And then when he became Commissioner he was in the same building. So you don't get to see him regularly, I suppose. I don't know if that answered your question.

It does in part. Whether or not you saw him regularly,

05:28:47 1 it's my understanding that he was in a position throughout
05:28:50 2 Ms Gobbo's registration period to, if he felt it
05:28:55 3 worthwhile, or felt it was the right thing to do, to put
05:28:58 4 his foot down and say, "You must stop using Nicola Gobbo as
05:29:06 5 an informer"?---Certainly.
6
05:29:09 7 It was Overland who told you that the OPI or someone at the
05:29:13 8 OPI knew that she was a human source prior to her appearing
05:29:17 9 there?---Yeah, they know her status.
10
05:29:19 11 Say that again?---They know her status.
12
05:29:22 13 They know her status, okay. Do you know whether
05:29:25 14 Mr Fitzgerald or Mr Livermore were those people who were
05:29:31 15 told of her status, or to this day you don't know?---I had
05:29:36 16 a document read to me by Corrs and from that document I
05:29:40 17 think I can deduce that he knew.
18
05:29:42 19 Yeah, okay. Mr Fitzgerald that is or Mr Livermore?---I
05:29:46 20 don't know Mr Livermore at all.
21
05:29:47 22 No?---The way - I was in a - - -
23
05:29:50 24 Just pausing there. The "he" you were talking about though
05:29:53 25 is Mr Fitzgerald?---Yeah, Mr Fitzgerald. I could see him
05:29:57 26 on the computer. I don't think I could remember seeing
05:30:00 27 Mr Livermore. I could see him and her.
28
05:30:02 29 We're going to get to that in a moment.
30
05:30:06 31 COMMISSIONER: Are we going to get to that document? Do
05:30:09 32 you know what document the witness is talking about?
05:30:12 33
05:30:12 34 MR WOODS: I believe so.
35
05:30:13 36 COMMISSIONER: Yes, thanks Mr Woods.
05:30:14 37
05:30:14 38 MR WOODS: I think it might be a transcript of a
05:30:16 39 hearing?---I don't know.
40
05:30:17 41 No?---I don't know what the document is.
42
05:30:21 43 You don't remember what the document was that you were
05:30:23 44 shown?---No, I wasn't shown, it was read to me.
45
05:30:26 46 It was read to you, sure.
47

05:30:29 1 COMMISSIONER: Perhaps we should call for that document.
05:30:32 2
05:30:32 3 MR WOODS: It may well be something that I'm taking the
05:30:34 4 witness to but I simply don't know until it's identified.
05:30:43 5
6 MS ENBOM: We'll identify it.
7
05:30:45 8 COMMISSIONER: Thank you, Ms Enbom.
05:30:45 9
05:30:47 10 MR WOODS: I'm not necessarily going to show you each of
05:30:48 11 the documents that I'm referring to now to be a bit
05:30:52 12 expeditious about it but if there's anything you want to
05:30:55 13 take issue with or you want to see just say so. I'm going
05:30:56 14 to put some propositions to you about what occurred in the
05:30:58 15 meantime before you attended. Ms Gobbo told her handlers
05:31:02 16 on 15 July 2007 that she'd read the OPI Act and that she
05:31:08 17 can be remanded on-the-spot for refusing to cooperate and
05:31:11 18 she was told to wait and see what Mr Overland could come up
05:31:15 19 with. Do you know about that conversation happening?---No.
20
05:31:25 21 All right. On 16 July 2007, this is ICR 89, Ms Gobbo was
05:31:30 22 going to have a meeting with three of her handlers
05:31:33 23 regarding the OPI issues. Information regarding the Hodson
05:31:38 24 murders that is discussed is then passed on to Ryan. Do
05:31:41 25 you remember prior to the - this is just prior to the
05:31:44 26 hearing, that what information they were able to glean from
05:31:48 27 her about the Hodson murders they were sharing with
05:31:50 28 you?---I don't remember that.
29
05:31:52 30 Do you remember her giving any other information about the
05:31:54 31 Hodson murders to her handlers that was being passed to
05:31:59 32 you, or do you only remember the OPI hearings as part of
05:32:03 33 it?---I remember bits and pieces of the OPI hearings. I
05:32:05 34 took a lot of notes.
35
05:32:06 36 Yes, I understand. Just separately to that - - - ?---No.
37
05:32:11 38 - - - do you remember information being passed on?---No.
39
05:32:13 40 Do you accept that if - I'll take you if it's a fundamental
05:32:17 41 issue, but do you accept that if the ICRs say "disseminated
05:32:22 42 to Mr Ryan" that would be a fair reflection of what
05:32:26 43 happened generally speaking?---Yes. They might have a
05:32:29 44 document.
45
05:32:30 46 Yes?---When you get a call, it's like a summary call.
47

05:32:35 1 Of course?---They're usually fairly quick, a few minutes.
2
05:32:39 3 I understand. Then in your diary, again I don't need to
05:32:45 4 bring this up on the screen, there's a meeting on 16 July
05:32:48 5 2007. It's a weekly Petra meeting by the look of things
05:32:52 6 and Mr Overland, Mr Cornelius, Mr Ashton, Mr Hollowood and
05:32:58 7 Ms Curran are there, obviously including you because it's
05:33:01 8 in your diary. This is only a couple of days before
05:33:07 9 Ms Gobbo's attendance at the OPI and do I understand
05:33:11 10 correctly that her attendance at the OPI was really the
05:33:14 11 largest part of what the OPI was doing in relation to these
05:33:18 12 - - - ?---I don't know.
13
05:33:18 14 You don't know what other investigations they were carrying
05:33:21 15 out?---No.
16
05:33:22 17 But her attendance was something that would have been
05:33:24 18 discussed at the meetings a couple of days beforehand?---I
05:33:27 19 would assume so.
20
05:33:35 21 17 July 2007, this is ICR 90, the controller is discussing
05:33:42 22 with Ms Gobbo her various options, which is firstly refuse
05:33:47 23 to answer questions; secondly participate in the hearing in
05:33:50 24 the hope they don't ask any questions about her being a
05:33:53 25 source, or that might lead to that; thirdly, "We have
05:33:56 26 influence over the questions but this would mean that
05:33:59 27 someone would have to know the human source's identity,
05:34:03 28 i.e. the examiner". Then it goes on to say, "Option three,
05:34:08 29 SDU can say that the human source has assisted police in
05:34:11 30 the past and now has threats on her life and that we need
05:34:14 31 to keep her on side with us. We don't have to tell them
05:34:18 32 everything. By doing this we are confident that questions
05:34:21 33 relating to who you told, et cetera, about the summons will
05:34:24 34 not be asked", okay. Now, there's a little bit more to it
05:34:29 35 and I'll go to it in a moment. Did you know that the
05:34:33 36 handlers were themselves seeking to have some influence on
05:34:36 37 the questions that Ms Gobbo might be asked?---No.
38
05:34:39 39 The next part of the entry, in fact I won't bring it up on
05:34:42 40 the screen for now. It says that, "Human source is told
05:34:45 41 that Gavan Ryan is in charge of the Hodson investigation".
05:34:48 42 So far that's correct obviously, "and being assisted by the
05:34:52 43 OPI". It says, "Resolution: after going through all the
05:34:57 44 options it's agreed by everyone that the best option is for
05:35:00 45 the human source to attend the OPI hearings. SDU will
05:35:03 46 ensure that Mr Fitzgerald (Examiner) is informed she has
05:35:07 47 assisted in the past and now threats on her life in order

05:35:10 1 to ensure that questions relating to those who she has
05:35:14 2 spoken to about this summons will not be asked. Human
05:35:17 3 source wants Gavan Ryan to be at the hearing in case she
05:35:20 4 needs to speak to someone". I just want to break that down
05:35:24 5 into a couple of propositions. Firstly, the SDU have said
05:35:33 6 they will ensure that Mr Fitzgerald is informed that she
05:35:39 7 has assisted. Is it your understanding that he was
05:35:42 8 informed?---I didn't know until I was told by Corrs.
9
05:35:45 10 Based on that document is your understanding that he was
05:35:47 11 told?---Yes.
12
05:35:49 13 "He was going to be informed that she" - - - ?---But I
05:35:52 14 didn't know that at the time.
15
05:35:54 16 No, I understand. "He was going to be informed that she
05:35:57 17 has assisted in the past and that now there's threats on
05:36:00 18 her life." It was going to be told to Mr Ryan that she'd
05:36:04 19 assisted in the past - sorry, Mr Fitzgerald that she'd
05:36:07 20 assisted in the past was partly true, because she had
05:36:10 21 assisted in the past?---M'mm.
22
05:36:12 23 But it was partly untrue because she was continuing to
05:36:15 24 assist; you'd agree with that, wouldn't you?---Yeah, I
05:36:17 25 suppose it comes down to their definition of the past,
05:36:21 26 whatever that is.
27
05:36:23 28 If this is what Mr Fitzgerald was told it's a lie, isn't
05:36:27 29 it?---Well, I don't know - - -
30
05:36:31 31 Well it's untrue?---It's - - -
32
05:36:35 33 Misleading. If you're saying she's only assisted in the
05:36:38 34 past - - - ?---No, no, I'm not saying it.
35
05:36:40 36 No, no, if a person is saying to Mr Fitzgerald, "This
05:36:43 37 person has assisted in the past, now there's threats on her
05:36:46 38 life so we don't want you to go near particular areas",
05:36:49 39 that's not telling the whole truth, is it?---I can see
05:36:53 40 where you're coming from.
41
05:36:54 42 Yes?---No problem with that. But the way - - -
43
05:36:58 44 This isn't something you said?---No, I know that.
45
05:37:01 46 Or had anything to do with?---But what I'm saying is it's
05:37:06 47 common when you have a informer - most informers are crooks

05:37:10 1 and they're caught for something and they give up and they
05:37:13 2 get a letter of comfort, and that thing in that letter of
05:37:16 3 comfort which goes to the magistrate you would say a line
05:37:21 4 like, "He or she", whatever it is, "has helped in the
05:37:26 5 past". That past can be up to yesterday I suppose. But
05:37:29 6 you could also look at it from your point of view is it's
05:37:33 7 deep past, I suppose that's what you're saying.
8
05:37:36 9 The position with Ms Gobbo, she wasn't like the normal
05:37:40 10 informer, she wasn't looking for a benefit in front of a
05:37:43 11 sentencing judge, she was an informer who was providing
05:37:46 12 ongoing assistance to Victoria Police from at least
05:37:49 13 September 2005 until early 2009, and in fact and beyond.
05:37:53 14 So to say to Fitzgerald she had provided assistance in the
05:37:58 15 past was at least misleading, wasn't it?---You could read
05:38:01 16 it that way, yes.
17
05:38:03 18 Do you read it that way?---I answered before, you know,
05:38:06 19 like it's like a police terminology "in the past". Bear in
05:38:13 20 mind this is what they're saying to her, is it?
21
05:38:17 22 It says - this is a note of a conversation with her and
05:38:19 23 it's recorded in an ICR. "It is agreed by everyone that
05:38:24 24 the best option is for the human source to attend the OPI
05:38:27 25 hearings. SDU will ensure that Mr Fitzgerald (Examiner) is
05:38:33 26 informed she has assisted in the past and now threats on
05:38:38 27 her life in order to ensure that the questions relating to
05:38:41 28 who she has spoken to about this summons will not be
05:38:45 29 asked"?---In the past.
30
05:38:49 31 Yep. But she was providing ongoing assistance to police
05:38:52 32 though, wasn't she, throughout this period?---Yes. Yes, I
05:38:55 33 don't dispute that.
34
05:38:56 35 In any event, I should say, and I probably don't need to
05:39:01 36 press you further on it, because it's not your note?---It's
05:39:04 37 not my note and I don't know what Mr Fitzgerald was
05:39:06 38 actually told.
39
05:39:07 40 I understand?---So it's a bit hard.
41
05:39:11 42 Okay. There's another ICR from 18 July which is ICR 91 and
05:39:21 43 again I won't take you to the content of it but the phrase
05:39:28 44 - again you wouldn't have been privy to the document at the
05:39:31 45 time - "Return call to 3838. She stayed up late last night
05:39:35 46 thinking about what was said at our meeting yesterday.
05:39:37 47 Against her better judgment she is going because we want

05:39:42 1 her to. Advised her that the hearing officer for Thursday
05:39:45 2 will be Gary Livermore (SC)". Then a few dot points down,
3 "Tried to reassure her that Livermore will not be told of
05:39:55 4 her status, only Fitzgerald, and he has overriding control
05:39:56 5 of the hearing". So that's consistent with your
05:39:58 6 understanding now that her status, as it was recorded in
05:40:03 7 the last ICR, that she'd assisted in the past, was
05:40:06 8 something that was told to Mr Fitzgerald?---Yes.
9
05:40:15 10 You attended, and you made reference to it a little while
05:40:19 11 ago, both times Ms Gobbo attended to provide evidence at
05:40:23 12 the OPI, that's right?---Yes. I think there was a third
05:40:27 13 one but I wasn't there for that.
14
05:40:30 15 Okay?---I was there for the first two.
16
05:40:33 17 The third one you think in relation to these Hodson
05:40:35 18 issues?---Yes.
19
05:40:36 20 There might have been another one in relation to a
05:40:38 21 different issue perhaps?---Oh, okay.
22
05:40:42 23 In any event you describe your attendance at the OPI as
05:40:47 24 both extremely unusual and being the first and only time,
05:40:51 25 that's correct?---Yes.
26
05:40:53 27 Why was it so unusual?---I didn't know of anyone that had
05:40:57 28 ever been called in to the OPI to actually watch a - a
05:41:05 29 policeman watching a witness be examined.
30
05:41:08 31 When you say called in, what were you called in
05:41:10 32 by?---Sorry? Called - - -
33
05:41:14 34 Asked to attend?---I believe it was Simon Overland.
35
05:41:22 36 Was part of your - I assume part of your discomfort was
05:41:26 37 because you knew that these were inevitably, or almost
05:41:29 38 inevitably, confidential hearings; is that right?---Yes,
05:41:32 39 that's correct. And I didn't know why I was there.
40
05:41:41 41 They just said, "Can you go along"?---Yeah.
42
05:41:44 43 No one spoke to you about controlling the proceedings in
05:41:48 44 any way?---No, no. I was in Mr Brouwer's office and I
05:41:54 45 don't know where they were. I was just viewing it on the
05:41:57 46 screen.
47

05:41:57 1 But you were at the OPI premises?---Yes.
2
05:42:00 3 Your understanding is they were in the same building but in
05:42:02 4 a different part of the building?---Yes.
5
05:42:03 6 Okay. You watched it on a laptop?---Yes. Stand alone,
05:42:09 7 sorry.
8
05:42:10 9 I see that a couple of days before Ms Gobbo had been
05:42:14 10 saying, asking her handlers, "Can you make sure Gavan Ryan
05:42:18 11 comes along"?---Yes.
12
05:42:20 13 Did you know that at the time?---No.
14
05:42:22 15 Did anyone explain to you, other than the fact that you
05:42:25 16 were going along, any reason about why you were going to be
05:42:27 17 there?---I was told she was giving evidence and I was to
05:42:31 18 attend.
19
05:42:33 20 Right?---And view it.
21
05:42:34 22 Were you told about any concerns about her status as a
05:42:37 23 human source being disclosed in the OPI hearings?---We
05:42:43 24 would have been concerned.
25
05:42:46 26 Is that - - - ?---Once they go it's like here, you've just
05:42:50 27 got to answer. Sorry.
28
05:42:54 29 COMMISSIONER: Anything can happen?---Sorry?
30
05:42:56 31 Anything can happen?---That's right.
05:42:59 32
05:42:59 33 MR WOODS: All right. Was it part of your concern as you
05:43:07 34 sat there watching the first, or either hearing, that
05:43:09 35 questions might move towards her status as a human
05:43:12 36 source?---That was a concern, yeah, of course.
37
05:43:15 38 But it was a certain that hadn't been raised with you
05:43:17 39 beforehand?---You mean in the lead-up, in the days lead-up?
40
05:43:22 41 As an explanation as to why Overland was asking you to go
05:43:25 42 along, isn't that why you were there?---No, I was there, as
05:43:29 43 I've subsequently found out, because she wanted the head of
05:43:32 44 Petra there and I was the head of Petra.
45
05:43:35 46 But no one said to you, "We are concerned about her status
05:43:38 47 as a human source coming out"?---Of course they would have.

05:43:41 1 Of course they would have.
2
05:43:43 3 Okay. That was explained to you before you turned up?---It
05:43:46 4 would have been - it would have been in conversations I had
05:43:50 5 with Simon Overland and, you know, and my super.
05:43:58 6
05:43:58 7 I've looked at your diaries for those days. I don't see
05:44:02 8 records of it. Would that be the sort of conversation you
05:44:04 9 would just have in running?---Sorry?
10
05:44:05 11 Was that the sort of conversation you had in running with
05:44:05 12 Simon Overland that you wouldn't need to record?---No.
13
05:44:08 14 I just can't see anything of that in your diaries?---No,
05:44:11 15 it's not there. It's just - you know, you go to a meeting
05:44:16 16 or you meet him and it'd be explained she's going to be
05:44:21 17 going there.
18
05:44:22 19 Was it discussed - sorry, keep going?---Then you go. You
05:44:24 20 get told to go, so you go.
21
05:44:28 22 Was it discussed at the Petra steering committee meetings,
05:44:33 23 the fact that they wanted you to go and there was a concern
05:44:36 24 about her identity as a source coming out?---I'd have to
05:44:40 25 refer to the notes to be honest.
26
05:44:42 27 Do you think that's a possibility?---It's an obvious thing
05:44:45 28 to worry about, isn't it?
29
05:44:50 30 Were you told to do anything?---I was told to observe.
31
05:44:53 32 Were you told to do anything if that status as a human
05:44:57 33 source started bubbling up during a hearing?---No. There's
05:45:00 34 nothing you can do. You can't do anything. It's up to the
05:45:03 35 court.
36
05:45:04 37 Were you told to report back to Overland if these issues
05:45:08 38 start coming to the surface during the hearing?---No, I was
05:45:13 39 given no instructions like that.
40
05:45:14 41 You must have been pretty confused about why you were
05:45:17 42 sitting there?---I was, I was. It was very, it was a very
05:45:22 43 unusual thing, you know, to go and then you didn't know why
05:45:26 44 you were there. Apart from she's a human source and she's
05:45:28 45 going to get cross-examined, that's obvious.
46
05:45:31 47 Now you took copious notes, pages of notes in your

05:45:35 1 diary?---Yes.
2
05:45:36 3 We've got a copy of those?---Yeah.
4
05:45:39 5 And being the head of the Petra Task Force can I understand
05:45:45 6 or do I understand correctly that another reason why you
05:45:47 7 were there was to find out exactly what she was saying that
05:45:50 8 might assist with the further investigations into the
05:45:54 9 murder of the Hodsons?---Yes, that would be obvious.
10
05:45:57 11 Okay. Was that purpose explained to you by anyone
05:46:02 12 beforehand?---No, I was just told to go.
13
05:46:05 14 Right?---I got the impression that they didn't want to, you
05:46:11 15 know, didn't want to tell me so I just didn't ask.
16
05:46:14 17 You got the impression what, sorry?---They didn't want to
05:46:20 18 tell me.
19
05:46:20 20 What the reason was?---Yeah, and you just went there.
05:46:23 21 Because I didn't know if I could take notes or not and I
05:46:26 22 had to ask someone.
23
05:46:28 24 Do you know who you asked?---No. Just someone nearby.
25
05:46:31 26 Can I say from the documents we were looking at before,
05:46:33 27 including the joint memorandum about Petra and the OPI
05:46:39 28 working together, the joint memorandum, it says that OPI
05:46:44 29 hearings will be used to assist with the investigation of
05:46:46 30 the murders?---M'hmm.
31
05:46:48 32 Indeed, that's - I think you've just given evidence to the
05:46:52 33 fact, to the extent that you were going to be using what
05:46:56 34 you heard there?---Yeah.
35
05:46:57 36 And what you recorded in your diary to further investigate
05:47:00 37 those murders?---M'hmm, m'hmm.
38
05:47:09 39 Did you feel - the discomfort that you've expressed, being
05:47:14 40 a seasoned police officer and knowing and abiding by the
05:47:18 41 right to silence, was that another thing that gave you some
05:47:22 42 discomfort about being there, that you knew this was a
05:47:27 43 compulsory hearing, that the person who was being examined
05:47:30 44 didn't have a right to silence?---Yeah. It's like here,
05:47:33 45 isn't it?
46
05:47:34 47 No, but observing that as a police investigator from

05:47:37 1 Victoria Police?---M'mm.
2
05:47:38 3 In another environment, being the OPI, where she would have
05:47:41 4 had no obligation to talk to you if you were investigating
05:47:44 5 only with a Victoria Police hat on, but she didn't have any
05:47:49 6 right to silence in an OPI hearing, I'm just asking whether
05:47:53 7 that was a cause for discomfort as you sat there in
05:47:56 8 Brouwer's watching this on a screen?---No. It's just the
9 way it is, you know
10
05:48:02 11 And writing down the notes of what she said?---You've got
05:48:03 12 to deal with what you've got to deal with in front of you,
05:48:06 13 haven't you?
14
05:48:08 15 Thinking about the options of it now, the fact of a right
05:48:12 16 to silence in police investigation and no right to silence
05:48:14 17 in the OPI, do you accept that that would have been, had it
05:48:15 18 occurred to you, another reason for feeling uncomfortable
05:48:17 19 as you sat there?---I suppose you could say that but, look,
05:48:21 20 you go in there, you know they've got to answer or they're
05:48:25 21 in trouble. So you just deal with what you've got to deal
05:48:28 22 with on the day.
23
05:48:29 24 It's a fundamental right though, isn't it, the right to
05:48:33 25 silence?---Silence? Yes, of course.
26
05:48:35 27 What you were hearing on that occasion, that fundamental
05:48:40 28 right didn't exist?---That's correct.
29
05:48:41 30 That's the very reason why you found it so unusual to be
05:48:44 31 sitting in the room, because police aren't ordinarily
05:48:46 32 there, are they?---The unusual part is that, you're right,
05:48:50 33 police aren't usually there, but I'm there not knowing why
05:48:55 34 I'm there and allowed to take notes, so that's what I did.
35
05:49:02 36 COMMISSIONER: Did you have to ask someone if you could
05:49:04 37 take notes?---Yes, I did. I asked, I don't know who it
05:49:07 38 was, but I was in his office, Mr Brouwer's office. He had
05:49:12 39 two offices, he was the Ombudsman and the Office of Police
05:49:17 40 Integrity head and he said I could use - he introduced
05:49:19 41 himself. He said I could use his office because he was in
05:49:22 42 his other office. There was someone there, I said, "Can I
05:49:27 43 take notes?" They said yes.
44
05:49:29 45 Thank you. Do you know - so you've said from the document
05:49:48 46 you've read recently you think Fitzgerald was told
05:49:52 47 something about her status?---Yes.

1
05:49:54 2 It appeared from the transcript to have been two other
05:49:56 3 people in the room, Mr Livermore and Mr Carroll. Do you
05:49:58 4 remember a Mr Carroll being there?---No, all I can remember
05:50:05 5 on the screen was I could see Mr Fitzgerald and I could see
05:50:09 6 her. I couldn't see anyone else. I don't know if they
05:50:12 7 were told. I just don't know.
8
05:50:14 9 There was no indication to you?---No.
10
05:50:15 11 I'm going to quickly bring up firstly the transcript of
05:50:18 12 that so I can tender it. It's IBAC.0007.0001.0014.
13
05:50:42 14 COMMISSIONER: The transcript of the OPI hearing on 19 July
05:50:44 15 2007 is Exhibit 318.
05:50:48 16
05:50:49 17 #EXHIBIT RC318 - (Confidential) Transcript of the OPI
05:50:54 18 hearing 19/07/07.
19
05:50:58 20 COMMISSIONER: Will that be a confidential exhibit?
05:51:03 21
05:51:03 22 MR WOODS: I think the police will want to PII review it.
05:51:05 23
05:51:06 24 MS ENBOM: Yes.
25
05:51:06 26 COMMISSIONER: Yes, all right, for the time being it can be
05:51:06 27 confidential.
05:51:08 28
05:51:08 29 MR WOODS: Confidential for the moment. My expectation is,
05:51:10 30 I should say, Commissioner, the two transcripts - I'll
05:51:12 31 tender the other one now as well in fact while we're at it,
05:51:16 32 which is - actually, no I won't. There's a few documents
05:51:21 33 in between I want to tender. My expectation would be that
05:51:23 34 once they're PII reviewed the entirety, not just the
05:51:29 35 sections that I've taken the witness to but the bits that
05:51:31 36 aren't PIIed, could be made public of the document. I
05:51:38 37 might withdraw that for now. We'll see. We'll leave it as
05:51:42 38 a confidential exhibit for now.
05:51:49 39
05:51:50 40 MS ENBOM: Commissioner, we will review it for PII, there
05:51:52 41 may be some PII claims. I wonder whether there might be a
05:51:56 42 bigger issue.
43
05:51:57 44 COMMISSIONER: I think IBAC has been involved with the
05:52:00 45 provision of this document to the Commission.
05:52:04 46
05:52:04 47 MR WOODS: Because they're OPI documents they're in a

05:52:08 1 slightly different category. Despite OPI and IBAC being in
05:52:12 2 custody and control of them, they're in a slightly
05:52:14 3 different category to IBAC documents as I understand it but
4
5
05:52:16 6 COMMISSIONER: We have been liaising with IBAC about their
05:52:19 7 production to the Commission so that can be checked as
05:52:21 8 well. Double checked perhaps.
05:52:24 9
05:52:25 10 MR WOODS: I'll just bring - that's only up on the three
05:52:28 11 screens I take it? Good. Can you scroll through to the
05:52:31 12 first page - second page. Firstly, Mr Fitzgerald
05:52:38 13 introduces the proceeding, says what the date is, says what
05:52:42 14 the time is and then his instrument of delegation is
05:52:47 15 tendered. Then he authorises three people to be present,
05:52:53 16 which is - just move that back to where it was, yeah, just
05:52:57 17 there. Three people to be present, being Nicola Gobbo,
05:53:00 18 Gary Livermore of counsel and Greg Carroll of the Office of
05:53:09 19 Police Integrity. That's correct insofar as who was
05:53:12 20 physically in the room. I suggest he doesn't make any
05:53:15 21 mention of you watching remotely?---No.
22
05:53:17 23 You don't know whether he knew you were watching
05:53:19 24 remotely?---No.
25
05:53:21 26 You don't remember the identity of the person who took you
05:53:23 27 to the room to watch it remotely?---No.
28
05:53:27 29 All right. He then - we don't need to go through these
05:53:30 30 pages, but he then asks Ms Gobbo various things about
05:53:33 31 people who are potentially involved in the Dublin Street
05:53:38 32 burglary and the dissemination of IR 44 and the murder of
05:53:42 33 the Hodsons. Now you yourself took, as I said a moment
05:53:46 34 ago, I think it's six pages of notes and I'll tender those
05:53:52 35 - well, the diaries are tendered but this is the document
05:53:56 36 ending 0020 of diaries and it's at p.55 to 60. I might
05:54:03 37 just get them brought up on the three screens. Just while
05:54:15 38 they're being brought up, so you took - you'll see in a
05:54:19 39 moment it's six pages, but I suggest to you there were six
05:54:22 40 pages of notes you took on the day?---Yes.
41
05:54:24 42 Did you seek approval from Mr Fitzgerald about whether or
05:54:29 43 not you could take notes?---No, it was someone I asked.
44
05:54:32 45 You did talk to someone about it?---Yeah, I've answered
05:54:36 46 that a couple of times.
47

05:54:37 1 Yes, okay. That was the person who took you to the
05:54:39 2 room?---It could have been. I don't know. I can't recall.
3
05:54:43 4 But you were uncertain - - -
5
05:54:46 6 COMMISSIONER: He said it was one of the people in the room
05:54:49 7 with him.
05:54:50 8
05:54:50 9 MR WOODS: One of the people in the hearing room or - - -
05:54:55 10 ?---In the office, like a general office area. I was
05:54:57 11 Mr Brouwer's office.
12
05:54:58 13 I understand that?---Other people outside it.
14
05:55:01 15 Was it on your way in or did you stick your head out and
05:55:05 16 say, "Am I allowed to take notes"?---At some point I asked,
05:55:15 17 I just don't know if it was on the way in or - - -
18
05:55:15 19 You obviously got the answer yes because then you took
05:55:17 20 those notes?---That's right.
21
05:55:18 22 I won't take you through the notes but the ones that are on
05:55:18 23 the screen, they are the notes - that's the first page at
05:55:21 24 least of the notes you took on that day?---M'hmm.
25
05:55:25 26 There are other documents that show that during breaks on
05:55:29 27 that day Ms Gobbo was talking to her handlers and she was
05:55:34 28 pretty upset about some of the questions she was being
05:55:37 29 asked. Was any of that reported to you on the day?---No.
30
05:55:41 31 That she was reporting to the handlers?---Not that I
05:55:44 32 recall.
33
05:55:46 34 Mr White, it's recorded, was furious that Ms Gobbo was
05:55:53 35 being open-ended questions. Did you know anything about
05:55:56 36 the nature of the questions she was being asked or any
05:55:59 37 restriction on them?---As far as I'm aware there was no
05:56:02 38 restriction. I mean how can you restrict Mr Fitzgerald?
39
05:56:06 40 I see. Then on 20 July, so this is p.61 of that same
05:56:11 41 document that's on the screen at the moment, so this is a
05:56:17 42 couple of days afterwards. There's a mention there, Friday
05:56:23 43 20 July 2007 and it says, "13:30 OPI advised by John Nolan
05:56:32 44 that Gobbo is adjourned", is that a correct reading of
05:56:35 45 those words?---Yeah, it is.
46
05:56:36 47 Does that mean that he'd rung you to tell you that it had

05:56:40 1 been adjourned?---Yes.
2
05:56:42 3 You already knew it had been adjourned because you'd been
05:56:46 4 there sitting in Brouwer's office; is that right?---I think
05:56:49 5 he's referring to adjourned - when she finished on the
05:56:54 6 first day - - -
7
05:56:56 8 Yes?--- - - - they would have adjourned it to another day
05:56:58 9 and then he's telling me that's been adjourned, that second
05:57:01 10 day, I think.
11
05:57:03 12 Oh, the second day has been adjourned when she might have
05:57:05 13 been coming back?---Yep.
14
05:57:08 15 Okay, I understand. On 22 July, this is ICR 91 - I'll get
05:57:16 16 it brought up on the screen. This is VPL.2000.0003.2616.
05:57:27 17 It's at pp.29 to 30. This is an ICR between 18th of the
05:57:40 18 7th, which I think is the day after the hearing on the 22nd
05:57:43 19 of the 7th. There is a reference down the bottom of the
05:57:51 20 page, "OPI. Told human source I had spoken to Gavan Ryan
05:57:55 21 yesterday and he mentioned his shock when the human source
05:57:58 22 was asked questions about all the police she knew".
05:58:01 23 Firstly, do you remember having a discussion with one of
05:58:03 24 the handlers after the hearing about the nature of the
05:58:06 25 questions she was being asked?---No.
26
05:58:08 27 Do you remember experiencing shock about all the police she
05:58:11 28 knew?---About all the - well, no.
29
05:58:16 30 When I say that I'm talking about the evidence that she
05:58:18 31 gave or the questions she was asked about all the police
05:58:21 32 she knew in that OPI hearing. Do you remember expressing
05:58:27 33 surprise about her relationship with all of those police
05:58:29 34 members?---Yes, because some of them were - I don't know
05:58:37 35 how to say it - I didn't particularly like them I suppose
05:58:41 36 is the best way to put it.
37
05:58:43 38 Okay, sure. This is a fair reflection then of what you
05:58:47 39 would have said to a handler afterwards talking about your
05:58:50 40 observations of her evidence at the hearing?---Yeah.
41
05:58:53 42 Okay. He's also passed feedback that her answers were
05:59:05 43 long, which is why the hearing was carried over to the next
05:59:09 44 day, so was it your observation that she perhaps prattled
05:59:14 45 on a bit and it took longer than it might have
05:59:18 46 otherwise?---I'd accept that. She did - she wasn't
05:59:22 47 represented or anything.

1
05:59:24 2 I understand. Then this handler gives feedback to her
05:59:32 3 about how it was wrong for her to describe the flavour of
05:59:35 4 her relationships was just coffee and dinner, et cetera.
05:59:39 5 So you can see there the handler is saying to her that he's
05:59:42 6 got some concern about whether or not she was telling the
05:59:45 7 truth. I'm not saying that's something you said but can
05:59:49 8 you see the handler saying that to her?---Is that where it
05:59:52 9 starts - what dot point? That one, okay. Sorry, what was
06:00:01 10 the question?
11
06:00:03 12 Do you see there that, "Human source said the flavour of
06:00:08 13 the questions was just because he had a coffee or dinner
06:00:13 14 with someone then this equals criminal intent and
06:00:16 15 corruption". Firstly, do you remember the evidence that
06:00:19 16 she was giving on the day about her relationships with
06:00:22 17 various police officers?---I don't remember the specifics
06:00:25 18 but I remember some of the names that were raised by
06:00:33 19 Mr Fitzgerald.
20
06:00:36 21 Okay?---Yeah.
22
06:00:43 23 If you just scroll down a bit further. Keep going. "Human
06:00:53 24 source came back to the OPI hearing and how she has not
06:00:58 25 even got up to talking about the Hodson murders or Paul
06:01:02 26 Dale". So you agree that in her first hearing she was
06:01:06 27 talking about preliminary matters rather than actually
06:01:08 28 talking about what she knew about the murder
06:01:10 29 itself?---Yeah, they seemed to just concentrate on building
06:01:15 30 a picture, I suppose is the best way I can put it, from an
06:01:19 31 intel point of view.
32
06:01:20 33 Then I won't go through each of those, but in any event the
06:01:26 34 conversation that she has with the handler at that stage,
06:01:29 35 as you can see at the bottom, was verbally disseminated to
06:01:34 36 you afterwards, you agree with that?---Yes.
37
06:01:44 38 Did it cause you any concern that she was speaking so
06:01:47 39 freely to the handlers about the substance of her evidence
06:01:51 40 in this confidential hearing, did that cross your
06:01:53 41 mind?---It would have, yeah.
42
06:01:57 43 There was a note we went to a little bit earlier about
06:02:00 44 prior to these hearings there was a problem in your mind
06:02:03 45 about her talking about the fact of the summons to people,
06:02:09 46 so I take it that at this stage you still would have been
06:02:11 47 concerned that she was freely talking to her handlers about

06:02:14 1 it?---Yes.
2
06:02:15 3 I suggest to you it was a pretty complicated situation
06:02:21 4 given that she was a source, she had potential evidence
06:02:23 5 that might assist, it was a confidential hearing, the fact
06:02:26 6 of her being a source couldn't come out, it was a pretty
06:02:29 7 tangled web, wasn't it?---That's putting it politely.
8
06:02:34 9 Your diary on 23 July, which is at p.0107, and I want to go
06:02:42 10 to p.70?---23rd, was it?
06:02:47 11
06:02:47 12 Yes, 23rd. This is it. Can you read to me those words at
06:02:56 13 11 am?---"Superintendent Blayney's office regarding
06:03:04 14 Purana/Petra. Asked by Detective Superintendent Blayney to
06:03:09 15 return for three months to keep ship on the rails. Agreed
06:03:13 16 to do so." It's got, "Detective Senior Sergeant O'Connell
06:03:17 17 to be" - I think from memory to be upgraded in my - so I
06:03:21 18 was leading Petra and going back to Purana and I was
06:03:26 19 supposed to stay there for three months, which got
06:03:29 20 lengthened.
21
06:03:30 22 There's a brief - it might be on the next page, if you can
06:03:36 23 go over. No, no, that's the same one. Do you recall a
06:03:44 24 briefing, Mr Overland, Mr Cornelius, Mr Ashton and
06:03:47 25 Mr Blayney, presumably the members of the steering
06:03:51 26 committee, after the first attendance and before the second
06:03:54 27 one?---I don't recall specifically, no.
28
06:04:19 29 If you can go to p.0170 of that document I think it is. It
06:04:19 30 mightn't be - 0170. I'm looking for - no, it's far too
06:04:26 31 much later. Is this the diary that commences 0107? That's
06:04:41 32 all right, we'll bring a different one up on the screen.
06:04:45 33 I'm after p.170. This is 23 July 2007, it's
06:04:52 34 VPL.0005.0120.0107. I'm after 170 of that document. They
06:05:20 35 can come up on the screens at the Bar table. At 16:30 on
06:05:30 36 that date, "Brief DC Overland and AC Cornelius and Graham
06:05:37 37 Ashton and Blayney re Petra". The biggest, the most
06:05:44 38 significant thing that was happening with Petra at this
06:05:47 39 time, I suggest, was Ms Gobbo's evidence to the OPI a
06:05:52 40 couple of days before, a few days before this, you agree
06:05:55 41 with that?---It certainly would have come up. I don't know
06:05:59 42 if it's the most important thing. We were tracking the
06:06:02 43 hitmen.
06:06:03 44
06:06:03 45 But if you're briefing those people and you've just
06:06:06 46 attended that hearing in the days before that briefing, we
06:06:11 47 can assume that you would have, one of the things you would

06:06:14 1 have discussed was your attendance at the OPI?---I think
06:06:17 2 that's a reasonable assumption.
06:06:18 3
06:06:19 4 On 6 August, so a bit later than that, both Mr Biggin's
06:06:25 5 diary and your diary indicate there was a meeting between
06:06:28 6 Overland, Blayney, you, Sandy White and obviously Biggin.
06:06:33 7 Your diary says 11 am, "Deputy Commissioner Overland
06:06:37 8 office, 3838. Detective Sergeant Biggin, Blayney and Sandy
06:06:43 9 White. Agreed to have continual risk assessments performed
06:06:48 10 and proceed as before". Am I right to understand what had
06:06:52 11 come out of that discussion was that they needed to assess
06:06:55 12 the threats to her safety - we can bring it up on the
06:07:00 13 screen?---It's okay.
06:07:01 14
06:07:01 15 Continually assess the risk to her safety but go ahead with
06:07:05 16 the OPI hearings as there was still another day to go?---I
06:07:16 17 don't think so. The way I read it.
06:07:18 18
06:07:18 19 Yes?---There was - just bear with me. Yes, there were
06:07:29 20 threats - - -
06:07:31 21
06:07:31 22 Is this about new threats?---No, no, no. It's in paragraph
06:07:35 23 83 of my statement.
06:07:36 24
06:07:36 25 Yes?---Do you want me to read it?
06:07:40 26
06:07:40 27 Go ahead?---"Attended an informal retirement party for
06:07:46 28 Detective Inspector O'Brien. During the party had a
06:07:50 29 discussion with Detective Inspector Adrian White about a
06:07:54 30 threat to kill Jason Kelly. There is a Jason Kelly at
06:08:00 31 Purana however we subsequently found out the threat related
06:08:03 32 to a different Jason Kelly. Because of the threat was
06:08:05 33 coming from a criminal" - do you want me to name that
06:08:08 34 person?
06:08:08 35
06:08:09 36 Probably better you don't?---"The fact that Ms Gobbo would
06:08:13 37 see him from time to time I felt it was prudent to advise
06:08:16 38 the SDU White" - - -
06:08:18 39
06:08:18 40 Is that 6 August 2007?---It's 3 August is the actual - what
06:08:26 41 I'm talking about. But what I'm saying is I regarded that
06:08:30 42 as a threat to 3838.
06:08:33 43
06:08:33 44 I see?---And that's what I'm talking about to, you know,
06:08:40 45 the Overland, Biggin, Mr Blayney, et cetera, on 6 August.
06:08:44 46
06:08:45 47 I see okay, because you say, "Agreed to have continual risk

06:08:49 1 assessments performed"?---Yeah.

06:08:52 2

06:08:52 3 I understand. In relation to Ms Gobbo's evidence before
06:08:56 4 the OPI, was it any concern of yours that she might have
06:09:01 5 had some involvement in the murder of the Hodsons?---Back
06:09:05 6 in 04, yeah, there was that concern.

06:09:08 7

06:09:08 8 What about in 07 when she's appearing in front of the
06:09:11 9 OPI?---Well it would have come out I assume, you know,
06:09:14 10 because of the nature of the questioning.

06:09:16 11

06:09:18 12 Were you aware in 2007 when you attended these meetings
06:09:23 13 that Williams, Carl Williams had made a statement
06:09:26 14 indicating that she had been attending various meetings and
06:09:29 15 facilitating meetings?---Made a statement? I don't
06:09:37 16 remember that one. You might help me.

06:09:39 17

06:09:39 18 Facilitating meetings. She was facilitating meetings
06:09:45 19 between people of interest?---I already knew that, that's
06:09:48 20 obvious from the surveillance. She was, our view was she
06:09:52 21 was an intermediary.

06:09:55 22

06:09:55 23 Do you see that any protection of her in what she might be
06:10:05 24 asked or might need to say in front of the OPI might hamper
06:10:10 25 the ability of the OPI to get the truth from her?---Well it
06:10:14 26 would.

06:10:14 27

06:10:14 28 Yes?---Yeah. I don't know if any hampering was done.

06:10:17 29

06:10:18 30 You don't even know for certain who knew?---No, that's
06:10:22 31 right. It's quite strange.

06:10:25 32

06:10:26 33 Would you accept though if Mr Fitzgerald was told something
06:10:31 34 about areas to be cautious of and to avoid with Ms Gobbo,
06:10:38 35 that was going to make things more difficult to determine
06:10:41 36 what the truth was?---Yeah, of course it would.

06:10:43 37

06:10:51 38 In between - I'll tender this as a confidential exhibit. I
06:10:56 39 don't need to take you to it. In between the two
06:10:59 40 appearances, Ms Gobbo's two appearances at the OPI,
06:11:05 41 Mr Livermore expressed some views about her evidence in an
06:11:11 42 advice and whether or not he thought she had been telling
06:11:14 43 the truth. Did you ever have a copy of a written advice
06:11:18 44 from Mr Livermore shown to you?---No.

06:11:20 45

06:11:21 46 Commissioner, just for the sake of the story being
06:11:24 47 accurately told I'll tender that now. It's an advice from

06:11:29 1 Mr Livermore of 14 August 2007, it's document
06:11:32 2 IBAC.0007.0001.0023. I'm not sure what number that is now?
3
06:11:50 4 COMMISSIONER: Can that be - - -
06:11:52 5
06:11:52 6 MR WOODS: Confidential.
06:11:53 7
06:11:53 8 COMMISSIONER: It's a confidential one, okay.
06:11:55 9
06:11:56 10 MR WOODS: Until it's reviewed, yes.
06:11:57 11
06:11:57 12 COMMISSIONER: All right then.
06:11:59 13
06:11:59 14 MR WOODS: And IBAC allow it, yes.
15
16 COMMISSIONER: Right.
17
06:11:47 18 #EXHIBIT RC319 - (Confidential) Advice from Mr Livermore.
19
06:12:06 20 MR WOODS: A couple of days before Ms Gobbo's next
06:12:09 21 appearance at the OPI your diary records that you spoke to
06:12:15 22 a person called O'Connell?---Shane O'Connell.
06:12:18 23
06:12:19 24 Yes. And then a diary note goes on to say that you'd
06:12:24 25 spoken to Graham Ashton and re Petra and Paul Dale
06:12:28 26 contacts?---That's in my diary, is it?
06:12:34 27
06:12:34 28 Yes. Do you have any recollection what that would be
06:12:36 29 about, a couple of days before the second hearing?---No.
06:12:41 30
06:12:45 31 You know that in the first hearing she had, Ms Gobbo was
06:12:49 32 asked questions about lots and lots of contacts that she
06:12:52 33 had amongst Victoria Police?---H'mm.
06:12:54 34
06:12:56 35 Do you accept that it might have been Graham Ashton talking
06:12:59 36 to you about who those contacts were and the evidence she
06:13:03 37 had given the first time at IBAC?---I don't know.
06:13:05 38
06:13:06 39 You simply don't know?---I don't remember.
06:13:08 40
06:13:08 41 The second hearing took place on 17 August 2007. I'm going
06:13:12 42 to tender that transcript. It's 17 August 2007, VPL number
06:13:22 43 VPL.2000.0002.0542. I'll just get that brought up on the
06:13:31 44 three screens.
06:13:35 45
06:11:47 46 #EXHIBIT RC320 - Document VPL.2000.0002.0542.
06:13:39 47

06:13:39 1 If you could scroll down to the first page of the evidence.
06:13:43 2 You can see there that it's again introduced and it was the
06:13:50 3 afternoon of this date of 17 August 2007. Do you have a
06:13:54 4 recollection of attending on the second occasion?---Yes.
06:13:57 5
06:13:58 6 Do you remember who you spoke to on the second
06:14:00 7 occasion?---No.
06:14:01 8
06:14:02 9 You don't know whether it was the same person as the first
06:14:04 10 time round?---No.
06:14:05 11
06:14:06 12 What about the office you sat in?---Same office.
06:14:08 13
06:14:08 14 Same office?---Yep.
06:14:09 15
06:14:09 16 Did you ask again about taking notes?---No.
06:14:12 17
06:14:12 18 Did you assume it was okay from last time?---I assumed it
06:14:15 19 was okay.
06:14:15 20
06:14:22 21 At p.546 of that document, if you could scroll down to
06:14:26 22 that. You can see that there's some questions being asked
06:14:35 23 of Ms Gobbo who she's told about her attending and giving
06:14:39 24 evidence before the OPI and she says that she's told a
06:14:45 25 lawyer and she identifies that lawyer as Alistair Grigor
06:14:49 26 and Mr Fitzgerald says, "And that's the only person?" She
06:14:53 27 said, "That's the only person in relation to legal advice,
06:14:57 28 yes." Mr Fitzgerald asked, "But otherwise have you
06:14:59 29 discussed the fact that you've been there?" Ms Gobbo says,
06:15:02 30 "I don't think I can answer that question, I think I need
06:15:05 31 legal advice to answer the question. I can't answer it."
06:15:08 32 Mr Fitzgerald says, "I don't understand." Ms Gobbo says,
06:15:11 33 "Can I have a break for a few minutes?" Mr Fitzgerald
06:15:14 34 says, "Yes. You need to make a phone call?" Ms Gobbo
06:15:16 35 says, "I think so, yes." Mr Fitzgerald says, "We'll take a
06:15:20 36 break" and it's adjourned at 1.27 for approximately half an
06:15:24 37 hour. When Ms Gobbo comes back Mr Fitzgerald says,
06:15:27 38 "Ms Gobbo, I understand you're able to answer that question
06:15:30 39 in a qualified way and I'd ask that you do that please,
06:15:34 40 thank you." Ms Gobbo says, "There is another person I've
06:15:37 41 spoken to and Inspector Gavan Ryan is aware of who it is
06:15:41 42 and what it relates to." Did you have a discussion with
06:15:46 43 Ms Gobbo during the break?---Yes.
06:15:47 44
06:15:48 45 Face-to-face?---Yes.
06:15:49 46
06:15:51 47 How did that come about?---Well she basically had been

06:15:56 1 given a coach's address and, by - - -
06:16:00 2
06:16:00 3 Coach as in one of the SDU members?---No, by Mr Fitzgerald.
06:16:05 4
06:16:05 5 Sorry, I understand, yes?---Tell the truth, all that sort
06:16:08 6 of stuff.
06:16:08 7
06:16:08 8 Yes?---She broke down and she asked to see me and that's
06:16:13 9 when I first found out that she knew I was there and - - -
06:16:20 10
06:16:20 11 Were you surprised when she - - - ?---Yeah.
06:16:22 12
06:16:23 13 How did she find you?---No, no, she was in the hearing
06:16:25 14 room.
06:16:25 15
06:16:26 16 Yes?---I'm in Mr Brouwer's office.
06:16:28 17
06:16:29 18 Yes?---And she asked to see me.
06:16:32 19
06:16:33 20 Do you know who she asked?---I thought it was
06:16:36 21 Mr Fitzgerald.
06:16:36 22
06:16:36 23 Not according to the transcript?---"There's another person
06:16:44 24 I have spoken to, Detective Inspector Ryan is aware who it
06:16:49 25 is."
06:16:49 26
06:16:50 27 He says, "Yes, you need to make a phone call?" Gobbo says,
06:16:53 28 "Yes, I think so." Mr Fitzgerald says, "We'll take a
06:16:55 29 break" and then it's adjourned?---Okay. I'm not sure if -
06:16:58 30 I did speak to her.
06:16:59 31
06:16:59 32 Do you reckon you got a phone call from the handlers?---No.
06:17:02 33
06:17:02 34 Why are you certain about that?---Because I was in the OPI
06:17:05 35 and I wouldn't want to have phone calls from handlers.
06:17:09 36 Unless there is one, I don't know.
06:17:12 37
06:17:13 38 Did you have any idea of how close to - firstly, what room
06:17:17 39 did you talk to her in, was it in Mr Brouwer's
06:17:20 40 office?---They provided a room that we went into and she
06:17:23 41 was crying and I said, you know, "There's nothing I can do
06:17:26 42 personally to assist you but you should be represented",
06:17:29 43 because she was unrepresented and she said that she didn't
06:17:32 44 want to be represented because it would get around the
06:17:38 45 rumour mill of the Victorian Bar and I just - you know,
06:17:43 46 "You haven't really got a choice, you should be" and that's
06:17:47 47 the tone of the conversation.

06:17:51 1
06:17:51 2 Okay?---But I don't know if it's then or - is there any
06:17:56 3 more later?
06:17:58 4
06:17:58 5 It gets adjourned off later on?---Okay.
06:18:00 6
06:18:01 7 What I'm interested in though is how it was that the two of
06:18:04 8 you found each other in the building?---Someone from the
06:18:07 9 OPI took me into the room and there she was.
06:18:10 10
06:18:10 11 Do you remember that happening?---Yes.
06:18:11 12
06:18:12 13 You had seen the adjournment on the screen and then someone
06:18:15 14 came and got you, did they?---Yeah, yeah.
06:18:17 15
06:18:17 16 Do you have any recollection of who that person was?---No.
06:18:20 17 I don't think - the only person - there were two people I
06:18:24 18 knew at the OPI, Graham Ashton and John Nolan. John Nolan
06:18:32 19 I did Detective Training School with.
06:18:34 20
06:18:34 21 COMMISSIONER: Was it either of those people who took you
06:18:37 22 into the room?---I don't think so.
06:18:39 23
06:18:39 24 It was someone from the OPI?---Yes.
06:18:42 25
06:18:42 26 You don't know who, yes.
06:18:45 27
06:18:45 28 MR WOODS: You say in your statement, paragraph 86, that
06:18:49 29 she asked for an adjournment to speak to you?---Yes.
06:18:53 30
06:18:53 31 As you look at that transcript she doesn't mention you, she
06:18:58 32 just says she agrees with the proposition that she should
06:19:01 33 make a phone call or she needed to make a phone call, do
06:19:05 34 you agree with that?---Yes.
06:19:06 35
06:19:06 36 Your name's not mentioned there?---That's correct.
06:19:08 37
06:19:08 38 And as far as I can see your name's not mentioned anywhere
06:19:12 39 in the transcript?---At all?
06:19:13 40
06:19:13 41 Yes?---Okay.
06:19:15 42
06:19:16 43 On that same day - this will obviously be news to you, but
06:19:32 44 there is a phone call from a Mr Flynn to one of the
06:19:39 45 handlers and it's at 13:35, so it's a couple of minutes
06:19:45 46 after that adjournment, and it says that, "Mr Flynn has
06:19:49 47 been called by the human source in tears. She wants to

06:19:54 1 speak to Gavan Ryan re the hearing. Note, human source
06:19:58 2 called time out at OPI hearing being asked about who she
06:20:01 3 has spoken to about these hearings. Controller updated".
06:20:05 4 Now does that assist you in remembering who it was that
06:20:08 5 spoke to you? Who it was that came and advised you that
06:20:15 6 Ms Gobbo wanted to speak to you?---Flynn is at Purana.
06:20:19 7
06:20:20 8 Yes?---He's on the drug team.
06:20:21 9
06:20:21 10 Yes?---So - - -
06:20:24 11
06:20:24 12 Someone whose number she obviously had?---Was it he rang
06:20:29 13 the controller or the other way round?
06:20:30 14
06:20:31 15 He rang the controller - he rang the handler by the look of
06:20:35 16 things, yes?---And she'd rung Flynn, is that what - - -
06:20:38 17
06:20:38 18 According to the note she rang Flynn?---Okay. And I assume
06:20:43 19 she told - - -
06:20:44 20
06:20:44 21 She said she wanted to speak to you?---Well I assume she
06:20:48 22 told someone in the OPI and I went in and spoke to her,
06:20:50 23 because I did speak to her.
06:20:52 24
06:20:52 25 Yes, sure. She says when she comes back, "There is another
06:20:58 26 person that I've spoken to", and I should say in the
06:21:03 27 context she's asked questions before the break as to who
06:21:07 28 has she told, and she says after the break, "There is
06:21:10 29 another person I've spoken to, Inspector Gavan Ryan is
06:21:15 30 aware of who it is and what it relates to". It strikes me
06:21:20 31 she's not saying - she's saying that you are aware of the
06:21:24 32 person she's spoken to. Did you have a conversation with
06:21:27 33 her during the break about another person she told about
06:21:30 34 the OPI hearing?---Well, I did have a conversation with
06:21:35 35 her. There's no doubt about that.
06:21:37 36
06:21:37 37 Yes?---But I don't recall - - -
06:21:39 38
06:21:40 39 Did she tell you during the break that she'd just had a
06:21:44 40 conversation with her handler, as is clearly the case from
06:21:47 41 the ICR?---I thought she's answering about who she's told
06:21:56 42 the summons to.
06:21:57 43
06:21:58 44 She says, "There is another person I've spoken to and
06:22:02 45 Inspector Gavan Ryan is aware of who it is"?---I just don't
06:22:06 46 remember that. I did have a conversation with her. It was
06:22:08 47 in a room at the OPI. It was like an interview room and

06:22:11 1 there was only me and her there and I told her to get a
06:22:14 2 lawyer.
06:22:15 3
06:22:15 4 Can you scroll just up a little bit. And she says, "Thank
06:22:22 5 you and there's no other person, very well, thank you", and
06:22:26 6 she then talks about, the conversation moves on in the
06:22:31 7 hearing and ultimately it's adjourned off because she says
06:22:36 8 she wants to go and get some legal advice?---Correct.
06:22:39 9
06:22:39 10 And you recall that?---Yes.
06:22:40 11
06:22:43 12 This particular - remember you saying a little while ago
06:22:45 13 you thought there might have been three hearings but as far
06:22:48 14 as the Commission is aware there were only the two
06:22:51 15 involving her evidence?---Okay.
06:22:52 16
06:22:53 17 And it's never recommenced with Ms Gobbo?---Okay.
06:22:56 18
06:22:57 19 Do you recall any conversations to the effect that it
06:23:01 20 should not be recommenced with Ms Gobbo?---No.
06:23:03 21
06:23:04 22 Do you know who made the decision not to recommence the
06:23:07 23 hearings with Ms Gobbo?---No.
06:23:08 24
06:23:09 25 Was it discussed in the steering committee meetings?---I
06:23:16 26 don't think so. But I, I just don't remember.
06:23:20 27
06:23:20 28 There was a serious risk of her being exposed as a human
06:23:24 29 source?---Yes.
06:23:25 30
06:23:25 31 And that risk was being potentially realised by her giving
06:23:30 32 evidence in front of the OPI, do you agree with
06:23:32 33 that?---Correct, yes.
06:23:32 34
06:23:34 35 She went off to get legal advice to assist herself in that
06:23:37 36 regard, do you agree with that?---Yes.
06:23:39 37
06:23:40 38 And the hearings never recommenced, do you agree with
06:23:44 39 that?---I rely on what you're telling me but I thought
06:23:48 40 there was a third hearing.
06:23:49 41
06:23:49 42 The fact is, as it's known to the Commission, there wasn't
06:23:52 43 a third hearing?---Okay.
06:23:54 44
06:23:54 45 What I'm suggesting to you is it's inevitable that there
06:23:58 46 was a discussion at the steering committee to the effect
06:24:01 47 that these hearings with Ms Gobbo should be shut

06:24:05 1 down?---It's a big call. I don't recall any discussion
06:24:11 2 like that. That would be a discussion at a higher level
06:24:17 3 than me. If that occurred I don't know anything about it.
06:24:21 4
06:24:22 5 The joint agency agreement was talking about the use of
06:24:25 6 these OPI hearings?---Correct, yes.
06:24:26 7
06:24:27 8 For the investigation?---Yes.
06:24:28 9
06:24:29 10 In any event you don't know?---I just don't know. I don't
06:24:32 11 know why it wasn't recommenced. I just don't know.
06:24:36 12
06:24:38 13 I won't show them to you but I'll simply tender the - in
06:24:45 14 fact you've got the notes of your own. The notes you took
06:24:49 15 at the second OPI hearing are in your diary so I don't need
06:24:53 16 to refer to them because they're generally tendered, but in
06:24:57 17 any event they are at p.0020 of that document and p.0066.
06:25:02 18 At the end of that hearing Fitzgerald said to Ms Gobbo, and
06:25:08 19 I'll quote what he said, "And I'd be expecting you to come
06:25:12 20 back and speaking fully and frankly". Do you remember him
06:25:15 21 speaking pretty sternly to her at the end of that?---Yes,
06:25:19 22 that's what I call the coach's address.
06:25:21 23
06:25:22 24 He indicated pretty strongly though that he didn't think
06:25:25 25 she was telling the truth?---Correct.
06:25:27 26
06:25:28 27 Can I suggest that given what Mr Fitzgerald says there,
06:25:31 28 expecting her to come back and speak fully and frankly,
06:25:36 29 just the plain meaning of those words doesn't look like to
06:25:41 30 the reader of the document that Mr Fitzgerald did know
06:25:44 31 about her status as a human source?---Well, as I said, he
06:25:50 32 said that they know her status, that's Simon Overland. I
06:25:53 33 don't know who "they" are.
06:25:56 34
06:25:58 35 Have you had a chance - we call for the document that you
06:26:02 36 were shown that made you believe that Mr Fitzgerald did
06:26:08 37 know. I'm not sure whether that has been identified over
06:26:10 38 the break or not.
06:26:12 39
06:26:12 40 MS ENBOM: No, it hasn't been yet. I was hoping to have an
06:26:15 41 opportunity to speak to the witness to ask the witness if
06:26:19 42 he could point us in the right direction?---Sorry, I missed
06:26:23 43 that?
06:26:24 44
06:26:24 45 MR WOODS: That's fair enough.
06:26:24 46
06:26:27 47 COMMISSIONER: Ms Enbom just said she wants to talk to you

06:26:30 1 about what document it was to help her find the
06:26:32 2 document?---Okay, I'm with you.
06:26:36 3
06:26:36 4 But the witness won't be finishing today obviously.
5
6 MS ENBOM: No.
7
06:26:38 8 COMMISSIONER: You could certainly do that, ask him those
06:26:41 9 questions after the break today, once we break.
10
06:26:44 11 MS ENBOM: I'll do that, Commissioner.
12
06:26:46 13 MR WOODS: In Mr Comrie's review - firstly, have you had a
06:26:51 14 chance to read Mr Comrie's review?---No.
15
06:26:58 16 You are aware that the review was undertaken by Mr Comrie
06:27:02 17 about the Source Development Unit?---Yes.
18
06:27:05 19 And these particular issues?---Yes.
20
06:27:09 21 He says, as he's dealing with particular issues in the
06:27:14 22 source management log, he says the source - and the source
06:27:19 23 management log does say I should say, "The source is going
06:27:22 24 to Task Force Petra". This is on the 5th of the 3rd 2008,
06:27:28 25 this is a year after we have just been talking about. "The
06:27:30 26 source is going to Task Force Petra again this afternoon.
06:27:33 27 Investigators will put it on 3838 for more assistance.
06:27:37 28 3838 has been directed what to say and DI Gavan Ryan is all
06:27:42 29 over it. They plan to put pressure on Andrew Hodson later
06:27:45 30 this week with a view to cause him to go to 3838 for
06:27:49 31 advice." Now, are you able to assist the Commissioner with
06:27:53 32 what that meant?---I have no idea because I was at Purana,
06:27:59 33 not Petra then. 5/3/08 you said, didn't you?
06:28:05 34
06:28:05 35 Yes, 5/3/08?---I was definitely at Purana or on leave, so
06:28:10 36 I've got no idea.
06:28:12 37
06:28:12 38 Are you aware of Ms Gobbo acting on Andrew Hodson's behalf
06:28:16 39 in the past?---Yes.
40
06:28:17 41 And are you aware of there being any plan at any stage
06:28:18 42 whatsoever to use Ms Gobbo to get Mr Hodson to talk to her
06:28:25 43 in a professional capacity, as a lawyer?---No, no.
06:28:33 44
06:28:38 45 Are you aware of that occurring, using her position in any
06:28:38 46 other context, using her position as a legal
06:28:41 47 practitioner?---As us directing her to do it?

06:28:48 1
06:28:48 2 Yes?---No.
06:28:48 3
06:28:49 4 When you say us, about the Source Development Unit
06:28:52 5 directing her?---I don't know.
06:28:54 6
06:28:54 7 You don't know?---Yeah.
06:28:55 8
06:29:00 9 All right?---There's a high probability I was on leave in
06:29:12 10 March too. Because at that stage I was, I'd officially
06:29:16 11 resigned.
06:29:16 12
06:29:17 13 Yes?---And I was leaving in April, so.
06:29:21 14
06:29:21 15 Who would have been in charge in that period?---Shane
06:29:23 16 O'Connell.
06:29:24 17
06:29:27 18 Now, I just want to take you through a couple of smaller
06:29:30 19 issues before we get to a closed session. At paragraph 91
06:29:39 20 of your statement, which I think you've got there, you say,
06:29:43 21 this is talking about 25 September 2005, "By this time I'd
06:29:49 22 received information on numerous occasions about threats to
06:29:52 23 Ms Gobbo's safety". Now you recall that?---Yes.
06:29:56 24
06:29:57 25 And, "I'd also attended her evidence at the OPI and had
06:30:01 26 personally observed her demeanour. I recall on a number of
06:30:05 27 occasions saying to the officers of the SDU they had to
06:30:08 28 stop her being a human source as in my view it was
06:30:12 29 inevitable that she would be murdered"?---Yes.
06:30:15 30
06:30:15 31 Do you accept that at the very inception of that
06:30:19 32 relationship between the SDU and Nicola Gobbo, back in
06:30:21 33 September 2005, that even at that moment it was inevitable
06:30:25 34 that she was going to be murdered?---It was certainly a
06:30:28 35 high risk, a very high risk, which is why she went to the
06:30:33 36 SDU.
06:30:33 37
06:30:33 38 By September 2007 you thought that was inevitable?---Yeah.
06:30:38 39 I still do.
06:30:38 40
06:30:40 41 "On a number of occasions I said to that particular
06:30:44 42 handler, Mr White, words to the effect that she should be
06:30:48 43 deregistered and relocated." Were the threats that were
06:30:53 44 continuing in 2007 along the same lines as those that had
06:30:59 45 been previously occurring which identified her as someone
06:31:03 46 who was assisting police?---Yeah, and if you look at it
06:31:06 47 it's - you try and sit above and make a reasoned assessment

06:31:11 1 of the risk to her and you keep getting information she's
06:31:16 2 seeing this guy, she's seeing that guy, she's seeing this
06:31:18 3 guy, that guy. You go the risk is just going through the
06:31:21 4 roof, you know, and you don't want her to get killed, it's
06:31:26 5 as simple as that.
06:31:29 6
06:31:31 7 At paragraph 103 you say you recall a dinner with Ms Gobbo,
06:31:37 8 Jim O'Brien and the SDU?---H'mm.
06:31:40 9
06:31:40 10 "My recollection is Jim O'Brien asked me to attend. This
06:31:45 11 dinner was a form of welfare support for Ms Gobbo. I can't
06:31:50 12 recall the date or location of this dinner." Now, you
06:31:55 13 recall the dinner occurring?---Yes.
06:31:58 14
06:31:58 15 You recall the people who attended?---Yes.
06:32:01 16
06:32:01 17 And other than O'Brien, yourself and Gobbo, they were all
06:32:05 18 SDU members?---Yes. There may have been some security
06:32:09 19 there as well.
06:32:11 20
06:32:11 21 Location was at a restaurant or a venue, a function centre
06:32:15 22 or - - - ?---I've been asked this about ten times. I just
06:32:23 23 - it was like a restaurant I suppose.
06:32:25 24
06:32:26 25 Were there waiting staff there?---Probably.
06:32:30 26
06:32:30 27 Were there other people dining there?---I don't remember
06:32:34 28 that.
06:32:35 29
06:32:36 30 Do you remember walking through an area where there were
06:32:39 31 other people back to a private room?---No, I just remember
06:32:43 32 the dinner. I'm not a great dinner person.
06:32:46 33
06:32:46 34 This is just before the first OPI hearing. Can you expand
06:32:53 35 a bit on what your understanding was about this being
06:32:57 36 welfare support for Ms Gobbo?---So it's, you know the date?
06:33:01 37
06:33:01 38 Yes, May 2007. The first hearing was July 2007?---Yeah.
06:33:09 39 Yeah, it was just one of those meetings where you just
06:33:17 40 gather round and have a chat, you know.
06:33:21 41
06:33:23 42 I'm particularly interested in this, I've got to say the
06:33:26 43 picture of a meeting between the head of Purana, the head
06:33:31 44 of Petra, members of the SDU and a barrister who was acting
06:33:37 45 as a human source against her clients, seems a pretty
06:33:42 46 bizarre event in my mind. What was it about? Why were you
06:33:48 47 all there?---It was organised by Jim, Jim O'Brien.

06:33:55 1
06:33:55 2 Yes?---And it was to show welfare for her. You know, just
06:34:00 3 to show we care, I suppose.
06:34:02 4
06:34:03 5 Do you remember her demeanour on the night?---She wasn't
06:34:06 6 interested.
06:34:06 7
06:34:07 8 Wasn't interested in the dinner?---No.
06:34:08 9
06:34:09 10 Didn't want to be there?---Yeah.
06:34:10 11
06:34:10 12 What, seemed flat?---Yep.
06:34:12 13
06:34:13 14 Disengaged?---Yep.
06:34:14 15
06:34:15 16 How long did it go for?---Got no idea.
06:34:17 17
06:34:21 18 So as a measure of welfare support it probably fell on deaf
06:34:27 19 ears I assume?---You'd have to ask her but - - -
06:34:31 20
06:34:31 21 From your observation she wasn't interested in being
06:34:35 22 there?---No, from my observation, and I was the same.
06:34:38 23
06:34:42 24 COMMISSIONER: Was security a problem at the dinner, were
06:34:45 25 you worried about security?---Yeah, yeah. You do certain
06:34:50 26 things when, before you go there so you're not seen and all
06:34:56 27 that sort of stuff. You just - it becomes part of how you
06:35:01 28 operate.
06:35:02 29
06:35:05 30 MR WOODS: Do you remember there being a particular gift
06:35:07 31 given to Ms Gobbo on the night, or was - - - ?---Yeah,
06:35:10 32 there was a pen.
06:35:11 33
06:35:11 34 A pen?---Yeah.
06:35:12 35
06:35:13 36 Was the pen engraved?---I've got no idea.
06:35:15 37
06:35:17 38 Do you know what sort of pen it was?---You'd have to ask
06:35:21 39 Jim, he gave it to her.
06:35:22 40
06:35:22 41 We might do that. Do you know whether she was asked for
06:35:26 42 information or provided information in relation to any
06:35:29 43 other, or any particular issues that night, information in
06:35:34 44 the nature of a human source?---Not that I recall, no. It
06:35:37 45 was a, just a sit down dinner and have a chat.
06:35:42 46
06:35:42 47 You don't know how long it went for?---Well I don't like -

06:35:49 1 I'm not a person that goes out much so as soon as I could
06:35:55 2 go I went.
06:35:55 3
06:35:59 4 Might it have been the Sebel Heritage Golf Course, does
06:36:04 5 that ring any bells?---No, where's that? What suburb?
06:36:08 6
06:36:09 7 I'm not a golf player unfortunately so I'm not sure?---I'll
06:36:13 8 have to ask my brother.
06:36:14 9
06:36:14 10 Does a golf course help you at all?---No.
06:36:18 11
06:36:18 12 We might ask some others about that. Commissioner, the
06:36:27 13 rest of what I want to ask Mr Ryan needs to be in closed
06:36:32 14 session. We're pretty close to the close of play for
06:36:35 15 today. Would you like me to start now or - - -
06:36:37 16
06:36:37 17 COMMISSIONER: I suppose we'd better because otherwise we
06:36:40 18 keep losing these little minutes here and there.
06:36:44 19
06:36:44 20 MR WOODS: Okay.
06:36:45 21
06:36:45 22 COMMISSIONER: We'll now have to move into closed session.
06:36:50 23 Under 24 of the *Inquiries Act* access to the inquiry during
06:36:53 24 the evidence of this witness is limited to the following
06:36:56 25 parties with leave to appear in the private hearing and
06:37:00 26 their legal representative: State of Victoria, Victoria
06:37:03 27 Police, DPP and OPP, Commonwealth Director of Public
06:37:07 28 Prosecutions, Ms Gobbo, the SDU handlers and Faruk Orman,
06:37:12 29 media representatives and media representatives accredited
06:37:17 30 by the Commission. The hearing is to be recorded but not
06:37:19 31 streamed or broadcast. Subject to any further order there
06:37:22 32 is to be no publication of any material, statements,
06:37:25 33 information or evidence given made or referred to before
06:37:27 34 the Commission which could identify or tend to identify the
06:37:30 35 persons referred to as: Witness A, Witness B, Witness X,
06:37:34 36 Person 14, any member of the Source Development Unit. A
06:37:40 37 copy of this order is to be posted on the hearing room
06:37:43 38 door.
06:37:47 39
40 (IN CAMERA PROCEEDINGS FOLLOW)
41
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.09/08/19

RYAN XXN - IN CAMERA



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ADJOURNED UNTIL TUESDAY 13 AUGUST 2019