

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 14 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	Mr S. Holt QC Ms R. Enbom Ms K. Argiropoulos
Counsel for State of Victoria	Mr C. Goodwin
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDPP	Ms R. Avis
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for John Higgs	Ms C. Dwyer
Counsel for Faruk Orman	Mr M. Koh
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for Stephen Asling	Mr R. Stary

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UPON RESUMING IN OPEN HEARING:

MR NATHWANI: Let's just go through some other examples not relating - if we can go to ICR 94 p.1079, please. Sorry, these are back to 3838, ICR 94 p.179 in the paginated bundle.

COMMISSIONER: What was the page again in the paginated bundle?

MR NATHWANI: 1079, Commissioner. I just want to ask you about some entries. The middle of the page Adam Ahmed, do you see that?---Yes.

Dale Flynn, you remember Adam Ahmed, do you?---He's the - - -

He's at Dublin Street?---Yes.

And at this stage there was interest in trying to get him to roll over in effect, do you agree?---Yes.

And provide information in relation to the prosecutions of Miehchel and Dale potentially?---That wasn't - - -

And Mokbel. It was in relation to drugs and also - - -
-?---Was that done by ESD?

Possibly. Let's go through what's written here. Ahmed, who she acted for, had rung her after - this is by your colleague, do you see that?---It's not the right screen I don't think.

No, sorry, your reference is 2665. The VPL page reference is 2665. Our page number is 1079.

COMMISSIONER: That's it. The right one is up now.

[REDACTED]

[REDACTED]

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[REDACTED]

MR NATHWANI: Could I just ask one question?---Could I just say there's a difference informer/witness.

COMMISSIONER: I know. I know Mr Ryan, I know?---Okay. I'm sure you know.

Perhaps you should tell Victoria Police.

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MR HOLT: Commissioner, with respect we understand the distinction. We're trying to be careful and when matters are raised without notice it's very difficult for us to deal with.

COMMISSIONER: Yes Mr Holt.

MR HOLT: And we owe a duty of care to these people.

COMMISSIONER: Yes Mr Holt. You wanted one more question.

MR NATHWANI: You were saying that your view was that she was doing best by her client in negotiating on behalf of her client, that's as I understood your answer?---That's a possibility.

If that's right - - - ?---Can I just finish?

Yes, of course?---That's a possibility

If that's right don't you agree it's particularly unusual it's coming via her handlers?---Yes.

Because the proper way would be for counsel to come direct to you or by the solicitor and do it that way?---Yes.

Doesn't that indicate quite clearly what was happening here was you were receiving information that was privileged and not particularly bothered by it?---I just don't view it as privileged for some reason. I just view it as information that they've given me and I've, as I said before, the SDU were to filter things is my understanding.

Okay.

COMMISSIONER: All right, we'll adjourn now until 2 o'clock.

<(THE WITNESS WITHDREW)

LUNCHEON ADJOURNMENT

03:37:18 1 UPON RESUMING AT 2.00 PM:
2
04:25:02 3 COMMISSIONER: We're still in open session now?
04:25:06 4
04:25:06 5 MR WOODS: We are.
6
04:25:06 7 COMMISSIONER: Yes. Yes Mr Nathwani.
04:25:08 8
04:25:08 9 <GAVAN RYAN, recalled:
04:25:11 10
04:25:11 11 MR NATHWANI: If we could go back, please, to ICR 94.
04:25:15 12 Rather than take you back to different documents I just
04:25:18 13 want to look at each ICR, there's specific issues I want to
04:25:22 14 address. Just now moving our focus to the OPI. If we go
04:25:27 15 to 1085, which is VPL number ending in 2671. I'm going to
04:25:44 16 ask you more generally about the OPI but whilst we're going
04:25:47 17 through the documents we might as well just flag relevant
04:25:50 18 entries. At the bottom there you can see that Ms Gobbo is
04:25:55 19 discussing the OPI, do you see that?---Yes.
20
04:26:00 21 What she's saying there is, "She says in her mind this
04:26:05 22 would have prevented some of the sweeping questions she was
04:26:10 23 asked, 'like tell me about police you know'", do you see
04:26:14 24 that?---Yes.
25
04:26:14 26 Which was what she was asked on the first time she attended
04:26:19 27 the OPI, do you remember that?---Yes.
28
04:26:21 29 Then we go over to the next page, please. It says at the
04:26:24 30 top, they discussed this question, "She was assured it was
04:26:28 31 not going to be asked. It having been asked this left her
04:26:34 32 very vulnerable about having to reveal us", and she's
04:26:37 33 talking about the handlers there, do you agree with
04:26:39 34 that?---Yes.
35
04:26:39 36 Then goes through dealing about having representation there
04:26:43 37 the next time?---Yes.
38
04:26:47 39 If we carry on through then, please, to the next page, 14
04:26:52 40 August 2007. So that's the "call from 3838, says she's
04:27:03 41 pissed off", do you see that?---Yes.
42
04:27:06 43 "Contact liaison at the OPI has just rung and told her has
04:27:10 44 to go"?---Yes.
45
04:27:13 46 A bit further down she says she's annoyed at the OPI and
04:27:18 47 has half a mind to call on a solicitor to represent her, do

04:27:22 1 you see that?---Yes.
2
04:27:24 3 And talk about her blood pressure, medical appointment.
04:27:30 4 Then the next entry at 6.10 in the evening, "Returns call
04:27:34 5 to her. She has to come Tuesday. She's upset about it".
04:27:39 6 Discussion about her diary and then on the next page it
04:27:48 7 says, "Human source wants reassurances if Gavan there".
04:27:52 8 That's a reference to you, do you agree with that?---Yes.
9
04:27:54 10 She's then happy to go without representation is what she's
04:27:58 11 saying, do you see that?---Yes.
12
04:27:59 13 Otherwise she'll have a barrister there and mentions two
04:28:02 14 potential barristers who she might consider represent
04:28:06 15 her?---Yes.
16
04:28:07 17 She then wants to say on tape at the end of the hearing
04:28:12 18 she's received a death threat since the hearing, do you see
04:28:15 19 that?---Where is that?
20
04:28:17 21 After the names of the two barristers?---Yes.
22
04:28:19 23 "She wants to say on tape" - - - ?---Yes.
24
04:28:21 25 "She wants an assurance from the OPI that if the
04:28:24 26 suppression order is lifted she wants to be represented at
04:28:27 27 a hearing to determine it should be before it's released",
04:28:32 28 do you see that?---Yes.
29
04:28:34 30 We'll come back to this, I just want you to have this in
04:28:37 31 mind rather than keep coming back to the documents, what
04:28:40 32 she appears to be saying is that she's concerned about her
04:28:43 33 evidence from the OPI being made available?---Yes, she's
04:28:47 34 trying to control the situation, yes.
35
04:28:49 36 Let's now move on then, please, to the next ICR, because
04:28:54 37 there's more about the OPI and then some other bits and
04:28:56 38 pieces. If we go to ICR 95, p.1101. Entry on the 16th -
04:29:14 39 there we are. Do you see that at the top?---Yes.
40
04:29:17 41 "OPI advised that Gavan Ryan will be there in another
04:29:21 42 room"?---Yes.
43
04:29:21 44 "He's available if she needs to call a time out"?---Yes.
45
04:29:26 46 The handlers are saying that she should take her diary
04:29:30 47 along, "discussion that she needs to tell the truth", and

04:29:33 1 that she saw Mr Livermore who was counsel assisting I think
04:29:36 2 and he avoided her, do you see that?---Yes.
3
04:29:40 4 Then let's move on, please, to 1106, the day of the
04:29:45 5 hearing. In fact 1105. So 1105 on 17 August, 11.39. This
04:30:00 6 is the day that she attends but before it appears, do you
04:30:04 7 see that?---11.39?
8
04:30:06 9 Yes. It says she's had a terrible night, one and a half
04:30:10 10 hours sleep in total, been up vomiting. Do you see
04:30:14 11 that?---Yes.
12
04:30:16 13 Then a discussion about potentially getting legal
04:30:18 14 representation. Then let's go through to 17 August at 1.35
04:30:23 15 in the afternoon, so the next page. Call from Dale Flynn.
04:30:29 16 He calls the handlers. He's just been called by Ms Gobbo,
04:30:35 17 who was in tears, and she wanted to speak to you about the
04:30:39 18 hearing?---Yes.
19
04:30:41 20 Then the note, "She called a time out at the OPI hearing
04:30:46 21 about being asked who she has spoken to about these
04:30:49 22 hearings", do you see that?---That's at 15.10, is it?
23
04:30:54 24 13.35, a note by the handlers. Then 15.10 she's called
04:31:01 25 back and she wants to pass on her thanks to you, do you see
04:31:04 26 that?---She calls the handlers back, yes.
27
04:31:08 28 This is after. Let's put this in context. This is now
04:31:11 29 ever at hearing. She's spoken to you, she's reporting back
04:31:14 30 to the handlers that she was very upset and you were very
04:31:17 31 good with her?---Yes.
32
04:31:19 33 This may ring a memory with you watching what was happening
04:31:22 34 there, that Fitzgerald had threatened her with
04:31:24 35 perjury?---Yes.
36
04:31:26 37 Discussions - I'm going a bit further down - that
04:31:29 38 Fitzgerald called her a liar, "doesn't know why", do you
04:31:33 39 see that?---Which line?
40
04:31:38 41 So it's - - - ?---Talk to - - -
42
04:31:41 43 Yeah, "Talked about Fitzgerald calling her a liar", midway
04:31:45 44 down?---Yes.
45
04:31:46 46 Then there was a discussion about respectable or accepted
04:31:51 47 counsel as far as VicPol were concerned to represent her,

04:31:53 1 do you see that?---Yes.
2
04:31:55 3 Three names provided?---Yes.
4
04:32:06 5 Let's go to p.1111. If you want to, I'm not asking you to,
04:32:21 6 but what she's doing is continually telling the handlers in
04:32:25 7 this passage about the OPI and what she says in the middle
04:32:29 8 is this, "Talk about the opinion that matters the most in
04:32:35 9 that building", in other words the OPI, "is Gavan Ryan.
04:32:39 10 Therefore intimidated she would not lie to disappoint him.
04:32:42 11 Not in her interests re the credibility she's earned with
04:32:47 12 us and Purana", do you see that?---Yes.
13
04:32:50 14 What she appears to be saying is she didn't want to
04:32:52 15 disappoint you and not want you to consider that she wasn't
04:32:55 16 credible, do you agree that's how it reads
04:32:57 17 certainly?---Yes.
18
04:33:00 19 Then what it goes on to say is she's earned credibility
04:33:04 20 with Purana?---Yes.
21
04:33:07 22 That's because Purana were in effect tasking her to obtain
04:33:12 23 information, some of which was privileged, agree?---No.
24
04:33:15 25 Right. We'll come back to those. But let's go through
04:33:20 26 with a few more examples of material provided to you. Now
04:33:25 27 at p.1119 on 21 August 2007. You see in the middle of the
04:33:43 28 page there's a name in bold, Mr Jamou?---Yes.
29
04:33:51 30 As I understood your evidence last week it was that it was
04:33:55 31 unusual for a police officer to be present at the ACC,
04:33:59 32 agreed?---At the OPI?
33
04:34:01 34 Yes, sorry, the OPI?---Yes.
35
04:34:03 36 How about the ACC?---No. As I understand it it's
04:34:09 37 reasonably common. I didn't personally go.
38
04:34:12 39 As you were saying, and I think this is right again, you
04:34:16 40 would be in collaboration to some degree with the ACC about
04:34:20 41 information provided to them to then question a
04:34:22 42 witness?---Yeah, you'd provide a brief.
43
04:34:25 44 Right?---We had a specific crew do that.
45
04:34:27 46 Here you're being told that Jamou was worried about what
04:34:34 47 they were going to ask?---Who - I don't know who he is.

1
04:34:36 2 Well the ACC certainly did and that handler certainly
04:34:40 3 thought it was sufficient to pass on to you, do you see
04:34:43 4 that, "Verbally disseminated above information to Gavan
04:34:48 5 Ryan"?---Yes, I see that but I don't know who he is.
6
7 Again, any question there that you're receiving information
04:34:52 8 about what he's told his legal advisor about going to a
04:34:56 9 private hearing?---Sorry, what are you asking me?
10
04:35:00 11 She's obviously, on the face of it, appears to be
04:35:03 12 representing Jamou. He's obviously told - he's only
04:35:07 13 allowed to tell his legal advisors about hearings like the
04:35:11 14 ACC?---I don't know if she is or isn't. And I don't know
04:35:16 15 about him, just not a familiar name at all.
16
04:35:17 17 So if you received that information that wouldn't cause you
04:35:18 18 to question anything?---No. It's just not a familiar name
04:35:21 19 at all.
20
04:35:21 21 Let's keep going. If we go to p.1117, so go backwards.
04:35:44 22 You say you can't remember, was your evidence, about being
04:35:47 23 asked whether it was okay for Gobbo to represent Milad
04:35:52 24 Mokbel at the ACC. I want you to have a look at the entry
04:35:56 25 in relation to Roula Mokbel, 20 August 2007, okay. There's
04:36:05 26 a discussion. Grigor is the solicitor. Has a meeting with
04:36:12 27 Roula Mokbel about the ACC. He, as you see from the second
04:36:16 28 line, is filling in Ms Gobbo about what was discussed.
04:36:21 29 "Client wants to know what the ACC might be about."
04:36:25 30 Grigor's then providing information about their concerns,
04:36:29 31 or Roula Mokbel's concerns, which are privileged I hope you
04:36:33 32 accept?---Where are you up to?
33
04:36:39 34 On that first - - - ?---I got up to "who is Bonnie".
35
04:36:43 36 Okay, keep reading that?---Yes.
37
04:36:45 38 "Grigor is saying it's about the family and properties in
04:36:48 39 Bonnie Doon", do you see that?---Yes.
40
04:36:51 41 Pausing, because of course at this stage you can provide
04:36:54 42 material to the ACC about what to be asked about and what
04:37:00 43 not to be asked about, okay?---Yes.
44
04:37:02 45 Let's follow it through. "Roula wants to have a chat with
04:37:05 46 Ms Gobbo before the hearing", do you see that, top of the
04:37:08 47 next page?---Yes.

1
04:37:09 2 "Will only talk to Gobbo"?---Yes.
3
04:37:13 4 "Roula wants to talk about things she cannot mention or
04:37:16 5 that will result in her being killed", do you see
04:37:20 6 that?---Yes.
7
04:37:21 8 "Trusts no one else but the human source Ms Gobbo", do you
04:37:27 9 see that?---Yes.
10
04:37:31 11 She then, Ms Gobbo, talks about ringing the ACC to confirm
04:37:35 12 whether it's appropriate she represent Roula?---Yes.
13
04:37:41 14 Then says, if you go further down, "Human source thinks it
04:37:44 15 may be in our interest to find out what Roula wants to say
04:37:47 16 to her"?---Sorry, what - "HS thinks" - okay, yes.
17
04:37:53 18 Next line, "Wants me to check with whoever to see if this
04:37:56 19 is a problem"?---Yeah.
04:37:57 20
04:37:57 21 "Told her I do not see a problem but will check"?---Yes.
22
04:38:02 23 The next entry is it's disseminated to you?---Yes.
24
04:38:06 25 Were there any questions asked about whether you thought it
04:38:09 26 was appropriate?---No. As I've said a few times, I
04:38:12 27 expected the SDU to filter anything that was privileged.
28
04:38:16 29 Forget what you expected. If you received a phone call
04:38:20 30 saying here's what Roula Mokbel's saying to an informer who
04:38:23 31 represents her, is it okay to then represent at the ACC,
04:38:29 32 because it looks like they check with you, what's your
04:38:33 33 response?---At the time?
34
04:38:34 35 Yes?---I don't know what the response was at the time.
36
04:38:37 37 Was it unusual to be receiving these sorts of
04:38:40 38 calls?---Yeah, it would be.
39
04:38:45 40 Because that's now - Milad Mokbel, I suggest to you
04:38:54 41 Zaharoula Mokbel also - you agree looking now with
04:38:56 42 hindsight that appears to be privileged information?---In
04:39:02 43 hindsight, yes, it could be.
44
04:39:05 45 And a conflict. She's giving information to you - - -
04:39:06 46 ?---I read somewhere - you went so quick for me.
47

04:39:07 1 Take your time. You can read it?---No. You go quick and I
04:39:10 2 read slow I suppose is the best way to put it.
3
04:39:13 4 That's my fault?---No, it's not your fault. It's just - I
04:39:19 5 read somewhere that she'd asked whether there was a
04:39:24 6 conflict, whether it was okay to go before the ACC.
7
04:39:28 8 Yes?---Is that right? Is that for this date or this person
04:39:33 9 ?
04:39:33 10
04:39:33 11 Yes?---So - - -
12
04:39:35 13 She seems to be asking - she says, "It may be in our
04:39:40 14 interest to find out what Roula wants to say to her. Then
04:39:43 15 wants me to check", that's the handler. So wants the
04:39:46 16 handler to check with whoever to see if this is a problem.
04:39:50 17 So she's raised the issue of have they got a
04:39:50 18 problem?---Okay, I get you.
19
04:39:52 20 The next entry is it's disseminated to you?---Yeah, it's
04:39:56 21 got here, "Told her do not see a problem but will check."
22
04:40:00 23 So then there's the check?---Yes.
24
04:40:02 25 Which I would say is with you?---Yes, that's what it says.
26
04:40:07 27 Do you have any notes, do you know, of that?---I'd have to
04:40:09 28 have a look at the diary.
29
04:40:11 30 It's something we'll have to look at.
31
04:40:13 32 COMMISSIONER: Do you want him to do that, Mr Nathwani?
04:40:16 33
04:40:16 34 MR NATHWANI: No, I think we can check his notes over time.
04:40:18 35 I understand they were served on counsel assisting the
04:40:23 36 Commission relatively recently. I tried to make the
04:40:25 37 inquiry but I think there's quite a lot of to consider, so
04:40:28 38 rather than waste lots of time it's something we can
04:40:31 39 consider and see where we are later on in time. Unless of
04:40:37 40 course you would be assisted by that, Commissioner?
04:40:38 41
04:40:39 42 COMMISSIONER: It's just that you've got him here now, if
04:40:41 43 you want to see what he had in his diary on 20 August.
04:40:48 44
04:40:48 45 MR NATHWANI: I don't have the diaries so we're more than
04:40:50 46 happy - - -
47

04:40:50 1 COMMISSIONER: What form are his diaries in and can he have
04:40:52 2 them, please, because they're coming up a few times in this
04:40:56 3 cross-examination?
04:40:57 4
04:40:57 5 MR WOODS: Commissioner, there's two blue official police
04:41:00 6 diaries that we're aware of but then there's also the
04:41:02 7 handwritten notes that are separate. The documents that
04:41:05 8 are being handed to him are the two blue official diaries.
9
04:41:08 10 COMMISSIONER: Right.
04:41:09 11
04:41:09 12 MR HOLT: The diaries are here in court, Commissioner. Can
04:41:11 13 I also indicate, if it assists, that Mr Ryan's statement
04:41:14 14 sets out where there are entries which correspond to
04:41:17 15 disseminations, if that assists our friend.
16
04:41:22 17 COMMISSIONER: All right. I suppose you should check your
04:41:24 18 diary for 20 August 07 and perhaps the next day, just
04:41:29 19 around there.
04:41:43 20
04:41:43 21 WITNESS: What date in August?
04:41:44 22
04:41:45 23 MR NATHWANI: 21 August.
24
04:41:46 25 COMMISSIONER: Try the 20th, that was the date the
04:41:49 26 conversation was on.
04:41:50 27
04:41:51 28 MR NATHWANI: Sorry, yes.
29
04:41:55 30 COMMISSIONER: Most recently spoken to.
04:42:00 31
04:42:01 32 WITNESS: Nothing on the 20th. Nothing on the 21st.
04:42:07 33
04:42:07 34 MR NATHWANI: Can I just ask you this because I understand
04:42:09 35 from Mr Woods' questioning there were some entries that
04:42:13 36 weren't in your diary.
37
04:42:15 38 COMMISSIONER: The handwritten notes that you prepared your
04:42:18 39 diary - - - ?---Yes, I can explain that if you wish.
04:42:19 40
04:42:21 41 You've already explained that, your process. Could you
04:42:23 42 have a look at the handwritten notes to see if there's
04:42:26 43 anything on those around that period?---I can have a look
04:42:29 44 but I suspect that the handwritten notes finish a year
04:42:32 45 before that.
46
04:42:33 47 A year before that?---But I can check for you.

1
04:42:39 2 At this stage you were only using the diary?---Correct,
04:42:41 3 yes.
4
04:42:42 5 There's no need to check because you did that make clear in
04:42:44 6 your earlier evidence.
04:42:46 7
04:42:47 8 MR NATHWANI: There's no entry?---No.
9
04:42:50 10 Let's then go, please, to p.1122 and into your diary on 21
04:42:56 11 August, we'll do this at the same time?---Sorry, which
04:43:00 12 date?
13
04:43:01 14 Look in your diary for the next day, 21 August, and we'll
04:43:02 15 all move to, on the screen - - - ?---There's no entry in my
04:43:06 16 diary.
17
04:43:06 18 No, no. Let's have a look what's been discussed. In fact
04:43:16 19 if we go to p.1121. Up to the top, please. There you go.
04:43:36 20 This is on 21 August?---Yes. I'll just look at - if you
04:43:43 21 just bear with me I'll just check the day after. Sometimes
04:43:47 22 they - no, there's nothing there.
23
04:43:56 24 If you read the entry. She sees Roula Mokbel?---Yes.
25
04:44:04 26 And then discusses what was discussed during that
04:44:11 27 conference, do you agree, if you look there?---Just give me
04:44:14 28 time to read it.
29
04:44:15 30 Yes?---Yes.
31
04:44:32 32 So again, appears to be a discussion about the evidence
04:44:35 33 that will or won't be given by Roula Mokbel at the
04:44:38 34 ACC?---Yes.
35
04:44:41 36 Privileged?---In hindsight, yes.
37
04:44:48 38 The last entry, "Told there should be no issue re Roula",
04:44:54 39 because it's discussing representation, do you see
04:44:56 40 that?---Which entry?
41
04:44:58 42 The last bullet point above. It says, "If she's prevented
04:45:03 43 from representing Roula", the one underneath that says - -
44 - ?---"Told her" - - -
45
04:45:07 46 "There should be no issue re" - - - ?---That's by the
04:45:07 47 handler, is it?

1
04:45:11 2 Yes. "Action" - can you help with who it's verbally
04:45:15 3 disseminated to?---Yes.
4
04:45:17 5 Who's it to?---Me.
6
04:45:18 7 Any notes, diary entries?---No, none.
8
04:45:23 9 COMMISSIONER: I think the point Mr Holt was making that in
04:45:26 10 paragraph 88 of his statement, if you want to check your
04:45:29 11 statement, Mr Ryan, he's given the diary entries - am I in
04:45:35 12 the right year here, yes - for the times that his diary
04:45:40 13 records that he received information from the SDU on those
04:45:43 14 dates. So if they're not - I suppose we can assume, but
04:45:48 15 you might want to check it.
04:45:51 16
04:45:51 17 MR NATHWANI: Of course.
18
04:45:51 19 COMMISSIONER: That those are the dates that he's made an
04:45:53 20 entry about in his diary about receiving the SDU
04:45:57 21 information.
22
04:45:58 23 MR HOLT: It's also at paragraphs 52, Commissioner, and 56
04:46:02 24 as well just for different periods of time. They're
04:46:04 25 separated out so there are three tranches of entries at the
04:46:09 26 same time.
27
04:46:11 28 COMMISSIONER: 52 and 56 did you say?
04:46:13 29
04:46:13 30 MR HOLT: Yes.
04:46:13 31
04:46:14 32 MR NATHWANI: Just dealing with that. As I understand it
04:46:15 33 you were saying in relation to the notes you wouldn't
04:46:18 34 include something in notes that was already known to you;
04:46:24 35 is that so?---Yes, I did say that.
36
04:46:31 37 You're also quite clearly wary of your notes being
04:46:36 38 disclosed?---Yes.
39
04:46:37 40 By that mean, and I'll be fair to you, you were aware that
04:46:39 41 if you recorded an informer's details or anything that
04:46:43 42 could be revealed or could come out, so you were acutely
04:46:45 43 aware that your notes or diary entries could be seen in the
04:46:49 44 future?---Yes.
45
46 Or subpoenaed?---Yes.
47

04:46:50 1 There's a few examples of legal professional privilege not
04:46:54 2 appearing in your notes?---Yes, I agree with that.
3
04:46:56 4 Was there a deliberate decision not to include them?---No,
04:46:59 5 that's not right. I don't, I just don't do that.
6
04:47:01 7 Turn then please to p.1122. We see at the top feedback
04:47:17 8 given from the ACC hearing, "She will be able to represent
04:47:22 9 Roula Mokbel", do you see that?---Yes.
10
04:47:25 11 Did you authorise or discuss her representing Roula
04:47:29 12 Mokbel?---No. I don't authorise a barrister to do
04:47:33 13 anything.
14
04:47:34 15 She's asked, as we've seen through the run, whether or not
04:47:38 16 there's any issue. It appears there's then a discussion
04:47:43 17 with you, or the information is disseminated. You don't
04:47:46 18 have any notes to reflect what was discussed?---No.
19
04:47:49 20 Then the next day the answer comes back, "Yep, you can
04:47:53 21 represent her". You also asked about the same sort of
04:47:56 22 issue with Milad Mokbel. I'm asking you because obviously
04:48:02 23 part of Purana's - as we've heard it was Operation Posse
04:48:06 24 and the Mokbel crew?---M'hmm.
25
04:48:09 26 Were you being asked about the legitimacy of Nicola Gobbo
04:48:13 27 representing people at ACC hearings whilst providing
04:48:18 28 information to - - - ?---By handlers you're talking about?
29
04:48:21 30 Yes?---I don't recall that.
31
04:48:22 32 How about by anyone else?---No, no one else.
33
04:48:34 34 Let's go, please, to ICR 96, p.1130. A bit lower down
04:48:54 35 where it says "Tony Mokbel", thank you. Just read that to
04:49:05 36 yourself. Okay?---No, I'm still going. Down to HS, the
04:49:43 37 third last para. Yep.
38
04:49:58 39 You see there's a line there that says, "Talk about any
04:50:01 40 deals that Mokbel might make with the authorities"?---Which
04:50:04 41 line again? I've read it but - - -
42
04:50:06 43 It's above, "Human source cautions VicPol that Mokbel is
04:50:11 44 totally unreliable"?---Sorry, you're just going a bit quick
04:50:14 45 for me.
46
04:50:15 47 Sorry. If you look about four bullet points from the

04:50:18 1 bottom?---Yeah, I've got it. It's in yellow now.
2
04:50:20 3 We see at the bottom it's disseminated to you?---Yes.
4
04:50:24 5 Okay. Looking at your statement, there's no diary entry
04:50:27 6 that matches, okay?---Yeah, what date is it?
7
04:50:31 8 This is 22 August 07. There doesn't seem to be one until
04:50:38 9 the 29th?---No, there's not one. That's just general
04:50:42 10 information I suppose.
11
04:50:44 12 Let's keep going then to p.1142, 23 August, no diary
04:50:50 13 entry?---20 - - -
14
04:50:53 15 COMMISSIONER: 1142 did you say?
04:50:55 16
04:50:56 17 MR NATHWANI: 1142, the same ICR. 23 August at 22:19?---I
04:51:07 18 doubt that they'd ring me at that time at night.
19
04:51:12 20 Is there an entry in your diary the next day? We know the
04:51:16 21 answer to that because it's not in your - there isn't a
04:51:20 22 diary entry until the 29th?---Okay.
23
04:51:28 24 Read that to yourself?---Which one, the - - -
25
04:51:31 26 The Mokbel entry, "Call from Tony Mokbel, he was
04:51:34 27 weird"?---Yeah.
28
04:51:36 29 Read that to yourself?---Yep.
30
04:52:11 31 Okay?---I'm only half way. Okay.
32
04:52:30 33 [REDACTED]
04:52:35 34 [REDACTED]
04:52:48 35 [REDACTED]
04:52:51 36 [REDACTED]
37
04:52:54 38 [REDACTED]
04:52:58 39 [REDACTED]
04:53:14 40 [REDACTED]
41
04:53:17 42 [REDACTED]
43
04:53:21 44 [REDACTED]
04:53:24 45 [REDACTED]
04:53:29 46 [REDACTED]
04:53:37 47 [REDACTED]

1
04:53:45 2
04:53:55 3
04:53:59 4
04:54:02 5
04:54:07 6
7
04:54:08 8
04:54:12 9
04:54:13 10
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04:54:24 19
04:54:28 20
04:54:31 21
04:54:38 22
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04:54:49 24
04:54:53 25
04:54:56 26
04:54:56 27
04:55:01 28
04:55:04 29
04:55:07 30
04:55:10 31
04:55:12 32
04:55:15 33
34
04:55:16 35
04:55:21 36
04:55:26 37
04:55:26 38
04:55:27 39
04:55:29 40
04:55:30 41
04:55:36 42
04:55:40 43
04:55:45 44
04:55:49 45
04:55:52 46
04:55:57 47

[REDACTED]

MR HOLT: Thank you, Commissioner.

WITNESS: The process is, as I understand it, when you're telling the country from where they're coming from the charges, you can't - if you didn't tell them he'd be charged with murder, you then - when he comes back and then you decide you're going to charge him with murder, you have to go back to Greece to effectively get their permission so that he can be charged with murder.

1
04:56:00 2 COMMISSIONER: Yes?---That's - - -
04:56:02 3
04:56:02 4 MR NATHWANI: What I'm getting at is this - - - ?---I think
04:56:08 5 - yeah, okay, sorry.
04:56:08 6
04:56:08 7 You were keen on getting him back. There were legal
04:56:11 8 proceedings about getting him back?---M'hmm.
9
04:56:14 10 Here you were getting information about tactics likely to
04:56:18 11 deployed to prevent him coming back or delayed, do you see
04:56:22 12 that?---Yes.
13
04:56:24 14 "The Federal Court injunction idea to delay the process as
04:56:28 15 long as they can"?---Yes.
16
04:56:30 17 On the face of it, privileged?---I mean in hindsight I can
04:56:37 18 see where your argument comes from.
19
04:56:40 20 Then the next entry - - - ?---You know, I treat it as
04:56:44 21 intel, you know. I can see that you can argue what you're
04:56:48 22 arguing.
23
04:56:48 24 Because it's, as you see, then disseminated to you?---Yes.
25
04:56:55 26 So even if you were trusting an SDU filter, the fact that
04:57:00 27 you were being told the tactics that Mokbel is likely to
04:57:04 28 run his extradition must have rung alarm bells?---Not
04:57:08 29 really. I mean he's a career criminal who knows the system
04:57:11 30 and he's working it.
31
04:57:13 32 Was that the attitude taken by Purana at the time?---Well
04:57:17 33 that's my perception of how he behaves or how he behaved at
04:57:24 34 that time.
35
04:57:25 36 Let's just - even when it was obviously, on the face of it,
04:57:32 37 legal advice, legal discussion?---Well, I assume if that's
04:57:41 38 your instructions, that it was.
39
04:57:43 40 As I said to you at the beginning when I started
04:57:46 41 questioning you, do you accept or agree that at the very
04:57:50 42 least Purana didn't care that legally professionally
04:57:54 43 privileged information - - - ?---No, that's not right.
44
04:57:56 45 There's quite a lot of privileged information coming your
04:58:00 46 way?---What you say is, I look at it as intel, maybe I'm
04:58:05 47 wrong, but that's how I look at it.

1
04:58:07 2 Let's finish looking at what happens with Roula Mokbel,
04:58:11 3 please. Page 1136, so we're going back slightly. Entry on
04:58:25 4 23 August 2007. Scroll down, please, slightly. It's the
04:58:31 5 last entry there. "Roula Mokbel, new number", and it's
04:58:36 6 given. This is around the time she's meeting and
04:58:41 7 representing Roula Mokbel at the ACC on the authorisation
04:58:47 8 of someone at the police?---Yes.
9
04:58:49 10 Again, agree she received that number therefore, on the
04:58:53 11 face of it, in that capacity as legal advisor?---I assume
04:58:56 12 so.
13
04:58:56 14 And here it is disseminated to you?---Yes.
15
04:58:59 16 Obviously for consideration of how it can be used in
04:59:02 17 investigations going forward?---Yes, I would assume so.
18
04:59:07 19 What's the point of giving you a number otherwise?---Well
04:59:11 20 we could ring her I suppose.
21
04:59:13 22 Going through then, 1142. Sorry, I've been there. If we
04:59:37 23 carry on to 1145, please. 24 August 2007, 10.50. She
04:59:52 24 calls her handlers after representing Roula. Read that to
04:59:56 25 yourself, the first - - - ?---The top part?
26
04:59:59 27 Yes, the first five bullet points?---Yes.
28
05:00:15 29 Okay. You agree there you're getting information from a
05:00:20 30 private hearing?---An ACC hearing, yes.
31
05:00:23 32 Then what follows afterwards appears to be instructions, so
05:00:31 33 read the next bit, the 50K payment. You see how the first
05:00:43 34 line starts, "What really happened"?---Okay, I get you.
35
05:00:48 36 It's indicating why it's all a lie?---Okay. That's not -
05:01:01 37 do you want me to read it all?
38
05:01:03 39 Yes?---Okay. Yes.
40
05:01:30 41 Again, it's disseminated to you?---Yes.
42
05:01:34 43 Did you have any issues with receiving that information
05:01:35 44 from the private hearing?---Probably not.
45
05:01:44 46 Yes?---I get what you mean by what really happened. She's
05:01:49 47 telling us - - -

1
05:01:51 2 Things you shouldn't be told?---Yeah.
3
05:01:53 4 And you're receiving them and not saying - - - ?---Yeah,
05:01:57 5 well I - - -
6
05:01:58 7 "Don't give me that information"?---Sorry?
8
05:02:01 9 It's being received, you're receiving it and no one's
05:02:06 10 saying, "Don't give me that information"?---Give me that
05:02:12 11 information?
12
05:02:13 13 Yes?---How do I tell them to do that when I don't know
05:02:16 14 they've got it ?
15
05:02:17 16 You could say, "Actually, I'm not interested in this
05:02:20 17 information"?---If I didn't put it in the diary I don't
05:02:23 18 think I was.
19
05:02:24 20 Again, more - - - ?---You know - - -
21
05:02:27 22 It goes back, the reason I looked at Roula - - - ?---I
05:02:30 23 could have passed it on to someone but I don't specifically
05:02:35 24 recall.
25
05:02:37 26 See, the reason I asked about Roula was because there was a
05:02:41 27 request that someone else be asked about Ms Gobbo
05:02:45 28 representing Roula and there seems to have been a
05:02:49 29 discussion immediately after with you, in other words did
05:02:52 30 someone ask you whether it was appropriate for Nicola Gobbo
05:02:55 31 - - - ?---Where's that?
32
05:02:56 33 Yes?---Where's that on - - -
34
05:02:58 35 Did you say - were you happy or were you content for her to
05:03:02 36 represent- - - ?---This is what you were asking me before ?
05:03:05 37
05:03:05 38 Yeah, and that's why I'm asking you about all of
05:03:08 39 this?---Yeah, okay.
40
05:03:19 41 I won't go through more ICRs. Let's just go to some more
05:03:23 42 general issues as far as Ms Gobbo is concerned,
05:03:25 43 okay?---Okay.
44
05:03:28 45 In your evidence, this is right at the beginning of
05:03:33 46 Ms Gobbo, so paragraph 21, you formed the view initially
05:03:39 47 that she was part of the Mokbel crew?---Yes.

1
05:03:42 2 She appeared on surveillance and that enhanced your
05:03:46 3 suspicions?---Yes.
4
05:03:48 5 You found it odd for a barrister to be present at so many
05:03:53 6 times that certain people were under surveillance, the
05:03:56 7 Mokbel crew?---Yes, and she'd go for a [REDACTED]
8
05:04:00 9 One view was that she may have been working with
05:04:03 10 them?---Yes.
11
05:04:04 12 And that raised your suspicions?---Yes.
13
05:04:07 14 Or a more generous view, that she was socialising with
05:04:11 15 them?---Yes.
16
05:04:11 17 Okay. Are you aware of a suggestion, I think Mr White
05:04:19 18 suggested it, that people like Mokbel and others wanted a
05:04:25 19 lawyer present so they could later assert legal
05:04:28 20 professional privilege, so in other words use the lawyer to
05:04:30 21 say, "Hold on, that's a privileged conversation, you can't
05:04:36 22 rely on it"?---Are you asking me if I've ever heard of
05:04:39 23 that?
24
05:04:40 25 No, even back then. Did it ever cross your mind that
05:04:43 26 people like Mokbel, Williams - - - ?---No. No, she was
05:04:46 27 their lawyer, their confidant.
28
05:04:52 29 As far as recruitment of Ms Gobbo was concerned, you were
05:04:56 30 asked on Friday about targeting. We know that Operation
05:04:59 31 Posse was targeting directly the Mokbels?---Yes.
32
05:05:03 33 Paragraph 16 of your statement you say this, "The Purana
05:05:10 34 Task Force was a pressure packed environment in which to
05:05:13 35 work. The most pressure came from within the Police
05:05:16 36 Force"?---That's correct.
37
05:05:18 38 Can you expand on what you mean by that?---Well when - I
05:05:27 39 think I said this the other day - when Jason Moran and
05:05:32 40 Pasquale Barbaro were killed at the Auskick in front of the
05:05:36 41 kids and there was 10 in the car, that sent tremors through
05:05:41 42 Government and hence they put pressure on the then Chief
05:05:51 43 Commissioner Christine Nixon to do something. Shortly
05:05:54 44 after, within a month or so, the Task Force, which was 13
05:06:00 45 people, went to 55 people.
46
05:06:01 47 Yes?---And I was the 55th person picked. That's because

05:06:05 1 another Senior Sergeant declined to come and I knew the
05:06:09 2 Morans through - I'd investigated them for another murder
05:06:14 3 of Alphonse Gangitano. So there was intense pressure from
05:06:23 4 within VicPol pushing down through all ranks, but I'd have
05:06:35 5 to say the most pressure, as I think I said the other day,
05:06:38 6 was what each of the members and the leaders put on
05:06:42 7 themselves, you know, "We've got to stop this". But the
05:06:47 8 key fact at that time was that we had very little
05:06:52 9 intelligence about who's who in the zoo and you had to
05:06:56 10 build up a picture.
11

05:07:00 12 Was there pressure from above to do whatever necessary to
05:07:05 13 stop - - - ?---Whatever lawful.
14

05:07:07 15 Were there any directions from above about recruiting
05:07:12 16 Ms Gobbo, for example?---No.
17

05:07:13 18 Can we just look at the timeline as to what happened with
05:07:17 19 Ms Gobbo. She represented Lewis Moran at a bail
05:07:19 20 application?---Was that for drugs?
21

05:07:25 22 Yes?---I was probably in the Arson Squad then.
23

05:07:29 24 See, what follows - just follow this through - is that
05:07:38 25 Benji Veniamin threatens her as a result?---Yes.
26

05:07:41 27 Moran gets bail, so in other words Gobbo has now turned on
05:07:45 28 the crew you thought she was part of?---Could you just go
05:07:48 29 back to Lewis Moran, sorry?
30

05:07:50 31 Yes. Gobbo represents Lewis Moran?---Yes.
32

05:07:52 33 Gets him bail?---Yes.
34

05:07:54 35 Benji Veniamin is - actually pausing there. Your evidence
05:08:00 36 has been that she was part of the Mokbel/Williams'
05:08:03 37 crew?---Yes.
38

05:08:04 39 So far as the police was concerned here she was publicly
05:08:07 40 representing the other team?---Yeah. I think you were
05:08:09 41 referring to a date prior to the set up of Purana.
42

05:08:15 43 Yes, I am?---Do you know the date? Can you help me?
44

05:08:20 45 2004?---It's 2004?
46

05:08:22 47 Three, sorry, 2003. I'm corrected, 2003. Late

05:08:26 1 2003?---Yeah, okay.
2
05:08:29 3 She represents Lewis Moran?---Yes.
4
05:08:31 5 I'm interested in the police perspective of now she's
05:08:34 6 turned on the other team?---Sorry?
7
05:08:36 8 Now she's turned on her own team?---She's working as a
05:08:41 9 barrister I suppose is the best way I could answer it.
10
05:08:46 11 The police become aware that Veniamin's threatened her
05:08:51 12 saying, don't you dare go to the other team - I'm
05:08:53 13 paraphrasing?---That's prior to my arrival.
14
05:08:57 15 It is. But you worked with Swindells, you worked with
05:09:00 16 Rowe. Do you agree they deliberately target her at that
05:09:04 17 stage? She was foreturning, she'd already shown she was
05:09:09 18 working - - - ?---No. I've thought often about how she
05:09:14 19 ended up becoming an informer, so.
20
05:09:16 21 Following her timeline through, she then - we've looked at
05:09:24 22 Witness X and others and what goes on there. But she has a
05:09:28 23 stroke in 2004?---Yes.
24
05:09:30 25 Around that time there's a suggestion of going to visit her
05:09:33 26 in hospital, one of the handlers and police members to go
05:09:38 27 and visit her to recruit her, we would say, did you know
05:09:41 28 anything about that?---No.
29
05:09:45 30 Then what happens - - - ?---This is in 2004?
31
05:09:49 32 Yes. Then what happens she comes back from her stroke, and
05:09:54 33 what you say in paragraph 36 is Bateson in discussions with
05:09:57 34 her and he comes to you?---That's 2005.
35
05:09:59 36 Yes, so we're following through. It becomes 2004 she comes
05:10:03 37 back out and Bateson is in conversation with her up until
05:10:06 38 2005, May and August. If you read paragraph 36?---Yes.
39
05:10:20 40 Paragraph 35 I'm rightly asked to point out.
41
05:10:22 42 COMMISSIONER: Sorry, of his statement?
05:10:23 43
05:10:24 44 MR NATHWANI: Of his statement. Sorry, Commissioner.
05:10:26 45 Bateson's updating you between May and August 2005?---Yes.
46
05:10:30 47 About discussions with Gobbo?---Yes.

1
05:10:35 2 So reporting back to you?---Yes.
3
05:10:37 4 Paragraph 36, Bateson comes to you about her wanting to
05:10:41 5 assist?---Yes.
6
05:10:46 7 Do you see that?---Yes.
8
05:10:47 9 And you recommended that he should introduce her to the SDU
05:10:52 10 or DSU as it was then?---That's correct.
11
05:10:54 12 And then that's what ultimately happens?---He doesn't I
05:10:59 13 don't think.
14
05:10:59 15 It ultimately happens?---That's what ultimately happens,
05:11:03 16 yes.
05:11:03 17
05:11:04 18 As far as you were concerned, at the time you suggested it
05:11:06 19 there was no knowledge or indication that she was
05:11:09 20 foreturning and should be targeted?---I'm sorry, he's just
05:11:13 21 talking and - I'm sorry. I haven't got the greatest of
05:11:19 22 hearing. Can you repeat, please?
23
05:11:20 24 Yes, of course?---It's all right.
25
05:11:22 26 So far as you were concerned when you referred Bateson or
05:11:26 27 suggested to Bateson to pass her on to the DSU, as it was
05:11:31 28 then, was there any suggestion that she had been
05:11:33 29 targeted?---No, no. I know it's going to sound funny but
05:11:38 30 it's almost like she recruited herself.
31
05:11:43 32 Let's move on then, please, to risks and threats. In your
05:11:46 33 statement you detail that you were risk conscious?---Yes.
34
05:11:50 35 And you discuss how sometimes you keep certain notes, logs,
05:11:55 36 et cetera?---Yes.
37
05:11:56 38 Paragraph 39 you say this: "At the time I remember
05:11:59 39 thinking that if she was to become an informer in the
05:12:02 40 underworld murders she would be risking death at every
05:12:07 41 meeting", okay?---That's correct, yes.
42
05:12:10 43 Let's just follow your statement through with other threats
05:12:13 44 that then eventuate. Paragraph 55, 7 July 2006, "I
05:12:21 45 received a call from Bateson"?---Yes.
05:12:23 46
05:12:23 47 "He discussed a prisoner mouthing off about her"?---Yes.

1
05:12:29 2 And you were concerned and passed it on because it was a
05:12:32 3 threat?---Yes.
4
05:12:33 5 That prisoner was a close associate of Carl Williams?---I
05:12:42 6 think - yes, I think so. I'm getting a bit - you know,
05:12:49 7 I've just got to clear my head a bit. Yeah, I think -
05:12:59 8 yeah, that's person someone, person, the number they showed
05:13:04 9 me before.
10
05:13:05 11 Yes?---He was in gaol for a murder.
12
05:13:10 13 Yes. Paragraph 62, you discuss threats, you think, with
05:13:27 14 Mr Overland?---Yeah, that relates to paragraph 61.
15
05:13:32 16 Yes. Then at paragraph 75 you again discuss with Overland
05:13:44 17 your concerns and fears about Ms Gobbo, do you see
05:13:53 18 that?---Yeah, that's about her - yeah, I see it.
19
05:13:58 20 Because I'm going to come and ask you just briefly about
05:14:01 21 the OPI and Petra but I just want to get this context.
05:14:07 22 Paragraph 84, you then had a meeting with Overland again,
05:14:15 23 Biggin, Blayney and White in relation to threats against
05:14:24 24 Mr Kelly and your concerns about her safety?---Yes.
25
05:14:34 26 And then - - - ?---That relates to paragraph 83.
27
05:14:36 28 And then going forward, just to realise your concerns about
05:14:39 29 some of these things, paragraph 90?---Yes.
30
05:14:48 31 There you were, and a colleague of Paul Dale tells you, and
05:14:55 32 this is in 2007 when Dale's of interest to you?---Yes.
33
05:15:02 34 That he was aware of the identity of 3838?---Yes.
35
05:15:05 36 That must have been serious cause for concern, do you
05:15:09 37 agree?---Yes, he was on the - my recollection is he came to
05:15:14 38 us and told me.
39
05:15:16 40 Yes?---And told me that he knew those people and then I
05:15:20 41 knew one, actually I knew both.
42
05:15:23 43 You were investigating one quite seriously?---No, I'd known
05:15:27 44 them prior to that.
45
05:15:28 46 Yes. Mr Woods brought up RC311 the other day, which were a
05:15:38 47 number of threats?---Yes.

1
05:15:40 2 Rather than bring it up I'll paraphrase a few of them or
3 just indicate some of the threats that she was receiving
05:15:45 4 because then we'll go on to the OPI. There were threats
05:15:48 5 that you were aware of relating to bullets in the post to
05:15:52 6 her home address?---Yes.
7
05:15:54 8 One for the head, one for the heart?---Yes.
9
05:15:58 10 The relevance there is she wasn't just receiving text
05:16:02 11 messages threats, there was one actually to her, someone
05:16:03 12 who knew her home address?---Yes.
13
05:16:05 14 Some of the threats indicated a knowledge of when her
05:16:09 15 birthday was. There was a message sent in October?---Yes,
05:16:12 16 I accept - I don't remember that specifically but I accept
05:16:15 17 what you're saying.
18
05:16:16 19 There was her car which was set alight I think after you'd
05:16:19 20 left but there was that threat as well to her?---Yes.
21
05:16:24 22 Then there was another text message saying, "We know you're
05:16:28 23 speaking to Purana"?---Yes.
24
05:16:29 25 Which again we also know to be true. So quite a lot of
05:16:31 26 messages sent by someone who obviously knew what was
05:16:34 27 happening to her?---I don't know if it's the same person or
05:16:38 28 not.
29
05:16:39 30 No, no, I understand. Bearing that in mind can we then
05:16:43 31 just go to the issue of the OPI?---Yes.
32
05:16:45 33 You were shown a note in your diary from 10 May 2007. I
05:16:52 34 don't have it but I know there's an entry at 19:05 in the
05:16:56 35 evening. You were given orders to question her, do you
05:17:01 36 remember that?---I'm just bringing it up. 10 May, is it?
37
05:17:09 38 COMMISSIONER: What was the date, I'm sorry?
05:17:11 39
05:17:12 40 MR NATHWANI: 10 May 2007. It was a note, to jog your
05:17:21 41 memory, because I only saw it on the screen briefly, where
05:17:24 42 the concern was that she would be upset with Victoria
05:17:29 43 Police, do you remember that?---I'm just reading it. If
05:17:32 44 you can just bear with me for a sec.
45
05:17:40 46 COMMISSIONER: Is paragraph 76 of his statement relevant?
05:17:51 47

05:17:52 1 MR NATHWANI: There was a diary entry, do you remember,
05:17:54 2 when you indicated you received directions in relation to -
05:17:57 3 - - ?---10 May, yes. That's in my diary. You're right,
05:18:01 4 Commissioner, that paragraph is right.
5
05:18:05 6 The other day you were asked - no, your diary entry
05:18:09 7 records, doesn't it, it says - and I don't have it - that
05:18:13 8 you were questioning her reaction to being asked questions
05:18:17 9 and her view towards Victoria Police as a result?---I was
05:18:21 10 asking questions.
11
05:18:22 12 I haven't got your diary so I can't - - - ?---No, I was
05:18:25 13 asking questions. I was meeting White to ask him some,
05:18:30 14 give him some questions to ask.
15
05:18:32 16 I understand. Were you worried, and I mean globally, the
05:18:38 17 police, Overland, you, about the prospect of Ms Gobbo no
05:18:47 18 longer assisting as an informer because she'd be upset at
05:18:52 19 Victoria Police?---Me personally?
20
05:18:53 21 Or any discussions you were involved in?---About her being
05:18:56 22 upset?
23
05:18:57 24 About her being asked questions about the Hodson
05:18:59 25 murders?---Well she was going to get asked questions about
05:19:04 26 the OPI at the OPI, so.
27
05:19:08 28 That's what I was coming on to?---I'm just a bit confused.
29
05:19:12 30 There's an ICR entry, I won't take you to it, it's ICR 79
05:19:15 31 at p.838, where it records Mr Overland has approved the
05:19:19 32 questioning of Nicola Gobbo related to the missing
05:19:22 33 IRs?---Yes.
34
05:19:23 35 You were asked about that by Mr Woods the other day and he
05:19:26 36 was suggesting was it by the handlers, and you thought it
05:19:29 37 may be and suggested his approval to go to the OPI. Am I
05:19:32 38 recalling the evidence right?---I can't remember five
05:19:35 39 minutes ago. You'll have to go to the transcript, I'm
05:19:44 40 sorry.
41
05:19:45 42 Put it this way, were you aware of Mr Overland approving
05:19:51 43 Nicola Gobbo being asked questions at the OPI?---The
05:19:58 44 answer's I don't know.
45
05:20:00 46 Yes?---That's about all I can say I suppose. I assume from
05:20:06 47 what I said the other day these things are worked out at a

05:20:10 1 higher level, not mine.
2
05:20:12 3 Yes. Because of course it would be a tactic to get round
05:20:21 4 her being angry at VicPol, do you agree with that, if the
05:20:26 5 OPI was summonsing her?---No, I just don't agree with that.
6
05:20:29 7 Because it was the OPI issuing the summons, not the police
05:20:33 8 forcing - - - ?---No. No, I don't agree with that.
9
05:20:35 10 Do you remember you we looked at the confidentiality notice
05:20:37 11 and the reasonable excuse?---Sorry, the what?
12
05:20:41 13 You were shown the law relating to Mr - - - ?---Yes, yes,
05:20:44 14 the notice.
15
05:20:47 16 About when someone can't disclose being summonsed to the
05:20:50 17 OPI?---Yes.
18
05:20:52 19 A person can do if they have a reasonable excuse?---Yes.
20
05:20:55 21 I think most people would agree the risk of death would be
05:20:58 22 a good reasonable excuse?---Yes.
23
05:21:00 24 We've been through the threats?---M'hmm.
25
05:21:03 26 There were threats in and around the time to her
05:21:06 27 life?---Yes.
28
05:21:07 29 She was concerned, do you agree, because we looked at some
05:21:09 30 of the entries in the ICRs, that attending the OPI would
05:21:12 31 reveal her role as an informer?---It could potentially,
05:21:15 32 yes.
33
05:21:17 34 And her fear was she'd end up in a brief of evidence?---End
05:21:21 35 up in a brief of evidence?
36
05:21:23 37 In other words, the transcript appearing in a brief of
05:21:25 38 evidence?---Oh okay. Yeah, that would be a concern, yes.
39
05:21:29 40 Were you ever made aware that counsel assisting
05:21:33 41 Mr Fitzgerald at the OPI, Mr Livermore, had in fact
05:21:38 42 represented the Mokbels?---No, not that I recall. I mean -
43 - -
44
05:21:46 45 Were you aware of the evidence of people who attended the
05:21:52 46 OPI or OCE or any private hearing being disclosed to
05:22:00 47 co-accused or other people?---I think there has to be an

05:22:06 1 order for that to occur from memory.
2
05:22:08 3 Were you aware - - - ?---And I remember there was a mention
05:22:12 4 about something the other day about something being on a
05:22:15 5 brief of evidence, some transcript or something, and she
05:22:20 6 couldn't understand why it was there.
7
05:22:22 8 As an example there's - have you heard of a man called
05:22:27 9 Byron Lord?---Byron Lord?
10
05:22:29 11 Who gave evidence at one of these places and it was
05:22:32 12 revealed and as a result he took his own life?---No, I
05:22:36 13 don't know anything about that.
14
05:22:41 15 In an ICR, 89, and I'll give the page references so we
05:22:45 16 won't go there because I hope it's accepted, p.1005, 1006,
05:22:50 17 1007, Ms Gobbo repeats I think on two occasions or possibly
05:22:55 18 three that if Mr Mokbel found out that she was appearing at
05:22:59 19 the OPI giving evidence it would sign her death warrant,
05:23:04 20 accept that?---Sorry, that's on an ICR, is it?
21
05:23:06 22 That's on an ICR, it's her concern?---Did it come to me?
23
05:23:10 24 No, what I'm asking is this: do you agree, based on all you
05:23:15 25 know, that wasn't a fanciful - - - ?---No, I wouldn't
05:23:17 26 disagree with that .
27
05:23:19 28 She obviously raised concerns and in the event you went
05:23:24 29 down to represent her - not represent her, forgive me - you
05:23:28 30 went down and appeared at the OPI?---When she appeared,
05:23:32 31 yes.
32
05:23:32 33 She obviously knew you were there?---Yes, which I - as I
05:23:38 34 gave evidence the other day, I didn't know that she knew
05:23:40 35 that I'd be there until she asked for me.
36
05:23:43 37 What were you asked, what were you told about attending?
05:23:47 38 You must have been told something?---I was told that she
05:23:49 39 was giving evidence and to go.
40
05:23:51 41 And to prevent - - - ?---No, I can't prevent anything. I'm
05:23:55 42 not even in the court.
43
05:23:58 44 You obviously are quite a senior police officer in Purana
05:24:03 45 at the time?---Yes.
46
05:24:05 47 You being sent down to watch proceedings must have been, in

05:24:08 1 your mind, a waste of time? You must have known why you
05:24:14 2 were going is what I'm getting at?---As I said, she is
05:24:17 3 giving evidence and I was told to go there and that was it.
05:24:24 4 I mean I don't - it was very - you know, like I was clearly
05:24:30 5 being left out on things and I just did as I was told.
6
05:24:35 7 So you didn't ask any questions?---I probably did.
8
05:24:39 9 Who sent you down?---I mean common sense tells you that I
05:24:43 10 would have asked questions.
11
05:24:45 12 Yes. Who sent you down?---I think, I'm not certain, but it
05:24:51 13 was Assistant Commissioner Crime.
14
05:24:52 15 Overland?---Yes.
16
05:24:53 17 Which moves on to the final topic really, which is the
05:24:58 18 actual Petra investigation and Mr Overland. You obviously
05:25:01 19 had weekly debriefs with him?---With?
20
05:25:05 21 Assistant Commissioner Overland?---Yeah, every Monday or
05:25:09 22 Tuesday at 4 pm. It was Monday or Tuesday each week.
23
05:25:15 24 Were you aware he was involved in the implementation team
05:25:18 25 of the ACC in January 2003?---No.
26
05:25:23 27 Would you describe him as ambitious?---Yes.
28
05:25:27 29 Very ambitious?---He was driven, there's no doubt about
05:25:32 30 that. But he's very private.
31
05:25:37 32 Means to an end?---No.
33
05:25:39 34 See, when your first concerns were raised about Ms Gobbo
05:25:43 35 and risk, his initial instinct is to ease her out according
05:25:49 36 to your statement?---Yes, that's correct.
05:25:50 37
05:25:50 38 But that then changes, doesn't it?---Yeah, it doesn't
05:25:53 39 change. She continues.
40
05:25:54 41 But his attitude of easing her out changes?---Yes.
42
05:25:57 43 Because all of a sudden - - - ?---And I've asked - - -
44
05:26:00 45 He wants to solve the Hodson murders, understandably to a
05:26:03 46 degree, but as I understand you to be saying the golden
05:26:06 47 rule of policing is not to turn an informer into a

05:26:10 1 witness?---That is an absolute - that's a commandment.
2

05:26:16 3 But he was prepared to breach that commandment?---He didn't
05:26:25 4 breach it with me because he didn't order me to make her a
05:26:28 5 witness. He was going down that path but he didn't order
05:26:30 6 me, and I would have said no if he asked me directly.
05:26:34 7 Because that would kill her.
8

05:26:36 9 He certainly started the process of her being asked
05:26:39 10 questions about the Hodson murders by the handlers and also
05:26:41 11 the OPI potentially, do you agree with that?---Sorry, can
05:26:45 12 you just - I missed the first bit.
13

05:26:47 14 He certainly started the process of asking her questions
05:26:49 15 about the Hodson murders through the handlers?---Through
05:26:54 16 the handlers?
17

05:26:55 18 Yes?---Is that the two questions that I referred to before?
19

05:26:59 20 Yes?---Yes.
21

05:27:00 22 Potentially also at the OPI?---Well I don't know how she
05:27:05 23 got called there, who was the person at OPI that decided
05:27:14 24 she should go? It wasn't me. I don't know if it was him
05:27:18 25 but it wasn't me.
26

05:27:20 27 Just the final topic really then is the actual
05:27:23 28 investigations as far as Gobbo is concerned. You said you
05:27:26 29 had a hunch that she may have become an informer due to the
05:27:30 30 Hodson - - - ?---That's a theory, yes.
31

05:27:32 32 That's a theory?---Yes. That's my theory.
33

05:27:34 34 Understood. Can we just look at that theory. We know
05:27:38 35 she's interviewed by Bezzina on 1 July 2004, okay, we've
05:27:42 36 heard evidence and been through it?---Yes.
37

05:27:44 38 She becomes registered September 2005?---Yes.
39

05:27:49 40 As an informer. Okay. Your statement reveals that the
05:27:53 41 recordings, that's the recordings of Williams, Dale and
05:27:57 42 Gobbo, are located in April 2007?---Oh, the phone call?
43

05:28:02 44 Yes?---Yeah, yeah.
45

05:28:04 46 Up till then there hasn't been particular interested in
05:28:07 47 Nicola Gobbo, do you agree with that?---As in - there is

05:28:12 1 interest but - - -
2
05:28:13 3 But in the investigation, there's no one going - - -
05:28:16 4 ?---Yeah.
5
05:28:17 6 Do you agree with that?---Yeah, I'd agree with that.
05:28:18 7
05:28:18 8 Because it's the recordings when you hear her voice that
05:28:20 9 start the process rolling?---What date was that again? Oh,
10 here it is.
11
05:28:23 12 The statement says April 2007?---April, yep.
13
05:28:26 14 We know from ICR 43 of 2958 - I won't take you there until
05:28:35 15 anyone wants me to - that on 21 October 2008 the handlers
05:28:41 16 are told by Petra that they want to have more information
05:28:45 17 about Ms Gobbo's movements, in other words prior to the
05:28:48 18 Hodsons being killed. The handlers have told - the SDU
05:28:55 19 have told her that Petra want to speak to her about the
05:28:58 20 Ahmed alibi, as you heard earlier, you know, the alibi and
05:29:02 21 not to tell her about the movements, and it's not until 17
05:29:07 22 November 2008 that she's actually told about the phone
05:29:10 23 calls and they're put to her, okay?---Yes.
24
05:29:13 25 With that sequence, do you agree certainly as far as she's
05:29:16 26 concerned, so far as the evidence, no police officer was
05:29:20 27 suggesting her involvement either wittingly or unwittingly
05:29:25 28 in the deaths of the Hodsons until at least April
05:29:27 29 2007?---Yeah, I'd agree with that.
30
05:29:29 31 So she was on the books two years earlier?---Yeah.
32
05:29:34 33 Looking at your theory - - - ?---Theory is - she knew
05:29:38 34 something was going to happen or sensed something was going
05:29:41 35 to happen. That doesn't make her a crook.
36
05:29:45 37 All right. Thank you Mr Ryan?---Thank you.
38
05:29:51 39 COMMISSIONER: Mr Chettle you're next.
05:29:53 40
05:29:54 41 MR CHETTLE: Thank you, Commissioner.
05:29:56 42
43 <CROSS-EXAMINED BY MR CHETTLE:
44
05:29:57 45 Mr Ryan, I want to start with your observations that led
05:29:59 46 you to say she wasn't an independent lawyer. You remember
05:30:03 47 you said she was aligned with one of the crews?---Yes.

1
05:30:09 2 Did you get intelligence from people like the surveillance
05:30:16 3 squad, SPU, in relation to the activities of those
05:30:21 4 criminals?---Yes.
5
05:30:22 6 And on occasions she popped up in that intelligence?---Yes.
7
05:30:26 8 You'd be aware that she was spending time in restaurants
05:30:32 9 with them?---Yes.
10
05:30:34 11 And not just her, not her and one up, she'd often have
05:30:40 12 groups of criminals with her in attendance?---Yes.
13
05:30:48 14 I think you've been asked some questions about this before.
05:30:51 15 Are you familiar with the concept of criminals using their
05:30:54 16 lawyer to hide behind legal professional privilege?---I had
05:30:58 17 never heard of that before, no.
18
05:31:00 19 You certainly became aware of it with Paul Dale, didn't
05:31:04 20 you?---I only really became aware of it when someone here
05:31:08 21 asked it today.
22
05:31:08 23 By the time - Paul Dale was a suspect in relation to the
05:31:12 24 Petra investigation?---Yes.
25
05:31:14 26 You left in early 08; is that right?---Yes, I finished - on
05:31:19 27 paper I finished on Anzac Day 2008.
28
05:31:22 29 You had some leave beforehand?---Yes.
30
05:31:24 31 You weren't aware that Dale was tape-recorded by Petra at a
05:31:30 32 meeting with Gobbo?---I don't think so. I can't remember.
33
05:31:37 34 It happened in December 08?---Oh, okay.
35
05:31:39 36 You'd gone by then. I know you said you had briefings from
05:31:43 37 time to time with other police officers. Did you become
05:31:45 38 aware of that, that she had in fact participated in a
05:31:50 39 conversation with Dale and tape-recorded it?---Well I
05:31:54 40 wasn't in VicPol then.
41
05:31:56 42 I understand?---I - - -
43
05:31:59 44 If you don't know about it - - - ?---I don't - - -
45
05:32:01 46 - - - I'll move on to something else?---I think I read it
05:32:04 47 somewhere in a press.

1
05:32:10 2 [REDACTED]
05:32:18 3 [REDACTED]
4
05:32:20 5 [REDACTED]
05:32:23 6 [REDACTED]
7
05:32:31 8 [REDACTED]
05:32:33 9 [REDACTED]
10
05:32:35 11 [REDACTED]
12
05:32:37 13 [REDACTED]
05:32:41 14 [REDACTED]
15
05:32:43 16 [REDACTED]
17
05:32:47 18 [REDACTED]
05:32:51 19 [REDACTED]
05:32:56 20 [REDACTED]
21
05:32:59 22 [REDACTED]
23
05:33:02 24 [REDACTED]
05:33:06 25 [REDACTED]
26
05:33:09 27 [REDACTED]
28
05:33:15 29 [REDACTED]
05:33:17 30 [REDACTED]
05:33:20 31 [REDACTED]
05:33:23 32 [REDACTED]
05:33:26 33 [REDACTED]
34
05:33:30 35 [REDACTED]
05:33:32 36 [REDACTED]
05:33:33 37 [REDACTED]
05:33:33 38 [REDACTED]
05:33:36 39 [REDACTED]
05:33:39 40 [REDACTED]
05:33:43 41 [REDACTED]
05:33:46 42 [REDACTED]
05:33:48 43 [REDACTED]
05:33:51 44 [REDACTED]
45
05:33:52 46 [REDACTED]
05:33:55 47 [REDACTED]

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05:35:29 46
47

[REDACTED]

MR CHETTLE: I was deliberately opaque for that very reason, Commissioner, but I have nothing to say about the application.

05:35:30 1 COMMISSIONER: Mr Holt acts on instructions, Mr Chettle.
05:35:32 2
05:35:33 3 MR CHETTLE: Yes, I understand that, Commissioner. When
05:35:34 4 you took over from Mr O'Brien, took his spot, did you get
05:35:37 5 an update and briefing from him?---Yeah, would have been a
05:35:40 6 verbal one.
7
05:35:40 8 He let you know what's going on with the various parties
05:35:43 9 that are the subject of investigation?---Yes.
10
05:35:45 11 Let you know what's happening as far as Ms Gobbo was
05:35:49 12 concerned from time to time or not?---Yes.
13
05:35:52 14 In general you had an overview of what was occurring
05:35:55 15 similar to what he would have, but he would have more
05:35:57 16 detail when he was there?---That's correct.
17
05:36:04 18 Commissioner, I gather reference to pseudonyms and
05:36:09 19 statements taken shouldn't be done in open hearing.
20
05:36:11 21 COMMISSIONER: No. Do we need to go into closed hearing?
05:36:15 22
05:36:16 23 MR CHETTLE: I'll leave that until I - - -
24
05:36:18 25 COMMISSIONER: When you're ready to go into closed hearing.
05:36:20 26
05:36:21 27 MR CHETTLE: Yes, thank you, Commissioner. The SDU, let me
05:36:29 28 come to that if I can, firstly. You told Mr Woods that
05:36:33 29 you'd had some experience of handling sources yourself over
05:36:37 30 the course of your police career?---No, I said I hadn't
05:36:40 31 registered any.
32
05:36:41 33 Hadn't, all right. Had you run them off the books?---No.
34
05:36:45 35 Do you know what that expression means?---Yes. It's
05:36:47 36 unregistered.
37
05:36:50 38 On occasions police officers have been known to receive
05:36:53 39 information from people who are not registered?---I'd say
05:36:57 40 more often than not.
41
05:37:01 42 The registration system prior to the formation of the SDU
05:37:05 43 was basically put their name in an envelope and stick in a
05:37:09 44 safe, wasn't it?---Yeah, you had to tell the local
05:37:12 45 Detective Inspector, whichever region you were in, and you
05:37:17 46 filled out a form and you put it in an envelope and you
05:37:21 47 gave it to him or her and he kept some form of register I

05:37:25 1 assume.
2
05:37:26 3 But the whole idea of the SDU - were you aware of the
05:37:31 4 rationale behind the formation of the SDU?---No.
5
05:37:34 6 It makes sense to you to have a more organised and
05:37:38 7 structured method of dealing with high-risk informers?---Of
05:37:42 8 course it does, yes.
9
05:37:47 10 As far as the SDU's concerned they only concern themselves
05:37:50 11 with high-risk informers, you'd know that?---Yes.
12
05:37:53 13 They didn't worry about some minor stuff you might get down
05:37:56 14 the pub from a burglar or things of that sort?---Correct.
15
05:38:00 16 To become an informer managed by the SDU you had to be
05:38:03 17 classified and assessed as being high risk?---Yes.
18
05:38:06 19 High risk in the sense that you're liable to be killed or
05:38:09 20 injured and high risk in the sense that you might represent
05:38:13 21 a risk to Victoria Police?---Both, yeah.
22
05:38:19 23 The point you make - - - ?---There might be other reasons
05:38:22 24 high risks, you know.
25
05:38:23 26 High risk - you mentioned the risk that she might be a
05:38:26 27 double agent?---Yeah.
28
05:38:27 29 That's one of the risks that - the purposes of having the
05:38:32 30 unit, isn't it?---Correct, yes.
31
05:38:33 32 And the risk that she will be killed or injured, in order
05:38:36 33 to minimise that risk specialist properly trained policemen
05:38:43 34 are given the job of looking after that particular
05:38:45 35 informer?---Yes.
36
05:38:46 37 As far as managing Ms Gobbo is concerned, that's exactly
05:38:49 38 what happened here. Someone asked them to look after her
05:38:53 39 and you found out about that shortly after she was taken on
05:38:56 40 the books?---Yes.
41
05:38:58 42 You understand or do you now know that that was Mr Hill,
05:39:03 43 Robert Hill?---He registered her?
44
05:39:06 45 No, he asked that she be registered?---No.
46
05:39:10 47 Was he your boss at the time?---Are you talking about Bob

05:39:13 1 Hill?
2
05:39:14 3 Bob Hill. Now Assistant Commissioner Bob Hill?---Boss at
05:39:20 4 the time? I think it - was he in intel?
5
05:39:22 6 No, he was acting officer-in-charge of the Major Drug Group
05:39:27 7 I think at the time?---Oh okay. He was an Inspector there,
05:39:32 8 yeah. Yeah, he was an Inspector there.
9
05:39:37 10 Up until me telling you about it you weren't aware that he
05:39:40 11 had made the request that SDU manage her?---That was a
05:39:47 12 sign-off or something, is that what you're saying?
13
05:39:49 14 No, it's a request for assistance?---Okay. I didn't know
05:39:53 15 that.
16
05:39:53 17 Again, you might call it a sign-off. It has to be a
05:39:58 18 request from an officer effectively?---Yeah, that's right.
19
05:40:00 20 You didn't know about that?---I knew it has to be signed
05:40:04 21 off.
22
05:40:04 23 Right?---Yeah, I didn't know he was the person requesting
05:40:10 24 it though.
25
05:40:11 26 After a pilot program it finally becomes - the DSU becomes
05:40:18 27 the SDU, same thing, different name?---Yeah.
28
05:40:23 29 Did you have an awareness of the role of an organisation
05:40:26 30 called HSMU?---Yes.
31
05:40:30 32 What was your understanding of their position?---It's a
05:40:37 33 long time ago. I remember giving some lectures for them.
05:40:42 34 I think it was lower level.
35
05:40:45 36 Let me suggest to you, and I'll see if I can prompt your
05:40:49 37 memory, they were in fact the governance and compliance
05:40:53 38 branch of the Force designed to sit over the SDU and ensure
05:40:57 39 that they did things properly?---Oh, okay.
40
05:40:59 41 Does that make sense to you?---It does, yes.
42
05:41:01 43 And they had their own officers who were known as Source
05:41:07 44 Registrars, Local Source Registrar and Central Source
05:41:12 45 Registrar?---So the SDU reports to them?
46
05:41:15 47 They oversight?---Oversight, sorry, okay. I've heard the

05:41:20 1 name.
2
05:41:25 3 The point being when you at Purana, or whichever squad
05:41:28 4 you're in, become a client of the SDU, you're getting
05:41:32 5 information from them, they're not operating in a vacuum,
05:41:37 6 they're the subject of governance and oversight from many
05:41:41 7 places, aren't they?---Yes.
8
05:41:42 9 Did you know Mr Biggin?---Yes.
10
05:41:44 11 And did you understand that he had - he was the
05:41:48 12 Superintendent in charge of a number of the perhaps covert
05:41:51 13 groups within Victoria Police?---Yes, they swap around but
05:41:58 14 yes, he certainly - he was in charge of SPU and I think
05:42:05 15 that was under - HSMU was under that umbrella.
16
05:42:10 17 Chain of command, there should have been an Inspector
05:42:15 18 sitting as head of the SDU?---I know there was one.
19
05:42:20 20 There might be more than one, do you remember?---I remember
05:42:24 21 one.
22
05:42:24 23 Do you know a man called Glow?---Yes.
24
05:42:28 25 Hardy?---Yes. He unfortunately passed away.
26
05:42:32 27 And over the top of those was Mr Biggin?---Yes.
28
05:42:36 29 The Superintendent?---Yes.
30
05:42:38 31 Of course over on top of him were other officers all the
05:42:41 32 way up to Danye Maloney or the Assistant
05:42:47 33 Commissioners?---Danye Maloney when he was at Crime are
05:42:52 34 you talking about ?
05:42:52 35
05:42:53 36 As I understand it he was the ultimate line in command
05:42:57 37 above Biggin and others - Purton?---Purton?
38
05:43:03 39 Yes?---Purton was a Commander.
40
05:43:05 41 Yes, and above him Maloney?---That was I think after I
05:43:10 42 left. I think. I know Mr Maloney.
43
05:43:20 44 Well the records will show what that is. I won't waste
05:43:23 45 more time on it. The man referred to as Sandy White,
05:43:30 46 Officer White?---Yes.
47

05:43:31 1 Had you known him for some time?---Yes.
2
05:43:35 3 Did you work with him?---Yes.
4
05:43:36 5 The proposition was put to you by Mr Woods that he was a
05:43:40 6 naïve police officer, do you remember that proposition
05:43:44 7 being put, in his assessment of Ms Gobbo, he was described
05:43:48 8 as naïve?---I wouldn't agree with that. I don't - I can't
05:43:54 9 remember him asking me the question but he's not naïve.
10
05:43:57 11 No. Well that was - - -
05:43:59 12
05:43:59 13 MR WOODS: With respect, the proposition that was put was
05:44:03 14 in relation to a particular issue. This witness gave
05:44:05 15 evidence about him thinking that Ms Gobbo might have been
05:44:09 16 too close to criminals to the point where she was under
05:44:12 17 surveillance herself. Mr White's evidence to date has been
05:44:15 18 that he never had any problems, any question at all in his
05:44:18 19 mind about her integrity, and I said might that have been a
05:44:22 20 naïve view. I wasn't saying he was a naïve individual, I
05:44:25 21 was asking about that particular issue.
05:44:30 22
05:44:31 23 MR CHETTLE: Semantics.
24
05:44:31 25 COMMISSIONER: It's a little more than semantics,
05:44:35 26 Mr Chettle.
05:44:37 27
05:44:39 28 MR CHETTLE: The question was, "Do you think that was a
05:44:40 29 naïve view given all the things Purana knew about her
05:44:40 30 before her registration?" You said you disagreed with that
05:44:40 31 proposition anyway?---That's on the transcript, is it?
32
05:44:42 33 Yes?---Okay.
34
05:44:44 35 You'd forgotten. I don't blame you, it's been some time.
05:44:48 36 Simply put, he'd been around the block a bit, hadn't
05:44:51 37 he?---Yes.
38
05:44:59 39 The use of the Office of Police Integrity and the ACC, I
05:45:02 40 think you've touched on this a number of times, but in
05:45:07 41 simple format, in those days the police used those officers
05:45:12 42 as part of their investigatory powers?---Certainly the ACC
05:45:13 43 and the OCE. Sorry, OPI - - -
05:45:17 44
05:45:22 45 OPI and the ACC is all I'm asking you about?---Okay. Yes.
05:45:26 46 The answer is yes.
47

05:45:29 1 You understood and you were shown documents that indicated
05:45:32 2 that it's an offence to disclose your involvement with
05:45:36 3 those organisations without a reasonable excuse?---Yes.
4
05:45:41 5 If someone were a registered source about to be asked
05:45:46 6 questions about which police officers they'd talked to and
05:45:49 7 there was a risk that they would be exposed to death, would
05:45:53 8 that in your view amount to a reasonable excuse in relation
05:45:56 9 to disclosure of the fact that they were going?---Well yes,
05:46:01 10 but I'm not a lawyer.
11
05:46:03 12 The reality is you're not - you know that happened
05:46:06 13 here?---Yeah, yeah.
14
05:46:08 15 She came along and said, "I'm going and I'm worried, I'm
05:46:12 16 going to get outed", that was the bottom line?---That's the
05:46:15 17 bottom line, yes.
18
05:46:16 19 Although technically that might constitute an offence if
05:46:21 20 she didn't have a reasonable excuse for divulging what was
05:46:25 21 occurring, the reality is there was never going to be
05:46:28 22 anybody charged with an offence in relation to that
05:46:31 23 conduct, was there?
24
05:46:33 25 COMMISSIONER: Can he answer that question?
05:46:35 26
05:46:35 27 MR CHETTLE: You're a police officer?---That's an OPI
05:46:37 28 decision, not mine.
29
05:46:39 30 Or the OCE.
31
05:46:40 32 COMMISSIONER: I think you've made your point, Mr Chettle.
33
05:46:43 34 MR CHETTLE: All right, thank you, commissioner.
35
05:46:46 36 COMMISSIONER: As did Mr Nathwani too in his
05:46:50 37 cross-examination on a similar issue.
05:46:59 38
05:46:59 39 MR CHETTLE: You were shown that chart of threats?---Yes.
40
05:47:01 41 Are you aware that she was threatened, she'd reported
05:47:03 42 threats to her on the very first day she was spoken to by
05:47:06 43 the SDU?---I don't specifically remember it but I accept
05:47:13 44 your word, is that okay?
45
05:47:14 46 Okay, thank you.
47

05:47:16 1 COMMISSIONER: No one's suggesting otherwise?---Okay.
05:47:18 2
05:47:20 3 MR CHETTLE: If a lawyer doing their job negotiates for a
05:47:25 4 client the best deal they can and gives the client advice
05:47:28 5 to take courses that might give them a reduced sentence, it
05:47:33 6 could cause those affected by that conduct to become quite
05:47:38 7 angry at them, can I put that as cryptically as I
05:47:42 8 can?---Yes, that's true.
9
05:47:43 10 And it was common practice for barristers, I'm not talking
05:47:48 11 about Ms Gobbo specifically, but barristers generally often
05:47:52 12 sought to get good deals for their client by persuading the
05:47:58 13 clients to assist the police in some way?---Yes.
14
05:48:02 15 I think it used to be said if you're going to rat, rat
05:48:05 16 early; if you get in early you get a better
05:48:07 17 result?---That's what - yeah, that's true. I mean A got in
05:48:14 18 before B.
19
05:48:17 20 I think, Commissioner, in an excess of safety I should ask
05:48:22 21 that you go into private hearing in relation to what I'm
05:48:26 22 about to ask.
23
05:48:27 24 COMMISSIONER: All right then. Just before we do that,
05:48:28 25 rather than sort of going in and out of public and private
05:48:32 26 hearing, is there any more questioning that's intended to
05:48:34 27 be done this afternoon that could be done in public
05:48:37 28 hearing?
05:48:37 29
05:48:38 30 MR CHETTLE: Yes. I'll move on.
31
05:48:39 32 COMMISSIONER: Could you finish your public hearing first?
05:48:41 33
05:48:42 34 MR CHETTLE: I'll do the best I can, it overlaps?---When
05:48:46 35 you go into closed hearing can I just have a quick - - -
36
05:48:51 37 COMMISSIONER: Sure. If you need an adjournment now?---No,
05:48:54 38 I'm fine.
39
05:48:55 40 No, okay. It's 3.30 anyway, why don't we take a - - -
05:49:00 41
05:49:01 42 MR CHETTLE: Yes, thank you.
43
05:49:01 44 COMMISSIONER: Perhaps everyone could try and get organised
05:49:03 45 with their questioning so that we can do the open hearing
05:49:08 46 questioning and then we'll go into the closed hearing
05:49:12 47 questioning after that. I've mentioned to the court

05:49:14 1 reporters that if necessary we'll sit on to finish this
05:49:17 2 witness this afternoon.
05:49:18 3
05:49:19 4 MR HOLT: Thank you, Commissioner.
5
05:51:38 6 (Short adjournment.)
7
06:02:23 8 COMMISSIONER: Yes Mr Chettle.
06:02:25 9
06:02:26 10 MR CHETTLE: Thank you. In March of 2008, shortly before
06:02:28 11 you left, and I think you've been asked about this before,
06:02:32 12 were you involved in the suggestion that Gobbo should be
06:02:35 13 used to tape record a conversation with Andrew
06:02:39 14 Hodson?---No.
06:02:39 15
06:02:41 16 There are records that suggest, and perhaps I could take
06:02:44 17 you to p.76 and 77 of volume 3 of the ICRs. It's
06:02:56 18 VPL.2000.0003.0816. You can take it off all the screens
06:03:34 19 except for Mr Ryan's. Can you see the one at the bottom of
06:03:39 20 the page?---Yeah.
06:03:40 21
06:03:40 22 Under the heading "SDU issue"?---Yes.
06:03:43 23
06:03:44 24 Was there an officer from Purana, from Petra, sorry, called
06:03:48 25 Davies?---Davey.
06:03:51 26
06:03:51 27 Davey?---Cam Davey.
06:03:52 28
06:03:52 29 Right. So that would be a typo where it says Davies,
06:03:56 30 rather than Davey?---Yes.
06:03:57 31
06:03:59 32 "Davey stated that he had been spoken to by Shane O'Connell
06:04:03 33 who had been spoken to by Gavan Ryan", sounds like Chinese
06:04:08 34 whispers, "And that as far as the RS being asked to do
06:04:12 35 anything with the Hodsons or Higgs would come directly from
06:04:16 36 Ryan. Any proposed engineering of conversation would be
06:04:21 37 done through Ryan". Apparently this is shaded and it can't
06:04:29 38 be done in open hearing. Commissioner, I am going to be
06:04:34 39 touching on all these issues. I think in excess of caution
06:04:38 40 I should ask to go into closed hearing.
06:04:41 41
06:04:41 42 COMMISSIONER: Is there any other questioning to be done in
06:04:43 43 open hearing?
06:04:45 44
06:04:45 45 MR HOLT: No Commissioner, not from us.
06:04:47 46
06:04:48 47 COMMISSIONER: Mr Woods?

06:04:49 1
06:04:50 2 MR WOODS: No, although I should say looking at that I
06:04:52 3 would have thought there could be quick instructions
06:04:54 4 sought. We are going into closed hearing, I can't see the
06:04:58 5 basis for that being PIIed.
6
7 COMMISSIONER: We're going to go into closed hearing. I
8 think you had another question, is that in closed hearing?
9
06:05:02 10 MR WOODS: I have some re-examination to do in open
06:05:05 11 hearing, I don't have any questions in closed hearing.
06:05:07 12
06:05:07 13 COMMISSIONER: I suppose why don't you do your
06:05:10 14 re-examination in open hearing now, rather than being
06:05:13 15 closed, open and closed.
06:05:15 16
06:05:16 17 MR WOODS: Sure, okay, I'm happy to do so. There might be
06:05:20 18 some more things that come out, yes that's right.
06:05:24 19
20 COMMISSIONER: It's better to perhaps be in closed hearing
06:05:25 21 because we're going into closed hearing now.
06:05:28 22
23 <RE-EXAMINED BY MR WOODS:
24
06:05:28 25 Yes. Mr Ryan, there was a moment ago you were asked a
06:05:32 26 question by Mr Chettle about it not being uncommon for
06:05:39 27 barristers to seek the best deal possible for their clients
06:05:43 28 and you agreed with that proposition?---Yes.
06:05:46 29
06:05:46 30 Can I suggest to you that on the other hand it would be,
06:05:51 31 one assumes, highly unusual for a barrister who had
06:05:56 32 assisted a particular individual getting the best deal
06:06:02 33 possible, acting as a human source at the same time, and
06:06:07 34 then representing the next person who the first person had
06:06:13 35 implicated, that would be a highly unusual
06:06:16 36 situation?---Yes, it would be very unusual.
06:06:18 37
06:06:18 38 And in circumstances where that involvement is not
06:06:20 39 disclosed to the second client, that's also highly
06:06:24 40 unusual?---Yes.
06:06:25 41
06:06:26 42 There's a couple of questions about the OPI hearing I want
06:06:32 43 to ask, the two OPI hearings involving Ms Gobbo. Now,
06:06:38 44 we've spent a bit of time on these. The first was 19 July
06:06:42 45 07 and the second was 17 August 07. Just focusing on 19
06:06:49 46 July, being the first hearing, if it were to be said to you
06:06:54 47 that - firstly, you've given evidence that you attended

06:06:59 1 both of those hearings, that's right?---Yes.
06:07:01 2
06:07:01 3 You sat in Mr Brouwer's office and watched it on the
06:07:04 4 screen?---H'mm.
06:07:05 5
06:07:05 6 And we were discussing who, if any one it was, that you had
06:07:09 7 dealings with there and it was simply someone who let you
06:07:12 8 into the office and showed you where to go?---Yes.
06:07:14 9
06:07:15 10 You said there was also someone who told you it was okay
06:07:18 11 for you to take notes?---Yes.
06:07:19 12
06:07:19 13 You don't recall who that person was?---That's correct.
06:07:21 14
06:07:22 15 If it were to be said to you on that first occasion, that
06:07:25 16 first attendance at the OPI, that you specifically asked to
06:07:29 17 speak to Mr Ashton upon your arrival, what would you say
06:07:33 18 about that?---I don't remember that at all.
06:07:36 19
06:07:37 20 Do you allow for the possibility? Did you know Mr Ashton
06:07:42 21 at the time I'd say first?---I don't know - I think he'd -
06:07:48 22 had he been in the VicPol and then gone to OPI?
06:07:52 23
06:07:52 24 As I understand it he had been at the AFP and come across
06:07:56 25 to VicPol in this role at the OPI. Did I say VicPol in the
06:08:07 26 middle of that, AFP across to the OPI?---I would have known
06:08:13 27 if he'd gone from the AFP, et cetera, I didn't see him at
06:08:18 28 all on that day.
06:08:19 29
06:08:19 30 That would surprise you if it had been said, firstly, that
06:08:22 31 you had specifically to see him on the morning of
06:08:26 32 Ms Gobbo's attendance at the OPI?---Yes.
06:08:28 33
06:08:28 34 Were it to be said that you said to Mr Ashton that Ms Gobbo
06:08:33 35 was nervous about giving evidence, specifically because she
06:08:37 36 was a source and she didn't want that to be discovered by
06:08:40 37 the OPI, what would you say about that suggestion?---I
06:08:42 38 don't remember that at all. At all.
06:08:43 39
06:08:44 40 You don't recall it but do you allow for the possibility
06:08:47 41 that that conversation happened?---I suppose I have to but
06:08:54 42 I just don't remember that.
06:08:56 43
06:08:59 44 Were it to be said that you explained to Ashton that
06:09:02 45 Victoria Police had the same concern about Ms Gobbo being
06:09:06 46 discovered to be a human source at the OPI, what would you
06:09:11 47 say about the suggestion - - - ?---The same answer.

06:09:14 1
06:09:19 2 If Mr Ashton were to say or were it to be said that
06:09:24 3 Mr Ashton's view is that he first came to know about
06:09:28 4 Ms Gobbo as a human source through this conversation with
06:09:30 5 you at the OPI on 19 July 2007, what would you say about
06:09:34 6 that suggestion?---I don't think that's right.
06:09:40 7
06:09:40 8 Sorry?---I just don't think that would be right. The - I'm
06:09:46 9 just working it out in my mind. I was briefing him, Ashton
06:09:54 10 - sorry, Ashton, Mr Overland and Mr Cornelius on every
06:10:00 11 Monday.
06:10:00 12
06:10:00 13 At the Petra steering committee meetings?---Yes, and that's
06:10:04 14 prior to the hearings.
06:10:04 15
06:10:05 16 That's right. There were meetings prior to these
06:10:07 17 meetings?---So he would, I would have spoken about her
06:10:10 18 there.
06:10:10 19
06:10:10 20 As a human source?---Yeah. It would have come up in
06:10:14 21 conversation somewhere.
06:10:14 22
06:10:15 23 You're confident there would have been discussion about her
06:10:17 24 status?---Yeah, yeah.
06:10:18 25
06:10:35 26 And you've given evidence previously that those meetings,
06:10:39 27 indeed the Task Force itself really grew out of the fact
06:10:43 28 that Williams had made statements in April 2007?---Yes.
06:10:46 29
06:10:47 30 So those meetings - - - ?---To Jim.
06:10:49 31
06:10:49 32 Those meetings, I think the first one I took you to was 1
06:10:53 33 May 2007 the other day?---Yes, yes.
06:10:55 34
06:11:01 35 You gave evidence a little bit earlier about it being, the
06:11:07 36 phrase you used was a commandment that you wouldn't turn a
06:11:11 37 source into a witness?---Yes.
06:11:13 38
06:11:16 39 That's talking in general terms I take it, you were
06:11:20 40 answering that question about sources in general?---Yes.
06:11:23 41
06:11:23 42 Ms Gobbo, it's been shown to you and you accepted and you
06:11:27 43 had these concerns in December 2006?---Yes.
06:11:30 44
06:11:31 45 Was receiving some serious threats from someone who knew
06:11:33 46 that she was, or who assumed or was saying she was talking
06:11:38 47 to the police?---Yes. That was in relation to the dramatic

06:11:43 1 - paragraph 61.
06:11:44 2
06:11:44 3 Yes, that's right. You were aware that these threats were
06:11:47 4 actually identifying her as someone who was talking to
06:11:51 5 police?---Not in that. If you read 61, I'm not sure if I'm
06:11:57 6 allowed to say names or anything.
06:11:59 7
06:11:59 8 COMMISSIONER: If we go to paragraph 61 of your statement.
06:12:04 9
06:12:04 10 MR WOODS: Let's have a look at that.
06:12:06 11
06:12:06 12 COMMISSIONER: That's okay.
06:12:07 13
06:12:08 14 WITNESS: That's what I brief Mr Overland on.
06:12:13 15
06:12:14 16 MR WOODS: You're allowed to - yes?---Okay.
06:12:16 17
06:12:16 18 So you were talking about specific threats?---No, it was
06:12:23 19 known drug dealers trying to source weapons.
06:12:26 20
06:12:26 21 Yes?---Which would be, for those particular people would be
06:12:29 22 a very big escalation.
06:12:31 23
06:12:32 24 And later on you became aware of some of the threats that I
06:12:36 25 took the Commission too?---Yes.
06:12:38 26
06:12:38 27 Or threats along those lines were being made?---Yes.
06:12:40 28
06:12:42 29 I take it that this commandment, it would be doubly so in
06:12:47 30 relation to someone who was already being identified as
06:12:50 31 someone who was talking to police?---Yes.
06:12:54 32
06:12:55 33 I might just ask the obvious question: why is it such a
06:13:00 34 commandment in your view that you don't turn a human source
06:13:04 35 into a witness?---It just exposes them to danger and
06:13:08 36 depending on the information they're giving, the people
06:13:11 37 they're mixing with, it could ultimately lead to their
06:13:14 38 death.
06:13:15 39
06:13:15 40 And given all of those factors in relation to Ms Mokbel, it
06:13:20 41 was particularly acute in this situation?---Yes.
06:13:22 42
06:13:23 43 What was your view about her being turned into a witness
06:13:26 44 given all of those things?---I told him no. I was
06:13:29 45 absolutely emphatic, you know.
06:13:33 46
06:13:34 47 Now there's a - sorry, I should say the reason for that is

06:13:44 1 once they become a witness it's likely, very likely that
06:13:50 2 their previous role as an informer is going to be disclosed
06:13:54 3 in the proceeding?---People will put two and two together
06:13:57 4 and they'll be right.
06:13:58 5
06:13:59 6 They might put two and two together but also there's a real
06:14:03 7 risk that that identification might happen on documents
06:14:05 8 that actually need to be disclosed - - - ?---Oh yeah, that
06:14:08 9 would happen there.
06:14:09 10
06:14:09 11 Or in cross-examination?---Yes.
06:14:10 12
06:14:11 13 That was the fear, not in a criminal context but that was
06:14:14 14 the fear in the OPI hearings?---Yes.
06:14:15 15
06:14:16 16 That was the fear that might have been realised had she
06:14:20 17 become a witness in Mr Dale's proceeding as well?---Yes.
06:14:22 18
06:14:23 19 There's a document I want to take you to. This is
06:14:27 20 Mr White's diary and it's - sorry. That can be excised.
06:14:34 21
06:14:35 22 COMMISSIONER: That has to be excised and taken from the -
06:14:38 23 not published and taken from the streaming, thank you.
06:14:45 24
06:14:45 25 MR WOODS: Speaking of which, I think it was pointed out to
06:14:48 26 me during the break that there might have been an issue
06:14:53 27 prior to, during the cross-examination that happened prior
06:14:57 28 to the break in relation to two of the individuals that
06:15:00 29 might have been on the transcript.
06:15:02 30
06:15:03 31 MR HOLT: Our review was it was okay in the way it was
06:15:06 32 done, Commissioner.
06:15:07 33
06:15:07 34 MR WOODS: It was reported to me and that's all right.
06:15:10 35
06:15:10 36 COMMISSIONER: All right. Let's get on with it.
06:15:13 37
06:15:13 38 MR WOODS: The transcript should say the name of that
06:15:17 39 particular person which I don't think it does at the
06:15:22 40 moment. It's White.
41
06:15:38 42 In relation to Ms Gobbo, in particular for her being
06:15:45 43 turned into a witness, it would have had a broader effect
06:15:50 44 as well, I suggest, because her role in other prosecutions
06:15:54 45 or behind the scenes in other prosecutions?---Yes.
06:15:58 46
06:15:58 47 Would also have become known?---Yes.

06:16:00 1
06:16:02 2 This should just be on the Commissioner's screen, my screen
06:16:07 3 and the witness's screen. And I'm after p.0996. This is a
06:16:16 4 diary entry of Wednesday 15 August 2007. This isn't your
06:16:23 5 diary?---Yeah, I know.
06:16:25 6
06:16:25 7 Feel free to go to yours at the same time?---15th, yes.
06:16:29 8
06:16:30 9 Now, there's just a couple of entries I want to take you
06:16:33 10 to. This particular, I'll use the phrase handler, has had
06:16:42 11 contact, this is at the bottom of the page that's on the
06:16:46 12 screen, has had contact from the human source, Ms Gobbo.
06:16:50 13 It says, "She's distressed today, has received a phone call
06:16:54 14 from the OPI and told to attend the hearing on Friday and
06:17:00 15 had been asked to bring her diary with her". You've given
06:17:04 16 evidence previously about your attendance on that second
06:17:06 17 occasion and the conversation you had with her during the
06:17:11 18 standing down of that hearing and you told her she needed
06:17:14 19 to go and get a lawyer, that was your evidence?---Yes.
06:17:17 20
06:17:17 21 She was concerned here, as she said to the handler, to ask
06:17:23 22 why her diary was wanted and she was asked if there was any
06:17:27 23 reference to a particular handler in her diary and she said
06:17:34 24 that no, there wasn't any such reference. If you go to the
06:17:38 25 top of the next page, it says that particular handler, was
06:17:45 26 "To speak to you re the same and determine if Purana
06:17:51 27 already aware of existence of asset", right, do you see
06:17:56 28 that? "Human source has requested meeting for no
06:18:00 29 particular reason"?---Okay.
06:18:01 30
06:18:02 31 Do you understand what that entry relates to?---I'll just
06:18:08 32 read it again.
06:18:11 33
06:18:11 34 Don't name any of the individuals above out of
06:18:15 35 caution?---No. Do you want me to name the horse, is that
06:18:18 36 what you're talking about?
06:18:19 37
06:18:20 38 Don't worry about naming the horse either. There was a
06:18:24 39 discussion about her providing some information to Purana
06:18:28 40 and this handler was intending, according to this diary,
06:18:33 41 was intending to speak to you to see if you were already
06:18:38 42 aware of the existence of the asset, "Human source has
06:18:42 43 requested a meeting for no particular reason and denied".
06:18:45 44 Firstly, are you aware of a meeting that was proposed to
06:18:48 45 occur with you that you denied with Ms Gobbo?---No.
06:18:53 46
06:18:54 47 And are you aware what that phrase in this handler's diary

06:18:58 1 is a reference to?---I think it's, they want to know if we
06:19:04 2 know about a particular asset.
06:19:06 3
06:19:06 4 Okay?---And I think I know the asset they're talking about.
06:19:12 5
06:19:13 6 Bearing in mind that the hearing was on the Friday of this
06:19:19 7 week, we'll move through to the next entry which is on the
06:19:22 8 Thursday of the same week, and the individual SDU member
06:19:29 9 gets a call from one of the handlers with an update about
06:19:33 10 Ms Gobbo and what he says there is, "Fitzgerald not aware
06:19:38 11 that human source is a source", so this is the day before
06:19:42 12 the hearing. "Has simply been told that she assisted
06:19:47 13 Purana"?---That's not on my screen.
06:19:49 14
06:19:50 15 It should be.
06:19:50 16
06:19:50 17 COMMISSIONER: It is now, 20:30 on the left-hand side.
06:19:54 18
06:19:54 19 MR WOODS: Just under those redactions?---Yes.
06:19:57 20
06:19:57 21 "Has been told that she assisted Purana and as a
06:20:00 22 consequence has received death threats. Human source
06:20:06 23 concerned that her diary will be examined but states there
06:20:08 24 is nothing in it about SDU handlers or role as a source.
06:20:13 25 Human source will be angry as a consequence of
06:20:16 26 cross-examination that OPI may be relationship ending
06:20:20 27 event." Were the concerns that this OPI hearing might stop
06:20:24 28 her acting as a human source passed on to you?
06:20:35 29 Specifically the existence and her requirement to attend at
06:20:38 30 the OPI hearing?---Yes, I do remember that there were calls
06:20:42 31 and that she was basically saying she wasn't, didn't want
06:20:48 32 to go, not going to go, all that sort of stuff.
06:20:51 33
06:20:51 34 Was that a concern that you had, the particular part being
06:20:54 35 the relationship ending event? Was that passed on to you,
06:20:58 36 that there was a threat she would no longer provide
06:21:01 37 information as a source?---I'd say probably as, you know,
06:21:07 38 I'm guessing.
06:21:07 39
06:21:07 40 Would you have been concerned about that?---No.
06:21:10 41
06:21:10 42 No?---No.
06:21:11 43
06:21:12 44 Do you recall - - - ?---If it ended the relationship, it's
06:21:15 45 ended it, you know.
06:21:16 46
06:21:16 47 Do you recall that there were others who were concerned

06:21:19 1 about the relationship ending because of these OPI
06:21:23 2 hearings?---No, I don't recall others.

06:21:27 3
06:21:27 4 All right. Now, half an hour later the diary maker
06:21:33 5 receives a phone call from you and, "Recommended that OPI
06:21:40 6 Graham Ashton be made aware of human source potential to
06:21:45 7 assist re Operation Briars and Petra and relevant
06:21:50 8 consideration be given to damage to VicPol relationship if
06:21:54 9 source compelled to answer questions re sexual
06:21:57 10 relationships with police if there is no forensic value.
06:22:01 11 Decision to be made by Ashton"?---Yes.

06:22:03 12
06:22:04 13 This appears to be - - - ?---From me.

06:22:06 14
06:22:06 15 Information from you, yes?---Yes. It's recommended that -
06:22:12 16 yeah.

06:22:12 17
06:22:12 18 Do you accept this is a conversation you would have had - -
06:22:15 19 - ?---They wouldn't put it there, they wouldn't dream it
06:22:18 20 up.

06:22:18 21
06:22:19 22 And so is it correct that, as this note indicates, it was
06:22:24 23 something that was being put in Mr Ashton's hands about how
06:22:29 24 best to deal with this situation?---Yeah, but not by me.

06:22:31 25
06:22:33 26 Not by you but were you having a discussion with Mr Ashton
06:22:36 27 at this time about the best way to deal with it? I should
06:22:40 28 say the note doesn't indicate whether it was a direct
06:22:43 29 conversation with Mr Ashton or not?---No, it's recommended.
06:22:46 30 So I'm recommending that he be made aware, that's how I
06:22:52 31 read it.

06:22:52 32
06:22:52 33 We've had a discussion previously about the independence of
06:22:57 34 this OPI hearing and it's correct that this was intended to
06:23:02 35 be an independent examination of the matters that were
06:23:04 36 under consideration, do you agree with that?---Yes, that's
06:23:07 37 my memory.

06:23:08 38
06:23:08 39 Okay?---I don't know who started it or the reason it was
06:23:12 40 called, it's the passage of time, not the reason - - -
06:23:15 41

06:23:15 42 We did go through those steering committee minutes?---Yes.

06:23:18 43
06:23:18 44 You indicated it was essentially a joint operation, the
06:23:26 45 resources were going to be shared with you?---Yes. I don't
06:23:28 46 know if we called it or not, that's what I'm saying.

06:23:31 47

06:23:31 1 But its role was to determine the truth about a serious
06:23:36 2 criminal matter, being the murder of two
06:23:37 3 individuals?--Yeah, with the potential for police
06:23:40 4 corruption.
06:23:40 5
06:23:40 6 And potential for police corruption?---Yes.
06:23:42 7
06:23:44 8 Now, given that element of independence and the seriousness
06:23:51 9 of the matters that it was addressing, does it cause you
06:23:55 10 concern now, looking at this intervention that was clearly
06:24:02 11 happening by the Victoria Police into this independent
06:24:04 12 inquiry that was to take place?--No, I think as I said a
06:24:09 13 few times it's a safety issue for me. For her, sorry.
06:24:13 14
06:24:13 15 I understand there's a safety issue for her, but you'd have
06:24:16 16 to accept that this affects the independence of what was
06:24:19 17 occurring within the OPI, doesn't it?--Well it has the
06:24:22 18 potential to do that, certainly. I mean I don't know who
06:24:27 19 said what to who, you know.
06:24:28 20
06:24:29 21 This, as you've said, is a conversation you had?---It's
06:24:32 22 recommended. Yes.
06:24:33 23
06:24:33 24 Turning over the page, this is the day of the second
06:24:39 25 hearing and this is the diary again of this particular
06:24:46 26 handler and he's received another call from that handler
06:24:52 27 who 's named there at 12.15, remembering that she attended
06:24:56 28 at 1 pm on that second occasion. It says, "Human source
06:25:02 29 aware that DDI Ryan will be in vicinity if any issue re
06:25:08 30 compromise. Update that particular handler re conversation
06:25:13 31 with Ryan last night. Gavan Ryan to speak with Graham
06:25:18 32 Ashton re human source value for Operation Briars and
06:25:21 33 Petra, potential to damage VicPol relationship with source
06:25:28 34 by cross-examination re sexual liaison". It might actually
06:25:30 35 be a cut and paste almost entirely from the last one.
06:25:34 36 Again, were you told that Nicola Gobbo would know that you
06:25:39 37 would be attending on that second occasion?---Not that I
06:25:43 38 remember.
06:25:43 39
06:25:44 40 But you understand now from this note that she was told
06:25:46 41 that you would be there?---Yeah.
06:25:48 42
06:25:51 43 It indicates that you would speak to Ashton about her
06:25:55 44 particular value for these two operations, do you accept
06:25:59 45 that's what you said to Ashton?---"GR to speak with
06:26:03 46 Ashton."
06:26:04 47

06:26:04 1 Yes. Did you have that conversation with Ashton?---I don't
06:26:07 2 remember it but if I look down further.

06:26:10 3
06:26:10 4 Yes, I'm about to get to that?---Yeah, I must have.

06:26:13 5
06:26:13 6 Then you get the phone call, I'll read that out, phone call
06:26:17 7 to you. By this stage you had spoken to Ashton, you'd
06:26:21 8 informed him of ramifications of hearing on Nicola Gobbo
06:26:24 9 and ongoing value to police?---H'mm.

06:26:27 10
06:26:27 11 "OPI still intend to cross-examine re possible lie about
06:26:31 12 sexual relationship." So at this stage, according to the
06:26:35 13 note, and I think you accept its correctness, you had
06:26:40 14 spoken to Ashton?---Yes.

06:26:41 15
06:26:45 16 And you'd said to him, firstly, there would be
06:26:49 17 ramifications firstly on Gobbo herself and she was flat out
06:26:55 18 telling everybody about those ramifications, do you agree
06:26:57 19 with that?---Yes.

06:26:58 20
06:26:58 21 And secondly, there would be ramifications about her
06:27:01 22 ongoing value to the police?---Yes.

06:27:03 23
06:27:03 24 And that was something here that you were passing on that
06:27:06 25 Victoria Police didn't want to happen?---Yes.

06:27:09 26
06:27:10 27 It was said to you, it seems to be, that the OPI were still
06:27:14 28 going to cross-examine her about a possible lie about
06:27:18 29 sexual relationships, do you agree with that?---That's fair
06:27:21 30 enough.

06:27:22 31
06:27:22 32 Then there's another phone call from you two lines down,
06:27:26 33 "Human source has been asked if she has spoken to anyone
06:27:29 34 since her appearance at the hearings last month. Human
06:27:30 35 source has asked for stand down. Obviously does not want
06:27:33 36 to perjure herself. Am going to meet Graham Ashton to work
06:27:37 37 out matter and then see human source"?---I don't remember
06:27:40 38 that but it must have happened.

06:27:42 39
06:27:42 40 So you must have met with Ashton prior to her coming out of
06:27:46 41 the hearing?---I don't think - I mean that, I take it
06:27:50 42 they're contemporaneous.

06:27:52 43
06:27:52 44 They appear to be, yes, this is the diary?---I just don't
06:27:55 45 remember it.

06:27:56 46
06:27:56 47 Do you have any recollection at all of speaking to Graham

06:27:59 1 Ashton?---No.
06:27:59 2
06:28:00 3 Do you allow for the possibility you might have spoken to
06:28:04 4 Graham Ashton before she came out of the room in
06:28:07 5 tears?---Because of this it's obvious I have.
06:28:10 6
06:28:10 7 Then there's another phone call, now this is almost the
06:28:14 8 middle entry on the page, the last line of it, "She is to
06:28:18 9 be told that GR waiting to meet her as discussed". That
06:28:23 10 was in fact the case, that when she asked for the time out
06:28:27 11 she came and found you, do you agree with that?---We were
06:28:30 12 both ushered into a room, like an interview room.
06:28:33 13
06:28:33 14 Then the diary keeper, Mr White, has a phone call to you
06:28:41 15 and you say that you can't speak because at that time you
06:28:44 16 were actually with Ms Gobbo during that break in
06:28:47 17 proceedings, do you accept that?---Is that - where's that?
06:28:51 18
06:28:52 19 Middle line all on its own, just above 14:35 on the
06:28:57 20 left?---Yes.
06:28:58 21
06:28:58 22 You received a phone call during your time with Gobbo, the
06:29:02 23 interaction where you say she is crying, trying to without
06:29:06 24 out what she's going to do and you say she should go and
06:29:09 25 get legal advice?---H'mm.
06:29:10 26
06:29:11 27 After that you call Sandy White and you say that, "She's
06:29:14 28 very distressed. You agree that human source would state
06:29:17 29 that she'd told, would state obviously to Fitzgerald that
06:29:22 30 she's told you and one other person about her appearance
06:29:25 31 and no further questions would be asked. Fitzgerald has
06:29:28 32 now been told HS is a source. HS has given this evidence
06:29:34 33 and then been told that the tribunal believed that she had
06:29:39 34 told lies previously. Matter stood down for human source
06:29:42 35 to consider legal representation". Does that assist you in
06:29:47 36 your recollection about what conversations were had in
06:29:51 37 relation to Fitzgerald being told that she was a
06:29:56 38 source?---No. I never, ever - I never, ever spoke to
06:30:01 39 Mr Fitzgerald. Like I just saw him on the screen.
06:30:05 40
06:30:05 41 All right. There was an agreement that's recorded there
06:30:10 42 that she would state that only Ryan and one other person
06:30:14 43 knew about her appearance. Do you know firstly if it was
06:30:17 44 true that at this stage, after her first appearance and on
06:30:21 45 the occasion of her second appearance, that it was only you
06:30:25 46 and a single other person that knew about her appearance
06:30:28 47 before the OPI?---I wouldn't think so. I would say there

06:30:33 1
06:30:34 2
06:30:35 3
06:30:37 4
06:30:39 5
06:30:39 6
06:30:42 7
06:30:45 8
06:30:47 9
06:30:52 10
06:30:57 11
06:31:00 12
06:31:06 13
06:31:10 14
06:31:16 15
06:31:19 16
06:31:19 17
06:31:23 18
06:31:26 19
06:31:30 20
06:31:30 21
06:31:32 22
06:31:37 23
06:31:39 24
06:31:42 25
06:31:42 26
06:31:43 27
06:31:45 28
06:31:49 29
06:31:51 30
06:31:52 31
06:31:53 32
06:31:59 33
06:32:04 34
06:32:07 35
06:32:09 36
06:32:10 37
06:32:13 38
06:32:13 39
06:32:15 40
06:32:15 41
06:32:18 42
06:32:18 43
06:32:19 44
06:32:21 45
06:32:26 46
06:32:31 47

would be more than - - -

We've gone through some of the records that demonstrate that point?---I don't know.

So in fact the agreement that's recorded there wasn't reflective of the true situation, was it?---No.

And then down at 17:02, a few entries down, "GR has spoken to DC Overland who has authorised payment of legal expenses for the human source to be represented. Cautioned re same". Now, is it correct that there was an agreement from Mr Overland that Victoria Police would pay Ms Gobbo's legal expenses of her third appearance which was to happen before the OPI?---As I understand it, yes.

Do you have a recollection that that discussion took place?---I remember something about it being authorised by Mr Overland. I can't say - - -

You don't know whether it was a discussion between you and Mr Overland? I should say it doesn't say one way or the other, it just says you were passing the information on?---It could have been but it could also have been someone else.

Do you know what the phrase "cautioned re same" in that entry. Again it's not your entry but it seems to be information that's been passed on by you?---I don't know. It doesn't seem to fit.

And then over the page at the top, it says, or going from the one before, "Update by [REDACTED] No need for meeting tonight with human source. Relatively calm. Trying to work out what she has said" - - -

[REDACTED]

[REDACTED]

[REDACTED]

MR WOODS: "Relatively calm. Trying to work out what she has said is a lie. Has been told by Fitzgerald that she has lied. Has told human source VicPol will pay costs of legal expenses!" I understand that document to mean that

06:32:37 1 this is the handler saying to Ms Gobbo that her legal costs
06:32:43 2 will be paid, do you understand it the same way?---Yes,
06:32:45 3 yes.
06:32:46 4
06:32:46 5 And there's an exclamation mark there, it might be some
06:32:49 6 incredulity that's being expressed by that handler?---Yes.
06:32:53 7
06:32:54 8 Or some surprise?---Yes.
9
06:32:55 10 "Not very interested in legal representation, she doesn't
06:32:59 11 think that will help and still concerned about them finding
06:33:03 12 out she has assisted police"?---Yes.
06:33:05 13
06:33:05 14 Then finally at 18:00, "Update that handler re OPI
06:33:11 15 prosecutor knowledge of human source role, as well as
06:33:15 16 Chairman Fitzgerald". Do you know that at any stage or if
06:33:19 17 at any stage the counsel assisting the OPI was also told
06:33:23 18 about her status as a source?---Well it said that
06:33:26 19 previously in this, in this entry.
06:33:28 20
06:33:29 21 The individual, not being Mr Fitzgerald but Mr Fitzgerald's
06:33:33 22 counsel assisting? Mr Livermore, remember we spoke about
06:33:39 23 him a couple of days ago?---No, I think it's the reverse.
06:33:43 24 Mr Livermore was the hearing officer and Mr Fitzgerald was
06:33:46 25 the person asking the questions.
06:33:48 26
06:33:48 27 COMMISSIONER: No, no, he was actually presiding?---Okay.
06:33:50 28
06:33:50 29 He was just asking a lot of questions, yes?---Fair enough.
06:33:54 30
06:33:56 31 MR WOODS: Livermore was me and Fitzgerald was the
06:33:59 32 Commissioner in that situation.
06:33:59 33
06:34:00 34 COMMISSIONER: I'm a lot quieter?---Sorry, can you ask the
06:34:05 35 question again please?
06:34:06 36
06:34:06 37 MR WOODS: Does that note assist you to recall whether you
06:34:10 38 knew that the prosecutor, what did you call him, the
06:34:14 39 hearing officer?---No, it doesn't is the answer.
06:34:16 40
06:34:17 41 You don't have any recollection of that?---No.
06:34:18 42
06:34:19 43 All right, I'll just check if there's anything else we can
06:34:23 44 do in public. I don't think there is. No. That's all the
06:34:32 45 questions I have.
06:34:32 46
06:34:32 47 COMMISSIONER: All right then. And I understand there's an

06:34:35 1 application by legal representatives for Mr Higgs to have
06:34:41 2 leave to appear in the closed hearings for this witness.
06:34:46 3
06:34:47 4 MR WOODS: That's not opposed.
06:34:48 5
06:34:49 6 MS DWYER: Yes, Commissioner.
06:34:49 7
06:34:50 8 COMMISSIONER: It's just an application for leave to appear
06:34:53 9 and you've been given leave in similar circumstances so you
06:34:58 10 are conscious of the undertaking that would apply again
06:35:01 11 here?
06:35:01 12
06:35:02 13 MS DWYER: Yes, Commissioner.
06:35:02 14
06:35:03 15 COMMISSIONER: Thank you. All right, in that case pursuant
06:35:05 16 to s.24 of the *Inquiries Act* access to the inquiry during
06:35:09 17 the remainder of the evidence of this witness is limited to
06:35:14 18 legal representatives and staff assisting the Royal
06:35:16 19 Commission, the following parties with leave to appear in
06:35:18 20 the private hearing and their legal representatives: the
06:35:21 21 State of Victoria, Victoria Police including media unit
06:35:25 22 representatives, the Director of Public Prosecutions and
06:35:27 23 the Office of Public Prosecutions, the Commonwealth
06:35:30 24 Director of Public Prosecutions, Ms Nicola Gobbo and the
06:35:34 25 SDU handlers. The legal representatives of the following
06:35:36 26 parties with leave to appear, Stephen Asling, Faruk Orman,
06:35:41 27 Pasquale Barbaro, Person 14 and John William Higgs. Media
06:35:46 28 representatives accredited by the Royal Commission are
06:35:47 29 allowed to be present in the hearing room. The hearing is
06:35:50 30 to be recorded but not streamed or broadcast. Subject to
06:35:53 31 any further order there is to be no publication of any
06:35:57 32 material, statements, information or evidence given, made
06:36:00 33 or to before the Commission which could identify or tend to
06:36:03 34 identify the persons referred to as Witness A, Witness B,
35 Witness X, Person 14, any member of the Source Development
36 Unit or their whereabouts.
37
06:36:10 38 A copy of this order will be posted on the hearing
06:36:14 39 room door.
40
41 (IN CAMERA PROCEEDINGS FOLLOW)
42
43
44
45
46
47

