

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 15 May 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

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

Counsel for Victoria Police Mr J. Hannebery QC
 Ms R. Enbom
 Ms K. Argiropoulos

Counsel for State of Victoria Ms C. McCudden

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

Counsel for DPP/SPP Ms K. O'Gorman

Counsel for Police Handlers Mr G. Chettle
 Ms L. Thies

10:15:49 1 MR WINNEKE: Good morning, Commissioner.
10:15:50 2
10:15:51 3 COMMISSIONER: Yes, Mr Winneke. I might just mention, I
10:15:52 4 think the appearances have changed slightly this morning.
10:15:54 5 The appearances for counsel assisting the Commission are as
10:15:58 6 - the usual.
7
8 MR WINNEKE: The same, Commissioner.
9
10:15:59 10 COMMISSIONER: Mr Hannebery.
10:16:00 11
10:16:01 12 MR HANNEBERY: Yes, Commissioner.
10:16:03 13
10:16:03 14 COMMISSIONER: Thank you.
10:16:04 15
10:16:04 16 MR HANNEBERY: I appear with Ms Enbom and Ms Argiropoulos on
10:16:07 17 behalf of Victoria Police.
10:16:08 18
10:16:09 19 COMMISSIONER: Thanks Mr Hannebery.
10:16:10 20
10:16:12 21 MS McCUDDEN: For the State.
10:16:13 22
10:16:13 23 COMMISSIONER: Thank you Ms McCudden.
10:16:16 24
10:16:16 25 MR CHETTLE: Still here, Commissioner.
10:16:17 26
10:16:17 27 COMMISSIONER: Thanks Mr Chettle.
10:16:21 28
10:16:22 29 MS MARTIN: Ms Martin for the OPP and DPP.
10:16:24 30
10:16:24 31 COMMISSIONER: Thank you. Mr Hannebery, I think you're
10:16:26 32 also appearing for not only for Victoria Police but also
10:16:28 33 today's witness, Mr Hill, Ms Burrows and Mr Sheridan.
10:16:33 34
10:16:34 35 MR HANNEBERY: That's correct.
10:16:34 36
10:16:35 37 COMMISSIONER: Thank you. Yes Mr Winneke.
10:16:37 38
10:16:37 39 MR WINNEKE: Commissioner, there are those three witnesses
10:16:39 40 today. The first witness is going to be Mr Robert Hill.
10:16:44 41 Ms Tittensor is taking that witness. The next witness we
10:16:48 42 believe after that will be a person who's - there's a
10:16:54 43 question of image I think with respect to - the name's
10:16:59 44 fine, Burrows, who for a number of reasons there's an
10:17:03 45 application with respect to s.26 and the publication of her
10:17:08 46 image.
10:17:08 47

10:17:09 1 COMMISSIONER: Yes. We'll make that order before she gives
10:17:14 2 her evidence.
10:17:16 3
10:17:17 4 MR WINNEKE: Yes, Commissioner.
10:17:17 5
10:17:18 6 COMMISSIONER: It's not necessary to do it now, is it?
10:17:20 7
10:17:20 8 MS ARGIROPOULOS: No, Commissioner.
10:17:21 9
10:17:21 10 COMMISSIONER: Could I just say, I'm told that there are
10:17:23 11 reasons for this witness being dealt with in this way but
10:17:29 12 it is a long time since she was doing work of that nature.
10:17:33 13 I just would like to be assured that these applications are
10:17:36 14 only being made where they're genuinely needed. If you
10:17:40 15 could keep that in mind, Ms Argiropoulos.
10:17:42 16
10:17:42 17 MS ARGIROPOULOS: Yes. I can respond to that now or
10:17:45 18 perhaps at the time of making the application.
10:17:47 19
10:17:47 20 COMMISSIONER: I understand supposedly she's in some sort
10:17:50 21 of pool, but it's years since she worked in that field.
10:17:54 22
10:17:55 23 MS ARGIROPOULOS: Yes. As is set out in the confidential
10:17:56 24 affidavit which is relied on there has been - - -
10:17:57 25
10:17:58 26 COMMISSIONER: I've accepted it, but it did occur to me
10:18:00 27 that it was all a long time ago and I just mention to you
10:18:05 28 that I hope these applications are truly genuine
10:18:10 29 applications.
10:18:11 30
10:18:12 31 MS ARGIROPOULOS: They certainly are, Commissioner.
10:18:12 32
10:18:12 33 COMMISSIONER: If you tell me they are, I accept that, but
34 bear it in mind, thank you.
35
10:18:14 36 MS ARGIROPOULOS: Yes. Thank you, Commissioner.
10:18:17 37
10:18:18 38 MR CHETTLE: Commissioner, can I raise a matter I've raised
10:18:22 39 with Mr Winneke. At 11.14 pm last night I received her
10:18:26 40 statement. I couldn't - that's my fault - I couldn't get
10:18:27 41 the password to work.
10:18:28 42
10:18:29 43 COMMISSIONER: I've had similar experiences, Mr Chettle.
10:18:31 44 It takes great mental acuity to work out whether it's an O,
10:18:36 45 as in a small o or a big O or a number 0 and other things.
10:18:45 46
10:18:45 47 MR CHETTLE: I wrote mine on a tissue box before I threw it

10:18:48 1 away. The point is this, this is the first of the witness
10:18:52 2 really who will start to bear directly upon the SDU
10:18:57 3 members. What I want to do with this witness, what I would
10:18:58 4 do if I had this witness's statement and materials in a
10:19:01 5 timely fashion is get instructions which would mean - and
10:19:03 6 it's not as easy as you might think because my clients
10:19:08 7 still don't have their hard copy diaries for this period of
10:19:11 8 time.
10:19:12 9

10:19:12 10 COMMISSIONER: Mr Chettle, can I just shortcut you. I
10:19:14 11 really do understand the difficulties you're working under.
10:19:19 12 We're all working under those difficulties. We do have
10:19:23 13 tight time constraints. If for any reason you feel that
10:19:28 14 you need for a witness to be recalled because you haven't
10:19:30 15 had time for these instructions I would favourably consider
10:19:33 16 - - -
10:19:33 17

10:19:33 18 MR CHETTLE: That's where I was coming to.
10:19:35 19

10:19:35 20 COMMISSIONER: I would favourably consider that and be
10:19:38 21 assured that the legal time and I are, together with
10:19:41 22 Victoria Police in particular, are really working hard to
10:19:45 23 try and develop a system that is - that gets the relevant
10:19:50 24 material to everybody who's interested in it earlier and we
10:19:55 25 hope that within a few weeks we're going to be there. But
10:19:59 26 in the meantime I think your clients' rights are protected
10:20:04 27 by what I've just said.
10:20:05 28

10:20:06 29 MR CHETTLE: Can I say one thing, can we please have a
10:20:09 30 witness at least a day, the statements at least a day
10:20:11 31 before they're called.
10:20:12 32

10:20:12 33 COMMISSIONER: We'd like that too. We're certainly working
10:20:15 34 on something a lot better than that and we hope that we'll
10:20:17 35 have that achieved soon.
10:20:18 36

10:20:19 37 MR CHETTLE: What I'm urging the Commissioner to do, if it
10:20:23 38 doesn't work, push the witness back a day, that's all.
10:20:25 39

10:20:25 40 COMMISSIONER: As I say, we have these tight time
10:20:30 41 constraints and we're all just doing the best we can, and
10:20:32 42 as I say, your clients' rights are protected by what I've
10:20:35 43 proposed. Your difficulties are noted and you'd also note
10:20:39 44 that I think as soon as we had a document that Victoria
10:20:42 45 Police considered was suitable for publication, taking into
10:20:47 46 consideration public interest immunity issues, the moment
10:20:50 47 we had that it was forwarded to you.

10:20:53 1
10:20:53 2 MR CHETTLE: I'm grateful to Ms Tighe in the middle of the
10:20:59 3 night doing this. I'm not in any way criticising you or
4 your staff, Commissioner.
5
6 COMMISSIONER: No, no.
7
10:21:03 8 MR CHETTLE: It's the fact that we can't do our job.
10:21:06 9
10:21:07 10 COMMISSIONER: Understood. Understood, and we're working
10:21:08 11 on it. Mr Collinson, are you going to make a similar
10:21:10 12 complaint?
10:21:14 13
10:21:14 14 MR COLLINSON: No, just very specifically, Commissioner.
10:21:18 15 Mr Hill refers to two documents in paragraphs 11 and 16 of
10:21:21 16 his statement which we haven't received. We'd just like to
10:21:24 17 have copies of those.
10:21:27 18
10:21:30 19 COMMISSIONER: Eleven and 16.
10:21:32 20
10:21:33 21 MR COLLINSON: So we have the diary but not those two
10:21:35 22 documents.
10:21:40 23
10:21:41 24 COMMISSIONER: Are those documents available or copies of
10:21:43 25 those documents available?
10:21:44 26
10:21:45 27 MS TITTENSOR: They should be and they'll be exhibited in
10:21:48 28 the course of Mr Hill's evidence.
10:21:55 29
10:21:55 30 COMMISSIONER: Yes. Is there any chance we can - - -
10:21:58 31
10:21:58 32 MS TITTENSOR: I understand our instructors are looking for
10:22:01 33 extra copies now.
10:22:02 34
10:22:03 35 COMMISSIONER: Thank you. As soon as they have them
10:22:06 36 they'll give them to you. As to yesterday's redacted
10:22:08 37 matters, have we got all those sorted out now?
10:22:12 38
10:22:12 39 MS ENBOM: Commissioner, in relation to the statement of
10:22:14 40 Mr Purton, I've taken instructions in relation to the
10:22:16 41 remaining PII claims in respect of paragraph 9. That PII
10:22:24 42 claim is not pressed which means there are no PII claims in
10:22:27 43 relation to his statement.
10:22:29 44
10:22:29 45 COMMISSIONER: Yes.
10:22:30 46
10:22:31 47 MS ENBOM: That means that Exhibit 107A can now go on to

10:22:36 1 the website, which is the unredacted statement, and there
10:22:39 2 will be no Exhibit 107B.
10:22:43 3
10:22:45 4 COMMISSIONER: All right then. So there is no longer any
10:22:47 5 Exhibit 107B. Exhibit 107 is simply the unredacted
10:22:50 6 statement of Mr Purton and that will now be published on
10:22:54 7 the website.
10:22:54 8
10:22:55 9 MS ENBOM: Yes.
10:22:55 10
10:22:55 11 COMMISSIONER: Thanks Ms Enbom.
10:22:57 12
10:22:57 13 MS ENBOM: In relation to the diaries, there were 35 PII
10:23:00 14 claims. After Mr Woods and I went through those yesterday
10:23:03 15 over lunch we had the same view in relation to about half
10:23:09 16 of them. I've been taking instructions overnight in
10:23:12 17 relation to the remaining half and there are now only nine
10:23:16 18 PII claims that I'd like to talk to Mr Woods about and I
10:23:19 19 just wasn't able to track him down this morning, but if I
10:23:22 20 can talk to him at an appropriate time this morning to go
10:23:26 21 through those nine. I just wanted to give him a further
10:23:30 22 explanation in relation to them, and it might be that those
10:23:34 23 are then able to be resolved as well.
10:23:35 24
10:23:35 25 COMMISSIONER: All right, thank you. Is yesterday's
10:23:37 26 transcript up now? Can anyone assist me there?
10:23:48 27
10:23:48 28 MR WINNEKE: It's not up. It's gone to the police for
10:23:54 29 analysis.
10:23:54 30
10:23:54 31 COMMISSIONER: The public hearing transcript shouldn't
10:23:55 32 be - - -
10:23:56 33
10:23:56 34 MR WINNEKE: It should be up.
10:23:57 35
10:23:57 36 COMMISSIONER: That should be up. That isn't reviewed for
10:23:59 37 PII, is it?
10:24:07 38
10:24:08 39 MR WINNEKE: There are a few things that had to be struck
10:24:10 40 from the transcript and that is being checked.
10:24:13 41
10:24:13 42 MS ENBOM: And I understand we'll have a position before
10:24:15 43 lunch. We'll have reviewed it before lunch and provide any
10:24:17 44 - - -
10:24:17 45
10:24:17 46 COMMISSIONER: I shouldn't have thought there's a need for
10:24:20 47 Victoria Police to review the public hearing transcript.

10:24:22 1 The bits that are struck from the record are struck from
10:24:25 2 the record and done by the transcription team at the time.
10:24:28 3
10:24:29 4 MR WINNEKE: I agree, Commissioner. Those matters are
10:24:31 5 mentioned in open court and what's been removed is - when I
10:24:34 6 say open court it's discussed and it should be - - -
10:24:38 7
10:24:38 8 COMMISSIONER: In the open hearing, yes. If there's any
10:24:40 9 objection it's taken at the time and dealt with by removing
10:24:43 10 it from the record. I can't see that Victoria Police
10:24:46 11 should be reviewing the day's transcript before it's
10:24:49 12 published.
10:24:50 13
10:24:50 14 MR WINNEKE: Commissioner, that will be the case as we go
10:24:56 15 forward.
10:24:57 16
10:24:58 17 COMMISSIONER: Yes.
10:24:58 18
10:24:59 19 MS ENBOM: Commissioner, that was a matter that I think
10:25:02 20 Mr Holt was dealing with and I have had no real involvement
10:25:06 21 in it. I thought there was an arrangement whereby Victoria
10:25:09 22 Police would look at the open transcript promptly just to
10:25:13 23 check that all matters that were be to removed had been
10:25:16 24 removed.
10:25:18 25
10:25:21 26 COMMISSIONER: M'mm.
10:25:22 27
10:25:22 28 MR WINNEKE: Commissioner, apparently there is an agreement
10:25:26 29 to that effect but if there's that agreement we better
10:25:31 30 review that because - - -
10:25:33 31
10:25:33 32 COMMISSIONER: Yes, let's review it. I guess it is
10:25:35 33 prudent, I suppose, that at least where - the parts of the
10:25:43 34 transcript where there's been something cut out of it, we
10:25:48 35 better check and make sure that that's done. But the rest
10:25:51 36 of it shouldn't be a problem.
10:25:53 37
10:25:53 38 MR WINNEKE: I think there were about two or three of those
10:25:55 39 yesterday. If a transcript can be prepared of two or three
10:25:59 40 pages rather than the whole lot and that can be provided to
10:26:01 41 the parties at the end of the day or as soon as at the end
10:26:05 42 of the day, I would imagine there shouldn't be any hold up
10:26:08 43 at all. It should be able to go up on the night.
10:26:10 44
10:26:11 45 COMMISSIONER: It should.
10:26:11 46
10:26:12 47 MR WINNEKE: Those three or four, it may well on occasions

10:26:15 1 there are others, more than three or four, and there have
10:26:19 2 been days where there have been quite a few.
10:26:21 3
10:26:21 4 COMMISSIONER: Yes.
10:26:21 5
10:26:22 6 MR WINNEKE: In any event, I think if we can have a limited
10:26:24 7 transcript of those particular aspects of it done and
10:26:27 8 provided and reviewed shortly after close of business, that
10:26:29 9 would mean that we could get these things up as soon as
10:26:32 10 possible.
10:26:32 11
10:26:33 12 COMMISSIONER: I'll just see whether that's possible. Is
10:26:35 13 that feasible, do you know? I'll just ask the
10:26:44 14 transcribers. I think we're going to have to find out a
10:27:07 15 little bit more information about that and see if we can
10:27:09 16 refine things for everybody so that there's a bit less work
10:27:13 17 in that respect.
10:27:14 18
10:27:14 19 MR WINNEKE: I agree, Commissioner. I think whatever the
10:27:16 20 case - - -
10:27:17 21
10:27:17 22 COMMISSIONER: The provisional transcript at the moment
10:27:19 23 goes to somebody in the Commission legal team for revision
10:27:23 24 before it goes back to them so it doesn't seem that that
10:27:27 25 can necessarily be done easily, but we can look into that.
10:27:31 26
10:27:31 27 MR WINNEKE: I think the last issue with respect to
10:27:33 28 redactions yesterday was Bezzina exhibits. We were
10:27:36 29 provided with that about 10.30 last night. We have
10:27:39 30 redacted versions. Those have gone up on the website. It
10:27:42 31 may well be - well we will check that to make sure that
10:27:45 32 we're satisfied with claims that have been made and if
10:27:48 33 there are any un-blackening out to be done or arguments about
10:27:54 34 that, that can be done in due course.
10:27:56 35
10:27:56 36 COMMISSIONER: All right then. We might just mention that
10:27:58 37 again immediately after lunch to see if there's anything
10:28:01 38 that needs to be sorted out there.
10:28:02 39
10:28:02 40 MR WINNEKE: Yes.
10:28:03 41
10:28:03 42 COMMISSIONER: Yes.
10:28:03 43
10:28:04 44 MR WINNEKE: Aside from that I think we're ready to go with
10:28:06 45 Mr Hill.
10:28:07 46
10:28:07 47 COMMISSIONER: Excellent.

10:28:08 1
10:28:08 2 MR WINNEKE: Thanks, Commissioner.
10:28:11 3
10:28:12 4 COMMISSIONER: There are no arguments about Mr Hill's, any
10:28:17 5 redactions involving Mr Hill's statement or exhibits?
10:28:20 6
10:28:21 7 MS ARGIROPOULOS: Commissioner, there's no arguments in
10:28:26 8 relation to the redactions. If I can just indicate that
10:28:31 9 there is a PII claim in relation to a person who is named
10:28:34 10 in the unredacted statement at paragraphs 20, 21 and 22.
10:28:37 11 At paragraph 20 that person is named as being in charge of
10:28:41 12 the Covert or Undercover Unit and because of that a
10:28:45 13 pseudonym has been assigned to that person and that
10:28:49 14 pseudonym is Cruze, C-r-u-z-e, and I'd seek to have that
10:28:59 15 pseudonym added to Exhibit 81 please, Commissioner.
10:29:06 16
10:29:07 17 COMMISSIONER: Just a moment while I find my Exhibit 81.
10:29:15 18
10:29:16 19 MS ARGIROPOULOS: That pseudonym has already been applied
10:29:18 20 to the redacted version of this witness's statement.
10:29:21 21
10:29:21 22 COMMISSIONER: I had a copy printed out this morning and
10:29:25 23 I've misplaced it. Found. Got it. So this would be - you
10:29:42 24 could give him the name of Cruze. Would you like to write
10:29:54 25 this on my copy of Exhibit 81.
10:29:58 26
10:29:58 27 MS ARGIROPOULOS: Yes, I can do that. I should just, just
10:30:10 28 for the sake of absolute clarity, if I can also indicate
10:30:14 29 there's a person referred to in paragraph 1, a Detective
10:30:19 30 Inspector Hardy. Similar issues arise in relation to him
10:30:22 31 except that person is now deceased so there's no longer
10:30:26 32 obviously the need for the same application to be made.
10:30:51 33
10:30:52 34 COMMISSIONER: Will this person have a rank?
10:30:58 35
10:30:58 36 MS ARGIROPOULOS: Yes, Commissioner. That's Detective
10:31:01 37 Senior Sergeant. I can just show that to counsel
10:31:20 38 assisting. Thank you, Commissioner, that name has been
10:31:49 39 added to Exhibit 81.
10:31:56 40
10:31:57 41 MS TITTENSOR: I might just indicate, Commissioner, that
10:31:58 42 there is one matter arising out of the Purton diary
10:32:09 43 redactions in relation to a particular name at certain
10:32:17 44 points that I may not be able to mention so we haven't yet
10:32:22 45 received any reason for that.
10:32:28 46
10:32:28 47 COMMISSIONER: If you could just tell Ms Argiropoulos the

10:32:30 1 name. You know the name?
10:32:32 2
10:32:33 3 MS ARGIROPOULOS: I understand the name.
10:32:35 4
10:32:35 5 MS TITTENSOR: Once it's resolved in relation to Mr Purton
10:32:39 6 it will have a flow on effect in relation to this matter.
10:32:41 7
10:32:42 8 COMMISSIONER: Yes. Ms Argiropoulos, I'm told the
10:32:44 9 Commission has not been able to find any current
10:32:49 10 suppression or non-publication orders in respect of that
10:32:51 11 name.
10:32:53 12
10:32:54 13 MS ARGIROPOULOS: I just need to seek some instructions in
10:32:56 14 relation to that.
10:32:57 15
10:32:57 16 COMMISSIONER: I understand.
10:32:57 17
10:32:58 18 MS ARGIROPOULOS: Counsel assisting raised that with me
10:33:00 19 this morning and I'll have those instructions as soon as
10:33:03 20 possible.
10:33:03 21
10:33:04 22 COMMISSIONER: Thanks. Do we need to call this person
10:33:07 23 something to make the narrative understandable in the
10:33:10 24 meantime?
10:33:12 25
10:33:12 26 MS TITTENSOR: I'll do my best within the confines of the
10:33:17 27 discussion that I've had with Ms Argiropoulos to not refer
10:33:21 28 to this person in a particular context. That's as cryptic
10:33:30 29 a way as I can put it, Commissioner.
10:33:32 30
10:33:32 31 COMMISSIONER: Thank you. All right then, we're now ready
10:33:34 32 to proceed with Assistant Commissioner Hill. Yes, call
10:33:41 33 Assistant Commissioner Hill.
34
10:34:33 35 Oath or affirmation, Mr Hill?---Oath, please.
10:34:36 36
10:34:39 37 <ROBERT JOHN HILL, sworn and examined:
10:34:54 38
10:34:55 39 COMMISSIONER: Please be seated. Yes Ms Argiropoulos.
10:34:58 40
10:34:59 41 MS ARGIROPOULOS: Thank you Commissioner. Assistant
10:35:02 42 Commissioner, could you state your full name
10:35:06 43 please?---Robert John Hill.
10:35:07 44
10:35:10 45 You're currently an Assistant Commissioner of Victoria
10:35:14 46 Police with responsibility for the southern metro
10:35:15 47 region?---That's correct.

10:35:16 1
10:35:18 2 Have you made a statement in relation to this Royal
10:35:21 3 Commission?---I have.
10:35:22 4
10:35:23 5 If you could just have a look at the document in front of
10:35:26 6 you. Do you recognise that to be your statement signed by
10:35:30 7 you on 9 May this year?---Yes.
10:35:35 8
10:35:37 9 Have you, on re-reading that statement recently, a number
10:35:43 10 of amendments to make to that statement?---Yes.
10:35:46 11
10:35:47 12 If I could take you, firstly, to paragraph 3. Are there a
10:35:53 13 couple of amendments to make in relation to the years
10:35:56 14 referred to there?---No, I think you refer to paragraph 4.
10:36:00 15
10:36:01 16 I beg your pardon, it is paragraph 4. Could you just take
10:36:05 17 us through the amendments that you'd seek to make to
10:36:08 18 paragraph 4?---The second line reads "the same year return
10:36:15 19 to Crime Department", it should read "in 1990".
10:36:20 20
10:36:20 21 Yes?---In the third line the sentence begins "in 1993 I
10:36:26 22 transferred", that should read "1992".
10:36:33 23
10:36:33 24 Yes?---And again in the third line it commences with "in
10:36:38 25 1995 I was promoted to", it should read "1996".
10:36:43 26
10:36:43 27 Thank you. Finally, is there an amendment that you would
10:36:49 28 like to make to the response you provided to question 12 of
10:36:54 29 the list of questions that you were asked to answer by the
10:36:58 30 Royal Commission.
10:36:59 31
10:36:59 32 COMMISSIONER: Could I just ask you to make those
10:37:02 33 handwritten amendments on the statement if you wouldn't
10:37:05 34 mind. Have you got a pen there, Mr Hill?---I have already
10:37:08 35 made those amendments on my document.
10:37:10 36
10:37:10 37 You have made them, thank you. Sorry. Yes,
10:37:14 38 Ms Argiropoulos.
10:37:15 39
10:37:16 40 MS ARGIROPOULOS: Assistant Commissioner, I was just asking
10:37:17 41 you in relation to question 12, would you like to add some
10:37:22 42 further detail in relation to that question?---So what
10:37:29 43 paragraph does that relate to in my statement?
10:37:32 44
10:37:32 45 Paragraph 34, which asks about other persons with
10:37:37 46 obligations of confidentiality or privilege?---Yes, since
10:37:42 47 making my statement I do recall a matter in which I was

10:37:46 1 involved in as an investigator in the early 1990s, it
10:37:52 2 involved the murder of an infant by the name of Sheree
10:37:56 3 Beasley in Rosebud.
10:38:00 4
10:38:00 5 What was the name of the person who was charged and
10:38:04 6 ultimately convicted in relation to that murder?---Robert
10:38:08 7 Selby Lowe.
10:38:10 8
10:38:13 9 What would you like to tell the Commissioner in relation to
10:38:16 10 that particular case?---It related to the investigation of
10:38:23 11 that murder where the accused was seeking counsel from a
10:38:31 12 therapist, a member of the medical fraternity.
10:38:38 13 Investigators sought approval for a listening device to be
10:38:42 14 installed at the therapist's premises. The warrant for the
10:38:52 15 listening device was approved by a Supreme Court judge.
10:38:59 16 Evidence was obtained and there was, during the court
10:39:05 17 proceedings, argument relating to privilege.
10:39:12 18
10:39:14 19 Do you recall what the outcome of that argument was in
10:39:17 20 terms of the admissibility of the evidence that came from
10:39:20 21 the therapist?---It was accepted.
10:39:25 22
10:39:25 23 COMMISSIONER: Sorry, it was not accepted?---It was
10:39:27 24 accepted.
10:39:27 25
10:39:27 26 The evidence was accepted, yes. The argument that it was
10:39:33 27 inadmissible was rejected?---That's correct.
10:39:38 28
10:39:38 29 MS ARGIROPOULOS: Do you recall that particular case being
10:39:40 30 the subject of an appeal to the Court of Appeal in
10:39:43 31 Victoria?---Yes, I'm aware that it was subject to appeal
10:39:46 32 and those matters were presented during the course of that
10:39:51 33 appeal, which was again unsuccessful.
10:39:54 34
10:39:56 35 When you say unsuccessful do you mean by that that the
10:40:01 36 Court of Appeal confirmed that the evidence of the
10:40:04 37 therapist was admissible in Mr Lowe's trial?---That's
10:40:07 38 correct.
10:40:07 39
10:40:11 40 Is it consistent with your recollection that that decision
10:40:14 41 of the Court of Appeal occurred in around 1997?---I don't
10:40:20 42 know the date, I'm sorry. I know it was a matter that I
10:40:23 43 was involved in whilst at the Homicide Squad in the early
10:40:28 44 90s. I'm not - and was not the informant in the matter and
10:40:33 45 I didn't follow the court proceedings but I have been made
10:40:36 46 aware of the outcome. When it occurred, I'm not too sure.
10:40:41 47

10:40:42 1 Do you recall who the informant was in relation to those
10:40:44 2 proceedings?---I know the lead investigator was a detective
10:40:49 3 or then Detective Senior Sergeant Paul Hollowood, now a
10:40:54 4 Superintendent in the southern metro region, and I believe
10:41:01 5 the informant was the then Detective Senior Constable
10:41:07 6 Gustke.
10:41:08 7
10:41:08 8 Thank you. You said at the outset that you've recalled
10:41:15 9 this matter since you signed your statement?---Yes, as
10:41:18 10 recently as yesterday.
10:41:19 11
10:41:23 12 Thank you. Subject to the amendments that have been made
10:41:27 13 and what you've now told us about, that statement is true
10:41:31 14 and accurate?---Yes, it is.
10:41:33 15
10:41:34 16 Commissioner, I tender the statement of Robert John Hill.
10:41:39 17
10:41:40 18 #EXHIBIT 114 - Statement of Robert John Hill.
10:41:46 19
10:41:47 20 COMMISSIONER: Yes Ms Tittensor.
10:42:03 21
10:42:03 22 MS TITTENSOR: I think the Commissioner's associate had a
10:42:12 23 query about that last number.
10:42:15 24
10:42:16 25 COMMISSIONER: That will be Exhibit 114.
10:42:17 26
27 <Cross BY MS TITTENSOR:
28
10:42:21 29 Mr Hill, just in relation to that last matter first, that
10:42:24 30 was the matter of Robert Arthur Selby Lowe; is that
10:42:29 31 right?---Correct.
10:42:30 32
10:42:30 33 The evidence that was obtained in that case relating to the
10:42:32 34 therapist was obtained by a lawfully obtained
10:42:37 35 warrant?---Yes.
10:42:37 36
10:42:39 37 So in order to obtain that evidence there was evidence put
10:42:44 38 before the Supreme Court in order to obtain a warrant to
10:42:47 39 install the listening device; is that right?---Yes.
10:42:49 40
10:42:52 41 The evidence itself and that process was disclosed and
10:42:55 42 challenged at trial?---Yes.
10:42:58 43
10:43:05 44 The appeal ultimately was unsuccessful, that was again
10:43:10 45 challenged on appeal and that was unsuccessful; is that
10:43:14 46 right?---That's my recollection.
10:43:15 47

10:43:15 1 Do you understand that that case may have been
10:43:20 2 reported?---I'm unsure.
10:43:21 3
10:43:21 4 You're not sure. You've had significant experience in the
10:43:33 5 Crime Department, is that right, at Victoria Police?---Yes.
10:43:36 6
10:43:37 7 And the Crime Department itself houses the various
10:43:42 8 specialist squads or divisions of Victoria Police in
10:43:45 9 relation to major crime?---Yes.
10:43:47 10
10:43:47 11 And your list of appointments within the Crime Department
10:43:50 12 include the Homicide Squad?---Yes.
10:43:53 13
10:43:53 14 The Armed Offenders Squad?---Yes.
10:43:55 15
10:43:56 16 Major Fraud Squad?---Yes.
10:43:58 17
10:43:59 18 Serious Crime Investigations Division?---Yes.
10:44:03 19
10:44:04 20 And the Drug Squad which became the MDID?---The Major Drug
10:44:13 21 Investigation Division, yes.
10:44:13 22
10:44:14 23 And over the years you've risen through the ranks to the
10:44:18 24 role of Assistant Commissioner now?---Correct.
10:44:21 25
10:44:23 26 In relation to the last squad, the Drug Squad and the MDID,
10:44:28 27 you were involved there from 1999 to 2006?---No. I was
10:44:37 28 first assigned to the Drug Squad in 1999 as a Detective
10:44:45 29 Senior Sergeant. I only stayed there for a very short
10:44:47 30 time, I think less than three months. Then I went to the
10:44:52 31 Armed Offenders Squad. It wasn't until I think 2001 or 2 I
10:44:56 32 returned to the Major Drug Investigation Division.
10:45:00 33
10:45:00 34 Okay. In relation to your experience during that period
10:45:08 35 did you have any association with Ms Gobbo?---No.
10:45:12 36
10:45:13 37 Did you have any association with matters that related to
10:45:19 38 Ms Gobbo?---Yes, as detailed in my statement.
10:45:21 39
10:45:23 40 Aside from - so your statement deals with the period from
10:45:27 41 around September 2005 on. I just want you to concentrate
10:45:32 42 on the period of time prior to that. Did you have any
10:45:35 43 association with matters relating to Ms Gobbo prior to
10:45:38 44 September 2005?---Not that I'm aware.
10:45:41 45
10:45:42 46 Did you have any awareness of her representing people
10:45:45 47 charged with drug offences generally?---Generally, yes.

10:45:49 1
10:45:52 2 Were you, when you were in the Drug Squad, dealing with
10:45:56 3 people by the name of Strawhorn and Mark Bowden?---No.
10:46:05 4
10:46:05 5 What area of the Drug Squad were you working in when you
10:46:11 6 were there?---So Mark Bowden had transferred. Senior
10:46:15 7 Sergeant Strawhorn was in Unit 2 and at that time in 1999 I
10:46:22 8 was the Senior Sergeant I think in Unit 3.
10:46:27 9
10:46:27 10 Right. When you were at the Drug Squad did you have any
10:46:34 11 awareness of interest in the Drug Squad in relation to a
10:46:40 12 solicitor who was Ms Gobbo's employer at one point in
10:46:47 13 time?---You'd have to be more specific.
10:46:50 14
10:46:50 15 Might the witness be shown Exhibit 81. Mr Hill, if you
10:47:01 16 look down that list on the left-hand side you'll see an
10:47:08 17 actual name, on the right-hand side a pseudonym. This
10:47:16 18 person is listed as Solicitor 1 halfway down the page.
10:47:20 19
10:47:20 20 COMMISSIONER: It's item 12 on the left-hand column.
10:47:26 21
10:47:27 22 MS TITTENSOR: There's an updated version. This person
10:47:29 23 might be now number 13.
10:47:31 24
10:47:31 25 COMMISSIONER: It is too, that's right.
10:47:40 26
10:47:41 27 MS TITTENSOR: Do you see that person?---So I have a name
10:47:44 28 of a solicitor at number 13, it says Solicitor 1. I'm
10:47:50 29 aware of that name.
10:47:51 30
10:47:51 31 Were you aware that there was an interest in that solicitor
10:47:54 32 in relation to pursuing him for improper conduct by members
10:48:01 33 of the Drug Squad?---No.
10:48:02 34
10:48:05 35 Were you aware of a person by the name of Jeff Pope who was
10:48:11 36 a member of the Fraud Squad at around that time in the late
10:48:15 37 90s?---I don't recall Mr Pope. He may have worked at the
10:48:26 38 Armed Offenders Squad when it was first formed as a
10:48:31 39 Detective Senior Constable when I was the Senior Sergeant
10:48:35 40 there.
10:48:36 41
10:48:37 42 Were you aware of any association between Mr Pope and
10:48:41 43 Ms Gobbo?---No.
10:48:42 44
10:48:46 45 You say you returned back to the Drug Squad, which became
10:48:50 46 the MDID, in around 2001?---I've got the specific date here
10:48:54 47 if I could refer to my notes?

10:48:56 1
10:48:57 2 Certainly?---I have got a document here that details
10:49:38 3 exactly times, dates - well not times, but certainly dates
10:49:43 4 when I arrived at different locations across my service
10:49:47 5 with Victoria Police.
10:49:47 6
10:49:48 7 When did you arrive back at the Drug Squad?---I was a
10:49:53 8 Detective Senior Sergeant at the Drug Squad between
10:49:56 9 February 1999 and September 1999.
10:50:00 10
10:50:02 11 I'm just taking you to the period when you've left for a
10:50:05 12 while and you came back to the Drug Squad?---It was known
10:50:10 13 as the Drug Squad, it changed its name, it then became the
10:50:15 14 Major Drug Investigation Division, and I was assigned there
10:50:18 15 in October 2002 until January 2006.
10:50:21 16
10:50:21 17 You're aware obviously that there were in the early 2000s
10:50:26 18 corruption issues within the Drug Squad?---Yes.
10:50:28 19
10:50:29 20 Which led to what became known as the Purton report which
10:50:33 21 we heard about yesterday in the hearing room, and that
10:50:38 22 itself led to the disbanding of the Drug Squad and the
10:50:41 23 creation of the MDID?---That's right.
10:50:45 24
10:50:46 25 You come back into that area of policing, the MDID, in 2002
10:50:51 26 then?---Correct.
10:50:52 27
10:50:54 28 Out of the Purton report there was a new Informer
10:51:00 29 Management Unit set up, were you aware of that?---Vaguely.
10:51:02 30
10:51:04 31 In around 2003 it's understood there were new instructions
10:51:09 32 Force-wide about how informers ought to be dealt with, you
10:51:13 33 would have been aware of that at the time?---At the time,
10:51:16 34 yes.
10:51:16 35
10:51:19 36 Were you also aware that during that period of time there
10:51:22 37 was a development of a specialist unit dealing with high
10:51:25 38 level high risk informers known as the Designated Source
10:51:31 39 Unit or the Source Development Unit?---It was called I
10:51:34 40 think the Dedicated Source Unit rather than the Designated
10:51:39 41 Source Unit.
10:51:39 42
10:51:40 43 Yes. You were aware of that?---Yes.
10:51:41 44
10:51:42 45 It later became known as the Source Development Unit?---It
10:51:45 46 had a number of names. Quite possibly, yes.
10:51:47 47

10:51:47 1 If you have a look at that sheet you have with you. At the
10:51:52 2 top of that list you'll see a real name on the left-hand
10:51:59 3 side. The SDU as I'll refer to it was headed by, using the
10:52:07 4 pseudonym on the right-hand side, Detective Senior Sergeant
10:52:11 5 Jones; is that right?---Yes.
10:52:12 6
10:52:15 7 Was there a close relationship between the MDID and the new
10:52:22 8 SDU when it was set up?---Yes, I'd say there was.
10:52:26 9
10:52:26 10 And that was because of the nature of the work that - MDID
10:52:31 11 itself dealt largely with informers or dealt a great deal
10:52:37 12 with informers?---That would be one reason, yes.
10:52:39 13
10:52:39 14 Yes?---Coupled with the fact that Detective Senior Sergeant
10:52:43 15 Jones had been working at the Major Drug Investigation
10:52:46 16 Division prior to his assignment at the Dedicated Source
10:52:49 17 Unit.
10:52:49 18
10:52:51 19 Did he leave the MDID specifically to set up the
10:52:56 20 SDU?---Yes, I believe so.
10:52:57 21
10:53:02 22 You're aware of Detective Senior Sergeant O'Brien?---Yes.
10:53:07 23
10:53:07 24 Did he work under you at the MDID?---Not directly.
10:53:12 25
10:53:14 26 In relation to your position and his position can you just
10:53:18 27 elaborate?---So as a Detective Inspector at the Major Drug
10:53:25 28 Investigation Division I was responsible for Units 1 and 3.
10:53:29 29 Unit 1 primarily focusing on the cultivation and traffic of
10:53:34 30 cannabis and Unit 3 focused on the trafficking of heroin.
10:53:40 31 I had two Senior Sergeants responsible for those two units
10:53:45 32 respectively. Detective Senior Sergeant O'Brien was the
10:53:51 33 Senior Sergeant assigned to Unit 2. That primarily focused
10:53:59 34 on the manufacturing of amphetamine.
10:54:03 35
10:54:06 36 Also the clan lab unit it might have been referred to
10:54:10 37 as?---Yes, there was - certainly Unit 2 and there was an
10:54:14 38 area dedicated within Unit 2, I think that was the clan lab
10:54:18 39 unit.
10:54:18 40
10:54:20 41 At various periods you acted up in rank?---Yes.
10:54:24 42
10:54:25 43 As Superintendent?---Correct.
10:54:26 44
10:54:26 45 And so during those periods of time he would be working
10:54:30 46 under your supervision?---Yes, reporting through an
10:54:34 47 Inspector to myself.

10:54:36 1
10:54:39 2 In terms of your role or anyone's role as an Inspector in
10:54:44 3 relation to operations and investigations that are being
10:54:47 4 carried out, can you just tell us a bit about that. What
10:54:51 5 is your role?---So in each of the unit you have a Senior
10:54:58 6 Sergeant in charge of a number of investigative crews.
10:55:02 7 Those investigative crews have Sergeants with three or four
10:55:07 8 Detective Senior Constables and assignees from other parts
10:55:11 9 of the organisation working with them. Each investigator,
10:55:22 10 each certainly crew Sergeant and the ORs, are investigating
10:55:27 11 high level drug trafficking. They're reporting through to
10:55:30 12 a Senior Sergeant and through to myself. The Senior
10:55:35 13 Sergeant would be, I suppose, labelled as the lead
10:55:37 14 investigator. The Inspector's position is more of a
10:55:42 15 managerial role.
10:55:44 16
10:55:44 17 So you as an Inspector would be across what's going on in
10:55:49 18 investigations?---To the best of our ability, yes.
10:55:53 19
10:55:56 20 You'd be aware of certainly the nature of the
10:55:59 21 investigations that were being run?---You would have an
10:56:03 22 investigation name. It would, you know, certainly be
10:56:09 23 something that I'd be made aware of on a weekly basis in
10:56:12 24 terms of the progression of that investigation, the
10:56:16 25 utilisation of specialist support services, listening
10:56:21 26 devices, surveillance, covert operatives. It would be
10:56:24 27 something that, yeah, I would have, you know, managerial
10:56:28 28 responsibility of.
10:56:28 29
10:56:29 30 You know a reasonable amount of details about any
10:56:34 31 investigation, the operation name, the targets,
10:56:36 32 applications before the court for listening devices and so
10:56:38 33 forth?---Yes.
10:56:39 34
10:56:41 35 When people are being arrested and interviewed and charges
10:56:44 36 are being brought you're aware of all of that?---Yes.
10:56:47 37
10:56:48 38 When court hearings are occurring, the result of court
10:56:51 39 hearings, aware of that?---Yes, to a certain degree.
10:56:57 40
10:56:58 41 Well aware of the progress of investigation of new
10:57:02 42 developments of the use of resources around the
10:57:04 43 organisation?---Yes.
10:57:05 44
10:57:10 45 In that role you also, when you were a Detective Inspector
10:57:14 46 in that role at MDID you had another role as a staff
10:57:19 47 officer to the Assistant Commissioner of Crime; is that

10:57:22 1 right?---No.

10:57:23 2

10:57:32 3 In 2001 - sorry, if I can just take you to paragraph 5, "I

10:57:38 4 was promoted to the rank of Detective Inspector and

10:57:41 5 performed the role of staff officer to the Assistant

10:57:45 6 Commissioner Crime"?---Yes.

10:57:46 7

10:57:46 8 Is that a role you carried out only in 2001?---Yes. Again

10:57:49 9 I think in that paragraph I make reference that I was a

10:57:52 10 staff officer, I was in charge of a Task Force and then I

10:57:55 11 was assigned to the Major Drug Investigation Division.

10:57:58 12 They were separate roles.

10:57:59 13

10:58:00 14 When you were a staff officer, is that a designated role

10:58:04 15 that you wholly perform, it's not something that you can do

10:58:07 16 along with other duties?---No, it's a dedicated role.

10:58:12 17

10:58:13 18 Just to ask you a few things about that role. What does

10:58:18 19 that role entail?---It's an administrative role supporting

10:58:23 20 the Assistant Commissioner to fulfil the task of again

10:58:27 21 leading the department or region.

10:58:29 22

10:58:30 23 So if the Assistant Commissioner is, Assistant

10:58:37 24 Commissioner's diary no doubt is full up with

10:58:39 25 meetings?---Yes.

10:58:39 26

10:58:41 27 The role of the staff officer would be to keep the diary of

10:58:44 28 the Assistant Commissioner?---No.

10:58:46 29

10:58:46 30 No. Who would keep the diary of an Assistant

10:58:49 31 Commissioner?---The executive assistant manages the

10:58:53 32 calendar and appointments.

10:58:54 33

10:58:56 34 Would the staff officer be involved in meetings with the

10:59:00 35 Assistant Commissioner?---Sometimes, yes.

10:59:02 36

10:59:03 37 Who would take notes of such meetings?---It depends on the

10:59:07 38 circumstances.

10:59:09 39

10:59:11 40 Can you elaborate on that?---Well, I can just I suppose

10:59:16 41 talk about my current role as the Assistant Commissioner in

10:59:19 42 charge of the southern metro region, I have a staff

10:59:22 43 officer. We have a number of governance meetings that the

10:59:25 44 staff officer might attend but there would be a secretariat

10:59:29 45 that would keep notes, not necessarily the staff officer.

10:59:32 46

10:59:32 47 Where would those notes be stored?---Those notes would be,

10:59:38 1 you know, recorded on the Victoria Police systems in terms
10:59:40 2 of our governance meetings as they occur today.

10:59:44 3
10:59:50 4 During the period that we're dealing with in late 2005 you
10:59:54 5 acted as Superintendent?---Yes.

10:59:56 6
10:59:59 7 How did your role change during that period of time?---Well
11:00:05 8 I had more interactions with senior command across the
11:00:08 9 Crime Department. I had a responsibility for the three
11:00:13 10 units, 1, 2 and 3 at the Major Drug Investigation Division.
11:00:18 11 I had more interaction with my fellow Superintendents and
11:00:23 12 other support services that were assisting the MDID with
11:00:29 13 their investigation.

11:00:31 14
11:00:31 15 Because you were going to have to return to the role of
11:00:33 16 Inspector did that necessitate you keeping track of the
11:00:36 17 progress of investigations during that period of
11:00:41 18 time?---Yes. Well as the Superintendent, similarly as the
11:00:46 19 Inspector, there were regular meetings in terms of
11:00:49 20 providing, as the Inspector, the Superintendent update in
11:00:54 21 terms of the status of the different investigations. As
11:00:57 22 the Superintendent I was receiving those updates from the
11:00:59 23 relevant Inspectors.

11:01:00 24
11:01:03 25 During your time at MDID were you involved in
11:01:06 26 investigations relating to Tony Mokbel?---No.

11:01:09 27
11:01:09 28 You would have been at least aware that those
11:01:12 29 investigations were going on?---Well, the name Tony Mokbel
11:01:19 30 was familiar to me but I wasn't aware and I don't recall
11:01:24 31 being made aware of the investigations that were relating
11:01:28 32 to him.

11:01:28 33
11:01:29 34 You were certainly aware in late 2005 that Mr Mokbel was a
11:01:36 35 target of MDID?---Well, my understanding is he became a
11:01:40 36 target of the Major Drug Investigation Division following
11:01:45 37 Ms Gobbo coming forward.

11:01:47 38
11:01:48 39 You don't understand that he was a target before that
11:01:50 40 time?---Well he may well have been but I'm not aware of it
11:01:54 41 and I certainly don't recall that being the case.

11:01:56 42
11:01:56 43 Were you aware that he was already facing drug related
11:02:03 44 charges at the time?---I don't recall whether I was aware
11:02:05 45 of that at the time. I certainly don't recall it now.

11:02:07 46
11:02:07 47 Assuming that was a fact, that he was facing drug related

11:02:10 1 charges at the time, do you say you would or wouldn't have
11:02:13 2 been aware of it back in 2005?---You know, it would be
11:02:17 3 something that may have been brought to my attention. More
11:02:20 4 likely not though. If it wasn't a current investigation
11:02:24 5 that was underway whilst I was upgraded as an Acting
11:02:30 6 Superintendent it might have been something that had been
11:02:31 7 resolved. Once these matters then go into brief
11:02:35 8 preparation it takes enormous commitment and time for our
11:02:39 9 staff to bring these matters before the court so it might
11:02:42 10 not have been on my radar.

11:02:43 11
11:02:44 12 Were you aware back in 2005 that there were cases in the
11:02:49 13 Drug Squad being prosecuted relating to Drug Squad briefs
11:02:54 14 that were being delayed because of the corruption matters
11:02:58 15 that occurred in the early 2000s within the Drug
11:03:02 16 Squad?---No, I was not aware of that.

11:03:04 17
11:03:09 18 Were you aware in 2005 that Ms Gobbo had appeared and given
11:03:13 19 legal advice to Tony Mokbel from early 2002?---No.

11:03:19 20
11:03:20 21 Were you aware at that stage that Ms Gobbo was regularly
11:03:24 22 appearing in relation to Drug Squad, sorry, MDID
11:03:29 23 matters?---She was a name or Ms Gobbo was someone that, you
11:03:35 24 know, a name that was familiar to me, someone that had been
11:03:38 25 involved in a number of court actions and, you know, being
11:03:42 26 a defence lawyer at our courts.

11:03:44 27
11:03:44 28 She had a significant media profile in relation to
11:03:47 29 representation of people like Tony Mokbel, didn't
11:03:51 30 she?---Not that I'm aware.

11:03:52 31
11:03:53 32 Do you say you wouldn't have been aware of that back
11:03:55 33 then?---I may have been but I certainly - it's not
11:03:59 34 something that's familiar to me now.

11:04:00 35
11:04:02 36 Do you say you weren't aware that lawyers acting on behalf
11:04:08 37 of Mr Mokbel were making certain efforts to obtain
11:04:14 38 disclosure material in relation to his case?---No, I was
11:04:16 39 not aware of that.

11:04:17 40
11:04:17 41 Were you aware that Mr Gerard Maguire of counsel was
11:04:21 42 appearing regularly on behalf of police in relation to
11:04:24 43 efforts by accused to obtain disclosure and resisting those
11:04:29 44 efforts?---No.

11:04:30 45
11:04:31 46 Do you know who Gerard Maguire is?---It's a name that's
11:04:36 47 familiar to me, but no, beyond that I don't know who he is.

11:04:38 1
11:04:41 2 Operation Quills was a 2005 drug operation relating to
11:04:47 3 associates of Tony Mokbel; is that right?---I'm not too
11:04:51 4 sure of that. I know the name that's recorded in my diary.
11:04:54 5 Whether that person's an associate of Tony Mokbel I'm not
11:04:57 6 sure.
11:04:57 7
11:04:59 8 Do you say you have no memory of matters back in 2005 and
11:05:03 9 all your evidence is simply based on entries in your
11:05:07 10 diary?---Fundamentally, yes. Keeping in mind that my focus
11:05:11 11 in those times were in the two divisions that primarily I
11:05:15 12 had responsibility for, that was Unit 1 and 3. The matters
11:05:20 13 that were operating in Unit 2 I was not familiar with and
11:05:25 14 we were very conscious in those times of, you know,
11:05:28 15 maintaining the confidentiality of our investigations and
11:05:33 16 how matters were proceeding in the respective units.
11:05:35 17
11:05:39 18 Although your role, once you became Superintendent, was to
11:05:43 19 supervise those under you who included those in Unit
11:05:47 20 2?---Yes, and from time to time one is upgraded and you are
11:05:52 21 briefed, primarily around the current operations, not court
11:05:56 22 proceedings that might have been underway.
11:05:57 23
11:05:58 24 Do you say in preparation for the Royal Commission going
11:06:02 25 through your diaries and in the process of making your
11:06:05 26 statement you have no general recollection of matters that
11:06:10 27 were occurring in relation to these events before the
11:06:13 28 Commission?---Which events do you refer to?
11:06:16 29
11:06:16 30 The events that are the subject of the Royal Commission and
11:06:19 31 the subject of your statement to the Royal
11:06:23 32 Commission?---Well I'm limited to the notes that I took at
11:06:25 33 the time and I have limited recollection of, you know,
11:06:28 34 matters beyond what's recorded in my diary. Primarily
11:06:32 35 because of the time that has elapsed, also the fact that,
11:06:39 36 again, as I said earlier, my focus was not on the matters
11:06:43 37 relating to Unit 2, they were on the matters relating to
11:06:46 38 Units 1 and 3.
11:06:47 39
11:06:47 40 Operation Quills led to a number of arrests in around
11:06:54 41 August of 2005; is that right?---I'm unable to tell you
11:06:58 42 that.
11:06:58 43
11:06:58 44 Sorry?---I'm unable to - I don't recall that.
11:07:01 45
11:07:01 46 If that was the case would you have known it at the
11:07:03 47 time?---It depends where I was working in August 2005. If

11:07:09 1 I could refer to my diary?
11:07:11 2
11:07:11 3 Yes, certainly. If you can indicate to the Commissioner
11:07:15 4 when you commenced performing your upgraded duties?---That
11:07:20 5 would take me some time to go through my diary. If you
11:07:24 6 give me a date of when Operation Quills went into
11:07:26 7 resolution I can tell you what I was doing on that
11:07:29 8 particular day.
11:07:29 9
11:07:32 10 Do you have any idea when you started performing the
11:07:36 11 upgraded duties?---No. It would be recorded in my diary
11:07:38 12 but I would have to go through it, I'm sorry.
11:07:41 13
11:07:41 14 COMMISSIONER: You had said you were at the MDID until
11:07:44 15 January 2006 I think?---That's correct.
11:07:46 16
11:07:46 17 Yes.
11:07:47 18
11:07:47 19 MS TITTENSOR: During the period that you've dealt with in
11:07:49 20 your statement, that is from September 2005, for a large
11:07:55 21 portion of that time you were performing upgraded duties;
11:07:59 22 is that right?---Correct.
11:08:00 23
11:08:00 24 You can't say immediately when you commenced performing
11:08:04 25 those upgraded duties?---No.
11:08:06 26
11:08:09 27 Perhaps during a break at some stage we'll have you look at
11:08:14 28 your diary so you can provide that evidence. In relation
11:08:18 29 to the proposal for Ms Gobbo to be a human source, who
11:08:24 30 first raised that with you?---My understanding, it was
11:08:32 31 Detective Sergeant Mansell and Detective Senior Constable
11:08:36 32 Rowe.
11:08:38 33
11:08:38 34 And what gives you that understanding?---Through my diary
11:08:43 35 and a discussion I've had with Detective Inspector White.
11:08:49 36
11:08:50 37 A recent discussion?---Yes.
11:08:52 38
11:08:52 39 When was that discussion?---I don't know when that was. It
11:08:57 40 was certainly within the last few weeks.
11:09:01 41
11:09:02 42 What prompted that discussion?---It was after I spoke to
11:09:06 43 the barrister that took my statement and a document that I
11:09:11 44 was shown that suggested that the day before I met with
11:09:14 45 members of the Dedicated Source Unit an application had
11:09:18 46 been made for their engagement.
11:09:22 47

11:09:22 1 What prompted you to have a discussion in particular with
11:09:25 2 Detective Inspector White?---During the course of our
11:09:30 3 interactions, he is a Superintendent now in the southern
11:09:34 4 metro region, the fact that he was involved, as I was, in
11:09:40 5 these matters. I didn't recall it. He recalled to me
11:09:45 6 without prompting that he has a vivid recollection of
11:09:50 7 coming to my office as the Acting Superintendent on the day
11:09:53 8 before we had the meeting with the Dedicated Source Unit
11:09:55 9 people to say that the detectives were engaged with
11:10:03 10 Ms Gobbo and Ms Gobbo was certainly raising matters that
11:10:11 11 would indicate that she wanted to assist Victoria Police.
11:10:12 12
11:10:16 13 This is what Detective Inspector White has told you
11:10:21 14 recently?---Effectively, yes.
11:10:22 15
11:10:23 16 Do you have those recollections?---I don't recall that
11:10:26 17 conversation with Rowe, Mansell and White, apart from a
11:10:38 18 very vague memory.
11:10:40 19
11:10:41 20 Did he say anything further in relation to - you said they
11:10:48 21 were engaged with Ms Gobbo and Ms Gobbo was raising certain
11:10:52 22 matters with them and was wanting to assist police?---Yes.
11:10:55 23
11:10:58 24 Was there anything further indicated to you by Detective
11:11:02 25 Inspector White as to what occurred on that occasion?---No,
11:11:08 26 apart from the fact that we rely upon our diaries because
11:11:12 27 it was so long ago and I didn't have a diary entry for that
11:11:15 28 date and hence didn't - cannot recall it apart from a vague
11:11:19 29 recollection of being approached by certainly Detective
11:11:23 30 Sergeant Mansell.
11:11:24 31
11:11:28 32 Do you know where that meeting took place?---No.
11:11:30 33
11:11:32 34 Did Detective Inspector White say that he had diary entries
11:11:36 35 in relation to it?---I don't know if he's got diary entries
11:11:41 36 and I don't know if he shared that with me. I don't recall
11:11:44 37 that comment being made.
11:11:45 38
11:11:45 39 Have you had any other discussions with other people in
11:11:48 40 relation to this period of time?---Only those that work
11:11:52 41 around me, Detective Superintendent Paul Hollowood.
11:11:59 42
11:11:59 43 What was the nature of the discussions with
11:12:04 44 Mr Hollowood?---We were talking about professional legal
11:12:08 45 privilege in particular yesterday and that's how during the
11:12:11 46 course of that conversation the matter of Robert Selby Lowe
11:12:14 47 was raised.

11:12:15 1
11:12:17 2 What was the nature of your discussion about legal
11:12:21 3 professional privilege?---What it related to, you know,
11:12:28 4 talking about I suppose, you know, his thoughts as a
11:12:35 5 significant contributor as a member of Victoria Police for
11:12:40 6 some years, you know, I raised with him what he thought
11:12:44 7 about that.
11:12:45 8
11:12:48 9 When you say a significant contributor, do you mean in
11:12:50 10 relation to his service to Victoria Police or do you mean
11:12:55 11 in another context?---No, as a very experienced criminal
11:13:00 12 investigator and member of Crime Command for many years.
11:13:04 13
11:13:04 14 Did you express what your thoughts were in relation to
11:13:07 15 legal professional privilege?---Say that again, sorry?
11:13:09 16
11:13:10 17 Did you express what your thoughts were in relation to
11:13:12 18 legal professional privilege?---No, not in particular.
11:13:14 19
11:13:15 20 He told you what his thoughts were?---Yes.
11:13:17 21
11:13:17 22 What were his thoughts?---In summation he was sharing with
11:13:23 23 me that the legal professional privilege related to matters
11:13:29 24 that were subject to court proceedings or pending court
11:13:34 25 proceedings. They were matters that related to events of
11:13:39 26 the past. He shared with me that he did not believe that
11:13:44 27 they mattered married or related to matters that occurred
11:13:48 28 in the future. And an example we discussed where a lawyer
11:13:56 29 was with a client and that client expressed to the lawyer
11:14:00 30 that he planned to go and commit crime that would see the
11:14:06 31 loss of life. In those circumstances we both agreed that
11:14:11 32 that lawyer would have not only a moral obligation, but an
11:14:15 33 ethical obligation, to report that to a law enforcement
11:14:20 34 body, primarily to save life. That's the conversation that
11:14:25 35 we had in summation.
11:14:26 36
11:14:27 37 Was there any discussion in relation to lawyers having
11:14:31 38 conflicts of interest?---Not specifically, no.
11:14:34 39
11:14:38 40 Is that the extent of the conversation that you had with
11:14:40 41 Mr Hollowood?---Fundamentally, and we also talked about
11:14:45 42 public interest immunity.
11:14:46 43
11:14:47 44 What was the nature of the discussion in relation to public
11:14:50 45 interest immunity?---We talked generally about the fact
11:14:53 46 that that is usually a matter that is applied for by the
11:15:00 47 Crown and in the Victoria Police context how, you know, we

11:15:05 1 often seek immunity to not disclose information around
11:15:11 2 police methodology, the identity of informers on the basis
11:15:16 3 of it not being in the public interest.
11:15:20 4
11:15:21 5 So when you say it's usually a matter applied for by the
11:15:23 6 Crown, is that what you said?---That's what I said.
11:15:25 7
11:15:28 8 Is it your understanding that the police usually raise it
11:15:34 9 themselves or that the Crown, that is the OPP, usually
11:15:40 10 raise public interest immunity?---Well it's an argument
11:15:45 11 that's presented by the prosecuting authority, the Crown or
11:15:54 12 a prosecutor, on the advice of a police informant. That
11:15:59 13 non-disclosure, may I say, whilst it's a matter that in my
11:16:02 14 circumstances is something that is usually a matter of
11:16:07 15 Victoria Police interest and the prosecution case, it's not
11:16:10 16 limited to, you know, those involved in a prosecution.
11:16:16 17 That's my understanding, the public interest immunity can
11:16:21 18 be non-disclosure that any party of litigation can claim.
11:16:25 19
11:16:26 20 When an occasion of the police believing that there's an
11:16:31 21 immunity to be claimed on the basis of public interest, for
11:16:35 22 example, an informer immunity or some other kind of
11:16:38 23 immunity, that the police don't want to disclose this
11:16:42 24 evidence for some reason, what do you understand the
11:16:48 25 process to be from that point in time?---Well, it's a
11:16:51 26 matter that will ultimately be determined by the court.
11:16:54 27
11:16:56 28 If the police, someone under your command, if you're an
11:17:01 29 Inspector or you've got a case being prepared for the DPP,
11:17:08 30 you know there's some material that exists which the
11:17:13 31 defence in the ordinary course might have disclosed to them
11:17:16 32 but there's an issue of public interest immunity, what
11:17:21 33 occurs from that point in time?---Well it's a matter of a
11:17:26 34 legal argument. We take advice and ultimately those
11:17:30 35 arguments are presented before the court and the court will
11:17:33 36 make a judgment on that.
11:17:34 37
11:17:35 38 If the police believe that there might be a claim for
11:17:37 39 public interest immunity, they go and seek advice, that's
11:17:41 40 right?---During the course of a prosecution.
11:17:46 41
11:17:46 42 Yes?---As I say, we regularly, you know, make application
11:17:51 43 to the court not to disclose, for example, police
11:17:55 44 methodology, the identity of police informers.
11:17:58 45
11:17:58 46 Yes?---And that's a matter that's presented to the court.
11:18:01 47

11:18:01 1 Yes?---Arguments prepared and presented by a prosecutor and
11:18:08 2 after legal argument the court will make a determination.

11:18:10 3
11:18:10 4 I just want to understand the process. So the police
11:18:15 5 involved in the investigation believe there's a claim.
11:18:18 6 They will go and seek advice, either from perhaps the VGSO
11:18:25 7 or the OPP as to what they think, whether they think that
11:18:29 8 that claim might be made out, and the matters in essence
11:18:33 9 will be disclosed there and then they'll be disclosed and
11:18:37 10 argued through the court as to whether that material
11:18:39 11 ultimately gets disclosed to an accused or not?---That's a
11:18:44 12 possibility in terms of a process.

11:18:47 13
11:18:49 14 It wouldn't be acceptable for the investigators simply not
11:18:52 15 to tell anyone that that information exists?---In what
11:18:56 16 context?

11:18:56 17
11:18:57 18 Well, if there's material that ordinarily might be
11:19:00 19 disclosed or could be subject to disclosure, rather than
11:19:05 20 making it be known or seeking advice about the matter and
11:19:10 21 letting the court determine whether that material ought be
11:19:14 22 disclosed, it would not be acceptable to hide that
11:19:21 23 material, to not disclose it to anyone?---Well, again, you
11:19:26 24 want a yes or no answer and I don't think I can provide
11:19:29 25 that to you because I don't know, you know, the
11:19:32 26 circumstances. We need to treat every case on its merit.
11:19:35 27 We hold the office of Constable as a sworn member of the
11:19:39 28 organisation. There might be good reason for the
11:19:43 29 non-disclosure. Again, as I say, in the normal
11:19:49 30 circumstances when, as I was discussing with Superintendent
11:19:53 31 Hollowood around public interest immunity, you know, we
11:19:56 32 talked about in general terms these are the circumstances
11:19:59 33 that, you know, we apply for that immunity not to divulge
11:20:06 34 information.

11:20:06 35
11:20:06 36 To determine whether the public interest exists a court
11:20:10 37 needs to decide on that, a court needs to hear the evidence
11:20:15 38 and determine where the public interest lies. Does it lie
11:20:18 39 in not disclosing to an accused or does it lie in
11:20:23 40 disclosing to an accused? Do you understand that?---I do.

11:20:25 41
11:20:27 42 Is it acceptable for the police to simply hide that
11:20:32 43 information and not let the court decide where the public
11:20:36 44 interest lies?---Well, as I say, there might be
11:20:39 45 circumstances that our police members don't want to divulge
11:20:43 46 that.

11:20:43 47

11:20:44 1 Are there any reasonable circumstances in which the police
11:20:48 2 just simply wouldn't get advice about whether they ought to
11:20:51 3 go to the court and have the court determine the
11:20:54 4 matter?---Well there might be circumstances that exist that
11:20:57 5 they might not seek legal advice. It may well be in
11:21:00 6 circumstances where we're presented with certain facts,
11:21:05 7 evidence, a scenario where it might mean the loss of life
11:21:09 8 and we need to make a hard call.
11:21:11 9

11:21:12 10 A very extreme circumstance, you say, when we oughtn't even
11:21:16 11 let the court decide?---Well, a court is usually, you know,
11:21:21 12 again involved when we're talking about, you know, someone
11:21:25 13 being charged and presented before the court. That's where
11:21:27 14 we usually engage in the process of adjudication involving
11:21:32 15 a court.
11:21:32 16

11:21:33 17 That's exactly what I'm asking you about currently. You've
11:21:36 18 got a brief of evidence, accused want disclosure of
11:21:42 19 materials, the police have material but they consider some
11:21:46 20 of that material ought to be not disclosed on the basis of
11:21:51 21 public interest immunity. You ought to, you accept, go and
11:21:57 22 seek some advice and have the court decide where the public
11:22:01 23 interest lies?---You can seek advice or, alternatively, you
11:22:06 24 can make a hard call and say no, this is in circumstances
11:22:10 25 where disclosure might mean the loss of life and that might
11:22:13 26 be the extreme circumstances you're referring to now, I'm
11:22:16 27 unclear. But there is no hard and fast rule.
11:22:19 28

11:22:20 29 So the police get to decide whether the court gets to
11:22:23 30 decide?---No. I said a moment ago in circumstances where
11:22:29 31 the matter's being presented before the court, you know, I
11:22:33 32 would expect, you know, in normal circumstances the court
11:22:37 33 would be aware of the full facts and circumstances. In
11:22:40 34 normal circumstances there might be, you know, legal advice
11:22:44 35 obtained but there might be other circumstances where a
11:22:47 36 member of Victoria Police needs to make a very difficult
11:22:51 37 decision and, again, we treat each case on its own merits.
11:22:57 38

11:22:57 39 Have you had that circumstance arise in your career where
11:23:00 40 police have had to make that very difficult decision and
11:23:04 41 simply haven't told anyone of the existence of evidence
11:23:08 42 such that it's not been disclosed to even the courts?---No.
11:23:12 43

11:23:22 44 When you found out that Ms Gobbo, it was being proposed
11:23:27 45 that Ms Gobbo be recruited as a human source, did you think
11:23:31 46 that that was odd?---It was in a set of circumstances that
11:23:39 47 I'd not been involved in in the past.

11:23:42 1
11:23:44 2 Did you think it was odd that a defence barrister might be
11:23:46 3 used by police as a human source?---No, but it was
11:23:51 4 something that I'd never been involved in in my career.
11:23:54 5
11:23:56 6 Had you heard of it ever happening before?---No.
11:24:01 7
11:24:04 8 Did you think that there might be some need for some strict
11:24:07 9 protocols in place if it was to happen?---Well, by the mere
11:24:15 10 I suppose actions that I undertook demonstrated that we
11:24:18 11 needed to make an assessment of this by subject matter
11:24:23 12 experts and that's why the detectives - in fact I referred
11:24:28 13 the matter to the Dedicated Source Unit.
11:24:30 14
11:24:34 15 Was there any expertise within the Police Force of
11:24:36 16 recruiting lawyers to be human sources?---Not that I'm
11:24:43 17 aware of, not outside certainly the Dedicated Source Unit
11:24:46 18 that were members involved in, you know, recruiting and
11:24:53 19 managing high risk informers.
11:24:55 20
11:24:56 21 Did you understand that the SDU had any other lawyers on
11:25:02 22 the books?---Not that I was aware of.
11:25:04 23
11:25:05 24 Did you understand that they had any expertise at all, any
11:25:10 25 knowledge at all about putting lawyers on the books?---Not
11:25:13 26 that I was aware of.
11:25:17 27
11:25:21 28 There's some police records that we've got that indicate
11:25:25 29 that on 7 September there was a request by yourself as
11:25:32 30 Acting Superintendent of the MDID for the SDU to assist in
11:25:38 31 relation to the assessment of a human source who had
11:25:42 32 approached Mansell and I think it says Cheeseman, perhaps
11:25:47 33 by mistake, in an emotional state concerned for her welfare
11:25:52 34 and wants to talk re association with Mokbel crew. Does
11:25:59 35 that accord with your understanding of what occurred at
11:26:01 36 that stage?---Yes, and that's the document I'm led to
11:26:04 37 believe was I presume prepared by someone from the MDID or
11:26:12 38 the Dedicated Source Unit on my behalf the day prior to
11:26:15 39 actually meeting the Dedicated Source Unit members.
11:26:17 40
11:26:18 41 What I'm just referring to is an entry by a controller in
11:26:23 42 the SDU as to what occurred around this period of time, but
11:26:27 43 there was an indication at that period of time that
11:26:30 44 Ms Gobbo, to your knowledge, you're reporting this to them,
11:26:34 45 that "she wants to talk re association with Mokbel
11:26:38 46 crew"?---May I see that document you're referring to?
11:26:42 47

11:26:42 1 No, I don't understand that anyone's allowed to see that
11:26:45 2 document at the moment. Those matters are being worked
11:26:48 3 through. Is that similar to your understanding of what was
11:26:59 4 going on at the time, that that's what she wanted to talk
11:27:02 5 about?---Yes. My understanding is that she presented or
11:27:06 6 had engagement with Mansell and Rowe. I have a vague
11:27:13 7 recollection of being briefed by them, as I said, which
11:27:17 8 prompted the submission of a form to engage the Dedicated
11:27:21 9 Source Unit and then, as recorded in my diary, the day
11:27:24 10 after we met with Detective Senior Sergeant Jones and
11:27:27 11 others.
11:27:28 12
11:27:28 13 Perhaps we'll put that first document up on the screen if
11:27:32 14 we can. VPL.2000.0002.0712. This is a document that
11:27:50 15 you've referred to in your statement; is that right?---Yes.
11:27:53 16
11:27:54 17 This is a request that you make for assistance from the
11:27:59 18 Source Development Unit?---Yes.
11:28:01 19
11:28:01 20 On 7 September?---Yes.
11:28:06 21
11:28:29 22 You'll see on that document that you are listed as the
11:28:32 23 requesting member?---Yes.
11:28:34 24
11:28:37 25 Steve Mansell is listed as the current handler?---Yes.
11:28:41 26
11:28:45 27 J O'Brien, is that Jim O'Brien?---Yes.
11:28:47 28
11:28:47 29 Is listed as the current controller. It seems to already
11:28:55 30 contain the registration number. Is this a document that
11:29:02 31 was reproduced at a later period of time based upon another
11:29:06 32 document that you would have submitted at the
11:29:11 33 time?---Possibly but the first time I saw that document was
11:29:15 34 when I got interviewed by your colleague last week.
11:29:21 35
11:29:21 36 Sorry, this is someone from Corrs who is representing you;
11:29:27 37 is that right?---Correct.
11:29:27 38
11:29:30 39 You see there that it lists a current handler and a current
11:29:33 40 controller. Had Ms Gobbo already been registered by the
11:29:39 41 MDID at that point?---Not to my knowledge.
11:29:42 42
11:29:46 43 Can you provide any explanation why it might say current
11:29:50 44 handler and current controller?---No.
11:29:53 45
11:29:59 46 It's clear, at least from that, that even if she wasn't
11:30:02 47 registered she was being considered as an unregistered

11:30:05 1 informer of MDID at that stage?---Yes.
11:30:08 2
11:30:13 3 The description at the bottom of the form as to the nature
11:30:15 4 of the assistance required says, "Source capable of
11:30:21 5 providing quality intelligence regarding Mokbel cartel",
11:30:26 6 that's right?---Yes.
11:30:26 7
11:30:27 8 Now that's information that must have been provided to you
11:30:30 9 at that stage?---Just to clarify, this form wasn't
11:30:35 10 completed by me. It's been prepared by someone else and
11:30:39 11 the first time I saw it was last week.
11:30:41 12
11:30:44 13 It lists you as the requesting member; is that
11:30:46 14 right?---Yes.
11:30:46 15
11:30:49 16 This form wouldn't have been submitted without your
11:30:51 17 approval at that stage, would it?---I would have given
11:30:56 18 tacit approval on the day before, not that I recall it, of
11:31:02 19 engaging the Dedicated Source Unit. So someone's prepared
11:31:05 20 this document to initiate their engagement and the meeting
11:31:08 21 we had with them the day after.
11:31:10 22
11:31:10 23 You've just given an account of having a discussion with
11:31:14 24 Detective Inspector White as to what he understood occurred
11:31:17 25 at that meeting?---Yes.
11:31:18 26
11:31:18 27 And you've got no reason to dispute his account or his
11:31:21 28 memory of it?---No, in fact the document corroborates the
11:31:24 29 fact that that occurred.
11:31:25 30
11:31:25 31 It indicates that the source is capable of providing
11:31:27 32 quality intelligence regarding the Mokbel cartel?---Yes.
11:31:30 33
11:31:30 34 And you would have no reason to dispute that that's the
11:31:33 35 nature of the information that you were given at the
11:31:35 36 time?---Well, and that's recorded in my diary as well.
11:31:38 37
11:31:43 38 This asks for - the box that's marked is "management of
11:31:48 39 this informer"; is that right?---Yes.
11:31:51 40
11:31:56 41 There's no indication in relation to the nature of the
11:31:59 42 assistance required of there being any assistance required
11:32:04 43 because of the occupation of that informer listed on that
11:32:11 44 form?---Not on that page but there are other pages attached
11:32:18 45 to the document that makes reference to her occupation.
11:32:20 46
11:32:20 47 I'll come back to that, to the rest of the form. You have

11:32:29 1 referred to diary entries obviously in the making of your
11:32:34 2 statement. On 8 September you've got a diary entry, and
11:32:43 3 I'll use the names that are in the form that you've got
11:32:47 4 beside you, indicating at 14:55 you met with Detective
11:32:56 5 Senior Sergeant Jones, who's the head of the SDU, and
11:33:04 6 Detective Sergeant Brennan, as well as Detective Sergeant
11:33:08 7 Mansell and Detective Senior Constable Rowe, and you had a
11:33:11 8 discussion in relation to Operation Quills. You discussed
11:33:16 9 an offender who was arrested in the course of that
11:33:18 10 operation and the legal representative being Gobbo?---It
11:33:27 11 doesn't make any reference in my diary that that offender
11:33:30 12 was arrested.
11:33:32 13
11:33:33 14 Do you understand that that offender was arrested during
11:33:37 15 Operation Quills and was represented by Ms Gobbo?---No, I
11:33:40 16 don't recall that.
11:33:40 17
11:33:42 18 If that's the case and Detective Sergeant Mansell and
11:33:49 19 Detective Senior Constable Rowe were the people going to
11:33:52 20 court in relation to that offender and that's how they came
11:33:55 21 into contact with Ms Gobbo and came to understand that she
11:33:58 22 wanted to provide some assistance, you've got no reason to
11:34:02 23 doubt that that's what they would have been telling you at
11:34:05 24 this meeting?---No, I've got no reason to doubt that.
11:34:08 25
11:34:08 26 That meeting concludes at 15:35; is that right?---Correct.
11:34:13 27
11:34:14 28 It goes for 40 minutes?---Correct.
11:34:19 29
11:34:21 30 Have you got any idea of what you were told in the course
11:34:24 31 of those 40 minutes apart from your note of discussion in
11:34:28 32 relation to Operation Quills, the offender and legal
11:34:31 33 representative Gobbo?---No.
11:34:33 34
11:34:36 35 Did you understand that that offender that Ms Gobbo was
11:34:40 36 representing was a member of the Mokbel cartel?---No.
11:34:43 37
11:34:43 38 Would you have understood that at the time given the
11:34:48 39 request for assistance indicates that the source is capable
11:34:54 40 of providing quality intelligence regarding the Mokbel
11:34:57 41 cartel?---No, I didn't draw the links, not that I recall.
11:35:02 42
11:35:10 43 We have a record of the Source Development Unit's record of
11:35:16 44 that meeting. It indicates that Detective Inspector White
11:35:23 45 was present at that meeting. Do you know if Detective
11:35:33 46 Inspector - is this the - sorry, I withdraw that. That
11:35:37 47 record indicates that there's a briefing in relation to the

11:35:39 1 human source and Operation Quills, "that the human source
11:35:45 2 is concerned she's under surveillance and may be killed,
11:35:47 3 that the DSU is to meet with the same for assessment.
11:35:53 4 There's concerns that the human source is well-known to
11:35:56 5 numerous police members and may have spoken to same re
11:35:59 6 approach to MDID". That's a record of the Source
11:36:07 7 Development Unit. Is that the subject of what was
11:36:11 8 discussed as between you and Mr White recently?---No.
11:36:16 9
11:36:17 10 Is this a separate meeting to that?---Yes.
11:36:21 11
11:36:23 12 Do you accept that those things that I've just outlined
11:36:26 13 were also discussed in that meeting on 8 September?---I
11:36:31 14 don't dispute the fact that they were discussed as recorded
11:36:34 15 but I don't have a recollection of it.
11:36:36 16
11:36:46 17 Your diary in relation to that day also indicates that
11:36:50 18 later that evening at 5.30 you receive a phone call from
11:36:54 19 Detective Inspector Shawyer and you discussed Mr O'Brien
11:36:59 20 being deployed to Purana, do you see that?---Yes, I do.
11:37:04 21
11:37:04 22 Do you recall that event occurring around that period of
11:37:09 23 time?---No.
11:37:10 24
11:37:12 25 You don't recall Mr O'Brien himself moving from MDID over
11:37:20 26 to Purana?---No, I don't recall specifically but I believe
11:37:24 27 it did occur.
11:37:25 28
11:37:32 29 I've just been given a note, Your Honour, that perhaps it's
11:37:35 30 a convenient time for a mid-morning break.
11:37:37 31
11:37:38 32 COMMISSIONER: Yes, all right then. We'll adjourn for ten
11:37:41 33 minutes.
11:37:43 34
11:37:43 35 (Short adjournment.)
11:37:44 36
12:01:49 37 COMMISSIONER: Yes Ms Tittensor.
12:01:59 38
12:02:06 39 MS TITTENSOR: Mr Hill, as I indicated earlier the
12:02:10 40 Commission understands that in around late August 2005
12:02:14 41 Mansell and Rowe met with Ms Gobbo at court in relation to
12:02:19 42 a hearing for a client of hers. They had a conversation
12:02:24 43 with her following the hearing which they taped. They then
12:02:29 44 met Ms Gobbo a second time that day and again taped that
12:02:34 45 conversation and that those things were done with the
12:02:37 46 knowledge and on the instructions of Detective Senior
12:02:42 47 Sergeant O'Brien. Were you aware that that had occurred

12:02:45 1 when you were given a briefing in relation to the
12:02:48 2 matter?---No, not that I recall.
12:02:51 3
12:02:52 4 Do you expect that you would have been told about those
12:02:54 5 matters?---No.
12:02:56 6
12:02:57 7 You don't expect that you would have been filled in on how
12:03:00 8 they came to approach Ms Gobbo and that they'd already
12:03:04 9 recorded some conversations with her?---It may have been
12:03:09 10 shared with me, I don't recall it, and that, you know,
12:03:13 11 again it wasn't paramount that they shared that sort of
12:03:16 12 information with me.
12:03:16 13
12:03:16 14 When those kinds of things happened and there were tapes
12:03:22 15 obviously with some sensitive information on them, where
12:03:25 16 would those be stored?---That type of recording would
12:03:34 17 remain with the investigators and then be managed by the
12:03:38 18 Detective Senior Sergeant in charge of the unit.
12:03:40 19
12:03:41 20 So that would have been Mr O'Brien?---Yes.
12:03:43 21
12:03:46 22 What would occur with those tapes over the course of
12:03:51 23 time?---It depends. Ultimately what, you know, it related
12:03:56 24 to and where the matter was adjudicated if you like in a
12:04:01 25 court of law or something similar.
12:04:03 26
12:04:03 27 Well, I'm talking about Victoria Police storing the tapes
12:04:06 28 at least in case they happen to come up for, in a court of
12:04:11 29 law or in any case for posterity. In this case we know
12:04:17 30 that Ms Gobbo was at least, on your evidence, an
12:04:20 31 unregistered informer and then subsequently became
12:04:23 32 registered by the SDU. What would have occurred with tapes
12:04:28 33 in that situation?---Those tapes I don't believe were
12:04:35 34 subject to stringent policy as it related to tape
12:04:40 35 recordings that were made during the course of a formal
12:04:46 36 interview where we had policy that certainly articulated
12:04:52 37 how those tapes should be managed and ultimately destroyed
12:05:00 38 or used at a later date. Those types of tapes, I don't
12:05:05 39 believe there was policy in existence related to that that
12:05:08 40 I'm aware of.
12:05:09 41
12:05:09 42 It was just for someone who had possession of the tapes to
12:05:14 43 decide what happened with them?---I would expect our
12:05:18 44 detectives to seek guidance from their supervisors, at
12:05:22 45 least a Sergeant or Senior Sergeant in terms - - -
12:05:25 46
12:05:25 47 Assuming they did and Detective Senior Sergeant O'Brien has

12:05:28 1 the tapes, over the course of time what would be expected
12:05:32 2 to happen with those tapes? He retains possession for a
12:05:36 3 certain amount of time but what then occurs?---Well, we
12:05:42 4 have policy as it relates to official records and how long
12:05:45 5 they're retained and how they're disposed of. Whether that
12:05:49 6 policy relates to tape recordings that occurred between a
12:05:53 7 potential human source and an investigator, I don't believe
12:05:58 8 the policy is that comprehensive to include those types of
12:06:05 9 scenarios. The tapes, you know, if ultimately that person
12:06:13 10 was registered as a human source well, you know, you would
12:06:18 11 expect that to be part of the information that would be
12:06:22 12 stored within that remit. Or alternatively, in terms of
12:06:27 13 the investigation management, if ultimately someone's
12:06:31 14 charged the tapes would form part of the records associated
12:06:35 15 with that investigation.

12:06:40 16
12:06:43 17 Following your briefing on 8 September we understand from
12:06:56 18 documentation in relation to Mr O'Brien that on 12
12:07:02 19 September 2005 Assistant Commissioner Overland was briefed
12:07:05 20 in relation to the matter. If that was occurring on 12
12:07:10 21 September, would you have known about it as Acting
12:07:15 22 Superintendent?---I don't recall it. It's not recorded.
12:07:22 23 And it may have occurred without my knowledge because of
12:07:26 24 the sensitivity of the matters at hand.

12:07:28 25
12:07:30 26 Well, was there any sensitivity involved in circumstances
12:07:34 27 where you'd already been briefed about it?---Say that again
12:07:38 28 please.

12:07:39 29
12:07:39 30 Why would there be a sensitivity such that you wouldn't be
12:07:42 31 told that Assistant Commissioner Overland was being told
12:07:46 32 when you already had the knowledge, you'd already yourself
12:07:51 33 been briefed about it?---Again I don't follow your
12:07:54 34 question. As I said, the matter right from the outset, you
12:07:57 35 know, was something that was being treated with some
12:08:01 36 sensitivity and there was, you know, action underway to
12:08:07 37 maintain the confidentiality of the information that was
12:08:12 38 being provided by Ms Gobbo and how it was to be managed
12:08:16 39 going forward.

12:08:17 40
12:08:17 41 You had been briefed on the matter at least prior to 7
12:08:20 42 September when the application is put to the SDU?---Yes.

12:08:23 43
12:08:24 44 You'd had another meeting on 8 September?---Yes.

12:08:27 45
12:08:27 46 And if there's a briefing given to Assistant Commissioner
12:08:31 47 Overland on 12 September by a subordinate of yours who you

12:08:36 1 were the Acting Superintendent of, would you expect that
12:08:39 2 you would have been told about it?---I would expect to be
12:08:42 3 told about it but again in the circumstances that presented
12:08:46 4 Mr O'Brien might have taken a course of action that he
12:08:50 5 wanted to take it directly to the Assistant Commissioner.
12:08:53 6 The Assistant Commissioner might have sought out Mr O'Brien
12:08:58 7 directly. Again, without me checking my diary and where I
12:09:01 8 was at that particular time, you know, there might have
12:09:03 9 been good reason for me not to be briefed.

12:09:06 10
12:09:07 11 There might have been good reason for him to jump the
12:09:10 12 levels of Inspector and Superintendent and go straight to
12:09:16 13 Assistant Commissioner?---He might have not, you know,
12:09:18 14 initiated the meeting, it might have been called by
12:09:22 15 Assistant Commissioner Overland. Assistant Commissioner
12:09:24 16 Overland might have been briefed by Commander Purton and Mr
12:09:32 17 Overland might have taken a course of action that he's
12:09:33 18 summonsed Mr O'Brien to his office and wanted to hear it
12:09:38 19 directly from Mr O'Brien.

12:09:40 20
12:09:40 21 COMMISSIONER: Does your diary show that you worked that
12:09:43 22 day, on 12 September 2005?---Yes, Commissioner, I was
12:09:50 23 working on 12 September 2005.

12:09:53 24
12:09:53 25 Thank you.

12:10:01 26
12:10:04 27 MS TITTENSOR: Is there any indication you attended any
12:10:07 28 briefing or meeting relating to the Assistant Commissioner
12:10:11 29 on that day?---No, in fact the entire day it would appear
12:10:15 30 that I was attending a training program at the Victoria
12:10:21 31 Police Centre where I've arrived there at 9 o'clock in the
12:10:25 32 morning and I was there until 3.30 in the afternoon.

12:10:37 33
12:10:37 34 Did you understand around this time, I may have asked you
12:10:42 35 before, that Mr O'Brien and perhaps his MDID crew were
12:10:50 36 transitioned into Purana?---Only when you brought it to my
12:10:55 37 attention when you referred to the diary entry where it
12:10:58 38 says that Mr O'Brien was, you know, going to Purana.

12:11:03 39
12:11:03 40 So this is something that you would have understood at the
12:11:05 41 time but you have no memory of now?---I have no memory of
12:11:10 42 it now. I know ultimately that's where Mr O'Brien was
12:11:13 43 transferred to.

12:11:14 44
12:11:15 45 Purana was something that Mr Overland closely
12:11:20 46 monitored?---Yes.

12:11:20 47

12:11:26 1 Were you aware who was involved in briefings and updates in
12:11:32 2 relation to Task Force Purana?---No.
12:11:35 3
12:11:35 4 It's not something that you ever yourself got involved
12:11:38 5 in?---No.
12:11:39 6
12:11:42 7 If there was some overlap between Purana and MDID matters
12:11:48 8 do you have any recollection of those?---No.
12:11:50 9
12:12:04 10 It seems - well, the evidence before the Commission
12:12:09 11 suggests that on Friday 16 September 2005, I don't think
12:12:15 12 there will be an entry necessarily in your diary relevant
12:12:20 13 on this day, but just to fill you in, Detective Sergeant
12:12:24 14 Jones and Brennan of the SDU, whose names you might be
12:12:28 15 reminded are on that piece of paper beside you, conducted
12:12:32 16 the initial meeting and assessment of Ms Gobbo over the
12:12:36 17 course of a number of hours and at that meeting Mansell and
12:12:39 18 Rowe were also present. You no doubt would have been made
12:12:45 19 aware of what occurred following that?---I believe so and I
12:12:50 20 think that's articulated in my statement where certainly
12:12:55 21 Detective Senior Sergeant Jones was keeping me apprised of
12:12:59 22 the assessment and the meetings that he was having, which I
12:13:03 23 relayed to Commander Purton.
12:13:08 24
12:13:33 25 Amongst matters discussed at that meeting were clients of
12:13:42 26 Ms Gobbo's, one of whom became, had in the past become a
12:13:47 27 Crown witness and the fact that she had checked and edited
12:13:52 28 that person's evidence or statement prior to his signing
12:13:56 29 and she didn't want that fact to be found out by others.
12:14:03 30 She indicated to the police there present that she thought
12:14:08 31 it likely that Federal Police, Purana and probably the Drug
12:14:13 32 Squad were investigating her client, Mokbel. There was a
12:14:19 33 discussion then about the effectiveness of Purana
12:14:23 34 restraining assets. There was a discussion about another
12:14:26 35 current client of hers, as well as Mokbel. There was a
12:14:31 36 suggestion of her being involved in setting up Mr Mokbel
12:14:36 37 with an undercover regarding a bribe. There was a
12:14:41 38 discussion about money laundering and the possibility of
12:14:46 39 introducing someone to Mr Mokbel who could potentially
12:14:51 40 launder money for him. And then it was ultimately, it's
12:14:58 41 ultimately noted by the handler that at the very least this
12:15:03 42 human source can definitely be of high value in relation to
12:15:06 43 current intelligence on Mokbel family and associates. So
12:15:10 44 that's a bit of a background, brief as it is, in relation
12:15:14 45 to some of the matters covered at that meeting. If we can
12:15:34 46 go back to that document that was produced earlier, the
12:15:42 47 request for assistance, VPL.2000 - yep, that's the one. If

12:15:50 1 we can scroll down to p.2. This records the SDU assessment
12:16:00 2 by Brennan, Detective Sergeant Brennan, that occurred on
12:16:04 3 that day. You'll see that assesses Ms Gobbo as
12:16:11 4 strategically or tactically viable. There's a yes beside
12:16:16 5 that. It assesses her as high risk. It assesses her as
12:16:20 6 high value and it recommends SDU management of her. Now,
12:16:29 7 you see that that document is not signed. Are you able to
12:16:36 8 indicate where the original or the signed version of such
12:16:42 9 document might be located?---I expect it to be retained by
12:16:49 10 the Dedicated Source Unit or the local informer registrar.
12:16:55 11
12:16:55 12 If we can scroll then to p.3, please. You'll see that that
12:17:03 13 document records that SDU management was to commence on
12:17:06 14 that day, that being 16 September 2005. It also indicates
12:17:13 15 that an AOR was completed on that day. Do you know what an
12:17:18 16 AOR is?---No, I don't.
12:17:26 17
12:17:27 18 Do you know what an acknowledgement of risk is in relation
12:17:32 19 to informers? Sorry, an acknowledgement of responsibility
12:17:37 20 in relation to informers?---No, it's a term that's not
12:17:43 21 familiar to me.
12:17:44 22
12:17:46 23 The form then goes on to record that the risk assessment or
12:17:50 24 a risk assessment is not completed until 23 November 2005,
12:17:54 25 do you see that?---Yes.
12:17:56 26
12:17:57 27 I'll tender that document, Commissioner.
12:18:00 28
12:18:01 29 COMMISSIONER: You didn't want to tender the earlier one of
12:18:03 30 7 September 05?
12:18:05 31
12:18:05 32 MS TITTENSOR: That's part of that document. It's p.1 of
12:18:08 33 that document.
12:18:09 34
12:18:09 35 COMMISSIONER: Right. How would we describe this then, it
12:18:12 36 has a number of dates on it?
12:18:14 37
12:18:16 38 MS TITTENSOR: Request for assistance of the Source
12:18:20 39 Development Unit.
12:18:20 40
12:18:20 41 COMMISSIONER: Are there going to be any more RFAs
12:18:23 42 tendered, in which case we need to describe it better? I
12:18:24 43 thought it was dated 7 September but then there are other
12:18:31 44 dates through it.
45
46 MS TITTENSOR: I think the initial request is 7 September.
47

12:18:32 1 COMMISSIONER: So we could refer it to that way, the RFA of
12:18:37 2 7 September 2005. Would that be the best way to describe
12:18:40 3 it?
12:18:40 4
12:18:41 5 MS TITTENSOR: The request for assistance in relation to
12:18:43 6 Ms Gobbo.
12:18:49 7
12:18:49 8 COMMISSIONER: Is there only one per human source?
12:18:52 9
12:18:52 10 MS TITTENSOR: I would imagine so.
12:18:54 11
12:18:54 12 #EXHIBIT RC 115 - Request for assistance for Ms Gobbo dated
12:19:00 13 7/9/05.
12:19:13 14
12:19:14 15 MS TITTENSOR: If there exists any signed or other versions
12:19:17 16 of that document we make the call for that, Commissioner.
12:19:22 17
12:19:23 18 COMMISSIONER: Thank you.
12:19:25 19
12:19:41 20 MS TITTENSOR: If we can go back to the last page, please.
12:19:48 21 Maybe it was the second page. No, that's right, we'll go
12:19:55 22 to the next document. The informer registration in
12:19:59 23 relation to Ms Gobbo VPL.0005.0017.0001. You've seen that
12:20:23 24 document?---Yes, I have.
12:20:24 25
12:20:26 26 That indicates or that's the informer registration
12:20:31 27 application of the same date, 16 September 2005, is that
12:20:35 28 right?---Yes.
12:20:38 29
12:20:39 30 If we scroll down, further down, I'm just looking for a
12:20:49 31 particular name. Maybe we need to - sorry, it's right at
12:20:54 32 the top actually. You see the LIR details, is that the
12:20:59 33 local informer registrar?---Yes.
12:21:02 34
12:21:03 35 And Ms Gobbo is formally registered by Superintendent Ian
12:21:07 36 Thomas of the SID?---Yes.
12:21:11 37
12:21:11 38 What is the SID?---The State Intelligence Division.
12:21:15 39
12:21:18 40 What is the process that he needs to undertake to determine
12:21:22 41 someone's appropriateness for registration?---He seeks that
12:21:30 42 application from the officer-in-charge of a particular
12:21:37 43 area, in these circumstances it would have been the
12:21:40 44 Dedicated Source Unit and he's guided by the advice there.
12:21:45 45
12:21:45 46 Would that advice be similar to the document that we've
12:21:48 47 just seen, the request for assistance from the SDU?---Yes.

12:21:54 1 Again I'd have to go back to the relevant policy at the
12:21:57 2 time in terms of what other requirements are needed to be
12:22:02 3 completed by the local informer registrar at the time for
12:22:06 4 registration.
12:22:07 5
12:22:07 6 But it's his job essentially, or her job as the case may
12:22:11 7 be, to determine the suitability based on the information
12:22:14 8 that they get of a person to be registered as an
12:22:18 9 informer?---Correct.
12:22:19 10
12:22:21 11 The information provided in the previous request for
12:22:27 12 assistance referred not at all to Ms Gobbo's
12:22:33 13 profession?---No.
12:22:33 14
12:22:36 15 It didn't at all refer to any issues that might arise
12:22:42 16 because of her profession?---Not in that document, no.
12:22:45 17
12:22:50 18 COMMISSIONER: Could I ask you this, Ms Tittensor: this
12:22:53 19 document uses the pseudonyms so can we assume it's a
12:22:58 20 reconstructed document using the pseudonyms?
12:23:04 21
12:23:04 22 MS TITTENSOR: This is the original document which over the
12:23:07 23 names of the handlers and controllers has been placed the
12:23:12 24 pseudonyms.
12:23:14 25
12:23:14 26 COMMISSIONER: Yes. Thank you.
12:23:18 27
12:23:27 28 MS TITTENSOR: The document there also refers to the
12:23:30 29 officer-in-charge details as Calishaw. What was Calishaw's
12:23:37 30 position at the time?---Yes, I did make mention a moment
12:23:41 31 ago, the officer-in-charge being Detective Senior Sergeant
12:23:47 32 Jones but there is an Inspector that is responsible for
12:23:49 33 that area and that was Detective Inspector Calishaw.
12:23:53 34
12:23:53 35 We don't see any indication that Detective Inspector
12:23:58 36 Calishaw has attended any of the briefings or the meetings
12:24:01 37 which were going on around that time. Do you know why that
12:24:07 38 was?---Well, no, I don't. He certainly didn't attend any
12:24:11 39 meetings that I attended during the course of the period.
12:24:15 40
12:24:16 41 Do you know what his location and position and role was at
12:24:19 42 that particular time?---He worked in the State Intelligence
12:24:26 43 Division and I believe he was the Inspector that over
12:24:34 44 sighted the Dedicated Source Unit but I could be corrected.
12:24:37 45
12:24:37 46 Did he have a number of different roles that he was or a
12:24:41 47 number of different divisions that he was over sighting at

12:24:46 1 the same time?---I would expect he would have had more
12:24:48 2 units than just the Dedicated Source Unit.
12:24:51 3
12:24:51 4 As far as you're aware it doesn't appear as though he's
12:24:54 5 been involved in any briefings or had any, certainly wasn't
12:24:57 6 involved in any of the briefings that you were involved
12:25:00 7 in?---No, he was not.
12:25:01 8
12:25:07 9 Your statement refers to another meeting with members of
12:25:09 10 the SDU on 19 September 2005. Do you see that? There's a
12:25:22 11 meeting with Jones and Brennan of the SDU and with O'Brien
12:25:27 12 and Mansell from MDID?---Is that the meeting at 9.10 am?
12:25:34 13
12:25:34 14 Yes, the meeting we understand commences at 9.10, but the
12:25:39 15 finish time for that meeting has been redacted from the
12:25:42 16 diaries that the Commission has received. Are you able to
12:25:45 17 tell us when that meeting finished?---No, but I have
12:25:49 18 recorded in my diary that I cleared the Crime Command or
12:25:55 19 Crime Department offices at 10.30, so it certainly
12:26:00 20 concluded before then.
12:26:03 21
12:26:03 22 There's discussion about meeting with a potential human
12:26:08 23 source who you understand to be Ms Gobbo?---Yes.
12:26:11 24
12:26:12 25 And that was to be on the following Friday?---Yes.
12:26:15 26
12:26:20 27 Your diary notes record that the SDU were still debriefing
12:26:24 28 Ms Gobbo?---Correct.
12:26:25 29
12:26:25 30 And that they would be reconvening with her at the end of
12:26:29 31 the week?---Yes.
12:26:30 32
12:26:31 33 There's a discussion, according to your diary notes, of
12:26:35 34 tactical issues, a bribery offer and money
12:26:40 35 laundering?---Correct.
12:26:40 36
12:26:41 37 You don't recall the specifics, is that the case?---No.
12:26:50 38
12:26:51 39 I've just given you through some details of what occurred
12:26:54 40 in the initial assessment on 16 September and you have no
12:26:56 41 reason to doubt that the information that was being
12:26:58 42 imparted to you was along or consistent with the
12:27:01 43 information that Ms Gobbo was providing to the SDU and the
12:27:05 44 MDID officers on 16 September?---No.
12:27:08 45
12:27:14 46 The source management log that we have maintained by the
12:27:19 47 controller who we understand would be Detective Senior

12:27:24 1 Sergeant Jones records the same meeting with yourself where
12:27:29 2 there was some discussion of tactical options and
12:27:35 3 information securities and you accept that there was some
12:27:37 4 concern about confidentiality in relation to these
12:27:40 5 matters?---Yes.
12:27:40 6
12:27:42 7 And there was, it indicates that there was at that meeting
12:27:46 8 that you were participating in, some agreement that other,
12:27:49 9 that MDID members were to be told that 3838 was assessed by
12:27:56 10 the SDU and told, and they were to be told that she was of
12:28:02 11 no value. Do you recall that happening?---No.
12:28:05 12
12:28:07 13 It's listed the members who had knowledge of the intended
12:28:12 14 approach to Ms Gobbo as including Flynn and his team. Do
12:28:18 15 you know Flynn from the MDID?---Yes.
12:28:20 16
12:28:20 17 Was he someone working under your supervision?---No.
12:28:24 18
12:28:25 19 He would have been when you were Acting Superintendent but
12:28:27 20 not when you were Inspector, is that the case?---Correct.
12:28:31 21
12:28:32 22 Mansell and his team is obviously someone else that had
12:28:39 23 knowledge?---Yes.
12:28:39 24
12:28:40 25 Was Mansell acting under your supervision?---Same sort of
12:28:45 26 circumstances as Flynn. These people are all from unit 2.
12:28:48 27
12:28:49 28 And again indicates Cheeseman and team but maybe Rowe and
12:28:53 29 team. Either way, was there a Cheeseman involved in the
12:28:56 30 MDID at that stage?---Yes.
12:28:57 31
12:28:58 32 Was he acting under your supervision?---Yes, he was in fact
12:29:03 33 in the heroin team as I recall.
12:29:07 34
12:29:08 35 Did you understand at the time that he had knowledge of the
12:29:12 36 intended approach to Ms Gobbo?---Well certainly I don't
12:29:16 37 recall it now but I don't dispute the fact that it is
12:29:19 38 recorded there and that would have been the case.
12:29:22 39
12:29:24 40 The SML log also indicates that Bateson had knowledge of
12:29:29 41 the intended approach to Ms Gobbo. Do you know Stuart
12:29:33 42 Bateson?---Yes.
12:29:33 43
12:29:34 44 Did you have any dealings with him around this time?---No.
12:29:37 45
12:29:38 46 Do you agree that you would have been made aware of
12:29:44 47 Mr Bateson's intended approach, sorry, Mr Bateson's

12:29:49 1 knowledge of the approach to Ms Gobbo?---No. I don't
12:29:52 2 believe I would have been told. I have no recollection
12:29:55 3 whatsoever in relation to Stuart Bateson's involvement with
12:30:01 4 this matter.

12:30:02 5
12:30:02 6 If there's a note in the source management log that he was
12:30:06 7 one of the people that knew about it and you were present
12:30:09 8 at this meeting where this was discussed, do you accept
12:30:12 9 that you had some knowledge of that at the time?---Which
12:30:14 10 meeting was that when I was present?

12:30:19 11
12:30:19 12 This is someone else's recording of the meeting that you
12:30:22 13 attended on 19 September?---Yes, again I have no
12:30:49 14 recollection of reference to Bateson but again I don't
12:30:53 15 dispute the fact that if it's recorded in the source
12:30:56 16 management log it may well have been discussed.

12:31:00 17
12:31:00 18 What you'd been told at the time is that Mansell and Rowe
12:31:04 19 had had some interactions with her and she, they
12:31:08 20 effectively bring her to the MDID and then off we go and
12:31:13 21 seek some assistance from the SDU. It's the Commission's
12:31:18 22 understanding that prior to Rowe and Mansell having some
12:31:24 23 dealings with Ms Gobbo she had been speaking with Stuart
12:31:28 24 Bateson and providing him information in relation to
12:31:30 25 various things. If that was made known to you at this time
12:31:33 26 would you have made some inquiries about that?---I do not
12:31:39 27 recall that being mentioned where I have got vague
12:31:42 28 recollection of other references and I do see another name
12:31:46 29 there in the log, reference to the ACC and again I don't
12:31:50 30 recall those references whatsoever.

12:31:53 31
12:31:53 32 You've got the log records with you, do you?---Yes.

12:31:57 33
12:31:58 34 Have you had access to those to make your statement?---Yes.

12:32:02 35
12:32:03 36 They're not referred to in your statement?---No.

12:32:06 37
12:32:07 38 Not attached to your statement at all as any memory
12:32:13 39 prompter for you?---No.

12:32:15 40
12:32:15 41 Is there any reason for that?---They were in the original
12:32:19 42 draft but there was - when I received the signature or for
12:32:25 43 me to review the statement it wasn't there then.

12:32:29 44
12:32:29 45 There were references to log details in your original
12:32:35 46 draft?---Well, the original draft was a draft, I can assure
12:32:39 47 you, and it needed massaging, hence it was sent to me. You

12:32:44 1 know, the counsel assisting myself went through all the
12:32:50 2 relevant material, materials that you already referenced to
12:32:54 3 me during the course of this morning's hearing. As I say,
12:32:59 4 my name is mentioned in a log on two or three occasions.
12:33:03 5 That was a reference in the original draft and then a
12:33:08 6 decision was made to omit it when it came to me to sign it.
12:33:12 7
12:33:12 8 Who made the decision to omit it?---Counsel.
12:33:15 9
12:33:15 10 Did you ask why?---No. There was a reference in an email
12:33:21 11 as to why. It was reference or omitted, I can't recall
12:33:25 12 what it said in the email now.
12:33:31 13
12:33:43 14 The materials also reference a Bullock from the ACC, is
12:33:51 15 that right?---Yes.
12:33:52 16
12:33:52 17 There was a Bullock from the ACC who also had some
12:33:56 18 knowledge of the intended approach to Ms Gobbo?---That's
12:34:01 19 what's recorded in the log and as I say I have no
12:34:03 20 recollection of it.
12:34:04 21
12:34:05 22 Would you have been saying, "Hang on a minute, I understand
12:34:08 23 why these Drug Squad or MDID members know about this
12:34:12 24 approach to Ms Gobbo but what's Bateson got to do with it?
12:34:15 25 And what's the ACC got to do with it? Why would they know
12:34:22 26 about this approach to Ms Gobbo?" Would you have been
12:34:25 27 saying that at the time?---Possibly but I don't recall.
12:34:28 28
12:34:28 29 Were you aware of any ACC involvement in Mokbel
12:34:31 30 investigations at the time?---There is reference in my
12:34:36 31 diary where I received a phone call from the ACC, reference
12:34:42 32 to Operation Quills. I have a vague recollection of
12:34:46 33 receiving that call.
12:34:48 34
12:34:49 35 You're aware that there was cooperation occurring between
12:34:53 36 VicPol and the ACC in relation to matters involving
12:34:59 37 investigations into Mokbel, are you aware of that?---No.
12:35:03 38
12:35:04 39 Would you have been aware of that at the time?---Possibly.
12:35:07 40
12:35:07 41 If you're receiving calls from the ACC in relation to
12:35:11 42 certain operations?---Again as I said earlier, Operation
12:35:16 43 Quills as referenced in my diary makes reference to another
12:35:20 44 person, not Mokbel, and I didn't draw the links. If I did
12:35:23 45 I certainly don't recall it now.
12:35:27 46
12:35:28 47 Just going back a moment in relation to the construction of

12:35:31 1 your statement. Do you understand, has there been a
12:35:34 2 decision made in relation to prompting your memory or in
12:35:38 3 relation to your statement to simply include only material
12:35:44 4 directly related to you, that is material from your own
12:35:48 5 diary, documents on which your name exists, but omit
12:35:56 6 references to yourself that occur in other people's
12:36:02 7 material. Is that the basis for excluding that material
12:36:06 8 from your statement?---Not that I'm aware of. The
12:36:11 9 compilation of the statement was, you know, something that
12:36:13 10 occurred last week and during the course of that statement
12:36:18 11 compilation I'd already presented my diary and the
12:36:22 12 references I have that are already articulated in that
12:36:26 13 statement. I went through a process of explaining each
12:36:29 14 entry and then the counsel then presented to me the
12:36:34 15 documents that were already discussed earlier on, so they
12:36:37 16 were also included in my statement. Post-event I again
12:36:43 17 went through my diary and I found other entries in my diary
12:36:46 18 that I had missed in relation to this matter, and again you
12:36:52 19 bring up a matter today where there's reference to
12:36:56 20 Detective Senior Sergeant O'Brien and him transferring to
12:36:58 21 Purana. That's certainly not in my statement either
12:37:01 22 because I didn't see the relevance of that. The matters
12:37:04 23 that you talk about, the log, they were certainly
12:37:07 24 referenced in the first draft but there was a decision made
12:37:10 25 not to include them in my diary.

12:37:13 26
12:37:13 27 That decision, the reason for that decision is contained
12:37:17 28 within an email?---Possibly, yes, and it might be simply
12:37:20 29 that, you know - I'd have to go back to my emails and, you
12:37:25 30 know, refresh my memory again. It was from a solicitor or
12:37:29 31 a barrister from those representing Victoria Police.

12:37:32 32
12:37:34 33 MS ARGIROPOULOS: Commissioner, may I approach counsel
12:37:36 34 assisting briefly?

12:37:41 35
12:37:41 36 COMMISSIONER: Yes, Ms Argiropoulos.

37
12:38:18 38 (Discussion at Bar table.)

12:38:18 39
12:38:19 40 MS TITTENSOR: On 19 September the Commission understands
12:38:22 41 at around 10.05 am Mr O'Brien attended at the Assistant
12:38:31 42 Commissioner's office and provided a briefing in relation
12:38:34 43 to these matters. I take it you've got no present
12:38:40 44 recollection of that, if you had one at the time?---No, I'm
12:38:45 45 not aware of that.

12:38:46 46
12:38:52 47 Later that day at 12 midday you yourself briefed Commander

12:38:59 1 Purton in relation to the meeting that you'd had with Jones
12:39:02 2 and O'Brien, is that right?---Yes.
12:39:07 3
12:39:07 4 How long did that briefing go for, again your notes have
12:39:13 5 been redacted?---I have myself returned to the office at 12
12:39:18 6 midday, briefing Commander Purton and then I have myself 15
12:39:26 7 minutes later attending to another matter in a different
12:39:29 8 area of the Crime Command building, so it was less than 15
12:39:33 9 minutes.
12:39:33 10
12:39:34 11 And your diary records that you discussed a meeting with a
12:39:37 12 potential human source and would brief him further at the
12:39:40 13 end of the week?---Correct.
12:39:41 14
12:39:47 15 Mr Purton's diary records that he met with Jones, Brennan,
12:39:56 16 Mansell and yourself. You were known as Bob Hill, is that
12:39:59 17 right?---Yes.
12:40:00 18
12:40:01 19 Often would appear as BH as an initial in people's
12:40:05 20 notes?---Possibly, yes.
12:40:06 21
12:40:06 22 And that he met with those people that I've just indicated
12:40:10 23 and yourself "re N Gobbo, who has agreed to introduce an
12:40:16 24 undercover operative to Tony Mokbel. There are two prongs,
12:40:21 25 Tony Mokbel wants to bribe someone to produce tapes and see
12:40:25 26 if he can be removed from Quills and money laundering and
12:40:31 27 that there would be a debrief in another week". You would
12:40:35 28 accept that those matters were discussed if he's noted
12:40:38 29 those in his diaries?---Yes.
12:40:40 30
12:40:47 31 Do you accept that there was an awareness by those people
12:40:50 32 at those meetings that Ms Gobbo was acting for Tony Mokbel
12:40:54 33 at the time?---Only from what you have relayed to me this
12:41:10 34 morning, yes, I would agree with that assumption.
12:41:15 35
12:41:15 36 There's no record in any of these documents of anyone
12:41:19 37 questioning the appropriateness of using Ms Gobbo as a
12:41:24 38 human source in relation to an investigation relating to
12:41:29 39 Mr Mokbel whilst she continues to represent him?---There's
12:41:35 40 nothing that's recorded in my diary or the materials that
12:41:38 41 have been shown to me.
12:41:40 42
12:41:40 43 Do you have any recollection of anyone questioning the
12:41:43 44 circumstances of the appropriateness of using Ms Gobbo at
12:41:46 45 that stage?---No, I do not.
12:41:49 46
12:41:50 47 Can you explain why there was no questioning of that?---No.

12:41:54 1
12:42:00 2 Do you accept in hindsight that there ought to have
12:42:05 3 been?---No, because the fact remains, you know, the manner
12:42:15 4 in which that information was received by Ms Gobbo wasn't
12:42:23 5 clear to me, whether it be through a lawyer/client
12:42:28 6 relationship or through the social settings she was
12:42:33 7 involved in.
12:42:35 8
12:42:35 9 So do you say because it wasn't clear whether or not it was
12:42:39 10 in a professional setting or in a social setting we
12:42:43 11 shouldn't question it at all?---No, we need to explore
12:42:48 12 that, but I say at this point of time I don't recall that
12:42:53 13 being said and in fact I don't have any recollection of the
12:42:57 14 circumstances in which Ms Gobbo received the information,
12:43:02 15 in what context.
12:43:02 16
12:43:03 17 Was there any discussion at the time of, "We need to
12:43:06 18 explore the source of this information or how this
12:43:10 19 information came about"?---I don't recall it but I expect
12:43:13 20 it would have occurred.
12:43:14 21
12:43:15 22 If it didn't occur would that surprise you?---Yes, it
12:43:21 23 would. I believe, you know, the people that we had in the
12:43:25 24 Dedicated Source Unit would be acutely aware of Ms Gobbo's
12:43:30 25 occupation and the information that she was providing, in
12:43:36 26 what context she obtained that.
12:43:37 27
12:43:37 28 Would you expect that there would have been some legal
12:43:41 29 advice obtained as to the boundaries as to what might or
12:43:46 30 might not be obtained in relation to information from
12:43:50 31 her?---It was something that certainly would be explored I
12:43:55 32 would suggest.
12:43:56 33
12:43:57 34 You might explore whether or not you got legal advice or
12:43:59 35 you should get legal advice to explore it?---Well, if it's
12:44:03 36 clear that the information came not through client/lawyer
12:44:10 37 situation, it was information that came to Ms Gobbo outside
12:44:14 38 that relationship, would there be a need to seek legal
12:44:20 39 advice? That would be something that certainly the
12:44:22 40 investigators at the time would have to consider and I'm
12:44:25 41 sure they did consider.
12:44:26 42
12:44:31 43 What about seeking advice as to the appropriateness of
12:44:36 44 effectively using someone's barrister as a police
12:44:42 45 agent?---Yes, it's something that certainly would need, I
12:44:45 46 think, exploration and legal advice.
12:44:49 47

12:44:54 1 Your statement at paragraph 15 indicates that there was
12:44:58 2 another meeting on Wednesday, 21 September 2005?---What
12:45:09 3 date was that, sorry?
12:45:10 4
12:45:10 5 21 September 2005. There's another meeting at 4.50 pm with
12:45:25 6 Detective Inspector White, Mansell, Rowe and Burrows, is
12:45:33 7 that right?---Yes.
12:45:34 8
12:45:34 9 And they were all members of the MDID?---Yes.
12:45:37 10
12:45:39 11 And there was discussion at that meeting about the progress
12:45:41 12 of inquiries with the registered human source re
12:45:47 13 Quills?---Yes.
12:45:47 14
12:45:48 15 So it was understood by this stage that Ms Gobbo had been
12:45:52 16 formally registered?---Yes.
12:45:55 17
12:46:00 18 It's apparent from the fact of those present at the
12:46:05 19 meeting, that is at least White, Mansell, Rowe and Burrows,
12:46:08 20 that there was no hiding the fact from them that Ms Gobbo
12:46:12 21 had been registered as a human source?---Correct.
12:46:15 22
12:46:17 23 I only ask that because there was an indication in a source
12:46:21 24 management log earlier on that MDID members are to be told
12:46:27 25 that she was assessed but was of no value. At least
12:46:31 26 insofar as those people present at that meeting, it wasn't
12:46:35 27 being hidden?---No. The reference in the log talks about
12:46:40 28 other members at the MDID outside the primary investigators
12:46:45 29 of Mansell's crew.
12:46:47 30
12:46:55 31 The Commission understands that that evening, 21 September
12:46:59 32 2005, Mr Jones and Brennan from the SDU met with Ms Gobbo
12:47:06 33 again and commenced debriefing her over the course of about
12:47:10 34 three hours and then the following day, on 22 September,
12:47:16 35 that's Thursday 22 September 2005, at 1.35 in the afternoon
12:47:23 36 you met with Mr Jones and discussed with him Operation
12:47:29 37 Quills and Ms Gobbo, is that right?---No. It was at 1.45.
12:47:33 38
12:47:33 39 Sorry, 1.45. Can you say how long that meeting went
12:47:43 40 for?---No more than 30 minutes.
12:47:48 41
12:47:50 42 Is it likely during that meeting that you were given some
12:47:55 43 of the information which Jones had obtained from Ms Gobbo
12:47:59 44 in the three hour debrief the night before?---It's possible
12:48:05 45 but I must make the comment that the interaction with the
12:48:12 46 Dedicated Source Unit with Ms Gobbo was very sensitive and
12:48:20 47 I had a sense throughout this period that there was limited

12:48:23 1 information being afforded to people outside the need to
12:48:30 2 know.
12:48:30 3
12:48:30 4 It seems as though Jones has met with you the very day
12:48:34 5 after he's commenced the debrief of Ms Gobbo, had a three
12:48:38 6 hour debrief and then meets you the next afternoon and
12:48:41 7 discusses Operation Quills and Ms Gobbo?---Yes.
12:48:44 8
12:48:44 9 It seems as though you were in the need to know?---Yes, to
12:48:47 10 a certain extent.
12:48:48 11
12:48:48 12 You accept during that meeting with Mr Jones that he would
12:48:52 13 have imparted some of the information that he'd obtained
12:48:54 14 from Ms Gobbo the day before?---Yes, some of the
12:48:59 15 information.
12:48:59 16
12:49:12 17 There's a source management log on 26 September 2005
12:49:19 18 referring to a second debrief in relation to Ms Gobbo re
12:49:24 19 the Mokbel criminal cartel. It refers to information from
12:49:30 20 that debriefing later being disseminated to Detective
12:49:36 21 Sergeant Flynn of the MDID. Were you aware that people
12:49:42 22 under your supervision were being disseminated intelligence
12:49:46 23 from Ms Gobbo?---No.
12:49:47 24
12:50:01 25 Paragraph 18 of your statement, we're dealing now with
12:50:05 26 Tuesday 27 September 2005. You attend a meeting in the
12:50:12 27 afternoon, seems to be from 2 pm to perhaps 3.10 pm with
12:50:21 28 Commander Purton, O'Brien, Jones and Brennan from the SDU
12:50:27 29 and Rowe and Burrows from the MDID?---Correct.
12:50:32 30
12:50:34 31 There was a discussion about Ms Gobbo at that
12:50:40 32 meeting?---Yes.
12:50:41 33
12:50:41 34 There was a discussion in relation to the intelligence that
12:50:44 35 she'd provided?---Yes.
12:50:45 36
12:50:47 37 And your statement and your diary indicates there was a
12:50:54 38 discussion in relation to investigation resources?---Yes.
12:50:56 39
12:50:56 40 We've also got some notes of Purton which indicate that,
12:51:04 41 have specific notes in relation to the number of people
12:51:06 42 that were wanted for a team. Do you accept that those
12:51:10 43 kinds of matters were being specifically discussed at that
12:51:14 44 stage? It indicates that you and Mr O'Brien were to
12:51:17 45 consider the resources, do you accept that?---Yes, and it
12:51:23 46 occurred at 3.10 following the meeting.
12:51:26 47

12:51:27 1 Presumably they were resources that were wanted to
12:51:33 2 investigate matters arising out of the intelligence that
12:51:36 3 was going to be supplied by Ms Gobbo or that she'd already
12:51:40 4 supplied?---Correct.
12:51:40 5
12:51:44 6 Commander Purton, there was a note indicating that he was
12:51:49 7 to raise the resourcing issue with Mr Overland?---Yes.
12:51:55 8
12:51:59 9 And he was also to raise issues of confidentiality with
12:52:03 10 Mr Overland in relation to contact reports and information
12:52:06 11 reports, is that right?---Yes.
12:52:11 12
12:52:12 13 Why was that something that needed to be raised with
12:52:15 14 Mr Overland?---It might have had something to do with the
12:52:22 15 Victoria Police systems and we had to work outside the
12:52:24 16 normal protocols to protect the identity of the informer,
12:52:29 17 but that's speculation on my behalf.
12:52:32 18
12:52:33 19 There would have been systems in place already to protect
12:52:37 20 the identification of informers, is that right?---Yes.
12:52:40 21
12:52:43 22 Do you know why there was something special needed in this
12:52:47 23 case to raise it to the level of Assistant
12:52:52 24 Commissioner?---With what was at hand in terms of the risk
12:52:56 25 to the informer, the matters that she'd brought to our
12:53:00 26 attention concerning police corruption, and also matters
12:53:06 27 that she'd brought to us in terms of high level drug
12:53:10 28 trafficking, it was such a sensitive matter it needed, I
12:53:19 29 presume, command or departmental level oversight or
12:53:25 30 intervention to ensure that we developed systems or
12:53:29 31 processes to protect the integrity of the investigation.
12:53:33 32
12:53:34 33 When you indicate that she provided information about
12:53:37 34 police corruption, what specifically are you referring
12:53:40 35 to?---There's reference in my diary talking about bribery.
12:53:46 36
12:53:46 37 And where those references are made do you understand that
12:53:49 38 they relate to the potential for Mr Mokbel to bribe a
12:53:55 39 police officer?---That's my recollection now having read
12:53:58 40 the different materials but when I first read it in my
12:54:01 41 diary when I made the statement I didn't have that
12:54:04 42 recollection, but I have refreshed my memory since.
12:54:07 43
12:54:08 44 It was understood at this stage that the SDU were still in
12:54:11 45 the middle of debriefing Ms Gobbo?---Yes, if my diary, if I
12:54:21 46 recall my diary entry it was an ongoing process that took
12:54:26 47 some time.

12:54:26 1
12:54:27 2 They were to reconvene the following week?---Yes.
12:54:37 3
12:54:37 4 And there was, there would be discussion about a tactical
12:54:42 5 plan and I take it that related to a tactical relating to
12:54:48 6 her information, Ms Gobbo's information?---Yes, I presume
12:54:53 7 that is the case.
12:54:53 8
12:54:56 9 You mentioned this just before but there was a further
12:54:59 10 meeting following that meeting with O'Brien, Burrows and
12:55:03 11 Rowe where you discussed Task Force requirements, is that
12:55:07 12 right?---Yes.
12:55:09 13
12:55:09 14 And the idea was that there was going to be a task force
12:55:11 15 built around the use of Ms Gobbo's information?---Yes.
12:55:14 16
12:55:16 17 And the aim of that task force was to bring down Mr Mokbel
12:55:20 18 and his associates?---Well certainly that was the
12:55:25 19 information that is recorded in my diary, in other
12:55:28 20 reference material that Ms Gobbo was making and providing
12:55:32 21 information about.
12:55:34 22
12:55:34 23 And it was understood, you've already given this evidence,
12:55:36 24 that Ms Gobbo represented Mr Mokbel?---I don't think I gave
12:55:40 25 that in evidence. In fact I wasn't aware of that. In my
12:55:44 26 evidence earlier on this morning I said that, you know,
12:55:49 27 that was something that wasn't, you know, I was familiar
12:55:52 28 with but you said, well would you dispute the fact that he
12:55:55 29 had been represented or Mokbel had been represented by
12:55:59 30 Ms Gobbo prior to September 2005.
12:56:03 31
12:56:03 32 You agreed, didn't you, that at least others knew that she
12:56:09 33 was representing Mr Mokbel?---I didn't dispute that, no.
12:56:12 34
12:56:13 35 Do you say you wouldn't have been aware at this time that
12:56:18 36 she was representing Mr Mokbel?---It was something that I
12:56:22 37 may have been made aware of but I certainly, you know,
12:56:26 38 don't recall that now.
12:56:27 39
12:56:27 40 It would be likely that you would have been made aware that
12:56:30 41 she was representing Mr Mokbel, wouldn't it?---As I said,
12:56:36 42 the information that was being shared was limited. You
12:56:42 43 know, the materials that I rely upon now don't make
12:56:46 44 reference to that. I don't have a recollection of it. I
12:56:49 45 may or may not have been aware of it. As I said earlier,
12:56:55 46 my role at the Major Drug Investigation Division was
12:56:59 47 focused on other areas. I'd certainly heard of the name

12:57:03 1 Mokbel before but had no direct, you know, role in terms of
12:57:07 2 investigating him and his associates.
12:57:09 3
12:57:09 4 Do you accept it would be likely that you would have known
12:57:11 5 at this time that she was representing Mr Mokbel?---It's
12:57:14 6 quite possible.
12:57:15 7
12:57:16 8 Likely?---Quite possible.
12:57:17 9
12:57:18 10 You don't accept it would be likely?---No, I don't because
12:57:22 11 I said earlier the information that the Dedicated Source
12:57:26 12 Unit and Mr O'Brien was sharing was very, very limited and
12:57:31 13 in my role, you know, I may have been made aware of it, I
12:57:38 14 don't recall so.
12:57:40 15
12:57:46 16 COMMISSIONER: I thought you were asked earlier whether you
12:57:48 17 accepted Commander Purton's notes, you were taken to
12:57:53 18 Commander Purton's notes about a meeting that he records
12:57:56 19 you at on 19 September and that you accepted, consistent
12:58:03 20 with his notes, that Nicola Gobbo was acting for and
12:58:08 21 informing about Mokbel, as your construction or
12:58:13 22 interpretation of those notes as read to you by
12:58:16 23 Ms Tittensor?---I don't recall that earlier on. I'd like
12:58:20 24 to go back to that if you like, Commissioner. But my
12:58:22 25 understanding, that related to the name of one of his
12:58:26 26 associates that he was acting for in relation to Operation
12:58:30 27 Quills and I accepted that that was quite possible. I
12:58:34 28 don't know whether I did recall earlier on this morning
12:58:38 29 that, you know, he was acting for or she was acting for
12:58:43 30 Mokbel.
12:58:43 31
12:58:44 32 We can check the transcript later. All right then.
12:58:47 33
12:58:47 34 MS TITTENSOR: Do you accept that you would have known at
12:58:49 35 the time that she was representing many of Mr Mokbel's
12:58:53 36 associates?---I accept that Ms Gobbo represented a large
12:58:59 37 number of people that were processed by the Major Drug
12:59:03 38 Investigation Division and other areas of Crime Command.
12:59:05 39 She was a notable barrister that was well-known to our
12:59:08 40 investigators, not people like myself in management roles.
12:59:11 41
12:59:15 42 Paragraph 20 of your statement deals with a discussion with
12:59:24 43 Commander Purton on Wednesday 28 September 2005, is that
12:59:33 44 right?---At 8.30 in the morning?
12:59:38 45
12:59:39 46 Yes. You have a discussion in relation to meeting times
12:59:43 47 the following week and in relation to Ms Gobbo?---Yes.

12:59:46 1
12:59:47 2 And it's indicated that Jones, from the SDU, and O'Brien
12:59:52 3 were to meet with the Detective Senior Sergeant in charge
12:59:58 4 of the covert or Undercover Unit, is that right?---Yes.
13:00:02 5
13:00:04 6 And that was presumably in relation to making arrangements
13:00:09 7 for the resourcing of operations associated with Ms Gobbo's
13:00:13 8 information?---Yes.
13:00:14 9
13:00:20 10 A couple of days later on 30 September 2005 there's a
13:00:28 11 meeting which is referred to at paragraph 21 of your
13:00:31 12 statement, and that's again with Commander Purton, with
13:00:36 13 O'Brien, Flynn, Rowe, Burrows and Brennan?---And one other
13:00:45 14 member.
13:00:45 15
13:00:46 16 And, sorry, and there's also a Detective Inspector Hardy
13:00:53 17 present at that meeting?---Yes.
13:00:55 18
13:00:55 19 And was he a member of the Undercover Unit?---He was the
13:00:59 20 Inspector in charge.
13:01:00 21
13:01:06 22 Your notes in relation to what occurred at that meeting are
13:01:10 23 reasonably light on, is that fair to say?---They're notes
13:01:19 24 that I took at the time, as is consistent through my diary.
13:01:23 25 I make limited notes with respect to the different meetings
13:01:29 26 that I go to, knowing full well that a lot of these
13:01:33 27 meetings are subject to sometimes information reports that
13:01:36 28 are put in an investigation log.
13:01:40 29
13:01:41 30 Mr Purton's diary notes indicated that O'Brien said that
13:01:54 31 Mokbel was to front trial on 5 October in relation to
13:01:59 32 Commonwealth offences, followed by State offences. Do you
13:02:03 33 accept that those matters were discussed at that
13:02:06 34 meeting?---Yes.
13:02:07 35
13:02:08 36 That Mr Mokbel wanted to examine at the trials or those
13:02:14 37 trials matters relating to the drugs and the tapes, that
13:02:19 38 there was talk about attacking income sources and Operation
13:02:27 39 Sages in relation to two people named by Ms Gobbo, Jamou
13:02:32 40 and Lanteri, do you accept that?---Yes.
13:02:35 41
13:02:36 42 Do you recall those matters?---No.
13:02:37 43
13:02:38 44 That there was talk about a money laundering scenario and a
13:02:42 45 corrupt policeman scenario. That there was reference to an
13:02:48 46 ex member having been approached 12 months ago and being
13:02:52 47 offered 2 million dollars to get rid of tapes. Do you

13:02:58 1 recall that?---No.
13:02:59 2
13:03:02 3 She indicated that she named a couple of people, one being
13:03:07 4 Person 7 and another one being another client of hers and
13:03:12 5 discussed the fact that they may roll. Do you recall
13:03:19 6 that?---Who is Person 7?
13:03:21 7
13:03:21 8 COMMISSIONER: Person 7 is on the list at number 24.
13:03:30 9 Number 24 on the left-hand side, second page?---No.
13:03:34 10
13:03:34 11 MS TITTENSOR: You have no recollection of being told that
13:03:36 12 Ms Gobbo was discussing clients of hers with police that
13:03:40 13 might roll?---No.
13:03:41 14
13:03:44 15 Do you accept that those matters were discussed at that
13:03:48 16 meeting?---No.
13:03:48 17
13:03:50 18 If Mr Purton's diary notes those matters being discussed at
13:03:55 19 that meeting with you on Friday, 30 November, do you accept
13:03:58 20 that they were discussed?---Yes.
13:04:00 21
13:04:01 22 COMMISSIONER: I'm just looking at the time, it's probably
13:04:03 23 about time to adjourn, Ms Tittensor. Just in terms of the
13:04:06 24 timing for the rest of the day, you'll be not too much
13:04:11 25 longer but a little while with this witness?
13:04:14 26
13:04:14 27 MS TITTENSOR: Yes, Your Honour.
13:04:15 28
13:04:15 29 COMMISSIONER: What would you say, half an hour?
13:04:17 30
13:04:17 31 MS TITTENSOR: Half an hour.
13:04:20 32
13:04:20 33 COMMISSIONER: Cross-examination would be?
13:04:22 34
13:04:23 35 MR COLLINSON: No more than five minutes.
13:04:24 36
13:04:25 37 MR CHETTLE: Same.
13:04:25 38
13:04:25 39 COMMISSIONER: I think the next witness might have
13:04:27 40 baby-sitting issues. She has young children. Not a
13:04:31 41 problem today?
13:04:32 42
13:04:33 43 MS ARGIROPOULOS: No problems today, just on Tuesdays.
13:04:37 44
13:04:37 45 COMMISSIONER: Yes, all right. We'll resume at 2 o'clock.
13:04:40 46
13:05:10 47 LUNCHEON ADJOURNMENT

13:50:26 1 UPON RESUMING AT 2.05 PM:
14:06:00 2
14:06:00 3 COMMISSIONER: Yes, Ms Tittensor.
14:06:01 4
14:06:12 5 MS TITTENSOR: Commissioner, before lunch I think I took
14:06:15 6 the witness to the informer registration for Ms Gobbo.
14:06:20 7
14:06:20 8 COMMISSIONER: Yes. Were you hoping to tender that?
14:06:24 9
14:06:24 10 MS TITTENSOR: Yes, I should tender that.
14:06:26 11
14:06:27 12 #EXHIBIT RC116 - Informer application/reactivation
14:06:33 13 application concerning Nicola Gobbo.
14:06:37 14
14:06:38 15 Commissioner, I might indicate that throughout the - I
14:06:41 16 don't know that I have a - sorry, I've been taking the
14:06:49 17 witness to his diary entries and just at this juncture
14:06:54 18 perhaps it's convenient to also, whilst it's not been put
14:06:58 19 up on the screen, but to tender those. VPL.0005.0013.0892.
14:07:09 20 I understand that there has been a redacted version
14:07:15 21 provided to the Commission but I think we'll make sure of
14:07:19 22 that before we put them up on the website.
14:07:22 23
14:07:22 24 COMMISSIONER: The redacted version of Assistant
14:07:27 25 Commissioner Hill's diaries is Exhibit 117.
14:07:34 26
14:07:35 27 #EXHIBIT RC117 - Redacted version of Assistant Commissioner
14:07:41 28 Hill's diaries.
14:07:42 29
14:07:43 30 MS TITTENSOR: Thank you Commissioner. Mr Hill, on 5
14:07:47 31 October there was further involvement by you, is that
14:07:55 32 right? I think we're at paragraph 22 of your
14:08:00 33 statement?---Yes.
14:08:00 34
14:08:02 35 And there is a meeting at 3.30 in the afternoon where you
14:08:10 36 meet with Commander Maloney, is that Danye Moloney?---Yes.
14:08:16 37
14:08:16 38 What was his position at the time?---He was either at the
14:08:25 39 Ethical Standards Department, now known as the Professional
14:08:29 40 Standards Command, or he was at State Intel.
14:08:33 41
14:08:35 42 Also at the meeting was Superintendent Biggin, do you know
14:08:40 43 what his duties were at the time?---He was the
14:08:48 44 Superintendent at the Major Drug Investigation Division.
14:09:01 45 At that point of time I'm not sure if he was still there or
14:09:04 46 he was transitioning or had transferred to the State
14:09:08 47 Surveillance Unit.

14:09:08 1
14:09:09 2 Do you know or understand whether he had a line of
14:09:11 3 authority over the SDU at any stage?---I'm not aware of
14:09:17 4 that.
14:09:17 5
14:09:17 6 Do you know where within the organisation at this stage the
14:09:20 7 SDU sat?---Within the State Intelligence Division.
14:09:28 8
14:09:28 9 You also indicate Superintendent Thomas was at the meeting.
14:09:31 10 Is that the Superintendent who was the local informer
14:09:35 11 registrar on the application?---Yes.
14:09:38 12
14:09:38 13 Commander Purton was there. Detective Senior Sergeant
14:09:48 14 Cruze we're calling him, he was from the Undercover Unit;
14:09:54 15 is that right?---Yes.
14:09:54 16
14:09:56 17 And then we have Jones and Brennan from the SDU and we have
14:10:04 18 yourself, Flynn and Burrows from the Major Drug
14:10:14 19 Investigation Division; is that right?---Yes.
14:10:14 20
14:10:15 21 So quite a large meeting of people?---Yes.
14:10:18 22
14:10:21 23 Your note records that there's a discussion regarding the
14:10:25 24 operational plan and that a tactical meeting was to occur
14:10:29 25 between the services and the investigators; your statement
14:10:36 26 refers to that?---Yes.
14:10:39 27
14:10:41 28 Can you elaborate any further on what was occurring at that
14:10:47 29 meeting?---No.
14:10:48 30
14:10:48 31 I take it that this was in relation to the use of Ms Gobbo,
14:10:53 32 the use of the information from her?---Yes.
14:10:57 33
14:10:58 34 And the use to which Victoria Police might put her as well,
14:11:05 35 or task her?---It was a tactical meeting and a discussion
14:11:15 36 around the operational plan, finer details. Beyond what's
14:11:18 37 recorded in my diary I cannot elaborate on.
14:11:24 38
14:11:24 39 Do you know whether this was a meeting in relation to
14:11:27 40 possibly inserting an undercover agent in with
14:11:34 41 Ms Gobbo?---Well by the presence of Detective Senior
14:11:38 42 Sergeant Cruze, certainly that might have been something
14:11:41 43 that was raised.
14:11:42 44
14:11:43 45 That's something that had certainly been discussed at
14:11:45 46 previous meetings?---Possibly, yes.
14:11:50 47

14:11:51 1 We've been through those meetings earlier today where those
14:11:55 2 matters have been discussed with Ms Gobbo?---According to
14:11:59 3 the log, yes.
14:12:00 4
14:12:03 5 So it makes sense having all of these people together at a
14:12:07 6 meeting in the room that this is a meeting to discuss the
14:12:10 7 possibility of having Ms Gobbo introduce an undercover
14:12:14 8 agent in relation to some sort of investigation?---You
14:12:19 9 could conclude that, yes.
14:12:20 10
14:12:23 11 Following that period of time you go on a period of leave.
14:12:26 12 Are you able to say when that was?---Yes, I commenced
14:12:35 13 working from home on 9 October and officially recreational
14:12:41 14 leave as of Thursday 13 October 2005.
14:12:45 15
14:12:46 16 And then you have another involvement on 14 November when
14:12:53 17 you return to duty; is that right?---Yes.
14:13:02 18
14:13:03 19 By this stage you're no longer Acting Superintendent, you
14:13:08 20 are acting as - sorry, not acting as an Inspector but you
14:13:13 21 are an Inspector at the MDID?---Yes.
14:13:15 22
14:13:18 23 But that day at 3 pm you attend a meeting with Commander
14:13:22 24 Purton and Inspector White and there's a discussion in
14:13:25 25 relation to Operation Posse?---Yes.
14:13:28 26
14:13:28 27 Do you know what Operation Posse was?---No.
14:13:31 28
14:13:34 29 Do you have any understanding now as to what Operation
14:13:38 30 Posse was?---No.
14:13:39 31
14:13:41 32 Do you understand that that was the Task Force that was set
14:13:44 33 up as a result of the information being supplied by
14:13:49 34 Ms Gobbo?---No.
14:13:50 35
14:13:50 36 Would that make sense to you?---Yes.
14:13:53 37
14:13:57 38 That was a Task Force set up to focus on the information
14:14:01 39 supplied by Ms Gobbo in relation to Mr Mokbel and his
14:14:04 40 associates?---Quite possible, yes.
14:14:06 41
14:14:10 42 On that day you have a discussion about that Task Force and
14:14:15 43 staffing strategy. In your written diary notes between the
14:14:23 44 names Grant and Purton you have written the name Overland
14:14:27 45 but crossed it out; is that right?---Yes.
14:14:29 46
14:14:30 47 And it's put in brackets I think?---Yes.

14:14:32 1
14:14:35 2 Do we understand from that that he didn't attend or that he
14:14:39 3 attended for a time and then left?---He did not attend.
14:14:42 4
14:14:44 5 You have a specific memory of that or you assume that from
14:14:48 6 the way you've written your diary note?---I assume that
14:14:53 7 from my diary note and I have a vague recollection of
14:15:01 8 expecting Overland to be there but he didn't attend the
14:15:06 9 meeting.
14:15:06 10
14:15:08 11 It's quite clear that Ms Gobbo was seen in the organisation
14:15:13 12 as a very prized human source?---She was a human source
14:15:19 13 that was providing significant intelligence to Victoria
14:15:26 14 Police relating to serious organised crime and corruption.
14:15:33 15
14:15:34 16 I just want to read to you a portion of a statement that
14:15:38 17 the Commission has received from a member of the MDID at
14:15:46 18 the time that was attending some of these meetings that you
14:15:49 19 were at. "I recall that there were concerns about
14:15:52 20 Ms Gobbo's registration as a human source because of her
14:15:56 21 profession and concerns for her personal safety. I also
14:16:00 22 recall about how to manage her registration as a human
14:16:04 23 source. I cannot recall the specific details of these
14:16:07 24 concerns or discussions. I do recall that those concerns
14:16:11 25 were discussed amongst our crew and Detective Senior
14:16:15 26 Sergeant O'Brien and that those concerns were discussed on
14:16:18 27 numerous occasions, including immediately after the initial
14:16:21 28 meeting between Detective Sergeant Mansell, Detective
14:16:25 29 Senior Constable Rowe and Ms Gobbo". Do you recall those
14:16:30 30 concerns being discussed?---Well certainly there was, and
14:16:39 31 as is recorded in my notes and the references that we've
14:16:42 32 discussed today, the fact that she was at risk, according
14:16:48 33 to her, her life was at risk, the fact that she was
14:16:52 34 providing information relating to serious and organised
14:16:58 35 crime and entities that were significant in the criminal
14:17:07 36 network that was operating in the State at the time.
14:17:12 37
14:17:13 38 What this person has isolated are two types of concerns and
14:17:18 39 you've just dealt with one of them, that there were
14:17:20 40 concerns for her personal safety. This person also
14:17:25 41 outlines that there were concerns being expressed because
14:17:28 42 of her profession. Do you recall those concerns being
14:17:32 43 discussed?---No, I don't.
14:17:33 44
14:17:40 45 This was a person of the rank of Detective Senior Constable
14:17:46 46 at the time who had concerns and discussed concerns with
14:17:49 47 the rest of her crew about Ms Gobbo's profession. How is

14:17:54 1 it that you say you had no such concerns at the time?---No,
14:17:59 2 I didn't say that. I said that I don't recall those
14:18:03 3 concerns being relayed to me.

14:18:05 4
14:18:05 5 Okay. Do you say that you did have such concerns at the
14:18:08 6 time?---Well the fact that this person was a lawyer, the
14:18:13 7 fact that she's been referred to the Dedicated Source Unit,
14:18:16 8 that in itself, you know, is quite evident to me and others
14:18:24 9 was a factor of concern. She's not a normal human source
14:18:31 10 that we deal with day-to-day. She was someone that was in
14:18:34 11 another, I suppose, category or classification, the fact
14:18:40 12 that she was a lawyer.

14:18:41 13
14:18:41 14 There's nothing in your notes to indicate that there was
14:18:43 15 any discussion about that concern when you're meeting with
14:18:46 16 people from the SDU?---No.

14:18:48 17
14:18:50 18 You would appreciate the concept of client
14:18:54 19 confidentiality?---Yes.

14:18:54 20
14:18:56 21 You would appreciate concepts of conflicts of
14:18:59 22 interest?---Yes.

14:18:59 23
14:19:01 24 Do you see any problem at all with a lawyer acting against
14:19:05 25 the interests of their client?---Well, again, there are
14:19:11 26 circumstances in which, as I've relayed earlier, that that
14:19:14 27 could be appropriate. If we're talking about the
14:19:17 28 protection of life I have no issues with that information
14:19:21 29 being passed on to Victoria Police. Our role is here to
14:19:25 30 protect the community and protection of life is, you know,
14:19:29 31 again at the foremost of our role and responsibilities as
14:19:34 32 an enforcement agency and my role, as every other sworn
14:19:39 33 member, holding the office of Constable.

14:19:43 34
14:19:43 35 Did you understand that lives were being protected by using
14:19:47 36 Ms Gobbo, was that your understanding at the time?---Well
14:19:50 37 again, not my recollection now.

14:19:52 38
14:19:54 39 Do you see any problem with lawyer, having acted against
14:19:57 40 the interests of their client, to continue to act for that
14:20:00 41 client?---That's a matter for the lawyer.

14:20:04 42
14:20:04 43 If the police have knowledge that that is occurring do you
14:20:08 44 see any issue with that?---It depends on the circumstances,
14:20:11 45 the information being relayed and, you know, what it
14:20:14 46 relates to in terms of balancing that against community
14:20:18 47 safety.

14:20:18 1
14:20:21 2 In these circumstances, if the circumstances are the lawyer
14:20:27 3 is acting for Mr Mokbel, the lawyer is providing
14:20:32 4 information against the interests of Mr Mokbel and the
14:20:35 5 lawyer continues to act for Mr Mokbel, do you see any issue
14:20:40 6 with that?--Again, these were extraordinary times. Lives
14:20:48 7 were being lost. We need to think about the context that
14:20:52 8 Victoria Police was operating at the time and, again, if it
14:20:58 9 means that we're going to save lives and we're going to
14:21:02 10 circuit break what was occurring at the time we will go to
14:21:05 11 extraordinary lengths because they were extraordinary
14:21:07 12 times.
14:21:07 13
14:21:07 14 When was the last gangland killing before Ms Gobbo started
14:21:12 15 to provide information?---I don't recall.
14:21:14 16
14:21:19 17 Was it the Hodson murders in May or March of 2004?---Again,
14:21:26 18 matters that were not directly related to me, I don't
14:21:30 19 recall.
14:21:30 20
14:21:40 21 Do you accept that legal advice ought to have been taken in
14:21:43 22 relation to these matters prior to the use of
14:21:46 23 Ms Gobbo?---It was certainly something that should have
14:21:49 24 been considered. If it wasn't considered there might have
14:21:54 25 been good reason for not.
14:21:55 26
14:21:55 27 Are you able to provide this Commission with any
14:21:58 28 explanation as to what that good reason might be?---No.
14:22:00 29
14:22:06 30 You can't say any good reason today as to why that might
14:22:10 31 have occurred?---Again, as I said earlier, the information
14:22:18 32 provided by Ms Gobbo, I didn't have an appreciation of the
14:22:24 33 finer details of that, nor did I have any appreciation of
14:22:30 34 how that information was gleaned by Ms Gobbo, whether that
14:22:33 35 be through client/lawyer relationship or alternatively it
14:22:38 36 was through her social interactions with the criminal
14:22:43 37 underworld that was occurring at the time.
14:22:44 38
14:22:49 39 In any case, if she was acting for people and providing
14:22:52 40 information about those people you accept that there ought
14:22:55 41 to have been legal advice?---It would have been a
14:22:58 42 consideration I'm sure.
14:22:59 43
14:22:59 44 A consideration of whom?---Those that were involved in the
14:23:03 45 registration and handling of Ms Gobbo.
14:23:06 46
14:23:06 47 And who do you say those were?---The Dedicated Source Unit

14:23:11 1 and ultimately the person responsible for registration of
14:23:15 2 the human source.
14:23:15 3
14:23:17 4 That's Mr Thomas you say?---Yes.
14:23:19 5
14:23:21 6 What were the ranks, what was the most senior rank in the
14:23:24 7 Dedicated Source Unit?---Senior Sergeant.
14:23:29 8
14:23:31 9 You were an Acting Superintendent at the time?---Yes.
14:23:33 10
14:23:35 11 Do you say that those above the rank of Detective Senior
14:23:39 12 Sergeant ought to have had any role in considering those
14:23:41 13 matters, providing guidance about those matters?---As I
14:23:45 14 previously said, it was the role of the person that
14:23:47 15 registered that informer and that person is at
14:23:51 16 Superintendent level.
14:23:51 17
14:23:52 18 Then that would depend on the information that that person
14:23:54 19 was getting about the matter?---That's right.
14:23:56 20
14:23:59 21 Those above the level of Superintendent who had knowledge
14:24:04 22 of the matters, ought they have been involved in the
14:24:06 23 questioning of what was going on?---Yes, that could have
14:24:11 24 been certainly something that as a Commander and Assistant
14:24:15 25 Commissioner you would have inquired into.
14:24:16 26
14:24:16 27 If you have lower ranks like Detective Senior Constables
14:24:22 28 questioning what's going on, have you got any explanation
14:24:25 29 for why we see nothing in the documents or the materials as
14:24:28 30 to questions being raised about the use of a lawyer as a
14:24:32 31 police agent, as an informer?---The materials that you have
14:24:38 32 before you thus far might not contain that material or
14:24:42 33 reference, but that's not to say that that might not be
14:24:45 34 brought before the Commission in the fullness of time.
14:24:48 35
14:24:48 36 Are you aware of - would you have been aware of potential
14:24:51 37 problems or problems in the future that might be created by
14:24:56 38 the use of such an informer in prosecuting matters that
14:25:02 39 occurred thereafter?---In hindsight, yes, I can appreciate
14:25:12 40 that. It's certainly something I didn't consider back
14:25:20 41 then. It was, as I said earlier, extraordinary times.
14:25:23 42
14:25:28 43 Yet you can't say that you understood at the time when the
14:25:32 44 last gangland murder was?---Not as I sit here, no.
14:25:36 45
14:25:36 46 You can't say who was - if there was anyone still at large
14:25:44 47 or not already deceased in relation to most of the gangland

14:25:51 1 murders that had occurred before then?---No, I cannot.
14:25:54 2
14:25:54 3 In any case you didn't suggest that there ought to be any
14:25:58 4 legal advice?---No, I did not.
14:25:59 5
14:26:01 6 Nothing further, Commissioner.
14:26:01 7
14:26:02 8 COMMISSIONER: Thank you. Mr Collinson.
9
10 <CROSS-EXAMINED BY MR COLLINSON:
11
14:26:19 12 My name is Collinson, I am one of the counsel for Ms Gobbo.
14:26:25 13 In some answers you gave just a few moments ago you
14:26:28 14 referred on a couple of occasions, Mr Hill, to the
14:26:34 15 situation around September 2005 being extraordinary times.
14:26:41 16 Is this a characterisation of the situation you've
14:26:46 17 discussed recently with any other police officer? For
14:26:56 18 example, you mentioned you had some discussions with
14:26:58 19 Mr White a few weeks ago. Did it come up between you and
14:27:02 20 Mr White?---I don't believe so.
14:27:06 21
14:27:08 22 What about more generally than that, this idea of it being
14:27:12 23 extraordinary times in September 2005, is this a
14:27:16 24 characterisation you've discussed with anybody
14:27:22 25 recently?---Not that I recall specifically. It's a view
14:27:26 26 that certainly I have held for some time, you know, having
14:27:33 27 worked in the Crime Command in that period. The
14:27:36 28 proliferation of amphetamines across our society and drugs
14:27:42 29 more broadly that has not abated. You know, we were
14:27:49 30 involved in certainly persons involved in the amphetamine
14:27:57 31 manufacture and trade at war, you know, that's my general
14:28:03 32 understanding as I sit here today.
14:28:06 33
14:28:06 34 What about Mr Hollowood, any discussions about this notion
14:28:10 35 of extraordinary times with him?---It may have been raised.
14:28:17 36 I don't recall it. Mr Hollowood and I have daily contact
14:28:21 37 in our current roles, as is the case with Mr White.
14:28:24 38
14:28:25 39 What about in September 2005 itself, around this time when
14:28:30 40 Ms Gobbo was registered, do you recall that topic being
14:28:35 41 discussed then, that it was extraordinary times which might
14:28:39 42 justify or have something to do with a decision to use a
14:28:44 43 barrister as a human source?---Again, a long time ago but I
14:28:55 44 know that as an organisation, as a community we were
14:28:59 45 challenged through the gangland warfare.
14:29:02 46
14:29:02 47 Yes?---And there might have been discussions. I would

14:29:06 1 suggest there was highly likely a situation when I was
14:29:13 2 involved in those discussions at the time but I certainly
14:29:15 3 don't recall them now.
14:29:16 4
14:29:16 5 I haven't myself seen any notes of anybody that refers to a
14:29:19 6 connection between the particular extreme challenges facing
14:29:24 7 the police around this time with drug syndicates and
14:29:28 8 gangland murders and so on and the decision to use Ms Gobbo
14:29:31 9 as a human source, but are you aware of any such
14:29:37 10 note?---No.
14:29:38 11
14:29:39 12 And I don't think you have a specific recollection of any
14:29:42 13 linkage that anybody drew around September 2005 between the
14:29:48 14 situation I have described that you've described as
14:29:51 15 extraordinary times and the decision to use Ms Gobbo?---No.
14:29:55 16
14:29:59 17 You were asked about whether - and this was a bit earlier
14:30:05 18 in your answers today - with the benefit of hindsight you
14:30:14 19 thought it was inappropriate to use a barrister or a
14:30:17 20 solicitor as a human source and you drew a distinction
14:30:20 21 between information that a lawyer might acquire through
14:30:23 22 social interactions and information that a lawyer might
14:30:26 23 acquire through acting professionally for a client. Do you
14:30:31 24 remember that distinction between social and lawyerly
14:30:36 25 involvement that you drew?---Just to go back to the start
14:30:41 26 of your question. I don't think I said it was
14:30:43 27 inappropriate to use a barrister but I do recall the latter
14:30:47 28 part of your question where we drew that distinction or I
14:30:50 29 drew that distinction.
14:30:51 30
14:30:51 31 No, we might have been at cross-purposes. I understood
14:30:54 32 your answer when you were asked what your view was with the
14:30:58 33 benefit of hindsight, you didn't accept that it was
14:31:01 34 inappropriate, so you implied I think that it remained
14:31:05 35 potentially appropriate to use a barrister or
14:31:10 36 solicitor?---Yes.
14:31:10 37
14:31:10 38 Even with the benefit of hindsight?---Yes, in certain
14:31:14 39 circumstances.
14:31:14 40
14:31:14 41 Yes. And in that connection you drew a distinction between
14:31:18 42 information that a barrister or solicitor might acquire
14:31:21 43 socially and information that the barrister or solicitor
14:31:24 44 might acquire professionally?---Yes.
14:31:26 45
14:31:28 46 Yes?---And I can - go on, sorry.
14:31:30 47

14:31:30 1 You can complete your answer?---No, sorry.
14:31:33 2
14:31:33 3 I presume you mean by that information that a lawyer might
14:31:37 4 acquire from a client socially might be the kind of
14:31:40 5 information that could be passed on to the police
14:31:44 6 legitimately and appropriately?---Yes, and even beyond
14:31:48 7 that. As I said this morning, if a barrister through his
14:31:54 8 interaction with a client and the client relayed to that
14:31:56 9 barrister that he planned to go out and commit horrendous
14:32:00 10 crimes such as a murder, I think it's morally and ethically
14:32:08 11 appropriate for that barrister to engage the enforcement
14:32:10 12 body to ultimately protect life.
14:32:13 13
14:32:13 14 Yes. You certainly did say that. My question though to
14:32:18 15 you is this: those sorts of distinctions between
14:32:24 16 information that a lawyer might acquire socially and
14:32:28 17 information that a lawyer might acquire professionally or
14:32:32 18 information that a lawyer might acquire about an intended
14:32:35 19 future crime that a client might commit, I want to suggest
14:32:38 20 to you those sorts of distinctions weren't being discussed
14:32:42 21 within the circle of people that was considering using
14:32:47 22 Ms Gobbo as a human source around September 2005?---And
14:32:55 23 your question, sir?
14:32:56 24
14:32:57 25 You've referred to these distinctions between social
14:33:00 26 information and professional information and you've also
14:33:03 27 made the point about a lawyer should be allowed to convey
14:33:07 28 information, even if acquired from a client, about an
14:33:11 29 intent to commit a serious crime like murder, you've just
14:33:14 30 been talking about those?---Yes.
14:33:16 31
14:33:17 32 Accepting that, my question to you is: these kinds of
14:33:20 33 distinctions to your recollection weren't being talked
14:33:23 34 about in the group of people that was considering using
14:33:28 35 Ms Gobbo as a human source around September 2005?---No, but
14:33:35 36 when you speak to Detective Senior Sergeant Jones that
14:33:39 37 clarity, I'm sure, will be provided to the Commission. And
14:33:44 38 whilst I don't recall it today, I don't suggest for one
14:33:48 39 moment it might not have occurred.
14:33:50 40
14:33:50 41 Yes?---Where that distinction was drawn by those that were
14:33:53 42 dealing directly with Ms Gobbo.
14:33:55 43
14:33:57 44 Have you been speaking to Senior Sergeant Jones
14:34:00 45 recently?---No, I have not.
14:34:01 46
14:34:04 47 But just for clarity, you don't have any recollection of

14:34:07 1 these sorts of distinctions being talked about?---No.
14:34:10 2
14:34:10 3 Can I just check one thing in relation to your diary.
14:34:14 4 You've got a hard copy of it there, do you?---Yes, I do.
14:34:18 5
14:34:18 6 Yes. If one wants to bring it up on the screen it's VPL -
14:34:34 7 anyway, it's p.143 of your diary and the computer code
14:34:37 8 number is VPL.0005.0013.0899. Have you got that,
14:34:54 9 p.143?---Yes.
14:34:54 10
14:34:58 11 The first page, for that code reference, it's
14:35:08 12 VPL.0005.0013.0892 and the particular page is .0899. It's
14:35:15 13 only one line I want to ask you about, Mr Hill. It's about
14:35:19 14 two-thirds of the way down. Do you see the line beginning,
14:35:25 15 "Raise issue of confidentiality"? It's under the time
14:35:33 16 reference 14:00 or 2 pm, about nine lines down?---Yes.
17
14:35:45 18 It says that "Commander Purton to raise issue of
14:35:54 19 confidentiality with AC" and then I can't read that very
14:36:00 20 clearly, but I think that's a reference to Mr Overland,
14:36:03 21 isn't it?---Yes.
14:36:04 22
14:36:06 23 You were asked some questions about this but is it possible
14:36:10 24 that that is a reference to the kinds of issues that might
14:36:17 25 arise with a barrister having information about a client
14:36:25 26 obtained professionally which it might be a breach of duty
14:36:29 27 to convey to the police?---No.
14:36:34 28
14:36:36 29 I think you identified it in your earlier answers as
14:36:40 30 pertaining to maintaining the identity of Ms Gobbo as
14:36:48 31 confidential?---Yes.
14:36:49 32
14:36:52 33 How can you be so sure it's that possibility rather than
14:36:55 34 the other one I've put to you?---Because of the second line
14:36:59 35 that follows, "Raise issue of confidentiality with AC re
14:37:06 36 human source recording" - - -
14:37:08 37
14:37:08 38 I think you better stop saying any more because I think
14:37:11 39 there's a claim. Anyway, you're saying the context
14:37:14 40 established by what follows - can I just have a look at
14:37:26 41 your original diary for a moment, please.
14:37:29 42
14:37:30 43 MS ARGIROPOULOS: Commissioner, I might be able to assist.
14:37:33 44
14:37:34 45 MR COLLINSON: My learned friend might have a copy.
14:37:37 46
14:37:38 47 (Discussion at Bar table.)

14:37:50 1 It's the words that follow after the reference to AC
14:37:52 2 that cause you to hold the belief that it relates to
14:37:58 3 maintaining the confidentiality of the identity of
14:38:01 4 Ms Gobbo?---Correct.
14:38:01 5
14:38:10 6 Could the operator perhaps bring up, please, Exhibit 115.
14:38:22 7
14:38:23 8 COMMISSIONER: Yes.
14:38:23 9
14:38:32 10 MR COLLINSON: You certainly saw this form, didn't you,
14:38:36 11 Mr Hill, around the time it was prepared?---No.
14:38:38 12
14:38:39 13 You don't think you did?---No, I did not.
14:38:41 14
14:38:41 15 I see. You did know though, didn't you, that at this time,
14:38:47 16 that is around 7 September, the proposal was that Ms Gobbo
14:38:54 17 would be in a position to provide intelligence concerning
14:38:56 18 the Mokbel cartel? I say that - it's at the foot of the
14:39:03 19 form, but you didn't see this form at the time, did
14:39:06 20 you?---No.
14:39:07 21
14:39:08 22 But you did know that though I suggest?---As I said
14:39:14 23 earlier, on 7 September there was an indication that I was
14:39:18 24 briefed through other documentation in relation to the
14:39:24 25 potential of Ms Gobbo assisting Victoria Police and that
14:39:31 26 conversation then initiated a meeting with the Human Source
14:39:36 27 Unit, the Dedicated Source Unit the next day.
14:39:40 28
14:39:40 29 Yes. My question was specifically about the Mokbel cartel.
14:39:45 30 You did know, didn't you, that the proposal was that
14:39:47 31 Ms Gobbo had information to convey about that?---Yes.
14:39:52 32
14:39:54 33 Indeed I think one of your answers earlier today, I think
14:39:58 34 you said, didn't you, that you were aware that a Task Force
14:40:01 35 was going to be built on the basis of the information to be
14:40:05 36 provided by Ms Gobbo?---Yes, certainly as the months
14:40:08 37 followed and the work that the Dedicated Source Unit were
14:40:16 38 doing, that then culminated into the Task Force being set
14:40:20 39 up, as suggested by the counsel alongside, the reference to
14:40:25 40 Task Force Posse.
14:40:26 41
14:40:26 42 Yes, and you knew that Ms Gobbo was a barrister?---Yes.
14:40:30 43
14:40:30 44 Yes. You would have known at this time, wouldn't you,
14:40:37 45 connecting those threads, that Ms Gobbo would potentially
14:40:43 46 have information to convey to the police arising from her
14:40:48 47 role as acting as counsel for members of the Mokbel

14:40:52 1 cartel?---No, that's a conclusion that I did not draw. As
14:40:57 2 I said earlier, I don't know what circumstances Ms Gobbo
14:41:02 3 had acquired that information.

14:41:04 4
14:41:05 5 Yes, it's difficult to remember things that are 13, 14
14:41:10 6 years ago but I'm really just putting to you the facts you
14:41:13 7 did know and using those building blocks to consider what
14:41:18 8 you likely knew then. If you knew that the information
14:41:21 9 Ms Gobbo was going to convey related to the Mokbel cartel,
14:41:25 10 you knew she was a barrister, and you knew a Task Force was
14:41:33 11 going to be built upon the information to be provided to
14:41:35 12 her, it's a short step, isn't it, from there to realise
14:41:39 13 that the proposal is that information be conveyed arising
14:41:43 14 from her professional relationship with members of the
14:41:49 15 Mokbel cartel?---No, I disagree with you. It's a long step
14:41:54 16 and it's not something that again I was made aware of. I
14:41:58 17 certainly don't recall how Ms Gobbo acquired the
14:42:04 18 information. As I've said previously, I was not privy to,
14:42:08 19 you know, the comprehensive details. If I was, I certainly
14:42:12 20 don't recall them to date.

14:42:13 21
14:42:14 22 You might have been asked this but did you know that she
14:42:17 23 had acted for members of the Mokbel cartel?---No, I was
14:42:21 24 asked that and that was not something that I was aware of.

14:42:24 25
14:42:26 26 It just beggars belief, Mr Hill, that in the course of
14:42:31 27 these meetings that occur, that you participate in, that it
14:42:36 28 wouldn't have been blindingly obvious that the information
14:42:40 29 Ms Gobbo was going to convey arose from her professional
14:42:44 30 relationship with acting for members of the Mokbel cartel.
14:42:47 31 You deny that, do you?---I certainly do, sir. You know,
14:42:50 32 when I went back through my diary as requested by counsel
14:42:54 33 alongside, during this period I was certainly performing
14:42:57 34 some upgraded roles across Crime Command. You know, I'd
14:43:01 35 only arrived back in the Major Drug Investigation Division
14:43:05 36 when I was upgraded for a period in late August through
14:43:08 37 September/October and then November. Prior to that I was
14:43:13 38 working in another division. The Mokbel investigations
14:43:18 39 were through another unit of the Major Drug Investigation
14:43:25 40 Division, the amphetamine section, the clan lab section,
14:43:30 41 Unit 2. That is not something that again I had any direct
14:43:32 42 control over, only when I was upgraded. When matters are
14:43:37 43 concluded at the Major Drug Investigation Division or any,
14:43:42 44 you know, area specially that is dealing with serious and
14:43:46 45 organised crime, major drug trafficking, it takes some time
14:43:49 46 to prepare a brief of evidence and it takes some time to go
14:43:52 47 before the courts and, you know, I'm dealing with matters

14:43:55 1 that are occurring, investigations that running today, not
14:43:59 2 something that occurred 12 months earlier, even six months
14:44:02 3 earlier. As I said to counsel assisting, you know, I'm not
14:44:05 4 made aware of court results, only what I might read in the
14:44:09 5 paper or something that might be shared with me on the
14:44:11 6 floor when a detective, you know, is celebrating
14:44:14 7 potentially a, you know, successful outcome of a court
14:44:18 8 case. We're dealing with the here and now, we're not
14:44:20 9 dealing with what we might have dealt with previously.

14:44:23 10
14:44:24 11 Going back to September 2005, what kind of information did
14:44:30 12 you imagine Ms Gobbo was likely to provide about the Mokbel
14:44:36 13 cartel to the police?---As is well documented, Ms Gobbo was
14:44:45 14 well connected through the criminal underworld. She was,
14:44:52 15 as has well been documented, stretching the boundaries
14:44:56 16 between her relationship as a barrister and those that she
14:44:59 17 might or might not have been acting for and others that she
14:45:04 18 might have been having contact with in terms of the
14:45:08 19 underworld. I've got no idea, as I sit here today, how she
14:45:11 20 acquired that information, whether it be through her
14:45:14 21 client/lawyer relationship or whether it be through her
14:45:17 22 social engagements.

14:45:19 23
14:45:20 24 Yes. Did you think it was more likely it might have been
14:45:26 25 through her social interactions with members of the Mokbel
14:45:29 26 cartel that she might have gathered some relevant
14:45:32 27 information?---No, as I've said previously, I have no
14:45:35 28 knowledge at this point how that information came to her
14:45:41 29 notice, the information that she was passing on to Victoria
14:45:44 30 Police.

14:45:44 31
14:45:45 32 Yes, all right. Nearly finished. Now Exhibit 116, could
14:45:48 33 that be brought up, please. It's VPL.0005.0017.0001. I
14:45:56 34 don't think you were asked this information, Mr Hill. Do
14:46:01 35 you see about two-thirds of the way down under the heading
14:46:05 36 "Informer details" there's some attachments described and
14:46:10 37 the first dot point says "Printout of previous
14:46:18 38 convictions"?---Yes, I do see that.

14:46:19 39
14:46:20 40 What does that mean? Does that mean that when these sorts
14:46:24 41 of forms are prepared if an informer has any previous
14:46:28 42 convictions that should be attached to the form?---Yes.

14:46:32 43
14:46:34 44 Do you know whether that occurred in the case of
14:46:36 45 Ms Gobbo?---No, I do not.

14:46:37 46
14:46:37 47 Are you aware that Ms Gobbo in fact had a prior

14:46:40 1 conviction?---Only what I read in the newspapers.
14:46:44 2
14:46:44 3 Yes, I see.
14:46:47 4
14:46:47 5 COMMISSIONER: Mr Collinson, is there anything attached to
14:46:49 6 this document?
14:46:50 7
14:46:51 8 MR COLLINSON: Not that I'm aware. Have you ever seen a
14:46:53 9 form, a version of this form where any of the attachments
14:47:00 10 under the heading "Informer details" are in fact
14:47:04 11 attached?---No.
14:47:04 12
14:47:08 13 No further questions.
14:47:10 14
14:47:10 15 COMMISSIONER: Thanks Mr Collinson. Mr Chettle.
16
17 <CROSS-EXAMINED BY MR CHETTLE:
18
14:47:15 19 Thank you, Commissioner. Mr Hill, documents that you've
14:47:18 20 just been shown, the request for assistance and the
14:47:20 21 registration documents, are something you'd not - you
14:47:23 22 didn't see contemporaneously with your duties at the
14:47:26 23 time?---I can't hear you, Mr Chettle.
14:47:28 24
14:47:28 25 I apologise, that's normally not a problem. The documents
14:47:32 26 you've just been shown, the request for assistance and the
14:47:35 27 registration document, you haven't seen them prior to
14:47:39 28 coming to court, to the Commission?---No, I was just shown
14:47:43 29 those documents when I prepared my statement last week.
14:47:45 30
14:47:47 31 That's what I meant?---Sorry.
14:47:48 32
14:47:48 33 Prior to being prepared for this - you didn't see them back
14:47:50 34 there in 2005?---No.
14:47:51 35
14:47:51 36 And in fact let me suggest to you that what occurs and the
14:47:55 37 way - well, firstly, the request for assistance of the
14:47:58 38 Source Development Unit requires that somebody, an officer,
14:48:02 39 make an application for the assistance of the Unit. That
14:48:08 40 was the way in which the procedure worked, there had to be
14:48:11 41 a request for assistance, then they would do an assessment
14:48:15 42 and then they would either take it on or not?---Correct.
14:48:19 43
14:48:20 44 That document which has your name in it, although you
14:48:22 45 didn't see it, was part of the process that was applied at
14:48:27 46 the time to start the registration process?---Yes.
14:48:30 47

14:48:32 1 Then when that's completed the registration will go through
14:48:37 2 with the registered - the local register officer, that's
14:48:43 3 Mr Thomas, without any further input from you?---Well, if
14:48:52 4 it was deemed that the human source would be managed by the
14:48:57 5 Dedicated Source Unit, then registration would occur
14:49:02 6 through that stream and the local informer registrar, as is
14:49:06 7 indicated by the form, is Superintendent Ian Thomas. But
14:49:09 8 if the Dedicated Source Unit determined that the human
14:49:17 9 source could be managed locally, it would come back I
14:49:20 10 expect to, in these circumstances, the Major Drug
14:49:23 11 Investigation Division, and we would go through that
14:49:25 12 registration process where the Superintendent of the MDID
14:49:29 13 would be the local informer registrar.
14:49:31 14
14:49:31 15 That didn't happen in this case?---No, it did not.
14:49:33 16
14:49:33 17 It was the first set of examples. You had documents
14:49:34 18 provided to you, you've said, in order to assist you with
14:49:38 19 preparing your statements. Did you have copies of the
14:49:40 20 diary entries made by any of the source development member
14:49:45 21 officers?---No. The only document that was showed to me,
14:49:49 22 or shown to me was the log.
14:49:51 23
14:49:52 24 The log. Was it the complete log or just a portion of
14:49:55 25 it?---Well I don't know if I was only shown - - -
14:50:00 26
14:50:00 27 The bits that related to you?---Yes, that's right.
14:50:05 28
14:50:06 29 You didn't have the benefit of any of the SDU documents
14:50:09 30 other than that, and by that I mean Jones' diary or
14:50:15 31 Brennan's diary?---No, I have not.
14:50:18 32
14:50:18 33 You were asked some questions about the probability of
14:50:24 34 putting in an Undercover Unit operator, do you remember
14:50:29 35 those questions?---Yes.
14:50:30 36
14:50:30 37 Do you remember being told or informed that there had been
14:50:38 38 an attempt by Tony Mokbel to bribe Police Officer 1.
39 Delete the name. I'm sorry, I'm told there's a suppression
40 order on his name.
41
42 COMMISSIONER: There is. So that name should be deleted
43 from the record and it's not to be published.
44
45 MR CHETTLE: But it may have served the purpose to alert Mr
14:50:59 46 Hill to what I'm asking him.
14:50:59 47

14:50:59 1 MS TITTENSOR: He's known, Commissioner, as Police Officer
14:51:01 2 1 in Exhibit 81.
3
14:51:04 4 COMMISSIONER: Yes. Thank you.
14:51:04 5
14:51:04 6 MR CHETTLE: Thank you. In Exhibit 81 Police Officer 1.
14:51:05 7
14:51:05 8 COMMISSIONER: I'll finish the orders - and a copy of this
14:51:07 9 order has to be attached to the hearing room door.
14:51:11 10
14:51:11 11 MR CHETTLE: Okay. You know that officer?---Yes, I do.
14:51:13 12
14:51:15 13 I'm trying to prompt your memory here. In discussions with
14:51:17 14 Mr Purton did you become aware that there'd been an attempt
14:51:20 15 to bribe him to have the tape recordings that implicated
14:51:25 16 Mokbel disappear?---No.
14:51:27 17
14:51:30 18 At the discussion in relation to using an undercover, was
14:51:34 19 it effectively to try and use that as a hook to catch him
14:51:38 20 in that activity, do you follow what I mean?---I don't
14:51:42 21 recall that.
14:51:42 22
14:51:42 23 Doesn't ring any bells for you?---No.
14:51:44 24
14:51:45 25 But the point I'm trying to make is that you've been asked
14:51:48 26 about privilege. You weren't aware of Mokbel actually
14:51:52 27 seeking to commit offences involving the corrupting of a
14:51:56 28 police officer?---There is reference in my diary where, or
14:52:03 29 alternatively the notes, where it's been made - or where
14:52:09 30 I've been made aware there's allegations or involvement of
14:52:12 31 police bribery and money laundering I think are the
14:52:15 32 references that I have made during the course of this
14:52:19 33 period.
14:52:19 34
14:52:19 35 And that's the extent of your memory?---Yes.
14:52:21 36
14:52:23 37 You were asked questions about gangland killings and
14:52:27 38 Ms Tittensor suggested to you the last one of those
14:52:30 39 occurred in 2004 with the Hodsons being killed. Remember
14:52:35 40 that proposition being put to you?---Yes.
14:52:37 41
14:52:37 42 Do you know a man by the name of Lee Torney?---Of who,
14:52:41 43 sorry?
14:52:42 44
14:52:42 45 Lee Torney?---I know the name.
14:52:44 46
14:52:44 47 Was he discovered dead in March 2006?---Again, I don't have

14:52:48 1 those details and nor do I have a recollection.
14:52:51 2
14:52:51 3 Do you remember Mario Condello being killed in February
14:53:00 4 2006?---Again a name I recall but I don't recall the
14:53:03 5 actual - - -
14:53:03 6
14:53:04 7 One of the gangland killings though, wasn't he?---Yes.
14:53:09 8
14:53:09 9 Des Moran was shot in 2009 and of course Williams himself
14:53:13 10 in 2010 are also subsequent to Hodson, aren't they?---Yes.
14:53:16 11
14:53:22 12 Just in relation to Operation Posse, and perhaps nothing
14:53:26 13 turns on this. You agreed that that was a Task Force that
14:53:33 14 utilised information supplied by Ms Gobbo?---That's a
14:53:37 15 conclusion I've made from my diary notes. Again, I rely
14:53:43 16 upon them. I have no other reference or recollection of
14:53:48 17 that being the case.
14:53:48 18
14:53:49 19 That conclusion I don't want to take issue with but what I
14:53:52 20 want to suggest to you is that Operation Posse had other
14:53:55 21 sources and other material further from that which was
14:53:57 22 supplied by Ms Gobbo, there was a lot of other things
14:54:00 23 involved in that, are you aware of that?---No.
14:54:02 24
14:54:03 25 Mr O'Brien would know though, wouldn't he?---Certainly if
14:54:06 26 Mr O'Brien, which I believe he was in charge of the Task
14:54:08 27 Force, he would have those intimate details.
14:54:11 28
14:54:16 29 Yes. Thank you, Commissioner.
14:54:18 30
14:54:21 31 COMMISSIONER: Ms Argiropoulos, any re-examination?
14:54:23 32
14:54:24 33 MS ARGIROPOULOS: No re-examination.
14:54:27 34
14:54:27 35 MS TITTENSOR: Just very quickly, Commissioner. Mr Hill,
14:54:30 36 you referred in your evidence a number of times to the term
14:54:36 37 "extraordinary times", do you recall that?---Yes.
14:54:38 38
14:54:39 39 And that was in response to questioning about the reasons
14:54:43 40 for the use of Ms Gobbo at the time?---Yes.
14:54:45 41
14:54:46 42 And to complete the phrase "extraordinary times call for
14:54:50 43 extraordinary measures", that's what you're referring
14:54:53 44 to?---Did I say measures or decisions?
14:54:56 45
14:54:57 46 Well, measures or decisions, but that's the phrase commonly
14:55:01 47 known, extraordinary times call for extraordinary measures,

14:55:05 1 do you accept that?---Yes.
14:55:06 2
14:55:07 3 That's what you were meaning to say, it was extraordinary
14:55:10 4 times, "we took extraordinary measures"?---Yes.
14:55:14 5
14:55:15 6 That's a concession that this was something that you
14:55:20 7 wouldn't ordinarily do?---Well, I don't disagree. As I've
14:55:26 8 said previously, I'm not aware of a barrister being
14:55:30 9 utilised as a registered human source through my career.
14:55:33 10
14:55:34 11 You also referred to there being problems with drugs that
14:55:38 12 had not abated even now?---Yes.
14:55:41 13
14:55:42 14 Do you mean to say that it's okay to break the rules if the
14:55:46 15 times call for it?---What rules are you talking about,
14:55:50 16 ma'am?
14:55:51 17
14:55:51 18 These extraordinary measures that you take at the time,
14:55:57 19 something that you wouldn't ordinarily do, is it okay,
14:55:59 20 according to you, to break the rules, to do things that you
14:56:04 21 ordinarily wouldn't do if the times call for it?---Again,
14:56:07 22 if you're talking about decisions based on morality,
14:56:10 23 decisions based on an ethical framework or decisions based
14:56:14 24 according to law, of course we're not going to break the
14:56:20 25 law. The ethical decisions are subjective, I say, in some
14:56:23 26 circumstances and morality, again, that's a matter for
14:56:27 27 again a subjective assessment.
14:56:28 28
14:56:30 29 Do you say as an Assistant Commissioner of Police that if
14:56:33 30 the times call for it it's okay to bend or break the
14:56:37 31 rules?---What rules do you refer to, ma'am?
14:56:39 32
14:56:40 33 Rules of Court, rules of law, it's okay if we are to use a
14:56:46 34 defence barrister and task her against her clients if the
14:56:49 35 times are extraordinary and the times call for it?---Again,
14:56:54 36 I do not support the notion that we are going to break the
14:56:57 37 law to keep the community safe, but we are going to make
14:57:01 38 ethical decisions based on, again, saving lives and keeping
14:57:07 39 the community safe.
14:57:08 40
14:57:11 41 The ethical decisions you refer to, are they ethical
14:57:16 42 decisions in terms of complying with the law itself,
14:57:20 43 complying with disclosure obligations, or is it ethical
14:57:24 44 decisions that you refer to in terms of personal human
14:57:31 45 safety?---Again, I'll repeat myself as I said earlier. I
14:57:35 46 do not support the notion that Victoria Police and our
14:57:38 47 members will break the law in accordance with the State and

14:57:42 1 the nation. What I do say is that ethical decisions are
14:57:47 2 made by us on a daily basis and we operate in utilising a
14:57:52 3 framework that enables us to again operate in that grey
14:57:56 4 area, and that grey area is presented to us time and time
14:57:59 5 again as members of Victoria Police, certainly as senior
14:58:03 6 members of our organisation.
14:58:04 7
14:58:06 8 Have you read the High Court decision in relation to this
14:58:08 9 matter?---No.
14:58:09 10
14:58:10 11 Has that not been a decision that's been provided to senior
14:58:16 12 people within Victoria Police to read?---Well, I understand
14:58:22 13 our Chief Commissioner has certainly made comment in
14:58:25 14 relation to the ruling and I understand our Chief
14:58:29 15 Commissioner does not accept matters that have been
14:58:33 16 certainly articulated in the document or ruling.
14:58:36 17
14:58:36 18 The High Court described the police behaviour as
14:58:41 19 "reprehensible", you understand that?---Yes.
14:58:43 20
14:58:45 21 And are you saying that the Chief Commissioner of Police
14:58:47 22 does not accept that description?---No, I've heard again
14:58:53 23 our Chief Commissioner through our, and his media
14:58:58 24 interviews, saying that this is a matter that again, you
14:59:02 25 know, was in a period of difficult times, in extraordinary
14:59:09 26 circumstances, and we had to make extraordinary decisions
14:59:12 27 to keep our community safe. I don't think our Chief
14:59:17 28 Commissioner completely agrees with what is asserted in the
14:59:21 29 finding. That's my recollection of his media interviews.
14:59:23 30 He has not had a direct conversation with me about that
14:59:26 31 though.
14:59:27 32
14:59:27 33 COMMISSIONER: Perhaps we better explore that in due course
14:59:32 34 with the Chief Commissioner.
14:59:34 35
14:59:34 36 MS TITTENSOR: Yes, I won't take the matter any further
14:59:36 37 with this witness, Commissioner.
14:59:38 38
14:59:38 39 COMMISSIONER: Thank you Assistant Commissioner Hill,
14:59:40 40 Commander hill, you're free to go.
14:59:47 41
14:59:47 42 (Witness excused.)
43
14:59:48 44 <(THE WITNESS WITHDREW)
14:59:48 45
14:59:48 46 The next witness?
14:59:50 47

14:59:51 1 MR WOODS: Commissioner, I'll be taking the next witness,
14:59:54 2 it's Liza Burrows. Just before she comes in there's an
14:59:57 3 application to be made in relation to her which I've spoken
15:00:02 4 to Ms Argiropoulos about. I think the Commissioner has
15:00:06 5 seen a copy of that application and supporting materials.
15:00:10 6
15:00:10 7 COMMISSIONER: Yes.
15:00:11 8
15:00:13 9 MR WOODS: The position that I put to you, Commissioner, is
15:00:17 10 that they're appropriate orders to be made in the
15:00:20 11 circumstances and that - - -
15:00:22 12
15:00:23 13 COMMISSIONER: Do we have a copy of the proposed order?
15:00:26 14
15:00:27 15 MR WOODS: It should be with your materials but if not I
15:00:29 16 have one here which I can hand up. Essentially it's that
15:00:34 17 public streaming of the evidence of this police member
15:00:37 18 won't include image and work location, duties at a
15:00:42 19 particular time, and that material that would identify
15:00:48 20 various matters won't be published either. The stream
15:00:53 21 won't show an image of the witness.
15:01:02 22
15:01:03 23 COMMISSIONER: Thank you. Yes, it seems appropriate to
15:01:07 24 make these orders so I order that pursuant to s.26
15:01:11 25 *Inquiries Act* the public streaming of the evidence of
15:01:17 26 Victoria Police member about to give evidence in this
15:01:22 27 matter not include their image and work location and duties
15:01:39 28 undertaken from 14 March 2006 to September 2008.
15:01:44 29 Publication is prohibited of any material that would
15:01:47 30 identify the Victoria Police member the subject of this
15:01:55 31 order or enable their image and work location and duties
15:01:59 32 undertaken from 14 March 2006 to September 2008 to be
15:02:02 33 ascertained. I suppose I better get you to hand up the
15:02:10 34 written submission and confidential affidavit.
15:02:13 35
15:02:13 36 MS ARGIROPOULOS: Yes, Commissioner. I'll read the
15:02:18 37 confidential affidavit of Detective Inspector Bradley Roy
15:02:22 38 Nichols. I have the original to hand up to the
15:02:25 39 Commissioner as well as the confidential submission.
15:02:27 40
15:02:27 41 COMMISSIONER: Thank you. Yes, leave to read and file that
15:02:35 42 material. The written submission and confidential
15:02:40 43 affidavit provided to the Royal Commission in support of
15:02:41 44 this application is to be placed in a sealed envelope
15:02:44 45 marked "confidential" and not to be opened by anyone other
15:02:48 46 than Commission staff without an order of the Commission.
15:02:51 47 A copy of this order is to be posted on the door of the

15:02:54 1 hearing room and the hearing rooms into which the hearing
15:02:57 2 is being transmitted. I'd better add that accredited media
15:03:10 3 can ascertain the identity of the Victoria Police
15:03:27 4 member - - -
15:03:29 5
15:03:30 6 MR WOODS: Commissioner, I think you might have said name
15:03:32 7 and I don't think name is part of the application.
15:03:34 8
15:03:35 9 MS ARGIROPOULOS: No, there's no issue, Commissioner, with
15:03:37 10 the identity of this witness.
15:03:41 11
15:03:41 12 COMMISSIONER: We don't need that in the order, do we?
15:03:43 13
15:03:44 14 MS ARGIROPOULOS: That's correct.
15:03:44 15
15:03:44 16 COMMISSIONER: I didn't say name anywhere I don't think.
15:03:47 17
15:03:48 18 MR WOODS: Sorry, Commissioner, I think that was reported
15:03:50 19 to me. I didn't hear it myself.
15:03:52 20
15:03:52 21 COMMISSIONER: Public streaming of the evidence of the
15:03:54 22 Victoria Police member about to give evidence in this
15:04:01 23 matter not include their image and work location and
15:04:08 24 duties. Maybe I said name, I don't know. I'll repeat the
15:04:11 25 orders. Public streaming of the evidence of Victoria
15:04:14 26 Police member about to give evidence in this matter not
15:04:17 27 include their image and work location and duties undertaken
15:04:22 28 from 14 March 2006 to September 2008. Publication is
15:04:27 29 prohibited of any material that would identify - that would
15:04:30 30 include the name - a police member covered by this order.
15:04:38 31
15:04:39 32 MR WOODS: Unfortunately my copy of the proposed order's
15:04:41 33 been handed up.
15:04:42 34
15:04:42 35 COMMISSIONER: That's what it says.
15:04:45 36
15:04:45 37 MS ARGIROPOULOS: I apologise, Commissioner, I've just
15:04:48 38 noticed that is an error in the draft order that I've
15:04:50 39 handed up too.
15:04:51 40
15:04:52 41 COMMISSIONER: So publication is prohibited of any material
15:04:54 42 that would - we just take out "identify".
15:04:58 43
15:04:58 44 MS ARGIROPOULOS: We can take out "identify".
15:05:00 45
15:05:01 46 COMMISSIONER: Publication is prohibited of any material
15:05:03 47 that would enable their image and work location and duties

15:05:06 1 undertaken from 14 March 2006 to September 2008 be
15:05:10 2 ascertained. Then I don't need the further order. That's
15:05:14 3 why I thought a further order was needed.
15:05:16 4
15:05:16 5 MS ARGIROPOULOS: That's correct. Yes, that's right. I'm
15:05:17 6 sorry, Commissioner, that's my fault.
15:05:18 7
15:05:18 8 COMMISSIONER: No, that's all right. Otherwise it's as
15:05:22 9 I've ordered. A copy of the order is to be posted on the
15:05:27 10 door of the hearing and the rooms into which the hearing is
15:05:31 11 being transmitted.
15:05:33 12
15:05:35 13 MR WOODS: With that we call Liza Emily Burrows.
15:05:49 14
15:05:49 15 COMMISSIONER: Ms Burrows, oath or affirmation?---Oath.
15:05:52 16
15:05:52 17 Thank you, yes.
15:05:59 18
15:06:00 19 <LIZA EMILY BURROWS, sworn and examined:
15:06:11 20
15:06:11 21 COMMISSIONER: Yes Ms Argiropoulos.
15:06:12 22
15:06:13 23 MS ARGIROPOULOS: Thank you, Commissioner. Ms Burrows,
15:06:15 24 could you tell the Royal Commission your full name, your
15:06:18 25 rank and current location?---My name is Liza Emily Burrows.
15:06:22 26 I am a Detective Senior Constable and I'm currently
15:06:25 27 attached to the Bass Coast Crime Investigation Unit.
15:06:28 28
15:06:30 29 Ms Burrows, have you made a statement in relation to this
15:06:34 30 Royal Commission?---I have, yes.
15:06:35 31
15:06:36 32 And if you look at that document that's just in front of
15:06:38 33 you, do you recognise that to be your statement and it's
15:06:42 34 dated 10 May 2019?---Yeah, that's correct.
15:06:46 35
15:06:49 36 Have you identified a couple of typographical errors - - -
15:06:53 37
15:06:54 38 COMMISSIONER: Would you prefer to stand or would you
15:06:55 39 prefer to sit?---I'm happy to stand, Commissioner, if
15:06:58 40 that's okay. Is that all right?
15:07:01 41
15:07:01 42 We need to adjust the microphone up if you're going to
15:07:04 43 stand?---Okay, thank you.
15:07:05 44
15:07:05 45 If you want to sit down at mid-point you're free to do
15:07:08 46 so?---Thank you.
15:07:09 47

15:07:09 1 You might then just need to adjust the microphone?---Thank
15:07:12 2 you.
15:07:12 3
15:07:13 4 MS ARGIROPOULOS: Ms Burrows, have you identified a couple
15:07:14 5 of typographical errors that you'd like to correct in your
15:07:20 6 statement?---Yes, I have.
15:07:21 7
15:07:21 8 If I can take you through those quickly. Firstly, in
15:07:24 9 paragraph 3 is a reference to you graduating the Police
15:07:27 10 Academy in July, that should be 1998?---That's correct,
15:07:32 11 yes.
15:07:32 12
15:07:32 13 Do you have a pen with you there, are you able to mark
15:07:35 14 that?---I don't actually.
15:07:38 15
15:07:38 16 COMMISSIONER: We'll give you one.
15:07:39 17
15:07:40 18 MS ARGIROPOULOS: There's one being provided now?---Thank
15:07:41 19 you.
15:07:45 20
15:07:46 21 If I can take you now to paragraph 16, which is the bottom
15:07:48 22 of p.3 on my version?---Yes.
15:07:52 23
15:07:54 24 Do you see there there's reference to an application being
15:07:57 25 made by, should that read instead an application made
15:08:02 26 to?---Yes, that's correct.
15:08:03 27
15:08:03 28 So the word "by" should be crossed out and "to". Then over
15:08:12 29 the page at paragraphs 17, 18 and 19 there's a reference to
15:08:19 30 a Detective Acting Superintendent Ian Hill. Should that in
15:08:24 31 fact be Robert Hill?---Yes, that's correct.
15:08:27 32
15:08:28 33 Would you mind just making that change in 17, 18 and
15:08:47 34 19?---Yes, they're done.
15:08:48 35
15:08:49 36 Subject to those amendments is the content of your
15:08:52 37 statement true and correct?---Yes, they are.
15:08:55 38
15:08:58 39 Can I just ask you, those changes, have you recorded those
15:09:02 40 on a redacted or unredacted version of your statement
15:09:06 41 there?---A redacted version.
15:09:07 42
15:09:07 43 Redacted?---Yes.
15:09:08 44
15:09:09 45 Thank you. Commissioner, I'd seek to tender both the
15:09:12 46 redacted and unredacted version, noting the amendments
15:09:17 47 which have been made.

15:09:17 1
15:09:18 2 COMMISSIONER: We might just get you to make the amendments
15:09:20 3 to both versions if you wouldn't mind, please?---Yes,
15:09:23 4 Commissioner, I'll do that.
15:09:34 5
15:09:34 6 #EXHIBIT RC118A - Unredacted statement of Liza Burrows.
15:09:44 7
15:09:44 8 #EXHIBIT RC118B - Redacted statement of Liza Burrows.
15:09:48 9
15:09:48 10 COMMISSIONER: I think there might be some discussion about
15:09:51 11 that. We're going to deal with that after we've finished
15:09:54 12 the witness, is that the position? Or are they all sorted
15:09:59 13 out now?
15:09:59 14
15:10:00 15 MS ARGIROPOULOS: These redactions have been sorted out,
15:10:03 16 Commissioner. There is one redaction which Victoria Police
15:10:05 17 have agreed to remove. I'll just need to confirm whether
15:10:09 18 that's actually been done on the redacted version. If not
15:10:12 19 it can be done very quickly.
15:10:13 20
15:10:13 21 COMMISSIONER: Thank you.
15:10:15 22
15:10:16 23 WITNESS: They're both done, Commissioner.
15:10:19 24
15:10:19 25 COMMISSIONER: Thanks very much Detective Senior Constable.
15:10:21 26 Yes Mr Woods.
27
28 <CROSS-EXAMINED BY MR WOODS:
29
15:10:24 30 Ms Burrows, you went through the Police Academy in 1998; is
15:10:28 31 that correct?---That's correct.
15:10:28 32
15:10:28 33 Did you enter the Academy straight out of school or did you
15:10:31 34 do some things in the intervening time?---I did some things
15:10:34 35 in the intervening time.
15:10:35 36
15:10:36 37 In the Academy I take it from reading your statement that
15:10:40 38 you learnt about legal professional privilege as one of the
15:10:44 39 things taught to you at that stage?---Yes, that's correct.
15:10:47 40
15:10:47 41 That was to do with a privilege that attaches to
15:10:51 42 communications between lawyers of accused people and what
15:10:55 43 the accused person tells them; is that right?---That's
15:10:57 44 right.
15:10:57 45
15:10:58 46 And that essentially those outside that conversation aren't
15:11:01 47 to know about those privileged things?---That's correct.

15:11:03 1
15:11:03 2 And hand-in-hand with that is the right to silence which
15:11:07 3 was also taught at the Academy in 98; is that
15:11:14 4 correct?---That's correct.
15:11:14 5
15:11:14 6 And the right to a legal representative was also
15:11:17 7 taught?---That's correct.
15:11:18 8
15:11:22 9 That's helpful, thank you. At the moment you're a
15:11:25 10 Detective Senior Constable in the Bass Coast Crime
15:11:28 11 Investigation Unit?---That's right, yes.
15:11:29 12
15:11:33 13 Focusing in on dealings that relate to Ms Gobbo, it's
15:11:37 14 correct that you never had personal contact yourself with
15:11:41 15 Ms Gobbo at any time?---Not that I can remember.
15:11:44 16
15:11:46 17 You make that point at paragraph 49 of your statement. But
15:11:50 18 the dealings that you had with Ms Gobbo began during your
15:11:53 19 time at the Major Drug Investigation Division; is that
15:11:57 20 right?---That's correct.
15:11:57 21
15:11:58 22 And when did you start there?---I started there in 2003.
15:12:02 23
15:12:03 24 1 September 2003; is that right?---That's right.
15:12:05 25
15:12:05 26 And you were there until 4 December 2005?---That's correct.
15:12:09 27
15:12:10 28 Then after that you started at Purana on 5 December 2005
15:12:16 29 and you were there until 13 March 2006 according to your
15:12:19 30 statement and you accept that?---That's right, that's
15:12:21 31 correct.
15:12:21 32
15:12:23 33 Largely the contact that you had with Ms Gobbo related to
15:12:28 34 an Operation Quills?---Yes.
15:12:31 35
15:12:32 36 Do you have a recollection of that operation?---I have some
15:12:34 37 recollection of it. Mostly it's to do with referring to my
15:12:39 38 diary, but yes.
15:12:39 39
15:12:39 40 I understand. But it was an operation that was focusing on
15:12:42 41 drug manufacturing that was taking place by a [REDACTED]
15:12:47 42 and Mr Mokbel; is that right?---That's right.
15:12:49 43
15:12:52 44 That was work you were doing while at the MDID?---That's
15:12:56 45 right.
15:12:56 46
15:12:56 47 Also you had significant dealings, not personally with

15:12:59 1 Ms Gobbo but in relation to Ms Gobbo following that in
15:13:03 2 relation to Operation Posse?---That's correct.
15:13:04 3
15:13:05 4 Am I correct to understand that Operation Posse was
15:13:07 5 essentially an operation that came out of Purana to deal
15:13:10 6 with information that Ms Gobbo was providing in relation to
15:13:13 7 certain people?---That's correct.
15:13:13 8
15:13:16 9 Your crew at the MDID was Mansell, Hayes and Rowe and
15:13:22 10 yourself?---That's right.
15:13:23 11
15:13:24 12 And Jim O'Brien was the Unit supervisor?---That's correct.
15:13:27 13
15:13:30 14 In your first dealings that related to Ms Gobbo around this
15:13:34 15 time was it known to you that in fact she'd been registered
15:13:38 16 two times previously, in 95 and 99?---No, I didn't know
15:13:42 17 that.
15:13:42 18
15:13:43 19 Have you only learnt that recently through media
15:13:45 20 reports?---Correct.
15:13:46 21
15:13:47 22 Did you know that she'd had a prior conviction at the time
15:13:51 23 you were dealing in relation to her?---No, I didn't.
15:13:55 24
15:13:58 25 You produce a number of diaries to the Commission. Do you
15:14:01 26 have a copy of those in front of you?---My diary notes?
15:14:06 27
15:14:06 28 Yes?---Yes, I do.
15:14:08 29
15:14:09 30 I think those at the Bar table have a copy of those as well
15:14:12 31 I trust. I want to take you to just a few of those
15:14:23 32 entries. It might be of assistance if I take you firstly
15:14:28 33 to your statement at paragraph 17. I'm sorry, it's before
15:14:36 34 that. It's paragraph 15 we'll start at. So you came back
15:14:41 35 from leave on about 12 September 2005 and on return you
15:14:45 36 continued work in relation to Operation Quills which is
15:14:49 37 work you'd been doing prior to that leave; is that
15:14:52 38 right?---That's correct.
15:14:52 39
15:14:55 40 On 20 September 2005 there was an application being made to
15:15:01 41 Victoria Police in relation to Mark Lanteri, an associate
15:15:05 42 of Mr Mokbel. Do you have an independent recollection of
15:15:08 43 that?---I don't, no.
15:15:10 44
15:15:11 45
15:15:17 46
15:15:19 47

15:15:21 1
15:15:28 2
15:15:35 3
15:15:42 4
15:15:43 5
15:15:46 6
15:15:46 7
15:15:48 8
15:15:51 9
15:15:53 10
15:15:55 11
15:16:03 12
15:16:04 13
15:16:06 14
15:16:09 15
15:16:15 16
15:16:18 17
15:16:22 18
15:16:25 19
15:16:29 20
15:16:31 21
15:16:32 22
15:16:33 23
15:16:34 24
15:16:34 25
15:16:38 26
15:16:39 27
15:16:40 28
15:16:42 29
15:16:47 30
15:16:52 31
15:16:56 32
15:16:59 33
15:17:02 34
15:17:03 35
15:17:06 36
15:17:07 37
15:17:10 38
15:17:28 39
15:17:33 40
15:17:46 41
15:17:49 42
15:17:52 43
15:17:55 44
15:17:56 45
15:17:56 46
15:18:00 47

[REDACTED]

MS ARGIROPOULOS: Thank you, Commissioner.

MR WOODS: Thank you Commissioner, I apologise for that. Looking at p.205 of your diary there is a reference - sorry, I might just need to go back a tiny bit. On 29 June 2005, which is a few pages before, which is the first page of the diaries of the copies that we have in front of us, there was surveillance that you were undertaking with DS Mansell and DSC Rowe in Collingwood; is that correct?---That's correct.

And you understand now that that was three or four months before Ms Gobbo was registered by the SDU?---I believe so.

15:18:04 1
15:18:07 2 That was surveillance and monitoring of telephone
15:18:10 3 intercepts in relation to Operation Quills; is that
15:18:17 4 right?---Specifically on that day or in general?
15:18:20 5
15:18:20 6 In general?---In general yes, that's correct.
15:18:23 7
15:18:23 8 In fact you assisted in the arrest of [REDACTED] himself,
15:18:29 9 didn't you?---That's correct.
15:18:29 10
15:18:29 11 And there was an interview that was conducted by DSC Rowe;
15:18:37 12 is that right?---That's correct.
15:18:37 13
15:18:39 14 During that interview [REDACTED] called Nicola Gobbo; is
15:18:46 15 that correct?---That's correct.
15:18:47 16
15:18:49 17 Do you know the nature of that phone call, was it a phone
15:18:51 18 call that was made in front of you or away from you?---Do
15:18:54 19 you mind just - what page are you on in my diary notes?
15:18:59 20
15:18:59 21 What I'm doing is in fact I'm reading from your diary at
15:19:07 22 the moment which is - that might be 205 of the diary.
15:19:12 23 There's a reference to it in your statement as well?---Yes.
15:19:23 24
15:19:23 25 You'll see at 557, 559?---Yes.
15:19:30 26
15:19:31 27 "Attempted to contact Nicola Gobbo, message left." That
15:19:34 28 was during the interview with [REDACTED]?---Yes, I don't
15:19:40 29 have any independent recollection of this. It's just going
15:19:43 30 off my notes. We suspended the interview for him to
15:19:47 31 contact his solicitor, which is what I've written.
15:19:49 32
15:19:50 33 All right, I understand. I'm just looking at your
15:19:55 34 statement now at paragraph 16. On 20 September 2005 DSS
15:20:04 35 O'Brien informed you that an application was being made to
15:20:06 36 Victoria Police Surveillance Unit in relation to a Mark
15:20:10 37 Lanteri, an associate of Tony Mokbel. That was part of
15:20:15 38 Operation Quills; is that correct?---That's correct.
15:20:17 39
15:20:19 40 Mokbel was one of the other targets of Operation
15:20:22 41 Quills?---That's correct.
15:20:22 42
15:20:24 43 Turning the page, at paragraph 17 of your statement, and
15:20:28 44 this corresponds with p.210 of your diary, if you can turn
15:20:35 45 to that at the same time?---Yes.
15:20:36 46
15:20:38 47 You met with Acting Superintendent Robert Hill,

15:20:43 1 Mr Mansell - DS Mansell, DSC Rowe in relation to Operation
15:20:51 2 Quills. You have no information detailed in your diary in
15:20:54 3 relation to what was discussed. Is that unusual, did you
15:20:57 4 write down some things and not others?---I wouldn't say
15:21:00 5 that's unusual in relation to a meeting and often my diary
15:21:06 6 says a meeting but I don't actually detail what was
15:21:08 7 discussed.
15:21:08 8
15:21:09 9 All right, I understand. The next entry you've got in your
15:21:13 10 statement relates to - now there's some individuals. You
15:21:17 11 should see a document that's somewhere in front of you
15:21:20 12 that's got some names?---Yes.
15:21:22 13
15:21:22 14 Some pseudonyms, that's Exhibit 81. There might be a
15:21:25 15 couple of names that aren't as recorded in your statement
15:21:29 16 which are - on 27 September 2005 you attended a meeting
15:21:34 17 with Commander Terry Purton. Just pausing there, did you
15:21:38 18 hear Mr Purton's evidence yesterday?---No, I didn't.
15:21:42 19
15:21:42 20 Mr Hill, O'Brien, Rowe and Brennan, and you believe that
15:21:50 21 Jones - sorry, Jones was there as well and those last two
15:21:53 22 individuals were both from - you call it the DSU, it's also
15:21:59 23 the SDU by others, but that's where they were from; is that
15:22:04 24 right?---That's correct.
15:22:05 25
15:22:05 26 That was where a new Task Force was discussed. Now at this
15:22:10 27 stage was it your understanding that a few days before this
15:22:14 28 27 September 2005 meeting, that those people from the SDU
15:22:22 29 had in fact registered Nicola Gobbo as a human source?---I
15:22:26 30 don't recall.
15:22:26 31
15:22:27 32 Can I suggest it's inevitable that that was what was under
15:22:31 33 discussion because you had two people from the SDU and they
15:22:35 34 were talking about a new operation in relation to Quills, a
15:22:39 35 target of which was Tony Mokbel. Do you accept that?---I
15:22:44 36 accept that, yep.
15:22:45 37
15:22:47 38 Mr Purton's evidence yesterday was that at this stage, i.e.
15:22:54 39 the very time when Nicola Gobbo was first registered -
15:22:59 40 third time registered in September 2005, that it was widely
15:23:03 41 known throughout the Crime Department that Nicola Gobbo was
15:23:05 42 providing information to police, that's something you knew
15:23:10 43 at the time I take it?---I knew, yes, but I honestly could
15:23:14 44 tell you who did and didn't know.
15:23:16 45
15:23:16 46 I understand. Certainly those people who were in this
15:23:20 47 particular meeting inevitably knew?---Yes.

15:23:23 1
15:23:24 2 The next entry you've got, this is in your statement, is 30
15:23:28 3 September 2005. I want to take you to pp.214 and 215 of
15:23:35 4 your diary. I should say for those observing the
15:23:39 5 proceedings the diaries haven't been PII reviewed and so
15:23:43 6 won't be brought up on the screen, Commissioner.
15:23:47 7
15:23:48 8 COMMISSIONER: They'll be tendered in due course, is that
15:23:49 9 right?
15:23:50 10
15:23:50 11 MR WOODS: In fact I can tender them now in their current
15:23:52 12 form. As I understand it there's been no PII review,
15:23:59 13 there's been some relevance redactions. I think that's
15:24:01 14 right, yes.
15:24:04 15
15:24:04 16 #EXHIBIT RC119A - Detective Senior Constable Burrows'
15:24:08 17 semi-redacted diaries.
18
15:24:16 19 #EXHIBIT RC119B - Settled redacted diaries of Senior
15:24:23 20 Constable Burrows.
15:24:23 21
15:24:23 22 MR WOODS: Thank you. I'm looking at pp.214 and 215 of
15:24:28 23 your statement and your description of this is that there's
15:24:31 24 another meeting on 30 September 2005 and I'm looking at
15:24:37 25 your diary and you'll see that was a Friday. You were
15:24:40 26 working on Quills brief preparation at the start of the
15:24:43 27 day, that's correct?---That's correct.
15:24:44 28
15:24:44 29 And then another meeting took place with Purton, Hill,
15:24:50 30 Hardy, Flynn, O'Brien, Rowe and Brennan; is that
15:24:58 31 correct?---That's correct.
15:24:58 32
15:24:58 33 And that was again in relation to Operation
15:25:02 34 Quills?---Correct.
15:25:03 35
15:25:03 36 Is it safe to assume that again at that meeting there was
15:25:06 37 more information provided by those human source handlers,
15:25:09 38 that had been provided to assist Operation Quills, that had
15:25:17 39 been provided by Ms Gobbo?---I can't say whether more
15:25:20 40 information was provided. We certainly would have
15:25:22 41 discussed Quills itself but I couldn't tell you what was
15:25:25 42 actually provided at that meeting.
15:25:26 43
15:25:32 44 On 5 October 2005 there's another meeting in relation to
15:25:36 45 Quills. I just want to turn after that to p.221 of your
15:25:41 46 diaries. This is an entry on 29 October 2005. Again
15:26:09 47 you're working on Quills' brief preparation. There's

15:26:13 1 Mr O'Brien informing Rowe and you that the AFP are going to
15:26:18 2 execute a warrant tomorrow on Mokbel and another person and
15:26:23 3 that you were requested to attend. Do you have a memory of
15:26:26 4 that occurring?---I do, yes.

15:26:28 5
15:26:29 6 That again was in relation to information that had been
15:26:32 7 obtained by Quills through the SDU; is that right?---I'm
15:26:39 8 not sure. That was an AFP job and we were going along with
15:26:44 9 them but I don't know where they got their information
15:26:46 10 from.

15:26:47 11
15:26:47 12 You don't know whether AFP were sourcing information from
15:26:50 13 the same place or from elsewhere?---I don't know.

15:26:52 14
15:26:55 15 Sorry, 24th I'm corrected. That was executing a warrant
15:27:05 16 the next day on Mokbel. That's in relation to Tony Mokbel,
15:27:12 17 isn't it?---That's correct.

15:27:12 18
15:27:15 19 The next entry in your statement is 25 October 2005 and
15:27:20 20 this is at p.221 again, and you've attended, as you said
15:27:30 21 the day before you were going to, and that was the Federal
15:27:34 22 Police's execution of a warrant on Mr Mokbel's apartment in
15:27:38 23 Southbank; is that right?---That's correct, yes.

15:27:40 24
15:27:41 25 Do you remember the result of the execution of that
15:27:43 26 warrant, or is it recorded in your diary?---It'd only be
15:27:48 27 what's written in my diary. I have a memory of attending
15:27:51 28 that but I couldn't tell you without reading out what it
15:27:54 29 says here in relation to what happened with their job.

15:27:57 30
15:27:58 31 Okay. I don't need you to do that given the time. If you
15:28:07 32 can turn to p.223 of your diary. There was a meeting on 3
15:28:13 33 November 2005 and it was - was it around this time that it
15:28:25 34 was proposed that Quills would be rolled into Purana Task
15:28:29 35 Force, am I correct in that understanding?---That's
15:28:32 36 correct.

15:28:32 37
15:28:32 38 What was the reason for that?---My memory, I think the idea
15:28:42 39 was that we needed more to focus on that area of the
15:28:49 40 investigation and we needed to go to the Task Force to be
15:28:51 41 able to do that.

15:28:52 42
15:28:53 43 And Purana had been in existence for some time at this
15:28:56 44 stage?---Yes, that's correct.

15:28:56 45
15:28:56 46 It was identified as a more appropriate place because of
15:28:59 47 the nature of the organised criminal activity that you were

15:29:02 1 looking at in Quills?---I believe so.
2
15:29:10 3 You then talk in paragraph 24 of your statement about
15:29:16 4 Operation Posse and I think we discussed this a moment ago
15:29:21 5 that that was essentially an operation that was set up to
15:29:25 6 deal with information that had been provided by Nicola
15:29:28 7 Gobbo?---That's correct.
15:29:28 8
15:29:29 9 As part of that I'm going to show you a document now.
15:29:32 10 Commissioner, there's a document that I've spoken to my
15:29:39 11 learned friends, or one of my learned friends at Victoria
15:29:42 12 Police about which is an investigation chronology. The
15:29:45 13 document I will show to the witness in any event and
15:29:48 14 provide a copy to you and others at the Bar table, I'd seek
15:29:53 15 to tender it absolutely. The form that I'm seeking to
15:29:58 16 tender it, it is available through the Supreme Court's
15:30:01 17 portal. I do understand that that's not necessarily the
15:30:05 18 end of the story for this Commission though but as I
15:30:08 19 understand it's a document that was prepared by this
15:30:12 20 witness and I seek to tender it on the basis that it is
15:30:15 21 already in fact a public document. So if there is an
15:30:18 22 objection to be taken it might be the time to do that now.
15:30:24 23
15:30:24 24 COMMISSIONER: Perhaps if I see a copy of the document it
15:30:26 25 might help.
15:30:28 26
15:30:28 27 MR WOODS: I'll give the witness a copy too.
15:30:31 28
15:30:31 29 MS ARGIROPOULOS: This is a document that my learned friend
15:30:33 30 informed me this morning that he wished to produce and
15:30:36 31 tender through this witness. I have no difficulty with
15:30:41 32 that being done on a confidential basis. The document
15:30:44 33 hasn't been PII reviewed by Victoria Police and whilst I
15:30:50 34 understand from what my learned friend tells me that it's
15:30:54 35 available on the Supreme Court portal, the submission that
15:30:58 36 I make is that - - -
15:31:01 37
15:31:01 38 COMMISSIONER: Until you've had the opportunity to consider
15:31:03 39 the PII issues it remain a confidential document.
15:31:08 40
15:31:08 41 MS ARGIROPOULOS: That's right.
15:31:08 42
15:31:09 43 COMMISSIONER: Your people will do that.
15:31:11 44
15:31:11 45 MS ARGIROPOULOS: As quickly as possible.
15:31:12 46
15:31:12 47 COMMISSIONER: Within the next 24 or 48 hours.

15:31:15 1
15:31:15 2 MS ARGIROPOULOS: Certainly. And as I'm sure you,
15:31:20 3 Commissioner, would understand obviously the Supreme Court
15:31:22 4 has had for its own purposes, it's not necessarily from
15:31:26 5 Victoria Police's point of view.
6
7 COMMISSIONER: We'll see what happens.
8
15:31:30 9 MS ARGIROPOULOS: We seek that a (indistinct) be applied
15:31:30 10 for today's purposes.
15:31:32 11
15:31:32 12 COMMISSIONER: Thanks Ms Argiropoulos.
13
15:31:33 14 MS ARGIROPOULOS: I can see copies have been provided.
15:31:35 15 There are some concerns if perhaps people at the Bar table
15:31:39 16 can be conscious that there's sensitive material that may
15:31:42 17 well be the subject of a PII claim.
15:31:45 18
15:31:45 19 COMMISSIONER: Which is publicly available on the portal
15:31:49 20 and I'm sure - yes.
15:31:51 21
15:31:52 22 MS ARGIROPOULOS: Thank you, Commissioner.
15:31:54 23
15:31:54 24 COMMISSIONER: We'll tender that on a confidential basis,
15:31:59 25 that it's not to be publicly made available through this
15:32:04 26 Commission.
15:32:05 27
15:32:06 28 #EXHIBIT RC120 - Investigation chronology.
15:32:10 29
15:32:10 30 MR WOODS: Ms Burrows, the document that I've just handed
15:32:13 31 you entitled "investigation chronology", is that a document
15:32:17 32 that you prepared or had a hand in preparing?---Not solely
15:32:22 33 myself, but yes, I had in preparing it, yes that's correct.
15:32:25 34
15:32:25 35 The log number's on the right-hand side. What are we to
15:32:29 36 understand those numbers mean, on the right-hand
15:32:33 37 column?---Yeah, I don't recall.
15:32:35 38
15:32:35 39 That's okay?---It's probably surveillance logs, that's what
15:32:39 40 it would be.
15:32:40 41
15:32:42 42 Am I correct to understand that it's essentially a record
15:32:46 43 of the steps that were undertaken in relation to Operation
15:32:52 44 Posse?---That's correct.
15:32:53 45
15:32:55 46 Do you remember why it came to be produced, was it
15:32:58 47 something that was a running document or was it produced

15:33:02 1 after the event?---No, I do remember it because I did start
15:33:05 2 it. It was produced as an ongoing chronology so everyone
15:33:09 3 could look at it and know where we were at.
15:33:12 4
15:33:12 5 I understand. Now, on 9 December, I'm looking at paragraph
15:33:17 6 25 of your diary - of your statement?---Yes.
15:33:23 7
15:33:23 8 9 December 2005, which is p.233 of your diary. You
15:33:40 9 received information from DSS O'Brien that he had received
15:33:46 10 from the DSU or the SDU and it related to both Mr Mokbel
15:33:52 11 and Mr Lanteri, is that correct?---That's correct.
15:33:56 12
15:33:56 13 Can I understand that during this period of time, we're now
15:34:03 14 talking a handful of months after Ms Gobbo had been
15:34:07 15 registered, was it generally your expectation that
15:34:13 16 information that was being provided by the SDU in relation
15:34:17 17 to Mr Mokbel was coming from its source, being
15:34:21 18 Ms Gobbo?---Yes.
15:34:22 19
15:34:24 20 All right. That related to the manufacturing of drugs by
15:34:34 21 Milad Mokbel, Lanteri and a person who we're calling Person
15:34:41 22 7 and disclosing locations for drug, a drug laboratory and
15:34:47 23 mobile phone number for Person 7, is that right?---That's
15:34:51 24 correct.
15:34:51 25
15:34:52 26 Were you aware of any relationship between Person 7 and
15:34:57 27 Ms Gobbo at that time?---I don't recall now.
15:35:02 28
15:35:02 29 Was Person 7 a person who was known to you who had been an
15:35:05 30 active focus of your attention during Quills and Posse and
15:35:11 31 Purana?---Yes.
15:35:12 32
15:35:14 33 Do you know now, and I won't ask you the substance of it,
15:35:19 34 but do you know now what the relationship between Ms Gobbo
15:35:22 35 and that person was?---I could only - no, not really. I'd
15:35:25 36 surmise but I don't know for certain.
15:35:29 37
15:35:31 38 At p.235 of your diary, and I'm looking down the bottom
15:35:40 39 corner of that page, so it's 15 December 2005, you say at
15:35:46 40 10.30 you were developing a chronology for Posse and I
15:35:50 41 understand that's the document that's just been tendered,
15:35:53 42 is that right?---That's right.
15:35:55 43
15:35:56 44 And you received a call from, is that [REDACTED]?---That's
15:36:03 45 what it says, yep.
15:36:04 46
15:36:05 47 Do you know who that is?---I don't, no.

15:36:08 1
15:36:09 2 MS ARGIROPOULOS: If I can just interrupt. Can I ask that
15:36:11 3 name not be published. I understand there may well be a
15:36:15 4 PII claim in relation to that name. I need instructions in
15:36:19 5 relation to that given this document has been reviewed, but
15:36:23 6 if I could ask until that's dealt with that that name not
15:36:31 7 be live-streamed or published.
15:36:34 8
15:36:35 9 COMMISSIONER: Yes, all right. If the record insofar as it
15:36:38 10 mentioned that name be, that name be removed from the
15:36:46 11 record, that there be no publication of that name and that
15:36:51 12 a copy of this order be placed on the hearing room door and
15:36:56 13 of the hearing room door of the rooms to which this hearing
15:37:02 14 is being streamed.
15:37:14 15
15:37:15 16 MR WOODS: In the interests of saving paper, Commissioner,
15:37:17 17 I might try and name as few people as possible from now on.
15:37:22 18 There's a fair few names here. Looking at the bottom of
15:37:25 19 that page, the information that was provided to you, and to
15:37:30 20 Operation Posse generally, in fact this was provided
15:37:35 21 directly to you, is that right, at 12.15 on 15 December
15:37:41 22 2005?---I can't say. I'm not sure.
15:37:44 23
15:37:45 24 In any event you make a note there that Person 7 is doing
15:37:49 25 business with an Albanian male who lives near him, is that
15:37:54 26 right?---Yes, that's what it says.
27
15:37:56 28 Person 7 has gone off the radar for a couple of days,
15:38:00 29 possibly cooking?---Yes, that's what it says.
15:38:03 30
15:38:04 31 Person 7 also knows Milad's chemical supplier and there's a
15:38:09 32 name there and that was information that - can I take it
15:38:12 33 that was provided to you via the SDU?---Yeah, later on I
15:38:17 34 say it's from the SDU but I can't say if it was direct to
15:38:21 35 me or - I'm not sure.
15:38:23 36
15:38:24 37 I understand?---Probably, probably.
15:38:25 38
15:38:26 39 That was the source of the information?---Yeah, correct.
15:38:28 40
15:38:28 41 I'll be as brief as I can with the other entries. Now, on
15:38:36 42 22 December there's another entry which is at 239. At
15:38:59 43 15:15 you've spoken to the person that document in front of
15:39:04 44 you calls DSS Curry?---Yep. Yes.
15:39:11 45
15:39:11 46 And what has happened, the information that was provided to
15:39:18 47 you by DSS Curry, and DSS Curry I should say is one of the

15:39:22 1 people from the DSU or the SDU, is that right?---That's
15:39:25 2 right.
15:39:25 3
15:39:26 4 And the information that was provided is the information as
15:39:30 5 listed there, which is firstly, that Mokbel is going to
15:39:35 6 deposit \$150,000 of clean money into his solicitor's
15:39:39 7 account, is that right?---That's correct.
15:39:41 8
15:39:41 9 And the solicitor is new, out something, what's that next
15:39:47 10 word?---It's an abbreviation for I think Moorabbin.
15:39:51 11
15:39:51 12 Out Moorabbin way. It's a male. Then the barrister who's
15:39:57 13 representing or proposed to represent Mr Mokbel says he
15:40:03 14 needs \$350,000 or he can't handle his upcoming
15:40:10 15 trial?---That's correct.
15:40:10 16
15:40:11 17 That's another thing the SDU told you?---Yes.
15:40:14 18
15:40:14 19 And the money will transfer from, again I don't understand
15:40:21 20 that?---It's an abbreviation, Moorabbin.
15:40:23 21
15:40:24 22 From Moorabbin and then to that barrister?---Yes, that's
15:40:28 23 right.
15:40:28 24
15:40:28 25 And the source was going to find out who has written the
15:40:32 26 cheque. Now the source there was Nicola Gobbo, wasn't
15:40:35 27 it?---Yes.
15:40:36 28
15:40:36 29 So what you were being told by the SDU is that she would
15:40:41 30 find out where this clean money from - you understood
15:40:47 31 Mr Mokbel was her client at the time?---Yes.
15:40:49 32
15:40:50 33 She would find out where her client was going to find some
15:40:55 34 clean money in order to pay senior counsel who was leading
15:40:59 35 her in Mr Mokbel's defence, is that right?---Yeah, I
15:41:04 36 suppose so. That's what it - find out who has written the
15:41:07 37 cheques, yep.
15:41:08 38
15:41:08 39 Passed on info about possible informer and there's another
15:41:13 40 person's name there that I won't read?---Yes.
15:41:15 41
15:41:17 42 The information, was that useful information to you or can
15:41:23 43 I suggest it this way: it was useful information to you
15:41:26 44 because one of the things you were trying to work out was
15:41:29 45 where Mokbel was getting his money from?---Yes.
15:41:32 46
15:41:33 47 Nicola Gobbo was hopefully going to be quite useful in

15:41:37 1 tracing that by checking the name on the cheque and
15:41:40 2 providing that to the SDU?---Yes.
15:41:41 3
15:41:42 4 Once that information was provided, if it was provided, you
15:41:45 5 would then be able to action that information and to dig
15:41:48 6 and find where Mokbel's assets were?---Yes.
15:41:52 7
15:41:57 8 All right. 27 September 2005, this is 240. From SDU by
15:42:09 9 phone, I understand that would be, that's SDU, is
15:42:13 10 it?---Sorry, are we on - what date was that?
15:42:15 11
15:42:16 12 I'm looking at 240, p.240 of your diary?---Yes, sorry, 27
15:42:22 13 December?
15:42:22 14
15:42:23 15 Yes, that's the one. You are on a rest day but you
15:42:28 16 received information by phone from the SDU?---Yes.
15:42:31 17
15:42:31 18 Again they told you that Person 7 was cooking for the next
15:42:34 19 few days?---That's right.
15:42:35 20
15:42:35 21 And you understood that to be information that they'd
15:42:37 22 obtained from Nicola Gobbo?---Yes.
15:42:39 23
15:42:40 24 And can you read that next sentence, teaching, is
15:42:47 25 it?---Teaching a cousin of Milad Mokbel's to cook.
15:42:50 26
15:42:50 27 And the person's name is Danny?---Correct.
15:42:52 28
15:42:53 29 Then again Person 7, is it report on Wednesday?---Reports,
15:42:58 30 yep.
15:42:59 31
15:42:59 32 Usually after tea. And then you would speak to Avondale
15:43:07 33 Heights police station, is that because that was the area
15:43:10 34 where Person 7 was directing your attention or directing
15:43:13 35 the SDU's attention?---That's where he was reporting.
15:43:16 36
15:43:16 37 That's where he is reporting for bail?---Yep, correct.
15:43:19 38
15:43:19 39 I understand. And the times that he reports are listed
15:43:23 40 there, which is between 20 and 21:00?---That's correct.
15:43:26 41
15:43:27 42 And you spoke to, who is that person there, starts with an
15:43:30 43 M?---Mouse.
15:43:32 44
15:43:32 45 Do you who that is?---I do.
15:43:34 46
15:43:34 47 Is that a police officer?---Correct.

15:43:36 1
15:43:36 2 And you were telling Mouse - what's Mouse's real name?---Is
15:43:41 3 this something I'm allowed to say?
15:43:43 4
15:43:44 5 MS ARGIROPOULOS: That's a person who, because of the unit
15:43:49 6 in which the person works, the name can't be identified.
15:43:57 7 It's one of the names I believe has been redacted from the
15:43:59 8 statement by agreement.
15:44:01 9
15:44:02 10 MR WOODS: I understand. I hadn't realised. Commissioner,
15:44:05 11 you'll see there is a couple of names in 30 and 31. They
15:44:09 12 are apparently bit players, they don't come back into
15:44:13 13 things and I've said on that basis we don't need to refer
15:44:13 14 to their names.
15:44:13 15
15:44:13 16 COMMISSIONER: I think it was understandable that Mr Woods
15:44:16 17 thought it might have been a term of endearment.
15:44:19 18
15:44:20 19 MS ARGIROPOULOS: Completely understandable, Commissioner.
15:44:22 20
15:44:22 21 MR WOODS: Just go over to the next page then. At p.241.
15:44:26 22 So this is 29 December 2005 and there was more information
15:44:31 23 that had been provided to you by the SDU, is that
15:44:34 24 right?---That's correct.
15:44:34 25
15:44:34 26 And then it's Milad, that's Milad Mokbel?---Yes.
15:44:39 27
15:44:39 28 And Person 7 and the source had dinner, the source being
15:44:45 29 Nicola Gobbo?---Yes.
15:44:46 30
15:44:47 31 In the something Melbourne, Port Melbourne area?---Port
15:44:51 32 Melbourne, yes.
15:44:52 33
15:44:52 34 Last night. You understood this to be Nicola Gobbo telling
15:44:56 35 the SDU handler what she'd done the night before and that
15:45:01 36 she had been out with those two individuals in Port
15:45:04 37 Melbourne?---Yes.
15:45:04 38
15:45:05 39 That Milad and Person 7 spoke to each other in Arabic, so
15:45:08 40 they weren't speaking openly in front of the source at that
15:45:12 41 stage?---Yes.
15:45:13 42
15:45:15 43 That they left their phones in the restaurant and they went
15:45:19 44 for a 20 minute walk?---That's right.
15:45:22 45
15:45:24 46 Milad has a clean phone he is using and Person 7 will do
15:45:29 47 his thing either just before or just after New Year's Eve.

15:45:34 1 Do you know now what his thing was, is that a cook?---I
15:45:39 2 presume that's what it is but I'd be presuming.
15:45:42 3
15:45:42 4 Was he known for doing anything else or was that his
15:45:46 5 specialty?---That was his specialty.
15:45:48 6
15:45:48 7 Tony and Lanteri are cooking in the Gisborne area.
15:45:53 8 Continuing cook they have started in the Moorabbin area in,
15:45:59 9 I take it that's September 2012?---Yeah, that abbreviation
15:46:07 10 is actually Brunswick, 3BW.
15:46:09 11
15:46:10 12 I have to learn my abbreviations. So Nicola Gobbo has also
15:46:13 13 told the SDU that they've used the Gisborne lab before, so
15:46:18 14 the lab they're proposing to use or are using is one they
15:46:22 15 have used in the past, is that your understanding?---Yes.
15:46:25 16
15:46:25 17 And Tony's getting 50,000 plus 100,000 cheques in the next
15:46:29 18 couple of weeks and they're being provided to his barrister
15:46:34 19 and it's correct to say that they were the cheques that
15:46:37 20 Nicola Gobbo had told the SDU she was going to try and find
15:46:40 21 out where they were coming from, is that right?---I can't
15:46:43 22 say for sure, that's what it looks like.
15:46:45 23
15:46:45 24 It makes sense though, doesn't it, because an entry a
15:46:49 25 couple ago was saying she's going to do her best to try and
15:46:53 26 work out where the cheques to pay the barrister were coming
15:46:57 27 from?---Yes, yes.
15:46:57 28
15:47:00 29 30 December 2005, I'm looking at paragraph 30 of your
15:47:04 30 statement. You're on a rest day and you received
15:47:07 31 information by phone from the DSU. On 3 January 2006 you
15:47:12 32 noted in your diary the information you'd received. Now, I
15:47:16 33 just couldn't locate where that was but it's probably my
15:47:20 34 mistake. So 242?---Yes.
15:47:27 35
15:47:27 36 Have you got that in front of you?---I do, yes.
15:47:30 37
15:47:30 38 Again, there's information that the SDU had provided, as
15:47:33 39 you say, three days before, that you noted then and it was
15:47:39 40 drug activity that was being undertaken by Person 7 and
15:47:45 41 Mr Mokbel, is that correct?---That's correct.
15:47:47 42
15:47:48 43 And that there was a particular party that was being
15:47:54 44 arranged by Mr Mokbel for New Year's Eve?---Yes.
15:47:57 45
15:47:58 46 And can you take me to the section that - here we go.
15:48:02 47 Mokbel having big New Year's Eve party at home in

15:48:06 1 Southbank. Person 7 may attend the party, something?---If
15:48:14 2 stage of cooking allows.

15:48:15 3
15:48:15 4 I see. So part of the information that Ms Gobbo was
15:48:21 5 providing to the SDU and through them to your operation was
15:48:25 6 the whereabouts and the movement of particular criminals at
15:48:29 7 particular times, is that right?---Yes.

15:48:32 8
15:48:36 9 Then you contacted a couple of people about the above and
15:48:43 10 there was, one of them was from the surveillance unit. Do
15:48:48 11 you know whether the surveillance unit carried out any
15:48:51 12 activity in relation to the New Year's party of
15:48:55 13 Mr Mokbel?---I don't recall.

15:48:56 14
15:48:56 15 You don't know. We're getting through the diaries. I want
15:49:00 16 to go to p.247 and you've got your original there I take
15:49:13 17 it?---I do, yes.

15:49:15 18
15:49:16 19 There's an entry on 11 January that more information had
15:49:22 20 been provided by DS Brennan of the Source Development Unit
15:49:27 21 and it is - that's right. So, "The information is detailed
15:49:42 22 in my diary but in summary related to an American tape
15:49:48 23 expert", is that referring to the fact that Mr Mokbel had
15:49:50 24 retained an expert from the United States to review aspects
15:49:55 25 of tape recordings that were made of his
15:49:59 26 activities?---That's what it sounds like but I don't recall
15:50:01 27 that.

15:50:02 28
15:50:02 29 You don't have any memory of that happening?---No.

15:50:04 30
15:50:06 31 All right. If you were to hear that in fact that's what
15:50:10 32 Mr Mokbel was proposing to do at that time, that doesn't
15:50:14 33 surprise you that that was one of his attacks on the
15:50:17 34 evidence that was being marshalled against him?---No, it
15:50:20 35 doesn't surprise me.

15:50:21 36
15:50:21 37
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15:57:00 27
15:57:05 28
15:57:06 29
15:57:11 30
15:57:16 31
15:57:21 32
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15:58:12 47

[REDACTED]

And was it fairly quickly that they came to you with that information of this new potential source?---I'm not sure.

And then you go through at question 4 the people who also, that you knew knew about Nicola Gobbo providing information at the time and they're Mr Mansell, Hayes, Rowe, O'Brien,

15:58:16 1 is that right?---That's right.
15:58:17 2
15:58:18 3 And I suppose you'd add to that list inevitably the people
15:58:21 4 from the SDU?---That's correct.
15:58:23 5
15:58:23 6 What about other people higher up in the
15:58:26 7 organisation?---I'd be surmising.
15:58:29 8
15:58:29 9 So you simply don't know who knew other than those
15:58:32 10 people?---I don't know. I know it would have to have gone
15:58:35 11 up above but I can't tell you.
15:58:37 12
15:58:38 13 At paragraph 52, and I think you've already given this
15:58:42 14 evidence, but you say when you received information from
15:58:45 15 the SDU you were informed that the information had been
15:58:48 16 provided by a human source, sometimes they'd refer to a
15:58:52 17 source, sometimes they would refer to the source but you
15:58:56 18 were always aware that was Nicola Gobbo they were talking
15:58:59 19 about?---Yes.
15:58:59 20
15:59:00 21 Partly that was because of the conversation you'd had
15:59:02 22 before her registration with Mansell and Rowe and,
15:59:05 23 secondly, because you weren't aware of any other human
15:59:08 24 source who was providing information on those targets at
15:59:10 25 the time?---That's right.
15:59:11 26
15:59:15 27 Now, are you aware, have you been involved in human source
15:59:21 28 management yourself, have you ever had to manage a source
15:59:26 29 yourself?---No.
15:59:27 30
15:59:27 31 Are you aware of policies and procedures that relate to
15:59:30 32 human source management?---Yes.
15:59:32 33
15:59:32 34 And you're aware of the idea of a sterile corridor?---Yes.
15:59:35 35
15:59:36 36 And am I correct to understand that part of the, one aspect
15:59:42 37 of a sterile corridor is that the handler and controller
15:59:45 38 receive the information and disseminate it across the
15:59:48 39 sterile corridor so the source can't be
15:59:51 40 identified?---That's right.
15:59:51 41
15:59:51 42 And you'd accept that that was failing at a very early
15:59:55 43 stage in relation to Ms Gobbo?---Yes.
15:59:56 44
16:00:02 45 All right. You talk about at paragraph 56 that you have
16:00:11 46 recollections of concerns about Ms Gobbo's registration as
16:00:20 47 a human source both because of her profession and because

16:00:25 1 of concerns for her personal safety. That's the case,
16:00:30 2 isn't it?---Yes.
16:00:30 3
16:00:31 4 Do you remember when those concerns were raised or when you
16:00:35 5 became aware of those concerns?---I just remember
16:00:39 6 discussions in general and I would say just amongst our
16:00:43 7 crew, particularly when Detective Sergeant Mansell and Rowe
16:00:48 8 came back, just general discussions about how it would work
16:00:52 9 for a barrister to be a human source.
16:00:56 10
16:00:57 11 And you identify the two aspects, firstly being her
16:01:00 12 profession and you've just said, well, how it could work
16:01:04 13 with a barrister being a human source and that was because
16:01:06 14 of concerns about the right to silence and legal
16:01:09 15 professional privilege and those sorts of
16:01:12 16 issues?---Correct.
16:01:12 17
16:01:13 18 Was it also to do with fears that there might be improperly
16:01:18 19 obtained evidence that can be attacked by the defence down
16:01:22 20 the track?---Yes.
16:01:23 21
16:01:23 22 And in relation to her personal safety I take it that was
16:01:26 23 because of the nature of the individuals that she was
16:01:29 24 providing the evidence about, they were dangerous
16:01:32 25 people?---That's right.
16:01:32 26
16:01:34 27 Were there numerous conversations of this kind or was it a
16:01:37 28 one off?---I couldn't tell you exactly. I remember
16:01:41 29 discussions, but I couldn't tell you how many times we
16:01:44 30 spoke about it.
16:01:45 31
16:01:45 32 Just in relation to those, not the profession but the risks
16:01:49 33 that were posed to Ms Gobbo. You'd accept the fact that
16:01:52 34 formal risk assessments are something that is important to
16:01:56 35 carry out in relation to an individual like Ms Gobbo
16:01:59 36 providing information in the manner that she did?---Yes.
16:02:01 37
16:02:02 38 Would it trouble you to know that only two of those formal
16:02:05 39 risk assessments were carried out during her tenure as a
16:02:11 40 human source between 2005 and 2009?---I couldn't tell you
16:02:14 41 if the normal person had ten or 20 or one, I couldn't tell
16:02:19 42 you. I can't really comment on it.
16:02:21 43
16:02:21 44 You'd be in a position though I assume to say whether two
16:02:25 45 in four years, when you're providing information - two
16:02:29 46 formal assessments in four years when you are providing
16:02:33 47 information against the likes of people she was providing

16:02:37 1 information about simply couldn't be adequate?---I really
16:02:42 2 can't comment because I don't know what the normal - how
16:02:42 3 many are normally conducted so I can't really comment on
16:02:42 4 it.
16:02:43 5
16:02:45 6 And you say in your statement that those were discussed on
16:02:49 7 numerous occasions and that's at paragraph 56, the
16:02:53 8 second-last line?---Yes.
16:02:55 9
16:03:03 10 At paragraph 57 you say, "After those initial discussions I
16:03:08 11 focused on Operation Posse investigation, did not give
16:03:12 12 further thought to Ms Gobbo's registration". You were
16:03:15 13 aware that Ms Gobbo was being handled by the SDU and, "In
16:03:19 14 my position as a DSC I assumed someone of a higher rank had
16:03:23 15 determined that we could receive and act on the information
16:03:25 16 provided". That's your position, is that right?---That's
16:03:27 17 right.
16:03:27 18
16:03:28 19 Did you ever ask whether anyone higher up had sanctioned
16:03:32 20 the obtaining and use of information from Ms Gobbo?---I
16:03:37 21 can't remember.
16:03:38 22
16:03:39 23 Do you think you asked the question at the time?---I
16:03:42 24 imagine we would have been told that that was the case but
16:03:44 25 I can't remember.
16:03:46 26
16:03:46 27 Were you not told would you have made your own inquiries or
16:03:50 28 was it something you just assumed would be safe and
16:03:53 29 appropriate?---In my position I was just taking the
16:03:55 30 information and conducting the investigation, I wasn't that
16:04:01 31 - everything to do with the registration and the handling
16:04:03 32 of her, really, it was way above me.
16:04:07 33
16:04:07 34 You had some concerns about the use of information from a
16:04:11 35 barrister for those legal reasons. You had concerns about
16:04:15 36 her safety but it was, given your position in the
16:04:21 37 organisation, you simply assumed that people had sanctioned
16:04:24 38 it at a higher level?---I'm sure everyone had those
16:04:28 39 concerns.
16:04:28 40
16:04:30 41 You accept the information that, the evidence that
16:04:33 42 Mr Purton gave yesterday that from 2005 it was very common
16:04:38 43 knowledge in the police she was giving information in any
16:04:41 44 event, is that your memory?---I can't comment on that.
16:04:44 45
16:04:44 46 You don't know?---No, I don't know.
16:04:46 47

16:04:47 1 Given her position as a barrister, you would have assumed,
16:04:52 2 I take it, that those who were making these decisions
16:04:57 3 inevitably would have sought legal advice first as to
16:05:01 4 whether or not you could do this?---I would assume.
16:05:06 5
16:05:20 6 Some of the meetings that you attended were with Mr Purton
16:05:25 7 and some other people of fairly senior rank around this
16:05:28 8 time, that's right, isn't it?---I don't recall them but my
16:05:34 9 diary says such, yes.
16:05:36 10
16:05:36 11 Do you know whether those concerns were discussed in those
16:05:40 12 meetings?---I would assume so but I can't remember what we
16:05:43 13 discussed.
16:05:43 14
16:05:44 15 Would you have written it down if those concerns were
16:05:47 16 raised and discussed?---Probably not.
16:05:49 17
16:05:49 18 Why not?---Again, my level, I was just interested in the -
16:05:57 19 - -
16:05:57 20
16:05:57 21 I'm talking about the recording of it?---It wouldn't be
16:06:00 22 something that I would put in my diary, no.
16:06:02 23
16:06:05 24 All right. And were you aware of or are you now aware of
16:06:13 25 any sanctioning of this process of the use of Ms Gobbo that
16:06:17 26 did occur from those of senior rank?---What do you mean by
16:06:23 27 - - -
16:06:23 28
16:06:24 29 Are you aware of any sanction that was given to the process
16:06:26 30 of using Ms Gobbo as a human source that was provided by
16:06:30 31 senior people? You're saying at the time you assumed that
16:06:32 32 there had been some kind of sanction for them to be able to
16:06:36 33 use her in the way that they did?---Yep.
16:06:38 34
16:06:39 35 Do you now know that in fact that sanction did happen and
16:06:46 36 do you know where that came from?---No, I don't know.
16:06:48 37
16:06:49 38 They're all the questions, thank you.
16:06:52 39
16:06:52 40 COMMISSIONER: Detective Burrows, you didn't have any
16:06:55 41 personal contact with Ms Gobbo?---Not that I can recall,
16:06:58 42 Commissioner.
16:06:58 43
16:06:58 44 And you knew she had a professional relationship with
16:07:04 45 SDU?---Yes.
16:07:04 46
16:07:05 47 You were aware of that. Were you aware whether she had a

16:07:08 1 personal social relationship with any other police
16:07:12 2 officers?---Only rumour. I didn't witness anything or know
16:07:17 3 for sure.

16:07:18 4
16:07:19 5 And when you say rumour, there was a reputation, can you
16:07:23 6 tell us what you'd heard?---Not specifically but there was
16:07:27 7 a reputation that there had been relationships with her and
16:07:32 8 police members but I couldn't even tell you what those
16:07:35 9 police member's names were, that was just the reputation.

16:07:38 10
16:07:39 11 Thank you. Yes Mr Nathwani.

16:07:40 12
13 <CROSS-EXAMINED BY MR NATHWANI:

14
16:07:41 15 I just have a few questions for you, Ms Burrows. I am one
16:07:45 16 of the counsel for Ms Gobbo. You've just been asked
16:07:47 17 generally about concerns that you expressed in relation to
16:07:51 18 use of Ms Gobbo both in relation to her profession and also
16:07:55 19 for her personal safety?---Yes.

16:07:57 20
16:07:57 21 I just want to go through some of the matters you dealt
16:08:00 22 with with that in mind, okay?---Okay.

23
16:08:03 24 So let's go back to [REDACTED]. We're looking at
16:08:08 25 paragraphs 13, 14, 15 of your statement. You were
16:08:12 26 obviously, or 12 to 15. You recall being involved in the
16:08:16 27 interview of [REDACTED] and it was DSC Rowe who was the
16:08:21 28 primary interviewer?---I don't recall it. It's in my
16:08:25 29 diary, yes that's correct.

16:08:25 30
16:08:25 31 The diary obviously has an attempt to call Ms Gobbo. Given
16:08:29 32 you were involved in the investigation do you recall that
16:08:32 33 she then returned the call of Mr Rowe the next
16:08:35 34 morning?---No.

16:08:36 35
16:08:36 36 I'm going to try and jog your memory and see if the content
16:08:40 37 may enliven any memories. Do you recall Ms Gobbo saying
16:08:44 38 she didn't know who [REDACTED] was and couldn't understand
16:08:49 39 why he was calling her?---I have no memory of that, no.

16:08:52 40
16:08:52 41 In fact were you then aware that she went to see [REDACTED]
16:08:56 42 the next day having been charged and I think he was already
16:09:00 43 then in the prison system, and as a result of see him she
16:09:04 44 came out and called I think your colleagues, again I'm
16:09:06 45 asking you because you were part of the investigation and
16:09:09 46 the crew, she called Rowe and Mansell and indicated that
16:09:12 47 she couldn't represent [REDACTED] because of the potential

16:09:16 1 involvement or conflict with Mokbel?---I don't recall that,
16:09:20 2 no.
16:09:20 3
16:09:20 4 Do you recall at that time, we think it's about 7
16:09:25 5 September, it caused or she was described by your
16:09:28 6 colleagues as distraught and that's Mansell?---I don't
16:09:33 7 recall.
16:09:34 8
16:09:34 9 O'Brien. And as a result, and if we could bring up please
16:09:39 10 Exhibit 115, this is to try and assist with memory and the
16:09:43 11 chronology really. If we look at this form, have you ever
16:09:51 12 seen this form?---No.
16:09:58 13
16:09:59 14 Just to bring you up to speed with it. We can see the
16:10:03 15 requesting member is Robert Hill who you probably saw as
16:10:06 16 you walked in?---Yes.
16:10:07 17
16:10:08 18 Mansell below. Current controller O'Brien, who is your
16:10:13 19 immediate boss, fair?---Yes.
16:10:14 20
16:10:14 21 Then we see the date of the request 7 September 2005 and my
16:10:18 22 understanding is there is certainly a police document
16:10:21 23 indicating that she, Gobbo, had contacted Rowe and Mansell
16:10:25 24 indicating that she was distraught and had some issues and
16:10:28 25 we see the date there. If we can go to the next page,
16:10:32 26 please. Again, here as you can see there is an SDU
16:10:39 27 assessment by Brennan, you see the date 16 September at the
16:10:42 28 top?---Yes.
16:10:42 29
16:10:43 30 If we scroll through to the bottom just so we can have the
16:10:47 31 dates in mind, to the last page sorry, and we see
16:10:50 32 designated handler, so it's approved, Brennan, Controller
16:10:56 33 Jones, management commenced on 16 September. Just bear
16:10:59 34 those dates in mind as we now go through some of the
16:11:02 35 chronology. Are you aware then on 15 September that that
16:11:10 36 was the official date where [REDACTED] bail application
16:11:13 37 was adjourned and I'm asking you, do you then recall this:
16:11:17 38 it was around the next day, so the 16th, your colleagues
16:11:22 39 Rowe and Mansell, sorry, the same day, Rowe and Mansell
16:11:26 40 approached her, told her they were aware of pressure that
16:11:29 41 was upon her and then drove her to Footscray market?---No,
16:11:35 42 I don't know those details, no.
16:11:36 43
16:11:37 44 They basically said that they could help Ms Gobbo and
16:11:42 45 they'd introduce her to the SDU and Gobbo's response, and
16:11:47 46 we understand these conversations were recorded, was that
16:11:50 47 she would be murdered if anyone found out about this?---I

16:11:57 1 don't - I have no knowledge of that.

16:11:59 2

16:11:59 3 Do you think that's the day that those two, Rowe and

16:12:02 4 Mansell, came to you and said, "Look, we've" because you

16:12:07 5 refer to it in paragraph a 55 or 54 of your statement, you

16:12:11 6 talk about immediately after the initial meeting between

16:12:14 7 Mansell, Rowe and Gobbo?---I certainly remember them coming

16:12:19 8 back and talking to me from wherever they were but I

16:12:22 9 couldn't tell you what date it was. I don't even know if

16:12:26 10 they met with her more than once. So it could have been

11 that day. If they met with her again it could have been

16:12:29 12 the second time. I don't know.

16:12:30 13

16:12:30 14 The next day they introduce her, which is 16

16:12:33 15 September?---Okay.

16:12:33 16

16:12:33 17 To Brennan and Jones and then obviously we see the document

16:12:36 18 there which confirms date wise, that's when things start to

16:12:42 19 move?---If there's just one meeting between Mansell and

16:12:45 20 Rowe and Gobbo I imagine that's the day.

16:12:48 21

16:12:49 22 It's at court, they leave, come back and take her in a car

16:12:52 23 elsewhere to Footscray?---I don't know.

16:12:55 24

16:12:55 25 Does that refresh any memory?---No. I can tell you the one

16:12:59 26 memory I have is them returning from being with her and us

16:13:01 27 having a conversation but I don't even know where we were

16:13:03 28 when we had that conversation.

16:13:04 29

16:13:05 30 The memories you have of discussions about using Ms Gobbo,

16:13:08 31 one, related to her profession and, two, to her personal

16:13:11 32 safety. Can we deal with a few matters and see if you're

16:13:13 33 aware of these and whether these were raised in any of the

16:13:15 34 discussions you had. Were you aware mid-2003 she

16:13:19 35 represented Lewis Moran at a bail application and as a

16:13:24 36 direct consequence Andrew Benji Veniamin attended her

16:13:30 37 property the next morning and threatened to kill her on the

16:13:34 38 orders of Mokbel and Carl Williams because she was

16:13:37 39 representing the other crew?---No.

16:13:39 40

16:13:39 41 No one ever discussed those threats?---I don't remember

16:13:42 42 that at all.

16:13:42 43

16:13:43 44 For instance, there was no information that a police

16:13:45 45 officer Swindells, and I think he accepts this, approached

16:13:49 46 her the next day outside the Magistrates' Court and told

16:13:52 47 her he was aware of the threats to her life and that his

16:13:55 1 door was always open to talk to?---I don't even know who
16:13:59 2 that is.
16:13:59 3
16:14:00 4 She then in fact engaged with him and thereafter
16:14:06 5 Mr Bateson, was there any discussion about Mr Bateson's
16:14:10 6 contact with Nicola Gobbo and her health and security?---I
16:14:12 7 don't know anything about these things.
16:14:14 8
16:14:14 9 I'm asking again because you were talking about concerns
16:14:18 10 that were disclosed or discussed about her. Did anyone
16:14:21 11 mention to you or do you recall knowing that she had a
16:14:23 12 stroke in July 2004?---No.
16:14:25 13
16:14:26 14 Or that she'd told Mr Bezzina during an interview in July
16:14:30 15 2004 that there was probably a contract out for her
16:14:35 16 life?---No.
16:14:35 17
16:14:35 18 Do you agree as far as use of a source these are all
16:14:39 19 relevant factors?---Yes.
16:14:41 20
16:14:41 21 How about the fact that she had a heart operation in
16:14:44 22 October 2004, any discussion about that?---Not with me.
16:14:49 23
16:14:49 24 I understand, because obviously you're one of the people
16:14:53 25 discussing concerns about health, safety?---Sure. When I
16:14:56 26 say that, it was just between me and a few crew mates
16:15:01 27 talking about the concerns of a barrister. I didn't know
16:15:03 28 any of these details about her.
16:15:05 29
16:15:08 30 Going then just to a couple of other matters. Going back
16:15:13 31 slightly. We got to the phase where [REDACTED] was
16:15:17 32 obviously charged and we had the sequence with him. We
16:15:20 33 know that Gobbo's registered on 16 September. If we go
16:15:26 34 then to your statement please, paragraph 17, so 17. We see
16:15:36 35 that you attended a meeting with Detective Acting
16:15:41 36 Superintendent Robert Hill, Inspector White and then DS
16:15:46 37 Mansell and DSC Rowe, all of whom we saw filled out that
16:15:52 38 application or names appeared on that application. It was
16:15:55 39 in relation to Operation Quills which was drugs and Mokbel.
16:15:58 40 Was there any discussion to the best of your memory about
16:16:00 41 the use of Gobbo?---I can't remember what we discussed at
16:16:03 42 those meetings, it was a long time ago.
16:16:05 43
16:16:06 44 We then see though six days later, 27 September 2005, on
16:16:09 45 this occasion you meet with Terry Purton, Mr Hill again,
16:16:15 46 O'Brien, Rowe, Brennan and Jones, all of the people who
16:16:20 47 appear on that registration form in relation to Operation

16:16:26 1 Quills and you then, your note says there was a discussion
16:16:29 2 about a new Task Force and the Task Force was targeting
16:16:32 3 Mokbel and his associates. Just to be clear about that,
16:16:34 4 was there then a discussion at that stage about Gobbo as a
16:16:38 5 human source?---I don't remember.
16:16:39 6
16:16:39 7 What we can get from your note quite clearly though is it
16:16:43 8 was about Tony Mokbel and drugs, do you agree with
16:16:46 9 that?---Yes.
16:16:47 10
16:16:47 11 It wasn't about gangland murders years earlier, do you
16:16:51 12 agree with that?---I can't comment on that.
16:16:53 13
16:16:53 14 Look at your note?---Like I've got Mokbel and drug-related
16:16:58 15 activities but other things could have been discussed, I
16:17:01 16 don't remember.
16:17:01 17
16:17:02 18 Three days later again Mr Hill is present with Flynn,
16:17:07 19 O'Brien, Rowe, Brennan, so again handler of Ms Gobbo, in
16:17:12 20 relation to Operation Quills. Again you have no
16:17:14 21 information but Quills was drugs and Mokbel?---Correct,
16:17:19 22 that's right.
16:17:19 23
16:17:20 24 Not generally speaking the murders that were going on at
16:17:23 25 the time or a couple of years prior?---I don't think so,
16:17:25 26 no.
16:17:26 27
16:17:27 28 We've heard from Mr Purton yesterday who was obviously
16:17:30 29 senior to you, and also Mr Hill today who was senior, do
16:17:35 30 you ever remember an expression by anyone more senior in a
16:17:38 31 meeting about the use of Gobbo or other sources as means to
16:17:42 32 an end, bigger fish to fry?---No.
16:17:46 33
16:17:46 34 As in you don't recall it or it never happened?---I cannot
16:17:50 35 recall the discussions in those meetings so I couldn't tell
16:17:54 36 you.
16:17:54 37
16:17:54 38 Thank you.
16:17:55 39
16:17:55 40 COMMISSIONER: Thanks Mr Nathwani. Mr Chettle.
16:17:57 41
42 <CROSS-EXAMINED BY MR CHETTLE:
43
16:17:59 44 It's nearly midnight again, Commissioner. Look, you
16:18:03 45 operated under the orders of Jim O'Brien I take
16:18:06 46 it?---That's correct.
16:18:07 47

16:18:08 1 You had knowledge of - did you know Mr Jones, Senior
16:18:13 2 Sergeant Jones, on that list in front of you?---I actually
16:18:17 3 don't have that list in front of me.
16:18:19 4
16:18:19 5 COMMISSIONER: Does the witness have Exhibit 81?---I can't
16:18:22 6 find it, if that was the names - I actually don't have that
16:18:26 7 or I can't find it.
16:18:28 8
16:18:28 9 You see Exhibit 81. You'll see the first name
16:18:31 10 there?---Sorry.
16:18:31 11
16:18:32 12 And the pseudonym?---What was the question in relation to
16:18:38 13 him again?
16:18:38 14
16:18:39 15 MR CHETTLE: Did you know him?---Yes.
16:18:40 16
16:18:41 17 We've made reference to Brennan, you'll see his real
16:18:43 18 name?---Yes.
16:18:43 19
16:18:43 20 You knew both of those officers?---Yes.
16:18:45 21
16:18:46 22 When you indicated to the Commission that had you an
16:18:49 23 awareness that Gobbo was giving evidence or giving material
16:18:53 24 to the Source Development Unit?---Yes.
25
16:18:55 26 You got that because of your association with the members
16:18:58 27 who brought her to the Source Development Unit?---Yes.
16:19:02 28
16:19:02 29 You didn't get it from the Source Development Unit?---No,
16:19:05 30 no.
16:19:05 31
16:19:06 32 In fact when they dealt with you they did everything they
16:19:09 33 could as far as you were concerned, to keep her identity
16:19:16 34 concealed?---Absolutely.
16:19:16 35
16:19:16 36 You were provided with information from time to time,
16:19:19 37 predominantly you would have seen from Brennan, but
16:19:21 38 occasionally from Curry. You'll see his name is
16:19:25 39 there?---Yes, yes.
16:19:25 40
16:19:25 41 Do you know who I'm talking about?---I do.
16:19:27 42
16:19:30 43 When you received verbal communication it didn't identify
16:19:36 44 Gobbo firstly?---No.
16:19:38 45
16:19:38 46 You drew the assumption it was her?---Correct.
16:19:40 47

16:19:41 1 But secondly, verbal communication was followed up with
16:19:48 2 IRs?---Correct.
16:19:49 3
16:19:49 4 Information reports would be received outlining information
16:19:53 5 that had been received from a source?---That's correct.
16:19:56 6
16:19:57 7 So you might not get a verbal communication, you might at
16:20:00 8 times just receive an information report, other times you
16:20:03 9 may get both?---Correct.
16:20:05 10
16:20:06 11 Did you have a designated role stipulated by Mr O'Brien as
16:20:10 12 being the surveillance contact, I think I might have the
16:20:15 13 wrong term. Were you the officer who was responsible for
16:20:18 14 being the contact in relation to surveillance?---I was one
16:20:21 15 of. I'm not sure if I was the only but I definitely had
16:20:24 16 contact with surveillance, yes.
16:20:25 17
16:20:26 18 When SDU had material for you that related directly to
16:20:30 19 surveillance they'd come to you because you were the
16:20:32 20 designated contact point in that regard?---I was one of
16:20:35 21 them, that's correct.
16:20:36 22
16:20:36 23 Does that make sense to you?---Yes.
16:20:37 24
16:20:38 25 You'd be aware I take it that Detective Sergeant
16:20:41 26 Jones?---Yes.
16:20:42 27
16:20:42 28 One of the, not the boss but one of the senior figures at
16:20:48 29 the SDU?---Yes.
16:20:48 30
16:20:49 31 Was in close and reasonably constant contact with
16:20:53 32 Mr O'Brien?---Yes.
16:20:54 33
16:20:55 34 They enjoyed a very long-term, long-standing professional
16:20:59 35 relationship?---Yes.
16:21:00 36
16:21:04 37 Did you have knowledge that Mr O'Brien had effectively had
16:21:09 38 some contribution to the development of source management
16:21:14 39 with Sergeant Jones?---I knew who was involved, I couldn't
16:21:18 40 tell you exactly the role.
16:21:20 41
16:21:20 42 Not the detail I understand?---He was definitely involved,
16:21:23 43 yes.
16:21:23 44
16:21:24 45 Indeed, he had a strong impetus for, he was keen to see a
16:21:30 46 new method of developing source management that would cut
16:21:34 47 out the disasters that had been occurring in the

16:21:37 1 past?---Yes.

16:21:38 2

16:21:39 3 Because it had been an unmitigated disaster. There had

16:21:43 4 been police officers involved in corruption and dead

16:21:46 5 informers, take Hodson for example?---Yes.

16:21:49 6

16:21:49 7 All of that led to the creation of this unit that was the

16:21:52 8 team that the Police Force designated to carry out the very

16:21:56 9 job they were asked to do here with Gobbo?---That's right.

16:21:59 10

16:22:01 11 Now, as to the content, now I apologise, I haven't - at the

16:22:07 12 meetings that you went at which Jones and Brennan and

16:22:11 13 indeed for that matter Curry attended?---Yes.

16:22:14 14

16:22:15 15 You would have expected them to take detailed notes of the

16:22:19 16 conversations they had, in either their diaries or their

16:22:22 17 day books?---The conversations at the meetings or the

16:22:26 18 conversations they've had with the source?

16:22:28 19

16:22:29 20 The conversations they had involving you and O'Brien and

16:22:33 21 other members of your organisation?---Probably.

16:22:35 22

16:22:37 23 In an ideal world - you can't recall the details of some of

16:22:41 24 those conversations, you've told us, only what's in your

16:22:43 25 diary?---Yes.

16:22:45 26

16:22:47 27 In an ideal world I'd like to be able to put to you what

16:22:51 28 they say in their notes but they haven't got them?---Okay.

16:22:54 29

16:22:54 30 I can't do it and I might have to reserve, Commissioner,

16:22:57 31 the right to call her back. I don't want to do it.

16:23:00 32

16:23:00 33 COMMISSIONER: You may have to reserve the right, it seems

16:23:03 34 from all her other answers that it would be she can't

16:23:06 35 remember. You would probably presume that's what her

16:23:10 36 answer would be. It might or might not be the case, she

16:23:11 37 doesn't know.

16:23:11 38

16:23:12 39 MR CHETTLE: Obviously you will hear in due course and you

16:23:14 40 will see in due course - - -

16:23:15 41

16:23:16 42 COMMISSIONER: Her evidence seems to be that she can only

16:23:21 43 rely upon what she's found in her diary for her memory

16:23:23 44 after all these years. And that's a common tale we're

16:23:25 45 hearing from police officers.

16:23:26 46

16:23:26 47 MR CHETTLE: From your observations the Source Development

16:23:30 1 Unit members dealt professionally and appropriately with
16:23:33 2 the sources they managed as far as you could
16:23:37 3 see?---Absolutely.
16:23:37 4
16:23:38 5 They took their job very seriously?---Yes.
16:23:40 6
16:23:40 7 Thank you.
16:23:41 8
16:23:41 9 COMMISSIONER: Thanks Mr Chettle. Any - - -
16:23:45 10
16:23:46 11 MS ARGIROPOULOS: No re-examination.
16:23:46 12
16:23:46 13 COMMISSIONER: Any re-examination?
16:23:48 14
16:23:48 15 MR WOODS: Just one issue, Commissioner. Just arising out
16:23:52 16 of some questions Mr Chettle asked you. You gave some
16:23:55 17 evidence earlier when I was asking you questions about your
16:23:57 18 understanding of a sterile corridor, do you remember
16:23:59 19 that?---Yes.
16:23:59 20
16:23:59 21 You told the Commissioner that your position was that you
16:24:04 22 agreed with something that I put to you which was that the
16:24:06 23 sterile corridor system completely failed in relation to
16:24:09 24 Ms Gobbo?---That's a bit extreme. It was a partial sterile
16:24:15 25 corridor I suppose you could call it.
16:24:16 26
16:24:17 27 It wasn't sterile?---It wasn't completely sterile no,
16:24:21 28 because obviously I knew.
16:24:23 29
16:24:23 30 It was a little bit sterile but not very sterile?---A
16:24:25 31 little bit sterile.
16:24:26 32
16:24:26 33 And the reason, one of the reasons for its failure was that
16:24:29 34 every time the Source Development Unit passed information
16:24:33 35 to you in relation to these individuals that we've gone
16:24:35 36 through in your diaries, you knew full well that was coming
16:24:40 37 from Ms Gobbo?---I did but I don't know that they knew.
16:24:44 38
16:24:44 39 I'm talking about you?---Yeah, I did, for different
16:24:47 40 reasons.
16:24:47 41
16:24:48 42 Thanks Detective Burrows, you're free to go?---Thank you.
16:24:51 43
44 (Witness excused.)
45
16:24:52 46 <(THE WITNESS WITHDREW)
16:24:52 47

16:24:52 1 COMMISSIONER: Is there anything else we have to sort out
16:24:54 2 this evening?
16:24:55 3
16:24:56 4 MR CHETTLE: Can I ask who's coming tomorrow, Commissioner,
16:24:59 5 and what statements we might get tonight?
16:25:02 6
16:25:02 7 COMMISSIONER: Yes.
16:25:02 8
16:25:03 9 MR WINNEKE: Commissioner, it's expected that we will be
16:25:05 10 calling Mr Sheridan tomorrow and Mr Cheesman.
16:25:13 11
16:25:13 12 COMMISSIONER: Thank you.
16:25:14 13
16:25:15 14 MR WINNEKE: And that's the list as it stands at present.
16:25:19 15 That may be added to but - things may occur.
16:25:24 16
16:25:24 17 COMMISSIONER: Do we expect that will take the day?
16:25:28 18
16:25:28 19 MR WINNEKE: Those two witnesses I expect will not take the
16:25:31 20 day, no.
16:25:33 21
16:25:33 22 COMMISSIONER: All right. So there may be some other,
16:25:35 23 another witness or witnesses who are called, we'll see.
16:25:39 24 And if there is you'll let the parties know - - -
16:25:45 25
16:25:46 26 MR WINNEKE: As soon as we are in a position to let them
16:25:49 27 know we'll let them know, Commissioner.
28
16:25:53 29 COMMISSIONER: Thank you.
16:25:53 30
16:25:53 31 MS ENBOM: Commissioner, we are seeking to make
16:25:55 32 arrangements for George Tapai to attend tomorrow and
16:25:59 33 possibly Murray Gregor.
16:26:00 34
16:26:01 35 MR WINNEKE: There may be some difficulties with both of
16:26:03 36 those. At present we don't have diaries for both of those.
16:26:08 37 I don't think we have a statement for Mr Gregor so we're
16:26:10 38 not in a position to say - I think there's a statement that
16:26:16 39 arrived for Mr Tapai a short period - - -
16:26:21 40
16:26:21 41 COMMISSIONER: For whom?
16:26:22 42
16:26:23 43 MR WINNEKE: Mr Tapai.
16:26:24 44
16:26:24 45 COMMISSIONER: His statement has arrived and you're still
16:26:26 46 waiting for a statement from Mr Gregor?
16:26:29 47

16:26:30 1
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MS ENBOM: Which I understand is on its way.

COMMISSIONER: We'll play it by ear, they're possibilities that we can't put any higher than that.

MR WINNEKE: We have sought statements from all these people, a number of those.

COMMISSIONER: Yes. As I say we are trying to get a system in place that gives Victoria Police more notice of the witnesses and will enable the statements and the relevant documents to be provided to counsel assisting the Commission two weeks before the proposed date instead of on the run, and hopefully for the next round after this round, this week and next, we'll have that system in place. All right, well I think everyone's tired. I think there may be some PII issues to sort out but I think we might leave that until tomorrow. We'll adjourn until tomorrow morning at 10 am, thank you.

ADJOURNED UNTIL THURSDAY 16 MAY 2019