

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Friday, 17 May 2019

Led by Commissioner:       The Honourable Margaret McMurdo AC

Also Present

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

Counsel for Victoria Police   Mr S. Holt QC  
                                  Ms R. Enbom  
                                  Ms K. Argiropoulos

Counsel for State of Victoria Mr T. Kyriakou

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

Counsel for DPP/SPP          Ms K. O'Gorman  
                                  Ms A. Martin

Counsel for Tony Mokbel       Mr R. Maidment QC

10:13:43 1 COMMISSIONER: Yes, I'll just take today's appearances.  
10:13:45 2 Mr Winneke.  
10:13:46 3  
10:13:46 4 MR WINNEKE: Yes, Commissioner, I appear with Mr Woods and  
10:13:49 5 Ms Tittensor.  
10:13:50 6  
10:13:50 7 COMMISSIONER: Mr Holt.  
10:13:52 8  
10:13:52 9 MR HOLT: Yes, Commissioner, I appear with Ms Enbom and  
10:13:55 10 Ms Argiropoulos.  
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10:13:57 12 COMMISSIONER: Thank you. Mr Collinson.  
10:13:57 13  
10:13:58 14 MR COLLINSON: I appear with Mr Nathwani for Ms Gobbo.  
10:14:00 15  
10:14:01 16 COMMISSIONER: Yes. Mr Kyriakou, I think you're appearing  
10:14:03 17 today for the State of Victoria. And Ms Martin.  
18  
19 MS MARTIN: Ms Martin for the OPP and DPP.  
20  
10:14:06 21 COMMISSIONER: And Mr Maidment.  
10:14:10 22  
10:14:10 23 MR MAIDMENT: Commissioner, yes, I seek leave to appear  
10:14:12 24 briefly this morning.  
10:14:13 25  
10:14:13 26 COMMISSIONER: For Mr Mokbel?  
10:14:15 27  
10:14:16 28 MR MAIDMENT: Yes.  
10:14:16 29  
10:14:17 30 COMMISSIONER: Yes, thank you. Yes Mr Winneke.  
10:14:18 31  
10:14:19 32 MR WINNEKE: Commissioner, the witness who we are proposing  
10:14:20 33 to call this morning is Mr Murray Gregor. I've had some  
10:14:24 34 discussions with our learned friends overnight following  
10:14:29 35 the receipt of the statement of Mr Gregor. It became  
10:14:36 36 apparent that that statement that has been provided to the  
10:14:43 37 Commission in effect is a truncated version, if you like,  
10:14:49 38 of other statements that Mr Gregor, in particular a  
10:14:54 39 statement that Mr Gregor had produced in earlier  
10:14:58 40 proceedings. As a result of discussions that I had with  
10:15:04 41 Ms Enbom it appears that they have now been provided with a  
10:15:09 42 draft version of two statements that Mr Gregor had made in  
10:15:15 43 the past, albeit I understand not signed. We've had three  
10:15:22 44 statements of Mr Gregor provided pursuant to a Notice to  
10:15:28 45 Produce to Robinson Gill Solicitors which came to us late  
10:15:32 46 last night and what those statements, in particular one of  
10:15:38 47 them, a 20 page statement made in 2012, makes it clear that

10:15:44 1 there's a lot more detail available which isn't in the  
10:15:47 2 statement which we've been provided with. My understanding  
10:15:50 3 is that the position of the police is that they're not  
10:15:55 4 prepared or not ready to proceed at this stage with  
10:15:58 5 Mr Gregor. Perhaps we can hear from the counsel for the  
10:16:03 6 police.

10:16:03 7  
10:16:04 8 COMMISSIONER: Yes. Ms Enbom.

10:16:06 9  
10:16:07 10 MS ENBOM: Commissioner, the witness has located this  
10:16:10 11 morning two signed statements. One of them is I think - I  
10:16:21 12 think one of the signed statements is a signed statement  
10:16:24 13 that Mr Winneke received from Robinson Gill last night. I  
10:16:28 14 think just based on the date, that the other is not one of  
10:16:31 15 the statements that Mr Winneke received last night from  
10:16:36 16 Robinson Gill. It seems to me, having looked at the  
10:16:39 17 material that I have been given access to, that there are a  
10:16:43 18 lot of statements, he appears to have prepared a lot of  
10:16:48 19 statements in the past going right back to 2003 that we  
10:16:53 20 don't have access to but, Commissioner, the witness is here  
10:17:00 21 and his instructions are that he would like to proceed if  
10:17:02 22 we can. There will be difficulties with that in that the  
10:17:12 23 Commission has documents that I don't have. I appear to  
10:17:16 24 have a document that the Commission doesn't have. And I  
10:17:21 25 can see from the documents I do have that there are other  
10:17:26 26 materials out there that have not yet, we certainly haven't  
10:17:30 27 - we don't have them. It might be that the Commission have  
10:17:32 28 them, but there's things like, it appears there's a  
10:17:36 29 document such as a transcript of an OPI hearing that I  
10:17:41 30 don't have. The Commission may have it but I don't have  
10:17:43 31 it. Transcripts of telephone conversations. Transcripts  
10:17:48 32 of meetings, none of which I have. So we can proceed with  
10:17:55 33 the witness but I expect that the witness would need to be  
10:17:59 34 recalled at a later time to address the materials that we  
10:18:04 35 don't yet have but that we will obtain.

10:18:07 36  
10:18:07 37 COMMISSIONER: Well, Ms Enbom, I appreciate that it's not  
10:18:10 38 your fault, your personal fault, in that if you don't get  
10:18:14 39 provided with these documents by those instructing you and  
10:18:18 40 your clients it's very difficult for you. But this is most  
10:18:24 41 unsatisfactory, as you'd appreciate. You've been on  
10:18:28 42 notice, that is Victoria Police have been on notice and  
10:18:30 43 your solicitors, since 3 May that this witness would be  
10:18:33 44 required so it seems remarkable that at this stage you're  
10:18:38 45 still floundering trying to find relevant material and  
10:18:45 46 obviously it's not satisfactory all round.  
10:18:47 47

10:18:47 1 COMMISSIONER: Yes, I accept that Commissioner.  
10:18:51 2  
10:18:51 3 COMMISSIONER: To put it mildly.  
10:18:53 4  
10:18:54 5 MS ENBOM: Yes.  
10:18:55 6  
10:18:56 7 COMMISSIONER: I would like to have the witness called and  
10:19:00 8 the statements we do have tendered and placed before the  
10:19:04 9 Commission and get sorted out exactly what material we do  
10:19:09 10 need to locate and who has what.  
10:19:11 11  
10:19:11 12 MS ENBOM: Yes.  
10:19:11 13  
10:19:12 14 COMMISSIONER: And what's been going on. I think that that  
10:19:14 15 is the appropriate way to proceed this morning and it may  
10:19:19 16 be then that we need to adjourn and recall this witness at  
10:19:25 17 a later time so that all this material can be properly  
10:19:30 18 investigated. I think we'll just see how we go.  
10:19:33 19  
10:19:33 20 MS ENBOM: Yes, thank you Commissioner.  
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10:19:36 22 COMMISSIONER: How long do you think we're going to be with  
10:19:39 23 this witness because I know Mr Maidment has an application  
10:19:42 24 in respect to Mr Mokbel which will probably have to be  
10:19:45 25 heard in closed hearing.  
10:19:46 26  
10:19:49 27 MS ENBOM: If we were to cover all matters I think he would  
10:19:50 28 be here for the day. There's one little complication which  
10:19:55 29 is that I've been given a suppression order that was made  
10:19:59 30 in the Coronial Inquest.  
10:20:02 31  
10:20:02 32 COMMISSIONER: Yes.  
10:20:03 33  
10:20:04 34 MS ENBOM: It's a suppression order dated 29 June 2015 and  
10:20:11 35 what it seems to do is suppress the publication of the  
10:20:17 36 Inquest brief on the basis that it would be contrary to  
10:20:21 37 public interest for it to be published, save for certain  
10:20:25 38 documents. So there's a carve out in there and the carve  
10:20:31 39 out does refer to this witness, Mr Gregor. It's a  
10:20:38 40 non-publication of the Inquest brief save and except for  
10:20:41 41 the redacted statements of Witness A, Witness B, Witness M,  
10:20:45 42 Cameron Davey, Andrew Gregor and a number of others. We'll  
10:20:52 43 just need to be careful - - -  
10:20:55 44  
10:20:56 45 COMMISSIONER: That's Andrew Gregor, yes. That's this  
10:20:58 46 witness. So he's carved out, he's an exception.  
10:21:04 47

10:21:04 1 MS ENBOM: The carve out seems to relate only to - it's  
10:21:09 2 ambiguous order, but it appears that the carve out relates  
10:21:13 3 to a redacted statement on the Inquest brief for him. As I  
10:21:17 4 understand it, Mr Winneke has three statements that were on  
10:21:23 5 the Inquest brief and so we just need to be careful that if  
10:21:28 6 any statements are to be used in an open hearing, that they  
10:21:33 7 are not the subject of the suppression order. It may be  
10:21:37 8 apparent on the face of the statements that Mr Winneke has,  
10:21:41 9 I don't know. I can hand up a copy of this if it would  
10:21:46 10 assist.

10:21:46 11  
10:21:47 12 COMMISSIONER: Perhaps if you - has Mr Winneke got a copy?  
10:21:50 13

10:21:50 14 MR WINNEKE: Commissioner, I'm just trying to get access to  
10:21:52 15 the three statements. Commissioner, I was involved in the  
10:21:57 16 Inquest. I recall that the statements of Mr Gregor were  
10:22:01 17 tendered in the Inquest and I can't say as a matter of  
10:22:08 18 certainty whether they were redacted or not. My belief is  
10:22:11 19 that they were not redacted. Certainly there were redacted  
10:22:14 20 statements of some of the witnesses referred to by my  
10:22:18 21 learned friend, A and M and so forth, but as to whether or  
10:22:22 22 not the Gregor statements were redacted - just excuse me.  
10:22:29 23 I've just been provided - the Commission served a Notice to  
10:22:37 24 Produce on Robinson Gill who act for the children of the  
10:22:43 25 Hodsons to produce materials that they had. Some of the  
10:22:47 26 materials they produce are statements and statements of  
10:22:49 27 Mr Gregor. It seems to me looking at those statements that  
10:22:52 28 they're unredacted, signed statements but with no  
10:23:03 29 redactions on them. There's a statement dated 11 August  
10:23:11 30 2004, a six page statement. A 15 page statement dated 30  
10:23:16 31 January 2004 and a 20 page statement dated 27 April 2012.  
10:23:31 32 They appear to be unredacted. Now I assume that indicates  
10:23:35 33 they were statements produced to the Hodsons who were  
10:23:42 34 represented at the Inquest in that unredacted form.  
10:23:46 35 Commissioner, I can't say as a matter of certainty whether  
10:23:49 36 they were redacted in any way, shape or form save that my  
10:23:54 37 belief is that they weren't. One assumes that the police  
10:23:57 38 who were also at the Inquest have a copy of the brief  
10:24:01 39 amongst their materials. It hasn't been produced. I  
10:24:04 40 understand it's going to be produced at some stage today.  
10:24:10 41 Mr Gregor is clearly a very, very important witness in this  
10:24:16 42 period of the time and the development of the relationship,  
10:24:18 43 if you like, between Ms Gobbo and the police. It must have  
10:24:21 44 been known at least very early on when it became apparent  
10:24:24 45 that this Commission is going through that involvement that  
10:24:27 46 he was going to be an important witness. It is somewhat  
10:24:31 47 surprising that on the morning that he's due to be called

10:24:35 1 the police only have two unsigned statements. It's  
10:24:39 2 extraordinary.  
10:24:39 3  
10:24:39 4 COMMISSIONER: Well, and they've been given particular  
10:24:42 5 notice, particular notice on 3 May that the witness will be  
10:24:46 6 called at this time.  
10:24:49 7  
10:24:49 8 MR WINNEKE: Yes.  
10:24:49 9  
10:24:49 10 COMMISSIONER: There's obviously some serious break down in  
10:24:52 11 communication there between police officers who are  
10:24:58 12 familiar with this material and the lawyers.  
10:25:02 13  
10:25:03 14 MR WINNEKE: That may be the case, Commissioner, but all I  
10:25:05 15 can say is that the statement that's been produced to the  
10:25:08 16 Commission is certainly - - -  
10:25:13 17  
10:25:14 18 COMMISSIONER: Woefully inadequate.  
10:25:17 19  
10:25:17 20 MR WINNEKE: It contains a lot less detail than statements  
10:25:20 21 that have already been taken by this witness. In any  
10:25:23 22 event, the statement is deficient that's been produced.  
10:25:29 23  
10:25:29 24 COMMISSIONER: Absolutely. It sounds as though,  
10:25:34 25 Mr Winneke, it would be useful to call the witness and  
10:25:36 26 proceed somewhere today.  
10:25:37 27  
10:25:38 28 MR WINNEKE: Yes.  
10:25:38 29  
10:25:39 30 COMMISSIONER: Tender what can be tendered, find out  
10:25:41 31 exactly what is missing and what we need to get, establish  
10:25:46 32 the relevance of the witness and then stand him down to  
10:25:51 33 another time when no doubt there'll be further questioning.  
10:25:54 34  
10:25:54 35 MR WINNEKE: I think that's an appropriate course to take,  
10:25:57 36 Commissioner. He's here, he wants to give evidence.  
10:25:59 37  
10:25:59 38 COMMISSIONER: Yes.  
10:26:00 39  
10:26:00 40 MR WINNEKE: We've got material from him. Now a  
10:26:02 41 considerable amount of material. Now obviously no one else  
10:26:05 42 has it at the Bar table save for - indeed, his own  
10:26:08 43 representatives don't have it.  
10:26:09 44  
10:26:10 45 COMMISSIONER: Yes. Let's see how far we can go  
10:26:12 46 efficiently today and then when we get to a point where  
10:26:18 47 nothing more can usefully be achieved until there's been

10:26:24 1 full production of all the necessary documents by Victoria  
10:26:28 2 Police, and perhaps we can give them documents that they  
10:26:34 3 don't have them and they need them. But - - -  
10:26:38 4  
10:26:38 5 MR WINNEKE: Commissioner, perhaps if we can do this. My  
10:26:42 6 understanding - as I say, I don't want the Commissioner to  
10:26:48 7 breach any orders that are made. As I say, my  
10:26:51 8 understanding is that there are no redacted statements so  
10:26:54 9 far as Gregor is concerned.  
10:26:56 10  
10:26:56 11 COMMISSIONER: Yes.  
10:26:56 12  
10:26:57 13 MR WINNEKE: That might be able to be sorted out reasonably  
10:26:59 14 quickly via communication with the Coroner's Court.  
10:27:02 15  
10:27:02 16 COMMISSIONER: Yes.  
10:27:03 17  
10:27:03 18 MR WINNEKE: In which case we can be confident we're not  
10:27:08 19 breaching that order, because it seems the statements of  
10:27:10 20 Gregor are carved out of that suppression order.  
10:27:12 21  
10:27:13 22 COMMISSIONER: Yes.  
10:27:13 23  
10:27:13 24 MR WINNEKE: Those statements can then be adduced in public  
10:27:16 25 it would seem.  
10:27:17 26  
10:27:17 27 COMMISSIONER: Yes. Ms Enbom seemed to think that if we  
10:27:22 28 started with this witness he could be quite some time  
10:27:25 29 today. If that's the case I think we should probably stand  
10:27:30 30 that part of proceedings down whilst we hear Mr Maidment's  
10:27:35 31 application.  
10:27:35 32  
10:27:35 33 MR WINNEKE: Yes. That's an appropriate course.  
10:27:36 34  
10:27:37 35 COMMISSIONER: That would then give people - someone could  
10:27:40 36 take on the responsibility of contacting the Coroner's  
10:27:42 37 Court and finding out about the orders whilst we're  
10:27:47 38 proceeding with Mr Mokbel's application.  
10:27:50 39  
10:27:50 40 MR WINNEKE: If it please the Commissioner.  
10:27:54 41  
10:27:54 42 COMMISSIONER: Before we do that, and whilst we're having a  
10:27:57 43 whinge about Victoria Police, Ms Enbom, could I give you  
10:28:05 44 some problems that the Commission is having with a delay in  
10:28:14 45 the Victoria Police's PII treatment of material.  
10:28:19 46  
10:28:20 47 MS ENBOM: Yes.

10:28:20 1  
10:28:20 2 COMMISSIONER: We're still waiting for Mr Paterson's  
10:28:24 3 statement to be dealt with so that it can be published on  
10:28:27 4 the website in an appropriate form. Now that evidence was  
10:28:32 5 given in March and we're still waiting for Victoria Police  
10:28:36 6 to do the PII submissions on that. It's very  
10:28:41 7 unsatisfactory.  
10:28:42 8  
10:28:42 9 MS ENBOM: Yes, I accept that, Commissioner.  
10:28:44 10  
10:28:44 11 COMMISSIONER: And there's a delay also with transcripts,  
10:28:46 12 the public transcripts. They are not going on the website  
10:28:50 13 because of the delay with Victoria Police in providing  
10:28:56 14 submissions on PII and that's from the 8th, 9th, 10th, 15th  
10:29:02 15 and 16th of May. So that needs to be attended to.  
10:29:09 16  
10:29:09 17 MS ENBOM: Yes. Thank you, Commissioner. Perhaps while  
10:29:12 18 Mr Holt is dealing with - he's here for the application  
10:29:16 19 that's to be heard - I can usefully make some enquiries in  
10:29:20 20 relation to whether or not there are any redacted  
10:29:24 21 statements of Mr Gregor. If I can step out of the hearing  
10:29:26 22 room and do that and hopefully then that will ensure that  
10:29:30 23 his evidence is proceeded with more efficiently.  
24  
10:29:33 25 The second matter is that Mr Gregor's statement is focused  
10:29:38 26 upon his diaries, so what he does in his statement is he  
10:29:43 27 tells us that he has reviewed his diaries and he's  
10:29:47 28 identified all the entries that are relevant to Ms Gobbo  
10:29:49 29 and then he explains those entries. So we can certainly  
10:29:52 30 deal with that part of his evidence today and that is quite  
10:29:57 31 substantial.  
10:29:57 32  
10:29:57 33 COMMISSIONER: Yes.  
10:29:59 34  
10:29:59 35 MS ENBOM: I think that would take the morning. If we  
10:30:01 36 can't deal with the previous witness statements, at least  
10:30:04 37 we can deal with that part of his evidence this morning.  
10:30:07 38 So I'll deal with the first issue now and the second issue  
10:30:11 39 I'll also deal with that.  
10:30:13 40  
10:30:13 41 COMMISSIONER: And then whilst that's happening inquiries  
10:30:17 42 can be made about what other material needs to be provided  
10:30:20 43 to the Commission, so that can be done urgently.  
10:30:25 44  
10:30:26 45 MS ENBOM: Yes, so I'll attend to that now and I'll also  
10:30:26 46 make some inquiries in relation to the matters you've just  
10:30:30 47 raised.



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COMMISSIONER: Thank you, Ms Enbom. We'll stand that matter down and now deal with Mr Maidment's application.

Mr Maidment, I take it that this is an application that will need to be dealt with in a closed hearing?

MR MAIDMENT: Yes, we would submit so, Your Honour.

COMMISSIONER: Is there any contrary submission?

MR WINNEKE: No, Commissioner.

COMMISSIONER: All right then. I'm satisfied under the *Inquiries Act* that it's necessary for the following matter to be dealt with in closed hearing. The matter is not to be streamed, a transcript is to be kept. All people other than counsel assisting the Commission, counsel for Ms Gobbo, counsel for Victoria Police, counsel for the State of Victoria and counsel for the OPP/DPP are now required to leave the hearing room. Nothing said in this proceedings is to be published and a copy of this order is to be affixed to the hearing room door and the hearing room door of the rooms to which the proceedings are ordinarily streamed.

(IN CAMERA HEARING FOLLOWS)

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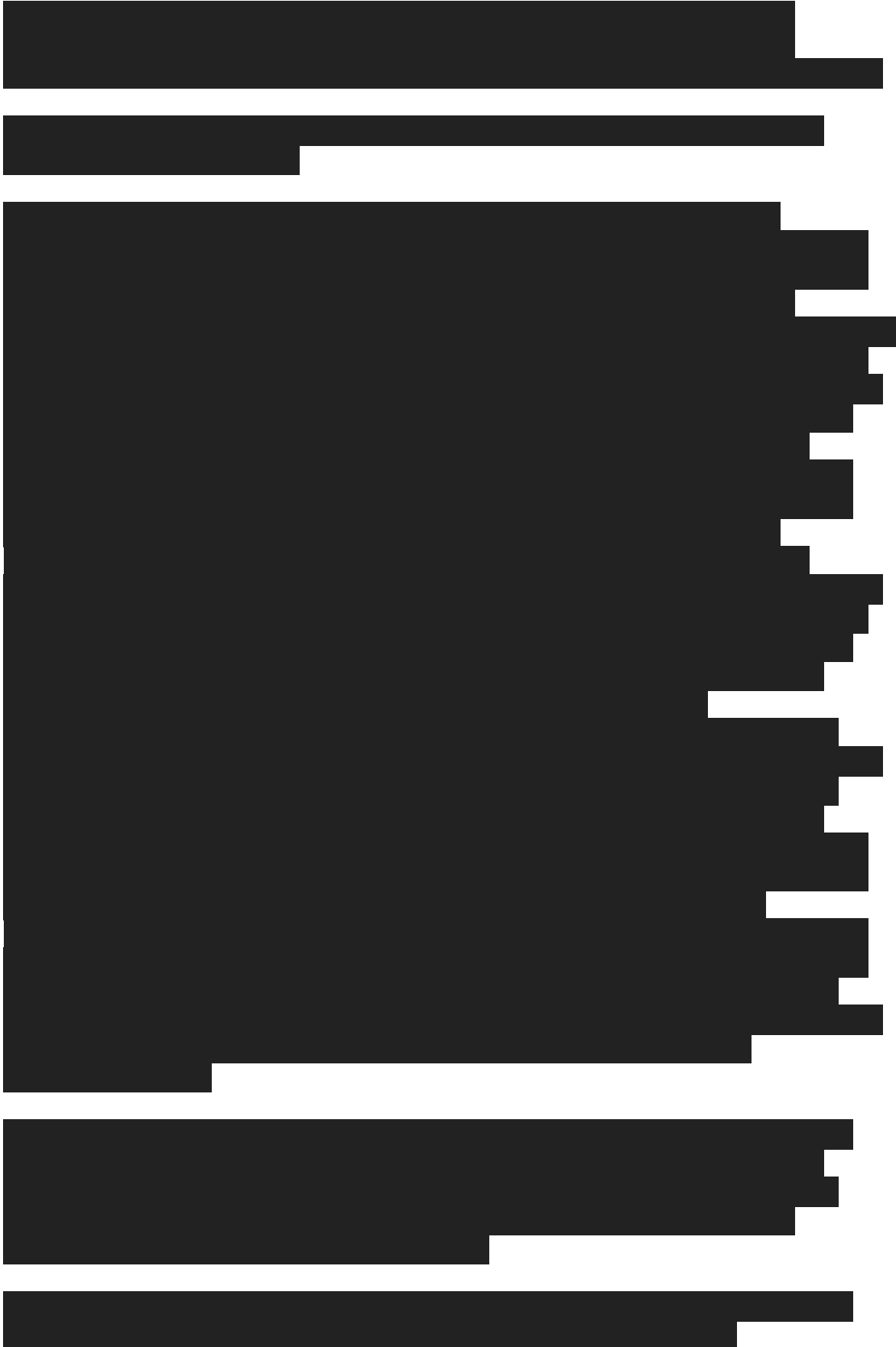
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11:29:28 1 UPON RESUMING IN OPEN HEARING:  
11:29:28 2  
11:50:43 3 COMMISSIONER: Yes Mr Winneke.  
11:50:43 4  
11:50:44 5 MR WINNEKE: Call Murray Gregor, Commissioner.  
11:50:55 6  
11:50:56 7 COMMISSIONER: Oath or affirmation?---Oath.  
11:50:59 8  
11:51:00 9 <ANDREW MURRAY GREGOR, sworn and examined:  
11:51:11 10  
11:51:11 11 COMMISSIONER: I should state, we are in open hearing now.  
11:51:15 12 That's clear. Thank you. Yes Ms Enbom.  
11:51:19 13  
11:51:20 14 MS ENBOM: Thanks Commissioner. Mr Gregor, is your full  
11:51:25 15 name Andrew Murray Gregor?---That's correct, yes.  
11:51:28 16  
11:51:28 17 What is your work address?---Current work address is 509  
11:51:32 18 St Kilda Road, Melbourne.  
11:51:33 19  
11:51:33 20 What is your current occupation?---I'm an executive  
11:51:38 21 director of operations with the Australian Building  
11:51:43 22 Construction Commission.  
11:51:43 23  
11:51:43 24 Mr Gregor, have you prepared a statement for this Royal  
11:51:47 25 Commission?---Yes, I have.  
11:51:48 26  
11:51:48 27 Do you have two versions of that statement with you in the  
11:51:51 28 witness box?---Yes, I do.  
11:51:53 29  
11:51:53 30 One that is unredacted and one that is redacted?---Yes,  
11:51:59 31 that's correct.  
11:52:00 32  
11:52:01 33 Are your statements to the best of your knowledge  
11:52:04 34 accurate?---Yes, they are.  
11:52:06 35  
11:52:06 36 Commissioner, can I please tender both of those statements.  
11:52:09 37  
11:52:09 38  
11:52:10 39 #EXHIBIT RC129A - Full statement.  
11:52:14 40  
11:52:15 41  
11:52:15 42 #EXHIBIT RC129B - Redacted statement.  
11:52:21 43  
11:52:21 44 Thank you Commissioner. Before we commence should I  
11:52:26 45 clarify the application in relation to the suppression  
11:52:29 46 order?  
11:52:29 47

11:52:29 1 COMMISSIONER: Yes please.  
11:52:30 2  
11:52:30 3 MS ENBOM: I found a very helpful solicitor at the  
11:52:33 4 Coroner's Court, who coincidentally due to the 15 minute  
11:52:37 5 delay happened to be watching the streaming of the exchange  
11:52:43 6 in relation to this matter while I was on the telephone to  
11:52:49 7 her. She found a copy of the suppression order and  
11:52:53 8 conveniently the statements that may be published, so that  
11:52:58 9 are not the subject of the order are attached to the order.  
11:53:03 10 So we were able to clarify that it's the statement of  
11:53:06 11 Murray Gregor dated 11 August 2004 that may be published,  
11:53:14 12 so it's the subject of the carve out. The other two  
11:53:20 13 statements that are on the Coronial file are the subject of  
11:53:32 14 the suppression order. They are statements dated 30  
11:53:34 15 January 2004 and 27 April 2012. The solicitor is presently  
11:53:43 16 checking the transcript just to confirm that that is the  
11:53:49 17 position in relation to those two statements, that is that  
11:53:54 18 they are the subject of the suppression order. The way the  
11:53:57 19 suppression order works is, it's statements that were read  
11:54:02 20 out in open hearings during the Coronial Inquest that are  
11:54:07 21 the statements that are allowed to be published. So it  
11:54:09 22 appears that the statement of Mr Gregor dated 11 August  
11:54:12 23 2004 is the one that was read out and that's why it's the  
11:54:16 24 subject of the carve out and able to be published. The  
11:54:19 25 solicitor is checking the transcript just to confirm that  
11:54:24 26 the other two statements weren't read out.  
11:54:27 27  
11:54:27 28 COMMISSIONER: And the suppression order in respect of the  
11:54:30 29 other two statements is current until when?  
11:54:33 30  
11:54:34 31 MS ENBOM: It's current until 2034.  
11:54:37 32  
11:54:38 33 COMMISSIONER: Hopefully this inquiry will have finished by  
11:54:41 34 then.  
35  
11:54:41 36 MS ENBOM: Fingers crossed. There are the other - - -  
11:54:49 37  
11:54:50 38 COMMISSIONER: Presumably an application can be made to the  
11:54:54 39 Coroner's Court to vary those suppression orders.  
11:54:57 40  
11:54:58 41 MS ENBOM: Yes. Yes, I think that's right, Commissioner.  
11:55:03 42 And I have answers, Commissioner, in relation to the other  
11:55:06 43 administrative matters which were raised which I can  
11:55:10 44 address you in relation to after the witness is finished.  
11:55:15 45  
11:55:16 46 COMMISSIONER: Yes Mr Winneke.  
11:55:16 47

1 <CROSS-EXAMINED BY MR WINNEKE:  
2  
11:55:17 3 Thank you, Commissioner. Now, Mr Gregor, can I just ask  
11:55:23 4 you about the statement that you do have there and that you  
11:55:27 5 made for the purpose of this Royal Commission. Firstly,  
11:55:33 6 are you able to say to the Commission when you were first  
11:55:36 7 asked to begin the process of making that statement?---It  
11:55:42 8 would have been first contact the week prior to the actual  
11:55:47 9 signing of the statement I believe from memory.  
11:55:49 10  
11:55:49 11 That resulted I take it in you going to see counsel  
11:55:54 12 Thursday week ago, is that right?---That's my recollection,  
11:55:56 13 yes, that's correct.  
11:55:57 14  
11:55:58 15 And was the purpose of seeing the barrister, I take it in  
11:56:04 16 Owen Dixon chambers, is that right?---That's correct.  
11:56:08 17  
11:56:08 18 Was the purpose of seeing that person to provide a  
11:56:13 19 statement to assist this Royal Commission?---Yes, it was.  
11:56:17 20 In fact, sorry, I'll just correct that, it was last, it was  
11:56:21 21 today week ago.  
11:56:22 22  
11:56:22 23 Today week ago, so it's last Friday?---Owen Dixon, I think  
11:56:29 24 that's right, yes.  
11:56:30 25  
11:56:30 26 And you understood that the statement that you were to give  
11:56:35 27 concerned matters that this Royal Commission is interested  
11:56:39 28 in looking at?---That's correct, yes.  
11:56:41 29  
11:56:41 30 In other words, in particular, the connection between  
11:56:50 31 Nicola Gobbo and the events that you were investigating in  
11:56:54 32 the period from about 27 September 2003 through to I think  
11:56:59 33 the period at the time that you left Victoria Police, or  
11:57:02 34 left that division of Victoria Police, ESD, in February  
11:57:05 35 2004, the following year, is that right?---That's correct,  
11:57:08 36 yes.  
11:57:08 37  
11:57:10 38 Was it your understanding that there had been a  
11:57:15 39 considerable amount of investigative work done by you in  
11:57:22 40 particular in investigating Mr Dale and Mr Miehchel, as well  
11:57:29 41 as Mr Hodson, in that period of time, putting together a  
11:57:33 42 brief of evidence?---Correct.  
11:57:34 43  
11:57:35 44 And as a result of that investigation there had been  
11:57:39 45 produced a considerable amount of investigative product I  
11:57:43 46 take it?---Yes.  
11:57:44 47

11:57:45 1 Investigation logs had been made?---Correct.  
11:57:48 2  
11:57:48 3 There had been warrants, affidavits made for telephone  
11:57:56 4 intercepts and there had been material produced as a result  
11:58:00 5 of those telephone intercepts?---Correct.  
11:58:03 6  
11:58:04 7 And what other investigative processes do you recall having  
11:58:10 8 been undertaken at that time?---Well, obviously  
11:58:13 9 interviewing numerous witnesses.  
11:58:15 10  
11:58:16 11 Yes?---Executing search warrants.  
11:58:18 12  
11:58:18 13 Yes?---Undertaking records of interview, things of that  
11:58:23 14 nature.  
11:58:24 15  
11:58:24 16 Yes?---There was some surveillance activity, yes.  
11:58:30 17  
11:58:30 18 And all of that material, I suppose - I take it you were if  
11:58:36 19 not the lead investigator one of the lead investigators in  
11:58:40 20 this investigation into the Dublin Street  
11:58:44 21 burglary?---That's correct, I was the lead investigator and  
11:58:47 22 the informant relating to the matter, yes.  
11:58:48 23  
11:58:49 24 All of that material you had accumulated during the course  
11:58:52 25 of that period of time in your investigation?---Correct.  
11:58:57 26  
11:58:57 27 And that material was obviously of assistance to you in  
11:59:03 28 putting together the brief of evidence against Hodson,  
11:59:07 29 Miehchel and Dale?---Correct.  
11:59:08 30  
11:59:08 31 And it contained a significant amount of information  
11:59:11 32 concerning your understanding of the role that Ms Gobbo may  
11:59:20 33 have played or played in the events subsequent to the  
11:59:25 34 burglary on 27 September and leading up to, certainly the  
11:59:30 35 arrest of Mr Dale and even after that?---Yes, correct.  
11:59:35 36  
11:59:36 37 I take it that information, all of that information would  
11:59:42 38 be relevant and useful to you to have in putting together a  
11:59:48 39 statement which usefully assists this Royal  
11:59:51 40 Commission?---Yes, correct.  
11:59:51 41  
11:59:52 42 In addition to all of that material you've got your police  
11:59:55 43 diaries in which you record some of the, or the actions  
12:00:00 44 that you engaged in?---Correct.  
12:00:02 45  
12:00:02 46 But that's only a small part of the information that would  
12:00:06 47 be of use to you in providing a useful statement to this

12:00:10 1 inquiry, correct?---Yes.  
12:00:13 2  
12:00:14 3 When you went to counsel's chambers last week to prepare  
12:00:18 4 the statement, what information was given to you to assist  
12:00:22 5 this Royal Commission in making your statement?---Well  
12:00:29 6 there wasn't really much information provided to me, I  
12:00:32 7 provided the information through the furnishing of my diary  
12:00:37 8 and day book and basically going through my notes relating  
12:00:42 9 to the matters of interest.  
12:00:45 10  
12:00:45 11 Right. So you didn't have any of the other information  
12:00:49 12 that I've been talking about, you just had your diaries  
12:00:52 13 which you brought to the meeting, is that right?---That's,  
12:00:56 14 that's correct, yes. I believe so.  
12:00:58 15  
12:01:00 16 Did you say to the barrister, "Look, there's a lot of other  
12:01:05 17 information, including statements that I've already made as  
12:01:08 18 part of this investigative process"?---Yes, look I did  
12:01:12 19 raise that there would be additional material which I don't  
12:01:15 20 currently have in my possession.  
12:01:17 21  
12:01:17 22 Yes?---Which may be of assistance.  
12:01:20 23  
12:01:20 24 And without that information, the information that you  
12:01:24 25 would provide to this Commission would necessarily be of  
12:01:27 26 less value?---Well it may or may not, but I just wanted to  
12:01:31 27 ensure that all available material that may be of interest  
12:01:35 28 is furnished so it can be considered, yes.  
12:01:39 29  
12:01:40 30 Right. Then perhaps if you can explain the process in  
12:01:44 31 which your statement dated 14 May 2019, so it was signed on  
12:01:49 32 the 14th, is that right?---That's correct, yes.  
12:01:51 33  
12:01:52 34 So can you explain the process whereby that statement was,  
12:01:56 35 how it was made?---Well, as you related earlier, I met with  
12:02:02 36 the solicitors/lawyers at Owen Dixon chamber the Friday  
12:02:11 37 prior to this statement being made. I went through my  
12:02:15 38 diary and day book and expanded on particular matters of  
12:02:22 39 interest, specifically mainly relating to my knowledge and  
12:02:27 40 dealings with Nicola Gobbo.  
12:02:29 41  
12:02:29 42 Yes?---And the interaction of Nicola Gobbo with various  
12:02:34 43 persons of interest and I relayed that information. That  
12:02:38 44 was recorded by one of the lawyers and then I left the  
12:02:44 45 chambers and subsequent to that I received a draft  
12:02:51 46 statement, basically draft statement of this which I've got  
12:02:55 47 here.



12:02:55 1  
12:02:55 2 Yes?---And I've then marked up changes, mainly minor  
12:03:03 3 changes but expanded in some areas and then sent that back  
12:03:09 4 for review and then it was basically agreed I would sign  
12:03:16 5 the statement, which I did, and then forward a copy and the  
12:03:22 6 original through to the lawyer.  
12:03:25 7  
12:03:26 8 All right. Now, prior to signing it and forwarding it had  
12:03:30 9 you been provided with any of the statements that you had  
12:03:36 10 told the lawyers that you had previously made?---I don't  
12:03:43 11 believe so.  
12:03:43 12  
12:03:44 13 So you hadn't been provided with any further information  
12:03:46 14 prior to signing the statement?---Um, not to my  
12:03:54 15 recollection.  
12:03:55 16  
12:03:55 17 Yes, all right. Were you provided with any investigation  
12:03:59 18 log?---No.  
12:04:01 19  
12:04:01 20 Were any - were you provided with any telephone intercept  
12:04:07 21 material?---No.  
12:04:08 22  
12:04:11 23 All right. Any records of interview?---I was furnished or  
12:04:17 24 provided a copy of an information report which detailed a  
12:04:21 25 meeting I had with Terry Hodson.  
12:04:23 26  
12:04:23 27 And that was on what date was that, 6 November, do you  
12:04:28 28 recall or not?---It was at a location in Hawthorn.  
12:04:31 29  
12:04:31 30 So you were provided with a single information report, is  
12:04:34 31 that right?---Yes, just to review, just to read through,  
12:04:38 32 which I handed back, I didn't retain.  
12:04:41 33  
12:04:42 34 All right then?---Yes.  
12:04:44 35  
12:04:45 36 When Ms Enbom was leading you through your evidence you  
12:04:51 37 mentioned that you had made a number of other statements,  
12:04:53 38 the first one I think was made on 30 January 2004 and  
12:05:06 39 that's a signed statement. Can I show you a document and  
12:05:12 40 if you could have a look at that?---Yes.  
12:05:21 41  
12:05:22 42 That's a 15 page statement signed by you at the base of  
12:05:25 43 every page, is that right?---That's correct.  
12:05:27 44  
12:05:28 45 And it concerns your involvement in the investigation into  
12:05:30 46 the Dublin Street burglary commencing with activities at  
12:05:37 47 about 10.30 pm on 27 September 2003?---Correct.

12:05:42 1  
12:05:45 2 Commissioner, that statement cannot be published or  
12:05:50 3 broadcast but I propose to tender it. The reason it can't  
12:05:56 4 be is for the reasons that have been discussed already,  
12:05:59 5 there was a suppression order made in relation to the  
12:06:02 6 Inquest brief materials. Can I ask you this: that  
12:06:05 7 statement that you made, whilst it found its way on to the  
12:06:09 8 Inquest brief, or do you understand that it did find its  
12:06:12 9 way into the Inquest brief?---Well I probably did at the  
12:06:15 10 time but I do now.  
12:06:16 11  
12:06:17 12 It wasn't made for the purpose of the Inquest obviously, it  
12:06:20 13 was made for the purposes of the investigation into Dale,  
12:06:23 14 Mischeł and Hodson?---Correct.  
12:06:26 15  
12:06:27 16 The Dublin Street burglary?---That's correct.  
12:06:31 17  
12:06:31 18 Obviously it's a document which was retained I assume by  
12:06:35 19 Victoria Police in one way or another?  
12:06:38 20  
12:06:39 21 COMMISSIONER: What was the date of that statement?  
12:06:42 22  
12:06:42 23 MR WINNEKE: 30 January 2004. Commissioner, I tender that.  
12:06:48 24 For I suppose avoidance of inadvertently or breaching  
12:06:54 25 suppression orders it ought at this stage be a confidential  
12:06:59 26 exhibit.  
12:07:00 27  
12:07:01 28 #EXHIBIT RC130 - (Confidential exhibit.)  
12:07:06 29  
12:07:06 30 COMMISSIONER: And I note it is currently subject to  
12:07:08 31 non-publication order.  
12:07:09 32  
12:07:10 33 MR WINNEKE: It is, Commissioner, it appears to be in any  
12:07:13 34 event. Albeit it was part of another brief of evidence and  
12:07:17 35 it may well be found elsewhere but it certainly on the face  
12:07:20 36 of it appears to be.  
12:07:23 37  
12:07:23 38 COMMISSIONER: You would expect that statement to be on the  
12:07:26 39 Victoria Police's file somewhere, wouldn't you?  
12:07:29 40  
12:07:30 41 MR WINNEKE: Ordinarily a brief of evidence is prepared.  
12:07:33 42 Indeed, Mischeł was prosecuted for this burglary and  
12:07:40 43 convicted?---Correct.  
12:07:41 44  
12:07:41 45 And that brief of evidence no doubt was served on him, on  
12:07:45 46 Dale and on Hodson?---Yes, it was part of the hand-up  
12:07:48 47 brief. Obviously went through a committal hearing in

12:07:51 1 Melbourne and then subsequently the Supreme Court in  
12:07:53 2 Melbourne.  
12:07:55 3  
12:07:55 4 And Miechel then appealed but ultimately that appeal was  
12:07:59 5 unsuccessful but the brief, the statement itself one  
12:08:04 6 assumes would be kept within the records of Victoria Police  
12:08:07 7 somewhere?---Yes, absolutely.  
12:08:09 8  
12:08:12 9 Now, the next statement that you made was dated, I think  
12:08:20 10 we've heard 11 August 2004. If I can show you this  
12:08:28 11 document. It's a six page statement. That's a statement  
12:08:52 12 signed by you and acknowledged on 11 August 2004?---That's  
12:08:58 13 correct.  
12:08:58 14  
12:08:59 15 To a Sergeant Tilley?---Yes, correct.  
12:09:04 16  
12:09:04 17 Is it your understanding that that statement was also made  
12:09:09 18 for the purposes of the prosecution - well, of Miechel at  
12:09:23 19 least? Or is it - - - ?---No.  
12:09:25 20  
12:09:26 21 Do you recall what the purpose of that statement was?---I  
12:09:30 22 believe this related to the coronial or the future coronial  
12:09:35 23 matter.  
12:09:35 24  
12:09:35 25 Either that or the investigation into the murders of the  
12:09:40 26 Hodsons?---That's correct, that's right.  
12:09:42 27  
12:09:42 28 One or the other?---Actually, it would have been relating  
12:09:45 29 to the murders, the murder investigation, that's right.  
12:09:47 30  
12:09:47 31 The murders on or about 16 May 2004?---Yes.  
12:09:53 32  
12:09:53 33 And subsequently you're in effect asked to make another  
12:09:57 34 statement to a Sergeant Tilley, but the likelihood is that  
12:10:01 35 was made as a consequence of the murder of the  
12:10:04 36 Hodsons?---That's correct.  
12:10:05 37  
12:10:05 38 Murders of the Hodsons?---Yes, and look, um, there may have  
12:10:10 39 been another statement between the January statement and  
12:10:15 40 the August statement but it, my understanding was it was an  
12:10:20 41 expansion - sorry, it was, this one of August was an  
12:10:26 42 expansion of the one made prior.  
12:10:28 43  
12:10:28 44 The January statement or you believe - - - ?---No.  
12:10:32 45  
12:10:33 46 There may be a statement between January and  
12:10:35 47 August?---That's right, between January and August and I

12:10:37 1 believe it principally was relating to or following the - -  
12:10:40 2 -  
12:10:40 3  
12:10:41 4 The death of the Hodsons?---Yes, that's right, yep.  
12:10:43 5  
12:10:44 6 That's the statement which was read out as we understand it  
12:10:51 7 in the Coroner's Court and as we understand it there is no  
12:11:01 8 embargo on that statement. Is that your understanding, it  
12:11:03 9 was read out in the Coroner's Court or you don't  
12:11:07 10 recall?---I don't recall.  
12:11:08 11  
12:11:09 12 COMMISSIONER: You want to tender that statement?  
13  
12:11:13 14 MR WINNEKE: Yes.  
12:11:14 15  
12:11:14 16 #EXHIBIT RC131 - Mr Gregor's statement of 11/08/04.  
12:11:24 17  
12:11:25 18 MR WINNEKE: Finally, could Mr Gregor be shown a statement  
12:11:28 19 that's dated 27 April 2012?---Yes.  
12:11:44 20  
12:11:44 21 That's a signed statement given to Gary Meesham?---That's  
12:11:51 22 correct.  
12:11:51 23  
12:11:52 24 Detective Senior Constable, 27 April 2012?---Yes.  
12:11:56 25  
12:11:57 26 That's your statement?---That's correct.  
12:12:00 27  
12:12:00 28 I didn't ask you, in relation to the other two statements  
12:12:02 29 that you made, do you say that the contents of those  
12:12:06 30 statements are accurate to the best of your ability and say  
12:12:09 31 so?---Yes.  
12:12:09 32  
12:12:10 33 This statement was made in 2012 when you were no longer a  
12:12:15 34 member of Victoria Police but you were in effect asked  
12:12:20 35 about your involvement with an investigation that you were,  
12:12:26 36 that you'd carried out obviously into the Dublin Street  
12:12:33 37 burglary but in that statement there are more detailed  
12:12:38 38 matters concerning the issues that this Royal Commission is  
12:12:45 39 concerned about, in particular communications that you had  
12:12:48 40 with Mr Hodson, Terry Hodson about his dealings with Nicola  
12:12:54 41 Gobbo?---Correct.  
12:12:55 42  
12:12:56 43 Amongst other things?---Yes.  
12:12:58 44  
12:12:58 45 Quite a number of other things?---Yes.  
12:13:00 46  
12:13:00 47 That statement was made, you having been approached by

12:13:04 1 members of the Driver Task Force, to provide a further  
12:13:10 2 statement in relation to an operation called Operation  
12:13:18 3 Nutation?---That's correct.  
12:13:18 4  
12:13:23 5 In order to make that - have you read that statement in  
12:13:26 6 recent times?---Yes, I have. Well sorry, I haven't read  
12:13:32 7 the - I had an unsigned one.  
12:13:35 8  
12:13:36 9 When were you shown an unsigned copy of that  
12:13:42 10 statement?---Just recently obviously.  
12:13:44 11  
12:13:44 12 As in today, yesterday?---No, no. I believe it was sent to  
12:13:48 13 me, emailed earlier this week.  
12:13:51 14  
12:13:51 15 Earlier this week?---Yes.  
12:13:53 16  
12:13:53 17 On what day was it sent to you?---Look, I'd have to check  
12:13:57 18 my emails to give you a precise date.  
12:14:01 19  
12:14:01 20 Right. I'll ask you to do that if we get an opportunity  
12:14:04 21 during the course of the morning?---Sure, yes.  
12:14:06 22  
12:14:07 23 You believe it was sent to you earlier this week?---Yes, I  
12:14:11 24 believe so.  
12:14:11 25  
12:14:11 26 COMMISSIONER: Which statement is that, that was sent to  
12:14:13 27 you earlier this week?---The one dated 27 April 2012,  
12:14:20 28 Commissioner.  
12:14:20 29  
12:14:20 30 Thank you.  
12:14:22 31  
12:14:25 32 MR WINNEKE: That statement, have you had an opportunity to  
12:14:29 33 compare the unsigned statement with the signed statement or  
12:14:32 34 not?---No, I haven't.  
12:14:33 35  
12:14:33 36 In actual fact you haven't had an opportunity to read that  
12:14:38 37 signed statement there in front of you?---No.  
12:14:43 38  
12:14:45 39 Can I ask you this: one assumes prior to signing the  
12:14:48 40 statement on 27 April 2012 you would have read it?---Yes.  
12:14:53 41  
12:14:53 42 And at the end of it there's an acknowledgement that the  
12:14:57 43 statement is made in the belief that a person making a  
12:14:59 44 false statement in the circumstances is liable to the  
12:15:01 45 penalties of perjury. I assume you would have satisfied  
12:15:06 46 yourself then that the statement was true and  
12:15:08 47 correct?---Absolutely, yes.

12:15:09 1  
12:15:09 2 It was then I think tendered at the Coroner's Inquest, is  
12:15:13 3 that right?---I would assume it was but I don't recall.  
12:15:19 4  
12:15:19 5 You don't recall. I think you can accept that it was. And  
12:15:24 6 you accepted the truth of it then. There's nothing that's  
12:15:27 7 come to your mind since then that would suggest it's an  
12:15:31 8 inaccurate statement in any way?---No.  
12:15:32 9  
12:15:32 10 Indeed in making that statement you had access to documents  
12:15:37 11 such as investigation logs and telephone intercept  
12:15:44 12 material, is that right?---That's correct.  
12:15:45 13  
12:15:45 14 And even though you weren't at that stage in making that  
12:15:50 15 statement a member of Victoria Police those documents were  
12:15:52 16 shown to you to enable you to make an accurate  
12:15:56 17 statement?---The documents and recordings, yes.  
12:15:58 18  
12:15:58 19 I tender that statement, Commissioner.  
12:16:00 20  
12:16:00 21 #EXHIBIT RC132 - (Confidential exhibit.)  
12:16:03 22  
12:16:04 23 Again, that's a statement, Commissioner, which it seems is  
12:16:07 24 subject to the suppression order and so it can't go on to  
12:16:10 25 the public website.  
12:16:11 26  
12:16:11 27 COMMISSIONER: Yes, it's a confidential exhibit at this  
12:16:13 28 stage.  
12:16:16 29  
12:16:17 30 MR WINNEKE: Mr Gregor, Operation Nutation was the ESD  
12:16:24 31 investigation into - - - ?---Dublin Street.  
12:16:29 32  
12:16:29 33 Dublin Street?---Correct.  
12:16:31 34  
12:16:34 35 Did you understand or what was your understanding of the  
12:16:37 36 reason of the approach by members of the Driver Task Force  
12:16:40 37 to you to make this statement?---From recollection it  
12:16:44 38 related to the murders of the Hodsons.  
12:16:52 39  
12:16:52 40 Right?---And Paul Dale's involvement in that, and others,  
12:16:58 41 yes.  
12:16:58 42  
12:16:59 43 Do you understand that charges against Mr Dale had been  
12:17:03 44 withdrawn by that stage?---Um, yes.  
12:17:08 45  
12:17:08 46 That is to ESD as well?---Yes, I recall that, although it  
12:17:13 47 was explained to me that they were still looking at

12:17:18 1 reagitating that particular matter.  
12:17:21 2  
12:17:22 3 And accordingly it was desired that you make a detailed and  
12:17:27 4 accurate statement?---Correct.  
12:17:29 5  
12:17:32 6 Now, Commissioner, can I just - in terms of going through  
12:17:41 7 that statement I think there's a limitation of what I can  
12:17:43 8 do certainly in the public domain. Perhaps if I can ask  
12:17:49 9 you, Mr Gregor, about the statement that you have made to  
12:17:53 10 this Royal Commission which is subject to the limitations  
12:17:56 11 that we've already discussed. That statement was made when  
12:18:02 12 you had recourse, one, to your recollection, and two, to  
12:18:06 13 your diaries?---Yes.  
12:18:08 14  
12:18:09 15 And in addition to that you mentioned the information  
12:18:14 16 report. Can I just ask you some questions about the  
12:18:17 17 statement that you've made for the purpose of this Royal  
12:18:21 18 Commission and see how far we can go. Going back to the  
12:18:27 19 beginning, you joined Victoria Police in 85, graduated in  
12:18:32 20 September 85 as a Constable?---Correct.  
12:18:35 21  
12:18:35 22 You became a Detective Constable in 1989, is that  
12:18:40 23 right?---That's correct.  
12:18:41 24  
12:18:41 25 Then Detective Senior Constable in the Homicide Squad  
12:18:43 26 between 91 and 94?---Correct.  
12:18:46 27  
12:18:46 28 In 94 you went to New South Wales and you were seconded to  
12:18:55 29 assist the Wood Royal Commission into the New South Wales  
12:18:58 30 Police service, is that right?---That's correct.  
12:19:00 31  
12:19:00 32 That was a Royal Commission concerning corruption within  
12:19:04 33 the Police Force, is that right?---That's correct.  
12:19:07 34  
12:19:07 35 In New South Wales?---Yes.  
12:19:08 36  
12:19:08 37 You came back as a Detective Senior Constable, became a  
12:19:12 38 member of the Major Fraud Group in 97?---Correct.  
12:19:17 39  
12:19:17 40 Can I ask you in that role did you have any dealings with a  
12:19:23 41 Mr Pope, who was we believe Jeffrey Pope?---Look I may have  
12:19:34 42 but not directly. He may have been in the unit but I  
12:19:37 43 didn't work with him.  
12:19:38 44  
12:19:39 45 All right. The evidence is that I think he was attached to  
12:19:42 46 the Asset Recovery group and the Major Fraud Squad?---He  
12:19:46 47 may have been.

12:19:47 1  
12:19:47 2 You don't have any recollection?---No, I don't.  
12:19:49 3  
12:19:50 4 Do you have any recollection of Nicola Gobbo having any  
12:19:52 5 contact with the Major Fraud Group at that time?---No.  
12:19:55 6  
12:19:55 7 You went to, or you became a Sergeant in 98?---Yes.  
12:20:01 8  
12:20:02 9 And March 2000 you were seconded to another investigative  
12:20:08 10 authority within Australia, is that right?---That's  
12:20:11 11 correct.  
12:20:11 12  
12:20:12 13 And then in July of 2001 you were Detective Senior Sergeant  
12:20:17 14 at ESD in the corruption investigation division?---That's  
12:20:21 15 correct.  
12:20:21 16  
12:20:23 17 That was particularly concerning corrupt activities of  
12:20:27 18 Victoria Police members?---That's correct.  
12:20:28 19  
12:20:29 20 And in that division did you work with Mr De Santo, Peter  
12:20:35 21 De Santo?---We had dealings when he was part of the Ceja  
12:20:40 22 Task Force.  
12:20:40 23  
12:20:40 24 Yes?---Yes.  
12:20:41 25  
12:20:41 26 And he was in the Ceja Task Force?---That's correct.  
27  
12:20:45 28 Which was a different arm, is that right?---That's correct.  
12:20:47 29 I don't believe he was actually formally attached to the  
12:20:50 30 Ethical Standards Department, he was seconded or part of  
12:20:53 31 Ceja Task Force which really operated independently of the  
12:20:57 32 ESD Division, yes.  
12:21:02 33  
12:21:02 34 We have heard that he had some involvement with the early  
12:21:08 35 investigation into the Dublin Street burglary. Is that  
12:21:13 36 your recollection?---Yes.  
12:21:14 37  
12:21:18 38 Not as an ESD member but as a member of Ceja?---Ceja,  
12:21:23 39 that's right. Look I could be wrong in terms of his - he  
12:21:25 40 may have been a member of the Ethical Standards Department  
12:21:28 41 but he was part of the Ceja Task Force, as I said, which  
12:21:34 42 operated quite independently of the ESD.  
12:21:37 43  
12:21:37 44 All right then. You left Victoria Police - I think in  
12:21:42 45 February 2004 you transferred to the Sex Offence Child  
12:21:48 46 Abuse Unit at Moorabbin and then you left Victoria Police  
12:21:51 47 in October of 2008?---That's correct.



12:21:54 1  
12:21:55 2 As you indicated you hold an executive position in the  
12:22:01 3 Commission that you've mentioned?---Correct.  
12:22:02 4  
12:22:05 5 You were awarded Victoria Police Ethical Service Medal and  
12:22:09 6 the Police Service Medal during the term of your policing  
12:22:14 7 in Victoria Police, is that right?---That's correct, yes.  
12:22:16 8  
12:22:17 9 In your statement you say that your only involvement with  
12:22:23 10 an investigation that had dealings with Ms Gobbo occurred  
12:22:26 11 whilst you were a Detective Senior Sergeant at ESD and that  
12:22:29 12 involvement was in relation to Nutation, correct?---That's  
12:22:35 13 correct.  
12:22:35 14  
12:22:35 15 You say that you don't have any belief that you dealt with  
12:22:38 16 Ms Gobbo outside of this investigation at all?---No, I have  
12:22:42 17 no recollection of dealing with Ms Gobbo outside of it,  
12:22:46 18 yes.  
12:22:47 19  
12:22:49 20 That's based on your recollection, not consulted any  
12:22:54 21 diaries or other materials that might be available to  
12:22:57 22 you?---As you would appreciate I dealt with a lot of  
12:23:00 23 lawyers and solicitors over my career. In terms of, you  
12:23:06 24 know, recalling accurately each and every one of those it's  
12:23:09 25 impossible.  
12:23:10 26  
12:23:10 27 I follow that. I suppose it could be said of Ms Gobbo that  
12:23:13 28 she had - I mean you know what she looked like?---Yes.  
12:23:16 29  
12:23:16 30 At the time and you certainly, she's a person who would  
12:23:20 31 probably come to mind if you dealt with her?---I would  
12:23:24 32 think so.  
12:23:25 33  
12:23:25 34 And you've got no recollection of having dealt with her  
12:23:29 35 other than during the course of this?---Correct.  
12:23:31 36  
12:23:31 37 Did you ever speak to her during the course of this  
12:23:33 38 investigation?---Yes.  
12:23:33 39  
12:23:34 40 Did you make notes of any communications that you had with  
12:23:38 41 her to the best of your belief?---I believe so.  
12:23:42 42  
12:23:44 43 Now, your statement in effect kicks off with dealings that  
12:23:51 44 you had with her or dealings in this investigation which  
12:23:55 45 occurred on 30 September 2003. As I understand it you  
12:24:00 46 actually became involved in the investigation on the night  
12:24:04 47 of the burglary much earlier at about 10.30, is that

12:24:08 1 right?---That's correct.  
12:24:09 2  
12:24:09 3 Do you have your diary entries there which concern that  
12:24:12 4 earlier period of the investigation?---Yes, I do.  
12:24:21 5 Specifically the 27th - - -  
12:24:24 6  
12:24:24 7 Yes, 27 September?---Okay.  
12:24:34 8  
12:24:47 9 Can you tell the Commission what involvement you had in the  
12:24:54 10 inquiry, sorry, in the investigation? Now before you do,  
12:24:58 11 can I ask you to consider a couple of matters. Do you  
12:25:01 12 understand what matters of public interest immunity are,  
12:25:04 13 particularly insofar as identification of informers and  
12:25:09 14 police methodology are concerned?---Yes.  
12:25:11 15  
12:25:12 16 You understand those issues?---I do.  
12:25:14 17  
12:25:15 18 If there's anything that I'm asking you about which may  
12:25:18 19 give rise to a concern about those matters would you draw  
12:25:21 20 it to my attention before answering?---Yes.  
12:25:23 21  
12:25:25 22 On 27 September can you tell the Commission what occurred  
12:25:29 23 insofar as this burglary is concerned and your involvement  
12:25:34 24 in the investigation?---Well I was the on-call Detective  
12:25:41 25 Inspector, Acting Detective Inspector on that night.  
12:25:45 26  
12:25:46 27 Yes?---And I received a call, I believe initially from D24,  
12:25:54 28 that was the police communications centre, advised me of an  
12:25:59 29 incident at Dublin Street, and I'm paraphrasing here but if  
12:26:06 30 you'd like I can read out specifically what the full entry.  
12:26:10 31  
12:26:11 32 Perhaps if you can do that subject to the considerations I  
12:26:14 33 have asked you to bear in mind?---It was a bit of a busy  
12:26:26 34 night, I was getting quite a few calls. Right, I've rung  
12:26:48 35 Inspector Ian Sutton who was at Knox 150 and he advised of  
12:26:59 36 a hot burglary at 23 Dublin Street, Oakleigh. When I refer  
12:27:03 37 to a hot burglary it's something that's, you know,  
12:27:07 38 basically in progress or just very recently occurred. Two  
12:27:14 39 canine units attended, chased and arrested two offenders.  
12:27:20 40 First offender was named as Detective Senior Constable  
12:27:23 41 David Miechel from the Drug Squad. Injuries result of dog  
12:27:31 42 bite and baton torch strike to head area. Being conveyed  
12:27:36 43 to the Epworth Hospital, Richmond for treatment. The  
12:27:39 44 second offender name not known at this stage, who was  
12:27:43 45 arrested hiding in a school yard and that subsequently was  
12:27:47 46 Terry Hodson.  
12:27:48 47

12:27:49 1 Is the reason that you became involved the fact that there  
12:27:54 2 was a Detective who was arrested?---That's right.  
12:27:57 3  
12:27:58 4 And was it considered therefore it was very important that  
12:28:01 5 ESD get there and get themselves involved in this  
12:28:04 6 investigation?---Yes.  
12:28:05 7  
12:28:05 8 All right. And - - - ?---Well certainly advise ESD and I  
12:28:13 9 would make a decision as the on-call in determining what  
12:28:17 10 action ESD should take in relation to the matter.  
12:28:19 11  
12:28:19 12 Right?---Yes.  
12:28:20 13  
12:28:20 14 And what action did you take?---Um, well I obviously have  
12:28:25 15 got as much information as I could and I also spoke to, I  
12:28:32 16 believe it was the Senior Sergeant supervisor, the local  
12:28:39 17 police area supervisor, and I spoke to him and I - after  
12:28:52 18 collating that information I contacted my supervisor, which  
12:28:57 19 was Acting Detective Superintendent Dick Daly.  
12:29:03 20  
12:29:03 21 Yes?---And I also spoke to another Senior Sergeant from  
12:29:10 22 ESD, David Snare.  
12:29:13 23  
12:29:13 24 Yes?---I also spoke to other police members. So I  
12:29:23 25 subsequently left my home premises and attended to the  
12:29:27 26 Oakleigh police station.  
12:29:27 27  
12:29:27 28 And then you went out to Dublin Street?---Yeah, well later  
12:29:31 29 on, yes.  
12:29:32 30  
12:29:32 31 Later on. Now, after a period of time I take it Mr Hodson  
12:29:42 32 was arrested and did you then go and speak to him and  
12:29:50 33 indeed interview him?---I did.  
12:29:51 34  
12:29:53 35 Did you conduct a taped record of interview with  
12:29:57 36 Mr Hodson?---Yes. He was under caution, yes.  
12:30:00 37  
12:30:06 38 I take it there is available a record of interview and a  
12:30:11 39 transcript of that conversation or that interview, is that  
12:30:14 40 right?---Correct.  
12:30:15 41  
12:30:21 42 If I can ask you about - without going into all of the  
12:30:34 43 actions you were involved in, I take it there were quite a  
12:30:37 44 few investigative processes that are referred to in various  
12:30:40 45 statements?---Yes.  
12:30:41 46  
12:30:42 47 Later on in the day I take it - did you interview

12:30:46 1 Mr Miechel?---Not at that time. Um, well - he wasn't  
12:30:55 2 formally interviewed at that time.  
12:30:56 3  
12:30:57 4 Yes. Was he interviewed by you at any time do you  
12:31:07 5 recollect, or not?---Look, I probably did but I can't  
12:31:26 6 recollect - - -  
12:31:27 7  
12:31:27 8 All right. Now - - - ?--- - - - that interview.  
12:31:31 9  
12:31:32 10 Perhaps if I can ask you this: on the following day, 28  
12:31:41 11 September, did you have any discussions with other members  
12:31:45 12 of the Police Force about the appropriate course to take  
12:31:49 13 with respect to the investigation? You had meetings I  
12:31:58 14 assume?---Look, I would have had a number of discussions,  
12:32:01 15 yes.  
12:32:01 16  
12:32:01 17 Did you know, for example, that Nicola Gobbo - I withdraw  
12:32:08 18 that. Did you know, for example, that a Mr Dale had  
12:32:14 19 communicated with Nicola Gobbo on the morning of the 28th  
12:32:19 20 about a number of people who had been arrested  
12:32:24 21 overnight?---No, I wasn't aware of that.  
12:32:26 22  
12:32:27 23 Were you aware subsequently that that occurred?---I don't  
12:32:30 24 recall.  
12:32:31 25  
12:32:34 26 Did you know that a number of people, aside from Miechel  
12:32:38 27 and Hodson, had been arrested, including Abby  
12:32:44 28 Haynes?---Yes.  
12:32:44 29  
12:32:44 30 And do you know whether she had a legal practitioner  
12:32:49 31 available to her? Do you know whether she'd seen a lawyer  
12:32:54 32 or spoken to a lawyer?---I subsequently became aware that  
12:32:57 33 Nicola Gobbo was representing Abby Haynes.  
12:33:01 34  
12:33:02 35 Do you know whether Mr Ahmed, Azzam Ahmed was arrested as a  
12:33:08 36 result of that operation or the investigation?---Yes.  
12:33:11 37  
12:33:11 38 Was he arrested on the night or the following day, do you  
12:33:14 39 recall?---Look, I believe it was the following day but  
12:33:17 40 again, I wasn't involved in that direct operation or  
12:33:22 41 arresting.  
12:33:23 42  
12:33:26 43 Do you know whether now or subsequently that Nicola Gobbo  
12:33:30 44 was acting for him or had spoken to him about his  
12:33:33 45 involvement?---No, I don't know.  
12:33:36 46  
12:33:36 47 You don't know?---No.

12:33:37 1  
12:33:38 2 All right. Do you say that you would have known then but  
12:33:40 3 you can't recall now?---Quite possibly I would have known  
12:33:44 4 but now I don't recollect that.  
12:33:46 5  
12:33:47 6 All right. What you do say is that your, you understood  
12:33:54 7 fairly early on that it would be useful to speak to Terry  
12:34:06 8 Hodson to find out what he knew about the burglary and get  
12:34:12 9 some information from him as to whether or not any police  
12:34:17 10 officers had been involved with him perhaps in addition to  
12:34:22 11 Dave Miechel?---Yes. Well of course he was formally  
12:34:27 12 interviewed by myself.  
12:34:28 13  
12:34:28 14 Yes?---In relation to the matter, but he did not at that  
12:34:33 15 time furnish obviously - - -  
12:34:36 16  
12:34:36 17 He didn't provide the information when he was first  
12:34:38 18 interviewed?---That's correct, but obviously my focus was  
12:34:43 19 to elicit cooperation from Terry Hodson.  
12:34:48 20  
12:34:48 21 Yes, all right. Now, was a view taken that it would be  
12:34:54 22 worthwhile making or reaching out to Terry Hodson to see if  
12:35:00 23 you could get him to come in and assist?---Yes.  
12:35:03 24  
12:35:03 25 And was there a meeting held on 29 September at around 2 pm  
12:35:10 26 that you can - perhaps if you go to your diaries that might  
12:35:16 27 be of some assistance. Do you have a note of a meeting you  
12:36:02 28 had on 29 September 2003?---Directly relating to - - -  
12:36:13 29  
12:36:13 30 Directly relating to Detective Inspector De Santo  
12:36:19 31 approaching Terry Hodson or making contact with Terry  
12:36:24 32 Hodson?---No, I don't. I don't have any entry relating to  
12:37:22 33 that, but just on another matter you asked previously.  
12:37:26 34  
12:37:26 35 Yes?---I did meet with, I visited David Miechel at the  
12:37:31 36 Freemason's Hospital on the 29th of September.  
12:37:36 37  
12:37:36 38 All right?---Where I spoke to him.  
12:37:41 39  
12:37:41 40 The Commission has evidence that there was a meeting which  
12:37:44 41 was attended by you and a number of others including  
12:37:47 42 De Santo, I think Moloney, is that Danye Moloney did you  
12:37:53 43 attend a meeting with him?---I did, yes.  
12:37:56 44  
12:37:56 45 And there was discussion about making the approach to  
12:38:00 46 Hodson and De Santo was going to do that. Do you recall  
12:38:04 47 whether there was any discussion about Nicola Gobbo being a

12:38:08 1 person who could be useful to use to approach Terry Hodson  
12:38:16 2 via his son Andrew Hodson? Do you have a recollection of  
12:38:19 3 that?---Yes, I believe that was the case, yes.  
12:38:23 4  
12:38:24 5 And you understood that De Santo had previously had  
12:38:31 6 dealings with Andrew Hodson, was aware that Nicola Gobbo  
12:38:34 7 had acted for him, and it was felt, considered appropriate  
12:38:37 8 that that could be a way of making an approach to Terry  
12:38:41 9 Hodson, through Andrew Hodson via Nicola Gobbo?---That's  
12:38:46 10 correct.  
12:38:46 11  
12:38:46 12 That was left to Mr De Santo to organise?---That's correct.  
12:38:51 13  
12:38:51 14 Right. Is that, in your statement you say, just excuse me,  
12:39:05 15 I'm talking about the statement that you've provided to the  
12:39:17 16 Commission. Your diary entry on 1 October indicates that,  
12:39:28 17 "I was waiting for Ms Gobbo to contact me regarding Terry  
12:39:31 18 Hodson"?---Yes.  
12:39:33 19  
12:39:33 20 "It appears that at around this time I was under the  
12:39:36 21 impression that she was acting for him in some capacity. I  
12:39:39 22 do not recall why I believe that Ms Gobbo was Mr Hodson's  
12:39:43 23 lawyer", that's what was in your statement?---Yep.  
12:39:47 24  
12:39:48 25 But the reality is, upon further reflection, perhaps  
12:39:52 26 consulting other documents, you now say, "I was aware there  
12:39:58 27 was to be an approach through Andrew Hodson to Nicola Gobbo  
12:40:03 28 to Andrew Hodson and to Terry Hodson". Is your evidence  
12:40:07 29 now the reason you are waiting a call or you're expecting  
12:40:12 30 a call is because that approach had been made?---That  
12:40:15 31 probably would be the case.  
12:40:16 32  
12:40:17 33 You say you can't recall any further details in relation to  
12:40:20 34 this diary entry. You say, your understanding is that  
12:40:25 35 Ms Gobbo did not continue to act as Mr Hodson's lawyer,  
12:40:29 36 however you don't recall "when I became aware that Ms Gobbo  
12:40:32 37 had ceased to act as Mr Hodson's lawyer"?---That's correct.  
12:40:38 38  
12:40:42 39 Would you be assisted by the provision of an investigation  
12:40:47 40 log or any other documents to assist you in your  
12:40:52 41 recollections in giving evidence, would that be of  
12:40:55 42 assistance to you?---I don't think so.  
12:40:56 43  
12:40:57 44 Why is that?---I don't believe it would contain that type  
12:41:01 45 of information in the log.  
12:41:03 46  
12:41:03 47 All right. What you do say is that your diary says that on

12:41:13 1 3 October you met with Terry Hodson and his son Andrew  
12:41:18 2 Hodson and that meeting had been arranged by Detective  
12:41:22 3 Inspector Peter De Santo to ascertain if Terry Hodson would  
12:41:25 4 cooperate and provide a statement to assist police, is that  
12:41:27 5 right?---That's correct.  
12:41:29 6  
12:41:29 7 In your diary do you have any reference to that  
12:41:34 8 meeting?---Yes, I do.  
12:41:35 9  
12:41:36 10 Have you got that diary entry in front of you?  
12:41:44 11  
12:41:44 12 MS ENBOM: Commissioner, may I approach Mr Winneke?  
12:41:47 13  
12:41:47 14 COMMISSIONER: Yes.  
12:41:48 15  
12:41:49 16 (Discussion at Bar table.)  
12:42:04 17  
12:42:04 18 WITNESS: Yes, I've got that.  
12:42:11 19  
12:42:11 20 MR WINNEKE: Commissioner, I'm informed that there are  
12:42:16 21 public interest immunity issues.  
12:42:18 22  
12:42:18 23 COMMISSIONER: Not in relation to the deceased obviously.  
12:42:22 24 No?  
12:42:46 25  
12:42:50 26 MR WINNEKE: Commissioner, I've just been provided with a  
12:42:53 27 shaded version or a different version of the diary entries  
12:42:56 28 that I've been provided with up until now.  
12:43:00 29  
12:43:00 30 COMMISSIONER: All right.  
12:43:00 31  
12:43:01 32 MS ENBOM: Can I just clarify, I'm sure this was provided a  
12:43:04 33 number of days ago so I don't know - - -  
12:43:08 34  
12:43:08 35 MR WINNEKE: It may well be I've got a blacked out version,  
12:43:11 36 not a shaded version, but in any event if I can just see if  
12:43:16 37 I can put it together.  
12:43:17 38  
12:43:17 39 COMMISSIONER: I've got a shaded version so I must have got  
12:43:22 40 it from counsel assisting.  
12:43:24 41  
12:43:24 42 MR WINNEKE: Yes.  
12:43:30 43  
12:43:30 44 COMMISSIONER: Maybe I haven't, I don't know. No, because  
12:43:38 45 the shaded version I've got actually relates to the  
12:43:41 46 different dates, so I don't have that.  
12:43:43 47

12:43:43 1 MS ENBOM: You don't have, Commissioner, an entry dated 3  
12:43:47 2 October with some shading?  
12:43:49 3  
12:43:49 4 COMMISSIONER: No, I don't. 14 April.  
12:43:51 5  
12:43:53 6 MS ENBOM: Is your document numbered VPL.0005.0093.0013?  
12:44:01 7  
12:44:02 8 COMMISSIONER: No.  
12:44:05 9  
12:44:05 10 COMMISSIONER: 0003 it finishes in. It relates to April  
12:44:11 11 2004, it is just a different diary entry obviously.  
12:44:15 12  
12:44:16 13 MR WINNEKE: That seems to be a different document,  
12:44:19 14 Commissioner.  
12:44:19 15  
12:44:19 16 MS ENBOM: I think that's the day book, there is a separate  
12:44:22 17 document which is the diary.  
12:44:23 18  
12:44:23 19 COMMISSIONER: No, I don't have the - I don't think I have  
12:44:27 20 the diary. I think I saw it on something online yesterday.  
12:44:38 21  
12:44:38 22 MR WINNEKE: I think the version that I'm handing up,  
12:44:41 23 Commissioner, is the one - that's the redacted version.  
12:44:45 24  
12:44:45 25 COMMISSIONER: Thank you, I think I saw this online last  
12:44:49 26 night.  
12:44:51 27  
12:44:51 28 MR WINNEKE: We'll see how we go. In any event what you  
12:45:15 29 say is that the meeting had been arranged to ascertain if  
12:45:18 30 he'd cooperate. You say that you don't know if Gobbo is  
12:45:22 31 involved in setting up the meeting, that's what you say in  
12:45:28 32 your statement?---Yep.  
12:45:30 33  
12:45:37 34 And you say, "From this time onward I received ongoing  
12:45:41 35 assistance from Terry Hodson because I was the  
12:45:45 36 officer-in-charge in the investigation of the Oakleigh  
12:45:48 37 burglary". The meeting is set out in your diary?---H'mm.  
12:45:57 38  
12:46:01 39 If we can go to your diary. Perhaps if we can start at  
12:46:08 40 1340. Do you see that entry there?---Yes.  
12:46:11 41  
12:46:11 42 Above that is blacked out or shaded. You attended the Ceja  
12:46:17 43 Task Force building, you met with Mr De Santo and  
12:46:21 44 Mr Daly?---Correct.  
12:46:22 45  
12:46:22 46 You had a conversation with Mr Hodson in the interview room  
12:46:27 47 with De Santo and Andrew Hodson was present?---Correct.



12:46:30 1  
12:46:31 2 And it was about the provision of assistance via an  
12:46:36 3 induced, that is an interview - - - ?---Reverse caution  
12:46:40 4 basically.  
12:46:41 5  
12:46:42 6 Reverse caution meaning?---Anything he said couldn't be  
12:46:46 7 used against him.  
12:46:47 8  
12:46:49 9 Was that interview, I take it that interview was  
12:46:53 10 taped?---Well that wasn't a formal interview. It was, I  
12:46:56 11 understand it was taped.  
12:46:57 12  
12:46:57 13 Yes. And a transcript was made of that, has been made of  
12:47:01 14 that, do you understand that or not?---I believe that's the  
12:47:03 15 case, yes.  
12:47:04 16  
12:47:04 17 Nonetheless you've got, I suppose, your notes of that  
12:47:12 18 interview which you've set out in your diary?---Correct.  
12:47:16 19  
12:47:20 20 And if we can - are you able to read through your diary  
12:47:27 21 entries and at least at this stage give us an idea of what  
12:47:31 22 occurred in the interview and what was said?---This is just  
12:47:34 23 a very, it's a precis of - obviously a fairly lengthy  
12:47:40 24 conversation that I and Peter De Santo had with Terry  
12:47:45 25 Hodson.  
12:47:46 26  
12:47:46 27 Yes?---So just going on - we asked him about providing  
12:47:58 28 assistance via an induced interview or statement. He  
12:48:03 29 stated, that's Terry stated he was concerned re his safety.  
12:48:08 30 Stated that a Sergeant was involved in the burglary.  
12:48:14 31  
12:48:14 32 Yes?---Um, intimated that it was Sergeant Dale.  
12:48:20 33  
12:48:20 34 Yes?---Stated that he had been threatened by Dale and  
12:48:24 35 Miehchel with a gesture that he and/or his family would be  
12:48:30 36 killed if he rolled.  
12:48:32 37  
12:48:32 38 Right. Were those words that he used or was that by  
12:48:38 39 gesture or some other means?---Well he stated his concerns  
12:48:44 40 about his personal safety.  
12:48:46 41  
12:48:47 42 Yes?---But I understand, sorry, the gesture related to  
12:48:54 43 actions by Dale and/or Miehchel at a previous meeting.  
12:48:58 44  
12:48:58 45 All right. Now, can I just ask you this: effectively this  
12:49:03 46 is the second best evidence because there is, you  
12:49:06 47 understand, a transcript of this meeting?---Yes.

12:49:09 1  
12:49:09 2 And anything you say here is really an approximation of  
12:49:12 3 what was actually recorded and transcribed?---Correct, yes.  
12:49:16 4 I certainly wouldn't have had the transcript or listened to  
12:49:20 5 the recording when I've made these notes.  
12:49:22 6  
12:49:22 7 These are contemporaneous notes?---That's right.  
12:49:25 8  
12:49:26 9 But subsequently a transcript was made?---That's right.  
12:49:28 10  
12:49:28 11 Commissioner, I don't know whether there is any value in  
12:49:30 12 going through these notes. What you do say is you have  
12:49:33 13 subsequently made - I withdraw that. Commissioner, there  
12:49:42 14 are transcripts available. Does the Commissioner want this  
12:49:48 15 evidence to be dealt with in this way or is it more  
12:49:50 16 appropriate to access the transcript and receive the  
12:49:55 17 evidence that way?  
12:49:57 18  
12:49:58 19 COMMISSIONER: I suppose it's the best evidence if you  
12:50:00 20 think it's relevant to our inquiry.  
12:50:04 21  
12:50:05 22 MR WINNEKE: I suppose it's of peripheral relevance but  
12:50:11 23 there are more important issues that need to be dealt with  
12:50:15 24 and I'm content to move on and not deal with this part of  
12:50:18 25 it in this way.  
12:50:19 26  
12:50:21 27 COMMISSIONER: Yes. No doubt you've called for the  
12:50:25 28 transcript and that can be tendered if it's thought to be  
12:50:29 29 relevant.  
12:50:30 30  
12:50:30 31 MR WINNEKE: Absolutely.  
12:50:31 32  
12:50:31 33 COMMISSIONER: Yes.  
12:50:31 34  
12:50:34 35 MR WINNEKE: Just excuse me. I'm told that the transcripts  
12:50:42 36 will be provided and we'll have access to them.  
12:50:46 37  
12:50:46 38 COMMISSIONER: All right, thank you.  
12:50:47 39  
12:50:47 40 MR WINNEKE: Rather than taking the time of going through  
12:50:49 41 the diary - I'm going to tender the diary in any event, I  
12:50:54 42 think we'll just deal with it in that way.  
12:50:58 43  
12:50:58 44 COMMISSIONER: All right.  
12:50:59 45  
12:51:06 46 MR WINNEKE: On 4 October you spoke to De Santo who told  
12:51:21 47 you he'd had a conversation with Terry Hodson and the

12:51:25 1 details of what he told you are set out in your diary but  
12:51:29 2 in summary De Santo told you that Hodson had been told in  
12:51:33 3 effect to stick together, that is you've got in your  
12:51:35 4 statement, with Miechel and Dale, Hodson believed that the  
12:51:38 5 three striper, Sergeant Dale, you've got in inverted  
12:51:42 6 commas, was sleeping with the blonde lady,  
12:51:46 7 Ms Gobbo?---That's correct.  
12:51:46 8  
12:51:46 9 Now, at that stage I take it you understood that Ms Gobbo  
12:51:53 10 had been or was looking after the interests of Abby Haynes,  
12:51:59 11 one of the other people involved in the  
12:52:04 12 burglary?---Correct.  
12:52:04 13  
12:52:05 14 Is that right?---Correct.  
12:52:06 15  
12:52:06 16 You say you don't know whether she was representing Ahmed  
12:52:10 17 at that stage?---Correct.  
12:52:12 18  
12:52:15 19 Did that cause you any concern, that there was a connection  
12:52:19 20 between - allegedly between Ms Gobbo and Mr Dale, one of  
12:52:26 21 the targets of your investigation?---It would have piqued  
12:52:37 22 my interest.  
12:52:37 23  
12:52:37 24 Was anything done with that information as far as you were  
12:52:40 25 concerned?---Obviously it was, as the officer-in-charge of  
12:52:46 26 the investigation it was obviously important information  
12:52:49 27 that I needed to know.  
12:52:50 28  
12:52:50 29 Yes?---Just in terms of the, managing the ongoing  
12:52:55 30 investigation.  
12:52:55 31  
12:52:57 32 Now, your statement doesn't make any reference to any  
12:53:03 33 involvement between you and Hodson and/or Gobbo between 4  
12:53:12 34 October and 16 November.  
12:54:08 35  
12:54:08 36 MS ENBOM: Excuse me, Commissioner.  
12:54:10 37  
12:54:10 38 (Discussion at Bar table.)  
12:54:19 39  
12:54:19 40 MR WINNEKE: I might have said November. Only go as far as  
12:54:22 41 16 October?---You want me to go to the 16th, sorry?  
12:54:27 42  
12:54:27 43 What I'm asking you, according to your statement there's no  
12:54:30 44 interactions that you had between 4 October and 16 October  
12:54:33 45 in relation to Ms Gobbo, is that right?---Correct.  
12:54:36 46  
12:54:37 47 You called her on her mobile about Ms Haynes' bail

12:54:41 1 application on 16 October, is that right, 2003?---Yes.  
12:55:05 2 Yes, I did have a conversation with Ms Gobbo.  
12:55:06 3  
12:55:06 4 You say you don't recall how it came to be that, what  
12:55:11 5 provoked that call?---Well I believe it was something to do  
12:55:19 6 with the bail application and I was very keen to elicit  
12:55:25 7 cooperation from Ms Haynes.  
12:55:28 8  
12:55:29 9 All right. At that stage were you aware, I take it - you  
12:55:38 10 were aware of the alleged connection, that is the  
12:55:40 11 allegation that Hodson made of the connection between Dale  
12:55:44 12 and Gobbo?---I would, yes.  
12:55:45 13  
12:55:46 14 Do you know whether at that stage there had been steps put  
12:55:50 15 in place to intercept telephone calls?---Um, I'm not sure  
12:56:06 16 when - if I can just refer to perhaps the statement.  
12:56:14 17  
12:56:14 18 Yes?---So the telephone intercepts were activated on 15  
12:56:33 19 October.  
12:56:33 20  
12:56:34 21 Right. Are you able to say whose telephones were being  
12:56:42 22 intercepted at that stage?---Terry Hodson, Paul Dale and  
12:56:48 23 David Miechel.  
12:56:49 24  
12:56:49 25 At any stage was Ms Gobbo's telephone the subject of a TI  
12:56:56 26 warrant?---No.  
12:56:57 27  
12:56:57 28 To your knowledge?---No.  
12:57:00 29  
12:57:10 30 On 16 October you say that you received a telephone call  
12:57:14 31 from Terry Hodson?---Yes.  
12:57:20 32  
12:57:20 33 About a conversation that he'd had with  
12:57:23 34 Ms Gobbo?---Correct.  
12:57:23 35  
12:57:26 36 Right. The details of the call are in your diary but in  
12:57:33 37 summary Hodson told you that he felt that Ms Gobbo was,  
12:57:37 38 "Feeling him out and trying to obtain information from him  
12:57:41 39 to pass on to Mr Dale", right?---Correct.  
12:57:44 40  
12:57:48 41 I take it that in the past you've made, you've listened to  
12:57:58 42 that - I withdraw that. That telephone conversation - just  
12:58:09 43 excuse me. Do you know whether there was a monitored,  
12:58:35 44 lawfully monitored telephone call between Andrew Hodson and  
12:58:39 45 his father Terry Hodson?---Yes.  
12:58:56 46  
12:58:59 47 You haven't referred to that in your statement. I take it

12:59:05 1 - do you know why that's not referred to by you in your  
12:59:09 2 statement?---I didn't have this statement which detailed  
12:59:15 3 the telephone intercept information.  
12:59:19 4  
12:59:19 5 Yes, okay. All right. What you do say though is that you  
12:59:30 6 spoke to, in your statement you say that you spoke to Terry  
12:59:34 7 Hodson and that telephone conversation was monitored also,  
12:59:40 8 is that right?---That's correct.  
12:59:41 9  
12:59:43 10 What you say is that previously you'd made a statement in  
12:59:51 11 which you'd had access to that lawfully monitored telephone  
12:59:55 12 call, this is in 2012, but for the purposes of the  
13:00:02 13 statement that you made to the Royal Commission you base it  
13:00:06 14 upon notes in your diary?---Yes.  
13:00:09 15  
13:00:09 16 Of 16 October, is that correct?---Correct.  
13:00:11 17  
13:00:12 18 Perhaps if we can go to your diary and see what's in your  
13:00:15 19 diary and can you tell the Commission what's in your  
13:00:20 20 diary?---Well I've got - I started work at 6.40 in the  
13:00:26 21 morning.  
13:00:26 22  
13:00:26 23 About this telephone call which is at about 20 past  
13:00:31 24 1?---Twenty past 1. The only reference I've got relating  
13:00:34 25 to telephone calls of relevance was at 08.50 I spoke to  
13:00:39 26 Nicola Gobbo re Abby Haynes' bail application and I've got  
13:00:43 27 an entry at 13:22, that's 1.22 pm, stating that I received  
13:00:48 28 a call from Terry Hodson re a meeting he had with Nicola  
13:00:54 29 Gobbo. Stated that he was told by Gobbo that Dale was  
13:00:57 30 standing by Miechel and that Dale would be in contact.  
13:01:00 31 Hodson stated he felt Gobbo was feeling him out.  
13:01:07 32  
13:01:07 33 That's the only note - - - ?---That's the only note - it's  
13:01:10 34 possible that, yeah, that's right. And I would not, in  
13:01:15 35 terms of a monitored conversation between Hodson and  
13:01:20 36 Andrew.  
13:01:21 37  
13:01:21 38 Yes?---That I would not necessarily, although I wouldn't,  
13:01:26 39 that would not be entered into my diary.  
13:01:28 40  
13:01:29 41 Right?---Because that's, you know, obviously I'm not  
13:01:33 42 monitoring the telephone intercepts live.  
13:01:36 43  
13:01:36 44 Yes?---I would subsequently be advised of that information  
13:01:41 45 and that's obviously recorded in another area, yes.  
13:01:45 46  
13:01:48 47 You subsequently make the statement in 2012 and you get

13:01:53 1 details of that statement and that statement - well it runs  
13:01:59 2 to quite a significant entry about that telephone  
13:02:02 3 call?---That's correct.

13:02:02 4  
13:02:03 5 Without going into it?---Yes.

13:02:04 6  
13:02:04 7 But there's quite a bit of detail about that?---That's  
13:02:07 8 correct.

13:02:07 9  
13:02:08 10 Commissioner, I note the time.

13:02:09 11  
13:02:10 12 COMMISSIONER: Yes. We'll adjourn now until 2 o'clock.

13:02:13 13  
13:02:15 14 LUNCHEON ADJOURNMENT

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14:14:01 45  
14:14:05 46  
14:14:10 47

UPON RESUMING AT 2.11 PM:

COMMISSIONER: Yes, Mr Winneke.

MR WINNEKE: Thanks Commissioner. I was asking you about, I think I was up to around 16 October. You say that Ms Gobbo, you called Ms Gobbo on her mobile phone about Ms Haynes' bail application. Do you recall that? Have you got the diary entries of that?---Yes, I do. That was at 8.50 in the morning, yes.

You spoke to her and then you attended at the Melbourne Magistrates' Court for the bail application?---Correct.

And Nicola Gobbo was appearing for the defence?---Yes.

Mr Hillman was appearing for the prosecution, correct?---Correct.

And I think, as you say, she wasn't granted bail. Later that day you receive a telephone call from Terry Hodson; is that right?---Correct.

And that's another recorded conversation?---Yes, it was.

You will have made more detailed references to that conversation elsewhere than in the statement that we're looking at, that is your 14 May statement?---Yes, and more specifically the statement I made to Gary Meesham.

We might just leave that. I don't think we can refer to the contents of that statement. But in any event in your diary you do make some notes of the conversation and you said that you were told by Gobbo that Dale was standing by Miehchel and that Dale would be in contact. Hodson stated that he felt Gobbo was feeling him out and then you make a reference to the Magistrate refusing bail; is that correct?---That's correct, yes.

All right then. Did you make a decision as to whether or not Ms Gobbo should be aware that Mr Hodson was speaking to you?---Can you ask that question again, please?

I'll put it this way. Was it your view that Mr Hodson - I'm sorry, was it your view that Ms Gobbo was aware that Mr Hodson was speaking to you and providing information to you?---No.

14:14:11 1  
14:14:14 2 Was that as a result of a decision that you made that she  
14:14:20 3 was not to be told that Hodson was speaking to you for a  
14:14:29 4 particular reason, so for his safety?---Well it was a  
14:14:35 5 matter for Terry effectively but I provided advice to Terry  
14:14:40 6 Hodson in relation to, you know, to ensure his position and  
14:14:47 7 safety that he didn't reveal that he was cooperating with  
14:14:51 8 Ethical Standards.  
14:14:52 9  
14:14:53 10 Obviously if you had a concern that she was in a  
14:14:57 11 relationship of sorts with Mr Dale then it would have been  
14:15:03 12 - it wouldn't be in Hodson's interests if Gobbo was aware  
14:15:07 13 of that?---Well, that's correct, and obviously Terry Hodson  
14:15:10 14 was very aware of the relationship, the close relationship  
14:15:15 15 between Ms Gobbo and Paul Dale.  
14:15:17 16  
14:15:21 17 Did you take the view that it would be useful for  
14:15:29 18 investigative purposes if Hodson made contact with Dale or  
14:15:34 19 vice versa, if there was communication between them?---Yes.  
14:15:37 20  
14:15:37 21 And I take it the obvious reason for that would be is that  
14:15:41 22 Dale might say something to Hodson which could either be  
14:15:45 23 recorded or in any event conveyed to you by  
14:15:48 24 Mr Hodson?---Correct.  
14:15:48 25  
14:15:49 26 It might be evidence that implicated Dale?---Yes.  
14:15:53 27  
14:15:53 28 I take it that was a design, an investigative design that  
14:16:00 29 you had to see if you could make that happen?---Correct.  
14:16:03 30  
14:16:03 31 Did you take the view that Ms Gobbo could be useful in  
14:16:10 32 getting that meeting to occur?---Facilitating and obviously  
14:16:14 33 communication, and hopefully a meeting.  
14:16:16 34  
14:16:19 35 Did you overtly say to Ms Gobbo anything about that? I  
14:16:29 36 take it you didn't?---No.  
14:16:29 37  
14:16:29 38 For obvious reasons?---Yes.  
14:16:30 39  
14:16:34 40 On 17 October you spoke to Terry Hodson on the phone. You  
14:16:39 41 say - in your statement you say that - well, you did speak  
14:16:47 42 to him on the phone but is it the case that you actually  
14:16:51 43 met him on that day? Just have a look at your diary for  
14:17:00 44 entries on 17 October?---Yes. Yes, I met with Terry Hodson  
14:17:16 45 on that day, yes.  
14:17:18 46  
14:17:18 47 In point of fact there was a telephone call. I think at



14:17:28 1 10.55 you rang him with a view to meeting him in Hawthorn  
14:17:32 2 at 12.45?---Yes.  
14:17:36 3  
14:17:37 4 And then in fact around 12.40 you did meet him?---Correct.  
14:17:41 5  
14:17:41 6 You had a reasonably detailed discussion with him?---Yes.  
14:17:44 7  
14:17:47 8 I wonder if you might go to your diary entry and perhaps  
14:17:52 9 just read out the notes that you've made?---Yes.  
14:17:59 10  
14:17:59 11 MS ENBOM: Excuse me, Commissioner, may I just approach  
14:18:02 12 Mr Winneke?  
14:18:03 13  
14:18:03 14 COMMISSIONER: Yes.  
14:18:05 15  
14:18:07 16 MR WINNEKE: If we start with the meeting at 12.40 and deal  
14:18:10 17 with that?---Yes.  
14:18:11 18  
14:18:13 19 Yes?---I did previously refer to an information report  
14:18:17 20 which was prepared as a result of this meeting which  
14:18:21 21 contained obviously more detailed information than my notes  
14:18:24 22 in the diary.  
14:18:26 23  
14:18:28 24 Yes. I think in your statement perhaps you refer to a  
14:18:35 25 meeting, a subsequent meeting on 6 November in which there  
14:18:38 26 was an information report?---I wasn't - - -  
14:18:40 27  
14:18:40 28 I don't know whether - you don't refer to an information  
14:18:43 29 report in your statement?---I may not have, sorry. I might  
14:18:48 30 be confusing if there was two meetings in Hawthorn.  
14:18:51 31  
14:18:51 32 In any event, there probably was an information report  
14:18:53 33 prepared of that meeting, would that be right or not?---It  
14:18:56 34 may or may not have.  
14:18:57 35  
14:18:58 36 In any event, let's stick with your diary?---Okay. So I've  
14:19:00 37 met - I've attended with another police member.  
14:19:04 38  
14:19:04 39 Yes?---Yeah, in fact I can state it wasn't at - sorry, now  
14:19:08 40 looking at it I was with Acting Superintendent Daly so it  
14:19:12 41 wasn't - my reference previously to the information report  
14:19:17 42 did not relate to this particular meeting.  
14:19:21 43  
14:19:21 44 No, it doesn't. I'll come back to that in due  
14:19:25 45 course?---Okay, thank you. So I've had a meeting with  
14:19:27 46 Terry in the police vehicle. He stated that Nicola Gobbo  
14:19:29 47 had rung Andrew Hodson on Wednesday 15 October 03.

14:19:36 1  
14:19:38 2 Yes?---And stated that "she wanted to see Terry on Thursday  
14:19:43 3 at 1 pm at Dominoes (old County Court)".  
14:19:48 4  
14:19:48 5 That's a café at the old County Court?---Yes. Terry  
14:19:52 6 attended prior to Gobbo. Gobbo arrived a short time later.  
14:19:57 7 Gobbo stated that she was going away for seven days. She  
14:20:00 8 stated that she had seen Paul. Didn't say when. She said  
14:20:06 9 Paul was sticking by Dave because the rest of the office  
14:20:09 10 had closed ranks. She asked if Terry had seen Dave. Terry  
14:20:16 11 replied no. She informed Terry that Dave had got out of  
14:20:21 12 hospital previous Friday. She said that Paul spoke highly  
14:20:25 13 of Terry. Terry replied, "Yes, because we had worked  
14:20:31 14 together for over a year". She stated she had been in  
14:20:36 15 contact with toe cutters, which is a reference to the  
14:20:40 16 Ethical Standards Department.  
14:20:42 17  
14:20:42 18 An unflattering reference to the division in which you  
14:20:45 19 worked?---That's right. And they weren't too happy with  
14:20:50 20 Terry because he wouldn't come on board, as in cooperate.  
14:20:53 21 She asked if he had any messages for Paul or Dave. Terry  
14:20:58 22 replied, "Just give them my best". She asked what Paul's  
14:21:02 23 involvement was regarding the matter. Terry played  
14:21:05 24 ignorant and replied he didn't know. Hodson stated Gobbo  
14:21:11 25 appeared very happy with the stance he was taking. At this  
14:21:17 26 time Jim Valos arrived at their table.  
14:21:20 27  
14:21:20 28 That's a solicitor?---That's correct.  
14:21:22 29  
14:21:22 30 Yes?---Jim indicated to Terry that he wouldn't represent  
14:21:25 31 him if he went on board with the toe cutters.  
14:21:29 32  
14:21:29 33 Yes?---Terry confirmed with Gobbo that he had no intention  
14:21:34 34 of coming on board. Hodson believes Gobbo will be used as  
14:21:39 35 intermediary between Dale and Miechel and himself but  
14:21:43 36 wouldn't be surprised if Dale found him out, fronted him  
14:21:50 37 out of the blue.  
14:21:51 38  
14:21:51 39 The next sentence I think you can leave out?---Yes.  
14:22:01 40  
14:22:02 41 Then he said when he met Dave Miechel on Thursday 25  
14:22:05 42 September at Fairfield, "Dave stated that as they were  
14:22:09 43 walking down the path to the Boatshed that Paul Dale had  
14:22:13 44 arranged for two phones, one job was done, Paul was getting  
14:22:16 45 rid of phones"; is that right?---Once the job was - - -  
14:22:18 46  
14:22:19 47 Sorry, once job was done?---That's correct.

14:22:21 1  
14:22:21 2 And the next entry is a confirmation that Andrew and Mandy  
14:22:27 3 did not know that he was cooperating with ESD?---Yes.  
14:22:31 4  
14:22:32 5 Is that right?---That's correct.  
14:22:32 6  
14:22:34 7 All right. There were some other matters discussed and  
14:22:39 8 then Hodson departed; is that right?---That's correct, yes.  
14:22:43 9  
14:22:43 10 All right then. In your statement you then go on to a  
14:22:49 11 meeting on 25 October 2003 but can I just ask you to have a  
14:22:54 12 look at your diary, 24 October 2003?---Yes.  
14:23:02 13  
14:23:05 14 Did you call him at about ten past six to arrange a meeting  
14:23:20 15 on the 24th, it's p.46 in your diary?---46.  
14:23:25 16  
14:23:25 17 18:10?---0h yes.  
14:23:29 18  
14:23:29 19 You rang Terry Hodson?---Yes, I did. I did.  
14:23:31 20  
14:23:31 21 About a possible meeting?---That's correct.  
14:23:33 22  
14:23:33 23 Regarding his statement and you said that you'd ring him in  
14:23:36 24 the morning the next day?---Yes.  
14:23:37 25  
14:23:38 26 And he says, he gave some evidence about a further meeting  
14:23:42 27 that he'd had with Mr Miechel; is that right?---That's  
14:23:47 28 correct.  
14:23:47 29  
14:23:54 30 You said that you'd obtain more details from him the  
14:23:58 31 following day; is that right?---That's correct.  
14:23:59 32  
14:23:59 33 Then you do meet him on 25 October 2003. You meet him in  
14:24:06 34 person at the World Trade Centre in the CBD and you got a  
14:24:10 35 statement from him; is that right?---Correct. I think it  
14:24:12 36 was probably - yeah, that's right. Whether it was  
14:24:20 37 previously drafted or started from scratch, I would have  
14:24:24 38 thought - - -  
14:24:25 39  
14:24:27 40 That statement, had it been drafted?---Look it could have  
14:24:32 41 been, I don't recall.  
14:24:32 42  
14:24:33 43 By you or him?---It would have been by me.  
14:24:36 44  
14:24:36 45 By you?---Yes, from previous discussions, meetings.  
14:24:38 46  
14:24:39 47 You'd provided him with a draft and he'd come back to you

14:24:42 1 with statement?---Probably would have reviewed it at the  
14:24:45 2 office. I don't think I would have provided him with a  
14:24:48 3 hard copy to take away.  
14:24:49 4  
14:24:53 5 What you say in your statement is that you obtained a  
14:24:58 6 statement from him and provided him with a device that he  
14:25:02 7 was to use if he met with Mr Dale?---Correct.  
14:25:05 8  
14:25:10 9 Obviously you were pursuing the possibility of recording  
14:25:15 10 Dale talking about his involvement, correct?---Yes.  
14:25:17 11  
14:25:17 12 In the burglary?---Correct.  
14:25:18 13  
14:25:19 14 Was there any consideration to him using that covert  
14:25:23 15 recording device in any conversations that he had with  
14:25:27 16 Ms Gobbo?---No. In fact I think I explicitly gave him  
14:25:35 17 instructions not to do that unless there was a  
14:25:38 18 face-to-face meeting with Paul Dale.  
14:25:40 19  
14:25:40 20 Right. So if there was a meeting in which she was present  
14:25:43 21 and Dale was present then it would be appropriate to record  
14:25:47 22 the conversation?---Yes, correct.  
14:25:48 23  
14:25:48 24 Not if he was with her on his own. Was there a reason for  
14:25:55 25 that?---Well I just, from I guess a logistical point of  
14:26:00 26 view in terms of, you know - I don't want to go into the  
14:26:06 27 particular technical issues surrounding - - -  
14:26:09 28  
14:26:10 29 No. It wasn't because you felt that she was his legal  
14:26:13 30 representative, for example?---No. No, it wasn't.  
14:26:15 31  
14:26:16 32 Righto. So that wasn't the reason?---No, that's right.  
14:26:19 33  
14:26:20 34 It was for logistical or technical reasons that are perhaps  
14:26:24 35 not necessarily for the purpose of this exercise; is that  
14:26:28 36 right?---Correct.  
14:26:28 37  
14:26:28 38 Nonetheless you were clearly very interested in hearing  
14:26:31 39 from him about anything that he had discussed with  
14:26:34 40 Ms Gobbo?---Yes.  
14:26:34 41  
14:26:35 42 Yes, all right. You say that on the 28th there was a  
14:26:55 43 meeting. Do you know whether there was in fact a recorded  
14:26:58 44 meeting on the 27th of October?---No, not to my knowledge.  
14:27:20 45  
14:27:21 46 You've got - I think it's p.47 of your diary?---Yes.  
14:27:24 47

14:27:25 1 Look, just have a look at the statement, page number 10 of  
14:27:30 2 20, and without going into any detail about that?---Sorry,  
14:27:35 3 which - - -  
14:27:35 4  
14:27:35 5 The 20 page statement?---Yes.  
14:27:38 6  
14:27:38 7 I'm asking about whether there was a conversation recorded  
14:27:41 8 on 27 October which you don't refer to in your 14 May this  
14:27:50 9 year statement?---Yes, I had a telephone conversation with  
14:27:55 10 Hodson on 27 October.  
14:27:57 11  
14:27:59 12 Yes?---Yes.  
14:27:59 13  
14:28:00 14 And there was such a conversation?---There was, yes.  
14:28:02 15  
14:28:02 16 Righto, okay. Again, without going into that conversation  
14:28:14 17 there was reference to Ms Gobbo in that  
14:28:18 18 conversation?---Yes, that's correct.  
14:28:18 19  
14:28:19 20 Yes, all right. 28 October, you spoke to Mr Hodson again.  
14:28:35 21 If you go back to your statement of 14 May?---Yes, that's  
14:28:46 22 correct.  
14:28:46 23  
14:28:50 24 In your statement you say that you encouraged him to  
14:28:55 25 arrange a meeting between him and Mr Dale through  
14:29:01 26 Ms Gobbo?---Yes.  
14:29:02 27  
14:29:09 28 Do you say there's a reference to that in your diary  
14:29:12 29 notes?---Yes, at 3.45 pm on 28 October.  
14:29:39 30  
14:29:39 31 You spoke to Terry Hodson?---That's correct.  
14:29:41 32  
14:29:49 33 What you say is "rearranging a meeting with him through  
14:29:55 34 Nicola Gobbo" and your recollection is that that was in  
14:29:56 35 effect an encouragement for him to do so?---Yes.  
14:29:59 36  
14:29:59 37 You wanted him to meet with Dale through Gobbo to see if he  
14:30:04 38 could gather information. You say that it didn't cross  
14:30:08 39 your mind that Gobbo was Dale's lawyer?---That's correct.  
14:30:14 40  
14:30:15 41 At that stage or at any stage of your dealings?---Oh  
14:30:21 42 certainly at that stage, and really at any stage that she  
14:30:30 43 was acting in a formal sense as his legal representative.  
14:30:34 44  
14:30:35 45 Why do you say you had that view?---Well I had no  
14:30:38 46 information to suggest otherwise.  
14:30:40 47

14:30:40 1 Right. What you say you had is information that they were  
14:30:47 2 "sleeping together"?---Yes.  
14:30:49 3  
14:30:49 4 But as to whether or not he was providing - receiving legal  
14:30:53 5 advice, or you didn't know one way or the other?---That's  
14:30:57 6 right, yes.  
14:30:57 7  
14:30:57 8 It's conceivable that she was, she was a lawyer. He was a  
14:31:02 9 person who was, at least as far as you knew, perhaps not  
14:31:06 10 him, the subject of investigation?---I recall there was an  
14:31:12 11 entry at some stage in terms of - it was after the  
14:31:16 12 Melbourne Cup and De Santo actually relayed a conversation  
14:31:20 13 he had with Ms Gobbo which I think referred to perhaps Paul  
14:31:28 14 needing some legal advice down the track.  
14:31:30 15  
14:31:30 16 Down the track?---So that would indicate from her own mouth  
14:31:34 17 that she wasn't acting as his - you know, a lawyer.  
14:31:39 18  
14:31:41 19 What you say is you suspect she might have given him  
14:31:45 20 informal or off-the-record advice but never knew or  
14:31:49 21 confirmed this, never held herself as Mr Dale's  
14:31:52 22 lawyer?---Correct.  
14:31:53 23  
14:31:53 24 In other words, she never said to you or gave you the  
14:31:55 25 belief that she was his lawyer?---No.  
14:31:57 26  
14:31:57 27 What about Dale, did he ever say anything to you at any  
14:32:01 28 stage that suggested that she might have been his  
14:32:04 29 lawyer?---No, not that I recall.  
14:32:05 30  
14:32:06 31 Not that you recall?---No.  
14:32:08 32  
14:32:11 33 Informal or off-the-record advice, I take it effectively  
14:32:16 34 what you're meaning there is she might have given him  
14:32:20 35 advice - for all you knew she might have given him legal  
14:32:23 36 advice informally?---Well I can't say one way or another.  
14:32:28 37 I don't know. It's all supposition and guesswork really.  
14:32:30 38  
14:32:31 39 It's purely speculation really that's right, it is.  
14:32:34 40 Absolutely.  
14:32:39 41  
14:32:31 42 As far as you knew she could well have been providing him  
14:32:34 43 with legal advice that you simply didn't know about?---Yes,  
14:32:39 44 quite possibly.  
14:32:41 45  
14:32:45 46 In any event you were keen to arrange a meeting between  
14:32:51 47 Dale and Hodson and whether or not Ms Gobbo was there and a

14:32:55 1 party to that conversation was really of secondary  
14:32:57 2 consideration, the real important issue was to get Dale on  
14:33:01 3 tape?---Essentially.  
14:33:04 4  
14:33:04 5 Essentially?---Essentially, yes.  
14:33:06 6  
14:33:06 7 Well, okay?---Well I mean to get to the truth of the  
14:33:08 8 matter.  
14:33:09 9  
14:33:09 10 To get to the truth of the matter, okay, I follow  
14:33:12 11 that?---Whatever that was.  
14:33:13 12  
14:33:16 13 You spoke to Hodson again on the 29th; is that  
14:33:22 14 right?---Correct.  
14:33:22 15  
14:33:34 16 Just before we move on, that call of the 28th was in fact  
14:33:38 17 recorded, that is your discussion with Mr Hodson?---It's  
14:33:44 18 recorded as part of a telephone intercept are you saying?  
14:33:48 19  
14:33:48 20 Yes?---Yes, that's correct.  
14:33:49 21  
14:33:49 22 Again, there are more details later with respect to that  
14:33:54 23 telephone call?---Yes.  
14:33:54 24  
14:33:55 25 You spoke to him on the 29th also?---On the 29th, yes.  
14:34:01 26  
14:34:02 27 He told you that he'd arranged a meeting with Ms Gobbo at  
14:34:07 28 Dominoes, that's the café again near the County  
14:34:10 29 Court?---Correct.  
14:34:10 30  
14:34:10 31 Again that conversation was recorded so there'll be more  
14:34:13 32 details somewhere?---Correct.  
14:34:14 33  
14:34:14 34 About that. That meeting - or you called Hodson on 30  
14:34:24 35 October, this is at paragraph 28?---Yes.  
14:34:27 36  
14:34:34 37 You called him before the meeting with Ms Gobbo and asked  
14:34:42 38 him not to activate a recording device unless he met with  
14:34:44 39 Dale.  
14:34:44 40  
14:34:44 41 MS ENBOM: Commissioner, that last part is the subject of a  
14:34:47 42 PII claim at the moment in relation to the activation of a  
14:34:49 43 device.  
14:34:55 44  
14:34:55 45 MR WINNEKE: I'm sorry. That should be removed if - can I  
14:35:03 46 just - - -  
14:35:04 47

14:35:07 1 COMMISSIONER: In my redacted one it's not redacted, but  
14:35:10 2 anyway. It is now.  
14:35:16 3  
14:35:16 4 MS ENBOM: It's redacted in mine.  
14:35:17 5  
14:35:18 6 MR WINNEKE: It's not in mine, Commissioner, but it may  
14:35:21 7 well be I've got the wrong one.  
14:35:22 8  
14:35:26 9 COMMISSIONER: No, no. I've got ne that's marked redacted  
14:35:27 10 and it's not redacted. But anyway, it seems it is now.  
14:35:29 11  
14:35:29 12 MS ENBOM: The confusion is the redaction is in the diary  
14:35:35 13 notes but not in the statement.  
14:35:36 14  
14:35:36 15 MR WINNEKE: I'm working from the statement.  
14:35:38 16  
14:35:38 17 COMMISSIONER: That's right. We're working from the  
14:35:43 18 statement.  
14:35:44 19  
14:35:45 20 MS ENBOM: I'll need to clarify that. I'll clarify it now.  
21 If we can remove it in the meantime while I'm clarifying it  
14:35:46 22 in case I can't get those instruction in the 15 minutes.  
14:35:47 23  
14:35:47 24 COMMISSIONER: Can you remove the words "and asked him not  
14:35:51 25 to activate the recording device".  
14:35:53 26  
14:35:54 27 MR WINNEKE: Commissioner, there is no issue with respect  
14:35:58 28 to the fact that she's got a recording device. That's been  
14:36:01 29 given.  
14:36:01 30  
14:36:02 31 COMMISSIONER: I know.  
14:36:03 32  
14:36:03 33 MS ENBOM: Yes, I'm not sure what the issue is so I'm going  
14:36:05 34 to - I suspect it shouldn't be the subject of a PII claim  
14:36:09 35 but I just want to check that.  
14:36:11 36  
14:36:12 37 COMMISSIONER: Yes. Look I don't think I will have those  
14:36:14 38 words removed at this stage. All right. Leave it in.  
14:36:22 39  
14:36:22 40 MR WINNEKE: Right. In any event, that's what you told  
14:36:24 41 her?---Correct.  
14:36:24 42  
14:36:25 43 Was that for the same reason that we've discussed  
14:36:28 44 before?---Yes.  
14:36:29 45  
14:36:32 46 Logistical and other matters?---That's right.  
14:36:35 47



14:36:41 1 Mr Hodson called you later and told you about what had been  
14:36:47 2 discussed during the course of that conversation; is that  
14:36:53 3 right?---Yes, that's correct.  
14:36:53 4  
14:36:54 5 You've made notes of that in your diary?---Yes.  
14:36:57 6  
14:36:57 7 I wonder if you could tell us what notes you've made?---At  
14:37:00 8 1.18 pm on 30 October Terry Hodson rang me.  
14:37:05 9  
14:37:05 10 Yes?---Updated me re the outcome of a meeting with Nicola  
14:37:08 11 Gobbo.  
14:37:08 12  
14:37:12 13 This is the 13:18 conversation; is that right?---Yes,  
14:37:17 14 that's correct. And Hodson stated that, "She will arrange  
14:37:21 15 a meeting with Dale and Miechel. Gobbo seeing Dale 31  
14:37:27 16 October 03".  
14:37:30 17  
14:37:31 18 So the idea was that he would meet with Dale and Miechel;  
14:37:36 19 is that right?---Yes.  
14:37:36 20  
14:37:43 21 As to whether or not that meeting took place, is it your  
14:37:47 22 belief that there was never a meeting which occurred  
14:37:51 23 between Hodson and Dale and Miechel as far as you  
14:37:55 24 knew?---Correct.  
14:37:55 25  
14:37:57 26 Certainly you never received any information in the nature  
14:38:01 27 of a recording or anything of that sort which recorded  
14:38:05 28 communications between Hodson and Dale?---Correct.  
14:38:07 29  
14:38:11 30 Ultimately there was nothing on the brief of evidence that  
14:38:18 31 you put together which contained that sort of  
14:38:21 32 information?---That's correct.  
14:38:21 33  
14:38:25 34 You said before that you had a discussion with Mr De Santo  
14:38:31 35 about his meeting with Ms Gobbo at the Melbourne Cup and  
14:38:34 36 you make reference to that in your statement?---Yes.  
14:38:37 37  
14:38:38 38 And effectively what you were told is that, "Ms Gobbo  
14:38:46 39 stated that Mr Dale believed that his phones were being  
14:38:49 40 monitored and that he would be needing legal advice" and  
14:38:54 41 Ms Gobbo seemed to be fishing for information?---That's  
14:39:00 42 correct.  
14:39:00 43  
14:39:00 44 In other words, Mr De Santo's impression was that she was  
14:39:05 45 fishing for information; is that right?---That is correct,  
14:39:08 46 yes.  
14:39:08 47

14:39:19 1 He said he had a drink with her at the Cup?---Yes.  
14:39:23 2  
14:39:23 3 And she asked if Paul Dale was a suspect in the  
14:39:27 4 matter?---Correct.  
14:39:27 5  
14:39:29 6 That is, asked De Santo?---Yes.  
14:39:32 7  
14:39:33 8 Do you know whether Mr De Santo was at that stage still  
14:39:35 9 involved in the investigation or not?---He wasn't.  
14:39:39 10  
14:39:39 11 He wasn't?---No, I don't believe so, no.  
14:39:43 12  
14:39:43 13 Do you know when he ceased to be involved in the  
14:39:45 14 investigation?---It was fairly soon after our - after we'd  
14:39:56 15 debriefed him, the main debriefing. So that was subsequent  
14:40:00 16 to the meeting at the Ceja Task Force.  
14:40:02 17  
14:40:03 18 Right?---I understand he was given instructions that he  
14:40:05 19 wasn't to be involved, or no individual from Ceja Task  
14:40:09 20 Force was to be involved in the ongoing investigation.  
14:40:16 21  
14:40:16 22 Is there any reason that you can give for that?---No.  
14:40:19 23  
14:40:20 24 That was just an operational decision that was made?---Yep,  
14:40:26 25 that's correct.  
14:40:26 26  
14:40:29 27 If I can ask you about your diary entries with respect to  
14:40:37 28 communications that you had with Mr Hodson on that day.  
14:40:41 29 Apparently there were three telephone calls that you had  
14:40:45 30 with Mr Hodson; is that right?---Sorry, which day was that?  
14:40:48 31  
14:40:49 32 The same day, the 5th of November, the same day that you'd  
14:40:52 33 spoken to Mr De Santo?---Yes, three. Yes, correct.  
14:41:06 34  
14:41:06 35 There's a note that you had a discussion with - perhaps  
14:41:13 36 before we go there. At 10.30 you went to see the Office of  
14:41:19 37 Public Prosecutions and spoke to Mr Rod Gray and Jeremy  
14:41:23 38 Rapke regarding the Operation?---Correct.  
14:41:25 39  
14:41:26 40 Do you know whether that discussion had any connection with  
14:41:32 41 the use of Ms Gobbo in this investigation at all or  
14:41:43 42 not?---I don't recall. It's possible but I don't recall.  
14:41:46 43  
14:41:48 44 There's a fairly scant note in your diary about that. It  
14:41:51 45 was a meeting from 10.30 which went to 11.20?---Yes.  
14:41:56 46  
14:41:56 47 Would you be able to point us to, in the direction of

14:42:00 1 anywhere where we could get some idea about that discussion  
14:42:05 2 and what occurred?---Rod Gray and Jeremy Rapke.  
14:42:08 3  
14:42:09 4 That's the direction you point at?---That's exactly right.  
14:42:12 5  
14:42:14 6 No doubt the OPP are listening. You spoke to Mr Hodson  
14:42:19 7 about 12 minutes past 12, you rang him?---Correct.  
14:42:22 8  
14:42:22 9 He said he hadn't had any contact with anyone, he'll ring  
14:42:27 10 Gobbo at lunchtime and said he'd ring you back in the  
14:42:29 11 afternoon?---Correct.  
14:42:31 12  
14:42:33 13 He did ring you back about five minutes later, said he  
14:42:39 14 received a telephone call - you received a telephone call  
14:42:42 15 from Hodson, stated that he had spoken to Gobbo and she  
14:42:45 16 wants to meet at 3 pm and will ring after the meeting,  
14:42:51 17 right?---Yes.  
14:42:52 18  
14:42:52 19 Righto. Did you have an understanding at that stage or a  
14:42:59 20 view as to whether or not she was acting for him?---I did  
14:43:04 21 not believe she was acting for him.  
14:43:06 22  
14:43:09 23 She arranged to meet him at 3 pm and did you speak to  
14:43:18 24 Mr Hodson at any stage about whether or not she - that the  
14:43:24 25 purpose of that meeting was to provide him with legal  
14:43:27 26 advice?---I did not believe that Terry Hodson was receiving  
14:43:34 27 - when I say in a legitimate way - - -  
14:43:36 28  
14:43:36 29 Yes?--- - - - legal advice from Nicola Gobbo and I don't  
14:43:40 30 believe he was - if in fact she was providing legal advice,  
14:43:47 31 to my knowledge and understanding he would not be acting on  
14:43:50 32 that advice.  
14:43:50 33  
14:43:51 34 Right, okay. You get another call from Terry Hodson at 20  
14:44:07 35 past four?---Correct.  
14:44:08 36  
14:44:10 37 And I wonder if you could just tell us about that telephone  
14:44:13 38 call?---Terry informed me that he'd met with Nicola Gobbo.  
14:44:20 39 Terry stated that he wanted - sorry, apparently Ms Gobbo  
14:44:25 40 stated that she wants to meet tomorrow to discuss - I'm  
14:44:29 41 sorry, I'll go back.  
14:44:31 42  
14:44:31 43 Yes?---I'm just trying to put it in proper context. So  
14:44:38 44 Terry stated he had met with Nicola Gobbo and he wanted to  
14:44:44 45 meet with me tomorrow to discuss what had transpired so we  
14:44:50 46 arranged a meeting to discuss at Hawthorn the following  
14:44:54 47 morning at 11.30 am. Terry stated that Dale is very

14:45:01 1 paranoid.  
14:45:02 2  
14:45:02 3 Yes?---And didn't want to meet until after holidays in  
14:45:07 4 three weeks. That's what allegedly Ms Gobbo had told  
14:45:13 5 Hodson. Ms Gobbo had suggested that he and Miechel should  
14:45:17 6 roll over on Dale.  
14:45:18 7  
14:45:18 8 Yes?---Dale indicated to Gobbo that this matter involved  
14:45:24 9 higher ranks.  
14:45:35 10  
14:45:35 11 Do you understand that he said that involved higher ranks  
14:45:40 12 concerning any particular matter or not?---Individuals,  
14:45:45 13 actually any particular named individuals or - is that what  
14:45:50 14 you're asking?  
14:45:51 15  
14:45:51 16 I wonder if you could just have a look at - I wonder if you  
14:46:02 17 could have a look at p.13 of 20 of your statement just to  
14:46:07 18 refresh your recollection and put that statement down and  
14:46:10 19 see if that does refresh your recollection.  
14:46:14 20  
14:46:14 21 COMMISSIONER: That's the 27 April 2012 statement, is it?  
14:46:20 22  
14:46:21 23 MR WINNEKE: Yes Commissioner?---Yes.  
14:47:38 24  
14:47:38 25 If it assists your recollection, okay. If it doesn't -  
14:47:44 26 perhaps if I can ask you this question: do you have a  
14:47:54 27 recollection that Ms Gobbo would involve a third person to  
14:48:07 28 assist in getting, arranging a meeting between Hodson and  
14:48:18 29 Dale?---Yes.  
14:48:21 30  
14:48:23 31 Right. Was the third person one of the people whose phones  
14:48:45 32 had been the subject of an application for a telephone  
14:48:49 33 intercept, do you recall that or not?---I believe the third  
14:49:03 34 person was someone that was captured on telephone  
14:49:06 35 intercepts.  
14:49:06 36  
14:49:06 37 Yes?---But was not the subject of a telephone intercept.  
14:49:11 38  
14:49:12 39 Yes, I understand what you're saying. Righto, okay.  
14:49:39 40 Commissioner, I just wonder whether it might be - there's a  
14:49:44 41 matter that I wouldn't mind dealing with, perhaps it might  
14:49:47 42 be easier to deal with it in private, in closed hearing.  
14:49:53 43 I'm conscious of the order that's existing in the Coroner's  
14:49:58 44 Court, I don't want to breach that, but there is some  
14:50:01 45 material I would like to get from the witness if I could.  
14:50:05 46  
14:50:05 47 COMMISSIONER: I have had relayed to me a wish from the

14:50:09 1 media to be allowed to stay in for closed hearings but  
14:50:16 2 subject to a non-publication order. Is this an instance  
14:50:20 3 where that would be suitable, if they're simply subject to  
14:50:23 4 a non-publication order?  
14:50:26 5  
14:50:26 6 MR WINNEKE: The order is for non-publication - just excuse  
14:50:33 7 me.  
14:50:33 8  
14:50:34 9 COMMISSIONER: What they're wanting to do is just sit in  
14:50:38 10 generally, Mr Winneke.  
14:50:39 11  
14:50:39 12 MR WINNEKE: I understand that. I'm trying to find the  
14:50:42 13 Coroner's Court order.  
14:50:43 14  
14:50:43 15 COMMISSIONER: Which one is it?  
14:50:45 16  
14:50:45 17 MR WINNEKE: There's about ten but it concerns the  
14:50:47 18 publication or reporting of this statement and I want to  
14:50:51 19 get the words. So it's a suppression order made in  
14:51:02 20 relation to these investigations, Inquest brief compiled  
14:51:10 21 for the investigation into the deaths, not be published or  
14:51:21 22 broadcast in Victoria or elsewhere. That would probably  
14:51:24 23 indicate unless there's public interest immunity matters,  
14:51:27 24 so long as the media didn't publish or broadcast it that  
14:51:31 25 would be satisfactory. That seems to me to be the effect  
14:51:34 26 of it, unless anyone says I'm wrong about that.  
14:51:36 27  
14:51:37 28 COMMISSIONER: Any contrary submissions?  
14:51:39 29  
14:51:40 30 MS ENBOM: May I just - it makes me a bit uncomfortable in  
14:51:48 31 that it's an order prohibiting the publication of the  
14:51:51 32 statement that Mr Winneke wants to read aloud, and so he  
14:51:55 33 reads it aloud in the presence of everyone here, including  
14:52:00 34 the press, it'll be publication in breach of the order. So  
14:52:06 35 it's publication which is conveying the content of the  
14:52:09 36 statement to any third party.  
14:52:12 37  
14:52:12 38 COMMISSIONER: Right. But it won't be if it's in a closed  
14:52:15 39 hearing. It's at least arguable anyway, that it's not.  
14:52:22 40  
14:52:22 41 MS ENBOM: It seems a bit dangerous to me and if it was  
14:52:26 42 then to inadvertently get republished outside of the  
14:52:30 43 hearing room by someone who's present - - -  
14:52:34 44  
14:52:36 45 COMMISSIONER: They'd be breaching an order of the  
14:52:38 46 Commission.  
14:52:38 47

14:52:39 1 MS ENBOM: Yes. The only other - that's the suppression  
14:52:41 2 order. Then the other matter is that if the matter that  
14:52:44 3 Mr Winneke wants to go to is a matter in relation to the  
14:52:48 4 investigation of the murders, then that could raise a PII  
14:52:53 5 issue because they are unsolved murders, it's effectively  
14:53:00 6 an ongoing investigation.  
14:53:02 7  
14:53:02 8 COMMISSIONER: Yes, but if it's done in closed hearing and  
14:53:05 9 there's a non-publication order it's hard to see there's  
14:53:08 10 any harm done there.  
14:53:10 11  
14:53:10 12 MS ENBOM: Yes, although we have on every other occasion  
14:53:14 13 that the hearing room has been closed because of a PII  
14:53:17 14 issue, the press members have not been present.  
14:53:20 15  
14:53:20 16 COMMISSIONER: Yes, I'm saying assuming that it's a closed  
14:53:24 17 hearing with nobody present it's not offending the -  
14:53:31 18 there's no PII problem then.  
14:53:33 19  
14:53:33 20 MS ENBOM: Yes.  
14:53:33 21  
14:53:33 22 COMMISSIONER: So the short answer is, I suppose, it's  
14:53:35 23 safer to do it in a closed hearing without the media  
14:53:38 24 present.  
14:53:41 25  
14:53:41 26 MS ENBOM: I think so, Commissioner.  
14:53:42 27  
14:53:42 28 COMMISSIONER: Does anyone else have any submissions?  
14:53:45 29 Mr Winneke?  
14:53:45 30  
14:53:46 31 MR WINNEKE: Well, Commissioner, this is the first I've  
14:53:49 32 heard - accepting that there are unsolved murders, the  
14:53:57 33 Hodson murders have not been solved in the sense that no  
14:54:02 34 one's been convicted of those offences.  
14:54:04 35  
14:54:04 36 COMMISSIONER: No.  
14:54:04 37  
14:54:05 38 MR WINNEKE: Look, it's not clear to me whether that  
14:54:08 39 information is in the public domain or not. Again, I can't  
14:54:17 40 recall whether it was ventilated in the Coroner's Court and  
14:54:19 41 I don't - it may not have been. I mean it's one thing to  
14:54:29 42 assert it from the Bar table but there needs to be, I  
14:54:32 43 suppose, something to support it. Having said that, this  
14:54:37 44 is to an extent by the seat of our pants because these  
14:54:43 45 statements have only come to my learned friend's attention,  
14:54:48 46 whilst we think before they should have, they should have  
14:54:51 47 come to their attention before, they haven't, they came to

14:54:53 1 attention recently. There haven't been instructions taken  
14:54:56 2 in relation to that this. I would have thought that this  
14:55:00 3 is something really that instructions should be able to be  
14:55:05 4 - or should be provided as soon as possible because these  
14:55:08 5 issues are going to come up and I would imagine it must  
14:55:13 6 have been considered these issues were going to come up  
14:55:17 7 well before today. In any event - - -

14:55:20 8  
14:55:20 9 COMMISSIONER: Just in the interests of progressing things  
14:55:24 10 and hoping to finish - I think the witness is hoping we'll  
14:55:29 11 finish with him at least for the time being today, and I  
14:55:31 12 guess that's your plan too, Mr Winneke.

14:55:33 13  
14:55:33 14 MR WINNEKE: That's certainly my desire.

14:55:34 15  
14:55:35 16 COMMISSIONER: Maybe just in the interests of achieving  
14:55:38 17 that goal and out of an abundance of caution I order that  
14:55:41 18 the hearing now be closed and that everybody apart from  
14:55:47 19 legal representatives and Commission staff leave the  
14:55:53 20 courtroom and that there be no publication of the evidence  
14:55:59 21 about to be given and that it not be streamed and that a  
14:56:06 22 copy of the order be placed on the hearing room door and  
14:56:09 23 the hearing room doors of the hearing rooms to which the  
14:56:16 24 evidence is ordinarily streamed. I think that's  
14:56:21 25 everything.

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14:56:24 27 (IN CAMERA HEARING FOLLOWS)

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15:12:47 1 UPON RESUMING IN OPEN HEARING:

15:13:40 2  
15:13:40 3 COMMISSIONER: Yes, we're resuming in public hearing.

15:13:44 4  
15:13:44 5 MR WINNEKE: Thanks Commissioner. Now, if we could move to  
15:13:50 6 6 November 2003. You meet with Hodson in Hawthorn and  
15:14:00 7 you're with Detective Senior Sergeant Snare and the  
15:14:09 8 meeting's referred to in your diary but you say that the  
15:14:12 9 details of the meeting are not recorded and you say that  
15:14:16 10 you were informed there's a record on the Loricated  
15:14:19 11 database which sets out what Hodson told you at the  
15:14:22 12 meeting?---That's correct.

15:14:23 13  
15:14:23 14 You were informed that the record states that Ms Gobbo said  
15:14:26 15 amongst other things that she'd met with Dale on 30 October  
15:14:35 16 and that he seemed physically ill and paranoid. She  
15:14:42 17 thought that Dale was involved in the Oakleigh burglary,  
15:14:47 18 Miechel and Dale could be doing things without her  
15:14:49 19 knowledge. Dale had not asked her for legal advice. She  
15:14:55 20 heard a rumour that Miechel had made a statement and that  
15:14:58 21 Dale was paranoid that Miechel was on board with ESD and  
15:15:02 22 you say that that record is consistent with what you  
15:15:08 23 remember of the meeting?---Yes, correct.

15:15:11 24  
15:15:14 25 I just wonder if you can have a look at this document here.  
15:15:41 26 Is that the information report that you referred to and you  
15:15:50 27 were shown in your statement?---That's correct.

15:15:52 28  
15:15:56 29 I tender that, Commissioner. I'm told that that hasn't  
15:16:04 30 been assessed for public interest immunity matters. It's  
15:16:11 31 not apparent immediately what they are, there may well be  
15:16:15 32 matters on it. I'd ask it be tendered as a confidential  
15:16:19 33 exhibit at that stage.

15:16:20 34  
15:16:20 35 COMMISSIONER: How would I describe that document?

15:16:23 36  
15:16:23 37 MR WINNEKE: It's an information report of a meeting held  
15:16:25 38 between - - -

15:16:30 39  
15:16:31 40 COMMISSIONER: Mr Gregor.

15:16:33 41  
15:16:33 42 MR WINNEKE: Yes, between Mr Gregor and Terry Hodson on 6  
15:16:37 43 November 2003.

15:16:38 44  
15:16:39 45  
15:16:40 46 #EXHIBIT RC133 - (Confidential exhibit.)  
15:16:51 47

15:16:51 1 COMMISSIONER: It's a confidential exhibit at this stage.  
15:16:54 2  
15:16:55 3 MR WINNEKE: In your statement you refer to telephone  
15:16:58 4 conversations that you receive from Terry Hodson on 12  
15:17:02 5 November?---Yes.  
15:17:03 6  
15:17:04 7 That's a recorded conversation, correct?---Yes, it is.  
15:17:15 8  
15:17:16 9 The next day Hodson - your diary recorded that he left a  
15:17:21 10 message - he'd received a message from his son Andrew to  
15:17:27 11 meet with Ms Gobbo at Dominos on the 13th. Then there's  
15:17:32 12 another telephone conversation the following day, that is  
15:17:34 13 13 November, in which Ms Gobbo made excuses why Mr Dale was  
15:17:42 14 not there and told Mr Hodson to be careful of David Miehchel  
15:17:46 15 because she thought he was wired?---Yes.  
15:17:48 16  
15:17:48 17 In other words recording conversations?---Correct.  
15:17:51 18  
15:17:52 19 That itself is a recorded conversation again, is it?---Yes,  
15:17:56 20 it is.  
15:17:57 21  
15:17:57 22 There's another recorded conversation that you've listened  
15:18:02 23 to on 1 December 2003. You called Terry Hodson, asked him  
15:18:09 24 to call Ms Gobbo to arrange to see Mr Dale?---Yes.  
25  
15:18:11 26 And your diary records that Hodson called you back and told  
15:18:15 27 you that he was meeting midweek with Ms Gobbo?---Correct.  
15:18:19 28  
15:18:19 29 And she has something interesting to tell him?---Correct.  
15:18:22 30  
15:18:22 31 You have no record of any meeting taking place?---Correct.  
15:18:28 32  
15:18:30 33 The three suspects, Dale, Miehchel and Hodson, were arrested  
15:18:34 34 on 5 December, is that right?---Yes.  
15:18:37 35  
15:18:38 36 Your diary records that at 8.55 am Mr Dale was given an  
15:18:44 37 opportunity to call a solicitor. You say you don't know  
15:18:48 38 who he called. Do you believe that he did call  
15:18:57 39 someone?---Yes. Well I know he called somebody.  
15:19:03 40  
15:19:03 41 Yes. Is that during the course of the interview or is that  
15:19:06 42 prior to the interview? Perhaps if I can assist you. The  
15:19:38 43 interview commenced at 27 minutes past 7 in the  
15:19:42 44 morning?---Yes. And concluded when?  
15:19:46 45  
15:19:47 46 It concluded - there was a suspension during the course of  
15:19:51 47 the interview but it concluded at four minutes past

15:19:54 1 10?---Okay, yes.  
15:19:55 2  
15:19:56 3 In the AM?---He, well he contacted who I believe was a  
15:20:03 4 solicitor friend at 8.55 am that morning.  
15:20:08 5  
15:20:11 6 Now, I wonder - there's an interview, a transcript of the  
15:20:21 7 interview which I've got. Could that just be given to the  
15:20:29 8 witness?---Yes.  
15:20:45 9  
15:20:52 10 Does the Commissioner have a copy of the interview?  
15:20:54 11  
15:20:54 12 COMMISSIONER: I think I do. Actually, I think I do.  
15:20:57 13  
15:20:58 14 MR WINNEKE: We've got another one here.  
15:20:59 15  
15:21:00 16 COMMISSIONER: No, don't give me another one if I have a  
15:21:02 17 copy. Just go on, I think I do have a copy, I've seen  
15:21:06 18 this.  
15:21:07 19  
15:21:07 20 MR WINNEKE: The interview starts, as I say, at 27 minutes  
15:21:11 21 past 7. It's an interview between you and Detective  
15:21:19 22 Sergeant Mucci and Paul Dale?---Correct.  
15:21:23 23  
15:21:25 24 You ask him at question 6 whether he wishes to obtain legal  
15:21:29 25 advice prior to the interview proceeding and he says no,  
15:21:32 26 right?---Yes.  
15:21:33 27  
15:21:33 28 Then you go on and ask him some questions and at question  
15:21:38 29 24 you say, "Okay, look", this is p.4, "Look Paul, at this  
15:21:44 30 stage what I intend to do is just temporarily suspend the  
15:21:48 31 interview and then we'll come back and go into it in full".  
15:21:52 32 He says "okay". "Detail of the matters I want to put to  
15:21:55 33 you. No worries. If the interview's going to be suspended  
15:21:58 34 for some time, I'm going to be sitting here for some time  
15:22:02 35 I'll ring a solicitor then", right?---Yes.  
15:22:05 36  
15:22:05 37 Then if we move on to question 38 on p.7. He says, "All  
15:22:10 38 right, and you're happy for the interview to proceed  
15:22:14 39 without obtaining any further legal advice or contacting  
15:22:17 40 any other persons?" He says, "Yeah, I've got a friend  
15:22:21 41 that's a solicitor and I've got, I deal with solicitors on  
15:22:24 42 a daily basis. I've spoken to them about interviews in  
15:22:27 43 relation to serious criminal matters. On every occasion  
44 where I've spoken to solicitors in relation to criminal  
15:22:32 45 matters, be it other police members being interviewed or  
15:22:34 46 criminals being interviewed, the advice has always been the  
15:22:38 47 same and that's been no comment. I'm not saying I'm not



15:22:42 1 going to make no comment during this interview, I'm just  
15:22:45 2 saying that's the legal advice that I've always been  
15:22:50 3 given". That's what he said?---Yes.  
15:22:52 4  
15:22:53 5 Now, you say you believed he contacted a solicitor  
15:22:59 6 friend?---H'mm.  
15:23:00 7  
15:23:00 8 Do you have a belief as to who it was who he called?---I  
15:23:05 9 had a suspicion it was Nicola Gobbo, but that's all it is.  
15:23:10 10  
15:23:14 11 What basis do you have for that suspicion?---Well,  
15:23:19 12 primarily all the things we've been discussing this morning  
15:23:31 13 and this afternoon lead me to I guess a belief that she  
15:23:33 14 would be the person that Paul Dale would contact.  
15:23:36 15  
15:23:38 16 Indeed, I think have you said in the past it was your  
15:23:41 17 belief that Paul Dale contacted Nicola Gobbo on that  
15:23:44 18 occasion and they had a very lengthy telephone call which  
15:23:47 19 from your recollection may have gone for 15 to 20  
15:23:50 20 minutes?---Yes.  
15:23:51 21  
15:23:52 22 You do recall saying that in the past?---That would be  
15:23:55 23 right, yes.  
15:23:56 24  
15:23:56 25 All right. Can I just ask you about your diary entries on  
15:24:08 26 that day. If you can go to p.67?---Yes.  
15:24:20 27  
15:24:22 28 That's about a third of the way down, that's the  
15:24:27 29 commencement of Friday 5 December, is that right?---That's  
15:24:31 30 correct.  
15:24:31 31  
15:24:32 32 There's a briefing. You start pretty early that day,  
15:24:35 33 there's a briefing and you describe the arrest of Mr Dale,  
15:24:42 34 correct?---That's correct, the execution of a search  
15:24:45 35 warrant, yes, that's right.  
15:24:46 36  
15:24:49 37 If you go over to the following page you informed him that  
15:24:52 38 he had the opportunity to contact Kenna Croxford solicitors  
15:24:57 39 or other solicitors would be given prior to any interview  
15:25:01 40 commencing?---Yes.  
15:25:02 41  
15:25:07 42 Was there a reason why that firm of solicitors was  
15:25:10 43 mentioned?---Well they're the, I think the retained law  
15:25:16 44 firm for the Police Association.  
15:25:18 45  
15:25:18 46 That was the go to firm?---That's right, Tony Hargreaves.  
15:25:21 47

15:25:22 1 Yes, Tony Hargreaves?---That's right.  
15:25:23 2  
15:25:25 3 He was interviewed, he was escorted to be  
15:25:29 4 interviewed?---Yes.  
15:25:30 5  
15:25:33 6 And the interview was suspended at 7.32 and there was a  
15:25:40 7 discussion about the interview plan, et cetera,  
15:25:44 8 right?---Yes.  
15:25:44 9  
15:25:45 10 And then you spoke to Dale, informed him that he could  
15:25:48 11 contact O'Brien in one hour and Dale stated that he wanted  
15:25:54 12 to continue with the interview as he knew his rights,  
15:25:57 13 et cetera?---Yes.  
15:25:58 14  
15:25:59 15 You commenced the interview. Then you suspended it again.  
15:26:03 16 And you spoke to Tim Argall?---Yes, I did.  
15:26:05 17  
15:26:06 18 And what was the - did you ring him or did he call  
15:26:10 19 you?---He called me.  
15:26:11 20  
15:26:11 21 And he was inquiring regarding Paul Dale?---That's correct.  
15:26:15 22  
15:26:15 23 He was a friend?---Yes.  
15:26:16 24  
15:26:17 25 Family friend it says?---Yes.  
15:26:18 26  
15:26:18 27 Stated that, "We were part way through an interview process  
15:26:24 28 and you'd update the family when the disposition is  
15:26:27 29 decided", in other words what you were going to  
15:26:30 30 do?---That's correct.  
15:26:30 31  
15:26:32 32 Dale was given access to a telephone to ring a solicitor  
15:26:37 33 friend?---Yes.  
15:26:37 34  
15:26:37 35 That occurred in a police officer's office, is that  
15:26:42 36 right?---That's right.  
15:26:42 37  
15:26:42 38 You received a telephone call at 9.22 from solicitor Jim  
15:26:47 39 Valos who was representing Hodson, is that right?---Yes.  
15:26:49 40  
15:26:50 41 He wanted to know if Hodson was going to be charged that  
15:26:53 42 day?---Yes.  
15:26:54 43  
15:26:54 44 And then you spoke to Mr Hodson at 9.40 in the interview  
15:27:00 45 room?---Yes.  
15:27:00 46  
15:27:00 47 You told him of the arrest of Mr Dale and Mielche?---Yes.

15:27:05 1  
15:27:05 2 And that he would also be charged with serious offences  
15:27:08 3 which would place him in exceptional circumstances, that's  
15:27:12 4 with respect to bail?---That's correct.  
15:27:14 5  
15:27:14 6 In other words would make it more difficult for him to get  
15:27:18 7 bail because they were serious offences, is that  
15:27:21 8 right?---That's correct.  
15:27:22 9  
15:27:34 10 If you can go over to p.71. At that stage you'd taken Dale  
15:27:48 11 and Miechel to the, was it the Melbourne Magistrates' Court  
15:27:56 12 or the Custody Centre?  
15:28:02 13  
15:28:03 14 COMMISSIONER: Could you just give me the page number at  
15:28:08 15 the bottom? Mine doesn't have the page number at the top.  
15:28:09 16  
15:28:10 17 MR WINNEKE: Sorry, Commissioner.  
15:28:12 18  
15:28:12 19 COMMISSIONER: This is the transcript of the interview.  
15:28:14 20  
15:28:14 21 MR WINNEKE: No, I apologise Commissioner, I've jumped back  
15:28:16 22 to the diary and I've obviously done it in a very unclear  
15:28:20 23 way.  
24  
25 COMMISSIONER: Okay, thank you.  
26  
15:28:21 27 MR WINNEKE: Page 70 of the diary. At 10.04 you note that  
15:28:36 28 the interview was concluded which is consistent with the  
15:28:40 29 time in the record of interview?---Yes.  
15:28:41 30  
15:28:42 31 And then at 10.40 you spoke to Rod Gray of the OPP and  
15:28:47 32 updated him with respect to Dale and Miechel and  
15:28:51 33 Hodson?---Yes.  
15:28:51 34  
15:28:51 35 You confirmed that Hodson would be brought up to court  
15:28:54 36 after Dale and Miechel's hearing, is that correct?---Yes,  
15:28:58 37 that's correct.  
15:28:58 38  
15:29:00 39 Then at 11.25 Dale was lodged at the Melbourne Custody  
15:29:05 40 Centre?---Yes.  
15:29:05 41  
15:29:05 42 And then taken to level 4 of the Melbourne Magistrates'  
15:29:10 43 Court and charges were filed against Dale?---Yes.  
15:29:11 44  
15:29:12 45 There was liaison between you and Mr Rapke and Rod  
15:29:17 46 Gray?---Yes.  
15:29:17 47

15:29:20 1 You'd spoken to Tony Hargreaves representing Paul  
15:29:24 2 Dale?---Yes.  
15:29:24 3  
15:29:24 4 You'd spoken to - or you facilitated phone contact between  
15:29:31 5 Valos and Hodson?---Correct.  
15:29:32 6  
15:29:33 7 Then you spoke to Valos in the Melbourne Magistrates' Court  
15:29:36 8 foyer and ascertained that he would be taking Nicola Gobbo  
15:29:39 9 to meet with Hodson, right?---Yes.  
15:29:41 10  
15:29:41 11 Did that cause you any concern?---Yes, it did.  
15:29:44 12  
15:29:44 13 What was that?---Primarily a conflict of interest between  
15:29:49 14 Ms Gobbo and Hodson due to her representing Abby Haynes.  
15:29:58 15  
15:29:58 16 Right. Was there another concern obviously, I assume  
15:30:03 17 there's another concern about her acting for Hodson?---Yes.  
18  
15:30:09 19 And that is your view that she was connected to  
15:30:15 20 Dale?---That's right.  
15:30:15 21  
15:30:15 22 Did you know about at that stage her acting for Ahmed or  
15:30:19 23 not?---Look, I could have, I probably would have, but I  
15:30:22 24 don't now recall that.  
15:30:24 25  
15:30:25 26 All right?---I think she was acting for everybody one way  
15:30:31 27 or another.  
15:30:32 28  
15:30:34 29 So you were concerned about that and you indicated to him  
15:30:37 30 that you'd be preventing any access to Hodson by  
15:30:42 31 Gobbo?---Yes.  
15:30:42 32  
15:30:45 33 In order to preserve the integrity of the investigation, is  
15:30:49 34 that right?---That's correct.  
15:30:50 35  
15:30:50 36 Did you seek advice from Mr Gray about that?---Yes, I did.  
15:30:54 37  
15:30:54 38 He confirmed that as far as he was concerned there was a  
15:30:56 39 conflict of interest regarding Gobbo and she should not be  
15:31:00 40 allowed to access Hodson whilst he was in your  
15:31:05 41 custody?---Correct.  
15:31:05 42  
15:31:09 43 Do you know whether that was the advice of the Director,  
15:31:14 44 that is it was confirmed that?---That was my understanding,  
15:31:18 45 yes, it came from the Director.  
15:31:19 46  
15:31:20 47 The conflict of interest issues was Gobbo representing Abby

15:31:26 1 Haynes and other persons arrested re Operation  
15:31:30 2 Gallop?---Yes.  
15:31:30 3  
15:31:31 4 She provided legal advice to Paul Dale on more than one  
15:31:34 5 occasion in relation to this matter. Was that your  
15:31:36 6 understanding?---I think - well, my - I think my suspicion  
15:31:45 7 was it was her who Paul Dale contacted on the 5th - on that  
15:31:55 8 morning.  
15:31:55 9  
15:31:56 10 On the morning?---Yes.  
15:31:57 11  
15:31:57 12 You do say on more than one occasion re this matter, that  
15:32:01 13 might suggest at that time when you wrote that note it was  
15:32:04 14 your understanding she had provided him with legal advice  
15:32:07 15 on more than one occasion?---I think I might have based  
15:32:10 16 that on the apparent ongoing association between Paul Dale  
15:32:17 17 and Ms Gobbo.  
15:32:18 18  
15:32:19 19 Yes. So you made an assumption that because of that  
15:32:22 20 association?---Yes.  
15:32:23 21  
15:32:24 22 She probably would have provided him with legal advice at  
15:32:27 23 some stage?---That's right.  
15:32:29 24  
15:32:34 25 And then there were further discussions between you and  
15:32:37 26 Mr Gray concerning Terry Hodson and Mr Valos?---Yes.  
15:32:45 27  
15:32:54 28 Just excuse me. If we can go back to your statement. You  
15:33:18 29 say that your diary records that as at 21 January 2003  
15:33:25 30 Mr Stary was acting as solicitor for Terry Hodson. Is that  
15:33:28 31 date correct?---Um, sorry, what - - -  
15:33:35 32  
15:33:35 33 Paragraph 42 of your statement?---Yes, that's correct.  
15:33:54 34 I've got an entry in my diary.  
15:33:56 35  
15:33:57 36 21 January 2004 that should be?---Sorry, 2004. 21 January.  
15:34:05 37  
15:34:05 38 Yes?---So I've - 3 o'clock I spoke to Rob Stary and he -  
15:34:15 39 yeah, he indicated he was solicitor acting for Hodson and  
15:34:20 40 he wanted to speak about Hodson's future or something like  
15:34:24 41 that.  
15:34:24 42  
15:34:27 43 Did you have any contact with Ms Gobbo yourself at the  
15:34:31 44 court on 5 December or not? I'm not suggesting you did,  
15:34:41 45 I'm just wondering if you have a recollection?---I could  
15:34:44 46 have, I don't recall.  
15:34:45 47

15:34:45 1 You don't make a note of speaking to her, do you?---No, I  
15:34:53 2 don't. But that - I'm not saying it didn't happen, that we  
15:34:59 3 - I mean it would be very likely she was at court that day  
15:35:03 4 and I would have acknowledged her but I don't think, in  
15:35:08 5 fact I'm certain I wouldn't have discussed or got into any  
15:35:12 6 discussion relating to, you know, the events of that day.  
15:35:16 7  
15:35:16 8 In any event had there been discussion of any significance  
15:35:20 9 it would have been noted I take it in your diary, is that  
15:35:23 10 right?---It would be usual for me to do that, yes.  
15:35:26 11  
15:35:29 12 You last had communication with Ms Gobbo I think you say on  
15:35:37 13 14 April 2004?---Yes.  
15:35:47 14  
15:35:49 15 Was there any reason for that contact, aside from her  
15:35:53 16 calling you to say that she wasn't representing Abby  
15:35:56 17 Haynes?---No, that was it.  
15:35:58 18  
15:35:58 19 Did you contact her or did she contact you? Perhaps your  
15:36:07 20 day book entry may be of assistance. If you don't know or  
15:36:29 21 if it's not apparent - - - ?---Sorry, what day was it  
15:36:46 22 again?  
15:36:46 23  
15:36:46 24 It was 14 April 2004?---It doesn't indicate whether I rang  
15:36:56 25 her or she rang me but my suspicion is that she rang me.  
15:37:07 26  
15:37:08 27 Yes, thanks very much.  
15:37:10 28  
15:37:10 29 COMMISSIONER: Thank you. Any cross-examination?  
15:37:15 30  
15:37:15 31 MS O'GORMAN: Commissioner, I reserve the position for the  
15:37:19 32 DPP and obtain instructions.  
15:37:21 33  
15:37:21 34 COMMISSIONER: Yes, that's noted, Ms O'Gorman.  
15:37:25 35 Mr Collinson.  
15:37:26 36  
15:37:27 37 MR COLLINSON: Commissioner, we don't have any present  
15:37:29 38 intention of cross-examining this witness but I'm conscious  
15:37:32 39 we haven't seen a lot of the statements. I've been  
15:37:36 40 helpfully given access to them just in the last half hour  
15:37:39 41 but we haven't really had a chance to consider them so we  
15:37:43 42 might just reserve our position if we might.  
15:37:45 43  
15:37:46 44 COMMISSIONER: Yes. Ms Enbom?  
15:37:46 45  
15:37:47 46 MS ENBOM: No re-examination.  
15:37:47 47

15:37:47 1 COMMISSIONER: I take it no re-examination, Mr Winneke?  
15:37:51 2  
15:37:51 3 MR WINNEKE: I have none, save I perhaps should have  
15:37:55 4 tendered the transcript of the record of interview.  
15:37:57 5  
15:37:57 6 COMMISSIONER: Yes, between Mr Dale and Mr Gregor of 5  
15:38:01 7 December 2003, Exhibit 134.  
15:38:05 8  
9 #EXHIBIT RC134 - Record of interview between Mr Dale and  
15:38:06 10 Mr Gregor 5/12/03.  
15:38:06 11  
15:38:07 12 COMMISSIONER: Thank you very much, Mr Gregor, you're free  
15:38:08 13 to go. It's possible you may need to be recalled later but  
15:38:14 14 you might be lucky, thank you.  
15 15  
15:38:17 16 <(THE WITNESS WITHDREW)  
15:38:18 17  
15:38:19 18 MS ENBOM: Commissioner, that last exhibit, may I ask that  
15:38:21 19 be marked confidential because I've not seen it.  
15:38:24 20  
15:38:24 21 COMMISSIONER: Until you've had an opportunity, yes, it  
15:38:27 22 will go on to the list. It can be marked confidential for  
15:38:33 23 the time being. Right, are there a few housekeeping things  
15:38:36 24 to tidy up?  
15:38:37 25  
15:38:38 26 MS ENBOM: Yes, I have a couple, Commissioner.  
15:38:40 27  
15:38:41 28 COMMISSIONER: Yes.  
15:38:41 29  
15:38:41 30 MS ENBOM: The first matter is Neil Paterson's statement.  
31  
32 COMMISSIONER: Yes.  
33  
15:38:46 34 MS ENBOM: I'm instructed that on 5 April a version of that  
15:38:50 35 statement was sent to the Royal Commission for uploading on  
15:38:53 36 to the website. So subject to any redactions that need to  
15:38:58 37 be made as a result of pseudonyms that might have been,  
15:39:02 38 pseudonym orders made since 5 April, as I understand it  
15:39:06 39 that statement is able to go up on to the website.  
15:39:09 40  
15:39:10 41 COMMISSIONER: I thought that the redactions suggested  
15:39:12 42 though depended on some affidavit material coming from  
15:39:17 43 Mr Paterson about it.  
15:39:19 44  
15:39:19 45 MS ENBOM: I'll just get some instructions.  
15:39:21 46  
15:39:21 47 COMMISSIONER: And that has not arrived and that has been

15:39:24 1 requested for some time.  
15:39:25 2  
15:39:25 3 MS ENBOM: I'm instructed that the statement in its current  
15:39:28 4 form can go on to the website.  
15:39:29 5  
15:39:29 6 COMMISSIONER: Yes, I know but apparently it has large  
15:39:32 7 chunks of redactions on it in relation to - - -  
15:39:37 8  
15:39:37 9 MS ENBOM: Okay, I'll need to find out then.  
15:39:40 10  
15:39:41 11 COMMISSIONER: The Commission was waiting for an affidavit  
15:39:43 12 from Mr Paterson justifying those large redacted chunks.  
15:39:47 13  
15:39:48 14 MS ENBOM: Right.  
15:39:49 15  
15:39:49 16 COMMISSIONER: About organisational procedure and so forth.  
15:39:51 17  
15:39:51 18 MS ENBOM: Right. I will have a look into that.  
15:39:53 19  
15:39:54 20 COMMISSIONER: Thanks very much.  
15:39:55 21  
15:39:55 22 MS ENBOM: The 80 attachments - - -  
15:39:57 23  
15:39:57 24 COMMISSIONER: I suppose it can go up for what it's worth  
15:40:00 25 at the moment, so thanks for that.  
15:40:02 26  
15:40:02 27 MS ENBOM: In its current form. There are 80 attachments,  
15:40:05 28 roughly 80, and I understand the PII review of those 80  
15:40:09 29 attachments is almost complete. I'm told 99 per cent  
15:40:13 30 complete, will be completed this weekend.  
15:40:17 31  
15:40:17 32 COMMISSIONER: It may be that those matters need also to be  
15:40:20 33 covered in the affidavit, I don't know.  
34  
35 MS ENBOM: Yes.  
36  
15:40:21 37 COMMISSIONER: But if they're large chunks of redactions  
15:40:24 38 they probably would.  
15:40:25 39  
15:40:25 40 MS ENBOM: Yes, that sounds sensible. I'll look into that  
15:40:29 41 as well.  
15:40:29 42  
15:40:30 43 COMMISSIONER: So look into that, yes, in case.  
15:40:30 44  
15:40:30 45 MS ENBOM: And then the other matter is the transcript of  
15:40:32 46 open hearings.  
15:40:33 47



15:40:33 1 COMMISSIONER: Yes.  
15:40:34 2  
15:40:35 3 MS ENBOM: Something must have gone wrong in relation to  
15:40:37 4 the transcript for the 8th because we got that yesterday  
15:40:40 5 for the first time, so I'm not sure what, obviously there  
15:40:45 6 has been a problem there, I don't know what it is.  
15:40:48 7  
15:40:48 8 COMMISSIONER: You can't be blamed for that one.  
15:40:50 9  
15:40:50 10 MS ENBOM: The transcript for the 9th and the 10th, that  
15:40:53 11 has been reviewed and comments were prepared. They've  
15:40:59 12 either been sent or in the process of being sent, so  
15:41:02 13 they've been reviewed, then the transcript for the 15th,  
15:41:07 14 comments have now been provided. And the transcript for  
15:41:13 15 yesterday has been received and we'll provide comments  
15:41:16 16 today in relation to that.  
15:41:17 17  
15:41:17 18 COMMISSIONER: Thank you.  
15:41:20 19  
15:41:21 20 MS ENBOM: There was then the matter Mr Chettle raised  
15:41:24 21 yesterday. He wanted access to hard copy materials. So  
15:41:29 22 we've now arranged for the source management log and the  
15:41:35 23 diaries to be available in hard copy for inspection at  
15:41:40 24 Victoria Police's offices and I have communicated that to  
15:41:43 25 Mr Chettle and we've made the same offer to Ms Gobbo's  
15:41:47 26 legal team.  
15:41:49 27  
15:41:49 28 COMMISSIONER: Thank you.  
15:41:50 29  
15:41:50 30 MS ENBOM: The PII review of those materials, so the log is  
15:41:54 31 360 pages. It is in the process of being reviewed for PII  
15:42:02 32 but I think that's going to take a bit of time given the  
15:42:05 33 size of it. And - - -  
15:42:07 34  
15:42:07 35 COMMISSIONER: Maybe get the handlers to do it at the same  
15:42:10 36 time as they're reading it.  
15:42:13 37  
15:42:13 38 MS ENBOM: Yes, well that would be efficient. And the  
15:42:16 39 other bit of news is that the PII review of the ICRs and  
15:42:21 40 IRs is well underway and I'm told that if the people who  
15:42:26 41 are doing that work are able to focus on that they could  
15:42:30 42 complete it in the next couple of weeks, but it really just  
15:42:34 43 depends on how many other things we're throwing at them -  
15:42:36 44 I'm throwing at them and others on this team are throwing  
15:42:39 45 at them, but it's underway.  
15:42:41 46  
15:42:42 47 COMMISSIONER: Again, they are the ICRs and IRs that would

15:42:46 1 be relevant to the handlers.  
15:42:47 2  
15:42:47 3 MS ENBOM: Yes.  
15:42:47 4  
15:42:48 5 COMMISSIONER: So it might be possible to utilise the  
15:42:50 6 handlers to do that at the same time as they're preparing  
15:42:54 7 their statements. It's just an idea.  
8  
9 MS ENBOM: Yes.  
10  
15:42:54 11 COMMISSIONER: It might help with the person power.  
15:42:58 12  
15:42:58 13 MS ENBOM: Yes, I'll raise that with Mr Chettle. They're  
15:43:01 14 the only matters I had, Commissioner.  
15:43:03 15  
15:43:04 16 COMMISSIONER: Just while you're on your feet, I got my  
15:43:10 17 associate to pull out the orders which I think you were  
15:43:12 18 talking about. I don't know that they help us that much.  
15:43:16 19 I think she might be able to give you a copy. I think that  
15:43:17 20 was probably the idea but they're not entirely clear.  
15:43:22 21  
15:43:23 22 MS ENBOM: Yes. It was my idea but I probably drafted it  
15:43:27 23 in a clumsy way.  
15:43:28 24  
15:43:28 25 COMMISSIONER: It covers some situations. Look at 27  
15:43:34 26 March, order 2 I think probably was the one you were  
15:43:37 27 looking at.  
15:43:38 28  
15:43:38 29 MS ENBOM: Yes, that's the one.  
15:43:39 30  
15:43:39 31 COMMISSIONER: In the event that an objection is taken  
15:43:42 32 during oral evidence, a claim of public interest immunity  
15:43:45 33 is made, an application for an in camera or non-publication  
15:43:52 34 order is made, that part of the hearing not be published  
15:43:53 35 until further order. That deals with the making of the  
15:44:05 36 application but it doesn't really deal with the order. So  
15:44:12 37 the order would still need to be - if you're successful and  
15:44:19 38 the application was upheld.  
15:44:20 39  
15:44:20 40 MS ENBOM: Yes.  
15:44:21 41  
15:44:21 42 COMMISSIONER: Then that order still has to be made and  
15:44:25 43 posted on the hearing room door.  
15:44:28 44  
15:44:29 45 MS ENBOM: The intention was that if I was to jump and make  
15:44:34 46 the claim of public interest immunity and then you,  
15:44:41 47 Commissioner, upheld that claim and it was removed from the

15:44:46 1 transcript, then that part of the hearing, that is the -  
15:44:52 2 that part of the hearing is supposed to be a reference to  
15:44:54 3 me jumping up and making the application and the  
15:44:57 4 submissions. Then that part would be - - -  
15:44:59 5  
15:44:59 6 COMMISSIONER: That part is covered but the next part  
15:45:01 7 isn't.  
15:45:02 8  
15:45:02 9 MS ENBOM: That part would not be published.  
10  
15:45:05 11 COMMISSIONER: Yes, that part is covered by what you say in  
15:45:07 12 the event that you make the application.  
15:45:09 13  
15:45:09 14 MS ENBOM: Yes, I see what you mean.  
15:45:10 15  
15:45:10 16 COMMISSIONER: If you are successful and the order is made  
15:45:13 17 it doesn't cover it beyond that point and it is the order  
15:45:16 18 under the Act which has to be put on the door. So every  
15:45:18 19 time there's an order it does have to be put on the door  
15:45:23 20 and I don't know we can get over that.  
21  
22 MS ENBOM: That may be right.  
23  
15:45:26 24 COMMISSIONER: But if you think of a way I'm certainly very  
15:45:29 25 happen to hear.  
15:45:30 26  
15:45:30 27 MS ENBOM: Yes. I'll have a think about that, yes.  
15:45:33 28  
15:45:33 29 COMMISSIONER: It also doesn't cover closed hearings. And  
15:45:44 30 the same, there's a paragraph 2 put in on the order of 3  
15:45:49 31 April that's sort of a slightly refined version of your  
15:45:54 32 paragraph 2 on the other order. But again that doesn't  
15:45:58 33 cover it. I was thinking that perhaps something like this,  
15:46:02 34 in the event that an order is made under the *Inquiries Act*  
15:46:05 35 that the hearing be closed to the public, then until the  
15:46:08 36 hearing is reopened to the public or further order:  
15:46:14 37 1. All persons not permitted to remain in the hearing  
15:46:18 38 room must leave the hearing room.  
15:46:21 39 2. The streaming of the hearing is suspended.  
15:46:24 40 3. There be no publication of what transpires in the  
15:46:29 41 closed hearing.  
42  
15:46:30 43 But then under the *Inquiries Act* you are supposed to  
15:46:33 44 then make each particular order to be posted on the hearing  
15:46:37 45 room door and I just don't know how we would get around  
15:46:40 46 that.  
15:46:41 47

15:46:41 1 MS ENBOM: It might not be sufficient just to put that,  
15:46:44 2 keep that on the door.  
15:46:45 3  
15:46:45 4 COMMISSIONER: No. So I think we might have to persevere  
15:46:51 5 with the rather clumsy fumbling orders that are being made  
15:46:56 6 on the run.  
15:46:58 7  
15:46:58 8 MS ENBOM: Yes. I'll have a closer look at those and what  
15:47:01 9 - - -  
15:47:01 10  
15:47:02 11 COMMISSIONER: If you get a chance, you have a few other  
15:47:06 12 pressing things to do, I appreciate that. I just thought  
15:47:11 13 I'd raise that, if anyone has any ideas how we can make an  
15:47:16 14 order that will encompass everything well then I'm happy to  
15:47:17 15 listen to it, but because each order seem to be under the  
15:47:20 16 *Inquiries Act* and required to be put on the hearing room  
15:47:22 17 door it may not be possible.  
15:47:23 18  
15:47:24 19 MS ENBOM: Thank you, Commissioner.  
15:47:26 20  
15:47:26 21 COMMISSIONER: Thank you. The next matter, I don't know  
15:47:28 22 whether Mr Mokbel's application is - Mr Kyriakou.  
15:47:39 23  
15:47:40 24 MS McCUDDEN: Ms McCudden appearing.  
15:47:42 25  
15:47:42 26 COMMISSIONER: Yes, have we made any progress on that or  
15:47:45 27 will it need more time?  
15:47:47 28  
15:47:47 29 MS McCUDDEN: Should I check if this is a closed hearing, I  
15:47:51 30 understand the application was made in closed hearing.  
15:47:53 31  
15:47:53 32 COMMISSIONER: It was made in a closed hearing, yes. It  
15:47:56 33 was made in a closed hearing and is this a closed hearing  
15:48:00 34 where it would be suitable for the press to be present and  
15:48:03 35 have a non-publication order so that they understand what  
15:48:08 36 it's about?  
15:48:09 37  
15:48:10 38 MS McCUDDEN: I should say that my preliminary position is  
15:48:15 39 Mr Maidment has asked me to convey something, he was aware  
15:48:18 40 of the application and as a matter of caution I would  
15:48:20 41 suggest possibly not.  
15:48:23 42  
15:48:23 43 COMMISSIONER: All right then. Before we go into closed  
15:48:25 44 hearing is there anything else we need to deal with in  
15:48:28 45 opening hearing today, perhaps plans for next week,  
15:48:31 46 Mr Winneke?  
15:48:35 47

15:48:35 1 MR WINNEKE: Commissioner, at this stage there are some  
15:48:38 2 issues with respect to witnesses next week. There is a  
15:48:47 3 real question as to whether or not we can deal with  
15:48:50 4 witnesses publicly. There are a couple of witnesses who we  
15:48:53 5 would like to call but there's problems with respect to  
15:48:55 6 suppression orders. We would like to have these witnesses  
15:48:59 7 dealt with in public but because of the nature of the  
15:49:04 8 evidence they give and some of the things they talk about,  
15:49:06 9 there is a real practical difficulty in doing any,  
15:49:10 10 recording any of that evidence in public. So at the moment  
15:49:16 11 I'm not in a position to say to the Commission that those  
15:49:19 12 witnesses - I'm being a bit cryptic I suppose, we'd like to  
15:49:24 13 call Mr Bateson and Mr Swindells to give evidence and  
15:49:35 14 potentially Mr Buick, but there are problems - and we'd  
15:49:39 15 like to have them give evidence in public, but there are  
15:49:43 16 problems we've got in relation to those witnesses which we  
15:49:45 17 are working through.

15:49:45 18  
15:49:46 19 COMMISSIONER: Because of suppression orders.

15:49:47 20  
15:49:47 21 MR WINNEKE: Because of suppression orders, yes, and we're  
15:49:48 22 having to go to the Supreme Court and potentially deal with  
15:49:53 23 that. It won't be done by Monday.

15:49:55 24  
15:49:55 25 COMMISSIONER: No, no, so other parties need to be served  
15:50:00 26 and it's time consuming too.

15:50:02 27  
15:50:03 28 MR WINNEKE: It is. We're left with some other witnesses  
15:50:05 29 and there's a bit of uncertainty about those. Perhaps I  
15:50:08 30 can't make any promises at the moment, perhaps I might just  
15:50:11 31 leave it at that. I apologise for that.

15:50:16 32  
15:50:17 33 COMMISSIONER: We'll adjourn until Monday but we're not  
15:50:19 34 sure whether we'll - - -

15:50:21 35  
15:50:21 36 MR WINNEKE: That's the size of it.

15:50:22 37  
15:50:23 38 COMMISSIONER: Yes. Yes, all right then. Okay, and well  
15:50:27 39 there being nothing else to deal with in the public session  
15:50:31 40 I'll now close the hearing, private session. I'm satisfied  
15:50:37 41 under the *Inquiries Act* that it's necessary to close the  
15:50:43 42 hearing and all people other than the legal representatives  
15:50:52 43 and counsel assisting the Commission are now required to  
15:50:55 44 leave the hearing and there's no streaming of the hearing  
15:51:03 45 and publication of what occurs in the hearing at this point  
15:51:09 46 is prohibited and I order that a copy of this order be  
15:51:15 47 placed on the hearing room door and of the hearing room

15:51:19 1 doors of the hearing rooms to which this proceeding is  
15:51:25 2 ordinarily streamed.  
15:51:30 3 (IN CAMERA PROCEEDINGS FOLLOW)

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UPON RESUMING IN OPEN HEARING:

COMMISSIONER: We'll adjourn at this stage optimistically until ten o'clock on Monday.

ADJOURNED UNTIL MONDAY 20 MAY 2019