

1 UPON RESUMING IN OPEN COURT:
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11:33:22 3 COMMISSIONER: Mr Hill.
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11:33:23 5 MR HILL: Commissioner, could I please correct the position
11:33:26 6 conveyed by me of the State's position on the last
11:33:28 7 application just ruled on?
11:33:29 8
11:33:29 9 COMMISSIONER: Yes.
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11:33:30 11 MR HILL: The State makes no substantive submission on that
11:33:34 12 application. I apologise for that error.
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11:33:35 14 COMMISSIONER: Thank you, Mr Hill, and I'll correct my
11:33:37 15 reasons accordingly.
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11:33:39 17 MR HILL: If the Commission pleases.
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11:33:40 19 COMMISSIONER: So no substantive submissions whatsoever?
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11:33:45 21 MR HILL: Exactly.
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11:33:46 23 COMMISSIONER: Thank you. Yes, Mr Winneke.
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11:33:50 25 MR WINNEKE: Commissioner, we're ready to resume the
11:33:52 26 evidence of Mr Dale.
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11:33:55 28 COMMISSIONER: Yes.
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11:16:53 30 <PAUL DALE, recalled:
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11:34:07 32 MR WINNEKE: Thanks, Mr Dale. When you were last here, I
11:34:10 33 was asking you about an exchange of messages and
11:34:16 34 communications that you had with Mr Argall on 5 November
11:34:26 35 and we were dealing with that particular exchange. As I
11:34:35 36 said to you previously, there's evidence that on that day,
11:34:39 37 Hodson had met with Ms Gobbo at the Domino's café from
11:34:43 38 about 3.15 to 4 .15, about 15 minutes before you get the
11:34:48 39 message from Argall. You recall the discussion or the
11:34:52 40 communications I was talking about?---The ones you showed
11:34:55 41 me the other day?
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11:34:56 43 Yes?---Yes.
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11:34:57 45 All right. Now, there's also evidence to the effect that -
11:35:10 46 at least there's evidence to suggest that you were aware
11:35:13 47 that Gobbo was going to meet with Hodson on 5 November. Do

11:35:21 1 you say you were or were not aware that Gobbo was going to
11:35:24 2 meet with Hodson?---I don't believe I would have been
11:35:31 3 aware, no.
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11:35:32 5 Because Gobbo had said that you had sent her a message to
11:35:37 6 the effect - along these lines, "Give my best to you know
11:35:41 7 who." Have you heard that before?---I think I've heard
11:35:44 8 that before. I have said that to her, yeah. Whether it
11:35:47 9 was then or not, I'm not sure, but I certainly have said to
11:35:50 10 her to pass on my best to him.
11

11:35:55 12 Right. And you would say if that was said by you - why
11:35:59 13 would you have done that?---I guess because we'd been
11:36:05 14 working together - when I say working together, I'd been
11:36:08 15 his handler for some time and, like I said, we'd been in
11:36:14 16 some pretty seriously dangerous situations in operations
11:36:20 17 that sort of went a little bit left of field, not quite to
11:36:23 18 plan, so we'd gone through a lot together. I'd built a
11:36:29 19 friendship with him and although at that point in time it
11:36:34 20 appeared he'd done a - committed a serious crime against an
11:36:40 21 operation that I was conducting, I still have human
11:36:44 22 feelings and, yeah, I passed - I said - passed on my best
11:36:50 23 to him, I can't have any contact with him, he's now in the
11:36:55 24 hands of the court system, type thing.
25

11:36:57 26 Right. What you say, though, is it was your understanding
11:37:01 27 that Gobbo was, in effect, trying to facilitate a meeting
11:37:05 28 between you and Hodson?---Yeah. Look, she contacted me at
11:37:09 29 one stage - I still remember her contacting me at one
11:37:13 30 stage, telling me to get to a phone box, ring Terry on this
11:37:17 31 number, or it was to ring her on a number, I can't remember
11:37:21 32 how exactly that panned out, but she certainly asked me to
11:37:24 33 contact Terry from a phone box, yeah, and I didn't do that.
34

11:37:33 35 What did you think about that suggestion that she made to
11:37:37 36 you?---I thought at the time - I knew Terry clearly was a
11:37:44 37 professional police informer, basically, he was almost a
11:37:49 38 full-time police informer at that stage, and very good at
11:37:54 39 manipulating situations and hence the reason why a lot of
11:37:57 40 our operations were so successful, because he was able to
11:38:01 41 manipulate his way into positions of trust. To me, I had a
11:38:08 42 feeling that he would manipulate his way into a position to
11:38:14 43 better his position, if you know what I mean.
44

11:38:18 45 Yes?---He certainly wouldn't have wanted to do the gaol
11:38:21 46 time that he was facing. He would be the type of person
11:38:25 47 that would try and implicate anyone to try and help his own

11:38:31 1 position. So I was paranoid. I was certainly conscious of
11:38:38 2 the fact that if I had any contact with him, quite
11:38:45 3 potentially he'd be trying to implicate me, on behalf of
11:38:49 4 ESD, or whoever the investigators were.
5
11:38:52 6 I take it you were aware that he had, through Gobbo,
11:38:59 7 approached ESD, Peter De Santo?---Yes.
8
11:39:05 9 That's something that Gobbo had told you?---Yes.
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11:39:08 11 Do you believe that that's what she had told you when you
11:39:12 12 met her on 9 October, if you accept that that's what
11:39:16 13 occurred at O'Connell's Hotel, or thereabouts?---Yeah,
11:39:21 14 whether it was that day - I had a lot of contact with
11:39:23 15 Nicola through that period, so when exactly she told me
11:39:26 16 that, but, yeah, she certainly told me that herself and
11:39:32 17 Andrew had approached her. I think it's in the statement
11:39:34 18 about the fact that they were quite drug affected or
11:39:37 19 alcohol affected and they were - - -
20
11:39:40 21 You recall that because you mentioned that in your
11:39:42 22 statement?---Correct, yeah, she certainly told me that, and
11:39:46 23 she certainly told me that they were looking for assistance
11:39:50 24 in regards to how they best deal with De Santo and ESD to
11:39:57 25 get the best outcome for Terry.
26
11:40:03 27 Obviously that would have, if not caused, certainly
11:40:06 28 contributed to your concern that it may well be that at
11:40:09 29 some stage down the track you'd be on the end of a
11:40:11 30 statement made by Mr Hodson?---Correct.
31
11:40:20 32 The fact that Ms Gobbo was telling you that, did that
11:40:25 33 suggest to you that she was acting in your interests, in
11:40:31 34 Mr Hodson's interests or in Mr De Santo's interests? Is
11:40:35 35 that something that occurred to you one way or the
11:40:38 36 other?---She certainly had my trust and she clearly had the
11:40:46 37 trust of the Hodsons and obviously De Santo as well. Look,
11:40:53 38 in hindsight now, you couldn't trust her, but at the time I
11:40:58 39 totally trusted her, I thought she was a barrister, I can
11:41:02 40 trust her.
41
11:41:05 42 Right. But certainly you're aware also that in addition to
11:41:14 43 those other interests she might have, you'd arrested
11:41:17 44 people, or at least been associated with an investigation
11:41:20 45 for which you'd arrested people for whom she was also
11:41:23 46 acting?---Yes, that's right
11:41:25 47

11:41:25 1 And indeed, you'd been present on 16 October, a couple of
11:41:29 2 weeks previously - or more than a couple of weeks - in
11:41:32 3 which she'd actually made an application for bail on behalf
11:41:36 4 of Abby Haynes?---Yes, correct. I never arrested anyone
11:41:43 5 based on legal professional privileged information coming
11:41:48 6 from Nicola Gobbo, so I never had that conflict with her.
11:41:52 7 My relationship with her was always professional in regards
11:41:55 8 to if I made an arrest, I had no issue or hesitation in
11:42:00 9 recommending her as a lawyer if they didn't have one,
11:42:03 10 because I trusted her to be a proper lawyer at the time,
11:42:08 11 and that was how I dealt with her. I certainly never ever
11:42:11 12 took any information from her and went and charged people
11:42:16 13 based on the information direct from her from them. I knew
11:42:28 14 that's unethical and the wrong thing to do.

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11:42:31 16 Did it occur to you, though, if you're saying that you
11:42:34 17 thought she was representing your interests, in
11:42:36 18 circumstances where you're aware that she seemed to have a
11:42:39 19 whole lot of other interests which might or might not be
11:42:41 20 contrary to your own, it might give you some real concern
11:42:44 21 about who in fact she was acting for, or whose side she was
11:42:51 22 on?---Yeah, good point. I must say I didn't have any
11:43:07 23 concerns. A little bit like, unfortunately, what did -
11:43:12 24 what was happening with VicPol at the time, I probably did
11:43:17 25 see the opportunity and, you know, the pot of gold there in
11:43:23 26 her to possibly go down that path and use her in that way,
11:43:27 27 manipulate her in that way, like VicPol did, but no, I
11:43:34 28 guess I was only ever concerned about my own interests at
11:43:37 29 the time so I had faith in her doing the right thing as a
11:43:40 30 barrister.

31
11:43:43 32 You say that, but, I mean, the reality is you'd expect that
11:43:47 33 a barrister, to put it in the vernacular, is on your side
11:43:51 34 and on no-one else's side?---Yeah, but, again, I've had a
11:43:57 35 lot of dealings with Tony Hargraves over the years and I've
11:44:01 36 had to watch Tony Hargraves represent people that I've had
11:44:05 37 dealings with that I've charged or had those types of
11:44:08 38 dealings with too. Then I go to Tony and he's represented
11:44:14 39 me as well. So you do have to - I used to put faith in the
11:44:19 40 fact that our judicial system had that ability - barristers
11:44:24 41 and solicitors had the ability to know where the line is
11:44:28 42 drawn in regards to client privilege and police knew the
11:44:34 43 line too, but obviously that line was completely taken out
11:44:38 44 of context when we come to Nicola and the way Victoria
11:44:43 45 Police used - the people that - I keep saying Victoria
11:44:47 46 Police. I don't mean that as a generalisation, I mean that
11:44:50 47 as the senior officers that directed what occurred with

11:44:55 1 Nicola Gobbo, they're the people that are accountable for
11:44:58 2 this.
3

11:45:02 4 At any meetings that you had with Ms Gobbo between the
11:45:06 5 Dublin Street burglary and your arrest on 5 December, at
11:45:11 6 any of those meetings did you see her taking note or
11:45:15 7 writing down information that you'd conveyed to her?---No,
11:45:18 8 not a lot. She did have a diary with her quite a lot.
11:45:25 9 There wasn't a lot of sitting there writing notes, no,
11:45:28 10 there wasn't, but definitely had her diary there regularly,
11:45:33 11 yes.
12

11:45:37 13 She says that you told her when you met with her - I think
11:45:40 14 it was on 15 October - and I asked you about this last
11:45:45 15 time, this is the second occasion you meet her at
11:45:48 16 O'Connell's Hotel. She says in her statement that you told
11:45:51 17 her that you'd make a note in your diary of meeting her.
11:45:55 18 Do you accept that that's what you said to her?---Look, I
11:45:58 19 don't recall saying that but I've certainly seen in my
11:46:02 20 diary that I've made a note.
21

11:46:04 22 If you did say that, and what you say is you can't recall,
11:46:10 23 but if you said that, can you think of a reason why you
11:46:12 24 would say that to her?---Well, I guess, you know, you're
11:46:20 25 right, she was dealing with ESD, she was dealing with Terry
11:46:25 26 and Andrew Hodson, she's dealing with a lot of people that
11:46:29 27 I just recently was involved in charging, so I guess I
11:46:36 28 still wanted to maintain that openness to Victoria Police
11:46:42 29 at the time, I guess, as to why I would have been meeting
11:46:45 30 with Nicola Gobbo.
31

11:46:46 32 Okay. What you accept is that - it appears to be apparent
11:46:59 33 that you communicate with her on your personal mobile
11:47:04 34 phone, the mobile phone that you've had - you'd had for a
11:47:07 35 long time. You may still have that number?---No.
36

11:47:11 37 No?---No.
38

11:47:12 39 But certainly you communicated with her on that and on her
11:47:17 40 phone, professional phone, the one that she used for
11:47:20 41 business?---Yes.
42

11:47:21 43 You accept that?---Yes.
44

11:47:22 45 It appears, though, certainly at some stage you
11:47:27 46 communicated with her on a phone which was other than that
11:47:31 47 phone?---Yes.

1
11:47:33 2 And it may well be that you used a phone other than your
11:47:38 3 own phone, your personal phone that you used for work - for
11:47:43 4 your day-to-day activities?---Yes.
5
11:47:48 6 When do you think it was that you commenced using
11:47:53 7 alternative phones to communicate with Ms Gobbo?---I would
11:47:59 8 have had my personal phone, as we've discussed, I would
11:48:02 9 have had a work phone, 24/7 as well, and I had another
11:48:12 10 phone - or other phones for a period of time prior to -
11:48:21 11 well and truly prior to Dublin Street and that type of
11:48:28 12 thing. I don't recall exact timeframes, sorry, no.
13
11:48:33 14 You don't?---No.
15
11:48:34 16 Would it have been between the Dublin Street burglary and
11:48:40 17 your arrest?---No, no, well before.
18
11:48:41 19 Well before?---Well before, yes.
20
11:48:43 21 But in terms of your communication with Gobbo?---Yes.
22
11:48:46 23 When did you first start using, if you can recall, a phone
11:48:52 24 other than your own personal phone?---No, I don't recall,
11:48:56 25 sorry.
26
11:48:58 27 Do you recall arranging or getting an Orange phone, if you
11:49:05 28 like, that is a phone which was operated by the Orange
11:49:09 29 phone company?---I do remember getting an Orange phone,
11:49:12 30 yes.
31
11:49:13 32 Is there a reason why you got an Orange phone?---It was the
11:49:16 33 cheapest on the market
34
11:49:18 34
11:49:19 35 Did they have SIM cards?---I'm not a hundred per cent sure.
11:49:24 36 I'm sure I got one for myself and my wife and then when we
11:49:29 37 moved to the country, the Orange network didn't work up in
11:49:32 38 the country so we had to go and get new phones, but there
11:49:36 39 was - yeah, they were the cheapest on the market in regards
11:49:39 40 to call costs and different things, so there was no other
11:49:43 41 reason than that for an Orange phone.
11:49:46 42
11:49:46 43 All right. Now, there's evidence that on 7 November, Gobbo
11:49:52 44 sends you an SMS, "Sorry. Was on the phone. Awaiting your
11:50:00 45 call. At home." And then she gives a telephone number
11:50:03 46 ending in 44. Do you have anything to say about that? Did
11:50:09 47 you know about that communication?---Not while I sit here,

11:50:14 1 no, not without some sort of - but even then, I don't, no.
2
11:50:22 3 What you'd say is, "I was communicating with her"?---Yes,
11:50:26 4 correct.
5
11:50:26 6 But the point that might be made about this is if there was
11:50:30 7 no other telephone calls around immediately before or
11:50:33 8 afterwards, it might suggest that there was communications
11:50:38 9 going on between you two on phones that weren't your
11:50:41 10 regular phones?---Absolutely.
11
11:50:42 12 Do you accept that that is conceivable, that that might
11:50:45 13 have occurred?---Yes.
14
11:50:46 15 And are you able to offer a reason for why you might have
11:50:50 16 done that?---She advised me to do that.
17
11:50:54 18 To use - - -?---She advised me to use a phone that she
11:50:58 19 thought would not be recorded. She told me to contact her
11:51:00 20 on numbers that she felt weren't recorded. She was
11:51:05 21 paranoid herself in regards to people listening to her
11:51:11 22 calls.
23
11:51:12 24 Do you accept that you would have spoken to her about
11:51:16 25 that?---Yes.
26
11:51:17 27 You accept, I take it, certainly at one stage, and
11:51:20 28 potentially by 7 November, you would have been concerned
11:51:23 29 yourself that you were under investigation?---Yes.
30
11:51:25 31 And that it might be a prudent thing for you to do?---Yes.
32
11:51:29 33 Speak to her on a phone that might not be being listened
11:51:32 34 to?---Yes.
35
11:51:38 36 Was that, do you think, because of your activities or your
11:51:40 37 concerns or her concerns?---It was the legal advice I got
11:51:45 38 from her. I followed it.
39
11:51:48 40 But a concern about her being listened to or you being
11:51:51 41 listened to?---Yeah, no, both - well more for me.
42
11:51:55 43 For you?---Yeah, sorry.
44
11:51:59 45 Did you know at that stage that she was representing people
11:52:02 46 like Tony Mokbel and other reasonably heavy
11:52:07 47 criminals?---Yes.

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Did she ever tell you that she was provided phones by them so as she could communicate with them without being concerned about being listened to?---I'm not sure. I'm trying to think whether she told me that. I've certainly been told that, but I don't know whether it came from her or a different source, that that's what she was doing.

Now, in addition to her acting for those people in a professional way, was it your understanding - or did she tell you that on occasions she met with the likes of Mokbel and socialised with them?---Yes.

That was your understanding?---Yes.

In late 2003, before you were arrested?---Yeah. I guess it's a bit blurred now whether it was before, because clearly afterwards a lot more media reports have come out and I've seen photos, obviously, of her at functions and there's been a lot more public information come out so I can't really remember whether before I was arrested and things like that, whether I was fully aware of that. There was certainly a lot of media stuff around at the time about her and representing Mokbel and different guys.

Were you aware, around that time that she was representing - or did come to represent Carl Williams in circumstances where it was alleged that Carl Williams had made a threat against Stuart Bateson, a Purana Detective?---I'm certainly aware she was representing Carl Williams and had a pretty close relationship with Carl Williams. The threats against Stuart Bateson, who I used to work with and was quite friendly with, I only became aware of all that through the media I'm pretty sure. I think I was out of the police at that stage, maybe.

I think the evidence is that Williams was arrested a few days before 5 December, when you were arrested, and the bail application was a few days before you were arrested?---Okay. So I was still in the coppers, yeah.

17 November arrested and bail application I think was made a number of days - he was certainly out at or about the time that you were in custody because there was some sort of christening event that Gobbo attended?---Yeah. They'd be the photos we've seen, yep.

11:55:20 1 So I take it assuming that's the case, that there's
11:55:23 2 publicity about that at the time, that Williams has been
11:55:27 3 arrested, media publicity about that, and you would have
11:55:41 4 been aware that she was acting for him at that
11:55:44 5 stage?---Yes.
6
11:55:44 7 It's suggested - Gobbo suggests, in her statement, I think,
11:55:49 8 that she and you had a discussion whilst you were in
11:55:53 9 custody and she said that she was going to attend the
11:55:57 10 christening event at the casino. Were you aware that she
11:56:03 11 was going to do that?---I can't recall that conversation,
11:56:08 12 no
11:56:08 13
11:56:09 14 She asserts in her statement that you said you would have
11:56:14 15 gone but for the fact that you were holed up?---I was
11:56:19 16 probably unable to attend, yes.
17
11:56:21 18 Do you think you would have said that to her and had you
11:56:24 19 been out, would you have gone to the christening?---I might
11:56:28 20 have said that in a joking way. I was in solitary
11:56:31 21 confinement so it might have been said as a joke, but I
11:56:34 22 certainly wouldn't have attended.
23
11:56:37 24 Had you been invited?---No.
25
11:56:39 26 Had you known and had you spoken to Williams at that
11:56:43 27 stage?---No.
28
11:56:45 29 Can I ask you a couple of questions about Mr Argall. You
11:56:50 30 know Mr Argall?---Yes.
31
11:56:52 32 I take it you watched Mr Argall's evidence, did you?---Only
11:56:57 33 bits. Most of the day - was it yesterday or the day
11:57:01 34 before? - it was mostly - - -
35
11:57:02 36 I can't even recall now?---Yeah, I was working. I saw bits
11:57:06 37 and pieces.
38
11:57:06 39 Tuesday I think it was?---I missed most of it.
40
11:57:10 41 When was the last time you spoke to Tim Argall?---I think
11:57:17 42 we were trying to put a date to that there the other day.
11:57:21 43 I think his words were about 10 years, or thereabouts,
11:57:25 44 which would be close enough to that. I would have
11:57:27 45 maintained contact but Vic Police made it quite clear to
11:57:33 46 their members that none of them were to maintain contact
11:57:36 47 with me.

1
11:57:42 2 Obviously Mr Argall maintains that he sought some legal
11:57:47 3 advice from Ms Gobbo at some stage between the period of
11:57:51 4 the Dublin Street burglary and your arrest. Did you know
11:57:56 5 about that?---No.
6
11:57:58 7 And he said that on about three occasions he sought legal
11:58:02 8 advice from her. Are you aware of that?---Well, I am now.
11:58:06 9 I didn't realise at the time he had those concerns, to be
11:58:11 10 honest.
11
11:58:13 12 And he also said that on one occasion he believes that he
11:58:18 13 and you went into the city, and both of you for the
11:58:27 14 purposes of getting legal advice from Ms Gobbo, and there
11:58:32 15 was a circumstance whereby there was a meeting at a café,
11:58:36 16 he thought, and both of you got legal advice from Ms Gobbo.
11:58:39 17 What do you say about that proposition?---I'd say that
11:58:42 18 would be highly likely. I was seeking legal advice from
11:58:46 19 Nicola on a regular basis back then, and Tim was someone
11:58:51 20 who was supporting me throughout that period as well, so
11:58:56 21 I'd totally agree.
22
11:59:00 23 Do you recall an event - an episode where you did get legal
11:59:05 24 advice from her in a café, whether it be the Wheat café, do
11:59:11 25 you know that, down the bottom of her chambers?---Yes,
11:59:13 26 correct, yes, I do.
27
11:59:14 28 Do you say you recall that or not?---Yes, I've met with
11:59:18 29 Nicola at that café on a number of occasions, yes.
30
11:59:22 31 A number of occasions when? Do you say that that was
11:59:25 32 between 27 September and 5 December 2003?---No, I can't put
11:59:33 33 specific dates on it. I've met her there on a few
11:59:37 34 occasions with my wife and my mother at one stage, run into
11:59:42 35 her there - when I say run into her, I went to meet her
11:59:46 36 there one time when George and Carl were there with her,
11:59:50 37 and they left and then I sat down with her. That one rings
11:59:55 38 a bell.
39
11:59:56 40 Is that after you left the Police Force?---It would have
12:00:04 41 been after, yes.
42
12:00:05 43 Did you speak to Carl and the father?---I think I said
12:00:11 44 hello as they walked past, yeah.
45
12:00:20 46 You say that you didn't know that Argall was seeking legal
12:00:24 47 advice, is that right, from Gobbo?---No, I didn't. Look,

12:00:31 1 this has come up before. No, I didn't really think that he
12:00:36 2 was seeking legal advice, to be honest. I didn't think he
12:00:38 3 had any reason to seek legal advice, but he says he did.
4
12:00:50 5 You went on leave, I think, for a period of time, you had
12:00:55 6 three weeks off prior to coming back on 5 December, is that
12:00:59 7 right?---Correct.
8
12:01:03 9 Is it the case that you had intended to catch up with
12:01:08 10 Nicola Gobbo after you got back from leave?---I'm not sure.
12:01:16 11 I would have thought I would quite possibly have had
12:01:18 12 contact with her throughout that period, unless I went
12:01:23 13 away.
14
12:01:25 15 Your parents lived in the country at that stage?---Yes.
16
12:01:29 17 And do you recall where you went away to?---No, unless I
12:01:33 18 went away - if I was still in Melbourne through that three
12:01:36 19 week period, I have no doubt I would have had contact with
12:01:40 20 Nicola Gobbo through that period of time. Unless I was
12:01:42 21 overseas and unable to make contact, I would have had
12:01:46 22 contact.
23
12:01:48 24 All right. You were arrested on 5 December?---Yes.
25
12:01:56 26 2003?---Yes.
27
12:02:00 28 The police, Mr Gregor, came to your house, your home
12:02:04 29 address?---Yes.
30
12:02:09 31 And he took you into custody at that stage?---Yes.
32
12:02:12 33 And he took you to where? To ESD - - -?---Yeah, ESD
12:02:19 34 office.
35
12:02:19 36 St Kilda Road?---I don't know if they were at the VPC, is
12:02:24 37 it, then? Flinders Street or somewhere.
38
12:02:28 39 In any event, you don't recall exactly where it was?---No.
40
12:02:31 41 But you were taken either to Flinders Street or St Kilda
12:02:35 42 Road Complex?---Correct.
43
12:02:37 44 At that stage it became apparent to you that someone had
12:02:46 45 made a statement?---Hodson had made a statement, yes.
46
12:02:49 47 When did it become apparent to you that Hodson had made a

12:02:52 1 statement?---Through the process of the interview process
12:02:55 2 it was quite clear.
3
12:03:00 4 During that process you were given the opportunity to
12:03:05 5 contact a solicitor?---Correct.
6
12:03:10 7 Initially you were given your rights and you said, "I've
12:03:17 8 got a friend that's a solicitor" and initially you didn't
12:03:22 9 speak to a solicitor, in the initial stages, is that
12:03:26 10 right?---I don't recall saying, "I've got a friend that's a
12:03:30 11 solicitor", I don't recall using those words, but - - -
12
12:03:32 13 All right. Just let me see if I can - the interview was
12:03:47 14 between you and Murray Gregor and it was interview room
12:04:02 15 number 4, Friday, 5 December. Trevor Mucci was present.
12:04:08 16 Do you know that person?---No.
17
12:04:10 18 At 27 minutes past 7 and you were advised of your rights
12:04:18 19 and you were asked if you wished to obtain legal advice
12:04:21 20 prior to the interview proceeding, and you said "no" and
12:04:27 21 then there was a few more questions and the - 24 said,
12:04:37 22 "Paul, what I intend to do is temporarily suspend the
12:04:39 23 interview and then I will come back and we'll go into it in
12:04:44 24 full." And you say, "No worries. If the interview is
12:04:49 25 going to be suspended for some time, I'm going to be
12:04:52 26 sitting here for some time, I'll ring a solicitor then", is
12:04:56 27 that right?---Yes.
28
12:05:00 29 Just excuse me. And then the interview resumed at about
12:05:08 30 8 am and Mr Gregor says, "All right. And you're happy for
12:05:14 31 the interview to proceed?" At 36 he asked you, "Do you
12:05:21 32 wish to exercise any of these rights before the interview
12:05:23 33 proceeds?" and you say, "No, I've had the legal advice. I
12:05:26 34 know what I'm prepared to say." And Gregor says, "You've
12:05:31 35 had legal advice in relation to this particular matter
12:05:33 36 or?" "No, no. Not this particular, just 15 years of
12:05:37 37 policing, I know where I stand." He says, "All right. Are
12:05:39 38 you happy for the interview to proceed without obtaining
12:05:42 39 any further legal advice or contacting any other person?"
12:05:44 40 and you say, "Yeah, I've got a friend that's a solicitor
12:05:48 41 and I've got - and I deal with solicitors on a daily basis.
12:05:52 42 I've spoken to them about interviews in relation to serious
12:05:55 43 criminal matters. Yes, on every occasion where I've spoken
12:06:00 44 to solicitors in relation to criminal matters, be it other
12:06:03 45 police members being interviewed or criminals being
12:06:06 46 interviewed, the advice has always been the same and that's
12:06:09 47 been no comment." And you then go on to say, "And I'm not

12:06:13 1 saying that I'm going to make no comment, I'm just saying
12:06:16 2 that that's the advice, that's the legal advice that I've
12:06:19 3 always been given in the past." Right?---Yes.
4
12:06:24 5 So if you did say, "I've got a friend that's a solicitor",
12:06:28 6 would you have been referring to any particular
12:06:33 7 person?---Most likely Gobbo.
8
12:06:34 9 Did you have any other friends who were solicitors or
12:06:42 10 barristers?---No, nothing off the top of my head, no. No,
12:06:45 11 it would have been Gobbo I was referring to, for sure, I'd
12:06:49 12 imagine.
13
12:06:49 14 Then the interview proceeds and then at the conclusion - or
12:06:53 15 towards the end of the interview, it's suspended about 8.28
12:06:59 16 and you answer the questions that are put to
12:07:03 17 you?---(Witness nods.)
18
12:07:04 19 And then the interview is suspended and it continues. At
12:07:14 20 about 9.59, so 10 am, and question 140, "Right. You
12:07:20 21 understand, Paul, that you're still under caution? Yes.
12:07:24 22 You understand your rights? Yes, I do. Do you agree that
12:07:26 23 during the break refreshment was supplied to you, is that
12:07:31 24 correct? Yes. And you were given the opportunity to make
12:07:33 25 a phone call, or a number of phone calls?" And you say
12:07:37 26 yes. Question 144, "Okay. And did you in fact receive or
12:07:41 27 make a phone call to a solicitor? Yes, I did. And are you
12:07:44 28 able to tell me who that person was?" And you say, "I'll
12:07:48 29 keep that to myself at this stage." At that time, it
12:07:55 30 appears that you did speak to a legal advisor. Do you
12:07:58 31 recall who it was?---Nicola Gobbo.
32
12:08:02 33 And did you contact her?---I'm not a hundred per cent sure
12:08:11 34 at that point in time because I know my wife had contacted
12:08:14 35 Tim Argall at that stage and Tim, in the background, was
12:08:19 36 making contact with different people to try and support me,
12:08:26 37 so I'm not sure whether it was me that made the direct
12:08:30 38 phone call to Nicola or Tim on my behalf, how it came
12:08:35 39 about, to be honest, but it certainly would have been
12:08:37 40 Nicola Gobbo I would have been seeking legal advice from.
41
12:08:41 42 I take it you spoke to her and what was the gist of -
12:08:46 43 without going into the details, but what was the gist of
12:08:49 44 discussions? Was it - you tell the Commission?---Well, to
12:08:57 45 be honest, I really can't recall whether I actually got on
12:09:00 46 to her or not, but I must have because I said I did speak
12:09:05 47 to a solicitor. Look, I don't recall. Obviously that I've

12:09:11 1 been arrested, that I'm in custody and this is what I'm
12:09:15 2 being - that I've been charged with, the allegations or
12:09:19 3 something, I don't know, I can't recall the conversation.
4
12:09:21 5 You'd never been arrested at that stage yourself, you'd
12:09:25 6 arrested plenty of people but not been arrested
12:09:27 7 yourself?---Correct.
8
12:09:28 9 Obviously you were going to be concerned about whether
12:09:31 10 you'd remain in custody or make an application for bail,
12:09:33 11 would that be fair to say?---Probably not at that stage.
12:09:42 12 That certainly became apparent after the interview. I was
12:09:49 13 very conscious of the fact that I didn't want to make a
12:09:55 14 no-comment interview. I felt I had nothing to hide and
12:09:59 15 therefore I really wanted to - and I think that's the case
12:10:01 16 with the interview, I don't think I make a no comment from
12:10:05 17 memory, but I was conscious I wanted to answer questions
12:10:09 18 and wanted to assist the investigators with the inquiry.
12:10:16 19 Like I said, I don't recall what the conversation with
12:10:18 20 Nicola Gobbo would have been about on the phone.
21
12:10:22 22 Do you say it would have been a social conversation or a
12:10:25 23 legal conversation?---Absolutely a legal conversation,
12:10:27 24 yeah. I was under arrest for a serious indictable offence.
25
12:10:32 26 I think Mr Gregor's evidence was to the effect that you had
12:10:36 27 a - I'll put this to you. Mr Gregor was asked questions,
12:10:49 28 and this is at p.2023. "Now, you say you believe he
12:10:58 29 contacted a solicitor friend?" He responds in the
12:11:02 30 affirmative. "Do you have a belief as to who it was that
12:11:05 31 he called? I had a suspicion it was Nicola Gobbo but
12:11:07 32 that's all it is. What's the basis of having that
12:11:10 33 suspicion? Well, primarily all the things we've been
12:11:14 34 discussing this morning and this afternoon led to me guess
12:11:18 35 I believe that she would have been the person that Paul
12:11:19 36 Dale would contact. Indeed, I think you've said in the
12:11:23 37 past that it was your belief that Paul date contacted
12:11:25 38 Nicola Gobbo on that occasion and made a very lengthy
12:11:28 39 telephone call, which, from your recollection, may have
12:11:31 40 gone for 15 to 20 minutes. Yes. Do you recall saying that
12:11:34 41 in the past? Yeah, that would be right, yes." Does that
12:11:38 42 assist your recollection?---Look, I have no doubt I
12:11:42 43 contacted Nicola Gobbo. I'd been seeking her out for legal
12:11:46 44 advice in preparation - potential preparation for such
12:11:54 45 situation and therefore I knew she was fully aware of my
12:11:58 46 concerns and therefore she was my go-to lawyer right then
12:12:06 47 and there.

1
12:12:09 2 Did you understand - obviously when it became apparent that
12:12:14 3 you weren't going to get bail?---Yes.
4
12:12:21 5 What was the next thing that occurred as far as you were
12:12:23 6 concerned?---Obtaining bail, making a bail application.
7
12:12:27 8 How did you go about that?---I spoke to Nicola Gobbo to -
12:12:31 9 well, I went about, (a), speaking to Nicola Gobbo, that's
12:12:36 10 right. And then - - -
11
12:12:37 12 This is after the interview was concluded, do you believe
12:12:39 13 you spoke to her again, is that what you say?---Either I
12:12:42 14 did or people on my behalf did, because I was probably not
12:12:46 15 - I was still in custody and not in a position to deal
12:12:48 16 directly with them, but I've become aware of what was going
12:12:52 17 on in the background at that time that I was in custody,
12:12:56 18 and that was Nicola Gobbo was in direct contact with my
12:13:00 19 wife and my family and Timmy Argall, to assist me through
12:13:07 20 that process.
21
12:13:09 22 And is it your understanding that - the reality is, isn't
12:13:13 23 it, that someone contacted the police union?---Yeah, Timmy
12:13:21 24 Argall, I believe, now.
12:13:23 25
12:13:23 26 And arranged legal representation with
12:13:27 27 Mr Hargreaves?---Correct. So I'm obviously aware now that
12:13:33 28 there was a bit of debate over who had control of my legal
12:13:40 29 representation at that point in time between Nicola and
12:13:44 30 Tony and there was some heated discussions in the presence
12:13:48 31 of my family members and Tim.
32
12:13:49 33 Heated discussions?---Yeah. Tony was saying he represents
12:13:54 34 the Police Association, he has to represent me because I'm
12:13:57 35 a police member, so therefore she's out, like she can't be
12:14:02 36 here, he's representing me.
37
12:14:04 38 Right, okay?---I wasn't party to those conversations but it
12:14:09 39 had been passed to me.
40
12:14:11 41 So was it your understanding, as at your remand hearing, 5
12:14:15 42 December, that Gobbo wasn't going to appear for you at
12:14:18 43 court and that Hargreaves and/or a barrister briefed by him
12:14:21 44 would appear?---It was my belief that Nicola was assisting
12:14:29 45 Tony through that process, due to the fact that I'd been
12:14:34 46 dealing with her regularly leading up to that.
12:14:35 47

12:14:36 1 There were discussions - obviously, you didn't make an
12:14:39 2 application for bail on that day?---No.
3
12:14:41 4 Did you have discussions with Mr Hargreaves about whether
12:14:47 5 you'd make an application for bail or whether that would be
12:14:52 6 postponed?---Basically, I was instructed by both Tony and
12:14:57 7 Nicola, whilst I was in the cells, that it would not be
12:15:02 8 appropriate to make an application that day, and I agreed
12:15:05 9 with both of their advice.
10
12:15:07 11 So you saw Gobbo, you say, and Hargreaves in the cells
12:15:10 12 below the Melbourne Magistrates' Court, is that
12:15:12 13 right?---Yes.
14
12:15:15 15 Were they together?---Yes.
16
12:15:16 17 And during the course of that interaction it was determined
12:15:19 18 that you wouldn't make an application for bail?---Correct.
19
12:15:23 20 Was there any decision made at that stage as to who would
12:15:26 21 be continuing to represent you?---Not to me, no
22
12:15:29 23 Did you know at that stage whether Gobbo would or would not
12:15:33 24 be in a position to assist in your legal
12:15:37 25 representation?---No, I had no idea at that stage.
26
12:15:39 27 Do you say that you were then remanded in custody and
12:15:47 28 during the period that you were in custody, which I think
12:15:50 29 was from 5 December through to your ultimate bail
12:15:53 30 application on 15 December, you received visits from
12:15:59 31 lawyers?---Mostly Nicola, but I believe Tony - I think Tony
12:16:06 32 visited me on the one occasion as well, yes.
33
12:16:12 34 It appears that Nicola visited you, I think, on 7 December,
12:16:21 35 a couple of days afterwards. If that's what the records
12:16:26 36 suggest, the prison records suggest, would you accept that
12:16:28 37 that's the case?---Absolutely.
38
12:16:34 39 During the course of that visit what was discussed?---At
12:16:47 40 that stage I'd had a couple of days in custody where I
12:16:53 41 spent my time preparing notes in regards to my defence, I
12:17:00 42 guess you would call it, all the information that I wanted
12:17:06 43 to be - that I wanted to give to my legal team to assist me
12:17:12 44 both at my bail application - pending bail application and
12:17:16 45 also just information that I thought would assist in the
12:17:21 46 defence of the charges at some point in time. So I had
12:17:26 47 quite a lot of handwritten documentation that I wanted my

12:17:31 1 legal team to have, to assist me, and I gave them to
12:17:35 2 Nicola.
3
12:17:36 4 So you'd put together handwritten documents?---Yes.
5
12:17:42 6 Are you able to tell the Commissioner what those documents
12:17:45 7 were and how you compiled them?---Well, I compiled them
12:17:50 8 because I was in an isolation unit on my own. I'd been
12:17:55 9 given either a pen or a pencil, or whatever they gave me,
12:17:59 10 and some writing material and I spent my time writing down
12:18:06 11 absolutely everything I thought would be relevant for a
12:18:11 12 bail application and also everything I thought relevant to
12:18:16 13 the defence of the charges I was facing. So I had a lot of
12:18:21 14 downtime and so it was going through my head like you
12:18:26 15 wouldn't believe, so I'm just writing everything I could
12:18:29 16 about, you know, Hodson and relationships and - just
12:18:34 17 everything I could think of that would assist me.
18
12:18:37 19 Right. Do you say that the material that you wrote
12:18:41 20 down?---Yes.
21
12:18:42 22 Concerned, firstly, what you understood to be the
12:18:48 23 allegations made against you or your responses to those
12:18:53 24 allegations?---Both, yes, correct, that's right.
25
12:18:57 26 Did you write a number of things about matters concerning
12:19:04 27 bail as well?---I would have. Look, I can't recall exactly
12:19:07 28 what I wrote down now because my mind would have been
12:19:11 29 racing, but I did have a lot of time and my whole time was
12:19:14 30 focused on clearing my name - firstly, getting bail and
12:19:21 31 then defending these charges. So everything I wrote down
12:19:26 32 was to do with that, defending the case I was facing.
33
12:19:33 34 What was your expectation in relation to those notes?---I
12:19:39 35 told her - I said - she told me she was going back to see
12:19:45 36 Tony Hargreaves afterwards and I told her to hand those
12:19:48 37 notes to Tony.
38
12:19:52 39 Did you understand she was part of your legal team or
12:19:55 40 not?---I totally believed, convinced, she was.
41
12:20:02 42 Did you have discussions - you say that Mr Hargreaves
12:20:07 43 visited you whilst you were in custody, is that right?---I
12:20:13 44 can't be a hundred per cent sure. He certainly visited me
12:20:17 45 the next time, the next time I was in custody. I can only
12:20:24 46 presume he did. I certainly remember Nicola, but I
12:20:28 47 honestly can't totally recall whether Tony did or not.

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You understood you'd have a barrister representing you to make an application for bail?---To be honest, no, that didn't - it's not something I thought about. I'd certainly have a lawyer representing me for bail, that's as far as I would have - - -

In any event, whether it be a barrister or a solicitor, your expectation is that someone would have to stand up in court for you and explain to the magistrate why you ought to have bail?---Yes.

And was there a discussion, for example, about a Mr Hill and whether or not he might appear for you? He was a senior barrister?---Yeah, absolutely I recall that conversation occurring. There was two issues I had at that point in time. One was that I was fairly committed to having Nicola represent me, because I'd seen how successful she had been at bail applications for serious drug matters over the past 12 months or two years, so in my mind, and I was in a pretty unstable state right then because I was being held in solitary confinement. However, in my mind, I wanted Nicola to represent me because she knew everything about what had gone on and she'd been able to get people bail in these circumstances. Secondly, Mr Hill, the reason why there was an issue there was because I'd been part of the Petra Task Force - no, Lorimer and Mr Hill had represented Jason Roberts or Bandali Debs, or someone like that, so it was just a petty thing that I thought no, they were the enemy, so therefore he's not going to represent me when he's represented the enemy.

You told her, "I don't want Hill representing me because he'd acted for Debs?"---Correct.

Ultimately I think Mr Hill did act for you, is that right, in your application for bail?---Yes. I saw the commonsense in the end and - - -

All right. Now, those documents which had been provided to Ms Gobbo?---Yes

Were they, as far as you were concerned, provided to Mr Hargreaves for the purposes of assisting your representation and for your bail application?---I actually have absolutely no idea.

12:23:07 1 Did you have a discussion with Mr Hill? Did Mr Hill come
12:23:11 2 out and see you?---I wouldn't have thought - I can't
12:23:15 3 recall.
4
12:23:16 5 Now, the Commission has evidence to suggest that Ms Gobbo
12:23:21 6 came to visit you again on 14 December, a day before your
12:23:25 7 bail application. If that's the case, are you in a
12:23:29 8 position to confirm that, or do you accept that?---I accept
12:23:32 9 it.
10
12:23:36 11 You say you don't recall whether any other barristers came
12:23:39 12 out to visit you?---No. I sort of have a feeling that
12:23:42 13 no-one else did, and that was the other reason I was a
12:23:46 14 little bit peeved off. I thought, "Well, at least she's
12:23:53 15 doing the" - I saw it as doing the hard yards, actually
12:23:57 16 coming and visiting you in a prison, whereas most
12:24:00 17 barristers don't like to do that.
18
12:24:03 19 Did she say to you - do you accept this: she told you she
12:24:06 20 was willing to act for you pro bono?---Absolutely.
21
12:24:09 22 Even if you did go through the Police Association and Tony
12:24:13 23 Hargreaves' office?---That was a difficult decision I had
12:24:16 24 to make. You're a hundred per cent correct, she did say
12:24:18 25 that to me, and I had to then consider which way I went.
26
12:24:24 27 Right. So did you make a choice? When you say you had to
12:24:28 28 consider which way you went, was it your understanding that
12:24:33 29 you had to go - you couldn't have Ms Gobbo acting for you,
12:24:35 30 you had to have Mr Hargreaves and Mr Hill, or you could
12:24:39 31 have both? What was your understanding?---No, I could only
12:24:42 32 have Hargreaves through the Police Association funding, and
12:24:46 33 clearly these are a very costly matter, so I had a lot of,
12:24:55 34 obviously, police colleagues around me still at that point
12:24:58 35 in time also advising me and ultimately the advice was
12:25:03 36 stick with the Police Association, stick with Tony
12:25:06 37 Hargreaves.
38
12:25:07 39 All right. Just excuse me, Commissioner. I'm trying to
12:25:21 40 find a document.
41
12:25:22 42 COMMISSIONER: Sure. So from that point on was it your
12:25:24 43 understanding that Nicola Gobbo wasn't acting for
12:25:26 44 you?---No, I still believed she was acting for me, because
12:25:30 45 I kept continually meeting with her and discussing criminal
12:25:32 46 matters, my issues, my matters. When I say she's acting
12:25:38 47 for me, you're right, she couldn't act at court for me, I

12:25:42 1 guess, but I was still seeking her out for advice.
2
12:25:47 3 So presumably Tony Hargreaves and his team had told you
12:25:51 4 that you couldn't have Nicola Gobbo and them and made you
12:25:54 5 make a choice, is that right?---Yes.
6
12:25:57 7 So you did that, but nevertheless you still were seeking
12:26:00 8 Nicola Gobbo's advice and discussing your case with
12:26:03 9 her?---Right until the very end, in 2009.
10
12:26:07 11 Was Tony Hargraves aware of that?---Yes. He didn't overly
12:26:13 12 approve of it and advised me against it at times, but he
12:26:18 13 was aware of it.
14
12:26:51 15 MR WINNEKE: It appears that Ms Gobbo had a conference with
12:26:54 16 you on 14 December 2013 and you were at Port Phillip Prison
12:27:04 17 and you were in the Charlotte unit?---Yes.
18
12:27:09 19 And you went through - she's recorded that you went through
12:27:16 20 a summary with her of - one assumes - it says here, "Going
12:27:22 21 through the summary (from Alex)", right? Do you know
12:27:30 22 anything about that?---No.
23
12:27:35 24 Do you recall having a discussion with her about the
12:27:38 25 allegations that would be made against you?---I would have,
12:27:42 26 yes.
27
12:27:44 28 When someone is remanded in custody - and I take it you
12:27:49 29 were involved on occasions, as an informant, you prepare a
12:27:53 30 remand summary or a summary which goes to the prosecutor
12:27:58 31 who is present when a bail application is made, is that
12:28:03 32 right?---Yes.
33
12:28:03 34 Is it the case that you would have gone through a summary
12:28:06 35 of the allegations that would have been made against
12:28:09 36 you?---Look, I certainly - our whole discussion would have
12:28:14 37 been around my bail application, the charges against me,
12:28:18 38 the circumstances surrounding them, et cetera, but I can't
12:28:21 39 specifically say that we sat and went through a summary,
12:28:27 40 no, I don't recall it.
41
12:28:28 42 All right. And you say that you indicated to her you
12:28:34 43 didn't want Hill, and there's a note to this effect,
12:28:38 44 "Doesn't want Ian Hill because of Lorimer", which would be
12:28:44 45 consistent with your recollection?---Yes, definitely
12:28:45 46 You'd been in lockdown since 4 pm on Friday?---Yes,
12:28:48 47 definitely.

1
12:28:48 2 And lockdown is a situation where you're basically locked
12:28:52 3 down in your room and you're not moving around the
12:28:55 4 prison?---Correct.
5
12:28:59 6 Do you think you might have discussed Terry Hodson as
12:29:03 7 well?---Absolutely.
8
12:29:06 9 There's a note - what do you think you would have discussed
12:29:09 10 about Hodson?---Probably his credibility and his reasoning
12:29:15 11 for implicating me in a crime I didn't commit, those types
12:29:20 12 of things.
13
12:29:21 14 All right. If I can put this to you: there's a reference
12:29:24 15 in your diary to - sorry, in Ms Gobbo's court book to this
12:29:28 16 effect, and I'll quote it, "Reference again to Terry being"
12:29:34 17 and this word is in inverted commas "staunch". What do you
12:29:42 18 think that means?---I don't think they would have been my
12:29:45 19 words because we were aware at that point in time he'd made
12:29:49 20 a statement against me, so - I can't answer that, sorry.
21
12:29:55 22 You wouldn't have had a hand-up brief at that stage
12:29:58 23 clearly, would you, so you wouldn't have had a
12:30:00 24 statement?---We knew he'd made a statement against me at
12:30:02 25 that point, yes.
26
12:30:03 27 You did know that?---Yes.
28
12:30:04 29 How did you know that?---It was common knowledge, I think,
12:30:07 30 throughout VicPol at that point in time.
31
12:30:11 32 Why do you say it was common knowledge throughout
12:30:14 33 VicPol?---Because it was a pretty major event.
34
12:30:19 35 Had you been told that he'd made a statement?---I'm almost
12:30:23 36 certain I knew he'd made a statement at that time.
37
12:30:27 38 In any event, it appears that she's put that word in
12:30:30 39 invented commas, "Staunch" which appears to be a suggestion
12:30:35 40 that it was a word that you used?---I don't recall it.
41
12:30:38 42 You'd take issue with the proposition that at that stage -
12:30:43 43 what will be said is you didn't know whether or not he'd
12:30:46 44 made a statement and the expectation was that he wouldn't
12:30:48 45 make a statement and that he'd remain staunch?---I knew
12:30:52 46 he'd made a statement at that point in time.
47

12:30:55 1 COMMISSIONER: Were you told that in the interview
12:30:56 2 process?---I think I might have been, actually.
3
12:30:58 4 I thought you mentioned that earlier?---I reckon if it
12:31:02 5 wasn't in the actual - they certainly wouldn't have made it
12:31:04 6 on tape, but I'm absolutely certain I was told, either in
12:31:07 7 the corridors of the ESD office or whilst I was in custody
12:31:11 8 there, that he had. There were quite a few members that
12:31:15 9 I'd worked closely with for a long time working with ESD at
12:31:18 10 the time, in the building, in the room, and I'm confident I
12:31:22 11 was told.
12
12:31:25 13 MR WINNEKE: What I can perhaps - what I suggest to you is
12:31:29 14 that in your conversation that you had with Ms Gobbo whilst
12:31:33 15 you were in the custody of Mr Gregor during the break in
12:31:36 16 the interview, you've had a discussion in which you had
12:31:44 17 said, "Either Miechel or Hodson has rolled." It would
12:31:51 18 follow, wouldn't it, that that's the situation, that one or
12:31:56 19 other of them, you might think, had rolled?---Look, whether
12:32:01 20 it's just a journey of time now, but I'm almost certain I
12:32:07 21 knew Terry Hodson had made a statement at that point and
12:32:12 22 that was my belief. I don't recall any other comments or
12:32:18 23 statements, but I'm certainly aware - I was aware that he'd
12:32:22 24 made a statement to ESD.
25
12:32:26 26 This is said, "Reading from a statement too detailed to be
12:32:30 27 made up because detailed accusations." That's, I suggest,
12:32:37 28 part of comments that were made during the course of a
12:32:41 29 telephone call on 5 December?---Yes.
30
12:32:43 31 What do you say about that, "Reading from a statement too
12:32:46 32 detailed to be made up because of a significant amount of
12:32:53 33 detailed accusations"?---Too detailed to be made up? Yeah,
12:32:59 34 look, I'm not sure.
35
12:33:02 36 So on one view, what it appears to be is - if we accept
12:33:14 37 that this is read, "Reading from a statement too
12:33:19 38 detailed"?---Sorry, I've probably lost you a little bit
12:33:22 39 here. Are we talking about a telephone intercept here or
12:33:25 40 something, are we?
41
12:33:27 42 No. What I'll try and do is put a document in front of you
12:33:31 43 so you have got it. I've been trying to get a copy of this
12:33:34 44 so I can put it in front of Mr Dale. Just have a read of
12:33:49 45 that?---Yeah, okay.
46
12:34:18 47 I can put this up on the screen, Commissioner.

12:34:22 1 MIN.0001.0014.0940 and it's at p.1042. If we can focus on
12:34:39 2 just the right-hand side of the page when you get that up.
12:35:56 3 Perhaps I'll just focus on - so as we can keep going, you
12:36:02 4 have got the document in front of you?---Yes.
5
12:36:04 6 What it appears to be is a reflection of a discussion
12:36:06 7 between you and Ms Gobbo, I take it?---Well - - -
8
12:36:11 9 I can hand one up to the Commissioner so she can look at
12:36:16 10 it.
11
12:36:17 12 COMMISSIONER: Thank you.
13
12:36:18 14 MR WINNEKE: What it appears to be is a reflection of a
12:36:21 15 discussion between you and Ms Gobbo?---Well, I don't think
12:36:25 16 I can agree with that, no. They're certainly notes that
12:36:32 17 Nicola Gobbo has made in her diary, by the looks of this,
12:36:35 18 but when you follow it down, it talks about a number of
12:36:39 19 things that are post the interview, et cetera.
20
12:36:44 21 If we assume, as appears from that record of interview,
12:36:53 22 that you have a discussion with a solicitor and it appears
12:36:56 23 to be Ms Gobbo, you accept that?---Yes, absolutely.
24
12:36:58 25 And she has a discussion with you on 5 December and it
12:37:04 26 appears to be that that is an entry in her diary - in her
12:37:08 27 court book made on that date?---Yes.
28
12:37:11 29 And Senior Sergeant Gregor of the ESD?---Yes.
30
12:37:15 31 He is the one who arrested you?---Yes.
32
12:37:19 33 And if you see above it, there's a reference to, "Arrested
12:37:22 34 Paul Dale, Miechel and Hodson." Well, those three people
12:37:27 35 were arrested on the day?---Yes.
36
12:37:29 37 There's a telephone number there, which may well be a
12:37:32 38 telephone number of Tony Hargreaves?---M'hmm.
39
12:37:36 40 And at the bottom of the page, there's a name of a person
12:37:40 41 by the name of Flanagan who's a friend of yours, I
12:37:44 42 assume?---Yes.
43
12:37:44 44 And he was in fact - is a pilot for Qantas?---Yes.
45
12:37:49 46 Would it be reasonable to assume that there was
12:37:52 47 discussions, even at that stage, about the possibility of a

12:37:55 1 bail application and his name came up as a person who might
12:37:57 2 be able to vouch for you?---Yes.
3
12:38:00 4 And then there's a reference to Jenny Dale, and that's your
12:38:04 5 mother?---Correct.
6
12:38:05 7 And there's a question mark against the Police
12:38:08 8 Association?---Correct.
9
12:38:09 10 And there's a note to the effect that - which might suggest
12:38:17 11 that you're telling her to call Kenna Croxford?---It says
12:38:22 12 call Kenna Croxford. I don't know - - -
13
12:38:24 14 That is where Tony Hargreaves worked at that stage, would
12:38:27 15 that be right?---Yes. I wouldn't have told her to do that.
12:38:31 16 I wouldn't have known where Tony was working from, so - - -
17
12:38:35 18 But in any event, do you think there might have been a
12:38:38 19 discussion at that stage - would you have already spoken,
12:38:41 20 at that stage, to Tim Argall?---I would think so, yes. He
12:38:48 21 would have been a person I would have contacted as call a
12:38:52 22 friend or - whether I spoke to him - my wife certainly was
12:38:56 23 in contact with him at that time, yes.
24
12:39:00 25 All right. Were you uncertain at that stage whether you'd
12:39:04 26 actually been suspended or not?---Well, it wasn't until the
12:39:11 27 end of the interview process, then the formal charging
12:39:16 28 process, and then I was told that I was formally suspended,
12:39:20 29 so that was obviously towards the end of the time in
12:39:24 30 custody at ESD.
31
12:39:27 32 So subsequent to that conversation in any event, you
12:39:30 33 wouldn't have been certain about that at that stage?---I
12:39:33 34 was certain about it at some point. How this document
12:39:37 35 flows, it's clearly a full day's events in this section
12:39:41 36 here.
37
12:39:42 38 I follow that. One assumes you didn't know you were going
12:39:45 39 to be arrested when they turned up?---No.
40
12:39:47 41 So you wouldn't have been told at that stage that you'd
12:39:49 42 been suspended, I assume?---No. I actually asked them am I
12:39:52 43 going to be suspended and was told - - -
44
12:39:54 45 That is why I suggest at this stage you're uncertain about
12:39:58 46 whether or not you're going to be suspended from
12:40:00 47 duty?---Possibly.

1
12:40:01 2 That's why there's a question mark there?---Possibly.
3
12:40:03 4 And then there's these two other statements, either Miehchel
12:40:07 5 or Hodson's role?---Yes.
6
12:40:09 7 And "reading from a statement too detailed to be made up
12:40:12 8 because" - there's an upward arrow, "detailed accusations",
12:40:19 9 it might suggest significant detailed accusations?---Yes.
10
12:40:22 11 Either you - I take it - would you have been referring to -
12:40:28 12 and I suggest you would have been referring to Mr Gregor in
12:40:32 13 putting allegations to you, was reading from a statement
12:40:35 14 and the details in the statement would have been those
12:40:39 15 details that you're referring to in your discussion with
12:40:41 16 Ms Gobbo?---Possibly, yeah, yep.
17
12:40:45 18 And either Miehchel or Hodson rolled?---Yeah. I don't know
12:40:49 19 why that's there because I was aware Hodson had made a
12:40:54 20 statement implicating me, so yeah.
21
12:40:59 22 All right. In any event, what you say is that you were
12:41:09 23 having a discussion with Gobbo in the expectation that that
12:41:13 24 was a privileged communication?---Absolutely.
25
12:41:17 26 All right. Then if we can come to - - -
27
12:41:25 28 COMMISSIONER: Did you want to tender that page?
29
12:41:27 30 MR WINNEKE: I tender that, Commissioner.
31
12:41:29 32 COMMISSIONER: Just that page not the opposite page.
33
12:41:32 34 MR WINNEKE: Just the page on the right-hand side - just
12:41:36 35 excuse me.
36
12:41:36 37 COMMISSIONER: It seems to relate to another person.
38
12:41:39 39 MR WINNEKE: On the left-hand side there is a name
12:41:42 40 O'Reilly, 4 December 2003. I take it you're aware that - -
12:41:48 41 -?---Colleen O'Reilly.
42
12:41:52 43 Colleen O'Reilly was a person who you had charged?---Yes.
44
12:41:56 45 At least the MDID had charged and she was one of the people
12:41:58 46 whom Ms Gobbo was representing, are you aware of
12:42:01 47 that?---Yes.

1
12:42:10 2 COMMISSIONER: Just to clarify there, are you tendering the
12:42:13 3 court book entry for 4 December and the 5th or just the
12:42:17 4 5th?
5
12:42:18 6 MR WINNEKE: Commissioner, I think what appears to be the
12:42:20 7 situation is on the left-hand side there are instructions
12:42:23 8 that Ms Gobbo has obtained from Ms O'Reilly, no doubt with
12:42:27 9 a view to making an application for bail.
10
12:42:32 11 COMMISSIONER: Yes.
12
12:42:32 13 MR WINNEKE: And I suppose they would be relevant
12:42:36 14 ultimately because the evidence will be that - - -
15
12:42:40 16 COMMISSIONER: That's all I'm asking, whether you're doing
12:42:42 17 both sides or just one.
18
12:42:44 19 MR WINNEKE: I think the entirety of that page ought be
12:42:46 20 tendered and, indeed, the day before - - -
21
12:43:00 22 COMMISSIONER: So the entry for the 4th and the entry for
12:43:02 23 the 5th?
24
12:43:18 25 MR WINNEKE: Commissioner, what I might do is tender - I
12:43:20 26 tender the entirety of that page and I think in due course
12:43:26 27 we might tender other pages as well, but just for the
12:43:28 28 purposes of the exercise at the moment I tender that entire
12:43:31 29 page.
30
12:43:32 31 COMMISSIONER: All right. Nicola Gobbo's court book dated
12:43:37 32 4 and 5 December 03 is Exhibit 240.
12:43:41 33
12:43:42 34 #EXHIBIT RC 240 - Nicola Gobbo's court book dated 4 and 5
12:43:50 35 December 03.
36
12:44:16 37 MR WINNEKE: If I can come back to the conference on 14
12:44:19 38 December 2003, Mr Dale. I wonder if you'd have a look at
12:44:22 39 this document. I've been asking you questions about that
12:44:25 40 before. Just have a look at that. I can hand a copy of
12:44:40 41 that up to the Commissioner as well?---Yes.
42
12:45:03 43 So, again, you would say, "This is a consultation I'm
12:45:06 44 having with a person who I believe is acting in my
12:45:09 45 interests, a lawyer"?---Correct, yes.
46
12:45:14 47 And what you say is - what appears to be a reflection of

12:45:17 1 the meeting - assume this is a reflection of the meeting.
12:45:22 2 She says you went through a summary?---Yes.
3
12:45:25 4 "From Alex." You're not certain what that's all
12:45:28 5 about?---No.
6
12:45:29 7 "He doesn't want Ian Hill because of Lorimer", you have
12:45:32 8 been in lockdown since 4 pm on Friday. There's the
12:45:36 9 reference again to Terry being staunch?---Yes.
10
12:45:41 11 If you accept the proposition that certainly as at 5
12:45:45 12 December you weren't certain whether Hodson had made a
12:45:49 13 statement, there's a reference there to being staunch.
12:45:54 14 That might suggest, it could be suggested to you - -
12:45:57 15 -?---Look, I don't know why that's there. I'm almost
12:46:00 16 certain - I am certain that I knew he'd made a statement at
12:46:03 17 that point in time, so yes.
18
12:46:04 19 "Not happy with Hargreaves", and then there's a reference
12:46:07 20 to, "Speak to Carl Williams re ██████ ESD." Do you know
12:46:15 21 what that might be?---No. It's the very first time I've
12:46:20 22 ever seen this. No, I don't.
23
12:46:24 24 MR HANNEBERY: We just need to be a bit careful around
12:46:28 25 that.
26
12:46:28 27 MR WINNEKE: I won't go any further. And Andrew and Mandy,
12:46:32 28 it seems to be - - - ?---Mokbel. Yeah, no, the very first
12:46:34 29 time I've ever seen it and I've never heard that before. I
12:46:37 30 certainly don't recall asking or requesting Nicola to do
12:46:40 31 any of that.
32
12:46:48 33 In any event, I think you've said previously that there
12:46:54 34 were a couple of issues that you had. One concerned ESD
12:46:57 35 and a statement that you had made in relation to a murder
12:47:04 36 trial?---Yes.
37
12:47:06 38 Without going into the details of the name?---Yes.
39
12:47:08 40 The person?---Yes.
41
12:47:09 42 You were of the view that there was an issue concerning
12:47:14 43 your role in that and there was an ESD file in relation to
12:47:18 44 that, is that right?---Yes, that's correct, yes.
45
12:47:23 46 Are you able to say as to that last line - again, without
12:47:29 47 going into the name?---The last three names?

1
12:47:34 2 You can - - - ?---Down the last line?
3
12:47:42 4 I think, Commissioner, there's a concern with respect to
12:47:46 5 the last name prior to the "ESD?" There's a concern about
12:47:53 6 that name I'm told by Mr Hannebery, so if we can respect
12:47:58 7 that concern?---Yep.
8
12:47:59 9 Are you able to say anything to the Commissioner about what
12:48:02 10 you think that information might be about?---No, I don't,
12:48:07 11 sorry. This doesn't ring a bell at all.
12
12:48:10 13 Right. Andrew, would that be, do you think, Andrew
12:48:14 14 Hodson?---Well, the fact that it's followed with a Mandy, I
12:48:17 15 would suggest that that would be the case, yes.
16
12:48:20 17 And Mokbel, what do you think the relevance of Mokbel might
12:48:24 18 be?---Look, I have no idea.
19
12:48:28 20 Well, you were aware that Andrew, Mandy and Mokbel had been
12:48:33 21 arrested earlier on as a part of Operation Kayak, I think,
12:48:41 22 is that right? Were you aware of that?---No.
23
12:48:43 24 In any event, you're aware that Andrew was the son of Terry
12:48:47 25 Hodson, is that right?---Yes, absolutely, yes.
26
12:48:50 27 Mandy was the daughter?---Yes.
28
12:48:51 29 And as to Mokbel, you can't say one way or the other?---No.
12:49:01 30 I certainly know who the three of them are, or all of them
12:49:03 31 are, but I have no idea what that reference is to.
32
12:49:06 33 You've said previously that there were a couple of matters
12:49:09 34 that you were speaking to Ms Gobbo about in terms of legal
12:49:12 35 advice?---Yes.
36
12:49:12 37 Do you think that the name that we can't mention and the
12:49:17 38 ESD matter may be something that you were speaking to her
12:49:20 39 about?---Yes.
40
12:49:23 41 Commissioner, I tender that page of the diary, and I can
12:49:28 42 give you a number. It's MIN.0001.0014.1049.
43
12:49:38 44 COMMISSIONER: Again, both sides of the page?
45
12:49:42 46 MR WINNEKE: No, just the left-hand side of the page, and
12:49:45 47 if the name can be redacted. I'm not too sure whether

12:49:50 1 we've actually got a name for that person in the
12:49:52 2 proceedings to date.
3
12:49:53 4 COMMISSIONER: I don't think we do.
5
12:49:58 6 [REDACTED]
12:49:59 7 [REDACTED]
8
12:50:02 9 [REDACTED]
12:50:06 10 [REDACTED]
12:50:11 11 [REDACTED]
12
12:50:15 13 [REDACTED]
12:50:18 14 [REDACTED]
15
12:50:19 16 [REDACTED]
12:50:25 17 [REDACTED]
12:50:29 18 [REDACTED] And that will be Exhibit 241, I
12:50:40 19 think.
12:50:40 20
12:50:42 21 #EXHIBIT RC241 - Document MIN.0001.0014.1049.
22
12:50:53 23 COMMISSIONER: And the form published on the website will
12:50:56 24 have the last name in the penultimate paragraph redacted.
25
12:51:00 26 MR CHETTLE: Commissioner, on that note, you'll recall I
12:51:02 27 raised the issue of that name yesterday.
28
12:51:04 29 COMMISSIONER: Yes
30
12:51:05 31 MR CHETTLE: Can I just simply refer you to Exhibit RC229,
12:51:08 32 which I don't know whether it is an open exhibit or not.
12:51:12 33 It's the statement of Nicola Gobbo. And if you go to p.5
12:51:18 34 of that statement, there's a great deal of detail about the
12:51:22 35 name we've just been discussing, which is why yesterday I
12:51:25 36 raised what I did raise, because - I just say no more than
12:51:31 37 to alert you to the fact that there may need to be
12:51:34 38 something done about that document as well.
39
12:51:36 40 MR WINNEKE: It isn't currently published, Commissioner,
12:51:39 41 and if we don't have a name for that person - - -
42
12:51:41 43 COMMISSIONER: It's time we did.
44
12:51:43 45 MR WINNEKE: - - - it's time we did - a number, rather.
46
12:51:46 47 MR HANNEBERY: I understand that that statement is a form

12:51:48 1 that can't be published on the screen as it stands at the
12:51:54 2 moment.
3
12:51:55 4 MR WINNEKE: We won't put it on the screen, but in any
12:51:59 5 event - - -
6
12:52:00 7 COMMISSIONER: I think we're up to Person 15.
8
12:52:06 9 MR WINNEKE: I think we are - 16, sorry.
10
12:52:08 11 COMMISSIONER: We've done Person 15. What I mean is the
12:52:11 12 next one is Person 16. So if you or one of your team,
12:52:16 13 Mr Winneke, could write the name of that person down on a
12:52:20 14 piece of paper and hand it to my associate. Show it to
12:52:30 15 people at the Bar table.
16
12:52:31 17 MR CHETTLE: I think you gave an exhibit to that name
12:52:34 18 yesterday on a confidential piece of paper I handed you -
12:52:37 19 sorry, wrong name, different person. I withdraw it.
20
12:52:48 21 COMMISSIONER: If you could show that piece of paper to the
12:52:51 22 people at the Bar table. I think they probably know. That
12:53:11 23 will become - we'll amend Exhibit 81 to include that name
12:53:16 24 as Person 16 and there will be a new flash card made for
12:53:22 25 that person, that can be referred - shown to witnesses as
12:53:28 26 events progress. After the flash card is made, that piece
12:53:46 27 of paper can be destroyed. That's Exhibit 241.
12:53:54 28
12:53:56 29 #EXHIBIT RC241 - Entry of 14/12/03 from Nicola Gobbo's
12:54:05 30 court book, the left-hand side of the
12:54:09 31 page.
32
12:54:53 32 MR WINNEKE: The notes that you have spoken about, you say
12:55:01 33 they were handwritten notes?---Yes.
34
12:55:04 35 Made with the benefit - without the benefit of any
12:55:07 36 documents or information reports, or anything of that sort,
12:55:14 37 whilst you were in custody?---Yeah, that would be correct.
38
12:55:19 39 And those were the notes that you supplied to Ms Gobbo,
12:55:23 40 which you believed would be supplied to
12:55:26 41 Mr Hargreaves?---Correct.
42
12:55:27 43 You say whether or not they were, you don't know?---No, I
12:55:29 44 don't.
45
12:55:33 46 Can I ask you about this: it appears that - did you
12:55:40 47 subsequently provide other material to Ms Gobbo?---I would

12:55:45 1 have, but I can't recall exactly what.
2
12:55:49 3 Okay. It appears that Ms Gobbo has - as the Commission is
12:55:56 4 now aware, we are now aware, from 2005 onwards, Ms Gobbo
12:56:01 5 was a registered provider of information to Victoria
12:56:05 6 Police?---(Witness nods.)
7
12:56:06 8 It appears that on 20 May 2007, there was a discussion
12:56:12 9 between Ms Gobbo and one of her handlers - or, in fact, a
12:56:18 10 number of them - and this is in ICR 80, but she tells her
12:56:29 11 handlers that she has a copy of notes that have been
12:56:32 12 supplied by Dale. The contents of these notes are in the
12:56:37 13 form of operation notes. The notes show all the Hodson
12:56:41 14 activities that he was aware of. Then it goes on to say,
12:56:51 15 "Dale provided these notes whilst in custody at
12:56:54 16 Port Phillip. The notes have been given to Hargreaves.
12:56:57 17 Hargreaves represented Dale for his bail application." So
12:57:00 18 that's what she's telling her handlers on 20 May 2007, and
12:57:07 19 it appears that she's taken a copy or kept a copy of those
12:57:12 20 notes for her own purposes. Did you know that she'd kept a
12:57:16 21 copy of those notes?---No, I did not.
22
12:57:22 23 And then it appears that subsequent to that, there were
12:57:31 24 discussions between the handlers and Ms Gobbo as to whether
12:57:34 25 or not she might be able to find those notes so as she
12:57:37 26 could give them to the police. Were you aware of
12:57:40 27 that?---No, I was not.
28
12:57:47 29 And then were you aware - this is ICR 081 - that there was
12:57:55 30 an issue, at least as far as she was concerned, as to
12:58:00 31 whether or not she should hand these notes over to her
12:58:03 32 handlers and were you aware that on about 27 May, in
12:58:08 33 discussions with one of her handlers, 2007, there were
12:58:13 34 discussions to the effect that she had located the notes
12:58:17 35 and arrangements were being discussed regarding the
12:58:20 36 collection of the notes and she is considering the ethical
12:58:25 37 implications of handing these documents over to police,
12:58:28 38 were you aware of that at any stage?---No, I was not.
39
12:58:32 40 Were you aware of that prior to your charge - I take it- I
12:58:36 41 mean, it is a Dorothy Dixier, but I take it you weren't
12:58:39 42 aware of that prior to your charge, either for murder or
12:58:43 43 for telling lies to the ACC?---It's the very first time
12:58:49 44 I've heard of this, today.
45
12:58:53 46 Were you aware that on 29 May, that is two days later, that
12:59:03 47 she spoke to handlers about - I'm sorry, on 28 May she told

12:59:10 1 the handlers - she'd obviously made up her mind about the
12:59:15 2 ethical implications and the following day, 28 May, she
12:59:17 3 called and said that the documents were ready to be
12:59:19 4 collected and on 29 May, it appears that the documents were
12:59:23 5 in fact collected, these notes and documents. Were you
12:59:29 6 aware of that?---No. Just another example of the atrocious
12:59:35 7 behaviour of Victoria Police.
8
12:59:39 9 Commissioner, I call for - - -?---I don't know about that.
10
12:59:43 11 I call for any notes or documents of this sort which appear
12:59:46 12 to have been handed over on 29 May 2007, because I don't
12:59:50 13 believe we have a copy of them.
14
12:59:52 15 COMMISSIONER: Mr Hannebery, you'll take that on notice
16 and - - -
17
12:59:55 18 MR HANNEBERY: I'll take that on notice and make some
12:59:57 19 enquiries.
20
12:59:58 21 COMMISSIONER: - - - make some enquiries and inform the
13:00:01 22 Commission in due course.
23
13:00:02 24 MR HANNEBERY: Yes.
25
13:00:03 26 COMMISSIONER: Thank you.
27
13:00:08 28 MR WINNEKE: Just before we finish for lunch, Commissioner,
13:00:23 29 were you aware of discussions - and, again, I take it you
13:00:29 30 weren't - prior to your ACC trial or your murder trial,
13:00:40 31 that there were discussions between Ms Gobbo and her
13:00:46 32 handlers on 4 March 2008 - this was subsequent, it appears,
13:00:51 33 to - I withdraw that. That she had discussions with her
13:01:04 34 handlers insofar as the Petra Task Force was concerned, and
13:01:09 35 she said that she wanted Petra to be told that she did not
13:01:15 36 want to be mentioned in their notes, due to pre-trial
13:01:20 37 disclosures, and she was told that this was a good idea.
13:01:23 38 Were you aware of that?---No, I was not.
39
13:01:35 40 Specifically in relation to you, were you aware that she
13:01:40 41 was asked by her handlers - and this is on 5 March 2008,
13:01:48 42 ICR 2958, number 2 - that she was asked if she had any
13:02:06 43 documents regarding investigators, that is Petra
13:02:09 44 investigators asked her if she had any documents regarding
13:02:12 45 you, material that you had supplied her about informers,
13:02:18 46 and she had said that she had to tell the truth and
13:02:20 47 answered "yes" and that there were some notes that Dale

13:02:24 1 gave her whilst he was in custody, but she told them that
13:02:27 2 she couldn't recall exactly where they were. She stated
13:02:30 3 that she had given them to SDU, either a copy or originals,
13:02:35 4 and wanted this followed up, and she stated that there were
13:02:38 5 a lot of notes. Did you know anything about that?---No.
6
13:02:56 7 MR HANNEBERY: I think that was ICR 7.
8
13:03:00 9 MR WINNEKE: ICR 7, is it? ICR 7, Commissioner, under the
13:03:06 10 new registered number.
11
13:03:10 12 COMMISSIONER: Are you wanting us to look at that?
13
13:03:14 14 MR WINNEKE: No. Commissioner, there are all sorts of
13:03:16 15 issues, at this stage, about getting those up and looking
13:03:19 16 at them, it seems, but I just wanted to put that.
17
13:03:31 18 Did you, at any stage during the course of preparation,
13:03:36 19 prepare a fairly lengthy chronology for the purposes of
13:03:39 20 assisting in your defence of criminal charges?---Yes.
21
13:03:51 22 Were you aware - and did you provide that to your legal
13:03:57 23 advisors?---I think it was something done in conjunction
13:04:01 24 with my legal advisors.
25
13:04:03 26 Did you know that Ms Gobbo had a copy of it?---No.
27
13:04:09 28 And in a discussion - were you aware that in a discussion
13:04:14 29 between Gobbo and three of her handlers on 30 March 2007,
13:04:21 30 and this is ICR 72, 383872, that she met your wife and
13:04:46 31 family - you understand that she did meet your wife and
13:04:51 32 family, Ms Gobbo?---Sorry, what date was this chronology?
13:04:58 33 Was it prior to the murder?
34
13:05:00 35 I don't know, but I'm simply asking you you know about a -
13:05:01 36 did you prepare a lengthy - or was a lengthy chronology
13:05:05 37 prepared?---I've done a few, and that's why I'm thinking -
13:05:08 38 I certainly wouldn't have provided her with one after the
13:05:10 39 murder arrest, because - - -
40
13:05:14 41 It's prior to that, because we're talking about 30 March
13:05:17 42 2007?---Okay. Prior to that, then, yes, I would have
13:05:20 43 supplied her with lots of legal material for my defence,
13:05:23 44 yes.
45
13:05:24 46 Was it your expectation, in providing it to her, that it
13:05:27 47 would be provided to police?---Absolutely not.

1
13:05:32 2 And were you aware that she admitted that she may have some
13:05:36 3 of the chronology that you had produced and that she would
13:05:39 4 look for it and supply it to the SDU if she was able to
13:05:42 5 find it?---Everything I was doing with Nicola then, I was
13:05:46 6 of the belief it was legal professional privilege, and
13:05:49 7 that's why I was providing information to her, for my
13:05:52 8 defence. It certainly was not in any way meant to go to
13:05:58 9 Victoria Police or the OPP or the people against me at that
13:06:02 10 point in time.

11
13:06:04 12 Thank you very much. I note the time, Commissioner.

13
13:06:07 14 COMMISSIONER: We'll adjourn until 2 o'clock.

15
16 <(THE WITNESS WITHDREW)

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13:07:33 18 LUNCHEON ADJOURNMENT

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13:58:48 1 UPON RESUMING AT 2.18 PM:
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14:18:22 3 COMMISSIONER: Before we start, Mr Winneke, it's just been
14:18:24 4 brought to my attention that some of the material referred
14:18:33 5 to by me in the closed hearing earlier today - that is on
14:18:40 6 legal matters - has been published electronically by some
14:18:49 7 media sources and that is in contravention of the order
14:18:56 8 made yesterday that everything in the closed hearing -
14:19:06 9 there was a non-publication order in relation to the
14:19:08 10 transcript. So I am ordering that everything published by
14:19:15 11 the media referring to my comments and the legal argument
14:19:19 12 in the private hearing be removed from the relevant
14:19:27 13 websites.
14:19:29 14
14:19:29 15 MR WINNEKE: Yes. Thank you, Commissioner.
14:19:32 16
14:19:34 17 MR HANNEBERY: Could I ask that we be informed privately -
14:19:36 18 it doesn't have to be in open hearing - as to the location
14:19:39 19 of that, where it was published and - - -
14:19:41 20
14:19:41 21 COMMISSIONER: I think you'll be able to get all that
14:19:47 22 material from the Commission's media person.
14:19:50 23
14:19:50 24 MR HANNEBERY: Yes.
25
14:19:51 26 COMMISSIONER: It was only in respect of - no names or
14:19:53 27 pseudonyms, or anything of that nature, I understand, were
14:19:56 28 mentioned, it was only in relation to the legal argument.
14:19:59 29
14:19:59 30 MR HANNEBERY: I think, obviously, people will be
14:20:01 31 interested in finding out what information was put out and
14:20:06 32 in what form - - -
33
14:20:07 34 COMMISSIONER: Of course. It's most unfortunate. Yes.
14:20:11 35
14:20:11 36 <PAUL DALE, recalled:
14:20:14 37
14:20:15 38 MR WINNEKE: Mr Dale, I was asking you before lunch about a
14:20:18 39 consultation that you had with Ms Gobbo when you were in
14:20:23 40 custody and there was some suggestion that you gave her
14:20:27 41 some notes which you had prepared whilst you were in
14:20:32 42 custody. I've been provided with a document which I think
14:20:36 43 you've now got; is that right?---Yes.
14:20:38 44
14:20:38 45 Have you had an opportunity to look at that document? I
14:20:46 46 think it's an eight page document. It's not dated?---No,
14:20:54 47 it's certainly - yes, it's - - -

14:20:58 1
14:20:59 2 Is it your handwriting?---It's definitely my handwriting,
14:21:02 3 it's definitely from me. I haven't had a look right
14:21:05 4 through it just yet.
14:21:06 5
14:21:06 6 Take the opportunity to do so, because I'm just going to
14:21:09 7 ask you a couple of questions about it?---Yes.
14:21:26 8
14:21:26 9 I should say this to you, Mr Dale: this has been provided
14:21:29 10 by the legal representatives for Ms Gobbo?---Yes.
14:21:32 11
14:21:32 12 As coming from material in her possession?---Yes.
14:23:09 13
14:23:09 14 Does the Commissioner have a copy of that document?
15
14:23:12 16 COMMISSIONER: No.
14:23:13 17
14:23:13 18 MR WINNEKE: I'll hand up a copy to you.
19
14:23:15 20 COMMISSIONER: Thank you.
14:23:17 21
14:23:28 22 MR WINNEKE: I should say, Commissioner, I've provided a
14:23:30 23 copy of this to Mr Steward, but to no-one else at this
14:23:37 24 stage.
25
14:23:43 26 COMMISSIONER: Presumably Ms Gobbo's lawyers have a copy?
14:23:48 27
14:23:49 28 MR WINNEKE: They have a copy. It's come from them.
29
14:23:52 30 COMMISSIONER: Yes.
14:26:05 31
14:26:06 32 WITNESS: Yes.
14:26:07 33
14:26:07 34 MR WINNEKE: Do you recognise that document?---Look, I
14:26:11 35 recognise it as mine.
14:26:13 36
14:26:13 37 Yes?---Yes.
14:26:14 38
14:26:17 39 Do you believe that - do you have a view as to whether or
14:26:21 40 not that document was provided to Ms Gobbo when you were in
14:26:24 41 custody?---Yeah, look, I'm not sure.
14:26:27 42
14:26:28 43 Let's assume it's in her possession, because that's where
14:26:31 44 it's come from. Is it the case that you provided that
14:26:36 45 document to Ms Gobbo?---Yeah, actually, now that you say
14:26:40 46 that. Look, reflecting on what's in this - - -
14:26:44 47

14:26:44 1 Yes?--- - - - it is certainly something that I've prepared
14:26:49 2 obviously after my arrest for the Dublin Street matter and
14:26:53 3 have given it to Nicola Gobbo, yes.
14:26:55 4
14:26:55 5 You say, even before this document was produced, you do
14:27:01 6 recall sitting in your cell, locked down, with a pen and
14:27:07 7 paper, putting together a document?---Yes.
14:27:08 8
14:27:09 9 Do you have a view as to whether this is the document or
14:27:11 10 not?---I have a view that this would have been one of a
14:27:14 11 number, yes.
14:27:14 12
14:27:15 13 One of a number. Do you believe there are other documents
14:27:17 14 that you produced to give to her?---Absolutely, yes.
14:27:21 15
14:27:21 16 Handwritten documents or typed documents?---I didn't have
14:27:24 17 access to a computer or a typewriter, so they would have
14:27:27 18 all been handwritten, yes.
14:27:28 19
14:27:29 20 If you were out of custody, was it your practice to use a
14:27:38 21 typewriter to provide instructions or a pen and
14:27:41 22 paper?---Out of custody, I most likely would have done it
14:27:44 23 on a computer, yes, and emailed, et cetera.
14:27:46 24
14:27:46 25 What was the purpose of providing this document?---Reading
14:27:50 26 that, I guess it's a history of my relationship with Terry
14:27:58 27 Hodson. It goes into a number of drug operations that
14:28:03 28 Terry and myself were involved with. And I guess, you
14:28:14 29 know, as it goes through, it sort of gives a real good
14:28:18 30 detailed idea of what my view of Terry was in regards to
14:28:25 31 being an informer, why he was an informer or why he wasn't
14:28:31 32 type thing, the level of informing, his ability to
14:28:39 33 manipulate the system, to a degree.
14:28:41 34
14:28:42 35 So if this is a document that was created when you were in
14:28:47 36 custody on the first occasion, between 5 and 15 December,
14:28:51 37 at that stage you obviously hadn't been provided with a
14:28:54 38 hand-up brief, clearly?---No.
14:28:55 39
14:28:57 40 And you wouldn't have been aware of the detail of the
14:29:00 41 allegations or any allegations made against you, save and
14:29:03 42 except that you may have been in possession of a remand
14:29:07 43 summary?---Yes, correct.
14:29:10 44
14:29:22 45 So what do you say, without going into the detail of the
14:29:25 46 document, the purpose that the document was for? Was it to
14:29:32 47 - - - ?---My defence against Terry's allegations and my

14:29:35 1 involvement in the Dublin Street burglary.
14:29:37 2
14:29:37 3 Yes, all right. I tender that document, Commissioner. At
14:29:42 4 this stage, I tender it as a confidential exhibit.
14:29:48 5
14:29:49 6 #EXHIBIT RC242 - Confidential exhibit of the witness's
14:29:54 7 notes to Nicola Gobbo.
8
14:29:56 9 COMMISSIONER: How many pages are there, do you know?
14:30:01 10
14:30:01 11 MR WINNEKE: Eight pages, Commissioner.
12
14:30:03 13 COMMISSIONER: Eight pages.
14:30:04 14
14:30:05 15 MR WINNEKE: And it appears to be - well, certainly on the
14:30:08 16 basis of the evidence - notes provided to lawyers by way of
14:30:12 17 instructions.
14:30:43 18
14:30:44 19 MR HANNEBERY: I'm not sure I know what Mr Winneke said
14:30:46 20 about who was having access to those documents, but I'd
14:30:50 21 formally ask, on Victoria Police's behalf, that we have
14:30:52 22 access to that confidential exhibit once it's been
14:30:55 23 tendered.
24
14:30:56 25 COMMISSIONER: Yes.
14:30:56 26
14:30:56 27 MR WINNEKE: Commissioner, I think at this stage we would
14:30:58 28 seek that the document be tendered as a confidential
14:31:02 29 exhibit. One assumes that these are documents - this is a
14:31:10 30 document which has been provided to Mr Dale's lawyers. I'm
14:31:19 31 not suggesting that there is or isn't, at this stage, legal
14:31:23 32 professional privilege attached to it and whether or not
14:31:26 33 it's been waived - that may well be a matter for Mr Dale, a
14:31:31 34 point that he may want to take.
35
14:31:33 36 COMMISSIONER: Yes.
14:31:34 37
14:31:35 38 MR WINNEKE: Certainly at this stage, insofar as it is
14:31:37 39 available to other parties, that's a matter for Mr Dale.
14:31:43 40 Insofar as earlier documents which have been - a number
14:31:47 41 of - I'm thinking of one in particular document we haven't
14:31:51 42 put on the public system at this stage because an
14:31:54 43 application was made by Mr Mokbel.
44
14:32:00 45 COMMISSIONER: In relation to legal professional privilege.
14:32:06 46 So they would, prima facie, seem to be subject to legal
14:32:11 47 professional privilege. Mr Steward, is there any waiver of

14:32:16 1 that at this stage?
14:32:17 2
14:32:18 3 MR STEWARD: Commissioner, this is a document that I
14:32:19 4 received only shortly after 2 o'clock, so I can't answer
14:32:22 5 that, save to say - - -
6
14:32:25 7 COMMISSIONER: At this stage, I think it had better be a
14:32:28 8 confidential exhibit.
14:32:29 9
14:32:29 10 MR STEWARD: Yes, I'd seek that that would be so.
14:32:29 11
14:32:29 12 COMMISSIONER: At this stage, I can't accede to your
14:32:32 13 application because of legal professional privilege. It
14:32:35 14 might clarify later, in which you can renew your
14:32:39 15 application at any time and it can be argued more fully,
14:32:43 16 but at this stage it will just remain a confidential
14:32:46 17 exhibit, it won't be published.
14:32:48 18
14:32:49 19 MR WINNEKE: Obviously, Commissioner, the relevance of it
14:32:50 20 is so far, the evidence suggests that it's a document
14:32:53 21 provided to lawyers for the purposes of providing
14:32:56 22 instructions.
23
14:32:56 24 COMMISSIONER: Yes.
14:32:57 25
14:32:57 26 MR WINNEKE: That's a matter of relevance to the Royal
14:32:59 27 Commission. It may well be suggested - and I suspect if
14:33:03 28 it's going to be suggested by anyone it will be on behalf
14:33:06 29 of Ms Gobbo that it's not, I don't know.
30
14:33:09 31 COMMISSIONER: At this stage I've ruled. The application
14:33:11 32 can be renewed at some point and argued more fully when we
14:33:15 33 have more information.
14:33:16 34
14:33:16 35 MR WINNEKE: Yes.
36
14:33:17 37 COMMISSIONER: At this stage it'll remain confidential.
14:33:21 38
14:33:21 39 MR WINNEKE: I understand that.
40
14:33:22 41 COMMISSIONER: And not provided to anybody, other than
14:33:27 42 Mr Dale's legal representatives.
14:33:30 43
14:33:30 44 MR WINNEKE: I understand that, Commissioner. I should say
14:33:32 45 that Mr Chettle will be - and, indeed, the police will be
14:33:35 46 seeking to find any other documents that they have which
14:33:39 47 may fall into the category of documents provided to

14:33:42 1 Ms Gobbo which may be in the nature of LPP - by Ms Gobbo to
14:33:49 2 handlers, and Mr Chettle has indicated that if he does find
14:33:53 3 the notes that are clearly referred to in ICRs, he'll show
14:34:00 4 me what they are and it may well be that we'll need to
14:34:06 5 review the situation then.
6

14:34:07 7 COMMISSIONER: All right.
14:34:08 8

14:34:09 9 MR CHETTLE: Commissioner, can I just briefly say, in
14:34:10 10 relation to that, that's a little bit difficult, certainly
14:34:11 11 so far as - the issue of these notes is one that I've been
14:34:14 12 aware of and I have been trying to follow through the trail
14:34:18 13 to see where they are. The Commission will understand the
14:34:22 14 unit no longer exists, we don't have documents, but we're
14:34:28 15 trying to find the electronic trail as to what happened to
14:34:30 16 notes that were provided to the SDU. I'm not sure these
14:34:34 17 are them. There are documents that talk about the contents
14:34:37 18 and these may or may not be them.
19

14:34:39 20 COMMISSIONER: No doubt we'll find out more as the evidence
14:34:42 21 progresses. Thanks, Mr Chettle.
22

14:34:45 22 MR WINNEKE: If I can just - I think I put to you before
14:34:57 23 lunch something which was in an ICR. I think this was ICR
14:34:59 24 number 80, which reads, insofar as it appears to be
14:35:07 25 relevant: human source, or "HS", "has a copy of notes that
14:35:11 26 had been supplied by Dale. The contents of these notes are
14:35:15 27 in the form of operation notes. Notes show all the Hodson
14:35:18 28 activities that he was aware of. Dale provided these notes
14:35:21 29 whilst in custody at Port Phillip. The notes have been
14:35:25 30 given to Hargreaves. Hargreaves represented Dale for his
14:35:27 31 bail applications". Now, certainly the notes do appear to
14:35:31 32 show, if not all, plenty of Hodson activities that you were
14:35:36 33 aware of?---Yes.
14:35:40 34
14:35:41 35

14:35:41 36 Yes, all right. It appears to be a description - that may
14:35:45 37 well be a reasonably accurate description of what those
14:35:49 38 notes are?---Absolutely.
14:35:50 39

14:35:51 40 In any event, there are obviously other matters in those
14:35:54 41 than Hodson activities, there are other matters than just
14:35:59 42 that, aren't there?---There's my own views on what I needed
14:36:02 43 my counsel to know to assist me in my defence, yes.
14:36:07 44

14:36:08 45 Right. You were released on bail on 15 December - -
14:36:21 46 -?---Yes.
14:36:21 47

14:36:25 1 - - - 2003. Ms Gobbo didn't appear for you. Do you know
14:36:32 2 whether she was at court or not?---I can't recall, no.
14:36:34 3
14:36:35 4 Right. You had a party to celebrate your release from
14:36:39 5 custody?---A fair chance.
14:36:41 6
14:36:42 7 It's understood that you invited Ms Gobbo, but - - - ?---I
14:36:46 8 would have.
14:36:46 9
14:36:48 10 - - - she didn't attend?---I can't recall if she attended
14:36:53 11 or not, but she would have been invited, yes.
14:36:56 12
14:36:57 13 You continued to communicate with Ms Gobbo subsequent to
14:37:01 14 your release from custody?---Yes.
14:37:03 15
14:37:04 16 You communicated with her over the Christmas period, did
14:37:09 17 you?---I would have.
14:37:10 18
14:37:13 19 Did you continue to communicate with her into the
14:37:19 20 New Year?---Yes, I would have.
14:37:20 21
14:37:23 22 Are you able to say how you communicated with her?---No -
14:37:40 23 when I say "no", whether it would be by phone or we met in
14:37:43 24 person.
14:37:44 25
14:37:45 26 Right. Did you meet in person?---I'm sure we did.
14:37:50 27
14:37:53 28 Where did you meet in person?---I couldn't give you
14:37:58 29 specific places, but I had regular contact with her through
14:38:01 30 that period.
14:38:02 31
14:38:02 32 All right. Commissioner, we've got a version of the
14:38:09 33 colour-coded communication log between Mr Dale and Ms Gobbo
14:38:16 34 and Mr Argall. I wonder if we could put that up. I'm
14:38:23 35 sorry, I don't have a number for it.
36
14:38:25 37 COMMISSIONER: Is this the one with the phone numbers now
14:38:27 38 removed?
14:38:28 39
14:38:29 40 MR WINNEKE: Yes.
41
14:38:30 42 COMMISSIONER: Just the colour-code. Has that been
14:38:33 43 tendered yet?
14:38:34 44
14:38:34 45 MR WINNEKE: Not in its current form. I wonder if we could
14:38:40 46 scroll down to around 5 December, please. We obviously see
14:39:02 47 on 5 December various communications. If we can go past

14:39:06 1 that. Continue on, please. Over the next page. Keep
14:39:27 2 going. If we just scroll through that, you'll see that
14:39:31 3 there's a telephone call on Christmas Day; you call Gobbo -
14:39:41 4 or leave an SMS?---Yes.
14:39:43 5
14:39:43 6 And there's return SMSes on 25 December 2003?---Yes.
14:39:47 7
14:39:48 8 Okay. I take it that was in the nature of a friendly SMS,
14:39:54 9 "Happy Christmas" sort of thing, was it?---Yeah, it would
14:39:57 10 have been, yes.
14:39:58 11
14:39:59 12 So, obviously, that communication wasn't of a legal nature
14:40:01 13 but of a friendly nature?---I would say that, yes.
14:40:07 14
14:40:07 15 Okay. Over the page. Keep going. There doesn't appear to
14:40:25 16 be too many communications between Gobbo and you, I
14:40:30 17 suggest, for quite some time. Do you say that that is an
14:40:34 18 indication that there were no communications between you
14:40:36 19 and Ms Gobbo? As we go through that, we can't see, right
14:40:42 20 through after Christmas Day - - -?---What telephone number
14:40:47 21 was this one?
14:40:48 22
14:40:48 23 Well, your blue one - the blue number is your personal
14:40:54 24 number, which ends in 536?---Yes.
14:40:58 25
14:40:58 26 And the red one or the pink one is Gobbo, 087, ends in
14:41:04 27 087?---Yes.
14:41:05 28
14:41:07 29 They are, if you like, your official personal mobile phone
14:41:12 30 numbers, right?---Yes.
14:41:12 31
14:41:13 32 So as we go through that, you don't see too many blue to
14:41:19 33 red communications?---No.
14:41:24 34
14:41:54 35 COMMISSIONER: I think the question was was this because
14:41:58 36 you weren't communicating by phone?
14:42:01 37
14:42:01 38 MR WINNEKE: That's what I was going to ask.
14:42:01 39
14:42:03 40 COMMISSIONER: I thought you did ask that?---No, he hasn't
14:42:06 41 asked that yet. We would have been communicating. We
14:42:11 42 would have been communicating on the phone in the false
14:42:15 43 name by this time.
14:42:16 44
14:42:17 45 MR WINNEKE: Right. Can I ask you this: is there -
14:42:21 46 assuming that you have a lawyer/client relationship with
14:42:27 47 Ms Gobbo, is there any reason why you would use a different

14:42:33 1 phone to communicate?---I had - I was having an affair, so
14:42:42 2 I had a false phone.
14:42:43 3
14:42:44 4 Right?---And I then used that phone, knowing or believing
14:42:49 5 that it wasn't being intercepted, to then speak to Nicola
14:42:54 6 Gobbo as well via that phone.
14:42:55 7
14:42:57 8 To clarify it, I take it you're not saying that you were
14:43:00 9 having an affair with Ms Gobbo, but you might have been
14:43:03 10 having an affair with someone else?---Correct, yes, that's
14:43:05 11 true.
14:43:06 12
14:43:06 13 So the reason why you say you had a different phone was to
14:43:11 14 perhaps - - - ?---My wife didn't know I had it.
14:43:15 15
14:43:15 16 Yes, right. Why, though, wouldn't you use your own phone
14:43:23 17 to communicate with Ms Gobbo?---Well, I believe by that
14:43:26 18 point in time, Nicola had advised me not to use a phone in
14:43:31 19 my own name - not to use my own phone, sorry. My advice
14:43:36 20 from her was that my phone would have been intercepted.
14:43:41 21 She also advised me that she believed her work phone was
14:43:44 22 intercepted and it was instructions from her to communicate
14:43:51 23 on a phone that we didn't believe was intercepted.
14:43:53 24
14:43:53 25 Right, okay. What were the purposes of the communications
14:43:57 26 between you and Ms Gobbo in the period after Christmas and
14:44:01 27 through to, let's say, April?---Well, after I'd been
14:44:07 28 charged, obviously I was suspended and my whole focus was
14:44:12 29 on my defence and clearing of those charges so that I could
14:44:19 30 resume my life back in the Police Force.
14:44:20 31
14:44:21 32 Right?---So I would have been seeking her advice on a - I
14:44:27 33 probably would have been annoying the hell out of her, to
14:44:31 34 be honest.
14:44:31 35
14:44:31 36 Did you ever go and see her in her chambers?---Look, I
14:44:36 37 don't - I believe I've been to her chambers on one
14:44:38 38 occasion, but she never wanted to meet in her chambers.
14:44:41 39 Again, she was paranoid that her chambers were intercepted,
14:44:45 40 so forever we were meeting at cafés, bars.
14:44:50 41
14:44:50 42 Cafés, bars in the legal precinct?---Yeah, sometimes in the
14:44:54 43 legal precinct. That Wheat café you mentioned underneath
14:44:59 44 the chambers, we met there a few times, but predominantly
14:45:03 45 bars, I must say. We talked about O'Connell's the other
14:45:07 46 day. We certainly went there a number of times.
14:45:09 47

14:45:09 1 Do you recall when you got your hand-up brief?---I don't
14:45:13 2 recall the date, no.
14:45:14 3
14:45:15 4 Well, was it - we might be able to find this - but do you
14:45:21 5 believe that it was in January, February or March?---Look,
14:45:25 6 I honestly couldn't tell you the date.
14:45:27 7
14:45:28 8 You were aware, weren't you, that she was acting for
14:45:32 9 Mr Ahmed, Azzam Ahmed, Abby Haynes and Colleen
14:45:39 10 O'Reilly?---Yes.
14:45:39 11
14:45:39 12 You were aware that she had, because she was their
14:45:43 13 representative, received a hand-up brief in relation to
14:45:46 14 those people?---No, I'm not. I presume she would receive a
14:45:50 15 hand-up brief, but it's not something I've discussed with
14:45:53 16 her, no.
14:45:53 17
14:45:54 18 Do you mean to say that you didn't discuss with her the
14:45:57 19 fact that they had received a hand-up brief?---I don't
14:46:00 20 believe so.
14:46:06 21
14:46:06 22 Do you think that you would have been interested to know
14:46:09 23 what was in their hand-up brief?---Not really. I mean, I,
14:46:13 24 obviously, was involved in their arrest.
14:46:15 25
14:46:15 26 Yes?---I was confident that that arrest and operation was
14:46:21 27 concluded and there was no issues there. My focus during
14:46:28 28 that period of time was my own issues, my own criminal
14:46:33 29 matters that I had to deal with.
14:46:35 30
14:46:37 31 They would have clearly received their hand-up brief prior
14:46:42 32 to you, wouldn't they? I think we established last week
14:46:45 33 that there was a date by which the hand-up brief had to be
14:46:48 34 served. I think it was 23 January, if my memory serves me,
14:46:52 35 or something like that?---Look, I can't be sure. I don't
14:46:58 36 know. I don't know if they've received their hand-up brief
14:47:00 37 or I received mine first, I don't know.
14:47:02 38
14:47:02 39 Can I ask you this: did you ask Ms Gobbo and did she show
14:47:04 40 you statements on hand-up briefs held by other people?---I
14:47:11 41 can't recall it, but I wouldn't say it's not possible.
14:47:14 42
14:47:15 43 Right?---But I can't recall it.
14:47:17 44
14:47:20 45 Is it likely that you would have been interested - you
14:47:23 46 would have been interested to know what was in the hand-up
14:47:26 47 brief, can we accept that proposition?---Well, I assume in

14:47:29 1 the hand-up brief - it was a brief that I was - although I
14:47:32 2 wasn't on duty, I was suspended, the brief would have been
14:47:35 3 put together as a result of a direct operation I'd
14:47:40 4 conducted, so - - -
14:47:40 5
14:47:41 6 There would have been a fair degree of overlap between your
14:47:44 7 brief and the brief that was put together for those
14:47:47 8 people?---Yeah, there probably would have been, actually,
14:47:49 9 yes.
14:47:49 10
14:47:50 11 And I take it you would have been interested to know what
14:47:52 12 Abby Haynes was saying and what other people were saying,
14:47:54 13 given that you had been charged?---Yeah, I guess.
14:48:03 14
14:48:03 15 In any event, what you say is - sitting here in the witness
14:48:10 16 box now, you can't say whether or not Ms Gobbo showed you
14:48:13 17 statements on briefs that she had in relation to those
14:48:17 18 other people?---I can't recall it, no.
14:48:18 19
14:48:19 20 You do accept, though, don't you, that she could not
14:48:23 21 officially represent you because she had a conflict of
14:48:27 22 interest, given that she was acting for Azzam Ahmed,
14:48:32 23 et cetera?---No, I don't accept that. It's always been my
14:48:39 24 belief that she could act for me. I hadn't thought that
14:48:43 25 was the case, that it was a conflict, to be honest. I
14:48:46 26 realise, in the light of day, it is, I guess, but it just
14:48:50 27 wasn't something that - - -
14:48:52 28
14:48:52 29 Mr Dale, you've said in your own statement, "Shortly after
14:48:56 30 I was granted bail, it became apparent that Nicola could
14:49:00 31 not represent me, as it would have been a conflict of
14:49:03 32 interest, as she still represented clients such as Azzam
14:49:07 33 Ahmed". And then you said at 72, "I discussed this fact
14:49:10 34 with Nicola, who maintained she could still assist me in a
14:49:15 35 semi-formal manner and we agreed I would run most things by
14:49:16 36 her when I needed her expert legal advice in regards to
14:49:17 37 drug trafficking charges that I was facing", that's what
14:49:21 38 you said?---Yeah, that's correct.
14:49:24 39
14:49:25 40 You were suspended from VicPol at the time. However, you
14:49:28 41 maintained contact with her on a regular basis, seeking
14:49:31 42 legal advice from her, that's what you say?---That's
14:49:33 43 correct.
14:49:33 44
14:49:34 45 "At all times it was my belief that Gobbo was a practising
14:49:37 46 barrister and my conversations and discussions with her
14:49:40 47 regarding my legal matters were confidential"?---That's

14:49:42 1 absolutely correct.

14:49:43 2

14:49:43 3 All right, okay. You say that you never went into her

14:49:48 4 chambers - I'm sorry, she never requested that you meet her

14:49:53 5 in chambers and you say that that didn't seem strange to

14:50:00 6 you?---No, it didn't.

14:50:00 7

14:50:01 8 Why was that?---I guess it was just the relationship we had

14:50:04 9 formed at that point in time, it was - we'd always meet

14:50:09 10 elsewhere.

14:50:09 11

14:50:12 12 Did you know the way she conducted her professional

14:50:16 13 business in, you know, coffee shops and so forth?---Look, I

14:50:22 14 don't know whether she met - I honestly don't know whether

14:50:25 15 she ever met some of her other clients in chambers, but

14:50:28 16 from what I saw, she certainly met her clients in what

14:50:33 17 appeared to be a social environment, yes, on a regular

14:50:36 18 basis.

14:50:36 19

14:50:37 20 I take it you went to see Mr Hargreaves in his

14:50:42 21 office?---Yes. We also met at coffee shops too, though.

14:50:46 22

14:50:47 23 All right. You knew that Ms Gobbo had an office?---Yes.

14:50:51 24

14:50:52 25 Chambers?---Yes.

14:50:52 26

14:50:54 27 But you never saw the inside of it?---I don't believe so.

14:50:57 28

14:50:58 29 Did she indicate to you that she was concerned about

14:51:03 30 listening devices in her chambers?---Absolutely.

14:51:04 31

14:51:04 32 She told you that, did she?---She told me that, yes.

14:51:07 33

14:51:08 34 Did you ask her why?---I probably agreed with her, because

14:51:12 35 of the clients she was representing at the time. I would

14:51:18 36 have thought, yes, it's highly likely you are being watched

14:51:26 37 and listened to, yes.

14:51:27 38

14:51:28 39 As a member of the Police Force, would you say that police

14:51:30 40 are in the habit of putting listening devices in legal

14:51:33 41 practitioners' chambers?---Not that I'm aware of.

14:51:36 42

14:51:37 43 So you're not suggesting that that's the sort of conduct

14:51:39 44 that either you, or other police officers that you knew,

14:51:42 45 were engaged in on a regular basis?---No, not at all.

14:51:45 46

14:51:46 47 Did you know of it happening at all?---Yes.

14:51:48 1
14:51:51 2 Are you able to describe any circumstances in which you say
14:51:54 3 you were aware of legal practitioners' chambers being
14:51:59 4 bugged, if you like - is that what you're talking
14:52:01 5 about?---Yes.
14:52:01 6
14:52:02 7 You can refer to a particular example that you can think
14:52:05 8 of?---Historically, obviously [REDACTED] was one.
14:52:09 9
14:52:09 10 Right?---We've had listening devices in places where - they
14:52:14 11 weren't chambers, but lawyers have been captured, yes.
14:52:18 12 But, no, it's not a regular thing, obviously, no.
14:52:21 13
14:52:21 14 So that's the only example you can think of?---Yes.
14:52:25 15
14:52:25 16 Is that something that you were aware of as an operational
14:52:29 17 police officer or is that something that you became aware
14:52:31 18 of as a member of the public?
14:52:32 19
14:52:33 20 MR HANNEBERY: Perhaps if we can go back. [REDACTED]
14:52:37 21 has got a pseudonym.
14:52:38 22
14:52:39 23 MR WINNEKE: I know. In any event, now that you've raised
14:52:42 24 it, it's going to have to be dealt with. I was going to
14:52:45 25 leave it, Commissioner, but I think now it's going to have
14:52:47 26 to be dealt with.
27
14:52:48 28 COMMISSIONER: Yes. So we have to delete the name [REDACTED]
14:52:51 29 [REDACTED]
14:52:53 30
14:52:53 31 MR HANNEBERY: Yes. I understand his pseudonym is Person
14:52:59 32 5.
33
14:52:59 34 COMMISSIONER: Yes, Person 5.
14:53:02 35
14:53:04 36 MR HANNEBERY: It might well be a context-based issue.
14:53:07 37
14:53:08 38 MR WINNEKE: Commissioner, I wasn't going to put it into
14:53:11 39 context, but I think now that Mr Hannebery has said that
14:53:12 40 he's got a name, it's got to be - that will all have to be
14:53:15 41 deleted.
42
14:53:16 43 COMMISSIONER: We'll delete [REDACTED]. Will we put
14:53:18 44 in "Person 5"?
14:53:20 45
14:53:20 46 MR WINNEKE: I think that's his person number.
47

14:53:22 1 COMMISSIONER: So [REDACTED] is to be deleted from the
14:53:24 2 transcript and "Person 5" substituted and just delete it
14:53:29 3 from the live streaming. Thank you.
14:53:43 4
14:53:43 5 WITNESS: There have been a lot of rumours over the years,
14:53:46 6 through the Paul Mullett investigation, Nixon, Overland,
14:53:52 7 et cetera, that other legal identities' offices were
14:53:58 8 intercepted, but I don't - I've only had that told to me in
14:54:03 9 a pub-type scenario.
14:54:04 10
14:54:05 11 MR WINNEKE: Right. In any event you say that Ms Gobbo
14:54:07 12 said to you, "Look, it's best not to meet in my chambers
14:54:10 13 because I'm concerned that my chambers will be
14:54:15 14 bugged"?---Yes.
14:54:15 15
14:54:19 16 "Because I act for people such as Mokbel",
14:54:23 17 et cetera?---Correct.
14:54:23 18
14:54:25 19 Did you ever ask Ms Gobbo for Mr Mokbel's telephone
14:54:31 20 number?---No.
14:54:31 21
14:54:32 22 Right. See, it'll be suggested by - it may be suggested
14:54:41 23 that you did ask and she told handlers that you did ask for
14:54:45 24 Mr Mokbel's number when you were drunk one night at the
14:54:48 25 casino?---Okay.
26
14:54:53 27 What do you say to that?---I say that's not correct.
14:54:54 28
14:54:55 29 Right. Would you have any reason to want to contact
14:55:02 30 Mr Mokbel, say in around 2004, early 2004, or in that area,
14:55:09 31 that time frame, around then?---Probably to let him know
14:55:14 32 that I didn't steal his drugs and his cash.
14:55:17 33
14:55:17 34 Right. Do I take it then that you think that you might
14:55:24 35 have wanted to let him know that you had nothing to do with
14:55:27 36 taking drugs and cash from his property?---If I wanted to
14:55:30 37 speak to him at all, that would have possibly been a
14:55:33 38 reason.
14:55:33 39
14:55:34 40 Okay. You said, I think, last time that Gobbo told you
14:55:37 41 that as far as she knew, the Dublin Street operation was
14:55:41 42 Mokbel's operation?---Correct.
14:55:43 43
14:55:45 44 And what you say is, "Look, I wouldn't want Tony Mokbel to
14:55:48 45 know that I had anything to do with that"?---Correct.
14:55:51 46
47 MR CHETTLE: Think.

1 MR WINNEKE: "Think". Did I say that?

2

3 MR CHETTLE: You said "know".

4

5 MR WINNEKE: Right. Whatever.

6

14:56:00 7 To believe?---Yeah, believe. I had no evidence. There was
14:56:04 8 never any evidence of Tony Mokbel's involvement in that
14:56:07 9 drug operation at any point in time. It was only later
14:56:11 10 that Nicola told me that.

14:56:12 11

14:56:13 12 All right. So if there is evidence that suggests that you
14:56:16 13 wanted to use Ms Gobbo to contact Mokbel, or through Gobbo
14:56:21 14 to contact Mokbel, you say that's the reason why it would
14:56:24 15 have been done?---Look, I deny that I asked her, but I'm
14:56:29 16 just giving you a theory as to what I might have wanted to
14:56:32 17 speak to him about if I did.

14:56:34 18

14:56:34 19 Mr Dale, do you think on occasions when you had a bit to
14:56:37 20 drink, you did some silly things?---Yes.

14:56:39 21

14:56:39 22 Did you drink a fair bit at times?---Yes.

14:56:42 23

14:56:44 24 Whilst you were a police officer?---Yes.

14:56:46 25

14:56:47 26 Obviously not whilst you were on operational duties, but on
14:56:51 27 weekends and so forth?---Correct.

14:56:52 28

14:56:53 29 And it's apparent that when you were with Ms Gobbo on a
14:56:58 30 number of occasions, I suggest to you, that you got quite
14:57:04 31 inebriated?---Correct.

14:57:06 32

14:57:07 33 Would it be fair to say that on at least one of those
14:57:10 34 occasions, you had sex with her?---Correct.

14:57:12 35

14:57:13 36 Do you say it might have been more than one
14:57:15 37 occasion?---That I had sex with her?

14:57:17 38

14:57:17 39 Yes?---No.

14:57:18 40

14:57:19 41 When you do get inebriated - what do you drink normally?
14:57:25 42 Do you drink beer or spirits - back then I'm talking about,
14:57:29 43 I'm not talking about now, back then, in 2003, 2004?---Back
14:57:33 44 then, both.

14:57:33 45

14:57:34 46 Did you drink to such an extent that you lost your memory
14:57:37 47 of things that occurred, or not?---Absolutely.

14:57:39 1
14:57:40 2 Did you ever wake up in the same room or bed with Ms Gobbo
14:57:45 3 and sort of not really recall what happened the night
14:57:47 4 before?---On that one occasion.
14:57:52 5
14:57:52 6 On the one occasion. All right. You had a number of other
14:58:07 7 issues - well, after you were charged and you received a -
14:58:16 8 I think the first matter that you were charged with, the
14:58:19 9 Dublin Street matter, were you concerned about information
14:58:25 10 which had been included on your hand-up brief?---Yes,
14:58:33 11 you're right, I think there was personal information.
14:58:38 12
14:58:38 13 Was it your address?---Yes.
14:58:39 14
14:58:41 15 Did you consider submitting a complaint to an appropriate
14:58:45 16 body about that?---I think I did.
14:58:48 17
14:58:49 18 The Police Ombudsman?---I can't recall who I complained to
14:58:55 19 but I recall it being addressed put it that way.
14:59:00 20
14:59:00 21 An address?---As in it was addressed. They admitted they'd
14:59:05 22 mucked up by putting a number of personal - personal
14:59:10 23 information about myself, Miechel, Hodsons, who else? -
14:59:17 24 witnesses, et cetera. They just left everything on the
14:59:22 25 statements that were there.
14:59:24 26
14:59:24 27 Was it in your brief or the brief of other people, for
14:59:29 28 example Azzam Ahmed, Abby Haynes and/or Colleen
14:59:34 29 O'Reilly?---I'm not sure about those people but certainly
14:59:36 30 it was on my brief, it was on Dave Miechel's brief and so
14:59:41 31 therefore - - -
14:59:41 32
14:59:42 33 How did you know it was on Dave Miechel's brief?---I'm
14:59:46 34 pretty sure that I heard it was on his brief as well.
14:59:49 35
14:59:49 36 Did you ask him or - - - ?---Yeah, I would have asked him I
14:59:56 37 think.
14:59:56 38
14:59:56 39 In relation to that complaint did you seek any advice from
15:00:00 40 anyone about complaining about it?---I don't know if I
15:00:02 41 sought Police Association advice or Tony Hargreaves' advice
15:00:10 42 or Nicola Gobbo's advice, no, I can't recall. I did make a
15:00:14 43 complaint about it, I wasn't happy at all, but I can't
15:00:17 44 remember.
15:00:17 45
15:00:18 46 Is that the sort of thing that you might have spoken to
15:00:20 47 Ms Gobbo about?---Oh yeah, absolutely.

15:00:22 1
15:00:23 2 Right. Do you think you might have said to her, "Look, can
15:00:29 3 you find out if those details are on Abby Haynes',
15:00:35 4 O'Reilly's or Azzam Ahmed's brief"?---Look, I can't recall
15:00:42 5 whether I did. I was probably more pissed off that the
15:00:47 6 incompetence of the members that did it more so than
15:00:51 7 concerned about the safety aspect to myself.
15:00:54 8
15:00:55 9 Right, I understand that. The reality is, and you accept
15:00:58 10 this, that you were pretty angry about the way you were
15:01:00 11 treated, quite apparently you remain so?---Absolutely.
15:01:03 12
15:01:03 13 But you started being angry right back with ESD in 2004,
15:01:10 14 3/4; is that right?---I was angry that I was charged, yes,
15:01:18 15 based on a completely uncorroborated statement from a
15:01:24 16 career criminal and remanded in custody. That's what
15:01:27 17 really annoyed me, that I was remanded. And then it was
15:01:34 18 just a continual, how would I say it, to be exposed risk
15:01:45 19 wise by incompetence and at times I thought maybe it wasn't
15:01:51 20 incompetence it was an opportunity to try and have me
15:01:56 21 killed by Victoria Police, certain Victoria Police members,
15:01:59 22 that got me really, really angry, yes. You can understand
15:02:05 23 they spread misinformation through the prison system to
15:02:10 24 serious criminals that I'd had dealings with, that then
15:02:14 25 contacted me and threatened me and it came direct from
15:02:18 26 these authorities.
15:02:18 27
15:02:19 28 Let's just - - - ?---And we know that for a fact. We can
15:02:22 29 prove it.
15:02:22 30
15:02:23 31 Can I ask you this then, if we can focus on the connection
15:02:28 32 with Gobbo?---Yes.
15:02:29 33
15:02:30 34 Subsequently when you received your hand-up brief in the -
15:02:37 35 when you were charged with murder in early 2009, you were
15:02:41 36 charged with a fellow called Rod Collins?---Yes.
15:02:46 37
15:02:46 38 Did you have a complaint about the information that was on
15:02:51 39 your brief and also on Collins' brief personal to
15:02:56 40 you?---Yes, I did. I don't know how far I want to take
15:03:00 41 this but I've got a very serious complaint I made about
15:03:04 42 that.
15:03:04 43
15:03:05 44 All right. What I want to ask you is did you seek any
15:03:08 45 legal advice about that?---Yes, I did.
15:03:10 46
15:03:10 47 And from whom did you seek legal advice?---At that point in

15:03:14 1 time I was aware Nicola obviously was a witness against me
15:03:19 2 so I sought that legal advice from Tony Hargreaves and we
15:03:24 3 made a complaint through Tony Hargreaves' office to the
15:03:30 4 Australian Crime Commission or whoever it was.
15:03:31 5
15:03:31 6 Right?---Yes.
15:03:32 7
15:03:33 8 When was the last time you spoke to Ms Gobbo? Was that on
15:03:38 9 7 December 2008?---The day she tape-recorded my
15:03:42 10 conversation, yes.
15:03:43 11
15:03:48 12 So you say you didn't speak to her after that?---No. Oh,
15:03:52 13 well, how long after was I arrested? I'm not sure if there
15:03:58 14 was any conversation or any contact between that day and
15:04:01 15 when I was arrested to be honest.
15:04:03 16
15:04:04 17 Right.
18
15:04:07 19 COMMISSIONER: Could I just, the telephone records that are
15:04:10 20 redacted, the unredacted version was 233, I'll make that
15:04:15 21 233A and the redacted version 233B so that the redacted
15:04:22 22 version can be published on the website if it hasn't been
15:04:26 23 already.
15:04:27 24
15:04:29 25 #EXHIBIT R C233A - Unredacted version of telephone records.
15:04:32 26
15:04:33 27 MR WINNEKE: Thanks Commissioner. So 13 February 2009 I
15:04:39 28 think Mr Solomon and Mr Davey arrested you; is that
15:04:45 29 right?---Yes.
15:04:45 30
15:04:48 31 Were you interviewed the same day that you were
15:04:50 32 arrested?---Yes.
15:04:51 33
15:04:53 34 Do you think you might have spoken to Gobbo between 7
15:04:56 35 December 2008 and 13 February 2009?---Possibly.
15:05:02 36
15:05:11 37 Just whilst we're talking about the 7 December 2008 meeting
15:05:17 38 that you had with Ms Gobbo, prior to that had you
15:05:22 39 communicated with her to tee up the meeting?---Yes, I would
15:05:25 40 have, yes.
15:05:26 41
15:05:27 42 How many times do you think you communicated with Ms Gobbo
15:05:30 43 in 2008?---Wouldn't have been a lot. From 2005 when I
15:05:36 44 moved to the country our contact would have been very
15:05:43 45 limited and it would have pretty much only have been when I
15:05:51 46 was called before OPI or IBAC or Australian Crime
15:05:56 47 Commission hearings that I would seek her out again.

15:05:58 1
15:05:58 2 Right?---There were several of those throughout that
15:06:03 3 period.
15:06:04 4
15:06:05 5 All right. I'd like to show you a document if I may. It's
15:06:12 6 what's called a call charge record. Just have a look at
15:06:22 7 that, Mr Dale?---Yes.
15:06:32 8
15:06:33 9 I take it you've seen that document before?---I saw it over
15:06:36 10 lunchtime, yes.
15:06:37 11
15:06:42 12 Did you not see that document during the course of inquest
15:06:52 13 proceedings?---Look, I'm not sure if I saw it during
15:06:55 14 inquests, committals, pre-trial conferences.
15:06:58 15
15:07:13 16 Commissioner, this has got a document number. I don't know
15:07:25 17 whether I want to put it up on the public - on to the
15:07:29 18 public system at this stage. Perhaps if we can put it up
15:07:32 19 in front of you, me and Mr Dale at present.
20
15:07:35 21 COMMISSIONER: Yes.
15:07:52 22
15:07:54 23 MR WINNEKE: That document indicates a number of names, I'm
15:07:58 24 not going to ask you about the names in the right-hand
15:08:01 25 column save for obviously Nicola Gobbo's, but you indicated
15:08:05 26 before that there was a bit of marital infidelity going on
15:08:11 27 at one stage?---Yes.
15:08:12 28
15:08:13 29 We see Nicola Gobbo's name on the far right-hand column
15:08:16 30 there. We see another name which may well fall into that
15:08:20 31 category?---Yes.
15:08:21 32
15:08:23 33 That's the name mentioned three times at the top of the
15:08:27 34 page, the top right part of the page; is that right?---Yes.
15:08:30 35
15:08:31 36 Indeed, there might even be another name - perhaps we'll
15:08:37 37 leave that for the moment. On the left-hand column there's
15:08:46 38 a telephone number and it's in the name of Darren Johnson,
15:08:49 39 right?---Yes.
15:08:49 40
15:08:50 41 In brackets underneath that your name's there?---Yes.
15:08:54 42
15:08:54 43 Firstly, you're aware of that name Darren Johnson and
15:09:00 44 you're aware of the assertion that that's a phone that you
15:09:05 45 used?---Yes.
15:09:06 46
15:09:06 47 And you accept that proposition?---Yes.

15:09:08 1
15:09:12 2 Are you able to say - now the first communication in your
15:09:17 3 name - sorry, Darren Johnson's name is 28 February 2004.
15:09:28 4 Is that do you believe the first time you'd used that phone
15:09:31 5 or do you think you'd used it previous to that?---Yeah,
15:09:35 6 look, I don't know. I could only presume if they've got
15:09:38 7 call charge records they'd have them all the way to the
15:09:40 8 start I guess, so.
15:09:43 9
15:09:43 10 It may well depend on when they first get wind that you're
15:09:49 11 using that number I suppose?---Yeah, I'm pretty sure you
15:09:52 12 can do the old reverse CCR as we call it though and go back
15:09:58 13 to all the calls that that phone's ever made, but anyway,
15:10:01 14 yeah.
15:10:01 15
15:10:01 16 Your expectation is from your knowledge of these things
15:10:05 17 once they get the number they can go back and that's where
15:10:09 18 that number starts?---Yes.
15:10:11 19
15:10:11 20 If we go right through that document, it's a 39 page
15:10:14 21 document, we can see if we go to the very bottom, we can
15:10:25 22 see that the last time that phone call - I'm sorry, that
15:10:30 23 Darren Johnson phone appears to have been used - perhaps
15:10:35 24 I'll withdraw - there is a Darren Johnson phone number at
15:10:44 25 the very bottom on p.39. Are we able to zip through to 39?
15:11:18 26 Do you see at the bottom the last time that phone seems to
15:11:23 27 be used it's called by - well, the same female?---Yes.
15:11:30 28
15:11:30 29 We referred to, and it calls Darren Johnson, again in
15:11:36 30 brackets Dale, but on this occasion the number appears to
15:11:39 31 be different, do you see that?---Yeah, I do see that.
15:11:42 32
15:11:42 33 Is that because you registered another phone in the name of
15:11:45 34 Darren Johnson but used a different phone number?---I would
15:11:58 35 - yeah, I don't know.
15:12:00 36
15:12:01 37 Accepting that these records are right?---I accept
15:12:04 38 that - - -
15:12:04 39
15:12:04 40 I'm not asking you to accept at all. That appears to be
15:12:07 41 the case?---Yeah, it does, yeah.
15:12:09 42
15:12:09 43 Are you able to say whether Darren Johnson was a name that
15:12:13 44 you registered a phone in, firstly do you accept that
15:12:16 45 proposition?---Yes, I do.
15:12:17 46
15:12:18 47 You do know that when you registered the phone it was in

15:12:22 1 Darren Johnson, that was the name you chose?---Yes.
15:12:24 2
15:12:25 3 And it appears to be that at least on those two occasions
15:12:29 4 you used different numbers for that phone?---It appears,
15:12:32 5 yes.
15:12:32 6
15:12:33 7 It may well be that you got a couple of SIMs and registered
15:12:38 8 them in different names?---Possibly.
15:12:39 9
15:12:39 10 Again, are you able to explain why you would have done
15:12:42 11 that?---Yes, I was having an affair.
15:12:47 12
15:12:47 13 All right. I don't want to embarrass you or your family,
15:12:57 14 but are we talking about one person or more than
15:12:59 15 one?---It's possibly why that number changed because it was
15:13:02 16 two people.
15:13:03 17
15:13:12 18 What you do though is you use that telephone to contact
15:13:16 19 Nicola Gobbo and if we go back to the first page you can
15:13:31 20 see the fourth number down is Nicola Gobbo?---Yes.
15:13:33 21
15:13:33 22 Now that's her business number, the phone that she uses for
15:13:37 23 her business?---I'd have no idea. It's certainly Nicola
15:13:43 24 Gobbo.
15:13:43 25
15:13:43 26 All right. Well, 087 is the same number that you were
15:13:48 27 communicating with in the pink records?---I accept that.
15:13:53 28
15:13:53 29 Dating back to 2003?---I accept that, yes.
15:13:56 30
15:13:57 31 As we go through that we see that there's a fair degree of
15:14:02 32 communication with Nicola Gobbo as we scroll through
15:14:06 33 it?---Yes.
15:14:06 34
15:14:07 35 We can see that there's communications on 3 March?---Yes.
15:14:22 36
15:14:24 37 Down to 6 March?---Yes.
15:14:28 38
15:14:28 39 MR CHETTLE: What year?
15:14:30 40
15:14:31 41 MR WINNEKE: 04. So 6 March. Then if we go down to p.6
15:14:36 42 we've got 9 March, p.7 the 10th of March. Page 8 you've
15:14:44 43 got the 10th of March and the 11th of March. At one stage,
15:14:48 44 if we go to p.8 of 39, you see there there's a different
15:14:52 45 number for Gobbo, 11 March at 8.40 in the morning,
15:14:56 46 different number and that's Glen Meldrum's number, do you
15:15:02 47 see that, p.8?---Page 8. On the 10th of March?

15:15:19 1
15:15:20 2 11th of March you'll see 04 - you'll see a number there
15:15:24 3 about halfway down the page and it's GW Meldrum Pty
15:15:30 4 Ltd?---Yes.
15:15:31 5
15:15:31 6 I suggest to you that's Ms Gobbo's clerk and that's a
15:15:34 7 number she had previously told you to contact her on, I
15:15:37 8 think when she was overseas the previous year she suggested
15:15:40 9 you use that number?---Okay, yes.
15:15:41 10
15:15:41 11 Do you accept that you would have contacted her on that
15:15:43 12 number?---Yes.
15:15:44 13
15:15:45 14 Would you have contacted her on that number if she told you
15:15:48 15 to contact her on that number?---Yes.
15:15:49 16
15:15:50 17 All right. Then we see if we go down to p.12 there's a
15:15:54 18 significant number of communications between you and her on
15:16:00 19 that number?---Yes.
15:16:01 20
15:16:02 21 From 23 March, 24th, 25th, 26th, over the page, 27th and so
15:16:11 22 forth?---Yes.
15:16:12 23
15:16:12 24 Then we get down to p.14. If you have a look at the third
15:16:29 25 call on that page you'll see that it's Gobbo?---Yes.
15:16:32 26
15:16:33 27 In brackets underneath the name Alex Koskarev?---Yes.
15:16:40 28
15:16:41 29 She calls you on that number ending in 412 and she calls
15:16:44 30 you on the 642 number?---Yes.
15:16:51 31
15:16:52 32 Which again is Dale. Do you understand that she changes
15:16:57 33 her phone over to a phone in the name of Alex Koskarev with
15:17:04 34 a different telephone number and contacts you on that and
15:17:09 35 then she uses that to call you on?---Yes, I see that.
15:17:13 36
15:17:14 37 Accepting - - - ?---Yes, it does, yes it does.
15:17:16 38
15:17:16 39 Accepting that's right?---Yes.
15:17:20 40
15:17:20 41 Were you aware, and I suggest you must have been aware,
15:17:22 42 that she was using a number of different telephones for you
15:17:25 43 to contact her on?---Yes, that's correct.
15:17:27 44
15:17:28 45 Right. Did she give you an explanation as to why she was
15:17:31 46 doing that?---The same as she'd done previously, that she
15:17:35 47 believed her phones were intercepted.

15:17:38 1
15:17:39 2 Yes?---And so therefore she had clean, what she called
15:17:45 3 clean phones.
15:17:46 4
15:17:46 5 Indeed, if you look at p.15?---Yes.
15:17:50 6
15:17:53 7 You'll see that there's a telephone record of Azzam Ahmed,
15:18:05 8 a person for whom she's acting?---Yes.
15:18:08 9
15:18:09 10 Contacting her on a phone ending in 768 and it's a
15:18:12 11 different name again, the fourth different number that
15:18:16 12 Gobbo's had, and that one's Koyla Valersky?---Yes. I see
15:18:22 13 even Azzam Ahmed's using false registered phones.
15:18:26 14
15:18:26 15 Right?---Yes.
15:18:27 16
15:18:27 17 What we see there is Azzam Ahmed using a phone in the name
15:18:32 18 of Richard Malinov, contacting Koyla Valersky, who, it's
15:18:40 19 suggested, is Nicola Gobbo?---Yes.
15:18:42 20
15:18:43 21 And then it appears that that person, Koyla Valersky -
15:18:50 22 again the allegation is that it's Nicola Gobbo - contacts
15:18:53 23 you?---Yes.
15:18:54 24
15:18:54 25 I'm sorry, you contact - - -?---Both.
26
15:18:54 27 You contact her on that number at 3.41, you're calling her
15:19:02 28 on - I withdraw that. Alex Koskarev then - I'm trying to
15:19:19 29 find it, I'm sorry. I might be misleading you. It appears
15:19:33 30 to be the case, in any event, on that page she's using that
15:19:38 31 to communicate with Azzam Ahmed?---Yes.
15:19:41 32
15:19:42 33 Is the situation this: she tells you, "Look, I've got a
15:19:44 34 number of different phones." When a particular number
15:19:46 35 comes up, it then becomes apparent that Ms Gobbo is using a
15:19:50 36 different telephone number?---Yes.
15:19:52 37
15:19:52 38 What's your explanation for that? Did you ask her, "Why
15:19:56 39 have you got this different telephone number"?---Yes.
15:19:58 40
15:19:58 41 And what was the understanding you had?---She was of the
15:20:01 42 belief that the people that she was representing at the
15:20:03 43 time, she felt paranoid that her phone was being
15:20:07 44 intercepted, so she used different phone numbers.
15:20:10 45
15:20:11 46 Right. There's a fair degree of communication - -
15:20:20 47 -?---Yes.

15:20:20 1
15:20:20 2 - - - in this period, isn't there?---Yes, there is.
15:20:23 3
15:20:24 4 What I'm going to suggest to you is not all these
15:20:28 5 communications relate to legal discussions between you and
15:20:31 6 Ms Gobbo?---No.
15:20:32 7
15:20:32 8 Would that be fair to say?---Yes.
15:20:34 9
15:20:37 10 Do you say these are - well, it might be asked of you.
15:20:40 11 Were you having a relationship with Ms Gobbo?---No, I
12 didn't have - - -
13
15:20:43 14 A girlfriend/boyfriend relationship?---No, not at all.
15:20:46 15
15:20:47 16 What's the reason that you're having these regular
15:20:51 17 communications, often, you know, multiple communications on
15:20:55 18 every day, or on very many days?---Yeah, look, I guess at
15:21:04 19 the time, I was suspended from the Force, facing serious
15:21:09 20 criminal allegations and I wasn't allowed to communicate
15:21:13 21 with any police members. That communication with all
15:21:16 22 police members had pretty much been denied by VicPol, so I
15:21:25 23 guess I felt I could call her for almost a welfare issue in
15:21:32 24 a way, I guess. I'd lost my complete circle of friends, as
15:21:40 25 in I joined the Police Force at a very young age, straight
15:21:48 26 out of the country - out of high school and the country
15:21:52 27 into the Victoria Police Force. My whole circle of
15:21:55 28 friends, my whole life, involved police members. From the
15:22:00 29 moment I was charged with those serious offences, that
15:22:02 30 whole relationship, my safety net, so to speak, was cut
15:22:07 31 off, so I was put adrift, and Nicola was there to support
15:22:15 32 me.
15:22:16 33
15:22:17 34 All right. So what you say is a lot of these were friendly
15:22:20 35 communications?---Absolutely.
15:22:21 36
15:22:21 37 A lot of them were text messages, I assume, were
15:22:26 38 they?---Yeah, for sure.
15:22:26 39
15:22:27 40 Of a friendly nature?---Yes.
15:22:28 41
15:22:29 42 Interspersed with that, there'd be meetings?---Yes, there
15:22:31 43 would, yes.
15:22:32 44
15:22:32 45 For drinks?---Yeah, yes, yep.
15:22:35 46
15:22:36 47 One of those meetings occurred - I think you mentioned

15:22:38 1 there was a meeting at the Crown Casino?---Yeah. Whether
15:22:43 2 we ever met there first - normally that was a situation
15:22:45 3 that was towards the end of the night, or late in the
15:22:48 4 evening, after we'd been elsewhere, but yes, correct. I
15:22:52 5 remember being at the casino on a number of occasions with
15:22:54 6 Nicola, yes.
15:22:55 7
15:22:56 8 And, what, in the gaming rooms or in the bars or
15:23:02 9 where?---Bars, definitely bars. I'm trying to think
15:23:08 10 whether it was in like the big sports bar area or
15:23:11 11 downstairs, in like the discoey sort of area back then.
15:23:16 12
15:23:16 13 Did you go dancing with her? Were you into discos?---No, I
15:23:19 14 wasn't into dancing, but we were drinking.
15:23:21 15
15:23:21 16 Into drinking?---Yeah.
15:23:22 17
15:23:24 18 Do detectives go disco dancing?---Yeah, some do, but not
15:23:31 19 very well. But, no, I didn't.
20
15:23:37 21 COMMISSIONER: You don't want to PII that.
15:23:43 22
15:23:44 23 MR WINNEKE: Did you meet her with other people or did you
15:23:46 24 go on your own?---No, quite often there would be other
15:23:49 25 people there.
15:23:50 26
15:23:50 27 Who would be there?---Timmy Argall's certainly one that
15:23:53 28 came a few times.
15:23:54 29
15:23:54 30 Any other people?---Quite possibly, because a number of
15:24:00 31 occasions where we would end up there was after other
15:24:04 32 social activities, I guess, and there'd be a few guys
15:24:09 33 hanging around, you know, that would want to drink till the
15:24:17 34 wee hours of the morning with us - with me.
15:24:18 35
15:24:19 36 And Ms Gobbo would be amongst those people drinking until
15:24:21 37 the wee hours?---Yes.
15:24:22 38
15:24:22 39 You mentioned before - I think it was last week - that
15:24:26 40 there was a discussion you had with Carl Williams, when you
15:24:30 41 were at the Crown Casino, over the telephone?---Yes.
15:24:35 42
15:24:39 43 I want to suggest to you that on 27 February of 2004 - I
15:24:45 44 think you know about this alleged telephone call?---Yes.
15:24:49 45
15:24:49 46 You had a communication with Carl Williams?---Yes.
15:24:52 47

15:24:54 1 Can I ask you this: at this stage, you certainly knew that
15:24:57 2 Ms Gobbo was at least friendly with Carl Williams?---Yes.
15:25:02 3
15:25:04 4 Did you know that she would, on occasions, socialise with
15:25:08 5 him?---Yes.
15:25:09 6
15:25:10 7 Did you have a view as to whether or not she was acting for
15:25:13 8 him?---I believed she was acting for him, yes.
15:25:16 9
15:25:17 10 And was that in relation to the allegation that was made
15:25:22 11 against him that he had made a threat against Stuart
15:25:28 12 Bateson and his wife?---I'm not sure of the exact nature of
15:25:32 13 the offences, but she'd certainly appeared for him on
15:25:38 14 occasions.
15:25:39 15
15:25:39 16 Yes, all right. Prior to 27 February, when was the last
15:25:48 17 time you'd spoken to Carl Williams?---I wouldn't have a
15:25:51 18 clue, sorry, no. I can't put a date on it.
15:25:54 19
15:25:56 20 Did you have his telephone number?---I'm not sure.
15:26:05 21
15:26:09 22 On the 27th, you were with Ms Gobbo at the casino and you
15:26:33 23 say you think you were at the Crown Casino sort of into the
15:26:39 24 evening, at about 11 o'clock or thereabouts?---This is the
15:26:41 25 27th of?
15:26:42 26
15:26:43 27 27 February 2004?---Okay, yes.
15:26:44 28
15:26:49 29 Do you recall the occasion when you spoke to
15:26:52 30 Carl Williams?---Look, mentally, no, I don't, but the phone
15:27:00 31 calls have been played to me a number of times at different
15:27:04 32 hearings, so I'm aware of it as a result of that, yes.
15:27:08 33
15:27:14 34 Do you accept that Williams calls Gobbo at about 10.54 and
15:27:27 35 says - and speaks to her for a very short period of time
15:27:33 36 and then hands over the phone to you and you say, "How are
15:27:38 37 you, buddy?" and he says, "Good. How are you"?---Yes, I
15:27:42 38 accept that.
15:27:43 39
15:27:43 40 Perhaps if I can hand to you the transcript of that
15:27:46 41 telephone call.
42
15:27:46 43 COMMISSIONER: The transcript - the call charge records
15:27:49 44 from 28 February 04 to 25 May 04, did you want to tender
15:27:53 45 those?
15:27:54 46
15:27:55 47 MR WINNEKE: Yes. Commissioner, the call charge records,

15:28:00 1 I'll tender those and I think what might need to be done is
15:28:06 2 there needs to be a certain amount of redaction to - - -
3
4 COMMISSIONER: There will. So I'll make that 243A - that
15:28:17 5 will be the unredacted - and in due course there'll be a
15:28:20 6 243B redacted one. Hopefully that can be done over the
15:28:24 7 weekend and on Monday.
8
15:28:11 9 #EXHIBIT RC243A - Unredacted call charge records from
15:27:49 10 28/2/04 to 25/5/04.
11
15:28:11 12 #EXHIBIT RC243B - Redacted call charge records from
15:27:49 13 28/2/04 to 25/5/04.
14
15:28:31 15 COMMISSIONER: We will have to adjourn shortly, but just
15:28:33 16 finish this point.
15:28:34 17
15:28:35 18 MR WINNEKE: All right.
19
15:28:38 20 That communication occurs on a phone that clearly is Nicola
15:28:46 21 Gobbo's phone, if you accept that record?---Yes.
15:28:48 22
15:28:49 23 And you say, "How are you, buddy?" He says, "Good. How
15:28:51 24 are you?" And you say, "Yeah, I've fuckin' been better,
15:28:54 25 mate". He laughs. "What's happened?" If we put that up.
15:28:58 26 Just keep going through that. If we can just scroll
15:29:01 27 through that slowly. Is there any public interest immunity
15:29:09 28 issue with respect to this telephone communication? I
15:29:12 29 don't believe there is, Commissioner. Commissioner, albeit
15:29:27 30 it's a telephone intercept, it's been used in a
15:29:34 31 trial?---Yes.
15:29:34 32
15:29:34 33 What it appears to be is a relatively friendly discussion
15:29:38 34 between you and Williams and it's on Nicola Gobbo's
15:29:42 35 phone?---Yeah. Actually, when this was first played to me
15:29:46 36 some years ago now and when you listen to the voice, I'm
15:29:50 37 clearly very, very drunk and I made a point of that to the
15:29:54 38 OPI, or the Australian Crime Commission, at the time when
15:29:56 39 it was played to me. Having said that, clearly, yes, this
15:30:01 40 conversation took place.
15:30:03 41
15:30:04 42 You say, "I've been hoping to catch up with you",
15:30:08 43 et cetera. Down the bottom there, you see, "I was fuckin'
15:30:12 44 hoping to catch up with you tonight, but I've actually got
15:30:15 45 a - I actually have to go and catch up with some other
15:30:21 46 bloke shortly, so we've been trying to get on to ya fuckin'
15:30:29 47 for quite some time"?---Yes.

15:30:31 1
15:30:31 2 Did you, in effect, deliberately utilise Nicola Gobbo so as
15:30:36 3 you could get into contact with Carl Williams?---No.
15:30:41 4 According to this, it appears that, when you read it from
15:30:44 5 the start, Carl's rung Nicola, saying, "Did you message
15:30:50 6 me?", and that's how it all starts and then Nicola puts me
15:30:53 7 on to the phone. It's not - I haven't instigated this at
15:30:59 8 all.
15:30:59 9
15:31:01 10 Yes, all right. In point of fact, I don't know whether you
15:31:03 11 - there was an earlier call where Williams had called Gobbo
15:31:07 12 that night. Are you aware of that?---Look, it would have
15:31:11 13 been put to me at previous hearings, but no, as I sit here,
15:31:14 14 no, I can't recall.
15:31:15 15
15:31:15 16 Commissioner, I think we might have to wait until next
15:31:18 17 week, next Tuesday.
18
15:31:20 19 COMMISSIONER: There's certainly no way we're going to
15:31:22 20 finish this witness today.
15:31:25 21
15:31:26 22 MR WINNEKE: No, unfortunately.
23
15:31:26 24 COMMISSIONER: There's still quite a way to go.
25
15:31:28 26 COMMISSIONER: I'm sorry, you're going to have to come back
15:31:30 27 next week, Mr Dale?---Yes.
15:31:32 28
15:31:32 29 10 o'clock on Tuesday?---Yes.
15:31:34 30
15:31:35 31 MR HANNEBERY: Commissioner, just before - I know they've
15:31:36 32 received the documents already, but those documents that
15:31:37 33 were the exhibit number for the notes, I can say they were
15:31:41 34 produced to the Royal Commission as part of the Loricated
15:31:44 35 database.
36
15:31:45 37 COMMISSIONER: Sorry, which ones?
38
15:31:48 39 MR HANNEBERY: The notes that were called for, the Dale
15:31:51 40 notes that were made.
41
15:31:52 42 COMMISSIONER: Yes.
15:31:52 43
15:31:53 44 MR WINNEKE: Can I have the - - -
15:31:55 45
15:31:55 46 MR HANNEBERY: They're located at VPL.2000.0002.0061.
15:32:12 47

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2
15:32:14 3
15:32:15 4
15:32:17 5
15:32:17 6
15:32:21 7
15:32:24 8
15:32:24 9
15:32:24 10
15:32:27 11
15:32:27 12
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15:32:29 14
15:32:31 15
15:33:07 16
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MR WINNEKE: Thank you.

COMMISSIONER: And I should say then you wanted to tender the recorded telephone transcript between - - -

MR WINNEKE: Commissioner, we'll tender that - I think what I might do is tender them as a bundle in due course, unless you think - - -

COMMISSIONER: So there are more coming?

MR WINNEKE: There are more coming.

COMMISSIONER: We'll tender them as one bundle. All right then, we'll adjourn until Tuesday at 10 o'clock.

ADJOURNED UNTIL TUESDAY 25 JUNE 2019