

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Monday, 17 June 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

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

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

Counsel for State of Victoria Mr G. Hill

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

Counsel for DPP/SPP Ms K. O'Gorman

Counsel for CDPP Ms C. Fitzgerald

Counsel for Handlers Mr G. Chettle
 Ms L. Theis

Counsel for Paul Dale Mr G. Steward

10:06:24 1 COMMISSIONER: Yes Mr Winneke.
10:06:25 2
10:06:25 3 MR WINNEKE: If it please the Commission, I appear with
10:06:28 4 Mr Woods and Ms Tittensor to assist the Commission.
10:06:32 5
10:06:32 6 MR COLLINSON: I appear with Mr Nathwani for Ms Gobbo.
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10:06:34 8 COMMISSIONER: Thank you Mr Collinson.
10:06:37 9
10:06:38 10 MR STEWARD: If the Commissioner please I appear on behalf
10:06:39 11 of Paul Dale.
10:06:41 12
10:06:41 13 COMMISSIONER: Thank you, Mr Steward.
10:06:43 14
10:06:44 15 MR HANNEBERY: If the Commissioner please I appear with
10:06:45 16 Ms Argiropoulos on behalf of Victoria Police.
10:06:47 17
10:06:47 18 COMMISSIONER: Thank you Mr Hannebery.
10:06:49 19
10:06:49 20 MR HILL: Commissioner, I appear for the State. Mr Hill.
10:06:55 21
10:06:55 22 COMMISSIONER: Yes, thanks Mr Hill.
23
10:06:58 24 MR CHETTLE: Commissioner, I appear with Ms Thies for the
10:07:01 25 six nominated handlers.
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10:07:04 27 COMMISSIONER: Thanks Mr Chettle.
10:07:04 28
10:07:05 29 MS O'GORMAN: I appear for the DPP.
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31 COMMISSIONER: Thanks Ms O'Gorman.
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10:07:09 33 MS FITZGERALD: I appear for the Commonwealth Director of
10:07:11 34 Public Prosecutions.
10:07:11 35
10:07:11 36 COMMISSIONER: Thanks Ms Fitzgerald. Any other
10:07:17 37 appearances? All right then. Yes Mr Winneke.
10:07:20 38
10:07:20 39 MR WINNEKE: Commissioner, the statement of Mr Dale was
10:07:25 40 tendered previously. Perhaps if I call Mr Dale. Before I
10:07:33 41 do, what's proposed is that Mr Dale will give evidence.
10:07:43 42 Mr Steward has tendered his statement already. I
10:07:49 43 understand that there's a redacted version of the statement
10:07:54 44 which we've been provided with and that's going to be
10:08:00 45 tendered. I don't know whether there's any argument about
10:08:04 46 any component of the statement but I propose to tender that
10:08:10 47 redacted version when Mr Dale gives evidence.

10:08:13 1
10:08:13 2 COMMISSIONER: Yes. So it's in a form that's agreed and
10:08:16 3 ready to be tendered, is that right?
10:08:18 4
10:08:19 5 MR WINNEKE: Yes.
6
10:08:19 7 COMMISSIONER: All right then, thank you.
10:08:19 8
10:08:21 9 MR HANNEBERY: There were some short submissions I wish to
10:08:23 10 make about certain portions of that statement.
10:08:26 11
10:08:26 12 COMMISSIONER: All right. We'll get Mr Dale back in the
10:08:28 13 witness box. I think he was sworn on the last occasion.
10:08:35 14
10:08:35 15 MR STEWARD: He was.
10:08:38 16
10:08:38 17 COMMISSIONER: Mr Dale, you're still on your former oath.
10:08:44 18
10:08:46 19 <PAUL DALE, recalled:
10:08:48 20
10:08:49 21 MR WINNEKE: Mr Dale, I'm going to show you a document
10:08:52 22 which is your statement but with some blacked out
10:08:55 23 components of it. If you have a look at this, please.
10:09:01 24 Just flick through that if you wouldn't mind and satisfy
10:09:04 25 yourself that that is your statement but with a couple of
10:09:10 26 sections in black?---Yes, that's correct, that's my
10:09:36 27 statement.
10:09:36 28
10:09:36 29 I propose to tender that, Commissioner. I understand my
10:09:40 30 learned friend has some objections.
10:09:41 31
10:09:42 32 COMMISSIONER: Yes, Mr Hannebery.
10:09:43 33
10:09:44 34 MR HANNEBERY: Commissioner, the objections really fall
10:09:47 35 into two categories and they're both based upon the
10:09:51 36 relevance of the material to the Terms of Reference.
10:09:53 37 There's really two broad categories. Firstly, there's a
10:09:57 38 number of paragraphs that I would say contain matters that
10:10:00 39 solely go to Mr Dale's opinion or indeed in some cases just
10:10:06 40 his speculation.
10:10:06 41
10:10:07 42 COMMISSIONER: This is a Royal Commission.
10:10:08 43
10:10:08 44 MR HANNEBERY: I understand that. I make that point.
10:10:10 45
10:10:10 46 COMMISSIONER: What parts are you wanting to make that
10:10:13 47 point about?

10:10:14 1
10:10:14 2 MR HANNEBERY: In relation to that category I would suggest
10:10:17 3 that 4C - - -
10:10:18 4
10:10:18 5 COMMISSIONER: 4C. Let me have a look at 4C. I think it's
10:10:23 6 just, it is just opinion. It has no real weight, it's more
10:10:29 7 of a submission than evidence but the Commission can
10:10:33 8 receive this material.
10:10:34 9
10:10:34 10 MR HANNEBERY: Yes. I think the point I was making was
10:10:37 11 perhaps the one that the Commissioner has picked up, namely
10:10:41 12 it's an appropriate matter for a submission. Once it is
10:10:43 13 put into a witness statement it might be inferred to have
10:10:46 14 some sort of evidentiary value, but I can hear what the
10:10:49 15 Commissioner is saying, I'll move on from that point. The
10:10:52 16 more substantive point is around paragraph 32.
10:10:56 17
10:10:57 18 COMMISSIONER: Yes.
10:10:57 19
10:10:58 20 MR HANNEBERY: So in paragraph 32 Mr Dale talks about a
10:11:03 21 particular incident surrounding Mr Hodson purchasing
10:11:08 22 \$20,000 of ecstasy tablets with his own money and having
10:11:14 23 them at the house. That incident, it's submitted, has no
10:11:17 24 relevance to any Term of Reference for a couple of reasons.
10:11:20 25 Firstly, there's no suggestion that Mr Hodson was an
10:11:24 26 informer to whom legal professional privileges
10:11:28 27 considerations applied or obligations of confidentiality
10:11:31 28 applied. And secondly, there's no suggestion that the
10:11:34 29 matters referred to in s.32 in any way relate to the
10:11:39 30 management of Ms Gobbo or any case that Ms Gobbo might have
10:11:45 31 affected or the extent to which any case might have been
10:11:48 32 effected. The impact of having that material in the
10:11:52 33 statement and as part of the evidence before the Commission
10:11:55 34 is that understandably other members who are mentioned in
10:12:00 35 that paragraph will then have a requirement to address
10:12:07 36 those matters and to address those matters in a way that
10:12:10 37 made it clear that their actions that are referred to
10:12:13 38 there, which might be inferred from the way it's put in
10:12:17 39 Mr Dale's statement to be in some way unlawful or
10:12:20 40 unethical, were in fact lawfully authorised, ethical
10:12:25 41 behaviour that was done consistent with achieving an
10:12:27 42 outcome for Victoria Police ongoing lines of investigation.
10:12:34 43 So what I'm simply saying is that if those matters remain
10:12:39 44 in the statement, then it's going to have to be something
10:12:42 45 that's addressed by evidence. It doesn't take matters
10:12:46 46 anywhere so far as either Term of Reference 1 or Term of
10:12:51 47 Reference 2 goes, and by simply excluding that material, it

10:12:55 1 will exclude the need for there to be this material that
10:12:59 2 has to be dealt with later on by two or more members to
10:13:03 3 explain this material that's then before the Commission,
10:13:06 4 because the members would be entitled to address what might
10:13:11 5 be seen as the adverse inference that Mr Dale's seeking to
10:13:16 6 have drawn from that.

10:13:17 7
10:13:17 8 COMMISSIONER: That's if it was lawfully done. The
10:13:21 9 inference that could be drawn from paragraph 32 is that it
10:13:25 10 wasn't lawfully done.

10:13:26 11
10:13:27 12 MR HANNEBERY: I accept that's the inference Mr Dale is
10:13:30 13 making. What I'm suggesting is that on any version of
10:13:34 14 events it's not related to a Term of Reference.

10:13:37 15
10:13:37 16 COMMISSIONER: I'll see what Mr Winneke has to say but I
10:13:39 17 would have thought that it was very relevant to the culture
10:13:43 18 existing in Victoria Police at the time and the background
10:13:47 19 matrix of all this. I'll see what Mr Winneke has to say.

10:13:49 20
10:13:50 21 MR WINNEKE: Commissioner, as I understand it the effect of
10:13:52 22 the paragraph, the evidence is that there had been an
10:13:56 23 unlawful transaction carried out by a registered informer
10:14:01 24 wherein he purchased a significant amount of ecstasy with
10:14:05 25 his own money and that ecstasy remained in his possession
10:14:10 26 and in effect, so Mr Dale says, he was given a green light
10:14:15 27 to sell that ecstasy without authority and was told, and
10:14:18 28 Mr Dale raised it, and was told in effect, "Look, let it
10:14:22 29 ride, we don't need to, we don't need to make any
10:14:28 30 recordings of this conversation", et cetera. On what
10:14:30 31 Mr Dale says it appears to be, on the part of senior
10:14:35 32 members of Victoria Police, an example of bending the
10:14:40 33 rules, if you like, to meet an end. Now the two people
10:14:45 34 involved were the head of the MDID, the first person,
10:14:50 35 senior officer within the MDID, Mr O'Brien, then becomes
10:14:54 36 the head of Purana. Both of those units had a significant
10:14:58 37 degree of involvement with Ms Gobbo and the other person
10:15:02 38 was Mr Biggin who was a senior officer within the SDU. So
10:15:09 39 in our submission, Commissioner, this may well be an
10:15:12 40 indication of the sort of attitude held by these members of
10:15:17 41 Victoria Police and in our submission are relevant to
10:15:21 42 certainly the second Term of Reference if not the sixth
10:15:25 43 Term of Reference which deals with other matters that the
10:15:28 44 Commission might be interested in looking into. Our
10:15:30 45 submission would be this is certainly relevant fodder for
10:15:37 46 this Commission.
10:15:38 47

10:15:38 1 COMMISSIONER: Thank you.
10:15:39 2
10:15:39 3 MR HANNEBERY: Commissioner, if that's the view the
10:15:41 4 Commission has got I won't press the matter any further.
10:15:44 5 You've have heard my objection to it.
10:15:45 6
10:15:46 7 COMMISSIONER: It seems to me, Mr Hannebery, it is relevant
10:15:49 8 background material as to the culture of Victoria Police,
10:15:54 9 and therefore relevant both to Term of Reference 2 and Term
10:16:00 10 of Reference 6.
10:16:00 11
10:16:01 12 MR HANNEBERY: As I said that will be a matter dealt with
10:16:03 13 in evidence.
14
10:16:04 15 COMMISSIONER: Yes, thank you.
10:16:04 16
10:16:05 17 MR CHETTLE: Commissioner, my problem is somewhat limited.
10:16:05 18 If I can raise paragraphs 117 to 121 of Mr Dale's
10:16:16 19 statement, redacted statement.
10:16:17 20
10:16:18 21 COMMISSIONER: Yes. I was going to ask you whether 115,
10:16:19 22 perhaps Mr Hannebery might be interested in this too, the
10:16:23 23 name that's redacted is somebody who was one of the
10:16:26 24 handlers.
10:16:28 25
10:16:28 26 MR CHETTLE: No, he wasn't. He was in the squad but he
10:16:30 27 wasn't a handler.
10:16:32 28
10:16:33 29 COMMISSIONER: He was in the squad. You're happy with the
10:16:36 30 name being redacted?
10:16:37 31
10:16:38 32 MR CHETTLE: I believe I know who it is.
10:16:40 33
10:16:40 34 COMMISSIONER: Yes, yes.
10:16:41 35
10:16:41 36 MR CHETTLE: The purpose of my application is because those
10:16:45 37 paragraphs relate to alleged conduct of the squad and my
10:16:49 38 clients I should be entitled to see the unredacted version.
10:16:52 39
10:16:54 40 COMMISSIONER: What I was going to suggest, Mr Hannebery,
10:16:57 41 is Exhibit 81 be added to again with a pseudonym for that
10:17:04 42 person. So with the pseudonym for that person perhaps
10:17:15 43 going in as 12A, if you look at Exhibit 81.
10:17:20 44
10:17:21 45 MR HANNEBERY: I'll have to get some instructions.
10:17:23 46
10:17:23 47 COMMISSIONER: Can someone show Mr Hannebery Exhibit 81.

10:17:27 1 That's where the handlers have pseudonyms, and others too.
10:17:36 2 It just would make more sense if we can put in a name there
10:17:41 3 rather than just have it blacked out completely because it
10:17:43 4 makes it more of a narrative. I don't know whether you and
10:17:47 5 your junior or your team anyway might like to quickly think
10:17:51 6 of a suitable pseudonym.
10:17:54 7
10:17:55 8 MR HANNEBERY: I'm sure they will. That is an excellent
10:17:57 9 idea, Commissioner.
10:17:58 10
10:17:58 11 COMMISSIONER: We can put it on a piece of paper and show
10:18:05 12 it to Mr Dale and have him add that in. And then you can
10:18:06 13 also show that to Mr Chettle so Mr Chettle knows who it's
10:18:11 14 referring to.
10:18:11 15
10:18:12 16 MR CHETTLE: Commissioner, I've had no real problem working
10:18:15 17 out who it was from my instructions but I need to know what
10:18:19 18 he said, what Mr Dale is saying about my client's unit.
10:18:25 19 "He told me they had", then I've got a redaction. Now
10:18:29 20 "they" is my clients. Then paragraph 120 is a complete
10:18:33 21 mystery, it may or may not be relevant but it seems to
10:18:37 22 relate - - -
10:18:37 23
10:18:38 24 COMMISSIONER: It's really not.
10:18:40 25
10:18:41 26 MR CHETTLE: Because I act for them, Commissioner, I'd
10:18:43 27 simply ask - although there is a claim of PII, I should be
10:18:52 28 entitled to have - thank you, I'll sit down, Commissioner.
10:18:57 29
10:18:57 30 COMMISSIONER: The redactions for PII I think have been
10:19:01 31 rather generously accepted by the Commission simply because
10:19:04 32 they really aren't of importance. If they were - but I
10:19:10 33 think you're being shown the statement now.
10:19:13 34
10:19:13 35 MR CHETTLE: I'm happy, Commissioner.
10:19:17 36
10:19:17 37 COMMISSIONER: Yes, you understand why we didn't consider
10:19:23 38 it was worth an argument over.
10:19:24 39
10:19:25 40 MR CHETTLE: Yes.
10:19:25 41
10:19:25 42 COMMISSIONER: If we could just, Mr Hannebery, if you could
10:19:28 43 just work out a name and a rank for that person and we'll
10:19:32 44 get Mr Dale to slot that into his statement shortly.
10:19:41 45
10:19:42 46 MR HANNEBERY: If this name could be added to Exhibit 81.
10:19:46 47

10:19:46 1 COMMISSIONER: Perhaps as 12A. Thank you. Could we also
10:20:04 2 have the rank, please. What rank should it be?
10:20:12 3
10:20:13 4 MR HANNEBERY: Detective Sergeant.
10:20:14 5
10:20:14 6 COMMISSIONER: Thank you.
10:20:39 7
10:20:44 8 #EXHIBIT RC81 - 12A Mr Page.
10:21:08 9
10:21:11 10 #EXHIBIT RC154B- Redacted statement of Mr Dale.
10:21:17 11
10:21:18 12 COMMISSIONER: Yes Mr Winneke.
10:21:19 13
10:21:19 14 MR WINNEKE: Thank you, Commissioner. Mr Dale, you made
10:21:22 15 that statement on 20 May of this year?---Yes.
10:21:26 16
10:21:26 17 And at that time you said in your statement that you had in
10:21:32 18 your possession 32 large boxes of legal documents which you
10:21:40 19 had accumulated over the years, is that right?---That's
10:21:43 20 correct, yes.
10:21:43 21
10:21:45 22 For the purpose of making the statement I take it what
10:21:48 23 you're saying is, look, you didn't have the opportunity to
10:21:51 24 delve deeply into all of those boxes to satisfy yourself
10:21:55 25 that everything in the statement could be backed up by a
10:22:02 26 particular document and to that extent you say, well look
10:22:07 27 there may be other matters of significance, is that
10:22:10 28 right?---Yes, that's correct. When the Royal Commission
10:22:13 29 was announced, with great excitement I went and gathered
10:22:19 30 all those boxes that I've kept over the years knowing,
10:22:23 31 hoping that one day this would come and, um, I started
10:22:27 32 going through those documents and I made contact with the
10:22:30 33 Royal Commission and spoke to one of the investigators and
10:22:33 34 I started providing him material as I went through the
10:22:36 35 boxes but it was an overwhelming, it was going to take me
10:22:40 36 months and months and that's when it was agreed that the
10:22:43 37 Commission would come and collect all of those boxes and go
10:22:47 38 through them.
10:22:48 39
10:22:48 40 As it turned out you thought it prudent to engage
10:22:54 41 solicitors?---No. That was actually something that came to
10:22:59 42 me after I received the notice to, um, submit the documents
10:23:06 43 and a notice to appear. I was then contacted and the
10:23:10 44 Police Association said that they would fund me through
10:23:13 45 this process so that was when I decided to take legal
10:23:19 46 advice.
10:23:19 47

10:23:19 1 In any event your solicitors then wanted to look at the
10:23:23 2 boxes, so the boxes were diverted before they got to the
10:23:27 3 Commission and they went off to your solicitors?---Yes,
10:23:29 4 that's correct.
10:23:29 5
10:23:29 6 So the solicitors have then been providing the Commission
10:23:34 7 in an ongoing basis but I think commencing last week with a
10:23:41 8 number of documents but that process is ongoing as I
10:23:45 9 understand it?---Yes, I returned back into the country on
10:23:47 10 Wednesday and was informed that that process, yes, is still
10:23:51 11 ongoing.
10:23:51 12
10:23:52 13 You I take it then still haven't had the opportunity of
10:23:55 14 going through all of those documents yourself?---No, I have
10:23:57 15 not.
10:23:58 16
10:23:59 17 I take it then that your solicitors haven't either because
10:24:04 18 - and you've been away overseas, is that right?---That's
10:24:07 19 correct.
10:24:07 20
10:24:07 21 In any event what you do say is you stand by what's in the
10:24:11 22 statement?---Yes.
10:24:12 23
10:24:12 24 You say, as being true and correct to the best of your
10:24:15 25 recollection?---Yes.
10:24:16 26
10:24:16 27 You say that you're excited about the Royal Commission
10:24:19 28 being announced, I take it that's because you thought that
10:24:29 29 it would give you an opportunity to have your say, is that
10:24:31 30 right?---Not so much for my opportunity to have my say, an
10:24:37 31 opportunity for Victorian citizens to finally see the
10:24:41 32 corruption within the higher ranks of Victoria Police and
10:24:44 33 the intention of them to totally disregard our law to
10:24:49 34 achieve an outcome that they thought was right.
10:24:53 35
10:24:54 36 But you yourself, as I understand it, were keen to be given
10:24:59 37 the opportunity to give evidence?---Put my hand up straight
10:25:02 38 away.
10:25:02 39
10:25:03 40 And indeed, I think you said, you might have said at one
10:25:06 41 stage if you weren't called you'd stand on the steps
10:25:10 42 outside court and say what you've got to say?---Absolutely.
10:25:13 43
10:25:16 44 What you've said is that you don't have access to all of
10:25:21 45 the documents, and indeed you've never been provided with
10:25:27 46 your complete diaries, is that correct? Have you got your
10:25:31 47 diaries?---I don't think I've ever been - received any of

10:25:37 1 my diaries ever, from back in 2003 when I was first charged
10:25:41 2 everything was seized.
10:25:42 3
10:25:43 4 So you understand, and I can confirm that Victoria Police
10:25:47 5 has your diaries and day books from the period of time that
10:25:52 6 you were in the Major Drug Investigation Division which I
10:25:58 7 think commenced 17 June 2002?---Yes.
10:26:03 8
10:26:03 9 Has those diaries and day books that you've recorded things
10:26:08 10 in?---Yes.
10:26:08 11
10:26:09 12 And have you not got those or copies of those?---No.
10:26:15 13
10:26:16 14 Have you had the opportunity or sought the opportunity to
10:26:19 15 get those documents and look at them?---No.
10:26:21 16
10:26:22 17 So you haven't asked to look at them?---No.
10:26:25 18
10:26:26 19 And indeed you haven't looked at them since the time that
10:26:29 20 you've left the Police Force?---Correct.
10:26:32 21
10:26:32 22 Or the time that you were suspended and then reinstated as
10:26:36 23 I understand it, you made application to set aside your
10:26:39 24 dismissal from the Police Force and you succeeded in that,
10:26:43 25 is that correct?---That's correct.
10:26:44 26
10:26:44 27 And then you resigned shortly after that?---Correct.
10:26:47 28
10:26:55 29 Is it anticipated that you will, after you've completed
10:27:02 30 giving evidence, continue to go through the documents that
10:27:07 31 your solicitors have, is that what you're expecting to
10:27:10 32 do?---Yes.
10:27:10 33
10:27:11 34 And do you say, look, if anything does come to light or any
10:27:15 35 other matters come to light you will draw the attention of
10:27:19 36 the Commission to those documents, is that
10:27:20 37 correct?---That's correct.
10:27:21 38
10:27:22 39 You've obviously over the years pored over those documents
10:27:30 40 and reviewed them, I take it?---No, not necessarily. At
10:27:35 41 the conclusion of criminal matters against me, um, the
10:27:40 42 documents were boxed and put away in a storage facility and
10:27:48 43 to be honest they came close to going on a bonfire many,
10:27:54 44 many times but I'm now glad they didn't.
10:27:58 45
10:27:59 46 One assumes that you must have referred to them at some
10:28:05 47 stage because you wrote a book about your travels through

10:28:07 1 the justice system, didn't you?---Yeah, I did. I guess
10:28:10 2 back when I wrote the book it was still fairly fresh a lot
10:28:15 3 of the material, so yeah, look I certainly didn't go
10:28:18 4 through the boxes and boxes of documents to write that.
10:28:20 5
10:28:20 6 What you say in your statement, in effect by way of opening
10:28:24 7 or summary, is that there were some matters that you,
10:28:29 8 points that you want to make and those points can be
10:28:32 9 established by the material in the documents but the first
10:28:34 10 point that you make is that Ms Gobbo was at times a legal
10:28:41 11 advisor to you?---That's correct.
10:28:43 12
10:28:46 13 You, as a broad proposition, say that at times she was your
10:28:50 14 legal advisor. Were there any particular times that you
10:28:55 15 were referring to when you say that she was your legal
10:29:00 16 advisor?---I guess, um - when I was a Detective Sergeant at
10:29:07 17 the Major Drug Investigation Division it was at a time when
10:29:12 18 Nicola Gobbo was probably the most high profile criminal
10:29:17 19 barrister defending drug charges, drug matters and I came
10:29:21 20 across her many times at that point in time as adversaries
10:29:29 21 in court. So when I found myself facing serious drug
10:29:34 22 charges she was the very first person I contacted to seek
10:29:39 23 legal advice and assistance from and it was from that time
10:29:43 24 on, because it was then obviously a tumultuous ten years
10:29:47 25 where I was continually either charged, investigated, drawn
10:29:52 26 into secret hearings, commissions, et cetera, and I would
10:29:57 27 contact her to speak to her about those matters. I sought
10:30:00 28 her legal advice on many, many occasions.
10:30:03 29
10:30:04 30 Effectively what you're saying is whenever you came into
10:30:06 31 contact with a legal process you would seek her out and ask
10:30:11 32 her some questions which related to your legal position, is
10:30:15 33 that right?---That's correct.
10:30:16 34
10:30:17 35 We'll come to that as we go along. Effectively that's what
10:30:25 36 you're saying. When you were in legal hot water or legal
10:30:29 37 territory you'd speak to Gobbo?---That's correct.
10:30:32 38
10:30:33 39 That's the first point you make. And the second point that
10:30:41 40 you make is, I suppose it follows on from that, is that you
10:30:47 41 say certain conversations with Ms Gobbo were
10:30:50 42 privileged?---Yes, I believe so, yes. That's my
10:30:53 43 understanding of legal professional privilege.
10:30:56 44
10:30:56 45 In particular you say, look a conversation that I had with
10:31:01 46 Gobbo which was taped?---Yes.
10:31:02 47

10:31:03 1 On 7 December 2008 was a privileged
10:31:06 2 communication?---Absolutely.
10:31:08 3
10:31:10 4 Is that the main conversation that you refer to or does
10:31:14 5 that conversation stand out as far as you're concerned as
10:31:16 6 being the significant conversation which, in which your
10:31:21 7 privilege was abused?---That's a significant one because as
10:31:25 8 a result of that conversation I was charged with murder and
10:31:27 9 spent eight months in solitary confinement on remand, based
10:31:33 10 on that conversation.
10:31:35 11
10:31:36 12 Do you know of other conversations that you've had with her
10:31:39 13 which, in which your confidence was broken by her?---No,
10:31:49 14 but in hindsight now there are a lot of things that went on
10:31:53 15 that I now realise, phone calls when I was in her presence
10:31:58 16 to Carl Williams and people like that that I faced charges
10:32:01 17 over, I now know I was being set up.
10:32:05 18
10:32:05 19 Okay?---Because she was a police informer.
10:32:10 20
10:32:11 21 I'll come to those in due course but you're not suggesting,
10:32:14 22 for example, that those conversations are privileged, are
10:32:17 23 you?---No, I'm not. I'm just suggesting I was set up.
10:32:20 24
10:32:27 25 The next point you make at point C in paragraph 4 is that
10:32:31 26 senior members, police members conspired to pervert the
10:32:34 27 course of justice through the unethical use of Gobbo, a
10:32:40 28 practising barrister, and using her against her clients.
10:32:44 29 Now, I'm not going to ask you for names at this stage but
10:32:48 30 that's a serious allegation that you make?---It's a true
10:32:51 31 allegation.
10:32:51 32
10:32:51 33 And that allegation you would say is followed up by matters
10:32:58 34 which are in your statement and which you propose to give
10:33:00 35 evidence about, is that right?---I actually believe it's
10:33:03 36 backed up by seven judges of the High Court and it's backed
10:33:06 37 up by the fact that we have a Royal Commission here today.
10:33:09 38
10:33:10 39 So what I'm asking you though, is it based on matters that
10:33:14 40 are within your own knowledge or matters that you've read
10:33:16 41 or heard about in the media?---Sorry, you're talking about
10:33:25 42 4C. "I believed senior police members conspired to pervert
10:33:30 43 the course of justice through the unethical use of a
10:33:30 44 practising criminal barrister against her clients".
10:33:33 45
10:33:34 46 Yes?---I truly believe they've committed a criminal
10:33:38 47 offence, perverted the course of justice.

10:33:40 1
10:33:40 2 I understand that. What I want to do though is just to get
10:33:44 3 things clarified. Are you basing that assertion on matters
10:33:48 4 within your knowledge or matters that you were aware of and
10:33:51 5 heard of in the media?---No, based on my knowledge they
10:33:54 6 used her against me, then they tried to use her as a
10:33:59 7 witness against me in a criminal matter. It was an
10:34:03 8 absolute debacle what went on at court through that period
10:34:08 9 while they were trying to protect what they'd done because
10:34:09 10 they knew what they'd done was wrong.
10:34:11 11
10:34:11 12 So what you're saying is it's based on your experience,
10:34:15 13 your knowledge and your belief?---Absolutely. Eight months
10:34:16 14 in solitary confinement because of the tape-recording of a
10:34:20 15 criminal barrister that I sought for legal advice. And now
10:34:22 16 we see the whole can of worms opened up about what else she
10:34:27 17 did for all of her clients, against her clients on behalf
10:34:28 18 of Victoria Police.
10:34:28 19
10:34:28 20 What you're saying is that statement in subparagraph C
10:34:32 21 relates to in effect that tape-recording of the
10:34:36 22 conversation and the use of it against you?---Absolutely is
10:34:41 23 the major point. I've got other points in regards to other
10:34:45 24 matters that I now know, charges that I faced based on
10:34:51 25 so-called relationships and phone calls that I now know
10:34:55 26 were set up by Victoria Police using Nicola Gobbo when I
10:34:59 27 was in her presence.
10:35:00 28
10:35:01 29 What are those matters?---One matter when I was at the
10:35:05 30 casino one night and she rang Carl Williams and put him on
10:35:10 31 the phone to me. I look back on that now and that was used
10:35:13 32 against me quite significantly as a so-called relationship
10:35:17 33 that I'd had with Carl Williams because here I am talking
10:35:23 34 to him on the phone. I never rang him, she rang him. And
10:35:28 35 I look back on that now and I think, on another occasion,
10:35:31 36 and I think I was being set up to make it look like I had
10:35:35 37 this unethical, unlawful relationship, and it was because
10:35:38 38 of her that those calls were made, that contact was made.
10:35:41 39 I have no doubt, because I dealt with informers for a long
10:35:45 40 time, she was directed to do that sort of stuff.
10:35:48 41
10:35:48 42 You say that you never made any attempts yourself to call
10:35:52 43 Carl Williams or get in contact with Carl Williams, it was
10:35:54 44 all done through Nicola Gobbo?---No, I'm saying - you asked
10:35:58 45 me a question and I answered the question. The majority,
10:36:01 46 my main issue is that tape-recording on that day but there
10:36:05 47 are other matters not as significant as that, but there are

10:36:09 1 other matters and being some of those phone calls, some
10:36:11 2 phone calls that she'd contact me and say, "Get to a phone
10:36:15 3 box and call Terry Hodson" and I look back on that now, I
10:36:19 4 never did, but I look back on that now and I know why she
10:36:24 5 said that and I know why she did that.
10:36:27 6
10:36:28 7 Your view is that you were being set up?---Absolutely.
10:36:31 8
10:36:33 9 So those are the matters, and again you say the allegations
10:36:37 10 you make are based on your knowledge and your knowledge as
10:36:40 11 to what occurred with respect to your case?---Look, I'm
10:36:43 12 absolutely horrified because, you know, I was a trained
10:36:46 13 Detective, I understand legal professional privilege, I
10:36:50 14 understand the processes of investigations. I couldn't
10:36:53 15 comprehend how you could possibly use a criminal barrister
10:36:57 16 to do what they did. It just, it blew my mind when I found
10:37:03 17 out about it and it's taken till now to get before this
10:37:07 18 Royal Commission for people to understand what they did was
10:37:11 19 seriously, seriously wrong. I made a lot of complaints
10:37:14 20 back then about it and no one wanted to listen, went no
10:37:18 21 where.
10:37:18 22
10:37:18 23 When was the first complaint that you made?---Made a
10:37:22 24 complaint to the Board of - whoever looks after the law,
10:37:27 25 the Law Institute of Victoria I wrote a letter to in
10:37:31 26 regards to Nicola Gobbo's involvement as a police informer
10:37:34 27 and witness.
10:37:35 28
10:37:36 29 Just let me stop you there. The Law Institute of Victoria
10:37:39 30 you made in relation to her role as an informer and
10:37:43 31 witness. We better draw a distinction between the
10:37:46 32 two?---Yes. I didn't know she was an informer at the time,
10:37:49 33 you're right.
10:37:50 34
10:37:50 35 So the complaint related to her taping you?---Yes.
10:37:53 36
10:37:53 37 On again, coming back to 7 December 2008, you wrote to the
10:37:57 38 Law Institute of Victoria and complained about that?---Once
10:38:01 39 I'd become aware that she had done that and then was a
10:38:04 40 witness against me, yes.
10:38:05 41
10:38:05 42 I take it that was after you received the brief of evidence
10:38:08 43 having been arrested for the murder of the Hodsons in 2009,
10:38:11 44 is that right?---That's correct.
10:38:12 45
10:38:14 46 And you made a complaint through your solicitor, is that
10:38:17 47 right?---Yes, it would have been through Tony Hargreaves'

10:38:22 1 office.
10:38:22 2
10:38:23 3 Did you make other complaints?---Look, the other complaints
10:38:26 4 were more about the behaviour of senior police perjuring
10:38:32 5 themselves at court hearings but they were to, it was
10:38:35 6 either OPI or IBAC at the time.
10:38:39 7
10:38:39 8 That was in particular, if I can then move to subparagraph
10:38:43 9 D, you do say that a police officer or senior police
10:38:47 10 officers told untruths?---Correct.
10:38:49 11
10:38:49 12 And that related, as I understand it, we'll come to this in
10:38:53 13 due course, but to the health of Ms Gobbo, whether she was
10:38:56 14 in a fit state to give evidence against you, is that right,
10:39:00 15 at committal?---That was one. Probably the more damning
10:39:05 16 one and quite basic and clear perjury was a Detective
10:39:11 17 Inspector Steven Smith when he was called at my committal,
10:39:15 18 because we discovered during the discovery process and we
10:39:20 19 got a lot of documents, most of them were heavily redacted
10:39:23 20 and blacked out, but at one stage we got someone's
10:39:26 21 documents and there was notes and it mentioned steering
10:39:29 22 committee, the Petra Task Force steering committee. That
10:39:32 23 was the first we'd heard of it. So we made some inquiries
10:39:35 24 about that. Victoria Police then went into melt down and
10:39:39 25 tried to hide the fact that there was such a steering
10:39:43 26 committee. The bottom line is, Steven Smith, who wasn't a
10:39:47 27 witness on the, at the court hearing, he was brought in the
10:39:51 28 following day and he was sworn in under oath and then
10:39:56 29 completely denied that any such, any documents existed in
10:40:02 30 regards to the steering committee. He agreed that the
10:40:05 31 steering committee existed but said that no documents
10:40:09 32 existed. Simon Overland, Ashton I believe, a few others
10:40:14 33 anyway, whoever else was on the steering committee, he said
10:40:17 34 absolutely no documents existed, no tape-recording, no
10:40:21 35 physical notes, nothing. And I'm sitting there thinking,
10:40:27 36 we're police officers, we live by our diaries and our
10:40:31 37 notes. This cannot possibly be true. So I had some very
10:40:35 38 good legal people looking after me at that time and they
10:40:37 39 took him right through the whole definition of documents
10:40:41 40 and he stood there and said none existed, absolutely none.
10:40:45 41 The following day we turn up to court, people from the
10:40:48 42 Victorian legal solicitors office turn up and approach the
10:40:51 43 magistrate and so we start and they said, "Look, in regards
10:40:53 44 to Mr Smith's evidence the previous day, it's not quite
10:40:57 45 right. We're not saying he's misled you, he thought he was
10:41:01 46 answering some other question", which I don't know how that
10:41:04 47 could possibly be, but there were documents and in fact

10:41:07 1 there were 25,000 pages of documents and therefore it was
10:41:11 2 going to take - then the legal argument started in regards
10:41:14 3 to what they were willing to hand over and what they
10:41:17 4 weren't. But if that's not perjury, I don't know what is.
10:41:20 5
10:41:21 6 In any event, the assertion that you make in your statement
10:41:27 7 there is based on your observations and your belief, is
10:41:30 8 that right, nothing that you've heard in the press or the
10:41:33 9 media, it's your own experience, is that - - - ?---My own
10:41:37 10 experience, correct.
10:41:38 11
10:41:46 12 Just whilst we're dealing with it, that argument that you
10:41:50 13 had was in relation to disclosure of documents prior to
10:41:54 14 your committal, is that right? Your lawyers were seeking
10:41:57 15 disclosure of documents with respect to Mr Williams and
10:42:07 16 Ms Gobbo, is that right?---Yeah, I can't recall now whether
10:42:09 17 the committal had started. I think the committal had
10:42:10 18 actually started when we discovered the steering committee
10:42:15 19 matter, so I think the committal had actually officially
10:42:16 20 started because what happened once it was admitted that
10:42:19 21 there was a steering committee and that there was 25,000
10:42:23 22 plus documents, they then asked for an adjournment and so
10:42:27 23 the matter was then adjourned for a three month period and
10:42:34 24 that's when Carl Williams was murdered shortly after that.
10:42:38 25
10:42:38 26 In relation to those documents or those applications for
10:42:41 27 disclosure, it's the case, isn't it, that your lawyers had
10:42:46 28 sought subpoenaed materials or sought disclosure of
10:42:51 29 documents relevant to the case against you, is that
10:42:54 30 right?---That's correct.
10:42:54 31
10:42:55 32 You did receive, did you not, a significant number of
10:43:00 33 documents as a result of those applications, do you
10:43:07 34 recall?---Yeah, look, if I gave you a sheet like this that
10:43:11 35 was completely blacked out, completely blacked out, I got
10:43:15 36 thousands of those.
10:43:15 37
10:43:15 38 You got lots of pages which were - - - ?---Completely
10:43:21 39 blacked out.
10:43:21 40
10:43:21 41 During the course of that disclosure and amongst those
10:43:25 42 blacked out materials, do you have a recollection as to
10:43:28 43 whether you got any information at all which led you to
10:43:31 44 understand that Nicola Gobbo was a registered informer and
10:43:35 45 had been a registered informer for some years?---No, no.
10:43:38 46
10:43:39 47 Did you get any information which gave you to understand

10:43:42 1 that Ms Gobbo had been telling her handlers about you and
10:43:45 2 providing information about you for many years?---No, I had
10:43:50 3 absolutely no idea. I would never have gone near her with
10:43:54 4 a 40 foot pole if I had have known she was a police
10:43:59 5 informer.
10:43:59 6
10:44:00 7 I understand that. What I'm asking you to focus upon is
10:44:04 8 whether you got any documents in that discovery process
10:44:07 9 prior to the committal commencing which revealed to you
10:44:10 10 that she had provided assistance to the police before you
10:44:13 11 were recorded?---No, we had - no, none at all.
10:44:16 12
10:44:16 13 You didn't know that?---No.
10:44:18 14
10:44:19 15 Did you get any information which revealed to you that you
10:44:24 16 had provided documents to Ms Gobbo for the purposes of
10:44:32 17 being provided to your legal advisers and that Ms Gobbo had
10:44:35 18 handed those documents to her police handlers, did you know
10:44:40 19 that prior to your committal?---Sorry - - -
10:44:49 20
10:44:49 21 Did you know, do you know to this day whether or not you
10:44:52 22 had provided documents to Ms Gobbo when you were in
10:44:56 23 custody, which documents then ended up in the hands of her
10:44:59 24 handlers subsequently?---No, I did not know that. I did
10:45:03 25 give Nicola Gobbo - she visited me in a professional
10:45:07 26 capacity when I was remanded in custody and I gave her
10:45:10 27 documents to assist me in my, what I was hoping in
10:45:15 28 preparation of my legal defence or bail application. That
10:45:19 29 certainly happened. I had absolutely no idea that she's
10:45:23 30 given them to anyone else, other than either Tony
10:45:28 31 Hargreaves or kept them herself.
10:45:30 32
10:45:30 33 If there is evidence before the Commission that that in
10:45:33 34 fact happened, that documents were handed by you to her
10:45:36 35 which ended up in the hands of Victoria Police, you say you
10:45:39 36 didn't know that?---Absolutely did not know that. That's
10:45:43 37 the first I've heard of that today.
10:45:44 38
10:45:46 39 Did you at some stage run an argument, I think did
10:45:50 40 Mr Holdenson represent you at one stage?---Yes, he did.
10:45:54 41
10:45:54 42 Was there an argument prior to you - at the commencement of
10:45:59 43 the Australian Crime Commission trial concerning whether or
10:46:03 44 not Ms Gobbo had been a legal advisor to you at around the
10:46:06 45 time of the taping of you on 7 December 2008?---Okay. So I
10:46:14 46 read that recently. There's transcripts within my boxes of
10:46:17 47 documents that we could, will be able to go to. I don't

10:46:21 1 think it was Holdenson that ran that LPP argument, I can't
10:46:27 2 recall who it was, and it was, it was during my committal
10:46:30 3 or at the start of my committal, not prior to my trial or
10:46:33 4 anything like that. And the magistrate, Peter Reardon, he
10:46:37 5 listened to it and he was, I believe, was in agreeance that
10:46:42 6 it was an LPP - - -

10:46:44 7
10:46:44 8 Don't worry about what he believed?---We ran the argument.

10:46:50 9
10:46:50 10 You ran an argument?---Yes.

10:46:52 11
10:46:54 12 If there was material that suggested you had given
10:46:57 13 documents to her and which had been handed to police
10:46:59 14 subsequently, that wasn't something that you were aware
10:47:01 15 of?---No, no, none of that came out back then.

10:47:04 16
10:47:04 17 Right, okay.

10:47:04 18
10:47:07 19 COMMISSIONER: You mentioned you've got some transcripts,
10:47:10 20 do you have the transcripts of the portions of the
10:47:13 21 committal proceeding where you say Detective Inspector
10:47:17 22 Smith committed perjury?---Yes, they will be in amongst
10:47:21 23 those 32 boxes of documents.

10:47:22 24
10:47:23 25 So would you be able to find those and provide them to the
10:47:26 26 Commission?---I believe - they're currently all with Law
10:47:33 27 Image, a company that's preparing documents for this
10:47:36 28 Commission. As soon as they're - we'll be able to search
10:47:40 29 that and find that, yes. I actually wrote a letter of
10:47:44 30 complaint to the - it was either IBAC or OPI at the time,
10:47:50 31 and I got a reply back saying it had been investigated but
10:47:57 32 unsubstantiated, no offence.

10:48:03 33
10:48:03 34 Thank you.

10:48:03 35
10:48:03 36 MR WINNEKE: In relation to that allegation of
10:48:05 37 perjury?---Yes, against Smith. I also wrote one against
10:48:09 38 Sol Solomon, Detective Sergeant Sol Solomon, and that was
10:48:13 39 what you were referring to there in regards to Ms Gobbo's
10:48:16 40 health.

10:48:16 41
10:48:16 42 That allegation that you made was made to, I think IBAC and
10:48:20 43 also to ESD, is that right?---That would have been right.
10:48:24 44 I would have wrote it to anyone I thought I may get some
10:48:29 45 proper recourse, but as we now know they were all working
10:48:35 46 together and we were never going to got anywhere, were we?
10:48:38 47

10:48:39 1 In relation to that, your understanding is that ESD, the
10:48:40 2 Ethical Standards Division of Victoria Police Force, found
10:48:41 3 that that charge, that allegation charge was
10:48:44 4 unsubstantiated?---It comes as no surprise, does it?
10:48:48 5
10:48:48 6 I'm putting to you that that was the case, wasn't
10:48:51 7 it?---That's correct.
10:48:51 8
10:48:52 9 Insofar as the OPI was concerned, it found that the charge
10:48:56 10 of perjury could not be proved?---And ten years on we now
10:49:02 11 know they were working hand in hand, totally not
10:49:05 12 independent, totally working together against the interests
10:49:08 13 of justice.
10:49:09 14
10:49:09 15 In any event, to make it clear the allegations against
10:49:13 16 Mr Solomon and Mr Smith were not substantiated?---By a
10:49:18 17 corrupt organisation.
10:49:19 18
10:49:19 19 I know you say that, but is it the case as far as you're
10:49:22 20 aware that those allegations were not substantiated by
10:49:27 21 those organisations?---I don't accept it. Like the Chief
10:49:30 22 Commissioner doesn't accept the seven judges of the High
10:49:33 23 Court's decision about their disgraceful conduct, he
10:49:36 24 doesn't accept that, he has been on 3AW telling the
10:49:40 25 community of Victoria, "I do not accept what the High Court
10:49:42 26 said. We did what we had to do, we'll do whatever we need
10:49:46 27 to do to - ends justify the means", that's the mentality of
10:49:52 28 our current Chief Commissioner.
10:49:55 29
10:50:04 30 At any stage prior to your proceedings, whether it be the
10:50:11 31 ACC proceeding or the murder proceeding, were you informed
10:50:19 32 that Ms Gobbo had told her handlers that, insofar as the
10:50:26 33 relationship with you, it was some sort of bizarre using
10:50:30 34 friendship with Gobbo providing legal advice for free, is
10:50:35 35 that something that you were told that she had said to her
10:50:38 36 handlers at any stage prior to any proceedings that you
10:50:40 37 were involved in?---I don't wish to make statements here
10:50:45 38 today but Nicola Gobbo was a very good police informer in
10:50:50 39 hindsight and what she's telling them was one thing, what
10:50:53 40 she was telling me and her clients was another thing. She
10:50:58 41 was a very good police informer for a criminal barrister.
10:51:01 42
10:51:02 43 Were you told that she had said that she provided legal
10:51:09 44 advice to you for free?---She told me that she would act
10:51:11 45 for me pro bono from day dot right through. That was were
10:51:16 46 her words to me.
47

10:51:16 1 I understand that?---I had no idea she was speaking to the
10:51:19 2 handlers.
10:51:19 3
10:51:19 4 So what you say is that if she had told handlers that she
10:51:23 5 was providing legal advice to you for free, that's not
10:51:27 6 something that the police told you that they were aware
10:51:29 7 of?---No, no. The police have argued the whole time that
10:51:34 8 I've just had this friendship, relationship, sexual
10:51:37 9 relationship, with Nicola Gobbo. "No way is any LPP
10:51:41 10 attached to any of his conversations with Nicola Gobbo
10:51:43 11 because they're friends, they're associates", whatever, but
10:51:47 12 that's not the case. That's their theory.
10:51:50 13
10:51:50 14 What you say the case is that she provided legal advice to
10:51:54 15 you for free, pro bono?---Absolutely.
10:51:57 16
10:51:58 17 As far as you are concerned that's never been acknowledged
10:52:02 18 to you by the people who prosecuted you?---No, they've
10:52:06 19 argued all the way along that I've never, ever had any form
10:52:10 20 of legal client relationship with Nicola Gobbo.
10:52:12 21
10:52:12 22 If they had information that supported the proposition that
10:52:16 23 she was providing legal advice to you for free, that wasn't
10:52:22 24 revealed to you in any of your legal proceedings?---Never,
10:52:26 25 no.
10:52:26 26
10:52:27 27 In fact you say the contrary, it was suggested that you
10:52:29 28 didn't have a legal relationship with her, is that
10:52:33 29 right?---Correct.
10:52:34 30
10:52:34 31 That's the opening statement, if you like. What I'd like
10:52:37 32 to do now is to get through some of your background.
10:52:40 33 Mr Dale, you joined the Police Force in 1988?---Correct.
10:52:44 34
10:52:50 35 You were from the country and initially you came down to
10:52:55 36 the city and were in uniform at Kingsville initially, is
10:52:58 37 that right, west?---Yes.
10:52:59 38
10:52:59 39 Then you went to Brunswick and you were in uniform, is that
10:53:02 40 right?---Yes.
10:53:03 41
10:53:04 42 For about 12 months in the 1990s, early 90s you went to
10:53:09 43 D24, the communications centre?---Yes.
10:53:11 44
10:53:11 45 You then went back to the country to the northeast where
10:53:16 46 you're from and you were in uniform at Wangaratta for about
10:53:20 47 12 months, is that right?---Yes.

10:53:21 1
10:53:22 2 You came back down to the city in about 93 and you were in
10:53:25 3 the Protective Services Group based at Russell Street, is
10:53:29 4 that right?---Yes.
10:53:30 5
10:53:30 6 In that time you were seconded out to the Moonee Ponds DSG,
10:53:35 7 is that right?---No, just the uniform branch.
10:53:37 8
10:53:37 9 Uniform branch?---Yes.
10:53:39 10
10:53:39 11 Did you go into plain clothes, DSG, at times when you were
10:53:44 12 at Moonee Ponds?---Yes, I did. Sorry, it wasn't their DSG,
10:53:48 13 it was just a specials group, just a plain clothes group
10:53:51 14 but it wasn't the actual DSG.
10:53:54 15
10:53:54 16 And at that stage you met people like Dave Miechel, is that
10:53:58 17 right?---Yes.
10:53:59 18
10:53:59 19 Did you meet Marty Allison?---Yes.
10:54:01 20
10:54:04 21 You went back after that to Brunswick as a Senior
10:54:10 22 Constable?---Yes.
10:54:10 23
10:54:11 24 And you became a Detective Senior Constable at Brunswick in
10:54:15 25 about 95?---Yes.
10:54:17 26
10:54:17 27 There was a homicide occurred in your area in Brunswick in
10:54:24 28 about 97 and were you then seconded to the Homicide Squad
10:54:27 29 to assist in the investigation of that homicide?---Yes.
10:54:30 30
10:54:31 31 And did you remain in the Homicide Squad from about 97
10:54:37 32 right through to the period that, for the murders of
10:54:42 33 Mr Silk, Silk and Miller occurred and the Lorimer Task
10:54:46 34 Force was set up in 98?---Yes.
10:54:48 35
10:54:48 36 So you didn't go back to Brunswick after you transferred or
10:54:52 37 were seconded to the Homicide Squad in 97, is that
10:54:54 38 right?---That's correct.
10:54:55 39
10:54:56 40 When did you first come into contact with Mr Tim
10:55:03 41 Argall?---Would have been when the Lorimer Task Force was
10:55:06 42 formed.
10:55:07 43
10:55:09 44 So that would have been subsequent to the murder, which I
10:55:13 45 think is in about August of 98, is that right?---Correct,
10:55:17 46 yes.
10:55:17 47

10:55:21 1 He was a friend of yours from about that time?---Yes, so
10:55:25 2 from that time we were on a crew together and as it turned
10:55:31 3 out we actually lived only a block apart in Coburg, so we
10:55:37 4 travelled to work together and became close friends, family
10:55:41 5 friends in the end, yes.
10:55:42 6
10:55:42 7 Does that remain so, are you still friends with
10:55:45 8 Argall?---No, look, I was forced, or I wasn't forced, but
10:55:52 9 Victoria Police members were not to have any contact with
10:55:56 10 me after I was charged back in 2003. So there was some
10:56:00 11 contact over the next few years but it's been many years
10:56:05 12 since I would have seen Tim or spoken to Tim.
10:56:06 13
10:56:07 14 When do you think the last time was that you spoke to
10:56:11 15 Mr Argall?---Probably - look, to be honest, I really can't
10:56:20 16 recall whether - - -
10:56:22 17
10:56:22 18 Was it before you were charged with murder or
10:56:24 19 after?---That's what I'm - that's the time frame I'm trying
10:56:28 20 to put together, but I guess it was around that period.
10:56:32 21
10:56:34 22 The Commission has evidence that Mr Argall first met
10:56:38 23 Ms Gobbo and was socially involved, sexually involved I
10:56:43 24 think on one occasion in about 97, 98, or 96/97 with
10:56:49 25 Ms Gobbo, right, and was friends with her. Did you meet
10:56:55 26 Ms Gobbo through Mr Argall around the time that you were at
10:57:00 27 the Lorimer Task Force?---Quite possibly. I know it was
10:57:08 28 through Tim that I met her socially.
10:57:10 29
10:57:11 30 Yes?---I'm just not 100 per cent sure whether I was at the
10:57:15 31 Drug Squad at that stage and had met her adversarially in
10:57:22 32 court. I can't really put a definitive time frame on it
10:57:26 33 but I do believe I met her through Tim at a social Lorimer
10:57:32 34 Task Force social event.
10:57:33 35
10:57:37 36 So would that have been during the period that you were in
10:57:39 37 the Homicide Squad or after that?---No, that's what I can't
10:57:45 38 put a definitive time frame on, I can't remember if I was
10:57:48 39 at the Homicide Squad or I was at the Drug Squad at that
10:57:51 40 stage.
10:57:51 41
10:57:52 42 It appears that you, in about 2000, you applied for a
10:57:56 43 promotion and you were promoted to the rank of Sergeant at
10:58:00 44 the Brunswick police station?---Yes.
10:58:03 45
10:58:03 46 That's in 2000?---Yep.
10:58:05 47

10:58:05 1 If we can just put it this way, deal with it this way, Debs
10:58:10 2 and Roberts who were ultimately convicted of the murders of
10:58:13 3 Silk and Miller?---Yes.
10:58:15 4
10:58:15 5 Were arrested in July of 2000, is that right?---Yes.
10:58:18 6
10:58:18 7 Was your transfer to Brunswick after the arrest?---Yes.
10:58:21 8
10:58:22 9 Did you know that Ms Gobbo was for a period of time engaged
10:58:26 10 to act for Mr Debs?---No, so I don't reckon I knew Gobbo at
10:58:31 11 that period of time then.
10:58:32 12
10:58:39 13 Did you know that Tim Argall transferred back to Brunswick
10:58:44 14 in about 2002?---I guess so. Look, no, I don't - - -
10:58:51 15
10:58:52 16 If you can't recall you can't recall?---Yeah, I can't
10:58:55 17 recall the dates.
10:58:56 18
10:58:57 19 Do you recall being at Brunswick prior to going to the MDID
10:59:01 20 when Argall was there?---Yes. Well, when Tim got promoted
10:59:05 21 to Sergeant at Brunswick I'd actually left Brunswick and
10:59:09 22 was out at Broadmeadows at the Regional Response Unit. So
10:59:13 23 we actually didn't work together as Sergeants at Brunswick
10:59:19 24 like together, I was away, I was gone by then.
10:59:21 25
10:59:22 26 At that stage had you realised that you lived close
10:59:24 27 together?---Yes, absolutely. We were good close friends at
10:59:28 28 that stage.
10:59:28 29
10:59:30 30 Both you and he had partners or wives, is that
10:59:33 31 right?---Correct.
10:59:33 32
10:59:35 33 Is it the case that as far as you were concerned you were
10:59:38 34 aware that Mr Argall on occasions socialised with Ms Gobbo
10:59:42 35 or saw her?---I didn't know that then, no. No.
10:59:46 36
10:59:46 37 When do you think that you first knew that Argall knew
10:59:50 38 Ms Gobbo?---At a Task Force function or a drinks at a pub
10:59:56 39 in South Melbourne. Again, this is just in recollection.
10:59:59 40
10:59:59 41 Yes?---She turned up there, invited by Tim I believe, and
11:00:05 42 that's when I believe I first met her socially. I don't
11:00:10 43 know if I'd met her at the court, within the court
11:00:14 44 precincts prior to that.
11:00:16 45
11:00:16 46 Prior to going to the Drug Squad?---But from my memory
11:00:19 47 that's the first social time I met her.

11:00:22 1
11:00:22 2 You say that that was a Homicide Squad function?---Yeah,
11:00:27 3 well Lorimer Task Force function, yeah.
11:00:28 4
11:00:29 5 Did those functions go on and did you go to those functions
11:00:32 6 even after you left the Homicide Squad?---Yes, correct.
11:00:37 7
11:00:39 8 I understand there were various get-togethers afterwards,
11:00:43 9 is that right?---Yes, that's right.
11:00:44 10
11:00:45 11 The Homicide Squad has social events every year, is that
11:00:48 12 right?---That's right, yes.
11:00:49 13
11:00:49 14 Did you continue going to those social events even after
11:00:52 15 you'd left the Homicide Squad?---Yes.
11:00:54 16
11:00:54 17 I think at one point there was an occasion when you went to
11:01:01 18 Government House and received an award or at least all of
11:01:04 19 the Lorimer Task Force did?---That's correct.
11:01:06 20
11:01:06 21 Did that lead to another function and a sort of a boozy
11:01:11 22 function at one stage at about then?---Yes, yes, it would
11:01:18 23 have. It would have.
11:01:20 24
11:01:20 25 Would have. You don't recollect it?---Now that you mention
11:01:22 26 that, I think it's that day of that particular event,
11:01:26 27 either after that I went and met, me and Tim went and met
11:01:30 28 with our families down in Albert Park and that's when I run
11:01:35 29 into Carl Williams and his crew. So whether that was
11:01:38 30 before the event or after the event I'm not sure, I can't
11:01:41 31 remember the timing.
11:01:42 32
11:01:42 33 That was during the daytime in any event?---Yeah, that's
11:01:45 34 right.
11:01:45 35
11:01:45 36 Do you know whether that led to an after, to an evening - -
11:01:49 37 - ?---It would have.
11:01:50 38
11:01:51 39 I might come back to that. In 2002 you were promoted to
11:02:00 40 Detective Sergeant and I think on 17 June 2002 you, in
11:02:09 41 effect, started to lead a crew in the MDID, would that be
11:02:19 42 right?---That would be right.
11:02:20 43
11:02:20 44 I think you say that your role was as a direct supervisor
11:02:24 45 of a crew and there were several subordinate detectives,
11:02:27 46 one of whom was Dave Miechel?---Correct.
11:02:30 47

11:02:31 1 Samantha Jennings?---Yes.
11:02:33 2
11:02:34 3 Reece Campbell?---Yes.
11:02:35 4
11:02:35 5 And a number of others and it changed over the
11:02:38 6 time?---Correct, yes.
11:02:39 7
11:02:40 8 And do you say that it was only after you went to the Drug
11:02:44 9 Squad that you started to have contact, initially in a
11:02:47 10 professional way, with Ms Gobbo?---Correct.
11:02:49 11
11:02:52 12 You say in your statement, "It was during 2002 that I
11:02:57 13 believe I first came into contact with Ms Gobbo in a
11:03:00 14 professional capacity", right?---Yes.
11:03:03 15
11:03:04 16 And you're not meaning to suggest that you'd met her
11:03:06 17 socially prior to that?---I can't be definitive on those
11:03:10 18 times but I - yeah, no, I can't be definitive on those
11:03:16 19 times. I do believe the first time, I certainly came into
11:03:22 20 the court precincts with her would have been when I was at
11:03:26 21 the Drug Squad. Whether I'd met her socially prior to that
11:03:30 22 I don't recall, I don't believe so.
11:03:32 23
11:03:32 24 In your statement you talk about an event where I think you
11:03:35 25 went to a pub in South Melbourne and you were with a number
11:03:39 26 of police officers and there was quite a bit of alcohol
11:03:43 27 involved and Ms Gobbo was there socialising, do you recall
11:03:46 28 that?---Yes.
11:03:46 29
11:03:47 30 And that's an occasion where you say that a number of you
11:03:54 31 pile into her car and she drives to the casino?---Correct.
11:03:58 32
11:03:59 33 Are you able to place that in time?---No, I'm not.
11:04:02 34
11:04:02 35 You say that it was after you were at the Drug Squad or
11:04:06 36 before?---I think it was after because I, I've got a
11:04:12 37 recollection that it was as a result of that night that our
11:04:17 38 relationship changed from adversaries at court to having a
11:04:23 39 rapport, to be able to speak a bit more openly or
11:04:31 40 professionally I guess about matters, her clients, our
11:04:36 41 case, et cetera.
11:04:37 42
11:04:38 43 On that night, you're quite frank you say you've had a
11:04:44 44 sexual relationship with Ms Gobbo?---Well, I disagree with
11:04:46 45 the relationship part. Yes, there was one drunken night
11:04:51 46 where that occurred but it wasn't an ongoing sexual
11:04:55 47 relationship that's been portrayed by Victoria Police and

11:04:58 1 the media. It was one night and I believe Nicola Gobbo
11:05:02 2 denies it, because clearly it was a very drunken night, but
11:05:06 3 I don't deny that that occurred.
11:05:09 4
11:05:10 5 Do you think it was that night or was it another night?---I
11:05:14 6 think it would be another night.
11:05:17 7
11:05:17 8 You obviously remember - in your statement you recall her
11:05:21 9 car. Was it some sort of Mercedes coupe or something like
11:05:26 10 that, is that right?---Yes.
11:05:27 11
11:05:27 12 A number of detectives got into that car and she drove to
11:05:30 13 the casino, is that right?---That's correct.
11:05:32 14
11:05:32 15 Do you recall any other detectives who got into the car
11:05:35 16 that night?---Well, Timmy Argall was one.
11:05:37 17
11:05:37 18 He was one?---No, no.
11:05:47 19
11:05:48 20 It's a small car?---It was a very small car.
11:05:51 21
11:05:53 22 How many large detectives would get into the car?---Not
11:05:55 23 many. And I don't want to say a name and be wrong.
11:05:58 24
11:05:59 25 Yes, of course?---I can't recall.
11:06:04 26
11:06:04 27 You say that over the months following your commencing at
11:06:15 28 the Drug Squad you'd, "Come into contact with her on a
11:06:20 29 regular basis as the criminals we were charging were all
11:06:23 30 involved in major drug trafficking activities" and it
11:06:28 31 appeared that she was the go-to lawyer for some heavy drug
11:06:32 32 traffickers?---Yes, I honestly believe, I reckon it was
11:06:37 33 nearly the first week I was there, I ended up in court
11:06:40 34 dealing with a bail application because the informant was
11:06:42 35 on leave and I came head to head with Nicola within the
11:06:50 36 first week.
11:06:50 37
11:06:51 38 Are you able to recall the name of that - - - ?---I think
11:06:53 39 it was Shane - I heard Miechel talking about Pidoto and
11:06:59 40 Waheed but this one was Shane someone.
11:07:01 41
11:07:02 42 Not Pidoto?---No, I don't think it was.
11:07:04 43
11:07:04 44 You certainly were involved in a bail application
11:07:08 45 concerning Shane Pidoto?---Shane Pidoto.
11:07:12 46
11:07:13 47 In about November and December of 2002?---Yeah, look, I

11:07:18 1 can't recall the, the suspect's name, but yeah, like I
11:07:24 2 said, it was certainly within the first week of my arrival
11:07:27 3 there that I - - -
11:07:29 4
11:07:29 5 It wouldn't have been Pidoto, assuming that occurred, that
11:07:33 6 bail application where you were cross-examined by Ms Gobbo
11:07:35 7 was in December of 2002, November and December, that
11:07:39 8 wouldn't have been Pidoto, it would have been someone
11:07:43 9 else?---Yes, I believe so, yes.
11:07:45 10
11:07:45 11 You were aware I take it in 2002 that, fairly shortly after
11:07:51 12 you arrived, that she had some clients, for example, were
11:07:57 13 you aware that she was acting for Tony Mokbel in
11:08:01 14 2002?---Yes.
11:08:01 15
11:08:01 16 And she'd been involved in several unsuccessful
11:08:05 17 applications on his behalf to get him bail?---Correct.
11:08:09 18
11:08:10 19 But you were aware that she finally, I think she was led by
11:08:12 20 Mr Heliotis and they finally got him bail in September of
11:08:17 21 2002?---Correct.
11:08:18 22
11:08:18 23 You knew her then?---Yes.
11:08:20 24
11:08:21 25 And would you have had her mobile telephone number then in
11:08:25 26 September of 2002?---Not - I'm not sure.
11:08:33 27
11:08:33 28 One assumes that it would be a usual situation for either
11:08:41 29 solicitors and/or barristers to communicate with police
11:08:44 30 officers who charged their clients, that's not
11:08:47 31 unusual?---Not unusual at all, no. Look, if I didn't have
11:08:52 32 it, I should have had it. Clearly she was a person that I
11:08:56 33 was going to have involvement with on a regular basis.
11:09:01 34
11:09:01 35 Yes?---One thing that I did as an investigator was put
11:09:06 36 myself into a position to be able to deal with the right
11:09:09 37 people, whether they be criminals, lawyers, police
11:09:15 38 officers.
11:09:15 39
11:09:16 40 And you took it as an appropriate thing to do, I'm not
11:09:20 41 suggesting otherwise?---No, absolutely.
11:09:22 42
11:09:22 43 To develop a good professional relationship with solicitors
11:09:26 44 and barristers?---Look, as my statement says, over time she
11:09:29 45 was a person that would be contacted constantly at all
11:09:33 46 hours of the day and night by the people we were charging,
11:09:38 47 correct.

11:09:38 1
11:09:39 2 She would come to the Drug Squad on occasions?---Yes.
11:09:43 3
11:09:44 4 And you would speak to her when she came to the Drug
11:09:47 5 Squad?---Yes.
11:09:48 6
11:09:52 7 You say that she would attend and come to the Drug Squad
11:09:55 8 more so than any other barristers that you could
11:10:00 9 recall?---Without a doubt.
11:10:01 10
11:10:02 11 Without a doubt?---To me anyway, look I can't speak on
11:10:05 12 behalf of the whole Drug Squad, obviously there were three
11:10:08 13 units and a number of Sergeants, but it seemed like any
11:10:13 14 time we had a major case, a major arrest, after hours,
11:10:19 15 et cetera, she was certainly more regularly there than any
11:10:23 16 others.
11:10:23 17
11:10:23 18 What I'm trying to work out with your assistance, if you
11:10:26 19 can, is when that relationship with her moved from the
11:10:31 20 professional relationship to being a more, or to having a
11:10:35 21 more social component to it which you say occurred after
11:10:40 22 the drive to the casino?---Yeah, look, it wouldn't have
11:10:43 23 been long to be honest. The moment obviously, like I said,
11:10:48 24 I think within the very first week of my arrival at the
11:10:53 25 MDID I'm at court doing a bail application and I'm sure she
11:10:57 26 was representing the client. So we, we had some issues at
11:11:01 27 that point in time, because I wasn't willing to hand over
11:11:04 28 particular documents that she was used to getting from
11:11:07 29 other members without any form of argument, I guess, or LPP
11:11:13 30 claim, or, sorry, legal professional - whatever the other
11:11:18 31 claim is that Victoria Police always makes.
11:11:20 32
11:11:20 33 COMMISSIONER: PII I think it is?---That's the one. So she
11:11:24 34 got her hackles up and so did the solicitor who was
11:11:28 35 assisting her. I remember we had a bit of a heated debate
11:11:32 36 and I guess, and so that happened a couple of times and
11:11:37 37 then we met socially that night and I think we broke
11:11:41 38 through the, the issues.
11:11:43 39
11:11:44 40 MR WINNEKE: If we focus on Shane Pidoto. Perhaps before I
11:11:51 41 get there, you point out in your statement, I think at
11:11:57 42 paragraph 18, you had an informer, Terry Hodson. He was a
11:12:03 43 prolific informer?---Yeah.
11:12:05 44
11:12:06 45 Provided lots of information against a number of people who
11:12:08 46 you charged and she acted for a number of those
11:12:15 47 people?---Yes, that's correct.

11:12:15 1
11:12:16 2 It was your view that he was being prolifically used and
11:12:22 3 there were many arrests that were being made as a direct
11:12:26 4 result of his information?---That's correct, a lot of those
11:12:28 5 arrests, a number of those arrests had actually occurred in
11:12:32 6 only recent times prior to my arrival, so on my arrival I
11:12:39 7 was faced, once I became Hodson's handler, supervisor, or
11:12:47 8 Miechel's supervisor and ultimately one of Hodson's
11:12:51 9 handlers, it became quite clear to me that they were using
11:12:54 10 him on a weekly basis and getting, you know, great results
11:12:59 11 but putting this guy in some serious danger of his identity
11:13:04 12 being discovered.

11:13:05 13
11:13:05 14 Why is that?---Because it was just case after case, bail
11:13:10 15 application, bail application of the criminals that were
11:13:13 16 charged as a direct result of informer registered number,
11:13:16 17 whatever his registered informer number was. It wasn't
11:13:20 18 going to take too long to work out who the only person
11:13:24 19 around here who hasn't been charged in all of these
11:13:28 20 operations. And they were different separate operations so
11:13:31 21 we weren't just talking one crew of drug traffickers, we're
11:13:35 22 talking several crews.

11:13:36 23
11:13:37 24 Several crews who were using his information?---No, no.
11:13:41 25 Sorry, several crews of criminals that were investigated as
11:13:43 26 a result of his information and ultimately charged, a
11:13:47 27 number of them were charged, and so I saw Gobbo was dealing
11:13:51 28 with one, two, three different ones and so she was seeing
11:13:55 29 the same registered informer number popping up.

11:13:58 30
11:13:59 31 She would get a brief of evidence and then there would be
11:14:02 32 applications for disclosure or discovery, is that
11:14:06 33 right?---They weren't even briefs of evidence at that
11:14:08 34 stage. She was very good at making bail applications for a
11:14:11 35 lot of these guys at the time and calling for documents and
11:14:15 36 the police supplying documents and then just questioning of
11:14:21 37 police informants in the witness box to discover a
11:14:27 38 registered police informer was involved in the operation
11:14:29 39 and getting that number out of them.

40
11:14:31 41 Right?---It was a tactic at the time and I saw it and
11:14:36 42 that's when I reported back to my supervisors that we have
11:14:41 43 a serious problem here.

11:14:43 44
11:14:44 45 Who did you report it back to?---It would have been O'Brien
11:14:47 46 and Biggin at the time.

11:14:49 47

11:14:49 1 So that brings me to Pidoto. It appears that there was an
11:14:56 2 application for bail I think on 14 November and that
11:15:08 3 application I think concluded over on 9 December and there
11:15:13 4 were subpoena arguments and there was a bail application.
11:15:22 5 And you gave evidence about that and I think you were
11:15:33 6 giving evidence about this fellow's lifestyle, he had some
11:15:40 7 iguanas or geckos or whatever it might be?---Okay, yes.
8
11:15:45 9 I think you gave evidence that he appeared to have a
11:15:48 10 Hollywood lifestyle, right?---Yes.
11:15:51 11
11:15:51 12 That was part of the bail application?---Yes.
11:15:53 13
11:15:55 14 I think there was some fairly significant, hostile
11:16:01 15 cross-examination of you?---Yes.
11:16:02 16
11:16:02 17 And you were described in a major article as being a
11:16:06 18 hostile Detective and in a sense obliquely criticised by
11:16:12 19 the magistrate for going in too hard on the bail
11:16:15 20 application?---Correct.
11:16:15 21
11:16:16 22 Ms Gobbo and you had in effect a fairly fierce fight in
11:16:21 23 that bail application, right?---Correct.
11:16:23 24
11:16:23 25 Ultimately I think Ms Gobbo succeeded in any event and that
11:16:29 26 person Pidoto got bail?---Yes.
11:16:32 27
11:16:32 28 Correct? And one of the issues or had been corruption
11:16:36 29 within the Drug Squad and the fact that things were taking
11:16:40 30 a long time to get on, right?---Yes, yes.
11:16:42 31
11:16:42 32 It was largely for that reason that bail was granted. So
11:16:47 33 do you accept that that occurred on 14 - perhaps what I'll
11:16:56 34 do is if we can have a document put up, VPL.0005.0116.0039.
11:17:33 35
11:17:33 36 MR HANNEBERY: Commissioner, can we shutdown the feed for a
11:17:36 37 minute. I understand that that document that has been put
11:17:38 38 up hasn't yet been cleared for publication.
11:17:42 39
11:17:42 40 COMMISSIONER: All right.
11:17:44 41
11:17:44 42 MR WINNEKE: I assumed it had, Commissioner.
43
11:17:48 44 MR HANNEBERY: I understand the watermark on the top
11:17:50 45 apparently has some significance to whether it has or it
11:17:53 46 hasn't been.
11:17:54 47

11:17:54 1 COMMISSIONER: It does seem to have a bit redacted. Can
11:17:59 2 you clarify that then? Perhaps we better take it down
11:18:02 3 until we make sure that it's not sensitive.
11:18:06 4
11:18:07 5 MR WINNEKE: It's the diary of Mr Dale. Can I call on my
11:18:16 6 friend, is it being suggested that those documents haven't
11:18:20 7 been PIIed?
11:18:21 8
11:18:22 9 MR HANNEBERY: I understand there's been limited PII review
11:18:26 10 but not to the point where it's open for publication as
11:18:29 11 yet.
11:18:29 12
11:18:30 13 COMMISSIONER: Do you want a short adjournment to sort it
11:18:34 14 out?
11:18:35 15
11:18:36 16 MR WINNEKE: Perhaps we can have a short adjournment. I
11:18:39 17 notice the time.
11:18:39 18
11:19:08 19 COMMISSIONER: We'll have the midmorning break now. Ten
11:19:09 20 minutes.
11:19:10 21
11:19:10 22 (Short adjournment.)
11:19:10 23
11:34:25 24 MR WINNEKE: Thanks Commissioner.
11:34:25 25
11:34:26 26 COMMISSIONER: Mr Winneke.
11:34:29 27
11:34:29 28 MR WINNEKE: What we might do is put that document up on
11:34:31 29 the screen so that Mr Dale can see it and I can see it.
11:34:38 30 That suggests that on Thursday 14 November there was an
11:34:45 31 attendance at the Melbourne Magistrates' Court regarding a
11:34:47 32 Pidoto bail application and subpoena application before
11:34:51 33 Magistrate Cotterell. The solicitor is Ms Cameron and
11:34:58 34 Nicola Gobbo is the barrister. There was a prosecutor
11:35:00 35 Mr Gibson; is that right?---Yes.
11:35:03 36
11:35:03 37 And the matter was part-heard and it was adjourned I think
11:35:10 38 to 10 December of 2002, is that right? Well it was
11:35:19 39 part-heard in any event?---Part-heard, yeah. Does it say
11:35:22 40 whether - - -
11:35:22 41
11:35:23 42 No, it doesn't. I tender that document, Commissioner.
11:35:26 43
11:35:27 44 #EXHIBIT RC221 - Diary entry of Paul Dale.
11:35:34 45
11:35:35 46 They're your diary entries I take it?---Yes.
11:35:37 47

11:35:49 1 If you go - then if we can put up - - -
11:35:52 2
11:35:53 3 COMMISSIONER: Is that ready to be tendered as is?
11:35:57 4
11:35:58 5 MR WINNEKE: Well it's not, Commissioner. Although I can't
11:35:59 6 see anything on it which would conceivably be of risk to
11:36:06 7 the public.
11:36:08 8
11:36:08 9 MR HANNEBERY: I understand it's not in a state at the
11:36:11 10 moment that it's ready to be tendered for public
11:36:13 11 consumption.
11:36:14 12
11:36:14 13 COMMISSIONER: When will someone look at it? It's a very
11:36:16 14 short document. It looks straightforward enough.
11:36:20 15
11:36:21 16 MR HANNEBERY: How many pages are we - - -
11:36:22 17
11:36:22 18 COMMISSIONER: One page, isn't it? It's a single page
11:36:24 19 we're talking about, isn't it?
11:36:26 20
11:36:26 21 MR WINNEKE: I have a few more pages, Commissioner.
11:36:28 22
11:36:28 23 COMMISSIONER: Oh have you, okay.
11:36:31 24
11:36:31 25 MR HANNEBERY: I'm instructed we can do them as a bundle at
11:36:34 26 the end.
11:36:35 27
11:36:35 28 COMMISSIONER: How much time are you wanting to - - -
11:36:39 29
11:36:39 30 MR HANNEBERY: I'm told it depends on the amount of pages,
11:36:43 31 but if we're dealing with sort of a handful of pages that
11:36:45 32 can be done overnight.
11:36:46 33
11:36:47 34 COMMISSIONER: Overnight, all right. It will be tendered.
11:36:49 35 It won't be publicly available until tomorrow morning and
11:36:54 36 any PII arguments will be dealt with then.
11:37:00 37
11:37:01 38 MR WINNEKE: All right. It appears that - - -
11:37:03 39
11:37:03 40 COMMISSIONER: So the following pages that are referred to
11:37:06 41 and tendered will be part of this exhibit, is that what's
11:37:09 42 intended?
11:37:10 43
11:37:12 44 MR WINNEKE: Yes, Commissioner, yes.
11:37:13 45
11:37:13 46 COMMISSIONER: Yes.
11:37:14 47

11:37:14 1 MR WINNEKE: I think I said that it was adjourned to the
11:37:20 2 10th. It appears that was adjourned to 9 December 2002.
11:37:24 3 If we could put this document up so Mr Dale can see this.
11:37:28 4 VPL.0005.0116.0042. You'll see at the bottom of the page
11:37:47 5 there that you're on duty, that you went to the
11:37:51 6 Magistrates' Court regarding the Pidoto bail application,
11:37:54 7 right?---Yes.
11:37:55 8
11:37:55 9 And then if we move over to the next page, you were before
11:38:02 10 - it was before Magistrate Ms Cotterell, or Her Honour
11:38:08 11 Ms Cotterell. Again, Cameron and Nicola Gobbo and
11:38:13 12 Mr Pidoto was granted bail due to exceptional circumstances
11:38:17 13 in the extended time before the committal proceeding and
11:38:21 14 due to Ceja Task Force investigation special conditions
11:38:24 15 apply as follows, et cetera, and you've set out the
11:38:27 16 conditions of bail?---Yes.
11:38:29 17
11:38:29 18 Right. If I can tender those two pages, Commissioner.
11:38:40 19
11:38:40 20 COMMISSIONER: Also as part of - - -
11:38:42 21
11:38:42 22 MR WINNEKE: As part of the - - -
11:38:43 23
11:38:44 24 COMMISSIONER: Exhibit 221.
11:38:45 25
11:38:46 26 MR WINNEKE: Yes.
11:38:46 27
11:38:46 28 COMMISSIONER: Right.
11:38:51 29
11:38:51 30 #EXHIBIT RC221 - VPL.0005.0116.0042.
11:39:09 31
11:39:09 32 There is an order I need to make. You'll recall that on
11:39:15 33 the last occasion Mr Dale gave evidence the Commission
11:39:18 34 ordered that there be no publication of Mr Dale's
11:39:23 35 statement. It seems to me now appropriate that I revoke
11:39:25 36 that order insofar as it relates to Exhibit 154B. Is there
11:39:32 37 any argument against that? No, thank you. In that case I
11:39:37 38 order that the order dated 22 May 2019 relating to the
11:39:41 39 non-publication of Mr Paul Dale's statement in so as far as
11:39:45 40 it relates to Exhibit RC154B is vacated. Yes.
11:39:53 41
11:39:54 42 MR WINNEKE: Thanks Commissioner. Arising out of that bail
11:39:57 43 application was a news article, I think there's an Age news
11:40:03 44 article dated 10 December that we can display publicly.
11:40:23 45 That's a different one but it seems to be the same story.
11:40:33 46 What I was seeking was an article which is headlined
11:40:38 47 'Hostile detective slammed over evidence'. It's just gone

11:40:41 1 through. That might take a moment. In any event, whilst
11:40:45 2 that comes up, the article referred to you giving evidence.
11:40:50 3 You told the Melbourne court that Mr Pidoto lived a life
11:40:54 4 surrounded by luxurious furnishings, three pet lizards,
11:40:58 5 watches and sunglasses, et cetera. That was contrasted
11:41:03 6 with an apparently negligible income and you gave evidence,
11:41:08 7 it was said, according to the Magistrate, "in a highly
11:41:12 8 charged and hostile manner" and you'd used colourful
11:41:16 9 language which the Magistrate had ignored. Now, was that
11:41:21 10 an occasion, one of the earlier occasions when Ms Gobbo and
11:41:24 11 you sparred, if you like, in a fairly heated manner in
11:41:28 12 court?---Yes.

11:41:29 13
11:41:29 14 Right. Let's just see if we can - and that was accurately
11:41:39 15 reported in the newspaper, was it, more or less?---Just so
11:41:43 16 we get one thing clear, the colourful language wasn't
11:41:47 17 swearing, I mean I was - - -

11:41:49 18
11:41:49 19 No, I understand?---Yeah, it was basically this guy was
11:41:52 20 living a Hollywood lifestyle and I explained that and they
11:41:56 21 thought that I was being a little bit over exuberant.

11:42:00 22
11:42:01 23 Over the top?---Over the top, yes.

11:42:02 24
11:42:02 25 Okay. In any event - and Ms Gobbo was no doubt - - -
11:42:07 26 ?---She wasn't happy with it.

11:42:09 27
11:42:09 28 Right, okay. I think there's a report of that article
11:42:16 29 which I'll tender to the Commission?---I think that last
11:42:19 30 diary entry I noticed that I returned back to the office
11:42:23 31 and had a briefing with Superintendent Biggin and Senior
11:42:30 32 Sergeant O'Brien, my immediate supervisors, in regards to
11:42:33 33 the criticism that I'd received at court.

11:42:36 34
11:42:36 35 As I understand it what you were saying is that it was the
11:42:39 36 criticisms of the MDID which led to the exceptional
11:42:44 37 circumstances and bail being granted; is that
11:42:47 38 right?---That's correct.

11:42:48 39
11:42:48 40 COMMISSIONER: That's the one up now you want to tender?

11:42:50 41
11:42:51 42 MR WINNEKE: Yes, Commissioner.

11:42:52 43
11:42:53 44 #EXHIBIT RC222 - Age article.

11:43:03 45
11:43:03 46 Right. Whilst we're on that issue of the relationship
11:43:14 47 between you and Ms Gobbo, after the court is finished do

11:43:22 1 you have, or does the relationship thaw, if you like, and
11:43:30 2 you become more friendly with Ms Gobbo?---Yes.
11:43:34 3
11:43:34 4 In your statement I think you referred to Christmas drinks
11:43:38 5 over the 2002/2003 period?---Yes.
11:43:40 6
11:43:41 7 Where you attended social functions where she was
11:43:44 8 at?---Yes.
11:43:45 9
11:43:45 10 And you speak to her in a social manner?---Yes.
11:43:51 11
11:43:51 12 Do you say that the relationship of a more social type
11:43:59 13 occurs in the aftermath of this bail application?---Yes.
11:44:03 14
11:44:04 15 Right, okay. Do you say that there was an intimate event
11:44:08 16 which occurred over that period or not, was it later
11:44:13 17 on?---I would suggest it was later on but I can't - - -
11:44:17 18
11:44:18 19 All right, okay. One of the things that you - another
11:44:23 20 thing that arose out of that bail application was a concern
11:44:27 21 that you had that Ms Gobbo had identified your
11:44:31 22 informer?---Yes.
11:44:31 23
11:44:32 24 You said before that she had a number of briefs, she was
11:44:35 25 able to look at the briefs and look at all the material
11:44:38 26 that was gathered and form a fairly educated view about who
11:44:42 27 your informer was?---Yes.
11:44:43 28
11:44:44 29 And in this case it was Terry Hodson?---Correct.
11:44:46 30
11:44:47 31 You say that you went back to see Biggin and
11:44:52 32 O'Brien?---Yes.
11:44:52 33
11:44:53 34 You say one of the things that you were concerned about was
11:44:56 35 the potential identification of Hodson?---Correct.
11:44:59 36
11:45:00 37 And with all the ramifications that are associated with
11:45:03 38 that and the risk to his life?---Yes.
11:45:05 39
11:45:06 40 And you prepare what's known as an information report that
11:45:12 41 touches on that matter?---I believe so.
11:45:15 42
11:45:15 43 If we can put up again, only for the consumption of Mr Dale
11:45:20 44 and myself at this stage, a document which is
11:45:31 45 COM.0051.0001.0222?---Excuse me for one minute. My glasses
11:45:41 46 are filthy I need - Stewy, have you got - - -
11:46:02 47

11:46:04 1 Do you need Mr Steward's lens cleaners or a tissue?---Yes.
11:46:26 2
11:46:27 3 It's been enlarged, Mr Dale, so it may well be that you can
11:46:31 4 do it even without Mr Steward's cleaner?---Yes.
11:46:43 5
11:46:44 6 That's an information report and it says that the source of
11:46:47 7 the information is you and SCS 4/390. That was Mr Hodson's
11:46:56 8 informer number; is that right?---Yes.
11:46:58 9
11:46:59 10 As at that date in any event, that's on 19 December of
11:47:03 11 2002. If we can just scroll up so as you can read that.
11:47:09 12 It says under the information heading, "On Wednesday 18
11:47:12 13 December 2002" - wait on. Go down to the second paragraph,
11:47:23 14 "It was discussed how solicitor", now that's blanked out,
11:47:33 15 "had commented at court recently", and it says, "bail
11:47:39 16 hearing on 13 December that she knew the identity of 4/390
11:47:46 17 and actually named him directly"?---Yes.
11:47:48 18
11:47:49 19 Under that first black box I assume is the name Gobbo? Are
11:47:54 20 you prepared to accept that or not?---Yes, I am.
11:47:56 21
11:47:57 22 Whilst you said that the - - -
11:47:59 23
11:48:00 24 COMMISSIONER: Why has that been blacked out?
11:48:03 25
11:48:03 26 MR WINNEKE: I think it's old, Commissioner.
11:48:05 27
11:48:06 28 COMMISSIONER: It's old, okay.
11:48:07 29
11:48:09 30 MR WINNEKE: We can do our best to get an unredacted one.
11:48:12 31
11:48:14 32 COMMISSIONER: Well we know that that says Gobbo.
11:48:17 33
11:48:17 34 MR WINNEKE: It's an educated guess. I'm assuming.
11:48:19 35 There's a couple of things which might suggest that it is
11:48:22 36 but the only thing is that the bail hearing referred to is
11:48:25 37 13 December and it appears that the bail hearing was on 14
11:48:28 38 December.
11:48:29 39
11:48:29 40 COMMISSIONER: We'd better get an accurate - - -
11:48:32 41
11:48:33 42 MR HANNEBERY: I don't understand it's been produced by
11:48:35 43 Victoria Police so I'm not sure who my learned friend is
11:48:38 44 looking to - - -
11:48:39 45
11:48:40 46 MR WINNEKE: No, it's been produced by a Notice to Produce
11:48:44 47 of the family of the Hodsons.

11:48:47 1
11:48:47 2 COMMISSIONER: Thank you. But presumably this document
11:48:49 3 will be relevant to Victoria Police's obligations of
11:48:53 4 disclosure to the Commission under the Notice to Produce.
11:48:58 5
11:48:58 6 MR WINNEKE: One would assume so, Commissioner. I'm not
11:49:02 7 too sure whether it is amongst our materials, I don't
11:49:05 8 believe it is.
11:49:06 9
11:49:06 10 MR HANNEBERY: I'm at a little bit of disadvantage in not
11:49:08 11 knowing entirely the document that's being referred to, but
11:49:12 12 I can certainly - - -
11:49:13 13
11:49:13 14 COMMISSIONER: Can't you see it?
11:49:15 15
11:49:16 16 MR WINNEKE: No, it can't be seen by the police because
11:49:18 17 it's something that only the Commission and Mr Dale can
11:49:23 18 see.
11:49:23 19
11:49:24 20 COMMISSIONER: You don't want the police to see at this
11:49:25 21 point?
11:49:26 22
11:49:27 23 MR WINNEKE: I'm more than happy for everyone to see it but
11:49:30 24 I'm concerned that I don't want to be - perhaps if
11:49:33 25 Mr Hannebery can come over here and have a look at my
11:49:37 26 screen and see whether he's got - - -
11:49:41 27
11:49:41 28 MR HANNEBERY: I will. I don't think this was on the list
11:49:47 29 we were provided.
11:49:48 30
11:49:49 31 MR WINNEKE: No, it wasn't. I've just been shown this
11:49:50 32 document this morning. I can get photocopies of it and
11:49:53 33 show it to Mr Hannebery and anyone else we're allowed to
11:49:56 34 show it to.
11:49:57 35
11:49:58 36 COMMISSIONER: Okay. Well it's an information report of 19
11:50:00 37 December 2002.
38
39
11:50:03 40 MR HANNEBERY: It sounds like the sort of document that I
11:50:05 41 would very much like to see so I could just have a review
11:50:09 42 of it for PII purposes. I'm not sure I'm going to be able
11:50:14 43 to do that just by looking over Mr Winneke's shoulder for a
11:50:18 44 moment.
11:50:18 45
11:50:19 46 MR WINNEKE: In fact, Commissioner, I think it needs to be
11:50:22 47 clarified. Perhaps if we can - I'll just put that aside

11:51:08 1 for one moment, Commissioner, because it may well be, I've
11:51:12 2 just witnessed Mr Dale's diary and it may well be we
11:51:17 3 shouldn't make the assumption that we've made about the
11:51:19 4 name under that blacked out document.
11:51:20 5
11:51:21 6 COMMISSIONER: No. It does say solicitor, for example.
11:51:22 7
11:51:23 8 MR WINNEKE: It does. But if you have a look at this
11:51:25 9 document, again for our eyes only it appears,
11:51:35 10 VPL.0005.0116.0044. If you go - that's your diary again,
11:51:47 11 is it, Mr Dale?---Yes.
11:51:48 12
11:51:49 13 Have a look at the entry at the bottom which appears to be
11:51:52 14 Friday, 13 December 2002. You'll see there that you did in
11:52:08 15 fact attend at a bail application on 13 December?---Yes.
11:52:12 16
11:52:14 17 Same Magistrate, Melbourne Magistrates' Court, and the
11:52:18 18 offender is a person by the name of O'Dea. There's a
11:52:25 19 solicitor Mr Balmer and a barrister Steve Russell and bail
11:52:30 20 was granted on conditions, right?---Yes.
11:52:37 21
11:52:42 22 Are you able to say then from your recollection whether
11:52:45 23 that information report concerned that bail
11:52:49 24 application?---No, it was Nicola Gobbo that was the one
11:52:51 25 that told me she knew who our informer was, not Bernie
11:52:56 26 Balmer or - - -
11:52:57 27
11:52:58 28 Not Bernie Balmer or Steve Russell?---No.
11:53:01 29
11:53:01 30 You're confident about that?---I'm certain about that.
11:53:06 31
11:53:06 32 All right. Well in any event perhaps I should tender both
11:53:09 33 of those. This will be clarified in due course,
11:53:12 34 Commissioner, when the information report is produced to
11:53:15 35 the Commission in unredacted form.
11:53:19 36
11:53:19 37 COMMISSIONER: Right.
11:53:25 38
11:53:26 39 #EXHIBIT RC223 - Information report.
11:53:37 40
11:53:37 41 Before that becomes public will we have to give Victoria
11:53:41 42 Police time?
11:53:42 43
11:53:43 44 MR WINNEKE: Again, Commissioner, I think that will need to
11:53:45 45 be assessed for public interest immunity. I accept that
11:53:47 46 that document hasn't been assessed for public interest
11:53:54 47 immunity. Well certainly not in this proceeding, I

11:53:58 1 certainly assume it has been in another proceeding.
11:54:00 2
11:54:00 3 COMMISSIONER: In this proceeding, yes. It might be that
11:54:02 4 different bits are wanting to be blacked out, we'll see.
11:54:05 5
11:54:06 6 MR WINNEKE: We'll see.
11:54:07 7
11:54:07 8 COMMISSIONER: That can be done - - -
11:54:08 9
11:54:09 10 MR WINNEKE: It certainly hasn't been produced to the
11:54:11 11 Commission pursuant to the Notice to Produce.
11:54:13 12
11:54:13 13 COMMISSIONER: - - - tomorrow. That won't be released
11:54:15 14 publicly until we've given Victoria Police an opportunity
11:54:18 15 to PII it and if necessary that can be reviewed tomorrow.
11:54:22 16
11:54:24 17 MR HANNEBERY: Once I see the document and how long it
11:54:26 18 is - - -
11:54:27 19
11:54:28 20 COMMISSIONER: It's only one page, isn't it?
11:54:30 21
11:54:31 22 MR WINNEKE: One or two pages.
11:54:32 23
11:54:32 24 COMMISSIONER: One or two pages, it's not a long document.
11:54:35 25
11:54:36 26 MR HANNEBERY: As soon as we get a copy of it the sooner we
11:54:37 27 can - - -
11:54:37 28
11:54:38 29 COMMISSIONER: All right. I expect it will be done by
11:54:40 30 tomorrow. That's 223. And then the diary note - - -
11:54:43 31
11:54:43 32 MR WINNEKE: I tender for the sake of completeness,
11:54:45 33 Commissioner, albeit that Mr Dale says that he's confident
11:54:50 34 that this wasn't the one, it does appear that there was a
11:54:52 35 bail application and I tender those two pages which are on
11:54:55 36 the screen.
11:54:55 37
11:54:55 38 COMMISSIONER: Yes.
11:54:56 39
11:54:58 40 #EXHIBIT RC224 - Mr Dale's diary notes relevant to
11:55:03 41 13/12/02.
11:55:12 42
11:55:12 43 MR HANNEBERY: Are they distinct from the bundle of diary
11:55:15 44 notes that are 221?
11:55:18 45
11:55:18 46 COMMISSIONER: Yes, they are.
11:55:19 47

11:55:20 1 MR HANNEBERY: Yes.
11:55:26 2
11:55:27 3 MR WINNEKE: Thanks Commissioner. What you've said in your
11:55:38 4 statement at paragraph 32, Mr Dale, appears to concern the
11:55:48 5 conduct of Mr Hodson and what you've said is that it was
11:55:59 6 your understanding that Mr Hodson used his own money to
11:56:07 7 purchase a number of, quite a large number of ecstasy
11:56:11 8 tablets, 1,000 ecstasy tablets; is that correct?---I think
11:56:17 9 it was more than a thousand. I thought it was 5,000
11:56:22 10 ecstasy tablets, which at the time was a large commercial
11:56:24 11 quantity.
11:56:25 12
11:56:25 13 Right. What you say is that there was a dilemma and so you
11:56:28 14 sought the advice of Detective Senior Sergeant O'Brien and
11:56:32 15 Detective Superintendent Biggin?---That's correct.
11:56:34 16
11:56:35 17 Right. Now is it the case that this purchase had occurred
11:56:39 18 prior to your involvement in the MDID?---Correct.
11:56:43 19
11:56:43 20 How did it come to your attention?---Detective Sergeant
11:56:47 21 Graeme Sayce had control of Terrence Hodson prior to my
11:56:53 22 arrival.
11:56:54 23
11:56:54 24 Yes?---Along with Detective Miechel, and it was during the
11:56:59 25 briefing of - I spent the first week or two I guess
11:57:06 26 shadowing Graeme Sayce whilst I gathered staff to have my
11:57:13 27 own crew and it was during that time that it became, that I
11:57:19 28 was told that he was sitting on this large amount of
11:57:22 29 ecstasy that he'd purchased with his own money during one
11:57:27 30 of their operations.
11:57:30 31
11:57:30 32 Right. So what you say is that there was a dilemma but
11:57:38 33 when did this dilemma arise?---Well, when I arrived because
11:57:41 34 I could see it as a dilemma.
11:57:43 35
11:57:43 36 Right?---He's sitting on a large commercial quantity of
11:57:46 37 drugs.
11:57:46 38
11:57:46 39 Right?---That he's purchased with his own money and they're
11:57:49 40 at his house.
11:57:51 41
11:57:51 42 Yes?---And I'm like how's this, how long has this been
11:57:57 43 going on for?
11:57:58 44
11:57:58 45 Right?---And what are you going to do about it?
11:58:02 46
11:58:03 47 Is it the case that you raised it with Detective Senior

11:58:08 1 Sergeant O'Brien and Superintendent Biggin?---Absolutely.
11:58:15 2
11:58:15 3 Is it the case that you didn't raise it until December?---I
11:58:18 4 would have raised it very soon after being told about it.
11:58:24 5
11:58:24 6 Right?---Whenever that was.
11:58:25 7
11:58:26 8 Okay. Do you have a recollection of being told about
11:58:30 9 it?---No, I just recall the situation and how it was
11:58:36 10 handled.
11:58:37 11
11:58:38 12 Right. You've said that he spent, he paid about - and I
11:58:45 13 think you've said in your book that he paid about \$22,000
11:58:49 14 of his own money and he bought 1000 tablets, ecstasy
11:58:54 15 tablets. The MDID had asked for \$25,000 to make a buy of
11:59:01 16 the 1000 tablets but the money wasn't available. Is that
11:59:05 17 what you say? Do you stand by that?---Well, actually that
11:59:08 18 last information report you put up - - -
11:59:09 19
11:59:09 20 Yes?--- - - - actually identifies it was 3000 tablets and
11:59:14 21 that's why I'm sort of thinking was that the - was that a
11:59:17 22 part of the 5 000 I was aware of or is that a
11:59:21 23 different - - -
11:59:22 24
11:59:22 25 Right. I'm asking you if you have a recollection of it
11:59:26 26 before we put it back up again. Do you recall it or
11:59:29 27 not?---Sorry, ask the question again?
11:59:31 28
11:59:31 29 Do you have a recollection of this particular problem
11:59:35 30 arising?---Absolutely. When I become aware of it, he had -
11:59:42 31 I believe it was 5000. I see in that information report we
11:59:45 32 just looked at that there was 3000, we started to work out
11:59:49 33 what we were going to do with them in our next operation.
11:59:52 34 But it's my belief there was 5000 and that's when I raised
11:59:57 35 it, had a meeting with Biggin and O'Brien, "What do we do
12:00:02 36 with this large commercial quantity of ecstasy tablets
12:00:05 37 sitting at the informer's house that he's used his own
12:00:09 38 money in a previous operation that was run by the Drug
12:00:13 39 Squad in my absence, you know, we can't have him sitting on
12:00:20 40 a large commercial quantity". Section 51 of the Drugs and
12:00:27 41 Controlled Substances Act immunity doesn't go to a large
12:00:28 42 quantity of drugs.
12:00:30 43
12:00:31 44 He's obviously been given authority, according to you, to
12:00:34 45 buy the thousand tablets in the first place.
12:00:39 46
12:00:40 47 COMMISSIONER: 1000, 5000, there seems to be - the witness

12:00:43 1 is saying 5 000.
12:00:46 2
12:00:46 3 MR WINNEKE: Let me put the initial view you took in your
12:00:49 4 book, right. This is p.64 of your book. "Prior to my
12:00:55 5 arrival at the MDID one of the jobs ran into a snag when
12:01:00 6 the brass wouldn't authorise payments for a big purchase of
12:01:03 7 ecstasy tablets. The squad had asked for about \$25,000 to
12:01:07 8 make a buy of 1000 tablets with a street value of \$50,000
12:01:13 9 but the money wasn't available. Unwilling to let the deal
12:01:17 10 slide Terry offered to pay for the drugs himself and this
12:01:21 11 had been okayed"?---That's a different operation.
12:01:23 12
12:01:23 13 That's a separate operation?---That's a separate operation.
12:01:26 14
12:01:26 15 You go on and say, "I think Terry paid about \$22,000 of his
12:01:30 16 own money and bought 1000 ecstasy tablets. He then ordered
12:01:33 17 another 3000. As a result the crook he bought them from",
12:01:39 18 and in your book you name the crook, "had been pinched when
12:01:44 19 the MDID arrested him in possession of the second lot of
12:01:51 20 drugs"?---Correct.
12:01:52 21
22 "Terry was able to convince the crook that he'd had nothing
23 to do with dobbing him in"?---Correct.
24
12:01:54 25 "I'd reviewed all the Hodson folders and wondered at the
12:01:59 26 whereabouts of the 1000 tablets which legally constituted a
12:02:00 27 commercial quantity and carried a life sentence in gaol.
12:02:03 28 It was also an amount that far overstepped Terry's police
12:02:08 29 indemnity and the Drug Squad had let Terry buy a commercial
12:02:14 30 quantity of drugs and he still had them", and you've
12:02:18 31 written "whoops". You say that's correct, is it, what
12:02:21 32 you've written there and that relates to another
12:02:23 33 operation?---That is a different operation to the one, the
12:02:24 34 dilemma I faced initially when I arrived with what he had
12:02:29 35 at his house. That's a different operation again.
12:02:31 36
12:02:31 37 Are you saying that that's accurate what you've written in
12:02:33 38 your book?---Yes.
12:02:35 39
12:02:37 40 "I wanted to handle this delicately because I was aware
12:02:40 41 that Terry had outlaid his own money for the drugs to help
12:02:43 42 the Squad and I didn't want to jeopardise our ongoing
12:02:46 43 relationship. At our next meeting with Terry I asked him
12:02:49 44 if he still had the ecstasy tablets. 'Yeah, sure', he
12:02:53 45 said, 'I've got them at home'. 'Hold on to them', I told
12:02:57 46 him. Terry said, 'I've got a bloke that I can set up with
12:03:00 47 them'. You say no. I said, 'Just hold on to them. It's a

12:03:02 1 commercial quantity, Terry, your immunity only gives you
12:03:05 2 the right to buy small amounts. 1000 tablets would put you
12:03:10 3 in gaol forever'. Terry shrugged. He always knew when he
12:03:17 4 was offering something we didn't want. He'd wheel and
12:03:21 5 deal. Another day, I told him, and I'd find out what we
12:03:23 6 could do about his 1000 tablets. Back at the office of the
12:03:24 7 MDID, Dave and I", that's Dave Miechel?---Yes.
12:03:30 8
12:03:30 9 "Went in to see a more senior officer. I briefed him about
12:03:33 10 our current operations and then flagged the issue of
12:03:36 11 Terry's tablets. The senior officer said, 'Go get them off
12:03:42 12 him'. And you said, 'But the problem is he's paid for them
12:03:45 13 with his own money'. The officer hesitated. He was fully
12:03:46 14 aware of the value of Terry's information and none of us
12:03:47 15 wanted to lose him as an informer. 'Can't we just pay him
12:03:50 16 for what he'd paid for them and destroy the drugs?', I
12:03:54 17 asked." And you were told - "The officer hummed about that
12:03:58 18 and a number of different scenarios where Victoria Police
12:04:02 19 could benefit from the drug sale without having to pay
12:04:06 20 them. The officer suggested that Terry sell them and we
12:04:09 21 could arrest the people who bought them from him", and you
12:04:13 22 disagreed, right? That's what you've said?---Yes.
12:04:16 23
12:04:17 24 "This was the kind of thing that could get Terry
12:04:20 25 killed"?---Yes.
12:04:20 26
12:04:21 27 "It had happened too often. If we arrested everyone who
12:04:25 28 bought drugs from Terry, that he remain free and
12:04:25 29 unarrested, the crooks themselves would put two and two
12:04:29 30 together. Finally the officer told us to tell Terry to
12:04:34 31 sell the drugs and get rid of them. We were also
12:04:37 32 instructed to forget that this conversation had ever taken
12:04:41 33 place and not to record the meeting in our diaries"?---Yes.
12:04:46 34
12:04:47 35 Who was the officer who told you to do that?---Anthony
12:04:50 36 Biggin.
12:04:50 37
12:04:53 38 That's at pp.64 through to 66 of the book of Mr Dale called
12:05:06 39 "Disgraced?"; is that right?---Yes.
12:05:08 40
12:05:09 41 Do you say that that's an accurate version of events as to
12:05:12 42 what occurred?---On one occasion, yes.
12:05:15 43
12:05:15 44 On one occasion?---Yes.
12:05:16 45
12:05:17 46 Right. I tender those pages, Commissioner.
12:05:21 47

12:05:22 1 #EXHIBIT RC225 - Pages 64 to 66 of Mr Dale's book.
12:05:34 2
12:05:34 3 COMMISSIONER: Thank you.
12:05:35 4
12:05:37 5 MR WINNEKE: If we could - just before we move on, do you
12:05:44 6 say that, that you were being told to permit something
12:05:52 7 which was strictly against the rules or against the law; is
12:05:55 8 that right?---What I believed was against the law, yes.
12:05:59 9
12:06:00 10 Did you say anything to anyone about it aside from your
12:06:02 11 senior officer and your officers?---That's the dilemma in
12:06:07 12 Victoria Police right now, as it was back then. We were
12:06:11 13 instructed by senior members to do certain things and we
12:06:14 14 followed instructions and that's occurring till today.
12:06:18 15
12:06:19 16 So the answer is no, aside from speaking to Biggin you
12:06:22 17 didn't tell anyone else about it?---No.
12:06:24 18
12:06:25 19 If we can then - - -
12:06:26 20
12:06:26 21 COMMISSIONER: Can I just ask you, you've said the incident
12:06:28 22 in your book was separate to the incident in paragraph 32
12:06:30 23 of your statement?---Yeah, there were a number of
12:06:35 24 operations - I tried to sort of put it in my statement how
12:06:41 25 prolific Terry was operating when I first arrived. They
12:06:45 26 were doing drug operations using his information, making
12:06:49 27 arrests. He was getting into places where there was only
12:06:53 28 meant to be certain amounts of drugs, there was more. He
12:06:56 29 ended up with them back at his house and then there was
12:07:04 30 dilemmas as to what to do them. He was using his own money
12:07:07 31 on a number of these occasions. And I had meetings with
12:07:08 32 Biggin and O'Brien and different Inspectors about why is he
12:07:13 33 using his own money and MDID didn't have the budget to do
12:07:17 34 these buys back then.
12:07:19 35
12:07:19 36 I'm just trying to work out, the incident you've been taken
12:07:24 37 to in your book you say was separate from the one in
12:07:26 38 paragraph 32; is that correct?---I believe so, yes.
12:07:29 39
12:07:29 40 Do I also understand you to say that the incident you were
12:07:33 41 taken to in the information report was a different one
12:07:35 42 again?---Well that looks it. I haven't seen that for some
12:07:39 43 time but when I read that, it goes on to talk about another
12:07:43 44 operation we were about to do using 3000 tablets that Terry
12:07:47 45 had got to go and do another job. That was in that last
12:07:51 46 information report I was just reading on the screen.
12:07:54 47

12:07:54 1 Yes, I know. What I'm asking you is do you have a
12:07:58 2 recollection that this behaviour, which you say was
12:08:01 3 extraordinary to you, and it does seem extraordinary,
12:08:04 4 happened on one occasion or two occasions or three
12:08:06 5 occasions or more occasions?---At least two to three until
12:08:11 6 we pulled Terry up, until I'd got with Biggin, sorry, not
12:08:17 7 Biggin, O'Brien and we pulled it all up, had a meeting with
12:08:21 8 him, changed his informer registration number, it's in my
12:08:25 9 statement, and said, "No more, we need to pull this up.
12:08:29 10 He's going to end up dead".
12:08:31 11
12:08:31 12 So it was two, possibly three occasion, possibly
12:08:34 13 more?---Yes. Possibly more.
12:08:35 14
12:08:35 15 How many more?---I don't know. We were running - he was
12:08:38 16 giving us information on a - I was meeting him probably
12:08:43 17 every day and he was just constantly providing information
12:08:49 18 in the ecstasy world at the time, which was really prolific
12:08:53 19 at the time. A lot of it coming out of Sydney. And he was
12:08:57 20 just mixing in those circles and just wanting - so there
12:09:01 21 was just operations being run after operation that were
12:09:05 22 just so ridiculous. It was get the information from Terry,
12:09:10 23 telephone intercepts, listening devices, surveillance, put
12:09:13 24 an order in for 5000, let's see what happens, and then,
12:09:17 25 bang, make an arrest. And that just seemed to be an
12:09:20 26 ongoing theme when I arrived.
12:09:23 27
12:09:23 28 Was it sometimes not clear whether the money was Terry
12:09:26 29 Hodson's or coming from the police?---No, we would have
12:09:29 30 known if it was our money.
12:09:31 31
12:09:31 32 Yes, all right. Are you able to say whether it was up to 5
12:09:38 33 or up to 10 or up to 20, I'm just trying to get from
12:09:42 34 you - - -?---Look, from my involvement and knowledge it
12:09:46 35 would have been at least three times.
12:09:48 36
12:09:48 37 At least three, all right. But up to how many?---That I
12:09:53 38 was involved directly with.
12:09:54 39
12:09:54 40 And no more than?---Previously, might be before my
12:09:59 41 arrival clearly - - -
12:10:00 42
12:10:00 43 No, no, what you knew about?---No.
12:10:02 44
12:10:02 45 So at least three. Can you say no more than five, ten?---I
12:10:09 46 couldn't put a number on it. When we actually sat down,
12:10:14 47 Jim O'Brien and I, we went to a motel with Terry and we sat

12:10:18 1 down and we did a whiteboard and we went through all the
12:10:21 2 different operations that we'd conducted prior to my
12:10:24 3 arrival, during my tenure there, the names of the people
12:10:31 4 arrested and it was quite a lengthy list. I think Jim's
12:10:36 5 eyes, even though was a Senior Sergeant there, I don't know
12:10:39 6 how long he'd been there prior to my arrival, but I think
12:10:42 7 the hairs on the back of his neck stood up too and that's
12:10:46 8 when things got changed.

12:10:47 9
12:10:47 10 Are you saying in all of those instances it was Terry
12:10:52 11 Hodson's money had been used for the drugs?---No. No,
12:10:54 12 sorry. No, I don't mean to mislead you there. It wasn't
12:10:57 13 in all of those instances but there were quite a number,
12:11:00 14 yes.

12:11:01 15
12:11:01 16 Thank you. Yes, thanks Mr Winneke.

12:11:03 17
12:11:06 18 MR WINNEKE: If you can have a look at that information
12:11:09 19 report that was up before, if we can put that back up.

12:11:12 20
12:11:13 21 COMMISSIONER: Exhibit 223.

12:11:15 22
12:11:16 23 MR WINNEKE: [REDACTED]
12:11:19 24 [REDACTED]
12:11:26 25 [REDACTED]
12:11:36 26 [REDACTED]
12:11:38 27 [REDACTED]
12:11:44 28 [REDACTED]
12:11:48 29 [REDACTED]
12:11:52 30 [REDACTED]
12:11:56 31 [REDACTED]
12:12:02 32 [REDACTED]
12:12:07 33 [REDACTED]
12:12:12 34 [REDACTED]
12:12:17 35 [REDACTED]

12:12:21 36
12:12:21 37 MR HANNEBERY: Commissioner, I don't want to interrupt
12:12:24 38 especially given my learned friend was reading out to you
12:12:28 39 aloud but this is material that has come to hand now that
12:12:31 40 may well be the subject of a PII claim. I ask that we get
12:12:35 41 the opportunity for this to be stood down for a moment so I
12:12:40 42 can get some instructions about it, given that it's (a)
12:12:45 43 it's just come to my attention in the last few minutes and
12:12:47 44 also clearly that evidence given by Mr Dale has extended
12:12:50 45 substantially beyond paragraph 32 of which obviously I
12:12:54 46 didn't have any notice, just to make sure that there's - it
12:12:58 47 may well be there's no claim to be made but I feel I need

12:13:02 1 to get some instructions on that.
12:13:03 2
12:13:04 3 COMMISSIONER: Could we continue this part of your
12:13:05 4 examination after lunch, Mr Winneke?
12:13:08 5
12:13:09 6 MR WINNEKE: I'm content to do that, Commissioner.
12:13:11 7
12:13:12 8 COMMISSIONER: Thank you.
12:13:13 9
12:13:14 10 MR WINNEKE: Without going into the details of that, do you
12:13:18 11 say that this is a separate transaction to the one or
12:13:24 12 separate occasion to the one referred to in paragraph 32 of
12:13:27 13 your statement? Do you believe it is?---Yes. Look,
12:13:31 14 there's 3000 tablets there all up. It could well be part
12:13:35 15 of the 5000 tablets that I refer to in paragraph 32.
12:13:41 16
12:13:42 17 Right. The section in the book that I asked you
12:13:46 18 about?---Yes.
12:13:46 19
12:13:46 20 Is that based on, would that have been based on documents
12:13:50 21 that you had or your recollection?---It would have been
12:13:53 22 both but, look, I didn't have my diary obviously. So it
12:13:57 23 would have been - my book was based on court transcripts
12:14:02 24 and obviously my recollection of what occurred along the
12:14:06 25 journey.
12:14:07 26
12:14:07 27 Right. Was it based on information reports that you
12:14:13 28 had?---No.
12:14:15 29
12:14:16 30 No?---No, no. Everything that I had that had any sort of
12:14:22 31 reference to VicPol was seized from me back in 2003. My
12:14:26 32 house was subject to about five search warrants over the
12:14:30 33 next five or six years so I didn't have any, I wasn't in
12:14:33 34 possession of any material that related to any police
12:14:36 35 operations or - - -
12:14:38 36
12:14:38 37 Right?---That there tells me that's another one that I
12:14:50 38 wasn't aware of.
12:14:52 39
12:14:52 40 Right?---That I couldn't recall, sorry, but now I do.
12:14:58 41
12:14:58 42 All right. Look, perhaps we'll come back to that. But
12:15:03 43 just before we do, you were then - in that information
12:15:12 44 report it was discussed how you say Ms Gobbo commented at
12:15:16 45 court as to his name and named him directly?---Yes.
12:15:21 46
12:15:22 47 That led to the change of his informer number; is that

12:15:25 1 right?---That's right.
12:15:25 2
12:15:26 3 So if we can put up a document which can't go into the
12:15:35 4 public domain at this stage but - the next IR, so if we try
12:15:52 5 the next number after it. That's the one. You'll see that
12:15:58 6 that's an information report that was submitted on 31
12:16:06 7 December 2002 by Detective Senior Constable Miechel.
12:16:12 8
12:16:13 9 MR HANNEBERY: Commissioner, this is another one I don't
12:16:15 10 think I have a copy of.
12:16:17 11
12:16:18 12 MR WINNEKE: No, you won't.
12:16:19 13
12:16:20 14 MR HANNEBERY: I don't think it was produced by Victoria
12:16:20 15 Police, and once again I can't comment one way or other
12:16:24 16 whether it might be the subject of PII claims.
12:16:26 17
12:16:26 18 MR WINNEKE: Commissioner, these are Victoria Police
12:16:29 19 documents. It may well be that Mr Hannebery doesn't have
12:16:32 20 it. It hasn't been provided to us. It came through a
12:16:34 21 Notice to Produce to another person, but these are police
12:16:37 22 documents. I don't propose to - I just want to make a
12:16:40 23 couple of points about it.
12:16:41 24
12:16:41 25 COMMISSIONER: At this stage they're not in the public
12:16:43 26 domain.
12:16:44 27
12:16:44 28 MR WINNEKE: No, it's not.
12:16:45 29
12:16:45 30 COMMISSIONER: I'll let Mr Winneke continue at this stage.
12:16:48 31
12:16:48 32 MR WINNEKE: Firstly, what that reveals is that on -
12:16:53 33 certainly as at 31/12/2002 the informant number has been
12:16:58 34 changed?---Yes.
12:16:59 35
12:16:59 36 And that's the same informer but with a new number,
12:17:07 37 4/456?---Correct.
12:17:08 38
12:17:08 39 COMMISSIONER: This is for Terry Hodson?
12:17:10 40
12:17:10 41 MR WINNEKE: Terry Hodson, correct?---Yes.
12:17:11 42
12:17:12 43 Can we just scroll up, just to there. Thanks very much.
12:17:29 44 The point I make is that as a result do you believe the
12:17:37 45 information that you conveyed his informer number was
12:17:38 46 changed shortly after 19 December?---I took direct action
12:17:42 47 to ensure that we started to do things to protect Terry's

12:17:50 1 identity and his life.
12:17:51 2
12:17:51 3 Yes?---And it was quite clear that if that informer number
12:17:56 4 390 appeared again it would completely confirm to the
12:18:01 5 criminals out there that it was Terry Hodson. So the first
12:18:05 6 step was to change his informer registration number. The
12:18:08 7 second step was to stop doing these ridiculous drug buys
12:18:12 8 and drug selling operations involving him directly.
12:18:17 9
12:18:17 10 Yes, all right. You say in your statement that you
12:18:26 11 conducted a risk assessment with Detective Senior Sergeant
12:18:30 12 O'Brien and White. What was that, what risk assessment was
12:18:39 13 that?---Okay. So that was as a result of Nicola Gobbo
12:18:45 14 mentioning that she - she wasn't absolutely categorically,
12:18:54 15 she hadn't confirmed Terry Hodson was our informer but she
12:19:00 16 mentioned his name to us at the court. That led me to go
12:19:03 17 back and start the process of what do we do about this, and
12:19:07 18 that was how we started the risk assessment. So I then got
12:19:11 19 Jim O'Brien, who was a Senior Sergeant, White who was an
12:19:15 20 Inspector I believe, and we met with Terry, we went to a
12:19:21 21 covert location and we spent a day with him, like I said,
12:19:26 22 with a whiteboard, going through all the particular
12:19:30 23 operations, drug arrests that had been made as a direct
12:19:35 24 result of Terry's information, assessed the risk attached
12:19:39 25 to those with the type of criminal that had been arrested,
12:19:43 26 their propensity to violence, and so forth. And as a
12:19:50 27 result of that it was agreed that we had to suspend all
12:19:56 28 operations involving Terry for a period of time until the
12:20:00 29 heat settled down.
12:20:04 30
12:20:07 31 Yes, thanks very much. You've said previously that over
12:20:33 32 the Christmas period of 2002/2003 you met Ms Gobbo socially
12:20:39 33 and attended drinks with her?---Yes.
12:20:41 34
12:20:42 35 Right. In 2003, the following year, did you continue to
12:20:50 36 meet with her socially?---Yes.
12:20:52 37
12:20:53 38 Did you go out with her one-on-one or not? I'm talking
12:20:58 39 about prior to 27 September 2003?---Prior to my first
12:21:12 40 arrest. Probably not, no, not anywhere near as much as
12:21:15 41 after my arrest. Prior to my arrest it was still adversary
12:21:25 42 to a degree, I guess, yes.
12:21:27 43
12:21:27 44 I'm talking about prior to the burglary. You see Ms Gobbo
12:21:29 45 says that she'd never been out with you socially prior to
12:21:32 46 the burglary. Now do you disagree with that?---Yes, I do.
12:21:35 47

12:21:35 1 Do you?---Yeah, I do. I mean when I believe I first met
12:21:42 2 her the night at that Lorimer Task Force function and we
12:21:46 3 ended up going back to the casino with her, I was still
12:21:52 4 operational, I was still working.
12:21:56 5
12:21:57 6 But you're operational in 2003, aren't you, right up until
12:22:03 7 - - - ?---Yes.
12:22:03 8
12:22:03 9 You're working, you're operational?---Yes.
12:22:06 10
12:22:07 11 That doesn't enable you to pinpoint it, does it?---No, it
12:22:11 12 doesn't, no. So what's she says, she says we - - -
12:22:15 13
12:22:16 14 What she said in her statement is that she did not go out
12:22:19 15 with you, had never been out with you on a one-on-one basis
12:22:23 16 prior to 9 October 2003?---Yeah, one-on-one basis, I'd
12:22:29 17 agree with that probably, yeah. Most of the time it was
12:22:31 18 with other people at functions, et cetera, yeah, no, it
12:22:38 19 wasn't a one-on-one sort of relationship, no.
12:22:40 20
12:22:40 21 No, all right. It would be a first, in effect, for you to
12:22:48 22 ring up her and say, "Look, can we go out for a drink",
12:22:53 23 that hadn't happened prior to October of 2003?---Well, to
12:22:58 24 be honest I don't think I ever rang her up and said, "Let's
12:23:03 25 go out for a drink" unless I had reason to want to meet
12:23:07 26 with her about a legal matter. Look, I could be wrong, but
12:23:10 27 yeah, our relationship wasn't that way inclined.
12:23:15 28
12:23:15 29 Right. Well it became that way inclined at some stage,
12:23:19 30 didn't it?---Yes.
12:23:20 31
12:23:20 32 And it became that way inclined certainly after the
12:23:27 33 completion of Operation Gallop?---Look, our relationship
12:23:31 34 became very close after I was charged because I was relying
12:23:37 35 on her heavily to assist me legally.
12:23:40 36
12:23:41 37 Right?---Prior to that I don't - our relationship was
12:23:48 38 semi-formal but more to do with clients of, you know,
12:23:53 39 people arrested by our crew, et cetera.
12:23:56 40
12:23:56 41 You've said in your statement that you would refer clients
12:23:59 42 to her?---Yes.
12:24:00 43
12:24:01 44 That is clients who you'd arrested, you would refer to
12:24:06 45 her?---Yeah, look if they didn't have a go-to lawyer,
12:24:10 46 absolutely.
12:24:11 47

12:24:11 1 When did that first commence, can you think of the name of
12:24:14 2 any such people?---No.
12:24:18 3
12:24:18 4 How many people did you refer to her?---No, I couldn't give
12:24:25 5 you a definitive answer on that. We were making arrests,
12:24:29 6 substantial arrests on a regular basis. Some already had
12:24:35 7 her as client - as a go-to lawyer.
12:24:40 8
12:24:40 9 Right?---Others, yeah.
12:24:42 10
12:24:43 11 So I assume that it would have been after that night where
12:24:47 12 she drove you to the casino that you would have been
12:24:50 13 referring criminals to her?---Yeah, probably after that. I
12:24:56 14 feel sorry for them now because she was a police informer.
12:24:59 15
12:24:59 16 You say from that night onwards, that is the night at the
12:25:02 17 casino, "I felt I'd built a rapport with Nicola and hence I
12:25:08 18 would recommend her to criminals or my team or others had
12:25:13 19 arrested for drug matters"?---Yes.
12:25:15 20
12:25:15 21 Are you able to say how many months prior to you finishing
12:25:18 22 up at the Police Force, effectively, at the end of 2003,
12:25:21 23 that that occurred?---Yeah, no, I can't say definitive. As
12:25:24 24 you say, if we could work out when it was that we sort of
12:25:30 25 got through the adversary sort of relationship to a
12:25:34 26 relationship where we were civil towards each other, it
12:25:36 27 would have been after that. But I, yeah, don't know dates.
12:25:40 28
12:25:41 29 You would take somebody into custody and say to them, "If
12:25:46 30 you haven't got a lawyer can I suggest you give Nicola
12:25:48 31 Gobbo a call and here's her telephone number"?---Yeah, it
12:25:52 32 didn't often happen that way. Normally, as we know, we
12:25:58 33 read them their rights and one of their rights is that they
12:26:01 34 can speak to a lawyer in confidence.
12:26:03 35
12:26:04 36 Yes?---And if they didn't have a lawyer and they wanted to
12:26:08 37 speak to a lawyer and they didn't know who to call, then
12:26:13 38 certainly, yeah, she was a person that we would recommend.
12:26:18 39
12:26:18 40 Yes, okay. When you say "we" I take it - when you say your
12:26:26 41 team?---Yes.
12:26:27 42
12:26:27 43 So who else would have done that to your knowledge?---Oh
12:26:31 44 look, more often than not I wouldn't be involved in the
12:26:36 45 actual interrogation process, the actual interview process.
12:26:41 46 I would be in a supervisory role, so normally it would be
12:26:46 47 one of the subordinates would come out of an interview room

12:26:49 1 and say, "They've asked to speak to a lawyer, they don't
12:26:54 2 have anyone", that would be sort of along the lines of how
12:26:57 3 it would normally happen that I would get involved.
12:27:01 4
12:27:01 5 You would say, "Tell them to give Nicola Gobbo a
12:27:05 6 call"?---Yeah, absolutely.
12:27:06 7
12:27:06 8 I take it you had her mobile phone number?---I would have,
12:27:09 9 yes.
12:27:09 10
12:27:10 11 You say without access to your old day books, et cetera,
12:27:15 12 you "can't exactly recall all the criminal's names I dealt
12:27:17 13 with that were referred to Nicola or already had Nicola as
12:27:22 14 a lawyer, but there were many"?---Correct.
12:27:24 15
12:27:24 16 That covers both classes, that is she's already got them or
12:27:28 17 people you referred?---Yes.
12:27:30 18
12:27:30 19 You said you had numerous contacts with her during 2002/3,
12:27:35 20 "both on professional and a number of occasions socially
12:27:38 21 and we got along well. Both professionally and socially
12:27:42 22 throughout 2003, I had sexual intercourse with her once. I
12:27:47 23 believe it was in 2004"?---I can't put a date on it, but I
12:27:51 24 that's correct.
12:27:51 25
12:27:51 26 What about the circumstances that led to it?---The
12:27:55 27 circumstances that led to that night?
12:27:57 28
12:27:57 29 Yes?---I can only presume it was another drunken, stressed
12:28:05 30 out night. I presume it would have been after I was
12:28:11 31 charged, when I wasn't in the best mental state.
12:28:14 32
12:28:14 33 Right, okay?---But I cannot put a date on it.
12:28:17 34
12:28:18 35 Your expectation is it would have been afterwards, one
12:28:22 36 assumes, that's right, is it?---That's my expectations of
12:28:26 37 it.
12:28:26 38
12:28:26 39 Yes, okay. It was in all probability after a night at a
12:28:31 40 pub somewhere?---Correct.
12:28:32 41
12:28:32 42 Where did you go and drink in that period around
12:28:35 43 September/October/November of 2003?---There was an occasion
12:28:40 44 where, whether I contacted her or she contacted me and we
12:28:46 45 ended up, it was at lunchtime, at a restaurant in Albert
12:28:54 46 Park and it was during that lunch that she took the phone
12:28:58 47 calls from Peter De Santo and was explaining to me that he

12:29:06 1 rings her a lot, et cetera, et cetera. So whether that
12:29:11 2 night or not, I'm not sure.
12:29:14 3
12:29:14 4 Okay. Was that in 2004 after you'd been suspended?---Yeah,
12:29:20 5 I don't know.
12:29:20 6
12:29:20 7 You say it was at a restaurant in South Melbourne?---Yes.
12:29:25 8
12:29:28 9 Was that the only occasion that you recall being with her
12:29:31 10 when she took a call from Peter De Santo?---It's the only
12:29:35 11 time I recall, yes.
12:29:36 12
12:29:36 13 Did you discuss De Santo with her on other occasions?---No,
12:29:41 14 I didn't. She mentioned him to me as a result of those
12:29:45 15 phone calls, I guess as an explanation why she was speaking
12:29:49 16 to him, because obviously I was aware of who he was and his
12:29:53 17 role in the Ceja Task Force or ESD, so I think she was at
12:29:59 18 the time sort of justifying the contact she had with him.
12:30:02 19
12:30:04 20 Yes. Did you understand what information she was providing
12:30:17 21 to Peter De Santo?---She told me, from my recollection, she
12:30:26 22 was assisting him in an attempt to have some of her clients
12:30:34 23 give him information about allegations of corruption within
12:30:39 24 the Drug Squad.
12:30:41 25
12:30:41 26 Right. In relation to any particular police officers that
12:30:45 27 you knew?---No, I don't recall her naming anyone. It's
12:30:52 28 probably - to be honest, it would have been a conversation
12:30:56 29 that I didn't want to talk about in that the Ceja Task
12:31:03 30 Force was in relation to the prior Drug Squad before my
12:31:06 31 arrival.
12:31:06 32
12:31:07 33 Yes?---And I had no respect for a lot of those people so
12:31:13 34 her assistance to Peter De Santo didn't concern me at all.
12:31:17 35
12:31:17 36 You say that in your statement, that you weren't fussed
12:31:21 37 about that?---No.
12:31:22 38
12:31:22 39 But you would have been interested to find out from her
12:31:25 40 which police officers?---No, look, not really. I knew
12:31:30 41 Strawhorn was under heavy investigation, if not already
12:31:33 42 charged. I can't remember. But no, not necessarily.
12:31:38 43
12:31:39 44 Did she mention any other names?---No.
12:31:41 45
12:31:41 46 Did she mention Strawhorn's name?---I don't believe so.
12:31:45 47

12:31:45 1 Did she mention the names of her clients who were providing
12:31:49 2 information?---To be honest when I - I saw what she was
12:31:54 3 doing at the time as a tactic. What she was doing back
12:31:58 4 then was the more she could - how could I say it - the more
12:32:06 5 she got Ceja interested and De Santo and ESD interested in
12:32:11 6 allegations of drug corruption, the more chance she had at
12:32:15 7 that point in time of getting bail for a number of her
12:32:18 8 clients, Carl Williams, Tony Mokbel, et cetera. So the
12:32:25 9 more information she was able to provide De Santo back then
12:32:28 10 just delayed investigations and hence the delay factor was
12:32:34 11 a major factor in why all of our, all of the suspects we
12:32:40 12 were arresting were getting bail, because everything was
12:32:42 13 just snowballed, everything was just stopped, and the court
12:32:47 14 cases, the court was all -it was that far behind and some
12:32:51 15 of these guys were not going to see, get to trial for 12,
12:32:56 16 18 months.

12:32:57 17

12:32:57 18 Right?---So they were all getting bail. And she could
12:33:00 19 quite clearly see that that was a tactic.

12:33:02 20

12:33:03 21 This is something that you discussed with her?---No, no, I
12:33:08 22 sort of probably worked that out over that short period of
12:33:12 23 time.

12:33:12 24

12:33:12 25 Right?---When I kept going up for bail applications and
12:33:16 26 that was the tactic that she was using to get her clients
12:33:28 27 bail, was the delay.

12:33:29 28

12:33:30 29 Your understanding is that it was in 2003 that she was
12:33:33 30 providing information to De Santo?---Yes.

12:33:36 31

12:33:40 32 You were told by her that she met him in a social context,
12:33:47 33 was that your understanding or not?---The way she - I never
12:33:51 34 witnessed that but the way she spoke was that he was
12:33:55 35 constantly contacting her. She basically said, "He's
12:34:03 36 constantly harassing me", basically along those lines.

12:34:07 37

12:34:08 38 You say she had a close relationship with De Santo and they
12:34:11 39 met socially on occasions as well, she told you
12:34:15 40 that?---Yeah, she did, yeah.

12:34:16 41

12:34:16 42 Did she tell you about the social occasions that she met
12:34:19 43 with him?---No.

12:34:20 44

12:34:20 45 Did she say to you that she'd met him at the races?---No, I
12:34:24 46 didn't know about that.

12:34:25 47

12:34:25 1 You didn't know about that?---No, I must have read that
12:34:28 2 somewhere recently, or his evidence actually to the
12:34:31 3 Commission I think.
12:34:31 4
12:34:32 5 Yes?---That's the first I knew about that.
12:34:33 6
12:34:34 7 All right?---That I can recall.
12:34:35 8
12:34:35 9 All right. Now, in your statement you talk about the four
12:34:44 10 month period in 2003 that you were in charge of Operation
12:34:48 11 Gallop, right?---Yes.
12:34:49 12
12:34:51 13 That's an operation that you took over from another crew
12:34:55 14 within the Drug Squad, I think on about 18 August
12:35:00 15 2003?---Yes. I mean I don't recall the exact date but I
12:35:06 16 took over that operation, yes.
12:35:07 17
12:35:08 18 But the operation itself had commenced earlier prior to
12:35:12 19 your becoming involved in it and had commenced in about
12:35:17 20 June of 2003?---I would agree with that.
12:35:21 21
12:35:31 22 Was it your understanding that Purana detectives were
12:35:36 23 interested in some of the information that was coming out
12:35:39 24 of Operation Gallop?---Yes. I do recall at one point being
12:35:49 25 asked to attend their office and I don't know whether I was
12:36:00 26 asked to listen to some phone calls that might have been
12:36:04 27 similar voices to some of our targets or it was in regards
12:36:15 28 to when I had the accidental meeting with Carl Williams and
12:36:21 29 his crew down in Albert Park.
12:36:30 30
12:36:35 31 I wonder if you could have a look at document number
12:37:26 32 VPL.0005.0116.0176. That's again your diary, I take it,
12:37:56 33 that's the - take it from me it's Thursday 25 September
12:38:02 34 2003. You spoke to Detective Sergeant Johnson at Purana
12:38:17 35 Task Force re a person called Jason Haykel, "contacting
12:38:21 36 Operation Gallop targets", right?---Yes.
12:38:31 37
12:38:31 38 See at the top there?---Yes.
12:38:32 39
12:38:33 40 And inquiries pending. Did you understand who that, did
12:38:38 41 you know who that person was?---Jason Haykel?
12:38:41 42
12:38:41 43 Yes?---No, I don't recall.
12:38:42 44
12:38:43 45 You don't recall?---Not now, no.
12:38:45 46
12:38:46 47 At the time I take it you would have been, you would have

12:38:50 1 some idea about Jason Haykel, you would have been speaking
12:38:54 2 to detectives about him?---Yes.
12:38:55 3
12:38:56 4 There was always an understanding or a belief, wasn't
12:38:58 5 there, that insofar as that Operation Gallop was concerned
12:39:02 6 there may have been some, a Mokbel connection?---No, not
12:39:07 7 during the operation, no.
12:39:09 8
12:39:09 9 Right?---Nicola Gobbo told me that some months afterwards,
12:39:13 10 after I was arrested actually.
12:39:14 11
12:39:14 12 Right. What did she tell you?---She told me that Tony
12:39:23 13 Mokbel was, it was his money that was missing from the
12:39:26 14 house and that it was his drugs, his money, and he's not
12:39:36 15 too happy.
12:39:36 16
12:39:36 17 And he's not too happy?---M'mm.
12:39:38 18
12:39:38 19 And she told you that, did she?---She told me that.
12:39:41 20
12:39:43 21 Can you remember when she told you that? You say a couple
12:39:45 22 of months afterwards?---Yeah, it was after I was arrested
12:39:50 23 and obviously I was dealing with her on a - what I felt was
12:39:57 24 a professional client/lawyer basis.
12:40:02 25
12:40:02 26 Yes?---And it was during one of those meetings that I had
12:40:06 27 with her where she mentioned that to me.
12:40:09 28
12:40:10 29 You understood that she was acting for Mr Mokbel?---Yes.
12:40:15 30
12:40:16 31 Yes?---Yes.
12:40:17 32
12:40:18 33 Did you think it was strange that she was telling you,
12:40:21 34 another person, that Mr Mokbel was involved in a particular
12:40:24 35 drug operation?---She was - she didn't really hold back on
12:40:32 36 that type of information.
12:40:34 37
12:40:36 38 Yeah, well let's - - - ?---No, I didn't find it strange,
12:40:40 39 no.
12:40:40 40
12:40:40 41 Because she was indiscreet?---I guess we were by ourselves
12:40:45 42 when we spoke.
12:40:46 43
12:40:47 44 Yes, I follow that. But you say your relationship with her
12:40:51 45 was at this stage a professional relationship or personal
12:40:54 46 relationship when she's telling you this
12:40:57 47 information?---Yeah, look, obviously there was a cross-over

12:40:59 1 of professional and personal. Like I said, I sought her
12:41:03 2 out during that period of time purely for legal reasons.
12:41:06 3
12:41:07 4 Right?---It was - and a number of those occasions where we
12:41:13 5 met either as a result of either I contacting her or
12:41:17 6 however it happened, those went from speaking at a café,
12:41:21 7 bar, whatever, over lunch, dinner, whatever happens to be
12:41:26 8 to too many drinks and a lot of things were said and she
12:41:29 9 certainly told me a lot of things that you wouldn't expect
12:41:34 10 her to tell about her clients.
12:41:36 11
12:41:37 12 Well you wouldn't expect a lawyer, a person who's acting as
12:41:40 13 a lawyer in a professional way to be telling other clients
12:41:45 14 all sorts of things about her own clients?---No, that's
12:41:48 15 right. I guess at the time I was charged, suspended, I
12:41:53 16 probably had a bit of a bitterness towards some of my own
12:41:59 17 colleagues at the time and the way I'd been treated so I
12:42:03 18 guess my conversation with her was probably fairly
12:42:08 19 colourful in regards to how I felt about the Vic Police,
12:42:12 20 and she was probably venting as well.
12:42:15 21
12:42:15 22 Well it could be suggested that really you're going out and
12:42:20 23 having a drink with this woman, you're getting drunk,
12:42:23 24 you're having sex, she's telling - - - ?---Only once and
12:42:25 25 she denied it.
12:42:25 26
12:42:26 27 On one occasion which she denies but you say it
12:42:28 28 occurs?---M'mm.
12:42:29 29
12:42:29 30 And she's telling you about matters which relate,
12:42:32 31 confidential matters which relate to her other clients and
12:42:35 32 you say that it might be said, "That's not a professional
12:42:39 33 relationship you're having with her"?---Well, that's the
12:42:42 34 view of Victoria Police. I sought her out for my own legal
12:42:47 35 reasons. I mean I don't expect my conversations with her,
12:42:53 36 no doubt a lot of them were recorded, I don't expect to
12:42:56 37 claim legal professional privilege when we're talking about
12:43:00 38 Carl Williams or Tony Mokbel's issues or any other
12:43:05 39 criminal's issues, but when I'm speaking to her about my
12:43:09 40 direct charges and my direct defence to those charges, I
12:43:12 41 expect that to be legally professionally privileged.
12:43:15 42 That's all. I don't ask for anything else, but that's been
12:43:20 43 denied.
12:43:20 44
12:43:21 45 Did she tell you at any time that Jason Haykel had in fact
12:43:28 46 contacted her on the night of the Dublin Street
12:43:31 47 burglary?---Not that I can recall, no. The name, to be

12:43:34 1 honest, doesn't ring a bell.
12:43:35 2
12:43:36 3 What about the name Gus Al-Hariri?---No.
12:43:41 4
12:43:42 5 Evidence suggests that that might be one and the same name,
12:43:47 6 one and the same person, you don't have a recollection
12:43:51 7 about any of those names?---No.
12:43:51 8
12:44:03 9 I tender that diary page, Commissioner.
12:44:09 10
12:44:10 11 COMMISSIONER: What date does it relate to?
12:44:12 12
12:44:13 13 MR WINNEKE: It's 25 September.
12:44:14 14
12:44:15 15 COMMISSIONER: September. This will be a separate exhibit
12:44:21 16 number.
12:44:26 17
12:44:27 18 #EXHIBIT RC226 - Paul Dale diary entry of 25/9/03.
12:44:39 19
12:44:39 20 MR WINNEKE: I take it whilst you can't recall now, your
12:44:43 21 understanding was that that particular person, at least
12:44:48 22 Detective Sergeant Johnson at the Purana Task Force was
12:44:52 23 obviously interested in that person because he was the
12:44:55 24 subject of the investigation, or at least he was a person
12:44:58 25 who was of interest to that Task Force?---I guess so.
12:45:02 26 Look, I can only speculate. I would take it that's the
12:45:09 27 case as a result of that diary entry.
12:45:12 28
12:45:12 29 Okay. The burglary at Dublin Street in Oakleigh occurs on
12:45:48 30 the Grand Final night of 2003?---Correct.
12:45:51 31
12:45:56 32 During the course of that night obviously you are involved
12:46:00 33 in that operation, you had dealings with Mischele?---Yes.
12:46:04 34
12:46:04 35 You had dealings with your senior officers and a number of
12:46:08 36 people are arrested; is that right?---Yes.
12:46:10 37
12:46:14 38 Those people who were arrested spoke to you and asked you
12:46:24 39 if they could speak to a lawyer?---I actually can't recall.
12:46:31 40 I can't recall if those actual suspects on that night
12:46:39 41 asked, but quite possibly.
12:46:40 42
12:46:40 43 All right. I wonder if we could put this document up,
12:46:44 44 Commissioner. VPL.0005.0116.0184.
12:47:13 45
12:47:13 46 COMMISSIONER: What date is this relating to, please?
12:47:16 47

12:47:17 1 MR WINNEKE: This is the 28th, Commissioner, of September.
12:47:25 2
12:47:25 3 COMMISSIONER: Thank you.
12:47:26 4
12:47:30 5 MR WINNEKE: I'll take you to the exact page. If we keep
12:47:54 6 going through to 185 - I'm sorry, the bottom of 184. Now,
12:48:02 7 you'd been involved throughout the night in making arrests,
12:48:08 8 attending at a couple of locations, one is at Dublin
12:48:19 9 Street. Perhaps if we scroll it up so Mr Dale can read the
12:48:23 10 diary. In fact if we go over to 183, you'll see that you
12:48:44 11 went to an address and spoke to suspects, including some
12:48:50 12 people by the name of Ahmed in Moorabbin. Do you see that,
12:48:58 13 you went to an address in Moorabbin, there were two
12:49:03 14 crews?---Yeah, 04:16, briefing conducted by myself,
12:49:10 15 execution of search warrants at 30 Basander Street,
12:49:14 16 Moorabbin, 1 Orloff Close, Clayton South, yes.
12:49:14 17
12:49:15 18 You don't need to read all that. If we go down you'll see
12:49:19 19 some names, there's some suspects there. One of them is
12:49:22 20 the name of Ahmed?---In Nadim Ahmed, yep.
12:49:28 21
12:49:28 22 If we go down the page. You spoke to Detective Senior
12:49:35 23 Constable Jennings "re the involvement of the above
12:49:38 24 persons"?---Can you scroll that up, sorry?
12:49:41 25
12:49:41 26 At 06:20?---Yep. Jennings, yep.
12:49:47 27
12:49:47 28 "Only arrest powers in relation to Nadim re attendance at
12:49:51 29 23 Dublin Street on a number of occasions", right?---Yes.
12:49:54 30
12:49:54 31 You did arrest him?---I'm not sure.
12:50:02 32
12:50:03 33 Not sure, all right. Keep going down?---I'm at 6:55.
12:50:32 34 08:20. "Clear with Sharp and suspect Nadim".
12:50:43 35
12:50:44 36 So you arrested him?---Yes.
12:50:45 37
12:50:46 38 Then at 9:53?---"Contacted solicitor Nicola Gobbo as per
12:50:52 39 request of suspects", yep.
12:50:54 40
12:50:55 41 Suspects?---Yep, I've got "suspects", yep.
12:50:59 42
12:51:00 43 And you spoke to solicitor Gobbo who stated that a
12:51:04 44 solicitor Anthony Brandt would be attending the filing
12:51:08 45 hearing?---Yes.
12:51:09 46
12:51:14 47 Then further down the page you'll see that you spoke to

12:51:19 1 solicitor Nicola Gobbo again and she was requested by Abbey
12:51:26 2 Haynes and she spoke to the same?---Yes, yep.
12:51:29 3
12:51:30 4 Okay. Then at 8 pm, "Bail Justice attended on all three
12:51:36 5 suspects", so there was Adam Ahmed, Colleen O'Reilly and
12:51:41 6 Abbey Haynes remanded in custody and they were lodged at
12:51:45 7 the Melbourne Custody Centre; is that right?---Yes.
12:51:48 8
12:51:49 9 What I want to suggest to you is you spoke to Nicola Gobbo
12:51:52 10 about all three of those suspects and she spoke to all
12:51:55 11 three of those suspects?---That appears to be the case,
12:51:57 12 yes.
12:51:57 13
12:51:58 14 Right. I tender that page.
12:52:04 15
12:52:05 16 #EXHIBIT RC227 - Diary entry for 28/9/03.
12:52:20 17
12:52:21 18 At that stage there had been a total of about 35,000 - - -
12:52:26 19
12:52:27 20 COMMISSIONER: Sorry, that's 28 September 2003, yes.
12:52:30 21
12:52:30 22 MR WINNEKE: Yes. About 35,000 tablets recovered. There
12:52:38 23 had been about I think about 7,000-odd found - I withdraw
12:52:43 24 that. In fact there were about 7,000-odd tablets found at
12:52:48 25 Dublin Street at the time of the arrest that evening, do
12:52:51 26 you recall that?---I don't recall what was found in the
12:52:56 27 house but certainly I became aware of some bags of tablets
12:53:01 28 thrown over a back fence.
12:53:02 29
12:53:02 30 Yes. That wasn't until about 11 am subsequently when I
12:53:06 31 think the neighbour contacted you, a Mr - it doesn't matter
12:53:12 32 about his name, but he contacted you and told you there
12:53:14 33 were some bags in his backyard?---In his backyard, correct.
12:53:17 34
12:53:18 35 The operation had intended to go a little bit longer, it
12:53:23 36 hadn't intended to wind up that night, had it?---Well,
12:53:28 37 actually we were waiting, I believe Colleen O'Reilly was
12:53:36 38 due to make a drug run to Sydney, so we were on stand-by in
12:53:40 39 the event that she jumped on a plane and went to Sydney.
12:53:43 40 Had she done that then my role was to - we had New South
12:53:49 41 Wales detectives in place ready to follow her to try and
12:53:54 42 find where the source of the ecstasy was coming out of it.
12:53:57 43 Yes, look, it was imminent to - - -
12:54:00 44
12:54:00 45 It was imminent. The reality was though the New South
12:54:03 46 Wales detectives had said she's not going to come up and
12:54:06 47 take drugs out of New South Wales and come back to Victoria

12:54:09 1 so the arrests are going to take place in New South
12:54:12 2 Wales?---Yes, it had become a bit of a tug of war.
12:54:15 3
4 It was a tug of war?---Yeah.
5
12:54:15 6 You wanted to arrest in Victoria, they wanted to arrest in
12:54:19 7 New South Wales, but the expectation was that the operation
12:54:21 8 was going to continue for a little bit longer?---Yes.
12:54:23 9
12:54:23 10 And there would have been arrests probably in New South
12:54:25 11 Wales?---Yes.
12:54:26 12
12:54:26 13 That was investigation information I assume, that's
12:54:29 14 something that you were aware of?---Yes.
12:54:32 15
12:54:32 16 All right, okay. At that stage all that could be said was
12:54:39 17 that there had been about, certainly in the morning, about
12:54:43 18 7,000 tablets had been seized or found in possession of the
12:54:49 19 suspects out at Dublin Street?---Yes.
12:54:52 20
12:54:53 21 Bearing in mind that there was another 28,000-odd found
12:54:57 22 later on in the day when you were notified about the
12:55:01 23 bags?---Yes.
12:55:02 24
12:55:02 25 Right. Now, if we can have a look at this document, it's a
12:55:10 26 diary entry of Ms Gobbo and it's MIN.0001.0014.0001_ 040.
12:55:55 27
12:55:56 28 COMMISSIONER: What date is that?
12:55:57 29
12:55:58 30 MR WINNEKE: This is the same day.
12:56:01 31
12:56:02 32 COMMISSIONER: 28 September.
12:56:03 33
12:56:03 34 MR WINNEKE: The 28th. I'm sorry, it's a court book. I
12:56:37 35 apologise, I've confused - - -
12:56:40 36
12:56:41 37 COMMISSIONER: A court book.
12:57:28 38
12:57:31 39 MR WINNEKE: 0001.0014.0001_040. Commissioner, I think
12:57:47 40 we're having difficulties getting this.
12:57:48 41
12:57:48 42 COMMISSIONER: I think we're nearly there. We're very
12:58:13 43 close to lunchtime.
12:58:20 44
12:58:21 45 MR WINNEKE: If it's imminent, Commissioner, I can deal
12:58:24 46 with it reasonably quickly, if it's imminent, but if it's
12:58:29 47 not - - -

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COMMISSIONER: It is.

MR WINNEKE: I think, Commissioner - - -

COMMISSIONER: We might need to take the lunch break. Yes, all right. We'll adjourn until 2 o'clock, thank you.

<(THE WITNESS WITHDREW)

LUNCHEON ADJOURNMENT

13:52:07 1 UPON RESUMING AT 2.05 PM:

14:03:35 2
14:03:36 3 <PAUL DALE, recalled:

14:05:54 4
14:05:55 5 COMMISSIONER: Yes Mr Winneke.

14:05:55 6
14:05:56 7 MR WINNEKE: Commissioner, I was going to put to Mr Dale
14:06:00 8 that which was written in - no, I'll move on. All right.
14:06:42 9 So we've established that you speak to Ms Gobbo, you
14:06:48 10 believe, or we know you speak to her on the morning of 28
14:06:52 11 September, the day after, the morning after the Dublin
14:06:56 12 Street arrests of Mielche and Hodson?---Yes.

14:07:00 13
14:07:02 14 There are three people in custody. Those three people,
14:07:07 15 Azzam Ahmed, Abby Haynes and Colleen O'Reilly, are suspects
14:07:13 16 charged in relation to that job?---Yes.

14:07:15 17
14:07:15 18 Obviously they need a lawyer and they're put in touch with
14:07:19 19 and they speak to Nicola Gobbo, correct?---Yes, I don't
14:07:23 20 know whether they asked for Nicola Gobbo or how that came
14:07:27 21 about, but by those diary notes they certainly spoke to
14:07:32 22 Nicola Gobbo.

14:07:33 23
14:07:33 24 Perhaps if we can just go back to your entry,
14:07:42 25 0005.0116.0184 and 85. Next page. Keep going. I'm having
14:08:16 26 no joy at all. I'm looking for 28 September 2003. 0184.
14:08:49 27 0116.0184. I apologise. So spoke to solicitor Gobbo who -
14:09:15 28 yes. "Contacted solicitor Nicola Gobbo as per request of
14:09:20 29 suspects"?---Correct, so that tells me they've asked for
14:09:26 30 that.

14:09:26 31
14:09:26 32 They've asked for her, you contact her. Firstly in the
14:09:30 33 morning behind that sticker but then it's around, I don't
14:09:34 34 know if it can be seen, ten o'clock, is it, 10.15,
14:09:40 35 right?---Yes.

14:09:40 36
14:09:41 37 And then subsequently there's another discussion, Abby
14:09:45 38 Haynes particularly wants to speak to her the following, at
14:09:50 39 6.30 on that same afternoon. If we can move down, scroll
14:09:56 40 down to that?---Yes, that's correct.

14:10:02 41
14:10:03 42 And that's at 6.30 solicitor Nicola Gobbo requested by Abby
14:10:08 43 Haynes and speaks to same?---Yes.

14:10:10 44
14:10:20 45 I assume you had Ms Gobbo's telephone number and you
14:10:24 46 contacted her on that?---I would assume that's the case,
14:10:28 47 yes.

14:10:28 1
14:10:30 2 What I'd like you to do is if we can go to this document
14:10:33 3 now, MIN.0001.0014.0001_40, p.40. If we can have a look at
14:11:22 4 that entry there, we see that that appears to be Ms Gobbo's
14:11:26 5 court book on 28 September 2003, Sunday 28 September,
14:11:32 6 Sergeant Paul Dale, obviously she speaks to you. The
14:11:39 7 investigation since June this year, that's, I suggest
14:11:43 8 information that you've conveyed to her, do you accept
14:11:47 9 that?---No. I can't either accept it or deny it.
14:11:52 10
14:11:52 11 The evidence is that the investigation commences in about
14:11:55 12 June. You take it over in August, right?---Yep.
14:11:58 13
14:11:59 14 There are a number of names, Adam Ahmed, Nadim Ahmed not
14:12:04 15 charged, Colleen O'Reilly, Adam's sister's place,
14:12:09 16 et cetera. There's a Louise, and I think that's a person
14:12:13 17 who was either charged or was connected to Colleen
14:12:19 18 O'Reilly, does that ring a bell?---Not really, no.
14:12:21 19
14:12:21 20 Abby Haynes also arrested, Dublin Street, Oakleigh?---Yes.
14:12:27 21
14:12:27 22 Then there's telephone numbers, Abbey's sister and Abbey.
14:12:31 23 Would that have been information that you would pass on to
14:12:33 24 her?---No, I don't believe so.
14:12:34 25
14:12:35 26 What about, "Two and a half kilograms of ice, 5000 LSD
14:12:41 27 tabs, 200,000 E's", ecstasy tablets, "(Biggest ever in
14:12:46 28 Victoria). Powder MDMA", right?---Yes.
14:12:51 29
14:12:51 30 That's information you've passed to her?---I don't believe
14:12:56 31 so.
14:12:56 32
14:12:56 33 It could only have come from you, couldn't it?---No, that
14:13:00 34 sort of information could have come from 20, 30 detectives
14:13:05 35 that were part of that investigation that night.
14:13:07 36
14:13:08 37 Right. But one assumes that this is a recording of a
14:13:11 38 discussion with Sergeant Paul Dale at the top of the
14:13:16 39 page?---I guess you could take that as the case. Yeah,
14:13:19 40 look I'm not saying that it's not, I just don't recall it.
14:13:22 41
14:13:23 42 But in any event it indicates that you've rung her
14:13:28 43 up?---Yes.
14:13:29 44
14:13:29 45 You've told her about this operation?---Yes.
14:13:31 46
14:13:31 47 You've provided her with a fair bit of information, it's

14:13:35 1 the biggest ever in Victoria, "You want to get into this
14:13:39 2 one, it's a good case for you", that sort of thing?---I
14:13:39 3 think she was already involved in it. Look, I probably
14:13:42 4 would have given her some information on the evidence we
14:13:47 5 had.
14:13:47 6
14:13:47 7 You've said that, "Abbey", there's an arrow here, "Guarding
14:13:51 8 the safe house. The police couldn't get in therefore, and
14:13:55 9 she's been punching out tablets in a while", that's
14:13:59 10 information which you've passed to her, I suggest?---Look,
14:14:05 11 again, I can't categorically say all that information's
14:14:09 12 come from me but I would have no issue speaking to her
14:14:13 13 about that, no.
14:14:13 14
14:14:14 15 So you'd be comfortable in telling her that in any
14:14:19 16 event?---Yes.
14:14:19 17
14:14:20 18 "We weren't going to make the arrests just yet"?---Okay,
14:14:26 19 yes.
14:14:26 20
14:14:26 21 At that stage there hadn't been 200,000 ecstasy tablets
14:14:30 22 seized but there had been at that stage about 5,000-odd
14:14:36 23 ecstasy tablets?---Yeah, I'm not sure.
14:14:38 24
14:14:38 25 Then later on in the morning, I think about 11 o'clock
14:14:41 26 later that morning, there were another 28,000-odd tablets
14:14:46 27 found in the bag over the fence?---Correct.
14:14:47 28
14:14:48 29 You're quite clearly telling her about your operation and
14:14:52 30 the fact - and you knew that there were potentially a lot
14:14:55 31 of tablets involved in this operation?---Yes.
14:14:57 32
14:14:57 33 And you knew that the operation wasn't going to finish at
14:15:00 34 that stage, it was potentially going to go on for a bit
14:15:03 35 longer, but nonetheless you felt it was reasonable to
14:15:06 36 convey that information to Ms Gobbo?---Quite possibly.
14:15:10 37
14:15:10 38 You would say, "Look, in any event regardless of my
14:15:13 39 relationship with her, that's the sort of information that
14:15:15 40 I'd be comfortable in conveying to a solicitor"?---Yes.
14:15:18 41
14:15:18 42 Even if it's not evidence or not information which is in
14:15:22 43 the public domain at that point in time?---Correct.
14:15:25 44
14:15:30 45 You continue with your - I tender that document.
14:15:36 46
14:15:37 47 COMMISSIONER: Is that from the court book or the diary?

14:15:40 1
14:15:40 2 MR WINNEKE: That's Gobbo's diary. I'm sorry, court book.
14:15:46 3
14:15:47 4 MR HANNEBERY: Commissioner, we haven't seen that
14:15:49 5 particular portion of the court book. If it's going to be
14:15:52 6 tendered it will obviously have to be done subject to - - -
14:15:57 7
14:15:57 8 MR NATHWANI: Can we jump up. It's our document, as ever.
14:16:00 9 The only redaction, as far as I can tell, would be on the
14:16:04 10 right-hand side. If the Commissioner gives us 24 hours,
14:16:08 11 that seems to relate to someone completely unrelated. As
14:16:13 12 far as the entry which is obviously the phone call to
14:16:16 13 Mr Dale, I can't see any issue with that.
14:16:18 14
14:16:18 15
14:16:19 16 #EXHIBIT RC228 - Court book entry.
14:16:22 17
14:16:22 18 COMMISSIONER: It won't be made public until tomorrow
14:16:25 19 morning when other parties, particularly Victoria Police
14:16:29 20 and you, have an opportunity to make any submissions on PII
14:16:34 21 if it can't be sorted out.
22
14:16:38 23 MR NATHWANI: Thank you.
14:16:38 24
14:16:38 25 MR HANNEBERY: That process will be easier once we get a
14:16:42 26 copy of that document.
14:16:43 27
14:16:43 28 COMMISSIONER: Yes, I'm sure that will be arranged.
14:16:45 29
14:16:46 30 MR WINNEKE: It will be provided, Commissioner.
14:16:49 31
14:16:49 32 COMMISSIONER: Very quickly.
14:16:51 33
14:16:52 34 MR WINNEKE: Aside from that contact, do you recall whether
14:16:57 35 you had any further discussions with Ms Gobbo in the
14:17:00 36 following days?---No, I no doubt would have but nothing I
14:17:06 37 can recall.
14:17:10 38
14:17:14 39 On 1 October there was a request for the entire crew, that
14:17:23 40 is your crew, to attend the ESD office. Do you accept that
14:17:26 41 or do you recall that?---Yes.
14:17:27 42
14:17:29 43 There were a number of matters that needed to be discussed
14:17:32 44 regarding statements and the importance of including all
14:17:35 45 things known of Miechel and his private life?---Yes.
14:17:40 46
14:17:40 47 Because clearly there was a suspicion developing reasonably

14:17:45 1 soon after his arrest that he had something to do with
14:17:48 2 this?---Yes.
14:17:48 3
14:17:49 4 Correct? And I wonder if you could have a look at this
14:17:57 5 document, VPL.0005.0116.0189. Just go back to the previous
14:18:34 6 page. Keep going back the other way. 11.15 you spoke to
14:19:00 7 [REDACTED], South Australian police re Miechel
14:19:05 8 incident?---Yes.
14:19:06 9
14:19:07 10 MR HANNEBERY: I thought that name on the copy we've got
14:19:09 11 has been redacted.
14:19:16 12
14:19:16 13 COMMISSIONER: The initial incident?
14:19:18 14
14:19:19 15 MR HANNEBERY: Yes, the 11.15 reference is subject to a
14:19:22 16 redaction.
14:19:23 17
14:19:23 18 COMMISSIONER: Is there a redacted copy?
14:19:25 19
14:19:26 20 MR HANNEBERY: It was referring to the name that Mr Winneke
14:19:28 21 just mentioned.
14:19:38 22
14:19:39 23 MR WINNEKE: Commissioner, I don't - we haven't been
14:19:47 24 provided with any further redactions, Commissioner, in
14:19:49 25 relation to these diaries. In any event, I'm not concerned
14:19:53 26 about that particular matter. If we can keep moving on.
14:19:57 27 At 15:05 you spoke to DAA Commissioner Crime, Terry
14:20:09 28 Purton?---Yes.
14:20:09 29
14:20:10 30 Regarding a statement to be provided to ESD, that is
14:20:12 31 Ethical Standards Division?---Yes.
14:20:14 32
14:20:15 33 Requested the entire crew to attend and there were several
14:20:18 34 issues regarding the statement and the importance of
14:20:21 35 including all things known to Miechel, right?---Yes.
14:20:23 36
14:20:24 37 Then it says this, "There was discussed a number of rumours
14:20:27 38 circulating regarding Miechel's activities and what was
14:20:31 39 known to me", right? Are you able to recall what those
14:20:39 40 rumours were?---No, not now because there's just been so
14:20:47 41 many allegations levelled against me over the years that I,
14:20:50 42 I don't know.
14:20:52 43
14:20:52 44 In short, there were starting to be rumours that you might
14:20:57 45 have known what Miechel was up to?---Yes, yep.
14:21:01 46
14:21:03 47 Clearly in circumstances of those rumours floating about

14:21:10 1 that was a matter of some concern to you?---I don't think
14:21:12 2 it was rumours in regards to my alleged involvement in the
14:21:16 3 burglary, it was more rumours of my, of different people's
14:21:23 4 knowledge, including mine, of his closeness with Terry
14:21:28 5 Hodson.
14:21:29 6
14:21:30 7 Right. And so in other words his relationship with, for
14:21:35 8 example, Mandy Hodson, Terry Hodson's closeness of his
14:21:41 9 relationship to him, is that right?---Correct.
14:21:43 10
14:21:44 11 But there'd been issues about that earlier, hadn't there,
14:21:47 12 July of that year wasn't there a concern raised that
14:21:49 13 Miehchel was a bit close to Hodson?---Yeah, that's right.
14:21:53 14 We didn't know about the relationship or alleged
14:21:55 15 relationship with the daughter at this stage.
14:21:57 16
14:21:57 17 Right?---That came out later, but certainly we had, I had
14:22:04 18 and brought it to the attention of superiors, concern of
14:22:09 19 his closeness with Terry Hodson, yes.
14:22:12 20
14:22:12 21 You had brought that to the attention, had
14:22:14 22 you?---Absolutely.
14:22:15 23
14:22:16 24 Whose attention did you bring it to?---O'Brien and Biggin.
14:22:20 25
14:22:20 26 When did you do that?---Look probably, again, around the
14:22:29 27 time of the risk assessment. When I brought that to the
14:22:34 28 attention of O'Brien and Biggin and then there was a
14:22:38 29 decision made to conduct a thorough risk assessment, I had
14:22:44 30 a fairly heated disagreement with Miehchel about that and in
14:22:50 31 fact he took leave and wouldn't take part in that process.
14:22:56 32
14:22:56 33 Right?---So that process did take place and that was when
14:23:04 34 O'Brien and myself and I think it was White, then did that
14:23:10 35 assessment and I think it was only O'Brien and myself
14:23:13 36 though that had, took Terry to the motel and spent the day
14:23:16 37 with him and went through the whiteboard of everything, all
14:23:20 38 the operations and the risk assessment.
14:23:22 39
14:23:23 40 That was a risk assessment that was done in July, I think
14:23:28 41 it resulted in a report in about August of 2003, is that
14:23:32 42 right?---Yes, that's right.
14:23:33 43
14:23:33 44 You then spoke to Phil Swindells at the Purana Task Force,
14:23:40 45 do you recall what that was about?---No, I don't.
14:23:40 46
14:23:41 47 Would you be assisted if you knew what was underneath that

14:23:46 1 black redaction there?---There would be a fair chance.
14:23:51 2
14:23:51 3 Have we got that diary here? I call for that,
14:24:06 4 Commissioner. I wonder if I could see that first,
14:24:09 5 Commissioner.
14:24:09 6
14:24:09 7 COMMISSIONER: Yes, I expect Mr Hannebery will want to see
14:24:13 8 it too. Could you just show it first of all to Mr Winneke
14:24:39 9 and Mr Hannebery, please.
14:25:17 10
14:25:18 11 MR WINNEKE: Can I just raise this point, Commissioner: as
14:25:20 12 far as I know there's no dispute about the fact that
14:25:23 13 Mr Hodson was an informer. That information was accepted
14:25:28 14 by Mr Paterson.
14:25:31 15
14:25:31 16 COMMISSIONER: I think that's come out countless times in
14:25:35 17 the evidence we've heard.
14:25:36 18
14:25:36 19 MR WINNEKE: It is a matter of evidence, public knowledge.
14:25:40 20
14:25:41 21 COMMISSIONER: It is.
14:25:41 22
14:25:41 23 MR HANNEBERY: I'd have to get some instructions on that
14:25:44 24 basis for that particular redaction. I'm unaware of it.
14:25:50 25
14:25:50 26 COMMISSIONER: Perhaps if I have a look at it I might be
14:25:52 27 able to decide the issue.
14:25:57 28
14:25:58 29 MR HANNEBERY: If I could show my instructors it might -
14:26:04 30 Mr Millet might assist.
14:26:28 31
14:26:29 32 COMMISSIONER: The number given there is Terry Hodson's
14:26:33 33 number?
14:26:34 34
14:26:34 35 MR WINNEKE: Yes, it's 456.
14:26:40 36
14:26:40 37 COMMISSIONER: The second Hodson number. I can't see any
14:26:41 38 difficulty with it whatsoever. Unless Mr Hannebery has
14:26:44 39 something to say, I think you can cross-examine on it.
14:26:49 40
14:26:49 41 MR HANNEBERY: Perhaps if I can get some instructions on
14:26:51 42 it.
14:26:51 43
14:26:51 44 MR WINNEKE: Commissioner, can I say this. The material we
14:26:54 45 have been provided with has a significant amount of black
14:26:57 46 on it and I assume a significant amount of it relates to
14:27:01 47 information concerning Terry Hodson. I don't know but

14:27:05 1 certainly there's material - - -
14:27:07 2
14:27:07 3 COMMISSIONER: The whole idea of informer privilege is that
14:27:11 4 it's to protect them and because Mr Hodson's dead it no
14:27:15 5 longer applies.
14:27:16 6
14:27:17 7 MR WINNEKE: That would seem to be apparent given that
14:27:19 8 Mr Paterson conceded in his statement that - - -
14:27:23 9
14:27:23 10 COMMISSIONER: I think that's a pretty uncontroversial
14:27:27 11 principle and it is one that seems to have been guiding all
14:27:30 12 the PII decisions that have been made so far, so there just
14:27:35 13 seems to be some error here.
14 14
14:27:36 15 MR WINNEKE: I would seek that in any event any redactions
14:27:40 16 that have been made to documents provided to us, certainly
14:27:45 17 arising out of Mr Dale's statement and any other statements
14:27:49 18 and diaries or documents which redact information
14:27:53 19 concerning Mr Hodson and his rights as an informer be fixed
14:27:58 20 up, if you like.
14:27:59 21
14:27:59 22 COMMISSIONER: That seems entirely reasonable but we're
14:28:02 23 going to be dealing with this issue I think tomorrow at
14:28:05 24 some point in detail, when I'll hear detailed submissions
14:28:10 25 from Mr Hannebery as well. So we can perhaps deal with it
14:28:14 26 then, but in the meantime I think you should be allowed to
14:28:18 27 continue examining Mr Dale about this because I think
14:28:22 28 we're, there's at least some prospect of Mr Dale's evidence
14:28:28 29 finishing today.
14:28:29 30
14:28:30 31 MR HANNEBERY: I just wanted to check that that was in
14:28:33 32 relation to Mr Hodson and that what the Commissioner says
14:28:37 33 is correct, I just want to be doubly sure of that.
14:28:39 34
14:28:39 35 COMMISSIONER: Do you want to have a short adjournment to
14:28:41 36 do that?
14:28:42 37
14:28:43 38 MR HANNEBERY: That might be of assistance.
14:28:45 39
14:28:45 40 COMMISSIONER: Okay, we'll have a short adjournment.
14:29:06 41
14:29:08 42 (Short adjournment.)
14:40:30 43
14:40:31 44 COMMISSIONER: Before we commence, there's just another
14:40:33 45 order I've got to make. Pursuant to s.26 of the *Inquiries*
14:40:38 46 *Act* publication or dissemination of New South Wales Police
14:40:41 47 Force policies, procedures, manuals or guidelines or any

14:40:44 1 other documents produced to the Commission by New South
14:40:46 2 Wales Police is prohibited. A copy of this order is to be
14:40:49 3 posted on the door of the hearing room and the rooms into
14:40:53 4 which the hearing is being transmitted. Thank you.
5
14:40:56 6 That has nothing to do with the current witness, it is
14:41:00 7 an order I've been asked to make and it's appropriate that
14:41:02 8 I make it.
14:41:03 9
14:41:03 10 MR WINNEKE: Thanks, Commissioner. Just before I go back
14:41:06 11 to that document, what your diary reveals is that on the
14:41:10 12 Monday, 29 September you attend at the Melbourne
14:41:13 13 Magistrates' Court regarding remand applications and you
14:41:18 14 spoke to an OPP officer, I think Lucy Pelgin, and you
14:41:24 15 requested extended brief service dates to give you time to
14:41:26 16 prepare briefs, is that right?---I guess - yes, I presume
14:41:30 17 so. I don't have any, my diary or anything to - - -
14:41:34 18
14:41:34 19 I'll show you your diary. In any event the brief service
14:41:38 20 date was 12 December 03, committal mention date 23 January
14:41:44 21 04?---I don't disagree. That's fine.
14:41:46 22
14:41:46 23 I was asking you questions, if we could perhaps put that
14:41:50 24 document up again, about 1 October. See 15:45. You spoke
14:42:00 25 to Detective Senior Sergeant Swindells, Purana Task Force.
14:42:05 26 Obviously that's a separate Task Force looking into
14:42:07 27 gangland matters, that right?---Yes, correct.
14:42:09 28
14:42:11 29 And what's underneath that is, "Swindells requested
14:42:19 30 introduction to registered informer 4/456", that's Terry
14:42:26 31 Hodson, "Due to possible threat by Purana targets to him",
14:42:31 32 right?---Okay, yes.
14:42:33 33
14:42:33 34 I'm not asking if you recall that but - or do you?---No,
14:42:38 35 not really, no.
14:42:39 36
14:42:40 37 And, "Inform Swindells to speak to Detective Senior
14:42:44 38 Sergeant O'Brien and Daly ESD re this response". That's
14:42:49 39 the complete entry at 15:45?---Okay.
14:42:53 40
14:42:57 41 Then the next day, if we go to p.189 of your diary, you see
14:43:06 42 this, that you're on duty at 8 am, then you attend the ESD
14:43:14 43 with crew members. You're introduced to members of Ceja
14:43:18 44 Task Force and the crew was separated to provide statements
14:43:22 45 regarding Operation Gallop and knowledge of Detective
14:43:27 46 Senior Constable Miechel and you remain there doing that
14:43:32 47 until - virtually all day till six o'clock?---Yes.

14:43:35 1
14:43:35 2 And you made quite a decent or a lengthy statement
14:43:40 3 concerning your involvement in that operation, is that
14:43:42 4 right?---Yes.
14:43:43 5
14:43:46 6 Then you clear the ESD and you're off duty. Perhaps I'll
14:43:52 7 tender the pages, Commissioner, from 189, 188, 189, so
14:44:09 8 Wednesday, Thursday and Friday 190. So VPL.0005.0116 from
14:44:20 9 0188 till - - -
14:44:23 10
14:44:24 11 COMMISSIONER: What dates are they, please?
14:44:26 12
14:44:26 13 MR WINNEKE: Actually, Commissioner, perhaps what I might
14:44:28 14 do is tender them - - -
14:44:30 15
14:44:30 16 COMMISSIONER: 1 October.
14:44:31 17
14:44:31 18 MR WINNEKE: I'll tender them in a block because I'll
14:44:34 19 continue referring to some of these dates. I'll keep
14:44:39 20 going. You then - what I want to suggest to you is that
14:44:45 21 after making that statement you went to the Crown Casino.
14:44:58 22 Was it your wife's birthday at around that time?---Yes.
14:45:02 23
14:45:03 24 And you went to the Crown Casino with a number of people,
14:45:13 25 including Burrows and Campbell. Now there was a person who
14:45:19 26 you also went there with whose name I don't want you to
14:45:23 27 mention until you see a list of names which I'll show you.
14:45:42 28 The name at the top of the list, number 1, without reading
14:45:47 29 the name, is called Jones?---Yes.
14:45:53 30
14:45:53 31 Do you know that person?---As in the name number 1?
14:45:58 32
14:45:58 33 Yes.
14:46:03 34
14:46:03 35 COMMISSIONER: On the right-hand side is a pseudonym, so
14:46:06 36 we're using the pseudonym in the hearing?---Yes, yes. I'd
14:46:13 37 need to ask one question as to his first name, if that's -
14:46:18 38 I'm happy to whisper it to someone.
14:46:25 39
14:46:26 40 MR WINNEKE: That will be handed to you. Yes?---Okay, I
14:46:35 41 know of him. I don't know, I certainly don't recall going
14:46:38 42 to the casino with him.
14:46:42 43
14:46:42 44 Was he a person who was at the Drug Squad, at the MDID at
14:46:46 45 the time?---I don't recall him being there. I recall him
14:46:49 46 in a surveillance role at some point but not ever working
14:46:55 47 on a crew with me or - - -

14:46:57 1
14:46:57 2 All right. If there's evidence that suggested he was there
14:47:03 3 at the time, you don't dispute that?---No, not at all.
14:47:07 4
14:47:07 5 But you'd say he's not a close friend of yours?---No.
14:47:12 6
14:47:15 7 It appears that the following day you were on sick leave.
14:47:19 8 If you go to your diary. Have a look at that. If we go
14:47:32 9 back to the previous page. So the Friday, the 3rd.
14:47:45 10 Saturday, Sunday, looks like there's police welfare. Do
14:47:53 11 you see that?---Yes, yes.
14:47:54 12
14:47:54 13 Then sick leave with certificate, police welfare on the 6th
14:47:57 14 and the 7th, 8th, 9th, 10th?---Yes.
14:48:07 15
14:48:07 16 11, 12, 13, sick leave, welfare. Do you recall what that
14:48:11 17 was about, what the illness was?---Yes, it was stress
14:48:15 18 related. What happened at ESD that day was senior Victoria
14:48:22 19 Police members, Purton included, came in and tried to
14:48:25 20 stand-over me and my crew members to make certain
14:48:28 21 allegations that were not true.
14:48:30 22
14:48:31 23 What sort of allegations?---Well, Samantha Jennings, you
14:48:37 24 can speak to her, she was a junior Detective on my crew at
14:48:41 25 the time. Two very senior officers tried to make her put
14:48:45 26 in her statement things about Miechel that she had no
14:48:48 27 knowledge of and had no idea about. We were stood over and
14:48:52 28 as a result I, I thought, "What's going on here" and sought
14:48:58 29 advice. That's what happened.
14:49:05 30
14:49:06 31 So you went out for drinks that night?---Yes.
14:49:08 32
14:49:10 33 Afterwards at the Crown Casino?---This became a fairly
14:49:13 34 serious matter. This was reported to other assistant
14:49:17 35 commissioners and then it got all shutdown. But I can tell
14:49:21 36 you now Samantha Jennings' father, who I think was a
14:49:27 37 Commissioner at the time, he got involved and it was, I'd
14:49:31 38 started feeling what - what occurred over the next ten
14:49:37 39 years is exactly what started that day with these people of
14:49:41 40 high rank that started trying to push an agenda of their
14:49:45 41 own.
14:49:45 42
14:49:45 43 Right?---And they came into those interviews rooms and
14:49:48 44 stood over my crew members, junior crew members. By the
14:49:52 45 time we left there that night, there were other assistant
14:49:56 46 commissioners involved in this, Robert Hill was certainly
14:49:59 47 involved with this, he backed us up, went into bat for us.

14:50:03 1 This is where we have problems with our Force Command in
14:50:07 2 Victoria Police.
14:50:09 3
14:50:09 4 All right?---And that's what that sick leave was in
14:50:13 5 relation to. Until that got sorted out with assistant
14:50:16 6 commissioners I was not going to come back to work. Once
14:50:20 7 it got sorted out I came back.
14:50:22 8
14:50:22 9 Ultimately what I'm going to ask you is about your contact
14:50:27 10 with Nicola Gobbo and how that comes about. But you say
14:50:31 11 that there was pressure being put on and people were being
14:50:37 12 stood over?---Yes.
14:50:38 13
14:50:38 14 Was that something that you were aware of
14:50:41 15 personally?---Yes.
14:50:41 16
14:50:41 17 What did you say occurred to you?
14:50:46 18
14:50:47 19 MR HANNEBERY: Commissioner, can I object to this? I think
14:50:49 20 we've got a long way away from the Terms of Reference here,
14:50:52 21 which is about the issues regarding Nicola Gobbo and the
14:50:55 22 cases she may have affected. We're now dealing with issues
14:51:00 23 that have been litigated in other areas which aren't
14:51:04 24 directly referable to the Terms of Reference here. The
14:51:08 25 more this material goes on the more other people get
26 mentioned in disparaging ways and we'll feel compelled to
27 want to correct what's being put and suddenly something
14:51:16 28 that's got nothing to do with the Terms of Reference ends
14:51:21 29 up soaking up a fair bit of time and it doesn't actually go
14:51:24 30 directly to the Commission's task.
14:51:26 31
14:51:26 32 COMMISSIONER: Not everything will be direct, of course.
14:51:26 33 What do you say, Mr Winneke?
14:51:28 34
14:51:28 35 MR WINNEKE: Commissioner, I'm got going to go into details
14:51:30 36 but one of the issues is the relationship between Ms Gobbo
14:51:33 37 and Mr Dale and it seems that he claims, as I understand
14:51:38 38 it, that he calls her for the purpose of getting legal
14:51:43 39 advice and that occurs and there's a meeting on 9 October.
14:51:47 40
14:51:47 41 COMMISSIONER: Yes, it seems relevant.
14:51:49 42
14:51:49 43 MR WINNEKE: I don't propose to go into details of what
14:51:53 44 went on, but - - -
14:51:54 45
14:51:55 46 COMMISSIONER: No, all right, that's relevant.
14:51:56 47

14:51:57 1 MR HANNEBERY: We have gone into it to some extent because
14:52:00 2 there's been allegations made about standing over, improper
14:52:04 3 conduct. If that's Mr Dale's honest perception that's a
14:52:08 4 matter for him. But the allegation itself is entitled to
14:52:13 5 be refuted if it's going to be put out there. I would
14:52:17 6 submit it doesn't need to be part of this Commission.
14:52:19 7

14:52:20 8 COMMISSIONER: I consider it is of peripheral relevance and
14:52:23 9 it's relevant to whether, as I understand it, it's being
14:52:26 10 asked because we need to find out whether Nicola Gobbo was
14:52:30 11 providing legal advice on this issue and I think that's the
14:52:33 12 suggestion that's been made, as I understand it. Yes
14:52:36 13 Mr Winneke.
14:52:36 14

14:52:39 15 MR WINNEKE: So you felt that you were under
14:52:41 16 pressure?---Yes.
14:52:42 17

14:52:43 18 And did you feel as if you needed to speak to someone in
14:52:51 19 terms of getting legal advice?---Yeah, look probably. I
14:52:57 20 could clearly see there was powers at play that weren't in
14:53:06 21 my view being appropriate. How do you say that? But,
14:53:13 22 look, when you have assistant commissioners coming in and
14:53:17 23 standing over junior detectives to put things in the
14:53:20 24 statements that they refuse to do, as their supervising
14:53:28 25 Sergeant I certainly had concerns about the manner in which
14:53:32 26 Victoria Police hierarchy were behaving at that point in
14:53:34 27 time.
14:53:34 28

14:53:34 29 Did anyone tell you what you should or shouldn't put in
14:53:38 30 your statement?---No, I think it's like the old weakest
14:53:43 31 link in the chain, they went after Samantha Jennings who
14:53:48 32 was just a junior, in fact I don't think she was even a
14:53:51 33 Detective, she was on my crew as, just temporary duties.
14:53:56 34 She was only a junior uniform member and so she was the one
14:54:02 35 they, they really went after.
14:54:04 36

14:54:04 37 That's from what - she told you that, did
14:54:08 38 she?---Absolutely, straight after. But it was during that
14:54:10 39 - they picked the wrong one because she is very feisty and
14:54:14 40 she wouldn't accept that, and spoke to her father, who was
14:54:19 41 a Commissioner, and the shit hit the fan big time.
14:54:23 42

14:54:23 43 You said you're not going to go back to work until this is
14:54:27 44 sorted out?---Absolutely.
14:54:28 45

14:54:28 46 Do you say it was sorted out to your satisfaction and
14:54:30 47 that's why you went back to work afterwards or what?---No,

14:54:34 1 it wasn't sorted out to my satisfaction, it never was going
14:54:37 2 to be, however I'm a person fairly strong willed myself, so
14:54:41 3 I thought, no, go back and finish this and - - -
14:54:45 4
14:54:45 5 To put it bluntly, it was being suggested to you, or at
14:54:52 6 least to other people that as far as you were aware that
14:54:56 7 you were involved in this burglary?---I don't know whether
14:55:01 8 that was the situation at that time.
14:55:05 9
14:55:05 10 Right?---Yes, I'm not sure.
14:55:07 11
14:55:07 12 What was it - - - ?---It could have been but I'm not sure.
14:55:10 13
14:55:10 14 You say people were being stood over?---Yes.
14:55:12 15
14:55:12 16 To put things in their statement. What were they being
14:55:16 17 stood over as far as you're concerned?---I'm going to be
14:55:20 18 answering on behalf of Samantha Jennings to answer this but
14:55:25 19 - - -
14:55:25 20
14:55:25 21 Yes. Did she tell you or not?---Yes, she said, absolutely.
22
14:55:29 23 What did she tell you?---Look, to be honest I can't
14:55:29 24 remember the detail of it other than when we all got back
14:55:33 25 to the office and then we all went out for drinks to
14:55:36 26 debrief, I guess you would call it, the way we used to do
14:55:40 27 it back then, there were, like I said, Commissioners,
14:55:43 28 Assistant Commissioners, all ducking and weaving over what
14:55:46 29 I believe it was Terry Purton did at the ESD offices that
14:55:50 30 day. I can't recall what they were asking her to put in to
14:55:55 31 her statement but it was certainly material that she
14:55:58 32 refused to do because she was totally unaware of the
14:56:02 33 allegations they wanted her to make.
14:56:04 34
14:56:04 35 Were those allegations adverse to you?---No, not to me.
14:56:07 36
14:56:07 37 So they didn't affect you?---I don't believe so.
14:56:14 38
14:56:15 39 What was the purpose then of the sick leave and going off,
14:56:20 40 were you ill or not?---I was stressed, yes.
14:56:24 41
14:56:24 42 You were stressed?---Yes, I was stressed about a Police
14:56:27 43 Force that was totally out of control.
14:56:28 44
14:56:29 45 Without going into the sort of the histrionics, what was it
14:56:33 46 in more detail, as much detail as you can, that you were
14:56:37 47 actually stressed about?---To see senior Victoria Police

14:56:40 1 members trying to stand-over one of their own and make them
14:56:45 2 perjure themselves in a signed acknowledged statement.
14:56:49 3 It's perjury.
14:56:50 4
14:56:50 5 Did it concern you?---Yes, it did, I was her supervisor. I
14:56:54 6 was in charge of her, she was a junior uniform member. I
14:56:58 7 was looking after her and then I walk out of there that day
14:57:01 8 and get told that.
14:57:02 9
14:57:03 10 In any event whilst you were on sick leave on or about 8
14:57:06 11 October, would that be about right, you contact Nicola
14:57:09 12 Gobbo?---I don't recall that. I have no problems if I did,
14:57:15 13 no issue.
14:57:17 14
14:57:18 15 There's evidence in Ms Gobbo's diary that she meets with
14:57:26 16 you at O'Connell's pub in South Melbourne on 9 October.
14:57:31 17 Now, do you recall what that was about?---That might have
14:57:38 18 been when, that might have been when we met that day and
14:57:43 19 she was taking phone calls from the ESD member because
14:57:50 20 O'Connell's rings a bell. In South Melbourne, was it?
14:57:57 21
14:57:57 22 Yes, in South Melbourne. What she says is that she
14:58:01 23 receives a telephone call from you, in effect out of the
14:58:05 24 blue, asking you to meet her? Sorry, asking her to meet
14:58:16 25 you and an arrangement is made for you to meet at
14:58:20 26 O'Connell's Hotel?---Is there any independent evidence of
14:58:22 27 that? Because she was working for Victoria Police at this
14:58:26 28 point in time and I don't believe a word she says or
14:58:28 29 Victoria Police says.
14:58:29 30
14:58:30 31 Let's have a look at this document then. If we can go to
14:58:35 32 Ms Gobbo's diary which is MIN.0002.0001.0007, p.24?---Is
14:58:55 33 this diary made by Victoria Police or is she sitting there
14:58:58 34 with Victoria Police when she writes all this?
14:59:01 35
14:59:02 36 Let's just focus on this for the moment. Let's just assume
14:59:05 37 this is her diary, right, and we'll see, albeit it's not,
14:59:10 38 it's cut off because of the photocopying but you'll see at
14:59:14 39 the bottom, I don't know whether we have a better version,
14:59:24 40 but what that I suggest says is, "Paul Dale O'Connell's".
14:59:29 41 No reason why everyone can't see that?---I can see that, no
14:59:33 42 issue.
14:59:33 43
14:59:34 44 I'm sorry?---I can see that.
45
14:59:36 46 You can see that?---Yeah.
14:59:36 47

14:59:36 1 MR HANNEBERY: I don't think we've seen it.
14:59:49 2
14:59:53 3 MR WINNEKE: Ms Gobbo says in her statement that in October
15:00:01 4 2003, this is at p.2 of her statement.
15:00:05 5
15:00:06 6 COMMISSIONER: Which statement is this?
15:00:08 7
15:00:08 8 MR WINNEKE: This is a statement of Nicola Gobbo. Perhaps
15:00:10 9 we can put this up on the screen. We have a redacted
15:00:14 10 version of this. If we go to VPL.0002.0001.1456. Just
15:00:26 11 show the front page of that. If we could go to the very
15:00:45 12 back page which is 1466. This is a statement, you've seen
15:00:56 13 the statement, haven't you, Mr Dale? This is the statement
15:00:58 14 that Nicola Gobbo made on 7 January 2009 which was in the
15:01:05 15 hand-up brief in your murder brief?---Is this where she
15:01:16 16 says she attends at me, attends upon me under a legal
15:01:22 17 professional visit to Port Phillip Prison where I hand her
15:01:26 18 documents and I find out today she takes those documents
15:01:29 19 straight back to Victoria Police, is that what we're
15:01:31 20 talking about?
15:01:32 21
15:01:32 22 That's the one?---Yes.
15:01:34 23
15:01:34 24 That's the statement in any event?---She's working for
15:01:37 25 Victoria Police, I don't believe a word she says.
15:01:40 26
15:01:43 27 In any event that statement is made in 2009?---That
15:01:47 28 statement is made by Victoria Police.
15:01:49 29
15:01:49 30 All right. In any event, I hear what you say about that.
15:01:53 31 If we could go to p.2 of the statement. What she says -
15:01:56 32 just tell me if you agree or disagree with it. "In October
15:02:06 33 2003 after the Operation Gallop burglary but before Paul
15:02:09 34 was arrested and charged with burglary Paul called me and
15:02:12 35 invited me out for a drink. I have checked my 2003 diary
15:02:15 36 and have a note on 9 October stating Paul Dale,
15:02:19 37 O'Connell's. I believe from this diary entry it was 9
15:02:21 38 October 2003 that I went to O'Connell's Hotel for drinks
15:02:25 39 with Paul. We met at O'Connell's Hotel in South Melbourne.
15:02:28 40 I was on my guard as I hadn't been out with Paul socially
15:02:32 41 previously and I was unsure what the purpose of Paul's
15:02:35 42 invitation for drinks was. I knew that Paul was aware that
15:02:38 43 I had been contacted by the target of that investigation
15:02:41 44 and his co-accused as Paul was in fact the member who
15:02:44 45 facilitated the accused contacting a lawyer following their
15:02:47 46 arrest. On that night we drank together. My meeting with
15:02:52 47 Paul was entirely social". Then she goes on to say, "On

15:02:56 1 one other occasion after the O'Connell's Hotel night out
15:03:02 2 but before the date of the suspension I met Paul at
15:03:05 3 O'Connell's Hotel for a cup of coffee during the day"?---I
15:03:08 4 disagree with that last paragraph.
15:03:10 5
15:03:10 6 The second paragraph you disagree with?---Yes, this is now
15:03:13 7 Victoria Police trying to portray a friendship relationship
15:03:16 8 not a lawyer client relationship. More of their lies.
15:03:20 9
15:03:22 10 Just if we can focus on the date. We'll come to the
15:03:26 11 contents of the paragraph in a little bit. The date is 9
15:03:30 12 October that she says that you meet and there's a note in
15:03:35 13 her diary to that effect?---Yes.
15:03:38 14
15:03:38 15 Do you concede that it may well have been that you met with
15:03:42 16 Gobbo on 9 October at O'Connell's Hotel a week or so, a
15:03:50 17 couple of weeks after the Dublin Street burglary?---Look,
15:03:56 18 I, I don't disagree. I don't remember when it was or where
15:04:00 19 it was but I certainly have met a number of occasions.
15:04:06 20
15:04:06 21 Was it daytime or night-time that you met?---I would have
15:04:10 22 met her day and night. I remember one time - like I said,
15:04:14 23 the time that I remember, and I think it was at O'Connell's
15:04:17 24 because it was lunchtime when she was taking the phone
15:04:20 25 calls from De Santo, but outside of that, no.
15:04:25 26
15:04:27 27 What you say is that, or do you say that you did call her
15:04:32 28 around this time, contact her and ask for a catch
15:04:38 29 up?---Look, I don't recall it because obviously it's a long
15:04:43 30 time ago and I've been through some pretty tough times but
15:04:46 31 I certainly don't deny it.
15:04:49 32
15:04:50 33 Maybe if I can show you something else but before I do,
15:04:59 34 before I forget, do you recall on one of the occasions that
15:05:06 35 you met her around October of 2003 she providing you with
15:05:11 36 some legal documents, legal cases which she had
15:05:19 37 highlighted, particular parts of cases which had been
15:05:21 38 highlighted by Ms Gobbo?---I think I've read that or heard
15:05:26 39 that somewhere. I don't recall though, sorry.
15:05:30 40
15:05:30 41 You say you've read it or heard it. Do you discount that
15:05:36 42 it happened or not. She has said elsewhere, I might say,
15:05:39 43 that she provided you with cases which were
15:05:43 44 highlighted?---Yeah, look depends on the timing of it.
15:05:45 45 When was it, October you think?
15:05:48 46
15:05:49 47 9 October 2003?---Look, I don't recall, sorry. I don't

15:05:58 1 deny it but I don't recall it.
15:05:59 2
15:06:00 3 Are you able to say, perhaps I'll show you this just to
15:06:05 4 assist your recollection. If we can go to this document.
15:06:07 5
15:06:08 6 COMMISSIONER: Are you wanting to tender any of this?
15:06:12 7
15:06:12 8 MR WINNEKE: I'll tender that statement, I think there's
15:06:14 9 been a redacted version of it.
15:06:18 10
15:06:19 11 COMMISSIONER: We can tender the statement.
15:06:20 12
15:06:20 13 MR WINNEKE: I tender the statement, Commissioner.
15:06:22 14
15:06:22 15 COMMISSIONER: You think there will need to be a redacted
15:06:24 16 version, do you?
15:06:24 17
15:06:25 18 MR WINNEKE: In fact that is the redacted version of it.
15:06:29 19
15:06:29 20 #EXHIBIT RC229 - Ms Gobbo's statement of 3/01/09.
15:06:44 21
15:06:47 22 If we could put up please, IBAC document
15:06:57 23 IBAC.0010.0001.1080, p.1. If you go to the next page of
15:07:10 24 that document. What this appears to be is a document which
15:07:18 25 has been prepared by investigators and at the top there's a
15:07:24 26 legend and it's got some telephone numbers. If we can
15:07:29 27 highlight the telephone numbers at the top. You see there
15:07:40 28 there's some telephone numbers?---Yes.
15:07:44 29
15:07:44 30 You see yours there?---Yes.
15:07:46 31
15:07:46 32 That's your telephone?---Yes.
15:07:48 33
15:07:50 34 And you see there's an Argall telephone there?---Yes.
15:07:55 35
15:07:55 36 And there's a Gobbo telephone there?---Yes.
15:07:57 37
15:07:59 38 Can I ask you to accept that, firstly, you accept that
15:08:04 39 that's your number. Do you know Argall's number?---No.
15:08:07 40
15:08:08 41 And there's also telephone numbers for Christine and
15:08:13 42 Terrence Hodson. Can I ask you to accept that those are
15:08:17 43 the correct telephone records?---Yes.
15:08:22 44
15:08:22 45 Or numbers. This is put together from call charge
15:08:28 46 records?---Yes.
15:08:28 47

15:08:28 1 You understand how that process is done, it is something
15:08:31 2 you have been involved in many times as an
15:08:33 3 investigator?---Yes.
15:08:33 4
15:08:33 5 You get telephone records from telecommunications companies
15:08:37 6 and you put them together in a chart like this?---Yes.
15:08:40 7
15:08:41 8 On the assumption that this is correct, this document, if
15:08:43 9 you go to - if we go down to the next page you'll see there
15:08:51 10 have been various communications made. Your number's blue,
15:08:56 11 Argall is yellow, Gobbo is red. There appears to be no
15:09:00 12 communications - if we go back to the top, there appears to
15:09:03 13 be no communications between you and Gobbo at least from 20
15:09:11 14 September. You'll see the very top one is when you call
15:09:17 15 your own number for voicemail, do you see that?---Okay,
15:09:20 16 yes.
15:09:20 17
15:09:20 18 Keep going down. Then you'll see various other telephone
15:09:24 19 calls made to various other numbers. If we keep going down
15:09:29 20 you'll see there's no call between you and Gobbo at any
15:09:32 21 stage throughout that call charge record. If we keep going
15:09:35 22 down. Keep going down, you'll see that there's no calls.
15:09:43 23 In other words between you and Gobbo we'd see a red and a
15:09:46 24 blue call, do you follow that?---Yes.
15:09:49 25
15:09:51 26 Pink or red. If we keep going down to - we get to 30
15:10:03 27 September. We can see there there's telephone calls
15:10:06 28 between you and Argall, for example, on the 30th there's a
15:10:10 29 one minute call, he calls you at 10.40 in the morning, do
15:10:14 30 you follow that?---Yes.
15:10:15 31
15:10:15 32 Assuming all this is correct, and then if we go further
15:10:21 33 down to 1 October and there's no calls between you and
15:10:23 34 Gobbo at this stage. So do you accept that proposition, if
15:10:29 35 these are accurate there's been no mobile communication
15:10:32 36 between the two of you?---From that mobile, correct.
15:10:34 37
15:10:34 38 From that mobile. Did you have other mobiles?---Yes.
15:10:37 39
15:10:38 40 You had a crew phone, a police phone?---Yes, yes.
15:10:42 41
15:10:42 42 And what number - was that in a name other than your own or
15:10:48 43 not?---Look I'm not sure, it was a VicPol crew phone, so
15:10:52 44 I'm not sure.
15:10:52 45
15:10:53 46 If we keep going down. If we come to the next page - - -
15:11:10 47

15:11:10 1 MR HANNEBERY: Sorry, Commissioner, I've been instructed
15:11:13 2 that the issue with the public display of this document is
15:11:18 3 that these are private phone numbers and that a number of
15:11:24 4 people obviously would have their privacy potentially
15:11:29 5 compromised if those numbers are up. There is no claim on
15:11:34 6 it beyond that, but whether this needs to be done with
15:11:38 7 everybody able to see that document is a question I'd ask.
15:11:43 8 It might be able to be done directly.
15:11:43 9
15:11:44 10 MR WINNEKE: The only problem is if it's done directly no
15:11:48 11 one else at the Bar table can see it. I don't know whether
15:11:51 12 there's some way it can be done without it going into the
15:11:55 13 public domain.
15:11:57 14
15:11:57 15 MR HANNEBERY: I think the room is okay. I think it's more
15:11:59 16 the public display that it's going to. It's not going?
15:12:00 17 Okay, thank you.
15:12:03 18
15:12:04 19 MR WINNEKE: What we see is that on 8 October there's a
15:12:16 20 text message at 17:41, so about 5.41 from Gobbo to you. Do
15:12:22 21 you see that? Then you return that message about five
15:12:25 22 minutes later, do you see that?---Yes.
15:12:27 23
15:12:33 24 If we then - accepting that Gobbo's diary's correct, that
15:12:39 25 there's a meeting on 9 October, it seems that there's at
15:12:43 26 least communication between the two of you on the day
15:12:46 27 before?---Yes.
15:12:46 28
15:12:47 29 She says that she called you, that may or may not be the
15:12:50 30 case, but in any event there's certainly a text message
15:12:53 31 from her to you and then one back from you to
15:12:57 32 her?---Totally agree, yes.
15:12:58 33
15:12:59 34 Then if you go further down on the 9th, you see text
15:13:03 35 messages from you to her. I'm sorry, it's a telephone
15:13:08 36 call, 43 seconds, at 4.49, 43 seconds, do you see that?
15:13:16 37 Followed up by a text message from her to you?---Yes.
15:13:21 38
15:13:21 39 A little while later, an hour or so later, and then a text
15:13:26 40 back from you, et cetera. There's communication going on,
15:13:29 41 finishing up at about 23 past 6, right?---Yep.
15:13:35 42
15:13:39 43 According to that record it appears that she instigated the
15:13:44 44 communication the day before. If we go back to the
15:13:53 45 8th?---Yeah, I'm not sure if at this point in time I was
15:13:56 46 covertly contacting Nicola through false phones.
15:14:00 47

15:14:00 1 No. We'll come to that in due course. Subsequently you
15:14:04 2 know where I'm going. Later on there was covert phones
15:14:09 3 being used to communicate with her?---Correct.
15:14:11 4
15:14:11 5 At this stage there's not?---Okay.
15:14:13 6
15:14:14 7 That appears to be the case, because that's your genuine
15:14:17 8 phone and it appears to be that's her phone?---Yes. I
15:14:20 9 would have thought I had more contact with her to be
15:14:23 10 honest, but it would have been through another source.
15:14:25 11
15:14:25 12 What you say is in all probability there was no covert
15:14:28 13 communications at least until this time?---I'm not sure
15:14:31 14 about that.
15:14:32 15
15:14:32 16 You think there might have been covert - - - ?---Could
15:14:35 17 possibly be.
15:14:36 18
15:14:36 19 Why would you say that there would be covert communications
15:14:40 20 between you and her prior to 8 October?---Because what I
15:14:43 21 now know is she was working for Victoria Police and setting
15:14:46 22 me up. She was providing that sort of intel to me.
15:14:52 23
15:14:52 24 She was providing that sort of intel to you?---Yep.
15:14:55 25
15:14:55 26 What sort of intel was she providing?---To deal on
15:14:59 27 different phones, not our own.
15:15:01 28
15:15:02 29 Subsequently that was the case, wasn't it, after you
15:15:04 30 started to be concerned that were you a suspect and that
15:15:07 31 the police were interested in you, you then became
15:15:12 32 concerned and thought that your phones might have been
15:15:16 33 listened to?---No, I was being set up by Nicola Gobbo on
15:15:20 34 behalf of Victoria Police and she was encouraging me to do
15:15:23 35 that. And I've got no - look, a lot of things haven't been
15:15:30 36 divulged by Victoria Police. They've hidden things all the
15:15:35 37 way through, and I have no doubt they have that information
15:15:37 38 and I've been expecting to hear about it through this
15:15:40 39 Commission but they're no doubt hiding - - -
15:15:43 40
15:15:44 41 Can I say this to you, the information we have to date is
15:15:47 42 that insofar as you're concerned and your communications
15:15:50 43 with Ms Gobbo are concerned, aside from what occurs on the
15:15:56 44 28th when you call her in the morning, and then later on in
15:16:00 45 the afternoon, you may have seen her at court on the 29th
15:16:04 46 in a remand, you're on sick leave from about the 3rd
15:16:08 47 through to the 13th. She gives evidence and has provided a

15:16:13 1 statement to the effect that you called her on or about 9
15:16:18 2 October to arrange to meet her?---Mr Winneke, she was
15:16:21 3 totally working for Victoria Police. You can't believe a
15:16:25 4 word she has told you or Victoria Police have told you.
15:16:28 5
15:16:28 6 All right?---They have lied on oath so many times, I've
15:16:31 7 seen it, I've sat there and had to put up with it, cop it.
15:16:35 8 They will lie. They do not care about our judicial system
15:16:39 9 and that's what we're here, we're discovering right now.
15:16:43 10
15:16:43 11 That's what we're trying to find out?---Yes.
15:16:45 12
15:16:45 13 Do you say that there were covert communications between
15:16:47 14 you and Gobbo in the days immediately following the Dublin
15:16:53 15 Street burglary?---No, I could be confusing the dates
16 sometimes because we're going back a long time.
17
15:17:14 18 I understand that?---I just see that there's very little
15:17:14 19 contact. I presumed, okay, it's probably through other
15:17:14 20 means that we've contacted.
15:17:14 21
15:17:14 22 But do you say that - I mean what you've said to the
15:17:14 23 Commission to date is, "Look, we had - we met socially on
15:17:20 24 occasions when there were other people around", that was
15:17:23 25 generally the situation?---Yes.
15:17:24 26
15:17:24 27 I think you've accepted the proposition that it may well
15:17:27 28 have been not until after the Dublin Street burglary that
15:17:33 29 you met with her one-on-one?---Yes.
15:17:35 30
15:17:35 31 It seems to me, with respect, that the evidence that we've
15:17:38 32 gone through so far seems to suggest that. You say that
15:17:42 33 you're stressed, you go on to leave and you've had
15:17:46 34 communications with her about, in a professional way, about
15:17:49 35 the clients, and then there's a meeting on 9 October and
15:17:56 36 what I'm suggesting to you is that that appears to be the
15:17:59 37 case, you and she meet?---Yes.
15:18:00 38
15:18:01 39 And you accept that you might well have met her at
15:18:04 40 O'Connell's Hotel, do you, or not?---Yes. Yeah, I do
15:18:08 41 accept that.
15:18:08 42
15:18:08 43 In her statement she says it was purely social but I put to
15:18:12 44 you elsewhere there's evidence to suggest that she has
15:18:14 45 actually told people that she had for you some legal cases
15:18:18 46 to give to you, right?---Okay.
15:18:21 47

15:18:21 1 Do you think that might be possible?---It could be
15:18:23 2 possible.
15:18:23 3
15:18:24 4 Right. Do you think that you might have had some concerns
15:18:28 5 that you wanted to raise with her, legal concerns, when you
15:18:31 6 saw her on 9 October or was it purely a social meeting?
15:18:38 7 You tell the Commission?---Well, to be honest I'm not 100
15:18:41 8 per cent sure back then.
15:18:42 9
15:18:42 10 Right?---I'm sorry, it's a long time ago.
15:18:46 11
15:18:46 12 All right?---I think I've been through a bit more than some
15:18:50 13 of these lying police officers that have been here before
15:18:52 14 you.
15:18:52 15
15:18:53 16 All right, Mr Dale, I understand the situation but what
15:18:55 17 we're trying to do is establish what's occurred, your
15:18:58 18 relationship with Gobbo?---Yes, which was a legally
15:19:02 19 professionally privileged - - -
15:19:04 20
15:19:05 21 That's right, that's what you say. Is it conceivable or is
15:19:08 22 it not conceivable that you asked her to meet at O'Connells
15:19:14 23 Hotel for a number of reasons? One of them might be
15:19:17 24 because you want to catch up with her and have a drink with
15:19:20 25 her and potentially form a relationship with her, that's
15:19:22 26 one possibility, isn't it?---That's one possibility.
15:19:25 27
15:19:26 28 Is that likely or not?---I don't know.
15:19:28 29
15:19:28 30 Okay. The other possibility is that you might have wanted
15:19:31 31 to find out what's going on with De Santo, with Hodson,
15:19:35 32 whether he's made a statement, whether he's going to
15:19:38 33 assist, that's one possibility, isn't it?---That's another
15:19:40 34 one.
15:19:40 35
15:19:41 36 Do you think that might have been the reason you contacted
15:19:44 37 her?---I'm not conceding anything here.
15:19:47 38
15:19:47 39 Do you say, "That wasn't the reason I contacted,
15:19:50 40 "Gobbo?---Well, she was a police informer. She was sent in
15:19:55 41 to set people up. I don't know whether I was being set up
15:19:59 42 here at this point in time or not, but the bottom line is I
15:20:03 43 don't recall who contacted who. Yes, there is a text
15:20:06 44 message or whatever.
15:20:07 45
15:20:07 46 Yes?---So be it. But I don't know what was in it.
15:20:10 47

15:20:10 1 Right. The other option is - - - ?---I'm not denying I met
15:20:13 2 her at O'Connells and I'm not denying I met her at many
15:20:18 3 other pubs and casino and things like that, it's not an
15:20:20 4 issue to me.

15:20:21 5
15:20:21 6 But what she's saying is, "I'd never met Dale before on a
15:20:26 7 one-on-one basis, I wasn't too sure what the meeting was
15:20:29 8 about. He called me", that's what she says, "I'm not too
15:20:37 9 sure what that was all about, so I was on my guard when I
15:20:40 10 came down to meet him"?---She's saying that on behalf of
15:20:43 11 Victoria Police. They're not her words, that's Victoria
15:20:47 12 Police's words.

15:20:47 13
15:20:47 14 COMMISSIONER: Mr Winneke is just trying to find out your
15:20:49 15 version. He's putting to you what she said, that's on the
15:20:52 16 record and we've got that. He wants to know what you can
15:20:55 17 say about that, all right?---Yes.

15:20:57 18
15:20:57 19 MR WINNEKE: Look, you didn't know at the time she was an
15:21:00 20 informer, did you?---No.

15:21:01 21
15:21:04 22 We haven't established what she was at that stage, but in
15:21:08 23 any event what you do recall is there was a meeting at some
15:21:11 24 stage after the Dublin Street burglary, are you prepared to
15:21:17 25 accept that that occurred?---No.

15:21:30 26
15:21:31 27 All right. You reckon you did go to O'Connells?---Yes.

15:21:39 28
15:21:40 29 And you think it might have been - do you say that it was
15:21:44 30 after the Dublin Street burglary, you agree with that
15:21:50 31 proposition?---No.

15:21:50 32
15:21:51 33 That it was after Dublin Street, that there was a
15:21:53 34 relationship which was a more personal, one-on-one personal
15:21:57 35 nature?---Yes.

15:21:57 36
15:21:58 37 Commenced, if you like?---Yes.

15:21:59 38
15:22:00 39 It's clear enough that you did develop a close personal
15:22:04 40 friendship with her?---Yes.

15:22:05 41
15:22:05 42 Do you accept that that personal friendship started after -
15:22:11 43 - - ?---I was charged.

15:22:12 44
15:22:12 45 After you were charged, right, okay. What about prior to
15:22:18 46 you being charged, do you say that there was a personal
15:22:21 47 friendship or not?---Yeah, look there was but not as

15:22:25 1 obviously as close and tight as what came years on.
15:22:29 2
15:22:30 3 Okay?---But yes, there was, we were.
15:22:32 4
15:22:32 5 If there was that change in nature of the relationship what
15:22:36 6 caused the change?---Me being charged and requiring her
15:22:40 7 assistance.
15:22:42 8
15:22:42 9 Right. So you disagree with the proposition that she
15:22:46 10 contacted you out of the blue, sorry, that you contacted
15:22:50 11 her out of the blue?---I don't - I don't mean to be
15:22:54 12 stubborn on this point. I really don't know who contacted
15:22:57 13 who and how.
15:22:58 14
15:22:59 15 Right, okay. What you also say in your statement is, "It
15:23:08 16 was also during this time that Nicola told me she'd been
15:23:12 17 approached by Terrence and his son Andrew Hodson for legal
15:23:15 18 advice over the Dublin Street burglary". You said that in
15:23:19 19 your statement?---Yes, that's what I can remember, that
15:23:21 20 sort of thing, yeah.
15:23:22 21
15:23:23 22 "I recall her telling me that they had both met with her to
15:23:26 23 discuss what Terry Hodson could do to help himself with the
15:23:30 24 Ethical Standards Department members", paragraph 57 of your
15:23:36 25 statement. "I recall her telling me that both Terry and
15:23:49 26 Andrew were very heavily drug and alcohol affected at the
15:23:53 27 time "?---Yes.
15:23:54 28
15:23:55 29 There's evidence, we've heard, the Commission's heard
15:23:58 30 evidence that there was some suggestion that at the time
15:24:01 31 that she speaks to them that they were drug affected,
15:24:05 32 right, and this is in the days after the Dublin Street
15:24:08 33 burglary. So that appears to suggest that she tells you
15:24:14 34 that they were drug affected, alcohol affected at the time
15:24:17 35 and she also tells you, and you find out from her, that
15:24:22 36 they were speaking to ESD?---So in my statement I've got,
15:25:10 37 "It was during this time that Nicola told me she had been
15:25:14 38 approached by Terry Hodson and his son Andrew Hodson for
15:25:18 39 legal advice over the Dublin Street burglary. I recall her
15:25:22 40 telling me that they had both met with her to discuss what
15:25:25 41 Terry Hodson could do to help himself with the Ethical
15:25:31 42 Standards Department members. I recall her telling me that
15:25:33 43 Terry and Andrew were heavily drug and alcohol affected at
15:25:36 44 the time. I recall speaking to Nicola about the fact she
15:25:40 45 was already helping a number of so-called" - yes.
15:25:43 46
47 Do you see that?---Yep.

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I know there's a lot of years elapsed but obviously these things, these matters have exercised your thoughts over many years, but that's the evidence that you put into your statement?---That's correct.

So what, it appears to be the case is you've had discussions with her in which she's told you that she's been approached by Terry and Andrew, right?---Yes, I do recall that, yes.

You knew Andrew Hodson because he'd been charged by David Miesel earlier on; is that right?---I didn't know Andrew. Obviously I knew he was the son, but yeah, I'd never met him or had any involvement with Andrew.

All right. But it came clear to you, and I suggest to you that it's probably in the period of time, weeks after the Dublin Street, or days or weeks after the Dublin Street burglary, that you go and see her or you speak to her and she's telling you these things, do you accept that?---Yes, yeah, no, she did tell me that, that's where that information came from.

What was the context of that discussion, how did that come about?---I would have no idea. We would meet sometimes for hours.

All right?---And discuss many, many things.

I know it's not easy for you to do but are you able to focus on the weeks after that when you first speak to her about these matters?---Look, I can do my best. Like I said, there's 32 boxes of documents that might be able to assist me better than my memory from 2003.

Yes, all right?---After being remanded in custody, in solitary confinement for eight months based on perjured evidence of Victoria Police.

Yes, I follow that. In any event, you say that she told you that she didn't see any form of conflict acting for as Azzam Ahmed, Abbey Haynes, Colleen Maguire - you've said Colleen Maguire, would that be Colleen O'Reilly, paragraph 58?---Yeah, that'd be right. Yeah, I was just going off memory for those names.

15:28:08 1 In any event, in these early conversations you're aware
15:28:10 2 that she is acting for those three, the three
15:28:17 3 suspects?---And a police informer.
15:28:18 4
15:28:18 5 And a police informer?---She's a police informer.
15:28:21 6
15:28:21 7 Sorry, yeah?---Yes.
15:28:22 8
15:28:22 9 She's also acting for the police informer Terry
15:28:26 10 Hodson?---And she's a police informer herself.
15:28:28 11
15:28:28 12 Whether or not that's got - - - ?---How muddy can this
15:28:34 13 possibly be?
15:28:35 14
15:28:35 15 I follow that. You didn't know at the time she was a
15:28:37 16 police informer?---No, I didn't.
15:28:39 17
15:28:39 18 What you did know is that she was acting for Terry Hodson,
15:28:45 19 at least advising him?---Yes.
15:28:46 20
15:28:47 21 He's perhaps speaking to ESD?---Yes.
15:28:48 22
15:28:48 23 And you also know that she's acting for the three
15:28:50 24 suspects?---Yes, and she's ringing me telling me to go to
15:28:53 25 phone boxes and call Terry Hodson and meet with Terry
15:29:00 26 Hodson. I now know why.
15:29:00 27
15:29:00 28 What you say is you went to her and were you going to her
15:29:01 29 to get legal advice?---Yes, I was.
15:29:03 30
15:29:03 31 How did you think that you could get legal advice from her
15:29:06 32 if she's acting for all of these other people involved in
15:29:09 33 this transaction?---Well in hindsight you're 100 per cent
15:29:13 34 right. I had no idea she was a police informer. I had no
15:29:16 35 idea how muddy this has all become because of what Victoria
15:29:21 36 Police made her do.
15:29:22 37
15:29:22 38 But even - allowing for the fact that we now know more than
15:29:27 39 you knew then, you didn't know then what she was, as far as
15:29:31 40 you were concerned she was a barrister?---I was completely
15:29:35 41 sucked in, like a lot of her clients were. But not by her,
15:29:39 42 by Victoria Police. They put her in that position and
15:29:41 43 directed her to do what she did. I feel sorry for her.
15:29:46 44
15:29:48 45 You went to see her to find out information, right?---No.
15:29:53 46 I sought legal advice from her.
15:29:55 47

15:29:55 1 Right. You say you wanted legal advice from her?---Yes.
15:29:58 2
15:29:59 3 What was the legal advice - what sort of advice were you
15:30:04 4 seeking? What was it about, what were the issues that you
15:30:08 5 needed legal advice about?---Obviously after I was charged,
15:30:11 6 that's quite clear what it was about. But before that,
15:30:14 7 look, I don't recall now.
15:30:18 8
15:30:18 9 You don't recall?---I don't recall.
15:30:20 10
15:30:24 11 Prior to being charged, right, you - when did you get the
15:30:31 12 idea that you might have been a suspect?---I believe Nicola
15:30:42 13 told me.
15:30:45 14
15:30:45 15 When do you think she told you?---Look, I can't put
15:30:50 16 specific dates and times on it but she told me.
15:30:54 17
15:30:54 18 Right. Are you aware that she went overseas for a period
15:31:06 19 of time a few weeks after the Dublin Street burglary?---No.
15:31:13 20 I mean I run into her in Bali some time - - -
21
15:31:17 22 That was in 2005?---Okay, so no, no I'm not.
15:31:21 23
15:31:25 24 What I suggest to you is that you went to see her again on
15:31:30 25 about the 15th of October, right, and you went to see her
15:31:37 26 again at O'Connells Hotel in the afternoon. Do you have
15:31:46 27 any recollection of that?---No. No, I don't.
15:31:48 28
15:31:53 29 I think you said before that you recalled a meeting with
15:31:56 30 her around lunchtime at a hotel; is that right?---Well I
15:32:01 31 actually saw that on her statement just before, that it was
15:32:06 32 around lunchtime at O'Connells.
15:32:07 33
15:32:08 34 That's the second meeting?---Okay.
35
15:32:09 36 Do you accept that happened or not?---Look, I don't recall
15:32:12 37 it, no. I don't say it didn't happen, I just - - -
15:32:17 38
15:32:17 39 I wonder if we can have a look at Mr Dale's diary, if we
15:32:21 40 see VPL.0005.0116 p.193.
15:33:03 41
15:33:03 42 MR HANNEBERY: Looking down, it's - - -
15:33:05 43
15:33:06 44 MR WINNEKE: Sorry, 193. We don't want it put up on the
15:33:12 45 screen. Do we see that at the top of the page, 13:55 - go
15:33:18 46 over to the previous page so we work out what day it is.
15:33:21 47 Wednesday the 15th of the 10th, do you see that? Have a

15:33:29 1 look at that?---Wednesday the 15th, yes, sorry, yep.
15:33:33 2
15:33:35 3 If we come up to about 13:55, 1.55, "Met with legal advisor
15:33:45 4 re personal matters". That's what you've put in your diary
15:33:51 5 on 15 October?---Yes.
15:33:54 6
15:34:00 7 Do you accept that you saw Ms Gobbo on that day at the
15:34:10 8 hotel, as she suggests, that is at O'Connells Hotel?---Yes,
15:34:21 9 I would accept that.
15:34:21 10
15:34:22 11 You've described that in your diary as "legal advisor re
15:34:25 12 personal matters". Can you tell the Commissioner what you
15:34:28 13 can recall about that meeting?---During this time I was
15:34:39 14 under investigation for allegedly providing information to
15:34:49 15 a criminal or assistance to a criminal over a murder
15:34:52 16 matter.
15:34:53 17
15:34:54 18 No - sorry, we're talking about - sorry, this is something
15:35:00 19 - this is another matter?---Yes.
15:35:02 20
15:35:03 21 Okay, right?---So I was under investigation at that time
15:35:06 22 over another matter, so I wasn't only speaking to Nicola
15:35:09 23 about these matters.
15:35:10 24
15:35:10 25 This is in relation to the murder of Ivan
15:35:15 26 Conabere?---Correct.
15:35:16 27
15:35:16 28 Do you think that you were seeking advice about other
15:35:19 29 matters like that?---Absolutely.
15:35:20 30
15:35:21 31 Do you recall when that was?---It was all around the same
15:35:28 32 time.
15:35:30 33
15:35:30 34 You've been - had you been the subject of an investigation
15:35:36 35 about that, an ESD investigation?---Yes.
15:35:40 36
15:35:40 37 It hadn't gone anywhere, had it?---Well I wasn't privy to
15:35:49 38 where their investigation went or how it went.
15:35:52 39
15:35:52 40 Yes?---Other than I was under investigation.
15:35:56 41
15:35:57 42 But you'd spoken to - I think you'd spoken - that was an
15:36:03 43 issue with respect to making a statement about a particular
15:36:06 44 person, whose name I don't think we're entitled to mention,
15:36:09 45 but in relation to a statement that you had made and it was
15:36:21 46 said that you were not a reliable witness to call at the
15:36:26 47 trial and you'd been asked to attend and speak to

15:36:29 1 Mr Richter and there'd been some discussion between you and
15:36:33 2 Mr Richter, et cetera?---Correct.
15:36:35 3
15:36:35 4 That was some time earlier, wasn't it?---It may well have
15:36:41 5 been.
15:36:41 6
15:36:41 7 Right?---It was an ongoing investigation.
15:36:43 8
15:36:45 9 But the trial had proceeded, hadn't it?---I'm not sure.
15:36:49 10
15:36:49 11 Right?---I'm just bringing your full attention - you need
15:36:53 12 to understand, this wasn't the only thing I was dealing
15:36:56 13 with.
15:36:56 14
15:36:56 15 I understand that. I understand that. But do you say - do
15:37:02 16 you seriously say that you met with the legal advisor about
15:37:05 17 that matter on 15 October or is that more likely to be
15:37:09 18 speaking to Ms Gobbo about matters concerning the fact that
15:37:13 19 you may or may not have been a suspect in the Dublin Street
15:37:17 20 matter?---I was the suspect in a murder matter and I was a
15:37:21 21 suspect in the Dublin Street matter. I honestly can't
15:37:25 22 remember which one I would have been speaking to her about,
15:37:28 23 sorry. But in hindsight I was speaking to a police
15:37:31 24 informer, not a barrister. Well I thought she was a
15:37:34 25 barrister.
15:37:34 26
15:37:34 27 All right, okay. I take it you were concerned to know
15:37:49 28 whether or not Mr Hodson was going to make a statement
15:37:55 29 against you?---Probably not so much was I concerned to know
15:38:00 30 he was making a statement, I think I'd been told he was.
15:38:03 31 And I think that came from De Santo to Gobbo to me.
15:38:06 32
15:38:06 33 You didn't know, I suggest to you, until you were charged
15:38:08 34 on 5 December?---Oh look, Victoria Police has loose lips.
15:38:15 35
15:38:15 36 All right. Do you say that you'd heard prior to that that
15:38:18 37 you were a suspect and that Mr Hodson had made a
15:38:23 38 statement?---I think Mr De Santo's made that quite clear,
15:38:26 39 he told Nicola Gobbo that.
15:38:27 40
15:38:28 41 I don't know whether that's right. But what you say is
15:38:32 42 that you were aware prior to your arrest that a statement
15:38:37 43 had been made against you?---No, I wasn't sure about the
15:38:39 44 statement but I knew, like I said, De Santo had told Gobbo,
15:38:43 45 "You better, you know, let Mr Dale know he's on notice"
15:38:48 46 type thing. So that was the information that came back to
15:38:51 47 me.

15:38:51 1
15:38:52 2 That's one of the reasons why you wanted to speak to
15:38:55 3 Ms Gobbo, wasn't it?---Like I said, whether it was in
15:38:58 4 relation to Dublin Street or it was in relation to the
15:39:01 5 murder trial where I was - had been asked to provide a
15:39:06 6 statement, no sooner I provided that statement than senior
15:39:10 7 Victoria Police members tried to stand-over me once again
15:39:15 8 and change that statement, which I refused to do. I
15:39:18 9 reported that to Detective Superintendent Biggin and we had
15:39:23 10 a meeting about that. Because I was called in to Geoff
15:39:27 11 Horgan's office, who was a prosecutor, who tried to stand
15:39:31 12 over me.
15:39:32 13
15:39:32 14 Ultimately what you say is you saw Gobbo on about 15
15:39:40 15 October. Was it a personal meeting or was it a legal
15:39:44 16 meeting?---I had a lot of criminal matters hanging over my
15:39:48 17 head, and I was still a current serving member running an
15:39:53 18 operation dealing with her clients.
15:39:55 19
15:39:55 20 Yes. Look, you're recorded as a legal - - - ?---It would
15:39:59 21 have started as a professional one and probably ended as a
15:40:03 22 non-professional one at the casino or drinking too much,
15:40:07 23 because that's what she did. And now I look back on it, I
15:40:11 24 realise why. She was wired up, working for Victoria Police
15:40:14 25 and hoping I would say something that they could
15:40:18 26 incriminate me on. Fortunately I hadn't done anything
15:40:22 27 wrong.
15:40:23 28
15:40:23 29 Mr Dale, was it the case you would go and see Ms Gobbo
15:40:27 30 about a matter that you wanted to discuss, whether it be
15:40:33 31 legal or otherwise, and often that would end up in a
15:40:36 32 drinking session and often you'd end up under the influence
15:40:42 33 of alcohol?---Correct.
15:40:42 34
15:40:43 35 You knew, I suggest to you, by 15 October that Terry Hodson
15:40:46 36 had spoken to or was speaking to Peter De Santo or at least
15:40:52 37 Murray Gregor at the ESD?---I believe so.
15:40:55 38
15:40:55 39 You knew that Ms Gobbo was acting for Hodson?---Whether -
15:41:01 40 well, she was, I believe she was providing advice to him.
15:41:05 41
15:41:05 42 Is it really the case that wanting to meet with her was
15:41:09 43 more about trying to find out whether Hodson was going to
15:41:13 44 make a statement?---I had nothing to fear.
15:41:15 45
15:41:15 46 Well - - - ?---Whether he made a statement.
15:41:19 47

15:41:20 1 Well obviously it would be better, whether you're guilty or
15:41:24 2 not, if he didn't make a statement, clearly?---I wasn't
15:41:27 3 involved in the Dublin Street burglary so I had no guilty
15:41:30 4 conscience.
15:41:31 5
15:41:31 6 I'm not making any suggestion whether you were or not, all
15:41:34 7 I'm saying to you is he's an informer?---So was Nicola
15:41:38 8 Gobbo.
15:41:38 9
15:41:40 10 And was it the case that you wanted to find out?---No.
15:41:43 11
15:41:44 12 What was going on because she's the lawyer advising him,
15:41:48 13 here's an opportunity, you know she's speaking to Peter
15:41:51 14 De Santo, you might be able to find out from her what's
15:41:54 15 going on. What do you say to that proposition?---I say I
15:41:57 16 agree with you, she was a lawyer, and I sought legal advice
15:42:00 17 from her, and it's an absolute disgrace what Victoria
15:42:06 18 Police did, forced her to do in becoming a police informer
15:42:09 19 and giving evidence, recording clients and giving evidence
15:42:13 20 against clients, providing privileged information to
15:42:16 21 Victoria Police as a direct instruction by them to do so.
15:42:19 22 A complete breach of our, Victoria's legal system. That's
15:42:26 23 why we're here today. A disgraceful act by Victoria Police
15:42:29 24 and I feel sorry for Nicola Gobbo because she was forced to
15:42:32 25 do it.
15:42:33 26
15:42:33 27 Mr Dale, look, you've made your statement, you've made your
15:42:37 28 speeches, all right?---Yes.
15:42:38 29
15:42:39 30 Do you want to answer the questions that I'm putting to
15:42:41 31 you? If you don't remember, say so, but it might be best
15:42:45 32 if you listen to the question and answer it, right? I'm
15:42:49 33 suggesting to you, and it'll be put to you, that this
15:42:51 34 wasn't about a legal relationship, you weren't going to see
15:42:54 35 her for a legal reason, it was to find out what Hodson was
15:42:58 36 going to do. Now do you agree or disagree with that
15:43:01 37 proposition?---Totally disagree.
15:43:03 38
15:43:03 39 Right, okay. You say you were going to her for legal
15:43:07 40 advice?---Correct.
15:43:08 41
15:43:09 42 Without wanting to know what the advice was, although
15:43:13 43 perhaps we're entitled to it, what do you say you were
15:43:16 44 concerned about, what advice were you seeking?---I've told
15:43:19 45 you.
15:43:20 46
15:43:20 47 What was the advice you were seeking?---I had matters to

15:43:22 1 deal with over the murder matter.
15:43:26 2
15:43:26 3 Right?---Outside of this Dublin Street matter.
15:43:28 4
15:43:29 5 Right. What advice were you seeking at that stage, about
15:43:32 6 that, in October of 2003?---I can't recall.
15:43:37 7
15:43:37 8 Right. Do you think more likely it'd be relating to what's
15:43:41 9 immediately happened and the reason you've been off sick
15:43:44 10 for a couple of weeks or a week and a bit?---That sick
15:43:47 11 leave was an internal matter, nothing to do with Nicola
15:43:50 12 Gobbo and her clients. That was an internal matter to deal
15:43:55 13 with senior Victoria Police standing over junior officers
15:43:58 14 to perjure themselves in statements.
15:44:01 15
15:44:01 16 Gobbo says in her statement at p.3 that on an occasion
15:44:07 17 prior to your arrest you spoke to her and were desperate to
15:44:11 18 find out whether Terry Hodson had made a statement
15:44:14 19 implicating you in the burglary. Do you accept or reject
15:44:16 20 that proposition?---Absolutely reject it. She was saying
15:44:19 21 exactly what the investigators wanted her to say.
15:44:21 22
15:44:22 23 She says that she told you she didn't know?---Sorry?
15:44:27 24
15:44:27 25 She says that, effectively she's saying she had a
15:44:32 26 conversation with you, you're asking her, you're desperate
15:44:34 27 to find out whether Hodson's made a statement against you
15:44:37 28 and she's saying to you, "I don't know"?---Yeah, I can't
15:44:41 29 recall that.
15:44:41 30
15:45:21 31 Mr Dale, what I'd like you to do is have a look at your
15:45:29 32 diary for 15 October. Just have a look at your entry on
15:46:06 33 that page, 15 October. What we've got is black but if you
15:46:09 34 could have a look at what you've written. And I'd ask
15:46:19 35 counsel for Victoria Police to indicate why that's blacked
15:46:21 36 out.
15:46:23 37
15:46:24 38 MR HANNEBERY: I have to be referred to the precise portion
15:46:26 39 of it.
15:46:28 40
15:46:28 41 COMMISSIONER: I think it's with the witness at the moment.
15:46:30 42 When the witness has looked at it I'll have it shown to
15:46:33 43 you, Mr Hannebery?---Yes.
15:47:24 44
15:47:24 45 Yes, all right. Do you have a copy, Mr Hannebery, or do
15:47:27 46 you need to see it?
15:47:28 47

15:47:29 1 MR HANNEBERY: I do. I'm trying to match up the redacted
15:47:32 2 copy with the unredacted copy so we can work it out.
15:47:46 3
15:47:46 4 COMMISSIONER: Mr Dale, can I ask you this while I'm
15:47:49 5 waiting for Mr Hannebery to look at that. You say that
15:47:51 6 Nicola Gobbo offered to provide you with a pro bono legal
15:47:55 7 advice at an early stage?---Yes.
15:47:57 8
15:47:58 9 And you obtained a lot of pro bono legal advice from her
15:48:02 10 over a period of time?---Yes.
15:48:03 11
15:48:03 12 And she was at the time, you said, the leading criminal
15:48:07 13 barrister in drug related matters?---Yes.
15:48:09 14
15:48:09 15 So that was quite something she was doing for you. Why did
15:48:13 16 you think she was doing that for you?---I think she wanted
15:48:16 17 the notoriety, the profile, to be honest. She seemed to be
15:48:20 18 one of these people that was really wanting to be Tony
15:48:26 19 Mokbel's and Carl Williams, she wanted the high profile
15:48:29 20 cases from what I could gather.
15:48:31 21
15:48:31 22 I see. So it wasn't because of your particular
15:48:33 23 friendship?---No, I don't believe so. I really do believe
15:48:35 24 she wanted the notoriety.
15:48:37 25
15:48:37 26 It wasn't because of anything that she was getting from
15:48:40 27 you?---No.
15:48:41 28
15:48:41 29 Information from you or - - - ?---No, not at all.
15:48:43 30
15:48:44 31 No, all right. Thank you.
15:48:51 32
15:48:51 33 MR HANNEBERY: Sorry, I had the wrong page.
15:48:57 34
15:48:58 35 COMMISSIONER: Are you right for Mr Winneke to proceed now,
15:49:00 36 Mr Hannebery?
15:49:01 37
15:49:01 38 MR HANNEBERY: No, I'm not, sorry. I was unfortunately
15:49:03 39 looking at the wrong page, it didn't quite match up. Can
15:49:08 40 you say which page number?
15:49:11 41
15:49:11 42 MR WINNEKE: Yes, it's 191. It's one of the problems with
15:49:23 43 getting blanked out diaries, Commissioner. We don't know
15:49:29 44 what's underneath them and it's not apparent that they're
15:49:33 45 appropriately redacted.
15:49:34 46
15:49:34 47 COMMISSIONER: Yes. I foreshadowed that there's going to

15:49:36 1 have to be some discussion about diary access tomorrow. It
15:49:39 2 might be something that you and Mr Hannebery and your teams
15:49:42 3 can work on overnight to see if a suitable arrangement can
15:49:47 4 be come to because it's not working at the moment, that's
15:49:49 5 for sure.
15:49:50 6
15:49:51 7 MR WINNEKE: No, it's not.
15:49:52 8
15:49:52 9 COMMISSIONER: Did Nicola Gobbo ever tell you, Mr Dale,
15:49:56 10 that, the reason that she was happy to do it pro bono,
15:49:59 11 because she wanted the publicity?---No, she didn't. She
15:50:02 12 never said that.
15:50:52 13
15:50:52 14 Just while Mr Hannebery is looking at that, it's quite
15:50:55 15 obvious we're not going to finish this witness today.
15:50:58 16
15:50:59 17 MR WINNEKE: No, we're not.
15:50:59 18
15:51:00 19 COMMISSIONER: And I was told, Mr Steward, that you're not
15:51:05 20 available until Friday after today, is that right?
15:51:08 21
15:51:09 22 MR STEWARD: That's correct, Commissioner.
15:51:09 23
15:51:10 24 COMMISSIONER: All right then. Mr Winneke, how much longer
15:51:13 25 do you think you'll be with the witness? Obviously we're
15:51:16 26 not going to finish today.
15:51:17 27
15:51:18 28 MR WINNEKE: I think I'll be quite some time, Commissioner.
15:51:21 29
15:51:21 30 COMMISSIONER: Yes, I'm just wondering whether we're going
15:51:24 31 to finish Friday.
15:51:26 32
15:51:27 33 MR WINNEKE: I hope so. I'm confident we'll finish Friday.
15:51:29 34
15:51:30 35 COMMISSIONER: There are a number of applications to
15:51:32 36 cross-examine which no doubt you'll have some discussions
15:51:34 37 with those who have sought leave to cross-examine, but we
15:51:37 38 don't know how long that cross-examination is going to
15:51:39 39 take?
15:51:40 40
15:51:40 41 MR WINNEKE: No, the discussions I've had, I don't know
15:51:42 42 whether things have changed, I can't imagine it's going to
15:51:45 43 be much more than about an hour, but I might be wrong about
15:51:50 44 that.
15:51:51 45
15:51:51 46 COMMISSIONER: In all for all cross-examination?
15:51:53 47

15:51:54 1 MR COLLINSON: I would think in our case an hour or less,
15:51:56 2 but closer to an hour than half an hour.
15:52:00 3
15:52:00 4 COMMISSIONER: Yes. Thank you, Mr Collinson. The Victoria
15:52:03 5 Police will be - - -
15:52:12 6
15:52:12 7 MR HANNEBERY: Sorry, I was distracted.
15:52:13 8
15:52:13 9 COMMISSIONER: I'm sorry, I'm wondering how long do you
15:52:15 10 expect to be cross-examining this witness?
15:52:17 11
15:52:18 12 MR HANNEBERY: I can tell you what my position will be, is
15:52:18 13 that as things stand at the moment, I would not seek leave
15:52:22 14 to cross-examine until after, if I can say, people with
15:52:26 15 more immediate interests in this witness have
15:52:29 16 cross-examined and we'll make an assessment then, but I
15:52:32 17 wouldn't have thought, even in those circumstances, it
15:52:34 18 would be particularly long.
15:52:35 19
15:52:35 20 COMMISSIONER: Okay.
15:52:36 21
15:52:36 22 MR HANNEBERY: It may well be, if I can put it this way, it
15:52:39 23 may well be nil if matters have already been dealt with by
15:52:42 24 others.
15:52:43 25
15:52:43 26 COMMISSIONER: Right, thank you. The State, Mr Hill?
15:52:48 27
15:52:49 28 MR HILL: We won't be cross-examining this witness, Your
15:52:51 29 Honour.
15:52:51 30
15:52:51 31 COMMISSIONER: Mr Chettle?
15:52:53 32
15:52:53 33 MR CHETTLE: I'll be seeking leave to cross-examine. If
15:52:55 34 granted - I understand from Mr Winneke that's not opposed,
15:52:59 35 but I will be best part of an hour I think.
15:53:01 36
15:53:02 37 COMMISSIONER: Okay. We might not finish Friday.
15:53:04 38
15:53:04 39 MR CHETTLE: I'd be surprised, Commissioner, I really
15:53:06 40 would.
15:53:07 41
15:53:07 42 COMMISSIONER: All right. Mr Steward, I presume you're
15:53:10 43 available Monday?
15:53:13 44
15:53:13 45 MR STEWARD: Yes, Commissioner.
15:53:14 46
15:53:14 47 COMMISSIONER: All right. Okay, thank you. Are we ready

15:53:20 1 to go now?
15:53:22 2
15:53:22 3 MR HANNEBERY: Can I say I think the version that
15:53:24 4 Mr Winneke's got seems to have a lot more, and more
15:53:28 5 expansive redactions, than the version I'm working off
15:53:31 6 here. I'm not entirely clear as to the reason for that and
15:53:35 7 I would want to find that out before I say anything about
15:53:39 8 it.
15:53:39 9
15:53:39 10 COMMISSIONER: All right.
15:53:40 11
15:53:41 12 MR WINNEKE: Can I have the version then which is the
15:53:44 13 appropriate version to cross-examine from rather than the
15:53:46 14 one which is just black the whole page?
15:53:48 15
15:53:48 16 COMMISSIONER: That's hardly an unreasonable request,
15:53:50 17 Mr Hannebery.
15:53:51 18
15:53:51 19 MR HANNEBERY: I agree with that but that's what was part of
15:53:55 20 the confusion as I wasn't sure why our pages weren't
15:53:58 21 matching up because the page I had - - -
15:54:00 22
15:54:00 23 COMMISSIONER: I'm being told time and again that the diary
15:54:04 24 access being provided by Victoria Police to the Commission
15:54:08 25 legal team is inadequate to say the least. It needs to be
15:54:13 26 sorted out overnight and some proper protocol worked out,
15:54:19 27 if possible, otherwise I'll have to direct one. In the
15:54:21 28 meantime, before we finish today, are you able to provide
15:54:24 29 the Commission with the correct PII version in the eyes of
15:54:31 30 Victoria Police?
15:54:33 31
15:54:35 32 MR HANNEBERY: Okay, I'm told that I have the correct
15:54:37 33 version so I'll give the correct version to Mr Winneke.
15:54:55 34
15:54:56 35 MR WINNEKE: Yes, that's the one. It seems that the
15:55:06 36 blacking on the page that I've got is about the - it's
15:55:13 37 blacked over the only word virtually which isn't blacked
15:55:17 38 out on the other one, but there we are. So we better take
15:55:20 39 that one down. Mr Dale, you've read that entry and there's
15:55:36 40 a discussion that you've had with an OPP officer regarding
15:55:43 41 a bail application by Abbey Haynes, right?---Correct.
15:55:47 42
15:55:47 43 The bail application by Abbey Haynes was to be the
15:55:50 44 following day, correct? Well I can tell you it was, it was
15:55:56 45 16 October, Gobbo makes an application for bail on behalf
15:55:59 46 of Abbey Haynes?---Okay.
15:56:01 47

15:56:02 1 Right. The discussion was with Kerryn Mulvenna, there was
15:56:10 2 a discussion about evidence against the same, that is
15:56:13 3 against Abbey Haynes, and the opposition to bail and the
15:56:19 4 opposition, what you've written there is "large commercial
15:56:21 5 quantity", which is obviously a large amount of
15:56:25 6 drugs?---Correct, yes.
15:56:25 7
15:56:27 8 Puts a person into either exceptional circumstances or show
15:56:30 9 cause situation?---Yes.
15:56:31 10
15:56:31 11 And on that basis you're opposing bail?---Yes.
15:56:37 12
15:56:37 13 Georgia Helicopoulos is the solicitor representing Abbey
15:56:42 14 Haynes. You understood that Nicola Gobbo, from your
15:56:45 15 discussions with her previously, was likely to be the
15:56:48 16 barrister who would be appearing?---I would presume so,
15:56:51 17 yes.
15:56:51 18
15:56:51 19 And you discussed with her, that is the solicitor, the
15:56:55 20 opposition to bail. Helicopoulos discussed her client
15:57:01 21 making a statement to ESD on the proviso that her bail
15:57:08 22 would not be opposed at future court appearances,
15:57:13 23 right?---Correct.
15:57:13 24
15:57:14 25 That's what she's telling you?---Yes, so there'd been some
15:57:18 26 agreement between Ethical Standards Department members and
15:57:22 27 the defence team for Abbey Haynes that if she fully
15:57:32 28 cooperated with them, that they would organise for her to
15:57:34 29 get bail.
15:57:35 30
15:57:35 31 That's what the ESD people had said. Those people in
15:57:40 32 effect investigating the police in this whole transaction,
15:57:44 33 weren't they?---Correct.
15:57:45 34
15:57:45 35 So they had said, look, if she cooperates there'll be no
15:57:49 36 opposition to bail?---That's what they said, yes.
15:57:51 37
15:57:51 38 You said, "That's not my position, I'm opposing bail
15:57:55 39 regardless, whether she makes a statement or not"; is that
15:57:59 40 right?---No, that's not right.
15:58:00 41
15:58:01 42 What do you say?---At 11.45 I spoke to Detective Senior
15:58:05 43 Sergeant O'Brien and Detective Inspector Shawyer re
15:58:09 44 conversation with solicitor Helicopoulos. "Discussed
15:58:12 45 opposition to bail and ESD inducement for a statement.
15:58:15 46 Discussed fact with Detective Graeme Sayce", but Sayce I've
15:58:17 47 got here. "Had also agreed to bail on the proviso a

15:58:21 1 statement was provided. Agreed bail to be opposed by
15:58:25 2 MDID." So I was directed by my superiors to oppose bail on
15:58:29 3 behalf of MDID.
15:58:31 4
15:58:31 5 Okay?---It wasn't my decision.
15:58:37 6
15:58:38 7 "Discussed the fact that Detective Sergeant Sayce had also
15:58:42 8 agreed to bail on the proviso a statement was provided",
15:58:46 9 right?---Yes.
15:58:46 10
15:58:46 11 And you agreed that bail was to be opposed by the MDID?---I
15:58:50 12 was directed to oppose the bail.
15:58:52 13
15:58:52 14 Okay. You discussed with them the opposition to bail and
15:58:57 15 the ESD inducement for a statement, correct?---Yes, I've
15:59:03 16 gone to my superiors and discussed the whole conversation
15:59:06 17 that I'd had with the solicitors. I also discussed the
15:59:10 18 fact with Graeme Sayce, who was a colleague of mine. I
15:59:14 19 asked him had he agreed to this and he said no, he hadn't
15:59:18 20 agreed to that. So they had lied to me and that's when I
15:59:21 21 took it further.
15:59:22 22
15:59:22 23 All right. If we go back to the next page of the
15:59:27 24 diary?---Over the next page?
15:59:28 25
15:59:29 26 Yes. If we can put the page that was up. What you've done
15:59:37 27 is cleared at 15:40. The very next thing that you've done
15:59:42 28 is gone down and met with, I suggest, Nicola Gobbo
15:59:53 29 regarding what you've said to be personal matters,
15:59:56 30 right?---Yes.
15:59:56 31
16:00:01 32 Is it conceivable that your concern about the prospect of
16:00:05 33 Abbey Haynes making a statement to ESD was the reason why
16:00:08 34 you went off down to see Nicola Gobbo?---Not at all.
16:00:11 35
16:00:12 36 What was the reason for it in the light of that previous
16:00:17 37 entry? You've left the police station and you've gone down
16:00:20 38 to - you've met with her?---Well I don't recall what the
16:00:27 39 matter was in regards to, whether it was the murder
16:00:31 40 investigation, the allegation against me in regards to the
16:00:33 41 murder matter.
16:00:34 42
16:00:34 43 Yes?---Or whether it's allegations in regards to Dublin
16:00:40 44 Street, I'm not sure.
16:00:41 45
16:00:42 46 Righto?---I can't - - -
16:00:44 47

16:00:44 1 It's not as if this was an opportunity to go and have a
16:00:47 2 social contact with her, you've gone there at 1.55, you've
16:00:51 3 left at 15:10, come back to the office. Do you know what
16:00:55 4 that's all about?---If I was trying to hide something I
16:00:59 5 certainly wouldn't have it in my official diary, letting my
16:01:03 6 bosses exactly what my movements are. So I'm certainly not
16:01:06 7 trying to hide anything here, it's all transparent, unlike
16:01:11 8 Victoria Police, what they've done, I'm transparent. It's
16:01:14 9 in my official diary, being recorded by my boss, which you
16:01:21 10 could see his signature right here, has approved my
16:01:22 11 movements.
16:01:22 12
16:01:22 13 You didn't mention though that you were visiting, you were
16:01:26 14 going to see Nicola Gobbo who was acting for the person who
16:01:29 15 you've been discussing shortly prior?---I'm not sure if I
16:01:32 16 did or not, I may have.
16:01:34 17
16:01:35 18 It's certainly not in your diary, is it?---Well it's in my
16:01:38 19 diary that I met for legal reasons, yes.
16:01:41 20
16:01:41 21 I'm talking about the name, you didn't mention who it was
16:01:43 22 that you were seeing?---No, it doesn't mention Nicola
16:01:47 23 Gobbo, no.
16:01:47 24
16:01:47 25 Look, you wouldn't have told your bosses that you were
16:01:53 26 going down to see Nicola Gobbo for personal advice, would
16:01:57 27 you? I mean it's not like something you would tell
16:02:00 28 them?---I didn't trust them at that stage.
16:02:03 29
16:02:03 30 You didn't trust them?---No.
16:02:04 31
16:02:05 32 Are you talking about ESD or your immediate
16:02:10 33 superiors?---We've already been through that, what they
16:02:12 34 tried to do when we tried to make statements about our
16:02:15 35 knowledge of matters, they tried to come in, stand-over
16:02:21 36 members and try and get them to put things into their
16:02:24 37 statement and sign acknowledgement that what they said was
16:02:29 38 true and correct and penalties of perjury if they were to
16:02:35 39 lie. They came in and stood over members and tried to make
16:02:38 40 them put things in there that weren't true. So why did I
16:02:42 41 distrust them at that point?
16:02:43 42
16:02:44 43 COMMISSIONER: Why you do you put it your diary at all if
16:02:48 44 it's about personal matters?---I guess to be transparent.
16:02:51 45 At the time were - you know, the Drug Squad was very
16:02:53 46 heavily scrutinised as well. Some guys just wrote page
16:02:57 47 after page of "I said", "he said", "I said", "he said".

16:03:01 1 Not just this diary. I also ran a day book diary. This is
16:03:05 2 the sort of diary that I'd go back at the end of the week
16:03:08 3 with my actual diary. The diary that I ran with was like
16:03:12 4 this, a Spirax diary, and most of my notes were in this. I
16:03:17 5 would then transfer it to this at the end of the fortnight.
16:03:21 6 So the real diary we should be looking at would be this
16:03:24 7 one, which the police would have seized off me. They
16:03:28 8 seized many, many of these. I carried these and I carried
16:03:30 9 a little notebook pad. I didn't wear a suit, I was
16:03:33 10 semi-covert, so I was in plain clothes all the time. So I
16:03:38 11 used to carry a little notebook in my pocket which I used
16:03:43 12 to make notes on as well. And I kept all of them, I dated
16:03:47 13 them and kept them all. So there would be a lot more
16:03:50 14 information in those diaries than what is in there.

16:03:53 15
16:03:54 16 It looks as though you haven't finished that entry at
16:03:59 17 13:55, it looks as though it's unfinished?---It does
16:04:05 18 because to be honest I hated filling this diary in to be
16:04:05 19 honest because it was like a double up. This is what I
16:04:06 20 operated on, then I'd have to go back to the office. We
16:04:06 21 used to meet up - can't remember when they were checked.
16:04:09 22 Once a fortnight we used to hand our diaries in to our
16:04:13 23 superiors. So we used to have to get back to the office
16:04:16 24 and spend a couple of hours filling in the official diary
16:04:22 25 from our every day running diary. So tried to keep it as
16:04:26 26 brief as possible in this one.

16:04:28 27
16:04:28 28 Thank you.

16:04:30 29
16:04:30 30 MR WINNEKE: Could we put up VPL.0005.0016.0207?---Can I
16:04:42 31 just clarify something, Commissioner? Where I've got "met
16:04:48 32 with legal advisor re personal matters 2", it's 2 and then
16:04:52 33 it's got the next time frame, so it's sort of telling me to
16:04:55 34 that time and then I've cleared. So it probably is sort of
16:04:59 35 as much as I was going to put in that, this diary.

16:05:02 36
16:05:02 37 COMMISSIONER: I see.

16:05:04 38
16:05:04 39 MR WINNEKE: So you've cleared the previous interaction I
16:05:06 40 think it was at 13:40. You'd arrived at wherever it was,
16:05:09 41 one assumes it's the hotel at 13:55. You've remained there
16:05:15 42 until 15:10, and ten minutes later you're back at the
16:05:18 43 office?---Yeah. So it's all very close. I was at St Kilda
16:05:21 44 Road.

16:05:21 45
16:05:22 46 If we have a look at this next - Mr Dale, I'll get you to
16:05:31 47 have a look at this?---Thank you.

16:05:46 1
16:05:47 2 What I suggest to you is that's your spiral day book or the
16:05:56 3 spiral diary book that you use; is that right?---Yeah, fair
16:05:59 4 chance that's it, yep.
16:06:01 5
16:06:01 6 Fair chance. What does that say about your legal advisor
16:06:04 7 meeting?---Exactly the same as my official diary.
16:06:10 8
16:06:10 9 So no more, no less?---No, no more, no less. My little
16:06:14 10 notebook diary, have you got that?
16:06:16 11
16:06:16 12 I don't know, whatever we've been given?---Okay. They
16:06:19 13 seized many, many of my little pocket diaries that I ran.
16:06:25 14
16:06:25 15 You're not suggesting that you would have written more
16:06:27 16 information in that, in another diary, three book entries
16:06:31 17 with - - - ?---For completeness they seized it, they've got
16:06:36 18 it. That's all I'm saying.
16:06:37 19
16:06:38 20 All right. Perhaps if we hand that back.
16:06:42 21
16:06:42 22 COMMISSIONER: Are you wanting to tender any of these?
16:06:46 23
16:06:46 24 MR WINNEKE: Perhaps I'll tender both of them.
16:06:51 25
16:06:51 26 COMMISSIONER: The first one on the screen is the official
16:06:53 27 diary of 15 October 2003.
28
16:06:53 29 #EXHIBIT RC230 - Official diary of 15/10/03.
30
16:06:58 31 #EXHIBIT RC231 - Spirax diary of 15/10/03.
16:07:14 32
16:07:15 33 MR WINNEKE: Commissioner, I call for the unredacted
16:07:17 34 version because that seems to have the same black on it
16:07:20 35 that the other - that the diary had. So I ask the police
16:07:25 36 to produce the unredacted version. In the meantime I'll
16:07:30 37 tender that.
16:07:30 38
16:07:30 39 COMMISSIONER: Mr Hannebery, is that one that you want to
16:07:32 40 consider overnight?
16:07:35 41
16:07:38 42 MR HANNEBERY: I'm being told I don't know.
16:07:40 43
16:07:40 44 COMMISSIONER: You don't know.
16:07:42 45
16:07:42 46 MR HANNEBERY: I don't know.
16:07:42 47

16:07:42 1 COMMISSIONER: I think that probably means you do want to
16:07:45 2 consider it overnight.
16:07:46 3
16:07:46 4 MR WINNEKE: I suspect they will, Commissioner.
16:07:53 5
16:07:53 6 MR HANNEBERY: We've got that day book in court.
16:07:55 7
16:07:55 8 COMMISSIONER: We won't put these on the website until
16:08:01 9 tomorrow. I'm quite happy to sit on a little if you're
16:08:25 10 wanting to, Mr Winneke.
16:08:26 11
16:08:27 12 MR WINNEKE: I'm in the Commissioner's hands.
16:08:29 13
16:08:31 14 COMMISSIONER: If you can use the time usefully until say
16:08:34 15 4.30 that's probably long enough. I should mention I did
16:08:38 16 say Monday next week. The Commission is not sitting on
16:08:41 17 Monday next week, it will be Tuesday next week if we don't
16:08:46 18 finish this witness on Friday. Mr Winneke, are you
16:08:56 19 continuing or not?
16:08:57 20
16:08:57 21 MR WINNEKE: I'm going to continue, I'm just waiting for
16:09:00 22 the spiral book.
16:09:49 23
16:09:49 24 What you've said in - it's a similar entry,
16:10:06 25 effectively, "Helicopoulis stated her client was making a
16:10:08 26 statement to ESD on the proviso her bail application would
16:10:12 27 not be opposed and assistance to be provided in any future
16:10:17 28 court appearances". You clear at 13:40 and you met with
16:10:22 29 legal advisor re personal matters. Effectively that's the
16:10:25 30 same?---Yes, it is.
16:10:26 31
16:10:27 32 All right. Bail was opposed the following day,
16:10:41 33 correct?---Yes.
16:10:42 34
16:10:44 35 Do you recall or not?---I'm reading it from my diary.
16:10:48 36
16:10:48 37 Yes?---Yes. Melbourne Magistrates' Court re Hayne's bail
16:10:55 38 application. Spoke to OPP, Lisa Mendicino. Briefed QC
16:11:00 39 Colin Hillman. Spoke to solicitor Georgia Helicopoulis.
16:11:05 40 Spoke to QC Nicola Gobbo. Spoke to Detective Chief
16:11:10 41 Inspector Daly ESD, spoke to Detective Senior Sergeant
16:11:10 42 Murray Gregor ESD, the Magistrate was Barbara Cotterell.
16:11:14 43 Haynes remanded in custody. Court closed while ESD members
16:11:17 44 gave evidence on behalf of defendant Haynes and then I left
16:11:21 45 the court at 3.15. Returned to the office. Briefed
16:11:25 46 Detective Senior Sergeant O'Brien, Detective Inspector
16:11:29 47 Hill, Robert Hill, and Detective Inspector Shawyer and

16:11:33 1 Detective Superintendent Biggin re what had occurred at
16:11:36 2 court that day.
16:11:37 3
16:11:37 4 All right then. You communicated with Ms Gobbo on that
16:11:42 5 occasion, presumably whilst or shortly after you left
16:11:49 6 court. She sends you an email or a text message at 3.02 pm
16:11:53 7 saying, "sorry I missed you". You send her a message at
16:11:57 8 6.15 pm just with the letter A. I'll put this up.
16:12:08 9 RCMPI.0016.0002.0009, at p.202. What I suggest to you is
16:12:41 10 that this is a - it's a summary which has been prepared by
16:12:46 11 the police. If we can go to the front page of that
16:12:50 12 document which is I think at p.159. It's summary of
16:13:04 13 evidence, Office of Public Prosecutions v Paul Dale. I'm
16:13:14 14 more than happy to put it up on the screen. For your
16:13:27 15 information, Mr Dale, it was a summary prepared by a person
16:13:32 16 by the name of Vaughan and obviously it's a summary of
16:13:38 17 evidence against you, right?---Yes, yep.
16:13:42 18
16:13:42 19 So if we can go to p.202. Focusing on communications with
16:13:53 20 you and Gobbo. There's text messages, lawful monitoring of
16:14:01 21 your mobile phone revealed a series of messages with Gobbo
16:14:04 22 and those messages were revealed, right?---Yes.
16:14:06 23
16:14:07 24 You're aware that she was going away. She says, " sorry I
16:14:11 25 missed you". You say, "Hey". Dale says to at 7 pm,
16:14:14 26 "Sorry, things have come up at home. Enjoy the holiday.
16:14:17 27 Call on return. Sorry, would love to catch up, just can't
16:14:20 28 right now", you say. She says, "No problems am at Home
16:14:28 29 packing. Had big news. Call/SMS on 0412" and there's a
16:14:31 30 phone number there, "whilst I'm away, look after yourself
16:14:34 31 X". Right?---Yes.
16:14:42 32
16:14:43 33 Do you know what "A" means or can you interpret that or
16:14:47 34 not?---No.
16:14:48 35
16:14:48 36 All right. On the following day, on 17 October, if we move
16:14:57 37 down, we see that there's call 153 there. There's a
16:15:07 38 telephone call where you've rung your wife and saying to
16:15:10 39 her if she walks past an Orange dealership "can you have a
16:15:15 40 look at different types of phones Orange have" and get a
16:15:21 41 brochure and your wife asks why and you say you'll explain
16:15:25 42 when you get home, right?---Yes.
16:15:26 43
16:15:27 44 Then on 22 October you'll see the next call, there's two
16:15:32 45 SMS messages from Gobbo. She says, "Only three days left.
16:15:37 46 Finally it's stop raining for the first time. Hope you're
16:15:41 47 okay. Don't forget to choose an Orange phone". You see

16:15:45 1 there investigators believe Gobbo was telling Dale to get
16:15:50 2 an Orange phone as per the previous call so you could
16:15:54 3 conduct covert unmonitored conversations. Do you accept
16:16:01 4 that those were communications between you and
16:16:04 5 Gobbo?---Yes, I accept that Nicola Gobbo was a police
16:16:07 6 informer at this point in time and setting me up by telling
16:16:10 7 me to use covert phones to contact her.
16:16:12 8
16:16:13 9 Mr Dale, you're a grown-up, you're not a baby at this
16:16:17 10 stage. You can make up your own mind, you can assess
16:16:20 11 people, you're a detective?---I didn't know she was a
16:16:24 12 police informer, I thought she was barrister. I believed
16:16:29 13 in the justice system.
16:16:30 14
16:16:30 15 Why were you seeking to communicate with her in a covert
16:16:34 16 way?---Because she told me to.
16:16:38 17
16:16:38 18 Why?---Because she was working for Victoria Police. She
19 was doing exactly what I would have done with any criminal
20 informer.
21
16:16:38 22 But why would you want to communicate with her in a covert
16:16:42 23 way if you're simply saying, "Look, this is a woman, all
16:16:44 24 right, I might be having a relationship with her, my wife
16:16:47 25 doesn't need to know about this", or alternatively, "I
16:16:51 26 might be under surveillance", but what's the explanation
16:16:54 27 for it as far as you're concerned?---Victoria Police
16:16:57 28 directed her to do it.
16:16:59 29
16:17:00 30 What's your explanation for agreeing to get a phone - - -
16:17:06 31 ?---I was following legal advice.
16:17:07 32
16:17:07 33 And what was the legal advice?---To get a different phone
16:17:10 34 to contact her on.
16:17:11 35
16:17:11 36 For what purpose?---She told me she was under investigation
16:17:13 37 herself and all her phones were tapped because she was
16:17:16 38 representing Mokbel and Williams and these types of people.
16:17:19 39
16:17:19 40 Right?---She was paranoid - well, she portrayed to me to be
16:17:25 41 paranoid. I now know that it was a very good act.
16:17:29 42
16:17:29 43 Right. Was she really your legal advisor?---I went to
16:17:33 44 Nicola Gobbo to seek legal advice. Unbeknownst to me
16:17:38 45 Victoria Police had absolutely thrown out the rules of
16:17:43 46 evidence here and our judicial system. They couldn't care
16:17:48 47 less.

16:17:48 1
16:17:49 2 All right. Did you understand that it was necessary to
16:18:03 3 speak to Ms Gobbo for the purposes of legal advice over the
16:18:09 4 phone on a phone which couldn't be monitored?---To be
16:18:17 5 honest, I thought my conversations with Nicola Gobbo when
16:18:22 6 we were speaking about legal matters were privileged. As
16:18:26 7 it turns out that doesn't seem to matter, privilege, to
16:18:29 8 Victoria Police.
16:18:29 9
16:18:29 10 COMMISSIONER: Just answer the question in terms of what
16:18:31 11 was in your state of mind at that time, not what you know
16:18:34 12 with hindsight?---Yeah, I can't recall.
16:18:38 13
16:18:38 14 MR WINNEKE: All right. Did you get a hold of an Orange
16:19:17 15 phone or another phone?---Sorry, I can't recall. There
16:19:20 16 were a number of phones throughout that period.
16:19:23 17
16:19:23 18 All right. Commissioner, I'll tender those communications.
16:19:34 19 You do accept that you did communicate with her on phones
16:19:40 20 other than your regular personal phone?---Yes, I did.
16:19:43 21
16:19:44 22 COMMISSIONER: What are we tendering, the document was a
16:19:48 23 summary of evidence from the case against Paul Dale?
16:19:53 24
16:19:54 25 MR WINNEKE: Commissioner, I'm content to tender it in its
16:19:56 26 entirety. Obviously there are matters which are irrelevant
16:19:59 27 but there are a number of entries that I'll take Mr Dale to
16:20:05 28 as we go through it.
16:20:06 29
16:20:06 30 COMMISSIONER: Sure. All right then.
16:20:08 31
16:20:08 32 #EXHIBIT RC232 - Summary of evidence, Office of Public
16:20:16 33 Prosecutions v Paul Dale.
16:20:21 34
16:20:31 35 MR WINNEKE: Where do you think it was that you purchased
16:20:34 36 or that you got a phone to communicate with Ms Gobbo?---No,
16:20:37 37 look, I'd have no idea, sorry.
16:20:39 38
16:20:39 39 Okay. It appears that you continued at times to
16:20:55 40 communicate, well certainly you communicate with Ms Gobbo
16:20:58 41 on your regular phone. If we can go to the document that I
16:21:02 42 was taking you through before, the colour-coded telephone
16:21:10 43 record which is IBAC 0010.0001.1080.000 - - -
16:21:31 44
16:21:31 45 MR HANNEBERY: Commissioner, in relation to that document,
16:21:33 46 just while it's mentioned, there'll be a non-publication
16:21:37 47 order sought in relation to the numbers themselves.

16:21:38 1
16:21:39 2 COMMISSIONER: It can be redacted overnight. I'm not going
16:21:41 3 to make a non-publication order. It can be redacted
16:21:47 4 overnight. Are you wanting to tender that document, the
16:21:49 5 telephone records?
16:21:51 6
16:21:52 7 MR WINNEKE: This document, I'll tender the summary of
16:21:55 8 telephone communications.
16:21:55 9
16:21:55 10 COMMISSIONER: It will have to be blacked out obviously
16:21:58 11 before it can be made public but hopefully that can be done
16:22:04 12 overnight and that will be Exhibit 233.
16:22:07 13
16:22:09 14 #EXHIBIT RC233 - Colour-coded telephone records.
16:22:21 15
16:22:35 16 MR WINNEKE: Can I ask you this - if I can put this to you.
16:22:51 17 It's suggested that - what you say is that you believe that
16:22:56 18 Ms Gobbo was attempting to put you in touch with Mr Hodson,
16:23:00 19 getting you to contact him?---Yes, she did.
16:23:03 20
16:23:03 21 And you believe that that was being done by her in effect
16:23:07 22 at the behest of Murray Gregor, Peter De Santo at ESD?---In
16:23:12 23 hindsight.
16:23:13 24
16:23:14 25 All right?---I didn't know that at the time.
16:23:15 26
16:23:16 27 She was saying to you, I think you said before, "You should
16:23:23 28 call Terry Hodson from a landline or a pay phone" or
16:23:27 29 something like that?---Correct. I think she even gave me a
16:23:30 30 phone number to contact. I was suspended from duty at that
16:23:34 31 point in time.
16:23:34 32
16:23:34 33 When were you suspended, what was the date?---When I was
16:23:40 34 arrested in December.
16:23:41 35
16:23:41 36 You went on leave I think for three weeks. The last date
16:23:43 37 in your diary I think was in November, then you went on
16:23:46 38 leave; is that right?---Yes, and I was arrested on the day
16:23:49 39 that I was to return to work.
16:23:50 40
16:23:50 41 All right then. It must have seemed extraordinary to you
16:23:54 42 though for a person who you thought was providing legal
16:23:59 43 advice to you, to tell you to contact Terry Hodson?---Look,
16:24:06 44 and I passed - I passed a message back to say, to tell
16:24:10 45 Terry that I can't, he's been charged and we were very,
16:24:16 46 very close, Terry Hodson - - -
47

16:24:18 1 You and Terry?---Yes, we met on almost a daily basis,
16:24:23 2 involved in some very, very dangerous situations. His life
16:24:28 3 was certainly in danger on a number of - in a number of
16:24:32 4 those investigations we conducted with him. I got to know
16:24:36 5 him very well, and his wife Christine.
16:24:38 6
16:24:38 7 Right?---So although he was charged it's pretty hard to
16:24:44 8 just say, "Cut him off at the knees". I said, "I can't
16:24:48 9 ring him but pass on my best wishes". He's charged, it's in
16:24:55 10 his own court now.
16:24:56 11
16:24:59 12 That was it?---Yes, I didn't ring the number that she gave
16:25:03 13 me. I didn't contact him ever.
16:25:05 14
16:25:07 15 Righto. You say from the benefit of hindsight it appears
16:25:11 16 that she was trying to get you to contact him to set you
16:25:13 17 up?---In hindsight what I know now, that she was a police
16:25:17 18 informer and working for ESD and Victoria Police in other
16:25:20 19 matters, yes, absolutely, guaranteed that's what was
16:25:23 20 happening.
16:25:23 21
16:25:23 22 You never did, you never met with Hodson?---No.
16:25:26 23
16:25:28 24 I take it you would say - why would you say you didn't meet
16:25:34 25 him, what's the reason you didn't meet him?---I was
16:25:37 26 suspended. I was suspended and charged with matters that I
16:25:40 27 was innocent of.
16:25:41 28
16:25:41 29 You weren't charged at this stage, were you?---I think I
16:25:43 30 was. Yes, I think I was suspended at that point in time,
16:25:47 31 yeah.
16:25:47 32
16:25:47 33 Do you say that she even tried to get you to meet him after
16:25:50 34 you got out on bail?---Yes.
16:25:52 35
16:25:52 36 That would have been extraordinary though, wouldn't
16:25:54 37 it?---Correct. I wasn't handling her, the Victoria Police
16:25:59 38 was handling her. They were giving her instructions as to
16:26:02 39 how to deal with her clients.
16:26:03 40
16:26:03 41 All right. Now, there's evidence that Gobbo met with
16:26:11 42 Hodson between 3.15 and 4.15 on 5 November and Gobbo told
16:26:18 43 Hodson, who in turn told Gregor, that you were very
16:26:22 44 paranoid and that she'd met you the other night at 10 pm,
16:26:27 45 right, so prior to 5 November. "Dale was prepared to meet
16:26:32 46 Hodson but wanted to wait until after he came back from
16:26:36 47 leave in three weeks. Gobbo stated she would get a message

16:26:39 1 to Dale through a third party to instruct him to meet
16:26:43 2 Hodson." Now what do you say to that proposition, that
16:26:46 3 that's what you had told Gobbo?---Yeah, I don't recall any
16:26:49 4 of that.
16:26:50 5
16:26:50 6 Right. Would you dispute that you were paranoid?---Well, I
16:27:00 7 was under investigation on a number of - from a number of
16:27:05 8 angles so I was stressed.
16:27:09 9
16:27:09 10 Yes?---I'll admit that. I was seeking psychological
16:27:15 11 assistance.
16:27:16 12
16:27:16 13 Yes?---I was medicated. So.
16:27:20 14
16:27:20 15 All right. She said that there was a proposal to get a
16:27:24 16 message to you, rather than directly communicate with you
16:27:28 17 through, directly, that you should get a third party "to
16:27:35 18 instruct him to meet Hodson". That's what she says she
16:27:39 19 tells Gregor on 5 November?---Yeah, I can't comment on
16:27:42 20 that. I don't recall it.
16:27:44 21
16:27:45 22 Sorry, that's what Gregor says she tells him?---Okay.
16:27:47 23
16:27:48 24 Did you meet Gobbo late one night prior to 5
16:27:52 25 November?---Highly likely.
16:27:53 26
16:27:53 27 Yes?---Yeah.
16:27:54 28
16:27:54 29 Do you think that or did you know about any proposal to get
16:28:06 30 Argall to act as a third party to contact you and arrange
16:28:10 31 some sort of meeting?---No, not that I can recall, no.
16:28:13 32
16:28:17 33 On the assumption that she meets, that Gobbo meets Hodson
16:28:22 34 between 3.15 and 4.15 pm on 5 November, and passes a
16:28:32 35 message to Argall, we see that - if we go to p.15 of that
16:28:39 36 document you'll see at 16:31, that is about 4.30, there's a
16:28:50 37 call from Argall to your phone, do you see that?---Yellow
16:29:02 38 to blue?
16:29:03 39
16:29:04 40 Yellow to blue?---Yep.
16:29:06 41
16:29:06 42 And there's a message left on your phone. If we go to
16:29:16 43 IBAC, the IBAC document at p.15. Different one, sorry. I
16:29:27 44 withdraw that. The Exhibit A document, the summary of
16:29:46 45 prosecution.
16:29:50 46
16:29:50 47 COMMISSIONER: The summary of the evidence in the OPP case,

16:29:54 1 it's 232.
16:29:57 2
16:29:58 3 MR WINNEKE: RCMPI.0016.0002.0009. If you go to p.47.
16:30:31 4 That's a different number. You see there that Argall
16:30:36 5 leaves a voice message. "It's Argall here", 4.30, "give
16:30:48 6 him a call him back as he has a message for him. If he
16:30:50 7 calls him back before he sees him tonight he might be able
16:30:53 8 to return the call as the message is supposedly urgent, and
16:30:53 9 to ring from a good phone". Obviously the suggestion is
16:30:58 10 that a "good phone" means a phone that isn't going to be
16:31:02 11 listened to. And then the next call which they've referred
16:31:08 12 to is a call between, a monitored call between you and
16:31:13 13 Argall which you call him on your own phone and he says,
16:31:19 14 "Look, he's just got a message from a person that needed to
16:31:22 15 pass on a message to him". He didn't know why he needed to
16:31:26 16 go through, Argall didn't know why he needed to go through
16:31:30 17 him and as always this person, or with this person, it was
16:31:35 18 a matter of national security. You said, "I'll speak to
16:31:38 19 you when you see him". Argall says, "She had something to
16:31:42 20 say to you, but didn't want to speak to you. For whatever
16:31:45 21 reason she rang him". Argall tells Dale to ring the person
16:31:50 22 back when he gets a chance obviously from the right sort of
16:31:55 23 phone.
16:31:56 24
16:31:56 25 COMMISSIONER: "Right sort of place" it says.
16:31:58 26
16:31:59 27 MR WINNEKE: Sorry, from the "right sort of place". What's
16:32:01 28 all that about, Mr Dale?---Good question. I don't know.
16:32:06 29 No, I don't know.
16:32:07 30
16:32:09 31 Is it Gobbo saying, "Look, I need to speak to Dale and
16:32:13 32 she's doing it through Argall". Argall isn't told what
16:32:16 33 it's about but says, "Look, as with this person it's always
16:32:21 34 a matter of national security. Can you call her back,
16:32:26 35 she's got a message for you"?---I don't know. I could
16:32:30 36 theorise the way Victoria Police would have theorised about
16:32:33 37 this but it's fake news, as we know. So the best answer is
16:32:38 38 to say I can't - I really don't know.
16:32:41 39
16:32:42 40 In any event, what it may be is Gobbo contacting Argall,
16:32:46 41 Argall ringing - and saying to Argall, Gobbo wants to get a
16:32:52 42 message to you and he says call her, she needs to speak to
16:32:56 43 you?---Absolutely.
16:32:56 44
16:32:57 45 Whether or not it's to arrange a meeting with Hodson, which
16:33:00 46 may or may not have been her MO, whatever she was trying to
16:33:03 47 do?---I hadn't even picked up on that, that might be the

16:33:05 1 case. So no, no idea.
16:33:06 2
16:33:06 3 What you say is, "I never spoke to Hodson"?---No, I didn't
16:33:10 4 speak to Hodson.
16:33:11 5
16:33:12 6 Whatever she was trying to do, "I didn't speak to
16:33:15 7 him"?---Yeah, I don't know if that's got anything to do
16:33:18 8 with trying to get me to speak to Hodson, that part, but
16:33:20 9 certainly she contacted me directly to try and get me to
16:33:23 10 speak to Hodson.
16:33:24 11
16:33:25 12 Commissioner, is that a convenient time?
16:33:27 13
16:33:27 14 COMMISSIONER: It is. I thought just perhaps before we
16:33:30 15 adjourned it might be worth getting Mr Dale to put at
16:33:35 16 paragraph 155 the name that's now in Exhibit 81 in there so
16:33:40 17 that the narrative makes sense, because that redacted
16:33:45 18 statement is going to be put on the website I think
16:33:48 19 shortly.
16:33:50 20
16:33:50 21 MR HANNEBERY: The pseudonym, Your Honour.
16:33:52 22
16:33:53 23 COMMISSIONER: Yes, sorry, the pseudonym. I have a copy
16:34:07 24 here with the pseudonym to be used is Mr Paige, P-a-i-g-e.
16:34:15 25
16:34:16 26 MR WINNEKE: Mr Paige, yes.
16:34:20 27
16:34:20 28 COMMISSIONER: Perhaps, Mr Dale, you've got the statement
16:34:22 29 in front of you?---Yes.
16:34:23 30
16:34:24 31 The redacted statement. Could you go to paragraph 115
16:34:27 32 where it's redacted there. We're told the pseudonym of
16:34:30 33 that person - - - ?---I've actually made notes on this one.
16:34:34 34
16:34:34 35 Have you?---Does that matter?
16:34:36 36
16:34:36 37 Yes, all right. Does anybody have a clean copy of the
16:34:41 38 redacted statement? I have one I think. No.
16:34:45 39
16:34:46 40 MS ARGIROPOULOS: I have one, Commissioner.
16:34:47 41
16:34:47 42 COMMISSIONER: Good, thanks very much Ms Argiropoulos.
16:34:54 43 Here's a clean copy of the statement so if you could turn
16:34:58 44 to 115. If you could just alter 115 so it reads, "I was
16:35:15 45 recently approached by Mr Paige".
16:35:19 46
16:35:19 47 MR HANNEBERY: And 116 also, Your Honour.

16:35:20 1
16:35:21 2 COMMISSIONER: And 116 also, he. You can take out, I
16:35:23 3 presume this is how his name is spelt?---P-a-i-g-e?
16:35:27 4
16:35:27 5 P-a-i-g-e is the spelling, yes.
16:35:31 6
16:35:31 7 MR HANNEBERY: And 121.
16:35:32 8
16:35:33 9 COMMISSIONER: Thank you. Then 116 becomes, "He informed
16:35:35 10 me". Then 121 will become, "And that", where it's blacked
16:35:49 11 out, "Mr Paige may well be an ex-member of Victoria Police
16:35:54 12 willing to tell you the truth".
16:35:57 13
16:35:57 14 MR HANNEBERY: Yes.
16:35:59 15
16:36:00 16 COMMISSIONER: Just show that to Mr Winneke if you wouldn't
16:36:02 17 mind, those changes. Perhaps Mr Woods. Mr Woods, would
16:36:13 18 you just check those changes, that you're happy with them.
16:36:24 19 It's 115, 116 and 121. Yes, all right. That statement
16:36:33 20 will go up in that form on the website.
16:36:38 21
16:36:38 22 MR WINNEKE: Commissioner, I wonder if Mr Dale could be
16:36:40 23 excused. There's just a couple of matters I want to raise
16:36:43 24 if I can before we rise.
16:36:45 25
16:36:45 26 COMMISSIONER: Sure. Mr Dale, your counsel isn't available
16:36:48 27 until Friday so although we'd prefer to go on with you
16:36:52 28 tomorrow, to accommodate your needs we'll adjourn you over
16:36:57 29 until Friday. We will start at 9.30 though because I have
16:37:00 30 to finish at 3.30 on Friday, so we'll start at 9.30 so we
16:37:05 31 get a full day's hearing in. Thank you, you're free to go
16:37:08 32 now. Thank you.
16:37:09 33
16:37:10 34 MR STEWARD: And I'm very grateful, Commissioner.
16:37:12 35
16:37:12 36 COMMISSIONER: Yes, thank you Mr Steward.
16:37:16 37
16:37:16 38 <(THE WITNESS WITHDREW)
16:37:16 39
16:37:19 40 MR WINNEKE: Commissioner, can I raise this matter of
16:37:21 41 concern as far as we're concerned. We've been told that a
16:37:24 42 number of statements are ready and have been told they've
16:37:27 43 been ready for some time, in particular O'Brien, Biggin and
16:37:31 44 Cornelius. We would seek them if they're ready, and we
16:37:37 45 understand they are, we see no reason why they haven't been
16:37:41 46 provided. It's necessary for the Commission to do its work
16:37:45 47 in an expeditious fashion to get these statements when

16:37:48 1 they're ready and as soon as they're ready.
16:37:51 2
16:37:52 3 COMMISSIONER: That was O'Brien, Biggin.
16:37:57 4
16:37:57 5 MR WINNEKE: O'Brien, Biggin and Cornelius. I perhaps call
16:38:00 6 on my learned friend to let us know where they are.
16:38:03 7
16:38:03 8 COMMISSIONER: And other statements as they're prepared.
16:38:06 9
16:38:06 10 MR WINNEKE: And other statements as soon as they're
16:38:10 11 prepared. We're getting the feeling that statements are
16:38:13 12 being prepared and signed and then we just don't see them
16:38:16 13 for some time afterwards and it makes the job awfully
16:38:20 14 difficult.
16:38:21 15
16:38:21 16 COMMISSIONER: Yes.
16:38:22 17
16:38:22 18 MR WINNEKE: That's the first thing. There's a
16:38:24 19 confidential affidavit providing reasons for PII in
16:38:28 20 relation to various statements, for example Rowe's
16:38:32 21 statement and another person who's now described as person
16:38:37 22 asterisk asterisk, it's like Prince, in Rowe's statement.
16:38:44 23 But that person has various names in the statement and we
16:38:46 24 don't have any explanation as to why. We understand
16:38:48 25 there's a confidential affidavit with respect to that
16:38:53 26 person on the way.
16:38:57 27
16:38:58 28 COMMISSIONER: Is that coming tomorrow? We'll have some
16:39:02 29 time to deal with these matters, it seems, because we only
16:39:06 30 have Mr Argall available tomorrow as I understand. Other
16:39:11 31 Victoria Police witnesses aren't available until Wednesday.
16:39:16 32 I understand the only witness we have available to proceed
16:39:18 33 with tomorrow is Mr Argall.
16:39:21 34
16:39:21 35 MR WINNEKE: Mr Argall, and he won't be long, Commissioner.
16:39:24 36
16:39:24 37 COMMISSIONER: Because Victoria Police, other witnesses
16:39:26 38 from Victoria Police aren't available until Wednesday.
16:39:28 39
16:39:29 40 MR WINNEKE: That's as I understand it.
16:39:30 41
16:39:30 42 COMMISSIONER: Is that your understanding, Mr Hannebery?
16:39:32 43 You've got no other - - -
16:39:34 44
16:39:34 45 MR WINNEKE: I withdraw that. I'm getting different
16:39:36 46 instructions. We have indicated that there are a number of
16:39:39 47 witnesses who will not be available until Wednesday because

16:39:44 1 we don't have statements and various diaries to enable us
16:39:49 2 to call them. The only witness available tomorrow, as I
16:39:51 3 understand it, is Mr Argall.
16:39:53 4
16:39:53 5 COMMISSIONER: He's the only witness who's available and
16:39:56 6 who you have statements from, is that right?
16:39:59 7
16:39:59 8 MR WINNEKE: Yes. I'm sorry, Commissioner, what was that?
16:40:05 9
16:40:05 10 COMMISSIONER: I'm trying to work out who is available
16:40:08 11 tomorrow and why we don't have more people available
16:40:10 12 tomorrow. So the position you're telling me is the only
16:40:14 13 witness available whose statement you have been provided
16:40:16 14 with and other material that you need for him is Argall, is
16:40:23 15 that right?
16:40:23 16
16:40:24 17 MR WINNEKE: That's correct, as I understand it that's
16:40:27 18 right. We haven't been provided with diaries for other
16:40:31 19 witnesses who otherwise might have been able to be called.
16:40:35 20
16:40:35 21 COMMISSIONER: And you still haven't been provided with
16:40:37 22 those, is that right?
16:40:39 23
16:40:39 24 MR WINNEKE: That's what I'm instructed.
16:40:41 25
16:40:41 26 COMMISSIONER: And you need those to prepare and question
16:40:48 27 these witnesses?
16:40:49 28
16:40:50 29 MR WINNEKE: Yes Commissioner.
16:40:52 30
16:40:56 31 COMMISSIONER: All right.
16:41:03 32
16:41:04 33 MR CHETTLE: Commissioner, can I throw a small suggestion
16:41:06 34 in. Tomorrow if we have time we could usefully have a
16:41:10 35 discussion in relation to how my clients might give
16:41:15 36 evidence at this Commission. It's something we need to do
16:41:17 37 at some stage and earlier is always better than later.
16:41:20 38
16:41:20 39 COMMISSIONER: Yes, yes, I know that's certainly on my list
16:41:23 40 that have to be done before the next lot of hearings so
16:41:26 41 that's probably a good idea. It looks as though we'll
16:41:30 42 probably have time to do that. I don't think Mr Argall
16:41:33 43 will be a long witness, will he?
16:41:35 44
16:41:35 45 MR WINNEKE: No, he won't, Commissioner, he won't.
16:41:38 46
16:41:38 47 COMMISSIONER: Would we be best to do him first?

16:41:41 1
16:41:41 2 MR WINNEKE: Yes.
16:41:41 3
16:41:42 4 COMMISSIONER: We'll do him first and then do the
16:41:43 5 housekeeping matters after that. From the beginning of
16:41:46 6 today, I was told before we started, that one of the things
16:41:48 7 that needs to be sorted out is the unsatisfactory
16:41:52 8 arrangement with access to police diaries from Victoria
16:41:57 9 Police. So that's the first thing that needs to be sorted
16:42:00 10 out tomorrow.
16:42:01 11
16:42:02 12 MR WINNEKE: Commissioner, that needs to be discussed.
16:42:04 13 It's very, very difficult for us to prepare witnesses, to
16:42:09 14 see what they've got to say if we are told that we can
16:42:13 15 venture down and go through diaries at another premises,
16:42:18 16 but we can't have the diaries in our possession to look at
16:42:22 17 them. We see absolutely no reason why the Commission
16:42:33 18 oughtn't be provided with diaries that we can conveniently
16:42:37 19 identify the passages of the diaries which we would seek to
16:42:41 20 rely upon.
16:42:42 21
16:42:42 22 COMMISSIONER: I think I suggested what you need to do is,
16:42:48 23 for our discussion tomorrow, is work out exactly what
16:42:51 24 you're proposing and what isn't being provided and the best
16:42:54 25 way forward.
16:42:56 26
16:42:56 27 MR WINNEKE: Yes.
16:42:57 28
16:42:57 29 COMMISSIONER: I think rather than go into that tonight
16:42:59 30 we're probably better to do that tomorrow morning.
16:43:01 31
16:43:02 32 MR WINNEKE: We'll raise it tomorrow.
16:43:03 33
16:43:03 34 COMMISSIONER: Just so that Victoria Police is aware of
16:43:05 35 what the problem is, and no doubt you'll have discussions
16:43:08 36 with them tonight.
16:43:09 37
16:43:10 38 MR WINNEKE: Before we go can we get an answer to the
16:43:12 39 situation with respect to the O'Brien, Biggin - - -
16:43:18 40
16:43:18 41 COMMISSIONER: I'm going to go back to that. The other
42 thing that needs to be sorted out tomorrow are still some
16:43:21 43 redactions in exhibits and I understand that there might be
16:43:24 44 a confidential affidavit and evidence to be gone into in
16:43:27 45 respect to that, with the Victoria Police witness. Can
16:43:30 46 that be organised tomorrow?
16:43:31 47

16:43:31 1 MR HANNEBERY: Yes. It can't be unfortunately because the
16:43:34 2 Court of Appeal is proceeding tomorrow and Mr Mahoney is
16:43:38 3 required there because he's a deponent to affidavits there.
16:43:41 4 As things currently stand he'd be required in the Court of
16:43:45 5 Appeal all day to deal with similar - - -
16:43:48 6
16:43:48 7 COMMISSIONER: That's bad luck, isn't it?
16:43:51 8
16:43:51 9 MR HANNEBERY: Yes, similar issues. I think the
16:43:53 10 anticipation was that Mr Dale would be today and tomorrow
16:43:58 11 and hence we were advised that some of these witnesses
16:44:01 12 wouldn't be required until Wednesday at the earliest.
16:44:04 13 That's been one of the difficulties. Obviously we can
16:44:10 14 discuss the diaries issue, I don't want to get into that at
16:44:16 15 quarter to five today.
16:44:17 16
16:44:17 17 COMMISSIONER: No, we'll do the diaries tomorrow. We'll
16:44:20 18 deal with whatever redactions and exhibits we can do
16:44:24 19 without that witness but otherwise we'll have to deal with
16:44:27 20 that at some other time. We'll deal with the - - -
16:44:32 21
16:44:32 22 MR HANNEBERY: The statements.
16:44:33 23
16:44:33 24 COMMISSIONER: The matters raised by Mr Chettle. I think
16:44:35 25 that's probably a good use of time tomorrow because that
16:44:37 26 might take some time. Mr Winneke, Mr Chettle, in respect
16:44:42 27 of that will there be other parties who will want to be
16:44:48 28 involved in that?
16:44:48 29
16:44:49 30 MR WINNEKE: I would imagine so. It depends what's being
16:44:51 31 proposed, Commissioner.
16:44:54 32
16:44:54 33 MR CHETTLE: The press will be interested, they've shown
16:44:58 34 some interest.
16:44:58 35
16:44:59 36 COMMISSIONER: The media, that's true. But also I'm
16:45:00 37 thinking of the people who claim that they're affected
16:45:02 38 parties.
16:45:03 39
16:45:03 40 MR CHETTLE: Any proposal I have will take account of their
16:45:06 41 rights. I won't be affecting them.
16:45:08 42
16:45:08 43 COMMISSIONER: They might have a different view,
16:45:10 44 Mr Chettle, that's the trouble.
16:45:11 45
16:45:11 46 MR CHETTLE: I thought we settled this, Commissioner. The
16:45:14 47 whole point of what was put last time, the last time we had

16:45:15 1 a discussion about this is they'll get a chance to
16:45:17 2 cross-examine my clients about any of the matters they want
16:45:20 3 to. That's the access to justice point and I don't have an
16:45:23 4 issue with that and we indicated that last time.
16:45:25 5
16:45:25 6 MR WINNEKE: That's what I thought was going to occur, and
16:45:27 7 ultimately we're waiting on disclosure in relation to those
16:45:30 8 people so they can get access to justice, so they can
16:45:34 9 cross-examine.
16:45:35 10
16:45:36 11 MR CHETTLE: That's not my problem.
16:45:39 12
16:45:39 13 COMMISSIONER: It's a problem for all of us actually.
16:45:41 14
16:45:41 15 MR CHETTLE: I'm looking at the mechanics of actually how
16:45:43 16 we go about getting evidence from my clients and there are
16:45:47 17 some real issues in relation to the - just the physical
16:45:49 18 issues, the logistics. That's what I need to talk about
16:45:52 19 tomorrow.
16:45:53 20
16:45:53 21 COMMISSIONER: If we perhaps did that at 2 o'clock
16:46:02 22 tomorrow. Mr Winneke, perhaps if we did Mr Chettle's
16:46:05 23 matter at 2 o'clock, that would give the other parties
16:46:08 24 opportunity to attend and have their say if needs be.
16:46:11 25 Mr Chettle says he is looking after their interests but I
16:46:17 26 think they would prefer it was done in their presence.
16:46:20 27
16:46:21 28 MR WINNEKE: I'll have a discussion with Mr Chettle about
16:46:23 29 this. I don't know whether we need to have a hearing about
16:46:26 30 it. We'll see how we go in our discussions but if we can't
16:46:29 31 sort it out we'll bring it to you tomorrow.
16:46:32 32
16:46:33 33 COMMISSIONER: And it can be dealt with at 2 o'clock
16:46:36 34 tomorrow with other parties having some input. The media
16:46:39 35 certainly might want an input. I expect Mr Chettle's
16:46:42 36 proposition is probably that it's going to be a private
16:46:45 37 hearing, is it, closed court?
16:46:47 38
16:46:48 39 MR CHETTLE: Private hearing at least in one regard, and
16:46:50 40 then anything else that needs to be raised can be done in a
16:46:53 41 public hearing.
16:46:54 42
16:46:55 43 COMMISSIONER: I think the press would want to be heard on
16:46:57 44 that.
16:46:58 45
16:46:58 46 MR CHETTLE: I agree. I understand that.
16:47:00 47

16:47:00 1 COMMISSIONER: And, indeed, some of the affected parties
16:47:03 2 might want to too. I think they might have a different
16:47:05 3 view. So I think that we are going to have to mention that
16:47:07 4 probably at 2 o'clock tomorrow. Then we return to the
16:47:09 5 statements of O'Brien, Biggin and Cornelius. Mr Hannebery,
16:47:14 6 if the statements have been prepared by Victoria
16:47:18 7 Police - - -
16:47:21 8
16:47:22 9 MR HANNEBERY: O'Brien should be able to be provided, two
16:47:24 10 statements should be able to be provided very shortly.
16:47:27 11
16:47:27 12 MR WINNEKE: What does that mean?
16:47:28 13
16:47:29 14 COMMISSIONER: Yes, is it correct that the statements have
16:47:31 15 been available for some time and just aren't being given to
16:47:34 16 the Commission?
16:47:35 17
16:47:36 18 MR HANNEBERY: No, that's not correct.
16:47:37 19
16:47:38 20 COMMISSIONER: Because there's an ongoing obligation of
16:47:42 21 disclosure.
16:47:43 22
16:47:44 23 MR HANNEBERY: That's right. That's no correct.
16:47:45 24
16:47:46 25 COMMISSIONER: Can you assure me, Mr Hannebery, as soon as
16:47:49 26 statements are being prepared they're being given to the
16:47:53 27 Commission?
16:47:54 28
16:47:55 29 MR HANNEBERY: They're then having to go through the PII
16:47:58 30 process, so that's the gap between signing them and them
16:48:01 31 being provided. So I can't do anything about that delay,
16:48:04 32 that's a necessary process they have to go through. They
16:48:08 33 can't just be signed and then taken straight over. There's
16:48:11 34 a process.
16:48:12 35
16:48:12 36 MR WINNEKE: Can I just understand that the redaction
16:48:14 37 process for public interest immunity is to remove only
16:48:17 38 those materials which would identify informers or witness
16:48:24 39 protection matters, that's the case? Because otherwise
16:48:30 40 that's not the arrangement that the Commission has with
16:48:32 41 Victoria Police. We will get statements and documents
16:48:36 42 which are unredacted save for those particular matters.
16:48:39 43 That's the arrangement.
16:48:40 44
16:48:40 45 COMMISSIONER: Yes, and then there can be another process
16:48:44 46 again because I think Victoria Police are claiming that,
16:48:47 47 whether ultimately they're successful, but aren't they

16:48:51 1 claiming that their matters should also be redacted for bio
16:48:59 2 data and police procedures, secret police procedures,
16:49:02 3 that's also part of their claim, but that shouldn't effect
16:49:05 4 the statements given to you.
16:49:06 5
16:49:07 6 MR WINNEKE: Absolutely not.
16:49:08 7
16:49:08 8 COMMISSIONER: That only affects the statements to be
16:49:12 9 published.
16:49:13 10
16:49:13 11 MR WINNEKE: Exactly. That's the arrangement.
16:49:15 12
16:49:15 13 COMMISSIONER: There could be on Victoria Police's claims
16:49:18 14 two layers of PII.
16:49:19 15
16:49:20 16 MR WINNEKE: That appears to be the case. That's as I
16:49:22 17 understand it. That's why, for example, we get documents
16:49:24 18 which are supposedly vastly redacted and then there's
16:49:28 19 further redactions which take place over and above that.
16:49:31 20
16:49:31 21 COMMISSIONER: It sounds as though there's a conversation
16:49:34 22 to be had there overnight too between the Commission legal
16:49:40 23 team and Victoria Police legal team to see if the flow of
16:49:42 24 information between Victoria Police and the Commission can
16:49:44 25 be improved and we'll discuss these matters after
16:49:48 26 Mr Argall's evidence tomorrow, and if necessary I'll give
16:49:52 27 directions. So are there any other matters that we need to
16:49:56 28 discuss tomorrow?
16:49:57 29
16:49:57 30 MR WINNEKE: Just excuse me, Commissioner.
16:50:13 31
16:50:14 32 MR HANNEBERY: I'm just wondering, has Mr Argall made a
16:50:16 33 statement?
16:50:17 34
16:50:18 35 MR WINNEKE: He's made a statement.
16:50:20 36
16:50:20 37 COMMISSIONER: He's given evidence on another occasion and
16:50:23 38 his statement has been tendered and he's given evidence.
16:50:27 39 He's just being recalled. I'm sure your instructors will
16:50:32 40 have it.
16:50:32 41
16:50:33 42 MR HANNEBERY: I'm just wondering if there was a second
16:50:36 43 statement in relation to this. No.
16:50:38 44
16:50:38 45 MR WINNEKE: The situation is with respect to the three
16:50:40 46 statements we've sought, O'Brien, Biggin, Cornelius, the
16:50:45 47 answer is that O'Brien will be provided to us very soon.

16:50:47 1
16:50:47 2 COMMISSIONER: Is there a second statement by Argall?
16:50:51 3
16:50:51 4 MR WINNEKE: No.
16:50:52 5
16:50:52 6 COMMISSIONER: No, there's not a second statement. You're
16:50:54 7 just recalling him.
16:50:55 8
16:50:56 9 MR WINNEKE: Is that the situation that the answer is
16:50:57 10 O'Brien will be provided very soon and there's no response
16:51:03 11 with respect to Biggin and Cornelius?
16:51:06 12
16:51:06 13 MR HANNEBERY: The other two are not ready yet.
16:51:07 14
16:51:08 15 MR WINNEKE: When will they need be ready? We've been told
16:51:11 16 for some time now that Cornelius' statement is almost
16:51:15 17 ready. We were told that weeks ago. If not more than
16:51:17 18 weeks, months.
16:51:42 19
16:51:42 20 MR HANNEBERY: There's one matter that's holding up the
16:51:45 21 Cornelius matter at the moment. And in relation to
16:51:48 22 Mr Biggin, he's being given leave on Friday and he'll be
16:51:53 23 able to get that completed then.
16:51:55 24
16:51:56 25 COMMISSIONER: He'll be able to get it completed when?
16:51:59 26
16:52:00 27 MR HANNEBERY: On Friday, after he's returned. He's
16:52:03 28 returning on Friday.
16:52:03 29
16:52:03 30 COMMISSIONER: He's away, okay. What about Mr Biggin? Was
16:52:09 31 that Mr Biggin or Mr Cornelius on Friday?
16:52:14 32
16:52:14 33 MR HANNEBERY: Mr Biggin.
16:52:15 34
16:52:15 35 COMMISSIONER: What about Mr Cornelius?
16:52:18 36
16:52:18 37 MR HANNEBERY: Mr Cornelius, I understand there's one issue
16:52:20 38 in relation to emails that he's got to deal with. Perhaps
16:52:31 39 I can - can I let you know tomorrow morning about that?
16:52:34 40
16:52:34 41 COMMISSIONER: All right then. We'll adjourn until 10
16:52:37 42 o'clock tomorrow, thank you.
16:52:59 43
16:53:00 44 ADJOURNED UNTIL TUESDAY 18 JUNE 2019
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