

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Tuesday, 2 July 2019

Led by Commissioner:       The Honourable Margaret McMurdo AC

Also Present

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

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

Counsel for State of Victoria Ms E. Hilliard

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

Counsel for DPP/SPP          Mr P. Doyle

Counsel for CDPP              Ms C. Fitzgerald

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

Counsel for Orman             Ms S. Wallace

10:07:37 1 COMMISSIONER: Yes, Mr Winneke.  
2  
10:07:40 3 MR WINNEKE: Good morning, Commissioner. I appear, with  
10:07:41 4 Mr Woods and Ms Tittensor, to assist the Commission.  
5  
10:07:44 6 COMMISSIONER: Thank you.  
10:07:45 7  
10:07:45 8 MR COLLINSON: I appear, with Mr Nathwani, for Ms Gobbo.  
10:07:49 9  
10:07:50 10 MS WALLACE: Ms Wallace for Mr Orman.  
10:07:52 11  
10:07:53 12 MR HOLT: Commissioner, I appear, with Ms Enbom, for  
10:07:57 13 Victoria Police.  
10:07:57 14  
10:07:59 15 MS HILLIARD: Ms Hilliard for the State of Victoria.  
16  
10:08:00 17 COMMISSIONER: Thank you, Ms Hilliard.  
10:08:03 18  
10:08:03 19 MR CHETTLE: I am with Ms Theis, for the handlers.  
20  
10:08:06 21 COMMISSIONER: Mr Chettle.  
22  
23 MR DOYLE: I appear for the DPP.  
24  
25 MS FITZGERALD: I appear for the Commonwealth Director.  
26  
10:08:07 27 MR CHETTLE: Commissioner, before you start with the  
10:08:08 28 witness, can I raise a matter that I have raised with  
10:08:11 29 Mr Woods, and it's a very short-form communication. When  
10:08:12 30 my clients give evidence, I understand they're likely to do  
10:08:16 31 so from a remote facility. There is a need to order the  
10:08:19 32 system that will facilitate that electronically. My  
10:08:24 33 clients have been advised that - we've told them that  
10:08:28 34 that's what's going to happen and they should order it, but  
10:08:32 35 they want something in writing. If the Commissioner says  
10:08:35 36 on transcript that we're going to be giving evidence from  
10:08:38 37 that remote facility, they will get the relevant factor.  
38 They just want something in writing.  
39  
10:08:42 40 COMMISSIONER: Would you like to draft an order and I'll  
10:08:45 41 consider it?  
10:08:47 42  
10:08:47 43 MR CHETTLE: Thank you.  
44  
10:08:48 45 COMMISSIONER: Thank you. Yes, Mr Winneke.  
46  
10:08:50 47 MR WINNEKE: Thanks, Commissioner. If Mr Bateson could go

10:08:52 1 back into the witness box.  
2  
10:09:00 3 <STUART DAVID BATESON, recalled:  
4  
10:08:54 5 COMMISSIONER: Thanks, Mr Bateson. You're on your former  
10:08:56 6 oath. Yes.  
10:08:58 7  
10:09:04 8 MR WINNEKE: Mr Bateson, other members of Purana have  
10:09:07 9 indicated that it was evident in the early days of the  
10:09:10 10 Purana Task Force, through intelligent holdings, telephone  
10:09:17 11 intercepts and listening devices, physical surveillance,  
10:09:19 12 et cetera, that Ms Gobbo appeared to have not just a  
10:09:24 13 professional relationship but a social relationship with a  
10:09:27 14 number of the members of Mr Carl Williams' group of  
10:09:33 15 associates. Were you aware of that?---Yes.  
16  
10:09:38 17 And not just Mr Williams' group but other groups, for  
10:09:42 18 example Mr Gatto?---I'm not sure about Mr Gatto at that  
10:09:47 19 stage, whether I was aware of that, but certainly I became  
10:09:50 20 aware of that later.  
21  
10:09:51 22 Yes?---Yes, but certainly the Williams' enterprise and the  
10:09:57 23 Mokbel enterprise, yes.  
24  
10:10:02 25 Are you able to say in what form that information came to  
10:10:07 26 you more specifically?---No. It would have been through a  
10:10:11 27 range of surveillance activities, but it was certainly  
10:10:13 28 known to me that she had a close association in a social  
10:10:18 29 sense and much more than that you would expect from a  
10:10:24 30 lawyer and client relationship. She socialised with them;  
10:10:31 31 she appeared to be part of that network of people.  
32  
10:10:35 33 Was it your understanding that, towards the end of 2003,  
10:10:42 34 early 2004, there was such a degree of concern that it was  
10:10:46 35 considered appropriate to put her under surveillance?---No,  
10:10:49 36 I'm not.  
37  
10:10:53 38 Was the view of members of the Purana Task Force in, say,  
10:10:59 39 the latter part of 2003, that she was engaged in criminal  
10:11:06 40 activities?---Not that I'm aware of. Certainly from my  
10:11:09 41 point of view, there was a small group of criminal lawyers  
10:11:12 42 that were very much seen and we believed that they were  
10:11:20 43 actually part of the criminal enterprise, that they were  
10:11:23 44 facilitating some of that activity.  
45  
10:11:25 46 In what way? How was that - - - ?---One way certainly  
10:11:31 47 providing advice to get around bail applications, subpoena

10:11:34 1 arguments, discovering informers, acting outside what I  
10:11:39 2 would have thought would be proper conduct from a legal  
10:11:42 3 practitioner, and she was one of that group.  
4  
10:11:45 5 So the view was - and, I take it, based on reasonable  
10:11:48 6 grounds - that, in effect, she was assisting clients to, in  
10:11:54 7 effect, pervert the course of justice?---Well, certainly to  
10:11:57 8 stay out and operating, yes, so her and a few others.  
9  
10:12:06 10 By acting for particular clients, passing information to  
10:12:09 11 other clients to assist those other clients?---Potentially.  
12  
10:12:16 13 Which would, obviously, be a situation of, I assume, a  
10:12:21 14 significant conflict of duties?---Yes, conflict was  
10:12:25 15 definitely something that was present during those times  
10:12:29 16 for a number of people.  
17  
10:12:31 18 Insofar as Ms Gobbo was concerned, are you able to be more  
10:12:35 19 specific about that?---No.  
20  
10:12:41 21 What, because of the effluxion of time and without having  
10:12:46 22 your notes in front of you, it's difficult for you to  
10:12:48 23 recall exactly what was going on at the time?---Exactly.  
24  
10:12:50 25 Save to say that you are comfortable in your recollection  
10:12:53 26 that, as far as you were concerned, after the time that you  
10:12:54 27 came to Purana, which I think was in October of 2003, you  
10:12:58 28 and members of Purana took the view that she was quite  
10:13:04 29 potentially engaged in criminal activities?---Not so much  
10:13:06 30 more that she was engaged in criminal activities but  
10:13:09 31 certainly we thought she was a close associate, way beyond  
10:13:14 32 what we would expect from a normal lawyer/client  
10:13:19 33 relationship. She socialised with them and certainly, you  
10:13:23 34 know, she was a group - part of a small group of criminal  
10:13:27 35 lawyers that we believed were willing to do anything to  
10:13:31 36 keep their clients out and operating their criminal  
10:13:33 37 enterprises.  
38  
10:13:34 39 Willing to do anything would suggest that she, at least,  
10:13:39 40 was engaging in conduct of a criminal nature?---Well, it  
10:13:44 41 wouldn't have been surprising to me. I just don't have a  
10:13:46 42 recollection of knowing that she was involved in any  
10:13:49 43 criminal activity. But certainly from that group of  
10:13:52 44 lawyers, it wouldn't have surprised me that any one of them  
10:13:55 45 were involved in that.  
46  
10:13:56 47 Gavan Ryan was your immediate superior from the time that

10:14:00 1 you came into Purana; is that right?---Correct.  
2  
10:14:04 3 He's made a statement, in which he said that he did believe  
10:14:08 4 that she was under - or put under surveillance in late  
10:14:11 5 2003, early 2004. You say you're not aware of that?---As I  
10:14:15 6 sit here now, I don't recall that, no.  
7  
10:14:18 8 Righto, okay. You're certainly not suggesting that that  
10:14:21 9 wouldn't be right. Indeed, from what you're saying, it  
10:14:24 10 would be quite conceivable that that would have been  
10:14:28 11 done?---I don't know. I can't answer that. You know, if  
10:14:30 12 Gavan recalls that, then I'm willing to go to his memory,  
10:14:34 13 but I don't recall it and certainly as I sit here now, I  
10:14:37 14 don't have a recollection of her being under surveillance.  
15  
10:14:44 16 You indicate that she was caught on surveillance - or she  
10:14:50 17 popped up on surveillance of targets of Purana and at  
10:14:56 18 restaurants with them?---Yes, socialising with them. I  
10:15:00 19 mean, the one that's most clear in my recollection is the  
10:15:04 20 Christening of Carl Williams' daughter, Dakota, at Crown  
10:15:10 21 Casino and she was the MC and, indeed, in that social  
10:15:13 22 function, showed a very close association to a number of  
10:15:17 23 criminals.  
24  
10:15:17 25 Indeed, I think you copped a special mention at that  
10:15:21 26 function, didn't you?---I did, yes.  
27  
10:15:24 28 Was there surveillance of that function?---Insofar as we  
10:15:29 29 possibly could. I mean, as you can imagine, one of the  
10:15:31 30 reasons why criminal groups like to meet at Crown Casino  
10:15:36 31 was the extensive network of cameras. So we were able to  
10:15:40 32 see some of it, if not hear all of it.  
33  
10:15:44 34 We can go to the Internet and hear her speech, but were you  
10:15:48 35 aware of that at that time?---I don't remember if I was. I  
10:15:51 36 certainly became aware of it before it became aired on A  
10:15:55 37 Current Affair, but I'm not quite sure when I became aware  
10:15:58 38 of it.  
39  
10:15:59 40 You are, obviously, aware that she was acting for Carl  
10:16:03 41 Williams at that stage in relation to a threat that he  
10:16:08 42 apparently made to you and to your partner at that time, I  
10:16:12 43 think around 15 November of 2003?---I don't know. I've  
10:16:16 44 heard it suggested that she appeared for him in the bail  
10:16:18 45 application. I don't know that from my own memory.  
46  
10:16:21 47 Yes?---So - - -

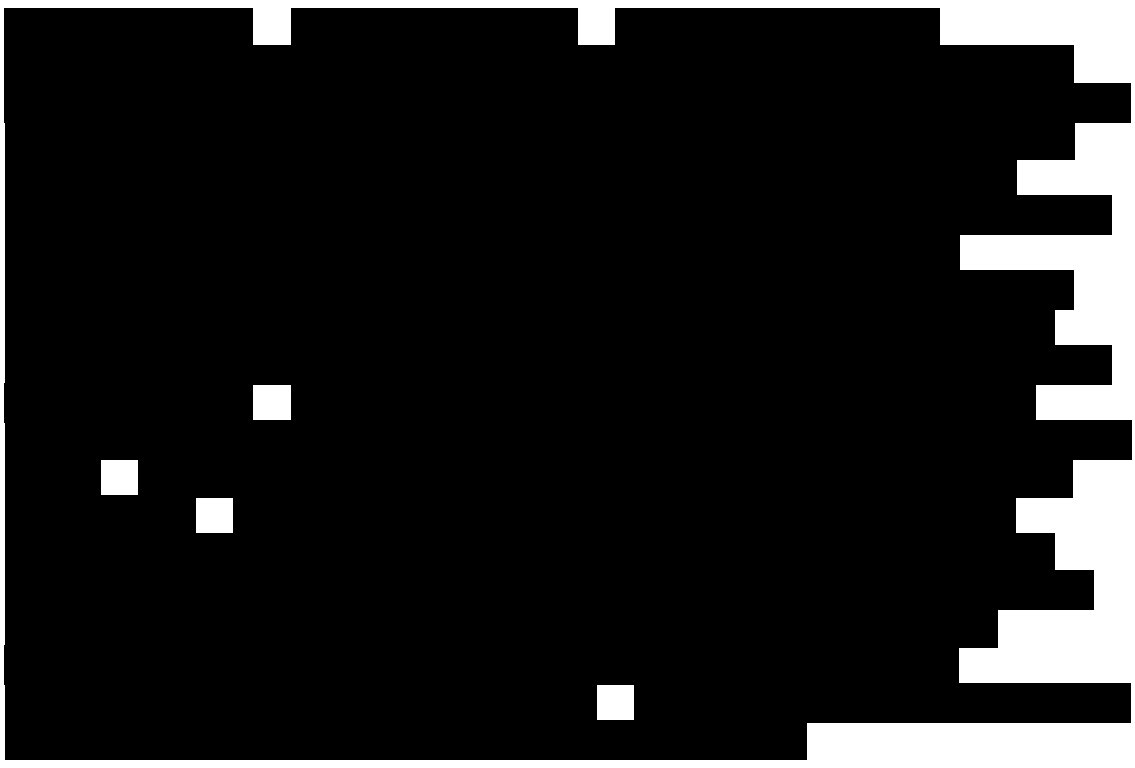
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You would have been aware of that at the time, one assumes?---No, I didn't - I stayed out of that investigation. They were threats to me. I kept a wide berth. Detective Sergeant Shane O'Connell, as I remember, was the informant. I stayed out of it, it had nothing to do with me, apart from, obviously, being a threat against me.

All right. Commissioner, some of the matters that I'm going to deal with now, I suspect, will traverse areas that may require orders of the type that we've had previously.

COMMISSIONER: Do we have to have a closed hearing?

MR WINNEKE: Yes, Commissioner, a private hearing in the usual sort of way.



(IN CAMERA HEARING FOLLOWS)



























































































































































































































































1 UPON RESUMING IN OPEN COURT:

2  
3 COMMISSIONER: We are now in open hearing.  
4

5 MR WOODS: Firstly, Commissioner, there has been circulated  
6 to the parties, with leave, about an hour ago, a statement  
7 of Brian Hardiman, who had various roles, including at the  
8 OPI and the Ombudsman. It is not proposed to call  
9 Mr Hardiman. We've told those with leave - it has been PII  
10 reviewed, I should say, as well, and so have the  
11 attachments to it. We've told those with leave that they  
12 can follow the Practice Note if they want to have him  
13 called to be cross-examined, so I just wanted to tender  
14 that formally.  
15

16 COMMISSIONER: That can now be placed, with its  
17 attachments, can be placed on the website?  
18

19 MR WOODS: Yes, that's correct, and it is a 21 June 2019  
20 statement, and it has been reviewed.  
21

22 COMMISSIONER: Statement of Mr Hardiman. 21 June, was it?  
23

24 MR WOODS: 21 June, that's correct.  
25

26 #EXHIBIT RC274 - Statement of Mr Hardiman 21/6/2019, and  
27 attachments.  
28

29 MR WOODS: The next issue is arising from the 5 June  
30 directions hearing that we had in relation to disclosure to  
31 potentially affected people and we're wanting an update  
32 from Victoria Police as to which people have been disclosed  
33 to and when the others will be disclosed to, so that they  
34 can participate in the 22 July hearings.  
35

36 COMMISSIONER: Yes. It may have been anticipated that this  
37 would be done at least by 8 July.  
38

39 MR WOODS: Yes. So we're just seeking an update to see if  
40 that's the case.  
41

42 COMMISSIONER: I think that's prudent, before we adjourn  
43 for a few weeks. Yes, Mr Holt.  
44

45 MR HOLT: I'm in a position to provide that update,  
46 Commissioner. The indication at the directions hearing was  
47 an expectation, on the Commissioner's behalf, about 8 July.

16:37:37 1 Subsequent to that, there were communications from those  
16:37:40 2 assisting the Commissioner which in fact then broke the  
16:37:43 3 list of 23 into two groups, the first small priority group  
16:37:49 4 by 8 July and the second group by 22 July. I am instructed  
16:37:52 5 that we expect to comply with both of those dates in  
16:37:55 6 respect of all witnesses - of all affected persons.  
7  
16:38:02 8 COMMISSIONER: Will 22 July be enough time? Is that right?  
16:38:05 9 I'll just check with Mr Woods. Mr Woods, is that right?  
10  
16:38:09 11 MR WOODS: I must say I wasn't aware of the 22 July date.  
12  
16:38:13 13 COMMISSIONER: I haven't heard of that.  
14  
16:38:17 15 MR WOODS: There must be correspondence to that effect.  
16  
16:38:18 17 COMMISSIONER: Does anyone know about this? I just find  
16:38:20 18 that odd. If they relate to witnesses that were to be  
16:38:23 19 called in the next lot of hearings, I can't see why we  
16:38:26 20 would say 22 July was sufficient time to prepare for them.  
16:38:29 21  
16:38:30 22 MR WOODS: Subject to seeing the correspondence, which I'm  
16:38:32 23 not aware of, I had understood that everyone would be  
16:38:37 24 disclosed to, and the aspiration was 8 July.  
25  
16:38:40 26 COMMISSIONER: By 8 July, yes.  
27  
16:38:42 28 MR HOLT: I'm instructed I can obtain the correspondence,  
16:38:44 29 Commissioner, and discuss it with our friends. I should  
16:38:45 30 say that those in the first list, which we expect to be  
16:38:48 31 able to comply with by 8 July, strongly expect to be able  
16:38:51 32 to comply with by 8 July, are names that we expect are the  
16:38:54 33 primary ones that will need to be dealt with, so some  
16:38:57 34 thought was given to - - -  
35  
16:38:59 36 COMMISSIONER: When you say the names, you're talking about  
16:39:01 37 not names of witnesses but names of affected persons?  
16:39:04 38  
16:39:04 39 MR HOLT: Precisely so, Commissioner. I might just show  
16:39:07 40 that to my learned friend, if I might approach.  
41  
16:39:10 42 COMMISSIONER: Sure. Please.  
43  
16:39:19 44 MR WOODS: This is correspondence in relation to Term of  
16:39:22 45 Reference 1, which is the paper-based task that's  
16:39:25 46 happening.  
47

16:39:25 1 COMMISSIONER: Different barristers involved, a different  
16:39:28 2 legal team.  
3  
16:39:29 4 MR WOODS: Yes, and, in fact, disclosure for a slightly  
16:39:31 5 different purpose as well. I had not expected that to be  
16:39:37 6 taken to affect the 22 July hearing, disclosure required  
16:39:43 7 for that. We might have to - - -  
8  
16:39:45 9 COMMISSIONER: This was disclosure to the affected persons  
16:39:47 10 so that they could meaningfully appear on 22 July.  
11  
16:39:52 12 MR WOODS: This was disclosure to them, that's right. I'll  
16:39:54 13 have to have a look at the correspondence because my  
16:39:56 14 understanding is the Term of Reference 1 situation is that  
16:39:59 15 there is disclosure to the Commission for the purposes of  
16:40:06 16 that work to be undertaken for Term of Reference 1. We  
16:40:10 17 might just chase up that correspondence while we discuss a  
16:40:14 18 couple of other issues. In any event - - -  
19  
16:40:22 20 COMMISSIONER: The potentially affected persons, they're  
16:40:24 21 not a long list, are they, the ones we're talking about for  
16:40:27 22 this hearing?  
23  
16:40:29 24 MR WOODS: No, they're not, those who are seeking to  
16:40:32 25 participate in the hearings, and many of them had  
16:40:35 26 submissions made on their behalf on 5 June. It was - I  
16:40:41 27 don't have the precise number to hand - in the order of 20  
16:40:44 28 or so.  
29  
16:40:44 30 COMMISSIONER: We seem to be talking about two different  
16:40:47 31 things, I think.  
32  
16:40:48 33 MR WOODS: I think that's right.  
34  
16:40:49 35 COMMISSIONER: We can clarify that later.  
36  
16:40:51 37 MR WOODS: We can.  
38  
16:40:52 39 COMMISSIONER: It may be, Mr Holt, that we'll need to have  
16:40:56 40 a further directions hearing tomorrow, at about 12 o'clock,  
16:41:01 41 or something like that, to give us an opportunity to speak  
16:41:04 42 about these matters.  
43  
16:41:05 44 MR HOLT: Yes. I apologise if there's been a  
16:41:08 45 miscommunication. I'll speak with our learned friend and  
16:41:10 46 we'll resolve that as quickly as we can.  
47



16:41:12 1 COMMISSIONER: It sounds as though they're talking to two  
16:41:12 2 different teams about slightly different things.  
3  
16:41:13 4 MR HOLT: I think so. That is what it sounds like,  
16:41:15 5 Commissioner. I'm certain that between us we can resolve  
16:41:17 6 it.  
7  
16:41:18 8 COMMISSIONER: All right then. So then going on to item 2.  
9  
16:41:21 10 MR WOODS: The second issue, yes. There are 58 recordings  
16:41:25 11 of communications between members of the SDU and Nicola  
16:41:29 12 Gobbo throughout her period of registration, starting with  
16:41:32 13 the one that was tendered yesterday. We've received 25  
16:41:37 14 transcripts of those recordings and we're waiting on the  
16:41:41 15 balance of those. There's two issues in relation to these.  
16:41:46 16 The first issue is we're seeking the time by which those  
16:41:51 17 recordings will be provided, and we seek that that happens  
16:41:55 18 by 9 July at the latest. And the second issue to do with  
16:41:59 19 those recordings is the PII review that needs to occur. In  
16:42:04 20 part, that will - that's for the purposes of disclosure to  
16:42:08 21 the affected people.  
22  
16:42:11 23 The PII review - when the 16 September 2005 first  
16:42:19 24 transcript was tendered yesterday, there was an indication  
16:42:21 25 that that would be PII reviewed within a week. That caused  
16:42:25 26 a bit of concern at this end of the Bar table because we  
16:42:28 27 would have thought that that would have been the first one  
16:42:30 28 PII reviewed and that PII review would have been done some  
16:42:34 29 considerable time ago. Accordingly, we're seeking a  
16:42:37 30 direction that they're provided by 9 July, the balance of  
16:42:43 31 the transcripts, and that all transcripts are PII reviewed  
16:42:46 32 and provided to us in a shaded format by that date, so  
16:42:50 33 that's the second issue.  
34  
16:42:53 35 COMMISSIONER: By when, 9 July?  
36  
16:42:56 37 MR WOODS: By 9 July.  
38  
16:42:57 39 COMMISSIONER: So you're wanting them in a PIIed form by  
16:43:00 40 then?  
16:43:01 41  
16:43:01 42 MR WOODS: Yes.  
43  
16:43:02 44 MR CHETTLE: Commissioner, before you call on the police,  
16:43:04 45 we've, obviously, been seeking those as well, for obvious  
16:43:07 46 reasons, and my instructions are that they all, bar two,  
16:43:12 47 are in fact now on the Loricated database.

1  
16:43:16 2 COMMISSIONER: In a shaded format, with PII?  
3  
16:43:19 4 MR CHETTLE: Just total transcripts, the transcripts are  
16:43:21 5 there.  
6  
16:43:22 7 COMMISSIONER: But they haven't been PIIed yet?  
16:43:24 8  
16:43:24 9 MR CHETTLE: Not PIIed. They're missing two, I think. Of  
16:43:28 10 the total number, there's two that haven't been transcribed  
16:43:31 11 and we're trying to chase them down, but the point I raise  
16:43:33 12 is they are there if people - - -  
13  
16:43:35 14 COMMISSIONER: Apart from a couple, mostly there. But the  
16:43:38 15 Commission probably should be given the number for them.  
16  
16:43:40 17 MR WOODS: We would have thought as they're transcribed,  
16:43:41 18 they're provided to the Commission, rather than they be sat  
19 on.  
20  
16:43:44 21 COMMISSIONER: Just quietly put on to Loricated, or at  
16:43:48 22 least given the information on how to access them on  
16:43:51 23 Loricated and what the number is. So, again, you might  
16:43:55 24 need to get some instructions about that.  
25  
16:43:58 26 MR HOLT: I can assist in large measure, Commissioner.  
16:44:01 27 Those transcripts, bar the two that our learned friend  
16:44:04 28 Mr Chettle is referring to, are now in the process of being  
16:44:06 29 produced, so they will be produced, well in advance of the  
16:44:10 30 date that our friends seek, to the Commission in a wholly  
16:44:13 31 unredacted form.  
32  
16:44:14 33 COMMISSIONER: As soon as they're available, they should be  
16:44:16 34 produced.  
35  
16:44:17 36 MR HOLT: It is happening now, Commissioner.  
16:44:18 37  
16:44:18 38 COMMISSIONER: So if they're ready, they should be  
16:44:20 39 produced.  
40  
16:44:20 41 MR HOLT: It ought to have been done progressively. It  
16:44:20 42 wasn't as a result of an error, but it is being done  
16:44:25 43 immediately. The remaining transcript, there was a  
16:44:29 44 recording error. There will be two transcripts produced,  
16:44:33 45 I'm instructed. They may, in fact, now already have been  
16:44:35 46 done. The likelihood was that they would be done today.  
16:44:38 47 So our expectation is that even those last two will now be

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provided very shortly.

In terms of PII review, Commissioner, there are, I'm instructed, something in the order of 13,215 pages of transcript. The prospect of those being fully PII reviewed in the timeframe suggested by our learned friends is, with the greatest of respect, simply close to zero. What I would propose to do again is to have discussions, perhaps tonight and tomorrow morning, with our learned friend about a view whereby we might be able to deal with the matter in terms of identifying particular ones that need to be dealt with. The transcripts are extraordinarily difficult as a PII process, possibly as difficult, if not more difficult, than handwritten diary entries, because of the nature of the content of the conversations.

COMMISSIONER: I understand. The issue of disclosure, though, remains important in respect of them, I suppose that's the need for the PII, and some urgency about that, including, of course, for those matters which are already before the Court of Appeal.

MR HOLT: Of course, Commissioner, and in terms of the ones that are already before the Court of Appeal, they will, as I understand it, be dealt with - - -

COMMISSIONER: Be prioritised.

MR HOLT: Be prioritised on that basis also.

Our learned friend, completely understandably, notes expectations about when things might have been done. All I can say, as I have done previously, Commissioner, is that there are a dedicated group of people who are in a position to make decisions about PII prior to legal review. Those people haven't been sitting idle, there's been work going weekends, nights and so on to try and get through an enormous quantity of material, Commissioner.

MR CHETTLE: Commissioner, can I ask that we be provided with the unredacted copies of those transcripts? We've been given the first 25 - or 20. I'm told that will be done.

COMMISSIONER: The unredacted ones?

MR CHETTLE: We want the unredacted ones, obviously,

16:46:32 1 because they're our conversations.  
2  
16:46:34 3 MR HOLT: We treat access for Mr Chettle's clients to that  
4 as if it were part of Loricated, on the same basis of the  
16:46:41 5 undertakings that have been given previously. We'll ensure  
16:46:41 6 that occurs.  
7  
16:46:42 8 COMMISSIONER: All right. Is there anything further you  
16:46:44 9 need to say in respect of that one, Mr Woods?  
16:46:45 10  
16:46:46 11 MR WOODS: Other than to state the obvious, that these are  
16:46:47 12 very important documents for the affected people to have to  
16:46:50 13 be able to participate in the hearings that are upcoming.  
16:46:53 14 We would seek some guidance from Victoria Police as to how  
16:46:55 15 many people are undertaking that task and what stage  
16:47:01 16 they're at in reviewing the documents and a date by which  
16:47:05 17 they'll be complete.  
18  
16:47:06 19 COMMISSIONER: And should Ms Gobbo have access to these?  
20  
16:47:10 21 MR WOODS: They're conversations with her, so she should  
16:47:12 22 have the unredacted ones.  
23  
24 COMMISSIONER: So she should have them too.  
25  
16:47:14 26 MR NATHWANI: I have had a discussion with Mr Holt. We  
16:47:16 27 have access to Loricated, it is just how we then get the  
16:47:19 28 documents, but we're in discussion. I'm sure it will be  
16:47:22 29 resolved, as it has been.  
16:47:22 30  
16:47:23 31 COMMISSIONER: All right then.  
32  
16:47:24 33 MR HOLT: Commissioner, might I just return to an earlier  
16:47:26 34 topic, in case it assists our friend. The correspondence  
16:47:27 35 we're referring to in respect of the disclosure to affected  
16:47:30 36 persons was dated 24 June 2019, at 4.56 pm, from a person  
16:47:37 37 named Alana Giles, and specifically referred to PIIs for  
16:47:44 38 the upcoming hearings, if that assists. What occurred in  
16:47:47 39 that correspondence is probably less important than how we  
16:47:50 40 proceed from here and we'll do whatever we can.  
41  
16:47:52 42 COMMISSIONER: We'll try and sort it out. There seems to  
16:47:55 43 be a miscommunication between different teams at the  
16:47:59 44 inquiry.  
45  
16:48:00 46 MR WOODS: I've asked those questions and we'll follow that  
16:48:03 47 up in writing, because I think they are important issues to

16:48:07 1 be able to determine, because we need to provide these  
16:48:12 2 documents to the affected people, and we need to conduct  
16:48:15 3 the hearings in July.  
4

16:48:19 5 COMMISSIONER: It doesn't sound as though it is going to be  
16:48:22 6 realistic that we're going to get PIIed transcripts in time  
16:48:27 7 for the July hearings.  
8

16:48:29 9 MR WOODS: I'm not sure that's the case. These hearings  
16:48:32 10 have now - will conclude in a moment. If the team is as  
16:48:37 11 large as the indications have been made to the Commission,  
16:48:41 12 and they're working on 24-hour shifts, then we should be  
16:48:46 13 receiving PII reviewed ICRs on a rolling basis. We haven't  
16:48:52 14 received any. So have any been PII reviewed? If so, where  
16:49:01 15 are they?  
16

16:49:02 17 COMMISSIONER: I thought I was told that they haven't been  
16:49:04 18 and there are 13,058 pages to be done.  
19

16:49:07 20 MR WOODS: I hadn't realised the answer was not a single  
16:49:09 21 one had been done.  
22

16:49:10 23 MR HOLT: I'm sorry to interrupt my learned friend. We're  
16:49:12 24 at cross-purposes. ICRs are a different category of  
16:49:16 25 document.  
26

16:49:18 27 COMMISSIONER: I think they're further down the list.  
28

16:49:20 29 MR HOLT: Yes. I'm happy to deal with them there. We're  
16:49:20 30 talking at the moment, as I understand it, only about the  
16:49:22 31 transcripts.  
32

16:49:23 33 COMMISSIONER: Transcripts of the audio files.  
34

16:49:26 35 MR HOLT: That's the number that we're talking about.  
16:49:27 36 Those people are not sitting idle and they are dealing with  
16:49:32 37 a range of other documents, including the very large number  
16:49:34 38 of documents that were referred to previously, that I'm  
16:49:37 39 sure are at some point on the list.  
40

16:49:39 41 COMMISSIONER: But that is what I understood, that none of  
16:49:41 42 the audio files, whilst they've nearly all been made  
16:49:45 43 available - transcribed and are just about all to be made  
16:49:49 44 available, they are not PIIed and they won't be being  
16:49:54 45 provided in the shaded format and none have been prepared  
16:49:57 46 for PII.  
47

16:49:59 1 MR HOLT: No, Commissioner. Other matters have been  
16:50:02 2 prioritised over those matters, including, obviously  
16:50:05 3 enough, the material to go to the affected persons.  
16:50:05 4  
16:50:05 5 COMMISSIONER: So we've still got 13,058 pages to be PIIed?  
16:50:10 6  
16:50:10 7 MR HOLT: Unless we can come to a different arrangement to  
16:50:12 8 allow proceedings to - - -  
9  
16:50:14 10 COMMISSIONER: I understand.  
11  
16:50:16 12 MR HOLT: Much of that material is not going to be of any  
16:50:18 13 relevance to the Commission.  
14  
16:50:19 15 COMMISSIONER: So if you can get together and sort out  
16:50:21 16 relevance, you might be able to cut it down to a manageable  
16:50:24 17 number of pages.  
18  
16:50:26 19 MR HOLT: I think so, Commissioner, and I'm content to do  
16:50:27 20 that with our learned friends.  
21  
16:50:30 22 MR WOODS: Just on that point, we've indicated, in relation  
16:50:32 23 to ICRs, when it's been sought, that we provide a list of  
16:50:39 24 ones that will be certainly referred to. We've said we  
16:50:43 25 essentially need all of them PII reviewed because they deal  
16:50:48 26 with so many different topics, that it's possible that all,  
16:50:53 27 or most of them, will be referred to in the hearings.  
16:50:55 28 Certainly affected people might want to refer to various  
17:03:53 29 ones so it's difficult for us to say, "Here's the only ones  
17:03:53 30 we want reviewed". Anyway, we'll continue to deal with  
17:03:53 31 that. The next issue is documents relating to a particular  
17:03:53 32 deceased solicitor. Now this person was spoken about by  
17:03:53 33 various affected people on the 5 June directions hearing.  
17:03:53 34 We're seeking all disclosure of relevant documents because  
17:03:53 35 it's directly relevant to one of the Terms of Reference and  
17:03:53 36 obviously directly relevant to a number of affected people  
17:03:53 37 who made submissions on 5 June. So we're seeking - - -  
38  
17:03:53 39 COMMISSIONER: Will this be relevant to the evidence in the  
17:03:53 40 next tranche of hearings though?  
17:03:53 41  
17:03:53 42 MR WOODS: I think for some people it will be because of  
17:03:54 43 the particular role played by the person. How it will be  
17:03:54 44 dealt with in hearings remains to be seen but it will  
17:03:54 45 certainly be touched upon because those affected people  
17:03:54 46 have indicated that they need to be apprised of those  
17:03:54 47 issues. We're seeking that all of those documents relevant

17:03:54 1 to that individual be provided again by 9 July. There were  
17:03:54 2 discussions very early on in the Commission's life between  
17:03:54 3 counsel assisting and Victoria Police about that person and  
17:03:54 4 that as far as we can see hasn't been progressed.  
5  
17:03:54 6 COMMISSIONER: No, no.  
17:03:54 7  
17:03:54 8 MR WOODS: They're relevant to a large cohort I should say  
17:03:54 9 of potentially affected people.  
10  
17:03:54 11 COMMISSIONER: Yes, it's not Terms of Reference 1 and 2  
17:03:54 12 though, is it?  
17:03:54 13  
17:03:54 14 MR WOODS: No, it's not.  
15  
17:03:54 16 COMMISSIONER: It's the later Terms of Reference.  
17:03:54 17  
17:03:54 18 MR WOODS: To some extent it might be Term of Reference 2  
17:03:54 19 but it is I think generally either 3 or 4, that's right.  
20  
17:03:54 21 COMMISSIONER: I'm just wondering if we're actually going  
17:03:54 22 to get to that in the next lot of hearings, that evidence.  
17:03:54 23  
17:03:54 24 MR WOODS: In open hearing I need to be cautious about what  
17:03:54 25 I say.  
26  
17:03:54 27 COMMISSIONER: It will be touched on, will it?  
17:03:54 28  
17:03:54 29 MR WOODS: Yes, it will be. It will be because of this  
17:03:54 30 particular person's involvement alongside with Ms Gobbo.  
31  
17:03:54 32 COMMISSIONER: Right, I understand.  
17:03:54 33  
17:03:54 34 MR WOODS: In about 50 per cent of the people who are  
17:03:54 35 seeking leave to appear.  
17:03:54 36  
17:03:54 37 MR CHETTLE: Commissioner, my clients do have some material  
17:03:54 38 that relate to that particular person so I'd assume that  
17:03:54 39 people would want to ask my clients about it.  
40  
17:03:54 41 COMMISSIONER: Thanks Mr Chettle. So the Commission legal  
17:03:54 42 team would like all the documents pertaining to the  
17:03:54 43 witness's, this solicitor's use as a human source by 9 July  
17:03:54 44 2019. Can you get instructions on that overnight?  
17:03:54 45  
17:03:54 46 MR HOLT: I can. Could we deal with it - could I get them  
17:03:54 47 overnight?

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COMMISSIONER: Overnight.

MR HOLT: Sorry, I misheard the Commissioner. I was going to suggest that, thank you.

COMMISSIONER: Yes, very well. The next item is the thousand documents that were mentioned last week in this lot of hearings. We were told that 500 were ready to be produced. We don't have any.

MR WOODS: Yes, these are documents relating to converting of Ms Gobbo from a source to a witness and Mr Hannebery indicated that they'd be provided. As I understand it we don't have any of them yet.

COMMISSIONER: Mr Hannebery indicated last week that 500 were about to be in a position to be produced and we still don't have them.

MR HOLT: Sorry, Commissioner, I apologise. I was just getting instructions about the other matter and I missed the beginning of what our learned friend said, I apologise.

COMMISSIONER: No, no, that's all right. Last week Mr Hannebery informed the Commission of 1,000 documents which hadn't been disclosed beforehand that were relevant to Ms Gobbo's transition from informer to witness and he said that 500 were just about to be disclosed.

MR HOLT: Yes.

COMMISSIONER: Another 500 hadn't yet been disclosed. This was the comment that led me to refer to the Notice to Produce in January and that it was still operative and continuing.

MR HOLT: Yes, Commissioner. I'm aware of the issue. As I'm instructed, and perhaps again just in terms of that indication that was given last week I might need to just take some further instructions on that overnight.

COMMISSIONER: I understand.

MR HOLT: But the position in essence is that that very large number of documents have on my instructions now been reviewed for relevance and responsiveness. That's been a



17:03:54 1 significant undertaking. They haven't yet been reviewed on  
17:03:54 2 a preliminary basis for human source identification and  
17:03:54 3 witness protection issues. I hope to be able to progress  
17:03:54 4 some discussions with our learned friends that might speed  
17:03:54 5 that process up, but I won't be in a position to do that by  
17:03:54 6 12 noon tomorrow simply because the relevant meeting that  
17:03:54 7 we need to hold about that will be later in the day  
17:03:54 8 tomorrow.  
17:03:54 9

17:03:54 10 COMMISSIONER: Right. When would you expect to be able to  
17:03:54 11 inform the Commission of the position? It's just curious  
17:03:54 12 because we were told that there were 500 documents ready to  
17:03:54 13 go and we still don't have them, last week.

17:03:54 14  
17:03:54 15 MR HOLT: Commissioner, I just simply need to understand  
17:03:54 16 where that instruction came from because it doesn't appear  
17:03:54 17 to be entirely consistent with the instructions I hold  
17:03:54 18 today. Because certainly preliminary public interest  
17:03:54 19 immunity review for witness protection issues and so on  
17:03:54 20 hasn't occurred, as I'm instructed. But as I say, I'm  
17:03:54 21 hopeful that we can progress that such that the Commission  
17:03:54 22 can get the documents quickly.  
17:03:54 23

17:03:54 24 COMMISSIONER: All right. I suppose in terms of trying to  
17:03:54 25 help Victoria Police with their priorities, although we'd  
17:03:54 26 like the documents as soon as possible they're not - they  
17:03:54 27 could be relevant to the end of the period that we're  
17:03:54 28 examining next, couldn't they?  
17:03:54 29

17:03:54 30 MR HOLT: Commissioner, we'd rather get them to the  
17:03:54 31 Commission, recognising the competing priorities of course,  
17:03:54 32 which we talk about a lot. But we'd like to get those to  
17:03:54 33 the Commission and I am hopeful that we might be able to  
17:03:54 34 find a way of doing that.  
17:03:54 35

17:03:54 36 COMMISSIONER: Yes.

17:03:54 37  
17:03:54 38 MR HOLT: If the Commissioner would permit me that liberty.  
17:03:54 39

17:03:54 40 COMMISSIONER: Yes, all right then.

17:03:54 41  
17:03:54 42 MR WOODS: They've been identified by Victoria Police.  
17:03:54 43 There's been a number put on them. We would be happy to  
17:03:54 44 accept them on the basis that we're not going to use them  
17:03:54 45 or publicise them or disseminate them to anyone. They  
17:03:54 46 don't need any reviews for that purpose. The Commission  
17:03:54 47 simply won't use them until Victoria Police has an

17:03:54 1 opportunity to do that. So we call for the documents.  
2  
17:03:54 3 COMMISSIONER: You can let them know which ones you want  
17:03:54 4 and assist them in the PII prioritising process.  
17:03:54 5  
17:03:54 6 MR HOLT: I'm enormously grateful for that indication and  
17:03:54 7 as I say I will attempt to deal with that issue overnight  
17:03:54 8 or tomorrow.  
9  
17:03:54 10 COMMISSIONER: Good, thank you.  
17:03:54 11  
17:03:54 12 MR WOODS: Then there's an issue of emails. We've been  
17:03:54 13 told that - - -  
14  
17:03:54 15 COMMISSIONER: First of all there are some exhibits, aren't  
17:03:54 16 there?  
17:03:54 17  
17:03:54 18 MR WOODS: There are. Those can probably be dealt with  
17:03:54 19 between counsel, those next couple of issues.  
20  
17:03:54 21 COMMISSIONER: Hopefully but the point is that these have  
17:03:54 22 been tendered and the public would like to have whatever  
17:03:54 23 they can have put up on the website as soon as possible.  
17:03:54 24  
17:03:54 25 MR WOODS: Yes.  
26  
17:03:54 27 COMMISSIONER: I don't want them to fall away.  
17:03:54 28  
17:03:54 29 MR WOODS: No, no. We can certainly address them. The  
17:03:54 30 first is Mr Kelly's diaries and we're seeking that they be  
17:03:54 31 produced in shaded and redacted form. I think the way that  
17:03:54 32 they were tendered was that in Exhibit A of them, which was  
17:03:54 33 all of the diaries that we had in an unredacted non-PII  
17:03:54 34 form were tendered and that we were waiting on some shaded  
17:03:54 35 and redacted versions apparently.  
36  
17:03:54 37 COMMISSIONER: Which will then need to be discussed by  
17:03:54 38 counsel and if necessary the VGSO. So we need to progress  
17:03:54 39 those so we can get that conversation going.  
17:03:54 40  
17:03:54 41 MR WOODS: Yes, and for the record that's Exhibit 236. The  
17:03:54 42 next is 237, which is further diary entries of Mr Kelly and  
17:03:54 43 they're referred to in 48A to K of his statement and  
17:03:54 44 they're in the same category. We've got an A tendered but  
17:03:54 45 not the B version yet.  
46  
17:03:54 47 COMMISSIONER: That's all right. Would you address that

17:03:54 1 tomorrow, do you want to?  
17:03:54 2  
17:03:54 3 MR HOLT: Yes, Ms Argiropoulos took that witness and I'll  
17:03:54 4 speak to her tonight or tomorrow morning and address it.  
17:03:54 5  
17:03:54 6 COMMISSIONER: Thank you. Then the police officer  
17:03:54 7 [REDACTED] who we're still seeking to call.  
17:03:54 8  
17:03:54 9 MR WOODS: That's right, we heard from his doctor some time  
17:03:54 10 ago and we asked that he provide - - -  
17:03:54 11  
17:03:54 12 MR HOLT: Sorry, his name is suppressed, Commissioner.  
17:03:54 13  
17:03:54 14 COMMISSIONER: Is it? Okay. No one's to publish that  
17:03:54 15 name. Police Officer 1, my fault. We're all in trouble  
17:03:54 16 today.  
17:03:54 17  
17:03:54 18 MR WOODS: The police officer - I don't think I've done  
17:03:54 19 anything yet.  
17:03:54 20  
17:03:54 21 COMMISSIONER: We've still got a little bit of time left  
17:03:54 22 for you to catch up.  
17:03:54 23  
17:03:54 24 MR WOODS: The police officer in question was asked, we  
17:03:54 25 asked for an update six weeks' hence.  
17:03:54 26  
17:03:54 27 COMMISSIONER: We're still intending to call him.  
17:03:54 28  
17:03:54 29 MR WOODS: We are.  
17:03:54 30  
17:03:54 31 MR HOLT: I'll take instructions on that position  
17:03:54 32 overnight.  
17:03:54 33  
17:03:54 34 COMMISSIONER: Right. Then next is the emails.  
17:03:54 35  
17:03:54 36 MR WOODS: Emails, that's right. There was an indication  
17:03:54 37 provided that Victoria Police was loading a large amount of  
17:03:54 38 emails on to their document, their document management  
17:03:54 39 system. The Commissioner will be aware that there's been  
17:03:54 40 relatively few emails referred to by witnesses and in their  
17:03:54 41 statements and a few have indicated that they haven't been  
17:03:54 42 able to get emails before a particular date, I think it is  
17:03:54 43 in 2007, because they just don't exist, but there are  
17:03:54 44 emails post that date that we're expecting to be loaded on  
17:03:54 45 to their system and we're seeking an indication as to when  
17:03:54 46 those emails will be produced to the Commission.  
17:03:54 47

17:03:54 1 COMMISSIONER: All right then. Again we'll hear from  
17:03:54 2 Mr Holt tomorrow about that.  
17:03:54 3  
17:03:54 4 MR WOODS: We can provide a note overnight as to each of  
17:03:54 5 these issues too.  
17:03:54 6  
17:03:54 7 COMMISSIONER: Yes.  
17:03:54 8  
17:03:54 9 MR WOODS: Next is the SDU hard drives. There's been an  
17:03:54 10 attempt to access the hard drives for a few months we've  
17:03:54 11 been told. Firstly, we want to find out whether that is  
17:03:54 12 something that we can expect to occur and, secondly, if it  
17:03:54 13 is to occur when we will be provided with the contents of  
17:03:54 14 those SDU hard drives.  
17:03:54 15  
17:03:54 16 COMMISSIONER: Right. I just note the last note there that  
17:03:54 17 Victoria Police doesn't seem to think it's going to help.  
17:03:54 18  
17:03:54 19 MR WOODS: Yes. We understand that there's an expectation  
17:03:54 20 from Victoria Police that the material won't be of value.  
17:03:54 21 But we'd like to know, if it's able to be accessed whether  
17:03:54 22 we can get a confirmation of that, and if it's not able to  
17:03:54 23 be accessed then a confirmation and we'll know.  
17:03:54 24  
17:03:54 25 COMMISSIONER: All right then. Item 10 is the ICR - - -  
17:03:54 26  
17:03:54 27 MR CHETTLE: Just before you leave the matters of the hard  
17:03:54 28 drive, they are matters that will be of importance to the  
17:03:54 29 Commission.  
17:03:54 30  
17:03:54 31 COMMISSIONER: They will be?  
17:03:54 32  
17:03:54 33 MR CHETTLE: Yes.  
17:03:54 34  
17:03:54 35 COMMISSIONER: Okay, thank you for that, Mr Chettle. So we  
17:03:54 36 can disregard the note that - - -  
17:03:54 37  
17:03:54 38 MR CHETTLE: I don't know who said that but my clients have  
17:03:54 39 been saying forever that that's their complete set of  
17:03:54 40 records. What you've got on Loricated isn't. Simple as  
17:03:54 41 that.  
17:03:54 42  
17:03:54 43 COMMISSIONER: All right then. We can cross that note out  
17:03:54 44 then, thank you. Item 10, the ICRs redacted.  
17:03:54 45  
17:03:54 46 MR WOODS: That's been addressed earlier as to the PII  
17:03:54 47 review of the ICRs and the date which that will occur. I

17:03:54 1 spoke about that earlier when I was talking about the  
17:03:54 2 transcripts and Mr Holt pointed out the ICRs and the  
17:03:54 3 transcripts are different things.  
4  
17:03:54 5 COMMISSIONER: Yes.  
17:03:54 6  
17:03:54 7 MR WOODS: The long and short is that both those ICRs and  
17:03:54 8 the transcripts of those contacts, so the face-to-face  
17:03:54 9 contacts, need to be PII reviewed.  
10  
17:03:54 11 COMMISSIONER: You're asking to have those by 8 July?  
17:03:54 12  
17:03:54 13 MR WOODS: Yes, we are.  
14  
17:03:54 15 COMMISSIONER: Which is consistent with what I said at the  
17:03:54 16 last hearing on 5 June.  
17:03:56 17  
17:03:56 18 MR WOODS: Yes, however the indication that was given a  
17:03:59 19 moment ago as to the size of that task, we'll be seeking  
17:04:08 20 some assurance as to the date it will be done by.  
17:04:11 21 Remembering that those people who are affected who are  
17:04:14 22 named in the ICRs will not just need them in their hand on  
17:04:17 23 the day of the hearing but will need to be able to prepare  
17:04:21 24 to ask questions and also to assist counsel assisting with  
17:04:25 25 where they would like questions to be directed for 22 July.  
26  
17:04:34 27 COMMISSIONER: All right. The statements from the handlers  
17:04:39 28 and documents.  
17:04:40 29  
17:04:40 30 MR WOODS: The statements have been produced. We're  
17:04:42 31 seeking PII versions of those to be provided by 9 July so  
17:04:49 32 that they can be distributed to affected people and those  
17:04:52 33 others at the Bar table.  
17:04:54 34  
17:04:54 35 MR HOLT: I can indicate, Commissioner, that that has  
17:04:56 36 occurred with the Jones' statement and it is now in the  
17:04:57 37 process of production.  
38  
17:04:58 39 COMMISSIONER: That's a good start anyhow.  
17:05:02 40  
17:05:02 41 MR WOODS: We'll seek also some indication as to the others  
17:05:06 42 that have been produced and when they'll be provided.  
43  
17:05:10 44 COMMISSIONER: Yes, all right.  
17:05:14 45  
17:05:14 46 MR WOODS: The next is source management logs and risk  
17:05:17 47 assessments. It might be that one of these might have been

17:05:27 1 done, I'm not sure of the answer to that, but for the same  
17:05:31 2 reason, the source management log's being a summary of the  
17:05:36 3 contacts and information provided by Nicola Gobbo during  
17:05:38 4 her 2005 to 2009 registration. So they're quite lengthy  
17:05:45 5 documents, there's one for the 3838 registration, one for  
17:05:48 6 the 2958 registration, so we need again to provide to  
17:05:53 7 potentially affected people PIIed versions of those.  
17:05:57 8 Secondly, the two risk assessments that were conducted  
17:06:02 9 during Nicola Gobbo's time as a registered human source and  
17:06:08 10 PIIed. That last category of documents are very short  
17:06:10 11 documents and we take it they wouldn't take very long. In  
17:06:13 12 fact I've read them recently and I'm not sure there is PII  
17:06:17 13 material.  
17:06:17 14  
17:06:18 15 MR HOLT: I can assist our learned friend. In terms of the  
17:06:22 16 source management logs there just needs to be a change done  
17:06:25 17 through those to reflect suppression orders. That wasn't  
17:06:29 18 done the first time. As soon as that's done, which I'm  
17:06:31 19 instructed is likely to be today or tomorrow and those  
20 immediately produced.  
21  
22 COMMISSIONER: Yes.  
23  
17:06:33 24 MR HOLT: And the risk assessments, as our learned friend  
17:06:35 25 says, are relatively short. I'm instructed that the PII  
17:06:39 26 review of those has been done and is now in the process of  
17:06:42 27 production.  
28  
17:06:43 29 COMMISSIONER: That's good. That will be ahead of time.  
17:06:45 30  
17:06:46 31 MR WOODS: That will be way ahead of 9 July.  
32  
17:06:51 33 COMMISSIONER: Some Legal Service Board exhibits that were  
17:06:55 34 tendered a while back. We're still waiting for PII  
17:06:58 35 versions of 13 of those. These are documents that have  
17:07:03 36 been tendered and really should have some priority in terms  
17:07:05 37 of PIIing.  
17:07:07 38  
17:07:07 39 MR WOODS: And they're relatively short documents too, yes.  
17:07:10 40  
17:07:10 41 MR HOLT: I wasn't given notice of all of these issues,  
17:07:14 42 some I was.  
43  
17:07:15 44 COMMISSIONER: Sure.  
17:07:16 45  
17:07:17 46 MR HOLT: But we will take instructions on that,  
17:07:18 47 Commissioner.

1  
2 COMMISSIONER: Thank you.  
3  
17:07:18 4 MR HOLT: Hopefully that can be resolved quickly.  
5  
17:07:21 6 COMMISSIONER: Yes, thank you. We want to know what's  
17:07:23 7 happening as to whether Exhibit 84 has been disclosed to  
17:07:28 8 Mr Arnautovic.  
17:07:31 9  
17:07:31 10 MR WOODS: Yes, that's right. There's a number of  
17:07:36 11 documents requiring disclosure and we asked for an update a  
17:07:41 12 little while ago. Obviously that's an important issue  
17:07:45 13 because that individual is still in custody, albeit for  
17:07:50 14 later matters.  
15  
17:07:51 16 COMMISSIONER: Yes.  
17:07:52 17  
17:07:52 18 MR WOODS: And it was identified as a potentially affected  
17:07:55 19 matter quite some time ago.  
20  
17:07:57 21 COMMISSIONER: Yes.  
17:07:57 22  
17:07:58 23 MR WOODS: We're hoping that that disclosure has occurred.  
24  
17:08:00 25 COMMISSIONER: Mr Doyle might have an interest in that as  
17:08:03 26 well.  
17:08:03 27  
17:08:03 28 MR DOYLE: Yes. We haven't been given anything further.  
29  
17:08:06 30 COMMISSIONER: No. It should be prioritised obviously.  
17:08:09 31  
17:08:09 32 MR HOLT: This was a matter we were given notice of so I'm  
17:08:12 33 in a position to update the Commission about this. As has  
17:08:16 34 been previously advised to the Commission, the decision has  
17:08:18 35 been made that there are documents that require disclosure.  
17:08:21 36 I'm instructed that an application is imminently to be made  
17:08:25 37 in the Supreme Court by Victoria Police to prevent the  
17:08:27 38 further disclosure by that affected person of those  
17:08:30 39 documents once they are disclosed to him in order to  
17:08:33 40 protect the identity of particular persons whose identities  
17:08:37 41 need to be protected as a matter of law. I'm instructed  
17:08:40 42 that that will occur, that that will be prosecuted as a  
17:08:43 43 matter of urgency.  
44  
17:08:44 45 COMMISSIONER: Mr Arnautovic I think has lawyers acting for  
17:08:47 46 him now, hasn't he?  
17:08:49 47

17:08:50 1 MR HOLT: I don't know, Commissioner.  
2  
17:08:51 3 COMMISSIONER: He has I think.  
17:08:52 4  
17:08:52 5 MR WOODS: Yes, he does.  
6  
17:08:53 7 COMMISSIONER: So I don't know why that can't be done  
17:08:54 8 through lawyers.  
17:08:55 9  
17:08:56 10 MR HOLT: Sorry, Commissioner, I wasn't aware of that  
17:08:57 11 position. Certainly the last I knew was that he was - - -  
12  
17:08:58 13 COMMISSIONER: You better find out about that and perhaps  
17:09:00 14 discuss it with Mr Doyle as well.  
17:09:02 15  
17:09:03 16 MR HOLT: That may well permit a shortcut.  
17  
18 COMMISSIONER: Yes.  
19  
17:09:05 20 MR HOLT: Of the kind that the Commissioner will be  
17:09:07 21 anticipating. I'll deal with that again, Commissioner.  
22  
17:09:09 23 COMMISSIONER: Yes. Then Paul Dale's notes of 29 May.  
17:09:13 24  
17:09:14 25 MR WOODS: Yes. Mr Hannebery was to make inquiries on  
17:09:19 26 whether those notes existed and then Mr Winneke asked  
17:09:26 27 Mr Dale about those and whether he was aware that Ms Gobbo  
17:09:31 28 had called the handlers. Then you, Commissioner, asked  
17:09:35 29 Mr Hannebery to inform the Commission of the existence or  
17:09:39 30 whereabouts of those documents, the notes of 29 May 2007  
17:09:45 31 and so we're seeking that they be provided by no later than  
17:09:49 32 9 July.  
33  
17:09:52 34 COMMISSIONER: I'm sure again you'll know more by 12  
17:09:56 35 o'clock tomorrow.  
17:09:57 36  
17:09:57 37 MR HOLT: Again, I regret, Commissioner, this wasn't a  
17:09:59 38 matter we were put on notice of for the purposes of this  
17:10:02 39 afternoon. I apologise for - - -  
40  
17:10:02 41 COMMISSIONER: There's no need to apologise for it. You're  
17:10:07 42 not involved it but it obviously needs to be followed up.  
17:10:11 43  
17:10:11 44 MR HOLT: Yes, thank you Commissioner. Again, if we're  
17:10:14 45 provided with this list at the end of the day I'd very  
17:10:15 46 grateful just to ensure I don't miss anything.  
47



1 MR WOODS: Yes.  
2  
17:10:18 3 COMMISSIONER: Yes. Don't you have this list?  
17:10:20 4  
17:10:21 5 MR HOLT: No.  
6  
17:10:21 7 COMMISSIONER: I thought it was provided.  
17:10:23 8  
17:10:23 9 MR WOODS: I thought it might have been as well. I've got  
10 a copy of a list that was provided to me.  
11  
17:10:25 12 COMMISSIONER: Sorry, I thought it was provided.  
17:10:30 13  
17:10:33 14 MR HOLT: If I'd the list I'd be in a position to reply to  
15 everything and I'm sorry that I'm not.  
16  
17 COMMISSIONER: I only go the list at lunch time but I  
18 thought it was going to be provided to you for the purposes  
19 of this - - -  
20  
17:10:34 21 MR HOLT: It may have been provided to our instructors, I  
17:10:37 22 don't know, but I've certainly not seen it.  
17:10:37 23  
17:10:38 24 COMMISSIONER: We'll certainly get one to you tonight  
17:10:41 25 before you leave this afternoon.  
17:10:43 26  
17:10:44 27 MR HOLT: I'd be very grateful.  
17:10:45 28  
17:10:46 29 MR WOODS: The last thing that isn't on the list is  
17:10:48 30 Ms Gobbo's draft statement that was referred to in evidence  
17:10:52 31 last week, apparently taken by Mr Iddles. Victoria Police  
17:10:59 32 were undertaking a PII review of that document and we  
17:11:03 33 certainly want to tender that document - well, have it  
17:11:06 34 publicly tendered as quickly as possible.  
35  
17:11:08 36 COMMISSIONER: Yes, there's a lot of interest in that from  
17:11:10 37 the media.  
17:11:11 38  
17:11:11 39 MR WOODS: We're seeking an update as to, well, again we  
17:11:16 40 would expect that to have been completed by 9 July.  
17:11:19 41  
17:11:20 42 MR HOLT: It's done, Commissioner. It's in the process of  
17:11:22 43 production.  
44  
17:11:22 45 COMMISSIONER: All right, thank you.  
17:11:23 46  
17:11:24 47 MR HOLT: In fact, it's already been produced, I'm told,

17:11:29 1 but that may not have made its way through.  
2  
17:11:33 3 COMMISSIONER: I understand. Again, we'll know more  
17:11:33 4 tomorrow. We might need to have some PII discussions about  
17:11:36 5 it, or it might be ready to go up, so we'll know more by  
17:11:40 6 tomorrow.  
17:11:40 7  
17:11:41 8 MR WOODS: Just one last thing.  
9  
17:11:42 10 COMMISSIONER: Yes.  
17:11:42 11  
17:11:43 12 MR WOODS: In relation to the Arnautovic application to the  
17:11:45 13 Supreme Court, we've written previously to Victoria Police  
17:11:48 14 to make sure the Commission is on notice of applications to  
17:11:52 15 the court.  
17:11:54 16  
17:11:54 17 MR HOLT: The Commission will be on notice, I can undertake  
17:11:57 18 that.  
17:11:57 19  
17:11:58 20 MR WOODS: It obviously hasn't been made yet.  
21  
17:12:00 22 COMMISSIONER: No. Once Victoria Police understand that  
17:12:02 23 there's lawyers acting, it may not be necessary.  
17:12:05 24  
17:12:05 25 MR WOODS: No, that's right. But also remembering that he  
17:12:07 26 is in custody, so - - -  
27  
17:12:09 28 COMMISSIONER: Yes, absolutely. That's quite an important  
17:12:12 29 matter of priority - a very important matter of priority.  
17:12:16 30  
17:12:17 31 MR WOODS: Yes. So we'll share a list, including that last  
17:12:20 32 issue, with Victoria Police and we'll be able to update the  
17:12:27 33 Commissioner tomorrow, by the sound of things.  
34  
17:12:29 35 COMMISSIONER: There was one other matter I wanted to  
17:12:30 36 mention, Mr Holt. The police media and communications  
17:12:36 37 people are able to be present through closed hearings and  
17:12:39 38 just because I'm a terribly cautious person, I just thought  
17:12:44 39 I better make sure that somebody has spoken to them and  
17:12:47 40 they understand they must not speak to witnesses, police  
17:12:51 41 witnesses, before they give their testimony or during their  
17:12:55 42 testimony or after they've given their testimony, when they  
17:12:59 43 are likely to be recalled.  
17:13:01 44  
17:13:02 45 MR HOLT: Can I indicate, Commissioner, this was an issue  
17:13:04 46 raised this morning presumably with us and I have conferred  
17:13:06 47 with those persons. Not only do they well and truly

17:13:11 1 understand that, I'm assured that they have always  
17:13:14 2 understood that, Commissioner.  
3  
4 COMMISSIONER: Good. That's what I hoped the position was,  
17:13:16 5 but just because I'm such a cautious person, I thought I'd  
17:13:20 6 better clarify.  
17:13:22 7  
17:13:22 8 MR HOLT: We're happy to clarify, Commissioner. It's  
17:13:24 9 always been understood and it's been addressed in any  
10 event.  
11  
17:13:26 12 COMMISSIONER: Excellent. Thank you.  
17:13:26 13  
17:13:27 14 MR NATHWANI: Commissioner, one last matter. Tomorrow,  
17:13:29 15 neither Mr Collinson nor I are able to be present at the  
17:13:33 16 directions hearing on behalf of Ms Gobbo.  
17  
17:13:33 18 COMMISSIONER: I don't think anything will be of concern to  
17:13:35 19 you.  
17:13:35 20  
17:13:35 21 MR NATHWANI: I doubt it.  
22  
17:13:36 23 COMMISSIONER: But if you want an instructing solicitor,  
17:13:39 24 you're welcome to have them here.  
17:13:43 25  
17:13:43 26 MR NATHWANI: You finished my submission for me.  
27  
17:13:45 28 COMMISSIONER: But I think it will just be - well, you've  
17:13:45 29 heard what it's about. I don't think it's going to concern  
17:13:49 30 you, so that won't be an issue.  
31  
17:13:52 32 All right then. We'll adjourn until 12 o'clock  
17:13:54 33 tomorrow, for further directions.  
17:16:05 34  
17:16:06 35 ADJOURNED UNTIL WEDNESDAY 3 JULY 2019  
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