

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Friday, 28 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 Ms R. Enbom
 Ms K. Argiropoulos

Counsel for State of Victoria Ms C. McCudden

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

Counsel for DPP/SPP Mr P. Doyle

Counsel for CDPP Ms E. Hilliard

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

Counsel for Farouk Orman Ms C. Lloyd

1 UPON RESUMING IN OPEN COURT:

12:34:19 2
12:34:19 3 COMMISSIONER: Thank you. Yes, all right. We're no longer
12:34:15 4 in closed hearing, we're now in open hearing.

12:34:18 5
12:34:20 6 MR WOODS: Thank you, Commissioner.

7
12:34:21 8 COMMISSIONER: Yes, Mr Woods.

12:34:24 9
12:34:24 10 MR WOODS: Mr Hatt, you've given evidence - I'm just going
12:34:27 11 to pass you a Post-it Note. I'd like you just to have a
12:34:33 12 look at that. It just identifies some names of people and
12:34:39 13 the identity that I'll give them in these questions.
12:34:43 14 You've given evidence during the closed session about,
12:34:48 15 firstly, what I refer to on that Post-it Note as the first
12:34:53 16 person being arrested for a serious crime a good deal of
12:35:00 17 years ago?---Yes.

18
12:35:04 19 The first person, you say, of their own volition agreed to
12:35:09 20 provide information in relation to some other individuals,
12:35:13 21 that's a fair summary of your evidence?---Yes.

22
12:35:17 23 And you're aware that, after making that decision, he asked
12:35:23 24 for Nicola Gobbo to represent him - this is the first
12:35:30 25 person?---It eventually happened, yes.

26
12:35:36 27 And as part of Nicola Gobbo's representation of the first
12:35:38 28 person, Nicola Gobbo was provided by you with statements
12:35:44 29 that the first person was willing to make to assist police
12:35:48 30 in relation to other matters, that's right?---She was shown
12:35:52 31 a copy, which was then taken back from her. She wasn't
12:35:54 32 given - provided with - - -

33
12:35:56 34 No, firstly, you took them to her chambers?---Yes.

35
12:35:59 36 She reviewed them in front of you?---Yes.

37
12:36:03 38 She suggested some changes should be made for her client's
12:36:06 39 statement - to her client's statement?---She suggested -
12:36:11 40 she made some comments, which I've documented in my diary.

41
12:36:14 42 All right. And then those suggestions were taken back to
12:36:18 43 that first person?---From a police perspective, I believe
12:36:25 44 one of them was.

45
12:36:26 46 All right?---I'm not sure about the others.

47

12:36:29 1 One of the things that that first person was doing - or one
12:36:33 2 of the people he was implicating was the second person on
12:36:37 3 that Post-it Note in front of you, that's correct?---That's
12:36:41 4 correct.
5
12:36:41 6 And he was implicating the second person in a serious
12:36:45 7 crime?---Yes.
8
12:36:49 9 And at some stage after the second person was arrested for
12:36:53 10 that serious crime, it's known that Nicola Gobbo, at that
12:36:59 11 second person's request, came on as that person's
12:37:03 12 representative, legal representative?---Yes.
13
12:37:10 14 And despite Gobbo having assisted the first person provide
12:37:14 15 information against the second person, your evidence is
12:37:17 16 that you saw no issue with Nicola Gobbo representing the
12:37:21 17 second person; is that right?---I disagree with your
12:37:25 18 terminology used.
19
12:37:27 20 Right?---When you say - assisting to provide a statement is
12:37:30 21 incorrect. I would suggest that she represented the person
12:37:33 22 to get the best deal they possibly could in the
12:37:38 23 circumstances.
24
12:37:39 25 By providing information to police?---By the witness
12:37:43 26 providing a written statement and providing evidence.
27
12:37:46 28 That Nicola Gobbo suggested amendments to on behalf of the
12:37:49 29 first person?---Sorry - - -
30
12:37:57 31 She did, didn't she?---Repeat the question again.
12:38:00 32
12:38:01 33 Nicola Gobbo suggested changes, at least one of which were
12:38:07 34 made, to the first person's statement?---Yes, but it
12:38:09 35 referred to the indemnity in the statement, not the matters
12:38:11 36 within the statement.
37
12:38:14 38 Well, one of them did, but the other one referred to his
12:38:18 39 belief in a particular set of circumstances, do you agree
12:38:22 40 with that?---That was a comment that she made on that
12:38:25 41 particular visit, yes.
42
12:38:27 43 All right?---Which I diarised.
44
12:38:29 45 You accept that she was representing that person in those
12:38:31 46 circumstances?---Yes.
47

12:38:33 1 All right. Going back to my question, you see no issue
12:38:36 2 with Nicola Gobbo representing the second person in those
12:38:40 3 circumstances; is that correct?---I personally don't, no.
4
12:38:44 5 If a junior officer came to you today with a concern
12:38:51 6 precisely the same as the one that I've just pointed out to
12:38:54 7 you, you would tell that person there is no problem with
12:38:56 8 that situation?---No, I would not. I would suggest that
12:38:59 9 that person or the member would have to tread carefully and
12:39:03 10 continually risk assess what was going on.
11
12:39:09 12 In any event, the second person sought a benefit of their
12:39:15 13 own and, in doing so, provided information in relation to a
12:39:21 14 third person; is that right?---Yes.
15
12:39:27 16 It eventually became known to you, but not immediately at
12:39:31 17 the time, that that third person also asked for Nicola
12:39:36 18 Gobbo to represent him in relation to the matters that the
12:39:39 19 second person had implicated him in?---I've since been told
12:39:43 20 that he requested her at one stage.
21
12:39:46 22 All right. It was known to Purana in the period that on at
12:39:52 23 least three occasions, Nicola Gobbo turned up to court to
12:39:55 24 represent the third person in relation to that particular
12:39:59 25 matter - not known to you at the time but would have been
12:40:03 26 known to Purana?---I can't say whether Purana knew about
12:40:07 27 that. It certainly wasn't known to me.
28
12:40:09 29 It would have been known to the informant, because we
12:40:11 30 talked about that before?---I would suspect so, yes.
31
12:40:19 32 All right?---If in fact it did occur.
33
12:40:22 34 Yes. In the process of putting together a brief of
12:40:31 35 evidence - firstly, I take it that that's something that
12:40:35 36 you've had to do a number of times through your
12:40:38 37 professional career?---Yes.
38
12:40:39 39 Not so much these days in your Inspector's role, but
12:40:42 40 presumably in the past?---Yes.
41
12:40:44 42 You agree that one of the things that you are attempting to
12:40:47 43 do as an informant is to put all of the things that might
12:40:51 44 assist the prosecution, firstly, they go into the brief of
12:40:56 45 evidence?---Yes.
46
12:40:58 47 And, secondly, all of the things that might assist the

12:41:01 1 defence also go into the brief of evidence?---Yes, within
12:41:07 2 relevance.
3
12:41:08 4 If they're relevant?---Yes.
5
12:41:09 6 And I assume that relevance doesn't only apply to the
12:41:12 7 latter, it applies to the former as well?---Correct.
8
12:41:16 9 Things that might assist the prosecution?---Yes.
10
12:41:18 11 The reason, as an informant, that you are putting that
12:41:21 12 second category of things into a brief of evidence is that
12:41:25 13 you have an obligation to ensure that the legal process
12:41:29 14 plays out fairly for an accused person, that's why those
12:41:34 15 things that might assist the defence are put into a brief
12:41:37 16 of evidence, that's true, isn't it?---Yes.
17
12:41:44 18 In circumstances where there is a legal practitioner who is
12:41:47 19 acting in the circumstances that I've just set out now, do
12:41:53 20 you agree that there is a risk that the legal process might
12:41:55 21 not play out fairly in relation to the second person or the
12:41:59 22 third person when it was the same legal practitioner who'd
12:42:02 23 represented the first, second and third person each giving
12:42:06 24 information about each other?---Potentially.
25
12:42:10 26 There's a risk, isn't there?---Potentially.
27
12:42:12 28 Is there or isn't there a risk?---Potentially.
29
12:42:14 30 So there is?---Well, there'd be an ongoing risk assessment
12:42:21 31 done in relation to the circumstances at any given time, so
12:42:23 32 potentially.
33
12:42:25 34 All right. Do you agree that the prosecution and Victoria
12:42:29 35 Police have a role in identifying those sorts of conflicts
12:42:33 36 and doing something about them? Where there is a conflict
12:42:36 37 of a legal practitioner who has been acting for a number of
12:42:40 38 people where there's a threat of a conflict, Victoria
12:42:43 39 Police has a role in identifying that and doing something
12:42:45 40 about it?---Again, potentially. The decision of the person
12:42:51 41 that requires the representation is also important.
42
12:42:56 43 That's true, as long as they're apprised of all of the
12:43:02 44 facts. If they don't know that that legal representative
12:43:06 45 has represented other people who have implicated
12:43:09 46 themselves, then they're not really in a position to make
12:43:12 47 that decision, are they?---Possibly not.

1
12:43:16 2 Firstly, you're aware of the investigation and charges that
12:43:20 3 arose out of the burglary at Dublin Street in September
12:43:31 4 2003, you know generally about that issue - I'm not saying
12:43:35 5 you were involved?---Only what I've seen in the media.
6
12:43:39 7 Okay. In that proceeding - and Mr Gregor gave evidence
12:43:43 8 before the Commission previously - there was a question
12:43:47 9 that was asked internally about whether it was the case
12:43:49 10 that Nicola Gobbo could or could not act for Terry Hodson
12:43:52 11 in circumstances where she was acting for another person.
12:43:58 12 Do you know about that?---No.
13
12:44:00 14 Mr Gregor gave evidence that Ms Gobbo was told that in fact
12:44:06 15 she wasn't able to because of a conflict of interest that
12:44:09 16 she had acting for two people whose interests didn't align
12:44:13 17 with each other. Now, that was the evidence that he gave.
12:44:17 18 Now, accepting that, am I right to say that a cynical
12:44:22 19 person might look at Victoria Police's practices in this
12:44:24 20 regard as when a conflict suits Victoria Police's purposes,
12:44:30 21 they won't do anything about it and when it doesn't suit
12:44:35 22 their purposes, they will do something about that
12:44:40 23 conflict?---I can't comment on that.
24
12:44:42 25 That's the situation that we've just gone through, isn't
12:44:44 26 it, in relation to the first person, second person, third
12:44:47 27 person on the one hand where no issue was taken, and the
12:44:50 28 matters involving Mr Hodson on the other hand, is that a
12:44:54 29 fair reflection?---No, I can't agree with that because I'm
12:44:57 30 not aware of the circumstances around each of those cases.
31
12:45:00 32 Nothing further, Commissioner.
33
12:45:01 34 COMMISSIONER: Mr Chettle, you wanted to have some - - -
12:45:05 35
12:45:05 36 MR CHETTLE: I did.
37
12:45:06 38 COMMISSIONER: Remember that we're in public session now
12:45:08 39 and the suppression orders apply.
12:45:10 40
12:45:11 41 MR CHETTLE: I do, Commissioner. None of the matters
12:45:13 42 relate to suppression orders.
12:45:15 43
44 <CROSS-EXAMINED BY MR CHETTLE:
45
12:45:17 46 Very briefly, would you look at paragraph 48 of your
12:45:20 47 statement, please, Inspector. It's a reference to your

12:45:27 1 diary recording a conversation with Detective Sergeant
12:45:32 2 Bourne, do you see that?---I do, yes.
3
12:45:36 4 You know who Bourne is - it's a pseudonym applied to a
12:45:39 5 particular member?---I do, yes.
6
12:45:41 7 I take it that comes to be in your statement because your
12:45:44 8 solicitors drew your attention to the fact that your
12:45:47 9 diaries recorded a conversation with a member of the
12:45:54 10 SDU?---I'm not sure whether it was my diary recording that
12:45:57 11 or whether it was from another source.
12
12:46:00 13 From some other source?---Correct.
14
12:46:02 15 They may have got an ICR, or something, that has your name
12:46:06 16 on it?---Possibly.
17
12:46:07 18 As a matter of caution, you put it in your statement, but
12:46:11 19 you had no idea whether the information you got about
12:46:15 20 Mr Gatto and the other name came from Gobbo or anywhere
12:46:19 21 else, I take it?---No, I wasn't aware of the source of that
12:46:22 22 information.
23
12:46:23 24 As far as the SDU were concerned in relation to all the
12:46:27 25 sources they handled, they were particularly keen to ensure
12:46:31 26 that they maintained security around the identity of the
12:46:35 27 sources they were working with?---Correct.
28
12:46:39 29 In that regard, can I take you to paragraph 47, which
12:46:43 30 Mr Woods asked you about. He asked you about a meeting
12:46:50 31 with the SDU members, that you have no recollection of. Do
12:46:55 32 you see that paragraph there?---I do.
33
12:46:56 34 Let me refresh your memory and see if this helps. Purana
12:47:02 35 had surveillance officers working on Mr Gatto. Mr Gatto
12:47:07 36 and Ms Gobbo were out together socialising and the
12:47:14 37 surveillance officers lost them. They then rang Purana and
12:47:21 38 said, "Ask the source's handlers where she is." Does that
12:47:27 39 ring any bells with you, and that caused SDU great concern
12:47:31 40 about her security?---Yes, I recall that being the case.
41
12:47:35 42 And that's what that paragraph relates to, isn't it?---Yes.
43
12:47:39 44 The fact that the surveillance officer referred to talking
12:47:41 45 to her handler was the problem, wasn't it?---Yes.
46
12:47:50 47 Mr Purton's evidence was quoted to you wherein he did say

12:47:54 1 that in about 2006, everybody and anybody in the Police
12:47:59 2 Department knew that Nicola Gobbo was a source. In your
12:48:05 3 recollection, that's totally wrong, isn't it?---Yes.
4
12:48:08 5 By perhaps into 2010, 2012, a lot more people knew what had
12:48:15 6 happened at that end of the spectrum than when they did
12:48:19 7 back in 2006?---Yes.
8
12:48:25 9 Lastly, in paragraph 15 of your statement, you refer to a
12:48:34 10 passage Mr Woods took you to. "Many within Victoria
12:48:39 11 Police, including me, saw Ms Gobbo as being closely aligned
12:48:42 12 with Carl Williams and Tony Mokbel's crews, in that she was
12:48:47 13 a lawyer but also someone who was an active part of the
12:48:50 14 criminal enterprises that Purana was trying to dismantle.
12:48:54 15 I understood this also involved her becoming close personal
12:48:58 16 friends with organised crime figures". You told Mr Woods
12:49:01 17 that she wasn't always a lawyer. It was obvious, from your
12:49:08 18 observations and intelligence that you had about her role,
12:49:11 19 that she had found herself in positions where she would be,
12:49:18 20 or could be, a conduit of information between various
12:49:21 21 criminals?---Yes.
22
12:49:25 23 That documents might be moved through her or information
12:49:28 24 conveyed into prison to other - as I think we discussed
12:49:31 25 before, somebody running messages in and out of gaols to
12:49:36 26 various people?---I suspected that was the case.
27
12:49:40 28 And as to she was high profile as publicly involved,
12:49:48 29 personally I think you say, with these serious
12:49:53 30 criminals?---Yes.
31
12:49:55 32 Commissioner, I sent to the court, the Commission, a
12:49:58 33 photograph I wish to show the witness.
34
12:50:00 35 COMMISSIONER: Yes, all right then.
12:50:05 36
12:50:06 37 MR CHETTLE: Have you seen that particular
12:50:07 38 photograph?---Yes, I've seen it in the media.
39
12:50:10 40 That's Ms Gobbo in the middle?---It is.
41
12:50:12 42 That's Benjamin Veniamin on the left - on her right but on
12:50:17 43 the left as I look at it?---That's Andrew Veniamin, yes.
44
12:50:21 45 Andrew, sorry, not Ben. The man with his arm around her is
12:50:25 46 Carl Williams?---Correct.
47

12:50:26 1 Between them, they've committed a lot of murders, haven't
12:50:28 2 they?---The two males, yes.
3
12:50:31 4 Not her, the males. I don't know if you've ever had cause
12:50:42 5 to see a lawyer, but that's not your average lawyer, is
12:50:45 6 it?---No.
7
12:50:46 8 Thank you, Commissioner.
9
12:50:47 10 COMMISSIONER: Well, I don't know what the average lawyer
12:50:50 11 is, but anyway.
12:50:52 12
12:50:53 13 MR WOODS: Nothing further.
14
12:50:53 15 COMMISSIONER: Anything arising?
12:51:00 16
12:51:01 17 MS ENBOM: That's one exhibit we don't need to PII review,
12:51:02 18 Commissioner, but I do have one question.
12:51:08 19
20 <RE-EXAMINED BY MS ENBOM:
21
12:51:10 22 [REDACTED]
12:51:16 23 [REDACTED]
24
12:51:28 25 [REDACTED] [REDACTED]
12:51:30 26 [REDACTED]
12:51:32 27 [REDACTED]
12:51:33 28 [REDACTED] [REDACTED]
29
12:51:34 30 [REDACTED] [REDACTED]
12:51:40 31 [REDACTED] [REDACTED]
12:51:51 32 [REDACTED]
12:51:52 33 [REDACTED]
12:51:53 34 [REDACTED] [REDACTED]
35
12:51:54 36 [REDACTED] [REDACTED]
12:51:54 37 [REDACTED]
12:51:56 38 [REDACTED]
12:51:56 39 [REDACTED]
12:51:57 40 [REDACTED] [REDACTED]
12:51:59 41 [REDACTED]
42
12:51:59 43 [REDACTED] [REDACTED]
12:52:01 44 [REDACTED]
12:52:04 45 [REDACTED]
12:52:07 46 [REDACTED]
12:52:07 47 [REDACTED] [REDACTED] [REDACTED]

12:52:09 1 [REDACTED]
2
12:52:10 3 [REDACTED] [REDACTED]
12:52:11 4
12:52:11 5 MS ENBOM: Mr Hatt, if the OPP had negotiated Person 1's
12:52:23 6 plea with Ms Gobbo?---Yes.
7
12:52:24 8 And then came to discuss with Ms Gobbo Person 2's
12:52:30 9 plea?---Yes.
10
12:52:33 11 If there was a conflict in Ms Gobbo acting for Person 2 in
12:52:37 12 those circumstances, do you expect the OPP to have raised
12:52:42 13 that matter with Ms Gobbo?---Yes, I would.
14
12:52:46 15 That's the only matter, Commissioner.
16
12:52:48 17 COMMISSIONER: Thank you. Re-examination?
12:52:52 18
12:52:53 19 MR WOODS: None, Commissioner, so the witness can be
12:52:55 20 excused.
21
12:52:55 22 COMMISSIONER: Yes. Thanks very much, Mr Hatt. You're
12:52:57 23 excused and free to go.
24
25 <(THE WITNESS WITHDREW)
26
12:52:59 27 COMMISSIONER: So the next witness?
12:53:01 28
12:53:01 29 MR WOODS: Mr L'Estrange. He'll be a relatively short
12:53:07 30 witness, but I won't finish him before lunch.
31
12:53:09 32 COMMISSIONER: Let's make a start. Will we be going into
12:53:14 33 closed session with him also?
12:53:17 34
12:53:18 35 MR WOODS: Pretty soon after we start.
36
12:53:20 37 COMMISSIONER: We might be able to get his open hearing
12:53:22 38 done before lunch. We're remaining in open hearing, just
12:53:32 39 to clarify that.
12:53:33 40
12:53:34 41 MS ENBOM: Commissioner, just while someone's searching for
12:53:37 42 Mr L'Estrange, may I raise two quick matters?
43
12:53:40 44 COMMISSIONER: Of course.
12:53:42 45
12:53:42 46 MS ENBOM: The first is the Commissioner has, obviously,
12:53:44 47 granted leave to Victoria Police's legal representatives to

12:53:48 1 be present during closed hearings, but may we also seek
12:53:54 2 permission for Victoria Police's media unit personnel to
12:53:56 3 also be present during closed hearings?
12:53:57 4
12:53:57 5 COMMISSIONER: What's the reason for that?
12:54:00 6
12:54:00 7 MS ENBOM: The media unit often receive enquiries from the
12:54:03 8 press and the media unit people would like to be in an
12:54:08 9 informed position to respond to those enquiries.
10
12:54:12 11 COMMISSIONER: I see. And someone in your team has spoken
12:54:14 12 to them about the significance and importance of the orders
12:54:16 13 that have been made in terms of protecting the individuals?
12:54:20 14
12:54:20 15 MS ENBOM: Yes, I'm sure that has happened. If it hasn't,
12:54:23 16 it will.
17
12:54:23 18 COMMISSIONER: It needs be. And any notes they make must
12:54:26 19 be treated confidentially.
12:54:29 20
12:54:29 21 MS ENBOM: Yes, of course.
22
12:54:30 23 COMMISSIONER: It's a matter of grave importance.
12:54:32 24
12:54:32 25 MS ENBOM: Yes. Thank you, Commissioner. The second
26 matter is - - -
27
12:54:34 28 COMMISSIONER: Did you want to be heard on that, Mr Woods?
12:54:37 29
12:54:37 30 MR WOODS: I'm not quite sure of their capacity and what
12:54:40 31 their role is, but it might be appropriate, in those
12:54:42 32 circumstances, that they seek accreditation in the usual
12:54:44 33 course and I assume they would be granted it on that basis.
12:54:48 34 If their role is to provide assistance to Victoria Police
12:54:53 35 with communications, then it's really in the nature of a
12:54:57 36 media representative, I would have thought. It might also
12:55:02 37 mean that the Commission can regulate those processes in
12:55:06 38 relation to that individual as it can in relation to the
12:55:08 39 other media individuals, but that's just something I'll
12:55:11 40 suggest. We don't take issue with the person being here,
12:55:13 41 it's just the basis on which they are here.
42
12:55:16 43 COMMISSIONER: How many of them are there?
12:55:17 44
12:55:18 45 MS ENBOM: I'll get some instructions. There's usually one
12:55:25 46 member of the media unit here each day.
47

12:55:28 1 COMMISSIONER: Yes. But there'll be various people, will
12:55:34 2 there, from time to time? How many potential people?
12:55:38 3
12:55:38 4 MS ENBOM: I'm instructed there's no more than five.
5
12:55:41 6 COMMISSIONER: All right. They should all be spoken to.
12:55:46 7
12:55:47 8 MS ENBOM: Yes.
9
12:55:47 10 COMMISSIONER: Because they haven't been present to hear
12:55:50 11 the various arguments and to understand the importance of
12:55:52 12 these orders, and to make sure that any notes they take are
12:55:55 13 also kept confidential and so forth.
12:55:57 14
12:55:58 15 MS ENBOM: Yes, Commissioner.
16
12:56:00 17 COMMISSIONER: I think that in that case - - -
12:56:04 18
12:56:05 19 MR WOODS: Can we just enquire what the function is. I
12:56:09 20 think something was said about - it's relevant to what I
12:56:10 21 was saying about accreditation. They don't publish
12:56:14 22 themselves, by the sound of things.
23
12:56:16 24 COMMISSIONER: They liaise with the media and they want to
12:56:19 25 understand what's going on so that they can do that more
12:56:23 26 effectively.
12:56:24 27
12:56:26 28 MR WOODS: In those circumstances, I don't make any
12:56:30 29 submissions against that.
30
12:56:31 31 COMMISSIONER: Yes, all right then. When I make the next
12:56:35 32 private order, I'll add them to - what words do you want
12:56:39 33 added? Victoria Police - - -
12:56:42 34
12:56:43 35 MS ENBOM: Media unit representatives.
36
12:56:56 37 COMMISSIONER: Yes.
12:56:57 38
12:56:57 39 MS ENBOM: The second matter is this morning I've been
12:57:00 40 approached by a couple of journalists who are a little
12:57:04 41 confused about what is allowed to be reported from - what
12:57:12 42 evidence given in a closed hearing is allowed to be
12:57:14 43 reported and a number of people at the Bar table have also
12:57:18 44 raised with me some confusion about that topic. It's also
12:57:22 45 a matter that confused us a little bit overnight.
46
12:57:27 47 Commissioner, I would seek some clarification as to

12:57:31 1 what it is that the accredited media are permitted to
12:57:36 2 report when the hearing is in camera.
3
12:57:41 4 COMMISSIONER: The orders I made are very clear. If you
12:57:44 5 want, we can have the last order I made taken off the door
12:57:48 6 and I can read it to you.
12:57:51 7
12:57:51 8 MR WOODS: With respect, Commissioner, in my submission
12:57:54 9 they are perfectly clear and what they say - - -
10
12:57:57 11 COMMISSIONER: Could we get the order down and we can read
12:57:59 12 them?
12:58:01 13
12:58:01 14 MR WOODS: Yes.
15
12:58:03 16 COMMISSIONER: Get the most recent order down. My
12:58:05 17 associate might have a copy. I can understand the
12:58:12 18 confusion because there has been some change to the form of
12:58:17 19 the orders made which were a bit rough initially and were
12:58:19 20 refined so that they protected the people who need to be
12:58:29 21 protected because of the suppression orders and the
12:58:32 22 legislative requirements.
12:58:33 23
12:58:33 24 MS ENBOM: Yes.
25
12:58:34 26 COMMISSIONER: But nothing more, and that might have been
12:58:36 27 the reason for the confusion. At the moment the order as
12:58:42 28 to publication is that there's to be no publication of any
12:58:45 29 matters which are subject to suppression orders affecting
12:58:48 30 the individuals and evidence given before the Commission.
12:58:52 31
12:58:52 32 MS ENBOM: Yes. My understanding is that what happens in
12:58:57 33 an in camera hearing can be reported subject to compliance
12:59:02 34 with suppression orders made here or elsewhere.
35
12:59:05 36 COMMISSIONER: Yes, that's correct. That's correct. The
12:59:08 37 reason we're doing it in camera or in camera in private is
12:59:14 38 to add that additional layer of protection.
12:59:17 39
12:59:18 40 MS ENBOM: Yes.
41
12:59:18 42 COMMISSIONER: To make sure that nobody who had an interest
12:59:22 43 in doing harm to these people could find out about the
12:59:29 44 evidence that's being given.
12:59:30 45
12:59:30 46 MS ENBOM: Yes, I understand. Thank you Commissioner.
47

12:59:32 1 COMMISSIONER: Yes, thank you. That can go back on the
12:59:34 2 door of the hearing room. Let's start a little bit.
12:59:39 3
12:59:39 4 MR WOODS: Yes. If Mr L'Estrange can go into the witness
12:59:42 5 box.
6
12:59:42 7 COMMISSIONER: Yes. Oath or affirmation,
12:59:47 8 Mr L'Estrange?---Oath.
9
12:59:48 10 Yes, swear the witness.
12:59:50 11
12:59:50 12 <NIGEL ALAN L'ESTRANGE, sworn and examined:
13
13:00:06 14 COMMISSIONER: Ms Enbom.
13:00:07 15
13:00:07 16 MS ENBOM: Thank you Commissioner. Mr L'Estrange, is your
13:00:14 17 full name Nigel Alan L'Estrange?---Yes, it is.
18
13:00:19 19 What is your current occupation?---I'm a Detective Senior
13:00:23 20 Sergeant currently based at the Counterterrorism Command
13:00:27 21 Security Intelligence Unit.
22
13:00:28 23 What is your work address?---313 Spencer Street, Docklands.
24
13:00:38 25 Have you prepared a witness statement for this Royal
13:00:40 26 Commission?---I have.
27
28 Do you have a copy with you?---I do.
29
13:00:43 30 Can I please take you to paragraph 5 of that
13:00:44 31 statement?---Yes.
32
13:00:45 33 [REDACTED]
13:00:47 34 [REDACTED]
13:00:51 35 [REDACTED]
13:00:56 36 [REDACTED]
37
13:01:00 38 [REDACTED]
39
13:01:00 40 [REDACTED] [REDACTED]
13:01:04 41
13:01:04 42 [REDACTED] [REDACTED]
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13:01:10 44 [REDACTED] [REDACTED]
45 [REDACTED]
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47 [REDACTED] [REDACTED]

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[REDACTED]

MS ENBOM: Thank you Mr L'Estrange, I'll take you through the other corrections but we need to avoid, as you've just realised, mentioning the pseudonyms?---Yes.

Paragraph 7, is there a change you wanted to make in paragraph 7?---Yes, paragraph 7. "I was a member of the Purana Task Force from October 2003." It should read to November 2005.

Thank you. Then if we move to paragraph 20, is there a correction to make in paragraph 20?---Yes, it's the same, by November 2005.

If you could please move forward to paragraph 44?---Yes, the third sentence there after it says "he was remanded in August 2004", it should read "he was remanded in October 2003".

Thank you. Are there any other corrections to make to your statement?---No, that's it.

Is the statement now true and correct?---Yes, it is.

I'll tender the statement, Commissioner, in an unredacted and redacted form.

#EXHIBIT RC264A - Unredacted statement of Nigel L'Estrange.

#EXHIBIT RC264B - Redacted statement of Nigel L'Estrange.

<CROSS-EXAMINED BY MR WOODS:

13:03:21 1 I'm going to ask you some questions in open session for
13:03:25 2 those watching the webcast and then we'll adjourn for lunch
13:03:26 3 and I'll ask you some questions in closed session. You
13:03:27 4 joined Victoria Police in 1996; is that right?---I joined
13:03:30 5 the Academy in 95, I graduated in 96.
6
13:03:36 7 You went to Flemington for four years as a
13:03:40 8 Constable?---Yes.
9
13:03:40 10 And then after a number of roles, just immediately prior to
13:03:46 11 Purana, March 03 to October 03, you were a Detective Senior
13:03:51 12 Constable in the Homicide Squad?---Yes, I was on secondment
13:03:54 13 to Homicide.
14
13:03:56 15 Did that role entail dealing with any of the murders that
13:03:59 16 occurred in the underworld?---It was - I was seconded there
13:04:04 17 to investigate - it was a cold case murder that had
13:04:09 18 organised crime connections, it was the murder of John
13:04:13 19 Furlan.
20
13:04:15 21 That was the focus of your entire period there?---I was
13:04:18 22 also on one of the on-call crew. So whilst I was doing
13:04:22 23 that cold case I was attending - - -
24
13:04:24 25 There was an A and a B crew, is that right, or something
13:04:28 26 like that?---Yes.
27
13:04:29 28 Then you were asked in the early stages of Purana to join,
13:04:36 29 were you one of the first people who joined Purana?---No,
13:04:39 30 there was - initially there was a small set up of Purana.
13:04:43 31 I'm not sure, it was basically one crew I think was taken
13:04:46 32 offline. Then when it went to be expanded they were asking
13:04:51 33 from members from all regions had to be seconded in, and
13:04:54 34 whilst I was already in at Homicide they let me stay there
13:04:58 35 and be seconded to the Task Force.
36
13:05:00 37 All right. You stayed there essentially for two years,
13:05:04 38 October 03 to November 05?---Yes.
39
13:05:08 40 In the role of Detective Senior Constable during that
13:05:10 41 period?---Yes.
42
13:05:11 43 And then after that you went back to Homicide, so the
13:05:14 44 secondment finished?---Yes, I was gazetted then to
13:05:19 45 Homicide.
46
13:05:20 47 I don't know whether you heard the evidence of Mr Hatt -

13:05:22 1 did you hear Mr Hatt's evidence?---No.
2
13:05:25 3 I was asking him some questions about the crossover between
13:05:28 4 Purana and Homicide and as I understood it there was a fair
13:05:32 5 bit of crossover because homicide's occurred, sometimes
13:05:38 6 they might be a Purana one, sometimes they might be
13:05:41 7 Homicide and sometimes it be a bit of both, is that a fair
13:05:44 8 description?---Yes, that's a fair description, yes.
9
13:05:46 10 After that you were promoted to lead the Human Source
13:05:49 11 Management Unit?---No, I was promoted to the, or what was
13:05:54 12 then the Security and Organised Crime Intelligence Unit and
13:05:57 13 I did a, whilst I was there I was seconded for about a
13:06:01 14 three month period to the Human Source Management Unit.
15
13:06:04 16 Just speaking in general terms at this stage, have you had
13:06:09 17 experience since 96 of handling human sources
13:06:14 18 personally?---Yes.
19
13:06:16 20 Was that during your role - well did that begin as a
13:06:21 21 Constable at Flemington or did it start later on?---There
13:06:24 22 was probably some minor source handling at Flemington CI,
13:06:29 23 most of it would have been post-Purana Task Force.
24
13:06:35 25 During Purana were you managing sources for Purana
13:06:37 26 then?---No.
27
13:06:40 28 The people in your crew at Purana, your crew was led by
13:06:46 29 Detective Sergeant Bateson?---Yes.
30
13:06:49 31 And Detective Senior Constable Hatt and Kerley were both in
13:06:53 32 the crew as well?---Yes.
33
13:06:54 34 Yourself and who else?---We had a Senior Constable who was
13:06:58 35 on the crew for part of it.
36
13:07:01 37 Who was?---Craig Milne.
38
13:07:05 39 Anyone else?---I think that's it. There were analysts but
13:07:12 40 they were sort of working across the - - -
41
13:07:15 42 I understand, I don't need to ask about them?---Yep.
43
13:07:25 44 I'll see if there is anything else I can ask you in open
13:07:29 45 session. It might be an appropriate time to take lunch.
46
13:07:35 47 COMMISSIONER: Yes all right, we'll adjourn now until 2

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o'clock.
<(THE WITNESS WITHDREW)
LUNCHEON ADJOURNMENT

1 PROCEEDINGS IN OPEN COURT:

2
15:07:25 3 MS TITTENSOR: Commissioner, I understand that
15:07:25 4 Ms Ristivojevic is present to make an application for
15:07:25 5 leave.

15:07:25 6
15:07:26 7 MS RISTIVOJEVIC: Good afternoon, Commissioner. We've been
15:07:28 8 advised that the next witness - - -

9
15:07:30 10 COMMISSIONER: Sorry, I don't have your name.

15:07:32 11
15:07:34 12 MS RISTIVOJEVIC: Ristivojevic.

13
15:07:35 14 COMMISSIONER: How do I spell that?

15:07:36 15
15:07:37 16 MS RISTIVOJEVIC: R-I-S-T-I-V-O-J-E-V-I-C.

17
15:07:44 18 COMMISSIONER: Yes, Ms Ristivojevic.

15:07:46 19
15:07:46 20 MS RISTIVOJEVIC: Thank you Commissioner. We understand
15:07:47 21 that the next witness - - -

22
15:07:49 23 COMMISSIONER: Sorry, are you a barrister?

15:07:50 24
15:07:51 25 MS RISTIVOJEVIC: Yes, I'm junior counsel to Mr Maidment.

26
15:07:55 27 COMMISSIONER: Instructed by?

15:07:57 28
15:08:00 29 MS RISTIVOJEVIC: Instructed by (indistinct) Lawyers, who
15:08:00 30 act on behalf of Mr Tony Mokbel.

31
15:08:02 32 COMMISSIONER: Now I understand. You're applying for leave
15:08:06 33 to appear in respect of this witness?

15:08:09 34
15:08:10 35 MS RISTIVOJEVIC: We're applying for leave initially, Your
15:08:12 36 Honour, to have access - conditional access to the next
15:08:17 37 witness statement. We understand that - we've been advised
15:08:21 38 that there are some matters that this witness would either
15:08:25 39 have direct knowledge or awareness of certain events and
15:08:28 40 information in regards to Ms Gobbo and other witnesses
15:08:34 41 relevant to Mr Mokbel's matters. We're unaware, obviously,
15:08:41 42 as to the evidence that this witness has deposed in his
15:08:44 43 statement and proposes to give to the Commission.
15:08:48 44 Initially we're seeking access to that statement and leave
15:08:51 45 to be present during, if it is to be a closed hearing, to
15:08:57 46 ascertain what information comes from this witness and
15:09:00 47 whether Mr Mokbel and his legal team are able to assist the

15:09:05 1 Commission and counsel assisting the Commission in regards
15:09:08 2 to cross-examination of this witness and eliciting relevant
15:09:12 3 evidence of - - -
4

15:09:13 5 COMMISSIONER: I understand. Yes, what do you say,
15:09:16 6 Ms Tittensor?
7

15:09:17 8 MS TITTENSOR: The position of counsel assisting is that
15:09:18 9 that would be appropriate, Commissioner. As was
15:09:22 10 foreshadowed in relation to the next witness, Bateson, it
15:09:28 11 may be - it is likely to be with this witness that we get a
15:09:32 12 certain way into his evidence and the remainder of his
15:09:35 13 evidence is adjourned over to the next hearings so that we
15:09:39 14 can deal with the SDU issues.
15

15:09:43 16 COMMISSIONER: Some of the witness hearings will be in
15:09:47 17 private hearing?
18

15:09:51 19 MS TITTENSOR: Yes, I see.
20

15:09:52 21 COMMISSIONER: Do you have an attitude - Ms Argiropoulos,
15:09:54 22 it is your witness, is it?
23

15:09:57 24 MS ARGIROPOULOS: It is. I understand my learned friend
15:09:58 25 doesn't have access to a statement, even a redacted
15:10:01 26 version. There is no difficulty with the redacted version
15:10:04 27 being provided.
28

15:10:05 29 COMMISSIONER: When we have given leave to appear we have
15:10:07 30 given the unredacted version to witnesses, subject to their
15:10:10 31 undertaking not to discuss it with their clients, other
15:10:14 32 than matters directly relevant to their clients.
33

15:10:19 34 MS ARGIROPOULOS: I understand that, Commissioner. In
15:10:20 35 relation to this statement in particular there is a matter
15:10:22 36 I'd just seek to draw the Commissioner's attention to.
37

38 COMMISSIONER: Yes.
39

15:10:25 40 MS ARGIROPOULOS: And based on that I'd be seeking that my
15:10:27 41 learned friend does not be provided - is not provided with
15:10:30 42 the unredacted statement on pp.14 and 15. If I can just
15:10:37 43 indicate to the Commissioner in as cryptic a way as I can
15:10:43 44 in open court the basis for that. Perhaps if I can refer,
15:10:47 45 Commissioner, to paragraph 106.
46

15:10:49 47 COMMISSIONER: 103 is not a problem? I've got some shading

15:10:52 1 there.
2
15:10:53 3 MS ARGIROPOULOS: Yes, it's the same problem, but I think
15:10:55 4 the problem is - the explanation is more apparent from 106.
15:10:59 5 So it's because of the - what appears underneath the
15:11:03 6 redactions in 103, 106 and 109 that - my submission would
15:11:11 7 be that those pages, which have no relevance to Tony
15:11:14 8 Mokbel, should not be provided in unredacted form.
9
15:11:20 10 MS TITTENSOR: Commissioner, I might short-circuit matters.
15:11:22 11 For now we are content for that course, but I'm not
15:11:28 12 necessarily sure that our position will remain that it will
15:11:31 13 have no relevance to Mr Mokbel, but I think for now, being
15:11:36 14 cautious - - -
15
15:11:39 16 COMMISSIONER: And to move forward.
17
15:11:40 18 MS TITTENSOR: To move forward. I might also point out
15:11:43 19 paragraph 195 probably ought to be redacted as well.
20
15:11:53 21 MS ARGIROPOULOS: Yes, I was going to come to that. I'm
15:11:55 22 certainly very comfortable to proceed on that basis for now
15:11:57 23 and it may be the position changes subsequently, but to
15:12:01 24 move things along - - -
25
15:12:02 26 COMMISSIONER: Just to move things along, I think we'll
15:12:05 27 work on that basis. So that Ms Ristivojevic will be given
15:12:10 28 a copy of the statement with those redactions and your
15:12:16 29 legal team, Ms Ristivojevic, you and your legal team will
15:12:30 30 provide an undertaking only to discuss with your client
15:12:33 31 those passages of the statement that you have that are
15:12:37 32 relevant to his defence
15:12:39 33
15:12:40 34 MS RISTIVOJEVIC: I give that undertaking.
35
15:12:41 36 COMMISSIONER: Relevant to his interaction with Ms Gobbo.
15:12:46 37 Hopefully you'll be given a statement very soon. In that
15:12:49 38 case we can now proceed in open hearing. Could the witness
15:12:57 39 go into the witness box.
40
15:13:22 41 <PAUL DAVID ROWE, sworn and examined:
42
15:13:32 43 MS ARGIROPOULOS: Mr Rowe, is your full name Paul David
15:13:35 44 Rowe?---Yes.
45
15:13:36 46 Could you tell the Commissioner your current rank and
15:13:39 47 station?---Detective Sergeant at the Homicide Squad.

1
15:13:45 2 Detective, you've made a statement in relation to this
15:13:48 3 Royal Commission?---Yes
15:13:49 4
15:13:50 5 Do you have a copy of that there in front of you?---Yes, I
15:13:53 6 do.
7
15:13:54 8 Just turning to the back page, is that statement dated 25
15:13:58 9 June 2019?---Yes, it is.
10
15:14:03 11 Are there any amendments that you'd seek to make to
15:14:07 12 that?---No, there's a typo in there but I can't find it now
15:14:10 13 that I've been reading it, but it is in there somewhere.
14
15:14:13 15 All right. And are the contents of that statement true and
15:14:16 16 correct?---Yes.
17
15:14:17 18 Commissioner, I tender the statement of Detective Sergeant
15:14:21 19 Rowe, both in the unredacted and redacted form.
20
15:14:26 21 COMMISSIONER: Yes. The unredacted will be Exhibit 266 and
15:14:30 22 the redacted will be - 266A and the redacted will be 266B.
15:14:37 23
15:14:38 24 #EXHIBIT 266A - Unredacted statement of Paul Rowe.
15:14:40 25
15:14:40 26 #EXHIBIT 266B - Redacted statement of Paul Rowe.
27
15:14:44 28 COMMISSIONER: Yes, Ms Tittensor.
29
30 <CROSS-EXAMINED BY MS TITTENSOR:
31
15:14:48 32 Mr Rowe, in terms of your relevant work locations, between
15:14:50 33 2004 and 2005, you were a Detective Senior Constable at the
15:14:55 34 Major Drug Investigation Division, is that right?---Yes.
35
15:14:57 36 And you were working there under Jim O'Brien?---Yes.
37
15:15:02 38 Who else was in your team at that stage?---Steve Mansell
15:15:06 39 was the Detective Sergeant, Eliza Burrows and Craig Hayes
15:15:10 40 were Detective Senior Constables.
41
15:15:12 42 And how many teams were operating or crews were operating
15:15:15 43 in the MDID at that stage?---I don't know. There was two
15:15:21 44 separate units. In our unit, which was unit 2, I think at
15:15:28 45 least four, perhaps.
46
15:15:32 47 And following that, you became a member of the Purana Task

15:15:36 1 Force?---Yes.
2
15:15:37 3 Was that effectively your MDID crew subsumed into the
15:15:42 4 Purana Task Force?---Yes.
5
15:15:44 6 So your work colleagues didn't change from that point of
15:15:48 7 view?---Steve Mansell didn't go to Purana. He transferred
15:15:53 8 out somewhere else.
9
15:15:54 10 Did you get someone new coming in?---Dale Flynn became our
11 - - -
12
15:15:58 13 Detective Senior Sergeant?---Detective Sergeant, so his
15:16:01 14 crew and our crew sort of merged together.
15
15:16:03 16 Who then became the new crew altogether? It would have
15:16:07 17 been yourself, Burrows and Hayes from the old crew?---Yeah,
15:16:12 18 and Hunter, Hantsis and I think that's it.
19
15:16:20 20 So Flynn is sitting above you?---Yes.
21
15:16:23 22 And were they also from another crew out of the
15:16:27 23 MDID?---Yes.
24
15:16:30 25 The reason you came over and into the Purana Task Force was
15:16:36 26 essentially Operation Posse commenced, is that
15:16:41 27 right?---Yes.
28
15:16:41 29 And that was an operation targeting what was known as the
15:16:45 30 Mokbel cartel, or Mr Mokbel, Tony Mokbel, and his
15:16:49 31 associates?---Yes.
32
15:16:52 33 Are you aware when it was decided or first thought of that
15:17:01 34 this might be a thing that you would do, that the crew
15:17:05 35 might move into Purana?---Some time after September 2005.
36
15:17:11 37 Had something like that Operation Posse been mooted at an
15:17:17 38 earlier stage, to your knowledge?---No, but I have read
15:17:23 39 documents that predate 2005 - like early 2005, that I think
15:17:28 40 are titled Operation Posse, but I wasn't aware of it.
41
15:17:33 42 You weren't aware of it at the time but you subsequently
15:17:37 43 have learned that an operation of this kind had been mooted
15:17:41 44 at an earlier stage?---There was intelligence, I think,
15:17:44 45 listed under Operation Posse. I don't think it was
15:17:47 46 specifically an investigation designed the way it was once
15:17:51 47 we got to Purana.

1
15:17:54 2 Part of the workings of Operation Posse involved gathering
15:18:00 3 lots of intelligence that could then be investigated and
15:18:04 4 worked upon?---Yes.
5
15:18:07 6 In terms of operations that involved Mr Mokbel and his
15:18:12 7 associates, in 2005, prior to you becoming the Purana Task
15:18:18 8 Force, the MDID were running an operation known as
15:18:21 9 Operation Quills?---Yes.
10
15:18:25 11 You would have been aware that Mr Mokbel and a number of
15:18:29 12 his associates were already facing numerous charges from
15:18:33 13 earlier operations at that stage?---Yes.
14
15:18:37 15 And a number of those related to operations both from the
15:18:45 16 MDID but also from the old Drug Squad?---Yes, particularly
15:18:48 17 Mr Mokbel.
18
15:18:49 19 So one of those - have you heard of Operation Kayak?---Yes.
20
15:18:53 21 And that involved some alleged offending between October
15:18:56 22 and December of 2000, around about?---Yes.
23
15:19:01 24 Was it your understanding that they'd been delayed in court
15:19:04 25 because of corruption issues that had existed within the
15:19:08 26 old Drug Squad?---Yes.
27
15:19:11 28 Following that, there was Operation Landslip, is that
15:19:15 29 right?---Yes.
30
15:19:16 31 And that involved alleged offending up to around August of
15:19:20 32 2001?---Yes, I'll accept that.
33
15:19:24 34 If I say that, you'll accept it?---Yeah.
35
15:19:26 36 I'm sure I'll be corrected at some stage. And then also
15:19:31 37 following that, Operation Matchless?---Yes.
38
15:19:35 39 And that was offending between September 2002 and April
15:19:39 40 2003?---Yes.
41
15:19:41 42 So the MDID, in 2005, in terms of their knowledge, would
15:19:47 43 have known that Mr Mokbel was already facing a number of
15:19:51 44 drug charges arising out of those earlier matters?---I know
15:19:56 45 he was facing charges for Kayak, but I don't know whether
15:19:59 46 he was facing charges for Landslip or Matchless at that
15:20:02 47 point in time.

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If it be the case that charges had been laid by that stage against Mr Mokbel, do you accept that you would have been aware of it as at 2005?---I don't know. They were a different crew, and I think those jobs were done years before I even worked there.

Is it not the kind of intelligence that you would have, what charges Mr Mokbel would be facing, what's coming up for him in terms of court dates and trials and so forth?---No, not in specific detail, not when it's another crew or an investigation you haven't been involved in. You might know in a general sense.

In a general sense you knew that he was facing a number of drug charges and that he had various proceedings on foot?---Yes.

Specifically in around August-September 2005, would you have been aware that he had proceedings on foot and pending in relation to some Commonwealth drug charges?---I don't know. My understanding of that is it fell under Kayak, in a broader sense, but I may be wrong.

And as at September 2005 Ms Gobbo was actively involved in his representation in charges before the court?---I don't know to what extent.

You were aware - you would have been aware, from media reports and so forth, that Ms Gobbo was involved in the representation of Tony Mokbel?---No, I don't know.

There was subpoena argument happening in relation to Mr Mokbel in the Supreme Court in September and October 2005. You would have been aware of that?---Probably in September-October 2005, possibly.

There was a trial of Mr Mokbel occurring in February and March of 2006. You would have been aware of that?---Yes.

In the meantime, you had been conducting Operation Quills and there was some arrest in relation to Operation Quills of Mr Mokbel in about October 2005, is that right?---No.

Is it the case that he was arrested - there was a Commonwealth component of Operation Quills as well, there were some Commonwealth charges arising in the course of

15:22:41 1 that investigation?---Well, there was a very separate
15:22:47 2 investigation being conducted by the AFP that whilst it had
15:22:54 3 crossover with Operation Quills we were not actively
15:22:57 4 working together.
5
15:22:59 6 Were you aware that he was arrested in relation to those
15:23:03 7 Commonwealth charges in October 2005?---Yes.
8
15:23:07 9 And you were certainly aware that Mr Mokbel fled the
15:23:10 10 jurisdiction prior to his trial finishing in March of
15:23:14 11 2006?---Yes.
12
15:23:16 13 And that Ms Gobbo was representing him at the time?---Yes.
14
15:23:19 15 And you also were aware that she would represent associates
15:23:24 16 of Mr Mokbel?---Yes.
17
15:23:27 18 And that would have been your awareness throughout 2005,
15:23:31 19 during your conduct of Operation Quills?---Well, yes, I
15:23:41 20 think it was fairly widely known within the Major Drug
15:23:47 21 Investigation Division that she would represent those
15:23:48 22 persons that were associated with Mr Mokbel.
23
15:23:53 24 By the time you had arrived at the MDID you would have
15:24:01 25 known of Ms Gobbo through the profile that she had in the
15:24:04 26 media and so forth?---I don't think that I did.
27
15:24:06 28 Were you aware that she also represented a number of other
15:24:09 29 underworld figures, perhaps associated with Mokbel, such as
15:24:15 30 Carl Williams and his family and associates?---Certainly
15:24:18 31 not prior to late 2005, or even until I started at Purana,
15:24:23 32 really.
33
15:24:24 34 Did police maintain an awareness in terms of which lawyers
15:24:29 35 were representing which people that they were interested
15:24:31 36 in?---Well, they do in a general sense, but not widely
15:24:41 37 across other investigations or investigations being handled
15:24:45 38 by other areas, or even by other people.
39
15:24:48 40 Ms Gobbo was known to be someone that had more than a
15:24:51 41 professional relationship with her clients?---Yes.
42
15:24:55 43 She was known to socialise with them?---Yes.
44
15:24:58 45 It was thought that she was too close to her clients?---I
15:25:02 46 think there's no doubt about that.
47

15:25:05 1 In paragraph 10 of your statement, you say that she was - I
15:25:13 2 might get this right - of Ms Gobbo, that she was suspected
15:25:24 3 of having personal relationships with Mr Mokbel and had
15:25:26 4 reputations for providing protection for him through at
15:25:30 5 least her role as a lawyer?---Yes.
6
15:25:36 7 Were you aware that Mr O'Brien had, at one stage,
15:25:42 8 considered himself obtaining a warrant on her phone?---I
15:25:47 9 don't know.
10
15:25:50 11 Did you ever at any stage consider yourself that she might
15:25:54 12 be compromised and perhaps involved in criminality?---Yes.
13
15:25:58 14 At what stage did you consider that?---Well, it was
15:26:02 15 suspected, I think widely, from my time at the Major Drug
15:26:08 16 Investigation Division and then I think it was confirmed as
15:26:11 17 of August 2005.
18
15:26:12 19 And what type of criminality are you talking about?---Well,
15:26:19 20 her role as a barrister was significantly blurred. I think
15:26:23 21 Mr Mokbel used her extensively to assist him to evade
15:26:31 22 prosecution and capture. She would be sent in at his
15:26:35 23 behest to represent persons and in doing so, prevent them
15:26:39 24 from rolling, to use a police term, on Mr Mokbel and to
15:26:43 25 provide him with, I guess, an inside look at what other
15:26:48 26 matters were ongoing, who'd been arrested, what evidence
15:26:51 27 was available, what informers there was.
28
15:26:55 29 These are the types of things you outline in your statement
15:26:58 30 at paragraph 11. What you're saying is that she certainly
15:27:03 31 wasn't acting independently as a barrister?---No.
32
15:27:08 33 You're agreeing with me when you say "no"?---Yes.
34
15:27:12 35 And your suspicion was that Mr Mokbel encouraged and paid
15:27:16 36 her to represent those who were assisting him in his
15:27:19 37 criminal enterprise?---Yes.
38
15:27:22 39 So that she would advise those people against cooperating
15:27:26 40 with the police?---Yes.
41
15:27:29 42 So that she would find out the existence and strength of
15:27:34 43 the evidence against Mokbel when she was purportedly
15:27:37 44 representing someone else?---Yes.
45
15:27:40 46 So that she would feed information back to
15:27:43 47 Mr Mokbel?---Yes.

1
15:27:44 2 That she would ensure that those charged would resolve
15:27:50 3 their matters without implicating him?---Yes.
4
15:27:53 5 So, in effect, she was not giving those clients, other than
15:27:57 6 Mr Mokbel as her client, the independent representation
15:28:01 7 that it was her duty to provide to them?---I guess, yes,
15:28:10 8 her motivation - specific motivation, in those
15:28:13 9 circumstances, were to look after Mr Mokbel.
10
15:28:16 11 It was her duty to provide - her duty as a barrister was to
15:28:21 12 provide independent representation for the client in their
15:28:26 13 best interests, you would agree with that?---I would agree
15:28:32 14 with that, but I don't think that's the limit of her duty.
15
15:28:35 16 Her duty extends beyond that you would say?---I think her
15:28:39 17 duty starts with herself and her own ethics. Her duty also
15:28:42 18 extends to the criminal justice system.
19
15:28:44 20 Yes?---And her duty also extends to members of the public.
21
15:28:49 22 First and foremost, do you understand that as officers of
15:28:53 23 the court that the first duty is to the court, before the
15:28:57 24 client?---I expect it is and should be.
25
15:29:05 26 Assuming the first - we won't even assume that. Your
15:29:12 27 problem with her was that she wasn't even acting in the
15:29:15 28 best interests of her client, she was acting in the best
15:29:20 29 interests of Mokbel?---I think she was acting in the best
15:29:22 30 interests of Mr Mokbel and herself and probably other
15:29:27 31 lawyers - not probably. Definitely.
32
15:29:32 33 And what you're saying in terms of her not acting in the
15:29:35 34 best interests of the clients, you say others in the MDID
15:29:42 35 shared your views?---I think there was widespread suspicion
15:29:45 36 throughout, you know, the majority of the, I guess Purana
15:29:52 37 time, the early 2000s, that herself and other members of
15:29:56 38 the legal fraternity had that role within the underworld,
15:30:00 39 if that's what you want to call it, that that is what they
15:30:03 40 would do. Every police member that had any involvement in
15:30:06 41 that sort of investigation had that suspicion.
42
15:30:09 43 So you would expect a lawyer acting ethically would, if
15:30:15 44 someone comes to them, if they're conflicted, they don't
15:30:20 45 act for that person because they can't act independently
15:30:23 46 and in their best interests?---That's what they're supposed
15:30:26 47 to do.

1
15:30:26 2 That's what they're supposed to do. I guess - I'll just
15:30:33 3 leave that there. Now, you were the primary investigator
15:30:50 4 in Operation Quills?---Yes.
5
15:30:53 6 A number of arrests were made in that operation on 15
15:30:57 7 August 2005?---Yes.
8
15:31:00 9 And that included someone by the name of Bednarski?---Yes.
10
15:31:06 11 Someone else by the name of Kot, K-O-T?---Yes.
12
15:31:11 13 And there's another name. Do you know how to say that
15:31:13 14 one?---Dzielakowski, which is probably not right.
15
15:31:21 16 I'll spell that one. D-Z-I-E-L-A-K-O-W-S-K-I?---Yes.
17
15:31:24 18 There was a record of interview conducted with
15:31:28 19 Mr Bednarski, is that right?---Yes.
20
15:31:29 21 And he asked to speak to Ms Gobbo?---Yes.
22
15:31:33 23 Before that time you'd had nothing to do with her?---Not
15:31:36 24 that I know of, no.
25
15:31:38 26 That you recall?---That I can recall.
27
15:31:41 28 Save that you - her reputation preceded her?---Yes.
29
15:31:50 30 Some time after that Mr Bednarski's bail application was
15:31:57 31 listed, is that right?---Yes.
32
15:31:59 33 On 31 August 2005?---Yes.
34
15:32:03 35 And that was at the Melbourne Magistrates' Court?---Yes.
36
15:32:07 37 And at 8.30 on that morning you got a call from
15:32:14 38 Ms Gobbo?---Yes.
39
15:32:14 40 Can you tell the Commissioner what the content of that call
15:32:18 41 was?---I wrote it down word for word in my notes, so if I'm
15:32:24 42 able to refer to my notes, please.
43
15:32:26 44 COMMISSIONER: Of course.
15:32:27 45
15:32:27 46 WITNESS: Which I don't have a copy of.
47

15:32:33 1 MS TITTENSOR: If the witness might be provided with his
15:32:35 2 diary?---Yes, please.
3

15:33:33 4 Are you looking at p.216 of your - - -?---Yes. So at 8.30
15:33:43 5 in the morning I've got, "Spoke to Nicola Gobbo". I
15:33:46 6 haven't got it there but she called me, "Re Op Quills,
15:33:50 7 defendant Bednarski. Gobbo stated she had listened to
15:33:55 8 ROI", which means the record of interview, "And
15:33:57 9 acknowledged that Tony Mokbel's name was mentioned. She
15:33:59 10 enquired whether the bail application would prove to be
15:34:02 11 embarrassing for her should Mokbel's name be mentioned.
15:34:06 12 She also said that she did not want to represent Bednarski
15:34:10 13 as it was not in his best interest, and that there was a
15:34:13 14 conflict of interest. However, she was compelled to do it
15:34:16 15 by Mokbel. She again enquired whether statements/evidence
15:34:19 16 would be given as part of the police summary which may
15:34:24 17 embarrass her or cause her problems. I informed her that I
15:34:27 18 would not comment on other parties involved in the
15:34:30 19 operation and that of the three offenders arrested,
15:34:34 20 Bednarski was at the top of the tree. I also informed her
15:34:37 21 that bail would be vigorously opposed and that I was aware
15:34:40 22 of her position in relation to Mokbel and I suggested to
15:34:44 23 her that myself and Detective Sergeant Mansell would be at
15:34:47 24 court early and that we could discuss the matter in person.
25

15:34:53 26 And immediately following that - that was quite an
15:34:56 27 extraordinary conversation to have had with a barrister, I
15:34:59 28 take it?---Yes, it was.
29

15:35:03 30 She clearly had indicated to you she didn't want to be
15:35:06 31 doing what she was doing - or what it was proposed she do
15:35:10 32 that morning, make a bail application for
15:35:14 33 Mr Bednarski?---Well, yes, she was indicating she didn't
15:35:17 34 want to do what she perceived she was being forced to do by
15:35:21 35 Mr Mokbel.
36

15:35:23 37 And she was effectively telling you what you and others had
15:35:27 38 long believed to be the situation?---Yes.
39

15:35:31 40 And it was - of course, you went straight to your
15:35:34 41 supervisors to tell them what had just occurred?---Yes.
42

15:35:37 43 First of all, Detective Sergeant Mansell?---Yes.
44

15:35:41 45 And then to Detective Senior Sergeant O'Brien?---Yes.
46

15:35:45 47 I take it both of you then went off to O'Brien?---Yes, we

15:35:49 1 did.
2
15:35:51 3 And then a decision was made that you'd meet Ms Gobbo at
15:35:55 4 court, record the conversation and see if she wouldn't say
15:36:00 5 the same things on tape?---Yes.
6
15:36:04 7 I take it the recording was done covertly?---Yes.
8
15:36:09 9 What was it proposed to do with that recording if you got
15:36:13 10 it?---I actually don't know. I guess it would depend on
15:36:23 11 the content of the recording.
12
15:36:25 13 You gave some evidence just before about your belief that
15:36:28 14 she might be compromised and possibly involved in
15:36:31 15 criminality herself?---Yes.
16
15:36:33 17 And that criminality involved effectively her not complying
15:36:39 18 with her duties as a barrister and her duties to the
15:36:43 19 court?---Well, I think probably at the lower end it is. At
15:36:48 20 the higher end it was attempting to pervert the course of
15:36:51 21 justice.
22
15:36:51 23 That is what I was just going to ask you. Was it a thought
15:36:55 24 in your mind maybe if she says these things tape, we might
15:36:59 25 have some evidence against her or others that she might
15:37:02 26 also say were involved in terms of perverting the course of
15:37:06 27 justice?---I think it was probably a consideration.
28
15:37:12 29 Do you think that was something that was discussed as
15:37:14 30 between you and Mansell and O'Brien when you made the
15:37:17 31 decision to tape the conversation?---No, I don't believe
15:37:21 32 so, and I don't know whether I've reflected more on that,
15:37:26 33 obviously, in recent times. It was unusual and we didn't
15:37:30 34 know what she was going to say or really what was going to
15:37:32 35 eventuate and so - I mean it's fairly standard practice by
15:37:38 36 police if you can capture it, you capture it and then you
15:37:41 37 assess it afterwards.
38
15:37:42 39 You had some idea of what she could possibly say because
15:37:45 40 she'd already said it to you on the phone?---In a round
15:37:48 41 about way she had, yes.
42
15:37:50 43 That she felt compelled to be representing someone where
15:37:53 44 there was a conflict of interest?---Yes.
45
15:37:58 46 So as it turned out - you went along to court with
15:38:02 47 Detective Sergeant Mansell, is that right?---Yes.

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15:38:06 Had it been proposed initially that he was going to go to
15:38:09 court, or was it the case that once this came up he decided
15:38:12 he'd tag along with you?---I don't know. If he wasn't
15:38:18 coming, this certainly would have been the catalyst for him
15:38:20 to come.

15:38:21 So you went off to court and you met Ms Gobbo?---Yes.

15:38:26 And as it turned out, there hadn't been a gaol order so the
15:38:33 bail application couldn't proceed?---That's correct.

15:38:36 But nevertheless you and Mansell spoke to Ms Gobbo at
15:38:39 court?---Yes.

15:38:41 And it was either at court, I think you say in your
15:38:45 statement you have given an account of what was said to you
15:38:49 that day and you can't be confident one way or another
15:38:52 whether some of it was initially at court or during another
15:38:56 conversation you had later that day, is that right?---Yes.

15:39:00 Nevertheless, when you got to court she was again very open
15:39:04 and very candid about the situation that she said she was
15:39:07 in?---She was. She was visibly upset, she was saying stuff
15:39:13 that - I don't know. It's almost hard to fathom in the
15:39:21 context of being an investigator and speaking to a
15:39:24 barrister like that.

15:39:25 She was telling you exactly what you suspected insofar as
15:39:30 she was telling you about the ways in which she would
15:39:32 gather information for Tony Mokbel and his
15:39:38 associates?---She was confirming what we suspected, but the
15:39:41 disbelief isn't about the fact that she was actually doing
15:39:44 these things, the disbelief is that she's then basically
15:39:50 divulging all that, confessing it, whatever word you want
15:39:54 to use, right there to us, people she didn't even know.

15:39:57 As a law enforcement officer you would have almost some
15:40:01 disbelief that another person with obligations to the court
15:40:04 and to the law might engage in this behaviour, first of
15:40:09 all, but second of all, that they would say it to a
15:40:13 policeman. It's quite extraordinary, isn't it?---The
15:40:17 second part is definitely extraordinary. The first part,
15:40:20 in my experience, is probably not a massive surprise. I
15:40:24 don't mean that - I'm not trying to have a shot, but in the
15:40:27 context of those times and the investigations we were doing
15:40:31 and the members of the legal fraternity that were looking

15:40:34 1 after certain clients, the fact that lines were very
15:40:39 2 blurred is not a massive surprise.
3
15:40:42 4 In any case, what Ms Gobbo was telling you on this day was
15:40:48 5 the ways in which she would obtain information for
15:40:51 6 Mr Mokbel and his associates to their benefit?---In a broad
15:40:58 7 sense, yes.
8
15:40:59 9 She would tell you how she felt compelled to put his
15:41:03 10 interests ahead of others that she represented?---Yes.
11
15:41:07 12 She told you that she was concerned about whether she
15:41:10 13 herself had committed criminal offences in relation to her
15:41:13 14 assistance of Mr Mokbel?---She didn't use those words, but
15:41:17 15 she alluded to it, yes.
16
15:41:20 17 Did she mention what offences she might - she felt she
15:41:25 18 might have committed?---No.
19
15:41:27 20 She appeared, you say in your statement, to be in a
15:41:31 21 vulnerable state at the time, would you say that?---She was
15:41:35 22 upset. She was visibly upset. She was stressed by the
15:41:41 23 position she was in.
24
15:41:44 25 Quite an unbelievable experience to hear those words out of
15:41:48 26 Tony Mokbel's lawyer's mouth?---Yes.
27
15:41:54 28 Unbelievable more so that she was saying those things to
15:41:58 29 the very police who were potentially prosecuting
15:42:03 30 him?---Well, we weren't prosecuting him at that point in
15:42:05 31 time. We were investigating him.
32
15:42:07 33 Well, the very police that were investigating him with a
15:42:10 34 view to prosecuting him?---I think that's probably
15:42:13 35 reflective of the amount of pressure she was under.
36
15:42:17 37 At that point in time Detective Mansell saw a real
15:42:24 38 opportunity to make something of Ms Gobbo's concerns, is
15:42:28 39 that right?---No. That is not even remotely right.
40
15:42:30 41 Did he say something to her like, "You should get on
15:42:33 42 board"?---Yeah, but there's a whole conversation that comes
15:42:35 43 before that where she relays in detail to the extent of the
15:42:42 44 pressure she was under, the stress, her health issues, her
15:42:46 45 concerns about committing offences, her worry about her
15:42:52 46 reputation, her worry about her safety. This is not a case
15:43:02 47 of us just pouncing on an injured mouse crawling on the

15:43:09 1 floor. This is an unbelievably unexpected situation.
2
15:43:17 3 Was it to make her situation better if she started
15:43:23 4 informing or getting on board in relation to
15:43:26 5 Mr Mokbel?---She was 100 per cent looking for a way out of
15:43:31 6 that environment where she felt compelled to do these
15:43:36 7 things on behalf of people that, let's face it, were
15:43:39 8 involved in serious organised crime for many, many years,
15:43:45 9 homicides, large scale drug trafficking and - don't get me
15:43:51 10 wrong, I'm not saying she doesn't have a level of
15:43:54 11 responsibility for her own behaviour, but she was under
15:43:56 12 enormous pressure and looking for a way out, a hand of
15:44:01 13 friendship.
14
15:44:02 15 And was the way out for her to get on board?---Well, that's
15:44:06 16 a way out we could offer her, yes. Ultimately that
15:44:13 17 decision was up to her.
18
15:44:15 19 And that's the effect - those are the words that Detective
15:44:19 20 Mansell said to her towards the end of that conversation at
15:44:22 21 the Magistrates' Court?---Yes, he did.
22
15:44:24 23 Was that something that had occurred to the three of you
15:44:28 24 earlier, the three of you being O'Brien, Mansell and
15:44:32 25 yourself?---I can't speak to what occurred for them. It
15:44:36 26 wasn't discussed and it had never occurred to me.
27
15:44:41 28 Ms Gobbo, when she heard those words, certainly didn't
15:44:44 29 reject it out of hand? She didn't say, "No thanks"?---No,
15:44:51 30 she didn't.
31
15:44:52 32 What she did say is that, "If anyone finds out, I'd end up
15:44:56 33 dead"?---Yes, which I think is a fair statement.
34
15:45:05 35 Did it occur to you that the potential for her to get on
15:45:08 36 board might make her situation even worse?---You're talking
15:45:13 37 about a moment in time, several minutes of a conversation.
15:45:18 38 There's no - really all we're doing at that point in time
15:45:21 39 is having a conversation with her. The ramifications and
15:45:24 40 the considerations and all that stuff, those thought
15:45:27 41 processes come later. There's no way we could foresee,
15:45:32 42 anticipate the extent of her involvement with these type of
15:45:37 43 people and the reach she had into organised crime, the
15:45:42 44 things that she was exposed to - I don't mean in her role
15:45:46 45 as a barrister but her role as an associate, as a friend.
15:45:54 46 So I guess the answer is at that point in time, there's no
15:45:58 47 way we perceived that that would make things worse for her.

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After she made the comment about, "If anyone finds out, I'd end up dead", what occurred then? Was it the case that you indicated something about being able to manage her safety?---Yeah, and I know I've put that in my statement and I recall that being said. I know there's other documentation that suggests that that was said by Steve. All I can say is I know it was said, I know it was said. I mean, it's absolutely right, it would have to be managed. The last thing - I mean, there's a lot of things that have happened but it's not worth anyone's death.

You arranged - how long did this conversation at the Magistrates' Court go on for?---I put in my statement five minutes. It may have been three or two. It was in a relatively public area. There was a number of people walking past, including her instructing solicitor. It just wasn't the right place to have that conversation.

And the meeting, at that stage, ended with an arrangement to meet up later and she handed over her mobile phone number for that purpose?---Yes, she did.

Following that I guess you hot footed it back to the office and told Mr O'Brien what had occurred?---Yes.

Was his reaction disbelief or excitement? What was it?---I don't think Jim would have that reaction in any situation, either of those reactions. He's just very straight, up and down, matter of fact, get on with business. I think it was a very short conversation about meeting up with her again.

Did you play him the tape?---No.

It was only three or five minutes?---Yes.

You didn't play him the tape?---No, we just had the conversation, just relayed it.

And there was a decision to have another recorded conversation later that day?---Yes.

And I think you say in your statement, "To understand what information she might be able to provide and if she was interested in cooperating"?---Yes.

The information you thought she might - you might expect

15:48:21 1 her to be able to provide would be about her client,
15:48:25 2 Mr Mokbel, at the very least?---Yes.
3
15:48:30 4 Did you consider that that in itself might be
15:48:34 5 inappropriate?---Not in the circumstances.
6
15:48:41 7 In what circumstances were they?---Circumstances where her
15:48:49 8 as a barrister, is acknowledging, I guess, the manipulation
15:48:52 9 of the criminal justice system on his behalf. At its
15:48:56 10 lowest, as you said earlier, the impact that has on her
15:49:00 11 professional obligations, but at the highest it's
15:49:05 12 attempting to pervert the course of justice by her, but by
15:49:10 13 him as well. I don't see how that ever could not be
15:49:17 14 appropriate to disclose.
15
15:49:19 16 So your understanding of whatever cooperation she might
15:49:23 17 give would necessarily be limited to an investigation into
15:49:28 18 an attempt to pervert the course of justice, something of
15:49:31 19 that nature, by Mr Mokbel?---Can you just repeat that,
15:49:37 20 sorry? I just missed the start of it.
21
15:49:39 22 Was your understanding of the extent of the cooperation
15:49:42 23 that she might give related to an investigation into an
15:49:47 24 attempt to pervert the course of justice by
15:49:51 25 Mr Mokbel?---That was certainly one aspect of it. At that
15:49:55 26 point in time I had no concept of the extent of criminal
15:50:04 27 activity she was exposed to. She was - I don't know what
15:50:11 28 the right word is. Let's go with exposed to, that she was
15:50:19 29 exposed to, I had no concept. We were investigating Tony
15:50:23 30 Mokbel. Here she is telling me that she's trying to square
15:50:26 31 away a witness so that Tony Mokbel doesn't get charged with
15:50:32 32 the offences that we're investigating him for, so in our
15:50:39 33 world that's something that we have to listen to and
15:50:41 34 consider.
35
15:50:42 36 You considered that her use - the use that Victoria Police
15:50:49 37 or you might make of her was to investigate a crime of the
15:50:54 38 nature of an attempt to pervert the course of justice, is
15:50:58 39 that right?---Potentially at that point in time, yes.
40
15:51:02 41 If it went beyond that, where she might be breaching legal
15:51:08 42 professional privilege or providing instructions in
15:51:12 43 relation to other clients, you wouldn't understand - you
15:51:19 44 would have viewed that as inappropriate?---Well, I think -
15:51:24 45 the short answer is potentially, subject to what the
15:51:27 46 circumstances are. I mean, we were, to a certain extent,
15:51:38 47 just letting things unfold as they were. I mean, I think -

15:51:50 1 I don't know. We had no interest in - Tony Mokbel was
15:51:54 2 facing charges already. I had no interest in that, that
15:51:59 3 was of no significance to us as investigators, it had
15:52:03 4 nothing to do with us, he was already before the court, the
15:52:06 5 investigations had been run and done or were in the process
15:52:07 6 of getting done. Had no interest in that whatsoever.
15:52:10 7 Never discussed it with her, never had any interest in it.
15:52:14 8 All we cared about is criminal activity that was ongoing
15:52:18 9 that was right there in front of our face.
10
15:52:21 11 And preserving the integrity of the criminal justice
15:52:25 12 system?---That's a massive part of it, isn't it? I mean,
15:52:28 13 you say that with somewhat of a tone. Like that's not -
15:52:34 14 I'm not saying that - throwing out a line because we're
15:52:39 15 here in a Royal Commission. Her and others were just
15:52:43 16 making a mockery of the system for years and for whatever
15:52:51 17 reason, on that day it bubbled to the surface and I think
15:52:55 18 if you look at the type of information she was giving and
15:52:58 19 things she was exposed to that followed quickly after, I
15:53:01 20 think that's reflective of her role within the criminal
15:53:04 21 justice system.
22
15:53:09 23 Was there any thought about advice, legal advice, that you
15:53:15 24 might get before you set down this path?---This is day one,
15:53:21 25 this is like a number of hours - a strange phone call and
15:53:25 26 even more strange conversation. As I said, the opportunity
15:53:32 27 was to capture it - or our thought process was we would
15:53:36 28 capture it because it had happened and whatever needed to
15:53:40 29 follow would follow.
30
15:53:44 31 So that afternoon you went and spoke to her for a little
15:53:48 32 bit longer, another hour?---Yes.
33
15:53:50 34 That was recorded again?---Yes.
35
15:53:54 36 Another extraordinary conversation with her?---Yes.
37
15:53:58 38 She again talked openly and you say seemed to be venting to
15:54:03 39 get a lot of information off her chest?---Yes.
40
15:54:05 41 And you say she covered a lot of different topics, not
15:54:09 42 necessarily in great detail each one, but covering a lot of
15:54:13 43 different topics?---Yes.
44
15:54:16 45 That included topics related to Mr Mokbel, is that
15:54:21 46 right?---Yes.
47

15:54:21 1 She told you information about his assets being concealed
15:54:26 2 and how he would launder money?---Yep - in a general sense.
15:54:31 3 We didn't go into detail.
4
15:54:33 5 She expressed some concern that the money that she was
15:54:36 6 being paid with might be money from drug dealing?---Yes.
7
15:54:42 8 That she might be committing criminal offences by aiding or
15:54:45 9 assisting Mokbel?---Yes.
10
15:54:49 11 She expressed concern about her reputation within the legal
15:54:54 12 profession?---Yes.
13
15:54:56 14 She spoke to you about being conflicted in relation to
15:55:00 15 Mr Bednarski, who she thought should be given an
15:55:04 16 opportunity to cooperate, given the evidence and the
15:55:05 17 charges against him?---Yes.
18
15:55:10 19 Did she tell you that she'd been involved, in the past, in
15:55:13 20 advising clients to roll on others, without naming names,
15:55:23 21 if she did - - -?---At a subsequent meeting with the SDU
15:55:30 22 she referred to it, yes.
23
15:55:34 24 Do you think in hindsight that there was any chance that
15:55:37 25 Ms Gobbo herself might have been manipulating police for
15:55:42 26 her own ends at that time?---I wouldn't say manipulating,
15:55:51 27 not manipulating. She was, no doubt, looking out for
15:55:55 28 herself.
29
15:55:57 30 That she had her own motivations for wanting to establish
15:56:00 31 some form of informing relationship with the police?---My
15:56:09 32 perception of it at that time wouldn't be to put it that
15:56:12 33 high. She was under - you can't fake the pressure and the
15:56:17 34 body language and the tears and everything, you can't fake
15:56:21 35 that. She was looking for assistance, I think, a way out.
15:56:28 36 That's what she was looking at at the time. I don't think
15:56:31 37 it was part of a grand scheme and whatever else, she just
15:56:36 38 needed to relieve the pressure she was under to do certain
15:56:40 39 things on behalf of others.
40
15:56:45 41 You've just said one of the things she spoke to you about
15:56:47 42 in that conversation was the conflict of interest she had
15:56:50 43 with Bednarski?---Yes.
44
15:56:53 45 Did she tell you in the same breath that she was going to
15:56:57 46 act for his co-accused Kot?---Not in the same breath.
47

15:57:04 1 In the same conversation?---She said she had been - she had
15:57:11 2 - this is not a flippant little conversation and she is
15:57:15 3 representing him and she is going to do this as well, it
15:57:18 4 wasn't like that. She was hell bent on not representing
15:57:22 5 Bednarski, she was looking - on the day the bail
15:57:25 6 application was listed, she was looking for a reason not
15:57:27 7 to. Thankfully Zarah Garde-Wilson had failed to get the
15:57:33 8 gaol order to bring Bednarski to court, and that was her
15:57:37 9 means of not having to represent Bednarski.

10
15:57:40 11 On that day?---On that day. This is the same day, though,
15:57:44 12 we're talking about. She had, as I said, expressed
15:57:48 13 vehemently that she did not want to represent him, it
15:57:51 14 wasn't in his best interests, over three conversations now.
15:57:55 15 Somewhere in the meantime, between them getting charged and
15:58:00 16 this date, she had been asked to do a bail application for
15:58:03 17 Kot and she had said she was going to accept that and that
15:58:07 18 was her means of not having to represent Bednarski. She
15:58:13 19 was looking at a way to justify to Tony why she's not
15:58:18 20 representing Bednarski.

21
15:58:19 22 But she'd already listened to Bednarski's record of
15:58:23 23 interview and spoken to you about his bail application,
15:58:26 24 she'd already been representing Bednarski, hadn't
15:58:29 25 she?---She listened to Bednarski's record of interview and
15:58:33 26 it's in that record of interview that Tony Mokbel's name is
15:58:38 27 mentioned and so she has the revelation of the issues she's
15:58:43 28 going to have, and she's not talking to me about
15:58:45 29 Bednarski's bail app, as to how we're going to run it and
15:58:49 30 whatever else, she's talking to me about effectively, "How
15:58:53 31 can I get out of doing it?"

15:58:54 32
15:58:57 33 She goes on to make an application of bail for Mr Kot,
15:59:06 34 after which she speaks to you and tells you that Mr Kot
15:59:08 35 wants to make a statement against Mr Bednarski?---Yes.

36
15:59:15 37 And you took a statement from Mr Kot?---Yes, I did. I
15:59:25 38 mean, my role was to investigate that matter and Kot had
15:59:29 39 evidence he could provide. I mean, on the flip side, I
15:59:34 40 would argue that she is then probably doing what she should
15:59:38 41 do in her role, as in give people the opportunity to
15:59:44 42 improve their situation and him giving a statement against
15:59:47 43 Bednarski, who was undoubtedly above Kot on the food chain,
15:59:53 44 I think was probably sensible.

45
15:59:56 46 That was a sensible idea for her to represent Kot, to
16:00:01 47 recommend or advise Kot in relation to whether or not he

16:00:04 1 might make a statement against an earlier client of
16:00:08 2 hers?---If you look at - - -
3
16:00:10 4 In the same matter?---You've got to look at it - whether it
16:00:13 5 is sensible or not, that's for her to decide, but we're now
16:00:17 6 looking at it through, you know, the prism of all these
16:00:22 7 years. At the time, this is all happening within a matter
16:00:25 8 of days. She saw it as her way to avoid Bednarski. I
16:00:31 9 think that's reflective of the situation she had got
16:00:33 10 herself in.
11
16:00:38 12 You spoke further in that conversation back on 31 August
16:00:44 13 about the possibility of her cooperating, is that
16:00:49 14 right?---Sorry?
15
16:00:51 16 Going back to that conversation, the afternoon conversation
16:00:54 17 that was being recorded?---Yep.
18
16:00:57 19 You spoke about various topics in relation to Mokbel and
16:01:02 20 Bednarski. Did you speak about anyone else, any other
16:01:06 21 personalities, in that time?---Ms Garde-Wilson.
22
16:01:12 23 Anyone else?---Not that I can - - -
24
16:01:23 25 I might be stretching your memory here?---I have no doubt
16:01:25 26 there was, but not that I can recall right now.
27
16:01:29 28 It wasn't confined to her providing - getting information
16:01:34 29 off her chest simply in relation to Mr Mokbel, she was
16:01:37 30 speaking about other people involved in his cartel, his
16:01:43 31 associates?---I don't think she was. This was not an,
16:01:53 32 "Divulge to us everything you know about everyone or let me
16:01:56 33 know about all of Tony's offending, or this person's
16:02:00 34 offending". She is basically using it as a counselling
16:02:03 35 session, an opportunity to just vent about anything and
16:02:06 36 everything, and we weren't really asking questions, we were
16:02:09 37 just listening.
38
16:02:11 39 To be fair, she went over a lot of topics and didn't go
16:02:15 40 into any great detail in relation to any of them?---That's
16:02:18 41 correct.
42
16:02:18 43 Towards the end of that conversation you had a further
16:02:21 44 conversation about the prospects of her coming on board and
16:02:24 45 cooperating, is that right?---Yes.
46
16:02:26 47 She wanted some assurances that she'd be looked

16:02:29 1 after?---She wanted to be safe.
2
16:02:31 3 That no-one would find out that she was assisting
16:02:34 4 police?---Yes, that was her concern.
5
16:02:36 6 And you told her about the specialists that she'd be looked
16:02:41 7 after by if she cooperated?---We said that she wouldn't be
16:02:47 8 managed by Steve and myself, she would be managed by
16:02:52 9 others.
10
16:02:53 11 Did you talk about specialists?---I don't know. I might
16:02:59 12 have used that word. I probably did.
13
16:03:03 14 Had there been already some discussion earlier about the
16:03:07 15 possible involvement of the SDU or the DSU, as it was known
16:03:15 16 then?---To her?
17
16:03:16 18 No, as between yourselves. Had there been a discussion,
16:03:18 19 "If she's prepared to come on board we're going to need to
16:03:22 20 get the SDU"?---There certainly was but where it fell in
16:03:29 21 the sequence of conversations, I don't know. If it hadn't
16:03:32 22 happened, I think we already had it in our mind, but it may
16:03:37 23 have happened before we went to this meeting, and if not,
16:03:39 24 it would have happened afterwards. That was the only - - -
25
16:03:46 26 You refer in your diary to there being CDs made of the
16:03:52 27 conversation?---Yes.
28
16:03:53 29 You go back with whatever the tapes were, or whatever they
16:03:56 30 were at the time, you burn them on to CDs?---Yes.
31
16:04:01 32 And you refer also in your diary to transcripts being made
16:04:04 33 of those conversations?---Yes, which is not correct.
34
16:04:08 35 Can you, first of all, tell us what happened to the
16:04:11 36 CDs?---Yes, I burnt - I can't remember the device, but the
16:04:17 37 process to get it on to the CD was to put it on to the
16:04:20 38 computer first and then burn it on to the CD, which I did,
16:04:25 39 and then I deleted the file off my computer and then
16:04:31 40 ordinarily the - in any sort of covert recordings, informer
16:04:38 41 recordings, or whatever, would be stored in a central
16:04:41 42 filing cabinet at the MDID, but given - - -
43
16:04:46 44 The sensitivity of these ones?---Yes, I didn't think that
16:04:49 45 was appropriate. My recollection is that they went into a
16:04:52 46 safe which was at the back of Jim's office, and I've never
16:04:58 47 touched them or listened to them or seen them since.

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16:05:01 2 Were they provided to Mr O'Brien to listen to, to the SDU,
16:05:08 3 before they spoke to her, to give them some background of
16:05:10 4 what was going on? That would be sensible, wouldn't
16:05:13 5 it?---I didn't give it to them. Mr O'Brien had them in his
16:05:18 6 safe.

16:05:19 8 He knew that they'd been placed in his safe, or they were
16:05:22 9 given to him to put in his safe?---That's certainly my
16:05:25 10 recollection of it, yes. Whether he listened to it or not,
16:05:28 11 I don't know.

16:05:31 13 You would expect, in these circumstances, with a specialist
16:05:34 14 informer management unit, that they would be given the hour
16:05:39 15 or so of tapes where this person is essentially offloading
16:05:44 16 all this information, that they would have been given to
16:05:46 17 the SDU?---I don't know. I'm not sure. You could probably
16:05:52 18 argue two different ways.

16:05:55 20 Now, your diary - I've already referred to, refers to
16:05:59 21 transcripts of those conversations?---Yes.

16:06:02 23 You say that's a mistake. How does it end up in your diary
16:06:05 24 that there are transcripts if there aren't?---Because
16:06:08 25 normally if there's a recording, I write refer either
16:06:12 26 recording and transcript or refer transcript, but clearly
16:06:14 27 on day one, there can't be a transcript, and I would never
16:06:18 28 have sent them off to get transcribed.

16:06:20 30 Did you ordinarily write that in advance, expecting that
16:06:25 31 there would be transcript?---Yeah, that's possible too,
16:06:28 32 yeah, definitely.

16:06:29 34 Is it the case then that you sent these CDs off for
16:06:32 35 transcribing?---No.

16:06:33 37 Why is it that you would write "transcript" if you're not
16:06:37 38 sending it off to be transcribed?---Because I think it's my
16:06:40 39 habit, that I've just done the same thing as I always do.
16:06:43 40 When you're referring to a recording that you haven't
16:06:45 41 written in your notes, you just write "refer recording" or
16:06:47 42 "refer transcript". 99.9 per cent of the time you get them
16:06:52 43 transcribed. I was never going to get that transcribed.

16:06:55 45 On 1 September, it seems, the next day, you ran into
16:06:59 46 Ms Gobbo at court again?---Yes.

16:07:02 1 And she reported to you, "Yep, Tony Mokbel has been on to
16:07:07 2 me about Mr Bednarski's bail app and wants to know why it
16:07:11 3 didn't go ahead"?---Yes.
4
16:07:12 5 And that gave you some reassurance that - or confirmation
16:07:17 6 that, yes, he is using her to try and get some
16:07:20 7 information?---Confirmation, yes.
8
16:07:25 9 And, again, that's concerning to you, that someone's
16:07:28 10 lawyer, Bednarski's lawyer, was not acting in his best
16:07:31 11 interests, she was potentially going to act in someone
16:07:34 12 else's best interests?---Well, at that point of time, I
16:07:41 13 don't think my concern was with Bednarski necessarily.
14
16:07:48 15 On 6 September there was a bail application for
16:07:52 16 Mr Bednarski?---The 6th, did you say?
17
16:07:55 18 Yes?---Yes.
19
16:08:01 20 I think you previously told Ms Gobbo that bail was going to
16:08:05 21 be vigorously opposed?---Yes.
22
16:08:07 23 Do you know if it was?---Yes.
24
16:08:09 25 He was granted bail, in the event?---Yes.
26
16:08:14 27 Did Ms Gobbo appear for him?---No.
28
16:08:18 29 Do you know that for sure?---I believe - you'll correct me
16:08:26 30 if I am wrong - but I believe she didn't.
31
16:08:29 32 Your statement says, "My diary does not record whether
16:08:32 33 Ms Gobbo appeared and I don't remember if she said."
16:08:35 34 That's a bit different to a definite "no"?---Yes, it is.
16:08:40 35 I'm just doing the best off the top of my memory.
36
16:08:42 37 Do you have any recollection of who might have appeared for
16:08:45 38 Mr Bednarski on that occasion?---Well, he had multiple
16:08:49 39 solicitors and multiple barristers throughout his time, so
16:08:54 40 - I know it wasn't Ms Gobbo and I know it wasn't
16:08:56 41 Ms Garde-Wilson. We had gone to see him at some point in
16:09:00 42 time and Theo Magazis was in with him, he had Tony
16:09:07 43 Hargreaves at one point. I think there was some sort of
16:09:10 44 disagreement behind the scenes between lawyers as to who
16:09:13 45 was and wasn't representing him. There was obviously
16:09:17 46 outside influence, strings being pulled, so it could have
16:09:23 47 been any number of people.

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COMMISSIONER: Could I just interrupt. Could I take you back to the initial meeting with Ms Gobbo, when you've told us that she was worried and crying, visibly upset. Did you consider that she may have been emotionally unstable, it was such a strange reaction from a lawyer?---It wasn't emotionally unstable. I mean, she was - she wasn't hysterical. She had tears running down her cheeks, but she wasn't sobbing wildly, she was just really stressed, just under enormous pressure. You could see it on her face and the way she spoke.

You said that she was worried about whether she'd committed any criminal offences herself. Did she mention any particular criminal offences?---No, she just alluded to her concern that she had crossed the line.

Thanks, Ms Tittensor.

MS TITTENSOR: The day after Mr Bednarski's bail application was the bail application of Mr Kot, and I've taken you to that. Ms Gobbo appeared for Mr Kot and told you that Kot wanted to make a statement against Bednarski?---Yes.

The day following that, 8 September 2005, did you attend a meeting with Detective Acting Superintendent Hill, Detective Inspector White, Detective Sergeant Mansell and members of the SDU?---Yes.

And there was a decision made on that day for the SDU to meet with Ms Gobbo to assess her suitability, is that right?---Yes.

I think I understand that the SDU were not going to be available to conduct such an assessment for about a week thereafter. You may or may not be aware?---I'm not sure.

Was there any discussion at that meeting about the ethical implications of making a lawyer a police agent, effectively?---I don't remember.

Are you aware that there had been - whether there had been previous discussions between the head of the SDU and Mr O'Brien about the possibility of recruiting Ms Gobbo prior to then?---Prior to this meeting?

16:12:06 1 Yes, prior to these events occurring. Are you aware
16:12:10 2 whether there'd been discussions at an earlier stage about
16:12:13 3 the possibility of bringing Ms Gobbo on as a human
16:12:18 4 source?---You mean prior to August 2005?
5
16:12:21 6 Yes?---No, I don't know.
7
16:12:27 8 There's a note in - is it your diary records, "Will have no
16:12:34 9 involvement with Bednarski"?---Yes.
10
16:12:37 11 That's an acknowledgment that there was a serious conflict
16:12:39 12 in relation to Bednarski and she should not represent
16:12:42 13 him?---No, that is not what that - - -
14
16:12:44 15 What is that?---I think that's - clearly, it's a statement
16:13:15 16 she will have no involvement with Bednarski. I don't think
16:13:19 17 it's anything to do with conflict, I think it's entirely to
16:13:23 18 do with the way this sort of unfolded and Bednarski's
16:13:28 19 involvement in it and that she has no desire to have
16:13:32 20 anything to do with Bednarski, I think that's what that is
16:13:35 21 a reference to, we're not talking about conflict or, you
16:13:40 22 know, obligations, or anything like that, at this point in
16:13:43 23 time.
24
16:13:43 25 Isn't it an acknowledgment that she shouldn't be
16:13:46 26 representing Mr Bednarski because she's conflicted? She's
16:13:50 27 already told you so herself?---But who's the acknowledgment
16:13:53 28 from, me - from us?
29
16:13:56 30 It's a note in your diary and it occurs in the context of
16:13:59 31 that meeting, doesn't it?---Yeah, and it's a record that
16:14:03 32 she will not have any involvement with Bednarski. I don't
16:14:07 33 think it goes any further than that.
34
16:14:10 35 And it's in the context of this meeting occurring with
16:14:15 36 Detective Acting Superintendent Hill, Detective Inspector
16:14:21 37 White, yourself and Mansell and members of the SDU?---Yes.
38
16:14:28 39 Following this meeting, on 16 September is the meeting that
16:14:36 40 occurs with Ms Gobbo for the assessment by the SDU?---Yes.
41
16:14:41 42 I might just wind up shortly - - -
43
16:14:44 44 COMMISSIONER: Yes.
45
16:14:48 46 MS TITTENSOR: - - - noting the time, but before I do - - -
47

16:14:49 1 COMMISSIONER: We're losing some time on Monday morning
16:14:51 2 because I have to deliver the progress report to the
16:14:53 3 Governor, but I'm happy to sit until at least 4.30. If you
16:14:56 4 want to finish the public hearing, we could maybe do so.
5
16:15:01 6 MS TITTENSOR: Certainly, Commissioner.
7
16:15:05 8 That meeting was recorded?---Yes.
9
16:15:09 10 Have you seen the transcript?---Yes.
11
16:15:12 12 Do you accept that the transcript accurately records what
16:15:16 13 was said at the meeting?---Yes.
14
16:15:20 15 I might tender that transcript. I don't know that it's
16:15:24 16 necessarily been agreed in terms of public interest
16:15:29 17 immunity, but - - -
18
16:15:30 19 COMMISSIONER: All right.
20
16:15:31 21 MS TITTENSOR: The VPL number of that transcript is
16:15:36 22 VPL.0005.0037.0014.
23
16:15:50 24 COMMISSIONER: The transcript relating to this witness is
16:15:58 25 Exhibit 267. A will be the unredacted and assuming there
16:15:59 26 will be a redacted version, B will be the redacted version.
27
16:15:48 28 #EXHIBIT RC267A - Unredacted transcript relating to meeting
16:16:19 29 between this witness and members of the
16:16:20 30 SDU and Mr Mansell dated 16/9/05.
16:15:58 31
16:15:48 32 #EXHIBIT RC267B - Redacted transcript relating to meeting
16:16:19 33 between this witness and members of the
16:16:20 34 SDU and Mr Mansell dated 16/9/05.
16:15:58 35
16:16:03 36 MS ARGIROPOULOS: Commissioner, there has been a
16:16:03 37 preliminary review of that but, as my friend has pointed
16:16:06 38 out, it is not finalised, so that will have to be attended
16:16:10 39 to now that it has been tendered.
40
16:16:12 41 COMMISSIONER: Yes.
42
16:16:13 43 MS ARGIROPOULOS: I wonder if it might be described as a
16:16:15 44 transcript of a meeting with members of the SDU and this
16:16:17 45 witness.
46
16:16:18 47 COMMISSIONER: Yes, a meeting between this witness and

16:16:20 1 members of the SDU. And we have a date for it?
2

16:16:25 3 MS TITTENSOR: And Mr Mansell and it is on 16 September 05.
4

16:16:36 5 MR COLLINSON: Commissioner, I didn't want to highjack the
16:16:38 6 remaining time, but I'm conscious we're nearly at the end.
16:16:42 7 We've been circumspect about seeking access to documents on
16:16:45 8 behalf of Mr Gobbo, many witnesses we've allowed to pass
16:16:48 9 through the witness box without asking for access to their
16:16:51 10 diaries. We're now, however, at a quite significant
16:16:53 11 witness from Ms Gobbo's point of view, so I would be
16:16:57 12 seeking a direction - it may be the Commissioner doesn't
16:17:01 13 need to make one - that the documents to be put to this
16:17:04 14 witness by my learned friend, one hard set be made
16:17:07 15 available to me in chambers Monday morning and then I can
16:17:11 16 proceed smoothly to ask any questions of this witness and I
16:17:15 17 would imagine at the end of that, I'm quite happy to hand
16:17:18 18 back that set. That was what I wanted to raise.
16:17:21 19

16:17:21 20 COMMISSIONER: It doesn't seem an unreasonable request.
16:17:23 21 Who is going to take responsibility for that, the
16:17:26 22 Commission or counsel for Victoria Police?
23

16:17:29 24 MS TITTENSOR: I'll make a scan of my notes and if we have
16:17:32 25 any issues with any particular documents - I don't imagine
16:17:36 26 that we will - we'll endeavour to get that done.
27

16:17:40 28 MR COLLINSON: It is the usual undertaking, of course, so
16:17:45 29 we don't need to worry about redaction, with respect.
30

16:17:47 31 COMMISSIONER: Of course. All right then.
32

16:17:47 33 MS ARGIROPOULOS: We would, obviously, have an interest in
16:17:50 34 being informed of the documents that counsel assisting
16:17:52 35 intends to put in, given that I imagine at least some of
16:17:55 36 them would be our documents, but I'm not suggesting that
16:17:58 37 would be an obstacle to those being provided to
16:18:01 38 Mr Collinson.
39

16:18:01 40 COMMISSIONER: Yes, thank you. I'm sure you'll take that
16:18:04 41 on board, Ms Tittensor.
42

16:18:07 43 MR CHETTLE: On the topic of documents, Commissioner,
16:18:08 44 you'll recall we raised many weeks ago the topic of
16:18:14 45 information reports that were published and when they were
16:18:17 46 redacted, we were going to get them. We finished our bit
16:18:21 47 four or five weeks ago and we haven't still got the IR

16:18:24 1 reports, much less the ICRs.
2
16:18:26 3 COMMISSIONER: Where is the problem? Is it with the
16:18:28 4 Commission or with Victoria Police?
5
16:18:30 6 MR CHETTLE: The Commission won't give me anything unless
16:18:32 7 the police say I can have them and nobody tells me I can
16:18:34 8 have anything. I don't know where they are, Commissioner,
16:18:36 9 that's the first thing. It is going to become
16:18:39 10 relevant - - -
11
16:18:39 12 COMMISSIONER: We're not going to be able to solve that
16:18:41 13 this afternoon, but I would ask if, over the weekend, the
16:18:46 14 Commission lawyers and the Victoria Police lawyers can try
16:18:48 15 and resolve those issues.
16
16:18:50 17 MR CHETTLE: Can I put the source management logs in the
16:18:54 18 pot too, please.
16:18:54 19
16:18:55 20 COMMISSIONER: The which?
21
16:18:56 22 MR CHETTLE: Source management logs.
23
16:18:57 24 COMMISSIONER: Why not. Thanks, Mr Chettle. Yes,
16:19:01 25 Ms Tittensor.
26
16:19:03 27 MS TITTENSOR: Given that perhaps I'm going to - we'll
16:19:04 28 provide some of these documents to my friends, maybe that's
16:19:07 29 an appropriate time for today, Commissioner.
30
16:19:13 31 COMMISSIONER: Can we go a bit further? We have got any
16:19:15 32 prospect of finishing the open hearing section today?
33
16:19:18 34 MS TITTENSOR: Not quite, Commissioner - I can keep going
16:19:20 35 and see how we go.
36
16:19:23 37 COMMISSIONER: I'm just conscious that we're short of time
16:19:25 38 and we've still got witnesses to try and finish in this
16:19:28 39 tranche and running out of time, and I think some lawyers
16:19:31 40 aren't available later next week, so I just thought it
16:19:34 41 might be an idea to try and sit on. I know we'd all like
16:19:38 42 to go home on a Friday afternoon.
43
16:19:41 44 MS TITTENSOR: Mr Rowe, you were present for the duration
16:19:43 45 of that meeting, is that right?---Yes.
46
16:19:48 47 There was some discussion during that meeting about the -

16:19:52 1 and some concerns raised, no doubt legitimate concerns -
16:19:57 2 about people finding out that Ms Gobbo might be informing
16:20:01 3 to police?---Yes.
4
16:20:04 5 And she had some discussion about the prospect of people
16:20:09 6 issuing subpoenas for that material and they might find out
16:20:14 7 in that way?---Yeah, I think that - probably from her own
16:20:22 8 experience, that was a legitimate concern.
9
16:20:24 10 Because that's one of the mechanisms by which she would
16:20:28 11 achieve disclosure in the cases that you were involved
16:20:32 12 with, or the types of cases that you were involved with, is
16:20:35 13 that right?---Yes.
14
16:20:38 15 Do you understand some of the pseudonyms that have been
16:20:42 16 used for SDU members?---Yes.
17
16:20:50 18 The head of the unit at that stage we know by the name of
16:20:53 19 Jones?---Yes.
20
16:20:56 21 Did Mr Jones tell Ms Gobbo that the tapes would be secured
16:21:01 22 in a place where they can't be gotten and that only people
16:21:04 23 that know - the only people that know they exist would be
16:21:08 24 she and effectively the SDU, do you recall that being
16:21:12 25 said?---Is this in the context of them talking about
16:21:16 26 whether the conversation was going to be recorded or not?
27
16:21:19 28 Yes, there was a bit of a conversation about whether the
16:21:21 29 conversation would be recorded and there was a bit of
16:21:23 30 conversation about her concern that people could issue
16:21:26 31 subpoenas and find out. And do you recall that Jones
16:21:32 32 indicated that the tapes would be secured in a place where
16:21:35 33 they cannot be gotten and the only people that know they
16:21:38 34 exist would be she and them?---You're reading from the
16:21:49 35 transcript, so I accept that. I'm not sure that he's
16:21:51 36 necessarily talking, you know, in terms of being an
16:21:54 37 obstacle to a subpoena, but - - -
38
16:21:59 39 MS ARGIROPOULOS: Commissioner, if my friend wants to ask
16:22:00 40 this witness questions about what is on the transcript, may
16:22:03 41 the witness have access to the transcript? I'm not sure it
16:22:05 42 is a memory test for him. If he is being asked to agree to
16:22:10 43 things, in my submission he should be entitled to have the
16:22:13 44 document in front of him.
45
16:22:15 46 COMMISSIONER: Is it easily obtainable?
47

16:22:18 1 MS TITTENSOR: I don't have the exact - the transcript in a
16:22:20 2 form that we can use - - -
3
16:22:24 4 COMMISSIONER: At this stage.
5
16:22:25 6 MS TITTENSOR: - - - at this stage.
7
16:22:26 8 MS ARGIROPOULOS: I have a copy that he can be provided
16:22:28 9 with, if that's the problem.
10
16:22:30 11 WITNESS: I think I've got it here.
12
16:22:32 13 MS ARGIROPOULOS: I think he might have it in front of him
16:22:33 14 in any event.
15
16:22:34 16 COMMISSIONER: He's got it before him, apparently, so if he
16:22:37 17 wanted to refer to it, he just had to ask. Mr Rowe, you're
16:22:40 18 welcome to refer to the transcript to refresh your
16:22:44 19 memory?---Thank you.
20
16:22:52 21 MS TITTENSOR: I'm afraid I don't have the page reference
16:22:54 22 in my notes; I'm going off my own notes, Commissioner.
23
16:22:58 24 COMMISSIONER: Maybe we'll give up at this point and resume
16:23:01 25 at 1.30 on Monday, with the plan to sit 1.30 to 4.30 on
16:23:07 26 Monday.
16:24:01 27
16:24:01 28 <(THE WITNESS WITHDREW)
16:24:01 29
16:24:02 30 ADJOURNED UNTIL MONDAY 1 JULY 2019
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