

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Monday, 1 July 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

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

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

Counsel for State of Victoria Ms E. Hilliard

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

Counsel for DPP/SPP Mr P. Doyle

Counsel for CDPP Ms C. Fitzgerald

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

Counsel for Tony Mokbel Ms L. Ristivojevic

13:36:40 1 COMMISSIONER: Yes, Ms Tittensor, you're appearing.
13:36:44 2
13:36:44 3 MS TITTENSOR: I appear with Mr Winneke and Mr Woods,
13:36:46 4 Commissioner.
5
13:36:47 6 COMMISSIONER: Yes. Mr Collinson, Mr Nathwani. Yes.
13:36:50 7
13:36:51 8 MR HOLT: I appear with Ms Argiropoulos and Ms Enbom.
9
13:36:55 10 COMMISSIONER: Thanks, Mr Holt.
13:36:57 11
13:36:57 12 MR CHETTLE: I appear, with Ms Thies, for the handlers.
13:37:02 13
13:37:02 14 MR DOYLE: I appear for the Office of Public Prosecutions.
15
13:37:05 16 COMMISSIONER: Thank you, Mr Doyle.
17
18 MS FITZGERALD: I appear for the Commonwealth Director of
19 Public Prosecutions.
20
13:37:09 21 MS RISTIVOJEVIC: If the Commissioner pleases, I appear on
13:37:12 22 behalf of Mr Antonios Mokbel.
23
13:37:14 24 COMMISSIONER: Thank you very much, Ms Ristivojevic. Yes,
13:37:17 25 Ms Tittensor.
13:37:18 26
13:37:18 27 MS TITTENSOR: If Mr Rowe could be recalled, Commissioner.
28
13:37:21 29 COMMISSIONER: Yes.
30
13:38:03 31 <PAUL ROWE, recalled:
32
13:37:26 33 COMMISSIONER: Mr Rowe, you're on your former oath?---Thank
13:37:58 34 you.
35
13:38:08 36 MS TITTENSOR: Mr Rowe, last Friday, the last thing I think
13:38:12 37 I did was take you to the transcript of the 16 September
13:38:15 38 2005 meeting, which involved yourself and Detective
13:38:20 39 Mansell, as well as a number of members of the SDU, do you
13:38:23 40 recall that?---Yes.
41
13:38:25 42 I just was going to take you through some of the matters
13:38:30 43 that were raised in the course of that meeting. Do you
13:38:34 44 have a copy of that transcript with you?---No.
45
13:38:39 46 Perhaps if that might be put on the Commissioner's screen
13:38:42 47 and on my screen and the witness's screen, for now.

1
13:38:46 2 COMMISSIONER: Thank you.
13:38:47 3
13:38:47 4 MS TITTENSOR: It's VPL.0005.0051.0002. I'll be tendering
13:38:57 5 this document, Commissioner. I understand it hasn't yet
13:39:00 6 been PII reviewed, but it will, no doubt, be in the
13:39:04 7 processes soon after its tender.
8
13:39:06 9 COMMISSIONER: Thank you. Do you want to tender it now?
13:39:09 10
13:39:10 11 MS TITTENSOR: I might as well, yes, Commissioner.
13:39:12 12
13:39:13 13 #EXHIBIT RC268A - Unredacted transcript;
13:38:47 14 VPL.0005.0051.0002.
13:39:21 15
13:39:22 16 #EXHIBIT RC268B - Redacted transcript; VPL.0005.0051.0002.
13:39:27 17
13:39:28 18 MS TITTENSOR: I'll just take you, Mr Rowe, through a
13:39:32 19 précis of the interview. If we can go to p.5 of the
13:39:37 20 interview there. At p.5, about halfway down, you see
13:39:53 21 Ms Gobbo starts expressing some concern about the interview
13:39:57 22 being recorded, and do you recall that occurring?---Yes.
23
13:40:01 24 And there was some discussion about that and about the fact
13:40:05 25 that it might be recorded for some time during the course
13:40:10 26 of the interview?---Sorry, what do you mean?
27
13:40:17 28 Well, she had quite some concern about that interview being
13:40:22 29 recorded and about the potential for other people to access
13:40:24 30 the interview?---Yes.
31
13:40:25 32 So she says there, "Before we start, before you say
13:40:31 33 anything, is this being recorded?" And [REDACTED] - I
13:40:38 34 apologise, Commissioner. That might need to be struck.
35
13:40:42 36 [REDACTED]
13:40:44 37 [REDACTED]
13:40:48 38 [REDACTED]
13:40:52 39
13:40:52 40 MS TITTENSOR: Mr Jones, he was the head of the SDU; is
13:40:55 41 that right?---Yes.
42
13:40:55 43 And the other member present was Mr Brennan?---Yes.
44
13:40:59 45 He replies, "It's not", as in it's not being recorded, "But
13:41:05 46 I'm about to start a recorder"?---Yes.
47

13:41:07 1 The reality was, of course, that the meeting was already
13:41:10 2 being secretly recorded?---Yes, it was.
3
13:41:15 4 Thereafter, on p.6, Mr Jones is quoted as saying, "All I
13:41:24 5 can say to you is that it would be 100 per cent secure and
13:41:27 6 it won't be anywhere connected where Steve" - and I suggest
13:41:34 7 the Steve that he's referring to there is
13:41:37 8 Mr Mansell?---Yes.
9
13:41:39 10 And there's talk about it being subject to a subpoena and
13:41:44 11 there's talk about whether anyone would ever get to know
13:41:48 12 that such a recording existed, do you accept that?---Yes.
13
13:41:54 14 In the period following that, there's talk about the
13:41:57 15 conversation that was being had, and we can just scroll
13:42:02 16 through that - if we pause there - about the conversation
13:42:06 17 being a very privileged conversation, do you see that at
13:42:12 18 the top of the screen there, Mr Jones referring to it being
13:42:16 19 a very privileged conversation, albeit that there might be
13:42:20 20 arguments that could overcome that?---Yes, and I believe
13:42:26 21 he's referring to the conversation they're having.
22
13:42:27 23 Yes?---Yes.
24
13:42:28 25 And this is all in the context of a concern that these
13:42:35 26 conversations, at some stage in the future, might be
13:42:37 27 disclosable?---Yes. She was worried about her safety.
28
13:42:40 29 Yes. And that, by law, these conversations, if they're
13:42:44 30 subject to a subpoena at some stage, may have to be
13:42:47 31 disclosed?---"May", I think, is the important word there.
32
13:42:51 33 Of course. But that was the concern?---Yes.
34
13:42:55 35 If a subpoena calls upon it and the court decides, there
13:42:59 36 may be some prospect of these conversations being
13:43:03 37 disclosed?---Yes.
38
13:43:07 39 And Mr Jones, at that point, is essentially saying, "Well,
13:43:10 40 it might be subject to a subpoena, but really, someone
13:43:13 41 needs to know it exists first", essentially?---Yes.
42
13:43:25 43 Ms Gobbo, following that, if we scroll briefly, raises the
13:43:30 44 concern that the police might claim PII if there were a
13:43:36 45 subpoena - public interest immunity - and the very fact of
13:43:41 46 them claiming PII might reveal that there was something
13:43:44 47 there, i.e. that there was potentially a human source

13:43:47 1 there?---Yes, which is quite often the case.
2
13:44:00 3 If we go to p.9, down the bottom. Sorry, if we can just
13:44:10 4 scroll up. Just there. Mr Jones says, "Are you going to
13:44:15 5 be satisfied if I say to you that, firstly, the tape is
13:44:18 6 secured in place where it can't be got and, secondly, the
13:44:21 7 only people that know it exists will be yourself and us?"
13:44:27 8 Ms Gobbo replied, "I guess if anyone ever has - say, for
13:44:32 9 example, certain people are charged down the track",
13:44:36 10 "m'mm", says Mr Jones, "I'm never going to want the tape,
13:44:40 11 I'd want it destroyed if I ever had it, but other people
13:44:45 12 might issue some wide subpoena somewhere and I mean
13 13 somewhere because I don't even know where it would be and
13:44:46 14 you never know". She was concerned that, based upon the
13:44:53 15 conversations that she might have with the SDU, that there
13:44:56 16 might be some people charged down the track and that this
13:45:00 17 might be relevant in their case, do you accept that?---I'm
13:45:06 18 not sure she quite had that foresight. I think she's
13:45:10 19 talking hypothetically.
20
13:45:12 21 She's talking about this potentially being the subject of a
13:45:15 22 subpoena and she's talking about people being charged down
13:45:17 23 the track?---She is, but I think it's - - -
24
13:45:24 25 She's contemplating the future possibilities and future
13:45:28 26 risks, is she not?---Yes, she is, but I think based on the
13:45:32 27 general premise of subpoenas and so on and so forth. I
13:45:36 28 don't know that it was specific, you know, foresight on her
13:45:39 29 behalf, but I can't talk to what she was thinking.
30
13:45:46 31 If we can go to p.13. You'll see there there's a - about
13:46:00 32 halfway down, Mr Jones is talking - just about there - and
13:46:06 33 he goes on, there's a lead into a discussion about what
13:46:09 34 Ms Gobbo might have to offer and if they can use it safely
13:46:13 35 and he says, "At this point, I'm happy just to have a
13:46:16 36 little discussion about what it is that you might have to
13:46:19 37 offer and whether we can actually progress that in a way
13:46:22 38 that's safe for yourself because, to be quite honest, and
13:46:29 39 I've said that three times now, to be quite honest, and I'm
13:46:31 40 obviously over-exaggerating" and Ms Gobbo says, "Yes, you
13:46:35 41 can say that too much" and he replies, "Yeah, it may well
13:46:39 42 be that the information you've got, if it was acted on,
13:46:42 43 could only end up in lighting, like a bushfire, for want of
13:46:47 44 a better term", do you see that?---Yes.
45
13:46:49 46 It was contemplated that she might have some pretty hot
13:46:52 47 information, was it not?---I think we were already under

13:46:57 1 that assumption, based on our earlier conversations with
13:46:59 2 her, and I suspect based on, I guess, knowledge of her.
3
13:47:08 4 And her associates?---Yes.
5
13:47:10 6 Including Mr Mokbel?---Yes.
7
13:47:14 8 And including other people that she represented?---Yes.
9
13:47:18 10 At the bottom of p.14, you'll see right at the bottom there
13:47:26 11 Mr Jones says, "So where do we start?" Ms Gobbo says,
13:47:32 12 "Well, I guess you can start". Mr Jones says, "I can say
13:47:37 13 then tell me everything you know about Tony Mokbel?" She
13:47:41 14 then replies and asks how many weeks they had the room
13:47:45 15 booked for, do you see that?---Yes.
16
13:47:48 17 Mr Jones responds to the effect, "If you want to go down
13:47:51 18 that track, we'll take as long as it takes"?---Yes.
19
13:47:57 20 It was very well understood by everyone in that room that
13:48:02 21 Ms Gobbo was representing Mr Mokbel at that stage, was it
13:48:05 22 not?---Yes.
23
13:48:10 24 Throughout that interview or that session that you were
13:48:16 25 present for, she referred to her representation of
13:48:21 26 Mr Mokbel at various stages?---I don't remember
13:48:31 27 specifically.
28
13:48:32 29 If we can go down to p.20. Just scroll up. See that
13:48:50 30 paragraph with Ms Gobbo there? She refers to having
13:48:53 31 earlier acted for someone where the police thought she was
13:48:55 32 a stooge, that she was really there for Williams and Mr
13:49:01 33 Mokbel?---Yes.
34
13:49:03 35 Do you see following that that she says it took a long time
13:49:06 36 for the police to see the reality that she wasn't a stooge
13:49:11 37 and that the police had been protecting her in a round of
13:49:17 38 subpoenas in the Magistrates' Court, do you see
13:49:26 39 that?---Yes.
40
13:49:29 41 Over the next little while, she refers to one of her
13:49:33 42 concerns, following that, about some concern that she had
13:49:38 43 that things might change in the higher courts, when those
13:49:41 44 matters are dealt with in the higher courts?---Yes.
45
13:49:45 46 From p.22 - we might not need to go through the whole
13:49:50 47 thing - you might recall this. She tells them the story of

13:49:54 1 how she comes to represent Mr Bednarski, the story that had
13:49:59 2 eventuated between you and Ms Gobbo and Mr Mansell?---Yes.
3
13:50:05 4 She tells them that Mr Mokbel, at p.25, had panicked when
13:50:10 5 he heard that Mr Bednarski was in custody?---Yes.
6
13:50:16 7 That she believed, at p.27, that Mr Mokbel was paying
13:50:21 8 Mr Bednarski's fees?---Yes.
9
13:50:28 10 If we can scroll to p.28. Do you recall her saying that
13:50:34 11 she had hesitated before doing Mr Kot's bail application
13:50:38 12 because of a conflict, do you see that, the sentence that
13:50:52 13 begins, "In the meantime"?---Yes, that's what she said.
14
13:50:58 15 Was there any discussion at all about her having a conflict
13:51:02 16 in relation to the things that she was telling you and the
13:51:07 17 members of the SDU that day?---Well, everything that was
13:51:12 18 said is on the transcript.
19
13:51:14 20 Well, do you recall then, or at any other stage, there
13:51:18 21 being any discussion? You might have had some discussion
13:51:22 22 with members of the SDU prior to this or after this. Was
13:51:27 23 there any discussion about Ms Gobbo having a conflict, in
13:51:31 24 her discussions about these matters with you?---I don't
13:51:39 25 recall ever talking directly with the SDU in relation to
13:51:49 26 it. I think we'd met once, prior to this meeting, with the
13:51:53 27 SDU, but I don't remember whether it was discussed or not -
13:51:57 28 I mean, bearing in mind the whole reason that we're even
13:52:02 29 there with the SDU is based on the fact - the risks
13:52:05 30 associated with her, both to her safety but also the fact
13:52:09 31 that she's a barrister, that's the whole reason we were
13:52:11 32 there, so it wasn't - it's not like it was something that
13:52:16 33 none of us were aware of or were blind to. We knew that
13:52:20 34 was a risk associated with her and that's why we were there
13:52:27 35 with the SDU.
36
13:52:29 37 Had there been - earlier you'd spoken - well, obviously,
13:52:33 38 Detective Mansell was your superior and Detective - - -
13:52:37 39 ?---O'Brien.
40
13:52:38 41 - - - O'Brien. He was an - - -?---Senior sergeant.
42
13:52:40 43 - - - Acting Inspector at various times over this period;
13:52:44 44 is that right?---Yeah, at various times, yes.
45
13:52:45 46 Had there been any discussion between the three of you as
13:52:49 47 to whether there were any conflict issues or privilege

13:52:53 1 issues or confidentiality issues, prior to the SDU becoming
13:52:56 2 involved?---Yeah, we had - and I don't know whether - I
13:53:06 3 don't know who is involved in this conversation, but I know
13:53:09 4 we - I discussed, and I think it might have been with
13:53:12 5 Steve, about, very early stages, whether - you know, once
13:53:16 6 she sort of indicated that this was something that she was
13:53:21 7 at least considering, I think straight away we sort of -
13:53:30 8 it's not like we had to articulate it to each other. She
13:53:35 9 was a barrister and she was Nicola Gobbo. We knew the
13:53:39 10 issues around it and I think the extent of the conversation
13:53:43 11 was, maybe, "Can this be done? If it's going to be done,
13:53:51 12 she's got to be managed by the SDU."
13

13:53:55 14 When you said, "Can this be done?", were you talking about
13:53:58 15 using a legal practitioner as an informer?---Yes.
16

13:54:03 17 Did you have an explicit conversation with anyone else at
13:54:07 18 Victoria Police about that matter?---I know we discussed
13:54:13 19 it. Like it was the whole reason we were there. Like
13:54:16 20 it's - you know, it's not like we had to allocate time to
13:54:21 21 talk about it, like it was the whole reason we were there
13:54:26 22 and, really, the initial stages is part of that assessment
13:54:32 23 process, as in - I think I've got it in my diary that the
13:54:37 24 whole point of her meeting with the SDU was to do a
13:54:40 25 suitability assessment, so to determine whether this was
13:54:44 26 appropriate, whether she was suitable, to weigh all those
13:54:49 27 things up.
28

13:54:50 29 A suitability assessment, to be fair to the SDU, occurs in
13:54:53 30 every case, it's not simply a suitability assessment would
13:54:58 31 occur where you're thinking about registering a legal
13:55:01 32 practitioner, it would presumably occur in every case that
13:55:06 33 you're thinking about registering an informer?---Yeah, but
13:55:10 34 - well, to me, the only - the difference is what risks
13:55:14 35 you've got to consider. The process is the same whether
13:55:17 36 it's Ms Gobbo or any of these other people or anyone else.
13:55:23 37 Like there's information there that is brought to our
13:55:28 38 attention, there's a discussion about whether that's, you
13:55:33 39 know, something that the person would consider going down
13:55:36 40 this path, and then there's an assessment done as to their
13:55:40 41 suitability, the risks associated with it. I don't know.
13:55:45 42 To me, it's the same in every case.
43

13:55:48 44 What you're saying, essentially, is in this case, the risks
13:55:51 45 associated with using a legal practitioner were patently
13:55:55 46 obvious because of the patently obvious conflicts that
13:55:59 47 could occur?---Yeah, there was - yep, there was - to me,

13:56:03 1 the risk was twofold. It was her safety by virtue of the
13:56:08 2 people that she was associating with, and I don't mean just
13:56:11 3 by representing because, you know, I think her associations
13:56:18 4 went far and beyond that. So there was the risk to her
13:56:20 5 safety and then there was the risk the fact that she was a
13:56:23 6 barrister, absolutely.

7
13:56:24 8 And that she would have privileged and confidential
13:56:28 9 information that she ought not be disclosing?---Yes, but as
13:56:34 10 I said on Friday, at no point in time did I have any
13:56:40 11 interest in, you know, the way she was defending clients,
13:56:46 12 what she was doing for preparation of defence, any of that
13:56:50 13 stuff, I had no interest in that. All we cared about - all
13:56:53 14 we cared about was the offences that, I guess, she was
13:56:58 15 privy to, aware of, that's all we cared about.

16
13:57:05 17 We'll potentially explore those things a little bit more in
13:57:10 18 the future. She goes on in that interview to indicate how
13:57:20 19 she'd been - at p.30, about how she'd spoken to you about
13:57:24 20 not being able to do the bail application for Mr Bednarski,
13:57:28 21 having said that - at 29, sorry, that she couldn't
13:57:35 22 vigorously cross-examine a police officer in Mr Bednarski's
13:57:41 23 interests if answers would come out about Mr Mokbel, who
13:57:44 24 she was acting for, do you recall that?---Yes.

25
13:57:53 26 At p.31 she speaks about in the last 24 hours Mr Mokbel
13:58:00 27 having asked her if she thought that the police might take
13:58:03 28 money in relation to the matter, do you recall that being
13:58:06 29 spoken about?---Yes.

30
13:58:13 31 At p.32 she said that conversation had occurred the
13:58:17 32 previous day, after she'd come back from a Supreme Court
13:58:21 33 hearing for Mr Mokbel in front of Justice Gillard, where
13:58:25 34 she'd been telling him - or she says in her words "you're
13:58:32 35 fucked", in relation to her assessment of the case, do you
13:58:37 36 recall that?---I'm sorry, I'm just reading. I think he was
13:58:53 37 discussing with her offering us a bribe, effectively, and
13:58:57 38 that's what she says to him - or that's what she says she
13:59:04 39 said to him.

40
13:59:05 41 And she's had this conversation, she's representing him in
13:59:07 42 the Supreme Court on some matters that he's got coming up
13:59:12 43 and she's talking to him, presumably, about the Bednarski
13:59:16 44 matter, that she'd represented Mr Bednarski on, is that
13:59:20 45 right?---The Bednarski matter, yes.

46
13:59:22 47 And giving her brief assessment of the implications for

13:59:30 1 Mr Mokbel?---She's not telling him he's fucked as in
13:59:34 2 relation to Operation Quills, she's saying, "You're fucked
13:59:38 3 because you're talking to me about bribing two policemen",
13:59:44 4 that's what she's saying, because he'd asked someone who is
13:59:47 5 his barrister about bribing two investigators to make some
13:59:50 6 pending charges or an investigation go away.
7
13:59:54 8 It might have been concerning if he felt comfortable enough
13:59:58 9 to have that conversation with her?---I don't know. It
14:00:07 10 almost - it defies belief, but I guess it's also - I don't
14:00:21 11 know. It probably gives a good insight into our thought
14:00:24 12 processes at the time, as to why we even thought it
14:00:27 13 appropriate to go down this track.
14
14:00:33 15 If we can go to pp.33 and on to 34. Sorry, if we just go -
14:00:44 16 do you see from there, "Just go back a bit"? Sorry, no,
14:00:49 17 the words appear "Just go back a bit, to just make sure I
14:00:54 18 understand this." Mr Jones is wanting to understand why
14:01:00 19 she might see a conflict existing, is that right? He goes
14:01:12 20 on to express his understanding that she couldn't
14:01:15 21 cross-examine police witnesses in relation to Bednarski's
14:01:19 22 involvement, as information might come out about Mokbel and
14:01:22 23 she saw that as a conflict and Ms Gobbo responds, "It is a
14:01:26 24 big conflict"?---Yes.
25
14:01:32 26 Then the handler Brennan asks whether that was a concern
14:01:36 27 from a legalistic point of view or just the consequences
14:01:39 28 from Tony, and she responded, "Both"?---Yeah, and I think
14:01:47 29 that's probably fair enough. There was a wide-ranging
14:01:52 30 concern she had, not simply, you know, professionally, but
14:01:59 31 she was worried about how he would respond.
32
14:02:04 33 Following that, if we keep on scrolling slowly, there's a -
14:02:10 34 she speaks about making Tony potentially unhappy if
14:02:15 35 something comes out on her cross-examination, but then
14:02:20 36 says, "But equally, I'm not acting in the client's best
14:02:24 37 interests if I don't do that because it will show he's down
14:02:27 38 there, instead of being at the top", do you see
14:02:33 39 that?---Yes.
40
14:02:33 41 I suggest what she's talking about there is that she might
14:02:37 42 not be able to represent the client's best interest because
14:02:40 43 it might put the client further up the hierarchy ladder,
14:02:44 44 further down the bottom or, you know, not demonstrate that
14:02:49 45 there's someone above him, such as Mr Mokbel?---Yes, yes,
14:02:54 46 that's what she's saying.
47

14:02:58 1 She then goes on to, at p.36, indicate that Mokbel and
14:03:08 2 Bednarski had met since Mr Bednarski had been bailed and
14:03:12 3 that Mr Mokbel was desperate for Mr Bednarski to do a deal,
14:03:17 4 to plead guilty and get it over with, as well as to get
14:03:20 5 information in relation to his case?---Yes.
6
14:03:24 7 Then if we go through to p.40. Do you recall that she was
14:03:29 8 saying that Kot had made a statement because it was part of
14:03:33 9 the advice that she gave him?---Yes.
10
14:03:41 11 And that following that - if we just scroll a bit. I
14:03:48 12 missed the bit that I'm asking for. But Controller Jones
14:03:52 13 then asked her specifically about what advice she'd given
14:03:58 14 to Kot, do you recall that? You might need to go back up.
14:04:12 15 Do you see that there?---Could you scroll up a bit?
16
14:04:20 17 Could you scroll further up?---Back the other way, please.
18
14:04:23 19 No, no, you've gone too far. Sorry. It says there, "Now
14:04:29 20 equally, I'll be in the same amount of difficulty if it
14:04:32 21 becomes apparent that the reason why Greg Kot made a
14:04:35 22 statement is because it was part of the advice I gave him".
14:04:39 23 Mr Jones says, "And was it?" And she says, "What?" The
14:04:43 24 transcript at least reads, "What that - your advice to
14:04:48 25 Kot"?---She's talking in the context of upsetting Tony
14:04:55 26 Mokbel.
27
14:04:55 28 Yes?---And she's worried about how that looks on her,
14:05:00 29 because she's given someone advice to make a statement and
14:05:03 30 I think she clarifies it saying, "Here's a guy who's got a
14:05:07 31 pill press in his house and 32,000 tablets and he's on LD's
14:05:12 32 and whatever else we had, phones, it's in his best interest
14:05:18 33 to make a statement."
34
14:05:20 35 Do you agree it might be problematic for her to be
14:05:24 36 discussing advice to clients and client's instructions with
14:05:27 37 police?---Yeah, look, I think by the time this conversation
14:05:41 38 takes place, though, I've already taken a statement from
14:05:44 39 Kot, she's already given advice, she's already told me
40 that she's given advice.
41
14:05:49 42 Do you not think that her advice to Mr Kot and his
14:05:52 43 instructions might remain privileged?---Well, I think in a
14:05:59 44 general sense yes, but I'm not sure that within this
14:06:02 45 context that that has a huge bearing, considering I've
14:06:06 46 taken a statement from him. She's representing him, she's
14:06:12 47 discussed his options with him and then told me that he's

14:06:15 1 going to give a statement and, I mean, she's not telling us
14:06:21 2 this to tell us about her, you know, legal advice she's
14:06:25 3 giving Kot, she's putting into context the situation with
14:06:29 4 Tony Mokbel. I mean, I understand what you're saying in
14:06:33 5 relation to like privilege and all that sort of stuff, but
14:06:35 6 you can't just pick and choose which bits help. I mean,
14:06:40 7 there's a context to all of this. Is she talking in the
14:06:43 8 context of someone who is effectively influencing her and
14:06:46 9 has certain expectations of her as a barrister in relation
14:06:50 10 to his own position in the world.
11
14:06:54 12 She's telling you - - - ?---That can't be right, can it?
13
14:06:58 14 She's telling you all about her conversations with
14:07:01 15 Mr Mokbel as well, is she not?---Yeah, but she's - - -
16
14:07:07 17 And his concerns about being prosecuted for matters
14:07:13 18 relating to Operation Quills?---He's not talking to her
14:07:18 19 about legal advice. Like let's be fair. Come on. There's
14:07:23 20 no way you can read that from that transcript, unless you
14:07:26 21 wanted to pick out specific bits that support - I don't
14:07:35 22 know what the right word is.
23
14:07:36 24 All right?---I don't know how many times clients have
14:07:42 25 yelled at you because, you know, like, you know - or huffed
14:07:46 26 and puffed or demanded or sent solicitors in to hold his
14:07:50 27 name up on a piece of paper in the visiting booth or wanted
14:07:54 28 to know what's in statements and they're not even charged
14:07:57 29 with. I mean, surely, or I'm - I think I'm in the wrong
14:08:04 30 job. Surely it goes - like that goes way beyond what would
14:08:08 31 be expected between a barrister and a client.
32
14:08:13 33 Do you think clients never go to a lawyer for advice in
14:08:20 34 anticipation that they might be in a bit of strife?---Yeah,
14:08:25 35 but I think it's - their strife's got to be impending,
14:08:30 36 doesn't it, I think is the word. It's got to be the - you
14:08:32 37 know, charges have got to be, you know, close. I'm not
14:08:37 38 going to argue over semantics. I'm not a lawyer. But the
14:08:40 39 reality is the only reason he had her in there was to look
14:08:45 40 after his own interests. He's offering us a bribe, don't
14:08:49 41 forget.
42
14:08:49 43 According to Ms Gobbo in this - - - ?---Oh come on.
44
14:08:55 45 - - - conversation; is that right?---This is someone who's
14:08:59 46 got priors for bribing a County Court judge, so I don't
14:09:03 47 reckon it's a massive stretch to think that she's probably

14:09:08 1 100 per cent telling the truth.
2
14:09:10 3 All right. If we continue on down the transcript to pp.45
14:09:15 4 and 46. Do you recall there being a discussion of a
14:09:21 5 previous case against Mr Mokbel where the charges had been
14:09:24 6 withdrawn, which seemed to perplex Ms Gobbo?---Yes, I do.
7
14:09:32 8 And she indicated her own theory, that perhaps police had
14:09:36 9 removed some money to allow the removal of drugs and that
14:09:39 10 might account for some decision for charges to have been
14:09:42 11 withdrawn, do you recall that being discussed?---It's in
14:09:47 12 the transcript, I accept it.
13
14:09:51 14 She speaks about some co-accused involved in that and other
14:09:55 15 names of people, such as Lanteri and Milad Mokbel and
14:10:08 16 Parisi and Karam?---Yes.
17
14:10:13 18 Do you know whether any of those were clients of hers?---I
14:10:17 19 don't believe so.
20
14:10:17 21 Did she speak, during this interview, about having
14:10:21 22 represented Mr Mokbel's brothers?---No, I don't think so.
23
14:10:25 24 If we go to p.50. Do you recall Ms Gobbo discussing the
14:10:31 25 matter that Mr Mokbel was currently on trial for - there at
14:10:42 26 the top, his Commonwealth matter - that conversation relied
14:10:45 27 upon some old Drug Squad tapes from back in 2000,
14:10:54 28 2001?---Yeah, but again, she's talking about him making the
14:10:57 29 tapes disappear, she's not talking about his legal advice,
14:11:00 30 she's talking about him making the tapes disappear so the
14:11:03 31 case falls over.
32
33 Did she tell you that the latest strategy was to attack the
14:11:10 34 police officers - this is at p.53 - who had turned the
14:11:11 35 tapes on and off, including Miehchel? Do you see there,
14:11:15 36 "The latest angle is we'll attack the police officers who
14:11:18 37 turned the tapes on and turned the tapes off", and she
14:11:22 38 refers to Miehchel there? And she then goes on to suggest
14:11:29 39 it wouldn't be difficult to investigate him, being Mokbel,
14:11:32 40 and watch him or maybe introduce someone to him?---Yes.
41
14:11:37 42 So it's at her suggestion that perhaps there might be
14:11:40 43 someone introduced to Mr Mokbel so that you might catch him
14:11:46 44 doing something illegal; is that right?---Yes.
45
14:11:55 46 Mr Jones says - at p.53 still - "To go back a step, just
14:12:05 47 let me go back a step. The first thing you said was that

14:12:09 1 he was considering offering a bribe to a policeman". Then
14:12:12 2 Ms Gobbo seems to backtrack, "I can't work out, though,
14:12:16 3 whether that's - I didn't really - I don't want to have a
14:12:19 4 conversation with him about those things ordinarily", do
14:12:22 5 you see that? Then she says, "I don't know whether what he
14:12:27 6 meant was the difficulty in relation to finding out that
14:12:30 7 himself or to fixing up the police so that Darren - they
14:12:34 8 proceed against Darren", do you see that?---Yeah. I think
14:12:40 9 she's, without being able to read the next page, I think
14:12:43 10 she's talking about, you know, in what context he's talking
14:12:47 11 about, what's he talking about trying to get his hands on,
14:12:51 12 trying to offer a bribe to achieve what?

13
14:12:54 14 Then there's some discussion there about how Ms Gobbo might
14:12:56 15 go about progressing a scenario where she could potentially
14:13:00 16 introduce an undercover policeman so that a bribe might be
14:13:03 17 made?---Yes.

18
14:13:08 19 Later on in the conversation - I don't necessarily need to
14:13:13 20 take you all the way there - but at p.71 she indicated, "In
14:13:17 21 relation to that case, they were heading towards an
14:13:19 22 adjournment or a stay application", do you see that? So
14:13:28 23 she's telling you what their next move might be in relation
14:13:33 24 to the case that's before the court, do you recall
14:13:45 25 that?---Yeah, I do. I think that's in the context of her
14:13:49 26 own health and trying to avoid being in the scenario she's
14:13:53 27 in, but yes, she's talking about making a stay application.

28
14:13:58 29 At p.55, do you recall during this conversation she told
14:14:09 30 you and the SDU that were there about how she originally
14:14:15 31 came to act for Mr Mokbel, that she'd in fact been a
14:14:20 32 witness against him in the late 1990s in a case where he
14:14:23 33 was acquitted?---Yes.

34
14:14:28 35 She outlined that she'd been a junior solicitor at the
14:14:31 36 time?---Yes.

37
14:14:32 38 That his brother, Horty, had been charged with a fraud and
14:14:36 39 Mr Mokbel had put up his bail surety?---Yes.

40
14:14:40 41 And her employer had told her to take Mr Mokbel to the
14:14:44 42 court registry to sign the surety and she hadn't known him
14:14:49 43 before that time?---Yes.

44
14:14:51 45 And then Mr Mokbel, Tony Mokbel, was later charged with
14:14:55 46 perjury, on the basis of having sworn that he was the owner
14:14:59 47 of the property, when in fact he only owned half of the

14:15:02 1 property?---Yes.
2
14:15:07 3 And she made a statement in which she said that she'd
14:15:10 4 recalled him being on the phone the whole time and she
14:15:13 5 recalled his not being sure about which title he was going
14:15:17 6 to use and so forth?---Yep.
7
14:15:19 8 And that she was cross-examined at the committal and the
14:15:24 9 trial?---Yes.
10
14:15:33 11 I think ultimately there was a direction to the jury to
14:15:38 12 acquit him?---Yes.
13
14:15:42 14 At the bottom of p.60 - I think it was the handler, perhaps
14:15:51 15 Mr Brennan - commented on that being surprising,
14:15:56 16 considering her relationship with Mr Mokbel now?---Yes.
17
14:16:00 18 And she said, "It'll make the greatest story one day if
14:16:04 19 anyone ever writes a", and she went to say "book" and her
14:16:08 20 handler said, "That's the book we're never going to write",
14:16:15 21 do you recall that being said?---Yes.
22
14:16:29 23 At p.64, do you recall one of her concerns was that a
14:16:35 24 particular solicitor who was handling some matters was
14:16:40 25 making applications for affidavits and subpoena material
14:16:43 26 and Ms Gobbo was of the view that if she got her hands on
14:16:48 27 some of that material, it would bury her. She regarded
14:16:59 28 that particular solicitor as a very dangerous person,
14:17:03 29 particularly in that context?---Can we scroll back up,
14:17:07 30 please? Or down. Sorry, yep, up, the other way, please.
14:17:12 31 A bit more, please. Who was she talking about there?
32
14:17:38 33 If the witness might be shown the flash card for
14:17:41 34 Solicitor 2. Do you recall that solicitor being talked
14:17:54 35 about?---Yes.
36
14:17:58 37 Following that part of the conversation, Ms Gobbo was
14:18:01 38 saying she'd been driving herself insane by trying to keep
14:18:06 39 a track of what that solicitor had been doing, insofar as
14:18:10 40 trying to get her hands on that material for her
14:18:12 41 clients?---Look, I can't specifically remember what the
14:18:17 42 context of that conversation is, but we had had
14:18:20 43 conversations previously about that particular solicitor
14:18:22 44 having a very similar relationship with Mr Mokbel as what
14:18:25 45 Ms Gobbo did.
46
14:18:26 47 If we can scroll up slightly. Do you recall Ms Gobbo

14:18:29 1 saying that she'd been dealing with Stuart Bateson in
14:18:33 2 relation to those matters?---Yes.
3
14:18:41 4 At p.67, do you recall that Ms Gobbo was asked about
14:18:53 5 whether she represented Mr Mokbel's brothers?---Yes.
6
14:19:03 7 In fact, in relation to at least one of them, she said she
14:19:08 8 would be representing Kabalan, but it would be dependent on
14:19:14 9 whether Tony Mokbel's trials were on, because he seemed to
14:19:20 10 be given priority, do you recall that?---Yes.
11
14:19:33 12 You can see the name that appears at the end of the passage
14:19:37 13 there?---Yes.
14
14:19:43 15 Do you recall her - if we can keep scrolling - do you
14:19:48 16 recall her speaking about another - that client of hers
14:19:53 17 being someone else who could have sold all of them out and
14:19:58 18 put everyone in gaol for a long time, but he wouldn't do
14:20:01 19 it?---Yes. Wouldn't do it at that point I think is - - -
20
14:20:19 21 Well, no. And that she'd spoken to her client about that
14:20:22 22 prospect from time to time; is that right?---Yes.
23
14:20:35 24 At p.73, if you see the second passage from Ms Gobbo there,
14:20:48 25 she's talking about, "Ideally what would be fantastic would
14:20:52 26 be you arrest him". Do you see that?---(No audible
27 response.)
28
14:21:04 29 Then on p.74 there's some discussion about whether
14:21:09 30 Mr Mokbel would ever plead. She expresses the view that he
14:21:17 31 won't. Then if we continue to scroll. If you keep on
14:21:25 32 reading there. Does she express the view that if he was in
14:21:28 33 custody and his access to people was massively cut off and
14:21:34 34 all his calls and visits were monitored, then he would
14:21:38 35 plead, do you see that?---Yeah, and again, I think she's
14:21:46 36 talking in the context of the pressure on her.
37
14:21:50 38 Is she not talking in the context of the pressure that it
14:21:53 39 would take to be put on Mr Mokbel before he might agree to
14:21:58 40 plead to something?---No, I think she's talking about the
14:22:01 41 pressure on her.
42
14:22:09 43 Do you agree that the SDU are enquiring about whether
14:22:15 44 Mr Mokbel would ever plead?---Yeah, I think it's just a -
14:22:20 45 as police, we ask that all the time.
46
14:22:22 47 And then Ms Gobbo, at the bottom there, "He's not going to

14:22:27 1 fight a trial from within custody because his access to be
14:22:30 2 able to speak to people is massively cut off. I mean, you
14:22:35 3 will monitor every call, every visit. He'll be in Acacia,
14:22:41 4 presumably, with everyone else and think - no - he would -
14:22:45 5 that's what he would do. He would plead. Things would
14:22:48 6 change. God, it would relieve so much pressure off me
14:22:52 7 'cause you're only allowed to ring between 9 and
14:22:58 8 3.15"?---Yes.
9
10 So she's talking, of course, about the consequences to her
11 if he does plead, but she's talking about what it would
14:22:59 12 take to get him to plead, is she not?---I think in a
14:23:00 13 general sense. I don't know that there was a lot of real
14:23:07 14 intent behind it.
15
14:23:08 16 If we go to p.77, and scroll up. Do you see Mr Jones is
14:23:17 17 saying, "If we take what you say as correct, and that is
14:23:21 18 the best way to deal with him for you is that he gets
14:23:25 19 locked up, then what's the easiest or the best way to have
14:23:29 20 him locked up", is that right?---Yes.
21
14:23:36 22 So he goes on to say, at p.78, "So if you're in a position
14:23:41 23 to say, 'Okay, boys, this is all you have to do to lock him
14:23:45 24 up', what would you say?" Ms Gobbo's response, "Send in an
14:23:52 25 undercover"?---Yes.
26
14:23:59 27 And Jones says, "Yeah, to do what?" Ms Gobbo says, "Bribe,
14:24:04 28 bribe, money, tapes, information". Do you see that?---Yes.
14:24:11 29 I mean, I would suggest, and I don't know if you've
14:24:14 30 actually listened to the recording, but I would suggest
14:24:17 31 that, as with most recordings, they listen very different
14:24:22 32 to the way they read. This is not a breakdown
14:24:27 33 conversation, "Let's work out a strategy here that we're
14:24:29 34 going to bring him undone." This is a very general
14:24:33 35 conversation about sounding out her and a general
14:24:36 36 conversation about things.
37
14:24:39 38 This is not a conversation in which someone's asked, "How
14:24:43 39 do we most easily lock up Tony Mokbel" and her
14:24:48 40 response?---Yeah, but, to me, that's just an open question,
14:24:50 41 just a throwing it out there like just to elicit a
14:24:53 42 response, that's not a, "Right, come on, we're going to go
14:24:56 43 out tomorrow, what are we going to do? Let's start
14:25:00 44 planning this".
45
14:25:00 46 It's the start of things to come, is it not?---It's just
14:25:02 47 sounding her out. It's a very general conversation in

14:25:06 1 very, very early days, at the very first meeting between
14:25:10 2 the SDU and her.
3
14:25:11 4 What happens at police meetings after this? At police
14:25:12 5 meetings, the strategies that are immediately jumped upon
14:25:15 6 are the possibility of a bribe, we're going to look at the
14:25:19 7 possibility of putting in an undercover to see if we can
14:25:23 8 get a bribe?---Yeah, but I don't think it's straight on the
14:25:26 9 back of this meeting. I mean, this is a very general
14:25:28 10 conversation in front of two investigators and I don't even
14:25:31 11 know the answer to this, but I would imagine there would be
14:25:34 12 a subsequent meeting without us, where there would be more
14:25:38 13 detail gone into.
14
14:25:41 15 If we can go to p.85 and scroll through generally. Do you
14:25:50 16 recall that Ms Gobbo provides her views and opinions about
14:25:55 17 Tony Mokbel's brothers?---Yes.
18
14:25:59 19 That's in the context of Jones having raised the option of
14:26:03 20 getting involved in a money-laundering scam, do you see
14:26:09 21 that?---Yes.
22
14:26:11 23 And this was a discussion in relation to involving the
14:26:16 24 brothers in that scam as well?---Yes.
25
14:26:32 26 If we can go to p.99, please. There's a discussion about
14:26:42 27 Ms Gobbo's reputation there, you see, at the top?
14:26:46 28
14:26:46 29 MR CHETTLE: Sorry, what page?
14:26:50 30
14:26:50 31 MS TITTENSOR: Sorry, maybe 98, if we start there.
32
14:26:54 33 There's discussion about what Ms Gobbo might do with her
14:26:59 34 life if Tony and Milad and Horty and Kabalan all went to
14:27:06 35 gaol, do you see that?---Yes.
36
14:27:12 37 And she talks - Jones talks about what would have to occur
14:27:17 38 for her to re-establish her reputation?---Yes.
39
14:27:21 40 To get back where you want to be. Her response is, "Stop
14:27:29 41 acting for drug dealers. Stop speaking to them and stop
14:27:36 42 acting for them. To stop acting for organised crime
14:27:41 43 figures". Do you see those things that might help
14:27:48 44 establish a normal life, a normal working practice for
14:27:54 45 her?---Sorry?
46
14:27:55 47 Do you see those things that she nominates immediately

14:27:58 1 might help establish - re-establish her reputation,
14:28:01 2 re-establish a normal working life for her, that she
14:28:05 3 nominates?---Yeah, and I think she talks about the talons
14:28:13 4 that come off it, and the tentacles, it's not just the,
14:28:16 5 "I'm a barrister, I represent my client and I go home and I
14:28:19 6 never see them again." She's talking about the fact that
14:28:23 7 it takes over her life and, you know, she's expected to do
14:28:26 8 whatever she's expected to do - put under enormous
14:28:31 9 pressure.

10
14:28:31 11 Is there any encouragement by the police, at any stage when
14:28:35 12 you're involved with Ms Gobbo, for her to stop doing those
14:28:39 13 things?---I've had that conversation with her myself, "Why
14:28:43 14 don't you just pack up and go?" I think it happened later
14:28:48 15 down the track. "Why don't you just leave and go?" I
16 think she - - -

17
14:28:49 18 Why was there no conversation at this point in time, do you
14:28:52 19 know? That was an option available to her, was it not,
14:28:58 20 "Stop acting for these people"?---I don't think she saw it
14:29:02 21 as an option at that point in time.

22
14:29:04 23 Did the police think it might be advisable to tell her it
14:29:10 24 was an option?---I'm not sure we're in the business of, you
14:29:17 25 know, advising people about their personal circumstances.

26
14:29:19 27 Is that because it was in the - - - ?---I mean, our job is
14:29:21 28 to investigate crime. I mean, like - - -

29
14:29:26 30 And it was in the police's best interests for her to
14:29:28 31 remain - in the context where she was going to inform to
14:29:32 32 the police, it was in the police's best interests that she
14:29:34 33 remained acting for drug dealers, that she remained acting
14:29:38 34 for organised crime figures?---No, that's - - -

35
14:29:41 36 That she remained speaking to you, that was in the police
14:29:45 37 interest, wasn't it?---That's, I guess, your - a view
14:29:53 38 that's, I guess, convenient to the process that you're
14:29:56 39 undertaking here, but ultimately, if she had of walked out
14:30:00 40 the next day - I think a heap of Victoria Police members
14:30:04 41 would be more relieved if she had of taken Solicitor 2 with
14:30:07 42 her and just disappeared into the sunset. That would have
14:30:10 43 been a win for certainly the Purana Task Force and probably
14:30:16 44 the majority of Victoria Police. No end of grief was
14:30:20 45 caused, no end of grief.

46
14:30:23 47 I've no doubt about that, I've no doubt plenty of people

14:30:27 1 wish that had of happened, but it didn't, did it? No-one
14:30:32 2 encouraged her along those lines?---Well, I'm not sure what
14:30:35 3 you want - she's a grown woman, she's a barrister, she's
14:30:37 4 not a delicate flower. She was happy to mix in the circles
14:30:41 5 of some fairly serious people. I don't think she needs me
14:30:45 6 to advise her to ride off into the sunset. But, as I said,
14:30:52 7 I had that conversation with her at some point. It wasn't
14:30:56 8 something she was willing to do, even when things - - -
9
14:30:59 10 Do you know at what point you had that conversation with
14:31:01 11 her, how far along was she as an informer?---I think once
14:31:04 12 she was getting the threats, I said to her, "You know what,
14:31:08 13 why don't you just disappear?" As I said on Friday, none
14:31:12 14 of this is worth someone's life.
15
14:31:14 16 So that's 2007 or 2008 you thought to have that
14:31:20 17 conversation with her?---I don't think it's my job, at this
14:31:25 18 point in time, to suggest to her to leave her practice and
14:31:33 19 give up everything she's worked for. She was looking for a
14:31:39 20 way out of her relationship with the Mokbels and others so
14:31:45 21 that she could keep her reputation and her standing within
14:31:49 22 the legal fraternity intact, that's what she wanted to do.
23
14:31:55 24 And this was the best way for that happen, was it?---I'm
14:31:58 25 not saying it's the best way. It's the only way we could
14:32:02 26 offer her. Like we're investigators. We're not running a
14:32:06 27 daycare clinic for a barrister that's lost her way. Like
14:32:11 28 we're investigators, like we're police members. We're
14:32:14 29 looking at investigating crime.
30
14:32:19 31 And if she's lost her way - - -?---We get information and
14:32:21 32 intelligence and then we go away and investigate it and we
14:32:24 33 prosecute people for crimes they've committed.
34
14:32:26 35 If she's lost her way so far that she's going to pervert
14:32:31 36 the criminal justice system by dealing with police in the
14:32:34 37 way that she did, that's fine by you?---Was it fine for her
14:32:38 38 to pervert the criminal justice system by looking after her
14:32:42 39 clients like that? Her role and her association with her
14:32:43 40 clients is not a secret, not in Victoria Police and
14:32:45 41 certainly not in the legal fraternity. I think it was well
14:32:50 42 known what she was up to. I'm not sure how or why it
14:32:57 43 becomes Victoria Police's role to pluck her out of that
14:33:00 44 environment. If it is, well so be it. I can't see how
14:33:07 45 it's our role. Our role is to look at offences that have
14:33:11 46 been committed and investigate them.
47

14:33:12 1 All right. If we can go to p.113, please. There's some
14:33:27 2 discussion towards the end about whether Ms Gobbo would
14:33:30 3 continue having the conversations or the association with
14:33:33 4 the SDU, do you see that?---Yes.
5
14:33:38 6 She indicates there that she'd made the decision about
14:33:44 7 12 months ago to help police?---Yeah. Well, I think
14:33:49 8 Mr Jones - is that who it is?
9
14:33:53 10 That's the name of the speaker?---Yep.
11
14:33:55 12 She responds to Mr Jones, doesn't she, that she - he asks,
14:34:01 13 "Whether you want to continue or not, it's entirely up to
14:34:04 14 you", and she responds that she'd made the decision about
14:34:10 15 12 months ago?---Yes.
16
14:34:11 17 She responds about having a lot of complications with
14:34:15 18 Stuart. Do you understand that to be Stuart Bateson?---I
14:34:18 19 think so, yes.
20
14:34:19 21 Over the page, at 114, there's some discussion about how
14:34:24 22 this conversation will remain private. You told her the
14:34:31 23 fact that you all were talking was to stay within the group
14:34:34 24 of five within the room?---Yes.
25
14:34:37 26 There was concerns because she was a bit of a celebrity and
14:34:40 27 very recognisable?---Yes.
28
14:34:42 29 And that police were the biggest gossip mongers in the
14:34:46 30 world and that if the word got around that Nicola Gobbo was
14:34:49 31 talking to the police, it would spread through that
14:34:52 32 building at St Kilda like wildfire?---That's what he says.
14:34:58 33 I don't necessarily agree, but that's what he says. I
14:35:04 34 think he's just reiterating the point that she needed to
14:35:08 35 keep it quiet.
36
14:35:09 37 You don't agree that there's a bit of gossip that goes on
14:35:14 38 in the police?---Gossip goes on in every industry.
39
14:35:19 40 You don't think that if someone found out that Ms Gobbo was
14:35:23 41 informing, that it might make its way around?---I suppose
14:35:30 42 if someone finds out, it's already made its way around,
14:35:34 43 hasn't it? Unfortunately, it's inevitable that - you know,
14:35:37 44 in order to do your job sometimes, you know, you have to -
14:35:44 45 people have to know. You try and limit that, but sometimes
14:35:48 46 people have to know.
47

14:35:50 1 If you could go to p.116, please. Do you recall Jones
14:36:06 2 saying that if Ms Gobbo wanted out, just to let them know
14:36:10 3 and that's it, it would be over?---Yes.
4
14:36:14 5 And Ms Gobbo replying that she saw it as a way out of it
14:36:19 6 all without ending up in gaol or dead?---Yes.
7
14:36:23 8 She spoke then, didn't she, about, "Well, there is the
14:36:28 9 possibility of going away for six months"?---Yes.
10
14:36:33 11 But perhaps that wasn't going to deal with the
14:36:36 12 issues?---Yes.
13
14:36:38 14 And Jones doesn't really see that as an option either, does
14:36:42 15 he? He says, "Well, it's not dealing with it because if
14:36:48 16 you disappeared there'd be some questions in any case",
14:36:52 17 there's no suggestion that maybe she could safely remove
14:36:58 18 herself from the situation, is there?---No, but ultimately
14:37:01 19 that's a consideration for her. I mean I can't - - -
20
14:37:06 21 The police have no consideration for her safety?---You know
14:37:12 22 very well that's not what I meant.
23
14:37:16 24 Well did you not think it might be safer for her not to
14:37:19 25 inform against underworld figures?---Yeah, look possibly.
14:37:31 26 I suppose it's probably safer for her not to associate with
14:37:35 27 them either but she was already doing that.
28
14:37:37 29 Sorry?---It was probably safer for her not to associate
14:37:40 30 with them either but she was already doing that.
31
14:37:43 32 Do you think it might have been even more dangerous for her
14:37:48 33 to inform against them?---Oh look, at that point in time I
14:37:54 34 didn't - I mean it's easy to sit here all these years later
14:37:58 35 with everything that's happened and go, yeah, it's probably
14:38:02 36 better if she didn't, but at that point in time I didn't, I
14:38:06 37 didn't, I didn't think so.
38
14:38:07 39 At that point in time you could never guarantee it wouldn't
14:38:10 40 get out that she was informing, could you?---You could
14:38:13 41 never guarantee.
42
14:38:14 43 No. Doesn't it logically follow that it would be much more
14:38:20 44 dangerous for her to inform against underworld figures than
14:38:23 45 not inform against them?---We don't come into this blindly
14:38:28 46 as an experiment for the first time we've done it. I mean
14:38:32 47 the reality is we're police organisation, we're

14:38:34 1 investigators, we have some very senior experienced
14:38:38 2 competent people that are assessing risk. I mean, you
14:38:43 3 know, the people we're investigating are murderers and drug
14:38:46 4 dealers. We can't just go, "It's all too hard, we don't do
14:38:51 5 it". There's risk that comes along with it. We do our
14:38:55 6 very best to manage the risk and keep people safe and I'd
14:39:00 7 like to think the majority of the time we actually do a
14:39:02 8 pretty good job at it.
9
14:39:07 10 At p.126 there's an agreement that they would speak again
14:39:12 11 the following week, having achieved the objective of that
14:39:16 12 day there was no rush to the next meeting; is that
14:39:21 13 right?---Yes.
14
14:39:22 15 And Ms Gobbo said, "Well the only rush is just my
14:39:26 16 health"?---Yes.
17
14:39:26 18 And at that point in time I think Mr Mansell piped in that
14:39:32 19 it might in fact feel now for her like it was a great
14:39:36 20 relief off her shoulders having spoken about these
14:39:39 21 matters?---Which I think is a fair comment.
22
14:39:43 23 And that it finished up they would speak the next
14:39:47 24 week?---Yes.
25
14:39:54 26 That's it for that transcript, thanks Mr Skim. On 19 - - -
27
14:40:03 28 COMMISSIONER: We'll get the redacted transcript up fairly
14:40:06 29 quickly. Mr Holt, could you give us some idea of how much
14:40:10 30 time you'll need to do that?
14:40:12 31
14:40:13 32 MR HOLT: Excuse me, Commissioner, for a moment. It's
14:40:17 33 likely we can get it done this week, Commissioner, so we'll
14:40:20 34 do it as quickly as possible.
35
14:40:22 36 COMMISSIONER: Certainly we'd expect it to be done this
14:40:24 37 week.
14:40:26 38
14:40:28 39 MR HOLT: Yes Commissioner.
40
14:40:28 41 COMMISSIONER: Yes, thank you.
14:40:29 42
14:40:30 43 MS TITTENSOR: Following that do you understand that those
14:40:35 44 matters were reported up the hierarchy?---I don't know. I
14:40:41 45 would assume so but I don't know.
46
14:40:43 47 Would you have known at the time?---Like I knew, I

14:40:51 1 certainly knew that a hierarchy within the MDID knew of
14:40:58 2 what was going on, absolutely they did.
3
14:41:01 4 Previously we've have exhibited at 109A a diary entry of
14:41:10 5 Mr Purton. To be fair to you, you were on a rostered off
14:41:14 6 on this day and there was a meeting with those SDU members,
14:41:18 7 Mr Mansell, re N Gobbo. There was a note, "Has agreed to
14:41:24 8 intro undercover operative to TM", Tony Mokbel. "Two
14:41:32 9 prongs. Mokbel wants to bribe someone to produce tapes and
10 see if he can be removed from Quills and money laundering.
14:41:37 11 Controller, one week to debrief". Now that seems to
14:41:41 12 suggest well what's come out of that meeting that you
14:41:43 13 attended was there's going to be potentially an operation
14:41:48 14 to introduce an undercover agent; is that right?---Yes.
15
14:41:51 16 And there's two aspects to that. One is the bribe and then
14:41:56 17 one is this other money laundering scam?---Yes.
18
14:42:00 19 So some pretty specific ideas for an operation have come
14:42:03 20 out of that one general meeting?---Yes.
21
14:42:07 22 Later that day there's a Purana progress meeting with
14:42:13 23 Mr Overland and Mr O'Brien, along with Mr Purton according
14:42:18 24 to Mr Purton's diary, where they speak about Ms Gobbo being
14:42:22 25 registered and her number 3838, the fact that Mr Mokbel had
14:42:28 26 asked Ms Gobbo to draft a statement that Bednarski admits
14:42:35 27 that Mr Mokbel had no involvement in the 30,000 tablets.
14:42:40 28 Do you recall those matters having been discussed
14:42:42 29 earlier?---I didn't know that meeting had occurred. Nor
14:42:49 30 would I. I was a Senior Constable. I was aware that
14:42:54 31 Mr Mokbel had sought to have Mr Bednarski basically write a
14:43:03 32 false statement saying that he wasn't actually involved in
14:43:06 33 any of the drug dealing, but I didn't know that he'd asked
14:43:10 34 Ms Gobbo to do it.
35
14:43:11 36 To be involved in it?---No.
37
14:43:14 38 On 21 September there was another meeting between Ms Gobbo
14:43:21 39 and the SDU and that seems to have - that seems to accord
14:43:27 40 with their plans on the 16th to meet the following week and
14:43:31 41 you had understood at the end of the meeting on the 16th
14:43:34 42 that they were going to meet again; is that right?---No, I
14:43:37 43 think they say to her, "Go away and think about it, if you
14:43:43 44 decide what you want to do it we'll be in touch". I think
14:43:46 45 she indicated that she'd made up her mind. But they met, I
14:43:53 46 accept that.
47

14:43:53 1 I've put to you a couple of passages about them talking
14:43:56 2 about meeting next week?---Yep.
3
14:44:02 4 I won't take you through that conversation of the 21st, you
14:44:06 5 weren't there but you accept that there was another long
14:44:11 6 session with Ms Gobbo between 6.35 pm and 9.40 pm on the
14:44:16 7 night of the 21st. Your diary, if we can go to
14:44:28 8 VPL.0010.0003.0002 at 00338. If it's easier for you and
14:44:45 9 you've got the original?---Yep.
10
14:44:47 11 Looking at 23 September. You've got yourself coming on
14:44:51 12 duty on the 23rd - perhaps if we can go to the day
14:45:00 13 before?---Yep.
14
14:45:01 15 You've got "brief re Quills"?---Yes.
16
14:45:08 17 Is that "prepare SPU reply" or "SBU reply"?---SPU.
18
14:45:13 19 Sorry?---SPU.
20
14:45:15 21 Do you know what that relates to?---Yeah, at the end of an
14:45:18 22 operation if you've used surveillance devices or telephone
14:45:23 23 intercepts you had to do a post operation report that went
14:45:26 24 to Special Projects Unit, which is the area that handles
14:45:31 25 all our - - -
26
14:45:32 27 Where you're talking throughout your diary about the brief
14:45:37 28 Quills they're referring to the preparation of briefs of
14:45:41 29 people already arrested?---Yeah, those three co-accused.
30
14:45:46 31 It seems that that's the date or close it that Detective
14:45:50 32 Mansell is sent off from your unit?---Yes.
33
14:45:52 34 At midday, you have a lunch for him?---Yes.
35
14:45:55 36 At the bottom of that day you seem to go off duty at
14:45:59 37 5 o'clock, it's got "FIF"?---Yep.
38
14:46:02 39 "Off Quills", what does that mean?---Finish in field.
40
14:46:06 41 What does that mean?---That's just a term we use when we
14:46:08 42 take a car home, finish in the field. It's just a police
14:46:16 43 term, it doesn't mean anything.
44
14:46:18 45 And the Operation Quills aspect of it?---You've got to put
14:46:21 46 an operation name.
47

14:46:24 1 Do you believe it's likely that following the 21st
14:46:27 2 briefing, or second debrief of Ms Gobbo that you would have
14:46:30 3 received an update from the SDU?---No, I don't think so.
4
14:46:38 5 I say that given that it seems that Mansell is going off,
14:46:42 6 so you're the remaining member that has some knowledge of
14:46:46 7 the matters?---I don't think it was an update from the SDU
14:46:55 8 as such. I think there was discussions as to what was
14:46:58 9 going to follow in terms of the investigation, our crew and
14:47:06 10 at some point in time it was decided we were going to go
14:47:09 11 from MDID to Purana. So there was - I remember that took
14:47:16 12 quite some time to unfold but there was no - - -
13
14:47:18 14 That will become apparent in the future diary entries. If
14:47:22 15 we go to your next diary entry which is the 26th there.
14:47:28 16 You see at 10.05 there's an entry, "Spoke to DSU", and
14:47:38 17 that's Jones' name there?---Yes.
18
14:47:40 19 "Re op Quills"?---Yes.
20
14:47:42 21 Underneath that it says, is it stated "meeting on Tuesday
14:47:46 22 morning"?---Yes.
23
14:47:49 24 That seems to go for about 15 minutes before the next
14:47:56 25 entry?---No, that doesn't mean that went for 15 minutes.
14:47:59 26 That just means that's the next time I've written something
14:48:03 27 down.
28
14:48:03 29 Would you expect that Jones at that point indicated "we've
14:48:06 30 had a second briefing and this is in essence what it was
14:48:11 31 and we've got another one coming up next Tuesday"?---I
14:48:14 32 don't know, I don't remember the conversation.
33
14:48:18 34 You expect that that would be likely, that this is the
14:48:21 35 reason that Jones is keeping in touch with you, or you're
14:48:25 36 keeping in touch with Jones?---Yeah, it's - probably.
37
14:48:40 38 That night there's a - on the 26th, there's a further very
14:48:45 39 lengthy debrief with Ms Gobbo that runs from 6.40 pm to
14:48:49 40 almost quarter past midnight. No doubt you would have been
14:48:55 41 made aware that was occurring or had occurred?---No, I
14:49:00 42 don't think I would have. I'd be very surprised if they
14:49:05 43 were giving me a play-by-play as to how it was unfolding.
14:49:11 44 I mean I don't think they would have.
45
14:49:18 46 If we can scroll through to the 27th. Do you see at
14:49:22 47 2 o'clock in the afternoon on the 27th you're attending a

14:49:27 1 DSU briefing?---Yes.
2
14:49:28 3 With Commander Purton?---Yes.
4
14:49:33 5 Hill, that's Robert Hill?---Yes.
6
14:49:34 7 Now Assistant Commissioner; is that right?---Yes.
8
14:49:37 9 Jim O'Brien?---Yes.
10
14:49:38 11 And SDU Jones and Brennan?---Yes.
12
14:49:43 13 There's various personalities spoken about, Tony Mokbel,
14:49:50 14 Jeffrey Jamou, Sam Younan?---Yes.
15
14:49:53 16 There's information in relation to a person that Ms Gobbo
14:49:56 17 had spoken about in the first briefing that you were
14:50:04 18 at?---The solicitor do you mean?
19
14:50:05 20 No, underneath where the star is on the - sorry, if you
14:50:10 21 have a look at the screen. Don't say the name?---Yes.
22
14:50:18 23 That person had been spoken about during the first briefing
14:50:21 24 that you'd been at?---Yes.
25
14:50:24 26 Then there's a reference to Mark Lanteri, he'd also been
14:50:31 27 spoken about previously?---Yes.
28
14:50:32 29 Then there's a note in relation to Solicitor 2?---Yes.
30
14:50:37 31 There are various other people then mentioned, you may or
14:50:42 32 may not know their names?---Yeah, I'm not sure.
33
14:50:51 34 There's a mention on 21 September 2005, "TM rang same to
14:50:57 35 meet urgently so same could make statement"?---Yes, "write
14:51:02 36 statement" I think that says.
37
14:51:03 38 Or write statement?---Yes.
39
14:51:04 40 Does that relate to the Bednarski matter?---I would assume
14:51:08 41 so but I don't recall specifically.
42
14:51:10 43 On the next line, "From source, TM desperate to know what
14:51:17 44 went in in Bednarski matter and will be willing to bribe
14:51:24 45 corrupt member"?---Yes.
46
14:51:25 47 And then from Detective Senior Sergeant Hill; is that

14:51:32 1 right?---Acting Superintendent Hill.
2
14:51:34 3 Sorry, Acting Superintendent Hill. That there's a Task
14:51:39 4 Force to be set up to investigate money laundering and
14:51:44 5 bribery?---Yes.
6
14:51:45 7 We've had equally another diary entry around that time from
14:51:50 8 Purton and it seems as though there might be some slight
14:51:54 9 time discrepancies as to when it started but it seems as
14:51:58 10 though at least the people are there in your diary and he
14:52:01 11 also records others such as Flynn and Burrows being
14:52:06 12 present?---That's possible.
13
14:52:09 14 That's possible even though it's not mentioned in your
14:52:12 15 diary?---Yes.
16
14:52:16 17 He records it as human source 3838. You were told around
14:52:23 18 that time Ms Gobbo's registered number?---I'm not sure when
14:52:29 19 I was told.
20
14:52:34 21 He has Mr O'Brien indicating that Mr Mokbel was due to
14:52:38 22 front trial on 5 October for Commonwealth offences which
14:52:41 23 was to be followed by State offences and that Mr Mokbel
14:52:44 24 wanted to examine drugs and tapes?---I don't remember.
25
14:52:48 26 These are the very matters that were being raised in that
14:52:52 27 first interview that you were present at; is that
14:53:01 28 right?---Well, I don't know whether they were or not. I
14:53:03 29 don't know.
30
14:53:04 31 Do you recall me taking you through the transcript?---I
14:53:06 32 remember you taking me through the transcript. I don't
14:53:09 33 remember - I mean you're reading from someone else's diary.
14:53:13 34 I don't remember. I haven't written those details in my
14:53:15 35 diary, so.
36
14:53:17 37 Do you accept that those things were said?---I accept they
14:53:20 38 were said
39
14:53:22 40 MS ARGIROPOULOS: What date was that, please?
41
14:53:24 42 MS TITTENSOR: 27 September. There's talk about attacking
14:53:29 43 income sources for various people and Operation Sages, do
14:53:36 44 you recall that?---I do but I think that's - - -
45
14:53:42 46 He has a note "attack income stream assets, money
14:53:46 47 laundering scenario", you certainly recall that there was a

14:53:49 1 money laundering scenario in the wind?---Yeah, but I can't
14:53:57 2 as I sit here remember what Sages related to and how that
14:54:01 3 related to Tony Mokbel.
4
14:54:04 5 He has a note in his diary of various assets, various
14:54:10 6 hotels, do you recall various assets or hotels or holdings
14:54:14 7 of Mr Mokbel or others that might have been discussed?---I
14:54:18 8 don't remember.
9
14:54:18 10 And he refers in his notes to a number of people who might
14:54:22 11 roll, presumably against Mr Mokbel, including Bednarski, do
14:54:29 12 you recall that being discussed?---I don't but I - - -
13
14:54:34 14 You accept that?---I accept it, yes.
14:54:36 15
14:54:38 16 At paragraph 53 of your statement you refer to the fact
14:54:43 17 that you start receiving high quality information out of
14:54:47 18 the SDU?---Did you say high quality?
19
14:55:11 20 Sorry, you start receiving information out of the SDU; is
14:55:14 21 that right?---Yes.
22
14:55:18 23 You refer in that paragraph to information received on 27
14:55:23 24 September?---Yes.
25
14:55:25 26 And you say in your statement that you suspected that
14:55:28 27 information was from Gobbo. The reality is at the time you
14:55:35 28 would have known that that information was from Gobbo, do
14:55:38 29 you accept that?---Well when I say suspected, like I don't
14:55:46 30 think - and if I'm wrong I'm wrong, I don't remember the
14:55:50 31 conversation but I'm not sure that knowing how the SDU
14:55:55 32 worked that they would be starting each briefing with,
14:55:59 33 "This has come from Nicola Gobbo". But, you know - - -
34
14:56:06 35 It must have been patently apparent to you from the nature
14:56:13 36 of the information and the interview that you'd
14:56:17 37 participated in that this was information coming from
14:56:19 38 Ms Gobbo, you must have known that?---Yeah, well I
14:56:20 39 suspected it had, yes.
40
14:56:21 41 You knew it, didn't you?---I think I'm trying to reflect on
14:56:27 42 a conversation 14 years ago so I can't put myself into that
14:56:33 43 mind-set. I knew that she'd spoken to SDU. I knew she was
14:56:40 44 giving information to them. I've used the word suspected.
45
14:56:43 46 The very concepts that are being discussed in this 27
14:56:47 47 September meeting, the money laundering scenario, the

14:56:51 1 various people that are being referred to, Tony Mokbel,
14:56:56 2 Commonwealth offences, the drugs and the tapes and the
14:57:00 3 people that might roll including Bednarski and those types
14:57:04 4 of things, they're the very matters that were being
14:57:07 5 discussed on 16 September?---Yeah, I know that. But I'm
14:57:12 6 writing a statement 14 years later.
7
14:57:14 8 Do you accept that on 27 September you must have known that
14:57:20 9 that was Ms Gobbo being discussed?---Maybe I knew because
14:57:23 10 they said it in the meeting, or maybe I just suspected
14:57:26 11 because I knew how things had unfolded. I don't know. I
14:57:31 12 don't know. This notion that seems to be out there that it
14:57:36 13 was just widely discussed about her and - - -
14
14:57:39 15 I'm not putting to you currently that you knew because it
14:57:42 16 was widely discussed. You knew because you attended the
14:57:46 17 meeting on the 16th and this was very, very similar
14:57:49 18 information?---I accept that. I'm just - I'm writing a
14:57:51 19 statement 14 years later trying to pick out a thought from
14:57:56 20 14 years ago. Like, I'm not trying to - I knew from
14:58:03 21 whatever date in August it was as to her involvement, from
14:58:08 22 day one. I knew. You don't have to reinforce that. I
14:58:14 23 knew.
24
14:58:16 25 The MDID transfer essentially into the Purana Task Force
14:58:22 26 was associated with the commencement of Operation
14:58:26 27 Posse?---Yes.
28
14:58:28 29 We discussed this on Friday and that was an operation that
14:58:32 30 was targeting Tony Mokbel and his associates?---Yes.
31
14:58:34 32 And the focus of Purana at that stage shifted from gangland
14:58:38 33 killings to disrupting the drug trade?---I think the - the
14:58:47 34 first stage was Purana was reacting to homicides as they
14:58:51 35 were occurring and Operation Posse was designed to I guess
14:58:53 36 remove the reason why these, or one of the reasons why
14:58:58 37 these homicides were occurring, which was the drug
14:59:00 38 trafficking.
39
14:59:01 40 You say that at paragraph 57 in your statement?---Yes.
41
14:59:04 42 The reality was that operation, Operation Posse, got a life
14:59:09 43 at that stage because of the recruitment of
14:59:13 44 Ms Gobbo?---Yes.
45
14:59:18 46 At paragraph 47 of your statement you talk about
14:59:21 47 information that Ms Gobbo might provide if she were to be

14:59:25 1 registered as a human source, so going into things with
14:59:33 2 Ms Gobbo prior to her registration, that's what you had
14:59:37 3 understood might be the case; is that right?---Yeah, well I
14:59:41 4 had no concept of, really, when I look back now, I had no
14:59:46 5 concept of, you know, the wide ranging information she
14:59:54 6 would be able to provide. I only knew of what I had had
15:00:00 7 discussions with her about.

8
15:00:02 9 When you talk about those matters in paragraph 47, I'm just
15:00:09 10 clarifying with you or making clear that your appreciation
15:00:14 11 of those matters in terms of what information she might
15:00:20 12 provide, that was prior to her being registered by the SDU
15:00:26 13 from your own conversations with her?---Yeah, so I'd had
15:00:31 14 that contact with her in the context of Quills and
15:00:34 15 Mr Mokbel wanting to know and manipulate, or whatever term
15:00:39 16 you want to use, and so that's what I thought she would be
15:00:44 17 able to assist us with.

18
15:00:46 19 We spoke about these matters on Friday, you were concerned
15:00:49 20 that she might be able to provide some information on how
15:00:52 21 Mr Mokbel was manipulating the criminal justice system to
15:00:56 22 his own ends?---Mr Mokbel and also another solicitor.

23
15:01:03 24 But I'm talking to you specifically about Ms Gobbo,
15:01:08 25 right?---Yeah, as in that's what I thought she would be
15:01:14 26 able to provide, yes.

27
15:01:15 28 There were various ways outlined that we spoke about on
15:01:19 29 Friday about how this manipulation might be working, that
15:01:23 30 effectively she wasn't behaving as a lawyer should in
15:01:27 31 representing the interests of other clients. Essentially
15:01:31 32 she was putting Mr Mokbel's interests first ahead of other
15:01:35 33 clients that she was representing?---Certainly there was a
15:01:38 34 lot of pressure on her to do so.

35
15:01:40 36 And she, for example, wasn't able to tell some clients that
15:01:44 37 it would be in their interests to cooperate with
15:01:47 38 police?---That's correct.

39
15:01:51 40 She was telling Mr Mokbel privileged and confidential
15:01:54 41 information of the nature that belonged to those other
15:01:58 42 clients, so that he could use it for his own ends?---Well,
15:02:06 43 I'm sure she was. I'm sure she was.

44
15:02:08 45 You spoke on Friday about her wanting information about
15:02:11 46 those other cases, presumably you were including in that
15:02:15 47 that he wanted what those other clients were doing, what

15:02:19 1 they were saying, whether they were going to implicate him.
15:02:24 2 He wanted instructions and confidential information from
15:02:27 3 those other clients?---Well he wanted to - yeah, he wanted
15:02:30 4 to know what risk he was at. I mean, you know, to what
15:02:34 5 degree was those instructions, and I understand the point
15:02:38 6 you're trying to make, you know, I understand the point
15:02:47 7 you're trying to make. I can't quite see how, you know,
15:02:54 8 you can just ignore that. I'm not quite sure how we just
15:02:58 9 ignore that.

10
15:02:59 11 That's what I'm asking you. You understood that to be one
15:03:01 12 of the manipulations of the criminal justice system that
15:03:05 13 was going on, that Mr Mokbel was wanting her to provide him
15:03:10 14 with information that was privileged or confidential, it
15:03:13 15 was information that belonged to other people?---Yes, but
15:03:16 16 as I said, I understand why you're phrasing it the way you
15:03:19 17 are.

18
15:03:21 19 Was that one of your understandings of how the criminal
15:03:23 20 justice system was being manipulated by Mr Mokbel?---It
15:03:28 21 was. He was trying to look after himself. He was trying
15:03:33 22 to look after himself and use her and Solicitor 2 for his
15:03:38 23 own interest. Absolutely.

24
15:03:42 25 Effectively she was working for him instead of working for
15:03:45 26 her other clients?---Yes, she was.

27
15:03:51 28 And a lawyer cannot represent two conflicting interests at
15:03:54 29 once?---Well they're not supposed to, but it seems to
15:03:58 30 happen a fair bit.

31
15:03:59 32 Because that would be a perversion of the justice
15:04:03 33 system?---Well I think in the context of Ms Gobbo,
15:04:13 34 Solicitor 2 and Mr Mokbel I think it 100 per cent is a
15:04:19 35 perversion of the criminal justice system.

36
15:04:20 37 Well, would it not be in other cases if a lawyer was
15:04:24 38 representing two conflicting interests at once and one
15:04:28 39 person doesn't know it?---Yep, yep, I guess so.

40
15:04:35 41 At paragraph 45 of your statement you talk about the
15:04:39 42 responsibility of the SDU in this, and I think you were
15:04:43 43 referring to that before?---Which paragraph, sorry?

44
15:04:46 45 Paragraph 45?---Yes.

46
15:04:52 47 You say you understood that they would take a detailed

15:04:56 1 background inquiry as part of their assessment
15:05:00 2 process?---Yes.
3

15:05:02 4 Would you have understood that that would include a
15:05:04 5 detailed assessment of what clients she was representing at
15:05:07 6 any given time?---I don't know, I don't know. I mean - - -
7

15:05:27 8 [REDACTED]
15:05:30 9 [REDACTED]

15:05:31 11 [REDACTED]
15:05:34 12 [REDACTED]
15:05:38 13 [REDACTED]
15:05:40 14 [REDACTED]
15:05:47 15 [REDACTED]
15:05:54 16 [REDACTED]
15:05:58 17 [REDACTED]
15:06:03 18 [REDACTED]
15:06:06 19 [REDACTED]
15:06:09 20 [REDACTED]
15:06:14 21 [REDACTED]
15:06:17 22 [REDACTED]
15:06:21 23 [REDACTED]
15:06:27 24 [REDACTED]
15:06:30 25 [REDACTED]
15:06:37 26 [REDACTED]
15:06:42 27 [REDACTED]
15:06:47 28 [REDACTED]
29

15:06:49 30 [REDACTED]
15:06:51 31 [REDACTED]

15:06:55 32 [REDACTED]
15:06:58 34 [REDACTED]

15:06:59 36 [REDACTED]
15:07:03 37 [REDACTED]
15:07:06 38 [REDACTED]

15:07:10 40 MS TITTENSOR: I was asking whether you thought as part of
15:07:12 41 the detailed background inquiries, the SDU might at least
15:07:22 42 understand what clients she was representing?---I don't
15:07:28 43 know. I would anticipate that they would, but then at the
15:07:33 44 same time I wouldn't expect that that would then totally
15:07:37 45 eliminate that information as being of value or something
15:07:40 46 that we would work on.
47

15:07:42 1 Well, it would provide a guide for when they needed to be
15:07:45 2 very, very careful about what information they were
15:07:48 3 getting, wouldn't it?---Yes, it may. It may. I don't
15:07:55 4 profess to know their process.
5
15:08:02 6 It was obvious to you that Ms Gobbo's profession was going
15:08:06 7 to be a source of difficulty for her having a relationship
15:08:10 8 with the police, do you agree with that?---Yes.
9
15:08:14 10 That clearly her profession and her relationship with the
15:08:20 11 police might be in conflict?---Yes, I think - I mean, yes,
15:08:29 12 absolutely. But obviously, you know, not just as
15:08:37 13 investigators but as the police, I don't think we have the
15:08:41 14 luxury just to leave it there. I think we're obligated to
15:08:47 15 still, you know, assess information and deal with it and
15:08:49 16 try and do so in the context of the risks that are there.
15:08:54 17 You know, like - I mean clearly, and I'm sure there's a
15:09:00 18 number of other people in the same position as me, that
15:09:03 19 thought long and hard about this in the lead-up to coming
15:09:09 20 here. I don't think there was ever really an opportunity
15:09:13 21 for us to just ignore what we were being told. So
15:09:16 22 therefore we had to manage the risks as best we could.
23
15:09:21 24 Do you see it clearly as a conflict that she can't work for
15:09:25 25 the police and defend people related to the matters that
15:09:29 26 she's informing about at the same time?---I can see if you
15:09:34 27 look at that in isolation I can absolutely see. But you
15:09:37 28 can't - I don't think it's as simple as that. It's not as
15:09:42 29 simple as, "She's this, so she can't do this".
30
15:09:45 31 It's very simple, isn't it?---If we're happy for a
15:09:48 32 barrister to offer bribes to police, to, you know, set up -
15:09:56 33 refer drug dealers to drug dealers, to be aware of - I'm
15:10:02 34 not allowed to say it - the existence of drug labs, well
15:10:12 35 then yep, then we should. But I don't think as it stood
15:10:19 36 there at that point in time that that was an acceptable
15:10:23 37 state of play.
38
15:10:24 39 You accepted before that she couldn't represent two people
15:10:27 40 with conflicting interests at once?---Yeah, but
15:10:31 41 that's - - -
42
15:10:31 43 Does the same not apply to working for the police and
15:10:35 44 working for a client against whom she's provided
15:10:38 45 information or against whose interests she's acting?---But
15:10:42 46 that's - - -
47

15:10:43 1 Do you not see that?---You're framing one sentence, you're
15:10:46 2 framing one sentence because that's what you're here to do.
15:10:50 3 But there's a thousand other considerations for us. We'll
15:10:56 4 strike it if I'm not allowed to talk about it. So she gets
15:11:00 5 aware of 15 million ecstasy tablets, do we just let that
15:11:04 6 go?
7

15:11:04 8 I'm just asking you, do you not see that that is in
15:11:08 9 complete conflict, that she's acting for someone and she's
15:11:11 10 working for the police?---I know the point you're trying to
15:11:13 11 make but my point is - - -
12

15:11:14 13 It's a simple point, isn't it?---It's simple if you only
15:11:21 14 consider it in a vacuum. What you're saying is as Victoria
15:11:26 15 Police we should allow bribery, we should allow 15 million
15:11:32 16 ecstasy tablets just to spill out on to the streets, well
15:11:34 17 then, if someone tells us that's what we're supposed to do,
15:11:40 18 I'm not sure what I say.
19

15:11:40 20 How about if she starts informing to the police that she
15:11:44 21 stops representing the people? What about that?---I'd be
15:11:47 22 very surprised if those conversations weren't had between
15:11:50 23 her and the SDU.
24

15:11:52 25 The expectation was that she would continue to represent
15:11:55 26 Tony Mokbel, wasn't it?---No-one wanted her to represent
15:11:59 27 anyone. I can't speak for everyone. I couldn't care less
15:12:04 28 who she represented or didn't represent. In all honesty,
15:12:07 29 if she pulled up on that first day and said, "I'm never
15:12:12 30 representing Tony Mokbel again", great; that's a win for
15:12:15 31 us.
32

15:12:15 33 The expectation for this whole operation was that she would
15:12:18 34 continue to represent and associate with Tony Mokbel?---Not
15:12:21 35 to represent, absolutely not. She wasn't a chess piece
15:12:24 36 that we moved into place when it suited us. Absolutely
15:12:28 37 not, not for one second, not for one moment.
38

15:12:32 39 There was no discussion about her giving up the trial
15:12:34 40 involving Tony Mokbel that was coming up?---I didn't
15:12:38 41 discuss that with her.
42

15:12:39 43 You had a reference in your diary much earlier on "not to
15:12:43 44 represent Bednarski", do you recall that?---Yes.
45

15:12:47 46 Did you have any other reference in your diary, or any
15:12:49 47 other reference anywhere, that she's not to represent

15:12:53 1 Mokbel?---I never had that conversation with her.
2
15:12:55 3 Did anyone?---I don't know. As you've just pointed out,
15:12:59 4 I'm not present for all these conversations.
5
15:13:01 6 Do you think it was acceptable that she continued to
15:13:03 7 represent Mr Mokbel in those circumstances?---Well, I think
15:13:07 8 in an ideal world, absolutely not. I'm not sure that she
15:13:18 9 saw that she had a choice. I believe strongly that there
15:13:26 10 would have been - or there was many conversations between
15:13:29 11 the SDU and her about people that she shouldn't represent.
15:13:33 12 I don't know of any mechanism that Victoria Police has to
15:13:37 13 be able to force her not to represent a client.
14
15:13:40 15 Did you think it was unacceptable that she would breach her
15:13:44 16 professional duties to the court and continue to represent
15:13:48 17 Mokbel in those circumstances, do you think that's
15:13:52 18 acceptable?---It's never acceptable to breach your duty to
15:13:55 19 the court.
20
15:13:57 21 Did you tell anyone?---Did I tell anyone what?
22
15:14:04 23 Did you tell anyone that you didn't think it was acceptable
15:14:07 24 that she was continuing to breach her duty to the
15:14:10 25 court?---Well, I'm not sure in what context I would say
15:14:14 26 that.
27
15:14:16 28 Do you raise such concerns about such ethical breaches from
15:14:21 29 lawyers with your superiors? You could do that, that's an
15:14:24 30 option?---Is it? I don't know.
31
15:14:39 32 To raise concerns with your superiors, is that not a thing
15:14:39 33 within Victoria Police?---Of course it's a thing.
34
15:14:39 35 Did you raise it?---I'm not sure ethical breaches of
15:14:41 36 lawyers as a day-to-day consideration is something that
15:14:50 37 Victoria Police is dealing with. But as I've stated, and
15:14:58 38 I'll state it again, the risk associated with her was that
15:15:03 39 she was a barrister. She was to be and was managed by the
15:15:13 40 SDU in the context of that risk. There was discussions
15:15:21 41 between us as an investigative crew in relation to her dual
15:15:27 42 role, if you like, and I was and continue to be of the
15:15:33 43 understanding that that aspect was being managed by the SDU
15:15:39 44 to the extent that they could say to her "you" - I know
15:15:45 45 I've got it in my statement - "could not", but there's no
15:15:47 46 means for them to say "you can't, you should not".
15:15:50 47 Ultimately it relies on her own ethical considerations and

15:15:53 1 her own decision-making in relation to who she represents.
2
15:15:59 3 And no obligation, no responsibility by Victoria Police at
15:16:03 4 all?---Well, Victoria Police, to a certain extent, is
15:16:10 5 damned if they do and damned if they don't. As I said, to
15:16:14 6 me there's no option to just ignore all this criminal
15:16:16 7 activity, even though it's a barrister that's, you know, in
15:16:20 8 the mix of it. To us - to me, that makes no difference,
15:16:24 9 whether you're a doctor or a barrister or anything else.
15:16:27 10 If there's criminal activity, 15 million ecstasy tablets
15:16:31 11 going to hit the street, we need to deal with that. It is
15:16:34 12 how we manage that risk. To me, as a senior Detective six
15:16:38 13 years in the job, I then go to the people that can manage
15:16:40 14 that risk adequately. And I don't think it's any point
15:16:49 15 lost on the SDU members that she was a barrister and that
15:16:51 16 there was people that she should not represent, for example
15:16:54 17 Milad, Darren, you know - - -
18
15:17:00 19 I think you accept, don't you, that for Ms Gobbo to
15:17:03 20 continue to represent people that she's informing against
15:17:08 21 means that she was in breach of her ethical duties and her
15:17:12 22 professional duties and her duties to the court, you accept
15:17:14 23 those things?---I think 100 per cent there was, you know,
15:17:22 24 yeah, ethical breaches on her - - -
25
15:17:26 26 Legal breaches?---I don't know whether they were legal
15:17:28 27 breaches, but ethical breaches.
28
15:17:31 29 You considered it earlier to be of the nature of an attempt
15:17:34 30 to pervert the course of justice, didn't you?---We're
15:17:37 31 talking about two different things, aren't we?
32
15:17:39 33 No?---Well, if it extends to a pervert the course of
15:17:42 34 justice, it's a legal breach. If it extends to a conflict
15:17:45 35 of interest, it's an ethical breach. Ultimately it was her
15:17:51 36 that had to take action in relation to that. There's no
15:17:57 37 way we could do it. We could advise her, we could tell her
15:18:01 38 who she should and shouldn't, but ultimately we relied on
15:18:06 39 her to do that. In a number of cases that's exactly what
15:18:09 40 she did.
41
15:18:10 42 The police could have said, "No, we're not taking your
15:18:12 43 information". Do you think it's acceptable for the police
15:18:18 44 to use her in such circumstances where she might be
15:18:23 45 committing a perversion of justice?---When the alternative
15:18:35 46 is to do nothing, whilst it might be unpalatable, when the
15:18:42 47 alternative is to do nothing, we are happy for a barrister

15:18:45 1 to assist an organised crime figure to escape prosecution,
15:18:50 2 we're happy for her to make a false statement, we're happy
15:18:54 3 for her to refer one drug dealer to another drug dealer,
15:18:59 4 we're happy for her to pass on a consignment note of 15
15:19:03 5 million ecstasy tablets, but as a police organisation, we
15:19:07 6 should just say, "Oh, no, sorry, we can't do anything with
15:19:12 7 that."
8
15:19:13 9 Just go back a way. You had her on tape admitting to those
15:19:18 10 criminal offences, is that right?---In a - - -
11
15:19:21 12 Back on 31 August?---- - - I know when you're talking
15:19:24 13 about.
14
15:19:24 15 Admitting criminal offences?---She was alluding to it, yes.
16
15:19:27 17 Well, investigate them. Charge her. Bring her in. She's
15:19:32 18 now conflicted, she can't represent the clients?---Okay,
15:19:35 19 yep, no worries. So she's made an admission to me, without
15:19:44 20 her caution and rights, but we'll arrest her on that and
15:19:47 21 we'll bring her in and then we'll just let Lawyer 2 and
15:19:51 22 whoever else is doing it within the criminal justice system
15:19:54 23 just to go about their business.
24
15:19:55 25 Investigate them. Have you no powers to investigate them?
15:20:01 26 Were they not already under investigation?---Maybe we're
15:20:12 27 clearly different thought processes, different priorities.
28
15:20:20 29 It became very apparent to you, didn't it, that the
15:20:24 30 original scope of the investigation that you expected
15:20:27 31 Ms Gobbo to provide didn't remain limited to an
15:20:29 32 investigation into Mokbel's attempt to pervert the course
15:20:33 33 of justice, is that right?---I had no concept that she had
15:20:36 34 exposure, involvement, whatever you want to call it, and
15:20:44 35 the extent of stuff that she did, I had no idea. Before
15:20:49 36 whatever date it was, I hadn't even spoken a word to her in
15:20:52 37 my life.
38
15:20:53 39 You became aware that she represented - she went on to
15:20:57 40 represent people for whom she had great conflicts, is that
15:21:02 41 right?---Yes.
42
15:21:03 43 She'd provided information that led to their arrest?---Yes.
44
15:21:09 45 She advised them upon their arrest?---Yes.
46
15:21:16 47 She represented them at court hearings after that?---Yes,

15:21:24 1 and she may have done so despite being advised otherwise by
15:21:27 2 members of the SDU.
3
15:21:30 4 Were those people ever given any information so that they
15:21:33 5 could understand that their lawyer was not necessarily
15:21:37 6 acting in their best interests?---It is impossible for us
15:21:44 7 to have done it.
8
15:21:46 9 Did you ever question it with your superiors, what was
15:21:50 10 going on?---What do you mean?
11
15:21:56 12 Did you ever say to your superiors, "This has gotten out of
15:21:59 13 hand, it's gone too far. It needs to stop, we need to stop
15:22:04 14 getting this woman's information"?---No.
15
15:22:22 16 Do you understand that there were efforts made in the
15:22:25 17 disclosure of information, so that those clients would
15:22:30 18 never, and others, would never become aware of Ms Gobbo's
15:22:34 19 involvement in that process?---Am I aware, did you say?
20
15:22:37 21 Yes?---I don't know. There would be efforts made to not
15:22:43 22 identify her as a source - not because she's Nicola Gobbo
15:22:48 23 but because she's a source. That happens in every case.
24
15:22:52 25 And what were the efforts?---I actually don't know of one
15:23:00 26 specifically, you know. Ordinarily we'd redact our
15:23:10 27 diaries, we would claim PII on information that we didn't
15:23:13 28 want to go over. That is not unique to Ms Gobbo, that's
29
30
15:23:18 31 Did you get legal advice about it ever?---I didn't
15:23:23 32 personally, no.
33
15:23:25 34 You redacted your diaries and you redacted her name out of
15:23:28 35 them?---I don't know whether I did, but I'm just saying
15:23:32 36 that that's what we ordinarily would do. If that's what I
15:23:36 37 did in this case, I don't dispute that. That happens in
15:23:39 38 every case. And we don't get legal advice. The legal
15:23:43 39 advice comes if someone - defence normally - wants to
15:23:47 40 challenge the redactions or the PII claim, then we go and
15:23:52 41 get legal advice.
42
15:23:53 43 You don't provide the material saying, "There's a PII claim
15:23:58 44 over this part of the material"?---No.
45
15:24:00 46 You just redact?---Yes.
47

15:24:02 1 Take it upon yourself?---Of course. I mean, of course, it
15:24:12 2 would take 10 years for every matter to get through the
15:24:16 3 court system.
4
15:24:17 5 Are you aware of what the High Court has said about
15:24:19 6 Ms Gobbo's use?---Yes.
7
15:24:22 8 You've read the judgment?---Yes.
9
15:24:25 10 It's a short judgment?---Yes.
11
15:24:27 12 That her conduct was a fundamental and appalling breach of
15:24:31 13 her obligation as counsel to her clients and her duties to
15:24:33 14 the court?---Yes.
15
15:24:35 16 Are you aware also of what's said about Victoria Police's
15:24:39 17 conduct?---Yes.
18
15:24:42 19 That, "They were guilty of reprehensible conduct in
15:24:45 20 knowingly encouraging Ms Gobbo to do as she did and were
15:24:48 21 involved in sanctioning atrocious breaches of the sworn
15:24:53 22 duty of every police officer to discharge all duties
15:24:55 23 imposed on them faithfully and according to law without
15:25:00 24 favour, affection, malice or ill will", you're aware of
15:25:03 25 those matters? Do you have any comment to make about the
15:25:11 26 remarks of the High Court?---Well, the High Court - we're
15:25:19 27 obviously bound by the decisions they make. You know,
15:25:32 28 we're bound by the decisions they make.
29
15:25:35 30 Do you agree with it?---Look, I agree with them in the
15:25:38 31 context of the information that they had to look at, you
15:25:44 32 know. I like to think that there's significantly more to
15:25:47 33 this than simply, "We registered a barrister and she
15:25:51 34 provided information on her clients". It's so - there's so
15:25:55 35 many more layers to it and so much more complex than that.
15:26:00 36 I mean, I note that they reference, you know, a police
15:26:04 37 officer's oath, or whatever. It also says in the oath that
15:26:06 38 we've got to prevent all offences. Sometimes, you know,
15:26:12 39 you're damned you do and damned you don't. But they're the
15:26:17 40 High Court and we accept their ruling.
41
15:26:21 42 When you say "we", are you speaking on behalf of all
15:26:24 43 members of Victoria Police or - - -?---I can't speak on all
15:26:28 44 behalf. I'm speaking on behalf of myself.
45
15:26:30 46 Have you spoken about this to other members?---Only in a
15:26:37 47 general sense. I mean, we're all aware of the ruling, you

15:26:41 1 know. It's - yep.
2
15:26:46 3 Thanks, Commissioner.
4
15:26:49 5 COMMISSIONER: Thank you. Mr Collinson.
6
15:26:52 7 MR COLLINSON: Commissioner, as events turned out I didn't
15:26:54 8 get any documents this morning. I've discussed it with my
15:27:02 9 various friends at the Bar table and because this witness
15:27:05 10 will be returning in any event, I think it has been thought
15:27:08 11 appropriate that we defer any cross-examination until then.
15:27:11 12 I'm certainly not in a position to cross-examine this
15:27:14 13 witness.
14
15:27:15 15 COMMISSIONER: All right then.
16
15:27:16 17 MR COLLINSON: I'm not particularly happy I didn't get any
15:27:18 18 documents and I would like to be confident that before I do
15:27:24 19 venture to cross-examine this witness we do get relevant
15:27:27 20 documents. I don't know that I want to agitate anything
15:27:32 21 before you today on that, Commissioner. I think I'm
15:27:35 22 getting suggestions that there won't be obstacles to doing
15:27:39 23 that.
24
15:27:40 25 COMMISSIONER: All right. We might not spend time then if
15:27:43 26 you're not wanting to push it at this stage talking about
15:27:46 27 why that didn't happen, despite what I had to say on
15:27:49 28 Friday, but it is concerning. But because the witness will
15:27:54 29 be coming back to talk about the later period in the next
15:27:58 30 lot of hearings, I will note that you'll cross-examine - -
31 -
32
15:28:02 33 MR COLLINSON: I will get very noisy if I don't see the
15:28:06 34 documents well before this witness returns to the witness
15:28:09 35 box.
36
15:28:09 37 COMMISSIONER: Fair enough. Mr Chettle.
38
15:28:12 39 MR CHETTLE: Yes, Commissioner.
40
41 <CROSS-EXAMINED BY MR CHETTLE:
42
15:28:15 43 Mr Rowe, just to deal with the very last thing you're asked
15:28:18 44 about, those much quoted lines from the High Court, and you
15:28:23 45 said that you understood they made the ruling they did, or
15:28:28 46 the comments they did based on the facts as they understood
15:28:30 47 them?---Yes.

1
15:28:31 2 Have you read the Comrie report?---No.
3
15:28:37 4 Have you read the Court of Appeal judgment - Justice
15:28:44 5 Ginnane and the Court of Appeal in the Supreme
15:28:45 6 Court?---Yes.
7
15:28:46 8 It's clear, isn't it, from a reading of those judgments,
15:28:49 9 that the effective points picked up on comments that Comrie
15:28:55 10 had made?---Yes.
11
15:29:03 12 In essence, the fundamental facts behind the High Court
15:29:06 13 comments were the assertion by Comrie that Victoria Police
15:29:10 14 deliberately targeted privileged information and
15:29:13 15 strategically interfered in current cases, those two
15:29:18 16 facts?---I'm not sure.
17
15:29:19 18 You're not sure?---I'm not sure.
19
15:29:21 20 I'm getting in too much depth?---Sorry.
21
15:29:24 22 Can I take you to the transcript. Do you still have 268A,
15:29:29 23 the conversation that occurred with Ms Gobbo on 16
15:29:31 24 September?---No. It was on the screen.
25
15:29:36 26 COMMISSIONER: It has to come up on the screen, I think.
27
15:29:39 28 MR CHETTLE: All right. I'll take you to a few of the
15:29:42 29 pages that were not referred to, if I can.
30
15:29:44 31 COMMISSIONER: But not on the public screen.
32
15:29:46 33 MS ARGIROPOULOS: We do have a hard copy, if that would
15:29:48 34 assist.
35
15:29:50 36 COMMISSIONER: Yes. I have one upstairs. I've got it on
15:29:55 37 the screen, thank you.
38
15:29:56 39 MR CHETTLE: As a general question, what was happening at
15:29:58 40 the time of that meeting was the first stage of an
15:30:00 41 assessment by SDU as to whether or not she would be a
15:30:05 42 viable source?---Yes.
43
15:30:07 44 And I take it you haven't done the SDU handlers
15:30:12 45 course?---No.
46
15:30:13 47 But at least what was said on two occasions at least in the

15:30:17 1 transcript, that, "What's going on here is simply an
15:30:20 2 assessment as to whether we should take you on at
15:30:23 3 all"?---Yes.
4

15:30:24 5 And you would also know, I take it, that there were
15:30:28 6 absolutely no information reports disseminated as a result
15:30:32 7 of that meeting?---None that I saw.
8

15:30:37 9 She made it perfectly clear during the course of that
15:30:40 10 discussion that she was terrified of Tony Mokbel?---Yes.
11

15:30:45 12 Indeed, at p.11 she said she's, "Dealing with someone who
15:30:50 13 scares me enough that no matter what you people do, if
15:30:52 14 anyone found out about it, there is nothing you can do to
15:30:57 15 protect me" - that's at the top of p.11?---Yes.
16

15:31:02 17 She made it clear on a number of occasions that she was at
15:31:06 18 risk of, she felt, death from Mokbel?---Yes.
19

15:31:11 20 Without going into it in any great detail - you touched on
15:31:15 21 it with Ms Tittensor - there was a lengthy discussion
15:31:18 22 between Sergeant Jones and Ms Gobbo about the nature of the
15:31:22 23 conflict that she found herself in, particularly in
15:31:24 24 relation to Bednarski?---Yes.
25

15:31:27 26 And it went like this: she gets a call to go and represent
15:31:32 27 Bednarski. Bednarski asks for her specifically?---Yes.
28

15:31:37 29 Because, as it transpired, Mokbel had given Bednarski her
15:31:43 30 number if he ever got pinched, to call her?---Yes.
31

15:31:47 32 And the idea being that her role is to make sure that
15:31:49 33 Bednarski doesn't put in Mr Mokbel for his involvement in
15:31:52 34 the very activity that Bednarski has been arrested
15:31:55 35 for?---Yes.
36

15:31:57 37 So she gets down there and finds out, as soon as she gets
15:32:01 38 there, not knowing who Mr Bednarski is, she gets there and
15:32:06 39 it becomes apparent to her immediately that this is a
15:32:08 40 Mokbel stooge, effectively, someone working for Tony?---I
15:32:12 41 think once she listens to the record of interview, yes.
42

15:32:15 43 You people knew, and that's in the interview?---Yes.
44

15:32:20 45 So she's then confronted with the position, and she makes
15:32:23 46 it perfectly clear, that she can't possibly act for him,
15:32:26 47 having been told that. She tells you she can't act for

15:32:30 1 him?---Yeah, or she doesn't want to.
2
15:32:33 3 But the problem is she can't say - she tells you she has a
15:32:37 4 real problem in how she explains it to Tony?---Yes.
5
15:32:40 6 Because Tony wants to make sure that Bednarski doesn't put
15:32:43 7 Tony in for Tony's involvement?---Yes.
8
15:32:47 9 And she can't represent Bednarski without properly putting
15:32:50 10 before the court that this bloke is only a bit player and
15:32:53 11 the real boss is a fellow called Mokbel?---Yes.
12
15:32:57 13 This is a problem she'd had on other occasions as well.
15:33:00 14 Are you aware of Adam Ahmed being arrested in relation to
15:33:05 15 the Dublin Street premises?---Yes, but not in great detail.
16
15:33:09 17 You don't need to know the detail, but that was a Mokbel
15:33:12 18 premises where she acted for Ahmed?---I believe that's the
15:33:16 19 case, yes.
20
15:33:17 21 And it's not a unique situation, but let's come back to
15:33:23 22 Mr Bednarski. So she explains in great detail to
15:33:29 23 [REDACTED] - - -
24
15:33:30 25 COMMISSIONER: That will have to be struck from the record.
26
15:33:34 27 MR CHETTLE: I was going well.
28
15:33:37 29 She explains in great detail to Senior Sergeant Jones that
15:33:41 30 she's really caught in an impossible position, she cannot
15:33:45 31 go to court for Bednarski and she will not act for
15:33:48 32 him?---Yes.
33
15:33:51 34 And she doesn't thereafter. She goes on and acts, as she
15:33:55 35 says, for Kot and Kot is the next level down below
15:33:59 36 Bednarski?---Yes, he is.
37
15:34:01 38 So Mr Bednarski is caught cold, he's made full - I withdraw
15:34:08 39 that. Mr Kot is caught cold. He's made full admissions in
15:34:12 40 his record of interview?---Yes.
41
15:34:14 42 He's found with enough exhibits to implicate him
15:34:18 43 considerably?---Yes.
44
15:34:20 45 He's cooked?---He is.
46
15:34:23 47 So she, as a lawyer, gives him the best advice that people

15:34:27 1 gave in those days, "You can minimise your sentence by
15:34:30 2 helping the police"?---Yes.
3
15:34:32 4 And that wasn't helping the police in relation to Tony
15:34:39 5 Mokbel, it was helping the police in relation to
15:34:41 6 Bednarski?---Yes, because Kot had nothing to offer in
15:34:45 7 relation to - - -
8
15:34:45 9 Because he was one step removed from the problem she had
15:34:48 10 with Mr Bednarski?---Yes.
11
15:34:50 12 So apart from that one occasion, she has nothing to do with
15:34:56 13 Mr Bednarski thereafter, or am I wrong about
15:35:03 14 that?---Certainly in the early days it stops, but they then
15:35:09 15 seem to become friends and then when he gets arrested - - -
16
15:35:16 17 Again?---- - - again, he calls her.
18
15:35:19 19 Subsequently he becomes part of the social set that she was
15:35:23 20 moving with?---Yes.
21
15:35:26 22 On that, from your observations and intelligence, you would
15:35:29 23 know that she was part of a gangland crew, really, where
15:35:33 24 she participated socially with these people?---Yes, she
15:35:37 25 did.
26
15:35:38 27 Substantial criminals engaged in ongoing continuous
15:35:42 28 activity as far as you're concerned, criminal
15:35:45 29 activity?---Yes.
30
15:35:54 31 At p.18 she explained to you that as far as she was
15:36:01 32 concerned she had a real issue with a perception of having
15:36:07 33 been involved in criminal activity for some time prior to
15:36:11 34 her lead up with you?---Yes.
35
15:36:13 36 And she's no fool. She knew that she was obviously in the
15:36:17 37 eyes of people like yourself - had some suspicion about her
15:36:22 38 activities?---Yes.
39
15:36:23 40 What she tells you there, at p.18, "Look, it's kind of been
15:36:28 41 put into situations, either directly or indirectly, by Tony
15:36:32 42 or other people or other members of his family and, you
15:36:36 43 know, there's a really fine line between being exposed to
15:36:39 44 something - knowing about something or knowing about
15:36:46 45 someone's plan to commit some crime - but ideas or thoughts
15:36:50 46 or desires and - and not acting on them and what's often in
15:36:54 47 my - in the back of my mind is, you know, somewhere down

15:36:57 1 the track is a listening device conversation of this or a
15:37:00 2 telephone intercept I'm going to be judged as a lawyer, I'm
15:37:03 3 not going to be judged" and she goes on, do you see
15:37:06 4 that?---Yes.
5
15:37:07 6 That is saying, "If anyone looks at what I'm doing, I'm
15:37:10 7 going to be suspected of being involved"?---I think she had
15:37:15 8 significant concerns.
9
15:37:15 10 You mentioned the example before of the 15 million ecstasy
15:37:22 11 pills?---Yes.
12
15:37:23 13 Did you understand that what in fact occurred there is a
15:37:26 14 man - someone who wasn't her client handed her a document
15:37:30 15 and asked her to provide it to one of the Mokbels - I think
15:37:34 16 it was Milad, but one of the Mokbels, that she was being
15:37:37 17 used as a conduit to further an importation?---Yeah, that's
15:37:42 18 my understanding.
19
15:37:44 20 And is it your understanding that conduct like that is
15:37:49 21 simply just not covered by legal professional
15:37:52 22 privilege?---I would hope not.
23
15:37:53 24 You'd hope not?---Yes.
25
15:37:56 26 All right. I asked you before. She gave you several
15:38:04 27 examples of crooks threatening her, people turning up at
15:38:07 28 her door, the pressure she was under to continue to act for
15:38:10 29 Tony Mokbel?---She was under massive pressure and I'm sure
15:38:14 30 it's from all sorts of different things. A big chunk of
15:38:20 31 that was from Tony, yes.
32
15:38:21 33 It was put to you, "Why didn't you tell her just to walk
15:38:25 34 away from him and leave", do you remember that
15:38:28 35 question?---Yes.
36
15:38:28 37 She was indicating to you that Tony Mokbel wasn't somebody
15:38:31 38 you said no to?---Well, I think that's how she viewed it.
15:38:38 39 I don't think she ever thought that that was an option open
15:38:43 40 to her.
41
15:38:44 42 All right?---Because, I mean, ultimately why would she come
15:38:49 43 to us? If it was just as simple as getting in her car one
15:38:54 44 day and driving away, why should she roll the dice on some
15:38:59 45 copper that she'd never met?
46
15:39:02 47 Come in and see you. You say she was very, very desperate

15:39:07 1 when she came to you?---She was.
2
15:39:09 3 To take you to these Operation Kayak tapes. Operation
15:39:13 4 Kayak was one of the matters that Tony Mokbel was charged
15:39:16 5 with?---Yes.
6
15:39:17 7 And a substantial part of the evidence against him related
15:39:21 8 to tape recordings of covert listening devices, I think
15:39:24 9 they were?---I believe so, yes.
10
15:39:28 11 In any event what she discussed with you - and I'm talking
15:39:31 12 about p.42 - at the very bottom of p.42, she said his
15:39:36 13 primary interest is finding a police officer to get rid of
15:39:40 14 those tapes?---Yes.
15
15:39:42 16 They're the Kayak tapes, aren't they?---I believe so, yes.
17
15:39:48 18 It will become clear in a moment, but what she was saying
15:39:51 19 was that Mokbel wanted to commit an offence by bribing a
15:39:56 20 police officer to have the tapes disappear so the case
15:40:00 21 against him disappeared?---Yes.
22
15:40:02 23 And this wasn't a pie in the sky. You would be aware that
15:40:07 24 the tapes that existed, Mr O'Brien moved them to a more
15:40:12 25 secure environment so that they couldn't be got by
15:40:15 26 Mokbel?---Yes.
27
15:40:15 28 There was a - can you perhaps be shown on the flash cards
15:40:21 29 Police Officer 1. He is number 34, I think, on that list.
30
15:40:28 31 COMMISSIONER: Yes.
32
15:40:38 33 MR CHETTLE: Do you know that officer?---Yes, I do.
34
15:40:41 35 Do you know that officer came and spoke to Mr O'Brien about
15:40:45 36 an approach that had been made to offer him \$2 million from
15:40:48 37 Tony Mokbel to have the tapes got rid of?---No, I didn't
15:40:51 38 know that.
39
15:40:52 40 There will be evidence before this Commission that that is
15:40:54 41 in fact what happened and I think there's been some
15:40:56 42 already, to some extent. But that's separate - if that's
15:41:02 43 true, that's a separate indication or intelligence coming
15:41:06 44 from the same end as what Gobbo is telling you?---Yes.
45
15:41:12 46 And it was taken seriously because O'Brien looked after the
15:41:15 47 tapes?---Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

15:41:25
15:41:29
15:41:33
15:41:45
15:41:53
15:41:56
15:41:59
15:42:03
15:42:06
15:42:08
15:42:12
15:42:16

At p.62, if I can take you to that section of her transcript of the conversation with you and the SDU members. She set out material, I suggest to you, at that page which goes to her motivation for going, from 62-63, as to why it was she was coming to assist you. I don't want to spend a lot of time, but basically she can't deal with the stress, the worry, people like Mokbel manipulating the system, the Drug Squad and Purana aren't able to do anything about it, the proceeds of crime legislation makes life impossible and she has an issue with getting paid because she can't certify the money isn't proceeds of crime, things of that sort?---Yes.

15:42:18
15:42:25

All amplifying why she had an issue with - why she felt she was in a position she felt she couldn't get out of?---Yes.

15:42:39
15:42:43
15:42:50
15:42:53

You were asked some questions about what's at p.61. I'll just go back to it briefly. Do you remember the questions you were asked about the conversation about the book she is not going to write?---Yes.

15:42:54
15:42:58
15:43:03

The reason she couldn't write the book she made clear is if she did she'd be killed, isn't it?---I would imagine so. That's sort of a tongue in cheek conversation.

15:43:07
15:43:10

"I couldn't write a book because some of the things I'd talk about would get me killed"?---Yes.

15:43:18
15:43:21
15:43:46
15:43:51

Similarly on the question of motivation - I've dealt with that. Excuse me. The conversation about introducing an undercover operative, you were asked some questions about that?---Yes.

15:43:53
15:43:57
15:44:03
15:44:09
15:44:13

And the proposition of sending in an undercover was to deal specifically with Mr Mokbel's desire to pay money to get the Kayak tapes, wasn't it?---Yeah, either the Kayak tapes or a bribery in relation to Operation Quills, one of the two.

15:44:15
15:44:18
15:44:21

So the idea being, "If Mokbel wants to bribe a policeman, we'll give him an opportunity to do so and pinch him for it"?---Yes.

15:44:26
15:44:31
15:44:34

She explained to you that basically she was simply talking to police because she was looking for a way out of the dilemma that she is in?---Yes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

15:44:37
15:44:44
15:44:48
15:44:51
15:44:53

And as for other alternatives, she told you at p.103 that she was looking for something outside the law, that she was looking for something else that she could do to get away from the life that she'd found herself in?---And I think in the end she did have some other business going.

15:44:56

She got involved in a car wash eventually?---Yes.

15:44:58
15:45:02
15:45:12

But at the time she was talking to you, she was indicating that she and another solicitor were looking for - actively looking for other things to do?---Yes.

15:45:14
15:45:20

In 2005/2006, you know now that SDU were managing her and taking information and passing it on to Purana?---Yes.

15:45:25
15:45:31
15:45:35
15:45:38

It would be fair to say that everything that SDU did, as far as you could see, was designed to conceal the fact that she was an informer and restrict the people who knew she was?---That's what their role is.

15:45:40
15:45:45

And they lived up to their role as far as you're concerned?---Yes.

15:45:45
15:45:53
15:45:56
15:46:01
15:46:06
15:46:09
15:46:12
15:46:16

We've had evidence from Mr Purton. He said that in 2006, everybody in the Crime Department knew she was an informer. So far as you're concerned that's just not true, is it?---Well, I know it's not true. I mean, there was someone working on our crew that used to sit next to me that didn't know, and I think at some point in time he became aware but I'm talking, you know, a year or two down the track. There's a lot of people that didn't know.

15:46:20
15:46:26
15:46:30
15:46:34
15:46:39
15:46:42
15:46:45

There's an entry in the SDU source management log, an exhibit the Commissioner will have - if she doesn't have it already - from 19 September 2005, that's the very day you had the conversation with her - that SDU start disseminating disinformation really about, "She's no good, we don't want her" in order to conceal the fact that they've taken her on board. Were you aware of that?---No.

15:46:49
15:46:54

It's suggested that Flynn, Mansell - you know Flynn was a Drug Squad Detective?---Yes.

15:46:55

Mansell was your partner?---Yes.

15:46:57

Is there someone called Bullock? Do you know anyone called

15:47:04 1 Bullock? That's the name in the log. I don't know who it
15:47:07 2 is. And obviously Bateson. You knew who he was?---Yes.
15:47:18 3 It's not Burrows, is it?
4
15:47:20 5 No, that's Lisa Burrows. It may be a typo in the notes,
15:47:25 6 but someone starting with B and I can't read it. You were
15:47:28 7 asked some questions about a statement that Tony wanted
15:47:32 8 Bednarski to sign, do you remember that?---Yes.
9
15:47:36 10 Just to put the Commissioner in the picture about that,
15:47:39 11 Mr Mokbel wanted to have Bednarski sign a statement that
15:47:45 12 cleared him of any involvement in Bednarski's activities as
15:47:49 13 a means of covering himself against the possibility of
15:47:52 14 Bednarski putting him in?---Yes. I think he'd done a
15:47:55 15 similar thing with [REDACTED] in relation to Kabalan Mokbel,
15:48:02 16 or tried to.
17
15:48:04 18 What he would do is attempt to pervert the course of
15:48:07 19 justice by nobbling witnesses before they became witnesses,
15:48:11 20 effectively?---Yes.
21
15:48:18 22 You were asked questions by Ms Tittensor about the
15:48:22 23 profession, Ms Gobbo's profession made her problematic. I
15:48:27 24 want to suggest to you that she wasn't really acting like
15:48:30 25 any other barrister you'd ever seen. She was acting in a
15:48:35 26 way that was different to any other barrister, put it that
15:48:40 27 way?---Yeah, it's a very unique set of circumstances.
28
15:48:47 29 She was in a position, because of the fact that she had
15:48:51 30 effectively befriended many of the heavy crims in
15:48:58 31 Melbourne, to provide information about the crimes they
15:49:01 32 were committing at the time or intended to commit in the
15:49:04 33 future?---Yeah, well I suppose I don't know how it got to
15:49:09 34 that point, but the extent of their relationship extended
15:49:13 35 beyond a professional relationship and, you know, she was
15:49:16 36 associating with them and so therefore stuff was divulged
15:49:20 37 to her that, you know, probably ordinarily wouldn't be to a
15:49:24 38 barrister.
39
15:49:25 40 Other people - for example, one person might talk about
15:49:30 41 what another person is doing?---Yes.
42
15:49:34 43 And insofar as Person 15, the person we're not allowed to -
15:49:38 44 14 and the activities that he was involved in, I take it -
15:49:45 45 did you get the info reports in relation to what he was
15:49:48 46 doing, or did that go to someone like Flynn?---No, I think
15:49:53 47 I was getting that - by the time I get to Purana I'm one of

15:49:56 1 however many senior detectives on the crew and we're just
15:49:59 2 basically doing the day-to-day activities that were
15:50:04 3 required for the investigation. I think the information
15:50:07 4 was coming in either through Jim O'Brien or Dale Flynn and
15:50:12 5 then it would be disseminated to us.

6
15:50:14 7 Back to you?---Yes.

8
15:50:16 9 Because that's part of the way - are you familiar with the
15:50:19 10 concept of sterile corridor that you keep talking
15:50:22 11 about?---Yes.

12
15:50:22 13 That's part of the management of the informer is separate
15:50:27 14 from the investigators and the information trickles through
15:50:29 15 the way you have described?---Yeah, the investigators are
15:50:32 16 separated from the people who are managing the source and
15:50:34 17 the risk.

18
15:50:36 19 So the information that was coming in in relation to the
15:50:39 20 activities of [REDACTED] was coming from a number of
15:50:42 21 different sources other than [REDACTED] himself?---Yes.

22
15:50:49 23 [REDACTED]
15:50:53 24 [REDACTED]
15:50:58 25 [REDACTED]
15:51:02 26 [REDACTED]
15:51:06 27 [REDACTED]
15:51:10 28 [REDACTED]
15:51:13 29 [REDACTED]
15:51:17 30 [REDACTED]
15:51:23 31 [REDACTED]

32
15:51:27 33 [REDACTED]
15:51:30 34 [REDACTED]
15:51:35 35 [REDACTED]
15:51:42 36 [REDACTED]
15:51:46 37 [REDACTED]

38
15:51:47 39 [REDACTED]
15:51:51 40 [REDACTED]

41
15:51:53 42 [REDACTED]
15:51:56 43 [REDACTED]
15:52:00 44 [REDACTED]

45
15:52:04 46 [REDACTED]
15:52:09 47 [REDACTED]

1
15:52:11 2
15:52:14 3
15:52:17 4
5
15:52:20 6
15:52:22 7
15:52:24 8
9
15:52:25 10
11
15:52:27 12
15:52:30 13
14
15:52:32 15
15:52:35 16
15:52:37 17
18
15:52:40 19
15:52:41 20
21
15:52:44 22
23
15:52:46 24
15:52:49 25
15:53:11 26
27
15:53:15 28
15:53:17 29
30
15:53:21 31
32
15:53:23 33
15:53:28 34
15:53:29 35
15:53:30 36
15:53:33 37
15:53:36 38
15:53:39 39
15:53:43 40
15:53:48 41
15:53:51 42
15:53:55 43
15:53:58 44
15:54:01 45
15:54:04 46
15:54:08 47

[REDACTED]

MR CHETTLE: I think that's all I have, Commissioner.
Thank you.

COMMISSIONER: Mr Doyle, did you have anything?

MR DOYLE: No questions, Commissioner.

MS RISTIVOJEVIC: Commissioner, we're not in a position, obviously to seek leave to cross-examine this witness or provide any information or assistance to counsel assisting at this stage. We received the redacted form of this witness statement yesterday. I only managed to have a very brief conversation with Mr Mokbel today for some minutes over the telephone. In the absence of him receiving any documentation relating to this witness - and we haven't - as I understand it some of the other parties have not received the documentation referred to in cross-examination by counsel assisting of this witness - we reserve our position to revisit any application to be made on behalf of Mr Mokbel to either cross-examine or provide information to

15:54:11 1 counsel assisting to assist the Commissioner in relation to
15:54:15 2 a number of matters given in evidence by this witness by
15:54:20 3 statement and oral evidence in regards to Mr Mokbel's
15:54:25 4 reference to the evidence of this witness.
5
15:54:28 6 COMMISSIONER: All right then. Thank you, Ms Ristivojevic.
15:54:34 7 Yes, Ms Argiropoulos.
8
15:54:36 9 MS ARGIROPOULOS: I have no re-examination, Commissioner.
10
15:54:39 11 COMMISSIONER: Yes, Ms Tittensor.
12
13 <RE-EXAMINED BY MS TITTENSOR:
14
15:54:43 15 Just one very brief matter. It was put to you incorrectly
15:54:47 16 that Ms Gobbo didn't represent Mr Bednarski following the
15:54:50 17 September 2005 matters. Do you recall that?---Yeah, and I
15:54:54 18 think I said that she did.
19
15:54:57 20 You said she did come to represent him again and you
15:55:00 21 indicated that it was perhaps because of some friendship
15:55:03 22 that she'd established with him?---The difficulty was he -
15:55:08 23 I don't know that I - I can't remember the words I used,
15:55:13 24 but she - they had become friends. I think she had
15:55:18 25 introduced him to [REDACTED] or associates, let's call them
15:55:23 26 associates, so when he gets arrested in June 2006 he calls
15:55:31 27 her.
28
15:55:32 29 We'll come to this in much more detail next time but I just
15:55:35 30 wanted to understand, when she came to represent him again
15:55:42 31 in June of 2006 were you aware that she was in a completely
15:55:46 32 conflicted situation as regards her representation of
15:55:49 33 him?---I don't know that she ever did come to represent him
15:55:51 34 again. He called her but there was - and I know because I
15:55:58 35 spent an enormous amount of time trying to manage it - - -
36
15:56:01 37 She attended to advise him on the day of his arrest, is
15:56:07 38 that not right?---No, that's not right. She spoke to him
15:56:09 39 on the phone.
40
15:56:10 41 She spoke to him on the phone and provided advice to him on
15:56:13 42 the day of his arrest?---He requested to speak to her and
15:56:17 43 so he did.
44
15:56:18 45 And you're aware that at that stage she was in a completely
15:56:21 46 conflicted situation?---Well, she was in the situation she
15:56:27 47 was.

1
15:56:28 2 You were aware at the time that she was in a completely
15:56:31 3 conflicted situation as regards any representation or
15:56:34 4 advice she might give to Mr Bednarski?---I think ultimately
15:56:38 5 she was, but - - -
6
15:56:40 7 And you're aware of that at the time?---He - I have to
15:56:43 8 allow him to ring who he wants to ring. I can't stop him
15:56:47 9 ringing the solicitor he wants to. So - - -
10
15:56:51 11 You say you have no power to stop him ringing her?---No.
12
15:56:57 13 Do you have a power to advise him that she's in a
15:57:01 14 conflicted situation?---No.
15
15:57:03 16 You don't have any power to do that?---No.
17
15:57:06 18 Did you seek any advice as to what you could do in such
15:57:10 19 circumstances?---I think - I'd like to think my
15:57:16 20 understanding of that section of the Crimes Act is pretty
15:57:21 21 good. Ultimately if someone wants to ring a solicitor, we
15:57:24 22 allow them to do it. There's very rare circumstances in
15:57:27 23 which we deny it, and even then it's only temporarily.
24
15:57:32 25 You were aware that her information had led to his
15:57:35 26 arrest?---Yes.
27
15:57:37 28 Were you aware - - -?---Well - - -
29
15:57:41 30 She had provided information which formed the basis of some
15:57:44 31 of the evidence at least against him?---No.
32
15:57:47 33 You're not aware of that, that she'd been providing
15:57:50 34 information which contributed to his arrest?---He had a
15:57:55 35 meeting with [REDACTED] that was recorded, and that's - so
15:58:00 36 if you want to take it a step back, I accept that, but
15:58:02 37 other than that, I don't think so. He had a conversation
15:58:08 38 with [REDACTED] and he was arrested in relation to that
15:58:10 39 conversation.
40
15:58:11 41 Were you aware that she was providing information about
15:58:14 42 Mr Bednarski to the SDU in the lead-up to his
15:58:17 43 arrest?---Yes.
44
15:58:18 45 Were you aware that she was providing the SDU with tips for
15:58:22 46 the investigators about how they might roll Mr Bednarski
15:58:24 47 when he was arrested?---No.

1
15:58:28 2 Thanks, Commissioner.
3
15:58:30 4 COMMISSIONER: Yes, thank you. Thanks very much, Mr Rowe.
15:58:33 5 You'll have to come back in a few weeks but you're free to
15:58:35 6 go for the time being?---Thank you.
7
8 <(THE WITNESS WITHDREW)
9
15:58:38 10 COMMISSIONER: So we can make a start on the next witness?
15:58:40 11
15:58:43 12 MR WINNEKE: Yes, Commissioner, I'm content to do so.
13
15:58:46 14 MR DOYLE: Commissioner, before Mr Bateson is called there
15:58:48 15 is a matter I need to raise as it affects or should affect
15:58:51 16 the way in which his evidence is adduced.
17
15:58:54 18 COMMISSIONER: Yes, Mr Doyle.
19
15:58:58 20 MR DOYLE: Commissioner, last week a number of questions
15:59:00 21 put by counsel assisting were directed to challenging the
15:59:04 22 credibility or reliability of witnesses who were ultimately
15:59:09 23 called by the Crown in criminal trials. Questions of that
15:59:16 24 kind were directed to [REDACTED] and Person 13.
15:59:23 25 Commissioner, you may recall that I pointed out in my own
15:59:26 26 questions that some of those issues had been dealt with not
15:59:31 27 only at trial but by courts of appeal.
28
15:59:37 29 That raises one of the problems with this issue being
15:59:40 30 raised in a broad and general way concerning those
15:59:45 31 witnesses, that is that there is a raft of material
15:59:51 32 available for this Commission to examine which goes to
15:59:56 33 those general questions of credibility and reliability.
34
16:00:09 35 In my submission this Commission needn't examine that
16:00:15 36 vast amount of material because, firstly, it's not clear at
16:00:22 37 all that an enquiry of that kind is supported by the Terms
16:00:27 38 of Reference. And I'm not talking here, Commissioner,
16:00:32 39 about any specific pieces of evidence given by a witness
16:00:38 40 which might be connected to Ms Gobbo's role as a human
16:00:43 41 source. That, plainly, would be supported by the Terms of
16:00:47 42 Reference. I'm talking about an enquiry into credibility
16:00:51 43 and reliability more generally. So that's the first
16:01:00 44 difficulty with it.
45
16:01:03 46 COMMISSIONER: Are there some particular paragraphs of the
16:01:06 47 statement and the topics of this witness that you're

16:01:10 1 wanting to flag here?
2
16:01:13 3 MR DOYLE: It's more a submission, Commissioner, by
16:01:16 4 reference to the way in which he's questioned about certain
16:01:21 5 witnesses with whom he dealt and the submission is that
16:01:23 6 that questioning should not follow the pattern which was
16:01:26 7 followed with [REDACTED] Mr Hatt and Mr L'Estrange.
8
16:01:31 9 COMMISSIONER: If you wouldn't mind being a bit more
16:01:34 10 specific which witnesses.
11
16:01:37 12 MR DOYLE: [REDACTED] and [REDACTED] are the particular ones with
16:01:40 13 which this witness dealt.
14
16:01:52 15 COMMISSIONER: [REDACTED]
16:01:55 16 [REDACTED]
16:01:58 17 [REDACTED]
16:02:01 18 [REDACTED]
19
16:02:12 20 MR DOYLE: One of those witnesses, Commissioner, has their
16:02:15 21 reliability as a central issue, which is raised on a case
16:02:22 22 that's before the Court of Appeal, and that is another
16:02:24 23 discrete difficulty with reliability being explored in a
16:02:29 24 general way in this Commission.
25
16:02:32 26 COMMISSIONER: Of course there will be a non-publication
16:02:34 27 order in respect of those people, any questioning about
16:02:39 28 those people.
29
16:02:44 30 MR DOYLE: Commissioner - - -
31
16:02:44 32 COMMISSIONER: Because of the suppression orders that
16:02:46 33 currently exist, so there'd be a non-publication order, so
16:02:50 34 it wouldn't be going into the public domain.
35
16:02:55 36 MR DOYLE: There's already been material published over the
16:02:57 37 weekend about the general topic of certain witnesses'
16:03:02 38 reliability who were called at trial by the Crown, which
16:03:09 39 decision resides ultimately with Crown Prosecutors.
16:03:13 40 Inevitably it's their decision that is being impugned by
16:03:18 41 that line of questioning. One might cast it as an inquiry
16:03:25 42 into how police came to rely on their evidence, but
16:03:28 43 ultimately I'm talking about people who were called at a
16:03:32 44 trial and they were called at a trial and relied upon by
16:03:36 45 the Crown in front of juries for reasons which we would
16:03:40 46 readily defend. I say by reference to a raft of material.
16:03:47 47 I barely scratch the surface, Commissioner, in referring

16:03:51 1 you to some very small portions of a trial and a couple of
16:03:54 2 judgments. Counsel assisting in their questions did even
16:04:01 3 less than that.
4

16:04:07 5 It's an area that the Commission, in my submission,
16:04:09 6 shouldn't explore for three reasons: firstly, as a
16:04:13 7 discrete topic, it is not supported by the Terms of
16:04:16 8 Reference. Secondly, the reliability of at least some of
16:04:18 9 this evidence will be examined by the Court of Appeal in
16:04:20 10 detail, and this Commission, through Ms Neskovic, recently
16:04:28 11 made it clear to the Court of Appeal at a directions
16:04:32 12 hearing that it did not see as its task the detailed
16:04:36 13 analysis of questions which would be the subject of a
16:04:38 14 decision by the Court of Appeal. So they're the first
16:04:44 15 two - - -
16

16:04:45 17 COMMISSIONER: You're still being a little cryptic for me.
18

16:04:51 19 MR DOYLE: As soon as I get more particular, Commissioner,
16:04:57 20 I risk saying things that aren't suitable for more general
16:05:03 21 broadcast.
22

16:05:04 23 COMMISSIONER: It might be that I have to go into private
16:05:06 24 hearing to understand your submission.
25

16:05:10 26 MR DOYLE: That may be the case, Commissioner.
27

16:05:14 28 COMMISSIONER: Mr Winneke, are you able to assist?
29

16:05:17 30 MR WINNEKE: Commissioner, I know what my learned friend is
16:05:20 31 alluding to. Can I say this: it's certainly not intended
16:05:29 32 in this Royal Commission to either discredit or establish
16:05:35 33 the credit of witnesses who were called in trials that have
16:05:42 34 been heard. But what is sought to do is to, in certain
16:05:51 35 circumstances where Ms Gobbo is involved and there are
16:05:57 36 issues in proceedings where the credibility of a witness is
16:06:02 37 very much up for grabs, if I can put it that way, and it
16:06:08 38 seems that Ms Gobbo may have been involved at various
16:06:13 39 stages - and this really relates to the question of
16:06:19 40 disclosure. One, Ms Gobbo's role and two, a disclosure as
16:06:25 41 to Ms Gobbo's role, to highlight that in that in the case
16:06:31 42 of a particular person, there may be a real issue with
16:06:33 43 respect to that person's credibility. And, as I say, it's
16:06:36 44 not to the point to establish as a matter of fact that the
16:06:42 45 person is not telling the truth. I notice my learned
16:06:45 46 friend sought to, in effect, re-establish the credit of a
16:06:47 47 number of the witnesses, but the real point is in the case

16:06:51 1 of a person who will be in due course, whether it be at
16:06:55 2 committal or trial, subject to challenge, there ought be
16:06:59 3 full and complete disclosure as to the role of Ms Gobbo, if
16:07:05 4 there was a role, in that person's evidence. That is all
16:07:13 5 that we'd seek to do. I certainly don't propose to go down
16:07:16 6 the path of discrediting or seeking to, in a particular
16:07:23 7 way, challenge the credit of a particular witness, and I
16:07:26 8 didn't do so in the case that my learned friend is
16:07:29 9 referring to, although it may be that he took the view that
16:07:33 10 I was. In any event, he sought to re-establish his credit
16:07:38 11 in the way in which he did. But ultimately that is not for
16:07:41 12 this Commission to determine and that's not what we're
16:07:44 13 seeking to do.

14
16:07:45 15 COMMISSIONER: So it's relevant, whatever this evidence
16:07:50 16 that is in dispute is, if it's relevant to whether a case
16:07:56 17 may have been affected and the extent to which it may have
16:07:58 18 been affected by the conduct of Ms Gobbo as a human source,
16:08:01 19 then it's relevant to Term of Reference 1. If it's
16:08:05 20 relevant to the conduct of current and former members of
16:08:10 21 Victoria Police in their disclosures about and recruitment,
16:08:15 22 handling and management of Ms Gobbo as a human source, it
16:08:18 23 is relevant to Term of Reference 2.

24
16:08:20 25 MR WINNEKE: That's correct.

26
16:08:21 27 COMMISSIONER: So does that solve the problem for you?

28
16:08:25 29 MR DOYLE: Commissioner, if I could deal with what my
16:08:27 30 learned friend put. The questioning last week went well
16:08:30 31 beyond establishing the proposition that the credibility or
16:08:33 32 reliability of a witness was in issue. That could be
16:08:36 33 established by a single question and as a matter of record
16:08:40 34 from the trials which were conducted, would be established
16:08:43 35 rather easily. The questioning went well beyond that, into
16:08:47 36 a series of specific reasons why in each case the
16:08:51 37 witnesses' versions of events should be regarded as suspect
16:08:55 38 or unreliable.

39
16:08:58 40 COMMISSIONER: Well, it's the extent to which cases may
16:09:00 41 have been affected, so ultimately the Court of Appeal and
16:09:06 42 whatever other courts come to determine these issues, will
16:09:11 43 determine credibility on the evidence before them, not
16:09:16 44 before this Commission.

45
16:09:19 46 MR DOYLE: Yes, I accept that, Commissioner.

47

16:09:21 1 COMMISSIONER: So it's still relevant for the Commission to
16:09:26 2 determine the extent to which cases may have been affected,
16:09:33 3 and if this isn't examined in some detail the work of the
16:09:38 4 Commission would be thwarted. So maybe if you just make an
16:09:46 5 objection when the appropriate time comes if you feel it is
16:09:49 6 objectionable and we'll deal with it then because at least
16:09:55 7 then I'll know what you're objecting to. I don't fully
16:09:56 8 understand that at this stage.
9

16:09:57 10 MR DOYLE: Commissioner, I found Mr Winneke's explanation
16:09:59 11 of the relevance of this topic rather enlightening and it
16:10:02 12 does seem from what he said that the questioning doesn't
16:10:05 13 need to go beyond establishing the proposition that the
16:10:08 14 reliability of a given witness was in issue. As soon as it
16:10:14 15 goes further into specific reasons then it raises the
16:10:18 16 question what was it, if anything, in the Crown's case
16:10:22 17 which supported those other parts of the witnesses's
16:10:25 18 evidence and as I say, Commissioner, there's a lot of
16:10:27 19 material which we could adduce that goes to those
16:10:30 20 questions.
21

16:10:34 22 COMMISSIONER: Yes. We don't have to make ultimate
16:10:36 23 findings but we do have to decide, as much as we can, the
16:10:39 24 extent to which cases may have been affected. So I'm
16:10:45 25 content to see how we go and have you renew your objection
16:10:51 26 at a particular time if you find the questioning - if you
16:10:55 27 submit the questioning is outside the Terms of Reference.
16:10:58 28 But I'm not going to make any blanket finding that anything
16:11:05 29 relevant to - that could be possibly relevant to the
16:11:08 30 credibility of a witness is outside the Terms of Reference.
31

16:11:13 32 MR DOYLE: I wouldn't seek a ruling cast in those exact
16:11:18 33 terms, Commissioner, but it would be a rare case and a very
16:11:22 34 specific piece of evidence, a specific reasonable doubt of
16:11:27 35 a witness's credit which actually relates to the management
16:11:30 36 of Ms Gobbo as a human source.
37

16:11:35 38 COMMISSIONER: Well, that might be right, but I think the
16:11:37 39 best way forward is to start and then have you raise your
16:11:41 40 objections if and when they arise.
41

16:11:44 42 MR DOYLE: Yes, Commissioner.
43

44 COMMISSIONER: Yes.
45

16:11:48 46 MR WINNEKE: Thanks, Commissioner. I call Stuart Bateson.
47

16:11:52 1 MS RISTIVOJEVIC: Commissioner, at this stage it doesn't
16:11:54 2 appear that we'll have an interest in this witness. I seek
16:11:56 3 to be excused.
4
16:11:58 5 COMMISSIONER: Thanks very much, Ms Ristivojevic.
6
7 Oath or affirmation Mr Bateson?---Oath.
8
16:12:16 9 <STUART DAVID BATESON, sworn and examined:
10
16:12:42 11 COMMISSIONER: Yes.
12
16:12:44 13 MS ENBOM: Mr Bateson, is your full name Stuart David
16:12:48 14 Bateson?---Yes.
15
16:12:49 16 Are you a member of Victoria Police?---Yes, I am.
17
16:12:51 18 Is your address care of Corrs Chambers Westgarth Lawyers,
16:12:55 19 567 Collins Street, Melbourne?---Yes.
20
16:12:57 21 Have you prepared a statement for this Royal
16:12:59 22 Commission?---Yes, I have.
23
16:13:00 24 Do you have a copy with you in the witness box?---I believe
16:13:02 25 so. Yes.
26
16:13:05 27 Is the statement true and correct?---Yes, it is.
28
16:13:09 29 Commissioner, I tender that statement in both unredacted
16:13:13 30 and redacted form.
16:13:15 31
16:13:16 32 #EXHIBIT RC269A - Unredacted statement of Stuart Bateson.
16:13:20 33
16:13:21 34 #EXHIBIT RC269B - Redacted statement of Stuart Bateson.
35
16:13:25 36 COMMISSIONER: Is the redacted statement an agreed redacted
16:13:27 37 statement at this point?
38
16:13:29 39 MS ENBOM: I'm sorry, I missed that?
40
16:13:31 41 MR WINNEKE: Not yet, unfortunately.
42
16:13:32 43 COMMISSIONER: Okay, thank you. Yes, Mr Winneke.
44
45 <CROSS-EXAMINED BY MR WINNEKE:
46
16:13:38 47 Thanks, Commissioner.

1
16:13:44 2 Your rank is commander, is that correct?---Yes.
3
16:13:48 4 And you have been a member of Victoria Police since 1987,
16:13:53 5 is that correct?---Yes.
6
16:13:56 7 You went through the usual process of starting out in
16:14:03 8 uniform, Constable, Senior Constable, Detective Senior
16:14:08 9 Constable and so forth and you progressed, I think, until
16:14:10 10 you became a member of the Homicide Squad as a Detective
16:14:17 11 Senior Constable in 1996, is that right?---Yes.
12
16:14:19 13 And you remained in the Homicide Squad as a Detective
16:14:23 14 Senior Constable until 2001?---Yes.
15
16:14:29 16 And then in 2001 you became a Sergeant, is that
16:14:37 17 right?---Yes.
18
16:14:39 19 Where did you go after you became a Sergeant? I take it
16:14:43 20 you went back into uniform, is that right?---Yes.
21
16:14:46 22 Where did you go in 2001, when you became a
16:14:51 23 Sergeant?---Flemington.
24
16:14:51 25 And you remained there until 2003, whereupon you became a
16:14:59 26 Detective Sergeant and you went back to the Homicide Squad
16:15:02 27 in 2003, is that right?---Correct.
28
16:15:06 29 And it was when you went back to the Homicide Squad in 2003
16:15:13 30 that you started investigating offences which ultimately
16:15:19 31 ended up being investigated by Task Force Purana?---I
16:15:24 32 actually started back in 2000 when I was a senior detective
16:15:28 33 with the Mark Moran murder and the Richard Mladenich
16:15:33 34 murder.
35
16:15:33 36 Right?---I didn't attend the scene of Mark Moran but I did
16:15:37 37 participate in the investigation that followed.
38
16:15:38 39 And what you say is ultimately those investigations
16:15:41 40 transferred - Purana took them over?---Correct.
41
16:15:44 42 When it came into operation, in about May of 2003, is that
16:15:48 43 right?---Less so Richard Mladenich, but Mark Moran was
16:15:53 44 definitely a focus of our crew when I moved to Purana.
45
16:16:05 46 When you were at Purana, when you first went there in
16:16:07 47 October 2003, who were your superior officers?---Gavan Ryan

16:16:14 1 was my Senior Sergeant and Andrew Allen was the Detective
16:16:20 2 Inspector in charge.
3
16:16:21 4 Did that situation remain or did that change over the
16:16:23 5 period of time?---Gavan Ryan was a constant for me as a
16:16:28 6 supervisor, although Jim O'Brien then later came in and
16:16:32 7 they had sort of dual roles, so there was times when I
16:16:35 8 reported things to Jim O'Brien and certainly then in later
16:16:38 9 times he stepped in to be the officer in charge.
10
16:16:45 11 In any event, you remained there until 2007 and after that
16:16:52 12 you became a Detective Senior Sergeant and you went to work
16:16:57 13 in the Crime Strategy Group, which was a separate
16:16:59 14 organisation?---A separate office, the same organisation,
16:17:05 15 yes.
16
16:17:05 17 Yes, but you were drawn back to the Homicide Squad in
16:17:09 18 2008?---Yes.
19
16:17:10 20 As a Detective Senior Sergeant and you remained there until
16:17:14 21 2010?---Correct.
22
16:17:17 23 And after that, from 2010 you became a Detective Inspector,
16:17:24 24 is that right?---Correct.
25
16:17:25 26 In the Security and Organised Crime Intelligence
16:17:29 27 Unit?---Yes.
28
16:17:31 29 And you were promoted in 2014 to Superintendent?---Yes.
30
16:17:37 31 And then in 2017 promoted to the rank of Commander, which
16:17:42 32 is your current position?---Yes.
33
16:17:46 34 Can I ask you about some of your qualifications. You got
16:17:55 35 some qualifications in business in 2011, a Master of
16:18:07 36 Business?---A Master of Business, yes.
37
16:18:10 38 And Applied Management, 2011, also a certificate?---Yes.
39
16:18:18 40 You did a fraud investigation course at La Trobe University
16:18:23 41 in 2001?---Yes.
42
16:18:25 43 And you did some policing investigations at Charles Sturt
16:18:37 44 University in 2000?---Correct.
45
16:18:40 46 When did you first meet Ms Gobbo?---My first memory is of
16:18:46 47 meeting her in 2003.

1
16:18:50 2 That course that you did back in 2001 at La Trobe
16:18:55 3 University, did you meet her then?---I don't think so, no.
4
16:19:00 5 Did that course involve a course in forensic accounting and
16:19:09 6 criminology?---I can't remember the components of it.
7
16:19:12 8 Did you do that with a number of other police officers?
16:19:17 9 Did you do that with Paul Rowe?---No.
10
16:19:24 11 I wonder if perhaps we can put up document
16:19:31 12 LTU.0001.0001.0001. If we just scroll down a couple of
16:19:50 13 pages. I'll cut to the chase. Each of these classes - and
16:20:04 14 it went for an entire year, didn't it?---No, it was an
16:20:08 15 intensive course of a couple of week blocks.
16:20:10 16
16:20:10 17 One three-hour lecture per week in the city, forensic
16:20:15 18 accounting and criminology, fraud prevention and detection,
16:20:21 19 fraud investigation; each of them were one three-hour
16:20:22 20 lecture per week over two semesters?---No, that's not
16:20:26 21 right.
22
16:20:26 23 Isn't it?---No - not for me anyway. I did it in intensive
16:20:29 24 two-week study blocks, as I recall. So it was delivered in
16:20:33 25 a different way.
26
16:20:35 27 According to the records, Ms Gobbo was one of the students
16:20:38 28 at the same time doing exactly the same course as you
16:20:42 29 did?---Where does it say that?
30
16:20:46 31 If we just move up a page. The other direction. Perhaps
16:21:11 32 if we stop there. Fraud prevention and detection, one
16:21:14 33 three-hour lecture per week, a research project, 4,000
16:21:17 34 words; it's in the city. Semester 2, there are a number of
16:21:21 35 people taking the course; Andrew Tregarth, Clive Scott,
16:21:26 36 Robert Cockrell, Geoff Peck. Do those names ring a
16:21:30 37 bell?---I know Andrew Tregarth and I have a memory of Bob
16:21:35 38 Cockrell, but not the others. Is this from 2001?
39
16:21:40 40 2001, yes?---Is that when I did it? I think I did it
16:21:44 41 earlier than that.
42
16:21:44 43 Can we keep going down then. Ultimately it may well be a
16:21:48 44 waste of time. But you say you can't recall. Keep
16:21:56 45 going?---Are these the people that are delivering the
16:22:01 46 lectures or - - -
47

16:22:02 1 Yes, they are. Keep going. This is a list of people doing
16:22:18 2 the course. Is that your name down the - we can see
16:22:21 3 Ms Gobbo's name where the cursor is?---Yes.
4
16:22:26 5 And we can see your name further down, Stuart Bateson. Is
16:22:31 6 that - - -?---Yeah, that's me.
7
16:22:37 8 And then we see - do you know Paul Rowe, the last
16:22:43 9 witness?---I do know Paul.
10
16:22:45 11 He appears to have done the course as well?---I don't think
16:22:47 12 there was that many people in it, to be honest. That is a
16:22:51 13 lot of people.
14
16:22:56 15 Steven Smith, was he doing the course as well?---I know
16:22:59 16 Steve Smith, yeah.
17
16:23:00 18 Do you recall whether he did the course with you as
16:23:02 19 well?---No, I don't recall him doing the course.
20
16:23:03 21 In any event, what I'm going to suggest is that there were
16:23:06 22 four of these subjects, each one contained yourself, Nicola
16:23:09 23 Gobbo and those other people. You don't recall meeting her
16:23:15 24 in any event, is that right?---I don't recall, and
16:23:17 25 certainly when I did that course, it was delivered in
16:23:20 26 intensive two-week blocks.
27
16:23:23 28 With other people, I assume?---Other people were in there,
16:23:27 29 yes.
30
16:23:29 31 In a lecture scenario?---I remember quite distinctly I was
16:23:31 32 in a syndicate with Adrian Healey and Fiona Stapleton.
33
16:23:37 34 Are they there?---Yeah, they're both there.
35
16:23:40 36 In any event, what you say is you're quite clear that you
16:23:44 37 didn't know Nicola Gobbo?---Yeah.
38
16:23:47 39 All right. Okay.
40
16:23:49 41 COMMISSIONER: Were you enrolled externally? Were you an
16:23:51 42 external student for it?---How do you mean "external"?
43
16:23:56 44 That is you perhaps got dispensation because of your work.
16:24:01 45 Did you do it externally and was that the reason for you
16:24:03 46 doing it in - - -?---I don't know. That was what attracted
16:24:07 47 me to that course - - -

1
16:24:08 2 You don't know. It doesn't sound like it?--- - - - that it
16:24:09 3 was delivered in a two-week block, you know, a couple of
16:24:12 4 intensive two-week blocks.
5
16:24:14 6 All right. Thank you. It's all right. Go on, Mr Winneke.
7
16:24:17 8 MR WINNEKE: In any event, what you say is you don't recall
16:24:19 9 her and looking back now, it's so many years ago, you can't
16:24:24 10 remember?---I certainly don't recall meeting her. I
16:24:29 11 recognise some other names in that, Peter Brigham, Paul
16:24:34 12 Rowe, of course, some other people from Victoria Police.
16:24:37 13 The only one I have a real clear memory about is my
16:24:40 14 syndicate, which was Fiona Stapleton and Adrian Healey,
16:24:43 15 because we worked quite closely together on our subject.
16
16:24:47 17 But in any event, it was a course which went for, you say,
16:24:51 18 intensive over a couple of weeks and - - -?---A different
16:24:55 19 couple of week blocks, as I remember it.
20
16:24:57 21 And there were four subjects?---Four subjects, yes.
22
16:25:00 23 All right. Commissioner, I tender those documents for what
16:25:04 24 they're worth, but in any event, you say you don't have a
16:25:09 25 recollection of meeting her until a couple of years
16:25:11 26 later?---No.
27
16:25:12 28 She is quite distinctive, you agree with that, in terms of
16:25:19 29 she was - her appearance is distinctive. She is a tall
16:25:22 30 woman?---Yeah.
31
16:25:26 32 Platinum blonde hair?---I don't know what she looked like
16:25:30 33 back then, but certainly I would have thought perhaps I'd
16:25:34 34 remember her.
35
16:25:35 36 That is why I'm asking you the questions?---I just don't
16:25:37 37 remember there being that many people in the classroom.
16:25:40 38 That's a lot of people.
39
16:25:42 40 It appears to be 35 people?---Yeah. I remember it being
16:25:45 41 quite small, the classroom, the way it was delivered to us.
16:25:50 42
16:25:52 43 #EXHIBIT RC270 - Documents relating to the graduate
16:25:56 44 certificate in fraud investigation at La
16:25:59 45 Trobe University in 2001.
46
16:26:06 47 Did you know a person by the name of Jeff Pope?---Yes, I

16:26:15 1 know Jeff.
2
16:26:15 3 How long have you known him?---Well, I've known him
16:26:18 4 professionally, I guess, more intensely when I worked in
16:26:26 5 Intel and Covert Support, but we grew up in the same area,
16:26:29 6 so we weren't unknown to each other - we didn't mix as
16:26:34 7 friends, but we, at one particular stage, played at the
16:26:39 8 same tennis club, as we later swapped stories.
9
16:26:43 10 When was that?---North Ringwood.
11
16:26:46 12 No, when?---When we were kids.
13
16:26:48 14 He is about your vintage?---I think he is a bit junior to
16:26:51 15 me in terms of the time in the Police Force, but obviously
16:26:56 16 more senior in rank, but we only really started to
16:26:59 17 understand that when we worked together later on.
18
16:27:03 19 Right. Did you ever work with him?---I worked for him in
16:27:09 20 Intel and Covert Support.
21
16:27:11 22 When was that?---That was - you have got it there - the
16:27:18 23 Security and Organised Crime Intelligence Unit.
24
16:27:19 25 Did you see him on other occasions, though, throughout the
16:27:23 26 course of your time in the Police Force earlier than
16:27:26 27 that?---Possibly. I don't have a distinct memory of it. I
16:27:30 28 think he was staff officer to Simon Overland at one
16:27:34 29 particular point, that I have a memory of. I'm sure we ran
16:27:38 30 into each other during that time.
31
16:27:40 32 Did you come into the Police Force at about the same time
16:27:44 33 as he did?---I don't think so. I think he came in after
16:27:47 34 me.
35
16:27:48 36 You know Peter De Santo, I take it?---I do know Peter
16:27:51 37 De Santo, yes.
38
16:27:52 39 I take it you knew him around 2001, 2002, 2003?---I only
16:27:59 40 have a memory of meeting Peter De Santo when I was at
16:28:04 41 Purana - I may have met him previously - but it was only
16:28:07 42 during my work at Purana; we did some crossovers with Ceja
16:28:11 43 Task Force.
44
16:28:12 45 Would that have been around 2003, when you were at Purana,
16:28:15 46 you met him or you worked with him?---2003, 2004. I'm not
16:28:19 47 sure that I worked with him, but we came across each other

16:28:23 1 and tried to de-conflict on a couple of occasions because,
16:28:27 2 obviously, there was some crossover in our work.
3
16:28:30 4 Tried to de-conflict?---It was more so one-sided, but we
16:28:33 5 certainly were trying to understand what was happening in
16:28:37 6 his environment, to get a better understanding of what was
16:28:41 7 happening in ours.
8
16:28:43 9 Did you know Timothy Argall?---Yes, I know Tim.
10
16:28:47 11 How long have you known him for?---I really met Tim when we
16:28:53 12 were both working at the Homicide Squad, so it would have
16:28:57 13 been during those times that we crossed over.
14
16:29:00 15 So that would be around 2001, would it, before you went
16:29:04 16 off - - -?---It depends on when he arrived. I don't know
16:29:09 17 exactly when I met Tim, but I certainly worked with him
16:29:15 18 over a time at Homicide.
19
16:29:18 20 Did you socialise with him when you were at the Homicide
16:29:21 21 Squad?---Not frequently. There may have been office drinks
16:29:25 22 that we did, but we weren't particularly drinking buddies,
16:29:28 23 or anything like that.
24
16:29:29 25 Did you go out on occasions to drink with your fellow
16:29:31 26 members of the Homicide Squad?---Of course.
27
16:29:33 28 Would you go to places such as the Emerald Hotel?---No, not
16:29:37 29 necessarily me. I can't remember that being one of the
16:29:43 30 places we would go as a group, no.
31
16:29:46 32 Did you know that he had a friendship with Ms Gobbo?---I do
16:29:51 33 now. I didn't then.
34
16:29:52 35 You didn't then. Did you never have discussions with him
16:29:56 36 about Ms Gobbo?---Not that I can recall.
37
16:29:59 38 Do you say that you have never spoken to him about
16:30:03 39 Gobbo?---Not that I can recall.
40
16:30:06 41 What about Charlie Bezzina? You obviously know Charlie
16:30:14 42 Bezzina?---I do.
43
16:30:15 44 And you worked with him pretty closely?---I never worked in
16:30:18 45 his crew, but certainly we worked together during my time
16:30:22 46 at - when I say "together", we were in the same office at
16:30:27 47 Homicide for - I think he was there for nearly the whole

16:30:31 1 time I was there.
2
16:30:35 3 Albeit you may not have been in the same crew, if there was
16:30:39 4 information that either one or other of you knew that the
16:30:42 5 other one might be interested in, you would share
16:30:44 6 information, I take it?---I would hope so, yes.
7
16:30:48 8 As you say, if he, investigating some other matter, came
16:30:56 9 into information which he believed you might be interested
16:30:58 10 in, he would provide you with that information?---I'd hope
16:31:01 11 he would, yes.
12
16:31:03 13 And vice versa, I would assume?---Yes.
14
16:31:09 15 You were aware that he was engaged, in 2004, in the
16:31:17 16 high-profile investigation into the death of the Hodsons,
16:31:19 17 you're aware of that?---Yes.
18
16:31:21 19 And I take it at that stage you were at the - you were in
16:31:29 20 Purana at that stage?---Yes.
21
16:31:32 22 And if there was any matters which may well have been of
16:31:36 23 interest to you and he, then you would have communications
16:31:40 24 between each other about those matters then?---I don't
16:31:45 25 recall any such communications. I would suspect that if
16:31:49 26 there was information that he had to share with Purana,
16:31:52 27 that would not be to me, as a Detective Sergeant, it would
16:31:55 28 probably be either to Andy Allen or Gavan Ryan, as senior
16:32:02 29 members. I don't suspect that he would be sharing that
16:32:04 30 information with me. I think he would go through the
31 established - - -
32
16:32:09 33 It would go up the tree and then if it needed to come to
16:32:12 34 you, it may come down?---Yes.
35
16:32:14 36 And that's the way information is generally transferred; if
16:32:19 37 it is deemed to be important to another investigation, it
16:32:21 38 might go to a more senior officer or the head officer?
16:32:27 39 Say, for example, Purana, it might go to Andy
16:32:32 40 Allen?---Correct.
41
16:32:35 42 COMMISSIONER: I'm conscious that the transcribers have
16:32:37 43 been sitting for three hours, and so has everyone else.
44
16:32:42 45 MR WINNEKE: Yes, they have.
46
16:32:43 47 COMMISSIONER: Is this the last witness we're going to deal

16:32:45 1
2
16:32:49 3
4
16:32:51 5
16:32:53 6
7
16:32:54 8
16:32:58 9
16:33:03 10
16:33:06 11
16:33:09 12
16:33:12 13
14
16:33:15 15
16:33:17 16
17
16:33:20 18
19
16:33:22 20
16:33:25 21
16:34:26 22
16:34:27 23
16:34:27 24
16:34:36 25
15:14:31 26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

with in this set of hearings?

MR WINNEKE: Yes, it is, Commissioner.

COMMISSIONER: How long do you expect we'll be with this witness?

MR WINNEKE: Mr Bateson's evidence covers a fairly wide period of time, but it's anticipated that we won't go through all of it at this stage. I'm sorry, Mr Bateson, it may be necessary to come back. It may well be that we could conclude the part that we're interested in, so far as this tranche of hearings is concerned, tomorrow.

COMMISSIONER: Yes. Would you like to start at 9.30 to ensure that?

MR WINNEKE: No, I don't think we need to.

COMMISSIONER: All right then. We'll adjourn until 10 o'clock.

<(THE WITNESS WITHDREW)

ADJOURNED UNTIL TUESDAY 2 JULY 2019