

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 27 March 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor Ms P.A. Neskovic QC Mr S. Mukerjea
Counsel for Victoria Police	Mr S. Holt QC Ms R. Enbom Ms K. Argiropoulos Mr B. Murphy QC Mr M. McLay
Counsel for State of Victoria	Dr C. Button SC Mr L. Brown
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Mr C. Caleo QC Mr P. Doyle Ms K. O'Gorman
Counsel for Police Handlers	Mr G. Chettle Ms L. Theis

10:14:50 1 COMMISSIONER: Before I take appearances this morning there
10:14:53 2 are two points I have to make. The first is that enquiries
10:14:57 3 recently made of the Commission suggest that some people
10:15:00 4 may wish to make a confidential submission to the
10:15:04 5 Commission but are concerned that the Commission may not
10:15:06 6 treat it confidentially. If anyone has such a concern I
10:15:10 7 encourage them to make an appointment with a Commission
10:15:13 8 officer to discuss it. The second is that this Commission
10:15:15 9 is cognisant of its responsibility to the welfare of
10:15:19 10 witnesses who give evidence before it.

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10:15:20 12 Senior Commission staff have consulted with Victoria
10:15:23 13 Police and the Police Association about this issue. These
10:15:26 14 organisations will have support staff present at all public
10:15:30 15 hearings for current and former police witnesses who
10:15:32 16 require assistance. Alternatively, any Commission
10:15:36 17 witnesses, any Commission witnesses in need of a
10:15:39 18 assistance, including but by no means limited to police
10:15:43 19 officers or former police officers, can speak to the
10:15:46 20 Commission's Witness Care Coordinator Ms Claire Malone, who
10:15:50 21 is present today, either in person at a hearing or by phone
10:15:55 22 on the Commission's 1800 number. Ms Malone will explain
10:15:57 23 how to contact the Commission's independent counselling
10:16:02 24 service.

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10:16:02 26 I will now take appearances. Mr Winneke.

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10:16:05 28 MR WINNEKE: If it please the Commission I appear with
10:16:09 29 Ms Penny Neskovic, Mr Andrew Woods and Ms Megan Tittensor
10:16:14 30 to assist the Commission.

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32 COMMISSIONER: Thank you.

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10:16:15 34 MR HOLT: May it please the Commission, I appear with
10:16:16 35 Ms Enbom and Ms Argiropoulos for Victoria Police.
10:16:19 36 Mr Murphy of Queen's counsel, Mr McDonald and Mr McLay also
10:16:25 37 appear for Victoria Police, as the Commissioner will be
10:16:28 38 aware, in respect of public interest immunity issues.

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40 COMMISSIONER: Thank you Mr Holt. Yes.

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10:16:32 42 DR BUTTON: Commissioner, my name is Ms Button. I appear
10:16:32 43 with Mr Brown for the State of Victoria.

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45 COMMISSIONER: Thank you.

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10:16:39 47 MR CHETTLE: Commissioner, I appear for the named former

10:16:43 1 members of the SDU together with my learned friend
10:16:46 2 Ms Theis. I don't want to name them for reasons that I'll
10:16:49 3 come to in a moment.
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10:16:50 5 COMMISSIONER: Yes, thank you Mr Chettle. Yes, other
10:16:54 6 appearances.
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10:16:56 8 MR COLLINSON: Commissioner, my name is Collinson. I
10:16:58 9 appear with Mr Nathwani for Ms Nicola Gobbo.
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10:17:04 11 COMMISSIONER: Thank you. Thank you Mr Collinson. Yes.
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10:17:08 13 MR DOYLE: May it please the Commissioner, my name is
10:17:11 14 Mr Doyle. I appear with Ms O'Gorman for the Director of
10:17:14 15 Public Prosecutions and the solicitor for the Public
10:17:16 16 Prosecutions.
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10:17:16 18 COMMISSIONER: Thank you Mr Doyle. Are there any other
10:17:25 19 appearances? All right then. Yes Mr Winneke.
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10:17:28 21 MR WINNEKE: Commissioner, we are shortly to commence
10:17:30 22 calling evidence from a number of police officers in public
10:17:33 23 hearings to enable this Commission to make findings,
10:17:38 24 amongst other matters, about the conduct of current and
10:17:43 25 former members of Victoria Police in their disclosures
10:17:46 26 about and recruitment, handling and management of Ms Gobbo
10:17:51 27 as a human source and the number of and extent to which
10:17:56 28 cases may have been affected by the conduct of Ms Gobbo as
10:17:59 29 a human source. These witnesses are expected to be the
10:18:04 30 first amongst many witnesses who the Commission will hear
10:18:07 31 from on and off over the next few months. As many of the
10:18:12 32 witnesses as possible will be called to give evidence in
10:18:14 33 public. Only when it is considered necessary to ensure
10:18:19 34 safety and/or the integrity of the inquiry will witnesses
10:18:24 35 be heard behind closed doors.
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10:18:27 37 Commissioner, the first witness to be called is
10:18:29 38 Assistant Commissioner Neil John Paterson, who on 19
10:18:33 39 October 2015 commenced in that rank as the officer
10:18:38 40 responsible for the Intelligence and Covert Support Command
10:18:44 41 department of the Victoria Police Force. Mr Paterson will
10:18:48 42 provide evidence concerning the history of the relationship
10:18:51 43 between Victoria Police and Nicola Gobbo. It's a long and
10:18:57 44 involved story but it will be filled out not only by
10:19:02 45 Mr Paterson in a more summary form, but by individual
10:19:08 46 police officers who will be called in the ensuing days to
10:19:13 47 fill out that picture.

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The reason Mr Paterson has been called at this early stage is because he will also provide evidence in the early stages of this inquiry concerning Victoria Police's processes and procedures in place for the recruitment, management and handling of human sources with legal obligations and confidentiality and privilege from 1993 to the present. Victoria Police's awareness of investigations and recommendations into its use of human sources and its legal obligations of confidentiality and privilege, and best practices both in Australia and overseas in this area. He will also give evidence of his view as to whether Victoria Police has identified weaknesses and shortcomings in its processes and procedures generally and specifically with respect to its use of Ms Gobbo.

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He will also give evidence of his views as to whether Victoria Police has identified any failures or shortcomings which led to a failure to disclose the use of information obtained by Ms Gobbo to persons charged with offences and to the prosecuting authorities, both State and Federal.

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He will also give evidence as to his view as to whether Victoria Police has identified misconduct on the part of serving or former members of Victoria Police or his view as to whether Victoria Police has identified behaviour that may have fallen below appropriate policing standards.

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As I indicated, the first group of witnesses after Mr Paterson will be those police officers who are able to give direct evidence as to their contact with Ms Gobbo, starting in about 1993, which was a point in time where Ms Gobbo was the owner of a house which was the subject of a raid by District Support Group, Victoria Police and various offences were identified. And those witnesses will follow through in a chronological sequence in the early stages of her relationship with police from 93 through to her first registration in 1995 and then a second registration in 1999 and there will be some detail in that evidence.

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Commissioner, before I call any witnesses can I briefly inform the Commission of the work that has been going on since the establishment of this Royal Commission. Can I say this, Commissioner, that more than 100 Notices to Produce documents pursuant to the provisions of the *Inquiries Act* have been served and Notices to Attend to

10:22:21 1 give evidence. The Notices to Produce have been issued
10:22:25 2 against 12 entities, the most significant obviously being
10:22:30 3 Victoria Police.
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10:22:32 5 To date the Royal Commission has received
10:22:34 6 approximately 33,000 documents, some of which documents
10:22:41 7 number hundreds of pages and those documents are currently
10:22:45 8 being reviewed and it's confidently expected that thousands
10:22:50 9 more documents are going to be produced as this Commission
10:22:55 10 inquiry continues.
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10:22:57 12 To date there have been approximately 90 submissions
10:23:00 13 made about various matters and about 35 of those
10:23:05 14 submissions are made on behalf of persons who are concerned
10:23:10 15 that criminal proceedings involving them may have been
10:23:13 16 affected by the conduct of Ms Gobbo and the conduct of
10:23:18 17 members of Victoria Police.
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10:23:21 19 Commissioner, the bulk of those documents and the bulk
10:23:24 20 of the submissions obviously concern the first two Terms of
10:23:29 21 Reference.
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10:23:29 23 The first Term of Reference, as the Commissioner is
10:23:32 24 aware, requires it to inquire into and report upon the
10:23:37 25 number of and extent to which cases may have been affected
10:23:40 26 by the conduct of Ms Gobbo as a human source.
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10:23:47 28 Now, as you're aware also, when this inquiry first was
10:23:53 29 established information provided by Victoria Police made it
10:23:58 30 clear that Ms Gobbo had been registered as an informer from
10:24:04 31 September of 2005 until January of 2009, a period of
10:24:10 32 approximately three and a half, three years and five months
10:24:13 33 or thereabouts.
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10:24:14 35 Not long after the Commission commenced its work it
10:24:17 36 was informed that in fact Ms Gobbo was first registered as
10:24:21 37 an informer in 1995 and then again in 1999, as I've
10:24:26 38 indicated. As was indicated in the initial public hearing
10:24:31 39 in this inquiry that significantly increased the work to be
10:24:34 40 done.
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10:24:35 42 Commissioner, we were informed a few days ago by
10:24:39 43 representatives of Victoria Police that whilst in fact
10:24:42 44 Ms Gobbo was deregistered as an informer in January of
10:24:47 45 2009, in fact she continued to provide information to
10:24:52 46 members of Victoria Police as an informer until August of
10:24:56 47 2010. We're informed now that finally on 27 August 2010

10:25:08 1 then Chief Commissioner Simon Overland issued an
10:25:12 2 instruction to members of Victoria Police that it would no
10:25:14 3 longer receive intelligence from Ms Gobbo. So it appears
10:25:18 4 certainly as of now that our Commission, or the task of the
10:25:26 5 Commission ceases on or about 27 August 2010 or at least
10:25:30 6 the time frame that we're interested in. So it's a very
10:25:33 7 significant time frame.

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10:25:35 9 Now, insofar as Term of Reference 1 is concerned,
10:25:38 10 given that length of time and the potential number of cases
10:25:43 11 that may have been affected, and we're informed by the
10:25:50 12 Offices of Public Prosecution, State and Federal, that she
10:25:54 13 acted for approximately 600-odd people in that period and
10:26:00 14 obviously that means that there are going to be voluminous
10:26:06 15 materials that this Commission is going to have to work
10:26:09 16 through.

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10:26:11 18 It's our view, Commissioner, that given those, or that
10:26:16 19 task and the breadth of that task it can really only be
10:26:20 20 effectively done expeditiously if there is a genuine and
10:26:25 21 coordinated effort on the part of all of the participants
10:26:29 22 in the criminal justice process, that is the investigators,
10:26:34 23 Victoria Police, the prosecutors, that is the Offices of
10:26:39 24 Public Prosecution State and Federal, and Commission staff
10:26:42 25 to examine those cases.

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10:26:44 27 In addition, Commissioner, I've already indicated the
10:26:48 28 35-odd submissions which have been made by persons who
10:26:51 29 considered that their cases may have been affected.
10:26:53 30 Obviously those people will be involved and their legal
10:26:56 31 representatives, involved in getting through this task.

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10:27:04 33 Only if there is a genuine and cooperative effort to
10:27:09 34 get through these cases will the Commission be able to
10:27:13 35 effectively carry out its task and to that end,
10:27:17 36 Commissioner, we have sought to establish what might be
10:27:21 37 described as a collaborative working group in relation to
10:27:25 38 the first Term of Reference. Now, that working group, if
10:27:29 39 you like, will comprise representatives of Victoria Police,
10:27:33 40 the State and Commonwealth prosecution authorities and
10:27:38 41 Commission staff.

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10:27:39 43 Now I call it a working group. Effectively what it
10:27:42 44 means is that it's anticipated that representatives of the
10:27:48 45 organisations will work through the cases and there will be
10:27:52 46 priority cases, in particular the priority cases will be
10:27:57 47 those cases where people are currently in custody and I'll

10:28:00 1 come back to that in due course, and the idea is that as we
10:28:03 2 go through each case there will be someone from each of
10:28:07 3 those organisations focusing on that particular case and so
10:28:11 4 there is, it's hoped and expected that there will be in
10:28:20 5 effect a collegiate effort to get to the nub of the issues
10:28:22 6 with respect to each of those cases and either put them to
10:28:23 7 one side if it's quite clear that the cases haven't been
10:28:27 8 affected, or alternatively focus and drill into them if
10:28:31 9 there is a concern that the cases may have been affected.

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10:28:37 11 Assistance from the police in identifying information
10:28:39 12 that may have been provided by Gobbo to police and then
10:28:44 13 disseminated to investigators is fundamental and important
10:28:47 14 to that task. Assistance from prosecution authorities as
10:28:51 15 to the significant issues in the trial and as to particular
10:28:55 16 documents which will enable the focus of all looking into
10:29:02 17 these cases to be directed to the important issues will be
10:29:05 18 significant and it's expected that that assistance will be
10:29:10 19 provided by the prosecuting authorities and I can say,
10:29:15 20 Commissioner, that I'm confident that that assistance will
10:29:17 21 be provided. It's commenced already.

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10:29:26 23 Commissioner, as I say, that process has started.
10:29:30 24 There have been some teething issues which have caused
10:29:35 25 frustration on the part of the Commission in terms of
10:29:37 26 obtaining documents, particularly from Victoria Police. It
10:29:40 27 is recognised that there is a significant task to be
10:29:42 28 carried out by Victoria Police and there are significant
10:29:46 29 numbers of documents. We are prepared to assume that that
10:29:50 30 is the cause for any delays at present and one assumes that
10:29:54 31 as we move forward there won't be any of those delays.

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10:29:59 33 I indicated that the view of the Commission, at least
10:30:04 34 the lawyers assisting the Commission, is that there should
10:30:08 35 be priority cases. Those cases are people who are in
10:30:11 36 custody. To that end we have been attempting to determine
10:30:15 37 which affected persons might still be in custody as a
10:30:19 38 result of the conduct of Ms Gobbo as a human source. At
10:30:25 39 present, albeit we have requested that information
10:30:29 40 consistently now from 15 February 2019, we have not got an
10:30:33 41 answer to that so we have not been able to complete that
10:30:36 42 list of priority cases. We are expecting that that
10:30:39 43 information will be provided very soon.

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10:30:49 45 Commissioner, as you appreciate, the Letters Patent
10:30:56 46 require the Commission to work cooperatively if you like
10:31:00 47 with other organisations and require us not to duplicate

10:31:07 1 investigations that have been carried out and also require
10:31:10 2 us to avoid affecting or potentially prejudicing cases that
10:31:18 3 are or may be before the courts. We understand there are
10:31:22 4 at present about three cases that are in the process of
10:31:27 5 coming before the court so obviously we'll be cognisant of
10:31:33 6 that.

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10:31:34 8 So that really is what I've got to say by way of
10:31:36 9 opening. Before I call the evidence from Mr Paterson it
10:31:44 10 may well be that there are a couple of housekeeping matters
10:31:48 11 that need to be dealt with. I can say this, Commissioner,
10:31:51 12 that we sought a statement from Mr Paterson on 22 February
10:31:57 13 and we sought that that statement be provided by 18 March.
10:32:03 14 The statement was provided on 22 March or thereabouts

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10:32:10 16 COMMISSIONER: The 20th, yes, that's right.

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10:32:13 18 MR WINNEKE: Thereabouts. And on Monday we were finally
10:32:17 19 provided with the statement with aspects of it in effect
10:32:24 20 identified, and it has been suggested that a significant
10:32:29 21 amount of that statement ought not go into the public
10:32:34 22 domain because of issues of public interest immunity. Now,
10:32:39 23 since then we've had ongoing discussions and a considerable
10:32:42 24 amount of those, I suppose, blackouts or intended blackouts
10:32:48 25 have been removed as a result of those discussions. It's
10:32:51 26 unfortunate that we've had to take up a lot of time doing
10:32:56 27 that but that's occurred. There do remain a couple of
10:32:59 28 issues where our learned friends assert claims of public
10:33:08 29 interest immunity.

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10:33:08 31 COMMISSIONER: So this is a claim being made by Victoria
10:33:11 32 Police?

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10:33:11 34 MR WINNEKE: By Victoria Police.

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10:33:12 36 COMMISSIONER: But not by the State of Victoria.

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10:33:15 38 MR WINNEKE: Not by the State of Victoria but Victoria
10:33:17 39 Police. Can I say this: that there are a couple of matters
10:33:24 40 where agreement can be reached, that is by removing aspects
10:33:30 41 of the statement, and that can be done. There are matters
10:33:37 42 which we would regard as significant to our inquiry which
10:33:42 43 we would seek to lead before the Commission in open, in
10:33:47 44 public, but we are informed, and we assume that this is a
10:33:51 45 genuine claim and we understand that it is, that there are
10:33:54 46 aspects of that statement which should not go into the
10:33:58 47 public domain because of concern for the safety of

10:34:01 1 particular persons. Now, as a result of discussions which
10:34:07 2 occurred late yesterday, late last night and the provision
10:34:12 3 of further materials, in particular the material that's
10:34:16 4 been provided to this Commission, our learned friends would
10:34:20 5 seek time to consider whether in fact the claim that
10:34:25 6 they're seeking to make in respect of this disputed
10:34:28 7 evidence indeed can be made. Now, as far as the Commission
10:34:32 8 is concerned we're keen to get on with the evidence and
10:34:35 9 call Mr Paterson. We are prepared to park that issue for a
10:34:41 10 short period of time, certainly insofar as Mr Paterson's
10:34:45 11 evidence is concerned, but it does need to be determined
10:34:47 12 very soon because we propose to call witnesses who will
10:34:52 13 drill into that evidence, which we'd consider to be
10:34:55 14 significant evidence, we expect on Monday. So that issue
10:34:58 15 will need to be resolved. Now, as I understand it, either
10:35:04 16 Mr Murphy or Mr Holt may be able to address you further
10:35:07 17 about this, but it's expected that investigations as to
10:35:11 18 whether or not the claim is in fact appropriately made or
10:35:15 19 necessary to be made will, can be carried out today,
10:35:20 20 tomorrow and over the next couple of days by which time it
10:35:25 21 may well mean there will be no issue or it may well mean
10:35:29 22 that there will be an issue but at the moment we're not
10:35:31 23 certain about that. Mr Murphy might be able to assist in
10:35:34 24 that regard or Mr Holt, I'm not too sure.

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10:35:39 26 COMMISSIONER: Yes. Perhaps it is appropriate now to hear
10:35:42 27 from someone on behalf of VicPol.

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29 MR HOLT: Thank you, if it please the Commission.

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31 COMMISSIONER: Yes Mr Holt.

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10:35:46 33 MR HOLT: As our learned friend has indicated, the vast
10:35:47 34 majority of those public interest immunity claims have
10:35:48 35 resolved. There are two issues in effect left and the most
10:35:53 36 significant one is the one that our learned friend has
10:35:56 37 alluded to. For obvious reasons, Commissioner, if I need
10:35:59 38 to go into detail about that I would ask that to be done in
10:36:04 39 private because otherwise the nature of the claim would be
40 removed. I expect that I can supply the Commission with
10:36:04 41 sufficient information in this context to allow that to
10:36:08 42 occur.

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10:36:09 44 COMMISSIONER: The statement that I have is paragraph
10:36:12 45 numbered so you can refer to paragraph numbers.

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10:36:15 47 MR HOLT: I'm grateful. Can I indicate this: the nature of

10:36:17 1 the claim that our learned friend refers to relates to a
10:36:22 2 quintessential issue of safety. We were provided last
10:36:25 3 night, and I don't mean that in any sense critically, by
10:36:25 4 the Commission with a particular document. That particular
10:36:29 5 document, if I can put it bluntly, changes the face of that
10:36:31 6 issue quite dramatically but unquestionably for reasons
10:36:35 7 that we've explained to our learned friend, but which
10:36:37 8 cannot not be traversed in public at least at this stage,
10:36:42 9 raise very clear inquiries that now need to be immediately
10:36:45 10 undertaken directly related to the question of safety. We
10:36:49 11 well understand that the Commission will be seeking to get
10:36:51 12 on with those matters. We well understand the importance
10:36:54 13 of that topic to the work of the Commission and we
10:36:56 14 understand that those witnesses are intended to be called
10:36:58 15 on Monday and all I can do, Commissioner, is simply assure
10:37:01 16 the Commission that that will be attended to, in fact is I
10:37:04 17 would expect as of now being attended to as a matter of
10:37:06 18 urgency. My expectation will be that we would be in a
10:37:10 19 position to at the very least update the Commission as to
10:37:13 20 the matter by Friday because I think the nature of the task
10:37:16 21 will become apparent very quickly. And as our learned
10:37:19 22 friend indicates, that will either require the claim to be
10:37:22 23 properly made and advanced on the basis of that new
10:37:25 24 information, received or not made and either way the way
10:37:30 25 forward will be clear. And I do seek that time to do that.

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10:37:31 27 I'm enormously grateful to our learned friend for the
10:37:35 28 indications given today that the Commission is prepared to
10:37:40 29 proceed with the evidence of Mr Paterson in a way that
10:37:42 30 permits, if I can use his language, that issue and another
10:37:46 31 issue where we have asked for a little more time and it's
10:37:50 32 been granted and we're grateful for those issues not to be
10:37:52 33 traversed with Mr Paterson, understanding that that may
10:37:56 34 result in a recall or other witnesses being questioned at a
10:37:58 35 later stage.

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10:37:59 37 COMMISSIONER: And I have your assurance that as soon as
10:38:01 38 you have the information you're seeking you'll inform the
10:38:06 39 Commission of that?

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10:38:07 41 MR HOLT: You have my assurance of that, Commissioner. In
42 terms of the evidence of Neil Paterson otherwise and in
10:38:08 43 large measure because of those issues and the way in which
10:38:11 44 they needed to be addressed there are two further matters
10:38:14 45 that we wish to raise in respect of Mr Paterson's evidence.

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10:38:17 47 The first is, and we've raised it with the Commission,

10:38:19 1 is our respectful request that the live streaming of the
10:38:24 2 Commission be delayed by 15 minutes and orders be made
10:38:27 3 which would ensure that if an objection is taken to
10:38:31 4 evidence given within that 15 minute window in effect that
10:38:32 5 there be non-publication, subject of course to the orders
10:38:36 6 that the Commissioner would make about those. We've
10:38:38 7 respectfully provided our learned friend with a form of
10:38:42 8 orders which we understand are acceptable to senior counsel
10:38:45 9 assisting and we'd respectfully invite the Commission to
10:38:49 10 make those orders.

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10:38:50 12 COMMISSIONER: Yes. Mr Holt, you've seen the proposed
10:38:53 13 draft orders I think that have been tweaked a bit since - -
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10:38:55 16 MR HOLT: I may not have seen the tweaking. Might I
10:38:59 17 approach my learned friend?
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10:39:00 19 COMMISSIONER: Yes, please. And then in addition to that I
10:39:01 20 think it would be necessary to make an order under s.26 to
10:39:05 21 cause a copy of the order to be posted on the door of this
10:39:10 22 hearing room and the hearing rooms to which the proceeding
10:39:13 23 is being streamed.
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10:39:15 25 MR HOLT: Yes, and certainly we respectfully accept the way
10:39:19 26 in which the orders are put in 1 and 2, and that ought to
10:39:21 27 be published. In respect of 3, those are matters for
10:39:25 28 others in terms of that being published but that's a matter
10:39:29 29 for the Commission, in the sense that there are names in
10:39:31 30 that order.
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10:39:32 32 COMMISSIONER: Are you concerned about the names being
10:39:34 33 there? Because that's something I wanted to raise with you
10:39:37 34 because under s.26 it has to be posted on the door of the
10:39:42 35 hearing room.
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10:39:43 37 MR HOLT: Yes. It's not a matter which Victoria Police has
10:39:46 38 an interest in so I don't advance a submission in respect
10:39:49 39 of it, I simply note that when the Commissioner asks about
10:39:51 40 posting on the door, the orders we seek are 1 and 2 and we
10:39:53 41 have no submission to make to the contrary being posted on
10:39:57 42 that basis.
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44 COMMISSIONER: Well it's in your interest I should think
10:40:01 45 that there be no publication of the order.
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10:40:04 47 MR HOLT: We support that, thank you.

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COMMISSIONER: Yes.

MR HOLT: The other aspects of that which we've, in terms of Mr Paterson's evidence, again, recognising that this is the first live witness and there will be an element of figuring out process on the basis of as things emerge but our learned friend has indicated support of that process, that obviously if issues arise in the course of questioning which might raise public interest immunity issues, then we will take a conservative approach in terms of identifying those so that they're not inadvertently live streamed and matters - the genie let out of the bottle if I can put it that way.

COMMISSIONER: Yes.

MR HOLT: The only other matter is a purely practical one. Assistant Commissioner Paterson, as well as being the first witness is also the Victoria Police officer with ownership and responsibility of these areas which carry with them acute responsibility for human safety, as the Commissioner will appreciate. I would be enormously grateful and would seek the opportunity following this hearing simply to confirm these arrangements with Assistant Commissioner Paterson so that he can give evidence in a way comfortable that he understands, that those orders for example, about live streaming have been made.

COMMISSIONER: Okay. Will Mr Paterson's statements of some of the things he refers to in his statement be affected by the suppression orders that are still in place until 12 April in relation to documents tendered in AB and EF?

MR HOLT: The short answer to the Commissioner's question is yes.

COMMISSIONER: But you've got that in hand, have you?

MR HOLT: We've discussed that with our learned friend senior counsel assisting. Those matters are there. They are referenced very clearly as to when they refer to documents that are the subject of suppression and plainly they can't be published on that basis.

COMMISSIONER: All right then.

10:41:40 1 MR HOLT: They are clearly identified within the material.
10:41:41 2 Thank you Commissioner.
10:41:41 3
10:41:42 4 COMMISSIONER: Before you sit down, Mr Holt, do you have a
10:41:45 5 statement - what is the best way to proceed at this stage?
10:41:52 6 Should we tender for identification an unredacted copy of
10:41:58 7 Mr Paterson's evidence and then tender a copy with the
10:42:06 8 agreed redactions for the moment blacked out on it, is that
10:42:10 9 the best way to proceed?
10:42:12 10
10:42:12 11 MR HOLT: Can I deal with that in two parts, Commissioner?
10:42:14 12 In terms of, senior counsel assisting indicated this
10:42:18 13 morning, and we take no issue with it, his preferred
10:42:21 14 approach would be for the unredacted statement to be
10:42:24 15 tendered, marked for identification but subject to
10:42:27 16 suppression orders which we would seek, non-publication
10:42:29 17 orders which we would seek, so that it is a document that
10:42:32 18 is otherwise utterly secure until those claims are
10:42:35 19 finalised. If that order is made then there is presently a
10:42:38 20 heavily redacted version of that statement which I'm not
10:42:40 21 sure has yet been updated for the concessions that have
10:42:44 22 been made over the course of last night and this morning.
10:42:46 23 Plainly that needs to be done quickly. Once that is done
10:42:49 24 we would have no difficulty with that being tendered. But
10:42:51 25 as we understand it our learned friend proposes to lead
10:42:55 26 Mr Paterson's statement, at least evidence to some extent
10:42:58 27 as least viva voce, such that it wouldn't prevent us from
10:43:02 28 getting on with it, if I can put it that way.
10:43:03 29
10:43:03 30 COMMISSIONER: Are you saying that you're going to need
10:43:05 31 time to prepare a statement with the limited redactions in
10:43:09 32 that are now agreed that could be tendered?
10:43:12 33
10:43:12 34 MR HOLT: That should be prepared over the course of this
10:43:15 35 morning but I'm not sure it needs to hold matters up unless
10:43:20 36 our learned friend takes a different view.
10:43:21 37
10:43:22 38 COMMISSIONER: I see, all right then. Are there any other
10:43:23 39 parties that want to be heard on this?
10:43:28 40
41 MR COLLINSON: I'm not sure where to go, Commissioner, but
42 if I can find a spot at the Bar table.
43
44 COMMISSIONER: Sorry, can you just remind who you're - - -
45
10:43:31 46 MR COLLINSON: I'm for Ms Gobbo.
47

10:43:33 1 COMMISSIONER: Thanks Mr Collinson, sorry. It will take me
10:43:37 2 a while to get used to unfamiliar faces.
10:43:40 3
10:43:41 4 MR COLLINSON: Yes indeed. I might be here for a while.
10:43:43 5
10:43:44 6 COMMISSIONER: Yes, I dare say you will be, Mr Collinson.
10:43:45 7 I'm sure we'll be old friends by the time we're finished.
10:43:50 8
10:43:51 9 MR COLLINSON: If Your Honour pleases. Commissioner, can I
10:43:52 10 do this by referring to paragraph 3.7 of Mr Paterson's
10:43:57 11 statement.
10:44:15 12
10:44:15 13 COMMISSIONER: 3.70?
10:44:17 14
10:44:17 15 MR COLLINSON: Well, it's numbered just 3.7 in my copy.
10:44:22 16
10:44:22 17 COMMISSIONER: We don't have matching statements I'm
10:44:25 18 afraid.
10:44:25 19
10:44:26 20 MR COLLINSON: It's on p.7.
10:44:38 21
10:44:38 22 COMMISSIONER: Yes. Right 3.7, yes, thank you.
10:44:41 23
10:44:41 24 MR COLLINSON: If I can speak in generalities of course.
10:44:44 25 Commissioner, you will know that that begins a narrative
10:44:48 26 commencing in about 1993 involving Ms Gobbo. There's a
10:44:54 27 particular person identified in paragraph 3.8, line 2.
10:44:59 28
10:45:00 29 COMMISSIONER: Yes.
10:45:00 30
10:45:01 31 MR COLLINSON: And my instructions are that my client would
10:45:06 32 wish to have that information and the identity of that
10:45:12 33 person not publicly revealed and that would mean that such
10:45:24 34 material as might do it inferentially would not be referred
10:45:30 35 to as well. I regret that I only got these instructions
10:45:34 36 last night because we only received this statement last
10:45:37 37 night and I haven't raised it with my learned friend
10:45:40 38 Mr Winneke, but the invitation I would be proffering is of
10:45:45 39 course we all want to get on with it, but whether the story
10:45:48 40 might be told without that relevant identifying information
10:45:53 41 being disclosed for the time being.
10:45:55 42
10:45:55 43 COMMISSIONER: So are you asking that the whole paragraph -
10:46:00 44 - -
10:46:00 45
10:46:01 46 MR COLLINSON: No, just the identity information.
10:46:02 47

10:46:03 1 COMMISSIONER: So just the identity. So it would read that
10:46:08 2 she was living with her de facto partner, X or Y or
10:46:11 3 something?
10:46:12 4

10:46:13 5 MR COLLINSON: I really had in mind of course not revealing
10:46:16 6 information that would of course inferentially identify the
10:46:20 7 person. I'm sure my friend could do it in this part of the
10:46:25 8 narrative without condescending to the level of detail that
10:46:29 9 would - - -
10:46:29 10

10:46:29 11 COMMISSIONER: It is pretty important to the narrative
12 because the sentence that he received and the sentence that
10:46:33 13 she received, no doubt there will be some questions asked
10:46:35 14 about that.
10:46:36 15

10:46:37 16 MR COLLINSON: Yes. The issue that I'm instructed about
10:46:40 17 pertains to safety concerns. I haven't had the opportunity
10:46:45 18 to obtain more particulars around that but that's the
10:46:49 19 concern.
10:46:49 20

10:46:50 21 COMMISSIONER: Yes. Well, I understand that but it seems,
10:46:56 22 given the identity of some of the people involved later in
10:47:02 23 the narrative on whom your client was informing, perhaps in
10:47:10 24 perspective it's not such a big deal.
10:47:13 25

10:47:15 26 MR COLLINSON: Yes, but the safety concern is a real one.
10:47:20 27 I'd observe, Commissioner, that the person involved, it
10:47:26 28 doesn't go anywhere, this part of the story in terms of
10:47:29 29 that particular person.
10:47:30 30

10:47:30 31 COMMISSIONER: He turns up again in 95.
10:47:33 32

10:47:34 33 MR COLLINSON: Yes. If the Commissioner would look at
10:47:39 34 paragraph 3.15.
10:47:46 35

10:47:46 36 COMMISSIONER: Yes, but that might be something that
10:47:53 37 counsel assisting or perhaps others might want to explore.
10:47:56 38

10:47:56 39 MR COLLINSON: I wonder whether it could be done this way:
10:48:00 40 I haven't yet had the opportunity to refine the
10:48:02 41 instructions I've had. I'm sure, Commissioner, you know
10:48:06 42 the difficulty we have at a practical level in obtaining
10:48:09 43 instructions at least in a responsive way quickly. Would
10:48:17 44 it be possible for at least this morning to avoid that
10:48:20 45 information being disclosed while we have the opportunity
10:48:23 46 to seek further instructions about this aspect?
10:48:29 47

10:48:30 1 COMMISSIONER: How much time would you be seeking,
10:48:32 2 Mr Collinson?
10:48:33 3
10:48:33 4 MR COLLINSON: Well, as much as possible is all I can say.
10:48:37 5 At least until lunchtime, until the end of lunchtime.
10:48:41 6
10:48:41 7 COMMISSIONER: I'll see what Mr Winneke has to say. Yes,
10:48:45 8 thank you. Mr Winneke or Ms Neskovicin, who is going to
10:48:48 9 address me on this topic? You are, Mr Winneke?
10:48:52 10
10:48:52 11 MR WINNEKE: Yes, Commissioner. Firstly, this is the start
10:48:57 12 of the narrative and the intention is to start at the
10:49:02 13 beginning and as to - it's not clear to me, my learned
10:49:09 14 friend says look we don't want the name of the person
10:49:12 15 identified, well a name's a name. That name I might say is
10:49:17 16 in the public domain in any event as far as I know. That's
10:49:21 17 been published, so that's the first thing. Secondly, is it
10:49:27 18 suggested that the question of where that person resides,
10:49:35 19 how he comes to be there, that that oughtn't be adduced
10:49:42 20 because that inferentially might identify him? It's
10:49:46 21 intimately connected with the picture of what occurs in 93
10:49:50 22 through to 95. It's an important part of the narrative and
10:49:54 23 in our submission it's important to tell the story and for
10:50:03 24 the Commissioner to understand what went on. I might say
10:50:06 25 my learned friend refers to paragraph 3.15 and the
10:50:14 26 Commissioner indicated that it may well be that we seek to
10:50:18 27 flesh that out with the witnesses, not just with
10:50:21 28 Mr Paterson, but if you go to 3.12 you'll see there's a
10:50:27 29 reference to a note made in Sergeant Ashton's notebook
10:50:35 30 which may well answer that question or provide some sort of
10:50:39 31 an answer to that question.
32
10:50:54 33 Aside from anything else, my learned friend has said
10:50:59 34 it's a question of safety. Well, clearly there are issues
10:51:03 35 of safety and the Commissioner has heard about the
10:51:06 36 submissions which were made in the Supreme Court, Court of
10:51:11 37 Appeal and the High Court about the risks, et cetera. Any
10:51:16 38 incremental risk that might arise in this case would be, at
10:51:22 39 the most, extraordinarily marginal in our submission, given
10:51:27 40 the evidence about the other risks, like it or not, that
10:51:32 41 Ms Gobbo is confronted with. In our submission it's
10:51:39 42 appropriate to lead that part of the story. The question -
10:51:44 43 this issue isn't raised by the police with respect to
10:51:48 44 public interest immunity. I might say it was raised, it
10:51:51 45 was one of the areas that was raised. But it has now been
10:51:56 46 accepted by Victoria Police that there is no question of
10:51:58 47 public interest immunity with respect to this information

10:52:01 1 and that being the case in our submission it's material
10:52:06 2 which ought be before the Commission.
10:52:09 3
10:52:09 4 COMMISSIONER: Thank you. Anything by way of reply
10:52:11 5 Mr Collinson?
10:52:12 6
10:52:13 7 MR COLLINSON: Nothing in reply.
10:52:14 8
10:52:14 9 COMMISSIONER: Mr Collinson, your application for more time
10:52:18 10 to obtain information to support your application for
10:52:24 11 redaction of this material is refused as I'm not satisfied
10:52:28 12 that anything would be gained by more time.
13
10:52:33 14 Given the terms of the Amended Letters Patent of this
10:52:38 15 Royal Commission and the comments by all of the judges of
10:52:46 16 the High Court in AB and CD v EF and CD, at paragraph 10,
10:52:57 17 that: "Despite safety considerations the disclosure is
10:53:04 18 compelling, the maintenance of the integrity of the
10:53:07 19 criminal justice system demands the information be
10:53:07 20 disclosed", I am not satisfied that your application for
10:53:14 21 redaction of this material could be made out and I refuse
10:53:18 22 it. Thank you.
10:53:19 23
10:53:19 24 MR COLLINSON: If the Commissioner please.
10:53:23 25
10:53:23 26 MR CHETTLE: Commissioner, can I now enter the fray.
27
28 COMMISSIONER: Yes.
29
10:53:27 30 MR CHETTLE: Issues of safety, I seek an order that there
10:53:28 31 be a prohibition of publication of the names and images of
10:53:33 32 the former members of the Source Development Unit, SDU.
10:53:39 33
10:53:39 34 COMMISSIONER: Yes. Now I had an apprehension that there
10:53:41 35 may have been an agreed acronyms to be used for the former
10:53:47 36 handlers of the SDU between Victoria Police and the
10:53:53 37 Commission lawyers.
10:53:54 38
10:53:54 39 MR WINNEKE: As I understand it, Commissioner, that each of
10:53:57 40 those people have been given pseudonyms and they're
10:54:02 41 specific pseudonyms. I'm not too sure whether Mr Chettle
10:54:05 42 knows them or not.
10:54:06 43
10:54:06 44 COMMISSIONER: I don't know them.
45
10:54:08 46 MR WINNEKE: I don't know them either.
10:54:08 47

10:54:08 1 MR CHETTLE: As I understood there had been a proposal that
10:54:13 2 they be known as Operative A, B, C, D, E and F.
10:54:13 3
10:54:13 4 COMMISSIONER: Well I think something more specific might
10:54:16 5 be needed because I understood the Commission felt it was
10:54:19 6 necessary to have the ranks disclosed, and I thought -
10:54:25 7 Mr Holt, can you assist is there some agreement?
10:54:27 8
10:54:27 9 MR HOLT: There was a proposal put in correspondence to us
10:54:31 10 I think yesterday which proposed that and we agree with it.
10:54:35 11
10:54:36 12 COMMISSIONER: Have pseudonyms been agreed?
13
10:54:39 14 MR HOLT: In the letter that was provided to us by your
10:54:41 15 solicitors, yes, there was.
10:54:42 16
10:54:42 17 COMMISSIONER: And someone should inform Mr Chettle of
10:54:45 18 those.
10:54:45 19
10:54:45 20 MR HOLT: I'm not sure necessarily that those pseudonyms
10:54:49 21 cover every one of Mr Chettle's client so he may need to
10:54:54 22 have a look at that issue.
10:54:56 23
10:55:00 24 MR CHETTLE: I'm happy with whatever is adopted. As long
10:55:02 25 as their identities and their image is projected, and their
10:55:04 26 images is probably more important than anything. And it
10:55:08 27 should extend to one gentleman who is not my client who is
10:55:12 28 deceased, for reasons that I could explain.
10:55:12 29
10:55:12 30 COMMISSIONER: All right. Well I might - perhaps you could
10:55:15 31 have a short conversation with Mr Chettle about this,
10:55:20 32 Mr Winneke.
10:55:22 33
10:55:22 34 MR WINNEKE: Yes, by all means, Commissioner, I can do
10:55:25 35 that.
10:55:26 36
10:55:26 37 COMMISSIONER: It probably will be able to be sorted by a
10:55:28 38 conversation.
10:55:28 39
10:55:29 40 MR CHETTLE: Which would ultimately lead to an order by
10:55:33 41 consent hopefully.
10:55:34 42
10:55:34 43 MR WINNEKE: I would imagine so. Can I say this,
10:55:39 44 Commissioner, part of the work that, as I understand it
10:55:41 45 Victoria Police, Mr Murphy has been engaged in, has been to
10:55:45 46 provide disclosure or at least to lay the groundwork for
10:55:49 47 providing disclosure to persons whose cases may have been

10:55:53 1 affected. Now, already I think in relation to one person
10:55:58 2 that process has been completed. Now, in that process of
10:56:02 3 disclosure particular members of the handlers SDU have been
10:56:10 4 given pseudonyms. It would seem to be appropriate for the
10:56:14 5 purposes of that exercise, and also this exercise, that
10:56:17 6 they maintain the same name so if anyone looking at the
10:56:21 7 evidence and looking at disclosure materials needs to
10:56:28 8 compare and contrast, then they can do so. So our
10:56:31 9 submission would be that those names be used. Mr Murphy,
10:56:35 10 as I understand it, has provided names. I don't know
10:56:38 11 whether he has made them up but someone has and if we can
10:56:43 12 allocate each of those names to each of the persons. If
10:56:47 13 any names haven't been allocated that can be done and those
10:56:50 14 names can continue to be used, rather than A, B, C and D.
10:56:55 15 I think it is always easier to be actually dealing with
10:56:58 16 real names.

10:56:58 17

10:56:59 18 COMMISSIONER: That's right. And I think you have told me
10:57:01 19 you need the rank.

10:57:03 20

10:57:04 21 MR WINNEKE: And also the rank, I think that's got to be
10:57:08 22 information which people are aware of because clearly the
10:57:11 23 rank of a police officer is significant.

10:57:12 24

10:57:13 25 COMMISSIONER: To the system in operation.

10:57:14 26

10:57:14 27 MR WINNEKE: Yes.

10:57:14 28

10:57:15 29 COMMISSIONER: Yes, absolutely.

10:57:16 30

10:57:17 31 MR MURPHY: Commissioner, I might just indicate in relation
10:57:18 32 to that we can provide them today.

10:57:20 33

10:57:21 34 COMMISSIONER: Thanks Mr Murphy, and that would make sense
10:57:23 35 to have, not to have different pseudonyms for different
10:57:28 36 processes. It is confusing enough.

10:57:30 37

10:57:31 38 MR MURPHY: One of them is not Winneke.

10:57:33 39

10:57:34 40 MR WINNEKE: I'm glad to hear that.

10:57:36 41

10:57:37 42 MR CHETTLE: I'm happy with all of that, Commissioner, but
10:57:38 43 can I say I still seek an order that there be no
44 publication of the names or images of the former members of
10:57:45 45 the SDU? We'll certainly use the pseudonyms that are
10:57:46 46 agreed in relation to them, but either inadvertently or
10:57:53 47 deliberately I don't want photographs or names to be

10:57:56 1 mentioned of these people. But for reasons that
10:57:59 2 Mr Paterson would be well able to explain there are real
10:58:03 3 safety issues involved for many people, and again I don't
10:58:10 4 take it that that's objected to.
10:58:12 5
10:58:12 6 COMMISSIONER: Will people know who the former members of
10:58:15 7 the SDU are? Perhaps you have to be more specific in the
10:58:19 8 order that you seek.
10:58:20 9
10:58:21 10 MR CHETTLE: They lived a very short time in the course of
10:58:24 11 this unit, I mean it went over a period of years, their
10:58:27 12 names and identities are known. The unit was disbanded.
10:58:33 13 It ceased to exist in 2009, 10, somewhere, 12. Yes, 12.
10:58:42 14 We need an order and the difficulty is I can't name the
10:58:43 15 names without - - -
10:58:44 16
10:58:45 17 COMMISSIONER: We can prohibit the publication of the
10:58:48 18 order. That's what usually happens I think in these
10:58:50 19 instances. But there's not much point in making an order
10:58:55 20 if people can't understand it. I'll just see - what do you
10:58:57 21 say, Mr Holt?
10:58:57 22
10:58:58 23 MR CHETTLE: I can give you the names now provided they're
10:59:00 24 not published.
10:59:01 25
10:59:02 26 MR HOLT: Commissioner, our position is that we strongly
10:59:04 27 support the basic proposition that there is a slightly
10:59:06 28 knotty issue in terms of the question of publication
10:59:08 29 because we would, sorry, even in terms of the names being
10:59:12 30 put up, for example, on an order on the door of the
10:59:16 31 Commission hearing room, for example.
32
33 COMMISSIONER: Yes.
34
10:59:16 35 MR HOLT: Because that would create the very risk that the
10:59:19 36 order is designed to deal with. And we accept, can I say,
10:59:22 37 and are in a position to provide confidential evidence if
10:59:26 38 the Commission requires it in support of Mr Chettle's
10:59:28 39 position, which is that any publication of those names,
10:59:32 40 even in the form of the names on the door, would create a
10:59:37 41 really significant risk. Recognising that creates a really
10:59:38 42 knotty problem but we are dealing with a relatively small
10:59:41 43 cohort of people and it may just be that it's the lesser of
10:59:44 44 two evils in some ways is to make an order in more general
10:59:49 45 terms and then seek to police it closely which we would
46 certainly be assisting in doing.
47

10:59:50 1 COMMISSIONER: So you would be supporting the order in that
10:59:52 2 form?
10:59:53 3
10:59:54 4 MR HOLT: We would. And the unusual circumstances,
10:59:57 5 recognising difficulties, but putting it up on the door,
11:00:01 6 for example, would defeat the entire purpose of the order
11:00:04 7 in the unique circumstances of this case. I'm aware of the
11:00:08 8 difficulty that creates.
11:00:09 9
11:00:09 10 COMMISSIONER: Yes. Mr Winneke.
11:00:10 11
11:00:10 12 MR WINNEKE: Commissioner, in relation to the names, and
11:00:13 13 that's not an issue, an order can be made to the effect
11:00:16 14 that there be no publication of the real persons of persons
11:00:19 15 in the SDU who have been given pseudonyms. Insofar as the
11:00:25 16 images are concerned, really it would have to be confined
11:00:31 17 to images that have come about as a result of the provision
11:00:35 18 of evidence by them in this Commission because otherwise
11:00:38 19 it's a bit difficult to make an order that there be no
11:00:41 20 publication of the images of these people who, people who
11:00:46 21 might well be disposed to publish those images they'll know
11:00:55 22 who they are.
11:00:55 23
11:00:55 24 COMMISSIONER: Yes, that's right.
11:00:56 25
11:00:57 26 MR WINNEKE: There'd be inadvertent breaches of the order
11:01:02 27 left, right and centre. So the real point would be, in our
11:01:04 28 submission, that if there be images, for example if these
11:01:06 29 people are coming into and out of court and pictures are
11:01:10 30 taken of them and they're filmed, those images simply could
11:01:14 31 not be published and that would be the subject of the order
11:01:17 32 it would seem to me.
11:01:17 33
11:01:17 34 COMMISSIONER: So how about this, no publication of the
11:01:20 35 real names or images of members of Victoria Police's former
11:01:24 36 SDU giving evidence in this Commission who have been given
11:01:28 37 pseudonyms by this Royal Commission? Does that cover it?
11:01:34 38
11:01:35 39 MR WINNEKE: The only - I suppose the only, the problem
11:01:37 40 with that is that it doesn't make it clear that the
11:01:40 41 publication relates to images, the non-publication order
11:01:47 42 relates to images which have come about because of their
11:01:50 43 giving evidence.
11:01:54 44
11:01:54 45 COMMISSIONER: Or relating to the giving of evidence? No
11:01:59 46 publication of the real names or images of members of the
11:02:02 47 former SDU relating to the giving of evidence in this

11:02:06 1 Commission, to this Commission who have been given
11:02:12 2 pseudonyms by this Royal Commission. If you can do
11:02:15 3 something better.
11:02:17 4
11:02:17 5 MR HOLT: Commissioner, might we with respect be given the
11:02:22 6 opportunity to do something better? I'm acutely conscious
11:02:25 7 of the risk and we are dealing with, as well as persons who
11:02:27 8 might give evidence and be given pseudonyms, there may well
11:02:31 9 be reference to persons who are not in that category but
11:02:34 10 who are former members of the SDU in respect of whom the
11:02:35 11 risk is just as acute, and we would seek to have orders
11:02:39 12 that do what the Commissioner suggests but perhaps has a
11:02:42 13 catch-all as well that deals with anyone who has worked at
11:02:45 14 the SDU even if they're not persons who have given
11:02:48 15 evidence. That may well be apparent from documents or the
11:02:52 16 material that comes.
11:02:53 17
11:02:53 18 COMMISSIONER: All right, then. I won't make any order
11:02:55 19 until you can come back to me with something. The three of
11:02:58 20 you can come back to me with something.
21
22 MR HOLT: We'll do that as quickly as we can.
23
11:03:03 24 COMMISSIONER: Then Mr Paterson's statement should also be
11:03:05 25 amended to use the agreed pseudonyms.
11:03:08 26
11:03:09 27 MR HOLT: Precisely. So I would expect it can be done in
11:03:12 28 the context of dealing with the next version with the
11:03:14 29 redactions, we will ensure that is done.
11:03:18 30
11:03:18 31 MR CHETTLE: I might say, Commissioner, the version of
11:03:20 32 Mr Paterson's statement that I have had names redacted
11:03:24 33 anyway so I don't know that they were even named.
11:03:26 34
11:03:26 35 COMMISSIONER: I don't think you were given the full
11:03:29 36 version. So there will be a new more complete version
11:03:33 37 available later.
11:03:38 38
11:03:39 39 MR CHETTLE: Thank you.
11:03:39 40
11:03:41 41 COMMISSIONER: Yes.
11:03:41 42
11:03:42 43 MR WINNEKE: Commissioner, I'm confident that those persons
11:03:47 44 aren't named in the statement redacted or otherwise,
11:03:53 45 they're not in the statement.
11:03:55 46
11:03:55 47 COMMISSIONER: Right.

11:03:55 1
11:03:56 2 MR WINNEKE: Can I deal with a couple of the matters that
11:03:59 3 have been - - -
11:03:59 4
11:04:00 5 COMMISSIONER: Yes, I thought there was actually. Yes, I
11:04:03 6 think there was.
7
11:04:05 8 MR WINNEKE: Quite right. No, I withdraw that. I'm
11:04:07 9 corrected, there are. And clearly there's no issue that
11:04:13 10 those names will be provided with the pseudonyms. Can I
11:04:20 11 deal with the question of the outstanding issue of public
11:04:27 12 interest immunity that Mr Holt has sought to make or
11:04:32 13 depending on his inquiries? Could we seek this or say
11:04:36 14 this, Commissioner, that we, rather than this issue being
11:04:45 15 parked until Friday, can it be brought forward to Thursday,
11:04:48 16 that is any investigations, the outcome of investigations
11:04:54 17 be, we be provided with information about that on Thursday?
11:04:58 18 That may well then enable any argument to be made on
11:05:03 19 Friday. If it appears for whatever reason that that
11:05:07 20 information simply can't be obtained by that stage, well
11:05:10 21 and good but it would be our preference, Commissioner, that
11:05:13 22 that matter be put to bed by the end of this week.
11:05:17 23
11:05:17 24 COMMISSIONER: So are you asking for it to be mentioned on
11:05:20 25 Thursday morning or at the close of proceedings on
11:05:22 26 Thursday?
11:05:23 27
11:05:23 28 MR WINNEKE: I think Thursday morning. Our learned friends
11:05:25 29 should be in a position to say whether they have completed
11:05:28 30 their investigations or not, with respect.
11:05:31 31
11:05:31 32 MR HOLT: We are more than content to update the Commission
11:05:35 33 tomorrow morning. The nature of that update I simply can't
11:05:38 34 predict.
11:05:39 35
36 COMMISSIONER: I understand.
37
38 MR HOLT: We're perfectly happy, Commissioner, to - - -
39
11:05:40 40 COMMISSIONER: All right then. Let's see how we're going
11:05:42 41 tomorrow morning on that point.
11:05:44 42
11:05:44 43 MR HOLT: Thank you Commissioner.
11:05:45 44
11:05:46 45 COMMISSIONER: Perhaps the next point was to go back to the
11:05:49 46 orders proposed about streaming today?
11:05:51 47

11:05:52 1 MR WINNEKE: Yes, Commissioner. That seems with respect to
11:05:55 2 be a sensible suggestion that there be delayed streaming by
11:05:59 3 15 minutes.
4
5 COMMISSIONER: Sure.
6
11:05:59 7 MR WINNEKE: That can be achieved. What can't be achieved
11:06:02 8 though is that the press room or the press gallery if you
11:06:09 9 like has live streaming, so it won't be able to be delayed
11:06:13 10 into that room, so it would need to be made clear in the
11:06:17 11 order that the public streaming be delayed by 15 minutes
11:06:20 12 but also any publication of material that comes from the
11:06:29 13 witness box be delayed by 15 minutes also. So we would
11:06:32 14 propose in relation to that, Commissioner, that an order
11:06:37 15 along these lines be made: pursuant to s.26(1) of the
11:06:42 16 *Inquiries Act* that the Internet streaming and publication
11:06:49 17 of the evidence of witnesses in this proceeding be the
11:06:58 18 subject of a 15 minute delay so that if evidence is given
11:07:03 19 that the Commissioner determines should not be published,
11:07:06 20 then steps can be taken to restrict the streaming of that
11:07:10 21 evidence.
11:07:11 22
11:07:12 23 COMMISSIONER: Sorry, the Internet streaming and
11:07:13 24 publication - - -
11:07:16 25
11:07:17 26 MR WINNEKE: Of the evidence of witnesses to be given in
11:07:24 27 the course of hearings be the subject of a 15 minute delay.
11:07:29 28
11:07:29 29 COMMISSIONER: Okay. So that's basically the same as the
11:07:32 30 old paragraph 1 except it relates to all witnesses, not
11:07:36 31 just to - - -
11:07:38 32
11:07:38 33 MR WINNEKE: Not just to Assistant Commissioner Neil
11:07:41 34 Paterson.
11:07:41 35
11:07:41 36 COMMISSIONER: Which seems sensible I think. I think
11:07:45 37 that's clear enough. I can simply state, remind people at
11:07:50 38 the end that that also applies not only to this hearing
11:07:57 39 room but also the streamed hearing rooms in Courts 8 and 2.
11:08:02 40
11:08:02 41 MR WINNEKE: Yes.
11:08:03 42
11:08:03 43 COMMISSIONER: Yes.
11:08:04 44
11:08:04 45 MR WINNEKE: In addition to that, Commissioner, a second
11:08:07 46 order that, so order number 2, in the event that (a) an
11:08:15 47 objection is taken during oral evidence, (b) a claim of

11:08:21 1 public interest immunity is made; or (c) an application for
11:08:25 2 an in camera or non-publication order is made, that part of
11:08:31 3 the hearing not be published until further order.

11:08:38 4
11:08:38 5 COMMISSIONER: And then the next one requested is that - -
11:08:42 6 -
11:08:42 7

11:08:42 8 MR WINNEKE: Yes, Commissioner, can I just say this:
11:08:45 9 during the course of the public hearings there will be
11:08:52 10 reference to certain persons - Ms Gobbo has provided
11:08:58 11 information to Victoria Police in relation to all sorts of
11:09:03 12 different people, all sorts of different things. Some of
11:09:07 13 the things that she's, or some of the people about whom she
11:09:11 14 has provided information and which will find its way into
11:09:17 15 this hearing concern people in relation to whom no charges
11:09:21 16 have been laid and otherwise no suggestion of improper
11:09:27 17 conduct has been alleged or proved.

11:09:29 18
11:09:30 19 COMMISSIONER: Yes.

11:09:30 20
11:09:30 21 MR WINNEKE: Now it's obviously not the intention of this
11:09:33 22 Commission to trammel the reputations of people who are, or
11:09:36 23 in relation to whom there's no suggestion of impropriety.
11:09:40 24 So in those circumstances it would seem appropriate
11:09:43 25 pursuant to s.26 to make an order that there be no
11:09:46 26 publication of the names of such persons. Now I can say
11:09:51 27 this, Commissioner, that in the statement of Mr Paterson,
11:09:56 28 and it may well be in due course there will be references
11:09:58 29 to others, but in particular in the statement of
11:10:00 30 Mr Paterson there's references to three people, one of whom
11:10:06 31 was her employer, a solicitor, [REDACTED], in 1997
11:10:14 32 and 98 she was employed by [REDACTED]. Equally there are
11:10:19 33 references to a barrister [REDACTED] and to a
11:10:24 34 solicitor [REDACTED]. Now in our submission it
11:10:28 35 would be appropriate that the Commission make an order that
11:10:34 36 any information that may enable the identity of Ms Gobbo's
11:10:38 37 employer in 1997 and 1998, [REDACTED] and
11:10:44 38 [REDACTED]
11:10:50 39 be embargoed from publication. So in effect the order
11:10:56 40 would be that pursuant to s.26(1) of the *Inquiries Act* no
11:11:00 41 publication of this order or information that may enable
11:11:03 42 the identity of Ms Gobbo's employer in 97 and 98, [REDACTED]
11:11:09 43 [REDACTED] or [REDACTED], [REDACTED] or
11:11:15 44 [REDACTED]

11:11:16 45
11:11:16 46 COMMISSIONER: Right. And then I would need under s.26 to
11:11:19 47 cause a copy of the order to be posted on the doors of the

11:11:22 1 hearing rooms.
11:11:22 2
11:11:23 3 MR WINNEKE: That's correct. And obviously there couldn't
11:11:25 4 be any reference or publication of that order either.
11:11:27 5
11:11:27 6 COMMISSIONER: Yes. Yes. Nobody wants to be heard to the
11:11:31 7 contrary, I take it? And I take it I've heard all
11:11:36 8 submissions from any parties who wanted to be heard on the
11:11:39 9 redaction of the statement of Mr Paterson? Yes, thank you.
11:11:47 10
11:11:48 11 MR WINNEKE: I should say, Commissioner, that the
11:11:51 12 Commission has communicated with at least [REDACTED] and
11:11:56 13 there hasn't been communication with the other people
11:12:00 14 mentioned but nonetheless we take the view that this is an
11:12:03 15 appropriate course to take in any event.
11:12:05 16
11:12:05 17 COMMISSIONER: Yes. All right, thank you. Well no
11:12:08 18 submissions to the contrary, I'm satisfied the orders
11:12:10 19 should be made and I order under s.26(1) of the *Inquiries*
20 *Act*:
21
11:12:17 22 1. The Internet streaming and publication of the
11:12:20 23 evidence of witnesses to this Commission be the subject of
11:12:24 24 a 15 minute delay so that if evidence is given that the
11:12:29 25 Commissioner determines should not be published, then steps
11:12:31 26 can be taken to restrict the streaming of that evidence.
27
11:12:35 28 2. In the event that:
29
11:12:38 30 (a) an objection is taken during oral evidence;
11:12:42 31 (b) a claim of public interest immunity is made;
11:12:46 32 (c) an application for an in camera or non-publication
11:12:48 33 order is made, that part of the hearing not be published
11:12:52 34 until further order.
35
11:12:56 36 3. That there be no publication of this order or any
11:13:00 37 information that may enable the identity of Ms Gobbo's
11:13:04 38 employer in 1997 and 1998, [REDACTED] or
11:13:11 39 [REDACTED], [REDACTED] or [REDACTED].
11:13:19 40 [REDACTED].
41
11:13:20 42 4. I cause a copy of this order to be posted on the
11:13:25 43 doors of this hearing room and the hearing rooms to which
11:13:29 44 this proceeding is being streamed.
45
11:13:32 46 I remind everybody that this order of course applies
11:13:36 47 not only to evidence given in this hearing room, Court 1,

11:13:43 1 but also the streamed hearing rooms in Courts 8 and 2.
2
11:13:50 3 All right then. So I think perhaps the best thing to
11:13:53 4 do is to now allow for a short adjournment, is that what's
11:13:58 5 requested?
11:13:58 6
11:13:59 7 MR WINNEKE: I think Mr Holt wants to speak to his witness.
11:14:03 8
11:14:04 9 MR HOLT: To Assistant Commissioner Paterson and also it
11:14:06 10 might be an opportunity for us to finally settle the words
11 11 of that order in respect of SDU.
12
13 COMMISSIONER: Yes.
14
11:14:08 15 MR HOLT: I think that would be a sensible course given the
11:14:10 16 risks involved. So if we might have a little longer than
11:14:14 17 10 minutes I foreshadowed.
11:14:16 18
11:14:16 19 COMMISSIONER: Yes. Perhaps if we resume at 11.30. We'll
11:14:20 20 take this as the midmorning break and resume at 11.30.
21
22 MR HOLT: May it please the Commission.
23
24 COMMISSIONER: All right then, we'll adjourn.
11:15:03 25
26 (Short adjournment.)
27
11:49:54 28 COMMISSIONER: Yes Mr Winneke.
11:49:56 29
11:49:57 30 MR WINNEKE: Commissioner, Mr Neil Paterson is to be called
11:50:00 31 and I'll call him. I think the process will be this. He's
11:50:07 32 being represented by Mr Holt. Mr Holt will in effect take
11:50:11 33 him through his evidence but that will simply be asking him
11:50:14 34 to identify his statement and tendering that statement in
11:50:17 35 the way in which we've discussed and then I will, in
11:50:21 36 effect, take him through his evidence then in that way.
11:50:23 37
11:50:24 38 COMMISSIONER: Yes, thank you.
11:50:25 39
11:50:25 40 MR HOLT: Just prior to that occurring can I indicate two
11:50:27 41 matters for the benefit of the Commissioner. As the
11:50:30 42 Commissioner knows, the statement that Mr Paterson has
11:50:32 43 given was requested from him but relates to a 26 year
11:50:37 44 period which deals with a large number of matters in
11:50:40 45 respect of which he had no personal knowledge. As a result
11:50:42 46 of that, and following discussions with our learned friend
11:50:44 47 assisting the Commission, we understand, but I seek the

11:50:48 1 Commissioner's leave to do so, that it's not objected to if
11:50:52 2 Mr Paterson has with him a copy of his statement given that
11:50:57 3 he's dealing with matters that have been collated over a
11:50:59 4 relatively short period of time relating to a very long
11:51:01 5 period of time, so I do seek that leave.
11:51:03 6
11:51:03 7 COMMISSIONER: Yes. No objection from anyone?
8
9 MR WINNEKE: No objection.
10
11:51:04 11 COMMISSIONER: Yes, I'll allow that to happen. So will he
11:51:08 12 have the unredacted copy?
11:51:11 13
11:51:11 14 MR HOLT: Sorry, that was the second matter I was going to
11:51:15 15 raise. I will have him identify an unredacted copy and
11:51:18 16 then I will ask for that to be marked for identification
11:51:21 17 with an order that it be sealed and ordered essentially not
11:51:24 18 to be opened without further order of the Commission, with
11:51:27 19 the expectation that the redacted version in its agreed
11:51:32 20 form will be provided as shortly as possible and I can
11:51:35 21 confirm that that work is already under way this morning to
11:51:36 22 have that done.
11:51:36 23
11:51:37 24 COMMISSIONER: All right, thank you.
11:51:38 25
11:51:38 26 MR HOLT: And then other than that copy he will have his
11:51:40 27 own copy of the statement that he will refer to during the
11:51:42 28 course of the evidence with the leave that the Commissioner
11:51:45 29 has just granted.
30
11:51:47 31 The other issue, and I said two but there are three, I
11:51:48 32 apologise, the third issue is in relation to the orders for
11:51:51 33 a 15 minute delay to permit public interest immunity claims
11:51:53 34 to be made if they need to be made or identified and
11:51:56 35 resolved before the genie is out of the bottle. As I
11:52:00 36 mentioned this morning, Assistant Commissioner Patterson is
11:52:04 37 the senior police officer with ownership of this area and
11:52:07 38 as a result is in effect the person who is the first
11:52:09 39 primary point of contact to identify issues of public
11:52:12 40 interest immunity insofar as they relate to safety. So I
11:52:15 41 simply raise that there is a possibility, it's not intended
11:52:19 42 to be anything of a regular kind, that Assistant
43 Commissioner Paterson himself may identify an issue and may
44 raise it in a polite way, such that it can then be
11:52:24 45 resolved, because once the genie's out of the bottle it
11:52:26 46 will be out of the bottle, and no disrespect to the
11:52:32 47 Commission is intended by that approach. On that basis, I

1 think he's already formally been called by my friend but I
11:52:35 2 wonder if - - -
11:52:35 3
11:52:35 4 MR CHETTLE: What about my suppression?
11:52:39 5
11:52:39 6 MR HOLT: I'm sorry, the SDU suppression order I think is -
11:52:42 7 - -
11:52:42 8
11:52:42 9 COMMISSIONER: I've been sent a copy of an order.
11:52:44 10
11:52:44 11 MR HOLT: I'm bound to say, Commissioner, I'm sorry, I've
11:52:45 12 just become aware that there's a Schedule in it which I
11:52:50 13 think would also need to be attached to the door.
14
15 COMMISSIONER: That's right.
16
11:52:51 17 MR HOLT: And I'm not sure that it can be.
11:52:52 18
11:52:52 19 COMMISSIONER: It's only got two names on it from what I'm
11:52:55 20 told.
21
22 MR HOLT: It does.
23
11:52:56 24 COMMISSIONER: At the moment. It will obviously have
11:52:58 25 amendments to it.
11:52:59 26
11:53:00 27 MR HOLT: I apologise, Commissioner, over the time
11:53:03 28 available I'm just acutely aware that it's an issue of
11:53:08 29 genuine risk. I wonder, might we just have a little more
11:53:09 30 time and deal with it over lunch and have that order
11:53:12 31 brought back to the Commissioner at that point?
11:53:13 32
11:53:14 33 COMMISSIONER: All right. We're not likely to get to the
11:53:16 34 point in Mr Paterson's evidence where names will be
11:53:21 35 mentioned before lunch?
11:53:22 36
11:53:22 37 MR HOLT: I think that is highly unlikely and I'm sure our
11:53:26 38 learned friend would avoid that circumstance in any event.
11:53:28 39
11:53:29 40 COMMISSIONER: All right then.
41
42 MR HOLT: Thank you. So I think - I'm sorry.
43
11:53:32 44 COMMISSIONER: Mr Collinson.
11:53:32 45
11:53:33 46 MR COLLINSON: Commissioner, without wanting to get in the
11:53:33 47 way again can I raise a couple of points? The first is

11:53:38 1 this. We received a redacted version of Mr Paterson's
11:53:41 2 statement last night. I've since understood from listening
11:53:46 3 to counsel this morning that some of those redactions are
11:53:48 4 not pressed.
11:53:49 5
11:53:49 6 COMMISSIONER: Yes.
11:53:50 7
11:53:50 8 MR COLLINSON: And I've been, my attention has been drawn
11:53:55 9 to some paragraphs which pertain particularly to the
11:53:59 10 conduct of Ms Gobbo, such as paragraph 3.10 on p.7, which
11:54:03 11 is redacted entirely on my version of the statement and
11:54:11 12 I've just been shown what's said in the unredacted
11:54:15 13 paragraph. So the first one I wanted to raise was might we
11:54:20 14 please be given, before Mr Paterson commences evidence, a
11:54:24 15 fully unredacted version of his statement?
11:54:28 16
11:54:29 17 COMMISSIONER: Right.
11:54:30 18
11:54:30 19 MR COLLINSON: At the moment there's very serious issues
11:54:32 20 raised about the conduct of Ms Gobbo in parts of the
11:54:36 21 statement that everyone else has and we haven't seen.
11:54:41 22
11:54:41 23 COMMISSIONER: I understand it is difficult for you.
11:54:43 24
11:54:44 25 MR COLLINSON: Perhaps I'll go through my list and then,
11:54:46 26 Commissioner, you could just consider the different
11:54:48 27 matters. The second is we would need to give consideration
11:54:52 28 to making application to cross-examine Mr Paterson. As
11:54:58 29 I've thought about it, I think just about everybody else at
11:55:01 30 the Bar table has access to all of the documents referred
11:55:05 31 to by Mr Paterson in his statement. We don't have any.
11:55:10 32
11:55:10 33 COMMISSIONER: I'm not sure that that's even true of the
11:55:14 34 Commission actually.
11:55:15 35
11:55:15 36 MR COLLINSON: We have the least I think in the sense that
11:55:16 37 we - - -
11:55:16 38
11:55:17 39 COMMISSIONER: That might be right, yes.
11:55:18 40
11:55:18 41 MR COLLINSON: I want to just simply foreshadow that we
11:55:20 42 wouldn't be a position to consider whether to seek leave to
11:55:24 43 put any questions to Mr Paterson until we've seen at least
11:55:28 44 the documents referred to in his statement, but also, most
11:55:32 45 probably, given the criticality of these earlier reports,
11:55:39 46 the documents referred to by Mr Comrie and Mr Kellam in
11:55:43 47 their reports. Now I just raise that. I just don't know

11:55:49 1 what's intended as to how that should proceed.
11:55:51 2
11:55:52 3 COMMISSIONER: I don't think it's intended that Mr Paterson
11:55:55 4 will be excused. I think he'll be - when he is finished
11:55:59 5 with this part of the Commission hearing he'll be stood
11:56:05 6 down but on the basis that he might, he'll probably be
11:56:09 7 recalled later, so you could reserve your position in
11:56:12 8 respect of further cross-examination of him at another
11:56:15 9 time.
11:56:15 10
11:56:16 11 MR COLLINSON: Yes. That's all I'm seeking to do.
11:56:17 12
11:56:18 13 COMMISSIONER: Yes.
11:56:18 14
11:56:19 15 MR COLLINSON: I thought I'd put it on the table earlier
11:56:21 16 rather than later.
11:56:22 17
11:56:22 18 COMMISSIONER: Yes.
11:56:22 19
11:56:23 20 MR COLLINSON: The final point, and perhaps I shouldn't
11:56:25 21 raise this without discussing it with my friends, but can
11:56:28 22 we have a spot at the Bar table when Mr Paterson gives
11:56:31 23 evidence because it just may be that with objections and so
11:56:35 24 on it's better that we be, at least one of us be at the Bar
11:56:40 25 table.
11:56:40 26
11:56:40 27 COMMISSIONER: Yes. That sounds reasonable. Can you - - -
11:56:44 28
11:56:45 29 MR COLLINSON: No one seems to object very loudly.
11:56:46 30
11:56:47 31 COMMISSIONER: Can you arrange for that, Mr Winneke?
11:56:49 32
11:56:50 33 MR WINNEKE: Mr Collinson's here, he has a chair, and no
11:56:53 34 one's going to take it from him today as far as I know.
11:56:55 35
11:56:55 36 COMMISSIONER: He's even got a microphone.
37
11:56:59 38 MR WINNEKE: He's even got a microphone.
11:56:59 39
11:56:59 40 MR COLLINSON: I feel guilty for taking Ms Neskovicin's
11:57:04 41 chair but in any event we'll sort that out. So it just
11:57:05 42 goes back then to the first issue, I think, is the most
11:57:06 43 immediate issue, which is whether we can see the unredacted
11:57:10 44 version of Mr Paterson's statement or, at least, the
11:57:14 45 version of the redactions that everybody else has because
11:57:18 46 many redactions have been withdrawn.
11:57:19 47

11:57:20 1 COMMISSIONER: That's right. That's the one that we don't
11:57:21 2 have, the one with the withdrawn redactions in it, which is
11:57:25 3 probably the one that would be good for you to have. What
11:57:28 4 can we do, Mr Winneke?
11:57:30 5
11:57:31 6 MR WINNEKE: I've just asked Mr Holt and he says we'll have
11:57:35 7 it at lunchtime. By lunchtime.
11:57:38 8
11:57:39 9 MR HOLT: I'm told we're likely to have it at lunchtime.
11:57:45 10 It's likely is my instructions.
11:57:45 11
11:57:46 12 MR COLLINSON: That, I understand, is the reduced redacted
11:57:48 13 version.
11:57:49 14
11:57:49 15 COMMISSIONER: Yes.
11:57:49 16
11:57:50 17 MR COLLINSON: I mean the simplest way to satisfy the
11:57:53 18 request we make would be for us to see the unredacted
11:57:55 19 version.
11:57:56 20
11:57:57 21 COMMISSIONER: Is there a difficulty in allowing
11:57:59 22 Mr Collinson the unredacted version on the basis that - - -
11:58:06 23
11:58:06 24 MR WINNEKE: As far as we're concerned no, because of the
11:58:08 25 points that we've made about public interest immunity.
11:58:14 26 However those matters are in issue and really it's a matter
11:58:16 27 for Mr Holt. I would have thought that it would be
11:58:19 28 reasonable that my learned friend be provided with it. I'm
11:58:22 29 sure he's not going to use it in any other way than for the
11:58:25 30 purpose of sitting here and determining what to do with
11:58:29 31 respect to Mr Paterson. But really it's a matter for
11:58:31 32 Mr Holt I think.
11:58:32 33
11:58:32 34 COMMISSIONER: Yes. Mr Holt.
11:58:34 35
11:58:34 36 MR HOLT: With respect, giving the fully redacted version
11:58:37 37 would undo the process that we've agreed on this morning.
11:58:41 38 The shortest, and I accept that it's not immediate, but the
11:58:44 39 shortest solution is to provide the version which has the
11:58:49 40 agreed for present redactions, which removed the vast
11:58:52 41 majority of the redactions that our learned friend
11:58:56 42 Mr Collinson will be concerned about.
11:58:58 43
11:58:59 44 COMMISSIONER: That won't be available until lunchtime.
11:59:02 45
46 MR HOLT: No, it won't. That simply is the position.
47 We're not in a position to give the unredacted version,

1 otherwise we would undo the matters we've raised this
11:59:05 2 morning.
11:59:05 3
11:59:06 4 MR COLLINSON: If I give an undertaking to the court not to
11:59:08 5 disclose it to anybody, even my client for the time being,
11:59:14 6 I can't see how that's going to have any deleterious effect
11:59:17 7 on a PII claim.
11:59:19 8
11:59:19 9 COMMISSIONER: I'm a bit inclined to think that's right,
11:59:20 10 Mr Holt. If Mr Collinson's given that undertaking and he's
11:59:23 11 going to have the unredacted version to use until lunchtime
11:59:26 12 or until you provide the intermediate version for him.
11:59:30 13
11:59:30 14 MR HOLT: Can I approach my learned friend briefly? Might
11:59:35 15 I just have a moment? I apologise, Commissioner, it's a
11:59:50 16 matter I need to take instructions on. I simply can't
11:59:53 17 address the matter now because I'm not aware of what the
11:59:55 18 particular issues might be in terms of that disclosure. I
11:59:58 19 understand what's proposed and I would need to discuss it
11:59:59 20 with my instructors. I don't think it will take long.
12:00:02 21
12:00:02 22 COMMISSIONER: All right, we'll give you just a couple of
12:00:03 23 minutes to do that.
24
25 MR HOLT: As the Commission pleases.
26
12:00:45 27 COMMISSIONER: Yes, adjourn.
12:00:45 28 (Short adjournment.)
12:13:19 29
12:13:20 30 COMMISSIONER: Yes Mr Holt.
12:13:21 31
12:13:21 32 MR HOLT: Yes, Commissioner, we can do that.
33
12:13:24 34 COMMISSIONER: Thank you.
12:13:24 35
12:13:24 36 MR COLLINSON: I confirm those undertakings to the
12:13:27 37 Commission on behalf of myself and Mr Nathwani.
12:13:29 38
12:13:31 39 COMMISSIONER: And you now have a copy of the unredacted
12:13:33 40 statement until lunch time.
12:13:35 41
12:13:36 42 MR COLLINSON: Yes Commissioner.
43
44 MR HOLT: (Indistinct words) make sure everyone else has
12:13:37 45 that copy.
12:13:37 46
12:13:38 47 COMMISSIONER: Yes Mr Holt.

12:13:39 1
12:13:40 2 MR HOLT: Mr Paterson has already been called I think so if
12:13:41 3 he might approach the witness box.
4
5 COMMISSIONER: Yes, thank you.
6
12:13:44 7 <NEIL JOHN PATERSON, affirmed and examined:
12:13:59 8
12:14:00 9 MR HOLT: Assistant Commissioner, would you tell the
12:14:02 10 Commission your full name please?---Yes, my full name is
12:14:06 11 Neil John Patterson.
12:14:07 12
12:14:07 13 And you're a member of Victoria Police?---That is correct.
12:14:09 14
12:14:09 15 What is your rank and present station?---So my rank is
12:14:12 16 Assistant Commissioner. I don't have a station per se but
12:14:15 17 I'm in charge of the Intelligence and Covert Support
12:14:19 18 Command of Victoria Police.
12:14:19 19
12:14:20 20 And your business address for those purposes?---Is at 313
12:14:25 21 Spencer Street, Docklands.
12:14:27 22
12:14:27 23 You've prepared a statement which you signed on 22 March
12:14:30 24 2019?---That's correct.
12:14:32 25
12:14:32 26 And do you have, firstly, an unredacted copy of the
12:14:37 27 statement sitting there to your left?---I do.
12:14:39 28 Assistant Commissioner, you're familiar with that
12:14:41 29 statement. Subject to the two corrections that we are
12:14:44 30 about to make, do you confirm that the contents of that
12:14:47 31 statement are true and correct to the best of your
12:14:49 32 knowledge and belief?---Yes, I do.
12:14:50 33
12:14:50 34 As you've explained in the statement, much of the statement
12:14:52 35 is not gathered from your own personal knowledge, is that
12:14:55 36 the position?---That's absolutely correct.
12:14:57 37
12:14:57 38 In terms of those corrections then, could you please go to
12:15:01 39 paragraph 3.31 on p.10 of the statement. Do you have that,
12:15:15 40 Assistant Commissioner?---I do indeed.
12:15:17 41
12:15:18 42 As a result of information recently received should the
12:15:20 43 number four, written "four" in the second line of paragraph
12:15:25 44 3.31 be changed to the number ten?---That's correct.
12:15:28 45
12:15:28 46 And Commissioner, might Assistant Commissioner Patterson
12:15:32 47 make the change on the statement which will be marked for

12:15:35 1 identification?
12:15:35 2
12:15:35 3 COMMISSIONER: Yes, if he could make the change and initial
12:15:38 4 it. Thank you, Assistant Commissioner.
12:15:47 5
12:15:47 6 MR HOLT: Thank you. Would you then go please to p.45 of
12:15:51 7 your statement and to paragraph 5.4. Should the first name
12:16:04 8 of the Constable noted there as Constable Shane Paton in
12:16:08 9 fact Constable Stephen Paton with a PH?---That's correct.
12:16:12 10
12:16:13 11 Could you then with the Commissioner's leave change that on
12:16:17 12 the statement and initial it next to the change.
12:16:18 13
12:16:19 14 COMMISSIONER: Yes, thank you?---I think there is one other
12:16:21 15 change. I think the surname has one T.
12:16:24 16
12:16:24 17 MR HOLT: I apologise, thank you.
12:16:29 18
12:16:29 19 COMMISSIONER: But the number four in that paragraph is
12:16:32 20 correct, is it?---Yes, that's a different four to the
12:16:37 21 previous paragraph, Commissioner.
12:16:39 22
12:16:40 23 Yes.
12:16:40 24
12:16:41 25 MR HOLT: Thank you. Have those changes been made and
12:16:43 26 initialled by you, Assistant Commissioner?---That's
12:16:46 27 correct.
12:16:46 28 Thank you. If that could be, for the reasons we discussed
12:16:48 29 this morning, Commissioner, marked for identification and I
12:16:52 30 seek an order that it be prohibited from further
12:16:54 31 publication and sealed until further order of the
12:16:56 32 Commission. It will be changed over for an appropriate
12:16:59 33 version later today.
12:17:00 34
12:17:00 35 COMMISSIONER: Yes. Does Mr Paterson need to refer to that
12:17:03 36 statement during the giving of his evidence?
12:17:05 37
12:17:06 38 MR HOLT: No, he has another copy of the unredacted
12:17:09 39 statement to ensure that that can be kept separate and
12:17:11 40 marked so that might be provided to the Commission.
12:17:14 41
12:17:14 42 COMMISSIONER: Thank you. That statement will be marked
12:17:16 43 for identification 1, placed in a sealed envelope marked
12:17:20 44 "Not to be opened except by order of the Commissioner".
12:17:25 45
12:17:26 46 #EXHIBIT 1 - (For identification) Statement of Neil
12:17:26 47 Paterson.

12:17:26 1
12:17:26 2 MR HOLT: Thank you, Commissioner. That's the
12:17:28 3 evidence-in-chief.
12:17:28 4
12:17:29 5 COMMISSIONER: Thank you Mr Holt. Mr Winneke.
6
7 <CROSS-EXAMINED BY MR WINNEKE:
8
12:17:32 9 Thank you, Commissioner. You said that you are an
12:17:38 10 Assistant Commissioner of Police. Can you explain where
12:17:42 11 that fits in in terms of the rankings in the Police
12:17:46 12 Force?---Yes, it's a senior rank in the Police Force. It's
12:17:50 13 considered an executive rank. Obviously the rank structure
12:17:54 14 runs through from Constable, Senior Constable, Leading
12:17:57 15 Senior Constable, Sergeant, Senior Sergeant, Inspector. We
12:18:01 16 have some left over Chief Inspectors - I think they're
12:18:04 17 almost all gone - Superintendent, no left over Chief
12:18:10 18 Superintendents, Commander, Assistant Commissioner, Deputy
12:18:13 19 Commissioner and the Chief Commissioner.
12:18:15 20
12:18:16 21 You're getting close to the top. How many Assistant
12:18:21 22 Commissioners are there in the Police Force, do you
12:18:23 23 know?---Yes. At the present time there's 15 Assistant
12:18:27 24 Commissioners in Victoria Police.
12:18:27 25
12:18:28 26 You've been a member of Victoria Police for more than 31
12:18:30 27 years?---That's correct.
12:18:31 28 Obviously you passed out of the Police College, Glen
12:18:35 29 Waverley I assume, many years ago?---Yes, I graduated in
12:18:38 30 1988.
12:18:39 31
12:18:39 32 That's not the only qualification you have, you've
12:18:41 33 subsequently studied and you obtained a Juris
12:18:48 34 Doctor?---That's correct.
12:18:48 35
12:18:48 36 You've got a Graduate Certificate of Applied
12:18:51 37 Management?---That's correct.
12:18:51 38
12:18:52 39 You've got a Graduate Diploma in Disaster
12:18:57 40 Management?---That's correct.
12:18:57 41
12:18:57 42 A Graduate Certificate in Disaster Management?---That's
12:19:01 43 correct.
12:19:01 44
12:19:01 45 You may well be an Honorary Doctorate in Disaster
12:19:08 46 Management by the end of this process. And you have a
12:19:10 47 Diploma of Frontline Management?---That's correct,

12:19:12 1 Mr Winneke.
12:19:17 2
12:19:18 3 It's been said by Mr Holt that you have ownership of this
12:19:21 4 area. This area, I suppose, is a fairly broad area but are
12:19:24 5 we talking about, firstly, the response of Victoria Police
12:19:31 6 to the establishment of the Royal Commission for one; is
12:19:38 7 that correct?---No, I don't have ownership over the
12:19:41 8 response from Victoria Police to the establishment of the
12:19:43 9 Royal Commission.
12:19:44 10
12:19:44 11 Right. Perhaps you can explain what "this area" is?---I
12:19:49 12 think when Mr Holt referred to "this area" it is the
12:19:52 13 Intelligence and Covert Support Command.
12:19:53 14
12:19:54 15 Right?---And in particular, in relation to these matters, I
12:19:56 16 am the policy owner of Victoria Police of matters that
12:20:00 17 relate to human sources.
12:20:01 18
12:20:02 19 All right. Who would have, if you like, ownership of the
12:20:06 20 response to the Royal Commission from the Police
12:20:10 21 Force?---Yes, sure. Deputy Commissioner Wendy Steednam has
12:20:18 22 responsibility in the organisation.
12:20:19 23
12:20:20 24 Nonetheless you've been nominated as the person to in
12:20:24 25 effect answer a number of questions, about eight or nine
12:20:27 26 questions that the Royal Commission put, and obviously you
12:20:33 27 consider that you're an appropriate person to deal with
12:20:36 28 those questions?---Yes, I do. As I said, I hold executive
12:20:41 29 responsibility over the human source management and have
12:20:44 30 for a number of years now and over its current policies and
12:20:48 31 previous iteration of a couple of those policies.
12:20:51 32
12:20:51 33 All right then. I take it obviously, in order to prepare
12:20:55 34 the statement, you have considered no doubt a considerable
12:21:01 35 number of documents?---Yes. There are quite a number of
12:21:06 36 attachments to my statement in four separate folders. I
12:21:10 37 haven't read every page of those attachments but I have
12:21:15 38 quite some familiarity with the content.
12:21:17 39
12:21:17 40 In any event, you've got sufficient familiarity to swear to
12:21:22 41 and attest to the matters that are in your
12:21:24 42 statement?---Yes, as I've indicated, they're matters that I
12:21:28 43 have informed myself of or from others in the organisation.
12:21:31 44
12:21:32 45 Yes?---Who are working to meet the - our response to the
12:21:37 46 Royal Commission, that's right, and I can attest to the
12:21:40 47 information that I have been provided.

12:21:42 1
12:21:42 2 Yes?---To inform my statement.
12:21:44 3
12:21:44 4 All right. Have you been involved in any way in the
12:21:52 5 response of Victoria Police or the provision of information
12:21:57 6 by Victoria Police as a result of litigation that occurred
12:22:00 7 between the Chief Commissioner and the Director of Public
12:22:05 8 Prosecutions over the last few years?---Yes, I have been.
12:22:07 9 I have completed a number of affidavits, confidential
12:22:11 10 affidavits in that matter.
12:22:12 11
12:22:13 12 All right. No doubt you've devoted a significant amount of
12:22:16 13 your time and attention to these matters broadly over the
12:22:20 14 last few years?---It has been a feature of a committee that
12:22:24 15 I was involved in that met on occasion. I keep in mind
12:22:30 16 that I operate a broad command.
12:22:31 17
12:22:32 18 Yes?---With many hundreds of staff so it hasn't been a
12:22:35 19 consuming process. It has been a process that I have been
12:22:39 20 involved in however.
12:22:39 21
12:22:40 22 Okay. Aside from your executive involvement in the Police
12:22:51 23 Force you've had a long and distinguished career as an
12:22:55 24 investigator as well; is that right?---Yes, there's been
12:22:58 25 many parts of my career, as outlined in my statement, where
12:23:01 26 I have held investigative positions.
12:23:03 27
12:23:03 28 You were involved in the Fitzroy Criminal Investigation
12:23:09 29 Branch as a Constable between 89 and 92, you were involved
12:23:14 30 as a Senior Constable at the Fairfield Criminal
12:23:19 31 Investigation Branch, a Detective Senior Constable in the
12:23:22 32 Sunshine Criminal Investigation Branch and obviously you've
12:23:27 33 investigated serious criminal offences; is that
12:23:30 34 right?---That's correct.
12:23:30 35
12:23:31 36 Also you've been in the Homicide Squad as a Detective
12:23:35 37 Senior Constable from 98, 99?---Correct.
12:23:37 38
12:23:38 39 And involved in the investigation of complex homicide
12:23:43 40 matters?---That's correct.
12:23:44 41
12:23:45 42 Were you the informant in any of the matters that you've
12:23:47 43 investigated over the years?---In many of the matters I've
12:23:52 44 investigated I have been the informant.
12:23:54 45
12:23:54 46 And in the capacity of an informant frequently you would
12:23:58 47 have involvement with the presenting of matters for trial

12:24:02 1 before the superior courts, the County Court and the
12:24:06 2 Supreme Court of this State?---Yes, I have. In the history
12:24:12 3 in the organisation, not in recent times.
4
12:24:14 5 Not in recent times?---As a detective absolutely. When
12:24:16 6 they were matters going to the higher court then I had that
12:24:19 7 involvement.
12:24:19 8
12:24:19 9 Interacting with members of the Office of Public
12:24:22 10 Prosecutions?---Yes.
12:24:23 11
12:24:24 12 Concerning evidence that is to be led in trials?---Yes.
12:24:26 13
12:24:31 14 You also were involved as a Senior Sergeant in the
12:24:36 15 Commonwealth Games planning office from 2004 to 2006 and
12:24:43 16 2006 to 2008 you were an Inspector and managed the Legal
12:24:48 17 Policy Unit of Victoria Police in that role?---Correct.
12:24:50 18
12:24:51 19 From 2008, 2009 you were Inspector Local Area Commander for
12:24:57 20 the Kingston police service area and in that position you
12:25:02 21 were responsible for delivery of all policing services by a
12:25:06 22 significant number of police officers and the 14 police
12:25:11 23 public service staff within the PSA?---That's correct.
12:25:15 24
12:25:16 25 You were then superintendent Divisional Manager in road
12:25:21 26 policing?---That's correct.
12:25:22 27
12:25:24 28 2010 to 2013 you were a Detective Superintendent Divisional
12:25:30 29 Manager of the State Intelligence Division, the
12:25:35 30 SID?---That's correct.
12:25:35 31
12:25:35 32 And that's a division of the Intelligence and Covert
12:25:39 33 Support Department; is that right?---Command, yes.
12:25:43 34
12:25:43 35 Command. All right?---So it was referred to as a
12:25:47 36 department up to a point in time and you'll note the
12:25:54 37 nomenclature changes in my statement at a point in time
12:25:57 38 because we changed from Departments to Commands.
12:26:00 39
12:26:00 40 2010 to 2013 it was a department. Now, in effect, you're
12:26:05 41 the Assistant Commissioner responsible for that same
12:26:09 42 department and that's the Intelligence and Covert Support
12:26:13 43 Command; is that correct?---That's correct, yes.
12:26:14 44
12:26:17 45 There was a period from 2013 to 2015 you were
12:26:21 46 Superintendent Divisional Manager for the Frankston
12:26:25 47 division in the southern metropolitan region; is that

12:26:29 1 correct?---That's correct, yes.
12:26:30 2
12:26:31 3 Since 19 October 2015 you have been in your current
12:26:37 4 role?---That's right.
12:26:37 5
12:26:40 6 Right. You manage a number of divisions. What are
12:26:43 7 they?---So I manage the Surveillance Services Division, our
12:26:46 8 Covert Services Division, our Offender Management Division,
12:26:50 9 a Specialist Intelligence Services Division and a Business
12:26:54 10 Services Division.
12:26:55 11
12:26:56 12 Right. The Intelligence and Covert Support Command
12:27:03 13 provides services to the various policing regions and
12:27:06 14 commands and you've got responsibility for the Human Source
12:27:12 15 Management Unit and the Witness Protection Unit; is that
12:27:16 16 correct?---They have been called out as two of the units
12:27:18 17 within the divisions that I have responsibility for but
12:27:22 18 there are many units within the divisions I have named
12:27:26 19 which obviously I have executive responsibility for.
12:27:28 20
12:27:29 21 What's the Human Services Management Unit?---The Human
12:27:34 22 Source Management Unit.
12:27:34 23
12:27:35 24 I'm sorry, yes?---Is the Unit responsible in Victoria
12:27:39 25 Police for the policy and coordination of all our
12:27:43 26 requirements around human source management.
12:27:45 27
12:27:45 28 Yes?---So broadly that would mean advice to members of
12:27:50 29 Victoria Police seeking to engage with a human source and
12:27:54 30 then subsequent management of all of the registration
12:27:57 31 process and other aspects that that entails. Out of the
12:28:02 32 Human Source Management Unit they also have a high risk
12:28:07 33 source team and that falls within their remit of the
12:28:11 34 Inspector in charge of that unit as well.
12:28:13 35
12:28:14 36 All right. You became the inaugural chair of the National
12:28:21 37 Criminal Intelligence Capability Committee. Can you tell
12:28:25 38 the Commission what that is?---Yes. The National Criminal
12:28:29 39 Intelligence Capability Committee is a governance committee
12:28:32 40 of the Australian Criminal Intelligence Commission, it's
12:28:37 41 one of their three governance committees, and in that role
12:28:40 42 I am the Chair since July 2016. I have been a part of its
12:28:46 43 former iterations as a member but in 2016 I became the
12:28:50 44 Chair and remain the Chair. Since that period of time
12:28:54 45 we've also included what we call the Covert and High Risk
12:28:58 46 Working Groups, so all of the various groups, and I won't
12:29:01 47 go into the detail of each of those, but fall under the

12:29:04 1 leadership of that committee to - and they're all national
12:29:09 2 committees, national working groups that sit below that, so
12:29:12 3 that we collectively across Australia in law enforcement
12:29:16 4 and intelligence share our capabilities and learn from each
12:29:20 5 other and develop further.

12:29:21 6
12:29:21 7 All right. In due course, and the Commissioner indicated
12:29:29 8 that unfortunately you may not be excused when you leave
12:29:31 9 the witness box on this occasion, but in due course, not
12:29:36 10 during this iteration of your evidence, but in due course
12:29:39 11 we will examine to the extent that we can the policies and
12:29:44 12 procedures that are in place around human source management
12:29:50 13 but can I ask you this, whilst we're talking about your
12:29:54 14 national role, is there a degree of uniformity with respect
12:30:02 15 to policies and procedures in this area? Are each of the
12:30:06 16 States running on different policies?---Each agency from
12:30:10 17 the various jurisdictions, and a number of the
12:30:13 18 jurisdictions may have a couple of agencies involved in
12:30:15 19 these committees, run off their own separate policy in the
12:30:23 20 context of any one aspect of whichever committee. So if I
12:30:27 21 was talking about the Human Source Working Group, each
12:30:30 22 agency with the management of human sources will have their
12:30:34 23 own policy. I can't comment, because I haven't done an
12:30:41 24 analysis across the policy zone by each agency as to the
12:30:44 25 similarities or differences, but I highly suspect that
12:30:49 26 they're all quite different in many aspects.

12:30:52 27
12:30:52 28 Yes, all right. As I say, we'll come back to that in due
12:30:56 29 course. Now, can I ask you about this: in your statement
12:31:01 30 you talk about the use that's made by policing services of
12:31:05 31 human sources?---M'mm.

12:31:07 32
12:31:07 33 Can you explain broadly what that use is and why it's
12:31:13 34 necessary?---In context of crime generally there's been a
12:31:21 35 very long history in law enforcement, going back many
12:31:25 36 hundreds of years, of the use of an informer, criminal
12:31:28 37 informer. The notion of what that is that it is a person
12:31:32 38 who has knowledge of a particular crime or series of crime
12:31:37 39 or events and that that person provides that information to
12:31:41 40 the police on the undertaking that their identity would be
12:31:46 41 kept confidential and the police then use that information
12:31:49 42 in terms of an investigation or a subsequent, you know,
12:31:53 43 bringing to a prosecution another particular accused in a
12:31:57 44 criminal event.

12:31:58 45
12:31:58 46 Right. What do you say as to the necessity in this day and
12:32:04 47 age of such information gathering capabilities of

12:32:09 1 police?---I say they are critical and, you know, there are
12:32:14 2 many judgments from courts both in Australia and in many
12:32:18 3 international jurisdictions which indicate the criticality
12:32:22 4 of the role that a criminal informer plays. I also say
12:32:25 5 that in the context of the environment we now, police now
12:32:31 6 work in in difference, say, to even ten or 15 years ago, or
12:32:37 7 particularly to the start of my career in the late 80s, the
12:32:44 8 importance of criminal informers has actually increased.
12:32:46 9 The technologies that are available to organised crime
12:32:50 10 networks and others in the serious crime area, including
12:32:54 11 criminals in the national security arena, they do avail
12:33:00 12 themselves of the new technologies, including encryption,
12:33:03 13 and we refer often to the word of "going dark" or I say
12:33:08 14 "gone dark" in that some other investigative technical
12:33:12 15 capabilities that we have in this regard no longer provide
12:33:15 16 what we need so the use of criminal informers has again
12:33:19 17 taken a much more significant prominence around the world
12:33:23 18 in ensuring that law enforcement agencies can acquit their
12:33:29 19 duties and responsibilities to the relevant communities
12:33:32 20 they police in terms of community safety.
12:33:34 21

12:33:35 22 Right. From what you say I gather that Victoria Police has
12:33:40 23 been using informers as part of its investigations for
12:33:43 24 many, many years?---Yes. I've not been able to determine a
12:33:47 25 point in our history since 1853 when that actually
12:33:50 26 commenced, but suffice to say whilst I'm aware of when we
12:33:54 27 had policies commence, it would have been a feature of
12:33:57 28 Victoria Police I'm quite sure right through from the 1800s
12:34:01 29 to the present day.
12:34:02 30

12:34:02 31 And it's the situation that in terms of an actual
12:34:06 32 written-down policy, the first that you can find was a
12:34:09 33 policy that was promulgated in 1986; is that
12:34:16 34 right?---That's correct.
12:34:16 35

12:34:16 36 Was there no policy prior to that?---We've done a search of
12:34:20 37 our policy manuals within Victoria Police and we have not
12:34:25 38 been able to find a reference earlier than 1986. Our
12:34:31 39 belief is that that is the first written policy in the
12:34:34 40 Victoria Police Manual that exists on then what was called
12:34:38 41 informers, of which we now refer to as human sources.
12:34:42 42

12:34:42 43 Right. I take it over the years as a detective you've had
12:34:48 44 to use informers, certainly starting from your earlier time
12:34:51 45 in the Police Force?---Indeed I have, yes.
12:34:55 46

12:34:55 47 The process was much less formal, say, if we go back to

12:35:00 1 your early days as a detective in the early 90s, what was
12:35:04 2 the process then?---Yeah, you know, the first source I
12:35:09 3 handled was actually when I was a uniform Constable. There
12:35:13 4 was a very different environment back then. Whilst the
12:35:18 5 1986 policy would have been in place I can't recall whether
12:35:22 6 I was aware of that policy at that particular time, but
12:35:26 7 essentially once you had determined a relationship that was
12:35:30 8 going to be a source relationship that you were going to be
12:35:34 9 in receipt of information on the basis that the informer's
12:35:39 10 identity would be kept confidential, you went through a
12:35:43 11 process of providing the name in an envelope to a more
12:35:48 12 senior officer who would allocate a number for that
12:35:52 13 particular informer and that envelope would then be kept by
12:35:57 14 that senior manager, sealed and kept in a locked safe, and
12:36:01 15 then you would continue the relationship with that
12:36:04 16 particular human source, obtaining the relevant information
12:36:07 17 that they could provide and use that in a subsequent
12:36:12 18 investigation.

12:36:12 19
12:36:12 20 Right. So that's very much a decentralised process where
12:36:16 21 the police officer out at the police station records those
12:36:23 22 details, or at least a senior officer records those details
12:36:26 23 there at the local police station?---Yep.

12:36:29 24
12:36:30 25 Now in terms of the information that you get, or you got as
12:36:34 26 an investigator, you would record that information I
12:36:36 27 assume?---Yes. You know, it wouldn't have - back then we
12:36:43 28 had - certainly as a Constable you don't maintain a diary,
12:36:47 29 most of your work is maintained in what we call running
12:36:50 30 sheets because you're working a divisional van or something
12:36:54 31 like that, but you would have also kept what we call a day
12:36:58 32 book or a small book that you would take notes in. The
12:37:01 33 idea would be that you would not record details in those
12:37:06 34 notebooks that would lead to the identity of the person
12:37:09 35 whose information you may have received, so you may record
12:37:12 36 that you had a meeting with a number, as in a unique
12:37:18 37 identifying number for that particular source, but that you
12:37:21 38 most likely wouldn't have recorded the details provided by
12:37:25 39 that informer in your notebook because that could then lead
12:37:29 40 to their identity.

12:37:31 41
12:37:31 42 Right?---Keeping in mind back then Victoria Police had
12:37:35 43 extremely rudimentary information technology systems. It
12:37:40 44 wasn't that we could store this type of information
12:37:45 45 electronically. They were the old green screen type
12:37:49 46 computers back in that day, when they first came in, I'm
12:37:54 47 not quite sure. They certainly weren't in when I first

12:37:57 1 arrived in the organisation, we were using telex machines.
12:38:01 2
12:38:04 3 We're talking about registration, the registration process,
12:38:08 4 and you've described a process whereby information is
12:38:10 5 provided on a sheet and it's put into a sealed envelope, et
12:38:14 6 cetera?---M'mm.
12:38:15 7
12:38:15 8 I take it there'd be occasions certainly in the past where
12:38:19 9 information would be provided by a person who's not
12:38:23 10 registered as an informer but simply a person who is a
12:38:26 11 source of information?---You know, clearly Victoria Police
12:38:31 12 as an agency has people walk in off the street or stop and
12:38:36 13 prop a police member at any one particular point in time
12:38:39 14 and can provide information to police. That occurs, you
12:38:44 15 know, many thousands of times a day across the State of
12:38:47 16 Victoria.
12:38:48 17
12:38:48 18 Yes?---The difference here in terms of a human source or
12:38:51 19 the information that you would receive from a person that
12:38:55 20 would be considered for registration would be that the
12:39:00 21 information no doubt relates to some criminal aspect of
12:39:05 22 something and that the person providing that information to
12:39:09 23 police was doing so on the basis of confidentiality, as in
12:39:14 24 that their identity would not be made known to anyone else.
12:39:19 25
12:39:19 26 Right?---So whereas many people that approach Victoria
12:39:22 27 Police and provide information do tell us their name and
12:39:25 28 identity and may indeed sign a witness statement and may be
12:39:31 29 called as a witness in a court case to give evidence.
12:39:33 30
12:39:35 31 Right. In this day and age though one assumes that a
12:39:38 32 person who is providing ongoing information which is the
12:39:43 33 subject of information reports, recorded information
12:39:50 34 reports, such a person would almost invariably be a
12:39:53 35 registered person?---No, not at all.
12:39:55 36
12:39:56 37 Not at all?---In terms of information reports, they are the
12:39:59 38 basic document in Victoria Police, and indeed many agencies
12:40:02 39 around the world, that record the receipt of information.
12:40:09 40 Most of those documents, IRs as we refer to them in the
12:40:14 41 organisation, would contain the details of the person who
12:40:18 42 provides the information.
12:40:19 43
12:40:20 44 Yes, all right?---And even if it was a number of times that
12:40:23 45 a particular person had provided a piece of information,
12:40:29 46 their identity would be in that information report. It's
12:40:31 47 only when it hits the threshold that there is a - that the

12:40:36 1 provision of that information is considered in terms of a
12:40:43 2 confidential basis and the risk to that person if they were
12:40:46 3 to provide that information would create a risk to them,
12:40:49 4 therefore that we would offer informer privilege to them in
12:40:54 5 terms of their identity, that they would then be registered
12:41:00 6 and would then be subject to what we now call source
12:41:04 7 contact source, some years ago they were called informer
12:41:10 8 contact reports, ICRs, and in the creation of an ICR after
12:41:12 9 that creation some information out of that may have been
12:41:14 10 used in an IR, but it would not have identified the origin
12:41:18 11 of the information.

12:41:20 12
12:41:21 13 All right. That occurs when it is felt that there's a risk
12:41:23 14 of harm to the person who's providing the information
12:41:27 15 should that information get out, or the information that
12:41:29 16 the person's providing, evidence or - I'm sorry,
12:41:36 17 information about another person, if that gets out, the
12:41:39 18 fact of the provision, and that places the person at
12:41:44 19 risk?---Yes. It's complex in that it's not only about that
12:41:49 20 that aspect of the information may get out, it may be that
12:41:52 21 the person who told you that information is the only other
12:41:56 22 person other than the person that it relates to who is in
12:42:00 23 possession of the knowledge of that information. So that
12:42:03 24 if that was the case that would be a significant risk and
12:42:06 25 then the likelihood would be that despite the passing of
12:42:10 26 that information to Victoria Police, that we would not use
12:42:14 27 that information on the basis that it would put someone at
12:42:18 28 risk.

12:42:18 29
12:42:18 30 Yes, I follow. All right. If we can focus on Ms Gobbo
12:42:30 31 specifically. Your role from June 2016 to December 2018
12:42:38 32 was as a member of a high level Victoria Police steering
12:42:44 33 committee called the Bendigo Steering Committee and that
12:42:48 34 was responsible for, amongst other things, overseeing the
12:42:52 35 ongoing management of risk associated with her?---That's
12:42:56 36 correct.

12:42:56 37
12:42:57 38 That is Ms Gobbo?---Yes.

12:42:59 39
12:43:00 40 Who were the other members of that steering committee?---It
12:43:03 41 has had different membership over its running I believe.
12:43:07 42 At the time that I joined that steering committee the Chair
12:43:12 43 of the committee was Deputy Commissioner Shane Paton. It
12:43:18 44 has Assistant Commissioner Stephen Leane, Assistant
12:43:24 45 Commissioner Stephen Fontana, the director of our Legal
12:43:28 46 Services Department, Mr Fin McCrae.
12:43:33 47

12:43:33 1 Yes?---At times our media, or one of our media directors
12:43:42 2 was not a member of the committee but came along as an
12:43:45 3 observer. I just can't recall. I know that at some stages
12:43:49 4 membership changed because some of the people on that
12:43:51 5 committee were there for a role based purpose rather than
12:43:55 6 their individual based purpose. So if they moved within
12:43:57 7 the organisation out of their area of responsibility then
12:44:00 8 they would have moved off that committee and the current
12:44:03 9 person with that responsibility would have come on.
12:44:06 10
12:44:06 11 Right?---An example of that would be a change in the
12:44:10 12 Assistant Commissioner in charge of Crime Command, Stephen
12:44:13 13 Fontana, and at a point in time Assistant Commissioner
12:44:17 14 Walsh took over Crime Command and came on to the committee.
12:44:21 15
12:44:21 16 Do you know what led to the development of the Bendigo
12:44:25 17 Steering Committee?---No, not specifically. I think it
12:44:30 18 related to the report of Mr Comrie or Mr Kellam but I think
12:44:41 19 given Kellam's report was 2015 it would have to have been a
12:44:47 20 response in terms of Mr Comrie's report.
12:44:49 21
12:44:49 22 Right. Do you know when it was established?---No, I don't.
12:44:52 23
12:44:52 24 Okay, right. It doesn't exist any longer, the Bendigo
12:44:56 25 Steering Committee?---No, it ceased operation in December
12:44:59 26 of 2018.
12:45:01 27
12:45:03 28 Another steering committee sprang up in its place?---That's
12:45:06 29 correct.
12:45:06 30
12:45:07 31 That's Landow?---Landow Steering Committee is a new and
12:45:13 32 different steering committee with different
12:45:15 33 responsibilities.
12:45:16 34
12:45:17 35 What are the responsibilities of the Landow committee?
12:45:21 36 You're on the committee, is that right?---Yes, I am, I'm a
12:45:22 37 member of the Landow committee, steering committee.
12:45:22 38
12:45:23 39 What are the responsibilities of the Landow Steering
12:45:25 40 Committee?---There are some Terms of Reference. I don't
12:45:27 41 recall them all off the top of my head but in essence it is
12:45:32 42 to ensure a coordinated and appropriate and timely response
12:45:35 43 by Victoria Police to the needs of the Royal Commission.
12:45:39 44
12:45:39 45 Right?---As an executive steering committee, and it also
12:45:45 46 has some awareness and obligation in terms of the ongoing
12:45:53 47 safety to Ms Gobbo.

12:45:55 1
12:45:55 2 All right. In addition to that is it part of its function
12:46:02 3 to provide or to consider the provision of ongoing
12:46:07 4 disclosure to the Office of Public Prosecutions, State and
12:46:14 5 Federal?---So they would get a report of such disclosure
12:46:17 6 but we have other procedures in place for the ongoing
12:46:22 7 disclosure requirements for Victoria Police between us and
12:46:24 8 the Office of Public Prosecutions in Victoria and the
12:46:27 9 Commonwealth Director of Public Prosecutions.
12:46:28 10
12:46:29 11 Right. What's your understanding of the obligations of
12:46:32 12 disclosure in these circumstances, in this area?---For the
12:46:38 13 cases that are presently being examined there is a process
12:46:44 14 in place where Victoria Police makes an assessment over the
12:46:51 15 documents involved. So it's an assessment of whether any
12:46:56 16 information is held by Victoria Police that has been
12:46:58 17 provided by Ms Gobbo against a particular individual.
12:47:05 18 Where that is the case, to follow the trail of information
12:47:08 19 through, understand that trail and make those documents
12:47:13 20 discoverable via disclosure to the Office of Public
12:47:17 21 Prosecutions and in turn counsel for a particular accused.
12:47:21 22
12:47:21 23 All right. That task, if you like, of the Landow Steering
12:47:29 24 Committee commenced when?---It commenced in December of
12:47:33 25 2018 subsequent to the closure of the Bendigo Steering
12:47:36 26 Committee.
12:47:36 27
12:47:37 28 All right. Are you able to say in respect of how many
12:47:43 29 cases that there has been, as far as you're concerned,
12:47:48 30 complete and appropriate disclosure from Victoria Police to
12:47:53 31 the Office of Public Prosecutions?---I'm not able to with
12:47:59 32 any accuracy tell you that information.
12:48:00 33
12:48:02 34 Would you be in a position to find out?---Absolutely,
12:48:07 35 Mr Winneke. I can certainly in the lunch break find out
12:48:11 36 how many cases have been subject to disclosure. I'm
12:48:16 37 certainly familiar with one case but there may well be
12:48:19 38 others and we can make that inquiry.
12:48:22 39
12:48:23 40 The case that you're familiar with is a case of Faruk
12:48:29 41 Orman; is that correct?---That is correct.
12:48:30 42
12:48:34 43 Do you yourself have any hands-on involvement in the
12:48:40 44 decision making process that goes towards the disclosure in
12:48:46 45 this area?---So the disclosure is being managed by Task
12:48:54 46 Force Landow in terms of with the Director of Public
12:48:58 47 Prosecutions or the CDPP. I have a team that is making

12:49:02 1 assessment over some of those documents in terms of public
12:49:09 2 interest immunity aspects.
12:49:09 3
12:49:10 4 Yes?---And we then have a separate legal counsel that is
12:49:17 5 engaged in terms of any of those PII considerations to
12:49:22 6 provide advice on any such claim and on the settlement of
12:49:30 7 where that advice lands.
12:49:31 8
12:49:31 9 Yes?---Then the subsequent documents are provided to the
12:49:34 10 relevant prosecution agency and then to the relevant
12:49:39 11 counsel for the accused.
12:49:40 12
12:49:41 13 Are you able to say when that counsel was engaged or
12:49:45 14 briefed?---I'm not sure on the dates that Mr Murphy, who's
12:49:51 15 at the table obviously, was formally engaged.
12:49:53 16
12:49:54 17 Right. But save to say it was subsequent to December of
12:49:57 18 2018?---That is correct, yes.
12:49:58 19
12:49:59 20 In January 2018?---I'm not sure, Mr Winneke.
12:50:02 21
12:50:02 22 19, I apologise?---Yes. I'm not sure whether it was
12:50:05 23 January or February or March. I'm not sure.
12:50:07 24
12:50:08 25 All right, okay. All right then. Now, what I'd like to do
12:50:19 26 is ask you about some of the more factual matters that
12:50:26 27 you've referred to in your statement. You were asked to
12:50:31 28 identify the period during which Victoria Police had
12:50:37 29 contact with Ms Gobbo and to provide evidence about the
12:50:43 30 nature of the relationship from initial contact until the
12:50:47 31 present?---M'mm.
12:50:48 32
12:50:49 33 We've heard that you yourself clearly didn't have direct
12:50:55 34 knowledge with Ms Gobbo going back to 93, or indeed at
12:51:00 35 other stages, that's correct?---That's absolutely correct,
12:51:03 36 yes.
12:51:03 37
12:51:03 38 But what you've done is that you've engaged with a
12:51:08 39 significant number of police officers in order to provide
12:51:15 40 what you regard as accurate information to the Royal
12:51:19 41 Commission that will be of use to the Royal Commission; is
12:51:22 42 that correct?---Absolutely so. My information comes via
12:51:25 43 the task force set up, Task Force Landow. They've got
12:51:30 44 quite a number of resources which are actively searching
12:51:34 45 for old records and discovering relevant records which are
12:51:40 46 obviously subsequently disclosed to the Royal Commission
12:51:42 47 and it is through that process that I obtain my briefings

12:51:45 1 in terms of all of those relevant documents and at times,
12:51:50 2 you know, a viewing of the actual relevant documents that
12:51:53 3 they obtain so I gain such an awareness and then those
12:51:59 4 matters are covered in my statement.
12:52:00 5
12:52:00 6 Yes, all right. Now, what you say in your statement is
12:52:07 7 that on 4 June 2018 Victoria Police became aware that
12:52:16 8 Ms Gobbo's initial contact with Victoria Police had been
12:52:22 9 much earlier than had previously been understood. I take
12:52:30 10 it this refers to the fact that during the litigation
12:52:36 11 between the Chief Commissioner and the Director of Public
12:52:41 12 Prosecutions, EF, the evidence appeared to be, or was that
12:52:46 13 Ms Gobbo's involvement with Victoria Police commenced
12:52:51 14 somewhere around 2004 and then led to her registration in
12:52:59 15 2005, September, is that what you're referring to in that
12:53:03 16 paragraph?---No.
12:53:06 17
12:53:06 18 No?---We were already aware that Ms Gobbo had a former
12:53:09 19 source relationship that related to 1999.
12:53:12 20
12:53:12 21 Right?---As you will be aware having read the Kellam report
12:53:17 22 that that's clearly identified in the Kellam report.
12:53:19 23
12:53:19 24 Yes?---And certainly we were aware, as all practitioners
12:53:23 25 involved in that were aware that there was a registration
12:53:27 26 in 1999. And so my reference that, aware of an earlier
12:53:31 27 contact, related to the identification of a, hard copy
12:53:38 28 records recovered from storage, archive, that related to a
12:53:44 29 1995 registration.
12:53:46 30
12:53:47 31 Right. Do you have an understanding about how that
12:53:51 32 information came to light?---Yes. I had made an enquiry
12:53:59 33 with my team with regard to the work that had been
12:54:02 34 undertaken by the Operation Loricated team. Obviously we
12:54:09 35 haven't got to that part in my statement yet.
12:54:11 36
12:54:12 37 Yes?---But I had read a report that related to some hard
12:54:16 38 drives with material on it. I'd enquired as to where those
12:54:24 39 hard drives were and it was during the search for those
12:54:26 40 particular hard drives, which was my concern to locate
12:54:30 41 those and make sure that they were secured, that I was also
12:54:35 42 informed that there had been a previous record located that
12:54:39 43 contained a registration of Ms Gobbo in 1995.
12:54:42 44
12:54:44 45 Sorry, how did you get that information?---Via an email.
12:54:47 46
12:54:48 47 Via an email?---That's correct.

12:54:49 1
12:54:49 2 From whom?---It was from, I think it was from one of the
12:54:56 3 Detective Senior Sergeants at the Human Source Management
4 Unit.
12:54:58 5
12:54:59 6 Do you know the name of that person?---There's several
12:55:02 7 there. I just can't remember which one it would have been.
12:55:05 8 I'd need to have a look but it's certainly something I can
12:55:09 9 inform you about, there's no issues about that.
12:55:11 10
12:55:11 11 All right. Do you recall when it was you got that
12:55:15 12 email?---Yes, I believe it was 4 June 2018 as per the date
12:55:18 13 in my statement.
12:55:19 14
12:55:20 15 Yes, okay. All right. Are you able to say when the Office
12:55:27 16 of Public Prosecutions was first notified of that earlier
12:55:30 17 involvement?---I don't know the exact date but there will
12:55:34 18 be a letter that has gone from Victoria Police to the OPP.
12:55:38 19 For instance, it wouldn't have occurred in June 2018, I
12:55:42 20 believe it would have been something that has occurred this
12:55:45 21 year.
12:55:45 22
12:55:45 23 This year. Obviously - was that before or after the Royal
12:55:53 24 Commission was notified of that earlier involvement?---I'm
12:55:57 25 unable to say that, I don't know.
12:55:59 26
12:55:59 27 Do you know who was responsible for notifying both the OPP
12:56:07 28 - firstly, the OPP?---I don't. I assume that it would have
12:56:11 29 either been our Director of Legal Services or Deputy
12:56:16 30 Commissioner Steednam.
12:56:19 31
12:56:19 32 COMMISSIONER: Mr Winneke, was it 4 or 14 June that he
12:56:21 33 first became aware?
12:56:22 34
12:56:23 35 MR WINNEKE: 4 June. I think I confused - - -
12:56:25 36
12:56:25 37 COMMISSIONER: Yes, I think there might have been some
12:56:28 38 confusion there.
12:56:29 39
12:56:29 40 MR WINNEKE: Was it the 4th or 14th of June?---4th of June
12:56:37 41 as per 3.2 of my statement.
12:56:39 42
12:56:39 43 COMMISSIONER: Thank you.
12:56:39 44
12:56:40 45 MR WINNEKE: The Royal Commission was notified around 26
12:56:43 46 January 2019. If you can accept that's the case, are you
12:56:48 47 able to explain why the Royal Commission wasn't notified

12:56:51 1 before 26 January 2019?---Listen, I think my recollection
12:56:59 2 is that when I was told back in June of 2018 the relevance
12:57:06 3 of that 1995 registration wasn't apparent to me.
12:57:11 4
12:57:12 5 Yes?---For the reasons that I was on the Bendigo Steering
12:57:15 6 Committee. When I had joined that committee in June 2016
12:57:25 7 the focus of that group was on the correspondence that had
12:57:30 8 been then received from the then Director of Public
12:57:37 9 Prosecutions seeking to disclose to a number of accused.
12:57:40 10
12:57:40 11 Yes?---And the focus of the Bendigo Steering Committee was
12:57:46 12 on the responses to both the Director and then obviously
12:57:49 13 the subsequent court proceedings that ensued. My other
12:57:55 14 aspects of the Bendigo Steering Committee, as I referred to
12:57:59 15 earlier, related to the safety of Ms Gobbo. I was also
12:58:03 16 aware at that time that it was well-known that the 1999
12:58:11 17 registration had been known and that that wasn't a feature
12:58:16 18 of either the Director of Public Prosecutions or the court
12:58:29 19 action that subsequently pursued in the trial before
12:58:32 20 Justice Ginnane.
12:58:34 21
12:58:34 22 Yes?---And based on my knowledge that the 1999 registration
12:58:38 23 was not relevant to those processes, I didn't place any
12:58:44 24 great significance on the 1995 registration because the
12:58:47 25 focus was on the 2005 registration through the whole of
12:58:52 26 that legal process.
12:58:54 27
12:58:54 28 All right. I take it you were aware that Ms Gobbo was a
12:58:59 29 registered legal practitioner in 1999?---I'm not quite sure
12:59:05 30 that I am aware of the exact date or year that she became a
12:59:10 31 legal practitioner.
12:59:11 32
12:59:11 33 Yes?---I had thought that it may have been a little bit
12:59:15 34 earlier than that but I'm not aware of the date.
12:59:20 35
12:59:21 36 But you certainly were aware that by 1999 she was a
12:59:25 37 registered legal practitioner?---That's right.
12:59:27 38
12:59:28 39 Can you tell the Commission when steps were first taken to
12:59:34 40 investigate matters concerning the earlier
12:59:39 41 registrations?---Yes. I believe that Task Force Landow in
12:59:43 42 their work - by that stage the Royal Commission had been
12:59:47 43 announced and we'd set up task force Landow and that
12:59:52 44 through their work they were tasked to start to organise
12:59:58 45 documents, take possession of those, and it was through
13:00:02 46 that process that they then undertook an investigation into
13:00:06 47 both the 1999 period and 1995 period and tried to obtain

13:00:13 1 relevant documents to those periods.
13:00:15 2
13:00:15 3 Right. I was wondering though when you believe that that
13:00:19 4 process commenced, that is the actual investigation trying
13:00:25 5 to find, if you like, day books, diary entries, police
13:00:29 6 officers who were involved in that registration?---I'm not
13:00:32 7 sure. I would expect that to have been in January but I'm
13:00:38 8 not sure.
13:00:39 9
13:00:39 10 Right. Do you know whether there was any notification made
13:00:44 11 by your legal director to representatives or members of the
13:00:54 12 department, that is the Government department responsible
13:00:57 13 for policing?---I'm not sure.
13:01:00 14
13:01:00 15 That's not within your area of responsibility or
13:01:03 16 knowledge?---No, that's not.
13:01:05 17
13:01:05 18 Okay. Given that the Commission was announced in December
13:01:16 19 of 2018, are you able to say when it was that a member of
13:01:24 20 Victoria Police sought to raise this issue with the
13:01:28 21 Department of Justice?---No, I'm not in that position. I
13:01:33 22 don't - it wasn't me and I'm not aware of who it may have
13:01:36 23 been. I note the Royal Commission was set up and Letters
13:01:41 24 Patent issued that didn't cover the 1999 period despite
13:01:47 25 that being a known fact at that point in time.
13:01:51 26
13:01:51 27 All right. In terms of the material that was discovered
13:02:09 28 when that investigative process commenced, what was
13:02:16 29 discovered was that in 1993 there was an operation called
13:02:23 30 Operation Yak, Y-a-k, and it was as a result of that
13:02:31 31 operation determined that Ms Gobbo first had contact with
13:02:34 32 Victoria Police around September of 1993; is that
13:02:37 33 correct?---That's correct.
13:02:38 34
13:02:41 35 You say that at that time Ms Gobbo was a university
13:02:46 36 student?---That's correct.
13:02:46 37
13:02:48 38 Studying law at Melbourne University?---That's correct.
13:02:50 39
13:02:51 40 She was living with a partner or a de facto partner by the
13:02:56 41 name of Brian Wilson at a house in Rathdowne Street; is
13:03:01 42 that correct?---That's correct. I think there were other
13:03:02 43 people at that house but certainly that was one individual
13:03:05 44 that was there.
13:03:06 45
13:03:07 46 Do you know whether she was the registered owner of that
13:03:13 47 house, she owned the house?---I don't have that

13:03:15 1 information.
13:03:15 2
13:03:15 3 Right. Do you know that that information - well, the
13:03:26 4 discovery was through investigations of police that a
13:03:31 5 search warrant was executed on the house at 250 Rathdowne
13:03:35 6 Street in Carlton?---Yes, I'm aware of that and that was
13:03:38 7 executed on 3 September 1993.
13:03:40 8
13:03:41 9 Right. Is it the case that prior to that police had been
13:03:47 10 provided with information about the goings on in that
13:03:52 11 house?---Yes. So in order to take out a search warrant the
13:03:57 12 police would have needed information to seek a search
13:04:03 13 warrant, so they would have been in possession of
13:04:06 14 information prior to that date in order to obtain a
13:04:08 15 warrant.
13:04:09 16
13:04:09 17 Yes?---It is not clear to me, and I haven't seen any
13:04:11 18 documents, that indicate exactly what information they were
13:04:14 19 in possession of.
13:04:15 20
13:04:16 21 Although you were aware that there was a Crime Stoppers
13:04:19 22 report to police; is that right?---That's correct, yes.
13:04:23 23
13:04:24 24 As a consequence of that there was an operation established
13:04:28 25 and that operation had a primary target of Mr Wilson and a
13:04:32 26 secondary target of Ms Gobbo; is that right?---I'm not
13:04:37 27 aware of that. I believe the primary target was Mr Wilson,
13:04:42 28 I'm not aware that Ms Gobbo was the secondary target.
13:04:45 29 That's not something within my knowledge. I know there
13:04:49 30 were other people at the house but I'm not aware of that.
13:04:52 31
13:04:52 32 All right, okay. As a consequence of the execution of the
13:04:57 33 search warrant are you aware that a - I'm sorry, prior to
13:05:02 34 that there was a surveillance operation carried out, are
13:05:07 35 you aware of that?---My delay, Mr Winneke, is just trying
13:05:14 36 to find the reference in my statement to that. It just
13:05:18 37 doesn't - it isn't something right at the front of my mind
13:05:23 38 that I recall.
13:05:24 39
13:05:24 40 You shouldn't assume that the questions are taken from your
13:05:27 41 statement necessarily but are you aware of whether or not
13:05:31 42 there was a surveillance operation?---I'm not aware and I
13:05:33 43 don't believe I've included it in my statement and I'm not
13:05:36 44 aware of that.
13:05:36 45
13:05:37 46 Okay, all right then. In any event what you do attest to
13:05:42 47 is that there was a warrant executed and a significant

13:05:45 1 amount of drugs were found at the house; is that
13:05:48 2 right?---That's correct.
13:05:49 3
13:05:59 4 The person, Mr Wilson, was charged with trafficking in
13:06:03 5 drugs; is that correct?---That is correct, yes.
13:06:07 6
13:06:09 7 And Ms Gobbo was arrested at that stage; is that
13:06:15 8 right?---Yes, I believe that's correct and subsequently
13:06:18 9 charged.
13:06:18 10
13:06:19 11 Right. She was charged, as you understand it, with using
13:06:29 12 and possessing drugs, being cannabis and amphetamines; is
13:06:34 13 that right?---That's correct.
13:06:34 14
13:06:43 15 Ms Gobbo was bailed to appear at the Melbourne Magistrates'
13:06:47 16 Court on 29 November 1993; is that correct?---No, I don't
13:06:52 17 believe that was correct. She was bailed to appear on a
13:06:55 18 date earlier in November but the 29th of November was a
13:06:58 19 subsequent hearing to her bail date where her matters were
13:07:02 20 determined.
13:07:02 21
13:07:02 22 Right, okay. You also had access to, in making your
13:07:13 23 statement, a notebook of a person by the name of Sergeant
13:07:18 24 Ashton for the day of the arrest, that is the notebook -
13:07:23 25 the sort of notebook you were talking about before, police
13:07:27 26 officers use a notebook and they record details in it; is
13:07:31 27 that right?---That's correct.
13:07:31 28
13:07:31 29 COMMISSIONER: Mr Winneke, I'm just looking at the time.
13:07:35 30 It's a bit after one and you're going to a new topic, so
13:07:39 31 this might be a convenient time to adjourn.
13:07:41 32
13:07:41 33 Just before you do, if I could ask you, Mr Paterson, you
13:07:44 34 were asked by Mr Winneke about the 99 period of
13:07:46 35 registration and you said that the Letters Patent did not
13:07:50 36 cover that period. You were aware that the first term of
13:07:54 37 reference in the original Letters Patent of this Royal
13:08:00 38 Commission, the first term of reference was in general
13:08:03 39 terms the number of and extent to which cases may have been
13:08:08 40 affected by the conduct of 3838 as a human source. So
13:08:12 41 there was no time frame within that first Term of Reference
13:08:16 42 originally?---Yes, I'm aware of that, Commissioner, yes.
13:08:21 43
13:08:21 44 Thank you. We'll adjourn now until 2 o'clock.
13:08:49 45
13:08:50 46 <(THE WITNESS WITHDREW)
13:08:50 47

13:08:54

LUNCHEON ADJOURNMENT

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13:50:59 1 UPON RESUMING AT 2.09 PM:
14:09:49 2
14:09:49 3 COMMISSIONER: Mr Holt? I'm not sure who - Mr Winneke.
14:09:54 4
14:09:55 5 MR WINNEKE: I've just been provided with a statement which
14:09:58 6 is supposedly the statement which can go on to the website
14:10:03 7 as I understand it. I wonder whether Mr Holt might want to
14:10:09 8 have a look at some of the references. Just excuse me. I
14:10:13 9 think there's references to - - -
14:10:16 10
14:10:17 11 COMMISSIONER: Do you think, Mr Winneke, that not
14:10:19 12 everything has been redacted that Victoria Police envisaged
14:10:25 13 would be redacted?
14:10:26 14
14:10:26 15 MR WINNEKE: That's my concern. There's references to - -
14:10:29 16 -
14:10:29 17
14:10:29 18 COMMISSIONER: I better let you have some time to do that,
14:10:33 19 hadn't I?
14:10:33 20
14:10:33 21 MR WINNEKE: There's no urgency.
14:10:34 22
14:10:35 23 COMMISSIONER: We can't make it public until we make sure
14:10:38 24 we've got the right version.
14:10:39 25
14:10:40 26 MR WINNEKE: I withdraw that. There is a degree of
14:10:43 27 urgency, I accept that.
14:10:44 28
14:10:45 29 COMMISSIONER: Yes.
14:10:45 30
14:10:45 31 MR WINNEKE: But I agree it can't go on until it's
14:10:48 32 appropriately redacted. I mean - - -
14:10:52 33
14:10:52 34 COMMISSIONER: It will probably be quicker if you can all
14:10:56 35 have a - - -
14:10:58 36
14:10:59 37 MR WINNEKE: Perhaps my junior can speak to Mr Holt's
14:11:01 38 junior whilst we're going ahead.
14:11:03 39
14:11:03 40 COMMISSIONER: That would be good.
14:11:04 41
14:11:05 42 MR HOLT: I think there are copies of the statement that is
14:11:07 43 presently - I'm aware of the issues - that have been
14:11:11 44 provided at the Bar table. My assumption is those at the
14:11:13 45 Bar table will simply keep that to themselves until we
14:11:15 46 resolve the issues.
14:11:16 47

14:11:16 1 COMMISSIONER: All right then. Obviously I would like to
14:11:20 2 be able to put the statement up in some form into the
14:11:23 3 public arena before too long.
14:11:28 4
14:11:29 5 MR WINNEKE: Yes. Thank you, Commissioner.
14:11:30 6
14:11:30 7 COMMISSIONER: If that could be resolved as quickly as
14:11:34 8 possible and let me know when it is resolved, thanks.
14:11:37 9
14:11:37 10 MR WINNEKE: Yes.
14:11:38 11
14:11:38 12 COMMISSIONER: In the meantime you'd like Mr Paterson back
14:11:42 13 in the box?
14:11:43 14
14:11:44 15 MR WINNEKE: I'm ready to proceed. Those matters can be
14:11:47 16 dealt with whilst we're going on.
14:11:48 17
14:11:48 18 COMMISSIONER: Yes, thank you.
14:11:49 19
14:11:50 20 <NEIL JOHN PATERSON, recalled:
14:11:54 21
14:11:54 22 MR WINNEKE: Mr Paterson, I was asking you about a note in
14:11:59 23 Sergeant Ashton's day book, or notebook rather, for the day
14:12:05 24 of the arrests, and in that notebook there is a reference
14:12:10 25 to, or there are these words in inverted commas "assist re
14:12:18 26 Wilson". Firstly, is that correct, that's your
14:12:24 27 understanding?---Yes, I have seen the relevant notebook and
14:12:27 28 those words are there.
14:12:28 29
14:12:28 30 And to be fair he is not now able to recall whether that's
14:12:34 31 a reference to him assisting in the processing of Mr Wilson
14:12:37 32 or whether it relates to Ms Gobbo offering to assist police
14:12:39 33 in relation to Mr Wilson?---I understand that's correct.
14:12:42 34
14:12:42 35 Yes, okay. All right. Can I just take you back to some
14:12:47 36 evidence that you gave before lunch. Your understanding is
14:12:52 37 that in the AB, EF, CD proceeding there was an
14:13:03 38 understanding amongst the practitioners that Ms Gobbo had
14:13:06 39 been registered as an informer in 1999, is that
14:13:09 40 correct?---Yes, the Kellam report was, as I understand it,
14:13:14 41 an attachment via affidavit in the proceedings.
14:13:17 42
14:13:17 43 And you say that in the Kellam report there is a reference
14:13:21 44 to Ms Gobbo being registered in 1999?---That's correct.
14:13:25 45
14:13:29 46 Do you understand what the position was with respect to
14:13:33 47 Mr Comrie? Was he provided information that she was

14:13:36 1 registered prior to 2005?---I'm not aware of what Mr Comrie
14:13:43 2 was provided with.
14:13:44 3
14:13:44 4 Are you familiar with his report?---Yes, I am.
14:13:47 5
14:13:47 6 Do you know whether that report - I'm not going to it in
14:13:51 7 any detail - but are you familiar to the extent to say look
14:13:55 8 there is no reference to an earlier registration?---Without
14:13:57 9 looking back over it again my main familiarity with his
14:14:00 10 report is his recommendations, so I don't feel without
14:14:05 11 looking back at it that I could probably appropriately
14:14:08 12 answer your question, Mr Winneke.
14:14:10 13
14:14:10 14 Yes?---I don't recall it mentioning any earlier period of
14:14:15 15 time.
14:14:15 16
14:14:15 17 Yes?---But I'm not 100 per cent sure. Whilst I'm familiar
14:14:20 18 with it, it is a fairly decent document and I have had
14:14:24 19 many, many documents to look at.
14:14:26 20
14:14:26 21 I understand that. Insofar as the decision of Justice
14:14:31 22 Ginnane, obviously that speaks for itself. Do you say that
14:14:36 23 refers to her commencing as an informer prior to
14:14:40 24 2005?---No, I think that's - I think that's my point,
14:14:43 25 Mr Winneke. To me, despite that knowledge being in the
14:14:46 26 processes that were occurring in AB, CD and EF, that no,
14:14:53 27 that had taken no bearing on any of the processes.
14:14:56 28
14:14:57 29 You were involved in the proceeding in the sense that you
14:15:00 30 knew what was going on and you had - well, were you present
14:15:08 31 in court?---No. No, I've never been present in court in
14:15:12 32 those matters. Only in a subsequent matter in the Court of
14:15:16 33 Appeal have I been in court and in subsequently - I was
14:15:22 34 never in court for the proceeding or provided affidavits
14:15:25 35 for the proceedings. It was only in the subsequent
14:15:28 36 proceedings after the trial that I've provided affidavits
14:15:31 37 in it. So I had some awareness of what was happening
14:15:34 38 because of the briefings that were given at the Bendigo
14:15:38 39 steering committee.
14:15:39 40
14:15:39 41 Yes?---But that, you know that, the steering committee met
14:15:43 42 about every six to eight weeks or something like that.
14:15:46 43
14:15:46 44 All right. Do you know whether your counsel or counsel for
14:15:50 45 the Chief Commissioner was instructed with the knowledge
14:15:51 46 that she'd been registered in 1999?---I had no involvement
14:15:57 47 with the instructions to counsel in that matter.

14:16:00 1
14:16:00 2 Yes?---So I'm unable to know that answer.
14:16:03 3
14:16:03 4 But you say you had an awareness, a general awareness that
14:16:07 5 people involved in that proceeding, certainly as far as
14:16:10 6 your team was concerned, that she had been registered in 99
14:16:14 7 and yet the impression you got was that His Honour wasn't
14:16:17 8 aware of that, certainly when one reads the judgment?---No,
14:16:22 9 I'm not sure that that's my opinion. His Honour was
14:16:29 10 possessed of the Kellam report as well. I just don't think
14:16:34 11 it was the focus of the, of what the proceedings were
14:16:38 12 about. The proceedings precipitated out of the Kellam
14:16:41 13 report and the examination of seven case studies and it was
14:16:45 14 relevant to those case studies where the Director had
14:16:49 15 formed a view that they were required to write to those
14:16:52 16 individuals and hence the proceedings commenced.
14:16:57 17
14:16:57 18 Right?---So the 1999 period, despite being available in the
14:17:06 19 materials, wasn't part of what was being considered by the
14:17:11 20 court is my view.
14:17:12 21
14:17:12 22 Right. But you understand one of the issues that His
14:17:19 23 Honour was considering was the circumstances in which she
14:17:22 24 came to become an informer. That was one of the topics,
14:17:25 25 for example, in the judgment. Do you know that?---No, I've
14:17:28 26 not read his judgment and if that was the case, if that was
14:17:35 27 what was in his mind, I would then assume that it related
14:17:39 28 to the period of time that the Kellam report really focused
14:17:45 29 on, which was the 2005 to 2009 period.
14:17:48 30
14:17:48 31 Do you say that you've never read the decision of Justice
14:17:53 32 Ginnane?---I haven't read the full decision. I've read
14:17:56 33 parts of it and there are - I've read the High Court
14:18:00 34 judgment, I've read some judgments from the Court of
14:18:05 35 Appeal.
14:18:05 36
14:18:06 37 How much of the decision of Justice Ginnane have you
14:18:12 38 read?---Listen, I'd need to go back to my office and see if
14:18:15 39 I can find the version I had at a particular time. I don't
14:18:19 40 recall.
14:18:20 41
14:18:26 42 Look, I'll be corrected if I'm wrong but I suggest to you
14:18:29 43 that in the Kellam report there is no reference to a
14:18:32 44 registration prior to 2005?---No, that's not my
14:18:38 45 understanding. I'm quite sure Kellam refers to 1999
14:18:44 46 registration. I know that we weren't going to go to the
14:18:49 47 folders of materials for very reasons, but I'm aware that

14:18:55 1 Kellam is a report that I've got here.
14:18:58 2
14:18:58 3 Look, I don't want to be unfair to you but I just want to
14:19:02 4 make it clear, and I'm asking you the question, you say
14:19:05 5 that your recollection is that he does make reference to
14:19:08 6 that in his report?---Yes, that's correct.
14:19:11 7
14:19:17 8 Okay?---Certainly that's my recollection, Mr Winneke.
14:19:20 9
14:19:21 10 Yes?---That Kellam was well aware of that and that it was
14:19:27 11 in his report, but that's my recollection.
14:19:30 12
14:19:30 13 Perhaps if we can just draw the distinction between what
14:19:34 14 Mr Kellam was aware of and what was in his report. You say
14:19:37 15 that you're aware - your view is that he was aware of her
14:19:41 16 earlier registration. That's the first part of your
14:19:47 17 answer. Now, what gives you the impression that he was
14:19:50 18 aware?---It's my belief that he mentions that registration
14:19:56 19 in some way in his report and so that would lead me to that
14:20:00 20 belief.
14:20:00 21
14:20:00 22 Okay?---To mention it he would need to be aware of it.
14:20:04 23
14:20:04 24 Okay. So if it's not in his report then it's not clear -
14:20:10 25 you say "I don't know how" - - - ?---That would be another
14:20:15 26 matter. I'd need to have a look.
14:20:18 27
14:20:19 28 Right okay.
14:20:19 29
14:20:19 30 COMMISSIONER: I just notice there is some people standing
14:20:21 31 at the back of the courtroom. There are seats available if
14:20:26 32 you want to sit down, thank you. Yes.
14:20:28 33
14:20:40 34 MR WINNEKE: Are you able to say who was - you say you
14:20:49 35 weren't involved in the provision of instructions to
14:20:51 36 counsel in the AB litigation?---That's right.
14:20:56 37
14:20:56 38 Do you know who the person who was involved in providing
14:21:01 39 instructions to counsel in that case?---I assume The
14:21:07 40 Director of Legal Services in Victoria Police was the
14:21:08 41 person responsible.
14:21:09 42
14:21:09 43 That's Mr McCrae?---That's correct.
14:21:12 44
14:21:15 45 Was there an organisation or a Task Force or a group within
14:21:20 46 Victoria Police which was responsible for the provision of
14:21:23 47 instructions in that litigation to Mr McCrae?---So the -

14:21:29 1 well, the Bendigo steering committee was briefed by
14:21:34 2 Mr McCrae on various aspects of the proceedings and where
14:21:37 3 they were at at particular times.
14:21:40 4
14:21:40 5 Yes?---It may have been, you know, without reference to the
14:21:44 6 minutes of that committee, it may have been that at times
14:21:46 7 that committee gave a direction on something.
14:21:49 8
14:21:50 9 Yes?---But I don't recall a specific direction.
14:21:52 10
14:21:52 11 All right. What you've said is that Mr McCrae provided
14:21:57 12 briefings but as to who provided instructions to Mr McCrae,
14:22:01 13 that's what I'm asking?---Okay. So I would assume then
14:22:05 14 that the Chair of the committee was Deputy Commissioner
14:22:09 15 Paton and that, you know, he may have been taking the
14:22:15 16 organisational lead on providing instructions to Mr McCrae.
14:22:19 17
14:22:20 18 What you do say as a matter of certainty is that committee
14:22:23 19 was aware of the earlier registration?---Based on my
14:22:26 20 assumption that the 1999 - I don't recall any discussion
14:22:32 21 about the 1999 registration of that committee but based on
14:22:37 22 my assumption, and I've read many thousands of pages of
14:22:40 23 documents over a period of time, that my recollection is
14:22:45 24 that it's mentioned in the Kellam report. The Kellam
14:22:48 25 report has been a report that's been available to some
14:22:52 26 members of Victoria Police for some time.
14:22:54 27
14:22:54 28 Yes?---So I would expect that they are aware of that.
14:22:58 29
14:23:00 30 All right. Were minutes - you mentioned minutes of
14:23:09 31 meetings of the Bendigo steering group. I take it there
14:23:15 32 were minutes kept?---That's correct.
14:23:16 33
14:23:16 34 Do you know whether those minutes have been produced to the
14:23:19 35 Commission?---I'm not aware of what Notices to Produce have
14:23:23 36 been issued to Victoria Police. I'm aware that I've
14:23:27 37 received a letter and I'm aware of I think two other
14:23:31 38 notices that I have seen.
14:23:32 39
14:23:32 40 Yes?---But it is not my responsibility in my duties in the
14:23:36 41 organisation in the context of Notices to Produce, so I
14:23:41 42 don't have visibility of that.
14:23:43 43
14:23:43 44 All right. Who is the person at Victoria Police who's
14:23:48 45 responsible for answering Notices to Produce?---So the
14:23:50 46 process is that they obviously go to the lawyers
14:23:55 47 representing Victoria Police. They would come into Task

14:23:59 1 Force Landow and they would action the collection of
14:24:03 2 materials in answer to a Notice to Produce.
14:24:06 3
14:24:18 4 Yes, thanks very much. I've been diverted. Just excuse
14:24:22 5 me. Can I come back to the history. You do know that on
14:24:47 6 the 29th, I think we've been through this, Ms Gobbo pleaded
14:24:52 7 guilty to the possession and use of amphetamine and
14:24:55 8 cannabis. She received a bond without the recording of a
14:24:59 9 conviction, 3.13?---Yes, that's correct.
14:25:08 10
14:25:08 11 And there were co-accused. The person by the name of
14:25:13 12 Wilson who's been mentioned, he pleaded guilty, he received
14:25:20 13 eight months' imprisonment suspended for 24 months and the
14:25:24 14 other person was fined \$200 without a conviction being
14:25:29 15 recorded, correct?---That's correct.
14:25:31 16
14:25:32 17 At that stage as far as you're concerned there is no
14:25:35 18 evidence that Ms Gobbo assisted the police with the charges
14:25:38 19 against Mr Wilson by the provision of a statement or giving
14:25:41 20 evidence?---That's correct.
14:25:43 21
14:25:43 22 The issue as to whether she provided information otherwise,
14:25:47 23 that's something that you're not clear about based on your
14:25:51 24 information provided by Sergeant Ashton?---That's correct.
14:25:55 25
14:25:55 26 So that may or may not be the case, depending on what
14:25:59 27 "assistance re Wilson" means?---That's right. So, yes, I'm
14:26:05 28 not able to say whether any, she provided any information
14:26:09 29 in the context of Mr Wilson to police during that period of
14:26:12 30 time.
14:26:12 31
14:26:12 32 One way or the other?---That's correct.
14:26:15 33
14:26:15 34 Yes, all right. Now, it does appear that she was
14:26:27 35 registered as a human source not in 1993 but a couple of
14:26:31 36 years later, correct?---Yes, I think it was about 18 months
14:26:35 37 later in 1995. There was a human source registration for
14:26:41 38 Ms Gobbo.
14:26:41 39
14:26:44 40 Is it the case that Sergeant Ashton, who you've given
14:26:50 41 evidence about, continued to have contact with Ms Gobbo, in
14:26:55 42 other words he met her on occasions?---That's correct.
14:26:59 43
14:26:59 44 And indeed he recorded in his diary on occasions he spoke
14:27:07 45 to Ms Gobbo at the MCG where she was working?---That's
14:27:11 46 correct.
14:27:11 47

14:27:12 1 And are you able to say whether that was in 2004?---No, I
14:27:21 2 think it is relating to about 1994.
14:27:25 3
14:27:25 4 I apologise, 1994?---Listen, I don't know the exact dates.
14:27:30 5 He says it was sporadic contact throughout 1994 and 1995.
14:27:36 6
14:27:36 7 Yes?---I'm not sure of the exact dates of that.
14:27:39 8
14:27:39 9 Okay. Mr Ashton was in an organisation called the DSG
14:27:49 10 Group A or Area A, is that correct?---Yes. Victoria Police
14:27:52 11 was divided into different regions at that point in time.
14:27:57 12 A district or region, however we referred to it back then,
14:28:02 13 and Trevor was on secondment from whichever station he
14:28:06 14 actually worked at to the District Support Group which
14:28:09 15 would have been a group of police working in plain clothes
14:28:12 16 focusing on various matters.
14:28:15 17
14:28:15 18 Were they detectives or just working in plain
14:28:19 19 clothes?---Yes, so they weren't typically detectives. They
14:28:23 20 may, if Trevor was there as a Sergeant he may have
14:28:26 21 previously been a Detective in his earlier career, I'm not
14:28:30 22 aware of whether he was or wasn't, but detectives were at
14:28:34 23 that stage attached to Criminal Investigation Branches and
14:28:39 24 the district support groups were generally uniform members
14:28:43 25 seconded off to do plain clothes duty and often many of
14:28:47 26 those duties focused on drug supply and trafficking.
14:28:50 27
14:28:50 28 Is that right? I follow. Was typically a police officer
14:28:59 29 working at DSG associated with a team of other police
14:29:03 30 officers?---Yes, that's correct. They would have been
14:29:05 31 divided into a number of teams no doubt and there would
14:29:07 32 have been a Sergeant in charge of each team and a Senior
14:29:12 33 Sergeant in charge of the unit.
14:29:13 34
14:29:14 35 Was Mr Ashton in charge of that team in DSG A in 1995?---I
14:29:20 36 understand he was in charge of a team.
14:29:22 37
14:29:22 38 Do you understand that within his team was a police officer
14:29:26 39 by the name of Tim Argall?---That's correct.
14:29:30 40
14:29:30 41 A-r-g-a-l-l. And was there also a person by the name of
14:29:34 42 Rod Arthur in his team?---I'm not aware of that.
14:29:37 43
14:29:39 44 Well, you do say that Senior Constable Rod Arthur recalls
14:29:44 45 on occasions on which he was with Sergeant Ashton and they
14:29:48 46 spoke to Ms Gobbo on an occasion, rather?---What I'm not
14:29:52 47 aware of is whether Arthur was a member of his team or not.

14:29:57 1 I'm aware that Argall is.
2
14:29:58 3 Yes?---I'm not possessed of information that lets me know
14:30:04 4 that Rod Arthur was also a member of his team.
14:30:07 5
14:30:07 6 Can I ask you this, was Jeffrey Pope at that stage in the
14:30:11 7 same team?---I have no knowledge of that. I doubt it but I
14:30:14 8 have no knowledge.
14:30:15 9
14:30:15 10 You don't have any knowledge?---No.
14:30:29 11
14:30:40 12 What you do say is that there was sporadic contact between
14:30:43 13 Arthur, I'm sorry, Ashton and Ms Gobbo throughout 94, 95
14:30:50 14 whilst she was still a university student but was also
14:30:54 15 working at the MCG?---Yes.
14:30:56 16
14:31:01 17 Do you know that in April of 1995 another search warrant
14:31:06 18 was executed at the house in which Ms Gobbo lived? Was
14:31:15 19 that search warrant executed - or are you aware of this
14:31:20 20 other search warrant being executed firstly?---Yes, I am.
14:31:25 21 So I'm not aware though as to whether Ms Gobbo lived there
14:31:28 22 at that time. The information that I have is that another
14:31:31 23 search warrant was executed at that same address the
14:31:35 24 subject of the previous search warrant.
14:31:37 25
14:31:37 26 Yes?---That Mr Wilson was the target of that and he was
14:31:41 27 subsequently charged and I'm aware that Ms Gobbo was not
14:31:46 28 present on that occasion but I'm not aware whether she
14:31:50 29 actually lived at that address on that occasion.
14:31:53 30
14:31:55 31 Have your investigations pursued the question of who was
14:31:59 32 the registered owner of the property at that time?---No.
14:32:06 33 Keep in mind that it's not my investigation to do that.
14:32:09 34
14:32:09 35 I understand that?---We've got another group in Victoria
14:32:12 36 Police who I've referenced, Task Force Landow. They are
14:32:15 37 compiling and retrieving records and meeting disclosure
14:32:20 38 obligations in the context of Notices to Produce but I'm
14:32:24 39 not aware or undertaking any investigations about that.
14:32:26 40
14:32:27 41 I understand that but you're the person who is on behalf of
14:32:32 42 Victoria Police answering the questions about the contact
14:32:36 43 with Victoria Police members and Ms Gobbo. Can I ask you
14:32:40 44 this: when you made your statement did you satisfy
14:32:46 45 yourself that appropriate investigations were being made
14:32:49 46 and you were being asked to - given that you were being
14:32:54 47 asked to make a statement on behalf of Victoria Police as

14:32:57 1 to these matters?---Absolutely. What this statement does
14:33:00 2 not do is cover in great detail the events of those periods
14:33:06 3 of time.
14:33:07 4
14:33:07 5 All right?---You know, the design is to answer the
14:33:11 6 Commission's question and tell you what Task Force Landow
14:33:16 7 is aware of at the point in time that the request for a
14:33:19 8 statement comes in and then, obviously, together with
14:33:25 9 lawyers have assisted in the compilation of this and I'm
14:33:28 10 not aware of any other details. It may be that searches
14:33:32 11 are still occurring to find out details. I'm very
14:33:36 12 conscious that at that period of time in the organisation
14:33:39 13 everything would have been a manual record and I doubt
14:33:44 14 whether Victoria Police has a record of whether Ms Gobbo
14:33:49 15 was the registered owner of that house back then or whether
14:33:55 16 anyone in Victoria Police is undertaking such an inquiry
14:33:58 17 because it would be in context of our disclosure
14:34:02 18 obligations to the Royal Commission that we were gathering
14:34:04 19 documents and disclosing them to the Royal Commission.
14:34:07 20
14:34:07 21 Right. So in any event what you do say is that on behalf
14:34:12 22 of Victoria Police it is the intention of Victoria Police
14:34:16 23 to provide as accurate and comprehensive a statement as
14:34:20 24 possible I assume?---Yes, at the point in time that various
14:34:26 25 things are known.
14:34:27 26
14:34:27 27 Yes?---Knowing, as I've stated at the start of my
14:34:30 28 statement, there are many thousands of documents that have
14:34:33 29 been disclosed and I simply have not had the time to
14:34:38 30 consider the vast majority of those documents so I'm
14:34:44 31 relying on information that has been provided to me by Task
14:34:49 32 Force Landow in the investigations they've undertaken.
14:34:52 33
14:34:52 34 Yes, I follow. I understand your position. I take it
14:34:55 35 you've read statements which have been made by members of
14:35:02 36 police because indeed you've referred to some of them in
14:35:04 37 your statement?---The two statements that I have read, one
14:35:10 38 is Trevor Ashton's statement and the other statement that I
14:35:13 39 have read is a statement made by Gavin Segrave. They're
14:35:18 40 the only two statements that I've had access to or read and
14:35:22 41 are then referred to as attachments to my statement.
14:35:26 42
14:35:26 43 All right. Mr Ashton in his statement makes reference to
14:35:30 44 his belief - I'll do this correctly - that, "Other members
14:35:36 45 of my team at the relevant time may also have been aware,
14:35:43 46 including Jeff Pope, Rod Arthur and Neil Thompson"?---I've
14:35:48 47 read it once. I've had a lot to read, Mr Winneke. I

14:35:53 1 apologise, I'm trying to assist you as best I can. I know
14:35:58 2 you are aware that there is four folders behind me of
14:36:02 3 information.
14:36:02 4
14:36:04 5 We've all read documents?---I've only had those documents
14:36:10 6 since Friday.
14:36:10 7
14:36:11 8 If that's the case it would suggest, wouldn't it, that Jeff
14:36:13 9 Pope, if that's right, was involved in that scene where
14:36:17 10 Mr Ashton was involved?---If that's in the Ashton statement
14:36:20 11 that would certainly lead to that conclusion.
14:36:24 12
14:36:24 13 Obviously, as you know, Jeff Pope has had a significant
14:36:31 14 degree of involvement, putting this aside for the moment,
14:36:36 15 with matters concerning Ms Gobbo over a number of years,
14:36:41 16 correct?---Yes, that's - he's certainly had involvement in
14:36:47 17 a subsequent registration of Ms Gobbo and obviously later
14:36:51 18 in his career has had some involvement in the Comrie
14:36:58 19 report, I believe.
14:36:58 20
14:36:59 21 Yes, all right. Is that the extent of your knowledge of
14:37:04 22 Mr Pope's involvement with Ms Gobbo?---Yes.
14:37:08 23
14:37:09 24 All right, okay. Now, if I can come back to this time line
14:37:17 25 if you like. There was a search warrant. Ms Gobbo, as far
14:37:23 26 as you're concerned, wasn't present at the time and she
14:37:26 27 wasn't charged. It was the same house and Mr Wilson was
14:37:30 28 there and he was charged, is that right?---That's correct.
14:37:34 29
14:37:37 30 By mid-1995 another police officer, Tim Argall, that's the
14:37:42 31 person who we've mentioned who worked with Ashton, had met
14:37:46 32 Ms Gobbo through, well through Sergeant Ashton because they
14:37:53 33 were working together at the same time, correct?---Yes,
14:37:57 34 that's correct.
14:37:58 35
14:37:58 36 And in 95, July, Ashton and Argall registered Ms Gobbo as a
14:38:04 37 human source. Now, can I ask you about this. You
14:38:12 38 described the procedure that you were aware of in your
14:38:15 39 earlier days of registration. Is that the sort of process
14:38:18 40 which would have been followed in this case?---Yes. I
14:38:22 41 think even since the description that I gave, which was
14:38:25 42 prior to this period of time, had obviously developed into
14:38:31 43 a form being completed, which has been discovered in this
14:38:35 44 matter.
14:38:35 45
14:38:35 46 Yes?---So that form wasn't in existence to my belief when I
14:38:40 47 had an earlier source in the late 80s. But by this time

14:38:44 1 there was a form, so they would fill out some form, but
14:38:48 2 yes, the same registration process applied in terms of
14:38:54 3 providing the identity to a more senior officer in the
14:38:57 4 organisation at a local level. That would be provided in
14:39:01 5 an envelope. The senior officer would peruse that
14:39:05 6 information and then seal the envelope and allocate a
14:39:09 7 number which would be written on the outside of that
14:39:11 8 envelope and that number would then become the source
14:39:14 9 number relevant to that person.
14:39:16 10
14:39:17 11 All right. Now, the form - you had access to the form that
14:39:26 12 was used to register I take it?---Yes, I believe I have
14:39:30 13 seen that form.
14:39:31 14
14:39:32 15 From the records there was information recorded to the
14:39:38 16 effect that Ms Gobbo was a student?---That's correct.
14:39:41 17
14:39:42 18 That her reliability as a human source was "very
14:39:48 19 good"?---That's correct.
14:39:49 20
14:39:49 21 Her reasons for assisting police were recorded as
14:39:54 22 "genuinely wants to assist police"?---Correct.
14:39:57 23
14:39:59 24 The description of her was that she was, "A law student at
14:40:07 25 Melbourne University, currently living with a known
14:40:09 26 criminal. She was charged with possess amphetamine last
14:40:12 27 year as a result of a criminal that was living with her.
14:40:17 28 Is quite reliable and seeking a career as a
14:40:22 29 solicitor"?---That's correct.
14:40:22 30
14:40:28 31 Sergeant Ashton stated that the application - it's his
14:40:31 32 handwriting in the application?---Yes, that's correct.
14:40:35 33
14:40:41 34 In the ordinary course - perhaps there isn't an ordinary
14:40:48 35 course, but informers or people who are willing to be
14:40:51 36 informers, is the motive of a person who wants to be an
14:40:55 37 informer a relevant matter to consider?---It's always a
14:40:59 38 relevant matter to consider.
14:41:00 39
14:41:01 40 And why is that?---Understanding a motive often may display
14:41:07 41 risks with a human source so you need to, as far as
14:41:14 42 possible, understand the motive and indeed question the
14:41:18 43 motive as to whether it's a true motive or not.
14:41:22 44
14:41:27 45 In this case it may well be that a person who is willing to
14:41:32 46 be a registered informer clearly say they genuinely want to
14:41:37 47 assist the police, I suppose the question is why they want

14:41:40 1 to do so. Is that something that is considered by the
14:41:43 2 police officers registering the person?---Well it is these
14:41:47 3 days. I'm unsure of what was in the consideration back at
14:41:50 4 that particular period of time. There is a significant
14:41:56 5 lack of policy that guided people back in the organisation
14:42:00 6 then, but certainly motivation is a relevant consideration.
14:42:05 7
14:42:05 8 I follow that, because it may affect the veracity of the
14:42:08 9 information that they're giving?---Correct.
14:42:12 10
14:42:12 11 They may want to get back at someone or they may want - -
14:42:16 12 -?---They may want to take revenge, they may want to take
14:42:20 13 their competition off the street. There's a whole lot of
14:42:23 14 things that could occur.
14:42:24 15
14:42:24 16 The reality is in this case you're not in a position
14:42:27 17 looking at those scanty documents to form any view at
14:42:30 18 all?---No, that's right. Other than the words that are
14:42:33 19 recorded on the form seeking registration of Ms Gobbo which
14:42:35 20 indicates that she genuinely wants to assist police.
14:42:38 21
14:42:40 22 Now, members Ashton and Argall took Ms Gobbo to the Special
14:43:00 23 Response Squad so she could provide information in relation
14:43:03 24 to the involvement of Mr Wilson and another unknown man in
14:43:12 25 relation to firearms and drug trafficking?---That's the
14:43:15 26 information that I have, that's correct.
14:43:16 27
14:43:16 28 That's recorded in the Sergeant's notebook?---That's
14:43:20 29 correct.
14:43:20 30
14:43:22 31 And throughout 95 she provided information to police about
14:43:29 32 those people, Mr Wilson and the other person,
14:43:33 33 correct?---That's correct.
14:43:33 34
14:43:35 35 But there are no contact or information reports been
14:43:38 36 located in relation to that contact, correct?---That's my
14:43:42 37 understanding, yes.
14:43:43 38
14:43:43 39 And as you've said before, that sort of information is
14:43:46 40 normally recorded in diaries and day books?---Yes, we
14:43:50 41 weren't possessed of a computer system back then when we
14:43:54 42 would file copies of documents electronically or even the
14:43:58 43 system that's alive today where they would come into quite
14:44:02 44 a sophisticated intelligence management system.
14:44:05 45
14:44:06 46 Can I ask you about an operation which was carried out in
14:44:10 47 96, an Operation Scorn. Now that was commenced -

14:44:15 1 S-c-o-r-n. That was commenced on the basis of her
14:44:18 2 information, correct?---That is correct, yes.
14:44:20 3
14:44:20 4 And there was application made for authorised CIU
14:44:24 5 assistants dated 19 February 1996, is that correct?---I'm
14:44:36 6 sorry, if you could just repeat that? I can't find that in
14:44:40 7 my statement so I'm just trying to - - -
14:44:42 8
14:44:43 9 COMMISSIONER: 3.24?---16 February, it was put to me 19
14:44:50 10 February so I'm just unsure.
14:44:51 11
14:44:52 12 MR WINNEKE: All right. What you say is that - in any
14:44:55 13 event you got information that the operation commenced on
14:44:58 14 16 February?---That's correct.
14:45:00 15
14:45:13 16 Were you provided with an operation progress report as part
14:45:17 17 of the making of your statement?---No.
14:45:21 18
14:45:22 19 No. What were you provided with?---I was provided with
14:45:25 20 this information that had been discovered through Task
14:45:29 21 Force Landow.
14:45:29 22
14:45:29 23 I follow, okay?---And subsequently I have been provided
14:45:32 24 various documents but I haven't had the opportunity to read
14:45:35 25 all those documents as yet, as I've mentioned earlier.
14:45:38 26
14:45:38 27 Thanks very much. On 21 February 2006 - - -
14:45:45 28
14:45:45 29 COMMISSIONER: 1996.
14:45:46 30
14:45:47 31 MR WINNEKE: I keep making that same decade mistake, 96 she
14:45:51 32 introduced an undercover police officer to
14:45:54 33 Mr Wilson?---That's correct.
14:45:54 34
14:45:55 35 And that undercover obtained a drug sample from Mr Wilson
14:45:59 36 and was given a quotation for the supply of
14:46:02 37 amphetamine?---Yes, that's correct.
14:46:03 38
14:46:04 39 The operation came to an end shortly after that,
14:46:09 40 correct?---That's correct.
14:46:11 41
14:46:12 42 Although it's not clear to you why that was so?---That's
14:46:17 43 correct.
14:46:17 44
14:46:18 45 However there's a note from an operation report to this
14:46:26 46 effect, that a Detective Senior Sergeant John, Jack
14:46:33 47 Blayney, as he then was. Do you know Jack Blayney

14:46:36 1 now?---Yes, he's a former Assistant Commissioner of
14:46:40 2 Victoria Police.
14:46:41 3
14:46:41 4 Right. What was, he's retired?---Yes, he has retired,
14:46:48 5 yeah, I believe.
14:46:48 6
14:46:49 7 What was his area?---When he left the organisation he was
14:46:51 8 the Chief Information Officer for the organisation.
14:46:54 9
14:46:56 10 And he made a note dated around March of 1996, 5 March, in
14:47:04 11 which he described Ms Gobbo as a "loose cannon" because she
14:47:08 12 was, "Making her own arrangements and not liaising with
14:47:12 13 investigators", is that right?---That's correct.
14:47:16 14
14:47:18 15 And part of the report or a second report indicated that
14:47:22 16 the job was cancelled and Detective Senior Sergeant Jack
14:47:28 17 Blayney made both of those reports?---That's correct.
14:47:30 18
14:47:31 19 You drew an inference from what you read and what you'd
14:47:37 20 heard about the reason why those jobs or that job was
14:47:43 21 cancelled. What was the inference that you made?---The
14:47:45 22 inference that I make is that she wasn't considered
14:47:48 23 reliable enough for investigators to proceed with an
14:47:53 24 introduction in acquiring drugs in that operation.
14:47:59 25
14:47:59 26 And I take it the use of undercover members are high risk,
14:48:04 27 that's a high risk process, is it?---Many processes are in
14:48:09 28 Victoria Police high risk and that could be considered one.
14:48:13 29
14:48:13 30 All right. Now, did he also note that Ms Gobbo had been
14:48:18 31 the informer regarding an ALP Liberal document leaked prior
14:48:23 32 to the election in which she blamed the Liberal member, is
14:48:27 33 that something that you recall reading in the note?---I
14:48:31 34 think I have read something like that in one of the
14:48:34 35 reports. I note it's not covered in my statement but I
14:48:37 36 think I have read something like that, yes. I think that
14:48:41 37 document has, is such a document that has been disclosed to
14:48:45 38 the Royal Commission.
14:48:46 39
14:48:46 40 Yes, yes. And that was part of the reason or that was
14:48:50 41 contained within the report of Mr Blayney?---That's right.
14:48:55 42
14:48:56 43 And that might also give some idea about why the job was
14:49:00 44 cancelled?---Listen, I think it provided context in that
14:49:07 45 report. I'm not so sure that it was that that led to the
14:49:11 46 operation being cancelled.
14:49:12 47

14:49:12 1 Yes, okay. All right?---I'm unable to say because I don't
14:49:17 2 know.
14:49:17 3
14:49:17 4 All right, okay. It may well be from your own recollection
14:49:26 5 or otherwise, but were you aware there was a controversy
14:49:29 6 about the leaking of letters around that time and
14:49:34 7 Ms Gobbo's involvement in that process?---No, I wasn't
14:49:37 8 until I became aware of this aspect and someone told me a
14:49:41 9 little bit about that history.
14:49:42 10
14:49:42 11 Yes, okay. Now, what you say is that it's unlikely that
14:50:05 12 Detective Senior Sergeant, as he then was, Blayney's
14:50:09 13 observations about Ms Gobbo were ever known to members who
14:50:12 14 later had contact with Ms Gobbo because of the system of
14:50:16 15 recording that information?---That's correct.
14:50:18 16
14:50:19 17 Obviously that may or may not depend on whether persons
14:50:26 18 such as Mr Pope were aware that she was registered, if she
14:50:30 19 was a part of that organisation at the time, that is that
14:50:33 20 group?---Absolutely correct, yes. There would have been
14:50:38 21 no, the inference I make there is there wasn't an
14:50:40 22 organisational system in place to ensure anyone coming
14:50:44 23 later in the process to try and register Ms Gobbo as a
14:50:48 24 source would have had automatic access to that report of
14:50:52 25 Blayney. So I'm, I'm unaware as to whether Pope had access
14:51:05 26 to that knowledge, but what I - you know, the undercover
14:51:09 27 report wouldn't have been stored in any way in a hard copy
14:51:13 28 associated with a human source record.
14:51:15 29
14:51:15 30 Okay. Can I ask you some questions about the Petra Task
14:51:33 31 Force if I may at this point. Is it the case that the Task
14:51:39 32 Force was established in about April of 2007?---Let me just
14:51:49 33 - - -
14:51:49 34
14:51:49 35 I'm not - - - ?---I've never been involved in Petra Task
14:51:54 36 Force. I know what it was formed for but I'm not sure when
14:51:57 37 it was set up. I had no involvement in it.
14:52:03 38
14:52:12 39 COMMISSIONER: Would you please, whoever is responsible for
14:52:14 40 that disturbance to the Commission hearings, stop it, thank
14:52:19 41 you. Yes, I think you were talking about the Petra Task
14:52:31 42 Force, Mr Winneke.
14:52:31 43
14:52:32 44 MR WINNEKE: Yes. I take it you're aware that - you know
14:52:35 45 what the Petra Task Force was?---Yes.
14:52:37 46
14:52:37 47 And the Petra Task Force - what was it to your

14:52:41 1 knowledge?---I understand it was an investigation into the
14:52:45 2 deaths of the Hodsons.
14:52:47 3
14:52:47 4 There was, you understand that there was an operation or a
14:52:51 5 murder investigation subsequent to the death of the Hodsons
14:52:53 6 which was called Operation Loris I believe, is that
14:52:57 7 right?---I'm not aware of that.
14:52:58 8
14:52:59 9 In any event, a Task Force was established in around April
14:53:03 10 of 2007. You say you're aware of the Task Force, you're
14:53:10 11 not aware specifically of the time it was set up, is that
14:53:13 12 right?---No, I was a much more junior rank, I had nothing
14:53:17 13 to do with it. I'm aware a Task Force existed at that time
14:53:21 14 and I'm certainly aware now of the name and what they were
14:53:24 15 looking at but, no, I have no other specific knowledge of
14:53:27 16 it.
14:53:27 17
14:53:27 18 All right. In any event that Task Force was subsequently
14:53:33 19 involved in receiving information from the handlers that
14:53:41 20 had been, were involved in the Source Development Unit, is
14:53:47 21 that correct, Petra Task Force?---They had received
14:53:51 22 information from the handlers of the, of Ms Gobbo, the
14:53:59 23 Source Development Unit had provided information to Petra.
14:54:01 24
14:54:02 25 Yes?---I believe that there was - I'm not sure how it's
14:54:05 26 occurred because I haven't read all the material from that
14:54:07 27 period of time, however I understand at a point in time a
14:54:11 28 decision was made that Ms Gobbo had some relevant
14:54:17 29 information that was in relation to that Task Force and a
14:54:20 30 decision had been made to use her as a witness in Task
14:54:25 31 Force Petra.
14:54:26 32
14:54:26 33 Right. Do you understand that prior to the decision that
14:54:29 34 was made to use her as a witness, that that Task Force,
14:54:33 35 which was investigating the murder of the Hodsons, was
14:54:37 36 receiving information that was coming from Ms Gobbo?---It
14:54:40 37 wouldn't surprise me but, listen, I don't think I'm
14:54:44 38 possessed of that actual knowledge. It's not something
14:54:47 39 that I've had access to or looked at.
14:54:49 40
14:54:49 41 Can I ask you this: were you aware that Deputy
14:54:52 42 Commissioner Simon Overland was on the Task Force steering
14:54:55 43 committee?---Of the Petra Task Force, yes, I am aware that
14:55:00 44 he was a member of a steering committee over that Task
14:55:03 45 Force.
14:55:03 46
14:55:03 47 It was a joint Task Force with the OPI, with the Office of

14:55:09 1 Police Integrity, is that right?---I don't know that much
14:55:11 2 information. I'm aware that a member of the OPI was
14:55:15 3 apparently on the steering group or management group of it
14:55:18 4 but I'm not aware if it was a joint Task Force or a police
14:55:21 5 Task Force.
14:55:22 6
14:55:23 7 Can you explain what the steering committee, what a
14:55:26 8 steering committee would do?---The idea of a steering
14:55:30 9 committee generally in Victoria Police, and I speak about
14:55:33 10 my knowledge of being a member of a steering committee, is
14:55:36 11 that you would provide guidance in accordance with the
14:55:41 12 Terms of Reference of any one steering committee for
14:55:45 13 matters which you've got some much higher level of
14:55:49 14 oversight over.
14:55:49 15
14:55:50 16 If a member of the OPI was a member of the steering
14:55:53 17 committee, that person would have some involvement in the
14:55:56 18 work of that steering committee?---I would assume so but I
14:56:00 19 haven't been a member of a steering committee that is
14:56:04 20 involved, either the OPI or IBAC. I'm not familiar with
14:56:09 21 that.
14:56:09 22
14:56:11 23 Do you know who the OPI member was who was on the Petra
14:56:15 24 Task Force steering committee?---I believe at one point
14:56:19 25 Graham Ashton was on that and then subsequent to that I
14:56:23 26 believe Paul Jevtovic was on it.
14:56:25 27
14:56:25 28 What you can say is that Graham Ashton was on the steering
14:56:29 29 committee of the Petra Task Force?---That's my
14:56:32 30 understanding, yes.
14:56:33 31
14:56:33 32 You understand as a general proposition that that Task
14:56:36 33 Force was investigating double execution murder of Terrence
14:56:42 34 and Christine Hodson which occurred in May 2004?---That's
14:56:46 35 correct.
14:56:46 36
14:56:46 37 Do you understand that Superintendent Jack Blayney was also
14:56:50 38 on that Task Force, steering committee?---No, I'm not aware
14:56:54 39 of that. To be clear, Mr Winneke, I haven't looked at any
14:57:01 40 detailed reports or anything in terms of the Petra Task
14:57:05 41 Force at all. I know that I have made a disclosure, an
14:57:10 42 inclusion in my statement of information that has been
14:57:13 43 discovered by Landow Task Force in response to the Royal
14:57:18 44 Commission, but really that's probably the extent of my
14:57:21 45 knowledge of the Petra Task Force issues.
14:57:25 46
14:57:25 47 Do you have a view as to - and you understand what the OPI

14:57:30 1 was?---Yes, the Office of Police Integrity. They existed
14:57:34 2 for a period of time under an Act in Victoria and over
14:57:38 3 sighted and had a responsibility in the context of police.
14:57:42 4
14:57:42 5 Integrity?---Integrity for police, yes.
14:57:44 6
14:57:45 7 Do you have a view as to whether it was appropriate for the
14:57:47 8 OPI to be participating jointly with police task forces in
14:57:54 9 the investigation of crime?---I don't have a view. I'm not
14:57:59 10 possessed of the facts or circumstances to lead to that,
14:58:04 11 such a formation, so it's not something hypothetically that
14:58:08 12 I could answer because I don't have those facts and
14:58:11 13 circumstances that no doubt those individuals involved had
14:58:14 14 at that time.
14:58:14 15
14:58:14 16 Just as a simple proposition, if you've got an organisation
14:58:18 17 which is responsible for the oversight of police integrity,
14:58:23 18 it would follow, wouldn't it, that it may not be
14:58:25 19 appropriate if that organisation supposedly responsible for
14:58:32 20 police integrity is in fact participating in police
14:58:35 21 investigations?---The point you make may well be possible
14:58:40 22 but I don't have a view because I just don't know the facts
14:58:43 23 and circumstances around Task Force Petra.
14:58:45 24
14:58:46 25 All right?---What the information was that they were
14:58:48 26 possessed of as individuals in making any decisions in that
14:58:51 27 period of time. They were senior officers, I was at a much
14:58:56 28 more junior rank at that stage in my career. I'm not
14:59:00 29 trying to avoid the question, Mr Winneke, it's just that I
14:59:03 30 don't feel that I'm able to answer because I'm not
14:59:05 31 possessed of the facts that they would have been possessed
14:59:08 32 of.
14:59:08 33
14:59:10 34 All right. Do you know from your examination and your
14:59:14 35 involvement in these matters, do you know whether - perhaps
14:59:21 36 I'll ask you these questions. You may or may not know the
14:59:25 37 answers to these. What you've said is at that stage in or
14:59:30 38 around 2007 in relation to Petra Task Force, you understood
14:59:38 39 that Deputy Commissioner Overland was a member of the
14:59:40 40 steering committee?---I think he was at a point in time.
14:59:44 41 I'm not sure whether he was there as the Deputy
14:59:47 42 Commissioner or the Assistant Commissioner for Crime. I
14:59:50 43 don't know the dates of his promotion.
14:59:52 44
14:59:52 45 You understand that Graham Ashton was an OPI member of the
14:59:59 46 Task Force?---At a period in time, yes, that's correct.
15:00:01 47

15:00:01 1 And Assistant Commissioner Luke Cornelius was a member of
15:00:05 2 the Task Force?---Yes, I believe that's correct, yes.
15:00:08 3
15:00:10 4 Paul Hollowood, Superintendent Paul Hollowood, was he a
15:00:13 5 member of the Task Force?---I certainly know who Paul is
15:00:17 6 but I've got no knowledge of whether he was or wasn't a
15:00:20 7 member of that Task Force, either the Task Force or the
15:00:27 8 steering committee, I just don't know that information.
15:00:29 9
15:00:29 10 Likewise I suppose you'd say you couldn't be clear as to
15:00:32 11 whether Detective Superintendent Rod Wilson was a member of
15:00:36 12 the Task Force?---Again, I know who he is. In 2007 I was
15:00:41 13 an Inspector managing our legal policy area focusing on the
15:00:43 14 development of legislation with government, I had no
15:00:44 15 involvement in the Crime Department or Crime Command at
15:00:48 16 that period of time. I'm just not aware.
15:00:50 17
15:00:51 18 So again would you say that you wouldn't know whether those
15:00:56 19 members of the Task Force, it would follow I suppose that
15:01:01 20 you would say you wouldn't know whether they were aware
15:01:04 21 that Ms Gobbo was a practising barrister at that time?---I
15:01:10 22 would assume that they would know that. My assumption is
15:01:13 23 based on the fact that her source registration in 2005
15:01:19 24 records the fact that she was a lawyer.
15:01:21 25
15:01:21 26 Yes?---So I assume, I make an assumption that they would
15:01:25 27 know that she was practising.
15:01:28 28
15:01:28 29 Assuming they were aware of where the information was
15:01:33 30 coming from, that is that Ms Gobbo was providing
15:01:36 31 information to the Petra Task Force, they would be aware
15:01:40 32 that she was a practising barrister?---That's the inference
15:01:43 33 I make, yes.
15:01:44 34
15:01:45 35 In your examinations of the materials and your
15:01:49 36 investigations such as they've been, did you find out
15:01:54 37 whether or not there was any legal advice sought by the
15:01:57 38 Petra Task Force as to whether it was or wasn't appropriate
15:02:01 39 to engage the services of a practising barrister as a human
15:02:07 40 source?---No, I'm not aware of that, whether it was or
15:02:10 41 wasn't. As I've indicated, my knowledge of Task Force
15:02:16 42 Petra is quite minimal, other than the, my very recent
15:02:21 43 knowledge of some information that was discovered by Task
15:02:24 44 Force Landow which when brought to my attention I indicated
15:02:29 45 that it was highly relevant to disclose that material and
15:02:33 46 such disclosure then occurred.
15:02:35 47

15:02:37 1 Are you aware whether any such legal advice has been
15:02:41 2 provided to the Commission, that is legal advice in around
15:02:44 3 2007?---I think there is a legal advice by McGuire that has
15:02:51 4 been provided. I don't, I'm not aware of any knowledge as
15:02:55 5 to exactly how that advice was sought or obtained.
15:02:58 6

15:02:59 7 Clearly one of the things that, in your role at Operation
15:03:06 8 Landow, Bendigo and so forth, one of the things that you've
15:03:09 9 been concerned to determine was whether or not any legal
15:03:13 10 advice had been sought and obtained, or sought and obtained
15:03:18 11 by any of the people who were involved in the handling,
15:03:23 12 management, et cetera, of Ms Gobbo?---No, that's not
15:03:27 13 correct. In terms of the Bendigo steering committee it was
15:03:30 14 dealing with the litigation that was on foot after a letter
15:03:36 15 was received by the then Director of Public Prosecutions.
15:03:39 16 In terms of the Landow steering committee, the steering
15:03:43 17 committee, it is concerned to ensure that the response by
15:03:47 18 Victoria Police to the Royal Commission is appropriate and
15:03:51 19 a number of other matters that they have covered in their
15:03:56 20 Terms of Reference that they have got oversight of.
15:04:00 21

15:04:01 22 I'll come back to this in due course as we move through it
15:04:04 23 but one of the questions you were asked to deal with
15:04:09 24 concerned the identification of any shortcomings in its
15:04:21 25 processes and practices concerning the recruitment and
15:04:24 26 handling of human sources with legal obligations of
15:04:28 27 confidentiality and another of the questions - you agree
15:04:32 28 with that, that's a question that you were asked to deal
15:04:35 29 with?---That's one of the questions, yes.
15:04:37 30

15:04:38 31 And you were asked to deal with the question of whether
15:04:42 32 Victoria Police has identified any failures or shortcomings
15:04:46 33 in its processes and practices relating to the use of
15:04:49 34 Ms Gobbo. Now, do you say that in answering those
15:04:53 35 questions you didn't turn your mind to the issue of whether
15:04:57 36 or not legal advice had been sought as to the
15:04:59 37 appropriateness of using a legal practitioner as a human
15:05:04 38 source?---In answering those questions I've been clearly
15:05:11 39 assisted by lawyers representing Victoria Police to
15:05:15 40 formally respond to those and we've provided a response in
15:05:19 41 the context of the Comrie and Kellam review. I'm aware
15:05:23 42 that the McGuire advice has been provided. As I indicated
15:05:27 43 to you earlier, there are four very large folders and I
15:05:31 44 have not had the time to read the material that's in those
15:05:36 45 folders since I received them on Friday.
15:05:40 46

15:05:40 47 Okay?---So I can't take that further.

15:05:42 1
15:05:42 2 Okay. Now, perhaps if I could just ask you about another
15:05:49 3 topic which you may not know about. Were you aware that
15:05:52 4 there were OPI hearings conducted in July of 2007 connected
15:05:59 5 with the investigation of the Hodson murders?---No, I'm
15:06:05 6 not.
15:06:06 7
15:06:06 8 Not aware of that?---No, that's correct.
15:06:08 9
15:06:12 10 Can I move to 1997 and an operation called Operation
15:06:33 11 Carron, C-a-r-r-o-n. Was Operation Carron an investigation
15:06:45 12 by the Drug Squad which resulted in the arrest of ten
15:06:52 13 people?---That's correct.
15:06:53 14
15:06:54 15 In your statement you indicated that as far as you were
15:06:57 16 aware there were four people arrested in that drug
15:07:02 17 operation but your understanding now is that there were ten
15:07:09 18 people?---That's correct.
15:07:10 19
15:07:10 20 How did you become aware of the fact there were ten
15:07:13 21 people?---I was shown a report late yesterday.
15:07:16 22
15:07:16 23 Yes?---That indicated that ten people had been arrested in
15:07:19 24 that particular operation.
15:07:21 25
15:07:22 26 All right. Who showed you that report?---It was, I think
15:07:26 27 it was a member of Task Force Landow. Either that or one
15:07:29 28 of the lawyers assisting me in the preparation of my
15:07:32 29 statement.
15:07:32 30
15:07:35 31 Is it your understanding that by November of 1997 Ms Gobbo
15:07:40 32 was employed as a solicitor at a Melbourne law
15:07:44 33 firm?---That's correct.
15:07:44 34
15:07:46 35 And she'd been admitted to the legal profession the
15:07:50 36 previous year, 1996?---That's my understanding, yes.
15:07:54 37
15:07:56 38 And the law firm by whom she was employed was acting for at
15:08:05 39 least three of the people who had been charged,
15:08:10 40 correct?---That's my understanding.
15:08:11 41
15:08:11 42 And those people were named Darren Jackson - just excuse
15:08:17 43 me. I'm getting a - - -
15:08:24 44
15:08:24 45 MR HOLT: Can I just approach my learned friend?
15:08:41 46
15:08:41 47 MR WINNEKE: Just excuse me. Commissioner, I don't want to

15:08:53 1 go further than I'm permitted to go.
15:08:55 2
15:08:56 3 MR HOLT: It's not about permission, I'm just trying to be
15:09:00 4 cautious. I apologise for interrupting. I just need to
15:09:05 5 check something if I may.
15:09:05 6
7
15:09:05 8 COMMISSIONER: Is it resolved?
15:09:07 9
15:09:07 10 MR HOLT: It's not quite yet resolved. I just need to
15:09:08 11 check something if I may.
15:09:08 12
13
15:09:33 14 COMMISSIONER: Do you want a short adjournment?
15:09:35 15
15:09:36 16 MR HOLT: I'd be grateful, Commissioner.
15:09:39 17
18
15:09:47 19 COMMISSIONER: We'll adjourn for a few minutes.
15:09:49 20
21 (Short adjournment.)
15:09:51 22
15:23:25 23 MR HOLT: That issue is resolved and I'm grateful for the
15:23:27 24 time, Commissioner.
15:23:29 25
15:23:30 26 COMMISSIONER: Thanks Mr Holt. Mr Winneke, yes.
15:23:38 27
15:23:39 28 MR WINNEKE: Yes, thank you Commissioner.
15:23:41 29
15:23:41 30 I've just had shown to me what is annexure B to the
15:23:52 31 Kellam report, and without going into details of the
15:23:59 32 annexure it does appear that there was information that was
15:24:03 33 available to the Kellam inquiry which was an informer
15:24:08 34 registration application dated 13 May 1999. That may well
15:24:14 35 be what you had in mind, something along those lines?---It
15:24:18 36 could well be, Mr Winneke.
15:24:19 37
15:24:20 38 Yes?---I would need to go back and reread my version of the
15:24:24 39 Kellam report just to identify, but if that is what you're
15:24:29 40 saying is there that you've identified in the break, that
15:24:31 41 could well be the detail I'm referring to.
15:24:33 42
15:24:34 43 Whether or not it was actually referred to in the body of
15:24:38 44 the report it may be it was material that was before the
15:24:40 45 Kellam Inquiry?---That's correct.
15:24:42 46
15:24:42 47 All right, okay. If I can go back to where we were at

15:24:58 1 before. There was an arrest, there were ten people
15:25:07 2 arrested. Three of the people charged were named Darren
15:25:11 3 Jackson, a Mr Duma, D-u-m-a, and a Peter Reid. Those
15:25:18 4 people were arrested and Ms Gobbo's employer was acting for
15:25:23 5 those three people. Do you understand that?---That's my
15:25:26 6 belief, yes, that's correct.
15:25:27 7
15:25:29 8 And the informant, that is the police officer in charge of
15:25:33 9 the preparation of the brief, was a Detective Senior
15:25:38 10 Constable Simon Middleton?---That's correct. I can't
15:25:43 11 imagine he was the informant for all ten but he certainly
15:25:46 12 was a police informant in that matter.
15:25:48 13
15:25:48 14 I follow what you're saying. In any event, a police
15:25:52 15 informant is the person who is responsible for the
15:25:55 16 preparation of a brief which goes to prosecution, a brief
15:25:58 17 of evidence?---A brief of evidence. The actual informant
15:26:01 18 will be the person that has put their name as the informant
15:26:04 19 on the charge.
15:26:05 20
15:26:05 21 On the charge?---To a particular person.
15:26:07 22
15:26:07 23 Yes?---And then if there was ten people involved I can
15:26:12 24 imagine it would have been a collective effort in terms of
15:26:15 25 briefs of evidence.
15:26:16 26
15:26:16 27 Yes?---And they would be - he would have had a
15:26:20 28 responsibility in that process.
15:26:21 29
15:26:21 30 Yes, all right. The informant is often a person who would
15:26:29 31 have contact with the legal representatives who is
15:26:35 32 representing the person who is charged?---That's correct.
15:26:37 33
15:26:38 34 So typically there might be communication freely between
15:26:41 35 the informant and the solicitor?---Correct, yes.
15:26:44 36
15:26:44 37 Okay. Are you aware that Detective Senior Constable Simon
15:26:54 38 Middleton was a person who Ms Gobbo dealt with for a period
15:27:02 39 of time after this?---I'm aware that Middleton dealt with
15:27:09 40 Gobbo during the period of time subsequent to the charges
15:27:12 41 being laid.
15:27:12 42
15:27:13 43 Yes?---Until resolution of those charges. So for a period
15:27:16 44 of time after, yes, that's correct.
15:27:17 45
15:27:19 46 What you do understand from your examination of the
15:27:23 47 materials is that there was no suggestion that Ms Gobbo had

15:27:26 1 provided any information to police prior to the arrest of
15:27:29 2 these people which in any way led to their arrest?---That's
15:27:33 3 correct. It's my information that the only circumstance
15:27:37 4 that led to Middleton having any engagement with Ms Gobbo
15:27:42 5 was that she worked for a legal firm that was representing
15:27:46 6 these people subsequent to their charge.
15:27:48 7
15:27:48 8 Yes, all right. And likewise, there was no evidence that
15:27:53 9 she assisted police in relation to the prosecution of those
15:27:57 10 charges as far as you're aware?---That's correct.
15:27:59 11
15:28:03 12 All right. Middleton spoke to Ms Gobbo on the day of the
15:28:06 13 arrests, although he can't recall what was
15:28:11 14 discussed?---That's correct.
15:28:11 15
15:28:12 16 He attended upon the employers of Ms Gobbo and served parts
15:28:17 17 of the brief of evidence upon her and he met her on two
15:28:21 18 other occasions to serve further evidence; is that
15:28:25 19 right?---That's correct.
15:28:25 20
15:28:27 21 There was a person working at the Drug Squad at that stage
15:28:34 22 by the name of Detective Senior Sergeant Wayne
15:28:41 23 Strawhorn?---Yes, that's correct.
15:28:42 24
15:28:44 25 Can I just ask you about Detective Senior Sergeant Wayne
15:28:53 26 Strawhorn. Is it your understanding whilst he was working
15:28:56 27 at the Drug Squad he was charged with threatening to kill a
15:29:03 28 police officer?---That's correct.
15:29:03 29
15:29:04 30 That's in 2003 and in 2006 he was convicted of supplying
15:29:06 31 drugs to an underworld person by the name of Mark
15:29:12 32 Moran?---That's correct.
15:29:12 33
15:29:12 34 In relation to the Drug Squad, I take it it's your
15:29:15 35 knowledge that there was concerns about corruption in that
15:29:19 36 Squad in the early 2000s which resulted in the eventual
15:29:26 37 complete disbandment of the Drug Squad?---That's right. I
15:29:30 38 think the investigation that followed was called the Ceja
15:29:35 39 Task Force and it led to the disbandment of what was then
15:29:38 40 the Drug Squad and a number of people being charged.
15:29:41 41
15:29:42 42 All right. Are you aware that by about July of 1998 that
15:29:58 43 Detective Senior Constable Middleton and a colleague,
15:30:02 44 Detective Senior Constable Lim, L-i-m, met Ms Gobbo for the
15:30:05 45 purpose of assessing her as an informer?---Yes, I'm aware
15:30:09 46 of that.
15:30:10 47

15:30:12 1 And at that meeting she alleged that her employer was
15:30:18 2 involved in fraudulent activity which was being carried out
15:30:22 3 with one of the clients of the firm who was in fact, the
15:30:27 4 firm was representing in relation to Operation
15:30:34 5 Carron?---Yes, that's my understanding.
15:30:35 6
15:30:37 7 Is it your understanding that Ms Gobbo was not registered
15:30:40 8 following that meeting?---That's correct, so this is July
15:30:47 9 of 1999.
15:30:48 10
15:30:48 11 98?---Her next registration was in 1999.
15:30:52 12
15:30:52 13 That's right, I'm talking about a July of 1998
15:30:56 14 meeting?---Correct. So she wasn't registered as a
15:30:58 15 consequence of that meeting.
15:31:00 16
15:31:00 17 Is it your understanding that Detective Senior Constable
15:31:04 18 Lim [REDACTED] having concerns that led him to the view that
15:31:08 19 she shouldn't be registered as an informer. Firstly that
15:31:16 20 she was a solicitor - or one of the reasons was that she
15:31:19 21 was a solicitor?---Yes, that's right.
15:31:20 22
15:31:22 23 Also, that she was too overt in her desire to provide
15:31:25 24 information to police?---That's correct.
15:31:28 25
15:31:29 26 That her relationships with some officers was
15:31:33 27 inappropriate?---That's correct.
15:31:34 28
15:31:36 29 And was it also [REDACTED] of being aware that she
15:31:41 30 was in possession or held drugs that belonged to one of the
15:31:46 31 persons represented by the firm, although he could [REDACTED]
15:31:51 32 [REDACTED] how he became aware of that
15:31:54 33 information?---Yes, that's correct.
15:31:54 34
15:31:56 35 Were they all appropriate concerns that a police officer
15:32:00 36 might have that would lead to a decision not to inform -
15:32:05 37 sorry, not to register a person as an informer?---Yes, they
15:32:10 38 are, yes.
15:32:10 39
15:32:15 40 Can I just ask you, I asked you questions about the
15:32:18 41 disbandment of the Drug Squad. There were a number of
15:32:25 42 inquiries which were conducted in relation to the
15:32:28 43 activities of the Drug Squad that you are aware of; is that
15:32:32 44 right?---Yes, I have some awareness of them through history
15:32:36 45 but no real knowledge, and in, through the preparation of
15:32:40 46 this statement I'm aware that we've provided a number of
15:32:43 47 reports from the Ombudsman's office and things like that,

15:32:47 1 yes.
15:32:47 2
15:32:47 3 One of the concerns that led - at least part of the reason
15:32:50 4 that led to the corruption was felt was there were
15:32:55 5 inappropriate relationships developed between investigators
15:32:59 6 and informers?---Yes, that is one of the concerns that was
15:33:02 7 identified through the Drug Squad review and the subsequent
15:33:05 8 Ceja Task Force.
15:33:06 9
15:33:07 10 All right. Is it your understanding that in September of
15:33:16 11 1998 the committal took place in relation to a number of
15:33:22 12 the accused in the Operation Carron proceedings?---Yes,
15:33:29 13 that's correct.
15:33:30 14
15:33:30 15 Including those people who were represented by Ms Gobbo's
15:33:34 16 law firm?---That's correct.
15:34:03 17
15:34:04 18 Is it your understanding that subsequent to the committal
15:34:12 19 proceeding Detective Senior Sergeant Strawhorn met with
15:34:20 20 Ms Gobbo? 346, have a look?---Yes, that's correct.
15:34:27 21
15:34:28 22 Although it's your understanding that investigations had
15:34:34 23 been made as part of Operation Landow with respect to
15:34:39 24 Strawhorn's activities at about this time; is that
15:34:42 25 right?---I'm not sure what investigations had been
15:34:45 26 undertaken.
15:34:46 27
15:34:46 28 In any event, you are aware that it wasn't known from an
15:34:49 29 examination of Detective Senior Sergeant Strawhorn's diary
15:34:54 30 what they discussed?---That's correct.
15:34:55 31
15:34:57 32 And there have been limited discussions only between Task
15:35:02 33 Force Landow and representatives or investigators and
15:35:05 34 Detective Senior Sergeant Strawhorn?---I'm unaware of any
15:35:11 35 communication between the two so I'm not aware.
15:35:13 36
15:35:13 37 What you say in your statement is only limited discussions
15:35:17 38 have occurred with DSS Strawhorn during Task Force Landow's
15:35:25 39 investigation of this period?---Yes, so unaware as to the
15:35:27 40 context as in what they've discussed at all.
15:35:29 41
15:35:29 42 Is it the case that Detective Senior Constable Middleton,
15:35:35 43 who was at the Drug Squad at that stage, met with Ms Gobbo
15:35:40 44 on 21, 25 and 27 January of 1999?---Yes.
15:35:47 45
15:35:56 46 Is it your understanding that Ms Gobbo signed the bar roll,
15:36:04 47 that is became a barrister, in November of 1998 and

15:36:08 1 thereafter was a barrister and wasn't any longer working as
15:36:11 2 a solicitor in the law firm that we've been talking about?
15:36:18 3 You may or may not know that, if you don't know that - - -
15:36:21 4 ?---Listen I think, I think I've asked that question of
15:36:24 5 someone as to those dates and that information hasn't been
15:36:26 6 given to me.

15:36:27 7
15:36:27 8 All right. You are aware that the three people who
15:37:01 9 Ms Gobbo's employer represented, Mr Reid, Jackson and Duma,
15:37:09 10 were dealt with and received penalties which ranged from -
15:37:18 11 perhaps I'll ask you this: Mr Reid was sentenced to 12
15:37:22 12 months' imprisonment with 20 months suspended, correct?---I
15:37:26 13 think it was suspended for a period of 20 months, yes,
15:37:29 14 that's right. Because if it was 12 months obviously 20
15:37:32 15 months - - -

15:37:33 16
15:37:33 17 Suspended - yes, 12 months suspended for a period of 20
15:37:38 18 months would seem to be right. Charged with a possession
15:37:42 19 of a drug of dependence and trafficking in cannabis and
20 heroin?---Yes.

21
22 Mr Jackson was sentenced to four years and eight months'
23 imprisonment with a non-parole period of two years and
24 eight months?---Correct.

15:37:48 25
15:37:49 26 And the charges with which he was convicted were
15:37:51 27 trafficking heroin, handling stolen goods and possessing
15:37:54 28 cannabis. Mr Duma was convicted of trafficking in a
15:37:57 29 commercial quantity of heroin and trafficking cocaine. He
15:38:01 30 received a sentence of three years' imprisonment wholly
15:38:04 31 suspended; is that correct?---That's correct.

15:38:06 32
15:38:06 33 The records that you've got available to you don't disclose
15:38:09 34 whether any of the accused pleaded guilty,
15:38:12 35 correct?---That's correct.

15:38:12 36
15:38:14 37 Save that there is a reference in an information report to
15:38:17 38 Mr Reid having pleaded guilty, correct?---Yes, I believe
15:38:22 39 that's the case.

15:38:23 40
15:38:24 41 Right. It appears, as far as your investigations are
15:38:33 42 concerned, that Ms Gobbo was representing Jackson and Duma
15:38:36 43 and it's not known whether she represented Mr Reid,
15:38:40 44 correct?---That's correct, but I understand Mr Reid was
15:38:43 45 represented from her employer's firm.

15:38:50 46
15:38:50 47 Can I move on to a 1999 operation called Operation Ramsden

15:38:54 1 and then the further registration of Ms Gobbo as a source.
15:38:59 2 Is it the case that by April of 1999 Middleton and/or
15:39:06 3 Detective Senior Constable Lim had contacted the Asset
15:39:11 4 Recovery Squad in relation to information that was provided
15:39:15 5 by Ms Gobbo about her employer?---That's correct.
15:39:20 6
15:39:24 7 The Asset Recovery Squad was part of the Crime Department
15:39:29 8 in the Major Fraud Group?---Correct.
15:39:31 9
15:39:32 10 It investigated activities associated with asset recovery
15:39:35 11 and the Confiscation Act, that is the confiscation of
15:39:39 12 illicit profits; is that right?---That's correct.
15:39:41 13
15:39:41 14 That was a squad that frequently had contact with the Drug
15:39:46 15 Squad because of the association with investigations; is
15:39:50 16 that right?---That's correct.
15:39:50 17
15:39:51 18 Right. So it appears that the Drug Squad introduces
15:39:56 19 Ms Gobbo to the Asset Recovery Squad, correct?---That's
15:40:00 20 correct.
15:40:00 21
15:40:01 22 And the Asset Recovery Squad commenced an operation code
15:40:07 23 named Operation Ramsden and the target of the operation was
15:40:10 24 Ms Gobbo's employer?---That's correct.
15:40:12 25
15:40:14 26 And there were meetings between the Asset Recovery Squad
15:40:17 27 and the Drug Squad in relation to the information provided
15:40:19 28 by Ms Gobbo. 28 April 99, there was a meeting between
15:40:26 29 Detective Senior Constable, then Detective Senior Constable
15:40:30 30 Pope as he then was?---Correct.
15:40:31 31
15:40:31 32 Later Assistant Commissioner Pope?---Correct.
15:40:33 33
15:40:33 34 He was at the Asset Recovery Squad and he had a meeting
15:40:36 35 with members Middleton and Strawhorn of the Drug
15:40:40 36 Squad?---That's correct.
15:40:40 37
15:40:41 38 A further meeting occurred on 12 May 99 between Middleton
15:40:46 39 and Strawhorn and Detective Senior Constable Pope and
15:40:52 40 Detective Sergeant Gavin Segrave, both of the Asset
15:40:57 41 Recovery Squad, and that meeting was at the Drug Squad; is
15:41:01 42 that correct?---That is correct.
15:41:01 43
15:41:01 44 They later met, later that day Pope and Segrave met with
15:41:09 45 Gobbo at a location in South Melbourne concerning the
15:41:11 46 information that she was prepared to give about
15:41:15 47 [REDACTED] is that right?---Yes, that's correct.

15:41:16 1
15:41:18 2 Was that at the Emerald Hotel in South Melbourne, are you
15:41:21 3 aware of that?---I do know the Emerald Hotel. I can't
15:41:25 4 recall that that's the location of that meeting.
15:41:26 5
15:41:26 6 Okay, all right. The following day is it the case that
15:41:35 7 Detective Senior Constable Pope made an application to
15:41:37 8 register Ms Gobbo as a human source, is that your
15:41:41 9 understanding?---Yes, that's correct.
15:41:42 10
15:41:59 11 It was anticipated that she may be in a position to provide
15:42:03 12 information about fraud and money laundering?---That's
15:42:07 13 correct.
15:42:07 14
15:42:08 15 That was an application signed by Detective Sergeant
15:42:13 16 Segrave and it was approved on 26 May 99, that is the
15:42:17 17 application for registration of Ms Gobbo as an informer, on
15:42:23 18 26 May 99, and she was given a registration number
15:42:31 19 MFG13?---Correct.
15:42:32 20
15:42:33 21 I asked you about this before. The usual course is if an
15:42:33 22 informer is registered they're given a number to identify
15:42:36 23 them, obviously not their name, correct?---Yes, that's
15:42:39 24 correct.
15:42:39 25
15:42:39 26 And that's for the purposes of security and safety of the
15:42:43 27 informer to a significant degree?---Yes, it's to anonymise
15:42:49 28 their identity so their identity can't be revealed, though
15:42:54 29 I note that the number MFG14 obviously relates to the Major
15:42:57 30 Fraud Group. It's a different numbering system than was
15:43:00 31 used at an earlier period in time and we haven't a
15:43:03 32 different system in place now.
15:43:05 33
15:43:05 34 All right. Is it the case that the application to register
15:43:16 35 Ms Gobbo made by, on the recommendations by Detective
15:43:23 36 Sergeant Segrave made no mention of her occupation as a
15:43:26 37 lawyer?---I would need to have a look at the application
15:43:31 38 again. I can't recall whether it did or didn't.
15:43:33 39
15:43:35 40 Yes. Perhaps I can put something in front of you. Can you
15:43:48 41 put up document BPL.0002.0002.0048.
15:43:59 42
15:43:59 43 COMMISSIONER: Do you need that number again?
15:44:02 44
15:44:03 45 MR WINNEKE: No, I reckon he won't. Can you have a look at
15:44:12 46 that? That's a 1999 style informer registration form, her
15:44:25 47 application; is that right?---Yes, that's correct.

15:44:26 1
15:44:27 2 We see the applicant details at the top, so Jeffrey Stephen
15:44:33 3 Pope. His unit is the Asset Recovery Squad, his rank DSC,
15:44:39 4 number, et cetera?---Yes, that's correct.
5
15:44:40 6 The informer details are there?---Yes.
15:44:42 7
15:44:42 8 And then if we move down the page we can see that there's a
15:44:46 9 tick box there and the specified areas of fraud, money
15:44:55 10 laundering?---Correct.
15:44:56 11
15:44:56 12 See the application is made by the applicant Pope on 13 May
15:44:59 13 99?---Correct.
15:45:00 14
15:45:00 15 And then over the page to part B, we see this is to be
15:45:06 16 completed by the applicant's supervisor, in this case it
15:45:09 17 was Gavin John Segrave, and he makes comments. Now was
15:45:14 18 that the - that's the sort of thing that would normally be
15:45:17 19 done, the supervisor would make various comments and
15:45:20 20 include those in the form; is that right?---Yes, that was
15:45:23 21 what was occurring at that time.
15:45:25 22
15:45:26 23 So how does it occur? Does the supervisor ask to see the
15:45:34 24 proposed informer and ask the questions or how did it come
15:45:37 25 about?---Back then you mean?
15:45:39 26
15:45:39 27 Yes, back then?---Listen, I'm unsure of what was occurring
15:45:43 28 back then. I do know that both Pope and Segrave had met
15:45:48 29 with Gobbo, so Segrave is the supervisor and he had already
15:45:54 30 met with her.
15:45:54 31
15:45:55 32 Yes?---From the enquiries we've made, and then he's put a
15:45:58 33 number of comments and recommendations in his handwriting
15:46:04 34 there and ticked a couple of boxes which is steps taken to
15:46:09 35 confirm the identity and that identity documentation is
15:46:13 36 attached.
15:46:14 37
15:46:15 38 Right. The recommendations as set out, aside from the
15:46:22 39 recommendation that the registration occur, it is believed
15:46:26 40 the informer will be an ongoing source of information re
15:46:30 41 money laundering fraud activities. Is both credible, one
15:46:34 42 assumes this is reputable?---Yes.
15:46:35 43
15:46:37 44 Informant has no known previous history of supplying
15:46:40 45 information to law enforcement agencies?---That's what's
15:46:45 46 written on the form.
15:46:45 47

15:46:46 1 That's what's written. As we know, that's
15:46:51 2 incorrect?---That's absolutely right.
15:46:52 3
15:46:52 4 Whoever wrote that down was of that view in any
15:46:55 5 event?---Correct, that would appear to be the case.
15:46:57 6
15:46:57 7 "I recommend that SD Pope be appointed the handler with SD
15:47:05 8 Olney fulfilling a support role". That's another officer
15:47:10 9 obviously?---Correct.
15:47:10 10
15:47:13 11 "If I believe it prudent to have all intended meeting with
15:47:15 12 informant to be communicated to the controller prior to
15:47:17 13 such meetings", and that's signed on that day,
15:47:17 14 right?---Yes, that's correct.
15:47:17 15
15:47:18 16 Clearly the occupation is not recorded?---No, it's not
15:47:21 17 recorded on the form.
15:47:23 18
15:47:23 19 Okay. In any event, there's no indication of any
15:47:33 20 suggestion that legal advice or higher up approval, if you
15:47:37 21 like, was sought in relation to that registration?---That's
15:47:46 22 correct.
15:47:46 23
15:47:47 24 COMMISSIONER: Is there any criminal history attached,
15:47:49 25 Mr Winneke?
15:47:50 26
15:47:51 27 MR WINNEKE: Yes, just excuse me. If we move on to the
15:47:55 28 following page there's a - Registrar details. Now Kevin
15:48:00 29 Thomas Sheridan was the Acting Superintendent at that
15:48:06 30 stage; is that correct?---Yes, that's correct.
15:48:07 31
15:48:07 32 And he was the head of the unit, the Major Fraud Group; is
15:48:12 33 that correct?---He's at the Major Fraud Group. I'm
15:48:15 34 thinking that at that time they actually had a Commander in
15:48:18 35 charge.
15:48:18 36
15:48:19 37 I'm sorry?---But he was certainly an Inspector within the
15:48:22 38 area that was performing upgraded duties at that time.
15:48:25 39
15:48:25 40 If we go to - is there another page on that document? No.
15:48:30 41 If we go to VPL 0002.002.52.
15:48:38 42
15:48:39 43 COMMISSIONER: Do you want that document tendered,
15:48:40 44 Mr Winneke?
15:48:41 45
15:48:41 46 MR WINNEKE: I tender that document, Commissioner.
15:48:43 47

15:48:44 1 #EXHIBIT RC7 - Informer registration application dated
15:48:49 2 26/05/99.
15:48:49 3
15:48:49 4 COMMISSIONER: How would you describe that?
15:48:51 5
15:48:52 6 MR WINNEKE: That's an informer registration application.
15:48:54 7
15:48:54 8 COMMISSIONER: Thank you.
15:48:56 9
15:48:57 10 MR WINNEKE: Date of approval is 26 May 1999.
15:49:05 11
15:49:05 12 COMMISSIONER: Would you like the number again of the
15:49:07 13 second document, please?
15:49:08 14
15:49:09 15 MR WINNEKE: I was too quick. 0002.0002.0052. In fact go
15:49:20 16 to 50, sorry.
15:49:30 17
15:49:30 18 COMMISSIONER: Could we have the number one more time,
15:49:32 19 please?
15:49:32 20
15:49:33 21 MR WINNEKE: I'm sorry. VPL 0002.0002.00 - try 51. No.
15:49:56 22 Okay, just excuse me.
15:49:57 23
15:49:57 24 COMMISSIONER: We can always come back to that later.
15:50:01 25
15:50:02 26 MR WINNEKE: Perhaps if I can - it would be the usual
15:50:06 27 course, would it, that if someone is or was registered as
15:50:10 28 an informer in 1999, would you expect that a LEAP check
15:50:17 29 would be done to establish whether the person had any prior
15:50:20 30 convictions?---In 1999 did you say?
15:50:23 31
15:50:24 32 Yes?---I would have thought that, yes, if you were
15:50:27 33 registering an informer that you would check whether they
15:50:30 34 had a criminal history or not. Without reference to the
15:50:34 35 policy in place at that time I can't recall off the top of
15:50:38 36 my head because there's many changes to the policies over
15:50:41 37 years, whether that was a policy requirement or not.
15:50:45 38
15:50:45 39 Yes, okay. Thanks very much. We'll give it one last -
15:50:57 40 just excuse me. Can we try this, VPL 0002.0001.0050. No.
15:51:15 41
15:51:15 42 COMMISSIONER: Perhaps we can return to it tomorrow. We'll
15:51:18 43 still have this tomorrow I'm afraid.
15:51:25 44
15:51:25 45 MR WINNEKE: We'll sort it out and return to it,
15:51:26 46 Commissioner, tomorrow. Is it your understanding that
15:52:19 47 there were a series of meetings between Pope and Segrave

15:52:21 1 and Ms Gobbo as part of Operation Ramsden?---Correct.
15:52:26 2
15:52:34 3 And Strawhorn was or apparently providing assistance with
15:52:38 4 the operation?---Yes.
15:52:39 5
15:52:55 6 Commissioner, I'm just being a bit careful about what I can
15:52:58 7 do here. Then in June of 1999 Pope, Strawhorn, Segrave and
15:53:19 8 another Senior Constable, Robert Sneddon, met with a person
15:53:24 9 who informed the members, that is the police officers, that
15:53:28 10 Mr Reid and [REDACTED] were laundering money - I'm sorry.
15:53:38 11
15:53:39 12 COMMISSIONER: We need that removed, do we, from the
15:53:42 13 record?
14
15 15 MR WINNEKE: That ought be removed.
16
15:53:45 17 COMMISSIONER: We'll just have that last sentence of
15:53:47 18 Mr Winneke's removed from the video streaming, please.
15:53:57 19
15:53:58 20 MR WINNEKE: The reference to [REDACTED] should be removed.
15:54:01 21
15:54:01 22 COMMISSIONER: Perhaps it's easiest to take that sentence
15:54:03 23 out and we can just start again.
15:54:08 24
15:54:08 25 MR WINNEKE: Yes. Perhaps I'll start again.
15:54:10 26
15:54:11 27 COMMISSIONER: Just check that they're ready. Are you
15:54:15 28 ready to continue? Yes. Thanks Mr Winneke.
15:54:19 29
15:54:20 30 MR WINNEKE: Pope, Strawhorn, Segrave and Detective Senior
15:54:23 31 Constable Robert Sneddon attended meetings with a
15:54:26 32 particular person who informed the members that Mr Reid and
15:54:31 33 Ms Gobbo's employer were laundering money and that
15:54:35 34 Ms Gobbo's employer was making fraudulent claims to Legal
15:54:41 35 Aid, is that your understanding?---Yes, that's correct.
15:54:44 36
15:54:47 37 At around that time Detective Senior Constable Pope was in
15:54:53 38 regular contact with Ms Gobbo, he spoke to her almost on a
15:54:58 39 daily basis for the first two weeks of June 99 but not much
15:55:04 40 in the second half of the month, correct?---Correct.
15:55:07 41
15:55:08 42 She provided him with computer discs containing documents
15:55:15 43 from Ms Gobbo's employer's computer, and indeed at this
15:55:19 44 stage it was her former employer because she'd gone to the
15:55:25 45 Bar by then. Do you accept that or is that something
15:55:28 46 you're not aware of?---I'm not aware of that.
15:55:31 47

15:55:31 1 I'll put it as a proposition if there's any dispute about
15:55:34 2 it or any objection. I put it to you, or I suggest to you
15:55:38 3 that at that stage she was providing him with computer
15:55:41 4 discs containing documents from her former employer's
15:55:45 5 computer and that Victoria Police have not been able to
15:55:47 6 locate the discs and therefore it's not known what was on
15:55:51 7 them, that's correct?---Yes.
15:55:53 8
15:55:53 9 And Ms Gobbo had provided them, that is the discs, as
15:55:58 10 information relevant to her allegations that her former
15:56:00 11 employer was engaged in money laundering?---That's correct.
15:56:03 12
15:56:07 13 I should say at this stage, no charges were ever laid
15:56:11 14 arising out of this operation, that's clear, isn't
15:56:14 15 it?---Yes, that's my understanding. That's my brief.
15:56:16 16
15:56:16 17 The former employer was never the subject of charges?---I'm
15:56:20 18 not aware of that but I don't believe so.
15:56:22 19
15:56:23 20 And indeed he was never even interviewed?---I don't - I
15:56:26 21 have no knowledge of that.
15:56:27 22
15:56:30 23 All right. At around this time Detective Sergeant Segrave,
15:56:42 24 Detective Senior Sergeant Strawhorn, Detective Senior
15:56:45 25 Constable Sneddon and Detective Senior Constable Kira
15:56:49 26 Olney, they also had contact with Ms Gobbo?---That's
15:56:52 27 correct.
15:56:52 28
15:56:52 29 And members Sneddon and Olney were working at the Asset
15:56:59 30 Recovery Squad?---Correct.
15:56:59 31
15:56:59 32 Is it your understanding that around May of 1999, 28 May
15:57:06 33 1999, the National Crime Authority, the NCA had commenced
15:57:11 34 an investigation into [REDACTED] former employer and
15:57:16 35 possibly Mr Reid, it had been given a code name Operation
15:57:21 36 Andesine?---Did you say [REDACTED] former employer?
15:57:25 37
15:57:25 38 I said - did I say that? If I did that will have to come
15:57:29 39 out as well. If I did say that I meant to say Ms Gobbo's
15:57:33 40 former employer?---You have mentioned him by name earlier
15:57:38 41 in the proceedings and that was not withdrawn from the
15:57:41 42 proceedings some half hour or so ago. You know, no one
15:57:47 43 said anything so I wasn't aware.
15:57:53 44
15:57:54 45 In a different context?
15:57:56 46
15:57:56 47 COMMISSIONER: Can I just ask, was that in an

15:57:58 1 unobjectionable context?
15:58:02 2
15:58:02 3 MR CHETTLE: It was in a different context, Commissioner.
15:58:05 4 It was in reference to the firm representing the people
15:58:07 5 charged. It was in an unobjectionable form.
15:58:12 6
15:58:12 7 COMMISSIONER: Yes, but you can put two and two together.
15:58:16 8 It's difficult, isn't it?
15:58:22 9
15:58:22 10 MR WINNEKE: Well, I can't recall the context of it and I'm
15:58:27 11 sorry, I don't - - -
15:58:28 12
15:58:29 13 COMMISSIONER: Obviously no one else noticed either apart
15:58:32 14 from Mr Paterson.
15:58:34 15
15:58:35 16 MR CHETTLE: It was in the course of cross-examination,
15:58:37 17 Commissioner, about which firm represented the people
15:58:42 18 charged. He named the firm.
19
15:58:43 20 COMMISSIONER: I may not have been so long ago?---No, it
15:58:44 21 wasn't in context of the firm name. It was in context - he
15:58:47 22 was definitely naming [REDACTED] name but it wasn't
15:58:51 23 about the firm is my recollection. It was earlier on, it
15:58:55 24 about half an hour or so ago.
15:58:58 25
15:58:58 26 MR WINNEKE: In any event, Commissioner, there is an order
15:59:01 27 in place with respect to non-publication.
15:59:03 28
15:59:03 29 COMMISSIONER: Non-publication of that name so that should
15:59:06 30 be all right. Do we want the last question of Mr Winneke's
15:59:09 31 taken out? Is that what we'd like and to start again?
15:59:14 32
33 MR WINNEKE: It may be best if that's done. I'll start
34 again.
35
36 COMMISSIONER: Are you able to just take out Mr Winneke's
37 last question to the witness and remove that from the live
38 streaming? Thank you. And are we ready to proceed again?
15:59:33 39 Yes, thank you. All right, we're ready to proceed when you
15:59:35 40 are, Mr Winneke.
15:59:36 41
15:59:37 42 MR WINNEKE: Thank you for bringing it to our attention.
15:59:41 43 Can I ask you this: by 28 May 99 the NCA had commenced an
15:59:46 44 investigation into Ms Gobbo's former employer and possibly
15:59:51 45 Mr Reid, the person who had previously been represented by
15:59:57 46 Ms Gobbo's former employer, and that operation was code
16:00:01 47 named Operation Andesine?---That's correct.

16:00:05 1
16:00:06 2 And at that stage he was still being represented by
16:00:11 3 Ms Gobbo's former employer; is that correct?---I'm not
16:00:18 4 aware of that.
16:00:19 5
16:00:20 6 Not aware, all right. Is it understood that Detective
16:00:23 7 Senior Constable Pope had a belief that Ms Gobbo was in
16:00:26 8 fact also assisting the NCA?---That's correct.
16:00:30 9
16:00:30 10 With its operations?---Yes.
16:00:31 11
16:00:38 12 Between August and October of 99 DSC Pope continued to have
16:00:42 13 some contact with Ms Gobbo in relation to Operation Ramsden
16:00:46 14 but the information provided by Ms Gobbo was described by
16:00:52 15 DSC Pope as being of no value?---Correct.
16:00:55 16
16:00:57 17 And certainly by October of 99 Ms Gobbo was working as a
16:01:04 18 barrister and was providing little or no assistance in
16:01:06 19 relation to Operation Ramsden?---Correct.
16:01:09 20
16:01:09 21 And on 3 January 2000 Detective Sergeant Segrave submitted
16:01:19 22 a request for Ms Gobbo's status as a human source to be
16:01:23 23 reclassified as inactive?---Correct.
16:01:25 24
16:01:26 25 Can you explain that, what's the purpose of doing
16:01:28 26 that?---So he would have done that to indicate that the
16:01:31 27 source relationship with Ms Gobbo had concluded, so that
16:01:36 28 she was no longer being treated or the relationship with
16:01:40 29 her and any - those members of Victoria Police was no
16:01:44 30 longer a human source relationship.
16:01:47 31
16:01:55 32 Are you aware that in August of 99 it appears that Ms Gobbo
16:02:02 33 was representing one of the other ten persons arrested in
16:02:06 34 relation to Operation Carron in this trial, a person by the
16:02:10 35 name of Arnautovic?---No, I have no awareness.
16:02:14 36
16:02:30 37 Would it be the case that she's acting - assuming she was
16:02:34 38 acting for that person, it may well be an assumption that
16:02:38 39 you're being asked to make, but assuming she was at that
16:02:40 40 stage, she's provided information to both the Drug Squad
16:02:44 41 and the Asset Recovery Squad and potentially also the NCA
16:02:49 42 against not only her former employer but against the
16:02:52 43 interests of one of the firm's clients?---If I take your
16:02:58 44 assumption as you state it - - -
16:03:00 45
16:03:00 46 Yes?--- - - - then you are correct, that that would be the
16:03:03 47 case.

16:03:03 1
16:03:04 2 Okay, all right then. Commissioner, I'm not too sure what
16:03:10 3 time - I'm about to move on to another topic, are we - - -
16:03:13 4
16:03:13 5 COMMISSIONER: I'm quite happy to sit through to 4.30 but
16:03:17 6 is that too long a day for everyone else? No. Let's sit
16:03:23 7 through to 4.30 then, we've lost a lot of time today.
16:03:26 8
16:03:26 9 MR WINNEKE: All right. Can I move on to - - -
16:03:28 10
16:03:29 11 COMMISSIONER: Could I just ask you, before Mr Winneke
16:03:32 12 moves on to another topic, 3.68 of your statement you do
16:03:35 13 say, "Operation Ramsden did not result in any charges being
16:03:39 14 laid"?---Yes, that's correct.
16:03:40 15
16:03:40 16 So that's consistent with no charges being laid against - -
16:03:46 17 - ?---The law firm.
16:03:47 18
16:03:47 19 The law firm, the previous employer of Ms Gobbo?---Correct.
16:03:50 20
16:03:51 21 Yes, thank you.
16:03:53 22
16:03:55 23 MR WINNEKE: And presumably Mr Reid as well if he was the
16:03:58 24 subject of the Operation?---So I'm aware of some
16:04:07 25 information that was provided by Mr Reid but I'm conscious
16:04:11 26 that the target of the Operation was Ms Gobbo's former
16:04:15 27 employer.
16:04:16 28
16:04:17 29 All right?---So it would appear that neither of those two
16:04:21 30 people were charged as a result of that Operation.
16:04:23 31
16:04:23 32 Yes, thanks very much. Is it the case that in around 2001
16:04:33 33 Ms Gobbo was or commenced acting for a range of clients
16:04:38 34 suspected by Victorian Police and prosecutors as serious
16:04:47 35 criminal offenders, including Mr Tony Mokbel and Mr Carl
16:04:55 36 Williams and their associates?---That's correct.
16:04:56 37
16:05:03 38 Is it your understanding that she was involved in
16:05:06 39 applications, bail applications for Tony Mokbel following
16:05:10 40 his arrest for drug offences?---Yes, that's correct.
16:05:14 41
16:05:15 42 Her acting for those men occurred at a time or in the
16:05:20 43 period of time of what's become known as the gangland wars
16:05:23 44 in Melbourne?---That's correct.
16:05:24 45
16:05:28 46 By about mid-2003 Ms Gobbo was briefed to appear for Lewis
16:05:37 47 Moran on a bail application, but according to her she was

16:05:40 1 told by both Mokbel and Carl Williams that she was not to
16:05:44 2 act for him?---Yes.
16:05:45 3
4 Do you understand that?---Yes.
5
16:05:46 6 Despite that warning she did appear for Mr Moran and in
16:05:50 7 fact she was successful in getting him bail?---Yes, that's
8 correct.
16:05:52 9
16:05:57 10 That information was something that she had later told
16:06:00 11 members of the SDU; is that correct?---Listen, I'm unsure
16:06:05 12 of that.
16:06:07 13
16:06:08 14 If you have a look at - just excuse me. Is it the case
16:06:25 15 that on the Friday following her appearance for Mr Moran
16:06:29 16 Ms Gobbo claims that she was threatened by a person known
16:06:34 17 as a close associate of Carl Williams, a person by the name
16:06:36 18 of Andrew Veniamin, in relation to having appeared for
16:06:39 19 Mr Moran?---Yes.
16:06:40 20
16:06:40 21 In other words, there was a sense of grievance on the part
16:06:43 22 of the Veniamin/Williams team that Ms Gobbo had acted for
16:06:50 23 someone who was in an opposing camp, if you like?---That's
24 correct.
16:06:55 25
16:06:55 26 That's your understanding?---That's my understanding.
16:06:56 27
16:06:57 28 Notwithstanding that threat Ms Gobbo stated that she
16:07:00 29 appeared the following week for Mr Moran at a bail
16:07:03 30 variation application at Melbourne Magistrates' Court; is
16:07:08 31 that correct?---Yes.
16:07:08 32
16:07:08 33 And she stated that while on the steps of the court she was
16:07:12 34 approached by a Detective Senior Sergeant Phillip
16:07:17 35 Swindells?---Correct.
16:07:17 36
16:07:18 37 Do you know what group he was attached to?---I believe that
16:07:23 38 Mr Swindells was then attached to the Purana Task Force.
16:07:27 39
16:07:28 40 What was the Purana Task Force to your knowledge?---The
16:07:31 41 Purana Task Force was a Task Force put together to
16:07:36 42 investigate the number of homicides that were occurring at
16:07:39 43 that period of time, which as you just earlier referred to
16:07:44 44 became a period of time known as the gangland wars.
16:07:47 45
16:07:48 46 All right. It's apparently the case that Purana knew about
16:07:59 47 the alleged conduct by Veniamin; is that right?---Yes,

16:08:03 1 that's correct.
16:08:03 2
16:08:04 3 And Swindells told her that and told her that he was aware
16:08:08 4 of that?---I believe that he does not agree with the
16:08:11 5 account given by Ms Gobbo of the conversation that
16:08:14 6 occurred.
16:08:14 7
16:08:15 8 He doesn't agree with it; is that right?---That's correct.
16:08:18 9
16:08:19 10 Okay. How do you know that?---Because I've been informed
16:08:22 11 from the investigations undertaken by Landow that he does
16:08:27 12 not agree with that statement.
16:08:28 13
16:08:29 14 Has a statement been taken from Swindells?---I'm not aware.
16:08:34 15
16:08:35 16 Has someone from Landow spoken to Swindells?---That's my
16:08:39 17 belief. I don't have a personal knowledge.
16:08:42 18
16:08:42 19 Okay?---I believe they have.
16:08:43 20
16:08:43 21 All right. Does he disagree with the proposition that she
16:08:55 22 - does he disagree with the proposition that he said to her
16:08:57 23 that Veniamin was a dangerous individual and that she
16:09:01 24 needed to be careful?---I'm not sure which aspects of his
16:09:06 25 account he does not agree with, of her account of the
16:09:10 26 conversation he does not agree with, but I'm told that he
16:09:13 27 does not agree. I've not spoken to Mr Swindells and put
16:09:18 28 that to him.
16:09:18 29
16:09:19 30 Are you sure he doesn't agree or he doesn't disagree? Have
16:09:24 31 a look at - - - ?---Sorry, you're very right. His comment
16:09:30 32 - yes, I'm reading it wrong - is he does not disagree with
16:09:35 33 the comment. Sorry.
16:09:35 34
16:09:36 35 So effectively Gobbo says to Swindells, has said that
16:09:44 36 Swindells approaches her and says, "We know what's
16:09:47 37 happened, you should be very careful. He's a dangerous
16:09:51 38 individual" and that he told her that she could contact
16:09:55 39 police if she wanted to discuss her situation?---That is
16:09:59 40 her account of what was said and, as you rightly pointed
16:10:03 41 out to me, Swindells doesn't disagree that that was an
16:10:06 42 account of that conversation.
16:10:07 43
16:10:07 44 Yes, okay. So in effect that was, if you like, an approach
16:10:15 45 or a suggestion by Swindells or by Purana that she could
16:10:21 46 speak to members of Purana if she was concerned?---She
16:10:25 47 could speak to any police if she was concerned.

16:10:28 1
16:10:28 2 Okay. It's your understanding that Purana Task Force was
16:10:35 3 officially commenced on 12 May 2003?---Correct.
16:10:39 4
16:10:40 5 Do you understand that in January 2003 Simon Overland had
16:10:44 6 been appointed as Assistant Commissioner Crime within
16:10:48 7 Victoria Police?---I don't know the exact date but it is
16:10:50 8 around that same period of time.
16:10:51 9
16:10:54 10 And Purana, as you've indicated, was tasked with the
16:10:57 11 investigation of a number of homicides, including those of
16:11:01 12 Dino Dibra, Paul Kallipolitis, Nik Radev and those murders
16:11:07 13 occurred between 2000, 2003; is that correct?---That's
14 correct.
16:11:10 15
16:11:11 16 Whilst it was carrying out its investigations four further
16:11:15 17 murders occurred?---Yes, that's correct.
16:11:17 18
16:11:18 19 Of Jason Moran, Pascale Barbaro, William Thompson or Willie
16:11:25 20 Thompson and Mark Mallia and those occurred between June
16:11:26 21 and August of 2003?---Correct.
16:11:27 22
16:11:28 23 Purana took over the investigation of those homicides as
16:11:30 24 well?---Correct.
16:11:31 25
16:11:32 26 Purana's objectives were to identify apprehended convicted
16:11:37 27 persons responsible for the murders and to disrupt major
16:11:41 28 criminal activity?---Yes.
16:11:42 29
16:11:42 30 Right. Are you aware that by late 2003, according to
16:12:01 31 conversations between SDU members or handlers and Ms Gobbo,
16:12:06 32 this is a later conversation, that Williams and Mokbel were
16:12:14 33 threatening her to ensure an associate, Thomas Hentschel,
16:12:18 34 did not cooperate with police following his arrest for
16:12:21 35 murder?---Yes, that's correct.
16:12:23 36
16:12:24 37 That's according to her?---That's right.
16:12:29 38
16:12:35 39 Can I just deal with some matters that don't appear in your
16:12:42 40 statement, so I'll test your recollection about these
16:12:47 41 matters and find out what you know. But clearly you're
16:12:51 42 aware that there were investigations concerning, in around
16:13:02 43 - perhaps I'll do it this way. You're aware that one of
16:13:13 44 the later operations in which Ms Gobbo was tasked to assist
16:13:17 45 police about was an investigation into the conduct of a
16:13:23 46 former detective Paul Dale; is that correct?---Yes, that's
47 correct.

16:13:27 1
16:13:29 2 Dale had been a member of the Major Drug Investigation
16:13:34 3 Division, the MDID?---I believe that's correct, yes.
16:13:38 4
16:13:38 5 He was a member of that organisation which in effect was
16:13:43 6 the Phoenix which arose out of the disbanded Drug Squad; is
16:13:49 7 that correct?---Correct.
16:13:49 8
16:13:51 9 As part of the operations of the MDID Paul Dale and a
16:13:59 10 fellow detective, a Detective Senior Constable David
16:14:06 11 Miechel, were dealing with a drug house, if you like, at a
16:14:10 12 place called Dublin Street in East Oakleigh. Are you aware
16:14:13 13 of that?---Yes, I am.
16:14:15 14
16:14:17 15 Miechel was in effect under Detective Sergeant Paul Dale,
16:14:23 16 he was subordinate to Paul Dale?---I'm not 100 per cent
16:14:31 17 sure about that but you could be correct.
16:14:33 18
16:14:34 19 Working with him in any event?---Yes, that's right.
16:14:35 20
16:14:37 21 Miechel was initially a handler of an informer by the name
16:14:39 22 of Terrence Hodson?---I'm not aware of that information.
16:14:43 23 That's not in my knowledge.
16:14:44 24
16:14:44 25 It's not?---No.
16:14:45 26
16:14:45 27 You're aware of the murder of Terrence Hodson?---Certainly
16:14:48 28 am.
16:14:49 29
16:14:50 30 You're aware that he had been an informer?---I'm aware that
16:14:53 31 that has been publicly reported.
16:14:55 32
16:14:56 33 Right. As a matter of fact you're not able to say whether
16:15:01 34 he was of your own knowledge?---There is a long-standing
16:15:06 35 international practice that police agencies neither confirm
16:15:11 36 nor deny whether any person is a human source.
16:15:18 37
16:15:20 38 You understand this has been - the death of Mr Hodson has
16:15:27 39 been the subject of investigations, Coronial inquiries,
16:15:30 40 countless pages of transcript. I understand that there's
16:15:35 41 an international accepted position with respect to naming
16:15:42 42 of informers but for the purposes of this inquiry are you
16:15:47 43 indicating that you're not prepared to say whether or not
16:15:52 44 you accept that he was or wasn't an informer?---If I was
16:15:58 45 possessed of the knowledge as to whether he was or wasn't
16:16:02 46 an informer I would take that view. I have no knowledge
16:16:07 47 other than reported articles in newspapers.

16:16:12 1
16:16:12 2 Right?---I have no personal knowledge of that matter.
16:16:17 3
16:16:17 4 All right. Are you aware that there was an informer file,
16:16:20 5 number 44, or an information report number 44 which went
16:16:24 6 missing from an informer file associated with
16:16:33 7 Mr Hodson?---I think you are referring to a document or
16:16:35 8 file that may have been taken from the former offices of
16:16:44 9 the Drug Squad or something like that.
16:16:45 10
16:16:45 11 Yes?---I'm unaware of what that document was or what it
16:16:49 12 related to. I have some broad awareness that there was a
16:16:52 13 document that went missing at some stage, there was a
16:16:55 14 subsequent investigation, but it is not something I have
16:16:59 15 any personal knowledge of. I wasn't in those locations at
16:17:03 16 that time in the organisation.
16:17:03 17
16:17:04 18 Yes, I follow that. All right. In any event, can we come
16:17:08 19 back to the drug house in Oakleigh. You are aware of that.
16:17:15 20 You're aware that there was a burglary on the drug house on
16:17:21 21 Grand Final eve I think in September 2003?---I'm not aware
16:17:24 22 of the date. I'm aware of the event occurring, yes.
16:17:26 23 Mielch and Hodson were arrested at the scene. They
16:17:30 24 initially were released without charge, do you understand
16:17:33 25 that?---Again, I have no personal knowledge. I was in a
16:17:38 26 very different area of Victoria Police at this stage.
16:17:40 27
16:17:41 28 All right?---And my knowledge of those events at that time
16:17:44 29 came from any reporting that existed in the public arena at
30 that time.
16:17:48 31
16:18:06 32 Perhaps I can assist you. If you can go to paragraph
16:18:12 33 3.104, you might have broken your rule. It says that the
16:18:16 34 Petra Task Force was the Task Force that investigated the
16:18:20 35 murders of Terrence and Christine Hodson. "Terrence Hodson
16:18:24 36 had been a registered human source and before his death he
16:18:27 37 had agreed to give evidence against suspected corrupt
16:18:30 38 police officer Paul Dale"?---M'mm. I can see that's in my
16:18:34 39 statement. Again, it's a very long statement.
16:18:39 40
16:18:40 41 All right?---I don't challenge that at all. It's there.
16:18:43 42
16:18:44 43 No, look, I didn't mean to - I wasn't meaning to be tricky
16:18:49 44 but in any event that's the situation. You're aware of
16:18:52 45 that?---Yes, it is something - everything in my statement
16:18:56 46 is information that has been provided to me in briefings in
16:19:01 47 preparation for the statement over a number of days by Task

1 Force Landow.

16:19:06 2

16:19:07 3 Okay, all right then. I take it then that as a general

16:19:28 4 proposition are you aware of Ms Gobbo's relationship or, if

16:19:32 5 I can use that in a neutral way, with Paul Dale?---I think

16:19:40 6 she represented him or something at some stage, yes.

16:19:52 7

16:19:52 8 Are you able to give any information at all about your

16:19:55 9 knowledge of Ms Gobbo's involvement in the events

16:19:57 10 surrounding the Dublin Street burglary?---Is it a matter

16:20:07 11 that is covered in my statement? Because if it's - the

16:20:11 12 statement is extensive.

16:20:12 13

16:20:12 14 Yes?---I'm not trying to be difficult, Mr Winneke.

16:20:15 15

16:20:15 16 No, I follow?---It's just there's a lot of information

16:20:20 17 here.

16:20:25 18

16:20:25 19 You see the point I'm trying to make is that in so as far

16:20:35 20 as a recitation of the history of Ms Gobbo and her

16:20:38 21 association with Victoria Police, what you've done at 378

16:20:43 22 is you've jumped from late 2003 to 22 March 2004. Now I

16:20:51 23 know there's a reference in the latter part of your report

16:20:54 24 or your statement about the Dublin Street burglary, the

16:20:59 25 death of the Hodsons and so forth. Are you not aware of

16:21:03 26 the significant involvement of Gobbo with police officers

16:21:09 27 around the time of the Dublin Street burglary, shortly

16:21:13 28 thereafter, leading up to the arrest of Mr Dale on 5

16:21:16 29 December 2004?---So is that in - sorry, is that involvement

16:21:23 30 of Ms Gobbo with the Source Development Unit?

16:21:26 31

16:21:27 32 Well, no, it's an involvement with Ms Gobbo and Victoria

16:21:32 33 Police members, one Paul Dale, for example. Are you aware

16:21:36 34 she had an involvement with - there were communications

16:21:40 35 between her and an ESD officer shortly after the Dublin

16:21:45 36 Street burglary?---No, that's certainly not something I'm

16:21:50 37 aware of, Mr Winneke.

16:21:52 38

16:21:52 39 All right?---I have no personal knowledge of most of the

16:21:58 40 matters that are covered in my statement here. I have been

16:22:00 41 asked to prepare this statement by the Commission. I have

16:22:04 42 informed myself of as much information as I've been able to

16:22:08 43 from Task Force Landow and that has been included. But I

16:22:12 44 was not at any of these locations at that particular point

16:22:16 45 in time.

16:22:16 46

16:22:16 47 Okay. You have made a reference in your statement to, at

16:22:24 1 paragraph 3.79, of Stuart Bateson, a Detective Sergeant's
16:22:31 2 notes, that from around 22 March 2004 he started having
16:22:37 3 discussions with Ms Gobbo in relation to one of her clients
16:22:41 4 who was seeking a plea deal. So you're aware of that part
16:22:45 5 of the relationship with Bateson?---Yes, that's correct.
16:22:47 6
16:22:47 7 You've been informed about that?---Yes.
16:22:49 8
16:22:49 9 Were you informed that in or about the middle of 2004 she
16:22:55 10 was interviewed by Homicide Squad detectives, for example,
16:23:01 11 Mr Charlie Bezzina in relation to her knowledge of the
16:23:04 12 death of the Hodsons? Were you informed about that?---No.
16:23:07 13
16:23:19 14 Were you aware of any communications between Mr Dale and
16:23:28 15 Mr Williams in which Ms Gobbo had been a conduit prior to
16:23:34 16 the death of the Hodsons?---No, I'm not.
16:23:36 17
16:23:36 18 Okay. One assumes that pressure from the police, concerns
16:23:45 19 that a person might have about possible involvement in
16:23:48 20 investigations and crime might provide a motive for a
16:23:50 21 person to become an informer or to assist police?---That's
16:23:54 22 certainly possible.
16:23:56 23 In any event, those matters you're not aware of?---No, I'm
16:24:02 24 not.
16:24:03 25
16:24:10 26 Can I ask who it was who assisted you in the preparation of
16:24:16 27 your statement?---Yes, you can. There was a number of
16:24:22 28 lawyers that assisted me.
16:24:24 29
16:24:24 30 Yes?---So Ms Renee Enbom and a number of other lawyers, and
16:24:30 31 I had some assistance from Task Force Landow. I'm
16:24:33 32 conscious that at the time that I received this request I
16:24:36 33 was - I was out of Australia and I didn't get back until
16:24:42 34 the end of - the first week of March.
16:24:46 35
16:24:46 36 I follow?---So I had put instructions for people, in place
16:24:50 37 for people to start the collection of the material.
16:24:52 38
16:24:52 39 Yes?---That would enable a statement to be formed.
16:24:56 40
16:24:56 41 All right. Can I ask you then about - it's your
16:25:28 42 understanding, I take it, that Ms Gobbo had a number of
16:25:31 43 communications with Detective Sergeant Stuart Bateson
16:25:37 44 throughout 2004. She was acting for a person by the name
16:25:42 45 of Hentschel, Thomas Hentschel?---Yes, that's right.
16:25:45 46
16:25:52 47 You indicate that Mr Bateson's notes record that on 18 June

16:25:58 1 2004 Ms Gobbo first raised with him her concern about her
16:26:02 2 welfare. Are you aware of what that concern was?---No, I'm
16:26:08 3 not aware of what the specific concerns she raised with
16:26:18 4 Bateson.
16:26:19 5
16:26:19 6 Do you know whether Mr Bateson has been asked about that,
16:26:23 7 questioned about those matters? Has Landow done
16:26:27 8 that?---I'm aware that Landow has spoken to Mr Bateson.
16:26:30 9
16:26:31 10 Yes?---I'm unaware of what responses he's provided or
16:26:35 11 whether they've asked that question.
16:26:37 12
16:26:37 13 Okay?---I think he's preparing a statement for the Royal
16:26:41 14 Commission.
16:26:41 15
16:26:41 16 Okay. It appears, and your statement indicates, that
16:26:54 17 Ms Gobbo suffered a medical condition in July of 2004 which
16:27:02 18 meant that she was unable to work for a period of
16:27:05 19 time?---Yes, that's correct.
16:27:05 20
16:27:07 21 It was apparently the case that by February 2005 she was
16:27:11 22 back at work and she was appearing for Mr Tony Mokbel at a
16:27:16 23 committal hearing?---Yes, that's right.
16:27:18 24
16:27:24 25 In March of 2005 she was appearing for a person by the name
16:27:29 26 of George Peters at another committal hearing?---Yes,
16:27:33 27 that's correct.
16:27:33 28
16:27:39 29 Can I ask you about Operation Posse. Do you know what that
16:27:43 30 was?---So that was an operation that happened under the
16:27:51 31 Purana Task Force and it was a focused operation on the
16:27:53 32 criminal operations of the Mokbel family.
16:27:56 33
16:27:56 34 Okay. Insofar as that Operation was concerned and its use
16:28:11 35 of Ms Gobbo, are you able to say how they proposed to do
16:28:15 36 that?---I don't believe I am able to say that. I don't
16:28:29 37 think it's a matter that I've covered in my statement or
16:28:32 38 that I've been informed about.
16:28:33 39
16:28:33 40 Do you understand that the decision was made to
16:28:39 41 specifically target the Mokbels and that the assessment
16:28:43 42 considered that the investigation should be to marginalise
16:28:49 43 the principals and disrupt the persons associated with the
16:28:53 44 principal of the Task Force or the Operation, that being
16:28:55 45 Tony Mokbel?---That's correct.
16:28:57 46
16:28:57 47 And the investigation should commence a series of

16:29:00 1 operations against associates of the Mokbels in order to
16:29:04 2 isolate and marginalise them?---Yes, that's correct. I do
16:29:08 3 say that I may have misunderstood your question because
16:29:12 4 your question was based on the use of Ms Gobbo in it.
16:29:16 5
16:29:16 6 Right?---The points that you're now reading out are the
16:29:22 7 whole of the operation, not specific to Ms Gobbo's presence
16:29:27 8 in that operation.
16:29:28 9
16:29:28 10 Yes, I follow?---Sorry.
16:29:29 11
16:29:29 12 No, no, I understand that. To make it clear, the
16:29:34 13 objectives that you've referred to were the objectives of
16:29:37 14 the overall operation, not specifically Ms Gobbo?---Yes,
16:29:40 15 that's correct.
16:29:40 16
16:29:41 17 In other words, to marginalise the principals and
16:29:45 18 operations against associates of the Mokbels in order to
16:29:49 19 isolate them. The third one was to remove persons from
16:29:54 20 their sphere of influence?---Correct.
16:29:57 21
16:29:57 22 And that would cause them to alter their behaviour, while
16:29:59 23 the ultimate goal would be the incarceration of the cartel
16:30:03 24 and the serious disruption of their activities?---Yes.
16:30:06 25
16:30:06 26 That was the overall objective. And the new investigation
16:30:10 27 should be developed in stages with the intelligence cell to
16:30:16 28 be staffed first and the assistance to be obtained from the
16:30:19 29 Special Projects Unit, the SPU, with respect to TIs, LDs
16:30:27 30 and tracking data?---Correct.
16:30:29 31
16:30:29 32 COMMISSIONER: That might be a convenient time to adjourn.
16:30:31 33
16:30:32 34 MR WINNEKE: Yes, thank you.
16:30:32 35
16:30:33 36 COMMISSIONER: Just in terms of what I said at the
16:30:34 37 beginning of today's hearing about the welfare of
16:30:37 38 witnesses, Mr Winneke, I know, Mr Collinson, this concerns
16:30:41 39 you and Mr Holt. I know it's a sensitive issue but
16:30:44 40 obviously the physical and psychological welfare of
16:30:49 41 Ms Gobbo is a matter of concern to the Commission and the
16:30:55 42 Commission would be comforted to know that there is some
16:30:58 43 discussion amongst the lawyers to ensure that her physical
16:31:02 44 and psychological welfare, and I think Mr Paterson's
16:31:07 45 involved in this too, is being taken care of in the
16:31:10 46 circumstances.
16:31:12 47

16:31:12 1 The next thing is what about the statement? Do we
16:31:17 2 have a temporarily agreed redacted statement to - - -
16:31:20 3
16:31:21 4 MR HOLT: The redactions we had sought were in fact in the
16:31:23 5 statement at lunch time but what hadn't been removed were
16:31:27 6 the main persons in respect of whom the Commissioner made
16:31:29 7 rulings this morning suppressing their names. I understand
16:31:33 8 that's now been done. In any event, it's been agreed as to
16:31:35 9 what it is.
16:31:36 10
16:31:36 11 COMMISSIONER: So can that statement be - well I suppose it
16:31:43 12 perhaps should be tendered through the witness now?
16:31:45 13
16:31:46 14 MR HOLT: Yes.
16:31:46 15
16:31:46 16 COMMISSIONER: And then placed on the website, is
16:31:49 17 that - - -
16:31:49 18
16:31:49 19 MR WINNEKE: Yes, that can be done.
16:31:52 20
16:31:52 21 COMMISSIONER: Do we have a copy of it?
16:31:53 22
16:31:54 23 MR WINNEKE: There's an electronic copy, no hard copy.
16:31:56 24
16:31:57 25 COMMISSIONER: Okay.
16:31:57 26
16:31:58 27 MR WINNEKE: Can that be done first - - -
16:31:59 28
16:31:59 29 COMMISSIONER: Can the electronic copy be shown to the
16:32:03 30 witness?
16:32:04 31
16:32:04 32 MR WINNEKE: Can we email it?
16:32:07 33
16:32:07 34 COMMISSIONER: No, it's too difficult.
16:32:19 35
16:32:20 36 MR WINNEKE: Is that the redacted or unredacted?
16:32:24 37
16:32:24 38 COMMISSIONER: The final one that everyone's happy with for
16:32:26 39 the time being?
16:32:27 40
16:32:28 41 MR WINNEKE: Just excuse us?---Commissioner, I can say I
16:32:41 42 probably would be assisted by a paper copy. The matters
16:32:43 43 that are to be redacted are particularly important and I
16:32:46 44 want to make sure that it has been done correctly and I'm
16:32:49 45 not so sure just scanning through a quick electronic copy
16:32:53 46 on a computer screen is going to aid me sufficiently.
16:32:56 47

16:32:57 1 COMMISSIONER: Well I think your lawyers are happy with
16:33:00 2 this one.
16:33:02 3
16:33:02 4 MR HOLT: The agreed version has been put together, I
16:33:04 5 should say, this afternoon while we've been in court.
16:33:07 6
16:33:07 7 COMMISSIONER: But your junior lawyers have been working on
16:33:10 8 it.
16:33:10 9
16:33:10 10 MR HOLT: Yes, and subject to confirmation, there's no
16:33:13 11 change to any of the redactions we made this morning. The
16:33:16 12 only additions are those - - -
16:33:17 13
16:33:18 14 COMMISSIONER: Taking out some actual names.
15
16:33:20 16 MR HOLT: We can confirm that it's the one that - - -
16:33:22 17
16:33:24 18 COMMISSIONER: As long as the lawyers are perfectly content
16:33:26 19 that we have the redacted version now, that electronic copy
16:33:29 20 could be tendered as, I think it's RC8.
16:33:40 21
16:33:40 22 #EXHIBIT RC8 - Redacted statement of Neil Paterson.
16:33:44 23
16:33:44 24 COMMISSIONER: That can go on the Commission website.
16:33:47 25
16:33:48 26 MR WINNEKE: I assume, Commissioner, it's not going to go
16:33:49 27 on immediately, there'll be a period of delay, I assume.
16:33:51 28 If there's any troubles that can be attended to.
16:33:54 29
16:33:54 30 COMMISSIONER: How long will it take to go on?
16:34:00 31
16:34:01 32 MR HOLT: Perhaps if we can have the understanding that we
16:34:03 33 have just 15 minutes to make absolutely sure.
16:34:05 34
16:34:05 35 COMMISSIONER: All right then. Yes, okay. It can go on
16:34:08 36 the website in 15 minutes unless I hear otherwise.
16:34:12 37 Mr Chettle.
16:34:12 38
16:34:13 39 MR CHETTLE: Commissioner, I will be asking the witness
16:34:16 40 some questions tomorrow, or whenever I get to him.
16:34:18 41
16:34:18 42 COMMISSIONER: You have to ask, you need leave to
16:34:21 43 cross-examine and so you should - - -
16:34:23 44
16:34:23 45 MR CHETTLE: I will be applying for leave to cross-examine.
16:34:26 46
16:34:27 47 COMMISSIONER: You should discuss that with Mr Winneke and

16:34:30 1 make your application in due course. As will others who
16:34:34 2 want to but before making the application they should
16:34:38 3 discuss that with Mr Winneke to see if any
16:34:41 4 cross-examination can be shortened so that Mr Winneke can
16:34:44 5 do at least the bulk of it.
16:34:46 6
16:34:46 7 MR CHETTLE: In that regard, he refers in his statement to
16:34:49 8 a document called the 2010 CMRD report and the full report
16:34:53 9 on Operation Loricated. I haven't been able to get those
16:34:57 10 documents and I just simply rise to say I would appreciate
16:34:59 11 a copy of them so that I can ask him about them.
16:35:03 12
16:35:03 13 COMMISSIONER: It might be necessary but I don't know what
16:35:05 14 the position is.
16:35:06 15
16:35:06 16 MR HOLT: We can have those discussion. They fall into the
17 category of materials that are being reviewed prior to 2
16:35:09 18 April but I'll discuss with my friend about it and see if
16:35:11 19 we can assist.
16:35:12 20
16:35:13 21 COMMISSIONER: That's right. And otherwise - - -
16:35:14 22
16:35:14 23 MR HOLT: In some ways we might be able to assist to make
16:35:17 24 things - - -
16:35:17 25
16:35:17 26 COMMISSIONER: Yes. And otherwise it can be done at a
16:35:19 27 later date if necessary.
16:35:20 28
16:35:20 29 MR HOLT: Thank you, Commissioner.
16:35:22 30
16:35:22 31 MR COLLINSON: Commissioner, in that regard the witness
16:35:24 32 identified that there's four folders of documents. I'm not
16:35:27 33 sure whether he's read them or not but we would like to
16:35:30 34 read them and these are all the documents that are referred
16:35:32 35 to in his statement. We will communicate with our friends
16:35:35 36 about that but we do need to read those documents.
16:35:41 37
16:35:41 38 COMMISSIONER: Before you cross-examine?
16:35:43 39
16:35:43 40 MR COLLINSON: Before we can even decide whether to - - -
41
42 COMMISSIONER: Yes, of course. Of course.
43
16:35:43 44 MR HOLT: So there are no misapprehensions as to likelihood
16:35:47 45 of success in that process immediately, there are a number
16:35:48 46 of documents which are referenced in Mr Paterson's
16:35:51 47 statement which are a function of the 26 year period and a

16:35:54 1 very significant number of questions that have been asked
16:35:56 2 that are in the process of being reviewed. That's being
16:36:00 3 done as a matter of absolute urgency, and the Commission,
16:36:04 4 and we're grateful for it, has given us to 2 April to do
16:36:06 5 that. We well expect that it may well be that Assistant
16:36:09 6 Commissioner Paterson will need to return. We can't
16:36:12 7 compromise the process that we're undertaking in that
16:36:16 8 regard and which the Commission has permitted us to do.
16:36:16 9

16:36:17 10 COMMISSIONER: Yes, all right then. We'll adjourn now
16:36:55 11 until 10 am tomorrow.

12
13 <(THE WITNESS WITHDREW)

16:37:07 14
16:37:09 15 ADJOURNED UNTIL THURSDAY 28 MARCH 2019

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