

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 4 September 2019

Led by Commissioner:       The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC
Counsel for State of Victoria	Mr T. Kyriakou
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDPP	Ms R. Avis
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for John Higgs	Ms C. Dwyer
Counsel for Faruk Orman	Ms S. Wallace
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for AFP	Ms I. Minnett

09:36:51 1 COMMISSIONER: Yes, the appearances I think are the same as  
09:36:54 2 yesterday save that we have Mr Kyriakou for the State of  
09:36:59 3 Victoria today. Yes. Yes Ms Tittensor.  
09:37:05 4  
09:37:06 5 <JAMES MICHAEL O'BRIEN, recalled:  
09:37:10 6  
09:37:11 7 MS TITTENSOR: Mr O'Brien, I think I finished yesterday  
09:37:13 8 talking to you about an entry in your diary from around  
09:37:18 9 about 10 August 2004 in relation to a notation that you'd  
09:37:29 10 made about a possible telephone intercept application in  
09:37:33 11 relation to Ms Gobbo, do you recall that?---Yes, that's  
09:37:36 12 correct.  
13  
09:37:39 14 You say you can't be sure if that was associated with that  
09:37:43 15 particular operation or if it was just a random entry at  
09:37:46 16 that point?---I believe it was a random entry.  
17  
09:37:52 18 Even though there's a dash coming from the notation in  
09:37:55 19 relation to Operation Gruel?---Look, I can't be sure  
09:38:03 20 honestly. I mean, I'd have to look at what was my habit of  
09:38:10 21 diary notetaking at that time, did I use a dash in other  
09:38:14 22 entries, that type of thing. I haven't looked at any of  
09:38:19 23 that.  
24  
09:38:20 25 What we do know is that following that it came to be known  
09:38:22 26 that Ms Gobbo did have quite some association with Azzam  
09:38:25 27 Ahmed; that's right, isn't it?---I'm aware of that now,  
28 yes.  
09:38:28 29  
09:38:28 30 You would have become aware of it around about that  
09:38:34 31 time?---I may have. I'm not 100 per cent sure, you know.  
09:38:39 32  
09:38:39 33 Mr Ahmed on that stage is on bail for the Operation Gallop  
09:38:43 34 matters?---I'm not sure if he was on bail or in custody.  
35  
09:38:47 36 I think from the materials that we have, and I think I went  
09:38:51 37 through it with you yesterday, he'd been arrested shortly  
09:38:53 38 after the Dublin Street burglary and had been granted bail  
09:38:58 39 represented by Ms Gobbo in around about early 2004. It  
09:39:03 40 seems he was on bail at this time?---All right, I'll accept  
09:39:05 41 that.  
42  
09:39:09 43 Did you become aware of an ESD operation in relation to  
09:39:16 44 allegations made by Azzam Ahmed against a serving police  
09:39:21 45 officer at some stage?---To the best of my memory, no.  
46  
09:39:30 47 Perhaps if the witness can be shown the pseudonym document.

09:39:37 1 If he already has it - - - ?---I have it.  
2  
09:39:48 3 If you see a name at 12B, number 12B?---Yes.  
4  
09:39:54 5 A pseudonym given of John Brown?---Yes.  
6  
09:39:58 7 Do you know anything about that person?---Never heard of  
09:40:00 8 him.  
9  
09:40:03 10 The Operation Gallop informant was someone by the name of  
09:40:10 11 Sam Jennings?---Samantha Jennings, that's correct.  
12  
09:40:13 13 Samantha Jennings. It seems that on 16 August 2004 Azzam  
09:40:19 14 Ahmed was arrested a second time whilst he's on bail by  
09:40:25 15 that officer, John Brown, pseudonym John Brown, at Brighton  
09:40:34 16 at about 10.15 pm. It's apparent that MDID were notified  
09:40:38 17 about that arrest on the night and received a briefing  
09:40:41 18 about it shortly thereafter. One would expect that there  
09:40:46 19 would have been an alert on the system that he was on bail  
09:40:49 20 for MDID matters and that would occur?---Well that would  
09:40:53 21 certainly be the case that if he was on bail that would be  
09:40:55 22 a matter of record. Perhaps if I can check my diary for  
09:40:59 23 the night? I don't know.  
24  
09:41:01 25 If you'd like to check your diary for that night - - -  
09:41:03 26 ?---Can you just tell me the date again.  
27  
09:41:06 28 16 August 2004.  
29  
09:41:17 30 COMMISSIONER: I should mention we're currently in open  
09:41:19 31 hearing.  
09:41:19 32  
09:41:20 33 MS TITTENSOR: Yes?---I don't have - - -  
34  
09:42:05 35 This is in the evening of the - sorry, the night of 16  
09:42:09 36 August 2004. The arrest is at 10.15. MDID are notified.  
09:42:14 37 It may be you or it may be one of your officers, it depends  
09:42:20 38 I suppose whether you're taking calls?---I've certainly got  
09:42:24 39 no note.  
40  
09:42:25 41 A water account belonging to Ms Gobbo, a water bill, was  
09:42:29 42 found in the car of Azzam Ahmed when it was searched that  
09:42:37 43 night. The following morning two officers from the MDID,  
09:42:40 44 or two people from the MDID, Peter Brezing and Natalie  
09:42:45 45 Bannan, the analyst?---Yes.  
46  
09:42:47 47 Went to the Brighton police station to view the items that

09:42:51 1 had been seized. Presumably they then would have also seen  
09:42:55 2 the document relating to Ms Gobbo. Ms Gobbo appeared for  
09:43:03 3 Mr Ahmed following that time, including in relation to his  
09:43:07 4 bail hearings, and went on to make some allegations about  
09:43:12 5 the arresting officer that night, the pseudonym Peter  
09:43:17 6 Brown?---Right.

7  
09:43:20 8 Is it likely that his second arrest would have been made  
09:43:24 9 known to you?---Not specifically. Like on the date you're  
09:43:33 10 talking about, I mean I started work at twenty to four in  
09:43:36 11 the morning over another completely different job. And I'd  
09:43:39 12 finished at 6 pm the night before, so I have no note,  
09:43:43 13 anything to do with - - -

14  
09:43:45 15 Simply because you have no note doesn't mean you wouldn't  
09:43:48 16 have become aware of it, would that be right?---I may or  
09:43:52 17 may not have, you know. I don't see that as - it depends  
09:43:57 18 on the circumstances. What was the purpose of Natalie  
09:44:04 19 Bannan, who worked on the diversion desk as an analyst, and  
09:44:08 20 Peter Brezing going down there for it? It might have been  
09:44:10 21 to make an assessment in relation to clandestine laboratory  
09:44:13 22 equipment or give an opinion, or something like that. I  
09:44:18 23 have no idea.

24  
09:44:19 25 There appear to be bail hearings following this application  
09:44:22 26 for breaching of bail in relation to Azzam Ahmed at which  
09:44:26 27 Ms Jennings is appearing as the informant?---Right.

28  
09:44:32 29 And the arresting officer is also appearing to give  
09:44:34 30 evidence on the bail breach hearing. At those hearings  
09:44:42 31 there is some concern expressed about Ms Gobbo's  
09:44:47 32 relationship with another officer at Brighton and those  
09:44:53 33 concerns are expressed by Ms Jennings, as well as the OPP  
09:44:58 34 prosecutor. Do you expect that you would have become aware  
09:45:01 35 of those matters at that time?---As I say, I have no  
09:45:07 36 independent recollection of that at all.

37  
09:45:12 38 It certainly seems that Azzam Ahmed was on the radar of  
09:45:15 39 MDID around that time?---Azzam Ahmed was a fairly major  
09:45:20 40 drug dealer, yes, and as part of Operation Gallop he was  
09:45:24 41 certainly on our radar.

42  
09:45:28 43 If you have a look in your diary and flick forward to 23  
09:45:31 44 September 2004. It's the case that you have a meeting in  
09:45:39 45 Lorne?---That's correct.

46  
09:46:23 47 That meeting appears to have been some kind of workshop.

09:46:27 1 Do you recall what that was all about, that trip away?---I  
09:46:33 2 think it was more of a team building exercise for staff and  
09:46:36 3 training, internal training.  
4  
09:46:40 5 It appears from your diary entry that there are a number of  
09:46:45 6 different units present at least at that trip away; is that  
09:46:54 7 right?---Quite possibly, yes.  
8  
09:46:56 9 Someone there from the Undercover Unit?---I'm not sure if  
09:47:07 10 anybody was there from the Undercover Unit.  
11  
09:47:11 12 You gave a presentation at that trip away concerning money  
09:47:16 13 laundering, the DEA and the NCAC?---The NCDC, which was the  
09:47:26 14 8th National Chemical Diversion Conference which was held  
09:47:31 15 in Melbourne.  
16  
09:47:32 17 Around that time, into the following year, you were doing  
09:47:35 18 training courses in Australia and in the United States; is  
09:47:38 19 that right?---Yes.  
20  
09:47:38 21 And they related to anti-money laundering and Task Force  
09:47:41 22 policing?---Yeah, Crime Unit commanders from around America  
09:47:46 23 and overseas.  
24  
09:47:47 25 What is Task Force policing as opposed to normal  
09:47:52 26 policing?---Well dedicated work on organised crime  
09:47:55 27 basically.  
28  
09:47:57 29 And you had the view yourself that targeting organised  
09:47:59 30 crime groups, you needed to focus on the money?---Certainly  
09:48:05 31 focus on the money and take the opportunity to corrupt and  
09:48:10 32 influence out of what they were doing.  
33  
09:48:12 34 In that way you can shut them down more permanently?---Yes,  
09:48:17 35 because, as I'd experienced over many years, we'd do the  
09:48:21 36 work, lock them up and they'd be back on the streets in  
09:48:25 37 five minutes going back to their usual trade.  
38  
09:48:27 39 Do you recall whether any of the Command were present  
09:48:32 40 during that weekend?---It wasn't a weekend, it was one  
09:48:37 41 night I think.  
42  
09:48:37 43 Well the presentations were over a couple of days?---I  
09:48:40 44 don't think there would have been. There may have been,  
09:48:43 45 you know. It might have been - Mr Biggin might have been  
09:48:47 46 there, I'm not sure.  
47

09:48:48 1 It's apparent that Detective Senior Sergeant White was  
09:48:55 2 there and gave a presentation at that stage on the  
09:48:57 3 DSU?---Yes, he did.  
4

09:49:01 5 That was just about to commence its pilot program?---I'm  
09:49:05 6 not sure where it was at that stage. I know he was at the  
09:49:07 7 DSU.  
8

09:49:09 9 Was he engaged in that process of developing the DSU  
09:49:13 10 concept, if you like, whilst he was still under your line  
09:49:18 11 of supervision at the MDID?---He wasn't under my line of  
09:49:22 12 supervision. He was a fellow Senior Sergeant.  
13

09:49:25 14 Sorry, a fellow Senior Sergeant at the MDID. Was he  
09:49:30 15 developing the DSU whilst he was at the MDID?---He was  
09:49:34 16 doing research, I understand, in relation to it and he'd  
09:49:37 17 done a number of interviews with people, including myself.  
18

09:49:40 19 And by this stage it had obviously gotten the go ahead for  
09:49:47 20 a pilot scheme and he was giving a presentation?---Look,  
09:49:50 21 I'm not sure where it was as far as a pilot scheme goes or  
09:49:54 22 the go ahead. He would be better placed to answer that  
09:49:59 23 than I.  
24

09:50:00 25 He was giving a presentation about the DSU?---About the  
09:50:04 26 DSU.  
27

09:50:04 28 And what was to be presumably?---Yes.  
29

09:50:06 30 On this trip away to Lorne on 23 September or round about;  
09:50:10 31 is that right?---That's correct.  
32

09:50:12 33 Presumably by that stage he'd been working on the DSU and  
09:50:16 34 what it would be for some time?---I'd imagine so.  
35

09:50:23 36 Mr White's evidence to this Commission was that part of his  
09:50:27 37 role was to identify potential human sources that could  
09:50:32 38 provide intelligence about gangland killings and people  
09:50:35 39 involved in that particular group which he said basically  
09:50:38 40 were the Mokbel and Williams organised crime groups. Do  
09:50:43 41 you understand that to be the case?---I understand what  
09:50:47 42 you're telling me, yes.  
43

09:50:50 44 That was your view of what his role was?---I think the  
09:50:54 45 Source Unit was set up to handle all manner of sorts. It  
09:50:58 46 wasn't limited to just Mokbel and Williams and company, it  
09:51:01 47 was in relation to any issue.

1  
09:51:03 2 Part of his role, as I said, was to identify potential  
09:51:06 3 human sources?---Yes.  
4  
09:51:07 5 Who could provide intelligence about those specific  
09:51:10 6 groups?---Those types of organisations, yes.  
7  
09:51:12 8 And those were people that you also wanted to  
09:51:17 9 target?---Yes.  
10  
09:51:21 11 By that stage, it seems, though, that Carl Williams had  
09:51:28 12 been arrested and charged in relation to a number of  
09:51:30 13 murders that had occurred in around about August that  
09:51:36 14 year?---If that was the case, that was the case. I'm  
09:51:41 15 unsure of the date.  
16  
09:51:43 17 Mr White has given evidence to the Commission at some stage  
09:51:47 18 close in time to Ms Gobbo's admission to hospital, which we  
09:51:51 19 know was in late July of 2004, that there was some thought  
09:51:56 20 given that she might be vulnerable for an approach for a  
09:52:01 21 recruitment pitch. Do you know anything about that?---No.  
09:52:05 22 I understand - I've been asked whether I remembered a  
09:52:11 23 conversation between, in relation to that with Mr White. I  
09:52:15 24 have no recollection of such a conversation.  
09:52:17 25  
09:52:26 26 Do you accept that that conversation took place?---As I  
09:52:29 27 say, I have no memory of it.  
28  
09:52:32 29 It seems as though Mr White has a memory of it?---He may  
09:52:38 30 well have.  
31  
09:52:39 32 A specific memory of it occurring around the time of her  
09:52:41 33 admission to hospital because it provided some belief that  
09:52:45 34 she might be vulnerable to such an approach. Now do you  
09:52:48 35 accept that that conversation took place?---As I say, I  
09:52:52 36 have no recollection of it.  
37  
09:52:53 38 You don't deny that that conversation took place?---No,  
09:52:57 39 Mr White might have a better recollection than I do.  
40  
09:53:04 41 He believed that she might be valuable as a recruit because  
09:53:08 42 of her extensive network of social contacts, people  
09:53:12 43 involved in gangland matters. Now that would have been  
09:53:15 44 something apparent to you as well?---Certainly.  
45  
09:53:22 46 You were interested in proactively targeting Mr Mokbel  
09:53:30 47 following his arrogance in April of that year?---I was,

09:53:32 1 yes.  
2  
09:53:33 3 You were attending training courses which were relevant to  
09:53:37 4 such pro-active targeting?---Certainly in line with the  
09:53:41 5 type of work I was engaged in, yes.  
6  
09:53:44 7 It seems as though Ms Gobbo had indicated a potential  
09:53:48 8 willingness at least by the middle of that year to provide  
09:53:54 9 some assistance to investigators in relation - and I refer  
09:53:59 10 there to the conversations she was having with Mr Bezzina  
09:54:02 11 and Mr Davey?---I wasn't privy to any of those  
09:54:06 12 conversations. I was completely unaware of them.  
13  
09:54:11 14 You were looking at that stage to investigate her in  
09:54:17 15 relation to her potential criminal activity?---No, I  
09:54:20 16 wasn't. I was merely attempting to say to the people that  
09:54:23 17 were coming back to the office complaining about her and  
09:54:28 18 perhaps her being too heavily involved with her clients and  
09:54:33 19 their associates to do something about it, provide  
09:54:35 20 Intelligence Reports, and if you want to do something about  
09:54:38 21 it, aim to looking at getting a telephone intercept up if  
09:54:42 22 there was enough evidence available to achieve that.  
23  
09:54:44 24 With a view to getting a telephone intercept that could  
09:54:48 25 only be done with a view to investigating her for a  
09:54:51 26 particular crime?---That's correct.  
27  
09:54:54 28 It seems like there was a perfect storm for her recruitment  
09:55:01 29 at that stage, was there not?---I don't know whether you'd  
09:55:06 30 say it was a perfect storm. I mean people find themselves  
09:55:13 31 in all sorts of circumstances in the course of their life.  
32  
09:55:25 33 In February of 2005 you were doing a course. As part of  
09:55:32 34 the course that you were doing on the management of serious  
09:55:34 35 crime you wrote a paper on Task Force policing; is that  
09:55:42 36 right?---I did, yes.  
37  
09:55:42 38 That went to Victoria Police Commissioners and others in  
09:55:46 39 Command?---That's correct.  
40  
09:55:47 41 Did it have anything to do with investigating the Mokbel  
09:55:49 42 cartel?---No, it did not.  
43  
09:55:51 44 Was it more general than that?---It was a research paper in  
09:55:55 45 relation to the history of Task Force policing in Victoria  
09:55:59 46 and its success or otherwise and it covered off a number of  
09:56:03 47 Task Forces. It involved me interviewing the officers in



09:56:07 1 charge of those Task Forces.  
2  
09:56:11 3 Sorry, I missed that?---Interviewing a number of officers  
09:56:14 4 in charge of those Task Forces, getting their feedback,  
09:56:16 5 which all formed part of the paper. It was a research  
09:56:19 6 paper.  
7  
09:56:19 8 You called for Victoria Police to be pro-active?---Yes.  
9  
09:56:23 10 In relation to serious crime?---That's correct.  
11  
09:56:25 12 And how was that different to what they were doing at that  
09:56:28 13 stage?---Victoria Police in my view had been completely  
09:56:31 14 reactionary for a number of years in its response to  
09:56:34 15 organised crime, such as the killings of Damian - Steven  
09:56:43 16 Tynan and Damian Eyre in Walsh Street, South Yarra on 12  
09:56:49 17 October 1988. We formed a Task Force, Walsh Street  
09:56:50 18 bombings in 1986. We formed a Task Force. Silk and  
09:56:54 19 Miller, we formed a Task Force. There should have been a  
09:56:57 20 standing Task Force, because every time one of these  
09:57:00 21 incidents happens we were slow to react. It took weeks,  
09:57:04 22 sometimes months, to get the resources and stand those Task  
09:57:08 23 Forces up. And there was a loss of historical knowledge,  
09:57:14 24 so the intelligence went out the door with the Task Force.  
09:57:18 25 It was buried with the Task Force. So all our historical  
09:57:21 26 learning was lost.  
27  
09:57:26 28 Your view was with a standing Task Force, you maintain the  
09:57:30 29 knowledge, you pass it on down the line to the next  
09:57:33 30 generations as they take over the running of things?---Yes,  
09:57:36 31 it should be available to them at the touch of a button as  
09:57:39 32 far as I was concerned.  
33  
09:57:42 34 Is that the type of thing that occurred back in the units -  
09:57:48 35 you go on at around about this time or during this year to  
09:57:52 36 become at least acting officer-in-charge of Purana; is that  
09:57:58 37 right?---Yes.  
38  
09:57:59 39 Presumably the knowledge that had been accrued over the  
09:58:01 40 time, over the course of Purana to that point is  
09:58:06 41 disseminated to you?---It was available to me but I didn't  
09:58:10 42 read the material. I mean for me to go back and read all  
09:58:13 43 the information reports in respect to every one of those  
09:58:17 44 jobs that they undertook was of little value to me.  
09:58:23 45 Certainly the intelligence, having the intelligence to draw  
09:58:25 46 upon was of use to me.  
47

09:58:28 1 Significant matters you would have been made aware  
09:58:33 2 of?---Not necessarily. It was more of a matter of it was a  
09:58:37 3 repository of information. So that if a name came up on a  
09:58:40 4 check then it would light up with so many hits on the  
09:58:43 5 system.  
6

09:58:45 7 You would have had a particular interest in some areas of  
09:58:51 8 knowledge the Purana Task Force would have had that you  
09:58:54 9 would have enjoyed at MDID if there were silos in  
09:58:58 10 place?--As I say, most of those prosecutions were on foot  
09:59:01 11 at that stage. I didn't need to go back and look at those.  
09:59:04 12 It was no great advantage. My major role there was to try  
09:59:09 13 and, as far as what was left of Purana, was to pick up the  
09:59:14 14 jobs that were unsolved and hopefully resolve some of those  
09:59:18 15 where charges had been laid.  
16

09:59:20 17 Are you able to say when you first became officer-in-charge  
09:59:25 18 of Purana?---I think it was around September 05.  
19

09:59:30 20 When did you first act in that position?---Some months  
09:59:35 21 earlier I think when I was relieving Gavan Ryan.  
22

09:59:40 23 So from around mid-2005?---Yes, 2005.  
24

09:59:47 25 Is there a way of specifically determining when you were  
09:59:50 26 upgraded, is it something you note in your diary or is it -  
09:59:54 27 - - ?---I would - it would be in my statement I'd imagine.  
28

09:59:57 29 I think in your statement you've nominated some time around  
10:00:00 30 mid-2005?---That might be correct, yes, if it's in my  
10:00:07 31 statement.  
32

10:00:07 33 Do you note in your diary though when you're specifically  
10:00:10 34 upgraded? Is it something that you would do?---Generally I  
10:00:16 35 probably would, yes.  
36

10:00:22 37 You came to appreciate in that capacity, acting in charge  
10:00:28 38 of Purana, from about mid-2005 that they were having  
10:00:33 39 dealings with Ms Gobbo?---I can't really say when I - what  
10:00:42 40 dealings she was having - with Ms Gobbo. They may well  
10:00:51 41 have been in relation to a number of the defendants that  
10:00:53 42 had been charged.  
43

10:00:55 44 You would have known by that stage, surely you would have  
10:00:59 45 been told about what dealings they were having around about  
10:01:02 46 mid-2005 when you were acting?---I may have. As I say, it  
10:01:09 47 would depend on the informants, what they told me at the

10:01:13 1 time.  
2  
10:01:14 3 Were some informants more willing to divulge what was going  
10:01:18 4 on than others?---Generally I spoke to the Sergeants once a  
10:01:27 5 day. If they had something to tell me, they'd come and  
10:01:31 6 tell me, but for the most part they were handling whatever  
10:01:34 7 prosecutions they had, they were handling them.  
8  
10:01:41 9 Victoria Police themselves are expected to commit to the  
10:01:51 10 highest Ethical Standards, you would agree with  
10:01:53 11 that?---Yes.  
12  
10:01:54 13 And there's a code of ethics that police are expected to  
10:01:57 14 comply with?---Yes.  
15  
10:01:59 16 And part of the teachings of Victoria Police relate to the  
10:02:03 17 use of what we know is called the SELF test?---Yes.  
18  
10:02:08 19 That helps police in decision making and whether certain  
10:02:15 20 decisions and certain courses should be taken; is that  
10:02:19 21 right?---That's correct.  
22  
10:02:19 23 Are you able to say what the SELF test is?---Oh, look, not  
10:02:29 24 off the top of my head, no.  
25  
10:02:32 26 Was that a test that was rigorously applied within Victoria  
10:02:37 27 Police given front of mind, or made front of mind in every  
10:02:42 28 police member?---It was a piece of guidance provided by the  
10:02:49 29 Department. It wasn't something that you sat up and read  
10:02:51 30 every day of the week.  
31  
10:02:53 32 Was it something that was at the forefront of your mind  
10:02:56 33 whenever you made decisions?---Yes, I tried to treat people  
10:03:00 34 fairly.  
35  
10:03:02 36 Well, if we go through the SELF test. Do you know what the  
10:03:07 37 S stands for?---No, not now, no.  
38  
10:03:13 39 Scrutiny?---Right.  
40  
10:03:15 41 Would your decision withstand public scrutiny by the  
10:03:18 42 community, by Victoria Police, by the OPI and other  
10:03:21 43 relevant parties? You would have known that through this  
10:03:23 44 period of time?---Quite possibly, yes.  
45  
10:03:25 46 The E, do you know what the E stands for?---Ethical.  
47

10:03:33 1 Ethical. Would that mean that the police could condone or  
10:03:36 2 facilitate unethical behaviour in order to achieve their  
10:03:40 3 ends?---Probably not, no.  
4

10:03:45 5 The L, do you know what the L stands for?---Lawful.  
6

10:03:50 7 Making sure that your decision making is lawful having  
10:03:57 8 regard to the laws, the regulations of Victoria Police  
10:03:59 9 instructions; is that right?---That's correct.  
10

10:04:01 11 Something that it would be pretty important for police  
10:04:05 12 members to check, the people that are there to uphold the  
10:04:12 13 law; is that right?---That's correct.  
14

10:04:13 15 If in doubt about that what would you do?---As I say, I'd  
10:04:23 16 never had that situation arise.  
17

10:04:25 18 If you were in doubt about a particular course of action  
10:04:27 19 that you're contemplating would you have the ability to go  
10:04:31 20 and seek legal advice?---No, I'd generally go and speak to  
10:04:37 21 a more senior officer.  
22

10:04:38 23 And if you needed to, would you have the ability to seek  
10:04:41 24 legal advice?---Yes, you could, yes.  
25

10:04:44 26 Is that something that you did from time to time?---From  
10:04:50 27 time to time, yes.  
28

10:04:52 29 Did you do that in relation to matters relating, for  
10:04:56 30 example, to disclosure and public interest  
10:05:04 31 immunity?---Public interest immunity I may have, yes .  
32

10:05:09 33 The F in SELF?---Fair.  
34

10:05:11 35 Fair. Is the decision fair on the community, on your  
10:05:15 36 colleagues, on your family, on yourself and on  
10:05:18 37 others?---Yes.  
38

10:05:19 39 And it's not just a question, when you're making a  
10:05:23 40 decision, of passing one of those tests, you need to  
10:05:26 41 consider all of those matters; is that right?---Yes.  
42

10:05:31 43 When you arrived at Purana Task Force in the acting or the  
10:05:37 44 permanent position, what was the structure sitting above  
10:05:41 45 you that told you what to do?---Well basically to start  
10:05:49 46 with it was the Assistant Commissioner. I reported  
10:05:53 47 directly to the Assistant Commissioner and later it became

10:05:59 1 the Assistant Commissioner and the Superintendents.  
2  
10:06:05 3 You were a Detective Senior Sergeant?---That's correct.  
4  
10:06:07 5 Ordinarily in terms of the line of authority you'd have a  
6 Detective Inspector and Superintendent between you and the  
10:06:11 7 Assistant Commissioner?---That's correct, yes.  
8  
10:06:12 9 Was there a particular reason why it was direct to the  
10:06:16 10 Assistant Commissioner?---No, that was just the way I think  
10:06:18 11 Purana had operated prior to me arriving there and I just  
10:06:22 12 inherited what there was.  
13  
10:06:25 14 Was there some want on the part of Mr Overland to have some  
10:06:32 15 direct control over what was going on in Purana?---I'm  
10:06:38 16 unsure what Mr Overland's thoughts were in that regard.  
17  
10:06:45 18 Presumably you got to know him over a period of time, was  
10:06:47 19 he someone that exercised a degree of control over how  
10:06:53 20 things ran?---He was certainly aware of what was taking  
10:06:58 21 place at all stages. He was briefed accordingly.  
22  
10:07:01 23 What was he like in terms of decision making? Was he  
10:07:05 24 someone that you could have a conversation with, change his  
10:07:08 25 mind, or was he someone that was determined and hard to set  
10:07:13 26 off a line?---No, I thought he was a fairly flexible sort  
10:07:19 27 of a person. You could have a discussion with him and he  
10:07:21 28 was prepared to change his mind.  
29  
10:07:30 30 At what stage did the structure change so that Detective  
10:07:36 31 Inspectors and Superintendents became involved?---Well it  
10:07:39 32 wasn't long after that the Superintendents became involved  
10:07:43 33 and that would be subject to my notes and my diary as to  
10:07:52 34 who was present at those briefings on a weekly basis.  
35  
10:07:56 36 The Commission's been provided with some documents which  
10:07:59 37 seem to be some weekly updates provided or compiled by  
10:08:04 38 someone by the name of Spargo?---That's correct, he was a  
10:08:08 39 tactical intelligence officer.  
40  
10:08:14 41 We don't seem to have every weekly document. At every  
10:08:19 42 weekly strategy meeting or meeting that you had with  
10:08:22 43 Mr Overland and your superiors was there one of those  
10:08:26 44 documents?---To the best of my knowledge there was one for  
10:08:30 45 every meeting, yes.  
46  
10:08:31 47 And the document that you're talking about in terms of the

10:08:33 1 weekly briefing was this document that was compiled by  
10:08:38 2 Spargo?---Yes, it was just a progression of what was going  
10:08:41 3 on with each operation, what resources I suppose were being  
10:08:44 4 utilised in it.  
5  
10:08:47 6 Do you know where those document were stored? Did you keep  
10:08:50 7 one yourself?---No, I never kept a hard copy. They were  
10:08:54 8 prepared by the TIOs. I would imagine it would have been  
10:08:57 9 kept within the intelligence database.  
10  
10:08:59 11 Were there any other documents that were presented to those  
10:09:03 12 meetings, aside from this document?---No, generally it  
10:09:07 13 would be that document and then I would speak to my  
10:09:11 14 personal knowledge for the week.  
15  
10:09:15 16 Presumably some sensitive matters wouldn't be written down  
10:09:19 17 in those documents; is that right?---No, it wasn't a matter  
10:09:22 18 of that. I mean you'd be writing a Bible every week if you  
10:09:29 19 wrote everything that was going on, but I mean it was  
10:09:31 20 basically the headlines is what they wanted to be aware of.  
21  
10:09:36 22 In terms of what was going on with particular informers,  
10:09:38 23 that might not be written in that document, you'd give a  
10:09:42 24 verbal briefing about those matters?---Yes, it'd be a  
10:09:45 25 verbal briefing.  
26  
10:09:46 27 How, if at all, would the verbal briefing or that  
10:09:50 28 dissemination of information about what was going on with  
10:09:52 29 particular informers to the hierarchy be  
10:10:00 30 recorded?---Generally just a note in my diary, that'd be  
10:10:05 31 it.  
32  
10:10:05 33 And a note in your diary that we see to the effect of  
10:10:08 34 weekly briefing given to Mr Overland?---That's correct.  
35  
10:10:14 36 Mr Blayney and others?---That's correct.  
37  
10:10:16 38 But the content of that weekly briefing, unless it's in  
10:10:20 39 your diary, we wouldn't know?---No, unless he made a note  
10:10:24 40 of it.  
41  
10:10:25 42 Unless someone at the other end attending the  
10:10:28 43 meeting?---Yes, or one of the Superintendents made a note  
10:10:30 44 or something.  
45  
10:10:31 46 Do you know of those people were any of them note  
10:10:35 47 takers?---I don't know.

1  
10:10:38 2 Was there any decision taken at any time to limit the notes  
10:10:43 3 that were taken at those meetings?---Certainly not.  
4  
10:10:52 5 We've had some reference to the April 2005 Mokbel cartel  
10:10:58 6 assessment document?---That's correct, yes.  
7  
10:11:02 8 Perhaps this can be brought up on the screen. It's  
10:11:10 9 VPL.0100.0010.1743. This is the document you're talking  
10:11:38 10 about?---That's correct.  
11  
10:11:42 12 If we go through to p.5 of this document. You'll see there  
10:11:52 13 under the heading of "The purpose of the document". Now  
10:11:59 14 that's a document that aims to compile into one location  
10:12:02 15 all the intelligence holdings in relation to  
10:12:07 16 Mokbel?---That's correct.  
17  
10:12:07 18 Or the Mokbel cartel. And it's proposed that the Mokbel  
10:12:13 19 crime cartel be actively targeted with a view of either  
10:12:16 20 dismantling their operations or effectively making it  
10:12:19 21 impossible for them to operate; is that right? The third  
10:12:31 22 paragraph there?---That's correct.  
23  
10:12:36 24 The document itself just generally talks about targeting of  
10:12:42 25 the various Mokbels, the targeting of associates of the  
10:12:45 26 Mokbels and the targeting of the business and assets  
10:12:48 27 associated with them; is that right?---That's correct, yes.  
28  
10:12:54 29 It's a long comprehensive document compiling a lot of  
10:12:59 30 information?---Yes.  
31  
10:13:00 32 That's a document that was, if we go back to the first  
10:13:04 33 page, prepared by the intelligence cell at Purana and it's  
10:13:10 34 dated there April 2005?---That's correct, yes.  
35  
10:13:14 36 Do you know when you got this document?---I believe I got  
10:13:19 37 it when I was actually acting at Purana when I first saw  
10:13:24 38 it.  
39  
10:13:25 40 This would have been a pretty interesting document for  
10:13:29 41 you?---Well, it was not something - certainly it pulled  
10:13:36 42 together a lot of intelligence but it was basically a  
10:13:39 43 history lesson.  
44  
10:13:41 45 Pages 25 to 33, just flicking through those, refer to the  
10:13:48 46 family structure and the associates, and the various  
10:13:51 47 associates of the Mokbels?---Yes.

1  
10:13:56 2 From pp.34 to 44 there are various of those people and  
10:14:03 3 information about them specifically referred to, blurbs  
10:14:12 4 about the various people; is that right?---Yes.  
5  
10:14:14 6 From p.45 it lists the Mokbels accountants and their  
10:14:18 7 various business and property holdings?---I haven't seen  
10:14:25 8 that page yet.  
9  
10:14:26 10 Down the bottom it refers to accountants and then over the  
10:14:31 11 page - - - ?---I'm on p.46.  
12  
10:14:36 13 - - - there are various sort of business  
10:14:39 14 interests?---Business interests, yes.  
15  
10:14:40 16 And then I think we move on to property holdings. If we go  
10:14:45 17 to p.63 of that document. Under "Proposed operation" it  
10:14:56 18 says there, "In order to effectively close down the  
10:14:58 19 operations of Mokbel, his family and associates Operation  
10:15:02 20 Posse was commenced in late 2004 under the banner of  
10:15:08 21 Operation Purana. This was used as a flag of convenience  
10:15:13 22 and it is proposed that a distinct Task Force be  
10:15:16 23 established utilising the expertise and experience gained  
10:15:20 24 from both Operation Purana and Operation Lorcha". Do you  
10:15:26 25 know what Operation Lorcha was?---From memory now, no. But  
10:15:34 26 I believe I spoke to the member that was in charge of it  
10:15:37 27 but I just can't recall his name, a Senior Sergeant.  
28  
10:15:40 29 Was that an investigation into Italian organised  
10:15:46 30 crime?---It may well have been, yes.  
31  
10:15:48 32 It says there that there'd been some investigations or  
10:15:49 33 Operation Posse had commenced in late 2004. Were you aware  
10:15:53 34 of that?---Only from what was in this document.  
35  
10:15:57 36 Was there any interaction at all between Purana and MDID  
10:16:02 37 during that period about Mokbel and his associates from  
10:16:07 38 late 2004?---Not to my knowledge, no.  
39  
10:16:13 40 To a great extent this document aligned with your views at  
10:16:19 41 the time in terms of what needed to be done with the  
10:16:21 42 Mokbels and anti-money laundering and Task Force  
10:16:24 43 policing?---Correct.  
44  
10:16:26 45 If we go to p.64, second paragraph there. It refers to  
10:16:39 46 there potentially being cooperation between Operation Posse  
10:16:42 47 and the Australian Crime Commission Task Force Gordian in



10:16:46 1 relation to financial dealings and money launderings of the  
10:16:50 2 cartel?---Yes, I can see that.  
3  
10:16:53 4 That aligned as part of the strategy to go after the assets  
10:16:57 5 and so forth?---Yes, it would appear so.  
6  
10:17:03 7 If we go back to p.44. You see down the bottom of the page  
10:17:12 8 it starts listing the legal representatives known to be  
10:17:15 9 connected with the Mokbels?---Yes.  
10  
10:17:20 11 That includes Mr Heliotis, Ms Gobbo?---I don't see her name  
10:17:32 12 there.  
13  
10:17:39 14 Zarah Garde-Wilson?---Yes.  
15  
10:17:41 16 And Terry Forrest down the bottom?---Yes.  
17  
10:17:44 18 On that page, on p.45, Ms Gobbo had indicated that she was  
10:17:51 19 to represent Mr Mokbel in ACC hearings in December 2004 but  
10:17:57 20 got stuck and passed the brief to Mr Heliotis, do you see  
10:18:01 21 that?---Yes.  
22  
10:18:03 23 If we go back to p.44. It seems that Mr Heliotis attended  
10:18:11 24 at the ACC but there was an argument about his having a  
10:18:14 25 conflict of interest as he was representing Carl Williams  
10:18:18 26 at the time, do you see that?---Yes.  
27  
10:18:25 28 And the Examiner refused to allow Mr Heliotis to continue  
10:18:28 29 to represent Mr Mokbel and it was then arranged that  
10:18:35 30 Mr Forrest would represent Mr Mokbel at the hearing?---Yes.  
31  
10:18:39 32 Clearly there was some concern within the process, even at  
10:18:43 33 the ACC, that there was no conflict in relation to  
10:18:47 34 Mr Mokbel's representation?---It would appear so, yes.  
35  
10:18:54 36 To your knowledge were Victoria Police involved in those  
10:18:57 37 ACC hearings relating to Mr Mokbel?---Not to my knowledge.  
38  
10:19:07 39 Were you aware whether or not they had any engagement with  
10:19:11 40 the ACC at all?---Later on under the "Amphetamine" and  
10:19:19 41 other type substances there was certainly involvement with  
10:19:24 42 the ACC.  
43  
10:19:27 44 One would expect that there would have been some  
10:19:29 45 cooperation as between the ACC and Victoria Police in  
10:19:31 46 respect of investigations of Mr Mokbel and Mr Williams that  
10:19:37 47 the ACC were undertaking?---When are we talking about

10:19:42 1 timeline, time frame?  
2  
10:19:45 3 Ms Gobbo referred to these ACC hearings occurring in  
10:19:49 4 December 2004?---Yeah, look, I had no part in that and no  
10:19:56 5 knowledge of it, apart from this document, which I would  
10:19:59 6 have read and put in the drawer.  
7  
10:20:01 8 It seems at least that Purana were receiving reports about  
10:20:07 9 what went on in terms of conflict at that ACC  
10:20:12 10 hearing?---They may well have or they may have been getting  
10:20:18 11 intel from other intelligence analysts within Victoria  
10:20:21 12 Police.  
13  
10:20:28 14 You understood that Ms Gobbo had been appearing with  
10:20:31 15 Mr Heliotis at committal proceedings in relation to  
10:20:35 16 Operation Kayak?---Yes.  
17  
10:20:45 18 Do you see over on p.45 there's reference - I'll just read  
10:20:50 19 that out. I'm sorry, it's over on the other page. The  
10:21:00 20 third paragraph under Ms Gobbo's name, "Gobbo admitted to  
10:21:04 21 investigators that she was facing financial difficulties  
10:21:07 22 due to some of her more high profile clients not paying  
10:21:12 23 their bills"?---Yes, that's there, yes.  
24  
10:21:17 25 Would that have been something of interest to you?---Not  
10:21:22 26 really. It's not something that stood out to me. As I  
10:21:26 27 said, I read this document. I considered it a history  
10:21:33 28 lesson. I was more focused on what was happening now and  
10:21:36 29 into the future.  
30  
10:21:37 31 Wasn't that an indication that she was willing to tell and  
10:21:40 32 share information with police that wasn't in the interests  
10:21:42 33 of her clients?---Well reading it there now, yes. But it  
10:21:53 34 certainly wasn't something obvious to me.  
35  
10:21:56 36 Part of a pro-active investigation in relation to organised  
10:21:59 37 crime would be looking for sources and information and  
10:22:03 38 you'd be keeping your ear to the ground, wouldn't  
10:22:09 39 you?---Yes, you'd be keeping your ear to the ground but you  
10:22:12 40 want contemporary information, not a history lesson.  
41  
10:22:16 42 Well if you've got someone who's representing some of these  
10:22:19 43 high profile people who's saying she's a bit dissatisfied  
10:22:23 44 with those people and willing to share, indicating she's  
10:22:26 45 willing to share some information that doesn't accord with  
10:22:29 46 their interests, that'd be pretty interesting, wouldn't  
10:22:33 47 it?---I've had a number of barristers over the years

10:22:37 1 whinging about people who didn't pay.  
2  
10:22:45 3 Well you're right about that?---Wanting registrations  
10:22:51 4 checked on vehicles and tractors.  
5  
10:22:58 6 Did you find out, did you take steps to find out who were  
10:23:03 7 these investigators that she was having discussions with  
10:23:06 8 about her high profile clients not paying her money?---No,  
10:23:10 9 I didn't.  
10  
10:23:11 11 Wouldn't that have been of some interest to you?---As I  
10:23:14 12 say, it didn't stand out to me. I saw this document as  
10:23:18 13 background historical information. I didn't see it as  
10:23:21 14 contemporary intelligence.  
15  
10:23:25 16 If we go to p.66 about halfway down. Do you see there,  
10:23:49 17 "It's further suggested that a legal officer be attached to  
10:23:51 18 the Task Force to respond to matters that require  
10:23:53 19 professional advice. This person will also be the liaison  
10:23:57 20 point between the Task Force and the Office of Public  
10:24:01 21 Prosecutions and would be able to provide briefings to  
10:24:04 22 legal counsel as and when required". Did that ever occur  
10:24:10 23 with Operation Posse?---Not to my knowledge. I know that  
10:24:15 24 they had a good, well not Posse, but Purana in itself had a  
10:24:20 25 good relationship with the Office of Public Prosecutions.  
26  
10:24:24 27 But this is specifically suggesting that" we need a lawyer  
10:24:27 28 attached to the Task Force and a lawyer to do the  
10:24:32 29 liaising"?---Never occurred.  
30  
10:24:33 31 Why not?---I don't know.  
32  
10:24:36 33 You had this advice, you had that recommendation before  
10:24:41 34 you. Was there a decision taken, "Well we don't, we  
10:24:44 35 actually don't want a lawyer now"?---No, I don't think that  
10:24:48 36 was the case at all. I think, you know, to be fair, you'd  
10:24:51 37 have to look beyond, well, who wrote this document and from  
10:24:55 38 what point of view was it written? Was it written by an  
10:24:58 39 analyst or was it written by a detective or the  
10:25:00 40 officer-in-charge of the group? I've got no idea who had  
10:25:04 41 input into this document. Or is it just a conglomeration  
10:25:10 42 of a number of views?  
43  
10:25:12 44 Ultimately you were responsible for writing the plan for  
10:25:15 45 Operation Posse; is that right?---I did, yes.  
46  
10:25:17 47 You had this document before you?---I'd read the document,

10:25:20 1 yes.  
2  
10:25:20 3 Once Posse got under way you had all sorts of interesting  
10:25:24 4 legal issues, given the informer that you were dealing  
10:25:28 5 with. Did you not think it might be worthwhile having some  
10:25:32 6 legal advice or a legal advisor attached to Operation  
10:25:37 7 Posse?---No, I didn't. In hindsight it would have been a  
10:25:43 8 great thing but I certainly didn't turn my mind to that at  
10:25:47 9 the time.  
10  
10:25:49 11 At p.72 we see this, "Flexibility will be the key to  
10:26:13 12 success. Being capable of responding quickly to changing  
10:26:13 13 circumstances will be essential. The investigation needs  
10:26:14 14 to be able to think outside the box to come up with  
10:26:17 15 innovative and perhaps novel ways for the investigation to  
10:26:19 16 continue". Do you see that?---Yes.  
17  
10:26:24 18 Do you agree that the recruitment of a lawyer as an  
10:26:28 19 informer, specifically the lawyer of the target as an  
10:26:33 20 informer, is thinking outside the box?---I don't think the  
10:26:41 21 document - well it might fit into that category but I don't  
10:26:46 22 think that's what this document is referring to. It's more  
10:26:49 23 about having a pro-active response to policing methodology  
10:26:52 24 rather than a reactive one.  
25  
10:26:55 26 Well it's talking about coming up with novel ways for an  
10:26:59 27 investigation to continue?---Yeah, there's a number  
10:27:03 28 of - - -  
29  
10:27:03 30 Recruiting the target's lawyer is pretty novel, isn't  
10:27:06 31 it?---Well it's certainly different, yes.  
32  
10:27:21 33 If we can go to a new document. I hope this document's  
10:27:30 34 been emailed through this morning. VPL - - -  
35  
10:27:36 36 COMMISSIONER: The previous document, has that already been  
10:27:38 37 tendered?  
10:27:39 38  
10:27:39 39 MS TITTENSOR: Yes, it has, I'm told.  
40  
10:27:40 41 COMMISSIONER: The exhibit number is? 314, thanks.  
10:27:46 42  
10:27:48 43 MS TITTENSOR: VPL.0100.0146.7691. Do you see that  
10:28:12 44 document?---Yes.  
45  
10:28:21 46 This is a document which appears to be a profile of  
10:28:25 47 Ms Gobbo?---Yes.

1  
10:28:28 2 See on p.1 generally it's got a photo of her, address,  
10:28:34 3 licence, car, phone and personal details?---Yes.  
4  
10:28:40 5 If we go over to p.2. There's some criminal history  
10:28:45 6 involvements, including some involvements as a victim on a  
10:28:48 7 number of occasions between 1991 and 2001?---Yes.  
8  
10:28:55 9 It lists some associates, Brian Wilson and Victor Vellios  
10:29:01 10 who had been arrested with her in 1993?---Yes.  
11  
10:29:04 12 If we go over to p.3. Phone number history and some  
10:29:09 13 material from her Victorian Bar profile?---Yes.  
14  
10:29:16 15 On p.4 there's some further information about those  
10:29:21 16 criminal involvements down the bottom?---Yes.  
17  
10:29:30 18 Page 5 starts listing her criminal associates, including  
10:29:38 19 Tony Mokbel, Carl Williams, George Williams, Barbara  
10:29:41 20 Williams - I'll skip the next one, but you see that -  
10:29:47 21 Emeido Navaroli, Lewis Moran, who it says is deceased,  
10:29:54 22 someone by the name of John Ford. I'll skip the next one  
10:29:58 23 but you take note of that?---Yeah.  
24  
10:30:01 25 And then over the page Andrew Veniamin, who's deceased,  
10:30:05 26 Jason Haykel and Daniel Hutchinson, see that?---Yes, I do.  
27  
10:30:12 28 Then we continue on. It's got some dot points about  
10:30:19 29 intelligence holdings in relation to Ms Gobbo, the first  
10:30:24 30 one indicating that she's a high profile criminal barrister  
10:30:27 31 representing some of the more notorious characters in the  
10:30:31 32 Melbourne underworld?---Yes.  
33  
10:30:33 34 Regularly attended the Williams family until her position  
10:30:37 35 of advocate was usurped by Garde-Wilson. There's no love  
10:30:42 36 lost between Ms Gobbo and Ms Garde-Wilson, do you see  
10:30:46 37 that?---Yes.  
38  
10:30:47 39 Is that something that you understood?---This is the first  
10:30:51 40 time I've ever seen this document.  
41  
10:30:53 42 Is this something - - - ?---But I know there was no love  
10:30:56 43 lost between the two of them.  
44  
10:30:58 45 And when did you come to understand that?---From the  
10:31:00 46 information I got from the DSU.  
47

10:31:03 1 Later down the track you say?---Down the track.  
2  
10:31:08 3 The next dot point refers to Ms Gobbo having attended at  
10:31:12 4 the baptism of Dhakota Williams and being seated on table  
10:31:20 5 one, do you see that?---Yes.  
6  
10:31:23 7 Then the next dot point, "Ms Gobbo has admitted to  
10:31:29 8 investigators on a number of occasions that she would like  
10:31:31 9 to retire from the law, stating nonpayment of accounts by  
10:31:34 10 clients as one reason. It's suspected that Gobbo has  
10:31:39 11 detailed knowledge of the affairs of persons like Mokbel  
10:31:42 12 and Williams but is unwilling to tell police exactly what  
10:31:45 13 the information she holds is, possibly due to her fear of  
10:31:50 14 these identities. Another reason is that she will play one  
10:31:54 15 side off against the other in order to gain benefit for  
10:31:58 16 herself"?---Yeah, I see that.  
17  
10:32:03 18 The next dot point, "Ms Gobbo provided legal advice to  
10:32:07 19 Garde-Wilson during proceedings before the ACC. She also  
10:32:12 20 provided advice to Garde-Wilson following her being charged  
10:32:15 21 with giving false evidence to the ACC in 2004". You're  
10:32:21 22 aware that Ms Garde-Wilson had been charged with that  
10:32:24 23 offence and also possession of a firearm in about May of  
10:32:28 24 2005?---I was aware of the firearm but not the other  
10:32:34 25 matter.  
26  
10:32:34 27 The next dot point, "Ms Gobbo represented Tony Mokbel at  
10:32:39 28 hearings before the ACC on 17 August 2005"?---Yes, I see  
10:32:47 29 that.  
30  
10:32:48 31 It's apparent from that entry that this document is being  
10:32:55 32 compiled at some stage on or after 17 August 2005?---I  
10:33:01 33 would assume so, yes.  
34  
10:33:03 35 It seems to contain information similar in nature, or some  
10:33:09 36 information about Ms Gobbo similar in nature to that Purana  
10:33:14 37 assessment from April 2005, would you agree, in terms of  
10:33:18 38 her dissatisfaction of nonpayment of accounts?---Yes.  
39  
10:33:24 40 Does it seem to you that this is a document that was being  
10:33:27 41 prepared by the Purana Task Force?---No. It may have been,  
10:33:34 42 I'm not sure. I notice the Homicide Squad insignia was in  
10:33:37 43 the bottom right-hand corner of the first page.  
44  
10:33:39 45 Okay. If we can perhaps go back up to there?---That symbol  
10:33:47 46 "69" down the bottom right-hand corner is a Homicide Squad  
10:33:51 47 symbol.

1  
10:33:52 2 Are they someone that would work in collaboration with  
10:33:58 3 Purana Task Force?---They may well have been at that stage,  
10:34:01 4 yes, at the time of the killings.  
5  
10:34:02 6 You say that this document wasn't shared with you?---I've  
10:34:06 7 never seen this document before today.  
8  
10:34:08 9 It certainly seems to have some of the same information in  
10:34:11 10 it about Ms Gobbo that was within the Purana Task Force  
10:34:17 11 April 2005 Mokbel assessment?---It might be but, as I say,  
10:34:22 12 I had no input into either document.  
13  
10:34:25 14 Does it appear there that there's - sorry, I withdraw that.  
10:34:52 15 You became aware that Mr Bateson was having conversations  
10:34:58 16 throughout 2005 with Ms Gobbo, receiving intelligence from  
10:35:02 17 her?---No, I didn't. Later on. Obvious now that he has,  
10:35:12 18 but at the time, no.  
19  
10:35:16 20 You gave some evidence yesterday when your statement was  
10:35:19 21 being tendered that you had been told by Mr Ryan something  
10:35:24 22 along the lines of - - - ?---Stewie talks to her every now  
10:35:29 23 and then.  
24  
10:35:31 25 "Stewie talks to Nicola every now and again"?---Yes.  
26  
10:35:37 27 It's likely that Mr Ryan would have told you about what he  
10:35:41 28 was speaking to her?---No.  
29  
10:35:44 30 You say that's unlikely?---Well he certainly didn't.  
31  
10:35:53 32 It seems as though from the information he was receiving  
10:35:55 33 from her that she was providing him with some information,  
10:36:00 34 you understand now, in the nature of a human source,  
10:36:04 35 although albeit unregistered at that stage?---I'm not 100  
10:36:13 36 per cent sure. I mean without knowing the name or - - -  
37  
10:36:15 38 Well it seems as though he's speaking with her not as a  
10:36:19 39 legal representative of her clients, but rather that she's  
10:36:22 40 providing him with information about potential criminal  
10:36:26 41 activity by her clients and others?---That was certainly  
10:36:31 42 nothing I was aware of. Look, it wouldn't be a surprise.  
10:36:41 43 I mean later on she was quite openly talking to people,  
10:36:48 44 like Bartlett, and telling him things at court, running  
10:36:52 45 into people and saying things.  
46  
10:36:54 47 When was that?---Later down the track when she said to

10:36:59 1 Bartlett that - I'll have to check the name probably. I'm  
10:37:22 2 pretty sure it's not on here. She mentioned the name Mark  
10:37:26 3 Lanteri was cooking drugs for Tony Mokbel.  
4  
10:37:29 5 I think you've written somewhere in your statement or in  
10:37:32 6 your diary notes that he'd had a conversation with her on  
10:37:37 7 about - - -  
8  
10:37:37 9 COMMISSIONER: Paragraph 54 I think it is.  
10:37:39 10  
10:37:40 11 MS TITTENSOR: 15 September or something of that nature  
10:37:42 12 about speaking to him - - - ?---At court.  
13  
10:37:46 14 - - - at a Mokbel hearing; is that right?---I don't know  
10:37:50 15 whether it was a Mokbel, it was just apparently - I was  
10:37:59 16 just talking to him about something to do with Operation  
10:38:03 17 Kayak at the time. He advised me he'd spoken to Ms Gobbo  
10:38:07 18 at court on 15 September and was advised that Lanteri was  
10:38:13 19 cooking methylamphetamine for Tony Mokbel.  
20  
10:38:15 21 Were you keeping track of Mokbel's court hearings at that  
10:38:19 22 stage?---No.  
23  
10:38:19 24 You were interested in what was going on with his court  
10:38:22 25 hearings?---No. This was just a matter of him coming back  
10:38:25 26 and telling me what was going on or what he'd been told. I  
10:38:31 27 made a note of it.  
28  
10:38:41 29 COMMISSIONER: Ms Tittensor, did you want to tender the  
10:38:42 30 profile?  
10:38:43 31  
10:38:43 32 MS TITTENSOR: Yes, thank you, Commissioner.  
10:38:45 33  
10:38:48 34 #EXHIBIT RC466A - (Confidential) Profile of Nicola Gobbo.  
10:38:54 35  
10:38:55 36 #EXHIBIT RC466B - (Redacted version.)  
10:38:57 37  
10:39:02 38 MS TITTENSOR: At some stage when you begin in your acting  
10:39:05 39 position one of the responsibilities you have is signing  
10:39:08 40 off on member diaries?---Yes.  
41  
10:39:13 42 In order to sign off on member diaries you read the  
10:39:18 43 entries?---No, not necessarily.  
44  
10:39:22 45 What would you - - - ?---I generally check the hours of  
10:39:25 46 duty. It's more about checking the hours of duty to make  
10:39:29 47 sure they comply with the claim.



1  
10:39:30 2 You signed off on Bateson's diary entries on 2 September  
10:39:34 3 2005, you'd accept that?---If I did I did, yes.  
4  
10:39:39 5 Apparently in an acting capacity at that stage?---Yes.  
6  
10:39:45 7 That period in question which was signed off on had  
10:39:48 8 meetings between Bateson and Ms Gobbo on the - outline  
10:40:00 9 meetings on 21 July, 23 April and 1 September in which she  
10:40:04 10 spoke about various matters about Ms Garde-Wilson, about  
10:40:09 11 George Williams, Mokbel and others. You would have read  
10:40:17 12 those entries, would you not?---Not necessarily.  
13  
10:40:20 14 Wouldn't they have caught your eye, Bateson having meetings  
10:40:23 15 with Ms Gobbo, Ms Gobbo telling him all about these people  
10:40:27 16 that you're interested in?---I don't know, I'd have to look  
10:40:29 17 at the diary entry.  
18  
10:40:32 19 Maybe we'll come back to it and I'll refresh your memory.  
10:40:45 20 You say you've got no recollection of becoming aware at  
10:40:48 21 that stage of Ms Gobbo having spoken to Bateson or having  
10:40:52 22 given significant information to Bateson?---No.  
23  
10:40:57 24 By this stage, by 2 April, you had had your conversation  
10:41:03 25 with Mansell and Rowe, had you not?---2 April did you say?  
26  
10:41:08 27 Sorry, by 2 September when you signed off on that diary  
10:41:12 28 you'd had your conversation with Mansell and Rowe?---Yes,  
10:41:15 29 if it was after that date, yes.  
30  
10:41:17 31 It would have taken on an extra significance if you're  
10:41:20 32 reading Bateson's diary about his interactions with  
10:41:25 33 her?---Well it depends if I read the entry or not. You  
10:41:28 34 know, when you check diaries you're checking everybody's  
10:41:34 35 diary in the office, not just Mr Bateson's. It's a  
10:41:39 36 fortnightly exercise. I'm quite happy to look at the  
10:41:46 37 diary.  
38  
10:41:46 39 I might come back to it when I can locate where it is.  
10:42:07 40 Excuse me one moment, Commissioner. Operation Quills was  
10:42:32 41 an MDID operation running through 2005; is that  
10:42:36 42 right?---That's correct, yes.  
43  
10:42:39 44 The target, amongst others, was Tony Mokbel?---No, I don't  
10:42:49 45 think so. I'd have to check.  
46  
10:42:50 47 He became a target through the course of that

10:42:53 1 operation?---Later on, yes.  
2  
10:42:56 3 You're aware that ultimately he pleaded guilty to a charge  
10:43:00 4 of trafficking in a large commercial quantity of  
10:43:05 5 methamphetamine arising out of that operation in 2011? I  
10:43:09 6 know you were retired by that stage but it's something you  
10:43:12 7 would have become aware of?---He was charged with a large  
10:43:15 8 number of offences, I can't sort of recall now which ones  
10:43:19 9 related to which operation. It was all part of an  
10:43:22 10 affidavit that I prepared for his extradition.  
11  
10:43:25 12 Part of the evidence for that charge was his dealings with  
10:43:29 13 a number of undercover AFP officers?---Yes.  
14  
10:43:34 15 And there was a Commonwealth aspect to that prosecution; is  
10:43:41 16 that right?---If it's the same one I believe it was their  
10:43:45 17 operation Orbital perhaps.  
18  
10:43:47 19 Orbital?---Yeah.  
20  
10:43:48 21 He was later that year, on 25 October, charged with that  
10:43:53 22 Commonwealth offence, or charged with a Commonwealth  
10:43:56 23 offence of incite to import as a result of his dealings  
10:44:00 24 with the undercover AFP officers?---Right.  
25  
10:44:02 26 That's something you were aware of at the time?---What, in  
10:44:09 27 2011?  
28  
10:44:10 29 No, in 2005 he was charged with those offences?---Oh right.  
10:44:13 30 I'm aware that they had an interest in, they were pursuing  
10:44:17 31 him in relation to Operation Orbital, yes.  
32  
10:44:19 33 There was communication going on as between Victoria Police  
10:44:22 34 and the AFP because of the coincidence of the evidence; is  
10:44:25 35 that right?---There was, there was, and I think there was  
10:44:29 36 liaison with Mr Overland.  
37  
10:44:37 38 When you say liaison with Mr Overland, what do you mean by  
10:44:40 39 that?---Between Mr Overland and the AFP.  
40  
10:44:43 41 Does that mean that Victoria Police's dealings in relation  
10:44:48 42 to Mr Mokbel for this matter were being dealt with by  
10:44:53 43 Mr Overland with the AFP?---Not necessarily. I think the  
10:44:57 44 AFP were looking for our assistance, what we had to  
10:45:01 45 strengthen what they had in relation to putting the  
10:45:05 46 prosecution together.  
47

10:45:06 1 Between 14 and 16 August 2005 Mr Bednarski and two other  
10:45:11 2 people were arrested?---Yes.  
3  
10:45:13 4 In Operation Quills. Mr Flynn, Dale Flynn, recorded in his  
10:45:22 5 diary that on 17 August 2005 he spoke with Ms Gobbo who  
10:45:28 6 complained that she hadn't been contacted when Bednarski  
10:45:33 7 was arrested. Did you become aware of that?---I'm not  
10:45:37 8 sure.  
9  
10:45:39 10 It was apparent, at least to Mr Flynn at that point, that  
10:45:42 11 Ms Gobbo had something to do with Mr Bednarski in that  
10:45:46 12 matter?---She may well have. I'm not 100 per cent sure.  
10:45:53 13 Mr Flynn would be able to clarify that.  
14  
10:46:02 15 If we can go to VPL.0005.0126.0001 and to 30 August 2005.  
10:46:29 16 This is your diary summary of some of the entries in your  
10:46:34 17 diaries that you've extracted?---Yes.  
18  
10:46:40 19 On 30 August you have a meeting with the AFP in relation to  
10:46:44 20 Quills re Tony Mokbel?---That's correct.  
21  
10:46:49 22 Above that you've noted the arrest for the three people in  
10:46:53 23 relation to Operation Quills, Bednarski and two  
10:46:56 24 others?---That's correct.  
25  
10:46:57 26 Then on the 30th also there's a discussion with Mansell and  
10:47:03 27 Rowe re Operation Quills strategy?---Yes.  
28  
10:47:06 29 Was that anything to do with Ms Gobbo?---Not that I recall.  
30  
10:47:27 31 Your statement at paragraphs 44 and 45 - - - ?---Yes.  
32  
10:47:48 33 - - - you give an account of Ms Gobbo's contact with the  
10:47:52 34 MDID as a potential informer?---Yes.  
35  
10:48:02 36 Your account indicates that you received a telephone call  
10:48:06 37 from Mr Mansell after he'd had two conversations with  
10:48:09 38 Ms Gobbo, both of which had been recorded?---I think it was  
10:48:13 39 one conversation initially and then he had a second  
10:48:18 40 conversation was my memory of it.  
41  
10:48:22 42 Sorry, it's one conversation about - you had one  
10:48:27 43 conversation about his having had two conversations, is  
10:48:30 44 that right, is that the effect of that sentence? "At  
10:48:35 45 2.03 pm I received a telephone call from Mansell, a member  
10:48:39 46 of the MDID, regarding a conversation he'd had with  
10:48:42 47 Ms Gobbo in which Ms Gobbo had indicated a willingness to

10:48:46 1 assist police in relation to Mokbel. Mansell informed me  
2 that he'd initially spoken to Ms Gobbo at court and then in  
10:48:50 3 a police vehicle and that both conversations had been  
10:48:51 4 tape-recorded"?---Yes, that's correct.  
10:48:52 5  
10:48:52 6 "Mansell told me that Ms Gobbo might be willing to speak to  
10:48:56 7 Detective Sergeant Flynn as she knew and trusted  
10:49:00 8 him"?---That's correct.  
9  
10:49:09 10 Was that something that you were aware of, her relationship  
10:49:12 11 with Detective Sergeant Flynn?---No, but I mean that was -  
10:49:20 12 I know that a lot of people that knew Dale Flynn trusted  
10:49:24 13 him.  
14  
10:49:24 15 Sorry?---I knew that a lot of people who knew Dale Flynn  
10:49:30 16 trusted him. I'm sure Dale Flynn would have known her.  
17  
10:49:36 18 If you can have a look at that list of pseudonyms. If you  
10:49:41 19 go to number 35?---Yes.  
20  
10:50:04 21 I'm not going to refer to the person by name or even by his  
10:50:08 22 pseudonym but it's number 35 on that list?---All right.  
23  
10:50:12 24 Ms Gobbo had discussions with Mr Flynn back in May of 2005  
10:50:18 25 about that person potentially providing assistance to  
10:50:23 26 police in relation to a number of sets of charges he was  
10:50:26 27 facing and Mr Flynn says in his statement that this was of  
10:50:33 28 particular interest to him as he knew that that person  
10:50:35 29 would have information in relation to the Mokbel family and  
10:50:39 30 serious drug offences?---Yes.  
31  
10:50:41 32 That was back in May of 2005?---Yes.  
33  
10:50:44 34 Ms Gobbo was still representing Mr Mokbel at that stage.  
10:50:51 35 Mr Flynn most certainly would have discussed those matters  
10:50:54 36 with you back in May of 2005, would he not?---I'm not sure.  
10:50:59 37 He may have mentioned it. He may not have.  
38  
10:51:05 39 That would have been something of particular significance  
10:51:09 40 or interest to you if that person was willing to assist  
10:51:13 41 police?---Yes.  
42  
10:51:18 43 And that Ms Gobbo was willing to facilitate that  
10:51:22 44 occurring?---Well I don't know. I don't know if that is  
10:51:28 45 what's said.  
46  
10:51:29 47 Well, the discussions that Mr Flynn was having about this

10:51:33 1 were with Ms Gobbo?---Right.  
2  
10:51:37 3 It's likely, is it not, that you would have become aware of  
10:51:41 4 that back in 2005?---I may or may not have. I mean it was  
10:51:45 5 just maybe courtroom foyer talk between policemen and  
10:51:49 6 barrister.  
7  
10:51:50 8 If Mr Flynn says, "This is something of particular interest  
10:51:59 9 to me", is it something he would have discussed with you,  
10:52:03 10 is it a possibility?---He may have.  
11  
10:52:16 12 The evidence given by Mr Rowe is that he had a telephone  
10:52:23 13 call with Ms Gobbo that morning. There was to be a bail  
10:52:28 14 application that morning in court. She spoke to him on the  
10:52:34 15 phone about potentially being conflicted in relation to  
10:52:40 16 representing Mr Bednarski because she was representing  
10:52:42 17 Mr Mokbel?---Right.  
18  
10:52:45 19 And she spoke to him on the phone about feeling pressured  
10:52:49 20 to look after Mokbel's interests ahead of Mr Bednarski and  
10:52:55 21 that he told her that he and Mansell would come to court  
10:52:59 22 and speak with her and he spoke to the - he spoke of this  
10:53:04 23 confirming his suspicions as to her association and  
10:53:07 24 involvement with Mr Mokbel, that Mr Mokbel was using her to  
10:53:12 25 provide himself with protection. Is that something that  
10:53:16 26 you were aware of?---No, not at that time, no.  
27  
10:53:20 28 Mr Rowe spoke about there being a view, not just of  
10:53:26 29 himself, it seems, but of others, that that's what was  
10:53:30 30 occurring, that she would represent others but be only  
10:53:34 31 really representing the interests of Mr Mokbel?---She quite  
10:53:39 32 possibly was.  
33  
10:53:39 34 Was that a view that you shared at that stage?---Well I  
10:53:43 35 didn't know.  
36  
10:53:46 37 Well, was it a suspicion that you had?---It was certainly a  
10:53:48 38 suspicion, yes.  
39  
10:53:52 40 He viewed the fact that her doing that, not representing  
10:54:01 41 one client's best interests, was a perversion of justice.  
10:54:08 42 Do you share that view?---Probably, depending on what  
10:54:13 43 evidence we had of it. As I say, people were whinging  
10:54:19 44 about her. No one provided any information.  
45  
10:54:21 46 If she was representing one client's interests and not  
10:54:27 47 representing another client's interests, you would see a

10:54:31 1 conflict?---Yes.  
2  
10:54:40 3 Mr Rowe indicated that following that telephone call he and  
10:54:43 4 Mr Mansell came and spoke to you straight away?---Yes.  
5  
10:54:48 6 And that you gave a direction to go to court and tape the  
10:54:53 7 conversation?---I told him to tape whatever conversation  
10:54:55 8 they had, yes.  
9  
10:54:56 10 Do you have a recollection of that now? It seems a bit  
10:55:00 11 different from what's recorded in your diary?---Yeah, look,  
10:55:07 12 I don't have a clear memory. I'm pretty sure - I certainly  
10:55:12 13 spoke to them about taping the conversation they had with  
10:55:15 14 her. When that occurred, I'm not sure.  
15  
10:55:20 16 So they go to court, they tape the conversation. She  
10:55:23 17 repeats what she'd said on the telephone on the tape,  
10:55:27 18 according to Mr Rowe?---Right.  
19  
10:55:32 20 She tells them again about her feeling under pressure to  
10:55:35 21 represent Mr Bednarski, about her relationship with  
10:55:41 22 Mr Mokbel, about representing Mr Mokbel's interests ahead  
10:55:44 23 of the interests of other clients, and her concerns that  
10:55:47 24 she herself has been caught up in criminal offending, and  
10:55:53 25 then Mr Mansell suggested that she "get on board". Now  
10:55:58 26 those would have been things that were reported to you when  
10:56:01 27 they came back to the station?---No, not necessarily. My  
10:56:06 28 view was that I saw her providing information as an  
10:56:12 29 informer as high risk and I wanted that risk out of the  
10:56:16 30 MDID.  
31  
10:56:18 32 Those matters, that conversation, those matters, Mr Mansell  
10:56:22 33 suggesting to her that she might be recruited, that she  
10:56:25 34 "get on board", surely that was something that they came  
10:56:30 35 straight back and told you?---No. As I say, what I knew is  
10:56:33 36 recorded in my diary. I've got no recollection of him  
10:56:37 37 saying, "Get on board". As I say, I've recorded in my  
10:56:43 38 diary what I know about it.  
39  
10:56:44 40 Mr Mansell was someone that had run informers in the  
10:56:48 41 past?---Not to my knowledge.  
42  
10:56:55 43 The evidence was that she responded to Mr Mansell's  
10:56:58 44 suggestion that she "get on board" by saying that if anyone  
10:57:02 45 found out about it she'd be dead, but nevertheless she  
10:57:06 46 handed over her phone number so that they could meet again  
10:57:09 47 later?---That's quite possible, yes.

1  
10:57:13 2 Mr Rowe says at that point he and Mansell went back to you  
10:57:16 3 and spoke to you for a second time?---As I say, I've  
10:57:21 4 recorded in my diary what I believe happened and I took  
10:57:25 5 those notes at the time.  
6  
10:57:27 7 They were to meet her again and you instructed them to  
10:57:29 8 record the second meeting?---I certainly told them to  
10:57:33 9 tape-record any conversation with her.  
10  
10:57:35 11 Well, in your diary you refer to "both conversations have  
10:57:39 12 been recorded"?---That's what I believe happened, yes. I  
10:57:45 13 mean my notes at the time were more accurate than my  
10:57:51 14 memory.  
15  
10:57:51 16 If Mr Rowe's got some different notes and slightly  
10:57:56 17 different evidence would you accept that his version might  
10:58:01 18 be correct and that you've written a summary after you've  
10:58:04 19 had these two conversations and given the directions  
10:58:07 20 through the morning?---I can't argue with what Mr Rowe's  
10:58:13 21 written in his diary. I mean what he's noted he's noted.  
10:58:18 22 But I've noted what I believe to be correct.  
23  
10:58:22 24 Mr Rowe said just before 12.30 pm they go and meet Ms Gobbo  
10:58:30 25 again and drive to a location and speak to her for about an  
10:58:34 26 hour in relation to a range of topics. If we go back to  
10:58:38 27 your diary summary. Your note, your only note on this day  
10:58:54 28 is at 2.03 pm?---Yes.  
29  
10:59:00 30 It seems as though you're writing your note in relation to  
10:59:08 31 what's happened after all these events have taken place; is  
10:59:11 32 that right?---No, it's when I've received the telephone  
10:59:14 33 call and spoke to Mansell. That's at 14:03.  
34  
10:59:18 35 Do you accept that all those things have happened though,  
10:59:21 36 you've had a number of conversations through the day and  
10:59:23 37 instructed them twice to tape conversations?---I may well  
10:59:29 38 have, yes.  
39  
10:59:30 40 Mr Rowe's evidence is that they let her speak about  
10:59:34 41 whatever she wanted. She spoke a lot about Mr Mokbel. It  
10:59:38 42 included evidence about his assets and allegations of his  
10:59:41 43 concealing them and laundering money. It included her  
10:59:46 44 being concerned about her reputation by continuing to  
10:59:49 45 represent him - sorry, her reputation. She spoke about  
10:59:57 46 Mr Bednarski and not wanting to represent him. She told  
11:00:02 47 them that she was actually also now representing one of the

11:00:07 1 other co-accused that had been arrested in Operation Quills  
11:00:11 2 though and that she'd been involved in the process of his  
11:00:17 3 making a statement to police about Mr Bednarski?---Right.  
4  
11:00:23 5 And they dropped her off at about 2 pm and then returned to  
11:00:27 6 the office and spoke with you. Now they would have come  
11:00:32 7 back, they've got two sets of tapes from their  
11:00:36 8 conversations that day. The evidence seems to be that the  
11:00:41 9 tapes go into your possession. They contain some pretty  
11:00:47 10 sensitive material, if it got out Ms Gobbo would be in some  
11:00:52 11 serious jeopardy, would you agree with that?---Yes.  
12  
11:00:54 13 Where did those tapes go?---I'd imagine if they'd been  
11:00:58 14 handed to me I would have locked them in a safe.  
15  
11:01:01 16 And where to from there?---They would have been - gone to  
11:01:04 17 the DSU I would imagine.  
18  
11:01:06 19 If those tapes have not been able to be located do you have  
11:01:10 20 any idea about their whereabouts?---No, I don't.  
21  
11:01:17 22 It seems the DSU - we've got plenty of information from the  
11:01:22 23 DSU in terms of their keeping and storing of such records.  
11:01:30 24 Do you have any idea how these tapes, tapes of such a  
11:01:36 25 sensitive nature, could have gone missing?---No, I don't.  
11:01:42 26 As I say, there was a - I had a three drawer safe for  
11:01:49 27 informer management files in my office and apart from that  
11:01:53 28 there was another three or four drug safes in the office.  
11:01:58 29 So I would imagine material of this type would have either  
11:02:02 30 gone into my safe or one of those safes.  
31  
11:02:07 32 Once you retired what happened to the information in your  
11:02:10 33 safe?---It remains with the squad. The files remained with  
11:02:16 34 the officer-in-charge basically.  
35  
11:02:27 36 Do you have any recollection of handing those tapes over to  
11:02:31 37 anyone?---No, I don't. I don't have a recollection of  
11:02:33 38 receiving them.  
39  
11:02:37 40 One of the things that you were told by Mansell is that  
11:02:42 41 Ms Gobbo suggests that she might be willing to talk to Dale  
11:02:46 42 Flynn because she knew and trusted him?---Right.  
43  
11:02:49 44 That's something you've recorded in your diary?---That's  
11:02:59 45 right, yes.  
46  
11:03:00 47 Did you speak to Mr Flynn about that at the time?---I don't



11:03:04 1 think so. I have no memory of it.  
2  
11:03:06 3 You're aware that other members of the MDID are also told  
11:03:11 4 that Ms Gobbo might be coming on as a recruit?---No.  
5  
11:03:15 6 Ms Burrows has given evidence to the Commission that she  
11:03:18 7 was told by Mansell and Rowe that Gobbo was possibly likely  
11:03:21 8 to start providing information to them after they returned  
11:03:26 9 from their meeting?---She may have been a member of their  
11:03:29 10 crew, in which case I'm not surprised.  
11  
11:03:35 12 You go straight away and speak to Mr Ryan; is that  
11:03:40 13 right?---That's correct.  
14  
11:03:41 15 Why is that?---I'm not sure other than he was working on  
11:03:49 16 organised crime figures at the time.  
17  
11:03:51 18 You must have had some appreciation that Gobbo had been  
11:03:54 19 providing information to Bateson by that stage I'd  
11:03:57 20 suggest?---I don't know, I'm not sure.  
21  
11:04:00 22 The only reason you'd make a beeline for Ryan would be that  
11:04:07 23 you knew that Gobbo had been a source for them; doesn't  
11:04:09 24 that make sense?---It might be logical but I have no memory  
11:04:13 25 of that. I mean I spoke to Gavan about it and, as I said,  
11:04:17 26 all I was told was "Stewie talks to her every now and  
11:04:21 27 again".  
28  
11:04:22 29 Is it possible that that conversation that you'd had with  
11:04:27 30 Ryan about Stewie talking to her every now and then  
11:04:31 31 occurred before that and that's why you went straight to  
11:04:35 32 Ryan on this occasion?---No, I don't think so.  
33  
11:04:37 34 Did you have any discussion with Ryan at that stage about  
11:04:40 35 getting the DSU involved?---I don't believe so.  
36  
11:04:45 37 Did he tell you that he'd told Bateson to get the DSU  
11:04:49 38 involved?---Not that I can recall.  
39  
11:04:56 40 Were you seeking his permission to effectively take  
11:04:58 41 Ms Gobbo over as a source?---Certainly not.  
42  
11:05:20 43 At some stage following that matters had progressed to the  
11:05:26 44 DSU at the time; is that right?---Yes, it went to the DSU.  
45  
11:05:31 46 In relation to progressing the possibility of recruitment  
11:05:35 47 of Ms Gobbo?---Yes.

1  
11:05:37 2 Who does that?---Who does what?  
3  
11:05:40 4 Who goes to the DSU, who rings them and says or contacts  
11:05:45 5 them and says - - - ?---I don't recall exactly. My  
11:05:48 6 recollection was I either rang them or I told Mansell to  
11:05:51 7 ring them.  
8  
11:05:52 9 Was that on the day?---It would have been on the day, yes.  
10  
11:05:57 11 You had a relationship, a good working relationship with  
11:06:02 12 White?---Yes.  
13  
11:06:04 14 Do you suppose that it's more likely that it would have  
11:06:07 15 been you ringing White and saying, "Guess what"?---It may  
11:06:12 16 have been, I'm not - as I say, I don't remember.  
17  
11:06:23 18 How did the idea of progressing the recruitment of Ms Gobbo  
11:06:32 19 work its way up the hierarchy? Who did you tell up the  
11:06:37 20 hierarchy that this is what you were planning?---It would  
11:06:42 21 have gone to the DSU first off. I'd imagine I would have  
11:06:47 22 advised probably Tony Biggin, who was the AC of the squad.  
23  
11:06:53 24 If he wasn't in charge of the squad at the time and someone  
11:06:55 25 else was?---Would have been whoever it was in charge.  
26  
11:06:59 27 It seems as though Detective Inspector Robert Hill had met  
11:07:06 28 with Mansell and Rowe at least on 8 September, along with  
11:07:14 29 White and Smith. Would it have been Hill that was first  
11:07:21 30 consulted?---Quite possibly.  
31  
11:07:25 32 Do you know what position he occupied at that stage?---He  
11:07:28 33 was regularly upgraded when Mr Biggin was away, so it may  
11:07:34 34 have been that he was the acting officer-in-charge of the  
11:07:37 35 squad.  
36  
11:07:48 37 Do you know how it made its way up from Hill to others, and  
11:07:53 38 when it did?---Other than what's in - I've got it in my  
11:08:01 39 statement there, the conversation I think was some time  
11:08:04 40 later with Mr Purton, but Mr Hill may have spoken to  
11:08:08 41 Mr Purton in the intervening period, I'm not sure.  
42  
11:08:11 43 It seems as though on the 8th there's been a discussion  
11:08:14 44 about Operation Quills, a discussion about Bednarski, a  
11:08:18 45 discussion about Ms Gobbo, and then later that day  
11:08:22 46 Detective Inspector Hill has a discussion with Detective  
11:08:29 47 Inspector Shawyer about deploying you to Purana?---Right.

1  
11:08:32 2 Were you aware of that?---No.  
3  
11:08:34 4 That out of this discussion about Gobbo starting to provide  
11:08:38 5 the police with information, on the same day that Hill is  
11:08:45 6 having this meeting there's then a discussion about sending  
11:08:49 7 you off to Purana?---There may well have been.  
8  
11:08:56 9 A number of days after that on 12 September you've got one  
11:09:02 10 of your regular weekly meetings with Mr Overland; is that  
11:09:07 11 right?---That's correct.  
12  
11:09:25 13 Was there anyone else involved in that meeting?---That  
11:09:34 14 first meeting, no, I don't believe so.  
15  
11:09:36 16 If we can put your diary back up on the screen there. Can  
11:09:57 17 you say - before I get to this, can you say whose idea it  
11:10:01 18 was in the first place to register Ms Gobbo as an  
11:10:04 19 informer?---Not really. I mean I think it was Mansell  
11:10:15 20 going to court and coming back and my view was if she was  
11:10:20 21 going to be an informer I didn't want the risk in my office  
11:10:25 22 so I suppose it was me at the end of the day.  
23  
11:10:31 24 Did you have any concerns about how that might work?---Not  
11:10:37 25 at that early stage, no.  
26  
11:10:39 27 You were aware that the person that she was - that the  
11:10:43 28 police would be wanting information about from her was Tony  
11:10:47 29 Mokbel?---That's correct.  
30  
11:10:49 31 You were aware that Tony Mokbel was her client?---She'd  
11:10:53 32 certainly represented him, yes.  
33  
11:10:55 34 Did that not scream conflict to you?---It was a conflict  
11:11:02 35 for her. I was more interested in what was still going on  
11:11:06 36 and what criminal acts were being committed.  
37  
11:11:11 38 Did you foresee the possibility that it might create some  
11:11:16 39 great difficulties for police?---Yes.  
40  
11:11:19 41 You did?---Well the reason I wanted her out of the MDID.  
42  
11:11:27 43 What were the type of difficulties you were envisaging that  
11:11:32 44 might be forthcoming?---Just the whole informer management  
11:11:35 45 issues, the risk, the huge risk to her personal safety.  
46  
11:11:39 47 Were there any difficulties beyond that because of the

11:11:42 1 nature of her profession and her representation of your  
11:11:45 2 target?---I didn't contemplate that at that stage, no.  
3  
11:11:50 4 It's something you didn't think about at all?---No, I  
11:11:53 5 didn't turn my mind to that. As I say, I'd been through  
11:11:56 6 the Hodson saga. My full focus was her personal safety.  
7  
11:12:03 8 Did you have any focus on the propriety of the legal system  
11:12:08 9 and the legal process?---No, not at that point.  
10  
11:12:24 11 You have a meeting with Mr Overland around about 2 o'clock  
11:12:29 12 on 12 September 2005?---Yes.  
13  
11:12:35 14 You speak to him about a Task Force Purana update "as per  
11:12:43 15 sheet"?---Yes.  
16  
11:12:44 17 You note discussion there, "Discussion re solicitor Nicola  
11:12:49 18 Gobbo and opportunities re Quills"?---Yes.  
19  
11:12:52 20 What did you discuss with him then?---I don't recall but it  
11:12:57 21 obviously would have been in relation to probably the cross  
11:13:02 22 over between Quills, as you mentioned earlier, and  
11:13:06 23 Operation Orbital at the AFP possibly.  
24  
11:13:08 25 By this stage you'd been making moves to have her  
11:13:13 26 registered as a informer?---Yes.  
27  
11:13:15 28 By this stage there moves afoot to deploy you to Purana on  
11:13:19 29 a full-time basis?---Yes. I was unaware of the  
11:13:22 30 conversations that Hill had with Shawyer.  
31  
11:13:29 32 Is it likely that during this conversation with Mr Overland  
11:13:32 33 you would have discussed the nature of the information that  
11:13:35 34 Ms Gobbo had passed on to Mansell and Rowe?---Quite  
11:13:39 35 possibly, yes.  
11:13:39 36  
11:13:41 37 That "she seems to be willing to come on board and tell us  
11:13:46 38 all about Tony Mokbel"?---Quite possibly, yes.  
39  
11:13:50 40 Would you put it higher than quite possibly?---I'd imagine  
11:13:54 41 that's what the discussion would have resolved around. It  
11:13:56 42 was discussing the informer.  
43  
11:14:00 44 Of course it would have, it necessarily would have,  
11:14:03 45 wouldn't it?---As I say, as I've noted there, I can't take  
11:14:08 46 it much further than that. It was obvious that I was  
11:14:12 47 discussing with Mr Overland her coming on board as an

11:14:16 1 informer.  
2  
11:14:23 3 This then became the new focus of the Purana Task Force,  
11:14:29 4 she became - she provided an opportunity for a new focus  
11:14:33 5 for the Purana Task Force; is that right?---Well not a new  
11:14:39 6 focus. It was just an expansion of the work that was being  
11:14:46 7 done. As I said, my view was the murders were linked to  
11:14:50 8 the drug trade. One went hand-in-hand with the other.  
9  
11:14:52 10 You don't note it in your diary but by the end of that  
11:14:56 11 meeting you were asked by Mr Overland to assume management  
11:14:59 12 of the Purana Task Force?---Yes.  
13  
11:15:01 14 And the next day that's when you start?---That's correct.  
15  
11:15:07 16 I note the time, Commissioner.  
17  
11:15:09 18 COMMISSIONER: Yes, all right then. We'll have a ten  
11:15:11 19 minute break.  
20  
21 (Short adjournment.)  
22  
11:40:03 23 COMMISSIONER: Yes Ms Tittensor.  
11:40:04 24  
11:40:05 25 MS TITTENSOR: Thank you Commissioner. Mr O'Brien, you  
11:40:10 26 commenced as officer-in-charge of the Purana Task Force on  
11:40:15 27 13 September 2005?---That's correct.  
11:40:18 28  
11:40:20 29 A number of days later, on 16 September, the SDU conducted  
11:40:26 30 its first meeting with Ms Gobbo. You were aware of that at  
11:40:30 31 the time?---Not at the time of the meeting but I became  
11:40:33 32 aware later.  
11:40:34 33  
11:40:34 34 You were aware that that process was occurring?---I don't  
11:40:42 35 believe I was aware at the time but the DSU would have been  
11:40:46 36 doing whatever they were doing.  
11:40:47 37  
11:40:47 38 That was the purpose for which you, either yourself or  
11:40:53 39 instructed Mansell to go to the DSU for that process to  
11:40:58 40 occur?---Outsource the whole situation, yes.  
11:41:01 41  
11:41:04 42 Given the significance of the information that would be  
11:41:07 43 provided by Ms Gobbo, and you already had some appreciation  
11:41:12 44 of that, and your association with the head of the DSU,  
11:41:19 45 Mr White, one would expect that you discussed or you got a  
11:41:23 46 pretty comprehensive report after the first briefing?---No,  
11:41:29 47 I think the report I got was the next, was the meeting with

11:41:35 1 Acting Superintendent Hill, Mansell and others some days  
11:41:41 2 later, and I think there was some mention of a full debrief  
11:41:46 3 was to be conducted over the period of a week.  
11:41:49 4  
11:41:49 5 They'd conducted that initial meeting, sort of a scoping  
11:41:52 6 exercise, if you like, on 16 September, and then it was  
11:41:58 7 agreed there would be subsequent debriefs in the weeks  
11:42:01 8 following?---That was my understanding, yes.  
11:42:03 9  
11:42:03 10 You would have got a pretty comprehensive report at least  
11:42:06 11 that meeting with Hill, White, Smith from the SDU and  
11:42:12 12 Mansell on 19 September?---We had a discussion, yes. I  
11:42:18 13 don't think it was a comprehensive debriefing, not that  
11:42:26 14 went into detail.  
11:42:27 15  
11:42:27 16 There were a number of points of interest that were noted  
11:42:30 17 following that, someone by the name of Lanteri cooking for  
11:42:35 18 Mr Mokbel?---That's correct.  
11:42:36 19  
11:42:36 20 There was a discussion about a scenario involving the  
11:42:40 21 introduction of an undercover officer in relation to some  
11:42:44 22 sort of money laundering venture or a bribe, a potential  
11:42:48 23 bribe, is that right?---Yes, just a discussion around  
11:42:52 24 likely, possible strategies.  
11:42:55 25  
11:42:55 26 You would have understood that those matters were matters  
11:42:58 27 which had been discussed with Ms Gobbo in the course of  
11:43:00 28 that briefing?---No, no, I've got no idea what was  
11:43:03 29 discussed in the briefing.  
11:43:05 30  
11:43:05 31 These were things that we know had been discussed with  
11:43:09 32 Ms Gobbo and we know were discussed at this meeting. It's  
11:43:14 33 likely, isn't it, that the reason you were discussing them  
11:43:19 34 at this meeting was because they'd been discussed?---I'm  
11:43:22 35 not sure.  
11:43:22 36  
11:43:22 37 As possibilities with Ms Gobbo?---I'm not sure that that's  
11:43:25 38 why we were having the discussion or whether we were just,  
11:43:29 39 you know, feathering out ideas, possible ideas.  
11:43:32 40  
11:43:34 41 After that meeting you went straight to Mr Overland and  
11:43:38 42 briefed him about what was going on?---Yes, if that's the  
11:43:41 43 sequence of events in my diary that would be the case.  
11:43:43 44  
11:43:44 45 And then the next thing you did was go and review the tape  
11:43:48 46 of the meeting, covert tape of the meeting with Mr Mokbel  
11:43:54 47 the year before on 13 April, is that right?---What date are

11:44:00 1 we talking about?  
11:44:01 2  
11:44:02 3 19 September 2005. You can put up Mr O'Brien's diary  
11:44:20 4 summary?---If that's what's in the diary I don't disagree  
11:44:24 5 with it.  
11:44:27 6  
11:44:28 7 I'd suggest that you were pretty interested at that stage  
11:44:31 8 about getting all the information together in relation to  
11:44:33 9 this upcoming or maybe it was the formation of the  
11:44:38 10 investigation plan for Operation Posse?---Yes, I would have  
11:44:41 11 been putting an investigation plan together or starting to  
11:44:46 12 turn my mind to that.  
11:44:47 13  
11:44:48 14 Following that there was a briefing given to Commander  
11:44:55 15 Purton and yourself and the head of the SDU, Mr White, were  
11:44:59 16 there at midday, is that right?---What date are we - just  
11:45:04 17 refer me to a date, please.  
11:45:05 18  
11:45:06 19 It's not made it into your diary summary but I've made a  
11:45:10 20 note of it having reviewed your diary?---Yes, I do recall,  
11:45:14 21 yes, there was a meeting with Commander Purton.  
11:45:16 22  
11:45:23 23 At paragraph 54 of your statement, and we referred to this  
11:45:28 24 before, you had a conversation with Detective Senior  
11:45:34 25 Constable Bartlett who said he'd also been receiving some  
11:45:38 26 information from Ms Gobbo, is that right?---Yes.  
11:45:41 27  
11:45:42 28 So it seems as though Ms Gobbo was talking with and sharing  
11:45:48 29 information about Mr Mokbel, at least?---Yes.  
11:45:51 30  
11:45:51 31 With numerous police?---Well certainly three that I was  
11:45:55 32 aware of.  
11:45:56 33  
11:45:56 34 She'd been talking with Bateson?---Not to my knowledge.  
11:46:01 35  
11:46:03 36 If your diary or if his diary reveals that you've signed  
11:46:06 37 off on some notes about that and you've had that  
11:46:09 38 conversation at least with Detective Ryan, Detective  
11:46:12 39 Inspector Ryan that Stew was talking with her?---This was  
11:46:16 40 at - that was my understanding. "Stewie talks to her every  
11:46:21 41 now and then", that's all I remember was said.  
11:46:23 42  
11:46:23 43 She'd been talking with Mansell and Rowe at that  
11:46:27 44 stage?---She had, yes.  
11:46:28 45  
11:46:28 46 She'd been talking with Bartlett?---And she spoke to  
11:46:31 47 Bartlett, yes.

11:46:31 1  
11:46:31 2 And of course she'd been speaking with the SDU  
11:46:35 3 members?---That's correct.  
11:46:35 4  
11:46:41 5 There's a debriefing that occurs on 21 September 2005. She  
11:46:49 6 talks about numerous things during that debriefing.  
11:46:52 7 There's another debriefing on 26 September 2005. She talks  
11:47:00 8 about numerous things, including Mr Mokbel's twin  
11:47:07 9 obsessions in relation to Mr Bednarski. She's got - she  
11:47:11 10 indicates during that meeting that Mr Bednarski must have  
11:47:15 11 something big on Mr Mokbel and that his other obsession  
11:47:21 12 seem to have been the Operation Kayak tapes and there's  
11:47:24 13 discussion about the corruption scenario?---Yeah, look,  
11:47:30 14 you're referring, is that information I've got or is that  
11:47:33 15 information that came - - -  
11:47:34 16  
11:47:34 17 This is information that's being discussed within this  
11:47:37 18 meeting, but this is information that I'd suggest became  
11:47:41 19 known to you subsequently in your development of the  
11:47:44 20 investigation plan for Operation Posse?---Not unless I was  
11:47:48 21 present at the meeting or had a document of it. As I say,  
11:47:51 22 what I've got is in my diary and anything else I knew is in  
11:47:55 23 the investigation plan.  
11:47:56 24  
11:47:56 25 If the investigation plan comes to include plans to get  
11:48:06 26 Mr Bednarski to start assisting police because it's known  
11:48:10 27 that he has information about Mokbel, do you say that  
11:48:16 28 that's just a coincidence, that those are the very things  
11:48:19 29 that Ms Gobbo's been discussing with the SDU, or do you  
11:48:23 30 say, "It's very likely that the SDU told me that and that's  
11:48:27 31 why I put it in the investigation plan"?---I don't know.  
11:48:31 32 As I say I wasn't at that meeting and unless I have a note  
11:48:34 33 of it, you refer me to a note of it, you know, you're  
11:48:39 34 asking me to agree to something I wasn't a party to.  
11:48:43 35  
11:48:57 36 You were receiving briefings, were you not, following some  
11:49:02 37 of these meetings with the SDU, that was the whole purpose  
11:49:08 38 was so that they could get the intelligence and they could  
11:49:11 39 provide it to you?---That's right, later on I was a single  
11:49:15 40 point of contact.  
11:49:16 41  
11:49:19 42 On 26 September, the same day, at paragraph 70 you refer to  
11:49:26 43 having a weekly tasking and coordination meeting with  
11:49:30 44 Commander Purton, Whitmore and Overland?---That's correct.  
11:49:42 45  
11:49:43 46 You expect at that meeting that you would have been  
11:49:46 47 discussing or providing an update on what was occurring



11:49:50 1 with Ms Gobbo?---Generally I would talk about what was  
11:49:55 2 going on with the investigations. If there was something  
11:50:01 3 startling in relation to Ms Gobbo or any informer issues,  
11:50:07 4 well, yes, then I'd probably raise them.  
11:50:09 5  
11:50:11 6 It seems as though on the 27th, the next day, there's a  
11:50:14 7 meeting involving Commander Purton, Acting Superintendent  
11:50:20 8 Hill, Ms Burrows, Mr Rowe and Mr White and Smith from the  
11:50:25 9 SDU. Now, it seems likely that you would have received  
11:50:33 10 information at that meeting about what Ms Gobbo had been  
11:50:37 11 talking about in the meetings that they'd had with her  
11:50:40 12 previous to that?---Yes, they may have given an overview of  
11:50:44 13 the situation.  
11:50:44 14  
11:50:47 15 That meeting included discussion about, a discussion about  
11:50:50 16 the possibility of a new Task Force and crew transferring  
11:50:56 17 to the Purana Task Force to work on an operation targeting  
11:51:01 18 Mokbel and his associates?---In that discussion?  
11:51:05 19  
11:51:05 20 Yes?---Yes, I believe we were setting up a Task Force at  
11:51:11 21 that stage.  
11:51:11 22  
11:51:11 23 And that was all on the basis of this wealth of information  
11:51:16 24 that you were going to be getting from Ms Gobbo?---No, it  
11:51:20 25 was in relation to information we already had, there was  
11:51:23 26 ongoing investigations that were ongoing at the MDID,  
11:51:28 27 already running, which all fell under the Operation Posse  
11:51:31 28 umbrella, but also the continuation of Purana in relation  
11:51:36 29 to the gangland killings.  
11:51:38 30  
11:51:40 31 The reason there were going to be MDID crew transferring  
11:51:44 32 into the Purana Task Force at around about this stage was  
11:51:48 33 because of the opportunities that Ms Gobbo was affording to  
11:51:51 34 that investigation into Mokbel and his associates, is that  
11:51:55 35 right?---Not necessarily. There was already MDID personnel  
11:52:00 36 embedded within Purana at that stage.  
11:52:01 37  
11:52:02 38 There was a significant move on at this stage to move some  
11:52:05 39 more personnel across to work on the Mokbel  
11:52:11 40 targeting?---Yes, there was. Along with a number of other  
11:52:17 41 investigation disciplines.  
11:52:18 42  
11:52:18 43 At paragraph 75 of your statement you refer to speaking to  
11:52:28 44 Smith from the SDU about information that's received from  
11:52:32 45 Ms Gobbo. You don't record any of the detail of the  
11:52:40 46 information you've received in your diary, just that you  
11:52:42 47 received information regarding 3838, is that right?---What

11:52:49 1 date, sorry?  
11:52:50 2  
11:52:50 3 30 September?---If you can just scroll up a bit so I can  
11:52:56 4 see the screen, please. I've got "spoke to" - - -  
11:53:11 5  
11:53:12 6 MR CHETTLE: Commissioner, can I say if this is being  
11:53:14 7 live-streamed this has my clients real names on it.  
11:53:21 8  
11:53:22 9 COMMISSIONER: The documents aren't caught up in the  
11:53:24 10 streaming, thank you.  
11:53:25 11  
11:53:26 12 MS TITTENSOR: It just indicates you've spoken to Senior  
11:53:31 13 Sergeant Smith re 3838, is that right?---Yes.  
11:53:34 14  
11:53:35 15 Following that there's another meeting with Commander  
11:53:39 16 Purton, Detective Inspector Hill, Detective Inspector  
11:53:42 17 Hardy, Senior Detective Burrows and Rowe, Acting Senior  
11:53:48 18 Sergeant Flynn regarding the formation of Operation  
11:53:52 19 Posse?---No, I don't think it was the formation of Posse,  
11:53:59 20 it was around investigation strategy and resourcing.  
11:54:03 21  
11:54:03 22 I'm reading from your statement at paragraph 75. I might  
11:54:26 23 have said formation. It says the formulation of Operation  
11:54:30 24 Posse?---Yes, resourcing basically and formulation is in  
11:54:35 25 the statement, yes.  
11:54:39 26  
11:54:45 27 In the following paragraph you talk about another meeting  
11:54:49 28 with Mr Purton. You were making requests in relation to  
11:54:58 29 resourcing for Posse and it was taking a bit longer than  
11:55:01 30 you thought?---Yes.  
11:55:02 31  
11:55:07 32 I assume during this time you're creating the investigation  
11:55:11 33 plan for Posse, is that right?---I think I've got a date on  
11:55:16 34 there that the plan was done. Probably around that time,  
11:55:19 35 yes, it was put together.  
11:55:21 36  
11:55:21 37 I think in paragraph 77 you say you prepared the plan on 21  
11:55:25 38 October. If we can - - - ?---Yes.  
11:55:28 39  
11:55:29 40 VPL.0100.0009.0001. You see on that document up the top it  
11:56:09 41 has an assigned date of 17 October?---Yes.  
11:56:12 42  
11:56:12 43 Down the bottom it says, "Draft 17 November"?---Yes.  
11:56:17 44  
11:56:17 45 Was this a sort of live document that got changed from time  
11:56:25 46 to time?---Not that I recall it being changed, maybe  
11:56:30 47 something in the Interpose system.

11:56:32 1  
11:56:33 2 It refers at the top there to it being a proactive targeted  
11:56:38 3 investigation?---Yes.  
11:56:39 4  
11:56:40 5 Commercial level drug trafficking?---Yes.  
11:56:42 6  
11:56:42 7 This is of the kind that you were advocating for  
11:56:46 8 previously?---Yes.  
11:56:46 9  
11:56:48 10 Were the SDU consulted in relation to the formulation of  
11:56:51 11 this document?---They would have been, yes.  
11:56:54 12  
11:56:56 13 The information contained in the document includes  
11:56:59 14 information you received from them that came from Ms Gobbo,  
11:57:01 15 is that right?---I'm not sure.  
11:57:05 16  
11:57:06 17 It goes through a little bit of the, a potted history of  
11:57:11 18 the various operations and so forth in relation to Mokbel  
11:57:16 19 and other associates?---Yes.  
11:57:18 20  
11:57:21 21 It includes reference to the recent, on p.2, the recent  
11:57:26 22 Operation Quills and the AFP investigation associated with  
11:57:31 23 that?---Yes.  
11:57:47 24  
11:57:49 25 It includes in there information from a registered human  
11:57:53 26 source as to Mokbel's concerns about Bednarski talking to  
11:57:57 27 the police. You'll see that halfway down in the  
11:58:06 28 second-last paragraph, up the top of that?---Yes.  
11:58:13 29  
11:58:16 30 It includes that the source has indicated that a number of  
11:58:20 31 people, Jamou and Lanteri are currently cooking for  
11:58:25 32 Mr Mokbel?---Correct, yes.  
11:58:26 33  
11:58:26 34 That the source said that Mokbel was attempting to source a  
11:58:30 35 corrupt Detective to gain access to tape material from  
11:58:33 36 Kayak and from Quills?---Yes.  
11:58:34 37  
11:58:41 38 All of that information seems to have come from  
11:58:45 39 Ms Gobbo?---I don't know whether all of it but certainly  
11:58:48 40 I'd say some of it.  
11:58:50 41  
11:58:51 42 Is that the registered human source that's been - on p.3 it  
11:59:11 43 contains commentary on the Mokbel meeting with MDID and  
11:59:16 44 Purana the previous year?---Yes.  
11:59:17 45  
11:59:20 46 It refers, down the bottom of that section, to a belief  
11:59:26 47 that if Tony Mokbel was to receive a custodial sentence the

11:59:31 1 void created by his absence is likely to be filled by his  
11:59:35 2 family members?---That's correct.  
11:59:35 3  
11:59:38 4 The goal is then identified as being the identification,  
11:59:43 5 investigation and complete dismantling of the Mokbel family  
11:59:49 6 criminal organisation?---That's correct.  
11:59:50 7  
11:59:51 8 Down the bottom, the objectives are to utilise the  
11:59:54 9 continuing information provided by registered human  
11:59:56 10 sources?---Yes.  
11:59:57 11  
11:59:57 12 Primarily that was Ms Gobbo in respect of Operation Posse,  
12:00:01 13 is that right?---Yes, some of the information, yes.  
12:00:04 14  
12:00:05 15 And the objective was to continue to use her in relation to  
12:00:11 16 the goals of this operation?---Would have used any source.  
12:00:16 17  
12:00:16 18 One of the objectives was to use Ms Gobbo to achieve the  
12:00:21 19 goals of Operation Posse?---Yes.  
12:00:24 20  
12:00:33 21 You were seeking there to investigate and locate the  
12:00:36 22 clandestine laboratories for a number of the cooks that  
12:00:43 23 seemed to be underway, according to Ms Gobbo?---Yes.  
12:00:45 24  
12:00:47 25 And there were other matters relating to information  
12:00:52 26 provided by and discussions with Ms Gobbo, including the  
12:00:56 27 corrupt police and money laundering scenarios there?---Yes.  
12:01:00 28  
12:01:02 29 If we go to p.4. You see down the bottom there's some main  
12:01:14 30 investigative steps?---Yes.  
12:01:15 31  
12:01:20 32 The first one involves profiling relevant people?---Yes.  
12:01:25 33  
12:01:27 34 See the second one there and the third one there - I'll  
12:01:40 35 come back to those, I think we might have to go into some  
12:01:43 36 private session for those matters. In essence, there was a  
12:01:49 37 plan to capture various people identified by Ms Gobbo who  
12:01:58 38 might have information that could bring down Mr Mokbel and  
12:02:05 39 his associates, is that right? To charge those and to roll  
12:02:12 40 them?---In part. That was part of it.  
12:02:15 41  
12:02:15 42 They were part of the objectives?---In part.  
12:02:18 43  
12:02:18 44 Yes?---It wasn't the total.  
12:02:20 45  
12:02:20 46 No. Well - - - ?---There's more to an investigation than  
12:02:23 47 informer information.

12:02:25 1  
12:02:26 2 We're talking about some main investigative steps and those  
12:02:30 3 steps involved capturing a number of people in further  
12:02:37 4 criminal activity?---That's correct.  
12:02:39 5  
12:02:39 6 So that they might be motivated themselves then to roll  
12:02:42 7 over on the Mokbels?---Not entirely.  
12:02:45 8  
12:02:45 9 That was in part what you wanted to set out to  
12:02:51 10 achieve?---It was about identifying, investigating and  
12:02:54 11 dismantling the organisation. That meant first of all  
12:02:56 12 doing that first part of the work, which was the  
12:02:59 13 identification piece.  
12:03:01 14  
12:03:01 15 Do you agree that part of what you were setting out to  
12:03:05 16 achieve was to capture a number of people, and those people  
12:03:10 17 are specified in this document, in further criminal  
12:03:16 18 offending so that they would be motivated to provide  
12:03:19 19 assistance to the police?---In part. As I said to you, a  
12:03:22 20 lot of it also involved for me, was around identifying the  
12:03:26 21 concealment of assets and the proceeds of crime.  
12:03:28 22  
12:03:29 23 Yes, but I'm talking about - you have a number of different  
12:03:33 24 ways in which you might achieve your primary goal of  
12:03:36 25 bringing down the Mokbels, one of them is let's get some  
12:03:40 26 specific people to roll over on the Mokbels?---One of them  
12:03:44 27 first of all is identify them and then investigate them and  
12:03:48 28 see what criminal offences they're involved in, and yes, if  
12:03:51 29 they roll over that's a bonus.  
12:03:53 30  
12:03:53 31 Two of these people have been identified in this document  
12:03:55 32 and they were identified by Ms Gobbo, is that  
12:04:00 33 right?---That's correct.  
12:04:00 34  
12:04:00 35 They were both Ms Gobbo's clients?---That's correct.  
12:04:03 36  
12:04:23 37 Can we scroll up slightly. You'll see a box there that  
12:04:32 38 contains some issues outside the scope?---Yes.  
12:04:37 39  
12:04:39 40 It identifies there that human source management and  
12:04:43 41 handling is a major consideration outside the scope of the  
12:04:47 42 investigation but which needs the highest level of  
12:04:51 43 consideration, do you see that?---Yes.  
12:04:52 44  
12:04:53 45 It states that where possible the SDU would handle all  
12:04:57 46 human sources?---Yes.  
12:04:58 47

12:04:58 1 Would conduct all relevant risk assessments?---That's  
12:05:02 2 correct.  
12:05:02 3  
12:05:02 4 And it went on that, "Strategy development will be  
12:05:08 5 constantly assessed by the Task Force manager in  
12:05:11 6 consultation with the manager of the Dedicated Source Unit,  
12:05:15 7 the Covert Investigation Unit, the Covert Surveillance Unit  
12:05:18 8 and Technical Support Unit. All necessary steps will be  
12:05:22 9 taken to protect the identity of any human source in this  
12:05:25 10 investigation"?---That's correct.  
12:05:27 11  
12:05:28 12 What do you mean by all necessary steps?---Everything in  
12:05:35 13 relation to the identity of any informer, making sure that  
12:05:39 14 it doesn't become public knowledge that they're an informer  
12:05:42 15 and getting them killed.  
12:05:43 16  
12:05:43 17 Does that mean that in the process we will redact notes and  
12:05:49 18 hide information from court processes so that the court  
12:05:53 19 doesn't get to decide whether or not that information is  
12:05:56 20 relevant to someone receiving a fair trial?---It's  
12:05:59 21 definitely not the case. Nothing could be further from the  
12:06:05 22 truth if you look at my diaries.  
12:06:07 23  
12:06:13 24 I'll tender that document, Commissioner.  
12:06:23 25  
12:06:27 26 #EXHIBIT RC467A - (Confidential) Investigation plan for  
12:06:27 27 Operation Posse 2005.  
12:06:39 28  
12:06:39 29 #EXHIBIT RC467B - (Redacted version.)  
12:06:41 30  
12:06:41 31 COMMISSIONER: Did you also want to tender, while we're  
12:06:44 32 tendering things, the summary of the diaries?  
12:06:46 33  
12:06:46 34 MS TITTENSOR: Yes, I will.  
12:06:46 35  
12:06:52 36 #EXHIBIT RC468A - (Confidential) Summary of Mr O'Brien's  
12:06:56 37 diaries.  
12:06:56 38  
12:06:57 39 #EXHIBIT RC468B - (Redacted version.)  
12:07:00 40  
12:07:00 41 If we can bring up the Operation Posse risk assessment,  
12:07:07 42 VPL.0005.0096.0004. This is a document that's drafted  
12:07:32 43 around the same time, is that right?---Yes.  
12:07:34 44  
12:07:38 45 The first column lists the various risk categories, the  
12:07:43 46 second risks specific within that category?---Yes.  
12:07:47 47

12:07:47 1 And then columns providing the likelihood of the risk  
12:07:51 2 eventuating and the consequences and what's being done to  
12:07:54 3 effectively avoid the risk?---Yes.  
12:07:56 4  
12:07:57 5 If we can go down to - we've got information management  
12:08:02 6 there. And then perhaps down on, over on the next page.  
12:08:12 7 You'll see the heading, "Human source intelligence report  
12:08:16 8 material" and presumably the risk is meant to be the risk  
12:08:21 9 of that escaping?---Yes.  
12:08:23 10  
12:08:24 11 And the consequence there is catastrophic?---Yes.  
12:08:27 12  
12:08:28 13 And there are various risks, various strategies identified  
12:08:32 14 to minimise the risk?---Yes.  
12:08:34 15  
12:08:34 16 The first strategy identified there is that all human  
12:08:39 17 source material to be sanitised by the DSU?---Yes.  
12:08:43 18  
12:08:46 19 You go on in your statement to indicate that effectively  
12:08:49 20 you were receiving hot debriefs?---That's correct.  
12:08:52 21  
12:08:52 22 From the SDU straight from - effectively they were  
12:08:56 23 downloads, they'd just gotten off the phone from  
12:09:00 24 Ms Gobbo?---From the handler, yes.  
12:09:02 25  
12:09:02 26 And got straight on the phone and downloaded to you?---That  
12:09:04 27 was my understanding, yes.  
12:09:05 28  
12:09:06 29 It seems from that that you can't say that those, that  
12:09:10 30 information that was coming to you was being sanitised in  
12:09:15 31 any way?---No. This was more about information, what I  
12:09:20 32 believed would be information reports forthcoming down the  
12:09:24 33 track.  
12:09:25 34  
12:09:25 35 So does this risk assessment relate only to the written  
12:09:30 36 information reports and not to the information that was  
12:09:33 37 flowing verbally or being disseminated verbally - -  
12:09:37 38 -?---Just the written information reports.  
12:09:39 39  
12:09:40 40 So was there any assessment of risk in terms of the verbal  
12:09:45 41 disseminations that were occurring?---No, other than it  
12:09:50 42 was, the only place it was recorded was in my diary.  
12:09:52 43  
12:09:54 44 From time to time it's apparent that other people were  
12:09:56 45 receiving those disseminations?---Only Inspector Ryan as  
12:10:01 46 far as I'm aware when he relieved in the position.  
12:10:04 47

12:10:07 1 I tender that document, Commissioner. It's the Operation  
12:10:16 2 Posse risk assessment.  
12:10:17 3  
12:10:17 4 #EXHIBIT RC469A - (Confidential) Operation Posse risk  
12:10:19 5 assessment.  
12:10:19 6  
12:10:19 7 #EXHIBIT RC469B - (Redacted version.)  
12:10:21 8  
12:10:29 9 If I can put up the SDU risk assessment. It's  
12:10:36 10 VPL.2000.0003.8288. The SDU presumably had some input in  
12:10:54 11 relation to the risk assessment and the plan that you'd  
12:11:00 12 constructed by way of strategy?---They may have, yes.  
12:11:04 13  
12:11:07 14 Likewise did you have any input into the risk assessment  
12:11:12 15 document by the SDU?---No, none.  
12:11:15 16  
12:11:15 17 Did you ever see any of the information?---No.  
12:11:18 18  
12:11:19 19 I'm just going to ask for your comments in relation to a  
12:11:23 20 number of matters that they've raised. See there in the  
12:11:27 21 second paragraph it indicates that the source is currently  
12:11:32 22 acting for several members of the Mokbel criminal cartel,  
12:11:36 23 including Tony Mokbel. Now, that's something you were  
12:11:39 24 aware of?---Some of them, not all of them. I was unaware  
12:11:47 25 of all of them.  
12:11:48 26  
12:11:48 27 This is a document dated 15 November 2005. You were aware  
12:11:53 28 at that stage that despite being a police agent against  
12:11:56 29 Mokbel, she continued to represent him?---I know she  
12:12:01 30 represented him in relation to a trial matter, yes.  
12:12:03 31  
12:12:04 32 In fact over this period she was appearing in proceedings  
12:12:09 33 in the Supreme Court arguing for disclosure of information  
12:12:15 34 relating to informers in Mokbel matters?---I was unaware of  
12:12:19 35 that. I had no interest in, as I say I had no interest in  
12:12:26 36 previous matters.  
12:12:28 37  
12:12:28 38 But the reality was you were aware she continued to  
12:12:32 39 represent him during this period of time when she's  
12:12:35 40 providing information against him?---I know that she  
12:12:38 41 represented him, yes.  
12:12:39 42  
12:12:40 43 And that she was continuing to represent him during this  
12:12:42 44 period of time?---I believe so, yes.  
12:12:46 45  
12:12:49 46 In the third paragraph it says this: "Over the past 12  
12:12:55 47 months the source has had conversations with several police



12:13:01 1 members including members of Operation Purana and the Major  
12:13:03 2 Drug Investigation Division regarding the possibility of  
12:13:04 3 the source assisting police". Now, are you able to say  
12:13:11 4 anything about those matters?---Only the matters that we've  
12:13:16 5 already spoken about and Mansell and Rowe.  
12:13:21 6  
12:13:21 7 You weren't aware of any other conversations that she'd had  
12:13:25 8 with anyone else, potentially Bartlett?---Bartlett, yes.  
12:13:30 9  
12:13:31 10 And you can't say whether or not with Flynn?---No.  
12:13:34 11  
12:13:36 12 It goes on in that paragraph, "Current members of the  
12:13:40 13 Australian Federal Police and the Australian Crime  
12:13:43 14 Commission may also be aware that the source is considering  
12:13:45 15 the possibility of covertly assisting police". Now, was  
12:13:50 16 that something that was discussed with you?---No.  
12:13:52 17  
12:13:53 18 Is that something that comes as a surprise to you or is  
12:13:56 19 that something that doesn't?---It does, yes.  
12:14:00 20  
12:14:00 21 Did you have any idea at any stage that there'd been some  
12:14:06 22 idea on the part of the AFP or the ACC that she is  
12:14:11 23 considering covertly assisting authorities?---No, as I say  
12:14:15 24 the only thing I'm aware of in relation to the AFP was a  
12:14:21 25 possible leak down there that could have compromised her.  
12:14:24 26  
12:14:30 27 On p.5 of that document, do you see under the heading there  
12:14:40 28 of "Risk to Victoria Police of Exposure" there are various  
12:14:50 29 risks identified. "It's possible that she enjoys acting as  
12:14:55 30 a police agent, although it doesn't seem to be her main  
12:15:00 31 motivation. The risk exists if the source becomes over  
12:15:05 32 enthusiastic about her role" and it's given a moderate  
12:15:08 33 level of risk. Do you see that?---Yes.  
12:15:10 34  
12:15:10 35 It then talks about her extremely confident and strong  
12:15:14 36 personality. "It might be a bonus in her maintaining cover  
12:15:18 37 stories and those types of things." See that's the next  
12:15:24 38 risk identified?---I see that, yeah.  
12:15:26 39  
12:15:27 40 "There's a high risk associated with the fact that she's  
12:15:31 41 been involved as a defence barrister in numerous County and  
12:15:34 42 Supreme Court trials involving well-known criminal  
12:15:37 43 identities. She's extremely well-versed in police  
12:15:42 44 procedures." There's a concern about her becoming more  
12:15:45 45 aware of police methodology?---Yes.  
12:15:47 46  
12:15:51 47 And that that might present some kind of risk to the police

12:15:57 1 if she becomes over familiar with police  
12:16:01 2 methodology?---Yes.  
12:16:01 3  
12:16:02 4 That's regarded as a high risk?---Yes.  
12:16:04 5  
12:16:06 6 The next risk identified is her, it's an appreciation that  
12:16:12 7 she's highly likely to supply intelligence that will  
12:16:17 8 trigger tactical responses and that those tactical  
12:16:22 9 responses will be clearly visible to her, so again police  
12:16:27 10 methodology might be revealed to her. So that's another  
12:16:30 11 risk to the police, do you see that?---I see that, yes.  
12:16:33 12  
12:16:33 13 That's regarded as high. If we can move on. The next risk  
12:16:42 14 is that the source has suggested that her business premises  
12:16:46 15 be bugged or that she carry around a recording device in  
12:16:51 16 order to make recordings of conversations with people and  
12:16:54 17 there's a concern over lack of control of her actions,  
12:16:57 18 compromising her, jeopardising investigations and adversely  
12:17:01 19 affecting the police?---Yes.  
12:17:04 20  
12:17:05 21 Do you see that?---I can see that.  
12:17:06 22  
12:17:08 23 The sixth risk that's identified says this: "Because of  
12:17:14 24 this source's occupation and particular position, if  
12:17:17 25 compromised the handling of this source would come under  
12:17:20 26 extreme scrutiny. This could cause embarrassment and  
12:17:25 27 criticism of the Force. This must be considered and  
12:17:28 28 balanced against the proposition of not utilising the  
12:17:30 29 source and the potential resultant harm to the public that  
12:17:34 30 may occur through lack of intelligence against very large  
12:17:37 31 scale drug traffickers", do you see that?---Yes, I can see  
12:17:40 32 that.  
12:17:40 33  
12:17:41 34 That's regarded as a significant risk to Victoria  
12:17:44 35 Police?---Yes.  
12:17:44 36  
12:17:46 37 Is that something that you considered?---No.  
12:17:50 38  
12:17:52 39 Did you consider that if it became known that Victoria  
12:17:56 40 Police were tasking a barrister against her client, that  
12:18:00 41 that might come under extreme scrutiny?---No. As I said -  
12:18:07 42 - -  
12:18:07 43  
12:18:07 44 It never occurred to you?---The risk assessments were being  
12:18:11 45 handled by the Source Unit, it wasn't something that I  
12:18:13 46 turned my mind to.  
12:18:14 47

12:18:15 1 Did you consider that if she was discovered to be a source  
12:18:18 2 in that context, in the context of informing against her  
12:18:23 3 clients, that that might cause extreme embarrassment and  
12:18:28 4 criticism of Victoria Police?---I didn't consider that. I  
12:18:30 5 considered if she became known she'd be dead, that's what I  
12:18:34 6 considered.  
12:18:34 7  
12:18:35 8 You didn't consider any repercussions in terms of police  
12:18:39 9 embarrassment beyond that?---I didn't at that time, no.  
12:18:45 10  
12:18:46 11 When you say at that time?---Well it's obvious now, now  
12:18:52 12 that I'm sitting here and you're showing me this for the  
12:18:55 13 first time.  
12:18:55 14  
12:18:56 15 From that point in time did you at some stage come to an  
12:19:00 16 appreciation that, "What we're doing might be considered by  
12:19:05 17 others to be wrong"?---No. I didn't turn my mind to that  
12:19:10 18 at the time, no.  
12:19:11 19  
12:19:13 20 You didn't at this time. Along the way did you ever  
12:19:16 21 consider that?---No, I didn't.  
12:19:17 22  
12:19:25 23 Did you ever consider that the courts might have some  
12:19:29 24 concern about what was going on with Ms Gobbo?---No, I  
12:19:33 25 didn't consider that.  
12:19:33 26  
12:19:34 27 Did you ever discuss with Mr White the need for legal  
12:19:39 28 advice in relation to what had gone on with Ms Gobbo?---No,  
12:19:43 29 as I say the only matter I discussed with Mr White was in  
12:19:47 30 relation to what had happened with person 35.  
12:19:56 31  
12:19:57 32 That's the person listed at number 35 on the list of  
12:20:01 33 pseudonyms?---Yes.  
12:20:02 34  
12:20:02 35 Did you ever have any discussion about the need for legal  
12:20:08 36 advice because of the use of Ms Gobbo?---No, I did not.  
12:20:11 37  
12:20:27 38 It's apparent from some of the evidence that the Commission  
12:20:30 39 has heard that there were concerns being expressed by  
12:20:34 40 people within your crew as to the use of Ms Gobbo as a  
12:20:38 41 human source, not simply because of Ms Gobbo's safety but  
12:20:44 42 because of her profession. Do you say you were never part  
12:20:50 43 of those discussions with your own crew?---No, I don't  
12:20:53 44 recall any such discussion.  
12:20:55 45  
12:20:55 46 Do you say that they never happened or you just don't  
12:20:58 47 recall them?---I don't believe it happened.

12:20:59 1  
12:21:03 2 If someone had raised concerns like that with you at the  
12:21:07 3 time what would you have done about it?---I would have  
12:21:09 4 discussed it with them and basically said it's being  
12:21:13 5 handled by the SDU.  
12:21:16 6  
12:21:16 7 If it's a legitimate concern that's being raised and it  
12:21:22 8 seems although it might fall under the umbrella of the SDU  
12:21:26 9 but it's a risk to Victoria Police that's not being dealt  
12:21:30 10 with adequately by the SDU, what would you do about  
12:21:32 11 that?---If it was raised in that manner I suppose I would  
12:21:36 12 have to seek some advice from a senior officer, in which  
12:21:40 13 case it probably would have been the Superintendent or the  
12:21:42 14 Assistant Commissioner.  
12:21:44 15  
12:21:44 16 You had a direct line to Mr Overland?---I did, yes.  
12:21:48 17  
12:21:48 18 Do you say these matters were never raised as any concern  
12:21:52 19 with you so they were never raised with Mr Overland?---No.  
12:21:56 20  
12:21:57 21 If members of your crew have memories of those concerns  
12:22:03 22 being raised and discussed on numerous occasions, do you  
12:22:07 23 say that they're wrong?---As I say - - -  
12:22:12 24  
12:22:12 25 Including with you?---I don't have a recollection of that  
12:22:14 26 being raised with me, no.  
12:22:16 27  
12:22:23 28 Your position is that you could see no ethical or legal  
12:22:28 29 issue associated with the use of Ms Gobbo?---As far as I  
12:22:33 30 was concerned she was giving information about ongoing  
12:22:36 31 criminal activity. I didn't see an ethical issue with  
12:22:40 32 that.  
12:22:40 33  
12:22:42 34 You had some understanding of what her role was within the  
12:22:45 35 justice system?---Yes.  
12:22:47 36  
12:22:51 37 That she's there to represent a client to the best of her  
12:22:55 38 abilities?---Yes.  
12:22:57 39  
12:22:57 40 She's there to act in the client's best interests?---Yes.  
12:23:02 41  
12:23:02 42 She's there not to represent her own interests?---I'm  
12:23:07 43 unsure of what, all the things she's bound by.  
12:23:11 44  
12:23:11 45 The best interests of her clients are put ahead of her own  
12:23:16 46 best interests?---All right.  
12:23:17 47

12:23:19 1 You would accept that? That would be something you  
12:23:22 2 naturally would have understood, wouldn't it?---As I say,  
12:23:26 3 I'm - I don't know what the Vic Bar rules are or what  
12:23:30 4 barristers are bound by, but in a general sense I would  
12:23:34 5 expect that she would act in the interests of her clients,  
12:23:37 6 yes.  
12:23:37 7  
12:23:41 8 If you came to understand that the conduct that was being  
12:23:48 9 engaged in impacted upon someone's ability to receive a  
12:23:54 10 fair trial, what would you have done?---Well, as I say,  
12:24:01 11 that didn't arise.  
12:24:06 12  
12:24:06 13 You never came to that understanding at all?---No, I  
12:24:08 14 didn't.  
12:24:08 15  
12:24:18 16 You don't say that because it falls under the umbrella of  
12:24:24 17 the SDU that you can completely abrogate any responsibility  
12:24:32 18 for pointing out unethical or unlawful behaviour by other  
12:24:37 19 members of Victoria Police?---No, I'm not saying that at  
12:24:40 20 all. I mean at every stage if there was any unethical  
12:24:50 21 behaviour discovered I did the appropriate thing about it  
12:24:55 22 in the course of investigations over many years, and  
12:24:59 23 continued to pursue it right up until the end I was at  
12:25:04 24 Purana.  
12:25:04 25  
12:25:06 26 On 21 November 2005 the MDID crew relocated physically to  
12:25:13 27 Purana offices, is that right?---No, I did.  
12:25:17 28  
12:25:17 29 You did. And then the following day there was a briefing  
12:25:20 30 to the crew?---That's correct.  
12:25:21 31  
12:25:23 32 Who was present for that briefing?---Probably would have  
12:25:26 33 been a small amount of the first round of people that came  
12:25:29 34 on board and I gave a similar briefing to others as they  
12:25:32 35 came on board.  
12:25:34 36  
12:25:34 37 If we can bring up document VPL.0005.0096.0001. Is it the  
12:25:54 38 case that this was a briefing that Detective Inspector Ryan  
12:25:58 39 attended as well?---I'm not sure if Gavan was there or not.  
12:26:02 40  
12:26:04 41 Was there anyone else in the hierarchy present?---No, I  
12:26:08 42 wouldn't think so.  
12:26:09 43  
12:26:13 44 This is a summary of what was going on with Operation  
12:26:19 45 Posse, it was a bringing together a lot of investigations  
12:26:23 46 under the one umbrella?---That's correct.  
12:26:25 47

12:26:26 1 Some of them had previously been started, Sages and Quills  
12:26:32 2 earlier that year?---That's correct.  
12:26:33 3  
12:26:33 4 And the Posse ones had been started since Ms Gobbo's  
12:26:38 5 information had started flowing?---Yes.  
12:26:40 6  
12:26:50 7 Under the heading "investigation", the first thing there  
12:26:53 8 says "Terms of Reference" and I think you've indicated in  
12:26:57 9 your statement at paragraph 77 that you kept a copy of  
12:27:00 10 another document entitled Terms of Reference, is that  
12:27:04 11 right?---So there was the investigation plan which you have  
12:27:06 12 and the risk assessment and then there was a Terms of  
12:27:10 13 Reference document which was a Word document of a couple of  
12:27:12 14 pages which was signed off by the Assistant Commissioner.  
12:27:17 15 I kept a copy of that in my safe at the office and the  
12:27:21 16 original would have been kept by Crime Command and I  
12:27:26 17 periodically dragged that out of the safe and re-read it to  
12:27:29 18 make sure I was staying on track.  
12:27:31 19  
12:27:33 20 As far as you know that document hasn't been able to be  
12:27:36 21 located in this process, is that right?---That's correct.  
12:27:38 22  
12:27:39 23 Were there other documents and materials that were kept in  
12:27:42 24 your safe that you thought might be relevant to the  
12:27:45 25 Commission that haven't been able to be located?---None  
12:27:48 26 that I know of.  
12:27:49 27  
12:27:49 28 Maybe those tapes from Mansell and Rowe?---No, I wouldn't  
12:27:52 29 have kept those tapes from Mansell and Rowe. As I said  
12:27:55 30 they would have been handed over to the SDU at the earliest  
12:27:59 31 possible opportunity.  
12:27:59 32  
12:28:03 33 I think within that document it indicates that there was  
12:28:08 34 some anticipation that the investigation was going to be  
12:28:11 35 slow to kick off because there was various leave  
12:28:16 36 commitments and low in staff and so fort, is that  
12:28:17 37 right?---There was a lack of resourcing due to the  
12:28:20 38 Commonwealth games.  
12:28:20 39  
12:28:21 40 "Things are going to be a bit slow to kick off but we need  
12:28:24 41 to get a few things in place"?---Yes.  
12:28:26 42  
12:28:26 43 And that included some surveillance in relation to  
12:28:28 44 Mr Bednarski appearing to be a bit of a priority at that  
12:28:31 45 stage?---Yes. So it was just activating a few things that  
12:28:35 46 could be managed with the limited resources I had at that  
12:28:38 47 point.

12:28:38 1  
12:28:38 2 I'll tender that document, Commissioner.  
12:28:42 3  
12:28:44 4 COMMISSIONER: Operation Posse commencement briefing, 22  
12:28:47 5 September 2005.  
12:28:48 6  
12:28:48 7 #EXHIBIT RC470A - (Confidential) Operation Posse  
12:28:45 8 commencement briefing 22/09/05.  
12:28:51 9  
12:28:52 10 #EXHIBIT RC 470B - (Redacted version.)  
12:28:58 11  
12:28:58 12 The previous document, did we tender that, the former  
12:29:05 13 registration, reactivation application, Part C risk  
12:29:12 14 assessment?  
12:29:12 15  
12:29:13 16 MS TITTENSOR: The SDU risk assessment wasn't. I had  
12:29:13 17 expected that that might have previously been tendered.  
12:29:17 18  
12:29:17 19 COMMISSIONER: Already tendered, thank you.  
12:29:21 20  
12:29:26 21 MS TITTENSOR: Following this time your diary contains  
12:29:32 22 indications that there are meetings with people from the  
12:29:36 23 SDU and other units, strategy meetings and so forth?---Yes.  
12:29:41 24  
12:29:43 25 Those types of meetings, what was the purpose of  
12:29:49 26 them?---With the SDU?  
12:29:50 27  
12:29:50 28 Yes?---Primarily about the safety of the source.  
12:29:52 29  
12:29:54 30 Was it about tasking the source, direction of  
12:29:58 31 investigations?---No, I think there was only one, on one  
12:30:01 32 occasion I think I tasked the source. That was in relation  
12:30:04 33 to disposable income of Tony Mokbel.  
12:30:07 34  
12:30:08 35 Do you say she was only tasked once by Operation Posse or -  
12:30:12 36 - - ?---I believe so, yes.  
12:30:14 37  
12:30:16 38 If she was tasked in various other capacities during  
12:30:20 39 Operation Posse, or for the purpose of Operation Posse,  
12:30:24 40 would you have known about it?---Not necessarily. The SDU  
12:30:28 41 had a full understanding of my investigative direction.  
12:30:33 42  
12:30:33 43 Things were done in coordination with them generally,  
12:30:37 44 wouldn't that be the case?---No, they just provide me with  
12:30:40 45 what information they got. I mean there was a lot of  
12:30:42 46 information came in that wasn't of value to me at all. It  
12:30:48 47 was, a lot of it was personal material, the source's view

12:30:57 1 of other people and that sort of thing which was highly  
12:31:00 2 irrelevant as far as I was concerned. Some of it was of  
12:31:08 3 value and a lot of it wasn't.  
12:31:10 4  
12:31:11 5 Once things got started with the SDU you were frequently  
12:31:16 6 receiving down loads of information?---Yes, nearly every  
12:31:21 7 day, sometimes twice a day or more.  
12:31:23 8  
12:31:23 9 You say in your statements, "Most days, often more than  
12:31:27 10 once"?---Yes.  
12:31:28 11  
12:31:28 12 And you're receiving that information either in person or  
12:31:33 13 more often on the phone?---Most of the time on the phone.  
12:31:36 14  
12:31:39 15 As I've indicated earlier you refer in your statement to  
12:31:42 16 that being by way of what you call a hot debrief, a  
12:31:46 17 download of information?---Yes.  
12:31:47 18  
12:31:51 19 Was it a back and forth conversation that you'd have, you'd  
12:31:55 20 seek clarification or you'd seek a reminder of earlier  
12:31:58 21 information?---No, generally not. Generally it was -  
12:32:01 22 they'd ring and I'd just get my pen out and start writing.  
12:32:05 23  
12:32:06 24 Do you say you wrote every topic or just the topics you  
12:32:09 25 thought were relevant at the time?---No, I wrote exactly  
12:32:12 26 what I was told.  
12:32:13 27  
12:32:13 28 It wouldn't have been necessarily, couldn't have been word  
12:32:18 29 for word because there was a lot of information coming from  
12:32:20 30 Ms Gobbo?---The majority of the time it was word for word  
12:32:24 31 what I was told.  
12:32:24 32  
12:32:27 33 You say you recorded it as best you could at any given  
12:32:30 34 time?---Yes.  
12:32:31 35  
12:32:32 36 But you couldn't record everything all the time?---No, if I  
12:32:37 37 happened to be out of the office, which wasn't all that  
12:32:40 38 often, but if I was away from the office I would say, "Look  
12:32:43 39 I can't talk, I'll ring you back", but most of the time I  
12:32:49 40 recorded everything.  
12:32:50 41  
12:32:50 42 You accept that you may not have recorded some of the  
12:32:53 43 conversations in your diary?---I can't think of any that I  
12:32:57 44 didn't, but it may be possible that I did miss, miss some,  
12:33:02 45 I'm not sure.  
12:33:03 46  
12:33:03 47 You say as much at paragraph 64?---Yes, I know.



12:33:06 1  
12:33:06 2 You couldn't guarantee that you recorded the full extent of  
12:33:10 3 every conversation that you had in your diary?---As I say,  
12:33:13 4 I believe I recorded everything I was told.  
12:33:16 5  
12:33:16 6 If there are indications in the SDU records that they've  
12:33:22 7 told you certain things but there's no entry in your  
12:33:25 8 diary?---Yes.  
12:33:25 9  
12:33:26 10 Do you accept that you've been told certain things by the  
12:33:30 11 SDU?---No.  
12:33:31 12  
12:33:31 13 You wouldn't?---No, I don't.  
12:33:33 14  
12:33:33 15 You would say that they are wrong if they say they told you  
12:33:36 16 certain things or they've got an entry indicating that they  
12:33:42 17 told you certain things?---Well, that's exactly what I'm  
12:33:46 18 saying because I reviewed recently Justice Kellam's report  
12:33:52 19 and in that report there's a number of SDU entries that  
12:33:56 20 clearly I was never told about and I have no entry about  
12:33:59 21 them, but they're relied on in that report.  
12:34:03 22  
12:34:08 23 You indicated a number of times in your evidence that you  
12:34:13 24 rely on your diary for your memory?---Yes.  
12:34:15 25  
12:34:17 26 That's fair enough, these are things that occurred a long  
12:34:21 27 time ago?---Yes.  
12:34:21 28  
12:34:21 29 If you didn't write something in your diary but someone  
12:34:25 30 else made a contemporaneous note of it at the time,  
12:34:29 31 wouldn't you accept that contemporaneous note?---It  
12:34:33 32 depends, are you talking about one of my staff or one of  
12:34:36 33 the SDU staff?  
12:34:37 34  
12:34:37 35 One of the SDU staff. You've worked with Mr White for a  
12:34:41 36 long period of time. You respect him. If he's made a note  
12:34:45 37 of having had a conversation with you and you haven't,  
12:34:47 38 would you accept that conversation took place?---I've no  
12:34:51 39 reason to doubt him but as I say, I don't believe that I  
12:34:54 40 got a lot of that information that I'm apparently supposed  
12:34:59 41 to have. I mean I've taken note after note after note. I  
12:35:07 42 had no reason not to take notes when somebody rang me with  
12:35:12 43 information.  
12:35:12 44  
12:35:13 45 When you had a conversation with SDU staff about other  
12:35:17 46 issues, not necessarily the intelligence issues, would you  
12:35:24 47 basically headline that in your notes?---Yes.

12:35:27 1  
12:35:27 2 You would describe the contents of what you were  
12:35:31 3 discussing, you might say a general nature of what was  
12:35:34 4 being discussed?---Yes, I would.  
12:35:36 5  
12:35:37 6 Is that fair to say?---Yes.  
12:35:38 7  
12:35:41 8 If in those cases the SDU have more comprehensive notes  
12:35:46 9 themselves, would you accept the contents of their more  
12:35:48 10 comprehensive notes?---Yes, I would.  
12:35:50 11  
12:36:07 12 It's apparent during various periods of time that other  
12:36:11 13 members of your team were also receiving calls from the  
12:36:15 14 SDU, Burrows, Flynn and Rowe. Were you aware of  
12:36:23 15 that?---After registration?  
12:36:24 16  
12:36:24 17 Yes?---Or - yeah, I'm not sure what calls they got.  
12:36:30 18  
12:36:30 19 Were there any instructions given to them about recording  
12:36:33 20 of such information?---I'd assume if they got those calls  
12:36:40 21 they would have recorded it.  
12:36:41 22  
12:36:42 23 Is it the case that when you're getting a hot debrief you  
12:36:46 24 yourself might be barking out orders to other people to act  
12:36:49 25 on that information?---No. I'd get the information first  
12:36:55 26 and then decide what was going to happen with it.  
12:36:59 27  
12:37:02 28 Would the crew that you gave instructions to following  
12:37:05 29 that, would they write the information down?---On some  
12:37:08 30 occasions they did, yes.  
12:37:09 31  
12:37:10 32 Were there particular instructions about when they were to  
12:37:12 33 write things down or not?---Sometimes I remember saying to  
12:37:19 34 people, "Come and see me and bring your diary", so.  
12:37:23 35  
12:37:24 36 There was a concern, was there not, about what in an  
12:37:29 37 investigator's notes might later be disclosed in a court  
12:37:33 38 process?---As far as information, informer information,  
12:37:37 39 yes.  
12:37:38 40  
12:37:54 41 If we can bring up Mr O'Brien's diary summary again,  
12:37:59 42 please. I'm told perhaps the SDU risk assessment hadn't  
12:38:23 43 been tendered, Commissioner. So I might tender that.  
12:38:29 44  
12:38:29 45 COMMISSIONER: It's difficult to keep up with it all, isn't  
12:38:32 46 it? We don't think - - -  
12:38:36 47

12:38:36 1 MS TITTENSOR: If it hasn't been, I tender it. We'll make  
12:38:43 2 some inquiries.  
12:38:43 3  
12:38:43 4 COMMISSIONER: It was shown apparently to Mr White but not  
12:38:45 5 tendered at that time. You think it was tendered?  
12:38:50 6  
12:38:50 7 MR CHETTLE: I tendered it certainly.  
12:38:52 8  
12:38:52 9 COMMISSIONER: We're just checking the list and we don't  
12:38:55 10 seem to be able to find it. We'll see whether it's been  
12:38:58 11 tendered or not. Could you just double-check that. There  
12:39:03 12 were a lot of exhibits. Did you think that came in your -  
12:39:06 13 - -  
12:39:06 14  
12:39:06 15 MR CHETTLE: In evidence-in-chief when I tendered it, to  
12:39:10 16 quote Mr Holt, I tendered the world.  
12:39:12 17  
12:39:12 18 COMMISSIONER: We'll just do a search and see if we can  
12:39:17 19 find it.  
12:39:17 20  
12:39:17 21 MR CHETTLE: 284 I'm told.  
12:39:19 22  
12:39:19 23 COMMISSIONER: 284, thank you. 284 according to me is a  
12:39:29 24 source management log.  
12:39:32 25  
12:39:33 26 MR CHETTLE: Two formal risk assessments, you're quite  
12:39:37 27 right, 284A and B.  
12:39:38 28  
12:39:39 29 COMMISSIONER: Did you say 204?  
12:39:42 30  
12:39:43 31 MR CHETTLE: 284.  
12:39:44 32  
12:39:44 33 COMMISSIONER: I've got the source management logs.  
12:39:48 34  
12:39:48 35 MR CHETTLE: 285, sorry.  
12:39:50 36  
12:39:50 37 COMMISSIONER: Risk assessment, yes, that's it, 285.  
12:39:54 38 Thanks very much, Mr Chettle.  
12:39:57 39  
12:39:57 40 MS TITTENSOR: If we can go to 5 December, please. You see  
12:40:06 41 there's an entry down the bottom of that page there?---Yes.  
12:40:11 42  
12:40:12 43 On 5 December there's a mobile telephone call, is that  
12:40:20 44 MTC?---Made telephone call, yes.  
12:40:22 45  
12:40:24 46 You spoke to Mr White at the DSU and requested all Posse  
12:40:28 47 intelligence holdings?---Yes.

12:40:30 1  
12:40:30 2 Do you know what that's about?---Well I presume it was the  
12:40:35 3 SDU or the DSU requesting whatever intel holdings we had.  
12:40:39 4  
12:40:40 5 Is that them calling you or you calling them?---No, it  
12:40:46 6 would be them - I believe I made the phone call but that's  
12:40:50 7 what they were requesting.  
12:40:51 8  
12:40:52 9 You see following that at 2 pm you've got your weekly  
12:40:56 10 briefing with Mr Overland, Mr Purton, Blayney, in relation  
12:41:02 11 to the Task Force Posse?---Yes.  
12:41:06 12  
12:41:06 13 Is it likely that you were seeking intelligence holdings  
12:41:10 14 for the update?---No, I wouldn't think so. I think it was  
12:41:22 15 probably more the DSU wanting to know what we knew.  
12:41:26 16  
12:41:26 17 You see there Detective Superintendent Blayney was present  
12:41:34 18 at these weekly briefings, is that right?---Some of them,  
12:41:37 19 yes.  
12:41:38 20  
12:41:38 21 He was aware of the status of Ms Gobbo being the main  
12:41:42 22 informer in Operation Posse?---He would have been, yes.  
12:41:46 23  
12:41:47 24 Did he have any discussion with you about the fact that he  
12:41:53 25 knew she was an informer back in the 1990s?---No.  
12:41:55 26  
12:41:56 27 And that he'd assessed her back then as being a loose  
12:42:00 28 cannon?---No.  
12:42:01 29  
12:42:01 30 Is that something that might have been relevant to your  
12:42:04 31 considerations?---Certainly information that certainly  
12:42:09 32 would have been handy, but I was never told and in fact  
12:42:13 33 until the Commission I was unaware that she'd ever been  
12:42:18 34 used as an informer by anybody apart from us.  
12:42:20 35  
12:42:28 36 If we just quickly have a look at 9 December. There's a  
12:42:33 37 meeting with various members of the SDU, White, Smith and  
12:42:37 38 Green re Posse?---Yes.  
12:42:42 39  
12:42:43 40 Sorry, White, Black and Green, I think, re Posse. And  
12:42:53 41 there's a briefing in relation to the current intelligence  
12:42:57 42 that's going on, is that right?---Yes.  
12:42:59 43  
12:43:01 44 There's a discussion later, I think at 1.45 with Biggin and  
12:43:09 45 others in relation to resourcing. No, it might be another  
12:43:15 46 note that I've made, having seen your diary?---Yes, that's  
12:43:20 47 correct. Yes, 13:45.

12:43:23 1  
12:43:26 2 At 15:45 there's a briefing given to Commander Purton re  
12:43:32 3 Operation Posse developments and he was to then go and  
12:43:36 4 advise Mr Overland?---That's correct.  
12:43:39 5  
12:43:42 6 On 12 December you then have another weekly briefing with  
12:43:48 7 Mr Overland, Purton, Blayney?---Yes.  
12:43:51 8  
12:43:52 9 In relation to Posse?---Posse, Pells, Snipes and Judge.  
12:44:00 10  
12:44:00 11 Yes?---Posse, Pells, Snipes and Judge, staffing issues.  
12:44:05 12  
12:44:07 13 I understand you then took leave yourself, is that right,  
12:44:15 14 between the 14th and the?---1 January.  
12:44:19 15  
12:44:19 16 14 December and 1 January?---Yes.  
12:44:21 17  
12:44:21 18 Who would act in your place when you were on leave?---I  
12:44:24 19 would imagine it was Gavan Ryan. You'd have to check,  
12:44:28 20 there would be a record there.  
12:44:29 21  
12:44:31 22 Whilst you were on leave over that period the intelligence  
12:44:35 23 from Ms Gobbo kept coming in, is that right?---It would  
12:44:39 24 have, yes.  
12:44:39 25  
12:44:39 26 In relation to the cooking of methamphetamine by a number  
12:44:44 27 of people?---Yes.  
12:44:45 28  
12:44:47 29 Were you aware that there was some frustration within the  
12:44:50 30 SDU about that not being acted upon or not being able to be  
12:44:55 31 acted upon because of the resourcing?---No, not really. I  
12:45:00 32 can't remember that.  
12:45:00 33  
12:45:02 34 On 3 January at 11.48 you see there you've got a briefing  
12:45:11 35 with Detective Sergeant Coghlan?---Yes.  
12:45:14 36  
12:45:15 37 Re Operation Posse and he's provided with the investigation  
12:45:18 38 plan and a copy of the suspect person of interest  
12:45:22 39 list?---Yes.  
12:45:22 40  
12:45:22 41 Mr Coghlan was someone associated with Asset  
12:45:28 42 Recovery?---Yes.  
12:45:28 43  
12:45:29 44 What was his role with Operation Posse?---He was in charge  
12:45:33 45 of setting up the criminal proceeds team. I specifically  
12:45:40 46 recruited him for the role due to his previous involvement  
12:45:45 47 in Mokbel issues with Kayak. He was aware of all the

12:45:49 1 players and had a lot of that historical knowledge in his  
12:45:55 2 head. It made sense to approach him. He was reluctant to  
12:46:00 3 actually join us.  
12:46:02 4  
12:46:02 5 Were you aware of whether he had any previous history with  
12:46:06 6 Ms Gobbo?---No.  
12:46:07 7  
12:46:07 8 Because of his involvement in Kayak?---No.  
12:46:09 9  
12:46:10 10 He was made aware of Ms Gobbo's status as a source?---Not  
12:46:15 11 at that stage I wouldn't think. It would have been  
12:46:18 12 something he became aware of over time.  
12:46:21 13  
12:46:29 14 Following that you have another Operation Purana weekly  
12:46:38 15 briefing, is that right, that afternoon?---3 January?  
12:46:45 16  
12:46:46 17 Yes?---Yes.  
12:46:49 18  
12:46:52 19 It seems as though at that stage Purton is Acting Assistant  
12:47:02 20 Commissioner?---Yes.  
12:47:02 21  
12:47:08 22 On 16 January at 2 o'clock there's another weekly briefing  
12:47:16 23 in the office of Mr Overland. We've got Detective  
12:47:22 24 Superintendent Blayney and Acting Commander Grant also  
12:47:26 25 present at that meeting?---That's correct.  
12:47:27 26  
12:47:29 27 Is it fair to say that all of the people present at these  
12:47:34 28 meetings, because sometimes the players changed, do they  
12:47:39 29 all know about Ms Gobbo's status as a source?---Certainly  
12:47:46 30 Superintendent Grant would have.  
12:47:48 31  
12:47:49 32 And we know that Blayney - - - ?---Blayney did.  
12:47:53 33  
12:47:54 34 And Overland certainly did?---Yes.  
12:47:56 35  
12:47:57 36 At that stage there's been some communications obviously  
12:48:02 37 about your resourcing problems. You were to be given an  
12:48:06 38 additional analyst?---Yes.  
12:48:07 39  
12:48:08 40 And that's because of the amount of information that was  
12:48:10 41 coming through from Ms Gobbo, it was far too great to be  
12:48:15 42 handled with the resourcing that you had?---No, that wasn't  
12:48:17 43 the case at all.  
12:48:18 44  
12:48:19 45 What was the case?---It was in relation to just analytical  
12:48:22 46 work that had to be done around targets and building up  
12:48:27 47 profiles in relation to them and doing all the property

12:48:31 1 checks, asset/background checks, vehicle ownership, that  
12:48:35 2 type of thing so that we had a full picture.  
12:48:38 3  
12:48:38 4 A lot of those tasks that were being undertaken were being  
12:48:41 5 undertaken by virtue of information that was being provided  
12:48:45 6 by Ms Gobbo, the mobile numbers, the car registrations and  
12:48:48 7 so forth?---No, that was just value added to some extent  
12:48:53 8 but, no, we knew who the targets were, we were just  
12:48:57 9 developing profiles on them and financial profiles on them.  
12:49:00 10  
12:49:00 11 Ms Gobbo was helping out in that respect, wasn't she,  
12:49:04 12 passing along a lot of that intelligence?---Whatever  
12:49:07 13 information she got was fed, or provided was fed into the  
12:49:12 14 system and whether it aided the build up of those profiles  
12:49:18 15 or not, really you'd have to look at the profiles.  
12:49:21 16  
12:49:24 17 Would you be able to tell from the profiles whether the  
12:49:27 18 information has come from her or from elsewhere?---I can't  
12:49:31 19 say really.  
12:49:34 20  
12:49:36 21 At that stage there's a discussion about narrowing the  
12:49:40 22 focus of Operation Posse on to a particular person?---Yes.  
12:49:43 23  
12:49:46 24 There's discussion though of opportunities also in relation  
12:49:50 25 to Karam?---That's correct.  
12:49:53 26  
12:49:54 27 Robbie Karam, in relation to whether there might be some  
12:49:59 28 listening devices or undercovers used, is that  
12:50:02 29 right?---That's correct.  
12:50:02 30  
12:50:03 31 He was someone else that Ms Gobbo was providing information  
12:50:08 32 about?---She did, yes.  
12:50:10 33  
12:50:10 34 Are you aware she represented Mr Karam?---No.  
12:50:16 35  
12:50:17 36 Are you aware that she represented Mr Karam at any  
12:50:21 37 time?---No. I was unaware that she represented Karam.  
12:50:28 38  
12:50:30 39 Mr Overland gave some instructions as to where to focus the  
12:50:34 40 investigation and what resources to be deployed and what  
12:50:37 41 might come if they revealed anything?---Well he provided,  
12:50:44 42 virtually they were telling me that I wasn't going to be  
12:50:48 43 getting too many more resources, I needed to focus my  
12:50:53 44 attention on a narrower approach.  
12:50:55 45  
12:50:56 46 The following day there's a meeting between some of your  
12:51:00 47 team, Burrows, Rowe, and some of the SDU, Smith and White,

12:51:09 1 as well as Covert Services Unit?---Yes.  
12:51:13 2  
12:51:17 3 There's a discussion about what's to be done about the  
12:51:21 4 introduction of an undercover for intelligence only?---Yes.  
12:51:24 5  
12:51:30 6 What's to be done in relation to Lanteri and the decision  
12:51:34 7 of the Task Force to focus on a couple of particular  
12:51:37 8 people?---Yes.  
12:51:37 9  
12:51:37 10 Is that right? Underneath that you've got a note there at  
12:51:50 11 1.30 that afternoon, "Convene a meeting with the Office of  
12:51:56 12 the Chief Examiner re Operation Posse"?---Yes.  
12:51:58 13  
12:51:58 14 Present at that meeting is Sergeant Spargo. He's the  
12:52:05 15 analyst for Task Force Purana?---Yes.  
12:52:07 16  
12:52:07 17 Burrows and Rowe are present?---Yes.  
12:52:10 18  
12:52:11 19 Who's Sergeant Thornton?---Would have been from the  
12:52:20 20 offices, attached to the Office of the Chief Examiner.  
12:52:22 21  
12:52:24 22 Jenny Pavlou was a legal officer attached to the Office of  
12:52:32 23 the Chief Examiner?---Yes.  
12:52:32 24  
12:52:33 25 And Acting Senior Sergeant Anthony Silver was also with the  
12:52:38 26 Chief Examiner's office?---Yes.  
12:52:39 27  
12:52:40 28 And they were briefed re Operation Posse objectives?---Yes.  
12:52:45 29  
12:52:46 30 Were they told about the informer in Operation Posse?---No.  
12:52:51 31  
12:52:53 32 Ms Pavlou was a lawyer?---Yes.  
12:52:55 33  
12:52:56 34 Were they told about any issues associated with informers  
12:53:00 35 in Operation Posse?---No.  
12:53:02 36  
12:53:03 37 Is there a reason for that?---Again, I wasn't - we weren't  
12:53:08 38 broadcasting who informers were or weren't.  
12:53:14 39  
12:53:16 40 The Office of the Chief Examiner, their role was  
12:53:20 41 effectively a support service for Victoria Police?---Yes.  
12:53:24 42 They were looking at them from the point of Asset Recovery,  
12:53:28 43 asset stripping.  
12:53:29 44  
12:53:29 45 It doesn't seem - well - - - ?---That was the purpose of  
12:53:33 46 the meeting around asset, examinations in relation to asset  
12:53:38 47 seizure, asset stripping.



12:53:40 1  
12:53:40 2 Would you expect that Mr Coghlan would have been at that  
12:53:43 3 meeting if that was the case?---Well, a decision hadn't  
12:53:48 4 have been made. This was an earlier discussion. I think  
12:53:50 5 the Office of Chief Examiner had only been set up in recent  
12:53:54 6 times. It may not have even been fully formulated at that  
12:53:58 7 point.  
12:53:58 8  
12:53:58 9 It was a 2004 Act so you're probably correct about that.  
12:54:04 10 In order for them to conduct investigations they needed an  
12:54:07 11 order from the Supreme Court, is that right?---Right. Well  
12:54:10 12 I'm not sure of the administrative tasks around the OCE.  
12:54:17 13 All we were doing was flagging up at that stage that we  
12:54:20 14 were intending to take significant assets from this group  
12:54:24 15 of organised crime individuals.  
12:54:27 16  
12:54:27 17 Did you end up using the Office of the Chief  
12:54:30 18 Examiner?---No.  
12:54:30 19  
12:54:30 20 Is that because of the processes and having to put forward  
12:54:34 21 material before the Supreme Court on an affidavit  
12:54:42 22 basis?---No, I think it was more around jurisdictional  
12:54:44 23 issues around, I think, correct me if I'm wrong but I think  
12:54:44 24 OCE was limited to Victoria where the ACC, AISD had a  
12:54:50 25 national impact.  
12:54:53 26  
12:54:54 27 You ultimately for those purposes came to use the  
12:54:59 28 ACC?---That's correct.  
12:55:00 29  
12:55:01 30 Did you have your own examiners within the ACC or did they  
12:55:07 31 have their own - - - ?---They had their own examiners.  
12:55:10 32  
12:55:10 33 Were they at some stage examiners from the OPP?---No, not  
12:55:17 34 as far as I'm aware.  
12:55:18 35  
12:55:28 36 On 19 January you've got noted in your diary summary a  
12:55:38 37 number of contacts in relation to the DSU there. Mr White  
12:55:46 38 has recorded in his diary a call to you requesting  
12:55:51 39 [REDACTED]  
12:55:55 40 [REDACTED]  
12:55:59 41 [REDACTED], were you aware of that?---Not  
12:56:03 42 that I recall.  
12:56:03 43  
12:56:05 44 According to Mr White's diary entry he noted - - -  
12:56:26 45  
12:56:27 46 MR HOLT: Commissioner, the topic that's just been raised  
12:56:29 47 in relation to surveillance is one in respect of which

12:56:32 1 you've allowed public interest immunity claims in documents  
12:56:34 2 previously as I'm instructed. I wonder if that could be  
12:56:38 3 taken from - - -  
12:56:39 4  
12:56:39 5 COMMISSIONER: I think that was always only on a temporary  
12:56:41 6 basis.  
12:56:42 7  
12:56:43 8 MR HOLT: Could it at least be taken from the public stream  
12:56:46 9 now and I'll deal with the issue over lunch and make sure  
12:56:49 10 we're in a position to properly advise. I don't want  
12:56:51 11 things to be inadvertently done. If that's the position  
12:56:52 12 I'll check, Commissioner.  
12:56:54 13  
12:56:54 14 COMMISSIONER: I think what's happened is there are these  
12:56:57 15 wide ranging objections on the basis of PII to many matters  
12:57:00 16 which seem to be well within the public knowledge, but just  
12:57:04 17 to progress things we've taken a generous view on.  
12:57:09 18  
12:57:09 19 MR HOLT: I think this is a specific one in respect of the  
12:57:11 20 way in which surveillance, I'm conscious now that I'm - - -  
12:57:15 21  
12:57:15 22 COMMISSIONER: Is there a paragraph I should be looking at?  
12:57:18 23  
12:57:18 24 MR HOLT: Yes, Commissioner. In the transcript it's line  
12:57:20 25 13 to line 19, p.5576.  
12:57:35 26  
12:57:35 27 COMMISSIONER: Did you say 919?  
12:57:40 28  
12:57:40 29 MR HOLT: Line 13 to line 19, Commissioner. It's a very  
12:57:45 30 specific issue. It's not about that issue generally, it's  
12:58:00 31 a very specific issue about a particular thing that's done.  
12:58:02 32  
12:58:03 33 COMMISSIONER: I'm not sure it's conceded that it is. Yes,  
12:58:06 34 what's your attitude, Ms Tittensor?  
12:58:08 35  
12:58:10 36 MS TITTENSOR: I'm not sure that it's in the public  
12:58:16 37 interest to withhold this. I mean it's simply the case  
12:58:20 38 that they wanted to check Ms Gobbo's bona fides at that  
12:58:24 39 stage to see if she was telling the truth about who she was  
12:58:29 40 talking to.  
12:58:29 41  
12:58:30 42 COMMISSIONER: They do want to push the claim. You're not  
12:58:33 43 conceding it, is that right?  
12:58:35 44  
12:58:35 45 MS TITTENSOR: No, perhaps if it can come out at this stage  
12:58:38 46 we can have some further discussion.  
12:58:39 47

12:58:40 1 COMMISSIONER: Yes.  
12:58:41 2  
12:58:41 3 MR HOLT: That will be my proposal, Commissioner, and I'll  
12:58:43 4 resolve the issue over lunch.  
12:58:45 5  
12:58:45 6 COMMISSIONER: All right. There are quite a few of these  
12:58:47 7 issues where there are these wide ranging PII claims on  
12:58:50 8 matters which don't immediately seem to me to be PII, but  
12:58:57 9 we've sort of let them go, taken them out on the basis that  
12:59:01 10 it might be argued at some point. We'll do that again  
12:59:06 11 here. We want that, from line 15 through to - - -  
12:59:18 12  
12:59:19 13 MR HOLT: 13, Commissioner.  
12:59:21 14  
12:59:21 15 COMMISSIONER: I don't think the first line 13 is a  
12:59:25 16 problem.  
12:59:26 17  
12:59:26 18 MR HOLT: I'm sorry, Commissioner, I've lost the page on  
12:59:29 19 the transcript. It's disappeared to the beginning.  
12:59:30 20  
12:59:30 21 COMMISSIONER: Yes, it's just line 15.  
12:59:33 22  
12:59:33 23 MR HOLT: Yes, thank you, Commissioner.  
12:59:36 24  
12:59:36 25 COMMISSIONER: In fact it really could be line 16 to 18  
12:59:43 26 that you want out. So 16 to 18 can be removed, line 16 to  
12:59:47 27 18 can be removed for the time being.  
12:59:49 28  
12:59:50 29 MR HOLT: Thank you, Commissioner.  
12:59:51 30  
12:59:51 31 COMMISSIONER: Thank you. You'll probably return to that  
13:00:05 32 in private hearing, Ms Tittensor.  
13:00:08 33  
13:00:08 34 MS TITTENSOR: Yes, Commissioner. Mr White's diary entry  
13:00:17 35 from that day, apart from the matter that I've just raised  
13:00:21 36 with you, goes on to - it's in relation to a telephone call  
13:00:24 37 you understand that he's having with you?---Yes.  
13:00:27 38  
13:00:28 39 He says, "Human source to be placed in front of Chief  
13:00:31 40 Examiner eventually". Do you know what that's about?---No.  
13:00:35 41  
13:00:37 42 He was having this discussion with you in relation to  
13:00:41 43 Ms Gobbo being placed in front of a compulsory hearing it  
13:00:45 44 seems at this stage?---Yeah, I don't recall it.  
13:00:48 45  
13:00:51 46 Could you have an educated guess about what might have been  
13:00:54 47 going on at that stage that might, you were foreseeing the

13:00:59 1 need to put Ms Gobbo in front of a compulsory  
13:01:03 2 hearing?---No, not really, because I mean this is very  
13:01:05 3 early in the piece.  
13:01:10 4  
13:01:19 5 On 23 January 2006 there's another weekly update with  
13:01:27 6 Mr Overland, Blayney and Grant?---That's correct.  
13:01:31 7  
13:01:33 8 Again there's no real further details I don't think in your  
13:01:36 9 diary, is that right?---No.  
13:01:38 10  
13:01:42 11 You, I take it, have no recollection of what matters were  
13:01:45 12 verbally discussed then?---Look, back in those days, you  
13:01:53 13 know, I was probably a lot sharper than I am today and, you  
13:01:58 14 know, I was able to keep 55 balls in the air at once, which  
13:02:02 15 is what I was doing running this Task Force, so a lot of  
13:02:05 16 the time it would be in my head and I would speak to the  
13:02:08 17 operations, I didn't need to refer to a document. I had  
13:02:11 18 that knowledge. Unfortunately I don't - with the effluxion  
13:02:17 19 of time and a few other issues, I no longer have that  
13:02:23 20 knowledge.  
13:02:24 21  
13:02:25 22 If we move ahead one week. On 30 January 2006 there's the  
13:02:29 23 next weekly update with Overland, Blayney, Purton.  
13:02:31 24 Discussion as per the weekly briefing note?---Yes.  
13:02:34 25  
13:02:36 26 It seems as though at that stage Mr Overland's acting in an  
13:02:40 27 upgraded capacity, he's then Acting Deputy  
13:02:45 28 Commissioner?---That's correct.  
13:02:45 29  
13:02:45 30 It then goes on, "Deputy Commissioner approval to run two  
13:02:49 31 diaries"?---Yes.  
13:02:50 32  
13:02:50 33 What was that about?---I think that was more about  
13:02:56 34 protection of the informer by having source material in one  
13:03:00 35 diary and just normal work in another. However it was  
13:03:03 36 never implemented.  
13:03:06 37  
13:03:08 38 Was this a concept that was often used within Victoria  
13:03:12 39 Police about running two diaries?---No.  
13:03:14 40  
13:03:16 41 Whose idea was it?---Look, I think it was something that we  
13:03:21 42 may have discussed really early days with the DSU, with  
13:03:25 43 Mr White, myself and others.  
13:03:26 44  
13:03:26 45 What was the idea? Who was going to keep the separate  
13:03:30 46 diary?---Well you would run two diaries. In fact you would  
13:03:34 47 run the diary for your normal work, but to keep source

13:03:39 1 material completely out of the diary so that if someone who  
13:03:43 2 needed to see that diary for whatever reason had a diary  
13:03:46 3 that didn't have the source material.  
13:03:48 4  
13:03:49 5 Was this specific to Ms Gobbo?---At start of this  
13:03:51 6 operation, yes. It's not something we'd done before, it  
13:03:54 7 was just a bit of a thought.  
13:03:57 8  
13:03:57 9 Do you know of anyone else that ran two diaries?---No.  
13:04:00 10  
13:04:04 11 Was there any care taken about what was put in the diary,  
13:04:07 12 in your diary in relation to Ms Gobbo?---No.  
13:04:10 13  
13:04:16 14 Do you say - you've got a number of occasions where you  
13:04:23 15 referred to her as 3838?---Yes.  
13:04:26 16  
13:04:27 17 Some occasions you refer to her as Ms Gobbo?---I did, yes.  
13:04:31 18  
13:04:32 19 You in your head were able to strictly say, "Well, she's an  
13:04:38 20 informer over here, but she's a lawyer over there"?---Yeah,  
13:04:42 21 look I don't, I don't really, you know, have a clear  
13:04:48 22 recollection of why I did it. I think why I did it on  
13:04:51 23 reflection is that it would cause confusion for anybody who  
13:04:56 24 came by my diaries nefariously and read them, they would  
13:05:01 25 see that she was a separate person to RHS30, or registered  
13:05:08 26 human source 3838. At least it would cause some confusion.  
13:05:13 27  
13:05:14 28 If you kept the two diaries, I take it you would have put  
13:05:18 29 all the 3838 information in one diary?---One.  
13:05:22 30  
13:05:23 31 And then happily put the Ms Gobbo lawyer information in the  
13:05:27 32 other diary?---Yes, I probably would have.  
13:05:29 33  
13:05:37 34 Every effort would then be made to not provide the second  
13:05:45 35 diary, the 3838 diary, in court proceedings, is that  
13:05:50 36 right?---No. As I said, it was done, it was only a  
13:05:54 37 thought, it never progressed past that.  
13:05:56 38  
13:05:57 39 Did your diaries ever get produced or looked at in terms of  
13:06:06 40 the need for production in any case that was prosecuted  
13:06:12 41 that Ms Gobbo had provided information about?---Not as far  
13:06:16 42 as I know.  
13:06:17 43  
13:06:17 44 Did you ever produce them to any lawyers and say, "This  
13:06:20 45 might need to be produced, we need some advice on whether  
13:06:25 46 we can legitimately claim PII on this"?---No.  
13:06:29 47

13:06:31 1 Were your diaries, for the purposes of disclosure in court  
13:06:35 2 proceedings, not touchable?---No, they were always  
13:06:41 3 available. If it had become an issue I would have had to  
13:06:46 4 produce my diaries, the same as I would in any case.  
13:06:49 5  
13:06:50 6 When would it become an issue for you that you might have  
13:06:53 7 to disclosure your diaries?---If there was a PII issue or  
13:06:57 8 some sort of contest over evidence that was led with which  
13:07:01 9 I might have been involved.  
13:07:02 10  
13:07:03 11 Did you not consider that you might have a duty of  
13:07:05 12 disclosure nonetheless?---No.  
13:07:08 13  
13:07:13 14 Did you have any training in relation to disclosure  
13:07:17 15 obligations throughout your time in the Police  
13:07:22 16 Force?---Other than if there's evidence found during the  
13:07:26 17 course of an investigation which was exculpatory of the  
13:07:29 18 accused, you're duty-bound to produce it.  
13:07:33 19  
13:07:33 20 If it's something that might assist an accused in their  
13:07:36 21 defence, are you duty-bound to disclose it?---In general  
13:07:40 22 terms but I never had an issue like that arise.  
13:07:44 23  
13:07:44 24 Did you not think that any of the information that you got  
13:07:48 25 or did you ever consider that the information that the SDU  
13:07:52 26 might hold would be relevant in assisting an accused in  
13:07:57 27 their defence?---No.  
13:07:59 28  
13:08:00 29 Never occurred to you?---No. As I say, I was hiding  
13:08:08 30 nothing, it's all been recorded. It's not like, you know,  
13:08:12 31 anybody was running around trying to hide things here.  
13:08:18 32 Everybody up to the Assistant Commissioner knew what was  
13:08:21 33 going on. I briefed up at all stages, I recorded  
13:08:24 34 everything in my diary.  
13:08:25 35  
13:08:25 36 That's the troubling aspect about it all, Mr O'Brien, I'd  
13:08:30 37 suggest?---As I say - - -  
13:08:35 38  
13:08:43 39 On 16 February 2006 Mr Biggin has a diary entry in relation  
13:08:50 40 to, it seems, a conversation with Mr Overland. I don't  
13:08:55 41 suggest that you're part of this conversation but you may  
13:08:58 42 be able to shed some light on it. The entry is this: "AC  
13:09:04 43 Overland re human source. To be protected re Operation  
13:09:09 44 Posse a priority. Discuss possible tactics to manage". Do  
13:09:16 45 you know what that's about?---No.  
13:09:17 46  
13:09:27 47 Commissioner, we are going to move into an area now where

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we'll need to go into private hearing.

COMMISSIONER: Right. It's so close to lunchtime I guess we'll take lunch and resume at 2 o'clock.

<(THE WITNESS WITHDREW)

LUNCHEON ADJOURNMENT

13:53:04 1 UPON RESUMING AT 2.04 PM:  
2  
14:04:22 3 COMMISSIONER: We're about to go into closed hearing. I  
14:04:25 4 understand there are, however, some applications for leave  
14:04:27 5 to appear to be made.  
14:04:32 6  
14:04:33 7 MS DWYER: Yes. I appear on behalf of John Higgs and make  
14:04:36 8 application for leave to appear in this tranche of  
14:04:41 9 hearings.  
10  
14:04:41 11 COMMISSIONER: That's Ms Dwyer, is it?  
14:04:43 12  
14:04:43 13 MS DWYER: Yes, Commissioner.  
14  
14:04:44 15 COMMISSIONER: Yes. And Mr Wareham for Mr Barbaro.  
14:04:51 16  
14:04:51 17 MR WAREHAM: I make the same application.  
18  
14:04:53 19 COMMISSIONER: Is there any submission against the lawyers  
14:04:56 20 having leave to appear on the same basis that it was given  
14:05:02 21 for the SDU handlers?  
14:05:04 22  
14:05:05 23 MR HOLT: No Commissioner.  
24  
14:05:05 25 COMMISSIONER: All right then. I'll give you both leave to  
14:05:09 26 appear. Pursuant to s.24 of the Inquiries Act access to  
14:05:15 27 the Inquiry during the evidence of this police officer is  
14:05:19 28 limited or, sorry, of this witness is limited to legal  
14:05:24 29 representatives and staff assisting the Royal Commission,  
14:05:26 30 the following parties with leave to appear in private  
14:05:29 31 hearing and their legal representatives: the State of  
14:05:32 32 Victoria, Victoria Police including media unit  
14:05:35 33 representatives, DPP and OPP, Commonwealth DPP, Ms Gobbo,  
14:05:39 34 SDU handlers, Australian Federal Police. The legal  
14:05:42 35 representatives of the following parties with leave to  
14:05:45 36 appear: Faruk Orman, Person ■, the Hodson family, John  
14:05:52 37 Higgs and Pasquale Barbaro. Media representatives  
14:05:57 38 accredited by the Royal Commission are allowed to be  
14:05:59 39 present in the hearing room. The hearing is to be recorded  
14:06:02 40 but not streamed or broadcast. Subject to any further  
14:06:05 41 order there is to be no publication of any material,  
14:06:07 42 statement, information or evidence given, made or referred  
14:06:10 43 to before the Commission which could identify or tend to  
14:06:13 44 identify the persons referred to as Witness ■, Witness ■,  
14:06:16 45 Witness ■, Person ■, any member of the Source Development  
14:06:19 46 Unit or their whereabouts. A copy of this order is to be  
14:06:22 47 posted on the door of the hearing room.



(IN CAMERA HEARING FOLLOWS)

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