

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 1 May 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

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

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

Counsel for State of Victoria Ms E. Hilliard

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

Counsel for DPP/SPP Ms K. O'Gorman

10:20:05 1 COMMISSIONER: I think the appearances are as for
10:20:09 2 yesterday. I note that Ms Gobbo is again represented by
10:20:13 3 her legal team, Mr Collinson and Mr Nathwani, and I note
10:20:16 4 that the State of Victoria is presently represented by
10:20:21 5 Ms Hilliard but Ms Button will be appearing later today as
10:20:28 6 well. Yes, thank you.
7

10:20:32 8 There are a couple of housekeeping matters before we
10:20:35 9 commence. There were some media reports overnight which
10:20:45 10 wrongly reported that the names of two informers were
10:20:48 11 publicly live-streamed in yesterday's Commission hearings.
10:20:54 12 This is incorrect. There is a 15 minute delay in the
10:20:57 13 streaming of the Commission's proceedings which has been
10:21:02 14 implemented particularly to avoid this. During the 15
10:21:05 15 minute delay the names of the informers were removed and
10:21:06 16 were not included in the subsequent streaming.
17

10:21:12 18 Mr Holt, a transcript of yesterday's public hearing
10:21:15 19 was taken down at the request of your solicitors this
10:21:18 20 morning. Is there an issue with what was put up?
21

10:21:25 22 MR HOLT: Yes, Commissioner. The issue was, and it may
10:21:27 23 simply be because this is the first of the hearings where
10:21:30 24 there have been closed hearings where we needed to go
25 through this process but we have been asked for comments on
10:21:38 26 the transcript by 9 o'clock this morning.
27

10:21:38 28 COMMISSIONER: No, that was in the private hearing.
29

10:21:41 30 MR HOLT: We understand that now. That wasn't our
10:21:44 31 understanding at the time and I apologise.
32

33 COMMISSIONER: Right.
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10:21:46 35 MR HOLT: I think the communication may have been ambiguous
36 and we actually misunderstood and I apologise.
37

38 COMMISSIONER: Right.
39

10:21:49 40 MR HOLT: There are two issues in relation to the open
10:21:51 41 hearing. I think we'll be corresponding with the
42 Commission very shortly about those, they're being done as
10:21:55 43 an absolute priority.
44

10:21:55 45 COMMISSIONER: You're not able to deal with them now so the
10:21:58 46 transcript can go back up immediately.
10:22:00 47

10:22:00 1 MR HOLT: I think it will be more efficient if I can simply
10:22:05 2 allow my junior who's presently doing that who will be
10:22:06 3 communicating with me shortly to do it, but we are doing
10:22:06 4 that as a matter of absolutely priority. The remainder of
10:22:10 5 the transcript, that is the closed transcript, that that
10:22:12 6 review started as soon as we received the transcript last
10:22:14 7 night. We're working hard on that to get that to the
10:22:14 8 Commission.
10:22:14 9
10:22:15 10 COMMISSIONER: In future, the arrangement is that the
10:22:18 11 public transcript after some cautious reviewing by, well
10:22:25 12 everyone will have the opportunity to cautiously review it,
10:22:29 13 I suppose, but the Commission's team cautiously reviews it
10:22:34 14 and then puts it up. That would ordinarily be the case.
10:22:37 15
10:22:37 16 MR HOLT: Thank you. We understand that now and we'll
10:22:39 17 ensure that we now understand the respective time lines so
10:22:45 18 that we can comply with those.
10:22:46 19
10:22:46 20 COMMISSIONER: Yes, thank you.
21
22 MR HOLT: Thank you.
23
10:22:47 24 COMMISSIONER: Yes, Mr Winneke.
10:22:48 25
10:22:48 26 MR WINNEKE: Yes, Commissioner, I think we're in a position
10:22:52 27 to resume in public the evidence of Mr Strawhorn and his
10:22:55 28 evidence I anticipate will go for a little while longer but
10:23:00 29 probably about an hour or thereabouts.
10:23:02 30
10:23:02 31 COMMISSIONER: Yes. Is Mr Strawhorn - - -
10:23:05 32
10:23:05 33 MR MORRISSEY: Mr Strawhorn is present, Commissioner. May
10:23:07 34 I just mention a matter for management purposes. Having
10:23:11 35 considered the matter overnight I do not believe it will be
10:23:15 36 necessary for me to seek to go back into closed session for
10:23:20 37 any re-examination and so we don't seek to re-examine
10:23:26 38 further on any other matters.
10:23:28 39
10:23:28 40 COMMISSIONER: In respect of the closed hearings?
41
10:23:31 42 MR MORRISSEY: In respect of the closed hearings, that's
10:23:34 43 right.
10:23:34 44
10:23:34 45 COMMISSIONER: You will have the opportunity of course to
10:23:36 46 re-examine in respect of today's hearing.
10:23:38 47

10:23:39 1 MR MORRISSEY: May I just simply make two points for the
10:23:42 2 record for later if needs be. The first is that
10:23:44 3 Mr Strawhorn was cross-examined both by counsel assisting
10:23:47 4 and counsel for Ms Gobbo on various matters and in some
10:23:51 5 cases was cross-examined on matters long ago in a general
10:23:56 6 sense with relatively minimal context and he's given
10:24:00 7 certain answers. What we would like to put on record is
10:24:04 8 should further details which invite further evidence and
10:24:07 9 further response from Mr Strawhorn become available we
10:24:10 10 would very much appreciate the opportunity to respond to
10:24:13 11 those if it's appropriate to do so and to be notified of
10:24:16 12 such detail given the elapse of time. He has been
10:24:19 13 commenting upon documents, many of which he only saw for
10:24:23 14 the first time here, and therefore it may be that if the
10:24:29 15 Commission comes into possession of materials on which he
10:24:32 16 should comment he could be given that opportunity.
10:24:36 17
10:24:36 18 COMMISSIONER: The Commission is very conscious of its
10:24:38 19 duties to ensure natural justice is done.
10:24:40 20
10:24:41 21 MR MORRISSEY: Yes. That was the import of the comment
10:24:43 22 that I made there. The second comment is similar and
10:24:48 23 related to that. On a couple of occasions questions were
10:24:52 24 put to him, in particular by counsel for Ms Gobbo, that he
10:25:00 25 had used the fact of Ms Gobbo having a prior conviction as
10:25:10 26 leverage and he said no, and we have nothing to add to that
10:25:13 27 answer at this point. But if something comes up by way of
10:25:16 28 a specific allegation that he put something specific to her
10:25:19 29 or suggested something specific, then once again - - -
10:25:22 30
10:25:23 31 COMMISSIONER: It's pretty clear a statement from him,
10:25:25 32 Mr Morrissey.
10:25:25 33
10:25:26 34 MR MORRISSEY: Yes, it's a general statement in answer to a
10:25:30 35 general question.
10:25:30 36
10:25:30 37 COMMISSIONER: That's so.
10:25:31 38
10:25:31 39 MR MORRISSEY: It doesn't get much straighter, I agree.
10:25:33 40
10:25:34 41 COMMISSIONER: It doesn't get much straighter than that.
10:25:36 42 It is hard to see if he can't answer that one now if there
10:25:41 43 are specific documents put to him - - -
10:25:43 44
10:25:43 45 MR MORRISSEY: No, but he may have something to add, that's
10:25:43 46 all, and I'm simply marking that territory really if
10:25:46 47 something later were said. Commissioner, it is simply

10:25:51 1 underlining the natural justice situation and I have no
10:25:54 2 more add to it than what I've said.
10:25:55 3
10:25:56 4 COMMISSIONER: Understood. Thanks Mr Morrissey. So
10:26:00 5 Mr Strawhorn, return to the box, please.
10:26:03 6
10:26:04 7 <WAYNE GEOFFREY STRAWHORN, recalled:
10:26:07 8
10:26:07 9 COMMISSIONER: Yes Mr Winneke.
10:26:09 10
10:26:10 11 MR WINNEKE: Thanks, Commissioner. Now, Mr Strawhorn, I
10:26:14 12 think I asked you yesterday questions about an operation
10:26:18 13 called Hamadan as a result of which Mr Arnautovic was
10:26:25 14 charged and was ultimately convicted and sentenced to a
10:26:27 15 period of imprisonment. I think you've been shown and I
10:26:33 16 wonder if I could have put up a document which is entitled
10:26:36 17 the Operation Hamadan final report VPL.0005.0037.0249. I
10:27:05 18 apologise to the operator, it seems there are difficulties.
10:27:16 19 Look, perhaps we'll do it this way, Commissioner.
20
10:27:19 21 Mr Strawhorn, can you have a look at that document
10:27:22 22 there. It's a document which has been redacted for public
10:27:39 23 interest immunity matters but on its face it appears to be
10:27:41 24 a report concerning Operation Hamadan dated March I think
10:27:44 25 of 1998?---It does, it appears to be a final report in
10:27:48 26 relation to that.
10:27:48 27
10:27:49 28 It may well be that you've seen it in the past, it may well
10:27:52 29 be you don't recall having seen it, but can you tell the
10:27:55 30 Commissioner what it is as far as you're concerned?---At
10:27:58 31 the conclusion of an investigation a report is compiled
10:28:02 32 which outlines the nature of the investigation and the
10:28:04 33 outcomes of the investigation and this is such a report.
10:28:08 34
10:28:09 35 And at the time that it's prepared it's as accurate as it
10:28:14 36 can be concerning matters which are relevant to the
10:28:16 37 operation, is that right?---I would expect so.
10:28:19 38
10:28:19 39 I tender that, Commissioner.
10:28:21 40
10:28:22 41
10:28:24 42 #EXHIBIT RC86 - Operation Hamadan report March 1986.
10:28:31 43
10:28:32 44 Mr Strawhorn, I just wanted to ask you about a couple of
10:28:35 45 matters concerning Nicola Gobbo and whether or not it was
10:28:43 46 considered by the Drug Squad that she could be a source of
10:28:49 47 information for the Drug Squad. There's evidence that the

10:28:53 1 Commission has that in about July of 1998, that Nicola
10:29:01 2 Gobbo was assessed by two members of the Drug Squad, one,
10:29:08 3 Kruger, and another person by the name of Lim, I take it
10:29:11 4 you know both of those people?---I do.
10:29:13 5
10:29:14 6 And the evidence is to the effect that they were tasked,
10:29:19 7 those two were tasked by Detective Senior Sergeant Bowden
10:29:23 8 to go and speak to her and see whether it would be
10:29:27 9 appropriate to have her registered as an informer. Now,
10:29:34 10 firstly, are you aware of that?---No.
10:29:36 11
10:29:37 12 Right. The evidence available to the Commission is that
10:29:52 13 Messrs Lim and Kruger did go and see Ms Gobbo in about July
10:29:56 14 of 1998 and at least Mr Lim took the view that for a number
10:30:02 15 of reasons it wouldn't be appropriate to register her. One
10:30:05 16 reason was that she was a legal practitioner and, two, it
10:30:12 17 was suggested that she had inappropriate relationships with
10:30:16 18 police officers. Now, would you have been aware of that at
10:30:24 19 the time?---No.
10:30:25 20
10:30:29 21 Casting your mind back, you say, "Well, look, I'm not aware
10:30:33 22 of it now"?---Correct.
10:30:34 23
10:30:34 24 And you can say, "I wouldn't have been aware of it
10:30:37 25 then"?---Correct.
10:30:37 26
10:30:38 27 To be fair I want to put it to you that the evidence has
10:30:42 28 been that after that meeting, Mr Lim would say that he went
10:30:49 29 and spoke to Detective Senior Sergeant Bowden and told him
10:30:55 30 that as far as he was concerned, at least, it wouldn't be
10:30:59 31 appropriate to register Ms Gobbo, but he also said he spoke
10:31:03 32 to you about it. Now what do you say about that?---My only
10:31:08 33 recollection, of anyone speaking to me about that was Mark
10:31:12 34 Bowden.
10:31:12 35
10:31:12 36 Right. And what did Mr Bowden say to your
10:31:16 37 recollection?---To my recollection Mr Bowden advised me
10:31:19 38 that while documents were being served on Ms Gobbo by
10:31:23 39 Mr Kruger, that she offered information about that
10:31:29 40 employer.
10:31:29 41
10:31:30 42 All right?---That's the extent of it.
10:31:32 43
10:31:32 44 You recall I put to you yesterday that in about February of
10:31:37 45 1998 there were the assertions made by Bowden and Kruger to
10:31:42 46 the effect that the employer was crooked, et cetera,
10:31:51 47 et cetera. You say you weren't aware of that?---No, that's

10:31:53 1 correct.

10:31:53 2

10:31:53 3 But nonetheless then I put to you yesterday that facsimile

10:31:59 4 which apparently you'd been sent in December of

10:32:03 5 1997?---Correct.

10:32:03 6

10:32:04 7 And it appears that you had been sent that, as to whether

10:32:07 8 or not you recall it you simply say, "I don't know"?---I

10:32:12 9 can't add any more.

10:32:13 10

10:32:30 11 Now, at that stage, and I'm talking about 1997, late 97

10:32:41 12 going into 1998, we've established that your position then,

10:32:46 13 you weren't a boss in the sense that you weren't a Senior

10:32:49 14 Sergeant, you were a Detective Sergeant?---Correct.

10:32:51 15

10:32:52 16 You were involved in the Clandestine Laboratory Unit at

10:32:55 17 that stage?---Correct.

10:32:56 18

10:32:57 19 But would it be fair to say that you had a position within

10:33:03 20 the Drug Squad at that stage where people would come to you

10:33:06 21 and seek your views and ask your advice, that is other

10:33:10 22 members of the Drug Squad?---Certainly within the division

10:33:13 23 that I was in, not within the Drug Squad.

10:33:17 24

10:33:17 25 Not within the Drug Squad generally?---No.

10:33:20 26

10:33:20 27 Was Mr Kruger in your division?---Yes.

10:33:27 28

10:33:27 29 COMMISSIONER: Kruger. Strike that name from the record,

10:33:33 30 thank you.

10:33:34 31

10:33:34 32 MR WINNEKE: I apologise. He was in your division and he

10:33:37 33 would come to you for advice?---He would certainly go to

10:33:40 34 his own Detective Sergeant first for advice.

10:33:46 35

10:33:47 36 And that was Detective Sergeant - - - ?---I've got no idea

10:33:51 37 who it was at that time.

10:33:52 38

10:33:52 39 It wasn't Mark Bowden?---Mark Bowden was the Detective

10:33:56 40 Senior Sergeant.

10:33:56 41

10:33:56 42 Senior Sergeant, yes?---Correct.

10:33:58 43

10:33:59 44 Did you take over from Detective Senior Sergeant Bowden

10:34:03 45 when you were promoted?---Not initially but I did.

10:34:07 46

10:34:08 47 Not initially. When was that?---I believe it was probably

10:34:15 1 early 98 I was promoted. I was in a different unit at that
10:34:20 2 time and probably early 99 I came into unit 2.
10:34:24 3
10:34:24 4 Righto, okay?---I can't give you any more specifics than
10:34:33 5 that.
10:34:33 6
10:34:34 7 I think I was at one point yesterday, late yesterday going
10:34:38 8 to ask you some questions about an operation or a Task
10:34:44 9 Force with the name of Kayak?---Yes.
10:34:46 10
10:34:47 11 Can you tell the Commissioner when that operation
10:34:52 12 commenced?---I don't have specifics in front of me but it
10:35:06 13 could have been some time during 99 or 2000.
10:35:10 14
10:35:10 15 In any event I think arrests were ultimately made?---They
10:35:14 16 were.
10:35:14 17
10:35:15 18 In about August of 2001?---That Task Force encompassed a
10:35:19 19 number of side operations and at various stages during the
10:35:23 20 life of the Task Force there were arrests made. But
10:35:26 21 certainly the final ones were probably towards mid-2001.
10:35:33 22
10:35:34 23 If I put to you on or around 24 August 2001 there were
10:35:41 24 arrests made, including I think Mr Mokbel, Tony
10:35:48 25 Mokbel?---I'd accept that.
10:35:49 26
10:35:49 27 There had been arrests earlier on I think in 2000 of people
10:35:56 28 in relation to that operation or a particular person, I
10:35:59 29 don't think we need to go into details of that person but
10:36:02 30 there had been an arrest?---There had been a number of
10:36:06 31 arrests at a number of stages during the life of that
10:36:08 32 investigation.
10:36:08 33
10:36:09 34 Briefly what was that operation about?---High level drug
10:36:13 35 trafficking in Victoria, including the manufacturing of
10:36:16 36 amphetamines.
10:36:17 37
10:36:18 38 There was an arrest, perhaps if I can put it as far as
10:36:22 39 this, there was an arrest of a person who subsequently
10:36:27 40 became an informer in about August 2000?---I couldn't give
10:36:31 41 you the dates but I'd agree with that.
10:36:33 42
10:36:43 43 In about November of 2000 would it be correct to say that
10:37:06 44 you were having discussions, November and December of 2000,
10:37:11 45 you were having discussions with prosecutors concerning
10:37:17 46 that operation, Operation Kayak?---It's possible.
10:37:21 47

10:37:21 1 If we go to your diary of 7 December 2000,
10:37:41 2 VPL.0005.0059.0078. If you go to T7. Can you interpret
10:37:59 3 that for us?---Ms Palgan and Mr Coghlan, OPP re Kayak.
10:38:12 4
10:38:12 5 Obviously Mr Coghlan was a prosecutor and Ms Palgan was
10:38:18 6 head of the drug section at the OPP, is that correct?---I
10:38:21 7 believe Mr Coghlan was in charge of the OPP at that time.
10:38:25 8
10:38:25 9 Yes. Do you recall what that meeting would have been
10:38:28 10 about? I'm not asking you to provide details of the
10:38:31 11 discussion but as a general proposition?---No, I don't.
10:38:36 12 No, I don't.
10:38:37 13
10:38:37 14 All right then. Now, at this stage - perhaps if we could
10:38:44 15 move down to another meeting, if we go to 11
10:38:49 16 December?---Yes.
10:38:49 17
10:38:52 18 MR HOLT: Sorry Commissioner, could I just approach my
10:38:57 19 learned friend and that document be taken down for the
10:39:00 20 moment.
10:39:05 21
10:39:05 22 (Discussion at Bar table.)
10:39:11 23
10:39:11 24 MR WINNEKE: Look, I won't tender the document but I don't
10:39:14 25 think there's anything - if we could highlight that aspect
10:39:18 26 of it which was up before and that aspect of it only, 11
10:39:24 27 December.
10:39:33 28
10:39:33 29 COMMISSIONER: 11 December 2000.
10:39:35 30
10:39:36 31 MR WINNEKE: 11 December 2000. Can you just read that,
10:39:40 32 Mr Strawhorn?---Which part?
10:39:41 33
10:39:43 34 That is an entry on, it seems to be Monday 11
10:39:49 35 December?---It is.
10:39:50 36
10:39:50 37 You clear to - - - ?---Clear to OPP re Kayak, 10.15 meeting
10:39:56 38 barrister Gobbo re Kayak.
10:39:59 39
10:39:59 40 And then meeting subsequently with the AFP?---Correct.
10:40:03 41
10:40:05 42 Techs and serve re Kayak?---Correct.
10:40:08 43
10:40:09 44 Clearly meetings are going on in respect of Kayak and that
10:40:12 45 operation?---Correct.
10:40:12 46
10:40:12 47 What I wanted to ask you about was a meeting that you had

10:40:15 1 apparently with barrister Gobbo regarding Kayak?---Correct.
10:40:19 2
10:40:19 3 Now, at that stage can I suggest to you that she hadn't
10:40:23 4 been acting for any person who had been arrested in
10:40:28 5 relation to Operation Kayak, do you accept that?---I have
10:40:31 6 no idea.
10:40:32 7
10:40:33 8 Well if that's the case, what do you say about that - -
10:40:39 9 -?---I have no comment on that, I have no idea.
10:40:41 10
10:40:41 11 You don't know?---No.
10:40:42 12
10:40:44 13 Can you tell the Commission why you would be meeting with a
10:40:48 14 barrister in relation to Operation Kayak prior to
10:40:53 15 arrests?---As I said there were arrests at many stages
10:40:57 16 through that operation. I can only assume it was relating
10:41:00 17 to somebody she might have been defending, I really can't
10:41:04 18 answer it. But you're telling me she wasn't defending
10:41:08 19 anyone.
10:41:08 20
10:41:09 21 That's what I'm suggesting to you?---I'm not in a position
10:41:14 22 to comment.
10:41:14 23
10:41:14 24 Do you have no recollection at all of speaking to Nicola
10:41:17 25 Gobbo?---I have no recollection of speaking to the OPP or
10:41:23 26 the meetings with the AFP tech surveillance, et cetera.
10:41:25 27
10:41:27 28 Do you have any recollection at all or any evidence to give
10:41:27 29 as to why you were having a discussion with Nicola Gobbo
10:41:31 30 regarding Operation Kayak in December 2000?---No, I cannot.
10:41:34 31
10:41:34 32 You're not able to hazard a guess at all?---No.
10:41:39 33
10:41:40 34 Was she providing you with information?---Never did.
10:41:42 35
10:41:43 36 I'm sorry?---She never did.
10:41:45 37
10:41:45 38 She never did?---No, she was not.
10:41:47 39
10:42:14 40 Commissioner, what I might do is tender the relevant
10:42:20 41 records of Mr Strawhorn rather than doing each one
10:42:26 42 individually as I go. Perhaps if I can tender them as a
10:42:30 43 batch.
10:42:31 44
10:42:31 45 COMMISSIONER: Yes. From the diary, is it?
10:42:34 46
10:42:34 47 MR WINNEKE: Yes, from the diaries and day books.

10:42:38 1
10:42:38 2 COMMISSIONER: As one exhibit?
10:42:40 3
10:42:40 4 MR WINNEKE: As one exhibit. Perhaps if I can do it this
10:42:43 5 way. If I can put up VPL.0005.0059.0001. I'm going to
10:43:10 6 tender these diaries in an unredacted form and it may well
10:43:13 7 be that they can go into - - -
10:43:18 8
10:43:18 9 COMMISSIONER: An envelope.
10:43:19 10
10:43:19 11 MR WINNEKE: As an exhibit but any exhibit which is
10:43:22 12 published will be a redacted version of the diary.
10:43:25 13
10:43:25 14 MR HOLT: A redacted version of all of this has been
10:43:28 15 provided. I think we need to just simply work out where it
10:43:30 16 is. Perhaps we can do that over the course of the morning
10:43:34 17 and it can be allocated a number.
10:43:34 18
10:43:34 19 COMMISSIONER: The same process then will be followed as
10:43:37 20 before.
10:43:37 21
10:43:38 22 MR HOLT: Thank you, Commissioner.
10:43:39 23
10:43:39 24 COMMISSIONER: I suppose if you show them to the witness
10:43:44 25 and we'll tender them in the usual way to be placed in a
10:43:48 26 sealed envelope.
27
28 MR WINNEKE: Yes.
29
10:43:49 30 COMMISSIONER: And then later today you can hand up the
10:43:51 31 redacted version which can be made available on the
10:43:57 32 website.
10:43:57 33
10:43:58 34 MR WINNEKE: Maybe if we can do it this way, if the witness
10:43:58 35 can just flick through these and he can satisfy himself
10:44:02 36 that they are in fact his diaries, we can tender them and
10:44:05 37 we can take the usual course?---Is there any particular
10:44:15 38 entries you want me to look at or just - - -
10:44:19 39
10:44:19 40 No, just flick through them.
10:44:28 41
10:44:28 42 COMMISSIONER: We just want to know that they are copies of
10:44:33 43 extracts from your diaries and day books in the period
10:44:37 44 2000, is it?
10:44:38 45
10:44:39 46 MR WINNEKE: 97 through to 2000.
10:44:41 47

10:44:42 1 COMMISSIONER: 97 to 2000?---Yes, Commissioner, I'm
10:45:19 2 satisfied with that.
10:45:20 3
10:45:21 4 #EXHIBIT RC87A - Diary and day book notes and entries.
10:45:28 5
6 COMMISSIONER: They are to be placed in a sealed envelope
7 and marked only to be opened by order of the Commissioner.
8
10:45:29 9 #EXHIBIT RC87B - Redacted version.
10:45:34 10
10:45:34 11 MR WINNEKE: I wonder if those could be handed back just
10:45:37 12 briefly. There's another document which is, I think I
10:45:52 13 showed you yesterday, Mr Strawhorn, being what's known as,
10:45:56 14 I think has been described as the Landow contact report,
10:46:02 15 notes taken of discussions with you?---Which one?
10:46:04 16
10:46:06 17 Late last night, yesterday I believe?---Which documents are
10:46:09 18 we talking about?
10:46:10 19
10:46:10 20 Documents involving discussions with Woltsche and Pattie
21 with yourself?---Yes.
22
10:46:14 23 You went through them?---Yes, I did. I did.
10:46:16 24
10:46:16 25 And satisfied yourself of the contents?---I did.
10:46:19 26
10:46:19 27 I tender those, Commissioner.
10:46:21 28
10:46:21 29
10:46:23 30 #EXHIBIT RC88 - Note of discussions with Woltsche and
10:46:24 31 Pattie.
10:46:24 32
10:46:25 33 COMMISSIONER: They were on the screen, were they?
10:46:27 34
10:46:28 35 MR WINNEKE: They weren't on the screen and I'm not too
10:46:30 36 sure whether - I've got a reference VPL.0005.0047.0225.
10:46:40 37 Perhaps if they could be put up so Mr Strawhorn - - -
10:46:43 38
10:46:43 39 MR HOLT: Can I just check this one?
10:46:55 40
10:46:55 41 COMMISSIONER: That document will be tendered as Exhibit
42 88.
10:47:00 43
10:47:00 44 WITNESS: That's p.1.
10:47:02 45
10:47:02 46 MR WINNEKE: That's the document that you went through
10:47:04 47 yesterday?---That's p.1 of it.

10:47:06 1
10:47:07 2 Flick through it so Mr Strawhorn can see the remainder of
10:47:12 3 it?---Page 2, yes.
4
10:47:17 5 Page 3?---Happy with that, yes I agree.
10:47:18 6
10:47:18 7 I tender that, Commissioner.
10:47:20 8
10:47:20 9 COMMISSIONER: Yes, Exhibit 88.
10:47:24 10
10:47:24 11 MR WINNEKE: Can I just ask you a couple of questions. You
10:47:27 12 know Mr Martin Allison I take it?---Yes.
10:47:29 13
10:47:29 14 He was a member of the Drug Squad?---He was.
10:47:32 15
10:47:32 16 A member of your team at one stage?---He was a member of my
10:47:35 17 investigating team back in the, probably late 80s, early
10:47:40 18 90s. He then transferred elsewhere and he came back in as
10:47:43 19 a Detective Sergeant. I don't know whether it was 99 or
10:47:49 20 2000.
10:47:49 21
10:47:50 22 Did you ever have any discussions with Mr Allison about any
10:47:54 23 knowledge that he had of Ms Gobbo going back to around
10:48:01 24 1995?---Certainly not that I recall.
10:48:03 25
10:48:03 26 You gave evidence yesterday that you were aware from
10:48:07 27 information that had been given to you that a particular
10:48:12 28 person who provided information to you had provided drugs
10:48:19 29 to Ms Gobbo and a person with whom she lived, right?---Yes.
10:48:25 30
10:48:25 31 You're aware of that?---Yes, I'm with you now.
10:48:28 32
10:48:28 33 Did you ever have any discussions with Mr Allison about any
10:48:33 34 knowledge that he had concerning Ms Gobbo and that other
10:48:37 35 person Wilson around that period of time, 93 to 95?---Well
10:48:43 36 the knowledge I gained from that person.
10:48:49 37
10:48:49 38 Person 1?---Person 1, thank you, sir, didn't come till late
10:48:54 39 96 or 97, so I could not have possibly had any conversation
10:48:59 40 with Mr Allison about that in 93 to 95.
10:49:02 41
10:49:02 42 What I'm asking you is in the period closer to the time
10:49:05 43 we're dealing with, 97, 98, thereabouts, would you have had
10:49:09 44 any discussions with Mr Allison about his knowledge of her
10:49:12 45 then?---I have no recollection.
10:49:14 46
10:49:14 47 No recollection, all right then. Did you know a person by

10:49:19 1 the name of Trevor Ashton, police officer?---I don't
10:49:23 2 believe I've ever met him.
10:49:24 3
10:49:24 4 Did you know a person by the name of Tim Argall, a police
10:49:28 5 officer?---I don't think I've ever met him either.
10:49:31 6
10:49:31 7 And you haven't had any discussions with - I withdraw that.
10:49:36 8 Do you recall ever having any discussions with any other
10:49:39 9 police officers about Ms Gobbo and about whether or not
10:49:45 10 she'd provided information?---No.
10:49:46 11
10:49:52 12 Yes, thanks very much.
10:49:54 13
10:49:54 14 COMMISSIONER: Yes. Any questions, Mr Holt?
10:49:59 15
10:49:59 16 MR HOLT: No questions from us, Commissioner.
10:50:02 17
10:50:03 18 MS BUTTON: Nothing Commissioner.
10:50:04 19
10:50:05 20 MS O'GORMAN: No, Commissioner.
10:50:06 21
10:50:07 22 COMMISSIONER: Any re-examination, Mr Morrissey?
10:50:08 23
10:50:09 24 MR MORRISSEY: I have no re-examination, Commissioner.
10:50:10 25
10:50:10 26 COMMISSIONER: All right then. Well, Mr Strawhorn, you're
10:50:16 27 familiar with the Terms of Reference of this inquiry?---I
10:50:19 28 am.
10:50:19 29
10:50:20 30 You know what it's about. If you remember anything further
10:50:24 31 that's relevant to the Terms of Reference would you through
10:50:28 32 your lawyer contact the Commission and make sure that - -
10:50:32 33 -?---Certainly will.
10:50:32 34
10:50:34 35 - - - that information is passed on to the Commission. In
10:50:36 36 the meantime it may well be that you are recalled
10:50:40 37 later?---I understand.
10:50:41 38
10:50:41 39 To have other documents put to you. In particular Person 4
10:50:48 40 may well give evidence or may be called before the
10:50:53 41 Commission in respect of matters that don't affect Ms Gobbo
10:50:59 42 but might affect others that the Commission will need to
10:51:04 43 investigate later in its inquiry so it may be that you'll
10:51:09 44 be recalled?---I understand.
45
10:51:09 46 In particularly in respect of that matter?---Yes.
10:51:12 47

10:51:12 1 For the time being you're excused, thank you Mr Strawhorn.
10:51:16 2
10:51:17 3 <(THE WITNESS WITHDREW)
10:51:17 4
10:51:18 5 COMMISSIONER: Thanks Mr Morrissey.
10:51:19 6
10:51:19 7 MR MORRISSEY: Thank you Commissioner.
10:51:21 8
10:51:21 9 MR HOLT: Commissioner, as we discussed briefly with the
10:51:23 10 Commission, might we have a short break just for logistical
10:51:28 11 reasons at this point?
10:51:29 12
10:51:29 13 COMMISSIONER: Yes, we'll have a short break before the
10:51:30 14 next witness. The next witness is, Mr Winneke?
10:51:31 15
10:51:32 16 MR WINNEKE: The next witness is Martin Allison.
10:51:34 17
10:51:34 18 COMMISSIONER: Yes, we'll have a short break before
10:51:36 19 Mr Allison is called.
10:53:48 20 (Short adjournment.)
11:05:30 21
11:05:32 22 MR HOLT: Commissioner, Ms Enbom will deal with the
11:05:36 23 remaining three witnesses for Victoria Police.
11:05:38 24
11:05:39 25 COMMISSIONER: Thanks Mr Holt.
11:05:40 26
11:05:41 27 MR WOODS: Commissioner, the next witness is Martin
11:05:43 28 Allison.
11:05:44 29
11:05:44 30 COMMISSIONER: Yes, thank you Mr Allison. Oath or
11:05:47 31 affirmation?---Oath.
11:05:48 32
11:05:51 33 <MARTIN THOMAS ALLISON, sworn and examined:
11:06:10 34
11:06:11 35 COMMISSIONER: Yes Ms Enbom.
11:06:12 36
11:06:13 37 MS ENBOM: Thank you, Commissioner. You can take a seat,
11:06:15 38 Mr Allison. Mr Allison, is your full name Martin Thomas
11:06:20 39 Allison?---Yes.
11:06:21 40
11:06:21 41 What is your business address?---Northwest Metro Region,
11:06:25 42 Division 2, Westgate.
11:06:27 43
11:06:27 44 And are you a serving member of Victoria Police holding the
11:06:30 45 rank of Commander?---No, I am a serving member of Victoria
11:06:35 46 Police. My rank is Inspector.
11:06:37 47

11:06:37 1 Thank you. Have you prepared a witness statement for this
11:06:39 2 Royal Commission?---I have.
11:06:40 3
11:06:40 4 Do you have a copy with you in the witness box?---Yes, I
11:06:43 5 do.
11:06:44 6
11:06:44 7 To the best of your knowledge is that statement an accurate
11:06:47 8 statement?---Yes, it is.
11:06:48 9
11:06:48 10 Commissioner, I tender that statement as the
11:06:51 11 evidence-in-chief of this witness.
11:06:53 12
11:06:53 13 COMMISSIONER: Thank you.
11:06:54 14
11:06:55 15 #EXHIBIT RC89 - Inspector Allison's statement.
11:07:02 16
11:07:03 17 <CROSS-EXAMINED BY MR WOODS:
11:07:03 18
11:07:07 19 Mr Allison, you are currently the local area commander of
11:07:12 20 Wyndham, is that correct?---That is correct.
11:07:14 21
11:07:14 22 And you've had that role since 2017?---That's correct.
11:07:19 23
11:07:21 24 Going back to your early days within the police you
11:07:25 25 completed high school in 79 and you entered the cadets the
11:07:30 26 following year in 1980?---Yes.
11:07:31 27
11:07:31 28 The positions that you've held since that date within
11:07:34 29 Victoria Police are those listed at paragraphs 6 and 8 of
11:07:40 30 your statement, is that correct?---Yes, it is.
11:07:42 31
11:07:42 32 The questions that I have for you focus on two periods of
11:07:45 33 time, the first is the period of 94/95 and the second is
11:07:51 34 your time with the Drug Squad in the early 2000s, do you
11:07:56 35 understand that?---Yes.
11:07:56 36
11:07:57 37 Starting with that first period of time, you were a member
11:08:00 38 of the I District Support Group, is that correct?---Yes.
11:08:06 39
11:08:06 40 You'd come from Moonee Ponds uniform at that stage, in
11:08:12 41 about 93 you were in Moonee Ponds, is that right?---That's
11:08:17 42 correct.
11:08:17 43
11:08:17 44 You spent about a year there in that position before you
11:08:21 45 took a temporary assignment as I understand it to the I
11:08:25 46 District Support Group?---That's correct.
11:08:27 47

11:08:27 1 Can you assist the Commission by explaining what the I
11:08:31 2 District Support Group was?---It was a group of uniform
11:08:33 3 police that were temporarily assigned to a plain clothes
11:08:38 4 group within a district. A district would be the
11:08:44 5 equivalent of what we now call regions. The district in
11:08:49 6 those days, I district consisted of suburbs like
11:08:54 7 Broadmeadows, Cragieburn, Glenroy, Essendon, Moonee Ponds,
11:08:58 8 Flemington, Brunswick, Fawkner, that type of area. And the
11:09:05 9 District Support Group consisted of assignments from those
11:09:11 10 of Sergeants, which was at my level, along with other
11:09:15 11 Constables and Senior Constables from those different
11:09:20 12 police stations that I've just mentioned.

11:09:21 13
11:09:21 14 What sort of roles did the I District Support Group carry
11:09:25 15 out?---The District Support Group would perform a number of
11:09:31 16 roles, would be used primarily as resources for those that
11:09:39 17 fell outside the uniform ambit but fell short of what in
11:09:45 18 those days was called the CI, criminal investigation
11:09:50 19 branches. But predominantly our work was drug-related.

11:09:54 20
11:09:54 21 I see, all right. And how would you generally receive the
11:09:58 22 information on which you acted, just in a general
11:10:01 23 sense?---So the information that we would receive would
11:10:04 24 come from - predominantly would come from Crime Stoppers,
11:10:09 25 so anonymous people. Members of the community would ring
11:10:13 26 Crime Stoppers with snippets of information, we would
11:10:17 27 investigate those, that information, determine the validity
11:10:22 28 or otherwise of the information. If it was sufficient to
11:10:27 29 warrant or to seek a search warrant we would then compile
11:10:32 30 an affidavit and execute the search warrant.

11:10:34 31
11:10:34 32 I see. Can you recall who the senior officers within that
11:10:37 33 team were in the 94/95 period?---Yes, so I reported to a
11:10:42 34 Senior Sergeant, his name was Rick Tonkin, and there was
11:10:47 35 three, maybe four crews of, each headed by a team leader
11:10:53 36 being a Sergeant which was at my level and the Constables
11:10:56 37 and Senior Constables would consist of three, four,
11:10:59 38 sometimes five in each crew.

11:11:01 39
11:11:02 40 You were mentioning the execution of warrants a moment ago.
11:11:05 41 I want to focus on the execution of a warrant at Ms Gobbo's
11:11:10 42 premises and your recollection is that was some time in 94
11:11:14 43 or perhaps 95, is that correct?---Yes.

11:11:17 44
11:11:17 45 All right. And whilst you don't remember the precise
11:11:21 46 address the Commission's got information that indicates
11:11:23 47 that that property was 250 Rathdowne Street. You don't

11:11:27 1 disagree with that if that's - - - ?---No, my recollection
11:11:31 2 it was on Rathdowne north of Elgin Street, I can't remember
11:11:35 3 the number.

11:11:35 4
11:11:37 5 How is it you place the execution of that warrant in
11:11:42 6 time?---Because I'd recently only moved over to the I
11:11:47 7 District Support Group from Moonee Ponds and I recall being
11:11:54 8 contacted by a female police officer from Moonee Ponds with
11:11:58 9 information relating to that address and I just recall it
11:12:03 10 because it was not long after I had arrived.

11:12:06 11
11:12:06 12 All right. And do you know how it was that that police
11:12:10 13 officer came to obtain the information about that
11:12:14 14 address?---Yes. My recollection is that that female police
11:12:18 15 officer had recently transferred from Russell Street police
11:12:20 16 station, in fact had performed a temporary assignment at
11:12:29 17 the Russell Street District Support Group, or what was then
11:12:30 18 called the A District Support Group.

11:12:30 19
11:12:33 20 Yes?---And brought some information. So she received that
11:12:35 21 information while she was working in the CBD of Melbourne
11:12:38 22 and brought that information with her to Moonee Ponds.

11:12:42 23
11:12:43 24 Do you know who she had obtained that information from when
11:12:46 25 she was at Russell Street?---I don't recall.

11:12:48 26
11:12:48 27 You don't remember whether it was Crime Stoppers or someone
11:12:51 28 else?---I'm pretty certain it wasn't Crime Stoppers. She
11:12:54 29 obtained that information from other sources that I can't
11:12:58 30 recall.

11:12:58 31
11:12:58 32 And her name was Constable Sue Wilson, is that
11:13:02 33 correct?---Yes, I think it is.

11:13:03 34
11:13:03 35 In any event was there surveillance carried out prior to
11:13:09 36 the execution of the warrant?---No physical surveillance,
11:13:13 37 no.

11:13:13 38
11:13:14 39 What was the information that you recall upon which the
11:13:19 40 warrant was obtained?---That it related to that the
11:13:23 41 occupants of the address were trafficking in drugs of
11:13:27 42 dependance.

11:13:27 43
11:13:28 44 You say occupants in plural, why is that?---I'm probably
11:13:33 45 saying occupants plural because I now know that there was
11:13:37 46 two people living there. I can't recall whether the
11:13:39 47 information related to one or more.

11:13:41 1
11:13:42 2 So the warrant was obtained and you were the team leader
11:13:46 3 for the execution of that warrant, is that correct?---Yes.
11:13:49 4
11:13:51 5 Sergeant Paul Russell was also involved in the execution of
11:13:54 6 that warrant, is that correct?---Yes.
11:13:56 7
11:13:56 8 Do you remember any of the other people, the other police
11:13:59 9 members who were involved in the execution of that
11:14:02 10 warrant?---Not specifically but I do recall that Russell,
11:14:07 11 Paul Russell was on the team at the time along with another
11:14:14 12 gentleman called Moussa, I can't remember his Christian
11:14:20 13 name, and another female whose name I can't recall.
11:14:25 14
11:14:25 15 Was Constable Sue Wilson involved in the execution of the
11:14:28 16 warrant or just the obtaining of the information?---I don't
11:14:31 17 think so, I can't recall.
11:14:33 18
11:14:33 19 Doing the best you can how many police members were
11:14:37 20 involved in the execution of the warrant?---Generally we'd
11:14:40 21 go there with four or five.
11:14:41 22
11:14:41 23 Do you remember how entry was obtained on this
11:14:44 24 occasion?---No, I don't.
11:14:45 25
11:14:46 26 Do you remember who was at the premises?---Can I just stop
11:14:49 27 you there, sorry.
11:14:49 28
11:14:50 29 Go ahead?---Most of our entries were peaceful so we never
11:14:54 30 really forced entry. In fact if I now think back I don't
11:14:59 31 recall we ever forced and entry while I was at DSG, or the
11:15:08 32 District Support Group.
11:15:08 33
11:15:09 34 Do you recall whether there were any occupants at the
11:15:12 35 premises upon entry to it?---Yes, there was, there were an
11:15:16 36 occupant or occupants, yes.
11:15:18 37
11:15:19 38 Male or female?---Look, I don't remember specifically who
11:15:22 39 was there.
11:15:23 40
11:15:24 41 Do you remember the number of occupants?---No, I don't.
11:15:27 42
11:15:27 43 Do you remember a person called Brian Wilson being
11:15:30 44 present?---That name is familiar and I've since learnt that
11:15:32 45 that was the occupant that eventually was charged.
11:15:36 46
11:15:36 47 All right?---But I couldn't recall that name during the

11:15:42 1 compiling of this statement.
11:15:43 2
11:15:44 3 I see. What about Nicola Gobbo, was she present when the
11:15:47 4 warrant was executed?---Look initially I thought that she
11:15:51 5 was present but then now I'm uncertain but I do
11:15:54 6 specifically recall having a conversation with Ms Gobbo
11:15:59 7 either at the scene or later on on a telephone, but I do
11:16:04 8 recall having a conversation with her.
11:16:05 9
11:16:06 10 Just doing the best you can to place it in time, you say it
11:16:08 11 was either at the scene or perhaps later on on the
11:16:11 12 telephone. Was it around the time or was it on the same
11:16:14 13 day as the execution of the warrant?---Look it was in close
11:16:17 14 proximity. By that I mean it was either on the day or the
11:16:21 15 following day, maybe the day after that but no more than
11:16:24 16 that.
11:16:24 17
11:16:25 18 Just going back a slight step. When the warrant was
11:16:30 19 obtained and executed were you aware at that time that a
11:16:34 20 warrant had previously been executed on the premises in
11:16:37 21 1993?---Um, I would have been because we - I don't
11:16:42 22 specifically recall but I would have known that there would
11:16:47 23 have been, yeah.
11:16:47 24
11:16:48 25 That's the sort of information that you would be, would
11:16:50 26 have when you were getting the next warrant?---Yes.
11:16:53 27
11:16:53 28 And I assume then that if the warrant involved charges
11:16:57 29 against Ms Gobbo, the 1993, sorry, execution of a warrant,
11:17:02 30 3 September 93 it was, if it involved charges being brought
11:17:08 31 against Ms Gobbo and Mr Wilson that's something else you
11:17:11 32 would have known in 1995 when you executed that
11:17:14 33 warrant?---Most certainly.
11:17:15 34
11:17:17 35 All right. As you sit there now are you aware that in
11:17:25 36 November 93, or following the 93 execution of a warrant at
11:17:31 37 least, that Ms Gobbo had pleaded guilty to possession and
11:17:34 38 use of amphetamine and cannabis?---Yeah, I know that now,
11:17:37 39 yes.
11:17:37 40
11:17:37 41 You would have known that at the time I assume as
11:17:40 42 well?---Yeah, yes.
11:17:41 43
11:17:45 44 You're not, you don't recall, and that's understandable
11:17:49 45 over the time, the date of the execution of the warrant but
11:17:52 46 if I told you the Commission has information it indicates
11:17:55 47 it was - this is the 95 search, it was executed on 4 April

11:18:00 1 95, you're not in a position to disagree with that?---No.
11:18:04 2 I arrived in the November of 94 or thereabouts so, yeah,
11:18:08 3 that would be consistent with what I remember.
11:18:11 4
11:18:16 5 And just touching again on the information that Constable
11:18:22 6 Sue Wilson had provided, and you've been talking about the
11:18:24 7 focus of the I District Support Group being on drug-related
11:18:29 8 matters. Is it correct to say that the information was
11:18:32 9 that there was trafficking occurring at the premises in
11:18:36 10 1995 and that was the basis of the execution of the
11:18:39 11 warrant?---Yes.
11:18:40 12
11:18:42 13 Just going back to the conversation that you had with
11:18:45 14 Ms Gobbo and you've said it was closely approximate, you
11:18:49 15 can't remember whether it was at the premises at the time
11:18:52 16 or perhaps on the phone shortly afterwards?---(Witness
11:18:56 17 nods.)
11:18:56 18
11:18:57 19 You have an independent recollection of parts of that
11:19:01 20 conversation and you've set out those in your statement, is
11:19:04 21 that correct?---Yes.
11:19:05 22
11:19:07 23 During that conversation Ms Gobbo accepted that she was an
11:19:13 24 occupant of the house?---Yes.
11:19:15 25
11:19:16 26 And she told you that she was a law student at Melbourne
11:19:19 27 University?---She did.
11:19:19 28
11:19:21 29 She told you that she was the niece of a serving justice of
11:19:25 30 the Supreme Court of Victoria?---She did.
11:19:27 31
11:19:28 32 And she told you that she was concerned that a criminal
11:19:31 33 conviction would prevent her from practising as a
11:19:34 34 solicitor?---That's correct.
11:19:35 35
11:19:36 36 So can I suggest to you that on the basis of that final
11:19:40 37 point there was a real prospect that she was going to be
11:19:43 38 charged as a result of this 1995 warrant?---Commissioner,
11:19:49 39 that didn't really influence whether she was charged or
11:19:52 40 not.
11:19:52 41
11:19:54 42 COMMISSIONER: No, no, we're just really interested to know
11:19:55 43 whether there was this conversation?---She thought she was
11:20:00 44 in jeopardy of being charged, that's fair.
11:20:04 45
11:20:04 46 MR WOODS: All right. The Commission's heard some evidence
11:20:10 47 regarding the previous warrant in September 93 as to

11:20:16 1 Ms Gobbo's demeanour and attitude towards the police during
11:20:21 2 the execution of that warrant. Are you able to assist the
11:20:25 3 Commission as to the way she was addressing you and your
11:20:28 4 observations about her attitude towards this warrant and
11:20:31 5 the potential charges?--Um, my recollection is she was
11:20:36 6 quite anxious about whether or not she would be charged,
11:20:40 7 because having already received a good behaviour bond the
11:20:48 8 court may seem unlikely to provide her with another good
11:20:52 9 behaviour bond again.

11:20:54 10
11:20:54 11 I see.

11:20:58 12
11:20:59 13 COMMISSIONER: Did she mention the previous charge to
11:21:01 14 you?--I don't recall, Commissioner, whether she did or not
11:21:05 15 but, you know, when I reflect back she was quite anxious
11:21:09 16 about it.

11:21:09 17
11:21:10 18 Did you understand that she had provided the information to
11:21:12 19 Constable Wilson?--No, I didn't know that at all.

11:21:17 20
11:21:17 21 When you went to the house?--No.

11:21:20 22
11:21:22 23 MR WOODS: And in your conversation with Ms Gobbo which was
11:21:26 24 either at or following the execution of this warrant, did
11:21:30 25 she provide you with any information in relation to
11:21:33 26 Mr Wilson and what was going on at the premises prior to
11:21:38 27 the execution of the warrant to assist in his
11:21:40 28 prosecution?--No.

11:21:41 29
11:21:42 30 Did you ask her for any such information?--No.

11:21:44 31
11:21:45 32 Did any other officers who were present or involved in the
11:21:51 33 1995 execution of a warrant ask Ms Gobbo for information to
11:21:54 34 your knowledge?--Not to my knowledge.

11:21:56 35
11:21:57 36 Were you aware or did you have any contact with Ms Gobbo
11:22:02 37 not talking about 2000 just yet but in the months following
11:22:05 38 the execution of that warrant, did you have any contact
11:22:08 39 with Ms Gobbo?--No.

11:22:09 40
11:22:10 41 Were you aware in July 95, two months after the warrant,
11:22:13 42 that Trevor Ashton and Tim Argall registered Ms Gobbo as a
11:22:18 43 human source?--No.

11:22:19 44
11:22:19 45 Do you recall whether any of those two individuals were
11:22:23 46 present at the execution of the warrant in 1995?--I can
11:22:28 47 categorically tell the Commission that neither of those two

11:22:31 1 gentleman were present.
11:22:32 2
11:22:32 3 Are you able to say whether or not the information obtained
11:22:36 4 during the search warrant was passed on to Trevor Ashton or
11:22:40 5 Tim Argall following the execution of the warrant?---Not
11:22:44 6 that I'm aware of.
11:22:45 7
11:22:48 8 I now want to ask you some questions about your time at the
11:22:52 9 Drug Squad.
11:22:53 10
11:22:53 11 COMMISSIONER: Just before we go on to that topic. Can I
11:22:56 12 ask you, you said she was anxious. Was she cooperative
11:22:59 13 with you?---Yes.
11:23:00 14
11:23:00 15 She was cooperative but she didn't assist you in finding
11:23:04 16 the drugs?---Certainly she denied, you know, possession of
11:23:09 17 the drugs, which was the reason why she wasn't charged. We
11:23:15 18 had the male occupant of the address who was making some
11:23:19 19 admissions to owning the drugs and Ms Gobbo telling us that
11:23:24 20 she had, denied all knowledge that they were even there.
11:23:28 21 So on that basis she wasn't charged.
11:23:31 22
11:23:31 23 And she was anxious, was she tearful, do you
11:23:35 24 remember?---Not - no, not that I - no.
11:23:38 25
11:23:39 26 Thanks, Mr Woods.
11:23:40 27
11:23:40 28 MR WOODS: Thank you, Commissioner. You were first
11:23:44 29 temporarily assigned to the Drug Squad in October of 2000,
11:23:47 30 is that right?---Yes.
11:23:48 31
11:23:49 32 And that was, from my understanding of the chronology, just
11:23:56 33 prior to a pretty tumultuous time for the Drug Squad, is
11:24:01 34 that correct?---Yes.
11:24:02 35
11:24:04 36 Mr Strawhorn was leading your team, is that correct, when
11:24:09 37 you arrived there or what was his position in relation to
11:24:13 38 you?---So Mr Strawhorn was managing the entire Task Force
11:24:20 39 Kayak of which there were two teams.
40
11:24:23 41 Yes?---And I led one of those, I was assigned to lead one
11:24:27 42 of those two teams.
11:24:29 43
11:24:29 44 And early on in the piece did you understand that Ms Gobbo
11:24:34 45 was having interactions with members of the Drug
11:24:38 46 Squad?---No.
11:24:38 47

11:24:38 1 Did you know that she was having interactions with
11:24:42 2 Mr Strawhorn?---No.
11:24:43 3
11:24:46 4 And it's the case, isn't it, that you'd previously worked
11:24:49 5 under Mr Strawhorn in the late 1980s?---Yes.
11:24:53 6
11:24:53 7 In what role was that?---Strawhorn was a Detective Sergeant
11:24:56 8 in the late 1980s and I was a Senior Constable, a Detective
11:25:03 9 Senior Constable working with him as the team leader. He
11:25:06 10 was the team leader.
11:25:07 11
11:25:08 12 So of the teams that were managing Task Force Kayak, you
11:25:14 13 led one of those teams, is that right?---That's correct.
11:25:17 14
11:25:18 15 And you reported in that role to Mr Strawhorn?---That's
11:25:20 16 correct.
11:25:20 17
11:25:22 18 And the Task Force Kayak eventually led to charges against
11:25:27 19 Tony Mokbel, Lewis Moran, Carl Williams and Mr McCulloch,
11:25:34 20 is that correct?---And a number of others but they were the
11:25:37 21 main targets, yes, that's correct.
11:25:39 22
11:25:39 23 You're aware that Ms Gobbo represented Tony Mokbel, Lewis
11:25:43 24 Moran and Carl Williams at various times?---Yes.
11:25:47 25
11:25:48 26 You record an observation that you had that Ms Gobbo was
11:25:52 27 particularly closely associated with Mr Mokbel, is that
11:25:56 28 right?---Yes.
11:25:56 29
11:25:57 30 Can you elaborate on that for the Commissioner?---Ms Gobbo
11:26:01 31 seemed to have a relationship with Mokbel that was outside
11:26:06 32 the normal lawyer/client relationship.
11:26:09 33
11:26:10 34 Where did you observe this and when did you observe it?---I
11:26:13 35 can't - I never observed it but I received information, and
11:26:17 36 I'm not sure where I got it from, or where it come from,
11:26:22 37 that the relationship extended beyond business hours and
11:26:25 38 they would regularly meet at various places in Melbourne,
11:26:31 39 mostly in the early hours of the morning, late evening,
11:26:37 40 which led me to believe that the people that she associated
11:26:42 41 with back in 95, nothing much had changed.
11:26:48 42
11:26:48 43 All right. So you heard this from other police members but
11:26:53 44 didn't observe it yourself, is that right?---Yes.
11:26:56 45
11:26:57 46 Now, did you discuss those observations with
11:27:02 47 Mr Strawhorn?---Um, I don't directly recall but I would be,

11:27:06 1 I would say I would have discussed it not only with
11:27:10 2 Strawhorn but also members of the team that I was working
11:27:13 3 with.
11:27:13 4
11:27:13 5 And are we talking about the 2000, 2001 period here or can
11:27:18 6 you place it in time?---2001, 2002, yeah, somewhere around
11:27:25 7 there.
11:27:26 8
11:27:26 9 And they're observations you made about Ms Gobbo's
11:27:31 10 relationship with Tony Mokbel. What about observations you
11:27:35 11 made as to her relationship with other police
11:27:38 12 members?---Yeah, I wasn't aware that she had a relationship
11:27:41 13 with other police members. There may have been - I vaguely
11:27:48 14 recall as I was answering your question that there may have
11:27:51 15 been rumours around a relationship that Ms Gobbo may have
11:27:55 16 had with Paul Dale back in those times.
11:28:00 17
11:28:01 18 And it's a vague recollection?---Yeah.
11:28:03 19
11:28:04 20 But do you remember that information coming to you at that
11:28:07 21 time or at some time later?---No, at that time.
11:28:09 22
11:28:11 23 All right?---I mean I was aware that Ms Gobbo was
11:28:16 24 ingratiating herself with police.
11:28:20 25
11:28:20 26 Is that something that you observed?---To be frank,
11:28:27 27 Commissioner, I never put myself in a position where I
11:28:29 28 spent too much time in the same place as Ms Gobbo.
11:28:33 29
11:28:33 30 I understand.
11:28:33 31
11:28:33 32 COMMISSIONER: That's true, but the question was was it
11:28:35 33 something you observed?---No, I haven't, no.
11:28:37 34
11:28:38 35 Thank you.
11:28:38 36
11:28:39 37 MR WOODS: The Commission has heard evidence from others
11:28:41 38 that there were members who warmed to Ms Gobbo and Ms Gobbo
11:28:47 39 would warm to them and there were members who didn't warm
11:28:52 40 to Ms Gobbo and Ms Gobbo would really have nothing at all
11:28:56 41 to do with them. Was that your recollection of something
11:28:59 42 you observed?---Yes, I was in the latter group.
11:29:02 43
11:29:04 44 You might have already said this but I'll ask. You're
11:29:08 45 aware that Ms Gobbo was acting for Mr Mokbel from 2002 in
11:29:12 46 relation to the Kayak charges?---Yeah, I can't remember the
11:29:16 47 exact dates or even the year but she did act for him for a

11:29:19 1 considerable period, yes.
11:29:20 2
11:29:22 3 And there's evidence, I won't ask for it to come up on the
11:29:30 4 screen, it's not a document that's your document, but
11:29:32 5 there's evidence that the Commission has only just heard
11:29:35 6 this morning about Mr Strawhorn meeting Ms Gobbo on 11
11:29:39 7 December 2000 regarding Operation Kayak. Now, I'm not
11:29:44 8 asking you to accept or reject that, it's simply something
11:29:47 9 that's recorded in his diary. That's 11 December 2000.
11:29:54 10 You agree that the charges against Mr Mokbel only were laid
11:30:01 11 on 24 August 2001, do you accept that date?---Yes.
11:30:05 12
11:30:07 13 So the meeting inevitably was prior to the charges being
11:30:13 14 laid against Tony Mokbel, the meeting between Strawhorn and
11:30:17 15 Gobbo, do you accept that?---Yes.
11:30:19 16
11:30:20 17 Can I suggest that, this isn't something you're involved in
11:30:25 18 but I'd like your observation about it because it might
11:30:28 19 assist the Commissioner, it's a highly unusual situation
11:30:32 20 for a defence barrister to be meeting with a senior Drug
11:30:35 21 Squad operative about an operation for which charges had
11:30:38 22 not yet been laid, do you agree with that?---Yes, I would.
11:30:42 23
11:30:43 24 And it's even more unusual, I'd suggest, that later on
11:30:48 25 Ms Gobbo was representing Mr Mokbel in relation to charges
11:30:51 26 that came out of that precise Task Force, do you agree with
11:30:57 27 that?---Yes.
11:30:58 28
11:30:59 29 Can you provide the Commission with any observations that
11:31:04 30 you made in relation to Mr Strawhorn and Ms Gobbo's
11:31:09 31 relationship during this 2000/2001 period? Did you see
11:31:15 32 them together?---No.
11:31:17 33
11:31:18 34 Were you aware of them communicating with each other?---No.
11:31:21 35
11:31:22 36 As you sit here now are you aware that those communications
11:31:26 37 were happening during that period, other than the one I've
11:31:29 38 just pointed out to you, that they were happening between
11:31:31 39 Mr Strawhorn and Ms Gobbo through this period?---Yes, I'm
11:31:36 40 now aware that they were communicating.
11:31:37 41
11:31:37 42 Is that unusual in your experience, given their respective
11:31:42 43 positions?---I think it's unusual that they were having a
11:31:45 44 meeting in December of 2000. The subsequent meetings that
11:31:48 45 they may have had, that I'm aware of, having read
11:31:55 46 Strawhorn's statement I think he details meetings with her
11:31:59 47 in 2001 or 2, or maybe even 99, yeah. The only unusualness

11:32:08 1 I'd find about that is meeting with Ms Gobbo in December of
11:32:13 2 2000 relating to Tony Mokbel because that was at the peak
11:32:17 3 of the investigation.
11:32:18 4
11:32:18 5 Yes?---That was, that was when things were really moving
11:32:23 6 quickly and, and evidence gathering was gathering, was
11:32:29 7 reaching its peak of momentum.
11:32:32 8
11:32:32 9 And you were aware of discussions between Strawhorn and
11:32:36 10 Gobbo at that time or not?---No.
11:32:38 11
11:32:39 12 They're all the questions I have, thank you, Commissioner.
11:32:47 13
11:32:48 14 COMMISSIONER: Did you ever see police officer Pope with
11:32:51 15 Ms Gobbo?---Assistant Commissioner Pope?
11:32:56 16
11:32:56 17 Yes?---No, Commissioner.
18
19 Thank you. Yes, Mr Nathwani.
11:32:58 20
21 <CROSS-EXAMINED BY MR NATHWANI:
22
11:32:59 23 Mr Allison, can I ask you some questions in relation to
11:33:01 24 Operation Kayak, you detailed some of the main targets of
11:33:04 25 the operation. Is it fair to say the wider Mokbel family
11:33:09 26 was in the firing line as far as Operation Kayak was
11:33:13 27 concerned?---The main target was Tony Mokbel and anyone
11:33:16 28 that fell within that sphere of investigation became a
11:33:20 29 target, yes, and, yes, some of the members of his family
11:33:24 30 were involved in it.
11:33:26 31
11:33:26 32 As an example, I'm just going to give you some names, one
11:33:30 33 Horthy Mokbel was someone who was known to you, Operation
11:33:36 34 Kayak at the time, so early 2000 or mid-2000?---Yes.
11:33:40 35
11:33:41 36 There's no surprise or you can accept from me at the time
11:33:45 37 she met Strawhorn, 11 December 2000, she was instructed at
11:33:49 38 the time to represent Horthy Mokbel in relation to another
11:33:53 39 case, it looks like another drugs case, and then after the
11:33:57 40 meeting he subsequently appears to be charged with more
11:34:01 41 County Court matters. Was he charged as part of Operation
11:34:06 42 Kayak as far as you were concerned?---No.
11:34:08 43
11:34:08 44 How about Milad Mokbel, she was also instructed to
11:34:12 45 represent him at certain times. Was he another person who
11:34:16 46 was within the scope of Operation Kayak?---Possibly. I
11:34:22 47 can't recall.

11:34:23 1
11:34:23 2 Danielle Maguire said to be the partner I think of
11:34:29 3 Mr Mokbel?---Danielle Maguire I think came within Operation
11:34:37 4 Veer which was prior to my arrival. She wasn't charged out
11:34:40 5 of Kayak.
11:34:45 6
11:34:46 7 You've obviously read Mr Strawhorn's statement as you've
11:34:50 8 indicated and you can comment I guess as an officer dealing
11:34:54 9 in the Drug Squad with those providing information. It
11:34:57 10 wasn't unheard of for accused who were to be sentenced
11:35:02 11 having pleaded guilty to an offence to seek assistance from
11:35:06 12 the police if they assisted the police?---Um, no, no, it
11:35:13 13 was a, it was a technique that investigators were
11:35:19 14 encouraged to carry out for those criminals who may be in
11:35:22 15 jeopardy of gaol time.
11:35:24 16
11:35:24 17 And, of course, I assume that in relation to that, a
11:35:30 18 positive technique would be police officers at the time, as
11:35:34 19 you were saying, speaking to those individuals or even
11:35:38 20 their counsel with a view to see whether they'd be
11:35:42 21 interested in assisting an investigation, is that
11:35:45 22 right?---Sorry, the accused people?
11:35:47 23
11:35:47 24 Yes, exactly?---Yes.
11:35:48 25
11:35:49 26 Thank you very much?---You're welcome.
11:35:53 27
11:35:54 28 COMMISSIONER: Any questions?
11:35:54 29
11:35:55 30 MS BUTTON: No cross-examination.
11:35:56 31
11:35:57 32 MS O'GORMAN: No questions.
11:35:57 33
11:35:57 34 COMMISSIONER: Any re-examination?
11:36:00 35
11:36:00 36 MS ENBOM: I have no re-examination.
11:36:01 37
11:36:01 38 COMMISSIONER: Thanks Mr Allison, you're free to
11:36:03 39 go?---Thank you, Commissioner.
11:36:06 40
41 (Witness excused.)
42
11:36:07 43 <(THE WITNESS WITHDREW)
11:36:07 44
11:36:07 45 MR WINNEKE: Commissioner, we've got a witness by the name
11:36:09 46 of Steven Martin, I'm not sure whether he's available or
11:36:15 47 not. Just excuse me. I understand, Commissioner, and

11:36:25 1 Ms Tittensor is going to take the witness, I understand
11:36:28 2 there's a video link which is going to be utilised for that
11:36:32 3 witness. I'm not too sure at this stage whether it is
11:36:35 4 available. Perhaps if we could stand down.
11:36:38 5
11:36:38 6 COMMISSIONER: Can I just mention it seems very late notice
11:36:40 7 was given of this, that it was video-linked.
11:36:45 8
11:36:45 9 MR WINNEKE: I'm not too sure about that. I think
11:36:48 10 yesterday we were given notice of it, Commissioner.
11:36:50 11
11:36:51 12 COMMISSIONER: It mustn't have filtered through to the
11:36:53 13 administrative people in the Commission who are responsible
11:36:57 14 for that, that a video link is going to be needed so I'm
11:37:01 15 not sure whether it's going to be possible but anyway,
11:37:02 16 we'll find out.
17
18 MR WINNEKE: Yes.
19
20 COMMISSIONER: A short adjournment?
21
11:37:04 22 MR WINNEKE: Yes, thanks very much, Commissioner.
11:37:04 23
11:37:05 24 MR NATHWANI: I'm sorry, Commissioner, can we ask for a
11:37:08 25 copy of the statement? I know we sound like a broken
11:37:11 26 record but another witness is going to be called and we
11:37:15 27 have no idea of what they're likely to say.
11:37:18 28
11:37:19 29 COMMISSIONER: Yes, that is unsatisfactory. I'm hoping
11:37:20 30 we're going to be able to improve the provision of these
11:37:24 31 statements from Victoria Police to the Commission.
11:37:27 32
11:37:27 33 MR NATHWANI: I understand.
11:37:27 34
11:37:28 35 COMMISSIONER: And to interested parties so that it is
11:37:31 36 provided in a more timely manner but everything is
11:37:34 37 happening at reasonably short notice. I had hoped that
11:37:38 38 over, there were a couple of weeks before these hearings, I
11:37:42 39 had hoped that things would run more smoothly, but it still
11:37:46 40 seems that witness material is being provided at the last
11:37:49 41 minute. I know everyone is under the pump, but we'll have
11:37:53 42 to see if it can be streamlined. Can Mr Nathwani be given
11:38:01 43 a copy either by the Commission or by the police of the
11:38:05 44 next witness's statement?
11:38:06 45
11:38:07 46 MR NATHWANI: And of any other witnesses. We have
11:38:12 47 Mr Nottman's but beyond that anyone else who is likely to

11:38:15 1 be called would help.
11:38:15 2
11:38:15 3 COMMISSIONER: Yes. Who else is to be called today?
11:38:17 4
11:38:18 5 MR WINNEKE: Commissioner, there's a police officer by the
11:38:20 6 name of Nottman who will be called. I believe it will be
11:38:30 7 Nottman and Martin, Commissioner.
11:38:33 8
11:38:33 9 COMMISSIONER: All right, so can we give Mr Collinson and
11:38:36 10 Mr Nathwani a copy of - - -
11:38:38 11
11:38:39 12 MR WINNEKE: Yes, certainly.
11:38:40 13
11:38:40 14 COMMISSIONER: Of Mr Martin's statement.
11:38:43 15
11:38:43 16 MR WINNEKE: Yes.
11:38:43 17
11:38:43 18 COMMISSIONER: Thank you. All right, we'll have an
11:38:45 19 adjournment until we find out what's going on.
11:39:10 20
11:39:11 21 (Short adjournment.)
11:39:11 22
12:05:25 23 COMMISSIONER: Yes, Ms Tittensor.
12:05:26 24
12:05:26 25 MS TITTENSOR: Thanks, Commissioner. We have Steven Martin
12:05:29 26 on the screen video linking from Queensland.
12:05:31 27
12:05:31 28 COMMISSIONER: Thank you Mr Martin. Mr Martin, can you
12:05:34 29 hear me?---Yes, I can ma'am, thank you.
12:05:39 30
12:05:39 31 Let me know if at any time you're having difficulty hearing
12:05:43 32 or seeing and we'll see if - - - ?---No problems at all.
12:05:45 33 You can hear me okay?
12:05:46 34
12:05:46 35 Yes, yes, but let me know if there's any change in that. I
12:05:50 36 understand your preference is to take the oath?---Yes, it
12:05:52 37 is.
12:05:52 38
12:05:52 39 Thank you. If you could hold the Bible and take the oath,
12:05:56 40 thank you.
12:05:57 41
12:05:58 42 <STEVEN ARBON MARTIN, sworn and examined:
12:06:24 43
12:06:24 44 COMMISSIONER: Yes Ms Tittensor.
12:06:26 45
12:06:27 46 MS TITTENSOR: I'll let Ms Enbom take the witness.
12:06:30 47

12:06:30 1 COMMISSIONER: Ms Enbom, I'm sorry.
12:06:33 2
12:06:33 3 MS ENBOM: Mr Martin, could you please tell the
12:06:36 4 Commissioner your full name and your business
12:06:40 5 address?---Steven Arbon Martin and I work for the
12:06:43 6 Queensland government.
12:06:43 7
12:06:43 8 Are you a principal investigations officer for the
12:06:47 9 Queensland government?---Yes, that's correct.
12:06:49 10
12:06:51 11 Have you prepared a statement for this Royal
12:06:54 12 Commission?---Yes, I have.
12:06:55 13
12:06:56 14 Is that what you have in front of you now?---Yes, I have
12:07:01 15 that in front of me dated 29 April 2019 and signed.
12:07:05 16
12:07:05 17 Thank you Mr Martin. To the best of your knowledge is that
12:07:08 18 an accurate statement?---To the best of my knowledge, yes.
12:07:12 19
12:07:12 20 I'll now tender that statement.
12:07:18 21
12:07:18 22 #EXHIBIT RC90 - Statement of Steven Martin.
12:07:24 23
12:07:24 24 MS ENBOM: That's the evidence-in-chief, Commissioner.
12:07:26 25
12:07:26 26 COMMISSIONER: Thank you. Yes, Ms Tittensor.
27
28 <CROSS-EXAMINED BY MS TITTENSOR:
29
12:07:30 30 Mr Martin, I'm not going to take you through your statement
12:07:33 31 verbatim I just have some other questions for you. I'll
12:07:37 32 just go first to your employment history?---Yes.
12:07:39 33
12:07:39 34 You entered the Academy in 1980; is that right?---Yes,
12:07:43 35 that's correct.
12:07:43 36
12:07:46 37 You were a first time detective by about 1985?---That's
12:07:50 38 correct, yes.
12:07:51 39
12:07:52 40 1987 in the Licence Gaming and Vice Squad and then to the
12:07:57 41 Drug Squad in 1991?---91 to 98, yes, that's correct.
12:08:03 42
12:08:03 43 Can you recall at what stage in 98 you left and went over
12:08:08 44 to the Armed Robbery Squad?---I cannot, sorry. I can't
12:08:14 45 recall what month, no.
12:08:15 46
12:08:17 47 I just want to ask you a bit about the Drug Squad. What

12:08:19 1 unit were you in there?---Primarily in the clandestine
12:08:27 2 laboratory side of the investigation.
12:08:30 3
12:08:30 4 We understand there were three investigative units; is that
12:08:36 5 right?---Possibly, yes.
12:08:37 6
12:08:38 7 Who else was in the clan lab unit with you?---There was
12:08:45 8 Detective Sergeant Ken Fagan, Detective Senior Constables
12:08:51 9 Craig Delacy and Dale Flynn, Wayne Cameron-Smith was our
12:08:59 10 crew. There may have been other teams. I can't recall who
12:09:03 11 was in what teams.
12:09:04 12
12:09:06 13 Do you recall - - - ?---That was primarily, that was our
12:09:09 14 team.
12:09:09 15
12:09:10 16 Do you recall being involved in an operation named Carron
12:09:13 17 in 1997?---I recall the operation name but the specifics of
12:09:19 18 the operation not particularly.
12:09:21 19
12:09:23 20 This was an operation in which you were the senior
12:09:25 21 investigator; is that right?---I can't recall whether I was
12:09:35 22 the senior investigator or part of one of the team.
12:09:38 23
12:09:39 24 Have you been emailed recently a document which is the
12:09:45 25 Operation Carron final report?---It's just been handed to
12:09:48 26 me in the last five minutes, yes. Sorry, I haven't read
12:09:51 27 it.
12:09:51 28
12:09:51 29 That's all right. If you flick to the last page, is that a
12:09:54 30 report that you've authored?---Yes, it is.
12:10:02 31
12:10:04 32 If I take you back to the first page about halfway
12:10:11 33 down?---Yes.
12:10:11 34
12:10:12 35 A number of the investigators are listed?---Yes, that's
12:10:16 36 correct.
12:10:16 37
12:10:17 38 And you're listed there as Detective Acting Sergeant and
12:10:21 39 the senior investigator?---That's right, yes.
12:10:24 40
12:10:25 41 Underneath that - - - ?---I was - go on.
12:10:28 42
12:10:29 43 Is that right?---Yes, that's correct. At that stage,
12:10:34 44 looking at the document, I was acting in the Sergeant role.
12:10:37 45
12:10:38 46 Looking at this document, is that sort of refreshing your
12:10:44 47 memory about what this operation was about?---Yes, as I

12:10:48 1 read through it I recall the operation, yes.
12:10:52 2
12:10:52 3 I might just say, Commissioner, for the purposes of the
12:10:55 4 transcript this is Exhibit 66.
12:10:57 5
12:10:58 6 COMMISSIONER: Thank you.
12:10:58 7
12:11:01 8 MS TITTENSOR: Some of the other team members with you
12:11:03 9 included Mr Paton, Steve Paton; is that right?---Yes, Steve
12:11:11 10 Paton.
12:11:12 11
12:11:12 12 A Christopher Lim?---Chris Lim and Craig Delacy.
12:11:18 13
12:11:18 14 And there's a Miechel?---Miechel, yes.
12:11:19 15
12:11:19 16 Is that Dave Miechel?---That'd be David Miechel, yes.
12:11:25 17
12:11:25 18 And there might be one that's either blacked out there but
12:11:30 19 one of them was someone that we're referring to in the
12:11:32 20 Commission as Mr Kruger?---Yeah, it's redacted so I can't
12:11:38 21 say who that is.
12:11:39 22
12:11:39 23 Do you recall that Mr Kruger became the informant in
12:11:42 24 relation to a number of the accused in this matter?---I
12:11:45 25 don't recall that, no. I'm not quite sure who were the
12:11:47 26 primary informants for the individuals.
12:11:50 27
12:11:51 28 Do you know who I'm referring to when I say
12:11:59 29 Mr Kruger?---I've been provided a list of - no, I don't,
12:12:15 30 sorry.
12:12:15 31
12:12:16 32 COMMISSIONER: Ms Tittensor was using informant there as
12:12:20 33 meaning the police officer responsible for bringing the
12:12:23 34 charges?---Yes, that's right, ma'am. Yes, I'm not sure who
12:12:26 35 the informant was, police informant, no.
12:12:28 36
12:12:28 37 Thank you.
12:12:28 38
12:12:28 39 MS TITTENSOR: I understand a text message has been sent to
12:12:32 40 you indicating who Mr Kruger is?---I've got Persons 1 to 6.
12:12:43 41
12:12:43 42 No doubt it will pop up shortly?---Yes, I've just received
12:12:46 43 that, yes.
12:12:47 44
12:12:47 45 Thank you. That was an operation that was being overseen
12:12:52 46 by Wayne Strawhorn, do you recall that?---Quite possibly.
12:12:59 47 As I was an Acting Sergeant, that's quite possible.

12:13:02 1
12:13:04 2 It was an operation that also became intersected with a
12:13:08 3 second operation known as operation Hamadan?---Quite
12:13:14 4 possibly. I can't recall the specifics.
12:13:17 5
12:13:18 6 There were a series of arrests made on 18 November 1997 and
12:13:25 7 they include a person who we're referring to by the name of
12:13:29 8 Person 2 in the Commission, someone named Peter Reid,
12:13:33 9 another one named Person 10 and another one named Dragon
12:13:38 10 Arnautovic and various others. Do you accept that?---Yes.
12:13:43 11 Yes, I do.
12:13:44 12
12:13:45 13 COMMISSIONER: You know who Person 2 is?---Yes, I do,
12:13:49 14 ma'am, yes.
12:13:50 15
12:13:50 16 Thank you.
12:13:50 17
12:13:51 18 MS TITTENSOR: I just wanted to ask you a little bit about
12:13:54 19 how the Drug Squad itself operated. Was it an open plan -
12:13:58 20 how did it all - in the way it was set out?---It was an
12:14:03 21 open plan. We did have teams, initial teams, but due to
12:14:08 22 the nature of the operations which were quite large and
12:14:11 23 required significant resources there was times very
12:14:17 24 frequently that we worked in different teams or we assisted
12:14:22 25 different teams and it was very ad hoc as to who was
12:14:27 26 working with who on a particular job.
12:14:30 27
12:14:31 28 No doubt - we see at least in this case that the operations
12:14:36 29 came to intersect and that's because of an understanding
12:14:39 30 between people from the various teams sharing knowledge and
12:14:43 31 coming to understand that these operations should be joined
12:14:46 32 together?---Yeah, there was many times where operations
12:14:53 33 crossed over each other and you obviously worked together
12:14:57 34 if that was the case, yes.
12:14:58 35
12:14:58 36 And you'd learn about those things by sharing knowledge and
12:15:02 37 having discussions around the office I suppose?---Yes.
12:15:07 38 Yes, that's correct.
12:15:08 39
12:15:08 40 So it wasn't a situation, if we use the modern parlance, of
12:15:13 41 there being silos and people just operating within a silo
12:15:19 42 and not sharing knowledge with the rest of the squad?---No,
12:15:27 43 no. When - these type of operations obviously take up, as
12:15:30 44 I said, a lot of resources and a lot of investigators so
12:15:34 45 there'd be a lot of sharing.
12:15:37 46
12:15:37 47 COMMISSIONER: You're familiar with the term silo, you know

12:15:40 1 what Ms Tittensor is referring to there?---Silo, I take it
12:15:45 2 that means a team works on one job and doesn't share that
12:15:49 3 information with any other team within that office.
12:15:52 4
12:15:52 5 MS TITTENSOR: Yes.
12:15:53 6
12:15:53 7 COMMISSIONER: Thank you.
12:15:53 8
12:15:55 9 MS TITTENSOR: For the Drug Squad investigations to be
12:15:58 10 effective there needed be open discussion about what was
12:16:01 11 going on around the office?---To a point obviously.
12:16:07 12 There's obviously information that may be confidential or
12:16:13 13 for operational reasons aren't shared with anybody, but
12:16:16 14 people that were required to know certain information to
12:16:20 15 assist with their investigation or to, for them to assist
12:16:24 16 with the investigation would be shared, but obviously not
12:16:26 17 all information.
12:16:29 18
12:16:29 19 Like various other offices there might be discussion in the
12:16:33 20 form of gossip about who's representing who and what
12:16:37 21 certain people are up to or what they're doing; is that
12:16:45 22 right?---As in every organisation there's office gossip. I
12:16:51 23 can't comment really on that. In particular, in relation
12:16:54 24 to this job, I don't know.
12:16:59 25
12:17:00 26 Were you involved in a large operation in the earlier part
12:17:04 27 of the 90s, Operation Phalanx?---The name's familiar.
12:17:12 28
12:17:13 29 It was a large operation that went between about 1993 and
12:17:19 30 1997 and it targeted a group led by a man named John
12:17:27 31 Higgs?---Yes, I had some involvement during that time in
12:17:30 32 that operation, that's correct, yes, as I think just about
12:17:34 33 the whole office would have.
12:17:35 34
12:17:37 35 There came to be some difficulties in the course of that
12:17:40 36 operation, there was a controversy about a theft of some
12:17:46 37 material from the Drug Squad offices in around about 1996,
12:17:50 38 do you recall that?---I recall that, yes. Yes.
12:17:54 39
12:17:54 40 Ultimately a number of people were charged at the end of
12:17:59 41 that operation, including Mr Higgs amongst others?---Yes, I
12:18:05 42 recall that.
12:18:06 43
12:18:07 44 Do you recall the solicitor that represented Mr Higgs,
12:18:15 45 we're referring to him at the Commission as Solicitor 1, do
12:18:19 46 you know who that person is?---If you'd just bear with me
12:18:24 47 for - - -

12:18:29 1
12:18:29 2 If you don't there'll be another - - - ?---This is Person
12:18:31 3 1?
12:18:32 4
12:18:32 5 No, Solicitor 1. There'll be another text message to you
12:18:37 6 shortly if that's not already been communicated?---No, it
12:18:41 7 hasn't as yet.
12:18:43 8
12:18:43 9 COMMISSIONER: Is somebody sending that information?
12:18:45 10
12:18:46 11 MS TITTENSOR: It's been sent.
12:18:46 12
12:18:47 13 COMMISSIONER: Thank you.
12:18:47 14
12:18:48 15 MS TITTENSOR: Thank you?---Yes, I've received that text.
12:18:54 16 I know of that solicitor.
12:18:55 17
12:18:55 18 Yes?---I do not recall that person, whether he represented
12:18:59 19 John Higgs or not.
12:19:00 20
12:19:00 21 That was a solicitor who represented numerous people whom
12:19:04 22 the Drug Squad charged over the years, would that be true
12:19:08 23 to say?---Yes, that'd be accurate, yes.
12:19:11 24
12:19:11 25 He was someone for whom the Drug Squad didn't hold a
12:19:15 26 fondness, would that be true to say?---Oh, I can't really
12:19:22 27 comment on that. I can't comment on what other people's
12:19:26 28 opinions are of that individual.
12:19:28 29
12:19:28 30 Well, was there discussion around the office in relation to
12:19:32 31 the integrity of that solicitor?---I can't recall any
12:19:41 32 specific conversation in relation to that individual, no.
12:19:45 33
12:19:46 34 There's been an article written by John Silvester in
12:19:51 35 relation to that operation which suggested that police had
12:19:54 36 information that Mr Higgs had moved money through a corrupt
12:19:59 37 lawyer's trust account. Do you know anything about
12:20:03 38 that?---No, I do not. I haven't read that article.
12:20:10 39
12:20:10 40 Do you know anything about the police having such
12:20:12 41 information?---I'm unaware, sorry.
12:20:17 42
12:20:22 43 You were clearly aware at least at the time of what was
12:20:25 44 going on in relation to Operation Carron, you wrote the
12:20:28 45 final report?---Yes.
12:20:31 46
12:20:34 47 Would you have been aware at the time that the firm of

12:20:38 1 Solicitor 1 were representing a number of the people who
12:20:41 2 were arrested in that operation?---I'm not aware who
12:20:46 3 represented the persons charged, no.
12:20:50 4
12:20:51 5 Would you have been aware at the time?---Probably, yes. I
12:20:57 6 can't recall who represented them.
12:20:58 7
12:20:58 8 Were you aware of Nicola Gobbo at the time representing
12:21:02 9 people arrested by the Drug Squad?---I recall Ms Gobbo in
12:21:10 10 the court precinct representing people during bail
12:21:14 11 applications quite possibly in relation to persons that
12:21:18 12 were charged by Drug Squad members, yes.
12:21:21 13
12:21:22 14 Was there discussion about her around the office?---I can't
12:21:29 15 recall any at that time, no. No.
12:21:31 16
12:21:33 17 Was there a discussion around the office about seeking to
12:21:38 18 use her to help bring her employer down in some way?---No,
12:21:46 19 not to my knowledge.
12:21:47 20
12:21:49 21 The Commission has heard some material would suggest that
12:21:53 22 there was a meeting with Ms Gobbo between Mr Kruger and
12:21:58 23 Senior Sergeant Bowden on 2 February 1998, this is a number
12:22:07 24 of months after the arrests of those people in Operation
12:22:12 25 Carron. You know Senior Sergeant Bowden, was he your
12:22:16 26 Senior Sergeant?---At some stage Greg Bowden was at the
12:22:20 27 office, yes, as a Senior Sergeant.
12:22:22 28
12:22:23 29 Mark Bowden?---Oh Mark Bowden, sorry. Mark Bowden, yes.
12:22:32 30
12:22:33 31 There's some material that suggests Ms Gobbo was told at
12:22:36 32 that meeting by Mr Kruger and Senior Sergeant Bowden that
12:22:41 33 her employer was a crook and should be in gaol or at least
12:22:45 34 not practising law, would that surprise you that they would
12:22:49 35 do that?---I wasn't party to the conversation, I'm not
12:22:54 36 aware of the conversation, and I can't really comment not
12:22:57 37 knowing what it was all about.
12:22:58 38
12:22:59 39 She was, it seems, told at that time something to the
12:23:05 40 effect that her name was being mentioned on tapes, an OPP
12:23:12 41 solicitor named Leon Parker was mentioned in that regard
12:23:16 42 and she was told that "mud sticks and she should get a
12:23:18 43 raincoat soon". Do you know anything about those
12:23:24 44 comments?---No. I was unaware that there was a meeting.
12:23:29 45 I've got no idea what took place at that meeting.
12:23:32 46
12:23:32 47 I'm not asking you about that but were you aware of whether

12:23:35 1 her name was being mentioned on tapes at the time that the
12:23:39 2 Drug Squad or the OPP were listening to?---Not to my
12:23:46 3 recollection. The OPP listening to tapes?
12:23:49 4
12:23:50 5 Well, possibly listening devices or telephone intercepts or
12:23:55 6 something of that nature?---Not to my recollection, no.
12:23:58 7
12:23:59 8 Were you aware about whether there was an ongoing
12:24:02 9 investigation in relation to her employer, that is the
12:24:05 10 person we know as Solicitor 1?---No, I'm not aware of that,
12:24:12 11 no.
12:24:12 12
12:24:14 13 Would you have been aware at the time if there was such an
12:24:19 14 investigation?---I would imagine that if there was and I
12:24:25 15 was aware of it I would recall it. I can't recall an
12:24:28 16 investigation of that individual.
12:24:30 17
12:24:31 18 Were you aware that there was some effort perhaps to obtain
12:24:36 19 evidence against her employer, that is Solicitor 1, by
12:24:43 20 using his clients or clients of his firm?---No, I'm not
12:24:49 21 aware of that, no.
12:24:51 22
12:24:53 23 Were you aware that she had a prior criminal history
12:24:56 24 herself, that is that she'd been dealt with by a court in
12:25:00 25 1993 for some drug offending, that is, Ms Gobbo?---No, I
12:25:07 26 wasn't aware of that. No, I was not aware of that, no.
12:25:10 27
12:25:11 28 Do you say you would remember now if you had have been told
12:25:16 29 that in the past?---That she had prior convictions?
12:25:19 30
12:25:19 31 Yes. Oh, not necessarily a conviction, a finding of
12:25:24 32 guilt?---I can't recall. I don't think I was aware of it,
12:25:27 33 no.
12:25:28 34
12:25:30 35 It's apparent that there was some correspondence about a
12:25:35 36 month after the arrests in Operation Carron. There was a
12:25:40 37 fax from the OPP sent to Mr Strawhorn from Solicitor 1,
12:25:48 38 attaching another fax from Solicitor 1, indicating that
12:25:53 39 they'd been attempting to negotiate on behalf of one of the
12:25:57 40 clients they represented, a Mr Reid, that the police wanted
12:26:01 41 his assistance in relation to obtaining evidence against
12:26:05 42 Solicitor 1. Were you aware of that?---No, I was not aware
12:26:14 43 of that fax, no.
12:26:15 44
12:26:16 45 If you were the senior investigator in the matter would you
12:26:21 46 have been expected to have been told about this going on in
12:26:24 47 the background?---I take it from your question that that

12:26:29 1 was post-arrests?
12:26:32 2
12:26:32 3 It was about a month after the arrests?---Yes, so as an
12:26:40 4 Acting Sergeant I would have been coordinating the
12:26:43 5 investigation. Once the arrests and charges were made the
12:26:48 6 police informant would be basically in charge of the brief
12:26:54 7 and the court matters. What happened post-arrest I may not
12:26:59 8 have had any involvement in.
12:27:01 9
12:27:03 10 Were you aware of Mr Kruger and Mr Lim being tasked in the
12:27:13 11 middle of 1998 to go and speak to Ms Gobbo for the purposes
12:27:17 12 of her providing some information about her employer?---No,
12:27:25 13 I'm not aware of that, no.
12:27:26 14
12:27:29 15 And you can't say at what stage in 1998 you left the Drug
12:27:34 16 Squad currently?---I would say it would have been early 98
12:27:44 17 but I honestly can't recall which month.
12:27:46 18
12:27:49 19 In 2001 to 2007 you were at the Armed Offenders Squad; is
12:27:56 20 that right?---That's correct.
12:27:56 21
12:27:57 22 You also undertook some temporary duties at the Homicide
12:28:02 23 Squad?---Yes, that's right.
12:28:03 24
12:28:03 25 And your rank during that period was as a Detective
12:28:07 26 Sergeant?---No, I was a Detective Senior Constable still at
12:28:19 27 the Armed Offenders Squad.
12:28:20 28
12:28:21 29 Did you do some work during that period - - - ?---I may
12:28:25 30 have done that.
12:28:26 31
12:28:26 32 Sorry?---Sorry, I may have done Acting Sergeant duties.
12:28:30 33
12:28:30 34 Yes. Did your work include some work with those that were
12:28:36 35 attached to the Purana Task Force?---In relation to Purana
12:28:44 36 investigations?
12:28:44 37
12:28:45 38 Yes?---Possibly assisting Purana with some inquiries but
12:28:58 39 not working with them as such in an investigation in
12:29:02 40 Purana, no.
12:29:02 41
12:29:03 42 Were you aware that Ms Gobbo was representing people that
12:29:05 43 the Purana Task Force had an interest in?---Not
12:29:10 44 specifically but, again, it wouldn't surprise me, no.
12:29:15 45
12:29:19 46 Did that also include some work with those that were
12:29:22 47 attached to the Major Drug Investigation Division or the

12:29:25 1 Drug Task Force during that period of time?---I can't
12:29:35 2 recall whether I worked on any particular jobs with the
12:29:39 3 Major Drug Investigation Division whilst I was at the Armed
12:29:43 4 Offenders. Again, if there was large operations within the
12:29:48 5 Crime Department we may have assisted at some stage with a
12:29:53 6 large operation.
12:29:53 7
12:29:53 8 Were you listed as a witness on a brief for someone called
12:29:57 9 Darren Bednarski who was arrested in 2005?---Possibly.
12:30:04 10
12:30:06 11 That was a brief in relation to a drug matter. Do you
12:30:13 12 recall a Detective Sergeant Steve Mansell in the drug
12:30:21 13 division?---I know Steve Mansell, yes. I don't know what
12:30:25 14 my role in that job was.
12:30:27 15
12:30:30 16 Do you recall a Detective Senior Constable Paul
12:30:35 17 Rowe?---Yes.
12:30:36 18
12:30:38 19 That was headed by Detective Inspector Jim O'Brien?---Yes,
12:30:45 20 I know Jim.
12:30:46 21
12:30:47 22 It seems as though upon the arrest of Mr Bednarski his
12:30:54 23 interests were being represented by Ms Gobbo. Do you have
12:30:58 24 any recollection of that?---No, I was unaware of that.
12:31:05 25
12:31:05 26 And it seems to be about that time that she starts in
12:31:08 27 earnest talking with the police and then becomes involved
12:31:13 28 with the SDU, do you know anything about that?---No, I
12:31:18 29 don't, no.
12:31:19 30
12:31:21 31 Did you have any involvement with Operation Posse?---I
12:31:32 32 can't recall the name off the top of my head, no.
12:31:34 33
12:31:35 34 In 2007 you were the team leader of the Major Drug
12:31:40 35 Investigation Division; is that right?---Yes.
12:31:42 36
12:31:47 37 Would you receive briefings from Detective Inspector Jim
12:31:51 38 O'Brien?---Yes, if there was an operation that we were
12:31:59 39 involved in, yes.
12:32:00 40
12:32:01 41 It seems that he was in charge of something by the name of
12:32:05 42 Operation Posse which dealt with major, investigations into
12:32:15 43 major drug enterprises and it seems related to various of
12:32:20 44 Ms Gobbo's clients or the information that was coming from
12:32:24 45 Ms Gobbo was feeding that operation, do you recall?---I'm
12:32:31 46 unaware of Ms Gobbo feeding any information to Mr O'Brien
12:32:35 47 and without some documentation of what involvement I had in

12:32:41 1 Posse I can't recall what I did on that job.
12:32:44 2
12:32:44 3 Do you recall receiving briefings of information,
12:32:48 4 containing information, whether or not you know where it
12:32:51 5 came from initially, from Jim O'Brien during the period
12:32:54 6 that you were the team leader of the drug
12:33:00 7 division?---Information in relation to?
12:33:02 8
12:33:02 9 Drug operations or drug related information?---If
12:33:11 10 Mr O'Brien was there at the time he probably briefed us on
12:33:16 11 operations. I can't recall any specifics.
12:33:19 12
12:33:21 13 How were you receiving your intelligence primarily during
12:33:25 14 that time, was it by way of information?---Information
12:33:29 15 reports.
12:33:29 16
12:33:29 17 Were you getting verbal - - - ?---Not - if you're talking
12:33:38 18 about intelligence from informers we're dealing with
12:33:44 19 information reports.
12:33:44 20
12:33:44 21 Simply if it was information that needed to be conveyed in
12:33:49 22 quick time would you receive verbal briefings?---I can't
12:33:56 23 recall any, no.
12:33:57 24
12:34:04 25 It's apparent from information received by the Commission
12:34:06 26 that a significant number of people within Victoria Police
12:34:09 27 outside of the SDU knew Ms Gobbo's status as an informer
12:34:15 28 during the period of time that she was informing. Did you
12:34:18 29 have any suspicions yourself about her involvement with the
12:34:22 30 police during that period of time?---No, I didn't, no.
12:34:27 31
12:34:33 32 In 2009 to 18 you were stationed at the Homicide Squad and
12:34:40 33 doing some temporary duties at the Human Source Management
12:34:44 34 Unit; is that right?---That's correct.
12:34:45 35
12:34:46 36 You were involved in an investigation of some threats made
12:34:50 37 against Ms Gobbo in 2014, do you recall that?---That's
12:34:57 38 correct, yes, I do.
12:34:58 39
12:34:58 40 That involved a threatening letter and some bullets being
12:35:02 41 put in her letter box; is that right?---That's correct,
12:35:05 42 yes.
12:35:05 43
12:35:06 44 Did you become aware during that investigation that
12:35:10 45 previously her car had been fire bombed in 2008?---I can't
12:35:18 46 recall that. I may have been told that but I certainly
12:35:24 47 can't recall it.

12:35:25 1
12:35:26 2 Were you given any information in the course of your
12:35:28 3 investigation by anyone at Victoria Police about the
12:35:30 4 possible motivation for such threats against
12:35:36 5 Ms Gobbo?---No.
12:35:37 6
12:35:38 7 You weren't told that Ms Gobbo was informing against some
12:35:43 8 pretty heavy people and that might provide some motivation
12:35:48 9 about the threats being made?---I think at that stage I was
12:35:55 10 aware that Ms Gobbo had assisted Victoria Police and, yes,
12:36:00 11 that would have been a motivation and the message that was
12:36:03 12 handwritten on the car certainly suggests that.
12:36:06 13
12:36:07 14 In what way were you aware that she'd been assisting
12:36:10 15 Victoria Police?---At that stage I heard that she had been
12:36:15 16 assisting Victoria Police.
12:36:16 17
12:36:17 18 In what way?---I don't know who from. Again, I can't
12:36:21 19 recall how I came to have that information but in 2014 when
12:36:26 20 we conducted that investigation I was aware that she had
12:36:30 21 assisted.
12:36:30 22
12:36:31 23 It was public knowledge by that stage at least that she had
12:36:35 24 provided a statement against Paul Dale and was potentially
12:36:41 25 going to be a witness against him in a number of
12:36:45 26 proceedings. Were you aware that her assistance to
12:36:48 27 Victoria Police went beyond the making of a statement in
12:36:52 28 relation to Paul Dale?---I can't recall whether I was aware
12:36:59 29 of any other assistance. I certainly knew she was a
12:37:03 30 witness and on the information report in relation to that
12:37:06 31 investigation she was listed as a witness.
12:37:10 32
12:37:12 33 Perhaps if we can come at it in another way. At some stage
12:37:16 34 you found out that she was an informer against her clients
12:37:19 35 who were pretty well-known underworld figures?---I was
12:37:23 36 aware that she'd provided assistance. I don't know who she
12:37:27 37 provided assistance on but at some stage, at the time we
12:37:30 38 were conducting that investigation, I was aware that she
12:37:33 39 had provided some assistance, yes.
12:37:34 40
12:37:34 41 In relation to Paul Dale - what I'm getting at is was it in
12:37:40 42 relation to Paul Dale or was it in relation to her clients
12:37:42 43 and other underworld figures?---I don't know who she was
12:37:45 44 providing information on. When you say her clients, I
12:37:49 45 don't know who. I was aware that she had provided
12:37:52 46 information. Not who or whether they were her clients or
12:38:01 47 who she'd provided it to, I don't know.

12:38:03 1
12:38:04 2 Ultimately, at least recently, you well know that she's
12:38:12 3 provided significant information against various or about
12:38:16 4 various underworld people; is that right?---Only from what
12:38:22 5 I've seen in the media.
12:38:23 6
12:38:24 7 Yes?---Yes.
12:38:25 8
12:38:25 9 Is that only recently that you've learnt that information
12:38:29 10 or is that something that you knew back when you were
12:38:32 11 conducting this investigation in 2014?---No, that was only
12:38:37 12 recently through media in relation to the type of person
12:38:42 13 she was informing on, if you want to put it in that words,
12:38:46 14 but at that time I knew she had provided assistance, had
12:38:50 15 provided information, I didn't - go on.
12:38:51 16
12:38:52 17 So when you were conducting this investigation no one gave
12:38:54 18 you a briefing about those possible motivations?---No, I
12:39:00 19 got a briefing from the Detective Inspector at the time.
12:39:06 20 She was a witness at that stage and that was how she was
12:39:10 21 referred, as a witness.
12:39:12 22
12:39:14 23 I just want to ask you some questions about your training.
12:39:17 24
12:39:17 25 COMMISSIONER: Just before you leave that topic. Sorry,
12:39:19 26 Mr Martin, you said back in 2014 you were investigating the
12:39:22 27 threats to Nicola Gobbo. You knew - - - ?---Yes, ma'am.
12:39:27 28
12:39:28 29 - - - somehow, you're not sure how, but you knew somehow
12:39:34 30 that she had assisted Victoria Police?---Yes.
12:39:36 31
12:39:36 32 But you said that you were not given any information from
12:39:39 33 Victoria Police as to the reason for the threats?---I
12:39:44 34 wasn't provided a reason, ma'am, it was probably pretty
12:39:49 35 self-explanatory from the note that she had made some type
12:39:53 36 of assistance and that's the reason for the threat.
12:39:55 37
12:39:55 38 That was the extent of the briefing you were given by
12:39:58 39 Victoria Police as to the background of this?---The
12:40:04 40 briefing, the brief I received in 2014 was basically in
12:40:09 41 relation to the threat and the fact that she was a witness.
12:40:13 42 I was aware that she'd provided information. I can't
12:40:16 43 recall any discussion in relation to her being a human
12:40:20 44 source.
12:40:23 45
12:40:23 46 Yes, all right then. As we now know she had been a very
12:40:29 47 active human source. It would be very relevant, wouldn't

12:40:32 1 it, to your investigation to know that in case there were
12:40:37 2 reasons for the threats coming from that assistance that
12:40:40 3 she gave to police?---Yes, ma'am. Well I was aware that
12:40:47 4 she was providing assistance and providing
12:40:51 5 information - - -
12:40:52 6
12:40:52 7 Yes, but the police didn't give you details of that where
12:40:55 8 there could be other suspects who could have been involved
12:40:57 9 in these threats against her, is that what you're
12:40:59 10 saying?---No, I was not told who she provided information
12:41:02 11 on, no.
12:41:03 12
12:41:03 13 No, thank you?---We weren't privy to that confidential
12:41:07 14 information, no.
12:41:07 15
12:41:08 16 Thank you.
12:41:08 17
12:41:09 18 MS TITTENSOR: Just for the purposes of the transcript, I
12:41:11 19 won't tender this document, but we've been provided an
12:41:14 20 information report which is dated 20 June 2014 indicating
12:41:23 21 that the information about the threat was received on 19
12:41:26 22 June 2014. I just say that in case there's other material
12:41:31 23 about other information that was apposite around that time.
12:41:39 24 I'm not sure exactly what date the Herald Sun proceedings
12:41:43 25 were occurring, Commissioner?---I think - yeah, the threat
12:41:48 26 was on 18 June from memory and we were briefed on the 20th.
12:41:53 27 But we certainly were not given a list of names.
12:42:00 28
12:42:00 29 COMMISSIONER: Thank you.
12:42:01 30
12:42:01 31 MS TITTENSOR: Thanks Mr Martin. If I can just take you to
12:42:05 32 some matters about your training in terms of your knowledge
12:42:12 33 of an accused person's right to silence. That, I take it,
12:42:18 34 is something that you are taught as a basic from the time
12:42:22 35 of your recruitment into the Academy?---Yes, that would be
12:42:28 36 accurate, yes.
12:42:28 37
12:42:28 38 It's something, it's one of the rights you give an accused
12:42:31 39 first up if you're arresting them; is that right?---Yes, it
12:42:36 40 is.
12:42:36 41
12:42:36 42 Quite a fundamental right?---Yes, in the Crimes Act.
12:42:41 43
12:42:43 44 Similarly the right to legal representation, another
12:42:47 45 fundamental right?---Yes.
12:42:48 46
12:42:49 47 And when a person - - - ?---Yes, it is.

12:42:51 1
12:42:51 2 When a person chooses to exercise that right to see a
12:42:54 3 lawyer, is it a right that they exercise in private or a
12:43:02 4 right that they exercise in the presence of a police
12:43:05 5 officer?---Can you rephrase that question please? I didn't
12:43:14 6 quite get that.
12:43:14 7
12:43:15 8 When a person asks to speak to a lawyer - I'll just ask it
12:43:20 9 in a different way - you give them privacy so that they can
12:43:25 10 speak to the lawyer and give them full and frank
12:43:27 11 instructions, the police don't get to overhear what the
12:43:30 12 instructions are; is that right?---Yes, that's correct.
12:43:32 13
12:43:35 14 What training have you received in relation to the concept
12:43:39 15 of legal professional privilege?---We would have covered
12:43:45 16 legal professional privilege at Detective Training School
12:43:49 17 and Advanced Detective Training School.
12:43:52 18
12:43:52 19 What's your understanding of that concept?---That the
12:43:58 20 privilege lies with the client to claim legal professional
12:44:06 21 privilege.
12:44:06 22
12:44:06 23 Yes. And likewise public interest immunity, if you've got
12:44:15 24 material that otherwise might be the subject of disclosure
12:44:20 25 to someone that's been charged, what is your practice in
12:44:24 26 relation to not disclosing that material and claiming
12:44:29 27 public interest immunity, what has been your practice?---If
12:44:35 28 we're claiming public interest immunity we normally would
12:44:38 29 be going through the OPP to claim that.
12:44:41 30
12:44:42 31 Is it something that you just don't tell anyone about and
12:44:46 32 don't disclose or is it something that you need certain
12:44:51 33 people to be made aware of so that an appropriate decision
12:44:54 34 can be made?---It'd be something you would escalate to
12:44:59 35 obtain legal advice if you believe something needs to be
12:45:03 36 claimed as PII.
12:45:04 37
12:45:05 38 And when those issues arise, in relation to the various
12:45:10 39 squads that you've worked in through your career there was
12:45:14 40 the ability to obtain that advice?---Yes, there is, yes.
12:45:22 41 Through the Victorian Government Solicitor's office.
12:45:26 42
12:45:35 43 Thank you Commissioner.
12:45:35 44
12:45:36 45 COMMISSIONER: Mr Nathwani, is it you?
46
47 <CROSS-EXAMINED BY MR NATHWANI:

1
12:45:40 2 Just dealing with 2014 to try and jog your memory and the
12:45:43 3 narrative in relation to the bullets sent to Ms Gobbo. Do
12:45:48 4 you recall that she in fact informed Detective Inspector
12:45:52 5 John Potter - does that name ring any bells to you?---Yes,
12:45:58 6 that's correct. Mr Potter was the officer-in-charge of
12:46:02 7 Homicide at the time.

12:46:03 8
12:46:03 9 He was the one who received the bullets and he was the one
12:46:07 10 who then passed the investigation on to you to
12:46:10 11 investigate?---The investigation was passed on to Detective
12:46:17 12 Senior Constable Booth. I was the Sergeant in charge of
12:46:20 13 the team that Ms Booth was on at the time.

12:46:23 14
12:46:23 15 Understood. So as far as the initial contact, Inspector
12:46:28 16 John Potter and we might get some more information from him
12:46:33 17 as to what may or may not have been spoken to with you, do
12:46:37 18 you agree?---Yes, we had a briefing where Mr Potter
12:46:40 19 explained the threats and then we were given the task of
12:46:46 20 conducting that investigation and Ms Booth did that.

12:46:50 21
12:46:53 22 Can I now go back please to the document you were looking
12:46:55 23 at, our document RC66, and it's the third page. It's the
12:46:59 24 final report communication in relation to Carron?---Yes.

12:47:05 25
12:47:05 26 I just want to look at Mr Arnautovic and what you say about
12:47:11 27 his arrest and the evidence as it related to him at the
12:47:14 28 time. This is on the third page, the second paragraph, you
12:47:20 29 detail the arrests of people there. I just want to read
12:47:22 30 out what's said. It says, "Baseball centre, Altona.
12:47:26 31 **Jackson** and Arnautovic arrested by members of the Special
12:47:30 32 Operations Group after supplying **[REDACTED]** with 9
12:47:34 33 ounces of high grade heroin. **Jackson** in possession of
12:47:40 34 \$67,500 by money handed to him by the **[REDACTED]**
12:47:43 35 and armed with a pistol. Further 9 ounces of high grade
12:47:48 36 heroin located in the vicinity of the buy/bust site". Can
12:47:53 37 you see that?---I haven't picked it up. Do you have a
12:47:56 38 paragraph?

12:47:59 39
12:47:59 40 Sorry, my fault.

12:48:00 41
12:48:00 42 COMMISSIONER: Page 3, second paragraph.

12:48:04 43
12:48:05 44 MR NATHWANI: Just in relation to the arrest of Arnautovic
12:48:10 45 and **Jackson**?---My pages might be different to yours. My
12:48:24 46 p.3 starts at "real estate shop".
12:48:27 47

12:48:30 1 Yes, the next paragraph. So if you read what you were just
12:48:34 2 reading?---Yes, I've got it, yes.
12:48:36 3
12:48:36 4 Good. Am I right in saying the evidence as against
12:48:40 5 Arnautovic was a covert operative of Victoria Police with
12:48:43 6 the [REDACTED] arranged to buy drugs from
12:48:49 7 Arnautovic and Jackson ?---Yes.
12:48:51 8
12:48:51 9 And in the process of doing so arrested by other officers,
12:48:57 10 yeah; is that right?---Yes.
12:49:03 11
12:49:03 12 Am I right in saying his hand-up brief, that's Arnautovic,
12:49:07 13 and then the depositions that followed, would have had an
12:49:10 14 indication that in effect he was a subject of a drugs bust
12:49:13 15 with an undercover police operative?---The hand-up brief,
12:49:19 16 without seeing it, I would imagine would have a statement
12:49:21 17 from the covert operative.
12:49:22 18
12:49:22 19 Absolutely. And so would it surprise you then, looking at
12:49:26 20 that, that his ultimate defence, because he had a trial,
12:49:30 21 was entrapment?---No, not at all.
12:49:36 22
12:49:36 23 Absolutely. Thank you very much.
12:49:41 24
12:49:42 25 COMMISSIONER: No questions?
12:49:42 26
12:49:43 27 MS BUTTON: No questions.
12:49:44 28
12:49:44 29 COMMISSIONER: No questions?
12:49:45 30
12:49:45 31 MS O'GORMAN: No questions.
12:49:46 32
12:49:46 33 MS ENBOM: No re-examination.
12:49:48 34
12:49:50 35 MS TITTENSOR: Commissioner, we've just had a second
12:49:52 36 thought. I might tender that information report. I think
12:49:55 37 we have a redacted form of it. VPL.0005.0078.0001.
12:50:05 38
12:50:05 39 COMMISSIONER: So give me some more details about it.
12:50:08 40 What's the date of it, et cetera?
12:50:09 41
12:50:10 42 MS TITTENSOR: We might arrange for a more redacted version
12:50:15 43 because apparently there are some irrelevant documents
12:50:19 44 which have come through with an information report at the
12:50:22 45 back of it. It's an information report dated 20 June 2014.
12:50:29 46
12:50:30 47 COMMISSIONER: Yes, thank you. In due course that redacted

12:50:34 1 information report of 20 June 2014 to which Mr Martin has
12:50:39 2 referred will be Exhibit 91.
12:50:41 3
12:50:42 4 #EXHIBIT RC91 - Redacted information report dated 20/06/14.
12:50:45 5
12:50:46 6 COMMISSIONER: Thank you Mr Martin, you're free to go now.
12:50:49 7 Thank you?---Thank you ma'am.
12:50:51 8
12:50:52 9 We'll terminate the video link.
12:50:54 10
11 (Witness excused.)
12
13 <(THE WITNESS WITHDREW)
14
12:50:55 15 COMMISSIONER: What's the plan next?
12:50:58 16
12:50:59 17 MR WINNEKE: Commissioner, the next witness is a former
12:51:02 18 member of Victoria Police by the name of Nottman. He is
12:51:07 19 available, as I understand it, at 2 pm, but not yet.
12:51:10 20
12:51:10 21 COMMISSIONER: Yes, all right. There was some suggestion
12:51:16 22 that there was going to be affidavit material in relation
12:51:19 23 to an application by him.
12:51:21 24
12:51:21 25 MR WINNEKE: Yes.
12:51:21 26
12:51:21 27 COMMISSIONER: Is that available yet?
12:51:23 28
12:51:23 29 MR WINNEKE: It is, Commissioner, that is available.
12:51:27 30
12:51:28 31 COMMISSIONER: Someone give me a copy of that or does
12:51:30 32 someone want to hand it up now? I take it - - -
12:51:34 33
12:51:34 34 MR WINNEKE: It's an electronic version. It can be
12:51:37 35 provided. I don't see any problems, Commissioner, you have
12:51:40 36 access to that over the luncheon adjournment.
12:51:43 37
12:51:43 38 COMMISSIONER: Right.
12:51:44 39
12:51:44 40 MR WINNEKE: The matters that are set out in it I can't
12:51:47 41 ventilate.
12:51:47 42
12:51:48 43 COMMISSIONER: You can't ventilate but, as I understand it,
12:51:50 44 there's an application for him not to have his - - -
12:51:54 45
12:51:55 46 MR WINNEKE: Yes, there's an application - - -
12:51:56 47

12:51:56 1 COMMISSIONER: His image streamed, is that the extent of
12:51:59 2 the application?
12:52:00 3
12:52:03 4 MR WINNEKE: Concerning the image and current position.
12:52:06 5
12:52:07 6 COMMISSIONER: All right. That will have to be dealt with.
12:52:11 7 Can we deal with it now?
12:52:14 8
12:52:14 9 MR WINNEKE: I think, Commissioner, his current employer is
12:52:16 10 going to be here at 2 pm and may wish to make some
12:52:19 11 submissions about it.
12:52:19 12
12:52:20 13 COMMISSIONER: On that topic, I see.
12:52:20 14
12:52:20 15 MR WINNEKE: I think it might be best if we leave it.
12:52:22 16
12:52:23 17 COMMISSIONER: All right then. How long is he expected to
12:52:25 18 go?
12:52:26 19
12:52:27 20 MS TITTENSOR: Not long, Your Honour. An hour.
12:52:29 21
12:52:29 22 COMMISSIONER: Yes. And then what? What after that?
12:52:34 23
12:52:35 24 MR WINNEKE: It may well be that we will be shy of a
12:52:37 25 witness, Commissioner, at 2.30 but we'll see how we go over
12:52:43 26 lunch to see if we can arrange - just excuse me.
12:52:46 27
12:52:46 28 COMMISSIONER: I note there are a number of Victoria Police
12:52:53 29 or former Victoria Police witnesses who have been given
12:52:58 30 notices to attend returnable today.
12:53:01 31
12:53:01 32 MR WINNEKE: That's correct. There's a police officer by
12:53:03 33 the name of Police Officer 1, there's another one Bartlett.
12:53:08 34 I gather we're waiting for information from our learned
12:53:12 35 friends with respect to Mr Bartlett.
12:53:13 36
12:53:14 37 COMMISSIONER: And also Police Officer 1 as I understand it
12:53:17 38 too.
12:53:18 39
12:53:19 40 MR WINNEKE: And with Police Officer 1. There may be a
12:53:19 41 difficulty with Police Officer 1 in the sense that it's
12:53:24 42 been - there are difficulties in communicating with him at
12:53:27 43 present as far as - - -
12:53:28 44
12:53:28 45 COMMISSIONER: You know it should be understood that
12:53:30 46 notices to attend before the Royal Commission aren't
12:53:34 47 optional, the *Inquiries Act* is very strict about this.

12:53:38 1 People are required to attend unless they're given - the
12:53:42 2 Commissioner is satisfied that there's a reasonable excuse
12:53:44 3 for them not to attend.
12:53:46 4
12:53:47 5 MR WINNEKE: That will be made clear as far as Police
12:53:50 6 Officer 1 is concerned, Commissioner. It may well be that
12:53:53 7 we have some assistance from - - -
12:53:56 8
12:53:57 9 MS ENBOM: Commissioner, may I raise two matters. The
12:53:59 10 first is that we had informed counsel assisting that that
12:54:02 11 person's name was not to be mentioned in an open hearing at
12:54:06 12 this stage because if he is required to give evidence - and
12:54:09 13 we'll be seeking a suppression order in relation to his
12:54:12 14 identity, so I would ask that his name not be streamed.
12:54:16 15
12:54:16 16 COMMISSIONER: All right. That can be taken from the
12:54:17 17 record. The name of Police Officer 1 has to be removed
12:54:22 18 from the record before it's streamed, thank you.
12:54:25 19
12:54:25 20 MS ENBOM: And that an interim order be made that his name
12:54:28 21 not be published until we've provided the material in
12:54:32 22 relation to him. So that's Police Officer 1.
12:54:36 23
12:54:37 24 COMMISSIONER: Just a moment. For the time being I make an
12:54:59 25 order prohibiting the publication of the name of Police
12:55:08 26 Officer 1 as there is a possibility that harm to him could
12:55:14 27 flow if that is published, and I cause a copy of that order
12:55:21 28 to be posted on the door of this hearing room.
12:55:26 29
12:55:26 30 MS ENBOM: Thank you, Commissioner. The other matter in
12:55:28 31 relation to that witness is that he has sought to be
12:55:31 32 excused on medical grounds.
12:55:33 33
12:55:33 34 COMMISSIONER: Yes, I've been shown the medical grounds
12:55:35 35 which I did not at first blush consider were a satisfactory
12:55:43 36 reason for non-attendance and I've asked that that be
12:55:46 37 conveyed to Victoria Police some days ago.
12:55:49 38
12:55:50 39 MS ENBOM: Yes, and that was conveyed and as I understand
12:55:52 40 it further medical material - - -
12:55:54 41
12:55:54 42 COMMISSIONER: And I gave the same indication having seen
12:55:56 43 that further medical material.
12:55:59 44
12:55:59 45 MS ENBOM: Thank you, Commissioner, that hadn't been
12:56:01 46 conveyed to us.
12:56:02 47

12:56:02 1 COMMISSIONER: And I also conveyed that we could do a
12:56:04 2 hearing via telephone. No statement has as yet been
12:56:12 3 provided, although notice has been given since 18 April
12:56:15 4 that this witness would be needed today.
12:56:18 5
12:56:18 6 MS ENBOM: Yes. I wasn't aware of that, Commissioner, so
12:56:20 7 I'll obtain some instructions as to whether the witness is
12:56:24 8 prepared to give evidence via telephone.
12:56:26 9
12:56:26 10 COMMISSIONER: It's not a question of being prepared to.
12:56:29 11 There is a notice to attend requiring his presence here
12:56:33 12 today. He has not yet satisfied the Commission of a
12:56:36 13 reasonable excuse why he's not coming.
12:56:40 14
12:56:40 15 MS ENBOM: Yes, the difficulty, Commissioner, which has
12:56:42 16 been conveyed is that due to his medical condition he has
12:56:46 17 ceased contact with us. We're trying to deal with that
12:56:50 18 issue.
12:56:51 19
12:56:51 20 COMMISSIONER: I see.
12:56:52 21
12:56:52 22 MS ENBOM: The third matter is - - -
12:56:55 23
12:56:55 24 COMMISSIONER: You are acting for him though at the moment?
12:56:59 25
12:57:00 26 MS ENBOM: Yes, but he's ceased contact.
12:57:01 27
12:57:01 28 COMMISSIONER: I see. This is very difficult.
12:57:02 29
12:57:03 30 MS ENBOM: It is, it is.
12:57:03 31
12:57:04 32 COMMISSIONER: It's very - and unsatisfactory because if
12:57:07 33 he's ceased contact with you perhaps you should cease to
12:57:11 34 act and then he can be brought before the Commission in
12:57:13 35 some other way.
12:57:15 36
12:57:16 37 MS ENBOM: Yes, this is something that needs to be - - -
12:57:18 38
12:57:18 39 COMMISSIONER: I am sympathetic if he has a genuine medical
12:57:22 40 condition that means he can't come before the Commission.
12:57:26 41 I don't know whether his evidence will even be relevant or
12:57:28 42 is needed because we don't have any information. I don't
12:57:32 43 think we even have - anyway, we have no information.
12:57:35 44
12:57:35 45 MS ENBOM: Yes. He ceased contact yesterday afternoon,
12:57:37 46 Commissioner, so this is a very recent development.
12:57:39 47

12:57:39 1 COMMISSIONER: I see. But someone somehow should make it
12:57:42 2 clear to him - in that case I mean perhaps a warrant will
12:57:46 3 have to be issued for his arrest to bring him before the
12:57:49 4 Commission. This is - these things aren't optional. There
12:57:54 5 is a notice to attend and he is required to attend. It's a
12:57:58 6 strict - - -
12:57:58 7
12:57:59 8 MS ENBOM: Yes. Commissioner, can I just explain that he
12:58:01 9 did seek to be excused and I had not understood until it
12:58:06 10 was just raised then that a decision had been made on the
12:58:10 11 latest material that had been provided that he would not be
12:58:14 12 excused. That hadn't been conveyed to me but I will deal
12:58:19 13 with this over the lunch break.
12:58:19 14
12:58:20 15 COMMISSIONER: Obviously I will hear an application if
12:58:22 16 you're going to make one. I wasn't prejudging the issue
12:58:26 17 but I wasn't prepared to make an order excusing him simply
12:58:30 18 on that material.
12:58:33 19
12:58:33 20 MS ENBOM: Yes. I'll deal with it over the lunch break.
12:58:37 21
12:58:37 22 COMMISSIONER: Thank you.
12:58:38 23
12:58:38 24 MS ENBOM: And speak to counsel assisting over the lunch
12:58:40 25 break about it.
12:58:41 26
12:58:41 27 COMMISSIONER: Thank you.
12:58:42 28
12:58:42 29 MS ENBOM: The third matter is that we were informed that
12:58:44 30 the only witnesses required today would be the two
12:58:47 31 witnesses who have given evidence after Mr Strawhorn and
12:58:51 32 Mr Nottman, but if that position has changed and that
12:58:55 33 counsel assisting would now like another witness, we will
12:58:57 34 do everything we can over the lunch break to get another
12:59:00 35 witness here.
12:59:01 36
12:59:01 37 COMMISSIONER: I see. I see. All right then. I think
12:59:06 38 another witness who was given notice to attend today was
12:59:13 39 Mr De Santo.
12:59:16 40
12:59:16 41 MS ENBOM: Yes, but as I understand it - - -
12:59:18 42
12:59:18 43 COMMISSIONER: You were told he wasn't needed today.
12:59:21 44
12:59:21 45 MS ENBOM: Yes.
12:59:21 46
12:59:21 47 COMMISSIONER: All right then. We'll adjourn until 2

12:59:25 1
12:59:58 2
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o'clock.

LUNCHEON ADJOURNMENT

13:33:33 1 UPON RESUMING AT 2.06 PM:
13:59:16 2
14:06:15 3 COMMISSIONER: Yes Ms Tittensor.
14:06:18 4
14:06:19 5 MS TITTENSOR: Yes, Commissioner, we now have Mr Chris
14:06:22 6 Nottnam for examination.
14:06:23 7
14:06:24 8 COMMISSIONER: Yes, I understand, yes, there's an
14:06:27 9 appearance from Ms Pierce, is it?
14:06:29 10
14:06:30 11 MS PIERCE: Thank you Commissioner, I appear on behalf of
14:06:33 12 the Australian Federal Police.
14:06:35 13
14:06:35 14 COMMISSIONER: Instructed by Clayton Utz.
14:06:38 15
14:06:39 16 MS PIERCE: Correct. Commissioner, my instructors sent to
14:06:41 17 your chambers a copy of a proposed form of order. I
14:06:45 18 understand from my learned friend Mr Winneke that in
14:06:49 19 substance the Commission has no difficulty with the form of
14:06:54 20 order subject - - -
14:06:56 21
14:06:56 22 COMMISSIONER: I think there's some affidavit material you
14:06:58 23 want to read to go with that order, isn't that right?
14:07:01 24
14:07:01 25 MS PIERCE: That's correct, yes.
14:07:02 26
14:07:02 27 COMMISSIONER: Would you like to do that?
14:07:04 28
14:07:04 29 MS PIERCE: Yes. May I seek to - yes. That's a
14:07:14 30 confidential affidavit, and it was also I think together
14:07:18 31 with a proposed form of order forwarded to the Commission
14:07:21 32 about an hour and a half ago.
14:07:24 33
14:07:24 34 COMMISSIONER: Yes. It is a confidential affidavit on AFP,
14:07:29 35 or a statement really, but it is signed and witnessed on
14:07:34 36 AFP letterhead.
14:07:35 37
14:07:36 38 MS PIERCE: Yes, it has been sworn so it is in the form of
14:07:40 39 an affidavit.
40
41 COMMISSIONER: Yes.
42
14:07:41 43 MS PIERCE: And it was made today. And it's the affidavit
14:07:43 44 made in support of the order that sought - - -
14:07:49 45
14:07:49 46 COMMISSIONER: The order for the application.
14:07:52 47

14:07:52 1 MS PIERCE: Yes.
14:07:54 2
14:07:54 3 COMMISSIONER: Who has seen this material? We have seen
14:07:57 4 it, the Commission has seen it.
14:07:59 5
14:07:59 6 MS PIERCE: Yes. Only counsel assisting the Commission.
14:08:02 7
14:08:02 8 COMMISSIONER: Victoria Police hasn't seen it?
14:08:04 9
14:08:04 10 MS PIERCE: No. Not so far as I'm instructed.
14:08:07 11
14:08:08 12 COMMISSIONER: And nobody is asking to see that material?
14:08:10 13
14:08:11 14 MS PIERCE: No, Commissioner.
14:08:13 15
14:08:14 16 COMMISSIONER: Thank you. And you've got no objection to
14:08:15 17 the application being granted and the orders proposed made?
14:08:22 18
14:08:22 19 MS TITTENSOR: No, Commissioner.
14:08:23 20
14:08:24 21 COMMISSIONER: It seems appropriate that the orders are
14:08:26 22 made in the circumstances.
23
14:08:27 24 The affidavit filed on behalf of the AFP will be
14:08:37 25 Exhibit 1 in this application and placed in a sealed
14:08:41 26 envelope with the order not to be opened except by order of
14:08:44 27 the Commissioner.
14:08:45 28
14:08:45 29
14:08:46 30 #EXHIBIT 1 - Confidential affidavit filed on behalf of the
14:08:47 31 Australian Federal Police.
14:08:47 32
14:08:47 33 COMMISSIONER: And I order pursuant to s.26 *Inquiries Act*
14:08:50 34 2014 the public streaming of the evidence of Mr Christopher
14:08:55 35 Nottman not include his image, that publication is
14:08:58 36 prohibited of any material that includes the image of
14:09:03 37 Mr Nottman or that would identify the professional capacity
14:09:07 38 in which he currently serves, including his role and
14:09:11 39 responsibilities. A copy of this order is to be posted on
14:09:14 40 the door of the hearing room and the rooms into which the
14:09:18 41 hearing is being transmitted.
14:09:22 42
14:09:22 43 MS PIERCE: Thank you, Commissioner. The Commissioner
14:09:25 44 should have for completeness then two statements made by
14:09:29 45 Mr Nottman.
14:09:31 46
14:09:32 47 COMMISSIONER: Yes. Are you appearing for Mr Nottman?

14:09:35 1
14:09:36 2 MS PIERCE: No.
14:09:36 3
14:09:37 4 MS ENBOM: I'm appearing for Mr Nottman, Commissioner.
14:09:41 5
14:09:42 6 COMMISSIONER: Thanks Ms Enbom.
14:09:44 7
14:09:45 8 MS PIERCE: The only thing I would mention about the first
14:09:47 9 of those two statements is that the first of them, and only
14:09:50 10 the first of them, contains a couple of redactions
14:09:53 11 consistent with the terms of the order that you've just
14:09:56 12 pronounced.
14:09:57 13
14:09:57 14 COMMISSIONER: Sorry, I'm confused. Are there two
14:10:01 15 statements which should be placed in a sealed envelope?
14:10:03 16
14:10:04 17 MS PIERCE: There are two statements of Mr Nottman, the
14:10:06 18 first of which was made on 29 April.
14:10:10 19
14:10:11 20 COMMISSIONER: Ms Enbom knows which one she is going to
14:10:13 21 tender, doesn't she?
14:10:15 22
14:10:15 23 MS ENBOM: Yes, the witness will have both the redacted and
14:10:19 24 unredacted statements.
25
26 COMMISSIONER: Yes.
27
14:10:20 28 MS ENBOM: And I would seek to tender the redacted
14:10:23 29 statement.
14:10:23 30
14:10:26 31 COMMISSIONER: Or do we tender the unredacted as well and
14:10:29 32 place it in a sealed envelope?
14:10:31 33
14:10:32 34 MS ENBOM: We could do that, Commissioner.
14:10:33 35
14:10:33 36 COMMISSIONER: One or the other, we'll see.
14:10:35 37
14:10:36 38 MS ENBOM: Yes.
14:10:36 39
14:10:37 40 COMMISSIONER: Thank you.
14:10:37 41
14:10:39 42 MS PIERCE: Commissioner, may I be excused from further
14:10:41 43 attendance?
14:10:42 44
14:10:42 45 COMMISSIONER: Yes, thank you Ms Pierce.
14:10:44 46
14:10:45 47 MS PIERCE: Thank you.

14:10:45 1
14:10:46 2 COMMISSIONER: We'll have the witness brought into court,
14:10:48 3 is that right?
14:10:50 4
14:10:50 5 MS TITTENSOR: I understand the witness is in the hearing
14:10:52 6 room, Commissioner.
14:10:57 7
14:10:57 8 COMMISSIONER: Yes. Thank you, Mr Nottman, if you could go
14:11:00 9 into the witness box. Oath or affirmation?---Oath.
10
14:11:02 11 Thank you.
14:11:02 12
14:11:03 13
14:11:04 14 <CHRISTOPHER NOTTMAN, sworn and examined:
14:11:21 15
14:11:22 16 MS ENBOM: Mr Nottman, is your full name Christopher John
14:11:26 17 Nottman?---Yes, it is.
14:11:27 18
14:11:27 19 Is your address care of Corrs Chambers Westgarth, 567
14:11:33 20 Collins Street, Melbourne?---Yes, it is.
14:11:33 21
14:11:34 22 Are you currently a member of the Australian Federal
14:11:36 23 Police?---Yes, that's correct.
14:11:37 24
14:11:38 25 Mr Nottman, have you prepared two witness statements for
14:11:42 26 the Royal Commission?---Yes, I have.
14:11:44 27
14:11:44 28 Is the first witness statement a statement dated 29 April
14:11:48 29 2019?---Yes, that's correct.
14:11:50 30
14:11:51 31 And do you have with you a copy of that statement in a
14:11:54 32 redacted form and an unredacted form?---Yes, that's
14:11:58 33 correct.
14:11:58 34
14:11:58 35 And is the statement an accurate statement to the best of
14:12:02 36 your knowledge?---Yes, it is.
14:12:04 37
14:12:05 38 Have you also prepared, Mr Nottman, a statement dated 1 May
14:12:10 39 2019?---Yes, that's correct.
14:12:13 40
14:12:13 41 And is that an accurate statement?---Yes, it is.
14:12:15 42
14:12:16 43 Commissioner, I tender three statements, so the unredacted
14:12:23 44 statement dated 29 April 2019, which will into a sealed
14:12:29 45 envelope, and then the redacted version of that, and then a
14:12:33 46 statement dated 1 May which doesn't have any redactions.
14:12:39 47

14:12:39 1 COMMISSIONER: All right then.
14:12:44 2
14:12:56 3 #EXHIBIT RC92A - Unredacted statement of Christopher.
4 Nottman dated 29/4/19.
14:12:58 5
14:12:58 6 #EXHIBIT RC92B - Redacted statement.
14:13:04 7
14:13:05 8 #EXHIBIT RC92C - Statement of 1/5/19.
14:13:12 9
14:13:12 10 MS ENBOM: Thank you, Commissioner, that's the
14:13:14 11 evidence-in-chief.
14:13:15 12
13 <CROSS-EXAMINED BY MS TITTENSOR:
14
14:13:17 15 Mr Nottman, I'll just take you briefly through your
14:13:21 16 employment history. You entered the Victoria Police
14:13:25 17 Academy in 1973, is that right?---That's correct.
14:13:27 18
14:13:27 19 And then by the end of 1976 you were a Detective?---That's
14:13:32 20 correct.
14:13:32 21
14:13:33 22 A Detective Sergeant by 1984?---That's correct.
14:13:36 23
14:13:37 24 You did a secondment to the NCA between 1988 and
14:13:43 25 1993?---That's correct.
14:13:43 26
14:13:44 27 Then you went back to Victoria Police into the Gaming and
14:13:47 28 Vice Squad as a Detective Inspector?---Yes, I had a short
14:13:53 29 stint back at the, in another unit there after the National
14:14:01 30 Crime Authority and then went to the Gaming and Vice Squad.
14:14:03 31
14:14:03 32 You were a Detective Inspector in the Drug Squad from 17
14:14:06 33 July 98 until March 2002, is that right?---That's correct.
14:14:10 34
14:14:10 35 You went somewhere else within Victoria Police until 2008
14:14:16 36 and you've been at the AFP since that time?---That's
14:14:19 37 correct.
14:14:19 38
14:14:20 39 I just want to concentrate on your time at the Drug Squad.
14:14:26 40 You indicate in your statement that your role there
14:14:31 41 involved directing and coordinating teams conducting
14:14:34 42 investigations into high level drug traffickers?---That's
14:14:38 43 correct.
14:14:38 44
14:14:39 45 And those investigations involved you and those teams using
14:14:47 46 a range of techniques, they involved the use of human
14:14:52 47 sources and covert operatives?---That's correct.

14:14:55 1
14:14:55 2 They involved listening devices and telephone
14:14:57 3 intercepts?---That's correct.
14:14:58 4
14:14:58 5 There was physical and electronic surveillance going
14:15:02 6 on?---That's correct.
14:15:02 7
14:15:03 8 And back in those days there was, you refer to the purchase
14:15:07 9 of drugs. Is what you're referring to there the s.51
14:15:12 10 indemnities that were used back in those days?---Yes.
14:15:16 11
14:15:16 12 And that was essentially allowing civilians to engage in -
14:15:28 13 - -
14:15:28 14
14:15:28 15 COMMISSIONER: Sorry, just making sure I have the material.
14:15:31 16
14:15:31 17 MS TITTENSOR: Section 51 indemnities, that's under the
14:15:35 18 Drugs, Poisons, Controlled Substances Act, back in those
14:15:38 19 days allowed civilians to engage in non-evidentiary drug
14:15:42 20 transactions, is that right?---I think it was a bit broader
14:15:46 21 than that from memory, but yes, that's essentially it with
14:15:48 22 the permission of a Senior Sergeant or above from
14:15:50 23 recollection.
14:15:50 24
14:15:51 25 It essentially allowed civilians to engage in drug
14:15:54 26 transactions without fear of being prosecuted?---Yes, under
14:15:58 27 directions, yes.
14:15:59 28
14:16:06 29 Can you recall how many teams there were at the Drug Squad
14:16:09 30 at the time you were there?---There was three teams.
14:16:13 31 Sorry, three units I should say. Each unit had a Detective
14:16:19 32 Inspector in charge of it and within each unit there was
14:16:23 33 probably four or five teams led by, or overseen by a Senior
14:16:29 34 Sergeant and each team would have been led by a Detective
14:16:33 35 Sergeant.
14:16:33 36
14:16:33 37 And what's the role of a Detective Inspector?---It was
14:16:38 38 really oversee and manage, the oversight of investigations,
14:16:44 39 manage investigations, manage risk.
14:16:46 40
14:16:46 41 And then what's the role under that of the Senior Sergeant,
14:16:50 42 Detective Senior Sergeant?---Probably as a more hands-on
14:16:53 43 conduit between the members who are actually conducting the
14:16:58 44 investigations and the management, being the Inspector.
14:17:00 45
14:17:01 46 That is the Detective Sergeants that are running the
14:17:03 47 investigations?---Directly responsible for running

14:17:05 1 investigations on a day-to-day basis with their teams.
14:17:08 2
14:17:09 3 How involved would a Detective Inspector be in an
14:17:12 4 investigation itself?---The Detective Inspector would be
14:17:20 5 kept apprised of what the status of the investigation was
14:17:24 6 but in particular was roles in relation - roles and
14:17:27 7 policies and procedures in relation to all the things we've
14:17:31 8 mentioned before like informants, use of telephone
14:17:34 9 intercepts, purchase of drugs, execution of search
14:17:39 10 warrants, expenditure of drug purchase money. There was
14:17:42 11 lots of responsibilities in relation to those, those
14:17:44 12 aspects of the investigation which took up a fair bit of
14:17:47 13 the time.
14:17:48 14
14:17:49 15 Can you recall which unit you were in charge of?---I was in
14:17:53 16 charge of unit 1 throughout that period but from time to
14:17:59 17 time if another Detective Inspector may be absent you might
14:18:04 18 have a temporary role of another unit.
14:18:06 19
14:18:10 20 Do you recall who was in charge of team 2 at the time or
14:18:16 21 unit 2?---The Detective Inspector's role, that changed
14:18:22 22 over, I think there were several over that period of time I
14:18:25 23 was there.
14:18:27 24
14:18:28 25 The Detective Senior Sergeant in charge of unit 2 was
14:18:33 26 someone by the name of Mark Bowden we understand. Do you
14:18:36 27 remember Mr Bowden?---I recall him but I don't recall him
14:18:40 28 being there when I was there. He may have been for a short
14:18:43 29 time but I don't have a recollection specifically of him
14:18:49 30 being there.
14:18:50 31
14:18:51 32 When you go into that squad were you given a briefing as to
14:18:56 33 the matters that were on the books or the investigations
14:18:58 34 that were underway?---Yes.
14:18:59 35
14:19:02 36 And you're given a briefing about the court processes that
14:19:06 37 are underway as a result of previous investigations?---Look
14:19:10 38 I don't recall.
14:19:13 39
14:19:13 40 You expect you would have been in terms of knowing what the
14:19:16 41 troops were doing?---For ongoing court matters not so much,
14:19:21 42 for ongoing operational matters, ongoing investigations
14:19:25 43 yes, but the prosecutorial side of it probably not or
14:19:29 44 possibly not.
14:19:30 45
14:19:30 46 You would have become aware in your role of the various
14:19:34 47 informers that were being run by various members of the

14:19:37 1 Drug Squad?---Yes, I have a good appreciation of that but
14:19:43 2 not by their name.
14:19:45 3
14:19:45 4 You might recall numbers and so forth?---That's right.
14:19:49 5
14:19:50 6 You might know a name, for instance, if you were involved
14:19:54 7 as a controller?---Yes.
14:19:56 8
14:19:58 9 And is it the case that in relation to at least one or
14:20:02 10 maybe more you took over the control of an informer who was
14:20:09 11 being handled by Mr Strawhorn and the previous controller
14:20:13 12 being Mr Bowden?---I don't recall that, no.
14:20:16 13
14:20:19 14 In relation to a number of the diary entries that you've
14:20:23 15 recently provided to the Commission, you recall that
14:20:28 16 particular person that those entries relate to?---Yes.
14:20:34 17
14:20:35 18 Was that a person for whom you were a controller and
14:20:40 19 Mr Strawhorn was a handler?---Not to my recollection, no.
14:20:43 20
14:20:48 21 Did you become - sorry, I might just raise one matter with
14:20:55 22 my friend.
14:20:56 23
14:20:57 24 (Discussion at the Bar table.)
25
14:21:07 26 Perhaps if the witness might be given that list or the
14:21:11 27 schedule of people that we were using yesterday.
14:21:15 28
14:21:15 29 COMMISSIONER: Yes. It's Exhibit 81. Does he need to be
14:21:20 30 told about Kruger?
14:21:22 31
14:21:23 32 MS TITTENSOR: We might add it to that.
14:21:32 33
14:21:32 34 COMMISSIONER: So you'll place on the record what you're
14:21:35 35 adding to that document?
14:21:37 36
14:21:39 37 MS TITTENSOR: I am adding the name of Solicitor 1.
14:21:43 38
14:21:44 39 COMMISSIONER: Yes.
14:21:44 40
14:21:45 41 MS TITTENSOR: And I'm adding the name of Kruger.
14:21:49 42
14:21:49 43 COMMISSIONER: Thank you.
14:21:55 44
14:22:09 45 MS TITTENSOR: Just for your own edification, Mr Nottman,
14:22:12 46 we're using a list of pseudonyms for a number of people in
14:22:18 47 the course of the Commission. On the left-hand side is the

14:22:25 1 name or the reference that we're using, on the right-hand
14:22:27 2 side is the true name of the person?---Yes, understood.
14:22:29 3
14:22:29 4 In relation to Solicitor 1, did you become aware of some
14:22:33 5 strong feelings in the Drug Squad about that particular
14:22:35 6 person?---I have no recollections of any strong feelings
14:22:39 7 about him.
14:22:40 8
14:22:40 9 Were you aware of Ms Gobbo working or representing various
14:22:44 10 people who were charged by the Drug Squad during the time
14:22:47 11 that you were there?---No, not really, no. I guess I now
14:22:57 12 have a vague recollection of her representing one person
14:23:01 13 but I can't recall who she represented.
14:23:04 14
14:23:05 15 And that one person is the person with whom your diary
14:23:09 16 entries indicated you were meeting with her in relation
14:23:12 17 to?---That's correct.
14:23:13 18
14:23:13 19 And that is the person listed there as Person 2?---Yes, I
14:23:23 20 believe that - yeah, yes. Exactly, yes.
14:23:27 21
14:23:29 22 There's some material before the Commission that indicates
14:23:32 23 that members of the Drug Squad, being Mr Bowden and
14:23:39 24 Mr Kruger, who is listed, his pseudonym is listed there,
14:23:46 25 met with Ms Gobbo in February of 1988. This is a number of
14:23:51 26 months before you arrived at the Drug Squad. She was at
14:23:56 27 that stage working for Solicitor 1. At that stage they
14:24:01 28 told her that her employer was a crook and should be in
14:24:04 29 gaol and not practising law, that her name was being
14:24:09 30 mentioned on tapes, that mud sticks, that she should get a
14:24:14 31 raincoat, that there was an ongoing investigation,
14:24:18 32 presumably in relation to her employer, there was reference
14:24:20 33 to getting evidence from clients, presumably again in
14:24:25 34 relation to the employer. She was offered protection for
14:24:29 35 assistance. She was told that no one would believe that
14:24:34 36 she had no knowledge or couldn't have known and they
14:24:37 37 referred to knowledge of her having a prior criminal
14:24:41 38 history. Now were you made aware of anything like
14:24:47 39 that?---No.
14:24:47 40
14:24:47 41 When you started at the Drug Squad a number of months
14:24:51 42 later?---No, definitely not.
14:24:52 43
14:24:53 44 Presumably that would be something that you would remember
14:24:55 45 if you had have been made aware of it back then?---I'm
14:24:59 46 confident I would remember that.
14:25:00 47

14:25:01 1 The type of thing you would remember?---Yes, it certainly
14:25:03 2 was.
14:25:04 3
14:25:04 4 A number of days it seems after you arrived at the Drug
14:25:09 5 Squad, you arrived on 17 July, according to your
14:25:13 6 statement?---Yes.
14:25:13 7
14:25:13 8 On 21 July Mr Kruger and Mr Lim met with Ms Gobbo again, an
14:25:23 9 information report has been provided to the Commission,
14:25:28 10 which refers to her in that capacity being an unregistered
14:25:31 11 informer?---Sorry, being a?
14:25:34 12
14:25:34 13 An unregistered informer?---Okay.
14:25:36 14
14:25:37 15 She provides them with information about her employer. The
14:25:43 16 information listed in that information report also refers
14:25:46 17 to a client of her employer for whom she and the employer
14:25:52 18 had been representing. Do you have any, did you have any
14:25:58 19 awareness when you arrived that she was being spoken to in
14:26:01 20 that way?---No.
14:26:02 21
14:26:03 22 Did you become aware of that at any stage?---No.
14:26:05 23
14:26:08 24 Mr Kruger was the person responsible for that information
14:26:12 25 report it seems, he signed off on it. There's an
14:26:16 26 indication at the bottom of it that he'd make further
14:26:19 27 contact with her and it seems from his diary that he did
14:26:22 28 ring her the next day. And there's also an indication in
14:26:26 29 that information report that he would liaise with someone
14:26:30 30 by the name of Karen Hynam at the NCA. Were you aware of
14:26:36 31 any liaison going on with the NCA by members of the Drug
14:26:44 32 Squad at that stage?---No, I don't recall anything specific
14:26:46 33 about that whatsoever. I assume there would be ongoing
14:26:49 34 liaison with the NCA with the different investigators, but
14:26:53 35 I have no knowledge of what you refer to.
14:26:55 36
14:26:56 37 Nothing in relation to any investigation into a solicitor
14:26:58 38 at the time?---No, not that - - -
14:27:03 39
14:27:07 40 Would you have been concerned yourself about the use of a
14:27:12 41 solicitor as an informer who is representing members of, or
14:27:18 42 representing people charged by the Drug Squad, would that
14:27:22 43 have raised any alarm bells with you at the time if you had
14:27:28 44 have known about that?---Yes.
14:27:28 45
14:27:29 46 Could you explain why?---I suppose it opens up a multitude
14:27:36 47 of questions about the issues that have been in the media,

14:27:40 1 like confidentiality and privilege from a legal
14:27:44 2 practitioner with their client and those sorts of issues.
14:27:51 3 But for us, including that, but for us it would have
14:27:55 4 identified to me that this was, our organisation or our
14:28:00 5 unit could be involved with a critical risk here if that
14:28:03 6 was happening and it was something that I'd have to address
14:28:06 7 and brief up or get further advice on, certainly at a
14:28:12 8 higher level, at a higher level.

14:28:14 9
14:28:15 10 What you're talking about is a higher level than yourself
14:28:18 11 as an Inspector?---Certainly, yes. If I had known that I
14:28:22 12 would have identified that as a critical risk to the Drug
14:28:25 13 Squad and that I wouldn't have had the legal competence and
14:28:30 14 knowledge to make any decisions on it but obviously I would
14:28:36 15 have referred it for further information if I was made
14:28:39 16 aware of that to get advice on it, the propriety of it or
14:28:43 17 the ethics of it.

14:28:45 18
14:28:45 19 Presumably you would have taken it up the chain above your
14:28:49 20 rank of Inspector and also obtained some legal advice as to
14:28:53 21 at least limitations and boundaries upon whatever
14:28:56 22 relationship you might have?---Yeah, probably. I mean if
14:29:00 23 what you - if I became aware of what you've just relayed to
14:29:04 24 me, I mean maybe somebody would brief me and that had
14:29:09 25 already been done, but that would be my attitude, I would
14:29:12 26 be wanting to check it out thoroughly for the reasons I've
14:29:15 27 outlined.

14:29:16 28
14:29:16 29 You would have wanted to make sure that all those things
14:29:19 30 had been done in the past if you learnt about it?---Yes.

14:29:21 31
14:29:25 32 COMMISSIONER: What legal advice would you have got, where
14:29:28 33 would you have got it from?---Victoria Police, at the
14:29:31 34 Victorian Government Solicitors office within our area,
14:29:35 35 Commissioner. Sorry, within the Victoria Police,
14:29:39 36 Commissioner, at headquarters, that would be the first port
14:29:43 37 of call I would imagine.

14:29:44 38
14:29:45 39 MS TITTENSOR: At that stage who would have been the
14:29:48 40 hierarchy that you would have elevated it to?---At that
14:29:51 41 stage, I think you said July 98, it would have been
14:29:55 42 Detective Chief Inspector McCoy who was in charge of three
14:29:58 43 units of the Drug Squad. The next report above him was
14:30:03 44 Detective Superintendent David Newton, he was in charge of
14:30:06 45 the Drug Squad and a couple of other squads and then above
14:30:09 46 that it was Commander Lambert. I'm not too sure who the
14:30:15 47 Assistant Commissioner was at the time but matters were

14:30:17 1 regularly briefed up, other risk matters or operational
14:30:21 2 matters were briefed up and that would be standard practice
14:30:24 3 for something like that to be briefed up further.
14:30:28 4
14:30:28 5 To those three levels above you?---Yes.
14:30:30 6
14:30:31 7 COMMISSIONER: You wouldn't get the legal advice directly
14:30:34 8 yourself, you'd suggest to your superior that legal advice
14:30:38 9 should be obtained and that it would go up through the
14:30:42 10 ranks, is that how you'd expect it to happen?---Probably,
14:30:42 11 Commissioner. The next rank might say, "You do a briefing
14:30:45 12 paper and CC me, give me a copy and we'll send it to a
14:30:50 13 legal advice officer". It could happen either way,
14:30:54 14 Commissioner, yes.
14:30:56 15
14:30:56 16 MS TITTENSOR: You became aware, you'll accept that
14:30:59 17 Ms Gobbo was representing a person that had been charged by
14:31:03 18 the Drug Squad and became an informer, that is Person
14:31:08 19 Number 2 on that list before you?---Yes, that's correct.
14:31:10 20
14:31:17 21 You've provided in your first statement you had a
14:31:19 22 recollection of one meeting, is that the case?---That's
14:31:22 23 correct.
14:31:22 24
14:31:23 25 And that's an actual recollection that you had?---Yes.
14:31:26 26
14:31:26 27 But you found a number of other references throughout your
14:31:30 28 diary of dealings that you've had in relation to that
14:31:32 29 matter with Ms Gobbo?---That's correct.
14:31:34 30
14:31:34 31 And I'll just take you through those. The first of those
14:31:39 32 was on 3 December 98?---That's correct.
14:31:43 33
14:31:46 34 Mr Strawhorn's diary on that day indicates that he's gone
14:31:50 35 to the airport to pick up Detective Inspector Michael Drury
14:31:54 36 from New South Wales. He's then collected Person 2 and
14:31:59 37 brought him back to the office and a briefing was
14:32:02 38 conducted. That seems to be in accordance with what's
14:32:07 39 written in your diary, although your diary might be a bit
14:32:11 40 briefer as to some of those details, is that right?---Yes,
14:32:14 41 that's correct. But I don't have a redacted or a redaction
14:32:19 42 in front of me at the moment but yes, that's correct.
14:32:22 43
14:32:22 44 Perhaps if the witness could be provided with a copy of his
14:32:30 45 diaries.
14:32:30 46
14:32:30 47 COMMISSIONER: I think your writing is about as bad as mine

14:32:33 1 so it might even be helpful if you read out what's there I
14:32:36 2 think.

14:32:37 3

14:32:37 4 MS TITTENSOR: We might not. There are perhaps some other
14:32:41 5 bits that might need to be in terms of the informer
14:32:45 6 numbers, we might need to further redact I think so does
14:32:51 7 that simply indicate with DI Drury and - sorry, I might
14:32:59 8 have the wrong - there's an extra one. I'm jumping to the
14:33:04 9 next one. In any case, are you able to read out that entry
14:33:11 10 that you've got without any informer number perhaps?---Yes,
14:33:15 11 there is an entry. I believe it's at 17:00 with Detective
14:33:18 12 Inspector Drury to café, St Kilda Road, meet Person 2 and
14:33:22 13 his legal advisor and - - -

14:33:25 14

14:33:26 15 Has it got?---Ms Gobbo and then I've crossed it out and I'm
14:33:32 16 not sure - so I'm not sure whether she was part of that
14:33:35 17 meeting or not, I've got no - I can't recall why I've
14:33:39 18 crossed it out.

14:33:40 19

14:33:40 20 As per IR?---That's correct.

14:33:42 21

14:33:42 22 It seems there might have been an information
14:33:45 23 report?---That's correct.

14:33:46 24

14:33:49 25 17:00, a meeting at it seems 5 o'clock.

14:33:55 26

14:33:56 27 COMMISSIONER: And it says expenses \$39, does it?---That's
14:34:03 28 correct, Commissioner.

14:34:03 29

14:34:03 30 MS TITTENSOR: There was it seems a trip following that on
14:34:06 31 16 December, this is not recorded in your diary, or at
14:34:10 32 least what we have, by Ms Gobbo, Mr Strawhorn and Person 2
14:34:15 33 to Sydney?---Yes.

14:34:17 34

14:34:17 35 Do you have any recollection of that occurring?---No
14:34:21 36 recollection except I noticed that when I read my old
14:34:24 37 diaries.

14:34:25 38

14:34:25 39 There's some reference to it in some subsequent entries - -
14:34:29 40 - ?---Exactly what you said, yes.

14:34:31 41

14:34:31 42 Your next diary entry is on, relates to 6 January
14:34:38 43 1999?---Yes.

14:34:39 44

14:34:39 45 I'm not going to read all of that out, perhaps there might
14:34:44 46 need to be some, in case there needs to be some further
14:34:48 47 redacting, but essentially is that a conversation that

14:34:51 1 you've had with Michael Drury?---That's correct.
14:34:54 2
14:34:55 3 It relates to Mr Strawhorn and solicitor, who I take to be
14:35:01 4 Ms Gobbo, coming up with the informer?---Yes, I'm assuming
14:35:07 5 that's Ms Gobbo too but I don't recall.
14:35:10 6
14:35:11 7 He tells you about the plan that they have in relation to
14:35:15 8 the informer?---That's correct.
14:35:17 9
14:35:19 10 And there's some reference down the bottom to the
14:35:22 11 informer's driver's licence?---That's correct.
14:35:24 12
14:35:31 13 Following that we understand that Ms Gobbo spoke to
14:35:37 14 Mr Drury and that that related to his speaking with Wayne,
14:35:44 15 Mr Strawhorn, about an explanation of a land transaction.
14:35:49 16 Do you have any recollection of there being any inquiry in
14:35:53 17 relation to a land transaction going on? It may have
14:35:58 18 related to Solicitor 1?---No, I have no recollection of
14:36:02 19 that.
14:36:03 20
14:36:05 21 She also spoke to Mr Drury at that stage about her client's
14:36:11 22 licence?---This is on 6 January still?
14:36:15 23
14:36:15 24 That was on 18 January. You've got a note then on 20
14:36:22 25 January about a conversation that you have with Ms Gobbo,
14:36:26 26 is that right?---Yes, that's correct.
14:36:30 27
14:36:31 28 And that's a conversation in which she indicates she wants
14:36:34 29 an adjournment?---That's correct.
14:36:36 30
14:36:37 31 Presumably in relation to her client that you'd been
14:36:40 32 dealing with?---Yes, I believe so, yes.
14:36:42 33
14:36:42 34 And following that you spoke to Mr Strawhorn?---That's
14:36:46 35 correct.
14:36:46 36
14:36:46 37 Who indicated that that wouldn't be a problem and that
14:36:51 38 Mr Kruger - sorry.
14:36:53 39
14:36:53 40 COMMISSIONER: Strike that from the record, thank you.
14:36:55 41
14:36:56 42 MS TITTENSOR: Mr Kruger would contact the OPP?---Yes.
14:36:58 43
14:37:07 44 You have diary entries thereafter about - sorry, on 27
14:37:16 45 January we have a note indicating that Ms Gobbo spoke to
14:37:20 46 you about the address on her client's licence, there was
14:37:26 47 some concern about that, is that right?---Yes.

14:37:28 1
14:37:29 2 And then you've got some entries in relation to speaking
14:37:34 3 with Ms Gobbo again on 10 February and 18 February
14:37:39 4 essentially to arrange a meeting which occurred on 19
14:37:42 5 February?---That's correct.
14:37:47 6
14:37:50 7 Now your note of 19 February is simply, "With Senior
14:37:59 8 Detective Lindsay and spoke to Nicola Gobbo"?---That's
14:38:03 9 correct.
14:38:03 10
14:38:04 11 That meeting in your diary seems to go between 1.15 pm and
14:38:10 12 2.05, about 50 minutes?---That's correct.
14:38:14 13
14:38:14 14 You've got no indication in your diary of what you spoke
14:38:19 15 about for that period of time?---No.
14:38:20 16
14:38:21 17 Do you have any recollection now?---No.
14:38:23 18
14:38:28 19 We have some notes which indicate that some concerns were
14:38:35 20 being put to you at that stage about Person 2 not being put
14:38:41 21 in a position that would endanger his life and the need to
14:38:46 22 stop introducing him to new people. Does that ring a bell
14:38:51 23 with you?---No, it doesn't, but - no, it doesn't ring a
14:38:55 24 bell.
14:38:55 25
14:38:55 26 There is some reference to the Drug Squad in Victoria not
14:38:59 27 having the funds like New South Wales do in relation to
14:39:03 28 arranging drug operations, does that ring a bell?---No, not
14:39:07 29 specifically, no.
14:39:08 30
14:39:12 31 Now in your statement you referred to a meeting that you do
14:39:15 32 have some recollection of, is that right?---Yes.
14:39:18 33
14:39:18 34 Do you know now that you've got your old diaries and -
14:39:24 35 sorry, you've got some extra diary entries, whether the
14:39:27 36 reference to the meeting that you refer to occurred in 1999
14:39:33 37 or is it the one in June of 2000?---Sorry, can you ask that
14:39:39 38 question again?
14:39:39 39
14:39:40 40 Sorry. Your first statement referred simply to your
14:39:43 41 recollection of one meeting in perhaps June of 2000?---Yes.
14:39:47 42
14:39:50 43 We note that there was this earlier meeting of about 50
14:39:54 44 minutes in about February of 1999?---Yes.
14:39:57 45
14:39:58 46 You're quite certain that your actual recollection of
14:40:01 47 having a meeting with her is the one later with

14:40:03 1 Mr Strawhorn in June of 2000?---Yes. I mean the dates go
14:40:11 2 back 20 years, I'm not - I don't specifically recall the
14:40:15 3 date for 20 June but the date's got a diary entry which
14:40:20 4 indicates to me it was probably the date that we went and
14:40:23 5 had a coffee down the road.
14:40:24 6
14:40:24 7 You have a specific recollection of Mr Strawhorn being at
14:40:28 8 the meeting with you?---I do have a specific recollection
14:40:30 9 of that, yes. It was the only recollection I had until I
14:40:33 10 went back through my diaries.
14:40:34 11
14:40:40 12 Your recollection of that meeting, again, it's not a
14:40:46 13 fulsome recollection?---It's not?
14:40:49 14
14:40:50 15 It's not a full recollection of everything that occurred at
14:40:53 16 that meeting?---No, certainly not.
14:40:55 17
14:40:55 18 Do you recall whether it related to drug matters?---No, I
14:40:59 19 don't recall.
14:41:00 20
14:41:00 21 Do you recall whether it possibly related to fraud
14:41:05 22 matters?---No, I don't - no, I don't recall.
14:41:10 23
14:41:11 24 Were you aware that in May of 1999 that Ms Gobbo was
14:41:19 25 introduced by Mr Strawhorn and Mr Kruger to the, to members
14:41:26 26 of the Asset Recovery Squad?---No, I wasn't aware of that
14:41:30 27 at that time from my recollections.
14:41:32 28
14:41:32 29 Is that something that you would expect that they would
14:41:35 30 have let their superiors know they were doing?---Um,
14:41:45 31 probably. Probably. But I probably wasn't his superior at
14:41:48 32 that time either. There was probably a different chain of
14:41:53 33 command he had at that time.
14:41:55 34
14:41:55 35 Your recollection of the June of 2000 meeting is that
14:42:00 36 Mr Strawhorn thought she might be a useful contact in the
14:42:04 37 legal fraternity?---Yes, that was my recollection, that it
14:42:08 38 was - yes.
14:42:10 39
14:42:10 40 What gave you that impression?---Just, um, no, look, I
14:42:25 41 can't recall now specifically why. I specifically remember
14:42:32 42 there was nothing in relation to discussing criminal
14:42:35 43 activities of her clients and being a human source but I've
14:42:41 44 just got a really vague recollection that Strawhorn just
14:42:44 45 thought it was useful to keep in touch, a vague
14:42:48 46 recollection, yes.
14:42:49 47

14:42:50 1 So cultivating a source of information perhaps?---No, if it
14:42:54 2 had gone to that - that's a different level from my
14:42:58 3 perspective. It was more of a social outlet with someone
14:43:02 4 involved in the criminal justice system.
14:43:05 5
14:43:06 6 The conversation that was had then at that meeting was not
14:43:11 7 in relation to any specific case that was being handled by
14:43:15 8 the Drug Squad?---Not that I recall, no, and I believe I
14:43:20 9 would have made some notations in my diary if it had been
14:43:24 10 expanded on any further, as I have in previous times.
14:43:27 11
14:43:27 12 So it was a conversation more in the nature of general
14:43:31 13 chitchat?---That's my recollection, yes.
14:43:33 14
14:43:40 15 I take it in relation to some of the training that you've
14:43:43 16 received over time that something like the right to silence
14:43:47 17 of an accused is something you were taught from the early
14:43:50 18 days of your recruitment?---That's correct.
14:43:53 19
14:43:54 20 It's something that's in the rights that are given to a
14:43:58 21 person immediately upon their arrest?---That's correct.
14:44:01 22
14:44:01 23 And likewise not long thereafter they're told about their
14:44:04 24 right to a lawyer or legal representation?---Yes.
14:44:07 25
14:44:07 26 When that occurs, when they exercise that right, that's
14:44:11 27 something that occurs in private so that they can give full
14:44:16 28 and frank disclosure to their lawyers and the police can't
14:44:20 29 overhear what's going on?---Exactly.
14:44:22 30
14:44:24 31 Do you recall being given any training at any stage in
14:44:28 32 relation to legal professional privilege?---Not
14:44:33 33 specifically but I do recall at Detective Training School
14:44:37 34 and Advanced Detective Training School and probably
14:44:42 35 sub-officers course those sorts of issues were discussed.
14:44:46 36 I can't specifically recall what it was exactly but it was
14:44:50 37 quite clear to us during that training that there are
14:44:57 38 obligations in relation to those issues.
14:44:59 39
14:44:59 40 I take it when you're dealing with an area like the Drug
14:45:02 41 Squad where they're using telephone intercepts and
14:45:05 42 listening devices, precautions are put in place when
14:45:09 43 accused are overheard speaking with lawyers and so forth so
14:45:13 44 that that kind of evidence is isolated?---Can you say that,
14:45:18 45 ask that question again?
14:45:19 46
14:45:20 47 When you're dealing with drug investigations often there is

14:45:24 1 the use of listening devices or telephone intercepts. If
14:45:28 2 those devices would capture things that might be regarded
14:45:33 3 as legal professional privilege, for example, a target
14:45:36 4 speaking with a lawyer, are there mechanisms put in place
14:45:42 5 so that that material is isolated and not used?---Look I
14:45:47 6 can't remember that specifically happening and what the
14:45:50 7 process was but to me going back then, there would be
14:45:57 8 clear-cut decision to be made if it wasn't at lower levels
14:46:03 9 by my level that that had to be secured and then getting
14:46:06 10 legal advice in relation to - - -
14:46:09 11
14:46:09 12 Do you recall throughout your career getting any, at
14:46:14 13 Victoria Police getting any training in relation to
14:46:16 14 obligations of disclosure?---Yes, again at those courses
14:46:23 15 I've just mentioned those types of issues were discussed
14:46:27 16 and then with brief preparation on those types of issues, I
14:46:35 17 can't specifically remember what specific training there
14:46:38 18 was, but brief preparation was disclosure obligations.
19
14:46:43 20 Where there were public interest immunity issues arising,
14:46:46 21 so, for example, you've got some material that ordinarily
14:46:50 22 might, or the accused would be entitled to have disclosed
14:46:53 23 to them but there's a public interest issue, what would you
14:47:00 24 do about that?---I can't recall it happening at the Drug
14:47:04 25 Squad, it did at the National Crime Authority. We'd seek
14:47:07 26 legal advice and have counsel briefed to represent us, seek
14:47:11 27 legal advice in the first instance and that would have been
14:47:14 28 done through the Victorian Government Solicitors at the VPC
29 headquarters.
30
14:47:20 31 You wouldn't simply put that aside and not tell anyone
14:47:24 32 about it and not get any advice?---No.
14:47:27 33
14:47:36 34 You were involved in a review of Operation Kayak, is that
14:47:40 35 right?---Yes, that's correct.
14:47:41 36
14:47:42 37 And that review I take it occurred because of some serious
14:47:45 38 corruption issues that had occurred within the Drug
14:47:48 39 Squad?---That's correct.
14:47:49 40
14:47:49 41 And a number of members were involved with the informer
14:47:55 42 that was being used in that operation?---Yes.
14:47:59 43
14:48:01 44 Such that they were charged with some drug offences
14:48:04 45 themselves?---Yes.
14:48:05 46
14:48:09 47 We understand that Mr Paton resigned from the police on 22

14:48:15 1 December 2000?---Look I don't recall the date but yes, I
14:48:19 2 accept that.
14:48:20 3
14:48:20 4 Mr Rosenes was charged in late July of 2001?---Yes.
14:48:25 5
14:48:25 6 And that your review, according to your statement, occurs
14:48:28 7 in August of 2001?---That's correct.
14:48:31 8
14:48:32 9 And late that month there are charges against Mr Mokbel and
14:48:37 10 others in relation to Operation Kayak?---I don't recall
14:48:41 11 specific dates for that.
14:48:44 12
14:48:47 13 Did your review involve looking at the diary entries of
14:48:51 14 people involved in that operation?---No, I don't think so,
14:48:55 15 not from memory.
14:48:56 16
14:48:59 17 There's just one diary entry of Mr Strawhorn that I just
14:49:02 18 wanted to ask you about. In December of 2000 it seems the
14:49:09 19 operation, the investigation is still underway, there
14:49:12 20 hadn't been any charges to that point, at least not against
14:49:16 21 Mr Mokbel or major targets, but there were some discussions
14:49:21 22 at that stage happening with the OPP?---Yes, that
14:49:26 23 investigation wasn't under my direct control except for
14:49:28 24 what I've said in my statement that I had an overall
14:49:32 25 appreciation of it so I'm not too sure. I can't answer
14:49:35 26 that question.
14:49:36 27
14:49:36 28 In amongst some meetings that Mr Strawhorn has on 11
14:49:39 29 December 2000 in relation to Operation Kayak, he goes, for
14:49:44 30 example, to the OPP and then later has a meeting with AFP
14:49:49 31 technicians and surveillance all in relation to Kayak. In
14:49:54 32 between those two meetings he has an entry relating to
14:50:00 33 meeting barrister Gobbo re Kayak. Do you have any
14:50:03 34 recollection that Ms Gobbo had any involvement during the
14:50:07 35 course of the investigation of Kayak?---No, I haven't got
14:50:11 36 any recollection of that.
14:50:12 37
14:50:13 38 Can you shed any light on why Mr Strawhorn might have been
14:50:17 39 meeting with her during the ongoing investigations?---No.
14:50:20 40
14:50:21 41 Thank you, Commissioner.
14:50:24 42
14:50:24 43 COMMISSIONER: Any cross-examination? Yes Mr Nathwani.
14:50:29 44
14:50:29 45 <CROSS-EXAMINED BY MR NATHWANI:
14:50:29 46
14:50:30 47 Can I just start with your second statement, please,

14:50:33 1 because I'm just highlighting your contact with Ms Gobbo.
14:50:36 2
14:50:37 3 COMMISSIONER: Just to be clear, that's the 29 April one or
14:50:41 4 the 1 May one?
14:50:43 5
14:50:44 6 MR NATHWANI: 1 May one, so 92C. Sorry, my fault. You by
14:50:48 7 this stage had the benefit of your diary and you record at
14:50:51 8 paragraph 4 seven contacts with Ms Gobbo?---Yes.
9
14:50:57 10 And it's right to say, isn't it, all of those contacts were
14:51:00 11 in relation to her representation of Person 2?---That's
14:51:04 12 correct.
14:51:04 13
14:51:04 14 And Person 2 who of course was in a position seeking
14:51:10 15 assistance and instructing her to help you as far as you
14:51:13 16 could see?---Yes, that's right, exactly.
14:51:17 17
14:51:17 18 You were asked prior to that to give us your statement
14:51:20 19 which you have of 29 April, so your first statement, and
14:51:23 20 without the benefit of your diaries you could only recall
14:51:29 21 the one time that you'd met Ms Gobbo?---That's correct.
14:51:33 22
14:51:33 23 That was on an occasion you believe to be in June
14:51:38 24 2000?---That's correct.
14:51:38 25
14:51:38 26 And your memory when being asked to recall it was not just
14:51:43 27 that it was unremarkable, but you go further, don't you?
14:51:47 28 Am I right in saying, and this is still your memory, that
14:51:50 29 you were certain that Ms Gobbo as a person did not provide
14:51:53 30 any information about criminal activities of her clients or
14:51:56 31 any other person and there was no discussion about
14:52:00 32 it?---That's correct.
14:52:01 33
14:52:01 34 So as far as you were concerned your contact with Ms Gobbo
14:52:06 35 certainly in that early stage in relation to what the
14:52:09 36 Commission is considering, is that she never provided any
14:52:12 37 information on her clients where you were present,
14:52:15 38 agree?---That's correct.
14:52:16 39
14:52:17 40 Insofar as Operation Kayak is concerned, again you have not
14:52:28 41 seen any diary entries or other entries to assist, have
14:52:31 42 you, with what Mr Strawhorn was meeting her in relation
14:52:34 43 to?---No, I don't recall ever seeing any.
14:52:37 44
14:52:38 45 It's right to say in your review of Operation Kayak that
14:52:43 46 Mr Strawhorn, because we know that he was one of those
14:52:46 47 officers eventually charged with corruption and served a

14:52:49 1 prison sentence, his conduct caused difficulties in
14:52:53 2 relation to the actual prosecution of Mr Mokbel and his
14:52:57 3 trial, can you confirm that?---I can't - I'm not aware.
14:53:00 4
14:53:01 5 You're unaware that the proceedings there were delayed
14:53:04 6 because of the allegation of corrupt police officers being
14:53:07 7 involved in the prosecution both by the Commonwealth and
14:53:11 8 Victoria Police in relation to Mr Mokbel?---Yes, I can't
14:53:19 9 recall what impact the arrests of members had on that
14:53:23 10 prosecution.
14:53:23 11
14:53:23 12 Thank you.
14:53:26 13
14:53:28 14 COMMISSIONER: Did you see any socialising between Nicola
14:53:32 15 Gobbo and Victoria Police officers?---No, Commissioner, but
14:53:35 16 I guess to a certain extent that coffee had a, my
14:53:39 17 interpretation we had a sort of a social,
14:53:44 18 professional/social type of thing and that was all, the
14:53:46 19 only time.
14:53:46 20
14:53:46 21 That you saw. You didn't see it happening with
14:53:50 22 others?---No, Commissioner, no.
14:53:52 23
14:53:52 24 In particular with Jeff Pope?---I don't even know if I know
14:53:56 25 him other than the media reports, no, Commissioner.
14:54:01 26
14:54:01 27 Yes. Are you finished?
14:54:04 28
14:54:05 29 MS TITTENSOR: Yes, Commissioner.
14:54:06 30
14:54:06 31 COMMISSIONER: Any re-examination?
14:54:08 32
14:54:08 33 MS ENBOM: No re-examination.
14:54:09 34
14:54:09 35 COMMISSIONER: Thank you very much Mr Nottman, you're free
14:54:13 36 to go?---Thank you Commissioner.
37
38 (Witness excused.)
39
14:54:16 40 <(THE WITNESS WITHDREW)
14:54:16 41
42 COMMISSIONER: So where are we going now?
43
14:54:16 44 MS TITTENSOR: I have a statement of David Justin Foster to
14:54:20 45 tender.
14:54:21 46
14:54:21 47 COMMISSIONER: It's signed, is it?

14:54:23 1
14:54:24 2 MS TITTENSOR: No, the copy I have isn't signed and I don't
14:54:28 3 have a code number.
14:54:30 4
14:54:31 5 COMMISSIONER: Is there a signed statement?
14:54:33 6
14:54:33 7 MR HOLT: I'll have those inquiries eventually made,
14:54:37 8 Commissioner.
14:54:37 9
14:54:37 10 MS TITTENSOR: I'll hold off with that tender until we get
14:54:41 11 a signed statement, Commissioner.
14:54:43 12
14:54:43 13 COMMISSIONER: I think so. All right then.
14:54:44 14
14:54:45 15 MS TITTENSOR: I think whilst I've been on my feet,
14:54:48 16 Commissioner, we've received a statement that we've been
14:54:54 17 waiting on. Perhaps if we might stand down to see if we'll
14:55:00 18 call on that witness this afternoon.
14:55:02 19
14:55:02 20 COMMISSIONER: Right, all right. And there's some other
14:55:05 21 things we might be able to usefully do. I have been handed
14:55:10 22 a number of documents. I understand there's some dispute,
14:55:14 23 I suppose is the right word for it, between Victoria Police
14:55:20 24 and the Commission as to the redactions that should be made
14:55:24 25 to some transcripts and so forth so it's probably best that
14:55:27 26 we deal with those and they'll probably need to be dealt
14:55:30 27 with in - it will probably be easier to deal with that in a
14:55:34 28 closed hearing I imagine.
14:55:35 29
14:55:36 30 MR HOLT: Commissioner, probably but I haven't been made
14:55:37 31 aware of the particular dispute and it might be that it can
14:55:41 32 just be resolved between counsel.
14:55:43 33
14:55:43 34 COMMISSIONER: It might. It might take a while.
14:55:44 35
14:55:45 36 MR HOLT: I don't want to waste the Commission's time.
14:55:47 37
14:55:47 38 COMMISSIONER: It might take a while exactly but I'm a bit
14:55:50 39 sick of having these disputes come up so I thought it might
14:55:54 40 be easier if the Commission resolves them. But anyway, it
14:56:00 41 relates to a letter to, from Daniel Marquet to the
14:56:08 42 Commission's solicitors on 20 April about some of Mr Pope's
14:56:12 43 exhibits which were placed before the Commission quite some
14:56:17 44 time ago now. And then yesterday's transcript I think is
14:56:25 45 the other material. So perhaps you can have a look at that
14:56:28 46 and see whether we need to - - -
14:56:30 47

14:56:30 1 MR HOLT: If we can, Commissioner. I wasn't aware that the
14:56:34 2 Pope issue was still live. Certainly the transcript one
14:56:41 3 I'm happy to deal with but I haven't had a chance with the
14:56:42 4 time available.
14:56:42 5
14:57:04 6 COMMISSIONER: Thank you. All right then, we'll have a
14:57:06 7 short break until I hear something more.
14:57:12 8
14:57:12 9 (Short adjournment.)
10
15:34:50 11 COMMISSIONER: Yes, Mr Woods.
15:34:53 12
15:34:53 13 MR WOODS: Your Honour, there's been an application in
15:34:55 14 relation to the next witness. Counsel assisting's position
15:34:57 15 is that the proposed order is agreed, which is simply to
15:35:00 16 the effect that the - - -
15:35:02 17
15:35:02 18 COMMISSIONER: I don't think it can be agreed actually.
15:35:04 19
15:35:04 20 MR WOODS: Sorry.
15:35:05 21
15:35:05 22 COMMISSIONER: It really needs me to make a judgment on it.
15:35:08 23
15:35:09 24 MR WOODS: Sorry, Commissioner, I'm saying in my submission
15:35:11 25 that the proposed order as to the image and the actual
15:35:15 26 place of work of the individual - - -
15:35:18 27
15:35:18 28 COMMISSIONER: You're not opposing the application?
15:35:20 29
15:35:21 30 MR WOODS: Not opposing it in those terms and that's the
15:35:24 31 breadth of the order as it stands.
32
33 COMMISSIONER: Thanks you. And, Ms Pierce, you're
15:35:32 34 appearing? No?
15:35:32 35
15:35:33 36 MS ARGIROPOULOS: Sorry, Ms Argiropoulos, I appear on
15:35:34 37 behalf of the witness and Victoria Police.
15:35:35 38
15:35:35 39 COMMISSIONER: Thank you. You're bringing the application.
15:35:38 40
15:35:39 41 MS ARGIROPOULOS: Yes, that's correct.
15:35:39 42
15:35:40 43 COMMISSIONER: For orders sought in the draft order but
15:35:42 44 you're now no longer seeking the request for a pseudonym.
15:35:47 45
15:35:48 46 MS ARGIROPOULOS: That's correct.
15:35:49 47

15:35:49 1 COMMISSIONER: And I think that was a sensible decision on
15:35:51 2 the material before the Commission.
15:35:54 3
15:35:55 4 MS ARGIROPOULOS: I can hand up a revised draft order which
15:35:57 5 seeks effectively orders with respect to his image and
15:36:00 6 current work location.
15:36:03 7
15:36:04 8 COMMISSIONER: That would be good, thank you.
15:36:04 9
15:36:06 10 MS ARGIROPOULOS: As I understand it that position is
15:36:08 11 agreed to by counsel assisting. I also read the
15:36:13 12 confidential affidavit of Detective Acting Superintendent
15:36:17 13 Chris Murray which is relied on in support of that
15:36:19 14 application. Does the Commissioner have a copy of that
15:36:22 15 available?
15:36:22 16
15:36:23 17 COMMISSIONER: Yes, that should be given to my Associate
15:36:25 18 and the affidavit will be Exhibit 1 in the application.
15:36:28 19
15:36:28 20 #EXHIBIT 1 - Affidavit and written submission.
15:36:29 21
15:36:30 22 COMMISSIONER: Placed in a sealed envelope marked "not to
15:36:33 23 be opened except by order of the Commissioner".
15:36:35 24
15:36:36 25 MS ARGIROPOULOS: Finally, there is a very brief written
15:36:41 26 submission which has been prepared which I can hand up as
15:36:43 27 part of the materials.
15:36:44 28
15:36:44 29 COMMISSIONER: That can be part of Exhibit 1 in this
15:36:47 30 application. It can also go in the sealed envelope and
15:36:49 31 I've read that material. Thank you. I'm satisfied that
15:36:53 32 there are sound reasons under s.26(1) for making the
15:36:56 33 following orders:
15:36:57 34
15:36:59 35 Pursuant to s.26 of the *Inquiries Act* the public streaming
15:37:21 36 of the evidence of the Victoria Police member the subject
15:37:23 37 of this order not include his image and current work
15:37:29 38 location and duties. Publication is prohibited of any
15:37:32 39 material that would identify the Victoria Police member the
15:37:34 40 subject of this order or enable his image and current work
15:37:37 41 location and duties to be ascertained. The written
15:37:43 42 submission and confidential affidavit provided to the Royal
15:37:44 43 Commission - I've already made that order, I'll take that
15:37:47 44 out. The name of Victoria Police member can be accessed on
15:37:51 45 request by accredited media from the solicitors assisting
15:37:54 46 the Royal Commission and otherwise an application to the
15:37:56 47 Commission. A copy of this order is to be posted on the

15:37:59 1 door of the hearing room and the rooms into which the
15:38:02 2 hearing is being transmitted.
15:38:06 3
15:38:07 4 MS ARGIROPOULOS: I beg your pardon, Commissioner. The
15:38:09 5 reference there to the name being available on application
15:38:11 6 is actually no longer necessary because the name is not to
15:38:14 7 be suppressed.
15:38:15 8
15:38:15 9 COMMISSIONER: That's right, it isn't, is it? We'll take
15:38:20 10 that out as well. So take that out and revise that. So it
15:38:22 11 will just be order 1 and then order 2, that is that the
15:38:26 12 copy of the order be posted.
15:38:28 13
15:38:28 14 MS ARGIROPOULOS: Would it be of assistance if we prepared
15:38:31 15 an electronic version of the ordering in those terms?
15:38:36 16
15:38:37 17 COMMISSIONER: Would it be of assistance or are you able to
15:38:38 18 do it just as quickly? An electronic version would be very
15:38:43 19 good, thank you.
15:38:44 20
15:38:44 21 MS ARGIROPOULOS: Yes, we'll attend to that, Commissioner,
15:38:46 22 thank you.
15:38:46 23
15:38:46 24 COMMISSIONER: Thank you.
15:38:48 25
15:38:48 26 MS ARGIROPOULOS: Before the next witness is called there's
15:38:50 27 just one further matter I'd just seek to raise with the
15:38:53 28 Commissioner and that is that there are two persons who are
15:38:57 29 referred to in the statement of Mr Bartlett who have been
15:39:01 30 described as Person 7 and Person 8. I've discussed with
15:39:08 31 counsel assisting the identity of those persons.
15:39:11 32
15:39:12 33 COMMISSIONER: Yes.
15:39:12 34
15:39:14 35 MS ARGIROPOULOS: I obviously don't want to identify them
15:39:15 36 orally in open court.
15:39:17 37
15:39:18 38 COMMISSIONER: No, I'm sure. Would you like Exhibit 81 so
15:39:20 39 you can add that to Exhibit 81?
15:39:23 40
15:39:23 41 MS ARGIROPOULOS: Yes, thank you.
15:39:24 42
15:39:24 43 COMMISSIONER: Excellent. Could you give Ms Argiropoulos
15:39:35 44 Exhibit 81, please. Did the former witness take it away
15:39:40 45 with him? No, where is it Exhibit 81? It's still here.
15:39:45 46
15:39:46 47 MR WOODS: I'm just adding those names to it, Commissioner.

15:39:48 1
15:39:49 2 COMMISSIONER: All right.
15:40:12 3
15:40:13 4 MR WOODS: I'll just attend to that. Those are recorded as
15:40:14 5 Person 7 and Person 8 as per the request.
15:40:16 6
15:40:16 7 COMMISSIONER: Would you just show that to Ms Argiropoulos,
15:40:19 8 please, make sure she's happy with that.
15:40:24 9
15:40:25 10 MS ARGIROPOULOS: Yes, that's correct. Thank you,
15:40:26 11 Commissioner.
15:40:26 12
15:40:27 13 COMMISSIONER: Thanks Ms Argiropoulos. We might need to be
15:40:30 14 adding pages to that list before long.
15:40:36 15
15:40:37 16 MR WOODS: Commissioner, in relation to Mr Bartlett, I've
15:40:40 17 just been handed his diaries. We had five entries that
15:40:46 18 were provided a little while ago and we've just been handed
15:40:50 19 a further nine entries that are referred to in the
15:40:53 20 statement. I'd like an opportunity to read those and I
15:40:56 21 think there's some issues regarding redactions that might
15:40:59 22 be attended to in the meantime if that's convenient.
15:41:01 23
15:41:02 24 COMMISSIONER: Yes. That is before he's called and his
15:41:05 25 statement is tendered. Would you like to do the other
15:41:08 26 matters now?
15:41:09 27
15:41:10 28 MR WOODS: If that's possible I'd appreciate it.
15:41:11 29
15:41:12 30 COMMISSIONER: That should be suitable. We can deal then
15:41:15 31 usefully I think with the redaction issues in the
15:41:17 32 transcript and some exhibits that were tendered some time
15:41:21 33 before. I think we'll close the court for that discussion,
15:41:28 34 close the hearing room, rather, for that discussion. So I
15:41:31 35 order that under the *Inquiries Act* the hearing room is
15:41:36 36 closed for a short time to everyone except the legal
15:41:40 37 representatives. I think it only relates to the public
15:41:50 38 hearings yesterday so I think Ms Gobbo's legal
15:41:54 39 representatives can stay.
15:41:55 40
15:41:55 41 MR WOODS: Yes, Commissioner.
15:41:57 42
15:41:58 43 COMMISSIONER: And I direct that a copy of this order be
15:42:00 44 posted on the hearing room door.
45
46 (IN CAMERA PROCEEDINGS FOLLOW)
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