

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria
On Tuesday, 29 October 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 K. Argiropoulos
Counsel for State of Victoria	Mr T. Goodwin
Counsel for Nicola Gobbo	Mr R. Nathwani
Counsel for DPP/SPP	Mr T. Jeffrie
Counsel for CDPP	Ms R. Avis
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for AFP	Ms I. Minnett
Counsel for Chief Commissioner of Police	Mr P. Silver
Counsel for ACIC	Ms S. Martin

09:35:10 1 COMMISSIONER: Yes. We're in open session. We're back
09:35:14 2 earlier than expected with Mr Black. Mr Black, can you
09:35:17 3 hear me?---Yes, I can Commissioner.
09:35:18 4
09:35:18 5
09:35:19 6 <OFFICER BLACK, recalled:
09:35:20 7
09:35:21 8 COMMISSIONER: Mr Winneke.
09:35:21 9
09:35:22 10 MR WINNEKE: Thanks Commissioner.
09:35:23 11
09:35:23 12 COMMISSIONER: I should just note appearances are largely
09:35:27 13 as they were when we adjourned last, save that we have
09:35:31 14 Mr Holt back for Victoria Police and Mr Jeffrie for the
09:35:36 15 DPP.
09:35:36 16
09:35:37 17 MR WINNEKE: Thanks Commissioner, I've just got a few
09:35:41 18 questions to ask before we will need to go into private
09:35:44 19 session. Mr Black, can I ask you whether there were any
09:35:56 20 differences in view as to the use of Ms Gobbo within the
09:36:01 21 SDU amongst the various members of the SDU?---The answer's
09:36:11 22 no, however like this particular source and every other
09:36:17 23 source, we had differing views about different things but
09:36:21 24 essentially the mood of the office was absolutely united.
09:36:27 25
09:36:27 26 Absolutely no, as in no difference or no divergence in
09:36:33 27 views?---At the end of the day most items of business were
09:36:38 28 subject of robust and honest debate but essentially when a
09:36:45 29 decision is made, I can't think of one that was, caused a
09:36:50 30 great issue at all throughout the operating cycle of the
09:36:54 31 office.
09:36:55 32
09:36:57 33 No doubt you expressed your views about the potential for
09:37:03 34 her use to be the subject of a review?---Yes.
09:37:11 35
09:37:13 36 And underlying that was the proposition that certainly as
09:37:19 37 far as you were concerned there might be a perception that
09:37:22 38 what was going on was wrong?---Well there was a possibility
09:37:28 39 that all of our decisions will be subject to review, not
09:37:32 40 necessarily wrong.
09:37:33 41
09:37:33 42 Do you say that there was general agreement within the SDU
09:37:37 43 about that?---Once the issues were discussed and the
09:37:43 44 explanations were tabled, absolutely.
09:37:46 45
09:37:46 46 I take it that, obviously there was on occasions or at
09:37:55 47 least as we've established regular occasions attendances of

09:38:00 1 the Inspector, the officer in charge and that was for the
09:38:04 2 most part Mr Hardy throughout the latter part of 2006 into
09:38:09 3 2007, is that correct?---Yes.
09:38:11 4
09:38:14 5 Did he share the view that the SDU's management of Ms Gobbo
09:38:24 6 could well be the subject of a review?---I can't speak for
09:38:32 7 Mr Hardy, but as I responded before, the position of the
09:38:39 8 office was, was pretty well united. Once we discussed the
09:38:46 9 issues we moved forward. There was no dissension as such.
09:38:51 10
09:38:51 11 Mr White has given evidence that once he was told by
09:38:56 12 Mr Overland that Ms Gobbo would be made a witness, then he
09:39:05 13 fell into line with that direction, if you like, without
09:39:10 14 any real opposition or argument. I hope I'm putting it
09:39:15 15 fairly. Is that the approach that you took?---Yes, very
09:39:20 16 much. Once we had that meeting with Mr Overland, I think
09:39:24 17 it was 5 December, it was quite clear what he wanted and
09:39:30 18 essentially that's what he wanted, that's what we did.
09:39:37 19
09:39:37 20 Nonetheless despite that you were still mounting arguments
09:39:41 21 in the latter part of December 2008 to try and persuade
09:39:47 22 management not to make her a witness?---I think in relation
09:39:51 23 to Petra, the only occasion after we met with Mr Overland
09:39:56 24 that we raised another concern was on the back of a request
09:40:04 25 from Mr Biggin which gave rise to the SWOT analysis.
09:40:09 26
09:40:10 27 Right. Mr White wasn't at the office during the period
09:40:23 28 that that SWOT analysis was carried out I take
09:40:26 29 it?---Correct.
09:40:27 30
09:40:29 31 Was Mr White involved in any discussions which led to the
09:40:33 32 SWOT analysis?---I tried to reach him before I started at -
09:40:40 33 he was unavailable and I spoke to him, I think it's in my
09:40:44 34 diary, I placed a phone call to him before I handed it to
09:40:48 35 Mr Biggin. I can check my diary if you wish but that was
09:40:51 36 my memory.
09:40:52 37
09:40:52 38 Okay, right. Did you discuss with him the contents of the
09:40:57 39 SWOT analysis in any detail or not?---In broad detail, yes,
09:41:04 40 absolutely.
09:41:04 41
09:41:05 42 With respect to each of those matters in the SWOT analysis,
09:41:07 43 are they matters that had been previously discussed with
09:41:10 44 Mr White?---Not all of them, no. No, this was a
09:41:17 45 culmination of the meeting we had, preliminary discussions
09:41:20 46 on the night, the evening before when we got the phone call
09:41:24 47 from Mr Biggin and the piece of work we conducted in the

09:41:28 1 morning with all the members.
09:41:30 2
09:41:31 3 Were you aware, I'm not suggesting you had a detailed
09:41:36 4 awareness, but were you generally aware that in around July
09:41:40 5 of 2007 that there was a proposal that Ms Gobbo be brought
09:41:46 6 before IBAC to have her answer questions about her
09:41:48 7 knowledge of matters concerning Operation Petra?---At the
09:41:55 8 time, no.
09:41:56 9
09:41:56 10 You weren't aware of that matter at the time?---At the
09:42:00 11 time, no, I was busy with other operations.
09:42:03 12
09:42:03 13 And you hadn't had any discussions with Mr White at about
09:42:06 14 that time about the consequences that might flow from
09:42:13 15 calling Ms Gobbo before IBAC?---I don't recall any.
09:42:17 16
09:42:19 17 Do you have your diaries there?---Yes.
09:42:22 18
09:42:22 19 Were you in the office and working during the period
09:42:26 20 leading into 18, 19 July 2007?---I'll just check my
09:42:36 21 diaries. 18 July 2007?
09:42:44 22
09:42:44 23 Yes?---No, I was, I was away on recreational leave.
09:43:14 24
09:43:15 25 What dates were you away around that time?---I was on an
09:43:20 26 extended period of leave from 22 May 2007.
09:43:27 27
09:43:27 28 Yes?---Through to 26 August 2007.
09:43:33 29
09:43:33 30 All right, thanks very much. Now, can I ask you, was there
09:43:43 31 a practice of the officer-in-charge signing off on your
09:43:50 32 diary in 2006 and 2007?---Yes.
09:43:55 33
09:44:00 34 Who was it - I assume it - was it Mr Hardy who signed off
09:44:06 35 on your diary?---Yes.
09:44:07 36
09:44:07 37 Would Mr Hardy have signed off on your diary on 24 July
09:44:14 38 2006, are you able to have a look and tell us?---24 July?
09:44:54 39 So it was Monday, 24 July 2006.
09:44:57 40
09:44:58 41 Yes?---No, I can't see a signature in - he hasn't
09:45:16 42 physically signed, it doesn't appear he has physically
09:45:21 43 signed my diary, I'm just going through to see where he
09:45:24 44 has. Looks like he's signed my diary on 14 August 2006.
09:45:35 45
09:45:36 46 Right. And the time prior to that was obviously, obviously
09:45:43 47 prior to that date, is that right?---Yes.

09:45:46 1
09:45:47 2 How long prior?---I'm just working my way back through the
09:46:20 3 diary. I've got a signature here on Monday, 3 July 2006 by
09:46:39 4 my officer-in-charge at that stage, being Detective
09:46:44 5 Inspector McWhirter.
09:46:45 6
09:46:45 7 All right. So as far as you can tell there's no signature
09:46:49 8 in between those two dates that you've mentioned?---Nothing
09:46:52 9 in my diary that I can see, no.
09:46:54 10
09:46:54 11 Do you know, was there - firstly, what's the purpose of an
09:47:00 12 officer-in-charge signing your diary?---Well there's,
09:47:07 13 they're supposed to check the details of the diary.
09:47:12 14
09:47:12 15 Yes?---And attest to the duties, and claims and other
09:47:19 16 relevant business.
09:47:21 17
09:47:21 18 Does that mean reading the diary?---Yeah. Well, it would
09:47:30 19 be normal practice to read through the diary. You may not
09:47:34 20 read every single word but you'd certainly thumb through
09:47:38 21 the diary as it were.
09:47:39 22
09:47:39 23 That's what you do I take it in your role as an
09:47:43 24 officer-in-charge of whatever station you're at if that's
09:47:47 25 your function?---Always.
09:47:48 26
09:47:48 27 And do you leave the diary in the possession of the
09:47:51 28 officer-in-charge so that that person can go through it
09:47:55 29 when they get a chance to do so?---Yeah, they would
09:47:58 30 generally either come and collect it when they wanted to do
09:48:02 31 it or over the course of completing a particular fortnight
09:48:09 32 or if you had some claims or what have you, you would leave
09:48:11 33 it with the officer-in-charge and then once they did it
09:48:14 34 they would return the diary to you a short time later.
09:48:19 35
09:48:20 36 Last Thursday, transcript 8314, you gave evidence that
09:48:26 37 there was, as an alternative to disclosing to the defence
09:48:34 38 information about, for example, a human source which may
09:48:40 39 well be relevant to that person's defence, the alternative
09:48:44 40 to doing so, if to do so disclose may expose a source,
09:48:50 41 would be simply to withdraw charges or not to proceed with
09:48:54 42 charges, do you recall that?---Yes.
09:48:55 43
09:48:57 44 After April of 2006 when you came to understand what had
09:49:05 45 occurred, that is Ms Gobbo advising the person we can't
09:49:12 46 name?---Yes.
09:49:13 47

09:49:14 1 And the consequences of that, do you believe that any
09:49:18 2 consideration was given to not pursuing or not proceeding
09:49:24 3 with charges?---Look, that was a matter at that stage for
09:49:31 4 the investigator and Crime Command.
09:49:34 5
09:49:34 6 Do you know whether there were any discussions had with the
09:49:39 7 investigators about that course?---I don't know.
09:49:44 8
09:49:52 9 Can I ask you finally, Mr Chettle took you to your diaries
09:49:58 10 around or between the 1st and I think the 6th or the 3rd of
09:50:04 11 June of 2009 when you were concerned that Command wanted to
09:50:10 12 use Ms Gobbo as a witness?---Yes.
09:50:18 13
09:50:18 14 In the Briars matter. And in particular Mr Chettle took
09:50:24 15 you to what he described as being the six points on - just
09:50:31 16 excuse me - the diary at p.RCMP1698, which is p.153 of the
09:50:50 17 document that you put together. Have you got that
09:50:59 18 page?---I have, yes.
09:51:00 19
09:51:03 20 Mr Chettle suggests there are 8 points and indeed there
09:51:06 21 are, but the questioning of you suggested there were six
09:51:09 22 points. But in any event I understood what you were saying
09:51:13 23 is that those points were referable only to the
09:51:20 24 consequences surrounding Ms Gobbo speaking to Detective
09:51:29 25 Sergeant Waters and providing information about him?---Yes.
09:51:33 26
09:51:39 27 Can I suggest to you that the points that you were making
09:51:42 28 to Mr Glow were not confined to the circumstances
09:51:50 29 surrounding Waters but more generally to the circumstances
09:51:54 30 that were applicable to Ms Gobbo's conduct which led to the
09:52:01 31 potential for convictions that had already occurred, those
09:52:06 32 convictions being upset. What do you say about
09:52:13 33 that?---That meeting in that - sorry, we've just got that
09:52:20 34 lag again.
09:52:20 35
09:52:21 36 That's okay. What I'm suggesting to you is that those
09:52:24 37 points that were you making to Detective Inspector Glow
09:52:26 38 weren't confined only to the Briars situation. Do you
09:52:30 39 accept that or not?---No. The Petra matter as far as we
09:52:34 40 were concerned was, as it were, a done deal. That decision
09:52:39 41 had already been made, so be it. This was in relation to
09:52:42 42 Briars.
09:52:42 43
09:52:43 44 Yes?---And this was a concept that Detective Inspector Glow
09:52:47 45 couldn't quite understand why we were attempting to bring
09:52:52 46 an alternative view to these discussions. It was more in
09:52:57 47 relation to Briars.

09:52:58 1
09:52:58 2 When I was asking you questions before Mr Chettle
09:53:02 3 re-examined you, you seemed to be accepting that those
09:53:05 4 points, indeed there were 8 points, were applicable not
09:53:08 5 just to the situation with respect to Waters but applicable
09:53:14 6 to what had occurred going back to April of 2006 and the
09:53:18 7 convictions that might have arisen as a result of
09:53:23 8 Ms Gobbo's involvement in around April and thereafter of
09:53:27 9 2006. I'm suggesting that that's what you were saying to
09:53:32 10 me in your evidence in cross-examination, do you accept
09:53:34 11 that or not?---No, these were diary entries in relation to
09:53:39 12 Briars and nothing else.

09:53:41 13
09:53:42 14 But the point that I'm making is that there were in fact 8
09:53:46 15 points there, there are two over the page. The first one
09:53:49 16 is - I'm sorry, the point that you were making, I suggest,
09:53:56 17 to Detective Inspector Glow were these, that if Ms Gobbo is
09:54:01 18 made a witness there are going to be certain consequences
09:54:04 19 that flow and one of the consequences may be that
09:54:14 20 convictions which had been obtained could be in jeopardy or
09:54:19 21 could be in doubt. Do you agree that that's one of the
09:54:22 22 points that you were making to Glow?---I've got that there
09:54:28 23 is no contention from me at all. Those 8 points are
09:54:31 24 exactly what's written in my diary, this related to Briars
09:54:34 25 and related back to the approach, even going way back to 24
09:54:39 26 April 2007. This was about the circumstances of Briars,
09:54:44 27 nothing else.

09:54:44 28
09:54:45 29 What I'm suggesting to you is it was more general than
09:54:48 30 that, if you have a look at points 7 and 8, they are the
09:54:52 31 human source then continues to act for that client,
09:54:56 32 furthermore, the human source then convinces the client to
09:54:59 33 plead guilty. Those two points there on the following page
09:55:04 34 are referable to the concerns, the sorts of concerns that
09:55:09 35 you had and you continued to have when you learned that
09:55:13 36 Gobbo had turned up on that night in April?---No, I
09:55:18 37 disagree with that. Briars was still an active
09:55:22 38 investigation and we were mindful of, or I was mindful of
09:55:26 39 the issues and the obvious concerns we'd had with LPP,
09:55:31 40 particularly with the circumstances of the persons of
09:55:36 41 interest to Briars and the proposed activities of 3838 into
09:55:41 42 those specific people.

09:55:41 43
09:55:42 44 Yes. But the consequences of doing so would be the chance
09:55:48 45 of Ms Gobbo's exposure as a human source and therefore the
09:55:54 46 exposure of the SDU and Victoria Police and its role in
09:56:02 47 Ms Gobbo's activities?---Well again, this is all about

09:56:08 1 context. When you read the diary entry in totality it's
09:56:12 2 quite clear this is a meeting about Briars.
3
09:56:16 4 It may well be?---Not about Petra. Well it was.
09:56:18 5
09:56:18 6 Who in the Briars investigation did Ms Gobbo convince to
09:56:21 7 plead guilty?---Well she was, she had a pre-existing
09:56:32 8 relationship with, a professional relationship with the two
09:56:36 9 members and other persons of interest in that
09:56:40 10 investigation. Like, you know, I've written there at 09:22
09:56:46 11 what the meeting is all about. It's not about anything
09:56:49 12 else other than that. That was the difficulty I had with
09:56:53 13 Inspector Glow, he couldn't, in fairness to him he couldn't
09:56:57 14 grasp all of the issues around - these entries over the
09:57:01 15 week or so was all about Briars.
09:57:04 16
09:57:04 17 Yes, and the consequences being the potential for
09:57:07 18 convictions to be upset?---Absolutely. No issue at all
09:57:13 19 about that.
09:57:14 20
09:57:14 21 And the convictions that you were referring to are
09:57:17 22 convictions which had already occurred?---Well, I disagree.
09:57:22 23 I wrote the notes. I wrote the diary entry and I think
09:57:26 24 it's pretty, if you look at all the diary entries over the
09:57:31 25 week either side of that I think it's pretty comprehensive
09:57:35 26 what we're talking about and that was in relation to
09:57:39 27 Briars.
09:57:39 28
09:57:39 29 My question before was who did she convince to plead
09:57:44 30 guilty?---These are perceptions, these are possibilities,
09:57:47 31 these are inevitable problems we're going to have if we
09:57:51 32 continue going down the path of the Briars proposition and
09:57:55 33 I'm, all I'm doing is trying to raise the issues with
09:57:59 34 Command for them to make an informed decision. That was my
09:58:02 35 role and that's what I did and that's the nature of the
09:58:05 36 entries in my diary.
09:58:07 37
09:58:07 38 We can look at the other diary entries around that time to
09:58:11 39 get a gauge of what you were intending with that particular
09:58:14 40 entry, is that right?---Yes.
09:58:16 41
09:58:16 42 If we go to for example, RCMPPI p.692. This is your meeting
09:58:26 43 with Iddles. You say there amongst other things, "Concern
09:58:32 44 re disclosure of source, role as a source", correct?---Yes.
09:58:38 45
09:58:38 46 "Dual responsibility of giving legal advice to client", do
09:58:42 47 you see that?---Yes.

09:58:44 1
09:58:44 2 What's left out, but I take it what you're meaning is on
09:58:48 3 one hand the responsibility of giving legal advice to a
09:58:51 4 client and on the other hand acting as an agent of Victoria
09:58:55 5 Police as a human source, is that right?---Yes.
09:58:56 6
09:58:56 7 "Disclosure will initiate a Royal Commission with perceived
09:59:00 8 unsafe verdicts"?---Yes.
09:59:01 9
09:59:02 10 So what you're talking about there is verdicts which have
09:59:05 11 been already obtained?---No, that's not, that's not
09:59:13 12 accurate. That's not what the note - this is a meeting,
09:59:18 13 again quite about the Briars Task Force. That's what I've
09:59:20 14 written at 17:30. Unless you can show me elsewhere, I
09:59:23 15 don't see where - this meeting's about Briars, nothing
09:59:28 16 more, nothing less. The Petra thing is already, this is a
09:59:32 17 decision already reached by Command. They got their advise
09:59:35 18 on 31 December when Mr Biggin received the SWOT analysis.
09:59:38 19 I assume he had meetings with Crime Command. They made
09:59:41 20 that decision to take the statement from 3838, turn her
09:59:45 21 into a witness and become a Crown witness in relation to
09:59:49 22 the Petra matter. So be it.
09:59:51 23
09:59:52 24 Look I follow that?---We're now having meetings in relation
09:59:56 25 to issues around Briars.
09:59:57 26
09:59:57 27 So really what your note there means disclosure will
10:00:01 28 initiate a Royal Commission with perceived unsafe verdicts
10:00:04 29 which may occur in due course, is that what you meant
10:00:08 30 there?---These are possibilities.
10:00:10 31
10:00:10 32 Is that what you meant - - - ?---Can I finish my answer,
10:00:13 33 please?
10:00:14 34
10:00:14 35 Yes?---These are my diaries, these are notes taken by me.
10:00:19 36 This was a meeting in relation to Briars.
10:00:21 37
10:00:21 38 Yes?---These were a separate set of issues that we were
10:00:24 39 trying to deal with in relation to Briars.
10:00:26 40
10:00:27 41 Look at this stage Ms Gobbo had not yet been exposed as a
10:00:31 42 source, do you understand that?---Yes.
10:00:37 43
10:00:37 44 And the point that was being made is that there was a
10:00:41 45 difference, a significant difference between Briars and
10:00:44 46 Petra. With respect to Petra there was what was regarded
10:00:49 47 as a break between Ms Gobbo's role as a human source and

10:00:54 1 her role as a witness, do you accept that?---Yes.
10:00:57 2
10:00:58 3 And in the latter case she was tasked not by the SDU but by
10:01:06 4 Petra to tape Mr Dale?---Correct.
10:01:10 5
10:01:12 6 And the hope, desire was that that would not lead to
10:01:17 7 Ms Gobbo's exposure?---That was one of the considerations,
10:01:23 8 yes.
10:01:24 9
10:01:30 10 And you were aware of that at the time?---At the time, at
10:01:34 11 that specific time when Petra did it? When Petra did the
10:01:39 12 deployment, is that your question?
13
10:01:41 14 Yes?---No.
10:01:42 15
10:01:42 16 Certainly by the time you're communicating with Mr Iddles
10:01:46 17 and Detective Inspector Glow you were aware that the view
10:01:51 18 was that Ms Gobbo and the SDU could still be protected
10:01:55 19 because of the difference between Petra and Briars?---Well
10:02:00 20 we were trying to avoid, we were trying to avoid her being
10:02:06 21 involved in that specific type of deployment, absolutely.
10:02:10 22
10:02:10 23 If this use, that is Ms Gobbo as a witness in Briars, did
10:02:17 24 go ahead that well and truly would be the end of any chance
10:02:20 25 of the SDU and Gobbo's role as a source being exposed, it
10:02:25 26 would have to be exposed?---I think we've crossed that
10:02:33 27 threshold once the decision was reached for her to become a
10:02:37 28 witness for Petra. Once that statement is made that's it,
10:02:41 29 we need to move on.
10:02:43 30
10:02:43 31 Yes. And then if you go over to p.RCMPI696, what you say
10:02:55 32 is at 15:45 when you had a discussion with Porter and
10:03:17 33 Smith, you say implications, issue of release of records,
10:03:25 34 issue of disclosure of source, issue of the CSR not being
10:03:30 35 briefed. What's that a reference to, the CSR not being
10:03:33 36 briefed, is that about the disclosure of the records?---No,
10:03:37 37 more so, it seemed that the Central Source Registrar for
10:03:42 38 Victoria Police, being Superintendent Porter, hadn't been
10:03:45 39 briefed in relation to some of the activities on and around
10:03:50 40 Briars involving human source 3838.
10:03:53 41
10:03:53 42 Yes. "Implications for Victoria Police if human source
10:03:56 43 role was ever disclosed." Do you see that?---Yes.
10:04:00 44
10:04:00 45 Clearly the view that you've got at that stage is that
10:04:03 46 there was a prospect that she would not be exposed?---I
10:04:14 47 accept the note, but we're, you know, it's now, where are

10:04:19 1 we, 2 June 2009, I think we were way past that point. This
10:04:23 2 is a conversation between myself and the SDU,
10:04:27 3 Superintendent Porter as the Central Source Registrar and
10:04:30 4 Mr Smith in his upgraded role at Human Source Management
10:04:36 5 Unit. This is a lot broader discussion in relation to
10:04:39 6 organisational issues as opposed to me speaking to an
10:04:43 7 investigator from Briars.
10:04:44 8
10:04:45 9 I suggest you're just putting an interpretation that you'd
10:04:48 10 like to have on it. Can I suggest that implications for
10:04:52 11 Victoria Police if human source role was ever disclosed
10:04:55 12 suggests that at the time you wrote that you were still of
10:04:59 13 the view that Petra would not expose her?---She's made a
10:05:04 14 statement, how could that possibly be so?
10:05:06 15
10:05:07 16 Why would you write that?---Fortunately I did write a lot
10:05:10 17 of these notes and I know what I wrote and I've answered
10:05:14 18 what the intention and content in relation to these notes
10:05:18 19 are. We can go through this line by line, word by word,
10:05:22 20 I've given you my answers to the best of my ability. The
10:05:25 21 notes are what the notes are, they're my electronic diary.
10:05:29 22 And fortunately my notes are good notes.
10:05:30 23
10:05:31 24 Indeed. Then it says, "Overview of Petra v Briars. PII
10:05:36 25 may not be successful and jeopardise the HSMU program.
10:05:40 26 Command may cause a Royal Commission. Briars' decision is
10:05:46 27 tactically dangerous for convictions", right?---Yes.
10:05:51 28
10:05:51 29 Again I suggest to you what those notes reveal is you are
10:05:56 30 concerned that Command's decision with respect to Briars
10:06:00 31 may well lead to exposure, cause a Royal Commission and be
10:06:05 32 likely or may be tactically dangerous for convictions which
10:06:09 33 had, I suggest, in brackets, already been obtained?---If
10:06:14 34 you read the next note underneath that it says Briars
10:06:18 35 actions will get the human source killed. We were perhaps
10:06:22 36 alive to the obvious issues in relation to the proposed
10:06:25 37 course of conduct for Briars Task Force. Ultimately it's
10:06:29 38 not a decision for me or the SDU, it's a decision for
10:06:33 39 Victoria Police Command what they do or not do.
10:06:36 40
10:06:36 41 No, I understand that?---Our job is to bring all the
10:06:38 42 information and those above can make the decisions, but it
10:06:42 43 would be negligent for us not to bring the issues, and this
10:06:46 44 is the very purpose of the meeting. We're meeting with the
10:06:48 45 Central Source Registrar of Victoria Police.
10:06:51 46
10:06:51 47 I understand that. From what you're saying, look, she's

10:06:53 1 already going to be exposed because of Petra. So Command
10:06:58 2 with Petra is going to get her killed and Briars will get
10:07:03 3 her killed again, is that what you're saying?---Yes.
10:07:19 4
10:07:27 5 So your view back in December, this is your SWOT analysis,
10:07:38 6 was "OPI review", this is one of the points you made in
10:07:42 7 your SWOT analysis, "OPI review, serving barrister,
8 assisting police, consideration of unsafe verdicts and
10:07:50 9 possible appeals, prosecution current" and you've got,
10:07:52 10 "Mokbel and future?" The convictions that you're talking
10:07:57 11 about there have got nothing to do with Briars, is that
10:08:01 12 right?---Sorry, what's the question?
10:08:04 13
10:08:04 14 The convictions that you're talking about in the SWOT
10:08:06 15 analysis that may be affected by Ms Gobbo's exposure have
10:08:10 16 got nothing to do with what might arise out of the Briars
10:08:14 17 operation, it's a reference to what had occurred, that is
10:08:19 18 with respect to Mokbel and others?---This is?
10:08:24 19
10:08:24 20 Yes?---This is an entry on Wednesday, 31 December 2008.
10:08:29 21
10:08:30 22 Correct?---This is quite clearly in relation to the human
10:08:36 23 source making a statement in relation to Petra.
10:08:40 24
10:08:42 25 Can I say this, it will be the last time I say it, your
10:08:46 26 concern about the use of Ms Gobbo as a witness in December
10:08:54 27 of 2008, the concern that you had was that there would be
10:09:00 28 the potential for convictions or unsafe verdicts and
10:09:04 29 possible appeals, prosecutions current, Mokbel and future
10:09:09 30 question mark, right?---Yes.
10:09:11 31
10:09:11 32 That was a concern that you had if Ms Gobbo's role as a
10:09:15 33 human source was exposed, correct?---It was an obvious
10:09:19 34 consideration/concern we had, yes.
10:09:21 35
10:09:21 36 It was a point that you were continuing to make in June of
10:09:26 37 2009 when Command was considering using her again as a
10:09:33 38 witness?---A lot of these issues were quite similar between
10:09:37 39 what we raised for Petra in December 2008 and what I was
10:09:42 40 raising in June of 2009 in relation to Briars.
10:09:46 41
10:09:46 42 Thank you. All right. Now, those are the matters,
10:09:49 43 Commissioner, that I would seek to re-examine on.
10:09:53 44
10:09:53 45 COMMISSIONER: All right. There's just a couple of
10:09:55 46 questions I would like to ask the witness. Mr Black, we've
10:09:58 47 heard about how you and other handlers and controllers did

10:10:02 1 extensive training. Do you know whether the inspectors who
10:10:07 2 supervised you also did training and if so,
10:10:13 3 what?---Commissioner, I don't think so. I don't think -
10:10:19 4 I'm not aware of them undertaking the level of training
10:10:25 5 that we participated in.

10:10:29 6
10:10:30 7 And what about the source registrars, the various source
10:10:33 8 registrars throughout that period?---Yes, like the source
10:10:38 9 registrars and - - -

10:10:40 10
10:10:40 11 Central Source Registrar?---Central Source Registrar,
10:10:46 12 occasionally a Local Source Registrar would undertake - we
10:10:50 13 had some specific more governance based training that they
10:10:55 14 undertook in conjunction with the Human Source Management
10:11:00 15 Unit. But as far as my immediate inspectors, I'm not sure
10:11:03 16 of the background there, Commissioner.

10:11:05 17
10:11:05 18 I suppose your answer would be the same with people higher
10:11:10 19 up in Command, above the inspectors going up, you don't
10:11:14 20 know what training they did in this specialised
10:11:18 21 field?---No, I don't.

10:11:18 22
10:11:18 23 Thank you. We now need to go into closed hearing?

10:11:21 24
10:11:21 25 MR WINNEKE: Commissioner, there was one point that I did
10:11:24 26 want to make, it's only a very minor point. Before we do
10:11:25 27 can I just ask you this question. Mr Chettle asked you
10:11:28 28 about an entry in the ICRs at p.64, this was an entry made
10:11:33 29 referable to a conversation you had with Ms Gobbo on 28
10:11:37 30 November 2005, p.193 of your diary and 64 of the ICRs. Do
10:11:53 31 you see at the bottom of that there was a discussion about
10:11:56 32 Mr Bednarski and the point that you were making in your
10:12:00 33 statement was that this was a discussion about legal
10:12:02 34 professional privilege and not whether or not there was a
10:12:06 35 conflict for Ms Gobbo, do you follow what I'm
10:12:11 36 saying?---Yes.

10:12:12 37
10:12:14 38 If you see the second-last dot point it's, "HS sees no
10:12:20 39 legal or ethical barrier from speaking with the HS". That
10:12:24 40 is clearly a typo?---Yes.

10:12:26 41
10:12:26 42 We accept that. There was a divergence in views as to
10:12:30 43 whether what was meant was, "Ms Gobbo sees no legal or
10:12:34 44 ethical barrier from speaking with the SDU", was
10:12:40 45 Mr Chettle's suggestion, I think I suggested to you "no
10:12:42 46 legal or ethical barrier from speaking with Mr Bednarski",
10:12:46 47 right. For what it's worth can I suggest to you that in

10:12:49 1 fact what you were saying is that she was telling you that
10:12:52 2 there was no legal or ethical barrier from her speaking
10:12:56 3 with Mr Bednarski?---The way I've typed that, I would
10:13:02 4 assume that's simply a typo of DSU as opposed to HS,
10:13:08 5 otherwise I would have typed in his name like I did the
10:13:11 6 point above.
10:13:12 7
10:13:12 8 Could we have a look at p.193 of your diaries again on that
10:13:18 9 date. Have you got that there?---I'm just going through it
10:13:30 10 now.
10:13:31 11
10:13:38 12 It's 193. I might be wrong. In any event that particular
10:13:42 13 date, 28 November, can you find that. I think it's
10:13:53 14 193?---Sure.
10:13:57 15
10:13:58 16 It's RCMP119. Have a look at about the fourth line from
10:14:13 17 the bottom. "Bednarski's name was on the AFP search
10:14:22 18 warrant with Mokbel re incitement. Source happy to speak
10:14:27 19 with him"?---Yes, I accept that, thank you.
10:14:29 20
10:14:29 21 I'm right, Mr Chettle is wrong?---I accept the fact "him"
10:14:37 22 is quite clearly relevant to Mr Bednarski.
23
10:14:41 24 Thanks very much. That's it, Commissioner.
10:14:41 25
10:14:41 26 COMMISSIONER: You might be lucky to get the last word,
10:14:44 27 Mr Winneke. All right then. It's necessary to go
10:14:48 28 hopefully only for a short period into a very closed
10:14:53 29 hearing. Mr Holt, have you had submissions from the
10:14:58 30 Commonwealth DPP who wish to be included in those people
10:15:03 31 who are permitted to stay in the hearing room?
10:15:06 32
10:15:06 33 MR HOLT: We have and we've considered those submissions
10:15:08 34 and we have no opposition to that course, subject to the
10:15:10 35 same undertakings that other practitioners are giving and I
10:15:15 36 think the position is the same with respect to the State
10:15:19 37 Director of Public Prosecutions as well.
10:15:20 38
10:15:20 39 COMMISSIONER: The State will be permitted.
10:15:22 40
10:15:23 41 MR JEFFRIE: Correct.
10:15:23 42
10:15:24 43 COMMISSIONER: Mr Jeffrie, Ms Avis, are you prepared to
10:15:28 44 give the undertakings?
10:15:30 45
10:15:31 46 ^ Listen MS AVIS: Yes, Commissioner. There was a letter
10:15:36 47 sent yesterday, the 28th, that's made reference to a

10:15:37 1 confidential note which wasn't attached to the letter due
10:15:40 2 to confidentiality. I have a copy of that note for you
10:15:44 3 this morning. A copy has been provided to Victoria Police
10:15:50 4 and counsel assisting.
10:15:50 5
10:15:51 6 COMMISSIONER: Yes, can I have a look at that, please.
10:16:41 7 Yes, thank you, I'll have that note placed with the other
10:16:44 8 confidential material in this application and placed in a
10:16:48 9 sealed envelope not to be opened except by an order of the
10:16:53 10 Commissioner.
10:16:53 11
10:16:53 12 MR HOLT: The only other change to the order, Commissioner,
10:16:56 13 is that it was made on Thursday when Superintendent
10:16:59 14 McKinney was present. The Victoria Police representative
10:17:02 15 is Inspector Thornton today and I'd be grateful if his name
10:17:06 16 could be - Inspector Thornton.
10:17:23 17
10:17:23 18 COMMISSIONER: Has somebody notified Mr Otter?
10:17:34 19
10:17:34 20 MR WINNEKE: We understand he has been emailed or his
10:17:38 21 office has been emailed, Commissioner, and left a phone
10:17:40 22 message for him.
10:17:41 23
10:17:41 24 COMMISSIONER: All right then.
10:17:43 25
10:17:44 26 MR WINNEKE: He's on his way we're told.
10:17:46 27
10:17:46 28 COMMISSIONER: All right then. Pursuant to s.24 *Inquiries*
10:17:51 29 *Act* access to the inquiry during this section of the
10:17:53 30 evidence of Officer Black, a pseudonym, in relation to
10:17:57 31 Mr MacCallum, a pseudonym, to commence shortly is limited
10:18:02 32 to legal representatives and staff assisting the Royal
10:18:05 33 Commission, the following parties with leave to appear in
10:18:07 34 the private hearing and their legal representatives: the
10:18:11 35 State of Victoria, Victoria Police including Inspector
10:18:14 36 Thornton, the witness Officer Black, Commonwealth Director
10:18:22 37 of Public Prosecutions, Victorian Director of Public
10:18:25 38 Prosecutions and media representatives of the Herald and
10:18:29 39 Weekly Times Pty Ltd, Nationwide News Pty Ltd, The Age
10:18:35 40 Company Ltd and the Australian Broadcasting Corporation.
10:18:37 41 The hearing is to be recorded but not streamed or
10:18:40 42 broadcast. There is to be no publication of this portion
10:18:43 43 of Officer Black's evidence until further order. A copy of
10:18:47 44 this order is to be posted on the door of the hearing room.
45
10:18:51 46 It will be necessary for me to adjourn until the
10:19:00 47 necessary adjustments are made to the transcribing

10:19:07 1 equipment. So we'll adjourn briefly now and we'll also
10:19:12 2 make some inquiries about Mr Otter.

10:19:14 3
10:19:15 4 MR WINNEKE: Thanks Commissioner.

10:19:18 5
10:19:18 6 (Short adjournment.)

7
10:19:55 8 (IN CAMERA CONFIDENTIAL HEARING FOLLOWS)

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13:59:12 1 UPON RESUMING AT 2.07 PM:
2
14:07:56 3 UPON RESUMING IN OPEN HEARING:
14:07:56 4
5 COMMISSIONER: Mr Holt.
6
14:07:57 7 MR HOLT: Commissioner, before we start. In the course of
14:07:59 8 the private hearing that we've just had, as it turned out
14:08:03 9 there were two questions which were relevant or concerned
14:08:06 10 at least on their face Ms Gobbo. I've spoken with our
14:08:10 11 learned friend Mr Winneke about this, we seek an order from
14:08:13 12 the Commission essentially permitting Mr Winneke and I to
14:08:18 13 say to counsel for Ms Gobbo what those questions were and
14:08:21 14 what the answers were so that he is fully appraised of the
14:08:24 15 position.
14:08:25 16
14:08:25 17 COMMISSIONER: I think perhaps the best thing would be to
14:08:28 18 extract the relevant portions of the transcript.
14:08:32 19
14:08:33 20 MR HOLT: Definitely can attend to that, Commissioner. If
14:08:33 21 you give an order to that effect I'd be grateful.
14:08:36 22
23 COMMISSIONER: All right.
24
25 MR HOLT: Thank you.
26
14:08:37 27 COMMISSIONER: I order that the sections of the transcript
14:08:39 28 in closed hearing, which has just occurred, insofar as they
14:08:45 29 are relevant to Ms Gobbo, are to be agreed between counsel
14:08:51 30 assisting and counsel for Victoria Police and then provided
14:08:56 31 to counsel for Ms Gobbo.
14:08:58 32
14:08:58 33 MR HOLT: I'm grateful, thank you, Commissioner.
14:09:01 34
14:09:01 35 COMMISSIONER: Now I understand the next witness is yours,
14:09:07 36 Ms Argiropoulos.
14:09:08 37
14:09:10 38 MS ARGIROPOULOS: Boris Buick is the next witness,
14:09:24 39 Commissioner.
14:09:24 40
14:09:24 41 COMMISSIONER: Mr Buick, if you'd enter the witness box. I
14:09:25 42 understand you're going to take the oath?---That's correct.
14:09:28 43
14:09:28 44 <BORIS BUICK, sworn and examined:
14:09:35 45
14:09:36 46 MS ARGIROPOULOS: Inspector, could you please tell the
14:09:38 47 Commissioner your full name and your current role?---Boris

14:09:42 1 Buick, I'm an Inspector of Police, the staff officer to the
14:09:46 2 executive director of the Human Resource Department.
14:09:51 3
14:09:51 4 Inspector Buick, you've made two statements to this Royal
14:09:55 5 Commission?---Yes, I have.
14:09:56 6
14:09:57 7 If I could ask you to have a look at the document on the
14:10:01 8 left-hand side in front of you there. Is that a statement
14:10:04 9 that you made dated 10 May 2019?---Yes, it is.
14:10:10 10
14:10:11 11
14:10:14 12
14:10:21 13 ?---That's correct.
14:10:23 14
14:10:23 15 Do you have a pen with you there that you can make that - -
14:10:27 16 - ?---I do.
14:10:29 17
14:10:29 18 COMMISSIONER: And just initial it too, thank you.
14:10:39 19
14:10:40 20 MS ARGIROPOULOS: Commissioner, would you like that
14:10:41 21 amendment made to the redacted version as well or just the
14:10:44 22 unredacted?
14:10:45 23
14:10:45 24 COMMISSIONER: Yes, both, please. Do you have a copy of
14:10:55 25 the redacted statement as well?---I do, Commissioner, and
14:10:59 26 the date is redacted on the redacted version.
14:11:03 27
14:11:03 28 I don't know why that would be. I don't know why the date
14:11:11 29 would be redacted.
14:11:14 30
14:11:14 31 MS ARGIROPOULOS: In actual fact, Commissioner, I
14:11:17 32 apologise. It's probably some bio data in relation to a
14:11:20 33 person mentioned in that paragraph which I probably
14:11:24 34 shouldn't have repeated in open hearing, perhaps if the
14:11:28 35 reference to the date could be removed from the live
14:11:31 36 stream. Subject to that amendment, Inspector Buick, are
14:11:38 37 the contents of that statement true and correct?---Yes.
14:11:41 38
14:11:41 39 COMMISSIONER: Sorry, you're asking me to remove it from
14:11:45 40 the live stream, I'm just not following why the date the
14:11:50 41 officer signed the statement needs to be redacted.
14:11:53 42
14:11:53 43 MS ARGIROPOULOS: No, it's in relation to a person who
14:11:56 44 we're not discussing in public hearing that's referred to
14:11:59 45 in paragraph 21. So it's information which could lead to
14:12:09 46 the identification of that person.
14:12:12 47

14:12:12 1 COMMISSIONER: Paragraph 21 did you say?
14:12:15 2
14:12:15 3 MS ARGIROPOULOS: That's correct.
14:12:24 4
14:12:24 5 COMMISSIONER: Sorry, maybe we were talking about different
14:12:27 6 dates. Do you mean the whole paragraph in 21 is redacted?
14:12:31 7 I misunderstood, I thought it was the date the statement
14:12:34 8 was signed that was redacted.
14:12:35 9
14:12:36 10 MS ARGIROPOULOS: No, it's the date referred to in
14:12:37 11 paragraph 21.
14:12:38 12
14:12:38 13 COMMISSIONER: So there's no need for any amendment to be
14:12:40 14 made to the redacted statement?
14:12:42 15
14:12:43 16 MS ARGIROPOULOS: That's correct, however I inadvertently
14:12:46 17 raised that date in open hearing.
14:12:48 18
14:12:49 19 COMMISSIONER: Understood, I'm with you now. Yes, take the
14:12:53 20 date out of the transcript and remove it from the live
14:12:57 21 stream, please.
14:12:57 22
14:12:57 23 MS ARGIROPOULOS: Thank you Commissioner, I apologise for
14:12:59 24 that. Subject to that amendment, that statement to the
14:13:07 25 best of your recollection is true and correct?---Yes, it
14:13:11 26 is.
14:13:11 27
14:13:11 28 Commissioner, I'll tender the redacted and unredacted
14:13:15 29 version of that statement.
14:13:17 30
14:13:18 31 #EXHIBIT RC636A - (Confidential) Statement of Boris Buick.
14:13:21 32
14:13:22 33 #EXHIBIT RC636B - (Redacted version.)
14:13:29 34
14:13:29 35 Inspector, you've made a second statement which is a
14:13:31 36 confidential further statement?---That's correct.
14:13:33 37
14:13:34 38 And the date of that is 15 October 2019?---Yes.
14:13:39 39
14:13:40 40 The contents of that statement are true and correct to the
14:13:43 41 best of your recollection?---Yes.
14:13:44 42
14:13:45 43 Commissioner, could I tender that statement just as a
14:13:48 44 confidential exhibit.
14:13:51 45
14:13:55 46 #EXHIBIT RC636C - (Confidential) Second statement of Boris
14:14:03 47 Buick.

14:14:03 1
14:14:03 2 MS ARGIROPOULOS: Thank you.
14:14:04 3
14:14:04 4 COMMISSIONER: Yes Ms Tittensor.
14:14:05 5
6 <CROSS-EXAMINED BY MS TITTENSOR:
7
14:14:06 8 Mr Buick, you currently hold the rank of Inspector, is that
14:14:10 9 right?---That's right.
14:14:11 10
14:14:11 11 You would regard yourself as someone with significant
14:14:14 12 experience in policing?---Yes.
14:14:16 13
14:14:16 14 Including operational policing?---Yes.
14:14:18 15
14:14:18 16 You commenced in Victoria Police in 1989?---That's right.
14:14:24 17
14:14:26 18 Your first Detective duties were in 1997 as a Senior
14:14:31 19 Constable?---Yes.
14:14:32 20
14:14:33 21 In 2001 you were temporary and then by 2002 permanent at
14:14:39 22 the Homicide Squad?---That's correct.
14:14:40 23
14:14:40 24 And then in May of 2003 you were a founding member of the
14:14:45 25 Purana Task Force?---That's right.
14:14:47 26
14:14:49 27 You had acting Sergeant duties in early 2005?---Yes.
14:14:54 28
14:14:55 29 By April 2005 you were back at the Homicide Squad?---That's
14:14:59 30 right.
14:14:59 31
14:15:01 32 In February 2006 you were promoted to the rank of Sergeant,
14:15:06 33 is that right?---Yes.
14:15:07 34
14:15:09 35 At that stage although gazetted to a local police station
14:15:14 36 you went to Purana to work on the Condello murder?---That's
14:15:18 37 right.
14:15:18 38
14:15:19 39 In March of 2008 you were a Senior Sergeant?---No. A bit
14:15:26 40 later than that.
14:15:28 41
14:15:28 42 Okay?---Acting Senior Sergeant.
14:15:30 43
14:15:32 44 Acting Senior Sergeant?---Yes.
14:15:33 45
14:15:33 46 You were then the staff officer to the Crime Department
14:15:36 47 board of management?---That's right.

14:15:38 1
14:15:38 2 And the Assistant Commissioner?---Yes.
14:15:40 3
14:15:40 4 Who was the Crime Department board of management at that
14:15:44 5 stage?---It was a group of superintendents who formed the
14:15:49 6 board of management and on a rotating basis they would
14:15:53 7 assume the role of chair of the board and essentially act
14:15:57 8 as the Assistant Commissioner.
14:16:00 9
14:16:00 10 Sorry?---Act as.
14:16:03 11
14:16:04 12 As the Assistant Commissioner?---Yes.
14:16:06 13
14:16:06 14 Was the Assistant Commissioner also a part of that?---No
14:16:10 15 this is prior to there being an Assistant Commissioner in
14:16:13 16 place at Crime during the time. There had been in the
14:16:16 17 past. For reasons unknown to me they put a board of
14:16:19 18 management in place for a period of time, ultimately that
14:16:22 19 board of management was replaced by Dannye Moloney as
14:16:25 20 Assistant Commissioner.
14:16:26 21
14:16:27 22 For how long did that situation exist?---The board of
14:16:30 23 management?
14:16:30 24
14:16:30 25 Yes?---It was in place before I commenced my duties with
14:16:34 26 them. I don't know how long they were in place for,
14:16:38 27 perhaps two, three years but I really don't know.
14:16:41 28
14:16:43 29 Who were the superintendents fulfilling that role at that
14:16:46 30 stage?---Well with some uncertainty I'll say Paul
14:16:53 31 Hollowood, Wendy Steendam, Jack Blayney, Richard Grant,
14:17:00 32 Gerry Ryan and I may have missed one or two, and of course
14:17:06 33 there will have been a couple that came in and went out
14:17:09 34 whilst I was there.
14:17:10 35
14:17:12 36 And you were also staff officer to the Assistant
14:17:15 37 Commissioner?---Yes.
14:17:16 38
14:17:17 39 But there was no Assistant Commissioner for a period of
14:17:20 40 time for Crime?---That's right, there was the board of
14:17:23 41 management and they were replaced by the Assistant
14:17:25 42 Commissioner and I just rolled into his staff officer.
14:17:28 43
14:17:28 44 Who was that when he or she was pointed?---That was Dannye
14:17:33 45 Moloney.
14:17:33 46
14:17:35 47 What role does a staff officer play?---Well I guess it's a

14:17:44 1 largely administrative role. You might - it might better
14:17:54 2 be known as a chief of staff, you're certainly integral to
14:17:59 3 their, you're their channel between them and the various
14:18:05 4 divisions across the Command, or back then the Department.
14:18:09 5
14:18:09 6 Are you attending meetings?---You attend the meeting, the
14:18:15 7 weekly or fortnightly Department management meeting, but
14:18:20 8 you don't attend with them at various other meetings that
14:18:24 9 they're representing Crime Department or Crime Command on.
14:18:27 10
14:18:28 11 Do you take minutes at meetings?---No.
14:18:31 12
14:18:33 13 Are you aware or do you give advice in relation to issues,
14:18:38 14 operational issues and so forth?---You do. You deal with a
14:18:42 15 lot of files that come through the office and you prepare
14:18:45 16 advice on those files, summarise files for the board of
14:18:50 17 management and then the Assistant Commissioner.
14:18:52 18
14:18:52 19 The board of management at that stage, were they overseeing
14:18:56 20 the Purana Task Force?---Well, they certainly, Purana Task
14:19:06 21 Force was a part of Crime Department, so, yes. Yes, they
14:19:13 22 were.
14:19:14 23
14:19:14 24 Did you have anything to do with meetings in which they
14:19:17 25 were making decisions or receiving information about the
14:19:21 26 Purana Task Force?---Probably, but I don't specifically
14:19:26 27 recall any of those meetings and I don't recall any,
14:19:31 28 anything particularly controversial raised in those
14:19:35 29 meetings. Purana at some stage, I'm not exactly sure when,
14:19:43 30 were also governed by a steering committee which was
14:19:49 31 separate to the board of management and indeed the
14:19:51 32 Assistant Commissioner.
14:19:52 33
14:19:52 34 Was that steering committee in existence before this time
14:19:56 35 that you were acting as a staff officer or after that
14:19:59 36 time?---I don't, I don't recall, sorry. I don't know the
14:20:03 37 dates it was in existence. I didn't have any role or
14:20:06 38 attendance at the steering committee.
14:20:08 39
14:20:09 40 Did you have any role or attendance in relation to
14:20:13 41 receiving information or advising as to Petra or the Briars
14:20:19 42 Task Forces?---No. I knew they were in existence but they
14:20:27 43 were largely dealt with offline by their respective
14:20:35 44 steering committees.
14:20:36 45
14:20:40 46 In July of 2009 you were a Detective Senior Sergeant at the
14:20:45 47 Ethical Standards Department, is that right?---That's

14:20:48 1 right.
14:20:48 2
14:20:48 3 And that was later renamed the Professional Standards
14:20:52 4 Command?---Yes.
14:20:52 5
14:20:52 6 In the same year you indicate in your statement you are
14:20:56 7 awarded a St James Ethics Centre Vincent Fairfax
14:21:01 8 Fellowship?---Yes.
14:21:02 9
14:21:02 10 What did that involve?---That was an external fellowship
14:21:05 11 that I was nominated for and it involved some overseas
14:21:12 12 travel and indeed some placement in some indigenous
14:21:17 13 communities in northern Australia and it was a program that
14:21:21 14 was dealing with philosophy and ethics.
14:21:25 15
14:21:25 16 Was it a program aimed to encourage leadership based on a
14:21:33 17 sound ethical framework?---Yes.
14:21:35 18
14:21:36 19 Encourage active development of such leadership within
14:21:39 20 organisations?---Yes.
14:21:40 21
14:21:41 22 Would it encourage you to speak up in the face of bad
14:21:45 23 practice?---Yes.
14:21:46 24
14:21:47 25 Were the principles consistent with the self-test within
14:21:52 26 Victoria Police?---Yes.
14:21:53 27
14:21:54 28 Do you know what those principles stand for?---I do.
14:21:57 29
14:21:57 30 Can you tell the Commission?---Will your decision withstand
14:22:03 31 scrutiny, is your decision ethical, is your decision lawful
14:22:07 32 and is your decision fair, I believe.
14:22:09 33
14:22:12 34 Do you believe that at any time you've let the self-test go
14:22:20 35 for what you regard as the greater good in your career as a
14:22:23 36 policeman?---No.
14:22:24 37
14:22:28 38 As you've progressed through the ranks, I take it you
14:22:33 39 provide guidance to other members as to how to act
14:22:37 40 appropriately in the conduct of their sworn duties?---Yes.
14:22:40 41
14:22:46 42 Has that included issues of disclosure?---Yes.
14:22:51 43
14:22:52 44 And of what's ethical in relation to disclosure
14:22:57 45 issues?---Yes.
14:22:57 46
14:23:03 47 In November of 2010 you came to work on Task Force Driver,

14:23:08 1 is that right?---That's right.
14:23:09 2
14:23:10 3 And that had been formed in April 2010 to investigate the
14:23:15 4 broader circumstances around the death of Carl
14:23:18 5 Williams?---That's right.
14:23:19 6
14:23:20 7 That Task Force took over Petra Task Force when it was
14:23:23 8 disbanded in about August of 2010?---That's right.
14:23:27 9
14:23:27 10 And therefore at that stage it took over investigations
14:23:31 11 surrounding the death of the Hodsons?---Yes.
14:23:34 12
14:23:35 13 And that investigation had formally also been known as
14:23:40 14 Operation Loris?---That's right.
14:23:44 15
14:23:45 16 You became ultimately responsible for the investigation
14:23:48 17 leading to charging Paul Dale for offences against the
14:23:53 18 Australian Crime Commission Act?---Yes.
14:23:56 19
14:23:58 20 In October of 2013 to August 2014 you were Acting
14:24:07 21 Inspector?---Yes.
14:24:08 22
14:24:09 23 And staff officer to the Assistant Commissioner of
14:24:11 24 Crime?---Yes.
14:24:12 25
14:24:12 26 Who was that at that stage?---What were those periods
14:24:16 27 again, sorry?
14:24:16 28
14:24:18 29 October 2013 to August 2014?---I think that was Tess Walsh
14:24:27 30 by then, or perhaps - yes, I think it was Tess Walsh.
14:24:35 31
14:24:35 32 In addition to your police training you've undertaken some
14:24:42 33 additional qualifications during the course of your police
14:24:45 34 career, is that right?---That's right.
14:24:47 35
14:24:48 36 You completed a law degree during the 1990s?---Yes.
14:24:51 37
14:24:52 38 And beyond the law agree you completed legal training such
14:24:56 39 that you were qualified for admission?---Yes.
14:24:58 40
14:24:59 41 And you were so admitted as a barrister and solicitor in
14:25:02 42 2000?---Yes.
14:25:03 43
14:25:04 44 What was the reason for that training in the context of
14:25:07 45 your police career?---What was the reason?
14:25:12 46
14:25:12 47 Yes?---Well, I'd completed an arts degree in the early 90s

14:25:22 1 and I'd done reasonably well. It was suggested to me that
14:25:28 2 I might consider applying for a law degree. I had no
14:25:34 3 particular vision or ambition in relation to that but it
14:25:38 4 occurred to me if I don't apply for this law degree and
14:25:44 5 when I'm 70 years old, reflect back and realise I could
14:25:48 6 have, I might regret that so I applied to do the law
14:25:55 7 degree.
14:25:56 8
14:25:56 9 I take it it would have extended your understanding of the
14:26:00 10 administration of our justice system?---Yes.
14:26:03 11
14:26:06 12 And in particular our criminal justice system given your
14:26:12 13 occupation as a police member?---Yes.
14:26:14 14
14:26:16 15 And it would have expanded your knowledge of the role and
14:26:19 16 the obligations of lawyers acting in our criminal justice
14:26:23 17 system?---Yes.
14:26:24 18
14:26:25 19 You would be aware that the first duty of any lawyer is to
14:26:28 20 the court?---Yes.
14:26:29 21
14:26:30 22 And following that their duty is to their client?---Yes.
14:26:34 23
14:26:35 24 And it's a lawyer's role to act in the best interests of
14:26:38 25 their client?---That's right.
14:26:39 26
14:26:39 27 The lawyer can't be an agent of the police and act in the
14:26:43 28 best interests of their client?---That's right.
14:26:46 29
14:26:52 30 If a police member more junior to yourself came to you and
14:26:58 31 said something like, "Guess what? We arrested this bloke
14:27:01 32 earlier today and he said he wanted a lawyer and asked, and
14:27:06 33 asked if we knew a good one and then we gave him the number
14:27:10 34 of Senior Constable Joe Blow a few rooms down, who he rang,
14:27:14 35 and then got some advice from him and got told you better
14:27:18 36 cooperate and tell us everything", what would you
14:27:21 37 do?---That would be inappropriate, improper and I would not
14:27:26 38 allow that.
14:27:27 39
14:27:29 40 And what would you do?---I'd report that.
14:27:32 41
14:27:32 42 Who would you report it to?---My superior.
14:27:37 43
14:27:37 44 Would you regard it potentially as a criminal
14:27:41 45 offence?---Yes.
14:27:41 46
14:27:41 47 What criminal offence might it be?---I'm not certain but

14:27:49 1 for a police member to pretend to be a lawyer and garner
14:27:56 2 admissions from that person believing they were speaking to
14:27:59 3 their lawyer in confidence, it may well be an attempt to
14:28:04 4 pervert the course of justice, misconduct in public office.
14:28:08 5
14:28:09 6 What about the other police that knew and encouraged
14:28:12 7 it?---Same.
14:28:12 8
14:28:18 9 Would you regard the situation being any different if it
14:28:22 10 was a lawyer working for the police who'd been put on to
14:28:29 11 the telephone and engaged in that conduct?---Just step that
14:28:35 12 out for me. The lawyer is representing that client?
14:28:38 13
14:28:38 14 If it was someone with Victoria Police, working in Victoria
14:28:42 15 Police's legal department that's a lawyer, qualified
14:28:46 16 lawyer, would you regard it as any different?---No.
14:28:53 17
14:29:02 18 Looking back now do you have any particular concerns about
14:29:05 19 the ethics of any of the handling of any of the cases
14:29:09 20 you've been involved in that related to Ms Gobbo?---Well,
14:29:17 21 looking back now with the benefit of having a far broader
14:29:25 22 understanding, I certainly have some concerns about how
14:29:33 23 things were managed in relation to Nicola Gobbo.
14:29:38 24
14:29:41 25 When you say a broader understanding, what do you mean by
14:29:46 26 that?---Well, I have a far broader understanding now as to
14:29:53 27 how the whole picture was at the time, which I wasn't
14:29:59 28 possessed of at the time.
14:30:02 29
14:30:06 30 What knowledge weren't you possessed of at the time that
14:30:11 31 you now regard as concerning?---Of course I wasn't privy to
14:30:26 32 decisions being made by steering committees, I wasn't privy
14:30:30 33 to how Nicola Gobbo was being managed as a human source, I
14:30:35 34 wasn't privy to the passage of information from handlers to
14:30:43 35 investigators. I've now read enough, seen enough, to be
14:30:50 36 more cognisant of that and it's clearly, clearly a concern.
14:30:55 37 That's we're here and that's why we've had matters
14:30:59 38 discharged at court and that's why we've had the High Court
14:31:03 39 be quite disparaging about the conduct of the organisation.
14:31:07 40
14:31:07 41 What cases do you have particular concerns with?---Well,
14:31:13 42 the matter I was informant for where Faruk Orman was
14:31:17 43 charged with murder and his matter has now been dismissed.
14:31:22 44
14:31:22 45 Which case in relation to Faruk Orman was it?---Victor
14:31:27 46 Peirce.
14:31:27 47

14:31:27 1 Do you have any concerns in relation to any other case
14:31:31 2 involving charges against Faruk Orman, the handling of any
14:31:40 3 other case?---I'm not as connected to his other matters
14:31:51 4 but, you know, he was charged in similar circumstances on
14:31:54 5 the basis of similar evidence in relation to the murder of
14:32:01 6 Paul Kallipolitis. I think that's the only other homicide
14:32:07 7 he was charged with.
14:32:08 8
14:32:09 9 Do you have concerns about the Kallipolitis case and the
14:32:15 10 handling of that?---I don't think I'm as concerned about
14:32:23 11 the Kallipolitis case as I am about the Peirce case.
14:32:30 12
14:32:34 13 What is it about those or the Peirce case that particularly
14:32:38 14 concerns you?---He's been discharged.
14:32:41 15
14:32:41 16 Well, do you have concerns about your conduct in relation
14:32:47 17 to the Peirce case?---No.
14:32:48 18
14:32:49 19 Do you have concerns about the ethics of any of the
14:32:52 20 decision making that was made by you or your colleagues in
14:32:58 21 the Peirce case?---No.
14:32:59 22
14:33:15 23 What concerns do you have?---I understand, and I've done
14:33:24 24 some limited reading, on the reasons for the matter being
14:33:28 25 discharged and that was that Nicola Gobbo had a conflict of
14:33:34 26 interest and failed to declare, act on, and make
14:33:42 27 appropriate decisions based on that conflict.
14:33:44 28
14:33:48 29 The discharge essentially in relation to the Peirce matter
14:33:52 30 related to her essentially telling the police that he was
14:33:57 31 going cold and they should go out and firm him up?---So I
14:34:02 32 believe.
14:34:02 33
14:34:02 34 Is that right?---So I believe.
14:34:03 35
14:34:03 36 And that was done?---Well, it's not as simple as that.
14:34:10 37 That may well have occurred but it's not as simple as that.
14:34:14 38 Not as simply put as that.
14:34:16 39
14:34:16 40 Did you have any broader concerns than that in relation to
14:34:20 41 Ms Gobbo's conflict at the time?---No.
14:34:23 42
14:34:24 43 You had no concerns at the time about her acting in
14:34:27 44 conflict?---No.
14:34:28 45
14:34:30 46 Do you say if you did have those concerns you would have
14:34:34 47 done something about it?---Yes.

14:34:35 1
14:34:36 2 And the reason you didn't do anything about it was because
14:34:40 3 you didn't have those concerns?---That's right.
14:34:42 4
14:34:44 5 Did anyone raise any of those concerns with you at any
14:34:48 6 time?---No. No, not then.
14:34:52 7
14:34:52 8 Are you aware whether anyone raised any such concerns about
14:34:58 9 Ms Gobbo's involvement or conflict during this period at
14:35:06 10 all?---Well I've read or heard evidence that handlers or
14:35:14 11 handler management raised some concerns, but that wasn't
14:35:17 12 something I was privy to at the time.
14:35:18 13
14:35:21 14 There was never any discussion about a need to get legal
14:35:24 15 advice in relation to Ms Gobbo's position?---Not
14:35:28 16 conversations that I was a party to, but again I have heard
14:35:31 17 evidence that there may have been some of those discussions
14:35:34 18 within the, amongst the handlers and their management.
14:35:38 19
14:35:38 20 What about amongst Purana in their potential disclosure
14:35:43 21 obligations or subpoena requests or public interest
14:35:48 22 immunity claims?---No. Subpoenas in relation to the Peirce
14:35:58 23 matter, it wasn't apparent that there was that conflict to
14:36:01 24 deal with.
14:36:05 25
14:36:08 26 You would be well aware of an accused's right to disclosure
14:36:12 27 in relation to cases brought against them?---Yes.
14:36:14 28
14:36:15 29 And first of all disclosure is made by police in the form
14:36:18 30 of a hand-up brief?---Yes.
14:36:19 31
14:36:20 32 But there's an entitlement to disclosure beyond the hand-up
14:36:25 33 brief?---That's right.
14:36:25 34
14:36:28 35 And that includes disclosure of material upon which it's
14:36:33 36 not proposed by the prosecution to rely but which would be
14:36:36 37 relevant to an accused in the conduct of their
14:36:39 38 defence?---That's right.
14:36:40 39
14:36:40 40 For example, if it would weaken an element of the offence,
14:36:46 41 you have an obligation to disclose it?---Yes.
14:36:49 42
14:36:50 43 If it would strengthen a defence available to a person, you
14:36:55 44 would be obliged to disclose material or information in
14:36:58 45 relation to that matter?---That's right.
14:36:59 46
14:37:00 47 If it would impact upon the credit of a witness, you would

14:37:05 1 be obliged to disclose such material?---Yes.
14:37:08 2
14:37:09 3 If it would affect the potential admissibility of evidence
14:37:14 4 you would be obliged to disclose that material or
14:37:17 5 information?---Yes.
14:37:19 6
14:37:20 7 For example, if there was evidence that the police had
14:37:24 8 obtained evidence improperly, you would be obliged to
14:37:28 9 disclose that so that it might be challenged?---Improperly
14:37:31 10 did you say?
14:37:32 11
14:37:32 12 Yes?---Yes.
14:37:33 13
14:37:36 14 And you're aware that those obligations exist regardless of
14:37:39 15 whether a subpoena has been issued?---Yes.
14:37:43 16
14:37:53 17 If there is such material in existence which police don't
14:37:57 18 want to disclose, they may make a claim for public interest
14:38:02 19 immunity, you're aware of that?---Yes, I've made that claim
14:38:05 20 a number of times.
14:38:05 21
14:38:06 22 Yes. But that claim, you simply can't not disclose
14:38:11 23 material to avoid it coming before the court, you're aware
14:38:16 24 you must disclose the material at least to the court and
14:38:19 25 make the claim?---Subject to relevance, yes, that's right.
14:38:22 26
14:38:29 27 Now, often in the course of a case there are requests for
14:38:37 28 disclosure of police notes?---Yes.
14:38:40 29
14:38:43 30 And there are a number of reasons for police to take notes,
14:38:49 31 you'd agree with that?---Yes.
14:38:50 32
14:38:50 33 They serve as a reminder if you're later called upon to
14:38:54 34 recount an event?---Yes.
14:38:56 35
14:38:56 36 And it provides transparency about matters in which you've
14:38:59 37 been involved?---That's right.
14:39:00 38
14:39:00 39 It would be highly inappropriate not to include matters in
14:39:04 40 your diary or your day book for the purposes of preventing
14:39:08 41 later disclosure to defence of such matters?---Generally,
14:39:11 42 yes.
14:39:12 43
14:39:12 44 When you say generally, what's an exception to that?---Well
14:39:16 45 the exception might be in relation to a human source, for
14:39:19 46 example, you would record their registered number and not
14:39:22 47 their actual name.

14:39:23 1
14:39:24 2 That's not preventing necessarily disclosure. You're
14:39:28 3 recording it in an appropriate manner?---Yes.
14:39:30 4
14:39:31 5 You might make a public interest immunity claim in relation
14:39:33 6 to that matter?---That's right.
14:39:34 7
14:39:38 8 And when you're called upon to disclose notes to the
14:39:44 9 defence and the OPP you make an assessment of relevance and
14:39:49 10 you ask yourself those questions, could it assist the
14:39:52 11 defence?---Yes.
14:39:53 12
14:39:54 13 And you redact matters irrelevant to that case?---Yes.
14:39:58 14
14:40:00 15 Is a member generally responsible for redacting their own
14:40:04 16 notes or is that something that's done by the primary
14:40:07 17 investigator?---Members will redact their own notes before
14:40:13 18 they give them to the primary investigator to collate them.
14:40:18 19
14:40:19 20 In this case when you first produced your notes to the
14:40:23 21 Commission, we understand you provided redacted notes
14:40:26 22 yourself, is that right?---Yes.
14:40:29 23
14:40:32 24 And there's been a second provision of notes subsequently.
14:40:36 25 Are you aware, did you perform the redactions in relation
14:40:40 26 to the second provision of notes?---I'm not sure, I assume
14:40:50 27 so. I certainly remember spending a solid week at Landow
14:40:55 28 doing my first lot of redactions. I'm not - I don't recall
14:41:00 29 the second lot but I'm - I don't dispute that that
14:41:03 30 occurred.
14:41:03 31
14:41:06 32 Where there is material for disclosure that might be
14:41:09 33 considered, where it might be considered that there's a
14:41:12 34 public interest immunity claim existing, what is done, for
14:41:14 35 example, in relation to police notes?---What's the ordinary
14:41:18 36 course of action in relation to making a claim?
14:41:21 37
14:41:22 38 Yes, when you're providing them to the defence?---Well, if
14:41:26 39 you seek to make a claim on the grounds of public interest
14:41:32 40 immunity you would engage with the Victorian Government
14:41:39 41 Solicitor's Office, police branch, and you would go through
14:41:43 42 the process of compiling a schedule which would outline the
14:41:51 43 material that you would seek to not disclose and the reason
14:41:57 44 for that, and you may well - as is often the case, you may
14:42:06 45 compile affidavits with barristers and these matters will
14:42:12 46 be determined, brought before and determined by the court.
14:42:15 47

14:42:17 1 Would you do the redacting of the pages prior to or after
14:42:21 2 making a claim for public interest immunity?---What you
14:42:29 3 would have done back then, obviously we have some wonderful
14:42:32 4 software now to assist with this, but you would highlight
14:42:35 5 on your notes the matters that you were seeking to claim
14:42:39 6 PII on and then highlight what you believe ought to be
14:42:44 7 redacted and that would be what would be subject to the
14:42:49 8 discussion with the VGSO counsel before redactions were
14:42:53 9 made.
14:42:53 10
14:42:54 11 Would you always get the VGSO involved or would you
14:42:59 12 sometimes just redact them, make the claim yourself and
14:43:02 13 just wait and see if there's any opposition to it?---You
14:43:05 14 make that decision yourself in relation to relevance, but
14:43:08 15 you don't make that decision yourself in relation to PII.
14:43:14 16
14:43:15 17 If you're providing notes to the defence do you say, "I've
14:43:18 18 redacted that bit for relevance and that bit for
14:43:22 19 PII"?---Yes.
14:43:22 20
14:43:23 21 Was that the case back then as well?---Yes.
14:43:26 22
14:43:29 23 And ought that have been the process for any police member
14:43:36 24 redacting notes and providing them to the defence and to
14:43:38 25 the OPP?---Yes.
14:43:41 26
14:43:43 27 To distinguish between relevance claims and PII
14:43:48 28 claims?---Yes.
14:43:48 29
14:43:58 30 Looking back now do you have any concerns as to the way in
14:44:01 31 which disclosure obligations were met by Victoria Police in
14:44:04 32 relation to cases in which Ms Gobbo had an
14:44:11 33 involvement?---Well in relation to the documents, notes I
14:44:15 34 was responsible for producing, no.
14:44:18 35
14:44:19 36 Well, in relation to material that you knew was held by
14:44:23 37 Victoria Police and not disclosed to accused, do you have
14:44:28 38 any concerns about that?---Again, in relation to matters
14:44:36 39 that I was in possession of or knew the existence of, no.
14:44:41 40
14:44:42 41 In relation to any matters in which you were aware that
14:44:45 42 were being prosecuted by Victoria Police, you're aware
14:44:49 43 there was relevant material held and you're aware that
14:44:54 44 there was non-disclosure of that material. Do you have any
14:44:59 45 concerns about those events?---No.
14:45:02 46
14:45:15 47 Back in 2003 you were a member of the Homicide Squad and

14:45:18 1 then you became a founding member of the Purana Task Force,
14:45:21 2 is that right?---That's right.
14:45:22 3
14:45:22 4 And that was established in around May of 2003?---Yes.
14:45:27 5
14:45:27 6 And the purpose of that Task Force was to investigate
14:45:31 7 murders of underworld figures?---Yes.
14:45:34 8
14:45:36 9 It was also aimed at identifying organised crime groups
14:45:40 10 involved in the homicides?---Yes.
14:45:42 11
14:45:43 12 At that stage Andrew Veniamin was a suspect in a number of
14:45:47 13 murders?---He was.
14:45:48 14
14:45:49 15 Kallipolitis?---Yes.
14:45:51 16
14:45:51 17 Dino Dibra?---Yes.
14:45:52 18
14:45:53 19 That was October 2000, is that right?---That's right.
14:45:55 20
14:45:55 21 And the murder of Nik Radev in April 2003?---That's right.
14:45:59 22
14:46:00 23 That was shortly before Purana was established?---Yes.
14:46:02 24
14:46:04 25 The Purana Task Force therefore began by targeting Veniamin
14:46:08 26 and his associates?---Yes.
14:46:10 27
14:46:11 28 And it also began targeting other people like Carl
14:46:16 29 Williams, Mick Gatto and their associates?---Yes.
14:46:18 30
14:46:22 31 Between the murder of Kallipolitis, which was in October
14:46:26 32 2002 and the murder of Radev in April 2003, Mr Veniamin had
14:46:33 33 switched allegiance it seems from the Gatto group to the
14:46:36 34 Williams' group?---That's right.
14:46:38 35
14:46:38 36 And the Gatto group was also known as the Carlton crew, is
14:46:42 37 that right?---Colloquially, yes.
14:46:44 38
14:46:45 39 You'd been involved already in investigating a number of
14:46:51 40 the homicides which were being then transferred to Purana.
14:46:57 41 Had you already been involved in some of those, for
14:47:01 42 example, the murder of Kallipolitis?---Yes. Kallipolitis
14:47:05 43 yes, Dibra no, and Radev no.
14:47:09 44
14:47:09 45 The structure of Purana when you first went there, what was
14:47:12 46 it?---Well initially it was quite a small team. It was
14:47:19 47 essentially a sub-set of the Homicide Squad. It was

14:47:24 1 predominantly, if not initially entirely all Homicide
14:47:28 2 investigators, and then over a short period of time it grew
14:47:34 3 and certainly after the death of Moran and Barbaro it grew
14:47:42 4 further.
14:47:43 5
14:47:45 6 Was there a Superintendent sitting on top of Purana?---A
14:47:51 7 Superintendent? Well the ordinary structure is an
14:47:57 8 Inspector in charge and they would report, among a number
14:48:02 9 of other inspectors, to a Superintendent but I'm not
14:48:06 10 certain who that Superintendent was back in 2003.
14:48:09 11
14:48:09 12 The Detective Inspector also was known as the
14:48:14 13 officer-in-charge?---Yes.
14:48:15 14
14:48:16 15 That was Andrew Allen at the time?---Yes.
14:48:18 16
14:48:18 17 Underneath him, how many Senior Sergeants existed at the
14:48:22 18 start?---Certainly one, Phil Swindells, possibly
14:48:27 19 immediately two, Gavan Ryan, but Gavan may also have come
14:48:32 20 in a little bit later.
14:48:32 21
14:48:32 22 He might have been drafted in a bit later?---I think so.
14:48:35 23
14:48:36 24 How many crews were under Swindells at that stage?---I'm
14:48:42 25 guessing but three or four.
14:48:43 26
14:48:44 27 And do you know who - they were run by Detective
14:48:49 28 Sergeants?---Yes.
14:48:49 29
14:48:50 30 Do you know who they were at that stage?---Stuart Bateson
14:48:58 31 was a Detective Sergeant but again I'm not certain he was
14:49:01 32 there at the outset, but he may well have been.
14:49:05 33
14:49:05 34 I think he might have still been at Homicide at that
14:49:08 35 stage?---Yeah, okay. I can't even remember who my crew
14:49:12 36 Sergeant was. It may have been me.
14:49:14 37
14:49:14 38 There were a number of Detective Sergeants and then
14:49:16 39 underneath them Detective Senior Constables, is that
14:49:19 40 right?---Yes. Yes that's right. And when it expanded also
14:49:24 41 a number of uniform Senior Constables.
14:49:27 42
14:49:28 43 At that stage I think you were a Detective Senior
14:49:31 44 Constable, is that right, 2003?---Yes.
14:49:33 45
14:49:35 46 And it might be that Bateson might have joined later that
14:49:39 47 year, as I understand it?---I think that's right.

14:49:42 1
14:49:44 2 Did you work on the same crew or were you in a separate
14:49:48 3 crew to Detective Bateson?---Different crews.
14:49:52 4
14:49:52 5 And there was some extra resourcing I think, I think maybe
14:49:57 6 Mr Ryan came on board after the murder or sorry, the
14:50:01 7 killing of Veniamin in March of 2004. Is that when Mr Ryan
14:50:06 8 came on board?---I thought he'd been there before that but
14:50:10 9 I may be mistaken.
14:50:12 10
14:50:12 11 I may be as well. The oversight of Purana at that stage,
14:50:15 12 was there a steering committee, do you know?---I don't
14:50:18 13 recall.
14:50:18 14
14:50:19 15 Do you know who made the strategic decisions?---Well from
14:50:25 16 my perspective, as a Senior Constable, I was seeing Andy
14:50:30 17 Allen make the strategic decisions, advised by the Senior
14:50:36 18 Sergeants.
14:50:36 19
14:50:37 20 You say at paragraph 47 of your statement that, "From the
14:50:39 21 outset of my work at the Purana Task Force I was aware of
14:50:44 22 the active oversight and routine reporting upwards to
14:50:50 23 Assistant Commissioner Overland"?---Yes, that's right.
14:50:52 24
14:50:52 25 Can you say what his involvement was with Purana?---Look, I
14:50:57 26 don't know other than that he authorised and facilitated
14:51:03 27 the establishment of what was then a break away and a
14:51:09 28 de-resourcing of the Homicide Squad in order to form
14:51:12 29 Purana. It was quite a controversial and resource impost
14:51:20 30 so he organised and facilitated that.
14:51:22 31
14:51:23 32 You talk in your statement about him having active
14:51:26 33 oversight. Was he a familiar face around the office, or
14:51:29 34 what do you mean by active oversight?---No, he wasn't a
14:51:33 35 familiar face around the office. He would pop in from time
14:51:36 36 to time, but I didn't see or experience his active
14:51:40 37 oversight but I was aware that Purana, quite a unique
14:51:46 38 investigation, was dealt with quite a little bit
14:51:49 39 differently by Crime Command.
14:51:51 40
14:51:51 41 In what way?---The more active involvement of then I
14:51:58 42 believe Assistant Commissioner Overland.
14:52:00 43
14:52:01 44 Beyond Mr Overland, do you know if there was any
14:52:04 45 involvement at all of the Chief Commissioner or was the
14:52:09 46 involvement simply up to the level of Assistant
14:52:12 47 Commissioner?---I don't know what transpired between the

14:52:14 1 Assistant Commissioner and above.
14:52:18 2
14:52:22 3 In terms of the way Purana worked and their different crews
14:52:28 4 that were working within Purana, was there some regular
14:52:31 5 meetings for knowledge exchange and those kinds of
14:52:35 6 matters?---Yes.
14:52:35 7
14:52:36 8 And how did that work?---Well it was a bit clunky because
14:52:43 9 we were essentially housed in two separate offices, so we
14:52:47 10 would come together, not specifically regular times but
14:52:52 11 fairly regular times to discuss how our operations related.
14:53:00 12 I mean that was the, that was the basis of establishing
14:53:04 13 Purana.
14:53:05 14
14:53:05 15 That there were inter-relationships between various
14:53:09 16 criminal networks?---Yes, and connections between these
14:53:13 17 three homicides that had, up until then, been investigated
14:53:18 18 by three separate crews within the Homicide Squad and that
14:53:22 19 disconnect.
14:53:23 20
14:53:23 21 Is it the case that these three homicides I referred to,
14:53:26 22 were they given one to each of the crews to work on?---Yes,
14:53:30 23 and that reminds me, one of the other Sergeants was Marty
14:53:35 24 Robinson who was responsible for the Radev murder.
14:53:38 25
14:53:39 26 Whose crew were you on?---I can't remember.
14:53:42 27
14:53:46 28 Do you know who the other Sergeants were, did you
14:53:54 29 say?---Well I said Stuart Bateson and Marty Robinson. It's
14:54:00 30 possible Grant Kelly who had been my Sergeant at Homicide
14:54:03 31 came up to Purana as well. May well have been my Sergeant.
14:54:07 32
14:54:07 33 When you say that there were these sort of regular
14:54:10 34 get-togethers for knowledge exchange, how often were they,
14:54:14 35 weekly, fortnightly?---Probably weekly.
14:54:17 36
14:54:18 37 And all the crews all in a room? How did those meetings
14:54:22 38 run?---Yeah, they would come into the bigger of the two
14:54:29 39 rooms for the meetings.
14:54:30 40
14:54:31 41 There would be discussion about lines of inquiry and
14:54:34 42 intelligence and those sorts of things, is that
14:54:36 43 right?---Yes, that's right.
14:54:37 44
14:54:38 45 You had some analysts working with you?---Yes, we did.
14:54:42 46
14:54:42 47 Who were they?---Scott Elliott was our primary analyst.

14:54:51 1 Again came up from the Homicide Squad. Mark Nichols was an
14:54:57 2 analyst. And then there were a couple of others that came
14:55:02 3 in and out as Purana grew.
14:55:10 4
14:55:15 5 Were you straight into investigations or is it the case
14:55:18 6 that there was an intelligence probe or an investigation
14:55:21 7 probe into various persons of interest to begin with?---It
14:55:26 8 was a mixture because the Kallipolitis investigation was
14:55:31 9 live and ongoing. The Dibra murder, which had been two,
14:55:39 10 three years earlier, was less active and of course Radev
14:55:44 11 was very active. So the inquiries specific to those
14:55:50 12 homicides were very active but then there was also a large,
14:55:55 13 to a large extent, this, as you've described it, this
14:55:58 14 intelligence probe and this intelligence gathering and this
14:56:02 15 piecing of the picture together.
14:56:07 16
14:56:10 17 In terms of that intelligence being gathered was it put
14:56:14 18 into information reports or were there profiles being
14:56:17 19 developed, how was that working?---Both.
14:56:19 20
14:56:19 21 And you would be able to log in and view such information
14:56:25 22 as it was being gathered?---Yes.
14:56:27 23
14:56:29 24 So if you ever had a particular inquiry in relation to a
14:56:34 25 particular person that was being worked on or information
14:56:37 26 being gathered about, you would be able to get that from
14:56:41 27 whatever the computer system was named at that
14:56:45 28 stage?---Yes. Well it was a bit clunky back at the start,
14:56:49 29 it was pre Interpose, but essentially it was the same
14:56:55 30 function.
14:56:56 31
14:56:57 32 And there might have been restrictions on people outside of
14:57:00 33 Purana accessing that information because Purana was a
14:57:03 34 little bit of a closed shop, is that right?---Yes, it was.
14:57:06 35
14:57:06 36 But within Purana you'd have free access to that
14:57:10 37 information?---Yes, that's right. There will have been
14:57:17 38 some management folders that investigators wouldn't have
14:57:20 39 had access to, but yes, you would have access to the other
14:57:23 40 jobs if needed.
14:57:24 41
14:57:26 42 In terms of your awareness of Ms Gobbo at that period of
14:57:31 43 time, you would have been aware of her profile, I gather,
14:57:37 44 representing various people associated with the
14:57:40 45 underworld?---Yeah, it became apparent very quickly, yes.
14:57:44 46
14:57:45 47 She had a media presence when she appeared for people with

14:57:51 1 a media profile in the underworld?---Yes.
14:57:54 2
14:57:54 3 Representing the likes of Tony Mokbel and others associated
14:57:58 4 with the drug trade?---Yes.
14:58:00 5
14:58:03 6 And it became evident in the early days of Purana that
14:58:06 7 Ms Gobbo was associating with individuals from the Gatto
14:58:13 8 and the Williams' groups?---Both, yes.
14:58:15 9
14:58:15 10 Do you know if any profile was built around her?---Not that
14:58:20 11 I was involved in or ordered or required in fact for my
14:58:25 12 investigations but certainly aware of the building
14:58:29 13 intelligence around her interactions within those groups.
14:58:34 14
14:58:34 15 And that was from 2003?---Yes.
14:58:37 16
14:58:40 17 Can you say at what point you became aware of that, aware
14:58:45 18 of the building of intelligence in relation to
14:58:50 19 Ms Gobbo?---Well almost immediately. It took a little bit
14:58:52 20 of time for the various avenues of intelligence gathering
14:58:56 21 to be put in place at Purana but once they were and we had
14:59:04 22 very good coverage, very strong unprecedented coverage of
14:59:10 23 those groups, it was very apparent.
14:59:13 24
14:59:13 25 And is that because she was popping up an telephone
14:59:19 26 intercepts or listening devices or on surveillance?---Yes.
14:59:22 27
14:59:23 28 All of those three?---I don't recall any specific telephone
14:59:33 29 intercepts, but certainly other means of surveillance.
14:59:37 30
14:59:41 31 On 21 June 2003 Jason Moran and Pasquale Barbaro were shot
14:59:48 32 at the Cross Keys at the Auskick footy clinic?---Yes.
14:59:53 33
14:59:53 34 And they were killed in front of a number of
14:59:57 35 children?---Yes.
14:59:57 36
14:59:57 37 There was understandably a significant public reaction
15:00:00 38 after that occurred?---Yes.
15:00:02 39
15:00:02 40 It was initially a Homicide Squad matter?---That's right.
15:00:05 41
15:00:07 42 But it soon became a Purana matter?---Yes.
15:00:09 43
15:00:12 44 It seems that Mr Bateson was involved in that investigation
15:00:16 45 to begin with?---I believe so.
15:00:19 46
15:00:19 47 Would it be the case that he was transferred to Purana

15:00:23 1 because of the transferring of that case to Purana?---May
15:00:26 2 well have been.
15:00:27 3
15:00:30 4 Perhaps if we can bring up the information report RC471.
15:00:53 5 You see in this information report it's dated 30 June 2003
15:00:59 6 by Mr Bateson, who indicates at that stage he's at the
15:01:02 7 Homicide Squad?---Yes.
15:01:03 8
15:01:04 9 This report, if we scroll through it, essentially refers to
15:01:11 10 inquiries he'd made in relation to an alibi of Carl
15:01:16 11 Williams. It's apparent that he, by that stage, had
15:01:19 12 interviewed Carl Williams after the murders had occurred.
15:01:26 13 Carl Williams had indicated that he'd, on that morning,
15:01:30 14 been in the company of a certain person, and I won't
15:01:35 15 mention the person's name at present?---Yes.
15:01:36 16
15:01:40 17 If we scroll further down, and do you see under "further
15:01:49 18 inquiries" that that person is to be interviewed themselves
15:01:52 19 or spoken to to confirm the above details?---Yes.
15:01:55 20
15:01:57 21 And that appears to occur on 4 July?---Yes.
15:02:01 22
15:02:01 23 And that person attended at the Homicide Office with his
15:02:07 24 barrister, Nicola Gobbo?---That's right.
15:02:08 25
15:02:08 26 And was spoken to in the presence of Ms Gobbo, as well as a
15:02:13 27 Detective Senior Constable Owen?---Yes.
15:02:15 28
15:02:19 29 It's apparent whilst he was spoken to that Ms Gobbo
15:02:24 30 remained present according to that note, is that right?---I
15:02:29 31 don't know.
15:02:29 32
15:02:29 33 "I spoke to him in the presence of Ms Gobbo"?---Yes.
15:02:32 34
15:02:35 35 It's not common for lawyers to remain present during
15:02:43 36 interviews?---No, it's not common.
15:02:45 37
15:02:46 38 And that's because the lawyer then runs the risk of
15:02:49 39 becoming a witness in the matter?---Well that's what we
15:02:51 40 always used to say but I don't know how certain we were
15:02:55 41 about that but yes, that's my understanding.
15:02:57 42
15:02:58 43 If there's any allegation or assertion as to what went on
15:03:01 44 during the interview or any impropriety or what exactly was
15:03:05 45 said, the people in the room present may well be
15:03:08 46 witnesses?---May well be.
15:03:09 47

15:03:09 1 Police or lawyer?---Yes.
15:03:10 2
15:03:13 3 Aside from Ms Gobbo being a lawyer for the person that was
15:03:22 4 being spoken to by Mr Bateson, it's also indicated, if we
15:03:27 5 scroll through that document, that Ms Gobbo had spoken to
15:03:33 6 this person whilst he was with Mr Williams on the morning
15:03:37 7 of the murders and he in fact had informed that person on
15:03:43 8 the morning that the shooting had taken place we find out
15:03:50 9 later. So do you see the second-last dot point, "Stated he
15:03:56 10 spoke to Nicola Gobbo on the morning, on the phone twice
15:04:01 11 that morning"?---Yes.
15:04:02 12
15:04:02 13 And in brackets, "Confirmed by Gobbo"?---Yes.
15:04:06 14
15:04:06 15 Now again that would raise, if that person were to be
15:04:11 16 prosecuted, there was an alibi, he's the alibi for
15:04:20 17 Mr Williams or Carl Williams, it again raised a significant
15:04:24 18 possibility of Ms Gobbo being a witness in the matter,
15:04:27 19 would that be right?---Yes. I see that reasoning.
15:04:35 20
15:04:42 21 That can be taken down, thanks. Around July 2003 Lewis
15:04:57 22 Moran was in custody, do you recall that being the
15:05:00 23 case?---I don't recall that but I don't dispute that.
15:05:02 24
15:05:03 25 And Lewis Moran was the father of Jason Moran and Mark
15:05:07 26 Moran?---Yes.
15:05:08 27
15:05:10 28 Jason Moran had been shot on 21 June and killed?---Yes.
15:05:17 29
15:05:17 30 And Mark Moran, his other son, had been shot and killed
15:05:21 31 back in 2000, is that right?---Yes.
15:05:23 32
15:05:23 33 And later Carl Williams was charged with his murder?---Yes.
15:05:28 34
15:05:28 35 There was no love lost between the Morans and Carl
15:05:34 36 Williams?---That's right.
15:05:35 37
15:05:35 38 And that is one of the reasons why Carl Williams was
15:05:39 39 immediately a suspect in relation to the Jason Moran
15:05:42 40 shooting?---I'm not sure. Was he?
15:05:50 41
15:05:51 42 He was interviewed by Mr Bateson in the days thereafter and
15:05:55 43 Mr Bateson was chasing up his alibi. Now, exactly a month
15:06:02 44 after that shooting and that killing of Jason Moran
15:06:05 45 Ms Gobbo represented Lewis Moran in relation to a
15:06:09 46 successful bail application. I think there was some media
15:06:14 47 about it at the time. He'd been charged I think with some

15:06:19 1 commercial drug trafficking. Would you have been aware of
15:06:23 2 that at the time?---Possibly. From media reporting but I
15:06:29 3 wasn't involved in the investigation.
15:06:31 4
15:06:32 5 Purana came to be aware of some intelligence about a threat
15:06:36 6 made to Ms Gobbo by Veniamin because of her representation
15:06:42 7 of Lewis Moran?---Yes.
15:06:44 8
15:06:44 9 Now, do you recall being aware of that at the time?---I do,
15:06:50 10 I believe.
15:06:52 11
15:06:54 12 Do you recall there being some discussion around the office
15:06:57 13 as to what to do about that?---I don't recall the
15:07:05 14 discussion. I may not have been involved in that
15:07:08 15 discussion. Again, my crew was not investigating the drug
15:07:14 16 matters.
15:07:18 17
15:07:18 18 Do you know who was in charge of investigating the drug
15:07:21 19 matters within Purana at that stage?---I think it was Dale
15:07:28 20 Johnson, Detective Sergeant Dale Johnson came up from the
15:07:31 21 Drug Squad with a crew.
15:07:35 22
15:07:36 23 But nevertheless there was obviously a cross over of
15:07:40 24 interests because of the threats by Veniamin towards
15:07:43 25 Ms Gobbo?---No doubt.
15:07:45 26
15:07:46 27 For her representation of Mr Moran who was regarded as
15:07:55 28 being on the other side?---Yes.
15:07:57 29
15:07:57 30 It's apparent that Ms Gobbo, undeterred by that threat at
15:08:01 31 that stage, represented Mr Moran in relation to a bail
15:08:06 32 variation application in September 2003 at which evidence
15:08:11 33 was given by Mr Swindells. Do you recall that event?---No.
15:08:16 34
15:08:18 35 At that stage it's apparent that Mr Swindells had
15:08:22 36 determined that he would approach Ms Gobbo and indicate
15:08:27 37 that Purana were aware of the threat. Do you recall there
15:08:30 38 being any discussion about that event?---No, sorry.
15:08:34 39
15:08:40 40 If you were to approach someone at that stage to seek their
15:08:48 41 assistance if they wanted to provide information to Purana,
15:08:53 42 would you tell them that the door's always open, something
15:08:56 43 like that?---I'm sorry?
15:09:00 44
15:09:00 45 Is that the type of language you might use if you are to
15:09:04 46 approach someone and ask them if they want and come and
15:09:07 47 speak to Purana, if they want to provide some assistance or

15:09:11 1 some information, you might suggest to them that the door
15:09:14 2 is open?---That's not language I would use.
15:09:19 3
15:09:20 4 Is it language other members of Purana might use?---I don't
15:09:24 5 know.
15:09:25 6
15:09:27 7 You would understand what the door is open would
15:09:32 8 mean?---Yes, I do.
15:09:33 9
15:09:39 10 Mr Swindells indicates that he recalls being told by
15:09:43 11 Ms Gobbo that she'd made a statutory declaration detailing
15:09:48 12 threats against her and which she'd left in a safe. Do you
15:09:52 13 recall there being any discussion about that?---No. No, I
15:09:56 14 don't.
15:09:56 15
15:09:58 16 She seems to have made a note in her court book about those
15:10:03 17 kinds of matters. Do you say you might have known about
15:10:10 18 those things at the time or it would be something that
15:10:13 19 wouldn't have been discussed with you or your team?---I'm
15:10:17 20 certainly aware, because of the saturation I may well have
15:10:22 21 been aware at the time because each crew's Senior
15:10:28 22 Constables, Detective Senior Constables would rotate in
15:10:31 23 terms of the performance of the coverage of those various
15:10:34 24 aspects of surveillance but I wouldn't have been involved
15:10:37 25 in those discussions.
15:10:43 26
15:10:44 27 It would seem likely, wouldn't it, that Mr Swindells
15:10:48 28 wouldn't have done something like that, approached Ms Gobbo
15:10:51 29 with knowledge of a threat by Veniamin without some
15:10:54 30 discussion with the Purana office?---Yeah, but sorry, I
15:11:01 31 understood that Mr Swindells approach to Nicola Gobbo was,
15:11:09 32 "We're aware that you've been threatened", so you have a
15:11:14 33 responsibility to inform people that you have intelligence
15:11:21 34 that their life may be at risk, or their safety may be at
15:11:24 35 risk, and at times those witnesses are reluctant for
15:11:27 36 various reasons to assist and you might well say, "You
15:11:31 37 don't want to talk about it now but if you wish to in the
15:11:34 38 future, I'm happy to hear you out".
15:11:36 39
15:11:36 40 The door's open. It seems likely that those events and the
15:11:41 41 results of those events might have been discussed around
15:11:43 42 the Purana offices, particularly given the concentration by
15:11:47 43 Purana on Andrew Veniamin?---I don't dispute that those
15:11:51 44 matters may well have been discussed.
15:11:53 45
15:12:01 46 It seems as though we might have reached a point,
15:12:03 47 Commissioner, where we might need to go into private

15:12:07 1 session.
15:12:07 2
15:12:07 3 COMMISSIONER: All right then. Before I do, I think
15:12:09 4 there's been an application for leave made by the
15:12:16 5 Australian Criminal Intelligence Commission in respect of
15:12:20 6 this witness, correct.
15:12:21 7
15:12:21 8 MS MARTIN: Yes Commissioner.
15:12:22 9
15:12:23 10 COMMISSIONER: And I'm also told there's been an
15:12:26 11 application for leave by Paul Dale, which I have approved
15:12:33 12 on the recommendation of counsel assisting, but I'm told
15:12:37 13 that Victoria Police want to oppose that. The point being,
15:12:45 14 I suppose, that parties with leave, no one is here for
15:12:50 15 Mr Dale, but parties with leave get access to the
15:12:53 16 transcript apparently in its raw form. So having been told
15:13:03 17 that about Victoria Police, Ms Argiropoulos, you don't seem
15:13:08 18 to know anything about it.
15:13:10 19
15:13:10 20 MS ARGIROPOULOS: Can I confirm those instructions? I
15:13:12 21 wasn't personally aware of this particular application.
15:13:15 22
15:13:15 23 COMMISSIONER: It might be a misapprehension about
15:13:19 24 applications for leave and applications to cross-examine.
15:13:20 25 That's what I've been told, it was definitely an email
15:13:24 26 request.
15:13:26 27
15:13:26 28 MS TITTENSOR: I'm told that there was someone here earlier
15:13:29 29 for Mr Dale today, Commissioner. We might take the
15:13:32 30 opportunity of an afternoon break to get in contact with
15:13:35 31 them to see what the position is and perhaps Victoria
15:13:37 32 Police can confirm their instructions.
15:13:39 33
15:13:39 34 COMMISSIONER: That's probably the best thing to do. We'll
15:13:42 35 have a short adjournment now.
15:13:44 36
15:13:45 37 (Short adjournment.)
38
15:28:49 39 MS ARGIROPOULOS: Commissioner, just before we recommence
15:28:51 40 can I just advise that Victoria Police has no opposition to
15:28:55 41 Paul Dale's lawyers being granted leave to appear based on
15:28:58 42 the usual undertaking.
43
15:29:01 44 COMMISSIONER: Yes, based on the usual undertaking. In
15:29:05 45 that case I'll give leave both to Mr Dale, if I haven't
15:29:11 46 already done so and the ACIC. The order is under s.24 of
15:29:14 47 the Inquiries Act access to the Inquiry during this part of

15:29:17 1 the evidence of the witness commencing at 3.29 pm is
15:29:22 2 limited to legal representatives and staff assisting the
15:29:26 3 Royal Commission, the following parties with leave to
15:29:29 4 appear in the private hearing and their legal
15:29:32 5 representatives: State of Victoria, Victoria Police,
15:29:35 6 including media unit representatives, Graham Ashton,
15:29:39 7 Director of Public Prosecutions and Office of Public
15:29:40 8 Prosecution, Commonwealth of Director of Public
15:29:41 9 Prosecutions, Ms Nicola Gobbo, the SDU handlers, Australian
15:29:47 10 Federal Police, the Australian Criminal Intelligence
15:29:49 11 Commission, the legal representatives of the following
15:29:51 12 parties with leave to appear, John Higgs, Pasquale Barbaro,
15:29:55 13 Person 14, Faruk Orman, Paul Dale, Andrew and Mandy Hodson.
15:30:01 14 Media representatives accredited by the Royal Commission
15:30:04 15 are allowed to be present in the hearing room. The hearing
15:30:07 16 is to be recorded but not streamed or broadcast. Subject
15:30:12 17 to any further order there is to be no publication of any
15:30:13 18 material, statements, information or evidence given, made
15:30:14 19 or referred to before the Commission which could identify
15:30:16 20 or tend to identify the persons referred to as Witness A,
15:30:21 21 Witness B, Witness X, Person 14, any member of the Source
15:30:26 22 Development Unit or their whereabouts. A copy of this
15:30:28 23 order is to be posted on the hearing room door.

24
25 (IN CAMERA PROCEEDINGS FOLLOW)
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