

Statement of Garry Howard Livermore:

1. My full name is Garry Howard Livermore. I am a barrister. My chambers are at 1906 Aickin Chambers, 200 Queen Street Melbourne.
2. This statement is in response to the letter from Holding Redlich dated 19 August 2019 (the letter) and has been prepared from my recollection unassisted by any documents, other than the fee slips referred to below. If the Commission would like me to review any documents which it is thought are relevant and that may assist my recollection, I would be happy to review them. I do not purport to have a perfect memory of matters that occurred more than twelve years ago.
3. I was admitted to practice in Victoria in April 1982. I signed the Bar Roll in November 1995. I was appointed Senior Counsel on 23 October 2019.
4. In the mid 2000's I was briefed in relation to a number of different matters to conduct examinations of witnesses for the purposes of investigations being carried out by the Office of Police Integrity(OPI). I was also briefed to conduct investigations by the Victorian Ombudsman, which at the time operated from the same premises as the OPI and also involved examining witnesses.
5. I now only have a general recollection of those matters and people that I dealt with at the OPI and the Ombudsman's Office in relation to those matters.
6. I do recall appearing as Counsel Assisting at OPI hearings where Mr Tony Fitzgerald AC QC was the delegate and presided over the examinations. I recall in very general terms conferring with Mr Fitzgerald as to the conduct of the examinations. My recollection is that Mr Fitzgerald was more active in asking questions of witnesses than other delegates that presided over examinations where I was Counsel Assisting.

7. I have a general recollection of being briefed in relation to an OPI examination involving Nicola Gobbo. I do not recall having any professional or social contact at all with Ms Gobbo either before or after the examinations.
8. I have a general recollection that the examination of Ms Gobbo was complicated by the fact that [REDACTED]
- [REDACTED]
- [REDACTED] My recollection is that the examination of Ms Gobbo was cut short for this reason.
9. In terms of the specific questions in the letter my response is:
- (a) I cannot recall being told anything about any "assistance" Ms Gobbo was providing to Victoria Police, apart from the fact that she had [REDACTED]
- [REDACTED]
- (b) I cannot recall being told that Ms Gobbo was a registered human source or police informer and believe that I would recall such information if I had been told.
- (c) I did not discuss Ms Gobbo's "status" with anyone. I did not know she had any "status" other than the matter referred to in (a) above.
- (d) See response to (c) above.
10. I do not recall ever meeting Gavan Ryan. I do not recall being aware that he was present in the building and/or watching the examination of Ms Gobbo from a screen at the OPI. My recollection is that it was possible for a person to watch the examinations at the OPI from a screen outside the hearing room but if the proceeding was otherwise a private hearing then any necessary directions would be given by the delegate. I believe that those instructing me at the OPI provided the necessary information to the delegate. From memory, they may have even had draft written directions prepared for the morning of the hearing. The transcript of the

examination should reflect the relevant directions in the case of the examination of Ms Gobbo. I usually had one or two instructors who would be present in the hearing room and seated at the same table as me. I do not recall how many instructors I had for the examination of Ms Gobbo or who they were.

11. I have not been involved in or paying attention to the work of the Commission, other than seeing the occasional media report. I was however advised in early August 2019, by another barrister that a question was asked of a witness in open hearing that suggested that I had “represented the Mokbels..” I accessed the online transcript and read that question. I have never “represented” any “Mokbels”.

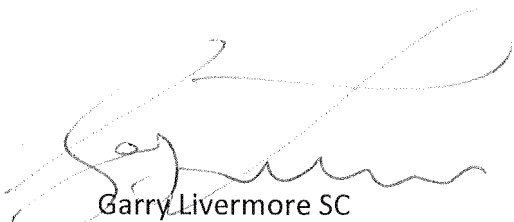
12. I have checked my electronic fee book maintained by my clerk and the entries therein confirm my general recollection as follows.

(i) In early 2006 I received a telephone call from a friend of a man that I had represented for minor Commonwealth Customs offences. This man was impressed with the quality of my representation and knowledge of Commonwealth Criminal law. He said that he was with Tony Mokbel and that Tony wanted to brief me. He put “Tony” on the phone. Tony said that he was being represented by Con Heliotis QC, who he said was not the “sharpest tool in the shed..” when it came to Commonwealth Criminal law, and wanted to brief me to provide some advice on a specific legal issue. I said that he should get his solicitor to provide me a brief and that if I was briefed I would like to discuss it with Mr Heliotis. Shortly thereafter, I received a brief from McNamara’s solicitors. The brief comprised the depositions in the matter. I spoke to Mr Heliotis and he was happy for me to provide my opinion on the issue raised. I then prepared a written opinion concerning the legal consequences of the planned importation of cocaine from Mexico to Australia being intercepted in the United States, with the cocaine being seized and replaced by a package containing a non prohibited substance. I had no conference with the client. The opinion was in respect of a discreet issue of law. I had no further involvement in the matter. This

brief is evidenced by a feeslip for \$3000 dated 3 February 2006 to McNamaras Solicitors. Ms Gobbo may have been junior to Mr Heliotis in this matter but I had no communications with her.

- (ii) In 2007, I received a brief from Lethbridges Solicitors. My recollection of this matter is vaguer than the matter referred to above but to the best of my recollection the brief was to advise in respect of the potential return of items of property that had been seized by police from a property owned by a member of the Mokbel family. I had no conference with the client and believe that I provided verbal advice to Lethbridges and then returned the papers. That matter is reflected in a fee slip dated 7 August 2007 for \$2750.
- (iii) In 2011, I was briefed by the Office of Public Prosecutions in relation to an application by Tony Mokbel to change a plea of guilty in relation to a number of matters.(not related to the Mexican cocaine importation referred to above) I believe that I prepared some written legal submissions in relation to the matter and may have appeared at a mention in the Supreme Court on behalf of the Director. I believe that the application was adjourned and that I could not appear on the adjourned date so other counsel was briefed. This matter is reflected in two feeslips: 29/11/2011 for \$2300 and 20/12/2011 for \$2300.

13. Insofar as the person who asked the question was seeking to “float” some inference adverse to me, I reject it. I was not in a position of conflict in relation to any of the above matters or the briefs at the OPI. Indeed, I consider that in conformity with the “Cab-rank Principle’ I was obligated to accept the briefs when offered because the work was within my field, I was available to do it, my fee was agreed and there was no basis or requirement to refuse the brief.



Garry Livermore SC

Aickin Chambers

28 October 2019