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These claims are not yet resolved.

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Tuesday, 25 June 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 J. Hannebery QC
 Ms K. Argiropoulos

Counsel for State of Victoria Ms E. Hilliard

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

Counsel for DPP/SPP Mr P. Doyle

Counsel for Police Handlers Mr G. Chettle
 Ms L. Thies

Counsel for Paul Dale Mr G. Steward

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15:46:39 1 PROCEEDINGS IN CAMERA:
15:46:39 2
15:46:31 3 MR HANNEBERY: Perhaps just before Mr Trichias commences -
15:46:33 4 we're in closed hearing?
5
15:46:35 6 COMMISSIONER: We're in closed hearing now.
7
15:46:40 8 MR HANNEBERY: Just letting the Commissioner know I've had
15:46:43 9 some discussions about the exhibit, namely his statement,
15:46:45 10 and there was an additional redaction that I've raised with
15:46:50 11 counsel assisting this afternoon and I understand that
15:46:51 12 counsel assisting's position is they want some evidence
15:46:54 13 called in relation to that, but if I could say that the
15:46:59 14 redacted statement is not in a position yet to be published
15:47:03 15 until we've dealt with that application. We can do that
15:47:07 16 relatively quickly tomorrow, I think.
17
15:47:10 18 COMMISSIONER: All right. So we can still continue with
15:47:11 19 his evidence now?
20
15:47:13 21 MR HANNEBERY: Yes.
22
15:47:14 23 COMMISSIONER: Mr Trichias, if you could return to the
15:47:17 24 witness box.
25
15:47:23 26 MR HANNEBERY: The accredited media, were they to be in
15:47:26 27 here?
28
15:47:27 29 COMMISSIONER: Yes, in here. There is no streaming to the
15:47:31 30 media room so the accredited media need to be in this form.
31
15:47:37 32 <PETER TRICHIAS, recalled:
33
15:47:41 34 MR WINNEKE: I think I got to the stage, Mr Trichias, where
15:47:44 35 I was asking you questions about some factual background
15:47:55 36 matters concerning your role in the investigation of the
15:48:01 37 murder of [REDACTED]. He was murdered on [REDACTED],
15:48:11 38 is that correct?---Yes, that's correct.
39
15:48:14 40 [REDACTED] was murdered on [REDACTED], is that
15:48:20 41 correct?---Yes, he was murdered after [REDACTED], yes.
42
15:48:23 43 He was what?---He was murdered [REDACTED].
44
15:48:27 45 There is no dispute. It was on [REDACTED] Were you involved
15:48:30 46 in the investigation of [REDACTED] murder or not?---No, I
15:48:38 47 wasn't.

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1
15:48:39 2 Nonetheless, [REDACTED] and an [REDACTED] were both
15:48:48 3 arrested and remanded on or about [REDACTED], is that
15:48:59 4 correct?---Look, I don't know that for a fact, but I do
15:49:01 5 know that they were arrested shortly afterwards.
6
15:49:03 7 Both of them?---Yes, that's correct.
8
15:49:05 9 Were they arrested in relation to both of those murders or
15:49:08 10 just one of them?---No, just [REDACTED]
11
15:49:12 12 Just [REDACTED]?---Yes.
13
15:49:14 14 Now, [REDACTED] brother was also arrested in relation to
15:49:19 15 the murder of [REDACTED] is that right?---That's correct.
16
15:49:22 17 When was he arrested, are you able to recall?---Not the
15:49:26 18 exact date, but that was further down the track.
19
15:49:28 20 Further down the track. Right. Now, if we move forward a
15:49:33 21 bit - I'm just setting the background - [REDACTED] and [REDACTED] were
15:49:38 22 convicted of the [REDACTED] murder in about [REDACTED] is
15:49:42 23 that correct?---That's correct.
24
15:49:44 25 Now, [REDACTED] started to engage with police with respect
15:49:51 26 to becoming a prosecution witness in relation to the [REDACTED]
15:49:56 27 murder, [REDACTED]---That's correct.
28
15:49:59 29 Are you able to say approximately when that was? You've
15:50:02 30 gone back through your diaries and so forth to prepare for
15:50:07 31 giving evidence. Do you recall when that occurred?---I
15:50:09 32 don't have the exact date of the first meeting, no.
33
15:50:12 34 Approximately?---I'm aware that he made his statement
15:50:19 35 around [REDACTED] so he had approached us a number of
15:50:25 36 months before that.
37
15:50:27 38 How did it - are you able to recall the circumstances in
15:50:30 39 which you first learnt or Purana detectives first learnt
15:50:37 40 that he might have information into the death of
15:50:45 41 [REDACTED]---Yes, I was contacted by Jim O'Brien. He'd been to
15:50:48 42 the prison in relation to another matter and whilst he was
15:50:51 43 there a message got passed on to Jim to pass on to me, that
15:50:56 44 he wanted to speak to us in relation to the [REDACTED]
15:51:00 45 matter.
46
15:51:00 47 And you think he made a statement in or about [REDACTED] of

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15:51:03 1 2006?---That's when he started to make the statement,
15:51:07 2 that's correct.
3
15:51:07 4 And you'd been out some time prior to that to speak to
15:51:10 5 him?---For a number of months, yes.
6
15:51:12 7 For a number of months. He played cat and house [REDACTED]
15:51:16 8 didn't he, in terms of providing information to make
15:51:19 9 statements?---He wasn't fully committed at the start, no.
15:51:22 10 You're right, he was playing cat and mouse.
11
15:51:28 12 The way in which he dealt with you meant that you had to go
15:51:32 13 out, he'd give you a little bit of information, you'd go
15:51:35 14 away, he'd say, "I want to think about this" and then you'd
15:51:38 15 have to go out again and he'd make another statement and it
15:51:41 16 went on like that for some time?---It did go on like that
15:51:44 17 for some time. As to how it occurred, you would go and
15:51:47 18 speak to him, he'd give you certain information and then
15:51:49 19 you'd follow it up down the track, a couple of weeks later,
15:51:53 20 but once he was comitted to make his statement then the
15:51:56 21 relationship flowed a lot more naturally.
22
15:51:59 23 I'm speaking generally at this stage. I might get into
15:52:02 24 more detail in due course. He was a fellow who would - it
15:52:06 25 took him a while to get there and then there'd be changes
15:52:10 26 in statements quite frequently?---I don't know whether
15:52:12 27 there was changes, there would be - - -
28
15:52:13 29 Additions?---There would be additions, yes. So I think in
15:52:17 30 total he made [REDACTED] statements for the [REDACTED] matter.
31
15:52:20 32 In relation to [REDACTED] -Yes.
33
15:52:23 34 And ultimately he pleaded guilty to the [REDACTED] murder
15:52:30 35 and he gave an undertaking to give evidence, is that
15:52:33 36 right?---That's correct, yes.
37
15:52:34 38 And, obviously, someone gave evidence on his plea?---What
15:52:42 39 was that, sorry?
40
15:52:44 41 A police officer gave evidence on his plea or provided a
15:52:47 42 statement, one assumes?---For [REDACTED]
43
15:52:49 44 Yes?---The undertaking, I think, was given by the OPP in
15:52:53 45 relation to that. So I don't believe that someone from
15:52:58 46 Purana actually gave evidence on his behalf, if that's what
15:53:01 47 you're asking, for the [REDACTED] matter.

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1
15:53:04 2 It's pretty clear that he received a significant discount
15:53:08 3 for pleading guilty?---That's correct.
15:53:10 4
15:53:11 5 And he was convicted - [REDACTED] on the other hand,
15:53:20 6 pleaded not guilty?---That's correct.
7
15:53:21 8 And he ran a trial and he was convicted of that murder on
15:53:25 9 [REDACTED] --Yes, that's correct.
10
15:53:29 11 Some years afterwards. In addition to that, in relation to
15:53:39 12 [REDACTED] made statements implicating
15:53:47 13 [REDACTED] --Yes.
14
15:53:50 15 His [REDACTED] ---Yes.
16
15:53:52 17 [REDACTED] ?---That's correct.
18
15:53:54 19 And [REDACTED] ?---Yes.
20
15:53:58 21 So [REDACTED] was charged [REDACTED]
15:54:03 22 [REDACTED] ---Yes, he was.
23
15:54:04 24 And he was tried for the [REDACTED] and found
15:54:08 25 not guilty in [REDACTED] --That's correct.
26
15:54:13 27 Now, if I can come back to [REDACTED] He had a very substantial
15:54:19 28 criminal history?---That's correct.
29
15:54:23 30 He might be regarded as a not particularly merciful
15:54:31 31 individual?---Look, I can't answer that, but he did have a
15:54:34 32 history.
33
15:54:38 34 Well, he, obviously, was found guilty of [REDACTED] murder.
15:54:41 35 He pleaded guilty to [REDACTED] murder?---That's correct.
36
15:54:45 37 He said that he was responsible for the killing of
15:54:54 38 [REDACTED] --Yes, that's correct.
39
15:54:56 40 For the first of those two murders, he got a [REDACTED]
15:55:00 41 minimum, that is [REDACTED] --That's right.
42
15:55:03 43 In relation to [REDACTED] he got an indemnity in
15:55:08 44 relation to that?---He was charged with that, he was
15:55:11 45 convicted.
46
15:55:12 47 Charged with that?---Yes.

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1
15:55:13 2 He was charged but, in effect, was told that he wouldn't
15:55:16 3 [REDACTED] -- [REDACTED] that's
15:55:19 4 correct.
5
15:55:19 6 Wouldn't [REDACTED] Okay. He had a history -
15:55:26 7 obviously a substantial history of violent
15:55:30 8 offending?---That's correct.
9
15:55:31 10 Would you say that he is a manipulative
15:55:34 11 individual?---People have said that in the past about him,
15:55:37 12 yes.
13
15:55:37 14 It's been said by people who know him?---Yes.
15
15:55:41 16 And would it be - - -
17
15:55:43 18 COMMISSIONER: Did he plead guilty to the [REDACTED]
15:55:46 19 [REDACTED] -Yes, he did, Commissioner.
20
15:55:54 21 MR WINNEKE: And police dealing with him obviously had to
15:55:57 22 be careful, had to take notes or record conversations with
15:56:00 23 him?---That's correct.
24
15:56:03 25 It couldn't be said of him that he was a reliable person
15:56:05 26 who was always telling the truth?---No, you're correct
15:56:10 27 there, yes.
28
15:56:12 29 And there would be occasions in taking statements from him,
15:56:15 30 or when he was giving evidence, he could be - it could be
15:56:19 31 established quite clearly that he was not telling the truth
15:56:22 32 - I'm speaking of your experience and knowledge of
15:56:26 33 him?---With my experience and knowledge, when he committed
15:56:30 34 to make a statement, he did make the statement and he
15:56:34 35 wasn't manipulative in that regard and nor did he lie, from
15:56:39 36 what we understand, in relation to what he told us, in his
15:56:43 37 statements.
38
15:56:45 39 Has he used - have you heard him use the expression
15:56:48 40 "dangling carrots" to police officers?---I don't know
15:56:52 41 whether I've heard that term specifically from him.
42
15:56:54 43 "Dangling carrots", in other words dangling - - -?---I know
15:56:58 44 what you're referring to, but he's never used that term to
15:57:01 45 me.
46
15:57:01 47 Nonetheless, even if you haven't heard him using that term,

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15:57:04 1 he was a person who would, in effect, say, "I need a prize,
15:57:09 2 there's got to be some benefit for me in helping you
15:57:13 3 out"?---Look, the benefit - the only benefit that he asked
15:57:18 4 from us is in relation to ensuring that he be safe and his
15:57:21 5 family would be safe, that was his main concern.
15:57:24 6 Obviously, if he was going to plead to several homicides he
15:57:29 7 would get a discount, which is given, but his main concern
15:57:33 8 to us was in relation to his safety and that of his family.
9
15:57:36 10 His safety. Was there also a concern about property, his
15:57:39 11 property and the property of his family and perhaps they
15:57:42 12 might retain the benefit of it?---Yeah, that had come up
15:57:47 13 earlier on in the piece.
14
15:57:48 15 It had come up, hadn't it? And there was also a concern
15:57:50 16 that he had that if he pleaded guilty to murders, there
15:57:54 17 might be applications for restitution and compensation,
15:57:57 18 which would mean - or, indeed, orders sought by police
15:58:00 19 which would freeze his assets?---I don't specifically
15:58:05 20 recall getting involved in that aspect, but I know there
15:58:07 21 were some issues raised in relation to properties, but my
15:58:11 22 understanding is the properties weren't in his name.
23
15:58:15 24 Right. But are you aware that there had been applications
15:58:19 25 for property to be confiscated?---There was some moneys
15:58:25 26 that were seized, if that's what you're referring to, but
15:58:29 27 that was dealt with separately. And there was also - - -
28
15:58:33 29 How was that dealt with?---I think, by memory, that was
15:58:41 30 resolved and the moneys had gone back to [REDACTED] at the
15:58:45 31 time.
32
15:58:45 33 In effect, part of the arrangement was the carrot that was
15:58:50 34 being dangled was if moneys go back to [REDACTED] that
15:58:55 35 might encourage him to make statements?---No, we made it
15:58:58 36 clear that was not something we were going to get involved
15:59:00 37 in.
38
15:59:00 39 What were the circumstances of moneys going back to [REDACTED]
15:59:03 40 [REDACTED] then?---That was a separate issue and that related
15:59:05 41 to the [REDACTED] matter. I don't have an exact memory of
15:59:10 42 the amount.
43
15:59:12 44 Approximately?--- [REDACTED] at a guess.
45
15:59:15 46 [REDACTED] ---I can't be exact in relation to that.
47

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15:59:17 1 You'd say only [REDACTED] --In relation to moneys that were
15:59:19 2 seized at the time, yes. That's my memory of it.
3
15:59:25 4 Insofar as any evidence that he gave - this might be the
15:59:31 5 case with many people in his position who give evidence -
15:59:37 6 you'd be certainly looking to finding corroborative
15:59:40 7 evidence to support anything that he said?---Yes, of
15:59:44 8 course.
9
15:59:45 10 That often applies to people who provide evidence of gaol
15:59:49 11 house confessions?---That's correct.
12
15:59:50 13 Or confessions against co-accused and so forth?---Yes.
14
15:59:57 15 Can I ask you then about - so you say in relation to [REDACTED]
16:00:03 16 there were about [REDACTED] statements that he made?---Yes, that's
16:00:08 17 correct.
18
16:00:08 19 Over what period of time?---Over several months. There was
16:00:14 20 the main statement taken, and that wasn't done on one
16:00:18 21 occasion, there were several occasions, it was a [REDACTED]
16:00:21 22 statement. That was the [REDACTED] statement. And then after
16:00:23 23 that there might have been clarification by us or
16:00:27 24 additional information that we required, that we've gone
16:00:29 25 back and taken an additional statement. That's the reason
16:00:32 26 for the additional statements.
27
16:00:34 28 Typically when you take a statement from someone about a
16:00:38 29 set of circumstances you'd go and get them to make a
16:00:41 30 statement and a statement would be given?---Yes.
31
16:00:44 32 And you would seek from them to exhaust their recollections
16:00:49 33 about a particular matter?---That's correct.
34
16:00:51 35 And I take it that that's what police are taught to do, I
16:00:56 36 assume?---Yes.
37
16:00:57 38 To speak to someone, exhaust your memory, get as much as
16:01:00 39 you can out?---Yes.
40
16:01:01 41 It would be unusual, as a general proposition, to be going
16:01:05 42 back [REDACTED] to get annexures and additions and changes
16:01:08 43 to statements, wouldn't it?---The only thing unusual about
16:01:11 44 this, he was actually [REDACTED] at the time, so we didn't
16:01:14 45 have the luxury of having all the time in the world, we had
16:01:16 46 a limited amount of time, so we'd go back and forth to
16:01:18 47 finish the main statement, but the additional statements

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16:01:21 1 were pretty much matters that we needed to clarify, so
 16:01:25 2 we've gone back to him for those statements. It could be
 16:01:30 3 as a result of us viewing phone records, for example, or
 16:01:37 4 CCTV.
 5
 16:01:38 6 Just excuse me?---That's okay.
 7
 16:01:50 8 In the [REDACTED] - the evidence that he gave in the [REDACTED]
 16:01:53 9 [REDACTED] were you present?---Not for the duration, no, not
 16:01:56 10 for the whole time.
 11
 16:01:57 12 Were you aware of a significant change in his evidence in
 16:02:02 13 that trial concerning whether or not he received a
 16:02:05 14 telephone call from [REDACTED] from a public telephone?---There
 16:02:08 15 were concerns in relation to the telephone records, yes.
 16
 16:02:12 17 And what were the concerns?---It might have - I'm going off
 16:02:17 18 my memory here - but I think the original concerns were
 16:02:20 19 raised in relation to the location of the phone calls and
 16:02:24 20 that was based on material that was provided to us, as in
 16:02:30 21 telephone locations, so that was the query, and I think
 16:02:34 22 that was the matter that was actually an issue at trial.
 23
 16:02:36 24 Was that an issue with respect to whether or not there was
 16:02:39 25 a telephone call from a public telephone?---I don't have an
 16:02:43 26 exact memory of it, but I do know that there was an issue
 16:02:46 27 in relation to the phone call.
 28
 16:02:47 29 You weren't the informant in that case, is that
 16:02:49 30 right?---No, that's correct.
 31
 16:02:52 32 Is it your understanding that the defence received a
 16:02:54 33 Federal warrant and that there was LD material establishing
 16:02:58 34 that [REDACTED] was in fact at a different location and
 16:03:01 35 couldn't have made the telephone call from the location
 16:03:03 36 that [REDACTED] said he made the phone call from?---My
 16:03:08 37 understanding was it was telephone intercept material.
 38
 16:03:12 39 In any event, that obviously led to what would have to be
 16:03:16 40 regarded, in the context of that trial, as a significant
 16:03:19 41 change in his evidence?---Yes.
 42
 16:03:22 43 Now, insofar as [REDACTED] involvement in the charges in
 16:03:34 44 relation to the murder of [REDACTED] are you
 16:03:39 45 able to tell the Commission how that process came about,
 16:03:51 46 when that statement taking commenced?---How that came to
 16:03:55 47 be, during one of our visits with him, he raised the

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16:03:58 1 matter - I don't have the exact date off memory - but on
16:04:03 2 the back of that, we've then identified the murder in
16:04:06 3 question and we've gone back and we - - -
4
16:04:10 5 When you say "we", who are you talking about?---As in
16:04:13 6 myself - it would have been myself and Grant Kelly
16:04:15 7 initially. However, once we became aware that it related
16:04:18 8 to [REDACTED] we got the primary investigator
16:04:24 9 involved, which was Margaret Schultz, which we would then
16:04:28 10 go back and visit him specifically in relation to that
16:04:31 11 murder.
12
16:04:32 13 You'd, obviously, developed, if I can put it this way, a
16:04:36 14 business or a working relationship with [REDACTED] It was a
16:04:38 15 working relationship, yes.
16
16:04:40 17 And you, having developed that relationship, you got the
16:04:43 18 primary investigator, Schultz, involved, and you would then
16:04:46 19 go back?---Exactly, yes.
20
16:04:48 21 Are you able to describe the circumstances in which he
16:04:52 22 conveyed to you that he might have some information in
16:04:55 23 relation to the death of [REDACTED] --It was during
16:05:00 24 one of our conversations with him, and he was quite guarded
16:05:03 25 about it, but he did say that there's another matter he
16:05:06 26 wanted to talk to us about, another homicide. He didn't
16:05:09 27 give too much detail, but there was enough detail given to
16:05:13 28 me so I can identify which homicide it was.
29
16:05:15 30 And what was the information that he gave to you? Did he
16:05:18 31 indicate something in some way?---Yeah, I think he
16:05:21 32 mentioned the [REDACTED]
33
16:05:23 34 Did he write that on his hand or have it written on his
16:05:26 35 hand?---He did write it down, yes.
36
16:05:28 37 He had it written [REDACTED] and he showed you?---Yeah.
38
16:05:32 39 The [REDACTED] that's correct.
40
16:05:34 41 So that was his sort of opening gambit, wasn't it?---Yes,
16:05:37 42 it was.
16:05:37 43
44 And he wasn't going to tell you everything that he could
45 tell you at that stage?---No.
46
16:05:37 47 It was sort of an opening gambit, a dangling of a carrot,

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16:05:43 1 if you like?---Well, it was an initial conversation, but he
 16:05:45 2 always alluded to - during our conversations with him, he
 16:05:50 3 always alluded to the fact that there was another homicide
 16:05:52 4 that he wanted to talk to us about, but it wasn't until
 16:05:55 5 that particular point in time that he identified it. But
 16:05:58 6 he wanted some assurances put in place around his witness
 16:06:05 7 status and his safety and that resulted in Jim O'Brien
 16:06:09 8 speaking to him initially and then once that was sorted, he
 16:06:12 9 provided a statement.
 10
 16:06:14 11 And something in relation to accommodation [REDACTED]
 16:06:16 12 [REDACTED] was another - just excuse me. [REDACTED]
 16:06:21 13 rather?---[REDACTED] that's right.
 16:06:22 14
 16:06:22 15 [REDACTED] and was serving - - -?---He was.
 16
 16:06:24 17 He wanted [REDACTED] -He did, and he wasn't well at
 16:06:27 18 the time.
 19
 16:06:28 20 [REDACTED] was unwell?---He was ill, yes.
 21
 16:06:30 22 Suffering from [REDACTED] ---He was.
 23
 16:06:39 24 As it turned out, how many statements did he make in
 16:06:42 25 relation to that investigation?---I believe there was [REDACTED]
 26
 16:06:47 27 [REDACTED] statements?---That's correct.
 28
 16:06:49 29 Do you know when the first statement was signed?---Not
 16:06:58 30 offhand, no.
 31
 16:07:00 32 Would it have been somewhere around [REDACTED]
 16:07:04 33 [REDACTED] --Yeah, [REDACTED] - - -
 34
 16:07:06 35 [REDACTED] --- - - - [REDACTED] that's correct.
 36
 16:07:13 37 Had he started that process? The [REDACTED] did
 16:07:14 38 that commence some months earlier than that?---Yes. I
 16:07:17 39 think it was June.
 40
 16:07:19 41 In that [REDACTED] stages, there was no suggestion of any
 16:07:25 42 police corruption around this?---No.
 43
 16:07:27 44 No suggestion of police involvement in any way, shape or
 16:07:32 45 form?---No.
 46
 16:07:32 47 And that occurred later on?---That's correct.

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1
 16:07:35 2 When do you reckon you first got information which
 16:07:37 3 suggested that there might have been police
 16:07:40 4 involvement?---Several months into the investigation. I
 16:07:43 5 don't have the exact date. But if you read his first
 16:07:48 6 statement, it is quite clear that he was, intentionally -
 16:07:52 7 he says it himself, that he holds back in relation to
 16:07:55 8 certain information that he relays to us and that
 16:07:57 9 information - - -
 10
 16:07:58 11 Did he explain to you why he was holding back
 16:08:00 12 information?---He was just concerned about his safety and
 16:08:02 13 the people involved and what their capability - what their
 16:08:05 14 abilities were to get to him.
 15
 16:08:07 16 He said he's not going to give you all of the material at
 16:08:10 17 that stage?---At that point, that's correct.
 18
 16:08:13 19 And it was later on, I think, on [REDACTED], where he, in
 16:08:20 20 effect, put in - [REDACTED] - two police officers who may have
 16:08:32 21 been - who were, he said, involved in the provision of a
 16:08:36 22 [REDACTED] - I'm sorry, one for the provision of [REDACTED]
 16:08:40 23 [REDACTED] That's correct.
 24
 16:08:42 25 And he also said that he may have got the address of
 16:08:51 26 [REDACTED] from [REDACTED] ---That's
 16:08:53 27 correct.
 28
 16:08:56 29 A former police officer. He then made a further statement
 16:09:02 30 on [REDACTED] ---Yes.
 31
 16:09:05 32 In which he said that - he gave you more information about
 16:09:08 33 he and [REDACTED] [REDACTED] at the
 16:09:15 34 County Court?---Yes, that's correct.
 35
 16:09:17 36 He gave you more information then about one of the police
 16:09:19 37 officers?---Yes.
 38
 16:09:20 39 And then he makes another statement [REDACTED]
 16:09:24 40 [REDACTED] -Yes.
 41
 16:09:24 42 He makes another statement on [REDACTED] and he makes
 16:09:29 43 another statement on [REDACTED] [REDACTED] after
 16:09:34 44 that?---Yes.
 45
 16:09:34 46 Would that be fair to say?---Yes. How many is that, [REDACTED]
 16:09:40 47 [REDACTED]

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16:09:40 1
16:09:41 2 About ██████-It's about ██████ is it?
3
16:09:42 4 So, in effect, for ██████ murders, ██████ ██████
16:09:48 5 altogether, right? Now, can I ask you this: ██████ was
16:09:55 6 ██████
16:10:03 7
16:10:09 8 had provided significant statements in relation to serious
16:10:14 9 criminal activities of serious criminals, persons - a
16:10:20 10 ██████ I think we can talk about?---Yes.
11
16:10:22 12 And a ██████ Do you know who they are?---Yes.
13
16:10:25 14 In fact, I think it might be - I withdraw that. I think it
16:10:29 15 is ██████ We better write it on a piece of paper.
16
16:10:39 17 COMMISSIONER: We can show the cards.
18
16:10:41 19 MR WINNEKE: ██████ ---Yes.
20
16:11:02 21 So ██████ we know of?---Yes.
22
16:11:04 23 ██████ ---Yes.
24
16:11:07 25 Now, insofar as those two people, Gobbo acted for, at
16:11:16 26 various stages, both of them?---That's correct.
27
16:11:22 28 Both of those people were involved seriously and heavily in
16:11:26 29 the criminal underworld?---That's correct.
30
16:11:28 31 ██████ provided multiple - many, many statements
16:11:32 32 to police about various matters related to criminal
16:11:35 33 activities?---I'm aware they provided statements, but I
16:11:39 34 don't know how many they provided.
35
16:11:43 36 It's often said of Melbourne that it's a small town, but in
16:11:48 37 terms of the criminal underworld, which involved at least
16:11:50 38 ██████ people and other people in their orbit, if you
16:11:54 39 like, it's a very small community, do you agree with that
16:11:57 40 proposition?---Yes, I do.
41
16:11:59 42 And it is even smaller when these people are housed
16:12:02 43 together in the same prison unit?---That's correct.
44
16:12:05 45 Is it a concern or a problem, do you think, with the
16:12:10 46 benefit of hindsight, when you've got these people, many of
16:12:14 47 whom are manipulative, many of whom are making statements,

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16:12:18 1 to be housed together? It is a hot house of information.
16:12:21 2 Information is churning around. Is it a concern that these
16:12:25 3 people are all housed together?---Look, it is a concern
16:12:28 4 when you look at it now, but I think back then, the prisons
16:12:33 5 struggled to actually house these people, as to locations,
16:12:36 6 they were limited as to where they could put them because
16:12:39 7 of their charges, because of their security concerns, but
16:12:43 8 if my memory serves me, they weren't housed together until
16:12:48 9 after they'd actually provided their statements.
10
16:12:50 11 Were they able to communicate with each other?---I assume
16:12:54 12 so. I didn't see it first hand, but I assume that's the
16:13:00 13 case, yes.
16:13:00 14
16:13:00 15 If they went into the yard, they're able to speak to each
16:13:03 16 other, one assumes?---I assume so.
17
16:13:06 18 And you say, with the benefit of hindsight, yes, that is a
16:13:10 19 concern?---Yes.
20
16:13:11 21 I mean, we are talking about people who are giving evidence
16:13:13 22 in relation to some of the most significant criminal
16:13:16 23 offences in this state's history?---Yes, I agree.
24
16:13:24 25 Commissioner, I note the time.
26
16:13:26 27 COMMISSIONER: So you'll be a while with this witness?
28
16:13:28 29 MR WINNEKE: I'll be a while.
30
16:13:30 31 COMMISSIONER: All right then. I think we might as well
16:13:32 32 adjourn now. How much longer do you think you'll be with
16:13:36 33 this witness, approximately?
34
16:13:38 35 MR WINNEKE: I think an hour and a half.
36
16:13:41 37 COMMISSIONER: So there will be some cross-examination -
16:13:43 38 probably not a lot?
39
16:13:46 40 MR WINNEKE: I think Dr Gumbleton, who is not here this
16:13:47 41 afternoon, who is acting for one of the people concerned,
16:13:50 42 will be here tomorrow, so there will certainly be - he'll
16:13:55 43 have the transcript of this evidence. So, obviously,
16:13:58 44 anything that I don't cover, there will at least be the
16:14:02 45 prospect of him to clean up.
46
16:14:03 47 COMMISSIONER: Yes. And then we have got Mr Swindells'

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16:14:05 1 evidence.
2
16:14:08 3 MR WINNEKE: I think, Commissioner, firstly we have got
16:14:11 4 Mr Allen in the morning and that is fixed because that is a
16:14:14 5 video-link from Queensland.
6
16:14:16 7 COMMISSIONER: Right. So do we have a fixed time for that,
16:14:19 8 do we?
9
16:14:22 10 MR WINNEKE: First thing.
11
16:14:24 12 MS ARGIROPOULOS: As I understand, that video-link is
16:14:26 13 booked for 10 am, so if it is convenient to the
16:14:28 14 Commissioner, we would ask that Mr Allen be interposed at
16:14:31 15 10 am.
16
16:14:32 17 COMMISSIONER: I'm quite happy to do that.
18
16:14:35 19 MS ARGIROPOULOS: And then this witness could perhaps come
16:14:37 20 back at whatever time we anticipate Mr Allen will be
16:14:41 21 finished. I'd suggest not before 11 or 11.30.
22
16:14:50 23 MR WINNEKE: Ms Tittensor, who is taking Mr Allen, suggests
16:14:47 24 an hour and a half, or thereabouts, so it may well be if we
16:14:51 25 say not before - - -
16:14:51 26
27 COMMISSIONER: Say 11.15 - we'll split the difference - not
16:14:54 28 before 11.15. All right. And then what after that?
29
16:14:59 30 MS ARGIROPOULOS: And then we have been in communications
16:15:02 31 with counsel assisting and have arranged for Mr Hatt and
16:15:07 32 Mr L'Estrange to be available tomorrow.
33
16:15:14 34 COMMISSIONER: All right. Then what about Mr Swindells?
35
16:15:16 36 MR WINNEKE: Thursday morning first thing. That has all
16:15:18 37 been sorted and arranged.
38
16:15:19 39 COMMISSIONER: Good. Okay. And does that - are there more
16:15:23 40 beyond that for this week?
41
16:15:25 42 MR WINNEKE: Yes. There is some prospect that Mr Rowe
16:15:31 43 would be after Mr Swindells, and potentially Mr Bateson.
44
16:15:37 45 COMMISSIONER: Okay. And that's all the witnesses in this
16:15:43 46 lot of witnesses we're intending to call?
47

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16:15:47 1 MR WINNEKE: Yes, Commissioner, that's right. There is a
16:15:48 2 statement from [REDACTED] which we can tender, although it
16:15:57 3 may well be that Mr Chettle might want to hear from that
16:16:00 4 person, but I'll speak to Mr Chettle about that.
5
16:16:03 6 MR CHETTLE: I haven't seen the statement, Commissioner.
16:16:05 7 Obviously, if you don't need him - but from what I put to
16:16:08 8 Mr Dale, I probably will.
9
16:16:11 10 COMMISSIONER: All right then.
11
16:16:14 12 MR CHETTLE: Commissioner, can I give you just a little bit
16:16:16 13 of information for your programming for the further - - -
14
16:16:20 15 COMMISSIONER: Yes.
16
16:16:21 17 MR CHETTLE: We informed the Commission some time ago that
16:16:24 18 - [REDACTED] is his pseudonym, [REDACTED] on the list, is
16:16:34 19 going to [REDACTED] in
16:16:39 20 [REDACTED]. He is one of the handlers.
16:16:43 21 I suspect - - -
22
16:16:43 23 COMMISSIONER: Who was that?
24
16:16:47 25 MR CHETTLE: [REDACTED] the second name in Exhibit 81, and
16:16:56 26 [REDACTED] number 6 - sixth on that list, is currently
16:17:03 27 away and [REDACTED] both those
16:17:06 28 two. I just wanted you to be aware of that when you're
16:17:09 29 factoring in the timetable for the handlers.
30
16:17:15 31 MR WINNEKE: We appreciate that. I'd love to be overseas
16:17:16 32 myself in August, but we've got a job to do and there's
33 no - - -
34
16:17:18 35 COMMISSIONER: Yes, that's right. We'll do what we can to
16:17:19 36 accommodate their means, but they've been given, I presume,
16:17:23 37 notices to attend.
38
16:17:24 39 MR CHETTLE: I'm not sure, Commissioner.
40
16:17:26 41 COMMISSIONER: We'll do our best.
42
16:17:28 43 MR CHETTLE: We did put this in writing to the Commission
16:17:30 44 some time ago.
45
16:17:31 46 COMMISSIONER: We'll do our best.
47

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16:17:33 1 MR HANNEBERY: I thought there was some suggestion of
16:17:35 2 Mr Hardiman this week as well.
3
16:17:37 4 MR WINNEKE: There is Mr Hardiman as well. We've got a
16:17:39 5 statement from him.
6
16:17:41 7 MR HANNEBERY: Is he still on the agenda for this week?
8
16:17:44 9 MR WINNEKE: It may well be if we can circulate the
16:17:47 10 statement, we can get a feeling about whether he needs to
16:17:49 11 be called and how long he will take.
12
16:17:52 13 MR HANNEBERY: And [REDACTED] did you mention him?
14
16:17:54 15 MR WINNEKE: Yes, I did mention [REDACTED]
16
16:17:58 17 COMMISSIONER: It sounds like we've got plenty of witnesses
16:18:00 18 to go on with for the next couple of days anyway.
16:18:04 19
16:18:04 20 MR WINNEKE: And I might say we're waiting on Victoria
16:18:06 21 Police to do their redactions and so forth on those
16:18:08 22 statements so they can be circulated, so we'd ask for that
16:18:11 23 to be done as soon as possible.
24
16:18:13 25 COMMISSIONER: That is pretty urgent.
26
16:18:15 27 MR WINNEKE: That is Hardiman and [REDACTED]
28
16:18:17 29 MS ARGIROPOULOS: Commissioner, we received those
16:18:18 30 statements last night and they have been put into the
16:18:24 31 process. We're just trying to - we'd be assisted by an
16:18:29 32 indication of whether there is an intention to call them
16:18:31 33 during this round.
34
16:18:32 35 COMMISSIONER: If we have time, yes.
36
16:18:34 37 MR WINNEKE: If we have time, we'd certainly like to. If
16:18:37 38 we can't, we can't. Those two witnesses, I suspect, can be
16:18:41 39 slotted in at a convenient time, but, obviously, if we can
16:18:43 40 get them done, that would be good.
41
16:18:46 42 MR CHETTEL: Commissioner, I asked for an unredacted copy
16:18:48 43 of [REDACTED] statement. He is supposedly one of my unit
16:18:54 44 and I can't see how it could possibly be - - -
45
16:18:58 46 MR WINNEKE: I don't have a problem in providing a
16:19:00 47 statement to Mr Chettle. It is not up to me, though,

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16:19:02 1 because we can't do that until they've been redacted or
16:19:05 2 there is agreement from the police.
3
16:19:07 4 MR CHETTLE: Surely the police can agree that I, on a
16:19:10 5 confidential basis, get a statement from someone who's in
16:19:13 6 the same unit, allegedly.
7
16:19:15 8 MR WINNEKE: I might say, Commissioner, I don't see why -
16:19:15 9 I've said this before - other members of counsel or the
16:19:20 10 legal practitioners oughtn't be able to be provided with
16:19:23 11 these statements.
12
16:19:23 13 COMMISSIONER: Having given the undertaking that they've
16:19:26 14 all given, that's right.
15
16:19:29 16 MR HANNEBERY: Leave it with me.
17
16:19:30 18 MR COLLINSON: There is always this ambiguity. Mr Nathwani
16:19:32 19 and I will be cross-examining. We're worried about people
16:19:35 20 tomorrow, who might be Mr Swindells, Mr Hatt and
16:19:37 21 Mr L'Estrange and Mr Allen. Can the Commissioner direct
16:19:43 22 that we get, with a password protection, unredacted
16:19:49 23 versions of those statements?
24
16:19:55 25 COMMISSIONER: Is there any problem with this, Mr Winneke?
26
16:19:58 27 MR COLLINSON: It is really the police - - -
28
16:20:00 29 COMMISSIONER: I know that. I just want to see if
16:20:01 30 Mr Winneke has anything to say against it.
31
16:20:04 32 MR WINNEKE: Again, I have got no problem with a member of
16:20:06 33 counsel offering an undertaking not to disclose certain
16:20:09 34 material if he's provided with a statement which is
16:20:12 35 unredacted, I see no problem with it. It is done all the
16:20:16 36 time.
37
16:20:17 38 MR COLLINSON: It has been done before in this Royal
16:20:19 39 Commission, so we've established a precedent, but people
16:20:22 40 don't think of us much, and that's fair enough, because
16:20:25 41 people have got a lot to do, but if we can just have copies
16:20:28 42 of the statements of the witnesses who will give evidence,
16:20:30 43 or may give evidence tomorrow, in unredacted form, with a
16:20:33 44 password, to our email addresses, we won't complain.
45
16:20:39 46 COMMISSIONER: It's very - - -
47

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16:20:40 1 MR HANNEBERY: I note that request.
2
16:20:42 3 COMMISSIONER: I think I had better direct that - so the
16:20:45 4 witnesses who are being called tomorrow, there will be -
16:20:50 5 who are we doing first, someone from Queensland?
6
16:20:56 7 MR COLLINSON: Allen, Swindells - the possibilities
16:21:00 8 tomorrow - Hatt and L'Estrange.
9
16:21:02 10 COMMISSIONER: You have Swindells?
11
12 MR COLLINSON: And Trichias.
13
16:21:03 14 COMMISSIONER: Presumably you have Swindells, because he
16:21:04 15 was nearly called last week.
16
16:21:08 17 MR COLLINSON: We're only given redacted ones. We need the
16:21:12 18 unredacted. So all they have to do is take the risk
16:21:16 19 they've taken once before, which is to send those
16:21:20 20 statements to us, with a password, and we can then be ready
16:21:23 21 to ask such questions as are necessary.
22
16:21:28 23 COMMISSIONER: Yes, all right then. Let's start with
16:21:29 24 tomorrow's statements and see how we go, so the statements
16:21:33 25 of the witnesses tomorrow. I think all those at the
16:21:38 26 Bar table at the moment should be given the unredacted
16:21:42 27 statements, subject to the undertaking that they are
16:21:44 28 provided - not to publish the statements in any form to
16:21:50 29 anybody.
30
16:21:52 31 MR NATHWANI: I just want to be clear. I've heard the
16:21:54 32 suggestion why do we need it. An example - and this is for
16:21:57 33 everyone's benefit - is Mr Trichias is to be cross-examined
16:22:00 34 by me tomorrow. The redactions are names of different
16:22:03 35 people who Ms Gobbo was representing. I understand that
16:22:08 36 cross-examination is likely to happen, but how are we to
16:22:10 37 know who the statement refers to? And that's blind is
16:22:12 38 ridiculous. I hear sotto voce why do we need it. It's
16:22:18 39 pretty obvious.
40
16:22:19 41 COMMISSIONER: Yes, all right. I have given that
16:22:21 42 direction. We'll adjourn until 10 o'clock tomorrow
16:22:26 43 morning.
16:23:15 44
16:23:16 45 <(THE WITNESS WITHDREW)
16:23:16 46
16:23:18 47 ADJOURNED UNTIL WEDNESDAY 26 JUNE 2019

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