

EX MFI - 15 (OPA)

Transcript from 16 September 2005

From Police summary: *Persons Present:* Operative 8 Operative 3 & 3838

8.22 - 29.50

EF: Can I just ask before you say anything else, is this being recorded?

O3 It's not, but I'm about to start a recorder

EF: Well I'm very concerned about that but

O3 Yep. No, well you tell me. Before I start it, you tell me what your concerns are and I'll see if I can allay them for you.

EF: Once something is recorded, it's there. It's somewhere. All it takes is for someone to issue some sort of subpoena and it can be obtained.

O3 Yeah, that's, that's true to a certain extent

EF: Leave aside whether you're going to play it to other people or other people hear it or that sort of thing. But it's there.

O3 Yeah

EF: And the problem is I guess I know how the system works.

O3 Yeah, oh, you're right to a certain extent. First thing is, accepting the fact that it's there we can't deny that. The first thing you've got to consider is: is it secure. Now I don't have any intention of telling you how it's secured.

EF: I don't know

O3 All I can say to you is that it will be 100% secure and it won't be anywhere connected with where Steve and Rowe have gone. Is it subject to subpoena? Yeah it is subject to subpoena, if people know that it exists, that's the first thing. Well you know it exists.

EF: Well I'm not going to tell anyone.

O3 Well I'm counting on that. And the second thing is, it's a very privileged conversation. Now, I know there can be arguments that can overcome that.

EF: But you don't understand. The first thing anyone will claim. I mean the way it works is I issue a subpoena for something. If Police claim public interest immunity, that is the answer to the question from a crook's point of view

O3 Yeah. Well you've gotta ask who's gonna subpoena it, I suppose. Before we actually get to that, are we going to have an argument about who would.

EF: No no I'm not trying to be a smart ass

O3 No, no I don't mean you, I mean, I'm talking about later down the track, if we were to have this argument about your tapes. Anyway, I'm certainly not going to debate this issue with a barrister.

EF: I'm not trying to be a smart ass. I'm just saying

O8 No that's fine. We want to know what your concerns are.

EF: That's the principal concern.

O3 Ok.

EF: I don't care how many notes you take. But I'd rather notes be notes. And if there's no tape recording, at least no one can get it somehow.

O3 Well, let me just put this to you. Are you going to be inhibited by what you say if I run a tape recorder?

EF: Yes

O3 Okay. That kind of defeats the purpose of having a meeting with you.

EF: Okay

O3 If we can't make an assessment of whether you've got something of value to offer.

EF: Okay.

O3 Are you going to be satisfied if I say to you that, firstly the tape will be secured in a place where it can't be gotten at, and secondly the only people who will know it exists will be yourself and us. Does that satisfy you?

EF: Yeah

O3 ... Like... We're not going to subpoena it because we possess it. I don't imagine you're going to subpoena it because I can't see the value in that

EF: Tomorrow I will for sure. But no, I'm not.

O3 So...

EF: I guess if anyone ever has a ... Say, for example, certain people are charged down the track, and umm, I'm never going to want the tape. I'd rather destroy it if I ever had it. But other people might issue some wide subpoena, somewhere. And I mean somewhere because I don't even know where it would be. Umm, and you never know.

O3 Hmm. Alright, well what I'll do, it's still, it's going to inhibit you talking, today.

EF: Maybe today, maybe not in the future

O3 Alright

EF: I suppose it's just a question of I don't know who you are or...

O3 I understand that. I don't have a problem with that. So what I'll do.

EF: The reality is. If anyone. I said this in the car and I mean this. I'm dealing with someone who scares me enough that no matter what you people do, if anyone found out about it. I'm just. Nothing you do will protect me.

O3 Yeah, well

EF: And don't misinterpret that as not having faith in the police, but...

O3 I'll be completely frank with you. If you didn't have that concern and if you had total faith in the police then I think you're probably fairly foolish. Because there's a bit of a history of things going wrong. And that's why we've taken steps to do something significantly different with how we're managing you today. You know, we didn't send you down to [REDACTED] just to jerk you around. There was specific reasons for that.

EF: Yep yep.

O3 [REDACTED] and myself have been given the task of looking after you if this relationship develops and we will be available to you 24/7. So there'll be a whole heap of changes which will go into looking after you and we can talk about that in due course. But you know, your concerns are very very valid. I'm not going to sit here and say that bad things haven't happened in the past, because you know very well that they have. We know that the person you want to talk about has got the capacity to hurt people, significantly hurt people, and you are in a position of concern I suppose, and we're taking that seriously.

Just with the tape issue we will deal with that. We will tape record conversations with you in the future if we're going to go down this track. I will give you an undertaking today while we just explore each other that I'm not going to put that tape recorder down and start tape recording. But it's as much for our protection as anyone else's.

EF: I understand that.

O3 Yeah

EF: And you've gotta make

O3 It may well be that you will be dissatisfied down the track and you might want to make allegations which might be unfounded. I'm not saying you particularly but this is the nature of the business that we're in. And it's as much to protect all of ourselves and our own interests. Same as if we make promises to you that we don't keep. Ah, well you will know that tape exists and you could subpoena it and you could say well there you go you promise me X Y and Z and you haven't done it. And that's happened before too. So it's a bit of a protection thing for all of us.

At this point I'm happy to just have a discussion about what it is that you might have to offer and whether we can actually progress that in a way that's safe for yourself. Because to be quite honest, I have said that three times now, to be quite honest so I'm obviously over-exaggerating.

EF: Lawyers say that too much.

O3 It may well be that information you've got if it was acted on can only end up in... in aah ... lighting them up like a bushfire, for want of a, colloquial term. So we need to discuss that sort of issue as well. As I say we'll work through these sort of things. I can't say to you trust us completely and I certainly can't trust you completely. So, you know, if you've got concerns you got questions you ask them. If I can answer them, I'll answer them. If I can't answer them, I'll tell you. I can't or I won't.

EF: \*\*\*

O3 So, that's my little introductory spiel.

O8 Perhaps also we could say that we are here to look after your interests which in turn looks after ours. We do the right thing by you that covers us as well. Not here to... All these things that we may put in place down the track they're to cover both sides but they're primarily to look after you.

EF: Okay

O3 No worries.

O8 Is there only one box?

EF: Ha ha ha ha

O3 So where do we start?

EF: Well you start, I guess you can start

O3 I'd like to say please tell me everything you know about Tony Mokbel. \*\*\*

EF: <sup>P11</sup> [REDACTED]

O3 Well to be quite honest, if you want to go down that track we will, it will take as long as it takes.

EF: Can I just say, can we go back \*\* I've just got one question. Can I even know where you're from or not?

O3 No. \*\* No.

EF: Ok. Maybe down the track?

O3 Maybe

EF: Maybe down the track. Ok.

O3 You do represent a certain franchise, which I'm not gonna... \*\*\*

EF: I understand that. But you can understand that therefore I need to find you one day, I sound like  
a \*\*\*\*\*

O3 What we'll do, before we brief you today, we'll set up some contact arrangements.

EF: Ok

O3 If you want to continue on and if we want to continue on. So there'll be an occasion where if you are gonna go down that track and it's worthwhile to everybody, you'll have somebody you can ring, that'll be O8 and you'll have contact 24/7. But I say this now and I'll say it later, you know a lot of these people. In some respects you're a big threat to yourself. If we start to go down this track, and I know this is stating the bleeding obvious but, we just see people mess up time and time again in these situations, the only person that you can have contact with is O8 As of today, if you're comfortable with where you want to go with this, and it is of value, you won't be talking to Steve or any other person you know, it can only end in tears that way. It's just gotta be one point of contact and that's it.

EF: Yep.

O3 Exactly.

O8 Not me.

EF: That's disappointing for me cos I was just beginning to warm to you, so.

O3 Yeah that would've been \*\*\* anyway.

EF: Yeah this is all. Look the frustration I have is because of being put in situations where I know, directly or indirectly, by Tony or other people, or other members of his family. Umm and... You know there's a really fine line between being exposed to something, knowing about something, or knowing about someone's plan to commit some crime, well not plan but ideas or thoughts or desires, umm and, and not acting on them.

And what's often in the back of my mind is, you know, someone down the track has a listening device conversation of this or a telephone intercept or something. I am going to be judged as a lawyer. I'm not going to be judged as just someone.

O3 Yep.

EF: And so, um, for quite some time, um, if I have the ability to say something to some police officer who I do know or I have a rapport with, about something, I have in the hope that someone will do something. But nothing has happened to date.

The second thing that changed, um, probably in the last few months, is that, um, well not the last few months. In 2003, 2004, before the stroke or after the stroke, no before, first half of 2004, um, there was a fellow that I was acting for who ultimately was one of the most important crown witnesses in this state. And I don't know if you know about that, but, as a consequence of... in the period of acting for him, he turned on half of the underworld. And that brought considerable stress and pressure to me, because I didn't want people to find out that I was the one who umm... through me he'd gone down that path. Um, I went through the most significant period of paranoia in my life, um, which resulted in a stroke in the end. Obviously that had a lot to do with the stress that I was under at the time. And I still live in fear of that coming out, because all it's gonna take is for some

Supreme Court Judge to release police diary notes where it's me that they're meeting, it's me that they're speaking to, it's me editing this bloke's statements before they get sworn and served. That sort of stuff.

03 Hmm.

EF: But, the pressure that was brought to bear on me then, by crooks, as in: Don't let this bloke take that course. Convince him otherwise. PII

PII

But, during that period and as a consequence of that whole thing, I know that I was placed under surveillance, not by police but, but the crooks used to love, they used to say it is police. They used to throw off and say it was the police but it couldn't have been at the time, or if it was it would have been a wasted effort from the police point of view. I'm sure you come up in surveillance Police had on these people but you're not the target of surveillance. PII

PII

They thought I was there for the Williams' and Mokbel. PII

PII

And so, umm, I saw through that period the great pressure that these people, namely people like Carl and Tony, will bring on everyone around them and the amazing connections they've got.

And I know sometimes it's their talk to intimidate you or to make you think that you should be paranoid. Sometimes it works, sometimes it doesn't. I can tell you when I was exhausted I'm more prone to, you know, probably being paranoid when I shouldn't be paranoid.

But, things like, you know, finding out where you live. Sending a crook to your front door to threaten to kill you. Recently, my letter box got ripped off the hinges, but that might've had something to do with Police put in my home address in a hand-up brief. I never reported it, um, because I wouldn't do that, it's not my nature. At the same time, I'll never know how that happened or, and I sound like a raving lunatic going to a police station and saying – I would – go to a police station and say my letter box got ripped off can you help me? No uniform police officer is going to do anything about it, I sound like a lunatic or completely paranoid. You can't investigate it. And how is anyone ever going to link it to the fact that maybe, this police officer who accidentally on purpose put my home address in a hand up brief which circulated throughout god knows where.

So I live in – I've got levels of paranoia. Some police officers is my one level of paranoia, some people from \*ESD? my second level of paranoia, the drug squad's a level of paranoia, and the crooks, the crooks are a massive level of paranoia. And lastly because I don't know what they're saying or what hot prolific thing police officers are listening to phones or listening devices or whatever and what, for example, these guys think is true or they hear it. And I do turn myself inside out worrying what people think. But at the end of the day you can't control what people, you really can't control what people think.

Anyway, all of this began because. I don't if you've told him the story of PII

**O3** May have briefly, yeah.

EF: PII arrested PII [redacted]

PII [redacted]

PII [redacted]

PII [redacted]  
have the feeling.

PII [redacted]

But I couldn't do that, but at the same time I couldn't.

PII [redacted]

PII [redacted]

PII [redacted]

PII [redacted] Tony's the sort of person who gives my phone number to people with 50 problems. That's just the nature of him, what he does behind my back is he charges these people money and says oh yeah, I'll pass it onto her and whatever and I don't get it. Or he does the bargaining discount, I can get her for this much money, and it's all just it's scams within scams and that's the way he operates.

PII [redacted]

PII



PII

