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These claims are not yet resolved.

1        PROCEEDINGS IN CAMERA:

2  
3        <DALE FLYNN, recalled:

4  
5        MR WINNEKE: Mr Flynn, I was playing some audio recordings  
6        of conversations between Ms Gobbo and her handlers which  
7        were contemporaneous, which occurred in the hours after  
8        your meeting with [REDACTED], Ms Gobbo and the other people  
9        on that same day. I think the last one I played concerned  
10       transcript at p.179. Commissioner, I gather we have had a  
11       chance to deal with the tapes by removing names that we all  
12       know of anyway, but we're going to see if we can play it.  
13       If the meaning is gone well I would make a submission,  
14       Commissioner, that we should be entitled to play the - - -

15  
16       COMMISSIONER: Yes, that'll be so if the meaning's gone.  
17       We tender both anyway, and the advantage of course of  
18       having this exercise done in advance perhaps means that  
19       it's possible for the redacted tapes to be made publicly  
20       available, which is a good thing.

21  
22       MR WINNEKE: Yes. Mr Flynn, just before we play it, one of  
23       the things that occurred during the course of the  
24       communications between Ms Gobbo and [REDACTED], and I think  
25       also it occurred in your presence, was that [REDACTED]  
26       wanted Ms Gobbo to contact, to let some of his relatives, I  
27       think [REDACTED] amongst others, know where he was because  
28       obviously he'd been arrested and no one knew where he was.  
29       Do you recall that?---Well when I initially arrested  
30       [REDACTED] he asked for Ms Gobbo and [REDACTED].

31  
32       Yes?---That was back at the scene, at the [REDACTED]. I  
33       can't recall the specific conversation with Ms Gobbo and  
34       [REDACTED] but it makes sense.

35  
36       The point was back at the scene you said, "Look, you're  
37       going to have to hang on because at this stage you're not  
38       going to contact anyone because we don't want to cause any  
39       problems with that investigation", and so at that stage he  
40       hadn't been able to contact his family members?---That's  
41       right.

42  
43       Then when he got back to the police station he was entitled  
44       to call Ms Gobbo, Ms Gobbo turned up, and there was a  
45       discussion between her and [REDACTED] in private initially,  
46       and then you recall she left at about 5.45?---Yes.

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09:57:17 1 And then she came back when he asked for her to come back  
09:57:21 2 during the pitching process and it became apparent that  
09:57:27 3 despite him asking her to contact relatives, it became  
09:57:32 4 apparent, in your presence I suggest, that she hadn't done  
09:57:35 5 so, perhaps for obvious reasons, but I just want to play a  
09:57:42 6 bit of tape and see if it strikes a chord with you if  
09:57:47 7 that's okay?---Okay.

8

09:57:51 9 Page 220 I think it is. In fact it's at 201, I apologise.  
09:58:03 10 Have we got that? Is that - - -

09:58:08 11  
09:58:08 12 MR CHETTLE: That's what's up at the moment.

13

09:58:11 14 MR WINNEKE: We may not have it, all right. 220. I'll  
09:58:17 15 read it out. It's in front of you there. What happens is  
09:58:20 16 there's a telephone - have you got in front of you some  
09:58:29 17 transcript of a - what I want to do is - perhaps what we'll  
09:59:06 18 do, we'll play this one and we'll take it from there.  
09:59:10 19 Thanks very much. This is p.220.

09:59:33 20

10:01:37 21 (Audio recording played to hearing.)

10:01:37 22

10:01:38 23 Two things in that audio. The first thing is - I  
10:01:43 24 start with the second thing first. What Mr Smith appeared  
10:01:49 25 to be saying to Ms Gobbo was that it hadn't been planned  
10:01:52 26 and it hadn't been conveyed to her that Mr Smith would in  
10:01:59 27 fact be in the room at the time that she arrived. Do you  
10:02:02 28 follow that?---Yes.

29

10:02:05 30 Was there any reason why it was decided to have Mr Smith in  
10:02:11 31 the room at the same time as Ms Gobbo and [REDACTED] were  
10:02:17 32 there for the purposes of the pitch?---I specifically can't  
10:02:21 33 remember but I would suggest it's probably because of their  
10:02:23 34 expertise in having people assist police.

35

10:02:27 36 Right?---And that's what their job is basically, to get  
10:02:32 37 people on board to assist us with our investigations.

38

10:02:35 39 Right, okay. So he was in fact Ms Gobbo's handler or the  
10:02:41 40 person who was dealing with her as a human source and it  
10:02:49 41 was obviously determined that he would be there with  
10:02:51 42 Ms Gobbo. You don't know - do you say it wasn't your  
10:02:57 43 decision or was it, you don't know?---To have - - -

44

10:03:01 45 To have him there, to have Mr Smith there?---No, it  
10:03:04 46 definitely wasn't my decision.

47



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10:03:07 1 The other issue which was first raised was the slightly  
10:03:11 2 awkward moment very early on just when she got there and  
10:03:18 3 [REDACTED] was asking whether Ms Gobbo had contacted the  
10:03:23 4 people who he'd asked her to contact. Do you see  
10:03:27 5 that?---Yes.  
6  
10:03:28 7 So in effect - I mean what would normally happen is if  
10:03:32 8 you've got a solicitor who has a conference or a barrister  
10:03:36 9 with a client, the client says, "Look, can you please  
10:03:38 10 notify whoever it might be, whether it's my family and  
10:03:42 11 friends and so forth", that's the instruction from the  
10:03:45 12 client to the solicitor or the lawyer, and of course that's  
10:03:48 13 what they do?---I would expect so, yes.  
14  
10:03:51 15 Now in this case she, perhaps for obvious reasons, chose  
10:03:55 16 not to?---Well it appears from that transcript that that's  
10:04:00 17 correct, yes.  
18  
10:04:02 19 Clearly that indicates, or firstly she makes a decision,  
10:04:10 20 one assumes, in the best interests of Victoria Police not  
10:04:14 21 to contact or not to do what her supposed client is asking  
10:04:18 22 her to do, instead decides not to contact them because if  
10:04:24 23 she did the game would be up, do you agree with  
10:04:28 24 that?---This is all new to me. I don't know and I don't  
10:04:33 25 know what was in her mind.  
26  
10:04:35 27 Yes?---And what her reasoning was for not contacting them.  
10:04:39 28 I wasn't even aware that she'd been requested to contact  
10:04:44 29 them.  
30  
10:04:45 31 Look, you may not have been because one assumes that that  
10:04:49 32 request was made when Ms Gobbo went to see [REDACTED] in  
10:04:53 33 private?---Yes.  
34  
10:04:53 35 When she was given the opportunity to do so. I should say  
10:04:59 36 her notes bear that out. When she went to see him she was  
10:05:02 37 asked to contact those people but she didn't do  
10:05:05 38 it?---Right.  
39  
10:05:05 40 And her not doing it would be entirely consistent with the  
10:05:10 41 police desire to keep this quiet?---That could be a  
10:05:13 42 possible reason, yes. I don't know what her reason was but  
10:05:16 43 that could be a possible reason, yes.  
44  
10:05:18 45 She, I assume, understood that the idea was that this would  
10:05:24 46 be kept quiet, that there was a program to be put in place  
10:05:29 47 and that is that [REDACTED] would be utilised to get

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10:05:37 1 evidence against other people who obviously needed to be in  
10:05:42 2 the dark about the fact that he'd been arrested?---Yes.  
3  
10:05:45 4 Because if they knew that he'd been arrested - - - ?---It  
10:05:50 5 wouldn't work, yes.  
6  
10:05:51 7 - - - it wouldn't work?---Yes.  
8  
10:05:53 9 What that indicates, I suggest to you, is that Ms Gobbo is  
10:05:57 10 clearly not acting in the best interests of her client but  
10:06:00 11 is acting in the best interests of Victoria Police, would  
10:06:03 12 you accept that?---I'll stick with my earlier answer, is I  
10:06:10 13 really don't know what the reason why she didn't make that  
10:06:11 14 call. There's a number of possibilities.  
15  
10:06:13 16 Yes, okay. If I can perhaps go back - just if I can put to  
10:06:31 17 you a transcript or at least read a transcript of an  
10:06:39 18 exchange between Ms Gobbo and her handlers which commences  
10:06:43 19 at p.201 of that transcript. It may well be that whilst  
10:06:48 20 we're going we can have that found. Ms Gobbo is having a  
10:06:54 21 discussion with Mr Smith and Mr Green and Mr Smith takes a  
10:06:58 22 telephone call and it appears to be from Jim O'Brien and  
10:07:04 23 Mr Smith is on the telephone and says, "Jim, okay, very  
10:07:08 24 good. What's your time frame for tomorrow? Okay", and  
10:07:17 25 he's clearly having a discussion with, I suggest, Jim  
10:07:23 26 O'Brien?---Yes.  
27  
10:07:24 28 And the transcript says "on telephone". Okay, you've got  
10:07:29 29 it in front of you?---Yes, I do.  
30  
10:07:33 31 "And I was speaking to", let's assume that that's Mr Sandy  
10:07:38 32 White, "and he wanted to, just to be in the loop. I can  
10:07:40 33 understand his interests in it, I guess, but obviously  
10:07:42 34 we're concerned about, you know, it may affect our person",  
10:07:45 35 and we can assume that he's talking about  
10:07:49 36 Ms Gobbo?---M'hmm.  
37  
10:07:51 38 "So what time would you think for us just to get up to  
10:07:53 39 speed with things? Okay, all right. I'll probably see you  
10:07:57 40 before then. Yeah, around somewhere, not far away. Why do  
10:08:02 41 you ask? All right, I don't know. I've just, I've got the  
10:08:06 42 okay from Sandy White just to go wherever. They haven't  
10:08:10 43 sorted it out yet. No, no, I'm actually not tonight, no".  
10:08:14 44 It goes on and he says, "I'm actually with Nicola at the  
10:08:18 45 moment so actually she wants to ask you something, just  
10:08:21 46 hang on a second". Then if you listen to the tape you can  
10:08:24 47 hear whispering and Ms Gobbo's whispering and Mr Smith



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10:08:27 1 says, "But you don't want to do that, do you?" There's  
10:08:31 2 more whispering. Then the telephone transcript continues,  
10:08:34 3 "Yeah, as he mentioned wanting to see his legal  
10:08:37 4 representation any further. Not tonight. Okay. But he's  
10:08:43 5 going to be anyway, isn't he? Yep". It goes on. Mr Green  
10:08:51 6 says, "We want an opportunity to sit down with [REDACTED]  
10:08:54 7 before he does go into the system", and then Mr Smith says  
10:09:00 8 on the telephone, "No, that's fine. Sorry, that's fine.  
10:09:06 9 All right, so unless you need it we might, we might pull  
10:09:08 10 the pin on hanging around in that case and we'll see you in  
10:09:11 11 the morning at some stage. Yeah, okay, no worries". We've  
10:09:16 12 had no further attempted calls here. And obviously one of  
10:09:20 13 the things that investigators were keen to know was the  
10:09:25 14 balloon had gone up and whether anybody was trying to  
10:09:27 15 contact Ms Gobbo, so that would be what that's referring to  
10:09:31 16 I suggest, would you accept that?---Yes.

17  
10:09:33 18 And indeed [REDACTED] had called at one stage and there  
10:09:38 19 was a bit of a concern about what to do with that, do you  
10:09:44 20 remember that?---I think that occurred on the following day  
10:09:47 21 but yes.

22  
10:09:47 23 It may well be that it occurred on the night I suggest to  
10:09:49 24 you, but in any event you obviously were aware of the  
10:09:51 25 possibility that you wanted to monitor whether Ms Gobbo had  
10:09:54 26 received any calls and effectively what Mr Smith's saying  
10:09:57 27 there is, "No, everything's all clear at the  
10:10:01 28 moment"?---Yes, I'd agree with that, yes.

29  
10:10:02 30 "At this stage we're filtering them by just letting them go  
10:10:07 31 to message but I suppose we'll just have to see who it is  
10:10:11 32 but if it's from [REDACTED]", now that's [REDACTED]?---Yes.

33  
10:10:15 34 "Well I suppose at this stage just basically don't reply.  
10:10:17 35 I'll let you know", et cetera. Can I suggest to you, and I  
10:10:20 36 know it's a little bit sort of cryptic, but can I suggest  
10:10:24 37 to you what that means, in particular that last paragraph,  
10:10:28 38 is Mr Smith is saying to Mr O'Brien, "Look, unless you need  
10:10:33 39 us we might pull the pin, we might go"?---Yes.

40  
10:10:37 41 "No point us hanging around any longer". So effectively  
10:10:38 42 what that suggests is that there was a coordinated effort  
10:10:41 43 between the investigators and the handlers to utilise  
10:10:45 44 Ms Gobbo if it was necessary to do so?---Yes. Well I read  
10:10:50 45 into that that that was a discussion about the availability  
10:10:56 46 of Ms Gobbo to [REDACTED] if he again wanted further  
10:11:03 47 assistance or reassurance or whatever he wanted to contact

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her for. That's how I read that transcript.

Alternatively, there was an issue with [REDACTED] and there was a desire to ensure that he was prepared to remain quiet and cooperative and if it was needed, if she was needed to assist in that process she might be called back to deal with that as well, would that be fair to say?---Well, certainly the issue with [REDACTED] was a real issue, that's correct.

Yes?---And she had spoken to him. I don't know if there was any - I can't recall there being any further indication that he wanted to speak to her or have any further dealings with her.

All right?---So I don't know if I can take it much further from there.

Perhaps if we can go to the ICRs at around p.260.

COMMISSIONER: Was that 160?

MR WINNEKE: 260, Commissioner. If you have a look at that you can see that there's an entry at 21:35 with Smith and Green who collect Ms Gobbo and they're at [REDACTED] ---Yes.

And Ms Gobbo advises that [REDACTED] has decided to assist police?---Yes.

He can see the awkward position that he's put Ms Gobbo in, she agrees, however she has done the best thing for his situation?---Yes.

She believes that her life may now be in danger because she hasn't [REDACTED] and then there's a long discussion about the welfare matters, et cetera, and she's occasionally emotional about [REDACTED] and her own situation. She says that [REDACTED] said to her, "We've been the victim of the same disease", obviously that's a reference to being in effect I suppose subjugated by the Mokbels, and then there's a communication with Mr White who's the controller, he's advised. Then you see that at 22:40 she receives the call from the partner, coded talk that someone with the business partner of Ms Gobbo needs to speak to her and then there's a belief that it would be [REDACTED], is that - - - ?---Yes.



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1  
10:13:58 2 Is that your recollection of events?---I can't recall  
10:14:00 3 [REDACTED] being - coming up as an issue or a problem  
10:14:06 4 that night.  
5  
10:14:07 6 Right?---Perhaps I should refer to my diary just to make  
10:14:11 7 sure I haven't made a note of it.  
8  
10:14:13 9 Yes, by all means.  
10  
10:14:16 11 COMMISSIONER: While the witness is doing that, Mr Winneke,  
10:14:18 12 anything here you want to tender at this stage?  
13  
10:14:20 14 MR WINNEKE: Yes, I think I've got to the end of all the  
10:14:23 15 audios of the [REDACTED]. Actually, there's one more that I'll  
10:14:45 16 come to in just a moment.  
17  
10:14:47 18 COMMISSIONER: Yes.  
19  
10:14:59 20 WITNESS: There's no note for my diary for the [REDACTED] in  
10:15:02 21 relation to [REDACTED]. So I do know, as I said  
10:15:05 22 earlier, that it might have become an issue in the  
10:15:07 23 following days.  
24  
10:15:09 25 MR WINNEKE: Yes?---But this might not have been brought to  
10:15:11 26 my attention on the night of the [REDACTED].  
27  
10:15:13 28 Yes, I follow that. Then it goes on that there's contact  
10:15:22 29 made with DII O'Brien and advised with respect to  
10:15:26 30 [REDACTED] and the arrangement was that he would talk to  
10:15:31 31 [REDACTED] and may need to contact him and anybody else to keep up  
10:15:34 32 the appearance of normality. I think the evidence is that  
10:15:39 33 Mr O'Brien and [REDACTED] - well [REDACTED], with the  
10:15:46 34 assistance of Mr O'Brien, made a call or sent some sort of  
10:15:50 35 message to [REDACTED] in effect to put his, set his mind  
10:15:55 36 at ease?---On that night?  
37  
10:15:59 38 Yes?---Yeah, I know it occurred later on, I was with  
10:16:02 39 [REDACTED] when he made a call to [REDACTED], but that  
10:16:05 40 occurred in the following days. I don't - - -  
41  
10:16:06 42 We see the next entry at two minutes past midnight, "Update  
10:16:12 43 from DII O'Brien. [REDACTED] texting [REDACTED] re above  
10:16:15 44 entry"?---Yes.  
45  
10:16:15 46 "Remain with Ms Gobbo. Discuss strategies to contain the  
10:16:21 47 knowledge of the arrest and severe implications for Ms

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10:16:24 1 Gobbo from Mokbel group if her involvement in this was ever  
10:16:26 2 revealed. Eventually she decided that when [REDACTED] is  
10:16:30 3 arrested will inform him face-to-face that cannot act for  
10:16:34 4 him as is already acting for [REDACTED]. Believes a direct  
10:16:39 5 approach would be safer for Ms Gobbo"?---Yes.  
10:16:42 6  
7 "And would claim ignorance regarding [REDACTED] assisting  
10:16:44 8 police. Believes that she can handle the situation in that  
10:16:46 9 manner although much stress would be involved". We'll come  
10:16:51 10 back to [REDACTED] but ultimately she had a significant  
10:16:54 11 degree of involvement in [REDACTED]'s matter going  
10:16:59 12 forward, would you accept that?---Are you talking about  
10:17:01 13 after his arrest or - - -  
14  
10:17:03 15 After his arrest, yes?---Yes. Well, [REDACTED] contacted  
10:17:08 16 her for legal advice, yes.  
17  
10:17:09 18 Yes. And she went and spoke to him?---Yes.  
19  
10:17:11 20 I'll come back to that. Then you'll see that, "On stand-by  
10:17:16 21 with Ms Gobbo for possible further meeting between Ms Gobbo  
10:17:22 22 and [REDACTED]. Await advice from investigators"?---Yes.  
23  
10:17:26 24 And it may well be what you say is right, that the advice  
10:17:30 25 that we heard on that - or we assume occurred in that  
10:17:36 26 telephone call was with respect to Ms Gobbo and - sorry,  
10:17:41 27 [REDACTED]?---Yes.  
28  
10:17:42 29 And not [REDACTED]?---Yes.  
30  
10:17:44 31 But then if you do go down a little bit further you'll see  
10:17:47 32 that there's another entry at 2.25 in the morning, "Update  
10:17:52 33 from DII O'Brien. [REDACTED] assisting the police, no need  
10:17:58 34 for further", one assumes, "assistance", or further  
10:18:04 35 intervention "from human source tonight"?---Yes.  
36  
10:18:08 37 Do you see that?---Yes, I do.  
38  
10:18:10 39 Do you accept therefore that on the basis of that it does  
10:18:13 40 appear to be the case that there was a degree of  
10:18:16 41 coordination between those two units, Victoria Police, the  
10:18:20 42 handlers, the SDU and Purana as to whether or not Ms Gobbo  
10:18:27 43 would be needed further that night?---Yes.  
44  
10:18:29 45 If necessary?---Yes, I accept that.  
46  
10:18:31 47 It would have to be the case, one assumes, that whilst you



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10:18:35 1 say it may well be that [REDACTED] might have requested her  
10:18:38 2 to come down for further advice, on any view it would have  
10:18:42 3 to be accepted that she has been utilised by Victoria  
10:18:48 4 Police to assist in its ends, that is the ends of making  
10:18:56 5 sure that [REDACTED] cooperates and assists and, two, [REDACTED]  
10:19:01 6 cooperates by in effect staying quiet and sitting in the  
10:19:04 7 cells whilst all the action takes place?---So I'll deal  
10:19:07 8 with your second part first. I don't know if there was any  
10:19:11 9 communication between Ms Gobbo and [REDACTED] in relation to  
10:19:15 10 him not, you know, wanting to front before the court or  
10:19:21 11 anything like that.

12  
10:19:22 13 Yes?---Not that I'm aware of.

14  
10:19:24 15 Yes?---I tend to think it might have been more [REDACTED]  
10:19:28 16 speaking to [REDACTED] and getting him to agree to it.

17  
10:19:33 18 Yes?---And with the first part, I just think that certainly  
10:19:40 19 from this day and moving forward [REDACTED] wanted to  
10:19:46 20 communicate, seek reassurance, have conversations with  
10:19:51 21 Ms Gobbo quite frequently. This was the start of that  
10:19:54 22 process.

23  
10:19:54 24 Yes, okay. Obviously nothing was done by Victoria Police  
10:19:58 25 to prevent that?---No.

26  
10:19:59 27 And indeed quite to the contrary, what I suggest as you go  
10:20:03 28 through the records it appears that was, insofar as it was  
10:20:08 29 possible, it was her endeavours to in effect keep [REDACTED]  
10:20:16 30 on track, keep him calm, keep him assisting, were assisted  
10:20:20 31 by Victoria Police?---Well, it was driven by [REDACTED].

32  
10:20:26 33 Yes?---Basically [REDACTED] wanted to speak to Ms Gobbo.

34  
10:20:29 35 Yes?---We would facilitate that, unless for an operational  
10:20:33 36 reason or something like that, but moving forward over the  
10:20:35 37 next few days there's a number of entries where I've  
10:20:38 38 arranged for them to communicate with each other.

39  
10:20:41 40 Yes, okay. I mean there may well be a couple of reasons  
10:20:50 41 for that. It may well be [REDACTED] wanted it, wanted to,  
10:20:54 42 it be comforted emotionally or provided with legal advice,  
10:20:57 43 that might be one reason?---Yes.

44  
10:20:59 45 But the other reason, of course, was that Victoria Police  
10:21:02 46 wanted him to cooperate and wanted him to, insofar as it  
10:21:08 47 was possible, be cooperative and assist Victoria

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10:21:10 1 Police?---Yes, we did definitely want that and to that  
10:21:13 2 event if he wanted to speak to Ms Gobbo we would facilitate  
10:21:18 3 that.

4  
10:21:18 5 Yes, okay. If, for example, [REDACTED] was unhappy about  
10:21:32 6 something or needed something or wanted something, Ms Gobbo  
10:21:37 7 would provide that information to Victoria Police, either  
10:21:39 8 to the handlers or directly to you, and insofar as was  
10:21:44 9 possible that was accommodated?---Well not in every case,  
10:21:48 10 no.

11  
10:21:48 12 Not every case?---But certainly she would relay that  
10:21:51 13 information to us and then we would take it on its merits  
10:21:55 14 and deal with it.

15  
10:21:59 16 Just the final transcript I'd like to put to you, and we  
10:22:06 17 don't have an audio of it but this is at p.232, Ms Gobbo's  
10:22:14 18 saying, "Are they going to, I would like to speak to  
10:22:17 19 [REDACTED]". Mr Smith says, "Okay, yeah, I'll be seeing  
10:22:27 20 Mr O'Brien tomorrow morning with Mr White before things  
10:22:31 21 happen and will be there till after things happen, so yeah,  
10:22:37 22 as I say, he's not in the system now but that's what you  
10:22:40 23 want to do". She says, "No, I mean I need to ask you  
10:22:46 24 otherwise how am I going to do it?" Mr Smith says, "I'll  
10:22:50 25 pass that on and it will happen. Having said that, I don't  
10:22:53 26 know, that may not be tomorrow. What do you mean? He may  
10:22:56 27 go into the system tomorrow", he says. "He may not go into  
10:23:00 28 the system tomorrow". Then Ms Gobbo says, "But it's not,  
10:23:06 29 if it's not, like, if I haven't, I can't even ring Tony  
10:23:10 30 Hargreaves, I can't even tell his own solicitor that he's  
10:23:13 31 been arrested". Smith says, "Because what will he do?  
10:23:18 32 Well he'll start making, who knows, phone calls and all  
10:23:22 33 sorts of things". Again, that's an indication of a sort of  
10:23:26 34 distorted scenario, isn't it? You've got a barrister who's  
10:23:31 35 saying to her handlers, because she's an informer, "Look, I  
10:23:36 36 can't even tell his solicitor where he is and what's going  
10:23:39 37 on". That's an extraordinary situation, isn't it?---Yes,  
10:23:42 38 it is.

39  
10:23:45 40 It quite clearly indicates that she is not acting as a  
10:23:49 41 lawyer in any way, shape or form?---Well, I think her  
10:24:02 42 actions are superseded by the circumstances and a need to -  
10:24:08 43 her self-preservation in relation to the role she played in  
10:24:13 44 this, yes.

45  
10:24:15 46 That may or may not be the case. But what's clear is her  
10:24:20 47 conduct is not that of a lawyer, do you accept



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10:24:23 1 that?---Well, yes, I suppose I have to, yes.  
2  
10:24:29 3 I'd like to play you - what happens is certain things take  
10:24:34 4 place on [REDACTED] and then it appears that - and I'll go  
10:24:39 5 through those in due course but whilst we're dealing with  
10:24:42 6 audio clips we might as well play a couple of extra. On [REDACTED]  
10:24:46 7 [REDACTED], later on in the day, Ms Gobbo meets with her  
10:24:51 8 controller Mr White and Mr Smith again, and there are some  
10:24:59 9 more communications. If I can just ask that this clip be  
10:25:02 10 played, this is clip number 48, and it's at p.31. Just in  
10:25:16 11 fact before we do that. If we can play that, thanks very  
10:25:32 12 much.  
10:25:33 13  
14 (Audio recording played to hearing.)  
15  
10:25:58 16 COMMISSIONER: Perhaps if we could do it from the  
10:26:00 17 beginning, please.  
10:27:33 18  
19 (Audio recording played to hearing.)  
20  
10:27:34 21 MR WINNEKE: That's just a short transcript of a  
10:27:35 22 communication between Gobbo and Mr White in which she  
10:27:42 23 describes going into the room where O'Brien is there and  
10:27:48 24 you're there and [REDACTED]'s there and he bursts into tears and  
10:27:53 25 grabs her hand and said that he didn't think he could do  
10:27:55 26 it, "didn't want to put my life in danger". Does that  
10:27:59 27 accord with your recollection?---I can't remember that  
10:28:02 28 specific incident but I don't - as I said to you yesterday,  
10:28:06 29 I don't remember [REDACTED] getting emotionally distressed  
10:28:10 30 that night. I do remember it the following night, but I  
10:28:13 31 don't remember it that night.  
32  
10:28:14 33 All right. You don't say that she's not accurately  
10:28:17 34 recording that?---No, I don't say that at all.  
35  
10:28:21 36 She says, "And he needed a bit of a push", you don't reject  
10:28:24 37 that proposition?---No, I don't.  
38  
10:28:38 39 The next one - perhaps, Commissioner, I didn't tender all  
10:28:41 40 of those audios and the transcripts for [REDACTED]. I'll do  
10:28:48 41 that.  
42  
10:28:49 43 COMMISSIONER: Were some of those from yesterday's too?  
44  
10:28:52 45 MR WINNEKE: There were transcripts from [REDACTED] which  
10:28:56 46 weren't audio, then there were audio clips and transcript  
10:28:59 47 from [REDACTED] and now I've moved on to [REDACTED]. Perhaps

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10:29:05 1 they can be tendered in separate bundles, the [REDACTED] by way  
10:29:11 2 of transcripts, the [REDACTED] by way of audios, audio  
10:29:15 3 transcripts, and then I'll do the same with the [REDACTED].  
10:29:20 4  
10:29:21 5 MR CHETTLE: There's already some for the [REDACTED],  
10:29:24 6 Commissioner, Exhibit 546.  
10:29:27 7  
10:29:27 8 COMMISSIONER: Yes, 546 has some for the [REDACTED]. We'll  
10:29:31 9 probably make the [REDACTED] ones 546.  
10:29:36 10  
10:29:36 11 MR WINNEKE: Yes, Commissioner.  
10:29:37 12  
10:29:37 13 COMMISSIONER: 546 currently includes pp.22 to 29. What  
10:29:43 14 was played today was pp.220 to 221, is that right?  
10:29:49 15  
10:29:49 16 MR WINNEKE: Yes.  
10:29:51 17  
10:29:51 18 COMMISSIONER: So we'll add in to Exhibit 546 pp.220 to  
10:30:01 19 221. And we've got the confidential tape, the edited tape,  
10:30:07 20 confidential tape is A, edited tape is B, transcript  
10:30:10 21 confidential C, transcript edited D. Then I think that  
10:30:14 22 takes us up to 547, the next exhibit, which will be the  
10:30:22 23 transcript at 201 from [REDACTED], is that right?  
10:30:30 24  
10:30:30 25 MR WINNEKE: [REDACTED] transcripts were pp.272, 278 and 297.  
10:30:45 26  
10:30:45 27 COMMISSIONER: All right.  
10:30:47 28  
10:30:48 29 #EXHIBIT RC547A - (Confidential) [REDACTED] transcripts  
10:30:53 30 pp.272, 278 and 297.  
10:30:53 31  
10:30:53 32 #EXHIBIT RC547B - (Redacted version.)  
10:30:56 33  
10:30:56 34 COMMISSIONER: That takes us up to 548, which is the audio  
10:31:01 35 from [REDACTED].  
10:31:04 36  
10:31:04 37 MR WINNEKE: I've got one more audio to play from [REDACTED].  
10:31:10 38  
10:31:10 39 COMMISSIONER: We've got p.31 so far.  
10:31:13 40  
10:31:13 41 MR WINNEKE: 31 so far.  
10:31:15 42  
10:31:15 43 COMMISSIONER: Is there anything else?  
10:31:17 44  
10:31:17 45 MR WINNEKE: I'm going to cue up audio 52 which is at p.90  
10:31:24 46 of the transcript, if that's available. I think it is.  
10:31:24 47



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COMMISSIONER: This is on [REDACTED]?

MR WINNEKE: [REDACTED] also.

(Audio recording played to hearing.)

That certainly is difficult to understand I take it?---Yes, it was.

Indeed. What I suggest you can hear, if you hear it in the right circumstances, which clearly this isn't, Commissioner, is a discussion between Mr Smith and Ms Gobbo. Firstly, they're discussing what the chances are if [REDACTED] got arrested, "Would he be yours?" She said yes. Mr Smith said, "Would you ring him?" She says, "Yeah, it's quite funny really all these people knowing". Then she asked why would he be arrested and Mr White says, "I don't know". Ms Gobbo says, "Well, [REDACTED] can make a statement I guess. He can. You said once before [REDACTED] can, what's the word for it, can put Tony away forever"?---Yes.

That was, as I understand it, a view taken by Victoria Police, that [REDACTED] could well be someone who could assist Victoria Police and put the Mokbels away?---Yes.

Indeed, that was part of the Operation Posse plan?---That was the very genesis of this whole type of - Operation Posse was the continuation of Operation Quills.

Quills, yes?---Which included [REDACTED], yes.

Who was an associate of Mokbel?---Yes.

As we established last week. And he could be a person who, if the cards were played, could well assist in putting Mokbel away?---Yes.

And then, although it's very, very difficult to hear on that tape, Ms Gobbo is saying again, "What does Jim O'Brien think about all of this?" Smith says, "He'll do what we say because we're doing our best for you, doesn't matter anyway". She says, "I mean, I meant more generally". Again, it's not clear from either the transcript or the tape but I'm suggesting to you if you listen to it she is saying that, Mr O'Brien, the investigators are very happy and they know exactly who the person is whose responsible



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10:37:17 1 for the breakthrough and it's Ms Gobbo. That's, I suggest,  
10:37:22 2 what the discussion's about. You might say, "Well look, I  
10:37:27 3 simply can't hear that and I don't know"?---It was part of  
10:37:30 4 the transcript that I couldn't understand but what you're  
10:37:32 5 saying seems to make sense.  
6  
10:37:33 7 Yes?---But I couldn't get a grip on that second part of the  
10:37:36 8 transcript.  
9  
10:37:37 10 I certainly don't criticise you for that because it's very  
10:37:41 11 difficult, I understand. In any event what Ms Gobbo is  
10:37:43 12 saying is that she, it's being said to her and she's  
10:37:48 13 saying, "Look, I want to be appreciated for what I've  
10:37:59 14 done"?---Yes, I heard that, yes.  
15  
10:38:02 16 I tender that for what it's worth, Commissioner.  
17  
10:38:07 18 COMMISSIONER: Yes. What date's that one?  
19  
10:38:10 20 MR WINNEKE: That's [REDACTED] 2006. What I'll do,  
10:38:15 21 Commissioner, is see if we can provide an audio which is  
10:38:19 22 more clear and transcript which is more accurate.  
23  
10:38:25 24 COMMISSIONER: Yes.  
25  
10:38:27 26 MR WINNEKE: And that can be done.  
27  
10:38:28 28 COMMISSIONER: Was that p.31?  
29  
10:38:31 30 MR WINNEKE: That's p.90.  
31  
10:38:33 32 COMMISSIONER: Right. And we have p.31?  
33  
10:38:37 34 MR WINNEKE: We've got p.31 also.  
35  
10:38:40 36 COMMISSIONER: Yes.  
37  
10:38:41 38 MR WINNEKE: Those two and the exhibits are the audio p.31  
10:38:47 39 and p.90 and the associated transcripts which will be  
10:38:51 40 provided in due course.  
41  
10:38:52 42 COMMISSIONER: All right.  
10:38:53 43  
10:38:55 44 #EXHIBIT RC548A - (Confidential) Audio of [REDACTED] 2006.  
10:38:59 45  
10:39:00 46 #EXHIBIT RC548B - (Redacted audio.)  
10:39:05 47

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10:39:06 1 #EXHIBIT RC 548C - (Confidential) Transcript of audio dated  
10:39:10 2 [REDACTED] 06 pp.31 and 90.  
10:39:10 3  
10:39:11 4 #EXHIBIT RC 548D - (Redacted transcript.)  
10:39:17 5  
10:39:17 6 MR WINNEKE: In effect what had happened to date was more  
10:39:19 7 or less as had been planned at the outset when you came on  
10:39:23 8 board. It really had gone according to plan so far?---Oh  
10:39:30 9 well, yeah, the plan evolved but certainly from when I  
10:39:35 10 returned to work in the early part of 2006, you know, my  
10:39:42 11 part of it was to focus on [REDACTED] and that had gone to  
10:39:47 12 plan, yes, although it took us two months to get there, but  
10:39:51 13 we got there, yes.  
10:39:52 14  
10:39:52 15 One assumes that investigators would have been very  
10:39:56 16 satisfied with the way in which it had gone to that  
10:39:59 17 point?---Yes.  
10:40:00 18  
10:40:00 19 As the next days went on I assume investigators would have  
10:40:04 20 continued to be very satisfied with the way in which it  
10:40:07 21 went from then on?---Correct.  
10:40:19 22  
10:40:19 23 I take it, I suppose it stands to reason, that they would  
10:40:30 24 have been very happy with the part Ms Gobbo played in the  
10:40:32 25 process as well?---Well, she was crucial in us identifying  
10:40:36 26 [REDACTED], so yes, that's correct.  
10:40:42 27  
10:40:42 28 And [REDACTED] having initially made a no comment record of  
10:40:49 29 interview with her and then initially said that he wouldn't  
10:40:52 30 be prepared to speak without her being present, her then  
10:40:55 31 attending, her giving what assistance was needed,  
10:41:00 32 ultimately he then agrees to assist and so to that extent  
10:41:04 33 you have been very happy with that as well I  
10:41:12 34 assume?---Well, yes, yes.  
10:41:20 35  
10:41:20 36 If then I can ask you - perhaps what I might do is just  
10:41:27 37 move on to what occurs over the next few days and I might  
10:41:30 38 play a transcript of something which occurs on the [REDACTED].  
10:41:38 39 But if we can go back to the events which occur immediately  
10:41:42 40 after the arrest. The following day [REDACTED] commences to  
10:41:53 41 provide assistance to Victoria Police, if I can put it that  
10:41:56 42 way?---Yes.  
10:41:58 43  
10:41:58 44 And he provided information and assistance and that  
10:42:05 45 assistance was crucial in providing or gaining evidence,  
10:42:10 46 important evidence against [REDACTED]?---Yes.  
10:42:10 47



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10:42:16 1 [REDACTED]?---That didn't occur on the [REDACTED], that  
 10:42:20 2 occurred on the [REDACTED], yes.  
 10:42:21 3  
 10:42:21 4 Yes, later on. And also Mr [REDACTED]?---Yes.  
 10:42:28 5  
 10:42:28 6 On [REDACTED] 2006 and following Ms Gobbo assisted Victoria  
 10:42:43 7 Police and the investigators by in effect keeping quiet,  
 10:42:48 8 that's the first thing she did, she didn't tell any of her  
 10:42:53 9 other associates or people that she knew what had gone  
 10:42:57 10 on?---Not to my knowledge, no.  
 10:43:00 11  
 10:43:00 12 She'd communicated with her handlers, assisted in ensuring  
 10:43:04 13 that [REDACTED] didn't smell a rat?---I'm not sure what  
 10:43:13 14 role she played with [REDACTED].  
 10:43:19 15  
 10:43:19 16 She certainly was prepared to ensure that [REDACTED] and  
 10:43:25 17 [REDACTED], both of whom were reliant upon her and  
 10:43:31 18 communicating with her regularly, she ensured that they  
 10:43:34 19 weren't made aware of what had gone on?---Presumably not,  
 10:43:38 20 yes.  
 10:43:50 21  
 10:43:50 22 Did you have a meeting with Mr White the following morning  
 10:43:54 23 at about 10.45, that is on the [REDACTED]?---It's not recorded in  
 10:44:12 24 my diary. I've got at 10.45 I was in the office. I had  
 10:44:18 25 brought [REDACTED] back to the St Kilda Road Police Complex.  
 10:44:21 26 I had a briefing with Mr O'Brien and another member of my  
 10:44:28 27 crew. I spoke to [REDACTED] just about his phone and some  
 10:44:36 28 clothes. There's also a member there referred to from the  
 10:44:39 29 Technical Support Unit. No mention of Mr White.  
 10:44:45 30  
 10:44:45 31 Just if I can ask you to comment on this. There's evidence  
 10:45:17 32 - Mr White has in his diary, 10.45, this is  
 10:45:24 33 VPL.2000.0001.0728, p.69 of Mr White's diary, that at 10.45  
 10:45:33 34 he met with JOB, Superintendent Biggin, MOC, that'd be  
 10:45:41 35 Mr O'Connell, wouldn't it, and Flynn?---This is on the  
 10:45:46 36 [REDACTED]?  
 10:45:47 37  
 10:45:47 38 [REDACTED] 2006, yes. That's a Sunday?---Well that  
 10:45:55 39 doesn't coincide with my diary and it doesn't coincide with  
 10:45:58 40 my memory. Look, there's a - it's possible but I would  
 10:46:04 41 have expected I would have put that meeting in my diary.  
 10:46:08 42 If he's indicated that's occurred, I was at the office, so  
 10:46:13 43 he would have no reason to lie about that so I suspect it  
 10:46:17 44 happened.  
 10:46:17 45  
 10:46:17 46 All right. In any event what he has in his notes is that  
 10:46:21 47 there was a plan for [REDACTED] to meet [REDACTED] at [REDACTED]

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10:46:25 1 coffee shop?---Yep.  
2  
10:46:27 3 And there was to be a discussion of the delivery of a  
10:46:34 4 [REDACTED] which is [REDACTED]; is that right?---Yes.  
5  
10:46:39 6 And [REDACTED] was to [REDACTED] the [REDACTED], the CSU to  
10:46:52 7 provide [REDACTED], it'll be a walk and talk, I assume that's  
10:46:55 8 a reference to the likelihood is that they wouldn't be  
10:46:59 9 having a static conversation in the coffee shop, it would  
10:47:02 10 be walking?---That's correct, yes.  
10:47:04 11  
10:47:04 12 That was the expectation. "Consider the possibility of [REDACTED]  
10:47:06 13 [REDACTED] Milad [REDACTED], he's been wanting, pushing for [REDACTED]  
10:47:11 14 to [REDACTED]", do you see that? Do you accept  
10:47:22 15 that that - - -?---Well certainly that was the plan about  
10:47:25 16 them meeting at [REDACTED] coffee shop.  
17  
10:47:28 18 Right?---The idea of taking [REDACTED] [REDACTED] I think  
10:47:34 19 was something that we entertained for a short period of  
10:47:37 20 time, so that rings true as well.  
21  
10:47:39 22 Yes?---I'm sorry, I can't see the bottom of this page.  
10:47:42 23 What was the next comment ?  
10:47:44 24  
10:47:44 25 Can we just move it on? Just scroll down. Can you see  
10:47:47 26 that now? You'll need to go over the page to p.70. Can we  
10:47:53 27 do that? Have you got that there?---Not on the screen, no.  
10:47:58 28 I've got 69.  
29  
10:47:59 30 COMMISSIONER: It's not moving yet. Can we move to p.70.  
31  
10:48:04 32 MR WINNEKE: Go to the next page, p.70.  
33  
10:48:08 34 COMMISSIONER: It's not moving on my screen. Is it moving  
10:48:12 35 on your screen, Mr Flynn?---No, it's not. It is now.  
36  
10:48:16 37 There it is. Well, not yet. It just got  
10:48:32 38 bigger?---Certainly the comment about the walk and talk  
10:48:36 39 rings true.  
40  
41 MR WINNEKE: That rings true?---Yes.  
42  
10:48:38 43 In any event there's a discussion about the plan. The  
10:48:40 44 expectation is that he would be giving evidence, see that,  
10:48:42 45 and we don't need to go into the details of that, but that  
10:48:45 46 was the expectation, that he'd be giving evidence?---Yes.  
47



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10:48:49 1 And once he's charged he'd have to be remanded and he  
10:48:54 2 wouldn't get bail and he'd therefore need to be utilised as  
10:49:01 3 best as possible in a short time frame?---Yes, that all  
10:49:05 4 rings true, yes.  
5  
10:49:06 6 And if he doesn't make a statement then there'd need to be  
10:49:11 7 a 56A or a Crime Commission hearing. So a 56A is when the  
10:49:18 8 person's called before the magistrate?---Yes.  
9  
10:49:20 10 And asked questions which they have to answer?---Yes.  
11  
10:49:22 12 Or alternatively a Crime Commission hearing?---Yes. I  
10:49:26 13 don't recall that part of the conversation.  
14  
10:49:28 15 Yes. Investigators are seeking a listening device warrant  
10:49:35 16 for [REDACTED] to utilise for the purpose of meeting with  
10:49:39 17 [REDACTED]?---Yep.  
18  
10:49:41 19 If we then go over to the next page. This is where  
10:49:48 20 Ms Gobbo comes in. Mr Smith is to check with the human  
10:49:52 21 source, which is obviously Ms Gobbo, if there's been any  
10:49:55 22 contact and that's nil. So the answer to that is, "We, the  
10:50:00 23 investigators, want to make sure that Ms Gobbo, if she's  
10:50:04 24 had any contact from any people, we want to keep tabs on  
10:50:07 25 that and we need her cooperation to tell us about  
10:50:10 26 that"?---Yes, that makes sense, yes.  
27  
10:50:11 28 And there hadn't been any. Then there's reference to  
10:50:16 29 arranging a strategy with the [REDACTED], et cetera, see  
10:50:20 30 that?---Yes.  
31  
10:50:20 32 That was agreed. Then this entry is that, "Ms Gobbo to be  
10:50:27 33 met after the first meeting between [REDACTED] and [REDACTED] and  
10:50:35 34 the strategy potentially clearer then"?---Yes.  
35  
10:50:42 36 Do you see that?---Yes.  
37  
10:50:43 38 So effectively let's see what happens with the first  
10:50:48 39 meeting between [REDACTED] and [REDACTED], strategy's obviously  
10:50:57 40 going to be a sort of work in progress?---Yes.  
41  
10:51:00 42 "But we'll speak to Ms Gobbo after that first meeting and  
10:51:03 43 by that stage the situation will be clearer", would that be  
10:51:06 44 fair to say?---That appears to be what those three lines  
10:51:09 45 refer to, yes.  
46  
10:51:10 47 Is it then fair to characterise that as the investigators,

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10:51:13 1 the handlers, incorporating Ms Gobbo in the ongoing  
10:51:19 2 investigative process and the strategic processes with  
10:51:25 3 respect to getting evidence against these people?---That  
10:51:28 4 seems to indicate to me that she would be updated once the  
10:51:32 5 investigation had progressed.

6  
10:51:34 7 Yes, okay.

10:51:36 8  
10:51:36 9 MR CHETTLE: Commissioner, I'm reluctant to intervene but  
10:51:40 10 these are my client's notes. As I understand it, and from  
10:51:44 11 his evidence, where it says "agreed: with Mr Smith" the  
10:51:48 12 three lines that then follow represent what was agreed  
10:51:51 13 between Mr White and Mr Smith. Do you follow what I'm  
10:51:56 14 putting? Mr Winneke put that the "agreed" related to what  
10:52:00 15 was above it. It in fact relates to what's below it.

16  
10:52:04 17 COMMISSIONER: Yes, Mr Winneke, you can clarify that.

18  
10:52:08 19 MR WINNEKE: That may well be the case. Is it the case  
10:52:12 20 that that was agreed, that those matters, that she was to  
10:52:14 21 be met after the first meet between [REDACTED] and [REDACTED]?---I don't  
10:52:23 22 recollect this memory. I can only go through the notes and  
10:52:27 23 say that makes sense, that makes sense, that doesn't.

24  
10:52:30 25 Yes?---These three paragraphs I can't comment on.

26  
10:52:33 27 All right, okay. In any event, it appears to be consistent  
10:52:37 28 with your recollection of events, would that be fair to  
10:52:41 29 say?---With the previous entries we made about the  
10:52:44 30 strategy, yes.

31  
10:52:46 32 And the subsequent entry you say, "Well look, I can't  
10:52:49 33 recall that"?---I don't recall being part of this meeting  
10:52:54 34 whatsoever and it's not indicated in my diary. My diary  
10:53:01 35 indicates that I'm at a - in another meeting but also with  
10:53:05 36 Jim O'Brien. So it's possible that I was there but, as I  
10:53:08 37 said, some of the points in there rings clear with the  
10:53:11 38 strategy we were progressing, others not so clear.

39  
10:53:16 40 Yes, okay. In any event the next entry you can probably  
10:53:19 41 read that, but it's a reference to the handlers, Mr Smith  
10:53:23 42 having spoken to Ms Gobbo. She went to see the car wash  
10:53:27 43 owner, that's her partner, regarding wages. Bumped into  
10:53:32 44 [REDACTED] who is worried about [REDACTED]. He's spoken  
10:53:42 45 to [REDACTED] but possibly not satisfied. Ms Gobbo says  
10:53:46 46 that she's spoken to him and everything's okay. Then  
10:53:52 47 there's a further update by Mr Smith with respect to



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10:53:55 1 Ms Gobbo. [REDACTED] has rung and left a message for Ms Gobbo  
10:54:01 2 to call and there's agreement as between the police not to  
10:54:04 3 return the call. So certainly that would indicate that  
10:54:07 4 Ms Gobbo is cooperating with the investigation which is  
10:54:11 5 going on, would it not?---That would indicate it, yes.  
6  
10:54:15 7 Okay, all right then. Then if we have a look at the ICR at  
10:54:27 8 p.261. If you start from, say, 12.35 p.161. There's a  
10:55:04 9 call received from Ms Gobbo, wants to meet and discuss [REDACTED]'s  
10:55:10 10 situation further. She's asking about [REDACTED]'s court date,  
10:55:15 11 that is for previous matters, and the necessity for an  
10:55:18 12 adjournment, do you accept that?---Yes.  
13  
10:55:20 14 Did that occur, there was an adjournment of those  
10:55:23 15 matters?---Yes, there was.  
16  
10:55:25 17 Subsequently he pleaded guilty the following year in  
10:55:27 18 [REDACTED] of 2007; is that right?---Yes, there was a court  
10:55:30 19 date - - -  
20  
10:55:34 21 [REDACTED] I think it was?---That's right, shortly after these  
10:55:37 22 arrests, yes.  
23  
10:55:38 24 That was put off and all of his matters were dealt with the  
10:55:41 25 following year, I think on about [REDACTED], sentenced on  
10:55:45 26 [REDACTED] 2007?---That sounds correct, yes.  
27  
10:55:48 28 She's going to see Paul at the car wash and the handler  
10:55:53 29 questioned the wisdom of this, better to lay low, and she's  
10:55:58 30 got her own views about that, wants to know what he's  
10:56:01 31 saying, and she thinks this would be of interest to Purana.  
10:56:05 32 Then there's a reference to [REDACTED] which isn't relevant.  
10:56:09 33 If we then go to another entry at 13:30. She's seen Paul  
10:56:16 34 by this stage. [REDACTED] was with him when Paul made the  
10:56:22 35 phone call the night before. Couldn't get in touch with [REDACTED]  
10:56:26 36 and thought there was a problem. [REDACTED] turned up and  
10:56:29 37 Paul hadn't heard from him and that information was passed  
10:56:31 38 on to Mr O'Brien?---M'hmm.  
39  
10:56:34 40 And [REDACTED] was to contact [REDACTED] to allay any suspicions  
10:56:40 41 or get rid of any suspicions, do you see that?---Yes.  
42  
10:56:45 43 Again that's cooperation and assistance provided by  
10:56:47 44 Ms Gobbo to further the investigative plan?---This is all  
10:56:50 45 communications between her and her handlers.  
46  
10:56:54 47 And it's passed on to Mr O'Brien who's involved in the

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10:56:59 1 investigation?---Yes.  
2  
10:57:00 3 Do you agree with that?---Yes, all the information about  
10:57:02 4 Paul and the car wash, I can't recall receiving that  
10:57:06 5 information.  
6  
10:57:06 7 You certainly had a recollection that there'd been a  
10:57:09 8 concern about [REDACTED] the next day?---Yes, and I was  
10:57:12 9 part of a phone call conversation or was present when  
10:57:17 10 [REDACTED] rang [REDACTED] with the purpose of trying to  
10:57:21 11 allay his concerns.  
12  
10:57:22 13 Yes. If we then go over to the next page, you'll see at  
10:57:27 14 14:58, so nearly 3 o'clock - just have a read of that, that  
10:57:31 15 may well be what you're talking about?---Yes, and it  
10:57:58 16 appears to be that she is providing assistance there, yes.  
17  
10:58:02 18 Yes, she's provided assistance and she's seen him at the  
10:58:07 19 car wash, sort of in effect calmed him down, he's been  
10:58:10 20 paranoid. She's reassured him, told him she told  
10:58:16 21 [REDACTED] has not heard from [REDACTED], obvious problem if  
10:58:22 22 [REDACTED] finds out this is not true and tells others.  
10:58:25 23 Gobbo tells [REDACTED] to advise if he hears from [REDACTED].  
10:58:30 24 [REDACTED] rang [REDACTED] twice but wouldn't answer. Then  
10:58:34 25 there was an update from you to the effect that, "[REDACTED] had  
10:58:37 26 spoken to [REDACTED] and believes that all is okay. Told  
10:58:41 27 not to speak to anybody but neighbours to [REDACTED] may have  
10:58:45 28 seen activity with respect to the search warrant and rung  
10:58:49 29 the owner of the premises who may have phoned  
10:58:52 30 [REDACTED]?---Yes.  
31  
10:58:53 32 That was a obviously a concern because there'd obviously  
10:58:56 33 been a fairly public attendance of [REDACTED] by Victoria  
10:59:00 34 Police and the concern was that that might have put people  
10:59:04 35 on notice; is that right?---Yes, [REDACTED] draw attention  
10:59:08 36 when they do what they do. So trying to keep that quiet  
10:59:11 37 was difficult.  
38  
10:59:11 39 In any event, that was managed?---Yes.  
40  
10:59:17 41 Then if you go to 16:42, if we keep moving down, you'll see  
10:59:23 42 that she's received a voice message from [REDACTED] to  
10:59:27 43 ring him and she was advised not to answer the phone,  
10:59:31 44 tactical reasons to involve strategy regarding possible  
10:59:34 45 further arrests. If she receives any unusual messages to  
10:59:42 46 advise the handler. That would be consistent with the plan  
10:59:44 47 of Victoria Police?---Well again, this is all news to me



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10:59:47 1 but your comment appears to be correct, that she seems to  
10:59:54 2 be instructed not to ring Horthy back.  
3

10:59:56 4 Then at 17:58 there's another communication. She remembers  
11:00:02 5 [REDACTED] talking about [REDACTED] of something on [REDACTED].  
11:00:07 6 Suggests that it could be used in conversation with [REDACTED]  
11:00:10 7 [REDACTED] and you were advised about that and handler updated  
11:00:16 8 with respect to strategy regarding [REDACTED] to meet with  
11:00:18 9 [REDACTED] and [REDACTED] and [REDACTED] and to advise  
11:00:23 10 Ms Gobbo?---M'mm.  
11

11:00:25 12 I think you make reference to that in your statement, do  
11:00:28 13 you?---Just let me - I think I do, yes.  
14

11:00:32 15 You say you do recall receiving information about a  
11:00:35 16 possible suggestion from Ms Gobbo about how - - - ?---How  
11:00:42 17 to [REDACTED] between - - -  
18

11:00:45 19 [REDACTED]?---Yes, between [REDACTED] and [REDACTED]  
11:00:49 20 [REDACTED].  
21

11:00:50 22 Whether or not you utilised that, and that was used by  
11:00:56 23 [REDACTED], you don't know; is that right?---We didn't  
11:01:00 24 utilise it, we didn't need to. I do recall speaking to  
11:01:02 25 [REDACTED] and he said, "I don't have to do any calls, I  
11:01:07 26 don't have to ring anyone. If I walk into that café  
11:01:11 27 they'll come running to him", and that's basically what  
11:01:13 28 happened.  
29

11:01:14 30 Then at 18:34, another phone call. "Advised that [REDACTED] will  
11:01:19 31 ring Ms Gobbo shortly" and then there was a telephone call  
11:01:24 32 at 19:20 and it's clear enough that you had enabled  
11:01:31 33 [REDACTED] to speak to Ms Gobbo; is that right?---I did.  
11:01:35 34 It's in my diary but the times are incorrect. I've got it  
11:01:39 35 at 18:45.  
36

11:01:40 37 All right. In any event, she says that he was very  
11:01:44 38 emotional, he told her that he'd spoken to [REDACTED]. He  
11:01:52 39 was asking her if anyone was suspicious about the arrests  
11:01:56 40 and she told him no. There was a reference to [REDACTED]  
11:01:59 41 ringing her and there were no suspicions there. She wants  
11:02:02 42 to ring [REDACTED] to keep up appearances?---Right.  
43

11:02:08 44 Then later on there's another telephone call and she's  
11:02:14 45 "advised of [REDACTED]'s commitments tomorrow to meet later  
11:02:20 46 and discuss". There's a meeting between - is that right -  
11:02:25 47 between you and Mr White and Mr O'Brien?---On that night -

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11:02:43 1 now I don't have a notation of it. I have a notation of  
11:02:48 2 returning back to the office at 10.45, this was after the  
11:02:53 3 deployment of [REDACTED] to [REDACTED].  
4  
11:03:00 5 Righto. In any event - so on that day there had been  
11:03:05 6 communication which had been facilitated by yourself. I  
11:03:10 7 think your note is that at 18:45 there was a telephone call  
11:03:14 8 from [REDACTED] to Gobbo. That was arranged for the purposes of  
11:03:19 9 reassurance; is that right?---Yes, my note says "re  
11:03:23 10 reassurance, any news, et cetera". That's all my note  
11:03:27 11 indicates.  
12  
11:03:28 13 Okay. The idea was that [REDACTED] would be reassured by  
11:03:34 14 Ms Gobbo?---Yes. [REDACTED] wanted reassurance from her,  
11:03:39 15 yes.  
16  
11:03:39 17 He wanted reassurance and that was facilitated?---Yes.  
18  
11:03:43 19 Then if we go over to later on that night, ICR 263, there's  
11:03:49 20 a meeting between - and this is what we've dealt with  
11:03:53 21 before on the transcript - a meeting between Smith and  
11:03:58 22 White. They meet in [REDACTED] and there's an  
11:04:04 23 update advising that [REDACTED]'s doing well with investigators,  
11:04:08 24 discussing situation regarding arrests and not advising  
11:04:13 25 others. Potential for [REDACTED] arrest, and there's  
11:04:15 26 information provided to the effect that he doesn't carry a  
11:04:18 27 firearm. He remembers word for word what police say, and  
11:04:21 28 there was a discussion about various arrest scenarios and  
11:04:25 29 what Ms Gobbo should do. He will definitely ring. She  
11:04:28 30 wishes to confront him directly and advise that she can't  
11:04:33 31 act because of a conflict with [REDACTED] and it's best to do this  
11:04:36 32 at - one assumes that's a police station?---Yes.  
33  
11:04:41 34 Then the following day, that's when things kick into gear.  
11:04:46 35 You had a debriefing with O'Brien and Detectives Grant and  
11:04:54 36 Steendam, is it, and Mr Biggin? Paragraph 57 of your  
11:05:04 37 statement?---I'm just trying to find it in my diary. Yes,  
11:05:32 38 that's correct. At 10.45 I was at the office. I'd brought  
11:05:38 39 [REDACTED] back to the office. There was a number of  
11:05:40 40 different meetings with different members and my crew, et  
11:05:44 41 cetera, and I've got in there that I had a - there's a note  
11:05:51 42 there about a concern about a reporter.  
43  
11:05:53 44 Yes?---And I've got a note there with Detective  
11:05:58 45 Superintendent Richard Grant being present.  
46  
11:06:00 47 Who's he?---He was a Superintendent that was in charge or



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11:06:05 1 was a Superintendent at the Crime Department at the time.  
2  
11:06:10 3 Ms Steendam, is that right, Steendam?---Steendam.  
4  
11:06:16 5 Do you know who that is?---She's currently Deputy  
11:06:23 6 Commissioner of Victoria Police.  
7  
8 Yes, Wendy Steendam?---Yes.  
9  
11:06:24 10 What was her position then?---I think the same, a  
11:06:27 11 Superintendent of the Crime Department.  
12  
11:06:28 13 You attended a debrief with these people, is that  
11:06:35 14 right?---I'm just trying to find it in my diary, I'm sorry.  
11:06:38 15 [REDACTED] with me. Yes, I'm sorry. It's right at the end of  
11:08:20 16 the day, three pages. So at 9.35 I return to the office.  
11:08:26 17 This was after the deployment of [REDACTED] to both [REDACTED]  
11:08:31 18 [REDACTED] and [REDACTED].  
19  
11:08:32 20 Yes?---And I've got a note here that debrief with O'Brien,  
11:08:38 21 Detective Superintendent Grant, Steendam and Biggin.  
22  
11:08:43 23 How long did that debriefing go for?---So I returned back  
11:08:52 24 to the office at 9.35 and I left at 10.40, so it was within  
11:08:59 25 that 65 minutes. I've got a number of different duties  
11:09:05 26 there about lodging exhibits and things like that, so it  
11:09:08 27 would be a proportion of that 65 minutes.  
28  
11:09:12 29 Were you giving the briefing or was Mr O'Brien giving the  
11:09:15 30 briefing?---Possibly both. So my role was simply to look  
11:09:30 31 after [REDACTED], so I was with him when he was deployed and  
11:09:36 32 then returned. I know - I'm not sure about the second  
11:09:43 33 night. I think on the first night that Mr O'Brien was out  
11:09:46 34 in the field with us and was monitoring some of the  
11:09:49 35 technical stuff that we had going, he was actually able to  
11:09:53 36 monitor [REDACTED]. I'm not sure if he did that on  
11:09:56 37 the first night or the second night or both. So I would  
11:09:59 38 suggest it would be either both of us or me.  
39  
11:10:03 40 Either or both of you would have provided an update to  
11:10:06 41 those more senior officers about what had gone on during  
11:10:09 42 the day and perhaps in the lead up to that day?---It's  
11:10:17 43 difficult for me to remember now. I think it would have  
11:10:21 44 been more focused about what happened that night and that  
11:10:24 45 occurred with the deployment of [REDACTED].  
46  
11:10:26 47 So during that day, if you go through your notes you

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11:10:29 1 obviously - you had discussions with [REDACTED] and [REDACTED] at the, I  
11:10:35 2 think it was the [REDACTED] police station in the  
11:10:37 3 morning; is that right?---Yes.  
4  
11:10:38 5 And there was a deployment of [REDACTED] and there was, I  
11:10:47 6 think if you go over to the following page, 273 of your  
11:10:50 7 diary, there was arrangements made with respect to meeting  
11:10:55 8 with [REDACTED]; is that right?---Yes.  
9  
11:10:59 10 That occurred; is that right?---Yes, that occurred, yes.  
11  
11:11:02 12 And there was a discussion which was facilitated between  
11:11:09 13 [REDACTED] and Ms Gobbo en route to that meeting, is that  
11:11:42 14 right? There's no note of that in your diary?---There  
11:11:46 15 doesn't appear to be, no, I'm just - - -  
16  
11:11:49 17 If you go to 13:34?---I'm sorry, it is here. It's just at  
11:11:53 18 the bottom of the page. At 13:34.  
19  
11:11:58 20 Yes?---He makes a telephone call to Ms Gobbo. "Just  
11:12:03 21 discussed being okay. Wishing to meet with same at later  
11:12:07 22 stage. Stated was happy. Clothes change, [REDACTED], et  
11:12:11 23 cetera. Happy with treatment. Requested her to speak to  
11:12:19 24 [REDACTED]."  
25  
11:12:21 26 That again was done to placate, if you like, [REDACTED], to  
11:12:26 27 keep him calm and happy?---Yes.  
28  
11:12:33 29 And then there was a phone call, was there a phone call  
11:12:40 30 made to the handlers. There was a request that you made,  
11:12:45 31 this is about quarter past two, "Request from you to tell  
11:12:49 32 Ms Gobbo not to ring [REDACTED] as arranged per the  
11:12:53 33 previous call with [REDACTED]"; is that right?---I don't  
11:13:01 34 have a note of it in my diary but I have no reason to doubt  
11:13:10 35 if someone else has recorded it in that fashion.  
36  
11:13:17 37 What I'm suggesting to you is that at ICR p.264 there's a  
11:13:22 38 reference to that, if you can put it up, at 14:15, 2.15,  
11:13:32 39 there's that entry. Do you see that, request from you to  
11:13:53 40 tell Ms Gobbo not to make the call?---Yes.  
41  
11:13:56 42 If we then go to the next page, 265. At 15:30 there's an  
11:14:07 43 update from Mr O'Brien that [REDACTED] had met with [REDACTED] and  
11:14:13 44 obtained evidence regarding the conspiracy to  
11:14:17 45 traffick?---Yes.  
46  
11:14:19 47 And there was various other communications but there's an



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11:14:23 1 entry to the effect that Mr Bartlett had contacted you and  
11:14:26 2 told "nil re arrests", and then the next entry is, "[REDACTED]  
11:14:35 3 meeting [REDACTED] tonight re [REDACTED] delivery of gear"; see  
11:14:40 4 that?---Yes.  
5  
11:14:41 6 Is that accurate, did that occur?---I can't recall what  
11:14:43 7 that conversation was about. Even as I read it now I'm not  
11:14:46 8 sure what the reference is about.  
9  
11:14:50 10 All right. If we move on, we can see that there's a call  
11:14:53 11 at 17:25. It seems that the handlers received a telephone  
11:15:02 12 call and the information was that [REDACTED] was en route  
11:15:06 13 to see Ms Gobbo?---Yes.  
14  
11:15:07 15 And you were advised about that and you advised the handler  
11:15:10 16 that [REDACTED] needed to speak to Ms Gobbo?---Yes.  
17  
11:15:13 18 As per advice from you, Ms Gobbo was advised that you and  
11:15:19 19 [REDACTED] needed to talk to her, Ms Gobbo?---Well, I've got an  
11:15:25 20 entry here about [REDACTED] ringing Ms Gobbo.  
21  
11:15:28 22 Yes. Did you facilitate a telephone call then or  
11:15:34 23 not?---Yes, I would have, at 4.50.  
24  
11:15:41 25 Sorry?---At 4.50 is how it's recorded in my diary.  
26  
11:15:45 27 In any event, there's an entry at 17:32, 5.30, spoken to  
11:15:50 28 you, "Advises possible compromise of search warrant [REDACTED]  
11:15:54 29 regarding arrest of [REDACTED]" and you wanted to advise her of  
11:15:56 30 that. Do you see that?---Yes.  
31  
11:16:01 32 So you were asking the handlers to pass on information to  
11:16:03 33 Ms Gobbo to the effect that there may well be compromising  
11:16:09 34 - as a result of the exercise of the search warrant and [REDACTED]  
11:16:13 35 [REDACTED], et cetera, is that the effect of your advice to  
11:16:17 36 her?---I just can't recall providing this advice. This  
11:16:21 37 seems to be some time after the search warrant. This is  
11:16:26 38 two days afterwards.  
39  
11:16:27 40 I follow?---I thought that type of threat would have been  
11:16:32 41 not an issue any more. Whether it's that or a reference to  
11:16:36 42 the concern about a reporter, I'm not sure.  
43  
11:16:39 44 Right. In any event it does seem to be that you've asked  
11:16:43 45 information to be passed on to Ms Gobbo. If we go down to  
11:16:46 46 17:34 it says, "Advise of possible awareness by residents  
11:16:53 47 near the scene of [REDACTED] arrest. To be aware of this

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11:16:54 1 when talking to [REDACTED]"?---Yes.  
2  
11:16:56 3 Do you see that?---Yes, that makes it a bit clearer.  
4  
11:17:02 5 Effectively what's going on there is, look, we understand  
11:17:05 6 that [REDACTED]'s going to see you, you contact the  
11:17:08 7 handlers and pass on to Ms Gobbo that information, "Just be  
11:17:12 8 aware when you're speaking to [REDACTED] that it may well  
11:17:16 9 be he knows something, so just be alert and aware of that  
11:17:18 10 when you're speaking to him"?---Yes, that's correct.  
11  
11:17:22 12 Okay, thanks very much. If we then go to 18:15. So  
11:17:36 13 clearly on this day you're very much anxious and keen to  
11:17:42 14 know what's going on, making sure that the operation's  
11:17:45 15 going smoothly, you're dealing with [REDACTED] but you're  
11:17:48 16 also dealing with Ms Gobbo, would that be fair to say?---I  
11:17:53 17 don't - if I've made any contacts directly to Ms Gobbo I  
11:17:58 18 expect I would diarised it and I'm just looking through -  
11:18:02 19 most of my contacts are just facilitating a call between  
11:18:05 20 [REDACTED] and Ms Gobbo.  
21  
11:18:07 22 Okay?---So I don't know if I was in direct contact with her  
11:18:11 23 myself.  
24  
11:18:12 25 Certainly that indicated that you were in indirect  
11:18:15 26 communication with her but as between the handlers so far  
11:18:18 27 as [REDACTED] is concerned?---Yes.  
28  
11:18:20 29 You agree with that? Then the handlers receive a call that  
11:18:23 30 [REDACTED] has turned up to Ms Gobbo's reception at  
11:18:27 31 quarter past six and [REDACTED]'s saying something about a  
11:18:32 32 person called [REDACTED] who'd been arrested, not known  
11:18:37 33 regarding what, and asking what had happened with him and  
11:18:40 34 he wanted her, Ms Gobbo, to make enquiries and she's got no  
11:18:44 35 idea who he is or whether there's any relevance to  
11:18:47 36 [REDACTED], and then you're contacted to find out whether or  
11:18:51 37 not that's of any significance, do you agree with  
11:18:54 38 that?---Yes.  
39  
11:18:56 40 What you obviously say then is, "Look, he's not arrested by  
11:19:00 41 us, it may be connected to the owner's of [REDACTED]  
11:19:04 42 [REDACTED]", and you in effect say to the handlers, "Can you  
11:19:07 43 let Ms Gobbo know that"?---Yes.  
44  
11:19:12 45 Then there's further communications between the handler and  
11:19:15 46 Ms Gobbo about [REDACTED] and what occurs in that meeting,  
11:19:21 47 do you see that?---Yep. Yes, I see that.



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1  
11:19:36 2 Then later on at 19:12 under the reference - under the  
11:19:45 3 heading [REDACTED]'s name, there's been a discussion with [REDACTED]  
11:19:49 4 on the phone. Didn't mention [REDACTED]. [REDACTED] asked about  
11:19:56 5 a particular aspect of his own future management, says  
11:20:03 6 arrests will happen later. She explains to him about her  
11:20:09 7 explaining to [REDACTED] about conflict immediately after the  
11:20:12 8 arrests. He understands the implications for her and he  
11:20:17 9 became emotional and he's happy with the investigators,  
11:20:22 10 being you and Mr O'Brien, and he'll sign statements?---Yes.  
11  
11:20:26 12 See that?---Yes.  
13  
11:20:30 14 Then if we go down to 19:40, there's advice - on advice  
11:20:43 15 from Mr O'Brien, so in effect Mr O'Brien's passing on to  
11:20:47 16 the handlers to "tell Ms Gobbo that arrests are likely to  
11:20:50 17 occur around 9 pm tonight, reassure her regarding [REDACTED] and  
11:20:55 18 investigators not compromising her". So in other words  
11:20:58 19 investigators will not be putting her into the line of  
11:21:03 20 fire. She says that she will sit down and have a rational  
11:21:07 21 conversation with [REDACTED]. She's confident that he will ring  
11:21:10 22 her because of [REDACTED]'s view of [REDACTED] and  
11:21:23 23 there's a discussion about whether or not [REDACTED] is  
11:21:27 24 likely to use [REDACTED], et cetera. Do you see  
11:21:32 25 that?---Yes, I see that.  
11:21:32 26  
11:21:33 27 Then subsequently at 21:56, moving on to the next page,  
11:21:34 28 there's a communication between Ms Gobbo and the handlers  
11:21:38 29 and it appears that there's journalists and cameras at the  
11:21:45 30 Custody Centre. Ms Gobbo observes that, do you see  
11:21:48 31 that?---Yes.  
32  
11:21:50 33 And she's advised, or someone is advised, that you at the  
11:21:54 34 Custody Centre, regarding the Custody Centre, and "advises  
11:21:58 35 that meeting has occurred and evidence obtained and arrests  
11:22:02 36 postponed until tomorrow night" and also that [REDACTED] wanted to  
11:22:05 37 speak to Ms Gobbo, do you see that?---Yes.  
38  
11:22:07 39 That's the situation, was it, that the arrests were going  
11:22:12 40 to be put off to the following day?---Yes, that's right.  
11:22:14 41 I'm not sure what the reference is to the Custody Centre  
11:22:17 42 but the - - -  
43  
11:22:20 44 You're told that there's journalists and cameras at the  
11:22:23 45 Custody Centre, would that be right?---Quite possibly. I  
11:22:26 46 have no idea what that's a reference to and whether  
11:22:29 47 it's - - -

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1  
11:22:29 2 Sorry, go on?---I was going to say, whether it was linked  
11:22:33 3 to that, I have made a comment in there about the concern  
11:22:37 4 about a reporter. So whether I didn't think it got to that  
11:22:42 5 stage.  
6  
11:22:43 7 Yes?---Or whether it was something totally different, I'm  
11:22:45 8 not sure.  
9  
11:22:46 10 In any event, that may or may not have been the reason why  
11:22:48 11 the arrests were put off until the following day?---No, I  
11:22:51 12 think the arrest was put off until the following day just  
11:22:54 13 as a strategic decision to gain more evidence. The [REDACTED]  
11:22:59 14 and the [REDACTED] were just conversations, discussion about  
11:23:02 15 supplying - [REDACTED] to both  
11:23:09 16 [REDACTED] and [REDACTED], but it didn't go, and prices and  
11:23:15 17 things like that, but on the [REDACTED] we decided to [REDACTED]  
11:23:20 18 [REDACTED] so that it would be stronger evidence.  
19  
11:23:23 20 Yes, I follow that. In any event it seems that Ms Gobbo is  
11:23:26 21 updated on those plans?---It appears to be - - -  
22  
11:23:28 23 Do you accept that?---You know, I wasn't part of that  
11:23:30 24 process but reading this that appears to be the case, yes.  
25  
11:23:33 26 The advice from that telephone call at about 10.30 is that,  
11:23:38 27 "All is okay with [REDACTED]. Arrests postponed. Mr Flynn  
11:23:43 28 to ring Ms Gobbo shortly and put [REDACTED] on the  
11:23:46 29 phone"?---Yes.  
30  
11:23:46 31 So that's another telephone communication which has been  
11:23:50 32 facilitated that day, do you accept that?---Yes. Just I'm  
11:23:56 33 looking for it in my diary. There were a number of phone  
11:24:01 34 calls. Yeah, there you go. At 9.35 I returned to a police  
11:24:05 35 complex. Actually, no, the call wasn't facilitated. My  
11:24:12 36 diary entry reads, "9.30 return to the office. [REDACTED]  
11:24:15 37 in interview room 16th floor. Requested" - I speak to  
11:24:22 38 Ms Gobbo to notify her that he would speak to her the  
11:24:26 39 following day.  
40  
11:24:26 41 Right?---So he didn't want to communicate with her that  
11:24:29 42 night.  
43  
11:24:29 44 Okay. In any event it may well be that you did contact her  
11:24:34 45 and passed on the information that he was okay, et  
11:24:37 46 cetera?---Possibly, yes. I'm sorry, sir, just on that  
11:24:48 47 point there's a note in my diary that I did ring her, so I



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11:24:52 1 did call her at that time. "Made telephone call. Notified  
11:24:56 2 [REDACTED]. Does not need to speak to her that evening".  
3  
11:25:01 4 Yes, okay. We're back to where we were before, that is you  
11:25:06 5 then go and have a debrief with Superintendents Grant,  
11:25:16 6 Steendam and Inspector Biggin, is that right, that's the  
11:25:20 7 next thing that occurs?---Well, yeah, that's all part of  
11:25:25 8 that 65 minutes that I was at the office for.  
9  
11:25:30 10 Yes, I follow that?---So the debrief I've got actually  
11:25:33 11 earlier than the telephone call.  
12  
11:25:40 13 You've got 21:35 return to the office. [REDACTED] in the interview  
11:25:46 14 room on the 16th floor and he requested a communication to  
11:25:51 15 Gobbo and then you say, "Solicitor Gobbo to notify her  
11:25:54 16 team". Then you make the telephone call later on after the  
11:25:58 17 - - - ?---Yes.  
18  
11:25:58 19 Yes, I see. Yes, I follow what you're saying. It may well  
11:26:04 20 be that that's done after the meeting with the - - -  
11:26:06 21 ?---Superintendents, yes.  
22  
11:26:09 23 - - - Superintendents. Would you have in the briefing  
11:26:12 24 instructed or informed them about what had gone on,  
11:26:15 25 including Ms Gobbo's involvement in advising, in providing  
11:26:19 26 information, et cetera?---Ms Gobbo's involvement as a human  
11:26:30 27 source, I don't know if that would have been mentioned.  
28  
11:26:32 29 Yes?---It's possible that I may have mentioned there were  
11:26:36 30 some communication or things like.  
31  
11:26:38 32 Yes?---Or it might not have been mentioned at all. I  
11:26:41 33 suspect the briefing was more about well this is what  
11:26:45 34 happened between [REDACTED] and [REDACTED] and this is what  
11:26:47 35 happened between [REDACTED] and [REDACTED].  
36  
11:26:52 37 What you say is the likelihood is, given that she's a human  
11:26:56 38 source, you might not have told the Superintendents that  
11:27:01 39 she was both a human source and a person who was being used  
11:27:05 40 to assist police?---That's correct. Again it's, you know,  
11:27:10 41 it's just a culture. We don't talk about human sources  
11:27:13 42 unless it came up.  
43  
11:27:15 44 Yes?---They were high ranking police officers but if I  
11:27:17 45 wasn't asked about it I probably didn't mention it.  
46  
11:27:20 47 Right. If you did have at that stage any concerns about

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11:27:24 1 the complicated situation which had arisen, is it something  
11:27:27 2 that you would raise with your immediate line superior and  
11:27:33 3 not officers above him?---Correct.  
4  
11:27:37 5 It would be fair to say that that is something that you  
11:27:41 6 would have discussed with Mr O'Brien?---On this night?  
7  
11:27:46 8 Well on this night, on the previous night, on the night  
11:27:49 9 before?---I can't recall us discussing any concerns about  
11:27:56 10 the use of Ms Gobbo during these several days. By that  
11:28:00 11 stage her involvement was well and truly included and we  
11:28:05 12 were just progressing on with our criminal investigation.  
13  
11:28:16 14 Did Mr O'Brien have any resistance as far as you were  
11:28:19 15 concerned to using Ms Gobbo, or at least to facilitating  
11:28:25 16 communications between [REDACTED] and Ms Gobbo?---No, not  
11:28:30 17 that I can recall. I don't even know with each call I  
11:28:41 18 discussed it with him. It's possible that we discussed it  
11:28:44 19 at an earlier stage.  
20  
11:28:46 21 Yes?---But I don't recall him ever giving any resistance to  
11:28:51 22 making those calls and he was generally updated in relation  
11:28:55 23 to it.  
24  
11:28:58 25 As far as you were concerned he never said to you, "Look, I  
11:29:01 26 would rather that Ms Gobbo not be anywhere near this  
11:29:03 27 investigation", that wasn't made plain to you?---No.  
28  
11:29:07 29 Obviously if that had been made plain to you you would have  
11:29:11 30 complied with that?---I would have discussed it with him.  
31  
11:29:14 32 Yes?---Certainly, yes.  
33  
11:29:16 34 All right. So the following day [REDACTED] was arrested;  
11:29:22 35 is that right?---Yes, on the [REDACTED]  
36  
11:29:24 37 And also arrested on that day was - who else was arrested  
11:29:33 38 that day?---A person by the name of [REDACTED].  
39  
11:29:36 40 [REDACTED] was arrested, yes. Anyone else?---There may have  
11:29:40 41 been other arrests that I wasn't part of.  
42  
11:29:42 43 Yes?---Perhaps let me look at the back.  
44  
11:29:46 45 COMMISSIONER: We might take the mid-morning break now.  
46  
11:29:50 47 MR WINNEKE: Yes, thanks Commissioner.



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(Short adjournment.)

COMMISSIONER: Yes Mr Winneke.

MR WINNEKE: Thanks Commissioner. Now, [REDACTED] 2006 was obviously a very busy day for you?---Yes, it was.

It was on that day, I suppose, Operation Posse to a significant extent came to its conclusion in terms of the investigative stages?---Well, that's not quite correct because there were other - - -

There were other arrests afterwards but [REDACTED] [REDACTED]?---Yes.

Who was a major target of this operation?---Yes.

Was arrested?---Yes, that's correct.

During the course of that day it's apparent that Ms Gobbo had received communication from [REDACTED] family. [REDACTED] without going into any particular details of that person, had communicated with Ms Gobbo indicating that she'd been unable to contact [REDACTED] and she'd left a message. Were you aware of that fact, that there were people who were close to [REDACTED] who were not being able to communicate with him?---No, I was not.

It would stand to reason though that's something that would be occurring because to all intents and purposes he'd just gone off the radar?---That's correct, yes.

And it seems that Ms Gobbo was providing assistance in that respect because she was telling her handlers about those matters and if, for example, you go to the ICRs on page, on [REDACTED] 2006, which I think is about 263 or 4, you'll see that - again, I don't want to sort of put bio data out. If we go to an entry at 13:15 on the Tuesday, if we can just come down a bit there. You'll see there - just read that, she receives the SMS from [REDACTED]. Been unable to contact him. See that?---Yes, I do.

And then if you go down to 13:52 regarding a message left by [REDACTED], the source indicated that or that inquiries would be made to solve the issue and Purana was advised and there was an arrangement put in place to have [REDACTED] SMS a

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message to [REDACTED]. Do you see that?---Yes, I see that.

That's obviously been facilitated with the assistance of Ms Gobbo?---Well it appears to be. It's all news to me but - - -

I understand that but I mean you know of the general issues which are around this investigation and I'm just putting to you that whilst it might be unbeknownst to you in the background Ms Gobbo, through her handlers, is providing assistance which is facilitating the smooth operation of your investigation, you accept that?---Well from this entry, yes, that appears to be - this is the first time I've read this entry, I've read it in 15 seconds and it appears to be the case, yes.

Then at 14:32, "Called the source back, advised the same regarding it had been passed on to [REDACTED], there's no need for the source to contact [REDACTED]. Then at 18:13 there's communications between [REDACTED], or at least there's evidence of communications between [REDACTED] who is shortly to be arrested, and Ms Gobbo. Left a message. From Operation Purana, he has not been arrested yet. Discussed options and decided to have the source make a call. Clearly there was a communication between Purana and the handlers and a decision was made as to how best Ms Gobbo should deal with that situation, do you see that?---Yep. Yes, I do.

And call Ms Gobbo. Advised her to make the call to [REDACTED] to see what he wanted. Obviously she's feeling sick and stressed and she's reassured, do you see that?---I see that, yes.

Then at 19:00 you'll see that - immediately before that it seems that there's a [REDACTED] been [REDACTED] nearby the St Kilda Road police station with a view to debriefing Ms Gobbo after her involvement in the events which are shortly to take place, do you see that?---What time frame was that?

Just above 19:00?---Yes, I see that.

"[REDACTED] at the [REDACTED] [REDACTED] in [REDACTED] Road (indistinct) pending debrief", do you see that?---Yes.

What I'm suggesting to you it's expected by all concerned, by you, by the handlers that Ms Gobbo is going to be



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11:57:41 1 involved, she's going to be speaking to the people who are  
11:57:44 2 arrested and there's going to be a debriefing following, do  
11:57:47 3 you accept that?---I accept my same answer as I said  
11:57:53 4 before, I haven't read this and some of this information is  
11:57:56 5 new to me. I didn't realise that [REDACTED] had rang her just  
11:58:02 6 before [REDACTED]'s arrest. That occurred just before his  
11:58:06 7 arrest so I was unaware of that. Same as the previous  
11:58:09 8 answer, this is the first I've read about it, this is  
11:58:12 9 obviously occurring in the background that I wasn't aware  
11:58:14 10 of. But it appears from what is written here that what you  
11:58:18 11 suggest is correct.

11:58:20 12  
11:58:21 13 It may or may not be that you know about the - obviously I  
11:58:26 14 accept that you don't know about these sorts of granular  
11:58:30 15 details, but what I do suggest is that it was expected by  
11:58:33 16 investigators that Ms Gobbo would be called by [REDACTED]  
11:58:36 17 and he would request her to attend and she would do  
11:58:42 18 so?---Yeah, I don't know if I'd agree with that.

11:58:46 19  
11:58:46 20 Right?---I certainly agree with the part that I would  
11:58:51 21 expect that on [REDACTED]'s arrest he would want to call  
11:58:56 22 Ms Gobbo.

11:58:56 23  
11:58:56 24 Yes?---That that seems to be fairly obvious.

11:58:59 25  
11:58:59 26 Yes?---I was just unaware in the background about what  
11:59:05 27 Victoria Police was doing in response to that, whether we  
11:59:07 28 were going to allow it, which we obviously did, or what  
11:59:10 29 discussions were taking place in relation to what would  
11:59:14 30 happen when that occurred.

11:59:15 31  
11:59:15 32 All right, I understand that. I'm simply putting it to you  
11:59:18 33 because the evidence, albeit you may or may not be aware of  
11:59:23 34 it, appears to suggest that at least the handlers are aware  
11:59:30 35 and expect that Ms Gobbo is going to be involved in the  
11:59:33 36 process because they've [REDACTED] in the vicinity  
11:59:36 37 to debrief her in much the same way as had occurred  
11:59:40 38 following the arrest of [REDACTED] a [REDACTED] days  
11:59:45 39 earlier?---Yes.

11:59:45 40  
11:59:45 41 Do you follow what I'm saying?---Yes, I do.

11:59:47 42  
11:59:47 43 So the evidence suggests that at the very least Ms Gobbo's  
11:59:52 44 handlers, and I suggest Purana investigators, and I accept  
11:59:55 45 what you say, you didn't know, but Purana investigators  
12:00:00 46 were aware that that was going to take place also?---Well I  
12:00:04 47 don't know if we needed to know that at that stage. I

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12:00:07 1 certainly wasn't aware of it, that they were going to do a  
12:00:10 2 debriefing process and I don't know if Jim O'Brien or  
12:00:13 3 others were aware of it or not.  
12:00:15 4  
12:00:15 5 In any event it certainly wouldn't be, it wouldn't have  
12:00:19 6 been a shock to you, nor would you expect it to have been a  
12:00:22 7 shock to Mr O'Brien when Ms Gobbo turned up following [REDACTED]  
12:00:29 8 [REDACTED]'s arrest?---Well, no, it wasn't a shock.  
12:00:35 9  
12:00:42 10 If you have a look at a note at 20:16, there's a call by  
12:00:57 11 the source to her handlers. Someone called the source from  
12:01:00 12 a particular mobile number, possibly [REDACTED] or similar,  
12:01:05 13 wanting to meet the source at the [REDACTED]?---I see it.  
12:01:09 14  
12:01:09 15 You know that's [REDACTED] do you?---No, I don't.  
12:01:16 16  
12:01:16 17 The evidence that we have is there's a person called [REDACTED]  
12:01:20 18 who is otherwise known as [REDACTED]?---I know who [REDACTED]  
12:01:25 19 [REDACTED] is, he was the one who was arrested on [REDACTED]. I  
12:01:28 20 just didn't know his nickname, that's all.  
12:01:30 21  
12:01:30 22 He is with the [REDACTED] which we subsequently  
12:01:36 23 learned were to be [REDACTED] to [REDACTED]?---Yes.  
12:01:37 24  
12:01:38 25 Although you say you didn't know that at the time, okay.  
12:01:41 26 And then at 20:30 there's a note that the handlers are  
12:01:49 27 called by the source. The male was [REDACTED] who was at  
12:01:55 28 [REDACTED]'s house who was just released from [REDACTED] police  
12:01:58 29 station. He is worried about himself. [REDACTED] told him it's  
12:02:02 30 all right to talk to the source. He was worried about a  
12:02:04 31 [REDACTED] that [REDACTED] and [REDACTED] and he was  
12:02:07 32 worried that [REDACTED] was a give up, as two minutes after  
12:02:12 33 he arrived [REDACTED] in. Clearly at that stage the  
12:02:15 34 arrest had taken place?---Yes, that's correct.  
12:02:18 35  
12:02:18 36 At 21:45 there's a reference to [REDACTED] wanting an update  
12:02:24 37 regarding [REDACTED]?---Yes.  
12:02:26 38  
12:02:26 39 And source told him that she was waiting on a call. When  
12:02:30 40 he gets to the police station [REDACTED] called the  
12:02:33 41 source and said that she was driving around with [REDACTED]  
12:02:37 42 as the police would not let her into the house and the  
12:02:41 43 source obviously told her to look after herself. Then  
12:02:41 44 there's a further communication that at 23:02, 2 minutes  
12:02:52 45 past 11, there was a call Ms Gobbo. She's on her way to  
12:02:57 46 St Kilda Road to see [REDACTED] and all is clear out the  
12:03:01 47 front of the St Kilda Road building with respect to



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concerns about meeting him. Do you see that?---Yes, I see that.

Clearly [REDACTED] had been arrested, if you like, or at least made to appear as if he'd been arrested as well, would that be fair to say?---That's correct, yes.

And Ms Gobbo was attending at St Kilda Road to see [REDACTED] because in effect [REDACTED] would do what would be expected and that is to call a solicitor or call a lawyer and Ms Gobbo had to play that part, do you accept that?---I don't know if I do. I think when I initially heard you make that comment I think it was more about that welfare and just an extension of those previous conversations that had occurred during the previous few days.

All right. So you would say rather than putting on a front or putting on a show that she was going to see him for the first time when he'd been arrested, you say it's more of a welfare visit, would that be fair to say? Is that what you say?---That was my conclusion when you made that comment, that he's just been involved in a dramatic arrest and would probably be a bit upset and she would go there to calm him down.

[REDACTED]?---[REDACTED], yes.

The fact is he wasn't arrested, he was already effectively under arrest?---Yes, that's correct.

Insofar as him being surprised or upset by it, it might have been upsetting for him, nonetheless he was aware of what was going to occur?---Oh yes, without doubt he was aware.

He had been speaking to Ms Gobbo on a relatively regular basis beforehand which you had been facilitating?---That's correct.

He was aware of what was going on and he wouldn't have been surprised to have been arrested in that [REDACTED], if I could put it that way?---No, he wouldn't have been. No, he would have been briefed about it.

Exactly. It would be reasonable though and it would be expected, if you like, so as other people took the view that this wasn't all a sham, that a solicitor might come

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12:05:13 1 along and see him?---Yeah, I don't agree with that  
12:05:18 2 summation of that comment, I just - and even the comment  
12:05:23 3 there about it being all clear in the front of the  
12:05:29 4 building.  
12:05:29 5  
12:05:29 6 Yes?---That would suggest that she was going to, you know,  
12:05:32 7 we didn't want her to be exposed to it. You know, I make  
12:05:35 8 these comments not really aware of the circumstances at the  
12:05:38 9 time, but that would suggest that - your theory would  
12:05:44 10 suggest that we wanted everybody to know that she was there  
12:05:48 11 to represent [REDACTED].  
12 12  
12:05:49 13 Yes?---Where that comment would indicate that no, that's  
12:05:52 14 not quite right, we just want to sneak her in so she could  
12:05:57 15 calm him down.  
12:05:58 16  
12:05:58 17 In any event she went there for another reason and that was  
12:06:01 18 to attend to [REDACTED] as well?---She did, yes.  
12:06:04 19  
12:06:05 20 If we can then have a look at your diary. As I understand  
12:06:16 21 it you're involved in the arrest?---Yes, I am.  
12:06:20 22  
12:06:23 23 And you indicate that - perhaps if we go to p.278 of your  
12:06:29 24 diary. The first thing we see at the top of the page is  
12:06:42 25 that a statement was taken from [REDACTED]?---Correct.  
12:06:46 26  
12:06:47 27 Regarding the events of the previous day?---Yes.  
12:06:49 28  
12:06:50 29 And it says two previous statements were also taken, is  
12:06:58 30 that right, or were signed, what does that note say?---I  
12:07:02 31 think that says "amended days", that would suggest to me a  
12:07:06 32 draft might have had a wrong date on it and then they were  
12:07:09 33 amended and signed by [REDACTED].  
12:07:10 34  
12:07:11 35 There and then a couple of statements were taken by [REDACTED]  
12:07:14 36 [REDACTED] concerning the events of the previous days, is that  
12:07:17 37 right?---A short statement was taken for each deployment.  
12:07:21 38  
12:07:21 39 And so the first obviously with respect to [REDACTED] and then  
12:07:25 40 the deployment with respect to [REDACTED]?---And then [REDACTED]  
12:07:30 41 and [REDACTED] later that day, yes.  
12:07:32 42  
12:07:35 43 So the evidence that was obtained with respect to [REDACTED] was  
12:07:39 44 effectively the same evidence that was going to enable you  
12:07:43 45 to arrest [REDACTED] but it was decided to do that down  
12:07:47 46 the track and not immediately, is that right?---Yes, the -  
12:07:55 47 the initial plan was to deploy [REDACTED] to [REDACTED]



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12:08:02 1 [REDACTED], go through that arrest and then immediately deploy  
12:08:06 2 him to [REDACTED] When the phone call was made, believe  
12:08:11 3 it or not at that time [REDACTED] indicated that he was  
12:08:13 4 in bed and that he wouldn't be available for an hour and a  
12:08:17 5 decision was made, that that was too risky, that we couldn't  
12:08:21 6 keep [REDACTED]'s arrest quiet for that hour, so we  
12:08:24 7 didn't progress with the [REDACTED] arrest at that stage  
12:08:28 8 and he was arrested much later down the track.  
12:08:30 9  
12:08:30 10 He stayed out for quite some time because of the fact that  
12:08:33 11 he was in bed?---Yes, he did.  
12:08:35 12  
12:08:35 13 When was he ultimately arrested?---I'll check. You'll have  
12:08:42 14 to - - -  
12:08:43 15  
12:08:44 16 Many months later?---It was many months later, yes. What  
12:08:47 17 occurred was we ended up starting subsequent investigations  
12:08:50 18 on him and he ended up being arrested for those.  
12:08:54 19  
12:08:59 20 There's another briefing?---Yes.  
12:09:02 21  
12:09:02 22 And on this occasion it's by Detective Acting Inspector  
12:09:06 23 O'Brien?---Yes.  
12:09:07 24  
12:09:07 25 It's given to Detective Superintendent Grant and also  
12:09:13 26 Steendam again, is that right?---Correct.  
12:09:15 27  
12:09:15 28 It's about - and the arrest crews, is that right?---Yes.  
12:09:21 29  
12:09:21 30 The briefing is about what's to occur?---Yes.  
12:09:23 31  
12:09:23 32 Again any reference, do you believe, to Ms Gobbo's  
12:09:26 33 involvement or not?---I highly doubt it.  
12:09:28 34  
12:09:29 35 And then the details that you've got recorded there in your  
12:09:33 36 diary are effectively what was, that was the subject or the  
12:09:38 37 contents of the briefing, is that right?---That's right,  
12:09:41 38 yes.  
12:09:41 39  
12:09:43 40 And then you, over the following page you move to the  
12:09:47 41 vicinity of the address?---Yes.  
12:09:49 42  
12:09:49 43 And that's about 22 minutes past 6?---Yes.  
12:09:53 44  
12:09:53 45 And then you arrest the two males?---With [REDACTED] initially  
12:10:00 46 arresting them, yes.  
12:10:00 47

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12:10:01 1 [REDACTED]. And the details are set out as to the people who  
12:10:07 2 are arrested. Now, can I ask you this: the reality is  
12:10:12 3 [REDACTED] wasn't in fact arrested, was he, because he was  
12:10:16 4 already under arrest?---Yes, that's correct.  
12:10:17 5  
12:10:17 6 What you've got in your notes there, is that set out there  
12:10:22 7 for a particular reason?---No.  
12:10:25 8  
12:10:26 9 Why would you say two males had been arrested?---I think  
12:10:31 10 that's just - I didn't put it there to try and confuse or  
12:10:37 11 ever think that this page would be shown in a court of law  
12:10:40 12 and that this would show that [REDACTED] was arrested that  
12:10:45 13 day. I think it was just the process I went through. Yes,  
12:10:49 14 I go there, he's been [REDACTED]. [REDACTED]'s been  
12:10:53 15 secured, someone else has been secured and that's just a  
12:10:56 16 normal process I go through.  
12:10:58 17  
12:10:58 18 I follow that, I follow that. And then over the page  
12:11:03 19 there's a description of matters which are not particularly  
12:11:08 20 relevant to this exercise. And you've done, you've set out  
12:11:14 21 drawings of the place that was the subject of the search,  
12:11:17 22 is that right?---Yes.  
12:11:18 23  
12:11:20 24 And is [REDACTED] at that stage advised of his  
12:11:26 25 rights?---Yes.  
12:11:26 26  
12:11:26 27 That's at p.280, is that right?---Correct.  
12:11:30 28  
12:11:30 29 And that's at quarter past 9 or - sorry, quarter past  
12:11:38 30 7?---Yes.  
12:11:38 31  
12:11:38 32 There's a video record of interview of [REDACTED]  
12:11:42 33 commences?---Yes.  
12:11:42 34  
12:11:43 35 Was he asked if he wanted to speak to a lawyer at that  
12:11:46 36 stage?---Yes.  
12:11:47 37  
12:11:47 38 And what did he say?---So he's asked if he wants to speak  
12:11:54 39 to a lawyer and/or a friend or relative and his response  
12:12:00 40 was, "Let [REDACTED] know".  
12:12:01 41  
12:12:02 42 So he didn't ask to speak to Ms Gobbo or anyone else at  
12:12:05 43 that stage?---Not at that stage, no.  
12:12:07 44  
12:12:08 45 Obviously the video record of interview is  
12:12:11 46 conducted?---Yes.  
12:12:11 47



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12:12:12 1 And that - - - ?---And that would all, I'm presuming from  
12:12:15 2 my notes that these are directly off the video, so they  
12:12:18 3 were the responses he made whilst being recorded.  
12:12:21 4  
12:12:21 5 I follow that. Would you have recorded those  
12:12:24 6 contemporaneously or would you have recorded them  
12:12:27 7 subsequently?---I can't answer. It would be very close to  
12:12:30 8 the time. If not at the time shortly after. I think I was  
12:12:35 9 conducting the interview so I was narrating the video  
12:12:40 10 recording, so it would have been after.  
12:12:42 11  
12:12:42 12 Then if we go over past your diagrams we get to the early  
12:12:51 13 morning of [REDACTED]. Is he taken then to St Kilda  
12:12:57 14 Road?---Yes, he is.  
12:12:59 15  
12:12:59 16 And he's put into an interview room 3, is that  
12:13:03 17 right?---That's right, at five past 1 in the morning.  
12:13:06 18  
12:13:06 19 What's happened to [REDACTED] at that stage?---That's a good  
12:13:13 20 question, I'm not sure.  
12:13:14 21  
12:13:15 22 Perhaps if you go over the page that might assist you  
12:13:19 23 because - it may not. So it appears that he was back at  
12:13:25 24 the police complex as well.  
12:13:27 25  
12:13:27 26 Yes?---And there's an entry there where I've conveyed  
12:13:32 27 Ms Gobbo to speak to - no, that's [REDACTED]. I  
12:13:40 28 only have an entry I briefly spoke to [REDACTED] and that he  
12:13:47 29 was all correct.  
12:13:48 30  
12:13:49 31 And you spoke to solicitor Nicola Gobbo?---Well I've got an  
12:13:55 32 entry there, "Conveyed solicitor Gobbo to speak to [REDACTED]  
12:13:59 33 [REDACTED]". So he had been arrested by another crew at  
12:14:03 34 another location on the same evening.  
12:14:04 35  
12:14:05 36 I follow that. If you go above that, it says, "Liaise with  
12:14:08 37 Detective Acting Inspector O'Brien re [REDACTED]"?---Yes.  
12:14:11 38  
12:14:12 39 I assume you just are making sure that [REDACTED] is still  
12:14:18 40 okay?---Yes, that's what I presume that was about, yes.  
12:14:21 41  
12:14:21 42 I assume he is still in custody?---He is.  
12:14:23 43  
12:14:24 44 He wasn't arrested?---No, he wasn't deployed in any  
12:14:27 45 fashion.  
12:14:27 46  
12:14:28 47 Then you spoke to solicitor Nicola Gobbo, is that

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12:14:31 1 right?---Yes.

12:14:31 2  
12:14:32 3 And "all correct", what does that indicate?---I'm not sure.  
12:14:40 4 It might have been something along the lines of the welfare  
12:14:45 5 of [REDACTED], whether he was okay, hadn't been injured,  
12:14:50 6 something along those lines.

12:14:51 7  
12:14:51 8 Immediately after you speak to [REDACTED] and he's okay. It  
12:14:55 9 might be you're speaking to Ms Gobbo, "Are you okay,  
12:14:58 10 everything's under control" and you write, "All  
12:15:03 11 correct"?---Yeah, I don't know.

12:15:05 12  
12:15:06 13 It would be unusual - all correct basically is everything's  
12:15:10 14 under control, is that right?---Yes, yes.

12:15:11 15  
12:15:12 16 You're pausing because it would be surprising to say to a  
12:15:15 17 solicitor, "Is everything under control, are you okay?" Is  
12:15:18 18 that why you're pausing there?---I suspect it's more to do  
12:15:22 19 with [REDACTED] than it is to do with Ms Gobbo.

12:15:25 20  
12:15:26 21 Yes, all right. Then immediately after you speak to him  
12:15:29 22 and he says everything's okay?---Yes.

12:15:32 23  
12:15:34 24 So it may well be that you're making sure that she's  
12:15:38 25 okay?---Yeah, well, I don't have any recollections of  
12:15:43 26 having any concerns for her at that stage. I tend to think  
12:15:47 27 that it's more related to she would be concerned about  
12:15:50 28 whether [REDACTED] was okay or not and I'm just reassuring  
12:15:54 29 her that that's the case.

12:15:55 30  
12:15:55 31 Okay, all right. In any event you convey Ms Gobbo to speak  
12:16:00 32 to [REDACTED]?---Correct.

12:16:02 33  
12:16:06 34 Had he at that stage asked for her?---So - well I would  
12:16:15 35 presume so because why else would I convey her there?

12:16:19 36  
12:16:20 37 I don't know, I'm asking you?---He was arrested by other  
12:16:25 38 police officers so I would have to check with them to  
12:16:28 39 determine whether he asked for her or not.

12:16:32 40  
12:16:32 41 All right. In any event she was conveyed to him?---Yep.

12:16:36 42  
12:16:37 43 And one assumes for the purposes of providing or purporting  
12:16:42 44 to provide legal advice, is that right?---Yes.

12:16:44 45  
12:16:44 46 Clearly [REDACTED] was arrested to a significant extent  
12:16:53 47 because of information provided by Ms Gobbo from [REDACTED]



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12:16:57 1 [REDACTED]?---As he - yeah, he was [REDACTED], yes.

12:17:01 2  
12:17:01 3 Indeed I think you said to me yesterday that he came on to  
12:17:04 4 the radar because it became apparent that he was a  
12:17:08 5 confederate of [REDACTED] and that became apparent to  
12:17:13 6 Victoria Police because of information provided by  
12:17:15 7 Ms Gobbo?---I don't think it was solely because of  
12:17:18 8 Ms Gobbo. I think it was part of our investigation process  
12:17:21 9 as well but I certainly don't deny that she provided  
12:17:24 10 information about [REDACTED].

12:17:26 11  
12:17:26 12 Yes, all right. And so, look it stands to reason, we've  
12:17:29 13 been across this ground yesterday, the fact is there is a  
12:17:34 14 clear conflict of interest which would have been apparent  
12:17:38 15 to you in her advising him of his rights?---Well, that  
12:17:41 16 appears to be so but I revert to a similar answer is that  
12:17:45 17 once he asked for a particular solicitor, it's very hard  
12:17:49 18 for us to do anything about it.

12:17:51 19  
12:17:51 20 Except in circumstances where it's quite obvious to you  
12:17:55 21 that in fact she's not really a solicitor at all, she's an  
12:17:59 22 agent of Victoria Police. She is more a police officer  
12:18:03 23 than she is a lawyer in this circumstance I suggest to  
12:18:06 24 you?---I understand what you're saying in relation to that.  
12:18:08 25 All I'm saying is that it was really difficult for us to  
12:18:14 26 say, if he says, "I want to speak to her to get advice",  
12:18:18 27 it's really difficult for us to divert him from that  
12:18:22 28 practice.

12:18:22 29  
12:18:23 30 It was difficult for you to tell him the truth and the  
12:18:26 31 truth was she was hopelessly compromised and couldn't  
12:18:30 32 provide him with independent legal advice?---I wouldn't  
12:18:33 33 consider telling him the truth that she was operating as a  
12:18:37 34 human source, yes.

12:18:37 35  
12:18:37 36 You might not tell him the truth but you might be able to  
12:18:40 37 do other things and tell her things. We have been across  
12:18:44 38 this ground before?---Yes, we have.

12:18:45 39  
12:18:46 40 It's quite clear, what I suggest to you is that no steps  
12:18:48 41 were taken to prevent what had occurred on the [REDACTED] from  
12:18:53 42 recurring on the [REDACTED], the early morning of the [REDACTED]?---No,  
12:18:57 43 that's correct.

12:18:57 44  
12:19:01 45 I mean, at the very least it could have been said to her by  
12:19:04 46 you, you could have taken her aside instead of taking her  
12:19:08 47 directly to see him, and telling her, "Listen, you simply

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12:19:13 1 cannot see this fellow, he might or might not make  
12:19:17 2 admissions, who knows". But no effort was made to prevent  
12:19:21 3 her from seeing him?---I certainly didn't have that  
12:19:24 4 conversation with her, that's correct.  
12:19:26 5  
12:19:26 6 And there was nothing preventing you from doing so?---There  
12:19:29 7 was nothing preventing me from doing so but I didn't really  
12:19:30 8 consider it my role at that stage. And as I indicated  
12:19:33 9 earlier, I mention it again, he had asked for her, or I  
12:19:39 10 believe he'd asked for her, it's not in my diary.  
12:19:43 11  
12:19:43 12 It's not in your notes?---No, but I cannot imagine why else  
12:19:46 13 I would take him to her, and at that stage I thought, well,  
12:19:54 14 he's asked for her, I can't deflect otherwise.  
12:19:57 15  
12:19:57 16 On one view, let's just assume Ms Gobbo is acting like the  
12:20:03 17 Sergeant in the next room and going in to provide legal  
12:20:07 18 advice, purported legal advice to a person to plead guilty  
12:20:12 19 or assist them or whatever, knowing that she has no right,  
12:20:16 20 no ethical function to be there. If that's what she's  
12:20:23 21 doing, it's conceivable that she's perverting the course of  
12:20:26 22 justice?---Certainly that wasn't something we ever  
12:20:30 23 considered at the time.  
12:20:30 24  
12:20:31 25 But why wouldn't you? I mean if you know that this person  
12:20:35 26 is not going to provide independent legal advice and is  
12:20:40 27 going to pretend to be a lawyer, why wouldn't you consider  
12:20:43 28 whether or not that person is perhaps perverting the course  
12:20:46 29 of justice?---I revert to an answer I made yesterday,  
12:20:50 30 wrongly or, I presume it is wrongly from everything that's  
12:20:54 31 come out, but there was a thought that even though that she  
12:20:58 32 had provided information that led to [REDACTED] arrest,  
12:21:04 33 that she could still provide advice to these different  
12:21:08 34 people.  
12:21:09 35  
12:21:10 36 Again, I mean there were plenty of senior police officers  
12:21:13 37 around, Mr O'Brien was there, it may well even be that the  
12:21:19 38 inspectors were still there, who knows, there might have  
12:21:22 39 been people on call you could have communicated with. No  
12:21:26 40 effort was made to communicate by either you or Mr O'Brien,  
12:21:31 41 or anyone else with more senior police officers, to check  
12:21:33 42 that what you were doing was the appropriate course to  
12:21:37 43 take?---None was made by me on that night, that's correct.  
12:21:39 44  
12:21:40 45 You say you don't believe you raised it with Mr O'Brien, or  
12:21:43 46 do you say that or not?---During the night?  
12:21:45 47



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12:21:45 1 Yes?---Not at all, no. I think we were at that stage well  
12:21:50 2 down a course of action in relation to conducting this  
12:21:54 3 investigation and arresting these people and that was what  
12:22:00 4 our, certainly that's what my and my crew was focused on.

12:22:04 5  
12:22:04 6 All right then. Then having spoken to [REDACTED] and  
12:22:10 7 said whatever she was going to say to him, and she goes  
12:22:14 8 into - what you say is that she spoke to the same, is that  
12:22:22 9 right, that's in your notes?---Spoke to same alone, yes.

12:22:26 10  
12:22:26 11 Alone, yes. And then - did you have a discussion with her  
12:22:37 12 when she came out of the interview room or came out from  
12:22:42 13 speaking to him?---It's possible.

12:23:00 14  
12:23:00 15 Do you recall Ms Gobbo suggesting to you that it might be  
12:23:06 16 advisable for you to write down in your notes that she  
12:23:09 17 provided him with all of his legal options?---No, I don't  
12:23:11 18 recall that. Sorry, can you run that by me again? She  
12:23:16 19 said - - -

12:23:17 20  
12:23:17 21 There was a conversation, and it may well be that there's  
12:23:19 22 evidence of a conversation between you and Ms Gobbo in  
12:23:23 23 which Ms Gobbo suggested that it might be worthwhile for  
12:23:28 24 you to write down in your notes that she had provided him  
12:23:31 25 with options or legal options for him to exercise?---No, I  
12:23:36 26 don't recall that.

12:23:36 27  
12:23:37 28 Right, okay. If she had advised, suggested that, it's  
12:23:42 29 unlikely that you would have done so, wouldn't it? Do you  
12:23:46 30 follow what I'm saying?---Yes.

12:23:48 31  
12:23:48 32 If she'd have said to you, you knowing she's a police agent  
12:23:52 33 and if she'd have said to you, "Look, it might be an idea  
12:23:55 34 for you to write down in your notes that I provided him  
12:23:58 35 with all of his legal options", you'd say to yourself,  
12:24:04 36 "Well I don't know if I'd do that"?---No, I disagree with  
12:24:07 37 that. If [REDACTED] indicated he wanted to speak to  
12:24:12 38 someone else we wouldn't hesitate to facilitate that.

12:24:16 39  
12:24:16 40 I understand that. But if she said to you, "Write down in  
12:24:19 41 your notes that I told, I gave [REDACTED] legal advice and  
12:24:29 42 various legal advices", would you write that down in your  
12:24:38 43 notes or not?---You know, difficult question. I try and  
12:24:44 44 take as much notes as I do but generally if a - if she told  
12:24:51 45 me that - I don't know.

12:24:57 46  
12:24:57 47 I might just play an audio whilst we're here. If I could

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12:25:03 1 do this, it's an audio of [REDACTED], p.36, at 32 minutes and  
12:25:13 2 four seconds. I think Mr Skim has been told about this  
12:25:16 3 one.

4  
5 (Audio recording played to hearing.)

6  
12:26:55 7 Do you see that?---Yes, I do.

8  
12:26:58 9 What she appears to be saying is, "After I came out I said  
12:27:02 10 to Dale, when I came out of seeing [REDACTED], I said, look",  
12:27:09 11 and it doesn't appear on the transcript, I suggest it says,  
12:27:12 12 "Look, I want you to put a note in your diary that this is  
12:27:16 13 what I've said to him because I don't want anyone later on  
12:27:20 14 saying, you know, if it all comes out I didn't give him his  
12:27:23 15 options and I didn't do this and I didn't do that. And I  
12:27:24 16 said I'll make a note but by the time I make a note it will  
12:27:28 17 be three hours later or something". What she's saying to  
12:27:32 18 you is, "It might be worthwhile you making a note in your  
12:27:35 19 diary that I've given him all his options". In other  
12:27:38 20 words, "I have done what a lawyer should do and provided  
12:27:42 21 this person with proper legal advice", do you see  
12:27:45 22 that?---Yes, I see that.

12:27:46 23  
12:27:47 24 You didn't make any note in your diary to that  
12:27:50 25 effect?---No, I haven't.

12:27:51 26  
12:27:51 27 And I suggest the reason you didn't is because it would be  
12:27:55 28 somewhat strange for you to make a note in your diary that  
12:28:00 29 a lawyer had told you what she'd done with respect to her  
12:28:05 30 client?---I'm at a loss, sir. I can't remember being told  
12:28:12 31 this from Ms Gobbo and it's, I just, I don't, I can't  
12:28:18 32 remember it.

12:28:18 33  
12:28:18 34 I follow what you're saying. But I mean this occurs on the  
12:28:22 35 [REDACTED], so clearly it's occurred at some stage in the hours  
12:28:27 36 after the events, right?---Yes.

12:28:31 37  
12:28:31 38 Do you accept that?---Yes.

12:28:32 39  
12:28:32 40 And you're accepting that that's accurate and there's a  
12:28:35 41 discussion about the difficult position that she's in.  
12:28:41 42 Admittedly you're not there but you accept that what she's  
12:28:46 43 saying is that she's in a hopelessly conflicted  
12:28:50 44 situation?---Yes.

12:28:50 45  
12:28:51 46 Do you accept that?---Yes.

12:28:52 47



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12:28:52 1 But she says, "I was conscious of giving him independent  
12:28:56 2 advice to that extent, to the extent that I've got so many  
12:28:59 3 conflicts now it's beyond a joke". Now certainly that  
12:29:03 4 appeared to be obvious to her at the time. You say it  
12:29:07 5 wasn't obvious to you at the time?---It wasn't obvious  
12:29:12 6 about the conflict?  
12:29:13 7  
12:29:14 8 Yes?---Probably to a lesser extent than [REDACTED] but, you  
12:29:19 9 know, I think, you know, we would have preferred that all  
12:29:26 10 these accused got different solicitors on the night but I  
12:29:31 11 come back to what I've said a number of times previously is  
12:29:34 12 that they asked for her.  
12:29:36 13  
12:29:36 14 Yes. That meeting having taken place, that is she having  
12:29:47 15 seen [REDACTED]?---Yes.  
12:29:48 16  
12:29:48 17 You then take her to see [REDACTED], is that  
12:29:59 18 right?---Yes.  
12:30:00 19  
12:30:01 20 So if you have a look at your notes on p.786, you go into  
12:30:05 21 the interview room and you commence - in interview room 3,  
12:30:09 22 you commence the interview with [REDACTED], is that  
12:30:12 23 right, with Mr Rowe? Do you see that? You caution him and  
12:30:23 24 you give him his rights?---Sorry, earlier up, yes.  
12:30:27 25  
12:30:27 26 At 2:28, asks him if he wants to exercise his rights, he  
12:30:32 27 says yes, he would like to speak to Ms Gobbo?---Yes.  
12:30:35 28  
12:30:35 29 The interview is then suspended?---Correct.  
12:30:38 30  
12:30:38 31 To the 8th floor and you grab Ms Gobbo who's, what, she's  
12:30:43 32 still speaking to Cvetanovski?---Yes.  
12:30:45 33  
12:30:45 34 You wait until that concludes and that's at  
12:30:51 35 02:40?---Correct.  
12:30:51 36  
12:30:52 37 And Ms Gobbo then - you introduce yourself to [REDACTED],  
12:30:59 38 is that right?---Correct.  
12:31:01 39  
12:31:02 40 And obviously there's no notes there about what Ms Gobbo,  
12:31:06 41 you know, in effect what Ms Gobbo's advice is there?---No,  
12:31:13 42 there's nothing there.  
12:31:14 43  
12:31:14 44 And then you explain the delay because of the number of  
12:31:22 45 your inquiries and so forth, then at 02:50 you convey  
12:31:28 46 Ms Gobbo to the 12th floor and she speaks to [REDACTED]  
12:31:31 47 in interview room 3?---Correct.

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12:31:32 1  
12:31:43 2 What I want to do is - I just want to put another  
12:31:48 3 transcript to you and it occurs shortly after the one that  
12:31:54 4 we've just played. That was at p.36. And I want to ask  
12:32:01 5 you about something that was, that she said at p.41. We  
12:32:06 6 haven't got an audio prepared, I just want to read it out  
12:32:09 7 to you. If we can find it it would be worthwhile putting  
12:32:21 8 it on the screen. You see, I think you accept that  
12:32:30 9 [REDACTED]'s a person who was accused of being [REDACTED]  
12:32:36 10 for the Mokbels, is that right, [REDACTED]?---For [REDACTED]  
12:32:41 11  
12:32:42 12 Yes?---But it went further than that, he was involved in  
12:32:45 13 the [REDACTED], both at the [REDACTED] and the  
12:32:49 14 [REDACTED].  
12:32:50 15  
12:32:50 16 Then you've got Mr Green saying, "You think if you and [REDACTED],  
12:32:54 17 if you had a bloke doing all [REDACTED], you'd  
12:32:57 18 be, you wouldn't be in a hurry to hell the whole truth  
12:33:01 19 about that aspect and I don't think anyone would anticipate  
12:33:06 20 that you would". Ms Gobbo says, in effect what she's doing  
12:33:11 21 is telling the handlers what she's learnt from speaking to  
12:33:14 22 him. "How come they turn up at the search and the search  
12:33:19 23 warrant was all about these [REDACTED]? What's that  
12:33:22 24 all about, why are they doing that? He said, 'Why is  
12:33:26 25 aiding, aiding and abetting trafficking?' He said,  
12:33:29 26 'They're going to charge me with trafficking drugs but they  
12:33:32 27 had this different warrant" and I said, 'Well obviously  
12:33:35 28 they think it's, you're connected to [REDACTED] situation  
12:33:39 29 from drugs'. Had to explain the concept of a trafficking  
12:33:43 30 charge, a trafficking charge, even though he hasn't, even  
12:33:47 31 if he hasn't sold any drugs. I mean the definition of  
12:33:51 32 trafficking, manufacturing and blah, blah, blah'."  
12:33:52 33 Effectively what Gobbo is doing is telling the handlers  
12:33:55 34 what she was asked and what she told?---Yes.  
12:33:58 35  
12:33:58 36 Right. And then there's further communications between  
12:34:07 37 Mr Green and Ms Gobbo and then further down Mr White says,  
12:34:13 38 "But when you, when you explained it to him, did he  
12:34:16 39 understand it? And he said, 'Yeah', as if, 'Yeah, well I'm  
12:34:21 40 [REDACTED] and I know what you're talking about now  
12:34:25 41 or I still know what you're talking about'. And she said,  
12:34:28 42 'No, he's still being vague'. White says, 'Do you think  
12:34:31 43 deliberately?' She said, 'Well, when I walked out there he  
12:34:34 44 was really contemplating answering questions and I said to  
12:34:40 45 Dale, "Can you have a bit of a word with him because he may  
12:34:45 46 well", and I also explained to him the option of, you know,  
12:34:49 47 help yourself if you want to, there's some assistance you



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12:34:51 1 could give to the police'", and in the transcript it says  
12:34:55 2 "I think I said" but if you listen to it I suggest it says,  
12:34:58 3 "But he kind of said, well I don't really know anything"  
12:35:02 4 and Gobbo then says, "Yes you do, I know you do because [REDACTED]  
12:35:06 5 has told me you do". Over the page, White says, "But  
12:35:13 6 perhaps he doesn't know the importance of what he might  
12:35:15 7 know". But do you accept that that is what Ms Gobbo said  
12:35:22 8 to you?---I think that's correct, yes. I do seem to  
12:35:25 9 remember Ms Gobbo indicating to me at one stage that  
12:35:30 10 [REDACTED] may want to provide assistance to police.  
12:35:34 11 It never eventuated, but I seem to remember that I was  
12:35:37 12 getting that information, I'm not sure if it was directly  
12:35:40 13 from her, I think it might have been.

12:35:41 14  
12:35:42 15 Yes, well it stands to reason. Because you went up to  
12:35:45 16 collect her to bring her down to see [REDACTED]?---I did.

12:35:48 17  
12:35:49 18 Indeed what you did after having spoken to her was to then  
12:35:52 19 go in and speak to [REDACTED], introduced  
12:35:56 20 yourself?---Yes.

12:35:56 21  
12:35:57 22 And I suggest the reason you did that is because Ms Gobbo  
12:36:00 23 had said it might be worthwhile you going in and having a  
12:36:03 24 word to him because you might be able to get him to  
12:36:06 25 roll?---That probably makes sense, yes.

12:36:08 26  
12:36:08 27 Again, that would be a clear indication that Ms Gobbo is  
12:36:11 28 acting as a police agent and not a lawyer?---Well, I don't  
12:36:17 29 know if I'd agree with that.

12:36:18 30  
12:36:19 31 Okay?---If she came out as his solicitor and said, "Look,  
12:36:24 32 he's thinking about cooperating with police", well she  
12:36:27 33 could say that as his lawyer, as his legal representative.

12:36:32 34  
12:36:32 35 She might say that as his legal representative but she  
12:36:37 36 might also as it as an agent for the police?---Yep.

12:36:37 37  
12:36:40 38 And that would be certainly consistent with her acting  
12:36:42 39 consistently as she had done since the very time that she  
12:36:45 40 commenced operating with Purana, acting as an agent for the  
12:36:50 41 police?---Yes, both is correct, yes.

12:36:52 42  
12:36:52 43 Certainly at that stage he would be vulnerable as a person  
12:36:57 44 who hadn't been involved, at that stage he hadn't been  
12:37:01 45 involved in criminal activities - he didn't have priors,  
12:37:05 46 did he?---I'm not sure. I don't think so but I'm not sure,  
12:37:09 47 I'd have to check.

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12:37:10 1  
12:37:10 2 In any event from what she's saying to her handlers, she's  
12:37:14 3 saying, "Look", she's saying to you, "You might want to go  
12:37:21 4 and have a word to him"?---Yes.  
12:37:23 5  
12:37:23 6 "Because I've explained his options and it might well be  
12:37:26 7 that he'll help you out"?---Yes, that does ring true to me.  
12:37:31 8 At some stage I received information that he could possibly  
12:37:34 9 assist.  
12:37:35 10  
12:37:35 11 The reality is the conservative advice from lawyers in this  
12:37:40 12 circumstance is, "Let's wait and see what the police have  
12:37:42 13 before we start putting our hand up and providing  
12:37:45 14 assistance to the police", that's conservative advice,  
12:37:49 15 isn't it?---Well, you know, most of the advice in  
12:37:51 16 investigations I'm involved, they're just told to say no  
12:37:55 17 comment. That's generally what happens.  
12:37:57 18  
12:37:57 19 Yes. The reason being generally a lawyer who doesn't know,  
12:38:01 20 who hasn't been actually a part of the operation, who  
12:38:05 21 hasn't been an agent of the police, won't know what  
12:38:09 22 evidence is available to investigators. The conservative  
12:38:12 23 advice is to say to someone, "Listen, let's just wait and  
12:38:14 24 see what there is before we start making  
12:38:16 25 admissions"?---That sounds plausible, yes.  
12:38:18 26  
12:38:18 27 And that's not the way she was operating at all. It was  
12:38:21 28 quite apparent to you that she was operating as an agent of  
12:38:25 29 police?---I certainly knew that she was acting as a human  
12:38:31 30 source. I said it before, there was maybe a misguided  
12:38:35 31 belief that she could still offer at least to people other  
12:38:39 32 than [REDACTED] some legal advice, either cooperate or don't  
12:38:42 33 cooperate.  
12:38:42 34  
12:38:42 35 Yes?---That seems fairly straightforward. But I accept  
12:38:46 36 what you say.  
12:38:47 37  
12:38:48 38 All right. In any event you yourself, even at that time, I  
12:38:52 39 think you say so in your statement, it was even more  
12:38:55 40 complex the situation that she's now acting for, apparently  
12:39:02 41 acting for [REDACTED] she's apparently acting for [REDACTED],  
12:39:07 42 she's apparently acting for [REDACTED]. I mean it's a  
12:39:08 43 hopeless situation, isn't it?---It's certainly more  
12:39:11 44 complex. The main complexity in my eyes, for what it's  
12:39:16 45 worth, was more to do with [REDACTED] than these other  
12:39:19 46 people. But, yeah, it's all complex, I accept that.  
12:39:22 47



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12:39:22 1 Were you aware that there would be communications between  
12:39:27 2 her and her handlers where she would be advising her  
12:39:31 3 handlers that particular people with whom she dealt would  
12:39:36 4 be vulnerable to an approach to assist police, were you  
12:39:40 5 aware of that?---I don't know whether I was aware of those  
12:39:43 6 details but it doesn't surprise me that she was in  
12:39:47 7 communication with her handlers.  
12:39:48 8  
12:39:48 9 Not only that, if the handlers were in effect, the way it's  
12:39:54 10 been described to us is that you the investigators are the  
12:39:57 11 clients of the handlers, and so if they provide you with a  
12:39:59 12 service and if they've got an informer who is saying,  
12:40:02 13 "Look, this particular person might well be vulnerable to  
12:40:05 14 an approach", you would act upon it?---Yes.  
12:40:08 15  
12:40:11 16 What I'm suggesting to you is that her conduct here is  
12:40:14 17 entirely consistent with the conduct of a person who was a  
12:40:19 18 part of your operation?---Well, it's pretty difficult to  
12:40:24 19 argue against it at this point.  
12:40:26 20  
12:40:26 21 Okay, all right then. In any event, after going in and  
12:40:29 22 speaking to [REDACTED] and attempting to get him on  
12:40:34 23 board, will you accept that that's what you were trying to  
12:40:36 24 do?---Yes.  
12:40:37 25  
12:40:37 26 You then conveyed Ms Gobbo down to speak to [REDACTED]  
12:40:40 27 [REDACTED]?---Correct.  
12:40:41 28  
12:40:42 29 And then she speaks to [REDACTED] from 2.53, is that  
12:40:56 30 right?---Yes.  
12:40:57 31  
12:40:57 32 And then at about quarter past 3 we see that the meeting  
12:41:02 33 between Gobbo and [REDACTED] concludes, is that  
12:41:05 34 right?---Correct.  
12:41:05 35  
12:41:06 36 And Gobbo then comes out and says to you that he wants to  
12:41:10 37 plead to [REDACTED]?---Yes.  
12:41:15 38  
12:41:15 39 Again, that would be pretty extraordinary, wouldn't it,  
12:41:18 40 that you'd get a lawyer come down, go and speak to a client  
12:41:21 41 and come out and say, "He wants to plead to [REDACTED]  
12:41:26 42 [REDACTED]"?---Well it's not common, no. But  
12:41:29 43 certainly, you know, [REDACTED] was caught with a [REDACTED]  
12:41:32 44 [REDACTED] he was caught red-handed  
12:41:36 45 so to speak, and he - well, so he was caught red-handed,  
12:41:44 46 so.  
12:41:44 47

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12:41:44 1 I follow that. But even then generally the dust settles,  
12:41:49 2 doesn't it, before you start getting offers like  
12:41:52 3 that?---Yes, yes, it's unusual from that point of view,  
12:41:55 4 yes.  
12:41:55 5  
12:41:56 6 And it would be most unusual, I suggest, for something like  
12:42:00 7 that to occur in the ordinary course of events?---Well,  
12:42:06 8 correct, and you know those, [REDACTED] made a no comment  
12:42:10 9 interview and it took some, probably months, if not years,  
12:42:14 10 to sort out the charges in the end, but - - -  
12:42:18 11  
12:42:19 12 Ultimately he went through a contested committal?---Yes, he  
12:42:23 13 did.  
12:42:23 14  
12:42:24 15 I withdraw that, I think there was a committal. I think  
12:42:27 16 his hand up went directly to - he reserved his plea, didn't  
12:42:32 17 he?---I can't remember. I know it seemed to have resolved  
12:42:35 18 fairly, without too much contest and I know there was a lot  
12:42:38 19 of discussions between myself and well initially Ms Gobbo  
12:42:42 20 and then others in relation to resolving the matter.  
12:42:45 21  
12:42:45 22 Right. We'll come to that in due course, but effectively  
12:42:48 23 Ms Gobbo became involved in, in effect, as providing advice  
12:42:57 24 to him and acting as a conduit between you and he in  
12:43:01 25 attempting to resolve his charges?---Yes, that's correct.  
12:43:05 26  
12:43:08 27 I take it you would have continued to be conscious of the  
12:43:12 28 complexities which would have been involved in that  
12:43:15 29 circumstance?---Yes.  
12:43:16 30  
12:43:30 31 One of the ongoing problems that Ms Gobbo had, and indeed  
12:43:36 32 Victoria Police had, whenever there was a contested hearing  
12:43:42 33 coming up was the very real risk that Ms Gobbo would be  
12:43:46 34 exposed as having been involved in this operation and as  
12:43:53 35 having advised [REDACTED] on the night of his arrest on [REDACTED]  
12:43:57 36 [REDACTED]?---Yes, that was a concern.  
12:43:59 37  
12:44:00 38 And you would have been conscious that at all times she was  
12:44:04 39 concerned about that?---Yes.  
12:44:05 40  
12:44:06 41 And to have her advise him and perhaps putting pressure on  
12:44:13 42 a person to plead guilty in those circumstances would  
12:44:16 43 clearly put her in a conflict because it might be said that  
12:44:19 44 she was seeking to do that to avoid the possibility of her  
12:44:23 45 being exposed?---Yeah, I don't know if I can argue with  
12:44:29 46 that, but I don't know if it was a thought process I had at  
12:44:32 47 the time.



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12:44:33 1  
12:44:33 2 I follow that. It stands to reason, doesn't it, that every  
12:44:36 3 time there's a contested hearing there's a risk that  
12:44:39 4 Ms Gobbo is going to be exposed?---Yes, that's right.  
12:44:41 5  
12:44:41 6 And it was a matter that she was concerned about?---Yes, it  
12:44:44 7 was.  
12:44:44 8  
12:44:45 9 And it was a matter that you and the handlers were  
12:44:47 10 concerned about, to be frank?---Correct, yes.  
12:44:49 11  
12:45:37 12 If I can go to a transcript on the same day, that is the  
12:45:42 13 [REDACTED] at p.98. This is later on in the discussion  
12:46:16 14 on the [REDACTED]. Mr White says, "Could you imagine the  
12:46:20 15 pressure they'd bring down on themselves" - it's either oh  
12:46:28 16 no or I know, "You said the other night", if you listen to  
12:46:33 17 the transcript it says, "They'll kill you, I know you're  
12:46:37 18 very concerned about that and quite rightly. It's easy for  
12:46:40 19 me to say I don't" and Ms Gobbo says, "But that's really,  
12:46:41 20 that's the". Mr White says, "I don't believe for a minute  
12:46:46 21 that they would ever do that". Ms Gobbo says, "But that's  
12:46:50 22 only if they've got to, got to reach a stage of absolute  
12:46:55 23 proof and they haven't reached that and what I failed to  
12:46:59 24 remember until tonight was that just because I've spoken to  
12:47:03 25 somebody and you imagine the worst case scenario, they see  
12:47:07 26 a no comment record of interview where [REDACTED] has asked  
12:47:10 27 to speak to me and he's spoken to me, how do they know from  
12:47:14 28 that what my involvement is? I mean sure, in a committal  
12:47:18 29 some police officers who leave my name and all the stuff in  
12:47:23 30 their diaries, notes, well that might come out but maybe it  
12:47:26 31 won't and generally [REDACTED] has been, [REDACTED] has" - if  
12:47:34 32 you listen to it it says, "You know the ins and outs of  
12:47:38 33 exactly what's happened with [REDACTED] and not putting  
12:47:42 34 diary notes, then nor should the fact that I've spoken to  
12:47:45 35 him or been near him, and then the context of your  
12:47:52 36 conversation with [REDACTED] wouldn't appear anywhere".  
12:47:55 37 Ms Gobbo says, "No, I mean Jim O'Brien's offered to give  
12:48:00 38 diary notes with all his stuff in it". Mr Green says, "I  
12:48:04 39 don't think Jim O'Brien will ever be in Melbourne when the  
12:48:08 40 court case is on". He goes on to say, it says, "So we'll"  
12:48:12 41 but if you listen to it I suggest it says, "Although he  
12:48:17 42 will be on the phone waiting eagerly for an update".  
43 Ms Gobbo says, "He must be pretty happy with all of this".  
12:48:22 44 Mr White says, "But you've got no fear about that material  
12:48:24 45 coming from Jim O'Brien's notes". And Ms Gobbo says, "No,  
12:48:28 46 no, no, I figured that". Mr White says, "Full stop". Now,  
12:48:34 47 what that suggests is, certainly insofar as the handlers

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12:48:39 1 are concerned, is that there's not going to be anything in  
12:48:42 2 notes about Ms Gobbo's involvement. Now is that something  
12:48:47 3 that you were aware of, that there would be very few notes  
12:48:57 4 concerning Ms Gobbo?---That, that seems to refer to notes  
12:49:02 5 of Jim O'Brien's.  
12:49:03 6  
12:49:04 7 Yes?---I don't know if it includes the broader aspect.  
12:49:06 8  
12:49:07 9 Yes?---Certainly I never had any discussions or any  
12:49:10 10 instructions to reduce the amount of notes that I was  
12:49:15 11 including in my diary.  
12:49:16 12  
12:49:16 13 Yes?---And as you can see by the day, I've included her  
12:49:19 14 involvement.  
12:49:20 15  
12:49:20 16 Yes, I follow that. All right. Commissioner, can I tender  
12:49:24 17 those transcripts of [REDACTED].  
18  
12:49:30 19 COMMISSIONER: I think I've got that as p.36, p.90 and  
12:49:35 20 p.98. Were there some other pages? Perhaps we better  
12:49:40 21 tender the tapes as well.  
12:49:42 22  
12:49:42 23 MR WINNEKE: And the tapes, Commissioner, yes.  
12:49:43 24  
12:49:43 25 COMMISSIONER: Is that all, p.36 and p.98 for the time  
12:49:53 26 being?  
12:49:54 27  
12:49:54 28 MR WINNEKE: Yeah, there's 19, 36, 41 and that final one.  
12:50:07 29  
12:50:07 30 COMMISSIONER: Did you say 36 or 46?  
12:50:09 31  
12:50:10 32 MR WINNEKE: 36, 41 and 98.  
12:50:15 33  
12:50:25 34 #EXHIBIT RC 549A - (Confidential) Unredacted audio between  
12:50:27 35 Nicola Gobbo and handlers on [REDACTED]/06.  
36  
37 #EXHIBIT RC 549B - (Redacted version.)  
38  
12:50:25 39 #EXHIBIT RC 549C - Unredacted transcript between  
12:50:27 40 Nicola Gobbo and handlers on [REDACTED]/06.  
41  
12:50:54 42 #EXHIBIT RC 549D- (Redacted version.)  
12:50:54 43  
12:50:58 44 MR WINNEKE: Thanks Commissioner.  
12:50:58 45  
12:50:59 46 COMMISSIONER: At some point too we'll need to tender the  
12:51:02 47 relevant pages of the diary that we've been doing through.



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12:51:07 1  
12:51:08 2 MR WINNEKE: Yes, I've got more references.  
12:51:09 3  
12:51:10 4 COMMISSIONER: As long as you've got all the pages to go.  
12:51:12 5 Some pages have been tendered already some time back but -  
12:51:18 6 - -  
12:51:18 7  
12:51:18 8 MR WINNEKE: I tendered some the last time, I think the  
12:51:21 9 week before last and perhaps I'll do it in a - - -  
12:51:24 10  
12:51:24 11 COMMISSIONER: When you've got them all you can give us the  
12:51:27 12 page numbers of the diary that would be good.  
12:51:31 13  
12:51:31 14 MR WINNEKE: Yes, thanks Commissioner.  
12:51:32 15  
12:51:32 16 COMMISSIONER: It will help with the PII.  
12:51:40 17  
12:51:40 18 MR WINNEKE: That ended, I suppose that phase of the  
12:51:42 19 operation, there were some arrests subsequent to that, were  
12:51:46 20 there?---I think the only other one on the night was  
12:51:49 21 [REDACTED].  
12:51:49 22  
12:51:50 23 [REDACTED] is arrested, yes?---I'm not sure. I don't even  
12:51:56 24 think he was charged that night, I think he was charged  
12:52:00 25 later on down the piece.  
12:52:01 26  
12:52:01 27 Later on he was charged, yes. Subsequent to that you still  
12:52:06 28 maintained contact with Ms Gobbo. You obviously had close  
12:52:12 29 contact with [REDACTED] is that right?---Yes.  
12:52:14 30  
12:52:17 31 He had to go to court initially, he had a filing hearing on  
12:52:21 32 the morning of the [REDACTED]th, right? And I think you make a  
12:52:30 33 note in your diary on that day?---The [REDACTED]th was - yes,  
12:52:37 34 filing hearings for all who had been arrested on the [REDACTED]th,  
12:52:42 35 yes.  
12:52:42 36  
12:52:42 37 Ms Gobbo speaks to you on that day and tells you that she  
12:52:48 38 was worried about [REDACTED]---Yes.  
12:52:52 39  
12:52:52 40 And she said that [REDACTED] had seen him in the Custody Centre  
12:52:58 41 and that concerned [REDACTED]?---Correct.  
12:53:00 42  
12:53:01 43 And was anything done about that?---I don't think so.  
12:53:08 44 Certainly we would have been putting in place with  
12:53:12 45 Corrections when [REDACTED] went into the system that he was  
12:53:15 46 segregated from other accused.  
12:53:19 47

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12:53:20 1 Yes?---I don't think this incident initiated that but that  
12:53:25 2 would have been done as a matter of course.  
12:53:28 3  
12:53:28 4 It would have become pretty apparent reasonably soon after  
12:53:31 5 this that [REDACTED] was the source of the information which  
12:53:35 6 had led to the arrest of [REDACTED]?---Yes, that's  
12:53:38 7 correct.  
12:53:38 8  
12:53:43 9 I think in your notes you make reference to Gobbo being,  
12:53:53 10 arrangements being made for Ms Gobbo to see [REDACTED], is  
12:53:57 11 that right?---What time are you talking about?  
12:54:00 12  
12:54:00 13 15:15, after court?---There's, yes, there's a comment there  
12:54:15 14 about her [REDACTED] to see, to see him.  
12:54:19 15  
12:54:19 16 Yes, yes. And did that occur at that stage or subsequently  
12:54:25 17 to your knowledge?---I don't think so.  
12:54:28 18  
12:54:30 19 That's what she wanted to do, is that right?---Yes, the - -  
20 -  
21  
12:54:34 22 He had a concern about his [REDACTED] situation and it may be  
12:54:39 23 necessary for her to [REDACTED] in to see him?---So [REDACTED]  
12:54:45 24 [REDACTED] were a concern of his.  
12:54:46 25  
12:54:46 26 Yes?---And I think in the pitch part of it all we had  
12:54:52 27 indicated to [REDACTED] that we would try and get some time  
12:54:57 28 for him to sit down and speak to [REDACTED] prior to going  
12:55:02 29 into the system.  
12:55:03 30  
12:55:03 31 Yes?---If he cooperated with us.  
12:55:05 32  
12:55:05 33 Yes?---That actually never occurred because [REDACTED]  
12:55:09 34 wouldn't, didn't want to be part of it.  
12:55:10 35  
12:55:11 36 Yes. And so therefore it was necessary for perhaps  
12:55:15 37 Ms Gobbo to step in and see if she could facilitate it in  
12:55:20 38 some way, shape or form?---Yes, that appears to be it, yes.  
12:55:23 39  
12:55:23 40 And you, I take it, were - you would have attempted to try  
12:55:27 41 and facilitate that?---Well, certainly [REDACTED] were  
12:55:36 42 important to him and I'd kind of given him an undertaking  
12:55:42 43 that we'd try and assist him in that area, so yes, I would  
12:55:45 44 have.  
12:55:45 45  
12:55:45 46 You made a telephone call to [REDACTED] at the Office of  
12:55:49 47 Corrections, is that right?---Yes.



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12:55:50 1  
12:55:51 2 Was that with a view to seeing if you could facilitate  
12:55:54 3 that?---Possibly.  
12:55:54 4  
12:55:55 5 And you came to have a fairly close professional  
12:56:00 6 relationship with [REDACTED] because it was with him that you  
12:56:04 7 had to communicate quite regularly when it came to making  
12:56:07 8 arrangements about [REDACTED]?---There were a number of  
12:56:11 9 different Corrections staff that I became familiar with.  
12:56:14 10 He was one of them, yes.  
12:56:15 11  
12:56:18 12 If you go over the page to the next page of your diary,  
12:56:24 13 290, there's a note about Ms Gobbo there. What does that  
12:56:29 14 say?---"Made telephone call solicitor Nicola Gobbo.  
12:56:32 15 Notified [REDACTED] been moved to [REDACTED] and [REDACTED] to  
12:56:40 16 [REDACTED] tomorrow morning." So it's just about the movement  
12:56:42 17 of both [REDACTED] and [REDACTED].  
12:56:44 18  
12:56:45 19 She wanted to know where he was and if he could see her, is  
12:56:50 20 that right?---She was concerned about his welfare so she  
12:56:53 21 wanted to be updated about his welfare from time to time.  
12:56:57 22  
12:56:58 23 And [REDACTED] would call you and then you would notify  
12:57:01 24 Ms Gobbo, is that right?---Well, yes, I'd probably call  
12:57:04 25 [REDACTED] and ask him what was going on and I'd pass that  
12:57:08 26 information on to Ms Gobbo.  
12:57:09 27  
12:57:09 28 That's the first entry in your diary on the following page,  
12:57:12 29 that is p.290, correct?---Yes.  
12:57:17 30  
12:57:18 31 That follows on from a discussion that you'd had with  
12:57:21 32 Ms Gobbo on the previous page?---Yes.  
12:57:23 33  
12:57:23 34 And then later on you did speak to her and you notified her  
12:57:28 35 of [REDACTED] and [REDACTED]'s location, is that right?---Correct.  
12:57:33 36  
12:57:33 37 And they were moving tomorrow morning?---Yes.  
12:57:36 38  
12:57:37 39 Then the following day, the [REDACTED] of [REDACTED], you spoke to  
12:57:42 40 Ms Gobbo again?---Yes.  
12:57:48 41  
12:57:50 42 And she'd called you and you returned - I'm sorry, you  
12:57:54 43 returned a telephone call from Detective Senior Constable  
12:57:58 44 Hantsis, is that right?---Yes.  
12:57:59 45  
12:57:59 46 And he'd received a telephone call from Nicola Gobbo, is  
12:58:05 47 that right?---Yep. She that is.

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12:58:06 1  
12:58:06 2 I'm sorry, and [REDACTED] had conflict with [REDACTED], nil  
12:58:13 3 violence, is that right?---Yes.  
12:58:16 4  
12:58:17 5 Then you went to the Melbourne Magistrates' Court on that  
12:58:20 6 day?---I did.  
12:58:21 7  
12:58:22 8 For a committal hearing, is that right?---Yes, totally  
12:58:27 9 different matter.  
12:58:27 10  
12:58:27 11 And you spoke to Ms Gobbo again?---Yes.  
12:58:29 12  
12:58:30 13 And she'd spoken to [REDACTED], is that right?---Yes.  
12:58:33 14  
12:58:36 15 He wasn't particularly happy and there's a reference there  
12:58:39 16 that he was [REDACTED], is that  
12:58:46 17 right?---Yes, that's a comment I got from him on quite a  
12:58:49 18 number of occasions.  
12:58:50 19  
12:58:50 20 From him?---From him, yes.  
12:58:52 21  
12:58:52 22 She passed that on?---Yes.  
23  
12:58:53 24 And effectively she was telling you that [REDACTED]  
12:58:57 25 [REDACTED] and you had left him for  
12:59:01 26 dead?---Correct.  
12:59:02 27  
12:59:02 28 I can't read that last part, what's that say?---Just R with  
12:59:05 29 a circle means my reply and it says I would speak to [REDACTED]  
12:59:08 30 [REDACTED] in due course.  
12:59:09 31  
12:59:10 32 In due course. That was one of, I suggest, a number, quite  
12:59:16 33 a number of communications which occur where Ms Gobbo is  
12:59:21 34 conveying messages from him to you and vice versa, it  
12:59:28 35 occurs, is that right?---Yes, that's correct.  
12:59:30 36  
12:59:41 37 On [REDACTED] 2006 you receive a telephone call from Ms Gobbo  
12:59:49 38 and she was complaining that [REDACTED] needed money for  
12:59:53 39 basic supplies in prison, is that right?---Correct.  
12:59:57 40  
12:59:58 41 And if we go to p.273 of the ICRs we see that there's a  
13:00:02 42 note that she was seeing [REDACTED] on Saturday. He has no  
13:00:09 43 money and she will take him some. She has to let the  
13:00:15 44 prison know as professional visitors can't normally take  
13:00:18 45 money. There was still no news about his adjournment, and  
13:00:24 46 that is of his earlier matters I assume?---Yes.  
13:00:27 47



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13:00:27 1 And she saw you at court briefly and that's no doubt - -  
13:00:31 2 -?---Yes.  
3  
13:00:31 4 Is that something - did you see her that day?---Well that I  
13:00:35 5 think refers - this is updated the [REDACTED], so I presume it  
13:00:41 6 was - - -  
13:00:41 7  
13:00:41 8 This is dated [REDACTED]. No, I'm sorry, it's [REDACTED], I  
13:00:46 9 apologise?---Yes.  
13:00:49 10  
13:00:50 11 Now he needed additional money?---He needed money, yes.  
13:00:55 12  
13:00:55 13 He only has \$[REDACTED] a month?---I think that's what the maximum  
13:00:59 14 of the prison allowance was allowed at the time.  
13:01:01 15  
13:01:02 16 What was the situation, what role did [REDACTED] have with  
13:01:07 17 facilitating payments to [REDACTED]?---Well [REDACTED] did  
13:01:10 18 facilitate payments, [REDACTED] would put money - - -  
13:01:13 19  
13:01:13 20 [REDACTED] did?-- [REDACTED] would put money into his, I think it was  
13:01:16 21 called a spend account with the prison system for his, I  
13:01:19 22 think it was every month and it was his day-to-day  
13:01:25 23 toiletries and things like that.  
13:01:27 24  
13:01:27 25 What I want to suggest to you is that the way in which it  
13:01:29 26 occurred was this: Ms Gobbo initially was providing the  
13:01:32 27 funds to make those payments, is that right?---I think  
13:01:34 28 that's correct, yes.  
13:01:35 29  
13:01:35 30 Whether or not they were her funds or funds that had been  
13:01:38 31 provided by [REDACTED] prior to going into custody, you  
13:01:44 32 don't know, is that right?---Correct.  
13:01:46 33  
13:01:46 34 You're inclined to accept now that he had [REDACTED] an  
13:01:49 35 [REDACTED] and it may well be that [REDACTED]  
13:01:52 36 out of which that, [REDACTED] were being made?---Well,  
13:01:56 37 it's possible. It's been mentioned that he [REDACTED]  
13:02:00 38 [REDACTED] It's possible, I don't know if it's true, or  
13:02:07 39 correct.  
13:02:07 40  
13:02:08 41 COMMISSIONER: Yesterday I think you said he told you  
13:02:09 42 that?---He has told me that recently, yes, that he has left  
13:02:12 43 her [REDACTED].  
13:02:14 44  
13:02:14 45 Did he say what that sum was?---I think it was - I don't  
13:02:18 46 know if I went into any details. This was only a  
13:02:21 47 conversation several months ago.

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13:02:22 1  
13:02:23 2 Yes, I understand that?---I don't know if he elaborated on  
13:02:27 3 whether it was for his, for the legal funds. I'm not sure  
13:02:30 4 if he elaborated on it.  
13:02:32 5  
13:02:32 6 But did he say the amount?---He did say the amount, he said  
13:02:36 7 [REDACTED]  
13:02:37 8  
13:02:37 9 [REDACTED]---Yes.  
13:02:40 10  
13:02:43 11 MR WINNEKE: Now, what [REDACTED] did, I suggest, was to in  
13:02:53 12 effect put in place an arrangement whereby money was paid  
13:02:56 13 into his account and it was done in such a way that [REDACTED]  
13:03:02 14 [REDACTED] that it was Ms Gobbo who was making the  
13:03:05 15 payments?---I don't think that's correct. [REDACTED] would arrange  
13:03:08 16 those payments to go into the account and to the best of my  
13:03:14 17 recollection [REDACTED] did it in a way that [REDACTED] believed it was  
13:03:17 18 coming from [REDACTED]. Whether, whether she was telling  
13:03:22 19 him that, "Well I've organised that, I'm providing that  
13:03:26 20 money, it's my money, but it comes under the name of [REDACTED]  
13:03:29 21 [REDACTED]".  
13:03:29 22  
13:03:30 23 Yes?---I'm not sure, [REDACTED] organised the money to go in, it  
13:03:33 24 was indicating it was coming from [REDACTED].  
13:03:35 25  
13:03:36 26 From [REDACTED]. What Ms Gobbo makes plain here is that  
13:03:41 27 professional visitors can't provide money. She couldn't  
13:03:45 28 provide the money as a professional visitor and so it was  
13:03:49 29 done through [REDACTED]?---That makes sense. I wasn't  
13:03:52 30 aware of that but that makes sense.  
13:03:54 31  
13:03:54 32 I suggest to you that what [REDACTED] simply did was to  
13:04:00 33 continue that pre-operating system and the only difference  
13:04:04 34 was that instead of the money coming from Ms Gobbo, it was  
13:04:07 35 coming from [REDACTED]?---I'm unsure of what  
13:04:14 36 involvement she was involved in delivering the money, but  
13:04:16 37 at some stage [REDACTED] initiated those payments and  
13:04:20 38 [REDACTED] arranged those from time to time.  
13:04:22 39  
13:04:23 40 Yes. This is evidence from the handlers, communications  
13:04:28 41 with Ms Gobbo?---It may very well be, but I'm unaware of  
13:04:33 42 it.  
13:04:33 43  
13:04:34 44 You're unaware of that. But ultimately what you did was to  
13:04:39 45 money in in such a way that it appeared to be coming from  
13:04:42 46 [REDACTED]?---Yes.  
13:04:43 47



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1 That's what you know?---Yes.

13:04:44 3 Is that unusual for [REDACTED] to be making payments  
13:04:47 4 to witnesses?---Well, witnesses of this calibre are unusual  
13:04:57 5 in any event but there are other investigations where I've  
13:05:00 6 been involved where [REDACTED] have provided some  
13:05:04 7 funding to facilitate, you know, the upkeep and the well  
13:05:13 8 care of the witness.

13:05:15 9  
13:05:16 10 Perhaps if we go to the ICR 2958, this is the second set of  
13:05:25 11 ICRs at - 16 October, ICR number 43, 16 October 2008. 677.  
13:06:06 12 You'll see there under the heading "SDU issue", and it's  
13:06:11 13 clearly, or at least it appears to be information coming  
13:06:14 14 from you, "[REDACTED] has re-established contact with Ms Gobbo but  
13:06:19 15 now had a falling out". Now, you recall that Ms Gobbo  
13:06:24 16 initially had a falling out with [REDACTED] subsequent to  
13:06:28 17 him being sentenced, is that your recollection?---I can't  
13:06:33 18 put a time frame on it but I know that they had falling  
13:06:37 19 outs from time to time, yes.

13:06:39 20  
13:06:40 21 She gave him a serve about lying in the trial and [REDACTED] says  
13:06:45 22 before he was arrested he gave her [REDACTED],  
13:06:50 23 some went on his plea, paid to [REDACTED], \$[REDACTED].  
13:06:55 24 \$[REDACTED] went to [REDACTED] plea, to her, she did the  
13:07:00 25 plea, you understand that?---Yes.

13:07:03 26  
13:07:03 27 So in effect of the money that [REDACTED] gave to Ms Gobbo  
13:07:11 28 she directed \$[REDACTED] of that to herself for appearing, and  
13:07:17 29 perhaps the solicitor also, but - it was Tony Hargreaves -  
13:07:22 30 for doing the plea for [REDACTED] and then there were also  
13:07:28 31 fees paid to another barrister for [REDACTED]'s  
13:07:38 32 [REDACTED]?---Yes.

13:07:38 33  
13:07:39 34 And his own fees, unknown amount, didn't want to say how  
13:07:44 35 much, after all there's still some left over. Was that  
13:07:50 36 information you had provided?---No.

13:07:51 37  
13:07:54 38 "Flynn sometimes finds [REDACTED]'s figures difficult to believe  
13:07:59 39 but [REDACTED] reckons that there should have been enough to cover  
13:08:03 40 the whole of his [REDACTED] of gaol time, \$[REDACTED] per month.  
13:08:11 41 But [REDACTED] is paying. [REDACTED] doesn't know this. Hasn't been  
13:08:18 42 paid for three months by error [REDACTED] Can fix but he  
13:08:22 43 will then know or think that Flynn has spoken to Ms Gobbo.  
13:08:27 44 Usually paid in \$[REDACTED] on the [REDACTED] of each month." On one  
13:08:35 45 view that's information coming from you. That seems to be  
13:08:38 46 the case, doesn't it, because underneath "SDU issue" it  
13:08:43 47 says "from DSS Flynn"?---So the comment about the money

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13:08:48 1 paid to certain solicitors, I have no knowledge of that.  
13:08:51 2 The comment about I find [REDACTED] difficult to believe  
13:09:02 3 figures, he was a person who threw around big figures.  
13:09:07 4  
13:09:10 5 On one view there he's thrown around [REDACTED] and  
13:09:11 6 subsequently he's thrown around [REDACTED]?---Correct.  
7  
13:09:12 8 More recently?---Correct, and there were other big figures  
13:09:16 9 thrown around as well.  
13:09:17 10  
13:09:18 11 What seems to be consistent throughout is that he's been  
13:09:20 12 maintaining that he paid Ms Gobbo a significant amount of  
13:09:25 13 money in the hundreds of thousands of dollars?---Yes, I  
13:09:27 14 think I mentioned when this came up the other day, I don't  
13:09:30 15 recall back in those days being informed that he had paid  
13:09:35 16 her a significant amount of money. But as I said recently  
13:09:39 17 he has told me that.  
13:09:40 18  
13:09:40 19 Mr O'Brien I think was aware that from around this time  
13:09:43 20 that these allegations were being made by [REDACTED], that  
13:09:47 21 he had been - and he says that he discussed it with  
13:09:53 22 you?---Well, quite possibly he did but I can't recall.  
13:09:56 23  
13:09:57 24 Perhaps to be fair he said he thought he discussed it with  
13:10:00 25 you?---I don't have any recollection of discussions about  
13:10:06 26 misappropriated funds or funds along that way. I just  
13:10:08 27 can't recall it.  
13:10:08 28  
13:10:09 29 Is that right?---Yes.  
13:10:13 30  
13:10:14 31 Do you have a diary entry for 16 October 2008?---It's the  
13:10:20 32 next diary. Just excuse me.  
33  
13:11:17 34 You were in the EDF in 2008, were you?---Yes, I was. Yes,  
13:11:37 35 Thursday 16 October 2008.  
13:11:40 36  
13:11:41 37 Did you speak to Mr Smith on that day?---No, there's no  
13:12:19 38 recorded conversation with any of the SDU members.  
13:12:26 39  
13:12:26 40 What I suggest is that on 16 October 2008 there was a  
13:12:33 41 management, made in the source management log to this  
13:12:36 42 effect, "Update from Flynn of DTF. Gobbo and [REDACTED]  
13:12:41 43 have had fall out over money. Gobbo is supposed to put in  
13:12:46 44 his account". What that does suggest is that there's been  
13:12:51 45 a discussion between you and the handlers concerning  
13:12:57 46 Ms Gobbo and money?---Well - sorry, I've made an error  
13:13:09 47 there.



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13:13:09 1  
13:13:09 2 Yes?---There is an earlier conversation that I have with  
13:13:13 3 Detective Senior Constable Rowe that just says, "Made  
13:13:17 4 telephone call" - sorry, I'd just left [REDACTED] and spoken to  
13:13:24 5 [REDACTED] and I've made a telephone call to Detective  
13:13:28 6 Senior Constable Rowe re [REDACTED] of [REDACTED], but I  
13:13:31 7 have no further details. Later on I've got, "Spoke to  
13:13:36 8 Detective Senior Constable Rowe re [REDACTED], [REDACTED]  
13:13:40 9 [REDACTED] Detective Senior Constable Hantsis. [REDACTED] to  
13:13:47 10 [REDACTED] over past three months. Made  
13:13:50 11 telephone call to Mr Smith to consider same. Detective  
13:13:56 12 Senior Constable Hantsis instructed not to [REDACTED]  
13:14:00 13 until told". That seems to - - -

13:14:03 14  
13:14:03 15 That seems to suggest that that entry that we've read on 16  
13:14:07 16 October is in fact coming from you?---Yes.

13:14:10 17  
13:14:11 18 Thanks very much. Commissioner, I'm going to move on to  
13:14:15 19 another topic, I wonder if it's time?

13:14:18 20  
13:14:19 21 COMMISSIONER: Yes, sure. We'll adjourn until 2 o'clock.

22  
13:14:22 23 <(THE WITNESS WITHDREW)

13:14:22 24  
13:14:22 25 LUNCHEON ADJOURNMENT

26  
27  
28  
29  
30  
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14:04:43 1 UPON RESUMING AT 2.04 PM:  
2

14:04:43 3 COMMISSIONER: I understand certainly we'll go into  
14:04:47 4 tomorrow with this witness.  
5

14:04:49 6 MR WINNEKE: Yes, Commissioner. As much as I'd like to  
14:04:52 7 finish with Mr Flynn today, it's not going to happen.  
8

14:04:55 9 COMMISSIONER: Sorry, Mr Flynn. I understand if you  
14:04:57 10 could - at this stage we wouldn't need the next witness  
14:05:00 11 before lunchtime.  
12

14:05:02 13 MR CHETTLE: Thank you, Commissioner, I'll pass that on.  
14

14:05:04 15 COMMISSIONER: Thank you. Yes.  
14:05:06 16

14:05:07 17 <DALE FLYNN, recalled:  
18

14:05:10 19 MR WINNEKE: Thanks, Mr Flynn. What I'd like to do now is  
14:05:14 20 move into the next stage of the process. Obviously a  
14:05:21 21 couple of statements had been taken from [REDACTED], those  
14:05:26 22 which were to do with what had occurred on the [REDACTED]th, [REDACTED]th I  
14:05:33 23 think - [REDACTED]rd, [REDACTED]th?---Correct, yes. There were four  
14:05:37 24 statements, they were very short.  
25

14:05:39 26 Ultimately we understand that he ended up making somewhere  
14:05:43 27 in the vicinity of 30 plus statements; is that right?---I  
14:05:45 28 think it was over 40 but yes.  
29

14:05:47 30 Over 40 statements?---Yes.  
31

14:05:49 32 That process commenced somewhere around [REDACTED] of  
14:05:54 33 2006?---Yes.  
34

14:05:57 35 Leading into that time there were some issues that you  
14:06:04 36 needed to deal with to make sure that he was as comfortable  
14:06:09 37 as he could be where he was located?---Yeah, we had - well  
14:06:14 38 what we wanted to do was get him [REDACTED]  
14:06:19 39 so we could get [REDACTED] him to start that  
14:06:23 40 statement taking process.  
41

14:06:26 42 On [REDACTED] you went to see [REDACTED] in the prison; is that  
14:06:30 43 right?---I'll just grab my diary.  
44

14:06:34 45 Yes, by all means?---Yes, that's correct.  
46

14:07:10 47 Indeed, the day before that, I think on [REDACTED], you had a



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14:07:14 1 telephone call with Ms Gobbo; is that right?---Yes.  
2  
14:07:19 3 And what was that about? I think she wanted additional  
14:07:23 4 money for a doona and pillow, et cetera?---Yes.  
5  
14:07:28 6 He only had \$[REDACTED] a month. Then you had discussions with  
14:07:32 7 [REDACTED] at Corrections, correct?---Correct, yes.  
8  
14:07:36 9 You had a mobile telephone call with Mr Tony  
14:07:40 10 Hargreaves?---Yes.  
11  
14:07:41 12 And that concerned the capacity of [REDACTED]'s [REDACTED] to  
14:07:48 13 visit him in custody; is that right?---No, my diary entry  
14:07:52 14 indicates I detailed to Mr Hargreaves - is that the call  
14:07:56 15 you're talking about?  
16  
14:07:57 17 Yes, at 9 am on [REDACTED]?---It says, "Detail procedure for [REDACTED]  
14:08:01 18 [REDACTED]."  
19  
14:08:02 20 Yes?---Yes, to visit [REDACTED]. You're correct.  
21  
14:08:05 22 Yes, okay. You may or may not have done something to  
14:08:14 23 facilitate that?---Yeah, I may have. I'm not sure.  
24  
14:08:21 25 Yes, all right. Then the following day you went to the  
14:08:25 26 [REDACTED] Prison and you spoke to [REDACTED], there were  
14:08:28 27 welfare issues?---Yes.  
28  
14:08:33 29 What were they, [REDACTED]?---Yes.  
30  
14:08:43 31 There were issues with respect to the location - I'm sorry.  
14:08:50 32 You discussed with him the statement plan?---Yes.  
33  
14:08:55 34 That would commence the following week and it'd take five  
14:08:58 35 to ten days?---Yes, at another - - -  
36  
14:09:02 37 Was the anticipated time frame at that stage?---It was.  
38  
14:09:07 39 It went out subsequent - it sort of spun out significantly  
14:09:09 40 from five to ten days, didn't it?---It did, it went on for  
14:09:14 41 months.  
42  
14:09:14 43 For months. Then he received bail with respect to  
14:09:19 44 [REDACTED]. What was that all about?---That's just a - that  
14:09:34 45 reads, "[REDACTED] received bail on operation [REDACTED]  
14:09:40 46 [REDACTED] 03".  
47

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14:09:42 1 Yes, I follow that?---I think this is where I'm just  
14:09:44 2 starting to get - - -  
3  
14:09:46 4 Information from him?---Yes, that's correct.  
5  
14:09:47 6 If you go through your diaries in the following pages you  
14:09:50 7 take a considerable amount of information from him?---Yes.  
8  
14:09:55 9 And you spent no doubt a fair bit of time out at the prison  
14:09:59 10 on that occasion getting details from him; is that  
14:10:03 11 right?---Correct.  
12  
14:10:07 13 Are you able to say to the Commissioner what process you  
14:10:12 14 adopted to make the statements? Clearly you've taken a lot  
14:10:17 15 of detail from him and recorded that in your diary  
14:10:22 16 there?---Yes.  
17  
14:10:22 18 How does that then find its way into a statement?---So the  
14:10:26 19 first statement I took from [REDACTED] after those initial  
14:10:29 20 four was, and the strategy early on was to do like an  
14:10:38 21 overall covering statement of his entire history involving  
14:10:42 22 drugs.  
23  
14:10:43 24 Yes?---But not to be too detailed in relation to specific  
14:10:48 25 details.  
26  
14:10:48 27 Yes?---And then come back and break it down into further  
14:10:51 28 statements in relation to specific incidents.  
29  
14:10:54 30 Yes?---A lot of it was centred around [REDACTED].  
31  
14:10:58 32 Yes?---So we would go back to the [REDACTED] and talk about  
14:11:01 33 that and then we'd go to the next [REDACTED], there was one  
14:11:05 34 between that and [REDACTED] which we weren't about, so  
14:11:09 35 they'd be a statement taken about that. But as we  
14:11:11 36 progressed, you know, it kind of increased exponentially in  
14:11:15 37 relation to other information that was coming through. So  
14:11:17 38 sometimes we'd do a statement on a specific person and his  
14:11:20 39 involvement with that person, but that was the plan early  
14:11:23 40 on.  
41  
14:11:23 42 Right. What about putting it into a statement form, how  
14:11:27 43 was that done? Was it typed out on a computer? Did you do  
14:11:31 44 it or did someone else do it?---I did a lot of them, yes,  
14:11:35 45 but there were other people that assisted me from time to  
14:11:37 46 time as well. There are some statements that were taken  
14:11:40 47 from him that related to investigations that I wasn't aware



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14:11:43 1 of.  
2  
14:11:43 3 Yes?---And there was other people from my crew that were  
14:11:48 4 assisting me take statements.  
5  
14:11:50 6 Yes, okay. Ms Gobbo called you on the [REDACTED] about - sorry.  
14:12:09 7 Did Ms Gobbo call you on [REDACTED] about personal belongings  
14:12:13 8 that [REDACTED] wanted in prison?---That was on [REDACTED].  
9  
14:12:26 10 Yes?---I received a phone call from Ms Gobbo some time  
14:12:32 11 after 4.40 and, yes, she was asking questions about access  
14:12:40 12 to his house, his clothes, et cetera.  
13  
14:12:46 14 Can I put this proposition to you: you were aware that  
14:12:51 15 Ms Gobbo was in regular contact with [REDACTED]. Firstly,  
14:12:55 16 do you accept that, by way of telephone?---Well, that  
14:13:00 17 doesn't surprise me. Yes, I was aware of it. I don't know  
14:13:03 18 if I knew how frequent it was.  
19  
14:13:04 20 Yes?---But they were in communications with each other,  
14:13:07 21 yes.  
22  
14:13:07 23 And you may or may not be aware but very frequently after  
14:13:14 24 you had been to visit [REDACTED] they would communicate, she  
14:13:19 25 would telephone him or he would telephone her and then she  
14:13:22 26 would be in receipt of information, often discussing with  
14:13:26 27 him the sort of information that you'd been discussing with  
14:13:28 28 her. Was that something that you were aware of?---I think  
14:13:31 29 I was aware that he would call her. I don't know if she  
14:13:34 30 had the facility to call him.  
31  
14:13:36 32 Yes?---I think he had to instigate the phone call.  
33  
14:13:39 34 Yes?---And I don't know when I became aware of it but, you  
14:13:46 35 know, I think at some stage I identify that there was a  
14:13:50 36 pattern that he would call after I had visited.  
37  
14:13:52 38 So you'd go and visit him, you'd take a lot of detail from  
14:13:55 39 him, ask questions about certain matters. You'd leave and  
14:13:58 40 then a pattern developed whereby he would then pick up the  
14:14:02 41 telephone, contact Ms Gobbo and often would be passing on  
14:14:05 42 to her information that you and he had been  
14:14:10 43 discussing?---Yes, they would discuss what myself and  
14:14:13 44 [REDACTED] had been discussing, yes.  
45  
14:14:16 46 We know about that because then there'd be communication  
14:14:19 47 between Ms Gobbo and the handlers and that would be

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14:14:21 1 recorded?---Right.  
2  
14:14:22 3 In any event, that was something that you became aware of  
14:14:25 4 as time went by?---Yes.  
5  
14:14:28 6 Did you get the impression that she was a person who loved  
14:14:31 7 to keep tabs on what was going on, loved to be across  
14:14:35 8 information and to be in control of information?---You  
14:14:41 9 know, if you asked me to describe Ms Gobbo I think I would  
14:14:46 10 include controlling as part of the description.  
11  
14:14:48 12 Yes?---That she had a controlling nature, yes. From this  
14:14:50 13 point of view, you know, to me it was just more about she  
14:14:55 14 had genuine concerns or, you know, was generally wanting to  
14:15:04 15 look after [REDACTED]'s welfare.  
16  
14:15:07 17 That's how it appeared to you in any event?---Yes.  
18  
14:15:10 19 On [REDACTED] 2006 she wanted to make sure that she would be  
14:15:22 20 able to communicate with [REDACTED] so a request was made  
14:15:27 21 of you to enable her name to be put on his telephone list,  
14:15:33 22 is that your understanding?---I've got no mention of that  
14:15:37 23 in my diary for [REDACTED]  
24  
14:15:39 25 Perhaps if we go to the ICRs, 281. Just keep moving. If  
14:16:25 26 we just move up a bit. Keep going up. Wait on, wait on.  
14:16:37 27 So you see at 9.10 Ms Gobbo requests to get Dale Flynn to,  
14:16:43 28 for Ms Gobbo's business number to be added to [REDACTED]  
14:16:47 29 [REDACTED]'s phone list at prison?---Yes.  
30  
14:16:52 31 Previously could do so but it was deleted for some  
14:16:54 32 reason?---Yes.  
33  
14:16:55 34 Then it appears that you've done that because if we then  
14:16:58 35 move down to 12.55 we can see that that's been put into  
14:17:01 36 place because [REDACTED] can now ring Ms Gobbo and  
14:17:05 37 Ms Gobbo says thank you. Do you see that?---Yes, I do see  
14:17:10 38 that.  
39  
14:17:10 40 It appears to be the case that you've facilitated that and  
14:17:14 41 put that in place for her?---It does.  
42  
14:17:17 43 Also on that entry we see that [REDACTED] is attending  
14:17:21 44 at Ms Gobbo's office asking if he will be charged?---Right.  
14:17:28 45 Yes, I see that.  
46  
14:17:29 47 If we can just move back up the page for a moment there.



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14:17:31 1 What you can see there is the beginnings of an issue which  
14:17:34 2 arose between you and [REDACTED] and that was the removal or  
14:17:38 3 an issue which arose out of the removal of the belongings  
14:17:43 4 from [REDACTED]'s house?---Yes.  
5  
14:17:48 6 And he was quite upset about the fact that a significant  
14:17:53 7 amount of property had been seized from his house, is that  
14:17:56 8 your recollection?---Yes.  
9  
14:18:01 10 That was the cause of some consternation between him and  
14:18:05 11 Victoria Police for a while; is that right?---I don't  
14:18:08 12 remember it being a major issue but I do remember it  
14:18:11 13 occurring, yes.  
14  
14:18:14 15 Was Ms Gobbo sort of involved in attempting to smooth that  
14:18:17 16 out to your recollection?---No, not that I can recall.  
17  
14:18:22 18 In any event it seems that she became aware of it fairly  
14:18:25 19 shortly after it had occurred because is it the case that  
14:18:32 20 those or that had occurred that morning, that there'd been  
14:18:37 21 a search of [REDACTED]'s house and property seized that  
14:18:41 22 morning?---No, I think it might have occurred earlier than  
14:18:46 23 that.  
24  
14:18:47 25 Right?---Certainly on [REDACTED] there's no reference in my  
14:18:52 26 diary to a search warrant occurring.  
27  
14:18:56 28 Yes?---I'm sure there had been an earlier search warrant.  
29  
14:18:58 30 Yes?---I'm just - it's possible perhaps that the asset crew  
14:19:02 31 went back there.  
32  
14:19:03 33 Yes?---Which I wasn't involved in, but again I'm  
14:19:07 34 speculating. I'm not sure about that.  
35  
14:19:10 36 She's indicated to handlers it was her view that a large  
14:19:13 37 amount of the property that had been seized had in fact  
14:19:16 38 belonged to [REDACTED]?---That appears to be what she's  
14:19:20 39 suggesting there.  
40  
14:19:21 41 Was that your understanding or not?---I can't recall that  
14:19:23 42 conversation. I remember an issue over [REDACTED]  
14:19:27 43 complaining about the property received but I can't take it  
14:19:31 44 any further than that.  
45  
14:19:32 46 All right then. On 4 May you had a meeting with  
14:19:41 47 Mr O'Brien, Mr Bartlett, Detective Kelly and Farrar about

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14:19:46 1 the process of taking statements from [REDACTED] ---Correct.  
2  
14:19:51 3 And on that day Ms Gobbo contacted you about assets which  
14:19:54 4 had been seized from [REDACTED] and she indicated to you  
14:19:59 5 that he was unhappy about the seizure?---Yes.  
6  
14:20:10 7 If we go to p.283 of the ICRs you'll see that she had  
14:20:31 8 spoken to [REDACTED]. [REDACTED] had told [REDACTED]  
14:20:35 9 about property seized from his house and he's pretty  
14:20:38 10 unhappy about it and Ms Gobbo told [REDACTED] not to sell  
14:20:43 11 anything as he may get into trouble, do you see  
14:20:46 12 that?---Yes.  
13  
14:20:46 14 There's also a reference there to a person called  
14:20:53 15 [REDACTED]. That's immediately under that entry, do you see  
14:20:56 16 that?---Yes.  
17  
14:20:58 18 Do you know who [REDACTED] is?---Yes, I do.  
19  
14:21:00 20 Being unhappy with his sentence after cooperation with  
14:21:03 21 police and he was talking to [REDACTED] and - - - ?---Yes.  
22  
14:21:07 23 - - - this bloke put negative thoughts into his head and  
14:21:10 24 Ms Gobbo has contacted you about that, is that your  
14:21:13 25 recollection?---This is the [REDACTED]?  
14:21:17 26  
14:21:18 27 This is the [REDACTED]?---So I've certainly got a comment  
14:21:23 28 in my diary about receiving a telephone call from Ms Gobbo  
14:21:26 29 in relation to [REDACTED]  
30  
14:21:28 31 Yes?---And him complaining about the asset seizure. As I  
14:21:32 32 suggested in my last answer, it was actually done by  
14:21:35 33 another crew so I wasn't present for it.  
34  
14:21:37 35 Right?---There's no comment about the person you referred  
14:21:40 36 to as [REDACTED].  
37  
14:21:41 38 Yes?---But I do know or do recall that I think they were  
14:21:45 39 housed together for some time.  
40  
14:21:47 41 Yes?---And it didn't work out.  
42  
14:21:49 43 Was that a concern at all of Purana to your knowledge, the  
14:21:52 44 fact that [REDACTED] and [REDACTED] were housed together,  
14:21:58 45 both of these people being witnesses in very significant  
14:22:02 46 Purana investigations?---Well it was a concern because  
14:22:08 47 they're witnesses, we both want to keep them as happy as



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14:22:13 1 possible but, you know, the challenge of Corrections was,  
14:22:17 2 we understood the challenges they faced in trying to keep  
14:22:20 3 all these people separated.  
4  
14:22:22 5 [REDACTED] was another person - you know who [REDACTED]  
14:22:26 6 is?---I do know who [REDACTED] is.  
7  
14:22:28 8 He was also housed at various times with [REDACTED] and [REDACTED]?---I'm  
14:22:32 9 unaware of - - -  
10  
14:22:33 11 Are you aware of that?---I'm unaware of his link to [REDACTED], but  
14:22:37 12 I know - - -  
13  
14:22:42 14 You know that he was an associate of [REDACTED]?---Yes, I  
14:22:45 15 do.  
16  
14:22:45 17 [REDACTED]?---Yes.  
18  
14:22:46 19 And Ms Gobbo appeared to be a common link between both of  
14:22:49 20 those?---Well Ms Gobbo's relationship with [REDACTED], is  
14:22:56 21 that who we're talking about?  
22  
14:22:58 23 Yes, [REDACTED]?---I don't have any knowledge of that. But  
14:23:02 24 I know that [REDACTED] and [REDACTED] were previous  
14:23:07 25 associates.  
26  
14:23:08 27 Yes?---And I think that - I'm struggling to remember but I  
14:23:13 28 think there may have been an issue when they were together  
14:23:15 29 and whether they should have been together because they're  
14:23:18 30 witnesses potentially for the same matters.  
31  
14:23:20 32 Yes?---I seem to think that that progressed at some stage.  
33  
14:23:24 34 And there was a cross-pollination, at least a significant  
14:23:27 35 risk of a cross-pollination of information, pollution of  
14:23:30 36 statements, pollution of evidence, that was something which  
14:23:33 37 Victoria Police certainly either were aware of or perhaps  
14:23:37 38 should have been aware of?---Well, I don't think that at  
14:23:43 39 this stage - you know, [REDACTED] became a witness for  
14:23:47 40 similar prosecutions that [REDACTED] was involved in. But I  
14:23:51 41 don't think at this stage we had identified that fact.  
42  
14:23:54 43 Right?---I think it was later on in the piece where we  
14:23:56 44 obtained a statement from [REDACTED] and then we realised  
14:24:00 45 they were both witnesses for the same matter.  
46  
14:24:02 47 That became apparent as the year progressed, somewhere

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14:24:05 1 around the middle of the year that became apparent, didn't  
14:24:07 2 it?---Yes.  
3  
14:24:09 4 At or about the time that both were finalising their  
14:24:12 5 statements?---I'm struggling to remember the timing but I  
14:24:17 6 do remember it being an issue, yes.  
7  
14:24:27 8 You were aware around [REDACTED] that there had been threats  
14:24:36 9 made against [REDACTED] which had been, allegedly come from  
14:24:44 10 [REDACTED], is that right, [REDACTED]?---My reference to  
14:24:57 11 the threats started on [REDACTED].  
12  
14:24:59 13 Yes?---I'm unaware of any threats prior to then.  
14  
14:25:02 15 What do you say you became aware of?---So it's been  
14:25:07 16 mentioned previously but I visited [REDACTED] on [REDACTED]  
17  
14:25:12 18 Yes?---During that conversation there he informed me of a  
14:25:15 19 phone call that, or a discussion he'd had with Ms Gobbo  
14:25:21 20 where Ms Gobbo indicated she had received a telephone call  
14:25:24 21 from [REDACTED] and although it wasn't, the words weren't  
14:25:30 22 threatening, she implied or there was an inference there it  
14:25:33 23 was threatening.  
24  
14:25:34 25 Yes?---And also he'd had, in a different conversation he  
14:25:37 26 informed, [REDACTED] informed me he'd previously spoken to  
14:25:41 27 [REDACTED] and [REDACTED] told him he'd  
14:25:45 28 spoken to [REDACTED] and during that conversation there  
14:25:48 29 was a threat made against Nicola Gobbo.  
30  
14:25:50 31 Right, okay. Was that something that you communicated with  
14:25:54 32 Ms Gobbo about?---I certainly - I think I rang her later  
14:25:58 33 that day, yes. I called her at 6.50 that night.  
34  
14:26:05 35 Right?---So I didn't get through and we ended up speaking  
14:26:11 36 at 7.30 that night.  
37  
14:26:13 38 What was the nature of your discussion?---My diary notes on  
14:26:20 39 p.5 of this diary indicate that I detailed to Ms Gobbo a  
14:26:23 40 conversation with [REDACTED], including "threat".  
41  
14:26:27 42 Yes?---There was some discussion there about seizure of  
14:26:29 43 property and a conversation about meeting between  
14:26:36 44 [REDACTED] and [REDACTED].  
45  
14:26:39 46 Right?---So I haven't expanded in any way except for the  
14:26:43 47 word "threat".



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1  
14:26:45 2 Okay?---I suspect that I was asking her if she perceived  
14:26:48 3 the call from [REDACTED], if she did take it as  
14:26:52 4 threatening or not.  
5

14:26:53 6 All right. I wonder if we could go to the ICRs at p.291,  
14:26:57 7 please. Just whilst we're going there. On [REDACTED], or by [REDACTED]  
14:27:05 8 [REDACTED] you had put in train a process whereby [REDACTED] could  
14:27:11 9 be [REDACTED] from the [REDACTED] and placed in another  
14:27:14 10 [REDACTED] for the purposes of access and taking statements;  
14:27:18 11 is that right?---He actually was moved on [REDACTED]  
12

14:27:22 13 So you went to the prison [REDACTED]?---I was -  
14:27:28 14 others [REDACTED] but I was there, yes.  
15

14:27:33 16 If we go to a note I think at 290. We'll see that you had  
14:27:48 17 - the SDU were aware that - because you had phoned them or  
14:27:56 18 they had phoned you, to advise that you were en route to  
14:27:59 19 the gaol now to [REDACTED] to make  
14:28:02 20 statements, correct?---Yes. So just - yeah, I don't have a  
14:28:28 21 notation of that phone call but it's on the day that the  
14:28:32 22 [REDACTED] occurred so I don't doubt its accuracy.  
23

14:28:37 24 Okay. If we go down to the bottom, sorry, over to the next  
14:28:40 25 page, p.291. You'll see at the top of the page that  
14:28:46 26 [REDACTED] will not see Ms Gobbo during the statement taking  
14:28:50 27 process with Purana detectives, do you see that?---Yes.  
28

14:28:55 29 Do you know where that information came from? Immediately  
14:28:58 30 underneath that we see, "Management issue, advised the  
14:29:01 31 following from Detective Sergeant Flynn at Operation  
14:29:04 32 Purana". Is that information immediately above that  
14:29:08 33 information which has come from you or is it information  
14:29:11 34 which has come from someone else?---I don't know where that  
14:29:16 35 information came from. It doesn't ring correct because I  
14:29:20 36 know I arranged a meeting between Ms Gobbo and [REDACTED]  
14:29:24 37 within a week of this date.  
38

14:29:25 39 That's what I'm getting to. I'm wondering where that  
14:29:28 40 information came from?---I don't know, I can't assist I'm  
14:29:34 41 sorry.  
42

14:29:35 43 On one view it might be a sensible course to take to say,  
14:29:43 44 "Well look, there's no need for Ms Gobbo, who's a police  
14:29:46 45 agent, to be communicating with or speaking to [REDACTED]  
14:29:52 46 during the statement taking process"?---I don't know why  
14:29:56 47 that was made but that's a possible reason.

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1  
14:29:59 2 Yes. I mean if, for example, it's been suggested, as it  
14:30:07 3 has been prior to this, that there were huge complexities  
14:30:10 4 involved in Ms Gobbo associating with acting for [REDACTED],  
14:30:16 5 then it might be sensible just to get her right out of the  
14:30:19 6 way?--Well, I suspect most of the damage was done by this  
14:30:23 7 stage.  
8  
14:30:24 9 Yes?--But that is a consideration, yes.  
10  
14:30:28 11 There might well have been a fair bit of damage done but  
14:30:31 12 any further damage might have been able to have been  
14:30:34 13 prevented if she was just got out of the way,  
14:30:37 14 surely?--Again, I don't why that comment's there or where  
14:30:40 15 it's originated from, but it's possible for those reasons  
14:30:42 16 that you suggest, that wherever it came from that might  
14:30:45 17 have been a consideration.  
18  
14:30:48 19 Okay?--I don't remember that being discussed with me and I  
14:30:51 20 really can't - - -  
21  
14:30:53 22 All right. Moving down under, there's a reference to  
14:30:55 23 [REDACTED] visiting [REDACTED] the previous Saturday, an  
14:31:00 24 unknown person visited him also, "demanded [REDACTED]  
14:31:03 25 [REDACTED] back"?--Yep.  
26  
14:31:05 27 Clearly that suggests that Ms Gobbo is getting information,  
14:31:11 28 passing it on to handlers. Do you know whether - and one  
14:31:14 29 assumes, if you accept that is an issue, it's information  
14:31:18 30 that you got, is it?--Well I'm certainly aware of this  
14:31:20 31 incident, yes. I don't know if I received it via SDU or  
14:31:25 32 received it from [REDACTED] direct.  
33  
14:31:30 34 Righto. Moving down. It says that Ms Gobbo, or [REDACTED] says  
14:31:35 35 that, "If Ms Gobbo knew that [REDACTED] was arrested earlier and  
14:31:39 36 didn't tell us she will be dealt with", and that's the  
14:31:42 37 information that you got from [REDACTED]; is that  
14:31:45 38 right?--Correct.  
39  
14:31:45 40 And that you had to cover up those [REDACTED] to [REDACTED]  
14:31:52 41 Obviously that meaning in some way, shape or form you had  
14:31:56 42 to ensure that it didn't become known that [REDACTED] was  
14:32:02 43 arrested and in that limbo stage for those [REDACTED] or [REDACTED]  
14:32:08 44 [REDACTED]?--Yes. So two points. The information I received is  
14:32:15 45 wasn't that she'd be dealt with, as good as dead is the way  
14:32:21 46 it was described to me.  
47



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14:32:22 1 Yes?---And certainly the fact that Ms Gobbo had provided  
14:32:27 2 [REDACTED] legal advice on the [REDACTED] was something we didn't  
14:32:31 3 want publicised.  
4

14:32:34 5 If we move down the page it seems that Ms Gobbo had spoken  
14:32:39 6 to you about those matters, do you see that, at ten past  
14:32:43 7 eight, sorry, five minutes past eight? There's a reference  
14:32:48 8 to Ms Gobbo having spoken to you about those matters  
14:32:53 9 personally. 20:05 on page - - - ?---Yes, I'm reading it.  
14:33:09 10 I've got it now.  
11

14:33:12 12 Do you see that?---Yes.  
13

14:33:15 14 Do you have a record of that communication?---Sorry, what  
14:33:17 15 date are we on? The [REDACTED] still?  
16

14:33:20 17 Yes?---I've got a record of a communication I had with  
14:33:24 18 Ms Gobbo at 7.30 which I detailed to you earlier.  
19

14:33:27 20 That may well be the reference to that call; is that  
14:33:30 21 right?---Yes. The contents are significantly different but  
14:33:39 22 the timing's pretty close.  
23

14:33:41 24 What, do you think there might have been more than one  
14:33:44 25 communication?---I don't think so because at that stage I'd  
14:33:47 26 tried to ring her several times that evening and had been  
14:33:50 27 unsuccessful and was successful at 7.30, so.  
28

14:33:54 29 Then if we go down to the bottom of the page there's a  
14:33:56 30 management issue from Detective Sergeant Flynn. Another  
14:34:02 31 management issue and that - if you go over the page to 292  
14:34:09 32 it appears that [REDACTED] has told Flynn that he believes that  
14:34:12 33 [REDACTED]'s bark is worse than his bite?---Yes.  
34

14:34:16 35 Is that information which was passed to you?---I haven't  
14:34:19 36 noted it so I can't remember it, but certainly I've  
14:34:26 37 received information about the threat so it's possible that  
14:34:29 38 he indicated that.  
39

14:34:41 40 On the [REDACTED] it appears that - what you say in your  
14:34:51 41 statement is, "I continued taking statements from [REDACTED]  
14:34:54 42 on [REDACTED] My diary records contact with Ms Gobbo during  
14:35:00 43 the process. She also visited [REDACTED] on one of the days  
14:35:03 44 that we were taking the statements"?---Yes.  
45

14:35:08 46 What was the purpose of that?---To the best of my knowledge  
14:35:13 47 it was just to provide support to [REDACTED] in relation to

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14:35:18 1 the route that he had decided to take at that stage.  
2  
14:35:24 3 Why did she need to be present?---She was the one that he  
14:35:30 4 was seeking for support.  
5  
14:35:34 6 Do you have a note in your diary to the effect that he  
14:35:38 7 wanted to speak to her?---No, I don't think I do. I think  
14:35:44 8 I just have notes about arranging the meeting.  
9  
14:35:48 10 Right. Ordinarily - I mean this is somewhat of an unusual  
14:36:00 11 circumstance. I mean you've got a person who - I mean  
14:36:03 12 clearly she's not a barrister at this stage in relation to  
14:36:05 13 [REDACTED], in no way, shape or form. He's in [REDACTED]  
14:36:11 14 [REDACTED] He's actually in custody but he's [REDACTED]  
14:36:14 15 a [REDACTED] for the purposes of - when I say [REDACTED]  
14:36:20 16 a [REDACTED]?---Yes.  
17  
14:36:22 18 For the purposes of making a statement and [REDACTED] to  
14:36:27 19 be with him?---Yes.  
20  
14:36:31 21 So insofar as there was any suggestion made earlier on that  
14:36:36 22 she wasn't to see him during the statement taking process,  
14:36:39 23 whoever that idea, that idea's been well and truly  
14:36:43 24 kiboshed, hasn't it?---Well I don't remember being in  
14:36:46 25 receipt of that information that they weren't to see other.  
14:36:49 26 And that's when you asked me, I said, well I know within a  
14:36:52 27 week we arranged this meeting.  
28  
14:36:53 29 Yes. What I'm trying to understand is how it came about,  
14:36:59 30 why it came about and what the purpose of it was?---Well,  
14:37:02 31 as I said a couple of questions ago, it was more for him  
14:37:10 32 just to be able to speak to her in length, get some moral  
14:37:14 33 support, discuss any issues he had with her.  
34  
14:37:17 35 Right?---And it's really just part of our process to keep  
14:37:20 36 him happy.  
37  
14:37:21 38 Keep him happy by using Ms Gobbo to keep him happy?---Yes.  
39  
14:37:26 40 What notes did you take about that? Because what appears  
14:37:30 41 to be the case is that - firstly, what notes have you got  
14:37:36 42 by way of making preparations for this process to  
14:37:40 43 occur?---Well there's notes in relation to phone calls with  
14:37:44 44 the units of Victoria Police that were assisting me to  
14:37:46 45 arrange it to happen.  
46  
14:37:47 47 Yes. What were they, what do they say?---If you look at



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14:37:53 1 the - just let me go back. If you go to the top of my  
14:37:59 2 diary, p.10.  
3

14:38:00 4 Yes?---I've got a note there saying, "Speaking to" - it  
14:38:05 5 actually says [REDACTED] but it should be "[REDACTED]  
14:38:09 6 [REDACTED] of [REDACTED] re visit Sunday".  
7

14:38:12 8 Yes. So it had been planned for a couple of days?---Well  
14:38:17 9 this was Friday, so yes, it had.  
10

14:38:20 11 What you can't help the Commission with is any reason, any  
14:38:27 12 desire on the part of [REDACTED] or Ms Gobbo, no notes about  
14:38:31 13 that?---I can't help with notes, no.  
14

14:38:39 15 So there's that. What next?---There's a note later that  
14:38:42 16 same day, so this is the [REDACTED].  
17

14:38:45 18 Yes?---Just in relation to myself calling Ms Gobbo and just  
14:38:50 19 discussing with her her availability to be - on Sunday to  
14:38:58 20 meet with [REDACTED].  
21

14:39:00 22 Yes, yes. Then what's the next note?---My next note deals  
14:39:04 23 with the date in question, Sunday the [REDACTED].  
24

14:39:08 25 Yes. What does that say?---It starts off at 9.30 in the  
14:39:13 26 morning, I make a call to one of my colleagues, Anne  
14:39:19 27 Farrar, she's in the process of concluding a statement from  
14:39:23 28 him.  
29

14:39:23 30 A statement?---A statement, yes.  
31

14:39:25 32 So she's on location, is she, with [REDACTED]?---She must  
14:39:29 33 be, yes.  
34

14:39:30 35 Yes. Do you know what statement that related to?---It's  
14:39:33 36 got a [REDACTED].  
37

14:39:35 38 Yes?---So my comment in the diary is "to conclude  
14:39:40 39 statements up [REDACTED]", et cetera.  
40

14:39:42 41 Yes, right. "Statements up [REDACTED]"?---Yes.  
42

14:39:50 43 Right. Are you able to identify from your notes or any  
14:39:57 44 other notes which statements were being taken at that  
14:40:00 45 time?---I don't think so, no.  
46

14:40:09 47 Was there one computer used to take these

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14:40:12 1 statements?---Yeah, I think so. I think I had access to a  
14:40:16 2 laptop computer which I would take into [REDACTED] and  
14:40:25 3 [REDACTED] to take the statement process.  
4

14:40:27 5 One assumes that Ms Farrar had it if she was out there  
14:40:33 6 taking the statement at this stage; is that right?---It's  
14:40:36 7 possible. I don't - whether there were other statements on  
14:40:39 8 other computers or handwritten statements, I'm not sure,  
14:40:43 9 but I think the vast majority were done on the one  
14:40:46 10 computer.  
11

14:40:48 12 Yes. Well, were statements - I take it you say you don't  
14:40:55 13 know whether they were handwritten statements or typed up  
14:41:02 14 statements, computer typed generated statements?---The vast  
14:41:05 15 majority would be computer statements.  
16

14:41:09 17 Right?---I'm just not sure, there may be a couple of  
14:41:12 18 handwritten statements taken, you know, there might have  
14:41:15 19 been short statements that were in the middle, but the vast  
14:41:18 20 majority were taken on a computer.  
21

14:41:20 22 The statements as they appeared on hand-up briefs and as  
14:41:25 23 signed, were they invariably, that is were they always  
14:41:29 24 typed statements with signatures or were there some which  
14:41:35 25 were handwritten?---I can only remember typed ones.  
26

14:41:41 27 If there were handwritten statements they would have been  
14:41:43 28 in effect drafts which were later typed up?---I can't  
14:41:51 29 remember there being any drafts and I wasn't across every  
14:41:54 30 statement but I was certainly across the majority and it's  
14:42:00 31 possible that there was a handwritten statement or two  
14:42:03 32 taken and it was later typed up. That is possible.  
33

14:42:06 34 I mean I'm asking you questions now of the sort that often  
14:42:09 35 you get asked at a committal about the statement taking  
14:42:12 36 process, aren't I?---I've been asked these questions at  
14:42:15 37 committal, yes.  
38

14:42:16 39 Many, many times, yes. And often people want to know what  
14:42:20 40 the process of taking statements is and how they're taken,  
14:42:23 41 who takes them and how they're created, whether they're  
14:42:28 42 draft versions and so forth?---Yes.  
43

14:42:33 44 You're really not in a position to say; is that  
14:42:39 45 right?---Which question, in relation to - - -  
46

14:42:42 47 Well, okay. I'm asking you in relation to a particular



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14:42:46 1 day, that is [REDACTED] 2006, and you say, "Well look, Anne  
14:42:52 2 Farrar was out there I believe because I've got a note of  
14:42:54 3 it and she was taking statements up to '[REDACTED]'"?--Yes,  
14:43:00 4 I'm unable to say what actual statements she was taking  
14:43:04 5 that day.  
6

14:43:05 7 Why is that, why can't you find the answer to that  
14:43:08 8 question?---I don't know if Senior Constable Farrar would  
14:43:10 9 have recorded it in her day book or diary. I know we did  
14:43:16 10 do a statement list at one stage in relation to all the  
14:43:19 11 statements but I don't think that included the date the  
14:43:21 12 draft was done. I think we made a conscious decision that  
14:43:25 13 we wouldn't create drafts, we would just - because these  
14:43:29 14 matters were so complex and there were so many moving parts  
14:43:38 15 we would just fill them out, amend them, change them, bring  
14:43:41 16 them back and then wait till we had a set that we were  
14:43:46 17 accurate on and then we would give them to - - -  
18

14:43:48 19 I mean there are obvious problems associated with that,  
14:43:52 20 aren't there, now looking back?---I don't think there was  
14:43:55 21 because this was a matter that has come up in previous  
14:43:58 22 matters.  
23

14:43:58 24 I know, I know?---I think at the end of the day, I could be  
14:44:01 25 wrong here, but I think for a matter like this the  
14:44:06 26 expectation for me to take hundreds and hundreds of drafts  
14:44:09 27 with all these statements was unreasonable.  
28

14:44:12 29 Yes, but ultimately - I mean when - a statement's very  
14:44:16 30 important in a criminal process because a statement is in  
14:44:21 31 effect the version that is given by the witness?---Yes.  
32

14:44:25 33 And the witness - I mean on one view a pure statement is  
14:44:29 34 perhaps a video re-enactment or a recording of what's  
14:44:34 35 actually occurred or what the person tells you?---Yes.  
36

14:44:36 37 And that's probably the best there is?---Yes.  
38

14:44:38 39 If you get to a stage where a version is given and then  
14:44:42 40 that version is added to, detracted from, contributed to by  
14:44:47 41 other information, ultimately what you get might or might  
14:44:51 42 not be accurate, might or might not be able to be  
14:44:56 43 corroborated, but there's a real concern about who's  
14:44:58 44 providing the information that goes into the  
14:45:00 45 statement?---Well, you know, we were well aware that  
14:45:03 46 [REDACTED]'s credibility is always going to be a fact in  
14:45:06 47 issue.

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1  
14:45:07 2 Yes?---But it was a decision we'd made early on that these  
14:45:11 3 were complex matters, there was a lot of things. I openly  
14:45:15 4 admit that there were multiple changes made to statements  
14:45:18 5 as we progressed through.  
6  
14:45:19 7 Yes?---But that was a decision we made at the time.  
8  
14:45:22 9 I follow that?---Not to have draft copies and just to - - -  
10  
14:45:26 11 That was a deliberate decision made?---Yes.  
12  
14:45:28 13 In fact there were draft copies, there were draft copies at  
14:45:31 14 various times, weren't there?---Well you call them drafts.  
14:45:38 15 There would be statements that would be taken that perhaps  
14:45:41 16 I would go back and say, and leave a copy with [REDACTED]  
14:45:44 17 and say, "Have a look at that, read it, make sure you're  
14:45:48 18 happy with it. Any changes let me know". So if you're  
14:45:51 19 describing that as a draft, yes.  
20  
14:45:53 21 As you know, you were cross-examined by Steve Shirrefs on a  
14:45:57 22 number of occasions about the process of statement  
14:46:00 23 taking?---Yes.  
24  
14:46:01 25 As you know in this case, and it's going to be suggested to  
14:46:06 26 you in due course, that Ms Gobbo was involved in that  
14:46:09 27 process?---Well yes.  
28  
14:46:10 29 No one ever knew about that, no one ever found out about  
14:46:13 30 that?---Well, that's possibly so, yes.  
31  
14:46:21 32 No one was ever able to cross-examine you and ask you  
14:46:26 33 questions - well, they were able to but they never got from  
14:46:32 34 you information to the effect that this is how in fact this  
14:46:37 35 statement process occurred, that various goes were made at  
14:46:43 36 it, people contributed information to these statements,  
14:46:47 37 including Ms Gobbo, and ultimately we got to a stage where  
14:46:55 38 we had statements, where everyone was happy with these  
14:46:58 39 statements, including Ms Gobbo, and that's the final  
14:47:02 40 result, what's on the page?---I recall delivering some  
14:47:05 41 drafts, if you like, copies of statements to a member of  
14:47:08 42 the SDU which obviously had been provided to Ms Gobbo.  
43  
14:47:12 44 Yes?---From that I don't know if there were any amendments  
14:47:15 45 made. I don't recall making any amendments made. But  
14:47:19 46 ultimately the statements went to Tony Hargreaves.  
47



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14:47:22 1 Yes?---And he reviewed them before they were signed by  
14:47:25 2 [REDACTED]  
3  
14:47:26 4 That may be right. He certainly didn't know that Ms Gobbo  
14:47:29 5 had been involved in the process, did he?---Well he didn't  
14:47:31 6 know from me that's for sure.  
7  
14:47:34 8 Well as far as you knew he didn't know?---That's correct,  
14:47:37 9 yes.  
10  
14:47:37 11 He'd been kept in the dark about her involvement?---I  
14:47:40 12 suspect so, yes.  
13  
14:47:42 14 Nor did [REDACTED] know about her involvement in that  
14:47:44 15 process?---I suspect that's correct, yes.  
16  
14:47:48 17 And it was done in such a way that neither his solicitor or  
14:47:56 18 him, that is the very person who's signing the statement,  
14:47:59 19 knew that she had provided - and I suggest, I do say, I  
14:48:05 20 suggest to you that she did provide information which went  
14:48:09 21 into those statements?---I can't recall what suggestions  
14:48:16 22 she made and I don't recall amending the statements as a  
14:48:22 23 direct result of any comment she made, but I do concede  
14:48:25 24 that there were multiple changes made during the course of  
14:48:31 25 the statement taking process.  
26  
14:48:32 27 All of this would have been - you can bet your bottom  
14:48:35 28 dollar that if someone like Stephen Shirrefs was aware  
14:48:41 29 that, firstly, Ms Gobbo was an informer and had provided  
14:48:44 30 information to police which led to [REDACTED] being arrested  
14:48:52 31 and all of the process that we've talked about, you can bet  
14:48:55 32 your bottom dollar that that would have been something that  
14:48:58 33 would have been extraordinarily interesting to people  
14:49:01 34 cross-examining you in due course down the track?---I  
14:49:04 35 suspect so, yes.  
36  
14:49:05 37 You might imagine if there was a judge sitting on the Bench  
14:49:10 38 listening to it the judge's wig would have flown off and  
14:49:14 39 hit the roof?---Potentially, yes. I suspect that someone  
14:49:17 40 like Mr Shirrefs would be keen to know that, yes.  
41  
14:49:23 42 In any event, if I can come back to this - perhaps before I  
14:49:29 43 do. You say that there was a conscious decision made not  
14:49:32 44 to save or keep drafts, so a deliberate decision was  
14:49:36 45 made?---Yes.  
46  
14:49:36 47 I hear what you say, you say, look, these are so

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14:49:41 1 complicated, so complex, so much information, that to keep  
14:49:43 2 drafts would be an incredibly onerous obligation?---Yes.  
3  
14:49:47 4 Nonetheless it would have kept a fairly, if you had have  
14:49:54 5 kept drafts of changes and additions and so forth, it would  
14:49:56 6 have been a fairly useful source of information about what  
14:50:03 7 changes had occurred, how that occurred and who had  
14:50:07 8 contributed to them?---Yes.  
9  
14:50:09 10 Now look, we live in an information age, and we did back  
14:50:13 11 then, we had computers and you can keep drafts. I mean as  
14:50:17 12 I prepare a document it automatically saves and there are  
14:50:21 13 drafts kept of each document. It's not a difficult thing  
14:50:25 14 to do?---In this case it would have been very cumbersome.  
15  
14:50:29 16 It may have been cumbersome. It may have been cumbersome  
14:50:34 17 but nonetheless it certainly would have been, I suggest, an  
14:50:38 18 appropriate way of going about things?---Well, that's - you  
14:50:42 19 know, that's not the way we decided to do it.  
20  
14:50:46 21 I know you didn't. Why couldn't you have, for example,  
14:50:50 22 said, "Righto, well here's a copy, we have photocopy  
14:50:53 23 machines, that change was made to that document, photocopy  
14:50:57 24 it and keep it somewhere". It's not hard to do?---I think  
14:51:00 25 in this version there would have been, you know, multiple  
14:51:02 26 drafts for the many statements.  
27  
14:51:05 28 Mr Flynn, there may well have been. Let's say there were  
14:51:08 29 five drafts of every statement. Do you think there were  
14:51:11 30 five drafts of each statement or more?---Hard to generalise  
14:51:17 31 but, you know, some statements - - -  
32  
14:51:19 33 I know, I follow that. Just an approximation. You know  
14:51:20 34 more than we do?---Some statements were more complex than  
14:51:24 35 not, so they might have been changed more than five times.  
14:51:28 36 Others might not have been changed at all. But, as I said,  
14:51:31 37 that's a decision we made early on in the statement taking  
14:51:33 38 process.  
39  
14:51:36 40 It's not difficult to, if you're using a computer, to save  
14:51:40 41 it under a draft. So you might say "[REDACTED]'s statement  
14:51:44 42 relating to [REDACTED], draft number 1"?---Yes.  
43  
14:51:48 44 Draft number 2, draft number 3. It doesn't take any space  
14:51:52 45 at all. And if you're then subject to cross-examination or  
14:51:54 46 there's questioning about it, it's pretty easy for you,  
14:51:57 47 it's transparent and there's no problems involved, are



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14:52:00 1 there?---Well, it's an option we could have taken but we  
14:52:03 2 didn't.  
3  
14:52:06 4 You chose not to?---Chose not to.  
5  
14:52:08 6 Who chose not to?---I think from my best recollection, and  
14:52:12 7 I don't have notes of this, but I actually I think I might  
14:52:16 8 have spoke to some members from Purana one, so to speak,  
14:52:19 9 and sought advice in relation to what they did with the  
14:52:22 10 earlier part of the investigations.  
11  
14:52:23 12 Purana one being Mr Ryan, Mr Bateson?---Those two in  
14:52:28 13 particular, yes.  
14  
14:52:29 15 So you got some advice about the statement taking process  
14:52:32 16 from Mr Bateson and Mr Ryan?---I can't remember which one  
14:52:36 17 but I think I was following the suit that, and I'm  
14:52:42 18 presuming that they had done the same with their earlier  
14:52:45 19 investigations.  
20  
14:52:45 21 Yes, all right. In those earlier investigations, no doubt  
14:52:52 22 in those investigations they would have been aware that  
14:52:54 23 when things get to trial, when things get to committal,  
14:52:57 24 you're going to have barristers asking detectives about  
14:52:59 25 changes made to statements?---That's a question you'd have  
14:53:03 26 to ask them but I actually are unaware exactly what process  
14:53:09 27 they took for their statement taking process but when I  
14:53:12 28 spoke to either Mr Ryan or Mr Bateson that's what they  
14:53:16 29 indicated they did and I decided to follow suit.  
30  
14:53:19 31 Is it something you discussed with Mr O'Brien?---I can't  
14:53:23 32 recall discussing it with Mr O'Brien but I expect I  
14:53:25 33 probably did.  
34  
14:53:26 35 See, we won't know, and you're not able to say to us now,  
14:53:30 36 "Ms Gobbo provided this information or that information  
14:53:33 37 which was included in the statement". No one can ever know  
14:53:39 38 now, can they?---Well, not unless it's recorded on an ICR  
14:53:44 39 or something along these lines, or it's recorded in my  
14:53:47 40 notes, which I don't believe I've got any.  
41  
14:53:49 42 Yes. Did you make a record in any of your notes about when  
14:53:52 43 any of the statements were changed?---No.  
44  
14:53:54 45 And who made them and why they were changed?---No.  
46  
14:53:57 47 Do you accept now with hindsight that that was a deficient

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14:54:00 1 system?---No, I don't.  
2  
14:54:02 3 Why not?---Because this has already been tested in a court  
14:54:05 4 of law, and I believe at the end of the day the court found  
14:54:08 5 that - - -  
6  
14:54:09 7 Which court?---I think it might have been - I probably  
14:54:12 8 refer back to [REDACTED]'s trial because that seems to be  
14:54:16 9 the biggest trial that came out of these events, but I  
14:54:19 10 remember this particular issue being discussed just as much  
14:54:23 11 as we're discussing it now.  
12  
14:54:25 13 Yes, but that court didn't know that Ms Gobbo potentially  
14:54:28 14 had contributed to statements and Ms Gobbo was an informer  
14:54:31 15 and Ms Gobbo was acting in such a gross breach of duty that  
14:54:34 16 the High Court described the police conduct in this case as  
14:54:37 17 reprehensible, did they? That court didn't know  
14:54:42 18 that?---No, they didn't, that's correct.  
19  
14:54:43 20 So to say that's been tested in court really doesn't  
14:54:47 21 grapple with the problem?---Well, no, I tend to disagree  
14:54:50 22 because to the best of my recollection Ms Gobbo's  
14:54:54 23 involvement in the statement taking process - I can't  
14:54:59 24 recall a specific incident of a change I made as a result  
14:55:02 25 of her information.  
26  
14:55:03 27 You may not be able to recall that but the problem is it's  
14:55:07 28 difficult to test that, isn't it?---It is, yes.  
29  
14:55:10 30 We don't know because you've got no notes of it, you've got  
14:55:14 31 no recollection of it and it's easy to say, "I don't recall  
14:55:16 32 any particular change" and we can't test that  
14:55:21 33 assertion?---No.  
34  
14:55:22 35 No disrespect to you, but I mean it's difficult to test  
14:55:26 36 that assertion?---No, but these issues were argued in that  
14:55:29 37 court of law about the number of changes that were made and  
14:55:32 38 I openly said that there were multiple changes made to  
14:55:36 39 that. These are complex matters.  
40  
14:55:38 41 Did you say that Ms Gobbo had been involved in the  
14:55:40 42 process?---No, I didn't.  
43  
14:55:42 44 Did you say that Ms Gobbo was an informer and she provided  
14:55:45 45 advice to [REDACTED] and all of these people?---No, I didn't.  
46  
14:55:52 47 All right. Now, can I go back to [REDACTED] What you say is



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14:56:09 1 this was just a welfare visit?---Yes.  
2  
14:56:12 3 Who was present?---Members of [REDACTED]  
4  
14:56:18 5 Right?---Myself.  
6  
14:56:19 7 Yes?---Ms Gobbo obviously and [REDACTED].  
8  
14:56:24 9 Yes. It was at a - where was it?---It was at the VPC, the  
14:56:33 10 Victoria Police Centre in Flinders Street.  
11  
14:56:39 12 If it's a welfare visit for Ms Gobbo to gee him up to make  
14:56:43 13 sure he's okay and let him know that she's there for him if  
14:56:51 14 necessary, that's not going to take too long  
14:56:57 15 surely?---Well - - -  
16  
14:56:59 17 Do you agree with that?---Well, it doesn't need to be that  
14:57:05 18 long but we were happy to allow them some time together,  
14:57:12 19 again all in the - with the design of keeping [REDACTED]  
14:57:16 20 happy.  
21  
14:57:20 22 In effect what your diary notes reveal is that you picked  
14:57:25 23 her up at ten past three outside of her chambers; is that  
14:57:29 24 right?---Correct.  
25  
14:57:31 26 Then you dropped her off at 20 past six, correct?---Yes, we  
14:57:40 27 left the VPC at - - -  
28  
14:57:42 29 During that time it says "statement proceeds"; is that  
14:57:49 30 right?---"Statement process" that is.  
31  
14:57:52 32 Is it?---Yes.  
33  
14:57:53 34 Statement?---Process.  
35  
14:57:55 36 Statement process?---So I was - - -  
37  
14:58:00 38 We've got 15:10, MTC, mobile telephone call, Nicola Gobbo;  
14:58:09 39 is that right?---Sorry - - -  
40  
14:58:10 41 Just go to 15:10?---Yep.  
42  
14:58:12 43 Just read that out?---"Made telephone call to Nicola Gobbo.  
14:58:15 44 Arrange to pick up. Clear to Lonsdale Street and picked up  
14:58:20 45 Nicola Gobbo."  
46  
14:58:21 47 "Return to VPC"?---Correct. "Spoke to [REDACTED] and Nicola

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14:58:25 1 Gobbo in interview. Update re current status, statement  
14:58:30 2 process, 17 factual, concerns [REDACTED] and [REDACTED]  
14:58:38 3 protecting other associates."  
14:58:39 4  
14:58:39 5 Yes?---[REDACTED] interview pending. Discussing [REDACTED]  
14:58:44 6 evidence", et cetera, "all correct".  
7  
14:58:55 8 After all of that, at 16 - - - ?---16:30.  
9  
14:58:59 10 16:30?---They're allowed to speak to each other without my  
14:59:02 11 presence.  
12  
14:59:03 13 Right. Really what's gone on from 15:20 to 16:30 have been  
14:59:11 14 statement processes, I suggest to you, about [REDACTED]  
14:59:15 15 [REDACTED], protecting others, et cetera, discussion goes on.  
14:59:21 16 All of that occurs, I suggest to you, whilst Ms Gobbo is  
14:59:25 17 present with [REDACTED] and you and the statement process is  
14:59:29 18 going on?---It's not the statement process. I'm not there  
14:59:33 19 taking a statement from [REDACTED].  
20  
14:59:36 21 Right?---I'm updating Ms Gobbo in relation to how we're  
14:59:40 22 going with the statement process. So I'm saying to her  
14:59:43 23 that, yes, we've taken [REDACTED] statements to this date.  
24  
14:59:49 25 It took you about 20 seconds to read that out and it  
14:59:53 26 probably wouldn't have taken much more than 30 seconds to  
14:59:56 27 say it to her. Why then is she there from 15 - let's say  
14:59:58 28 she gets there at 15:40 or 45, she's there for another -  
15:00:06 29 you know, it's then only at 4.30 that they get time  
15:00:13 30 together?---There's nothing untoward if that's what you're  
15:00:17 31 suggesting in that. They were just given some time to  
15:00:20 32 discuss, talk, whether it was - well I don't know what it  
15:00:25 33 was about but it could have been about family or anything  
15:00:29 34 along these lines.  
35  
15:00:30 36 I'm focusing on the time that occurs before 4.30 at the  
15:00:37 37 moment. What I'm suggesting is there's factual matters  
15:00:40 38 concerning the statements being discussed whilst Ms Gobbo  
15:00:42 39 is there and knowing, as we almost do, Ms Gobbo, she will  
15:00:47 40 not have been able to prevent herself from contributing  
15:00:51 41 information during that discussion?---It didn't occur then.  
42  
15:00:54 43 How do we know that?---Because I'm sitting here giving  
15:00:57 44 evidence on oath telling you it didn't occur then.  
45  
15:01:01 46 But what appears from the notes is that you've made notes  
15:01:05 47 about those matters, about statement processes, 17 factual



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15:01:14 1 - so what you're saying is, what you're telling her about  
15:01:19 2 that situation?--Yes, I'm telling her that at this stage  
15:01:22 3 we're up to 17 factual statements.  
4

15:01:24 5 Yes?--And I've made a comment there that I've got concerns  
15:01:29 6 that [REDACTED] may be, you know, being selective in the  
15:01:34 7 process.  
8

15:01:34 9 Yes. What you were doing is you're bringing her in, you're  
15:01:40 10 telling her, "Look, I've got concerns that [REDACTED]'s not telling  
15:01:44 11 us the truth". I suspect you might well have told her, I  
15:01:48 12 suggest, where you reckon he wasn't telling the truth and  
15:01:52 13 you're using her to encourage him, as far as you're  
15:01:55 14 concerned, to tell the truth?--Well, I'm certainly giving  
15:01:59 15 her an update in relation to what was going on and I've  
15:02:02 16 made that comment, so I see where you're going with that  
15:02:06 17 but I don't know if it was my intention at the time.  
18

15:02:08 19 Yes, okay. None of this gets aired in court, no one ever  
15:02:13 20 knows about this when it comes to assessing the credibility  
15:02:21 21 of [REDACTED]?--I was asked questions about the contact  
15:02:24 22 between [REDACTED] and Ms Gobbo but I don't know if it went  
15:02:29 23 to this occasion or not.  
24

15:02:32 25 Do you say to this Royal Commission that those notes were  
15:02:36 26 aired in court?--I don't say that at all.  
27

15:02:40 28 Do you believe that they weren't aired in court?--I don't  
15:02:43 29 know if it was ever raised. I just - - -  
30

15:02:45 31 When you say you don't know if it was ever raised, what I'm  
15:02:49 32 asking you is do you know whether those notes were provided  
15:02:54 33 to any court or to any defence lawyer or - those two  
15:02:58 34 firstly?--Not that I'm aware of. I'm not sure. I've  
15:03:03 35 provided many notes to many courts and I don't know if  
15:03:07 36 these were included or not.  
37

15:03:09 38 Well, I mean if we examine the transcript you can bet your  
15:03:14 39 bottom dollar that there'd be questions like the ones I'm  
15:03:18 40 asking you asked of you if those notes had been  
15:03:22 41 provided?--That's probably a fair comment and I don't  
15:03:24 42 remember being asked questions about this specific meeting.  
43

15:03:26 44 Can I just stop you there. Mr Shirrefs is deceased but you  
15:03:32 45 knew him because you had sparred with him on a number of  
15:03:36 46 occasions?--Yes.  
47

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15:03:38 1 If he had that note in front of him and you in the witness  
15:03:42 2 box you can bet your bottom dollar that he'd be asking you  
15:03:46 3 questions like I'm asking you now?---Yes, I suspect so,  
15:03:48 4 yes.  
15:03:48 5  
15:03:48 6 Can I suggest to you that he didn't, at no stage, and he  
15:03:51 7 didn't ask you questions about those notes at any time that  
15:03:54 8 he cross-examined you?---I certainly don't remember him  
15:03:58 9 asking me questions specifically to this day, that's  
15:04:02 10 correct.  
15:04:02 11  
15:04:02 12 Why weren't those notes provided at any stage to  
15:04:06 13 anyone?---Well, I don't know whether I was ever asked for.  
15:04:06 14  
15:04:10 15 Right. But you do know what would be relevant and you do  
15:04:14 16 know what barristers acting for accused people regard as  
15:04:18 17 relevant and you would have known that that sort of note  
15:04:21 18 would have been relevant, I suggest to you?---Well probably  
15:04:24 19 overriding that was a concern about Ms Gobbo's role in all  
15:04:28 20 this.  
15:04:28 21  
15:04:28 22 I follow that, in which case what you - one would assume  
15:04:35 23 should have occurred, assume it didn't, is that those notes  
15:04:39 24 should have been provided to a lawyer, whether it be within  
15:04:42 25 Victoria Police or the VGSO to come to the - to form a view  
15:04:48 26 as to whether or not there could be a valid claim for  
15:04:51 27 public interest immunity made over those notes?---I don't  
15:04:54 28 believe that happened.  
15:04:54 29  
15:04:56 30 Do we accept then that the process that would have occurred  
15:05:00 31 with respect to those notes would have been that which you  
15:05:03 32 described to us yesterday, you would have made the decision  
15:05:07 33 yourself to redact it and possibly may not have even  
15:05:12 34 provided that page at all if you were requested to provide  
15:05:15 35 notes relevant to your investigation?---That's certainly a  
15:05:18 36 possibility. I think I've said in an earlier hearing I do  
15:05:23 37 remember one battle with Mr Shirrefs about some PII matters  
15:05:27 38 but I just can't remember what case it was for. But what  
15:05:33 39 you suggest is possible, yes.  
15:05:33 40  
15:05:34 41 Did you ever have any discussions with Mr Bateson about  
15:05:36 42 what he did with respect to redacting notes and whether or  
15:05:43 43 not he should provide notes, did you have discussions with  
15:05:47 44 him about that?---Not that I can recall, no.  
15:05:47 45  
15:05:51 46 Did you have any discussions with any other members of your  
15:05:55 47 team about particular notes and whether or not they ought



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15:06:00 1 be provided to defence or to the court, or to  
15:06:10 2 lawyers?---Not that I can recall.  
3  
15:06:14 4 What you say is that as far as you were concerned it was  
15:06:17 5 your job to redact your notes?---Yes.  
6  
15:06:22 7 Was Ms Farrar there during the course of this  
15:06:47 8 meeting?---I'm not sure. It's not clear in my notes  
15:06:50 9 whether she was there or not.  
10  
15:06:51 11 Do you know whether any other people were present during  
15:06:53 12 the course of that meeting?---There's no one else mentioned  
15:06:56 13 in my notes. I tend to think that she might have been  
15:07:00 14 there but I'm just not sure.  
15  
15:07:02 16 If any other police officers in your crew, whether it be  
15:07:06 17 Rowe, Hayes or Farrar, had made notes, diary entries or  
15:07:13 18 whatever which may well have included attendances of  
15:07:18 19 Ms Gobbo, would they have redacted the notes?---I suspect  
15:07:26 20 so, yes.  
21  
15:07:28 22 Did you have an involvement in redacting notes of other  
15:07:32 23 police officers?---Not that I can recall, no.  
24  
15:07:37 25 Why do you say that you suspect they would?---Well, it's a  
15:07:42 26 common - that was the common process at the time, for  
15:07:45 27 police, when they get asked for notes, to redact them  
15:07:48 28 themselves, go through and redact what needed to be  
15:07:51 29 redacted.  
30  
15:07:54 31 You accept that you would have been asked for your notes,  
15:07:59 32 relevant notes concerning the statement taking process of  
15:08:09 33 [REDACTED]?---Yes.  
34  
15:08:11 35 It's your belief - now if you don't know, you don't know,  
15:08:15 36 but would you say it's more likely than not that that page  
15:08:18 37 was not provided?---I would suggest that anything that  
15:08:22 38 would - sorry, I'll answer your question. I think it's  
15:08:25 39 more likely than not that it wasn't provided or a redacted  
15:08:29 40 copy was provided.  
41  
15:08:31 42 A redacted copy would simply be a copy with it blacked  
15:08:34 43 out?---Yes.  
44  
15:08:42 45 If there was nothing of relevance in your view on the  
15:08:45 46 remainder of the page the likelihood is the page wouldn't  
15:08:48 47 have been provided?---Yes.

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1  
15:08:59 2 Do you accept the proposition that on occasions when  
15:09:04 3 [REDACTED] was giving evidence he did not tell the truth in  
15:09:09 4 circumstances where to do so would have revealed the  
15:09:12 5 involvement of Ms Gobbo?---I can't sit here and provide you  
15:09:17 6 with a specific example.  
7  
15:09:21 8 Yes?---But - - -  
9  
15:09:24 10 I can give you one. There was one occasion where he was  
15:09:27 11 asked questions about whether Ms Gobbo knew about his [REDACTED]  
15:09:30 12 [REDACTED] subsequent to her involvement as a human  
15:09:34 13 source and he said no, I didn't tell her about it. That  
15:09:37 14 would be a lie if he said that?---Yes, it would be.  
15  
15:09:40 16 And if police officers knew that that answer had been given  
15:09:43 17 in court they would have known that he'd perjured  
15:09:47 18 himself?---Yes.  
19  
15:09:48 20 And in such a circumstance what would the obligation of a  
15:09:53 21 police officer be?---Well, you know, it's a really complex  
15:09:57 22 situation because we certainly wouldn't want to reveal the  
15:09:59 23 lie because of the consequences that would have in relation  
15:10:07 24 to Ms Gobbo's involvement with it.  
25  
15:10:09 26 I follow that?---But we would have a number of options in  
15:10:12 27 relation to what we could do. I mean one option would be  
15:10:15 28 to arguably seek advice in to whether he could be charged  
15:10:21 29 for it. Another option would be to say - you know, you and  
15:10:26 30 speak to him and say, "We've caught you out in a lie, don't  
15:10:28 31 do it, you'll get yourself in trouble, you'll end up doing  
15:10:32 32 more time."  
33  
15:10:33 34 It may well be that that one answer didn't lead to the  
15:10:36 35 conviction of a person. But what that answer is in a court  
15:10:39 36 of law is an untruth, it's a lie on oath, and if it's given  
15:10:44 37 in front of the jury that's the answer that the jury gets.  
15:10:48 38 Can I suggest to you this: when that occurs the obligation  
15:10:51 39 of a police officer who knows that it's false is to do  
15:10:54 40 something about it, and it might simply be to go to a  
15:10:58 41 senior officer or it might be to bite the bullet and say,  
15:11:01 42 "Look, enough's enough, we can no longer continue to cover  
15:11:05 43 this up, we've got to go and tell someone about it". Do  
15:11:09 44 you know what I mean?---Well they were options, yes.  
15:11:11 45  
15:11:11 46 It didn't happen, did it?---Not that I know of, no.  
15:11:14 47



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15:11:14 1 Why do you think it didn't happen? Was there a cultural  
15:11:19 2 issue going on here that meant that none of this ever came  
15:11:22 3 to light?---The underlying reason why all these questions  
15:11:25 4 you've asked me is our perceived need to keep Nicola  
15:11:31 5 Gobbo's involvement as a human source secret.  
6  
15:11:33 7 Yes?---And the risk to her if her involvement became public  
15:11:40 8 knowledge. I go back to what I've said earlier about  
15:11:43 9 Victoria Police's policies with human source, and that kind  
15:11:47 10 of had a lot to do with the decision making process.  
11  
15:11:55 12 But my point is this: I mean you say to this Commission,  
15:11:59 13 "Look, I don't recall, I might have spoken to Jim O'Brien  
15:12:03 14 about it". These aren't small issues. I mean if someone's  
15:12:08 15 - because they're concerned, and I accept - let's assume  
15:12:12 16 that you're in a difficult position, you're in an  
15:12:15 17 uncomfortable position and you're having to walk on thin  
15:12:19 18 ice when you're in the witness box giving evidence. I mean  
15:12:23 19 that's something that shouldn't occur in the first place,  
15:12:26 20 do you accept that?---It occurs from time to time, but yes.  
21  
15:12:31 22 If that situation arises why wouldn't it be the case that  
15:12:36 23 in Victoria Police Force there is a way in which police  
15:12:39 24 officers can go and comfortably speak to a more senior  
15:12:44 25 officer and say, "Look I've got a real concern about this"?  
15:12:47 26 Is there a way that can occur?---That can occur at any  
15:12:50 27 stage in relation to any issues.  
28  
15:12:54 29 But do you think it occurred in this case?---Well I don't  
15:12:56 30 think it did occur in this case. Certainly I didn't have  
15:13:00 31 any discussions with Mr O'Brien because Mr O'Brien was  
15:13:06 32 working with me, he was across all the issues that we were  
15:13:09 33 dealing with.  
34  
15:13:11 35 At no stage did you sit down with Jim O'Brien. You had a  
15:13:15 36 good working relationship with him, you weren't frightened  
15:13:17 37 of him?---No, not at all. I had a good working  
15:13:23 38 relationship with him.  
39  
15:13:24 40 So you say at no stage did you say, "Jim, there are  
15:13:28 41 problems here". You talk about the complexities upon  
15:13:31 42 complexities. At no stage did you sit down with him and  
15:13:34 43 say, "Look, there are some real difficulties here that are  
15:13:37 44 causing me concern. I mean I've got to give evidence about  
15:13:39 45 this". That was never done?---So only early on, and I  
15:13:43 46 think I've given this evidence previously, about  
15:13:46 47 conversations with him and concerns about legal

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15:13:49 1 professional privilege.  
2  
15:13:50 3 And that might have been that one occasion?---Yes.  
4  
15:13:53 5 Yes, all right. But look, the difficulties continued. It  
15:13:57 6 wasn't just on that night. The difficulties continued  
15:14:00 7 every time you had to give evidence about it because you  
15:14:02 8 were going to be asked about the process of taking  
15:14:04 9 statements, whether Gobbo was there on the night, what she  
15:14:08 10 did on the night, all of those things were going to come  
15:14:11 11 up?---Yes.  
12  
15:14:11 13 And you knew you had to answer questions about those  
15:14:14 14 matters?---Yes.  
15  
15:14:15 16 There was at least the potential for you to be put into a  
15:14:19 17 very difficult position in answering questions?---Well,  
15:14:23 18 yes, there was. But I think I said yesterday I was in a  
15:14:26 19 position where, you know, I answer a question truthfully  
15:14:30 20 and her life's put at risk and the other point is to commit  
15:14:34 21 an offence. So I was put in a difficult position, yes.  
22  
15:14:38 23 Ultimately we've got a criminal justice system where  
15:14:41 24 someone's sitting in the dock and the importance is when  
15:14:45 25 someone swears an oath, the expectation is that the person  
15:14:48 26 in the witness box is telling the truth, the whole truth  
15:14:51 27 and nothing but the truth?---Yes.  
28  
15:14:54 29 Was that a consideration?---I know there were - the first  
15:14:59 30 committal there was some discussion about concerns about  
15:15:08 31 Ms Gobbo's role on the [REDACTED] becoming public knowledge, but  
15:15:17 32 it did become knowledge on that day and there was nothing I  
15:15:20 33 could do about it, so.  
15:15:22 34  
35 I understand that. Who had the discussion, was that with  
15:15:27 36 you and the handlers?---Yes, there's a note in my diaries  
15:15:31 37 about the concerns they had about - - -  
38  
15:15:33 39 Have you got that note there whilst talking about it. I  
15:15:34 40 wonder if you can read it out?---It's [REDACTED] 2007 so I'll  
15:15:36 41 just have to find it.  
42  
15:15:39 43 Yes. Is that the [REDACTED] or [REDACTED] of [REDACTED]?---On p.140 of my  
15:16:38 44 diary.  
45  
15:16:39 46 Yes?---Which is the [REDACTED] of [REDACTED] 2007.  
47



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15:16:46 1 Yes?---At 2.15.  
2  
15:16:49 3 Yes?---I'd returned to the office, so that was after being  
15:16:55 4 at the Melbourne Magistrates' Court for the committal  
15:16:57 5 hearing of - re Posse.  
6  
15:17:00 7 Yes?---I've got a 2.15 briefing with Inspector O'Brien,  
15:17:07 8 Rowe, Mr White re level of sanitation of [REDACTED]'s  
15:17:14 9 interview. No change from this morning proofreading of  
15:17:22 10 [REDACTED]'s transcript.  
11  
15:17:26 12 Yes. So there had been a suggestion that there should be a  
15:17:29 13 change to the transcript; is that right?---Well, whether  
15:17:35 14 there be some - it appears to be the need for some level of  
15:17:39 15 sanitation of the transcript.  
16  
15:17:41 17 Yes. So that's - you had a discussion, did you - that's on  
15:17:50 18 the [REDACTED]. Did you have an earlier discussion about  
15:17:54 19 that?---Just let me check. There doesn't appear to be  
15:18:59 20 anything for the [REDACTED] or the [REDACTED] previously in my diary.  
15:19:06 21 That seems to be the first entry.  
22  
15:19:07 23 That's after you've given evidence?---I don't think it was  
15:19:11 24 me giving evidence. I think it might have been the  
15:19:14 25 informant giving evidence and the situation was raised in  
15:19:17 26 relation to producing the transcript.  
27  
15:19:29 28 Can I ask you about an entry in your diary, sorry, in a  
15:19:37 29 meeting that you had on 29 June 2007. Do you have a note  
15:19:46 30 of a meeting with Sandy White about 11.05 am on 29  
15:20:05 31 June?---So yes, I have an entry at 11.15.  
32  
15:20:08 33 Yes?---Conference with Purana.  
34  
15:20:10 35 Yes?---Re [REDACTED] and [REDACTED] committal. Detective  
15:20:18 36 Inspector O'Brien, Detective Sergeant Kelly, Rowe, Johns  
15:20:23 37 and DSU.  
38  
15:20:24 39 Yes?---I don't have any further details.  
40  
15:20:26 41 Can I ask you this: if Mr White has an entry, this is at  
15:20:33 42 VPL.2000.0001.1228 - [REDACTED] committal, and the entry is,  
15:20:43 43 "Purana meet JOB, Flynn, Rowe, Kelly" and looks like TIM or  
15:20:50 44 something, "re [REDACTED] committal issues regarding  
15:20:54 45 human source and PII", which we assume is public interest  
15:20:58 46 immunity?---Yes.  
15:20:58 47 "Notes redacted, relevance, protection of NG re threats by

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15:21:08 1 KW", that may well be Carl Williams because Mr White seems  
15:21:15 2 to use K for Carl. "All reference to SDU removed". Do you  
15:21:23 3 see that there? Does that ring a bell?---It doesn't help  
15:21:34 4 me recollect the meeting in question.  
5  
15:21:37 6 Right?---But obviously the times meet up and the people  
15:21:41 7 meet up, and I don't - if it's in Mr White's notes I don't  
15:21:46 8 doubt it for a moment.  
9  
15:21:48 10 Do you know whether at that stage there was any call to  
15:21:50 11 produce your notes and any redactions made at that  
15:21:53 12 stage?---I don't know.  
13  
15:22:01 14 It would seem to be the case that the question of  
15:22:04 15 redactions leading into that committal had been raised at  
15:22:09 16 least on 29 June?---Yep.  
17  
15:22:27 18 Can I ask you whether - there's a note on [REDACTED] 2007. Did  
15:22:41 19 you give evidence on that occasion, on [REDACTED]? It appears  
15:23:01 20 that you did. Have you a got in your diary about  
15:23:06 21 that?---I've got a note saying that Mr O'Brien gave  
15:23:14 22 evidence.  
23  
15:23:15 24 Yes. Can I put this to you, VPL.2000.0001.1233. Can I  
15:23:31 25 suggest that you did give evidence in the afternoon of that  
15:23:34 26 day and you were asked questions about whether Ms Gobbo  
15:23:37 27 attended and you answered that she did attend?---Yes.  
28  
15:23:41 29 It seems that if you have a look halfway down there's a  
15:23:47 30 note of an update by, I think it's Mr Fox, from Flynn,  
15:23:55 31 "Disclosed in cross-examination that Ms Gobbo attended and  
15:23:57 32 spoke to [REDACTED] re legal advice on the night of the  
15:24:01 33 arrest and [REDACTED] wasn't present and agree advise Ms Gobbo  
15:24:11 34 of the same". That reference to [REDACTED] not being present  
15:24:14 35 was an indication, I suggest, that when you gave that  
15:24:16 36 evidence [REDACTED] wasn't there because at that stage he'd  
15:24:19 37 agreed to go directly to the County Court and reserved his  
15:24:22 38 plea, he didn't involve himself in the committal. [REDACTED]  
15:24:27 39 did, but not [REDACTED]?---Yes, that coincides with my  
15:24:37 40 notes.  
41  
15:24:42 42 The evidence that you gave was, it was fairly short and  
15:24:46 43 concise, it was the fact that she had turned up and she had  
15:24:50 44 given him advice?---I can't recall but that makes sense.  
15:24:55 45 I've got some notes at 2.25 saying, "Evidence continued."  
15:25:01 46 I was - cross-examination, [REDACTED] statement, how  
15:25:06 47 statement was taken, record of interview, how made, a



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15:25:13 1 reference to a page.  
2  
15:25:16 3 Yes?---Just some other notes there.  
4  
15:25:20 5 All right. At that stage the record of interview hadn't  
15:25:22 6 been tendered because that's normally done through the  
15:25:27 7 informant at the end of the committal, is that your  
15:25:29 8 understanding?---So I think the record of interview we're  
15:25:31 9 talking about here is [REDACTED]'s record of interview.  
10  
15:25:34 11 Yes?---Which probably didn't make up the initial hand-up  
15:25:37 12 brief.  
13  
15:25:38 14 Right?---But it was called for.  
15  
15:25:39 16 It was called for and then there was a real question about  
15:25:42 17 in what form it would take when it was produced?---Yes.  
18  
15:25:46 19 Now there was a meeting then which occurred on 3 July, so  
15:25:50 20 there was another meeting convened about that very issue  
15:25:53 21 and that was something that was causing concern, do you  
15:25:55 22 recall that?---Yes, that's the one I referred to earlier.  
23  
15:25:58 24 Yes?---I only have the one reference and that's at 2.15.  
25  
15:26:02 26 What note do you have there?---Just with the players,  
15:26:05 27 O'Brien, Rowe, White and the note reads, "Level of  
15:26:10 28 sanitation of [REDACTED] interview, no change from this  
15:26:16 29 morning proofreading [REDACTED] transcript interview".  
30  
15:26:19 31 Yes. If we can have a look at this document,  
15:26:28 32 VPL.2000.0001.1234 I think it is, p.156 of Mr White's  
15:26:41 33 diary. At the bottom of the page there's a reference to a  
15:26:43 34 meeting at 11 o'clock, "Dale Flynn re update with court". I  
15:26:49 35 think it is, "[REDACTED] committal"?---This is still on the [REDACTED]  
36  
15:26:59 37 On the [REDACTED], yes. See at the bottom of the page, the [REDACTED]  
15:27:06 38 [REDACTED], Tuesday. Is that consistent with the time that you  
15:27:11 39 had the discussion or conference?---No, the discussion I've  
15:27:14 40 got is at 2.15 and I had returned to the office at that  
15:27:19 41 stage. So that appears to be a face-to-face briefing. At  
15:27:24 42 11 o'clock I was at the Melbourne Magistrates' Court and  
15:27:29 43 there's a mention there about spoke to Detective Senior  
15:27:34 44 Constable Rowe, the informant, "further sanitation to  
15:27:38 45 [REDACTED] interview". So it must have just been a  
15:27:40 46 conversation I had with Paul Rowe at the time.  
47

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15:27:43 1 Yes. So you contacted them and updated about what had  
15:27:47 2 happened at court, at the committal?---Yeah, I haven't made  
15:27:50 3 a note of that but that makes sense.

4  
15:27:52 5 And then if you go over the page there's a discussion about  
15:27:57 6 redacting [REDACTED]'s first interview when there is  
15:28:02 7 reference to Ms Gobbo. "I'm not suggesting that this is  
15:28:07 8 what was done but it can be done in, close in proximity to  
15:28:15 9 material that can be legitimately redacted, claim  
15:28:18 10 protecting barrister with respect to threats. If pushed as  
15:28:29 11 to why that part will be redacted", it seems to say, do you  
15:28:35 12 see that?---I see it, yes.

13  
15:28:37 14 In other words, the suggestion was that it could be done if  
15:28:40 15 it's close to somewhere, some material which is  
15:28:43 16 legitimately redactable, effectively it's like sort of  
15:28:47 17 slipping the pen and sort of going a bit further and  
15:28:50 18 redacting a name. That seems to have been the  
15:28:53 19 suggestion?---It appears as though from those two  
15:28:57 20 sentences, yes.

21  
15:28:58 22 That certainly wouldn't be an ethical way of going about  
15:29:01 23 things?---No, I would think not.

24  
15:29:03 25 That didn't happen, I assume; is that right?---No. Well,  
15:29:06 26 according to my notes there was no change to the  
15:29:08 27 transcript.

28  
15:29:09 29 Then it says, "Contact with Flynn of Purana. Will not",  
15:29:13 30 what does that say, "will not have"?---I can't read it.

15:29:17 31  
15:29:17 32 "Interview until checked at lunch". No, sorry. "Barrister  
15:29:23 33 from Sydney briefed by Shane Moran to" something,  
15:29:31 34 "(indistinct)". Do you say that there was or wasn't any  
15:29:34 35 redaction made to the transcript as far as you were  
15:29:37 36 concerned?---Yes, and I'm just going from my note on p.140.

37  
15:29:49 38 Yes, all right. I note the time, Commissioner?

39  
15:29:52 40 COMMISSIONER: The time it is indeed. We'll have the  
15:29:55 41 afternoon break, thanks.

42  
43 (Short adjournment.)

13:14:23 44  
15:51:41 45 COMMISSIONER: Yes.

15:51:41 46  
15:51:42 47 MR WINNEKE: Thanks Commissioner. Whilst we're dealing



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15:51:54 1 with this committal, I just want to ask you about a number  
15:52:01 2 of other matters concerning the potential redaction of  
15:52:06 3 notes and diaries. In Mr Sandy White's diary there's a  
15:52:13 4 discussion which occurs it seems - just hang on - in about  
15:52:26 5 March of 2007. If we can go to, have a look at this entry  
15:52:30 6 here, VPL.2000.0001.1095. If we can just go - - -  
15:52:57 7  
15:52:58 8 COMMISSIONER: What's the date, please?  
15:52:59 9  
15:52:59 10 MR WINNEKE: Commissioner, because of the redactions on my  
15:53:02 11 entry it appears that, it appears to be about the 9th or  
15:53:15 12 10th of March of 2007. I'll just confirm that. Can you  
15:53:20 13 have a read of that, Mr Flynn, or at least have a look at  
15:53:23 14 your diary? I withdraw that. It's 13 March 2007. In  
15:53:58 15 fact, I wonder if we could put a different record up. Can  
15:54:04 16 we do this, VPL.0100.0096.0580. Whilst we're going there,  
15:54:18 17 could you have a look at your diary, Mr Flynn, on 13 March  
15:54:23 18 2007 at around 14:32, 2.30 in the afternoon. Did you have  
15:54:33 19 a meeting on that occasion with Sandy White?---So my diary  
15:54:38 20 entry indicates at 2.15 meeting with DSU, discussed  
15:54:46 21 subpoena re - - -  
15:54:48 22  
15:54:48 23 Now there's a name there, or there's a number there. You  
15:54:51 24 might just be a bit circumspect when you read that out.  
15:54:55 25 Just have a look at Mr White's diary. Do you see  
15:54:58 26 that?---Yes, it's the same number.  
15:54:59 27  
15:55:00 28 That's an informer in any event. That's an issue with  
15:55:03 29 respect to the subpoena of an informer, do you see  
15:55:08 30 that?---Yes.  
15:55:08 31  
15:55:12 32 Is that related or unrelated to Ms Gobbo?---I'm actually  
15:55:16 33 not sure. I know that there was concerns within the  
15:55:24 34 organisation in relation to the use of the number 3838.  
15:55:27 35  
15:55:27 36 Yes?---So I think there was a change, but I'm not sure what  
15:55:31 37 the new number changed. I think possibly that could be it,  
15:55:35 38 I'm just not sure.  
15:55:37 39  
15:55:37 40 If I give you that slip here (handed to witness)?---Well, I  
15:56:05 41 don't associate that number with this person.  
15:56:07 42  
15:56:07 43 Okay. I'll give you another.  
15:56:12 44  
15:56:12 45 COMMISSIONER: Have another go.  
15:56:14 46  
15:56:15 47 MR WINNEKE: I'll have another go.

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15:56:17 1  
15:56:17 2 COMMISSIONER: Can anyone help? No, we're not getting any  
15:56:20 3 volunteers.  
15:56:23 4  
15:56:26 5 WITNESS: So I know in my diaries I have reference to the  
15:56:29 6 second name that you've given me taking that path, but  
15:56:34 7 again I don't know what number it is.  
15:56:36 8  
15:56:36 9 MR WINNEKE: Don't know, may not be that one. I better  
15:56:39 10 hand those up to the Commissioner. If you can hand the  
15:56:43 11 first one up, then the second one, so as - - -  
15:56:46 12  
15:56:46 13 COMMISSIONER: I can understand what's happened. Does  
15:56:51 14 anyone else want to see the names?  
15:56:53 15  
15:56:54 16 MR CHETTLE: Yes please, Commissioner.  
15:56:55 17  
15:56:55 18 COMMISSIONER: Yes, okay.  
15:57:02 19  
15:57:02 20 MR WINNEKE: All right then. Are you able to read that  
15:57:05 21 entry there - in any event we might just leave that for the  
15:57:29 22 moment. If we can move over to the next page and you'll  
15:57:32 23 see a number that you are familiar with on the diary on the  
15:57:37 24 screen?---Yes.  
15:57:47 25  
15:57:49 26 So it seems that you've had a discussion about a couple of  
15:57:52 27 matters. One of them is an informer with a different  
15:57:55 28 number?---Yes.  
15:57:56 29  
15:57:57 30 Concerning a subpoena?---Yes, so that would suggest it's  
15:58:00 31 not one and the same.  
15:58:01 32  
15:58:02 33 No, no, I'm suggesting it's a different informer?---Yes, I  
15:58:04 34 agree.  
15:58:05 35  
15:58:05 36 But there's a discussion that you have about Ms Gobbo  
15:58:08 37 concerning the upcoming committal. The upcoming committal  
15:58:11 38 is obviously [REDACTED]'s committal?---Yes.  
15:58:14 39  
15:58:15 40 And how to protect Ms Gobbo regarding non-declaration of  
15:58:21 41 involvement in [REDACTED]'s arrest, do you see that?---Yes.  
15:58:26 42  
15:58:26 43 So it's quite clear that you've had a discussion at that  
15:58:30 44 stage and you are giving consideration to how you do  
15:58:33 45 protect Ms Gobbo from exposure in the upcoming  
15:58:39 46 committal?---That appears to be the case, yes.  
15:58:41 47



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15:58:41 1 So you would accept the proposition that at least from, and  
15:58:46 2 probably before, March of 2007 you were conscious that it  
15:58:51 3 was going to be an issue to protect her?---Yes.  
15:58:53 4  
15:58:56 5 And she's concerned about your notes and that they will - I  
15:59:02 6 assume it says reveal her attendance at St Kilda Road?---I  
15:59:07 7 can't read that word either but that appears to be what it  
15:59:11 8 is, yes.  
15:59:12 9  
15:59:12 10 And she has denied attending St Kilda Road - well for or re  
15:59:21 11 [REDACTED]. "Check if this is true. Options, delete all  
15:59:28 12 reference under privilege. Admit she attended and what  
15:59:32 13 does she say to [REDACTED]?" And - - - ?---Scared.  
15:59:39 14  
15:59:39 15 "Scared for safety", question mark?---Yes.  
15:59:42 16  
15:59:43 17 And the expectation that she should have worked for [REDACTED]  
15:59:46 18 and [REDACTED]. "How could she have known that [REDACTED]" - warned,  
15:59:57 19 sorry, warned, quite right. "How could she have known that  
16:00:02 20 [REDACTED] and [REDACTED] were working together", it seems.  
16:00:08 21 "[REDACTED] never told her", is that right?---That appears to  
16:00:13 22 be what it is, yes.  
16:00:13 23  
16:00:14 24 "Discussion regarding the possibility of a plea by [REDACTED]"  
16:00:21 25 and then, "Someone 's to speak to Ms Gobbo regarding the  
16:00:27 26 solution", is that right?---I can't understand that.  
16:00:40 27  
16:00:40 28 COMMISSIONER: "Re situation."  
16:00:41 29  
16:00:42 30 MR WINNEKE: The situation.  
16:00:42 31  
16:00:43 32 COMMISSIONER: Maybe.  
16:00:44 33  
16:00:45 34 WITNESS: The initials I'm not sure of either.  
16:00:48 35  
16:00:48 36 MR CHETTLE: Mr Anderson.  
16:00:49 37  
16:00:50 38 MR WINNEKE: Mr Anderson, handler. If we go over the page,  
16:00:53 39 "Outline issues. Options available. If all material  
16:00:57 40 deleted under public interest immunity if"?---If contested.  
16:01:04 41  
16:01:05 42 "Contested, human source involvement will be revealed to  
16:01:09 43 the Magistrate"?---Yep.  
16:01:10 44  
16:01:11 45 "Confidential affidavit, some grounds", I suppose that is,  
16:01:16 46 is it? "Same problem", rather?---Yep.  
16:01:20 47

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16:01:20 1 "Adjourned for further consideration and discussion with  
16:01:25 2 Ms Gobbo"?---Yep.  
16:01:31 3  
16:01:33 4 Now, what do you have by way of notes in your diary about  
16:01:37 5 that?---What was the date and time?  
16:01:40 6  
16:01:41 7 That's 13 March 2007 and the diary entry is at 2.30. You  
16:01:51 8 said 2.15?---Yeah, I've only got three lines, so what I  
16:01:56 9 read before, and that regards the other number, not this  
16:02:02 10 number. I do have a line here that says, "Discuss notes,  
16:02:09 11 sanitisation", et cetera, "For court", but that's it.  
16:02:13 12  
16:02:13 13 That would be your, I suppose, truncated version of the  
16:02:18 14 more detailed, do you accept, your truncated version of the  
16:02:23 15 more detailed notes taken by Mr White?---Yes.  
16:02:26 16  
16:02:26 17 Do you have any recollection at that stage of what you did?  
16:02:32 18 Did you sanitise notes, did you speak to anyone about these  
16:02:35 19 issues, about - did you speak to anyone about confidential  
16:02:42 20 affidavits or anything like that?---Not that I can recall.  
16:02:45 21  
16:02:46 22 So it's quite clear that at that stage these issues are  
16:02:49 23 being considered?---Yes.  
16:02:51 24  
16:02:51 25 And obviously the appropriate course is being suggested,  
16:02:57 26 that is either a confidential affidavit or a claim for  
16:03:05 27 public interest immunity?---That appears from - - -  
16:03:08 28  
16:03:08 29 Both?---Mr White's notes, correct.  
16:03:10 30  
16:03:10 31 And either of those would be an appropriate and a lawful  
16:03:15 32 course to take, do you accept that?---Yes.  
16:03:17 33  
16:03:18 34 And it appears that none of those courses were  
16:03:21 35 chosen?---Correct.  
16:03:22 36  
16:03:25 37 One of the issues that was noted then was that if a  
16:03:29 38 confidential affidavit was prepared, then Ms Gobbo's  
16:03:37 39 involvement would be revealed to the Magistrate?---Well  
16:03:43 40 yes, that's right. It first makes the mention about the  
16:03:47 41 public interest immunity.  
16:03:47 42  
16:03:47 43 Yes?---And then it repeats same problem for confidential  
16:03:52 44 affidavit, yes.  
16:03:53 45  
16:03:53 46 In effect a confidential affidavit is really another  
16:03:57 47 expression of a claim for public interest immunity, what



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16:03:59 1 you would do?---Yes.

16:04:01 2

16:04:01 3 You set out a confidential affidavit explaining why the

16:04:05 4 notes need to be redacted?---Yes.

16:04:07 5

16:04:09 6 That really there in black and white is the appropriate

16:04:14 7 course to take, I suggest?---Well they were options that

16:04:19 8 were available to us.

16:04:21 9

16:04:21 10 What's the alternative option?---But they also highlight,

16:04:24 11 you know, the overriding issue that I've mentioned time and

16:04:29 12 time again about - - -

16:04:29 13

16:04:30 14 I follow that. What occurs here is that Victoria Police -

16:04:35 15 you would accept this proposition, that in the normal

16:04:39 16 course, an appropriate response is to make a claim for

16:04:45 17 public interest immunity, informer immunity, and justify it

16:04:51 18 by putting an affidavit before a Magistrate or giving

16:04:54 19 evidence before a Magistrate?---Well, our standard response

16:05:00 20 is what I've said before, before we do any of that, if the

16:05:04 21 matter gets raised in a court of law is that common

16:05:11 22 sentence that we give in relation to it's the policy of

16:05:15 23 Victoria Police to neither confirm nor deny the existence

16:05:19 24 of a human source. That's kind of the first step in these

16:05:19 25 matters.

16:05:19 26

16:05:20 27 Even to a court, so Victoria Police is effectively saying,

16:05:23 28 and by implication, assuming this has been brought to your

16:05:26 29 attention and we can assume it has because it's in the

16:05:29 30 notes of a police officer who has recorded a conversation

16:05:33 31 with you?---Yes.

16:05:35 32

16:05:37 33 What I suggest is the appropriate course is suggested, that

16:05:41 34 is to put it before a Magistrate in circumstances where no

16:05:45 35 one else knows about it, it's a confidential affidavit, no

16:05:49 36 one else knows about it, and it seems that the approach of

16:05:54 37 Victoria Police, of you, of your superiors, is not even to

16:05:57 38 trust the courts?---Well, I don't think it's a matter of

16:06:01 39 trusting anything, I think it's just a culture of keeping,

16:06:08 40 even within the organisation, keeping only those who have

16:06:13 41 to know in the knowledge about - - -

16:06:15 42

16:06:16 43 So what you say is as far as Victoria Police goes the

16:06:21 44 culture was keep only those in the know who need to know

16:06:26 45 and that includes the courts, whose job is to determine

16:06:30 46 whether a claim of public interest immunity is valid or

16:06:34 47 not, is that right?---You ask that question as if it's a

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16:06:40 1 general type of process or policy we would follow.

16:06:43 2

16:06:43 3 Yes?---This is a unique situation, it's the only time that

16:06:47 4 I can recall it's come up, so - - -

16:06:50 5

16:06:51 6 Why is it unique?---Because of Ms Gobbo's role as a

16:06:54 7 barrister.

16:06:54 8

16:06:54 9 See, it may well be thought that that's what the concern

16:06:59 10 was of Victoria Police, not the fact that she's an informer

16:07:03 11 but the fact that she's a barrister, which would lead to

16:07:06 12 embarrassment on the part of Victoria Police and the

16:07:10 13 potential that the evidence would be thrown out and

16:07:14 14 Victoria Police would be criticised for doing what it

16:07:17 15 did?---Well I don't recall that being a problem at that

16:07:21 16 time.

16:07:21 17

16:07:22 18 What you just said was that the unique aspect of this was

16:07:25 19 that Ms Gobbo was a barrister?---Yes.

16:07:27 20

16:07:28 21 The unique aspect of it is that you were using a barrister

16:07:32 22 against her clients?---Well, we were using a barrister as a

16:07:37 23 human source, yes.

16:07:38 24

16:07:38 25 Against her clients?---Yes.

16:07:40 26

16:07:40 27 And you knew that and you answered this question honestly

16:07:43 28 before, if a judge found out about it the wig would hit the

16:07:47 29 roof?---Well, we knew it would create a lot of issues, yes.

16:07:51 30

16:07:51 31 And so your truthful answer is, "The reason we didn't is

16:07:56 32 because she was a barrister"?---Yes, but that, you know,

16:08:01 33 that concerns about her safety and also, you know, the

16:08:05 34 legal fraternity and not wanting to keep it, just to keep

16:08:09 35 it in-house as much as possible.

16:08:11 36

16:08:11 37 Look, every time there's an informer the issue is with

16:08:14 38 respect to the safety of the informer, that's a

16:08:18 39 given?---Well not like this I would suggest.

16:08:20 40

16:08:20 41 It may well be the case that she was giving evidence in

16:08:24 42 relation to very serious criminals but that's not unusual

16:08:28 43 of itself, is it?---Well from time to time we get people

16:08:31 44 that give very strong evidence, yes.

16:08:33 45

16:08:34 46 Who provide very strong evidence against serious

16:08:39 47 criminals?---Yes.



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16:08:39 1  
16:08:40 2 But in those cases, what, you say that they're not kept  
16:08:46 3 from the courts but the reason this person is kept from the  
16:08:48 4 courts is because she's a barrister?---No, no, I'm saying  
16:08:54 5 that the reason anything is kept confidential is simply  
16:09:01 6 because of the fact she's a human source.  
16:09:04 7  
16:09:04 8 You seem to have sort of moved around a bit there. What  
16:09:09 9 I'm suggesting to you is that - you know as a matter of  
16:09:16 10 your learning that if a claim for public interest immunity  
16:09:19 11 is made it's not invariably a successful claim?---Well,  
16:09:29 12 there's always the possibility that it won't be successful,  
16:09:32 13 yes.  
16:09:33 14  
16:09:33 15 And in this particular case, might it have been a concern  
16:09:39 16 that in this particular case it wouldn't have been  
16:09:41 17 successful?---Well, that's a possibility but I still don't  
16:09:49 18 believe that that was part of, well certainly my thought  
16:09:54 19 process or the discussions that were held at the time.  
16:09:57 20  
16:09:57 21 All right. So having had this discussion with Mr White,  
16:10:02 22 did you go back then and relay though the contents of that  
16:10:07 23 discussion to Jim O'Brien?---Well shortly after that I had  
16:10:18 24 a meeting with Jim O'Brien but - - -  
16:10:21 25  
16:10:21 26 And what's the contents of that meeting, what happened in  
16:10:24 27 that meeting?---There's no details there. It's just - - -  
16:10:28 28  
16:10:28 29 What was the meeting about?---It doesn't even indicate  
16:10:31 30 that. I've got, "Return to the office. Coro inquiries.  
16:10:36 31 Brief Detective Inspector O'Brien". I would expect because  
16:10:45 32 it's directly after I was briefing him but I can't be  
16:10:50 33 certain.  
16:10:50 34  
16:10:50 35 As a matter of course, I mean this isn't something you'd  
16:10:53 36 keep to yourself I assume, Inspector?---I think there's a  
16:10:58 37 strong possibility that I did brief Jim O'Brien, I just  
16:11:01 38 can't be positive because my notes don't go into those  
16:11:05 39 details.  
16:11:05 40  
16:11:05 41 All right. I don't want to jump around too much.  
16:11:11 42  
16:11:11 43 COMMISSIONER: Just before you go on to another topic. I'm  
16:11:14 44 having some difficulty understanding what your concern was  
16:11:17 45 about telling the courts about Nicola Gobbo as an informer,  
16:11:22 46 knowing, as you do, as you've told us, that you understood  
16:11:26 47 that PII, informer immunity was a matter for the

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courts?---Yes.

So you keep on going back to the fact that she was an informer and a barrister?---Yes.

Are you saying that you were concerned that the courts wouldn't keep it confidential?---Um, I don't think I'm extending it that far, Commissioner. It's just a practice in relation to human sources that only those that need to know, know. So that includes within Victoria Police. So -  
- -

What about the courts?---Well generally when we go to - have matters before the courts we don't talk about human sources. Sorry, I've said it about five times, that we go back to that policy of answering a question about a human source, that it's the policy of Victoria Police to [REDACTED]  
[REDACTED]

All right then, thank you.

MR WINNEKE: Even if that means that the court doesn't get to determine and weigh in the balance on the one hand the interests of the trial and on the other hand the interests of maintaining the secrecy of an informer?---I've never been in a situation where that's been really pushed, but that was my understanding of our policy at the time and I thought that was a relatively common policy used across the organisation, especially for areas like drug investigations where utilising a human source is common.

But do you accept that it is for, if there is an issue raised or if there's a question of relevance arises, it is for a court to determine whether a claim for public interest immunity should override the interests of a fair trial of an accused person?---Yes.

It's not up to the police to make that decision without referring it to anyone else, do you accept that?---Well, yes, I do. Even though in practice it might actually operate the other way around, but once we made that statement and then if we were challenged on it, then I suppose we'd go away and seek legal advice in respect to it.

I follow what you say. You say, "As far as we're concerned" - are you saying now what is still currently the



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16:14:01 1 view extant within Victoria Police or is it back then?---I  
16:14:07 2 haven't been involved in these type of investigations for  
16:14:09 3 about seven or eight years but back then, that was still  
16:14:13 4 the same.  
16:14:14 5  
16:14:14 6 Right. I mean obviously this Commission's got to come to a  
16:14:18 7 conclusion about the best way that these matters ought be  
16:14:22 8 dealt with. Accepting the policy or accepting that the law  
16:14:27 9 is that it's a matter for the courts to determine, would  
16:14:31 10 you say that if the police were operating these days in the  
16:14:35 11 same way as they were operating back in those days, in  
16:14:40 12 effect that would be subverting the appropriate, the role  
16:14:45 13 of the courts or stepping into the shoes of the  
16:14:50 14 courts?---By making that claim that I've mentioned several  
16:14:54 15 times?  
16:14:54 16  
16:14:54 17 Yes?---I don't know, I don't know the background of where  
16:14:59 18 that policy came from, I don't even know I've ever seen it  
16:15:05 19 in writing but I thought it was just a generally accepted  
16:15:08 20 concept that Victoria Police members used, that if, you  
16:15:12 21 know, they were asked a simple question, was a human source  
16:15:15 22 involved in this operation that was the reply that they  
16:15:19 23 supplied.  
16:15:19 24  
16:15:20 25 That's what they supplied to a court?---Yes.  
16:15:23 26  
16:15:23 27 But if there is information which is relevant which may  
16:15:27 28 well indicate or which may well include the fact that  
16:15:30 29 there's an informer, it may simply be the fact that that  
16:15:35 30 claim would be made but then you'd need to get legal advice  
16:15:38 31 about it?---Well - - -  
16:15:41 32  
16:15:41 33 That might be the first thing you do in answering the  
16:15:43 34 question?---Yes.  
16:15:44 35  
16:15:44 36 But isn't the real issue if we've got material which may  
16:15:48 37 well be relevant, prima facie it's got to be disclosed, and  
16:15:54 38 we've then got to seek legal advice about whether we're  
16:15:57 39 entitled to make that claim?---Well, in general, within  
16:16:06 40 human source related matters I was of the opinion that we  
16:16:12 41 just made that claim.  
16:16:14 42  
16:16:15 43 Who did you make the claim to?---I'm sorry, I would make  
16:16:18 44 that response in relation to a question during a court  
16:16:21 45 hearing.  
16:16:21 46  
16:16:21 47 What about when it comes to producing relevant

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16:16:25 1 material?---Well, I've answered my questions before in  
16:16:28 2 relation to the redaction of notes and human source related  
16:16:33 3 material would be redacted and that would be, as I've  
16:16:39 4 indicated previously, my role was to redact them myself.  
16:16:43 5  
16:16:43 6 Right. It may well be that no one ever knows about the  
16:16:49 7 relevant material?---It's possible, yes.  
16:16:51 8  
16:16:51 9 You'd have to agree that's hardly an adequate way of  
16:16:54 10 dealing with it, wouldn't you?---From a police perspective,  
16:16:59 11 from my perspective, I'm trying to protect the human  
16:17:04 12 source, protect their involvement. I mean if we don't  
16:17:06 13 protect them we'll never have them available and they're  
16:17:10 14 very important in relation to assisting us with criminal  
16:17:13 15 investigations.  
16:17:13 16  
16:17:14 17 That's right, and that's the reason why you have public  
16:17:16 18 interest immunity but that's always got to be weighed  
16:17:18 19 against the importance of a fair trial or the necessity of  
16:17:24 20 a fair trial?---Yes.  
16:17:25 21  
16:17:25 22 It's not as if this was something that hadn't been  
16:17:30 23 considered, because if we go to Mr White's diaries of 19  
16:17:32 24 March 2007, that is subsequent to that earlier entry,  
16:17:37 25 VPL.2000.0001.1105, it seems that there's a further meeting  
16:17:42 26 about notes on 19 March. Can you have a look in your diary  
16:17:47 27 on that date to see what you record on that date at about  
16:17:54 28 10 minutes past 5 on 19 March 2007?---Ten minutes past 5?  
29  
16:18:11 30 VPL.2000.0001.1105, that's it. Do you see that there's  
16:18:20 31 another meeting with you regarding Gobbo notes?---This is  
16:18:28 32 the 19th of March?  
16:18:30 33  
16:18:30 34 19 March?---My notes don't have anything that corresponds  
16:18:35 35 with that. I've got, I was at the office at 4.30.  
16:18:40 36  
16:18:40 37 Yes?---Coro's inquiries, I spoke to Inspector Ryan.  
16:18:44 38  
16:18:44 39 Yes?---And then - - -  
16:18:47 40  
16:18:47 41 What time did you see him?---At 4.30.  
16:18:50 42  
16:18:50 43 Right?---And at 6 I left.  
16:18:57 44  
16:18:57 45 We see in Mr White's diaries that he meets, there's a 3838  
16:19:03 46 briefing with Mr Ryan at 4.15?---Yep.  
16:19:07 47



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16:19:08 1 "Need to lock up Horty. Speak to DDI Ryan re Milad. Meet  
16:19:15 2 with DDI Ryan, Purana, brief re 3838 issues." And then  
16:19:21 3 there's a meeting at 10 past 5 with Detective Sergeant  
16:19:26 4 Flynn regarding 3838 notes. "Agreed hand over only notes  
16:19:34 5 that relate to", and it's [REDACTED], but [REDACTED] is crossed  
16:19:46 6 out?---Yes.  
16:19:47 7  
16:19:48 8 "MM, Milad Mokbel arrest, not [REDACTED], on the basis of relevance  
16:19:53 9 and have not specifically been asked for [REDACTED] notes",  
16:19:58 10 do you see that?---I have not specifically been asked,  
16:20:03 11 i.e., is it, for possibly?  
16:20:05 12  
16:20:06 13 Yes, re?---Re, yes.  
16:20:07 14  
16:20:08 15 There hasn't been a specific request for notes concerning  
16:20:12 16 [REDACTED]. If anybody is going to be the subject of a  
16:20:18 17 request it will be the investigators, not the handlers, you  
16:20:21 18 would agree with that?---Yes, I would.  
16:20:24 19  
16:20:25 20 Assuming he's right that he has met you, obviously he knows  
16:20:30 21 who you are, it would be hard to mistake it, wouldn't  
16:20:34 22 it?---Sorry, I'm not sure what you're asking me.  
16:20:36 23  
16:20:37 24 What I'm suggesting to you is you had a meeting with him at  
16:20:40 25 10 past - - - ?---His notes would be - we were both in the  
16:20:42 26 same building, it appears at the same time, I just haven't  
16:20:46 27 made a note of it.  
16:20:47 28  
16:20:48 29 There's clearly a discussion again within the space of a  
16:20:51 30 week about these notes and there's been an agreement about  
16:20:57 31 how it's going to be achieved, that is the protection of  
16:21:00 32 Ms Gobbo, "Only hand over notes that relate to Milad's  
16:21:04 33 arrest and not [REDACTED]'s arrest"?---Yep.  
16:21:08 34  
16:21:10 35 Look, "I haven't been specifically asked for those notes so  
16:21:15 36 therefore I won't produce it"?---Yep.  
16:21:16 37  
16:21:17 38 "In any event a plea would be the best option"?---Yes.  
16:21:20 39  
16:21:20 40 Then we come back to the situation that the best way to  
16:21:23 41 protect Ms Gobbo is if Milad Mokbel pleads?---Yes.  
16:21:27 42  
16:21:28 43 And you know at that stage that Milad, that Ms Gobbo is  
16:21:33 44 making representations to, on behalf of Milad Mokbel to see  
16:21:44 45 if she can't get, get a plea sorted out?---Yes.  
16:21:49 46  
16:21:49 47 She wasn't his lawyer on the record, was she?---I don't

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16:21:53 1 know. I know she spoke to him on the night of his arrest.  
16:21:56 2  
16:21:56 3 Yes, but not as his lawyer?---Well - - -  
16:22:04 4  
16:22:04 5 She spoke to him on the night of his arrest, we can agree  
16:22:08 6 about that?---Yes, yes.  
16:22:09 7  
16:22:10 8 He had lawyers on the record, solicitors on the record, do  
16:22:13 9 you accept that?---Well no, I don't know who - I don't  
16:22:17 10 disagree with it, I just don't know how his legal  
16:22:21 11 representations changed after the day of his arrest.  
16:22:24 12  
16:22:25 13 She didn't appear for him at the committal, did she?---I'm  
16:22:29 14 not sure, I'd have to look.  
16:22:32 15  
16:22:33 16 You know that there was a fair degree of, a fair degree of  
16:22:44 17 pressure at that stage being applied with a view to resolve  
16:22:50 18 his matter and get him to plead?---Mr Mokbel, he indicated  
16:22:55 19 to me that he wanted to plead from the very start so, yeah,  
16:22:58 20 there was talk about resolving the matter.  
16:23:00 21  
16:23:00 22 Can I suggest to you that Ms Gobbo was desperate for him to  
16:23:04 23 plead?---I suspect she was.  
16:23:06 24  
16:23:06 25 Yes. Now do you know that Mr O'Brien and Mr Trichias made  
16:23:13 26 an attempt to get him to plead as well? Do you know  
16:23:17 27 that?---It's not ringing any bells as I sit here at the  
16:23:20 28 moment. I would not understand why Mr Trichias would be  
16:23:26 29 involved.  
16:23:27 30  
16:23:28 31 You know that Ms Gobbo approached you and said that  
16:23:35 32 Mr Mokbel, Milad Mokbel might be prepared to plead, you're  
16:23:39 33 aware of that?---On the night?  
16:23:41 34  
16:23:41 35 Somewhere around March of 2007?---I think there's several  
16:23:45 36 references to that, yes.  
16:23:46 37  
16:23:47 38 And can I suggest to you that on 13 March 2007, Mr O'Brien  
16:23:55 39 went to see Milad Mokbel on 13 March 2007 to further, or at  
16:24:08 40 least with a view to convincing him to plead  
16:24:13 41 guilty?---That's possible.  
16:24:15 42  
16:24:21 43 Was there some potential that he was going to cooperate as  
16:24:24 44 well?---I think it was discussed. If I go back to my notes  
16:24:30 45 on the day of his arrest, he kind of indicated to me what  
16:24:33 46 he would do and what he wouldn't do. But he certainly  
16:24:37 47 indicated right from the very start that he wanted to



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16:24:41 1 plead.

16:24:41 2

16:24:43 3 Just excuse me. Pressure had been put on him by reference

16:24:55 4 to his wife, wasn't there?---Yes, well she got involved in,

16:25:02 5 she was the surety for Tony Mokbel and had the \$2 million

16:25:10 6 surety to pay when Tony Mokbel fled the country, so it was

16:25:14 7 all involved with that.

16:25:15 8

16:25:19 9 If we go to 6 March 2007, did you have a meeting with a

16:25:31 10 number of people concerning Milad Mokbel and what to do

16:25:40 11 about Milad Mokbel?---Do you have a time, sir?

16:25:46 12

16:25:47 13 At about 4 o'clock or thereabouts?---So at 4.35 I had a

16:25:52 14 conference with DSU members.

16:25:53 15

16:25:54 16 Yes?---There's several. Mr O'Brien, Detective Sergeant

16:25:57 17 Kelly, Detective Senior Constable Baulch.

16:26:04 18

16:26:04 19 Was there a Mr Hayes there and Ms Hantsis?---Not in my

16:26:10 20 notes.

16:26:10 21

16:26:10 22 Robinson?---Not in my notes.

16:26:12 23

16:26:13 24 Jim O'Brien has those names in his diary and in his diary

16:26:17 25 there's a reference to a discussion of Ms Gobbo in relation

16:26:20 26 to Milad Mokbel. Do you have a recollection in your diary

16:26:26 27 or do you have a note in your diary about what that meeting

16:26:30 28 was about?---There's reference to somebody else.

16:26:32 29

16:26:32 30 Yes. If we have a look at VPL.0100.0096.0572 which is an

16:26:49 31 entry in Mr White's diary?---There is an entry in my diary.

16:26:53 32

16:26:53 33 There is?---Yes. Over the page there's several lines

16:26:57 34 related to something else and then over the page on p.290

16:27:01 35 there's a line of Milad Mokbel.

16:27:03 36

16:27:04 37 Yes?---"Re RM", which is Renate Mokbel, "Warrant to

16:27:11 38 arrest". There's a, "Milad Mokbel rang Ms Gobbo".

16:27:15 39

16:27:15 40 Yes?---"Wants to resolve."

16:27:18 41

16:27:18 42 Yes?---"RM", so Renate Mokbel, "Perjury charges,

16:27:26 43 restraining order on house, surety issue. Milad Mokbel

16:27:31 44 plea, restraining order on house". That's the extent of my

16:27:34 45 notes in relation to Milad Mokbel.

16:27:36 46

16:27:36 47 And so was it considered that the position of Renate Mokbel

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16:27:41 1 might be able to be employed as some sort of leverage to  
16:27:45 2 have Milad Mokbel plead?---So it's the other way around.  
16:27:48 3 It was what Milad Mokbel was requesting of us to resolve  
16:27:52 4 the matter.  
16:27:53 5  
16:27:53 6 What was he requesting?---He was requesting that his wife  
16:27:56 7 was not charged or not imprisoned or somehow that matter  
16:28:00 8 was resolved.  
16:28:01 9  
16:28:02 10 Really the two wouldn't have anything to do with each  
16:28:05 11 other, would they?---Well, arguably yes, but that's what he  
16:28:09 12 was asking.  
16:28:10 13  
16:28:11 14 It certainly would be inappropriate for Victoria Police to  
16:28:14 15 entertain some sort of a suggestion of allowing Renate  
16:28:24 16 Mokbel out or going easy on Renate Mokbel if Milad Mokbel  
16:28:28 17 was to plead guilty, that wouldn't be entertained by  
16:28:31 18 Victoria Police, would it?---Well, from an entertainment  
16:28:35 19 point of view I don't know, but we might take it to the OPP  
16:28:38 20 and say, "Well this is what he wants" and see what their  
16:28:42 21 reaction is.  
16:28:43 22  
16:28:43 23 Yes, yes. Would it be, would you accept that it would be  
16:28:46 24 inappropriate to pressure him to plead whilst hanging the  
16:28:52 25 position of his wife over his head?---That wasn't the case.  
16:28:55 26 He was offering this to us. This is what he was saying to  
16:28:57 27 us.  
16:28:57 28  
16:28:58 29 Is that right?---Yes, well that's my recollection of it.  
16:29:00 30  
16:29:00 31 Do you accept that it wouldn't be appropriate for Victoria  
16:29:03 32 Police to involve itself in that exercise or in that  
16:29:06 33 process?---Well, I don't see any harm in going to the OPP  
16:29:10 34 and seeing, telling them that this is what he's offered.  
16:29:14 35  
16:29:14 36 It would be inappropriate for Victoria Police to put  
16:29:16 37 pressure on him to assist police on the understanding that  
16:29:23 38 Victoria Police would do what it could to go easy on his  
16:29:27 39 wife?---We were not putting any pressure on him whatsoever.  
16:29:30 40 He was coming to us saying that he wanted to resolve the  
16:29:33 41 matters and this is the issues he wanted to get resolved.  
16:29:36 42  
16:29:36 43 Do you accept that Ms Gobbo had involved herself in this  
16:29:39 44 process?---Yes.  
16:29:40 45  
16:29:40 46 Do you accept that Ms Gobbo had no business in involving  
16:29:43 47 herself in this process because she was hopelessly



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16:29:47 1 conflicted?---Well, yes.  
16:29:49 2  
16:29:49 3 Do you accept that at that stage Milad Mokbel had  
16:29:54 4 solicitors on the record who Victoria Police could  
16:29:58 5 perfectly well deal with?---Well, I don't argue that point.  
16:30:02 6 I don't know if I was aware of it at the time.  
16:30:05 7  
16:30:05 8 Yes, all right?---I mean ultimately it was resolved through  
16:30:10 9 other solicitors, but not at this stage.  
16:30:12 10  
16:30:12 11 All right. Now, you were aware, I suggest, that, and  
16:30:17 12 indeed you were sent an email, it may well be - just excuse  
16:30:21 13 me. VPL.0638.0032.9133. Do you accept that you were sent  
16:30:54 14 this email on 21 August 2008?---Yes.  
16:30:59 15  
16:31:00 16 Concerning a transcript of a conversation between Detective  
16:31:04 17 Inspector O'Brien and Milad Mokbel at [REDACTED] on 13 March of  
16:31:09 18 2007, "If you want the audio let me know"?---Yes.  
16:31:13 19  
16:31:13 20 That was sent to you in the context of your involvement in  
16:31:17 21 a subsequent proceeding concerning Horthy Mokbel by Peter  
16:31:21 22 Trichias, Detective Sergeant, Victoria Police, of the  
16:31:24 23 Homicide Squad?---This is over a year later, yes.  
16:31:26 24  
16:31:26 25 I understand that?---Yes.  
16:31:27 26  
16:31:28 27 But it concerns a meeting between Mr O'Brien and  
16:31:32 28 Mr Trichias and Milad Mokbel following the approach by  
16:31:36 29 Ms Gobbo to see if she could involve herself in the  
16:31:41 30 negotiations for a plea on the part of Milad Mokbel, do you  
16:31:45 31 see that? Do you accept that?---Well she was involved, yes  
16:31:49 32 and, you know, I can't recall Mr O'Brien and Mr Trichias  
16:31:51 33 going to speak to Milad Mokbel, but that seems clear from  
16:31:55 34 that email.  
16:31:56 35  
16:31:56 36 You've seen that email and you've seen the transcript,  
16:31:59 37 haven't you?---No, I don't believe I have.  
16:32:01 38  
16:32:01 39 Well it was sent to you?---That would - yes, you're right.  
16:32:10 40 Yes, I can't recall reading it.  
16:32:12 41  
16:32:12 42 Right. And if we have a look at it, you can see that  
16:32:17 43 Mokbel's saying, "It's like I said to Nicola" - just move  
16:32:24 44 it up the page. The extract, the attachment is VPL.60 -  
16:32:35 45 there it is there. Do you see that's a transcript of a  
16:32:44 46 conversation?---Yes.  
16:32:46 47

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16:32:48 1 If we could just go down the page. Keep scrolling down.  
16:32:54 2 There we are. "It's like I said to Nicola, my main concern  
16:32:58 3 is my wife", and that's Renate?---Yes.  
16:33:02 4  
16:33:03 5 Mr O'Brien says, "Yeah. Plus at the end of the day if we  
16:33:06 6 can do something to help her out". Mr O'Brien says,  
16:33:11 7 "Yeah". He says, "It's like this, Milad, all right. I'll  
16:33:16 8 be up front with you. All right, I've had a discussion  
16:33:19 9 with Nicola". Keep moving down. Next page. "I've had a  
16:33:28 10 discussion with the Director of Public Prosecutions. Yep.  
16:33:31 11 And the view is that in relation to the warrant of  
16:33:34 12 apprehension of your wife, which is imminent, in fact I'll  
16:33:38 13 have that warrant in my possession later this afternoon".  
16:33:40 14 Mr Mokbel says, "You're going to arrest her then? No, I  
16:33:44 15 didn't say I was going to arrest her. I said I'll have the  
16:33:48 16 warrant of apprehension, whether I execute it is a matter  
16:33:52 17 for myself, for the time I execute it. What I'm saying to  
16:33:55 18 you is that we've agreed that it would be a matter for your  
16:33:58 19 defence to apply for a stay or execution in relation to  
16:34:00 20 that warrant", stay of execution it would be, "In relation  
16:34:04 21 to that warrant, it would probably consent to some period  
16:34:08 22 of adjournment depending on what meaningful discussions  
16:34:12 23 we're having with you". Mokbel says, "Let me get this  
16:34:16 24 right, so if I or my solicitors". Mr O'Brien says, "They  
16:34:20 25 would have to apply for an injunction". Mr Mokbel says,  
26 "Could you ring them? Could you phone them?" Mr O'Brien  
16:34:24 27 says, "Well I can do that". Mr Mokbel says, "And say that  
16:34:27 28 you spoke to me and this is all I think at the moment.  
16:34:31 29 Okay, if you could do that I could sit down here with you  
16:34:35 30 and I can discuss". O'Brien says, "All's I'm saying,  
16:34:39 31 telling you what we're prepared to do while there's some  
16:34:43 32 discussion going on. Yep" says Mokbel. "Now the other  
16:34:44 33 part of that is in the event that we do that, that, some  
16:34:48 34 situation would be worked out with her charges in relation  
16:34:50 35 to her perhaps pleading to one substantive count of perjury  
16:34:55 36 instead of four that she's charged with, it would be a  
16:34:59 37 between dates issue, so that could be a rolled up  
16:35:04 38 presentment on the basis that she could possibly get a  
16:35:07 39 non-custodial sentence. Now that's a matter for the judge  
16:35:09 40 at the end of the day. The Director would probably agree  
16:35:11 41 with some sort of submission in relation to that. But  
16:35:12 42 that's dependent on your full cooperation. Yeah".  
16:35:16 43 Mr O'Brien said, "Now that would, now what you tell these  
16:35:20 44 other dickheads out the back is a matter for you. Right.  
16:35:26 45 What you tell them is a matter for you". Now, what I  
16:35:32 46 suggest that is, pure and simple, is, "We will go easy on  
16:35:35 47 your wife, she won't go to gaol if you assist us"?---Well,



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yes, but it's done with the consultation of the OPP.

What he's saying to you is, "I've got my own discretion about how I go about this. I've got it in my pocket, I don't have to execute it". What I suggest to you plain and simple is that he's putting pressure on him and with a suggestion that he'll go easy on his wife?---Well, I think I need to concede that that appears to be that he's putting some pressure on Mr Milad Mokbel but I'll still state that it appears to be that it's done with discussion with the OPP.

It may well be that there had been discussions about it with the OPP and there's been discussions with Nicola Gobbo about it, quite apparently, but what I suggest to you is that he's floating with him the possibility, and you remember he's speaking to not a lawyer but a person in prison, that his wife may not go to gaol if he assists police?---That appears to be the case.

Yes?---But - - -

That's how Mr Mokbel would have perceived it, I suggest to you?---Well again I come back to the fact that it appears to be done in consultation with the OPP.

Who knows what the OPP's been told. We can see, it is what it is on the transcript, but can I suggest to you that it certainly would have had the appearance on the part of Mr Mokbel that he was being stood over and pressured into assisting police on the assumption that his wife may not go to gaol?---That appears to be the case, yes.

It comes close to blackmail, doesn't it?---No, I wouldn't suggest that at the all. I mean at the end of the day, you know, you can talk to police as much as you like about sentencing and plea bargaining and things like that but it's not our decision to make. All we do is we entertain it, discuss it, see if there's some type of area that's accepted by both parties and we take it to the OPP and the defence to sort it out.

Do you say that's an appropriate way of dealing with a person in custody?---If Mr O'Brien did go to the OPP, and I have no reason to doubt that he didn't, to me he's just trying to resolve it and he's saying, "I've been to the OPP and this is what they've said".

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16:37:51 1  
16:37:52 2 You say that's an appropriate way of trying to suggest that  
16:37:54 3 he pleads, is that right?---Well in this case, yes,  
16:37:57 4 especially considering he was the one that was coming to us  
16:38:00 5 indicating that he wanted to plead.  
16:38:02 6  
16:38:02 7 What he says is, "It's dependent on your full cooperation.  
16:38:06 8 That is the deal that charges being rolled up, presented on  
16:38:11 9 the basis that she could possibly get a non-custodial  
16:38:14 10 sentence, it's a matter for the judge at the end of the day  
11 but the Director would agree with some sort of submission  
16:38:18 12 in relation to that but that's dependent on your full  
16:38:20 13 cooperation"?---Yes.  
16:38:21 14  
16:38:21 15 Effectively saying, "It's up to me to decide and it depends  
16:38:26 16 on whether you fully cooperate"?---I don't accept that it's  
16:38:30 17 up to Mr O'Brien. Ultimately it's up to the OPP and his  
16:38:34 18 defence counsel. I mean this is really no different to  
16:38:37 19 what happened with [REDACTED].  
16:38:39 20  
16:38:40 21 Is that right?---Well that's how I see it in relation to  
16:38:43 22 asking him to cooperate.  
16:38:45 23  
16:38:45 24 Thanks very much, Commissioner.  
16:38:46 25  
16:38:47 26 COMMISSIONER: Yes, we'll adjourn now. It's 4.38 and  
16:38:50 27 Mr Chettle hasn't even grumbled. So we'll adjourn now  
16:38:55 28 until 9.30.  
29  
16:39:23 30 <(THE WITNESS WITHDREW)  
16:39:24 31  
16:39:24 32 ADJOURNED UNTIL WEDNESDAY 2 OCTOBER 2019  
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