

1 with that part of the investigation.

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

2 Your crew was targeting Mr Cooper in relation to

3 clandestine laboratories?---Yes.

4 Was the other crew also targeting Clandestine Laboratories or

5 was it targeting some other form of criminal

6 activity?---Well, they were targeting drug trafficking

7 offences and a lot of that did involve clandestine

8 laboratories.

9 And in that particular operation, Mr Cooper was a

10 focus?---Yes.

11 During the investigation that you were operating through

12 November 2005 through to April of 2006, were there

13 telephone intercepts on phone services being utilised by

14 Mr Cooper ---Yes.

15 Have those intercepts been examined?---Yes.

16 Are there any telephone calls in which Horthy Mokbel

17 appears?---That I am not sure.

18 If there were telephone calls in which he appears, relevant to

19 this case, do you say that that inquiry has not been made

20 or that if it has been made, there were no telephone calls

21 relevant to this case?---Yes, the latter. If they have

22 been made they are not relevant to this case. If they

23 were relevant to this case they would have been included.

24 So that analysis has already been performed?---Yes.

25 Were there any listening devices being utilised to capture

26 conversations of Mr Cooper during the period of

27 November 2005 through to his arrest on

28 22 April 2006?---No.

29 When he was arrested on 22 April - I think we have already

30 established this - you were the interviewing

31 officer?---Myself and his informant, Detective Senior

1 Constable Rowe.

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

2 When initially interviewed he refused to answer questions,

3 exercised his right to silence I should say?---Yes.

4 Then later he then participated in a record of interview in

5 which he cooperated?---Yes.

6 Did he speak to a legal practitioner between those two

7 interviews?---Yes.

8 Who was that?---Ms Nicola Gobbo.

9 Now, in the latter interview in which he cooperated, he went

10 into a large number of areas concerning his drug

11 trafficking activated, did he not?---Yes.

12 It was a lengthy interview that took some many hours?---It did,

13 yes.

14 In answer to questions put to him he answered, would it be fair

15 to say, most if not all of the questions put to

16 him?---From my recollection yes, that is correct.

17 Did you subsequently to that interview perform an analysis of

18 the answers that he gave to you to determine whether or

19 not he was appearing to be truthful and accurate, or was

20 he appearing to mislead you?---Not in relation to the

21 interview I did not, no.

22 Is it your view on your understanding, at least in terms of an

23 interview, he was attempting to or did attempt to tell you

24 the truth?---Yes.

25 From your understanding of your investigation - in fact, if I

26 go back one step. You then [REDACTED] didn't

27 you?---Yes.

28 For the purpose of a later development in the operation, which

29 was when he participated in meeting with a number of

30 people?---Yes, that is correct.

31 And those persons, or some of them at least, consequently being

1 predominantly me but there were members of my team or my
2 crew that assisted.

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

3 Were you the principal person liaising with and dealing with

4 [REDACTED] ---Yes, I was.

5 A lot of the statements that he has made bear the date of

6 6 August 2006?---Correct.

7 And I take it these are statements that whilst they were signed

8 on that day, certainly weren't produced on that day. They

9 had been produced in the preceding

10 months?---Correct.

11 As to that process of the taking of the statements from [REDACTED]

12 [REDACTED] how was that achieved? Was that done through him

13 being tape recorded in an interview situation and then

14 statements being compiled from the subject matter of the

15 product of the interview? Or was it done by sitting him

16 down with a typewriter or a computer and simply typing up

17 each statement?---As per the latter. A lap top computer,

18 statements were taken from him direct.

19 Were they done in draft form, submitted to him for correction

20 and then corrected, or were they done in a way in which

21 the product that we have seen, certainly in this

22 proceeding, being statements dated 6 August, is that which

23 was finally arrived at on the computer?---That is correct,

24 yes.

25 So there is no draft form, it is simply part of the process of

26 debriefing?---That is correct.

27 For the purpose of [REDACTED] making the statements, was he

28 provided with any material?---Not in relation to the

29 matter before this Court. I don't believe at the time of

30 making his statements he was provided with any of the

31 listening device material.

1 which he has said to you?---Yes.

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

2 Along the way there may be some clarification when he has told

3 you something and you sought some clarification, but

4 beyond that there was nothing?---No. There was certainly

5 - I obviously directed him in a certain area that I wished

6 him to go, but aside from that it was just obtaining that

7 information from him.

8 Has he ever had played to him the listening device product of

9 conversation recorded with my client on 23, 24 and 25

10 April?---Yes, he has been provided with that.

11 When did that happen?---It happened at - I don't know the date,

12 but it was at a much later stage.

13 After he had made these statements?---Yes.

14 For what purpose were they played to him?---To basically

15 proofread or check the contents of the transcript of the

16 conversation.

17 The tape-recorded product that had been provided as part of

18 this brief, and I have it in a CD form, is that the

19 enhanced version?---I am not sure about that.

20 Are there aware that there was enhancement made of the

21 product?---I heard different informants in these matters

22 talk about enhancing, but that is something they organise

23 themselves, not something I had involvement in.

24 Okay, so I should direct any questions on that subject matter

25 to the informant?---Yes. Yes, Mr Rowe, I think, had - may

26 have arranged some enhancement as well.

27 Have you yourself listened to the product?---No, I have not.

28 Coming back to 22 April. This is to do with the interview of

29 **Mr Cooper** . After he had sought advice - and you say

30 from Nicola Gobbo - he then cooperated and participated in

31 the interview and answered the questions?---Yes.

1 him attending at the Grove restaurant?---Yes.

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

2 As to the discussions that led to that, you don't know whether
3 that occurred later on the 22nd or in the course of the
4 morning of 23 April?---Correct.

5 And this was a move beyond providing answers to questions in a
6 record of interview, this was a move in which he was now
7 volunteering to assist the police by actively engaging in
8 an ongoing operation?---Yes.

9 That is a decision that what you say he arrived at himself
10 without consultation with legal counsel?---Yes. Well, I
11 don't know what he discussed when he sought legal advice,
12 but from deep into the night on Saturday the 22nd, he had
13 no further legal advice on that night.

14 And into the 23rd you continued to have conversations with him
15 which ultimately led to him participating in the meetings
16 at the Grove Restaurant on the evening of the 23rd, and
17 subsequently the 24th and 25th of April?---Yes.

18 At the stage that he had agreed to participate in the
19 operation, had he at that stage also agreed to be a
20 witness if called upon?---Yes.

21 As at 22 April Mr Cooper was on at least two lots of bail,
22 was he not?---He was, yes.

23 The first concerns the laboratory at PII [REDACTED] Street, Pascoe
24 Vale?---Correct.

25 And the second concerned a laboratory being operated out of an
26 address at [REDACTED] Street in
27 Rye?---Correct.

28 Which had been operating between September of 2002 and 11 April
29 of 2003?---Correct.

30 Going back to the 2002 Pascoe Vale lab, on 13 February of 2002
31 there was a fire at the address was there not?---That is

1 And in the statements that you have taken from him he has told
2 you, or at least led you to believe that that was the only
3 time that he has produced methylamphetamine using
4 pseudoephedrine, other than some experimental occasions,
5 throughout the period of leading up to 2002 when he was
6 arrested at Pascoe Vale, correct?---From recollection yes,
7 that is correct.

8 And indeed, were you in Court for his Honour Judge [REDACTED] during
9 the course of the plea hearing for Mr Cooper [REDACTED] p---Yes, I
10 was.

11 In the course of that it was the case, was it not, that his
12 counsel informed his Honour that other than the lab in
13 2002 at Pascoe Vale, the only time prior to that on which
14 Mr Cooper [REDACTED] had produced methylamphetamine was this one
15 occasion in [REDACTED] correct?---I can't recollect the
16 conversation, but if that is what was in the transcript, I
17 don't dispute it.

18 So coming back to what I suggested to you is the relevance of
19 asking questions about what he was telling Mr King [REDACTED]
20 it paints a very different picture of his participation
21 and involvement in methylamphetamine production beyond
22 that which he told you in the statements that you have
23 taken from him?---I don't know if I would agree with that,
24 your Honour. His statements clearly indicate that he is a
25 very major methylamphetamine cook.

26 Who prior to 2002 had only ever done one cook in [REDACTED], not
27 producing a tonne-and-a-half as he said to Mr King [REDACTED]
28 in the eighties or nineties?---Well that is correct, yes.
29 Do you agree that this is a general proposition, that when you,
30 as you have here, used the services of a confessed
31 criminal for the purpose of prosecution of others, there

1 are always risks tendered with acting upon what they

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

2 say?---Yes.

3 They are motivated generally out of self-interest?---Yes.

4 They are people who have, for a good part of their lives,

5 involved themselves in dishonesty?---Yes.

6 And in the case here of [REDACTED] and others like him,

7 high-level committal activity?---Yes, I agree with that.

8 Persons who are facing, if convicted, significant periods of

9 imprisonment?---Yes.

10 In the case of [REDACTED] he was looking at, in terms of the

11 three labs, large commercial quantities at each that would

12 put him for years well into double figures?---Yes, I would

13 agree with that.

14 Persons who have a lot to lose, correct?---Yes.

15 Persons who in terms of their veracity, integrity and honesty

16 need to be fully explored and examined and investigated to

17 determine their worth?---Well, certainly in simple terms

18 we would not take his word or act on his word unless we

19 could corroborate it to some extent.

20 Because without something that at least adds some corroborative

21 flavour or confirmatory nature to what he is saying, you

22 are left with a person who, on the face of it, whose word

23 you would otherwise not necessarily follow?---Well yes,

24 without corroboration of his evidence, we would not act on

25 that.

26 In relation to Horthy Mokbel he came into the picture on

27 23 April of 2006 when he arrived at the Grove

28 Cafe?---Yes.

29 Some of the charges that are before this Court concern what

30 occurred between 24 April and 25 April?---Yes.

31 I think the first three - first two charges before the Court.