

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Tuesday, 25 June 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting: Mr C. Winneke QC
 Mr A. Woods
 Ms M. Tittensor

Counsel for Victoria Police Mr J. Hannebery QC
 Ms K. Argiropoulos

Counsel for State of Victoria Ms E. Hilliard

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

Counsel for DPP/SPP Mr P. Doyle

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

Counsel for Paul Dale Mr G. Steward

10:14:50 1 COMMISSIONER: Yes, Mr Winneke.
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10:14:52 3 MR WINNEKE: Morning, Commissioner. Just before we
10:14:54 4 recommence with Mr Dale - or recommence with him - I've had
10:14:58 5 a discussion with my learned friend Mr Hannebery concerning
10:15:00 6 a number of documents which are of relevance - perhaps not
10:15:06 7 directly so, but certainly peripherally so - to Mr Dale.
10:15:11 8 I've been told that there are about a thousand-odd
10:15:16 9 documents which fall into that category. We haven't been
10:15:20 10 provided with those documents at this stage. I'm not too
10:15:23 11 sure exactly what the situation is so far as the police are
10:15:26 12 concerned. So, obviously, I'm not going to be in a
10:15:30 13 position, if there is any material within those documents
10:15:34 14 which I would need to put to Mr Dale, to do so.

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10:15:42 16 I'm informed that, for the most part, the documents
10:15:46 17 concern a decision which was made in around late 2008 -
10:15:52 18 perhaps before early 2009 - to transition Ms Gobbo from an
10:15:57 19 informer to a witness against Mr Dale, but that's all -
10:16:01 20 effectively, that's what I'm told.

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10:16:04 22 It's not clear to me why they haven't been provided -
10:16:08 23 it may well be that they've only just been found by
10:16:11 24 Victoria Police - but I would seek an explanation for that,
10:16:14 25 Commissioner, before we proceed any further, when they were
10:16:17 26 found, where they were found and who found them.

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10:16:21 28 COMMISSIONER: All right. I just note that the appearances
10:16:24 29 are the same as on the last occasion, save, I think, for
10:16:31 30 the State of Victoria, it's Ms Hilliard appearing for the
10:16:43 31 State of Victoria. Otherwise, I think they are the same as
10:16:46 32 on the last occasion. Mr Hannebery.

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10:16:48 34 MR HANNEBERY: Thank you. Can I say this: there is,
10:16:49 35 obviously, a vast amount of material that Victoria Police
10:16:53 36 has that is connected to Mr Dale, be it through murder
10:16:59 37 investigations, perjury investigations, all of that matter.
10:17:04 38 So there's a vast amount of material, not all of which is
10:17:07 39 relevant to these proceedings - in fact, a vast amount of
10:17:10 40 it's not - and not all of which was subject to a Notice to
10:17:17 41 Produce.

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10:17:17 43 Now, this material has been, if you like, discovered,
10:17:21 44 it's not a matter of being recently discovered. However,
10:17:24 45 there was a review of the relevance of this material, or
10:17:30 46 potential relevance of this material, to these proceedings
10:17:35 47 once Mr Dale was cross-examined last week and it was

10:17:40 1 understood the line of cross-examination that was being
10:17:43 2 pursued, and it was determined that this material may be
10:17:45 3 relevant to that broad inquiry, and as a result of that,
10:17:50 4 there was then a review undertaken. I can say that of the
10:17:55 5 thousand documents so far, there's been about half of it
10:17:58 6 that has been reviewed and accepting for a moment that that
10:18:03 7 review is not - I wouldn't put it that it is either
10:18:08 8 complete, nor can be guaranteed to be flawless. However,
10:18:14 9 the vast amount of that material would seem to relate to
10:18:19 10 discussions about that issue as to the conversion of
10:18:23 11 Ms Gobbo from an informer to a witness and issues
10:18:29 12 surrounding safety issues, those type of considerations,
10:18:35 13 and that we're letting the Commission know that this
10:18:39 14 material may be relevant. The position is that it didn't
10:18:45 15 necessarily have an applicable Notice to Produce before
10:18:51 16 now, but if there is a - - -

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10:18:53 18 COMMISSIONER: I think the Notices to Produce, particularly
10:18:57 19 in the early stages, were very wide and would have covered
10:18:59 20 everything relevant to the Terms of Reference. So if
10:19:01 21 they're relevant to any cross-examination or examination of
10:19:04 22 this witness, they would have been relevant to the original
10:19:06 23 Notice to Produce.

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10:19:08 25 MR HANNEBERY: If there was a Notice to Produce that was
10:19:10 26 related to the decision to turn her from an informer into a
10:19:14 27 witness, that's a Notice to Produce that would cover this
10:19:20 28 material.

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10:19:21 30 COMMISSIONER: I'm sure the original Notice to Produce
10:19:23 31 would cover this if it was relevant to the Terms of
10:19:26 32 Reference.

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10:19:26 34 MR HANNEBERY: As I say, I'm at a disadvantage not having
10:19:29 35 the original Notice to Produce there, I'm relying upon the
10:19:33 36 instructions I've been provided, but regardless, this
10:19:37 37 material's being reviewed as quickly as it can.

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10:19:42 39 COMMISSIONER: When you say being reviewed, what does that
10:19:45 40 mean? Reviewed for relevance?

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10:19:49 42 MR HANNEBERY: Yes.

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10:19:49 44 COMMISSIONER: Reviewed for PII?

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10:19:51 46 MR HANNEBERY: Yes - relevance at the moment, but yes.

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10:19:54 1 COMMISSIONER: It's not satisfactory, Mr Hannebery. I
10:19:56 2 suppose all that can be said is better late than never, but
10:20:00 3 it really isn't satisfactory.

10:20:02 4
10:20:02 5 MR HANNEBERY: Yes. I'm also instructed that, in relation
10:20:06 6 to this particular witness, that none of this material is -
10:20:12 7 well, I say "none". I'm overstating that. It would seem
10:20:17 8 that this material would be more relevantly put to
10:20:20 9 witnesses apart from Mr Dale. Obviously, if that situation
10:20:23 10 changes or if there's material discovered that would be
10:20:26 11 relevant to Mr Dale, that would be something we'd let the
10:20:30 12 Commission know about. But, on the face of it, it seems to
10:20:33 13 be more material relating to that decision to turn her from
10:20:36 14 a witness - from an informer to a witness and there are a
10:20:39 15 number of upcoming witnesses who may be able to better
10:20:44 16 comment on that than Mr Dale himself, given that he's,
10:20:47 17 obviously, not directly - not involved directly in that
10:20:51 18 decision-making process.

10:20:52 19
10:20:52 20 COMMISSIONER: Yes. Well, those witnesses will be being
10:20:57 21 called later in the proceedings. But at this stage, you
10:20:59 22 tell us that you have reviewed about half of 1,000
10:21:04 23 documents for relevance.

10:21:06 24
10:21:06 25 MR HANNEBERY: Yes.

10:21:06 26
10:21:06 27 COMMISSIONER: Are they being disclosed to the Commission?
10:21:06 28

10:21:09 29 MR HANNEBERY: They haven't as yet, because we were going
10:21:11 30 to ask for a new Notice to Produce to cover those and then
10:21:15 31 undertake the normal PII review.

10:21:17 32
10:21:17 33 COMMISSIONER: I think we should find out whether they're
10:21:20 34 covered by a current Notice to Produce, because I'd be
10:21:24 35 amazed if they're not.

10:21:26 36
10:21:26 37 MR HANNEBERY: Well, as I said, I'm at a disadvantage. I
10:21:27 38 can't comment on the original - - -
10:21:27 39

10:21:28 40 COMMISSIONER: No doubt we'll hear more shortly. I suppose
10:21:30 41 what it's going to mean is that this witness will not be
10:21:33 42 finished today and he'll have to be stood down, in case
10:21:38 43 there's some other relevant material that comes out of this
10:21:40 44 lot of documents.

10:21:42 45
10:21:42 46 MR WINNEKE: Commissioner, that may well be right. It's
10:21:44 47 not clear to me what the reason is, whether the documents

10:21:47 1 don't fall within a Notice to Produce, whether it's because
10:21:52 2 they haven't been found, whether it's because they're not
10:21:54 3 relevant. One would assume if the documents concern the
10:21:57 4 decision made to convert Ms Gobbo from an informer to a
10:22:03 5 witness, then they are absolutely central to this inquiry,
10:22:06 6 so I can't see how they don't fall within a Notice to
10:22:09 7 Produce.
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10:22:09 9 COMMISSIONER: Do we have a copy of the original Notice to
10:22:12 10 Produce?
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10:22:15 12 MR WINNEKE: I'm asking my instructors to get a copy of
10:22:17 13 it, Commissioner. In any event - - -
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10:22:18 15 COMMISSIONER: I recall it was in the broadest of terms.
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10:22:23 17 MR WINNEKE: In any event, Commissioner, we've been told
10:22:24 18 again and again that this is a cooperative approach being
10:22:26 19 taken by Victoria Police and if our Notice to Produce is
10:22:28 20 wide of the mark, one would expect that we would have been
10:22:32 21 told that it's a couple of centimetres wide of the mark and
10:22:35 22 we would have been told about that earlier.
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10:22:37 24 In any event, it's not clear to me exactly what the
10:22:40 25 reason is, but save to say that, one way or the other, it's
10:22:43 26 most unsatisfactory that we get a number of days into the
10:22:46 27 witness and we're told that there's another thousand
10:22:50 28 documents. It's like history repeating itself.
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10:22:53 30 COMMISSIONER: All you can say is better late than never.
10:22:55 31 I'd rather they told us about it than they didn't, because
10:22:58 32 of embarrassment or any other reasons. So at least they
10:23:01 33 told us about it now, so better late than never.
10:23:05 34 Mr Hannebery, we'll have a look into the original Notice to
10:23:09 35 Produce. It doesn't seem as though that's very easily -
10:23:12 36 quickly found.
10:23:13 37

10:23:14 38 MR HANNEBERY: I accept that it's unfortunate that we're
10:23:16 39 having this discussion now, but the aim is to provide the
10:23:20 40 Commission with this material, it's not an intention to
10:23:23 41 conceal it or keep it out of the proceedings.
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10:23:26 43 COMMISSIONER: At least that's something, that's something,
10:23:28 44 and if there's more such material, the sooner it's produced
10:23:31 45 to the Commission, the better. But if half of this
10:23:33 46 material's been looked at for relevance, at least those
10:23:36 47 documents should be immediately produced.

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10:23:39 2 MR HANNEBERY: I'll speak to my instructors about the
10:23:41 3 mechanics of that, in relation to the usual processes and
10:23:45 4 what might have to be done.
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10:23:49 6 COMMISSIONER: And in the meantime, we'll have a look at
10:23:52 7 the original Notice to Produce and see if a new one is
10:23:55 8 needed.
10:23:56 9
10:23:57 10 MR HANNEBERY: If that one doesn't cover it, we'll seek a
10:23:59 11 new one in terms that will cover it and go from there.
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10:24:02 13 COMMISSIONER: All right. Mr Winneke, do you want the
10:24:03 14 witness returned to the witness box?
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10:24:06 16 MR WINNEKE: Yes, please.
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10:24:08 18 COMMISSIONER: Thanks, Mr Dale. If you could return to the
10:24:10 19 witness box.
10:24:12 20
10:24:12 21 <PAUL DALE, recalled:
10:24:17 22
10:24:18 23 MR WINNEKE: Mr Dale, I was asking you questions, last time
10:24:23 24 you were here, about what appeared to be a discussion
10:24:30 25 between you and Mr Williams on Nicola Gobbo's phone,
10:24:35 26 correct?---Yes.
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10:24:37 28 I think you were saying, effectively, that you believe that
10:24:40 29 you were at the Crown Casino and you were quite
10:24:47 30 inebriated?---Yes.
31
10:24:48 32 I take it you're not suggesting that that discussion, or
10:24:54 33 the context of that discussion, falls within some sort of
10:24:57 34 legal professional privilege at all?---Not at all, no.
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10:25:02 36 It appears also that there was a subsequent time that you
10:25:10 37 attempted to - or you asked, I think, that Carl Williams
10:25:22 38 contact Nicola Gobbo. Have you got a transcript of some
10:25:28 39 communications in front of you? This is on 2 May 2004.
10:25:33 40 Have you got those?---I don't think so, no.
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10:25:39 42 Okay. If you can go to - have you got a bundle of
10:25:43 43 communications there?---Look, I've got a full transcript of
10:25:48 44 the Gobbo tape recording.
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10:25:54 46 All right?---And some other material to assist me.
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10:25:56 1 On 2 May 2004, it appears that you've rung George Williams
10:26:01 2 and said, "G'day mate. Hey listen, tell Carl to ring
10:26:07 3 Nicola, will you"?---Yes.
4
10:26:10 5 2 May, about 9.37. You're asking Carl Williams to contact
10:26:13 6 Nicola Gobbo. Is the context of that - you're not
10:26:19 7 suggesting that that was some sort of legal communication
10:26:22 8 or for the purposes of legal communication, or are
10:26:25 9 you?---No, not at all.
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10:26:26 11 Right. It appears that you are attempting to get in touch
10:26:32 12 with him and that goes on. And if we go to a telephone
10:26:48 13 call on 4 May 2004, where - this is call 7505 - 4 May 2004,
10:27:06 14 at 14:51?---Yes.
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10:27:15 16 Gobbo says, "Hey listen, I got some strange message
10:27:19 17 Saturday to call you, or Friday. Do you know what, dad was
10:27:24 18 getting the same message" - that's Williams says to Gobbo,
10:27:28 19 "Dad's getting the same message". Now, it appears that
10:27:32 20 that relates to your attempts to contact Carl Williams,
10:27:34 21 correct?---Correct.
22
10:27:36 23 And Williams says, "Like Dale, he was drunk and kept
10:27:39 24 ringing dad up, saying, 'Tell Carl to ring Nicola'",
10:27:44 25 right?---Yes.
26
10:27:45 27 Again, it seems to be you, in effect, using Nicola Gobbo as
10:27:52 28 a means for you to communicate with or attempt to
10:27:55 29 communicate with Carl Williams, correct?---At that
10:27:59 30 particular - in that particular call, possibly, yes.
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10:28:03 32 Are you suggesting, again, that that was a communication
10:28:05 33 which was done for the purposes of or in relation to legal
10:28:09 34 advice that you were seeking from Gobbo?---No, not at all.
35
10:28:19 36 All right. Okay. Now, I asked you - thanks very much.
10:28:22 37 That can go down. I asked you, when you were last here,
10:28:30 38 about the sorts of things that you might seek legal advice
10:28:37 39 from Ms Gobbo about?---Yes.
40
10:28:40 41 And one of them related to a complaint against members of -
10:28:46 42 I suggest one of them related to a complaint against
10:28:51 43 members of ESD, the Victoria Police?---Yes.
44
10:28:54 45 A complaint made to the Ombudsman, and that concerned - is
10:28:59 46 your recollection this: that it concerned information that
10:29:05 47 was on the brief of evidence that you'd been served

10:29:08 1 with?---Yes, that's correct.
2
10:29:11 3 I wonder if we could put up VPL.2000.0002.0553. Could we
10:29:29 4 go to the previous page. That appears to be - it seems to
10:29:37 5 be a cover sheet and it says "received 3838 - 29/5/2007".
10:29:45 6 You may not know anything about that, but it may well be
10:29:49 7 that that's a suggestion, and we'll hear about this in due
10:29:51 8 course, that that was provided by Gobbo to her handlers in
10:29:54 9 about May of 2007.
10:29:56 10
10:29:57 11 MR CHETTLE: Commissioner, are we entitled to see this
10:30:00 12 document?
13
10:30:03 14 MR WINNEKE: You can see it now.
10:30:05 15
10:30:06 16 MR CHETTLE: It's not on the screen.
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10:30:07 18 COMMISSIONER: It is now. You've got to turn your head
10:30:09 19 sideways to read it, Mr Chettle.
10:30:12 20
10:30:13 21 MR CHETTLE: That's the way my head is normally.
10:30:17 22
10:30:17 23 WITNESS: Yes
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10:30:19 25 MR WINNEKE: I take it you don't know anything about that
10:30:21 26 cover sheet and it being provided to any police officers.
10:30:24 27 One assumes that the police have it because it's been
10:30:27 28 provided by Victoria Police - at least it's got a VPL
10:30:30 29 number on it?---Yes, I know nothing about that cover sheet,
10:30:33 30 no.
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10:30:33 32 All right. If we go to the next page, we see that it's a -
10:30:41 33 it seems to have been printed off - perhaps on Nicola
10:30:46 34 Gobbo's computer system, but it seems to be from Paul Dale
10:30:51 35 and pndale@optusnet.com.au. Was that your email
36 address?---Yes.
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10:31:04 38 And it's to Nicole Gobbo, ngobbo@melpc.org.au, and it's
10:31:13 39 sent on 21 April 2004, in the evening, 10.21 pm, and it
10:31:13 40 appears to be - the subject of the email is, "Complaint to
10:31:18 41 Ombudsman for your advice, please"?---Yes.
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10:31:22 43 If we can just scroll through the document. Commissioner,
10:31:29 44 I've spoken to Mr Steward about this and I'm told that
10:31:34 45 there's no privilege maintained with respect to this
10:31:37 46 document.
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10:31:38 1 COMMISSIONER: Thank you.
10:31:39 2
10:31:39 3 WITNESS: I certainly recall making the document, yes.
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10:31:42 5 MR WINNEKE: What was the purpose of the document?---Well,
10:31:45 6 it was a complainant that I had in regards to my own
10:31:51 7 personal private information being given to a number of
10:31:55 8 criminals by the Ethical Standards Department.
10:31:58 9
10:31:58 10 Yes?---And so I was seeking advice from Nicola as to how
10:32:05 11 to, I guess put that complaint in a more formal legal
10:32:11 12 manner before I forwarded it through to the Ombudsman's
10:32:16 13 office.
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10:32:17 15 So is it sent to her as a friend or a friend who's a lawyer
10:32:20 16 or a lawyer, or what's the situation?---It's sent directly
10:32:23 17 to her, just as the subject matter reads, for legal advice,
10:32:29 18 for her legal opinion.
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10:32:31 20 All right. I tender that, Commissioner.
10:32:36 21
10:32:50 22 COMMISSIONER: Is there a date for that document?
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10:32:55 24 MR WINNEKE: Yes. 21 April - well, if you go to the
10:32:56 25 cover - - -
10:32:56 26
10:32:56 27 COMMISSIONER: Two dates. The cover sheet is 29 May 07.
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10:33:02 29 MR WINNEKE: Yes. Well, it appears it was provided - it
10:33:06 30 says "received 29 May 2007", so it's not clear when that
10:33:12 31 was - the actual document was created, but I think - it
10:33:16 32 perhaps ought to have "21 April 2004".
10:33:22 33
10:33:23 34 #EXHIBIT RC245 - Statement of Paul Dale dated 21/4/04, with
10:33:31 35 the cover sheet dated 29/5/07.
36
10:33:39 37 Subsequent to the murders of the Hodsons, you were called
10:33:46 38 to attend various compulsory hearings with Mr Fitzgerald at
10:33:53 39 the OPI; is that right?---Yes.
40
10:33:56 41 Did you have discussions with Ms Gobbo in relation to those
10:34:06 42 summonses that you had - I think in November of 2004 and I
10:34:13 43 think there was an occasion earlier than that; is that
10:34:16 44 right?---Yeah, look, whenever I received a summons to
10:34:19 45 appear before an examination or a hearing, I would either
10:34:23 46 make contact with Nicola Gobbo prior, or certainly I would
10:34:27 47 meet with her post, and discuss potential legal concerns

10:34:34 1 that I had, for her advice.
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10:34:37 3 Yes. I think the first one was on 6 July 2004, and that
10:34:43 4 was an interview between you and the Assistant Ombudsman,
10:34:49 5 Greg Carroll, in the presence of a person by the name of
10:34:55 6 Kedge, K-E-D-G-E, that's the first occasion?---Yes.
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10:34:59 8 And then, secondly, I think, in November of 2004, and
10:35:04 9 that's with Mr Fitzgerald. Now, in relation to both of
10:35:07 10 those, do you say you had a lawyer on the record or
10:35:17 11 not?---I would have - I believe Tony Hargreaves.
12
10:35:21 13 Mr Hargreaves appeared on your behalf on 26 November
10:35:27 14 2004?---Yeah, I don't think I had anyone in the first one,
10:35:31 15 the very first one.
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10:35:39 17 That was an interview where, effectively, you were being
10:35:42 18 interviewed for the purposes of Mr Fitzgerald's
10:35:48 19 investigation into the alleged theft of the informer
10:35:53 20 management file of Terry Hodson, correct?---Correct, yes.
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10:35:57 22 Do you know whether you spoke to Mr Hargreaves prior to
10:36:02 23 attending on 6 July 2004?---Is that the Mr Fitzgerald
10:36:09 24 Inquiry, that one?
25
10:36:10 26 Let me put it this way: on 6 July 2004, you were
10:36:14 27 interviewed by Assistant Ombudsman Mr Carroll and the
10:36:18 28 Ombudsman's office was conducting an investigation, the
10:36:22 29 Ombudsman's office had engaged Tony Fitzgerald to direct
10:36:25 30 the investigation and at his direction, you were being
10:36:29 31 interviewed?---Okay. So I recall the first time I was
10:36:35 32 interviewed under a compulsory examination by Mr Carroll, I
10:36:41 33 don't believe I had any formal legal advice at that stage,
10:36:44 34 but I could be wrong.
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10:36:45 36 I can tell you this: you weren't represented on that date,
10:36:49 37 you didn't have anyone with you?---No, I didn't have anyone
10:36:53 38 there with me, no, I recall being myself there. I'm just
10:36:56 39 not a hundred per cent sure if I'd had prior conversations
10:36:58 40 with either Nicola or Tony prior to that or not.
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10:37:01 42 Did Mr Hargreaves know that you would be - or that you did,
10:37:04 43 on occasions, speak to Ms Gobbo?---Yes, he did.
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10:37:06 45 And did he know that you were speaking to her for the
10:37:10 46 purposes of getting her views, her legal views, about
10:37:14 47 things or not?---Yes, he did.

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10:37:16 2 And is that what you would do? Would you speak to Ms Gobbo
10:37:19 3 about these matters?---Yes, I did.

10:37:24 5 And did you ask her for advice?---That was the reason for
10:37:28 6 meeting with her, yes.

10:37:29 8 Did you meet her before this first interview in July of
10:37:33 9 2004, do you believe?---I honestly can't recall whether I
10:37:38 10 did or not. Like I said, on most occasions I would
10:37:41 11 certainly seek her out for advice.

10:37:44 13 Yes?---But whether I did on that particular occasion or
10:37:47 14 not, I'm not sure. There were a number of them throughout
10:37:49 15 a few years there.

10:37:53 17 Is that the same with respect to 26 November 2004? Now,
10:37:57 18 clearly on that occasion Mr Hargreaves was there and
10:38:00 19 representing you in the inquiry before
10:38:04 20 Mr Fitzgerald?---Yes.

10:38:05 22 Do you accept that?---Yes, I do, I accept that. And, to be
10:38:07 23 honest, no, I don't. I can't specifically say that I met
10:38:12 24 her either before or afterwards, but it was something that
10:38:15 25 I did pretty much every time, so I would say it would be
10:38:20 26 more likely I did than I didn't.

10:38:24 28 Do you say that there was a need to speak to her as well as
10:38:27 29 Mr Hargreaves?---I felt there was, yeah. No disrespect to
10:38:31 30 Mr Hargreaves, he's been a fantastic legal advisor for many
10:38:35 31 years. I just felt I wasn't getting the attention when I
10:38:40 32 was with him in regards to my matters and I make that quite
10:38:46 33 clear to Nicola Gobbo in this tape recording. I just
10:38:49 34 didn't feel I was getting the attention that she showed me
10:38:52 35 when I sat down with her and spoke to her about legal
10:38:55 36 concerns that I had, she would certainly spend quite some
10:39:02 37 time with me, we would go through it. She would listen,
10:39:05 38 she would suggest things, we would discuss things and that
10:39:09 39 never seemed to happen with Mr Hargreaves - like I said, no
10:39:12 40 disrespect.

10:39:14 42 You obviously knew that she was a barrister and
10:39:16 43 Mr Hargreaves was a solicitor?---Correct.

10:39:17 45 Why wouldn't you have asked Mr Hargreaves to brief Ms Gobbo
10:39:21 46 to appear for you?---Personally, I didn't feel Tony had the
10:39:27 47 best of relationships with Nicola. He did advise me on a

10:39:31 1 few occasions actually not to seek her out.
2
10:39:34 3 Yes?---So - yeah, I don't know why he wouldn't have briefed
10:39:41 4 her. Obviously, there was a clear concern, very early
10:39:44 5 days, about conflicts of interest as well.
6
10:39:47 7 Yes. What do you mean by that?---Well, when I was
10:39:51 8 originally arrested and it became apparent that she's
10:39:54 9 representing, you know, most of the suspects from the
10:39:58 10 Dublin Street burglary and then she's wanting to represent
10:40:02 11 me as well and I think it was brought up quite clearly then
10:40:06 12 that it would be a conflict of interest for her to directly
10:40:09 13 represent me.
14
10:40:13 15 Do you think you told Mr Hargreaves on those occasions - if
10:40:16 16 he'd have told you, "Look, I don't want you to speak to
10:40:20 17 her", would you have told him that you had in fact spoken
10:40:23 18 to her?---No.
19
10:40:25 20 Because?---I knew he didn't want me to speak to her.
21
10:40:33 22 So is this really a situation of you, in effect, getting a
10:40:36 23 second opinion or a more - what you thought a more thorough
10:40:41 24 or a more fulsome legal opinion?---A more thorough and more
10:40:45 25 fulsome opinion. Like I said, I honestly did not feel I
10:40:50 26 was receiving the degree of assistance from Mr Hargreaves
10:40:55 27 during that time, whereas I felt I was certainly getting a
10:40:59 28 lot more assistance when I met with Nicola Gobbo, from a
10:41:04 29 legal point of view.
30
10:41:18 31 Do you recall when it was you moved from Melbourne up to
10:41:20 32 the country?---2005 would have been the year. April 2005.
33
10:41:29 34 I take it you came to Melbourne not irregularly or not
10:41:35 35 infrequently?---Yeah, after we moved to the country, yeah,
10:41:39 36 coming to Melbourne was, yeah, not regularly.
37
10:41:46 38 You've given evidence about an occasion when you had sex
10:41:51 39 with Ms Gobbo - you believe it was in 2004?---I believe so.
40
10:41:57 41 Subsequent to that and subsequent to you moving to the
10:42:00 42 country, what was the situation insofar as your
10:42:02 43 relationship with Ms Gobbo was concerned? Was there any
10:42:05 44 more of that?---No.
45
10:42:09 46 Did you communicate with Ms Gobbo after you moved to the
10:42:12 47 country?---I would think it would have only been when again

10:42:18 1 I was called to an inquiry. Outside of that, I wouldn't
10:42:28 2 seek her out if I was in Melbourne to go to the footy, or
10:42:32 3 things like that, I wouldn't seek her out for that type
10:42:35 4 of - to meet up with her there. It would purely be when
10:42:39 5 I'd received another summons and I would seek her out for
10:42:43 6 advice.
7
10:42:49 8 After - I think it was after the - obviously after the
10:42:55 9 death of the Hodsons and later on in 2004, were you issued
10:42:58 10 with a notice terminating your employment with the Victoria
10:43:04 11 Police Force?---Yes.
12
10:43:08 13 Did you seek any advice from Ms Gobbo about that
10:43:12 14 notice?---That I can't be certain. Yeah, I don't know, to
10:43:15 15 be honest.
16
10:43:15 17 And you were represented by Mr Hargreaves in relation to
10:43:20 18 that matter; is that right?---Yes.
19
10:43:22 20 You took a - you made an application, I think, to the
10:43:25 21 Supreme Court - - -?---Yes.
22
10:43:26 23 - - - in relation to that, to set that aside; is that
10:43:29 24 right?---Yes, correct.
25
10:43:30 26 And you were represented by counsel and Mr Hargreaves; is
10:43:33 27 that right?---Yes, yes.
28
10:43:34 29 Do you remember who the lawyers - the barristers were who
10:43:37 30 represented you?---No.
31
10:43:38 32 It wasn't Ms Gobbo?---No.
33
10:43:40 34 You say you can't recall whether you spoke to her about
10:43:43 35 that at all?---No, not specifically.
36
10:43:45 37 In 2005 I think that got to court and ultimately the notice
10:43:48 38 was set aside and, in effect, you were reinstated as a
10:43:51 39 member of Victoria Police; is that right?---That's correct.
40
10:43:55 41 Although shortly after that, as I understand it, you
10:43:59 42 resigned?---Correct.
43
10:44:00 44 Did you speak to Ms Gobbo about these matters at all prior
10:44:04 45 to your resignation, or not?---Look, no - I don't know. I
10:44:17 46 don't think so.
47

10:44:17 1 That wasn't a criminal proceeding, I take it?---No.
2
10:44:21 3 That was a proceeding which related to the effectiveness of
10:44:24 4 a notice, I think under the police regulations?---Correct.
5
10:44:27 6 So I assume that that wasn't something that you would be
10:44:29 7 particularly - Ms Gobbo, you were aware, was a criminal
10:44:32 8 barrister; is that right?---That's right.
9
10:44:35 10 So that might be a reason why you wouldn't have spoken to
10:44:38 11 Ms Gobbo about that?---Yeah, I don't want to sort of take
10:44:42 12 up any more of the court's time here, but you're 100 per
10:44:45 13 cent right in what you say there. It was a matter that
10:44:49 14 Victoria Police, when I - it was - I think I was probably
10:44:52 15 one of the first members for this new power for the Chief
10:44:56 16 Commissioner to be able to dismiss members, so it was
10:45:00 17 almost a test case for the Victoria Police Association to
10:45:04 18 really get behind, so I had some very good counsel
10:45:09 19 assisting through that period and I was very happy with the
10:45:12 20 assistance I was receiving, so I wouldn't have - (a), I
10:45:18 21 wouldn't have felt the need to seek out Nicola because, as
10:45:23 22 you say, (a) it wasn't a criminal matter and, (b), I was
10:45:27 23 comfortable with the assistance I was receiving.
24
10:45:29 25 And I think you had a QC, is that right?---Yes. I don't
10:45:32 26 know who it was, but yes.
27
10:45:40 28 After 2004, you received - was the first notice, after
10:45:51 29 2004, 26 November 2004? The next time you were
10:45:55 30 compulsorily required to attend a hearing, was that the ACC
10:46:02 31 hearing on 7 March 2007?---I presume it is. I'm not sure
10:46:06 32 how many OPI hearings I went before before the ACC hearings
10:46:13 33 commenced.
34
10:46:15 35 Do you know whether you spoke to Ms Gobbo prior to that
10:46:19 36 hearing, the 7 March 2007 hearing, or not?---If I didn't
10:46:24 37 speak to her beforehand, I would have certainly spoken to
10:46:27 38 her afterwards.
39
10:46:31 40 That's the first one, 2007?---Yes.
41
10:46:34 42 Why would you need to speak to her after it?---There were
10:46:37 43 occasions when I didn't get a chance to speak to her
10:46:40 44 beforehand, for whatever reason - I just wasn't able to get
10:46:46 45 to Melbourne or whatever it may have been - but I remember
10:46:48 46 there was times when I met with her when I'd been before
10:46:51 47 the hearings.

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Yes?---And we spoke about them.

In your statement, you say that you attended a second examination on 26 November 2008 and it was during that examination that you were asked certain questions about your relationship with Ms Gobbo; is that right?---Yes, that's correct.

You say in your statement that you claimed privilege at that time, due to the fact that it was your strong belief that your dealings with Gobbo were client/lawyer?---That's correct.

You also talk about the short adjournment which took place whilst it was discussed with your counsel - that is Mr Hargreaves?---Yes.

Right. Now, firstly, in relation to that second hearing, do you believe you spoke to Ms Gobbo about that beforehand?---After - no. I'm almost certain, through the tape recording that Gobbo made, that I was - I hadn't spoken to her prior.

Yes?---Yeah, it was afterwards.

And it becomes apparent, do you say, if you read that transcript, that she didn't know about it beforehand?---Correct.

What you say is that you claimed privilege, you had a discussion with Mr Hargreaves and then you went back, effectively, and answered questions that were being put to you?---Yes.

And, indeed, those questions were with respect to those telephone calls that we've just been dealing with?---Yes.

Your discussions with Williams and your attempt to get in contact with Williams?---Yes.

And one assumes that the reason you answered those questions is that you were told that they weren't the subject of legal professional privilege?---Yeah, I was told it didn't matter about legal professional privilege, it had to be waived because I was at the Australian Crime Commission.

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10:49:00 2 Right. I follow what you say. So, in effect, you're
10:49:10 3 saying look, it didn't matter whether they were legally
10:49:13 4 privileged or not, you had to answer those questions?---I
10:49:17 5 was directed I must answer their questions, whether I
10:49:20 6 believed it was legal professional privilege or not.

10:49:23 8 All right. Subsequent to that hearing, you communicated
10:49:33 9 with Ms Gobbo, that's right, isn't it?---Yes.

10:49:37 11 Did you initiate that communication or did Ms Gobbo
10:49:39 12 initiate that communication?---I think I did. From, again,
10:49:49 13 reading the transcript, the initial sort of pleasantries is
10:49:53 14 that I'd been trying to catch up with her for the last
10:49:56 15 couple of weeks, so I'm presuming I instigated it.

10:50:04 17 Was it to find out if she knew anything about what was
10:50:08 18 going on, that attempt to communicate with Ms Gobbo, or was
10:50:14 19 it for legal advice?---It was for legal advice.

10:50:17 21 Right. It wasn't to find out if she knew anything about
10:50:22 22 what was going on with respect to what was quite apparently
10:50:26 23 an investigation against you - or into you for the murders
10:50:31 24 of the Hodsons?---Yeah. Again, through reading - I was
10:50:35 25 just reading it again last night - there's points in there
10:50:38 26 where I think I say to her along the lines of, "I'm
10:50:44 27 surprised you haven't been called yourself, because there
10:50:47 28 was a lot of allegations being made about the two of us".

10:50:50 30 Right?---So I - clearly I show I'm surprised she hasn't
10:50:56 31 been to it.

10:50:57 33 Does that suggest you were finding out it wasn't a meeting
10:50:59 34 about legal advice but just to find out what was going
10:51:03 35 on?---No, I was going through all the allegations - the new
10:51:10 36 allegations that were being put to me, where I potentially
10:51:21 37 stood in regards to could I possibly be charged based on
10:51:27 38 uncorroborated statements of career criminals, et cetera,
10:51:31 39 et cetera, there's quite a lengthy discussion between the
10:51:35 40 two of us, and am I really trying to assess the waters; am
10:51:37 41 I going to be arrested tomorrow or do you think I don't
10:51:40 42 have an issue here.

10:51:41 44 All right. So you say - in any event, the transcript
10:51:43 45 speaks for itself?---It does.

10:51:47 47 You say you were seeking her opinion as a legal

10:51:51 1 practitioner and an experienced criminal barrister; is that
10:51:53 2 right?---Yeah, look, we can go through that transcript -
10:51:55 3 it's quite lengthy - and Victoria Police and the OPP, you
10:52:00 4 know, they took one view of it, and that was a negative
10:52:03 5 view of it, and I have a different view of it and we can
10:52:06 6 both go to parts of it right through it where she convinces
10:52:10 7 me throughout and puts me in some comfort that I'm sitting
10:52:13 8 there speaking to a lawyer - she tells me that directly,
10:52:18 9 "It's okay, Paul, you can be here and talk to me. I'm a
10:52:21 10 lawyer."
11
10:52:22 12 If that's the case, why didn't you come out and say in the
10:52:24 13 conversation that you'd been to an ACC hearing?---I guess
10:52:28 14 I'd been told by Tony Hargreaves not to go and see her.
15
10:52:32 16 Yes?---So I'm going against my own legal advice on the one
10:52:37 17 hand.
18
10:52:38 19 Yes?---But I'm also doing something that I'd been doing for
10:52:42 20 a long time, and that was seeking another more - who I
10:52:45 21 felt, at that point in time, was more experienced. When I
10:52:50 22 say "experienced", she was a high-profile criminal
10:52:54 23 barrister and I had full trust in being able to speak to
10:52:59 24 her about my legal matters, that were very serious matters.
25
10:53:06 26 Did you think that there was at least a risk that you might
10:53:08 27 have been taped?---Not at all, no. The only risk I saw was
10:53:16 28 was I in breach of the ACC's obligations, but she put me at
10:53:23 29 ease by telling me that it was okay for me to speak to her
10:53:26 30 because she was a lawyer. That was my concern.
31
10:53:30 32 Right. I wonder if we could put this document up,
10:53:35 33 Commissioner. It's MIN.0001.0012.0600. Just have a look
10:54:05 34 at that. Have you seen that document before?---Yes.
35
10:54:07 36 There's notes on the document. Do you see those?---Yes.
37
10:54:25 38 Do you know whose notes they are?---Yes. In the original
10:54:28 39 copy, there's different coloured writing and it talks about
10:54:31 40 - I think purple was Nicola's writing, if I'm correct.
41
10:54:34 42 Yes?---Blue might have been Cameron Davey, one of the
10:54:40 43 investigators from Petra Task Force.
44
10:54:42 45 Right?---So I'm aware those two were going through this and
10:54:45 46 making certain notes. So I don't know how I actually got
10:54:49 47 hold of that, but yeah, it's part of my documents that I

10:54:53 1 had in the boxes at home.
2
10:54:55 3 Right. If we go to p.4 of that document?---Can I just -
10:55:06 4 before we do that, do you see at the very top it's got
10:55:10 5 "remember Starbucks"? Starbucks was another occasion I met
10:55:13 6 with her after an ACC or an OPI hearing, Starbucks coffee
10:55:19 7 shop. It just refreshed me memory by seeing that.
8
10:55:21 9 It says "Ditty thing"?---Yeah.
10
10:55:25 11 Do you know what that's about?---I don't know why the slash
10:55:26 12 "Ditty thing", but certainly remember Starbucks. That was,
10:55:28 13 yeah, another location we - at a location we met and
10:55:32 14 discussed either an OPI or an ACC hearing.
15
10:55:41 16 Do you know what the reference to "Ditty" is or the thing
10:55:43 17 concerning "Ditty" is? Obviously that's your wife?---Yeah.
10:55:46 18 No, I don't.
19
10:55:48 20 Was it a matter that was discussed about Ditty or with
10:55:50 21 Ditty?---Whether she's put that there because Ditty would
22 be able to corroborate that that actually took place,
10:55:51 23 because Ditty was normally with me - not throughout the
10:55:54 24 period of the conversation I would have with Nicola, but
10:55:57 25 she would either drop me off or pick me up, et cetera,
10:56:00 26 exactly the same as what happened in this one, and I - - -
10:56:02 27
10:56:03 28 So - sorry, go on?---So I would imagine she's possibly
10:56:06 29 putting that there as "Ditty thing" - well, Ditty would
10:56:10 30 have been present and would be able to corroborate that
10:56:12 31 that meeting took place, if she thinks I'm denying that
10:56:15 32 that took place.
33
10:56:16 34 Indeed, if we go to the second page, she asks you if Ditty
10:56:19 35 was around and you said she's taken - it can't be seen, it
10:56:24 36 says it's inaudible, if we go to the - about three quarters
10:56:28 37 of the way down the page, "So is Ditty around, Paul, or
10:56:32 38 not?" "No, she's taken" - I take it you had a young child
10:56:37 39 at that stage; is that correct?---Yeah, two young children
10:56:41 40 with us.
41
10:56:41 42 So Ditty was there initially and then she left; is that
10:56:45 43 right?---Yeah. So Ditty dropped me off and then came back
10:56:48 44 later and the last probably half an hour of the
10:56:51 45 conversation actually has Ditty with us talking.
46
10:56:56 47 Then if you go over to p.4, you see that there are notes.

10:57:04 1 Perhaps if we go to p.3, the bottom of p.3. You're talking
10:57:10 2 about being in Perth?---Yes.
3
10:57:12 4 Do you see that?---Yes.
5
10:57:13 6 And then you say - there's the question, "Why?" And you
10:57:20 7 say, "They're all over me like a rash", right?---Yes. I
10:57:25 8 think she'd already, by that stage, talked about the fact
10:57:28 9 that I'm very hot property and she's not surprised that I'm
10:57:32 10 under police surveillance.
11
10:57:34 12 Right. That's what you're referring to, is it?---Yes.
13
10:57:37 14 She says, "I suspect that you'd be hot property even
10:57:41 15 now"?---Yes.
16
10:57:42 17 And you say, "I'll be well and truly. You got a pen?",
10:57:46 18 right, and she says, "Yeah. Would a lawyer go around
10:57:51 19 without a pen or a business card"?---Yes.
20
10:57:54 21 And asks you why you're in Perth. It's apparent that
10:57:58 22 someone's written, whether it be her or Davey, as you say,
10:58:05 23 writes "ACC" on paper, writes "ACC" during this
10:58:09 24 conversation?---Yes.
25
10:58:09 26 Do you see that?---Yes.
27
10:58:11 28 The suggestion would be that you've written on a piece of
10:58:14 29 paper, perhaps a magazine, written down the letters
10:58:19 30 "ACC"?---Yes.
31
10:58:21 32 What, to direct her attention that you want to talk to her
10:58:24 33 about the ACC?---Yes. I was concerned, like I said, that I
10:58:30 34 could be in breach. (a), I was told not to do it by Tony
10:58:36 35 Hargreaves; (b) I was concerned I might be in breach of ACC
10:58:41 36 regulations, and ultimately I was charged with doing this,
10:58:45 37 so I was in breach.
38
10:58:46 39 You say you were charged with speaking to a person about
10:58:49 40 the ACC?---Yes. I was charged with divulging the fact I'd
10:58:54 41 been to an ACC - divulging it to Nicola Gobbo.
42
10:58:58 43 Were you tried on that or was that charge withdrawn?---Yes.
44
10:59:03 45 It was withdrawn?---Okay.
46
10:59:04 47 I'm told it was withdrawn?---Rightio. So I wasn't sure -

10:59:10 1 prior to this conversation sort of getting into any depth,
10:59:16 2 she had written - she had an *Age* newspaper and she had
10:59:21 3 written on it, "Two police sitting at the table beside us",
10:59:26 4 and I looked at them and I wrote back, "No, they're just a
10:59:33 5 couple of poofers." And she was like, "Oh okay."
6
10:59:39 7 She wrote it on a piece of paper?---Yes. She was concerned
10:59:43 8 that there was two undercover police officers sitting at
10:59:49 9 the coffee table beside us and I - well, my assessment is
10:59:50 10 that they weren't police officers.
11
10:59:52 12 It might be said if this is a fair dinkum discussion
10:59:56 13 between a client and a legal practitioner, firstly why
10:59:59 14 wouldn't it occur in a more formal circumstance, like a
11:00:03 15 lawyer's office?---Yeah, exactly. Like I said, we - - -
16
11:00:05 17 What's the answer to that?---Well, we just didn't. That
11:00:08 18 wasn't the way she operated. It certainly wasn't the way
11:00:12 19 she operated with me and, from what I can gather through
11:00:16 20 media reports, it was the way she operated with all her
11:00:19 21 clients.
22
23 Why would you need to be furtive about talking about the
24 ACC? I heard you say you were told not to speak to her
11:00:22 25 about it, but Mr Hargreaves isn't there, no-one else is
11:00:25 26 there. Why couldn't you simply ask her, "Look, I've been
11:00:28 27 called before the ACC. I want to have a discussion with
11:00:31 28 you about some of the matters that were raised", why
11:00:34 29 couldn't you have done that?---I do do that after she
11:00:39 30 alleviates my concerns by telling me it's okay to talk to
11:00:43 31 her about the ACC because she's a lawyer. Once I heard
11:00:48 32 that from her, the next hour of conversation is all about
11:00:51 33 the ACC.
34
11:00:52 35 So you say that that is - your concerns are alleviated. If
11:00:55 36 we go to about p.8, I think it is - at the bottom of p.7,
11:01:12 37 "And they reckon they're going to lock me up"?---I'm at p.8
11:01:16 38 here at the moment.
39
11:01:17 40 The bottom of p.7, "Lock me up, but if I tell anyone, say
11:01:22 41 anything, I know they will, but Tony sort of said to me
11:01:26 42 after it he didn't want me to come and see you. He said I
11:01:31 43 know you're a lawyer and a staunch person"?---Yes.
11:01:36 44
11:01:37 45 "But it's not in your best interests to go and speak to
11:01:40 46 anyone about this and I went yep, no worries, Tony, I
11:01:44 47 played Tony with a straight bat, but I would never go and

11:01:50 1 tell my friend or run"?---Yes.
11:01:53 2
11:01:54 3 "Not fuckin' go and tell my friend or run". Do you know
11:01:59 4 what that's about?---Yeah. It's about me being questioned
11:02:06 5 about my relationship with Nicola Gobbo at the ACC hearing.
6
11:02:14 7 But he's saying - Mr Hargreaves is saying, "It's not in
11:02:18 8 your best interests to go and speak to anyone about this
11:02:22 9 and I went yep, no worries, I'm playing with a straight
11:02:30 10 bat", so effectively, he's your lawyer, "I'm playing with a
11:02:33 11 straight bat, I don't muck him about, I don't tell him what
11:02:36 12 I'm in fact going to do"?---Correct.
11:02:38 13
11:02:39 14 "But I would never, ever" - "I will never ever not fuckin'
11:02:43 15 go and tell my friend or run". Is really what you're
11:02:47 16 saying, "I'm going to go and tell my friend about what
11:02:48 17 occurred at the ACC", it might be said that that's what
11:02:50 18 you're talking about?---That could be - yeah, that could be
11:02:53 19 said that way, yes.
20
11:02:54 21 And, indeed, it seems to say - someone said reference
11:03:01 22 to - - -?---a Reference to F. I think they were using her
11:03:05 23 pseudonym as F back then, possibly, I think.
24
11:03:08 25 And she says, "But the reality is - but, Paul, the reality
11:03:15 26 is you're entitled to talk to a lawyer about it"?---That's
11:03:18 27 correct.
28
11:03:18 29 What do you say that means?---Well, that put me at ease at
11:03:22 30 that point in time, that I was speaking to a lawyer about
11:03:26 31 it and that it was legal for me to do so.
32
11:03:30 33 Now, there's a note there - I don't know who wrote it - but
11:03:33 34 it says, "Means that PD", Paul Dale, "is entitled to obtain
11:03:38 35 legal advice in relation to Hargreaves' comment not to tell
11:03:42 36 anyone, she doesn't say, but you can talk to me because I'm
11:03:48 37 your lawyer". Obviously, that's - whether that's Cam
11:03:53 38 Davey's comment or Ms Gobbo's comment, who knows, but what
11:03:57 39 do you say that's about?---Okay. So this document is the
11:04:03 40 police sitting down - Cameron Davey sitting down with
11:04:07 41 Nicola Gobbo and they are going through it, trying to knock
11:04:10 42 out any potential claim of legal professional privilege
11:04:13 43 that they anticipated I would be making at my committal or
11:04:18 44 trial. So that's just simply them trying to come up with
11:04:25 45 other - their theories on what's being said. He's not a -
11:04:32 46 it's not his lawyer, let's look at what he says here, it
11:04:36 47 can't be his lawyer. That's their opinion.

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You say, "I tried to. I claimed privilege several times in relation to me and you about that. They played a number of phone calls between me, you and Carl Williams". So, on one view, it might be said what you think she's talking about is you being able to claim privilege with respect to your discussions with her in the context of the ACC hearing?---Exactly.

Right. But not about whether you're entitled to speak to Gobbo about it on 7 December - or 6 December 2008, what do you say about that? Do you follow what I'm saying or not?---I certainly claimed legal professional privilege at the hearing in regards to conversations or calls, et cetera, that I believed were legally privileged conversations I had with Nicola Gobbo, that's correct, during the hearings. I was denied that ability to claim that privilege and I was directed to answer all questions, which I did. When I met with Nicola, I was initially apprehensive about speaking to her, (a), about the ACC, which she then put me in a form of - in comfort by telling me that it was okay to speak about the ACC because she was a lawyer. I believed she was my lawyer and so I felt comfortable then I could speak to her about all the matters that were put to me at the ACC hearing.

All right. Commissioner, I tender that document.

#EXHIBIT RC246 - Annotated version of the covert transcript between Ms Gobbo and Mr Dale on 7/12/08.

It is in fact 7 December, Commissioner.

COMMISSIONER: Is it? Right.

MR WINNEKE: That's an incorrect date.

MR CHETTLE: Commissioner, can I suggest that that be described as the annotated version of that transcript, because it is different from the ordinary transcript.

MR WINNEKE: I believe that the transcript is in fact the same, but there are annotations on that document. I don't propose to tender an unannotated version because the annotated version has all the relevant material on it, but it's got - - -

1 COMMISSIONER: But you're interested in the annotations as
2 well, aren't you?
3
4 MR WINNEKE: As well.
5
11:07:21 6 COMMISSIONER: So I think that is right. It should be the
11:07:24 7 annotated version of the covert transcript between Ms Gobbo
11:07:28 8 and Mr Dale of 7 December 2008.
11:07:42 9
11:07:58 10 MR WINNEKE: Obviously, you say that you weren't aware that
11:08:01 11 Ms Gobbo was taping that conversation, that's what you
11:08:03 12 say?---Yeah, that's correct.
13
11:08:09 14 And subsequently, on 13 February 2009, you were arrested
11:08:17 15 and charged again - or you were arrested again but charged
11:08:22 16 on this occasion with the murder of Terrence
11:08:25 17 Hodson?---Correct.
18
11:08:26 19 You were remanded in custody?---Yes.
20
11:08:29 21 Just excuse me, just a couple of matters. At paragraph 127
11:09:03 22 of your statement, you say that during the course of the
11:09:05 23 committal, you had a discussion with Cameron Davey?---Yes.
24
11:09:11 25 And he told you that Ms Gobbo had supplied him with
11:09:16 26 information for some time. Are you able to recall any more
11:09:23 27 details about that conversation?---No, it was - - -
28
11:09:29 29 It's at paragraph 127?---Yeah, no, I certainly recall it
11:09:32 30 and I had a very, very strong dislike for Cameron Davey at
11:09:39 31 that point in time, so I had no intentions of listening to
11:09:42 32 anything he had to say to me, it was more of being a
11:09:46 33 smart-arse than anything.
34
11:09:48 35 Yes?---Because there had been a lot of to-ing and fro-ing
11:09:51 36 at that stage at my committal in regards to what and what
11:10:00 37 not Nicola Gobbo was willing to do.
38
11:10:05 39 I think earlier on in your evidence, on the first day that
11:10:09 40 you were called, you gave evidence about various
11:10:16 41 applications for disclosure and discovery and so forth
11:10:22 42 leading into that committal, right?---Yes.
43
11:10:29 44 You say that he told you - and you weren't told at that
11:10:33 45 stage that Gobbo was an informer?---No.
11:10:39 46
11:10:39 47 Is that right?---No, that's right.

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And yet you say that Davey told you that he'd been in receipt of information from Gobbo for some time?---Yes.

Is that something that was raised with your lawyers and raised in the hearing at all, or not?---I would have passed that on to my lawyers, but at that point in time, we were certainly very suspicious of some unorthodox - I'm trying to think of the right word - skulduggery that was going on in regards to the manner in which Nicola Gobbo was being handled by Victoria Police, what role she'd played in all of this. It was a little bit like this Commission at the moment with the police not wanting to divulge everything, it was exactly the same. My committal was exactly the same as this Commission right now. They're holding back material that they don't want you to see because it's embarrassing. Nicola Gobbo's lawyers, when they turned up at court that day to argue the fact that she would not be giving evidence, stated directly to the magistrate at the time if Victoria Police continues down this path of trying to force her into this position, they will bring out material that is very embarrassing to Simon Overland and Victoria Police as a whole, and that threat seemed to shut them down.

You say that that was said by Nicola Gobbo's lawyers?---Correct. They turned up at court after a full day almost of Detective Sergeant Sol Solomon being called to give evidence to say that Nicola Gobbo would be attending, was fit and healthy and ready to attend. We knew directly from her sister, Nicola Gobbo's sister, that that wasn't the case, that she wasn't fit and healthy and ready to attend, we were getting that information directly from her sister. So we then brought that to the attention of the magistrate, because he was being deceived. And that's when they called Solomon to give that evidence. He still stood by the fact, under oath, that she was ready, available and he'd spoken to her the night before. So the following day before the court got started, or after - when we first got started, lawyers on behalf of Nicola Gobbo, who had been briefed by Nicola Gobbo, arrived and said that everything that was told to the magistrate the day before was in fact untrue, that she is unavailable, unhealthy, Victoria Police were fully aware of it and I've got numerous documents of letters that go backwards and forwards between Nicola's solicitors and Victoria Police in the months leading up to my committal explaining exactly

11:13:27 1 that. And they hid it and they tried to continue to hide
11:13:30 2 it, as they do at this Commission. They're still trying to
11:13:35 3 hide what they did was wrong and it's a disgrace. To turn
11:13:54 4 up here this morning - four days I've been here - and to
11:13:57 5 find that they've got 2000 documents that they don't
11:14:01 6 believe is relevant - - -
11:14:02 7
11:14:03 8 MR HANNEBERY: Commissioner, if we're going to go down the
11:14:05 9 path of submissions from the witness box, we'll be here a
11:14:08 10 long time.
11 11
11:14:09 12 COMMISSIONER: Yes.
13 13
11:14:11 14 MR WINNEKE: All right. You say at paragraph 129 of the
11:14:25 15 statement you had a discussion with Mr Buick and you say in
11:14:31 16 your statement, "I spoke to Boris, who made it very clear
11:14:35 17 to me that he did not agree with using Gobbo as an informer
11:14:38 18 witness, but was directed to do so by Simon Overland",
11:14:50 19 right. When you say he made it very clear to you, do you -
11:14:56 20 firstly, were there people - I withdraw that. Do you have
11:15:03 21 a recollection of the words that he used?---I'm in two
11:15:13 22 minds as to how to answer this, to be honest.
23 23
11:15:17 24 COMMISSIONER: Honestly would be a good help, honestly and
11:15:20 25 accurately.
26 26
11:15:22 27 MR WINNEKE: Listen to the question. It's either yes or
11:15:25 28 not. Do you have a recollection of the words he used or is
11:15:28 29 that as good as you can do, what you've said in your
11:15:31 30 statement?---Three things occurred right at this point in
11:15:31 31 time.
32 32
11:15:31 33 Just before you do, do you recollect the words that he used
11:15:34 34 or not?---He indicated to me that he was not happy with the
11:15:38 35 prosecution of me, the way it went, through the use of
11:15:41 36 Nicola Gobbo.
37 37
11:15:42 38 Yes?---Yes, the actual prosecutor assisting Ms Breckweg was
11:15:49 39 present as well, from the OPP, that prosecuted me. This is
11:15:55 40 at nearly 1 o'clock in the morning.
41 41
11:15:57 42 Yes?---He'd had - they'd both been drinking.
43 43
11:16:03 44 Yes?---I sort of got pulled aside by Boris, to a degree.
11:16:07 45 My mum and my wife got speaking to Ms Breckweg, but were
11:16:12 46 all in the foyer of the motel - the hotel.
47 47

11:16:15 1 In any event, the discussion that you had with Buick was
11:16:17 2 between you and he; is that right?---Yes, correct.
3
11:16:20 4 How long did that discussion go for?---Clearly, I was very
11:16:23 5 uncomfortable about running into the police informant that
11:16:27 6 had just charged me and we'd gone through a two, three-week
11:16:31 7 trial and also the Crown prosecutor that had prosecuted me,
11:16:34 8 in the foyer of the Victoria Hotel in the city at midnight,
11:16:38 9 I wasn't comfortable, so the conversation didn't last very
11:16:41 10 long at all.
11
11:16:42 12 Right?---But he was almost making excuses for what he'd
11:16:46 13 done.
14
11:16:48 15 So you say he appeared to be apologetic; is that
11:16:51 16 right?---Yeah, absolutely.
17
11:17:26 18 You understand that there was an Inquest into the death of
11:17:31 19 the Hodsons?---Yes.
20
11:17:34 21 Prior to that Inquest - and you were, obviously, called
11:17:37 22 before that Inquest?---Yes.
23
11:17:40 24 And you were excused from giving evidence?---Yes.
25
11:17:43 26 Prior to that Inquest, had you been provided with any
11:17:47 27 documents which indicated that Ms Gobbo was a police
11:17:55 28 informer?---I don't believe so. Mr Steward represented me
11:18:03 29 at that Inquest. He may have a better recollection, but I
11:18:07 30 do not recall that.
31
11:18:11 32 I don't propose to ask Mr Steward, but you say you've got
11:18:14 33 no recollection?---No.
34
11:18:17 35 Right. Effectively what you say is that you didn't realise
11:18:22 36 that she was an informer until relatively recently, so it
11:18:27 37 would follow, wouldn't it - - -?---Yes, definitely.
38
11:18:31 39 - - - that you weren't provided with the documents. Were
11:18:59 40 you aware that Ms Gobbo herself was called before the OPI
11:19:04 41 in about 2007 - I think in July 2007?---Yes. So, again,
11:19:12 42 within the documents that I have, I identified a transcript
11:19:18 43 of a hearing, OPI hearing, involving Ms Gobbo, yes.
44
11:19:23 45 Indeed, you say you were aware that on the second occasion
11:19:26 46 she was called in, it was suggested that she was telling
11:19:28 47 lies?---Correct, yes.

1
11:19:30 2 Are you aware that prior to her giving evidence in 2007,
11:19:38 3 she had discussions with her handlers at the SDU about the
11:19:44 4 fact that she was going to be called and was going to be
11:19:47 5 asked questions about who she'd spoken to about the request
11:19:51 6 that she come and give evidence - or the compulsory
11:19:54 7 request?---I have absolutely no idea about that, no.
8
11:19:58 9 Are you aware that she had discussions about whether or not
11:20:01 10 she might be able to claim legal professional privilege at
11:20:04 11 all - - -?---No, I don't.
12
11:20:06 13 - - - in relation to discussions with you?---No, I don't.
11:20:08 14 I don't believe so.
15
11:20:12 16 In other words, claim privilege on your behalf?---Yes.
11:20:15 17 Yeah, no, I - - -
18
11:20:18 19 Yes?---No, I'm not aware of it.
20
11:20:21 21 Would that have been a matter that would have been relevant
11:20:24 22 to you in the lead-up either to the murder trial or the
11:20:27 23 trial for telling lies to the Australian Crime
11:20:36 24 Commission?---Yes, it would. It would clearly show that I
11:20:38 25 did have a legal professionally privileged relationship
11:20:45 26 with Nicola Gobbo or would be another bit of evidence to
11:20:46 27 support that, and that's certainly not what Victoria Police
11:20:50 28 would have wanted to have heard or see, or any of us to
11:20:53 29 see.
11:20:53 30
11:20:53 31 Thanks very much.
32
11:20:54 33 COMMISSIONER: Before we start the cross-examination,
11:20:58 34 Mr Hannebery, I've been handed a copy of the Notice to
11:21:01 35 Produce documents to this Royal Commission issued on 23
11:21:04 36 January this year, asking for documents by 4 pm on 31
11:21:08 37 January 2019. Item 16 is all documents and correspondence
11:21:14 38 relating to the decision by Victoria Police to deregister
11:21:17 39 3838. Item 17 is all documents and correspondence relating
11:21:22 40 to the decision by Victoria Police to use 3838 as a
11:21:25 41 witness. That would certainly seem wide enough to cover
11:21:28 42 these documents, would you agree?
43
11:21:30 44 MR HANNEBERY: Yes.
45
11:21:31 46 COMMISSIONER: So in light of our conversation, could I
11:21:33 47 suggest that you and those instructing you remind your

11:21:37 1 clients of this Notice to Produce, of their obligations
11:21:40 2 under it, which are ongoing, that it's an offence not to
11:21:44 3 comply with it and that an agency of the Crown can, under
11:21:48 4 the Inquiries Act, be charged with the commission of an
11:21:52 5 offence.
11:21:52 6
11:21:53 7 MR HANNEBERY: Yes, Commissioner.
8
11:21:54 9 COMMISSIONER: Thank you. Yes Mr Collinson.
11:21:57 10
11 11 <CROSS-EXAMINED BY MR COLLINSON:
12
11:21:59 13 I want to - my name is Mr Collinson, Mr Dale. I'm counsel
11:22:04 14 for Ms Gobbo?---Yes.
15
11:22:06 16 I want to focus some attention, if I might, on the occasion
11:22:11 17 when you met with Ms Gobbo on 7 December 2008, when she was
11:22:17 18 wearing a recording device?---Yes.
19
11:22:20 20 You deal with this in your witness statement, commencing
11:22:25 21 around paragraph 98. As far as you're concerned, as
11:22:32 22 expressed in that statement, it's pretty simple, isn't it?
11:22:37 23 You suggest that your purpose in meeting with Ms Gobbo was
11:22:41 24 to obtain some legal advice?---Correct.
25
11:22:48 26 And in paragraph 100 you quote from the transcript of the
11:22:55 27 record of your discussions with Ms Gobbo, the sentence that
11:23:00 28 says, "But, Paul, the reality is that, um, you are entitled
11:23:04 29 to talk to a lawyer about it"?---Correct.
30
11:23:12 31 At the time of course you weren't aware that Ms Gobbo was
11:23:18 32 recording this conversation on behalf of Victoria
11:23:20 33 Police?---No, I was not.
34
11:23:32 35 You're aware I take it from some of the questions that
11:23:37 36 Mr Winneke asked that one can't have a legitimate claim to
11:23:43 37 legal professional privilege arising from a conversation
11:23:47 38 with a lawyer simply because you're talking to a
11:23:51 39 lawyer?---Correct.
40
11:23:52 41 The purpose of the conversation has to be to get advice
11:23:58 42 from the lawyer?---Yes.
43
11:24:01 44 Contextually when you had this meeting with Ms Gobbo on 7
11:24:08 45 December 2008, about two weeks earlier on 26 November you
11:24:14 46 had attended at the Australian Crime Commission for your
11:24:18 47 second interview?---Yes.

1
11:24:20 2 And it went for quite some hours?---It did.
3
11:24:23 4 Mr Hargreaves attended with you?---Yes.
5
11:24:25 6 And I think it went till, from about 2 pm to about 8.30
11:24:30 7 pm?---Correct.
8
11:24:36 9 You were - - - ?---I'm clear on all of this because I've
11:24:39 10 read it overnight, by the way.
11
11:24:40 12 Yes, thank you. Could there be brought up on the screen,
11:24:51 13 please, Exhibit 229. I can read out the doc number if
11:25:06 14 that's needed. No. Mr Winneke asked you some questions
11:25:13 15 about this statement, not today I think but yesterday or
11:25:18 16 the day before, do you recall that?---Yes.
17
11:25:22 18 If the operator could go, please, to p.1465. You'll see
11:25:35 19 commencing about a third of the way down, Mr Dale, Ms Gobbo
11:25:42 20 says that on Sunday 30 November 2008 she received an SMS
11:25:47 21 from you asking to catch up?---Yes.
22
11:25:56 23 Do you recollect sending that SMS?---I know I was trying to
11:25:59 24 make contact with her after I'd been to that ACC hearing.
25
11:26:03 26 Yes?---So this will have been that attempt to meet with
11:26:07 27 her, yes.
28
11:26:08 29 So initially you were trying to get in touch with her with
11:26:12 30 a view to meeting on 30 November 2008, do you accept
11:26:17 31 that?---That was after the ACC hearing, isn't it?
32
11:26:20 33 Yes?---Yep, yep.
34
11:26:22 35 The ACC hearing was on 26 November?---Yes.
36
11:26:24 37 And four days later you send this SMS to Ms Gobbo?---Yes.
38
11:26:30 39 You'll see on that same page, Mr Dale, in the second line
11:26:36 40 Ms Gobbo says that she was unavailable on that day, being
11:26:40 41 30 November?---Yes.
42
11:26:41 43 Do you recollect that?---Look, I don't recollect it other
11:26:45 44 than the fact that I knew we didn't catch up at that time
11:26:48 45 for whatever reason, yeah.
46
11:26:51 47 Yeah?---Clearly she was unavailable.

1
11:26:53 2 You don't challenge that statement?---No, no.
3
11:26:55 4 But then you, according to Ms Gobbo, then replied that
11:27:00 5 you'd be in Melbourne the following weekend and an
11:27:03 6 arrangement was made to meet on Sunday 7 December
11:27:07 7 2008?---Yes.
8
11:27:08 9 Do you accept that?---Yes.
10
11:27:14 11 Do you accept that you were fairly anxious to see
11:27:17 12 Ms Gobbo?---Yes.
13
11:27:18 14 Why were you anxious?---I'd just been accused of murders,
11:27:21 15 drug dealing, burglaries, divulging sensitive police
11:27:26 16 information. I don't think it gets any more serious than
11:27:29 17 that.
18
11:27:31 19 Those allegations had been raised against you over a number
11:27:33 20 of years, or at least some of them had, hadn't they?---Yes,
11:27:37 21 and this latest ACC hearing, as you will see throughout the
11:27:42 22 conversation with Nicola on that day, there was new
11:27:45 23 information that was being put to me that I wanted to
11:27:48 24 canvass with her.
25
11:27:49 26 Yes. So it was specifically arising out of matters you
11:27:56 27 discovered at the ACC hearing on 26 November that you
11:28:00 28 wanted to see Ms Gobbo?---Yes.
29
11:28:04 30 If the operator could then please bring up Exhibit 246,
11:28:12 31 which is the transcript.
32
11:28:16 33 COMMISSIONER: I'm not sure whether that statement's been
11:28:19 34 tendered yet, has it?
11:28:23 35
11:28:23 36 MR COLLINSON: I think it has, or at least it's noted by me
11:28:28 37 that it's been tendered as Exhibit 229.
38
39 COMMISSIONER: Thank you.
40
11:28:33 41 MR COLLINSON: I'm rarely right about these things,
42 Commissioner.
43
44 COMMISSIONER: You are right.
45
46 MR COLLINSON: I'm pleased to have that opportunity.
47

11:28:33 1 COMMISSIONER: It's as well we mentioned the exhibit number
11:28:37 2 for the record to help follow things.
11:28:40 3
11:28:40 4 MR COLLINSON: If the Commissioner pleases. Mr Winneke was
11:28:45 5 just asking you some questions about this and you had a
11:28:47 6 good look at this last night, didn't you?---Yes.
7
11:28:55 8 I wanted to start if I might in the middle of the document.
11:29:01 9 If the operator could go, please, to p.0686. This is after
11:29:14 10 you'd been having this discussion with Ms Gobbo for some
11:29:19 11 time and if the operator could scroll towards the foot of
11:29:22 12 the page. You'll see a passage about ten lines from the
11:29:34 13 bottom, do you see it says PD, "But then when I get out of
11:29:41 14 there and I walk up the road and I get nothing from
11:29:45 15 Tony"?---Yes.
16
11:29:47 17 In making that statement I think you were referring to when
11:29:56 18 the examination had finished around about 8.30 and you were
11:29:59 19 walking down the road with Mr Hargreaves?---Yes.
20
11:30:05 21 And I think you expanded on this earlier in the transcript,
11:30:08 22 that when you said, "I get nothing from Tony", you were
11:30:12 23 unhappy with Tony Hargreaves at least on this particular
11:30:16 24 occasion?---I was very unhappy and I think I do make quite
11:30:20 25 a bit of a song and dance about it in this. Basically
11:30:23 26 after we left at 8.30 at night, a very long day of being
11:30:30 27 questioned about many, many matters he took a phone call
11:30:33 28 and proceeded to be on a phone call about another client
11:30:38 29 for the entire walk back to his office and then basically
11:30:42 30 shook me hand and said, "See you later", and I was just
11:30:47 31 left in limbo.
32
11:30:51 33 You felt a bit beaten up from being asked questions from
34 2 pm in the afternoon that day?---Yes.
35
11:30:52 36 And you felt you weren't getting enough attention from
11:30:57 37 him?---Got none.
38
11:30:57 39 You also, reading down to the second-last paragraph,
11:31:00 40 Ms Gobbo makes a comment, "Waste of money and he does
11:31:04 41 charge a fortune", I'm sure Ms Gobbo didn't mean that
11:31:09 42 generally, but on this particular occasion there was some
11:31:11 43 suggestion, wasn't there, you thought he wouldn't be
11:31:14 44 charging you whereas in fact he did for accompanying you to
11:31:18 45 the ACC?---No, all of this was covered by the Police
11:31:22 46 Association I believe so it was never an issue from that
11:31:24 47 point of view.

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Then over the page at .0687 at the top of the page Ms Gobbo says, "So is he, was he, would you walk away from there with the impression that I'll get a summons?" You respond inaudible. Ms Gobbo says, "Is that what you think?" Then you say, "I'm a little bit surprised that you haven't been. I presume that I would have got here today and you'd be going, 'Oh yeah, I was there two weeks ago'?"---Correct.

The reason you made that remark I suggest is one of the things at least that was being put to you by the ACC were these conversations involving you and Ms Gobbo and Mr Williams in the first half of 2004?---Yes.

Which Mr Winneke also asked you questions about a moment ago?---Yes, yes.

You thought that you having been asked questions about those conversations it seemed logical that another participant, Ms Gobbo, would also be asked about them?---Well, particularly in the fact that she put me on the phone on a number of those occasions. So I just automatically would have presumed if I'm being questioned about it the other party that was directly beside me and party to those conversations would be. Just as you've said it, yes.

A little down the page there do you see about halfway down you are recorded as saying, "I jeopardise my position by coming here and talking to you about it. But fuck it"?---Yes.

That's a reference to the fact that you'd been advised by Mr Hargreaves not to speak to Ms Gobbo?---Yes.

If Ms Gobbo was your lawyer advising you however?---M'hmm.

There wouldn't be any difficulty, would there, in you talking to Ms Gobbo?---Yeah, no, probably not. I'm not 100 per cent sure about that, but no, you're right. I mean I would have been comfortable to go away from the ACC hearing and sit in Tony's office and talk or sit in a café or do whatever and talk to Tony about it because he was present, but I wasn't convinced in my own mind that it was legal for me to speak to Nicola about it because she wasn't the one present at the ACC and hence I was charged as we've discussed with speaking to her about it, even though that

11:34:10 1 charge was later withdrawn. So not being a barrister or a
11:34:15 2 solicitor myself, I wasn't sure what my legal obligations
11:34:21 3 were.
4
11:34:22 5 One way to find out - - - ?---So I'm still sort of guarded
11:34:25 6 in a way in regards to that, am I allowed to talk to her
11:34:32 7 about it?
8
11:34:33 9 Yes?---But when she tells me that it's okay for me to speak
11:34:37 10 to her and it's right there too, it's okay, "But at least
11:34:40 11 you can use the excuse of my being a lawyer", that's Nicola
11:34:45 12 Gobbo saying that. She kept putting me back into that
11:34:47 13 comfort zone of it's okay to talk to her about it because
11:34:51 14 she's a lawyer.
15
11:34:52 16 Yes?---So I was mentally in my mind, "Okay, I can talk to
11:34:56 17 you about it".
18
11:34:57 19 But you didn't say to Mr Hargreaves, did you, "Look, it's
11:35:01 20 okay if I speak to Ms Gobbo because she'll just be giving
11:35:05 21 me some legal advice"?---Tony knew I was seeking out
11:35:08 22 Nicola. That's why probably the only thing he said to me
11:35:11 23 after that hearing was not to go and speak to Nicola.
24
11:35:14 25 You agree with me, don't you, that you didn't say to
11:35:17 26 Hargreaves, "It's okay if I see Ms Gobbo because she'll
11:35:22 27 just be giving me legal advice"?---I just wouldn't speak to
11:35:25 28 Tony about what I intended to do. I wouldn't tell him.
29
11:35:30 30 So I'm right?---Yes.
31
11:35:31 32 In the next line, as you mentioned a moment ago, Ms Gobbo
11:35:34 33 says, "At least you, but at least you can use the excuse of
11:35:38 34 my, um, being a lawyer"?---Yes.
35
11:35:43 36 I want to draw your attention to the expression "excuse" in
11:35:48 37 that sentence. It's pretty apparent, isn't it, from at
11:35:52 38 least that observation of Ms Gobbo, that you weren't really
11:35:55 39 consulting her in her capacity as a lawyer for legal advice
11:35:58 40 on this occasion?---That's not my view. That might be the
11:36:02 41 view of Victoria Police and other prosecuting authorities.
11:36:07 42 My view, and I've never wavered from this at any time, in
11:36:10 43 all the enquiries and court processes I've been through, I
11:36:13 44 have never, ever wavered from the fact I sought Nicola
11:36:18 45 Gobbo was out for legal advice. That was my view. She was
11:36:21 46 a high profile criminal barrister representing some of the
11:36:23 47 State's highest profile criminals at the time. I sought

11:36:26 1 her out for legal advice. I had no idea she was working
11:36:30 2 for the police and a police informer.
3
11:36:32 4 I accept that?---I sought her out for legal advice. I
11:36:35 5 can't take it any further than that.
6
11:36:37 7 I accept you didn't know she was wearing a recording
11:36:40 8 device. Now, Mr Dale, her participation in the 2004
11:36:48 9 conversations involving you and Mr Williams and
11:36:51 10 others?---Yes.
11
11:36:52 12 Made her potentially a witness against you in relation to
11:36:57 13 potential murder charges concerning the Hodsons, do you
11:37:00 14 agree with that?---Yeah, I would agree with that, yes.
15
11:37:03 16 One hat she wore around this time, I suggest, was as a
11:37:08 17 potential witness?---That didn't enter my mind at all to be
11:37:13 18 honest. Sitting here now in hindsight and all of this now
11:37:18 19 this can of worms has been opened up, there's going to be
11:37:22 20 some interesting weeks ahead for you guys I can tell you.
11:37:26 21 But in regards to me, no, that didn't enter my mind that
11:37:29 22 she would be potentially be a witness against me because I
11:37:33 23 hadn't done anything wrong.
24
11:37:34 25 But isn't that precisely why Ms Gobbo used the expression
11:37:38 26 "excuse" in the line - - - ?---I can't speak - I take that
11:37:42 27 as she's again, she was aware she was wearing a wire. She
11:37:47 28 was aware she's been directed to gather as much information
11:37:49 29 and evidence against me as she possibly can. I'm sitting
11:37:52 30 there like a dead duck talking to her thinking I'm talking
11:37:55 31 to a legal advisor and she's, every time I look like I
11:38:00 32 might be a bit hesitant in talking about the ACC she gives
11:38:04 33 me that comfort again, "It's okay, you can talk to a
11:38:08 34 lawyer". She does it a number of times throughout the
11:38:11 35 recording.
36
11:38:12 37 Yes. If the operator could go, please, to p.0603.
11:38:32 38 Mr Winneke asked you some questions about this so I'll deal
11:38:35 39 with this quickly. I think it's the case, isn't it, that
11:38:38 40 you agree that you wrote down the words "ACC" on a piece of
11:38:43 41 paper as noted in hand next to that reference near the top
11:38:51 42 of the page?---Yes.
43
11:38:58 44 Down the foot of the page, when it says - well, I think we
11:39:10 45 need to look at the previous comment. Do you see that -
11:39:13 46 I'm directing your attention to the foot of the page where
11:39:15 47 you say, "M'mm, and, um, have you?" Do you see

11:39:20 1 that?---Yes.
2
11:39:21 3 Just prior to that Ms Gobbo is recorded as saying, "No, but
11:39:24 4 I mean, whoever I've been with or whatever, oh okay". You
11:39:29 5 say, "Have you?" You're asking whether or not she's been
11:39:33 6 to the ACC I suggest?---I presume so. I'm not denying that
11:39:41 7 that would be the case.
8
11:39:44 9 Do you think that's a likely interpretation?---Yes.
10
11:39:49 11 When you say at the foot of the page, sorry, a little
11:39:53 12 further down, "Because", do you recall that you pointed to
11:39:57 13 Ms Gobbo after saying the word "because"?---No, I don't. I
11:40:02 14 don't recall that, no.
15
11:40:03 16 All right. Going to p.0604, you'll see references there
11:40:10 17 which we touched upon that you were with Mr Hargreaves at
11:40:14 18 the ACC until 8.30 of that evening?---Yes.
19
11:40:19 20 Then going now to p.0607. At the foot of that page in the
11:40:34 21 last paragraph you'll see your statement, "And they reckon
11:40:42 22 they're going to lock me up if I fucking, if I tell anyone
11:40:46 23 anything so, and I know they will", you're referring to the
11:40:52 24 ACC there; aren't you?---Yes.
25
11:40:54 26 And you're referring to the fact they give you this warning
11:41:00 27 when you give evidence to them that if you repeat your
11:41:01 28 evidence to anybody it's a criminal offence and you can go
11:41:05 29 to gaol?---Correct.
30
11:41:07 31 Then you continue, "And Tony sort of said to me after it he
11:41:10 32 didn't want me to come and see you. He said I know you're
11:41:14 33 a lawyer and staunch he said". You then said, "I know
11:41:22 34 you're a lawyer and staunch person". I just want to
11:41:28 35 understand, take your time over the last line, do you see
11:41:34 36 how it says, "I know you're a lawyer and staunch
11:41:38 37 person"?---They were Tony Hargreaves' words to me, yes.
38
11:41:42 39 I want to suggest to you that in fact that was your
11:41:45 40 comment, "I know you're a lawyer and staunch person"?---And
11:41:49 41 you would be wrong.
42
11:41:50 43 But if it was Mr Hargreaves' comment wouldn't he be saying,
11:41:58 44 "I know she's a lawyer and staunch person"?---You'd have to
11:42:02 45 ask him that. What he told me is exactly I what said to
11:42:04 46 Nicola on that day. "Tony told me not to come to see you
11:42:09 47 even though he knows you're a lawyer and a staunch person",

11:42:16 1 they were what Tony said to me.
2
11:42:17 3 That expression staunch?---They were his words.
4
11:42:19 5 Yes. I see you emphasise that, Mr Dale. But you'll recall
11:42:22 6 Mr Winneke asked you some questions yesterday about
11:42:28 7 Ms Gobbo's note of a meeting with you when you were in Port
11:42:33 8 Phillip Prison on 14 December 2003?---Yes.
9
11:42:36 10 And one of the lines in hand by Ms Gobbo says, "Reference
11:42:43 11 again to Terry being staunch" in quotation marks?---Yes.
12
11:42:50 13 I don't think you were prepared to say that the word
11:42:53 14 staunch was your word, or do you?---I don't recall saying
11:42:58 15 them so I - I can't take that any further.
16
11:43:04 17 Well the fact that they're found again in the transcript
11:43:07 18 you'd say it's just a coincidence, is it, that
11:43:10 19 Mr Hargreaves used the same expression?
20
11:43:14 21 MR STEWARD: He's not saying it's a coincidence. He's
11:43:18 22 saying that that was the word that was said.
23
11:43:20 24 COMMISSIONER: I think this is a proper line of
11:43:23 25 cross-examination and I'll allow it to continue. Thank you
11:43:25 26 Mr Collinson.
27
11:43:26 28 MR COLLINSON: As I hear your evidence about the transcript
11:43:28 29 of 7 December 2008, you say that it was Mr Hargreaves that
11:43:32 30 used the expression staunch about Ms Gobbo?---Well that's
11:43:36 31 what it says here, it's what I say here. It's written
11:43:41 32 right there, it's recorded.
33
11:43:42 34 Yes, but your recollection of what you're saying is that
11:43:45 35 you're effectively quoting what Mr Hargreaves
11:43:48 36 said?---Correct.
37
11:43:51 38 So you're saying that Mr Hargreaves described Ms Gobbo as a
11:43:55 39 staunch person?---He certainly did, yes.
40
11:44:00 41 You have used the same expression staunch about Mr Hodson
11:44:04 42 back in 2003?---I don't recall using it back then but I
11:44:09 43 could have.
44
11:44:11 45 It's hardly likely, is it, that Ms Gobbo's note which says
11:44:16 46 "reference again to Terry being staunch" will be something
11:44:20 47 that Ms Gobbo was saying?---Sorry, I can't answer for her.

1
11:44:26 2 I see, all right. Going back then and over the page to
11:44:37 3 .0608, you then are recorded as saying at the top of the
11:44:41 4 page, "But it's not in your best interests to go and speak
11:44:45 5 to anyone about this and I went yep, no worries Tony", so
11:44:50 6 that is your repetition, isn't it, of the advice from
11:44:54 7 Mr Hargreaves not to speak to Ms Gobbo?
8
11:44:57 9 MR WINNEKE: Commissioner, I think with respect to my
11:45:04 10 learned friend, it may well be that what's going on, if you
11:45:06 11 go back to the bottom of the previous page, "Tony sort of
11:45:09 12 said to me after I didn't, after he didn't want me to come
11:45:13 13 and see you he said", now, "I know you're a lawyer and a
11:45:18 14 staunch person but it's not in your best interests" if you
11:45:21 15 go to the following page, it may well be that that's what
11:45:25 16 the witness is saying.
11:45:28 17
11:45:28 18 MR COLLINSON: The witness - - -
19
11:45:29 20 COMMISSIONER: I think Mr Collinson is just trying to
11:45:32 21 clarify it.
22
11:45:36 23 MR COLLINSON: What I suggest to you is happening here is
11:45:39 24 that if one looks at the foot of p.0607 again, where you
11:45:48 25 say, "Tony sort of said to me after it he didn't want me to
11:45:51 26 come and see you he said", then you interpose your
11:45:55 27 observation describing Ms Gobbo, "I know you're a lawyer
11:46:03 28 and staunch person", you then resume over at the top of
11:46:08 29 .0608 what Mr Hargreaves' advice was, do you see what I'm
11:46:13 30 saying?---I disagree with you.
31
11:46:15 32 Yes, I see. All right. Now, going back to .0608, you'll
11:46:22 33 see in that same paragraph at the top of the page, "I play
11:46:25 34 Tony with a straight bat"?---Yes.
35
11:46:28 36 That's definitely your comment, isn't it?---Yes.
11:46:31 37
11:46:33 38 "But I would never not fucking go and tell my friend or
11:46:37 39 run", do you see that?---Yes.
40
11:46:40 41 The words "my friend" are plainly referring to
11:46:46 42 Ms Gobbo?---Possibly.
43
11:46:48 44 Well who else?---I'm not sure, it's a long time ago.
45
11:46:57 46 You're not able now in the witness box to think of anyone
11:46:59 47 else you might have been referring to other than

11:47:02 1 Ms Gobbo?---Not whilst I sit here, no.
2
11:47:06 3 So your first description then of why you're here to see
11:47:10 4 Ms Gobbo is in her capacity as a friend of yours, do you
11:47:14 5 agree with that?---Totally disagree with that.
6
11:47:18 7 What do you mean by "or run"?---I don't know.
8
11:47:25 9 You don't challenge, I take it from questions Mr Winneke
11:47:29 10 asked you, the overall accuracy of this tape?---No.
11
11:47:34 12 Yes?---No.
13
11:47:36 14 Ms Gobbo then says, "But the reality is" and you say
11:47:41 15 something and then she says in the passage you quote in
11:47:44 16 your statement, "But Paul, the reality is that, um, you are
11:47:48 17 entitled to talk to a lawyer about it"?---Correct.
18
11:47:51 19 And that's what you refer to as comforting words offered by
11:47:56 20 Ms Gobbo that in talking to her it would be safe because
11:47:59 21 you are talking to her in a legal capacity?---It would be
11:48:03 22 legal. I was concerned that I may be committing, breaching
11:48:07 23 the ACCC Act or ACC Act by going and speaking to her.
11:48:14 24 That's just another example of her comforting me that it's
11:48:19 25 okay to speak to her about it, yes.
26
11:48:22 27 But your purpose I suggest in arranging to see Ms Gobbo was
11:48:24 28 not to get legal advice, it was in order to see what she
11:48:29 29 might say was the relationship that you had with Mr Carl
11:48:32 30 Williams?---No, my reason for seeking her out exactly the
11:48:35 31 same as many, many other documents that corroborate the
11:48:39 32 fact that I was seeking her out for legal advice.
33
11:48:43 34 Okay. The next line says, records you saying, "I tried to,
11:48:52 35 I claimed privilege several times in relation to me and you
11:48:56 36 about that. They played a number of phone calls between
11:49:01 37 me, you and Carl Williams", do you see that?---Yes.
38
11:49:07 39 I want to focus attention on the first sentence first, "I
11:49:11 40 tried to". That suggests that you misunderstood her
11:49:16 41 comment as relating to the 2004 telephone calls involving
11:49:21 42 you and Carl Williams and Ms Gobbo, do you agree with
11:49:26 43 that?---No, sorry, "The reality is that you're entitled to
11:49:33 44 talk to a lawyer about it". Then I say, "I tried to".
11:49:37 45 What I'm saying at that point in time is I made a claim of
11:49:40 46 legal professional privilege at the ACC hearing.
47

11:49:43 1 Yes?---When they started to ask me questions about my
11:49:47 2 relationship with Nicola Gobbo and phone calls. That was
11:49:51 3 debated for some time and ultimately I was instructed that
11:49:56 4 I must answer all questions and privilege is waived in that
11:50:01 5 Commission, at that hearing.
6
11:50:03 7 I follow. So when you said, "I tried to"?---Yes.
8
11:50:07 9 You were referring to something you were attempting to
11:50:10 10 do?---Yeah, I tried - - -
11
11:50:12 12 Hang on, let me finish the question?---Sorry.
13
11:50:15 14 On 26 November 2008 when you were at the ACC?---Yes.
15
11:50:22 16 Obviously the balance of that passage is you referring to
11:50:24 17 those 2004 telephone calls?---Yes.
18
11:50:29 19 You identify the date again, if we drop down to the next
11:50:33 20 paragraph, you say, "Back in 2004"?---Yes.
21
11:50:36 22 And you describe some things about them, you say, "Years,
11:50:40 23 you know, years old and they were just shit, they were
11:50:44 24 just, there's nothing to them. All they're trying to show
11:50:47 25 is that I had a relationship with Carl. That's what
11:50:51 26 they're trying to say"?---Yes.
27
11:50:53 28 So you're referring to those calls?---Yes.
29
11:50:55 30 You then say, "Carl's clear and made a very in-depth
11:51:01 31 statement against me"?---Yes.
32
11:51:03 33 You see that?---Yes.
34
11:51:06 35 Mr Williams, Mr Carl Williams signed a statement which is
11:51:19 36 dated 24 April 2007 and I'll show you a copy?---Yes.
37
11:51:27 38 I don't believe it's on the system but I'll hand it around
11:51:33 39 and then see whether I'm wrong. And one for the
11:51:54 40 Commissioner. You'll see this - I realise Mr Williams made
11:52:07 41 a number of statements, Mr Dale, and I realise he changed
11:52:10 42 his story in later statements?---Yes.
43
11:52:12 44 But the first of the statements appears to be this
11:52:16 45 statement dated 24 April 2007. Do you see that date on the
11:52:20 46 last page?---Yes.
47

11:52:25 1 I wanted to askyou, is this the statement that you're
11:52:29 2 referring to in that part of the transcript that I am
11:52:34 3 asking you questions about, where you say, "Carl's clear
11:52:36 4 and made a very in-depth statement against me"?---So what
11:52:41 5 I'm - I'm asking a question of Nicola. I'm presuming that
11:52:48 6 there's got to have been a statement or something because
11:52:51 7 all this information was coming, all these allegations were
11:52:55 8 coming at me. So I didn't know whether there was a
11:52:58 9 statement, I hadn't seen any statement, so I haven't read
11:53:01 10 this.

11 11
11:53:02 12 All right. Let me just explore that. If you go back to -
11:53:08 13 you're on p.0608. You say, "Carl's clear and made a very
11:53:14 14 in-depth statement against me"?---Yes.

15 15
11:53:19 16 SO you were referring to something you somehow observed at
11:53:24 17 the ACC hearing when you said that?

18 18
11:53:29 19 MR STEWARD: Commissioner, it's submitted that this has
11:53:31 20 nothing to do with the Terms of Reference. What Mr Dale
11:53:34 21 said at the ACC has been the subject of a trial, in respect
11:53:41 22 of which he's been acquitted. Whatever relationship or
11:53:45 23 contact or otherwise Mr Dale had with Mr Williams, in my
11:53:50 24 submission, is not a matter pertinent to the Terms of
11:53:53 25 Reference and this line of questioning ought not be
11:53:56 26 allowed, with respect.

27 27
11:53:58 28 COMMISSIONER: How is it relevant to the Terms of
11:54:00 29 Reference, Mr Collinson?

30 30
11:54:02 31 MR COLLINSON: The assertion by Mr Dale is that the meeting
11:54:07 32 with Ms Gobbo on 7 December 2008 is for the purpose of
11:54:11 33 obtaining legal advice from Ms Gobbo. Our contention, as
11:54:17 34 might have appeared already, to some degree, in
11:54:19 35 cross-examination, is that it was nothing to do with that
11:54:22 36 objective, it was because of some damning evidence given by
11:54:30 37 Mr Williams and the telephone calls made in 2004 involving
11:54:40 38 Ms Gobbo as a potential witness and what Mr Dale was
11:54:44 39 doing - I'm saying this in front of the witness but he
11:54:48 40 probably knows that anyway - what Mr Dale was doing with
11:54:51 41 this whole meeting was to find out what Ms Gobbo might
11:54:56 42 say - what she had said to the ACC, because he probably
11:55:01 43 thought she had already been there when he came to the
11:55:04 44 meeting, but on discovering that she hadn't, to find out
11:55:08 45 what she might say. So his whole purpose in speaking to
11:55:11 46 her is as a potential witness. In other words, it's not a
11:55:15 47 privileged communication between Ms Gobbo and Mr Dale and

11:55:20 1 that's the thesis that is advanced by Mr Dale in his
11:55:23 2 statement and which has already been cross-examined upon.
3
11:55:27 4 COMMISSIONER: So do you say it's relevant to Term of
11:55:30 5 Reference 1, the number of and extent to which cases may
11:55:32 6 have been affected by the conduct of Nicola Gobbo as a
11:55:34 7 human source?
11:55:36 8
11:55:36 9 MR COLLINSON: Yes, because in this instance, it hasn't
11:55:38 10 been - and, of course, that involves a collateral inquiry
11:55:43 11 as to whether Ms Gobbo may have breached legal professional
11:55:47 12 privilege in providing information to Victoria Police, in
11:55:51 13 breach of her duties.
14
11:55:53 15 COMMISSIONER: And, similarly, it's also relevant to Term
11:55:55 16 of Reference 2, the conduct of current and former members
11:55:59 17 of Victoria Police, and their disclosures, about
11:56:01 18 recruitment, handling and management of Ms Gobbo as a human
11:56:04 19 source.
11:56:04 20
11:56:05 21 MR COLLINSON: Yes, indeed, whether they sent someone in as
11:56:07 22 a purported legal advisor to Mr Dale, when in fact that's
11:56:11 23 not what this exchange is about at all.
24
11:56:15 25 COMMISSIONER: Did you want to say anything further,
11:56:16 26 Mr Steward?
11:56:17 27
11:56:17 28 MR STEWARD: Yes, Commissioner. This line of questioning
11:56:25 29 seems to be about what it is alleged that Carl Williams
11:56:30 30 said. It's also said that Carl Williams gave damning
11:56:37 31 evidence against Mr Dale. He's never given any evidence
11:56:44 32 against Mr Dale, damning or otherwise. It's also suggested
11:56:46 33 that the purpose of this meeting was for Mr Dale - the sole
11:56:52 34 purpose was for Mr Dale to elicit from Ms Gobbo what she
11:56:56 35 had said or what she was going to say at a later date.
11:57:02 36 That may well be somewhere discretely in that one and a
11:57:12 37 half hour conversation, but it would seem my learned friend
11:57:15 38 doesn't address the Commissioner in relation to that. And
11:57:17 39 it is suggested that the entire purpose of this
11:57:20 40 conversation was for Mr Dale to find out what Ms Gobbo
11:57:25 41 might say as a witness. In my submission, it's nothing
11:57:28 42 like that and peripheral at best, the vast majority of it
11:57:35 43 being about what Paul Dale said at the ACC and new
11:57:41 44 allegations being made against him in relation to a fellow
11:57:45 45 who was later charged with the Hodson killings, Rod
11:57:51 46 Collins. If the Commissioner pleases.
11:57:54 47

11:57:54 1 MR CHETTLE: Commissioner, can I put my two bob's worth in,
11:57:58 2 because I want to ask some questions about this as well?
11:58:01 3 Mr Dale comes along and makes an assertion about legal
11:58:05 4 professional privilege. The true situation, we will be
11:58:07 5 submitting to you, is that Ms Gobbo was used as a mail box
11:58:11 6 and a conduit for criminals - not only in his time but in
11:58:17 7 the time that we were handling her.

8
11:58:18 9 It also goes to the motivation Ms Gobbo has - and
11:58:23 10 you're interested in this, apparently, from the notices we
11:58:26 11 have got - the motivation she had to become a registered
11:58:31 12 informer in 2005 with my clients. You will find that there
11:58:35 13 is evidence that she speaks about her involvement with this
11:58:37 14 man, and the circumstances that occurred with him, as being
11:58:41 15 central to her motivation. So it's relevant in a number of
11:58:44 16 different ways, in my submission.

11:58:46 17
11:58:46 18 MR COLLINSON: Can I make one point in reply, which is the
11:58:49 19 point of going to the Carl Williams' statement is not to
11:58:54 20 suggest that the allegations by Mr Williams are true, but
11:59:00 21 to suggest that Mr Dale had every motivation to
11:59:06 22 misrepresent this transcript as legally professionally
11:59:11 23 privileged, which in fact I think he did in the context of
11:59:14 24 his later criminal trial. So it's the motivation for
11:59:17 25 inventing this claim for legal professional privilege in
11:59:20 26 this communication that is why I go to these parts of the
11:59:24 27 transcript.

28
11:59:25 29 COMMISSIONER: Yes. It seems to me the line of questioning
11:59:28 30 is relevant to the question of whether the relationship
11:59:34 31 between Mr Dale and Ms Gobbo was one of lawyer/client or
11:59:39 32 not, and also relevant to Term of Reference 2, the handling
11:59:46 33 and management of Ms Gobbo as a human source. That said,
11:59:52 34 care should be taken not to go outside those Terms of
11:59:55 35 Reference and to be as tight and as economical as possible
12:00:02 36 with the cross-examination. Thank you.

12:00:04 37
12:00:05 38 MR HANNEBERY: Sorry, Commissioner, just before my learned
12:00:07 39 friend resumes, can I also just urge him to take extreme
12:00:11 40 care in the use of this document, given that it hasn't been
12:00:13 41 reviewed for PII and there's clearly some self-evidently
12:00:17 42 very sensitive material within that document. I know it
12:00:20 43 hasn't been tendered as yet.

44
12:00:23 45 COMMISSIONER: The Carl Williams' statement?

46
12:00:27 47 MR HANNEBERY: Yes.

1
12:00:28 2 COMMISSIONER: Yes. We will allow you to make submissions
12:00:30 3 before it becomes a public document. That's something that
12:00:35 4 those cross-examining should take care about too and be
12:00:38 5 astute to the non-publication orders that exist in respect
12:00:43 6 of various people.
12:00:45 7
12:00:46 8 MR COLLINSON: If the Commissioner pleases. I'm sure I can
12:00:55 9 - to the extent that I go to that document, I'll do it in a
12:00:59 10 very oblique way.
11
12:01:02 12 My question of you - back on the transcript, Mr Dale - was
12:01:06 13 your statement to Ms Gobbo in the middle of the page,
12:01:09 14 "Carl's clear and made a very in-depth statement", do you
12:01:12 15 see that?---Yes.
16
12:01:15 17 Did you see a statement of Mr Williams at the ACC
12:01:18 18 hearing?---No.
19
12:01:21 20 But propositions were put to you, I assume - - -?---Yes.
21
12:01:25 22 - - - by the ACC as to meetings that you had with
12:01:29 23 Mr Williams over a period of years?---No, I wouldn't say
12:01:35 24 years.
25
12:01:36 26 Over a period exceeding one year?---Possibly.
27
12:01:44 28 Ms Gobbo then says in the next line, "Accurate or not, or
12:01:50 29 you haven't got the statement so you don't know?" You then
12:01:53 30 say, "Very accurate". Ms Gobbo says, "Very accurate?
12:01:59 31 Okay". You repeat, "Very accurate, to the point of every
12:02:04 32 single time we met. He seems to have had documented it, as
12:02:09 33 if they knew", and then it's unintelligible. But you were
12:02:17 34 there saying, weren't you, that the propositions about
12:02:20 35 meetings between you and Mr Williams that were being put to
12:02:25 36 you by the ACC were in fact very accurate?---Some were.
12:02:29 37 He, obviously, had recalled things that I wasn't familiar
12:02:36 38 with, but I hadn't seen a statement and I guess in a way, I
12:02:42 39 was probably trying to make things sound worse than what
12:02:48 40 they really were to Nicola, to really get her attention and
12:02:55 41 elicit legal advice from her.
42
12:02:57 43 Right. Over the page, at .0609, do you see you said,
12:03:07 44 "Look, no, there was some things that came out that clearly
12:03:10 45 only him and me knew"?---Yes. I guess I was thinking on
12:03:17 46 the couple of occasions that I did meet him, they were
12:03:20 47 covert meetings that, realistically, no other criminal

12:03:27 1 should have known, so I'm presuming, okay, that
12:03:31 2 information's come from Carl, couldn't have come from
12:03:34 3 anyone else.
4
12:03:52 5 Ms Gobbo then says, "Why would he have kept a record of
12:03:55 6 them?" You then say, "No, he hasn't. No, he hasn't. It's
12:03:59 7 just what he's gleaned from memory. It was things like,
12:04:02 8 you know, remembering things like locations where we might
12:04:05 9 have met and, you know, like in Noodle Box over in some
12:04:10 10 street", do you see that?---Yes.
11
12:04:16 12 I take it this statement that I gave you a moment ago,
12:04:20 13 you've obviously seen it before, haven't you?---I won't be
12:04:22 14 reading it.
15
12:04:24 16 You've seen it before?---This load of rubbish?
17
12:04:29 18 Well, leave aside its accurate or falsity, leave that to
12:04:34 19 one side. Please just attend to my questions. Have you
12:04:38 20 seen it before?---I can't recall.
21
12:04:40 22 Don't you recall that one of the statements of Mr Dale -
12:04:44 23 I'm sorry, Mr Williams referred to a meeting that occurred
12:04:50 24 in a Noodle Bar or Noodle Box in Centreway, Keilor?---I
12:04:57 25 believe I was charged with that offence, yes, that I'd met
12:05:00 26 him .
27
12:05:00 28 That's not my question. My question is a very simple one.
12:05:06 29 Do you recall that one of Mr Williams' statements referred
12:05:10 30 to a meeting between you two at a Noodle Bar or Noodle Box
12:05:15 31 in Centreway, Keilor?---I recall an allegation made about
12:05:19 32 that and then I was charged when I denied that that
12:05:23 33 occurred. And then ultimately we found out that no Noodle
12:05:27 34 Box actually existed in Keilor Road or Centreway, Keilor,
12:05:30 35 or whatever the allegation was, it just didn't exist.
36
12:05:34 37 Yes?---It couldn't possibly have happened. I was putting
12:05:38 38 what I'd - the allegations, these lies that were being put
12:05:40 39 to me at the ACC, I'm telling Nicola about and asking for
12:05:44 40 her legal opinion on it.
41
12:05:46 42 We'll come back to that. In the passage I just read out to
12:05:49 43 you, that involves the reference to Noodle Box, you're not
12:05:52 44 saying to Ms Gobbo that what was being put to you as
12:05:56 45 Mr Williams' recollection about meeting you there was
12:06:01 46 wrong?---In my mind I was, yes.
47

12:06:03 1 Well, doesn't the previous page identify that you said,
12:06:09 2 "Very accurate" twice about these various meetings that
12:06:13 3 Mr Williams was referring to?---Yeah, and like I said to
12:06:15 4 you, I was trying to put her mind in the same position as
12:06:20 5 my mind about the allegations that were being made against
12:06:23 6 me.
7
12:06:24 8 If the operator could go back to .0609 but avoid going -
12:06:30 9 only the top half of the page, please. Do you see in the
12:06:33 10 next - if you scroll down a little bit further, please.
12:06:39 11 Now, just stop there. A little further. That's it. Do
12:06:53 12 you see in the last paragraph that's shown there, you're
12:06:57 13 recorded as saying, "But fucking no, unless someone else
12:07:00 14 with him has told, um, you know, met at - met at a pool and
12:07:07 15 went for a swim and talked in the pool sort of thing,
12:07:10 16 there's only", and then it's inaudible?---Yes, I see that.
17
12:07:16 18 One of the meetings that was put to you by the ACC as
12:07:24 19 evidence that Mr Williams had given involved you and he
12:07:27 20 meeting at a pool, correct?---I met him on one occasion - I
12:07:34 21 think it was East Keilor Leisure Centre, or somewhere like
12:07:37 22 that, that there was a pool at the centre.
23
12:07:41 24 Yes?---There was no - yes, that was a matter that was
12:07:48 25 brought up, yep.
26
12:07:49 27 And didn't you, on that occasion - you had two pairs of
12:07:53 28 swimming togs and you each put them on and waded out into
12:07:57 29 the middle of the pool - - -?---No.
30
12:08:00 31 - - - to have the conversation?---No.
32
12:08:03 33 MR STEWARD: Commissioner, in compliance, notwithstanding,
12:08:05 34 of course, the Commissioner's ruling, it's submitted that
12:08:09 35 this is going beyond - - -
36
12:08:11 37 COMMISSIONER: It is going - I can't quite see the
12:08:13 38 relevance of all this to the Terms of Reference, at the
12:08:16 39 moment.
40
12:08:16 40
12:08:17 41 MR COLLINSON: Yes.
42
12:08:18 43 I want to suggest to you that when you had this examination
12:08:25 44 at the ACC on 26 November, about two weeks before this
12:08:31 45 conversation with Ms Gobbo, you became very concerned about
12:08:36 46 the information that the ACC was putting to you?---Yes.
47

12:08:41 1 And you had two concerns. One were the telephone calls
12:08:47 2 involving Mr Williams and Ms Gobbo?---Only insofar as they
12:08:52 3 were trying to portray a corrupt relationship, which is
12:08:58 4 what I didn't like, yes.
5
12:09:01 6 And the telephone calls you were concerned about were
12:09:05 7 2004?---Yes.
8
12:09:11 9 Mr Winneke took you to some of those records, you recall
12:09:15 10 that, this morning?---Yes.
11
12:09:19 12 It revealed a pretty chummy relationship between you and
12:09:22 13 Carl Williams?---Well, these conversations are being
12:09:28 14 trawled over and analysed and different lawyers' views on
12:09:32 15 them, et cetera. I've had many, many allegations about the
12:09:35 16 way I speak and I maintained I speak to everyone in that
12:09:39 17 way. If I answer a phone - I answer the phone 20 times a
12:09:43 18 day to clients that I've probably dealt with, never, ever
12:09:48 19 socialised with or know them personally, but I call them
12:09:52 20 "mate".
21
12:09:52 22 Yes?---That's how I speak. So to make out that I called
12:09:56 23 him "mate" as though we're mates is completely wrong.
24
12:10:02 25 What about "buddy"?---I use "buddy" all the time.
26
12:10:05 27 I see. Do you think that's an appropriate way to talk to
12:10:07 28 one of Victoria's most notorious criminals if you're a
12:10:10 29 police officer?
30
12:10:12 31 MR STEWARD: Commissioner - - -
32
12:10:15 33 MR COLLINSON: I withdraw that.
34
12:10:16 35 COMMISSIONER: Thank you.
36
12:10:17 37 MR COLLINSON: You'll recall that at the ACC hearing, you
12:10:25 38 claimed privilege over these 2004 telephone conversations
12:10:30 39 involving Ms Gobbo and Mr Williams?---I was trying to claim
12:10:32 40 privilege in regards to any conversations or discussions
12:10:36 41 I'd had with Nicola Gobbo from a legal point of view, yes.
42
12:10:42 43 In particular the 2004 conversations about which I've been
12:10:45 44 asking you questions?---Look, they would have been part of
12:10:49 45 it. I pretty much would have the moment Nicola Gobbo came
12:10:54 46 up in any form of inquiry, certainly at the Australian
12:11:00 47 Crime Commission, immediately I would have made a claim of

12:11:03 1 legal professional privilege, because I believed I had that
12:11:07 2 right.
3
12:11:08 4 You've now conceded, though, in response to questions asked
12:11:11 5 by Mr Winneke, that there was no basis to claim legal
12:11:14 6 professional privilege over those 2004 telephone
12:11:17 7 conversations?---I don't agree with that. I was directed
12:11:20 8 to answer questions in regards to what I still maintain was
12:11:25 9 legal professional privilege. However, because of the
12:11:28 10 inquiry that the ACC were holding and the powers that they
12:11:31 11 held, I had no choice. I was directed I must answer them.
12:11:36 12 I still maintain till today that that's wrong.
13
12:11:41 14 You don't - on the two pages I've been asking you questions
12:11:46 15 about, where you're conveying this information to Ms Gobbo,
12:11:50 16 you don't ask her for any kind of advice, do you?---I think
12:11:54 17 if you read the entire document, we go through a lot of
12:11:58 18 material. I guess it was never a matter of sitting down,
12:12:03 19 going, "This happened. What do you think about" - well,
12:12:06 20 there was that, this happened, "What do you think about
12:12:09 21 that?" Look, it was an overall discussion, from my point
12:12:13 22 of view, of what had been alleged against me, what I was
12:12:16 23 very strongly disagreeing with, but they didn't want to
12:12:20 24 listen to anything that I disagreed with at the Commission,
12:12:23 25 and I just wanted to get her advice on where all this would
12:12:27 26 lead me.
27
12:12:29 28 All right. If we could go, please, to p.0611, the last
12:12:38 29 paragraph. It's p.12. You're recorded there as saying,
12:12:59 30 "Exactly, you know, and anyway, it's been expanded on and
12:13:03 31 there's a few - a more few allegations put to me, but the
12:13:08 32 allegations aren't criminal activity, they are purely
12:13:12 33 trying to show that I had a relationship with Carl that is
12:13:16 34 a lot more than just a policeman's profession",
12:13:21 35 right?---Yes.
36
12:13:21 37 So you're telling her how the ACC was putting the material
12:13:25 38 they were putting to you?---Yes.
39
12:13:27 40 Over the page, at .0612, about four paragraphs down, you
12:13:31 41 say, "I've never denied that we had contact and all that I
12:13:35 42 said, look, may or may not have IR'd every contact with
12:13:40 43 him"?---Yes.
44
12:13:42 45 What you're saying there is, "I've never denied I had
12:13:45 46 contact with Carl Williams and I've already admitted I
12:13:48 47 didn't always record that in an information report"?---Yes.

1
12:13:51 2 Which police officers are supposed to do?---Yes.
3
12:13:59 4 Down the foot of .0612, you'll see you say, "No, look, he's
12:14:08 5 couple of times, like I said, even with those calls,
12:14:11 6 there's no allegations about me or you, other than purely -
12:14:16 7 purely these phone calls". So you see you're talking about
12:14:20 8 allegations about Ms Gobbo?---Yes.
9
12:14:23 10 That's why you were wanting to speak to her, weren't you,
12:14:26 11 because there were potential or actual allegations being
12:14:29 12 made against Ms Gobbo?---They weren't allegations made
12:14:33 13 against Gobbo, they were allegations that involved her,
12:14:36 14 with her putting me on the phone, me being in her presence
12:14:40 15 when certain phone calls were made. So she was directly
12:14:47 16 mentioned at the hearing that she was - that I was with her
12:14:54 17 when those calls were made, et cetera.
18
12:14:56 19 Yes?---It wasn't - there was never a criminal allegation
12:15:00 20 made against her, I don't believe, or put to me about her,
12:15:03 21 I don't believe.
22
12:15:04 23 Yes. I think you give us a reassurance about that later in
12:15:09 24 the conversation. Can I draw your attention to the next
12:15:09 25 sentence. "And I said they wanted to know whether you were
12:15:09 26 a contact between me and Carl, you know"?---Yes, correct.
27
12:15:09 28 So you're not speaking to her there, are you, in any
12:15:12 29 capacity as a lawyer from whom you're seeking advice,
12:15:16 30 you're raising her role as a potential intermediary between
12:15:22 31 you and Carl Williams?---No, I disagree. This conversation
12:15:26 32 goes for an hour and a half. The conversation does jump
12:15:30 33 between clearly direct legal advice that I'm seeking to
12:15:35 34 discussions of more of a personal nature, because it was a
12:15:39 35 lengthy meeting, or discussion, so therefore I do agree
12:15:45 36 with you, not all of this document is legally
12:15:47 37 professionally privileged, I totally agree, but I was there
12:15:51 38 and I was only there - met with her for the sole purpose of
12:15:56 39 speaking to her about criminal matters, very, very serious
12:15:59 40 criminal matters that had been alleged against me in the
12:16:02 41 last couple of weeks. I tried to get to her beforehand to
12:16:05 42 meet with her because I was concerned, she's a legal
12:16:08 43 barrister working, current serving barrister. I met with
12:16:13 44 her, trusted her, believed she was working in my best
12:16:16 45 interests or giving me advice in my best interests. There
12:16:21 46 will be things throughout this document that clearly aren't
12:16:24 47 legally professionally privileged stuff. I was there to

12:16:27 1 seek legal advice.
2
12:16:28 3 Do you see in the last sentence in that passage you
12:16:30 4 continue, "Nah, never been the case, fuckin', or did I know
12:16:33 5 that you had numerous mobile phones. I said nah." So
12:16:39 6 you're raising a factual question, aren't you, as to
12:16:42 7 whether Ms Gobbo was using more than one mobile phone in
12:16:46 8 terms of operating as a contact between you and
12:16:52 9 Mr Williams?---I totally disagree that she was operating as
12:16:55 10 a contact between me and Carl Williams, totally disagree
12:16:59 11 with that.
12
12:17:00 13 Yes. I'm not suggesting that, I'm suggesting that the ACC,
12:17:03 14 in its questions asked of you, were raising with you
12:17:07 15 whether you knew that she had numerous telephones?---Yes.
16
12:17:19 17 And there's some discussion about that and then over at
12:17:26 18 p.0613, you'll see in the middle of the page you say, "So
12:17:31 19 the theory is that I met with Rod Collins." Do you see
12:17:34 20 that?---Yes.
21
12:17:35 22 And then you talk about some questions that appear to have
12:17:40 23 been asked of you about whether you paid \$400,000 to
12:17:44 24 Mr Collins to murder the Hodsons?---Yes.
25
12:17:49 26 Now, at page .0615 - it probably begins at the bottom of
12:18:00 27 .0614, the last paragraph, you say, "Tony didn't ask a
12:18:05 28 single question, he just sat there the whole day. The only
12:18:08 29 time he - the only time he got involved at all was when I
12:18:12 30 tried to claim professional privilege against any
12:18:14 31 conversations that me and you had"?---Yes.
32
12:18:18 33 And over at the next page, 0615, about four paragraphs
12:18:24 34 down, you're recorded as saying with Nicola, "She's my
12:18:28 35 legal representation. I'm not going to fuckin' discuss it,
12:18:32 36 mate. You don't have to." You're referring there to what
12:18:36 37 you were saying to the ACC in the course of this
12:18:38 38 examination?---Yes.
12:18:39 39
12:18:39 40 And you were claiming privilege over the 2004 telephone
12:18:43 41 conversations which Mr Winneke was asking you about this
12:18:48 42 morning?---I, again, don't totally agree with the assertion
12:18:52 43 that it was just about those phone calls. It was in
12:18:55 44 regards to any of what I believed were legal professional
12:18:59 45 contact I had with Nicola Gobbo, I was claiming legal
12:19:04 46 professional privilege.
47

12:19:05 1 If the operator could go to p.0618, the bottom of the page,
12:19:15 2 about 12 lines from the bottom, you're recorded as saying,
12:19:19 3 "Because they're asking the same bloody questions every
12:19:23 4 single time, a little bit extra here and there and I was
12:19:26 5 waiting for the little bit extra this time. The only
12:19:27 6 little bit extra was three phone calls played between me,
12:19:30 7 you and Carl"?---Yes.
8
12:19:32 9 Ms Gobbo says, "Yep" and you say, "Which all these were
12:19:36 10 fuckin' how are you going, blah blah blah" and Ms Gobbo
12:19:41 11 says, "I never remember" and you say, "If it were some of
12:19:45 12 the nice, fuckin', really, really hardly understand one of
12:19:48 13 them and fuckin'. Anyway. I said look, yeah, that could
12:19:51 14 be me. It may not be me. I'm not denying." And over the
12:19:55 15 page, .0619, Ms Gobbo says, "2004." I'm sorry, you say,
12:20:05 16 "2004" and Ms Gobbo says, "Must have been obviously, must
12:20:11 17 have been before July." Do you see that?---Yes.
18
12:20:15 19 And she said that, didn't she, because she had a stroke on
12:20:19 20 24 July 2004?---Yes.
21
12:20:23 22 Which put her out of practice for about six months?---I'm
12:20:27 23 not sure.
24
12:20:33 25 And further down that same page, about the middle of the
12:20:37 26 page, you say, "Getting back to - I just want to cover the
12:20:40 27 one thing with Tony - two things with Tony. Yep. One was
12:20:45 28 he said he's a very good friend of yours, rah rah rah, but
12:20:50 29 he didn't want me to come and say" - I'm not sure I can
12:20:54 30 read that - "tell you about this ACC. He said he didn't" -
12:21:01 31 well, you can see there's some handwritten - - -?---Yes.
32
12:21:04 33 There's two versions. I don't want to pretend to you
12:21:07 34 necessarily one is right or the other, but it says, "He
12:21:10 35 said he didn't because or think there wasn't any need for
12:21:13 36 it"?---Yes.
37
12:21:18 38 So aren't you telling Ms Gobbo about these 2004
12:21:23 39 conversations because she's involved in them and you want
12:21:27 40 to know what her recollection about them is?---I wouldn't
12:21:34 41 disagree with that. It was more the fact that I was trying
12:21:38 42 to tell her pretty much everything that went on at the ACC
12:21:43 43 hearing and clearly the allegations that were being put to
12:21:48 44 me and what my thoughts were, why they were putting certain
12:21:54 45 things to me and I was trying to, you know, bounce off her
12:22:02 46 an independent legal mind what she thought of it.
47

12:22:07 1 Okay. Page 0620, about the middle of the page, you're
12:22:12 2 recorded as saying, "Yeah, so, um, he was very adamant he
12:22:18 3 wants - 'cause he reckons the ACC are very, very tight and
12:22:24 4 to get him kicked out then, you know, they." When you say
12:22:28 5 he was very adamant, you're referring to
12:22:31 6 Mr Hargreaves?---Yeah, I would suggest I am there, yes.
7
12:22:33 8 And you're referring to the fact that Mr Hargreaves was
12:22:34 9 adamant that you should not speak to Ms Gobbo?---That
12:22:38 10 appears to be my words back then, yes.
11
12:22:42 12 Ms Gobbo says, "That I should expect a summons." That
12:22:45 13 would be to appear as a witness before the ACC,
12:22:51 14 correct?---Yeah, I would expect that's what she's saying.
15
12:22:54 16 And then you say, "But all the Petra Task Force boys were
12:22:58 17 in there, in the room. So there's a few others knowing
12:23:01 18 there. Yeah, I'm surprised you haven't gone in." Now
12:23:05 19 you're saying there, aren't you, that you're surprised that
12:23:08 20 Ms Gobbo hasn't been asked to give evidence before the
12:23:11 21 ACC?---Yeah.
22
12:23:13 23 "Let alone what are you, what is it going to be only a
12:23:16 24 couple of phone calls, fuckin' hell, and the phone calls
12:23:19 25 were come and see about, you know, about that matter we've
12:23:23 26 got coming up in the brief and whatever for you, and that
12:23:25 27 was purely work-related." Do you see that?---Yes, I do.
28
12:23:29 29 Now, you're referring to some other matter, nothing to do
12:23:34 30 with the Hodsons, are you, that you were seeking advice
12:23:36 31 from Ms Gobbo on when you made that statement, where you
12:23:42 32 said "a matter we've got coming up in the brief"?---Yeah, I
12:23:46 33 can't be a hundred per cent certain, to be honest.
34
12:23:48 35 Ms Gobbo then says, "Well, I don't - I don't - I don't know
12:23:52 36 the full extent of your relationship with him." Do you see
12:23:55 37 that?---Yes.
38
12:23:56 39 And when she says "him", she means Carl
12:24:03 40 Williams?---Possibly, yes. I'm not sure.
41
12:24:08 42 Can you think of anybody else it might be other than Carl
12:24:11 43 Williams?---No, I presume that's who we're talking about
12:24:14 44 through this part of the tape recording.
45
12:24:20 46 And then Ms Gobbo says, "It's not my business." And you
12:24:24 47 say, "No, no. So anyway." Now, isn't that fulfilling one

12:24:31 1 of the purposes you had in this meeting with Ms Gobbo, to
12:24:35 2 find out what she might say about the extent of your
12:24:38 3 relationship with Carl Williams?---No, I had no concerns
12:24:43 4 whatsoever what she might say. I was there to - I'll say
12:24:49 5 it till ad nauseam. I sought her out for legal advice, I
12:24:52 6 went through a lot of material that was put to me at the
12:24:55 7 hearing and we're going through it and I'm bouncing things
12:24:57 8 off her. I was surprised, in a way, that she hadn't been
12:25:01 9 called. She may well have been called, I still don't know.
12:25:08 10 But, yeah, I was just bouncing things off her as what was
12:25:11 11 put to me.

12 12
12:25:13 13 Over at .0621 there's some statements by you about Rod
12:25:21 14 Collins and you say you've never met him. Over at .0622,
12:25:28 15 there's further statements about Collins, about whether he
12:25:31 16 might roll or not. Over at .0263, more discussion. Mick
12:25:40 17 Gatto comes up. Over at .0264, down the foot of the page,
12:25:52 18 Ms Gobbo says, "But I don't anyway - look, I don't
12:25:57 19 understand. If they've got the sworn evidence, why aren't
12:25:59 20 you charged? What I don't - that doesn't make sense to me
12:26:02 21 Paul." And you say, "No, I can only assume that - can you
12:26:06 22 charge me though, can you roll me into a or out or your two
12:26:11 23 number one witnesses, Carl Williams and Rod Collins, both a
12:26:14 24 couple of fuckin' worst criminals in Australia and let you
12:26:18 25 - there's your evidence"?---Yes.

26 26
12:26:21 27 And Ms Gobbo then says, over the page, at .0625, "You're
12:26:26 28 hypothesising that he has made a statement that so Rod
12:26:33 29 Collins has said this" and it continues?---Yes. I'm
12:26:36 30 clearly bouncing criminal allegations that have been made
12:26:38 31 to me off who I believed was my lawyer.

32 32
12:26:44 33 Yes. Are you able to - I put it to you that you're not
12:26:47 34 seeking any advice from Ms Gobbo when you make that
12:26:51 35 observation at the foot of .0264 about the case against you
12:26:57 36 or potentially against you relying upon the evidence of
12:27:01 37 criminals Carl Williams and Rod Collins?---I guess I'm
12:27:05 38 looking for - how would you say it? - I believed in my own
12:27:12 39 mind, from my own legal background as an investigator, that
12:27:18 40 you would be highly unlikely to try and run a trial based
12:27:22 41 on two criminals that have both, at that point, been paid -
12:27:29 42 well, certainly Carl Williams received many, many
12:27:34 43 inducements. We also became aware later on that Rod
12:27:39 44 Collins was also offered many, many inducements. All those
12:27:44 45 inducements had been made. I think it would be difficult
12:27:48 46 from - in my mind at that point, you wouldn't get past
12:27:51 47 square one at a criminal trial, but I wanted to run it past

12:27:56 1 Nicola Gobbo from the other side of the fence, from a
12:27:59 2 defence barrister's point of view, what she thought. And
12:28:05 3 as she said to me, they were starting to run trials at that
12:28:09 4 stage using uncorroborated evidence of career criminals.
5
12:28:13 6 The bottom of p.0265, you get back on this topic about
12:28:19 7 Mr Hargreaves being on his phone when it all finished
12:28:23 8 around 8.30. Do you see that at the foot of the
12:28:26 9 page?---Yes.
10
12:28:28 11 And the next page, .0626, you say more about that. You say
12:28:39 12 in the last paragraph, "Yeah, what just happened? I mean,
12:28:43 13 I was under the - I'm fuckin' - I took 15 rounds of fuckin'
12:28:47 14 pretty hard punches and I'm sort of thinking, I'm hoping
15 he's taken notes of all this because I really want to know
12:28:54 16 what his thoughts are when we get out." Do you see that?
12:28:58 17 That's at the bottom of the p.0626?---Oh yeah, it's just
12:29:05 18 come up. Yes.
19
12:29:08 20 So this was you complaining to Ms Gobbo really about
12:29:15 21 Mr Hargreaves on this occasion?---I'm explaining to her
12:29:17 22 that I haven't had a chance to speak to a legal advisor at
12:29:20 23 that point in time, even though Tony was appointed to
12:29:25 24 represent me by the Police Association. Clearly, I'd left
12:29:30 25 that ACC hearing having had no debriefing from a legal
12:29:37 26 representation point of view and I was desperate to get
12:29:41 27 that debriefing and that was Nicola Gobbo that I sought to
12:29:46 28 get that from.
29
12:29:47 30 Yes. Now, I'm going to pass over some pages now and I
12:29:51 31 suggest to you that in none of those is Ms Gobbo giving you
12:29:55 32 legal advice or are you asking for legal advice and if I'm
12:29:59 33 wrong about that, no doubt your barrister will ask you some
12:30:02 34 questions about it. Now, at .0636, you say - do you see at
12:30:15 35 the middle of the page Ms Gobbo says, "To which my response
12:30:20 36 is - my response is R." And you say, "Do you want to go
12:30:24 37 for a walk soon?" You say that and Ms Gobbo says, "Nah."
12:30:32 38 Why did you suggest going for a walk?---I think we'd been
12:30:35 39 sitting there for over an hour at that stage and simply get
12:30:39 40 up and go for a walk. Like I said earlier, she had
12:30:44 41 indicated a concern that she had that there was some -
12:30:48 42 possibly some police presence around us, covert,
12:30:52 43 undercover, but - yeah, no, I - - -
44
12:30:57 45 Presumably - I think you'd dismissed them as undercover
12:31:02 46 people, hadn't you?---Yes, I had, yeah.
12:31:05 47

12:31:05 1 But you did - you were concerned that you might be being -
12:31:09 2 you might be under surveillance in any event, weren't
12:31:12 3 you?---I was fully under surveillance. I was being tape
12:31:15 4 recorded.
5

12:31:16 6 You didn't know that. But at the time you were having this
12:31:20 7 discussion with Ms Gobbo, you thought you were probably
12:31:22 8 under surveillance or may be under surveillance?---I was
12:31:25 9 completely under surveillance. I'd not long spent a
12:31:29 10 weekend in Perth, where I was followed around like a little
12:31:33 11 lost sheep. It was quite interesting. So, no, I was very
12:31:36 12 hyperactive and paranoid and - yeah.
13

12:31:39 14 But there'd be nothing wrong, would there, with continuing
12:31:43 15 a discussion with your lawyer, Ms Gobbo, in a café?---No,
12:31:47 16 as long as it wasn't being recorded and, again, if those
12:31:50 17 two people had of been police officers, then I would have
12:31:54 18 not wanted to, you know, have my conversation overheard by
12:31:59 19 them when I'm speaking to a lawyer, but no, look, going for
12:32:04 20 a walk, whether it was my paranoia at the time or we just
12:32:08 21 needed - I just felt I needed to get up and go for a walk
12:32:11 22 after an hour of sitting there talking about this stuff.
23

12:32:13 24 But if you were concerned about being overheard by
12:32:18 25 undercover police operatives sitting near you, you would
12:32:21 26 have gone for a walk a lot earlier, wouldn't you?---Yeah.
12:32:24 27 I think I actually asked her if she wanted to do it
12:32:27 28 earlier, but it is not picked up on this, by the looks.
29

12:32:30 30 I see. All right. And then more pages which -
12:32:43 31 Mr Winneke's version of the transcript has some redactions
12:32:46 32 on it that, obviously, will be applicable to this, so I'm
12:32:50 33 getting some assistance - - -
34

12:32:54 35 MR WINNEKE: Perhaps if we don't scroll through it and go
12:32:57 36 to pages that Mr Collinson wants to put to the witness,
12:33:02 37 rather than scrolling through it, I'd be more comfortable.
38

12:33:08 39 MR COLLINSON: Yes. I can pass through some pages until we
12:33:16 40 get to .0642, p 43. And you are asked by Ms Gobbo - at
12:33:33 41 about a third of the way down, do you see she says, "Have
12:33:36 42 you - have you got - have you detected any amount of
12:33:40 43 attention on you around home?"?---Yes.
44

12:33:43 45 And you say, "Around work, yeah." You're talking about
12:33:47 46 surveillance there?---Yeah
12:33:48 47

12:33:49 1 And then further down you say, "It seems to have dropped
12:33:52 2 off a bit of late"?---Yes.
3
12:33:54 4 And then over the next couple of pages - don't scroll to it
12:34:02 5 - you talk about your visit to Perth and things that
12:34:05 6 happened over there?---Yes.
7
12:34:08 8 I won't mention any names, but you were visiting a
12:34:11 9 particular person over there and it was not a satisfactory
12:34:15 10 visit?---No.
11
12:34:19 12 At .0650, p.51, Ms Gobbo asks, at the top of the page,
12:34:27 13 about your business?---Yes.
14
12:34:30 15 And she's talking about a particular business you've got at
12:34:33 16 Wangaratta?---Yes.
17
12:34:35 18 And there's a discussion over the ensuing pages about
12:34:39 19 that?---Yes.
20
12:34:40 21 And then at .0654, p.55, towards the foot of the page,
12:34:50 22 you're recorded as saying, "How you going"?---Yes.
23
12:34:57 24 And Ms Gobbo says, "Tell her to come down"?---Yes.
25
12:35:00 26 And that's because your wife, Ditty, was called?---Yes.
27
12:35:04 28 She's gone off with the kids for a while and wants to know
12:35:07 29 whether to come back, effectively?---Yes, correct.
30
12:35:09 31 And then over the ensuing pages, I think - your wife is
12:35:15 32 present, with your children?---Yes.
33
12:35:20 34 There's some commentary about that. And then more
12:35:28 35 discussion about - and I take it your wife is present for
12:35:33 36 part of the discussion at this point?---Yes.
37
12:35:36 38 And there's discussion about various issues. And then I
12:35:40 39 think we can get to .0670, which is p.71. At about a third
12:35:55 40 of the way down, do you see that you're recorded as saying,
12:36:01 41 "He would be quite happy to take an induced statement from
12:36:04 42 me and still keep it privileged and blah, blah, blah, like
12:36:07 43 really fuckin' going into depth about. And then trying -
12:36:11 44 trying to fuckin', you know, as - oh yeah, okay, I'll go
12:36:15 45 away and do that and come back and say I'll." Are you
12:36:19 46 talking about Mr Williams there?---No, I would think that
12:36:26 47 would be in regards to the Commissioner at the end of the

12:36:31 1 hearing - of the ACC hearing on 27 November. He spent - he
12:36:37 2 spent a long time, at the start of it, trying to assure me
12:36:40 3 that everything I could say there would never leave those
12:36:43 4 four walls. He continued, at the end, before we finished
12:36:48 5 up, to also say that he'd be happy to - for me to come back
12:36:53 6 and make a statement, an induced statement, and it be under
12:37:00 7 privilege, et cetera.
8
12:37:04 9 The next line down, Ms Gobbo is recorded as saying, "I hope
12:37:08 10 - I hope that they don't think I - that I was involved in
12:37:11 11 some murder"?---Yes.
12
12:37:12 13 And she's referring to the Hodsons at that point?---It
12:37:19 14 would have to be, I would say.
15
12:37:20 16 And you say, "No, no, no, no" many times. "You're" and
12:37:27 17 then it's inaudible. "Look, that whole inquiry, I reckon -
12:37:32 18 now, I mean, in hind" - it's pretty well inaudible what you
12:37:35 19 were saying. Can you remember what you were saying when
12:37:38 20 Ms Gobbo raised that question?---Look, I'd only be - I'd
12:37:41 21 probably be guessing, but I would have been assuring her
12:37:45 22 that that wasn't an allegation raised at the ACC at that
12:37:47 23 point in time.
24
12:37:58 25 And then at .0672, the foot of the page, which is p.73,
12:38:08 26 you're recorded as saying, "But, yeah, look, I just wanted
12:38:11 27 to let you know that that's what - that's what was said."
12:38:19 28 Now, you're referring there, aren't you, to something to do
12:38:24 29 with \$30,000 and a contract that you were alleged to have
12:38:28 30 taken out for the murder of somebody - perhaps Jason Moran
12:38:37 31 or Mark Moran?---Yes.
32
12:38:41 33 And then over at .0673 - just the first little section
12:38:59 34 only. A little further. Ms Gobbo, in line 1, refers to a
12:39:09 35 summons. She's probably referring to a summons that she
12:39:13 36 might receive, is that right?---Yeah, I agree.
37
12:39:23 38 And you say, "I'm surprised but then again" - when you
12:39:25 39 said, "I'm surprised", you're repeating that point, aren't
12:39:28 40 you, that you're surprised she hasn't already been
12:39:31 41 summonsed?---Yes.
42
12:39:31 43 And then you continue, "But then again, having said what
12:39:35 44 are you going to say - yeah, that's" and that's partly
12:39:38 45 inaudible. "Carl Williams's phone line. Yeah, that's
12:39:42 46 (inaudible)." Paul Dale, "(inaudible)" and, "Fuckin' yep,
12:39:46 47 we catch up ever so often. Fuckin' so be it." So you're

12:39:50 1 saying there, aren't you, that you and Mr Carl Williams
12:39:55 2 catch up every so often, but so what?---Well, I'm not sure
12:40:00 3 whether that relates to Carl and I catching up or Nicola
12:40:04 4 and I catching up. I'm sort of half answering the question
12:40:10 5 of whether she had been summonsed or may receive a summons,
12:40:16 6 I'm sort of answering in that vein. Well, there was really
12:40:20 7 - other than those phone calls, realistically, there wasn't
12:40:23 8 anything else put to me that would justify, I guess,
12:40:29 9 wanting to call you.

10
12:40:32 11 But contextually, having regard to the earlier passages I
12:40:36 12 read to you, where the same kind of point was raised by the
12:40:39 13 ACCC, isn't it more likely that you're referring there to
12:40:44 14 the fact that you catch up every so often with Mr Carl
12:40:48 15 Williams, but so what?---No, I would be more inclined to
12:40:52 16 say it was - that I catch up with Nicola, because we're
12:40:56 17 talking about the potential for Nicola to be called to the
12:40:59 18 ACC.

19
12:41:02 20 But she responds, in the next line, Mr Dale, "I don't know
12:41:05 21 there'd be - there'd be - look would be so many." So isn't
12:41:11 22 she saying she doesn't think there would be that many
12:41:13 23 occasions where you caught up with Mr Carl
12:41:24 24 Williams?---Yeah. Look, I don't want to - I can't really
12:41:31 25 answer that one, to be honest. I still believe that we're
12:41:34 26 talking about her getting called up and not the fact that
12:41:39 27 there would be any form of evidence of me meeting with Carl
12:41:44 28 Williams too often.

29
12:41:46 30 But when she says "so many", she's referring to catch-ups
12:41:51 31 between you and Mr Williams, isn't she?---I'm not sure,
12:41:55 32 that's what I'm saying, I can't be sure what - where that's
12:41:59 33 heading, to be honest.

34
12:42:03 35 MR STEWARD: Commissioner, I note Mr Dale - and I know it
12:42:04 36 is only 20 minutes from lunch - but he's been in the box
12:42:08 37 for two and a half hours without a break. Would it be
12:42:11 38 inconvenient if an earlier lunch was taken or he just had a
12:42:15 39 short break or perhaps we could inquire of Mr Dale.

40
12:42:18 41 COMMISSIONER: Mr Dale, are you keen to have a break at
12:42:19 42 this point?---Yes, please.

43
12:42:22 44 All right. We'll take the lunch adjournment now and resume
12:42:27 45 at a quarter to 2.

46
12:42:31 47 MR STEWARD: Thank you.

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<(THE WITNESS WITHDREW)

LUNCHEON ADJOURNMENT

13:48:04 1 UPON RESUMING AT 1.56 PM:
2
13:56:17 3 COMMISSIONER: Mr Collinson.
13:56:19 4
13:56:19 5 <PAUL DALE, recalled:
13:56:21 6
13:56:21 7 MR COLLINSON: Mr Dale, just before the break, I was asking
13:56:23 8 you some questions about p.0673 of this transcript of the
13:56:30 9 meeting with Ms Gobbo on 7 December 2008. Just in that
13:56:40 10 first section still, I asked you about Ms Gobbo's comment
13:56:47 11 about "so many" and then you answer or comment, "None of
13:56:54 12 these allegations were put to me about this at all, none at
13:56:57 13 all, other than that bit of a go-between between Carl at
13:57:01 14 one stage, the allegation at one stage". So you're
13:57:04 15 referring there, aren't you, to the fact that the ACC was
13:57:12 16 suggesting that at one stage Ms Gobbo, whether unwittingly
13:57:16 17 or not, was perhaps acting as a go-between between you and
13:57:22 18 Mr Williams, that's what you were referring to?---Look,
13:57:26 19 possibly.
20
13:57:27 21 I'm merely suggesting it's an allegation by the ACC, I'm
13:57:31 22 not suggesting anything about the truth of the
13:57:34 23 allegation?---Yeah, I know, but I just honestly can't
13:57:38 24 remember, to be honest, but that reads that way.
25
13:57:47 26 Just scrolling then further down - can the operator please
13:58:00 27 just show the last 12 lines on the page but skip the
13:58:09 28 middle. You'll see there in the second paragraph, Mr Dale,
13:58:18 29 you're recorded as saying again - actually, no, for the
13:58:23 30 first time, "Don't tell Tony about this. He was adamant I
13:58:27 31 not" - it then is inaudible. You're referring to Tony
13:58:32 32 Hargreaves there, aren't you?---Yes.
33
13:58:37 34 And his view that you shouldn't see Ms Gobbo about the
13:58:41 35 matters raised at the ACC?---Yes.
36
13:58:45 37 Why would you be concerned, though, about Ms Gobbo telling
13:58:50 38 Mr Hargreaves about meeting with you after the event if she
13:58:54 39 would be in a position to explain that she was meeting with
13:58:58 40 you as your legal advisor?---Well, I felt I was probably
13:59:05 41 being a bit disloyal to Tony Hargreaves going against his
13:59:09 42 instructions to me, or his view on what I should and
13:59:14 43 shouldn't do in regards to this. He didn't want me to
13:59:18 44 speak to Nicola Gobbo, so I felt if he doesn't know, it
13:59:24 45 can't hurt him, if you know what I mean.
46
13:59:27 47 Yes. And then skipping a few pages to .0682, your wife

13:59:43 1 returns, doesn't she? She's represented by the "DD"
13:59:48 2 comments, isn't she, in the transcript?---That's correct,
13:59:50 3 yes.
4
13:59:54 5 And then we come to p.0687, where I've already asked you
14:00:07 6 some questions. It's really where I think I started. Do
14:00:11 7 you remember those questions I asked you about the
14:00:13 8 reference by Ms Gobbo in the middle of the page, "At least
14:00:19 9 you can use the excuse of my, um, being a lawyer"?---Yes.
10
14:00:24 11 That's what it was, wasn't it? This whole meeting with
14:00:28 12 Ms Gobbo had nothing to do with obtaining advice from
14:00:32 13 Ms Gobbo in her capacity as a lawyer?---I totally disagree
14:00:37 14 with you on that point.
15
14:00:38 16 Can you remember any specific advice she gave you in the
14:00:41 17 course of this encounter?---Yes, but I'll need to go
14:00:50 18 through this document to where I've - - -
19
14:00:54 20 That might take a while?---That's correct, but there are
14:00:57 21 many, many points throughout this recording and my
14:01:00 22 conversation with her where I was asking, seeking and
14:01:03 23 receiving advice from her.
24
14:01:06 25 Is it common to go - for you to take your family to see a
14:01:10 26 lawyer when you want to get legal advice?---Not at all.
14:01:13 27 That's why Ditty only turned up when we'd pretty much
14:01:17 28 covered all the matters. Ditty, my wife, on a number of
14:01:21 29 occasions, knowingly dropped me off to have meetings -
14:01:25 30 legal meetings with Nicola Gobbo and she would pick me up
14:01:30 31 after I'd - we'd completed our legal conversations and she
14:01:36 32 would often then have a drink with Nicola as well, but it
14:01:41 33 was certainly a point that I made that my legal matters
14:01:47 34 were directly between me and Nicola when I was seeking that
14:01:51 35 advice.
36
14:01:51 37 Yes. If the operator could go to .0716. Your wife is part
14:02:03 38 of this discussion now and you'll see that your wife makes
14:02:10 39 a comment towards the top of the page, "Beautiful. So they
14:02:13 40 can't ask you any questions now." Do you see that?---I'm
14:02:19 41 just getting to it, sorry.
42
14:02:21 43 It's about six paragraphs down?---Yes, I see that.
44
14:02:32 45 You respond, "The possibility that I could be charged with
14:02:37 46 something serious and I'm here to seek legal
14:02:40 47 advice"?---Yes, I see that.

1
14:02:41 2 Then further down the page, do you see your wife makes a
14:02:44 3 comment, "For goodness sakes, you're just friends"?---Yes.
4
14:02:50 5 And over the page, at .0717, your wife repeats the comment,
14:02:55 6 "You're just friends"?---Yes.
7
14:02:59 8 So isn't there an inconsistency here? I mean, would you
14:03:04 9 say that you were seeing Ms Gobbo as a friend or as a
14:03:07 10 lawyer in this - - - ?---I was seeing Nicola Gobbo as a
14:03:12 11 lawyer.
12
14:03:16 13 Then why did you open up your initial discussion with her
14:03:21 14 by suggesting - having referred to Mr Hargreaves' negative
14:03:29 15 advice, that you shouldn't come to see Ms Gobbo, that you
14:03:32 16 would "never not fucking go and tell my friend or
14:03:38 17 run"?---Yeah, look, as I've said, it's an extensive
14:03:44 18 conversation, extensive document that we've got here.
14:03:47 19 There are many parts of that conversation and document that
14:03:50 20 you can put your theory on and I can put my theory on. But
14:03:54 21 at the end of the day, the bulk of this was my intentions
14:03:57 22 to seek her out for legal advice, simple as that, I had no
14:04:01 23 other intentions of meeting her that day, to celebrate a
14:04:04 24 birthday, or anything like that, or go for drinks, it was
14:04:07 25 to meet her to discuss my legal issues, and that's exactly
14:04:11 26 what I've discussed through that tape recording.
27
14:04:14 28 All right. Just a couple of other minor points. In your
14:04:19 29 evidence on the first day you gave evidence, you made a
14:04:25 30 number of statements that Ms Gobbo was working for Victoria
14:04:31 31 Police around October 2003, when she had some meetings with
14:04:36 32 you at the O'Connell's Hotel. Do you recall that?---If
14:04:40 33 that relates to her having contact with Peter De Santo and
14:04:46 34 assisting Peter De Santo at that point in time, yes.
35
14:05:00 36 The evidence doesn't support a theory that Ms Gobbo was
14:05:09 37 acting as a police informer in October 2003. I'll just
14:05:15 38 give you some dates that are relevant, Mr Dale. Ms Gobbo
14:05:20 39 was registered initially as an informer on 26 May 1999 and
14:05:26 40 then on 3 January 2000, an internal police request was made
14:05:33 41 for her to be made inactive. And then she was registered
14:05:41 42 on another occasion as an informer on 16 September
14:05:48 43 2005?---Yes.
44
14:05:48 45 So I'm just interested to know on what basis you believe
14:05:52 46 Ms Gobbo was an informer in October 2003?---I guess I'd be
14:06:00 47 basing that just on what's come out of this Commission in

14:06:03 1 recent times. I would have read that in the papers.
2
14:06:06 3 So really you've got that impression, I suggest, that
14:06:09 4 Ms Gobbo was an informer in October 2003, from what you've
14:06:14 5 read in the media?---Yes.
6
14:06:23 7 I just wanted to ask you about paragraph - or beginning
14:06:30 8 around paragraph 60 of your statement. Have you got a copy
14:06:35 9 of that there?---Yes, I have, yep.
10
14:06:44 11 That's where you mention - and I've gone back now to
14:06:47 12 December 2003?---Yes.
13
14:06:50 14 That you were arrested in relation to the burglary of the
14:06:57 15 Dublin Street house, and I think that was on 5 December
14:07:01 16 2003, do you agree with that?---Yes.
17
14:07:05 18 Ms Gobbo visited you at the Remand Centre?---Yes, she did.
19
14:07:12 20 Do you recall whether she visited you alone on that
14:07:15 21 occasion or was she with Mr Hargreaves?---No, she visited
14:07:20 22 me alone.
23
14:07:23 24 If the operator could bring up Exhibit 240, please.
14:07:51 25 Mr Winneke's requested that this be confidential, I think.
26
14:07:56 27 MR WINNEKE: I don't know whether a claim's been made with
14:07:58 28 respect to that document, Commissioner.
29
14:08:02 30 COMMISSIONER: Right. It's the witness' right to claim it.
14:08:05 31 Is privilege waived?
32
33 MR NATHWANI: I think he had.
34
14:08:12 35 COMMISSIONER: He's waived privilege.
36
37 MR NATHWANI: Yes, he did.
38
14:08:14 39 COMMISSIONER: All right then.
14:08:14 40
14:08:14 41 MR HANNEBERY: It has got at least one phone number on it,
14:08:17 42 I note. Whether you want that to be - it, obviously, can
14:08:23 43 be discussed in court, but whether you want that publicly
14:08:26 44 displayed or openly displayed.
14:08:29 45
14:08:30 46 MR NATHWANI: Commissioner, if it assists. As we're
14:08:32 47 responsible for the redaction we undertook with your staff,

14:08:36 1 or the Commission's legal team, I can confirm that number
14:08:39 2 is not the number that's ever been attributed to the
14:08:41 3 solicitor by the name of Tony. We don't know whose number
14:08:45 4 that is.
5
14:08:45 6 COMMISSIONER: All right. But it's still - there are some
14:08:51 7 other telephone numbers there that probably should be
14:08:54 8 redacted before it goes up in the public domain.
14:08:58 9
14:08:59 10 MR COLLINSON: Yes. Commissioner, I'm happy for it to be
14:09:02 11 kept in its current state on the screen.
12
14:09:04 13 Mr Nathwani has taken away my question, Mr Dale. But the
14:09:09 14 enquiries we've made - do you see that mobile telephone
14:09:12 15 number in the upper right-hand margin next to
14:09:15 16 "Tony"?---Yes.
17
14:09:16 18 And you understand, don't you, that this is a note made by
14:09:19 19 Ms Gobbo in her court book?---Yes.
20
14:09:25 21 There was some speculation about whether that might be the
14:09:27 22 phone number of Mr Hargreaves, Tony Hargreaves, but
14:09:33 23 enquiries we've made establish that it's not?---Yes.
24
14:09:36 25 Are you able to comment any further on who the reference to
14:09:41 26 "Tony" might be?---No, no idea.
27
14:09:45 28 Where it says in the note a few lines down, "Either Miehchel
14:09:51 29 or Hodson has rolled"?---Yes.
30
14:09:54 31 Was that a comment made by you or Ms Gobbo? Can you see
14:10:02 32 that reference?---I do see it. Without knowing when
14:10:05 33 exactly she's made these notes, as to whether I've, at that
14:10:09 34 point, had a chance to speak to her or not, I'm not sure.
35
14:10:12 36 Yes?---So I'm not sure if they're just her words and where
14:10:17 37 she might have gathered that information from, whether
14:10:21 38 through me or other police members on the day.
39
14:10:28 40 Maybe Mr Winneke asked you this, but the reference to "737
14:10:33 41 pilot Qantas" is a reference to, I think, your wife's
14:10:38 42 sister's husband, isn't it, who was going to potentially be
14:10:42 43 putting up some security for bail?---No, he's just a - he
14:10:47 44 was a good friend of mine back at that period of time.
45
14:10:50 46 I see. Who was?---Andrew Flannagan.
47

14:10:52 1 I see?---He was the Qantas pilot.
2
14:10:55 3 I see. Who might have been potentially available to put up
14:10:59 4 security but, in the end, didn't?---Yes.
5
14:11:01 6 All right. Then if the witness could be shown, please,
14:11:03 7 Exhibit 241. I asked you a question about this earlier.
14:11:16 8 This is the meeting with Ms Gobbo that occurred on a second
14:11:21 9 occasion on 14 December 2003?---Yes.
10
14:11:27 11 Your bail application occurred the following day, on 15
14:11:34 12 December 2003?---Yes.
13
14:11:37 14 Yet in your witness statement, if you want to have a look
14:11:39 15 at that, you say, in describing what occurred at this
14:11:48 16 conference on 14 December 2003 - if you look at paragraph
14:11:53 17 68, you say that Ms Gobbo was willing to act for
14:11:59 18 you?---Yes.
19
14:12:03 20 In paragraph 69 you say, "We discussed the fact that Tony
14:12:07 21 Hargreaves was the preferred solicitor", do you see
14:12:11 22 that?---Yes, correct, yes.
23
14:12:13 24 You say those things about Ms Gobbo acting - willing to act
14:12:17 25 for you pro bono?---Yes.
26
14:12:20 27 And then you say in paragraph 71, "Shortly after I was
14:12:23 28 granted bail, it became apparent that Nicola could not
14:12:27 29 represent me, as she would have had a conflict of
14:12:30 30 interest"?---Yes.
31
14:12:31 32 What I want to suggest to you is that it must have been the
14:12:34 33 case that Ms Gobbo identified a conflict of interest in
14:12:39 34 acting for you either on or before 14 December 2003 because
14:12:46 35 she didn't appear on your bail application the following
14:12:49 36 day?---At no time has Nicola indicated to me in any formal
14:12:58 37 manner that she would be unable to assist me in my legal
14:13:07 38 concerns and matters. She did say that there was
14:13:10 39 discussions, on the very first day I was arrested, that she
14:13:15 40 wouldn't - it wouldn't be appropriate, I think it came from
14:13:19 41 Tony Hargreaves at the time, bearing in mind I was locked
14:13:23 42 in a cell at this stage, so a lot of these conversations
14:13:26 43 were happening around me and not in my absence, but that
14:13:29 44 information all came back to me at different times from
14:13:34 45 different people, that it was agreed that Nicola could not
14:13:37 46 represent me at my bail application because she was
14:13:40 47 representing other people charged with the Dublin Street

14:13:43 1 burglary. So it was never my request that she not
14:13:50 2 represent me or her saying she couldn't represent me. We
14:13:53 3 were being told that that was the case.
4
14:13:55 5 Yes. But I'm just focusing on the dates. If you just
14:13:59 6 focus on the dates?---Okay.
7
14:14:00 8 The bail application was on 15 December?---Yes.
9
14:14:03 10 This conference was on 14 December?---Yes.
11
14:14:06 12 We know Ms Gobbo didn't appear because Mr Hill
14:14:09 13 appeared?---Yes.
14
14:14:11 15 My suggestion to you is that the existence of Ms Gobbo's
14:14:15 16 conflict, at least in acting for you on the record, so to
14:14:19 17 speak, must have been made clear to you on 14 December
14:14:22 18 because otherwise she would have appeared on your bail
14:14:25 19 application?---It was made clear to me, but not by her.
14:14:27 20 She maintained the same stance, that she could represent
14:14:30 21 me, and therefore we had this conflict that kept going
14:14:35 22 backwards and forwards and hence the reason, right through
14:14:38 23 to 2008, that I didn't want Tony Hargreaves to know that I
14:14:42 24 was still seeking advice from her, because it started right
14:14:45 25 from back then that he didn't want me to have anything to
14:14:49 26 do with Nicola Gobbo.
27
14:14:52 28 Put it this way: I think you're wanting to convey, are
14:14:55 29 you, that Ms Gobbo was enthusiastic to appear for
14:14:58 30 you?---Absolutely she was, yes.
31
14:15:00 32 Whatever her enthusiasm may have been, she must have
14:15:05 33 recognised, I suggest, that she couldn't act for you
14:15:08 34 because otherwise she would have appeared the following day
14:15:11 35 at the bail application?---Well, it was a decision made
14:15:14 36 outside of her control. It was a decision made that
14:15:17 37 Victoria Police, through the Police Association - not
14:15:19 38 Victoria Police. The Police Association got involved and
14:15:21 39 it was directly instructed to me that, "If you want Police
14:15:26 40 Association funding, you must use Kenna Croxford", which
14:15:29 41 was Tony Hargreaves, "and that's who you must use". I
14:15:34 42 didn't have a choice.
43
14:15:35 44 I'll ask it one more time. I'm really just trying to say
14:15:39 45 to you by the close of 14 December, it must have been clear
14:15:43 46 to you, mustn't it, that Ms Gobbo would not be acting for
14:15:47 47 you on the record?---No, I wouldn't agree. At that point

14:15:51 1 in time I'm still in custody, and I'm in lock-down, I can't
14:15:58 2 make phone calls, no-one's visiting me, other than Gobbo,
14:16:02 3 apart from - I don't know if I even got a family visit at
14:16:05 4 that point in time, so - I don't believe I was visited by
14:16:09 5 Tony Hargreaves. So, no, at that time, I do not agree that
14:16:18 6 I was unaware that Nicola couldn't act for me.

7
14:16:22 8 Right. So when you - you went to the bail application,
14:16:25 9 yes?---Yes.

10
14:16:27 11 Were you surprised, therefore, not to see Ms Gobbo
14:16:29 12 there?---I got - I was obviously being told at that point
14:16:34 13 in time about who was available to represent me and it was
14:16:39 14 obviously during that period of time that it was made clear
14:16:42 15 to me it won't be Nicola Gobbo.

16
14:16:45 17 So you would concede, would you, that at the least by the
14:16:49 18 morning of 15 December, it was clear that she could not act
14:16:52 19 for you?---By the time I got to court and had an
14:16:55 20 opportunity to speak to my - to Tony and whoever else may
14:16:59 21 have been there, correct, it was made clear to me then,
14:17:02 22 yes.

23
14:17:02 24 Yes, I see. No further questions.

25
14:17:08 26 COMMISSIONER: Thank you. Mr Hannebery.

27
14:17:12 28 MR HANNEBERY: Thank you. Commissioner, Victoria Police
14:17:14 29 have put in a written application, in accordance with the
14:17:16 30 Practice Note, to cross-examine Mr Dale. We can tell the
14:17:20 31 Commission that we won't be persisting with that
14:17:23 32 application. I would just like to explain that with regard
14:17:26 33 to this witness, to the extent there have been matters put
14:17:29 34 from the witness box and in his statement that are in the
14:17:31 35 form of effectively submissions, they will be addressed in
14:17:34 36 due course, I don't intend to do that now.

37
14:17:36 38 COMMISSIONER: Yes.

39
14:17:37 40 MR HANNEBERY: To the extent there are relevant matters of
14:17:40 41 fact in dispute, in particular the allegations raised at
14:17:44 42 paragraph 32 of his statement, I'd refer the Commission to
14:17:49 43 the statements of Mr Tony Biggin and Mr Jim O'Brien, that
14:17:56 44 have been provided, and deal with both those matters. And
14:18:01 45 with regard to the events subsequent to the Dublin Street
14:18:06 46 burglary, there's a statement that's been provided from
14:18:14 47 Ms Jennings. So I simply refer the Commissioner to those

14:18:17 1 matters, but I don't think any - - -
14:18:17 2
14:18:18 3 COMMISSIONER: What you're saying is - you're just making
14:18:20 4 the point that you don't accept the witness's version of
14:18:22 5 events in those paragraphs.
14:18:23 6
14:18:24 7 MR HANNEBERY: That's right.
8
14:18:24 9 COMMISSIONER: And that Victoria Police's version is that
14:18:26 10 in the statements you've mentioned.
14:18:30 11
14:18:30 12 MR HANNEBERY: That's correct. I just don't want it to be
14:18:33 13 taken that our silence means acquiescence.
14
14:18:36 15 COMMISSIONER: Yes, understood. Thank you.
14:18:38 16
14:18:38 17 MR COLLINSON: Commissioner, I'm sorry, I should have
14:18:41 18 sought to tender before I sat down the document I took the
14:18:43 19 witness to, being the statement of Carl Williams of 24
14:18:47 20 April 2007. I think copies were made available to you,
14:18:52 21 Commissioner.
22
14:18:52 23 COMMISSIONER: Yes.
14:18:53 24
14:19:00 25 MR COLLINSON: And, like Mr Hannebery, I perhaps should say
14:19:03 26 while I'm on my feet that there's other matters referred to
14:19:05 27 by the witness in his statement which we choose not to
14:19:09 28 cross-examine upon, but that does not mean they're accepted
14:19:12 29 factually. We'll deal with those in another way.
30
14:19:15 31 COMMISSIONER: Thank you.
14:19:15 32
14:19:16 33 MR HANNEBERY: Sorry, in relation to the statement of Carl
14:19:19 34 Williams, Exhibit 247, can I ask at this stage that that be
14:19:23 35 a confidential exhibit? It clearly - - -
36
14:19:28 37 COMMISSIONER: I would hope that it can be redacted.
14:19:30 38
14:19:31 39 MR HANNEBERY: Yes.
40
14:19:31 41 COMMISSIONER: I guess it'll be 247A.
14:19:35 42
14:19:35 43 MR HANNEBERY: Yes.
44
14:19:36 45 COMMISSIONER: Which will be the confidential version.
14:19:37 46
14:19:37 47 MR HANNEBERY: Yes.

1
14:18:54 2 #EXHIBIT RC247A - Confidential statement of Carl Williams.
3
14:19:38 4 COMMISSIONER: And then hopefully within a day or two we'll
14:19:40 5 have a redacted version to publish on the website.
14:19:45 6
14:19:45 7 MR HANNEBERY: Yes. Clearly, a cursory glance at it would
14:19:48 8 see that there's amounts of material that are
14:19:51 9 self-evidently going to be - - -
10
14:19:53 11 COMMISSIONER: Yes, but there's plenty there that can be
14:19:55 12 published, so it can be published.
14:19:58 13
14:19:58 14 MR HANNEBERY: Yes.
15
14:19:59 16 COMMISSIONER: We'll try again. Ms McCudden, you don't
14:20:05 17 have anything?
14:20:06 18
14:20:06 19 MS McCUDDEN: No questions, Commissioner.
20
14:20:08 21 COMMISSIONER: Mr Chettle?
14:20:08 22
14:20:08 23 MR CHETTLE: Yes, I do seek leave to briefly cross-examine.
14:20:09 24
14:20:09 25 COMMISSIONER: Yes, Mr Chettle. Just remember it has to be
14:20:11 26 relevant to the Terms of Reference.
14:20:12 27
14:20:13 28 MR CHETTLE: Yes, I understand that.
14:20:14 29
30 <CROSS-EXAMINED BY MR CHETTLE:
31
14:20:15 32 Mr Dale, you were a police officer for how many
14:20:23 33 years?---14.
34
14:20:24 35 Fourteen. How long of that were you a detective?---Seven
14:20:29 36 or eight.
37
14:20:29 38 In the course of being a detective, did you run human
14:20:32 39 sources, informers?---Yes.
40
14:20:35 41 Apart from Hodson, were there others?---Yes.
42
14:20:40 43 You would meet regularly with your various informers, I
14:20:43 44 take it?---Hodson would be a complete different scenario
14:20:51 45 all together. Most places I worked prior to the MDID, you
14:20:58 46 didn't have long-term informers like Mr Hodson.
47

14:21:04 1 Did you register other informers?---Yes.
2
14:21:06 3 Right. But Hodson was your shining star, I take it?---Yes.
4
14:21:13 5 Would you meet with him in hotels and things of that
14:21:17 6 sort?---Yes.
7
14:21:19 8 Did you tape-record the conversations you had with
14:21:22 9 him?---No.
10
14:21:24 11 Any reason why not?---It just wasn't a process that was
14:21:33 12 done back then.
13
14:21:34 14 Because if you'd tape-recorded him, you wouldn't have had
14:21:37 15 half the problems you've got now, on your version of
14:21:40 16 events, would you? You'd know what you said to him?---No,
14:21:43 17 I disagree.
18
14:21:44 19 Well, he alleges that you had conversations with him in
14:21:47 20 licensed premises, where you planned burglaries, doesn't
14:21:51 21 he?
14:21:52 22
14:21:53 23 MR STEWARD: I object.
24
14:21:53 25 COMMISSIONER: Yes. It's a bit hard to see how - - -
14:21:57 26
14:21:58 27 MR CHETTLE: If he'd tape-recorded it, it wouldn't have
14:22:00 28 happened. I'm looking at the sequence of how - really what
14:22:01 29 I'm looking at is why we have the Source Development Unit
14:22:03 30 and he's the - - -
31
14:22:04 32 COMMISSIONER: I think it's too tenuous, Mr Chettle.
14:22:07 33
14:22:08 34 MR CHETTLE: All right.
35
14:22:08 36 COMMISSIONER: We're interested in the number of and extent
14:22:12 37 to which cases may have been affected by Ms Gobbo as a
14:22:18 38 human source and the - - -
14:22:20 39
14:22:21 40 MR CHETTLE: Conduct of police.
41
14:22:22 42 COMMISSIONER: In relation to the handling and management
14:22:23 43 of her.
14:22:24 44
14:22:24 45 MR CHETTLE: Of her.
46
14:22:25 47 COMMISSIONER: Of her as a human source.

14:22:28 1
14:22:30 2 MR CHETTLE: What - you said to the Commission that you, as
14:22:33 3 a trained detective, understood the concept of legal
14:22:35 4 professional privilege?---Yes.
5
14:22:38 6 You know that not every conversation with a lawyer is
14:22:42 7 privileged?---Correct.
8
14:22:44 9 As an experienced detective, you would know that some
14:22:47 10 people hide behind legal professional privilege as a means
14:22:50 11 of trying to avoid evidence being used against them?---I
14:22:54 12 never came across it myself.
13
14:22:56 14 Never heard of that?---No.
15
14:22:58 16 Clearly, if a criminal was using a lawyer to impart
14:23:05 17 information to other criminals, that wouldn't be legally
14:23:08 18 professionally privileged, would it?---I've never come
14:23:12 19 across it myself.
20
14:23:13 21 Just grapple with the issue I'm asking you, Mr Dale. You
14:23:16 22 told the Commissioner you know about privilege. If you
14:23:18 23 were using a lawyer as a conduit to other criminals, it
14:23:22 24 would not be legally professionally privileged, would
14:23:25 25 it?---So a criminal using a lawyer to conspire with that
14:23:33 26 lawyer to commit an offence?
27
14:23:36 28 It's not a concept you'd find difficult. That's the
14:23:38 29 allegation that was put against you. I know you disagree
14:23:41 30 with it, but that was the allegation against you, that you
14:23:45 31 had been using Gobbo to get to Williams, that was the
14:23:48 32 allegation put against you, wasn't it?---I think so.
33
14:23:52 34 Yeah. And if that were true - - - ?---I'm not 100 per cent
14:23:57 35 sure about that, no.
36
14:23:58 37 Sorry, you're not sure that the allegation against you was
14:24:01 38 that you had used Gobbo to get in touch with Williams to
14:24:05 39 have Hodson killed, that's the allegation.
40
14:24:09 41 MR STEWARD: Commissioner - - -
42
14:24:10 43 COMMISSIONER: Yes, this is well beyond the Terms of
14:24:12 44 Reference, Mr Chettle.
45
14:24:14 46 MR CHETTLE: Commissioner, the point I'm making is - I'm
14:24:16 47 not asking whether it's true. That situation would not be

14:24:19 1 legally professionally privileged, if that be the case.
2
14:24:23 3 COMMISSIONER: I suppose that's fair enough, yes.
14:24:25 4
14:24:25 5 MR CHETTLE: And that's what happened with Gobbo with
14:24:27 6 everyone else that we'll be dealing with later on, that's
14:24:30 7 why I'm dealing with it, and there's a secondary basis as
14:24:33 8 well. It's directly relevant, with respect, to what we're
14:24:36 9 doing here.
10
14:24:37 11 COMMISSIONER: It's relevant as to whether the privilege -
14:24:39 12 his dealings with Gobbo were privileged and that's relevant
14:24:42 13 to the Terms of Reference. All right.
14:24:47 14
14:24:47 15 MR CHETTLE: Do you remember the question, Mr Dale?---No.
16
14:24:49 17 The allegation made against you was that you had used Gobbo
14:24:54 18 to get in touch with Carl Williams - that's not that hard -
14:24:58 19 you've got that, haven't you?---Yeah, I'm following you.
14:25:02 20 Go on.
21
14:25:03 22 Do you understand that's the allegation - - - ?---I don't
14:25:06 23 agree with anything you're saying, mate.
24
14:25:08 25 No, no, the allegation made against you at the ACC, that
14:25:12 26 you told her about on that date, was that she had been used
14:25:15 27 as a conduit to Williams?---Can you take me to that,
14:25:18 28 please?
29
14:25:19 30 COMMISSIONER: Could I put the question this way. What's
14:25:21 31 being suggested to you is if in fact you were not getting
14:25:24 32 legal advice from Nicola Gobbo but you were seeing her
14:25:27 33 simply to make contact with Carl Williams, then what's
14:25:31 34 being suggested to you is that that would not be privileged
14:25:35 35 conversation?---I'm happy to answer you, Commissioner, in
14:25:38 36 regards to that.
37
14:25:40 38 So we're saying it's a hypothetical - - - ?---Because I
14:25:41 39 trust in you, not him.
40
14:25:43 41 That's the question you're being asked, so if you could
14:25:44 42 answer that?---I sought legal advice from Nicola Gobbo. My
14:25:48 43 contact with Nicola Gobbo, 90 per cent of the time, was to
14:25:53 44 seek legal advice. I never at any stage tried to use her
14:25:57 45 in any way in an illegal activity.
14:26:00 46
14:26:00 47 MR CHETTLE: Look, I understand that, Mr Dale. I

14:26:02 1 understand you said that. My question was predicated on
14:26:06 2 the basis I understand you deny it. But if the allegations
14:26:10 3 were true, they would not be privileged. That's not
14:26:12 4 difficult to understand, is it?---Well, I'm not accepting
14:26:14 5 it when it's directed at me. If you want to direct it at
14:26:17 6 your handlers, I'll agree with you what they did was wrong.
7

14:26:20 8 Sorry, you agree what the handlers did was
14:26:25 9 wrong?---Absolutely.

14:26:25 10
14:26:25 11 What did they do, Mr Dale?---They breached legal
14:26:28 12 professional privilege for a lot of people.
13

14:26:30 14 When? When? Give me one?---Every time they went out with
14:26:34 15 Nicola Gobbo and tape-recorded her clients, got Nicola
14:26:37 16 Gobbo to go and get information from her clients and use it
14:26:40 17 against them. If that's not breaching legal professional
14:26:43 18 privilege, we're wasting our time here.
19

14:26:45 20 Mr Dale, give me one example?---One example?
21

14:26:51 22 COMMISSIONER: I don't think this is very fruitful
23 cross-examination.
24

25 MR CHETTLE: I shouldn't engage with - - -
26

14:26:53 27 COMMISSIONER: So if you could just answer the question
14:26:55 28 that's been asked. Hypothetically, if the case was that
14:26:58 29 you were not getting legal advice from Nicola Gobbo, but
14:27:01 30 you were simply using her to get to Carl Williams,
14:27:04 31 hypothetically - no-one's suggesting that this is true or
14:27:08 32 asking you to agree that it's true - would you agree that
14:27:11 33 that would not be privileged?---Yes.
34

14:27:15 35 That's what you're being asked?---Yes, I agree with that,
14:27:18 36 Commissioner.
37

14:27:19 38 So we've got the answer you were after.
14:27:20 39

14:27:21 40 [REDACTED] .
41

14:27:21 42 [REDACTED]
14:27:26 43 [REDACTED]
14:27:30 44 [REDACTED]
45

14:27:31 46 [REDACTED]
14:27:35 47 [REDACTED]

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[REDACTED]

14:29:25 1 [REDACTED]
14:29:25 2 [REDACTED]
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14:29:56 16 [REDACTED]
14:29:58 17 [REDACTED]
14:30:00 18 [REDACTED]
14:30:03 19 [REDACTED]
14:30:08 20 [REDACTED]
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14:30:48 42 [REDACTED]
14:30:54 43 [REDACTED]
14:30:54 44 [REDACTED] [REDACTED]
45 [REDACTED]
14:30:56 46 [REDACTED]
14:31:03 47 [REDACTED]

14:31:06 1 [REDACTED]
14:31:18 2
14:31:18 3 MR CHETTLE: You told the Commissioner that the reason you
14:31:20 4 thought Nicola Gobbo acted for you on a pro bono basis was
14:31:23 5 for the notoriety of being involved with high-profile
14:31:27 6 cases, do you remember saying that?---Yeah, I do, yep.
7
14:31:30 8 She got not one bit of notoriety out of being involved with
14:31:35 9 you, did she?---I'm not sure.
10
14:31:36 11 Ever read her name in the paper connected with you?---Many,
14:31:39 12 many times.
13
14:31:41 14 As your lawyer?---Well, we're now going into an area where
14:31:48 15 Victoria Police had a very good media department, that made
14:31:55 16 sure most reports that related to me were put in a way that
14:32:02 17 tried to - that's why I called my book "Disgraced", because
14:32:07 18 every time I picked up the newspaper, "disgraced
14:32:10 19 ex-detective Paul Dale", disgraced, disgraced, came out of
14:32:12 20 Victoria Police through their media department, to make
14:32:15 21 sure everything they said was detrimental to me.
22
14:32:18 23 So the answer is no?---I read many, many reports about her;
14:32:22 24 "ex-lover", "lawyer".
25
14:32:25 26 No, no?---Yes, ex lawyer, in yesterday's, or today's I
14:32:30 27 think as well.
28
14:32:30 29 Not the question I asked you?---You asked me whether I've
14:32:34 30 ever read about her getting the notoriety and whether it at
14:32:37 31 all ever mentioned that she was my lawyer. Absolutely I
14:32:40 32 have, many times.
33
14:32:46 34 You knew that Dublin Street was being operated by a man
14:32:57 35 called Ahmed?---Yes.
36
14:32:58 37 Indeed, you'd worked up an operation on those
14:33:01 38 premises?---Yes.
39
14:33:02 40 You knew that there was a young woman who lived there, I
14:33:08 41 don't need to name her.
42
14:33:11 43 MR STEWARD: I wonder what relevance this is to the Terms
14:33:15 44 of Reference, asking him about his knowledge about - - -
45
14:33:20 46 COMMISSIONER: Let's see. How are we going - - -
14:33:22 47

14:33:23 1 MR CHETTLE: It goes to whether he knew full well that she
14:33:26 2 could never have acted for him because of the people
14:33:29 3 involved that she acted for, she acted for Ahmed, she acted
14:33:34 4 for the woman who lived there, she acted for the woman who
5 was running drugs to Queensland - - -
6
14:33:36 7 COMMISSIONER: That wasn't quite the question you were
14:33:38 8 asking.
14:33:39 9
14:33:39 10 MR CHETTLE: That's where I was going, Commissioner, before
14:33:41 11 Mr Steward - - -
12
14:33:43 13 COMMISSIONER: Let's go there then.
14:33:45 14
14:33:45 15 MR CHETTLE: You knew Ahmed, you knew there was a woman
14:33:48 16 living there with him?---Yes.
17
14:33:49 18 You knew there was another woman who was involved who was
14:33:51 19 running drugs in and out from Sydney?---Yes.
20
14:33:54 21 You knew that she, Nicola Gobbo, had acted for all those
14:33:57 22 people?---At that stage I didn't know.
23
14:33:59 24 Sorry, when the arrests occurred you knew she was acting
14:34:04 25 for them?---Yes, yes, after the arrests, correct.
26
14:34:07 27 Because you arranged for her to talk to them?---Some of
14:34:09 28 them, yes.
29
14:34:11 30 And it wasn't the situation where you put her on to - them
14:34:16 31 on to her because of some favour, they asked for her
14:34:20 32 specifically, didn't they?---No, I can't recall how that
14:34:24 33 transpired to be honest. I can't recall.
34
14:34:26 35 It might be that?---They certainly all - she did represent
14:34:30 36 them at that point.
37
14:34:31 38 And it may be that they asked for her?---Yes, absolutely.
14:34:38 39
14:34:38 40 And you say to the Commissioner that you had no idea that
14:34:41 41 premises was being operated by Tony Mokbel?---No, I didn't
14:34:44 42 at that point in time, no.
43
14:34:46 44 You found out?---Nicola told me some time later, yes.
45
14:34:49 46 You knew she acted for Tony Mokbel?---Yes.
47

14:34:54 1 If it be truthful and if she's right when she told you that
14:34:58 2 those premises were owned or run by Mokbel and Ahmed was
14:35:03 3 working for him, and she was acting for Mokbel and acting
14:35:07 4 for Ahmed, it's inconceivable she could have acted for you,
14:35:12 5 isn't it?---I obviously didn't operate under that
14:35:15 6 perception at the time. I honestly believed I was seeking
14:35:18 7 out a credible lawyer for legal advice.
8
14:35:20 9 I understand. You keep saying that?---Well it's true.
10
14:35:23 11 But you don't answer the question?---That's the answer to
14:35:25 12 the question.
13
14:35:26 14 No, no, think about it. It would be inconceivable that she
14:35:29 15 could act for you if she acted for those people?---I think
14:35:32 16 it's inconceivable to a lot of people in this room that
14:35:35 17 have got - - -
18
14:35:37 19 So you're not going to answer the question - - -
14:35:38 20
14:35:39 21 MR STEWARD: Let him finish.
14:35:41 22
14:35:41 23 MR CHETTLE: No, he's going to make another speech?---Like
14:35:46 24 you.
25
14:35:47 26 COMMISSIONER: At the time when you needed legal
14:35:48 27 representation in respect of this, did you understand that
14:35:51 28 Nicola Gobbo couldn't act for you because she was acting
14:35:54 29 for these other people and there would be a conflict of
14:35:58 30 interest?---No, I didn't, no.
31
14:35:59 32 There's your answer, Mr Chettle.
14:36:01 33
14:36:01 34 MR CHETTLE: She told you that Andrew Hodson had been to
14:36:05 35 see her?---Yes.
36
14:36:06 37 She told you that Terry Hodson had been to see her?---Yes.
38
14:36:11 39 You expressed interest in whether - according to you she
14:36:15 40 told you that Terry Hodson was making a statement against
14:36:17 41 you?---She also asked me to make contact with Terry Hodson,
14:36:21 42 yes.
43
14:36:21 44 Let me go back to what I was focusing on. You knew she was
14:36:25 45 acting for both Terry and Andrew Hodson?---No, she told me
14:36:29 46 she wasn't going to be acting for them because they turned
14:36:32 47 up drunk and drugged and their inquiry with her was to how

14:36:35 1 they best positioned themselves through the Ethical
14:36:39 2 Standards Department to better Terry's position. They were
14:36:42 3 looking for benefits and inducements.
4
14:36:44 5 Do you recall giving answers to Mr Winneke the other day in
14:36:47 6 relation to her involvement with the Hodsons and what she
14:36:50 7 told you about it?---Look, I've answered a lot of questions
14:36:53 8 over the last four days here.
9
14:36:57 10 COMMISSIONER: Yes, be a bit more specific, Mr Chettle.
14:36:59 11
14:36:59 12 MR CHETTLE: You indicated to Mr Winneke that she told you
14:37:06 13 she was acting for both the Hodsons?---I'm certainly of the
14:37:12 14 view that she told me that they'd approached her and she
14:37:15 15 told me about their behaviour in the meeting. Whether that
14:37:21 16 went further to that she was going to represent them or act
14:37:25 17 for them, I sort of think it was really just to be the
14:37:28 18 conduit to ESD between them.
19
14:37:32 20 You now know she was instrumental in having, according to
14:37:36 21 her, Hodson make a statement to ESD about you?---No, I'm
14:37:39 22 not 100 per cent sure about that.
23
14:37:42 24 You haven't read - have you read Mr Hodson's statement
14:37:45 25 about you?---It would be years ago.
26
14:37:47 27 Right. I'll see if I can cut this back. You admit that
14:38:00 28 you were using false phones to contact her?---Yes.
29
14:38:03 30 You were using false phones to contact Carl Williams?---No,
14:38:10 31 I disagree with that.
32
14:38:12 33 Do you know the name - it was put to you before - Alex
14:38:23 34 Koskarev?---No, I don't.
35
14:38:26 36 You've never heard it before?---I've seen it on a TI. One
14:38:30 37 of the documents that was handed up to me during this
14:38:32 38 Commission appeared to be a phone that Nicola Gobbo was
14:38:36 39 using.
40
14:38:38 41 Was it a phone you used?---No, I think it was quite clear
14:38:41 42 from the documents I was shown that it was Nicola Gobbo's
14:38:45 43 phone.
44
14:38:46 45 Have you ever used it?---Not that I can recall, no.
46
14:38:48 47 You refer in your transcript of your conversation with

14:38:52 1 Nicola Gobbo to being shown phones in the names of females
14:38:57 2 you didn't know, remember that comment?---Is that in the
14:39:01 3 transcript of when she tape-recorded me?
4
14:39:04 5 Yes?---I think I have read that, yes.
6
14:39:06 7 I'll take you to it if you want me to?---Yes, please, yes.
8
14:39:11 9 All right. The trouble is my page numbering's a bit - if
14:39:18 10 you look at the bottom page numbers, p.14. The version
14:39:21 11 we've got is a different numbering system to the one that's
14:39:24 12 been put up, Commissioner. 0613 apparently is your
14:39:35 13 numbering system. You see at the top, Ahmed - you're
14:39:47 14 referring to what you were asked by the Commission and
14:39:49 15 you're telling her what the ACC had asked you, do you
14:39:53 16 remember going through this?---Yes.
14:39:54 17
14:39:58 18 "Did I know that he was providing you with phones, I said
14:40:02 19 nah, how would I know that? They asked me a couple of
14:40:05 20 female names. Obviously the phones were, I presume
14:40:08 21 something, I don't know. I just said look those names
14:40:12 22 don't mean anything", do you see that passage?---That's
14:40:13 23 correct, yes.
24
14:40:15 25 That was in reference to the names that the phones were in
14:40:15 26 that the calls had been made to Williams, wasn't
14:40:16 27 it?---Whose phone, Nicola's or mine?
28
14:40:18 29 You were asked about phone calls you had with Carl
14:40:21 30 Williams, weren't you?---Yes.
31
14:40:23 32 Were those names - they were the names that the phone was
14:40:26 33 in when Williams was rung, wasn't it?---No, this here
14:40:29 34 relates to allegations or questions being asked of me at
14:40:33 35 the ACC in regards to the phones that Nicola was using and
14:40:37 36 I didn't know who they were.
37
14:40:39 38 All right. Mr Dale, weren't you asked about a number of
14:40:42 39 phone calls between yourself and Mr Williams?---Yes.
40
14:40:45 41 Right. Weren't you asked about the phones they were made
14:40:48 42 from?---Well I think they were mostly made from Nicola's
14:40:52 43 phone.
44
14:40:58 45 Are they the phones that you understand came from
14:41:02 46 Mr Ahmed?---I didn't know that she'd been getting, provided
14:41:06 47 phones by Ahmed.

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14:41:10 Do you now know that?---Well, it appears to be obvious
14:41:18 within a lot of the documentation I've now seen, or whether
14:41:21 I've seen it over the years I'm not sure. It certainly
14:41:25 does appear that that was the case. I think she makes
14:41:28 notes in here about Ahmed making her, not making her but
14:41:34 providing her with phones. She makes the notes herself in
14:41:37 this document.

14:41:38 She provided you with a phone, you've already told
14:41:40 Mr Winneke, do you remember telling - - - ?---I don't know
14:41:42 whether she provided me with a phone.

14:41:44 MR STEWARD: The evidence has been that she suggested that
14:41:44 he use an alternate phone, Orange. Not that she provided
14:41:46 him with a phone.
14:41:53

14:41:54 MR CHETTLE: That's a separate piece of evidence,
14:41:54 Commissioner. I want to put to him that she provided you
14:41:56 with phones?---Yeah, look, I don't believe she did.
14:41:58

14:42:01 Do you deny it?---I don't deny it or accept it. That's the
14:42:05 thing, I just can't recall. We're going back a long time.
14:42:05

14:42:10 MR WINNEKE: Mr Chettle was putting "something I was told",
14:42:12 can he put perhaps the transcript reference in the page?
14:42:15

14:42:15 COMMISSIONER: I thought Mr Chettle was putting something
14:42:18 new himself. If you're putting what Mr Winneke is supposed
14:42:21 to have said, to be fair to the witness you better quote
14:42:24 from the transcript. Or are you not doing that?
14:42:27

14:42:27 MR CHETTLE: I've moved forward from that, Commissioner,
14:42:29 some distance.
14:42:29

14:42:30 COMMISSIONER: You're putting something else to him now.
14:42:32

14:42:33 MR CHETTLE: I'm suggesting to him that Nicola Gobbo
14:42:35 provided him with false phones, bodgie phones.
14:42:39

14:42:39 MR STEWARD: As I understand what was originally put was
14:42:42 that he had said that and now Mr Chettle seems to be
14:42:45 retracting from that as a positive assertion - - -
14:42:45

14:42:48 COMMISSIONER: He is. That's exactly what he's doing.
14:42:50 He's making a positive assertion and he's putting that to
14:42:53 the witness and asking the witness to comment on that.

14:42:55 1
14:42:56 2 MR STEWARD: I understand that, Commissioner. I wonder if
14:42:58 3 Mr Chettle could point to where it was that that was said
14:43:00 4 by Mr Dale.
14:43:01 5
14:43:01 6 MR CHETTLE: I propose quickly to take the witness through
14:43:03 7 what Ms Gobbo told my clients about this man. That's why
14:43:07 8 I'm putting it, I'm not making these propositions up,
14:43:10 9 Commissioner. She spoke to my clients extensively - - -
10
14:43:16 11 COMMISSIONER: I think you've put it to the witness and he
14:43:18 12 said he doesn't recall it but he can't say positively it
14:43:22 13 didn't happen, is that right?---That's correct, yes.
14:43:24 14
14:43:25 15 MR CHETTLE: It may or may not have happened?---Correct,
14:43:27 16 yes.
17
14:43:28 18 You would contact Nicola Gobbo regularly when you came to
14:43:32 19 Melbourne?---No, I wouldn't agree with that, no.
20
14:43:38 21 All right. Was there an occasion when you rang her at 1.30
14:43:43 22 in the morning from Crown Casino?---Would not have a clue.
23
14:43:47 24 Asking you to come down?---Wouldn't have a clue.
25
14:43:49 26 And she in fact came down to see you?---Okay.
27
14:43:53 28 You have no recollection of that?---No.
29
14:43:56 30 It's not likely, is it, that at 1.30 in the morning you'd
14:43:59 31 be asking for legal advice from her at Crown Casino?---Very
14:44:05 32 unlikely.
33
14:44:06 34 You'd be more interested in other activity with
14:44:10 35 her?---Drinking.
36
14:44:10 37 Only drinking?---Drinking.
38
14:44:12 39 And that's all, all right. Let me suggest to you - -
14:44:16 40 -?---Souvlaki.
41
14:44:18 42 Souvlaki. I've heard of some euphemisms, Mr Dale. On 27
14:44:33 43 February 2007 she told her handlers that you had been in
14:44:42 44 contact with her regularly by text message, this is ICR 68,
14:44:51 45 and seeking to then see her, is that possible?
14:44:55 46
14:44:55 47 COMMISSIONER: Seeking to be what, I didn't hear?

14:44:58 1
14:44:59 2 MR CHETTLE: To see her. Were you in contact regularly by
14:45:02 3 text message?---No, I disagree. There was certainly times
14:45:07 4 when I would have sought her out for legal advice and if
14:45:10 5 we'd look around the dates of when that was obviously
14:45:13 6 happening it will have been pretty close I would suggest to
14:45:17 7 when I was interviewed by whichever authority at the time
14:45:22 8 was having another go at me.
9
14:45:30 10 So we understand that, are you suggesting that she was
14:45:32 11 being used by the authorities for having a go at you, is
14:45:37 12 that your suggestion?---I've only become aware of all this
14:45:41 13 as this Commission has, what your handlers were doing with
14:45:45 14 her.
15
14:45:46 16 COMMISSIONER: Mr Chettle, could you just make sure you
14:45:48 17 talk into the microphone, please.
18
14:45:50 19 MR CHETTLE: Sorry.
20
14:45:50 21 COMMISSIONER: Thank you.
22
14:45:51 23 MR CHETTLE: But you just made the suggestion that she was
14:45:54 24 working with the people who were targeting or having a go
14:45:57 25 at you?---She was working for your clients.
26
14:46:02 27 She wasn't, Mr Dale. Is that what you're saying, that they
14:46:04 28 were targeting her against you, is that your
14:46:06 29 allegation?---Yes, that's my allegation, yes.
30
14:46:08 31 On what do you base that, other than just your own - -
14:46:11 32 -?---The High Court's decision against Victoria Police
14:46:14 33 which your handlers were fully part of the team to do that.
34
14:46:18 35 And what did they say about her involvement with you,
14:46:21 36 Mr Dale?---What's the High Court say?
37
14:46:24 38 What did the High Court say about her involvement with
14:46:27 39 you?---The High Court stopped short of saying that your
14:46:30 40 clients and Victoria Police committed a criminal offence
14:46:32 41 because I know they stopped short because they wanted this
14:46:35 42 Royal Commission to happen and I think we'll find in a
14:46:37 43 couple of years that your clients are in a bit of strife.
44
14:46:42 45 Mr Dale, another speech?---That's okay.
46
14:46:44 47 Can you point to one piece of evidence of my clients, the

14:46:48 1 handlers, targeting her against you, yes or no?---If you
14:46:54 2 were to ask me that in another couple of weeks when your
14:46:57 3 handlers are being interviewed, but right now all I can say
14:47:01 4 is this document here is a tape recording by Victoria
14:47:04 5 Police against my interests. Nicola Gobbo wore a wire when
14:47:07 6 I was seeking her out for legal advice. If that's not
14:47:10 7 using her against me I don't know what is.
8
14:47:13 9 Mr Dale, that's got nothing to do with it?---Of course it
14:47:16 10 has. It's got everything to do with it.
11
14:47:18 12 Mr Dale, would you answer the question?---I don't know who
14:47:22 13 all your clients are to be able to say whether they did or
14:47:23 14 not.
15
14:47:24 16 The SDU. Do you know who the SDU is?---Do you want me to
14:47:28 17 drop their names?
18
14:47:29 19 No. Do you know what the SDU is?---Source Development
14:47:33 20 Unit.
21
14:47:33 22 Do you know what it does?---I got approached, and you're
14:47:37 23 reading one of my statement, I got approached by one of
14:47:40 24 your SDU members who totally disagrees with what your SDU
14:47:46 25 members did. And I see he's being called as a witness,
14:47:50 26 thank God.
27
14:47:51 28 COMMISSIONER: If we all just keep trying to ask relevant
14:47:54 29 questions and then answering them I think you'll get away a
14:47:58 30 lot faster, Mr Dale. Mr Winneke.
31
14:47:59 32 MR WINNEKE: I'll sit down. That's what I was going to
14:48:02 33 suggest.
34
14:48:02 35 MR CHETTLE: I just want an answer to my question.
14:48:02 36 Commissioner, he won't give me a yes or no as you might
14:48:05 37 have noticed. I'm not the first.
38
14:48:08 39 COMMISSIONER: Well they're quite difficult questions that
14:48:09 40 you're asking him about what evidence that he had about
14:48:12 41 your clients. You can't expect him to have that evidence.
14:48:15 42
14:48:16 43 MR CHETTLE: The answer he hasn't got one shred of evidence
14:48:20 44 to support the proposition that he makes. It's as simple
45 as that, Commissioner.
46
14:48:21 47 COMMISSIONER: Thanks for giving us the answer, Mr Chettle.

14:48:23 1
14:48:23 2 MR CHETTLE: That's what I'm trying to suggest to
14:48:27 3 him?---It's pointless me answering it. He's already made
14:48:29 4 his decision on the answer. It's pointless. You've
14:48:30 5 already made your decision.
6
14:48:33 7 I'm not making the decision.
8
14:48:36 9 COMMISSIONER: Let's just calm down. What's your next
14:48:37 10 question, Mr Chettle?
14:48:39 11
14:48:39 12 MR CHETTLE: You mentioned a member from the SDU who's been
14:48:44 13 given a pseudonym who I better get right.
14
14:48:50 15 COMMISSIONER: Do you want to have a look at Exhibit 81?
14:48:53 16
14:48:54 17 MR CHETTLE: Yes, but I can do better than that. It's in
14:49:00 18 his statement, Commissioner. Mr Paige is his
14:49:04 19 pseudonym?---Yes.
20
14:49:09 21 According to your statement he told you that he was present
14:49:15 22 when the SDU first met with Nicola Gobbo?---That's what he
14:49:20 23 told me, yes.
24
14:49:21 25 So therefore it must be true, is it?---No, I've added that
14:49:28 26 - he made contact with me up in the country just after the
14:49:31 27 Royal Commission had been announced.
28
14:49:33 29 Can you wait for the question before you make another
14:49:35 30 speech, please? You'll get out of this a lot quicker.
14:49:39 31 Where did he tell you, where were you when he told you that
14:49:43 32 he was present when Nicola Gobbo was first registered as an
14:49:46 33 informer?---Where were we?
34
14:49:48 35 Yes?---In Beechworth.
36
14:49:50 37 Is he a friend of yours?---Never met him in my life.
38
14:49:54 39 Would it surprise you to know that he was nowhere near
14:49:59 40 Nicola Gobbo when she was registered and never had anything
14:50:02 41 to do with her?---That does surprise me, yes.
42
14:50:04 43 That will be the fact?---Okay, that's good.
44
14:50:07 45 So whatever Mr Paige told you may or may not be
14:50:12 46 true?---We'll see what happens when he's here to be asked
14:50:15 47 those questions. Alls I can say is what he came,

14:50:19 1 approached me and told me.
2
14:50:21 3 So you're relying on what he said?---Yes.
4
14:50:24 5 COMMISSIONER: Yes, yes, you've made that point now. Let's
14:50:26 6 move on.
14:50:27 7
14:50:33 8 MR CHETTLE: When you were shown Exhibit RC241, which
14:50:49 9 you've been asked about before - perhaps if I could take
14:50:52 10 you to that. It's the other one, it's the one before that.
14:51:18 11 240, I apologise. It's the one before that.
12
14:51:21 13 COMMISSIONER: The court book, is that right, Ms Gobbo's
14:51:25 14 court book?
14:51:26 15
14:51:28 16 MR CHETTLE: Yes, the note, the one in relation to the
14:51:29 17 conference.
18
14:51:30 19 COMMISSIONER: 5 December.
14:51:31 20
14:51:32 21 MR CHETTLE: No, no, leave it where it is. I apologise,
14:51:35 22 that is the one. You were asked questions by Mr Winneke
14:51:39 23 about the line there reference to Terry being staunch.
14:51:46 24
14:51:47 25 MR STEWARD: Commissioner, this is a matter that has been
14:51:51 26 canvassed by Mr Winneke, it's been canvassed today by
14:51:55 27 Mr Collinson, and in my submission it's repetitive and
14:52:04 28 irrelevant and ought not be allowed.
29
14:52:07 30 MR WINNEKE: Commissioner, I'm not too sure what the
14:52:10 31 relevance is equally to Mr Chettle's clients. It may well
14:52:14 32 have some relevance but I can't see it.
33
14:52:16 34 COMMISSIONER: It's a bit hard to see it, isn't it? That's
14:52:19 35 true, it has been canvassed and it doesn't seem to be - - -
14:52:24 36
14:52:24 37 MR CHETTLE: I understand Mr Steward would like me to stop
14:52:27 38 asking his client questions.
14:52:29 39
14:52:29 40 MR STEWARD: Keep going.
14:52:31 41
14:52:32 42 MR CHETTLE: He's withdrawn his objection.
43
44 MR STEWARD: No, no.
45
14:52:34 46 MR CHETTLE: As to Mr Winneke, I can assure you,
14:52:36 47 Commissioner, it is relevant to the issues.

1
14:52:39 2 COMMISSIONER: What question are you going to ask?
14:52:42 3
14:52:42 4 MR CHETTLE: I'm going to take him to his transcript where
14:52:44 5 he refers to that term in two separate places, not the one
14:52:48 6 that's been referred to already but a couple of others.
7
14:52:50 8 COMMISSIONER: All right.
14:52:51 9
14:52:51 10 MR CHETTLE: And then take it to there.
11
14:52:52 12 COMMISSIONER: All right.
14:52:53 13
14:52:56 14 MR CHETTLE: You see that exhibit there where you're
14:52:58 15 attributed to using the word "staunch" in relation to Terry
14:53:05 16 Hodson?---I don't know if I agreed that that was my words.
17 They are Nicola Gobbo's - do you want to listen? Can I
18 answer the question?
19
14:53:12 20 No, it's not the question, Mr Dale. If you listen to what
14:53:14 21 I said do you see the reference to Terry being staunch,
14:53:17 22 that was the question?---My answer is the same as I
14:53:21 23 answered Mr Collinson and also Mr Winneke in regards to the
14:53:23 24 cross-examination in this matter, they are her words not
14:53:25 25 mine.
26
14:53:26 27 That's what you said to Mr Winneke.
28
14:53:29 29 COMMISSIONER: Come on, move on. Question.
14:53:31 30
14:53:31 31 MR CHETTLE: Have you got the transcript of your discussion
14:53:34 32 with Ms Gobbo on 7 December?---Yes.
33
14:53:40 34 Would you turn if you would, please, to p.61 at the bottom.
35
14:53:47 36 COMMISSIONER: That's Exhibit 246.
14:53:51 37
14:53:52 38 MR CHETTLE: I think you'll find it's 0660 on the
14:53:59 39 Commission's copy. Can you be taken to the bottom entry on
14:54:03 40 that page. "And we're all living tight and good friends
14:54:14 41 and all that", do you see that? See your words?---Yes.
42
14:54:26 43 What you say is you're talking about a friend of yours in
14:54:31 44 Western Australia, isn't it, the man you're talking
14:54:33 45 about?---Yes.
46
14:54:34 47 I don't need to name him but you say you "thought he was a

14:54:37 1 bit more of a staunch sort of bloke, you know, but it's a
14:54:39 2 bit weak what he's done", they're your words, aren't
14:54:45 3 they?---Yes.
4
14:54:46 5 What do you understand by the meaning of "staunch"?
14:54:46 6
14:54:46 7 MR STEWARD: I object, Commissioner. It would seem that
14:54:49 8 Mr Chettle will be able to establish that the word
14:54:52 9 "staunch" appears in writing on three occasions. One where
14:54:56 10 it's alleged that he said it to Nicola Gobbo, this
14:55:00 11 particular occasion and a matter about which he was asked
14:55:03 12 about by Mr Collinson. In my submission it amounts to
14:55:06 13 nothing. It doesn't assist the Commission. It doesn't
14:55:08 14 assist his clients. It is irrelevant and ought not be
14:55:11 15 allowed.
16
14:55:12 17 COMMISSIONER: I'll allow the question, which was what do
14:55:14 18 you understand by the meaning of the word
14:55:24 19 "staunch"?---Staunch, yeah, look, someone - how would you
14:55:29 20 say it? - with a, I don't know, can hold themselves. Not
14:55:38 21 weak. Not weak.
22
14:55:45 23 Opposite to weak?---Opposite to weak.
14:55:48 24
14:55:49 25 MR CHETTLE: Someone who doesn't talk to police?---Someone
14:55:51 26 that's not weak.
27
14:55:54 28 Someone with good old-fashioned values?
14:55:57 29
14:55:57 30 MR STEWARD: He's given his answer.
14:55:58 31
14:55:59 32 MR CHETTLE: I'm just asking a question.
33
14:56:00 34 COMMISSIONER: Yes, I'll allow the question.
14:56:04 35
14:56:05 36 WITNESS: Someone that's not weak
14:56:06 37
14:56:09 38 MR CHETTLE: If you go to p.26, please. Page 0265 of the
14:56:21 39 Commission transcript. Just have a look at that for
14:56:26 40 yourself. Do you see you were having a discussion with
14:56:29 41 Ms Gobbo about Rod Collins and you tell her you've never
14:56:37 42 met him in his life, things of that sort, do you see
14:56:40 43 that?---Yes.
44
14:56:41 45 If you go down you say, "I don't know, he's an old time
14:56:46 46 crook so I don't know whether he's still got the old time
14:56:49 47 values. A lot of them haven't", do you see that?---Yes.

1
14:56:54 2 What do you mean by the "old time values"?---In that
14:57:01 3 circumstance I would say without knowing him, but if he was
14:57:10 4 the type of crook that I'd been told he was then you
14:57:14 5 wouldn't think he'd be speaking to the police.
6
14:57:17 7 He'd be staunch?---They're your words.
8
14:57:21 9 All right. Have a look at p.64 of the transcript of
14:57:33 10 Ms Gobbo. It will be 0663 I think, that's the one that
14:57:46 11 comes through.
14:57:49 12
14:57:49 13 MR STEWARD: Commissioner, I object. This has nothing to
14:57:51 14 do with the Terms of Reference. Triumphant attempts by
14:57:56 15 Mr Chettle to refer to the word "staunch" being used on a
14:57:58 16 number of occasions. It's not relevant to the Terms of
14:58:01 17 Reference, it's not relevant to his clients and in my
14:58:06 18 submission it serves no purpose.
14:58:09 19
14:58:09 20 MR CHETTLE: It goes directly to what Nicola Gobbo was
14:58:11 21 doing with him in relation to Hodson.
22
14:58:13 23 COMMISSIONER: Yes, I'll allow the question. Go on.
14:58:15 24
14:58:16 25 MR CHETTLE: Thank you. Do you see that page in the middle
14:58:18 26 of the page there where your words are, "You know the
14:58:22 27 same", see that? No, you've got to go down another bit.
14:58:26 28 Scroll down a bit, please. 3888 is the redacted version.
14:58:40 29 VPL.0100.0001.3888, that would be the redacted version.
14:59:29 30 3888, it's p.64 at the bottom. This is the redacted
14:59:42 31 version. See in the centre of the page, "You know, the
14:59:45 32 same, um", see that?---Yes, yep.
33
14:59:47 34 I don't need to bother about the name but you're talking
14:59:50 35 about another friend or associate of yours; aren't
14:59:53 36 you?---Yes.
14:59:53 37
14:59:54 38 "I haven't had any contact with him for probably three
14:59:57 39 months, four months, and before that 12 months, you know.
15:00:00 40 He was another bloke who was really staunch but dropped
15:00:03 41 off. You know, obviously he got dragged into all that
15:00:06 42 crap", see that?---Yes.
43
15:00:08 44 Again, that's your word "staunch", isn't it?---I've used
15:00:14 45 that there, yes.
46
15:00:37 47 Those notes that you gave Nicola Gobbo, do you remember the

15:00:41 1 notes you were told about that Mr Winneke put to you ended
15:00:47 2 up being given to the police?---Yes.
3
15:00:50 4 You gave them to her, instructing that they be given to
15:00:52 5 Tony Hargreaves?---That's what I can recall, yes.
6
15:00:55 7 And did you ever discuss them with Tony Hargreaves
15:00:58 8 thereafter?---No, I can't recall that now, no.
9
15:01:03 10 You gave them to her back in 2004, wouldn't it have
15:01:07 11 been?---Yes.
12
15:01:10 13 What you weren't told by Mr Winneke is that she told the
15:01:13 14 police she had a copy of those notes in 2007 and they
15:01:17 15 provided them to her handlers, do you follow what I'm
15:01:20 16 putting to you?---I think Mr Winneke did advise me of that,
15:01:23 17 yes.
18
15:01:23 19 She gave them to the police but it was some three years
15:01:27 20 later, did you understand that?---Yeah, I believe so, yep.
21
15:01:30 22 And that she had kept a copy of what she had provided to
15:01:34 23 Mr Hargreaves and told the handlers that she had a copy at
15:01:38 24 home and that she'd drop it into them?---Okay.
25
15:01:43 26 They collected the documents. They have never appeared in
15:01:47 27 any brief of evidence against you in relation to any
15:01:50 28 prosecution of you, have they?---Not that I'm aware of. I
15:01:55 29 don't think I've seen them, no.
30
15:01:57 31 In fact, you'd be comforted to know that they didn't get
15:02:01 32 out of the hands of the SDU and were filed, not used.
33
15:02:06 34 COMMISSIONER: He can't know that. Just ask a question if
15:02:09 35 you want to ask one, otherwise not make a statement.
36
15:02:14 37 MR CHETTLE: Yes, all right.
38
15:02:23 39 I wanted to go to what she told - I just want to put a
15:02:30 40 number of comments that she made to her handlers about you
15:02:33 41 and ask you to comment about it. Did you know that she
15:03:02 42 provided Carl Williams with your phone number?---Possibly.
43
15:03:10 44 Did you ask her to do that?---Possibly. I think I already
15:03:16 45 had his phone number.
46
15:03:18 47 Did you ask her for Tony Mokbel's phone number?---No.

1
15:03:22 2 Were you concerned to inform Mr Mokbel that you didn't know
15:03:28 3 that the Dublin Street premises were his?---When Nicola
15:03:34 4 told me that it was Tony Mokbel's, I would have been
15:03:40 5 talking to her about the fact that we had - actually had no
15:03:43 6 idea that it was Tony Mokbel's. There's nothing ever
15:03:50 7 throughout our investigation that brought his name up or
15:03:53 8 indicated at all that it had anything to do with him, so I
15:03:57 9 certainly would have said that to Nicola.
10
15:03:59 11 So that was the first you learnt of it, when she told you
15:04:02 12 that it was his place?---Yes.
13
15:04:04 14 Did she give you an old non-operating phone number for Tony
15:04:09 15 Mokbel?---Not that I can recall. I wouldn't have had any
15:04:13 16 reason or want to speak to Tony Mokbel, so - - -
17
15:04:16 18 So you would say you never asked her for his
15:04:20 19 number?---Yeah, I'd be confident in saying that, yes.
20
15:04:36 21 Can I just enquire as to whether there is a prohibition.
15:04:49 22 Abby Haynes was the young lady I was asking you about
15:04:53 23 before who was living with Ahmed?---Yes.
24
15:04:57 25 Did you enquire of Nicola Gobbo what was happening as far
15:05:02 26 as her case was concerned?---There was a little - there was
15:05:09 27 a little bit happening, obviously, I think prior to my
15:05:13 28 arrest, in regards to her trying to obtain bail and Ethical
15:05:20 29 Standards Department getting involved, trying to get us to
30
31
15:05:25 32 Release them on bail?---Exactly, there was a bit of that
15:05:27 33 going on.
15:05:28 34
15:05:28 35 That's not what I'm asking you about. We went through you
15:05:31 36 opposing bail. That's not what I'm asking you?---Yeah,
15:05:33 37 yeah, sorry. What was the question?
38
15:05:35 39 Did you make enquiries from Nicola Gobbo as to what was
15:05:37 40 happening with her case, whether she was pleading, whether
15:05:41 41 she was rolling, whether she was giving evidence, things of
15:05:42 42 that sort?---Yeah, not really. No, I don't think so.
15:05:44 43
15:05:45 44 Never had that conversation with her about that at
15:05:49 45 all?---Look, quite possibly, but - - -
46
15:05:50 47 You knew she was acting for Haynes, didn't you?---Yes and

15:05:57 1 no. She was, obviously, right then and there, but then
15:06:02 2 things sort of settled down after that initial bail
15:06:05 3 application phase.
4
15:06:09 5 She did the bail application for him, didn't she?---Yeah, I
15:06:13 6 believe so.
7
15:06:13 8 So you knew - the answer is yes, you knew she was acting
15:06:17 9 for her?---Well, yeah, true.
10
15:06:21 11 Did you go to the court when she made - a plea was made on
15:06:26 12 her behalf?---I don't think so.
13
15:06:29 14 Were you ever excluded from the court, at the request of
15:06:37 15 Mr Gregor?---Was that the bail application?
16
15:06:41 17 It might have been. At the court hearings, you turned up
15:06:44 18 and Gregor got you excluded?---I would say that was the
15:06:47 19 bail application right from the start. So we'd had - I'd
15:06:50 20 given my evidence or one of my staff would have given our
15:06:53 21 evidence, and then Ethical Standards Department asked for a
15:06:59 22 closed hearing, that everyone be removed from the court,
15:07:04 23 not just me.
24
15:07:04 25 And Gobbo was there when that occurred?---I believe so.
26
15:07:13 27 And you were excluded whilst Mr Gregor gave his
15:07:17 28 evidence?---Yes.
29
15:07:25 30 Did you tell Ms Gobbo that as far as you're concerned,
15:07:31 31 informers should be allowed to traffic drugs in order to
15:07:35 32 build up credibility?---Well, I probably operated under
15:07:42 33 that - I don't recall telling her that. It was something
15:07:48 34 that was occurring.
35
15:07:49 36 So if she reports to the handlers that that's in fact what
15:07:53 37 you told her, that's consistent with the way you believed
15:07:57 38 informers were entitled to act?---It's the way things were
15:08:01 39 happening with Terry Hodson at the time, yes.
40
15:08:06 41 Did you have discussions with her about her access to IRs
15:08:13 42 that related to Terry Hodson?---I've probably canvassed
15:08:21 43 this a lot over the years. I became aware of material
15:08:26 44 that, obviously early days when it became apparent that
15:08:30 45 Terry's identity was going to be identified, there were IRs
15:08:35 46 and material being handed to Gobbo and other legal
15:08:42 47 personnel. So I recall making attempts to ensure that that

15:08:50 1 didn't happen in the future. Whether I gave - supplied her
15:08:55 2 with any information under a request for it through the
15:09:01 3 court system, I can't recall exactly.
4
15:09:03 5 Did you supply her, directly or indirectly, with any IRs in
15:09:09 6 relation to Hodson after the Dublin Street burglary?---No,
15:09:13 7 I wouldn't have, no.
15:09:14 8
15:09:14 9 Did you supply her with any affidavits that you may have
15:09:20 10 made?---I don't think so. I was certainly going through a
15:09:28 11 lot of legal material that I - after I was arrested, with
15:09:35 12 her. Whether any of that came up then, I'm not sure.
13
15:09:39 14 Do you know someone called Matthew Bunning?---I think he
15:09:42 15 was a police officer back at the MDID.
16
15:09:46 17 Did you provide him with a - cause him to be supplied with
15:09:50 18 an affidavit you prepared in relation to Hodson?---I'm not
15:09:53 19 sure. Was he a member back then?
15:09:55 20
15:09:56 21 I think so. That's what I'm asking you?---Okay.
22
15:09:59 23 You're giving the evidence, not me?---Righto. The name
15:10:03 24 rings a bell but it's been a long time.
25
15:10:06 26 Did she discuss with you - that is Gobbo - discuss with you
15:10:10 27 the interview she had with Mr Bezzina in relation to any
15:10:14 28 potential involvement she may have had in the Hodsons'
15:10:17 29 death?---I'm not - again, I'm really not a hundred per cent
15:10:23 30 sure. I don't think so, though.
31
15:10:27 32 She was a person, obviously, as you would be aware, that
15:10:32 33 was of interest to the Homicide Squad in relation to what
15:10:35 34 occurred to the Hodsons, without putting it neutrally, they
15:10:40 35 were interested in her if she had any involvement in what
15:10:43 36 happened to them?---I'm not aware of that.
37
15:10:45 38 You weren't aware of that?---No.
39
15:10:47 40 Did she tell you that she didn't tell the truth to
15:10:49 41 Mr Bezzina when he interviewed her?---No, no, not at all.
15:10:53 42 I don't even recall whether I knew she had been
15:10:56 43 interviewed.
44
15:10:57 45 There was a large inquiry in the Victoria Police in
15:11:05 46 effectively the blue folder of IRs that went missing from
15:11:10 47 the Drug Squad, wasn't there?---Yes, absolutely.

15:11:11 1
15:11:12 2 It would appear that some time immediately after the
15:11:13 3 burglary a blue folder that Miechel maintained of copies of
15:11:17 4 IRs vanished?
5
15:11:19 6 MR STEWARD: Commissioner, I object to this in terms of its
15:11:21 7 relevance.
8
15:11:22 9 COMMISSIONER: Yes, it's getting a bit tenuous. How is
15:11:22 10 this relevant to the relationship between - - -
11
15:11:25 12 MR CHETTLE: She has a conversation with him about the IRs.
15:11:29 13 I'm putting it in context. There was - it's an open secret
15:11:32 14 that the IRs disappeared and there was an enquiry and
15:11:36 15 everybody got asked about it. I'm not sure you knew about
15:11:39 16 it, Commissioner, that's all.
17
15:11:41 18 COMMISSIONER: Even I heard about that. But how is this
15:11:44 19 relevant to whether there was a legal client/lawyer
15:11:50 20 relationship?
21
15:11:53 22 MR CHETTLE: Can I ask a question which will make it clear?
23
15:11:55 24 COMMISSIONER: All right.
25
15:11:57 26 MR CHETTLE: Did you give her any of the IRs that related
15:12:00 27 to Hodson being an informer?---Not that I can recall.
28
15:12:05 29 Does that mean you might have?---The only time I would have
15:12:07 30 provided her with anything like that would have been
15:12:09 31 through a legal application, after it had been PIIed or
15:12:17 32 whatever we call it. So, no, not from an illegal point of
15:12:20 33 view that you're suggesting, no.
34
15:12:22 35 Did you give any of those sort of documents to Carl
15:12:26 36 Williams?---No.
37
15:12:28 38 MR STEWARD: I object.
39
15:12:29 40 COMMISSIONER: That really is too tenuous, isn't it?
15:12:31 41
15:12:32 42 MR CHETTLE: I'll ask it this way: did you tell her you
15:12:34 43 did? I'm not making this stuff up. This is what she told
15:12:37 44 our clients he was involved in?---I was charged with that
15:12:40 45 and was found not guilty at a Supreme Court trial, so I
15:12:44 46 didn't do it, no.
47

15:12:45 1 I'm not asking you whether you're guilty, I'm just asking
15:12:48 2 you - was that the charge, that you gave Williams the
15:12:53 3 IRs?---It was one of 23 I think.
4
15:12:56 5 Wasn't the charge that you disseminated information to
15:12:59 6 Gobbo?---I don't think I was ever charged with that.
7
15:13:01 8 Okay. Whatever the case, you maintain that tape recorded
15:13:04 9 conversation you had with her on 7 December was legally
15:13:07 10 professionally privileged and shouldn't be used against
15:13:09 11 you?---Totally agree.
12
15:13:11 13 Justice Curtain admitted it in evidence against you, didn't
15:13:14 14 she?---Only because we didn't challenge it at that point in
15:13:20 15 time.
16
15:13:21 17 So you'd made no suggestion in front of Justice Curtain
15:13:27 18 that it was legally professionally privileged?
19
15:13:29 20 MR WINNEKE: I'm not certain that that's correct, although
15:13:33 21 Mr Steward may know otherwise, Commissioner.
22
15:13:37 23 MR STEWARD: For reasons that escape me, Paul Holdenson QC
15:13:43 24 ran the legal argument instead of me and I actually just
15:13:45 25 cannot remember. It was certainly evidence - my attempt at
15:13:52 26 humour - evidence in the trial.
27
15:13:55 28 MR CHETTLE: Can I ask - - -
29
15:13:56 30 COMMISSIONER: This witness isn't perhaps the best person.
15:13:58 31 Obviously there will be a transcript and this isn't - - -
32
15:14:01 33 MR CHETTLE: I'm not giving the evidence, Mr Steward is not
15:14:03 34 giving the evidence. The witness says it wasn't admitted.
15:14:08 35 That is all I wanted to establish.
36
15:14:09 37 COMMISSIONER: All right. The transcript will speak for
15:14:11 38 itself anyway, so let's move on.
39
15:14:33 40 MR CHETTLE: You were interested to find out whether people
15:14:38 41 you knew, or people you spoke to, would be called before
15:14:41 42 the ACC to give evidence, weren't you?
43
15:14:53 44 MR STEWARD: I object.
45
15:14:55 46 COMMISSIONER: That is a very broad question. You haven't
15:14:59 47 persuaded me that it's relevant to the Terms of Reference.

1
15:14:59 2 MR CHETTLE: I'll put it specifically. You were interested
15:15:00 3 in finding out whether Nicola Gobbo had been called to the
15:15:02 4 ACC and what she said?---Actually, and it's quite clear
15:15:07 5 from that tape recording, I was quite surprised that she
15:15:10 6 hadn't been called. I clearly, from that tape recording,
15:15:13 7 wasn't there to enquire about that, I was there to speak to
15:15:16 8 her about my legal - my concerns. However, there is a part
15:15:23 9 there, whether she takes me to it or I take her to it, I'm
15:15:28 10 not sure, where I actually am quite surprised she hasn't
15:15:31 11 been, but there was no purpose for me to go and speak to
15:15:35 12 her about that.
13
15:15:36 14 Were you interested in whether she'd been or not?---Once we
15:15:39 15 got speaking and talking, yeah, I was interested to know
15:15:44 16 that - I was quite surprised she hadn't been.
17
15:15:51 18 I'll quote it for you verbatim, if I can.
19
15:15:56 20 COMMISSIONER: The transcript is already tendered,
15:15:57 21 Mr Chettle.
22
15:15:59 23 MR CHETTLE: It's nothing to do with the transcript,
15:16:01 24 Commissioner, it's what she told my clients.
25
15:16:02 26 COMMISSIONER: We'll no doubt hear from them in due course.
15:16:04 27 How can he know whether what she told your clients is
15:16:08 28 correct?
29
15:16:09 30 MR CHETTLE: I'm going to put to him what she said and then
15:16:12 31 simply ask him whether it is true, that's all.
15:16:14 32
15:16:14 33 COMMISSIONER: Put it then.
34
15:16:15 35 MR CHETTLE: If you're not interested, Commissioner - - -
36
15:16:20 37 COMMISSIONER: Put it then, put it.
38
15:16:47 39 MR CHETTLE: I apologise, Commissioner. I'm looking for -
15:16:58 40 I apologise. I had this all nicely ordered before I came
15:17:01 41 in. Ms Gobbo told her handlers, after the conversation she
15:17:34 42 had with you that was tape recorded, that you were
15:17:37 43 attempting to have her - not to perjure herself but to make
15:17:43 44 her evidence consistent with what you had said, is that a
15:17:47 45 fair summary of what occurred?---Sorry, did you say after
15:17:50 46 she tape recorded me, she went back to your handlers?
47

15:17:53 1 Later she spoke - some time much later she spoke to our
15:17:56 2 handlers and said that during the course of that meeting
15:17:58 3 with you, you were trying to have her effectively tune up
15:18:03 4 her evidence, have her consistent with you. Do you agree
15:18:07 5 with that?---Sorry, my mind is sort of going. You've just
15:18:11 6 answered your own question in regards to your handlers
15:18:14 7 dealing directly with Nicola Gobbo in this matter, but can
15:18:17 8 you ask that question again and I'll try.
9
10 MR STEWARD: Commissioner, I'm not sure how long Mr Chettle
15:18:20 11 is going to be but could we have a break, please?
15:18:21 12
15:18:22 13 COMMISSIONER: Yes, all right then. We'll have a short
15:18:25 14 break.
15:19:19 15
16 (Short adjournment.)
17
18 COMMISSIONER: Yes, Mr Chettle.
19
20 MR CHETTLE: Thank you. Mr Dale, I put to you an occasion
15:30:30 21 that you're at Crown and you're calling her, do you
15:30:32 22 remember I put that before the break?---Yes.
23
24 I suggest to you that was on 25 May of 2008. Were you in
15:30:37 25 Melbourne on 25 May 2008? I suppose it's hard to
15:30:41 26 recall?---Yes, I certainly don't recall that date, no.
27
28 This is the day she says you were sending her lots of texts
15:30:51 29 and you were staying at Crown. Did you stay at Crown when
15:30:56 30 you were in Melbourne?---I have stayed at Crown on one
15:30:58 31 occasion, one or two occasions. Look, if there was
15:31:01 32 telephone records to show that then I certainly don't deny
15:31:03 33 that.
15:31:06 34
15:31:06 35 And you wanted her to come down and to see you?---That
15:31:09 36 wouldn't surprise me, yes.
37
38 Skipping forward, on 4 June you had let her know that you'd
15:31:14 39 be coming down the following week for an OPI
15:31:24 40 hearing?---That's 08, is it?
41
15:31:29 42 Yes, 4 June 08?---Okay, yes.
43
44 You were coming to town regularly for those sorts of
15:31:32 45 things, weren't you?---I was, yes.
46
15:31:36 47 And when you came down, you'd try and catch up with

15:31:38 1 her?---Yeah, on most of those occasions, yes.
15:31:41 2
15:31:50 3 I'll move forward. There were occasions where she texted
15:32:06 4 you or contacted you and said she can't get in touch with
15:32:09 5 you, she's too busy, or some excuse and said "say hello to
15:32:13 6 Ditty", things like that?---Yes.
7
15:32:18 8 So when you did try and see her on a number of occasions,
15:32:22 9 she wasn't available to see you?---Yes.
10
15:32:36 11 On 30 November 2008 - this is about a week before you
15:32:40 12 caught up with her and you were tape recorded,
15:32:45 13 right?---Yes.
14
15:32:45 15 Did you ring her or contact her on that day?---I believe
15:32:50 16 there was contact made to try and catch up with her shortly
15:32:55 17 after I'd been to the ACC hearing.
18
15:32:59 19 And then you couldn't catch up with her until the following
15:33:02 20 week?---That's correct, yes.
21
15:33:19 22 During the course of that tape recording she certainly
15:33:22 23 expressed to you concerns about her being involved in
15:33:26 24 potentially two murders, do you remember she raised some
15:33:29 25 issue with that with you? She said something like, "I hope
15:33:34 26 I'm not involved in two murders" and you said words to the
15:33:39 27 effect, "Don't worry, you're covered", words to that
15:33:40 28 effect?---I think it was almost like a half flippant type
15:33:44 29 of discussion, that one. Yes, but you're right, she did
15:33:46 30 say something along those lines.
31
15:33:49 32 Has she on any other occasions expressed to you any
15:33:51 33 concerns, any perceptions of her involvement in the
15:33:55 34 Hodsons' murder?---No, not at all.
35
15:34:28 36 Can this document be put up on the screen, please:
15:34:36 37 VPL.2000.0001.9656.
38
15:34:42 39 COMMISSIONER: How much longer do you think you'll be?
40
15:34:46 41 MR CHETTLE: 15 minutes, Commissioner.
42
15:34:47 43 COMMISSIONER: I think the next witness can be told he
15:34:49 44 won't be needed until tomorrow.
45
15:34:53 46 MR CHETTLE: I will certainly finish before 4. You don't
15:34:57 47 have it? It hasn't been uploaded? All right. I can do

15:35:08 1 this perhaps another way, Mr Dale. On 11 December 2008 -
15:35:18 2 this is four days after she's had the tape recorded
15:35:20 3 conversation with you?---Yes.
4
15:35:24 5 And I'll read you the note that I was about to put on the
15:35:27 6 screen. "Discussed with source", that's her you
15:35:33 7 understand?---Yes.
8
15:35:34 9 "Discussed with source accusation that the source withheld
15:35:36 10 information generally and is too embarrassed to reveal
15:35:39 11 same. States that not involved in criminal activities but
15:35:44 12 believes that because of assistance to serious organised
15:35:47 13 crime figures over a long period, has assisted them in
15:35:50 14 avoiding prosecution", that is pre-SDU, "and is no better
15:35:56 15 than them. Queried HS re motivation for initially
15:36:01 16 approaching to assist the police in 2005. Stated guilty
15:36:08 17 conscience and couldn't continue then and now to assist
15:36:10 18 criminals." Do you follow what she's saying?---Yeah, yep.
19
15:36:13 20 Did she ever have any conversation like that with
15:36:16 21 you?---No, not at all. A couple of - no, not at all. A
15:36:19 22 couple of times she was concerned about her safety. I
15:36:23 23 think Andrew Veniamin had threatened to kill her, or
15:36:27 24 whatever had happened, but apart from that, there was
15:36:29 25 never, ever any indication that she was acting
15:36:32 26 inappropriately.
27
15:36:34 28 Did she tell you about the threats she was receiving
15:36:38 29 regularly from unknown persons?---No. Because I wasn't in
15:36:40 30 regular contact with her throughout that period, it was
15:36:45 31 only when I did run into her she did mention to me about
15:36:48 32 the Veniamin matter, but no, I didn't know about many of
15:36:52 33 the others.
34
15:36:53 35 All right. She told her handlers on that day that I
15:37:30 36 indicated to you, 11 December I think it was - sorry, 31
15:37:35 37 December. This is a subsequent conversation. He, being
15:37:39 38 you, told her to lie before the Crime Commission and to
15:37:42 39 look after him, Dale. Did you have any conversation of
15:37:46 40 that sort with her?---Sorry, can you repeat that? Sorry.
41
15:37:49 42 That you told her to lie before the Crime Commission and to
15:37:53 43 look after you, that is Dale?---Yeah, no, that's totally
15:37:57 44 incorrect.
45
15:37:58 46 That did not happen?---No. My whole conversation with her
15:38:05 47 was tape recorded, the whole lot.

1
15:38:07 2 Not every conversation?---That was the last conversation I
15:38:11 3 had with her before my arrest I believe.
4
15:38:13 5 I'm not talking about that conversation specifically. You
15:38:15 6 had many conversations with her that were not tape recorded
15:38:18 7 to your knowledge, weren't there?---Yeah, but that -
15:38:23 8 directly that question relates to me telling her to, what,
15:38:29 9 look after me at the ACC or lie to the ACC. Well, it has
15:38:33 10 to be related to that.
11
15:38:34 12 You spoke to her about the ACC in the middle of the year,
15:38:38 13 didn't you?---I might be confusing myself, sorry.
14
15:38:47 15 Okay. She told her handlers that you wanted her to
15:39:01 16 "pervert the course of justice if she gets called before
15:39:04 17 the ACC". Again, you would say that did not
15:39:07 18 happen?---Correct, yeah, no.
19
15:39:12 20 MR WINNEKE: Can I be made aware of where Mr Chettle is
15:39:15 21 reading from?
22
15:39:16 22 MR CHETTLE: If you look at the document VPL.2000 - - - -
15:39:17 23
24
15:39:22 25 MR WINNEKE: The date.
26
15:39:23 27 MR CHETTLE: Before 10 January 09. It's on 9 January 09.
28
15:39:29 29 MR WINNEKE: 9 January. ICR number?
30
15:39:32 31 MR CHETTLE: It is ICR 53.
32
15:40:04 33 Her view that she expressed to her handlers is that she'd
15:40:07 34 been used by you. That's something you would
15:40:11 35 dispute?---Yeah, totally dispute that.
36
15:40:14 37 Which brings me back to where I started, Mr Dale. The
15:40:18 38 nature of the conversation, whether it's privileged or not,
15:40:20 39 depends on what is being discussed, doesn't it?---Yes.
40
15:40:32 41 Excuse me, Commissioner. One last thing. On the issue of
15:40:38 42 communicating with false phones, remember I asked you some
15:40:41 43 questions about that?---Yes.
44
15:40:43 45 You had a method of communicating with - on false phones
15:40:48 46 with the friend of yours I mentioned before in Western
15:40:53 47 Australia, did you not?---I'm not - no, I don't think so.

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15:40:57
15:41:02
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15:41:19

In that transcript that you have there in front of you, you discussed with Ms Gobbo your means of getting in touch with that man, didn't you? I'm not going to name him because apparently he's been suppressed, but he was a friend of yours that got suspended because of his association with you?---I'm not aware he got suspended.

15:41:23
15:41:27
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Or he got charged?---I'm not aware of that either. I know he was - he was put before a Commission, he was asked a number of questions. I presume I can say this. On the night of the Hodson murders I was away in Bendigo with a group of colleagues, police members, and we actually all telephoned that police member from WA, from Perth, so there was always this allegation that he was an alibi for my whereabouts.

15:41:54
15:41:58
15:42:00

And I'm not going into that. We all know who we're talking about, that's all?---Yeah, I know who you're talking about. I don't know whether I was contacting him with - - -

15:42:04
15:42:07
15:42:19

Let me help you. Go to p.49 of your conversation with Ms Gobbo of 7 December, and that will be page - 3873 will be the page number.

15:42:20

COMMISSIONER: Exhibit 246.

15:42:22
15:42:29

MR CHETTLE: Yes. I don't believe this has got any redactions. Is that all right, Mr Winneke?

15:42:38

MR WINNEKE: Yes.

15:42:40
15:42:42
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15:42:44
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15:42:52
15:43:11
15:43:14

MR CHETTLE: That can be brought up in front of you. You've got it and everyone else can have it. Do you see we're looking at a portion of your conversation with her there? Just read at the top. It will put you in context. But I suggest to you you're talking about your friend in Western Australia, the man you've just been talking about. Do you follow?---I think it actually might be about someone else.

15:43:14
15:43:25
15:43:28

Go back a previous page if you need to. "He is fighting a losing battle", do you see that?---I believe it is about Dennis Linehan, to be honest.

15:43:31
15:43:34

Do you? Fine. I withdraw the inference that it was the other man. It was another friend of yours, was it?---Yes,

15:43:38 1 yes.
2
15:43:38 3 Sorry, I got the wrong friend. Then go to the page that is
15:43:42 4 49. Gobbo says to you, in the middle of the page, "You've
15:43:47 5 obviously got a means of what - a means of communicating
15:43:51 6 indirectly." Do you see that?---Yep.
7
15:43:54 8 That is asking you about how you talk to him without the
15:43:57 9 police being aware of what you're doing, isn't it?---Yes.
10
15:43:59 11 And you said, "Yeah, yeah, look, we had" which means you
15:44:04 12 did have, what, a phone with him?---Most likely.
13
15:44:07 14 A bodgie phone?---Possibly, yeah, most likely.
15
15:44:10 16 "And he dropped that now and he doesn't want to do that any
15:44:13 17 more but a letter's going to be dropped in his
15:44:14 18 mailbox"?---Yes, correct.
19
15:44:15 20 So you've got a different way of communicating with him so
15:44:18 21 the authorities don't know what you're doing?---Yes.
22
15:44:27 23 Thank you, Commissioner.
24
15:44:30 25 COMMISSIONER: Any re-examination, Mr Steward?
26
15:44:34 27 MR STEWARD: No, Commissioner.
28
15:44:36 29 COMMISSIONER: Mr Winneke?
30
15:44:38 31 MR WINNEKE: No, Commissioner.
32
15:44:39 33 COMMISSIONER: All right. Mr Dale, you're free to go for
15:44:41 34 the moment. It may be that we need to get you back again,
15:44:44 35 depending on what comes out of these documents that are yet
15:44:46 36 to be produced by Victoria Police?---Yes. Thank you,
15:44:49 37 Commissioner.
38
15:44:49 39 Thanks very much.
40
41 <(THE WITNESS WITHDREW)
42
15:44:53 43 COMMISSIONER: I have sent the witness away, so we won't be
15:44:55 44 starting another witness today. The next witness is?
45
15:45:00 46 MR WINNEKE: Commissioner, I'm not too sure whether he is
15:45:02 47 still here or not. It may be he is still here.

1
15:45:06 2 COMMISSIONER: Is he still here?
3
15:45:08 4 MR WINNEKE: He may be.
5
15:45:10 6 COMMISSIONER: Would you like to make some enquiries. If
15:45:13 7 he is still here, we might as well start, except that we're
15:45:17 8 going to have to have an adjournment because we're going
15:45:19 9 straight into closed hearing now, aren't we?
10
15:45:22 11 MR WINNEKE: That's correct, Commissioner.
12
15:45:23 13 COMMISSIONER: He's already been sworn.
14
15:45:25 15 MR WINNEKE: He's been sworn and we had the argument after
15:45:27 16 we got to the end of - - -
17
15:45:28 18 COMMISSIONER: He gave some evidence in open hearing and
15:45:30 19 we're now at the point where his evidence needs to be given
15:45:33 20 in a closed hearing.
21
15:45:37 22 MR WINNEKE: Correct.
23
15:45:37 24 COMMISSIONER: So the hearing will be closed, it won't be
15:45:40 25 streamed, and also all members of the public, other than
15:45:44 26 the legal teams and accredited media - this is one where
15:45:49 27 the media can be present?
28
15:45:51 29 MR WINNEKE: That is as I understand the effect of your
15:45:53 30 order, Commissioner.
31
15:45:56 32 COMMISSIONER: Accredited media can be present in the room.
33
15:46:03 34 MR HANNEBERY: There was also the non-publication order.
35
15:46:07 36 COMMISSIONER: Yes, of course, very importantly. There
15:46:09 37 will be no publication of anything happening in the public
15:46:12 38 hearing - in the closed hearing, rather, the private
15:46:16 39 hearing, and I'm satisfied those orders are appropriate
15:46:23 40 under the Inquiries Act and they will need to be posted on
15:46:28 41 the hearing room door.
42
43 (IN CAMERA HEARING FOLLOWS)
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