

Friday 28<sup>th</sup> October, 2005

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OFFICER SANDY WHITE, OFFICER SMITH, OFFICER BLACK

**MR SMITH:** Yeah. I think I said to you last time if you wish to talk about anything like that we're more than happy to listen, but we're here in your interests as well, so you can . . . . .

**MS GOBBO:** I know. But I can say when that stuff gets privileged I'm - I can't.

**MR SMITH:** Oh, that - that's right, that's fine, I got no problem with that.

**MS GOBBO:** And things that are, you know, hearsay upon hearsay, what's ..... nothing, completely - and it's fuckin' hearsay.

**MR SMITH:** But if - if you're happy - regardless of the privilege issue - - -

**MS GOBBO:** Mm.

**MR SMITH:** - - - you can make that call on your own without any assistance from us, no problem.

**MS GOBBO:** Mm.

**MR SMITH:** But if you're happy to tell us something that it was - was hearsay from someone or someone - -

**MS GOBBO:** Mm.

**MR SMITH:** - - - I'd suggest you should tell us and let us worry about it.

**MS GOBBO:** O.K. Well .....

**MR SMITH:** Yeah. And if we know it's hearsay and third-hand and **potentially unreliable** that's fine. But who knows what small piece in a - in a much larger puzzle where that will - where that will fall into.

**MS GOBBO:** Mm.

**MR SMITH:** It may not.

**MR BLACK:** You could .....

**MR SMITH:** But if we - if we don't know it, we'd never know.

**MR BLACK:** It could be .....

**MR SMITH:** Yeah.

MR BLACK: - - - for somebody else.

MR WHITE: Right. We know .....

MR SMITH: Yeah.

MR WHITE: - - - and talk about what you want to talk about and - - -

MS GOBBO: No. The privilege is different.

MR WHITE: Yeah.

MR SMITH: No.

MR WHITE: Well we made that pretty clear

MR SMITH: Yeah.

MR WHITE: That your privileged stuff .....

MS GOBBO: Mm.

MR WHITE: But I don't want to put you in a situation where you might .....

**MS GOBBO:** Well, I raised this the other day because the whole XXXXXX stuff thing is gunna cause a big problem. You know, I don't - I would not ever ask someone like him what they're doing, ever. I would never be exposed to it, he'd never tell me about it and I would never ask. And if he tried to tell me or started a conversation about it I'd cut him off. It's one thing to make assumptions about what people are doing, but it's another thing to be standing up in a court saying, "This person has done this and hasn't done that," and whatever **and lying when you know different** - - -

**MR SMITH:** Mm.

**MS GOBBO:** - - - and .....

**MR SMITH:** Mm, mm.

**MS GOBBO:** So you - that's why you don't ask as a lawyer. I know you might say it's turning a blind eye to it, but you don't ask, and you specifically don't let them tell you. The XXXXXX thing is gunna cause me big drama, because I can ask him anything and he'll tell me, but I don't wanna know his stuff. I mean, I - it might be useful to you but I don't wanna know it from the point of view of - - -

**MR WHITE:** Well, you could - - -

**MS GOBBO:** Pardon?

MR WHITE: - - - you could withdraw from representing him because of a conflict like that - -

MS GOBBO: .....

MR WHITE: - - - for the greater good of telling us.

MS GOBBO: Oh, that's, ~~right~~ true, ~~right~~, I mean ~~that's what I do~~ but why on earth would I do that? .....and

MR SMITH: Does he pay?

MS GOBBO: He actually does pay, yeah, his solicitor does. Mm.