

1           this - when **Mr Cooper**       indicated that he wanted to co-  
2           operate with police, our first goal was shoring away the  
3           charges or the investigation against him, so that's the  
4           consequences of us going back and re-doing the interview,  
5           the record of interview.

6   It would improper, I suggest, if you were to say to him off  
7       tape, we've got you cold on this, this is what our  
8       surveillance shows, this is what we say we've got in  
9       terms of this evidence and that evidence, and without  
10      maintaining a record of that, inducing the person who is  
11      a suspect to believe that to be the case and then make an  
12      admission - do you accept that?---Not necessarily, no, we  
13      would never - No.1, we would never go into the details  
14      about what evidence we've got against him. I mean, the  
15      situation of Mr Cooper       arrest was such that he would  
16      realise that he had some major hurdles to jump in  
17      relation to those charges.

18   Is your answer you never would have done that and you didn't do  
19       it here?---Again I'm having difficulty with your word  
20       "inducement" in relation to it all. Mr - I explained to  
21      **Mr Cooper**    | with another police officer, certain courses  
22       of actions that were available to Mr Cooper   |. We spoke to  
23       him for some time and then it was up to him in relation  
24       to which course of action he wanted to take.

25   You spoke to him about his involvement in drug trafficking and  
26       your investigation?---Yes.

27   And there is no note of it?---Well, except for the fact that  
28       there's my diary notes that we were speaking to him, yes,  
29       but that's simply basically that we spoke to him.

30   The diary note says that you spoke to **Mr Cooper**       at this  
31       particular time. It says nothing about what you spoke

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2 In circumstances where each statement commenced with the words,  
3 that he makes it on the basis of the information  
4 contained within the statements - I will get it right.

5 "I make this statement in the belief that the information  
6 I provide to the police cannot be used against me in any  
7 future court proceeding"?---That is correct, yes.

8 So you say that got you around the requirements of the Crimes  
9 Act, to get a court order to get him released into your  
10 custody?---Regardless of whether that paragraph was there  
11 or not, he wasn't being interviewed as an offender, he  
12 was being interviewed as a witness, or he's being spoken  
13 to as a witness.

14 In relation to his criminal activities that he was not going to  
15 be prosecuted for?---Yes.

16 And in circumstances whereby doing this he was looking at  
17 getting a substantial discount for those offences that he  
18 was in custody for?---That is correct, yes.

19 Now, sorry, I distracted you from your process?---Yes. There's  
20 nothing between the 25th and 2nd of May so that 2nd of  
21 May was correct. When the first time I started to look  
22 at the statement taking or the de-briefing taking  
23 process, obtained some overall information to it, and the  
24 next reference I have on that is the 10th of May.

25 So that's a process that they've started outside the prison  
26 environment?---Well, again, I'll have to check on that  
27 because he was outside for several weeks, and then he  
28 went back into a prison environment.

29 Do you agree with these propositions: that it would be  
30 improper to sanitise his statements? You take the  
31 statements in terms of what he provides to you and you

1           said was I cannot recall an instance of that occurring.  
2   Yes. Of course, if the process was tape-recorded so that it  
3           was transparent, then whether or not this occurred and  
4           what was said would be recorded; correct?---It would be  
5           recorded, yes.

6   Yes, but the process you chose to employ, we don't know how  
7           these statements were made other than by accepting what  
8           you say on your word; correct?---That, and ask Mr Cooper  
9           and you could ask the other member that was involved in  
10          taking the statements as well. We're certainly not  
11          trying to hide anything in relation to it.

12   But you've just given an instance where you can't say one way  
13          or the other as to what may have been said between  
14          yourself and Mr Cooper that is not in these  
15          statements?---Well, Mr Cooper and I have had many, many,  
16          many hours of conversation that hasn't been recorded in  
17          one way or another. I mean, it would be ludicrous for me  
18          to try and record every instance of when I speak to him.

19   Haven't you, as a police officer, got a duty, Mr Flynn, to  
20          maintain a record of conversations with [REDACTED] that  
21          touch upon subject matters such as this?---I have a  
22          record of when I speak to Mr Cooper and I generally keep  
23          a very short note in relation to what the contents of  
24          that conversation is.

25   Do you agree - - -?---On this process of taking statements from  
26          him, I mean there was no need for me to take any further  
27          details. What was said is in the statement itself.

28   Well, the need I suggest is something that you are aware of,  
29          and that is so that people down the track, such as Horthy  
30          Mokbel and others who are accused of crimes, based upon  
31          what Mr Cooper says, have a record of what else he