

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria  
On Tuesday, 19 November 2019

Led by Commissioner:       The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Ms M. Tittensor
Counsel for Victoria Police	Ms R. Enbom Ms K. Argiropoulos
Counsel for State of Victoria	Mr C. McDermott
Counsel for Nicola Gobbo	Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDPP	Ms A. Haban-Beer
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for Faruk Orman	Mr M. Koh
Counsel for John Higgs	Ms D. Caruso
Counsel for AFP	Ms I. Minnett
Counsel for Chief Commissioner of Police	Mr P. Silver

09:39:48 1 COMMISSIONER: Mr Chettle.  
09:39:50 2  
09:39:50 3 MR CHETTLE: Morning Commissioner.  
09:39:51 4  
09:39:52 5 COMMISSIONER: Before I hear from you, I'll just say the  
09:39:56 6 appearances are as they were yesterday, save we have  
09:39:59 7 Ms Enbom and Ms Argiropoulos for Victoria Police today.  
09:40:02 8 Otherwise the same. Mr Chettle.  
09:40:04 9  
09:40:05 10 MR CHETTLE: Commissioner, far be it for me to whinge. I  
09:40:10 11 have raised a matter with Mr Winneke this morning. You  
09:40:13 12 recall some time ago I raised the problem of getting  
09:40:17 13 statements in a timely manner.  
09:40:18 14  
09:40:19 15 COMMISSIONER: Really.  
09:40:19 16  
09:40:21 17 MR CHETTLE: We've got the same problem. What was reached,  
09:40:25 18 the agreement or the protocol that was reached was once  
09:40:28 19 Victoria Police PII, initially claim for PII, a statement  
09:40:34 20 and provide it to the Commission it can be provided to us,  
09:40:36 21 so that was in order to get them through. It seems to be  
09:40:40 22 falling down unfortunately. I'm told that a number of  
09:40:44 23 statements are in the possession of the Commission that I  
09:40:46 24 haven't got and I really rise to politely request that I be  
09:40:52 25 provided with them as soon as I can be. That's Dean  
09:40:56 26 McWhirter, Doug Fryer, Gleeson and Cornelius. I also  
09:41:02 27 obviously want Glow and McRae but there are issues with  
09:41:08 28 those that mean Glow hasn't been done and Finn McRae is  
09:41:13 29 still being PII reviewed. Obviously I'd seek them. As for  
09:41:18 30 the others, McWhirter, Fryer, Gleeson and Cornelius, I'm  
09:41:24 31 told by the police that the Commission have them and I  
09:41:26 32 formally request them. The other part of that is with  
09:41:29 33 people like O'Connor and Sheridan, they're statements which  
09:41:33 34 I do have, refer to diary entries and exhibits and say  
09:41:38 35 things like, "The conversation I had is set out in my  
09:41:42 36 diary" and those exhibits don't come with the statement.  
09:41:45 37 I'd seek to formally get the exhibits to both O'Connor and  
09:41:48 38 Sheridan's statements provided, so the documents referred  
09:41:52 39 to in those statements, so that we can make sense of them.  
40  
41 COMMISSIONER: Yes.  
42  
09:41:55 43 MR CHETTLE: Again, I don't want to be critical, but as we  
09:41:58 44 saw yesterday, Commissioner, if we'd had the documents  
09:42:01 45 earlier there might have been a lot of time saved with the  
09:42:05 46 witness we had yesterday as far as that transcript - - -  
09:42:06 47

09:42:06 1 COMMISSIONER: We didn't have the documents earlier.  
09:42:08 2  
09:42:08 3 MR CHETTLE: I know.  
09:42:09 4  
09:42:09 5 COMMISSIONER: We got them during the morning.  
09:42:11 6  
09:42:12 7 MR CHETTLE: I know. But getting them in a timely manner  
09:42:14 8 is obviously helpful for the Commission and helpful for the  
09:42:17 9 parties. So, the other thing I've been requesting for some  
09:42:21 10 time is the IBAC transcript of Mr Ashton. I'm told that  
09:42:27 11 can be provided to me now and that may be - I'm getting  
09:42:31 12 nods. Can I formally request those matters, Commissioner.  
09:42:34 13  
09:42:34 14 COMMISSIONER: All right. Does anyone want to say anything  
09:42:38 15 on behalf of the Commission? Are we able to provide those  
09:42:41 16 documents?  
09:42:41 17  
09:42:42 18 MR WINNEKE: I've been told by representatives of Mr Ashton  
09:42:44 19 they have no objection this morning to that document being  
09:42:48 20 passed over to Mr Chettle. I gather there were conditions  
09:42:50 21 on that release which are now no longer applicable, so  
09:42:55 22 that's been handed on. As to the other request,  
09:42:59 23 Commissioner, we are doing our best to get statements to  
09:43:01 24 Mr Chettle as and when they're PIIed and that obviously  
09:43:06 25 applies if, for example, there's documents referred to in  
09:43:09 26 statements they need to be PIIed as well. And it's a  
09:43:13 27 lengthy process.  
09:43:13 28  
09:43:14 29 COMMISSIONER: Yes, that's for sure. But Mr Chettle says  
09:43:16 30 that there are at least some documents that have been  
09:43:18 31 PIIed.  
09:43:19 32  
09:43:19 33 MR WINNEKE: If they've been PIIed they should be passed  
09:43:23 34 on, I have no objection to that.  
09:43:24 35  
09:43:25 36 COMMISSIONER: Has someone taken a list of those documents?  
37  
38 MR WINNEKE: Yes, that's been done.  
39  
09:43:27 40 COMMISSIONER: And statements and what can be passed on  
09:43:30 41 will be passed on. Thank you. Yes, Mr Silver.  
09:43:33 42  
09:43:34 43 MR SILVER: Will Mr Ashton also be provided with those same  
09:43:35 44 statements as Mr Chettle?  
09:43:37 45  
09:43:38 46 COMMISSIONER: I guess so, I suppose so. There's no reason  
09:43:40 47 why not.

09:43:41 1  
09:43:42 2 MR WINNEKE: No.  
09:43:42 3  
09:43:42 4 COMMISSIONER: Mr Ashton is asking for them also. Can that  
09:43:45 5 be done as well?  
09:43:47 6  
09:43:47 7 MR WINNEKE: I believe it can, Commissioner.  
09:43:49 8  
09:43:49 9 COMMISSIONER: All right, thank you.  
09:43:51 10  
09:43:52 11 MS ENBOM: Commissioner, Mr Bateson has also recently  
09:43:54 12 prepared a supplementary statement, that has been PII  
09:43:58 13 reviewed. I have provided some copies of a shaded version  
09:44:03 14 to people at the Bar table this morning. I didn't have  
09:44:06 15 enough copies for everyone. So if that can be also sent to  
09:44:08 16 the parties this morning.  
09:44:09 17  
09:44:09 18 COMMISSIONER: Is there a copy for me?  
09:44:12 19  
09:44:12 20 MS ENBOM: Yes.  
09:44:15 21  
09:44:15 22 COMMISSIONER: Thank you.  
09:44:22 23  
09:44:23 24 MS ENBOM: Thank you Commissioner.  
09:44:24 25  
09:44:24 26 COMMISSIONER: If you're wanting to tender that now?  
09:44:26 27  
09:44:27 28 MS ENBOM: When Mr Bateson is called to give evidence, yes.  
09:44:30 29 I understand he'll be reached probably before lunch.  
09:44:33 30  
09:44:33 31 COMMISSIONER: All right, thank you. Yes Ms Tittensor,  
09:44:35 32 we're in opening hearing.  
09:44:38 33  
09:44:38 34 MS TITTENSOR: Yes Commissioner:  
09:44:39 35  
09:44:40 36 <PAUL ROWE, recalled:  
09:44:41 37  
09:44:41 38 MS TITTENSOR: Last week I was asking you some questions in  
09:44:43 39 relation to some diary entries back around the time of the  
09:44:48 40 arrest of [REDACTED]. You know who I'm referring to when I  
09:44:54 41 say [REDACTED]? There might have been a slight adjustment  
09:45:01 42 in the way we're referring to some people since you gave  
09:45:06 43 evidence last week and I'll ask that you be shown a flash  
09:45:09 44 card in relation to [REDACTED]. Perhaps if the witness can  
09:45:22 45 be shown this?---Yes.  
09:45:27 46  
09:45:27 47 You know who I refer to now when I say [REDACTED]?---Yes.

09:45:31 1  
09:45:32 2 Thanks. I was asking you some questions about diary  
09:45:35 3 entries that specifically related, that mentioned phases of  
09:45:38 4 operations and operation orders and so forth?---Yes.  
09:45:41 5  
09:45:41 6 Do you recall that?---Yes.  
09:45:43 7  
09:45:43 8 If I can ask that the following document be put up on the  
09:45:47 9 screen of Mr Rowe and myself and the Commissioner  
09:45:53 10 VPL.0099.0056.0001. Now do you see that document,  
09:46:02 11 Mr Rowe?---Yes.  
09:46:03 12  
09:46:05 13 That's an Operation [REDACTED] operation order?---Yes.  
09:46:10 14  
09:46:12 15 With an [REDACTED] 2006 date?---Yes.  
09:46:15 16  
09:46:16 17 That post-dates the arrest of [REDACTED]?---Yes.  
09:46:19 18  
09:46:19 19 And that's been approved and signed on the front page there  
09:46:24 20 you'll see by Detective Superintendent Grant?---Yes.  
09:46:28 21  
09:46:29 22 Do you know what department Detective Superintendent Grant  
09:46:35 23 sat over?---He was part of the Crime Department but I'm not  
09:46:41 24 sure whether or not he was the Purana Superintendent. He  
09:46:46 25 might have just been the duty Superintendent on that  
09:46:49 26 weekend or those days, I'm not sure.  
09:46:51 27  
09:46:51 28 All right. Looking at the front page of that document, is  
09:46:54 29 that a document, the type of document that you'd be  
09:46:57 30 familiar with?---Yes. Just an operation order, yep.  
09:47:03 31  
09:47:03 32 I'll take you through it but these kinds of written  
09:47:07 33 operation orders were done for significant operations, I  
09:47:11 34 take it?---Yes, I think just any sort of operation that  
09:47:17 35 requires some level of planning. It doesn't have to be an  
09:47:22 36 enormous, you know, operation, but sometimes even a search  
09:47:27 37 warrant will warrant an operation order.  
09:47:28 38  
09:47:28 39 All right. Now this operation order says phase 5 and it  
09:47:32 40 deals with the matters post arrest of [REDACTED]. I take it  
09:47:37 41 there would have been such an order relating to the arrest  
09:47:41 42 of [REDACTED] given the significance of that matter and what  
09:47:52 43 was to be involved, the coordination of resourcing and so  
09:47:57 44 forth?---I'm not saying there wasn't, but not necessarily I  
09:48:01 45 think because the decision was made on that day and then  
09:48:07 46 he's arrested, there may not have been a formal operation  
09:48:12 47 order. There would have been an approval process for, I

09:48:23 1 can't even remember who was involved in the arrest, so.  
09:48:26 2  
09:48:26 3 The location of the [REDACTED] ?---Yes.  
09:48:29 4  
09:48:29 5 Occurred some time prior to the day of the arrest?---Yes.  
09:48:33 6  
09:48:33 7 And thereafter there was some coordination of resourcing in  
09:48:37 8 terms of surveillance?---Yes.  
09:48:39 9  
09:48:39 10 And so forth?---Yep.  
09:48:40 11  
09:48:40 12 Would that - and then you were sent to work on the  
09:48:46 13 affidavit for the search warrant that was to take place and  
09:48:48 14 so forth?---Yes.  
09:48:49 15  
09:48:49 16 Now, would those matters - it would have been presumed that  
09:48:53 17 ultimately there's going to be a search warrant on the  
09:48:56 18 premises?---Yes.  
09:48:57 19  
09:48:57 20 And there's going to need to be some kind of operation  
09:49:01 21 order?---No, not necessarily, no.  
09:49:04 22  
09:49:05 23 All right. If we can take you through, scroll through to  
09:49:10 24 the next page. It identifies, there you'll see a summary  
09:49:17 25 background, it identifies the targets in relation to  
09:49:20 26 Operation [REDACTED], at least at that stage?---Yes.  
09:49:24 27  
09:49:24 28 Including [REDACTED]  
09:49:27 29 [REDACTED], Mr Cvetanovski, Milad Mokbel, Horthy Mokbel and  
09:49:31 30 Tony Bayeh?---Yes.  
09:49:33 31  
09:49:34 32 And then it goes through a background, if we scroll through  
09:49:38 33 those pages there. Now, is that reasonably similar to the  
09:49:43 34 background that would have been included in your affidavit  
09:49:46 35 for a search warrant?---Looks like it's been cut and  
09:49:49 36 pasted.  
09:49:49 37  
09:49:49 38 Yes, all right. Then if we get to p.9, following that.  
09:49:56 39 You get to the current situation. So it tells you what's  
09:50:00 40 happened and what we're about to do?---Yes.  
09:50:03 41  
09:50:03 42 And then we scroll through there to p.11. And we see the  
09:50:14 43 command structure for the operation?---Yes.  
09:50:16 44  
09:50:16 45 And the operation's Commander is Detective Superintendent  
09:50:21 46 Grant?---Yes.  
09:50:21 47

09:50:21 1 Do you know what that means? He oversees the entire  
09:50:24 2 operation, is that the case?---Yep.  
09:50:26 3  
09:50:26 4 And that Forward Commander is Detective Acting Inspector  
09:50:30 5 O'Brien?---Yes.  
09:50:31 6  
09:50:31 7 What does that mean in terms of his role?---Sort of a more  
09:50:35 8 hands-on role, like a more direct management of what's  
09:50:39 9 going on. Most likely out in the field.  
09:50:43 10  
09:50:43 11 And Deputy Forward Commander is Detective Inspector  
09:50:46 12 Ryan?---Yes.  
09:50:47 13  
09:50:47 14 What does that mean in terms of his role?---Just an  
09:50:51 15 assistant to the Forward Commander really.  
09:50:53 16  
09:50:53 17 Then we have an Investigation Leader who is Acting  
09:50:59 18 Detective Senior Sergeant Flynn?---Yes.  
09:51:00 19  
09:51:00 20 And then it tells you the various addresses at which search  
09:51:05 21 warrants are anticipated to be executed?---Yes.  
09:51:07 22  
09:51:07 23 And if we scroll through. There's various possible  
09:51:15 24 scenarios or issues that are accounted for in the operation  
09:51:18 25 order?---Yes.  
09:51:19 26  
09:51:19 27 And then on p.13 we see that the brief coordinator lists is  
09:51:26 28 yourself?---Yes.  
09:51:27 29  
09:51:27 30 That's anticipated you're going to be the one compiling the  
09:51:32 31 briefs and going to be the informant?---Brief coordinator  
09:51:36 32 means there's multiple informants and one person is the  
09:51:39 33 coordinator.  
09:51:40 34  
09:51:40 35 You may be the informant for some of them but you're going  
09:51:44 36 to be sitting over the top of all the other  
09:51:47 37 informants?---Yeah, well not so much sitting over the top  
09:51:49 38 of them but one person is co-accused's briefs is the  
09:51:51 39 coordinator.  
09:51:52 40  
09:51:52 41 Various briefs are going to use similar evidence and  
09:51:56 42 statements and you're to coordinate all of that, is that  
09:51:58 43 the case?---Not so much that. Briefs are compiled  
09:52:02 44 individually and it's just a central point for  
09:52:06 45 administration to go through.  
09:52:07 46  
09:52:08 47 All right?---You don't have any control over the

09:52:12 1 compilation of the other briefs or what goes into them.  
09:52:16 2  
09:52:17 3 Does that mean control over disclosure of what goes in and  
09:52:21 4 out as well?---Only for my matters.  
09:52:23 5  
09:52:24 6 If we go to p.15 we see there the command channel for the  
09:52:28 7 operation and I assume there's people listening in on radio  
09:52:35 8 as to what's going on?---Under communications, you mean?  
09:52:39 9  
09:52:40 10 Yes?---Yes.  
09:52:40 11  
09:52:40 12 And then we get the distribution list for that operation  
09:52:43 13 order and that includes Assistant Commissioner  
09:52:47 14 Overland?---Yes.  
09:52:47 15  
09:52:48 16 The various people that we've been through in terms of  
09:52:52 17 Detective Superintendent Grant, Detective Inspector Ryan,  
09:52:56 18 O'Brien, Flynn and various other Senior Sergeants and  
09:53:02 19 Sergeants, including Bateson, Pearce, Kelly, Coghlan and  
09:53:09 20 Spargo?---Yes.  
09:53:10 21  
09:53:16 22 Page 17. Those are identified call signs I guess on the  
09:53:21 23 radio, so when people are calling in and out, is that  
09:53:24 24 right?---Yes.  
09:53:25 25  
09:53:25 26 And then p.21 we, it's dealt with the various teams that  
09:53:35 27 are going to go and search various locations, so you're  
09:53:40 28 lodged into teams?---Yes.  
09:53:41 29  
09:53:41 30 You're in a team with Flynn, Trichias, Miller and  
09:53:47 31 others?---Yes.  
09:53:47 32  
09:53:48 33 And the duties in relation to that team relate to taking  
09:53:53 34 Milad Mokbel into custody and searching his premises and so  
09:53:57 35 forth?---Yes.  
09:53:58 36  
09:53:58 37 If we go to the other team following. Not that one, the  
09:54:08 38 other main team in relation to - sorry, go back. There's  
09:54:15 39 another team there headed by Kelly, is that right?---Yes.  
09:54:19 40  
09:54:19 41 And others. All right. I'll tender that document,  
09:54:26 42 Commissioner.  
09:54:26 43  
09:54:31 44 #EXHIBIT RC763A - (Confidential) Operation [REDACTED] phase 5  
09:54:34 45 operation order.  
09:54:37 46  
09:54:38 47 #EXHIBIT RC763B - (Redacted version.)

09:54:44 1  
09:54:46 2 Now, a number of people were arrested in relation to  
09:54:50 3 Operation [REDACTED] thereafter?---Yes.  
09:54:53 4  
09:54:56 5 In the days thereafter [REDACTED]  
09:55:00 6 [REDACTED] and then people are arrested and interviewed  
09:55:03 7 in relation to those things, right?---Yes.  
09:55:07 8  
09:55:07 9 That included Milad Mokbel being arrested, interviewed and  
09:55:13 10 charged?---Yes.  
09:55:13 11  
09:55:14 12 Mr Cvetanovski was arrested and interviewed at that stage,  
09:55:16 13 not charged yet?---Yes.  
09:55:17 14  
09:55:18 15 And the following month in May Dominic Barbaro was arrested  
09:55:23 16 and charged?---Yes.  
09:55:24 17  
09:55:25 18 No doubt there would have been quite some excitement within  
09:55:29 19 Operation [REDACTED] and Purana as to the success that Task  
09:55:34 20 Force was enjoying at that stage?---I don't know what the  
09:55:41 21 right word is, you know, we have a job to do, we were doing  
09:55:44 22 it.  
09:55:45 23  
09:55:46 24 The plan when your crew transferred to Purana included to  
09:55:54 25 motivate [REDACTED] to assist and then roll on others and  
09:55:59 26 that plan as it turned out worked out perfectly?---Yeah, I  
09:56:04 27 think that was part of the plan and that's the way it went,  
09:56:08 28 yes.  
09:56:08 29  
09:56:08 30 And following that, another part of that original plan was  
09:56:12 31 to do the same in relation to someone that we're now  
09:56:16 32 referring to as [REDACTED]?---Yes.  
09:56:17 33  
09:56:17 34 Do you know who I'm referring to when I say  
09:56:21 35 [REDACTED]?---Yes.  
09:56:21 36  
09:56:22 37 And Ms Gobbo was bound up in a lot of that planning. She  
09:56:27 38 was to provide the information that would lead to the  
09:56:32 39 arrests of those people ultimately?---Yeah, well to varying  
09:56:37 40 degrees, you know, I'm not sure how much, you know, the  
09:56:42 41 specifics of it could have been planned for but to varying  
09:56:45 42 degrees, yes.  
09:56:46 43  
09:56:47 44 What we see as we follow it through, when we have the  
09:56:50 45 initial interview or investigation plan for [REDACTED] we see  
09:56:55 46 number 2 on that list of, on the list of what we want to  
09:57:01 47 achieve is to essentially get [REDACTED] committing more

09:57:07 1 offences so that he's motivated to roll and then number 3  
09:57:11 2 is doing the same in relation to [REDACTED]?---I can't  
09:57:15 3 remember whether that was on the list or not, that's part  
09:57:18 4 of, part of the planning and, you know, it's not, is not  
09:57:23 5 unusual. Most people don't willingly just don't volunteer  
09:57:28 6 to assist the police out of the kindness of their heart,  
09:57:31 7 they need motivation.

09:57:32 8  
09:57:33 9 And both of those men to that point had charges coming up  
09:57:37 10 against them?---Yes.

09:57:37 11  
09:57:38 12 And to that point had not yet been motivated enough to  
09:57:42 13 assist police?---Not to that point, no.

09:57:44 14  
09:57:45 15 Now, I took you through some of these matters the other day  
09:57:49 16 in terms of Ms Gobbo having a meeting with the SDU and  
09:57:55 17 giving them arrest tips in relation to how to deal with  
09:57:59 18 [REDACTED] --(Witness nods.)

09:58:02 19  
09:58:02 20 And Ms Gobbo telling the police during the conversation she  
09:58:08 21 had with them on 9 June as to what she would tell  
09:58:12 22 [REDACTED] when he inevitably rang her for advice once he  
09:58:17 23 was arrested?---I'm not sure about that.

09:58:21 24  
09:58:21 25 She discussed with them the fact that he was [REDACTED]  
09:58:25 26 [REDACTED], that she would tell him, "You're unlikely to get  
09:58:29 27 bail, or if you do it won't be for ten months down the  
09:58:32 28 track" and then he essentially needed to think of himself  
09:58:35 29 and his own interests in order to push him towards  
09:58:39 30 assisting police?---This is her speaking to her handlers?

09:58:43 31  
09:58:44 32 Yes?---I don't know.

09:58:45 33  
09:58:46 34 Similarly it was in the police interests for [REDACTED]  
09:58:52 35 once he's arrested, to feel as though there's no other real  
09:58:55 36 option for him than to cooperate?---Well I think the  
09:59:02 37 circumstances dictated that to a certain extent. I mean  
09:59:09 38 staying out of custody was a strong motivation for him.

09:59:12 39  
09:59:12 40 And the police knew that?---Yeah, well I think I had a fair  
09:59:24 41 idea, bearing in mind that I had spoken to him and been  
09:59:28 42 involved in the process of, you know, his bail and  
09:59:31 43 everything else, so I was aware of it, yes.

09:59:36 44  
09:59:36 45 You wanted him in that position so that he knew it's either  
09:59:40 46 cooperate and have a chance to stay out of gaol, or don't  
09:59:44 47 cooperate and you're in gaol for a long time?---Well, I

09:59:49 1 mean to a certain extent that's out of my control but, you  
09:59:56 2 know, as I said, you know, we - people need motivation to  
10:00:05 3 assist police, especially when you're talking about, you  
10:00:09 4 know, the type of offending and the type of offenders that  
10:00:12 5 he was involved with, you know, I guess there is a tipping  
10:00:19 6 point where his own self-interests outweigh, you know, I  
10:00:23 7 guess the negative impact it has on him.  
10:00:25 8  
10:00:26 9 And the police want him to realise that at the time that  
10:00:29 10 they're arresting him, interviewing him, doing a pitch to  
10:00:32 11 get him to cooperate?--Well yeah, I mean it's - yeah, he,  
10:00:38 12 the offer is made, you know, so he needs to understand I  
10:00:43 13 guess the circumstances and ultimately he makes a decision.  
10:00:46 14  
10:00:46 15 Yes. And the police want him to understand as much as he  
10:00:49 16 can how serious the circumstances are. "If you don't  
10:00:54 17 cooperate, you're [REDACTED], you're not going to  
10:00:58 18 get bail [REDACTED], off you go to gaol"?--I'm not sure - I  
10:01:02 19 think, I have no doubt in his head that was the  
10:01:04 20 circumstance. I don't know that that aligned necessarily  
10:01:07 21 to the reality of it, but I think - - -  
10:01:11 22  
10:01:11 23 It may not have, but you were holding out to him that it  
10:01:15 24 was, he was seriously in jeopardy of a long time in gaol  
10:01:19 25 when he was arrested the second time?--Well holding out, I  
10:01:23 26 don't know, I don't - I don't believe that was ever said to  
10:01:27 27 him, but as I said the circumstances, I don't think it  
10:01:31 28 needed to be said. He knew pretty much instantly that, you  
10:01:36 29 know, that he was in a difficult position.  
10:01:39 30  
10:01:39 31 He was in a lot of trouble?--He was in a lot of trouble,  
10:01:42 32 yeah.  
10:01:43 33  
10:01:43 34 And you arrest him. When you arrest him, how is that done?  
10:01:47 35 He's pulled over in his car?--Yes.  
10:01:49 36  
10:01:50 37 Cars surround him to pull him over?--No, we just  
10:01:53 38 intercepted him, put the lights on and he pulled over. As  
10:01:58 39 soon as he saw that it was me - - -  
10:02:00 40  
10:02:01 41 He knows what it's all about?--I think he knew.  
10:02:03 42  
10:02:04 43 As he put it yesterday you're in the car with him and you  
10:02:08 44 tell him the words he used were, "You're fucked"?--I don't  
10:02:16 45 think I've ever used those words to someone to be honest.  
10:02:19 46  
10:02:19 47 Would you have said something like that to convey the

10:02:23 1 message that he was in a serious load of trouble?--Well I  
10:02:27 2 arrested him in relation to the offence and I, I think I  
10:02:33 3 was specific in relation to the person he'd [REDACTED] with,  
10:02:37 4 so I don't think I needed to say any more. It goes against  
10:02:43 5 my usual process. I think quite often it's more powerful  
10:02:48 6 not to say anything.

10:02:49 7  
10:02:49 8 It might depend on the situation. When you arrested him  
10:02:54 9 what did you arrest him for?-- [REDACTED]  
10:02:58 10 [REDACTED].

10:02:59 11  
10:02:59 12 Did you tell him who he was to be [REDACTED] with?--Yes, I  
10:03:04 13 believe I did.

10:03:05 14  
10:03:05 15 Was that [REDACTED]?--Yes.

10:03:07 16  
10:03:11 17 If you didn't tell him outright, it was certainly, you  
10:03:14 18 understood it was his appreciation that he was in a lot of  
10:03:17 19 trouble?--He knew what he was [REDACTED] for and what he had  
10:03:20 20 been charged with previously. He knew the nature of the  
10:03:25 21 charges. Clearly he knew what conversation he'd had with  
10:03:29 22 [REDACTED]. He knew we were intercepting him, you know, not  
10:03:37 23 randomly. He knew I had been interested in him as both an  
10:03:45 24 offender and a witness for some time. I think the - he's  
10:03:49 25 an intelligent man, he knew exactly what was going on.

10:03:52 26  
10:03:52 27 Was he put on tape and interviewed in relation to that  
10:03:55 28 offending?--Yes.

10:03:55 29  
10:04:02 30 How did he respond on tape, was it no comment or did he  
10:04:07 31 cooperate and answer questions?--He never answered  
10:04:13 32 questions in relation to - and I'm only going off memory,  
10:04:18 33 so I'll stand corrected, but I think initially he said no  
10:04:21 34 comment and then subsequently I think he made a couple of  
10:04:26 35 concessions in relation to agreeing to show us an address  
10:04:31 36 or something. There was a couple of maybe sort of general  
10:04:36 37 things discussed. I don't believe he, I can check the  
10:04:42 38 times that the interview went but I don't think he answered  
10:04:48 39 questions in relation to the offence for which he'd been  
10:04:52 40 arrested.

10:04:53 41  
10:04:53 42 He wasn't charged on that occasion?--No.

10:04:55 43  
10:04:57 44 Why was there a decision made not to charge him with that  
10:05:00 45 matter?--I know I was always uncertain as to whether we  
10:05:13 46 actually had sufficient to charge him but given we were  
10:05:20 47 going to take witness statements from him and I believe

10:05:24 1 there was some suggestion that he would be able to assist  
10:05:28 2 with other matters, quite often we resist putting matters  
10:05:33 3 into the court stream so that it keeps it discrete.  
10:05:36 4  
10:05:37 5 And I think I took you through some DPP documents last week  
10:05:42 6 where in essence it was being held over his head that,  
10:05:46 7 "This charge can always be laid if you don't live up to  
10:05:50 8 your undertaking to give evidence in respect of the  
10:05:53 9 statements that you've made"?---I mean certainly I think  
10:05:58 10 that was Paul Coghlan's view, yes.  
10:06:01 11  
10:06:02 12 And no one was ever told that there might be some  
10:06:05 13 compromise of the evidence because of Ms Gobbo's  
10:06:09 14 involvement in that matter, I think you agreed with me last  
10:06:13 15 week about that, is that right?---Yes, that's right. I  
10:06:15 16 agree that no one was told, I don't necessarily agree it  
10:06:20 17 would be compromise in evidence, but I agree that no one  
10:06:23 18 was told.  
10:06:24 19  
10:06:24 20 You don't agree that there might have been a  
10:06:26 21 compromise?---I think might have been is probably the  
10:06:29 22 operative word. I certainly didn't consider so at the  
10:06:32 23 time.  
10:06:33 24  
10:06:36 25 Did you ever take any advice on that?---No.  
10:06:39 26  
10:06:46 27 Around about mid-2007 there was a committal proceeding to  
10:06:49 28 take place in relation to a number of the [REDACTED] arrests and  
10:06:54 29 that included Milad Mokbel, Tony Bayeh, Dominic Barbaro, as  
10:06:59 30 Mr Ketch [REDACTED] and a Mr Irons [REDACTED], is that right?---Yes.  
10:07:04 31  
10:07:04 32 You would agree it was completely inappropriate for  
10:07:08 33 Ms Gobbo to be representing Milad Mokbel?---Yes.  
10:07:12 34  
10:07:12 35 She was in every way conflicted?---Yes.  
10:07:16 36  
10:07:17 37 And certainly could never provide him with independent  
10:07:20 38 advice as he was entitled to?---I don't think she was  
10:07:25 39 representing him at that committal, but I might stand  
10:07:29 40 corrected.  
10:07:29 41  
10:07:30 42 But at any stage following his arrest would you agree that  
10:07:32 43 it was completely inappropriate for her to be advising and  
10:07:36 44 representing him?---Yes.  
10:07:38 45  
10:07:38 46 There was no way she could be providing him with  
10:07:41 47 independent advice?---No. Certainly the perception of it,

10:07:47 1 definitely not.  
10:07:48 2  
10:07:48 3 And you say at paragraph 187 of your statement this:  
10:07:58 4 "Throughout my interactions with her Ms Gobbo always seemed  
10:08:01 5 to be pursuing whatever she thought was in her own  
10:08:03 6 interests at that particular time and doing whatever it  
10:08:07 7 took to chase those interests down", is that  
10:08:20 8 right?---That's a general statement as opposed to a  
10:08:24 9 specific one relating to any particular moment in time or  
10:08:28 10 matter.  
10:08:28 11  
10:08:28 12 You say, it starts off, "Throughout my interactions with  
10:08:34 13 her", that that was your impression of Ms Gobbo, she was  
10:08:38 14 throughout your interactions with her acting in her own  
10:08:42 15 interests?---Well I think - I think in a general sense, I  
10:08:49 16 think my view on that now is very different to what it was  
10:08:54 17 then. There's a lot of information that, you know, has  
10:08:59 18 come out in this process that, you know, it would have been  
10:09:04 19 helpful to know.  
10:09:05 20  
10:09:05 21 And to be fair, it seems as though your take on matters has  
10:09:10 22 moved on since you gave evidence earlier in this  
10:09:14 23 Commission?---Yeah, like I think to some extent - maybe a  
10:09:19 24 large extent even, yes, I think what we or what I viewed,  
10:09:26 25 both her motivation but probably her difficulties, you  
10:09:34 26 know, with removing herself from representing these types  
10:09:37 27 of people, is certainly different now having heard some of  
10:09:41 28 the stuff that's come out as part of this process.  
10:09:43 29  
10:09:45 30 Now, there's a lot of material before the Commission that  
10:09:48 31 demonstrates that there was quite some concern in relation  
10:09:55 32 to Milad Mokbel, as well as other [REDACTED] matters, that  
10:10:00 33 should the matter not resolve if there's pre-trial  
10:10:04 34 disclosure and/or questions at the committal, her role  
10:10:08 35 might be revealed. Would you agree with that?---I think  
10:10:12 36 there's some discussions. To what extent I was privy to  
10:10:16 37 them, I don't know.  
10:10:17 38  
10:10:19 39 You were aware of concerns of Ms Gobbo being exposed in  
10:10:24 40 court processes?---Certainly, certainly in the lead up to  
10:10:31 41 [REDACTED] The concern, and it seemed to be her primary  
10:10:35 42 concern, was around the [REDACTED] and the  
10:10:39 43 fact that she then hadn't notified, you know - well the  
10:10:44 44 Mokbel family in reality. That was the primary concern.  
10:10:48 45  
10:10:48 46 Yes. And there was also a concern obviously about her  
10:10:52 47 status as an informer coming out as well?---Well, that's,

10:10:56 1 you know that's ever present in every matter involving  
10:11:00 2 informers.

10:11:00 3  
10:11:00 4 You say in your statement at paragraph 71, "I recall it  
10:11:04 5 being a constant battle to keep Ms Gobbo out of  
10:11:07 6 proceedings". Now, if you have a look at that in that  
10:11:13 7 context, do you say that in relation to stopping her from  
10:11:17 8 acting as a lawyer to someone against whom, for whom she  
10:11:21 9 was conflicted, or do you say that from the perspective of  
10:11:25 10 keeping her out of proceedings in terms of not disclosing  
10:11:30 11 her role in representing [REDACTED] or [REDACTED] and so  
10:11:37 12 forth?---No, just in relation to representing people, it  
10:11:40 13 was a, you know - - -

10:11:43 14  
10:11:43 15 It was a constant that she was representing people that she  
10:11:46 16 was conflicted, she ought to have been conflicted from  
10:11:50 17 representing?---The investigators or my point of view, you  
10:11:54 18 know, yep, we knew that she couldn't represent these  
10:12:00 19 people. We were of the understanding that, you know, there  
10:12:05 20 was significant attempts being made to prevent her from  
10:12:11 21 doing that, to discourage her from doing that and she kept  
10:12:14 22 pushing back and would, you know, continually become  
10:12:19 23 involved and as I said previously, you know, what I thought  
10:12:22 24 her motivations for doing that were back then and what I  
10:12:25 25 probably realise now are a little bit different.

10:12:28 26  
10:12:28 27 She's conflicted out of these matters because she's  
10:12:32 28 provided information which has led to various of these  
10:12:37 29 people being arrested?---Yes.

10:12:39 30  
10:12:40 31 She's also representing various of these people and making  
10:12:45 32 money out of doing so. There must have been an  
10:12:47 33 appreciation that she's making money out of informing on  
10:12:52 34 people?---I don't think I ever turned my mind to what she  
10:12:56 35 may or may not have been making. I mean, I don't think it  
10:13:00 36 even crossed my mind.

10:13:01 37  
10:13:02 38 Now - - - ?---I think I said the other day, you know, if  
10:13:07 39 she was, how much I don't know.

10:13:14 40  
10:13:16 41 She didn't seem to be living on hard times?---I don't know.

10:13:21 42  
10:13:22 43 Would you agree with that?---I don't know. I'm not sure.  
10:13:26 44 I think there's a transcript somewhere where she talks  
10:13:28 45 about that and how much she doesn't make and how much money  
10:13:32 46 she's owed by, you know, members of the Mokbel family and  
10:13:38 47 their associates, so I don't know. To be honest, I really

10:13:45 1 - it was really no concern of mine.  
10:13:46 2  
10:13:46 3 It might have been a concern if you knew she was making  
10:13:49 4 money out of informing on people, getting them arrested and  
10:13:53 5 then representing them?---I don't know how, I don't know  
10:13:58 6 how I would ever comprehend that, that motivation. Like I  
10:14:08 7 think - I understand that that is probably the end result  
10:14:13 8 but I still can't grasp that that would be, you know, even  
10:14:21 9 a consideration of her. It seems too extreme.  
10:14:24 10  
10:14:26 11 At paragraphs 150 and 151 of your statement you're  
10:14:31 12 referring to diary records of yourself that indicate on 29  
10:14:37 13 May you call Ms Gobbo to ask whether Milad Mokbel would  
10:14:41 14 provide a voluntary DNA reference sample?---Yes.  
10:14:44 15  
10:14:44 16 And that's because another crew wanted a reference  
10:14:49 17 sample?---Yes.  
10:14:50 18  
10:14:51 19 And it was usual to ask a person's lawyer if they would  
10:14:56 20 voluntarily do that before going and seeking it through  
10:14:59 21 court?---Yes.  
10:15:00 22  
10:15:00 23 Is there a reason why someone said, "Can you go and ask  
10:15:04 24 Ms Gobbo as Milad Mokbel's lawyer"?---I think only because  
10:15:09 25 I was the informant for Milad Mokbel.  
10:15:11 26  
10:15:11 27 And you must have known then that she was purporting to act  
10:15:15 28 for Milad Mokbel at the time?---Yeah, she came back into it  
10:15:21 29 and I think - and I may have the dates wrong, but I think  
10:15:27 30 there's an email somewhere which references Milad talking  
10:15:32 31 about her representing him again over the phone. I don't  
10:15:38 32 remember that, I recall being told whether it was by her or  
10:15:43 33 by someone else that she was now representing him again,  
10:15:48 34 and so I asked her.  
10:15:50 35  
10:15:50 36 And so you say it was just for a short period. Do you say  
10:15:56 37 that you only, that she was to your knowledge only  
10:16:01 38 representing him for a short period around that time in  
10:16:05 39 May, late May?---I think interestingly, following on from  
10:16:10 40 the previous topic, I think he ran out of money and so then  
10:16:16 41 was looking for a favour from her.  
10:16:17 42  
10:16:18 43 When you talk about this only being for a short period,  
10:16:21 44 what do you mean by that?---I think because ultimately at  
10:16:25 45 his plea and whatever followed, she wasn't involved.  
10:16:28 46  
10:16:28 47 A short period being weeks or months or a year?---I don't

10:16:32 1 know. I don't know. What date was his plea? I think his  
10:16:36 2 plea was not until mid the following year in 2008?---Yeah,  
10:16:41 3 I'm not sure. I think that's the only time I ever had a  
10:16:45 4 discussion with her about something relating to him.  
10:16:47 5  
10:16:47 6 In late May of 2007?---Yep.  
10:16:50 7  
10:16:50 8 You say you recall being concerned that she was acting for  
10:16:54 9 him, given that she's purportedly trying to get away, her  
10:16:59 10 motivation for assisting police is purportedly to try and  
10:17:03 11 get away from the Mokbels, but here she is, it's all worked  
10:17:07 12 out perfectly well, he's been arrested and she's involving  
10:17:12 13 herself again?---I don't know that it would necessarily,  
10:17:15 14 you know, be part of a great plan that she had, but yeah,  
10:17:22 15 look, I was surprised because, you know, there had been  
10:17:26 16 significant efforts made to remove her from, from that  
10:17:30 17 family, from representing him, you know, and whether  
10:17:38 18 intentionally or otherwise she - she didn't.  
10:17:46 19  
10:17:46 20 This is all happening in circumstances where you're the  
10:17:49 21 primary investigator for threats against her for  
10:17:51 22 potentially, or being a dog, to use the colloquial  
10:17:56 23 expression?---Yep.  
10:17:57 24  
10:17:57 25 And that all related to the arrests that were occurring  
10:18:01 26 around Operation ██████?---Yep.  
10:18:05 27  
10:18:05 28 Did you say to her, "What are you doing? How can you  
10:18:09 29 possibly be representing this person"?---No, I didn't. No,  
10:18:22 30 I didn't but, you know - - -  
10:18:31 31  
10:18:31 32 Did you go - - - ?---I don't want to keep saying that  
10:18:34 33 aspect of it was being handled by others but it truly was.  
10:18:43 34 There was a lot of cross over. You know, that side of  
10:18:45 35 things was being managed daily. She was being managed  
10:18:49 36 daily by other people.  
10:18:51 37  
10:18:51 38 She's being managed daily by Victoria Police, by you as a  
10:18:55 39 victim, you're the investigator and dealing with her as a  
10:18:59 40 victim?---Yes.  
10:18:59 41  
10:19:00 42 You're also dealing with her as a lawyer in this, or  
10:19:04 43 purported lawyer in relation to Milad Mokbel, and police  
10:19:09 44 are also dealing with her as an informer, including against  
10:19:12 45 Milad Mokbel?---Yes. Yeah. Well, you know, we all have  
10:19:19 46 our defined roles. Yep, I was the informant for Milad,  
10:19:23 47 that was my role. I was the investigator for her threats,

10:19:26 1 that was my role. There was a whole other unit that was  
10:19:30 2 dedicated full-time to managing her as an informer and all  
10:19:34 3 the risks that go along with that and that was - - -  
10:19:37 4  
10:19:37 5 To put it all together you're Victoria Police and you knew  
10:19:40 6 that other role that was being handled by that other  
10:19:43 7 section or the other people within Victoria Police, that  
10:19:45 8 she was that informer?---Yep, and I knew there was a whole  
10:19:49 9 group of competent experienced people that were dealing  
10:19:53 10 with that, so if they had come in and tried to investigate  
10:19:58 11 the threats to her, I'd go, "Well what are you doing?  
10:20:03 12 That's what you're doing". And it's similar, we've all got  
10:20:07 13 our defined roles. It's impossible for one person or a  
10:20:11 14 group of people to be across everything, that's why we have  
10:20:16 15 different areas of Victoria Police that handle different  
10:20:19 16 things so they can be done with the appropriate resources  
10:20:23 17 and the appropriate attention to detail and the appropriate  
10:20:26 18 speciality.  
10:20:27 19  
10:20:27 20 I accept that there are these defined roles but clearly  
10:20:32 21 what's going on is completely and wholly inappropriate.  
10:20:35 22 You're dealing with someone as a lawyer where you know that  
10:20:39 23 oughtn't be acting and no one's doing anything about it.  
10:20:40 24 You might think they're trying to do something about it but  
10:20:44 25 clearly it's not working?---I agree clearly it wasn't  
10:20:48 26 working but it's not like, you know, we're all blind to it.  
10:20:56 27 We all understood it and we all understood, or certainly I  
10:20:56 28 understood that it was being managed.  
10:20:58 29  
10:20:58 30 But how was it being managed, because it kept on happening  
10:21:00 31 and how do you think it was being managed? Were you  
10:21:05 32 raising it up with supervisor saying, "What's going on? We  
10:21:09 33 need to do something more about this because whatever the  
10:21:12 34 SDU are doing it's not working"?---Well, the short answer  
10:21:15 35 is no, I didn't. I don't think it was necessary. You  
10:21:22 36 know, I had, still do, had full confidence in, you know,  
10:21:27 37 the people above me and the people working in the other  
10:21:29 38 areas that were dealing with this. I think what my naivety  
10:21:34 39 is in relation to, you know, her motivation. There was a  
10:21:38 40 limit to what I knew in terms of, you know, why she was  
10:21:44 41 remaining involved with these people. You know, perhaps  
10:21:51 42 with the full picture, you know, it might have been  
10:21:56 43 different, I don't know.  
10:21:57 44  
10:21:57 45 All right. You were the informant for Milad Mokbel. Any  
10:22:01 46 negotiations I take it in terms of him resolving his matter  
10:22:06 47 you would have known about?---As I said, I think there's

10:22:12 1 some suggestion over a telephone call between him and his  
10:22:16 2 wife where he references Ms Gobbo and some supposed  
10:22:23 3 negotiation/resolution. We never have any say, it's all  
10:22:28 4 done through the OPP.  
10:22:30 5  
10:22:33 6 If members of Purana are negotiating with Milad Mokbel in  
10:22:37 7 terms of resolving his matter, you would have known about  
10:22:40 8 it as the informant?--We wouldn't be.  
10:22:44 9  
10:22:44 10 But if you're the informant in a matter and members of your  
10:22:50 11 crew, members of Purana are negotiating, are speaking with  
10:22:55 12 Milad Mokbel about resolving his matter, and the terms on  
10:23:01 13 which it might resolve, you would know about it?--I would  
10:23:04 14 like to think so but I don't think that ever happened and  
10:23:09 15 so therefore if it did, clearly I would know about it.  
10:23:13 16  
10:23:13 17 On 13 March 2007 there's records of the SDU controller,  
10:23:21 18 Mr Jones, discussing the upcoming committal of Milad Mokbel  
10:23:26 19 with Detective Flynn?--Yes.  
10:23:27 20  
10:23:28 21 They talk about how to protect her by not declaring  
10:23:33 22 <sup>PII</sup> [REDACTED] arrest or her involvement in that. They  
10:23:38 23 discuss police notes, the options they have about deleting  
10:23:42 24 matters and the problem that if they claimed PII the  
10:23:46 25 Magistrate would find out about Ms Gobbo's  
10:23:49 26 involvement?--Yes.  
10:23:49 27  
10:23:49 28 Was that the type of thing you were aware of?--I do  
10:23:55 29 remember a discussion about the redaction of notes. I  
10:24:00 30 remember the issue of <sup>PII</sup> [REDACTED] was the  
10:24:09 31 sticking point and I, like I remember saying, well we  
10:24:15 32 can't, we can't hide from what, it's everywhere.  
10:24:18 33  
10:24:19 34 Do you see a problem with a discussion about, "Well we  
10:24:22 35 don't want to have to claim PII on this material because  
10:24:26 36 then the Magistrate will find out what's going on", do you  
10:24:30 37 see a problem with that?--Well, I guess yes and no. I  
10:24:41 38 mean I think it's probably a preference not to, but  
10:24:45 39 ultimately that's the, that's the only process in place, so  
10:24:49 40 if you have to, it's the lesser of two evils if you like.  
10:24:54 41  
10:24:54 42 Don't you see a problem in withholding from the court the  
10:25:00 43 true state of affairs so that the Magistrate or the court  
10:25:02 44 is able to rule on the admissibility of evidence?--Well,  
10:25:08 45 yes. Yes, of course.  
10:25:10 46  
10:25:10 47 And what's being discussed here is, "Well, we're just going

10:25:13 1 to redact notes, not necessarily that ought to be redacted,  
10:25:21 2 but we'll potentially just redact them but we don't want to  
10:25:27 3 claim PII because that might alert the Magistrate to what's  
10:25:31 4 going on here and they oughtn't be redacted"?--Well I  
10:25:38 5 think it's obviously a discussion, you know, early stages  
10:25:43 6 but I mean if you get to the point where it's revealing a  
10:25:47 7 source or claiming PII, well you've got no, you've got no  
10:25:52 8 choice.

10:25:53 9  
10:25:53 10 There's another meeting with Mr Flynn on 19 March where  
10:25:57 11 they agree to hand over notes to the defence that relate to  
10:26:03 12 Milad Mokbel's arrest but not <sup>PII</sup> [REDACTED]. So  
10:26:07 13 that's the way they deal with it, we just won't hand over  
10:26:11 14 those other relevant notes relating to <sup>PII</sup> [REDACTED],  
10:26:14 15 we'll just hand over the Milad Mokbel notes. Do you recall  
10:26:18 16 - - - ?--Who is the conversation with?

10:26:19 17  
10:26:20 18 Between Mr Flynn and the SDU?--I don't know.

10:26:22 19  
10:27:25 20 Now, Mr Rowe, following that it's apparent that there were  
10:27:29 21 discussions going on between, involving Ms Gobbo by  
10:27:36 22 Mr O'Brien and Mr Flynn in relation to the resolution of  
10:27:40 23 Milad Mokbel's matter. Were you - you no doubt would have  
10:27:46 24 been made aware of that surely as the informant?--As I  
10:27:49 25 said there was an email, there was an email that suggested  
10:27:56 26 he'd spoken on the phone and there was some, you know,  
10:28:01 27 limited detail in that. You know, but - - -

10:28:10 28  
10:28:10 29 And that was an email - I think I've got a reference to it  
10:28:15 30 somewhere, that was an email in relation to some  
10:28:17 31 intelligence coming through from Corrections, is that  
10:28:20 32 right?--Yes.

10:28:21 33  
10:28:21 34 As to Milad Mokbel talking about some discussions  
10:28:26 35 potentially that he'd been having with Purana about  
10:28:30 36 resolving his matter and was there a reference in relation  
10:28:33 37 to the charges that were potentially being levelled against  
10:28:36 38 his wife as well?--No, that's - that's not the email I'm  
10:28:43 39 talking about and there was no suggestion that it was in  
10:28:48 40 discussions with Purana.

10:28:50 41  
10:28:50 42 Were you aware that there were charges being levelled  
10:28:53 43 against Milad Mokbel's wife around that time as well?--In  
10:29:03 44 relation to assets?

10:29:05 45  
10:29:05 46 Yes?--Yes.

10:29:06 47

10:29:07 1 And criminal charges in relation to those matters  
10:29:10 2 though?---Yes, I believe so.  
10:29:11 3  
10:29:12 4 Are you aware that those charges were being discussed as  
10:29:18 5 the basis of some leverage against, to get Milad Mokbel to  
10:29:24 6 assist authorities?---I'm not sure. Like I - no, that  
10:29:34 7 would surprise me. I don't think that would ever have been  
10:29:37 8 an option given, you know, the other matter his wife had in  
10:29:44 9 relation to Tony Mokbel - the house and the surety and  
10:29:50 10 whatever else it was. That would surprise me, but if  
10:29:53 11 others were having that conversation.  
10:29:55 12  
10:29:56 13 There were some meetings that Mr O'Brien is involved in  
10:29:58 14 with Ms Gobbo in March. There are meetings that Mr Flynn  
10:30:02 15 talks about in his statement, a number of meetings that he  
10:30:06 16 has with her in relation to discussions trying to resolve  
10:30:09 17 the matter with her?---Okay.  
10:30:12 18  
10:30:12 19 Including on 28 May, which is the day before you're ringing  
10:30:17 20 her saying, "Can you get him to help us out and provide  
10:30:21 21 this voluntary DNA sample"?---Okay.  
10:30:23 22  
10:30:23 23 So presumably you are made aware that these discussions are  
10:30:26 24 going on by your superiors with Milad Mokbel?---No, I  
10:30:32 25 wouldn't say that. I'd say presumably I was made aware  
10:30:36 26 that she was representing him.  
10:30:37 27  
10:30:38 28 Yes?---But, you know, I don't recall any discussions in  
10:30:42 29 relation to Milad and as I said, I don't know how, I don't  
10:30:52 30 know for what, for what gain or for - yeah, I don't know  
10:31:03 31 for what gain.  
10:31:04 32  
10:31:04 33 The gain for Ms Gobbo in representing Milad Mokbel and  
10:31:07 34 trying to get him to plead is there's less of a risk to her  
10:31:14 35 once it comes up for committal if it's resolved by that  
10:31:18 36 stage?---No, I think that's - I mean it's obviously a  
10:31:22 37 question for the people that are having these  
10:31:25 38 conversations, but I can't see that that would be the  
10:31:31 39 thought process. I think that's a longish bow.  
10:31:36 40  
10:31:36 41 An analysis of the material will bear out that that was  
10:31:39 42 exactly the thought process. The thought process was, I  
10:31:50 43 think this was borne out by one of the discussions that SDU  
10:31:54 44 had with Mr Flynn back in March. The best outcome would be  
10:31:58 45 Milad Mokbel pleading, this is in relation to a discussion  
10:32:02 46 about what to disclose in that case relating to Ms Gobbo.  
10:32:06 47 It's exactly the thought process?---Well, I can't comment

10:32:11 1 on other people's thought processes and bits and pieces of  
10:32:15 2 information here, there and everywhere, I really can't. I  
10:32:20 3 mean, yep, the best outcome is always if someone pleads  
10:32:24 4 guilty, absolutely. You know, for those reasons and  
10:32:30 5 therefore she should negotiate his plea, you know, if that  
10:32:36 6 was the thought process and what was going on, that's news  
10:32:39 7 to me.  
10:32:40 8  
10:32:40 9 This is the very reason why police oughtn't have been  
10:32:43 10 dealing with her, do you agree, in relation to her  
10:32:48 11 representation of Milad Mokbel especially?---No, I think  
10:32:51 12 it's why she shouldn't be representing Milad as opposed to  
10:32:55 13 the police dealing - - -  
10:32:56 14  
10:32:56 15 And the police should not be dealing with her in that  
10:32:59 16 respect?---Well, no, I don't think - I think once, once  
10:33:05 17 she's representing him to a certain extent, you know, we're  
10:33:12 18 in a no win situation. The issue is she shouldn't be  
10:33:16 19 representing him in the first place because then there's  
10:33:19 20 no, you know, the other stuff doesn't follow.  
10:33:22 21  
10:33:23 22 And the police should be saying, "We're not dealing with  
10:33:24 23 you in relation to this matter, we can't"?---Well, my  
10:33:28 24 understanding is that that's exactly what was being said.  
10:33:33 25  
10:33:33 26 If you can have a look at your diary for 29 June 2007.  
10:33:39 27 You've got a meeting there listed 11.20 with the DSU and  
10:33:47 28 other members of Operation ██████ is that right? Aside  
10:34:02 29 from the SDU there's O'Brien, Flynn, Kelly and  
10:34:15 30 Johns?---Yep.  
10:34:16 31  
10:34:16 32 And there's three members of the SDU there, including  
10:34:20 33 Jones, Brennan and Bourne?---Yes.  
10:34:22 34  
10:34:25 35 And all of those Purana members were due to give evidence  
10:34:29 36 in the forthcoming ██████ committal proceedings, is that  
10:34:33 37 right?---I'm not sure whether they all were or not.  
10:34:36 38  
10:34:37 39 Do you record matters re Operation ██████ committal?---Yes.  
10:34:40 40  
10:34:40 41 Do you recall what was discussed?---No, I don't.  
10:34:43 42  
10:34:45 43 Was there discussion of non-disclosure of Ms Gobbo's  
10:34:48 44 involvement?---I don't know. I mean - we're meeting with  
10:35:03 45 the SDU so clearly it's around, around her but I don't know  
10:35:12 46 what was discussed.  
10:35:13 47

10:35:14 1 Perhaps if you can put up the SMLs for that date, 29 June  
10:35:18 2 2007. Do you see there at the top of the screen it records  
10:35:57 3 that meeting with Mr O'Brien, Dale Flynn, yourself,  
10:36:01 4 Mr Kelly. "Operation Purana re Milad Mokbel committal  
10:36:05 5 commencing on 2 July 2007. Issue that Flynn notes will  
10:36:10 6 reveal human source attending at police station on night  
10:36:15 7 [REDACTED] is arrested. [REDACTED] agrees to assist police and  
10:36:20 8 [REDACTED] and others. Agreed Flynn's  
10:36:24 9 notes to be redacted on this point. If cross-examined  
10:36:27 10 about the same will reveal human source attended and gave  
10:36:32 11 [REDACTED] legal advice. Human source to be protected because  
10:36:35 12 of current threat against the same"?--Yes.

10:36:38 13  
10:36:38 14 So you agree that those matters were discussed at that  
10:36:42 15 meeting?--I can't disagree, yep.

10:36:44 16  
10:36:47 17 It was agreed that notes would be redacted in that  
10:36:52 18 respect?--Well, I remember discussions about notes being  
10:36:58 19 redacted and I think the evidence suggests that they were  
10:37:01 20 redacted, so I accept they were.

10:37:04 21  
10:37:04 22 Do you know if there was any discussion about getting legal  
10:37:09 23 advice or what the court might require and what disclosure  
10:37:14 24 might require?--No.

10:37:16 25  
10:37:19 26 Do you think that there would have been those discussions  
10:37:22 27 or it just simply wouldn't have been discussed?--I don't  
10:37:34 28 know. The difficulty is, you know, balancing her two  
10:37:39 29 roles. You know, as an informer, yep, we'd be entitled not  
10:37:44 30 to disclose it. Yep, I understand that, you know, there's  
10:37:48 31 other things that have to occur, but her role as a, you  
10:37:53 32 know, solicitor, barrister, whatever, you know, ordinarily  
10:37:57 33 we wouldn't be entitled to.

10:37:59 34  
10:37:59 35 Ordinarily, well it's not a basis for redacting notes that  
10:38:03 36 someone is representing someone?--No, unless of course  
10:38:06 37 she's a source.

10:38:10 38  
10:38:10 39 All right?--But that's the whole point, isn't it? That's  
10:38:14 40 the whole difficulty of it. None of us would ever be here  
10:38:20 41 if there wasn't that second part of it, and that second  
10:38:22 42 part of it has implications with disclosure and PII.  
10:38:27 43 That's the whole difficulty. I'm not suggesting we did it  
10:38:31 44 right or we couldn't have done it better, but they're the  
10:38:34 45 issues that we were all trying to navigate.

10:38:37 46  
10:38:37 47 Take out of the fact she was a source out of that?--But

10:38:42 1 you can't.  
10:38:42 2  
10:38:42 3 Take out the fact she was a source, there's no basis upon  
10:38:46 4 to redact her turning up and providing advice on the  
10:38:50 5 night?---No, but we're all here talking about it, the fact  
10:38:54 6 that she is. How can I put my thought process in place  
10:38:59 7 saying she wasn't? Ordinarily, any other circumstance  
10:39:00 8 you're absolutely right.  
10:39:00 9  
10:39:01 10 It would then deny when questioned upon on the subsequent  
10:39:05 11 hearings defence ability to examine on the influence that  
10:39:09 12 lawyer might have brought to bear on subsequent statements  
10:39:11 13 or assistance that they gave to the police, do you agree  
10:39:14 14 with that?---I think that's probably the end result. I  
10:39:17 15 don't think - well I can't speak for others. I don't think  
10:39:20 16 I could ever have had the foresight to turn my mind to it  
10:39:26 17 to that extent.  
10:39:27 18  
10:39:28 19 A few days later the committal proceeding occurred with a  
10:39:31 20 number of those people that I mentioned before, Milad,  
10:39:39 21 **Mr Ketch** Barbaro, Bayeh, **Mr Irons** ?---Yes.  
10:39:43 22  
10:39:43 23 Milad on the first day went straight hand-up brief?---Yes.  
10:39:48 24  
10:39:48 25 That meant he was taken out of court pretty quickly and  
10:39:52 26 wasn't present for examination thereafter?---Yes.  
27  
10:39:53 28 Of witnesses. Others examined witnesses and stayed in  
10:39:58 29 court?---Yes.  
10:39:58 30  
10:39:58 31 All of them or some of them?---I'm not sure. I know  
10:40:11 32 Dominic Barbaro did because he was my accused. I think  
10:40:15 33 they must have because it went for several days, so they  
10:40:18 34 must have. I don't remember but I think they did. Tony  
10:40:21 35 Bayeh certainly did I think.  
10:40:23 36  
10:40:23 37 All right. Now the following day, 3 July, there's evidence  
10:40:28 38 Ms Gobbo has a meeting with the SDU, an in person meeting  
10:40:36 39 and there's discussion at that stage about Mr O'Brien  
10:40:39 40 having been examined and the issue hadn't come up during  
10:40:42 41 his examination, so there was that relief at that point in  
10:40:46 42 time. Now, if I could just put up this piece of transcript  
10:40:52 43 for you, it's VPL.6030.0005.7227. This is part of a  
10:41:01 44 transcript of 3 July at p.121 of that transcript. No, not  
10:41:40 45 the committal transcript, an audio transcript. I'll read  
10:41:50 46 it to you. Maybe I put in the wrong reference. It's p.121  
10:41:56 47 there. Sorry, that's it, yep. So these might have the

10:42:00 1 wrong pseudonyms on them of who was present for your  
10:42:04 2 purposes, but for other purposes it'll be fine. There's a  
10:42:08 3 conversation there and the lead in to this conversation,  
10:42:11 4 just to explain to you, there's a conversation happening in  
10:42:14 5 relation to Mr Karam because around that time Ms Gobbo's  
10:42:21 6 provided some information to her handlers that ultimately  
10:42:26 7 leads to the tomato tins arrests?---Okay.

10:42:29 8  
10:42:29 9 And there's a discussion of Mr Karam being represented by  
10:42:32 10 her when he's arrested potentially?---Yes.

10:42:37 11  
10:42:37 12 You'll see there Mr Jones says, "All right, it's really  
10:42:42 13 important for all of us that you don't represent anyone.  
10:42:44 14 M'mm", says Ms Gobbo. Mr Jones, "I'd hate to think that  
10:42:46 15 ultimately a conviction could be overturned because there  
10:42:49 16 was an allegation or a suggestion or a bloody inquiry in  
10:42:52 17 relation to whether he got completely unbiased  
10:42:55 18 uncompromised defence". Ms Gobbo says, "Who's ever going  
10:42:59 19 to know about that?" She goes on, "And there's already 20  
10:43:02 20 people in that category". Mr Jones says, "I know, I know.  
10:43:06 21 Don't think we haven't thought about this day in and day  
10:43:09 22 out". Ms Gobbo says, "I do". And Mr Jones goes on, "I  
10:43:15 23 fully expect that you would", and on it goes. There's an  
10:43:22 24 acknowledgement there that she's continually acting in  
10:43:28 25 conflict in relation to people, people are not getting  
10:43:31 26 unbiased and uncompromised defences. Do you accept  
10:43:37 27 that?---Well, I mean - as a general proposition,  
10:43:51 28 absolutely, I have to accept that, absolutely. You know, I  
10:43:57 29 mean I look at it now and I go, "Yeah, okay, yep,  
10:44:01 30 definitely".

10:44:04 31  
10:44:04 32 There's - - - ?---You know, like at the time, we're talking  
10:44:08 33 about, you know, a defence, I don't know whether you're  
10:44:11 34 talking from a disclosure angle or whether you're talking  
10:44:14 35 about her independence in representing people. You know, I  
10:44:18 36 didn't see that. You know, and I don't know, I'm happy for  
10:44:22 37 you to take me to a specific example where she's, you know,  
10:44:26 38 defending someone but, you know, in a compromise, so - - -

10:44:33 39  
10:44:33 40 What I suggest to you is it's entirely apparent to members  
10:44:38 41 of the SDU that this is occurring. It's for the same  
10:44:41 42 reasons, you're in possession of all the knowledge and the  
10:44:43 43 investigators and admittedly you're a Senior Constable and  
10:44:48 44 you have superiors above you, but it's entirely apparent to  
10:44:53 45 the investigators involved in all of this that people are  
10:44:56 46 getting compromised legal representation. They're not  
10:44:57 47 getting unbiased, independent representation, to such an

10:45:01 1 extent that we might have an inquiry that overturns these  
10:45:04 2 convictions?---Yeah, well I think, you know, you can't  
10:45:09 3 argue with that sitting here right now. You can't argue  
10:45:12 4 with that. I mean as I think I said the other day, you  
10:45:15 5 know, if, you know - it doesn't make any sense for us to  
10:45:25 6 have known it was so fraught yet just plough on anyway  
10:45:31 7 because it's all for nothing. You know, like the whole  
10:45:34 8 point of what we were doing was trying to, you know, put  
10:45:38 9 serious offenders in custody for offences they had  
10:45:43 10 committed. You know, there was a lot of bad things going  
10:45:51 11 on for a lot of different reasons. You know, what is the  
10:45:53 12 point of all that to do it in a way that would just render  
10:45:56 13 it useless. It just makes no sense.

10:45:58 14  
10:45:58 15 It only makes sense if you're going to cover up the things  
10:46:01 16 that might make it useless?---From the day [REDACTED]  
10:46:09 17 [REDACTED] in those circumstances, and then did what [REDACTED]  
10:46:13 18 [REDACTED], you know, the seed was sown and I  
10:46:19 19 remember having the conversation at the time, we can never  
10:46:22 20 hide from the fact that [REDACTED]  
10:46:27 21 and she didn't tell anyone about it. It was always, it was  
10:46:31 22 always, and you look at the sudden receiving of threats and  
10:46:36 23 everything, that's exactly what happened, that's exactly  
10:46:40 24 happened.

10:46:40 25  
10:46:40 26 Beyond that the idea was to hide that she'd in fact been  
10:46:44 27 responsible for getting him in custody in the first  
10:46:46 28 place?---Well she was an informer. I think there's, you  
10:46:50 29 know, forget VicPol's policies but, you know, even within  
10:46:54 30 the judiciary there's, you know, the legal system, there's  
10:46:57 31 protection for informers, yet did we apply it correctly?  
10:47:01 32 It would appear not. But there's protection. I think  
10:47:04 33 there's well understood the informer protection.

10:47:06 34  
10:47:07 35 And there's a limit to that protection?---There is a limit  
10:47:09 36 as we discussed the other day.

10:47:12 37  
10:47:12 38 That limit is the fair trial of an accused?---Yes.

10:47:15 39  
10:47:16 40 Okay. The committal is going on at this stage. You would  
10:47:20 41 understand what an order for witnesses out of court  
10:47:22 42 meant?---Yes.

10:47:23 43  
10:47:24 44 And the purpose of such an order is to ensure that  
10:47:28 45 witnesses coming after other evidence are not influenced  
10:47:32 46 and don't manipulate their own evidence?---Yes.

10:47:36 47

10:47:36 1 To suit the evidence before it?---Yes.  
10:47:39 2  
10:47:42 3 If we go to the script of p.130 of that same conversation,  
10:47:54 4 This is again 3 July and I'll just generally take you  
10:47:59 5 through that. You see where the x's are I think that  
10:48:06 6 relates to [REDACTED]. Just so you're aware they're having  
10:48:10 7 some discussion about [REDACTED]. Ms Gobbo says that she's  
10:48:16 8 on the phone to him on the Sunday and they'd been having  
10:48:20 9 really intense conversations on the weekend about the  
10:48:23 10 committal and that that had continued today. Mr Jones  
10:48:31 11 interrupts, he says, "Sorry about interrupting, but is he",  
10:48:35 12 being [REDACTED], "Going to lie about it or is he going to  
10:48:39 13 claim privilege about your stuff?" Do you see that?---Yes.  
10:48:41 14  
10:48:44 15 So there seems to be some sort of discussion there as to,  
10:48:49 16 well, is he just going to straight up lie or is he going to  
10:48:53 17 claim privilege about her involvement? No advice one way  
10:48:58 18 or the other. We go on. Ms Gobbo says, "He knows that  
10:49:03 19 Flynn got asked the question" and just to put you in the  
10:49:06 20 picture or to remind you, on that day it seems as though  
10:49:10 21 Mr Flynn had gotten asked such a specific question that he  
10:49:14 22 had to provide, to give evidence that Ms Gobbo had attended  
10:49:17 23 on the night. Do you recall that occurring?---No, but I  
10:49:20 24 accept that.  
10:49:21 25  
10:49:23 26 So Ms Gobbo says, "He knows that Flynn got asked that  
10:49:27 27 question did she attend, and he knows that Flynn  
10:49:30 28 unfortunately had to say I was there". She goes on, "And  
10:49:34 29 he knows that on that basis he can't let his hero Dale  
10:49:39 30 Flynn down by lying. So now the cat's out of the bag he  
10:49:42 31 can't lie about it". She goes on, "And I've said to Flynn  
10:49:48 32 he, you know, he hangs off your every word. I said to him  
10:49:52 33 that you can't because apparently what happened is that  
10:49:56 34 [REDACTED] rang Flynn this morning, when he rang me he'd spoken  
10:50:02 35 to Flynn and he said, he didn't tell me very much and I  
10:50:05 36 said to [REDACTED], 'I told you before he can't, he's a  
10:50:09 37 witness, he's not allowed to talk to people'", and that's a  
10:50:13 38 reference to that order for witnesses out of court,  
10:50:16 39 Mr Flynn couldn't talk to [REDACTED] about his evidence.  
10:50:20 40 And Ms Gobbo is saying, "But I can and I said to him, I  
10:50:24 41 understand that this is what happened. I actually said to  
10:50:27 42 him, 'You want the good news or the bad news?' He says,  
10:50:30 43 'Give me the bad news'. I told him exactly what he was  
10:50:33 44 asked and what his answers were. He goes, 'How could Dale  
10:50:36 45 have done that?' I said, 'Listen [REDACTED], Dale said to me  
10:50:41 46 that when the question got asked, he was fucked, he  
10:50:44 47 couldn't say anything else', like they were his exact

10:50:47 1 words". Ms Gobbo goes on, "Now I said he couldn't say  
10:50:51 2 anything. I said, 'He can't claim privilege on the name of  
10:50:53 3 a person. He can't do that'. And [REDACTED] is saying,  
10:51:00 4 '[REDACTED]'s going to fuckin' kill you', blah, blah, blah. I  
5 said, "It's done, it's out, it's the truth. He had to say  
10:51:05 6 it'. And I said, 'You can't let him down by saying  
10:51:08 7 anything different, we've been through it before' and so  
10:51:11 8 forth. What you said to me, what you told me privilege,  
10:51:17 9 privilege, privilege, they cannot make you answer those  
10:51:20 10 questions". Do you see that?---Yes.

10:51:23 11  
10:51:23 12 Were you aware that Ms Gobbo was at that time still  
10:51:27 13 providing [REDACTED] with legal advice?---I don't know if  
10:51:35 14 that qualifies as legal advice. I know they used to talk  
10:51:39 15 all the time.

10:51:39 16  
10:51:40 17 In the context where she's supposedly providing advice and  
10:51:43 18 representation to Milad Mokbel?---Well, is she? You know,  
10:51:49 19 I know - I don't know whether she is, you know.

10:51:52 20  
10:51:53 21 You don't know whether she is?---What date was this  
10:51:56 22 conversation?

10:51:57 23  
10:51:57 24 This conversations 3 July?---So the committal has started?

10:52:00 25  
10:52:00 26 The committal has started?---Did she appear for Milad at  
10:52:05 27 the committal? My understanding is she didn't.

10:52:07 28  
10:52:08 29 He went straight hand-up, didn't he?---Yeah, but you've  
10:52:10 30 still got to have someone appearing for you.

10:52:12 31  
10:52:12 32 He might have had a solicitor do a straight hand-up brief,  
10:52:12 33 you might not have a barrister turn up to do that. You're  
10:52:15 34 aware that she's been providing Milad Mokbel with  
10:52:18 35 advice?---I understand that. We're talking about in the  
10:52:20 36 context of the committal, I don't think she's representing  
10:52:23 37 him at that point in time.

10:52:25 38  
10:52:26 39 Can you switch it on and off? At this point she's  
10:52:30 40 representing [REDACTED], at this point she's representing  
10:52:34 41 Milad and that's all okay. You can't do that, can  
10:52:36 42 you?---It's probably a question for her. I mean, you know,  
10:52:38 43 from her point of view ethically you probably can't. I  
10:52:42 44 mean, I don't think we're going to pretend it doesn't  
10:52:46 45 happen, it doesn't still happen, it hasn't always happened.  
10:52:51 46 Like it does. Like, you know, if we're talking solely on  
10:52:55 47 conflict - - -

10:52:57 1  
10:52:57 2 And what we're seeing - - - ?---You know.  
10:52:59 3  
10:52:59 4 - - - play out here is the police involved effectively in  
10:53:04 5 running the rabbit, getting, they know that Ms Gobbo is  
10:53:09 6 getting information from Flynn and others about what's  
10:53:12 7 going on in court and running it over to [REDACTED] ?---Well,  
10:53:17 8 no, I think [REDACTED] - - -  
10:53:17 9  
10:53:17 10 In contravention of court orders?---It isn't [REDACTED]. I  
10:53:22 11 mean that's a lot for me to digest.  
10:53:25 12  
10:53:26 13 This is Ms Gobbo giving an account of telling [REDACTED]  
10:53:30 14 what's gone on in court?---No, isn't it [REDACTED]? She's  
10:53:33 15 relaying what [REDACTED]'s told her.  
10:53:36 16  
10:53:36 17 She's relaying a conversation that she's had with [REDACTED]  
10:53:39 18 about what's gone on in court. That's the effect of that  
10:53:44 19 conversation. "Dale said this in court." She's telling  
10:53:50 20 [REDACTED] what Dale had said in court so he can therefore  
10:53:53 21 adjust his evidence, he can choose not to lie now, he must  
10:53:59 22 claim privilege?---You've had time to read through it. I  
10:54:03 23 haven't read through it. But I'm not going to comment, to  
10:54:05 24 me that seems - I'm not saying you're wrong, but there's a  
10:54:08 25 fair bit going on there with respect.  
10:54:10 26  
10:54:10 27 What would be the obligation on police if they're aware of  
10:54:13 28 contravention of court orders in such a  
10:54:20 29 circumstance?---Who's - who's contravening the order are  
10:54:25 30 you saying?  
31  
10:54:25 32 I'm just saying the SDU are sitting there listening to  
10:54:29 33 Ms Gobbo tell them that she's effectively contravening  
10:54:34 34 court orders. There's an order for witnesses out of court.  
10:54:38 35 "Mr Flynn can't tell [REDACTED] these things, but I can tell  
10:54:41 36 him these things", court are being contravened so that this  
37 witness is becoming aware of matters that the witness ought  
10:54:47 38 not be aware of.  
10:54:47 39  
10:54:48 40 MS ARGIROPOULOS: Commissioner, there's a lot of  
10:54:50 41 propositions put in that question in circumstances where  
10:54:51 42 the witness has indicated if he wants the time taken to  
10:54:56 43 read the transcript he should do that. It seems to me  
10:54:59 44 that's an unfair question in the circumstances that  
10:55:02 45 indicated has been given, that there's a lot of going on  
10:55:05 46 that he hasn't digested.  
10:55:08 47

10:55:09 1 MS TITTENSOR: I'll sit down and allow the witness to read  
10:55:12 2 it?---All I can say is Ms Gobbo is not a witness, Mr Jones  
10:55:17 3 is not a witness. If Mr Flynn has said something to her  
10:55:19 4 and then she says it to [REDACTED], if that's the way it  
10:55:21 5 goes, I mean, yep, it shouldn't occur. I'm not going to  
10:55:26 6 suggest that that's some attempt by Mr Flynn to, you know,  
10:55:30 7 circumvent an order.  
10:55:32 8  
10:55:32 9 I'm not suggesting it's an attempt by Mr Flynn to  
10:55:36 10 circumvent an order. I'm suggesting that - I'm asking if  
10:55:42 11 you become aware as a member of Victoria Police that court  
10:55:45 12 orders are being circumvented in such a way, what's your  
10:55:50 13 obligation?---Well, I think as an informant I would notify  
10:55:56 14 the prosecutor. I mean in these circumstances it's got to  
10:55:59 15 be an appreciation I guess from the police member involved  
10:56:03 16 that the order is in place and in fact it is being  
10:56:07 17 breached, which again I think is probably - I can't talk  
10:56:09 18 for what he would think. You know, whether that would  
10:56:12 19 occur to him at the time, I'm not, I'm not, I'm not sure,  
10:56:17 20 I'm not sure it would, you know, I'm not sure if I was  
10:56:21 21 involved in that conversation that that's, that that would  
10:56:25 22 be my thought process, I would be circumventing an order.  
10:56:29 23 You know, I don't think it would.  
10:56:30 24  
10:56:32 25 I'm not sure if I'm meant to be tendering these extracts of  
10:56:39 26 conversations separately, Commissioner.  
10:56:44 27  
10:56:44 28 COMMISSIONER: (Indistinct). Perhaps to be safe you should  
10:56:49 29 tender it.  
10:56:50 30  
10:56:51 31 MS TITTENSOR: There's been two in the last little while.  
10:57:01 32  
10:57:01 33 COMMISSIONER: They were both on 3 July, aren't they?  
10:57:04 34  
10:57:04 35 MS TITTENSOR: Yes Commissioner.  
10:57:06 36  
10:57:07 37 #EXHIBIT RC764A - (Confidential) Extracts from the.  
10:57:09 38 transcript of the audio between Nicola  
10:57:12 39 Gobbo and the SDU handlers on 3 July,  
10:57:18 40 p.121 and p.130.  
10:57:35 41  
10:57:37 42 #EXHIBIT RC764B - (Redacted version.)  
10:57:37 43  
10:57:39 44 MS TITTENSOR: If I can bring up an email,  
10:57:42 45 CNS.0005.0001.0045. If we can scroll through to the - if  
10:57:59 46 we can scroll through. If you can just scroll up. Sorry,  
10:58:19 47 back a bit. There's been a query, it seems, as to the

10:58:24 1 representation of Milad and you send an email, this is  
10:58:31 2 from, a query from Corrections and then it seems to be an  
10:58:34 3 email from you in response. And this is 1 August 2007.  
10:58:39 4 "As far as we're concerned Milad is being represented by  
10:58:44 5 Lewenberg and Lewenberg, the solicitor is Avi Furstenberg.  
6 We have nothing to suggest that's changed recently as far  
10:58:52 7 we can tell and neither Nicola Gobbo nor Alistair Grigor  
10:58:55 8 are acting in any official capacity for Milad"---Yes.  
10:58:59 9  
10:58:59 10 Now, were you aware that she was acting in an unofficial  
10:59:05 11 capacity for Milad Mokbel?---I don't think that's a  
10:59:08 12 reference for that, I think that - well, the difficulty was  
10:59:14 13 her association with the family so, you know, this is a  
10:59:19 14 common thread through this whole thing, you know, we  
10:59:22 15 discussed the other days there's the difference between  
10:59:26 16 official, unofficial, I don't know.  
10:59:28 17  
10:59:29 18 Corrections are concerned about whether appropriate  
10:59:32 19 professional visits are being conducted or professional  
10:59:36 20 telephone calls, is that right?---Yeah, I think there -  
10:59:37 21 perhaps she was trying to go see him I think, maybe, from  
10:59:40 22 memory, and they were inquiring whether that was  
10:59:43 23 appropriate, because I think she was going to see  
10:59:46 24 [REDACTED].  
10:59:46 25  
10:59:47 26 Is there a reason why you say, "Well, as far as we can tell  
10:59:50 27 no official representation", but why don't you tell them  
10:59:54 28 unofficially behind the scenes she's representing and  
10:59:58 29 advising him?---I don't know. I don't know. Like I don't  
11:00:07 30 know what the date of that other email is. I think they  
11:00:11 31 may have already been aware at that point in time.  
11:00:13 32  
11:00:14 33 If we can scroll up?---I'm not saying that's the reason but  
11:00:18 34 they may have already been aware.  
11:00:19 35  
11:00:21 36 Someone else says "as suspected", and then if we can scroll  
11:00:25 37 up, Tracey Tosh indicates that, "Milad is providing us with  
11:00:35 38 a letter confirming he's willing to speak with Mr Grigor.  
11:00:40 39 Interesting spin though. I've questioned Nicola's position  
40 with Dale Flynn a couple of times. I think it is a  
11:00:45 41 conflict of interest to represent [REDACTED] in his criminal  
11:00:49 42 matters, that other witness there in relation to personal  
11:00:53 43 matters and to continue, and that other witness being  
11:00:56 44 someone who also provided a statement in respect of Milad  
11:01:01 45 Mokbel, and to continue to visit Milad"---Yes.  
11:01:04 46  
11:01:05 47 Do you see that? So were you aware that Corrections were

11:01:08 1 raising concerns about Ms Gobbo's position in respect of  
11:01:13 2 conflicts between these various people?---I don't know. It  
11:01:18 3 doesn't ring a bell but if I'm in the email chain then  
11:01:22 4 clearly I was aware.  
11:01:23 5  
11:01:24 6 I tender that email, Commissioner.  
11:01:25 7  
11:01:27 8 #EXHIBIT RC765A - (Confidential) Email chain of 1/8/07  
11:01:32 9 between various people at Corrections  
11:01:34 10 and Rowe.  
11:01:40 11  
11:01:40 12 #EXHIBIT RC765B - (Redacted version.)  
11:01:42 13  
11:01:42 14 WITNESS: I mean, just bearing in mind - - -  
11:01:44 15  
11:01:44 16 COMMISSIONER: Just a minute please.  
11:01:44 17  
11:01:45 18 MR McDERMOTT: Sorry Commissioner, just with the contact  
11:01:47 19 details for that particular officer, if that could not be  
11:01:50 20 as part of the tender.  
11:01:53 21  
11:01:53 22 COMMISSIONER: It will be A and B is confidential and then  
11:01:55 23 B will be the one that goes out in public form and it can  
11:01:59 24 be dealt with at that stage.  
11:02:01 25  
11:02:02 26 WITNESS: Tracey Tosh is looking at it from the prison  
11:02:05 27 management point of view, so whilst I know she's used the  
11:02:08 28 conflict of interest she's coming at it from a prison  
11:02:11 29 security angle.  
11:02:13 30  
11:02:13 31 MS TITTENSOR: She's actually talking about representing,  
11:02:15 32 do you see that, I think there's a conflict of interest to  
11:02:18 33 represent <sup>PII</sup> [REDACTED] in his criminal matters?---I understand  
11:02:21 34 that. But, and again you can ask her if you want, but  
11:02:27 35 she's, she was in charge of all the major offenders at that  
11:02:31 36 prison at the time and who wasn't able to interact with who  
11:02:36 37 and communicate with who was her full-time job. While I  
11:02:42 38 understand she's worded it from a - I don't think she's  
11:02:43 39 coming at it from a, you know, fairness to the accused  
11:02:47 40 position. I think she's coming at it from a, you know,  
11:02:50 41 what's being passed between people within the prison.  
11:02:53 42  
11:02:53 43 She seems to be asking some questions that might be a bit  
11:02:56 44 broader than that because she's questioning Dale Flynn  
11:03:00 45 about it as well?---She needs the information so she can  
11:03:03 46 make her assessment as to the security. I mean, Tracey  
11:03:07 47 Tosh, she's a manager at a prison.

11:03:10 1  
11:03:10 2 If we can go to another email dated 6 September 2007,  
11:03:16 3 VPL.6030.0031.6754. You see there there's an email from  
11:03:51 4 Heyes to Kelly, or Rebecca Heyes to Jason Kelly?---Yes.  
11:03:56 5  
11:03:56 6 Heyes H-e-y-e-s?---Yes.  
11:03:59 7  
11:03:59 8 Wanting a DNA reference sample from Milad Mokbel?---Yes.  
11:04:02 9  
11:04:03 10 And if we scroll up. Including the date, please. This is  
11:04:16 11 6 September 2007 and you're replying to Jason Kelly that  
11:04:22 12 you'd asked Nicola to inquire with Milad as to whether  
11:04:25 13 he'll consent and you'll let him know how you go. Again,  
11:04:31 14 you're inquiring with Nicola Gobbo in her capacity as a  
11:04:37 15 legal representative for Milad Mokbel. This is September  
11:04:40 16 2007?---Yes.  
11:04:41 17  
11:04:42 18 Dealing with her again as his lawyer?---Yes.  
11:04:45 19  
11:04:46 20 I tender that email, Commissioner.  
11:04:48 21  
11:04:53 22 #EXHIBIT RC766A - (Confidential) Email 6/9/07 to Jason  
11:04:54 23 Kelly.  
11:04:54 24  
11:04:55 25 #EXHIBIT RC766B - (Redacted version.)  
11:04:59 26  
11:04:59 27 Are you aware around that time Ms Gobbo charged a fee  
11:05:04 28 through instructing solicitors Mr Grigor for providing  
11:05:08 29 advice as to the resolution of Milad Mokbel's matter?---No,  
11:05:11 30 I'm not aware of that.  
11:05:12 31  
11:05:23 32 There's a conversation Ms Gobbo has with the SDU around 30  
11:05:29 33 January 2008 referring to there having been a muck up of  
11:05:37 34 payments made to [REDACTED]. You're aware that Ms Gobbo  
11:05:42 35 originally had been making some payments into [REDACTED]  
11:05:48 36 [REDACTED]?---Yes, I believe so.  
11:05:50 37  
11:05:50 38 Which had been taken over by Purana?---Yes.  
11:05:52 39  
11:05:52 40 And she indicated or the SDU indicated that they'd spoken  
11:05:57 41 to you about the muck up in those payments?---Perhaps.  
11:06:01 42  
11:06:02 43 You don't dispute that?---Don't dispute that.  
11:06:05 44  
11:06:06 45 Do you know why Purana were making those payments to  
11:06:08 46 [REDACTED] and that it was being held out to [REDACTED] that  
11:06:13 47 Ms Gobbo was making those payments?---I don't know why that

11:06:19 1 part of it. I know the thought process behind paying was I  
11:06:25 2 think he'd been wiped by everyone in his circle, his  
11:06:29 3 family, his friends, so I think that's, that was the  
11:06:37 4 reasoning behind it.

11:06:37 5  
11:06:38 6 All right. One of the people that you refer to in your  
11:06:42 7 statement is Dominic Barbaro?---Yes.

11:06:45 8  
11:06:45 9 Paragraph 92, you talk about his being arrested on 17 May  
11:06:51 10 2006. He was one of the people you were the informant  
11:06:54 11 for?---Yes.

11:06:55 12  
11:06:55 13 He was charged with trafficking in large commercial  
11:06:59 14 quantities of drugs?---Before you start this topic, could  
11:07:03 15 we have an early break, please? I need to take the long  
11:07:07 16 walk.

11:07:08 17  
11:07:08 18 COMMISSIONER: Yes, all right then.

11:07:37 19  
11:07:38 20 (Short adjournment.)

21  
11:31:34 22 COMMISSIONER: Yes, Ms Tittensor.

11:31:36 23  
11:31:36 24 MS TITTENSOR: Thanks Commissioner. Mr Rowe, I was just  
11:31:38 25 asking you about Dominic Barbaro. He was arrested on 17  
11:31:42 26 May 2006, charged with a large commercial quantity of  
11:31:45 27 drugs. That related to the property at which <sup>PII</sup>  
11:31:51 28 [REDACTED]?---Yes.

29  
11:31:54 30 You say in your statement you don't believe Ms Gobbo had  
11:31:57 31 any involvement as he was represented by solicitors and  
11:32:01 32 counsel from New South Wales?---Yes.

33  
11:32:04 34 What I'll suggest to you, and I'll take you through some  
11:32:08 35 material, is that she was involved in his representation  
11:32:10 36 for a period of time and that those solicitors and counsel  
11:32:13 37 only came in towards the end of the time that Mr Barbaro  
11:32:20 38 was represented?---They definitely appeared for him at the  
11:32:23 39 committal and at his plea and sentence I believe.

40  
11:32:27 41 Yes. At the outset do you recall that there was a bail  
11:32:31 42 application being made by Mr Richter in relation to  
11:32:36 43 Mr Barbaro's matter after his arrest?---I assume he made a  
11:32:43 44 bail application but I don't actually remember Mr Richter  
11:32:47 45 appearing, but yep.

46  
11:32:49 47 There's some ICRs, and we can put this up if we need to, on

11:32:53 1 17 May 2006 at p.302. Ms Gobbo is talking to the handlers  
11:32:58 2 about Mr Richter representing him on the bail application  
11:33:02 3 and there's comment within the ICRs, "Will cross-examine  
11:33:07 4 informant re informers and when Ms Gobbo knew of arrest".  
11:33:14 5 You'll see there it's under - the time on the left-hand  
11:33:17 6 side is 20:52, do you see that?---Yep.  
7

11:33:21 8 And at the bottom of that passage it indicates that the SDU  
11:33:25 9 have advised Detective Sergeant Flynn and they've been told  
11:33:30 10 that you're the informant and you're aware of the  
11:33:33 11 issues?---Yes.  
12

11:33:36 13 Now, did you have a discussion around that time about the  
11:33:39 14 issues of Ms Gobbo's involvement becoming apparent through  
11:33:46 15 cross-examination in a bail application?---I don't remember  
11:33:51 16 that specifically but, you know, there was the issue of  
11:33:57 17 [REDACTED] and [REDACTED] and her was there all  
11:34:02 18 the time, so.  
19

11:34:03 20 Yes. If we skipped forward to 6 December and 11 December  
11:34:08 21 2006, Ms Gobbo's speaking to her handlers about Mr Barbaro  
11:34:13 22 having come to her for advice and that she was nominating  
11:34:16 23 that he might be [REDACTED] by the [REDACTED]  
11:34:20 24 [REDACTED]. Was that information that was ever conveyed to  
11:34:23 25 you?---I don't think she had anything to do with him. He  
11:34:30 26 was sort of a different criminal circle.  
27

11:34:34 28 It's the type of conversations that you would have and the  
11:34:38 29 relationship you would have with the SDU, is that people  
11:34:41 30 might be identified and nominated as someone that might be  
11:34:44 31 able to assist; is that right?---Generally, yes. Like I  
11:34:59 32 think we were - we would nominate people, I think, that,  
11:35:06 33 you know, were perhaps of interest to us or who we thought  
11:35:09 34 could - and I guess it would go the other way. I just  
11:35:14 35 can't see how he would be able, you know, or what he would  
11:35:19 36 be able to provide. It doesn't ring a bell to me.  
37

11:35:22 38 On 15 December 2006 there's a committal mention in relation  
11:35:25 39 to those matters, Barbaro and others, do you recall that,  
11:35:29 40 and you might have that in your diary?---What was the date,  
11:35:32 41 sorry?  
42

11:35:33 43 15 December 2006?---Yes.  
44

11:35:52 45 The OPP records indicate that Ms Gobbo appeared on behalf  
11:35:55 46 of Mr Barbaro on that day?---Okay.  
47

11:36:01 1 That would make sense given that in the weeks prior to that  
11:36:05 2 she's been telling her handlers that he'd come to her for  
11:36:08 3 advice and she'd been speaking to him a number of times in  
11:36:11 4 the weeks prior to that. If she was appearing for him on  
11:36:15 5 that day you would have known that, you would have been in  
11:36:18 6 court and you would have known who was standing up and  
11:36:21 7 appearing for him?--Well, I assume so. I mean all [REDACTED]  
11:36:29 8 accused are on that day, so.  
9

11:36:31 10 You couldn't have missed it?---Oh, I don't know.  
11

11:36:36 12 She tells the handlers that his bail conditions had been  
11:36:39 13 reduced on that day, so presumably for that to have  
11:36:42 14 occurred you might have had to have some discussions with  
11:36:44 15 her?---I don't remember her ever representing him, I really  
11:36:52 16 don't, particularly, you know, [REDACTED]  
11:36:59 17 [REDACTED] on the same day, so I don't know.  
18

11:37:05 19 The OPP records have her appearing for him. She's got  
11:37:08 20 herself advising him with handlers. You wouldn't dispute  
11:37:13 21 that that was the circumstance, I take it?---Oh - - -  
22

11:37:19 23 And you wouldn't dispute that at that time you would have  
11:37:23 24 known about that necessarily because she would have been  
11:37:25 25 standing up in court for him?---I don't know. I can't say.  
11:37:30 26 It doesn't, it doesn't ring a bell at all but I accept what  
11:37:37 27 you're saying.  
28

11:37:38 29 If we went to the ICRs on 30 May 2007, Ms Gobbo is talking  
11:37:43 30 to her handlers indicating that Mr Barbaro should plead at  
11:37:48 31 that stage, she's having that conversation with  
11:37:50 32 them?---Okay.  
33

11:37:51 34 At paragraph 154 of your statement you've got yourself  
11:37:57 35 speaking with Ms Gobbo and telling her that you'd have an  
11:38:02 36 answer for her re Barbaro that afternoon?---Yes.  
37

11:38:04 38 And that's something that you've noted in your  
11:38:09 39 diary?---Yes.  
40

11:38:10 41 I take it that must have been in relation to her having  
11:38:13 42 some role to play with Mr Barbaro?---It must have.  
43

11:38:22 44 COMMISSIONER: Are you standing up because you're more  
11:38:24 45 comfortable?  
46

11:38:25 46 MR McDERMOTT: I'm sorry, Commissioner, I was just about to  
47

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COMMISSIONER: I'm sorry, I thought you must have had a bad back.

MR McDERMOTT: Not at all. I'm exceedingly apologetic to interrupt. There was a reference before to [REDACTED] to Mr Barbaro that I'm just not sure about that. I might take some instructions, so I'm wondering if I could tentatively have a non-publication order in relation to that reference about the [REDACTED].

MS TITTENSOR: Commissioner, it wasn't a reference to [REDACTED] [REDACTED], it was a reference to Ms Gobbo suggesting that he might be [REDACTED].

MR McDERMOTT: Yes. I wouldn't mind taking some instructions in relation to that. I appreciate that I'm being exceedingly cautious, I just wouldn't mind speaking with my instructors.

COMMISSIONER: The reference to the words [REDACTED] were made, they're certainly made at 9448, line 1. Are they made anywhere else?

MR McDERMOTT: I think it was only briefly in relation to that. I'm sorry, I didn't take a note, I don't have the live transcript in front of me.

MS TITTENSOR: I might say for the purposes of our transcript at least, there's no suggestion that there was [REDACTED], Commissioner.

COMMISSIONER: I don't want anybody being put at risk.

MR McDERMOTT: I'm really am just seeking to take a precautionary approach in relation to that, Commissioner, and I suspect I can get back to you very quickly.

COMMISSIONER: The words [REDACTED] wherever they're made, either in submissions or in questioning are removed for the time being in the transcript.

MS TITTENSOR: Line 24, 9486 of the transcript, Commissioner.

COMMISSIONER: 9486 and 9488, line 5 and 8, and during the

11:40:36 1 submissions.  
11:40:38 2  
11:40:38 3 MS TITTENSOR: And I might say there's some further  
11:40:40 4 questions along this line coming up, Commissioner.  
5  
11:40:48 6 COMMISSIONER: If you can say the matter that we were  
11:40:50 7 discussing rather than using the word [REDACTED].  
11:40:59 8  
11:41:00 9 MS TITTENSOR: Mr Rowe, you indicate, as I've just taken  
11:41:04 10 you to, that you spoke with Ms Gobbo and you would have an  
11:41:12 11 answer in relation to Barbaro to her on 12 June?---Yes.  
12  
11:41:18 13 That can only be in relation to some sort of negotiation  
11:41:22 14 you're having with her in relation to Mr Barbaro?---I don't  
11:41:33 15 know. That doesn't sit right in my memory.  
16  
11:41:41 17 The timing of this is weeks out from the committal of  
11:41:44 18 Mr Barbaro and Milad Mokbel and others?---Yes.  
19  
11:41:50 20 At ICR 891 Ms Gobbo is recorded as speaking with her  
11:41:56 21 handlers again that night. She tells them that Barbaro was  
11:42:01 22 almost willing to plead guilty but now he's received some  
11:42:04 23 funding from Shane Moran and that solicitor Valos had been  
11:42:12 24 paid for a committal?---Okay.  
25  
11:42:13 26 So she's discussing with her handlers that there'd almost  
11:42:18 27 been a plea of guilty that very day. Would you accept that  
11:42:21 28 you were having a discussion with her about Barbaro  
11:42:24 29 pleading guilty?---I accept it's possible. I don't  
11:42:29 30 remember it. I don't remember having any involvement with  
11:42:31 31 him, I really don't.  
32  
11:42:39 33 And you do accept though that this was another case in  
11:42:43 34 which she was completely conflicted and ought not have been  
11:42:48 35 acting?---I accept that.  
36  
11:42:51 37 On 14 June 2007 the ICRs indicate that Ms Gobbo is speaking  
11:42:56 38 to the handler, that Mr Valos had been replaced by a Sydney  
11:43:01 39 solicitor. Then later on 23 December 2008 Ms Gobbo reports  
11:43:12 40 that Mr Barbaro had been sentenced and got nine months'  
11:43:17 41 gaol and two years suspended. Do you recall ultimately a  
11:43:20 42 sentence of that nature?---No. I accept that.  
43  
11:43:26 44 She told her handlers that she'd been asked to help file an  
11:43:30 45 appeal for him and she made similar representations again  
11:43:38 46 that I raised with you earlier?---Okay.  
47

11:43:43 1 She told the handler at that stage that you were the  
11:43:45 2 informant in the matter. Is that the type of thing you  
11:43:50 3 would have been contacted about at the time?---In what  
11:43:57 4 aspect, the appeal?  
5

11:43:59 6 The aspect that I raised with you before. Clearly there  
11:44:05 7 are a number of points where people are vulnerable and the  
11:44:09 8 Drug Squad or the police approached them to try and see if  
11:44:13 9 they're willing to assist the police in terms of witness  
11:44:17 10 statements and so forth, and this would be a situation, or  
11:44:24 11 one of those situations, where he's just been sentenced or  
11:44:28 12 just been dealt with?---Yeah, I don't think we had a huge  
11:44:33 13 interest in him but ultimately if she's saying that to her  
11:44:38 14 handlers and then they're passing that on to me, I would  
11:44:42 15 expect that would be recorded in their contact report.  
16

11:44:46 17 I've taken you through some of your evidence in relation to  
11:44:49 18 Operation Gosford?---Yes.  
19

11:44:53 20 One of the people against whom [REDACTED] provided a  
11:44:57 21 statement do you know was someone called Mr [REDACTED]?---Yes.  
22

11:45:03 23 He's someone that was associated with the Mokbels?---Yes.  
24

11:45:09 25 In July of 2006 Ms Gobbo's talking with her handler about  
11:45:16 26 one of [REDACTED]'s preliminary statements which had  
11:45:19 27 included matters relating to Mr [REDACTED] or his being  
11:45:23 28 implicated, along with various others?---Yes.  
29

11:45:27 30 And that related to [REDACTED] matters; is that right?---I  
11:45:30 31 believe so, yes.  
32

11:45:34 33 You were aware as part of your role as a primary  
11:45:36 34 investigator in Operation Gosford that Ms Gobbo continued  
11:45:42 35 to associate with Mr El-Hage?---Yes.  
36

11:45:45 37 You're aware he was one of the people against whom she was  
11:45:48 38 providing information to her handlers?---I'm not sure about  
11:45:52 39 that. I know they were together, for example, on the day  
11:45:57 40 her car got set fire to.  
41

11:45:58 42 It wouldn't surprise you that if she was having regular  
11:46:03 43 dinners with Mr El-Hage that she was reporting to her  
11:46:06 44 handlers activities that he might have been getting up to  
11:46:09 45 on those occasions?---It wouldn't surprise me. I don't  
11:46:13 46 remember him ever being sort of one of our targets or  
11:46:16 47 certainly someone I had been interested in, so whether the

11:46:21 1 information came to me or not I don't know.  
2

11:46:23 3 He was someone of interest in relation to Operation Gosford  
11:46:27 4 for a time?---He was, yes.  
5

11:46:29 6 In around about February of 2008 do you recall an incident  
11:46:36 7 where Ms Gobbo reported that her mother had found a toy dog  
11:46:41 8 stuffed in the letter box?---Yes.  
9

11:46:43 10 And that was taken as a threat?---Yes.  
11

11:46:45 12 She reports that she spoke to Purana investigators and you  
11:46:50 13 were coming back off leave and she'd speak to you after you  
11:46:53 14 came back off leave?---Yes.  
15

11:46:54 16 She does that a few days later. She's telling - this is  
11:46:59 17 ICR 31 of the 2958 ICRs. She tells them that she'd spoken  
11:47:07 18 to you, this is on 6 February. She says at the same time  
11:47:12 19 that - and you'll see that on your screen there, there's a  
11:47:15 20 bolded El-Hage?---Yes.  
21

11:47:18 22 She's spoken to you in the normal course of questioning  
11:47:26 23 about who she'd seen prior to the arrival of the dog. She  
11:47:29 24 mentions El-Hage and the fact that he'd been trying to  
11:47:32 25 communicate with her on his terms late at night, et  
11:47:35 26 cetera?---Yes.  
27

11:47:38 28 She states that he, Mr El-Hage, was still trafficking and  
11:47:42 29 that Jason Kelly had not completed the brief yet, which is  
11:47:46 30 why he hadn't been charged yet, and I think she's there  
11:47:50 31 referring to the brief, the historical brief [REDACTED]  
11:47:55 32 [REDACTED], would that be right?---I don't  
11:48:01 33 think so, but - - -  
34

11:48:02 35 He went on to be charged with those historical  
11:48:04 36 matters?---Yeah, but by Dale Flynn I thought.  
37

11:48:07 38 I think you're right about that matter. I don't know if  
11:48:12 39 Jason Kelly had other matters that he was interested in as  
11:48:15 40 well?---I'm not sure.  
41

11:48:17 42 She indicates that El-Hage was trying to update Horthy  
11:48:20 43 Mokbel about who'd made statements against them, that is  
11:48:26 44 the Mokbels and others?---Yep.  
45

11:48:27 46 And that she was only going to see El-Hage in daylight  
11:48:31 47 hours near her work location?---Yes.

1  
11:48:36 2 The following month Ms Gobbo's receiving more threats,  
11:48:40 3 abusive phone calls and so forth. There's an email  
11:48:49 4 VPL.6030.0031.1616 of you wanting Ms Gobbo to give you a  
11:48:57 5 call. Do you recall an email of that sort of nature?---No.  
6  
11:49:05 7 There it is on the screen. Around that time in your diary  
11:49:13 8 you've got a series of entries relating to reports from  
11:49:17 9 Ms Gobbo?---Yes.  
10  
11:49:19 11 On the 5th and 6th of March of that year?---Yes.  
12  
11:49:25 13 2008. You've got a discussion with Butterworth on the 6th  
11:49:33 14 I think, and is it the case that you were having a  
11:49:35 15 discussion with Mark Butterworth about engineering a  
11:49:38 16 confrontation with a suspect and getting Ms Gobbo to report  
11:49:41 17 it?---Let me just find it in my diary please.  
18  
11:50:08 19 Your diary may or may not recall the details of the  
11:50:12 20 conversation with Mr Butterworth, I think it's on the 6th  
11:50:15 21 that you have that conversation. But do you recall a  
11:50:17 22 scenario being suggested at some point in time about  
11:50:20 23 engineering a confrontation with a suspect and getting  
11:50:22 24 Ms Gobbo to record it?---I think it was recording the phone  
11:50:26 25 conversation.  
26  
11:50:31 27 There's a diary entry of one of the handlers that indicates  
11:50:33 28 that they raise an SDU issue because of the possibility of  
11:50:39 29 subsequent scrutiny of any recording at court and they  
11:50:43 30 viewed the conventional means of identifying threats better  
11:50:46 31 than Ms Gobbo getting involved in that way, so it seems as  
11:50:52 32 though that matter didn't proceed in those terms?---I think  
11:50:57 33 there was two different, there was a phone call with  
11:51:04 34 Mr Bayeh I think, and then I think at one point in time she  
11:51:08 35 was going to meet with El-Hage again and I think there was  
11:51:13 36 some discussions about her recording the conversation.  
37  
11:51:16 38 With Mr El-Hage?---Yeah, I believe so.  
39  
11:51:18 40 There was some concern that if anything came of that she  
11:51:21 41 might be a witness and it all might be scrutinised at  
11:51:24 42 court?---I don't know whether that was our concern. I  
11:51:26 43 think it was her refusal to do it, so perhaps that was her  
11:51:30 44 concern, I don't know.  
45  
11:51:32 46 On 16 April her car was set fire to?---Yes.  
47

11:51:38 1 You were on leave at the time that that occurred?---Yes.  
2

11:52:05 3 And you spoke to Ms Gobbo and a number of other people  
11:52:10 4 following your return from leave?---Yes.  
5

11:52:13 6 One of the matters you spoke to Ms Gobbo about was the need  
11:52:15 7 for a statement?---Yes.  
8

11:52:17 9 And there was careful consideration as to what went in that  
11:52:22 10 statement and what to leave out of that statement, would  
11:52:24 11 you agree?---No, I think it was just a sort of ownership,  
11:52:31 12 circumstance statement. I don't think there was - - -  
13

11:52:33 14 The statement didn't refer to all the other threats that  
11:52:36 15 she'd been getting and the reason potentially behind those  
11:52:39 16 threats?---It didn't refer to that, no.  
17

11:52:42 18 And that was a conscious decision not to refer to all those  
11:52:46 19 other matters in that statement?---Probably not so much the  
11:52:50 20 other threats. I mean I'm not sure that that would have  
11:52:56 21 made any difference. But certainly the motivation behind  
11:52:59 22 it you wouldn't put in a statement, no.  
23

11:53:05 24 There were newspaper reports around the time that indicated  
11:53:09 25 that bags of cash had been pulled from the car, were you  
11:53:11 26 aware of that?---I don't know whether I was aware of it at  
11:53:14 27 the time. I've heard about it the lead-up to this  
11:53:17 28 proceeding, but that's not correct.  
29

11:53:20 30 Not to your knowledge at the time?---Not to my knowledge,  
11:53:23 31 no.  
32

11:53:24 33 One of the people that Ms Gobbo had been out to dinner with  
11:53:27 34 at that stage was Mr El-Hage?---Yes.  
35

11:53:30 36 And you spoke to Mr El-Hage as part of your  
11:53:33 37 investigations?---Yes.  
38

11:53:37 39 Subsequent to that Mr El-Hage and a number of others were  
11:53:43 40 arrested in relation to those other matters by Dale  
11:53:47 41 Flynn?---Yes.  
42

11:53:47 43 You're aware that Ms Gobbo represented Mr El-Hage when he  
11:53:51 44 was arrested?---No.  
45

11:53:52 46 That Ms Gobbo made arrangement was Mr Flynn for El-Hage to  
11:54:01 47 surrender himself at her chambers?---No.

1  
2 That she made arrangements with Mr Flynn as to the terms of  
3 the consent bail for Mr El-Hage, are you aware of  
4 that?---No.  
5  
6 And that she was then involved in preparing committal  
7 documents for Mr El-Hage, are you aware of that?---No.  
8  
9 Clearly in all of this we have a situation where Ms Gobbo  
10 has been an informer against [REDACTED]?---Yes.  
11  
12 [REDACTED] was the person who provided the evidence against  
13 Mr [REDACTED]?---Yes.  
14  
15 Ms Gobbo was acting as a purported lawyer for [REDACTED]  
16 after he was charged?---Yes.  
17  
18 After her providing information against him. You may not  
19 have known this or you may have known some of it at the  
20 time, but she was also an informer against Mr El-Hage, as  
21 I've taken you to some of that material?---Yeah, and I  
22 probably should ask you to clarify, but I don't know  
23 whether you're referring to her providing information to me  
24 about the threats and El-Hage or whether you're talking  
25 about wider drug dealing.  
26  
27 At this stage I'm talking about her as a human source  
28 reporting Mr El-Hage still trafficking and so forth?---No,  
29 I don't think - - -  
30  
31 I've just taken you to that?--- - - - I was aware of that.  
32  
33 She's a potential victim in relation to matters where  
34 Mr El-Hage might be the suspect?---Yes.  
35  
36 And she knows that?---Um - - -  
37  
38 Or she knows that Mr El-Hage is a suspect and she's  
39 indicating wariness about dealing with him?---Well she was,  
40 I mean - I would never have said to her he was a suspect,  
41 I don't even know whether he would have got to that point,  
42 to be honest, but I mean she's not silly. She knew the  
43 circumstances. She was wary, she was wary of everyone.  
44  
45 She's a witness in relation to her car being fire  
46 bombed?---Yes.  
47

11:56:12 1 And then she becomes a lawyer for Mr El-Hage at the end of  
11:56:17 2 all that?---Yes.  
3  
11:56:18 4 It's a complete mess?---It is.  
5  
11:56:28 6 In around about mid-2008 you go for a time from Purana to  
11:56:33 7 Homicide?---Yes.  
8  
11:56:37 9 I think you're back at Purana before too long; is that  
11:56:40 10 right?---Four months or something.  
11  
11:56:43 12 You have some sporadic contact with Ms Gobbo during that  
11:56:46 13 time?---Yes.  
14  
11:56:48 15 You give her your contact details when you go so that - - -  
11:56:53 16 ?---I think she asked for them.  
17  
11:56:55 18 Around that time you've got an interest in Mr Higgs, John  
11:57:01 19 Higgs?---Yes.  
20  
11:57:02 21 Is that right?---Yes.  
22  
11:57:07 23 Is it that you want to speak to Mr Higgs or you're  
11:57:11 24 interested in investigating Mr Higgs around that  
11:57:13 25 time?---No, we just wanted to speak to him.  
26  
11:57:16 27 Is there a reason why you're seeking from Ms Gobbo his  
11:57:22 28 details on the quiet for that reason?---Sorry?  
29  
11:57:28 30 Is there a reason why you're seeking his details from  
11:57:31 31 Ms Gobbo, as opposed to just approaching Mr Higgs?---Well,  
11:57:44 32 I think I asked for his bail address so I think I wanted to  
11:57:47 33 confirm where he was actually living so we could approach  
11:57:50 34 him.  
35  
11:57:52 36 You refer in paragraph 174 to an email of 11 August.  
11:57:58 37 You're aware that he's arrested by the AFP for the tomato  
11:58:04 38 tins importation around that time?---Yes.  
39  
11:58:07 40 He and Mr Karam are all arrested on 8 August?---Yes.  
41  
11:58:11 42 A few days before that. You're aware, I take it, that  
11:58:15 43 Ms Gobbo becomes involved in representing a number of those  
11:58:18 44 people at subsequent hearings?---I mean I'm aware now but  
11:58:23 45 at the time, it had just happened, so yep.  
46  
11:58:27 47 Well, you're aware that previously Ms Gobbo had represented

11:58:31 1 Karam?---No.  
2  
11:58:32 3 She was representing him in mid-2007 at his trial and had  
11:58:37 4 represented him in 2006. That would have been something  
11:58:43 5 you would have been aware of presumably at least in  
11:58:47 6 relation to your role as the primary investigator for  
11:58:49 7 Operation Gosford, what matters she was currently involved  
11:58:54 8 in?---I'm not saying I didn't but it doesn't ring a bell  
11:58:58 9 now.  
10  
11:59:00 11 Are you aware that she'd previously represented  
11:59:10 12 Mr Higgs?---I may have been but I'm not sure.  
13  
11:59:13 14 How was it that you knew to go to her in relation to  
11:59:16 15 getting details for Mr Higgs?---Well I think I initially  
11:59:24 16 inquired if she'd represented anyone that had been arrested  
11:59:29 17 and she sort of - she didn't say either way. She said,  
11:59:36 18 "I've had a few phone calls", which to me I took as she  
11:59:41 19 wasn't representing anyone. Perhaps I knew she had  
11:59:45 20 appeared at something, I don't know.  
21  
11:59:48 22 You spoke to her with an offsider on 12 August about - you  
11:59:55 23 say welfare issues and Mr Higgs; is that right?---12  
12:00:05 24 August, sorry, in 2008?  
25  
12:00:07 26 Yes, you refer to that at paragraph 175 of your  
12:00:28 27 statement?---Yes.  
28  
12:00:30 29 The ICR for that date, p.553, indicates, if can you see  
12:00:43 30 there at 16:32, a few boxes down from there, reports to her  
12:00:49 31 handlers about talking with you about the 15 million pill  
12:00:52 32 importation?---Yes.  
33  
12:00:56 34 Discussing conflict, areas of conflict in relation to  
12:01:03 35 PII, her relationship with the SDU, there being a  
12:01:08 36 moral conflict and the implications of those things, her  
12:01:12 37 worry about getting murdered and potentially moving to a  
12:01:18 38 new State with a new job?---Yes.  
39  
12:01:20 40 And that you had advised her to "just go"?---Yes.  
41  
12:01:27 42 And that she told you that she'd asked for the SDU's help  
12:01:31 43 to get a new job and she was getting frustrated with her  
12:01:34 44 situation?---Yes.  
45  
12:01:40 46 The SDU advised her that you weren't aware at that stage of  
12:01:43 47 all the issues concerning her?---Yes.

1  
12:01:51 2 She told the handlers that you were interested in  
12:01:53 3 information in relation to Higgs and RK, being Robbie  
12:01:59 4 Karam?---Yes.  
5  
12:01:59 6 Were you interested in getting information from her in  
12:02:02 7 relation to Mr Karam as well?---I think I probably, and I  
12:02:10 8 don't remember specifically, I never had any involvement in  
12:02:13 9 his investigation or anything to do with him so I don't  
12:02:16 10 think I had any interest in him from that point of view.  
12:02:22 11 He must have come up in conversation surrounding the whole  
12:02:26 12 tomato tins thing, that was I think topical at the time  
12:02:31 13 given what had just occurred.  
14  
12:02:33 15 You email her not long thereafter stating something like  
12:02:38 16 "good result"?---Yes.  
17  
12:02:41 18 Relating you think to a bail application or an unsuccessful  
12:02:47 19 bail application for the tomatoes tins?---Yeah, it was  
12:02:50 20 probably - she was worried about - she was worried about  
12:02:52 21 the whole thing given how it started and she was worried  
12:02:56 22 about people getting bail and then being at freedom to  
12:03:01 23 potentially do her harm. So I think, I can't remember who,  
12:03:05 24 but someone had a bail application and it was unsuccessful.  
25  
12:03:09 26 So you're aware at that stage that she's worried about the  
12:03:11 27 whole thing in terms of the tomato tins given how it  
12:03:14 28 started. You must be aware, having said that, how it  
12:03:17 29 started and that it started with her?---Yes.  
30  
12:03:21 31 You were cognisant of that at that time?---I believe so,  
12:03:24 32 yes.  
33  
12:03:27 34 How did you become aware of that?---I think I was told by  
12:03:34 35 someone within Purana either when it sort of first kicked  
12:03:45 36 off and then got handed over to the Drug Squad and then the  
12:03:49 37 AFP, I think. Or perhaps once it had resolved someone had  
12:03:55 38 said something, obviously because it was a fairly  
12:03:59 39 significant seizure, but at some point in time someone told  
12:04:03 40 me.  
41  
12:04:06 42 Now then following that at paragraph 178 and 179 of your  
12:04:09 43 statement you refer to an exchange of emails with Ms Gobbo  
12:04:15 44 and if we have a look at the emails, VPL.6030.0005.9966.  
12:04:26 45 She leaves an envelope for you?---Yes.  
46  
12:04:30 47 You refer to it containing some sort of summary?---Yes.

1  
12:04:37 2 And not liking how they do "their" summary, so you assume  
12:04:40 3 it's a summary from the AFP?---Yes.  
4  
12:04:42 5 To be contrasted with how you do your summaries at Victoria  
12:04:46 6 Police. She's left you some AFP material for reading. Do  
12:04:55 7 you know what that was and why it was that she gave that to  
12:04:58 8 you?---Well it was a summary of some sort. Whether it was  
12:05:05 9 a summary from the brief or a summary of the bail summary.  
12:05:11 10 I don't know why she did it. I didn't ask for it. You  
12:05:16 11 know, I don't know, maybe she thought she was doing us a  
12:05:19 12 favour, I don't know.  
13  
12:05:23 14 You're aware that she represented a number of the people  
12:05:28 15 arrested in that Operation at their bail hearings around  
12:05:31 16 that time?---It doesn't ring a bell now. Whether I was  
12:05:37 17 aware at the time, I don't know.  
18  
12:05:43 19 Late October 2008 you return to the Purana Task  
12:05:48 20 Force?---Yes.  
21  
12:05:48 22 Was there a reason you transferred back?---It was just  
12:05:53 23 Homicide Squad at that point in time was just temporary  
12:05:57 24 duties.  
25  
12:05:57 26 You came back to deal with some of those Mokbel proceedings  
12:06:00 27 that were still outstanding I take it?---Whatever was going  
12:06:04 28 on.  
29  
12:06:07 30 Ms Gobbo in early January 2009, you had some further  
12:06:12 31 dealings with her in relation to a letter box incident.  
12:06:20 32 You refer to that in your statement. That was an  
12:06:23 33 interesting time for her, she was at that stage in the  
12:06:25 34 process of making a statement in relation to the Petra  
12:06:28 35 matter. Were you aware of that when you dealt with her at  
12:06:31 36 the time?---No.  
37  
12:06:35 38 You're aware shortly thereafter that she became a witness  
12:06:39 39 against Paul Dale?---Yeah, I'm not sure when the moment in  
12:06:43 40 time was that we became aware. I think it was probably  
12:06:48 41 after it had actually occurred, but there is a moment,  
12:06:51 42 which I thought was 2010, but obviously I might be wrong,  
12:06:54 43 where we get told she's now a witness and that's it, no  
12:06:58 44 more contact.  
45  
12:07:00 46 She becomes a witness and he's charged with the murder of  
12:07:03 47 Christine and Terrence Hodson?---Yes.

1  
12:07:07 2 You speak in your statement about having had a further  
12:07:12 3 contact with her in relation to meeting at a [REDACTED]  
12:07:17 4 [REDACTED]?---Yes.  
5  
12:07:17 6 After she'd become a witness?---Yes.  
7  
12:07:19 8 And she spoke about her frustration and the changes in her  
12:07:23 9 life since becoming a witness?---Yes.  
10  
12:07:26 11 Do you know at what point, where the proceedings were at,  
12:07:32 12 at that point in time?---I don't other than, you know, the  
12:07:37 13 concerns around her safety were obviously significant  
12:07:43 14 because I was think she was pretty much under constant  
12:07:46 15 supervision, monitoring, protection, whatever the right  
12:07:48 16 word is, by members of Victoria Police and that was  
12:07:53 17 apparent in how that meeting unfolded.  
18  
12:07:56 19 You say in your statement there that this was a few months  
12:08:01 20 after she'd become a witness, so that would seem to suggest  
12:08:04 21 early 2009 that that meeting took place?---I don't know. I  
12:08:07 22 can't find a reference in my diary so I don't know. I know  
12:08:10 23 it happened and I know, you know, she was in that 24 hour  
12:08:14 24 protection period, but I don't know when it was.  
25  
12:08:20 26 You're aware that those charges were withdrawn following  
12:08:25 27 the death of Carl Williams?---Yes.  
28  
12:08:28 29 And you're aware that she brought and settled civil  
12:08:32 30 proceedings against Victoria Police?---Yes.  
31  
12:08:35 32 But then again she was to be a witness again against Paul  
12:08:39 33 Dale in relation to some ACC charges?---Yes.  
34  
12:08:43 35 That occurred in 2011, and that Boris Buick was the  
12:08:47 36 informant in relation to those matters?---No, I didn't know  
12:08:50 37 that.  
38  
12:08:52 39 Were you aware that she was then withdrawn as a witness in  
12:08:55 40 those matters?---I'm not sure. I'm not sure.  
41  
12:09:04 42 Were you aware that throughout that period of time where  
12:09:08 43 she was a potential witness in a number of proceedings that  
12:09:11 44 there were significant concerns about disclosure, the need  
12:09:16 45 to potentially disclose her role as a human source and what  
12:09:22 46 that might mean for convictions and other cases in which  
12:09:25 47 she'd provided a compromised defence potentially?---I mean

12:09:31 1 the concerns I think are obvious but we weren't getting - I  
12:09:35 2 mean by 2011 I'm at the Homicide Squad so I had nothing to  
12:09:41 3 do with it, and even in the period where I was back at  
12:09:44 4 Purana we weren't getting a commentary on what was going on  
12:09:47 5 with Petra I think it was at the time. We basically didn't  
12:09:52 6 know anything, we just got told one day that we're not to  
12:09:56 7 have any further contact and she was now a witness and  
12:10:00 8 being handled by Petra and that was the end of it.  
9  
12:10:03 10 During 2011 Mr Mokbel entered a plea of guilty, that was in  
12:10:07 11 April of 2011. You were involved in those proceedings; is  
12:10:13 12 that right?---Yes.  
13  
12:10:15 14 Were you an informant?---Yes.  
15  
12:10:20 16 He entered that plea in April of 2011 and a number of sets  
12:10:25 17 of charges were withdrawn?---Yes.  
18  
12:10:26 19 And he pleaded to a number of sets of others?---Yep.  
20  
12:10:29 21 Who was involved from the police in the discussions that  
12:10:31 22 achieved that resolution?---I think it was primarily Jim  
12:10:46 23 O'Brien.  
24  
12:10:46 25 Jim O'Brien had left the police at that stage?---Oh, had  
12:10:50 26 he?  
27  
12:10:50 28 Long left in 2007?---I don't know then. No, I'm not sure.  
12:11:01 29 I know I was waiting to hear whether, like, my charges were  
12:11:05 30 going to remain or be withdrawn. You know, there was a  
12:11:09 31 whole team at the OPP dealing with it so I don't know who  
12:11:13 32 was the - it might have been - I don't know.  
33  
12:11:22 34 Are you aware whether there was any concern about  
12:11:25 35 particular sets of charges in relation to Ms Gobbo's  
12:11:29 36 involvement and that's why some might have been withdrawn  
12:11:32 37 and not others?---No, no.  
38  
12:11:35 39 Were you having any contact with Ms Gobbo during that  
12:11:38 40 period of time?---No, I think I referenced the last contact  
12:11:42 41 I had with her in my statement.  
42  
12:11:46 43 Following entering a plea in April of 2011 an issue arose  
12:11:51 44 in another case of Marijancevic, you're aware of  
12:11:56 45 that?---From memory - - -  
46  
12:11:57 47 About the practice of not swearing affidavits

12:11:59 1 properly?---Oh yes, yes.  
2

12:12:02 3 And Mr Mokbel wanted to withdraw his plea and challenge the  
12:12:06 4 admissibility of evidence against him?---Yes.  
5

12:12:10 6 You and a number of other police gave evidence in those  
12:12:14 7 proceedings?---Yes.  
8

12:12:21 9 Was there ever any discussion around - well clearly  
12:12:27 10 Mr Mokbel was interested in a challenge to, a potential  
12:12:31 11 challenge to evidence that might have been inadmissible in  
12:12:35 12 his case?---Yes, specifically to the swearing of  
12:12:38 13 affidavits.  
14

12:12:39 15 Yes. Well that's something that he became aware of and  
12:12:44 16 upon becoming aware of that sought to challenge?---Yes.  
17

12:12:48 18 Sought to withdraw his plea so he could challenge the  
12:12:50 19 admissibility of that evidence. You would no doubt have  
12:12:55 20 been very conscious that if he was aware that there was  
12:12:58 21 another basis for other evidence in his case to be  
12:13:02 22 potentially be ruled inadmissible or challenged he would  
12:13:06 23 have taken it?---I'm sure he would.  
24

12:13:09 25 He potentially at that stage had a greater chance of  
12:13:16 26 challenging evidence against him because of Ms Gobbo's  
12:13:20 27 involvement in the conduct of various aspects of his  
12:13:25 28 case?---Yes, it's certainly something that would be  
12:13:31 29 explored.  
30

12:13:33 31 Did anyone during that period of time ever say, "Hang on a  
12:13:37 32 minute, we've got this issue with Ms Gobbo. He might have  
12:13:42 33 this possibility of challenging evidence in his  
12:13:47 34 case"?---No.  
35

12:13:48 36 Other than on this Marijancevic basis?---No, well, not to  
12:13:53 37 my knowledge.  
38

12:13:53 39 At the end of that year, whilst those proceedings were  
12:13:56 40 still on foot, people were still being called and examined  
12:14:00 41 in the Supreme Court before Justice Whelan, the police  
12:14:03 42 obtained an advice which indicated that Mr Mokbel might  
12:14:07 43 challenge his convictions should Ms Gobbo's role become  
12:14:11 44 known?---Okay.  
45

12:14:12 46 Challenge his plea. Were you ever made aware of  
12:14:17 47 that?---No.

1  
12:14:21 2 Was there ever any discussion to your knowledge about some  
12:14:26 3 sort of advice that the police had obtained at that  
12:14:28 4 stage?---No, no.  
5  
12:14:39 6 Thanks Commissioner.  
7  
12:14:41 8 COMMISSIONER: Yes Mr Nathwani.  
12:14:42 9  
10 <CROSS-EXAMINED BY MR NATHWANI:  
11  
12:14:43 12 Mr Rowe, can we start with your statement please, paragraph  
12:14:49 13 11. It relates to some of the detail you gave when you  
12:14:52 14 gave evidence I think back in June of this year. Paragraph  
12:14:53 15 11 reads, "The suspicion knew at the MDID", and I assume  
12:14:57 16 your colleagues had, "was that Tony Mokbel encouraged and  
12:15:00 17 paid for Ms Gobbo to represent those whom assisted him with  
12:15:04 18 his criminal enterprise". Do you see that?---Yes.  
19  
12:15:07 20 And you set out, "In this role she would advise them  
12:15:09 21 against cooperating with police, establishing the means by  
12:15:12 22 which the accused had been implicated, establish the  
12:15:13 23 existence and strength of evidence against Mr Mokbel, seek  
12:15:15 24 to identify informers and ensure those charged would  
12:15:19 25 resolve their matters without implicating him. It was  
12:15:24 26 suspected the information was sought on his behalf and fed  
12:15:28 27 back to him"?---Yes.  
28  
12:15:29 29 Just pausing there. This was information or a suspicion  
12:15:31 30 you had prior to first meeting Ms Gobbo in August of  
12:15:35 31 2005?---Yes.  
32  
12:15:36 33 And just to be clear, you had never previously met or even  
12:15:40 34 spoken to Ms Gobbo prior to, or attempted to contact  
12:15:45 35 Ms Gobbo prior to 16 August 2005?---I don't believe so, no.  
36  
12:15:52 37 The view held was that - let's just put this in context.  
12:15:56 38 At that time Mr Mokbel's - I think you gave evidence at  
12:15:59 39 Mr Bickley's plea, it was put to you by Mr Dunn on his  
12:16:03 40 behalf, that Mokbel and Carl Williams in 2004/2005 were  
12:16:09 41 household names within Victoria and you agreed with  
12:16:13 42 that?---Yes.  
43  
12:16:14 44 And no reason to depart from that now. And as far as  
12:16:20 45 Mr Mokbel was concerned he initially - I'm just interested  
12:16:25 46 in the status of him and who was representing him at the  
12:16:29 47 time of Bickley's arrest in August 2005. So, see if this

12:16:35 1 can jog your memory. Mr Mokbel had three separate trials  
12:16:38 2 on the go at that time, does that help at all? No?---No.  
3  
12:16:46 4 It's a matter of record we can deal with in a different, or  
12:16:50 5 I can deal with it in a different way. But there were  
12:16:53 6 proceedings around the time of Bickley's arrest where he  
12:16:56 7 was represented by Mr Priest Queen's Counsel, leading  
12:17:02 8 Nicola Gobbo?---Okay.  
9  
12:17:03 10 And his solicitors instructed were Solicitor 2. Have you  
12:17:08 11 seen the pseudonyms, you know who I'm talking about?---Yes.  
12  
12:17:12 13 Going back then please just to the example before we go on  
12:17:16 14 to Ms Gobbo and her involvement with Mr Bickley. You  
12:17:19 15 became aware throughout your role as the informant as far  
12:17:24 16 as Bickley was concerned that Solicitor 2 visited  
12:17:27 17 him?---Yes.  
18  
12:17:27 19 In fact both Bickley and yourself gave evidence at  
12:17:31 20 Bickley's plea that not only did Solicitor 2 visit him,  
12:17:35 21 Solicitor 2 put a note up to the window to in effect say,  
12:17:39 22 "You'll be looked after, I've been sent by the following  
12:17:42 23 person"?---Yes.  
24  
12:17:43 25 That person was Mokbel?---Yes.  
26  
12:17:45 27 And the evidence you had before you from the source, as  
12:17:51 28 I've just indicated, was that all your fears in paragraph  
12:17:54 29 11 that we've referred to appeared to have been undertaken  
12:17:59 30 by Solicitor 2, as far as Bickley was concerned? So  
12:18:05 31 Bickley's arrested. Solicitor 2 goes down to visit him.  
12:18:08 32 He gives evidence at his plea that he'd been provided  
12:18:11 33 information that one of his co-accused had implicated  
12:18:14 34 him?---Yes.  
35  
12:18:15 36 So all the things that you're saying there that you had  
12:18:18 37 concerns about was in fact being demonstrated in front of  
12:18:22 38 your eyes a year later by Solicitor 2 as far as Bickley was  
12:18:27 39 concerned?---Yeah. Like I think I say in my statement that  
12:18:30 40 Solicitor 2 had a similar role and if you believe what  
12:18:35 41 Ms Gobbo says in that initial conversation with myself and  
12:18:39 42 the SDU, you know, she didn't know who he was, Mr Bickley,  
12:18:46 43 in those early stages.  
44  
12:18:47 45 Just coming on then to Mr Bickley. I just put it to you  
12:18:53 46 straight. Are you aware of his statement?---Yes.  
47

12:18:57 1 He indicates, in effect, and to be fair you deal with it,  
12:19:01 2 that when he was arrested - I'm reading a bit of his  
12:19:04 3 statement - that you commence the interview before pressing  
12:19:10 4 whether he, Bickley, wished to exercise his right to  
12:19:13 5 contact a legal practitioner once again. "To my  
12:19:16 6 recollection he", that's you, "suggested Ms Gobbo and  
12:19:18 7 called her mobile number on my behalf". Bickley says he'd  
12:19:22 8 never heard of Gobbo before, "nor was he advised by anyone  
12:19:26 9 other than Mr Rowe to contact her". The call's made and  
12:19:29 10 he, Bickley received Ms Gobbo's answering service, left a  
12:19:32 11 message for her to contact, okay? Then later, it's not  
12:19:37 12 entirely clear, but he seems to suggest that may have been  
12:19:40 13 the start of a conspiracy involving you and Ms Gobbo to in  
12:19:43 14 effect ultimately set him up, okay?---Yep.

15  
12:19:48 16 Broadly speaking what is your response to that  
12:19:50 17 allegation?---I think he - if you just take what I said in  
12:19:55 18 paragraph 11, the last person I would want him to ring at  
12:19:59 19 that moment in time would be Ms Gobbo for all the reasons  
12:20:02 20 that I stipulate in paragraph 11. Then if you look at what  
12:20:08 21 unfolds, clearly it's him that's insisting to speak to her.  
12:20:12 22 I think I sent my colleague to go and find the number.

23  
12:20:17 24 Your colleague is Liza Burrows?---Yes.

25  
12:20:20 26 If you go to the notes, I'm not going to take you through  
12:20:23 27 the interview, the Commissioner has seen the interview and  
12:20:26 28 in respects it speaks for itself, but there's a period of  
12:20:30 29 ten minutes where we're not clear what necessarily occurs.  
12:20:34 30 If we could pull your notes, VPL.0005.0107.0001\_R1S is the  
12:20:47 31 one I've got. If we can go down then please to 0024.  
12:21:26 32 Sorry, I've jumped ahead of myself. If we go to p.11,  
12:21:31 33 0011. This is just in the lead-up to Bickley's arrest. We  
12:21:48 34 see at the bottom there Monday 15 August 2005, you see at  
12:21:52 35 11.05 you're undertaking inquiries in relation to evidence  
12:21:57 36 in relation to Quills?---Yes.

37  
12:22:02 38 If we then go to the next page, it just shows what was  
12:22:06 39 going on, who was involved. 3 o'clock, so 15:00 again, and  
12:22:13 40 as a result of what you - the evidence you're obtaining,  
12:22:18 41 there you decide to undertake or set about the arrest  
12:22:22 42 phase?---Yes.

43  
12:22:25 44 We see then at 7 o'clock in the evening, so 19:00 at the  
12:22:30 45 bottom of that page, one of the co-accused is arrested, we  
12:22:35 46 see there "forced entry"?---Yes.

47

12:22:37 1 Given his rights, drugs found, pill press in garage?---Yes.  
2  
12:22:44 3 If we scroll down to the next page, please, 21:20. We see  
12:22:49 4 the co-accused selects a different solicitor, do you see  
12:22:52 5 that?---Yes, yes.  
6  
12:22:55 7 Looking at 23:34, the other co-accused - because another  
12:23:01 8 person was arrested - also after his arrest seeks a  
12:23:06 9 solicitor, again not Ms Gobbo?---Yes.  
10  
12:23:10 11 And just pausing there. Earlier we discussed Solicitor 2  
12:23:17 12 making Bickley aware - he gave evidence at his plea,  
12:23:20 13 Bickley, that he became aware that that person at 23:34 had  
12:23:25 14 provided material against him and we see Solicitor 2  
12:23:28 15 doesn't represent him there?---Doesn't represent?  
16  
12:23:31 17 The person at 23:34?---No, no. -  
18  
12:23:35 19 But later - - - ?---Later goes and sees him.  
20  
12:23:41 21 A few days later is telling Bickley exactly what's happened  
12:23:43 22 in the interview?---I think she goes and visits him.  
23  
12:23:48 24 At 08:10 we see co-accused 1 is starting to make  
12:23:53 25 admissions?---Yes.  
26  
12:23:54 27 Then if we go over to the top of the next page, 206.  
12:24:01 28 Again, further admissions. "There really isn't a logical  
12:24:04 29 reason, maybe I thought I was going to make a little bit of  
12:24:07 30 money on the side"?---Yes.  
31  
12:24:09 32 Just pausing there. At that stage the admissions they were  
12:24:12 33 making was accepting what they were heard to be discussing,  
12:24:15 34 you were putting in an interview to them?---Yes.  
35  
12:24:19 36 And that included Bickley talking on the phone and them  
12:24:24 37 identifying Bickley and in effect accepting what you were  
12:24:30 38 suggesting?---I can't remember how much I needed to put to  
12:24:30 39 them but they both made full admissions, so they disclosed,  
12:24:33 40 you know.  
41  
12:24:34 42 Now if we go down to - this is the relevant bit as far as  
12:24:40 43 this issue is concerned - 05:59. The interview is  
12:24:47 44 suspended because you offer Mr Bickley the opportunity to  
12:24:51 45 speak a solicitor?---Yes.  
46  
12:24:53 47 The transcript there appears to read, and if anyone wants

12:24:56 1 me to take you there I will, but I'll paraphrase it, it  
12:25:01 2 appears to read you asking if he wants a solicitor. He  
12:25:05 3 says he doesn't have a number and then you suggest  
12:25:08 4 providing the phone book, that's what the interview record  
12:25:12 5 suggests, and he asks then to see the phone book and then  
12:25:16 6 this occurs. 05:59, suspended. 06:05 phone number for  
12:25:26 7 Nicola Gobbo obtained by your colleague Burrows and given  
12:25:29 8 to Mr Bickley?---Yes.  
9

12:25:31 10 Where did the name Gobbo come from?---It can only have come  
12:25:35 11 from him.  
12

12:25:36 13 So after the six minute search we see a minute later your  
12:25:40 14 colleague - who makes the phone call, "Attempt made to  
12:25:43 15 contact mobile phone number", one of them for  
12:25:52 16 Ms Gobbo?---I've written it down, it's probably me.  
17

12:25:56 18 Then 06:06, "Attempt made to contact" - sorry, then  
12:25:57 19 underneath there's a recorded message to contact another  
12:26:01 20 number and you've got another number and then we see at  
12:26:05 21 6.07 you try again. Just pausing there. If this was a  
12:26:11 22 conspiracy involving you, Burrows and Ms Gobbo- - -  
12:26:17 23 ?---It's not very well executed.  
24

12:26:19 25 You might say so, because no one speaks to her?---No one  
12:26:24 26 speaks to her.  
27

12:26:25 28 Okay. What follows, if we go through the notes, is it  
12:26:31 29 becomes apparent pretty quickly given the admissions of the  
12:26:35 30 co-accused that they were considering providing assistance  
12:26:41 31 as against Mr Bickley?---Yes.  
32

12:26:47 33 If we then go to p.24 where we were I think, 31 August.  
12:26:58 34 Which is when you get contact with Ms Gobbo and these were  
12:27:06 35 your notes of the conversation you had with her?---Yes.  
36

12:27:12 37 You've given evidence, I'm not going to take you through  
12:27:15 38 them in any significant detail, but your evidence was you  
12:27:18 39 were surprised to be hearing this from a  
12:27:20 40 barrister?---Absolutely.  
41

12:27:24 42 Spoke to your superiors, Jim O'Brien, and decision made, as  
12:27:29 43 we see it, 9 in the morning, to attempt to record the same  
12:27:33 44 conversation in court?---Yes.  
45

12:27:34 46 To confirm the suspicions you had?---Yes.  
47

12:27:38 1 That then occurs again and that the bail application  
12:27:46 2 doesn't go ahead, and as we see, if we just go down, just  
12:27:50 3 to follow the process through, at p.25, just above 11  
12:27:58 4 o'clock we see - there it is - Gobbo acknowledged the  
12:28:04 5 mistake was by her solicitor, Solicitor 2, and that she  
12:28:07 6 would explain the circumstances to Bickley. So the bail  
12:28:10 7 application doesn't go ahead because he's not produced to  
12:28:12 8 the court?---Yes.  
9

12:28:15 10 You're obviously an experienced detective, you were giving  
12:28:18 11 evidence in June of this year as to how Ms Gobbo presented  
12:28:21 12 when she was telling you this. You said she was under  
12:28:27 13 obvious pressure?---Yes.  
14

12:28:30 15 And she expressed many of the fears a lot of the people  
12:28:35 16 have set out in relation to the control Mr Mokbel had over  
12:28:39 17 her?---Yes.  
18

12:28:40 19 You've said today you've changed your views about many  
12:28:43 20 things having heard what's happened at this Commission, but  
12:28:46 21 the answer you gave when you were asked about how she was  
12:28:49 22 and how she presented, and this is from your evidence  
12:28:53 23 previously, p.3259, you said this, "She was under - you  
12:28:57 24 can't fake the pressure and the body language and the tears  
12:29:01 25 and everything. You can't fake that. She was looking for  
12:29:04 26 assistance, I think. A way out. That's, that's what she  
12:29:07 27 was looking at at the time. I don't think it was part of a  
12:29:13 28 grand scheme or whatever else, she just needed to relieve  
12:29:20 29 the pressure she was under to do certain things on behalf  
12:29:22 30 of others". Now, do you still agree with the  
12:29:24 31 sentiments?---Yes, I do.  
32

12:29:26 33 You also gave evidence because whilst it's discussed in  
12:29:27 34 passing, at the plea of Bickley you were asked your view as  
12:29:30 35 to Mr Mokbel and his power and reach and Mr Dunn asked you,  
12:29:35 36 "Is it your view that Mokbel is a vicious and dangerous  
12:29:41 37 killer?" What would your response be now?---Well, he  
12:29:46 38 hasn't been convicted of anything but I think he was  
12:29:49 39 clearly entrenched in that world and what was going on, you  
12:29:53 40 know, in the early 2000s.  
41

12:29:55 42 Your evidence then was that he certainly - there was  
12:29:58 43 evidence to suggest that and that he was quite  
12:30:02 44 unscrupulous. Then you were asked about his ability or his  
12:30:08 45 prior conviction for attempting to bribe a County Court  
12:30:10 46 judge?---Yes.  
47

12:30:11 1 What follows is obviously you have contact with Ms Gobbo  
12:30:15 2 after you become aware that she's in effect been signed  
12:30:19 3 up?---Yes.  
4

12:30:22 5 Part of that contact appears to continue through the  
12:30:28 6 position with the Bickley and [REDACTED] meeting that results  
12:30:36 7 in Bickley's arrest again?---Yes.  
8

12:30:39 9 And then continues throughout. As far as your knowledge of  
12:30:42 10 Ms Gobbo's use being authorised, do you understand her use  
12:30:49 11 as an informer had been authorised by your  
12:30:53 12 superiors?---Yes.  
13

12:30:54 14 How high up?---Well, I think I said the other day at least  
12:30:58 15 Commander level. I mean I think the registration process  
12:31:04 16 ordinarily has to be Superintendent level. So that's the  
12:31:06 17 bare minimum. The first meeting I'm at there's an Acting  
12:31:11 18 Commander there. You know, Purana was a bit of a different  
12:31:15 19 beast where the Assistant Commissioner had fairly close  
12:31:18 20 oversight, so I know the bosses would brief up to that  
12:31:21 21 level.  
22

12:31:21 23 And that was Simon Overland?---Yes, yep, certainly at one  
12:31:25 24 point in time.  
25

12:31:28 26 Were Purana encouraged to use the services of  
12:31:39 27 Ms Gobbo?---Well, I mean I don't know about encouraged but  
12:31:49 28 by virtue of her making it through the registration  
12:31:52 29 process, you know, all the risk assessments have been done  
12:31:55 30 that needed to be done, so once it's been authorised at  
12:31:58 31 that level for her to be registered then the logic follows  
12:32:04 32 that we're then entitled to use the information.  
33

12:32:12 34 Just following that through, the position you took, and  
12:32:16 35 whether you can speak to those in Purana or other Task  
12:32:21 36 Forces or not, was that it had been authorised from the top  
12:32:24 37 and as such you were entitled to use the services?---Yes,  
12:32:27 38 and I think if you look at the investigation plans and  
12:32:31 39 operation orders and everything else that followed, it's  
12:32:36 40 all based around, you know, specific objectives that, you  
12:32:39 41 know, to a large degree were as a result of information she  
12:32:43 42 was supplying and that's - I mean all the policy and  
12:32:48 43 arguments and everything else, that's the whole reason we  
12:32:51 44 were there, you know, like a whole Task Force getting  
12:32:53 45 funded and approved and everything that goes with it,  
12:32:56 46 that's the whole point of us being there.  
47

12:33:00 1 So it's fair to say that all of the conduct or actions  
12:33:04 2 taken as far as Ms Gobbo is concerned by you certainly, and  
12:33:08 3 possibly your colleagues, should be seen in that  
12:33:10 4 context?---Absolutely.  
5

12:33:11 6 The other contact you had with her, and Ms Tittensor has  
12:33:15 7 taken you then through the examples of the Barbaros, the  
12:33:19 8 getting the phone number, the Higgs, that was always done  
12:33:23 9 on the basis, well, it had been approved by those at the  
12:33:26 10 top, Overland, et cetera?---Well it wasn't - you know, none  
12:33:34 11 of this was being done, you know, in secret, what I mean,  
12:33:40 12 like within Victoria Police. Like, you know, there was -  
12:33:42 13 everyone in Purana knew, at a supervision level knew the,  
12:33:47 14 you know, State Intelligence Division, SDU, whoever's  
12:33:50 15 monitoring them knew. You know, it was difficult to, you  
12:33:58 16 know, keep everyone in their silos and it's difficult to,  
12:34:05 17 you know, her wearing the different hats at different  
12:34:07 18 times, yep, but, you know, sitting above it all was  
12:34:12 19 knowledge and approval from everyone that needed to know.  
20

12:34:15 21 Yes. Final topic, I'll be brief. Just in relation to the  
12:34:19 22 threats and its impact on her, because you were liaising  
12:34:23 23 with her at the time of some of the Gosford threats?---Yes.  
24

12:34:27 25 As we've heard the threats went beyond text messages  
12:34:30 26 referring to her as a dog?---Yes.  
27

12:34:32 28 We've heard, in her circumstances it could have had two  
12:34:36 29 connotations, one being an informer and the other being  
12:34:40 30 counsel representing people who rolled?---Yes.  
31

12:34:42 32 Threats appear to also have targeted her home  
12:34:46 33 address?---Yes.  
34

12:34:46 35 Her chambers' address was well-known?---Yes.  
36

12:34:49 37 Bullets sent in the post, which you've heard about?---Yes.  
38

12:34:52 39 The impact on her, she was troubled by this?---Oh,  
12:34:58 40 constantly.  
41

12:34:59 42 Once they dissipated they in effect started soon after, so  
12:35:03 43 they - a particular person is arrested, the threats seem to  
12:35:07 44 die down for a period. Then she's made a witness. As we  
12:35:13 45 know she's handed over from SDU to Petra, threats and risk  
12:35:17 46 to life increase significantly again?---Yes.  
47

12:35:21 1 Do you agree with that?---Yeah, I accept that.  
2  
12:35:23 3 I think she sends you a text message at one point, again  
12:35:26 4 which I don't need to take you to, but it's one where she's  
12:35:30 5 complaining, as far as being Witness F and suppression  
12:35:33 6 orders applying, in effect it pretty much names her without  
12:35:37 7 actually saying her name?---Yeah, she was like a - I mean  
12:35:40 8 she's obviously involved in the process, particularly from  
12:35:42 9 a defence point of view. She knows how it works and she  
12:35:46 10 knows the, you know, the areas of risk for her. You know,  
12:35:54 11 look, she had a high level of paranoia. A lot of that was  
12:35:58 12 justified. I'm sure some of it was probably over the top.  
12:36:01 13 But, you know, it wasn't - you'd never hear me say it was  
12:36:06 14 an easy position for her to be in.  
15  
12:36:09 16 Finally, again, the Paul Dale charges are dropped and then  
12:36:13 17 the ACC charges instituted and the pressure and the, you  
12:36:19 18 put it as paranoia, the risk levels again increase against  
12:36:20 19 her. As we know, she was obviously affected by it?---Yes.  
20  
12:36:23 21 All right. Thanks Mr Rowe.  
22  
12:36:26 23 COMMISSIONER: Thanks Mr Nathwani. If there are no other  
12:36:30 24 applications to cross-examine I think it's you, Mr Chettle.  
12:36:34 25  
12:36:34 26 MR CHETTLE: Thank you. Very very briefly, Commissioner.  
12:36:37 27  
28 <CROSS-EXAMINED BY MR CHETTLE:  
29  
12:36:38 30 Mr Rowe, you gave some evidence about "we all have separate  
12:36:44 31 roles to play in the Police Force". You're familiar with  
12:36:46 32 the concept of the sterile corridor?---Yes.  
33  
12:36:49 34 And in relation to sources that involved separation of  
12:36:53 35 management and collection of intelligence from the  
12:36:55 36 investigators?---Yes.  
37  
12:36:57 38 It's the SDU's role, as you know, to get the information.  
12:37:01 39 You do the investigation and they manage the  
12:37:03 40 intelligence?---Yes.  
41  
12:37:08 42 Can I bring up Exhibit 392, please. What I'm going to show  
12:37:15 43 you is an extract of a diary of Mr Jones. While that's  
12:37:35 44 coming, you've been shown a number of entries and  
12:37:39 45 discussions involving the SDU where issues involving  
12:37:41 46 Ms Gobbo and things, problems that might arise in relation  
12:37:45 47 to future proceedings are discussed. They were clearly

12:37:49 1 alert to the problems that she presented?---Yes.  
2  
12:37:54 3 Again, it's their job to get the information and provide  
12:37:58 4 the investigators with the information they need to do  
12:38:03 5 their job. They tell you what she's telling them and you  
12:38:08 6 deal with it appropriately?---Well I think it depends in  
12:38:14 7 what context, you know. If they're talking about  
12:38:19 8 intelligence for an investigation, yes, they feed it to us.  
12:38:22 9 If we're talking about, you know, these other issues, I'm  
12:38:28 10 not sure it's as, you know - - -  
11  
12:38:38 12 In [REDACTED] 2006 you were aware of significant issues that  
12:38:41 13 might arise if Ms Gobbo turned up at a particular place, if  
12:38:48 14 I can put it that way?-- [REDACTED], yes.  
15  
12:38:52 16 You know the date I'm talking about?---Yes.  
17  
12:38:55 18 If we go to p.56. It's Exhibit 392A at p.56 of that diary  
12:39:06 19 please. 56 according to my note. I tendered it as Exhibit  
12:39:24 20 392.  
21  
12:39:26 22 COMMISSIONER: It is there. Do we have a VPL number for  
12:39:33 23 392? We didn't get one.  
24  
12:39:40 25 MR CHETTLE: Yes, that's it. Can we put it up the top,  
12:39:43 26 please. Thank you. This is Mr Jones' writing about a  
12:39:47 27 meeting he has with - you can see two other handlers, I  
12:39:55 28 don't need to name them, re Ms Gobbo, do you follow?---Yes.  
29  
12:40:00 30 COMMISSIONER: I think it's [REDACTED], isn't it?  
12:40:02 31  
12:40:03 32 MR CHETTLE: Yes, it is. It's a meeting on the [REDACTED].  
12:40:05 33 I said the [REDACTED]th, I apologise. Issue re HS representing a  
12:40:13 34 particular person after his arrest, do you see that?---Yes.  
35  
12:40:16 36 "Evidence from that person implicating himself may not be  
12:40:21 37 admissible if counsel not impartial". It's a reference to  
12:40:26 38 one of the issues that you've been asked about by  
12:40:32 39 Ms Tittensor this morning?---Yes.  
40  
12:40:33 41 Over the last few days. "Agreed investigators to be  
12:40:44 42 warned. Intended that the person be interviewed prior to  
12:40:47 43 recruitment pitch", do you see that?---Yes.  
44  
12:40:55 45 Were you warned about the issue that is set out  
12:41:05 46 there?---No. Like I know we discussed it but it wasn't a  
12:41:12 47 warning, it was a - you know, we all understood it.

1  
12:41:18 2 Okay?---We all understood it.  
3  
12:41:19 4 The reason I'm asking you, whether it came to you directly  
12:41:22 5 via O'Brien or whether they went to O'Brien first?---I  
12:41:27 6 don't know who they went to. They didn't come to me and  
12:41:30 7 say, "Hey, you're going to be the informant". I didn't  
12:41:37 8 know until the day he was arrested it was going to be me.  
9  
10 But clearly that issued filtered through to you?---Well we  
12:41:40 11 were aware of it. I mean we were aware of it you know at  
12:41:42 12 the end of 05 when she's, you know when people are turning  
12:41:45 13 their minds to can this even be done. They were all aware  
12:41:48 14 of it.  
15  
12:41:49 16 I'll just go on with the rest of this discussion. "Big  
12:41:54 17 picture is the Mokbel cartel, particular person is one  
12:41:58 18 inquiry re same"?---Yes.  
19  
12:42:00 20 "The investigators intend to use that person as a witness  
12:42:03 21 if he agrees". So that was the plan, wasn't it?---Yes.  
22  
12:42:13 23 I think, Commissioner - I'm concerned this is in open  
12:42:15 24 hearing. I might be getting way too close to the line.  
12:42:19 25 I've only got five minutes. Could I ask that we go into  
12:42:22 26 closed hearing so I don't make any mistakes?  
12:42:32 27  
12:42:32 28 COMMISSIONER: Who has leave to appear at the moment apart  
12:42:35 29 from the usual people? Are there any others?  
12:42:46 30  
12:42:48 31 MR CARUSO: Your Honour, I'm briefed today to appear for  
12:42:51 32 Mr Higgs.  
33  
34 COMMISSIONER: I don't think you have leave to appear  
35 though.  
36  
37 MS CARUSO: There's been an application Your Honour hasn't  
38 granted yet.  
39  
40 COMMISSIONER: I don't know that there has been an  
41 application.  
42  
43 MS CARUSO: I was advised it was made on 23 October, along  
44 with Mr Barbaro.  
45  
12:43:00 46 COMMISSIONER: You might be right. Anyway, you're making  
12:43:01 47 one now.

12:43:01 1  
12:43:02 2 MR CARUSO: Your Honour, I'm just waiting for an additional  
12:43:03 3 document that's been requested and depending on that  
12:43:06 4 document there may not be any questions.  
5  
12:43:11 6 COMMISSIONER: You requested the document from?  
12:43:13 7  
12:43:14 8 MR CARUSO: My instructors have requested the document back  
12:43:17 9 on 16 September as part of this - - -  
10  
12:43:18 11 COMMISSIONER: Sorry, is there a microphone recording what  
12:43:20 12 you're saying, please? Your name is Ms Caruso, is that  
12:43:27 13 right?  
14  
12:43:29 15 MS CARUSO: Yes, Your Honour.  
12:43:29 16  
12:43:29 17 MS ARGIROPOULOS: Commissioner, I wonder if I might assist  
12:43:31 18 just to short-circuit things. I'm aware of the document  
12:43:33 19 that my learned friend has sought.  
20  
12:43:34 21 COMMISSIONER: It's sought from you, is it?  
12:43:36 22  
12:43:37 23 MS ARGIROPOULOS: I understand it was sought from the  
12:43:38 24 Commission but it depends on instructions from Victoria  
25 Police.  
26  
12:43:42 27 COMMISSIONER: The Commission can't release it until it's  
12:43:45 28 been PIIed.  
12:43:47 29  
12:43:47 30 MS ARGIROPOULOS: Yes. So that's in train. But just to  
12:43:49 31 short-circuit this matter, Mr Higgs would not have any  
12:43:53 32 interest in the evidence as I understand that I anticipate  
12:43:55 33 would be dealt with in closed hearing through this witness.  
12:43:58 34 This witness's statement deals quite later with Mr Higgs,  
12:44:02 35 at paragraph 170 onwards, but it's quite a separate issue  
12:44:07 36 to what I anticipate Mr Chettle is about to go to.  
37  
12:44:10 38 COMMISSIONER: All right then. That settles that one.  
12:44:15 39 Thanks, Ms Caruso, it seems as though that won't involve  
12:44:19 40 you in the closed hearing matter. When is Ms Caruso going  
12:44:22 41 to get that document, Ms Argiropoulos?  
12:44:24 42  
12:44:25 43 MS ARGIROPOULOS: My instructor is trying to speed that up  
12:44:28 44 as quickly as possible, Commissioner.  
45  
12:44:30 46 COMMISSIONER: So there's no one else here for any of the  
12:44:32 47 potentially affected persons, all right. Pursuant to s.24

12:44:36 1 of the Inquiries Act access to the Inquiry during this  
12:44:43 2 aspect of the evidence of this witness is limited to legal  
12:44:49 3 representatives and staff assisting the Royal Commission,  
12:44:52 4 the following parties with leave to appear in the private  
12:44:54 5 hearing and their legal representatives: State of  
12:44:58 6 Victoria, Victoria Police including media unit  
12:45:02 7 representatives, Graham Ashton, DPP and OPP, Commonwealth  
12:45:07 8 DPP, Ms Gobbo, the SDU handlers, Australian Federal Police.  
12:45:11 9 Media representatives accredited by the Royal Commission  
12:45:14 10 are allowed to be present in the hearing room. The hearing  
12:45:16 11 is to be recorded but not streamed or broadcast until  
12:45:19 12 further order. Subject to any further order there's to be  
12:45:23 13 no publication of any material, statements, information or  
12:45:27 14 evidence given, made or referred to by the Commission which  
12:45:34 15 could identify or tend to identify - who are we worried  
12:45:37 16 about?

12:45:38 17  
12:45:38 18 MR CHETTLE: [REDACTED]

12:45:42 19  
12:45:42 20 COMMISSIONER: The real identity of the person using the  
12:45:45 21 pseudonym [REDACTED] or his whereabouts. A copy of the  
12:45:48 22 order is to be posted on the hearing room door.

23  
24 (IN CAMERA HEARING FOLLOWS)

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47

12:52:32 1 UPON RESUMING IN OPEN HEARING:  
12:52:34 2  
12:52:34 3 MR CHETTLE: She would say extreme things and then calm  
12:52:36 4 down very shortly?---Yes.  
5  
12:52:39 6 It's very easy to take some things she might say when she  
12:52:42 7 was venting out of context which might not be the truth and  
12:52:45 8 the reality of the matter?---I'm sure that's the case.  
9  
12:52:48 10 Thank you.  
11  
12:52:50 12 COMMISSIONER: Thank you. Yes, re-examination,  
12:52:53 13 Ms Argiropoulos.  
14  
15 RE-EXAMINED BY MS ARGIROPOULOS:  
16  
12:52:56 17 Thank you, Commissioner. Detective, when you first started  
12:52:58 18 giving evidence, I think it was Tuesday of last week,  
12:53:04 19 counsel assisting took you to a number of meetings that  
12:53:06 20 occurred in late 2005 soon after Ms Gobbo had been  
12:53:10 21 registered as a source?---Yes.  
22  
12:53:13 23 Do you recall being taken to those documents?---Yes.  
24  
12:53:15 25 The first meeting you were taken to, and I won't ask for it  
12:53:19 26 to be brought up, but you were shown a calendar invite for  
12:53:22 27 5 October 2005?---Yes.  
28  
12:53:24 29 Do you have your diaries from that period there with  
12:53:29 30 you?---Yes.  
31  
12:53:30 32 If you can have a look at 5 October 2005. Does your diary  
12:53:40 33 show that you were on leave on that date?---Yes, it does.  
34  
12:53:44 35 The next meeting you were taken to was a commencement  
12:53:48 36 briefing that Jim O'Brien had conducted on 22 November  
12:53:55 37 2005. Can you have a look at that date in your diary as  
12:53:59 38 well, please?---Yes.  
39  
12:54:03 40 What does your diary show you for that date?---I'm on  
12:54:07 41 paternity leave.  
42  
12:54:09 43 You were on leave for a significant period around that  
12:54:13 44 time?---Yes.  
45  
12:54:18 46 The document you were shown, and we can bring it up if you  
12:54:21 47 need your memory refreshed, but this is the Operation ██████████

12:54:26 1 briefing, do you have a recollection of being shown that  
12:54:29 2 document if you weren't at that meeting?---No.  
3

12:54:38 4 Mr Chettle has just asked you some questions about what  
12:54:42 5 might be referred to as the overall strategy regarding the  
12:54:47 6 use of Ms Gobbo in relation to operations that Purana were  
12:54:52 7 involved in investigating. What was your rank at the time  
12:54:59 8 that you were at Purana?---Detective Senior Constable.  
9

12:55:02 10 As a Detective Senior Constable were you involved in those  
12:55:05 11 sorts of strategic decisions?---No, not at all.  
12

12:55:13 13 If I can ask you some questions now about the [REDACTED]  
12:55:17 14 committal. If I could ask for the transcript to be brought  
12:55:21 15 up for that. It's VPL.6030.0005.7220. This was a  
12:55:33 16 committal which was held on 2 July 2007 and is it your  
12:55:38 17 recollection that this was the first contested hearing in  
12:55:42 18 relation to Operation [REDACTED]?---I believe so, yes.  
19

12:55:46 20 You can see from that front page that Mr Barbaro was  
12:55:51 21 represented at the committal by a Mr J Korn?---Yes.  
22

12:55:57 23 And down the bottom of that list of appearances you see  
12:56:01 24 that Mr Furstenberg appeared on behalf of Mr Mokbel?---Yes.  
25

12:56:07 26 And that was Milad Mokbel?---Yes.  
27

12:56:13 28 You've been asked some questions about redactions to police  
12:56:18 29 members' notes prior to this committal and that relates to  
12:56:25 30 potential redactions to conceal Ms Gobbo's role as  
12:56:32 31 attending the St Kilda Road Police Station to give advice  
12:56:35 32 to a witness?---Yes.  
33

12:56:38 34 Are you aware that during this committal Mr Flynn was asked  
12:56:43 35 questions in evidence about whether that witness had  
12:56:47 36 received legal advice?---Yes.  
37

12:56:55 38 If I could ask for this document just to be turned over,  
12:57:00 39 please, to .7283. If I can just ask you to look at line 12  
12:57:17 40 of that transcript. Do you see there that there's a  
12:57:21 41 question asked of Mr Flynn, "It's easy if I do it now,  
12:57:25 42 Mr Flynn. Before you ever began any record of interview",  
12:57:28 43 that's the one we've come to understand as being the  
12:57:32 44 question and answer section, "after the very first  
12:57:33 45 interview? Yes. Before that very first process commenced  
12:57:35 46 did that person ask for access to a legal advisor? Yes, he  
12:57:46 47 did". Just to jump forward, "He was given access to a

12:57:47 1 legal advisor? Yes". At line 22, "Can you tell us who  
12:57:47 2 that was? Yes, it was Nicola Gobbo"?---Yes.  
3

12:57:52 4 "Before any statement, before that first interview happened  
12:57:55 5 the record of interview he was asked for and given access  
12:57:58 6 to Ms Gobbo?" Answer: "Gobbo." Question: "Gobbo, is  
12:58:01 7 it?" Answer: "Yes"?---Yes.  
8

12:58:07 9 So you would agree that Ms Gobbo's role in advising that  
12:58:11 10 witness is disclosed at that committal by reason of the  
12:58:16 11 evidence given by Mr Flynn?---Yes.  
12

12:58:20 13 In terms of any questions you've been asked by counsel  
12:58:23 14 assisting about the defence being prevented from asking  
12:58:30 15 questions about it, they're certainly aware of it by this  
12:58:33 16 stage?---Yes, they are.  
17

12:58:35 18 Thank you. That document can be taken down. Commissioner,  
12:58:50 19 I believe that document has been tendered. I'm not 100 per  
12:58:54 20 cent of sure of that at the moment but if it hasn't been  
12:58:59 21 I'd seek to tender it at this stage.  
22

12:59:03 23 COMMISSIONER: Shown but not tendered. No, apparently it  
12:59:04 24 wasn't tendered, it was shown to Mr Flynn but not tendered.  
12:59:09 25

12:59:39 26 MS ARGIROPOULOS: Could I just ask for both that cover page  
12:59:41 27 and also that pinpoint reference at 7283 to form part of  
12:59:47 28 that exhibit.  
29

12:59:47 30 COMMISSIONER: You just want that part to be part of the  
12:59:49 31 exhibit?  
12:59:50 32

12:59:51 33 MS ARGIROPOULOS: Yes.  
34

12:59:51 35 COMMISSIONER: Only. Only those parts, okay. The cover  
12:59:54 36 page and p.62 of the transcript I think it was.  
13:00:01 37

13:00:02 38 MS ARGIROPOULOS: That's correct.  
39

13:00:05 40 COMMISSIONER: Yes, p.62. That will need to be redacted,  
13:00:13 41 won't it?  
13:00:14 42

13:00:14 43 MS ARGIROPOULOS: It will.  
13:00:18 44

13:00:18 45 #EXHIBIT RC767A - Transcript of the committal against  
12:59:13 46 Barbaro and others, 2/07/07, cover page  
12:59:55 47 and p.62.

13:00:20 1  
13:00:20 2 #EXHIBIT RC767B - (Redacted version.)  
13:00:22 3  
13:00:22 4 Just before I move off from that topic, Mr Rowe, you also  
13:00:26 5 gave evidence at that committal?---Yes.  
6  
13:00:30 7 Either from your recollection or having reviewed the  
13:00:33 8 transcript, you'd agree that you were not asked any  
13:00:36 9 questions about this specific topic?---Yes.  
10  
13:00:44 11 If I can just turn to the topic of redacting of notes  
13:00:48 12 generally. You've been asked some questions by  
13:00:55 13 Ms Tittensor about your practice back at this time in  
13:01:01 14 relation to how you redact your notes for relevance or for  
13:01:05 15 PII purposes. Can I ask you, firstly, have you ever been  
13:01:13 16 taught by Victoria Police how to go about redacting  
13:01:16 17 notes?---No, no.  
18  
13:01:20 19 So how is it that you've learned how to go about that  
13:01:25 20 task?---Usually you ask someone else if you're redacting it  
13:01:35 21 and you're turning your mind to what stays in and what  
13:01:39 22 doesn't, you ask someone else.  
23  
13:01:41 24 Do you have any recollection of who you would have spoken  
13:01:44 25 to about redactions to your notes at around this time?---I  
13:01:53 26 think Dale Flynn.  
27  
13:02:03 28 You gave some evidence in response to questions asked by  
13:02:08 29 Ms Tittensor about redactions to notes and it had been put  
13:02:12 30 to you that there's no way that defence, just looking at  
13:02:16 31 redacted notes, could understand the basis for the  
13:02:19 32 redaction. Do you remember being asked those  
13:02:21 33 questions?---Yes.  
34  
13:02:22 35 And you've said at transcript 9179, "It happens quite  
13:02:28 36 frequently, whether outside of court or in, in the box,  
13:02:31 37 wherever, you'll have that conversation". Continued over  
13:02:38 38 the page and said, "Quite often you'll be asked, what is  
13:02:41 39 that? It's just a phone number, it's just an address. No,  
13:02:46 40 that's methodology, whatever, it wasn't uncommon for that  
13:02:49 41 to happen". Can I just unpack that a little bit with you?  
13:02:53 42 Firstly, is it your experience as a detective that you have  
13:03:00 43 commonly been asked those sorts of questions about  
13:03:02 44 redactions in your notes?---Yes.  
45  
13:03:06 46 Those sorts of questions, have they been asked by defence  
13:03:09 47 lawyers both in the lead-up to a court hearing and at

13:03:13 1 court?---Yes.  
2  
13:03:23 3 Are you aware of whether or not your unredacted notes or  
13:03:27 4 original diaries could be called for in those  
13:03:30 5 circumstances?---They can always be called for.  
6  
13:03:38 7 When you're summonsed to attend to court or required to  
13:03:46 8 attend court to give evidence in matters such as these, was  
13:03:49 9 it your practice back in 06/07 onwards to bring your  
13:03:55 10 original diaries to court with you like you have  
13:03:58 11 here?---Bring them every time, every court matter I've ever  
13:04:02 12 had.  
13  
13:04:03 14 Have you ever been asked to refer to your original diary  
13:04:06 15 and explain what's behind something that you've  
13:04:09 16 redacted?---Yes.  
17  
13:04:25 18 Finally, if I can just ask you some questions in relation  
13:04:27 19 to the arrest of [REDACTED] in 2006?---Yes.  
20  
13:04:41 21 You've said in your statement at paragraph 96 that you  
13:04:52 22 recall very shortly after his arrest [REDACTED] was adamant  
13:04:57 23 that he couldn't go back to gaol and indicated a  
13:05:00 24 willingness to cooperate with police?---Yes.  
25  
13:05:03 26 You say, "I recall he said this either at the site of the  
13:05:07 27 arrest or shortly after he was placed into the car. I do  
13:05:11 28 not have a note of this in my diary"?---Yes.  
29  
13:05:15 30 If I can ask you to look at your diary for that date of the  
13:05:22 31 arrest. Do you have that entry in front of you?---Yes.  
32  
13:05:36 33 13:10 you refer to having a conversation with  
13:05:42 34 [REDACTED]?---Yes.  
35  
13:05:44 36 And your note then says, "I say CNR"?---Yes.  
37  
13:05:52 38 What does that mean?---Caution and rights.  
39  
13:05:56 40 [REDACTED]  
13:05:58 41 [REDACTED]?---Yes.  
42  
13:06:01 43 Does that mean that you've told [REDACTED] at that time  
13:06:06 44 that that's what he's been arrested for?---Yes.  
45  
13:06:09 46 And without asking you to read into [REDACTED]'s mind, you  
13:06:14 47 would assume that he would immediately recall the

13:06:17 1 conversation he had with that person in relation to this  
13:06:21 2 particular topic?---Yeah, well looking at that now I think  
13:06:26 3 that's probably why I used those words, so that he was  
13:06:31 4 without doubt.  
5  
13:06:35 6 Your diary notes indicate that he says, "Yes, yes, I want  
13:06:38 7 to speak to Nicola Gobbo"?---Yes.  
8  
13:06:42 9 And then while he was in the police vehicle he used his own  
13:06:45 10 mobile phone to contact Ms Gobbo?---Yes.  
11  
13:06:52 12 Your diary also indicates that he then makes a further -  
13:06:58 13 has further contact with Ms Gobbo while he's back at the  
13:07:01 14 police station?---Yes.  
15  
13:07:06 16 Your diary then indicates at 15:47 that [REDACTED] is in  
13:07:11 17 the conference room with O'Brien and Flynn?---Yes.  
18  
13:07:18 19 Were you present during that conference room  
13:07:23 20 discussion?---I don't believe I was.  
21  
13:07:26 22 To the best of your recollection, having regard to what's  
13:07:31 23 in your notes and your statement, are you able to say  
13:07:34 24 whether [REDACTED] indicated a willingness to cooperate  
13:07:39 25 with police before or after he had contact with Ms Gobbo or  
13:07:47 26 he attended this conference with Mr O'Brien and  
13:07:50 27 Mr Flynn?---Certainly before he attended the conference  
13:07:54 28 because, like I remember a thought process where I didn't  
13:07:58 29 think it was necessary because we were already at that  
13:08:02 30 point where he was happy to.  
31  
13:08:04 32 How about given there's two telephone calls with Ms Gobbo,  
13:08:08 33 one that he makes from his own mobile phone in the car and  
13:08:11 34 then one that he makes from the police station, are you  
13:08:14 35 able to recall whether there's any indication from  
13:08:17 36 [REDACTED] about his willingness to cooperate before or  
13:08:23 37 after a phone call to Ms Gobbo?---He indicated it very  
13:08:29 38 early, I think in the context of not wanting to go back  
13:08:34 39 into custody. He rings her very early too, you know, so  
13:08:41 40 whether it's prior to that initial phone call or shortly  
13:08:43 41 after it in the car, I can't say. But I know before we got  
13:08:48 42 back to the, St Kilda Road, he had already given that  
13:08:51 43 indication.  
44  
13:08:56 45 Yes. Thank you, Commissioner, I have no further questions.  
46  
13:09:00 47 COMMISSIONER: Thanks Ms Argiropoulos. Yes Ms Tittensor.

13:09:04 1  
2 RE-EXAMINED BY MS TITTENSOR:  
3  
13:09:05 4 Just a couple of matters, Mr Rowe. You were taken to the  
13:09:07 5 Milad Mokbel committal just briefly?---Yes.  
6  
13:09:10 7 You say the evidence came out during that committal about  
13:09:14 8 Ms Gobbo's attendance on the night?---Yes.  
9  
13:09:17 10 Milad Mokbel wasn't present during the course of that  
13:09:21 11 committal when that evidence came out of course, is that  
13:09:22 12 right?---No, he wasn't.  
13:09:23 13  
13:09:24 14 And what didn't come out in that evidence was Ms Gobbo's  
13:09:27 15 role on the night, along with Mr Flynn, [REDACTED]  
13:09:30 16 [REDACTED]?---No, it wasn't.  
13:09:33 17  
13:09:33 18 None of that evidence ever came out?---No.  
19  
13:09:36 20 You've been asked some questions about the night or the day  
13:09:39 21 or the night of [REDACTED]'s original arrest?---Yes.  
22  
13:09:42 23 For [REDACTED] back in 2005. And you say you didn't want  
13:09:47 24 Ms Gobbo attending to advise on that night, you had a  
13:09:51 25 particular view of her?---I didn't want him - it would be  
13:09:54 26 my preference for him not to speak to her.  
27  
13:09:57 28 Was it the case at the time that there would have been  
13:10:00 29 listening devices and telephone intercepts active for  
13:10:03 30 Mr Mokbel given your interest in him as a target for  
13:10:08 31 Operation [REDACTED] as well?---For [REDACTED] we never did. There  
13:10:17 32 was an AFP investigation going on at the same time but  
13:10:21 33 unbeknownst to us, to a certain extent, so whether they did  
13:10:27 34 it or not I'm not sure.  
35  
13:10:30 36 There would have been some interest, if any, in what the  
13:10:33 37 reaction of Mr Mokbel might have been once he found out  
13:10:37 38 these people had been arrested?---There'd always be an  
13:10:41 39 interest but the ability to capture it is the challenge,  
13:10:44 40 and what you could actually do with it.  
41  
13:10:47 42 And we discussed this earlier, at a time like this when  
13:10:50 43 you're arresting someone the MDID will often see if there's  
13:10:56 44 way to get particular people to assist in relation to  
13:11:00 45 bigger targets, if you like. So, for example, this was a  
13:11:08 46 point in time where you would like [REDACTED] to put his  
13:11:11 47 hand up and say, "Yes, I'll be a witness against

13:11:14 1 Mr Mokbel"?---Yes.  
2

13:11:16 3 Going through the diary entries and the record of  
13:11:19 4 interview, we did a little bit of this earlier, Mr Flynn  
13:11:24 5 cautions, gives the caution and rights to [REDACTED] upon  
13:11:28 6 his arrest at the address where they originally arrest him,  
13:11:32 7 right?---Yes.  
8

13:11:33 9 You may or may not know this, I'll just fill you in. He  
13:11:37 10 gives this caution and rights a number of times following  
13:11:40 11 that time before he ultimately comes back to the station  
13:11:44 12 for the formal record of interview?---Yes.  
13

13:11:45 14 When he's asked who he wants to call he tells Mr Flynn,  
13:11:49 15 "I've got no idea", during that period of time?---I don't  
13:11:52 16 know.  
17

13:11:52 18 Your own diary indicates that the interview is suspended  
13:11:58 19 for [REDACTED] to contact a solicitor, so once he's in the  
13:12:03 20 interview he says, "I want to contact a solicitor"; is that  
13:12:06 21 right?---Yes.  
22

13:12:06 23 And your diary doesn't at that point say, "I want to  
13:12:12 24 contact Nicola Gobbo", it says, "I want to contact a  
13:12:15 25 solicitor"?---Yeah.  
26

13:12:16 27 I'll take you through it?---That might be just a generic  
13:12:22 28 reference I've used.  
29

13:12:23 30 Your diary then goes to say Ms Gobbo's phone number was  
13:12:30 31 obtained by Ms Burrows?---Yes.  
32

13:12:32 33 Do you allow for the possibility at all that Ms Gobbo was  
13:12:35 34 someone that was suggested by someone other than [REDACTED]  
13:12:37 35 to contact?---No, not for one second. There'd be two  
13:12:40 36 people in the legal fraternity that if we had the choice  
13:12:44 37 would never be called by anyone. At that time she was one  
13:12:48 38 and Solicitor 2 was the other one.  
39

13:12:51 40 Are you aware that members of the MDID had had some  
13:12:55 41 dealings with Ms Gobbo during the course of that year in  
13:12:57 42 relation to her indicating that clients might assist MDID  
13:13:02 43 matters?---I didn't know that she had any previous history  
13:13:05 44 with us until I read it in the newspaper this year.  
45

13:13:09 46 Two other members that were involved in that arrest on that  
13:13:12 47 night were Mr Flynn and Mr Mansell?---Yes.

1  
13:13:17 2 Unfortunately I can't put these up on Relativity, we've  
13:13:20 3 just got some of Mr Mansell's diaries from earlier in the  
13:13:24 4 year. I'll just - I don't want to name names either but if  
13:13:30 5 you can take it from me that the reference for the  
13:13:35 6 transcript for later, and so that it can be checked is,  
13:13:39 7 VPL.0005.0091.0008. At p.9, or 0009, there's an entry in  
13:13:51 8 March of 05 where Mr Mansell is involved in the arrest of a  
13:13:58 9 particular person - I'm not going to name that person - and  
13:14:02 10 he's involved in the arrest of that person along with  
13:14:05 11 Ms Burrows. Following that Mr Mansell's diary indicates  
13:14:14 12 that the following month he is contacted by Ms Gobbo, he  
13:14:20 13 receives a call from Ms Gobbo, and this is at 0034, stating  
13:14:25 14 that that particular person is now at a particular prison.  
13:14:42 15 She'd spoken to him some time in the weeks previous and  
13:14:49 16 that person had indicated he was contemplating speaking  
13:14:52 17 further to investigators, and the diary indicates on the  
13:14:59 18 next page that investigators Mr Mansell and Ms Burrows then  
13:15:04 19 go out to that particular prison to speak with that person,  
13:15:07 20 all right. So there's an indication there that Ms Gobbo  
13:15:13 21 had called Mr Mansell at least to say, "I've got a client  
13:15:17 22 here, he's contemplating assisting police"---Okay.  
23  
13:15:20 24 All right. The way he enters it in his diary, "Received a  
13:15:26 25 call from Nicola Gobbo, stated that". It's suggestive that  
13:15:30 26 maybe he's had some prior contact with her maybe. Are you  
13:15:36 27 aware of that?---No.  
28  
13:15:38 29 Are you aware perhaps or might you have been aware at the  
13:15:41 30 time that Ms Gobbo had indicated to members of your crew  
13:15:49 31 that clients of hers might be willing to assist?---No way.  
13:15:52 32 Her name was mud.  
33  
13:15:55 34 All right?---It really was. She had a terrible reputation,  
13:16:01 35 like accurately or otherwise, within the MDID. No one  
13:16:05 36 wanted anyone to contact her.  
37  
13:16:07 38 All right. In the month following that, and we've got a  
13:16:11 39 statement from Mr Flynn to this regard, he is speaking with  
13:16:17 40 Ms Gobbo about negotiating a plea deal for [REDACTED] and  
13:16:25 41 there was some discussion at that stage about an indication  
13:16:29 42 by him of wanting to provide assistance, were you aware of  
13:16:31 43 that at the time?---No.  
44  
13:16:33 45 Might you allow for the possibility that given she's  
13:16:37 46 previously had some discussions with both Mr Flynn and  
13:16:41 47 Mr Mansell that her clients might be willing to assist

.19/11/19

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13:16:44 1 police?---No chance.  
2  
13:16:46 3 That they might have - - - ?---No.  
4  
13:16:50 5 - - - suggested on the night that she might be  
13:16:53 6 contacted?---No chance.  
7  
13:16:53 8 Those are the questions, Commissioner.  
9  
13:16:55 10 COMMISSIONER: Thank you. Thanks Mr Rowe.  
13:16:59 11  
13:16:59 12 MS TITTENSOR: There might be a number of documents I  
13:17:01 13 failed to tender. I can do that now. The email from  
13:17:06 14 Mr Rowe dated 5 March 2008 and an email chain involving  
13:17:11 15 Mr Rowe and Ms Gobbo on 15 September 2008, Commissioner. I  
13:17:16 16 tender those.  
13:17:20 17  
13:17:21 18 #EXHIBIT RC768A - (Confidential) Email Mr Rowe 5/3/08  
13:17:34 19  
13:17:34 20 #EXHIBIT RC768B - (Redacted version.)  
13:17:37 21  
13:17:37 22 #EXHIBIT RC769A - (Confidential) Email chain involving  
13:17:42 23 Ms Gobbo and Mr Rowe dated 15/9/08.  
13:17:47 24  
13:17:48 25 #EXHIBIT RC769B - (Redacted version.)  
26  
13:17:52 27 Thanks Commissioner.  
28  
13:17:53 29 COMMISSIONER: Thanks Mr Rowe, you're free to go?---Thank  
13:17:56 30 you.  
31  
13:17:56 32 We'll resume at 2 o'clock.  
13:18:30 33  
13:18:30 34 <(THE WITNESS WITHDREW)  
13:18:31 35  
36 LUNCHEON ADJOURNMENT  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

13:56:27 1 UPON RESUMING AT 2.06 PM:  
2  
14:06:13 3 COMMISSIONER: Yes Mr Winneke.  
14:06:15 4  
14:06:15 5 MR WINNEKE: Commissioner, we're recalling Mr Bateson,  
14:06:20 6 Stuart Bateson. I understand that there's, in fact I know  
14:06:23 7 there's a supplementary statement which has been prepared.  
14:06:27 8  
14:06:27 9 COMMISSIONER: Yes.  
14:06:28 10  
14:06:29 11 MR WINNEKE: And Ms Enbom is going to tender it in due  
14:06:35 12 course. Commissioner, the area that I'm going to cover for  
14:06:40 13 the most part this afternoon concerns I think material and  
14:06:43 14 I've tried to think of a way in which I can do it in public  
14:06:48 15 but I really don't think there is any such way to do it so  
14:06:50 16 I'm going to need to seek an order that the hearing  
14:06:54 17 continue in private.  
14:06:55 18  
14:06:55 19 COMMISSIONER: We might just tender the statement first and  
14:06:57 20 then I'll make the order.  
14:07:00 21  
14:07:00 22 MR WINNEKE: Yes.  
14:07:00 23  
14:07:00 24 COMMISSIONER: That's appropriate. And the affected people  
14:07:01 25 with leave to appear are Higgs, Barbaro, Orman, Andrew and  
14:07:07 26 Mandy Hodson and [REDACTED].  
27  
14:07:14 28 MR WINNEKE: Yes, thanks Commissioner.  
14:07:14 29  
14:07:15 30 MS ENBOM: Commissioner, the supplementary statement is  
14:07:19 31 dated 17 November 2019, it is the document I handed up this  
14:07:22 32 morning and I'll ask the witness once he has been sworn in  
14:07:27 33 to give evidence that that is a true and correct statement.  
14:07:30 34  
14:07:30 35 COMMISSIONER: Yes, Mr Bateson can go into the witness box.  
14:07:34 36 Perhaps take the oath again, yes.  
14:07:37 37  
14:07:38 38 <STUART BATESON, sworn and examined:  
14:07:51 39  
14:07:51 40 MS ENBOM: Mr Bateson, you have previously given evidence  
14:07:53 41 in this Royal Commission, haven't you?---Yes, I have.  
14:07:55 42  
14:07:55 43 And since giving that evidence have you prepared a  
14:07:58 44 supplementary statement?---Yes, I have.  
14:08:00 45  
14:08:00 46 Do you have a copy of that supplementary statement with  
14:08:03 47 you?---I do.

14:08:03 1  
14:08:04 2 Is it dated 17 November 2019?---Yes.  
14:08:06 3  
14:08:07 4 Is it to the best of your knowledge true and  
14:08:10 5 correct?---Yes.  
14:08:10 6  
14:08:10 7 Do you have any corrections to make to it?---No.  
14:08:13 8  
14:08:14 9 I have already tendered that statement, Commissioner.  
14:08:17 10 That's it from me.  
14:08:19 11  
14:08:19 12 COMMISSIONER: Right, thank you.  
14:08:20 13  
14:08:20 14 MS ENBOM: For the moment.  
14:08:21 15  
14:08:21 16 COMMISSIONER: Thank you. All right, under s.24 of the  
14:08:25 17 *Inquiries Act* access to the inquiry during the evidence of  
14:08:29 18 this aspect of the witness's evidence commencing at 2.08 pm  
14:08:36 19 is limited to legal representatives and staff assisting the  
14:08:39 20 Royal Commission, the following parties with leave to  
14:08:41 21 appear in the private hearing and their legal  
14:08:43 22 representatives: namely the State of Victoria, Victoria  
14:08:46 23 Police, including media unit representatives, Graham  
14:08:50 24 Ashton, Director of Public Prosecutions and Office of  
14:08:51 25 Public Prosecutions, Commonwealth Director of Public  
14:08:54 26 Prosecutions, Ms Nicola Gobbo, SDU handlers, Australian  
14:08:56 27 Federal Police, the legal representatives of the following  
14:08:59 28 parties with leave to appear, namely John Higgs, Pasquale  
14:09:03 29 Barbaro, Faruk Orman, Andrew and Mandy Hodson and  
14:09:09 30 [REDACTED]. Media representatives accredited by the Royal  
14:09:10 31 Commission are allowed to be present in the hearing room.  
14:09:12 32 The hearing is to be recorded but not streamed or  
14:09:15 33 broadcast. Subject to any further order there is to be no  
14:09:19 34 publication of any material, statements, information or  
14:09:22 35 evidence given, made or referred to before the Commission  
14:09:25 36 which could identify or tend to identify the persons  
14:09:28 37 referred to as [REDACTED] and  
14:09:33 38 [REDACTED] any member of the Source Development Unit or  
14:09:39 39 their whereabouts. A copy of this order is to be posted on  
14:09:42 40 the door of the hearing room.  
41  
42 (IN CAMERA PROCEEDINGS FOLLOW)  
43  
44  
45  
46  
47