

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

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Tuesday, 3 September 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC Ms R. Enbom Ms K. Argiropoulos
Counsel for State of Victoria	Mr C. McDermott Mr L. Brown
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDPP	Ms R. Avis
Counsel for Handlers	Mr G. Chettle Ms L. Theis
Counsel for John Higgs	Ms C. Dwyer
Counsel for Faruk Orman	Ms S. Wallace
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for AFP	Ms I. Minnett

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09:21:49 1 COMMISSIONER: Yes, I note that the appearances are largely  
09:36:46 2 as per yesterday. Mr White is just sitting down now.  
09:36:57 3 Mr White, can you hear me? Mr White, can you hear me? He  
09:37:04 4 must have the mute button on. Could somebody ask him to  
09:37:08 5 turn off the mute button, please. I think the mute button  
09:37:11 6 must be on. No, he can't hear. We can now hear you.  
09:37:37 7  
09:37:37 8  
09:37:38 9 <SANDY WHITE, recalled:  
09:37:52 10  
09:40:05 11 WITNESS: I can hear you now, Commissioner.  
09:40:07 12  
09:40:07 13 COMMISSIONER: Good?---And I can see.  
09:40:13 14  
09:40:13 15 We'll remind everyone we are in a closed hearing with the  
09:40:17 16 orders made yesterday afternoon apposite, and Mr Chettle.  
09:40:21 17  
09:40:22 18 MR CHETTLE: Yes, thank you Commissioner. I don't believe  
09:40:24 19 we need to be in closed hearing as far as anything I'm  
09:40:27 20 doing if that helps.  
09:40:28 21  
09:40:28 22 COMMISSIONER: We're no longer in closed hearing, we're now  
09:40:31 23 in open hearing.  
09:40:33 24  
09:40:33 25 MR CHETTLE: Can I put up VPL.0005.0013.1125. Mr White,  
09:41:09 26 this is a document that Mr Winneke showed you and read to  
09:41:14 27 you the part that's in italics about four or five  
09:41:18 28 paragraphs down, do you see that?---Yes.  
09:41:20 29  
09:41:22 30 He neglected to tender it so, Commissioner, I seek to  
09:41:25 31 tender that letter from Sheridan to Pope.  
09:41:28 32  
09:41:29 33 COMMISSIONER: Email, is it?  
09:41:30 34  
09:41:31 35 MR CHETTLE: It's an email, yes.  
09:41:31 36  
09:41:31 37 COMMISSIONER: What's the date, 24 June - - -  
09:41:33 38  
09:41:34 39 MR CHETTLE: 24 June 12, Commissioner. It's just one  
09:41:37 40 Mr Winneke forgot to tender.  
09:41:41 41  
09:41:44 42 #EXHIBIT RC444 - Letter from Sheridan to Pope 24/06/12.  
43  
09:41:49 44 MR CHETTLE: That one has been redacted.  
09:41:51 45  
09:41:51 46 COMMISSIONER: All right, it has been redacted.  
09:41:53 47

.03/09/19

5362

WHITE RE-XN

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09:41:54 1 MR CHETTLE: Thank you. Again, I just want to quickly deal  
09:41:57 2 with another exhibit. One of the documents that you  
09:42:00 3 tendered at the commencement of your evidence is a  
09:42:05 4 document, Exhibit 279, called Source Development Unit, The  
09:42:11 5 Value of the Future, which you prepared in November 2009.  
09:42:15 6 Do you remember that document?---Yes.  
09:42:17 7  
09:42:18 8 And that was prepared within a year of Ms Gobbo being  
09:42:25 9 deregistered?---Yes.  
09:42:28 10  
09:42:30 11 In that report, and I'm not going to read it obviously, in  
09:42:34 12 that report you make reference to her in a number of - not  
09:42:38 13 by name obviously, but to the problems that she presented  
09:42:42 14 to the unit?---Yes.  
09:42:44 15  
09:42:45 16 And in particular I want to take you to p.33 - you haven't  
09:42:49 17 got it?  
09:42:52 18  
09:42:53 19 COMMISSIONER: This is the Review and Develop Best  
09:42:57 20 Practice?  
09:42:57 21  
09:42:58 22 MR CHETTLE: No, it's the Source Development Unit review.  
09:43:03 23 It's Exhibit 279. They all look the same but this one  
09:43:07 24 looks like that, Commissioner.  
09:43:12 25  
09:43:12 26 COMMISSIONER: What was the date of it?  
09:43:14 27  
09:43:14 28 MR CHETTLE: November 2009. It's Exhibit 279. Tendered on  
09:43:33 29 p.3515 of the transcript. VPL.0100.0091.0001. There it  
09:43:50 30 is. Now, you've got a copy of that document - have you  
09:43:56 31 seen that on the screen or have you got a copy with you  
09:43:59 32 Mr White?---I've got a copy with me.  
09:44:00 33  
09:44:01 34 I want to take you to p.33 of the document, please. That's  
09:44:09 35 not it, that's 25. I appreciate this lot of highlighting  
09:44:20 36 isn't yours but can you see - under the heading  
09:44:25 37 "management" you've written, "There is no doubt that the  
09:44:28 38 two controllers within the SDU perform much of the role of  
09:44:33 39 the Officer-in-charge of the unit. This doesn't allow them  
09:44:37 40 to concentrate on the core duties necessary for proper  
09:44:39 41 intrusive supervision of high risk human sources and it's  
09:44:44 42 been a contributing factor to the poor flow of source  
09:44:48 43 relation administration to the HSMU over the years", do you  
09:44:52 44 see that?---Yes.  
09:44:52 45  
09:44:53 46 The two controllers being yourself and Mr Black?---Yes.  
09:44:56 47

.03/09/19

5363

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09:45:00 1 Do you expand in that section up there on what you  
09:45:02 2 mentioned yesterday, that you needed a full-time Inspector  
09:45:07 3 because you and alternatively Mr Black were performing the  
09:45:12 4 work of the Inspector as well as your own jobs?---That's  
09:45:16 5 exactly right. We had dedicated handlers but the  
09:45:19 6 controllers, which were supposed to be dedicated to that  
09:45:21 7 one role, being controller, were not dedicated to that one  
09:45:25 8 role.  
09:45:25 9  
09:45:26 10 Can we take you to p.43. Again, I know this is - don't put  
09:45:37 11 this document up on the screen if you can avoid it at the  
09:45:41 12 moment, I want to avoid going into closed hearing.  
09:45:45 13  
09:45:45 14 COMMISSIONER: Put it up on my screen, please.  
09:45:47 15  
09:45:47 16 MR CHETTLE: Yes, the Commissioner's.  
09:45:48 17  
09:45:49 18 COMMISSIONER: Thank you. And the witness.  
09:45:51 19  
09:45:52 20 MR CHETTLE: He has the original document with him. Page  
09:45:55 21 43, is there a yellow highlighted section there that deals  
09:45:58 22 specifically with a high maintenance, very high maintenance  
09:46:04 23 source?---Yes.  
09:46:05 24  
09:46:05 25 Was that obviously Ms Gobbo?---Yes.  
09:46:08 26  
09:46:08 27 Do you set out in that section steps you took to protect  
09:46:13 28 her in the event of if she was exposed?---Yes.  
09:46:19 29  
09:46:19 30 And you'll see that each of the paragraphs deals with some  
09:46:23 31 of the technical and system things you did to protect  
09:46:28 32 her?---Yes.  
09:46:29 33  
09:46:31 34 The document has already been tendered, Commissioner, but I  
09:46:34 35 just wanted, rather than closed court, I needed to refer to  
09:46:38 36 those sections. Thank you. Take that away. Now, can I  
09:46:42 37 quickly, please, take you to the second of your source  
09:46:46 38 management logs. I'll do this as quickly as I can. You've  
09:46:55 39 got the log now for when her number became 2598?---Yes, I  
09:47:01 40 do.  
09:47:01 41  
09:47:01 42 If I can take you to your first entry I want to take you to  
09:47:06 43 is 24 January of 08. In the source management log you  
09:47:09 44 record what you've been told by Mr Smith about containers  
09:47:15 45 and her being invited to Sydney by Mr Karam for business  
09:47:22 46 and socialising, do you see that?---Yes. Yes, I do.  
09:47:25 47

.03/09/19

5364

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09:47:25 1 Do you have a diary entry for that date as well, 24 January  
09:47:30 2 08?---Yes, I do.  
09:47:38 3  
09:47:39 4 What does your diary entry read for that day?---This is an  
09:47:42 5 update from Officer Smith. "Human source meeting with  
09:47:50 6 Karam this evening. KK", which is another individual,  
09:47:58 7 "Told her that they are going to Sydney this weekend and  
09:48:02 8 human source believes she will be invited. Trip is partly  
09:48:05 9 for business and partly for socialising. Human source has  
09:48:08 10 been told John Higgs meeting with Karam this evening to  
09:48:13 11 give him money. Agamas investigators have been told and  
09:48:17 12 want to intercept. Have given them OK if only for John  
09:48:23 13 Higgs, not Rob Karam".  
09:48:26 14  
09:48:27 15 Was there a discussion in relation to whether or not she  
09:48:30 16 should travel to Sydney?---Yes, there was. I believe she  
09:48:36 17 was not told not to.  
09:48:38 18  
09:48:38 19 I tender that diary entry for 24 January.  
09:48:42 20  
09:48:44 21 #EXHIBIT RC445A - (Confidential) Diary entry Sandy White  
09:48:46 22 24/1/08.  
09:48:46 23  
09:48:47 24 #EXHIBIT RC445B - (Redacted version.)  
09:48:51 25  
09:48:52 26 Can we take you to 30 January, please. Do you have a diary  
09:49:01 27 entry in relation to that date, that adds to what's in the  
09:49:06 28 source management log? I don't need you to go through the  
09:49:32 29 entry that's in the source management log, it speaks for  
09:49:35 30 itself, but do you have a diary entry where she was given  
09:49:39 31 instructions about whether she should associate with  
09:49:42 32 particular people?---I have a note here that says, this is  
09:49:49 33 notes from a meeting we had with her in the evening. It  
09:49:54 34 says, "Human source given clear instructions not to  
09:49:57 35 associate with these people".  
09:50:00 36  
09:50:00 37 Who are those?---"These persons", which is a reference I  
09:50:05 38 think to Mick Gatto and Rob Karam, "For the benefit of  
09:50:13 39 police and that intelligence cannot be acted upon due to  
09:50:14 40 risk to source".  
09:50:15 41  
09:50:15 42 What did she say to that?---"She states that she is  
09:50:20 43 associating with same in order to, one, monitor threats to  
09:50:23 44 her and, two, good for business re referrals."  
09:50:26 45  
09:50:26 46 That's a note you've made in a diary?---It's a note I made  
09:50:33 47 in my diary, yes.

.03/09/19

5365

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09:50:34 1  
09:50:35 2 I'll tender that extract, Commissioner.  
09:50:37 3  
09:50:37 4 COMMISSIONER: What date is that?  
09:50:39 5  
09:50:39 6 MR CHETTLE: 30 January 08.  
09:50:44 7  
09:50:46 8 #EXHIBIT RC446A - (Confidential) Diary entry Sandy White  
09:50:47 9 30/01/08.  
09:50:47 10  
09:50:48 11 #EXHIBIT RC 446B - (Redacted version.)  
09:50:50 12  
09:50:52 13 Again by reference to the log, was there another audit of  
09:50:55 14 the file by Superintendent Biggin on 31 January - that same  
09:51:00 15 day?---Yes, there was.  
09:51:01 16  
09:51:02 17 Is that another one of the monthly audits you told us about  
09:51:05 18 yesterday?---Yes, it would have been.  
09:51:07 19  
09:51:15 20 Go now to 12 February. My optimism was misplaced,  
09:51:44 21 Commissioner, I can't deal with some of this material in  
09:51:47 22 opening hearing unfortunately. I can't mention names that  
09:51:51 23 are important.  
09:51:51 24  
09:51:51 25 COMMISSIONER: So we need to go into closed hearing?  
09:51:54 26  
09:51:55 27 MR CHETTLE: We do. I'm sorry.  
09:51:56 28  
09:51:56 29 COMMISSIONER: Thank you. Under s.24 of the *Inquiries Act*  
09:52:04 30 access to the inquiry during the following evidence of this  
09:52:08 31 witness is limited to legal representatives and staff  
09:52:12 32 assisting the Royal Commission. The following parties with  
09:52:14 33 leave to appear in the private hearing and their legal  
09:52:16 34 representatives: The State of Victoria, Victoria Police,  
09:52:20 35 Director of Public Prosecutions and Office of Public  
09:52:24 36 Prosecutions, Commonwealth DPP, Ms Nicola Gobbo, SDU  
09:52:26 37 handlers, Australian Federal Police. The legal  
09:52:29 38 representatives of the following parties with leave to  
09:52:31 39 appear: Stephen Asling, Pasquale Barbaro, Frank Orman,  
09:52:35 40 Person 14, John William Higgs, media representatives  
09:52:39 41 accredited by the Royal Commission are allowed to be  
09:52:45 42 present in the hearing room. The hearing is to be recorded  
09:52:48 43 but not streamed or broadcast. Subject to any further  
09:52:51 44 order there is to be no publication of any material,  
09:52:53 45 statements, information or evidence given made or referred  
09:52:56 46 to before the Commission which could identify or tend to  
09:52:59 47 identify the persons referred to as Witness A, Witness B,

.03/09/19

5366

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09:53:05 1 Witness X, Person 14, any member of the Source Development  
09:53:08 2 Unit or their whereabouts. A copy of this order is to be  
3 placed on the door of the hearing room.

4  
5 (IN CAMERA PROCEEDINGS FOLLOW)

6  
7  
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.03/09/19

5367

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1            UPON RESUMING IN OPEN COURT:  
2  
12:20:29 3            MR WINNEKE: I'll just put that question again. It appears  
12:20:30 4            to be, "Request instructions re what to tell Superintendent  
12:20:33 5            Nolan re files of Ms Gobbo" It says HS but we're assuming  
12:20:41 6            it's - - - ?---Can I see if I can assist you here,  
12:20:43 7            Mr Winneke.  
8  
12:20:44 9            By all means?---It actually refers to what to tell  
12:20:49 10           Superintendent Nolan re files and human source identities,  
12:20:53 11           that's plural.  
12  
12:20:56 13           Yes?---"Informed had been instructed by DC", which I'm not  
12:20:59 14           sure who that was at the time and I'm not sure who [REDACTED] is,  
12:21:04 15           "not to tell her and refer to Comm", which will be a  
12:21:11 16           Commander I think. I think this was around - because  
12:21:15 17           Superintendent Nolan was not part of the human source  
12:21:17 18           management chain of command.  
19  
12:21:23 20           Yes?---She'd been brought in I think to do an independent  
12:21:27 21           review and there was a discussion about does she need to  
12:21:30 22           actually know the source identities in order to do a  
12:21:33 23           review.  
24  
12:21:34 25           Right. So that's a reference not just to Ms Gobbo, is that  
12:21:38 26           what you're saying?---I think that's a reference to all the  
12:21:41 27           sources. She didn't audit Ms Gobbo's file.  
28  
12:21:47 29           Right?---She audited all the others.  
30  
12:21:52 31           I understand that. In other words, if she asked who the  
12:22:05 32           names of the people are, the instruction is not to tell  
12:22:10 33           her?---And refer her to the Commander I think.  
34  
12:22:16 35           At that stage was there a Deputy Commissioner which was  
12:22:21 36           Mr Overland, or not?---This is in 06 ?  
12:22:28 37  
12:22:29 38           06, yeah?---I think Mr Overland at that time would have  
12:22:34 39           been an Assistant Commissioner at the Crime Department.  
40  
12:22:41 41           We'll be able to clarify that in any event?---That could be  
12:22:45 42           a reference to DC, which could be Doug Calishaw.  
43  
12:22:50 44           Right. What about [REDACTED]?---That might have been [REDACTED]  
12:23:00 45           who was at the Human Source Management Unit.  
46  
12:23:08 47           What you're saying is that's not specifically referable to

.03/09/19

5408

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12:23:12 1 Nicola Gobbo?---No.  
2  
12:23:17 3 If we then go to p.196 of your diary. In fact if you go to  
12:23:35 4 p.195, perhaps read that and again that might make it  
12:23:39 5 clearer.  
12:24:12 6  
12:24:13 7 MR HOLT: Can we not make it big, please. Excuse me,  
12:24:16 8 Commissioner.  
12:24:18 9  
12:24:20 10 WITNESS: I've read page - - -  
11  
12:24:22 12 MR WINNEKE: It doesn't need to be on the screen.  
12:24:24 13  
12:24:25 14 MR HOLT: On yours obviously, Commissioner.  
15  
12:24:27 16 COMMISSIONER: On my screen and the witness's screen.  
17  
12:24:29 18 MR WINNEKE: Again, there's a question with respect to  
12:24:31 19 Mr Biggin, "What to advise Superintendent Nolan and  
12:24:37 20 instructed not at this stage". Can you explain what that's  
12:24:40 21 about?---No.  
22  
12:24:48 23 COMMISSIONER: Could you just remind me why, if you're  
12:24:50 24 having an independent audit done of the files of the SDU,  
12:24:55 25 was Nicola Gobbo's file excluded from that independent  
12:24:58 26 audit?---I think Superintendent Porter, Mark Porter,  
12:25:04 27 directed that Superintendent Tony Biggin audit her file  
12:25:11 28 specifically.  
29  
12:25:12 30 But he was in the direct chain of command overlooking the  
12:25:15 31 SDU, so it wasn't an independent - - - ?---No, not at that  
12:25:20 32 stage he wasn't, Commissioner.  
33  
12:25:21 34 What was his role then?---He was in charge of the covert  
12:25:25 35 support area, which was surveillance, et cetera.  
36  
12:25:31 37 It was independent in the sense that it was someone outside  
12:25:34 38 the SDU looking at all files, but it wasn't independent in  
12:25:38 39 the sense that it wasn't - it was another police  
12:25:43 40 officer?---I don't understand your question, Commissioner.  
41  
12:25:46 42 Well the audit was independent in the sense that it was  
12:25:49 43 independent of the SDU or the DSU, but it wasn't - - -  
12:25:54 44 ?---Yes.  
45  
12:25:55 46 - - - independent in the sense that it wasn't outside the  
12:25:57 47 police service?---Oh no, that's right.

.03/09/19

5409

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1  
12:26:00 2 MR WINNEKE: If you just go back to the first page, 195, or  
12:26:03 3 the first part of the entry at 7.30 in the morning. At the  
12:26:12 4 very top - again perhaps if we take this, it doesn't need  
12:26:15 5 to be on the screen, on all the screens because I think  
12:26:18 6 it's got names of sources. If we can take that down. Just  
12:26:25 7 so the Commission and Mr White can see it. At 7.30, "Meet  
12:26:29 8 with Superintendent Biggin, DDI Wolf", it seems, "Senior  
12:26:37 9 Sergeant O'Connor, [REDACTED] Update re Ms Gobbo's  
12:26:41 10 intelligence", do you see that?---Yes.  
11  
12:26:43 12 It concerns Gobbo and the intelligence that she provides,  
12:26:47 13 right, you agree with that?---Yes, I do. But those three  
12:26:51 14 parties are from the surveillance unit.  
15  
12:26:54 16 I understand that. But they're all parties who have been  
12:26:59 17 discussed by Ms Gobbo and Ms Gobbo's provided information  
12:27:04 18 about those matters?---I'm not sure I follow you. The  
12:27:10 19 meeting, the discussion was about [REDACTED], who was one  
12:27:14 20 of their men.  
21  
12:27:18 22 And - - - ?---And the possibility of there being a leak or  
12:27:23 23 some corruption.  
24  
12:27:25 25 But these were all matters about which Ms Gobbo had  
12:27:29 26 provided information?---Yes.  
27  
12:27:31 28 And indeed if you go down, "Discuss - alert ESD concern  
12:27:37 29 that human source may be compromised by ESD investigation",  
12:27:41 30 do you agree with that?---Yes.  
31  
12:27:43 32 This is a discussion about Ms Gobbo?---It's about  
12:27:49 33 information supplied by Ms Gobbo, yes.  
34  
12:27:52 35 Because this is around the time of the ESD investigation  
12:27:56 36 and the possibility that she might end up before the OPI,  
12:28:02 37 this is June of 2006?---I think the [REDACTED] matter - - -  
38  
12:28:09 39 That's a separate - - - ?--- - - - that's a separate  
12:28:11 40 matter, yes. It's a different corruption matter.  
41  
12:28:15 42 Okay. In any event it was a matter that was being looked  
12:28:18 43 into by the ESD?---Yes.  
44  
12:28:23 45 And then if you go over the page, there's an agreement,  
12:28:33 46 "SSU" - what do those first two entries indicate?---They're  
12:28:42 47 in relation to that individual that's named there.

.03/09/19

5410

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1  
12:28:46 2 Yes?---And what surveillance we're going to do.  
3  
12:28:51 4 Right. Then there's a discussion with Mr Biggin?---Yes.  
5  
12:28:58 6 Who was obviously a part of the meeting, about what to  
12:29:00 7 advise Superintendent Nolan and at this stage instructed  
12:29:05 8 not - "What to advise Superintendent Nolan? Instructed not  
12:29:13 9 this stage"?---Nil this stage.  
10  
12:29:18 11 Sorry, "Nil this stage". Then the next entry is, "Approval  
12:29:28 12 for"?---"Approval for surveillance."  
13  
12:29:31 14 Yes?---"Monday and Tuesday re recruitment."  
15  
12:29:36 16 Right. Then meet Superintendent Nolan, convey same to  
12:29:40 17 office for or regarding source audit?---Yes.  
18  
12:29:45 19 It may be that what's being suggested is that  
12:29:49 20 Superintendent Nolan not be told about Ms Gobbo?---I don't  
12:29:56 21 know, it might be.  
22  
12:30:02 23 Are you able to say whether or not that is in fact the case  
12:30:05 24 looking at that entry?---No.  
25  
12:30:07 26 Why wouldn't she be told about - if that's the case, why  
12:30:12 27 wouldn't she be told about Ms Gobbo, who she is, what she  
12:30:17 28 does, her role as an informer? Can you think of a reason  
12:30:20 29 why she wouldn't be told?---Well, that'd be between - it  
12:30:28 30 would be at Superintendent Porter's direction, I suppose,  
12:30:30 31 he was the one who decided that Superintendent Biggin  
12:30:34 32 needed to do the audit on the 3838 file. And as pointed  
12:30:37 33 out in that previous entry where there was some discussion  
12:30:41 34 about whether Superintendent Nolan should have been told  
12:30:44 35 the identities of the sources - - -  
36  
12:30:46 37 Yes?--- - - - he may well have had the idea that she  
12:30:49 38 didn't need to know about 3838 or Ms Gobbo.  
39  
12:31:05 40 As far as you're concerned the more audits the better, I  
12:31:09 41 assume?---Yes, but as I think you're aware, we were very  
12:31:17 42 concerned about her identity slipping out, so the decision  
12:31:20 43 may well have been not to include Superintendent Nolan in  
12:31:24 44 that loop.  
45  
12:31:28 46 It would be surprising - - - ?---It would have been - that  
12:31:31 47 would not have been my decision.

.03/09/19

5411

WHITE RE-XN

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These claims are not yet resolved.

1  
12:31:33 2 Right, okay. Was there a concern, for example, that  
12:31:44 3 Ms Nolan might have an adverse view about the ethical  
12:31:48 4 implications of using Ms Gobbo as a human source, do you  
12:31:51 5 think?---No, I don't think so.  
6  
12:31:53 7 Certainly not as far as you were aware?---No.  
8  
12:31:58 9 You were asked about some - Mr Chettle asked you a couple  
12:32:06 10 of things about a steering committee that was overseeing  
12:32:09 11 the DSU and there was a reference to some notes of a  
12:32:13 12 steering committee. Was that steering committee in  
12:32:17 13 existence purely at the DSU stage or did it continue to be  
12:32:25 14 in existence when the SDU started or commenced to operate  
12:32:32 15 in 2006/7?---I can't be 100 per cent certain about this but  
12:32:40 16 there was a steering committee that was set up - so the  
12:32:47 17 DSU, as you're aware, was a pilot program.  
18  
12:32:51 19 Yes?---And there was a steering committee set up on the  
12:32:55 20 back of the first report I submitted recommending that a  
12:32:58 21 pilot be trialed.  
22  
12:32:59 23 Yes?---Now that pilot went for six months but the report of  
12:33:04 24 the findings of the pilot I think didn't, wasn't completed  
12:33:09 25 for another at least two months after the DSU six month  
12:33:13 26 period actually was finalised.  
27  
12:33:15 28 Yes?---And so I think the steering committee was still in  
12:33:18 29 existence certainly over the time that the pilot was  
12:33:24 30 running and then for some time after, but I'm not exactly  
12:33:29 31 sure how much longer after, because they would have then  
12:33:32 32 had to decide whether they wanted to create a permanent  
12:33:35 33 entity or not.  
34  
12:33:36 35 Yes, okay. So far as you're concerned you don't - well,  
12:33:41 36 you don't believe that there was a steering committee in  
12:33:44 37 existence subsequent to the establishment stage?---Once it  
12:33:53 38 was set up as a permanent entity, no, that was probably the  
12:33:58 39 end of the steering committee.  
40  
12:34:00 41 Right, okay. You were asked about an entry where it was  
12:34:07 42 suggested that another barrister should be found to  
12:34:12 43 negotiate for a person, do you recall that  
12:34:18 44 yesterday?---Yes.  
45  
12:34:53 46 Despite that you were aware that - and that entry relates  
12:35:01 47 to I think - just excuse me. Just excuse me, Mr White. I

.03/09/19

5412

WHITE RE-XN

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These claims are not yet resolved.

12:35:29 1 apologise?---Yes.  
2  
12:35:41 3 It was known though that Ms Gobbo continued, however, to  
12:35:48 4 provide advice to that person, do you accept that, after  
12:35:55 5 that time?---I'm not sure.  
6  
12:36:13 7 Indeed, on 20 April - Commissioner, I don't know whether I  
12:36:21 8 can do this in sort of the oblique way.  
9  
12:36:26 10 COMMISSIONER: We'll have to go back into closed hearing  
12:36:27 11 now with the same order that I made earlier today being  
12:36:31 12 extant. I won't read it out again. The same order I made  
12:36:34 13 earlier today. If you're not within that category of  
12:36:37 14 people you have to leave the hearing room.  
15  
16 (IN CAMERA HEARING FOLLOWS)  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
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.03/09/19

WHITE RE-XN

5413

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These claims are not yet resolved.

14:00:25 1            UPON RESUMING AT 2.08 PM:  
14:08:22 2  
14:09:50 3            COMMISSIONER: Are you there, Mr White? No, we've got the  
14:09:55 4            same problem?---I still can't hear.  
14:09:58 5  
14:11:15 6            We're trying again, Mr White. Any better? Hello  
14:11:24 7            Mr White?---Are you there, Commissioner?  
14:11:26 8  
14:11:26 9            Yes. No, nothing better?---I can't hear you. I can  
14:11:29 10           shutdown from this end but it takes 10 or 15 minutes to  
14:11:33 11           reboot I think.  
14:11:35 12  
14:11:36 13           We've got Mr O'Brien here, haven't we?  
14:11:41 14  
14:11:42 15           MR HOLT: Yes, we have, Commissioner, he is here.  
14:11:44 16  
14:11:44 17           COMMISSIONER: If it's going to take 10 or 15 minutes, why  
14:11:48 18           don't we start with Mr O'Brien and we'll come back - in the  
14:11:51 19           meantime you can play around with it and as soon as we can  
14:11:55 20           get him on - everyone is looking aghast.  
14:12:00 21  
14:12:00 22           MR HOLT: No, I'm just conscious that because we thought we  
14:12:05 23           were going to be a little bit longer he's at the other end  
14:12:11 24           of the building which is actually about a five minute walk  
25           to get down here. But we can get him here, Commissioner,  
26           there's no difficulty with starting with the witness if our  
14:12:12 27           friends want to proceed on that basis.  
14:12:12 28  
14:12:13 29           MR WINNEKE: If it's going to be 15 minutes we should use  
14:12:16 30           the time, if it's not going to be 15 minutes it would be  
14:12:19 31           nice to get Mr White away.  
32  
14:12:23 33           MR HOLT: He's on his way, Commissioner.  
14:12:26 34  
14:12:26 35           COMMISSIONER: It's apparently at their end. So are they  
14:12:30 36           doing the reboot there? If they can let us know as soon as  
14:12:35 37           - we're fine here and we'll start with Mr O'Brien. Are we  
14:12:42 38           starting in open session?  
14:12:43 39  
14:12:45 40           MR WINNEKE: I reckon I've probably got 30 minutes.  
14:12:47 41  
14:12:47 42           COMMISSIONER: We'll come back as soon as we can.  
14:12:50 43  
14:12:50 44           MR WINNEKE: I agree, just so long as we can get that done.  
14:12:58 45           I do want to see the end of - he wants to see the end of  
14:12:59 46           me, I'm sure.  
14:13:00 47

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These claims are not yet resolved.

14:13:00 1 COMMISSIONER: We'll come back as soon as we can, in the  
14:13:03 2 meantime. Are we going to start in open session with  
14:13:11 3 Mr O'Brien?  
4  
14:13:11 5 MR HOLT: Yes.  
14:13:11 6  
14:13:11 7 COMMISSIONER: Is he your witness, Mr Holt?  
14:13:14 8  
14:13:15 9 MR HOLT: Yes, Commissioner, he is.  
14:13:16 10  
14:13:16 11 COMMISSIONER: Thank you. Mr Chettle, can you just confirm  
14:13:33 12 you're asking them to reboot at the other end?  
14:13:38 13  
14:13:38 14 MR CHETTLE: He is, as we speak, and he has.  
14:13:40 15  
14:13:41 16 COMMISSIONER: And they'll let us know when they're up and  
14:13:45 17 in business again?  
14:13:46 18  
14:13:47 19 MR CHETTLE: Yes, Commissioner.  
14:14:33 20  
14:14:34 21 MR WINNEKE: Can you hear, Mr White?  
14:14:35 22  
14:14:36 23 COMMISSIONER: He's not there yet. Just be patient,  
14:14:39 24 Mr Winneke. I think we might as well start.  
25  
14:16:06 26 Yes, Mr O'Brien. Oath or affirmation?---Oath, please.  
27  
28 <JAMES MICHAEL O'BRIEN, sworn and examined:  
29  
14:16:33 30 COMMISSIONER: Mr O'Brien, we haven't quite finished with  
14:16:36 31 the previous witness who has had a very long time, as you  
14:16:41 32 might know, in the witness box. The reason we haven't  
14:16:43 33 finished with him is because there's a glitch with the  
14:16:46 34 phone connection, so as soon as we fix that phone  
14:16:50 35 connection I'm afraid we'll have to interpose and put him  
14:16:53 36 back in so we can finish his evidence so he can go at last.  
14:16:59 37 Just so you understand that. We will take breaks during  
14:17:02 38 the day. Basically we've been sitting 9.30 until 1.15. We  
14:17:09 39 take a break around 11.15, 11.30, and from 2 till 4.30 with  
14:17:16 40 a break around 3.15. If you need a break in between,  
14:17:20 41 please just let me know and I'll adjourn  
14:17:24 42 immediately?---Thank you.  
43  
44 Yes Mr Holt.  
45  
14:17:28 46 MR HOLT: Mr O'Brien, your full name is James Michael  
14:17:31 47 O'Brien?---That's correct.

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These claims are not yet resolved.

14:17:32 1  
14:17:33 2 You're often referred to - indeed you've been referred to  
14:17:35 3 many times in this hearing as Jim O'Brien?---That's  
14:17:38 4 correct.  
14:17:38 5  
14:17:39 6 And sometimes as a shortening we've heard JOB, you'd be  
14:17:42 7 familiar with that?---Yes.  
14:17:43 8  
14:17:43 9 You are a former member of Victoria Police?---I am, yes.  
14:17:46 10  
14:17:46 11 Did you commence your service with Victoria Police on 2  
14:17:49 12 February 1977?---I did, yes.  
14:17:51 13  
14:17:51 14 And did you retire from Victoria Police on 1 September  
14:17:56 15 2007?---That's correct.  
14:17:57 16  
14:17:57 17 What rank did you attain at the point at which you  
14:18:02 18 retired?---Detective Inspector.  
14:18:03 19  
14:18:05 20 You're presently employed as a general manager at a private  
14:18:11 21 entity?---I am, yes.  
14:18:12 22  
14:18:12 23 For the purposes of the Royal Commission have you prepared  
14:18:16 24 two written statements?---I have, yes.  
14:18:18 25  
14:18:19 26 In front of you, Mr O'Brien, do you have firstly unredacted  
14:18:23 27 versions of both of those statements?---Yes.  
14:18:28 28  
14:18:28 29 Both of those statements are dated 14 June 2019?---That's  
14:18:35 30 correct, yes.  
14:18:36 31  
14:18:36 32 Subject to some matters of clarification, which I'll take  
14:18:40 33 you through in a moment in respect of your first larger  
14:18:43 34 statement - and I should say, Commissioner, which we've  
14:18:46 35 given notice to our learned friends of - are the contents  
14:18:49 36 of those statements true and correct to the best of your  
14:18:52 37 knowledge and belief?---They are, yes.  
14:18:53 38  
14:18:54 39 Commissioner, I'll tender unredacted versions of each of  
14:18:56 40 the two statements. They are both dated 14 June 2019.  
14:18:59 41 Perhaps they might be differentiated as the longer  
14:19:02 42 statement and the shorter statement, or produced as a  
14:19:04 43 bundle, as the Commission pleases.  
14:19:10 44  
14:19:10 45 COMMISSIONER: The longer we'll make A, with the redacted  
14:19:16 46 statement, redacted version of that as B of 464.  
14:19:22 47

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These claims are not yet resolved.

14:19:22 1 #EXHIBIT RC464A - Longer statement of James O'Brien  
2 14/06/19.  
3

14:19:22 4 #EXHIBIT RC464B - Redacted statement of James O'Brien  
14:19:24 5 14/06/19.  
14:19:24 6

14:19:24 7 COMMISSIONER: The shorter statement will be C and the  
14:19:30 8 redacted version D.  
9

14:19:22 10 #EXHIBIT RC464C - Shorter statement of James O'Brien  
11 14/06/19.  
12

14:19:22 13 #EXHIBIT RC464D - Redacted shorter statement of James  
14:19:31 14 O'Brien 14/06/19.  
14:19:31 15

14:19:31 16 MR HOLT: The position with respect to redactions,  
14:19:31 17 Commissioner, as I'm instructed is that we're waiting on I  
14:19:33 18 think a final response from the Commission in respect of  
14:19:35 19 some minor issues but we shouldn't be far away from  
14:19:38 20 settling those.  
14:19:39 21

14:19:40 22 COMMISSIONER: It's a job I'll be doing when I finish court  
14:19:44 23 today.  
14:19:44 24

14:19:45 25 MR HOLT: Thank you Commissioner. The other thing is that  
14:19:45 26 this statement uses previous pseudonyms, so just for  
14:19:49 27 everyone's information, because they'll need to be modified  
14:19:52 28 as we go in terms of the use of pseudonyms, and change but  
14:19:56 29 again that should be a relatively straightforward process,  
14:20:02 30 Commissioner.  
14:20:02 31

14:20:03 32 COMMISSIONER: The redacted statements will all be changed?  
14:20:06 33

14:20:06 34 MR HOLT: I think they will need to be, Commissioner, yes.  
14:20:08 35 But again hopefully that should be a pretty straightforward  
14:20:13 36 process. Mr O'Brien, if you could have the larger  
14:20:15 37 statement in front of you please. I'll just take you to  
14:20:18 38 some paragraphs for matters of clarification. Could you go  
14:20:21 39 firstly please to paragraph 43 on p.10 of that longer  
14:20:24 40 statement?---Yes.  
14:20:27 41

14:20:28 42 That paragraph reads, "In the second half of 2005 I spent  
14:20:32 43 some time as the Officer-in-charge of the Purana Task Force  
14:20:36 44 in a temporary capacity. I was relieving Detective  
14:20:41 45 Inspector Gavan Ryan", have I read that correctly?---That's  
14:20:44 46 correct.  
14:20:44 47

.03/09/19

5431

O'BRIEN XN

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These claims are not yet resolved.

14:20:44 1 You also refer in your statement to a document which I know  
14:20:47 2 you'll be asked questions about by counsel assisting, which  
14:20:51 3 was an intelligence document, a relatively lengthy  
14:20:54 4 intelligence document about the Mokbels, do you recall that  
14:20:55 5 document?---I do, yes.  
14:20:57 6  
14:20:57 7 Do you recall the date of that document?---April 2004 I  
14:21:00 8 believe it was.  
14:21:01 9  
14:21:02 10 In terms of that document, when did you first see that  
14:21:06 11 document? Perhaps by reference to that timing in paragraph  
14:21:11 12 43.  
14:21:11 13  
14:21:11 14 COMMISSIONER: Mr O'Brien, I wonder if you could you speak  
14:21:13 15 up a little bit and perhaps move the microphone closer to  
14:21:17 16 you. That might help. We're having some trouble and  
14:21:19 17 recording more importantly.  
14:21:20 18  
14:21:21 19 MR HOLT: When do you think it was that you first saw that  
14:21:23 20 Mokbel intelligence document?---At the Purana Task Force.  
14:21:27 21  
14:21:27 22 Would that have been before or after that time in the  
14:21:31 23 second half of 2005 referred to in paragraph 43?---I  
14:21:38 24 couldn't be 100 per cent sure. It was when I actually  
14:21:42 25 relieved at Purana that I read the document.  
14:21:46 26  
14:21:46 27 Had you relieved at Purana any time prior to the second  
14:21:51 28 half of 2005?---No, not that I recall.  
14:21:53 29  
14:21:53 30 Can I then ask you to go to paragraph 47 which is on the  
14:21:58 31 next page, p.11. That page records, that entry records by  
14:22:02 32 reference to your diary a conversation that you had with  
14:22:06 33 Detective Sergeant Mansell at the Purana office. And  
14:22:12 34 following that meeting you then attended, I'm sorry, a  
14:22:18 35 meeting with Detective Sergeant Mansell and then following  
14:22:21 36 that you attended at the Purana office and spoke to  
14:22:27 37 Detective Inspector Ryan about issues relating to  
14:22:27 38 Ms Gobbo?---That's correct, yes.  
14:22:28 39  
14:22:28 40 You note you cannot recall the precise details of the  
14:22:28 41 conversation but is there in fact now one thing that  
14:22:32 42 Detective Inspector Ryan said to you that you do  
14:22:35 43 recall?---Yes, I believe that Gavan Ryan said to me,  
14:22:40 44 "Stewie talks to her every now and again".  
14:22:43 45  
14:22:43 46 "Stewie talks to her every now and again"?---Yep.  
14:22:43 47

.03/09/19

5432

O'BRIEN XN

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These claims are not yet resolved.

14:22:43 1 Who did you understand Stewie to be in that  
14:22:47 2 context?---Stuart Bateson.  
14:22:47 3  
14:22:48 4 Thank you. Can I then ask you to look at paragraph 48, so  
14:22:54 5 the next paragraph. You note there that over the time that  
14:23:00 6 you were, at around the time of September 2005 you were  
14:23:04 7 meeting regularly with Assistant Commissioner Overland at  
14:23:09 8 the St Kilda Road station in Melbourne?---That's correct.  
14:23:11 9  
14:23:11 10 That was in your role as acting head of the Purana Task  
14:23:14 11 Force at the time?---That's correct.  
14:23:15 12  
14:23:16 13 Other than those regular meetings, the Monday 2 pm meetings  
14:23:19 14 you've described, can you give the Commissioner a sense of  
14:23:22 15 how often or not you would have contact with Assistant  
14:23:26 16 Commissioner Overland otherwise?---Yeah, any major incident  
14:23:29 17 that occurred or planning that was being done, I would make  
14:23:34 18 a phone call and speak to Mr Overland, or he might ring me  
14:23:40 19 and where that occurred there'd be generally a note of that  
14:23:43 20 in my diary.  
14:23:44 21  
14:23:44 22 In terms of the seniority of your role at Purana, you had  
14:23:48 23 effectively a direct line to Assistant Commissioner  
14:23:51 24 Overland in that role?---That's correct.  
14:23:52 25  
14:23:52 26 Can I ask you then just one more reference, paragraph 77 of  
14:23:57 27 that first statement, please?---Yes.  
14:24:06 28  
14:24:06 29 Paragraph 77 refers to some documents that you prepared on  
14:24:11 30 or about 21 October 2005 and they're described in these  
14:24:16 31 terms in that paragraph, "An investigation plan (Terms of  
14:24:20 32 Reference) and a risk assessment", do you see  
14:24:24 33 that?---That's correct, yes.  
14:24:24 34  
14:24:24 35 There are references to the VPL numbers for those in your  
14:24:27 36 statement, for the record I'll read them. For the  
14:24:29 37 investigation plan VPL.0100.0009.0001 and for the risk  
14:24:38 38 assessment VPL.0005.0096.0004. Do you see that?---That's  
14:24:47 39 correct.  
14:24:47 40  
14:24:48 41 You may not, it's in very small font. Thank you. Just to  
14:24:52 42 clarify, the investigation plan has after it "(Terms of  
14:24:57 43 Reference)", is it in fact your memory that there was also  
14:25:00 44 a separate Terms of Reference document for that particular  
14:25:03 45 investigation?---Yes, there was.  
14:25:05 46  
14:25:05 47 Did that differ in any material respect from the documents

.03/09/19

5433

O'BRIEN XN

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These claims are not yet resolved.

14:25:08 1 that we've got here that you've seen?---Generally a shorter  
14:25:12 2 version of a Word document and signed off by the Assistant  
14:25:17 3 Commissioner.  
14:25:17 4  
14:25:17 5 In this context that was who?---Assistant Commissioner  
14:25:19 6 Overland, although it may have been signed, not 100 per  
14:25:23 7 cent sure, but it may have been signed by the Acting  
14:25:26 8 Assistant Commissioner at the time who was Mr Terry Purton.  
14:25:28 9  
14:25:29 10 You're aware that, although you recall that document that  
14:25:32 11 it hasn't been able to be located in light of the passage  
14:25:35 12 of time?---That's correct.  
14:25:36 13  
14:25:37 14 Yes, that's the evidence-in-chief, Commissioner.  
14:25:39 15  
14:25:39 16 COMMISSIONER: Thank you. Yes Ms Tittensor.  
14:25:44 17  
18 <CROSS-EXAMINED BY MS TITTENSOR:  
19  
14:25:45 20 Thank you, Commissioner. Mr O'Brien, you were - just in  
14:25:55 21 terms of some relevant locations that you were at that I'll  
14:25:59 22 ask you some questions about, you were at the Drug Squad  
14:26:02 23 between June 2001 and then January 2002, is that  
14:26:08 24 right?---That's what's in my statement, that would be  
14:26:12 25 right, yes.  
14:26:13 26  
14:26:13 27 Effectively remained at the same location but the Drug  
14:26:17 28 Squad became the MDID?---That's correct.  
14:26:19 29  
14:26:19 30 As of January 2002, and you were there until September  
14:26:23 31 2005?---That's correct.  
14:26:23 32  
14:26:24 33 And at that stage, that's when you were transferred over to  
14:26:29 34 the Purana Task Force, September 2005?---That's correct.  
14:26:32 35  
14:26:32 36 And you remained there until you retired from Victoria  
14:26:35 37 Police in September of 2007?---That's correct.  
14:26:38 38  
14:26:45 39 Do you have any memory of when you first became aware of  
14:26:49 40 Nicola Gobbo?---No, other than what I've put in the  
14:26:55 41 statement. When you say aware of her, aware of her in  
14:27:01 42 relation to who she was or aware of her in relation to the  
14:27:05 43 informer relationship?  
14:27:06 44  
14:27:07 45 Are you aware of who she was, that she was a criminal  
14:27:08 46 barrister?---While I was at the Drug Squad basically.  
14:27:12 47

.03/09/19

5434

O'BRIEN XXN

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These claims are not yet resolved.

14:27:13 1 Did you have an awareness that she was representing a lot  
14:27:19 2 of people that were arrested by members of the Drug  
14:27:22 3 Squad?---Certainly she was representing some, I can't say,  
14:27:27 4 you know, the majority of who. I was getting a lot of  
14:27:32 5 complaints about her.  
14:27:32 6  
14:27:35 7 Her media presence grew over time, would that be fair to  
14:27:39 8 say?---Yes, she had - certainly had a media presence. I  
14:27:45 9 don't know if it grew.  
14:27:47 10  
14:27:47 11 She came to get more and more media attention it seemed, is  
14:27:51 12 that right?---She certainly got media attention.  
14:27:53 13  
14:27:57 14 You've just mentioned that there were some complaints  
14:28:00 15 within the Drug Squad. Are you talking about back in the  
14:28:05 16 days of the Drug Squad or are you talking about at the MDID  
14:28:09 17 or both?---Probably more the MDID.  
14:28:13 18  
14:28:13 19 What sort of complaints were you receiving?---Just staff  
14:28:16 20 were coming back from court and were pretty angry about  
14:28:22 21 Gobbo and the belief she was a crook and the relationship  
14:28:27 22 was more than what it should have been in a professional  
14:28:31 23 capacity.  
14:28:32 24  
14:28:32 25 Can you recall any specific instance where that  
14:28:36 26 occurred?---Not really, it was just general feedback that I  
14:28:39 27 was receiving.  
14:28:39 28  
14:28:41 29 So this is something that would occur as your members were  
14:28:45 30 coming back from court?---Yes, they'd come back from court  
14:28:48 31 at lunchtime or, depending on what the circumstances were,  
14:28:52 32 whether it was a bail situation, they'd be coming back and  
14:28:56 33 were pretty angry about her and basically I said to them,  
14:29:00 34 "If you feel that way concerned, start putting in intel  
14:29:05 35 reports in relation to it with a view to getting a  
14:29:09 36 telephone intercept application up".  
14:29:09 37  
14:29:10 38 In terms of them coming back from court and alleging that  
14:29:13 39 she was a crook, what specifically would have occurred at  
14:29:17 40 court or were you told occurred at court that gave rise to  
14:29:21 41 comments like that?---Look, I can't recall that, what the  
14:29:26 42 actual comments were. It was just the general run of the  
14:29:31 43 mill type information that was coming back from them.  
14:29:34 44  
14:29:35 45 Were they making implications about her role as a lawyer or  
14:29:40 46 that she was suspected of engaging in criminal conduct  
14:29:45 47 herself?---As I say, my memory of it was that it was just

.03/09/19

5435

O'BRIEN XXN

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14:29:50 1 general dissatisfaction with her and they were complaining  
14:29:55 2 about her, her level of involvement with her clients or  
14:30:01 3 otherwise. I had nothing specific.  
14:30:03 4  
14:30:04 5 COMMISSIONER: Ms Tittensor, I think we're hoping they  
14:30:07 6 might be able to re-establish the connection. We'll just  
14:30:10 7 try now and see.  
14:30:11 8  
14:30:11 9 MS TITTENSOR: Yes, Commissioner.  
14:30:53 10  
14:30:53 11 COMMISSIONER: Yes, Mr White, can you hear me this  
14:31:00 12 time?---No, Commissioner, I can't hear you.  
14:31:01 13  
14:31:02 14 I'm sorry about that, Mr White. All right then, back to  
14:31:05 15 the drawing board. What do you suggest we do now? There's  
14:31:16 16 nothing wrong at our end. You still can't hear us? You  
14:31:26 17 still can't hear? No, nothing. All right then, we'll  
14:31:29 18 finish with Mr White for the moment, continue with this  
14:31:33 19 witness. It's this light here, is it still working? Can  
14:31:48 20 you hear me, Mr White? This flashed on. Can you hear me?  
14:32:21 21 Can you hear me now? We'll just give up again and continue  
14:32:23 22 with Mr O'Brien until we take our afternoon break.  
23  
14:32:30 24 Yes Ms Tittensor.  
14:32:31 25  
14:32:32 26 MS TITTENSOR: Thanks Commissioner. Mr O'Brien, there was  
14:32:40 27 a man by the name of [REDACTED] arrested in [REDACTED] 19[REDACTED] as  
14:32:49 28 a result of an Operation [REDACTED]. Did you have anything to  
14:32:53 29 do with that operation?---Not to my recollection.  
14:32:59 30  
14:33:00 31 Ms Gobbo was a solicitor with a particular firm of  
14:33:04 32 solicitors at that time. Perhaps if the witness could be  
14:33:10 33 shown the flash card for Solicitor 1 and Solicitor 1's  
14:33:28 34 firm?---Yes.  
14:33:28 35  
14:33:29 36 Were you aware that Ms Gobbo was a solicitor with that firm  
14:33:33 37 before she became a barrister?---No, I wasn't.  
14:33:36 38  
14:33:44 39 Pardon me, Commissioner, I didn't recall that the person  
14:33:47 40 that I just mentioned as being the person that was arrested  
14:33:52 41 as the pseudonym [REDACTED]  
14:33:54 42  
14:33:54 43 MR HOLT: If the record could be, the stream could be  
14:33:57 44 stopped for that name.  
14:34:00 45  
14:34:00 46 COMMISSIONER: I don't think the microphones seem to be  
14:34:03 47 working. I'm having trouble hearing both Mr Holt and

.03/09/19

5436

O'BRIEN XXN

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14:34:07 1 Ms Tittensor.  
14:34:08 2  
14:34:09 3 MR HOLT: That's a first for me, Commissioner, but that  
14:34:11 4 sounds like it is working again.  
5  
6 COMMISSIONER: It is now working, yes.  
7  
14:34:13 8 MR HOLT: It's number 19 on Exhibit 82B, Commissioner.  
14:34:17 9 We'd seek that the stream be - - -  
14:34:20 10  
14:34:20 11 COMMISSIONER: I see. That name that was mentioned  
14:34:22 12 earlier. Could you show that number 19 card also to the  
14:34:27 13 recording people. To the witness and also to the recording  
14:34:35 14 people so they know to take that name out and instead put  
14:34:39 15 in [REDACTED]  
14:34:45 16  
14:34:45 17 MR HOLT: Commissioner, for this witness, given his role,  
14:34:47 18 there would be no name on this list that he couldn't be  
14:34:50 19 shown, so it may be in fact simpler for him to be shown the  
14:34:55 20 whole of 82B if the Commission please. Rather than flash  
14:34:58 21 cards as we go.  
14:34:59 22  
14:35:00 23 COMMISSIONER: All right then.  
14:35:02 24  
14:35:03 25 MR CHETTLE: Commissioner, before this continues any more  
14:35:04 26 can I make a submission in relation to the position of  
14:35:07 27 Mr White?  
14:35:08 28  
29 COMMISSIONER: Yes.  
30  
14:35:08 31 MR CHETTLE: We're going to get the techs involved. He has  
14:35:11 32 a commitment some distance away which he thought he'd get  
14:35:16 33 to today.  
34  
35 COMMISSIONER: Yes.  
36  
14:35:17 37 MR CHETTLE: The proposition I have is that he be allowed  
14:35:19 38 to go now and come back another day. We'll get the techs  
14:35:22 39 to look at the thing and fix it. That way Mr Winneke can  
14:35:26 40 do it at a convenient time and we don't hold Mr O'Brien up.  
14:35:31 41  
14:35:31 42 COMMISSIONER: Let's do it at 9.30 tomorrow. Is that  
14:35:34 43 suitable to him?  
44  
45 MR CHETTLE: No, not tomorrow. Maybe immediately after  
46 Mr O'Brien.  
47

.03/09/19

5437

O'BRIEN XXN

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14:35:42 1 COMMISSIONER: That might be difficult to predict when  
14:35:44 2 that's going to be. Now is he not available all this week?  
14:35:48 3  
14:35:48 4 MR CHETTLE: Not tonight or tomorrow.  
14:35:51 5  
14:35:51 6 COMMISSIONER: Obviously we'd like to finish him.  
14:35:56 7  
14:35:57 8 MR CHETTLE: We can bring him back later this week.  
14:35:59 9  
14:36:00 10 COMMISSIONER: Yes, well what about Wednesday? What about  
14:36:05 11 Thursday?  
14:36:05 12  
14:36:06 13 MR CHETTLE: All right, we'll make it Thursday,  
14:36:07 14 Commissioner.  
14:36:08 15  
14:36:08 16 COMMISSIONER: Thursday at 9.30.  
14:36:10 17  
14:36:10 18 MR CHETTLE: 9.30 he'll be there.  
19  
14:36:13 20 COMMISSIONER: There's nothing much else we can do I think.  
14:36:17 21  
14:36:18 22 MR WINNEKE: No, Commissioner. I gather he has to get down  
14:36:19 23 to Warrnambool. Ordinarily he would have been finished by  
24 now and we made plans on that basis.  
25  
26 MR CHETTLE: I'll let him know. He'll be here at 9.30.  
27  
14:36:21 28 MR WINNEKE: It's a pity, it's a great pity. In any event,  
14:36:24 29 it can't be helped.  
14:36:26 30  
14:36:26 31 COMMISSIONER: It is a great pity but the forces of the  
14:36:28 32 universe were not with Mr White today.  
14:36:32 33  
14:36:32 34 MR WINNEKE: I agree.  
14:36:40 35  
14:36:41 36 COMMISSIONER: All right, Ms Tittensor, we can relax into  
14:36:45 37 the witness now I think.  
14:36:49 38  
14:36:50 39 MS TITTENSOR: Thank you, Commissioner. Mr O'Brien, as a  
14:36:53 40 result of Ms Gobbo's representation of that person, there  
14:37:00 41 was a registration of an informer by Wayne Strawhorn.  
14:37:07 42 Ms Gobbo became involved in that process around about that  
14:37:12 43 time in about December of 1998 which included her  
14:37:17 44 travelling with Mr Strawhorn and the informer to Sydney and  
14:37:23 45 having a number of meetings thereafter with Mr Strawhorn.  
14:37:28 46 Did you ever become aware of Ms Gobbo's involvement with  
14:37:32 47 Wayne Strawhorn?---No.

.03/09/19

5438

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14:37:34 1  
14:37:38 2 As a result also of that same operation a number of members  
14:37:43 3 of the Drug Squad appeared or perhaps not as a result of  
14:37:47 4 that operation, but over time it's apparent that a number  
14:37:50 5 of members of the Drug Squad had an interest in the  
14:37:54 6 activities of Ms Gobbo's employer, that particular  
14:37:58 7 solicitor. Were you aware of an interest in that  
14:38:01 8 particular solicitor?---No.  
14:38:02 9  
14:38:05 10 There appear to have been efforts made by members of the  
14:38:09 11 Drug Squad at around that time to have Ms Gobbo provide  
14:38:14 12 evidence against her employer. Did you ever become aware  
14:38:17 13 of that?---No.  
14:38:18 14  
14:38:25 15 Ms Gobbo, as a result of her contact with some of the  
14:38:32 16 members of the Drug Squad was introduced to a number of, or  
14:38:40 17 to Mr Jeffrey Pope at the Asset Recovery Squad of the Fraud  
14:38:47 18 Squad, part of the Fraud Squad. Did you know Mr Pope?---I  
14:38:51 19 know Mr Pope. I've not worked with him, I've had very  
14:38:54 20 little to do with him.  
14:38:55 21  
14:38:55 22 Ms Gobbo was registered as a source by Mr Pope and was  
14:39:02 23 handled by him for a period of time. Were you ever made  
14:39:05 24 aware of that?---No, I was not. When I say was not, not  
14:39:12 25 until recent media.  
14:39:14 26  
14:39:14 27 Is that something that you might have thought you would  
14:39:18 28 have become aware of?---No, not really because I don't know  
14:39:22 29 when it occurred and I never worked with Jeff Pope. The  
14:39:25 30 only time I ever saw Jeff Pope was when he was staffing for  
14:39:30 31 a short time the Assistant Commissioner.  
14:39:32 32  
14:39:32 33 It's apparent at around the same time she was also meeting  
14:39:36 34 with and providing some information, whether it was on a  
14:39:40 35 registered or unregistered basis, to officers at the  
14:39:42 36 National Crime Authority. Were you ever aware of any  
14:39:47 37 involvement of Ms Gobbo with the NCA?---No.  
14:39:51 38  
14:40:01 39 You had some involvement yourself in an operation known as  
14:40:04 40 Operation Kayak, is that right?---Yeah, very minimal  
14:40:08 41 involvement.  
14:40:09 42  
14:40:10 43 That investigation was being conducted at the time that  
14:40:14 44 there was corruption discovered within the Drug  
14:40:19 45 Squad?---Yes, and I believe that the corruption was linked  
14:40:22 46 to that operation in some manner, shape or form.  
14:40:24 47

.03/09/19

5439

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14:40:26 1 There were arrests made in relation to Operation Kayak in  
14:40:30 2 August of 2001?---Yes.  
14:40:33 3  
14:40:34 4 And you were part of the team at that stage that executed  
14:40:37 5 the warrant and arrested Milad Mokbel?---That's correct.  
14:40:40 6  
14:40:42 7 Can you recall who the other people were that were arrested  
14:40:44 8 in Operation Kayak?---Tony Mokbel was one of them as far as  
14:40:51 9 I know. The rest I'm - I don't have a full knowledge of.  
14:40:56 10  
14:40:58 11 Mark Lanteri?---Not sure.  
14:41:00 12  
14:41:01 13 Joseph Parisi?---May have been - it would be all recorded  
14:41:08 14 in that historical document that I spoke about in the  
14:41:11 15 April, but I didn't have a first-hand knowledge of who was  
14:41:15 16 involved, actually involved in Kayak.  
14:41:17 17  
14:41:18 18 Was Rob Karam another person involved in that operation, do  
14:41:23 19 you know?---I'm not sure. Without looking at that  
14:41:25 20 document, I wouldn't know.  
14:41:26 21  
14:41:27 22 But certainly those type of people were, or the Mokbels  
14:41:31 23 were at least involved in Operation Kayak?---Certainly  
14:41:35 24 were, yes.  
14:41:35 25  
14:41:41 26 I think at paragraph 13 of your statement you talk about  
14:41:45 27 taking over Unit 2 within the Drug Squad. That's the clan  
14:41:52 28 lab unit in around about October 2001, is that right?---I  
14:42:00 29 beg your pardon, can you just refer me to the paragraph  
14:42:01 30 you're talking about?  
14:42:02 31  
14:42:03 32 Paragraph 13?---That's correct.  
14:42:06 33  
14:42:09 34 And that meant you at that stage had oversight of the  
14:42:14 35 various operations that were going on within that  
14:42:16 36 unit?---That's correct.  
14:42:17 37  
14:42:17 38 Would that include knowledge of what was going on when  
14:42:20 39 those matters reached court?---If a matter came back for  
14:42:28 40 finalisation, a brief was written off, yes, I'd be notified  
14:42:32 41 of the result. Generally the day-to-day operations around  
14:42:37 42 court matters were handled by the Sergeants and the crews.  
14:42:41 43  
14:42:41 44 As I've just referred to, there was a time of some turmoil  
14:42:46 45 within the Drug Squad itself?---Yes, there certainly was a  
14:42:50 46 lot of issues that went on in the Drug Squad from the day I  
14:42:54 47 walked in the door basically.

.03/09/19

5440

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14:42:56 1  
14:42:58 2 You'd joined the Drug Squad, was that in June of  
14:43:03 3 2001?---That's correct.  
14:43:03 4  
14:43:05 5 And already by that stage the previous December someone by  
14:43:09 6 the name of Paton had resigned?---I'm not sure.  
14:43:13 7  
14:43:13 8 Steve Paton?---I'm not sure if Paton had resigned. I know  
14:43:17 9 it was very shortly after I got there that all of a sudden  
14:43:21 10 I went from running unit 1 to being in charge of the whole  
14:43:25 11 place, only to find out that very shortly thereafter a  
14:43:30 12 number of arrests were made by the Ethical Standards  
14:43:33 13 Department.  
14:43:33 14  
14:43:35 15 July of 2001 Steve Paton and Malcolm Rosenes were both  
14:43:38 16 charged with drug trafficking offences?---That's correct,  
14:43:38 17 yes.  
14:43:38 18  
14:43:39 19 Those stemmed themselves from a corrupt relationship that  
14:43:42 20 they'd had with an informer?---Yes, in part, and also I  
14:43:46 21 believe they were actually involved in drug trafficking.  
14:43:48 22  
14:43:49 23 And another of the investigators that had been involved in  
14:43:52 24 Operation Kayak was Wayne Strawhorn?---That's right, he was  
14:43:57 25 a Senior Sergeant in charge of the unit.  
14:43:59 26  
14:44:00 27 Were you aware that he was also facing some  
14:44:04 28 scrutiny?---Yes, well at that stage I didn't know who was  
14:44:06 29 facing scrutiny. As far as I felt, I felt I was a  
14:44:12 30 baby-sitter for the executioner at that point in time.  
14:44:17 31  
14:44:17 32 Did you have much to do with Wayne Strawhorn before he left  
14:44:21 33 the Drug Squad or the MDID?---I knew Wayne Strawhorn from  
14:44:26 34 roundabout 1981 briefly when he was at the Racing Squad and  
14:44:32 35 I was sent there to replace him on a three month  
14:44:36 36 secondment. That was my first involvement with him. And  
14:44:38 37 I'd had no involvement with him since that time up until  
14:44:43 38 when I arrived at the Drug Squad.  
14:44:45 39  
14:44:45 40 Did you know whether Ms Gobbo had anything to do with  
14:44:48 41 Operation Kayak?---Not as far as I know.  
14:44:51 42  
14:44:52 43 There was an entry in Mr Strawhorn's diary from December  
14:44:58 44 2000, some time before Operation Kayak arrests occurred,  
14:45:05 45 indicating that he was meeting with Ms Gobbo in relation to  
14:45:08 46 that operation?---I was unaware of that. Wayne Strawhorn  
14:45:13 47 was a very non-communicative type of person.

.03/09/19

5441

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14:45:17 1  
14:45:17 2 If he was having communications with Ms Gobbo in the nature  
14:45:23 3 of information sharing, you would have no idea about  
14:45:25 4 that?---No, I would not.  
14:45:29 5  
14:45:35 6 Operation Landslip was another drug operation or MDID  
14:45:40 7 operation that you were involved in, is that  
14:45:43 8 right?---That's correct, yes.  
14:45:43 9  
14:45:43 10 Did that relate to the manufacture of methamphetamine  
14:45:48 11 between February 2001 and February 2002?---I believe  
14:45:57 12 Landslip was about one issue, which was a clandestine drug  
14:46:03 13 laboratory fire at Anderson Street, Pascoe Vale.  
14:46:06 14  
14:46:06 15 That was a Pascoe Vale South matter?---That's correct.  
14:46:10 16  
14:46:10 17 Tony Mokbel was again arrested in relation to Landslip, is  
14:46:14 18 that right?---Not to my knowledge.  
14:46:17 19  
14:46:18 20 Any of the Mokbels arrested in that matter?---No, not as  
14:46:22 21 far as I know.  
14:46:23 22  
14:46:29 23 Were you involved in any of the arrests for that  
14:46:33 24 matter?---I believe there was only one arrest.  
14:46:36 25  
14:46:44 26 I'll leave that one for now because I'll have to come back  
14:46:47 27 to it. Operation Matchless was another operation following  
14:46:52 28 on from Operation Landslip?---That's correct.  
14:46:55 29  
14:46:55 30 Conducted by the MDID. That was about the manufacture of  
14:47:00 31 methamphetamine at McCrae and Rye?---That's correct.  
14:47:02 32  
14:47:03 33 And that was in 2002 and 2003?---Yeah, I thought it was  
14:47:09 34 2003 but I'd have to check.  
14:47:11 35  
14:47:12 36 I've got a note here about McCrae being May to September  
14:47:18 37 2002 and Rye being September 2002 to April 2003?---I've  
14:47:25 38 just got a bit of a time line that I've drawn up if that  
14:47:28 39 helps.  
14:47:37 40  
14:47:37 41 What does your time line indicate?---Yeah, February 2002  
14:47:42 42 was the first.  
14:47:44 43  
14:47:44 44 That was Landslip?---That's correct.  
14:47:47 45  
14:47:47 46 That was the end of Landslip?---That was it, yeah, it was  
14:47:52 47 all on one day.

.03/09/19

5442

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14:47:53 1  
14:47:57 2 It may be that certain people were charged as a result of  
14:48:00 3 some other information that came later in relation to  
14:48:03 4 that?---May well have been, yes.  
14:48:05 5  
14:48:08 6 In relation to Matchless, have you got a note on your time  
14:48:13 7 line there that indicates it was a manufacturing of  
14:48:16 8 methamphetamine between 2002 and 3?---Look, I haven't got  
14:48:21 9 that note but it may well have been.  
14:48:23 10  
14:48:25 11 A number of the Mokbels were arrested in relation to that  
14:48:28 12 matter?---Later on I think they were, certainly not at the  
14:48:33 13 start.  
14:48:36 14  
14:48:40 15 Tony, Milad and Kabalan were all arrested in relation to  
14:48:44 16 that matter ultimately?---Ultimately, yes. At the start it  
14:48:47 17 was only Kabalan.  
14:48:49 18  
14:48:49 19 And it might be the others were arrested as a result of  
14:48:53 20 certain events that occurred later down the track?---That's  
14:48:56 21 correct, yeah.  
14:48:57 22  
14:48:57 23 There were a number of others arrested around that time as  
14:49:01 24 well?---There would have been, yes.  
14:49:03 25  
14:49:03 26 That I won't mention at the moment. Ms Gobbo was involved  
14:49:08 27 in representing various of the individuals arrested in  
14:49:12 28 those three operations that I've just mentioned, do you  
14:49:15 29 agree with that?---Some, not all I wouldn't think.  
14:49:22 30  
14:49:23 31 I'm not saying she was representing all of them?---Some of  
14:49:26 32 the people, yes.  
14:49:27 33  
14:49:27 34 She was appearing in court during that period of time for  
14:49:31 35 Tony and Milad Mokbel?---I'm not sure about the appearances  
14:49:39 36 - I didn't go to a lot of the court proceedings, but I know  
14:49:42 37 she represented the Mokbels.  
14:49:44 38  
14:49:44 39 If the record show that she's appearing in court and  
14:49:47 40 representing - - - ?---I'm not disagreeing.  
14:49:48 41  
14:49:50 42 - - - Tony Mokbel or Milad Mokbel, you'd accept  
14:49:52 43 that?---Yes.  
14:49:52 44  
14:49:53 45 You'd accept that you were likely told about those, that  
14:49:56 46 she was representing those people around that time if you  
14:49:59 47 were getting reports back in the office?---Yes, if I got

.03/09/19

5443

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14:50:02 1 that information back, yes.  
14:50:03 2  
14:50:06 3 Those were matters in which there were some delays  
14:50:09 4 occurring in the court proceedings, is that right?---There  
14:50:11 5 was a lot of delays in the court proceedings.  
14:50:13 6  
14:50:15 7 A number of those delays were occurring because of the  
14:50:18 8 corruption issues that were occurring within or had  
14:50:22 9 occurred within the Drug Squad?---No, I don't think that's  
14:50:24 10 right. Yes, that was right in respect of Operation Kayak,  
14:50:28 11 but certainly with Landslip and Matchless that wasn't the  
14:50:31 12 case. The situation was with those cases it would have  
14:50:36 13 been a matter of putting fairly extensive briefs of  
14:50:41 14 evidence together, relying on forensic evidence, possibly  
14:50:44 15 relying on telephone intercept material, listening device  
14:50:46 16 material and that type of thing, which caused delay in the  
14:50:50 17 prosecution putting the brief together which became justice  
14:50:57 18 delayed is justice denied in bail applications.  
14:50:58 19  
14:50:59 20 Yes. So Ms Gobbo represented at least Tony Mokbel and got  
14:51:04 21 him bail in relation to the Operation Kayak matter, is that  
14:51:06 22 right?---I'm not sure. As I say I had nothing to do with  
14:51:11 23 Kayak, apart from being the extra body along on one search,  
14:51:15 24 I had no oversight of that operation, nothing to do with  
14:51:19 25 it.  
14:51:19 26  
14:51:19 27 As it was proceeding through the courts, you were in charge  
14:51:22 28 of the Drug Squad or the MDID?---I was in charge of one  
14:51:26 29 unit of the MDID, but that was a matter that was done and  
14:51:31 30 dusted, I had no oversight of it. In fact I think  
14:51:34 31 Strawhorn had been sent off site to the National Crime  
14:51:37 32 Authority to work with the AFP or something like that to  
14:51:40 33 get him out of the office.  
14:51:41 34  
14:51:42 35 Was the MDID still conducting that prosecution of Operation  
14:51:46 36 Kayak or involved in it?---Certain people that were there  
14:51:48 37 would have been, who would have been I think Sergeant  
14:51:51 38 Martin Allison, [REDACTED].  
14:51:57 39  
14:51:57 40 Were they people under your watch - Mr O'Brien, this is a  
14:52:19 41 frequent occurrence, as you'll probably come to learn?---My  
14:52:23 42 apologies.  
14:52:24 43  
14:52:28 44 COMMISSIONER: Could you just show, you've got the list  
14:52:31 45 there, good?---I'd appreciate if I could have a blown up  
14:52:37 46 copy of this, I can hardly read it, the script is so small,  
14:52:41 47 Commissioner.

.03/09/19

5444

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14:52:42 1  
14:52:42 2 MS TITTENSOR: We'll arrange that for you, Mr O'Brien.  
14:52:45 3  
14:52:45 4 COMMISSIONER: We'll get that done as soon as we can.  
14:52:48 5  
14:52:49 6 MS TITTENSOR: Mr O'Brien an examination of Ms Gobbo's work  
14:52:52 7 during this period of time indicates that she was appearing  
14:52:55 8 in many briefs in which the informants for those briefs  
14:52:59 9 were members of the Drug Squad or the MDID. Were you aware  
14:53:03 10 of whether there was any practice of effectively referring  
14:53:12 11 people that had been arrested to particular  
14:53:15 12 lawyers?---Certainly not.  
14:53:17 13  
14:53:22 14 Along with the disbanding of the old Drug Squad and the  
14:53:27 15 formation of the MDID, Ceja Task Force was set up?---That's  
14:53:31 16 correct.  
14:53:31 17  
14:53:32 18 And that was set up to investigate corruption within the  
14:53:35 19 Drug Squad?---That's correct.  
14:53:37 20  
14:53:40 21 We've already mentioned some of them, but a number of Drug  
14:53:44 22 Squad members were investigated and came to be ultimately  
14:53:46 23 prosecuted by Ceja in the years thereafter?---That's  
14:53:51 24 correct.  
14:53:51 25  
14:53:51 26 And they included those people that I've mentioned, Paton  
14:53:55 27 and Rosenes who were charged in July 2001?---Yes.  
14:53:59 28  
14:53:59 29 Wayne Strawhorn was charged in March of 2003?---I'm not  
14:54:04 30 sure when but I know he was charged, yes, convicted.  
14:54:07 31  
14:54:09 32 There was necessarily some interest in those proceedings by  
14:54:17 33 those representing Mr Mokbel should they provide some  
14:54:25 34 advantage to his defence, you'd agree with that?---Yes.  
14:54:28 35  
14:54:30 36 Were you aware that there was some communication going on  
14:54:33 37 between Ms Gobbo and any of the Ceja investigators?---No.  
14:54:42 38 Ceja was like the Australian Taxation Office, everything  
14:54:46 39 in, nothing out. They never told us anything.  
14:54:52 40  
14:54:52 41 COMMISSIONER: We've given you a blown up copy  
14:54:55 42 there?---Thanks Commissioner.  
14:54:56 43  
14:54:56 44 You can read that one?---Yes, I can.  
14:54:56 45  
14:54:58 46 Thanks.  
14:54:58 47

.03/09/19

5445

O'BRIEN XXN

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These claims are not yet resolved.

14:55:02 1 MS TITTENSOR: One of the investigators at Ceja was Peter  
14:55:07 2 De Santo?---He was the lead investigator as far as I'm  
14:55:11 3 aware.  
14:55:11 4  
14:55:12 5 Are you aware of whether there was any communication or  
14:55:16 6 were you aware at the time of any communication between  
14:55:19 7 Ceja and Mr Mokbel's defence team?---No. I'm aware of some  
14:55:32 8 discussions between Ceja and another person, I'll just have  
14:55:37 9 to check the list before I mention his name. Person 20.  
14:55:55 10 There was communication between, as I say, Ceja and Person  
14:55:59 11 20's legal representation.  
14:56:00 12  
14:56:00 13 That is certainly what lead to the charging of those people  
14:56:04 14 or a number of those people in the first place?---I'm not  
14:56:08 15 sure. I think mainly Wayne Strawhorn.  
14:56:12 16  
14:56:13 17 MR CHETTLE: I think, Commissioner, he is referring to the  
14:56:15 18 name on line 20 rather than the person?---Sorry, line 20,  
14:56:20 19 [REDACTED]  
14:56:21 20  
14:56:21 21 COMMISSIONER: I was getting confused. The number on the  
14:56:25 22 left-hand column is just a number to help us find flash  
14:56:30 23 cards, et cetera?---Thanks Commissioner.  
14:56:32 24  
14:56:32 25 The actual name and then the pseudonym is in the right-hand  
14:56:38 26 column . It's [REDACTED] We haven't got up to Person 20,  
14:56:41 27 I'm sure we will, but we're not there yet.  
14:56:44 28  
14:56:44 29 MS TITTENSOR: We'll see how we go. Your evidence,  
14:56:47 30 Mr O'Brien, is that you were not aware of any  
14:56:50 31 communications that were going on between Ms Gobbo and  
14:56:54 32 Mr De Santo during the course of the Operation Kayak  
14:56:57 33 proceedings?---No, I was not.  
14:56:58 34  
14:56:58 35 Or any of the other drug proceedings?---No.  
14:57:01 36  
14:57:07 37 Shortly after your taking over management of the  
14:57:13 38 Clandestine Laboratory Unit at the Drug Squad you learned  
14:57:16 39 of the role of Terrence Hodson as a registered  
14:57:20 40 source?---That's correct.  
14:57:21 41  
14:57:22 42 He was someone that had provided Victoria Police with some  
14:57:27 43 very valuable information over time?---He had, yes.  
14:57:34 44  
14:57:34 45 And led to the arrest of numerous people?---Yes, quite a  
14:57:37 46 few people.  
14:57:37 47

.03/09/19

5446

O'BRIEN XXN

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These claims are not yet resolved.

14:57:37 1 And you became aware that he'd been recruited by David  
14:57:42 2 Miechel following his arrest, the arrest of Mr Hodson in  
14:57:45 3 about 2001?---Yeah, I don't know who recruited him but I  
14:57:51 4 knew Miechel was handling him.  
14:57:54 5  
14:57:54 6 Were you aware at the same time Mr Hodson had been arrested  
14:57:58 7 both his children, Andrew and Mandy, had been arrested at  
14:58:02 8 the same time?---I became aware of that. I wasn't aware of  
14:58:06 9 it at the start.  
14:58:07 10  
14:58:08 11 When you became aware of it - around about that time you  
14:58:13 12 became aware of it when you took over or some time - -  
14:58:17 13 -?---Some time down the track I think it was.  
14:58:20 14  
14:58:20 15 You've outlined this in your statement, in mid-2002 there  
14:58:23 16 were concerns raised with you about David Miechel's  
14:58:27 17 handling of Terrence Hodson?---That's correct.  
14:58:29 18  
14:58:30 19 It was suggested that their relationship might be too  
14:58:32 20 close?---That's correct.  
14:58:33 21  
14:58:35 22 You've outlined the steps that you took in your  
14:58:37 23 statement?---Yes.  
14:58:38 24  
14:58:38 25 Upon learning that. You spoke with Paul Dale who was  
14:58:43 26 Miechel's supervisor?---I did, yes.  
14:58:45 27  
14:58:46 28 And you met personally - you also spoke with  
14:58:49 29 Miechel?---Miechel was present - Dale was present during  
14:58:53 30 the discussion.  
14:58:53 31  
14:58:54 32 You also met personally with Hodson himself a number of  
14:58:58 33 times in the second half of that year?---Yes, I did.  
14:59:01 34  
14:59:01 35 2002. Later that year it's apparent that Mr Hodson's  
14:59:07 36 informer number was changed?---It was, yes.  
14:59:09 37  
14:59:09 38 That happened I think while you were on a period of leave  
14:59:12 39 and you learned about that afterwards?---Yes.  
14:59:15 40  
14:59:17 41 Did you become aware of why that had happened?---I don't  
14:59:22 42 believe so. All I know is that it was changed because of a  
14:59:30 43 possible security issue.  
14:59:31 44  
14:59:32 45 Did you become aware of Ms Gobbo having indicated to Paul  
14:59:36 46 Dale or David Miechel during one of the court proceedings  
14:59:39 47 that she was aware of Hodson's status as an

.03/09/19

5447

O'BRIEN XXN

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14:59:43 1 informer?---Later on I did, not - I don't believe I did at  
14:59:47 2 that time.  
14:59:48 3  
14:59:49 4 Did you ask questions at that time about why the need to  
14:59:52 5 change his number or - - - ?---No, not really. One was a  
14:59:56 6 Sergeant and the other was a Senior Detective, I didn't,  
14:59:59 7 generally didn't get involved on a day-to-day.  
15:00:02 8  
15:00:02 9 At that stage Ms Gobbo was representing a number of people  
15:00:08 10 who had been arrested as a result of Mr Hodson's  
15:00:12 11 information. Do you recall the names Shaheen Waheed and  
15:00:19 12 Shane Pidoto?---I recall Shane Pidoto, I don't recall the  
15:00:23 13 first name.  
15:00:23 14  
15:00:25 15 You wouldn't take issue with the fact that she was  
15:00:27 16 representing those two people who were arrested by the Drug  
15:00:31 17 Squad?---As I say, I don't know the first name at all, it  
15:00:34 18 doesn't gel with me at all.  
15:00:36 19  
15:00:36 20 But certainly Pidoto?---Pidoto did, yes.  
15:00:41 21  
15:00:42 22 Is that someone Miehchel was the informant for?---I'm not  
15:00:45 23 sure. I know he was arrested by the MDID. Who the  
15:00:51 24 informant was I'm not 100 per cent sure at this point.  
15:00:54 25  
15:00:54 26 There's some indication that Ms Gobbo had somehow come into  
15:00:58 27 possession of affidavits for search warrants which had  
15:01:03 28 referred to Terrence Hodson's informer number, were you  
15:01:07 29 aware of that?---No.  
15:01:08 30  
15:01:13 31 You knew, did you, that Andrew Hodson was under charge by  
15:01:20 32 the Drug Squad at around that time?---I'm not, not sure. I  
15:01:27 33 know - I know that Andrew Hodson was tied up in drugs but  
15:01:31 34 I'm not sure what charges, if any, were pending against him  
15:01:34 35 at that period.  
15:01:35 36  
15:01:35 37 It seems he had been arrested at the same time as his  
15:01:39 38 father back in 2001?---I can't take issue with that but I  
15:01:45 39 have no recollection of it.  
15:01:46 40  
15:01:47 41 Were you aware that Ms Gobbo represented him in relation to  
15:01:50 42 a bail application in May of 2002?---No, I'm not.  
15:01:53 43  
15:01:54 44 Would you have been aware of something like that at the  
15:01:56 45 time?---No, generally not. As I say, as a Senior Sergeant  
15:02:00 46 you don't involve yourself in the day-to-day court goings  
15:02:05 47 on of what occurs. The crew Sergeants generally deal with

.03/09/19

5448

O'BRIEN XXN

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15:02:09 1 that.  
15:02:09 2  
15:02:09 3 Around the time of the Dublin Street burglary she'd also  
15:02:14 4 appeared for him in the month prior to that. Is that  
15:02:19 5 something that you became aware of following the Dublin  
15:02:22 6 Street burglary?---This was in relation to who?  
15:02:24 7  
15:02:24 8 Ms Gobbo had appeared for Andrew Hodson?---No, I don't  
15:02:28 9 recall that.  
15:02:28 10  
15:02:29 11 That she'd been appearing for him around the time of that  
15:02:33 12 Dublin Street burglary, is that something you're aware  
15:02:35 13 of?---No.  
15:02:36 14  
15:02:36 15 Operation Gallop had been - is that something you had  
15:02:39 16 supervision over during 2003?---Yes.  
15:02:42 17  
15:02:43 18 That had commenced in around about mid-2003?---Well if  
15:02:49 19 that's what's in my diary, Operation Gallop, it was  
15:02:53 20 mid-2003, that's when it was. I'd have to refer to my  
15:02:57 21 actual entry, diary entry. I'm not taking issue with it,  
15:03:00 22 if that's what's there, that's what's there.  
15:03:03 23  
15:03:03 24 The targets of that operation, one of the targets at least  
15:03:07 25 was someone by the name of Azzam Ahmed?---Azzam Ahmed, Abby  
15:03:14 26 Haynes and Colleen O'Reilly.  
15:03:16 27  
15:03:16 28 Were they all targets from the outset?---Colleen O'Reilly  
15:03:20 29 was the initial target I believe who led us to the others.  
15:03:25 30  
15:03:25 31 That operation had nothing whatsoever to do with Terrence  
15:03:29 32 Hodson?---None whatsoever.  
15:03:30 33  
15:03:34 34 Who was your line supervisor at that stage?---Detective  
15:03:38 35 Inspector Paul Newman, and I'm not sure at what point Paul  
15:03:43 36 left the squad, and then it would have been Detective  
15:03:47 37 Inspector John Shawyer.  
15:03:48 38  
15:03:49 39 And above him was?---Detective Superintendant Anthony  
15:03:56 40 Biggin.  
15:03:56 41  
15:03:56 42 And then Commander Purton above him?---Might have been a  
15:04:02 43 Commander or Assistant Commissioner Thompson to start with  
15:04:06 44 and then later on Purton when Ceja had finished.  
15:04:10 45  
15:04:11 46 Paul Dale was a Detective Sergeant in charge of Operation  
15:04:15 47 Gallop?---That's correct.

.03/09/19

5449

O'BRIEN XXN

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15:04:16 1  
15:04:16 2 And Miechel was one of the crew?---That's correct.  
15:04:18 3  
15:04:20 4 That investigation led to the location of the house in  
15:04:23 5 Dublin Street in Oakleigh?-- [REDACTED] Dublin Street, East  
15:04:28 6 Oakleigh, yes.  
15:04:29 7  
15:04:31 8 Was there surveillance or telephone intercepts used during  
15:04:35 9 that operation?---There was surveillance. There was a CCTV  
15:04:41 10 surveillance on the premises, [REDACTED].  
15:04:43 11  
15:04:44 12 Did you become aware during that operation whether or not  
15:04:47 13 there was any relationship between Ms Gobbo and Azzam  
15:04:52 14 Ahmed?---No. I'm not aware of that.  
15:04:55 15  
15:04:55 16 Was there any suspicion during that operation that Tony  
15:04:59 17 Mokbel had any connection to the house?---Not as far as I'm  
15:05:04 18 aware.  
15:05:05 19  
15:05:07 20 Do you know when that suggestion arose?---No.  
15:05:10 21  
15:05:12 22 Do you know that it did?--Well the only thing that  
15:05:15 23 suggested it to me, the connection was Tony's admissions  
15:05:22 24 himself in April when he met with Senior Sergeant Robinson  
15:05:25 25 and Detective Senior Constable Bartlett in Heidelberg when  
15:05:29 26 he offered up Ahmed as part of the deal.  
15:05:32 27  
15:05:32 28 Is that what linked him to that house or - - - ?---I don't  
15:05:38 29 believe there was any link between Tony Mokbel and Azzam  
15:05:41 30 Ahmed and [REDACTED] Dublin Street, East Oakleigh.  
15:05:44 31  
15:05:46 32 At the time that the burglary occurred, that night you were  
15:05:50 33 actually on leave, is that right?---That's correct.  
15:05:52 34  
15:05:54 35 And Paul Dale rang you to tell you that the operation had  
15:05:58 36 been compromised?---At 9.32 pm on that night, on 27  
15:06:02 37 September, he rang me and told me there had been an  
15:06:06 38 incident at Dublin Street, East Oakleigh. Miechel was at  
15:06:11 39 the Epworth Hospital, had been bitten by the dog. I  
15:06:16 40 assumed it was the dog at the premises who was a Rottweiler  
15:06:21 41 or similar in the back yard. We had a listening device  
15:06:23 42 warrant at that time and had been trying to get access to  
15:06:26 43 the premises, however it was being baby-sat by Abby Haynes  
15:06:30 44 as a safe house and I believe Miechel, being Miechel,  
15:06:34 45 probably jumped the back fence and had been bitten by the  
15:06:37 46 dog and I believe that Dale, that's exactly what he wanted  
15:06:44 47 me to believe. My comment to him was to let the operation

.03/09/19

5450

O'BRIEN XXN

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15:06:48 1 run, let the divvy van go down there and do the normal  
15:06:52 2 thing, suspect loiter, offender run and let the job run  
15:06:54 3 through.  
15:06:54 4  
15:06:55 5 Whatever it was he told you that night didn't give you the  
15:06:58 6 understanding of how seriously the operation had been  
15:07:01 7 compromised, is that true to say?---When I got the initial  
15:07:05 8 phone call I had no idea the operation had been compromised  
15:07:09 9 until I got a phone call or spoke to Detective Inspector  
15:07:13 10 Shawyer at about 4.48 the following morning.  
15:07:16 11  
15:07:16 12 That's when you found out that David Miechel was probably  
15:07:20 13 involved in the burglary himself?---Not probably. He  
15:07:25 14 bashed the dog handler with a torch and was bitten by a  
15:07:28 15 police dog.  
15:07:29 16  
15:07:30 17 When was it that you became aware of suspicion over Paul  
15:07:34 18 Dale's involvement?---For me, after that phone call and  
15:07:43 19 then finding out later what had happened, I was naturally  
15:07:47 20 suspicious as to why Dale was telling me what he did.  
15:07:53 21  
15:07:53 22 From that moment Paul Dale was under suspicion?---Well from  
15:07:58 23 that moment I certainly had reason to disbelieve him.  
15:08:02 24  
15:08:02 25 Were there any conversations with others within the police  
15:08:05 26 that you had in relation to those suspicions?---I did, I  
15:08:11 27 spoke to the Ethical Standards Department.  
15:08:13 28  
15:08:13 29 Who did you speak to there?---I think it was Senior  
15:08:17 30 Sergeant Murray Gregor.  
15:08:18 31  
15:08:18 32 Do you know on what day you spoke to him?---I'm not sure,  
15:08:22 33 it would be in my diary, probably the following day. But  
15:08:26 34 Dale was allowed to continue to work. He went off sick.  
15:08:33 35 Then I was asked to go out and meet him.  
15:08:35 36  
15:08:36 37 He was still involved in some arrests that occurred shortly  
15:08:40 38 after the burglary, is that right?---I'm not sure of his  
15:08:43 39 involvement. I don't know if there was arrests. I know we  
15:08:48 40 did a search warrant that ESD went along on. What arrests  
15:08:53 41 emanated from that I'd have to read back through my diary.  
15:08:56 42  
15:08:57 43 It is understood that Ahmed and Haynes and O'Reilly were  
15:09:01 44 arrested in the day or so after the burglary, maybe on 28  
15:09:05 45 September. It seems as though Ms Gobbo was contacted by  
15:09:10 46 Paul Dale to tell her that all three were requesting her  
15:09:14 47 representation. Now is that something you would have been

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15:09:17 1 aware of at the time?---I may not have.  
15:09:20 2  
15:09:21 3 Were you aware that Ms Gobbo went on to represent all three  
15:09:23 4 of those people?---No.  
15:09:25 5  
15:09:30 6 Were you involved in the proceedings at all involving those  
15:09:35 7 three people?---I don't believe so, no.  
15:09:37 8  
15:09:41 9 Was your crew involved in those proceedings?---Yes, people  
15:09:44 10 within MDID Unit 2.  
15:09:47 11  
15:09:47 12 Would you naturally have been informed of who was  
15:09:50 13 representing certain people?---Not necessarily.  
15:09:55 14  
15:09:55 15 No?---I was more concerned about the welfare of the people  
15:09:58 16 that were left.  
15:09:59 17  
15:10:01 18 Samantha Jennings was one of the informants at  
15:10:05 19 least?---Certainly.  
15:10:05 20  
15:10:05 21 In relation to Mr Ahmed?---I'm not sure. Samantha and Liza  
15:10:11 22 Burrows did a lot of the work I think.  
15:10:13 23  
15:10:14 24 The MDID crew were involved in making statements for ESD  
15:10:20 25 following the burglary, is that right?---Yes, they were.  
15:10:23 26  
15:10:24 27 Naturally there was a lot of upset within the ranks?---Yes,  
15:10:28 28 people were distraught. There was a lot of people walking  
15:10:33 29 around the office crying. It was just a huge issue trying  
15:10:37 30 to manage the morale and keep people working.  
31  
15:10:41 32 You said you'd spoken to Murray Gregor yourself?---I did,  
33 yes.  
34  
15:10:46 35 About your own suspicions?---I spoke to Murray Gregor about  
15:10:48 36 the whole incident, yes.  
15:10:49 37  
15:10:49 38 Are you aware that Peter De Santo was also involved in that  
15:10:53 39 investigation?---I'm not sure but I'm not surprised if he  
15:10:55 40 was.  
15:10:56 41  
15:10:56 42 Did you have any contact with Peter De Santo at all during  
15:10:59 43 that period of time?---No, I don't believe I did.  
15:11:03 44  
15:11:07 45 Are you aware that the ESD came to make contact with Terry  
15:11:11 46 Hodson?---I'd imagine they would have, yes.  
15:11:15 47

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15:11:15 1 Were you aware of that at the time?---I naturally assumed  
15:11:21 2 that once you had criminal activity by police that ESD  
15:11:24 3 would be dealing with any potential witnesses, and I know  
15:11:27 4 that Gregor and I forget who else it was, I think  
15:11:33 5 interviewed him at Oakleigh, perhaps Oakleigh police  
15:11:39 6 station.  
15:11:39 7  
15:11:39 8 That was on the night - - - ?---That was on the night and  
15:11:43 9 following on from that I went out and officially terminated  
15:11:48 10 him as an informer, police informer.  
15:11:50 11  
15:11:50 12 I think that was some time later in October, is that  
15:11:54 13 right?---Yes, that's correct.  
15:11:54 14  
15:11:55 15 But prior to this, in the days after the burglary are you  
15:11:57 16 aware that ESD went to Ms Gobbo to seek her assistance in  
15:12:01 17 getting Terry Hodson to cooperate with them?---No.  
15:12:04 18  
15:12:06 19 Would you have had anything to say about that if you'd  
15:12:09 20 known about them getting her involved in that process at  
15:12:12 21 that stage?---Well, I don't know. I mean it would depend  
15:12:16 22 on the circumstances at the time and, you know, a lot of  
15:12:18 23 years have gone by since, so I certainly would have told  
15:12:24 24 them what I knew or what I thought had they asked me.  
15:12:27 25  
15:12:28 26 And what was it that you thought at that stage?---I don't  
15:12:30 27 know. As I say, it's 14 years ago, 13 or 14 years ago.  
28  
15:12:34 29 Did you have a view of Ms Gobbo at around that time?---I  
15:12:37 30 don't believe so.  
15:12:38 31  
15:12:39 32 Was it around that time that your members were expressing  
15:12:43 33 doubts about Ms Gobbo's integrity to you?---I'm not 100 per  
15:12:52 34 cent sure, I'd have to read back through my notes to find  
15:12:56 35 out.  
15:12:56 36  
15:12:58 37 I think paragraph 28 of your statement is what you were  
15:13:02 38 referring to before about going to speak to Mr Hodson about  
15:13:08 39 deactivating him?---Yes, that's correct.  
15:13:10 40  
15:13:10 41 That was on 17 October?---That's correct, yes.  
15:13:12 42  
15:13:13 43 You advised him at that stage it was open for him to become  
15:13:17 44 a witness?---That's correct.  
15:13:20 45  
15:13:20 46 And that was something that you already would have thought  
15:13:22 47 the ESD would be speaking to him about in any case?---I

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15:13:25 1 thought so, yes.  
15:13:26 2  
15:13:27 3 But you say you had no idea of what their contact was with  
15:13:30 4 him?---No, they don't - they didn't involve me in their  
15:13:34 5 investigations.  
15:13:34 6  
15:13:35 7 You had no idea of any connection with Ms Gobbo with Terry  
15:13:39 8 Hodson?---No.  
15:13:40 9  
15:13:48 10 Ms Gobbo, around that time at least, seemed to start to  
15:13:55 11 meet with Paul Dale and I think you mentioned he went off  
15:13:59 12 sick at some stage?---He did, yes.  
15:14:01 13  
15:14:02 14 Were you aware of any association between Paul Dale and  
15:14:06 15 Nicola Gobbo?---Only later on.  
15:14:09 16  
15:14:09 17 When you say later on, what do you mean by that?---A long  
15:14:13 18 way down the track, after the issue with him making a phone  
15:14:18 19 call from her phone or somewhere and speaking to Carl  
15:14:22 20 Williams.  
15:14:22 21  
15:14:23 22 When did you become aware of that?---When I was told about  
15:14:25 23 it by [REDACTED] who looked after the  
15:14:30 24 telephone intercept material.  
15:14:32 25  
15:14:32 26 Do you know what year that was?---Probably 2007 I'd say,  
15:14:41 27 2006, 2007. It was certainly prior to me taking the  
15:14:46 28 statement from Carl Williams.  
15:14:47 29  
15:14:47 30 Prior to you taking the statement from Carl Williams whilst  
15:14:51 31 Ms Gobbo was an informer?---That's correct.  
15:14:53 32  
15:14:53 33 Were there any inquiries made of her about that at that  
15:14:57 34 stage?---No.  
15:14:57 35  
15:15:29 36 Was there any reason for that?---Well I would be telling  
15:15:29 37 somebody about the investigation in which they're featured  
15:15:29 38 in.  
15:15:29 39  
15:15:29 40 She was a suspect, was she?---No, she wasn't a suspect.  
15:15:29 41  
15:15:29 42 Was there any attempt to get her to talk about those things  
15:15:29 43 through her handlers at the time?---Not that I'm aware of.  
15:15:29 44  
15:15:33 45 COMMISSIONER: We might take the mid-afternoon break, just  
15:15:36 46 for ten minutes.  
15:15:39 47

.03/09/19

5454

O'BRIEN XXN

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

15:15:39 1 MS TITTENSOR: Yes, Commissioner.  
2  
3 (Short adjournment.)  
4  
15:32:51 5 COMMISSIONER: Yes, Ms Tittensor.  
15:32:52 6  
15:32:52 7 MS TITTENSOR: Mr O'Brien, you just mentioned a moment ago  
15:32:55 8 becoming aware of, I think you said the first time you were  
15:32:59 9 aware of Ms Gobbo's association with Paul Dale was when  
15:33:03 10 Carl Williams made a statement referring to that  
15:33:05 11 association?---No, I believe it was a phone call I said,  
15:33:15 12 not the statement. It was a phone call that Dale had made.  
13  
15:33:20 14 Right?---And spoken to Carl Williams, saying something  
15:33:24 15 like, "We need to catch up, buddy", something along those  
15:33:28 16 lines and, "I'll come to your place" and he said, "You  
15:33:32 17 don't know where I live", it was something along those  
15:33:34 18 lines  
15:33:35 19  
15:33:36 20 MR HOLT: I'm sorry, Commissioner. Ms Tittensor's just  
15:33:38 21 asked for Mr O'Brien to have his diaries available. If my  
15:33:43 22 instructor might just approach the witness box and take  
15:33:47 23 them over.  
24  
15:33:48 25 COMMISSIONER: Certainly.  
15:33:48 26  
15:33:49 27 MS TITTENSOR: Perhaps I was just a little confused. I  
15:33:51 28 thought you associated that with a time at which you took a  
15:33:53 29 statement from Mr Williams; is that right?---Yeah, I think  
15:33:56 30 it was after that phone call that I then set up a meeting  
15:34:01 31 with Carl Williams through George Williams and approached  
15:34:07 32 George Williams to broker a deal with Carl in relation to  
15:34:11 33 pleading guilty to the murders of Moran and Barbaro that he  
15:34:15 34 was awaiting trial on, and at the same time spoke to him  
15:34:19 35 about his association with Paul Dale and what he had to  
15:34:23 36 offer in relation to Dale. And I took a statement from  
15:34:26 37 Williams which I provided to Mr Overland and I believe that  
15:34:31 38 was the commencement of the Task Force in relation to that  
15:34:35 39 matter.  
40  
15:34:35 41 Is that the can-say statement that you refer to in your  
15:34:40 42 statement?---That's correct.  
43  
15:34:41 44 That's at paragraph 258 of your statement. You say there  
15:34:48 45 that on 13 March 2007 you attended the prison with  
15:34:53 46 Detective Sergeant Bateson?---Bateson, that's correct.  
47

.03/09/19

5455

O'BRIEN XXN

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15:34:55 1 You met with Carl Williams and during that meeting he gave  
15:35:00 2 you a can-say statement which you typed up in his  
15:35:05 3 presence?---That's correct.  
4  
15:35:05 5 Was there anyone else there at that meeting?---No.  
6  
15:35:08 7 Any lawyers present for - - - ?---No.  
8  
15:35:13 9 - - - Mr Williams?---No.  
10  
15:35:14 11 He was being represented around that time; is that  
15:35:18 12 right?---He would have been, yes.  
13  
15:35:19 14 Do you recall he was being represented by David Ross and  
15:35:25 15 Sharon Cure?---No, when I dealt with him he was represented  
15:35:28 16 by Mr Peter Faris.  
17  
15:35:32 18 It seems as though by this time he might have had new  
15:35:36 19 representation?---Switched.  
20  
15:35:38 21 You would have been aware of that at the time?---No.  
22  
15:35:41 23 You wouldn't have been aware of his having representation  
15:35:44 24 or who his representation was at the time?---Well certainly  
15:35:48 25 I don't know those names. I was unaware of who his  
15:35:52 26 representation was.  
27  
15:35:53 28 Were you aware that a statement from Mr Williams was given  
15:36:00 29 to his lawyers?---I'm not sure. I don't think so.  
30  
15:36:05 31 You'd expect that that might be the case, wouldn't  
15:36:08 32 you?---No, because I believe that this statement was only  
15:36:10 33 the first of probably other statements that had to be taken  
15:36:15 34 and it was probably just at the inception of an  
15:36:20 35 investigation in respect of Dale's involvement with  
15:36:24 36 Williams in relation to the murder of the Hodsons.  
37  
15:36:26 38 This was a statement with a view to resolving his matters  
15:36:31 39 and his pleading guilty; is that right?---No, this was a  
15:36:34 40 statement in relation to the murder of Terry and Christine  
15:36:38 41 Hodson.  
42  
15:36:40 43 And it was given with a view to his potentially being a  
15:36:43 44 witness?---It was taken from him with a view to being a  
15:36:47 45 witness and I'll just correct that in relation to the  
15:36:50 46 murders. It was about an approach to have them killed at  
15:36:54 47 that point.

.03/09/19

5456

O'BRIEN XXN

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1  
15:36:56 2 This statement, this can-say statement was being taken from  
15:37:00 3 him for the potential purpose of, from his point of view,  
15:37:05 4 how that might assist him in sentencing?---That's correct.  
5  
15:37:08 6 And that would involve his lawyers?---It would at some  
15:37:12 7 point, yes.  
8  
15:37:13 9 Would it not make sense for his lawyers to have a copy of  
15:37:17 10 the can-say statement?---Not at that stage because it was  
15:37:20 11 the inception of the investigation. I mean the truth or  
15:37:22 12 otherwise of the statement was untested. It was  
15:37:28 13 unfinished. It would have needed a lot more work and  
15:37:30 14 forensic investigation.  
15  
15:37:32 16 The reality was that he actually signed a statement about a  
15:37:35 17 month and a half later on 24 April; is that right?---I'm  
15:37:40 18 not sure. I don't - - -  
19  
15:37:43 20 When he pleaded guilty?---I'm not sure.  
21  
15:37:47 22 You'd accept, if there's a signed statement from Carl  
15:37:51 23 Williams dated 24 April 2007, you'd accept that?---I  
15:37:55 24 wouldn't disagree with it, no.  
25  
15:37:57 26 And that his lawyers must have been involved in that  
15:38:00 27 process within that five or six week period?---It may well  
15:38:03 28 have been but it wouldn't have been with me, it would have  
15:38:06 29 been farmed out to a new Task Force, which I think was  
15:38:10 30 Briars, or something like Briars, I'm not sure.  
31  
15:38:13 32 Petra?---Might be. Yeah, Petra or Briars.  
33  
15:38:16 34 There were no lawyers involved in that statement taking  
15:38:19 35 process?---No. It was - look, it was a two-part segment  
15:38:27 36 with Carl Williams. Carl Williams was never going to talk  
15:38:31 37 to the police unless his father said so, George Williams.  
15:38:36 38 And I knew that George Williams had a lot of respect for  
15:38:38 39 Sergeant Dale Flynn so I took Dale, we went out to [REDACTED]  
15:38:43 40 [REDACTED] Avenue, Broadmeadows and I sat down with George  
15:38:48 41 Williams and virtually said to him, "Do you want to go to  
15:38:50 42 your death knowing your kid's never going to see the light  
15:38:54 43 of day or do you want to tell him to talk to the police".  
15:38:58 44 George had had a number of heart attacks, he was told he  
15:39:01 45 wasn't going to survive the next one. And he said, "Well,  
15:39:04 46 hat are you going to do for him? What's he going to get  
15:39:07 47 off, five years off. You're going to take his life

.03/09/19

5457

O'BRIEN XXN

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15:39:10 1 anyway". I said, well, five years mightn't seem like much  
15:39:15 2 now but it's going to seem like a lot when he gets to our  
15:39:19 3 age. And on that basis George Williams then set up - I  
15:39:20 4 allowed him to have some phone calls with - Corrections  
15:39:22 5 agreed to those and as a result of that set up the meeting  
15:39:24 6 with Carl Williams and spoke to him about this matter in  
15:39:27 7 relation to Dale.  
8  
15:39:28 9 You took Bateson out to the prison with you to take this  
15:39:32 10 can-say statement?---That's correct.  
11  
15:39:33 12 If it's the case that within six weeks of that there was a  
15:39:38 13 finalised statement and he was entering a plea of guilty,  
15:39:41 14 it seems as though lawyers became involved shortly after  
15:39:43 15 that?---I'd imagine they would have, yes.  
16  
15:39:47 17 Would you imagine they would have been provided with a copy  
15:39:50 18 of that can-say statement?---I'd imagine they would have  
15:39:53 19 been.  
20  
15:39:54 21 Do you recall instructing Bateson to go and get a copy or  
15:39:58 22 to retrieve the lawyer's copy of that can-say statement  
15:40:03 23 from the chambers of the lawyer?---No, I did not. Why  
15:40:08 24 would I do that?  
25  
15:40:09 26 I'm just asking if you recall it?---No.  
27  
15:40:15 28 Do you ever recall being told that - I'll withdraw that.  
15:40:24 29 You've got a copy of your diaries just delivered to  
15:40:27 30 you?---Yes.  
31  
15:40:28 32 Have you got the diary there that begins in September  
15:40:39 33 2003?---I've got someone else's diary here that's clearly  
15:40:42 34 not mine.  
35  
15:40:43 36 COMMISSIONER: It might be one of the missing ones, perhaps  
15:40:46 37 we should check.  
15:40:50 38  
15:40:50 39 MR HOLT: It may be the diary of the police officer who was  
15:40:52 40 looking after the diaries, Commissioner.  
15:41:01 41  
15:41:02 42 MS TITTENSOR: I was just going to ask you about an entry  
15:41:04 43 on 16 October 2003. The last one you looked at?---16  
15:41:58 44 October, yes.  
45  
15:41:59 46 Just briefly there, there's an entry at 7 o'clock in the  
15:42:03 47 morning about a strategy meeting with Operation Purana and

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15:42:06 1 you attend that meeting with Detective Senior Sergeant  
15:42:12 2 Swindells, Detective Superintendent Biggin, DI Shawyer and  
15:42:19 3 [REDACTED] Sandy White, as we know him. If  
15:42:22 4 you look at the list of pseudonyms you know who I'm talking  
15:42:26 5 about?---Yes.  
6  
15:42:29 7 That was a meeting between, it seems, the MDID and  
15:42:34 8 Purana?---That's correct.  
9  
15:42:36 10 Purana was relatively new?---Yes, it would have been. May  
15:42:43 11 I think it commenced.  
12  
15:42:44 13 Did you have those strategy meetings between the MDID and  
15:42:49 14 Purana very often?---I believe probably only where it  
15:42:55 15 revolved around drugs. I had a team at Purana, based at  
15:43:01 16 Purana that were handling the drug side of it that was  
15:43:04 17 headed up by Detective Sergeant Dale Johnson and I think in  
15:43:11 18 the early days Purana was actually split into two cells.  
15:43:15 19 So Phil Swindells was running the Homicide side of it and  
15:43:15 20 Gavan Ryan was running the Drug side of it with one of my  
15:43:22 21 teams.  
22  
15:43:22 23 I'm not sure Gavan Ryan had joined Purana at this stage but  
15:43:26 24 we'll sort that out. You yourself had a team based at  
15:43:31 25 Purana, did you?---I did, yes.  
26  
15:43:33 27 Which you would have been liaising and coordinating  
15:43:36 28 with?---No. Once they went to Purana that was it. They  
15:43:42 29 didn't discuss or come near me.  
30  
15:43:44 31 So your information from Purana came from these meetings  
15:43:47 32 that you attended?---Yes.  
33  
15:43:51 34 Did you have a level of communication with people like  
15:43:55 35 Swindells, open communication?---Not a great deal. There  
15:44:03 36 wasn't a lot of cross-over between the two of us. I think  
15:44:06 37 we were - we had differing views.  
38  
15:44:12 39 In what way?---Well my view was, and it's always been, that  
15:44:17 40 the homicides were related to the drug issue, and the  
15:44:21 41 homicides were a mere symptom of the out of control drug  
15:44:27 42 issues. They saw themselves at purist homicide  
15:44:31 43 investigators, that murder only has certain motives and  
15:44:34 44 it's usually revenge or whatever the other justifications  
15:44:37 45 are for homicide, normal motives, well-known motives, as  
15:44:43 46 opposed to the wider issue which I believe was the drug  
15:44:47 47 issue.

.03/09/19

5459

O'BRIEN XXN

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These claims are not yet resolved.

1  
15:44:47 2 And behind that the money issue?---And the money issue,  
15:44:49 3 that's right.  
4  
15:44:55 5 I take it you don't recall exactly what that meeting was  
15:44:58 6 about, aside from strategy. Can you talk about what sort  
15:45:03 7 of strategy you would have been discussing at a meeting  
15:45:08 8 like that?---No, look I can't remember at this point. As I  
15:45:16 9 say, it may have been something to do with the drug - I'd  
15:45:19 10 imagine the drug side of things.  
11  
15:45:24 12 There's some evidence before the Commission that in the  
15:45:27 13 second half of 2003 Ms Gobbo had represented Lewis Moran on  
15:45:33 14 a bail application and that following her representation of  
15:45:40 15 Lewis Moran she'd been subjected to some sort of threat by  
15:45:43 16 Andrew Veniamin. Have you heard about that?---No, only  
15:45:49 17 later in - I didn't know about that at the time but later  
15:45:53 18 on I think there was a reference from the DSU or SDU that  
15:46:02 19 Veniamin or something had gone to her house in Port  
15:46:05 20 Melbourne with the intention to kill her at some earlier  
15:46:07 21 point.  
22  
15:46:08 23 The threat, as we understand it, is that he'd gone to her  
15:46:11 24 house and at least made some form of threat to her for  
15:46:15 25 seemingly having the audacity to represent someone from an  
15:46:19 26 opposing faction?---Yeah, I'm unaware of that.  
27  
15:46:24 28 It seems that following a court hearing, a bail variation  
15:46:28 29 hearing in September 2003, so this is within the month  
15:46:32 30 prior to this meeting that you're having with Swindells,  
15:46:36 31 that Mr Swindells, who gave evidence at that bail hearing  
15:46:41 32 where Ms Gobbo appeared, spoke to her about the threat  
15:46:44 33 outside court or after court?---Right.  
34  
15:46:49 35 Were you aware of that at all?---No.  
36  
15:46:51 37 Did you become aware of that?---Look, I'm not sure. I  
15:46:58 38 don't believe so.  
39  
15:46:59 40 Were you aware that he indicated to Ms Gobbo at that stage  
15:47:04 41 that the door was always open for her to speak to  
15:47:07 42 police?---No.  
43  
15:47:11 44 Are you aware of any other such offers by police to  
15:47:15 45 Ms Gobbo around that time?---No. I think you need to  
15:47:22 46 understand that, you know, most areas of the Police  
15:47:26 47 Department acted within silos. We didn't openly

.03/09/19

5460

O'BRIEN XXN

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15:47:28 1 communicate what we were doing to everybody else. Homicide  
15:47:32 2 didn't share what they were doing with the Drug Squad and  
15:47:35 3 the Drug Squad didn't share with them.  
4  
15:47:38 5 Was there any leakage, was there any gossip, those kinds of  
15:47:41 6 things, that occurred within Victoria Police?---Not really.  
15:47:44 7 Look, the only thing I can recall in relation to that was  
15:47:51 8 the matter of Dale giving or turning up, giving evidence PII  
15:47:57 9 [REDACTED] and a complaint coming back that what  
10 the hell's going on?  
11  
15:48:27 12 Matters like that where there'd been such a threat and an  
15:48:31 13 approach to someone like Ms Gobbo, "The door is open", you  
15:48:36 14 would expect, wouldn't you, that those matters would be  
15:48:38 15 reported upstream?---I'm not sure. I think Mr Swindells  
15:48:46 16 was perhaps a Detective Inspector at the Homicide Squad or  
15:48:49 17 a Senior Sergeant at the time. Generally our work level  
15:48:54 18 related issues would stay at that level I'd imagine.  
19  
15:48:58 20 He wouldn't be reporting his communication, something of  
15:49:03 21 that nature, to his Detective Inspector?---He may well  
15:49:08 22 have. He may well have but I wouldn't have knowledge of  
15:49:12 23 that.  
24  
15:49:18 25 Purana at that stage, it was a pretty significant  
15:49:24 26 investigation, pretty significant matter for Victoria  
15:49:26 27 Police, the gangland killings?---It was, yes.  
28  
15:49:28 29 An approach to a lawyer at that stage to "come and speak to  
15:49:34 30 us" would have been something reasonably significant would  
15:49:38 31 you think?---Yes, it's certainly significant.  
32  
15:49:45 33 It's something that didn't come to your attention?---No.  
34  
15:49:51 35 Have you become aware since then of that - or did you  
15:49:57 36 become aware once you went to Purana yourself that that had  
15:50:00 37 occurred?---No.  
38  
15:50:04 39 Mr Biggin was one of your supervisors at the MDID?---That's  
15:50:09 40 correct.  
41  
15:50:13 42 He was the Detective Inspector at that stage?---No, he was  
15:50:17 43 Detective Superintendent.  
44  
15:50:18 45 Detective Superintendent. He has a diary record of 24  
15:50:25 46 November 2003 of having a meeting at the OPP with a number  
15:50:33 47 of people in relation to Strawhorn issues?---Right.

.03/09/19

5461

O'BRIEN XXN

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1  
15:50:38 2 And then later he has another note in his diary of meeting  
15:50:44 3 - sorry, a note of "Rod Gray", who's a solicitor at the  
15:50:49 4 OPP, "to liaise directly with the MDID in relation to  
15:50:52 5 conflict issues re Nicola Gobbo to be raised"?---Right.  
6  
15:50:57 7 It's apparent that within MDID there were conflict issues  
15:51:01 8 in relation to Nicola Gobbo being raised with the OPP as of  
15:51:05 9 24 November 2003. Can you shed any light on what that was  
15:51:11 10 about?---No.  
11  
15:51:12 12 None at all?---No, I have no memory of that.  
13  
15:51:20 14 Is it likely that your Detective Superintendent would have  
15:51:25 15 raised something like that with you at the time?---He may  
15:51:34 16 or may not have, you know. It would depend. I mean, you  
15:51:39 17 know, like Tony Biggin came to the Drug Squad after all the  
15:51:51 18 furore, all the troubles there, and, you know, he came  
15:51:53 19 there to clean the place out basically and, you know, he  
15:51:55 20 may have been doing things that had him elsewhere that we  
15:52:00 21 weren't made privy to.  
22  
15:52:03 23 He's seen fit to have a discussion with Rod Gray, or he's  
15:52:08 24 got at least a note there's discussions with Rod Gray to  
15:52:11 25 liaise directly with the MDID in relation to conflict  
15:52:15 26 issues re Nicola Gobbo. At that stage we know that she  
15:52:20 27 seems to be representing three of the people from the  
15:52:22 28 Dublin Street house. Were any of those issues  
15:52:28 29 raised?---Certainly not with me.  
30  
15:52:40 31 On 5 December 2003 you and your crew were advised of Paul  
15:52:46 32 Dale's arrest?---That's correct.  
33  
15:52:49 34 Along with the arrest of David Miehchel and Terry  
15:52:57 35 Hodson?---Correct.  
36  
15:52:57 37 Again, that left you and a number of your members very  
15:53:00 38 upset?---That's correct.  
39  
15:53:07 40 Did you become aware that following his arrest Paul Dale  
15:53:12 41 called Nicola Gobbo for advice?---No.  
42  
15:53:15 43 That's not something that was ever told to you?---No.  
44  
15:53:20 45 If Mr Biggin's diary records, "Advise of issue at court  
15:53:25 46 with Nicola Gobbo" on that day, do you have any idea what  
15:53:29 47 that might be about?---I beg your pardon, I didn't get the

.03/09/19

5462

O'BRIEN XXN

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15:53:33 1 first part?  
2  
15:53:34 3 Mr Biggin's diary records, "Advise of issue at court with  
15:53:38 4 Nicola Gobbo". Would you have any idea of what that's  
15:53:41 5 about?---No.  
6  
15:53:41 7 The Commissioner has heard evidence from Mr Gregor at the  
15:53:48 8 ESD that on that day he obtained advice from Rod Gray, the  
15:53:52 9 solicitor at the OPP, and had spoken to a Crown prosecutor,  
15:53:57 10 that Ms Gobbo was not permitted to represent Terrence  
15:54:00 11 Hodson, whom it was proposed that she would appear for in  
15:54:05 12 court that day, which seems consistent with the note in  
15:54:10 13 Mr Biggin's diary of "advise of issue at court with Nicola  
15:54:14 14 Gobbo". Do you have any recollection of - - - ?---None  
15:54:17 15 whatsoever.  
16  
15:54:22 17 - - - there being a suggestion that Ms Gobbo was to also  
15:54:25 18 represent Terrence Hodson, as well as advising Paul Dale,  
15:54:28 19 as well as representing the three people from the Oakleigh  
15:54:32 20 Street house?---None.  
21  
15:54:35 22 It's apparent from some of the material that the Commission  
15:54:39 23 has heard that shortly after Mr Hodson started speaking  
15:54:44 24 with the ESD investigators after the burglary, and probably  
15:54:47 25 about early October 2003, that she told them that she  
15:54:50 26 understood that Paul Dale was sleeping with Nicola Gobbo.  
15:54:56 27 Do you have a recollection of being told that around that  
15:54:58 28 period of time?---No.  
29  
15:55:06 30 Do you agree that it was appropriate that advice was being  
15:55:10 31 sought from the OPP about the conflicts in relation to  
15:55:13 32 Ms Gobbo?---Well I can't say, I wasn't involved in it.  
33  
15:55:19 34 Well, if there was a concern by the police about Ms Gobbo  
15:55:24 35 appearing for various people where there might be a  
15:55:27 36 conflict, do you agree that it was appropriate that advice  
15:55:29 37 was sought from the OPP?---Yeah, it would be appropriate.  
38  
15:55:35 39 Why do you say that it would be appropriate?---Well perhaps  
15:55:40 40 she was acting beyond what she should have been. I mean  
15:55:44 41 she may have had a conflict.  
42  
15:55:48 43 And where there's a conflict that might prevent her from  
15:55:52 44 providing independent advice to one of the parties, or both  
15:55:56 45 of them?---Well I don't know, I wasn't involved in the  
15:55:59 46 case.  
47

.03/09/19

5463

O'BRIEN XXN

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These claims are not yet resolved.

15:56:00 1 You understand the concept of what a conflict of interest  
15:56:04 2 is?---I do, yes, in a commercial sense, yes.  
3  
15:56:08 4 Well, it's not just confined to lawyers acting for their  
15:56:11 5 clients, is it?---No, it has a commercial application.  
6  
15:56:18 7 It's something that police are also trained in, in relation  
15:56:26 8 to their own dealings?---I've certainly not had training in  
15:56:29 9 relation to it.  
10  
15:56:30 11 Well, in terms of maintaining community confidence you must  
15:56:35 12 act impartially?---That's correct.  
13  
15:56:38 14 And not only that, you must be seen to be acting  
15:56:44 15 impartially, so there shouldn't be any suggestion?---That's  
15:56:47 16 correct.  
17  
15:56:49 18 You shouldn't be involved in any investigation in relation  
15:56:52 19 to people that you know, or friends, or have a personal  
15:57:00 20 relationship with?---I don't say that's - I don't agree  
15:57:06 21 with that. I was a detective in a country town for six  
15:57:09 22 years.  
23  
15:57:09 24 Yes?---It's all very well to espouse things on bits of  
15:57:13 25 paper. In reality it doesn't work.  
26  
15:57:15 27 You understand the concept of conflict of interest?---I  
15:57:19 28 understand the concept.  
29  
15:57:20 30 You understand how it would apply in relation to a  
15:57:22 31 lawyer?---Probably not in its entirety, no.  
32  
15:57:28 33 You understand that at least a simplified version of a  
15:57:32 34 lawyer shouldn't be representing two parties where their  
15:57:36 35 interests might diverge?---It depends. I mean it depends.  
15:57:45 36 I've seen lawyers represent multiple people. I mean  
15:57:48 37 without knowing the actual facts of the case it's a bit  
15:57:51 38 hard to say.  
39  
15:57:52 40 Well in this case with Mr Hodson, where one person was  
15:57:56 41 potentially going to become a witness against another  
15:58:01 42 person, it would be inappropriate for her to act for both  
15:58:05 43 people?---So we're talking about Hodson and who else?  
44  
15:58:08 45 Paul Dale?---Well certainly in that case, depending on what  
15:58:11 46 Hodson had said and what Dale had said, yeah, it would be  
15:58:15 47 inappropriate. However, if they were both saying nothing

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15:58:18 1 there would be no conflict.  
2  
15:58:20 3 Where there is concern about that conflict, it's completely  
15:58:24 4 appropriate for the police to seek the advice of the  
15:58:27 5 OPP?---Yes, that's one place you'd go.  
6  
15:58:36 7 You say you had no idea about Ms Gobbo's association or  
15:58:39 8 advice to Paul Dale around about that time?---None.  
9  
15:58:43 10 Were you aware of her representation of other police that  
15:58:47 11 had been charged by Ceja during that period of time?---No.  
12  
15:58:55 13 Were you aware of her relationship with Steve  
15:59:00 14 Campbell?---No.  
15  
15:59:01 16 Did you know that he'd been charged along with a number of  
15:59:04 17 others, Saunders, Waters and Alexander?---Saunders?  
18  
15:59:11 19 Waters, David Waters, and Peter Alexander?---I'm aware that  
15:59:15 20 there was a prosecution against a number of detectives, I  
15:59:18 21 think at St Kilda.  
22  
15:59:19 23 Yes?---Whoever they may have been, over cannabis that went  
15:59:22 24 missing or something similar.  
25  
15:59:23 26 Yes. You're aware of that prosecution?---Only insofar as  
15:59:26 27 what I just said. I don't know anything about the  
15:59:28 28 prosecution or what it sat around, other than drugs went  
15:59:33 29 missing.  
30  
15:59:33 31 Were you aware of Ms Gobbo's involvement with any of those  
15:59:36 32 people involved in that prosecution in any way?---No, but I  
15:59:42 33 later became aware that Waters had a possible contact  
15:59:48 34 within the AFP at the Melbourne office that caused an  
15:59:50 35 issue.  
36  
15:59:52 37 You were aware there was another Ceja prosecution of  
15:59:56 38 Ferguson, Cox and Sadler?---Yes.  
39  
15:59:59 40 Were you aware of Ms Gobbo's representation of at least  
16:00:04 41 Ferguson and Sadler?---No.  
42  
16:00:06 43 At various times?---No.  
44  
16:00:16 45 You mentioned before a meeting on 13 April 2004 with Tony  
16:00:26 46 Mokbel?---That's correct.  
47

.03/09/19

5465

O'BRIEN XXN

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16:00:26 1 And that's mentioned at paragraph 35 of your  
16:00:30 2 statement?---Right.  
3  
16:00:32 4 That was a meeting between Mr Mokbel, Tony Mokbel, someone  
16:00:39 5 by the name of Emeido Navaroli?---That's correct.  
6  
16:00:44 7 And two police members?---That's right, Sergeant Martin  
16:00:48 8 Robinson and Senior Detective David Bartlett.  
9  
16:00:52 10 Navaroli was an associate of Tony Mokbel; is that  
16:00:55 11 right?---That's correct.  
12  
16:00:57 13 Later you learned, or maybe you knew at the time, that he  
16:01:02 14 had something to do with financing operations?---No. I  
16:01:10 15 think he was a concealer of assets, a concealer of proceeds  
16:01:16 16 of crime.  
17  
16:01:19 18 The two members that attended, one was from the  
16:01:23 19 MDID?---That's correct.  
20  
16:01:23 21 And the other one was from Purana?---That's correct.  
22  
16:01:27 23 At that meeting - and that was a meeting that was  
16:01:34 24 recorded?---That's correct.  
25  
16:01:35 26 Mokbel indicated that he was willing to broker a deal and a  
16:01:40 27 number of people would be happy to serve short sentences of  
16:01:44 28 imprisonment?---Yeah, do a little bit of time.  
29  
16:01:48 30 And he mentioned in that regard Carl Williams, Azzam Ahmed  
16:01:52 31 and another person?---That's correct.  
32  
16:01:55 33 And he said do that and that'll have the effect of stopping  
16:01:59 34 all these gangland killings, effectively?---In part. He  
16:02:06 35 went a lot further than that. Basically what he was saying  
16:02:10 36 is everybody was negotiable, but not the family, and that  
16:02:13 37 he controlled it.  
38  
16:02:16 39 Is what he said, that was the indication of what he said or  
16:02:20 40 that was what he said?---It's in the transcript. It's  
16:02:23 41 fairly obvious what he said.  
42  
16:02:27 43 He also indicated that if it wasn't sorted out that legal  
16:02:30 44 proceedings, those proceedings that I mentioned earlier,  
16:02:35 45 would drag on for years?---That's correct.  
46  
16:02:38 47 There would be allegations of corruption made against

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16:02:41 1 police, as there already had been?---Yes, that was a tool  
16:02:44 2 of Tony's, yes.  
3  
16:02:46 4 And there would be a push in that regard for a Royal  
16:02:48 5 Commission?---That's correct.  
6  
16:02:50 7 Again, how did that meeting itself come about?---I'm not  
16:03:00 8 100 per cent sure but I think he was the one who requested  
16:03:05 9 the meeting.  
10  
16:03:05 11 Did he request it through the MDID or through Purana?---I'm  
16:03:09 12 not 100 per cent sure but I would say it's probably more  
16:03:12 13 than likely through the MDID and I'd say it was probably  
16:03:16 14 through Bartlett, who was on the peripheral of the Kayak  
16:03:21 15 investigation.  
16  
16:03:23 17 What was the idea of getting Purana along then to that  
16:03:26 18 meeting?---I'm not 100 per cent sure. I mean obviously  
16:03:31 19 Mokbel wanted to broker a deal. He wanted to get back to  
16:03:34 20 the status quo, we could all go back doing what we do.  
16:03:38 21 "You can be corrupt and we'll keep running the drug trade  
16:03:41 22 in Melbourne." That's what it was about.  
23  
16:03:44 24 Purana at that stage was run by Andrew Allen?---That's  
16:03:49 25 correct.  
26  
16:03:49 27 And Swindells and Ryan worked under him?---That's correct.  
28  
16:03:54 29 In those two sections that you were mentioning effectively  
16:03:57 30 before; is that right?---That's correct.  
31  
16:03:59 32 Did you have much contact with any of them during that  
16:04:03 33 period of time?---No, other than - I assisted Gavan Ryan  
16:04:08 34 once for a lab dismantling up in the country as part of  
16:04:12 35 their operation, but that was about it.  
36  
16:04:15 37 And you say that there wasn't much in the way of  
16:04:18 38 co-operation between the MDID and Purana?---No, I was  
16:04:22 39 getting on with other drug work, other drug investigations.  
40  
16:04:27 41 Given that these, given that Purana and MDID were brought  
16:04:31 42 together for this meeting with Mokbel, it's clear that he  
16:04:33 43 was seen as a target for both Purana and the MDID?---Yes,  
16:04:37 44 he was a well-known drug dealer.  
45  
16:04:40 46 But as you said before, Purana seemed to be focused on  
16:04:44 47 killings rather than drugs?---That's correct.

.03/09/19

5467

O'BRIEN XXN

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1  
16:04:49 2 But at least by this stage he seemed to be within the  
16:04:54 3 sights of Purana if they're coming along to this  
16:04:58 4 meeting?---I don't know, because I don't know what that -  
16:05:00 5 you're talking about the meeting with Tony Mokbel?  
6  
16:05:02 7 Yes?---Or the earlier meeting?  
8  
16:05:05 9 No, the meeting with Tony Mokbel?---Yeah, well obviously  
16:05:07 10 they had an interest.  
11  
16:05:11 12 You made a note - I guess your members came back and  
16:05:16 13 reported to you on the outcome of that meeting?---Yes,  
16:05:18 14 David Bartlett came back and gave us a debrief of the  
16:05:22 15 meeting, myself and Tony Biggin.  
16  
16:05:25 17 And you retained the tape and the transcript?---I didn't  
16:05:29 18 retain the tape. That would have gone, I believe, to  
16:05:33 19 Purana.  
20  
16:05:36 21 Is there any reason that went to Purana or you - - -  
16:05:40 22 ?---No, I've got no idea. I know it went there.  
23  
16:05:43 24 You make a note in your diary about the arrogance of the  
16:05:46 25 man?---Yes.  
26  
16:05:48 27 And confirming your belief that he's within the higher  
16:05:53 28 echelons of the drug trade in Victoria?---It wasn't my  
16:05:58 29 belief. He put himself there.  
30  
16:06:00 31 As you say in your statement, "His attitude further  
16:06:05 32 motivated me to put a coordinated investigation plan  
16:06:08 33 together to unravel Mokbel's criminal enterprise"?---That's  
16:06:12 34 correct.  
35  
16:06:13 36 And that was as of April 2004?---That's correct.  
37  
16:06:19 38 Given what you say there, that it was to be a coordinated  
16:06:23 39 investigation plan, and given that Purana were together  
16:06:28 40 with you at that meeting, was that a plan to be coordinated  
16:06:31 41 with Purana?---No.  
42  
16:06:32 43 Why not?---Well because Purana was taking on a whole new  
16:06:37 44 focus at that stage. I think the view was that the murders  
16:06:42 45 had slowed to a manageable level, albeit they probably  
16:06:49 46 hadn't, and that after having been up there I was asked by  
16:06:57 47 Mr Overland to take over Purana and to do the investigation

.03/09/19

5468

O'BRIEN XXN

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16:07:02 1 in relation to the Mokbels.  
2  
16:07:05 3 That was some time down the track from this?---That's  
16:07:09 4 correct.  
5  
16:07:11 6 Was there a coordinated investigation plan put together by  
16:07:14 7 you at that stage in April 2004?---No, it wasn't until some  
16:07:20 8 time later.  
9  
16:07:25 10 Was that plan of yours, or the plan to do a plan at least,  
16:07:31 11 reported up the line by you to Mr Overland at that  
16:07:34 12 stage?---Yes, it would have been.  
13  
16:07:37 14 Would it have been direct at that stage from you or would  
16:07:43 15 it have been in some other way?---No, a number of the  
16:07:45 16 investigations would have already been ongoing under  
16:07:48 17 different operation names. I think in my statement I said  
16:07:51 18 I couldn't recall the origins of Posse, but I now believe  
16:07:55 19 the origins of Posse were actually that intel assessment  
16:07:58 20 from the April and then coupled with the knowledge of that  
16:08:01 21 tape recording, and then coupled with what I knew about the  
16:08:05 22 other operations, Operation Quills, that were already being  
16:08:09 23 run from the MDID. So it was a matter of bringing them all  
16:08:13 24 together under the one umbrella and it was a natural thing  
16:08:17 25 to make it Posse.  
26  
16:08:18 27 We're talking about April 2004. I think you mentioned when  
16:08:23 28 Mr Holt took you through some of the amendments or  
16:08:28 29 expansions on your statement about the cartel assessment  
16:08:34 30 that was done by Purana, and I think you mentioned that  
16:08:38 31 that was done in April 2004. As I understand that's April  
16:08:42 32 2005, so not - - - ?---Oh, sorry.  
33  
16:08:45 34 That assessment itself didn't occur for another year from  
16:08:48 35 here, although that assessment, as I'll mention shortly,  
16:08:52 36 refers to an operation that had already been seemingly run  
16:08:57 37 from late in 2004 by Purana. Was there any plan of yours  
16:09:06 38 at this stage back in April 2004 that was developed?---The  
16:09:08 39 only plan that I did was the one that sits within the  
16:09:13 40 Interpose system which I've provided, along with a risk  
16:09:18 41 assessment.  
42  
16:09:22 43 In that meeting Mr Mokbel identified a number of people  
16:09:25 44 that would be willing to serve some time in custody to sort  
16:09:29 45 everything out?---That's correct.  
46  
16:09:34 47 You would have known at that stage that Ms Gobbo

.03/09/19

5469

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16:09:37 1 represented Mr Mokbel?---Yes, she did, yes.  
2  
16:09:44 3 You would have known that she at that stage represented  
16:09:47 4 each of the other people that were mentioned in that  
16:09:49 5 deal?---No.  
6  
16:09:55 7 The one name that I didn't mention, you knew that she'd  
16:10:00 8 represented that person since around 2002? It's number 35  
16:10:20 9 on the list?---Yes.  
10  
16:10:27 11 You would have known that Ms Gobbo was representing that  
16:10:29 12 person since 2002, or you might have not known since when  
16:10:34 13 she was representing him but you would have known - - -  
16:10:39 14 ?---She had, yes.  
15  
16:10:40 16 Carl Williams was another target of the MDID?---No, I don't  
16:10:45 17 think Carl Williams was a target of the MDID.  
18  
16:10:47 19 Did you not have any understanding that he was involved in  
16:10:52 20 the drug trade himself?---I knew he was a drug dealer but  
16:10:58 21 he was a target of Purana, I believe, not a target of the  
16:11:01 22 MDID at that stage.  
23  
16:11:03 24 Because he was a target of Purana did that mean that the  
16:11:05 25 MDID wouldn't be investigating him?---He wouldn't run a  
16:11:10 26 cross - we wouldn't run at cross-purposes and that would be  
16:11:14 27 running at cross-purposes.  
28  
16:11:16 29 There'd been some publicity when Carl Williams had been  
16:11:19 30 arrested late the previous year for threatening to kill  
16:11:23 31 Purana investigator Stuart Bateson and his partner?---I  
16:11:27 32 knew that - I saw some media on it, yes.  
33  
16:11:31 34 Ms Gobbo had represented Mr Williams in relation to those  
16:11:38 35 threats in court following that?---Yeah, I'm not sure.  
36  
16:11:43 37 Is that something that you would have been aware of at the  
16:11:45 38 time?---Had I been aware of it I would have been aware of  
16:11:50 39 it, but I have no recollection of being aware of it at that  
16:11:53 40 time.  
41  
16:11:58 42 Was Carl Williams by 2004 facing drug charges brought by  
16:12:03 43 the MDID?---I'm unsure. I've no recollection of him being  
16:12:08 44 charged by us with drug charges.  
45  
16:12:11 46 Do you recall both he and his father facing drug charges at  
16:12:17 47 a particular point in time?---Yes, I believe they were

.03/09/19

5470

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16:12:21 1 charged with drug charges but I'm not sure by whom.  
2  
16:12:26 3 The third person that Mr Mokbel had represented was Azzam  
16:12:30 4 Ahmed?---Yes.  
5  
16:12:32 6 Sorry, that Mr Mokbel mentioned was Azzam Ahmed?---That's  
16:12:39 7 correct.  
8  
16:12:41 9 He'd been arrested following the 2003 Operation  
16:12:46 10 Gallop?---That's correct.  
11  
16:12:50 12 Ms Gobbo had represented Mr Ahmed in a successful  
16:12:56 13 application for bail following those proceedings?---I'm not  
16:13:00 14 sure.  
15  
16:13:04 16 In May of 2004 Mr Ahmed became the target of another MDID  
16:13:10 17 operation, Operation Gruel?---I remember the operation  
16:13:19 18 name.  
19  
16:13:19 20 Do you recall that in May of 2004 Operation Gruel came to  
16:13:25 21 target Mr Ahmed and his brother, Fadi Ahmed?---I'm not  
16:13:32 22 sure. No recollection of it.  
23  
16:13:33 24 Do you recall other people associated with Mr Ahmed being  
16:13:37 25 Peter Roth and Stephen Kavanagh?---I remember the name Roth  
16:13:42 26 but only from going through a diary entry in relation to  
16:13:46 27 something else.  
28  
16:13:48 29 And as it turns out Ms Gobbo had represented Mr Roth  
16:13:53 30 through that year as well?---Yeah, I'm not sure. As I say,  
16:13:57 31 I didn't go to court all that often and the management of  
16:14:05 32 briefs and prosecutions was handled by Sergeants and their  
16:14:08 33 crews.  
34  
16:14:09 35 About a month after that meeting came the 16 May 2004 when  
16:14:17 36 Terrence Hodson and his wife Christine Hodson were  
16:14:20 37 murdered?---Yeah, that's probably too nice a word.  
38  
16:14:26 39 Executed?---Yeah, that's more to the point.  
40  
16:14:30 41 Aside from everything else there was serious concern about  
16:14:33 42 that because of the fact that he was a police informer?---I  
16:14:38 43 think there was more than serious concern about it.  
44  
16:14:43 45 You say in paragraph 38 of your statement that you handed  
16:14:47 46 over the informer management files to the Homicide Squad  
16:14:49 47 the day after?---That's right.

.03/09/19

5471

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1  
16:14:53 2 Did you have any other knowledge or involvement in that  
16:14:56 3 police investigation at the time?---The Hodson murders?  
4  
16:15:00 5 Yes?---No.  
6  
16:15:03 7 Were you aware of a suspicion that there might be police  
16:15:06 8 involvement in that murder, in those murders?---Of course.  
16:15:10 9 It was quite obvious. Miechel had been arrested at the  
16:15:14 10 scene after attacking a policeman with a torch and having  
16:15:17 11 his calf chewed off by a police dog, and you've got Dale,  
16:15:23 12 his Sergeant, supposed to be the handler of the informant  
16:15:28 13 and he's ringing me telling me rubbish on the telephone at  
16:15:32 14 9.32 at night.  
15  
16:15:37 16 Were you aware of Peter De Santo's involvement in that  
16:15:41 17 investigation?---I was aware that ESD were involved and I  
16:15:46 18 saw him in some media shot, De Santo was at the scene.  
19  
16:15:54 20 There were senior members of the Crime Department  
16:15:56 21 overseeing the investigation, Mr Overland and others?---I  
16:16:01 22 have no idea who was overseeing it. I would have thought  
16:16:04 23 that it was being overseen by the hierarchy of the Ethical  
16:16:10 24 Standards command.  
25  
16:16:14 26 Are you aware of a later statement made by Abbey Haines in  
16:16:20 27 relation to the night of the murder of the Hodsons?---No,  
16:16:25 28 I've not.  
29  
16:16:27 30 That she had been told by Azzam Ahmed to be out and to be  
16:16:31 31 seen on the night that the murder occurred. Are you aware  
16:16:35 32 of that statement by her?---No, I wasn't.  
33  
16:16:38 34 And that as it turned out, that on that night Mr Ahmed was  
16:16:43 35 out with Ms Gobbo?---No, I had no knowledge of that. As I  
16:16:56 36 said, Ethical Standards didn't share information with  
16:17:00 37 anybody. There was no distribution of information  
16:17:04 38 regardless of the fact that I was a Senior Sergeant in  
16:17:07 39 charge of Unit 2 of the MDID, regardless of the fact that I  
16:17:11 40 was the controller in relation to the Hodsons, I wasn't  
16:17:15 41 consulted about any of that. I was never kept in the loop  
16:17:18 42 because I strongly believe they probably thought I was a  
16:17:23 43 suspect.  
44  
16:17:28 45 In about early June of 2004 Mr Fitzgerald, Tony Fitzgerald  
16:17:34 46 was appointed by the Police Ombudsman to conduct an inquiry  
16:17:37 47 into the leak of IR44, you're aware of that?---Yes.

.03/09/19

5472

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1  
16:17:44 2 That investigation by Mr Fitzgerald, it seems, was delayed  
16:17:49 3 due to the necessity of some legislative change until later  
16:17:53 4 year but in the meantime there were some inquiries being  
16:17:56 5 conducted on behalf of the OPI by Victoria Police or in  
16:18:01 6 coordination with Victoria Police?---Again, I didn't have  
16:18:04 7 any knowledge of that.  
8  
16:18:08 9 Your diary summary indicates that you were making a  
16:18:12 10 statement - "statement preparation done re IR44". It seems  
16:18:20 11 as though the date that you've put in your diary summary  
16:18:23 12 might be slightly out of order. It says 5 April 2004,  
16:18:27 13 which predates the murders, so it seems in the sequence of  
16:18:31 14 things that that should have been a June or July 2004, do  
16:18:36 15 you accept that?---That's on the statement you're talking  
16:18:39 16 about?  
17  
16:18:40 18 It's your diary summary, the typed up diary  
16:18:43 19 summary?---Right, yeah. It would be a typo on my behalf.  
20  
16:18:49 21 It seems as though you were preparing a statement in  
16:18:51 22 relation to that inquiry?---I did, yes.  
23  
16:18:53 24 That was going on in relation to IR44?---I did, yes.  
25  
16:18:57 26 There was some concern in relation to that information  
16:19:01 27 report that it had gotten into the hands of Tony Mokbel at  
16:19:05 28 some stage?---No, I think it was - I'll have to check this  
16:19:12 29 list again, of course. The name I recall was it got into  
16:19:29 30 the hands of a fellow called Mark Smith.  
31  
16:19:32 32 Yes. There was a fax to Mark Smith in Queensland, it  
16:19:38 33 seems, from stables associated with Tony Mokbel; is that  
16:19:41 34 right?---I don't know.  
35  
16:19:46 36 Did you become aware that Ms Gobbo was interviewed by  
16:19:51 37 Charlie Bezzina and Cameron Davey in relation to these  
16:19:56 38 matters?---No.  
39  
16:20:00 40 Have you never become aware of that?---No.  
41  
16:20:04 42 In the course of that interview with Ms Gobbo she was asked  
16:20:09 43 on about three separate occasions whether she'd obtained  
16:20:13 44 affidavits regarding search warrants in relation to two of  
16:20:16 45 her clients, Waheed and Pidoto, and she responded that the  
16:20:25 46 defence couldn't obtain affidavits behind search warrants  
16:20:27 47 and you understand that as a proposition?---Yeah, I

.03/09/19

5473

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16:20:31 1 understand the proposition.  
2  
16:20:32 3 Defence might get the warrants themselves but they  
16:20:35 4 generally wouldn't get any affidavits in support of those  
16:20:38 5 warrants?---Generally not.  
6  
16:20:44 7 And the reason for that is that that might expose  
16:20:51 8 informers?---Yeah, could be a variety of reasons of which  
16:20:54 9 that's one.  
10  
16:20:56 11 So there would be some concern if she had in fact obtained  
16:20:59 12 the affidavits in support of the warrants?---Yes, there  
16:21:04 13 would be.  
14  
16:21:04 15 It was indicated to her by Mr Bezzina and Mr Davey that  
16:21:09 16 they had information from the MDID that she'd received a  
16:21:12 17 copy of the affidavit in relation to those matters. Do you  
16:21:18 18 know where they came into possession of that belief?---No.  
19  
16:21:21 20 Who from the MDID gave them cause to believe that?---No.  
21  
16:21:37 22 During the course of that interview Ms Gobbo referred to  
16:21:44 23 various clients of hers, she was asked about various  
16:21:47 24 clients of hers and whether she'd had discussions with them  
16:21:51 25 about the informer status of Mr Hodson, and towards the end  
16:21:58 26 of that interview - sorry, I should also say during the  
16:22:02 27 course of that interview she also essentially referred to  
16:22:06 28 her dissatisfaction about representing these people to  
16:22:11 29 Bezzina and Davey. Mr Bezzina spoke to her about down the  
16:22:16 30 track, without wanting to put her in a position that she  
16:22:20 31 shouldn't be in, but because of all the people she came  
16:22:23 32 into contact with she was obviously going to hear things  
16:22:26 33 and that if she came across information that she thought  
16:22:29 34 they should be aware to try and solve it, to give them a  
16:22:34 35 call. She'd had some - she expressed some consternation at  
16:22:39 36 the start of the interview that it was being recorded and  
16:22:42 37 there was an indication at the end that whatever  
16:22:45 38 communication they might have after that wouldn't be  
16:22:48 39 recorded. Now, did you become aware of those  
16:22:51 40 communications between Ms Gobbo and Mr Bezzina and  
16:22:55 41 Mr Davey?---No, and as I've said before, rarely would  
16:23:02 42 different disciplines within the Crime Department  
16:23:04 43 communicate anything to do with their investigations  
16:23:07 44 between each other.  
45  
16:23:11 46 You didn't become aware that Mr Davey said obviously they  
16:23:17 47 wouldn't videotape her, she would be anonymous, and they'd

.03/09/19

5474

O'BRIEN XXN

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16:23:22 1 just look in the direction that she pointed them in?---I've  
16:23:26 2 got no knowledge of that.  
3  
16:23:31 4 Given that ESD appeared to have spoken with someone at the  
16:23:35 5 MDID to obtain that information, do you have any idea about  
16:23:39 6 who it might have been that they would have spoken  
16:23:43 7 to?---No.  
8  
16:23:44 9 Would it have been someone above your rank?---I'm not - I  
16:23:49 10 have no idea. I mean after the issues with the Hodsons  
16:23:52 11 happened they took people out of the office one at a time  
16:23:58 12 and interviewed them, took statements from them, and didn't  
16:24:01 13 even give them copies of their statements. So I didn't  
16:24:03 14 discuss it with those people. I was never shown any  
16:24:06 15 documents that were produced as a result of it.  
16  
16:24:09 17 There were some information reports created by both Davey  
16:24:12 18 and Bezzina following on from that interview. Do you know  
16:24:15 19 if they were available to the MDID?---No, they wouldn't  
16:24:20 20 have been.  
21  
16:24:23 22 A matter of weeks following that, or on 24 July, so that  
16:24:29 23 interview was on 1 July, and then on 24 July 2004 it seems  
16:24:34 24 Ms Gobbo suffered a stroke and was hospitalised. Did you  
16:24:40 25 become aware of that?---No, not as far as I remember.  
26  
16:24:48 27 It's apparent that she was with Azzam Ahmed at the time  
16:24:54 28 that she suffered the stroke and that he drove her to  
16:24:56 29 hospital. Did you ever become aware of that?---No.  
30  
16:25:05 31 Do you think it's something you likely would have become  
16:25:08 32 aware of around about that time?---I don't recall being  
16:25:12 33 told about it. Not to say I wasn't. I'm just saying I  
16:25:22 34 don't recall anything about it, about any health issues she  
16:25:24 35 had.  
36  
16:25:25 37 At paragraph 40 of your statement you say this, "In around  
16:25:31 38 August 2004 I was receiving feedback from the floor that  
16:25:35 39 Ms Gobbo's involvement with her clients went beyond a  
16:25:38 40 professional relationship. The feedback I was receiving  
16:25:41 41 suggested that Ms Gobbo's contact with her clients went  
16:25:45 42 beyond that of a usual lawyer/client relationship. On 10  
16:25:49 43 August 2004 I asked members of the Drug Squad to submit IRs  
16:25:54 44 regarding contact with Ms Gobbo in support of a possible  
16:25:57 45 telephone intercept application"?---That's correct.  
46  
16:26:01 47 Do you have a memory of doing that?---Yeah, well I remember

.03/09/19

5475

O'BRIEN XXN

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16:26:04 1 them coming back and complaining and I said, "Well do  
16:26:08 2 something about it? It's all very well complaining about  
16:26:13 3 things, do something. Submit some information reports."  
4  
16:26:16 5 Did that arise out of a specific event?---No, I think it  
16:26:19 6 was just general disquiet from staff who'd been up and  
16:26:24 7 attended court, coming back, using a few profanities and I  
16:26:27 8 thought, "Well, it's all very well to complain. Do  
16:26:31 9 something".  
10  
16:26:32 11 If we might put up on the screen Mr O'Brien's diary  
16:26:45 12 RCMP.I.0053.0001.0003 at p.87.  
13  
16:26:56 14 COMMISSIONER: What date is this?  
16:26:58 15  
16:26:58 16 MS TITTENSOR: This is an entry on 10 August.  
17  
16:27:03 18 COMMISSIONER: 04?  
16:27:04 19  
16:27:05 20 MS TITTENSOR: Yes, 2004, Commissioner. Do you see that  
16:27:13 21 there, Mr O'Brien?---Yes.  
22  
16:27:15 23 On that day you see there was a meeting in relation to  
16:27:19 24 Operation Gruel?---Yes.  
25  
16:27:25 26 It concerned Unit 1 it seems?---That's correct.  
27  
16:27:31 28 And it says that, "Roth has second telephone. Senior  
16:27:39 29 Detective Rowe to identify same via CCR material.  
16:27:44 30 Operation Gruel, prepare affidavits to get Kavanagh's phone  
16:27:51 31 "?---Yes.  
32  
16:27:51 33 Then there's a dash from that, and then it says, "All  
16:27:54 34 members to submit information reports regarding their  
16:27:56 35 contact with Nicola Gobbo and work towards a possible TI  
16:27:59 36 application"?---That's correct.  
37  
16:28:03 38 Operation Gruel was the operation in respect of Azzam Ahmed  
16:28:08 39 and his brother?---Yeah, I have no memory.  
40  
16:28:13 41 Do you accept that?---I accept that if that's what it is,  
16:28:16 42 yes.  
43  
16:28:17 44 That's a meeting attended by yourself and Detective  
16:28:20 45 Inspector Shawyer, Detective Mansell and Rowe?---Yes.  
46  
16:28:24 47 Bannan, who I understand was an analyst; is that

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16:28:28 1 right?---Public administration officer, yes.  
2  
16:28:33 3 [REDACTED] White?---There's no White there.  
4  
16:28:44 5 White is the - you'll see the name in the box, it's the  
16:28:44 6 pseudonym for the name in the box?---Sorry, yeah, White.  
16:28:47 7  
16:28:50 8 [REDACTED] White, had you had a long  
16:28:54 9 association with him?---From the MDID days, yes, and prior  
16:29:00 10 to that I think had some dealings with him in the covert  
16:29:03 11 unit.  
12  
16:29:05 13 How long had you worked with him would you say?---Actually  
16:29:10 14 worked with him? Oh, not a long period of time.  
15  
16:29:16 16 Did you have a close working relationship?---Yes, I  
16:29:18 17 respected him and I thought he was very knowledgeable in  
16:29:22 18 covert operations in particular.  
19  
16:29:25 20 Was it a daily relationship during this period of  
16:29:30 21 time?---Hard to know because I think Mr White was in and  
16:29:34 22 out of the MDID or Drug Squad or whatever it was, so, no,  
16:29:40 23 we wouldn't have - he would have been running a unit, I'd  
16:29:44 24 have been running a unit. Apart from passing each other in  
16:29:48 25 the hallway or having a cup of coffee, that would be about  
16:29:51 26 it.  
27  
16:29:52 28 It seems as though Ms Gobbo has come on to the radar during  
16:29:55 29 this investigation and - if you have a look at that entry;  
16:30:05 30 is that right?---Yes, certainly in relation to - as I said  
16:30:08 31 earlier, the contacts at court with members going to court.  
32  
16:30:12 33 Well it seems as though - well perhaps it's a combination  
16:30:16 34 of that but for some reason in relation to Operation Gruel  
16:30:19 35 she's come on to the MDID radar as a person of  
16:30:25 36 interest?---Well, I can't make that assumption from that  
16:30:28 37 entry.  
38  
16:30:29 39 That entry is a meeting in relation to Operation Gruel; is  
16:30:34 40 that right?---Yes, it is, but as you say, there's a number  
16:30:39 41 of issues there.  
42  
16:30:45 43 Would it be a fair inference to say that it seems from a  
16:30:50 44 reading of that that - - - ?---It may be linked, it may be  
16:30:56 45 not. I'm unable to say. Look, people who did Gruel or the  
16:31:00 46 documents in relation to Operation Gruel would probably  
16:31:03 47 provide clarity around that.

.03/09/19

5477

O'BRIEN XXN

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1  
16:31:07 2 Do you recall whether there was any evidence of her popping  
16:31:11 3 up on surveillance, physical surveillance or telephone  
16:31:15 4 intercepts or listening devices?---Not to my knowledge.  
5  
16:31:17 6 If you were going to get a telephone intercept in relation  
16:31:21 7 to her you must have had at that stage a possible criminal  
16:31:24 8 offence in mind?---No, what I was saying to the people on  
16:31:26 9 the floor was to start gathering information, start putting  
16:31:29 10 stuff together, build a bit of a picture because at this  
16:31:33 11 stage all I had was a lot of whinging and moaning from  
16:31:37 12 people.  
13  
16:31:38 14 If you were looking towards a possible telephone intercept  
16:31:41 15 application you would have had to have something in mind in  
16:31:46 16 terms of a criminal offence, wouldn't you?---No, no. At  
16:31:51 17 that stage it was only an intel gathering exercise.  
18  
16:31:54 19 If you're looking towards a telephone intercept, when  
16:31:56 20 you're making such an application do you have to indicate -  
16:32:00 21 - - ?---Yes, you do.  
22  
16:32:02 23 - - - the type of criminal offence?---Yes, you do. But a  
16:32:05 24 lot of criminal intelligence gathering occurs prior well  
16:32:10 25 prior to you having any actual evidence of an offence.  
16:32:13 26 That may not manifest itself until some way down the track  
16:32:21 27 .  
28  
29 You were investigating drug offences?---That's correct.  
30  
16:32:21 31 Did you have in mind some kind of involvement in drug  
16:32:22 32 offending by her?---She could have been involved in drug  
16:32:24 33 offending, I don't know. I had no evidence of that at that  
16:32:29 34 stage.  
35  
16:32:29 36 It was a pretty significant thing to be considering,  
16:32:34 37 investigation of a lawyer?---Why?  
38  
16:32:38 39 You don't agree with that?---No, I don't agree with that.  
16:32:41 40 Look at Andrew Fraser.  
41  
16:32:44 42 And that would have started off somewhere with an offence  
16:32:47 43 in mind?---No, well I'm not sure. But I mean I know the  
16:32:52 44 man was involved in drugs and got caught up in a drug  
16:32:54 45 investigation.  
46  
16:32:58 47 Do you recall whether you received any information from

.03/09/19

5478

O'BRIEN XXN

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16:33:03 1 members about Ms Gobbo?---No, I didn't.  
2  
16:33:09 3 You specifically recall that you didn't receive  
16:33:11 4 anything?---I had no further note or anything that was  
16:33:15 5 progressed in relation to her. It might have been just  
16:33:25 6 disquiet from members on the floor.  
7  
16:33:27 8 It seems to have been something that was discussed as  
16:33:29 9 between the people present at that meeting, which included  
16:33:32 10 White, Mansell and Rowe; is that right?---Again, unless I  
16:33:36 11 had the details of those investigations and the  
16:33:39 12 investigation plan, it would shed some light on it, but  
16:33:42 13 from what's written there I can't determine that.  
14  
16:33:46 15 Do you recall if there was any other investigation into  
16:33:50 16 activities of Ms Gobbo?---None that I'm aware of.  
17  
16:33:54 18 I note the time, Commissioner.  
19  
16:33:56 20 COMMISSIONER: Do you want to tender the diary entry?  
16:33:59 21  
16:33:59 22 MS TITTENSOR: Yes, Commissioner, thank you.  
16:34:00 23  
16:34:01 24 #EXHIBIT RC465A - (Confidential) Diary entry Jim O'Brien  
16:34:06 25 dated 10/08/04.  
16:34:10 26  
16:34:10 27 #EXHIBIT RC465B - (Redacted version.)  
16:34:13 28  
16:34:13 29 MR HOLT: It only needs to be name redacted, Commissioner,  
16:34:16 30 there are no other issues in respect of it.  
31  
16:34:19 32 COMMISSIONER: Still, we'll do an A and a B. We'll adjourn  
16:34:22 33 until 9.30 tomorrow morning.  
16:34:24 34  
16:34:25 35 <(THE WITNESS WITHDREW)  
16:34:26 36  
16:35:04 37 ADJOURNED UNTIL WEDNESDAY 4 SEPTEMBER 2019  
38  
39  
40  
41  
42  
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44  
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.03/09/19

5479

O'BRIEN XXN