

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria
on Thursday, 10 October 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 K. Argiropoulos
Counsel for State of Victoria	Mr C. McDermott
Counsel for Nicola Gobbo	Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDPP	Ms C. Fitzgerald
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for AFP	Ms I. Minnett
Counsel for the ACIC and Department of Home Affairs	Ms S. Martin
Counsel for Chief Commissioner of Police	Mr A. Coleman SC Mr P. Silver

09:35:55 1 COMMISSIONER: Yes, Mr Woods. I understand the appearances
09:35:57 2 are largely as they were yesterday.
09:35:59 3
09:35:59 4 MR WOODS: Yes, they are, Commissioner.
09:36:02 5
09:36:02 6 <ANTHONY MICHAEL BIGGIN, recalled:
09:36:06 7
09:36:06 8 MR WOODS: Mr Biggin, just at the end of yesterday I was
09:36:09 9 asking you some questions about the OPI and I think we were
09:36:12 10 talking about 2008. I just want to ask you a few questions
09:36:16 11 about the two hearings that occurred in 2007 that Ms Gobbo
09:36:24 12 was summonsed to. You know the ones I'm talking about?---I
09:36:27 13 knew she was potentially summons to one, I didn't know
09:36:31 14 about two.
15
09:36:32 16 It was one lot of evidence that occurred over two separate
09:36:35 17 days?---Okay.
18
09:36:37 19 I think there might have been one summons. But you talk in
09:36:41 20 paragraph 82 of your second statement about - well,
09:36:49 21 starting at 80, you talk about some occasions in 2007 where
09:36:55 22 you gave verbal direction to the SDU members that Ms Gobbo
09:37:00 23 was to be told not to provide privileged or confidential
09:37:03 24 information to her handlers and controllers, I think we
09:37:06 25 might have talked about that yesterday?---We did, yes.
26
09:37:09 27 Then a couple of paragraphs down in your statement - well,
09:37:13 28 I took you to the entry on 25 May 2007 where there's a
09:37:18 29 discussion about Ms Gobbo's knowledge of Paul Dale's
09:37:23 30 involvement in the stolen IRs, you recall that?---Yes, I
09:37:26 31 do.
32
09:37:27 33 And then you say, "No one from the OPI was present at this
09:37:30 34 meeting. I recall discussing with DC Overland my concerns
09:37:34 35 that if called to give evidence before the OPI Ms Gobbo
09:37:37 36 would lie about her involvement with Victoria Police as a
09:37:40 37 source and this would amount to an offence. DC Overland
09:37:45 38 said that he would speak to Graham Ashton who was at the
09:37:49 39 OPI at that time. It was possible that Ms Gobbo could have
09:37:53 40 been redeployed as a human source with the OPI as someone
09:37:56 41 who might assist in relation to Paul Dale, who was being
09:38:01 42 investigated by the OPI at the time"?---Correct.
43
09:38:09 44 Were you aware at the time that Ms Gobbo - well, shortly
09:38:15 45 after this Ms Gobbo attended on 19 July 2007?---No, I
09:38:19 46 wasn't.
47

09:38:20 1 All right. Were you aware that there was a joint
09:38:24 2 investigation that was taking place jointly by Victoria
09:38:29 3 Police and the OPI into the stolen IRs?---Correct.
4
09:38:35 5 As a matter of interest, the OPI's role was to provide
09:38:40 6 independent oversight to Victoria Police, you agree?---I
09:38:44 7 do.
8
09:38:45 9 In your view is it appropriate that there was essentially a
09:38:49 10 joint operation by the OPI and Victoria Police given that
09:38:54 11 independent oversight role by the OPI?---My view is I saw
09:38:59 12 that they could either investigate or they could oversight,
09:39:05 13 you can't do both
14
09:39:06 15 So in other words there probably shouldn't have been - they
09:39:10 16 should not have been working concurrently with Victoria
09:39:12 17 Police in that regard?---My view is that if the Victoria
09:39:18 18 Police are the investigating body, the oversight is
09:39:21 19 oversight the moment you actually do joint investigations.
09:39:24 20 As I said, you can't do both.
21
09:39:26 22 I think that's - you agree with my proposition?---Correct.
23
09:39:30 24 I want to just go to a couple of entries in your diary. At
09:39:35 25 p.0517 of the consolidated diary, and this is on 18 July
09:39:44 26 2007 - just to place this in time, this was the day before
09:39:52 27 Ms Gobbo first attended. I can bring up - I can read the
09:39:59 28 whole consolidated diary - oh no, here we go. 18 July
09:40:04 29 2007, so this is your diary?---That's my writing I can see
09:40:07 30 on the one line.
31
09:40:08 32 Do you have - in fact it might be more efficient if you
09:40:12 33 have your hard copy. Is that something you can - we might
09:40:16 34 get some assistance. Someone will fish your hard copy
09:40:20 35 diary that encompasses 18 July 2007 out of the bundle next
09:40:24 36 to you. While that's happening - so it's 18 July 2007 is
09:40:34 37 the diary we're looking for?---A Wednesday.
38
09:40:38 39 While that's occurring I might just get the operator to
09:40:43 40 scroll down through that entry. As I say, Ms Gobbo attends
09:40:49 41 the following day. The ICRs indicate that throughout this
09:40:56 42 period, from before she actually receives the summons but
09:41:02 43 knows it's coming, until her final appearance which is on
09:41:07 44 17 August 2007, she is discussing in great detail her
09:41:13 45 concerns about having to appear before the OPI. Now is
09:41:19 46 that something you were aware of?---I knew that she'd
09:41:22 47 raised with the handlers that there was a hearing coming.

1
09:41:25 2 Right?---I wasn't briefed on the concerns but I knew that
09:41:29 3 it had been raised with them.
4
09:41:30 5 You knew she was appearing before the OPI?---She was to
09:41:33 6 appear, yes.
7
09:41:34 8 Okay. So the day before that - now you might have to
09:41:41 9 confirm this in your diary that this is still an entry of
09:41:45 10 18 July that we're looking at here?---I have my diary for
09:41:49 11 18 July.
12
09:41:50 13 You don't?---I do.
14
09:41:51 15 You do, okay?---Do you want me to identify the diary?
16
09:41:55 17 What I'd like you to do, because the pages we've got are so
09:41:59 18 heavily redacted, I understand for relevance, it's not
09:42:02 19 clear to me whether this entry relates to that same date,
09:42:05 20 being 18 July, the one that's on the screen. Is that still
09:42:08 21 18 July?---Still 18 of July.
22
09:42:10 23 So the day before that attendance there's a meeting between
09:42:14 24 yourself, Inspector Hardy, Sandy White and the discussion
09:42:24 25 topic is 3838 issues and witness security?---That's
09:42:27 26 correct.
27
09:42:30 28 Why was there a discussion the day before she attended the
09:42:33 29 OPI about Witsec for Ms Gobbo?---Because one of the plans
09:42:38 30 we had for Ms Gobbo was at some stage that if she was going
09:42:43 31 to become a witness she would need to be transitioned
09:42:46 32 across to Witsec.
33
09:42:47 34 And given the timing of this entry I take it that that was
09:42:50 35 a real possibility that was going to arise from her
09:42:53 36 attendance before the OPI?---I wasn't aware of her
09:42:56 37 attending at the OPI on that particular time but it was a
09:43:00 38 real possibility that if she made a statement and got
09:43:03 39 involved in matters before the courts Witsec became very,
09:43:09 40 very important.
41
09:43:10 42 Can I suggest to you then that the reason for this meeting
09:43:13 43 was it was known to those in the room that Ms Gobbo was
09:43:16 44 actually attending the OPI the next day and a result of all
09:43:20 45 of that might well be that she became a witness and so it
09:43:24 46 was well-known to you and the others in the room that that
09:43:26 47 was what was to occur the next day, the appearance before

09:43:29 1 the OPI to talk about Paul Dale and the IRs?---No, look I
09:43:34 2 never knew about any hearings - her appearance. I knew
09:43:40 3 that she'd been summonsed to appear and there were issues,
09:43:45 4 and I spoke to Overland about those, I didn't know that she
09:43:47 5 was appearing on the next day, 19 July. I wasn't briefed
09:43:52 6 by Hardy or Sandy White about those issues.
7
09:43:59 8 The controller who was sitting in front of you in this
09:44:03 9 meeting, who knew that this very significant thing was
09:44:06 10 happening the next day in relation to Nicola Gobbo, that
09:44:10 11 might well mean that she needed to eventually go into
09:44:13 12 Witsec, you discussed Nicola Gobbo and the possibility of
09:44:18 13 Witsec but never the thing that was happening the next
09:44:23 14 day?---Correct.
15
09:44:28 16 You're quite confident that that's the correct
09:44:31 17 situation?---I have no recollection of it. If we'd have
09:44:36 18 had that conversation I would have a recollection of it and
09:44:39 19 I have no recollection of that.
20
09:44:41 21 You know that she was appearing before the OPI?---I knew
09:44:45 22 she was to appear.
23
09:44:48 24 And the very day before you have a meeting discussing her
09:44:50 25 and Witsec. Do you say you have an independent
09:44:54 26 recollection of this meeting?---No, I don't.
27
09:44:57 28 So you must allow for the possibility then, given that you
09:44:57 29 knew about her appearance before the OPI, that that was the
09:45:01 30 topic of discussion, namely that she was appearing the next
09:45:03 31 day and one of the results of that was that she might have
09:45:05 32 to go into witness security?---No, as I've already said
09:45:08 33 twice, I didn't know she was going to appear. I knew there
09:45:11 34 was a possibility she was going to appear and we'd had
09:45:14 35 conversations about that. I didn't know the date she was
09:45:16 36 going to appear, or if indeed she had appeared or was about
09:45:20 37 to be appear. I wasn't told.
38
09:45:22 39 What was the thing in your mind that meant that she might
09:45:24 40 have to enter the witness security program?---There was a
09:45:28 41 potential down the track that we needed to get her into
09:45:32 42 Witsec.
43
09:45:33 44 A witness in relation to what matter?---At that stage I
09:45:38 45 would have thought it would have been the Paul Dale
09:45:39 46 matters.
47

09:45:39 1 A person that she was to appear, as you say you now know or
09:45:44 2 you found out afterwards, she was about to appear in the
09:45:47 3 OPI the next day to give evidence about?---Once again, I
09:45:51 4 didn't know she was appearing the next day. I knew that
09:45:54 5 she'd been summonsed or potentially been summonsed. She
09:45:58 6 was to appear. The full subject of the matter I didn't
09:46:01 7 know other than it was in relation to Mr Dale.
8
09:46:06 9 Is it the situation that today you can't recall that being
09:46:09 10 a topic of conversation but given the entry the day before
09:46:12 11 and what it says it must have been the topic of
09:46:14 12 conversation?---No, it was about Witsec because if it was
09:46:19 13 any broader than that I would have made more notes. And if
09:46:23 14 you actually read the full item, we discussed a number of
09:46:26 15 items in relation to source issues on that day.
16
09:46:28 17 In relation to Nicola Gobbo?---No, in relation to other
09:46:31 18 sources.
19
09:46:31 20 Given the things that I've described to you about
09:46:34 21 Ms Gobbo's real concern that she was expressing to her
09:46:39 22 handlers in her lead up to the appearance, which was the
09:46:42 23 day after this diary entry, and this obviously being a
09:46:45 24 matter of significance in relation to Nicola Gobbo and you
09:46:48 25 essentially being the manager of Sandy White, you'd accept
09:46:52 26 that if he didn't tell you about this he should have told
09:46:55 27 you about this?---No. No, not necessarily. There was a
09:46:59 28 whole heap of legislation that precluded conversations.
29
09:47:04 30 Well it was pretty common knowledge to a number of people,
09:47:07 31 including the handlers that she was talking to, that she
09:47:11 32 was to give evidence before the OPI. You're saying that
09:47:17 33 you knew that she was to give evidence before the OPI at
09:47:20 34 some stage?---I did.
35
09:47:21 36 And you knew beforehand?---I knew at some stage, that's
09:47:24 37 right.
38
09:47:25 39 You accept that those provisions have been breached by
09:47:27 40 someone to you at that stage?---They had and I'd actually
09:47:31 41 authorised a further breach in relation to Mr Hardy so he
09:47:34 42 could be briefed.
43
09:47:34 44 You did?---I did.
45
09:47:43 46 I want to go to p.518. That might be the page that's up at
09:47:47 47 the moment. Yes, it is. I want to go to p.638 of the

09:47:55 1 diaries. This is p.139 of your diary. Can you tell the
09:48:01 2 Commission what date that entry is?---So we're going
09:48:09 3 backwards?
4
09:48:11 5 No, sorry, 638 - I'm sorry, it's 638 of the consolidated
09:48:15 6 diary. I might just pull it up on my one. Just a
09:48:19 7 moment?---Be a different diary if it's - - -
8
09:48:29 9 So the date that I'm wanting to take you to is 8 September.
09:48:38 10 Sorry, just before we do that. The diary entry I'm after
09:49:17 11 is 524 of the consolidated diary. I apologise. I'll tell
09:49:25 12 you the date of this in a moment. Okay. Now that should
09:49:31 13 be 175 of the hard copy diary in front of you?---175, yes.
14
09:49:44 15 Do you see that? That date, and I'm after the entry - -
09:49:48 16 -?---At 16:30 ?
09:49:49 17
09:49:49 18 Well, firstly the one above, 14:50?---Sorry, yes.
19
09:49:53 20 There's a conversation - - -
21
09:49:54 22 COMMISSIONER: First of all, what's the date please?---I'm
09:49:57 23 sorry, it's Tuesday 24 July 2007.
24
09:50:00 25 Thank you.
09:50:02 26
09:50:02 27 MR WOODS: Bearing in mind the appearance has happened on
09:50:07 28 19 July, there's a conversation between you and Blayney,
09:50:11 29 you see that?---Correct.
30
09:50:13 31 That's in relation to a different source?---No, I've spoken
09:50:20 32 to Blayney at 16:30 regarding meeting at Purana later that
09:50:25 33 afternoon.
34
09:50:26 35 Then the meeting later that afternoon is with Sandy
09:50:30 36 White?---Then I have a meeting, meeting or a conversation,
09:50:33 37 I think it's a meeting by the looks of things.
38
09:50:35 39 Just go back to the entry above before we get to this one.
09:50:39 40 "Re 16:30 meeting" and the meeting was to be about Nicola
09:50:43 41 Gobbo?---Correct.
42
09:50:46 43 Again, it's about whether or not she'll become a witness,
09:50:49 44 whether she'll have to enter Witsec and what future
09:50:53 45 payments might need to be made to her?---Future directions
09:50:56 46 and future deployment are my diary notes.
47

09:51:00 1 Sorry, the N is obscuring it?---Yes.
2
09:51:03 3 Future deployment of Nicola Gobbo?---I'm sorry, when I
09:51:06 4 spoke to White - the conversation with Mr White earlier in
09:51:22 5 the day talks about "witness/Witsec/future deployments".
6
09:51:26 7 Yes?---The conversation at 16:30 talks about "human source
09:51:29 8 3838".
9
09:51:30 10 We'll go down to that entry now on the screen?---It says,
09:51:33 11 "Witness/Witsec/future directions".
12
09:51:36 13 Yes, okay. This entry falls between the 19 July appearance
09:51:42 14 at the OPI and the 17 August appearance at the OPI. I take
09:51:48 15 it that by this stage Mr White had told you about what was
09:51:52 16 occurring in front of the OPI, namely that Ms Gobbo had
09:51:57 17 been summonsed, was giving evidence about - was being asked
09:52:00 18 questions about Mr Dale and was concerned about that?---No,
09:52:04 19 he didn't tell me.
20
09:52:06 21 So what was the reason that you were here yet again
09:52:11 22 discussing with each of these gentlemen the fact that she
09:52:14 23 might become a witness and might have to enter
09:52:18 24 Witsec?---Because I think, as I explained yesterday, there
09:52:20 25 was a push from the middle of 2007 to turn a human source
09:52:24 26 into a witness, Ms Gobbo from being a human source into a
09:52:27 27 witness in relation to this matter, and then there was a
09:52:30 28 second set of matters that then followed along.
29
09:52:33 30 Is it your position that those who knew in the room simply
09:52:38 31 kept from you the fact that there was this OPI
09:52:44 32 hearing?---They did.
33
09:52:48 34 Is that p.526? I think it is. Oh no. If you can turn to
09:52:56 35 p.526. This is p.197 of your diary. Could you confirm the
09:53:04 36 date of this entry, please?---197 commences on Monday 6
09:53:15 37 August 2007.
38
09:53:17 39 Okay. So again it falls between the two OPI appearances of
09:53:22 40 Ms Gobbo. The attendees are Overland, Blayney, Gavan
09:53:29 41 Ryan?---Sandy White.
42
09:53:30 43 And Sandy White?---Correct.
44
09:53:32 45 And the discussion is about Nicola Gobbo?---Correct.
46
09:53:37 47 Can you just read the words or the symbols or words that

09:53:42 1 come after 3838 in that line?---Certainly. "Risk issues".
09:53:46 2 Then the next line, "Full discussion."
3
09:53:48 4 I take it there's a full discussion that occurs there about
09:53:51 5 the risks pertaining to Nicola Gobbo?---Correct.
6
09:53:56 7 And those risks were, I suggest to you, arising out of the
09:54:00 8 fact that she was now providing evidence before the OPI and
09:54:04 9 that would have been discussed in that meeting?---No, my
09:54:08 10 sketchy recollection of this meeting is that there was a
09:54:11 11 full push at this point of time to actually make her a
09:54:14 12 witness.
13
09:54:16 14 And so again you say those in the room that knew about her
09:54:21 15 appearance before the OPI, which were at the very least
09:54:24 16 Overland, Ryan and Sandy White, simply kept that from
09:54:27 17 you?---Correct.
18
09:54:32 19 When was it that you say you became aware of Ms Gobbo
09:54:36 20 appearing before the OPI in relation to the IRs and
09:54:39 21 Mr Dale?---I had no - I have no independent recollection of
09:54:44 22 ever being told that. I knew she was going to.
23
09:54:47 24 You knew she was going to beforehand?---Yes.
25
09:54:49 26 Because who told you that?---I think Sandy White told me at
09:54:53 27 some stage before. I didn't know the date, I just know
09:54:55 28 there was proposed hearing. I didn't know the dates.
29
09:54:58 30 You knew what it was about?---I knew what it was about.
09:55:02 31 You've told me it was two dates, I didn't know that.
32
09:55:05 33 It was a single appearance over two days?---I didn't know
09:55:08 34 that.
35
09:55:09 36 You authorised that that information be passed on to
09:55:12 37 another officer?---I did.
38
09:55:16 39 What was the method of authorisation that you
09:55:19 40 utilised?---It was just a verbal message from me to him.
41
09:55:22 42 Were you aware of the requirements of the *Police Regulation*
09:55:28 43 *Act* as they stood at the time in relation to the disclosure
09:55:31 44 of OPI hearings?---I had a rough recollection of them, yes.
45
09:55:36 46 Were you confident that a verbal okay from you was meeting
09:55:40 47 those requirements of the *Police Regulation Act*?---At that

09:55:43 1 time I was.
2
09:55:44 3 Did you satisfy yourself of that fact?---I didn't satisfy
09:55:46 4 myself of that fact, no.
5
09:55:57 6 The members of the SDU who at this stage you had functional
09:56:00 7 control over have both given - a number of them have given
09:56:06 8 evidence, and others it's clear in the ICRs, had real
09:56:09 9 concerns about Ms Gobbo attending before the OPI and the
09:56:15 10 risks that that might pose to her. Were those risks ever
09:56:19 11 reported to you by the members of the OPI - sorry, by the
09:56:25 12 SDU?---There was certainly conversations about the proposed
09:56:30 13 appearance and some of the risks that were arising, yes.
14
09:56:35 15 She also in the period between her first and second
09:56:38 16 appearance, and indeed after the second appearance because
09:56:42 17 there was a prospect she was going to have to come back
09:56:45 18 again, continued to raise these concerns in a very direct
09:56:48 19 way according to the ICRs with each of those members of the
09:56:52 20 SDU she was dealing with. Is it the case that they didn't
09:56:55 21 pass that information on to you?---No, they didn't pass
09:56:57 22 that on.
23
09:56:58 24 You accept that it would have been appropriate to pass on
09:57:03 25 to you?---In a general sense, yes, but it's something that
09:57:05 26 the way I managed, something I expected my Inspector to be
09:57:10 27 fully across.
28
09:57:11 29 Your Inspector to be fully across, but you were a person
09:57:14 30 who knew that Ms Gobbo was to give evidence before the OPI,
09:57:18 31 that's correct?---I knew there was a proposed hearing, as
09:57:21 32 I've said a number of times, yes.
33
09:57:22 34 So it would have been - it wouldn't have been something
09:57:25 35 that needed to be kept from you for that reason because
09:57:28 36 both yourself and Sandy White knew that you
09:57:32 37 knew?---Correct.
38
09:57:33 39 So do you say it's a failing of the SDU passing it on to
09:57:36 40 you or a failing of your Inspector?---No, I think it's a
09:57:40 41 very difficult situation, it's not a failing on anyone's
09:57:43 42 behalf. It's an operational issue that is surrounded by
09:57:48 43 legislation and no one is trying to actually, everyone is
09:57:50 44 trying to do the right thing by stepping around the issue.
09:57:53 45 So in reality I just wasn't told because there probably
09:57:56 46 wasn't a method for them to tell me.
47

09:57:59 1 There was no need to step around those problems with the
09:58:02 2 legislation with you, between you and Sandy White, because
09:58:04 3 you already knew?---I knew there was a proposed hearing. I
09:58:08 4 didn't know the hearings had been conducted.
5
09:58:10 6 In your audits that you conducted, and we've been through
09:58:15 7 some of those, and your ongoing review and oversight of the
09:58:21 8 SDU, the SMLs and the ICRs, I should say, are replete with
09:58:26 9 references to these concerns being raised by Nicola Gobbo
09:58:29 10 about the OPI appearances. Do you accept you would have
09:58:32 11 read them in your audits?---No.
12
09:58:35 13 So how would you have missed that?---It's just something
09:58:37 14 that wasn't at the forefront of my mind.
15
09:58:42 16 Not at the forefront of your mind. Your job was to audit
09:58:46 17 the relationship between the SDU and Nicola Gobbo, do you
09:58:50 18 accept that?---It was one small part of my role, yes.
19
09:58:54 20 One small part of your job but this was a significant
09:58:56 21 source who was providing significant information and you
09:58:58 22 knew that?---She was a source providing information. She
09:59:01 23 was one of at least [REDACTED] sources providing information.
24
09:59:05 25 She was by far the most onerous source, to your knowledge,
09:59:08 26 that was providing information during this period of time,
09:59:11 27 2005 to 2009?---What do you mean by onerous?
28
09:59:14 29 She was taking the most management of the SDU members by
09:59:17 30 far, that's been their evidence?---I agree with that.
31
09:59:20 32 And the information she was providing was very significant
09:59:22 33 information and we went through some of those factors
09:59:26 34 yesterday?---Yes.
35
09:59:26 36 And you knew that at the time?---Yes.
37
09:59:28 38 Given those things, you had to take your obligation toward
09:59:32 39 it, the files relating to her very seriously, you agree
09:59:37 40 with that?---I did.
41
09:59:38 42 It was important that you read the SMLs in detail when
09:59:43 43 conducting your audit?---No, I scanned the SMLs. As I
09:59:48 44 explained yesterday, I scanned the SMLs because the way I
09:59:50 45 did the audits, as I explained yesterday, I was looking for
09:59:54 46 four specific areas every time.
47

09:59:56 1 So the risks that are - I don't need to take you to each of
10:00:00 2 them but I'll suggest to you that the issues that we've
10:00:03 3 just been talking about are very clear within the SMLs.
10:00:07 4 You say through your scan of the SMLs you simply didn't
10:00:11 5 pick up any of those issues?---Correct.
6
10:00:20 7 As I understood your evidence yesterday you said you read
10:00:24 8 the SMLs from time to time?---I did read them from time to
10:00:27 9 time, yes, not all of them.
10
10:00:31 11 I want to take you forward a little bit to - now there's a
10:00:35 12 document I took you to yesterday, I just want to put to you
10:00:38 13 a couple of documents that came before it. In Mr White's
10:00:43 14 diary of 2008, and this is 1 August 2008?---Can I dispose
10:00:49 15 of this diary?
16
10:00:51 17 Yes, you can dispose of it. First of all, it was 2008 and
10:00:57 18 this is 2000.0001.1506. I've been asking you some
10:01:06 19 questions about the prospect of Ms Gobbo becoming a witness
10:01:12 20 in relation to Operation Petra matters and you know that
10:01:16 21 Petra is the investigation into the murder of the
10:01:20 22 Hodsons?---Wasn't that Briars and Petra was the one in
10:01:25 23 relation to the vampire?
24
10:01:28 25 No, other way around?---Other way around sorry, yes.
26
10:01:31 27 There's an entry here. So this is 1 August 2008. Mr White
10:01:37 28 receives a call from you, there's a discussion about Petra,
10:01:42 29 "possible scenario re leaked document"?---Correct.
30
10:01:46 31 "Directed by Super to disclose name, date of birth and
10:01:48 32 address for sources involved in operation 2858"?---Correct.
33
10:01:52 34 And, "Had been directed by DC Overland who will pass info
10:01:59 35 to OPI! Complied". Are you able to explain what this
10:02:06 36 discussion you had with Mr White was about?---Certainly.
10:02:09 37 Perhaps if I further explain what Petra was also about.
10:02:12 38 Whilst Petra was doing the Hodson, they were given a second
10:02:16 39 job by the steering committee in relation to a corruption
10:02:19 40 issue at the State Surveillance Unit in relation to a
10:02:25 41 document called a surveillance profile that had been leaked
10:02:30 42 which emanated from the same Surveillance Unit and was in
10:02:33 43 the hands of a number of criminals. So whilst Petra were
10:02:36 44 doing this investigation, they were doing the second
10:02:38 45 investigation. So that's the leaked document we're talking
10:02:41 46 about, it's not the document in relation to the IR 44, et
10:02:45 47 cetera, in relation to the Hodson matters.

1

10:02:47 2 Okay?---I was given a direction by Commander Moloney that I
10:02:52 3 was to provide the - initially the OPI thought they were
10:02:57 4 three source's - details to them. I was to provide those
10:03:03 5 details to them. When I checked with the SDU, two were SDU
10:03:06 6 sources and one was a source from another area that was
10:03:13 7 classified as inactive, so I obtained those details.

8

10:03:18 9 All right. The address, name, date of birth and address
10:03:26 10 for sources involved in that operation is disclosing the
10:03:29 11 name, date of birth and address of a number of
10:03:31 12 sources?---Three source s.

13

10:03:34 14 Okay. Including Ms Gobbo?---Correct.

15

10:03:36 16 Okay. That's 1 August 2008. 5 August 2008, which is at
10:03:46 17 p.1510 of the same document. Again this is Mr White's
10:03:50 18 diary, not yours. There is a call from you. It's 1508.

19

10:04:07 20 COMMISSIONER: What date is this?

10:04:10 21

10:04:10 22 MR WOODS: This should be 5 August 2008. Scroll down
10:04:18 23 through there. There we go. Now there's a phone call from
10:04:22 24 you to Mr White?---Yes.

25

10:04:24 26 "Details re sources and 2958", which is Nicola Gobbo at
10:04:29 27 that stage?---Correct.

28

10:04:30 29 Just on that point, you were the one responsible for the
10:04:34 30 change of handler number for Ms Gobbo; is that
10:04:38 31 right?---Correct.

32

10:04:38 33 And that was as a result of people - well, there being a
10:04:42 34 concern that her number appeared in many places and should
10:04:45 35 be changed essentially to - - - ?---Protect her.

36

10:04:50 37 - - - to protect her?---Correct.

38

10:04:52 39 In this entry, so again 5 August 2008, "Details re
10:04:58 40 sources", another source and 2958, "given to OPI Ashton via
10:05:02 41 secretary". This is the one I think I took you to
10:05:06 42 yesterday. "Advised by Ashton that details locked in safe.
10:05:09 43 It appears to be necessary re TI product being
10:05:13 44 obtained"?---Correct.

45

10:05:14 46 This is a conversation that you had with Mr White and it
10:05:17 47 was confirming your understanding that Ashton had been

10:05:20 1 given those details and locked them in the safe; is that
10:05:22 2 right?---Correct.
3
10:05:23 4 Okay. Now 13 August 2008, there's an email trail. I just
10:05:32 5 want this brought up, it's VPL.6025.0003.8209. I want to
10:05:41 6 start at the bottom of that. Now there's an email of 12
10:05:46 7 August 2008 from Mr Ashton to Mr Overland and he says,
10:05:53 8 "Simon, thank you for your recent assistance regarding
10:05:56 9 accessing the information recently obtained from Commander
10:05:59 10 Moloney. This information is only known to me and will
10:06:02 11 assist in ensuring we do not inadvertently trip over any
10:06:06 12 authorised police activity. To that end I am finding it
10:06:09 13 difficult in ensuring that occurs without any telephone
10:06:12 14 numbers of two of the individuals. The extensive use of
10:06:16 15 nicknames, and in some cases no names, et cetera, is making
10:06:21 16 the task more difficult than I first thought. I wonder if
10:06:24 17 I could get the mobile numbers of the individuals
10:06:28 18 concerned, then the task will be much easier. I wonder if
10:06:31 19 you could consider providing the mobile telephone numbers
10:06:34 20 of the individuals concerned in the same manner as the
10:06:37 21 names were provided". That's from Graham Ashton to Simon
10:06:46 22 Overland?---Correct.
23
10:06:49 24 Then scroll up, please. Then that's forwarded from Simon
10:06:52 25 Overland on 12 August to Dannye Moloney saying he doesn't
10:06:54 26 see a problem and asks him to action it?---Correct.
27
10:06:58 28 Keep going up. Then on the same day, a little bit later,
10:07:00 29 Mr Moloney emails both you and CCs Mr Overland saying,
10:07:06 30 "Tony, can you please facilitate same process as
10:07:09 31 original"?---Correct.
32
10:07:10 33 The next day you write to Sandy White and Officer Black and
10:07:15 34 ask them to provide two mobile numbers?---Correct.
35
10:07:23 36 The mobile numbers of those two sources, which includes
10:07:27 37 Nicola Gobbo?---Correct.
38
10:07:28 39 And Officer Black says to Officer White, "Why don't we just
10:07:34 40 arrange a meeting for them as well? M'mm. See at St Kilda
10:07:41 41 Road at 11". Can you explain what the situation was here
10:07:45 42 and why you had understood that these numbers were to be
10:07:48 43 passed over?---Mr Moloney had explained to me at some point
10:07:56 44 of time they were required by the OPI for crosschecking
10:08:00 45 purposes.
46
10:08:01 47 For what purposes, sorry?---Crosschecking purposes.

1

10:08:05 2 That can come down. That can come off the other screens.
10:08:09 3 It can stay on mine. I want to ask you some questions
10:08:14 4 about - just some further questions about the transition to
10:08:21 5 a witness. You talk in your statement about you not
10:08:25 6 recalling - sorry, in fact I'll take you to the paragraph
10:08:32 7 in your statement. It's at paragraph 86 of your second
10:08:35 8 statement. You say you can't precisely recall a discussion
10:08:42 9 that's referred to in the SMLs on 24 July 2007 which you
10:08:50 10 believe relates to the meeting above and, again, the
10:08:56 11 meeting above is an entry where there's a discussion about
10:09:00 12 "witness/Witsec/future direction briefing to DC Overland,
10:09:07 13 legal opinion from judge". I might just get that brought
10:09:11 14 up. That is the SML 186. So the VPL number is
10:09:18 15 VPL.2000.0003.9170. The SMLs - it might be easiest if the
10:10:01 16 - here we go. So 24 July 07?---This document's 05.

17

10:10:14 18 That's all right, we'll get through to it. If you can
10:10:20 19 scroll through. It might be easiest just to do it this
10:10:35 20 way. You've got a diary entry of 24 July 2007?---Correct.

21

10:10:44 22 That talks about those issues that I've just discussed,
10:10:47 23 including getting a legal opinion from a judge?---Correct.

24

10:10:51 25 What I wanted to understand is why is it that in this
10:10:56 26 period of time after Ms Gobbo has given her first lot of
10:11:01 27 evidence before the OPI and before she's given her second
10:11:04 28 lot of evidence, there's a meeting between O'Brien, Ryan,
10:11:10 29 O'Connell, Blayney, Brown, White and yourself where there's
10:11:18 30 a discussion about getting a legal opinion from a judge in
10:11:23 31 relation to what appears to be or what is inevitably I
10:11:29 32 think 3838?---Correct.

33

10:11:31 34 Why is that discussion taking place?---I don't have any
10:11:35 35 independent recollection of it other than to say that it
10:11:38 36 was one of the proposals discussed, that if Ms Gobbo was to
10:11:43 37 become a witness, then perhaps it might be prudent to get
10:11:49 38 some advice from a judge to actually work out the
10:11:51 39 parameters in relation to the statement, statements to be
10:11:56 40 obtained.

41

10:11:58 42 The issue though that was going to come out, there were two
10:12:03 43 potential problems. One was in relation to risks that
10:12:07 44 pertain to Ms Gobbo's safety, you agree with
10:12:10 45 that?---Correct.

46

10:12:11 47 The second, as we now know, was risks to the legal justice

10:12:21 1 system because of the nature of the relationship between
10:12:24 2 Ms Gobbo and the SDU, you agree that that was a
10:12:27 3 risk?---Yes.
4
10:12:27 5 Can I suggest that the reason that you were talking, or
10:12:30 6 those in the meeting were talking about a legal opinion
10:12:32 7 from a judge wasn't in relation to the personal risks that
10:12:36 8 Ms Gobbo might face but, rather, because of the risks to
10:12:42 9 the justice system because of the relationship she'd been
10:12:45 10 having with the SDU?---I don't specifically recall that
10:12:48 11 aspect of the conversation.
12
10:12:51 13 But you accept that that must have been the purpose of that
10:12:57 14 discussion about seeking a legal opinion, don't you, given
10:13:00 15 that the only other risk was the risk to her safety?---I'm
10:13:03 16 not quite sure I'd say must. It certainly could have been.
17
10:13:06 18 It's far more likely than not though, isn't it?---I can't
10:13:10 19 answer that because I have no independent recollection of
10:13:14 20 the meeting or of the conversation in depth.
21
10:13:18 22 There's another entry - I just apologise for this, I just
10:13:22 23 want to go back to the OPI issue very briefly. Sorry. I
10:13:28 24 was asking you about discussions you had prior to and after
10:13:35 25 the first and second appearances of Ms Gobbo before the
10:13:38 26 OPI. There's just one entry I was looking for before I
10:13:40 27 wasn't able to find. I just want to take you to that now.
10:13:45 28 Just keep the SML up for a moment. The SML on 12 July
10:13:58 29 2007. There's inquiries being made via Deputy Commissioner
10:14:03 30 Overland about prohibiting certain questioning of Nicola
10:14:08 31 Gobbo at the OPI that would reveal her role as a source.
10:14:12 32 Now the ICRs make it clear, and as do the controller and
10:14:17 33 handler diaries, that there was quite a lot of machination
10:14:23 34 back and forth between them and Ms Gobbo at the time about
10:14:27 35 how it would be kept from the OPI that Ms Gobbo was acting
10:14:32 36 as a human source. Is that something that was discussed
10:14:35 37 with you?---No. I don't recall that and - no, I don't
10:14:40 38 recall that at all.
39
10:14:42 40 All right. Could you bring up - the operator bring up
10:14:45 41 p.516 of Mr Biggin's consolidated diary. It appears to be
10:14:52 42 the same date or perhaps a date after and you'll be able to
10:14:57 43 confirm that I think. That talks about Officer Richards
10:15:07 44 and that's a conversation that you have with Officer
10:15:10 45 Richards?---Correct.
46
10:15:11 47 Can you tell me what date that is? The page before seems

10:15:16 1 to indicate that it's 12 July 2007. Someone might assist
10:15:20 2 you with your diary.
10:15:22 3
10:15:22 4 MR CHETTLE: Can I have this on the screen?
10:15:26 5
10:15:26 6 MR WOODS: Yes?---It's July 07, the exact date I don't
10:15:29 7 know.
8
10:15:30 9 We'll get someone to pass you your diary for July 2007,
10:15:35 10 which will be the same one as before I think?---I've got
10:15:38 11 it, I'm sorry. 160. Apologies for that.
12
10:15:44 13 That's all right. It's p.160?---It starts on my diary at
10:15:49 14 p.159.
15
10:15:50 16 Yes?---Where it has the date.
17
10:15:51 18 The date we see there in red, is that - because it has the
10:15:55 19 word "leave" next to it and then it's redacted after that.
10:16:01 20 It's just unclear to me whether that's the date of the
10:16:02 21 entry or not?---It is. It's Thursday 12 July 2007 and
10:16:06 22 "leave" means I was on leave.
23
10:16:07 24 So the entry on the following day, the following page - - -
10:16:11 25 ?---Correct.
26
10:16:11 27 - - - is an entry made on that day?---Correct.
28
10:16:15 29 By you?---Yes.
30
10:16:18 31 It's a contact that you have with Richards?---Correct.
32
10:16:21 33 And it's about Nicola Gobbo and Operation Petra?---Correct.
34
10:16:25 35 You discuss tactics and options?---Correct.
36
10:16:27 37 And to discuss the matter with Inspector Ryan?---Correct.
38
10:16:32 39 And that was for you to discuss with Ryan?---No, Richards.
40
10:16:37 41 Were you aware that Mr Ryan attended at two OPI hearings
10:16:44 42 and observed from a remote location at the OPI?---I'm aware
10:16:47 43 now. I wasn't aware before that.
44
10:16:49 45 Were you in fairly frequent contact with Inspector Ryan
10:16:52 46 during this period?---No. No, it would be infrequent. I
10:16:58 47 spoke to him because he was running a significant operation

10:17:01 1 but, no, not daily nor weekly communication.
2
10:17:05 3 I understand. Are you aware that there were discussions
10:17:10 4 prior to Ms Gobbo's attendance at the OPI to the effect
10:17:16 5 that Fitzgerald, who was convening the OPI hearings, would
10:17:20 6 be told that Ms Gobbo had assisted in the past and her life
10:17:25 7 was at risk?---No.
8
10:17:29 9 You would agree that if that was the content of the
10:17:33 10 information that was provided, or if that was the total of
10:17:36 11 the information that was provided to Mr Fitzgerald that
10:17:38 12 would not be the whole truth?---It wouldn't be accurate,
10:17:42 13 that's correct.
14
10:17:43 15 No. The tactics and options that you discussed, can I
10:17:50 16 suggest to you that those tactics and options would have
10:17:53 17 included this hearing that was happening in front of the
10:17:56 18 OPI at about this time?---It may have. As I've said
10:18:03 19 frequently, I didn't know she was appearing. The OPI issue
10:18:07 20 may have been raised.
21
10:18:08 22 As I understood your evidence you did know she was
10:18:10 23 appearing, you just don't know exactly when?---That's
10:18:13 24 exactly what I've said, yes.
25
10:18:15 26 Okay. I just had to take you back to that. I'll go back
10:18:33 27 to where I was now. I want to ask about the transition to
10:18:40 28 a witness and there was some - you say there was a
10:18:44 29 suggestion that legal advice would be sought in relation to
10:18:47 30 the matter but you do not know the details of this and
10:18:49 31 whether such advice was obtained?---Correct.
32
10:18:52 33 Might that be the legal advice from a judge that we were
10:18:55 34 talking about a moment ago?---A judge was one option,
10:18:57 35 that's correct.
36
10:18:59 37 Your view was that she should not be used as a witness and
10:19:02 38 that interactions with her should occur solely through the
10:19:06 39 SDU, essentially through her handlers?---Correct.
40
10:19:12 41 And it should be avoided that she provide any information
10:19:17 42 directly to investigators?---Correct.
43
10:19:20 44 You recall that White, Blayney and yourself were to speak
10:19:25 45 to Overland regarding the proposal to transition Ms Gobbo
10:19:29 46 to a witness and at the time you spoke to Commander Moloney
10:19:33 47 about your concerns?---Correct.

1

10:19:39 2 In your statement you say that Ryan and White didn't
10:19:45 3 support the transition of Ms Gobbo to a witness and that
10:19:49 4 was explained to Deputy Commissioner Overland?---Correct.

5

10:19:55 6 Those two gentlemen have given evidence to that effect and
10:19:58 7 that was your view as well?---Correct.

8

10:20:00 9 Who did you express that view to?---Mr Overland.

10

10:20:03 11 To anyone else?---Mr Moloney.

12

10:20:07 13 What was the response you received from Mr Overland?---He
10:20:13 14 gave me a very fair hearing, took my views on board, and
10:20:18 15 ultimately at the end of the day went a different
10:20:21 16 direction.

17

10:20:23 18 And what was the reaction of Mr Moloney?---There was no
10:20:29 19 specific reaction other than I briefed him and I told him I
10:20:32 20 didn't think it was a good idea.

21

10:20:34 22 What was his view?---I think his views were that the Dale
10:20:37 23 matters especially were of significant interest to Victoria
10:20:41 24 Police.

25

10:20:43 26 And essentially trumped any of the concerns that were being
10:20:46 27 expressed to him?---Correct.

28

10:20:49 29 It appears from the records that there were a number of
10:20:52 30 people expressing these views, the same views as yours, to
10:20:56 31 Mr Overland at the time, was that your
10:20:59 32 recollection?---Correct.

33

10:21:00 34 When you say that he listened to your views, was it your
10:21:03 35 understanding that he was listening to everyone's views on
10:21:06 36 the topic?---I believe he gave everyone a fair hearing.
10:21:09 37 Certainly in the interactions that I had with Mr Overland
10:21:12 38 over the matter I had fair hearings.

39

10:21:13 40 I take it that your view was if she was transitioned into a
10:21:17 41 witness then her life would be at very, very severe
10:21:21 42 risk?---There's that aspect of it, but my overriding aspect
10:21:25 43 in relation to her, and my thought processes at the time, I
10:21:27 44 didn't think she was robust enough in relation to her own
10:21:33 45 personal health and safety, or her own personal health, to
10:21:36 46 actually withstand any form of court proceedings. So I
10:21:38 47 didn't think she would be a good witness.

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And also she would probably be killed?---That's a consequence of course, yes.

On 21 September 2007 there's a meeting that occurs, I think it might be one of the discussions that you've just identified, this is 21 September 2007 and it's at page - this is of Mr White's diary, and it's at p.1263. Sorry, that document ends 1263. At p.1273. If the operator can't bring up that document I can read out the entire number. No, we're on our way. So there's a meeting that you attend at 8.30 am and you'll see there - it'll be brought up in front of you?---Yes.

With yourself and Overland and there's an update about Nicola Gobbo, that's correct?---Yes.

And there's a request by Overland to consider utilisation of Gobbo to [REDACTED] with Waters?---Yes.

For the benefit of [REDACTED] Yes.

And "advised Overland that" - this is obviously White saying this - "advised Overland that if she participates in conversations that become evidentiary the source will become a witness, compellable or voluntary". What I'm suggesting to you is that the same issues that were arising in relation to Operation Petra were arising in relation to Operation Briars?---Correct.

Namely, the risks that would exist if Ms Gobbo was to give evidence - sorry, was to become a witness in that matter?---Correct.

And was that an issue that you also raised with Mr Overland in relation to Briars?---Correct.

You're aware though, I take it, that what ultimately happened in relation to this proposal was that Ms Gobbo was indeed tasked to provide information to a person of interest, Mr Waters, to further the investigation of Operation Briars?---I have no specific recollection of it but I don't dispute that.

You don't dispute that you would have known about it at the time?---I probably would have known about it, yes.

10:24:17 1 Given what we talked about yesterday, being the end of
10:24:21 2 2006, there being a concern about the continued use of
10:24:25 3 Ms Gobbo, I take it that that was a matter of concern to
10:24:29 4 you, that she was now to be tasked about this entirely
10:24:32 5 different matter some considerable time later in
10:24:35 6 2007?---Correct, six months later, we're turning her from a
10:24:39 7 source into a witness in not one investigation but two,
10:24:42 8 yes.
9

10:24:42 10 So the risks to her, putting aside her emotional
10:24:47 11 well-being, the risks to her life were becoming more and
10:24:50 12 more extreme were these proposals to be taken up?---That's
10:24:58 13 one possibility, yes.
10:24:59 14

10:24:59 15 It's a real possibility too, isn't it?---Yes, yes.
10:25:01 16

10:25:01 17 There's a discussion about possibly capturing a
10:25:04 18 conversation without the human source's
10:25:06 19 knowledge?---Correct.
20

10:25:07 21 And "advise the situation remains the same re human source
10:25:12 22 compromise if she's forced into the witness box". Then
10:25:16 23 there's an agreement down further that the source is to be
10:25:21 24 tasked to meet with Waters and to keep communication
10:25:25 25 going?---Yes.
26

10:25:27 27 Now, at this meeting did you express any concerns to
10:25:30 28 Mr Overland about this proposal?---I think we both raised,
10:25:37 29 Sandy White and myself both raised or reinforced our views
10:25:40 30 that we didn't think this was a good idea.
31

10:25:44 32 Did Overland give you another polite hearing about those
10:25:48 33 views?---He did.
34

10:25:49 35 And ultimately his direction though was that it should
10:25:52 36 happen in any event?---Correct.
37

10:25:55 38 8 November 2007 in Mr White's diary, this is at p.1298 of
10:26:05 39 the same document. He makes a telephone call to you and
10:26:12 40 there's an update about "concerns re Linnell and 3838
10:26:18 41 identity"?---Correct.
42

10:26:19 43 You believed Linnell would know of 3838's
10:26:24 44 identity?---Correct.
45

10:26:25 46 "Consideration re what can be done to keep him quiet if
10:26:28 47 need be"?---Correct.

1

10:26:29 2 "Update re 3838 current issues". Can you explain what was
10:26:35 3 occurring at this stage in relation to Mr Linnell and
10:26:38 4 3838's identity?---My recollection of this is that at the
10:26:42 5 same time as we had the Petra and Briars issues there was
10:26:46 6 an ongoing OPI investigation into Assistant Commissioner
10:26:55 7 Ashby and Mr Stephen Linnell, who was the media director
10:26:57 8 for Victoria Police. There were allegations that those two
10:27:00 9 persons were leaking information from the Victoria Police
10:27:03 10 to persons that may have been the subject of investigations
10:27:06 11 in relation to the Briars issues and my understanding is
10:27:13 12 that Linnell may have found out about 3838 from
10:27:24 13 Mr Overland.

14

10:27:25 15 So you then considered what could be done to keep Linnell
10:27:28 16 quiet, if need be?---Correct.

17

10:27:30 18 Why did Linnell need to be kept quiet?---Well we didn't
10:27:34 19 want that - if that disclosure had been made, you didn't
10:27:37 20 want it going out any broader than where it was at this
10:27:42 21 point in time.

22

10:27:44 23 Okay. At p.1299, so the next page of that document,
10:27:50 24 there's an entry there on 9 November, the following day,
10:27:53 25 and there's a call from you to Sandy White?---Correct.

26

10:27:58 27 He's spoken to Overland at that stage about whether Ashby
10:28:05 28 and/or Linnell have knowledge of identity of
10:28:09 29 3838?---Correct.

30

10:28:09 31 Overland doesn't believe that either are aware of the human
10:28:12 32 source's identity?---Correct.

33

10:28:13 34 You'd said the day before that you believed that Linnell
10:28:17 35 would know?---May have known, yes, that's right.

36

10:28:20 37 I think the phrase was, at least his recording of the
10:28:24 38 conversation was, "Believed Linnell would know of the
10:28:26 39 identity of Nicola Gobbo"?---Yep

40

10:28:29 41 MR CHETTLE: Commissioner, Mr Woods put that Mr White had
10:28:32 42 spoken to Overland. The diary entry is the other way
10:28:38 43 round.

44

10:28:38 45 COMMISSIONER: Well just - - -

46

10:28:40 47 MR WOODS: Who was it that had spoken to Mr Overland?---I

10:28:43 1 think I may have spoken to Overland.
2
10:28:46 3 Yes, okay?---Yep.
4
10:28:47 5 He said to you that he doesn't think Linnell knows who 3838
10:28:54 6 is?---Correct. My understanding of the 3838 issues was
10:28:58 7 that there was a proposal by the executive of the
10:29:01 8 organisation to do a [REDACTED] to Ashby, then Linnell
10:29:07 9 to see where that [REDACTED] That was the proposal.
10:29:12 10 That's my recollection of these events.
11
10:29:16 12 Just a few - it might actually be another document. Again,
10:29:22 13 it's Mr White's diary and it's another contact about a
10:29:26 14 slightly different issue on 20 December - - -
15
10:29:29 16 COMMISSIONER: Sorry, can I just clarify that with you. A
10:29:31 17 [REDACTED] about what, about Nicola Gobbo's
10:29:34 18 identity?---Well about criminal activity. Whether Gobbo's
10:29:40 19 identity was a part of it, I don't know. I wasn't a party
10:29:44 20 to this [REDACTED] I wasn't a party to this
10:29:46 21 investigation. I knew there was - one of my Inspectors had
10:29:51 22 been called to the OPI from another area, but there was a
10:29:56 23 proposal that a [REDACTED] would take place and
10:30:00 24 Victoria Police to then follow the bouncing ball, so to
10:30:03 25 speak, to see where it finally ends up because there were
10:30:06 26 thoughts that the Police Association were ultimately,
10:30:11 27 someone there was getting some of the information.
10:30:13 28
10:30:14 29 MR WOODS: And the Commission has been taken through the
10:30:17 30 ICRs in that regard about the precise information that
10:30:20 31 Nicola Gobbo was told to [REDACTED] to that individual and I
10:30:25 32 think I might have asked you before, but that's something
10:30:27 33 that you were aware of at the time?---I may have been aware
10:30:30 34 but I have no recollection of it.
35
10:30:33 36 Was that an appropriate thing to ask Ms Gobbo to do given
10:30:37 37 the conclusions that you'd reached by the end of 2006 about
10:30:41 38 her continued use?---No, I don't think we should have done
10:30:43 39 it.
40
10:30:44 41 Okay. Mr White's diary on 20 December 2007 has an entry
10:30:59 42 that there's at 9.15 a phone call to you, he's updated you
10:31:04 43 about intelligence, and it appears here that this is a
10:31:08 44 discussion about the intelligence that's been received
10:31:14 45 about the tomato tins and Operation Agamas?---Okay.
46
10:31:18 47 Do you agree with that?---The timing looks right, yes.

1
10:31:22 2 There's a concern that's expressed about disseminating
10:31:26 3 intelligence to the Drug Task Force if it's then on
10:31:29 4 forwarded to the AFP because it might compromise Ms Gobbo.
10:31:33 5 Do you see that?---I see that.
6
10:31:36 7 And so you are to consider the same and discuss with Drug
10:31:41 8 Task Force management how that issue can be
10:31:44 9 resolved?---Correct.
10
10:31:46 11 And then it appears that you say to Mr White that there's a
10:31:54 12 person who's acting in Mr Smith's position at that
10:31:56 13 stage?---Correct.
14
10:31:58 15 Then the same - it might not be the same document actually.
10:32:03 16 7 January 2008, so about two or three weeks later, there's
10:32:08 17 a meeting between yourself and Mr White again, this is
10:32:13 18 Mr White's diary?---Yes.
19
10:32:15 20 And he again gives you an update about Nicola Gobbo, that's
10:32:18 21 correct?---Correct.
22
10:32:20 23 Potential for her to be travelling to Sydney with Rob Karam
10:32:24 24 on the weekend?---Correct.
25
10:32:26 26 And there's a discussion at this stage, which I think we
10:32:31 27 might have touched on earlier, about changing her source
10:32:34 28 number?---Correct.
29
10:32:34 30 And that was simply because of the amount of use the source
10:32:38 31 number had had at that stage?---Correct.
32
10:32:40 33 The amount of times it probably appeared in
10:32:43 34 documents?---Correct.
35
10:32:45 36 Then you approved travel for SDU members. Is that in case
10:32:50 37 they needed to surveil or in case they needed to support
10:32:53 38 Nicola Gobbo?---Both.
39
10:32:58 40 Then on 23 January 2008 in Mr White's diary there's another
10:33:03 41 meeting between yourself and Mr White. You advise about
10:33:12 42 certain claims to have intel from a Purana member. There
10:33:17 43 is a plan. There's an update that he gives you about
10:33:21 44 Operation Agamas strategy, that's correct?---Correct.
45
10:33:25 46 "Discussed" it might be "long-term strategy re
10:33:30 47 3838"?---Okay.

1
10:33:31 2 Would that be correct?---I would hope so.
3
10:33:33 4 I think it might be. And again, the change of her
10:33:36 5 registration number and you agreed that the relationship
10:33:39 6 would continue while the Mokbel trial and disclosure issues
10:33:42 7 remain?---Correct.
8
10:33:45 9 "On conclusion of Mokbel trials human source will be
10:33:51 10 deactivated"?---Correct
10:33:52 11
10:33:53 12 MR CHETTLE: Commissioner, on that Mr White gave evidence
10:33:56 13 that he discussed "ongoing" was the word, not "long term".
10:34:01 14 - -
10:34:01 15
10:34:02 16 MR WOODS: All right, ongoing. What I want to ask you
10:34:03 17 about is the discussion - I want to focus on the disclosure
10:34:05 18 issues that remain during the Mokbel trial. It appears to
10:34:12 19 be the case that what was planned here between yourself and
10:34:16 20 Mr White was that so long as Ms Gobbo remained a human
10:34:24 21 source then PII could be claimed in relation to her use; is
10:34:30 22 that correct?---I don't recall that but I don't dispute it.
23
10:34:39 24 Just moving slightly forward. On 6 February 2008?---You'll
10:34:44 25 note there that I'm still trying to get out of this
10:34:47 26 relationship.
27
10:34:47 28 Yes. No, I understand. That is clear in a number of
10:34:52 29 documents. It was the issue of disclosure that I was
10:34:56 30 particularly interested in. Now 6 February 2008 is when
10:35:01 31 you approve the change of number?---Correct.
32
10:35:16 33 You're aware at that stage that because of your, the audit
10:35:19 34 that you've conducted in 2006 that there's a large number
10:35:23 35 of members of Victoria Police who know that Nicola Gobbo is
10:35:26 36 a human source?---Correct.
37
10:35:28 38 Now it's the case that simply changing her number won't
10:35:34 39 address that issue, isn't it?---No, it won't.
40
10:35:44 41 Can you explain then, it's just from the appearance in
10:35:47 42 documents to people who are outside Victoria Police that it
10:35:51 43 might be - - - ?---No, no.
44
10:35:54 45 - - - protected?---No, no.
46
10:35:56 47 Can you explain how it occurs?---What happens is that, and

10:35:58 1 what happened was that there are a large number of document
10:36:02 2 that mention 3838 over a period of time.
3
10:36:04 4 Yes?---It doesn't take very smart detective work or
10:36:07 5 deduction to actually work out what the common denominator
10:36:12 6 is and then the potential for actually a person to be
10:36:14 7 identified.
8
10:36:14 9 As Nicola Gobbo had done with Mr Hodson?---Correct. So the
10:36:17 10 reason for changing the number was that on any future
10:36:20 11 documentation 2958 would pop up so there'd be no reference
10:36:26 12 to them. My experience with police especially is that
10:36:29 13 basically we're a little bit like greyhounds, we see a
10:36:33 14 rabbit and we chase it and we quickly forget about it if we
10:36:37 15 lose it. So that at times if 3838 is not mentioned in
10:36:40 16 documents or in conversations, that then drops away and you
10:36:44 17 have no recollection of it, it just moves on, and so you're
10:36:48 18 actually protecting the person because there's no point of
10:36:51 19 reference to actually drag people back. As I said to you
10:36:54 20 yesterday, conversations in relation to human sources were
10:36:59 21 never openly discussed other than in very secure meeting
10:37:06 22 areas. And I was always personally very, very careful
10:37:09 23 never to discuss a human source with anyone who shouldn't
10:37:13 24 have known.
25
10:37:16 26 All right. Something we touched on yesterday was the issue
10:37:18 27 about not tasking Nicola Gobbo into the future. I want to
10:37:26 28 understand as at the end of 2006 when it was your view that
10:37:33 29 she should no longer be used as a human source?---Correct.
30
10:37:36 31 Does it go some way towards allaying your concerns if she's
10:37:40 32 not tasked? Does that assist or is it simply that she
10:37:44 33 should have not been used after that date?---Best case
10:37:49 34 scenario for me was that at the end of 2006, when she was
10:37:54 35 deactivated, we still would have maintained a relationship
10:37:58 36 because of her welfare and ongoing court issues, but that
10:38:02 37 wasn't possible because of some Victoria Police imperatives
10:38:04 38 and so the next best option for us was that we were not
10:38:09 39 going to task her or ask her to do anything.
40
10:38:14 41 So the ongoing court issues, what were they? Is that
10:38:18 42 disclosure issues that might arise?---Things that might
10:38:21 43 arise in courts, that's right.
44
10:38:23 45 That would reveal her as a human source?---May reveal her
10:38:27 46 as a human source or may reveal others, that's right.
47

10:38:31 1 Also it may reveal this complex situation that had arisen
10:38:35 2 which was that there were these conflicts of interest that
10:38:38 3 were occurring?---True.
4
10:38:39 5 That was something that there was a desire to keep from the
10:38:41 6 public eye?---Yes, that's right.
7
10:38:45 8 On 5 May - - - ?---Can I just expand on my answer there?
9
10:38:49 10 Yes, go ahead?---The whole reason for having a sterile
10:38:52 11 corridor is to actually protect the human source and you
10:38:55 12 try to do that as best you can.
13
10:38:59 14 Can I ask is that to protect the identity of the human
10:39:01 15 source?---Correct.
16
10:39:02 17 From investigators?---From investigators, that's right.
18
10:39:05 19 All right?---And so to protect a human source, that's the
10:39:10 20 broadest thing you can do. As I've said, or I think I've
10:39:14 21 said, it's not in the best interests of anyone to have a
10:39:18 22 human source get involved in the evidence trail and one of
10:39:21 23 the promises that you actually make to a human source right
10:39:23 24 at the start of a beginning, and these relationships are
10:39:27 25 built on trust, they're built on nothing else. The only
10:39:30 26 thing police can actually promise a human source is trust
10:39:34 27 and they'll deal with them in an honest manner is that you
10:39:38 28 won't actually disclose them, so they take that on board,
10:39:40 29 and that where you can you'll protect them as much as you
10:39:43 30 can.
31
10:39:43 32 All right, thank you. On 5 May 2008, this is something you
10:39:47 33 identify in your statement at paragraph 203, you have a
10:39:51 34 discussion with Inspector Glow about the future management
10:39:54 35 of Ms Gobbo; is that correct?---Correct.
36
10:39:59 37 The intention was from that stage onwards, and noting that
10:40:02 38 it was about six months later when she was deactivated as a
10:40:07 39 human source, that she would act as eyes and ears
10:40:11 40 only?---Correct.
41
10:40:12 42 Are you aware whether or not she was tasked after that
10:40:14 43 date?---I have no independent recollection of it.
44
10:40:16 45 Did you check that with the handlers from time to time
10:40:20 46 whether or not they were tasking her?---I may have. I have
10:40:23 47 no recollection of doing so but I may have.

1

10:40:26 2 There's an SML entry which records the details, it appears
10:40:30 3 to be of that discussion, and this is at p.29 of the 2958
10:40:36 4 SMLs. It says - the date is - - -

5

10:40:41 6 COMMISSIONER: ICRs should that be?

10:40:44 7

10:40:45 8 MR WOODS: No, I think this is the SMLs.

9

10:40:46 10 COMMISSIONER: Sorry, what date?

10:40:47 11

10:40:48 12 MR WOODS: It should be the same date, 5 May - sorry, can
10:40:52 13 you just move that box down so we can just see the - yeah,
10:40:56 14 there we go. 5 May 2008. Thank you. There's a
10:41:01 15 discussion, "Current strategy that 2958 will not be tasked.
10:41:05 16 Will continue 2958. Source will continue to provide intel
10:41:09 17 by virtue of her close association with criminals such as
10:41:12 18 Gatto and Karam. Whilst the intel will be collected if
10:41:16 19 volunteered, it will not be disseminated unless it's
10:41:18 20 absolutely essential and then only if actioning of the
10:41:22 21 intel will not compromise the source". That accords with
10:41:25 22 your memory of the decision that was made?---Yes.

23

10:41:28 24 Can I ask just about the final passage there, the decision
10:41:34 25 - it will only be actioned if she will not be compromised.
10:41:39 26 Now that's, I take it, the situation with any information
10:41:43 27 that a source gives in whatever circumstance; is that
10:41:46 28 right?---Correct.

29

10:41:48 30 So in that regard nothing was to change. She was still to
10:41:54 31 provide information but won't be tasked?---Correct.

32

10:42:01 33 And otherwise the situation remained as it has been, that
10:42:04 34 they would maintain a relationship with her and they would
10:42:07 35 receive information from her?---Correct. Just for matter
10:42:13 36 of completeness, Inspector Glow, Andrew Glow, had replaced
10:42:19 37 Inspector Rob Hardy as a part of the rotation policy which
10:42:22 38 I talked about yesterday, so Andrew was new to the role.

39

10:42:31 40 Only stepping back very briefly. There's an entry in
10:42:35 41 Mr White's diary about the car bombing. I don't need to
10:42:41 42 take you to the actual entry, but it's correct that in
10:42:44 43 mid-April you were contacted by White and the car bombing
10:42:48 44 was, the fire bombing was something that was explained to
10:42:54 45 you?---Correct.

46

10:42:54 47 That increased the risk levels of Ms Gobbo exponentially I

10:42:59 1 take it?---Correct.
2
10:43:01 3 Do you know what was done to satisfy, either by the SDU or
10:43:05 4 yourself, to satisfy yourselves that she wasn't about to be
10:43:09 5 killed by someone?---Certainly. I briefed Commander
10:43:14 6 Moloney in relation to the issue and we had a conversation.
10:43:16 7 He then directed me to direct the SDU to conduct two risk
10:43:18 8 assessments, one a tactical risk assessment to be done by
10:43:20 9 the SDU and one a strategic risk assessment to be done by
10:43:24 10 Inspector Glow and Mr Glow was then given that direction.
11
10:43:31 12 Did they identify who was responsible for fire bombing
10:43:33 13 Ms Gobbo's car?---No.
14
10:43:36 15 The entry that we've just spoken about in the SMLs was only
10:43:40 16 two or three weeks afterwards and it appears that despite
10:43:45 17 the car being fire bombed and despite no one being
10:43:49 18 identified as the culprit at that stage, she was continued
10:43:52 19 to be used as a human source?---Not as a tasked human
10:43:56 20 source but used as a human source, yes.
21
10:43:58 22 So tasking stopped?---Yes.
23
10:44:01 24 But receipt of information from her about the likes of
10:44:04 25 Gatto and Karam continued?---Correct.
26
10:44:07 27 That's a matter of some regret for you I
10:44:10 28 assume?---Everything since 2006 is of some regret to me.
29
10:44:15 30 There's an updated risk assessment that - so I think you've
10:44:20 31 touched on this - there were risk assessments that were
10:44:23 32 provided as a result of that fire bombing, that's
10:44:25 33 right?---Yes.
34
10:44:27 35 And then I want to take you to 22 July 2008 and this is
10:44:34 36 Mr White's diary at p.1479. I can read the entire VPL if
10:44:41 37 that would assist. There's a briefing by Officer Fox in
10:44:52 38 relation to Operation Petra, investigation into leaked
10:44:58 39 documents, see that?---That's the State Surveillance Unit
10:45:04 40 document, yes.
41
10:45:05 42 Then there's a meeting with you re Operation Petra, do you
10:45:08 43 see that?---Yes.
44
10:45:09 45 And scroll down. "Informed guess, that is human source
10:45:20 46 3838, forwarded to intelligence." Do you understand what
10:45:23 47 that's about?---No.

1
10:45:24 2 Do you want to have a look at your diary of that date,
10:45:27 3 which is 22 July 2008. Do you have that with you
10:45:30 4 there?---No.
5
10:45:35 6 One of the solicitors might hand that to you. I'm after
10:45:39 7 the diary of 22 July 2008. This is obviously heavily
10:45:47 8 redacted in Mr White's diary so just once you've turned to
10:45:51 9 your page just move with some caution through the names
10:45:55 10 there because it might be for that reason that they're
10:45:57 11 redacted?---22 July?
12
10:46:21 13 22 July. It should be around p.78?---No. 22 July 2008?
10:46:39 14 It's got - - -
15
10:46:40 16 What diary page number do you have?---I have p.64 and it
10:46:46 17 has me in Mildura.
18
10:46:47 19 The discussion, if you just scroll up a little bit, I
10:46:50 20 assume must have been by phone. It's meeting, sorry, with
10:46:54 21 you re Operation Petra. Was there a meeting that was to
10:46:57 22 occur or just had occurred on that date according to your
10:47:01 23 diary, sorry, was to occur in the days following or had
10:47:05 24 occurred in the days previous?---No, according to my diary
10:47:09 25 I travelled to Mildura. I'd been in Mildura.
26
10:47:16 27 All right. So you can't assist with what that entry, how
10:47:20 28 that entry relates to you?---No. There's was the opening
10:47:27 29 of the Mildura police complex, a brand new complex. That's
10:47:30 30 why I was there because I'd previously been at Mildura.
31
10:47:33 32 Yes?---I spoke to Superintendent Blayney about the, must
10:47:36 33 have been on the telephone, about the SSU document.
34
10:47:42 35 Is that at p.68 of the document in front of you?---No, p.64
10:47:48 36 of my diary.
37
10:47:50 38 Unfortunately we don't have that page?---I didn't speak to
10:47:53 39 Sandy White at all, according to my diary, that day. I may
10:47:58 40 have but I haven't recorded it. Then I've returned home.
41
10:48:03 42 All right. In your diary, it might even be the one you're
10:48:09 43 holding at the moment, there's a 5 December 2008 entry I
10:48:13 44 want to ask you about. Do you have 5 December 2008
10:48:29 45 there?---No.
46
10:48:30 47 That's all right. It can be brought up on the screen, it's

10:48:33 1 p.0691?---It's the next diary.
2
10:48:38 3 That's all right, I can take you to it on the screen.
10:48:41 4 There's a meeting you with have White, Black and Smith
10:48:45 5 regarding Gobbo and the Petra task?---Correct.
6
10:48:47 7 Again at this stage, this is getting more and more pressing
10:48:50 8 in relation to the use of Ms Gobbo as a witness at this
10:48:53 9 stage and she's pretty distressed?---It was a fait accompli
10:48:57 10 at this stage.
11
10:49:00 12 And there was real machinations going on amongst the SDU
10:49:05 13 about how this was going to be managed?---Correct.
14
10:49:07 15 And what to do about the obligations that you and the SDU
10:49:11 16 felt that you owed to Ms Gobbo as a result of these
10:49:14 17 events?---Correct.
18
10:49:18 19 Were you getting assistance about those particular issues
10:49:21 20 from people higher up in the organisation?---No.
21
10:49:23 22 So it was just a sole focus on getting Ms Gobbo into the
10:49:29 23 witness box, you would say, without concern for her
10:49:32 24 well-being from those above you?---I can't say what's in
10:49:36 25 their mind but I don't think they gave due cause enough to
10:49:42 26 her well-being.
27
10:49:43 28 I assume you're identifying Mr Overland in that
10:49:46 29 comment?---I don't think he's alone.
30
10:49:47 31 I understand?---I don't think you can sheet the blame home
10:49:50 32 solely to him, I think it's a - - -
10:49:51 33
10:49:51 34 So who are the others?---I would think that it's the
10:49:53 35 steering committees that he was a party of.
36
10:49:55 37 Are you aware of the members of those steering
10:49:58 38 committees?---Some of them.
39
10:49:59 40 The Petra steering committee?---Some of them.
41
10:50:02 42 Can you name those individuals?---I think it's Mr Moloney,
10:50:06 43 Mr Overland, I'm not sure whether our current Chief
10:50:10 44 Commissioner was on, I think he might have been, and there
10:50:13 45 may have been others that floated in and out. I was never
10:50:17 46 a party to it, nor ever attended one of those meetings.
47

10:50:20 1 The decision that they were making was fairly likely to
10:50:24 2 lead to Ms Gobbo's death, do you agree with that?---It was
10:50:27 3 certainly going to lead to her disclosure.
4
10:50:30 5 Which was going to lead to her death?---Well possibly can -
10:50:31 6 possibly could and possibly still can.
7
10:50:34 8 Your position is that they didn't give that factor due
10:50:38 9 consideration?---Not enough consideration.
10
10:50:39 11 Would you say that they were cavalier about her
10:50:45 12 safety?---Oh, gee whiz. Look, I had no conversations with
10:50:50 13 the steering committee about it so, suffice to say that I
10:50:54 14 think my position's well-known and I wasn't happy about it.
15
10:51:01 16 There's a conversation - so this is 5 December?---Correct.
17
10:51:08 18 And it's at 7.30 am. Each of those individuals are
10:51:13 19 there?---Yes.
20
10:51:13 21 It appears to be at a café that's outside - - - ?---Oh
10:51:19 22 correct.
23
10:51:20 24 - - - Melbourne?---Yes, I know this one.
25
10:51:22 26 You're aware why the meeting was in a café outside
10:51:26 27 Melbourne?---Yes, we were down there for a training
10:51:29 28 purpose.
29
10:51:30 30 I won't ask the name of the town. The meeting happens
10:51:35 31 early in the morning, presumably prior to the official
10:51:41 32 duties of the day for the training session?---What had
10:51:43 33 happened is the training course had closed the night
10:51:47 34 before. Mr Overland had come down and kindly closed the
10:51:50 35 course. Then there was a formal dinner, which there
10:51:55 36 normally is at the close of a course. This was a breakfast
10:51:58 37 before going back up and cleaning up and departing the
10:52:02 38 area.
39
10:52:05 40 What I want to do - the ICR the day before discusses that
10:52:23 41 or mentions that there's going to be a meeting with you the
10:52:26 42 following day, which is obviously this meeting here?---Yes.
43
10:52:29 44 About Mr Overland's desire to use Ms Gobbo as a
10:52:33 45 witness?---Yes.
46
10:52:33 47 All right. Then I want to - I just can't see the words

10:52:39 1 after - so it's "2958 Task Force Petra"?---Dash.
2
10:52:48 3 "Options, tactics and", is that risk assessment?---My best
10:52:52 4 guess would be risk assessment but I can't read it because
10:52:55 5 the N is over the - - -
6
10:52:56 7 It's a constant bugbear I must say. We can't read under
10:53:00 8 those water marks. It's apparently risk assessment. All
10:53:07 9 right. Then what I want to do is bring up Mr White's diary
10:53:16 10 of that same day and he again records this meeting at
10:53:22 11 7.30 am with you and those other people and it's about the
10:53:26 12 intention to use Ms Gobbo as a witness?---Yes.
13
10:53:31 14 "Agreed deployment of human source to be done by Petra and
10:53:34 15 isolate activity re Dale from SDU in order to protect
10:53:40 16 historical relationship with SDU from discovery should
10:53:43 17 human source become witness against Dale." So one of the
10:53:47 18 things that was discussed at this meeting was the desire to
10:53:51 19 essentially hide what had been happening between the SDU
10:53:54 20 and Ms Gobbo?---No, it's to protect, not hide.
21
10:53:58 22 To protect it from scrutiny?---Yes. Not scrutiny because
10:54:03 23 it already had been scrutinised.
24
10:54:06 25 Protect it from being discovered?---Yes.
26
10:54:11 27 By those outside Victoria Police?---Correct.
28
10:54:13 29 One of the reasons that the desire was to protect it from
10:54:16 30 discovery by those outside Victoria Police is that
10:54:19 31 certainly by this stage each of the participants in this
10:54:23 32 conversation knew that something quite improper had been
10:54:26 33 happening in relation to the use of information provided by
10:54:28 34 Ms Gobbo. The circumstances, I should say, in which she'd
10:54:36 35 received that information and the passing on of that
10:54:40 36 information was the improper aspect of it?---There was
10:54:43 37 certainly some concerns, yes.
38
10:54:44 39 One of the concerns is that that relationship might be
10:54:47 40 discovered through legal processes in trials?---It could
10:54:51 41 well have been.
42
10:54:56 43 The ICRs at p.756 of the 2958 ICRs - just before we do
10:55:10 44 that. Can you explain how that protection of this
10:55:16 45 relationship from being disclosed was to be done given that
10:55:19 46 she's about to become a witness?---No, I don't know now. I
10:55:23 47 have no recollection of whether we discussed, other than

10:55:27 1 broadly discussed it.
2
10:55:30 3 Discussing ways that it might continue to be
10:55:34 4 concealed?---Yes.
5
10:55:39 6 And it might be concealed by using Ms Gobbo through
10:55:43 7 Operation Petra, rather than continuing her to be
10:55:48 8 registered through the SDU?---Correct. My position very
10:55:52 9 clearly at that point of time and during and after the
10:55:55 10 conversations in relation to the witness is once she became
10:55:57 11 a witness and signed a statement, it was no longer a
10:56:00 12 responsibility for the Source Development Unit.
13
10:56:02 14 And it was within a month of this date in any event that
10:56:08 15 she became deregistered?---Correct.
16
10:56:17 17 So the ICRs of this meeting, so there's - this is the SDU
10:56:24 18 members recording the meeting?---Correct.
19
10:56:27 20 You see there that the controller's briefed prior to
10:56:32 21 meeting with Superintendent Biggin?---Correct.
22
10:56:36 23 I just want to go through these and confirm that these were
10:56:39 24 the topics of conversation with you. There was obviously,
10:56:43 25 I think we've already identified, there was a risk of
10:56:45 26 Ms Gobbo being exposed, do you agree?---There was, but I'm
10:56:49 27 not quite sure I was actually a party to this part of the
10:56:52 28 conversation.
29
10:56:53 30 Whether or not you were a part of this conversation, there
10:56:55 31 was a conversation with you - so this is 7.20 am, you have
10:57:00 32 a meeting at 7.30 am?---Correct.
33
10:57:03 34 With the individuals who are, at least one of which is
10:57:06 35 responsible for taking this note?---Yes.
36
10:57:09 37 So what I'm asking is whether or not these were the items
10:57:12 38 that were discussed, whether it was in the ten minutes
10:57:14 39 before 7.30 or at 7.30, whether these were the items that
10:57:19 40 were discussed with you at the time?---I don't recall us
10:57:23 41 having a lengthy conversation along these issues.
42
10:57:26 43 You don't recall?---I recall me attending.
44
10:57:29 45 You do, yes?---And I recall they were there prior to me,
10:57:32 46 they were having breakfast.
47

10:57:33 1 Yes?---I'd been for a run so I wasn't breakfasting.
2
10:57:38 3 All right. This is the plan essentially of what to discuss
10:57:43 4 with you then if it's not the record of what was discussed
10:57:46 5 with you?---I think it's a plan what they're going to
10:57:49 6 discuss with Overland, who was still in town at that stage.
7
10:57:52 8 Where it says, "Controller briefed prior to meeting with
10:57:55 9 Superintendent Biggin", can I suggest that this was to be
10:57:59 10 the contents of the conversation with you or is recording
10:58:02 11 what that conversation was?---Could well have been.
12
10:58:04 13 And perhaps Overland as well, because at this stage there
10:58:07 14 were entreaties to Overland about what might occur if
10:58:12 15 Ms Gobbo - well, as you say, at this stage it was fait
10:58:17 16 accompli that she was going to be used?---Correct, and
10:58:20 17 Overland was actually in town having a walk with his wife,
10:58:23 18 I remember that quite clearly.
19
10:58:25 20 They knew that you were going to be talking to Overland
10:58:28 21 about these issues?---I think that he came to the meeting.
22
10:58:32 23 Later on, yes?---Yeah, he saw us meeting. His wife went
10:58:37 24 into a shop and he sat down and had a cup of coffee and a
10:58:41 25 conversation.
26
10:58:41 27 I'm going to come to that. One of the things that was
10:58:44 28 discussed with you, and this is obviously straightforward,
10:58:47 29 that there was a risk of her exposure?---Correct.
30
10:58:50 31 That there was a risk to the organisation if she was, her
10:58:55 32 role as a source was exposed?---Correct.
33
10:58:58 34 That one of the issues was that there might be a perception
10:59:01 35 that privileged information had been passed on and used by
10:59:03 36 the police, that was another concern that was expressed to
10:59:06 37 you?---Correct.
38
10:59:07 39 There was a risk of a Royal Commission into source handling
10:59:10 40 if those issues came out?---Correct.
41
10:59:12 42 Do you recall there being a discussion about the risk of a
10:59:15 43 Royal Commission?---Yes.
44
10:59:17 45 There was a threat to her own personal safety, I think
10:59:20 46 we've already discussed that?---Yes.
47

10:59:22 1 There was - the other issue that was going to exist was
10:59:27 2 that Ms Gobbo wouldn't be able to work in Victoria again
10:59:31 3 given those things?---Yes.
4
10:59:34 5 The methodology of the SDU would be exposed?---Correct.
6
10:59:41 7 There were the issues about health, the likelihood of
10:59:44 8 charges being laid, "If human source makes a statement this
10:59:48 9 may come out regardless even if no one ever charged". Do
10:59:52 10 you understand who the discussion about charges being laid
10:59:54 11 was directed at, who might be the charges have been laid
10:59:57 12 against?---My best guess would be Dale.
13
11:00:05 14 Then there's a discussion as well on that occasion about
11:00:08 15 the strength or force of the evidence that she might be
11:00:11 16 able to give in any event?---Yes.
17
11:00:18 18 That she'd said that she doesn't want to enter witness
11:00:21 19 security?---Yes.
20
11:00:22 21 She'd made that clear to the handlers?---Yes.
22
11:00:25 23 That if Dale was charged he would be asking Ms Gobbo to act
11:00:34 24 as his legal representative?---That's what's there.
25
11:00:39 26 And the issues that that might create?---Yes.
27
11:00:43 28 Did you understand at this stage that she'd provided legal
11:00:46 29 advice to Paul Dale in the past?---No, I didn't. I thought
11:00:49 30 that someone else had done that, the one that normally
11:00:54 31 represents Victoria Police.
32
11:00:56 33 Then just towards the bottom there's the jeopardising of
11:01:00 34 future prosecutions if her role is divulged. You accept
11:01:05 35 that that was a concern?---Yes.
36
11:01:11 37 Just above that, "That Dale will claim that all previous
11:01:14 38 conversations with human source were privileged". So what
11:01:17 39 I want to say is it's the case that it must have been
11:01:20 40 discussed then that there was at least the potential of a
11:01:23 41 lawyer/client relationship with Mr Dale at that
11:01:27 42 stage?---Possibly.
43
11:01:32 44 It's indicated in the ICRs that she had provided advice to
11:01:36 45 Mr Dale. Is that - and in fact in the past she'd made that
11:01:42 46 clear to the handlers, the handlers have recorded that in
11:01:45 47 the ICRs?---My recollection of the whole event was that

11:01:50 1 when he was initially charged with the burglary matters his
11:01:53 2 wife had approached the human source to represent him at a
11:01:58 3 bail application. That was my understanding of the matter.
4
11:02:04 5 That was the limit of your understanding at the time?---And
11:02:08 6 there was a conversation about a fee of \$10,000 that the
11:02:11 7 wife had to find.
8
11:02:13 9 Which we talked about yesterday?---Which we talked about,
11:02:16 10 which I then had a conversation with Commander Fontana
11:02:25 11 about.
12
11:02:26 13 Do you know that she attended the police station on the day
11:02:28 14 of his arrest, Nicola Gobbo did?---On the first occasion?
15
11:02:33 16 Yes?---No, I didn't know that.
17
11:02:35 18 Do you know that she went to prison to visit Mr Dale when
11:02:39 19 he was incarcerated?---I know that now by reading his book.
20
11:02:46 21 Do you know that she took instructions from Mr Dale and
11:02:49 22 Ms Gobbo passed those instructions on to the
11:02:52 23 handlers?---No, I didn't know that.
24
11:02:53 25 That's not something that you'd seen in your audits of the
11:02:56 26 ICRs?---No.
27
11:03:03 28 One of the other topics of discussion was, and I was just
11:03:07 29 taking you to this a moment ago, the jeopardising of future
11:03:11 30 prosecutions if her role was divulged. You recall that
11:03:14 31 being a concern that was discussed?---If it's there it must
11:03:19 32 have been discussed, yes.
33
11:03:21 34 And can I assume that that means that each of those who
11:03:25 35 were party to the discussion, including yourself, knew that
11:03:31 36 at least at this stage that what had been happening in
11:03:34 37 relation to the use of Ms Gobbo would put prosecutions in
11:03:37 38 jeopardy?---No, I didn't. I don't necessarily agree with
11:03:42 39 that and I don't necessarily agree that I actually part of
11:03:46 40 this part of the conversation.
41
11:03:46 42 So this conversation is noted in the ICR as at 7.20?---Yep.
43
11:03:51 44 Yours and Mr White's diary confirm that there's a meeting
11:03:57 45 about these very issues at 7.30?---Yes.
46
11:04:00 47 You accept those two things?---Yes.

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What I'm suggesting to you is that these were the very topics that were discussed with you to be passed on to Mr Overland and discussed with Mr Overland after this initial discussion with you that you were a party to?--No, I think my recollection was there wasn't a set meeting with Mr Overland. As I've said, he was out walking with his wife and saw us having a coffee and he came and sat down.

You were the direct line of communication between the SDU and Mr Overland in relation to these issues, you agree with that?--No, I don't.

So who was conversing with Mr Overland about the risks of Ms Gobbo becoming a witness?---I certainly had on a number of occasions, but the direct line of contact, being a hierarchical organisation, was Commander Moloney, he was, well, hang on - - -

But there's a meeting here?---Yes.

To raise the precise concerns that it was intended would be talked about with Mr Overland, do you agree with that?---When you talk spoke about, that's right, yes.

What I'm suggesting to you, you recall there being discussion about the possibility of a Royal Commission?---I do.

But you don't recall there being a discussion about the possible jeopardy that future prosecutions might be put in?---I don't recall it. I don't dispute it happened. I just don't recall it.

Then that previous convictions might be open to be being claimed to be unsafe, you accept that would have been discussed with you?---The answer's the same as before, I - - -

You don't recall it?---I don't recall it but I don't dispute that it happened.

And that then there's a discussion there about Ms Gobbo's mental and physical health and the handlers confirmed that she'd spoken about suicide on a number of occasions?---Correct.

11:05:53 1 What was the thing that you did when you became aware that
11:05:57 2 the relationship between Gobbo and the SDU handlers risked
11:06:02 3 a number of convictions that had been made as being found
11:06:05 4 to be unsafe?---I reported it to my superiors.
5
11:06:11 6 You did at that stage?---At some stage , I'm not quite sure
11:06:17 7 when.
11:06:17 8
11:06:18 9 Which superior did you report it to?---I think Mr Moloney
11:06:20 10 had been promoted at this stage. I'm not quite sure which
11:06:24 11 one it was, I don't know.
11:06:24 12
11:06:25 13 And then are you aware what was done about this suggestion
11:06:28 14 by you that it might put previous convictions at
11:06:31 15 jeopardy?---I don't know what happened, no.
16
11:06:33 17 When you raised those concerns about previous prosecutions
11:06:38 18 did you also raise a concern about prosecutions that were
11:06:41 19 already in train and hadn't yet been determined?---No.
20
11:06:45 21 So it was only past prosecutions that you were focused
11:06:48 22 on?---As I said yesterday, I didn't know anyone that had
11:06:51 23 been charged as a result of what information she provided
11:06:53 24 other than in relation to this aspect.
25
11:06:56 26 But you did know that there was a risk of convictions that
11:06:59 27 had been made being found to be unsafe, so you knew that
11:07:03 28 there were some convictions?---That's always a possibility,
11:07:07 29 yes.
30
11:07:17 31 On 31 December 2008 you have a conversation with Officer
11:07:29 32 Black?---31 December, New Year's Eve, is it?
33
11:07:37 34 Yes. This is in your consolidated diary and he gives you
11:07:41 35 an update, do you see that?---Yes, I do.
36
11:07:48 37 You asked Black in that conversation to prepare a paper to
11:07:55 38 be provided to Acting Commander Porter?---Correct.
39
11:07:59 40 It was to set out the consequences as you and the SDU
11:08:04 41 members you were dealing with saw them of Ms Gobbo becoming
11:08:07 42 a witness?---Correct.
43
11:08:11 44 The plan was essentially to make sure that that document
11:08:15 45 was put before the Petra Task Force steering
11:08:19 46 committee?---Correct.
47

11:08:20 1 And essentially to dissuade them from taking this very
11:08:25 2 dangerous course?---That was one option. The other one was
11:08:30 3 to actually fully identify our position in relation to
11:08:33 4 Ms Gobbo becoming a witness. Whilst we'd verbalised it, we
11:08:38 5 hadn't actually documented it in a proper fashion so that
11:08:42 6 the matter - my intent was to report it so that for future
11:08:47 7 reference we'd actually flagged the issues and the issues
11:08:51 8 that we'd actually flagged.

9
11:08:52 10 I see. So if it all went completely pear-shaped there
11:08:56 11 would be a record of not just conversations that had
11:08:59 12 happened, but a physical record of what your views
11:09:01 13 were?---Correct, and let me say these are career limiting
11:09:05 14 papers that are sent.

15
11:09:09 16 Of course. This was an unusual approach that was
11:09:12 17 taken?---Yes.

18
11:09:15 19 Why is it a career limiting thing to tell those above you
11:09:21 20 about serious risks to someone's life if they take a
11:09:24 21 particular course?---I think that that's just my spin on
11:09:28 22 the matter. My view was that I'd raised the issues, I had
11:09:37 23 concerns about her safety and welfare. I told the
11:09:40 24 appropriate people that it had happened, what I thought
11:09:44 25 would happen, so I was documenting it.

26
11:09:47 27 By this stage not only was there a real risk that Ms Gobbo
11:09:50 28 would be killed, there was also a real risk that previous
11:09:55 29 convictions might be found to be unsafe and that's another
11:09:59 30 factor you knew about, do you agree?---I have no specific
11:10:05 31 information in relation to any conviction. As I said, I
11:10:09 32 quite specifically kept out of the court process
11:10:12 33 deliberately.

34
11:10:12 35 But you knew in a general sense that convictions might be
11:10:17 36 affected?---I knew in a general sense that worst case
11:10:20 37 scenario that could have happened, yes.

38
11:10:23 39 Is it the case that Mr Overland didn't want or didn't like
11:10:26 40 to receive things like this in writing?---No, no,
11:10:29 41 Mr Overland - as I've said previously, I got very fair
11:10:35 42 hearings from Mr Overland.

43
11:10:40 44 One of the things that the Commission has to grapple with
11:10:42 45 is the culture of Victoria Police and how that might have
11:10:48 46 affected some of the issues, the way it played out with
11:10:57 47 Ms Gobbo. It is a troubling thing perhaps that, or firstly

11:11:01 1 you say this is an unusual tactic, which is to put
11:11:04 2 something like this in writing and put it before the
11:11:07 3 steering committee, and secondly it's career limiting.
11:11:13 4 What's your reflection on the culture of Victoria Police
11:11:16 5 given the seriousness of these issues and the fact it would
11:11:19 6 limit one's career or might limit one's career if they were
11:11:23 7 raised with superiors?---Victoria Police at this point of
11:11:26 8 time was an organisation in transition. It had gone from a
11:11:30 9 very hierarchical militaristic type organisation where you
11:11:36 10 did what you were told, stood to attention and polished
11:11:39 11 your shoes. If you were directed to do something, you did
11:11:42 12 something. When Christine Nixon arrived in circa 2001 she
11:11:48 13 implemented significant organisational changes for the
11:11:51 14 better, and a part of that was to allow people to have a
11:11:54 15 voice and a conversation. As a part of that it was unusual
11:11:57 16 for steering committees to actually exist for major
11:12:00 17 investigations in my experience. When I was doing major
11:12:03 18 investigations in the 80s and 90s you reported in a single
11:12:07 19 line up the line, there was no steering committees as such.
11:12:13 20 But steering committees became the vogue in probably the
11:12:15 21 2000s, so that you had joint decision making for a number
11:12:18 22 of significant investigations with a number of people in
11:12:21 23 the room making those decisions, hence I would expect,
11:12:24 24 albeit I don't know, that perhaps robust conversations
11:12:27 25 occurred at those steering committee meetings before
11:12:32 26 decisions were made. The organisation was actually
11:12:34 27 transitioning across to being a far more open organisation
11:12:38 28 and a far more transparent organisation.

29
11:12:43 30 This was a number of years after that it had happened
11:12:46 31 though. We're talking about late 2008, early
11:12:54 32 2009?---Christine Nixon was still the Chief Commissioner
33 and you can't change culture by just implementing an
34 instruction saying the culture will change as of 1 January
11:12:57 35 2002. It doesn't work that way. You need to actually
11:12:58 36 evolve the culture and bring the people with you and so
11:13:04 37 that what had happened is the organisation was evolving. I
11:13:07 38 was a Superintendent from 1999 and I was upgraded to
11:13:10 39 Superintendent from 1996, so I actually had a foot in both
11:13:14 40 significant camps and I could see that the way that
11:13:18 41 Ms Nixon was trying to change the organisation was one for
11:13:21 42 the better for Victoria Police. So people had to evolve.
11:13:26 43 If people didn't want to evolve they quickly had to either
11:13:30 44 depart the organisation or the organisation took steps to
11:13:33 45 actually make their tenor in the organisation uncomfortable
11:13:37 46 so they made their own decision to leave. To get back to
11:13:40 47 your last point in relation to being career limiting, we're

11:13:45 1 going back to a steering committee with four or five-odd
11:13:49 2 people that potentially down the track may well be sitting
11:13:52 3 on a promotion panel that if I was so of a mind, or perhaps
11:13:56 4 we don't talk about me because my career, I'd made the
11:13:59 5 decision my career had gone far enough, but Sandy White,
11:14:04 6 who I'd been trying to mentor since 2000, or really from
11:14:20 7 2003, all through this period of time, I was actually
11:14:24 8 encouraging him to become an Inspector. I thought he would
11:14:28 9 have been an outstanding Inspector for Victoria Police.
11:14:30 10 And likewise the other controller at the SDU, I can't think
11:14:35 11 of his name, I was trying to encourage them to promote
11:14:40 12 themselves as well so Victoria Police at Inspector rank and
11:14:43 13 above had people with a broad array of experience. So I
11:14:45 14 was actually trying to, in line with the new victoria
11:14:49 15 Police, to get them to promote themselves so that they were
11:14:51 16 the next future leaders of this organisation and that
11:14:54 17 didn't - so I was concerned for them that by standing up to
11:14:58 18 the organisation and saying, "We think you're making the
11:15:01 19 wrong decision in relation to this", for them their careers
11:15:04 20 may well be, have a black mark against them, at least in
11:15:07 21 the short-term. And I know you can over live black marks
11:15:11 22 against n you in an organisation, but it takes a little bit
11:15:14 23 of time and that was my major concern.

24
11:15:16 25 The thing that is interesting that comes out of that is
11:15:20 26 that one of the main concerns, if you just take them in
11:15:22 27 order that we went through a moment ago, was that a person
11:15:27 28 would be killed?---Correct.

29
11:15:28 30 She'd be murdered?---That was a potential, yes.

31
11:15:31 32 She'd be murdered as a result of the relationship that
11:15:34 33 she'd had with Victoria Police and it was potentially
11:15:38 34 career limiting to bring that concern to the steering
11:15:41 35 committee. That shows a very, very deep problem with
11:15:45 36 Victoria Police at the time, you'd accept that?---I think
11:15:49 37 Victoria Police found itself in a situation where it had,
11:15:52 38 on one hand, a large number of organisational issues that
11:15:56 39 were causing it significant concern. I can enhance on that
11:16:02 40 if you wish. Then on the other you have a potential
11:16:07 41 witness that may well help you resolve those issues so
11:16:11 42 they're wrestling with really big organisational issues and
11:16:14 43 attempting to resolve them the best way they knew how.

44
11:16:18 45 And another aspect of it, just to tease out that phrase
11:16:23 46 "career limiting" a bit more, was that because of some of
11:16:27 47 the factors that we went through that were discussed about

11:16:31 1 unsafe verdicts, et cetera, it was known that there was a
11:16:34 2 real possibility that there were people who were sitting in
11:16:37 3 prison that perhaps hadn't had a fair trial?---I hadn't
11:16:42 4 really thought that deeply about the matter until - - -
5
11:16:46 6 That's what the phrase unsafe verdicts means in that list
11:16:48 7 of things, doesn't it?---Potentially it does but it doesn't
11:16:52 8 necessarily mean they're in custody. I hadn't really
11:16:55 9 thought about the issues and implications really until this
11:16:59 10 Commission started and I really started to reflect upon my
11:17:01 11 time.
12
11:17:02 13 You would accept it would be disastrous for those members
11:17:05 14 of the steering committee were that aspect to ever come out
11:17:09 15 about this relationship with Ms Gobbo and the potential for
11:17:11 16 unsafe verdicts?---I'm not quite sure it would be
11:17:14 17 disastrous, it may well be embarrassing.
18
11:17:20 19 COMMISSIONER: You were talking about the problems that you
11:17:22 20 perceived Victoria Police had at this time itself that it
11:17:28 21 was grappling with and you said you could enlarge on
22 it?---Certainly.
23
11:17:33 24 Please do so?---Well everyone seems to think that we had
11:17:36 25 issues in relation to the gangland killings. They were
11:17:39 26 only one small aspect of what was occurring in Victoria
11:17:42 27 Police. If I speak about the areas under my
11:17:45 28 responsibility, at the given time we had - when I was at
11:17:48 29 Major Drug Investigation Division we had a burglary,
11:17:52 30 Operation Gallop that occurred, so we had a police member
11:17:56 31 actively arrested at the scene robbing a drug safe house,
11:18:00 32 so you had that significant issue and that cultural issue
33 in relation to corruption in relation to drug - - -
11:18:01 34
11:18:02 35 The Miechel issue?---The Miechel issue and Dale issue.
36
11:18:06 37 Yes?---You then had a number of police shootings that had
11:18:10 38 happened over the years and had been resolved. You had the
11:18:15 39 Ashby and Linnell issues in relation to information being
11:18:18 40 leaked back to people that shouldn't be coming out of the
11:18:21 41 top ends of the organisation. You then had some pressure
11:18:24 42 in relation to the, you know, I'm not underwriting the
11:18:28 43 gangland killings at all, but the gangland killings to my
11:18:31 44 naive way of looking at it were really, the killings were a
11:18:33 45 symptom of a broader drug issue that was occurring in
11:18:35 46 Victoria at the time and they were actually a symptom of
11:18:39 47 the bigger issue, rather than the causal factor. So

11:18:41 1 essentially what happened is we had one group of criminals
11:18:45 2 eliminate another group of criminals for the means of
11:18:48 3 getting a far better slice of the drug market in Victoria
11:18:51 4 as it existed. You also had an organisation going through
11:18:57 5 significant organisational change, which I've talked about,
11:19:00 6 and we also had a number of other members of the
11:19:04 7 organisation probably doing things they shouldn't be doing,
11:19:08 8 causing embarrassment to the organisation. So the
11:19:12 9 organisation's reputation was actually damaging ourselves
11:19:14 10 rather significantly and shortly after this, of course, we
11:19:18 11 had the Ash Wednesday bushfires, of course, which then led
11:19:21 12 to another Inquiry in relation to those matters in relation
11:19:25 13 to the way the organisation was being managed. The senior
11:19:28 14 managers of the organisation, of which I was one of them,
11:19:31 15 of which I was one, were all under pressure to actually try
11:19:35 16 and get our act together in relation to the organisation to
11:19:38 17 actually try and improve it, as well as evolve it into a
11:19:43 18 more contemporary policing organisation.
19

11:19:45 20 You seem to saying that Simon Overland in making his
11:19:48 21 decision about transitioning Nicola Gobbo to a witness was
11:19:53 22 cognisant that he had to not only weigh up what was in her
11:19:57 23 best interests, but also the best interests of Victoria
11:20:00 24 Police and he was concerned about corruption?---Correct.
25

11:20:03 26 That she would be able to assist as a witness?---Correct,
11:20:06 27 yes.
28

11:20:07 29 In perhaps rooting out?---Correct.
30

11:20:10 31 Yes. This culture that you say Christine Nixon was trying
11:20:15 32 to change to make the organisation a more collegiate
11:20:19 33 decision making organisation, and you spoke about how that
11:20:24 34 takes time to change, years in fact to changes, was it
11:20:31 35 transitioning successfully up until the point where you
11:20:34 36 left the organisation?---I think for the first - I'm
11:20:38 37 probably going to say something - perhaps I'll put it this
11:20:44 38 way. I think for the first five years of Christine's
11:20:49 39 tenure was outstanding. The last three years were probably
11:20:53 40 three years too long. I'll leave it at that. The
11:20:55 41 organisation had embarked on this change and was
11:20:58 42 significantly changing, and needed to change, and I think
11:21:00 43 it was on the right track. I don't think change was coming
11:21:03 44 as quickly as anyone wanted and I know one of the issues
11:21:09 45 bubbling along at the same stage was the treatment by males
11:21:15 46 of females in the organisation, both sworn and unsworn,
11:21:16 47 which some of the things that were happening were actually

11:21:18 1 dreadful, and as an organisation we were very, very slow to
11:21:23 2 get on the front foot about treating people in an equitable
11:21:27 3 manner. And so it was slowly edging forward but probably
11:21:31 4 not to the point where I thought it would when I left in
11:21:34 5 16.

6
11:21:34 7 Thank you. Yes Mr Woods.

11:21:36 8
11:21:36 9 MR WOODS: Given the factors that were discussed and made
11:21:39 10 their way eventually into the briefing note which we'll go
11:21:43 11 to in a moment, the steering committee, it's open, I
11:21:47 12 suggest, to be found that there's a real illogicality in
11:21:53 13 those factors sitting behind and those factors being the
11:21:58 14 risks of using Ms Gobbo as a witness and attempting, on the
11:22:02 15 other hand, by using her as a witness to address cases
11:22:06 16 against a couple of police officers. Do you understand
11:22:08 17 what I'm asking there? It doesn't necessarily make sense
11:22:12 18 if those are all of the risks in the background, and I
11:22:15 19 think this is what you were identifying in your
11:22:18 20 conversations with the SDU officers in the briefing note,
11:22:20 21 those risks were in the extreme, do you understand why it
11:22:25 22 might be said to be an illogical decision where they just
11:22:32 23 pressed on and decided to use her as a witness?---I
11:22:34 24 understand the point and I tend to agree with that point.
11:22:37 25 I know on occasions in my conversations with Mr Overland we
11:22:44 26 actually offered some tactical options, rather than using
11:22:47 27 Ms Gobbo as a witness. For a number of reasons they
11:22:50 28 weren't taken up.

29
11:22:52 30 Do you know when those conversations occurred?---It would
11:22:54 31 have been some in time 2008 but not specifically, no.

32
11:22:57 33 Would they have been documented?---Probably not.

34
11:23:00 35 Just for the sake of the record I want to bring up the
11:23:04 36 briefing note that was eventually put together by Officer
11:23:09 37 Black and provided to you. That's VPL.2000.0001.922 -
11:23:19 38 unfortunately the version I have doesn't have the final
11:23:21 39 number?---If you note, it was done on the one day and in a
11:23:27 40 very quick period, so clearly they were issues at the
11:23:32 41 forefront of his mind.

42
11:23:34 43 Yes, and I understand. And that they were provided to you
11:23:37 44 by him as is noted on the document?---Correct.

45
11:23:39 46 I don't have the entire number, it's cut off on the version
11:23:42 47 that I have but I think it's already been tendered. This

11:23:43 1 is a briefing note to Detective Superintendent Biggin from
11:23:50 2 Officer Black. This was tendered a while ago. The version
11:24:00 3 I think that was tendered is the one with the stamps and
11:24:04 4 the signatures on the front of it to show where it went.
11:24:07 5 The version that I've got here - that has a different
11:24:12 6 number. The one that is on the system is
11:24:19 7 VPL.0100.0035.0001.
8
11:24:28 9 COMMISSIONER: Just to help us locate it, what is it
11:24:32 10 exactly, it's a briefing note?
11:24:37 11
11:24:38 12 MR WOODS: The briefing note is found within a bundle,
11:24:40 13 larger bundle of documents which are coming up on the
11:24:43 14 screen now. I think it was last week this was tendered.
11:24:45 15 It has an issue cover sheet signed by Mr Biggin. It has
11:24:52 16 the briefing note from officer - there we go.
17
11:24:58 18 COMMISSIONER: I remember.
11:25:01 19
11:25:02 20 MR WOODS: Certainly I've seen it in the last week on the
11:25:04 21 screen, so I assumed it had been tendered.
22
11:25:13 23 COMMISSIONER: I'm pretty sure it did. It was tendered as
11:25:13 24 an Issue cover note I think.
11:25:13 25
11:25:13 26 MR WOODS: In any event that's the document that's on the
11:25:14 27 screen in front of you that Officer Black provided to
11:25:16 28 you?---Correct.
29
11:25:17 30 Then on the page before there's an issue cover sheet that
11:25:22 31 contains your thoughts on the matter that was to be
11:25:27 32 provided to the steering committee?---Correct.
33
11:25:31 34 Then on the front page there's a demonstration of where the
11:25:35 35 document went to and it shows that it came from you and
11:25:38 36 went to Overland, the steering committee and the authority
11:25:43 37 came from Danye Moloney?---It actually came from me and
11:25:47 38 went to Moloney.
39
11:25:48 40 Yes, and then to the steering committee?---I had addressed
11:25:52 41 it to Commander Moloney who at that point in time had moved
11:25:55 42 on. But I knew he was a member of the steering committee
11:25:58 43 and had been our former Commander so the Acting Commander,
11:26:00 44 which was Mark Porter, then gave it to Moloney who then
11:26:06 45 gave it to Mr Overland, who gave it back to us.
46
11:26:08 47 Yes, all right. Is that a convenient time, Commissioner,

11:26:10 1 for the mid-morning break?
11:26:11 2
11:26:12 3 COMMISSIONER: Yes. We think it's Exhibit 518. Yes, it
11:26:24 4 was attaching an issue cover sheet. Was it 5 January 09?
11:26:31 5
11:26:31 6 MR WOODS: The front page - yes, it's 5 January 09.
7
11:26:35 8 COMMISSIONER: It's Exhibit 518.
11:26:36 9
11:26:37 10 MR WOODS: Exhibit 518. Thank you, Commissioner.
11
11:26:39 12 COMMISSIONER: Yes, all right then, we'll have the
11:26:41 13 mid-morning break now.
14
15 (Short adjournment.)
16
11:51:59 17 COMMISSIONER: Yes Mr Woods.
11:52:00 18
11:52:04 19 MR WOODS: In relation to the concerns we were talking
11:52:06 20 about prior to the break that were being passed on to
11:52:14 21 Moloney and Overland on the steering committee, one of the
11:52:19 22 concerns was that convictions and cases might be
11:52:24 23 jeopardised, do you agree with that?---Yes.
11:52:27 24
11:52:27 25 Why is that one thing that doesn't find its way into the
11:52:34 26 note, the briefing note, or the relevant diaries at the
11:52:38 27 time is someone insisting on obtaining legal advice, is
11:52:42 28 that something that you thought about at the time?---No, it
11:52:45 29 wasn't something I thought about. It was put to me at the
11:52:48 30 IBAC hearing whether I considered it and prior to that
11:52:52 31 point I hadn't, but really it was a really good idea, one I
11:52:57 32 should have thought of, but I just didn't think of it.
11:53:00 33
11:53:00 34 Those who were receiving that briefing note, you would
11:53:04 35 assume that that also applies to them, would be your
11:53:08 36 position, they should have been getting legal advice given
11:53:12 37 the concerns that were being passed on to them at that
11:53:15 38 stage?---They certainly had legal representatives reporting
11:53:18 39 to them, they supervised.
11:53:20 40
11:53:21 41 What I'm saying is they should have obtained legal advice
11:53:25 42 about this situation?---It would have been handy.
11:53:27 43
11:53:27 44 Crystal ball gazing, it would have made these issues come
11:53:31 45 out a lot sooner than they eventually did?---May well have
11:53:35 46 done.
11:53:36 47

11:53:36 1 Perhaps wouldn't have avoided the Royal Commission though
11:53:39 2 by that stage, because we're talking late 2008, early
11:53:44 3 2009?---No.
11:53:44 4
11:53:46 5 I want to ask some questions about a slightly different
11:53:49 6 issue that was persisting at the same period of time as the
11:53:58 7 OPI inquiry that I asked you about earlier today. Now, in
11:54:03 8 mid-2007 the committal for Milad Mokbel was taking place,
11:54:13 9 is that something you would have been aware of at the
11:54:16 10 time?---No.
11:54:16 11
11:54:17 12 Why is that?---Because as I previously said, I deliberately
11:54:20 13 kept myself away from any form of court proceedings. I
11:54:24 14 didn't inquire into them, I didn't specifically know who
11:54:27 15 had been charged.
11:54:28 16
11:54:28 17 The issue that we discussed in private hearing yesterday
11:54:31 18 was explored in that, the committal in relation to that
11:54:36 19 matter. Was that something that was explained to you at
11:54:39 20 any stage in mid-2007, that there were questions being
11:54:44 21 asked in legal proceedings about how it came to be that
11:54:47 22 Milad Mokbel was implicated?---My answer is I have no
11:54:54 23 recollection of it at the time, but I don't dispute that
11:54:58 24 someone may have raised it with me.
11:55:00 25
11:55:00 26 At this period in mid-2007 Carl Williams had entered a plea
11:55:08 27 in the Supreme Court in relation to, a plea of guilty that
11:55:12 28 is, in relation to his role in gangland murders, are you
11:55:17 29 aware that that had occurred by mid-2007?---Through the
11:55:21 30 media, yes.
11:55:22 31
11:55:24 32 We know from the factors, the things I was taking you
11:55:28 33 through earlier today, that Ms Gobbo had received a summons
11:55:31 34 to the OPI to appear in July 2007 and you say that's
11:55:36 35 something you didn't know about at the time?---I didn't
11:55:38 36 know about the hearings, I knew there was potential that
11:55:41 37 she had to appear.
11:55:42 38
11:55:43 39 I want to just put some diary entries to you and the reason
11:55:48 40 that I'm putting these to you is there's a meeting that
11:55:51 41 comes shortly after these entries that you're a party to
11:55:55 42 and I just want to explore what occurred prior to that
11:55:58 43 meeting. I don't need to bring up each of the entries, I'm
11:56:04 44 sure that these things will be unexceptional to you.
11:56:07 45 Mr O'Brien's diary of 18 July 2007 says that he has a
11:56:13 46 conversation with Mr White about 3838 issues. "Witness -
11:56:19 47 informer situation." And that accords with your diary

11:56:24 1 entries at the same time that was talking about, in
11:56:27 2 different conversations, about, "Witness - informer
11:56:30 3 situation to do with Ms Gobbo", those were active
11:56:33 4 considerations of yours?---Yes, yes.
11:56:35 5
11:56:35 6 Mr White's Diary, if this one could be brought up please,
11:56:40 7 it's VPL.0100.0096.0707. This is Mr White's diary entry of
11:56:53 8 his conversation with Mr O'Brien on 18 July 2007. It
11:57:00 9 begins at 14:30 and goes until 15:20. It reads, "Task
11:57:10 10 Force Purana meet with JOB re 3838 issues. Discussed
11:57:14 11 possibility of being witness. Advised against same. JOB
11:57:19 12 suggested if inevitable that human source will be
11:57:22 13 compromised then should utilise as witness while we can.
11:57:27 14 Advised I don't believe human source will necessarily be
11:57:30 15 compromised, and value as a witness needs to be weighed
11:57:35 16 against political fall out from legal fraternity, i.e. will
11:57:42 17 it impact on a particular conviction and others?" And it
11:57:45 18 was agreed between those two individuals that there was a
11:57:48 19 need for legal advice?---Yep.
11:57:50 20
11:57:51 21 Re the fall out. "Value as witness limited and TM" -
11:58:01 22 Karam, I take that to mean, and thirdly, "TM, Tony Mokbel
11:58:06 23 material limited and will make little difference". You see
11:58:10 24 that entry?---I see that entry.
11:58:12 25
11:58:12 26 You're aware that, you can accept, I take it, from that
11:58:17 27 entry that those two individuals knew that there was a risk
11:58:21 28 that convictions were unsafe?---They're talking about it,
11:58:25 29 yes.
11:58:26 30
11:58:26 31 Yes. They're aware that forthcoming proceedings might also
11:58:31 32 be unsafe?---They're talking about it, yes.
11:58:34 33
11:58:34 34 This is the head of Purana and the head of the SDU, these
11:58:38 35 two people?---Yes.
11:58:39 36
11:58:41 37 They agree that legal advice needs to be sought for that
11:58:44 38 reason, for those reasons?---Yes.
11:58:46 39
11:58:47 40 And it is readily apparent then that those having the
11:58:53 41 conversation also understood that if prosecutions were to
11:58:59 42 be continued without these events being disclosed, the
11:59:03 43 events that we spoke about yesterday in closed session,
11:59:06 44 that it might impact on those prosecutions and potentially
11:59:11 45 pervert the course of justice?---Potentially.
11:59:14 46
11:59:15 47 All right. And then the following day I've taken you to,

11:59:18 1 which is the day that Ms Gobbo gave evidence before the
11:59:21 2 OPI, I want to move forward to 20 July in your own diary
11:59:28 3 and this is of the consolidated diary, p.0521 which will
11:59:33 4 come up on the screen. That's correct, it's 20 July 07,
11:59:47 5 you can see just above it?---That's correct, Friday 20
11:59:50 6 July, yes.
11:59:50 7
11:59:50 8 So that's two days after that discussion between the head
11:59:55 9 of Purana and the head of the SDU?---Yes.
11:59:58 10
11:59:59 11 There's a discussion, firstly, between you and Moloney, do
12:00:06 12 you see that?---Correct, yes.
12:00:07 13
12:00:08 14 Then following that I think it might be 10 am or - -
12:00:12 15 -?---10.05 maybe.
12:00:14 16
12:00:14 17 10.05 perhaps. There's a discussion you have with Sandy
12:00:19 18 White about issues regarding Nicola Gobbo?---Correct.
12:00:22 19
12:00:24 20 So do you accept that, or do you have any recollection of
12:00:29 21 him talking to you about these issues that he'd just spoken
12:00:33 22 two days before with Mr O'Brien about?---No, I don't.
12:00:36 23
12:00:37 24 You accept that given your role as having functional
12:00:41 25 control over the SDU at that stage, they're issues that he
12:00:46 26 would have talked about with you?---He may have talked
12:00:48 27 about with me but they're certainly something I would
12:00:52 28 expect he would have spoken to his inspector about.
12:00:56 29
12:00:56 30 Given that he was talking to you about 3838 issues in
12:00:59 31 particular two days after this discussion about the need
12:01:01 32 for legal advice, and given your oversight of his area, you
12:01:06 33 accept that there, this is a discussion he would have had
12:01:09 34 with you at the time, that's what I really want to
12:01:14 35 know?---No, I don't think so because it would always be my
12:01:16 36 position that if legal advice was to be sought, Purana
12:01:19 37 should seek it, not us. It should actually go through the
12:01:21 38 investigators.
12:01:21 39
12:01:21 40 I'm not asking about where it should have been sought from
12:01:25 41 and where it should have been asked from, I'm talking about
12:01:27 42 whether or not he would have spoken to you, given your
12:01:29 43 position of authority over him, about the very issues that
12:01:32 44 he'd spoken to the head of Purana about two days
12:01:36 45 before?---As I said, I don't recall the conversation.
12:01:38 46
12:01:38 47 You allow the possibility that he did discuss those issues

12:01:42 1 with you?---There is a possibility that he did. I don't
12:01:43 2 recall it.
12:01:44 3
12:01:45 4 24 July 2007 - don't worry about that. Mr White's diary of
12:01:51 5 the date, 24 July, so four days after the one we've just
12:01:54 6 gone to. This is at VPL.2000.0001.0870. That will come up
12:02:07 7 in a moment. There's a phone call, firstly, from
12:02:14 8 Mr O'Brien who's requesting a meeting with Deputy
12:02:23 9 Commissioner Overland re future viability of 3838 as a
12:02:26 10 witness?---Yes.
12:02:26 11
12:02:26 12 You know they're the two people who had the discussion
12:02:30 13 about the need for legal advice a few days before?---Yes.
12:02:31 14
12:02:32 15 Following that at 15:40 there's a phone call to you and
12:02:36 16 there's advice about a meeting and the issues are
12:02:40 17 discussed?---Yes.
12:02:41 18
12:02:43 19 "Advised re meeting"?---Yes.
12:02:45 20
12:02:45 21 So he has told you about a meeting that's to take
12:02:47 22 place?---I actually think my diary entry is roundabout the
12:02:50 23 same time I told him, I asked him to attend.
12:02:53 24
12:02:53 25 I see?---Anyway, yes.
12:02:57 26
12:02:57 27 The issues that are going to be discussed at the meeting
12:03:00 28 are discussed between the two of you?---That's certainly
12:03:03 29 what it says, yes.
12:03:04 30
12:03:05 31 Then you'll see further down at 16:25 there's a meeting -
12:03:14 32 can you tell me, is that Rob Hardy in the 16:00 line?---I
12:03:20 33 would think so, yes.
12:03:23 34
12:03:23 35 He's not able to attend?---That would appear to be the
12:03:27 36 case.
12:03:27 37
12:03:27 38 Then at 16:25 Mr White records Crime Department meeting
12:03:34 39 with yourself, O'Brien, Ryan, O'Connell, Blayney and Brown,
12:03:39 40 do you see?---Yes.
12:03:40 41
12:03:40 42 There's an update given about 3838?---Yep.
12:03:44 43
12:03:44 44 What's discussed is the value of her as a human source is
12:03:49 45 outweighed by repercussions and risks to same?---Yes.
12:03:53 46
12:03:54 47 Agreed to continue deployment with no tasking,

12:03:58 1 et cetera?---Yes.
12:03:58 2
12:03:59 3 Agreed between those individuals to brief Overland about
12:04:03 4 the issues?---Yes.
12:04:05 5
12:04:07 6 Do you have a recollection that the need for legal advice
12:04:10 7 because of the potential affect on those matters that we
12:04:13 8 spoke about earlier was discussed at this meeting?---I
12:04:17 9 don't specifically recall it, but I don't dispute that it
12:04:19 10 happened.
12:04:20 11
12:04:20 12 It's likely that given the proximity to those conversations
12:04:23 13 I took you to a moment ago that that's what would have been
12:04:27 14 discussed?---Possibly, yes.
12:04:29 15
12:04:38 16 On 6 August 2007, now this is a meeting I want to take you
12:04:43 17 to, this is in White's Diary I'm taking you here to of
12:04:48 18 VPL.2000.0001.0987. This is at 11.10 on 6 August. You'll
12:04:58 19 see the meeting takes place between Overland, yourself,
12:05:02 20 Blayney, Ryan?---Yes.
12:05:03 21
12:05:03 22 And obviously White's there as well?---Yes.
12:05:06 23
12:05:08 24 At the last meeting it had been agreed that Overland would
12:05:12 25 be briefed about the issues that were discussed?---Yes.
12:05:14 26
12:05:15 27 And then here we are 6 August 2007, there's a 3838
12:05:20 28 management update that's provided, do you agree?---Yes.
12:05:22 29
12:05:23 30 Three options are put, first of them is deactivate - well,
12:05:30 31 three options, deactivate, ongoing management with no
12:05:34 32 tasking or witness?---Yes.
12:05:36 33
12:05:37 34 Agreed witness not an option as source will be
12:05:40 35 compromised?---Yes.
12:05:40 36
12:05:40 37 Deactivation not an option by virtue of fact that ongoing
12:05:44 38 communication will be required re court issues re Mokbel
12:05:48 39 trials?---Yes.
12:05:48 40
12:05:49 41 Was discussed?---May well have been, yes.
12:05:51 42
12:05:51 43 It was discussed because it's recorded here. Do you accept
12:05:56 44 that?---Yes, yes.
12:05:57 45
12:05:59 46 Agreed human source to be managed with no tasking and any
12:06:02 47 intel to be risk assessed with yourself prior to

12:06:05 1 dissemination or action?---Correct.
12:06:07 2
12:06:08 3 There was a discussion about Ms Gobbo being used to speak
12:06:14 4 to targets in those two operations, Petra and
12:06:18 5 Briars?---Yes.
12:06:18 6
12:06:18 7 To [REDACTED] regarding [REDACTED]
12:06:21 8 [REDACTED] Yes.
12:06:21 9
12:06:22 10 Those two things eventually occurred, didn't they?---I'm
12:06:24 11 not aware of that but I don't dispute them.
12:06:27 12
12:06:27 13 You're aware of the Briars one, I think I took you to it
12:06:30 14 earlier?---Yes.
12:06:31 15
12:06:31 16 It was agreed that any strategy be risk assessed prior to
12:06:35 17 implementation?---Yes.
12:06:38 18
12:06:38 19 Then some of the threats that Ms Gobbo was receiving were
12:06:42 20 discussed and there was an investigation to take place into
12:06:45 21 Mr Bayeh?---Yes.
12:06:46 22
12:06:52 23 It is likely that in this meeting, given what had happened
12:06:56 24 beforehand and the intention to brief Mr Overland about
12:06:59 25 these issues, given the proximity of this meeting to the
12:07:02 26 last ones, that the need for legal advice was discussed in
12:07:07 27 this meeting as well?---May well have been done.
12:07:10 28
12:07:10 29 You don't dispute that it was done?---No, I don't dispute
12:07:14 30 it.
12:07:14 31
12:07:21 32 A separate issue is the matter of the tomato tins case.
12:07:27 33 You're generally aware of what I'm referring to
12:07:30 34 there?---Yes.
12:07:30 35
12:07:32 36 There's an email chain I want to take you to which is
12:07:37 37 VPL.6025.0003.0096. This is on 8 August 2008 which was the
12:07:45 38 day of the arrest of a number of the parties to the
12:07:50 39 importation?---Yes.
12:07:51 40
12:07:53 41 You recall that the arrests happened around that time?---I
12:07:58 42 do.
12:07:58 43
12:07:58 44 All right, that will come up in a moment. If you start at
12:08:08 45 the bottom of that page. It begins with an email from
12:08:15 46 Sandy White to you?---Yes.
12:08:17 47

12:08:17 1 At 7.47 am?---Yes.
12:08:19 2
12:08:19 3 It's saying that, "Karam, Barbaro and others arrested by
12:08:24 4 AFP this morning re four importations"?---It does.
12:08:27 5
12:08:27 6 You say back to him at 7.51, "Thanks. Do they have any
12:08:32 7 evidence per chance", I take it that's a flippant
12:08:36 8 remark?---Well it is a flippant remark but I didn't know
12:08:39 9 what - what evidence they possibly had. I think as I said
12:08:43 10 to you before, I'll be very careful here, is that some
12:08:47 11 other areas of mine were providing services to this
12:08:49 12 investigation and then we were cut out of it.
12:08:52 13
12:08:52 14 What was the last thing you said just then, sorry?---We
12:08:54 15 were cut out of the investigation by the AFP.
12:08:56 16
12:08:56 17 Yes, I understand. It's public knowledge that there was
12:09:03 18 intelligence, Victoria Police support was provided in this
12:09:10 19 investigation and the arrests?---Correct.
12:09:12 20
12:09:12 21 I think that's pretty safe?---Yes.
12:09:15 22
12:09:15 23 Then later on Sandy White writes back to you saying, "Lots
12:09:20 24 of phone product with Nicola Gobbo I suspect. They have
12:09:25 25 already told Karam she cannot represent him because of
12:09:30 26 conflict of interest"?---Yes.
12:09:32 27
12:09:32 28 Do you understand who "they" were?---I would presume it's
12:09:35 29 the investigators, the AFP.
12:09:38 30
12:09:38 31 The AFP is your assumption?---That's my guess, yes.
12:09:42 32
12:09:43 33 Then you write back, "H'mm more grief on the way I
12:09:48 34 suspect"?---Yes.
12:09:48 35
12:09:49 36 What's the grief that you were expecting to occur as a
12:09:53 37 result of that?---It was just a silly comment. If you
12:09:56 38 actually check the timing of it, 7.47, 7.51, 7.54, and
12:10:03 39 7.54, I've responded within 12 seconds giving just a silly
12:10:08 40 comment.
12:10:08 41
12:10:08 42 It has no particular meaning at all?---It's my attempt at
12:10:12 43 being humorous and obviously I'm not.
12:10:14 44
12:10:15 45 That's all right. Sandy White probably thought it was
12:10:18 46 hilarious. What I'm trying to understand is what the
12:10:21 47 humour is based on, do you understand why I'm asking?

12:10:25 1 Where this grief or the possibility of grief or whatever it
12:10:30 2 is, where that might come from?---It's just a silly
12:10:33 3 comment, that's all it is.
12:10:33 4
12:10:34 5 The reason I ask is because underneath the email that
12:10:39 6 you've just received is talking about the fact that they
12:10:45 7 have already told Karam, so Karam has been told at that
12:10:48 8 stage she can't represent Karam because of a conflict of
12:10:52 9 interest?---Yes.
12:10:53 10
12:10:53 11 What I'm suggesting to you is the grief that you're
12:10:56 12 expecting is because of this conflict of interest that
12:10:58 13 Nicola Gobbo has?---No, no, it was a silly comment. Just a
12:11:02 14 silly, tap tap tap comment without really thinking through
12:11:06 15 the consequences or the words you put on paper.
12:11:08 16
12:11:08 17 You're aware though, because of the issues I took you to
12:11:12 18 yesterday, on many occasions throughout her time of
12:11:14 19 registration with the SDU Nicola Gobbo was representing
12:11:18 20 individuals when she had a conflict of interest?---Yes, we
12:11:20 21 went through that, yes.
12:11:21 22
12:11:22 23 Were you aware at this stage, given it was a year, well in
12:11:27 24 fact longer, after the bill of lading had been handed over,
12:11:31 25 I think your evidence yesterday was you didn't know about
12:11:33 26 the bill of lading when it was provided?---No, I didn't.
12:11:36 27
12:11:36 28 Did you know at this stage that Nicola Gobbo had in fact
12:11:40 29 been the person who implicated Rob Karam?---No, my only
12:11:44 30 knowledge of her involvement in this was after the other
12:11:46 31 units, which were the Technical Surveillance Unit and the
12:11:49 32 State Surveillance Unit, were no longer required for
12:11:52 33 Operation Inca. Sandy White at some point in time
12:11:56 34 mentioned to me that she was still seeing Karam. I didn't
12:11:59 35 know whether the investigation was still ongoing or not
12:12:03 36 until it specifically came to an end.
12:12:04 37
12:12:04 38 The fact is that some of the material I took you through
12:12:08 39 yesterday shows that you were being updated about Operation
12:12:13 40 Agamas and Inca?---I was, yes.
12:12:16 41
12:12:16 42 And in circumstances where you were being updated after the
12:12:20 43 bill of lading is handed over and the investigation's being
12:12:24 44 carried out and then this date in August 2008, you're
12:12:28 45 particularly told by Sandy White of this conflict of
12:12:32 46 interest. What I'm suggesting to you is at least by this
12:12:34 47 stage you knew that she had a conflict of interest and you

12:12:36 1 knew what the conflict of interest was, namely she'd
12:12:39 2 implicated Rob Karam?---I knew she had a personal
12:12:43 3 relationship and was talking to him, potentially yes. I
12:12:47 4 understood what the conflict of interest was, yes.
12:12:49 5
12:12:49 6 You knew also some of the entries I took you to yesterday
12:12:54 7 was that there was proposed surveillance on Nicola Gobbo's
12:13:00 8 phone because of her contacts with Mr Karam during the
12:13:04 9 period of investigation?---Yes.
12:13:05 10
12:13:11 11 And in particular what I took you to yesterday was the fact
12:13:15 12 that the AFP were proposing to put her phone under
12:13:21 13 surveillance, or put an LD or a TI on Nicola Gobbo's phone
12:13:27 14 because of the contact between her and Mr Karam during that
12:13:31 15 period and that was something that was reported to you, I
12:13:33 16 took you to that entry yesterday?---I don't specifically
12:13:36 17 recall it but I don't dispute it.
12:13:37 18
12:13:37 19 That's all right?---Yesterday was a big day.
12:13:41 20
12:13:41 21 It was. It was. Hopefully today won't be as big. Just to
12:13:59 22 round off that issue, I just want to take you to p.0513 of
12:14:04 23 your diary. This is 4 July 2007 and it arises from those
12:14:15 24 issues we were just talking about and the phone, Nicola
12:14:19 25 Gobbo's phone. You'll see there, this is 4 July 07.
12:14:28 26 There's a discussion there between yourself and Inspector
12:14:31 27 Wilson, that's correct?---Correct.
12:14:33 28
12:14:33 29 It's about Agamas?---Yes.
12:14:37 30
12:14:37 31 Application for line?---Yep.
12:14:38 32
12:14:39 33 That's so that her phone can be intercepted?---Intercepted,
12:14:42 34 correct.
12:14:43 35
12:14:43 36 "Issues surrounding some"?---Same.
12:14:47 37
12:14:47 38 "Same barrister"?---Slash, yes.
12:14:49 39
12:14:49 40 And the issue is legal privilege?---Correct.
12:14:51 41
12:14:51 42 And so you understood that were it to be that her phone was
12:14:58 43 off, that there would be issues about privilege that would
12:15:01 44 need to be navigated?---That's normal. That's normal for
12:15:06 45 any barrister's phone that was proposed to be intercepted.
12:15:08 46 Inspector Wilson, just by way of completeness, ran the
12:15:13 47 Special Projects Unit which intercepted telephones. So he

12:15:15 1 was reporting to me that there was Operation Agamas, an
12:15:18 2 application for a line regarding Ms Gobbo and then issues
12:15:22 3 regarding same, her being a barrister and there was
12:15:26 4 potentially legal privilege issues.
12:15:27 5
12:15:28 6 Was it discussed the nature of the particular privilege
12:15:31 7 issue that might come up being privilege that she owed or
12:15:35 8 held on before of Mr Karam?---No, because Inspector Wilson
12:15:39 9 wouldn't have known that.
12:15:40 10
12:15:42 11 You know, because of what we went through yesterday, that
12:15:45 12 she was acting for Karam around that time?---You mentioned
12:15:49 13 that, yes, yes.
12:15:50 14
12:15:50 15 And you would have known that at this stage in 2007?---I
12:15:55 16 think I may have, yes.
12:15:56 17
12:16:00 18 In Mr White's Diary of 19 December 2008, and what I'm
12:16:05 19 wanting to move on to now is just some issues about
12:16:09 20 deactivation. This is at p.1733 and it's 19 December 08 of
12:16:17 21 Mr White's diary. There's a meeting with you, that will
12:16:22 22 come up on the screen in a moment, and what's discussed is,
12:16:31 23 "Meet with 2958 Tuesday" - that appears to be the next
12:16:36 24 Tuesday?---It does.
12:16:37 25
12:16:37 26 And, "Discuss exit strategy"?---It does, yes.
12:16:40 27
12:16:41 28 "Human source needs 6 to 12 months sabbatical from
12:16:46 29 work"?---Yes.
12:16:47 30
31 "Is potential witness, need to consider
32 sending"?---[REDACTED].
33
12:16:48 34 [REDACTED], yes.
12:16:51 35
12:16:52 36 That was for her own protection because of her transition
12:16:55 37 to a witness?---That's what's put, yes.
12:16:58 38
12:16:59 39 A little bit after that, this is closer to the actual
12:17:02 40 deactivation, is p.1736, a few pages later. Mr White's
12:17:11 41 diary says that he receives a call from DDI Smith. "Petra
12:17:15 42 re meeting with 2958. SOC, currently with same. Happy to
12:17:23 43 change statement but may be continuity issues"?---Yes.
12:17:27 44
12:17:28 45 And then there's a call from Richards that he receives
12:17:33 46 about 2958 issues, followed by another call from, "Richards
12:17:39 47 advise that human source has signed statement". You

12:17:42 1 understood that to be the statement in the Dale matter?---I
12:17:45 2 believe so, yes.
12:17:45 3
12:17:46 4 "Also advise that Biggin wants same deactivated, need to
12:17:50 5 arrange meeting"?---Yes.
12:17:52 6
12:17:52 7 This accords with your recollection of this stage in
12:17:55 8 2009?---Yes.
12:17:56 9
12:17:56 10 I want to bring up an email which is VPL.6159.0047.8483.
12:18:22 11 You're aware, that entry that's on the screen, I understand
12:18:27 12 this is Mr White's diary and not yours, but what was being
12:18:31 13 proposed at that stage by Mr White was that Ms Gobbo's
12:18:37 14 statement be changed essentially to remove her from being
12:18:41 15 involved in the recording?---I don't know what the change
12:18:45 16 was. These are his comments in a conversation with
12:18:49 17 Inspector Smith.
12:18:51 18
12:18:52 19 Well, were you aware that what was being proposed by
12:18:56 20 Mr White essentially was that her, the threat of her
12:18:59 21 entering the witness box would be at least reduced by the
12:19:03 22 statement being changed?---No, I wasn't. No, didn't know
12:19:07 23 that.
12:19:07 24
12:19:07 25 Does that cause you concerns if that was to be the
12:19:11 26 case?---I would need to know all the circumstances of what
12:19:14 27 it was and what needed to be changed and what the motive
12:19:17 28 was.
12:19:18 29
12:19:18 30 And whether or not it was intended that the previous
12:19:21 31 version of the statement would be disclosed too I
12:19:24 32 assume?---It would have to be.
12:19:25 33
12:19:25 34 It would be pretty redundant otherwise?---Yes.
12:19:28 35
12:19:29 36 Sorry, now the email I wanted to take you to is
12:19:36 37 VPL.6159.0047.8483. I think this one's only just been
12:19:42 38 produced. This is an email exchange, so it's an email from
12:19:48 39 you?---It is.
12:19:49 40
12:19:50 41 And it's 8 January 2009, so it comes the day after?---Yes.
12:19:54 42
12:19:55 43 What we've just been through. You've briefed
12:19:59 44 Porter?---Yes.
12:19:59 45
12:19:59 46 On the potential request for the SDU to continue to manage
12:20:03 47 Nicola Gobbo?---Yes.

12:20:04 1
12:20:04 2 In essence, "He agrees that we should not do it"?---Yes.
12:20:11 3
12:20:12 4 I should say this has been produced with those names
12:20:17 5 redacted. We assume that these are names of SDU operatives
12:20:26 6 but it's not clear to us so we might ask that that question
12:20:34 7 is answered in due course.
12:20:35 8
12:20:35 9 COMMISSIONER: Yes, if you could - - -
12:20:38 10
12:20:39 11 MR HOLT: We'll attend to that, Commissioner.
12:20:40 12
12:20:40 13 COMMISSIONER: It seems as though it would be, and
12:20:42 14 unfortunately names have been redacted and not pseudonyms
12:20:47 15 replaced them.
12:20:48 16
12:20:49 17 MR WOODS: Or shaded.
12:20:51 18
12:20:51 19 COMMISSIONER: Or shaded, yes.
12:20:52 20
12:20:52 21 MR WOODS: I'm assisted by the fact it might be replicated
12:20:56 22 in the SMLs. Those two names are Mr Black and Mr Richards.
12:21:02 23
12:21:02 24 COMMISSIONER: Thank you.
12:21:02 25
12:21:03 26 MR WOODS: What occurs here is that you're essentially
12:21:08 27 explaining the discussion that you've had with Commander
12:21:11 28 Porter?---Correct.
12:21:12 29
12:21:13 30 And what's the purpose of passing this information on to
12:21:17 31 these individuals?---At this point in time there was a Task
12:21:24 32 Force Briars or Petra, I keep mixing them up, were
12:21:29 33 suggesting to us that we would then act in the role of the
12:21:33 34 Witness Security Unit and take over the management again of
12:21:36 35 Ms Gobbo once she became a witness.
12:21:38 36
12:21:38 37 When you say we, I take it you're talking about the
12:21:42 38 SDU?---Yes, I do. That's the plural we.
12:21:43 39
12:21:44 40 I understand?---The SDU. So that had been raised and it
12:21:47 41 was my position and our position that once she became a
12:21:51 42 witness that's the responsibility of investigators and it's
12:21:53 43 a conflict for us to be involved.
12:21:55 44
12:21:56 45 You say part of the way down that you need to protect the
12:22:01 46 value of the source as a witness now and that was the
12:22:04 47 position you'd essentially been put in by the Petra

12:22:08 1 steering committee?---Yes.
12:22:09 2
12:22:09 3 You say you're very mindful that the human source is
12:22:12 4 manipulative and you're aware that she will play Petra off
12:22:16 5 against the SDU?---Correct.
12:22:18 6
12:22:18 7 What was your thinking there?---She'd demonstrated all the
12:22:23 8 way through that she was very, very difficult to manage, in
12:22:25 9 fact some of the handlers had reported to me that they were
12:22:29 10 having difficulty managing her because she was actually
12:22:32 11 playing them off against each other. So I strongly
12:22:35 12 suspected that what she would do is because she had a
12:22:38 13 relationship with the SDU, she would make the relationship
12:22:41 14 with Task Force Petra untenable so that we would then pick
12:22:44 15 up a relationship with her that she was more comfortable
12:22:48 16 in.
12:22:49 17
12:22:49 18 Look otherwise the document speaks for itself. These were
12:22:53 19 the reasons why you were saying it was inappropriate for
12:22:56 20 the SDU to continue the management?---It was totally
12:22:59 21 inappropriate for us to manage her once she became a
12:23:04 22 witness.
12:23:04 23
12:23:04 24 What was the result of this post-deactivation?---Yes.
12:23:10 25
12:23:10 26 We've heard about some of the results, what's your
12:23:12 27 recollection of it?---My recollection is that there were
12:23:14 28 some organisational arguments backwards and forwards over a
12:23:18 29 period of days and weeks about whether we take it on, not
12:23:22 30 take it on. I saw we were particularly vulnerable as a
12:23:27 31 command, with all due respect to Mark Porter, he was acting
12:23:31 32 in the role and we didn't have a substantive person in the
12:23:34 33 role, so there may be significant push back and he may be,
12:23:37 34 not over run, but his directions may not be taken into
12:23:41 35 account. So that at some point in time the organisation,
12:23:43 36 for the benefit of the organisation might decide that the
12:23:45 37 source would come back. So ultimately, after a fair bit of
12:23:50 38 thinking, a lot of meetings and a lot of conversations, it
12:23:53 39 was agreed that she wasn't to come back to the SDU. But
12:23:57 40 people that had been trained by the SDU but weren't
12:24:00 41 currently members of the SDU and hadn't previously been at
12:24:04 42 the SDU would then take over the role on behalf of Task
12:24:06 43 Force Petra.
12:24:07 44
12:24:10 45 8 January 2009, I don't need to take you to the entry on
12:24:15 46 the screen but in White's diary he says there's a call with
12:24:19 47 you regarding the termination of the relationship with

12:24:22 1 Nicola Gobbo. It says, "Advised Petra now responsible,
12:24:27 2 cannot have SDU and Petra dealing with human source,
12:24:30 3 possible compromise issues", and that accords with what
12:24:34 4 your evidence was a moment ago?---Correct.
12:24:35 5
12:24:37 6 There's then an email exchange which is at
12:24:45 7 VPL.0625.0003.2889. Sorry, I think that is the same,
12:24:51 8 that's the one I just took you to. Don't worry about that.
12:24:54 9 The one I wanted to take you to was in fact 17 February
12:24:58 10 2009 and that's at VPL.6025.0007.6862.
12:25:09 11
12:25:09 12 COMMISSIONER: Are you going to tender them in a bundle or
12:25:12 13 individually?
12:25:13 14
12:25:14 15 MR WOODS: I'll tender them individually. I do note
12:25:16 16 thought the one I read out then, the reason I had two
12:25:18 17 different numbers, that one doesn't have the, does have the
12:25:22 18 name, so there's no redaction on it. I'll tender that
12:25:26 19 version of that entry so that's VPL.6025.0003.2889 and it
12:25:36 20 has some other emails attached to it.
12:25:40 21
12:25:41 22 #EXHIBIT RC584A - (Confidential) Email from Mr Biggin to
12:25:49 23 SDU handlers and others of 8/01/09
12:25:43 24
12:25:44 25 #EXHIBIT RC 584B - (Redacted version.)
26
12:26:07 27 The next document I want to take you to is
12:26:14 28 VPL.6025.0007.6862. This is after the deactivation. It's
12:26:24 29 relating to a workshop that's occurred where Nicola Gobbo's
12:26:32 30 relationship with the SDU is studied. I don't think we
12:26:37 31 should say where it occurred just in case?---It was
12:26:41 32 proposed to be heard, we hadn't had it at this stage.
12:26:43 33
12:26:44 34 The proposal was this was going to happen in March, so a
12:26:48 35 couple of weeks later?---Correct.
12:26:50 36
12:26:50 37 There would be a focus on her role as a source, as a case
12:26:56 38 study?---Correct.
12:26:57 39
12:26:57 40 One of the things that would be discussed was a reward
12:27:00 41 application being put together for her?---Correct.
12:27:02 42
12:27:02 43 You were a supporter of her receiving some sort of reward
12:27:07 44 for her work as a human source?---Correct.
12:27:08 45
12:27:10 46 And what was the basis on which that was going to be
12:27:12 47 calculated?---It's rather complex. There's actually a

12:27:19 1 formula that Victoria Police had at the time, I don't know
12:27:21 2 whether it still has.
12:27:23 3
12:27:23 4 COMMISSIONER: Yes, this probably is police methodology.
12:27:26 5
12:27:26 6 MR HOLT: Yes, no question it is, Commissioner.
12:27:28 7
12:27:28 8 COMMISSIONER: There was a formula anyway.
12:27:30 9
12:27:30 10 MR WOODS: I might ask this then, was the usual formula,
12:27:34 11 which I won't ask what it was, was the usual formula
12:27:37 12 applied or was it somewhat different because of Ms Gobbo's
12:27:42 13 profession and earning capacity?---I think the starting
12:27:45 14 point would be the normal that we provide. I don't think
12:27:50 15 her earning capacity or profession really is entered into
12:27:54 16 the argument.
12:27:55 17
12:27:55 18 The reason I ask is that on a number of occasions in the
12:27:59 19 ICRs Ms Gobbo says, or certainly one I can remember, talks
12:28:05 20 about the value of her time charged at her usual hourly
12:28:09 21 rate. It's not clear whether she was being flippant or
12:28:13 22 being serious about it. That's not the basis on which the
12:28:16 23 calculations were to be made?---No. But let me say it's,
12:28:22 24 my role is to put it up to the Informer Management Unit who
12:28:26 25 actually chair the, it's called the IPC, the informer
12:28:31 26 payment committee, who then view the documents and come to
12:28:34 27 a determination.
12:28:35 28
12:28:35 29 You say in your response to Sandy White's email, other than
12:28:44 30 the timing, "We probably also will need to access the file
12:28:48 31 beforehand so we can speak from a management perspective on
12:28:53 32 issues regarding long-term high risk sources"?---Correct.
12:28:57 33
12:28:57 34 You say, as you've always said, "The difficulty comes for
12:29:01 35 us when the motivation changes"?---Correct, I talk about
12:29:04 36 that.
12:29:04 37
12:29:05 38 Can you explain that?---Yes, certainly. I actually spoke
12:29:08 39 about this yesterday, that in my - - -
12:29:10 40
12:29:10 41 You talked about the timing yesterday and the 12 month
12:29:13 42 limitation?---There are. There are two points for me that,
12:29:16 43 in relation to human source management for Victoria Police
12:29:18 44 that we need to consider. One's about my 12 month rule, as
12:29:23 45 a general, and then I went on to say that quite often when
12:29:26 46 the motivation for the person becoming involved with
12:29:29 47 Victoria Police changes, I use the example a person wants a

12:29:32 1 letter of assistance from a court, once that motivation has
12:29:37 2 been met and the motivation changes, Victoria Police in my
12:29:40 3 view needs to actually either complete the relationship,
12:29:43 4 finish the relationship or review the relationship and then
12:29:46 5 reset the boundaries rather than just have it continuing
12:29:49 6 on.
12:29:50 7
12:29:51 8 The reward application that was put together, is that
12:29:54 9 something you eventually saw?---I don't recall seeing it
12:29:58 10 but I don't dispute seeing it.
12:30:00 11
12:30:01 12 Do you recall the name of the document, because we've been
12:30:05 13 trying to locate the document and haven't been able to, is
12:30:09 14 it something that you know, the name of that document?---I
12:30:12 15 know it goes to the informer payment committee it's called
12:30:15 16 the IPC, I don't know the name of the form. It was a form
12:30:19 17 that could be used. I don't know the name of it
12:30:22 18 unfortunately.
12:30:22 19
12:30:22 20 It was an official form?---Yes.
12:30:26 21
12:30:26 22 It was discussed ultimately in the meeting that was
12:30:28 23 proposed in this email and was it drafted there, to your
12:30:32 24 knowledge?---I don't know whether it was drafted there or
12:30:35 25 drafted post the meeting.
12:30:36 26
12:30:39 27 You say down the bottom of this email message that there
12:30:48 28 are, "Constant changing Crime Department squad managers is
12:30:54 29 a significant risk for human source management"?---Correct.
12:30:57 30
12:30:58 31 "There are some currently in the building you do not trust
12:31:00 32 at all, some of them maybe placed into sensitive areas in
12:31:04 33 the future"?---Correct.
12:31:04 34
12:31:05 35 Can you explain what you were getting at there?---It's
12:31:07 36 pretty obvious what I'm getting at there.
12:31:09 37
12:31:10 38 Was it that you didn't trust them because they would
12:31:13 39 disclose the identity of human sources?---What I'm saying
12:31:16 40 is I trusted most but there's some I don't trust and that's
12:31:20 41 borne out from experience. I'd been in the organisation,
12:31:22 42 come 2009, for a long time, my maths is not good. And
12:31:28 43 there's some I didn't trust and my concern is that with the
12:31:33 44 introduction of the - perhaps by way of history, the Crime
12:31:37 45 Command introduced the major crime and management model in
12:31:40 46 2002, 2003 and what that was, was to breakdown the old
12:31:46 47 boundaries and silos of the Crime Department as it existed

12:31:50 1 then where you had six divisions all operating to a degree
12:31:52 2 in silo, and not talking to each other, so the ethos behind
12:31:57 3 the major crime management model which was done by the
12:32:00 4 Boston Consulting Group was to actually breakdown those
12:32:04 5 barriers and those silos so that anyone attached to the
12:32:07 6 Crime Command could be placed anywhere as the organisation
12:32:10 7 needed. With any big organisation sometimes you have
12:32:12 8 people in areas and if you're going to move them around on
12:32:18 9 a needs basis, sometimes some of those people may not be
12:32:21 10 able to keep a secret or maybe a little bit loose with some
12:32:25 11 of their relationships, may well be placed into very
12:32:28 12 significant sensitive areas and by virtue of that you're
12:32:30 13 actually raising the risk in relation to human sources,
12:32:32 14 investigation and other forms of management.
12:32:34 15
12:32:34 16 So it was the potential for clumsiness or lack of care on
12:32:41 17 one hand?--Well it was an operating model and probably not
12:32:44 18 a clumsiness but probably a failure to understand there are
12:32:49 19 really sensitive areas of Victoria Police that operate and
12:32:53 20 they have very strict rules around them in relation to
12:32:55 21 disclosure and those types of things, and they're there for
12:32:58 22 very good reason and they're built on experience.
12:33:03 23
12:33:04 24 Then finally you say, "We probably also need to prepare
12:33:07 25 ourselves for the inevitable court processes and what our
12:33:10 26 position will be"?--Correct.
12:33:11 27
12:33:12 28 I take it that's the court cases that will come out of the
12:33:14 29 disclosure of Nicola Gobbo as a human source?--It was
12:33:18 30 either that or I was probably anticipating that we were
12:33:24 31 never going to pay her a reward anywhere near the quantum
12:33:29 32 that she would want and there would be some proceedings
12:33:29 33 about that which - - -
12:33:29 34
12:33:29 35 I see. So it was either what I've identified?--Yes.
36
12:33:31 37 Or the fact that Ms Gobbo might sue Victoria Police?--I
12:33:34 38 think it was pretty obvious at this point of time that
12:33:36 39 there was action afoot and our relationship with her was
12:33:40 40 not going very well at all.
12:33:42 41
12:33:42 42 Were you involved at all in the legal proceedings that
12:33:44 43 commenced about a year later?--No.
12:33:46 44
12:33:47 45 That civil proceeding?--No.
12:33:48 46
12:33:49 47 Were you approached to assist with information or

12:33:52 1 preparation for that case?---No.
12:33:54 2
12:33:55 3 No one spoke to you about it?---Steve Gleeson may have
12:33:59 4 spoken, Superintendent Steve Gleeson spoke to me about some
12:34:03 5 issues.
12:34:04 6
12:34:04 7 Was that as a part of Mr Comrie's review or was that a part
12:34:08 8 of the civil proceedings?---No, as part of the Comrie
12:34:10 9 review and then Peter Lardner, Superintendent Peter Lardner
12:34:12 10 who was at civil litigation had a quick conversation with
12:34:15 11 me about trying to get a feel for it. I said the best
12:34:20 12 people to speak to were Sandy White and Officer Black, with
12:34:23 13 Andrew Glow and Rob Hardy, and I left it for him then to,
12:34:27 14 he took that on board and I heard nothing more from him.
12:34:31 15
12:34:31 16 Were you part of the decision-making process about the
12:34:34 17 amount of money that should be spent to settle the
12:34:36 18 proceeding?---No.
12:34:37 19
12:34:38 20 Is that something you found out about afterwards?---In the
21 press.
12:34:41 22
12:34:41 23 And given that you were involved in the reward application,
12:34:48 24 what's your view about the amount of money that that
12:34:52 25 proceeding was settled for?
12:34:56 26
12:34:56 27 MR HOLT: Commissioner, there's an issue that arises in
12:34:58 28 respect of this. Can I just approach my friend briefly?
12:35:03 29
12:35:03 30 COMMISSIONER: Yes. There's a confidentiality clause.
12:35:06 31
12:35:06 32 MR HOLT: There is.
12:35:08 33
12:35:08 34 MR WOODS: I wasn't asking the witness to say the number in
12:35:12 35 any event.
12:35:12 36
12:35:12 37 MR HOLT: It was necessarily going to invite that answer,
12:35:16 38 Commissioner. I just think that needs to be approached
12:35:18 39 with more care, with respect.
12:35:20 40
12:35:20 41 MR WOODS: You understood though that when she pursued
12:35:24 42 Victoria Police in her proceeding, she was, the essence of
12:35:28 43 her complaint was that by becoming a witness in a
12:35:32 44 proceeding she would no longer have a practice as a
12:35:36 45 barrister, is that something that was explained to
12:35:38 46 you?---No.
12:35:38 47

12:35:39 1 Did you know that she didn't identify in that proceeding
12:35:41 2 that she had been acting as a human source?---No.
12:35:44 3
12:35:55 4 All right. On 2 March - - - ?---Perhaps just for
12:35:59 5 completeness, if I may.
12:36:00 6
12:36:00 7 Go ahead?---In 2010 I ceased my role with the Source
12:36:06 8 Development Unit and went on to other duties, albeit my
12:36:08 9 responsibility for Gobbo didn't necessarily close with me
12:36:11 10 leaving. My responsibility at the SDU finished and my
12:36:16 11 business practice at that point of time, right up until
12:36:19 12 when I retired, is once I leave an area I leave an area. I
12:36:21 13 look forward, I don't look back. And to a large degree I
12:36:27 14 try to keep myself out of what has happened in the past and
15 leave the current managers to manage as they best see fit
12:36:30 16 and if they're with to approach me I'm happy to talk to
12:36:34 17 them but I don't tend to try and meddle in other people's
12:36:37 18 affairs.
12:36:37 19
20 Not unusual I suppose, I'm not talking about necessarily in
12:36:39 21 this context but given your management of a particular
12:36:41 22 area, that people might do that very thing and come back to
12:36:45 23 you from time to time and ask for your input about the best
12:36:48 24 way to approach a particular issue?---Sometimes that
12:36:50 25 happens, yes.
12:36:51 26
12:36:52 27 On 2 March 2009 Mr White's diary indicates that at 8.30 am
12:37:03 28 he's had a meeting with your - - -
12:37:03 29
12:37:03 30 COMMISSIONER: Do you want to tender the email?
12:37:05 31
12:37:06 32 MR WOODS: Yes.
33
12:37:14 34 COMMISSIONER: Email from Mr Biggin to SDU handlers, 8
35 January - no, that's the old one.
12:37:14 36
12:37:15 37 MR CHETTLE: I've tendered it, Commissioner.
12:37:17 38
12:37:18 39 COMMISSIONER: It's already tendered.
12:37:19 40
12:37:20 41 MR CHETTLE: I've tendered it. I can't remember the
12:37:24 42 number.
12:37:24 43
12:37:24 44 COMMISSIONER: My trusty associate thinks it's 351. We'll
12:37:29 45 just have a look at that. Yes, 17 February 09. Yes, it
12:37:37 46 was 17 February 09, that's correct, it's Exhibit 351.
12:37:41 47

12:37:42 1 MR WOODS: So moving forward to - it's now on the screen.
12:37:50 2 There's a meeting that occurs with you, Mr White, DDI
12:37:54 3 Smith, Officer - - - ?---Black.
12:37:56 4
12:37:56 5 - - - black?---Yes.
12:37:57 6
12:37:57 7 And O'Connell?---Correct.
12:37:58 8
12:37:59 9 And it's about Witness F as she's known at that
12:38:02 10 time?---Yes.
12:38:03 11
12:38:04 12 There's a bail affidavit - essentially what's occurring
12:38:07 13 here is that there's a briefing about the progress of the
12:38:13 14 proceeding in which she's to give evidence?---Correct.
12:38:16 15
12:38:18 16 And then we'll see, I think it's down a bit further. There
12:38:26 17 we go, "Issue re human source viability as a witness in
12:38:30 18 other matters"?---Yes.
12:38:31 19
12:38:31 20 "Karam, Mokbel, Gatto"?---Yes.
12:38:34 21
12:38:34 22 "Should she be [REDACTED]? Witness will not want
12:38:39 23 same." Now, what I want to know, the discussion about her
12:38:45 24 viability as a witness in other matters, was that as a
12:38:48 25 result of, now that the cat was likely to be out of the bag
12:38:52 26 that it might well be that she can be used in other legal
12:38:55 27 proceedings that were on foot?---I think that cunning plan
12:38:58 28 was floated, yes.
12:39:00 29
12:39:00 30 Do you know who floated that game plan?---It was the
12:39:03 31 investigators.
12:39:03 32
12:39:03 33 And what was your view about that?---I didn't agree with
12:39:07 34 it.
12:39:07 35
12:39:09 36 All right. 5 March 2009, there's an email from yourself, I
12:39:17 37 don't think I have a number for this one but I'll just read
12:39:20 38 it. So there's an email firstly from Glen Owen to you and
12:39:28 39 it says, "Superintendent Biggin. Copy of the SDU audit as
12:39:38 40 of today's date. We've been able to deactivate a few from
12:39:43 41 last audit", et cetera, et cetera. Scroll up. You
12:39:46 42 respond, and there's the VPL up there, 6025.0006.9234.
12:39:56 43 "Gents, we can attend to those outstanding as soon as
12:39:59 44 possible. The tone of the email should cause
12:40:02 45 concern"?---Yes.
12:40:02 46
12:40:03 47 "Remember that I have deferred the Superintendent

12:40:05 1 O'Loughlin audit to allow us to get our house in order. I
12:40:10 2 know he is a bit busy with fires at present but I would
12:40:14 3 think that mid-year would be reasonable." Can I ask, in
12:40:18 4 relation to the audit that was upcoming, who was
12:40:24 5 Superintendent O'Loughlin?---Mr Moloney, during his tenure,
12:40:30 6 implemented outside people to come do audits, ergo Lucinda
12:40:30 7 Nolan. Murray Fraser did one in 2008 and Doug O'Loughlin,
12:40:40 8 who was a Superintendent at either forensic or out in the
12:40:41 9 regions, had been nominated to do one and roundabout this
12:40:46 10 particular time a number of issues were reported to me,
12:40:50 11 administrative issues by the Human Source Management Unit
12:40:54 12 we needed to address before the audit could take place.

12:40:57 13
12:40:59 14 I don't think I need to tender that document in that event.
12:41:09 15 Look, I might just ask about that last line, "Be aware that
12:41:13 16 HSMU in my view have a history of making up policy on the
12:41:17 17 run". Can you just explain what you mean by that
12:41:20 18 phrase?---I was being a little bit flippant, but what I was
12:41:23 19 saying is that the policy was continually changing and by
12:41:27 20 way of example for that is, is that early when the policy
12:41:30 21 was written in 2003 we talked about the Acknowledgement of
12:41:35 22 Responsibility and that was a signed form where the human
12:41:39 23 source, it was proposed that the human source would sign a
12:41:42 24 form declaring that they're a human source. It was my
12:41:44 25 particular position, and certainly the position of Mr White
12:41:47 26 and Mr Black, that at times, whilst they were a human
12:41:50 27 source, they may not want to sign a form saying they were a
12:41:54 28 human source. A better way to do that, a better way to get
12:41:57 29 the contemporary nature of the acknowledgement was to
12:42:02 30 actually read it to them [REDACTED] and then
12:42:04 31 once they acknowledged that [REDACTED]

12:42:07 32 [REDACTED]
12:42:10 33 [REDACTED].

12:42:11 34
12:42:12 35 You attach a document to that. Do you have any
12:42:15 36 recollection of what that attachment is?---It would be the
12:42:19 37 audit conducted at the Human Source Management Unit, either
12:42:22 38 at my request or probably my request or Mr Glow's request
12:42:26 39 had actually done a run right across all the human source
12:42:31 40 records of current sources at the SDU.

12:42:33 41
12:42:34 42 That was just current sources or former sources as
12:42:37 43 well?---It would be current sources and sources that were
12:42:40 44 still on the books that hadn't been deactivated for a
12:42:43 45 number, because all the paperwork, for example, may not
12:42:46 46 have been submitted.

12:42:47 47

12:42:47 1 And the deactivation had occurred already a couple of
12:42:49 2 months before?---And quite often, I'm not quite sure
12:42:52 3 whether Witness F was one of these or not, but quite often
12:42:56 4 what happened is the Human Source Management Unit wouldn't
12:42:59 5 close any source file until all the necessary paperwork was
12:43:03 6 actually in their possession.
12:43:04 7
12:43:05 8 There's just a few questions I want to ask about Briars
12:43:10 9 which shouldn't take too long and then I'll leave you
12:43:16 10 alone. There's a diary entry of Mr White at 18:56 of his
12:43:27 11 diaries and this is 6 April 2009. So it's about a month
12:43:36 12 after the last one we see, "CSD to meet with Superintendent
12:43:43 13 Biggin", that's you?---Yes.
12:43:44 14
12:43:44 15 "Discussed release of SCRs re 3838", that's the same as the
12:43:50 16 ICRs?---Yes.
12:43:50 17
12:43:50 18 "It's not approved but can be shown to Waddell"?---Correct.
12:43:54 19
12:43:56 20 Do you recall what that's about?---Steve Waddell being a
12:44:00 21 very dogged investigator wanted all the information
12:44:03 22 Victoria Police held at his fingertips so that he could
12:44:07 23 actually put a brief of evidence together in relation to
12:44:09 24 certain people.
12:44:10 25
12:44:10 26 That's in relation to Briars?---Yes.
12:44:12 27
12:44:13 28 Then 15 June 2009, again Mr White's Diary in a meeting with
12:44:17 29 you, there's a meeting there at 9.05 on 15 June 2009. "SID
12:44:26 30 re meet with you, Porter, Glow, Fox, Smith and
12:44:32 31 Black"?---Yes.
12:44:32 32
12:44:32 33 "Re Task Force Briars, attempts to access SDU's, SCRs and
12:44:38 34 recordings" re her?---Yes.
12:44:39 35
12:44:39 36 Now that's a development of the same thing you spoke about
12:44:42 37 a moment ago?---Yes. I told you Mr Waddell was very
12:44:46 38 dogged.
12:44:47 39
12:44:47 40 He was dogged and six months later or thereabouts he's
12:44:50 41 still having a go?---Yes.
12:44:52 42
12:44:52 43 No, less than six months, two months later. The entry
12:44:58 44 speaks for itself but, "Chief has received a subpoena re
12:45:01 45 3838 re Petra"?---Yes.
12:45:03 46
12:45:04 47 That's the Chief Commissioner?---Yes.

12:45:08 1
12:45:08 2 "We're pretty keen for no statement to be
12:45:11 3 taken"?---Correct.
12:45:11 4
12:45:11 5 No statement to be taken from who?---I presume - well, I
12:45:16 6 don't know. Witness F has already made a statement at this
12:45:20 7 point in time so I don't know. Don't know.
12:45:22 8
12:45:23 9 It's an issue for the steering committee, being Moloney and
12:45:27 10 Cornelius?---Correct.
12:45:28 11
12:45:29 12 They want to listen to every reference to assess the
12:45:31 13 credibility of Nicola Gobbo?---Correct.
12:45:33 14
12:45:34 15 "Our position is we need top to convince Cornelius and co
12:45:39 16 that it's not worth it"?---Yes.
12:45:41 17
12:45:41 18 Why was that the fact?---Because I think they were
12:45:44 19 supporting our dogged investigator Mr Waddell to get access
12:45:49 20 to the SDU records.
12:45:49 21
12:45:50 22 Was it the situation in your mind that was PII, is that the
12:45:54 23 reason why it shouldn't be handed over?---We never handed -
12:45:57 24 [REDACTED] was that we handed nothing over to
12:46:00 25 investigators. In fact I was a little bit concerned that
12:46:03 26 Waddell actually knew there were tapes in existence.
12:46:06 27
12:46:06 28 What about when there was a particular request that came
12:46:09 29 through for disclosure in a criminal matter, was that
12:46:13 30 golden rule ever broken or - - - ?---Generally it was a
12:46:18 31 matter between investigators and the SDU. It went from,
12:46:22 32 laterally from the investigator straight across to the SDU.
12:46:25 33 I never involved myself in those particular issues, I can't
12:46:28 34 really answer it to be honest.
12:46:30 35
12:46:30 36 Did anyone every approach you about disclosure issues of
12:46:33 37 human source material?---Someone had raised it in passing
12:46:35 38 with me, yes.
12:46:36 39
12:46:36 40 In relation to Nicola Gobbo?---I'm not quite sure in
12:46:39 41 relation to Gobbo. I know that Gavan Ryan had raised some
12:46:42 42 issues with me at some stage, yes.
12:46:44 43
12:46:44 44 You don't know whether that was about Gobbo?---I don't
12:46:46 45 recall now.
12:46:47 46
12:46:48 47 So there was an arrangement for a meeting, a discussion

12:46:52 1 about costs?---Yes.
12:46:54 2
12:46:54 3 Et cetera?---Yes.
12:46:54 4
12:46:55 5 There's then an entry on 16 June, so the following day.
12:47:01 6 There's the CSD meeting with White, you and
12:47:07 7 Waddell?---Correct.
12:47:07 8
12:47:08 9 And the contents of that meeting are set out there and it's
12:47:14 10 a development of what's happening the day before?---Yes,
12:47:17 11 the steering committee had trumped us.
12:47:19 12
12:47:19 13 They had won out and they were going to get the
12:47:22 14 material?---That's correct.
12:47:22 15
12:47:24 16 And that's what occurred following that date, is that
12:47:28 17 correct?---My understanding is that's what occurred.
12:47:30 18
12:47:30 19 At 1983 of Mr White's diary, this is 1 July 2009. There's
12:47:38 20 a meeting between him and Waddell about Operation Briars.
12:47:46 21 It might not be the same document. I think it might be the
12:47:51 22 next one. Yes, there we go. So again this is White and
12:47:57 23 Waddell?---Yes.
12:47:57 24
12:47:59 25 "Provided a document re", so it's Operation Briars,
12:48:03 26 "Provided a document re SDU intel holdings
12:48:07 27 3838/2958"?---Yes.
28
12:48:08 29 "Info by", do you know who SW is? Oh, Steve
12:48:13 30 Waddell?---Informed I think.
12:48:13 31
12:48:14 32 "Informed by Steve Waddell that Rapke aware human source is
12:48:17 33 a witness"?---That's what it says, yes.
12:48:19 34
12:48:20 35 "Tony Mokbel defence team have subpoenaed VicPol re any
12:48:23 36 material that goes to the credit or otherwise of that
12:48:25 37 person and the charge of murdering Moran"?---That's what it
12:48:30 38 says, yes.
12:48:31 39
12:48:31 40 "Briars have attempted to fight request which could
12:48:35 41 encompass SDU stocks, have lodged confidential affidavit
12:48:41 42 before judge who will not entertain same, insisting that he
12:48:42 43 runs a transparent court and no secrets will be kept from
12:48:46 44 officers of the court." Is this something that was passed
12:48:49 45 on to you?---No.
12:48:50 46
12:48:51 47 "Rapke advises the matter may have to go to appeal or be

12:48:56 1 withdrawn"?---Correct.
12:48:57 2
12:48:57 3 You understand that's because of the involvement of Nicola
12:49:02 4 Gobbo as a source?---That appears to be the case, yes.
12:49:05 5
12:49:05 6 Then, "Waddell is to meet Cornelius today re
12:49:09 7 issues"?---Yes.
12:49:09 8
12:49:10 9 "HS is not yet a witness and material from SDU should be
12:49:14 10 the subject to a claim privilege. White is to or has
12:49:20 11 advised Waddell"?---Yes.
12:49:21 12
12:49:21 13 Was that an instance you were involved in?---No, I thought
12:49:27 14 she was a witness at this late juncture.
12:49:29 15
12:49:31 16 She was in Petra at this stage but not in Briars?---Okay,
12:49:35 17 yes.
12:49:35 18
12:49:37 19 All right. And then I want to take you to 21 November 2009
12:49:44 20 in White's diary. He receives a call from DDI Smith
12:49:51 21 regarding Petra this time?---Yes.
12:49:53 22
12:49:53 23 "Update re 2958 issues. Cornelius got a call from the
12:50:00 24 media unit who stated Witness F had been to the media with
12:50:05 25 a complaint regarding VicPol and he did not want to
12:50:08 26 comment"?---Yes.
12:50:08 27
12:50:09 28 Was that complaint passed on to you?---Yes, it was passed
12:50:12 29 on by officer Richards.
12:50:14 30
12:50:14 31 And there was to be an article in the Herald Sun?---Yes.
12:50:18 32
12:50:19 33 And you knew about that beforehand as well?---I knew when
12:50:22 34 they told me, when the SDU told me.
12:50:25 35
12:50:27 36 And as you see down the bottom there, the information, at
12:50:31 37 least some of that information is briefed to
12:50:34 38 you?---Correct.
12:50:34 39
12:50:36 40 27 November 2009. This is again Mr White's diary. There's
12:50:42 41 a call to you?---Yes.
12:50:44 42
12:50:44 43 There's an update re Smith?---Yes.
12:50:47 44
12:50:47 45 And a potential meeting with Nicola Gobbo on a flight to
12:50:51 46 Bali?---Yes, they crossed paths, yes.
12:50:53 47

12:50:54 1 Agreed no intentional contact to occur?---Yes.
12:50:57 2
12:50:57 3 So this is what, after the flight has occurred?---My
12:51:02 4 understanding of what happened is that Officer Smith was
12:51:08 5 catching a flight to Bali to meet [REDACTED] who had been
12:51:11 6 over there on business and was waiting for him. As he's
12:51:14 7 boarded the front of the plane to go to the back where most
12:51:18 8 police sit, he has gone past Witness F, they've nodded at
12:51:21 9 each other and then he's moved on and sat away and
12:51:25 10 deliberately didn't speak to her.
11
12:51:27 12 I see?---But he wanted to report it just in case for
12:51:30 13 completeness sake.
12:51:31 14
12:51:32 15 Then the end of your involvement with the SDU, I think you
12:51:38 16 say in your statement that you didn't play any role with
12:51:41 17 them after 14 February 2010?---Correct.
12:51:43 18
12:51:45 19 Do you know who it was that took over your role of
12:51:48 20 oversight of the SDU at that stage?---Yes, Superintendent
12:51:51 21 Paul Sheridan.
12:51:51 22
12:51:52 23 And then you talk briefly about the disbandment of the SDU
12:51:56 24 and you say you were informed the disbandment occurred
12:52:01 25 because of corruption issues and no further detail was
12:52:03 26 provided, is that what you were told?---That's what I was
12:52:06 27 told.
12:52:07 28
12:52:07 29 Who told you that?---It was either Mr Pope or Mr Fryer.
12:52:11 30
12:52:11 31 Did you anyone ever explain to you what those alleged
12:52:14 32 corruption issues were?---No.
12:52:15 33
12:52:16 34 To this day do you have any inkling about what those
12:52:20 35 corruption issues might have been?---No. I asked the
12:52:22 36 question of whoever told me, I'm not quite sure whether it
12:52:26 37 was Fryer or Pope, what the corruption issues were and I
12:52:28 38 was told I wasn't going to be told. I said did they
12:52:31 39 involve my time managing the SDU and I was told yes. I
12:52:35 40 then asked the question would I be interviewed, I was told
12:52:39 41 I would be. I then left it at that and then heard nothing
12:52:44 42 more until some time later IBAC called us to a hearing.
12:52:49 43
12:52:49 44 What's your understanding now or your best guess I suppose
12:52:55 45 I might ask as to what they were trying to explain to you
12:52:58 46 about what the corruption issues were?---My initial thought
12:53:01 47 at the time was I was devastated that the unit I had

12:53:07 1 actually formed subsequently had corruption issues, and I
12:53:10 2 thought that perhaps one of the handlers may have gone
12:53:12 3 rogue with a human source and I was concerned about that
12:53:15 4 because it was contrary to all the practice and training.
12:53:20 5 Then with the response I got and the non-response back I
12:53:23 6 thought that perhaps I'll sit back and wait till I'm
12:53:26 7 interviewed and then I'll find out what these corruption
12:53:28 8 issues are and we should be able to answer them. I was
12:53:32 9 never interviewed so I really don't know what that meant.
12:53:35 10
12:53:37 11 I just want to touch on one final point which is the audit
12:53:42 12 that you conducted in April 2006, and you recall we spoke
12:53:49 13 about that yesterday?---Yes, yes.
12:53:50 14
12:53:52 15 That had occurred after some events, some significant
12:53:56 16 events that we spoke about in private hearing, you agree
12:54:01 17 with that?---Yes.
12:54:02 18
12:54:02 19 You knew that Gobbo had a professional relationship with a
12:54:08 20 person that we were talking about in private
12:54:10 21 hearing?---Yes.
12:54:11 22
12:54:12 23 You knew that Ms Gobbo also attended the police premises on
12:54:18 24 the night of that person's arrest?---Yes.
12:54:20 25
12:54:23 26 You spoke to Officer White when you were conducting your
12:54:27 27 audit a week later?---Yes.
12:54:29 28
12:54:30 29 You would have expected Officer White to be frank with you
12:54:35 30 about any significant issues that he perceived in relation
12:54:38 31 to the use of Nicola Gobbo?---Yes, I would have, yes.
12:54:42 32
12:54:44 33 There's a conversation that I'd like to play. I need to
12:54:50 34 check first it doesn't have any names in it. I believe it
12:54:53 35 doesn't. That being the case it's safe to play. What I'm
12:54:56 36 going to play to you is a conversation that occurred that
12:55:00 37 Mr White and Ms Gobbo were having two days before those
12:55:09 38 events. I'll ask that that be played now?---Which events
12:55:15 39 are these, the audit events or - - -
12:55:17 40
12:55:17 41 No, the other events?---Okay.
12:55:21 42
12:55:21 43 You'll see some words on the screen in front of you in case
12:55:26 44 the audio is difficult to determine.
45
12:55:33 46 (Audio recording played to the hearing.)
47

12:56:56 1 You can stop it there. This is a conversation that happens
12:56:59 2 two days before that event?---Yes.
12:57:01 3
12:57:03 4 You agree that what White is saying to Gobbo is that if she
12:57:09 5 turns up at this person's arrest, that defence counsel
12:57:14 6 could argue that she was in fact acting as a police agent
12:57:19 7 rather than a representative of that person?---That's a
12:57:21 8 proposition he's putting forward, yes.
12:57:23 9
12:57:25 10 That's on the assumption it's disclosed, yes. Do you agree
12:57:29 11 that because of that passage that's in front of you there
12:57:33 12 and you've just listened to that White knew that this would
12:57:38 13 create problems for the administration of justice?---That
12:57:40 14 would appear to be the case.
12:57:41 15
12:57:42 16 You agree that as part of Ms Gobbo's response she told him
12:57:48 17 that the situation was ethically fucked?---That's what she
12:57:54 18 said.
12:57:54 19
12:57:54 20 You agree that Gobbo, as a practising criminal barrister,
12:57:58 21 was in a better position than Mr White to understand the
12:58:02 22 ethics of the situation?---That's the case, yes.
12:58:05 23
12:58:06 24 You agree that those, the phrase that she used was telling
12:58:10 25 him in very strong terms that what was occurring was
12:58:14 26 ethically repugnant?---She 's using very colourful language
12:58:19 27 but that's what she's saying, yes.
12:58:21 28
12:58:22 29 This exchange isn't mentioned in your audit, it goes
12:58:25 30 without saying, that's the case?---No.
12:58:27 31
12:58:29 32 So it's the case then that Mr White didn't tell you when
12:58:34 33 you were conducting your audit that the source had told him
12:58:38 34 about these significant problems with the ethics of the
12:58:41 35 situation of her use as a human source?---Correct.
12:58:44 36
12:58:45 37 Had he told you when you audited, I expect you would have
12:58:51 38 made sure that this was reported and this use of Ms Gobbo
12:58:56 39 was stopped?---Correct. I would have, certainly would have
12:59:00 40 reported it, yes.
12:59:01 41
12:59:02 42 You accept that White acted completely inappropriately in
12:59:05 43 continuing to use Ms Gobbo as a source after this
12:59:08 44 conversation?---I'm not quite sure I agree with that
12:59:12 45 assumption. What, my reading of this is what Mr White is
12:59:16 46 getting at is he's trying to further educate himself and
12:59:20 47 get his mind around the situation that he found himself in.

12:59:23 1 So he was actually reaching out to the person involved as
12:59:28 2 to what their view of the matters were. So my position is
12:59:32 3 he's trying to actually, himself, form a view and part of
12:59:36 4 the conversation here is he's flying a flag and then he
12:59:40 5 withdraws it down the track because he thinks it's
12:59:43 6 pointless.
12:59:44 7
12:59:44 8 And then Smith comes in and asks her about the general
12:59:48 9 ethics of the situation and she says the general ethics of
12:59:51 10 all this is fucked?---Yes.
12:59:53 11
12:59:53 12 Neither of these gentlemen in the room are legal
12:59:56 13 practitioners?---Not to my knowledge.
12:59:57 14
12:59:58 15 Neither have law degrees?---I don't think so.
13:00:01 16
13:00:01 17 Ms Gobbo did obviously have a law degree?---Yes.
13:00:04 18
13:00:05 19 She had a better grasp of the ethics of the situation than
13:00:08 20 the two gentlemen she was speaking to I suggest?---I would
13:00:11 21 think she would.
13:00:11 22
13:00:11 23 This was a significant matter that should have been
13:00:13 24 reported to you?---It would have been nice to have been
13:00:15 25 reported to me but my management expectation was certainly
13:00:19 26 this should have been reported to the Inspector.
13:00:21 27
13:00:21 28 It would have been nice had it been reported to you.
13:00:25 29 You're the person who conducted the audit days after
13:00:28 30 this?---It would have been nice, but - - -
13:00:29 31
13:00:29 32 It should have been reported to you I suggest?---We're
13:00:32 33 looking back now how many years, 13-odd years, trying to
13:00:36 34 put things back together. It would have been really nice
13:00:39 35 to know about it, but I didn't know about it and it's
13:00:42 36 history.
13:00:42 37
13:00:43 38 The fact that it happened some time in the past is neither
13:00:46 39 here nor there I suggest, because these events are well
13:00:49 40 documented, what she says is well documented and the fact
13:00:52 41 that you conducted your audit a few days later without the
13:00:55 42 benefit of this information is also well documented?---Yes.
13:00:57 43
13:00:58 44 What I'm suggesting to you is that it was completely
13:01:03 45 inappropriate for Mr White not to pass this on to you, the
13:01:07 46 person who was conducting an audit, days after this
13:01:10 47 conversation?---I don't necessarily agree with that. What

13:01:12 1 I do say is Mr White, as I've said, should have passed it
13:01:15 2 on to his Inspector. That should have happened. One thing
13:01:21 3 that's probably been missed in a little bit of all this,
13:01:23 4 and it's very obvious when you actually look at the
13:01:26 5 documentation, is how much was actually happening on any
13:01:28 6 given day in relation to these circumstances. And human
13:01:32 7 nature being human nature at times, if you're having 10 or
13:01:36 8 15 or 20 conversations with a person during the day, in
13:01:39 9 fact if you're having a source meeting, they are very, very
13:01:43 10 stressful times, in fact probably more stressful than
13:01:46 11 sitting in cross-examination at a Royal Commission I would
13:01:48 12 suggest. Sometimes these things, you take them on board,
13:01:52 13 sometimes you don't, and sometimes these conversations
13:01:54 14 happen and it's only in retrospect when you go back and
13:01:58 15 review them that actually it then comes to you and you
13:02:00 16 think, "That's what occurred then on this particular
13:02:02 17 occasion". So what I'm saying is the whole circumstances
13:02:06 18 with Ms Gobbo was extremely dynamic at the time, there was
13:02:10 19 a lot happening, and it wasn't only this, there was a lot
13:02:14 20 happening in the Source Unit at the time as well, being a
13:02:16 21 brand new unit, setting itself up, managing up to ■
13:02:19 22 sources, no real Inspector. So there were a number of
13:02:22 23 things happening at the one time and we probably had Sandy
13:02:25 24 White operating as the quasi officer-in-charge.
13:02:28 25
13:02:29 26 What you see in this exchange is Mr White identifying one
13:02:31 27 of the most significant factors that brings us all into
13:02:35 28 this roomed today, do you accept that?---I accept that,
13:02:37 29 yes.
13:02:38 30
13:02:38 31 And he's told by a practising barrister that it's ethically
13:02:42 32 fucked what's happening, it's a very significant moment,
13:02:45 33 isn't it?---Well you can put that spin on it now, I'm not
13:02:49 34 quite sure what Mr White's spin on it was at the time.
13:02:53 35
13:02:54 36 What about on 28 July 2007, which was after your audit,
13:02:58 37 there was an exchange between, and by this stage you have
13:03:01 38 functional control over the SDU?---What was that date
13:03:05 39 again?
13:03:06 40
13:03:06 41 28 July?---Yes.
13:03:07 42
13:03:08 43 2007?---Yes.
13:03:09 44
13:03:25 45 There's a concern about bio data that I think - I think the
13:03:33 46 issue is already well-known but just to avoid the argument
13:03:39 47 we might take that down from the screen. That doesn't

13:03:43 1 require any changes to the live feed though. It can come
13:03:49 2 off my screen as well. On 28 July 2007 Ms Gobbo told Sandy
13:03:57 3 White, she said that at that stage she'd repeatedly chucked
13:04:01 4 ethics out the window and that she'd chucked legal
13:04:04 5 professional privilege out the window. Again, she was in a
13:04:08 6 better position than Sandy White to determine what was
13:04:12 7 ethically proper and what legal professional privilege
13:04:17 8 attached to and what it didn't attach to, do you agree with
13:04:21 9 that?---Yes, I do agree with that.

13:04:23 10
13:04:23 11 Given that this practising barrister was telling her human
13:04:27 12 source handler who was not legally qualified that
13:04:31 13 information, I suggest that, firstly, was that information
13:04:36 14 passed on to you, that Ms Gobbo had said that?---No.

13:04:38 15
13:04:39 16 I suggest to you that that was completely inappropriate,
13:04:41 17 that Mr White didn't pass that information on to
13:04:44 18 you?---Once again I go back to my initial answer, it
13:04:47 19 depends on the complete context of how it was put and what
13:04:50 20 it was and all the surrounding circumstances.

21
13:04:53 22 Well the context was that she said she's chucked ethics out
13:04:56 23 the window and she's chucked legal professional privilege
13:04:59 24 out the window. You don't need to know a lot more, do
13:05:00 25 you?---Well you do. You actually need to understand the
13:05:02 26 lead up to that particular comment, what setting the
13:05:04 27 comment was made, whether it was actually a flippant
13:05:06 28 comment or whether it was a very serious comment, or
13:05:10 29 whether it was an interaction between two people perhaps
13:05:13 30 verbally jousting with each other.

13:05:15 31
13:05:17 32 They're all the questions. Thank you Commissioner.

13:05:20 33
13:05:20 34 COMMISSIONER: With hindsight, the statement that the SDU
13:05:25 35 was being investigated because of corruption issues, do you
13:05:31 36 think that the corruption issues that were being
13:05:34 37 investigated may have related to the very matter with which
13:05:39 38 the High Court was concerned, namely the SDU's role in
13:05:45 39 allowing Ms Gobbo to both inform on her clients and then
13:05:51 40 appear for them in court proceedings?---Now that's - I
13:05:55 41 accept that position. At the time I was told my mind-set
13:06:00 42 was it was a more meat and potatoes corruption, someone had
13:06:05 43 done something wrong, taken money or had an inappropriate
13:06:08 44 relationship. That was my thought at the time.

13:06:09 45
13:06:09 46 But in hindsight you appreciate?---Yes, I do, yes.

47

13:06:12 1 It was that issue?---Yes, I do.
13:06:16 2
13:06:18 3 Yes, thank you. Mr Nathwani, are you going to do your
13:06:21 4 cross-examination first?
13:06:22 5
13:06:22 6 MR NATHWANI: Yes, I won't finish before lunch. If anyone
7 else wants to jump up and cross-examine in the short space
13:06:26 8 before lunch they're more than welcome to.
13:06:31 9
10 COMMISSIONER: There don't seem to be many takers so I
13:06:31 11 think we'll start Mr Nathwani, thank you.
13:06:35 12
13 <CROSS-EXAMINED BY MR NATHWANI:
14
13:06:36 15 Mr Biggin can we start with Paul Dale. I'm counsel, or one
13:06:40 16 of counsel for Ms Gobbo. You provided three statements,
13:06:44 17 statement 1 related to Paul Dale?---Correct.
13:06:48 18
13:06:49 19 And the totality of that was to deal with his assertion in
13:06:52 20 his statement that you were involved and your involvement
13:06:56 21 in relation to Mr Hodson?---Yes.
13:06:58 22
13:07:00 23 Selling on drugs in effect?---Being approved to on sell
13:07:03 24 drugs, yes.
13:07:04 25
13:07:05 26 I mean the highlight that we wish to underscore is that you
13:07:09 27 comment that his evidence or his statement is false when he
13:07:14 28 suggests you told him not to record anything in his
13:07:17 29 notes?---Correct.
13:07:17 30
13:07:17 31 And you stand by that?---I do.
13:07:19 32
13:07:20 33 You also, as far as Mr Dale is concerned - - - ?---Hang on,
13:07:23 34 can I just finish?
13:07:25 35
13:07:25 36 Of course?---It's contrary to actually the evidence because
13:07:29 37 the whole thing is actually documented in a file. So we've
13:07:33 38 created a file and I tell people not to make diary notes,
13:07:38 39 and we've actually a hard copy file that's put through
13:07:41 40 correspondence records and ultimately makes its way to the
13:07:43 41 informer management file. So for me then to go tell him
13:07:48 42 not to tell anyone just doesn't make sense.
13:07:50 43
13:07:51 44 Thank you. Discussing Mr Dale, you were involved in
13:07:54 45 providing a statement to ESD as against Mr Dale in
13:07:58 46 2004?---Correct, in my role as the officer-in-charge of the
13:08:01 47 Major Drug Investigation Division.

13:08:04 1
13:08:04 2 To be clear, I make no criticisms of you at all in relation
13:08:08 3 to anything you say about Mr Dale. But I'm interested in
13:08:12 4 one paragraph of that document. I know you haven't
13:08:17 5 formally tendered it, but it appears in Mr Overland's
13:08:22 6 statement at paragraph 166. I just want to read the last
13:08:25 7 bit to you. Just to put this in context for the
13:08:28 8 Commissioner and others. Do you have a copy of RC81 in
13:08:32 9 front of you, or if not just be shown a flash card for the
13:08:38 10 person listed at 37?---I'm confused.
13:08:41 11
13:08:41 12 COMMISSIONER: Just a minute, all will be revealed.
13:08:45 13
13:08:46 14 MR NATHWANI: It's code for us.
13:08:48 15
13:08:48 16 COMMISSIONER: You're going to be shown a pseudonym for
13:08:51 17 anyone.
13:08:51 18
13:08:52 19 MR NATHWANI: Don't say the name, don't say the person,
13:08:55 20 don't say anything?---[REDACTED]
13:08:56 21
13:08:56 22 COMMISSIONER: I think he can be referred to by number,
13:08:59 23 this one, can't he? He's not part of the non-publication.
13:09:04 24
13:09:04 25 MR NATHWANI: I can't keep up.
13:09:05 26
13:09:05 27 COMMISSIONER: No, I think he can be. He can be referred
13:09:08 28 to by number.
13:09:09 29
13:09:10 30 MS ARGIROPOULOS: Yes.
13:09:10 31
13:09:10 32 COMMISSIONER: That person can be referred to as [REDACTED]
13:09:12 33 [REDACTED] Thank you.
13:09:13 34
13:09:14 35 MR NATHWANI: [REDACTED] Your document or part of your
13:09:17 36 document related to the consideration of a corrupt
13:09:20 37 relationship between Mr Dale and [REDACTED] Yes.
13:09:22 38
13:09:22 39 As part of that you were asked to consider two matters,
13:09:29 40 that [REDACTED] on the face of it had been registered by
13:09:38 41 Mr Dale as a human source?---Yes.
13:09:40 42
13:09:41 43 And there were two issues that arose in relation to that,
13:09:43 44 one, that he had been registered in an alias or previous
13:09:50 45 given name?---Yes.
13:09:50 46
13:09:51 47 So you were critical of Mr Dale for that. But then you

13:09:54 1 also said this, as the second, and it's whether or not
13:09:56 2 [REDACTED] in fact knew that he'd been registered as a human
13:09:59 3 source?---Yes.
13:09:59 4
13:10:00 5 Because his position is that he never knew and he's been
13:10:03 6 falsely registered by Mr Dale?---Correct.
13:10:06 7
13:10:06 8 I just want to read, this is from Mr Overland's statement,
13:10:10 9 it's your document, you said this, "I've been requested to
13:10:13 10 comment on whether it is good practice to tell a human
13:10:15 11 source they're registered. My answer is that it depends
13:10:19 12 upon all of the given circumstances. In some circumstances
13:10:23 13 it is very proper not to inform the person they are
13:10:26 14 registered. This is because they use that registration to
13:10:29 15 their advantage. And others, the human source may have
13:10:33 16 some trust in the police member and think no one else is
13:10:36 17 aware of the relationship. To tell them they're a
13:10:38 18 registered human source could break this bond of trust
13:10:41 19 between the two"?---I said that.
13:10:42 20
13:10:43 21 Do you remember that?---I don't remember it but it
13:10:45 22 certainly sounds like something I would say.
13:10:47 23
13:10:47 24 Linking that back then please?---We are talking about 2000,
13:10:50 25 circa 2002, 2003.
13:10:53 26
13:10:53 27 I understand. I'm just asking about the general
13:10:55 28 proposition. Ms Gobbo's position is she has no knowledge
13:10:59 29 of being registered as a human source either in 95 or 99,
13:11:04 30 and was it a common practice as you've outlined there to
13:11:09 31 the ESD in 2004, for informers, registered or otherwise, to
13:11:15 32 be told that they had in fact been registered?---Can you
13:11:18 33 repeat the question, please?
13:11:19 34
13:11:20 35 It was poorly put. Would it be surprising to you that
13:11:23 36 Ms Gobbo was unaware, based on what you wrote to the ESD in
13:11:27 37 2004, that she had been registered in 95 or 99?---No, it
13:11:32 38 wouldn't be surprising to me.
13:11:34 39
13:11:34 40 If we can turn to your second statement, paragraphs 18 and
13:11:39 41 19. You talk about how you first become aware of her
13:11:44 42 registration from Jeffrey Pope?---Yes.
13:11:47 43
13:11:49 44 In paragraph 18 you say, "At some stage during 2009 I first
13:11:54 45 became aware that Ms Gobbo had previously been registered
13:11:56 46 in 1999"?---Yes.
13:11:57 47

13:11:58 1 Can I ask you this: where do you get the date at some
13:12:03 2 stage during 2009 from?---There's no date. What I was,
13:12:07 3 what I was saying is that Mr Pope had a conversation with
13:12:10 4 me and the management team. I know he arrived at some
13:12:15 5 stage in 2009 as new because Mr Moloney had gone in late
13:12:21 6 2008 and there was a lag between Mr Moloney leaving with
13:12:28 7 some actings in between and Mr Pope being appointed. So
13:12:30 8 I'm saying at some point in 2009 Mr Pope had that
13:12:33 9 conversation with us.
13:12:34 10
13:12:36 11 I just want to push you on the date. How are you so sure
13:12:39 12 it's 2009?---I'm not - if you ask me to swear it was 2009 I
13:12:44 13 couldn't.
13:12:44 14
13:12:45 15 But your memory is certainly soon after he came on
13:12:48 16 board?---No, no, it was sometime after he came on board
13:12:52 17 because what he said was that Ms Gobbo had made a complaint
13:12:56 18 about him, so it was after - you could probably date it.
13:12:59 19
13:13:00 20 The complaint is 2011, that's why I was interested in
13:13:04 21 2009?---It would be around, round then then, so my timing
13:13:07 22 is completely out.
13:13:08 23
13:13:08 24 I'm not criticising you. I just want to be clear, so your
13:13:12 25 memory is the first time you became aware of a registration
13:13:15 26 was when Mr Pope declared it as a result of a complaint
13:13:20 27 made by Ms Gobbo?---That's what he said to us.
13:13:23 28
13:13:23 29 In relation to a sexual relationship between the two?---I
13:13:26 30 didn't know the nature of what the allegation was. He just
13:13:29 31 said the complaint's been made.
13:13:30 32
13:13:32 33 Can I ask you before we go on to greater detail, just about
13:13:37 34 steering committees, okay. You obviously have given some
13:13:43 35 evidence before our morning break about the role of
13:13:47 36 steering committees?---Yes.
13:13:48 37
13:13:50 38 As far as you were concerned, bearing in mind your
13:13:53 39 interaction with Briars, with Petra and any other steering
13:13:58 40 committee that we don't know about, what would you say to
13:14:02 41 the assertion that the steering committees were not
13:14:06 42 involved in the forensic decision-making process in
13:14:08 43 investigations?---Depends what you mean by forensic
13:14:13 44 decision making. I would suggest that very high level
13:14:17 45 decisions, whether to turn a person from a human source,
13:14:20 46 for example, into a witness, is a significant issue and
13:14:23 47 wouldn't be left for a Senior Constable or, I'm not

13:14:28 1 denigrating the ranks here, or a Sergeant I would suggest
13:14:32 2 to make those decisions, especially if it's the cornerstone
13:14:36 3 of a proposed brief of evidence. So that it would be my
13:14:40 4 understanding that the steering committee should actually
13:14:42 5 be involved or would actually be involved in the decision
13:14:45 6 making.
7

13:14:46 8 How about the same question in relation to guidance to
13:14:49 9 investigators. Were the steering committees involved in
13:14:53 10 any guidance or instruction towards investigators?---They
13:14:57 11 are, that's one of the reasons for being there, otherwise
13:15:00 12 why do you have a steering committee if they're just
13:15:03 13 meeting for the sake of meeting.
13:15:05 14

13:15:05 15 I don't disagree with you. I'm asking because you were
13:15:08 16 present and involved within steering committees and there's
13:15:11 17 some evidence upcoming which suggests they weren't involved
13:15:14 18 in the forensic decision-making process?---Can I just
13:15:17 19 answer, I wasn't a party to either of the steering
13:15:20 20 committees, not the Briars nor the Petra steering
13:15:23 21 committee.
13:15:23 22

13:15:24 23 You certainly got feedback from them, didn't you, in other
13:15:27 24 words turn Gobbo into a witness?---Yes.
13:15:29 25

13:15:30 26 Which to you and I, given your answer, would be a forensic
13:15:31 27 decision-making process?---Yes.
13:15:33 28

13:15:33 29 And certainly guidance which we'll come on to after lunch.
13:15:39 30

13:15:40 31 COMMISSIONER: Yes all right, that's probably a good time
13:15:43 32 to adjourn. We'll adjourn until 2 o'clock, thank you.
33

13:16:06 34 <(THE WITNESS WITHDREW)
13:16:06 35
13:16:06 36 LUNCHEON ADJOURNMENT.
37
38
39
40
41
42
43
44
45
46
47

13:53:41 1 UPON RESUMING AT 2.00 PM:
2
14:00:48 3 COMMISSIONER: Yes Mr Nathwani.
14:00:50 4
14:00:50 5 MR NATHWANI: Thank you, Commissioner.
14:00:51 6
14:00:53 7 <ANTHONY MICHAEL BIGGIN, recalled:
14:00:56 8
14:00:56 9 MR NATHWANI: Yesterday in your evidence, Mr Biggin, you
14:00:58 10 used the phrase that you, and I mean that globally, the SDU
14:01:00 11 were a service provider, and I just want to consider that
14:01:05 12 in a bit more detail with you?---Certainly.
13
14:01:07 14 And always, I'm sure you'll correct me if I'm wrong if I
14:01:11 15 say anything you don't agree with. As I understood you to
14:01:14 16 be saying, the SDU, we'll come to its formation, but it was
14:01:19 17 in effect available for different investigative branches of
14:01:23 18 the police to use if they so pleased?---That's a way of
14:01:27 19 putting it, yes.
20
14:01:28 21 How would you put it?---It's a group that actually manage
14:01:32 22 high risk human sources and then provide
14:01:37 23 intelligence/information back to Victoria Police to be used
14:01:39 24 by investigators as they see fit.
25
14:01:41 26 You said yesterday you offer that service to the various
14:01:45 27 Crime Departments?---Victoria Police as a whole.
28
14:01:49 29 Yes?---But more specifically the crime squads are the
14:01:53 30 biggest users.
31
14:01:55 32 Of course, at the relevant time one of the heads of the
14:01:58 33 crime squads was Simon Overland, you agree with me
14:02:01 34 there?---He was the Assistant Commissioner for Crime
14:02:05 35 Command, yes.
36
14:02:05 37 The service you provided was accepted in many respects by
14:02:10 38 the following, Purana, do you agree with that?---Yes.
39
14:02:15 40 Overland had oversight of that?---Yes, he did.
14:02:17 41
14:02:19 42 ESD was another, as we've seen from your evidence?---No,
14:02:19 43 ESD, we didn't provide any services to ESD and they're not
14:02:23 44 part of the Crime Command, they're a separate stand alone
14:02:26 45 command
46
14:02:26 47 As far as those who received information from you?---Yes,

14:02:29 1 they did, yes.
14:02:29 2
14:02:31 3 Two others of note, Briars and Petra?---Correct.
4
14:02:34 5 And again Overland involved in both of them?---Yes.
6
14:02:44 7 Yesterday you also said as far as Carl Williams and Tony
14:02:47 8 Mokbel were concerned any investigation of them required
14:02:50 9 authorisation?---Correct.
10
14:02:53 11 When was that from? It was quite early in the
14:02:58 12 piece?---Yes, it was when I was in charge of the Major Drug
14:03:02 13 Investigation Division, which was formed, as I said
14:03:04 14 yesterday, from the corruption issues of the former Drug
14:03:09 15 Squad. I started there in January 2002 and I was given a
14:03:13 16 verbal direction that any investigation in relation to them
14:03:16 17 in early 2002 had to be approved by a Deputy Commissioner
14:03:18 18 before we could actually target them.
19
14:03:20 20 Did that command continue throughout the years, through the
14:03:23 21 Purana years?---No.
22
14:03:25 23 So it was just whilst you were at MDID?---Correct. It
14:03:29 24 actually waned during my time at the MDID.
25
14:03:35 26 Taking a step back obviously of your position of oversight
14:03:39 27 from say the middle of 2006 and onwards of SDU, it's fair
14:03:42 28 to say there was tasking of Ms Gobbo at the request or
14:03:47 29 behest of many of those that I mentioned, Purana, Petra,
14:03:52 30 Briars?---Correct.
31
14:03:56 32 Earlier today you indicated, when you were asked by
14:03:58 33 Mr Woods, the issue of legal advice, you said you took the
14:04:02 34 view at times legal advice was a matter for the
14:04:04 35 investigators?---Correct.
36
14:04:08 37 Did you express that view to the investigators?---I
14:04:12 38 probably did. I don't now with the passage of time
14:04:16 39 specifically recall but I would have, yes.
40
14:04:20 41 Do you agree or accept certainly, because you said the
14:04:23 42 trial issues weren't necessarily a matter for you, there
14:04:26 43 were times when you were involved in what was happening in
14:04:29 44 relation to trials that involved Ms Gobbo's use as a human
14:04:35 45 source?---Only at a - on the odd occasion, not very often.
46
14:04:40 47 Just as an example, if we could bring up on your screen and

14:04:44 1 the Commissioner's screen the SMLs of 2958 dated 3
14:04:51 2 September 2008. Do you see the entry?---Yes.
3
14:05:32 4 Which is an email from White?---3 September 2008 at
14:05:37 5 4.58 pm.
6
14:05:38 7 That's the one?---Yes.
8
14:05:39 9 Just have read through that for us if you would,
14:05:43 10 please?---Do you want me to read it out or just read it?
11
14:05:45 12 No, just read it to yourself?---I've read it, yes.
13
14:06:00 14 They're an example of you being kept in the loop?---Yes.
15
14:06:03 16 As far as PII and the trial processes?---Agreed, as a
14:06:07 17 matter of courtesy I was told, yes.
18
14:06:09 19 As a courtesy you say?---Yes, as was Andrew Glow, the
14:06:15 20 Inspector from the Unit.
21
14:06:16 22 So I understand your position is that you just had
14:06:20 23 oversight generally of what was happening occasionally in
14:06:22 24 relation to trials but it was courtesy; is that
14:06:25 25 right?---Yes, yes.
26
14:06:28 27 What was the point, perhaps you can't answer it, of you
14:06:31 28 receiving this in courtesy?---White was telling me that
14:06:45 29 Purana had briefed counsel yesterday, so that was a matter
14:06:48 30 that was afoot, of which we'd had no previous involvement
14:06:52 31 in, and there was a PII hearing, so as a matter of courtesy
14:06:55 32 just letting me know in case I went to a meeting and it was
14:06:58 33 raised during that meeting, and then there were some issues
14:07:01 34 arising from that.
35
14:07:03 36 Just dealing with that, counsel being briefed. Are you
14:07:08 37 aware as to what counsel was or wasn't told as far as the
14:07:10 38 source of the information?---No idea.
39
14:07:13 40 Because it's not clear from this. It just obviously shows
14:07:14 41 that 16 IRs, which you know are sterile in nature, have
14:07:17 42 just been provided, do you see that?---I see that 16 were
14:07:20 43 provided, yes, from us, that are all heavily edited.
44
14:07:26 45 Understanding your position, as we're trying to, it was
14:07:29 46 that you had oversight, you'd undertake occasional reviews,
14:07:33 47 you'd speak to the controllers but day-to-day workings and

14:07:39 1 information necessarily received wasn't something you were
14:07:41 2 particularly interested in, is that - - - ?---No, it's
14:07:43 3 wrong.
4
14:07:44 5 Well correct me?---I was certainly interested but the
14:07:48 6 dynamics of my role meant that I just couldn't be across it
14:07:52 7 so I had to make a decision. As I've already explained,
14:07:55 8 the day-to-day management of the SDU fell with the
14:07:57 9 Inspector. Now whilst not ideal, we had a part-time
14:08:01 10 Inspector and I expected the Inspector to be across
14:08:04 11 everything and then to keep me in the loop in relation to
14:08:08 12 issues that that person thought that I should know.
13
14:08:10 14 Okay?---I totally reject that I wasn't interested in what
14:08:13 15 was going on. I was very interested in what was going on.
16
14:08:16 17 Let's move topic. Involved with those in the executive or
14:08:21 18 the decision making process, a particular focus on
14:08:25 19 Mr Overland because you have contact with him at various
14:08:29 20 occasions?---Correct.
21
14:08:30 22 As a starting proposition as far as Ms Gobbo is concerned,
14:08:34 23 did Mr Overland in the many meetings you had with him ever
14:08:37 24 express to you, one, his concerns about the issue of legal
14:08:40 25 professional privilege?---Not that I recall.
26
14:08:43 27 Two, in relation to the issue of conflict of interest that
14:08:47 28 Ms Gobbo had?---Not that I recall.
29
14:08:54 30 Did he, that's Mr Overland, ever indicate to you that her
14:08:57 31 providing information as a human source reflected badly on
14:09:01 32 her integrity and/or judgment?---Not that I recall.
33
14:09:06 34 You obviously say "not that I recall". It is something,
14:09:11 35 had he expressed to you, you would have remembered or noted
14:09:14 36 somewhere I imagine?---I would think you would, but given
14:09:18 37 the passage of time and my ageing it may have been said and
14:09:21 38 I may have missed it but I don't recall it.
39
14:09:23 40 Did he ever express to you, that's Mr Overland, early on,
14:09:27 41 say from 2006, early 2006 when you were involved with the
14:09:30 42 SDU, that there needed to be an exit strategy put in place
14:09:35 43 almost immediately for her?---No.
44
14:09:37 45 You're quite clear on that, the no?---Yes.
46
14:09:39 47 As far as exit strategy is concerned, if we can go to the

14:09:43 1 SMLs, 6 August 2007. You were taken there by Mr Woods. I
14:09:47 2 just want to look at this in a bit of detail. I know you
14:10:22 3 were asked about this earlier?---Yes.
4
14:10:24 5 A meet with yourself, Mr Overland, Blayney, Gavan Ryan.
14:10:33 6 Mr Overland says this is an example of him early on in the
14:10:36 7 piece, or certainly expressing an exit strategy and the
14:10:40 8 intention was for her to no longer be used as a human
14:10:43 9 source. I want you just to consider that?---Mr Overland
14:10:46 10 says this, does he?
11
14:10:48 12 Yes. I'm asking you, because you were present at the
14:10:50 13 meeting with him and what was going on, to comment?---I
14:10:54 14 can't comment on that because I - - -
15
14:10:56 16 No, no. I'm going to base it on times when you were
14:10:59 17 present, okay. You see the second paragraph talks about -
14:11:03 18 the first paragraph talks about the options?---Yes.
19
14:11:07 20 Do you agree the second paragraph that discussed "utilising
14:11:11 21 human source to speak to targets of Petra and Briars", in
14:11:15 22 other words Paul Dale and Docket Waters, "to [REDACTED]
14:11:18 23 [REDACTED] re [REDACTED] agreed any
14:11:21 24 strategy to be risk assessed prior to implementation"?---I
14:11:25 25 see that, yes.
26
14:11:26 27 You agree, do you, being present at that meeting?---I was,
14:11:29 28 yes.
29
14:11:30 30 That those two paragraphs, i.e. paragraph one deactivating
14:11:35 31 her, and this was all about deactivation, and then the
14:11:38 32 second paragraph are inconsistent?---No, the three options
14:11:42 33 available, as you read, are deactivate, ongoing management
14:11:45 34 with no tasking/or witness.
35
14:11:47 36 Yes, sorry, I put that badly?---And then the second one,
14:11:52 37 clearly we've moved away from the deactivation. We've
14:11:57 38 probably moved away from the second one, ongoing management
14:12:01 39 with no tasking. And we're probably moving towards the
14:12:06 40 third in relation to utilising the human source to speak to
14:12:11 41 targets.
42
14:12:12 43 Yeah, okay. I put that badly. What I was trying to get
14:12:15 44 it, and you've answered it perhaps in a much better way,
14:12:18 45 was the suggestion that this meeting was about deactivation
14:12:21 46 is undone, isn't it, by the fact that what appears to be
14:12:24 47 agreed is that Ms Gobbo should speak to the targets of

14:12:27 1 Petra and Briars, do you agree with that?---That was the
14:12:32 2 ultimate outcome of the meeting, yes.
3
14:12:34 4 In fact later on, I won't take you to the note, but there's
14:12:37 5 a diary entry you were taken to of Sandy White that on 21
14:12:40 6 September 2007 there's a meeting with Simon Overland
14:12:43 7 involving yourself where the discussion is about covertly
14:12:48 8 recording the human source so she doesn't know, discussing
14:12:53 9 matters with Paul Dale?---That was an option put, yes.
10
14:12:56 11 Just let's consider whether or not what had happened before
14:12:59 12 this about whether Mr Overland really was interested in
14:13:05 13 deactivating Ms Gobbo by 6 August 2007. We've got the SMLs
14:13:13 14 open. If we can go back, please, to the SMLs at 12 July
14:13:24 15 07. In fact if we go further back, if we can go to 16 May
14:13:42 16 07. Do you see the entry there 16 May from Inspector Gavan
14:13:54 17 Ryan, Petra?---Yes.
18
14:13:55 19 Can you see that?---Yes.
20
14:13:57 21 Overland approves SDU speaking to her re Hodson
14:14:03 22 murders?---Yes.
23
14:14:03 24 Do you see that?---I do.
25
14:14:05 26 Same page, if we then go - we see on 21 May, that's exactly
14:14:09 27 what happens, do you see that?---Meeting between - yes.
28
14:14:12 29 Yes?---Debrief re knowledge of, yes.
30
14:14:15 31 Next day Gavan Ryan, Overland - or it says that Overland's
14:14:22 32 to be briefed on what's then briefed to Gavan Ryan, do you
14:14:26 33 see that?---Is that the bit in the green underneath, 22/05
14:14:31 34 ?
14:14:31 35
14:14:31 36 Yes, exactly, 22 May?---I see that.
37
14:14:33 38 Then if we turn over or go to 25 May?---Yes.
39
14:14:38 40 Do you see that?---Yes.
41
14:14:39 42 This is before his talk of deactivation when it appears
14:14:43 43 that this is a meeting with you?---Yes.
44
14:14:45 45 There's a discussion in reality about using her in some
14:14:47 46 form, ultimately a witness I'd say?---Yes.
47

14:14:52 1 As far as the Hodson murders are concerned?---Correct.
2
14:14:57 3 So the entry of 6 August where there's a suggestion or if
14:15:00 4 it's suggested later in time by anyone it was an attempt to
14:15:05 5 deactivate her, other things were going on to use her as a
14:15:08 6 witness, do you agree with that?---Other things were
14:15:11 7 happening but of course there was always the option to
14:15:13 8 deactivate.
9
14:15:15 10 We then know what happens at - and just to follow it
14:15:18 11 through, we don't need to go through the SMLs, unless I'm
14:15:23 12 invited to take you, but the OPI is then used as a vehicle
14:15:27 13 to try and get information from Ms Gobbo relating to the
14:15:31 14 Hodsons?---I'm not quite sure the term is, a vehicle is the
14:15:35 15 correct term, but they were certainly utilised or they were
14:15:37 16 working with - - -
17
14:15:37 18 We know Mr Overland was involved, you mention it in your
14:15:41 19 statement at paragraphs 81 and 82. That you and the SDU
14:15:44 20 were concerned about Ms Gobbo attending the OPI?---Correct.
21
14:15:50 22 And as a result issues were raised with
14:15:54 23 Mr Overland?---Correct.
24
14:15:54 25 And you got messaged back that he had told
14:15:57 26 Mr Ashton?---Correct.
27
14:15:58 28 And that any questions asked of Ms Gobbo would be managed,
14:16:02 29 in effect?---Correct.
30
14:16:05 31 Just dealing with the knowledge of Mr Overland as to
14:16:16 32 Ms Gobbo's use. Going through your statement the following
14:16:21 33 appears apparent: Mr Overland was - firstly, were you aware
14:16:28 34 Mr Overland was involved in the establishment of the
14:16:31 35 Australian Crime Commission, the ACC?---Is this in my
14:16:35 36 statement?
37
14:16:35 38 No, it's not. I'm asking you?---Okay. Yes, I was aware he
14:16:41 39 was the project lead for that, yes.
40
14:16:42 41 Then thereafter, as you've put in your statement at
14:16:45 42 paragraph 21, he's involved in a review of the management
14:16:49 43 of human sources that ultimately results in a pilot project
14:16:54 44 being green lighted?---He wasn't involved, he actually
14:16:57 45 directed that it take place, but yes.
46
14:17:00 47 Thereafter, not long after it starts, Ms Gobbo's - so

14:17:08 1 September 2005 she's then registered?---Correct.
2
14:17:14 3 He's involved in the exit strategy discussions you talk
14:17:17 4 about, 17 November 2006?---Yes.
5
14:17:21 6 You've seen, you've been taken through it in detail by
14:17:24 7 Mr Woods of several entries, but he's also involved in
14:17:27 8 tactical discussions relating to her use and
14:17:30 9 deployment?---Correct.
10
14:17:34 11 There includes references, and this is at paragraphs 96 to
14:17:38 12 98 of your statement, I don't need to go there unless
14:17:41 13 anyone wants to, 9 November 2007, you make him aware of the
14:17:46 14 threats made to Ms Gobbo?---Did I tell Mr Overland?
15
14:17:55 16 Looks like it?---96 says that I - - -
17
14:18:03 18 98?---I'm sorry.
19
14:18:05 20 Paragraph 98?---I'll turn the page. 9 November about
14:18:12 21 risks.
22
14:18:12 23 "My diary further records that I spoke to Inspector Rob
14:18:18 24 Hardy about Ms Gobbo and notes message for Overland re
14:18:22 25 Gobbo. I believe this refers to Overland being informed
14:18:26 26 about the risk assessment and threats in relation to
14:18:27 27 Gobbo"?---Yes.
28
14:18:28 29 Okay?---Yes.
30
14:18:34 31 We then know that afterwards what follows are discussions
14:18:37 32 in relation to using her as a witness or otherwise?---Yes.
33
14:18:40 34 You, Sandy White and other SDU members up until 5 December
14:18:45 35 express grave reservations in relation to that?---Yes.
36
14:18:50 37 Notwithstanding, I think, the pressure you hinted at in
14:18:53 38 relation to job prospects and generally taking on the
14:18:56 39 executive?---Correct.
40
14:18:59 41 You then indicate, paragraph 112, it's the executive
14:19:03 42 decision to use her. Who are you talking about?---The
14:19:06 43 steering committee.
44
14:19:08 45 Sorry, I didn't hear you?---Sorry, I apologise. It was the
14:19:13 46 steering committee.
47

14:19:14 1 So Petra steering committee?---Yes.
2
14:19:17 3 Which is Overland, Ashton and the others that you
14:19:21 4 mentioned?---Et al, yes.
5
14:19:24 6 You discuss - pausing there. If it's suggested, and in
14:19:29 7 fact another example I'm interested in - when there is the
14:19:34 8 suggestion of Ms Gobbo's phone being the subject of a
14:19:42 9 TI?---Yes.
10
14:19:43 11 There's references in the ICRs that Mr Overland would be
14:19:46 12 involved in managing that or assessing whether there'd be
14:19:50 13 an issue in relation to that, were you aware of that?---No,
14:19:53 14 and I can't see how he would be. The responsibility for
14:19:56 15 telephone interception was my responsibility.
16
14:19:58 17 Yes?---But that Unit actually reported to me.
18
14:20:07 19 Okay?---Unless the interception was done by another party
14:20:10 20 outside Victoria Police.
21
14:20:12 22 As far as you were concerned through meetings you had with
14:20:14 23 Mr Overland, was he well aware of the developments and use
14:20:17 24 of Ms Gobbo?---I believe he was.
25
14:20:20 26 That's, of course, based on the meetings you had with
14:20:22 27 him?---Correct.
28
14:20:26 29 We've heard evidence at the Commission, I think it was
14:20:30 30 Gavan Ryan who said the golden rule was not to turn a human
14:20:33 31 source into a witness. What's your view about that?---I
14:20:36 32 agree with that.
33
14:20:40 34 No doubt that's why you took the view, you, Sandy White and
14:20:44 35 members of the SDU did up until 5 December 2008 in making
14:20:49 36 your feelings clear to the steering committees, Mr Overland
14:20:53 37 in particular?---Well not specifically the steering
14:20:57 38 committee but members of the steering committee, yes.
39
14:21:02 40 What you say, if we could all go now, please, to paragraph
14:21:07 41 110 you say this: "On 30 December 2008 I spoke to
14:21:17 42 Assistant Commissioner Moloney who informed me that
14:21:20 43 Ms Gobbo was to be a corroboratory witness for the Petra
14:21:25 44 Task Force and was to sign a statement that
14:21:27 45 Thursday"?---Correct.
14:21:27 46
14:21:27 47 "I then spoke with Black regarding this development". Your

14:21:32 1 diary notes indicate that, "(a) Gobbo should seek legal
14:21:35 2 guidance before signing the statement"?---Yes.
14:21:37 3
14:21:38 4 "(B) the full implications of signing the statement may not
5 be clear to Ms Gobbo"?---Correct.
6
7 And, "(c) the SDU would take no sides and Ms Gobbo was to
14:21:50 8 make the decision as to whether or not to sign the
14:21:50 9 statement on her own with no guidance from
14:21:52 10 handlers"?---Correct.
11
14:21:52 12 Was that always your position? I'm interested in (c), "The
14:21:54 13 SDU was not to take any sides"?---They should never take
14:21:57 14 sides, they should always be balanced.
15
14:22:00 16 That wasn't the question. Was that always your
14:22:03 17 position?---Well, depends on the circumstances and we're
14:22:06 18 speaking very hypothetically here, that's generally my
14:22:08 19 position, yes.
20
14:22:10 21 We're talking about Ms Gobbo. By 30 December 2008 your
14:22:14 22 position was the SDU should not be involved?---No, no.
23
14:22:19 24 How about prior to that? Let's break it down. 5 December
25 there's a SWOT analysis?---Yes.
26
14:22:23 27 You have a meeting where told in effect thanks but no
14:22:28 28 thanks?---Yes. Sorry, can we just go back? What's the
14:22:31 29 thanks but no thanks reference?
30
14:22:33 31 Sorry, my shorthand. It was the Overland meeting where he
14:22:36 32 thanked you for - - - ?---Oh, yes. Yes, thank you, yes.
14:22:39 33
14:22:41 34 - - - your input but ruled against you in effect?---Yes.
35
14:22:47 36 At that time, because you've given us a hint of the
14:22:52 37 politics perhaps of the police at the time, was there a
14:22:56 38 pressure from Overland and others on the steering committee
14:23:00 39 to thereafter toe the party line once they'd made the
14:23:05 40 decision?---No.
41
14:23:06 42 Do you agree that you were involved after 5 December in
14:23:12 43 encouraging or authorising the SDU to encourage Ms Gobbo to
14:23:17 44 sign the statement?---No.
45
14:23:20 46 Let's have a look at that. Can we go to the SMLs to begin
14:23:26 47 with, please, 12 December 2008. These are the 2958 SMLs.

14:24:00 1 Not the big one. If you scroll down, please. There's
14:24:04 2 another entry. Okay. So if we look at the meeting with
14:24:09 3 Shane O'Connell, do you see that?---12/12/08?
4
14:24:15 5 Yes. I accept this is not you involved?---Yes.
6
14:24:18 7 If we can just read through this. The line I'm interested
14:24:22 8 in is the penultimate one, "Advise Shane O'Connell that SDU
14:24:26 9 may be able to assist with influence at appropriate
14:24:30 10 time"?---Yes, I see that.
11
14:24:31 12 That's a reference to getting Gobbo to sign up to the
14:24:33 13 statement?---I don't read it that way.
14
14:24:35 15 Okay. Let's read the earlier bit then, please. Read the
14:24:40 16 whole paragraph?---Do you want me to read it out?
17
14:24:43 18 No, read it to yourself?---Okay.
19
14:24:45 20 The first line I'll read out, "Meeting with O'Connell.
14:24:49 21 Petra re attempts by same to get human source to become a
14:24:52 22 witness"?---Correct.
23
14:24:53 24 So it's pretty clear what the purpose of the meeting is.
14:24:56 25 Then it's "advised O'Connell that the SDU may be able to
14:24:59 26 assist with influence at the appropriate time"?---Yes.
27
14:25:02 28 What other influence do you suggest is being proposed to
14:25:07 29 Mr O'Connell there?---I think at the time, this is my
14:25:10 30 reading of it, at the time because of the long-term
14:25:12 31 relationship with the SDU they were able to guide
14:25:16 32 Mr O'Connell in relation to the ways if he wished to her to
14:25:21 33 sign the statement, she was being difficult.
34
14:25:23 35 Let's consider that in light of the entry on the
14:25:25 36 19th?---Can I just finish?
37
14:25:27 38 Yes?---In relation to which levers to pull, that's using my
14:25:31 39 term. So the conversations are actually very direct and
14:25:34 40 everyone knows where they stand.
41
14:25:36 42 Let's look at the entry then on 19 December 2008. Look at
14:25:43 43 the context. White meets you?---That's what it says.
44
14:25:46 45 "Recommend attempt to convince human source to become a
14:25:48 46 witness re Dale", it's pretty clear?---Not necessarily, no.
47

14:25:53 1 Explain to me how that reads?---It's a meeting between the
14:26:04 2 person and myself. There's a recommendation, an attempt to
14:26:08 3 convince to become a witness, so clearly at this point in
14:26:11 4 time the investigators are dealing with the witness wanting
14:26:15 5 to become a witness in relation to Dale. So it doesn't say
14:26:18 6 strongly that we need to get involved. When I say we, the
14:26:22 7 SDU, nor me.
8
14:26:23 9 Do you have any notes of this meeting?---I would have to
14:26:26 10 check but I don't think so. I can check for you.
11
14:26:34 12 I don't have your notes?---If you give me 30 seconds. I
14:26:54 13 don't. My meeting is 15:10 then to 23:10.
14
14:27:02 15 The context of this meeting as it appears there is White is
14:27:04 16 meeting with you as his, be it mentor or line boss?---I'm
14:27:10 17 not his direct line boss.
18
14:27:11 19 No, I understand?---But I am his superior, yes.
20
14:27:15 21 All he says is, "Recommend attempt human source to become
14:27:23 22 witness re Dale". There's only two people in the
14:27:26 23 meeting?---It's Mr White's shorthand. I would suggest
14:27:32 24 you'll have to ask him, but I don't read it the way, in the
14:27:38 25 sinister way that you do.
26
27 Let's look at the ICRs then to see what show about what was
28 happening as far as persuasion or otherwise of
29 Ms Gobbo?---Sure.
30
14:27:40 31 Let's go p.756 of 2958. We see there the 5th of the
14:28:08 32 12th?---Correct.
33
14:28:09 34 This is a SWOT analysis. We know you obviously have the
14:28:12 35 meeting at the bottom of the page, so there's the analysis.
14:28:15 36 Meeting at the bottom of the page, we've discussed.
14:28:19 37 Overland expresses his view?---Yes.
38
14:28:21 39 Okay. Then if we look on to the next page, 757, "Op
14:28:30 40 Petra", first line, what does it say?---"HS reaction - I'll
14:28:36 41 kill myself now."
42
14:28:37 43 No, no, the first line?---Oh. "Advise HS to deal with
14:28:42 44 Petra."
45
14:28:43 46 Right. So there we are. Once the decision's made we've
14:28:48 47 got one controller, this is - one handler, this is Smith by

14:28:53 1 the looks of things, "advise straight away to deal with
14:28:58 2 Petra". Her response, as you say, is, "I'll kill myself".
14:29:05 3 Let's follow this through. "Advise they still want to take
14:29:10 4 statements so human source has to advise them direct re
14:29:14 5 this. Told does not have to help." Let's follow it
14:29:15 6 through. Let's keep going. Let's go to 798. 11:41. Just
14:29:37 7 to put this in context, the date by now is the 31st of the
14:29:40 8 12th after the SML entries I've taken you to?---Yes.
9
14:29:44 10 It looks, on one view, as though there's a recommendation
14:29:47 11 to get her to comply?---Yes.
12
14:29:49 13 Look at the entry, "What does Sandy White think I should
14:29:53 14 do? Make statement or not? Told he thought she should
14:29:56 15 make a statement. Happy with that". Do you see that?---I
14:30:00 16 see that.
17
14:30:01 18 Right. Let's keep going. 12:18, "Spoke to White. Things
14:30:07 19 have changed. She does need to make a statement. Has
14:30:11 20 given Petra an overview of her assistance". Do you see
14:30:16 21 that?---I see that.
22
14:30:18 23 Right. Let's go now to 799 at about middle of the page.
14:30:25 24 There it is. "Does White want me to do it? Advised
14:30:30 25 yes"?---I see that.
26
14:30:34 27 Scroll down to the bottom of the longer box. Stop there.
14:30:40 28 We're just about 14:19. "Source feels comforted knowing
14:30:44 29 that this is with White's blessing"?---I see that.
30
14:30:49 31 What they're talking about clearly is the provision of a
14:30:52 32 statement. Next entry, "Going to ring Shane", that's
14:30:56 33 O'Connell, "the investigator re who called", do you see
14:31:00 34 that?---Is that the 14:20, I'm sorry?
35
14:31:03 36 Just above 14:19, the last line, it says "going to ring".
14:31:06 37 She says, "I'm comforted to know that I've got White's
14:31:11 38 blessing to do the statement"?---Yes.
39
14:31:13 40 "I'll go and ring O'Connell and sign up, or provide the
14:31:16 41 details"?---Yes. And contact by the look, yes.
42
14:31:18 43 Let's go to 801. Two-thirds of the way to the bottom,
14:31:29 44 "Would like to talk to White", so scroll down please. Do
14:31:36 45 you see that?---"In the next week or so to get his
14:31:38 46 perspective"?
47

14:31:40 1 Yes, that's right?---Yes.
2
14:31:43 3 "And if he is supportive of me doing this, need his
14:31:47 4 reassurance"?---I see that.
5
14:31:49 6 I suggest we keep going through this ICR. Page 802. About
14:31:58 7 five boxes down, "Shane O'Connell going to contact source
14:32:02 8 next to week to sign statement. After talking with White
14:32:06 9 to get background details"?---I see that.
14:32:09 10
14:32:09 11 "They were peeved that she would not sign now". So it
14:32:16 12 looks like she's delaying, she's stalling signing until she
14:32:19 13 gets the green light from White, right?---Or she seeks
14:32:21 14 other advice, yes.
15
14:32:22 16 Let's keep going through. 803. Top third, "Wants to meet
14:32:30 17 White next week or not going to sign anything. Very keen
14:32:34 18 to sign as they may need to take out warrants", et cetera,
14:32:39 19 "I've assured them I would give evidence and secure a
14:32:44 20 conviction. Told Shane O'Connell she has been called ...
14:32:45 21 (indistinct) and will be if required", do you see that?---I
14:32:47 22 see that.
23
14:32:47 24 This is all after that SML entry of the 19th I think it
14:32:52 25 was, or 18 December. Let's turn to the bottom of this ICR.
14:33:07 26 It's p.804. There it is, right at the bottom. Last entry,
14:33:16 27 "Requesting to see White and talk before Wednesday 8 am.
14:33:18 28 Will be signing by 9.30 am, signing my life away", see
14:33:21 29 that?---I see that.
30
14:33:24 31 806, we're now 5 January. We see 14:36, so towards the
14:33:37 32 bottom of the page, please. Petra, "Why would you do this?
14:33:45 33 Make a statement, it is stupid". That's what she seems to
14:33:50 34 be saying?---Yes
35
14:33:51 36 "Need to talk to White"?---Yes.
37
14:33:54 38 "Advised he would be calling today"?---Yes.
39
14:33:56 40 Let's turn to p.807. 17:40, call from - - - ?---White.
41
14:34:07 42 This handler calls White, update. If we look above and
14:34:12 43 look through the previous page it's all about the signing
14:34:15 44 of the statement or otherwise, do you see that?---I see
14:34:17 45 that.
46
14:34:17 47 Then we have the entry 17:58, let's have a look at what's

14:34:22 1 going on. She calls, "annoyed depressed, walking aimlessly
14:34:27 2 around Port Melbourne looking at the two phones waiting for
14:34:30 3 one of them to ring. Thinking this is all a big mistake.
14:34:33 4 She's advised that White will call her very soon"?---I see
14:34:38 5 that.
6
14:34:38 7 6.30, his call cut out, "Need to ask more questions. Not
14:34:46 8 signing anything until I hear from him"?---I see that.
9
14:34:48 10 As a result the handler then calls White, do you see that,
14:34:51 11 and it's apparent from the entry that there was a phone
14:34:54 12 call between White, Sandy White that is, and Gobbo, at a
14:34:58 13 public phone, do you see that?---Someone's at a public
14:35:04 14 phone, yes.
15
14:35:07 16 Then she has another entry next day, 6 January, where she
14:35:14 17 talks about "not finished speaking to Sandy White"?---Yes.
18
14:35:18 19 Yes?---Yes.
20
14:35:25 21 Then what follows is 809, 7 January, "Sign life away", see
14:35:39 22 that? That's the date she signs the statement?---Okay,
14:35:42 23 yes.
24
14:35:42 25 So the build up we see in those days after the meeting
14:35:46 26 between you and White, it appears to be a change in
14:35:49 27 attitude by White to the stance taken by you and the SDU on
14:35:56 28 5 December to Overland saying this is a mistake?---Yes.
29
14:36:01 30 Does that jog your memory as to the meeting between you and
14:36:04 31 White in mid-December in the SMLs?---No.
32
14:36:09 33 Was there pressure from above to toe the party line?---Not
14:36:12 34 to me, no.
35
14:36:18 36 One of your concerns was the risk to Ms Gobbo becoming a
14:36:23 37 witness, do you agree with that?---I do.
38
14:36:26 39 Can we go to your email of 8 January 2009, please. I've
14:36:32 40 got in the SMLs, it was Exhibit 584 but it's also in the
14:36:41 41 SMLs at 8 January 09. Do you accept the purpose of this
14:37:04 42 document was self-protection of you and the SDU?---No, it
14:37:08 43 was making sure that everyone was in the loop of my
14:37:11 44 conversation with Acting Commander Porter.
45
14:37:14 46 Because on 5 December the SWOT analysis is provided, and
14:37:19 47 this seems to be, and I ask you to comment, an attempt to

14:37:23 1 protect the risks that were identified in the SWOT
14:37:28 2 analysis, what do you say about that?---No, as I said
14:37:30 3 before, my understanding was that we received word that
14:37:32 4 there was going to be a request for us to come back and
14:37:35 5 take over the management in a Witsec, in a witness security
14:37:38 6 type environment, and I was resisting that. That's what
14:37:41 7 this is about.
8
14:37:42 9 Okay. Let's have a look at some of the content, okay, and
14:37:46 10 if there's anything that I don't mention, you mention
14:37:51 11 away?---Certainly.
12
14:37:52 13 Obviously the first entry is, "I base my argument on the
14:37:55 14 following". You're in effect saying, "We don't want to
14:37:58 15 manage her, despite the requests, Petra can manage her",
14:38:01 16 and these are the reasons, "2958 is no longer human
14:38:05 17 source"?---Correct.
18
14:38:05 19 "As of 7.23 pm last evening became a witness"?---Correct.
20
14:38:10 21 You're obviously aware she's signed the statement?---I'd
14:38:13 22 been told that, yes.
23
14:38:14 24 Do you remember who told you?---No.
25
14:38:16 26 "The witness has been tactically deployed by Petra,
14:38:20 27 something we were not involved in. They can deploy the
14:38:23 28 witness again as they see fit"?---Yes.
29
14:38:26 30 It's right to say that sentence, the SDU certainly knew she
14:38:32 31 was to be deployed by Petra?---I didn't know. When I wrote
14:38:40 32 that I didn't know the SDU were involved in that.
33
14:38:42 34 But you're writing on behalf of the SDU; aren't you?---I'm
14:38:47 35 writing back to the SDU.
36
14:38:48 37 What you're saying is, "These are our arguments for not
14:38:51 38 taking control"?---No, these are my arguments. "I base my
14:38:56 39 argument on the following", this is my argument.
40
14:38:58 41 That may be incorrect then?---Yep.
42
14:39:00 43 The SDU certainly knew that she had been deployed by Petra
14:39:04 44 and had been involved in some way in passing on information
14:39:07 45 in relation to the date that Dale would be in Melbourne, do
14:39:11 46 you agree with that?---I know that now, yes.
47

14:39:15 1 You discuss the conflict because you've had a long
14:39:19 2 relationship with the human source?---I hadn't - - -
3
14:39:21 4 "We", you write it as "we"?---That's right.
5
14:39:23 6 It's not your arguments, it's the collective?---That's
14:39:25 7 right, yes.
8
14:39:28 9 "We have considerable methodology to protect"?---We do.
10
14:39:32 11 So again, not discussing risk to Ms Gobbo, this is all
14:39:37 12 about protection of "we", do you agree with that?---Yes.
13
14:39:43 14 "Petra may have used different methodology, we don't want
14:39:46 15 to an argument before the courts", so again trying to
14:39:49 16 protect your craft?---True.
17
14:39:53 18 You point out the roles of SDU and Witsec?---Yes.
19
14:40:01 20 And fairly, so that the SDU shouldn't be taking over part
14:40:03 21 of that role?---Correct.
22
14:40:05 23 Okay. You outline policy?---I do.
24
14:40:11 25 "In our dealings with human source the source did not
14:40:13 26 disclose all of her relationship with the Petra
14:40:18 27 target"?---Correct.
28
14:40:18 29 Why is that relevant to why you shouldn't manage
14:40:23 30 her?---Well it's just another point in relation to that not
14:40:27 31 all had been disclosed, so somehow someone had found out
14:40:30 32 that there was more to the relationship with the target
14:40:32 33 than what we knew about.
34
14:40:34 35 Was this actually guided towards a disclosure process in
14:40:38 36 any Dale trial, were people requesting information?---No.
37
14:40:44 38 "Now that we are aware of some of the issues we're bound to
14:40:49 39 put them to her strongly. That would damage the
14:40:52 40 relationship." Why would you be bound to put them to her
14:40:57 41 strongly if you carried on with her management?---Well
14:41:00 42 because one of the tenets of any human source relationship,
14:41:03 43 and I'm speaking generally here, is that you tell the
14:41:07 44 person who's told that they're to tell you the truth and
14:41:10 45 one of the management tools that you use is sometimes if
14:41:14 46 you catch them out you actually speak to them in a very
14:41:16 47 strong and very direct fashion. You could have spoken

14:41:19 1 strongly and very directly to this source and I'm
14:41:22 2 suggesting, after having listening to the tape before
14:41:25 3 lunch, this source would probably speak back in probably
14:41:30 4 stronger terms and it could end up in an unprofessional
14:41:35 5 yelling match in a place that you don't want it to be.
6
14:41:38 7 What tape did you listen to over lunch?---No, before lunch.
8
14:41:41 9 Before lunch. Sorry, I thought said over lunch. You say
14:41:47 10 that she's very manipulative. Were you aware that the
14:41:49 11 human source will play Task Force Petra off against the
14:41:52 12 SDU?---Yes.
13
14:41:54 14 I note earlier when you were asked about your reasoning as
14:41:57 15 to why she may not be up to being a witness you said she's
14:42:02 16 not robust enough given her health issues at the time and
14:42:06 17 security concerns. What were you referring to
14:42:10 18 then?---She'd had a number of health issues
19
14:42:12 20 What were they as far as you understood?---Well she'd had a
14:42:15 21 stroke. I'd actually approved some professional
14:42:18 22 counselling for her because she was grinding her teeth.
14:42:21 23 Her weight was fluctuating. She was I think reporting to
14:42:25 24 the handlers at some point in time that she was either
14:42:27 25 drinking to excess or eating to excess and part of her
14:42:31 26 lifestyle would generally indicate, someone fresh looking
14:42:34 27 at it, is that this person is probably operating under a
14:42:37 28 fair bit of stress. When you become a witness, I'm not
14:42:42 29 quite sure whether you're aware, but you end up under a lot
14:42:44 30 of stress and if you have any issues coming in, that makes
14:42:48 31 it worse. And I held the view, and I still hold the view,
14:42:51 32 that we'd never have been able to make her a witness
14:42:54 33 regardless of what we did.
34
14:42:56 35 Did you ever express that to Mr Overland?---Not in these
14:42:59 36 specific terms but in this general broad event, yes.
37
14:43:03 38 Because as we know in fact what happened with the Dale
14:43:06 39 investigation was exactly that, she wasn't fit enough to be
14:43:09 40 a witness?---Which is a real pity, yes.
41
14:43:15 42 It says that human source in making the statement dealt
14:43:20 43 with Petra and so SDU were out of that information
14:43:24 44 loop?---Yes.
45
14:43:25 46 At that time did you know that the Petra Task Force were
14:43:27 47 providing information to the SDU that was being withheld

14:43:29 1 from Ms Gobbo and then calling her in for an interview on
14:43:35 2 one basis, I can give you the headline, which was to
14:43:38 3 discuss Mr Ahmed's alibi, when in fact they wanted to put
14:43:42 4 the us of bodgie phones to her?---No.
5
14:43:43 6 So what I'm getting at is the SDU in fact did know much
14:43:46 7 more about the investigation than that suggests?---I didn't
14:43:49 8 know that.
9
14:43:49 10 So you didn't know that either?---No.
11
14:43:58 12 Perhaps the "deactivation is in Victoria Police's best
14:44:03 13 interests" speaks for itself. "To further involve SDU
14:44:06 14 would mean they would be required to be briefed on those
14:44:09 15 issues"?---Yes.
16
14:44:10 17 And SDU would become potential witnesses?---Yes.
18
14:44:12 19 Again, self-protection?---Not necessarily self-protection
14:44:15 20 but it's just stating the fact.
21
14:44:20 22 You then talk about, "Briefed on those issues would mean we
14:44:25 23 could potentially weaken human source as a witness".
14:44:28 24 Again, that's disclosure, isn't it, of the whole
14:44:30 25 relationship and material?---It can be, yes.
26
14:44:32 27 So again, protection?---Not necessarily protection, it's
14:44:35 28 just stating the facts.
29
14:44:39 30 Clearly a grievance made is the next one?---Yes.
31
14:44:43 32 The next one about "all the demands of human source were
14:44:46 33 met by investigators"?---Yes.
34
14:44:47 35 As the statement was signed. Now looking at what you've
14:44:50 36 seen do you agree there was influence exerted, certainly by
14:44:56 37 Mr White, in relation to the signing of that
14:44:58 38 statement?---Well certainly the witness reached out to him
14:45:03 39 for some conversations. I'm not quite sure whether he
14:45:07 40 influenced her, but clearly the person reached out to
14:45:10 41 Mr White.
42
14:45:13 43 You then put, "Witness needs to be managed like any other
14:45:16 44 needy witness. Petra were pre-warned about the risk
14:45:22 45 management issues surrounding this witness. They have a
14:45:25 46 paper to that effect and risk assessment"?---Yes.
47

14:45:27 1 So in other words, that's reference back to the SWOT
14:45:28 2 analysis?---Yes.
3
14:45:30 4 Last point. "Potentially you, Richards and White at least
14:45:36 5 will become witnesses in the prosecution of the target. We
14:45:38 6 need to protect our standing as witnesses as well so to
14:45:41 7 further deal with another witness will cause us credibility
14:45:44 8 issues in front of a court"?---Yes.
9
14:45:46 10 Again, protection?---No, not at all. Let me explain. The
14:45:50 11 three of us, and I won't mention the other two names
14:45:53 12 because I muck them all the time, were all members of the
14:45:57 13 Major Drug Investigation Division and were present - I
14:46:00 14 wasn't present but I came from Darwin when the burglary
14:46:03 15 happened in relation to Operation Gallop. We were all
14:46:09 16 witnesses in relation to that, if Dale were to be charged
14:46:12 17 we were already witnesses in it, so potentially our
14:46:15 18 credibility could have been weakened when it didn't need to
14:46:20 19 be if we just stepped back and kept out of the way.
20
14:46:24 21 This email you don't accept, do you, is in effect a
14:46:29 22 response to the issues that were identified by you and
14:46:34 23 others in the SWOT analysis of 5 December in an attempt to
14:46:40 24 protect?---No, I've already answered that question where I
25 said it was me going back in relation to the arguments that
14:46:44 26 were raised with Mr Porter.
27
14:46:46 28 Mr White?---No, Mr Porter.
29
14:46:49 30 Sorry. I thought you said the name you weren't meant to.
14:46:53 31 I can't hear you very well from here?---I apologise.
32
14:47:04 33 Thank you very much, Mr Biggin.
34
14:47:07 35 COMMISSIONER: Yes, thank you. Mr Chettle, I think it's
14:47:10 36 you next.
14:47:10 37
14:47:11 38 MR CHETTLE: Thank you, Commissioner.
14:47:12 39
40 <CROSS-EXAMINED BY MR CHETTLE:
41
14:47:13 42 Just on that last point, Mr Biggin, by the time that email
14:47:19 43 that you referred to there was written the decision had
14:47:21 44 been made to turn her into a witness?---Correct.
45
14:47:24 46 She'd been deregistered the next day?---Correct.
47

14:47:26 1 Mr Overland thought it would be a great idea if SDU helped
14:47:31 2 run her, manage her while she was a witness?---Yes.
3
14:47:34 4 And that's your response to say why it would be a lousy
14:47:37 5 idea?---Correct.
6
14:47:43 7 You were taken through a number of the ICRs in relation to
14:47:49 8 Ms Gobbo being told by Mr White or encouraged to sign the
14:47:56 9 statement. Remember when she was vacillating about
14:48:00 10 that?---Yes.
11
14:48:01 12 Can I summarise the evidence that Mr White gave in relation
14:48:05 13 to that in this way: that he and the rest of the members of
14:48:08 14 the SDU had been opposed to her being a witness and had
14:48:10 15 told her in early days that she shouldn't become involved
14:48:13 16 as a witness, but he changed when he said, in answer to
14:48:19 17 Mr Winneke, "I changed my mind when I was ordered to change
14:48:23 18 my mind", and he thereafter urged her to comply?---Okay.
19
14:48:27 20 Does that make sense?---It makes sense, yes.
21
14:48:29 22 And the direction to change his mind had come ultimately
14:48:34 23 from Overland, would it not?---There's a comment where
14:48:38 24 Overland had contacted him around then, I saw that.
25
14:48:44 26 There's a number of things I want to go through with you,
14:48:46 27 Mr Biggin, and I apologise if I take a bit of time. Can I
14:48:49 28 take you to Exhibit 279, please, which is a document called
14:48:54 29 "Source Development Unit the value of the future". While
14:49:00 30 that's being obtained, in 2009 Mr White prepared a document
14:49:03 31 which no doubt you saw which was effectively a review of
14:49:07 32 how the Unit had been going since its creation of three and
14:49:14 33 a half odd, four years earlier?---Correct.
34
14:49:16 35 I take it you had read and were aware of the
14:49:19 36 document?---I'm aware of the document and I read it but I
14:49:21 37 can't remember any of it.
38
14:49:22 39 I'm not blaming you, it's a pretty dry read. But if I can
14:49:26 40 take you to some of the material in it. Can I take you
14:49:29 41 firstly to p.8 of that document. There are page numbers on
14:49:35 42 the document as distinct from - not the 8 of 72. There's
14:49:42 43 another 8 in the centre. There you go. What I wanted to
14:49:55 44 ask you about is what's set out the in middle. You were
14:49:58 45 asked some questions by Mr Woods about the way in which the
14:50:01 46 unit developed and about getting Canadian experts
47 involved?---Yes.

1
14:50:05 2 What it came to be is that the SDU became recognised as
14:50:10 3 the, effectively the leading Australian body in relation to
14:50:14 4 source management?---Correct. This particular style of
14:50:17 5 source management, correct.
6
14:50:19 7 And having taken the example from Adelaide and developing
14:50:22 8 it, they ran courses where people from all around Australia
14:50:28 9 became involved. I'm not going into the detail?---Correct.
10
14:50:33 11 The recognition of that, that's set out in that document
14:50:36 12 there?---It is.
13
14:50:37 14 If we move forward to p.12 please. One of the problems
14:50:46 15 they had was preparation of the source documents, in
14:50:51 16 particular the ICRs were difficult to keep up with because
14:50:54 17 of lack of resources?---Correct.
18
14:50:56 19 And you'll see under "Administration", in dealing with the
14:51:00 20 looking back, Mr White has written, "SDU compliance with
14:51:04 21 policy in regards to the preparation of source related
14:51:07 22 documents can at best be described as barely adequate".
14:51:11 23 Now that's a reference to the ICRs is it not?---It is,
14:51:15 24 correct.
14:51:15 25
14:51:15 26 "Whilst the quality of the SDU correspondence exceeds the
14:51:19 27 norm, the timelessness of submission to the HSMU has been
14:51:26 28 poor"?---Correct.
29
14:51:27 30 When SDU prepare their ICRs they're all effectively logged
14:51:33 31 and maintained at HSMU?---After they've been checked by the
14:51:34 32 controller, but that's right, yes, they are.
33
14:51:37 34 And that's HSMU's role, they're the corporate cops, as it
14:51:46 35 were, to make sure policy's being followed?---Correct.
36
14:51:48 37 "The level of accountability within the Unit exceeds that
14:51:49 38 required by policy and this is entirely appropriate.
14:51:53 39 However, the additional source related administration has
14:51:54 40 impacted on the controller's ability to ensure documents
14:51:58 41 are submitted and processed in a timely manner"?---Correct.
42
14:52:04 43 Mr White's pointing out what he said here in evidence in
14:52:07 44 fact, that they needed more resources to take the workload
14:52:10 45 off the handlers?---Correct. I agree with that by the way.
46
14:52:13 47 This was a common theme over the period of time?---It was.

1
14:52:16 2 Having the resources to do the job?---Exactly. It wasn't
14:52:19 3 set up properly to start with.
4
14:52:21 5 Perhaps this is the important thing. "This does not
14:52:23 6 represent a significant risk to [REDACTED]
14:52:25 7 [REDACTED]
14:52:29 8 [REDACTED]
14:52:33 9 [REDACTED], however it has limited the capability of HSMU" -
14:52:41 10 sorry.
14:52:41 11
14:52:42 12 MR HOLT: Commissioner, that's a matter over which we
14:52:45 13 referred yesterday. If that could be taken on the same
14:52:48 14 understanding as yesterday I'd be grateful.
15
14:52:52 16 COMMISSIONER: Yes. What did you want redacted?
14:53:04 17
14:53:04 18 MR CHETTLE: The second line of - - -
14:53:09 19
14:53:09 20 MR HOLT: It's not the paragraph, it's the transcript.
14:53:13 21 Line 24 from the word "as" perhaps through to line 25. No,
14:53:18 22 sorry, to line 27, Commissioner.
14:53:24 23
14:53:25 24 MR CHETTLE: Yes, I follow what you're saying.
25
14:53:33 26 COMMISSIONER: Sorry, I'm just trying to find it.
14:55:42 27
14:55:43 28 MR HOLT: Commissioner, we could hand up this laptop if
14:55:46 29 that assists.
30
14:55:47 31 COMMISSIONER: I think we'll be there in a minute. I've
14:55:50 32 got someone competent now. Right, we're in business now.
14:56:22 33
14:56:22 34 MR HOLT: I was going to suggest line 24 from the word "as"
14:56:25 35 through to - - -
36
14:56:26 37 COMMISSIONER: Maybe we're not. I haven't got line 24.
14:56:29 38 Hang on.
14:56:33 39
14:56:33 40 MR HOLT: Of the previous page, Commissioner, probably I
14:56:36 41 think, Commissioner.
42
14:56:38 43 COMMISSIONER: Right. From line 24 about medication?
14:56:49 44
14:56:49 45 MR HOLT: I'm sorry, ours has now done the same thing,
14:56:52 46 Commissioner.
47

14:57:02 1 COMMISSIONER: We've somehow got - yes, it's come up with
14:57:05 2 yesterday's transcript. So from line 24 "as all the
14:57:58 3 meetings".
14:57:59 4
14:58:00 5 MR HOLT: Yes, so from "as", Commissioner, to perhaps the
14:58:06 6 end of 27 perhaps.
7
14:58:17 8 COMMISSIONER: Okay, all right. So from line 24 after the
14:58:23 9 words "the SDU" until line 27 after the word "exists".
14:58:29 10
14:58:30 11 MR HOLT: Thank you, Commissioner.
12
14:58:31 13 COMMISSIONER: Will be redacted from the transcript and not
14:58:34 14 streamed and that order will stay in place for 24 hours, is
14:58:39 15 that what you're suggesting?
14:58:41 16
14:58:41 17 MR HOLT: No, Commissioner, that's one we've always
14:58:44 18 maintained.
19
14:58:44 20 COMMISSIONER: And no one's arguing to the contrary.
14:58:46 21
14:58:46 22 MR HOLT: I know they will later, we understand that, but
14:58:49 23 for present purposes.
24
14:58:51 25 COMMISSIONER: That's the order then. While we're doing
14:58:53 26 these things, I understand Ms Martin is requesting a
14:58:56 27 further 24 hours to provide material in relation to the
14:58:59 28 matter that affected her client.
14:59:01 29
14:59:02 30 MS MARTIN: Yes, if that's possible, Commissioner.
31
14:59:03 32 COMMISSIONER: Yes. I'll extend the order I made in respect
14:59:06 33 of your client for a further 24 hours. Yes, all right.
14:59:09 34 Thank you. Yes, Mr Chettle.
14:59:17 35
14:59:17 36 MR CHETTLE: Mr Biggin, if you follow - you've got that
14:59:21 37 third paragraph in front of you?---I do.
38
14:59:23 39 You'll appreciate there's a PII issue that I just
14:59:28 40 breached?---Yes.
41
14:59:29 42 It goes on, having pointed out why it says on the first
14:59:35 43 three lines, "There has been a limitation on the capacity
14:59:38 44 of HSMU to search all the records"?---Correct.
14:59:40 45
14:59:41 46 "In a contemporary manner", because they haven't got them
14:59:46 47 on time?---Correct.

1
14:59:47 2 The point I want to make is that not only there wasn't any
14:59:50 3 added risk to the SDU in the circumstances because of
14:59:57 4 availability of other records?---Correct.
5
15:00:00 6 Now if I can take you forward?---Perhaps just on that point
15:00:04 7 if I explain the systems that we used?
15:00:06 8
15:00:06 9 MR HOLT: I'm not sure whether this is the same issue we
15:00:10 10 just had.
11
15:00:11 12 COMMISSIONER: If you can without breaching police
15:00:13 13 methodology secrets?---I think I can do that.
14
15:00:17 15 All right.
15:00:17 16
15:00:18 17 MR HOLT: I should say everyone's so completely aware of
15:00:20 18 this issue now, I'm not sure if it needs to be continued to
15:00:25 19 be explained.
20
15:00:27 21 COMMISSIONER: Except the witness might feel he needs to
15:00:29 22 answer it to explain his own position?---No, no.
23
15:00:33 24 You don't feel that?---No. No, I was trying to help.
25
15:00:37 26 All right then. Yes Mr Chettle.
15:00:38 27
15:00:38 28 MR CHETTLE: Can I go forward to p.28, please, with the
15:00:41 29 following context. As far as you were concerned corruption
15:00:44 30 was one of the non-negotiable issues, police
15:00:51 31 corruption?---Correct.
32
15:00:51 33 You had given directions to the handlers that all
15:00:53 34 allegations of police corruption had to be passed to
15:00:55 35 you?---Correct.
36
15:00:56 37 So that they could be disseminated to the appropriate
15:01:00 38 investigative body?---Correct.
39
15:01:03 40 ESD usually, I suppose?---It is, correct.
41
15:01:05 42 If you look at the second paragraph on that page. "The
15:01:11 43 handlers had become proficient in source debriefing,
15:01:13 44 gathering intelligence from sources about wide ranging
15:01:18 45 criminal activities. This includes corruption related
15:01:22 46 material"?---Correct.
47

15:01:24 1 "Staff at the SDU practice and promote a zero tolerance
15:01:26 2 culture towards corruption and regularly disseminate
15:01:29 3 intelligence to the ESD"?---Correct.
4
15:01:31 5 That's a written recognition of what I just spoke to you
15:01:35 6 about, a direction that you gave in relation to
15:01:37 7 corruption?---Correct.
8
15:01:39 9 In this case - have you got - can Mr Biggin be handed
15:01:46 10 Exhibit 81, Commissioner, the pseudonym list.
11
15:01:48 12 COMMISSIONER: Yes.
15:01:49 13
15:01:52 14 MR CHETTLE: Can I take you to - if you look at item 12B on
15:01:55 15 the left-hand side, you'll come to a name that's got the
15:01:59 16 pseudonym John Brown?---Yes.
17
15:02:02 18 He was one of the persons whom you received evidence or
15:02:09 19 intelligence from relating to corruption issues?---I
15:02:14 20 believe so, yes.
21
15:02:16 22 There was an issue in relation to money missing from
15:02:23 23 Mr Ahmed on an arrest, does that ring a bell?---It does.
24
15:02:29 25 Right. As far as Mr White was concerned, when he received
15:02:34 26 information relevant to corruption, regardless as to
15:02:39 27 whether it was LPP or confidential or what it was, he was
15:02:43 28 directed to provide it to you?---Correct.
29
15:02:45 30 Similarly, there was an allegation, false as it turned out,
15:02:50 31 in relation to the name underneath it?---That's correct.
32
15:02:53 33 12C, Officer Pierce?---Correct.
34
15:02:55 35 Again, that was passed to you?---Correct.
36
15:02:57 37 And again it was found to be baseless in that case?---True.
38
15:03:03 39 There's one more. There was also information - he's not on
15:03:28 40 this list so I think I'm all right. There was a police
15:03:35 41 officer by the name of Richard Shields who was also in that
15:03:37 42 category?---Yes, I have a diary note about that, yes.
43
15:03:40 44 Again, when those matters came to Mr White's attention he
15:03:44 45 was bound by your direction to report it to you?---Correct.
46
15:03:48 47 Thank you. On the question of audits, if I can take you to

15:03:57 1 p.55 of this document. You'll see at the top, "Development
15:04:16 2 of a protocol for the independent audit of high risk
15:04:19 3 sources"?---Correct.
4
15:04:21 5 As at the time of this report in 2009, and indeed when you
15:04:24 6 did your audit in 2006, the Corporate Management Review
15:04:30 7 Division are presently tasked with the conduct of human
15:04:34 8 source auditing across the organisation?---They were, yes.
9
15:04:36 10 Again, CMRD, as they're known by the acronym, are the
15:04:42 11 corporate police auditors?---Correct.
12
15:04:46 13 Lucinda Nolan was in that function when she performed her
15:04:50 14 audit?---I'm not quite sure if she was at CMRD but she
15:04:55 15 certainly - that was part of the function, yes.
16
17 "As part of the audit process it's intended that sources be
15:04:58 18 interviewed by independent officers whilst under active
15:05:00 19 management by source handlers"?---Correct.
20
15:05:02 21 That's problematic, isn't it?---It is problematic.
22
15:05:05 23 Because people, independent people don't need to know the
15:05:10 24 identity of the source they're auditing?---Correct.
25
15:05:13 26 And if you were doing what's suggested here, obviously they
15:05:16 27 would be meeting and knowing the identity of a source when
15:05:19 28 otherwise they wouldn't?---Correct.
29
15:05:22 30 So when I come to the situation you were in, in 2006
15:05:27 31 Commander Moloney's made a decision or had given a
15:05:30 32 direction that you conduct the audit of the SDU?---Of one
15:05:36 33 source at the SDU, yes.
34
15:05:40 35 At that stage you were in fact independent of the
15:05:47 36 DSU?---Yes.
37
15:05:47 38 You didn't become effectively in charge of them until 1
15:05:51 39 July that year?---Correct.
40
15:05:54 41 But do I understand what you said before, that the
15:05:57 42 Superintendent who had been in charge of them, Mr Thomas,
15:06:00 43 had in fact gone on leave or retired?---He'd retired in the
15:06:04 44 January.
45
15:06:06 46 So it would be - Command would be looking for someone to
15:06:09 47 fill that position?---Correct, the selection process was

15:06:15 1 under way.
2
15:06:17 3 You were of the view that there needed to be a realignment
15:06:24 4 of the forces, as it were, so that SDU wasn't under the
15:06:28 5 same management as HSMU?---Correct.
6
15:06:30 7 By giving the job to you to do - can you remove, I will be
15:06:42 8 coming back to it but we can take that page down. By
15:06:45 9 giving you the job to conduct this independent audit,
15:06:51 10 Mr Moloney, would he have been aware that you are likely to
15:06:55 11 be the candidate to in fact eventually go into that
15:06:58 12 position?---I think the correct way of putting it was that
15:07:03 13 I'd raised the argument in the year ending 2005. Mr Thomas
15:07:10 14 didn't agree with my position when he was still in the
15:07:12 15 organisation. Mr Moloney was present at some of these
15:07:15 16 meetings when we actively debated the reporting lines. I
15:07:20 17 raised the matter again in 2006 when Mr Thomas had
15:07:23 18 departed, seeing an opportunity there to actually correct
15:07:26 19 what I thought was not the correct reporting line.
15:07:31 20 Mr Moloney didn't formally make the decision, in my
15:07:34 21 recollection, until around about the June, but in the
15:07:37 22 meantime being the only substantive Superintendent in the
15:07:41 23 division he used me right across the Command to actually do
15:07:45 24 a large number of issues until the other Superintendent was
15:07:47 25 appointed.
26
15:07:48 27 One of the things that Mr White had pointed out and raised
15:07:51 28 with you was the need for independent guidance and audit of
15:07:55 29 Ms Gobbo's file?---Correct.
30
15:07:57 31 And if someone's going to do that, it's desirable that the
15:08:02 32 risk to exposure of her be contained by limiting those who
15:08:08 33 know about her identity?---Correct.
34
15:08:10 35 So far as the audit conducted by Lucinda Nolan is
15:08:15 36 concerned, there was no need for her to know the identity
15:08:19 37 of any of the sources she was auditing?---I can't recall
15:08:24 38 now who those sources were but I would accept what you're
15:08:27 39 saying.
40
15:08:29 41 It's clear, I suggest, when you look at her report that she
15:08:34 42 had no idea who they were and indeed didn't know in order
15:08:37 43 to conduct the audit that she did?---That was the process
15:08:40 44 at the time.
45
15:08:42 46 But in relation to Ms Gobbo's file, because of the fact
15:08:46 47 that Mr White recognised the seriousness or the need for

15:08:52 1 auditing guidance in relation to her file, it made sense
15:08:55 2 for someone in your position to do the audit?---That makes
15:08:58 3 sense, yes.
4
15:08:59 5 All right. You were asked about [REDACTED] if you still
15:09:18 6 have that list there. Do you know who I'm talking
15:09:22 7 about?---I know who [REDACTED] is.
8
15:09:25 9 He was one of Mr Dale's informers?---That's right.
10
15:09:28 11 Again, you told my learned friend that Ms Gobbo didn't end
15:09:32 12 up a witness. That was primarily because Carl Williams
15:09:35 13 died, is it not?---I'm not quite sure why but he did die.
14
15:09:39 15 The case against Dale - were you aware of the details of
15:09:44 16 the case against Dale in relation to the murder of the
15:09:47 17 Hodsons?---No, no idea other than what I've read in the
15:09:51 18 press.
19
15:09:51 20 So you didn't know that Dale was providing evidence in
15:09:55 21 relation to - sorry, Williams was providing evidence in
15:10:00 22 relation to Dale's involvement?---I knew that Williams was
15:10:03 23 providing evidence about someone but I didn't know who.
24
15:10:07 25 All right?---Because they'd used a place that I can't
15:10:10 26 mention, in a town that I can't mention, of which I'm a
15:10:14 27 liaison officer for.
28
15:10:16 29 Just on that topic, while I think of it, the place you
15:10:19 30 can't mention, even if you've ever been there, or never
15:10:23 31 been there, you are entitled to refer to it if there is a
15:10:27 32 reasonable excuse under the legislation?---Yes.
33
15:10:32 34 Did you understand that Ms Gobbo was talking to her
15:10:35 35 handlers not about what she was going to say, but the fact
15:10:37 36 that she would be outed as an informer by any questions
15:10:42 37 they asked her about which police officers she'd been
15:10:44 38 talking to? Do you follow what I'm putting to you?---I
15:10:47 39 follow what you're putting and that's roughly the point,
15:10:50 40 but I think we're talking about two separate places that I
15:10:53 41 can't talk about.
42
15:10:55 43 One might have a different set of initials. Sorry, hang
15:10:59 44 on, I'm getting a note?---The place I'm talking about is
15:11:01 45 not in Melbourne, if that helps to clear it.
46
15:11:14 47 I'll start that again. In relation to the OPI?---Yes.

1
15:11:18 2 That's another organisation we're not allowed to talk
15:11:20 3 about?---Yes.
4
15:11:21 5 You understand that Ms Gobbo did talk about the possibility
15:11:23 6 of her being taken to that organisation?---I do.
7
15:11:26 8 But not in relation to the content of it but in relation to
15:11:29 9 the risk of her being exposed as an informer if she's
15:11:33 10 asked, "Which policemen have you been talking
15:11:36 11 to"?---Correct.
12
15:11:37 13 And you were able, you say, to give directions that people
15:11:42 14 were able to discuss OPI material?---Not OPI material, no.
15
15:11:47 16 No, OPI summonses or was it ACC you were talking
15:11:53 17 about?---No, OPI.
18
15:11:53 19 OPI?---Yep.
20
15:11:54 21 You gave an answer before that you gave a direction - an
15:11:59 22 authorisation, that's the word?---Yes.
23
15:12:01 24 How did that come about, Mr Biggin?---What happened was
15:12:05 25 that Ms Gobbo reported to Sandy White and others that she
15:12:07 26 believed that she was going to come to this hearing. Sandy
15:12:11 27 White then spoke to me about the matter. As I normally
15:12:13 28 manage, I expect that the Inspector in charge of the Unit
15:12:16 29 is across the issues as well, so we had the nonsensical
15:12:20 30 situation where we had a person managing a Unit with things
15:12:24 31 happening that were quite significant for the Unit with the
15:12:27 32 officer-in-charge not being able to actually manage the
15:12:30 33 situation because he couldn't be told. So White requested
15:12:33 34 that I approve notification. Certainly no details were
15:12:38 35 discussed, it's just that this event was potentially going
15:12:41 36 to happen, which I approved. Whether I had the power to or
15:12:46 37 not, I did, and then my understanding was he was approved
15:12:50 38 so that he could then manage his unit as I required him to
15:12:52 39 manage his unit.
40
15:12:53 41 You were clearly of the view that the circumstances that
15:12:56 42 prevailed provided a reasonable excuse for the discussion
15:13:01 43 that took place?---Correct. It's a part of the legislation
15:13:06 44 really that is non-workable for anyone. For example, I can
15:13:12 45 give my own circumstances. If you're called to a hearing
15:13:15 46 you can't tell anyone that you're called to a hearing, but
15:13:18 47 your boss might want to know where you're going, or if

15:13:21 1 you're going to disappear for a couple of days where you
15:13:23 2 might be and you can't tell them, so you end up in a
15:13:26 3 situation where you either deceive them or you drop some
15:13:30 4 hints or you actually don't say anything or you just
15:13:33 5 disappear or you take leave. So you have a situation where
15:13:36 6 you're actually bound to say nothing but you have an
15:13:39 7 organisational responsibility to actually be present at a
15:13:43 8 certain place at a certain time, if I make sense in what
15:13:47 9 I'm saying.
10
15:13:47 11 You do. As far as Ms Gobbo was concerned, it was a real
15:13:52 12 risk for her attendance at the OPI. Any questions asked
15:13:57 13 about police officers she'd speak to would either require
15:14:00 14 her to commit perjury or to expose herself as a
15:14:04 15 source?---Correct.
16
15:14:04 17 That was something the Unit wanted to manage?---Correct.
18
15:14:10 19 I just want to touch on Mr Pope for a minute. In 2011
15:14:19 20 Ms Gobbo told a member of Purana that she'd had a sexual
15:14:23 21 relationship with Mr Pope. You were never told about
15:14:31 22 that?---I wasn't told about the sexual relationship. Pope
15:14:35 23 told me and others that a complaint had been made about
15:14:40 24 him, but not the subject of the complaint or whatever.
25
15:14:43 26 Not the detail of it?---Not the detail, no.
27
15:14:46 28 But joining the dots that's clearly what he was referring
15:14:49 29 to?---I would suspect that was the case, yes.
30
15:14:52 31 It was in the context of that conversation that he told you
15:14:56 32 that he had previously managed her as a source?---I think
15:15:00 33 the words were he had attempted to recruit her as a source.
34
15:15:03 35 Attempted to recruit her?---I think - that's my
15:15:06 36 recollection of the conversation.
37
15:15:08 38 Right. He certainly didn't tell you as soon as he arrived
15:15:11 39 back at Victoria Police from the ACC or wherever it was
15:15:19 40 he'd been?---No, he came back from the ACC. No, he didn't
15:15:22 41 tell me then.
42
15:15:26 43 He'd been back a couple of years before this disclosure was
15:15:29 44 made to you?---Correct.
45
15:15:31 46 He's given evidence that as soon as he came back,
15:15:31 47 independent of with discussions with Ms Gobbo or the

15:15:36 1 allegations made by Ms Gobbo, he disclosed to you the fact
15:15:40 2 that she had been a source of his. That's not your
15:15:43 3 recollection?---That's not my recollection, no.
4
15:15:54 5 Around about the time he told you were you a member of a
15:15:58 6 steering committee designed to review the Covert
15:16:05 7 Intelligence Unit?---I don't think I was on the steering
15:16:09 8 committee, I was the actual reviewer and chief report
15:16:12 9 writer.
10
15:16:12 11 Were you?---Yes.
12
15:16:14 13 Was there a committee set up that involved Mr Pope,
15:16:17 14 yourself, Mr Paterson and someone else?---I think one of
15:16:23 15 the Deputy Commissioners may have been on it, yes. It was
15:16:26 16 to review, well a number of issues, but it was to review
15:16:29 17 the way surveillance services were actually provided across
15:16:33 18 the State.
19
15:16:33 20 And that involved issues like maximum time in
15:16:36 21 position?---It did.
22
15:16:37 23 And things of that sort?---It did. It also involved -
15:16:41 24 perhaps if I explain it a little bit broader. There was a
15:16:44 25 State Surveillance Unit that reported to me with a large
15:16:47 26 number of teams, and in each of the regions, and in those
15:16:51 27 days Victoria Police had five regions, it now has four, it
15:16:55 28 had a regional surveillance unit and the Ethical Standards
15:17:00 29 Department had a surveillance unit. So they were all
15:17:02 30 essentially doing the same work, in the same way, in
15:17:03 31 different ways. When I say in different ways, they were
15:17:06 32 deploying in different ways. And what brought it all to a
15:17:08 33 head was that in a training exercise one of the regional
15:17:12 34 surveillance units ran over an elderly woman, a pedestrian,
15:17:16 35 and unfortunately killed her. Shortly after that another
15:17:19 36 regional team, whilst on an operational deployment, ran
15:17:23 37 into a lady changing the tyre on a car and severely injured
15:17:27 38 her. So there was then a requirement to have a look at the
15:17:31 39 way the State Surveillance Unit and indeed the other
15:17:36 40 surveillance units then operated, their training, their
15:17:38 41 standards, their equipment and the way they were deployed.
15:17:40 42 So that was the role that was given to me to do, which I
15:17:44 43 then did. And I did a report in relation to it where I
15:17:47 44 recommended that the five surveillance units from the
15:17:50 45 regions come to the State Surveillance Unit and then be
15:17:53 46 deployed back to the regions under our control. The second
15:17:56 47 recommendation was that the Ethical Standards Department

15:18:01 1 Surveillance Unit also, in a period to be announced down
15:18:03 2 the track, also come across. That never occurred. Sorry
15:18:08 3 about the long-winded answer.
4
15:18:11 5 No, thank you. So in 2012 you understand there was a
15:18:17 6 report from the Covert Services Division, Intelligence and
15:18:24 7 Covert Support Command?---A report? I presume there would
15:18:30 8 have been a report.
9
15:18:31 10 Did you ever see it?---No, I'm not attached to that
15:18:34 11 division.
12
15:18:34 13 All right. I maybe may be - - - ?---In 2010 I moved my
15:18:38 14 position from the Covert Services Division to, it was then
15:18:42 15 agreed that a further Superintendent be put in so the role
15:18:46 16 that I had running five units was then split so that I then
15:18:49 17 ran two, which were the Technical Surveillance and the
15:18:52 18 State Surveillance Unit. That commenced on 14 January
15:18:56 19 2010.
20
15:18:56 21 Yes?---I took that role. The other three units, which was
15:18:59 22 the Undercover Unit, the SDU and the Special Projects Unit
15:19:02 23 then reported to Detective Superintendent Paul Sheridan,
15:19:05 24 and he was new to the role.
25
15:19:07 26 Right. I think you just answered it. There was a review
15:19:10 27 in 2010, the CRMD or something?---The CMRD.
28
15:19:20 29 CMRD. That's what you've been talking about, is it?---No.
30
15:19:22 31 No, something else again. Can I put up
15:19:35 32 VPL.0001.0001.0448?---I think the question you're asking
15:19:37 33 me, now that I think about it, is was I aware that
15:19:41 34 Mr Sheridan did a review ?
15:19:42 35
15:19:43 36 I don't know if it's Mr Sheridan or Mr Pope. I'll perhaps
15:19:48 37 take you to it because - has this been tendered? I don't
15:19:52 38 think it has?---My answer is, whilst we're waiting, is I
15:19:56 39 didn't know at the time but I then knew down the track, was
15:20:00 40 told that either Sheridan or Pope had done a review in
15:20:03 41 relation to the positions.
42
15:20:05 43 I'll read you the following while it's being found. I'll
15:20:13 44 try VPL.0001.0001.0025. Would that work? Now we've got
15:20:27 45 it. Do you see that document?---I see that document, yes.
46
15:20:29 47 Does it ring any bells with you?---No.

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All right. Can you turn to the second part, from the cover to the next page.

COMMISSIONER: I'm told it's Exhibit 359.

MR CHETTLE: Thank you, Commissioner.

WITNESS: I see that, yes.

MR CHETTLE: You'll see on paragraph, the under "Introduction", "In March 2012 AC Jeff Pope commissioned a review of the Covert Services Division"?---Correct.

"The purpose was to examine the structure of the CSD to ensure the division was best placed for future challenges"?---Yes.

Were you part of that project?---I don't recall being part of it.

If you turn over to the next page. "The steering committee was chaired by Assistant Commissioner Pope and comprised Detective Superintendents Biggin, Sheridan, Paterson from the ISC"?---It must have been. Sorry, I have no recollection of it.

Mr Paterson at that stage had - what position was he?---He'd taken over from Mark Porter at the State Intelligence Division.

He's told the Commissioner that he didn't attend any meetings, or maybe he attended the first one but none thereafter. Do you have any recollection of attending any meetings with this organisation?---No, I don't. But I note that my then Inspector, who's now the Acting Commander of the Royal Commission, and a Senior Sergeant, which were both my staff, were actually assisting, so there may have been - I think this is the review that I've called the Sheridan review.

Who are the staff you're talking about?---Millett and Mueller.

Did you know that that report formed the basis of the termination of the SDU?---No.

15:22:33 1 I take it you had no knowledge that that was going to
15:22:37 2 happen until shortly before it did?---On the day I was
15:22:40 3 told, yes.
15:22:40 4
15:22:41 5 You were told by Fryer or Pope that corruption was the
15:22:45 6 reason?---I was, yes.
7
15:22:47 8 And the Commissioner asked you about that. If there'd been
15:22:50 9 corruption of the type that you understand, would you
15:22:53 10 expect that to be recorded on the professional development
15:22:57 11 assessments of any of the people involved?---You would have
15:23:01 12 thought so, yes.
13
15:23:03 14 You've been involved in corruption issues for a lot of your
15:23:08 15 life in the Police Force, haven't you?---More than ten
15:23:11 16 years, yes.
17
15:23:12 18 Not involved in the sense of being involved, in
15:23:16 19 investigating them I meant?---I understood your question.
20
15:23:19 21 Yes, all right. A proper way in which - if there's an
15:23:26 22 issue surrounding somebody's integrity, it's dealt
15:23:32 23 with?---Correct.
24
15:23:32 25 They're spoken to, issues are raised and they're dealt with
15:23:35 26 in the professional development assessment?---Either by
27 charge or by the professional development, there's two
15:23:37 28 streams.
29
15:23:37 30 Charged in the sense of doing something wrong?---That's
15:23:39 31 right, yes.
32
15:23:40 33 If there's a cultural issue or a problem with the way the
15:23:42 34 person's operating or behaving the agreement that existed
15:23:47 35 with the union at the time was that it was dealt with in
15:23:52 36 the way I've outlined?---Correct, yes.
37
15:23:58 38 Let me suggest to you there's been absolutely nowhere in
15:24:01 39 the Covert Services report or in any of the documentation,
15:24:08 40 PDAs, any suggestion of corruption by members of the SDU,
15:24:14 41 do you follow?---I do follow and, yes.
42
15:24:17 43 And the Commissioner's already raised this and the High
15:24:20 44 Court, as you know, have had some fairly strong terms to
15:24:26 45 describe the conduct of Victoria Police in relation to the
15:24:29 46 handling of Ms Gobbo?---Correct, I'm aware of that.
47

15:24:33 1 The comments made in - I'll perhaps pull them out.
15:24:39 2 "Reprehensible conduct, knowingly encouraging her to do as
15:24:43 3 she did and sanctioning atrocious breaches of the sworn
15:24:49 4 duty of every police officer", all right?---Correct, I'm
15:24:52 5 aware of that.
6
15:24:53 7 That description of behaviour does not sit at all with the
15:24:57 8 man you know as Sandy White, does it?---No, it doesn't sit
15:25:03 9 with him at all.
10
15:25:05 11 Indeed, you indicated to the Commissioner that in your view
15:25:08 12 he would have made an excellent [REDACTED]?---I do.
13
15:25:14 14 Indeed, immediately after the sacking of the Unit he was
15:25:17 15 promoted to [REDACTED] at Operation Briars, was he not?---I
15:25:21 16 think he was [REDACTED].
17
15:25:25 18 Sorry?---I think he was an [REDACTED].
19
15:25:28 20 [REDACTED]?---And he subsequently left Victoria
15:25:33 21 Police which I find very, very sad.
22
15:25:35 23 To say that he was disappointed in the way he was treated
15:25:38 24 would be an understatement, wouldn't it?---Devastated.
25
15:25:44 26 You've been a policeman now for what, 45 years?---45 years
15:25:49 27 and five months.
28
15:25:51 29 It's going to be suggested to this Commission that what
15:25:54 30 happened was that the Command, elements of Command, saw
15:26:02 31 what was described as a train coming towards Victoria
15:26:06 32 Police and they took steps to try and limit the damage. Do
15:26:10 33 you follow what I'm putting?---I think I follow what you
15:26:12 34 put, yes.
35
15:26:13 36 And that in order to do so they, firstly, trumped up a
15:26:18 37 half-baked inquiry by Neil Comrie. I'll take you to that
15:26:23 38 and perhaps break that down. You mentioned the Comrie
15:26:27 39 report before. You never spoke to Mr Comrie?---Not that I
15:26:31 40 recall. I certainly spoke to Superintendent Steve Gleeson.
41
15:26:34 42 Did he tell you why he was speaking to you?---I can tell
15:26:37 43 you I can remember it very clearly. I met him in the foyer
15:26:40 44 outside level 18 of then 412 St Kilda Road and I asked him
15:26:45 45 what he was doing, because he was in a secure area of the
15:26:48 46 organisation. He said, "I'm just doing a bit of a look-see
15:26:51 47 at human sources". I said, "Oh, yeah. What are the

15:26:56 1 struggles you're finding?", and before he could answer I
15:26:59 2 said, "I bet one of the issues are, if you're looking at
15:27:02 3 SDU, it would be about information reports and the sequence
15:27:06 4 of numbering, that they are actually not in date order". I
15:27:10 5 then explained to him that that was because we'd changed
15:27:13 6 systems and when old data was then integrated with new data
15:27:18 7 it threw all the dating and the recording systems around.
15:27:21 8 He said, "You're right". He said, "There's a couple of
15:27:23 9 questions I might want you to answer", and he then
15:27:25 10 subsequently sent me a report to answer - not to answer,
15:27:26 11 but the questions, and I answered it, and that was my
15:27:28 12 recollection of my involvement in it.
13
15:27:31 14 Can I put up VPL.0005.0040.0017. Is this the document he
15:27:49 15 gave you?---It appears to be it, yes.
16
15:27:58 17 It raises a number of topics and perhaps what I'll do is
15:28:02 18 firstly tender it, Commissioner.
15:28:08 19
15:28:11 20 #EXHIBIT RC585A - (Confidential) Thought prompts for
15:28:24 21 discussions with Tony Biggin.
15:28:17 22
15:28:18 23 #EXHIBIT RC585B - (Redacted version.)
15:28:28 24
15:28:29 25 You'll see at point 9 it raises the issue of Interpose, see
15:28:32 26 that?---Correct.
27
15:28:33 28 Interpose was the system that was problematic when it was
15:28:35 29 introduced, it didn't work all that well?---Well it was, it
15:28:38 30 was a system introduced in 2006 for the Olympic Games as an
15:28:44 31 intelligence management system. Victoria Police, as in
15:28:45 32 most policing agencies, then decided it would do something
15:28:47 33 else and it become an intelligence management system and a
15:28:50 34 case management system as well. So you had a system
15:28:53 35 designed for one specific purpose suddenly doing two other
15:28:57 36 separate functions and roles which then slowed the whole
15:28:59 37 system down to make it - whilst it was a good system to
15:29:02 38 use, it was a very hard system to use.
39
40 It wasn't used by SDU until 2009?---Correct.
41
15:29:24 42 Ms Gobbo's records were transferred by someone to the
15:29:24 43 Interpose system in 2009, did you know anything about
15:29:24 44 that?---I presume they would have been transferred. I can
15:29:27 45 actually answer why it took so long for the SDU to come on
15:29:32 46 board.
15:29:32 47

15:29:32 1 Why doesn't really matter, Mr Biggin. The fact of the
15:29:36 2 matter is they weren't on Interpose when they were
15:29:39 3 originally created?---No, they weren't. There was a
15:29:42 4 different system.
15:29:42 5
15:29:43 6 They had a stand-alone computer and a Z drive and all the
15:29:46 7 records were accurately collated in that system?---That's
15:29:50 8 my understanding, yes, and it was secured.
15:29:52 9
15:29:52 10 So if anybody wanted to know what was going on in relation
15:29:55 11 to Ms Gobbo they could have gone to you or to someone at
15:30:00 12 the SDU and had a look at those records?---They could have
15:30:03 13 asked. I'm not quite sure they would have - - -
15:30:06 14
15:30:06 15 Whether you let them?---That's right.
15:30:08 16
15:30:08 17 Depends on who the authority was?---Exactly.
15:30:12 18
15:30:12 19 Also they could go to HSMU where a copy of the records were
15:30:15 20 kept?---Correct, and that was the correct protocol, that if
15:30:18 21 you wanted something in relation to source management you
22 always went to a central location which was the Human
15:30:22 23 Source Management Unit.
15:30:22 24
15:30:22 25 I'll come back to that in relation to PII. If there were
15:30:26 26 PII issues in relation to subpoena they were the area you
15:30:29 27 went to as well, were they not?---Correct.
15:30:31 28
15:30:31 29 Let's go back to this Interpose system. One of the things
15:30:39 30 Mr Gleeson wanted to know about was how the records got on
15:30:47 31 Interpose and their state?---Yes.
15:30:50 32
15:30:52 33 You'll see on point 7, I just wanted to take you to that,
15:30:58 34 "He asked you about reports about corruption, criminality
15:31:01 35 of MOPF, process to ensure all is passed on. It seems that
15:31:05 36 that was parked for some fear of compromise", do you see
15:31:10 37 that?---Is this point 6 we're talking?
15:31:13 38
15:31:14 39 Point 7. It's one of the things you wrote?---Not that I'm
15:31:21 40 aware that some are parked because of fear of compromise.
15:31:24 41
15:31:24 42 In fact I took you to three examples of corruption reported
15:31:27 43 before and they were passed on to you?---They were. And
15:31:29 44 there was actually a system approached that had been
15:31:36 45 developed how they were actually transferred from our
15:31:38 46 Command to the Ethical Standards Command between two
15:31:41 47 people, between myself and one other Superintendent who

15:31:44 1 then fed it into the ESD system.
15:31:48 2
15:31:48 3 So these thought prompts were given to you and you prepared
15:31:51 4 a response?---Correct.
15:31:52 5
15:31:52 6 I'll perhaps come back to the thought prompts.
15:32:00 7
15:32:01 8 COMMISSIONER: We might take the afternoon break and come
15:32:03 9 back to that, Mr Chettle.
15:32:20 10
15:32:20 11 (Short adjournment.)
15:49:29 12
15:49:30 13 COMMISSIONER: Yes Mr Chettle.
15:49:31 14
15:49:31 15 MR CHETTLE: Commissioner, the document I'm about to show
15:49:33 16 the witness is VPL.0005.0040.0009. That's the redacted
15:49:44 17 version of the document. The Commission solicitors have
15:49:49 18 given me the unredacted number which I'll give you as well,
15:49:53 19 Commissioner, VPL.0100.0124.0220. That's the unredacted
15:50:05 20 version of the document. It's the redacted one that's
15:50:09 21 coming up, I hope. Is this the document, can you tell
15:50:15 22 looking at it, that you wrote in response to those thought
15:50:19 23 prompts that were given to you by Gleeson?---That appears
15:50:22 24 to be it, yes.
15:50:23 25
15:50:24 26 I'm going to take you through it in some detail if I can,
15:50:28 27 Mr Biggin?---Certainly.
15:50:29 28
15:50:30 29 Firstly, you start off by pointing out that 3838 created an
15:50:35 30 opportunity for Victoria Police never before encountered
15:50:38 31 and probably never to be encountered again?---I think
15:50:41 32 that's true.
15:50:42 33
15:50:42 34 She was obviously someone who was unique in a number of
15:50:46 35 different ways?---Correct, in a positive and negative
15:50:49 36 sense.
15:50:49 37
15:50:49 38 You set out your history about where you were stationed and
15:50:53 39 what you did?---Yes.
15:50:53 40
15:50:54 41 How you ran the unit until February when Sheridan replaced
15:50:59 42 you?---Correct.
15:51:00 43
15:51:00 44 You point out that in 2005 the Source Development Unit was
15:51:05 45 in its early stages of development?---Yes.
46
15:51:10 47 "Managed by me and **an Officer**" - I'm redacted but I'm

15:51:12 1 guessing that it's White that's under there, isn't it?---It
15:51:14 2 would be.
15:51:15 3
15:51:15 4 "Whilst we were part of the MDID"?---Yes.
15:51:17 5
15:51:17 6 And you went to South Australia and your history of setting
15:51:22 7 up the unit?---Yes.
15:51:24 8
15:51:24 9 You then point out the problem with the Drug Squad was a
15:51:31 10 disaster, which you had had to sort out in the
15:51:35 11 past?---Correct.
15:51:35 12
15:51:35 13 Then we go to the third-last paragraph, "[REDACTED]
15:51:40 14 [REDACTED]", now I suspect that is Owen?---That would be
15:51:48 15 White again I think.
15:51:49 16
15:51:50 17 That's White and then the man who went to HSMU?---Now a
15:51:56 18 Superintendent, I'm not quite sure if I can mention his
15:51:59 19 name.
15:52:00 20
15:52:01 21 He has a pseudonym, I'm just trying to find it. He did
15:52:03 22 have one, it might have been taken out. Glen
15:52:04 23 Owen?---That's the one.
15:52:05 24
15:52:05 25 You talk about him going to Canada?---Yes.
15:52:08 26
15:52:09 27 With White?---Correct.
15:52:12 28
15:52:13 29 And you point out at the bottom of the page how Thomas was
15:52:17 30 the head of overseeing SDU until the change that you
15:52:21 31 pointed out before?---Yes, correct.
15:52:23 32
15:52:23 33 And you explain at the top of the second page why, your
15:52:29 34 rationale for that, why HSMU as the gate keepers really
15:52:35 35 should be looking after themselves?---Correct.
15:52:38 36
15:52:38 37 Sort of a conflict point?---Yes.
15:52:39 38
15:52:39 39 You point out how Danye Moloney switched the role and you
15:52:45 40 got an acting Inspector, as it were, from Rob
15:52:49 41 Hardy?---Correct.
15:52:49 42
15:52:49 43 There had been an Inspector Calishaw before Hardy, had
15:52:54 44 there?---Calishaw like Hardy was managing a number of units
15:52:59 45 including the Human Source Management Unit, so we had the
15:53:04 46 Thomas conflict we had the Inspector conflict as well.
15:53:06 47

1 Right. But he was there for a short while, then
2 Hardy?---Yes.

3
4 Then Glow?---Yes

5

6 And then Jock O'Connor?---Correct, yes.

7

8 You talked about Glow did a good job but he didn't have the
9 background in covert policing that he perhaps should have
10 had?---Correct.

11

12 You point to the identity of two **Officers**, one
13 being White and the other being Black?---Correct.

14

15 Earlier today you said that, I take you to the fact you
16 said Mr White would have made a good **██████████** you said
17 "and the other one", you were referring to Mr Black?---I
18 was, yes. He doesn't appear on my cheat sheet.

19

20 He is there?---On your cheat sheet but the original cheat
21 sheet I had - - -

22

23 Have a look at point 9?---I now have it, it has been
24 provided.

25

26 He wasn't on your original?---The original handwritten one,
27 no.

28

29 But he's the man you were talking about?---Correct.

30

31 "The unit had the highest level of probity check of any
32 within Victoria Police"?---Correct.

33

34 "I've worked over the years with all three. They are
35 subject matter experts on covert policing and human source
36 management"?---Correct.

37

38 "Their expertise is recognised Australia and Australasia
39 wide"?---It is.

40

41 Because they had involvement with New Zealand as
42 well?---They did.

43

44 It's clear from what you've been saying, Mr Biggin, that
45 you have a great deal of respect for both those
46 officers?---I do.

47

15:54:31 1 And as to your view as a 45 year policeman, their integrity
15:54:37 2 is second to none?---Correct.
15:54:38 3
15:54:39 4 Then you deal with the questions you were asked or raised
15:54:43 5 by Mr Gleeson?---Correct, yes.
15:54:47 6
15:54:48 7 And one of the things he asked you about was, two really,
15:54:54 8 I'll go straight to that, the risk assessment
15:54:58 9 process?---Yes.
15:54:58 10
15:54:58 11 In the early days risk assessment was effectively a new
15:55:03 12 topic for the SDU?---A new topic for Victoria Police.
15:55:05 13
15:55:05 14 For Victoria Police?---Yes.
15:55:06 15
15:55:06 16 In fact the risk assessment that was performed here by
15:55:09 17 Officer Smith over the course of a number of initial
15:55:13 18 meetings where both the handler Smith and the Controller
15:55:17 19 White attended meetings with Ms Gobbo, at the end of about
15:55:21 20 six meetings a risk assessment was completed, you
15:55:25 21 follow?---That's my understanding, yes.
15:55:26 22
15:55:27 23 And the risk assessment that was completed was as thorough
15:55:31 24 a risk assessment as Victoria Police had ever seen at that
15:55:34 25 time?---I think - I've been told that, yes, yes.
15:55:37 26
15:55:38 27 It's an evolving process?---It is.
15:55:43 28
15:55:43 29 As time went on risk assessments have improved?---Correct.
15:55:46 30
15:55:47 31 Indeed the SDU sought to get extra training in risk
15:55:52 32 assessment preparation and management wouldn't approve the
15:55:55 33 expense of them going to a course, does that ring any bells
15:55:57 34 with you?---It doesn't ring a bell but I don't dispute
15:56:00 35 that, especially in the early phases when there was no
15:56:05 36 money.
15:56:05 37
15:56:05 38 You didn't have a budget for a period of time?---No.
15:56:07 39
15:56:08 40 In fact when you finally got one it was a matter of some
15:56:11 41 celebration I think?---It was.
15:56:12 42
15:56:13 43 The documentation you point out evolved since the early
15:56:17 44 days in relation to risk assessment?---Correct.
15:56:19 45
15:56:20 46 You then go on to point out why in your view once a human
15:56:25 47 source becomes a witness they've got to be terminated as a

15:56:28 1 human source?---Yes.
15:56:29 2
15:56:31 3 And you then say this, "In hindsight a full risk assessment
15:56:39 4 should have been done at the change of status"?---Correct.
15:56:42 5
15:56:42 6 That's a reference to the fact that when she did become a
15:56:47 7 witness for Petra/Briars, but Petra initially, in your view
15:56:54 8 it would have been a good idea to do a full risk assessment
15:56:57 9 at that point?---Correct.
15:56:58 10
15:56:58 11 You understand that, firstly, Petra were provided with the
15:57:01 12 most recent risk assessment, the second one that was
15:57:04 13 performed?---Correct.
15:57:05 14
15:57:06 15 And in a sense a SWOT analysis that Mr Black did in
15:57:10 16 relation to that represents a sort of risk assessment, does
15:57:15 17 it not?---In a manner of speaking, yes.
15:57:17 18
15:57:18 19 It points out the strengths and the weaknesses, the threats
15:57:20 20 and the opportunity?---Yes.
15:57:21 21
15:57:21 22 Of dealing - all right. You then go on to set out that you
15:57:28 23 had a number of discussions about having the source value
15:57:31 24 discussed with a member of the legal profession given the
15:57:34 25 nature of the source, the view that the source would not
15:57:36 26 cooperate if the relationship was known to peers in the
15:57:39 27 legal profession, this would be unable to be
15:57:42 28 achieved?---Yes.
15:57:42 29
15:57:42 30 "As a legal practitioner this human source was aware of
15:57:45 31 their roles and responsibilities, the duty of care issues
15:57:49 32 and legal and professional privilege issues"?---Correct.
15:57:53 33
15:57:53 34 "3838 was warned on numerous occasions not to mix the roles
15:57:57 35 and responsibilities. This guidance was mostly
15:58:00 36 ignored"?---Yes.
15:58:01 37
15:58:02 38 Right. Did you have a knowledge then at the time you wrote
15:58:06 39 this that the issue of legal professional privilege was
15:58:09 40 addressed regularly by members of the SDU?---I was told
15:58:14 41 subsequent to my finishing up that they'd attempted to
15:58:17 42 address the issue, yes.
15:58:18 43
15:58:19 44 Mr White had with him and obtained a copy of a manual from,
15:58:27 45 I'll call it a manual from England that dealt with covert
15:58:31 46 service handling, were you aware of that?---[REDACTED] handling I
15:58:37 47 think it was called, yes.

15:58:38 1
15:58:40 2 It's Exhibit 260. Did you sight it at any stage?---No, I
15:58:44 3 think that was the - - -
15:58:47 4
15:58:47 5 280, I'm sorry?---It was document brought back by Paul
15:58:51 6 Walsh, wasn't it?
15:58:53 7
15:58:53 8 Paul Walsh was it, okay?---I think he went over on a
15:58:56 9 Churchill fellowship over to the UK.
15:59:00 10
15:59:00 11 It was brought back from England?---Yes.
15:59:02 12
15:59:02 13 COMMISSIONER: We have the hard copy flagged one here if
15:59:04 14 you want it shown.
15:59:05 15
15:59:06 16 MR CHETTLE: Yes. Perhaps it can be shown to Mr Biggin.
15:59:12 17 There's some sensitivity about the document so we've got to
15:59:17 18 be careful how we name it and what we say about it. Is
15:59:20 19 that the document we're talking about?---I think that's the
15:59:25 20 document, I've never seen it but the term [REDACTED] certainly is
15:59:27 21 known to me because there was discussions at one point in
15:59:30 22 time about changing our definition from, we'd gone from
15:59:34 23 informer to human source and then there was talk about
15:59:37 24 turning it into a [REDACTED].
15:59:39 25
15:59:39 26 Terminology?---Terminology, yes.
15:59:41 27
15:59:42 28 Adopting what they had?---Yes.
15:59:44 29
15:59:45 30 You mentioned Paul Walsh, do you remember yesterday, while
15:59:48 31 I think about it, you were asked about some initials PW and
15:59:52 32 asked who that would be?---Yes.
15:59:53 33
15:59:54 34 Who was Paul Walsh?---Paul Walsh was a Detective Sergeant
15:59:58 35 at the Human Source Management Unit who was lucky enough to
16:00:02 36 get a Churchill fellowship to travel overseas and do some
16:00:07 37 research. This occurred whilst I was at Drugs and he came
16:00:11 38 to present at Drugs about his findings. He didn't really
16:00:14 39 discuss what his findings were to any great depth.
16:00:18 40
16:00:19 41 Did he go on to be promoted in Victoria Police?---No, he
16:00:22 42 didn't. He subsequently departed Victoria Police.
16:00:25 43
16:00:25 44 Maybe it's not Paul Walsh. Was there an Assistant
16:00:30 45 Commissioner, Commander called Walsh?---Yes, his uncle was
16:00:34 46 Kieran Walsh.
16:00:35 47

16:00:36 1 Kieran Walsh?---Yes.
16:00:37 2
16:00:37 3 I'll perhaps come back to that later too. Back to this
16:00:42 4 document. Where did you get the information, do you know,
16:00:46 5 that she was warned not to mix her roles and her
16:00:50 6 responsibilities and she ignored that?---From someone from
16:00:54 7 the Source Unit.
16:00:55 8
16:00:55 9 Probably Mr White?---Probably White or Black or one of the
16:00:59 10 handlers.
16:00:59 11
16:01:02 12 You go on to point out that you had some issues about
16:01:06 13 security at the Bar and people breaching their
16:01:09 14 confidentiality?---Yes.
16:01:10 15
16:01:11 16 And then you talked about, you were asked and you talked
16:01:14 17 about an A4. Indeed, the issue of using a
16:01:20 18 psychologist?---Yes.
16:01:20 19
16:01:20 20 You described it as an abject failure?---Yes.
16:01:24 21
16:01:24 22 In her case because she simply refused to cooperate with
16:01:28 23 the psychologist?---Correct.
16:01:29 24
16:01:29 25 And attempts were made by Mr White to learn - you were
16:01:36 26 asked by Mr Gleeson whether or not any material from the
16:01:42 27 psychologist was used in order to get some idea of source
16:01:46 28 management?---Yes.
16:01:47 29
16:01:48 30 And you understand that indeed as best they could, that was
16:01:51 31 in fact addressed by the unit?---Yes.
16:01:53 32
16:02:00 33 You talk about the psychologist towards the bottom of the
16:02:03 34 page and then go on to process of managing the handler
16:02:09 35 workload?---Yes.
16:02:10 36
16:02:17 37 You state that you were across the issue of workload but it
16:02:20 38 was heavy, but again that's not uncommon in the
16:02:23 39 organisation?---Correct.
16:02:24 40
16:02:26 41 She contacted the handlers on multiple occasions on most
16:02:31 42 days?---I believe so. Multiple times on some days.
16:02:35 43
16:02:38 44 The sheer workload of keeping up with, as I think we
16:02:42 45 touched on before, the paperwork was heavy?---Correct.
16:02:45 46
16:02:50 47 You say here, "A number of issues were parked for fear of

16:02:54 1 identifying the human source. Depending on the issue, some
16:02:57 2 can now be reported, others will never be able to be
16:02:59 3 reported as they have been disclosed by persons who know
16:03:04 4 the human source and would know the information they've
16:03:06 5 told the source"?---Correct.
16:03:08 6
16:03:08 7 "This is standard practice in human source management and
16:03:10 8 in my view a sound practice"?---Yes.
16:03:13 9
16:03:14 10 During, I'm not going to take you to them, throughout the
16:03:17 11 course of the ICRs there are reference to material that was
16:03:22 12 provided and that was with the notation "not actioned for
16:03:26 13 fear of compromising source". That's the sort of thing
16:03:29 14 you're talking about?---Correct.
16:03:30 15
16:03:32 16 You go on to point out that issues of corruption were
16:03:36 17 always reported, as I've taken you to before?---Yes.
16:03:39 18
16:03:39 19 Now, as far as AORs, Acknowledgements of Responsibility are
16:03:46 20 concerned, you set out in paragraph 8 the way in which that
16:03:50 21 was done?---Yes.
16:03:51 22
16:03:54 23 I think you said yesterday that in the normal course of
16:03:57 24 events there would be a written AOR?---That's right. The
16:04:03 25 policy in the early days said the AOR had to be a written
16:04:06 26 document.
16:04:06 27
16:04:06 28 It then changed, didn't it?---There was debate driven by
16:04:09 29 the Source Unit that at times it was more appropriate for
16:04:12 30 it to be [REDACTED], I apologise.
16:04:15 31
16:04:16 32 Given verbally and [REDACTED]?---Yes.
16:04:18 33
16:04:18 34 The contents of the AORs changed as time went
16:04:22 35 on?---Correct.
16:04:22 36
16:04:23 37 Can I have Exhibit 287, just briefly while -
16:04:37 38 COM.0019.0008.0001. That's the acceptance, the
16:04:41 39 Acknowledgement of Responsibility document that was in
16:04:43 40 place at the time Ms Gobbo was registered, is it
16:04:47 41 not?---Correct.
16:04:47 42
16:04:47 43 And it grew by (indistinct) to have a number of different
16:04:52 44 points as time went on?---Yes.
16:04:55 45
16:04:55 46 That's 287, Commissioner.
16:04:58 47

16:04:58 1 COMMISSIONER: Thank you.
16:04:59 2
16:05:00 3 MR CHETTLE: All right, now back to your document. You
16:05:08 4 talk about issues in relation to the conveying of material
16:05:15 5 to HSMU in A9, do you see that?---I do.
16:05:19 6
16:05:20 7 In summary form what occurred was this, sometimes there
16:05:23 8 would be an issue as to whether copies of [REDACTED]
16:05:26 9 had been delivered or not to HMSU?---Correct.
16:05:28 10
16:05:28 11 So Mr Black designed a system of receipts that would
16:05:31 12 demonstrate when they had or hadn't been?---He did.
16:05:33 13
16:05:34 14 That was to make sure there were no longer any debates
16:05:38 15 between the two parts of the organisation as to what had
16:05:42 16 been delivered and what hadn't?---Correct.
16:05:44 17
16:05:44 18 That's what that's a reference to?---It is.
16:05:47 19
16:05:48 20 You go on to talk about Interpose and I don't want to say
16:05:53 21 any more about that. The next page, you say this, "Some
16:06:03 22 handlers are better than others in relation to the
16:06:05 23 submission of paperwork. For example, this human source
16:06:08 24 did not like one particular [REDACTED], nor a [REDACTED]
16:06:13 25 [REDACTED]". I'm guessing, but is it - - - ?---[REDACTED]
16:06:16 26 Richards it will be.
16:06:17 27
16:06:18 28 Richards. And [REDACTED] - - - ?---Would be Black.
16:06:23 29
16:06:23 30 Black, yes, thank you. It's actually Mr Wolf if you look
16:06:29 31 at point 2, that's the [REDACTED] she didn't like?---Okay.
16:06:32 32
16:06:32 33 Do you know him? You haven't got your cheat sheet?---I do
16:06:41 34 have it. Wolf? Also didn't like him but also didn't like
16:06:49 35 the one I mentioned as well, Mr Richards.
36
16:06:52 37 COMMISSIONER: Can I interrupt a minute. I think because
16:06:53 38 of orders made and agreements with the UK police it's
16:06:58 39 necessary to redact the term, the acronym at 778 line 3,
16:07:11 40 and line 7.
16:07:13 41
16:07:13 42 MR CHETTLE: Thank you, Commissioner.
16:07:15 43
16:07:15 44 COMMISSIONER: And if possible to take that out of the
16:07:17 45 streaming if it's not too late. It might be too late. But
16:07:21 46 if possible. It's because of orders made in August in
16:07:26 47 respect to that. So it's p.7781 line 3 and line 7.

16:07:51 1
16:07:52 2 MR CHETTLE: Sorry, Commissioner, I didn't pick that up.
16:07:54 3
16:07:55 4 COMMISSIONER: No, no, someone else picked it up. I was
16:07:59 5 given the orders, I just need to find out whether the
16:08:02 6 orders had been breached. It probably had, just in terms
16:08:05 7 of the acronym.
16:08:07 8
16:08:07 9 MR CHETTLE: I didn't pick up the acronym, I apologise.
16:08:10 10 Back to those top two paragraphs in answer to A10,
16:08:15 11 Mr Biggin. "Handler performance is managed by the
16:08:17 12 controllers in consultation with the Inspector and the
16:08:18 13 Superintendent"?---Correct.
16:08:18 14
16:08:19 15 "This human source was highly manipulative and the risk had
16:08:22 16 to be managed against the value"?---Correct.
16:08:24 17
16:08:25 18 "Also this source gravitated towards handlers that the
16:08:29 19 source liked"?---Yes.
16:08:30 20
16:08:30 21 "This was carefully managed to ensure that the handlers'
16:08:34 22 contact and welfare were managed"?---Yes.
16:08:36 23
16:08:36 24 "I think we did reasonably well. At times we needed to put
16:08:39 25 a handler with the source that 3838 didn't like, this gave
16:08:43 26 us an edge when dealing with her"?---Correct, yes.
16:08:45 27
16:08:46 28 You had sufficient grasp of the detail to be able to
16:08:49 29 explain to Mr Gleeson the way in which handler management
16:08:55 30 worked?---Correct.
16:08:56 31
16:08:56 32 All right. You were asked at question 11 by Mr Gleeson
16:09:05 33 about whether or not she was inappropriately used when she
16:09:09 34 got out of hospital after five days, do you recall?---I do,
16:09:12 35 yes.
16:09:13 36
16:09:13 37 She was told by the handlers not to do anything but she
16:09:17 38 ignored that advice and got on with things?---That's right.
16:09:21 39
16:09:21 40 It wasn't their choice to use her after she got out of
16:09:25 41 hospital, it was hers?---That appears to be the case, yes.
16:09:27 42
16:09:31 43 All right. You spell out at 12 that she was a demanding
16:09:35 44 source?---I did.
16:09:36 45
16:09:39 46 And at times she sought to manage the situation
16:09:44 47 herself?---Yes.

16:09:44 1
16:09:48 2 You say this, "There are also times when the priorities of
16:09:51 3 the investigators were contrary to the good order and
16:09:54 4 management of the source's welfare", do you see that?---I
16:09:58 5 do, yes.
16:09:58 6
16:09:58 7 Can you explain what you mean by that?---I think probably
16:10:01 8 the easiest example of that is when she's reaching out to
16:10:05 9 Mr White in relation to signing the statement. I think it
16:10:08 10 would have been far better for everyone just to pause, keep
16:10:11 11 out of it, send her on her own way and give her probably a
16:10:17 12 week or ten days to go away and think and reflect as to
16:10:19 13 whether she wanted to make the statement and wanted to sign
16:10:22 14 the statement, rather than ringing people seeking advice,
16:10:25 15 chasing people. So that at times had investigators pushing
16:10:31 16 because clearly there was an investigative time frame that
16:10:34 17 needed to be met, so they needed the statement. That is
16:10:38 18 then dragging the Source Unit into getting involved in
16:10:41 19 matters that ideally they don't need to be involved in at
16:10:43 20 all.
16:10:43 21
16:10:44 22 Investigators pushing?---Yes.
16:10:45 23
16:10:45 24 That's as distinct from handlers and controllers
16:10:48 25 pushing?---Correct.
16:10:48 26
16:10:49 27 The investigators have an imperative, the sterile corridor
16:10:52 28 breaks down to the extent that they're leaning on the
16:10:55 29 handlers to get a particular result?---Correct, that can
16:10:58 30 happen, yes.
16:10:59 31
16:10:59 32 In this case the leaning is coming from a fairly powerful
16:11:03 33 individual?---Well it starts then and then sort of runs
16:11:08 34 down like a stream downhill.
16:11:10 35
16:11:11 36 And it is a hierarchical organisation?---Very much so.
16:11:15 37
16:11:16 38 [REDACTED] White does what he's told?---Essentially
16:11:20 39 speaking, yes.
16:11:21 40
16:11:21 41 He expresses his views but, like you, when they're not
16:11:26 42 followed you get on with it?---You need to take your bat
16:11:29 43 and ball and go home or you actually just get on with it
16:11:33 44 and try to make the best of a bad situation.
16:11:35 45
16:11:35 46 Upon that very topic, before I go on with this, the SDU
16:11:39 47 were a service provider, like you were and you described

16:11:43 1 yesterday?---Correct.
16:11:44 2
16:11:44 3 They were there to carry out a job and they did the job
16:11:47 4 they were told to do?---Correct.
16:11:49 5
16:11:50 6 Mr White has given evidence to this Commission that she
16:11:58 7 didn't become a registered source until the Local Source
16:12:06 8 Registrar accepted the risk of her management on behalf of
16:12:11 9 Victoria Police?---Would have been the Central Source
16:12:14 10 Registrar, yes.
16:12:15 11
16:12:15 12 Central Source Registrar?---Yes.
16:12:17 13
16:12:17 14 That occurs when the risk assessment is considered and
16:12:20 15 signed off by the Central Source Registrar?---Correct.
16:12:23 16
16:12:26 17 And once that occurs it's the job of the SDU to manage
16:12:31 18 it?---Correct.
16:12:31 19
16:12:32 20 That involved two things, getting the information from her
16:12:34 21 and keeping her alive?---Correct.
16:12:36 22
16:12:38 23 You go on to point out that she was needy and that she saw
16:12:42 24 Mr White as a father figure?---I did.
16:12:45 25
16:12:50 26 Then you go on at 11 to talk about the way the contact
16:12:54 27 reports are managed, that is the controllers and the
16:12:56 28 Inspector manage that?---Correct, that's 13, that's right.
16:13:01 29
16:13:01 30 There were occasions when she was told or advised not to do
16:13:05 31 things but she went and did it anyway?---Correct, and
16:13:08 32 that's not unusual in human source interaction I might add.
16:13:11 33
16:13:11 34 In fact not all, she's unique in the sense that she's a
16:13:16 35 barrister?---That's the unique factor to this, yes.
16:13:19 36
16:13:20 37 Sources by their very nature can be manipulative and
16:13:24 38 somewhat treacherous?---Absolutely.
16:13:26 39
16:13:28 40 And handlers and controllers need to be aware of the
16:13:31 41 duplicitous nature of individual sources?---Correct.
16:13:36 42
16:13:38 43 Mr White has told the Commissioner that he thinks he was
16:13:41 44 somewhat blind sided by the fact that she was a barrister
16:13:45 45 and not your normal sort of criminal?---It was unusual in
16:13:49 46 that respect, yes.
16:13:50 47

16:13:51 1 A lot of informers are in fact criminals, aren't
16:13:56 2 they?---The greater majority are criminals seeking some
16:13:59 3 form of assistance from either the courts or Victoria
16:14:01 4 Police, yes.
16:14:02 5
16:14:08 6 All right. "The source had a criminal practice that
16:14:11 7 related to criminal law and specialised in relation to bail
16:14:15 8 applications where the source had a reputation of being
16:14:17 9 very successful. In my recollection the source did this to
16:14:20 10 ensure that the brief did not contain material to
16:14:23 11 potentially compromise the source." That's a reference to
16:14:26 12 her looking at material, isn't it?---This is on the next
16:14:29 13 page, is it?
16:14:30 14
16:14:30 15 A13 at the bottom?---Sorry.
16:14:35 16
16:14:36 17 "Critiquing a brief"?---I'm not quite sure what I meant by
16:14:47 18 that. It's poorly written. I had no knowledge of her
16:14:51 19 critiquing briefs.
16:14:52 20
16:14:52 21 Did you have any knowledge of her critiquing
16:14:55 22 statements?---No, it's popped up but I didn't know at the
16:14:57 23 time.
16:14:57 24
16:14:59 25 It would appear to be that you have some knowledge because
16:15:02 26 you talk about her doing what she did in order to ensure
16:15:06 27 that she wasn't compromised by the document?---That's the
16:15:10 28 last sentence, yes.
16:15:11 29
16:15:12 30 And that's been what's been evidenced in the Commission
16:15:17 31 earlier in relation to her activities?---Yes.
16:15:19 32
16:15:20 33 You don't remember what that's about now?---No, I don't.
16:15:22 34
16:15:23 35 If you go over the page at A14, answer 14, there's some
16:15:32 36 redacted material which I don't know what's under there,
16:15:35 37 but you say, "The handlers at the Source Development Unit
16:15:38 38 have been through the highest level of probity testing
16:15:41 39 conducted by VP"?---Yes.
16:15:42 40
16:15:42 41 "There's great trust in them but it's well-placed
16:15:45 42 trust"?---Yes.
16:15:45 43
16:15:46 44 "Policies are very robust and supervision is
16:15:48 45 intrusive"?---Correct.
16:15:48 46
16:15:49 47 And it would be fair to say to your observation the

16:15:53 1 controllers and handlers worked hard and tried to do the
16:15:57 2 best they could?---They could, I'd agree with that.
16:16:00 3
16:16:01 4 You point out in paragraph 15 the way in which other states
16:16:05 5 deal with the issue of, issues of source
16:16:09 6 management?---Other than New South Wales, yes.
16:16:11 7
16:16:11 8 Other than New South Wales?---Yes.
16:16:13 9
16:16:14 10 And indeed, you point out at the bottom, answer 16, you
16:16:22 11 deal with concerns about moving her to become a witness.
16:16:26 12 You think that your concerns and obviously the concerns of
16:16:29 13 the unit were not given sufficient weight by
16:16:33 14 Mr Overland?---Correct.
16:16:33 15
16:16:36 16 You told him, is this accurate, you told him that, "We were
16:16:40 17 in risky territory, that maybe you were being too
16:16:44 18 conservative and maybe we need to be more aggressive in
16:16:47 19 this regard and what we would achieve with the source's
16:16:51 20 assistance"?---I don't remember it now, clearly this was
16:16:54 21 typed in 2012 and it was probably current in my mind.
16:16:57 22
16:16:57 23 That's in relation to a conversation you would have had
16:16:59 24 with him?---Yes.
16:17:00 25
16:17:01 26 You then go on to talk about the conflict that would occur
16:17:07 27 with Petra?---Yes.
16:17:08 28
16:17:09 29 Having interaction with her?---Yes.
16:17:11 30
16:17:11 31 And how they ignored your advice bringing about an
16:17:14 32 unmanageable situation?---Yes.
16:17:16 33
16:17:21 34 If I flip over the page. You explain at answer 18 the role
16:17:26 35 of HSMU and their role in oversight of all the activities
16:17:30 36 relating to sources?---Yes.
16:17:32 37
16:17:35 38 And you conclude, "The question of whether Victoria Police
16:17:40 39 and indeed the Source Development Unit became blinded to
16:17:44 40 the risks is one for discussion"?---Yes.
16:17:46 41
16:17:46 42 "It's my view that this unit managed the source well in
16:17:50 43 very difficult times. They could also have done some
16:17:53 44 things better", do you see that?---Yes.
16:17:55 45
16:17:55 46 Now you'd say they should have deregistered her a lot
16:17:59 47 earlier?---Correct.

16:18:00 1
16:18:04 2 You point out in four paragraphs from the bottom, "3838 was
16:18:08 3 taken on when the SDU were learning their craft. They too
16:18:11 4 learnt many lessons from this relationship and have evolved
16:18:16 5 their procedures since as a result of the
16:18:18 6 interaction"?---Correct.
16:18:18 7
16:18:19 8 That report that I took you to, and I'll come back to, the
16:18:22 9 2009 way of the future, deals with just some of the things
16:18:25 10 they'd learnt from her?---Yes.
16:18:28 11
16:18:30 12 You point out the problems you had in working out what her
16:18:33 13 motive was at the bottom of the page?---I still don't know
16:18:37 14 today what the motive was.
16:18:38 15
16:18:38 16 Indeed, that's something you raised with Mr White in some
16:18:42 17 of the documentation you've seen?---Yes.
16:18:43 18
16:18:44 19 That you're not quite sure you ever got to the bottom of
16:18:48 20 her real motivation?---I don't think anyone knows what the
16:18:52 21 motivation was.
16:18:53 22
16:18:53 23 It's always hard to tell exactly what motivates a source
16:18:58 24 other than self-interest?---There's always that aspect to
16:19:01 25 it but there's always sometimes more than that.
16:19:01 26
16:19:01 27 I take it, Mr Biggin, you signed that on 9 May 2012 and
16:19:05 28 sent to Mr - - - ?---Gleeson.
16:19:09 29
16:19:10 30 - - - Gleeson I take it?---Correct.
16:19:11 31
16:19:11 32 The contents of what you wrote there to your opinion were
16:19:14 33 they true and correct?---Yes.
16:19:15 34
16:19:16 35 I tender that, Commissioner.
36
16:19:19 37 #EXHIBIT RC586A - (Confidential) Response to questions
38 raised by Superintendent Gleeson
39 regarding human source 3838 by
16:19:23 40 Superintendent Biggin.
16:19:23 41
16:19:23 42 #EXHIBIT RC586B - (Redacted version.)
16:19:25 43
16:19:26 44 MR CHETTLE: There are some redactions as to methodology in
16:19:29 45 there, Commissioner, I think.
16:19:33 46
16:19:34 47 COMMISSIONER: So what do you call that document?

16:19:35 1
16:19:36 2 MR CHETTLE: Response to questions raised by Superintendent
16:19:38 3 Gleeson.
16:19:40 4
16:19:40 5 COMMISSIONER: Right.
16:19:45 6
16:19:46 7 MR CHETTLE: That's what I'd call it, Commissioner, that's
16:19:49 8 what it's headed. Can I take the witness now very briefly
16:19:52 9 to the Comrie report which is Exhibit 510. You've heard of
16:20:07 10 the Comrie report?---I've heard of the Comrie report.
16:20:09 11
16:20:09 12 Have you read it?---Never seen it. This is the first time
16:20:13 13 I've ever seen it.
16:20:14 14
16:20:15 15 I want to take you, I may at some stage tomorrow take you
16:20:19 16 through some of the conclusions that were reached, but I
16:20:23 17 just want to direct you to p.5 of that document. Page 5 of
16:20:29 18 61 at the bottom. Mr Comrie says, "It's been suggested
16:20:39 19 that 3838 created an opportunity at VicPol that has never
16:20:44 20 been seen, been encountered and probably will never be
16:20:48 21 encountered again", do you see that?---Yes.
16:20:50 22
16:20:50 23 That's footnoted to, "Response provided to this review by
16:20:54 24 Superintendent Anthony Biggin"?---Yes.
16:20:56 25
16:20:56 26 On 9 May 2012?---Yes.
16:20:58 27
16:20:59 28 Did you ever provide a response to this review?---No,
16:21:03 29 that's probably the response I provided to Mr Gleeson, so
16:21:09 30 clearly Gleeson and Comrie were working on this together.
16:21:13 31
16:21:13 32 So what's happened is you got those questions that you were
16:21:13 33 asked, provided the answers you did?---Yes.
16:21:15 34
16:21:15 35 And Comrie has dressed it up as a response. If it's to be
16:21:19 36 read as a response to his review, you've never seen or
16:21:23 37 responded to his review?---That's my position, that's
16:21:28 38 right.
16:21:28 39
16:21:28 40 It would imply that you had seen and responded to what he
16:21:31 41 wrote?---That's one way of reading it, yes.
16:21:34 42
16:21:34 43 We'll come to that perhaps tomorrow. Can I go back to the
16:21:39 44 way of the future document that we had up before, which is
16:21:42 45 Exhibit 279 again. And I want to go to p.53 at the bottom
16:21:58 46 of it. Can you see in the third paragraph there, "Five
16:22:15 47 years after the Source Development Unit was

16:22:19 1 established"?---Yes.
16:22:22 2
16:22:22 3 "The Victorian Office of Police Integrity released a report
16:22:26 4 detailing the findings of its investigation into the human
16:22:29 5 source management by Victoria Police"?---Correct.
16:22:31 6
16:22:31 7 "Whilst critical of some aspects of the organisation's
16:22:34 8 management of human sources the Director, Michael Strong,
16:22:38 9 had this to say in regard to the practices of SDU. The OPI
16:22:43 10 investigation found that the regime in place for managing
16:22:46 11 high risk relationships was working well and acknowledged
16:22:49 12 in policing circles as consistent with international best
16:22:53 13 practice"?---Yes.
16:22:55 14
16:22:56 15 And that's footnoted to the Office of Police Integrity
16:23:01 16 annual report for 30 June 2008, Director's Overview at
16:23:06 17 p.18?---Correct.
16:23:06 18
16:23:07 19 Apart from your audit, does that mean that the OPI had
16:23:10 20 conducted an independent audit of the Human Source
16:23:17 21 Management Unit at Victoria Police?---No, I don't think
16:23:20 22 you'd call it an audit. They certainly conducted a review.
16:23:23 23
16:23:23 24 A review, sorry. The terminology. They came and had a
16:23:26 25 look and wrote up what they saw?---We actually had to go
16:23:29 26 and see them, but yes.
16:23:30 27
16:23:30 28 You remember this?---I do remember this, yes.
16:23:32 29
16:23:33 30 Did you give evidence to Mr Strong?---Not to Mr Strong, to
16:23:36 31 two of his staff.
16:23:37 32
16:23:38 33 And do you remember whether Mr White was involved in
16:23:40 34 that?---I believe he was.
16:23:42 35
16:23:42 36 Right. That was the OPI looking at the way in which you,
16:23:48 37 your unit, managed human sources?---Correct.
16:23:50 38
16:23:52 39 All right. Commissioner, the report is available if you -
16:23:58 40 I don't know whether I need to formally tender a report.
16:24:02 41 The report of Mr Strong and the OPI in relation to that,
16:24:07 42 it's described as an extensive investigation into Victoria
16:24:10 43 Police policies and practices in relation to human source
16:24:13 44 management. It's relevant so if I need to tender a copy of
16:24:18 45 it I will. It's a publicly available document.
16:24:21 46
16:24:21 47 COMMISSIONER: If you want to tender a copy or - - -

16:24:23 1
16:24:23 2 MR CHETTLE: I will tender a copy, Commissioner.
16:24:25 3
16:24:30 4 COMMISSIONER: It's publicly available so presumably we
16:24:33 5 won't need to have an A and a B.
16:24:35 6
16:24:35 7 MR CHETTLE: No, it doesn't need an A and B, we got ours
16:24:41 8 off the website.
16:24:42 9
16:24:42 10 COMMISSIONER: Yes.
11
16:24:26 12 #EXHIBIT RC587 - Extensive investigation into Victoria
16:24:10 13 Police policies and practices in relation
16:24:12 14 to human source management report
16:24:45 15
16:24:47 16 MR CHETTLE: I want to deal with just a discrete matter.
16:24:54 17 Mr Overland in his statement talks about giving
16:24:58 18 instructions to his investigators in relation to the way in
16:25:02 19 which Ms Gobbo would be, information from Ms Gobbo would be
16:25:06 20 handled, do you follow?---I think I follow.
16:25:09 21
16:25:09 22 In an organisation like that would Mr Overland go directly,
16:25:13 23 firstly, to the investigators at Purana to give directions,
16:25:18 24 or would you expect him to?---I would expect him to but let
16:25:22 25 me say that if I was managing Purana, which I never ever
16:25:25 26 did, I wouldn't be happy about it because whilst I've
16:25:30 27 spoken about the changing culture of Victoria Police, I
16:25:32 28 still believe in the line of management and managers
16:25:35 29 needing to manage and it's very hard for a manager to
16:25:39 30 manage when they're out of the loop of what's happening.
16:25:42 31
16:25:43 32 When he talks about investigators, at first blush that
16:25:48 33 wouldn't be controllers or handlers at SDU, would it?---No,
16:25:50 34 no, if it's Purana staff it's Inspector and below at
16:25:54 35 Purana. I used to report every Monday to Mr Overland
16:25:58 36 during the running of Purana.
16:25:59 37
16:26:00 38 You were aware that Jim O'Brien was regularly meeting with
16:26:04 39 Mr Overland?---Very regularly, yes.
16:26:07 40
16:26:07 41 And if it wasn't him it was Gavan Ryan?---Yes.
16:26:09 42
16:26:10 43 So far as Mr Overland is concerned, to your knowledge did
16:26:14 44 he ever give directions or instructions to members of the
16:26:17 45 SDU?---I saw that he had gone round me and spoken to
16:26:22 46 Mr White on an occasion.
16:26:23 47

16:26:23 1 Do you know what that was about?---I don't recall now. It
16:26:28 2 gets back to my point as to whether I'm happy about it and
16:26:32 3 or not.
16:26:32 4
16:26:33 5 Assuming you're not happy about it, do you know when it was
16:26:35 6 or what it was about?---It was towards the end. I think it
16:26:39 7 was when Ms Gobbo had either transitioned to a witness or
16:26:43 8 was about to transition to a witness.
16:26:44 9
16:26:45 10 Was it in relation to whether or not SDU could take on the
16:26:48 11 management of her?---It could well have been, yes.
16:26:50 12
16:26:50 13 Apart from that, from the time you got there in July of
16:26:55 14 2006 you were not aware of Mr Overland giving SDU any
16:27:00 15 instructions as to the way in which they were to handle
16:27:03 16 Ms Gobbo?---No.
16:27:04 17
16:27:04 18 You would have expected him to come through you if that
16:27:07 19 happened?---I would have expected him to go to Moloney,
16:27:10 20 Moloney to come to me, me to go to Rob Hardy, Hardy across
16:27:13 21 to - down to - et cetera.
16:27:14 22
16:27:14 23 That didn't happen to your knowledge?---No.
16:27:16 24
16:27:17 25 Just a couple of matters I want to - - - ?---Can I just,
16:27:21 26 save for the issue in relation to Moloney directing that
16:27:24 27 we, the SDU may possibly take her back on as, in a witness
16:27:30 28 role, in a Witsec role, that may well have come from the
16:27:35 29 top.
16:27:35 30
16:27:35 31 That's again at the end?---Yes, that's right.
16:27:37 32
16:27:37 33 When she's being terminated as a source?---Correct.
16:27:40 34
16:27:40 35 I'm more interested in the earlier days when she was
16:27:44 36 providing information in 06, 07 and 08, "Overland had no
16:27:48 37 involvement in telling us what to do"?---No, he didn't,
16:27:51 38 albeit he knew Mr White very well and they knew each other
16:27:59 39 to talk to.
16:27:59 40
16:28:00 41 I just want to ask you some very brief questions about a
16:28:05 42 document you've probably never seen. Have you ever seen an
16:28:09 43 advice by Mr Gerard Maguire, a barrister, in relation to
16:28:13 44 the management of Ms Gobbo?---No.
16:28:15 45
16:28:16 46 It is in fact - I tendered it the other day, Commissioner -
16:28:20 47 I just want to ask a couple of things. He suggests that

16:28:28 1 the SDU targeted the respective defences of people Ms Gobbo
16:28:37 2 was acting for, do you follow what I'm suggesting?---I
16:28:41 3 understand what you're saying, yes.
16:28:42 4
16:28:42 5 To your knowledge did that ever occur?---No.
16:28:45 6
16:28:46 7 He suggests that payments were regularly made to her and on
16:28:49 8 behalf of her. Again, were you aware of any payments to
16:28:53 9 her?---I'm aware of the odd payment, there was one for a
16:28:56 10 parking ticket and there may have been some for Petra, an
16:29:00 11 occasional meal, but nothing, she was - - -
16:29:03 12
16:29:04 13 For a parking ticket she had on one occasion and she had
16:29:10 14 some parking tickets cleared up by a committee?---Some - I
16:29:15 15 was going to talk about methodology, I won't. She wasn't
16:29:16 16 paid a retainer by Victoria Police.
16:29:18 17
16:29:18 18 And she wasn't getting financial reward for her involvement
16:29:21 19 with the SDU?---No, no.
16:29:25 20
16:29:34 21 Was it ever reported to you that the management of the SDU
16:29:38 22 believed that she was involved in drug trafficking?---I
16:29:44 23 know Purana certainly had that view. I don't recall the
16:29:47 24 SDU saying that to me.
16:29:49 25
16:29:49 26 In the advice by Mr Maguire he was told that the management
16:29:53 27 of SDU, that would be you, wouldn't it?---Me, Hardy or
16:29:58 28 White or Black.
16:29:59 29
16:29:59 30 Believed that she was involved in drug trafficking is just
16:30:02 31 not right, is it?---I wouldn't think so, no, it's not
16:30:06 32 right.
16:30:07 33
16:30:07 34 If she were she would be dealt with?---She would be
16:30:10 35 charged.
16:30:10 36
16:30:17 37 All right. Is that a convenient time, Commissioner?
16:30:20 38
16:30:21 39 COMMISSIONER: Yes, certainly. I should let you all know
16:30:26 40 that we'll be sitting until 4.30 tomorrow.
16:30:30 41
16:30:30 42 MR CHETTLE: Wonderful.
16:30:31 43
16:30:31 44 COMMISSIONER: I thought you would be pleased, Mr Chettle.
16:30:33 45
16:30:34 46 MR CHETTLE: It makes my day, Commissioner.
16:30:35 47

16:30:35 1 COMMISSIONER: All right then, we'll adjourn until 9.30
16:30:38 2 now.

3

16:30:57 4 <(THE WITNESS WITHDREW)

16:30:59 5

16:30:59 6 ADJOURNED UNTIL FRIDAY 11 OCTOBER 2019

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