

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

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Tuesday, 13 August 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting: Mr C. Winneke QC
 Mr A. Woods
 Ms M. Tittensor

Counsel for Victoria Police Mr S. Holt QC
 Ms R. Enbom
 Ms K. Argiropoulos

Counsel for State of Victoria Mr C. McDermott

Counsel for Nicola Gobbo Mr P. Collinson QC
 Mr R. Nathwani

Counsel for DPP/SPP Ms K. O'Gorman

Counsel for Handlers Mr G. Chettle
 Ms L. Theis

Counsel for Officer Paige Mr M. Thomas

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09:46:08 1 COMMISSIONER: Yes, I note the appearances for the
09:46:11 2 Commission as usual.
09:46:14 3
09:46:15 4 MR WINNEKE: Yes, I appear with Mr Woods and Ms Tittensor.
5
09:46:19 6 COMMISSIONER: Mr Nathwani for Ms Gobbo.
09:46:19 7
09:46:20 8 MR THOMAS: If the Commission pleases I appear on behalf of
09:46:24 9 the witness, Officer Paige.
10
09:46:26 11 COMMISSIONER: Yes, Mr Thomas, instructed by Kenna
09:46:27 12 Teasdale.
13
14 MR THOMAS: Yes.
15
09:46:32 16 COMMISSIONER: Mr Holt.
09:46:32 17
09:46:34 18 MR HOLT: With Ms Argiropoulos and Ms Enbom, Commissioner.
09:46:34 19
09:46:34 20 COMMISSIONER: Mr McDermott today for the State, Mr Chettle
09:46:39 21 and Ms Thies as usual for the handlers, Ms O'Gorman today
09:46:42 22 for the DPP, Ms Fitzgerald for the Commonwealth DPP,
09:46:46 23 Ms Wallace for Faruk Orman. Thank you.
24
09:46:51 25 Yes Mr Winneke.
09:46:52 26
09:46:53 27 MR WINNEKE: Commissioner, we call a person who is going to
09:46:56 28 be known for the purpose of this exercise as Officer Paige
09:46:59 29 who was a member of the initial DSU.
09:47:05 30
09:47:06 31 COMMISSIONER: Yes, all right. There are some orders that
09:47:09 32 need to be made as I understand it about no public
09:47:13 33 streaming and the prohibition of publication, including the
09:47:19 34 image of this witness and some other non-publication orders
09:47:24 35 so I'll make those now.
36
37 MR WINNEKE: Yes, Commissioner.
38
09:47:26 39 COMMISSIONER: Pursuant to s.26 of the *Inquiries Act* the
09:47:28 40 public streaming of the evidence of Officer Paige is not to
09:47:32 41 include his image, or I should say the public evidence of
09:47:36 42 the witness known as Officer Paige. Publication is
09:47:39 43 prohibited of any material that includes the image of that
09:47:42 44 officer, or that witness. Subject to any further order
09:47:46 45 there is to be no publication of any material, statements,
09:47:51 46 information or evidence given made or referred to before
09:47:55 47 the Commission which could identify or tend to identify the

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09:47:57 1 persons referred to as Witness A, Witness B, Witness X,
09:48:01 2 Person 14, any member of the Source Development Unit,
09:48:05 3 including the witness known as Officer Paige, or their
09:48:09 4 whereabouts. A copy of this order is to be posted on the
09:48:12 5 door of the hearing room.

6
09:48:18 7 Yes, Mr Winneke.

09:48:19 8
09:48:19 9 MR WINNEKE: Yes, I call Officer Paige, Commissioner.

09:48:22 10
09:48:22 11 COMMISSIONER: Thank you. The Commission is aware of your
09:48:31 12 real name and that you're using the pseudonym Officer
09:48:35 13 Paige. Because this is being streamed live, or not with a
09:48:40 14 15 minute delay, we'll have you sworn in under your
09:48:46 15 pseudonym, we understand of course what your real name is
09:48:51 16 and that's in fact the position. Are you taking an oath or
09:48:58 17 affirmation, Mr Paige?---Affirmation, please.

09:49:03 18
09:49:04 19 <OFFICER PAIGE, affirmed and examined:

09:49:17 20
09:49:18 21 MR THOMAS: Officer Paige, what's your professional address
09:49:21 22 for the purpose of these proceedings?---Care of 114 William
09:49:25 23 Street, Melbourne.

09:49:27 24
09:49:28 25 Have you provided a statement in relation to this Royal
09:49:37 26 Commission?---Yes, I have.

09:49:38 27
09:49:39 28 Do you have the statement there?---Yes, I do.

09:49:41 29
09:49:42 30 What is the date of that statement?---I believe it's the
09:49:47 31 22nd of June this year.

09:49:50 32
09:49:50 33 Can you go to the final page of the statement. Is that
09:49:59 34 your signature there?---Correct.

09:50:01 35
09:50:03 36 You've recently read that statement, have you?---Yes.

09:50:05 37
09:50:07 38 Is there anything you wish to add or change in relation to
09:50:12 39 that statement?---PII

09:50:27 40 PII

09:50:31 41

09:50:35 42

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09:50:42 46

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09:52:12 34
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P11



COMMISSIONER: Yes, all right. And so I think - so Mr Thomas is just ascertaining the actual date, is that right?

MR WINNEKE: That he was required to be present.

MR THOMAS: Is there a further date you were required to be present?---That's correct.

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09:52:46 1 Having made that addition in terms of your statement, are
09:52:49 2 there any other matters that you would wish to change or
09:52:53 3 add to in relation to your statement?---Just if, to expand
09:53:01 4 on dot point number 1 in paragraph 8.

09:53:08 5
09:53:08 6 Yes. And how would you wish to expand in relation to
09:53:11 7 that?---In my statement I said that I'd had dealings,
09:53:15 8 professional dealings with the human source 3838 prior to
09:53:20 9 that person becoming a registered human source when I was a
09:53:24 10 Detective at [REDACTED] She was representing a
09:53:27 11 number of accused persons in regards to [REDACTED]
09:53:31 12 matters. I met with her during the preliminary hearings
09:53:38 13 prior to going to trial and on one occasion at Melbourne
09:53:42 14 Magistrates' Court and at the conclusion of that hearing
09:53:45 15 she came into a coffee shop next door next to the Melbourne
09:53:49 16 Magistrates' Court while I was waiting for a lift, and we
09:53:53 17 discussed negotiations in regards to that particular matter
09:53:55 18 and that was about basically it.

09:53:58 19
09:53:58 20 With those additions is your statement true and
09:54:02 21 correct?---Yes, it is.

09:54:02 22
09:54:03 23 Commissioner, I tender a redacted and unredacted version of
09:54:09 24 that statement.

09:54:11 25
09:54:12 26 COMMISSIONER: The redacted one is able to go on the
09:54:15 27 website but it's not a final redacted one, is that right,
09:54:19 28 Mr Winneke?

09:54:19 29
09:54:19 30 MR WINNEKE: As I understand it, it is Commissioner, it's
09:54:21 31 able to go on to the website, the redacted one.

09:54:25 32
09:54:26 33
09:54:27 34 #EXHIBIT RC321A - (Confidential) Unredacted statement.

09:54:33 35
09:54:37 36
09:54:37 37 #EXHIBIT RC321B - Redacted statement.

09:54:43 38
09:54:43 39 MS ARGIROPOULOS: Before Mr Winneke commences, further to
09:54:46 40 the PII claim that Mr Winneke has raised with the
09:54:51 41 Commissioner, can I ask that it be removed from the live
09:54:56 42 stream, the answer that this witness gave when he referred
09:54:58 43 to paragraph 9 earlier? I can identify the actual words if
09:55:04 44 necessary but then of course what I say will need to be
09:55:07 45 removed as well. It relates to the words that are shaded
09:55:13 46 in paragraph 9.

09:55:14 47

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09:55:14 1 COMMISSIONER: Yes, I'll hand this to the transcribers, the
09:55:21 2 words that have to be removed. There are three words that
09:55:24 3 are shaded. Could you remove those for the moment.
09:55:25 4
09:55:26 5 MS ARGIROPOULOS: Thank you, Commissioner. If those
09:55:30 6 questions are answered in the general way that Mr Winneke
09:55:33 7 has indicated there would be no difficulty from Victoria
09:55:36 8 Police's point of view, thank you.
09:55:38 9
09:55:38 10 COMMISSIONER: Thank you. Apparently you are not allowed
09:55:41 11 to say those three words if you understand?---Which words
09:55:44 12 were they?
09:55:45 13
09:55:46 14 MR WINNEKE: I'll see if I can deal with it when we get
09:55:49 15 there, Mr Paige.
09:55:51 16
09:55:51 17 COMMISSIONER: You don't have a shaded copy of your
09:55:53 18 statement there?---I do, Commissioner.
09:55:55 19
09:55:55 20 Have a look at paragraph 9 on the second line, there should
09:55:59 21 be three words that are shaded?---Yes, I do now.
09:56:02 22
09:56:02 23 They're the words you're not allowed to say.
09:56:05 24
09:56:05 25 <CROSS-EXAMINED BY MR WINNEKE:
09:56:05 26
09:56:10 27 There's all sorts of things we can't say and if we do say
09:56:15 28 them the world's going to end. In any event, you joined
09:56:19 29 the Police Force a long time ago, I think in about 1985, is
09:56:20 30 that right?---That's correct.
09:56:20 31
09:56:20 32 And you were in the Police Force, Victoria Police Force
09:56:25 33 until May of last year?---That's correct.
09:56:26 34
09:56:27 35 And in that significant period of time you performed duties
09:56:32 36 in a significant number of areas?---That's correct.
09:56:34 37
09:56:35 38 You were involved in uniform duties, mainly in the
09:56:43 39 metropolitan region, is that right?---That's correct.
09:56:46 40
09:56:46 41 You were also involved in investigations as a Detective
09:56:53 42 over the years?---That's correct.
09:56:54 43
09:56:54 44 You underwent Detective Training School. When did you
09:56:58 45 become a Detective?---About 1990.
09:57:01 46
09:57:02 47 About 90?---Yep.

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09:57:04 1
 09:57:06 2 What units were you in as a Detective?-- [REDACTED] CIB,
 09:57:13 3 [REDACTED] CIB, [REDACTED] CIB, [REDACTED] Squad, [REDACTED]
 09:57:22 4 [REDACTED] Squad, [REDACTED] Squad, [REDACTED] CIU, [REDACTED]
 09:57:27 5 [REDACTED] CIU, various places.
 09:57:30 6
 09:57:30 7 And involved in investigating all manner of crimes, from
 09:57:34 8 low level street crime to significant organised crime, is
 09:57:38 9 that fair to say?---That's correct.
 09:57:40 10
 09:57:42 11 Were you at any stage in the [REDACTED] Squad?---Not as a
 09:57:47 12 permanent member but a seconded member on occasions, yes.
 09:57:50 13
 09:57:54 14 You underwent Detective Training School obviously to become
 09:57:58 15 a Detective in the first place?---Correct.
 09:58:02 16
 09:58:02 17 Did you have ongoing training or periodic training over the
 09:58:07 18 years after you became a Detective?---There were various
 09:58:10 19 courses you have to attend, depending on what your area of
 09:58:14 20 specialty was and they would range from arson and explosive
 09:58:18 21 courses, bomb scene examination, interviewing and sexual
 09:58:23 22 assault victims and offenders, undercover courses,
 09:58:27 23 et cetera.
 09:58:27 24
 09:58:28 25 Did you receive much training as to legal issues such as an
 09:58:36 26 accused person's right to silence?---Yeah, that was pretty
 09:58:39 27 much covered right through your entire career.
 09:58:42 28
 09:58:43 29 It was something I assume that you as a Detective would
 09:58:46 30 simply take as a fundamental rule of operations that a
 09:58:52 31 person who was a suspect and who was being interviewed, for
 09:58:56 32 example, had a right to speak to a lawyer, had a right to
 09:59:00 33 silence, those sorts of issues would have been drummed into
 09:59:03 34 you, I take it?---Absolutely.
 09:59:05 35
 09:59:06 36 Were you - obviously you left the force as a [REDACTED]
 09:59:11 37 [REDACTED] or a [REDACTED]?---Detective [REDACTED]
 09:59:12 38
 09:59:13 39 Detective [REDACTED] You had junior officers for whom you
 09:59:18 40 were responsible over the years?---Correct.
 09:59:20 41
 09:59:21 42 If there was any doubt that any of your junior officers
 09:59:26 43 understood those fundamental rights you would make it
 09:59:31 44 absolutely clear that a person is entitled to a right to
 09:59:34 45 silence?---Correct, I was fortunate enough I didn't have
 09:59:38 46 that problem but anyhow, yes, I understand what you mean.
 09:59:41 47

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09:59:45 1 You mentioned that, I think you were involved in a [REDACTED]
09:59:50 2 [REDACTED] unit at one stage?---Yes, I was at the [REDACTED]
09:59:55 3 [REDACTED] Squad, correct.
09:59:56 4
09:59:56 5 When was that?---That would have been between late 1995 to
10:00:03 6 probably mid-1998.
10:00:05 7
10:00:06 8 Mid-1998?---Yeah.
10:00:09 9
10:00:09 10 You referred to your professional dealings with Ms Gobbo
10:00:16 11 prior to your time at the SDU and you made mention of a
10:00:23 12 meeting that you had with her around a preliminary hearing.
10:00:29 13 That concerned, I take it, people who you'd charged with
10:00:33 14 [REDACTED] offences, is that right?---That's
10:00:36 15 correct.
10:00:36 16
10:00:37 17 Would that have occurred - that hearing would have occurred
10:00:42 18 either during the period you were at the [REDACTED]
10:00:45 19 [REDACTED] or afterwards depending on when the matter came to
10:00:49 20 court, is that right?---Yeah, that's correct. I can't
10:00:52 21 recall exactly when but it would have been the late 90s.
22
10:00:55 23 Do you know whether Ms Gobbo at that stage was a barrister
10:00:58 24 or a solicitor?---She would have been the solicitor at the
10:01:04 25 time, yes.
10:01:05 26
10:01:09 27 You say that you recall a meeting, or you recall a
10:01:12 28 particular occasion when you met her after a hearing in the
10:01:17 29 court, is that right, or was it before?---No, it was at the
10:01:20 30 conclusion of the hearing.
10:01:22 31
10:01:23 32 At that stage the matter, you'd charged these people, you
10:01:27 33 were the informant?---Correct.
10:01:29 34
10:01:29 35 It was a matter which was going to go, it was a serious
10:01:32 36 matter, it wasn't going to be dealt with summarily, it was
10:01:35 37 going to be dealt with on indictment?---It went upstairs,
10:01:39 38 yes.
10:01:39 39
10:01:40 40 It went upstairs. So in the early stages there were
10:01:42 41 committal mentions, committal proceedings perhaps, and
10:01:48 42 those sorts of hearings were the preliminary hearings
10:01:51 43 you're talking about here in your statement, is that
10:01:54 44 right?---Correct.
10:01:54 45
10:01:56 46 After one of these hearings which might have been before
10:02:00 47 the matter had resolved, would that be fair to say,

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10:02:04 1 officially resolved?---That's correct.
10:02:06 2
10:02:07 3 Might it have been at a committal mention hearing or
10:02:11 4 something like that?---Committal mention, yeah, I believe
10:02:14 5 it probably was a committal mention, yes.
10:02:17 6
10:02:17 7 And after the hearing you were having a cup of coffee, is
10:02:22 8 that right?---That's right, next door to the court.
10:02:25 9
10:02:26 10 Next door to the court. Can you describe what
10:02:29 11 happened?---I was basically waiting for a lift to go back
10:02:32 12 to my office. Whilst I was waiting for a lift I went into
10:02:35 13 the coffee shop to get a coffee. Whilst I was there in
10:02:39 14 line Ms Gobbo came in and I got my coffee. She got hers
10:02:46 15 and while I was waiting for my lift, at the front of the
10:02:51 16 coffee shop there's a bench table and stools and she just
10:02:54 17 sat down there and spoke briefly with me about the matters
10:02:57 18 that she was representing the accused in.
10:02:59 19
10:03:00 20 She was representing the people who you had charged as I
10:03:03 21 understand it, is that right?---Correct.
10:03:05 22
10:03:05 23 Do you recall not the exact words but the gist of what she
10:03:09 24 said to you?---Yes, I do.
10:03:13 25
10:03:13 26 Right. What did she say? You don't need to mention the
10:03:19 27 names of the people?---No. Basically Ms Gobbo was pretty
10:03:25 28 forthright about her opinion of the accused people,
10:03:29 29 describing them as perverts and creeps and that her advice
10:03:32 30 to her clients was they probably should plead to these
10:03:35 31 matters given the strength of the evidence. So it was
10:03:38 32 basically along that but she said they were insistent on
10:03:41 33 taking the matters further and contesting the allegations.
10:03:44 34
10:03:46 35 She told you in effect what her clients had told her and
10:03:54 36 what she was telling her clients?---She didn't expand on
10:03:59 37 what they had said to her but she basically said every time
10:04:04 38 she'd had a meeting with them she felt sick because of the
10:04:09 39 way that they conducted themselves and how they looked at
10:04:12 40 her, et cetera, and she felt uneasy about it.
10:04:13 41
10:04:14 42 Did you think in terms of her giving you this information,
10:04:16 43 was that something which you thought was a little bit
10:04:19 44 unusual?---Yeah, in my experience it was unusual for a
10:04:24 45 defence solicitor to give you that type of thing but I
10:04:26 46 understood because I knew who she was dealing with and I
10:04:31 47 knew the very type of people and understood how she could

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10:04:34 1 feel uncomfortable.
10:04:35 2
10:04:36 3 In any event that matter did go upstairs, as you said, it
10:04:42 4 went to the County Court?---Correct.
10:04:44 5
10:04:48 6 When it went to the County Court did it go as a plea of
10:04:51 7 guilty or was it a contested matter in the Magistrates'
10:04:56 8 Court where the Magistrate committed them to stand
10:04:59 9 trial?---They were committed but they subsequently pleaded
10:05:01 10 guilty.
10:05:02 11
10:05:04 12 Was that the only dealing that you can recall having with
10:05:07 13 Ms Gobbo in, in any capacity prior to coming to the
10:05:15 14 SDU?---No.
10:05:15 15
10:05:16 16 What other dealings did you have?---Besides perhaps
10:05:22 17 innocuous saying hello or et cetera when you're at the
10:05:26 18 court, you'd walk past and she would be representing
10:05:30 19 somebody you'd know she'd say hello, you'd say hello back.
10:05:33 20
10:05:33 21 Yes?---And plus she, I do recall her, a time which is in my
10:05:38 22 statement there, I spoke to her at a social function, at an
10:05:41 23 Armed Robbery Squad function. She was talking to a friend
10:05:46 24 of mine and the only reason I recall is because both of
10:05:49 25 them were quite critical of my football team or whatever.
10:05:53 26
10:05:54 27 That would be Collingwood, would it?---No, Richmond.
10:05:57 28
10:05:57 29 Right. In any event they were critical of your team and
10:06:00 30 that was something that stuck in your mind?---Correct.
10:06:04 31
10:06:04 32 The colleague who is deceased?---Yes.
10:06:07 33
10:06:07 34 Introduced you to her, is that right?---Yeah, he introduced
10:06:11 35 but he, unbeknown to him she already knew me.
10:06:17 36
10:06:17 37 Who was that person?---His name was Christopher Dorman.
10:06:22 38
10:06:22 39 Did you understand that he was a friend of Ms Gobbo's or
10:06:25 40 knew her?---I didn't at that - I didn't until that point of
10:06:30 41 time, but he'd indicated to me, because I was surprised she
10:06:34 42 was there at a police function, but he'd indicated to me
10:06:38 43 she'd attended other functions and it was not abnormal for
10:06:43 44 her to be there.
10:06:44 45
10:06:45 46 Had you seen any other defence lawyers or barristers,
10:06:52 47 defence or prosecution, in those sorts of functions, in

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10:06:55 1 those sorts of circumstances?---Not very often. There were
10:07:01 2 a couple that would not necessarily be formalised functions
10:07:07 3 but you might go to a hotel where you have lunch and they
10:07:09 4 were there having lunch and they might come over to your
10:07:13 5 table and you would have a friendly chat as you would but
10:07:16 6 that was about it.

10:07:17 7
10:07:18 8 There was nothing as far as you were concerned particularly
10:07:19 9 unusual about that particular exchange that you're talking
10:07:22 10 about at the Armed Robbery Squad event?---No, nothing at
10:07:25 11 all, no.

10:07:26 12
10:07:30 13 Did you meet with her or see her or socialise with her on
10:07:34 14 any other occasions?---Not that I can recall, no.

10:07:37 15
10:07:44 16 You were also involved in a matter which led you to
10:07:52 17 executing a search warrant on the house of, or occupied by
10:07:57 18 a fellow by the name of [REDACTED] and [REDACTED], is that
10:08:02 19 right?---Correct.

10:08:03 20
10:08:04 21 Without going into details about that, you were aware at
10:08:10 22 that stage, or were you aware at that stage of Terrence
10:08:19 23 Hodson being involved with Victoria Police as an
10:08:24 24 informer?---Yes, I was.

10:08:25 25
10:08:27 26 Are you able to recall approximately when this occurred,
10:08:32 27 this search?---Round 2001, 2000 and - I'd say more 2001,
10:08:42 28 about April or May, but I can't be sure.

10:08:45 29
10:08:45 30 You can't be sure about that, all right. I think the
10:08:49 31 evidence is that Mr Hodson became an informer in 2002,
10:08:56 32 would that assist in your recollection at all?---That could
10:09:00 33 be correct, yes.

10:09:00 34
10:09:00 35 It may well be 2001 or 2002, you're not certain about
10:09:05 36 that?---It was while I was at the [REDACTED] Squad
10:09:12 37 and I was at the [REDACTED] Squad until the end of
10:09:17 38 2002 so that could be correct.

10:09:19 39
10:09:19 40 At that stage did you have any dealings with Andrew
10:09:24 41 Hodson?---No.

10:09:25 42
10:09:27 43 Subsequent to that particular investigation did you become
10:09:35 44 aware that Ms Gobbo had some involvement in either acting
10:09:42 45 for or providing advice to Andrew Hodson?---Yes, I did.

10:09:46 46
10:09:47 47 How did you learn that?---Through information that was

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10:09:51 1 passed on to me by fellow detectives from other squads.
10:09:54 2
10:09:54 3 What was your understanding of her involvement there?---I
10:09:59 4 believe that she may have been legally acting at some stage
10:10:02 5 or another for Andrew.
10:10:03 6
10:10:03 7 Yes?---And I wasn't sure whether she'd acted or not legally
10:10:09 8 on behalf of Mandy.
10:10:11 9
10:10:11 10 Yes?---But I wasn't aware that she - she wasn't acting on
10:10:16 11 behalf of Nicola.
10:10:17 12
10:10:18 13 That is Nicola Hodson?---Correct.
10:10:19 14
10:10:21 15 Did you know and did you hear subsequently of her
10:10:26 16 involvement in a matter concerning the Dublin Street,
10:10:33 17 Oakleigh burglary and the events that surrounded
10:10:38 18 that?---Only years later when I read about the court cases.
10:10:41 19
10:10:49 20 Can I ask you what you were doing in 2004 prior to going to
10:11:01 21 the SDU or the DSU as it was?---I was a Detective [REDACTED]
10:11:08 22 at [REDACTED] CIU.
10:11:10 23
10:11:11 24 How did you become invited to join the pilot program of the
10:11:17 25 DSU?---I had been approached by the lead controller and
10:11:21 26 asked me if I was interested in participating in it.
10:11:27 27
10:11:32 28 The lead controller at that stage was?---Sandy White.
10:11:36 29
10:11:37 30 Sandy White, right.
10:11:37 31
10:11:37 32 COMMISSIONER: Have you got a list of the pseudonyms in
10:11:40 33 front of you?---Yes, I do, thank you.
10:11:43 34
10:11:45 35 MR WINNEKE: I've got a note here which says AC [REDACTED]
10:11:50 36 [REDACTED] informed and approved of your selection for the
10:11:55 37 pilot. This was arranged on Monday, 9 August of 2004.
10:12:01 38 Were you in [REDACTED] at that stage?---That's correct.
10:12:03 39
10:12:06 40 AC [REDACTED], do you know who that is?---Yes.
10:12:11 41
10:12:12 42 That's - - - ?---He would have been the commanding officer
10:12:17 43 of that region.
10:12:18 44
10:12:18 45 Did he in effect put you up for this, this pilot program,
10:12:23 46 nominate you?---No, it was former supervisors of where I'd
10:12:28 47 worked at other covert areas.

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10:12:31 1
10:12:31 2 So you had some experience in working in covert
10:12:35 3 areas?---Correct.
10:12:36 4
10:12:37 5 Had you had experience in working with informers?---Not in
10:12:43 6 a covert capacity.
10:12:44 7
10:12:45 8 No?---But as an investigator, yes.
10:12:47 9
10:12:48 10 Do you know what attribute you possessed which led to your
10:12:58 11 nomination for this pilot program? Was it your association
10:13:01 12 or use of informers or was it your covert experience, do
10:13:05 13 you know?---It could have been a bit of both. There was
10:13:09 14 certainly, I wouldn't have said I was better at one part or
10:13:13 15 the other. I'd had experience as an investigator with
10:13:17 16 informants, I'd also had a background in covert policing
10:13:20 17 and that type of experience tended to fit the mold of the
10:13:25 18 persons that they were after to start the pilot project.
10:13:27 19
10:13:28 20 Did you put your hand up for it or how did it come
10:13:32 21 about?---No, they approached me.
10:13:34 22
10:13:36 23 You were obviously willing to do it?---Correct.
10:13:40 24
10:13:44 25 Can you tell the Commission what the process was to the
10:13:48 26 best of your recollection, how you were inducted, if you
10:13:52 27 like, what information you were given at the
10:13:56 28 outset?---Basically I had a meeting with Sandy White. He
10:14:01 29 outlined to me his plans and strategies formulating this
10:14:09 30 unit and what the crew numbers would be, what the
10:14:14 31 responsibilities would be, how it would be set up and what
10:14:17 32 the long-term strategic view would be and he made it sound
10:14:21 33 very promising and very attractive.
10:14:23 34
10:14:24 35 Was that just a one-on-one meeting?---Yes.
10:14:27 36
10:14:30 37 That would have been, I take it, around August of 2004, is
10:14:34 38 that right?---That's right, because I think I started there
10:14:37 39 in October 2004.
10:14:39 40
10:14:39 41 Perhaps if we can put this document up. Just excuse me
10:14:46 42 Commissioner, I want to put a document up,
10:14:54 43 VPL.01.00.0048.1145. Can you see that on the screen there
10:15:05 44 in front of you?---Yes.
10:15:06 45
10:15:15 46 Obviously we won't put that on the public screen,
10:15:21 47 Commissioner.

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10:15:25 1
10:15:25 2 MR CHETTLE: Can we have a copy, Commissioner? We're
10:15:28 3 obviously concerned for our clients and we can't put it on
10:15:33 4 the screen.
10:15:33 5
10:15:33 6 COMMISSIONER: Can we get Mr Chettle a copy?
10:15:36 7
10:15:36 8 MR WINNEKE: By all means.
10:15:37 9
10:15:37 10 COMMISSIONER: Can we put it on Mr Chettle's screen, is
10:15:40 11 that possible?
10:15:55 12
10:15:56 13 MR WINNEKE: I just - have you seen that document
10:15:59 14 before?---No, I haven't.
10:16:00 15
10:16:01 16 Perhaps if we can just have a brief look at it. I just
10:16:05 17 want to give you an understanding of the time frame we're
10:16:08 18 talking about and the sorts of issues that may have arisen
10:16:11 19 at the time that you were brought on board. Just stop it
10:16:16 20 there. Have you read that?---Just where the arrow is?
10:16:21 21
10:16:21 22 Just that page?---Yes.
10:16:24 23
10:16:25 24 And it seems that at the bottom there's an approval of a
10:16:31 25 nominated personnel and then there's a reference to
10:16:38 26 Mr Calishaw, do you know him?---Doug Calishaw.
10:16:41 27
10:16:41 28 Yes. And there's a reference to Calishaw having briefed
10:16:47 29 you regarding the pilot, does that strike a cord?---Yeah,
10:16:55 30 that's probably correct.
10:16:58 31
10:17:02 32 Then there's a reference to Wilson, [REDACTED]
10:17:02 33 informed and approved your selection for the pilot. This
10:17:02 34 was arranged for Monday 9 August?---Correct.
10:17:05 35
10:17:12 36 Now, there's a reference to Mr Calishaw giving an overview
10:17:21 37 of the human source management [REDACTED] training course
10:17:25 38 which was presented on 9 to 13 August 2004. You say that
10:17:30 39 you underwent some training, I think you've said in your
10:17:35 40 statement, you say you underwent [REDACTED] and [REDACTED] human
10:17:41 41 source handler courses. Do you recall doing those
10:17:45 42 courses?---Yes, I do.
10:17:46 43
10:17:50 44 Obviously those courses concerned the intricacies and the
10:17:55 45 management of human sources, is that right?---That's
10:17:59 46 correct.
10:17:59 47

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10:17:59 1 Were you provided with any written material during those
10:18:02 2 courses to your recollection?--We most likely would have
10:18:10 3 but I don't recall exactly what it was.
10:18:13 4
10:18:16 5 Do you recall being provided with the Chief Commissioner's
10:18:24 6 standing orders with respect to the management of
10:18:29 7 informers?---That would have been part of it, yes,
10:18:31 8 definitely.
10:18:31 9
10:18:32 10 Was there, to your recollection, a standard operating
10:18:37 11 procedure which applied to the DSU?---Yes, there was a
10:18:43 12 completely - it was the Standard Operating Procedures for
10:18:49 13 the SDU or DSU were different to mainstream policing.
10:18:52 14
10:18:53 15 In what ways, do you recall? As much as you can, I mean if
10:18:58 16 you can't recall the detailed intricacies?---Basically the
10:19:04 17 very nature of the DSU work was dealing with high risk
10:19:08 18 human sources. High risk could be interpreted in many ways
10:19:13 19 maybe because of the threat to their lives, et cetera, or
10:19:15 20 that they were high risk because they lived a double life,
10:19:20 21 et cetera, and that there was ethical issues regarding the
10:19:25 22 handling of them.
10:19:27 23
10:19:27 24 What were those ethical issues, can you expand on
10:19:33 25 that?---Basically the DSU was a pretty tight-knit very
10:19:43 26 straightforward unit when it was set up. There wasn't much
10:19:47 27 bargaining or negotiating or whatever when you took on a
10:19:50 28 human source and was dealing with them.
10:19:52 29
10:19:52 30 Right?---As an investigator previous experience with human
10:19:56 31 sources, you would cut a deal, you would negotiate or
10:19:59 32 whatever, with a human source.
10:20:00 33
10:20:00 34 As the investigator?---As an investigator.
10:20:03 35
10:20:03 36 When you say cut a deal there was a degree of flexibility
10:20:06 37 about, for example, if the source was in a bit of strife,
10:20:10 38 him or herself, they were looking to benefit themselves in
10:20:15 39 terms of charges they might be facing and you had some role
10:20:19 40 in cutting a deal if you like?---Absolutely. It was par
10:20:25 41 for the course, you might negotiate the withdrawal of a
10:20:28 42 number of minor charges, et cetera, which wouldn't make any
10:20:34 43 impact whatsoever on any subsequent penalty of proceedings.
10:20:36 44 With the DSU, if you're dealing with a human source, and
10:20:41 45 particularly from recollection some of those human sources
10:20:44 46 were, had substance issues and there would be times where
10:20:51 47 in dealing with those particular issues as a handler you

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10:20:56 1 had to be straightforward with them and say, you know, you
10:20:59 2 couldn't condone it, you'd have to tell them, "If you get
10:21:03 3 caught for doing this, whatever, we're not backing you,
10:21:08 4 there is no way out. When you come on board and you come
10:21:11 5 with us it has to be straight and narrow", if you know what
10:21:14 6 I mean.

10:21:15 7
10:21:15 8 As I understand it what you're talking about is in effect
10:21:19 9 setting the ground rules of dealing with a particular human
10:21:23 10 source?---Absolutely, that was probably - it was very
10:21:26 11 stringent and very tight.

10:21:27 12
10:21:27 13 One of the documents that's been referred to is called an
10:21:31 14 Acknowledgement of Responsibilities document. Is that a
10:21:34 15 document that you were aware of and you used during your
10:21:39 16 period in the SDU or DSU?---Yes, I was aware of its
10:21:46 17 existence but I cannot recall where I produced or had a
10:21:49 18 human source sign that document.

10:21:51 19
10:21:51 20 Is that right?---On the flip side, sir, what I used to do
10:21:54 21 is I would [REDACTED] and Acknowledgement of
10:22:00 22 Responsibilities with the human source because basically
10:22:03 23 you go to a human source and say, "Sign this", they
10:22:10 24 wouldn't sign it.

10:22:12 25
10:22:12 26 They wouldn't be too keen to sign a document?---When you
10:22:17 27 put something in front of somebody and say, "Sign this".
10:22:19 28 Basically you would [REDACTED] but the content
10:22:22 29 of that conversation was exactly what was on that document
10:22:25 30 and you would ask them to acknowledge and accept their
10:22:28 31 responsibilities and [REDACTED] and take that as
10:22:32 32 their approval to engage as a human source.

10:22:35 33
10:22:36 34 And the point being, the human source had to understand
10:22:41 35 absolutely crystal clear what they could do, what they
10:22:48 36 couldn't do?---That's right. And when the Acknowledgement
10:22:51 37 of Responsibilities was taken by a human source, I would
10:22:54 38 give that initially and then my controller, Sandy White,
10:22:58 39 would reinforce that to the nth degree and have them accept
10:23:02 40 it as well. So it was double-checked so to speak.

10:23:08 41
10:23:08 42 Ordinarily I suppose you mentioned the sort of source you
10:23:11 43 would usually deal with, the sort of person who might be in
10:23:14 44 a bit of strife themselves, so as I understand it the
10:23:19 45 Acknowledgement of Responsibilities form at that stage was
10:23:24 46 quite clear that the source was not to engage in any
10:23:29 47 criminal activities?---Correct.

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10:23:31 1
10:23:32 2 Is it your understanding that if the person did engage in
10:23:38 3 those sorts of activities, criminal activities, was there a
10:23:43 4 consequence insofar as the relationship between the DSU and
10:23:46 5 the informer?---There were consequences depending on
10:23:49 6 whatever those circumstances may have been.
10:23:51 7
10:23:52 8 Yes?---It didn't necessarily mean that the relationship
10:23:55 9 between the source and the unit would be, have relinquished
10:24:00 10 or terminated, it may have just impacted on the way that we
10:24:04 11 had dealt with that particular source.
10:24:07 12
10:24:08 13 Obviously it may well depend on what it was that occurred,
10:24:12 14 the seriousness of the crime and so forth?---That's
10:24:15 15 correct.
10:24:15 16
10:24:17 17 If a source provided information which had been obtained by
10:24:22 18 that person by engaging in improper conduct, whether it be
10:24:27 19 criminal or unethical or what have you, what would be the
10:24:35 20 consequences with respect to the information that was
10:24:37 21 provided to you?---I can't recall exactly any of those
10:24:42 22 instance occurring but wherever there was doubt surrounding
10:24:45 23 circumstances like that, I would normally - most definitely
10:24:51 24 consult my controller, he was a wiser mind than me, he
10:24:54 25 would have the experience and knowledge as to determine
10:24:57 26 what would happen with that information.
10:24:59 27
10:24:59 28 You don't recall any specific incident. For example, if a
10:25:03 29 source broke into somebody's house and found information
10:25:06 30 and passed that information on to the DSU, you don't have a
10:25:10 31 recollection of something like that occurring?---No, not
10:25:13 32 off the top of my head, no.
10:25:14 33
10:25:18 34 If that did occur but there was information which was
10:25:21 35 obtained which was of significant investigative use,
10:25:27 36 there'd clearly be an issue about what could be done with
10:25:30 37 the information. It may well be we're speaking
10:25:33 38 hypothetically because you have no recollection of such an
10:25:36 39 event occurring?---That's correct. But as I said, if we
10:25:39 40 were presented with a dilemma like that it would certainly
10:25:42 41 be well and truly be scrutinised and reviewed by people
10:25:45 42 above me.
10:25:46 43
10:25:46 44 Yeah, I follow that. Because ultimately it may well be
10:25:48 45 down the track that if the police had got information - I
10:25:51 46 mean obviously the police themselves can't get information
10:25:54 47 or evidence illegally, I take it that's something you would

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10:25:58 1 have been aware of and members of the SDU would have been
10:26:02 2 aware of?---Yes, correct.
10:26:03 3
10:26:04 4 Therefore if that did occur, if police obtained evidence
10:26:10 5 illegally, and used that evidence, it may well be down the
10:26:14 6 track in court proceedings a defence barrister would want
10:26:20 7 to challenge the use of that evidence because it had been
10:26:23 8 improperly obtained and therefore there would be a
10:26:26 9 discretion residing in the court to exclude the use of that
10:26:30 10 evidence, that's something I take it which would have been
10:26:33 11 apparent to most police officers operating within the
10:26:37 12 Police Force?---Absolutely.
10:26:39 13
10:26:41 14 One of the issues might be - we'll just hold that thought
10:26:48 15 for a moment. As I understand it one of the new aspects of
10:26:53 16 the informer regime which developed under the SDU was a
10:26:58 17 so-called sterile corridor, is that right?---Correct.
10:27:01 18
10:27:01 19 What was your understanding of that principle?---I'll give
10:27:08 20 you the short winded version.
21
10:27:10 22 Give us the short version?---Basically it was to separate
10:27:11 23 the investigators from the handling of a human source.
10:27:15 24
10:27:15 25 Yes?---And then, and the tasking of human sources and the
10:27:19 26 subsequent management of that human source to allow the
10:27:22 27 investigators to do, take care of their other
10:27:27 28 responsibilities. The sterile corridor was basically, I
10:27:31 29 was a conduit between the investigation as a handler and
10:27:34 30 the source and if investigators required certain aspects of
10:27:39 31 evidence they would come to me and ask me if I was in a
10:27:43 32 position to task my source.
10:27:44 33
10:27:45 34 Yes?---To obtain that information. I would then go and
10:27:49 35 task the source to get that information. Then as a result
10:27:54 36 of doing so they would then be provided with a sanitised
10:27:58 37 version of the result of that tasking.
10:28:00 38
10:28:00 39 As an example, if, for example, an investigator for
10:28:04 40 whatever reason was keen to hear what was going on in a
10:28:11 41 particular house and the source happened to be a resident
10:28:16 42 of that house and the police wished to put in some sort of
10:28:22 43 listening device, then you might be of assistance to speak
10:28:25 44 to your source and see if a situation could be arranged
10:28:30 45 whereby an opportunity was then available for the police to
10:28:33 46 enter the house and install devices, is that the sort of -
10:28:36 47 - - ?---Correct.

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10:28:37 1
10:28:37 2 So there would be communications between you or between the
10:28:42 3 SDU and the investigators with regard to pursuing that line
10:28:48 4 of investigation, is that right?---Correct. It wasn't
10:28:51 5 always a tasking a source to obtain evidence, it may have
10:28:55 6 been simply to create a situation to allow police to obtain
10:29:00 7 evidence in another manner but it created an opportunity.
10:29:03 8
10:29:04 9 Obviously we have to be sensitive of methods and so forth,
10:29:07 10 so we're dealing with this in the general. But there would
10:29:09 11 be ongoing communications, a relatively good relationship
10:29:13 12 between the investigator who you would regard in effect as
10:29:18 13 your client, I take it, is that right?---Yes, there was
10:29:22 14 always pretty good relationships, yes.
10:29:25 15
10:29:25 16 Did they always know who the source was?---In my experience
10:29:29 17 50 per cent of the time they did, 50 per cent they didn't.
10:29:32 18
10:29:33 19 In terms of passing on the information to an investigator,
10:29:37 20 in a circumstance like the one we've posited, that is
10:29:41 21 setting up a situation whereby the police could carry out
10:29:44 22 an investigative technique by inserting a listening device,
10:29:48 23 in that case ordinarily one assumes that the investigator
10:29:53 24 would know who the source was?---From recollection on some
10:29:57 25 occasions yes and on other occasions no.
10:30:00 26
10:30:03 27 In terms of passing on the information, in your statement
10:30:06 28 you talk about various documents that are produced in the
10:30:12 29 SDU which were produced in the pilot, you talk about
10:30:16 30 information contact reports, you talk about information
10:30:19 31 reports, IRs. Is it the case that the IR, the information
10:30:26 32 report, is the means by which the information that you get
10:30:29 33 as the source handler gets to the investigator?---That
10:30:32 34 would be the document that would be, end up in the
10:30:35 35 investigator's hands.
10:30:36 36
10:30:40 37 Was it always the case that an IR, which was prepared by
10:30:46 38 you or - is that right?---Yeah, 99 per cent of the time if
10:30:51 39 it was my source and my dealings I would prepare the
10:30:55 40 contact report and the information report.
10:30:57 41
10:30:58 42 So the contact report is in effect the information which
10:31:02 43 comes to you from the source, that's the - what we've been
10:31:06 44 calling the ICR?---That's right, they were, they're two
10:31:10 45 different documents but you could encapsulate and capture
10:31:14 46 information from the information report and put that on to
10:31:17 47 there but then you would separate that when it went to the

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10:31:21 1 investigators because that document also contained
10:31:24 2 methodology and various other issues surrounding the source
10:31:27 3 that the investigators didn't need to know about.
10:31:30 4
10:31:31 5 So the information report would be the sanitised version
10:31:34 6 which goes to the investigators. What about verbal
10:31:42 7 provision of information, do you know whether that was
10:31:45 8 provided for as far as you can recall in the accepted
10:31:49 9 Standard Operating Procedures of the DSU?---I'm sorry, when
10:31:53 10 you say verbal what - - -
10:31:55 11
10:31:56 12 I assume if you pick up, did you pick up a telephone on
10:32:01 13 occasions or speak personally with investigators?---Yes,
10:32:05 14 you would - generally, depending on again the nature of the
10:32:09 15 job, if there was something urgent that came out of a
10:32:12 16 tasking and a debriefing with a source you would contact,
10:32:15 17 I'd contact my controller first.
10:32:17 18
10:32:17 19 Yes?---And either he would liaise directly with
10:32:21 20 investigators or I would and then during that conversation
10:32:23 21 you would indicate to them the nature of the urgency or
10:32:28 22 immediacy that they might have to act and then down the
10:32:31 23 track of course they'd get a detailed information report.
10:32:35 24
10:32:36 25 Would there be occasions when if you received information
10:32:41 26 that you would directly pick up the phone and telephone an
10:32:45 27 investigator prior to involving your controller in that
10:32:50 28 process?---No, not that I recollect, I always - if it was
10:32:54 29 something of a very pressing nature, I would never - I'd
10:32:59 30 always ring my controller first.
10:33:01 31
10:33:01 32 And the controller was Mr White I take it?---Correct.
10:33:03 33
10:33:07 34 Is it your understanding that Mr White was involved in the,
10:33:13 35 in effect the operational management of the SDU?---Correct.
10:33:16 36
10:33:17 37 Did it appear to you there was a, that Mr White had a fair
10:33:22 38 bit of business to get on top of and to do?---Absolutely.
10:33:27 39 He was smashed, so to speak, he was given too much to do.
10:33:32 40 He's a very good investigator but he was given too much, he
10:33:36 41 was given an awful lot to deal with.
10:33:40 42
10:33:40 43 What do you mean by that in terms of, he had a lot to deal
10:33:44 44 with? What sort of matters was he dealing with to your
10:33:48 45 recollection?---Well, whilst he was the controller for
10:33:53 46 myself and three other handlers dealing with those ongoing
10:33:56 47 operational matters, he was also dealing with the

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10:34:02 1 administration and running of the office.
10:34:05 2
10:34:05 3 Yes?---And they were both highly demanding given that we
10:34:11 4 were a pilot project and we were developing or evolving as
10:34:16 5 we continued our existence and we, myself and the other
10:34:23 6 handlers were stunned at how much work he had to do.
10:34:26 7
10:34:27 8 As I understand it you started in this unit apparently in
10:34:31 9 about 2000, August 2004, you continued through 2004,
10:34:36 10 throughout 2005 and you left in about 2006, is that
10:34:39 11 right?---Correct.
10:34:40 12
10:34:40 13 By that stage had the DSU become the SDU?---I think it - it
10:34:48 14 was renamed the SDU shortly after I'd left.
10:34:51 15
10:34:51 16 Had there been an increase in personnel by the time you'd
10:34:55 17 left?---No, the personnel were still the same as upon its
10:35:01 18 inauguration and I think it was shortly after I'd left they
10:35:05 19 may have recruited additional staff.
10:35:07 20
10:35:10 21 So your recollections, reflections about the amount of
10:35:14 22 workload Mr White had, were those observations applicable
10:35:18 23 throughout the time that you were there?---Yes, correct.
10:35:22 24
10:35:22 25 In terms of resourcing of the unit, what do you say about
10:35:28 26 that? Were there sufficient resources as far as you were
10:35:31 27 concerned in terms of personnel?---Um, I think as we -
10:35:39 28 initially when we started we seemed to have sufficient
10:35:43 29 personnel but as we started to achieve some success word
10:35:49 30 got out and people wanted to use us a lot more, because it
10:35:52 31 was an innovative program, and therefore sometimes,
10:35:56 32 particularly early on, workloads were enormous and we could
10:36:01 33 have done with additional staff and as I said, certainly
10:36:04 34 Mr White could have done with more assistance. I didn't
10:36:11 35 feel he got that. And yeah, as I say, as a period of time
10:36:16 36 went on and jobs were coming in and the very nature of the
10:36:19 37 work which was highly demanding and intrusive, we could
10:36:23 38 have done with additional staff.
10:36:24 39
10:36:25 40 Towards the end of the time you were there what was your
10:36:28 41 level of fatigue like?---I was burnt out. I couldn't
10:36:34 42 sleep. Had intrusions in my life the whole time
10:36:38 43 personally, on days off, on my leave. Sources ringing in
10:36:41 44 the middle of the night with various issues and, yeah, no,
10:36:48 45 I had - I was burnt out at the end.
10:36:51 46
10:36:52 47 Did you have a motor vehicle accident?---Correct.

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10:36:55 1
10:36:57 2 Without going into detail I take it that had something to
10:37:01 3 do with your fatigue?---My fault, I fell asleep at the
10:37:08 4 wheel of the car. I was just burnt out and I didn't - what
10:37:09 5 was initially supposed to happen was we were supposed to
10:37:13 6 get psychological support every three to six months we were
10:37:17 7 at the unit to deal with issues of burn out, et cetera. We
10:37:21 8 never got it, I didn't deal with it, couldn't cope with it.
10:37:25 9
10:37:25 10 Did you leave the unit fairly shortly after
10:37:28 11 that?---Probably within a week.
10:37:29 12
10:37:29 13 Is that right?---That was on my medical advice, yeah.
10:37:32 14
10:37:38 15 The preparation of documents, now you've mentioned, we've
10:37:41 16 touched on the IRs and we've also touched on the ICRs.
10:37:49 17 You, I take it, would need to prepare an information
10:37:53 18 contact report which set out your dealings with various
10:37:57 19 informers that you had over a particular period of time, is
10:38:00 20 that right?---Correct.
10:38:01 21
10:38:03 22 When the unit commenced what period was it that you had to
10:38:09 23 include in an ICR?---Sorry, I don't understand the
10:38:15 24 question.
10:38:15 25
10:38:22 26 We've seen a number of ICRs with respect to Ms Gobbo. Now
10:38:25 27 you may or may not have seen them, the amount of
10:38:28 28 information that came from Ms Gobbo was vast, there was
10:38:31 29 huge quantities of information. You didn't deal with her
10:38:34 30 as an informer as I understand it, is that
10:38:37 31 right?---Correct, as a handler, yep.
10:38:38 32
10:38:39 33 You had a number of informers during the period that you
10:38:43 34 were there?---Correct.
10:38:44 35
10:38:45 36 At anyone time how many informers would you have been
10:38:49 37 dealing with, human sources?---At various times probably
10:38:57 38 five or six. Towards the end probably two, depending on
10:39:01 39 the nature of the work.
10:39:02 40
10:39:03 41 Yes?---Yes.
10:39:03 42
10:39:03 43 And you were obliged to set out all of the contacts that
10:39:10 44 you had in an ICR?---Correct.
10:39:12 45
10:39:13 46 So every time you have a contact that information would be
10:39:16 47 recorded, is that right?---Correct.

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10:39:18 1
10:39:18 2 We understand it's either recorded on a loose piece of
10:39:23 3 paper or in your official diary, would that be fair to
10:39:26 4 say?---Any form of contact with a human source was recorded
10:39:30 5 in a diary.
10:39:31 6
10:39:32 7 Just excuse me. That information is recorded, every time
10:39:52 8 you have the contact it's recorded in an ICR,
10:39:57 9 correct?---Phone contact, third party contact, direct
10:39:59 10 contact, always in your diary and then, then you formulate
10:40:03 11 your other documents.
10:40:05 12
10:40:05 13 All right. Now there's other ways of recording information
10:40:10 14 when there were face-to-face meetings but we're not going
10:40:13 15 to go into that. Regardless of how the information is
10:40:20 16 obtained, whether it's face-to-face meeting, whether it's
10:40:23 17 telephone, third party, it goes into the ICR,
10:40:26 18 correct?---Correct.
10:40:27 19
10:40:37 20 Did every contact have a separate ICR or would you say in
10:40:41 21 some cases if there was significant amount of information
10:40:45 22 coming on days you would prepare an ICR, say, every week or
10:40:50 23 ten days which sets out the information that you'd received
10:40:54 24 in that period of time?---Yes, and I can explain how that
10:40:57 25 might work.
10:40:58 26
10:40:58 27 Yes?---I might have had four or five phone contacts with a
10:41:03 28 human source during the week.
10:41:04 29
10:41:04 30 Yes?---And it might have been just relating to when can I
10:41:08 31 meet up, where are we going to meet up, when are we going
10:41:11 32 to do this. That would formulate one contact report at the
10:41:15 33 end of the week, documenting and detailing each time they
10:41:18 34 called on whatever day. That would be like a generic one
10:41:22 35 for that. If it was a one-on-one personalised meeting,
10:41:26 36 every time you would do a different contact report. If it
10:41:30 37 was a phone call with substantial information that came
10:41:33 38 over, say if I got one in the middle of the night, they
10:41:38 39 rang me up, I'd have to write it up in my diary and then do
10:41:42 40 a contact report for it. So depending on the
10:41:44 41 circumstances.
10:41:44 42
10:41:44 43 That as we understand it would be prepared in a pro forma
10:41:47 44 document on your computer terminal?---Correct.
10:41:50 45
10:41:50 46 What was the process whereby that document was submitted
10:41:53 47 for approval?---It would be passed on to my controller.

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10:41:56 1
10:41:57 2 Yes?--He would review it and then he would determine what
10:42:01 3 information would be passed on to investigators. It was
10:42:05 4 also subject to analytical review by a tactical
10:42:12 5 intelligence officer in regards to the information on it,
10:42:13 6 and therefore whatever I might have typed, what I compiled,
10:42:19 7 might have been different to what the investigators would
10:42:21 8 see but that generally didn't happen too much.
10:42:24 9
10:42:24 10 Ultimately you would prepare both the ICR, you would
10:42:28 11 provide it to Mr White?---Correct.
10:42:30 12
10:42:30 13 Was it always Mr White in the period that you were
10:42:33 14 there?---No, sometimes when he was fortunate to have some
10:42:40 15 leave someone else took that role.
10:42:42 16
10:42:47 17 You indicate in your statement that in September of 2005,
10:42:52 18 after returning from annual leave, you were asked by, or
10:42:59 19 you were asked if you would be interested in handling or
10:43:02 20 co-handling Nicola Gobbo as a human source, is that
10:43:06 21 right?---Correct.
10:43:06 22
10:43:07 23 Who were you asked by?---Mr White.
10:43:10 24
10:43:12 25 You were aware that the MDID wanted to set up a meeting
10:43:18 26 with Ms Gobbo and introduce her to handlers from the SDU,
10:43:23 27 is that right?---Correct.
10:43:24 28
10:43:24 29 Was it your understanding that you were asked, you were
10:43:28 30 being asked if you would be involved in that initial stage
10:43:32 31 and the initial meeting as either a handler or a co-handler
10:43:40 32 of Ms Gobbo?---Correct.
10:43:41 33
10:43:43 34 You say that you declined the offer to do so for a number
10:43:49 35 of reasons and one of the reasons that you indicated in
10:43:53 36 your statement is that you'd had previous professional
10:43:57 37 dealings with Ms Gobbo who represented accused persons when
10:44:01 38 you were the informant in the [REDACTED] matters,
10:44:06 39 that's the first thing?---Correct.
10:44:07 40
10:44:08 41 We've expanded on that already. That's the reference to
10:44:10 42 the meeting with Ms Gobbo and also dealing as an informant
10:44:18 43 in those proceedings, is that right?---Correct.
10:44:21 44
10:44:24 45 You had also previously seen and spoken to her briefly at
10:44:28 46 social functions and you've recalled one of them being the
10:44:32 47 Armed Robbery Squad event at The Palace at St Kilda around

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10:44:37 1 2001 to 2003?---Correct.
10:44:39 2
10:44:40 3 In your statement you've said social functions in the
10:44:46 4 plural. Do you recollect meeting her or seeing her on
10:44:51 5 occasions other than this one occasion?---I do recall
10:44:53 6 seeing her at maybe one or two other functions but not
10:44:56 7 where I actually spoke with her.
10:44:59 8
10:45:03 9 Can I ask you why you considered - I'll move on to the next
10:45:07 10 point in a moment but why would those two points have been
10:45:14 11 in effect disqualifying points for you to handle
10:45:18 12 Ms Gobbo?---Firstly when we attended - when the unit
10:45:22 13 started it was basically a policy of the unit that we were
10:45:30 14 never to handle human sources that we knew or had dealings
10:45:33 15 with, whether it be professionally or privately. So that
10:45:38 16 was probably the first reason why I declined and that was
10:45:42 17 because I'd had those professional dealings and that brief
10:45:47 18 social interaction with her.
10:45:48 19
10:45:49 20 You also say in your statement that, "I was dismayed to a
10:45:53 21 degree that VicPol were willing to utilise an underworld
10:45:57 22 solicitor to catch drug offenders amid huge significant
10:46:02 23 risks in preference to concentrating on crimes of violence
10:46:03 24 against the person because of perceived issues of
10:46:08 25 integrity". Can you explain what you mean by
10:46:13 26 that?---Basically it might have been prior to or around the
10:46:17 27 time that the job involving Ms Gobbo came up, I had
10:46:23 28 information relating to the murder of Carmen Chan and I
10:46:27 29 wanted to utilise a human source in regards to that. I put
10:46:32 30 it forward to management that it was a job we probably
10:46:36 31 should have run on given the nature of it. That job was
10:46:43 32 not approved because they believed the person who was
10:46:46 33 providing the initial information, that they weren't a
10:46:51 34 person of integrity and they were tainted. So I found it
10:46:55 35 astounding that management would approve a job with an
10:47:00 36 underworld solicitor going after drug dealers when we had a
10:47:04 37 chance possibly to catch a child murderer. That was the
10:47:10 38 reason I was dismayed.
10:47:10 39
10:47:10 40 That's what you're referring to in that particular
10:47:13 41 sentence?---Correct.
10:47:13 42
10:47:13 43 Did you have any particular knowledge or belief as to
10:47:18 44 Ms Gobbo's relationship with members of the underworld
10:47:24 45 which caused you concerns about utilising her?---Yes,
10:47:29 46 correct.
10:47:30 47

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10:47:31 1 What were the issues, what were the concerns that you
10:47:34 2 had?--Well it was well-known, and I can't say it,
10:47:37 3 Commissioner, with any sort of substance, it was well-known
10:47:40 4 amongst investigators she would fraternise, socialise with
10:47:46 5 a lot of people within the underworld. Therefore I saw
10:47:49 6 that as the very nature of our work was a secret type of
10:47:54 7 work, it was covert and whatever, and to engage a solicitor
10:47:59 8 who socialises and fraternises with the underworld, we
10:48:03 9 would then be exposing her to our methodology, et cetera,
10:48:09 10 and how we might go about things that she could easily pass
10:48:13 11 back on to those particular persons and they would then
10:48:16 12 learn our methodology.

10:48:19 13
10:48:21 14 Do you know whether there was a perception that you had at
10:48:25 15 the time, whether or not it was shared with other
10:48:28 16 investigators, that she was too close to her clients?---I
10:48:36 17 had that view and I know there were some other
10:48:39 18 investigators, but the circumstances of her being engaged
10:48:45 19 by the SDU, et cetera, were completely different from my
10:48:49 20 understanding because I wasn't involved, but the people
10:48:55 21 with wiser minds than me made their decision based on other
10:49:00 22 circumstances.

10:49:01 23
10:49:01 24 I follow that but I'm talking about your perception as an
10:49:06 25 investigator and a person who knew that there was at least
10:49:10 26 an investigative design to get her in as an informer. You
10:49:17 27 obviously had problems with it you say. One of the things
10:49:20 28 was it exposed you in terms of information going back to
10:49:24 29 people for whom she associated with, right, do you
10:49:29 30 understand that?---Correct.

10:49:29 31
10:49:30 32 That was a concern you had?---Yes, sorry, yes.

10:49:32 33
10:49:32 34 Did you understand she associated with these people as a
10:49:35 35 lawyer or as an associate, as a friend, as a - what was
10:49:41 36 your understanding at the time?---My understanding was she
10:49:45 37 had both professional and social dealings with the people
10:49:47 38 that she represented.

10:49:48 39
10:49:49 40 Did you have a view as to whether or not she was an ethical
10:49:54 41 lawyer or not?---Um, no, not really, no, I - I had nothing
10:50:05 42 to say that she was doing anything wrong, nothing.

10:50:08 43
10:50:08 44 Did you have - you had nothing to say that. Did you have a
10:50:12 45 concern about it nonetheless?---Yeah, my concern was more
10:50:16 46 about her well-being as well as, say, besides ethical
10:50:22 47 issues.

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10:50:23 1
10:50:24 2 In terms of her well-being and your concern about it can
10:50:29 3 you expand on that?---Going back to my involvement with the
10:50:31 4 Hodson matter, and knowing the details leading up prior to
10:50:37 5 the murder of Terrence and Christine and her subsequent
10:50:41 6 association.
10:50:42 7
10:50:42 8 Her association with - - - ?---Andrew.
10:50:45 9
10:50:45 10 Yes?---I thought it was probably, the very nature of that
10:50:52 11 type of, that contextualised surrounding the issue of the
10:50:58 12 Hodsons, et cetera, I thought if people are prepared to do
10:51:02 13 that there will be no holds barred, they'll take her out as
10:51:07 14 well. I thought it would be a risk for her to hear this
10:51:11 15 information because at the end of the day, even though I
10:51:14 16 didn't know what she was going to tell us about, I thought
10:51:19 17 it was probably more important that she was looked after.
10:51:21 18
10:51:21 19 Did you have a view that she was acting for at least a
10:51:27 20 number of people involved in the criminal world, whether it
10:51:34 21 be people charged with serious offences such as drug
10:51:40 22 trafficking or drug production or murder, what did you
10:51:45 23 understand the situation was with respect to her legal
10:51:49 24 position?---Well, it was well-known that she acted
10:51:55 25 predominantly for those type of people. The people she
10:51:58 26 acted for when I first initially met her, they weren't the
10:52:02 27 type of people she was representing any more. As she went
10:52:05 28 on and gained more experience she became well-known as a
10:52:09 29 very good barrister representing elements of the
10:52:12 30 underworld.
10:52:12 31
10:52:13 32 Did you have an understanding of the nature of information
10:52:16 33 that it was proposed that she would provide?---No. I'm
10:52:25 34 sorry, because it involved the MDID I knew that it
10:52:31 35 basically revolved around two particular figures, but the
10:52:35 36 actual details or the, what the actual information she
10:52:39 37 could provide, I don't, I wasn't made aware of.
10:52:42 38
10:52:42 39 And the two particular figures?---My recollection was Horty
10:52:46 40 and Milad Mokbel.
10:52:52 41
10:52:52 42 What about Tony Mokbel?---Tony was mentioned all the time
10:52:56 43 by everyone but I do remember Horty, Milad coming up at
10:53:01 44 some stage.
10:53:01 45
10:53:02 46 So you had an awareness - was this before you were asked to
10:53:08 47 be involved in handling or afterwards?---No, when I was

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10:53:12 1 asked it was basically explained to me who was coming on
10:53:15 2 board, what it related to, and we were given a briefing
10:53:20 3 there. But that was in its infancy and of course the
10:53:24 4 initial meeting or introduction with Nicola with the SDU
10:53:30 5 would have canvassed exactly what that was, but I wasn't
10:53:33 6 party to that.
10:53:34 7
10:53:36 8 You've said that, "The risks taken I believe if Ms Gobbo
10:53:40 9 was utilised as a source was the potential she could be
10:53:43 10 acting as a double agent, she was too familiar beyond her
10:53:47 11 professional capacity with known criminals and members of
10:53:51 12 VicPol". What do you mean by "she was too familiar beyond
10:53:56 13 her professional capacity with known criminals"?---Just the
10:54:02 14 general appearance where she would socialise with them and
10:54:04 15 you would hear from other investigators third hand that,
10:54:09 16 you know, she was seen with a number of identities, maybe
10:54:13 17 at a racetrack or at a basketball game or whatever, it
10:54:18 18 appeared to be beyond her professional capacity.
10:54:21 19
10:54:23 20 You say that you also believe that her life and well-being
10:54:27 21 would be in danger if she was identified as a human
10:54:30 22 source?---Correct, well as Terrence Hodson was a source and
10:54:35 23 he was murdered and she was connected indirectly to the
10:54:39 24 Hodsons so I had that concern.
10:54:41 25
10:54:43 26 Do you know whether there had been any consideration about
10:54:51 27 recruiting her as an informer prior to September of
10:54:57 28 2005?---I was unaware that she was acting as a human source
10:55:01 29 prior to engagement with the SDU.
10:55:02 30
10:55:04 31 What I'm asking you about is this: forgetting about any
10:55:09 32 earlier registrations, in the period say 12 months prior to
10:55:14 33 2005 do you know whether there had been any discussions
10:55:18 34 with any members of the SDU or outside of the SDU about
10:55:26 35 potentially approaching her and seeking to engage her as an
10:55:29 36 informant?---No, not at all.
10:55:32 37
10:55:34 38 Were you aware of any desire on the part of the SDU to in
10:55:42 39 fact get more human sources?---Always. It was, it was
10:55:50 40 innovative and we were always looking for potential human
10:55:54 41 sources for various types of crimes.
10:55:56 42
10:55:56 43 Was there in effect a recruitment program, if I can use
10:56:00 44 those sorts of terms, to in effect build up the stock of
10:56:03 45 informers that the SDU had?---Um, there wasn't an active
10:56:08 46 recruitment program but there was, word was spreading
10:56:12 47 amongst investigators of results the SDU were achieving.

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10:56:17 1
10:56:17 2 Yes?---And we marketed ourselves based on that and so
10:56:22 3 therefore investigators who were previously reluctant to
10:56:27 4 engage with high risk human sources would have been more
10:56:31 5 prepare to, given that they would be given the support and
10:56:36 6 assistance from the SDU.
10:56:37 7
10:56:37 8 In effect when this pilot program started out, and we
10:56:42 9 understand it was somewhere around November of 2004, you're
10:56:46 10 starting I suppose from scratch, you've got no stock in
10:56:52 11 trade if you like but the idea is to build up that stock in
10:56:55 12 trade. I take it there was a desire on the part of the SDU
10:57:00 13 to prove itself and to prove a worthy resource for
10:57:03 14 investigators?---I think so, yeah. I think - and like I
10:57:08 15 said that's when I was, when it was sold to me I thought it
10:57:11 16 was a great concept.
10:57:13 17
10:57:14 18 Was there a desire to proactively go out and recruit people
10:57:21 19 to in effect turn people and get them on board as
10:57:24 20 informers?---I think long-term there was a strategic plan
10:57:27 21 to do so. It was based on best practice from other
10:57:31 22 international law enforcement programs. But given the
10:57:34 23 nature and the high demand in workload we weren't able to
10:57:38 24 actively partake in that at that stage whilst I was there.
10:57:42 25
10:57:43 26 The workload picked up I take it as time went by from the
10:57:49 27 period you started, through to the period you left, as I
10:57:52 28 understand it when the left you were pretty well - -
10:57:58 29 -?---Cooked. Yes, correct.
10:57:59 30
10:58:00 31 Aside from the matters that you've talked about which as
10:58:04 32 far as you were concerned countered against recruiting
10:58:09 33 Nicola Gobbo, did you turn your mind to the question of
10:58:15 34 whether it was envisaged that she would be getting
10:58:21 35 information and providing information to police about
10:58:23 36 people who she was representing?---No, no, I didn't give
10:58:28 37 that a lot of thought after the initial discussion.
10:58:30 38
10:58:31 39 If you had turned your mind to that, if you'd turned your
10:58:35 40 mind to the question of was it appropriate for Victoria
10:58:39 41 Police to be engaging an informer, in effect to assist in
10:58:47 42 bringing to book a person who was her client, would you
10:58:52 43 have had a concern, a gut reaction about that?---To be
10:58:56 44 quite honest with respect, no. If we're alluding to the
10:59:01 45 face I thought she was breaching her ethics or legal
10:59:05 46 obligations, no I'd never given that consideration
10:59:07 47 depending on what the information was. I was more

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10:59:11 1 concerned about her safety and perhaps the double agent
10:59:14 2 factor.
10:59:14 3
10:59:17 4 Did you ever speak to your controller or any superior
10:59:29 5 officers about concerns with respect to the information
10:59:31 6 that was being sought, whether or not it was sought, it was
10:59:39 7 obtained properly or otherwise by the source that you were
10:59:42 8 dealing with?---Which source are we - - -
10:59:46 9
10:59:46 10 I'm speaking generally at the moment?---There was
10:59:52 11 sometimes, there were - as I say because you would debrief
10:59:55 12 your controller and sometimes there were discussions that
10:59:58 13 perhaps upon review that we would take a different
11:00:00 14 approach, that perhaps it wasn't the best practice that we
11:00:05 15 were adopting at that time. As I said we were evolving and
11:00:09 16 we were trying to learn how to do this properly and there
11:00:12 17 were several occasions where on review and on the advice of
11:00:16 18 my controller I did manage some of my sources in a
11:00:19 19 different manner and with great effect.
11:00:22 20
11:00:22 21 I was asking you before about, and I parked the questions,
11:00:28 22 about information which you had received which was
11:00:30 23 potentially obtained improperly by the human source, what
11:00:35 24 do you do with it, what do you do about it, do you follow
11:00:38 25 what I'm saying?---Yes.
11:00:39 26
11:00:40 27 And I gave you the example of a - - - ?---Burglary.
11:00:47 28
11:00:49 29 You've got that information, it may well be very important
11:00:50 30 information in terms of solving the crime. What do you do
11:00:54 31 and what's the situation with respect to disclosure to a
11:00:58 32 defence or to the prosecutor to allow that issue to be
11:01:02 33 ventilated in court? Do you follow what I'm saying?---Yes,
11:01:06 34 I do. That was something that was never a responsibility
11:01:09 35 of a handler.
11:01:10 36
11:01:10 37 Right?---That would be left to the informant or the
11:01:14 38 investigative team if there was an issue such as that.
11:01:18 39
11:01:18 40 In some cases though, for example, if the investigator,
11:01:24 41 bearing in mind this concept of sterile corridor, didn't
11:01:27 42 know how the information was obtained and perhaps didn't
11:01:34 43 even know who the informer was. How would that then reach,
11:01:38 44 filter through to the court?---As I said previously, upon
11:01:41 45 the compilation of a report that I might have done it is
11:01:45 46 then subsequent to review and then wiser minds than me
11:01:52 47 would either amend that report or allow it to go through

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11:01:56 1 forthwith. If there was a concern, and I never had, I
11:02:00 2 never experienced this so I can't say how it might have
11:02:03 3 happened because I never, it never did happen with me, but
11:02:06 4 if there was a concern I dare say discussions between the
11:02:10 5 management of the source unit and above would have worked
11:02:15 6 out a strategy how to make those appropriate disclosures.
11:02:19 7
11:02:19 8 Right. So it's not something that you ever experienced
11:02:23 9 though in your time at the DSU?---No.
11:02:26 10
11:02:26 11 What information were you provided with about obligations
11:02:31 12 of disclosure with respect to informers and information
11:02:38 13 that had been provided by informers?---As I said there was
11:02:44 14 a standard operating or SOPs and there was quite a detailed
11:02:51 15 or lengthy document pertaining to how information was
11:02:55 16 obtained, how it was passed on, et cetera, et cetera.
11:02:58 17
11:02:58 18 That's the SOP you're talking about, is it?---Yeah. I
11:03:01 19 can't recall what was in it, but generally memory wise, um,
11:03:10 20 if there was any issues pertaining to when, whilst dealing
11:03:16 21 with a human source, if there was any issues pertaining to
11:03:20 22 criminality, ethics, safety, et cetera, that could
11:03:24 23 compromise the integrity of an investigation, you would
11:03:27 24 always most definitely bring it to the attention of your
11:03:33 25 controller.
11:03:33 26
11:03:34 27 As far as you were concerned it would be the handler's
11:03:37 28 responsibility to raise with the controller concern about
11:03:40 29 information that had been provided to the handler?---Yes,
11:03:43 30 no, he had to know everything. You could not keep anything
11:03:49 31 back.
11:03:49 32
11:03:49 33 If, for example, you get information from your human source
11:03:53 34 which, I mean as far as you were concerned must have been
11:03:56 35 obtained improperly, for example, a burglary or someone
11:04:05 36 improperly obtaining information by the use of recording
11:04:11 37 devices or something like that, that would be something
11:04:13 38 that you might well be concerned about, is that
11:04:16 39 right?---Correct.
11:04:16 40
11:04:16 41 Were you taught to be concerned about that?---Yes, and I do
11:04:20 42 recall not an example of the burglary but in regards to a
11:04:25 43 [REDACTED] where we were attacked by the human
11:04:30 44 source. When I say attacked, he [REDACTED] our [REDACTED]
11:04:35 45 [REDACTED] and my concerns about that particular source I
11:04:38 46 relayed to my controller and he dealt with it immediately,
11:04:42 47 terminated the registration of that source, et cetera,

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11:04:45 1 et cetera.
11:04:45 2
11:04:45 3 Right?---So whenever anything where we might have been
11:04:49 4 compromised or the source was undermining us, there was
11:04:52 5 normally a strategy in place to deal with that.
11:04:54 6
11:04:55 7 In terms of using the information, you would say, "Look
11:05:00 8 it's not my responsibility, I tell my controller about
11:05:02 9 this, I say look I'm concerned about the way in which this
11:05:05 10 information has been obtained, I don't see how it can
11:05:09 11 possibly be used because it's been obtained illegally, we
11:05:13 12 would need to disclose this information to the prosecution
11:05:17 13 or to the investigators in which case we'd have to disclose
11:05:22 14 it, it would have to be disclosed to the defence and to the
11:05:25 15 court", I mean were those discussions had to your
11:05:29 16 recollection?---No, not in my time, no.
11:05:31 17
11:05:37 18 In your training as a member of Victoria Police did you
11:05:40 19 have instruction about that sort of obligation to disclose
11:05:46 20 that information either as an investigator to prosecutors
11:05:51 21 or as a source handler to investigators?---Yeah, we had
11:05:56 22 training for various circumstances where we would have to
11:05:59 23 make certain types of disclosures but certainly not until I
11:06:05 24 got to the source unit was I aware that we might
11:06:09 25 potentially have those circumstances which I never
11:06:12 26 subsequently experienced.
11:06:13 27
11:06:13 28 You never subsequently experienced those. How did you
11:06:16 29 become aware of those, those matters?---Which matters,
11:06:21 30 sorry?
11:06:22 31
11:06:22 32 About the potential need to disclose?---Well there was case
11:06:27 33 laws, there was training.
11:06:30 34
11:06:31 35 Training where?---Training where you received training from
11:06:35 36 the prosecution unit, that's different - my career early
11:06:43 37 on, there was a case that came in where we had to provide a
11:06:48 38 full brief of evidence. Everything changed and evolved and
11:06:49 39 that was all part of making disclosures from then on. So
11:06:53 40 ongoing there was precedents, legal precedents set,
11:06:56 41 et cetera. The prosecutions office would advise you in
11:06:58 42 regards to what your obligations were given those
11:07:02 43 precedents, so it was just ongoing.
11:07:04 44
11:07:04 45 Did you have any particular training around those matters
11:07:06 46 when you came into the SDU or the DSU?---No, not that I can
11:07:10 47 recall.

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11:07:10 1
11:07:19 2 Were there ever any cases where when you were at the DSU
11:07:24 3 that you needed to either make a statement or give
11:07:29 4 evidence?---No.
11:07:30 5
11:07:31 6 Were there ever any cases where you had discussions with
11:07:39 7 prosecutors in relation to a particular case that was being
11:07:41 8 run based on the evidence that had been provided by an
11:07:44 9 informer who you were handling?---There was one particular
11:07:48 10 matter, yes.
11:07:50 11
11:07:50 12 Did that involve in effect the prosecutor speaking to you
11:07:55 13 about, without going into detail, about the sort of
11:07:58 14 information that had been provided, how it was provided and
11:08:01 15 those sorts of matters?---It was basically the prosecutor
11:08:05 16 liaising through the investigator to me.
11:08:10 17
11:08:10 18 About matters concerning where the information came
11:08:13 19 from?---Yes.
11:08:13 20
11:08:14 21 Was that a question of whether the evidence would be
11:08:16 22 admissible or not admissible in a trial, do you know?---No,
11:08:19 23 it was more or less a case of, there was no concern about
11:08:23 24 the ethical, the legal issues surrounding the use of that
11:08:27 25 source. It was only just to seek some clarification on a
11:08:31 26 number of strategies if during the subsequent trial process
11:08:35 27 that the source was going to be identified.
11:08:37 28
11:08:37 29 Right. Now what were the issues that arose as to how the
11:08:44 30 source could be concealed? I take it if it got to trial
11:08:48 31 and there were questions asked around those matters.
11:08:52 32
11:08:53 33 MR HOLT: Excuse me, Commissioner. I know my learned
11:08:55 34 friend has been good, but I'm very conscious that there's a
11:08:58 35 risk now that if the witness were to give evidence specific
11:09:01 36 to that case that we might lead to the identification of a
11:09:03 37 human source. I think the issue can be dealt with
11:09:06 38 perfectly adequately, I know my learned will be but so long
11:09:07 39 as the witness is kept to the issues rather than any
11:09:12 40 particular facts that might identify that case and lead to
11:09:14 41 the potential identification of that person.
11:09:16 42
11:09:16 43 COMMISSIONER: All right. You'll take the appropriate
11:09:19 44 care.
11:09:19 45
11:09:20 46 MR HOLT: Thank you Commissioner.
11:09:21 47

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11:09:21 1 COMMISSIONER: Thanks Mr Winneke.
11:09:22 2
11:09:23 3 MR WINNEKE: Do you follow what Mr Holt is saying? We
11:09:25 4 don't want to identify the particular source?---No, I
11:09:28 5 won't.
11:09:28 6
11:09:29 7 But we are very keen to find out how those issues arise and
11:09:32 8 how it is dealt with in your discussions with prosecutors
11:09:35 9 and investigators and what those issues are. Now in this
11:09:39 10 particular case as I understand it there was concern on the
11:09:42 11 part of the investigator, on your part also that you didn't
11:09:48 12 want the source to be identified during the course of the
11:09:51 13 trial, is that right?---Correct.
11:09:52 14
11:09:53 15 It was clearly a potential that that could occur if a
11:09:59 16 barrister was allowed to go free rein and ask questions of
11:10:05 17 a particular witness, is that right?---Correct.
11:10:08 18
11:10:09 19 Without going into details, what was the effect of
11:10:12 20 discussions - did you speak to the prosecutor
11:10:15 21 directly?---No.
11:10:16 22
11:10:16 23 You spoke to the investigator, did you?---Correct.
11:10:18 24
11:10:19 25 What were the gist of the discussions, if you can do it in
11:10:23 26 such a way that you don't expose the particular
11:10:26 27 person?---Basically the prosecutor had approached the
11:10:31 28 investigator given the high profile case that we were
11:10:35 29 dealing with because he was made aware that there was an
11:10:38 30 existence of a source, whether or not there was any concern
11:10:43 31 regarding compromise of that human source and whether or
11:10:49 32 not the investigator had any strategies in place to deal
11:10:54 33 with that scenario if it did arise. He indicated to the
11:10:57 34 prosecutor that he wasn't the handler and that there was
11:11:02 35 someone else involved, which was me, and then it was
11:11:04 36 decided the way of communicating would be through the
11:11:08 37 investigator, me as the handler would then discuss, would
11:11:12 38 then be, strategies that we had in place in consultation
11:11:17 39 with my superiors, if that was likely to happen we did have
11:11:21 40 a number of strategies where the safety of that person
11:11:24 41 wouldn't be compromised, or sorry, wouldn't be at risk even
11:11:29 42 if their identity was compromised.
43
11:11:34 44 Was one of the strategies that was available the use of, or
11:11:38 45 the employment of public interest immunity as an argument
11:11:40 46 to or as a reason to prevent questioning of a particular
11:11:44 47 witness, is that right?---That's correct.

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11:11:46 1
11:11:49 2 And no doubt a claim would be made if it was felt that the
11:11:53 3 questions might lead to the identification of the source,
11:11:56 4 there would be a claim of public interest immunity raised,
11:11:59 5 is that right?---That's correct.
11:12:00 6
11:12:01 7 Was that an issue, putting aside this particular case, was
11:12:05 8 that an issue which was discussed with investigators in
11:12:09 9 other cases that you were involved in?---Yeah, it certainly
11:12:13 10 was. It was something not even prior to dealing with any
11:12:16 11 investigators, it was something that we did discuss within
11:12:19 12 the unit as well as to what would occur if those situations
11:12:23 13 did transpire during court proceedings.
11:12:26 14
11:12:27 15 I take it it wasn't anticipated that any of the handlers
11:12:30 16 would be giving evidence at all in court
11:12:33 17 proceedings?---Correct.
11:12:34 18
11:12:34 19 It would be the informer, sorry, the informants who would
11:12:37 20 give the evidence, that is police informants?---Correct.
11:12:41 21
11:12:42 22 Would give evidence who may or may not be aware of a
11:12:44 23 particular source, is that right?---Correct.
11:12:46 24
11:12:47 25 Was there a desire on the part of SDU members that
11:12:52 26 informants not make notes in their own diaries which might
11:12:56 27 potentially lead to the identification of a human
11:12:59 28 source?---I don't, I don't recall anything specific about
11:13:08 29 that, no.
11:13:08 30
11:13:10 31 Did you ever, in the time that you were at the DSU, have
11:13:15 32 meetings with, for example, representatives of the Office
11:13:22 33 of Public Prosecutions to talk about these issues of public
11:13:24 34 interest immunity?---No.
11:13:24 35
11:13:25 36 Did you ever have briefings, if you like, from lawyers
11:13:30 37 within Victoria Police about issues of public interest
11:13:35 38 immunity?---No.
11:13:35 39
11:13:38 40 Did you ever have particular briefings from senior members
11:13:42 41 of Victoria Police where you were provided with documents
11:13:46 42 or papers or anything of that sort about questions of
11:13:51 43 public interest immunity?---No.
11:13:52 44
11:14:00 45 Did you ever have briefings, if you like, from any of those
11:14:06 46 three units, prosecutors, lawyers or senior members of
11:14:11 47 Victoria Police about obligations of disclosure during the

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11:14:14 1 time that you were in the SDU?---No.
11:14:16 2
11:14:28 3 Do you recall receiving any training when you were within
11:14:34 4 the SDU about lawyers' obligations of confidentiality to
11:14:39 5 their clients?---No.
11:14:41 6
11:14:42 7 Do you recall receiving any training whilst you were within
11:14:45 8 the SDU about obligations of lawyers such as legal
11:14:54 9 professional privilege with their clients?---No.
11:14:57 10
11:15:14 11 Just excuse me. If I can just come back to Ms Gobbo. You
11:15:30 12 effectively said, "look, I don't want to be involved in her
11:15:39 13 handling" for the reasons that you've set out. Firstly,
11:15:42 14 your previous knowledge and dealings with her, that is both
11:15:47 15 professionally and on the occasions socially that you've
11:15:51 16 spoken about. Your dismay about the allocation of
11:15:55 17 resources when you had another area that you were keen to
11:15:59 18 go into?---Correct.
11:16:00 19
11:16:00 20 The risks that she could be acting as a double agent, that
11:16:08 21 is providing information about your techniques back to her
11:16:11 22 clients and or criminals with whom she
11:16:16 23 associated?---Correct.
11:16:16 24
11:16:16 25 The risk to her life?---That was probably the utmost, yes.
11:16:19 26
11:16:19 27 That was the utmost?---That was my greatest concern.
11:16:22 28
11:16:22 29 Your greatest concern was the risk to her life?---Yes.
11:16:26 30
11:16:26 31 Is it the case that with informers you can never guarantee
11:16:34 32 that their identity as an informer will be kept
11:16:39 33 secret?---Correct.
11:16:39 34
11:16:40 35 Is there always a risk that their role as an informer might
11:16:45 36 be revealed by someone who knows who is associated with the
11:16:50 37 informer?---Absolutely.
11:16:51 38
11:16:52 39 So if the informer's indiscreet there's always a chance it
11:16:57 40 can get out that way?---Correct. Some of them are their
11:17:01 41 own worst, enemies.
11:17:05 42
11:17:06 43 If the informant, human source themselves is a particularly
11:17:09 44 indiscreet individual, well that can lead to their
11:17:13 45 exposure?---Correct.
11:17:13 46
11:17:14 47 There's always a risk, is there, with court processes that

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11:17:19 1 a person could be outed as an informer because of the need
11:17:22 2 to disclose material to the defence?---Correct.
11:17:25 3
11:17:27 4 In a case where - just assume this, you didn't know this at
11:17:32 5 the time, but if the very, one of the reasons of engaging
11:17:36 6 her was to provide information against the criminal cartel
11:17:43 7 where she's acting for the main figures in that criminal
11:17:49 8 cartel, there would at least be the possibility that she
11:17:52 9 was in effect acting as an agent of the state against the
11:17:58 10 very people against whom she's acting in a court
11:18:02 11 proceeding?---Correct.
11:18:02 12
11:18:02 13 If that is the case fairness would dictate, wouldn't it, as
11:18:06 14 a matter of common sense that she may have to find out
11:18:09 15 about that - at least the defence, if it's Mr Mokbel or
11:18:14 16 Milad Mokbel or Horty Mokbel, they might have to find out
11:18:18 17 about that if she continues to act for those people down
11:18:22 18 the track, do you follow that?---I do follow it, yes.
11:18:24 19
11:18:25 20 If that's the case and if she does continue to act for
11:18:28 21 those people, there's always a risk, isn't there, indeed a
11:18:32 22 very great risk that that would have to be disclosed to the
11:18:36 23 defence?---Correct.
11:18:37 24
11:18:37 25 That would need to be taken into consideration, wouldn't
11:18:40 26 it, at the outset when you start dealing with an informer
11:18:43 27 who is providing that sort of information?---Perhaps,
11:18:49 28 depending on what that information was.
11:18:51 29
11:18:51 30 For example, as we know in this case, again it may well be
11:18:55 31 that you weren't aware of the time, but in this case she is
11:19:02 32 tasked to provide information and that information
11:19:06 33 ultimately leads to the arrest and charging of a person by
11:19:12 34 the name of [REDACTED] do you know who that is?---No.
11:19:15 35
11:19:15 36 I wonder if - - -
11:19:16 37
11:19:17 38 COMMISSIONER: Yes, have we got the card there?
11:19:19 39
11:19:19 40 MR WINNEKE: Have we got a flash card.
11:19:37 41
11:19:37 42 MR HOLT: Excuse me, Commissioner.
11:19:46 43
11:19:46 44 MR WINNEKE: That doesn't ring a bell?---I'm sorry, the
11:19:49 45 name rings a bell but I didn't know.
11:19:51 46
11:19:51 47 You didn't know that, okay?---Yep.

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11:19:53 1
11:19:54 2 Hypothetically, right, completely hypothetically, if you
11:19:59 3 were aware that she had provided information about a
11:20:04 4 person, let's call them John Smith, right, and that
11:20:08 5 information leads to the arrest of John Smith and then when
11:20:13 6 he's arrested Gobbo turns up to appear for John Smith and
11:20:18 7 advise John Smith. As a member of the Police Force would
11:20:21 8 you have a problem with that?---Yes.
11:20:22 9
11:20:22 10 What would that be?---Oh, well, besides stating the obvious
11:20:29 11 what everyone knows, at the time if I had that scenario I
11:20:35 12 would be certainly saying, if she was my source, I'd be
11:20:39 13 saying, "You can't do that, you can't represent them".
11:20:42 14
11:20:42 15 Right. And you'd probably say to her, wouldn't you, "Look
11:20:46 16 if you represent them, what that means is, and if you go to
11:20:49 17 court pretending in effect to be acting in that person's
11:20:54 18 best interests when behind the scenes you're actually
11:20:57 19 acting for us, it's going to mean that that person is not
11:21:01 20 going to have an independent lawyer acting for
11:21:03 21 them"?---Correct.
11:21:03 22
11:21:04 23 "And it's going to mean that Mr Smith is going to have to
11:21:10 24 find out about it because fairness dictates that in order
11:21:14 25 for him to get a fair trial we as the Police Force are
11:21:18 26 going to have to tell him, there's going to have to be an
11:21:22 27 obligation to disclose to that person"?---Correct.
28
11:21:24 29 Do you accept that proposition?---Yes.
11:21:26 30
11:21:26 31 "If that's the case you're going to be outed as the human
11:21:29 32 source", would that be something that would be appropriate
11:21:31 33 to say to the source in any discussion about whether that
11:21:35 34 person was intending to act for John Smith?---Yes.
11:21:38 35
11:21:39 36 And really what you would be saying to someone is, "It may
11:21:45 37 well be an ethical matter for you as to whether or not you
11:21:47 38 act for that person, but if you act for that person we are
11:21:50 39 going to have to tell that person that you're doing so
11:21:53 40 which means that you're going to be exposed"?---Correct.
11:21:55 41
11:21:56 42 Do you agree with that proposition?---Yes.
11:21:57 43
11:21:58 44 Is that something that you would be concerned enough about,
11:22:01 45 if she did then go and act for John Smith, to go and speak
11:22:05 46 to your superiors about and say, "Look, we've got a problem
11:22:09 47 here"?---Correct.

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11:22:09 1
11:22:13 2 Is it something that you'd need to think very carefully
11:22:16 3 about and probably get legal advice about?---In that
11:22:22 4 scenario, yes.
11:22:23 5
11:22:23 6 It's something that you'd need to speak to the prosecution
11:22:26 7 about, I suggest, or at least the prosecution would have to
11:22:29 8 be made aware of that?---Yeah, a representative from the
11:22:32 9 unit or the department would have to get some legal advice
11:22:35 10 on that most definitely.
11:22:37 11
11:22:41 12 Look, obviously as a handler acting for, as a police
11:22:52 13 officer your obligation is to uphold the right, if you
11:22:57 14 like, to uphold law and order and safety in the community,
11:23:02 15 correct?---Yes.
11:23:04 16
11:23:07 17 By taking the oath as a member of the Police Force, and
11:23:12 18 probably by inclination you want to make sure that
11:23:15 19 criminals are off the street, that's your desire as a
11:23:19 20 member of the Police Force I assume?---Correct.
11:23:20 21
11:23:21 22 And I take it you're also told in doing so - we've been
11:23:29 23 told about a self test, SELF, do you know about
11:23:36 24 that?---Yep, I only ever saw it on a toilet wall but
11:23:39 25 anyhow.
11:23:40 26
11:23:40 27 You were told about it?---Yep.
11:23:42 28
11:23:42 29 As I understand it?---(Witness nods.)
11:23:44 30
11:23:46 31 When you say you only ever saw it on a toilet
11:23:51 32 wall?---That's was how it was treated with disdain by most
11:23:56 33 members. They had stickers everywhere, they had books
11:24:00 34 everywhere, they had this and that, you know. Most of the
11:24:00 35 time people - you'd be given this material handed to you to
11:24:05 36 put up on your wall and you'd give it to your team members
11:24:06 37 but most of people stuck them up in inappropriate places
11:24:11 38 because of the contempt they had for it.
11:24:13 39
11:24:13 40 But ultimately what it means is anything you do it has to
11:24:17 41 withstand scrutiny?---Correct.
11:24:20 42
11:24:20 43 It has to be ethical and it has to be lawful and it's got
11:24:22 44 to be fair?---Correct.
11:24:23 45
11:24:25 46 Ultimately do you say that those matters took a back seat
11:24:29 47 to catching crooks?---Are you talking about a noble cause?

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11:24:37 1
11:24:38 2 Well, yes, if we can put it that way?---I would have to say
11:24:48 3 on some - some of my times or experience, to be quite
11:24:51 4 honest, yes.
11:24:53 5
11:24:53 6 The desire really, the view was taken, look, it's more
11:24:58 7 important to put crooks behind bars full stop rather than
11:25:05 8 ensuring that it's done in accordance with SELF?---No, I
11:25:12 9 can't speak on behalf of the majority of the Police Force.
11:25:16 10 I can only say from my own personal experience, depending
11:25:20 11 on what those circumstances were, that I certainly would
11:25:24 12 have taken perhaps that noble cause attitude but I can't
11:25:27 13 speak for the majority of members.
11:25:28 14
11:25:29 15 I understand that. Was there a principle which was drummed
11:25:33 16 into detectives that in effect your role was to investigate
11:25:43 17 in accordance with the rules and you weren't invested in
11:25:48 18 the outcome, the idea is to investigate in accordance with
11:25:51 19 the rules?---Correct.
11:25:52 20
11:25:52 21 Was that treated in the same way as the SELF test?---Yeah.
11:25:59 22 Look, to put it bluntly, to explain what a noble cause is,
11:26:05 23 it doesn't mean you're doing anything illegally, you may be
11:26:09 24 taking shortcuts. The bureaucracy, paperwork, et cetera,
11:26:14 25 to try and get something done is sometimes just a
11:26:17 26 nightmare, so you might take shortcuts. That's how my
11:26:21 27 attitude was. Sometimes as an investigator I'd have to
11:26:24 28 take short cuts, I'd have to circumvent policy or whatever,
11:26:27 29 in order to get something done quickly because of the
11:26:31 30 urgency of the climate to get the job done. For argument's
11:26:34 31 sake, if someone's life was in danger in a particular
11:26:37 32 scenario and I had to wait for the approval of a public
11:26:41 33 servant to sign off on a phone check, whilst someone's life
11:26:47 34 was at risk, I went around that, I had to go around it
35 because I couldn't wait for a public servant to approve -
11:26:51 36 that's what I'm talking about. So there was a desire to
11:26:52 37 try and get things done with the right attitude with the
11:26:56 38 right intention, but sometimes you had to skirt around some
11:27:00 39 of the ridiculous policies and procedures that they had.
11:27:03 40
11:27:03 41 In any event, speaking quite candidly, we appreciate that,
11:27:11 42 speaking for yourself, you say on occasions in order to
11:27:16 43 ensure that a drug trafficker is off the streets or a
11:27:19 44 murderer is off the streets, you may need to bend the rules
11:27:22 45 on occasions?---Correct.
11:27:24 46
11:27:29 47 Just excuse me. Can I ask you this: in terms of the SDU

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11:27:52 1 operating as a unit, did you have regular meetings where
11:27:58 2 you'd sit down together and talk about particular projects
11:28:05 3 that the unit's involved in or particular
11:28:09 4 investigations?---Yeah, we would have on a weekly basis
11:28:12 5 informal meetings where maybe on the Monday or towards the
11:28:15 6 end of the week we'd go for a coffee or a lunch and we'd
11:28:20 7 discuss our particular jobs and what we were doing,
11:28:22 8 et cetera.
11:28:22 9
11:28:23 10 In any of those discussions in the time that you were
11:28:27 11 there, were you made aware that Gobbo was operating as a
11:28:32 12 human source for the DSU?---Not during those meetings, only
11:28:39 13 in the time that I've indicated in my statement. Pretty
11:28:42 14 much when I indicated my reluctance to be involved, it was
11:28:46 15 pretty much a closed shop and I preferred it that way.
11:28:50 16
11:28:51 17 You?---I preferred it that way.
11:28:56 18
11:28:57 19 In terms of the oversight of the DSU, to your observation
11:29:02 20 where did that oversight come from, putting aside Mr White,
11:29:05 21 I'm talking about more senior oversight?---There was a
11:29:11 22 Superintendent within the Crime Department.
11:29:13 23
11:29:13 24 Who was that?---I believe it was Tony Biggin at the time.
11:29:18 25
11:29:18 26 Was he associated directly with your unit or was he in a
11:29:28 27 different unit at the time that you were there?---He - I
11:29:32 28 was led to believe he was officer-in-charge of the Major
11:29:38 29 Drug Investigation Division but he was also the supposed
11:29:43 30 officer-in-charge of our particular unit and was part of -
11:29:48 31 he may have been one level down from a steering committee,
11:29:51 32 et cetera.
11:29:51 33
11:29:51 34 Right?---But I never had any direct involvement with him
11:29:55 35 whatsoever whilst at the unit, but whatever, he was
11:30:00 36 certainly all over what we were doing because obviously it
11:30:05 37 went up through the chain.
11:30:07 38
11:30:07 39 Without going into details about your location when you
11:30:10 40 were initially set up you were at St Kilda Road, is that
11:30:14 41 right?---Correct.
11:30:15 42
11:30:15 43 At some stage there was a change in location, is that
11:30:18 44 right?---Correct.
11:30:18 45
11:30:19 46 Were you part of the unit when the location changed?---Yes.
11:30:21 47

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11:30:22 1 When you were at St Kilda Road did senior officers actually
11:30:30 2 come into the unit and walk around, speak to handlers,
11:30:36 3 controllers, analysts, at all, did that occur to your
11:30:41 4 recollection?---Not very frequently, no.
5
6 Do you have a recollection of who did come into the unit
11:31:27 7 when you were there at St Kilda Road and in effect - - -
11:31:27 8 ?---When we first started we started at the St Kilda Road
11:31:27 9 and during the initial starting up of the unit we were
11:31:27 10 tended to be visited by the officer, I believe it might
11:31:27 11 have been Doug Calishaw, on a couple of occasions, to come
11:31:27 12 in and he was basically trying to check that we'd got
11:31:27 13 computers, we'd got this, we'd got that. What operational
11:31:27 14 matters were discussed with him I don't know but I can't
11:31:27 15 recall seeing him much after that. Never saw them - sorry,
11:31:27 16 I did see - when we were at [REDACTED]
17
18 Yes?---We had another Detective Inspector Rob Hardy and he
11:31:31 19 was actually really good. He'd come quite a few times.
20
21 Yes?---And make sure that everything was going all right.
22
23 How frequently do you say he would come in?---Oh, I
11:31:38 24 probably saw him half a dozen occasion, which was a lot
11:31:44 25 really.
26
27 Did he ever sit down with you and discuss your sources when
11:31:56 28 he came in?---No.
29
30 Did you ever have any one-on-one discussions with anyone on
11:32:00 31 a regular basis about the sources you were handling, the
11:32:04 32 sort of information they were providing?---Yes.
33
34 With whom did you have those discussions?---Mr White.
35
36 How frequently were they had?---Almost daily.
37
38 When you went to the other location did that
11:32:20 39 continue?---Yes.
40
41 Just excuse me for a minute. What you say ultimately is
11:32:36 42 that you have no criticism of your fellow handlers whilst
11:32:52 43 at the SDU, I take it that's right?---Correct.
44
45 And that includes Mr White?---Absolutely.
46
47 Would it have been advantageous if there was an Inspector

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11:33:11 1 attached to the unit from the get-go and Mr White was able
11:33:17 2 to, in effect, receive additional support and assistance
11:33:21 3 from such a person?---Correct, no doubt about it.
4
11:33:24 5 As far as you were concerned he had too much on his
11:33:26 6 plate?---Way too much.
7
11:33:30 8 You say that you're only critical of several management
11:33:35 9 practices - just excuse me, I'll go back. You say it was
11:33:39 10 your belief that the whole concept of the SDU was extremely
11:33:42 11 innovative and advantageous to assist investigators at the
11:33:48 12 coalface of the day-to-day operation of the SDU, you saw
11:33:52 13 significant success with investigations which wouldn't have
11:33:56 14 occurred but for the existence of the SDU?---Correct.
15
11:33:59 16 But you're critical of management practices?---Yes.
17
11:34:01 18 And decisions relating to operational safety and well-being
11:34:04 19 of members of the SDU during your period at the SDU,
11:34:08 20 right?---Correct.
21
11:34:09 22 What were the criticisms with respect to management
11:34:14 23 practices and decisions that you had?---Well the management
11:34:19 24 practices - well, basically I referred to operational
11:34:23 25 safety. We were never initially provided with operational
11:34:29 26 safety equipment, that being firearms, et cetera. A number
11:34:34 27 of jobs I attended dealing with people of interest
11:34:40 28 connected to the potential of murdering several police, I
11:34:44 29 was never given any equipment, nothing, and no cover,
11:34:49 30 nothing. There was a risk attached to that.
31
11:34:52 32 Yes?---And therefore, not without making specific reference
11:34:56 33 to that particular job, as a result of that job I made
11:35:00 34 submissions to obtain operational equipment, et cetera,
11:35:04 35 from the armoury, firearms.
36
11:35:07 37 Did it occur?---Yep.
38
11:35:09 39 It did occur?---And it then did occur. That's what I'm
11:35:12 40 talking about in regards to that.
41
11:35:14 42 Yes?---In regards to - and then of course there were times
11:35:17 43 where I was called after hours in the middle of the night
11:35:20 44 to attend a remote location by myself when an alarm was
11:35:26 45 activated. I couldn't get any police back-up from normal
11:35:31 46 general duties because they weren't to know the location of
11:35:34 47 our premises, so I was - you know, I was a bit cheesed off

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11:35:38 1 that I was thrown into that scenario.
2
11:35:40 3 Right?---And then just the well-being. I just sort of
11:35:43 4 thought in their drafting of their - or the findings of the
11:35:49 5 project in its earlier stages, that they highly recommended
11:35:54 6 the department provide us with psychological support to
11:35:58 7 deal with the intrusive nature of human sources into our
11:36:01 8 lives and that was supposed to be every three to six
11:36:03 9 months. It was never done. Which subsequently we'd all
11:36:08 10 deal with it in our own way, which subsequently I didn't
11:36:12 11 deal very well with it and it resulted in me leaving
11:36:17 12 because I'd burnt out.
13
11:36:21 14 Ultimately I think you had a discussion with Mr Dale who
11:36:23 15 you saw up the northeast at some stage; is that
11:36:27 16 right?---Correct, in February this year.
17
11:36:28 18 As a result of those discussions it appears that he's made
11:36:32 19 some comments in his statement and that's how you've come
11:36:35 20 to be here to provide evidence?---Correct.
21
11:36:38 22 All right. Thanks very much. Commissioner, perhaps I
11:36:47 23 should tender the minutes that were put up on the screen
11:36:50 24 and if I can do that as a confidential exhibit at this
11:37:01 25 stage.
26
11:37:02 27 COMMISSIONER: What was the name?
28
11:37:07 29 MR WINNEKE: VPL.0100.0048.1115. It's minutes, "Dedicated
11:37:15 30 Human Source Management Team Pilot", Steering committee
11:37:21 31 minutes dated 13 August 2004 at 2pm.
11:37:23 32
11:37:24 33 COMMISSIONER: And the date please?
34
11:37:27 35 MR WINNEKE: 13 August 2004.
11:37:32 36
11:37:33 37 #EXHIBIT RC322 - (Confidential) Steering committee minutes
11:38:22 38 dated 13/08/04.
39
11:38:22 40 COMMISSIONER: We'll take a ten minute break now.
41
42 (Short adjournment.)
43
11:59:58 44 COMMISSIONER: Yes Mr Nathwani.
11:59:59 45
12:00:00 46 MR NATHWANI: No questions at all.
47

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12:00:01 1 COMMISSIONER: No questions at all. Mr Holt?
12:00:04 2
12:00:05 3 MR HOLT: No questions.
4
12:00:06 5 COMMISSIONER: Mr Chettle.
12:00:08 6
7 <CROSS-EXAMINED BY MR CHETTLE:
8
12:00:08 9 Thank you, Commissioner. Mr Paige, when you were involved
12:00:11 10 with the unit it was called the Dedicated Source Unit, was
12:00:14 11 it not?--Correct.
12
12:00:15 13 Had it changed its name to the Source Development Unit by
12:00:19 14 the time you left, or was it still the DSU?---It was still
12:00:23 15 from my recollection the DSU.
16
12:00:25 17 It was effectively still in its pilot stage?---Absolutely.
18
12:00:32 19 You expressed some disdain, I think, or maybe even contempt
12:00:38 20 for the SELF test that Mr Winneke asked you about, do you
12:00:41 21 remember your comments about that?---That's correct, it was
12:00:43 22 a light-hearted - in a light-hearted way.
23
12:00:47 24 I understand that. But certainly so far as the DSU was
12:00:53 25 concerned ethical compliance and ethical standards were
12:00:56 26 paramount for members of that unit?---Correct.
27
12:00:59 28 It was emphasised repeatedly that people of the best
12:01:03 29 integrity had to be involved in that department?---And they
12:01:06 30 were.
31
12:01:07 32 Yes. So far as the man that you call, we call Mr White, he
12:01:12 33 made that perfectly clear to everybody, didn't
12:01:15 34 he?---Absolutely .
35
12:01:17 36 You were brought to the unit by Inspector Doug Calishaw,
12:01:22 37 was that your understanding, it was his recommendation that
12:01:27 38 you became a member of that unit?---I wasn't sure whether
12:01:30 39 it was his recommendation. From recollection it might have
12:01:33 40 been, I thought it might have been someone else.
41
12:01:36 42 Certainly did you know Mr White before that time, before
12:01:39 43 you came to the unit?---Yes.
44
12:01:40 45 You'd seen him around as a detective?---I had worked with
12:01:43 46 him previously.
47

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12:01:45 1 He, as far as you were aware, was an officer of the highest
12:01:50 2 integrity and honesty?---Without a shadow of a doubt in my
12:01:55 3 entire time in the job.
4

12:01:57 5 He worked, as you said, incredibly hard to try and make
12:02:01 6 this unit a success?---He went well and beyond.
7

12:02:07 8 When you expressed concern, as you did, about some of the
12:02:11 9 management and operational and safety issues that you were
12:02:14 10 taken to by Mr Winneke, did that extend to the fact that
12:02:17 11 the unit was effectively understaffed and overworked, or
12:02:23 12 would you say they were?---Yeah, that would have been one
12:02:26 13 of the aspects of it, that's correct.
14

12:02:28 15 And there was a need, recognised need, for administrative
12:02:31 16 support to help with the paperwork that was generated by
12:02:34 17 the job?---Correct.
18

12:02:38 19 From your observation the members of that unit were all
12:02:45 20 hard-working, honest police officers?---Well the members I
12:02:49 21 worked with at that time were probably some of the most
12:02:53 22 proficient, experienced and committed investigators I've
12:02:57 23 worked with.
24

12:02:58 25 Thank you. The need for psychological assessment every six
12:03:05 26 months was something, or assistance, was something you
12:03:08 27 thought was of value?---Only in hindsight, sir.
28

12:03:12 29 It's something you would have liked to have seen continued
12:03:15 30 regularly for the unit?---Correct.
31

12:03:23 32 As far as taking shortcuts and bending the rules that you
12:03:28 33 said you might take, that was certainly not the attitude at
12:03:31 34 the SDU, was it?---No, I didn't want to confuse both, no.
12:03:37 35 It was very much by the book at the DSU.
36

12:03:40 37 You couldn't bend the rules, there were set procedures you
12:03:42 38 had to follow?---Absolutely.
39

12:03:47 40 Mr Winneke has indicated to this Commission that you
12:03:54 41 expressed - I'll just read the quote - that you were
12:04:01 42 critical of the idea of using a solicitor as a human
12:04:04 43 source. That's simply untrue, isn't it?---Sorry, I was
12:04:09 44 critical of?
45

12:04:11 46 Of the use of a solicitor as a human source?---Not in the
12:04:18 47 context of isolation, sir. It was in comparison with

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12:04:23 1 another job I wanted to do.
2
12:04:24 3 I understand you wanted to do the Carmen Chan job?---That's
12:04:28 4 right.
5
12:04:28 6 The concept of using a solicitor as a source was not
12:04:33 7 something that you addressed at all?---Not as saying, "I
12:04:37 8 think it's wrong we're using a solicitor."
9
12:04:39 10 That's exactly what I'm putting to you. You never, ever
12:04:42 11 suggested that, did you?---Not like that, no, sir.
12
12:04:45 13 You never expressed any criticism of the unit's management
12:04:48 14 of that source or of their intention to manage that
12:04:53 15 source?---No criticism of it at all.
16
12:05:02 17 As a matter of oversight, were you aware of the existence
12:05:05 18 of a body called the Informant Management Unit or
12:05:10 19 IMU?---Yes.
20
12:05:11 21 That subsequently changed its name to the HSMU I presume,
12:05:16 22 you would be aware of that as a police officer?---Yes, it
12:05:18 23 would have, yes.
24
12:05:19 25 That organisation was in fact the governance body that sat
12:05:23 26 above the DSU to ensure that they were behaving according
12:05:28 27 to rules and regulations, was it not?---There was some
12:05:31 28 input by a member of the name of - I don't know if I can
12:05:34 29 name - from that unit that used to now and then consult
12:05:37 30 with Mr White. But I didn't know whether they were a part
12:05:40 31 of the direct oversight.
32
12:05:43 33 Was that someone called Thomas you were thinking about?
12:05:49 34 Can you write the name down? I don't want to say it
12:05:52 35 either. I doubt whether it is something but if the witness
12:05:55 36 could just simply write the name down, Commissioner.
37
12:05:57 38 COMMISSIONER: Yes, all right then. Show that to
12:06:10 39 Mr Chettle, please. Perhaps to Mr Holt as well. Just show
12:06:22 40 Mr Holt, please.
41
12:06:24 42 MR CHETTLE: Yes.
43
12:06:37 44 MR HOLT: There's no difficulty with that name,
12:06:38 45 Commissioner, thank you.
46
12:06:41 46
12:06:42 47 MR CHETTLE: Yes, not problem with that name. The name is

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12:06:42 1 Glen Owen, is that right?---Correct.
2
3 COMMISSIONER: The name is what?
4
12:06:44 5 MR CHETTLE: Glen Owen. You were aware that he was from
12:06:45 6 what you believed to be the Informant Management Unit,
12:06:50 7 IMU?---Correct.
8
12:06:51 9 To your observation he had close contact with
12:06:54 10 Mr White?---He did
11
12:07:01 12 But that IMU, the role of the IMU, was to be the oversight
12:07:04 13 of the DSU, wasn't it, or did you - - - ?---I didn't know
12:07:12 14 whether they had oversight. I just knew that they were
12:07:15 15 stakeholders, but as to what degree I don't know.
16
12:07:17 17 They were there, what they did is not something you were
12:07:20 18 familiar with?---No.
19
12:07:24 20 Mr Winneke asked you some questions about writing diary
12:07:30 21 entries and documentations so as to avoid outing sources,
12:07:36 22 do you remember questions along those lines?---Vaguely,
12:07:40 23 yes, sir.
24
12:07:42 25 In fact the system was, without going into great detail,
12:07:47 26 the source would be referred to by number in the documents
12:07:48 27 that were written, never by name?---Correct.
28
12:07:50 29 That was the system adopted in order to try and ensure that
12:07:54 30 documentary material didn't expose the source to
12:07:57 31 exposure?---That was the plan, that's correct.
32
12:08:15 33 Thank you.
34
12:08:19 35 COMMISSIONER: That's all. Any re-examination?
12:08:21 36
12:08:23 37 MR THOMAS: No, Commissioner.
12:08:23 38
12:08:24 39 MR WINNEKE: I think Mr Chettle asked you questions about
12:08:26 40 whether or not you were critical of the use of a solicitor
12:08:28 41 per se, that is as a human source, and I think what you say
12:08:31 42 is, "No, I wasn't", correct?---That's correct.
43
12:08:34 44 You were critical of the use of this particular legal
12:08:36 45 practitioner as a human source?---In that context of the
12:08:39 46 circumstances back then, that's correct.
47

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12:08:41 1 And that was, I take it, even without an understanding of
12:08:45 2 the sort of information that they were seeking to get from
12:08:47 3 her?---Correct.
4

12:08:50 5 COMMISSIONER: Can I just clarify, did you make that known
12:08:52 6 to Mr White and others at the time, that you were not happy
12:09:01 7 with her being used as a human source, or was it just a
12:09:05 8 private opinion that you held?---It was - I did make it
12:09:09 9 known but it was a private opinion but it wasn't based on
12:09:12 10 the fact that, Commissioner, she was a solicitor. It was
12:09:16 11 basically because I knew who she was and what she was -
12:09:19 12 well assumed at what she was involved in and that was both
13 - - -
14

12:09:21 15 Her links with the underworld?---Correct.
16

12:09:24 17 Was more the problem than that she was solicitor for
12:09:27 18 you?---Correct.
19

12:09:28 20 Did you make that known to Mr White and others in
12:09:30 21 discussions?---Yes, I did but not in the wording discussed
12:09:33 22 here today. It was just in a general conversation that I
12:09:37 23 didn't want - - -
24

12:09:39 25 Thank you.
26

12:09:40 27 MR WINNEKE: Are you able to approximate the general
12:09:43 28 conversation that you had with Mr White about your
12:09:45 29 concerns?---Basically, as I said, I was invited to be
12:09:49 30 involved. I declined based on saying that I knew her and
12:09:54 31 he accepted that and respected that because that was part
12:09:57 32 of the operations at the office.
33

12:09:58 34 Yes?---I indicated that - and he knew how - he then
12:10:04 35 understood how I knew her, through the professional
12:10:08 36 engagement. Then when I expanded on the fact that I just
12:10:10 37 thought there's a bit of risk attached to her, I just don't
12:10:13 38 trust her, it's a gut feeling, that was what it was based
12:10:16 39 on, nothing of any substance, and he went away and
12:10:19 40 considered that and in fairness to him he came back with a
12:10:23 41 better job for me.
42

12:10:25 43 Did you raise the issue of concern to her about her
12:10:28 44 safety?---I did, yes, at that time.
45

12:10:32 46 Yes, thanks very much. I'd ask Mr Paige be excused,
12:10:38 47 Commissioner.

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1
12:10:38 2 COMMISSIONER: Yes, thanks Mr Paige, you're excused, free
12:10:41 3 to go now.
4
12:10:43 5 <(THE WITNESS WITHDREW)
12:10:43 6
12:10:45 7 MR THOMAS: May I be excused?
8
12:10:46 9 COMMISSIONER: Thanks Mr Thomas, yes. I think we thought
12:10:52 10 this witness would go longer than he has. The next witness
12:10:55 11 isn't due until to two, but he's coming a little earlier?
12:10:59 12
12:10:59 13 MR HOLT: We've just managed to contact Mr Ryan. The
12:11:02 14 funeral is completed and he should be arriving here at
12:11:04 15 about 1, so perhaps 1.15, Commissioner, just in the
12:11:08 16 interests of not having him rush straight in and straight
12:11:10 17 into the witness box.
18
12:11:12 19 COMMISSIONER: All right. We'll take an earlier lunch
12:11:18 20 break, but before we do that I think there's an application
12:11:20 21 for leave to appear for Mr Asling, is that right? Is there
22 someone here for Mr Asling?
23
12:11:23 24 MR WINNEKE: Mr Stary was outside of the hearing room a
12:11:26 25 moment ago, Commissioner. Commissioner, he's not outside.
12:12:01 26 Perhaps if we can maybe deal with that matter - - -
27
12:12:08 28 COMMISSIONER: Do we know where he is or if he's gone or if
12:12:12 29 he's just somewhere around?
30
12:12:15 31 MR WINNEKE: We can perhaps send him a text and ask him to
12:12:17 32 come at - - -
33
12:12:19 34 COMMISSIONER: If he came at 1 then we could start at one
12:12:22 35 with his application and I don't know whether the State
12:12:25 36 wants to see his submissions about that? It's more about
12:12:30 37 cross-examination, but he's also applying to cross-examine,
12:12:33 38 but I'm not quite sure what's happening with that.
12:12:36 39
12:12:36 40 MR McDERMOTT: The State have a copy of the intended
12:12:39 41 appearance and what's proposed, that would be useful,
12:12:42 42 Commissioner.
12:12:42 43
12:12:42 44 COMMISSIONER: Yes, all right. It's a strange application
12:12:44 45 for leave in that it's combined really with a submission to
12:12:49 46 the Commission.
47

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12:12:50 1 MR WINNEKE: Commissioner, perhaps if we can get a message
12:12:54 2 to him to get here at 1 o'clock we can deal with it then.
3
12:12:59 4 COMMISSIONER: Yes, all right. We'll take an early lunch
12:13:00 5 break then and resume at one, then we'll sit through till
12:13:05 6 4.30 but we'll take a mid-afternoon break to assist
12:13:10 7 the - - -
8
12:13:11 9 MR WINNEKE: Thank you, Commissioner.
10
12:13:15 11 COMMISSIONER: We'll adjourn now until 1 o'clock. Could
12:13:19 12 you arrange for the State or anyone else who might want to
12:13:22 13 make any submissions about this to have a copy of the part
12:13:26 14 of the submission relevant to the application for leave to
12:13:27 15 appear and to cross-examine. Perhaps the State should have
12:13:29 16 it all really. Does anyone else at the Bar table with
12:13:33 17 standing leave want a copy? There is actually - maybe the
12:13:36 18 DPP should have a copy because there is - it also has a
12:13:41 19 general application for disclosure in it as well, which is
12:13:45 20 relevant to them.
12:13:47 21
12:13:48 22 MR HOLT: Commissioner, we'd prefer to see it but happy to
12:13:54 23 do so on an undertaking.
24
12:13:56 25 COMMISSIONER: I can't see that there's a problem. We'll
12:13:59 26 let the Victoria Police, the State and the DPP have a copy
12:14:04 27 of the submission. In the meantime it might be simplified.
28
12:14:13 29 MR WINNEKE: I doubt very much whether Mr Stary would have
12:14:16 30 any issue with that. I'll see if I can contact him before
12:14:19 31 that's done but I don't see any - for my part I don't see
12:14:20 32 any reason why they oughtn't - - -
12:14:20 33
12:14:20 34 COMMISSIONER: The reason why I don't think there's any
12:14:22 35 problem with it is that he says at paragraph 53, "The
12:14:27 36 submissions are filed on the basis they will be accessible
12:14:30 37 to the public should the Commission determine that they
12:14:32 38 should be published". Then he talks about some
12:14:36 39 non-publication orders about some of the people spoken
12:14:39 40 about in it, which won't be a problem with these parties.
41
12:14:42 42 MR WINNEKE: I agree with that, Commissioner.
43
12:14:43 44 COMMISSIONER: So I can't see any problem with that.
45
12:14:45 46 MR WINNEKE: I accept that.
47

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12:14:47 1 COMMISSIONER: All right then, that's what we shall do.
12:15:24 2 We'll adjourn now until 1 pm.

12:15:45 3

4 LUNCHEON ADJOURNMENT

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12:46:00 1 UPON RESUMING AT 2.00 PM:
12:48:17 2
12:55:06 3 COMMISSIONER: Yes, Mr Winneke.
4
13:06:46 5 MR WINNEKE: Commissioner, as I understand it Mr Stary, who
13:06:48 6 is seated at the table, is seeking leave to appear for
13:06:57 7 Mr Stephen Asling on the basis of a written application.
13:07:03 8 I've read the application. I've spoken to Mr Stary. As
13:07:08 9 far as I'm concerned I have no objection to him having
13:07:13 10 leave to appear for Mr Asling in the case of those
13:07:18 11 witnesses where Mr Asling's interests might potentially be
13:07:23 12 touched upon.
13
13:07:24 14 COMMISSIONER: Yes. But it's more than that, it's also an
13:07:29 15 application to cross-examine.
16
13:07:31 17 MR WINNEKE: That has been the subject of discussion
13:07:33 18 between myself and Mr Stary. At this stage he's not
13:07:36 19 seeking leave to cross-examine but will rely on counsel
13:07:40 20 assisting to cover areas which we propose to do as much as
13:07:45 21 we can. If we don't cover areas it may well be that
13:07:49 22 Mr Stary would seek leave to cross-examine and justify why
13:07:53 23 he would seek leave to, and in those cases they'd have to
13:07:58 24 be dealt with if and when they arise.
25
13:08:01 26 COMMISSIONER: Mr Stary, at this stage it's just an
13:08:06 27 application for leave to appear?
13:08:08 28
13:08:10 29 MR STARY: That's correct, Commissioner.
30
13:08:12 31 COMMISSIONER: In respect of this witness and other
13:08:13 32 relevant witnesses.
13:08:15 33
13:08:15 34 MR STARY: Yes, and counsel assisting has conveyed our
13:08:17 35 concerns and we expect that those issues will be covered.
36
13:08:21 37 COMMISSIONER: So other relevant witnesses would include
13:08:24 38 Mr White?
13:08:30 39
13:08:30 40 MR STARY: I'm not sure in terms of their anonymity,
13:08:33 41 Commissioner.
42
13:08:37 43 COMMISSIONER: That is his anonymous name. He's a
13:08:38 44 controller of the handlers.
13:08:39 45
13:08:40 46 MR STARY: That's correct, yes.
13:08:40 47

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13:08:40 1 COMMISSIONER: At this stage I'll give you leave to appear
13:08:46 2 in respect of Mr Ryan and Mr White. I don't know whether
13:08:49 3 there's anyone else following.
4
13:08:51 5 MR WINNEKE: There will be, Commissioner. There will be
13:08:55 6 other witnesses who may have some relevance, including
13:08:59 7 members of Purana.
8
13:09:00 9 COMMISSIONER: Should I just make a general order then of
13:09:03 10 witnesses considered relevant by the Commission?
11
13:09:09 12 MR WINNEKE: Yes.
13
13:09:09 14 COMMISSIONER: All right. As it's now not a application to
13:09:13 15 cross-examine I don't need to hear from the other parties.
13:09:17 16
13:09:18 17 MR STARY: No, Commissioner. If that arises I'll raise it
13:09:22 18 with counsel assisting.
19
20 COMMISSIONER: All right then, so leave to appear - did you
21 want to say something?
22
23
13:09:26 24 MR McDERMOTT: Only just to say that I've not been in a
13:09:27 25 position to obtain instructions about leave to appear.
26
13:09:30 27 COMMISSIONER: I don't think that there's any standing
13:09:33 28 concern with applications for leave to appear, it's only
13:09:36 29 applications to cross-examine as I understood it.
13:09:39 30
13:09:39 31 MR McDERMOTT: Commissioner, I think that's broadly correct
13:09:41 32 in the main. It's really only the point of potential
13:09:44 33 cross-examination the State's interest in - - -
34
13:09:48 35 COMMISSIONER: Sorry, I didn't hear what you said.
13:09:50 36
13:09:50 37 MR McDERMOTT: In relation to any application for
13:09:53 38 cross-examination, it would be at that point - - -
39
13:09:56 40 COMMISSIONER: Yes, I understand. I understand that.
13:09:57 41 Mr Stary, you have leave to appear on behalf of Mr Asling
13:10:01 42 in respect of this witness, Mr White and any other
13:10:05 43 witnesses that the Commission considers relevant to
13:10:08 44 Mr Asling's case.
13:10:11 45
13:10:11 46 MR STARY: Thank you, Commissioner.
47

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13:10:12 1 COMMISSIONER: Yes, thank you. Yes, Mr Winneke.
2
13:10:15 3 MR WINNEKE: Commissioner, I think we're ready to resume
13:10:16 4 with Mr Ryan, who was here a moment ago, but Mr Woods is
13:10:22 5 dealing with Mr Ryan.
13:10:23 6
13:10:24 7 MR HOLT: Commissioner, I just mentioned to Mr Stary
13:10:26 8 obviously he would need to give the same undertakings that
13:10:29 9 the others have given when we get to that point,
13:10:31 10 Commissioner.
13:10:31 11
13:10:32 12 COMMISSIONER: Right. The undertaking is?
13:10:33 13
13:10:33 14 MR HOLT: I knew you'd test me on that, Commissioner.
15
13:10:36 16 COMMISSIONER: I think that's only in respect of Mr White's
13:10:39 17 evidence, isn't it?
13:10:39 18
13:10:40 19 MR HOLT: I think it is, Commissioner. Perhaps I'll liaise
13:10:42 20 with Mr Stary and we'll make sure it's done at an
13:10:43 21 appropriate time.
22
13:10:43 23 COMMISSIONER: Yes. You nearly got away with it. Thanks
13:10:53 24 Mr Ryan, at this stage if you return to the witness box.
13:10:57 25 At this stage we are in open hearing.
13:10:57 26
13:10:58 27 <GAVAN RYAN, recalled:
13:11:02 28
13:11:02 29 MR WOODS: Thank you, Mr Ryan. We finished off in closed
13:11:05 30 hearing talking about a few matters that we'll come back
13:11:08 31 to, but just before we move to those matters there's a
13:11:11 32 couple of issues that I wanted to deal with arising out of
13:11:15 33 evidence on Friday. The first of those is you'll remember
13:11:19 34 perhaps there was a document that I brought up on the
13:11:22 35 screen which was a Petra steering committee minute of 1 May
13:11:26 36 2007. The operator's going to bring that up on our screens
13:11:31 37 now. I was asking you - we had an exchange about what the
13:11:39 38 appointment of a legal team meant and what the legal team
13:11:42 39 was to do. On the way to that point I asked you a question
13:11:47 40 about the dot point above it, "Carl Williams has signed his
13:11:50 41 statement. It is the same as the one presented to the
13:11:53 42 committee on 24/4/07". Now there was a claim potentially
13:11:57 43 going to be made in relation to public interest immunity in
13:12:01 44 relation to that. The claim, I can say, isn't pressed, so
13:12:06 45 I just wanted to ask you to the best of your recollection.
13:12:08 46 I think what I said to you was the phrase that's used in
13:12:12 47 the minutes there, on a natural reading indicates that

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13:12:16 1 there may well have been another statement from Carl
13:12:20 2 Williams that was either - that was around in whatever form
13:12:25 3 at the time of that 1 May 2007 meeting. Just, firstly, do
13:12:32 4 you recall that there were multiple statements made by
13:12:35 5 Mr Williams?---No.
6
13:12:37 7 Do you remember that there were draft statements made by
13:12:40 8 Mr Williams?---Yeah, I think what we're referring to here
13:12:46 9 is the draft statement that was shown to them on the 24th.
10
13:12:50 11 Right?---And then it says that he signed that statement.
13:12:54 12 That's how I read it.
13
13:12:55 14 I see. The Commission certainly knows about a 27 April
13:13:02 15 2007 signed statement by Mr Williams. The Commission knows
13:13:07 16 about two further statements that were made in 2009 and I
13:13:13 17 think they're a matter of public record. Are you aware of
13:13:15 18 at this stage in May whether there might have been a
13:13:17 19 different version of a can-say statement or a draft
13:13:20 20 statement?---No.
21
13:13:21 22 There was only one statement you were ever aware of at this
13:13:23 23 time?---Yes. That was taken by Jim O'Brien.
24
13:13:25 25 Yes, yes. Another issue that we touched on during Friday
13:13:32 26 was what, if anything, the OPI was told about Ms Gobbo's
13:13:41 27 status as a registered human source, do you remember those
13:13:45 28 questions?---Yes.
29
13:13:48 30 There's a document, this is the electronic diary - I didn't
13:13:53 31 show this to you last week but I'll show it to you now -
13:13:58 32 this is the electronic diary for Officer Fox, that's a
13:14:03 33 pseudonym for one of the handlers. For those at the Bar
13:14:05 34 table it's VPL.2000.0001.2917. It's an entry on Thursday
13:14:16 35 16 August 2007. What's in front of you on the screen is an
13:14:25 36 extract. So you'll see the first page of the diary there
13:14:28 37 and then the diary entry for that particular date of this
13:14:33 38 particular SDU officer and a pseudonym has been attached to
13:14:39 39 who we now know as Mr White in the last sentence. Do you
13:14:42 40 see that in front of you?---Yes.
41
13:14:44 42 16 August 2007. Just to place that in time. This was
13:14:49 43 about a month after Ms Gobbo's first appearance at the OPI,
13:14:53 44 that's about right?---Yes.
45
13:14:57 46 I should say, I think this can be on all the screens. I
13:15:01 47 might just show my learned friends?---Yes.

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1
13:15:13 2 It should come up on the screen in a minute. Just while
13:15:22 3 the police are having a look at that, so it's about a month
13:15:26 4 ever at first appearance and you were present at that first
13:15:30 5 appearance at Mr Brouwer's office?---Yes.
6
13:15:34 7 I think it's the day before the second appearance which you
13:15:37 8 were also at; is that right?---Yes.
9
13:15:41 10 It's fine to be brought up on all the screens. So there's
13:15:46 11 the title page of this electronic production on the
13:15:52 12 left-hand side and then the entry on the right and there's
13:15:57 13 a pseudonym, as you see, attached to Mr White's name in the
13:15:59 14 bottom corner. We were discussing on Friday what, if
13:16:02 15 anything, Mr Fitzgerald or his counsel assisting or the
13:16:07 16 other gentleman in the room might have known about
13:16:10 17 Ms Gobbo's status. This diary says that there's a phone
13:16:13 18 call with you, the handler has a phone call with you the
13:16:16 19 day before. He's just found out and - this is I take it
13:16:20 20 you - "have just found out and had it confirmed by
13:16:24 21 Mr Overland that Mr Fitzgerald does not know 3838 is a
13:16:28 22 registered informer". Now do you recall that conversation
13:16:30 23 happening with Mr Overland?---No.
24
13:16:34 25 Do you doubt the accuracy of Officer Fox's diary in that
13:16:37 26 regard?---No.
27
13:16:40 28 "He has been told", so Mr Fitzgerald has been told, "that
13:16:43 29 she has assisted police once and life in danger", do you
13:16:48 30 recall that information being passed to you?---No.
31
13:16:52 32 Do you recall any conversation with Mr Overland about her
13:16:55 33 status as an informer in this period in between the two OPI
13:17:00 34 hearings?---No.
35
13:17:02 36 Okay?---I was below.
37
13:17:06 38 But you're passing on here, according to the note,
13:17:09 39 something that it appears that Mr Overland has told you
13:17:12 40 about what he has told Mr Fitzgerald, you'd accept that is
13:17:15 41 a natural reading of the document?---Yes, this is the
13:17:18 42 document I think I referred to.
43
13:17:20 44 Yes, it is, that's right. I should have reminded you of
13:17:22 45 that. We called for that document and this is the document
13:17:26 46 that was provided to the Commission, that's correct.
47

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13:17:30 1 COMMISSIONER: This is the document that was shown to the
13:17:32 2 witness by his solicitors some weeks ago?
13:17:35 3
13:17:36 4 MR WOODS: That's correct?---Yes.
13:17:38 5
13:17:39 6 MS ENBOM: Can I just clarify, Commissioner. This document
13:17:39 7 was produced to the Commission a long time ago and it's the
13:17:43 8 document that the witness referred to.
13:17:47 9
10 COMMISSIONER: Thank you.
11
13:17:48 12 MR WOODS: Sorry, I wasn't suggesting it hadn't been
13:17:50 13 produced a long time ago which just weren't sure which
13:17:51 14 document he'd been shown.
15
13:17:53 16 COMMISSIONER: At least that's clarified. Thank you
13:17:54 17 Ms Enbom.
18
13:17:55 19 MR WOODS: I should say there are ICRs that are consistent
13:17:58 20 with this that you won't have seen at the time. Just
13:18:02 21 looking at the language that's employed in that document,
13:18:05 22 now this is showing that you are simply the person who's
13:18:08 23 received information from Mr Overland and then passed it on
13:18:13 24 to the SDU member, so it's obviously not information - it's
13:18:17 25 not a conversation that you've had with Mr Fitzgerald, do
13:18:20 26 you agree with that?---Yes.
27
13:18:22 28 Insofar as it says that you were told that Fitzgerald was
13:18:28 29 told that she had assisted police once, you'd accept that
13:18:32 30 that's not a fair reflection of the true situation as it
13:18:36 31 stood on 16 August 2007?---Yes.
32
13:18:40 33 Insofar as it's not a true reflection, it's in fact
13:18:44 34 misleading, isn't it?---Yes.
35
13:18:52 36 I tender that document, Commissioner. That's just the one
13:18:58 37 page of the diary.
38
13:18:59 39 COMMISSIONER: That's 333.
13:19:03 40
13:19:03 41 #EXHIBIT RC323 - Diary of Officer Fox, electronic diary
13:19:21 42 entry 16/8/07.
43
13:19:25 44 COMMISSIONER: That can go on the website now, can't it?
13:19:29 45
13:19:29 46 MR WOODS: Yes, it can. Just to finish off that area.
13:19:33 47 You'll recall, just for the sake of certainty, that at the

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13:19:36 1 final passage, I don't think it needs to be brought up on
13:19:39 2 the screen, but the final passage of the exchange between
13:19:44 3 Mr Fitzgerald and Ms Gobbo at her final appearance before
13:19:47 4 him, he said words to the effect that he expected her to
13:19:50 5 come back and tell the truth before him next time, you
13:19:53 6 agree with that?---Yes, the coach's address I called it.
7
13:19:57 8 Yes, that's right, so you did. Okay. I just want to ask
13:20:00 9 some questions about, fairly brief questions about
13:20:05 10 Mr Karam's - sorry - just before I do that. The first
13:20:18 11 issue I was asking you about a moment ago was Mr Williams'
13:20:22 12 statement. Are you aware - the Commission has information
13:20:26 13 available to it that there was a copy of a statement made
13:20:31 14 by Mr Williams seized from his counsel, Mr Williams'
13:20:38 15 counsel's chambers, in around this period of 2007. Now are
13:20:43 16 you aware of that occurring at the time?---I know there was
13:20:55 17 some, basically, consent warrants done on some chambers, I
13:21:01 18 don't know if that's what you're talking about.
19
13:21:03 20 Does the same Sharon Cure ring a bell?---No.
21
13:21:07 22 As a member of counsel?---No.
23
13:21:09 24 She was junior counsel representing Mokbel at the time -
13:21:13 25 sorry, representing Williams at the time?---Williams, yeah.
26
13:21:17 27 And are you aware, if not the name, of a summons being
13:21:24 28 issued in relation to her chambers, a subpoena in relation
13:21:27 29 to her chambers?---Was it a warrant or - - -
30
13:21:29 31 A warrant perhaps, yeah?---No, but I remember others.
32
13:21:36 33 Okay?---That are in my notes.
34
13:21:39 35 Do you remember of them in relation to statements that
13:21:44 36 Williams had made in particular?---No.
37
13:21:54 38 The Commission has some interest in the method by which a
13:21:59 39 particular bill of lading was handed between Victoria
13:22:04 40 Police to the Australian Federal Police that potentially
13:22:08 41 effects a number of cases, including Mr Karam's case, are
13:22:13 42 you broadly aware of that issue?---Yeah, broadly.
43
13:22:18 44 There's a diary of again Mr Fox and this is
13:22:28 45 VPL.2000.0001.2978. That is at p.3001. That should I
13:22:40 46 think only be brought up on the three screens at this
13:22:44 47 stage. 3001.

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13:23:05 1
13:23:05 2 MR CHETTLE: The difficulty I have with shutting it down is
13:23:08 3 that it relates to my client and I can't see it, which
13:23:12 4 strikes me as being unfair.
13:23:15 5
13:23:16 6 MS HILLIARD: Your Honour, I would ask that it appear on
13:23:18 7 this screen as well in light of the fact it affects my
13:23:20 8 client.
13:23:21 9
13:23:21 10 MR CHETTLE: And I can look at that one if that suits.
11
13:23:24 12 COMMISSIONER: All right, we can do that I think.
13:23:27 13
13:23:27 14 MR WOODS: It's not on our screens at the moment either. I
13:23:29 15 should say that might be my - there we go. This is the
16 entry.
17
13:23:31 18 COMMISSIONER: We have it on the end screen of the Bar
13:23:35 19 table.
13:23:35 20
13:23:35 21 MR WOODS: Can you just bring up that middle entry so that
13:23:38 22 Mr Ryan and I can see it a bit more quickly. The 755
13:23:46 23 entry.
24
13:23:46 25 COMMISSIONER: Is the screen on?
13:23:48 26
13:23:48 27 MR CHETTLE: Yes, it is now, thank you, Commissioner.
13:23:50 28
13:23:51 29 MR WOODS: The entry at 755. This is 23 August 2007 and if
13:24:01 30 we can scroll up if needed to identify that date, but for
13:24:05 31 now just looking at that. Now there is a reference to one
13:24:09 32 of the handlers there, you agree with that?---Yes.
33
13:24:15 34 This, I should say again, is Mr Fox's diary. According to
13:24:19 35 that discussion there's a discussion regarding Operation
13:24:25 36 Agamas. Having looked into that, that appears to be the
13:24:28 37 operation that arises out of the bill of lading being
13:24:35 38 provided and the investigation that came out of that. Do
13:24:38 39 you remember that name for a start?---Vaguely, yes.
40
13:24:40 41 A lot of operation names over the years I'm sure?---Yeah,
13:24:43 42 it's pretty hard to keep up.
43
13:24:44 44 I'm sure?---You have to get them back in your head. Sorry.
45
13:24:50 46 In any event, the situation was at the time that Mr Karam
13:24:53 47 was being investigated in relation to a large importation

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13:24:56 1 of drugs, that's correct, August 2007?---Yeah, by AFP I
13:25:05 2 think.
3
13:25:05 4 And by Victoria Police as well or was it only an AFP
13:25:09 5 investigation? It's all right, if you don't remember it's
13:25:13 6 not important?---I don't remember.
7
13:25:15 8 What had happened is that Ms Gobbo had provided a document
13:25:18 9 to her handlers which was the bill of lading, are you
13:25:22 10 familiar with that occurring?---I was told about it at some
13:25:26 11 point, yes.
12
13:25:28 13 And then it says here that there's an update between the
13:25:32 14 two gentleman in the conversation, Mr Fox and this person I
13:25:36 15 think who has the name Green in the Commission. Update re
13:25:41 16 investigation and 3838. It has the name of Mr White, has
13:25:49 17 already been notified. It says, "AFP to meet with Gav Ryan
13:25:54 18 this morning re strategies and Ryan to defuse interest in
13:25:57 19 3838". Firstly, do you recall having meetings with the AFP
13:26:02 20 in relation to the investigation into Mr Karam?---No.
21
13:26:08 22 You wouldn't be surprised to know that they took place as
13:26:10 23 you sit here now?---Sorry?
24
13:26:12 25 You wouldn't be surprised to be told?---No.
26
13:26:15 27 Are you aware of how it was that the bill of lading was
13:26:19 28 provided to the AFP?---No.
29
13:26:23 30 In your diary on this particular day, we only have a hard
13:26:26 31 copy of it but it might be handed to - - -
32
13:26:29 33 COMMISSIONER: Do you want to tender this?
13:26:32 34
13:26:32 35 MR WOODS: Yes, I do.
36
13:26:33 37 COMMISSIONER: What date is that one?
13:26:35 38
13:26:35 39 MR WOODS: 23 August 2007.
13:26:37 40
13:26:38 41 #EXHIBIT RC324 - Diary entry dated 23/08/07.
42
13:26:47 43 COMMISSIONER: Pseudonyms will have to be applied before
13:26:50 44 it's published on the website.
13:26:52 45
13:26:52 46 MR WOODS: That can be taken off the screen too?---What
13:26:55 47 date, please.

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1
13:26:56 2 23 August 2007. I have a tab at the bottom page of that
13:27:01 3 entry only. I've looked at the document that we just had
13:27:03 4 on the screen and it's saying that the AFP were meeting
13:27:06 5 with you on that morning regarding strategies and you were
13:27:11 6 going to defuse interest in 3838. Just pausing there, what
13:27:15 7 do you take the phrase "defuse interest in 3838" to
13:27:19 8 mean?---Well down-play involvement, you know, basically say
13:27:30 9 you shouldn't really be interested in her, I suppose is the
13:27:34 10 best way I could put it.
11
13:27:37 12 And the purpose of that might be obvious but I'll ask you
13:27:40 13 the question anyway, why would you - - - ?---She was an
13:27:44 14 informer.
15
13:27:44 16 COMMISSIONER: In a sense to sanitise her involvement in
13:27:47 17 it?---Yes.
18
13:27:49 19 MR WOODS: Your own diary entry on that day is a fairly
13:27:52 20 brief entry. The only thing of interest I thought was a
13:27:56 21 reference to the Sebel. Does that have anything to do with
13:28:03 22 the conversation that might have happened between the AFP
13:28:05 23 and you that day?---No, that was a medal presentation day
13:28:07 24 so it took a few hours.
25
13:28:09 26 And other than is there any reference on the 23rd to any
13:28:13 27 meeting that you had with the AFP?---No
28
13:28:23 29 MR CHETTLE: Commissioner, I hesitate to interrupt. Can I
13:28:26 30 ask for five minutes to have a discussion with Mr Winneke
13:28:28 31 and Mr Woods? I can assure you it's an important matter
13:28:32 32 and I need to raise it now. I think it will help in the
33 long run.
34
13:28:34 35 COMMISSIONER: All right, Mr Chettle.
13:28:34 36
13:28:34 37 MR WOODS: I should say I'm moving on from that issue.
13:28:37 38
13:28:38 39 MR CHETTLE: That's before you leave it but I don't -
13:28:38 40 Commissioner, given what I've heard I'm not - - -
41
13:28:41 42 COMMISSIONER: It's important. All right, we'll have a
13:28:42 43 short break.
13:28:42 44
13:28:42 45 MR CHETTLE: Thank you.
46
13:29:22 47 (Short adjournment.)

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1
13:32:33 2 COMMISSIONER: Yes Mr Woods.
13:32:34 3
13:32:35 4 MR WOODS: Thank you, Commissioner. Now moving on, as I
13:32:37 5 suggested just before that break. In fact from now on,
13:32:42 6 Commissioner, I think we need to be in closed session. The
13:32:45 7 first issue might be questionable but just to be safe and
13:32:52 8 then after that certainly closed session, so I think if we
13:32:56 9 closed now would be the best way to go.
10
13:32:57 11 COMMISSIONER: We're returning now to closed hearing.
12
13 (IN CAMERA HEARING FOLLOWS)
14
15
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