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These claims are not yet resolved.

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria  
On Monday, 21 October 2019

Led by Commissioner:           The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC
Counsel for State of Victoria	Mr C. McDermott
Counsel for Nicola Gobbo	Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDP	Ms R. Avis
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for Faruk Orman	Mr M. Koh
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for AFP	Ms I. Minnett
Counsel for Chief Commissioner of Police	Mr P. Silver
Counsel for ACIC and Department of Home Affairs	Ms R. Curnow
Counsel for Officer Richards	Mr A. Purcell

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09:43:45 1 COMMISSIONER: Yes, I understand we're still in open  
09:43:47 2 hearing.  
3  
09:43:48 4 MR WINNEKE: Yes, Commissioner, we are.  
5  
09:43:49 6 COMMISSIONER: Yes. And appearances are as they were when  
09:43:51 7 we last sat, save that we have Ms Avis for the Commonwealth  
09:43:57 8 DPP, Mr Silver is appearing alone this morning for  
09:44:04 9 Mr Ashton and Ms Curnow is appearing for the Department of  
09:44:08 10 Home Affairs. Yes, Mr Winneke.  
11  
09:44:09 12 MR WINNEKE: Thanks, Commissioner.  
09:44:10 13  
09:44:11 14 <OFFICER RICHARDS, recalled:  
15  
09:44:14 16 MR WINNEKE: Are you there, Mr Richards?---Yes, I am.  
17  
09:44:17 18 I was asking you questions a week ago about some events  
09:44:23 19 which occurred around 30 and 31 December of 2008, do you  
09:44:29 20 recall that?---Yes, I do.  
21  
09:44:31 22 I think we finished up by asking you - you were going to  
09:44:36 23 consult your electronic diary to see where you were on the  
09:44:42 24 morning of 31 December; is that right?---Yes, that's  
09:44:44 25 correct. So apologies for my lack of memory there, I have  
09:44:50 26 had a look and, yes, I was there.  
27  
09:44:54 28 That was a fairly significant time at the SDU, I take it,  
09:44:58 29 because there was a real concern about what was going to  
09:45:01 30 happen with Ms Gobbo, do you accept that proposition?---I  
09:45:08 31 absolutely accept that a SWOT was conducted and needed,  
09:45:18 32 absolutely, yes.  
33  
09:45:18 34 You were a participant in that process, I take it?---Yes, I  
09:45:22 35 was.  
36  
09:45:22 37 What does your diary say on 31 December about that?---That  
09:45:26 38 I attended at the meeting.  
39  
09:45:29 40 Is that all it says?---Yes.  
41  
09:45:31 42 Can you read out your entry for that day, please?---"Office  
09:45:40 43 meeting regards to RS2958" and meeting concluded after  
09:45:46 44 that.  
45  
09:45:46 46 What time did it start?---In my diary I have it at 08:45  
09:45:53 47 hours and concluding at 10:20 hours.

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1  
09:45:57 2 All right?---That's what I was there for.  
3  
09:46:01 4 Righto. I wonder if you could have a look at a document  
09:46:07 5 VPL - perhaps if this only goes on my screen. I think it  
09:46:16 6 can go all the screens, it can't be read.  
09:46:26 7 VPL.0100.0001.3155. This is an extract of a diary from  
09:46:36 8 Mr Black and his entry commences at 8.50, so about the same  
09:46:43 9 time, and he says that you were there and he says that he  
09:46:46 10 was there. He says that Mr Smith was there. I think there  
09:46:51 11 was a Mr Anderson there?---Yes.  
12  
09:46:56 13 Do you know who they are?---Yes, I do.  
14  
09:47:00 15 There were a couple of other people there, perhaps we won't  
09:47:04 16 worry about that at this stage. There was a meeting to  
09:47:10 17 discuss the assorted issues of Ms Gobbo making a statement  
09:47:14 18 and that's your recollection?---That would be correct, yes.  
19  
09:47:19 20 And the objective was, that is the objective of Petra Task  
09:47:23 21 Force, was for Ms Gobbo to give evidence and there was a  
09:47:30 22 strategic analysis to be undertaken against the objective  
09:47:34 23 being sought, so in other words it was being proposed that  
09:47:38 24 she give evidence. Can you see that document in front of  
09:47:42 25 you there?---Yes, I can.  
26  
09:47:44 27 You see the people who are present, I've identified four of  
09:47:48 28 them. There are two there, the initials which you can  
09:47:51 29 see?---Yes.  
30  
09:47:52 31 Have you got a list of names there in front of you?---Yes,  
09:47:55 32 I do, yes, yes.  
33  
09:47:57 34 Can you tell us who those people are?---Mr Black, Mr Smith.  
35  
09:48:08 36 Mr Green I think it is, the second one?---No, it's Black,  
09:48:17 37 Smith. The last one is - sorry, my apologies.  
38  
09:48:25 39 Black, Green, Smith?---And Anderson is the last one. I'm  
09:48:28 40 just looking for the names of the other one. Just excuse  
09:48:32 41 me, I'll try and find where the names may be.  
42  
09:48:40 43 COMMISSIONER: If you've got Exhibit 1 there.  
44  
09:48:45 45 MR WINNEKE: I think you'll find they're analysts. They're  
09:48:48 46 sworn members but they're analysts?---That would be  
09:48:51 47 correct, yes.

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1  
09:48:52 2 I think we've got the names there but I haven't got them  
09:48:55 3 immediately in front of me. We know who they are, they're  
09:48:59 4 two female police officers who are analysts attached to the  
09:49:03 5 SDU, correct?---They were two analysts, yes, attached to  
09:49:06 6 the SDU.  
7  
09:49:07 8 It was noted that an appointment had been made by Petra to  
09:49:11 9 take a statement?---Yes.  
10  
09:49:12 11 Petra needs the statement otherwise they'll be unable to  
09:49:16 12 charge Paul Dale. But the statement will outline  
09:49:19 13 embarrassing incidents for the human source, Ms Gobbo.  
09:49:24 14 There's a question of the fitness of Ms Gobbo to make a  
09:49:26 15 statement, do you see that?---Yes.  
16  
09:49:30 17 Do you have a recollection of what those issues were  
09:49:37 18 surrounding the fitness of Ms Gobbo to make a  
09:49:43 19 statement?---No, sorry, I can't recall that, no.  
20  
09:49:45 21 Do you have recollection of Ms Gobbo at any time that you  
09:49:47 22 had knowledge of her or dealings with or about her being  
09:49:50 23 medically unwell?---Yes.  
24  
09:49:52 25 What was your recollection about that?---She - 3838 had  
09:49:57 26 medical issues, absolutely.  
27  
09:50:01 28 Yes?---The specifics, I believe - I couldn't give you some  
09:50:05 29 specifics from a medical point of view but absolutely she  
09:50:08 30 had periods of physical injuries.  
31  
09:50:15 32 Then there's the question of her role, criminal liability  
09:50:19 33 regarding the murders of the Hodsons. Now are you able to  
09:50:23 34 expand on that? Do you know what was discussed  
09:50:26 35 there?---No, the specifics of the conversation - as I say,  
09:50:29 36 I think it was an hour or so conversation in 2008 so, no,  
09:50:34 37 I'm sorry, I can't help you.  
38  
09:50:36 39 No, I understand that. Do you recall that there had been  
09:50:39 40 some concern expressed by members of the SDU that she may  
09:50:43 41 have had some sort of criminal involvement in those  
09:50:51 42 murders? Was that a concern, do you recall?---I don't  
09:50:56 43 recall the specifics but I cannot agree with that  
09:51:01 44 statement.  
45  
09:51:02 46 She wants the SDU to brief Petra regarding her assistance  
09:51:06 47 to Victoria Police?---Yes.

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RICHARDS XXN

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1  
09:51:09 2 She's now a witness or a source, do you recall - - -  
09:51:14 3 ?---Yes.  
4  
09:51:15 5 - - - anything about that?---Again, not specifically. I  
09:51:18 6 think the document that would have followed from that  
09:51:22 7 briefing would give clarification to that.  
8  
09:51:28 9 Then there's a reference to Witsec conducting an assessment  
09:51:33 10 and Petra are seeking to cover three points. The first is  
09:51:38 11 the use of bogus mobile phones with Carl Williams, Nicola  
09:51:45 12 Gobbo and Paul Dale. So were you aware that there was an  
09:51:49 13 issue which had recently arisen in which it had become  
09:51:52 14 apparent that Ms Gobbo had been using bodgie mobile phones,  
09:51:59 15 to use that expression, to communicate with Paul Dale and  
09:52:05 16 Carl Williams?---I understand the term. Do I know about  
09:52:12 17 it? For a general term probably historically I've known  
09:52:15 18 that. I'm not sure whether I've known that at the time.  
19  
09:52:19 20 The other issue was known meeting contact between Williams  
09:52:22 21 and Dale via phones on 5 May 2004, do you recall that - - -  
09:52:28 22 ?---Yes.  
23  
09:52:30 24 - - - being discussed?---I recollect that incident. I'm  
09:52:32 25 not sure it was discussed at the meeting though.  
26  
09:52:36 27 There was another issue that Petra apparently wanted to  
09:52:39 28 cover and that was the tasked meeting of Ms Gobbo with Paul  
09:52:43 29 Dale on 7 December by Petra which was recorded. I take it  
09:52:50 30 at that stage you were aware of the fact that Ms Gobbo had  
09:52:54 31 been tasked to meet with Paul Dale?---Yes, that's correct.  
32  
09:52:59 33 Were you aware whether or not Ms Gobbo was - her attitude  
09:53:07 34 to doing that, did you know anything about that at all or  
09:53:13 35 not?---No, not personally, no.  
36  
09:53:15 37 Do you say now looking back you can't recall or you simply  
09:53:20 38 didn't know then and now you still don't know?---From  
09:53:28 39 recollection I'm not sure. I really can't honestly put a  
09:53:32 40 finger on whether it was a positive, negative or a neutral.  
41  
09:53:36 42 All right. That meeting then concludes and you say about  
09:53:43 43 25 past 10; is that right?---Yes.  
44  
09:53:47 45 In your diary what do you do then, what does it say you  
09:53:52 46 do?---I then had other duties with other sources after  
09:53:59 47 that.

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1  
09:53:59 2 Right. It seems that's occurred then is, if we scroll  
09:54:04 3 down, we can see that at 10.30 certainly Mr Black notes  
09:54:09 4 that he concludes the meeting and then he works on a  
09:54:12 5 briefing note for Superintendent Biggin as had been  
09:54:17 6 requested?---Yes.  
7  
09:54:18 8 And a copy was reproduced below after all the SDU checked  
09:54:25 9 it, do you see that?---Yes.  
10  
09:54:28 11 What I suggest to you is that this briefing note had been  
09:54:33 12 prepared by Mr Black but it wasn't sent until all of the  
09:54:39 13 members of the SDU, including you, had checked the briefing  
09:54:42 14 note. Do you accept that proposition?---Yeah, I have  
09:54:47 15 nothing to doubt that.  
16  
09:54:49 17 Indeed, before I go through the briefing note and ask you  
09:54:52 18 some questions about it. If we go down to the next page,  
09:55:01 19 you'll see an entry at 12.20. If we keep going down,  
09:55:06 20 you'll see there that he's made a note to this effect, that  
09:55:10 21 he's called - let's assume that that's Sandy White, and  
09:55:15 22 he's left a message with respect to the Petra briefing note  
09:55:46 23 in conjunction with the current controller and there's your  
09:55:50 24 name there, do you see that?---Yes.  
25  
09:55:57 26 And ongoing updates and developments from the source. The  
09:56:00 27 handler, Mr Green, had calls by then with Mr White, the  
09:56:09 28 Petra Task Force investigators. So at that stage you were  
09:56:12 29 the controller of Ms Gobbo?---That's correct.  
30  
09:56:17 31 It would be fair to assume that you being the controller  
09:56:21 32 and being a member of the SDU, you would have been provided  
09:56:27 33 with and you would have considered the matters in the SWOT  
09:56:31 34 analysis which is effectively the briefing points, do you  
09:56:36 35 accept that?---Yes, I do.  
36  
09:56:38 37 It appears to be the case that that was not sent off until  
09:56:44 38 everyone had checked it and been satisfied that the  
09:56:47 39 contents of it conformed with the collegiate view, if you  
09:56:52 40 like, of the SDU, do you accept that?---Yes, that's fair.  
41  
09:56:55 42 All right. If we then go back to the top of the - or the  
09:57:01 43 start of that entry at 10.30. It appears that this  
09:57:07 44 analysis has been prepared and it's what's known as a SWOT  
09:57:12 45 analysis. I take it you're aware of those sorts of things,  
09:57:15 46 a SWOT analysis?---Yes.  
47

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RICHARDS XXN

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09:57:18 1 It goes through a number of things to do with this  
09:57:22 2 proposition of converting Ms Gobbo into a witness and the  
09:57:27 3 SDU has undertaken a strategic analysis of that objective  
09:57:32 4 and the implications are outlined below. There are some  
09:57:39 5 strengths which are identified. "The information evidence  
09:57:41 6 is critical to support serious charges." The possible  
09:57:45 7 prosecution against Dale and others. The other strength  
09:57:49 8 might be the disengagement of the SDU from the management  
09:57:54 9 of that individual. So obviously there was a view within  
09:58:16 10 the SDU at that stage that it would be preferable if  
09:58:20 11 Ms Gobbo was no longer a human source?---Yes, that's fair.  
12  
09:58:27 13 At that stage it was becoming quite apparent that there  
09:58:29 14 were a whole lot of problems with respect to the use of  
09:58:32 15 Ms Gobbo as a human source?---That's correct.  
16  
09:58:38 17 The weaknesses of the proposal. The first one is that  
09:58:43 18 there was the possibility of the OPI and government review  
09:58:47 19 into the legal and ethical implications, do you see  
09:58:52 20 that?---Yes.  
21  
09:58:53 22 That was a review into the legal and ethical implications  
09:58:59 23 of using Ms Gobbo as a human source, do you accept  
09:59:03 24 that?---No. I think if you go back up to what the  
09:59:05 25 objective of the SWOT was it was in relation to the  
09:59:08 26 providing of a statement to Petra.  
27  
09:59:10 28 You think that relates to an OPI government review into the  
09:59:14 29 legal and ethical implications into making a statement?---I  
09:59:18 30 think that's what you showed me on the page upwards which  
09:59:21 31 was what the objective of the SWOT was.  
32  
09:59:24 33 What I suggest to you is it's far broader than that and  
09:59:28 34 it's not simply confined to the legal and ethical  
09:59:32 35 implications of using her to be a witness, but it's far  
09:59:37 36 broader than that and it includes the ethical implications  
09:59:40 37 and the legal implications of Ms Gobbo's previous use as a  
09:59:48 38 human source within the SDU?---No, I - - -  
39  
09:59:51 40 You disagree with that?---Yes, I do disagree with that.  
41  
09:59:54 42 It would result in the disclosure of a long-term  
09:59:59 43 relationship with the SDU?---I see that line, yes.  
44  
10:00:01 45 See, just go back to that first point. Did you not accept  
10:00:05 46 the proposition previously that there was, and there had  
10:00:09 47 been, division within the SDU about the use of Ms Gobbo as

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10:00:12 1 a human source and that division had existed right the way  
10:00:17 2 through?---That's fair to say, yes.  
3  
10:00:27 4 Nonetheless you say that the legal and ethical implications  
10:00:31 5 are confined to the conduct of Victoria Police around  
10:00:33 6 December 2008, January 2009; is that right?---Yeah, as per  
10:00:38 7 Mr Black's notes it was, the SWOT analysis was for the  
10:00:42 8 making of a statement for Petra.  
9  
10:00:45 10 Righto. We'll keep going and we'll see if you change your  
10:00:47 11 view about that. There's time sensitive matters for  
10:00:51 12 Ms Gobbo. There's medical conditions, medication and no  
10:00:54 13 time to plan. So that was a point that was considered; is  
10:00:59 14 that right?---Excuse me, I'm just looking for that line  
10:01:02 15 you're talking about.  
16  
10:01:03 17 It's about the third dot point in the "weakness"?---Yes,  
10:01:06 18 yes.  
19  
10:01:06 20 So obviously the view was that there's little time to plan  
10:01:12 21 for Ms Gobbo given her medical conditions and the  
10:01:15 22 medication that she was on?---That would be fair  
10:01:19 23 considering the purpose of the SWOT analysis, making a  
10:01:24 24 statement and Witsec issues, yeah.  
25  
10:01:26 26 Were you aware at that stage that she was on significant  
10:01:29 27 amounts of pain killing medication?---As I said previously  
10:01:33 28 when you asked about my knowledge of her medical condition,  
10:01:37 29 I'm not sure exactly what she was on. That doesn't  
10:01:40 30 surprise me in the slightest though.  
31  
10:01:43 32 There was concern - one of the weaknesses was that the  
10:01:46 33 relationship with VicPol could be adversely affected, and  
10:01:50 34 then there was issues with respect to her credibility, her  
10:01:53 35 acquaintances, criminal associates and sexual  
10:01:58 36 relationships?---Yes.  
37  
10:01:59 38 Next one, damage to her business reputation. It would be  
10:02:03 39 likely that she would lose her reputation and her business  
10:02:07 40 as a consequence of giving evidence?---Yes, I see that.  
41  
10:02:11 42 In other words, that if she were to give evidence that  
10:02:15 43 would be the end of her reputation as a barrister?---Yes,  
10:02:23 44 absolutely, I would have thought.  
45  
10:02:25 46 And certainly if her previous relationship with Victoria  
10:02:30 47 Police came to light as a consequence it wouldn't just be



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10:02:33 1 the fact that she was giving evidence against the person,  
10:02:38 2 it would be all of that information about the fact that  
10:02:40 3 she'd been a human source in relation to people she had  
10:02:44 4 purported to act for over quite some years, do you accept  
10:02:48 5 that?---Not in the context of that sentence where it talks  
10:02:52 6 about the reputation. So presumably if she gives a  
10:02:55 7 statement she'll be called as a witness, so therefore  
10:02:59 8 that's what it relates to from my understanding.  
9  
10:03:02 10 You say that purely relates to giving evidence?---Yes,  
10:03:05 11 which is what the line says there is a consequence of  
10:03:08 12 giving evidence, yes.  
13  
10:03:09 14 Equally, I mean if you have a look at the second point,  
10:03:12 15 there's the disclosures of the long-term relationship with  
10:03:15 16 the SDU. That would cruel her reputation as well, wouldn't  
10:03:19 17 it?---I'm just looking for that. Yes, yes, it would,  
10:03:23 18 correct.  
19  
10:03:26 20 So you'd have to accept then that the ideas, the things you  
10:03:31 21 were thrashing around were the fact that if this came out  
10:03:35 22 the reality is it would be known that she was an informer  
10:03:40 23 and had provided evidence or information against people who  
10:03:43 24 she had, at least in public, purported to act for when  
10:03:49 25 behind the scenes she was providing information to police  
10:03:51 26 about those people. That would be the end of her  
10:03:54 27 profession as a barrister, wouldn't it?---That's probably a  
10:04:00 28 separate question to what's written in the diary of Officer  
10:04:03 29 Black, but I don't disagree with that.  
30  
10:04:06 31 Were you aware that - I think during the course of the time  
10:04:08 32 that you were controller there's references to ICRs  
10:04:14 33 indicating that she was talking about needing legal  
10:04:16 34 representation before various Ethics Committees which she  
10:04:20 35 was bound to end up having to appear before?---I'm not  
10:04:25 36 aware of that.  
37  
10:04:26 38 If you were the controller and there was information coming  
10:04:29 39 in via handlers one assumes that you would have been made  
10:04:34 40 aware of that?---Yes, correct.  
41  
10:04:36 42 Ultimately the purpose of this SWOT analysis was really to  
10:04:39 43 stop her from being a witness, that's the purpose of this  
10:04:43 44 whole exercise, isn't it?---Absolutely. I go back to what  
10:04:46 45 the point is and making the statement for Petra.  
46  
10:04:51 47 What you were doing is that you were coming up with all of

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10:04:55 1 the arguments that would convince the management not to  
10:04:59 2 call her as a witness?---I disagree with that. There's a  
10:05:05 3 SWOT analysis so it provides from an environmental scan all  
10:05:10 4 the strengths, weaknesses, opportunities and threats.  
5  
10:05:14 6 Nonetheless, it was the collegiate view of the SDU that  
10:05:17 7 this was a very bad idea?---I would say that's fair.  
8  
10:05:24 9 I'm sorry?---I would say that's fair.  
10  
10:05:27 11 This was designed - I mean if you weigh up on the balance  
10:05:31 12 the weaknesses and the threats, they totally outweigh and,  
10:05:36 13 I suggest, were designed to outweigh the strengths and  
10:05:39 14 opportunities?---I would think that if you start off with a  
10:05:45 15 goal in mind the SWOT will be flawed.  
16  
10:05:49 17 Is that what you say?---Yes, so therefore I think the idea  
10:05:54 18 of a SWOT is to thrash out and understand all those  
10:05:58 19 particular points in the SWOT analysis and come to a  
10:06:01 20 conclusion post thinking about what the strengths,  
10:06:05 21 weaknesses, opportunities and threats are.  
22  
10:06:09 23 What was your conclusion at the end of it?---That from a  
10:06:12 24 consensus point of view I would agree with exactly what's  
10:06:15 25 in Mr Black's notes.  
26  
10:06:16 27 The end view of Mr Black and the other members of the SDU,  
10:06:20 28 certainly as far as you're concerned, was that it would be  
10:06:24 29 preferable that she not be exposed as a witness?---I agree,  
10:06:28 30 yes.  
31  
10:06:29 32 And that was to stop her being exposed as a human source,  
10:06:35 33 her role as a human source being exposed primarily?---I  
10:06:41 34 think if we look at the witnesses there's a whole range and  
10:06:45 35 cast of witnesses in that particular course of action.  
36  
10:06:48 37 Yes?---Not just that, we were looking at her health and  
10:06:52 38 business reputation and everything else.  
39  
10:06:55 40 There was a reference to prior inconsistent statements,  
10:07:02 41 verbal statements, do you see under the - - - ?---I see  
10:07:05 42 that line, yes.  
43  
10:07:06 44 SDU regarding the relationship with Dale and the failure to  
10:07:09 45 disclosure the bogus mobile phone numbers?---Yes, I see  
10:07:14 46 that.  
47

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10:07:14 1 That's a failure to disclose to the SDU; is that  
10:07:18 2 correct?---I believe so.  
3  
10:07:21 4 There's a note there about the SDU not being aware of all  
10:07:24 5 the intel held by the Petra Task Force and there's a  
10:07:26 6 reference to a number of names there that you can see, do  
10:07:31 7 you accept that?---Yes. Yes, I accept that.  
8  
10:07:34 9 Those were matters that were discussed, do you accept  
10:07:36 10 that?---Yes.  
11  
10:07:37 12 The view taken was that the SDU shouldn't be seen to be  
10:07:40 13 giving advice on the issue, the decision is to be reached  
10:07:44 14 by the human source regarding the making of a  
10:07:47 15 statement?---Yes, I see that.  
16  
10:07:49 17 And her assistance to Victoria Police was known to numerous  
10:07:54 18 investigators because of the passage of time. Was that  
10:07:58 19 recognised?---Yes, I see that line there.  
20  
10:08:08 21 As a consequence of that, because of those - the knowledge  
10:08:13 22 of the numerous investigators, they may end up being called  
10:08:20 23 to give evidence, those investigators?---Sorry, can you  
10:08:27 24 repeat that? I was trying to read at the same time.  
25  
10:08:29 26 Okay. If those investigators were called to give evidence  
10:08:34 27 in a trial in which Ms Gobbo was a witness and her role had  
10:08:38 28 been exposed, those investigators would then be asked  
10:08:43 29 questions of their knowledge of Ms Gobbo's  
10:08:46 30 involvement?---Yes, correct, sorry, yes.  
31  
10:08:48 32 That was obviously considered to be a weakness of the  
10:08:54 33 suggestion?---Yes, that's right.  
34  
10:09:05 35 I mean it was always a possibility that if those  
10:09:09 36 investigators gave evidence they might be asked awkward  
10:09:13 37 questions in any event about their knowledge of  
10:09:18 38 Ms Gobbo?---Absolutely, I agree, yes.  
39  
10:09:22 40 And then there's a reference to the costs incurred as a  
10:09:26 41 consequence of making Ms Gobbo a witness, they could be  
10:09:30 42 substantial. So there's a reference there to the loss of  
10:09:33 43 income arising from her loss of business. She's unlikely  
10:09:36 44 to be able to continue working as a barrister and then  
10:09:40 45 other costs concerning relocation, et cetera, if her entire  
10:09:46 46 role became known. So the entire role is not simply her  
10:09:50 47 role as a witness, and indeed it's a reference not to her

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10:09:55 1 role as a witness but her entire role being her role as a  
10:09:59 2 human source?---I would say entire role encompasses both  
10:10:02 3 being a human source and a witness.  
4

10:10:07 5 The word "if" suggests, assuming she's a witness, then  
10:10:11 6 there's at least a chance that her entire role would then  
10:10:15 7 become known. So she'd be known as a witness because that  
10:10:19 8 would be obvious, but once she's a witness there's a  
10:10:21 9 possibility of her other role, that is her role as a human  
10:10:25 10 source, becoming known?---Yeah, I agree. It's both,  
10:10:29 11 absolutely.  
12

10:10:30 13 Do you recall there ever being a desire on the part of the  
10:10:34 14 SDU, once it became apparent that she was going to be  
10:10:40 15 called as a witness, do you recall having discussions with  
10:10:44 16 any other of your fellow members of the SDU about the  
10:10:48 17 possibility that it could still be kept secret? When I say  
10:10:56 18 - her role as a source?---Yeah, look, I specifically can't  
10:10:58 19 remember that but that would absolutely be a possibility.  
20

10:11:01 21 So even if she was to give evidence, do you recall - it's  
10:11:04 22 your view that there was a desire nonetheless to keep out  
10:11:11 23 the fact that she'd been a human source?---I think that's  
10:11:13 24 the desire of the organisation as a whole, that the role or  
10:11:17 25 identity of sources are never compromised.  
26

10:11:21 27 Ultimately there was what was called a break barrier put in  
10:11:26 28 place with what might be regarded as a forlorn hope that  
10:11:31 29 that would prevent her role becoming apparent even were she  
10:11:35 30 to give evidence?---I'm not aware of that term. I haven't  
10:11:38 31 heard of that.  
32

10:11:39 33 No. Do you recall having discussions with Mr White about  
10:11:41 34 the possibility of amending her statement to remove the  
10:11:46 35 information about the fact that she had known that she was  
10:11:49 36 going to be wired before she spoke to Mr Dale, do you  
10:11:53 37 recall that?---I'm sorry, I do recall the event but you're  
10:12:00 38 talking about a conversation with Mr White about something,  
10:12:02 39 I'm not sure.  
40

10:12:04 41 You can't recall having a discussion about taking sentences  
10:12:06 42 out of her statement to fuzzy it up a bit to suggest that  
10:12:10 43 someone else had recorded the conversation without her  
10:12:13 44 knowing, you don't recall anything like that?---No. I'm  
10:12:17 45 not saying it didn't happen but, no, I can't remember.  
46

10:12:22 47 Then there were opportunities and they're set out in

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10:12:26 1 sub-paragraph C, "Consider deactivation as a human source  
10:12:30 2 as she's now a witness"?---Yes.  
3  
10:12:32 4 So that was an opportunity. She should seek legal  
10:12:36 5 advice?---Yes.  
6  
10:12:37 7 And then there's a reference to her having already obtained  
10:12:46 8 legal advice at previous hearings from a person by the name  
10:12:48 9 of Ian Hill, do you see that?---Yes, I see that.  
10  
10:12:53 11 Did you know at that stage that she had earlier sought  
10:12:56 12 legal advice from Mr Hill about whether she should be  
10:13:00 13 giving evidence or should be able to be forced to answer  
10:13:03 14 questions before Mr Fitzgerald, do you recall that or  
10:13:06 15 not?---No.  
16  
10:13:06 17 That is at an OPI hearing?---No.  
18  
10:13:09 19 No. All right. Then an opportunity would be for VicPol to  
10:13:17 20 finalise the relationship with Ms Gobbo and a settlement of  
10:13:21 21 a substantial cash reward owed to Ms Gobbo, do you see  
10:13:25 22 that?---Yes. Yes, I see that.  
23  
10:13:31 24 Was there a view within the SDU that Ms Gobbo was entitled  
10:13:38 25 to a substantial cash reward?---From my point of view  
10:13:42 26 absolutely, that 3838 was entitled to a reward for her  
10:13:47 27 involvement with VicPol, yes.  
28  
10:13:52 29 Then she could be - an opportunity would be, her being  
10:13:57 30 forced to attend a hearing and there's a reference to Dale  
10:14:03 31 having attended recent hearings and lied about meeting  
10:14:08 32 Williams and surveillance corroborating Williams using  
10:14:12 33 those mobile phones, corrupt relationship between Dale and  
10:14:15 34 Williams, and then there's a reference to Witsec and  
10:14:19 35 possible relocation, do you see that?---I see those notes,  
10:14:23 36 yes.  
37  
10:14:24 38 They were the opportunities that were considered?---Yes.  
39  
10:14:30 40 I take it the opportunities and the strengths are the  
10:14:39 41 points that might be put on the positive side of using her  
10:14:42 42 as a witness, is that right, or am I wrong about  
10:14:46 43 that?---That's fair.  
44  
10:14:46 45 If we counterbalance that, we've got to look at the  
10:14:49 46 weakness and the threats, so B and D, is that  
10:14:54 47 right?---Agree.

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1  
10:14:55 2 If we can move on to the threats. Obviously disclosure of  
10:14:59 3 her role may result in death or serious injury?---Yes.  
4  
10:15:02 5 That would be her role as an informer, I assume?---I'd take  
10:15:09 6 it back again to the nature of why we're doing a SWOT  
10:15:13 7 analysis and that's to make a statement.  
8  
10:15:14 9 Yes. And the risk that it would expose her long-term  
10:15:19 10 relationship with Victoria Police. Again, that would apply  
10:15:22 11 to both, wouldn't it?---Agree, yes.  
12  
10:15:25 13 Then there's a reference to at that stage her not wanting  
10:15:28 14 to enter into a full Witsec program?---Yes.  
15  
10:15:31 16 And there's another reference to Witsec policies. Then it  
10:15:36 17 says this, "If she makes a statement a duty of care is owed  
10:15:41 18 to a now Crown witness", and obviously that's a reference  
10:15:45 19 to Victoria Police owing her a duty of care I assume, is  
10:15:49 20 it?---That would be fair, yes, absolutely.  
21  
10:15:52 22 Is that a reference to potential civil liability or is it a  
10:15:58 23 reference simply to an obligation to ensure that she's kept  
10:16:02 24 safe, what do you understand?---From my point of view it's  
10:16:06 25 the safety of the witness.  
26  
10:16:10 27 And then there's the "status of the individual witness or  
10:16:13 28 source?" Do you know what that question was raised  
10:16:17 29 for?---Not specifically that one line, no. Sorry, I can't  
10:16:21 30 help you.  
31  
10:16:21 32 "The exposure of the source as a consequence of becoming a  
10:16:27 33 Crown witness." That's another, I suppose something that's  
10:16:32 34 really been already counted up on the weakness side?---Yes.  
35  
10:16:36 36 "Judicial review of police actions in tasking and deploying  
10:16:42 37 one of their own"?---Yes.  
38  
10:16:46 39 Can I ask you this: why would that have been put in both  
10:16:50 40 the "weakness" and the "threat" columns?---I think I agree  
10:16:59 41 with you and your point to say that those two are fairly in  
10:17:03 42 the same bucket.  
43  
10:17:03 44 They may well be but what's the difference between  
10:17:07 45 weaknesses and threats?---In relation to providing a  
10:17:10 46 statement? The - - -  
47

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10:17:12 1 No, in relation to a SWOT analysis. What's the threat? To  
10:17:16 2 whom is a threat relevant?---You're probably testing my  
10:17:21 3 memory in relation to the exact descriptions of the threat  
10:17:25 4 versus a weakness. The threat is something that could  
10:17:31 5 possibly happen and a weakness is something that goes  
10:17:34 6 pretty much against what the analysis is for.  
7  
10:17:37 8 I take it threat isn't just a threat to Ms Gobbo, it's a  
10:17:42 9 threat, for example, to Victoria Police?---Well the SWOT's  
10:17:48 10 based on what the primary objective of the analysis falls,  
10:17:53 11 so therefore the threat is in relation to the making of the  
10:17:56 12 statement.  
13  
10:17:57 14 I follow that. That's what's being considered. But what's  
10:18:00 15 the threat to? One assumes the threat is to something or  
10:18:05 16 somebody. What I'm suggesting to you is the threat is to  
10:18:09 17 not just Ms Gobbo but to Victoria Police?---Absolutely it  
10:18:14 18 is. I'm not sure if it's in that line per se but I agree  
10:18:17 19 with your statement.  
20  
10:18:18 21 Yes. So one of the threats to Victoria Police is the  
10:18:21 22 exposure of her as a source as a consequence of becoming a  
10:18:25 23 Crown witness, that's a threat to Victoria Police. The  
10:18:27 24 next one is the threat of judicial review of police actions  
10:18:32 25 in tasking?---Yes.  
26  
10:18:33 27 And deploying Ms Gobbo?---Yes, I see that line.  
28  
10:18:37 29 What sort of actions were being considered there which  
10:18:40 30 might be the subject of judicial review?---As I said with  
10:18:48 31 some of the other lines, I can't remember specifically what  
10:18:52 32 that one line refers to.  
33  
10:18:54 34 It would be review of the police's conduct in tasking and  
10:19:00 35 deploying a barrister?---That's what the line says,  
10:19:05 36 absolutely, I agree.  
37  
10:19:07 38 Why was the SDU concerned about - why was that regarded as  
10:19:15 39 a threat, that is judicial review of police actions?---I'm  
10:19:23 40 trying to think about - I think, you know, one of the  
10:19:26 41 questions I'd have to ask Mr Black about is what exactly he  
10:19:30 42 wrote on the notes that deduced from the conversation we  
10:19:34 43 had.  
44  
10:19:35 45 Yes?---It could be but to be fair it could be anything.  
10:19:37 46 I'm not discounting anything from that.  
47

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10:19:40 1 No, no, I follow that. But the reason it's in the "threat"  
10:19:42 2 column is because if there's a judicial review of the  
10:19:45 3 police conduct it's not going to be good, it's bad if that  
10:19:49 4 happens?---Yeah, absolutely it's a threat. The exposure of  
10:19:54 5 police methodology, the potential to expose other human  
10:19:59 6 sources.  
7  
10:19:59 8 Yes?---Yeah, there's a whole raft of implications with that  
10:20:06 9 exposure.  
10  
10:20:11 11 Petra has tasked Ms Gobbo to recording a meeting with Dale  
10:20:15 12 on Sunday 7 December?---Yes.  
13  
10:20:21 14 That's obviously part of the threat analysis. She's never  
10:20:25 15 admitted criminal activity to the SDU. However it appears  
10:20:28 16 that the SDU suspects that part of the motivation of  
10:20:33 17 Ms Gobbo to assist is a guilty conscience. Do you recall  
10:20:37 18 what the discussions were around that?---Around her  
10:20:42 19 motivation?  
20  
10:20:44 21 Yeah, and her guilty conscience?---I don't know about the  
10:20:48 22 "guilty conscience" remark, and it's not in these notes,  
10:20:53 23 but I'm fully aware that no one had a clear understanding  
10:21:00 24 of the motivation, or that's my take on it.  
25  
10:21:03 26 Was there a suspicion on the part of the SDU that she had -  
10:21:05 27 when I say the SDU, members of the SDU, that she had a  
10:21:09 28 guilty conscience?---From an overall perspective I can only  
10:21:17 29 comment on what I believed.  
30  
10:21:19 31 What did you believe?---I had no idea to be honest.  
32  
10:21:23 33 You didn't add that particular paragraph or sentence?---No.  
34  
10:21:26 35 No doubt it was something that was discussed and you didn't  
10:21:32 36 disagree with it in any event?---Correct. I don't discount  
10:21:39 37 that at all.  
38  
10:21:40 39 "Public interest immunity", do you know why that was put  
10:21:46 40 there?---No, the line doesn't give me much to go on. The  
10:21:54 41 PII and well connected.  
42  
10:21:56 43 To the Victorian legal fraternity?---Yeah.  
44  
10:22:01 45 So you're not too sure what that was all about?---No.  
46  
10:22:06 47 Well obviously what it suggests is that - you know all



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10:22:10 1 about public interest immunity and that's a claim made by -  
10:22:13 2 - - ?---Yes.  
3  
10:22:14 4 - - - Victoria Police if there's the likelihood of a  
10:22:20 5 reference to a human source, do you accept that?---Not just  
10:22:24 6 human source, covert methodology, [REDACTED], the  
10:22:28 7 whole - - -  
8  
10:22:29 9 In this particular instance we're talking about a human  
10:22:32 10 source, aren't we?---Not sure. The line just talks about  
10:22:36 11 PII and HS is well connected. So, I'm sorry, I'm not sure  
10:22:41 12 that I can read that much into that one line.  
13  
10:22:44 14 The concern was that the claim for public interest immunity  
10:22:47 15 wouldn't be upheld?---From that one line, I have no idea.  
16  
10:22:51 17 You're aware that certainly up until this point her role in  
10:22:58 18 any of the matters which had either gone to hearing,  
10:23:06 19 whether by way of committal or trial at that stage, her  
10:23:09 20 role hadn't come out?---I would agree with that, yes.  
21  
10:23:19 22 There'd been concerns, I take it you're aware that there  
10:23:23 23 had been concerns expressed by a number of members of the  
10:23:26 24 SDU as time went along that there was at least a  
10:23:29 25 possibility of her role coming out but so far up until this  
10:23:32 26 point in time that had been suppressed?---Yeah, I'd agree  
10:23:37 27 with that.  
28  
10:23:38 29 And the desire was that her role continue to be suppressed,  
10:23:43 30 that's what this whole exercise is about, I suggest?---I'm  
10:23:51 31 sorry, I don't understand your question.  
32  
10:23:53 33 Her role as a human source, the desire was it be  
10:23:56 34 suppressed, it continue to be suppressed?---Are you talking  
10:24:01 35 in general or in relation to the SWOT analysis?  
36  
10:24:04 37 I'm talking in general?---Absolutely agree.  
38  
10:24:06 39 It hadn't even got to the court. So no court had at this  
10:24:12 40 stage become aware that Ms Gobbo was a human  
10:24:15 41 source?---Correct.  
42  
10:24:15 43 Because it had been suppressed by the conduct of Victoria  
10:24:22 44 Police up until this point?---I'm not quite sure I  
10:24:27 45 understand what you mean by "suppressed". I think I, I  
46 think I know what you're saying.  
47

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RICHARDS XXN

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10:24:29 1 You think you know what I'm saying?---I think so.  
2  
10:24:33 3 Well what do you say?---Yes, I agree.  
4  
10:24:38 5 Then there's reference to health again, she used/prescribed  
10:24:45 6 the sort of medication up to 180 milligrams of morphine a  
10:24:49 7 day for chronic pain, possibly suffering depression,  
10:24:53 8 although not diagnosed. She has over the course of the  
10:24:56 9 last two years suffered significant weight loss and lack of  
10:25:00 10 appetite. Clearly there's a reference to the health issues  
10:25:03 11 that we were talking about before?---Yes.  
12  
10:25:07 13 Indeed, she'd spoken of suicide but states that she would  
10:25:12 14 not seriously contemplate such a course of action?---Yes, I  
10:25:16 15 see that.  
16  
10:25:17 17 She'd suffered a stroke in 1995, which is inaccurate, it  
10:25:20 18 occurred in July 2004, but nonetheless it was something  
10:25:24 19 that was known by the members of the SDU that she'd  
10:25:26 20 suffered a stroke, do you agree with that?---Yes, I believe  
10:25:30 21 it, yes.  
22  
10:25:31 23 She's concerned about the safety and welfare of her  
10:25:34 24 relatives, do you accept that?---Yes.  
25  
10:25:37 26 "Unknown motivation for Ms Gobbo to make a  
10:25:40 27 statement"?---Yes.  
28  
10:25:41 29 Are you aware that there had been pressure put on her by,  
10:25:45 30 certainly by members of Purana, pressure put on her to make  
10:25:51 31 a statement?---Yeah, I believe so, yes.  
32  
10:25:56 33 Source contact reports, SCRs or ICRs, and covert recordings  
10:26:03 34 may well be disclosed?---Yes.  
35  
10:26:05 36 That would be a threat?---Yes, that would be a threat.  
37  
10:26:14 38 There's time sensitive matters, unknown issues to Petra  
10:26:17 39 Task Force and VicPol Command. Do you recall what, or can  
10:26:22 40 you explain that time sensitive unknown issue to Petra Task  
10:26:28 41 Force and VicPol Command?---No, I don't know the time  
10:26:31 42 sensitivity per se.  
43  
10:26:32 44 And the role of the Petra Task Force still not known by the  
10:26:36 45 SDU?---Yes, I see that.  
46  
10:26:38 47 Coming back to the OPI review which had been referred to in

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10:26:43 1 the "weakness" column. It's again referred to as a  
10:26:45 2 "threat" column. What we see here is, "Serving barrister  
10:26:49 3 assisting police, consideration of unsafe verdicts", do you  
10:26:54 4 see that?---Yes, I do.  
5  
10:27:05 6 Again, that's something which was a matter of concern to  
10:27:08 7 members of the SDU I take it?---Yes.  
8  
10:27:14 9 There was a discussion about the possibility of verdicts  
10:27:17 10 which had been achieved already, those being unsafe?---Yes,  
10:27:25 11 I see that.  
12  
10:27:26 13 The reason it was considered to be so was because you have  
10:27:31 14 a serving barrister assisting police, do you see  
10:27:37 15 that?---Yes, I see that.  
16  
10:27:38 17 That was something that was discussed?---Yes.  
18  
10:27:43 19 When did you first discuss that concern?---I'm sorry, I  
10:27:49 20 couldn't put a finger on that. I'm not sure.  
21  
10:27:51 22 See, you've given evidence previously about there being  
10:27:59 23 concerns at various stages about Ms Gobbo being a human  
10:28:02 24 source?---Yes.  
25  
10:28:02 26 And division within the SDU. What I suggest to you is that  
10:28:06 27 these views, which were thrashed out on 31 December, didn't  
10:28:12 28 just occur on 31 December, these had been views which had  
10:28:16 29 been held by members of the SDU for a significant period of  
10:28:22 30 time beforehand, do you agree with that proposition?---I  
10:28:26 31 think that proposition's fair.  
32  
10:28:28 33 So who held the view within the SDU that there was a  
10:28:32 34 concern about using a barrister against clients to provide  
10:28:37 35 assistance to police? Who within the SDU held those  
10:28:40 36 concerns, all of you?---I can only speak for myself, and as  
10:28:47 37 I said to you previously I think from a public perception  
10:28:51 38 point of view with those that don't understand any of the  
10:28:53 39 covert methodology or the reasons why or the implications  
10:28:56 40 of what was happening at the time, it would have looked  
10:28:59 41 really bad.  
42  
10:29:00 43 Just let's read it. "Consideration of unsafe verdicts,  
10:29:04 44 serving barrister assisting police." Then it goes on to  
10:29:10 45 say "possible appeals", right, "prosecutions current Mokbel  
10:29:15 46 and future?"?---Yes.  
47

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10:29:17 1 Regardless of whether it's about perceptions or whether  
10:29:21 2 it's about actually conduct which has deprived people of a  
10:29:27 3 fair trial, and not just a perception that it has, what I  
10:29:31 4 suggest to you is that these were genuine concerns held by  
10:29:35 5 members of the SDU, including yourself?---So I agree with  
10:29:42 6 what's written there in those notes absolutely from my  
10:29:46 7 point of view, yes.

8  
10:29:48 9 Can I just put something to you. At some stage later on in  
10:29:57 10 2009 Mr Black - and I gather you were still at the SDU in  
10:30:04 11 2009?---Yes, that's correct.

12  
10:30:10 13 And you were aware that not only was Ms Gobbo - was there a  
10:30:16 14 desire for Ms Gobbo to make a statement to assist the Petra  
10:30:20 15 Task Force, there was subsequently a desire on the part of  
10:30:24 16 Briars for her to make a statement and assist in that  
10:30:28 17 prosecution as well, you're aware of that?---Yes, I am.

18  
10:30:32 19 You were, in 2009, one of the two PII [REDACTED] - you'd  
10:30:40 20 been upgraded by that stage, you were a PII [REDACTED]  
10:30:43 21 weren't you?---Yes, I believe so, yes.

22  
10:30:48 23 One of the concerns - perhaps if we go to  
10:30:57 24 VPL.0100.0001.3172. Do you see - at this stage we know  
10:31:23 25 that Ms Gobbo had already made a statement and had been in  
10:31:27 26 effect exposed as a witness in the Petra matter, but then  
10:31:30 27 there was a desire to use her in Briars and in effect the  
10:31:34 28 issues arose again and these issues were again thrashed out  
10:31:41 29 by way of arguments put by the SDU to prevent Ms Gobbo from  
10:31:49 30 being forced to be a witness or to make a witness statement  
10:31:54 31 in the Briars matter. You understand that that was going  
10:31:57 32 on in 2009?---I'm not - yeah, I'm not quite sure whether I  
10:32:05 33 understood the intricacies but, yes, absolutely agree.

34  
10:32:11 35 The view was taken at that stage that Ms Gobbo may well be  
10:32:19 36 a witness in Petra but it might be possible to keep her  
10:32:24 37 previous role as a human source secret because of the way  
10:32:30 38 in which the statement had come about in Petra,  
10:32:36 39 right?---Yes.

40  
10:32:38 41 And because of the fact that Petra had arranged for the  
10:32:42 42 taping, there'd been a break between the use of Gobbo as a  
10:32:46 43 source, it may well be conceivable that her role could  
10:32:52 44 still be kept secret even as a witness in the Petra  
10:32:57 45 proceeding, but the view was taken that with Briars that  
10:33:00 46 would be far more difficult, do you understand that?---I  
10:33:04 47 understand the proposal, yes.

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1  
10:33:07 2 And that by the time of this note, which as I understand it  
10:33:13 3 was on 3 June 2009, a draft statement had been taken by  
10:33:18 4 Messrs Iddles and Waddell from Ms Gobbo in Bali in relation  
10:33:26 5 to the Briars matter. Do you understand - you're aware of  
10:33:32 6 that?---No.  
7  
10:33:33 8 Right. In any event, I just want to see if this is of any  
10:33:39 9 assistance to you when we consider the problems about  
10:33:45 10 Ms Gobbo's exposure as a witness, whether it be Briars or  
10:33:48 11 Petra, and the potential for OPI or a review of the conduct  
10:33:53 12 of Victoria Police. Do you see at the bottom of that page  
10:33:58 13 there are six points: sterile corridor principles, then  
10:34:11 14 disclose of individual's assistance to VPL, one, as a  
10:34:14 15 tasked source; two, who is a active barrister; three,  
10:34:17 16 visiting clients; four, clients who think that they have  
10:34:20 17 privilege in their communications with Ms Gobbo; five,  
10:34:25 18 clients who believe that they're speaking with their legal  
10:34:28 19 representative; six, that very person who then passes the  
10:34:31 20 information to police. Do you see those points there?---I  
10:34:35 21 see those points, yes.  
22  
10:34:37 23 Over the page, "Seven, the human source then continues to  
10:34:41 24 act for that client; and eight, furthermore, the human  
10:34:46 25 source then convinces the client to plead guilty", do you  
10:34:51 26 see that?---Yes, I see that.  
27  
10:34:54 28 Can I suggest to you that those were the very matters that  
10:34:57 29 were concerning members of the SDU not just in June of  
10:35:04 30 2009, not just in December of 2008, but throughout the  
10:35:11 31 period and certainly after Ms Gobbo did all of those  
10:35:16 32 things. Do you accept that proposition?---No, I don't  
10:35:19 33 accept that.  
34  
10:35:20 35 You don't accept that?---No, there's a blanket you put over  
10:35:24 36 about six or seven points and I'm - yeah.  
37  
10:35:32 38 Which of the points don't you accept?---So you said from  
10:35:35 39 the start of the handling of 3838?  
10:35:39 40  
10:35:40 41 Yes. What I'm talking about is, I said from the time that  
10:35:43 42 those matters eventuated. So we know, for example, about  
10:35:45 43 what occurred in - and I'm not going to mention names - in  
10:35:47 44 April of 2006?---Yes.  
45  
10:35:50 46 And at a time when you were at the SDU?---Yes.  
47

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10:35:57 1 That Ms Gobbo had been tasked against a certain  
10:36:01 2 person?---Yes.  
3  
10:36:01 4 The role of Ms Gobbo was in effect to bring down the  
10:36:04 5 Mokbels, you understand that?---Yes.  
6  
10:36:07 7 She was at that stage acting for Tony Mokbel, you  
10:36:11 8 understood that?---Yes.  
9  
10:36:14 10 She was also acting for the person who she was tasked  
10:36:18 11 against?---I'm not aware of - no, I'm not aware of that  
10:36:24 12 particular incident.  
13  
10:36:27 14 Well let's say that she was tasked to provide information  
10:36:32 15 in relation to a particular person from the period of about  
10:36:36 16 September of 2005 through to the time of an arrest which  
10:36:41 17 occurred in April of 2006?---I can't comment on that, I  
10:36:50 18 wasn't at the SDU then.  
19  
10:36:52 20 You started shortly - - - ?---Sorry, I apologise. 2005. I  
10:36:58 21 wasn't at the SDU then.  
22  
10:37:00 23 No, but you started I think in about May of 2006; is that  
10:37:04 24 right?---Yes, so that doesn't fall in those timeframes  
10:37:07 25 you're talking about.  
26  
10:37:08 27 These were matters which were being discussed, as you say,  
10:37:14 28 at regular meetings, risk analyses and so forth?---Yes, I'd  
10:37:18 29 agree with that.  
30  
10:37:18 31 From the time that you commenced - indeed, you were a  
10:37:20 32 controller for Ms Gobbo during a period that you were at  
10:37:24 33 the SDU, weren't you upgraded?---Once or twice I believe,  
10:37:28 34 yes.  
35  
10:37:29 36 So you are aware that she was visiting clients, clients who  
10:37:32 37 think they have privilege, clients who believe they're  
10:37:36 38 speaking with their legal representative and that very  
10:37:38 39 person who then passes information to police and then she  
10:37:40 40 continues to act for that client and then convinces the  
10:37:44 41 client to plead guilty. Those were the very matters of  
10:37:47 42 great concern to members of the SDU from at least April of  
10:37:50 43 2006 and thereafter?---So I can only give my point of view  
10:37:56 44 and I'm happy to go with you point by point to give you my  
10:38:01 45 understanding of what those points are from my point of  
10:38:04 46 view.  
47

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10:38:05 1 All right. You go through, which ones - - - ?---I'm on  
10:38:08 2 p.154 at the moment.  
3  
10:38:09 4 Yes?---So "HS convinces the client to plead guilty", so  
10:38:17 5 therefore if I look at it from a generalistic point of view  
10:38:22 6 - and I'm not trying to be difficult, I'm just - - -  
10:38:24 7  
10:38:24 8 No, no. Why don't we go back to the previous page?---Yep.  
9  
10:38:26 10 Go through it. Tell me what you say about those?---As a  
10:38:28 11 tasked source - - -  
12  
10:38:29 13 She's an active barrister, you accept that?---Yes.  
14  
10:38:33 15 She visits clients?---I accept that, absolutely.  
16  
10:38:35 17 She speaks to clients who believe that they are speaking to  
10:38:39 18 a barrister and therefore they think that what they're  
10:38:43 19 saying to their barrister is confidential?---So they're two  
10:38:46 20 different points from my understanding. So the first point  
10:38:48 21 is she was an active barrister. Absolutely agree. We've  
10:38:52 22 talked about public perception. Visiting her clients.  
10:38:55 23 Absolutely. I accept that she visits her clients.  
24  
10:38:58 25 Yes?---Clients have privilege when they're talking about  
10:39:02 26 their matters before the court. Clients who believe they  
10:39:06 27 were speaking to their legal rep, which is pretty much the  
10:39:11 28 same as having the matter before a court and talking about  
10:39:14 29 their court case. The person then passes information to  
10:39:18 30 the police, I agree with that statement, yes.  
31  
10:39:20 32 Over the page?---Yep.  
33  
10:39:23 34 Then she continues to act for the client, do you agree with  
10:39:27 35 that?---Sorry, I can hardly see that. Yes, absolutely,  
10:39:35 36 yes. That would be right.  
37  
10:39:36 38 And then convinces the client to plead guilty?---So from a  
10:39:39 39 legal profession I would presume that there are cases when  
10:39:45 40 barristers push their clients to plead guilty. I don't see  
10:39:48 41 that as something specific to 3838.  
42  
10:39:51 43 No, no, I follow that. But if that person who convinces  
10:39:54 44 the client to plead guilty is in actual fact an agent of  
10:39:58 45 Victoria Police, right, and she convinces her client to  
10:40:03 46 plead guilty as an agent of Victoria Police, that would be  
10:40:07 47 problematic, would it not?---Say that again? I think I can

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10:40:11 1 separate that out. If 3838 is acting in her role as a  
10:40:16 2 barrister and is seeking the best outcome for her client,  
10:40:19 3 and that outcome is to plead guilty, well that's nothing to  
10:40:23 4 do with being a police agent.  
5  
10:40:28 6 Are you serious about that? What I'm asking you to do is  
10:40:31 7 look at those points one after the other?---Yes.  
8  
10:40:34 9 Right, one after the other. And you say, look, you want to  
10:40:36 10 highlight point 8 and say that seems okay to you.  
10:40:39 11 Seriously, look at them all and what do you say about  
10:40:44 12 them?---I just answered your question. I'm not sure, are  
10:40:47 13 you asking a general question again?  
14  
10:40:49 15 If you accept all the propositions that are above, right,  
10:40:54 16 she's an active barrister, she's visiting clients, they  
10:41:00 17 think they've got privilege, they believe they're speaking  
10:41:01 18 to their representative, the very person then passes  
10:41:03 19 information on to Victoria Police, right, so she's an agent  
10:41:06 20 for Victoria Police. She continues to act for that client  
10:41:08 21 and she convinces that client to plead guilty, right. So  
10:41:11 22 you say no problem so far as that's concerned?---No  
10:41:16 23 problems as in - sorry, I'm not understanding your  
10:41:19 24 question. I thought we talked about point 8, which I've  
10:41:22 25 explained my take on what someone else's notes are.  
26  
10:41:26 27 Yes?---I'm not sure I can add to that.  
28  
10:41:29 29 Are you deliberately being obtuse or - I mean, I don't  
10:41:33 30 know, maybe I'm not putting it clearly to you.  
31  
10:41:37 32 COMMISSIONER: Mr Richards, what you're asked is not to  
10:41:39 33 take 8 separately, but to look at 8 in the context of all  
10:41:45 34 the other matters, and then say in light of all the other  
10:41:49 35 matters for Nicola Gobbo to then do that, did you consider  
10:41:55 36 that was a problem?---If that was acting as an agent,  
10:41:59 37 Commissioner, that's the proposition put to me, but I don't  
38 believe the notes specify that acting as an agent and, no,  
10:42:02 39 I'm not trying to be difficult, I'm just saying that from  
10:42:06 40 someone else's notes I'm making a comment that if the HS  
10:42:10 41 were acting and tasking directly by Victoria Police to  
10:42:13 42 convince a client to plead guilty, there would be  
43 absolutely and issue with that, if that were the case.  
44  
10:42:17 45 MR WINNEKE: Perhaps we should have point one there, it's  
10:42:20 46 not complete, Commissioner. Then we've got seven and  
10:42:34 47 eight. Look, this is based - - - ?---Yes.



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1  
10:42:37 2 - - - based on the fact that Ms Gobbo has provided the  
10:42:39 3 information to a very great extent which enables that  
10:42:43 4 person to be arrested, so she's provided the information on  
10:42:46 5 behalf of Victoria Police, police then are able to arrest  
10:42:49 6 the person. She then gives advice to them to plead guilty  
10:42:55 7 in circumstances where she's acting as an agent of Victoria  
10:42:59 8 Police. Now all of those points seem, certainly as far as  
10:43:03 9 Mr Black was concerned in June 2009, seem to suggest to him  
10:43:12 10 that there were problems. What I'm asking you is were  
10:43:16 11 those matters, matters which you were aware of,  
10:43:23 12 firstly?---To a specific case, and I'm trying to work with  
10:43:27 13 you on this, as in a specific case, are you talking about  
10:43:30 14 2005?  
15  
10:43:31 16 Were you aware of any cases where those issues, all of  
10:43:36 17 those issues were present?---No, I've never been aware of  
10:43:40 18 any time that 3838 was tasked to convince a client to plead  
10:43:43 19 guilty, no, I'm not aware of that.  
20  
10:43:45 21 What was the concern about convictions being set aside? We  
10:44:08 22 go back to your SWOT analysis. See, what I'm trying to get  
10:44:19 23 at, Mr Richards, is the concerns that were expressed on 31  
10:44:26 24 December 2008?---Yes.  
25  
10:44:32 26 Were concerns that had existed for some time, do you accept  
10:44:36 27 that?---I agree.  
28  
10:44:38 29 Including the concern about the potential for convictions  
10:44:43 30 to be at risk?---Agree.  
31  
10:44:48 32 There must have been a reason why there was the concern  
10:44:51 33 that convictions might be at risk, do you accept  
10:44:55 34 that?---Yes.  
35  
10:44:56 36 What was the reason?---My reason?  
37  
10:44:59 38 Yeah, what was the reason?---Again, I think from a blanket  
10:45:05 39 point of view the use, from my looking out/looking in type  
10:45:14 40 perception was that it is the public perception was a  
10:45:20 41 perception that would be well-founded that it is not the  
10:45:23 42 right thing to do, I suppose is the best way to put it.  
43  
10:45:27 44 So if there's a consideration of unsafe verdicts and  
10:45:31 45 possible appeals?---Yes.  
46  
10:45:33 47 And also current prosecutions with respect to Mokbel and

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10:45:36 1 others, clearly that is as a consequence of the conduct of  
10:45:41 2 Ms Gobbo in conjunction with members of the SDU, you accept  
10:45:45 3 that?---No, I think that's a broad ranging statement that  
10:45:52 4 my point of view is not true.  
5  
10:45:54 6 From your point of view what do you say gives rise to the  
10:45:58 7 possibility of unsafe verdicts?---I'm thinking about the  
10:46:12 8 question. To be honest, it's the involvement of actually  
10:46:17 9 those points that are currently on the screen, absolutely,  
10:46:21 10 an active barrister, visiting clients. I agree with that  
10:46:26 11 concept, that that would put convictions at risk.  
12  
10:46:30 13 Yes?---And therefore there would be an exploratory process  
10:46:34 14 as to how that came about, which would involve risk of an  
10:46:40 15 appeal or convictions being overturned, I absolutely agree  
10:46:43 16 with that, yes.  
17  
10:46:44 18 That was the concern expressed by you to your  
10:46:48 19 superiors?---Yeah, I expressed that before, yes.  
20  
10:46:52 21 I mean fundamentally effectively what's occurred is that  
10:46:56 22 people who are being represented by Ms Gobbo did not get  
10:47:00 23 independent legal advice, that's the real point, isn't  
10:47:03 24 it?---No, that's not the real point, no.  
25  
10:47:07 26 What they got was not independent legal advice, they got  
10:47:10 27 legal advice from an agent of Victoria Police. That's the  
10:47:13 28 concern that you had, isn't it?---No, that's not the  
10:47:17 29 concern.  
30  
10:47:17 31 You didn't have that concern?---No.  
32  
10:47:20 33 As a consequence of getting legal advice from a person who  
10:47:24 34 was effectively a police officer, they didn't get a fair  
10:47:27 35 trial, that's the concern, isn't it?---Firstly, it's a fair  
10:47:34 36 stretch that one who acts as a human source is a member of  
10:47:38 37 Victoria Police and, no, I don't agree with that.  
38  
10:47:41 39 Someone who is actually an agent of Victoria Police and is  
10:47:45 40 acting or pretending to act as someone's legal advisor, you  
10:47:48 41 think that's okay?---In respect to - I think you'd have to  
10:47:52 42 give me an example because again it's a fairly broad  
10:47:56 43 comment. I'm happy to answer, I just don't - if you've got  
10:47:58 44 a specific question.  
45  
10:48:00 46 Yeah, well - Commissioner, I've got specific questions. I  
10:48:05 47 can't do them in public because we've got issues of

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10:48:10 1 suppression orders and so forth. But in any event perhaps  
10:48:13 2 I'll move on.  
3  
10:48:14 4 COMMISSIONER: And come back to it when we're in private  
10:48:17 5 session, yes.  
6  
10:48:18 7 MR WINNEKE: And come back to it. What the SDU was trying  
10:48:25 8 to do here was to suggest to the management that if they go  
10:48:36 9 down the path of utilising Ms Gobbo as a witness all of  
10:48:42 10 this will get out, right?---That's fair, yes.  
11  
10:48:46 12 And effectively what you're saying is, "We don't want this  
10:48:50 13 to get out. We want to keep a lid on this",  
10:48:57 14 correct?---Keep a lid on it being not divulged, the  
10:49:00 15 source's identity or methodology used, agree.  
16  
10:49:03 17 And, "We don't want the potential of our conduct, the SDU's  
10:49:07 18 conduct, being exposed to the courts"?---By the word  
10:49:13 19 conduct, I'm not sure what you're referring to the word  
10:49:17 20 conduct. As I've said - - -  
21  
10:49:19 22 The to use of Ms Gobbo as a police agent whilst she was a  
10:49:22 23 barrister?---As a role as a source, I agree.  
24  
10:49:28 25 Could I ask you this: one of the threats was the potential,  
10:49:32 26 the consideration of unsafe verdicts and possible appeals.  
10:49:36 27 Do I take it that the members of the SDU accepted that  
10:49:39 28 there were people who were then in custody who had been  
10:49:44 29 convicted and potentially were sitting in gaol as a result  
10:49:48 30 of unfair trials, that's effectively what you were saying,  
10:49:53 31 wasn't it?---No, are you going back to the SWOT analysis?  
32  
10:50:00 33 Yes, I am?---No, I don't accept that.  
34  
10:50:04 35 Why don't you, because it says, "OPI review, serving  
10:50:07 36 barrister assisting police, consideration of unsafe  
10:50:08 37 verdicts and possible appeals. Prosecution current Mokbel  
10:50:12 38 and future?" Go back to p.138.  
39  
10:50:19 40 COMMISSIONER: We haven't got it up on the screen yet?---I  
10:50:23 41 don't have that in front of me.  
42  
10:50:23 43 MR WINNEKE: I'm sorry about that.  
44  
10:50:26 45 COMMISSIONER: 138 of Mr Black's diary, is that right?  
46  
10:50:29 47 MR WINNEKE: Yes, Commissioner?---So we've part answered

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10:50:32 1 your question. I wasn't aware of the people that were or  
10:50:35 2 weren't incarcerated at that time.  
3  
10:50:38 4 No. But what you were aware of as a member of the SDU was  
10:50:44 5 that there was a view held by the SDU, including you, that  
10:50:48 6 there was at least the potential for there to be unsafe  
10:50:52 7 verdicts and possible appeals?---Yes.  
8  
10:50:55 9 And "potential difficulties with current Mokbel  
10:50:59 10 prosecutions and future prosecutions?"---I think I must be  
10:51:08 11 on the wrong page there.  
12  
10:51:09 13 138. If we go over the next page. Sorry. Under the  
10:51:20 14 "threat" section?---Yes, I see that, yes.  
15  
10:51:24 16 So the SDU had that view, that there are these potentially  
10:51:29 17 unsafe verdicts, possible appeals, there were people in  
10:51:34 18 custody, do you accept that?---It doesn't - I'm sorry to  
10:51:39 19 talk about custody, I'm looking at the OPI review, "serving  
10:51:43 20 barrister assisting police", agree with that line. Yes, it  
10:51:46 21 doesn't talk about people already in custody or  
10:51:49 22 incarcerated or serving a sentence.  
23  
10:51:52 24 You may not recall now but you would have known at that  
10:51:55 25 stage there were people who were in custody?---Yeah, I'm  
10:52:00 26 not denying that. I just don't remember specifically.  
27  
10:52:03 28 The implication is if there are unsafe verdicts, given  
10:52:07 29 we're talking about pretty serious offences, the likelihood  
10:52:11 30 is there'd be people in custody?---As I say, I'm not  
10:52:16 31 disagreeing with you at all but I just can't remember that.  
32  
10:52:21 33 Do you know whether there was any suggestion made by any  
10:52:25 34 members of the SDU or whether you had any - I'll break that  
10:52:30 35 down. Do you know whether there was any suggestion that  
10:52:34 36 perhaps there ought be legal advice obtained as to whether  
10:52:44 37 or not the Office of Public Prosecutions should be made  
10:52:46 38 aware of these people who might have been convicted and the  
10:52:52 39 verdicts might be unsafe? Do you know whether there was  
10:52:56 40 any consideration of that?---Yes, I believe there was. I'm  
10:52:59 41 not sure at what time frame but it might have come later,  
10:53:03 42 but, yes, I am aware that that occurred.  
43  
10:53:06 44 Was it before this or after this or as a consequence of  
10:53:10 45 this?---As I just said to you, I really can't help you with  
10:53:15 46 the time frame. Yes, I know it happened but I'm not sure  
10:53:19 47 exactly when in context of this particular SWOT analysis.

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1  
10:53:22 2 Right?---I would have thought it would have been around the  
10:53:25 3 time considering the thought process.  
4  
10:53:27 5 From your recollection of these events do you get the  
10:53:31 6 impression there were people within the SDU who were  
10:53:34 7 concerned that there should be a disclosure made to  
10:53:40 8 prosecuting authorities about this?---So from an SDU point  
10:53:44 9 of view dealing with the investigators who are responsible  
10:53:46 10 for the briefs of evidence, whether it be Petra or Purana  
10:53:50 11 or whoever it was, absolutely from those particular units,  
10:53:54 12 they should have been or could have been seeking a review  
10:53:57 13 or advice, yes, in relation to presentation of that  
10:54:00 14 evidence.  
15  
10:54:01 16 What did you do about it?---Myself?  
17  
10:54:05 18 Yes?---Nothing.  
19  
10:54:07 20 Do you know whether anyone in the SDU, did Mr White, for  
10:54:12 21 example, suggest, as far as you know, there should be legal  
10:54:15 22 advice obtained?---In relation to the SWOT analysis here in  
10:54:21 23 front of us which is in relation to the statement being  
10:54:23 24 taken - - -  
25  
10:54:24 26 No, no, just listen. I'm talking about the possibility  
10:54:28 27 that there might be people convicted unfairly, right. What  
10:54:31 28 I'm trying to get at is did anyone suggest that someone  
10:54:36 29 should inform the OPP about this concern?---I'm not aware  
10:54:43 30 of what the investigators - whether they did or did not.  
31  
10:54:47 32 Right. What about the SDU? I mean this is something that  
10:54:52 33 the SDU has discussed amongst themselves and come to this  
10:54:55 34 conclusion?---Yes.  
35  
10:54:56 36 What steps were put in place to ensure that people weren't  
10:55:01 37 sitting in custody or weren't unfairly convicted, what  
10:55:05 38 steps were put in place by you or the members of the  
10:55:08 39 SDU?---Again, nothing from me. I did nothing. So in  
10:55:15 40 relation to people in custody or the briefs of evidence or  
10:55:19 41 any appeals, that's an investigator role, not an SDU role.  
42  
10:55:24 43 But you're a member of Victoria Police and you're in  
10:55:27 44 possession of knowledge and you've got concerns?---Yes.  
45  
10:55:30 46 Do you say you have no obligation to do anything about  
10:55:33 47 it?---No, I'm not saying that whatsoever.

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1  
10:55:36 2 So - - - ?---The SDU provided advice back to investigators.  
10:55:39 3 I'm not sure exactly what the advice was or the  
10:55:43 4 recommendations in relation to how that should play out  
10:55:47 5 about how notifications of disclosure would work.  
6  
10:55:49 7 Ultimately, can I suggest one of the things that you were  
10:55:53 8 concerned about is this information didn't get out, isn't  
10:55:56 9 it?---About her role as a human source at Victoria Police?  
10  
10:56:00 11 Yes?---No, that didn't - that's what we were trying to  
10:56:06 12 prevent, her identity being compromised.  
13  
10:56:09 14 All right. But why wouldn't you go to the OPP and say,  
10:56:14 15 "Look, I as a member of Victoria Police, I've got concerns  
10:56:18 16 about the possibility of unsafe convictions. I think you  
10:56:21 17 should know this"?---So the whole point was to - from the  
10:56:28 18 Unit's perspective it was pushed back to Mr Biggin after  
10:56:32 19 the SWOT analysis was done to speak to I presume the  
10:56:35 20 investigators and higher up in the hierarchy.  
21  
10:56:39 22 All right. Is it your expectation that if you had  
10:56:42 23 expressed a conscientious view that there were people  
10:56:46 24 potentially having been unfairly convicted, that  
10:56:50 25 appropriate steps would be taken by senior members of  
10:56:54 26 Victoria Police to get appropriate advice?---To get advice,  
10:56:56 27 yes, I agree with that concept.  
28  
10:56:59 29 Did you ever take any steps to find out whether any  
10:57:03 30 appropriate advice had been sought?---No, I haven't spoken  
10:57:08 31 to anyone outside the SDU, no.  
32  
10:57:11 33 Do you know whether anyone within the SDU did that?---I  
10:57:15 34 make an assumption that that happened, yes.  
35  
10:57:21 36 You make an assumption, what, that someone within the SDU  
10:57:24 37 did try and find out what had happened?---Yes, followed  
10:57:27 38 through the chain of command.  
39  
10:57:40 40 Did you take any steps to follow it up to ensure that  
10:57:44 41 someone had done something about this at all?---That's the  
10:57:50 42 whole reason for the SWOT analysis for the taking of the  
10:57:53 43 statement, was not my responsibility. I suppose that's not  
10:57:58 44 throwing out my responsibility, as we've already mentioned,  
10:58:00 45 but no, it wasn't my role.  
46  
10:58:09 47 I just want to ask you, I sort of moved away from the

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10:58:14 1 chronological analysis of your involvement a little bit,  
10:58:17 2 but I just want to go back if I may and ask you a little  
10:58:20 3 bit about your involvement?---Yes.  
4  
10:58:53 5 You came to the SDU as a PI correct?---That's  
10:59:02 6 correct.  
7  
10:59:08 8 In your role as a handler, and for the most part you were a  
10:59:16 9 handler, is that right?---Yes.  
10  
10:59:18 11 You had your own human sources?---Yes.  
12  
10:59:20 13 I'm not going to ask who they are at this stage?---Yes.  
14  
10:59:23 15 There was a process that was set out for the dissemination  
10:59:26 16 of information; is that right?---Yes.  
17  
10:59:31 18 Was that done purely through the preparation of information  
10:59:36 19 reports?---That's fair.  
20  
10:59:42 21 When you were involved as a handler did you pass on  
10:59:50 22 information verbally which hadn't been through an  
10:59:53 23 information report sanitisation process?---Yes.  
24  
11:00:01 25 Did you pass that on directly to investigators in relation  
11:00:05 26 to sources who you had?---So information could be numerous  
11:00:09 27 things, whether the source is capable of doing the  
11:00:12 28 appropriate tasking, whether the source has issues outside  
11:00:17 29 that may impact tasking, whether it be - I'm throwing out  
11:00:23 30 their family commitments or holidays or something else that  
11:00:29 31 I informed the investigators that tasking could or couldn't  
11:00:33 32 happen.  
33  
11:00:35 34 Did you operate in accordance with Standard Operating  
11:00:39 35 Procedures?---Yes.  
36  
11:00:40 37 If you had intelligence which you received from a human  
11:00:44 38 source did you pass that on to investigators verbally or  
11:00:47 39 did you ensure that that was in an information report?---If  
11:00:51 40 it was intelligence, actionable intelligence, absolutely it  
11:00:57 41 would be in an information report.  
42  
11:01:00 43 As far as you were concerned actionable intelligence would  
11:01:02 44 not go directly from a handler to an investigator; is that  
11:01:07 45 right?---No, it would absolutely be followed up with the  
11:01:10 46 appropriate documentation.  
47

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11:01:11 1 So you'd get on the phone and contact an investigator as  
11:01:17 2 soon as you'd spoken to your source and pass that  
11:01:22 3 information on, would you?---Depends whether or not it was  
11:01:27 4 a live investigation, it depends whether or not the  
11:01:30 5 intelligence was urgent or needed to be acted upon.  
6  
11:01:33 7 Yes?---It would depend on the circumstances.  
8  
11:01:36 9 And it would be done without going through the  
11:01:38 10 controller?---At times, yes.  
11  
11:01:40 12 You see, in relation to Ms Gobbo we understand that for the  
11:01:44 13 most part information was provided to investigators  
11:01:51 14 directly. I think Mr O'Brien said that he received hot  
11:01:54 15 debriefs almost invariably when it came to Ms Gobbo's  
11:02:00 16 information. Is that consistent with your recollection of  
11:02:06 17 the way in which the SDU operated?---For 3838?  
18  
11:02:09 19 Well, I'm talking about generally?---That's what I just  
11:02:15 20 said, no, it depends on the circumstances. So if there was  
11:02:18 21 an active investigation and there was something needed in  
11:02:21 22 relation to covert methodology or trade craft, yes, there  
11:02:27 23 might be a hot debrief to the investigators, absolutely  
11:02:30 24 agree. If it wasn't an active investigation and it's just  
11:02:33 25 pieces of intelligence that they have an active  
11:02:36 26 investigation currently attributable to it, that would just  
11:02:37 27 be documented in due course.  
28  
11:02:39 29 You understand that the Chief Commissioner's standing order  
11:02:43 30 with respect to human sources and the Standard Operating  
11:02:47 31 Procedures don't make any reference to verbal  
11:02:49 32 disseminations of information. Now, was that your  
11:02:53 33 understanding at the time?---I can't comment on that. If  
11:02:58 34 you're reading that out, I can't disagree with you.  
35  
11:03:05 36 Was there a subject or discussion between you and other  
11:03:07 37 members of the SDU whether or not it was appropriate for  
11:03:10 38 handlers to simply pass on information without it being  
11:03:14 39 vetted and gone through the various processes which are set  
11:03:17 40 out in the Standard Operating Procedures and the Chief  
11:03:23 41 Commissioner's standing order?---So we had the CCIs and  
11:03:25 42 the SOPs, which is fine. To my thinking there is no  
11:03:32 43 problems whatsoever with disseminating information direct  
11:03:35 44 to investigators.  
45  
11:03:36 46 So as to whether or not that was in accordance with  
11:03:40 47 Standard Operating Procedures or Chief Commissioner's



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11:03:43 1 orders you don't know and you didn't know then?---No, I'm  
11:03:46 2 not sure that it was in there but from a common sense point  
11:03:49 3 of view it would be to pass on information that was,  
11:03:53 4 whether it be urgent, again trade craft, whether it be  
11:03:57 5 something the investigators need to know in the course of  
11:04:00 6 their investigation.  
7

11:04:03 8 One of the issues, I suppose, is that if that does occur it  
11:04:06 9 then becomes problematic to work out exactly what  
11:04:10 10 information was passed on and when it was passed on, to  
11:04:14 11 whom it was passed on. Do you accept that?---Yes, I do.  
12

11:04:22 13 If information is passed on strictly in accordance with the  
11:04:24 14 Standard Operating Procedures and the Chief Commissioner's  
11:04:29 15 orders, one assumes that there would be a very clear trail  
11:04:33 16 of information, do you accept that?---I accept what you're  
11:04:39 17 saying. Also, if CCIs remain silent on the fact of a  
11:04:47 18 verbal update, I think that implies that again common sense  
11:04:51 19 prevails.  
20

11:04:53 21 In any event, that wasn't something that was instilled in  
11:04:56 22 you at the SDU, that there should be a formal dissemination  
11:05:01 23 process?---Absolutely there was a formal dissemination  
11:05:04 24 process.  
25

11:05:05 26 When I say formal, I mean in terms of information reports  
11:05:11 27 disseminated in accordance with the Standard Operating  
11:05:14 28 Procedures and the Chief Commissioner's  
11:05:17 29 instructions?---Yes, which occurred.  
30

11:05:18 31 It did occur but what you seem to be saying is that there  
11:05:22 32 was this informal process of picking up a telephone and  
11:05:28 33 passing on information?---I would agree with that, yes.  
34

11:05:35 35 In terms of oversight, do you accept that it makes it more  
11:05:39 36 difficult to determine exactly who's overseeing the conduct  
11:05:46 37 of the SDU if you've got verbal disseminations and you  
11:05:49 38 haven't got written IRs which are then going to the HSMU to  
11:05:56 39 be considered?---So what is in a verbal hot debrief is also  
11:06:05 40 contained within both the informer contact report and the  
11:06:08 41 IR.  
42

11:06:08 43 Assuming it's recorded accurately?---Yes.  
44

11:06:13 45 See, you note that the oversight of the management of  
11:06:15 46 Ms Gobbo was the responsibility of the HSMU and the  
11:06:19 47 appropriate local source registry and the central source

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11:06:23 1 registry?---Yes.  
2  
11:06:27 3 Do you say that the way in which they oversight it was to  
11:06:32 4 examine the ICRs which were provided to them?---Yes, I  
11:06:37 5 would say that's fair.  
6  
11:06:40 7 In your experience, certainly as we understand it, there  
11:06:47 8 was often a significant delay in the provision of ICRs to  
11:06:51 9 the HSMU, do you accept that?---Yes, I do.  
10  
11:06:55 11 If there is a significant delay in the provision of those  
11:06:57 12 ICRs how then do you say that there's appropriate  
11:07:02 13 oversight?---That's a really good question and I believe  
11:07:07 14 that the members who were talking about 3838 did as best as  
11:07:13 15 humanly possible to ensure that the controller's briefed,  
11:07:17 16 who would then brief up management without the specific  
11:07:23 17 documents being in place.  
18  
11:07:24 19 It's pretty difficult for there to be appropriate oversight  
11:07:29 20 of the SDU, certainly in its handling of Ms Gobbo, do you  
11:07:32 21 accept that?---No, not at all.  
22  
11:07:34 23 If they're not getting the ICRs though how do they  
11:07:38 24 know?---I think you'd have to speak - as I just said in the  
11:07:42 25 previous question, it's about the verbal dissemination and  
11:07:44 26 the updates that go through from a controller's point of  
11:07:48 27 view to the Inspector of the SDU, through to the  
11:07:50 28 Superintendent and also through the Human Source Management  
11:07:55 29 Unit from the respective LSRs.  
30  
11:07:59 31 Do you say that if, for example, there's a long  
11:08:01 32 communication between Ms Gobbo and a handler which is set  
11:08:05 33 out over a considerable amount of, occurs over a  
11:08:12 34 significant amount of time and then a note there follows  
11:08:14 35 which says, for example, "O'Brien updated", do you think  
11:08:17 36 that's a sufficient way of recording the flow of  
11:08:21 37 information from the SDU to the investigator?---Yes.  
38  
11:08:38 39 You say in paragraph 21 of your statement that the  
11:08:41 40 oversight body and the members of the chain of command had  
11:08:46 41 full access, documentation and input into the authorisation  
11:08:50 42 and continued authorisation of Ms Gobbo as a human source.  
11:08:55 43 Do you maintain that that's the case?---Yes, I do.  
44  
11:09:00 45 Do you accept that the HSMU was reliant upon the provision  
11:09:05 46 by the SDU of up-to-date and comprehensive documentation  
11:09:13 47 about what was going on with Ms Gobbo?---I believe that

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11:09:18 1 they were kept up-to-date verbally. I agree with the  
11:09:21 2 proposition that some of the ICRs weren't there in a timely  
11:09:25 3 fashion.  
4

11:09:26 5 So when you were the controller of Ms Gobbo who did you  
11:09:30 6 communicate with and update about what you were  
11:09:37 7 doing?---The relevant Inspector at the time, so I think,  
11:09:40 8 depending on what year it was, whether it be Mr McWhirter,  
11:09:49 9 or I'm not sure of which Inspector at the time, but just  
11:09:52 10 the normal chain of command, yes.  
11

11:09:54 12 If you, for example, had received information from a  
11:09:59 13 handler about Ms Gobbo, what did you do to ensure that  
11:10:04 14 there was appropriate oversight of what was going on? Who  
11:10:14 15 did you speak to?---So I wouldn't speak to - whether it be  
11:10:16 16 Mr Glow or Mr McWhirter or Mr Hardy at the time or John  
11:10:21 17 O'Connor, I would pass on relevant information to those  
11:10:24 18 particular people.  
19

11:10:32 20 Insofar as risk assessment is concerned, do you say that  
11:10:38 21 you carried out risk assessment on a regular basis in  
11:10:42 22 relation to Ms Gobbo when you were a controller?---Yes.  
11:10:47 23 Yes, I think that's normal for all the sources.  
24

11:10:54 25 What did the risk assessment process as far as Ms Gobbo  
11:10:57 26 entail when you were the controller?---I think from - I'm  
11:11:04 27 not sure how many times I was controller, I think only two  
11:11:08 28 or three over the space of a couple of years, it's me  
11:11:11 29 understanding what's in the source management log and  
11:11:13 30 understanding what's in the risk assessment.  
31

11:11:23 32 So you were the controller, it seems, from a period of  
11:11:27 33 about 2 April through to 22 April?---Yes.  
34

11:11:30 35 And there'd been a formal risk assessment recorded, when I  
11:11:35 36 say formal, there'd been a record of a risk assessment  
11:11:40 37 being conducted previously on 5 March, according to the  
11:11:43 38 source management log. The next one was on 28 May 2007.  
11:11:50 39 Were you, as the controller during the period that you were  
11:11:58 40 - well during the period - - - ?---I understand.  
41

11:12:00 42 Would you be required to carry out a risk assessment or  
11:12:02 43 not?---No.  
44

11:12:03 45 What was the expectation about the carriage of a risk  
11:12:08 46 assessment?---It was the management of the source  
11:12:14 47 management log. So from my point of view and from the

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11:12:17 1 officer's point of view it was about a continual risk  
11:12:21 2 assessment and updating the logs, yes.  
3  
11:12:26 4 I think you understand the importance of risk assessments I  
11:12:32 5 take it?---Yes.  
6  
11:12:37 7 The purpose of a risk assessment - well it's one of the  
11:12:41 8 four pillars of effective source management, are you aware  
11:12:45 9 of that?---That's fair.  
10  
11:12:49 11 At paragraph 27 of your statement it appears that you say  
11:12:54 12 that ongoing risk assessment of Ms Gobbo as a human source  
11:13:02 13 was conducted; is that right?---Yes.  
14  
11:13:08 15 There was a environment permitted that challenged her use  
11:13:11 16 as a human source?---Yes.  
17  
11:13:16 18 It was discussed, as we've already discussed with you,  
11:13:19 19 during the course of meetings?---Yes.  
20  
11:13:21 21 Subsequently, as we say, down the track there's a concern  
11:13:26 22 expressed by members of the SDU about the potential  
11:13:30 23 consequences of the use of Ms Gobbo being, well, the  
11:13:34 24 perception, you say, but I would suggest the actuality of  
11:13:40 25 unfair convictions, those matters were considered during  
11:13:45 26 the course of discussions as I understand it?---Yes.  
27  
11:13:50 28 Why were those matters never included in risk assessments,  
11:13:55 29 changed risk assessments?---They were updated in the source  
11:14:00 30 management log which I've just stated is part of the risk  
11:14:04 31 assessment process.  
32  
11:14:04 33 Right. But we don't see in any risk assessment the  
11:14:09 34 possibility of - certainly during the period from 2005  
11:14:14 35 through to December 2008?---Yes.  
36  
11:14:22 37 We don't see anywhere in the risk analyses the possibility  
11:14:27 38 of unsafe convictions, the possibility of exposure of  
11:14:30 39 Ms Gobbo by the need to disclose her role either to the OPP  
11:14:36 40 or to the court or the defence barristers. Why isn't that  
11:14:38 41 put in the ongoing risk assessment?---The ongoing risk  
11:14:41 42 assessment is the source management log.  
43  
11:14:43 44 Yes. What's the answer to my question? Why isn't the SML  
11:14:50 45 updated to include those concerns?---I believe it would be.  
46  
11:14:54 47 Well, I can tell you that it isn't. Is that something that

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11:14:58 1 concerns you?---I'm surprised that there's no reference to  
11:15:04 2 any risk in the SML.  
3  
11:15:05 4 I'm talking about risk of unsafe convictions and the  
11:15:09 5 possibility of exposure of Ms Gobbo as a human source  
11:15:15 6 because of the need to disclose her role?---I would be  
11:15:22 7 surprised by that, that there's no reference to referring  
11:15:24 8 to an ICR or there's no reference to a management entry in  
11:15:28 9 relation to that. I would be surprised by that, yes.  
10  
11:15:31 11 You would be surprised, is that right?  
11:15:37 12  
11:15:38 13 COMMISSIONER: That was his answer, yes?---As I said - - -  
14  
11:15:41 15 MR WINNEKE: Because those matters had been discussed by  
11:15:43 16 members of the SDU at various meetings that you talk about  
11:15:46 17 in that robust environment and yet they don't find their  
11:15:51 18 way into the SML, do you agree with that?---Yes.  
19  
11:15:53 20 And that's surprising to you, isn't it?---Yes.  
21  
11:16:05 22 Commissioner, I note the time.  
23  
11:16:07 24 COMMISSIONER: Yes all right then. We'll have the  
11:16:09 25 mid-morning break.  
26  
27 (Short adjournment.)  
28  
29  
11:43:10 30 COMMISSIONER: Yes Mr Winneke.  
11:43:12 31  
11:43:12 32 MR WINNEKE: Thanks Commissioner. Mr Richards, I was  
11:43:16 33 asking you about a couple of matters that you set out in  
11:43:20 34 your statement, in particular around paragraph 29. You  
11:43:25 35 talked about, "The environment of the SDU enabled robust  
11:43:34 36 discussions without fear of retribution and ensured the  
11:43:41 37 honesty of the opinions could be retained. Whilst  
11:43:46 38 hypotheticals were often used to assess risk, it was  
11:43:49 39 paramount a logical and considered conclusion be reached".  
11:43:54 40 Can you just explain that for me?---Yes. So as led from  
11:44:05 41 the leadership point of view within the Source Development  
11:44:09 42 Unit, it was appropriate that everyone had their say. We  
11:44:13 43 had lots of people from different backgrounds, different  
11:44:17 44 experiences, different knowledge bases that would provide a  
11:44:20 45 difference of opinion in respect to any of the source  
11:44:25 46 management issues of any of the sources. It's important,  
11:44:29 47 especially from my point of view, to have as many of the

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11:44:33 1 facts as appropriate to make an informed decision, if -  
11:44:38 2 from that point of view, if you are either shouted down or  
11:44:42 3 not listened to in respect of your opinion, obviously that  
11:44:46 4 grows over time so therefore you don't give your opinion or  
11:44:49 5 you don't believe you'll be listened to so therefore it  
11:44:53 6 could stymie, the truth, it could stymie innovation, it  
7 could stymie opportunities or understanding of how to deal  
11:45:01 8 with certain issues as they progress.  
11:45:03 9  
11:45:04 10 Effectively what you're saying is it was an environment  
11:45:07 11 where you freely express your views and you weren't  
11:45:10 12 shutdown, prevented from doing so?---Yes, that's correct.  
11:45:13 13  
11:45:13 14 And, "The fact that Ms Gobbo was a lawyer insured that we  
11:45:17 15 challenged each other's awareness of her obligations to her  
11:45:23 16 clients, what was deemed to be legal professional privilege  
11:45:27 17 and what was seen as a conflict of interest. What was seen  
11:45:31 18 as the greater good for the community and victims of  
11:45:35 19 crime". Can you tell me about this sentence? There was  
11:45:48 20 consideration of her obligations to her clients in the  
11:45:50 21 discussions that you had, these robust discussions,  
11:45:54 22 correct?---Yes, that's right.  
11:45:54 23  
11:45:56 24 There was consideration as to legal professional privilege  
11:46:00 25 in the discussions?---Yes.  
11:46:02 26  
11:46:02 27 And there was consideration to conflict of interest?---Yes.  
11:46:07 28  
11:46:07 29 Is that right?---Yes.  
11:46:10 30  
11:46:10 31 Were those questions weighed against other matters such as  
11:46:15 32 the greater good for the community and victims of  
11:46:21 33 crime?---So I wouldn't say they're weighed against them,  
11:46:24 34 absolutely they were spoken about. It's an open free  
11:46:28 35 discussion about all issues.  
11:46:29 36  
11:46:29 37 Is what you're saying there, "Look we were aware of issues  
11:46:33 38 of conflict of interest, we were aware that in effect she  
11:46:39 39 had a foot in both camps on one view, and those were  
11:46:50 40 matters that we talked about during the course of  
11:46:54 41 meetings"?---Yes.  
11:46:54 42  
11:46:57 43 "Nonetheless we weighed those issues up with the greater  
11:47:04 44 good for the community and the victims of crime." So what  
11:47:08 45 you seem to be saying in that sentence is, "We've done a  
11:47:11 46 comparative analysis and as far as we were concerned, even  
11:47:14 47 though we understood that there were problems with respect

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11:47:16 1 to conflict of interest, potentially LPP, there was a  
11:47:21 2 greater good for the community and for the victims of crime  
11:47:25 3 which we felt outweighed those issues of conflict of  
11:47:30 4 interest and LPP"?--No, that's not what I meant when I  
11:47:37 5 wrote this, no. It's not a scale, as I put in there, it's  
11:47:42 6 just a discussion, so these are the points that we  
11:47:45 7 consider. So I agree with you absolutely, we discussed  
11:47:48 8 what was community benefit, victims of crime benefit,  
11:47:53 9 absolutely agree with you on that.

11:47:54 10  
11:47:55 11 But it just does seem, when you're comparing when you say  
11:47:58 12 the greater good for the community, greater than what?  
11:48:02 13 What are the issues that you are saying that the community  
11:48:06 14 and victims of crime, in effect trump - is that what you're  
11:48:13 15 saying?--No, I'm not talking about a scale or a weighting  
11:48:17 16 or anything else. I'm talking about the perception of the  
11:48:19 17 community, the safety of the community, there's people  
11:48:22 18 being murdered in open, in public, what's the public's  
11:48:27 19 perception of safety mean to the organisation, where does  
11:48:30 20 that fall.

11:48:32 21  
11:48:33 22 And you go on to say, "The issue of perception was a  
11:48:37 23 constant amongst discussions, in that the public or those  
11:48:41 24 with no understanding of how Ms Gobbo was being tasked or  
11:48:42 25 how information was passed on or acted upon could be a  
11:48:46 26 negative if her identity was compromised. Whilst she was a  
11:48:50 27 registered human source we were confident her identity  
11:48:53 28 would not be exposed". Could you expand on that for  
11:49:00 29 us?--I think that's what I've been talking to you about  
11:49:03 30 over the last day or so in relation to my perceptions that  
11:49:08 31 if she were compromised the public perception would be  
11:49:11 32 negative due to the lack of knowledge the public would have  
11:49:17 33 in relation to the covert methodology and the trade craft  
11:49:22 34 employed by the SDU in relation to her acting as a human  
11:49:24 35 source.

11:49:24 36  
11:49:25 37 What you do say is, "Whilst she's an HRS we're confident  
11:49:31 38 her identity would not be exposed"?--Yes.

11:49:33 39  
11:49:33 40 As far as you were concerned, if she's a human source,  
11:49:37 41 putting aside any other obligation that she might have,  
11:49:42 42 conflict of interest, LPP, "If she is within our control,  
11:49:48 43 that is as a human source, we can continue to ensure that  
11:49:53 44 her identity will not be exposed"?--Yes.

11:49:56 45  
11:49:57 46 Right? "But if she becomes a witness then it's out of our  
11:50:01 47 control and she may well be exposed"?--Yes.

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11:50:04 1  
11:50:06 2 And this is despite the fact that there is genuine concern  
11:50:09 3 that there may well have been at least the potential for  
11:50:15 4 convictions to have been secured as a result of unfair  
11:50:19 5 conduct?---That's a fair comment.  
11:50:22 6  
11:50:23 7 So is that where the greater good of the community comes  
11:50:28 8 in?---As I say, it's absolutely a discussion point. It's  
11:50:33 9 not a scale of what's fair or what's worse, it's a talking  
11:50:38 10 point for what it is and I think it's a really valid point.  
11:50:54 11  
11:50:54 12 You say that, "We challenged each other's awareness of her  
11:50:58 13 obligations to her clients". What do you mean by that when  
11:51:02 14 you say you challenged each other's awareness of her  
11:51:06 15 obligations to her clients because - - - ?---During the  
11:51:11 16 meeting - - -  
11:51:12 17  
11:51:12 18 Sorry, go on?---During meetings there would be as 3838  
11:51:17 19 being in a client/barrister legal professional privilege  
11:51:22 20 conversation when information was obtained or has 3838 been  
11:51:27 21 tasked to obtain information from a client during a  
11:51:32 22 client/barrister ongoing court case meeting, that's the  
11:51:35 23 discussion in relation to that, to make sure that we within  
11:51:38 24 the SDU were all aware of how the tasking was performed and  
11:51:42 25 what actions were carried out.  
11:51:44 26  
11:51:46 27 So, for example, would you have discussed whether or not it  
11:51:50 28 was appropriate for her to be acting for Tony Mokbel at the  
11:51:56 29 same time as in effect providing everything that she could  
11:52:01 30 possibly tell the SDU about Tony Mokbel with a view to  
11:52:05 31 having him put behind bars, you would that be something  
11:52:09 32 that you would have challenged each other about?---Yes, it  
11:52:12 33 would have been.  
11:52:13 34  
11:52:18 35 What was the upshot of those discussions?---Obviously it's  
11:52:25 36 the, it shows the course of the registration of 3838 over  
11:52:29 37 that time.  
11:52:31 38  
11:52:31 39 I mean, none of you are lawyers, are you?---No.  
11:52:36 40  
11:52:37 41 Did any of you during the course of these discussions where  
11:52:40 42 you were challenging each other about your awareness of her  
11:52:44 43 obligations to her clients and professional privilege and  
11:52:48 44 conflict of interest, think that it might be a good idea to  
11:52:51 45 actually get a legal opinion about those issues?---Agree in  
11:52:56 46 hindsight absolutely.  
11:52:57 47



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11:52:57 1 In hindsight but did anyone at the time raise that as a  
11:53:01 2 possibility?---I can't say yes or no to that, I'm sorry, I  
11:53:07 3 can't.

11:53:08 4  
11:53:09 5 But it would have been the obvious thing to do, wouldn't  
11:53:13 6 it?---So I think we discussed a week ago about a document  
11:53:19 7 from overseas, we talked about that. We knew that  
11:53:23 8 management had been briefed on this. So did we as a unit  
11:53:30 9 seek that advice? No, we didn't. I said in hindsight we  
11:53:34 10 should have. It's also a matter for HSMU, it's a matter  
11:53:38 11 for chain of command, it's a matter for a lot of people to  
11:53:41 12 consider that that should have been done properly, yes.

11:53:44 13  
11:53:44 14 I'm going to suggest that there was an awareness on the  
11:53:48 15 part of at least some of the handlers, controllers, that it  
11:53:54 16 wouldn't be possible, for example, for Ms Gobbo to  
11:53:58 17 represent a person and inform against him, so inform  
11:54:05 18 against the person and then represent that person in  
11:54:07 19 relation to charges that result from that information,  
11:54:12 20 right? There was that awareness within the SDU?---I think  
11:54:19 21 I'm getting what you're saying.

11:54:21 22  
11:54:21 23 Yes. Do you accept that even though you weren't lawyers it  
11:54:24 24 was recognised within the SDU that she couldn't provide  
11:54:29 25 information against a person and then represent him and  
11:54:33 26 advise him if charges arose out of that very  
11:54:37 27 information?---Yeah, as I said it's a very complex  
11:54:44 28 proposition and again I'm not trying to be difficult. If  
11:54:47 29 you can break it down for me I'm happy to answer the  
11:54:49 30 question, sorry.

11:54:50 31  
11:54:52 32 I'm not going to break it down any more than what I've  
11:54:56 33 done. What I'm suggesting to you is that it was recognised  
11:54:59 34 within the SDU she could not provide information which  
11:55:01 35 enables, let's call him person X, to be arrested and then  
11:55:06 36 represent person X for those very charges that arise. That  
11:55:10 37 was recognised, I suggest to you?---Yeah, I - I can't, if  
11:55:21 38 you can't break it down, I'm sorry, it might be a  
11:55:26 39 communication breakdown but I'm struggling with what the  
11:55:28 40 concept is, that 3838 would provide information on someone  
11:55:32 41 who is arrested and then represent that person at a post  
11:55:37 42 hearing, is that - - -

11:55:39 43  
11:55:39 44 Advise him and then represent him?---In a purely legal  
11:55:47 45 capacity?

11:55:48 46  
11:55:48 47 Purport to advise and represent in circumstances where as

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11:55:52 1 an agent of Victoria Police she provided the very  
11:55:55 2 information that enabled Victoria Police to arrest and  
11:55:58 3 charge him in the first place?---So I'm unaware - - -  
11:56:03 4  
11:56:04 5 In circumstances where that person doesn't know that she is  
11:56:06 6 an agent of Victoria Police?---Yeah, I'm - I'm sorry, I  
11:56:13 7 can't help you with the answer. I'm not sure this is a  
11:56:17 8 hypothetical, you're talking about someone in particular,  
11:56:20 9 I'm not sure I can answer your question.  
11:56:22 10  
11:56:22 11 It's well and truly not a hypothetical?---Then I'm unaware  
11:56:28 12 of which particular case you're talking about.  
11:56:31 13  
11:56:31 14 We'll come back to that. Was it conveyed - look, was there  
11:56:37 15 a discussion amongst the handlers that it was really a  
11:56:42 16 matter for Ms Gobbo as to whether or not she was acting  
11:56:46 17 ethically in acting for a client in circumstances similar  
11:56:52 18 to that which I've just described?---Yes, that's fair.  
11:56:55 19  
11:56:56 20 Was it conveyed to you in meetings that Ms Gobbo had in  
11:56:59 21 fact said that the ethics of what they were doing, that is  
11:57:03 22 she and impliedly the SDU, et cetera, were fucked, the  
11:57:09 23 ethics of it were out the window?---No.  
11:57:12 24  
11:57:13 25 Was that ever part of the discussion you had, these robust  
11:57:17 26 discussions?---No, I never heard that.  
11:57:20 27  
11:57:20 28 Was it ever suggested to you at any of these discussions  
11:57:25 29 that Ms Gobbo was concerned that she may be in fact an  
11:57:27 30 aider and abettor of the person who she was providing  
11:57:30 31 information against, was that ever discussed?---Not that I  
11:57:34 32 can recall in those specific circumstances, no. I'm not  
11:57:39 33 saying it didn't happen.  
11:57:40 34  
11:57:42 35 If you were aware that as far as she was concerned the  
11:57:46 36 ethics of what she was doing was out the window, what would  
11:57:49 37 you have done?---In a hypothetical sense?  
11:57:54 38  
11:57:54 39 Okay, in a hypothetical sense?---I would voice my opinion  
11:57:58 40 at the appropriate time.  
11:58:00 41  
11:58:00 42 What would you have said?---Again, it's about a matter of  
11:58:06 43 perception. If she has flagged that it's an ethical issue  
11:58:10 44 for herself, that is something that needs to be considered.  
11:58:14 45  
11:58:19 46 When you say considered, considered and what done?---Should  
11:58:24 47 be considered through an analytical approach through the

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11:58:30 1 risk assessment.  
11:58:32 2  
11:58:32 3 Would that be included in the risk analysis and  
11:58:36 4 documented?---I would think so, yes.  
11:58:37 5  
11:58:38 6 In those circumstances do you think it would be an  
11:58:40 7 imperative to get legal advice?---About an ethical  
11:58:45 8 situation? I'm not sure that that particular scenario  
11:58:48 9 would warrant that. I agree with your premise that yes, we  
11:58:52 10 absolutely should have got legal advice.  
11:58:54 11  
11:59:00 12 Were you ever made aware that Ms Gobbo had said that early  
11:59:06 13 on in the process, that is early on in her dealings with  
11:59:10 14 the SDU, she respected legal professional privilege but by  
11:59:16 15 June of 2006 she was way past that now, was that ever  
11:59:20 16 discussed with you?---No.  
11:59:22 17  
11:59:22 18 Was it ever said to you that she'd thrown ethics out, LPP  
11:59:27 19 and ethics out the window?---No.  
11:59:30 20  
11:59:32 21 In around July of 2006?---No.  
11:59:34 22  
11:59:37 23 If she had have said that to other members of the SDU do  
11:59:41 24 you think it would have been important to raise those  
11:59:43 25 matters in discussions in the meetings that you had?---With  
11:59:52 26 myself, probably not, no.  
11:59:54 27  
11:59:54 28 But if you'd have been told those things you certainly  
11:59:58 29 would have told your superiors about it, would  
12:00:02 30 you?---Absolutely. The discussion would have happened as  
12:00:05 31 we talked about before, yes.  
12:00:06 32  
12:00:20 33 If there were concerns that convictions might be suspect  
12:00:28 34 because of the conduct of Ms Gobbo, do you say that that's  
12:00:36 35 a question that would need to be dealt with by the SDU or  
12:00:45 36 the investigators?---From my point of view it would be the  
12:00:50 37 investigators.  
12:00:51 38  
12:00:52 39 But do you accept that it would be necessary to tell the  
12:00:56 40 investigators about your concerns?---That's fair, yes.  
12:01:02 41  
12:01:03 42 At no stage did you tell any investigators about any  
12:01:06 43 concerns that you had with respect to problems about  
12:01:10 44 convictions?---No.  
12:01:12 45  
12:01:23 46 At paragraph 33 of your statement - perhaps we say this, at  
12:01:34 47 paragraph 32, you say, "The assessments guided the tasking

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12:01:42 1 of Ms Gobbo in relation to ensuring that she was not being  
12:01:45 2 tasked against people that she was representing in an  
12:01:48 3 official legal capacity", right?---Yes.  
12:01:53 4  
12:01:53 5 What does that mean?---So from my knowledge, obviously once  
12:01:59 6 I was at the SDU she wasn't tasked against clients that she  
12:02:04 7 was representing in an official legal capacity.  
12:02:08 8  
12:02:08 9 Do you mean in an official legal capacity in an open way,  
12:02:13 10 that is standing up in front of a court?---Yes.  
12:02:18 11  
12:02:18 12 Does that apply to providing legal advice behind the scenes  
12:02:23 13 in a way which isn't obvious to the public?---Do you  
12:02:31 14 include in a social setting?  
12:02:34 15  
12:02:34 16 Regardless. What I'm talking about is if Ms Gobbo is  
12:02:38 17 providing legal advice to a particular person but not  
12:02:41 18 appearing in court, does that accord with your definition  
12:02:46 19 of representing in an official legal capacity?---No.  
12:02:50 20  
12:02:51 21 So if she provided advice in chambers, that's not  
12:02:55 22 representing in an official legal capacity?---Yes, that  
12:02:59 23 would.  
12:03:00 24  
12:03:00 25 It would be?---You're talking about officially representing  
12:03:05 26 a person?  
12:03:06 27  
12:03:06 28 Yes?---Yes, that's what's included, yes.  
12:03:09 29  
12:03:12 30 So you wouldn't, you would say, "Well look, if she can't,  
12:03:23 31 if she is representing or advising in whatever capacity,  
12:03:26 32 whether it be appearing in court or in chambers or at a  
12:03:31 33 café, but if she's providing legal advice, in those  
12:03:36 34 circumstances we cannot task her to get information in  
12:03:40 35 relation to that client"?---So I think from obviously my  
12:03:46 36 statement and from what I'm saying that doesn't include  
12:03:48 37 being in a café, unless that's an appointment where the two  
12:03:52 38 people are talking together and it's being a, I'll try to  
12:03:59 39 describe how to put it. If it's an official consulting  
12:04:03 40 appointment where they're talking about a particular case  
12:04:07 41 between client and legal professional, that would fall  
12:04:10 42 within the gambit of official legal capacity. If it's a  
12:04:14 43 conversation between two friends in a café, that doesn't  
12:04:18 44 fall within that.  
12:04:19 45  
12:04:19 46 If someone comes to Ms Gobbo and is speaking to her in the  
12:04:24 47 belief that he or she is speaking to a barrister or a legal

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12:04:31 1 representative about matters which concern their case, does  
12:04:33 2 it really matter whether they're in a café or in chambers  
12:04:37 3 or outside the court?---From my personal opinion, yes it  
12:04:40 4 would.  
12:04:40 5  
12:04:41 6 You're saying if they're in a café having those discussions  
12:04:44 7 that's different?---I would say that's personal, yes.  
12:04:47 8  
12:04:48 9 In those circumstances it's okay for her to be tasked  
12:04:51 10 against such a person?---You said whether it's okay to be  
12:05:00 11 tasked against a person, that would have certain different  
12:05:03 12 circumstances around it I would say.  
12:05:05 13  
12:05:06 14 Do you say in that paragraph in your statement, "Ensuring  
12:05:14 15 that she was not being tasked against people that she was  
12:05:17 16 representing in an official legal capacity". If, for  
12:05:20 17 example, she's representing someone in a trial, would you  
12:05:26 18 say it's not appropriate for her to be providing  
12:05:29 19 information at that very time to Victoria Police about that  
12:05:34 20 - - - ?---About the trial?  
12:05:36 21  
12:05:37 22 No. Okay, so she's purporting, she's acting for someone in  
12:05:45 23 a trial and at the same time as she's acting for that  
12:05:50 24 person in a trial, so on your analysis she's representing  
12:05:54 25 that person in an official legal capacity, right?---Yes.  
12:05:58 26  
12:06:00 27 You say as far as you're concerned, it's - and the view of  
12:06:05 28 the SDU was it's reasonable in those circumstances to  
12:06:09 29 receive information from her about that person with respect  
12:06:11 30 to other conduct that that individual is engaged in?---Yes,  
12:06:18 31 that's fair.  
12:06:18 32  
12:06:19 33 And that was the view that was taken, was it?---My view,  
12:06:23 34 absolutely.  
12:06:24 35  
12:06:25 36 And was that something that was discussed and you  
12:06:30 37 challenged each other about?---Yes.  
12:06:35 38  
12:06:35 39 And were there different views about that?---I think, again  
12:06:40 40 from my perspective going back to there, there would have  
12:06:43 41 been challenging views, but that seems more cut and dry  
12:06:50 42 opinion where there was probably a firmly held belief that  
12:06:56 43 that was okay.  
12:06:56 44  
12:06:57 45 That was okay, yeah. Whether or not that's okay obviously  
12:07:02 46 it may well be a matter for lawyers to determine, you  
12:07:06 47 accept that?---Totally.

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12:07:06 1  
12:07:07 2 But at the time it wasn't considered reasonable to get an  
12:07:12 3 opinion about that?---I agree with you in hindsight,  
12:07:17 4 absolutely.  
12:07:18 5  
12:07:21 6 Paragraph 33, "The conclusion reached post risk assessment  
12:07:24 7 of ongoing use, tactical deployment or witness deployment  
12:07:28 8 was not a decision for the SDU as this decision-making  
12:07:34 9 process could only be approved through the chain of  
12:07:37 10 command" and that's a reference, is it, to her becoming a  
12:07:42 11 witness, is that right?---And overall use as a human  
12:07:46 12 source, that's right, yes.  
12:07:47 13  
12:07:47 14 And overall use as a human source, is that right?---Yes.  
12:07:50 15  
12:07:53 16 Are you satisfied that these discussions that you had  
12:07:57 17 about, with respect to challenging each other about her  
12:08:02 18 role, about her obligations to clients, conflicts and so  
12:08:06 19 forth, you raised those issues amongst yourselves with  
12:08:10 20 Mr White, Mr Black, Mr Green in your meetings, are you  
12:08:14 21 satisfied that those concerns that were raised went up the  
12:08:19 22 chain?---So conversations were held not just with Mr White  
12:08:23 23 and Mr Black, they were also with Mr Biggin, the inspectors  
12:08:29 24 at the time, everyone was involved in the conversation.  
12:08:31 25  
12:08:32 26 So you can say quite confidently that Mr Biggin, Mr Hardy,  
12:08:38 27 do you accept that those discussions where you're  
12:08:41 28 challenging each other about these issues would have been  
12:08:44 29 had in front of Mr Hardy?---Yeah, Mr Glow, Mr McWhirter,  
12:08:48 30 Mr O'Connor, absolutely.  
12:08:50 31  
12:08:51 32 All of these issues were raised, you believe, with these  
12:08:55 33 officers in charge of your unit?---Yes, and I would make an  
12:09:01 34 assumption that the Human Source Management Unit were also  
12:09:06 35 part of the conversation.  
12:09:06 36  
12:09:06 37 When you say you make an assumption, what I'm asking you is  
12:09:11 38 for evidence about and your knowledge insofar as the direct  
12:09:14 39 superiors, Biggin and the people between the SDU and him,  
12:09:19 40 Glow, McWhirter, Hardy?---Yes.  
12:09:21 41  
12:09:23 42 You say that they were fully appraised of these debates and  
12:09:28 43 concerns within the SDU?---Yes.  
12:09:30 44  
12:09:32 45 Mr O'Connor I think arrived, did he not, on 3 May 2010, is  
12:09:40 46 that your understanding or not?---I have no idea of the  
12:09:44 47 date but I'm - yeah, that would be right.

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12:09:47 1  
12:09:47 2 And at that stage you were a PII [REDACTED] at the SDU, is  
12:09:52 3 that correct?---Yes, that's correct.  
12:09:53 4  
12:10:02 5 You're aware that there had been civil litigation or at  
12:10:08 6 least issues in 2010, Ms Gobbo brought proceedings against  
12:10:13 7 Victoria Police, were you made aware of that?---Not the  
12:10:15 8 details, no.  
12:10:16 9  
12:10:35 10 Perhaps I'll come back to that. You say that  
12:10:47 11 Superintendent Porter at the time of the SDU handling  
12:10:51 12 Ms Gobbo as a human source was responsible as the CSR and  
12:10:55 13 as such had full authority to ensure she remained as a  
12:10:59 14 human source and what tasking was approved and when to  
12:11:02 15 deactivate or ask for further information to guide his  
12:11:06 16 decisions, right?---Yes.  
12:11:08 17  
12:11:09 18 On what basis do you say that he was fully appraised of the  
12:11:14 19 discussions that you were having amongst yourselves about  
12:11:17 20 whether or not it was appropriate or not to task  
12:11:21 21 Ms Gobbo?---As I put in my statement, he had access to all  
12:11:26 22 the information. Again I make the assumption he was  
12:11:31 23 briefed by our Inspector in relation to the discussions  
12:11:34 24 that had taken place so he would have been appraised of all  
12:11:37 25 the information available.  
12:11:38 26  
12:11:39 27 Do you say that you at any stage spoke to Superintendent  
12:11:42 28 Porter about any concerns that you had?---No.  
12:11:46 29  
12:12:00 30 We accept that you say there was division within the SDU,  
12:12:06 31 correct?---Yes.  
12:12:07 32  
12:12:07 33 At the very least you were concerned about the use of  
12:12:10 34 Ms Gobbo because of a public perception, that's  
12:12:16 35 correct?---Yes.  
12:12:16 36  
12:12:16 37 You were concerned about at least the potential for there  
12:12:20 38 to be unsafe convictions, that's a concern that you  
12:12:27 39 had?---I don't know whether I used those words. In  
12:12:32 40 hindsight absolutely, yes.  
12:12:34 41  
12:12:35 42 Certainly in 2008 you were of that view, in December of  
12:12:38 43 2008?---Yes.  
12:12:41 44  
12:12:42 45 And you agreed with the proposition those views didn't just  
12:12:44 46 arrive in December 2008?---Correct.  
12:12:46 47

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12:12:47 1 Therefore you would have had those concerns before  
12:12:49 2 then?---Yes, that makes sense.  
12:12:50 3  
12:12:51 4 Right. Did you ever consider it appropriate to speak  
12:12:55 5 directly to Superintendent Porter and express your concerns  
12:12:59 6 about those three matters?---No.  
12:13:01 7  
12:13:02 8 Could you have done so?---Yes.  
12:13:07 9  
12:13:08 10 Is there a reason why you didn't?---We had a system or a  
12:13:13 11 process set in place where we have the Central Source  
12:13:17 12 Registrar, the Local Source Registrar. We have an  
12:13:20 13 officer-in-charge, we have a chain of command there where  
12:13:24 14 we trust in the chain of command that the information gets  
12:13:28 15 passed through.  
12:13:29 16  
12:13:34 17 Were there other people who agreed with you that there were  
12:13:38 18 concerns about using Ms Gobbo and the possibility of unsafe  
12:13:42 19 convictions, whether other people within the SDU shared  
12:13:50 20 your views, Mr Richards?---More than likely yes, putting a  
12:13:57 21 finger on who it was I really can't say, but yes.  
12:14:02 22  
12:14:02 23 Were there people who wholly disagreed with your views?---I  
12:14:12 24 would say that the general consensus was that the view was  
12:14:17 25 it was appropriate in the circumstances to do what was  
12:14:23 26 being done.  
12:14:25 27  
12:14:27 28 So the general consensus was that it was appropriate to  
12:14:30 29 continue using Ms Gobbo albeit that you had concerns, but  
12:14:35 30 there was at least a public perception problem and at least  
12:14:39 31 there was a possibility of unsafe convictions?---So I know  
12:14:44 32 you're putting in the part about the unsafe convictions. I  
12:14:47 33 see that as a separate thing. As I've continued to say  
12:14:50 34 that my belief was around perception. Apart from that I  
12:14:56 35 find your statement as fair, yes.  
12:14:57 36  
12:14:59 37 Do you accept that ultimately it's a matter for a court to  
12:15:05 38 consider whether or not a conviction is unsafe or  
12:15:08 39 not?---Totally.  
12:15:09 40  
12:15:09 41 And if a person who has been convicted doesn't know about  
12:15:13 42 the issues which give rise to your concern, it will never  
12:15:18 43 get before a court, do you accept that?---Yes, I accept  
12:15:23 44 that.  
12:15:23 45  
12:15:24 46 And until those views are made known, then there's at least  
12:15:30 47 the potential for people to be sitting in cells when



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12:15:36 1 they've been wrongly convicted, do you accept that?---Yes,  
12:15:39 2 I accept that.  
12:15:40 3  
12:15:40 4 Do you accept that it would have been entirely appropriate  
12:15:42 5 for you to make every endeavour to ensure that that did not  
12:15:49 6 occur?---I don't accept that, no. I don't take on the  
12:15:52 7 whole responsibility of Victoria Police to do that, no.  
12:15:55 8  
12:15:55 9 But you accept that you have a responsibility as a sworn  
12:15:59 10 member of Victoria Police and an ethical person to ensure  
12:16:04 11 that a situation which is potentially an improper  
12:16:10 12 imprisonment should not remain?---I'm not sure about the  
12:16:16 13 comments around improper imprisonment or anything else. I  
12:16:21 14 probably described what the process is about putting  
12:16:24 15 forward my thought process and my opinion, which then goes  
12:16:27 16 through a process to command to make decisions well above  
12:16:31 17 myself.  
12:16:31 18  
12:16:33 19 Who do you say is responsible? Who can we say ultimately  
12:16:38 20 is responsible for bringing it to the attention of the  
12:16:43 21 appropriate authorities?---As in the chain of command at  
12:16:49 22 that time, as per my statement it was Mr Porter at the CSR  
12:16:58 23 level in relation to the activation or deactivation of  
12:17:03 24 tasking of 3838.  
12:17:03 25  
12:17:04 26 You say it's Mr Porter whose obligation it was?---At that  
12:17:08 27 time.  
12:17:08 28  
12:17:09 29 Are you confident that Mr Porter was aware of your  
12:17:12 30 concern?---I'm not sure what Mr Porter thought.  
12:17:17 31  
12:17:22 32 If these concerns didn't get reported, who do you say is  
12:17:28 33 responsible for that?---Mr Porter didn't know about what I  
12:17:36 34 thought as a PII ?  
12:17:37 35  
12:17:37 36 Yes. If he didn't know about your concerns who would you  
12:17:41 37 say is responsible?---Me.  
12:17:43 38  
12:17:56 39 In March of 2007 I think you were a controller - sorry, a  
12:18:06 40 handler of a number of informers or human sources but you  
12:18:17 41 became a controller of Ms Gobbo in April of 2007, is that  
12:18:24 42 right?---That would be right.  
12:18:26 43  
12:18:27 44 Just before we get to there, I'd like to ask you about a  
12:18:33 45 particular entry in a diary of Mr O'Brien on 1 March of  
12:18:42 46 2007. VPL.0100.0073.0002 at p.72, 0072?---Sorry, sir, what  
12:19:04 47 date was that?

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12:19:05 1  
12:19:05 2 1 March 2007. Do you have your diary for that  
12:19:41 3 day?---Thursday 1 March?  
12:19:43 4  
12:19:44 5 Yes, 2007?---I do.  
12:19:48 6  
12:19:48 7 And did you have a meeting with Mr Anderson, Mr White,  
12:19:56 8 yourself and some other people in which you discussed  
12:20:02 9 Ms Gobbo?---We may have, I haven't documented that in my  
12:20:09 10 diary.  
12:20:09 11  
12:20:15 12 If there was a meeting at which you were attending where  
12:20:19 13 she was discussed, albeit you were neither her controller  
12:20:22 14 or her handler, you haven't noted it in your  
12:20:27 15 diary?---Correct.  
12:20:28 16  
12:20:29 17 What about 5 March 2007? Do you have a meeting with  
12:20:36 18 Mr White and Mr Fox and Mr Anderson?---I was present at an  
12:20:49 19 office meeting at 12:00 hours.  
12:20:52 20  
12:20:52 21 And a number of things were discussed at that time,  
12:20:56 22 including I think one of your informers and also Ms Gobbo,  
12:21:06 23 is that right?---I don't have notes of - I have got a note  
12:21:11 24 of having an office meeting from 12:00 to 14:15.  
12:21:17 25  
12:21:17 26 What about the following day, did you have meetings with  
12:21:24 27 other members of the SDU or the DSU at that stage?---Yes.  
12:21:32 28 I'd pretty much say every day we did, yes.  
12:21:35 29  
12:21:35 30 Was there a discussion about Ms Gobbo in relation to Milad  
12:21:41 31 Mokbel?---I'm not sure about the topic of conversation.  
12:21:44 32 It's not in my notes.  
12:21:46 33  
12:21:47 34 All right. And there was apparently a discussion which  
12:21:52 35 anticipated the claiming of public interest immunity if a  
12:21:57 36 diary was ever called upon and that's a meeting with  
12:22:02 37 Mr O'Brien. In his diary there's a reference to a meeting  
12:22:09 38 with you, amongst others. Is that right, do you recall  
12:22:15 39 having a meeting with - - - ?---The following day on  
12:22:18 40 Tuesday the 6th?  
12:22:20 41  
12:22:20 42 Yes?---Yes, at 16:35 hours.  
12:22:24 43  
12:22:24 44 Yes. What have you got in your diary there?---That I met  
12:22:30 45 with Mr O'Brien, Flynn and others.  
12:22:33 46  
12:22:33 47 Yes?---That wasn't specifically about 3838.

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12:22:41 1  
12:22:41 2 It was about another person, was it?---Yes.  
12:22:44 3  
12:22:44 4 And the interaction of that person with 3838, with  
12:22:50 5 Ms Gobbo?---No, I haven't got 3838 in that conversation.  
12:23:00 6  
12:23:00 7 But that would be, you would have been there present not as  
12:23:06 8 either a controller or handler with respect to Ms Gobbo but  
12:23:09 9 with respect to someone else, is that right?---That would  
12:23:12 10 be fair.  
12:23:12 11  
12:23:14 12 I might have to deal with that in a different sort of  
12:23:17 13 environment. You were the controller of Ms Gobbo from 2  
12:23:43 14 April through to 27 April?---Yes.  
12:23:45 15  
12:23:47 16 During the course of that period in which you were a  
12:23:50 17 controller you were speaking to, I think, Mr Anderson who  
12:23:57 18 was the handler, is that right?---That would be correct.  
12:24:00 19  
12:24:01 20 And the discussions that you were having included  
12:24:07 21 information about Mr Karam, who is trying to bring in a  
12:24:15 22 container, is that right?---That would be right.  
12:24:18 23  
12:24:21 24 And Ms Gobbo was providing that information?---Yes.  
12:24:27 25  
12:24:27 26 And there's a note I think in the SML to the effect that,  
12:24:32 27 "Karam is still trying to bring in a container, utilising  
12:24:36 28 RS as a conduit", is that right?---I'm not sure where  
12:24:40 29 you're reading from, sorry.  
12:24:41 30  
12:24:42 31 Perhaps we could go - - - ?---I don't disagree with it, I  
12:24:45 32 just - - -  
12:24:45 33  
12:24:45 34 The SML for 2 April 2007?---Yes, I have that in front of  
12:25:16 35 me.  
12:25:16 36  
12:25:17 37 Do you see that information?---Yes, the entry, yes,  
12:25:22 38 absolutely.  
12:25:23 39  
12:25:24 40 "Tuesday evening Karam will text Ms Gobbo to text Horthy  
12:25:29 41 Mokbel to set up a meeting." Do you see that?---Yes, I do.  
12:25:37 42  
12:25:38 43 I take it you're aware that Ms Gobbo was acting for  
12:25:41 44 Mr Karam in a trial at about that time?---I believe so,  
12:25:47 45 yes.  
12:25:47 46  
12:25:49 47 And throughout the period in which you were the controller

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12:25:54 1 you were receiving information from Mr Anderson regularly  
12:25:58 2 about Ms Gobbo and the provision of information with  
12:26:04 3 respect to Mr Karam and Mr Karam's conduct, criminal  
12:26:10 4 conduct, is that right?---That's fair, yes.  
12:26:12 5  
12:26:25 6 Obviously that wasn't the only information you received,  
12:26:29 7 but in the period of time that you were the controller in  
12:26:32 8 this month, that's the sort of information that you were  
12:26:35 9 getting?---Yes, I agree with that.  
12:26:38 10  
12:26:45 11 If we go to 6 April 2007 in the SML. Do you see at the  
12:26:57 12 bottom of the page there, Ms Gobbo's enjoying arguing with  
12:27:00 13 Mr Anderson?---Yes.  
12:27:02 14  
12:27:03 15 Being told not to involve herself in the Karam import and  
12:27:07 16 no indemnity has been given?---Yes.  
12:27:09 17  
12:27:10 18 She's not overly concerned about the threats at this  
12:27:14 19 stage?---Yes.  
12:27:14 20  
12:27:15 21 And that's a reference to threats that she's been  
12:27:18 22 receiving, is that right?---That's correct, yes.  
12:27:19 23  
12:27:27 24 If we go down to 10 April 2007. Was there a discussion  
12:27:40 25 that was reported to you about Ms Gobbo being concerned  
12:27:45 26 about the upcoming arrest of Horthy Mokbel?---I'm just  
12:27:56 27 reading off the SML so I'm not sure where that comes into  
12:28:00 28 it.  
12:28:00 29  
12:28:01 30 Have a look at 10 April 2007?---Yes.  
12:28:03 31  
12:28:04 32 "RS wanted to know about the Geelong shooting and discussed  
12:28:07 33 issues with Anderson about the arrest of Horthy Mokbel."  
12:28:10 34 Then we go to the 12th. There's a management issue, he's  
12:28:17 35 "To be arrested on 13 April 2007. Discussion of scenarios,  
12:28:19 36 possible outcomes with Mr Anderson" and he was advised not  
12:28:23 37 to tell Ms Gobbo about the impending arrest, do you see  
12:28:27 38 that?---Yes, I see that.  
12:28:28 39  
12:28:28 40 Then on the 13th he's arrested?---Yes.  
12:28:31 41  
12:28:31 42 And on the 15th there's an entry that he receives a call on  
12:28:45 43 a Saturday night, "She is at the greatest height of  
12:28:49 44 resentment towards Victoria Police and Purana due to the  
12:28:55 45 arrest of Horthy Mokbel and her not being invited to drink  
12:28:56 46 celebrations". Were you aware of that?---Not aware of it,  
12:29:01 47 I'm reading it now.

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12:29:03 1  
12:29:03 2 She was upset about not being invited to celebrations, do  
12:29:08 3 you see that?---Yes, I see that.  
12:29:09 4  
12:29:09 5 She's offered to read the summary and believes the police  
12:29:13 6 will mess up the brief and are incompetent, she has been  
12:29:16 7 told by Mr Anderson to let it go as their original goal has  
12:29:20 8 been met, that is the arrest of Horthy, and she's on an  
12:29:26 9 emotional roller coaster?---Yes, I see that.  
12:29:28 10  
12:29:29 11 Did you get the impression at that stage as the  
12:29:32 12 handler/controller that she was emotionally  
12:29:38 13 unstable?---That's a fair comment.  
12:29:40 14  
12:29:42 15 On 17 April she was still emotional, do you accept that,  
12:29:48 16 that you were told that, she wants to see Horthy Mokbel in  
12:29:50 17 the cells and she's been told by her handler not to get  
12:29:54 18 involved and she's disobeying all instructions given by  
12:30:02 19 Mr Anderson?---Yes.  
12:30:03 20  
12:30:03 21 She's dissatisfied with the psychologist, do you see  
12:30:08 22 that?---Yes, I see that, yep.  
12:30:09 23  
12:30:11 24 She's been to Renate Mokbel's court case for no reason.  
12:30:16 25 She saw Roberta Williams who told her she was a dog, do you  
12:30:21 26 see that?---Yes.  
12:30:22 27  
12:30:23 28 She's not following instructions, she's behaving  
12:30:26 29 erratically, she is trying to get herself involved in  
12:30:31 30 matters she has been told to leave alone?---Yes.  
12:30:33 31  
12:30:34 32 That's on the 17th. Then on the 19th she's still  
12:30:36 33 emotional, she's waiting for the bail hearing to finish,  
12:30:39 34 then she's going off to Queensland to do a trial for Faruk  
12:30:45 35 Orman?---Yes.  
12:30:45 36  
12:30:46 37 Now she has got herself on to Horthy Mokbel's phone  
12:30:50 38 list?---Right.  
12:30:50 39  
12:30:50 40 Do you see that?---Yes, I see that.  
12:30:52 41  
12:30:53 42 It's quite apparent that she's clearly disobeying the  
12:30:57 43 instructions of the SDU. She's getting herself?---Yes.  
12:31:01 44  
12:31:01 45 Putting herself involved, getting herself on the phone  
12:31:05 46 list, do you see that?---Yes, I do.  
12:31:07 47

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12:31:07 1 This concern is set out by you because on 20 April there's  
12:31:15 2 three telephone calls between Gobbo and Mr Anderson. She's  
12:31:20 3 still emotional, she still wants to be thanked. She states  
12:31:24 4 that - it says he but I suggest she is owed \$5.3 million by  
12:31:29 5 Victoria Police for her work and time. She's seeing Mick  
12:31:35 6 Gatto tonight for business only. She's contemplating going  
12:31:41 7 to a law conference in Bali and she wants advice from  
12:31:48 8 Anderson who tells her make her own decisions. And then  
12:31:51 9 she gives information about Karam's friend in the gun  
12:31:58 10 raids, et cetera. Do you see that?---Yes.  
12:32:01 11  
12:32:04 12 She's still refusing to see a psychologist. Move over the  
12:32:12 13 page to 20 April. Perhaps if we just go up a bit. There's  
12:32:17 14 been an offer made by her by a journalist. She's been  
12:32:22 15 offered expense money and half the reward for the capture  
12:32:26 16 of Tony Mokbel. She apparently is considering that but  
12:32:29 17 she's told by Mr Anderson not to accept the offer, do you  
12:32:33 18 see that?---Yes.  
12:32:34 19  
12:32:36 20 Was that a concern to you as the controller?---I'm not sure  
12:32:42 21 I was the controller but at that time.  
12:32:45 22  
12:32:45 23 What I'm suggesting to you is that you were the controller  
12:32:49 24 until about?---Okay.  
12:32:51 25  
12:32:51 26 27 April?---Yep. I don't specifically remember it. Is it  
12:32:55 27 a concern? A lot of things were a concern, absolutely.  
12:33:01 28  
12:33:02 29 And she's still refusing to see a psychologist?---Yes.  
12:33:05 30  
12:33:05 31 She wants Anderson to tell her what to do with her life and  
12:33:11 32 he tells her to make her own decisions?---Yes.  
12:33:14 33  
12:33:14 34 Do you accept that at this stage it's quite apparent that  
12:33:21 35 Ms Gobbo is psychologically in quite a degree of  
12:33:29 36 difficulty?---Yes, I agree.  
12:33:30 37  
12:33:32 38 And simply shouldn't be a human source and doing the sorts  
12:33:37 39 of things, providing the sorts of information that Victoria  
12:33:41 40 Police are getting from her?---No, I disagree with that.  
12:33:48 41  
12:33:49 42 Sorry, you disagree with that?---Yes.  
12:33:52 43  
12:33:52 44 You do? You think it's entirely appropriate, even despite  
12:33:57 45 all these things, for her to be a human source?---So one of  
12:33:59 46 the parts of being a human source for Victoria Police is  
12:34:01 47 ensuring her safety and ensuring their identity isn't

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12:34:07 1 compromised, so from the point of view of that, she still  
12:34:13 2 needs to remain as a human source, not necessarily tasked,  
12:34:17 3 but obviously to keep that welfare and our obligation is to  
12:34:22 4 look after 3838 so that's the part that absolutely needs to  
12:34:26 5 be retained.  
12:34:26 6  
12:34:33 7 Is it the case that any of this intelligence was being  
12:34:36 8 passed on or not?---I'm not sure. If I look to the side to  
12:34:47 9 see whether there's an IR reference but it appears no.  
12:34:51 10  
12:34:52 11 Would you have been consulting the ICRs to ensure that  
12:34:57 12 there was no information being passed on?---Correct.  
12:35:01 13  
12:35:02 14 Would you have been doing that?---Yes.  
12:35:04 15  
12:35:05 16 Would you have been making your views known that it  
12:35:09 17 shouldn't be passed on or what?---I'd have to look back in  
12:35:13 18 time to see when tasking was still occurring and when the  
12:35:17 19 receiving of information was occurring, so I'm sorry, I  
12:35:21 20 can't give you a definitive answer on that.  
12:35:23 21  
12:35:23 22 Did you get a hand over report from Mr White when you took  
12:35:27 23 over as the controller?---No, I think we spoke about that  
12:35:30 24 on the Friday that it was up to me to have a verbal  
12:35:37 25 communication with Mr White prior to.  
12:35:39 26  
12:35:44 27 If we then move on to the 24th. If we can just scroll  
12:35:55 28 down. Do you see in that entry there's a red box around a  
12:36:08 29 person who wants to see Ms Gobbo, do you see that?---Yes, I  
12:36:10 30 do.  
12:36:10 31  
12:36:16 32 She's spoken to Mr Anderson about Orphanides' trial and  
12:36:22 33 told not to change behaviour or anything else she would  
12:36:25 34 normally do?---Yes.  
12:36:26 35  
12:36:31 36 On 27 April there's a reference to a call from Ms Gobbo, a  
12:36:37 37 free call to Anderson. She's been asked to pass on a  
12:36:41 38 letter from Horthy Mokbel to Karam, told by Mr Anderson not  
12:36:46 39 to get involved and she'll not be indemnified, she opened  
12:36:52 40 the letter against Anderson's instructions. Do you see  
12:36:56 41 that?---Yes, I see that.  
12:36:58 42  
12:36:59 43 And she states that the letter relates to an importation of  
12:37:03 44 cigarettes by Karam and she's instructed to inform Karam  
12:37:08 45 that she does not want to be involved in anything  
12:37:12 46 illegal?---Yes.  
12:37:13 47

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12:37:14 1 Do you say that there was no information being passed on at  
12:37:17 2 this stage?---Yes.  
12:37:18 3  
12:37:22 4 The evidence is that that's the end of the period of your  
12:37:28 5 controlling in that month. Then you were subsequently a  
12:37:32 6 controller on 3 July to 17 July of 2007. Does that accord  
12:37:38 7 with your diary entries?---Yes, it would, that sounds  
12:37:43 8 correct.  
12:38:26 9  
12:38:26 10 The evidence appears to be that Mr White's on leave from  
12:38:29 11 about 3 July to 17 July and you take over duties of  
12:38:33 12 controller during that period?---Yes.  
12:38:35 13  
12:38:35 14 If you have a look at the SML that seems to bear that  
12:38:38 15 out?---Yes.  
12:38:39 16  
12:38:44 17 On 4 July as part of your role you speak to Mr Green, is  
12:38:49 18 that right?---Yes, yes. Sorry, I was just looking for the  
12:38:57 19 name.  
12:38:57 20  
12:38:59 21 You see that, change of controller?---Yes.  
12:39:01 22  
12:39:03 23 Sandy White to yourself?---Yes.  
12:39:05 24  
12:39:06 25 And she's been getting SMSes during Karam's trial. She's  
12:39:11 26 been SMSing with Mr Karam during the trial. The messages  
12:39:16 27 have been direct quotes from the TI material being  
12:39:19 28 contested at the trial. She thought it was funny, just a  
12:39:22 29 game, that she was playing with Karam. The messages  
12:39:29 30 alluded to importing drugs. She's told that she doesn't  
12:39:33 31 have an indemnity and to cease the messages immediately.  
12:39:37 32 She's told no to get herself involved in any drug dealing  
12:39:41 33 or conversation and to provide intelligence where  
12:39:44 34 possible?---Yes.  
12:39:45 35  
12:39:45 36 Clearly at that stage the view is taken that she can and  
12:39:49 37 should be providing intelligence, is that right?---I think  
12:39:51 38 the gist of the conversation is not to involve herself and  
12:39:55 39 to provide intelligence where possible if it comes up. So  
12:40:00 40 it's not a tasking, no.  
12:40:01 41  
12:40:01 42 She's been asked to provide intelligence. You say that's  
12:40:06 43 not tasking?---Well she's been told not to involve herself  
12:40:10 44 in conversations or drug dealing, to provide intelligence  
12:40:13 45 where possible. To me that would mean if something is  
12:40:17 46 heard, absolutely to pass it on.  
12:40:18 47



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12:40:26 1 Did you understand that around this time there were  
12:40:29 2 concerns about Ms Gobbo's conduct because there was some  
12:40:37 3 suggestion that the Federal Police were getting access to  
12:40:42 4 the communications between Gobbo and Karam?---Yes.  
12:40:46 5  
12:41:04 6 Can I ask you whether you were aware when there were court  
12:41:08 7 proceedings going on, and I'm not going to mention the  
12:41:12 8 particular names, but have a look at the top of the page,  
12:41:17 9 for example. Do you see that?---Yes.  
12:41:22 10  
12:41:23 11 This obviously occurs immediately prior to you taking over  
12:41:27 12 as controller, but no doubt you would have been aware of  
12:41:30 13 that document and you would have filled out this document,  
12:41:33 14 correct?---Yes, that's correct.  
12:41:33 15  
12:41:34 16 Have a look at that entry at the top, the person states in  
12:41:37 17 the second interview that he had advice on the phone from  
12:41:43 18 Ms Gobbo and then spoke to the same at the police  
12:41:46 19 station?---Yes.  
12:41:47 20  
12:41:48 21 And that he will claim privilege regarding Ms Gobbo's  
12:41:52 22 instructions on the night if he's asked, right?---Yes, I  
12:41:57 23 see that, yes.  
12:41:58 24  
12:41:59 25 Are you aware that these, that she was giving him advice  
12:42:06 26 about what to claim and when to claim legal professional  
12:42:10 27 privilege and the police - - - ?---No.  
12:42:13 28  
12:42:13 29 You weren't aware of that?---No.  
12:42:15 30  
12:42:15 31 Were you aware that members of Victoria Police were  
12:42:18 32 providing him instructions about claiming legal  
12:42:23 33 professional privilege if he was asked questions about her  
12:42:27 34 representing him?---Yeah, no, I'm not aware of that.  
12:42:31 35  
12:42:33 36 And are you aware that that occurred with clients or  
12:42:36 37 persons other than simply the person whose name that we can  
12:42:41 38 see there?---I can see that but I'm not aware of that, no.  
12:42:45 39  
12:42:47 40 But is that something that was discussed amongst the  
12:42:50 41 members of the SDU, that that was something that was going  
12:42:57 42 on, that is that these witnesses were being told by either  
12:43:01 43 Ms Gobbo or by members of Victoria Police what they should  
12:43:05 44 say if they were asked about Ms Gobbo's  
12:43:09 45 involvement?---Going by that person that we can see there,  
12:43:12 46 I know that that was discussed, yes.  
12:43:13 47

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12:43:20 1 Do you say that the fact of a person representing someone  
12:43:25 2 is a matter which is the subject or which can be the  
12:43:28 3 subject of a claim of legal professional privilege, that is  
12:43:32 4 just a particular person provided advice to another  
12:43:38 5 person?---As a, I'm trying to think of the words, as  
12:43:43 6 someone directly representing them, is that - - -  
12:43:47 7  
12:43:47 8 Let's say I represented you?---Yep.  
12:43:49 9  
12:43:49 10 And you were asked whether or not I represented you, would  
12:43:54 11 that be the subject of legal professional privilege as  
12:43:56 12 opposed to anything we might have discussed?---That sounds  
12:44:00 13 fair.  
12:44:00 14  
12:44:00 15 So the fact of representation is not LPP but what's  
12:44:04 16 discussed during the course of the meeting is?---Smarter  
12:44:09 17 people than me would be able to tell you that but that  
12:44:12 18 sounds fair.  
12:44:13 19  
12:44:13 20 Obviously you're not a lawyer and it may well be if you  
12:44:18 21 really wanted to know the answer to that question you may  
12:44:22 22 well need to get some legal advice about it?---That's fair,  
12:44:25 23 yes.  
12:44:25 24  
12:44:25 25 We know that that was never done by the SDU during this  
12:44:28 26 period?---That's correct.  
12:44:30 27  
12:44:34 28 If we go on during the period that you were the controller.  
12:44:39 29 We can see that there's an entry on the 4th which  
12:44:51 30 apparently has been made by you. There's a reference to  
12:44:53 31 Operation Agamas targeting a shipping container. Messages  
12:45:01 32 had been intercepted at this stage by the Drug Task Force  
12:45:04 33 that presume that Ms Gobbo is somehow involved in the  
12:45:07 34 importation. Do you see that?---Yes, I do.  
12:45:10 35  
12:45:10 36 Mr Green at that stage was updated, sorry, he was at the  
12:45:17 37 Drug Task Force, is that your understanding?---Yes.  
12:45:19 38  
12:45:20 39 And he was updated regarding the scenario and informed that  
12:45:23 40 Ms Gobbo had been directed to cease the messaging?---Yes, I  
12:45:29 41 see that.  
12:45:31 42  
12:45:31 43 And there was a request to apply for an intercept on her  
12:45:34 44 mobile phone?---Yes.  
12:45:35 45  
12:45:39 46 And that was an issue that you had to deal with when you  
12:45:42 47 were the controller, is that right?---Yes, that's right.

.21/10/19

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RICHARDS XXN

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12:45:45 1  
12:45:48 2 And the application, there was, "Discussed scenario were  
12:45:56 3 Biggin and due to the fact there were Homicide operations  
12:46:00 4 having priority over a drug job, the application will be  
12:46:02 5 submitted and considered as per normal". What does that  
12:46:07 6 indicate? Do you have a recollection of speaking to  
12:46:12 7 Mr Biggin about that?---I don't but the entry makes sense.  
12:46:16 8  
12:46:16 9 What does it mean, that it's unlikely that they get a TI on  
12:46:24 10 her phone?---Yeah, unlikely due to other jobs having  
12:46:27 11 priority considering Mr Biggin was responsible for that  
12:46:31 12 area.  
12:46:32 13  
12:46:33 14 Was there any concern that Ms Gobbo might have been  
12:46:35 15 involving herself improperly?---I'm not sure. From the  
12:46:43 16 conversations that you can see above, that she has talked  
12:46:48 17 about what she was doing in reference to being a part of  
12:46:55 18 the game, that's what I take that as a reference to.  
12:46:58 19  
12:46:58 20 That was assumed to be correct and nothing more was done  
12:47:01 21 about that, is that right?---That's correct.  
12:47:03 22  
12:47:03 23 Do you know whether it was, whether the SDU sought to  
12:47:08 24 obtain copies of the text messages?---I'm not sure. I  
12:47:14 25 couldn't say.  
12:47:15 26  
12:47:15 27 In any event, a [REDACTED] was given to Ms Gobbo. If we go  
12:47:19 28 over the page. Do you see that, 4 July?---Yes, yep.  
12:47:29 29  
12:47:42 30 And it's quite apparent that at this stage Ms Gobbo is  
12:47:49 31 representing Mr Karam because if we have a look at the 6th  
12:47:53 32 of the 7th Mr Fox has spoken to Ms Gobbo. "She didn't  
12:47:56 33 contact anyone last night. Today the jury will give a  
12:47:59 34 verdict on the Karam trial"?---Yes, I see that now, yep.  
12:48:06 35  
12:48:07 36 And then ultimately, if we go over the page, it seems that  
12:48:18 37 he's acquitted and Ms Gobbo's going to the waterfront for  
12:48:24 38 the celebrations, do you see that?---Yes, I do.  
12:48:26 39  
12:48:27 40 At that stage, on 8 July she is complying with requests by  
12:48:32 41 the handlers and Operation Agamas is progressing without  
12:48:36 42 the assistance and the intelligence from Ms Gobbo?---Yes.  
12:48:39 43  
12:48:40 44 We can see that. Then if we move down to 12 July. We see  
12:48:51 45 that inquiries are being made by Deputy Commissioner  
12:48:56 46 Overland re prohibiting certain questions of Ms Gobbo at  
12:49:03 47 the OPI hearing that would reveal her role as a source. Do

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12:49:06 1 you see that?---Yes, I see that, yes.  
12:49:08 2  
12:49:12 3 That's obviously an issue which arises at about that time  
12:49:17 4 and there's no further entries that are made in the SML  
12:49:22 5 until 17 July when you change out of being the controller  
12:49:27 6 and Mr White returns. Do you agree with that?---Yes, I  
12:49:32 7 agree with that.  
12:49:32 8  
12:49:35 9 And Ms Gobbo's passed back over to the safe hands of  
12:49:39 10 Mr White. Was that a relief, to get her off her  
12:49:44 11 hands?---Yes.  
12:49:44 12  
12:49:45 13 Because of the multiple difficulties, I would assume, that  
12:49:51 14 would arise if you were responsible for controlling  
12:49:53 15 Ms Gobbo, is that fair to say?---I think it's fair to say  
12:49:55 16 that my workload had a lot more to do with 3838 at that  
12:50:00 17 stage and it was - yeah.  
12:50:01 18  
12:50:03 19 But then you have a meeting with - it says meeting between  
12:50:12 20 human source, Fox, yourself and Mr Smith. Do you recall  
12:50:28 21 having a meeting with Ms Gobbo on that day or not? Because  
12:50:31 22 you say you've never met her?---Correct, no, I wasn't at  
12:50:34 23 that meeting.  
12:50:35 24  
12:50:36 25 Have you got your diary there for 17 July?---Yes, I do.  
12:50:40 26  
12:50:41 27 Were you at a meeting which Mr White was at on that  
12:50:49 28 day?---There is - I was present in a different capacity. I  
12:50:53 29 never attended the meeting.  
12:50:55 30  
12:50:56 31 What, over the phone or - - - ?---Just - - -  
12:51:00 32  
12:51:01 33 Hang on, hang on. If you have a look at the entries in  
12:51:27 34 that box against 17 July where it's suggested that you're  
12:51:38 35 present. Clearly what you say is you weren't present.  
12:51:42 36 Those matters that are listed there, just read them?---Yep,  
12:51:53 37 yep.  
12:51:53 38  
12:51:54 39 Were you generally aware of those issues at that time?---I  
12:51:59 40 think that's fair to say, yes.  
12:52:00 41  
12:52:02 42 So the answer is yes, you were. Do you agree with - -  
12:52:13 43 -?---I'm reading again to be sure I don't give you a false  
12:52:20 44 answer. I don't know about the Chairman, no. Did I know  
12:52:23 45 that there was an issue? Absolutely. Did I know that DDI  
12:52:28 46 Ryan was involved? No. Discuss issues about witness and  
12:52:35 47 source, yes.

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12:52:37 1  
12:52:37 2 Okay?---Yep.  
12:52:38 3  
12:52:38 4 So what you can say is look, you'd certainly been made  
12:52:43 5 aware of the inquiries being made by Mr Overland,  
12:52:47 6 prohibition of certain questioning of her?---Yes.  
12:52:50 7  
12:52:50 8 The issues that arose because of that and the potential for  
12:52:54 9 real problems as far as Ms Gobbo's role as a human source  
12:52:58 10 coming out?---Agreed.  
12:53:01 11  
12:53:06 12 The following day, on 18 July 2007, Mr O'Brien met with  
12:53:15 13 Mr White and they discussed the possibility of Ms Gobbo's  
12:53:20 14 compromise, as I've just discussed with you, right?---Yes.  
12:53:25 15  
12:53:26 16 And the meeting was in the context of Ms Gobbo being called  
12:53:31 17 to attend the OPI hearing about the death of the Hodsons  
12:53:34 18 and her association with police officers, including Paul  
12:53:37 19 Dale. And during the course of that meeting between  
12:53:44 20 Mr White and Mr O'Brien, there was a discussion about the  
12:53:48 21 possibility of Ms Gobbo being utilised as a witness by  
12:53:53 22 Mr O'Brien. He raised that possibility, right?---I'm not  
12:53:57 23 sure, I wasn't there.  
12:53:58 24  
12:53:58 25 I understand that. And Mr White advised against it.  
12:54:02 26 Mr O'Brien was suggesting that it would be inevitable that  
12:54:05 27 she would be compromised and she should be utilised as a  
12:54:09 28 witness whilst we can?---It reads "not inevitable she would  
12:54:20 29 be compromised".  
12:54:22 30  
12:54:22 31 The position as far as Mr White was concerned is that the  
12:54:27 32 value of the witness needed to be weighed, as her as a  
12:54:31 33 witness, needed to be weighed against the political fall  
12:54:35 34 out from the legal fraternity and it's he - I'm going from  
12:54:41 35 his notes, you can take it that this is what he was  
12:54:44 36 concerned about. "Will it impact on a particular person's  
12:54:46 37 conviction and others?" And there was an agreement at  
12:54:52 38 least recorded in Mr White's diaries that "need legal  
12:54:58 39 advice re fall out and possibility of convictions of a  
12:55:01 40 particular person and others being impacted because" - now,  
12:55:09 41 that appears to be a concern that was in Mr White's mind as  
12:55:19 42 a result of that meeting on 18 July. Do you follow what  
12:55:23 43 I'm saying?---I can't comment on what Mr White writes in  
12:55:28 44 his diary on that.  
12:55:30 45  
12:55:30 46 No, I understand that. I'm not suggesting you were there  
12:55:32 47 or that you know what's in his diary save for what I've

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12:55:36 1 told you. It's quite clear that at that stage there is a  
12:55:40 2 concern on the part of Mr White at least of the possibility  
12:55:44 3 of convictions being impacted upon of a particular person  
12:55:50 4 and others, if Ms Gobbo became a witness. So what I'm  
12:55:58 5 really getting to is that in about the middle of 2007 the  
12:56:03 6 very concerns that subsequently are recorded at the end of  
12:56:06 7 2008 are continuing to be discussed in mid-2009, are being  
12:56:13 8 recorded by Mr White in his diary, right, do you follow  
12:56:16 9 that?---I follow that, but I can't comment on what - I  
12:56:21 10 haven't seen his diary.  
12:56:22 11  
12:56:22 12 No, I understand that. But that's consistent with the  
12:56:25 13 concerns that you had and you've expressed to this Royal  
12:56:36 14 Commission, do you accept that?---Yes.  
12:56:38 15  
12:56:41 16 Then two days later on 20 July there's a monthly source  
12:56:46 17 review. Do you see that?---Yes.  
12:56:49 18  
12:56:50 19 And that's a meeting that you were at. Do you accept that?  
12:56:59 20 Have a look at your diary on 20 July?---I believe I would  
12:57:07 21 have been.  
12:57:09 22  
12:57:10 23 Do you not have your diary for that day?---Yes, I have.  
12:57:12 24 We've got an office meeting at 13:00 hours and I've made  
12:57:18 25 just an assumption that that was part of it, so yes.  
12:57:21 26  
12:57:24 27 Is Mr Hardy there on that occasion?---In my notes I have an  
12:57:32 28 office meeting at 13:00 hours until 18:00 hours.  
12:57:35 29  
12:57:36 30 That's all you've got, 13:00 to 18:00 hours the meeting, is  
12:57:41 31 that right?---Yes, when I was at the office, including an  
12:57:44 32 office meeting.  
12:57:45 33  
12:57:45 34 Perhaps if we have a look at an entry in Mr White's diary,  
12:57:49 35 VPL.2000.0001.0671. You'll see at 13:00 there's a unit  
12:58:12 36 meeting?---Yep.  
12:58:13 37  
12:58:13 38 We can see that you're present?---Yes.  
12:58:17 39  
12:58:18 40 We can see that Mr Hardy is present, one assumes DDI  
12:58:25 41 RH?---Yes.  
12:58:25 42  
12:58:25 43 We can see Mr White's present?---Yes, all those people. I  
12:58:28 44 see that, yes.  
12:58:29 45  
12:58:29 46 Mr Fox and all of those people are there?---Yes.  
12:58:34 47

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12:58:36 1 Would it be fair to say that during the course of that  
12:58:39 2 meeting it's likely that the sorts of issues that I've  
12:58:47 3 asked you about, that is concerns about the possibility of  
12:58:51 4 convictions being impacted upon, the sorts of concerns that  
12:58:55 5 Mr White had been discussing with Mr O'Brien two days  
12:59:00 6 previously, would those sorts of concerns - do you say as a  
12:59:05 7 matter of probability those sorts of concerns would have  
12:59:09 8 been discussed at the unit meeting?---I couldn't comment on  
12:59:13 9 that. I go back to I think what you showed me before,  
12:59:17 10 which I think was the source review. Absolutely that  
12:59:21 11 obviously comes out of the conversation as the source  
12:59:25 12 review and what is logged within that would have been the  
12:59:28 13 topic of conversation. I'm not saying it did or didn't, I  
12:59:32 14 can't recall that meeting from then.  
12:59:33 15  
12:59:33 16 I follow that. But it would have been - you say there were  
12:59:37 17 sorts of discussions which included discussions about the  
12:59:41 18 possibility of convictions being impacted upon?---Yes, I'm  
12:59:47 19 not denying there would have been, yes, absolutely.  
12:59:49 20  
12:59:49 21 You recall having those discussions?---Yes.  
12:59:51 22  
12:59:54 23 If there were those sorts of discussions you would accept  
12:59:57 24 that as a matter of course they should have been referred  
13:00:00 25 to in the source management log?---Yes, which is obviously  
13:00:06 26 current in that source management review document you  
13:00:09 27 showed me before.  
13:00:10 28  
13:00:10 29 If, for example, it was raised that the use of Ms Gobbo had  
13:00:17 30 potentially resulted in an unsafe conviction, that is the  
13:00:22 31 very sort of thing that should have been put into the  
13:00:25 32 source management log, do you accept that proposition?---If  
13:00:29 33 that was spoken about at the time during that review  
13:00:31 34 session, yes.  
13:00:32 35  
13:00:33 36 And even if it wasn't spoken about, but if it occurred to a  
13:00:37 37 controller, that's the sort of thing that should have been  
13:00:41 38 put into the source management log, shouldn't it?---Yes.  
13:00:44 39  
13:00:47 40 And the impetus for that discussion between, if I can put  
13:00:53 41 this to you, between Mr O'Brien and Mr White, was Ms Gobbo  
13:00:59 42 being called before the OPI?---That would - - -  
13:01:02 43  
13:01:03 44 And potentially being a witness, discussion about her  
13:01:06 45 becoming a witness, and then the consequences of that  
13:01:09 46 course of action, that is her becoming a witness, being the  
13:01:13 47 fall out within the legal fraternity and the potential for

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13:01:18 1 convictions to be impacted upon, right?---I believe that  
13:01:22 2 conversation you showed me before was about keeping her  
13:01:25 3 identity confidential, not anything more than that at the  
13:01:29 4 time. I agree with what you're saying but I'm just saying  
13:01:36 5 in relation to that specific instance that you're calling  
13:01:40 6 upon with Mr O'Brien, it doesn't mention that. It just  
13:01:44 7 mentions the fact that the identity of 3838 would be  
13:01:47 8 compromised.  
13:01:47 9  
13:01:48 10 If you accept it from me that those words are included in  
13:01:53 11 the notes of Mr White?---Yes.  
13:01:54 12  
13:01:55 13 Question, will it impact on a particular person's  
13:01:59 14 conviction and others? Agreed need legal advice re fall  
13:02:03 15 out about the possibility of convictions of the person and  
13:02:05 16 others being impacted upon. That's the sort of thing that  
13:02:08 17 should be in the source management log so as those people  
13:02:12 18 who are over sighting, if you like, who you say are obliged  
13:02:17 19 to look at the records, that's the sort of thing they would  
13:02:20 20 need to be reading, wouldn't it?---Or be party to the  
13:02:24 21 conversation which Mr Hardy was.  
13:02:29 22  
13:02:29 23 Apparently he was, yes. And so what you would say is if it  
13:02:33 24 wasn't reported up, if it stayed within that room, didn't  
13:02:37 25 go into the source management log, well that's entirely  
13:02:43 26 inappropriate, do you accept that proposition?---Yes, I do.  
13:02:46 27  
13:03:06 28 Commissioner, there are some matters I need to discuss with  
13:03:10 29 this witness in a particular environment. What I might do  
13:03:17 30 - actually, what I might do is move on to a different, I'll  
13:03:21 31 move out of sequence and move on to another topic, perhaps  
13:03:24 32 we can deal with it after lunch. But there are some issues  
13:03:30 33 that need to be dealt with because of their utmost  
13:03:36 34 sensitivity in - - -  
13:03:36 35  
13:03:37 36 COMMISSIONER: I think we can say it relates to protecting  
13:03:37 37 the identity of informers.  
13:03:40 38  
13:03:40 39 MR WINNEKE: The identity of informers, yes. There's no  
13:03:41 40 question that we're not here to expose informers other than  
13:03:45 41 Ms Gobbo.  
13:03:46 42  
13:03:46 43 COMMISSIONER: I don't know the details but I accept that  
13:03:49 44 your assessment of it is that it's clearly something that  
13:03:55 45 has to be done in a truly closed court environment. So for  
13:03:59 46 that part of the examination it will have to be in a  
13:04:04 47 properly closed court and so how about we resume after



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13:04:11 1 lunch? It involves particular care being taken with the  
13:04:16 2 transcription. We'll resume after lunch with that.  
13:04:22 3  
13:04:23 4 MR WINNEKE: Yes.  
13:04:23 5  
6 COMMISSIONER: We can deal with that straight after lunch?  
7  
8 MR WINNEKE: Yes, Commissioner, we can deal with that  
9 straight after lunch.  
10  
11 COMMISSIONER: And how long do you anticipate that - - -  
12  
13 MR WINNEKE: It's a bit difficult to say but I don't  
14 anticipate that it will be too long. Obviously there is an  
15 issue that's important to the Terms of Reference of this  
16 Royal Commission we need to look into. It may not take too  
17 long. If we can exclude it, that will be good. If we  
18 can't, it might take a little bit longer. I simply cannot  
19 give you any more information about that. I'll have a  
20 discussion with Mr Holt over lunch.  
21  
22 COMMISSIONER: I think it will be convenient if we resume  
23 after lunch then in a closed session, that will mean only  
24 those with standing leave to appear.  
25  
26 MR HOLT: Commissioner, it may not even be that given the  
27 particular people who are involved.  
28  
29 COMMISSIONER: Right. So who should be present?  
30  
31 MR HOLT: For these purposes, Commissioner, our submission  
32 would be obviously Victoria Police, the State of Victoria.  
33 We're not sure that anyone else needs to be present for  
34 these purposes.  
35  
36 COMMISSIONER: What about the legal representative of the  
37 witness?  
38  
39 MR HOLT: Of course, Commissioner, I'm sorry. And subject  
40 to undertakings. I'm sorry, that was an oversight on my  
41 part.  
42  
43 COMMISSIONER: Yes. And no one else?  
44  
45 MR HOLT: No, Commissioner.  
46  
47 COMMISSIONER: All right, just to let you know we'll be

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13:05:29 1 resuming after lunch at 2 o'clock with nobody present other  
13:05:37 2 than the Commission's representatives and the legal  
13:05:41 3 representatives for Victoria Police and the witness.  
13:05:48 4  
13:05:49 5 MR HOLT: I should say, Commissioner, we'll be limiting the  
13:05:51 6 number of people present for Victoria Police to the  
13:05:56 7 absolute minimum. We will be grateful if others could do  
13:05:59 8 the same.  
13:06:02 9  
13:06:02 10 COMMISSIONER: Yes. We can continue in the meantime, we've  
13:06:05 11 still got a few - ten minutes or so left before the lunch  
13:06:09 12 break.  
13:06:10 13  
13:06:10 14 MR WINNEKE: I think I can, Commissioner. Mr Richards,  
13:06:21 15 you, it seems, became the controller again of Ms Gobbo at  
13:06:28 16 around the time that I was dealing with you before, around  
13:06:35 17 December of 2008, is that right?---That could be correct,  
13:06:40 18 yes.  
13:06:40 19  
13:06:40 20 Can you check your diary?---Yes, sure.  
13:06:43 21  
13:06:43 22 Let us know?---Just bear with me, I have to access my  
13:06:51 23 electronic diary.  
13:06:53 24  
13:06:53 25 Yes?---Excuse me, what date was that, I'm sorry?  
13:07:22 26  
13:07:22 27 December of 2008?---Yes.  
13:07:25 28  
13:07:28 29 On my analysis you were controlling Ms Gobbo on three  
13:07:34 30 occasions, or insofar as you could, April, July of 07 and  
13:07:39 31 then subsequently in late 2008 into 2009?---Yes. Yes, from  
13:07:47 32 29 December.  
13:07:48 33  
13:07:49 34 Until I think - until when?---I believe it was back through  
13:08:20 35 to the 4th, Sunday 4 January.  
13:08:25 36  
13:08:25 37 At which time I think Mr White resumed from leave, is that  
13:08:28 38 right, and he then was the controller again, is that  
13:08:31 39 right?---Yes, that's correct, yes.  
13:08:32 40  
13:08:36 41 That's why I assume you were very much involved in the  
13:08:40 42 preparation of the SWOT analysis, or at least the, involved  
13:08:47 43 in the lead up to the preparation of the SWOT analysis  
13:08:54 44 which was ultimately provided to Mr Biggin for him in turn  
13:08:58 45 to provide to his superiors, is that right?---So the  
13:09:02 46 meeting we referenced earlier today, yes.  
13:09:06 47

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13:09:06 1 Yes?---On the 31st.  
13:09:08 2  
13:09:09 3 Yes, correct. And if, for example, we go to  
13:09:22 4 VPL.6029.0001.0014. Whilst we're waiting, you get an email  
13:10:13 5 from Mr Black and two other members of the unit?---Yes.  
13:10:20 6  
13:10:21 7 He says, "An issue is coming to a head concerning our good  
13:10:25 8 friend 38", which is obviously Ms Gobbo, "We will sit down  
13:10:28 9 and discuss the issue when everyone gets in this morning.  
13:10:31 10 Please make yourself available for one hour, regards" and  
13:10:35 11 Mr Black uses his nickname, do you see that, or are you  
13:10:39 12 aware of that?---Yes, that would be right.  
13:10:44 13  
13:10:46 14 And it's as a consequence of that, that you come in and  
13:10:51 15 have a discussion with them on New Year's Eve, 31 December  
13:10:57 16 2008. Were you on leave at that stage?---No, I was on  
13:11:05 17 duty.  
13:11:06 18  
13:11:08 19 As a consequence of that you sit down and you have that  
13:11:11 20 meeting in the morning and during the course of the day the  
13:11:15 21 SWOT analysis is prepared, is that right?---As we spoke  
13:11:18 22 about yes, absolutely.  
13:11:20 23  
13:11:21 24 And then subsequent to that you were involved in  
13:11:25 25 discussions with Ms Gobbo's handler and he was basically  
13:11:36 26 communicating with her and informing you about discussions  
13:11:40 27 that were going on, is that right?---Yes, that's correct.  
13:11:43 28  
13:12:01 29 Can we take it that any entries in the source management  
13:12:08 30 log in the times that you're the handler, that is from 30  
13:12:13 31 December through to about 4 - - - ?---Yes.  
13:12:19 32  
13:12:19 33 They're yours, are they?---Yes, that would be correct.  
13:12:23 34  
13:12:26 35 Mr Green is handling at that stage?---Yes.  
13:12:30 36  
13:12:30 37 And there's an entry to this effect, on 30 December 2008  
13:12:36 38 from the source management log, that Ms Gobbo advises  
13:12:40 39 Mr Green that she intends to make a statement to the Petra  
13:12:43 40 Task Force and she states that it's never been about the  
13:12:47 41 money?---Okay.  
13:12:49 42  
13:12:52 43 And then on 31 December 2008, there's a reference to  
13:12:59 44 Mr Green contacting you, "Ms Gobbo's unhappy that Dale  
13:13:04 45 expects her to lie for him to protect him. She is to meet  
13:13:10 46 with Petra investigators re signing a statement"?---Okay,  
13:13:15 47 yes.

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13:13:15 1  
13:13:15 2 And then on 3 January 2009 contact with Mr Green again.  
13:13:20 3 She reports damage to her letterbox and that was reported  
13:13:25 4 to Mr Rowe at Purana, is that right?---Yes.  
13:13:29 5  
13:13:37 6 If we go - how are we going with that - sorry, apologies.  
13:13:44 7  
13:13:44 8 COMMISSIONER: We can't seem to find it. It's pretty close  
13:13:51 9 to lunch. I'll make the order, by the time we have done  
13:13:57 10 that it will be absolutely lunchtime.  
13:13:59 11  
13:13:59 12 Pursuant to s.24 of the *Inquiries Act* 2014 access to  
13:14:03 13 the inquiry during the evidence of Officer Richards, a  
13:14:06 14 pseudonym, from 2 pm on 21 October 2019 until further order  
13:14:13 15 is limited to: legal representatives and staff assisting  
13:14:17 16 the Royal Commission, the legal representatives of both  
13:14:21 17 Victoria Police and the witness. The hearing is to be  
13:14:25 18 recorded but not streamed, broadcast or published until  
13:14:29 19 further order. A copy of this order is to be posted on the  
13:14:33 20 door of the hearing room.  
21  
13:14:35 22 All right then, we'll adjourn until 2 o'clock.  
13:14:42 23  
13:14:43 24 MR McDERMOTT: I don't think the State was included in the  
13:14:45 25 order, Commissioner.  
13:14:45 26  
13:14:45 27 MR HOLT: We don't have any issue with the State.  
13:14:48 28  
13:14:53 29 COMMISSIONER: It wasn't one of the parties that was  
13:14:53 30 mentioned in the earlier discussion.  
13:14:54 31  
13:14:56 32 MR HOLT: I think I did but I didn't make that clear, I'm  
13:14:58 33 sorry.  
13:14:58 34  
13:14:59 35 COMMISSIONER: I'll amend that to say the legal  
13:14:59 36 representatives of Victoria Police, the State of Victoria  
13:15:09 37 and the witness.  
38  
13:15:15 39 All right, adjourn until 2 o'clock.  
40  
13:15:41 41 <(THE WITNESS WITHDREW)  
13:15:42 42  
13:15:42 43 LUNCHEON ADJOURNMENT  
13:15:43 44  
45 (IN CAMERA HEARING FOLLOWS)  
46  
47

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16:06:05 1 UPON RESUMING IN OPEN HEARING:  
16:07:52 2  
16:07:52 3 MR WINNEKE: Thank you Commissioner.  
16:07:53 4  
16:07:53 5 COMMISSIONER: I just note we're in open session.  
16:07:55 6  
16:07:55 7 MR WINNEKE: Yes, Commissioner. These matters I can deal  
16:07:58 8 with in open session. Mr Richards, I'm just going to deal  
16:08:03 9 with a number of disparate emails and communications that  
16:08:07 10 you were involved in over a period of time. If I can ask  
16:08:11 11 you to have a look at VPL.6047.0030.0301. That's an email  
16:09:31 12 to you from another handler, do you see that?---Yes.  
16:09:35 13  
16:09:36 14 And essentially what that is, you can have a look at it,  
16:09:40 15 but essentially there's a bit of a complaint that you have  
16:09:46 16 about spending most of your time keeping up-to-date with  
16:09:54 17 ICRs and IRs?---Yes.  
16:09:56 18  
16:09:56 19 Was that a bit of a common problem that you had?---I think  
16:10:04 20 it's a vent about the workload, yes, I agree with that.  
16:10:09 21  
16:10:09 22 The workload was fairly extraordinary I take it?---Yes, it  
16:10:12 23 was.  
16:10:12 24  
16:10:12 25 You're effectively saying, "Am I going too far sending this  
16:10:17 26 to Mr Black"?---Yes, it was a sense check.  
16:10:22 27  
16:10:23 28 A what?---A sense check.  
16:10:25 29  
16:10:25 30 A sense check?---A sense check as in - - -  
16:10:29 31  
16:10:29 32 I follow. Can we just scroll up a little, please. Just  
16:10:44 33 read that. Effectively what you're saying is, "We're that  
16:11:00 34 busy as a unit we shouldn't be touting for business or  
16:11:07 35 offering our services or doing presentations claiming to be  
16:11:08 36 able to assist in", et cetera, et cetera?---Yep.  
16:11:11 37  
16:11:11 38 And then there's a response to that. I'll tender that  
16:11:16 39 email chain.  
16:11:19 40  
16:11:22 41 #EXHIBIT RC596 - Email chain between Officer Wolf and  
16:11:30 42 Officer Richards dated 12/03/08.  
43  
16:11:41 44 Was that something that you were constantly struggling  
16:11:44 45 against, being overworked and the paperwork workload  
16:11:49 46 throughout the period of time that you were in the  
16:11:54 47 SDU?---That's a fair comment.

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16:11:56 1  
16:12:05 2 I take it that was something that was raised with the  
16:12:08 3 officers, the various officers in charge that you had  
16:12:12 4 throughout that time?---Yes, it was.  
16:12:13 5  
16:12:14 6 And did it ever, was it ever solved, that problem?---No.  
16:12:20 7  
16:12:22 8 Do you think it hampered the ability of the SDU to operate  
16:12:28 9 to its best capability and full capacity?---Again, that's a  
16:12:34 10 fair comment.  
16:12:35 11  
16:12:37 12 In a similar vein could I ask you to have a look at  
16:12:45 13 VPL.6025.0002.0624. This is what appears to be an agenda  
16:13:07 14 if you like for a meeting at the SDU, it's seminar minutes  
16:13:12 15 actually, on 5 May - perhaps if - - -  
16:13:18 16  
16:13:19 17 MR HOLT: It has other human source information,  
16:13:21 18 Commissioner. If it not be on the screens I'd be grateful.  
16:13:31 19  
16:13:31 20 COMMISSIONER: It's Exhibit 396.  
16:13:34 21  
16:13:36 22 MR WINNEKE: There's a reference, if we go to Wednesday 7  
16:13:43 23 May 2008, there's a heading "managing workload of 2958".  
16:14:00 24 Do you see that? "Currently five members in the office who  
16:14:04 25 have been the source's handler. She's the most demanding  
16:14:09 26 source in the office. There was a rotational system of one  
16:14:13 27 month on and off" says Mr Anderson, "To stop a bond. We  
16:14:19 28 already have confidence, do not need long-term handler who  
16:14:22 29 she becomes comfortable with. After a couple of months  
16:14:26 30 tend not to handle her as a source as she wears you down."  
16:14:30 31 There was agreement about that. "She is at a stage where  
16:14:33 32 she's speaking too much shit now." Mr Fox agreed with that  
16:14:43 33 but states that, "That should be two months" and that if we  
16:14:50 34 go over the page, "It was extremely draining and for the  
16:14:53 35 sake of family life do not want her again. However, with  
16:14:58 36 an electronic diary perhaps it is more manageable". Is  
16:15:02 37 that your understanding at that stage of Ms Gobbo as a  
16:15:10 38 human source?---I think that's fair, yes. I would agree  
16:15:13 39 with that.  
16:15:14 40  
16:15:16 41 Can I ask you this: do you think it would have been useful  
16:15:20 42 to put into train a situation whereby the amount of  
16:15:24 43 information flow was limited?---It's hard to put a cap back  
16:15:32 44 on the bottle I think is probably the best way to describe  
16:15:36 45 it.  
16:15:36 46  
16:15:37 47 That's already tendered, Commissioner.

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16:15:40 1  
16:15:41 2 COMMISSIONER: Yes, Exhibit 396.  
16:15:43 3  
16:15:50 4 MR WINNEKE: Can I ask you to look at - just excuse me -  
16:16:06 5 VPL.6159.0063.4168 and if we go to 4170. There was a time,  
16:16:27 6 was there, when the information that was recorded on the  
16:16:32 7 computer system at the SDU was being transferred on to  
16:16:36 8 Interpose, do you recall that?---Yes, I do.  
16:16:38 9  
16:16:41 10 And it seems that on 22 December - sorry, wait on. There's  
16:16:56 11 a list of outstanding files and with respect to Ms Gobbo  
16:17:09 12 the last source contact report, no.12, end contact date  
16:17:15 13 being the 6th of the 4th 2008. Do you see that?---Yes, the  
16:17:24 14 two numbers.  
16:17:25 15  
16:17:26 16 The first one is 3838?---Yep.  
16:17:28 17  
16:17:28 18 We've got up to SCR 89 and then there was a number missing,  
16:17:33 19 number 7, 42, 43, 44, 55 to 61. 72, 78 to 88, then with  
16:17:42 20 respect to her new number there was - the last one had been  
16:17:46 21 the 6th of the 4th 2008?---Yes, I see that.  
16:17:50 22  
16:17:53 23 Are you able to explain how that or what those  
16:17:57 24 communications were about?---Not sure. I could assume is  
16:18:03 25 it someone checking Interpose to see if all the files had  
16:18:07 26 been transferred over to Interpose?  
16:18:09 27  
16:18:09 28 Right?---That appears what it is, so therefore people would  
16:18:12 29 have to search the previous computer to put the missing one  
16:18:16 30 back on Interpose.  
16:18:16 31  
16:18:17 32 Would that mean that the HSMU didn't have those  
16:18:23 33 files?---I'm not sure. As I say, it depends whether it's a  
16:18:27 34 transference from the old system to the new system and that  
16:18:31 35 it's still pushing through, which would make sense  
16:18:34 36 considering what the other contacts looked like.  
16:18:36 37  
16:18:37 38 Yes?---So I would say it's just the process of changing  
16:18:40 39 over between systems.  
16:18:41 40  
16:18:42 41 Right. Perhaps if we can just go to the top of that email  
16:18:48 42 chain so we can see exactly who is - if we move to 4168.  
16:18:55 43  
16:18:55 44 MR HOLT: There's no reason for this not to be up, it was  
16:18:59 45 the only last one.  
16:19:01 46  
16:19:01 47 COMMISSIONER: Should we know who the emails were from and

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16:19:05 1 to? It may be that pseudonyms can be used, I don't know.  
16:19:11 2 They're completely blacked out.  
16:19:18 3  
16:19:18 4 WITNESS: Yes, that makes sense.  
16:19:21 5  
16:19:22 6 MR WINNEKE: Do you have your electronic diary there?---No,  
16:19:25 7 that makes sense. I'm not part of that chain but it does  
16:19:30 8 make sense in relation to HMSU and ensuring that all files  
16:19:35 9 have been uploaded to Interpose from the previous system  
16:19:37 10 that we utilised.  
16:19:39 11  
16:19:40 12 COMMISSIONER: So it's from HSMU to - - -  
16:19:44 13  
16:19:45 14 MR WINNEKE: I'll tender that, Commissioner, and in due  
16:19:47 15 course I'll be able to indicate who the sender and the  
16:19:51 16 recipients are but I believe that Mr Richards is a  
16:19:56 17 recipient.  
16:19:57 18  
16:19:59 19 #EXHIBIT RC597A - (Confidential) Email chain 16 and  
16:20:01 20 22/12/08 re SDU files.  
16:20:13 21  
16:20:15 22 #EXHIBIT RC597B - (Redacted version.)  
16:20:21 23  
16:20:23 24 The 22 December one is from Sandy White and it's to  
16:20:26 25 Mr Richards.  
16:20:30 26  
16:20:30 27 COMMISSIONER: Thanks.  
16:20:42 28  
16:20:43 29 MR WINNEKE: I've got an unredacted version of that,  
16:20:46 30 Commissioner, also so we can tender the unredacted version.  
16:20:53 31 The recipient of the first email.  
16:21:04 32  
16:21:05 33 COMMISSIONER: We'll have an unredacted and a redacted  
16:21:12 34 version A and B.  
16:21:14 35  
16:21:16 36 MR WINNEKE: The other redacted version is 6025.0012.1433  
16:21:20 37 and the email of 16 December is from Ms Lane to Mr Black  
16:21:27 38 and Sandy White, it's then passed on from Sandy White to  
16:21:32 39 you, Mr Richards, on 22 December 2008?---Okay.  
16:21:39 40  
16:21:43 41 Ms Lane is a pseudonym. You may or may not have a list  
16:21:48 42 with her name on it?---I know who that is, yes.  
16:21:52 43  
16:21:52 44 You do?---I'm making a presumption from the email chain and  
16:21:57 45 the context.  
16:21:58 46  
16:21:59 47 Then, just again in that vein, it seems, if we can have a



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16:22:06 1 look at this email chain, VPL.6050.0027.9343. If we can go  
16:22:21 2 to the bottom of that chain. It seems to be an email from  
16:22:26 3 Mr Biggin to Messrs White and Black and CCing Mr Glow who  
16:22:36 4 was the officer-in-charge, is that right?---Yes, that's  
16:22:40 5 correct.

16:22:40 6  
16:22:40 7 And he says, "Good afternoon gents. In preparation for our  
16:22:45 8 1 Feb Interpose kick off can I confirm the accuracy of my  
16:22:52 9 records regarding human sources please". This is  
16:22:55 10 Superintendent Biggin and he has a record of PII active  
16:23:00 11 human sources and he's aware that Ms Gobbo is off or about  
16:23:03 12 to come off, do you see that?---Yes, I do.

16:23:05 13  
16:23:06 14 In fact she had come off at that stage. And then the next  
16:23:09 15 email is from Mr White?---Yes.

16:23:17 16  
16:23:17 17 To Mr Biggin, CCing yourself and Mr Black and at that stage  
16:23:25 18 he's passing on information back to Mr Biggin that in fact  
16:23:29 19 at that stage there were only PII active sources, do you  
16:23:32 20 see that?---Yes, I see that.

16:23:33 21  
16:23:33 22 The Superintendent in charge is of the view that there are  
16:23:36 23 PII active sources, according to his records, but the actual  
16:23:39 24 state of play is that there are only PII active sources  
16:23:44 25 at that stage?---Yes.

16:23:45 26  
16:23:51 27 And if we move up the email chain there's an email from  
16:24:01 28 Mr Biggin?---Yes.

16:24:01 29  
16:24:02 30 To Ms Lane again and he says, "Good morning, I'm preparing  
16:24:06 31 a migration to Interpose". In effect needs to get his  
16:24:10 32 records updated firstly and then he passes on that  
16:24:12 33 information to the HSMU, do you see that?---Yes.

16:24:15 34  
16:24:19 35 That obviously indicates that the Superintendent has a  
16:24:24 36 fairly inaccurate view of a number of active sources,  
16:24:27 37 doesn't it?---I would say yeah, that change over from  
16:24:33 38 Interpose to the (indistinct), yes.

16:24:36 39  
16:24:36 40 That's regardless of change over. He has a record of PII  
16:24:40 41 active sources when in fact there are only PII?---Yes,  
16:24:44 42 from that chain, I agree.

16:24:46 43  
16:24:47 44 And that might be regarded as unsatisfactory, would you  
16:24:50 45 agree with that?---Yes.

16:24:52 46  
16:24:58 47 Can I ask you about an entry on - - -

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16:25:09 1  
16:25:09 2 COMMISSIONER: Do you want to tender that one?  
16:25:11 3  
16:25:11 4 MR WINNEKE: Yes, I tender that, Commissioner.  
16:25:13 5  
16:25:13 6 COMMISSIONER: What was the date of the response?  
16:25:35 7  
16:25:35 8 MR WINNEKE: If we go to the bottom the first one is from  
16:25:38 9 Mr Biggin on 29 January, the response is on 29 January and  
16:25:42 10 then it's forwarded on - - -  
16:25:45 11  
16:25:46 12 #EXHIBIT RC598A - (Confidential) Email chain concerning  
16:25:48 13 human sources commencing on 29/1 and finishing on 7/2.  
16:25:57 14  
16:25:57 15 #EXHIBIT RC598B - (Redacted version.)  
16:26:22 16  
16:26:22 17 In about May of 2010 there were communications, I suggest,  
16:26:31 18 between you and Mr O'Connor who had just come online as the  
16:26:38 19 officer-in-charge of the SDU, do you accept that?  
16:26:43 20 Mr O'Connor says he commenced, I think I put to you before,  
16:26:47 21 on 3 May 2010?---Okay.  
16:26:50 22  
16:26:54 23 A request had been made by Commissioner Overland for a  
16:27:03 24 document to be put together setting out a chronology  
16:27:09 25 detailing the SDU's dealings with Ms Gobbo up to the point  
16:27:14 26 her management was taken over by Petra Task Force. Do you  
16:27:18 27 recall that?---I don't, but - - -  
16:27:23 28  
16:27:23 29 This was for the purposes of civil litigation?---Right,  
16:27:27 30 okay.  
16:27:28 31  
16:27:28 32 You understand that Ms Gobbo was suing the State of  
16:27:31 33 Victoria?---Yes.  
16:27:31 34  
16:27:32 35 And Mr Overland and Ms Nixon?---I'm not sure of the details  
16:27:36 36 of it. I know she was suing the Department, yes.  
16:27:39 37  
16:27:39 38 You ultimately, the SDU had to put together a very lengthy  
16:27:43 39 document which set out by way of chronology the SDU's  
16:27:48 40 dealings with Ms Gobbo?---Yes.  
16:27:49 41  
16:27:49 42 Were you involved in the preparation of that  
16:27:51 43 document?---No, I don't believe so. I don't recall having  
16:27:55 44 anything to do with it to be honest.  
16:27:57 45  
16:27:57 46 I wonder if you could have a look at this email,  
16:28:02 47 VPL.0005.0013.1200. You'll see here that Mr O'Connor

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16:28:12 1 speaks to Paul Sheridan who was his superior, is that  
16:28:16 2 correct?---Yes, that's correct.  
16:28:18 3  
16:28:18 4 And he says that, "He's spoken to both you and to Mr White  
16:28:27 5 about the request for the document and that Mr White in  
16:28:32 6 particular is quite concerned regarding the consequences of  
16:28:34 7 a chronology of events, meetings, et cetera, making its way  
16:28:39 8 into legal/solicitors hands (within the organisation and  
16:28:42 9 outside) and the risk it may or will pose to the unit as  
16:28:48 10 well as to the witness, human source. I have informed him  
16:28:51 11 and you", that is Mr Richards, "That I will read the  
16:28:56 12 chronology, 250 pages plus, over a 3.5 year period and then  
16:29:02 13 talk to you about it. I think it would be good that once I  
16:29:06 14 have read it and briefed you that if you do not mind come  
16:29:09 15 out to the unit and talk through the risks/concerns of both  
16:29:15 16 of them. In its present form a chronology, it would pose  
16:29:21 17 some significant risks". Do you see that, the reference to  
16:29:24 18 the risks to the unit?---Yes, I see that email, yes.  
16:29:28 19  
16:29:29 20 Do you understand that the risks to the unit would be the  
16:29:32 21 risks that would arise if this document, the chronology,  
16:29:36 22 finds its way into lawyer's hands, whether it be within or  
16:29:40 23 without the organisation?---That's a fair assumption, yes.  
16:29:44 24  
16:29:44 25 Do you know what that chronology, the 250 page chronology,  
16:29:49 26 is?---That would be the SML, the source management log.  
16:29:53 27  
16:29:54 28 The source management log, both the 3838 and the 2958  
16:30:00 29 one?---Yes.  
16:30:01 30  
16:30:11 31 Did you have a discussion with Mr White about the problems  
16:30:15 32 that might arise if the lawyers came into possession of  
16:30:18 33 that document?---I can't remember the conversation but I  
16:30:23 34 would have, yes.  
16:30:24 35  
16:30:31 36 If we go down that email chain you can see there that there  
16:30:37 37 is an email from Mr Pope to Mr Sheridan, CCing Mr Biggin,  
16:30:45 38 tasking for the Chief Commissioner. "Paul, I had the  
16:30:49 39 following request from Simon yesterday". That being Simon  
16:30:51 40 Overland. "Can you please have the SDU compile a  
16:30:54 41 chronology detailing all of our dealings with F that  
16:30:59 42 finishes with our handover". Do you say that the  
16:31:03 43 compilation is simply the source management log or it was a  
16:31:07 44 document put together for the purpose?---I would have  
16:31:09 45 thought it's the source management log, that would make  
16:31:13 46 sense.  
16:31:13 47

.21/10/19

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RICHARDS XXN

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16:31:13 1 I tender that document, Commissioner.  
16:31:18 2  
16:31:21 3 #EXHIBIT RC599 - Email chain involving John O'Connor, Paul.  
16:31:27 4 Sheridan, Jeff Pope on 4/05/10.  
16:31:50 5  
16:31:50 6 COMMISSIONER: How are we going?  
16:31:52 7  
16:31:53 8 MR WINNEKE: I'm not going to finish in the next 10 minutes  
16:31:56 9 that's for sure.  
16:31:56 10  
16:31:57 11 COMMISSIONER: I imagine there will be some  
16:31:58 12 cross-examination. Mr Richards, you're availability, just  
16:32:04 13 remind me again?---Tomorrow, yes, Commissioner.  
16:32:08 14  
16:32:08 15 You're available tomorrow?---Yes.  
16:32:09 16  
16:32:10 17 What sort of time frames are we looking at for  
16:32:12 18 cross-examination, anything from you, Mr Nathwani?  
16:32:14 19  
16:32:14 20 MR NATHWANI: About 15 minutes.  
16:32:15 21  
16:32:17 22 MR HOLT: Similar Commissioner, 15, 20 minutes.  
16:32:19 23  
16:32:20 24 MR CHETTLE: I doubt I'll be that long.  
16:32:21 25  
16:32:21 26 COMMISSIONER: Okay. We'll adjourn until 9.30 tomorrow.  
27  
16:32:25 28 <(THE WITNESS WITHDREW)  
16:32:28 29  
16:32:28 30 ADJOURNED UNTIL TUESDAY 22 OCTOBER 2019  
31  
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