

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

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 27 November 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	Ms C. McCudden
Counsel for Nicola Gobbo	Mr R. Nathwani
Counsel for DPP/SPP	Ms A. Martin
Counsel for CDPP	Mr D. Holding Ms A. Haban-Beer
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for John Higgs	Ms C. Dwyer
Counsel for AFP	Ms I. Minnett
Counsel for Chief Commissioner of Police	Mr A. Coleman SC

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09:37:25 1 COMMISSIONER: Yes, appearances are Mr Woods, you're for  
09:37:33 2 the next witness today on behalf of - - -  
3  
4 MR WOODS: With Mr Winneke and Ms Tittensor.  
5  
09:37:36 6 COMMISSIONER: - - - assisting the Commission and Mr Holt.  
09:37:39 7 The only changes I think are Ms McCudden for the State,  
09:37:43 8 Mr Holding and Ms Haban-Beer for the CDPP, Ms Anna Martin  
09:37:52 9 for the DPP, Mr Coleman for Mr Ashton and Ms Dwyer for  
09:37:59 10 Mr Higgs.  
11  
09:38:00 12 Yes, I understood there was to be an application first  
09:38:03 13 from Mr Coleman on behalf of Mr Ashton, is that right?  
09:38:12 14 Mr Holt.  
15  
09:38:13 16 MR HOLT: Commissioner, we wrote to those assisting you  
09:38:15 17 yesterday to foreshadow the application. Commissioner, you  
09:38:17 18 would be aware, we're sure that parts of the content of  
09:38:20 19 Mr Ashton's statement and Mr Overland's statement appear to  
09:38:24 20 have been the subject of publication by the media, both The  
09:38:28 21 Age and the Herald Sun on two occasions recently. Those  
09:38:32 22 statements had been provided quite properly by the Royal  
09:38:36 23 Commission on terms to the legal representatives of those  
09:38:39 24 assisting parties with standing leave, but they appear to  
09:38:42 25 have made their way to members of the media. The articles  
09:38:46 26 include both quotes and paraphrases which can only  
09:38:49 27 rationally be concluded to have come from the statements.  
09:38:52 28 We simply seek to ensure that that situation doesn't occur  
09:38:56 29 again and we respectfully ask that the Commission make an  
09:39:00 30 order, a non-publication order prohibiting publication of  
09:39:05 31 any statement or the content of any statement of any  
09:39:07 32 witness until that witness statement has been published by  
09:39:13 33 the Royal Commission, an order to that effect. There's  
09:39:15 34 nothing we think that can be done about what's occurred  
09:39:18 35 previously and it's regrettable that such an order is even  
09:39:23 36 needed.  
09:39:23 37  
09:39:23 38 COMMISSIONER: It is certainly very regrettable. These  
09:39:26 39 statements are really done as a favour, a courtesy, because  
09:39:30 40 we're told that they're helpful to parties preparing their  
09:39:37 41 cases and they're provided on a confidential basis and it's  
09:39:43 42 extremely disturbing that this has happened and whoever's  
09:39:47 43 responsible - well, better ensure it doesn't happen again.  
09:39:54 44 One of the problems in terms of exactly the order to be  
09:39:57 45 made is that the statements aren't - is there's the  
09:40:15 46 production of the statement when the witness is called and  
09:40:17 47 then it takes some time for it actually to be tendered

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09:40:21 1 obviously, so they often refer to their statements and go  
09:40:25 2 through parts of the statement and then there's quite a  
09:40:28 3 delay before it's tendered because of public interest  
09:40:31 4 immunity claims. I'm just looking at what's been suggested  
09:40:35 5 here is that there be no publication of the contents of any  
09:40:37 6 statement of current or former Victoria Police officers  
09:40:41 7 that has been produced to the Commission in response to a  
09:40:44 8 Notice to Produce but is yet to be tendered.  
09:40:50 9  
09:40:51 10 MR HOLT: Other than for parts of that statement referred  
09:40:53 11 to in evidence before the Commission, perhaps,  
09:41:18 12 Commissioner. Because there are times when those assisting  
09:41:21 13 you quite properly put the content of the statement that is  
09:41:24 14 still to come and this order shouldn't inadvertently - - -  
09:41:27 15  
09:41:28 16 COMMISSIONER: No, exactly. That's what I was concerned  
09:41:32 17 about.  
09:41:32 18  
09:41:34 19 MR HOLT: We'd agree with that with respect, Commissioner.  
09:41:34 20  
09:41:35 21 COMMISSIONER: Did you wish to be heard further,  
09:41:37 22 Mr Coleman?  
09:41:38 23  
09:41:39 24 MR COLEMAN: Obviously my client is one of the parties  
09:41:41 25 affected. I should probably say, with respect, the  
09:41:43 26 statement is provided to assist the Commission and to aid  
09:41:48 27 in the proper processes of the Commission. Unfortunately  
09:41:53 28 that's been subverted by what's happened and as a matter of  
09:41:55 29 fairness and in order to preserve the processes we  
09:41:59 30 respectfully support the application.  
09:42:00 31  
09:42:00 32 COMMISSIONER: Yes, well, I will say if there is any  
09:42:06 33 repetition, and even without repetition I think we're  
09:42:08 34 reconsidering whether we will provide the statements in  
09:42:11 35 future. If there's any repetition at all we certainly  
09:42:16 36 won't be doing so. Thank you. Sorry Mr Woods.  
09:42:19 37  
09:42:19 38 MR WOODS: Just to say, Commissioner, that counsel  
09:42:22 39 assisting's submission is it's an appropriate order in the  
09:42:25 40 circumstances.  
09:42:26 41  
09:42:27 42 COMMISSIONER: Yes, the Commission orders that under s.26  
09:42:28 43 *Inquiries Act* there is to be no publication of the contents  
09:42:31 44 of any statement of current or former Victoria Police  
09:42:34 45 officers that has been produced to the Commission in  
09:42:36 46 response to a Notice to Produce but is yet to be tendered,  
09:42:40 47 other than parts of that statement referred to in

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09:42:43 1 Commission hearings. A copy of this order is to be posted  
09:42:47 2 on the door of the hearing room.  
3

09:42:49 4 Yes, thank you. Yes Mr Woods.  
5

09:42:51 6 MR WOODS: Commissioner, there's one further matter to be  
09:42:53 7 dealt with just prior to the witness being called and it's  
09:42:57 8 simply reading a summary of a disclosure to the Commission  
09:43:00 9 onto the record. If it's convenient I'll do that now. By  
09:43:06 10 letter from its solicitors dated 22 November 2019, the  
09:43:10 11 Australian Federal Police voluntarily disclosed the  
09:43:13 12 following information to the Royal Commission into the  
09:43:14 13 management of police informants.  
14

09:43:17 15 In 1998 when Nicola Gobbo was a solicitor, the AFP  
09:43:21 16 received two approaches from Ms Gobbo in which she offered  
09:43:24 17 to provide information on a confidential basis. The  
09:43:26 18 approaches from Ms Gobbo were made in the context of two  
09:43:30 19 AFP operations, namely Operation Virus and Operation  
09:43:34 20 Phlange. They will be addressed separately.  
21

09:43:36 22 Operation Virus: Operation Virus commenced in June  
09:43:40 23 1996 to investigate alleged tax evasion by Horthy Mokbel.  
09:43:46 24 Two now retired AFP police officers, Federal Agents 1 and  
09:43:50 25 2, were part of the investigation team and had relevant  
09:43:53 26 dealings with Ms Gobbo. On 3 March 1998, Horthy Mokbel was  
09:43:56 27 arrested and charged with defrauding the Commonwealth.  
09:43:59 28 Ms Gobbo was an employee of the firm of solicitors which  
09:44:03 29 represented Horthy Mokbel from that time. Horthy Mokbel was  
09:44:05 30 granted bail on the undertaking of a surety which included  
09:44:09 31 a property owned by Marie Rose Kabalan, which was leased to  
09:44:13 32 Tony Mokbel. Kabalan and Tony Mokbel provided affidavits  
09:44:17 33 deposing to the situation with Ms Gobbo's assistance in her  
09:44:21 34 capacity as an employee solicitor. Kabalan and Tony Mokbel  
09:44:24 35 were later charged with perjury for providing false  
09:44:28 36 affidavits in support of Horthy Mokbel's bail application.  
37

09:44:30 38 On 9 April 1998, Federal Agent 1 took a witness  
09:44:34 39 statement from Ms Gobbo in relation to the perjury charges  
09:44:37 40 as she had been present at the Melbourne Magistrates' Court  
09:44:39 41 when the affidavits were deposed. The statements set out  
09:44:43 42 Ms Gobbo's recollection of the circumstances in which the  
09:44:45 43 affidavits were deposed.  
44

09:44:47 45 On 16 November 1999, Kabalan and Tony Mokbel were  
09:44:51 46 found not guilty of perjury. On 26 May 2000, Horthy Mokbel  
09:44:55 47 was acquitted of the tax evasion charges. On 13 May 1998,



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09:45:00 1 not long after the witness statement was taken from  
09:45:02 2 Ms Gobbo, Ms Gobbo contacted the AFP Melbourne office and  
09:45:06 3 spoke with Federal Agent 2. Ms Gobbo inquired about the  
09:45:09 4 AFP "recruiting details". Federal Agent 2 directed  
09:45:14 5 Ms Gobbo to the AFP's website. Ms Gobbo then spoke with  
09:45:18 6 Federal Agent 1 and requested a meeting as she had "some  
09:45:22 7 issues" she wished to discuss. A meeting was arranged for  
09:45:26 8 7 pm the following day, 14 May 1998. Federal Agent 1  
09:45:30 9 documented the call with Ms Gobbo and obtained the  
09:45:33 10 necessary approvals from his superiors to attend the  
09:45:36 11 meeting with Federal Agent 2.

12  
09:45:37 13 On 14 May 1998, Ms Gobbo met with Federal Agents 1 and  
09:45:41 14 2 after 7 pm at 221 Queen Street, Melbourne. At around  
09:45:46 15 8 pm the meeting moved to the Celtic Club. The meeting  
09:45:50 16 concluded at approximately 12 am.

17  
09:45:52 18 Federal Agent 2 documented the meeting with Ms Gobbo.  
09:45:56 19 During the meeting Ms Gobbo brought up morality and ethics  
09:46:00 20 in relation to police and lawyers. Ms Gobbo alluded to  
09:46:03 21 possible information she could provide to the AFP and  
09:46:06 22 expressed concerns regarding the protection of her identity  
09:46:09 23 in official records. Ms Gobbo mentioned a fear of  
09:46:12 24 listening devices being placed in her home. Ms Gobbo did  
09:46:14 25 not provide any information of substance to the AFP  
09:46:18 26 members, the members considered Ms Gobbo to be  
09:46:21 27 untrustworthy and were of the view that she was seeking to  
09:46:23 28 elicit information from the AFP. The members did not  
09:46:26 29 contemplate using Ms Gobbo as a human source.

30  
09:46:28 31 On 21 May 1998, Federal Agent 1 telephoned Ms Gobbo  
09:46:32 32 regarding her request for another meeting. Later that day  
09:46:35 33 Ms Gobbo returned the phone call. Federal Agent 1  
09:46:38 34 indicated that he was not interested in meeting with  
09:46:40 35 Ms Gobbo if she intended to compromise the AFP. Ms Gobbo  
09:46:46 36 claimed this was not the case and it was agreed she would  
09:46:48 37 meet with Federal Agents 1 and 2 during the following week.  
09:46:52 38 Federal Agent 1 documented the call with Ms Gobbo and  
09:46:53 39 briefed his superiors on this contact.

40  
09:46:55 41 The next day, on 22 May 1998, Ms Gobbo telephoned  
09:46:59 42 Federal Agent 1 and alluded to having confidential  
09:47:02 43 information which she wished to divulge because it was  
09:47:04 44 creating a moral problem for her. Ms Gobbo sounded tired  
09:47:08 45 and emotional and said she was having trouble coping with  
09:47:11 46 this issue. Ms Gobbo reiterated that she did not intend to  
09:47:14 47 compromise the AFP and reminded Federal Agent 1 that it was

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09:47:19 1 she who had approached the AFP and not the other way  
09:47:23 2 around. Federal Agent 1 agreed that he and Federal Agent 2  
09:47:25 3 would meet with Ms Gobbo next week. Federal Agent 1  
09:47:28 4 documented the call with Ms Gobbo and briefed his  
09:47:32 5 supervisors on this contact.  
6

09:47:33 7 The AFP has advised the Royal Commission that neither  
09:47:37 8 Federal Agent 1 nor Federal Agent 2 recalls having any  
09:47:41 9 further meeting with Ms Gobbo.  
10

09:47:43 11 Operation Phlange: Operation Phlange commenced in  
12 September 1995 to investigate alleged money laundering  
09:47:49 13 activities by Nasum Goldberg and the Goldberg family. Two  
09:47:51 14 AFP officers, Federal Agents 3 and 4, were part of the  
09:47:55 15 investigation team. As a result of Operation Phlange on 19  
09:47:59 16 June 1997 Rita Goldberg was arrested and charged with  
09:48:03 17 conspiracy to defraud the Commonwealth. Other members of  
09:48:06 18 the Goldberg family were charged. Rita Goldberg's  
09:48:10 19 committal hearing commenced on 11 May 1998 and evidence  
09:48:13 20 concluded on 4 August 1998. Federal Agent 3 gave evidence  
09:48:17 21 as a witness at the committal hearing. The matter was part  
09:48:21 22 heard and adjourned to allow for written submissions.  
23

09:48:24 24 On 30 November 1998 Rita Goldberg was committed to  
09:48:28 25 stand trial. The AFP understands that Ms Gobbo was aware  
09:48:31 26 of the proceedings against the Goldberg family because she  
09:48:34 27 worked as a solicitor for the law firm which represented  
09:48:37 28 some of the Goldberg members during the committal stage. A  
09:48:41 29 different firm acted for Rita Goldberg during this period.  
30

09:48:44 31 The AFP understands that Ms Gobbo appeared as counsel  
09:48:48 32 for Rita Goldberg in an arraignment hearing on 30 March  
09:48:53 33 1999 which was adjourned. The AFP has checked with the  
09:48:56 34 Commonwealth Director of Public Prosecutions which has  
09:48:58 35 confirmed that the CDPP's review of its file for Rita  
09:49:03 36 Goldberg shows no other references to Ms Gobbo, other than  
09:49:06 37 recording her appearance as counsel on this date.  
38

09:49:09 39 On 10 March 2000 Rita Goldberg pleaded guilty to the  
09:49:11 40 charge and was eventually sentenced on 21 June 2000 to an  
09:49:14 41 effective term of 15 months' imprisonment which was wholly  
09:49:18 42 suspended pending her good behaviour for a period of five  
09:49:21 43 years and a recognisance of \$1,000.  
44

09:49:25 45 On 30 June 1988, during the period of Rita Goldberg's  
09:49:28 46 committal hearing, Ms Gobbo met with Federal Agents 3 and 4  
09:49:33 47 in South Melbourne until approximately 10 pm. Federal

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09:49:36 1 Agent 3 documented the meeting. Federal Agent 3 has  
09:49:38 2 advised that the meeting was arranged following a phone  
09:49:41 3 call he received from Ms Gobbo during which she indicated  
09:49:44 4 she had information of interest to the AFP. At the meeting  
09:49:47 5 Ms Gobbo offered information relating to alleged fraud  
09:49:51 6 and/or money laundering. Federal Agent 3 recorded the  
09:49:55 7 meeting with Ms Gobbo in his official diary as a meeting  
09:50:00 8 with "informant/contact". Federal Agent 3 has confirmed  
09:50:01 9 that he used the phrase "informant contact" in a generic  
09:50:05 10 sense which was consistent with common practice at that  
09:50:08 11 time. Federal Agent 3 does not recall creating any records  
09:50:11 12 in relation to the information offered by Ms Gobbo and to  
09:50:14 13 his knowledge no investigations or prosecutions were  
09:50:16 14 commenced, nor arrests made as a result of the information  
09:50:19 15 provided at the meeting.

16  
09:50:21 17 The AFP has advised the Royal Commission that it has  
09:50:24 18 conducted searches of its records in relation to those two  
09:50:27 19 approaches by Ms Gobbo in 1998 and has voluntarily provided  
09:50:31 20 the Royal Commission with all relevant records that have  
09:50:33 21 been identified. The AFP has advised the Royal Commission  
09:50:36 22 that it has not identified any information, reports or  
09:50:39 23 other documents recording information provided by Ms Gobbo  
09:50:42 24 to the AFP as a result of these meetings.

25  
09:50:45 26 The AFP has advised the Royal Commission that no  
09:50:48 27 investigations were commenced, arrests made or prosecutions  
09:50:51 28 undertaken on the basis of these meetings, nor was any  
09:50:54 29 attempt made to register Ms Gobbo as a human source. The  
09:50:58 30 AFP has advised the Royal Commission that it has not  
09:51:00 31 identified any other meetings between Ms Gobbo and the AFP  
09:51:03 32 beyond the interactions just described or those referred to  
09:51:07 33 in documents already provided to the Royal Commission.

34  
09:51:10 35 The AFP has advised the Royal Commission that Nicola  
09:51:14 36 Gobbo has never been a human source for the AFP.

37  
09:51:17 38 Then I tender, Commissioner, a letter from Clayton  
09:51:20 39 Utz, the solicitors for the AFP, of 22 November 2019 which  
09:51:27 40 is already redacted, there should be an A and a B.

09:51:31 41  
09:51:31 42 COMMISSIONER: It won't need to be an A or a B in that  
09:51:34 43 event?

09:51:35 44  
09:51:35 45 MR WOODS: We'll need an A and B because we want the  
09:51:39 46 unredacted one on our records, so yes.

09:51:41 47

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09:51:41 1 COMMISSIONER: 26 September, was it?  
09:51:44 2  
09:51:44 3 MR WOODS: 22 November 2019.  
09:51:45 4  
09:51:47 5 #EXHIBIT RC793A - (Confidential) Letter from the solicitors  
09:51:47 6 for the AFP.  
09:51:52 7  
09:51:53 8 #EXHIBIT RC793B - (Redacted version.)  
09:51:55 9  
09:51:56 10 COMMISSIONER: It is now ready to be published on the  
09:51:58 11 website, is that correct?  
09:52:00 12  
09:52:00 13 MR WOODS: That's correct. Then there's a bundle of  
09:52:02 14 relevant documents that were referred to during that  
09:52:05 15 summary which is AFP.0001.0002.0041. That's in a redacted  
09:52:11 16 form already so it will need an A and B as well.  
09:52:14 17 Commissioner, while that's being given a number, I might  
09:52:18 18 indicate that we will certainly run that by the relevant  
09:52:21 19 parties to make sure that that's in a state to be published  
09:52:23 20 before that happens, but the letter is okay at this stage.  
09:52:27 21  
09:52:29 22 #EXHIBIT RC794A - (Confidential) Documents referred to in.  
09:52:31 23 Exhibit 793A.  
09:52:38 24  
09:52:38 25 #EXHIBIT RC794B - (Redacted version.)  
09:52:40 26  
09:52:41 27 MR WOODS: Thank you, Commissioner. I call John O'Connor.  
09:52:45 28  
09:52:47 29 MR HOLT: And I appear for Superintendent O'Connor,  
09:52:51 30 Commissioner.  
09:52:51 31  
09:52:51 32 COMMISSIONER: Thank you Mr Holt. I understand this  
09:52:53 33 witness will take the oath?  
09:52:57 34  
09:52:57 35 MR HOLT: He will.  
09:52:57 36  
09:52:59 37 <JOHN O'CONNOR, sworn and examined:  
09:53:09 38  
09:53:09 39 COMMISSIONER: Mr Holt, I understand for pressing personal  
09:53:13 40 reasons this witness has to finish his evidence today.  
09:53:16 41  
09:53:16 42 MR HOLT: He does, Commissioner.  
09:53:17 43  
09:53:17 44 COMMISSIONER: Yes. So if all those can keep that in mind.  
09:53:19 45 I understand the examination by the Commission will only  
09:53:23 46 be, will conclude by lunchtime at least.  
09:53:27 47

.27/11/19

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09:53:28 1 MR WOODS: I've certainly taken those circumstances into  
09:53:30 2 account and will be as brief as possible.  
09:53:32 3  
09:53:33 4 COMMISSIONER: All right then. Cross-examination will be  
09:53:34 5 limited.  
09:53:35 6  
09:53:35 7 MR HOLT: Your full name is John Timothy O'Connor?---It is.  
09:53:42 8  
09:53:42 9 You're obviously a sworn police officer?---I am.  
09:53:43 10  
09:53:44 11 You presently hold the rank of Superintendent and you're in  
09:53:44 12 charge of the Western Region Division 6?---I am.  
09:53:47 13  
09:53:47 14 For the purposes of this Royal Commission, Superintendent,  
09:53:50 15 have you prepared and signed a 31 page statement which  
09:53:54 16 should be there in front of you?---I have.  
09:53:56 17  
09:53:56 18 And is it signed and dated on the last page 11 October  
09:54:01 19 2019?---It is.  
09:54:04 20  
09:54:04 21 And it deals with a number of matters but again for  
09:54:07 22 context, for people, in particular does it deal with your  
09:54:10 23 involvement with these matters from the point at which you  
09:54:13 24 became the Inspector in charge of the SDU from 3 May 2010,  
09:54:21 25 which was after Nicola Gobbo's de-registration?---That's  
09:54:27 26 correct.  
09:54:27 27  
09:54:28 28 Just two matters in relation to your statement by way of  
09:54:28 29 correction, clarification if we may. Would you go please  
09:54:29 30 to p.15 of your statement. Just focus please on paragraphs  
09:54:38 31 87 and 88 which deal with two meetings that you had with a  
09:54:45 32 particular witness, first on 22 August 2012 and then on 6  
09:54:50 33 September 2012?---Yes.  
09:54:51 34  
09:54:51 35 Respectively referred to in each of those  
09:54:55 36 paragraphs?---Yes.  
09:54:55 37  
09:54:55 38 In paragraph 87 it notes that you have been informed by  
09:55:00 39 Task Force Landow that there was a recording of that 22  
09:55:03 40 August 2012 meeting but that it contained no reference to  
09:55:07 41 Ms Gobbo and that you hadn't listened to the  
09:55:10 42 recording?---Yes.  
09:55:10 43  
09:55:10 44 Have you been advised only very recently in fact there was  
09:55:13 45 an error in that regard and that the recording that's been  
09:55:17 46 located but which contains no reference to Ms Gobbo in fact  
09:55:20 47 relates to 6 September 2012?---That is correct.

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09:55:23 1  
09:55:25 2 Would you go then to p.22, just the final matter, and to  
09:55:30 3 paragraph 127. And here you're describing events that  
09:55:38 4 occur on the weekend, particularly on the Sunday, 6  
09:55:43 5 November 2011?---That is correct.  
09:55:44 6  
09:55:44 7 And the Commission's already heard this was where a request  
09:55:48 8 was made for an urgent summary to be put together of the  
09:55:51 9 SDU's dealings with Ms Gobbo, particularly in response to a  
09:55:56 10 request that had been received from the Commonwealth  
09:56:02 11 Director of Public Prosecutions, do you recall that?---Yes,  
09:56:03 12 I do.  
09:56:03 13  
09:56:03 14 A document was ultimately prepared which you sent, as we  
09:56:07 15 know, to Superintendent Sheridan?---That is correct.  
09:56:08 16  
09:56:09 17 If we could have a look, please, and I've provided these  
09:56:10 18 numbers so it should be able to be done relatively quickly  
09:56:10 19 we hope. GLA.0003.0001.0318. This can go on all screens,  
09:56:23 20 Commissioner, I think. Actually perhaps it can't be on the  
09:56:31 21 big screen because it has a list of matters. It shouldn't  
09:56:33 22 be on the big screen. If we go over the page please, just  
09:56:38 23 again to identify the document. Go right over, please.  
09:56:47 24 Just to remind us all of which this document is, the memo  
09:56:51 25 from you to Mr Sheridan dated 6 November 2011?---That is  
09:56:54 26 correct.  
09:56:54 27  
09:56:56 28 We can now take that down, please. In paragraph 127, in  
09:57:01 29 reference to the preparation of that memorandum or that  
09:57:06 30 report, you note about just after halfway, you say, "I  
09:57:09 31 recall that officers Peter Smith, Anderson and Fox",  
09:57:14 32 pseudonyms obviously, "Drafted paragraphs about the SDU's  
09:57:16 33 experiences of handling Ms Gobbo", do you see that?---Yes,  
09:57:18 34 I do.  
09:57:18 35  
09:57:18 36 At the time you prepared that statement was that true to  
09:57:21 37 the best of your belief and knowledge at the time?---At  
09:57:23 38 that time, yes.  
09:57:24 39  
09:57:24 40 Since then you've seen an email between you and Mr Sheridan  
09:57:28 41 which indicates that in fact those paragraphs were prepared  
09:57:31 42 probably by you and Mr Sheridan before that weekend?---That  
09:57:34 43 is correct.  
09:57:34 44  
09:57:35 45 Let's have a look at that, please. It's  
09:57:40 46 VPL.6078.0020.0317. Here it is on the page. We're looking  
09:57:46 47 here, you can see an email from Mr Sheridan to you on 4



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09:57:49 1 November, so before that work's done by the SDU over the  
09:57:51 2 weekend?---That's correct.  
09:57:52 3  
09:57:52 4 And without going through the detail of it, do you agree  
09:57:56 5 having looked at that email and the memorandum that in  
09:57:59 6 essence what's set out as being the proposed wording in  
09:58:03 7 that email ends up in the memorandum?---That is correct.  
09:58:06 8  
09:58:07 9 On that basis do you now say, having refreshed your memory  
09:58:12 10 from that email, that those paragraphs were not drafted by  
09:58:20 11 Peter Smith, Anderson and Fox?---No, they were not.  
09:58:23 12  
09:58:25 13 Thank you. Subject to those corrections do you confirm  
09:58:25 14 that that statement is true and correct to the best of your  
09:58:28 15 knowledge and belief?---I do.  
09:58:28 16  
09:58:28 17 I tender that statement, may it please the Commission.  
09:58:28 18  
09:58:29 19 #EXHIBIT RC795A - (Confidential) Statement of John  
09:58:30 20 O'Connor.  
09:58:30 21  
09:58:35 22 #EXHIBIT RC795B - (Redacted version.)  
09:58:36 23  
09:58:37 24 That is the evidence-in-chief, Commissioner, but I ought  
09:58:39 25 tender the email that's on the screen presently from  
09:58:43 26 Mr Sheridan to Mr O'Connor dated 4 November 2011 with the  
09:58:48 27 subject draft.  
09:58:49 28  
09:58:49 29 COMMISSIONER: Is there anything in there that would need  
09:58:51 30 to be PIIed?  
09:59:04 31  
09:59:05 32 MR HOLT: I can confidently say no, Commissioner, it can  
09:59:08 33 just be produced.  
09:59:08 34  
09:59:10 35 #EXHIBIT RC796 - Email between O'Connor and Sheridan.  
09:59:12 36 4/11/11.  
09:59:17 37  
09:59:17 38 MR HOLT: That's the evidence-in-chief, may it please the  
09:59:20 39 Commissioner.  
09:59:20 40  
09:59:20 41 COMMISSIONER: Thank you. Yes Mr Woods.  
09:59:22 42  
09:59:22 43 <CROSS-EXAMINED BY MR WOODS:  
09:59:22 44  
09:59:22 45 Mr O'Connor, you're currently the Superintendent in charge  
09:59:25 46 of the Western Region?---Western Region Division 6.  
09:59:29 47

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09:59:29 1 I see. And you were the Detective Inspector in charge of  
09:59:35 2 the SDU between May 2010 until its close in February  
09:59:41 3 2013?---That is correct.  
09:59:41 4  
09:59:45 5 Your superior during at least part or perhaps all of that  
09:59:49 6 time was Superintendent Paul Sheridan?---That is correct.  
09:59:51 7  
09:59:52 8 He was in charge of the Covert Services Division at the  
09:59:56 9 time?---He was.  
09:59:57 10  
09:59:58 11 You have, I won't go through the details of the training  
10:00:02 12 but suffice it to say, you have training in human source  
10:00:05 13 management?---I do.  
10:00:06 14  
10:00:07 15 And you also point out in your statement that you were  
10:00:12 16 involved in and sat through a lot of other courses in  
10:00:15 17 relation to human source management and you didn't  
10:00:18 18 necessarily sit and get the certificate for, is that  
10:00:22 19 correct?---That is correct.  
10:00:23 20  
10:00:23 21 That was in your role as a Detective Inspector of the  
10:00:28 22 SDU?---That is correct.  
10:00:29 23  
10:00:31 24 Also you've handled human sources yourself prior to that  
10:00:37 25 time at the SDU, is that correct?---Prior to the SDU, yes.  
10:00:44 26  
10:00:45 27 As was indicated by Mr Holt, you came to the SDU after  
10:00:50 28 Ms Gobbo was deregistered, about a year  
10:00:54 29 later?---Approximately, yes.  
10:00:55 30  
10:00:55 31 And that was when you found out, or when it was revealed to  
10:00:59 32 you that Ms Gobbo had been acting as a human source in a  
10:01:02 33 period prior to you taking that role?---Yes.  
10:01:04 34  
10:01:05 35 And the context in which it was disclosed to you was the  
10:01:11 36 civil proceeding that Ms Gobbo had brought against Victoria  
10:01:15 37 Police, is that correct?---I think in the first week that I  
10:01:19 38 was at the SDU I was made aware of the civil proceeding or  
10:01:23 39 a short period of time thereafter, and I was made aware  
10:01:27 40 that she had been a previous human source.  
10:01:29 41  
10:01:30 42 At about the same time?---Around the same time.  
10:01:32 43  
10:01:35 44 We'll go into some detail about each of these issues, I  
10:01:39 45 just want to give a brief overview. Then after the  
10:01:41 46 settlement of that civil proceeding you were nominated as  
10:01:44 47 her point of contact at Victoria Police for a period of

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10:01:46 1 time, is that right?---That is correct.

10:01:48 2

10:01:48 3 And there was [REDACTED] that was essentially [REDACTED]

10:01:51 4 [REDACTED] and a Messagebank that she could call and your job

10:01:55 5 was to get the messages and to call her back

10:01:59 6 essentially?---Yes, that's correct.

10:02:00 7

10:02:00 8 The reason why that system was set up, as I understand it,

10:02:03 9 was two-fold. Firstly, that Victoria Police felt that it

10:02:06 10 owed a duty to protect Ms Gobbo given the activities that

10:02:12 11 she'd been engaged in previously, is that one of the

10:02:15 12 reasons?---Yes, I believe so, yep.

10:02:17 13

10:02:17 14 And the other, or one of the other reasons was that

10:02:22 15 Ms Gobbo, it seems from some of the records that I'll take

10:02:25 16 you through, found it difficult to separate herself from

10:02:28 17 Victoria Police even after the civil proceeding, do you

10:02:31 18 agree with that as a summary?---Yes.

10:02:32 19

10:02:33 20 All right. I want to have a document brought up just on

10:02:38 21 your screen and the Commissioner's screen, it's a yellow

10:02:43 22 coloured document so there might be a claim over it. I

10:02:44 23 just want to ask you some general questions about it. This

10:02:47 24 is a 4 May 2010 document, I think it's the day after you

10:02:51 25 commence at the SDU. At 11.07 you'll see an email there

10:02:58 26 and that's an email from Mr Pope to Mr Sheridan and to

10:03:03 27 Mr Biggin and there's a request for a chronology to be

10:03:08 28 prepared. Do you see that?---I do.

10:03:10 29

10:03:12 30 It's pointed out by Mr Pope that the rationale for this

10:03:16 31 tasking is that Ms Gobbo's statement of claim begins with

10:03:20 32 her as being a witness and he says, "And conveniently

10:03:24 33 neglects all dealings she had with us prior to that date so

10:03:27 34 this will assist in informing our response - tactics to

10:03:32 35 that claim". Do you see that?---I do.

10:03:34 36

10:03:34 37 Above that, if it can be brought up, you in your brand new

10:03:40 38 role, there's an email from you to Mr Sheridan where you

10:03:44 39 say you've spoken to Sandy White and Mr Richards, do you

10:03:51 40 know those two pseudonyms, there's a list we can give you

10:03:55 41 otherwise?---Yes.

10:03:55 42

10:03:55 43 And Sandy White is quite concerned about the consequences

10:03:58 44 of the chronology, do you see that?---Yes.

10:04:00 45

10:04:01 46 So this is something that he explained to you?---Yes, he

10:04:04 47 did.

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10:04:04 1  
10:04:05 2 And his complaint or his concern as it was expressed to you  
10:04:10 3 was, "The chronology potentially making its way into legal  
10:04:16 4 solicitor's hands within the organisation and outside and  
10:04:18 5 other side, and the risks it may - will pose to the unit,  
10:04:24 6 as well as the witness human source", that is something he  
10:04:26 7 explained to you?---He did.  
10:04:27 8  
10:04:28 9 You next say that you've informed both Sandy White and  
10:04:32 10 Richards to read the chronology which is 250 plus pages and  
10:04:37 11 that then you would talk to Mr Sheridan about that  
10:04:41 12 chronology, that was your intention?---It was.  
10:04:44 13  
10:04:44 14 And the chronology is essentially the source management  
10:04:47 15 log, is that correct?---The chronology is a summary of the  
10:04:53 16 source management log key pieces put together by Officer  
10:05:01 17 White and Officer Richards.  
10:05:02 18  
10:05:03 19 Okay. So you then went on to read either the source  
10:05:12 20 management log or that pared back chronology of it over the  
10:05:17 21 next couple of weeks?---I did.  
10:05:19 22  
10:05:19 23 And so in that process I take it you came to understand  
10:05:23 24 that Ms Gobbo had provided some pretty significant  
10:05:27 25 information over the three and a half or so years of her,  
10:05:32 26 between 2005 and 2009 in relation to a number of high level  
10:05:38 27 criminals?---She did.  
10:05:39 28  
10:05:41 29 And on the basis of reading that information, what was your  
10:05:46 30 assessment of the risks to Ms Gobbo's life if that  
10:05:50 31 information was to be revealed?---Very much putting her and  
10:05:54 32 her, her in danger of death or serious injury.  
10:05:58 33  
10:05:59 34 I'm going to ask you some questions about your statement.  
10:06:01 35 I think you have a copy of it in front of you there. On 21  
10:06:07 36 May, this is at paragraph 22 of your statement, on 22 May  
10:06:11 37 2010, a couple of weeks after what we've just looked at,  
10:06:15 38 you have a meeting with Sheridan and Pope and you discuss  
10:06:21 39 Pope reading the source management logs and you're not  
10:06:25 40 convinced whether or not he read them at that time, is that  
10:06:28 41 correct?---No, my memory was that he was, may have intended  
10:06:35 42 to read them over the weekend.  
10:06:36 43  
10:06:36 44 I see. And then what happens next is on 24 May 2010 you  
10:06:45 45 discuss public interest immunity claims in relation to  
10:06:50 46 Ms Gobbo's role with both Richards and Sandy White?---And  
10:06:56 47 Mr Sheridan.

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10:06:57 1  
10:06:58 2 And what was the view that was being expressed to you by -  
10:07:02 3 we can go to your diaries and the emails if we need to, but  
10:07:06 4 just in a general sense what was the view that was being  
10:07:08 5 expressed by Sandy White and Mr Richards at that stage in  
10:07:11 6 relation to PII?---They were very concerned that this, this  
10:07:16 7 document or if it became aware that Ms Gobbo was an  
10:07:19 8 informer for Victoria Police over an extended period of  
10:07:23 9 time, that her life would be in danger.  
10:07:25 10  
10:07:25 11 Do you know if there was - so the discussion seems to be  
10:07:28 12 focused on PII and obviously the risks to her life come  
10:07:34 13 into that assessment. Do you know if at that stage there  
10:07:37 14 was a discussion about whether legal advice should be  
10:07:40 15 obtained about the putting together and then the  
10:07:43 16 dissemination of the document that disclosed her role as a  
10:07:45 17 source?---I cannot recall, no.  
10:07:47 18  
10:07:51 19 Then you have a conversation following that with McRae,  
10:07:55 20 Bona and Lardner regarding the sensitivity of the document.  
10:08:00 21 Can I understand, was the conversation or the discussion  
10:08:05 22 about sensitivity something that you yourself had formed a  
10:08:10 23 view on or were you reliant on Sandy White and Richards in  
10:08:16 24 relation to that?---Both. Sandy White and Richards, along  
10:08:19 25 with my reading of the source management log, led me to the  
10:08:25 26 position that her life would be in danger if this was  
10:08:28 27 disclosed.  
10:08:29 28  
10:08:31 29 We'll come to it in due course but there was also some  
10:08:34 30 concern about the risks to the organisation of Victoria  
10:08:37 31 Police as well. Do you recall those being discussed at  
10:08:40 32 this early stage?---I cannot recall that, no.  
10:08:43 33  
10:08:43 34 All right. 27 May 2010, just after those discussions, this  
10:08:51 35 is at VPL.0005.0013.1182. I should say, Commissioner, I'm  
10:09:00 36 sorry, I don't think I tendered the two documents that I've  
10:09:03 37 referred to already.  
10:09:04 38  
10:09:05 39 COMMISSIONER: They're already tendered I think as Exhibit  
10:09:09 40 599.  
10:09:09 41  
10:09:10 42 MR WOODS: Great. 27 May 2010. This is an email from you  
10:09:14 43 to Mr McCrae and Mr Lardner, copy to Paul Sheridan. What I  
10:09:22 44 want to take you to is, firstly, this is discussing how the  
10:09:31 45 chronology that's been prepared will be managed given those  
10:09:35 46 risks to Ms Gobbo's safety, is that the general focus of  
10:09:39 47 this email?---It is, and also the chronology had

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10:09:43 1 abbreviations in there and I was offering the assistance of  
10:09:47 2 either myself or Mr White or Mr Richards to assist  
10:09:55 3 Mr McCrae and Mr Lardner.  
10:09:58 4  
10:09:58 5 You say in the document, in the email sorry, this document  
10:10:02 6 contains significant details of how several high profile  
10:10:07 7 criminal networks were brought to justice over a three to  
10:10:12 8 four year period utilising the intelligence provided by F  
10:10:17 9 before she became a witness. That is your description of  
10:10:21 10 one aspect of the document?---It is.  
10:10:22 11  
10:10:22 12 Then you say that once the gentlemen who receive this email  
10:10:28 13 have read it they'll realise the position that Witness F,  
10:10:32 14 as she was then known, is in if members of these criminal  
10:10:36 15 networks are able to join the dots and that was a concern  
10:10:42 16 that was being expressed to those above you?---Yes, it was.  
10:10:47 17  
10:10:47 18 Given the fact that at this stage those individuals had, I  
10:10:51 19 should ask actually, did they have the chronology at this  
10:10:54 20 stage or is this prior to providing a chronology to  
10:10:58 21 them?---I believe that I'd already provided the chronology  
10:11:01 22 to McRae and Lardner.  
10:11:02 23  
10:11:04 24 So at this stage, assuming those, McRae and Lardner had  
10:11:09 25 read the document, it would have been clear to them that  
10:11:12 26 the intelligence provided by Gobbo was integral in  
10:11:17 27 apprehending and charging a number of high profile  
10:11:20 28 criminals, do you agree with that?---I do.  
10:11:24 29  
10:11:24 30 In her civil claim which this chronology arose in relation  
10:11:30 31 to, it was bubbling along in the background, I think it was  
10:11:33 32 settled two or three months after this, are you aware that  
10:11:36 33 the claim she brought, as it was articulated, had nothing  
10:11:40 34 to do with her having acted as a human source but instead  
10:11:44 35 was focused on her being used as a witness against Paul  
10:11:48 36 Dale?---No, I've got no recollection of that. I wasn't  
10:11:51 37 privy to the details of the civil claim.  
10:11:53 38  
10:11:54 39 Did you understand that given that you were explaining this  
10:12:01 40 relationship as a human source, do you remember what your  
10:12:05 41 understanding was of what she was claiming against Victoria  
10:12:09 42 Police at the time?---No.  
10:12:12 43  
10:12:12 44 You simply knew she was suing Victoria Police?---I knew  
10:12:15 45 there was a civil action underway.  
10:12:18 46  
10:12:19 47 Now, there's others who are going to give evidence to the

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10:12:24 1 Commission about how that occurred and who were involved in  
10:12:27 2 that proceeding so I might move on from there. So we  
10:12:32 3 touched on earlier your role as the point of contact with  
10:12:35 4 Ms Gobbo after the civil suit settled. I want to ask you a  
10:12:40 5 few questions about that. Firstly, there's an email chain  
10:12:45 6 between 13 and 16 August 2010 and this is identified in  
10:12:50 7 your statement. If I could get that brought up on the  
10:12:53 8 screen, this is VPL.0005.0010.2013. The first part of that  
10:13:03 9 that I want to refer to is - so firstly, it's Andrew Bona  
10:13:10 10 to Paul Sheridan, CC Peter Lardner. You'll see the context  
10:13:16 11 in which this arises, this is 13 August 2010 at 1.10 pm, I  
10:13:21 12 should say, this email?---Could I ask that it be blown up?  
10:13:25 13  
10:13:26 14 Yes?---Thank you.  
10:13:27 15  
10:13:29 16 If that could just be on the witness's and my screen and  
10:13:33 17 the Commissioner's screen. The context in which this  
10:13:39 18 arises is Victoria Police essentially grappling with how  
10:13:45 19 they will deal, how they will establish a point of contact  
10:13:51 20 for Ms Gobbo moving into the future after her civil  
10:13:55 21 proceeding, is that generally correct?---Yes.  
10:14:04 22  
10:14:04 23 What's said in the second paragraph by Mr Bona is, "It was  
10:14:10 24 further indicated that the reason for this request was to  
10:14:12 25 enable F to be in a position to speak with the SDU in  
10:14:17 26 future if any threats were received by F". So that's one  
10:14:20 27 issue and secondly, "Or if F wished to discuss information  
10:14:25 28 F may have received". So it was, Bona is expressing there,  
10:14:29 29 I understand this is not your email, but there were  
10:14:32 30 two-fold, two reasons, sorry, why it was to be established.  
10:14:36 31 Firstly, she needed to be able to pass on threats she  
10:14:39 32 received and, secondly, she might have information that she  
10:14:42 33 might want to pass on to Victoria Police, do you accept  
10:14:44 34 that?---I do.  
10:14:45 35  
10:14:45 36 And then he says that there's, what they're seeking is for  
10:14:50 37 a protocol to be established for that to occur that will  
10:14:53 38 expose the least amount of risk to Victoria Police. Do you  
10:14:58 39 see those words?---I do.  
10:14:59 40  
10:15:00 41 Okay. And then what happens next is Paul Sheridan comments  
10:15:05 42 on the draft protocol at 4.07 pm on 13 August 2010. And he  
10:15:13 43 says to Mr Pope, "Jeff, this draft has the actual contact  
10:15:18 44 number included for the Messagebank. Are you able to  
10:15:21 45 ensure I know when this commences to take effect, please.  
10:15:25 46 Paul Sheridan". Now, the reason I'm asking you about this  
10:15:29 47 is essentially you came to fulfil a significant role in the

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10:15:35 1 carrying out of this standard operating procedure in  
10:15:41 2 relation to Ms Gobbo, is that right, or the draft, the  
10:15:45 3 protocol, sorry?---I did.  
10:15:46 4  
10:15:50 5 One understanding of what's said here is that what Sheridan  
10:15:54 6 is making sure of is that Gobbo can still inform despite  
10:16:00 7 all of the water that was under the bridge at that stage,  
10:16:03 8 and you'd accept that that's what's being described by him  
10:16:07 9 in that first email, where he says, "If F wished to discuss  
10:16:12 10 information that F may have received", they were setting up  
10:16:14 11 a system by which she could pass on that information if she  
10:16:18 12 wished to was part of what they were planning?---Yes.  
10:16:22 13 However she was a person who would volunteer information.  
10:16:26 14  
10:16:26 15 Yes, I understand. And indeed, it was going to be made  
10:16:31 16 quite clear that she would never be registered as a human  
10:16:34 17 source?---Or tasked.  
10:16:35 18  
10:16:35 19 Or tasked, yes. There's the risks that are identified in  
10:16:50 20 that first email of 13 August 2010 at 1.10 pm from Bona to  
10:16:57 21 Sheridan and Lardner, what they say is, "We're seeking to  
10:17:00 22 establish a protocol for that to occur that will expose the  
10:17:03 23 least amount of risk to Victoria Police". What I want to  
10:17:06 24 understand is were the discussions around this time seeking  
10:17:09 25 to mitigate the risk to Victoria Police of using someone  
10:17:15 26 with Ms Gobbo's qualifications and occupation, i.e. that  
10:17:20 27 she was a legal practitioner, it was those things that  
10:17:24 28 caused a risk to Victoria Police just as they had in the  
10:17:27 29 2005 to 2009 period?---I believe so.  
10:17:31 30  
10:17:32 31 And in reality, given the fact that the protocol  
10:17:38 32 essentially said if you have a risk to yourself or a threat  
10:17:43 33 that's made to you - well, I'll ask this first. The way  
10:17:49 34 the protocol worked is that if she received a threat she  
10:17:53 35 was to call 000?---Correct.  
10:17:57 36  
10:17:57 37 It was for the other types of communication that she would  
10:18:00 38 have a point of contact with Victoria Police?---That's  
10:18:02 39 correct.  
10:18:02 40  
10:18:03 41 The other types of information, at least as identified by  
10:18:06 42 Bona in this email, were that if she wanted to discuss  
10:18:11 43 information she may have received?---Yes.  
10:18:12 44  
10:18:13 45 The system was she's [REDACTED] Victoria  
10:18:18 46 Police, she rings the number when she wishes to talk to the  
10:18:22 47 point of contact and then that person would get the message

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10:18:25 1 and call her back?---Yes.  
10:18:26 2  
10:18:26 3 That was you for a period of time?---It was.  
10:18:30 4  
10:18:30 5 The standard operating procedure that was prepared, who was  
10:18:34 6 that prepared by, do you recall?---It was prepared by  
10:18:38 7 myself along with Superintendent Paul Sheridan.  
10:18:41 8  
10:18:42 9 Now, just for the purposes of the record I'll bring that  
10:18:47 10 document up, VPL.0005.0171.0010. And in particular,  
10:18:57 11 firstly, I want to identify the document and, secondly,  
10:19:01 12 confirm that - I don't need to take you to the precise  
10:19:07 13 detail of it but the fact is she was not to be registered  
10:19:11 14 as part of this standard operating procedure, do you  
10:19:15 15 agree?---I agree.  
10:19:16 16  
10:19:17 17 But in fact there was no prohibition on her continuing to  
10:19:21 18 provide information to Victoria Police?---No, there was  
10:19:25 19 not.  
10:19:25 20  
10:19:26 21 Can I understand, there's a lot of sensitivity, it might be  
10:19:30 22 seen, in relation to the fact of registration as opposed to  
10:19:35 23 - so a source who might be registered and a person who is  
10:19:38 24 not registered but is still providing information to  
10:19:41 25 Victoria Police. The lay-person might look at that and  
10:19:44 26 say, "Well is there really a difference between someone who  
10:19:48 27 is registered and someone's who is not registered, both  
10:19:52 28 people are assisting the police", do you understand what  
10:19:54 29 I'm saying there?---I do.  
10:19:55 30  
10:19:56 31 This document says she's not to be registered but there's  
10:19:59 32 no prohibition on her continuing to provide  
10:20:02 33 information?---Because of the nature of the person that she  
10:20:05 34 was she would volunteer information.  
10:20:07 35  
10:20:07 36 And there was no ability at this stage to simply say to  
10:20:10 37 her, "Sorry, we won't listen to information you attempt to  
10:20:14 38 provide to Victoria Police"?---It was my role to distance  
10:20:20 39 her from the organisation and not to - to take information  
10:20:27 40 if it was, if it was volunteered, but not to encourage it.  
10:20:32 41  
10:20:32 42 But there was no prohibition that was made in the Standard  
10:20:35 43 Operating Procedures for the dissemination of that  
10:20:37 44 information were she to provide it to the police?---No.  
10:20:40 45  
10:20:41 46 When one looks at the documents throughout this period and  
10:20:45 47 certainly the contacts with Ms Gobbo after and in fact a

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10:20:49 1 couple of years after her civil proceeding, it might be  
10:20:53 2 said that the situation was she was still pretty desperate  
10:20:57 3 to be working as a human source or providing information as  
10:21:00 4 a human source to Victoria Police. Was that generally your  
10:21:04 5 observation of Ms Gobbo in the time after the settlement of  
10:21:06 6 her civil proceeding?---In the dealings that I had with her  
10:21:11 7 and the meetings I had with her, she had had a fondness for  
10:21:20 8 the communication with her handlers and controllers.  
10:21:23 9  
10:21:23 10 Yes?---And so she didn't get that, she did not get that  
10:21:28 11 from me.  
10:21:29 12  
10:21:29 13 Indeed, part of your role, I take it, I should say I've  
10:21:34 14 read the transcripts of a number of your conversations with  
10:21:38 15 her, part of your role was really to try and distance  
10:21:42 16 Victoria Police from Ms Gobbo, is that right?---That is  
10:21:43 17 correct.  
10:21:43 18  
10:21:43 19 And not to engage too much with Ms Gobbo?---That is  
10:21:47 20 correct.  
10:21:47 21  
10:21:47 22 But she was, despite all of that, and we can go through  
10:21:52 23 some examples, despite all of that it appears that in a  
10:21:55 24 number of conversations she's still wanting to provide  
10:22:00 25 information to you to be disseminated throughout, or to the  
10:22:03 26 appropriate places within Victoria Police, do you  
10:22:06 27 agree?---I agree.  
10:22:08 28  
10:22:11 29 The Commission's got statements and I won't go into the  
10:22:13 30 details about it, but essentially there were post her civil  
10:22:19 31 proceeding settling, communications not just with you but,  
10:22:24 32 for example, Officer Kelly sought essentially a  
10:22:30 33 dispensation to be able to deal with her in relation to one  
10:22:34 34 specific issue, do you agree?---I agree.  
10:22:36 35  
10:22:36 36 There were a number of communications between Kelly and  
10:22:39 37 Ms Gobbo about that issue?---Yes.  
10:22:41 38  
10:22:41 39 And he, as I say, needed to get specific authority to do  
10:22:45 40 so?---He did.  
10:22:46 41  
10:22:49 42 I want to bring up a document, VPL.0005.0060.0223. This is  
10:22:58 43 a 26 August 2010 email. That could just go, I think it has  
10:23:05 44 been redacted so I think it's safe to go up there, yes.  
10:23:15 45 This is an email from Kelly and what he's doing here is  
10:23:21 46 explaining his understanding as advised by you that Witness  
10:23:27 47 F is not to be tasked, do you see that in the third

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10:23:29 1 paragraph?---I can.  
10:23:30 2  
10:23:32 3 And essentially that, as it says there, "Settlement of the  
10:23:42 4 writ against VicPol. John O'Connor was not aware of these  
10:23:43 5 instructions and was only advised today, thus the approval  
10:23:47 6 being granted to contact Witness F. Aside from this I  
10:23:51 7 don't believe my contact is a tasking in the sense that  
10:23:55 8 Witness F is acting as a conduit to a particular  
10:23:56 9 individual". This was part of the internal discussion  
10:23:58 10 about what Kelly would be able to do if he spoke to  
10:24:02 11 Ms Gobbo?---That is correct.  
10:24:04 12  
10:24:04 13 All right. I'm probably not tendering documents as I go  
10:24:11 14 through but I pause might to do that now. That's a 26  
10:24:15 15 August 2010 chain of emails, Commissioner.  
16  
10:24:20 17 COMMISSIONER: That's 26 August 2010 email chain between  
10:24:24 18 Jason Kelly, Danye Moloney and John O'Connor.  
10:24:32 19  
10:24:33 20 MR WOODS: Roberts, Fryer, Francesco and Mr O'Connor, from  
10:24:38 21 Kelly that is.  
10:24:40 22  
10:24:40 23 COMMISSIONER: And others. That will be 797A.  
10:24:44 24  
10:24:45 25 #EXHIBIT RC797A - (Confidential) Email chain between Jason  
10:24:24 26 Kelly, Roberts, Fryer, Francesco and  
10:24:37 27 Mr O'Connor dated 26/8/10.  
28  
10:24:45 29 #EXHIBIT RC797B - (Redacted version.)  
10:24:47 30  
10:24:48 31 MR WOODS: Paragraphs 36 to 41 of your statement, I won't  
10:24:52 32 go through them, but essentially they set out Kelly's  
10:24:56 33 further contacts with Nicola Gobbo following this exchange  
10:25:02 34 that we've just spoken about and they set out at a very  
10:25:05 35 high level what was going on there?---That's correct.  
10:25:07 36  
10:25:08 37 Mr Kelly has provided some information to the Commission  
10:25:11 38 otherwise that can assist us for those purposes. At  
10:25:15 39 paragraph 42 of your statement you talk about a log of your  
10:25:19 40 contacts that you had with Ms Gobbo and I want to just show  
10:25:24 41 you that and tender that document, it's VPL.010000255.0433.  
10:25:33 42 As I understand it I don't think this is every contact you  
10:25:37 43 had with her or I might be wrong about that?---Majority.  
10:25:41 44  
10:25:42 45 I see. This is a document that you kept for the purposes  
10:25:47 46 essentially to record what had happened and that was  
10:25:50 47 pursuant to the standard operating procedure?---That's

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10:25:53 1 correct.  
10:25:53 2  
10:25:53 3 I tender that document, Commissioner.  
10:25:55 4  
10:25:56 5 #EXHIBIT RC798A - (Confidential) Contact log.  
10:25:59 6  
10:26:00 7 #EXHIBIT RC798B - (Redacted version.)  
8  
10:26:05 9 Another document I want to take you to VPL.0100.0255.0066.  
10:26:16 10 This is a phone conversation with Ms Gobbo, it must have  
10:26:18 11 been at the very start of this relationship when you were  
10:26:24 12 the point of contact for her. It seems to be just after  
10:26:28 13 the civil proceeding has settled. And she was - firstly,  
10:26:34 14 that's correct, you can see it from the date there?--Yes.  
10:26:37 15  
10:26:37 16 That it places it in time. She expresses, I can take you  
10:26:43 17 to the particular parts of it if that assists. Essentially  
10:26:47 18 she was frustrated and was expressing her frustration in  
10:26:51 19 this document that there was only one person that she was  
10:26:54 20 allowed to talk to in Victoria Police, being you, she  
10:26:58 21 wanted to be able to deal with a number of people, do you  
10:27:01 22 agree with that?---I do.  
10:27:02 23  
10:27:02 24 And then she goes on, this is following Carl Williams'  
10:27:07 25 death in prison. She goes on to attempt to give you  
10:27:11 26 information about Carl Williams' murder, do you  
10:27:15 27 agree?---Yes.  
10:27:15 28  
10:27:15 29 I tender that document, Commissioner.  
10:27:17 30  
10:27:18 31 COMMISSIONER: That's 2010, is it, 6 September 2010?  
10:27:22 32  
10:27:22 33 MR WOODS: Yes, it is, 6 September.  
10:27:24 34  
10:27:24 35 COMMISSIONER: 6 September 2010.  
10:27:26 36  
10:27:27 37 #EXHIBIT RC799A - (Confidential) Audio of the conversation  
10:27:28 38 between the witness and Gobbo 6/9/10.  
10:27:33 39  
10:27:33 40 #EXHIBIT RC799B - (Redacted version.)  
10:27:34 41  
10:27:35 42 If that could be kept up on the screen for a moment. I  
10:27:38 43 just want to go to p.82 of that document firstly.  
10:27:56 44  
10:28:00 45 COMMISSIONER: Page 17 of the audio.  
10:28:02 46  
10:28:02 47 MR WOODS: What she says is, "I'd be grateful if you could



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10:28:05 1 ask somebody somewhere if I can do that". Sorry, we might  
10:28:12 2 go up one page. I'm sorry. She says, "Sorry to bug you  
10:28:19 3 with it but if you said to me, 'Look, here's this, you  
10:28:25 4 know, here's such and such, ring him', I'll do it, but it  
10:28:28 5 seems to me that you've just been apportioned, I shouldn't  
10:28:34 6 keep saying that, I'm a pile of shit but I mean, I am the  
10:28:41 7 biggest mess known to mankind and you've inherited it, I  
10:28:46 8 don't know who to ring about it but the arrangement last  
10:28:50 9 year was, [REDACTED] don't abuse it, but do not, you  
10:28:54 10 know, keep the other phone on in case there's threats or  
10:28:56 11 contacts' or whatever". Now, if you can scroll down.  
10:29:01 12 She's talking more [REDACTED]. Keep going to the next  
10:29:06 13 page. You say, "Yeah, look, again Nicola, I'm not an  
10:29:11 14 expert in that. I will". And then, so this is her talking  
10:29:17 15 [REDACTED] as I understand it. She then says, "So  
10:29:20 16 yes, I'll look, I'd be grateful if you could ask somebody  
10:29:23 17 somewhere if I can do that because I'm not going to have a  
10:29:27 18 phone after 4 o'clock on Friday". At this stage the  
10:29:31 19 situation as she understood it [REDACTED] that had been  
10:29:34 20 [REDACTED] was going [REDACTED],  
10:29:37 21 you understand firstly that's what she was complaining  
10:29:40 22 about?---Yes.

10:29:40 23  
10:29:40 24 There were arrangements made following all of this to make  
10:29:44 25 sure that it wasn't cut off?---Yeah, I believe so, yes.

10:29:46 26  
10:29:47 27 Just go to the next page down. Up a little bit. Then she  
10:29:52 28 says, "John, one other thing. Insofar as the provision of  
10:29:55 29 information, I'm not in the business of wasting your time  
10:29:58 30 as you would want to know from the past, I hope, but is  
10:30:02 31 there any point about me speaking to you about Carl  
10:30:07 32 Williams' set up?" You say, "It's up to you, Nicola, you  
10:30:10 33 can speak to me or you can ring Crime Stoppers". She then  
10:30:13 34 goes on and says, "I'm not going to ring Crime Stoppers and  
10:30:17 35 [REDACTED]". Then essentially goes on, it appears to be  
10:30:22 36 dangling a carrot about information that she might be able  
10:30:25 37 to provide police about Carl Williams, do you agree?---Yes.

10:30:28 38  
10:30:35 39 At paragraph 46 of your statement you refer to an 8  
10:30:42 40 September 2010 recorded phone call with Ms Gobbo. This is  
10:30:48 41 VPL.0100.0255.0088. I'll tender that now, Commissioner, 8  
10:30:59 42 September 2010 transcript.

10:31:04 43  
10:31:05 44 #EXHIBIT RC800A - (Confidential) Transcript of 8/9/10  
10:31:07 45 conversations.

10:31:11 46  
10:31:11 47 #EXHIBIT RC800B - (Redacted version.)

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10:31:13 1  
10:31:13 2 I can take you to the particular parts of this if necessary  
10:31:17 3 but essentially what this, and in fact I think the previous  
10:31:24 4 transcripts are talking about are her, and this is a matter  
10:31:27 5 of public record that there was conversation about her  
10:31:30 6 entering witness security early at this stage, and that's  
10:31:35 7 one of the things that she was talking to you about early  
10:31:39 8 on in your time as her point of contact, do you agree?---I  
10:31:42 9 agree.  
10:31:42 10  
10:31:43 11 And she was really, she was considering the idea but  
10:31:47 12 ultimately wasn't, wasn't agreeable to entering the witness  
10:31:53 13 security, do you agree?---I agree.  
10:31:54 14  
10:31:55 15 All right. The first part of this conversation is dealing  
10:32:01 16 with that issue and then similar to the last transcript she  
10:32:08 17 moves on to talk about rumours about the person who killed  
10:32:12 18 Carl Williams and you agree that that was an issue that she  
10:32:17 19 brought up at this early stage in your time dealing with  
10:32:20 20 her?---Yes.  
10:32:22 21  
10:32:25 22 Have you had an opportunity to look at any of the  
10:32:28 23 transcripts of the conversations between the handlers and  
10:32:32 24 controllers in the 2005 to 2009 period that have been  
10:32:37 25 transcribed, their face-to-face meetings with her?---No, I  
10:32:42 26 haven't.  
10:32:42 27  
10:32:43 28 It might be said there's a remarkable similarity in the way  
10:32:46 29 that she's wanting to provide information, even in this  
10:32:51 30 stage after her civil proceeding. I suppose if you haven't  
10:32:57 31 seen those you're not really in a position to say. But did  
10:33:00 32 you have conversations with Sandy White and his team about  
10:33:05 33 her general demeanour with them and the information and the  
10:33:08 34 way she provided information during the period of  
10:33:11 35 registration?---I can't recall those, those conversations  
10:33:18 36 but I do know that she was a person who freely volunteered  
10:33:22 37 information.  
10:33:23 38  
10:33:23 39 All right. And even so, after all the water under the  
10:33:27 40 bridge that there was at this stage she was still  
10:33:30 41 attempting to do so, do you agree?---I agree.  
10:33:34 42  
10:33:34 43 The situation, well, in fact I won't take you to the  
10:33:40 44 document but at paragraph 49 of your statement you talk  
10:33:43 45 about Ms Gobbo asking for a reward for her role as an  
10:33:49 46 informer. Is that a topic of conversation that came up  
10:33:52 47 once or on a number of occasions?---I believe once but it

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10:33:57 1 might have been a couple of times.  
10:33:59 2  
10:34:00 3 Were you aware during those conversations that she'd  
10:34:03 4 already received a multi-million dollar settlement from  
10:34:09 5 Victoria Police from her civil proceeding?---I was aware  
10:34:12 6 there was a settlement, I was never told what that  
10:34:15 7 settlement was.  
10:34:15 8  
10:34:16 9 At paragraph 50 of your statement on 30 November 2010 you  
10:34:23 10 tell her to write a letter in relation to, is it in  
10:34:29 11 relation to that issue that she's told to write the  
10:34:32 12 letter?---Yes, it is.  
10:34:33 13  
10:34:33 14 It's correct that what happens though is that Lardner  
10:34:38 15 dissuades that from happening. Says, "We're not interested  
10:34:45 16 in considering that", is that my correct understanding or -  
10:34:48 17 - - ?---I believe there's an email from my recollection.  
10:34:53 18  
10:34:53 19 Yes?---To that point.  
10:34:54 20  
10:34:55 21 All right. But essentially what he described to you is  
10:34:59 22 that there was going to be no reward for Ms Gobbo providing  
10:35:06 23 information during her period of registration, that was the  
10:35:08 24 upshot of it?---Yes.  
10:35:10 25  
10:35:12 26 All right. And on the 6th, I'm jumping ahead now, 6 July  
10:35:20 27 2012, there seems to have, and this is in your statement at  
10:35:24 28 paragraph 61, there's a conversation about a former client  
10:35:31 29 of hers that I don't want you to name or even use the  
10:35:35 30 pseudonym that's used there, but essentially a former  
10:35:38 31 client of hers was wanting to [REDACTED] and she was  
10:35:43 32 seeking to have conversations on that person's behalf, do  
10:35:47 33 you agree?---I do.  
10:35:48 34  
10:35:50 35 Now, do you know the capacity in which on 6 July 2012  
10:35:57 36 Ms Gobbo was seeking to negotiate on that person's behalf,  
10:36:00 37 did you understand her to be that person's lawyer or friend  
10:36:03 38 or - - - ?---Can I be actually shown who that - - -  
10:36:07 39  
10:36:07 40 Yes, sure. This is - I think we're able to say PII [REDACTED].  
10:36:16 41 Yes, it's PII [REDACTED]. Commissioner, if the line, just as a  
10:36:37 42 matter of caution, if the line at 41 - it's the phrase at  
10:37:03 43 32 and I think it's only the phrase at 32 that's to be  
10:37:12 44 removed. The particular legislative arrangement that's  
10:37:18 45 been sought to be negotiated on that person's behalf.  
10:37:22 46  
10:37:22 47 COMMISSIONER: Okay. A former client of hers was wanting,

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10:37:28 1 and from that point on, the next four words go?  
10:37:32 2  
10:37:33 3 MR WOODS: Yes.  
10:37:33 4  
10:37:34 5 COMMISSIONER: Is that satisfactory, Mr Holt?  
10:37:37 6  
10:37:38 7 MR HOLT: Yes Commissioner.  
10:37:39 8  
10:37:39 9 COMMISSIONER: Those four words after "wanting to" - three  
10:37:45 10 words actually, after "wanting to", three words after  
10:37:49 11 "wanting to" in line 32, thanks.  
10:37:52 12  
10:37:56 13 MR WOODS: Essentially she was making representations to  
10:38:02 14 Victoria Police on PII [REDACTED]'s behalf for a particular  
10:38:05 15 reason?---Yes.  
10:38:06 16  
10:38:06 17 Did you understand the capacity or did she explain the  
10:38:10 18 capacity in which she was approaching Victoria Police on  
10:38:12 19 that person's behalf?---I do.  
10:38:14 20  
10:38:14 21 And what was that?---My recollection was that she was  
10:38:18 22 representing that person.  
10:38:20 23  
10:38:20 24 As their lawyer?---(Witness nods.)  
10:38:23 25  
10:38:23 26 Was that a recollection from what she explained to you or  
10:38:26 27 was it simply your understanding of the situation?---I  
10:38:31 28 think a bit of both.  
10:38:32 29  
10:38:34 30 Now, there's a situation also arose, and I want to take you  
10:38:41 31 to another, around this time in 2012, another recorded and  
10:38:46 32 transcribed conversation with Ms Gobbo and this is  
10:38:51 33 VPL.0100.0255.0040. I might not have given the operator  
10:39:02 34 notice of this one. It will come up soon. I can certainly  
10:39:07 35 say the number again if that assists. Essentially while  
10:39:19 36 that's being brought up, there was a conversation you're  
10:39:22 37 aware of I believe, certainly in the process of putting  
10:39:25 38 your statement together, where one of the things that  
10:39:29 39 Ms Gobbo was wanting to do on 12 August 2012 in this  
10:39:34 40 conversation was to complete a statement that she had made  
10:39:38 41 in draft to Mr Iddles in relation to Operation Briars. Do  
10:39:43 42 you have any recollection of that?---That there was a  
10:39:48 43 Briars, that she'd made a statement, I wasn't aware at the  
10:39:51 44 time who had taken that statement from her.  
10:39:53 45  
10:39:54 46 All right. And what she says, and it will come up soon  
10:39:58 47 enough, what she essentially says is that Iddles took -

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10:40:03 1 here we go. This is it in front of you. Sorry, it's 0040  
10:40:13 2 was the last number. Even though it's not up on the  
10:40:16 3 screen, Commissioner, I might take the opportunity while  
10:40:18 4 it's coming up to tender that, it's a 12 August 2012  
10:40:22 5 transcript of a conversation between the witness and  
10:40:25 6 Ms Gobbo.  
10:40:26 7  
10:40:27 8 #EXHIBIT RC801A - (Confidential) Transcript of a  
9 conversation between Ms Gobbo and John  
10:40:29 10 O'Connor 12/8/12.  
10:40:29 11  
10:40:30 12 #EXHIBIT RC801B - (Redacted version.)  
10:40:32 13  
10:40:33 14 In August 2012 you were still in that role as the point of  
10:40:39 15 contact with Ms Gobbo?---I was.  
10:40:40 16  
10:40:43 17 What she seeks to do in this transcript - I'm not sure  
10:40:50 18 whether it would assist me reading the number again. I  
10:40:53 19 might have surprised the operator by slotting in another  
10:40:58 20 couple of documents at the last minute. What she was  
10:41:00 21 seeking to do was, firstly, to explain to you how  
10:41:02 22 significant she was in relation to Operation Briars. Do  
10:41:06 23 you have any recollection of seeing that transcript?---I  
10:41:10 24 do.  
10:41:10 25  
10:41:13 26 Really what you say when she brings it up, as you tend to  
10:41:17 27 say in most of your conversations with her, that you're not  
10:41:21 28 really sure what she's talking about once she raises  
10:41:26 29 Briars. Can I firstly understand, when you were saying  
10:41:28 30 those things to her, and you were distancing yourself from  
10:41:31 31 any knowledge of Ms Gobbo, was that something you were  
10:41:34 32 doing pursuant to your desire to separate Victoria Police  
10:41:38 33 and Ms Gobbo or was it usually the case you actually didn't  
10:41:42 34 know what she was talking about?---On some of the occasions  
10:41:44 35 I didn't know what she was talking about and at other times  
10:41:48 36 I deliberately didn't engage with her to distance her from  
10:41:52 37 the organisation.  
10:41:53 38  
10:41:54 39 It certainly reads that way from time to time. This is, as  
10:41:58 40 I say, a conversation on 12 August 2012. And p.42 of that  
10:42:05 41 document. What she says is, "One was, I don't know, I  
10:42:13 42 presume you're aware of my significant involvement in  
10:42:16 43 Operation Briars". And you say, "Which operation?" She  
10:42:19 44 says, "Briars". And you say, "Briars, yep. You'll have to  
10:42:27 45 give me a quick overview, I'm probably aware of", and then  
10:42:30 46 she starts explaining her role in Operation Briars to you.  
10:42:37 47 Now, what she goes on to say, if you could scroll through



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10:42:40 1 the document - just stop there. She says, "Over the years  
10:42:44 2 I'm saying just as a general proposition most of what I did  
10:42:48 3 was information, rather than actually being tasked to do  
10:42:51 4 something". You say, "Yeah". She says, "But Operation  
10:42:55 5 Briars was the exception to that" and there are a number of  
10:42:58 6 occasions when she was asked to convey certain things to  
10:43:04 7 Dave Waters and (indistinct)" and then there's an exchange  
10:43:07 8 between you where you're trying to work out who Dave Waters  
10:43:10 9 is. And then keep going down. So she says it just there,  
10:43:17 10 "To convey certain information to Dave, to Dock Waters".  
10:43:22 11 You say, "Oh Dock Waters, yeah". And then she says, "And  
10:43:28 12 then as far as I understand from that person, whatever,  
10:43:31 13 there's certain things on occasions he was asking me to  
10:43:35 14 raise or to tell Dave Waters" and she says, "Then resulted  
10:43:41 15 in Waters saying or doing things that led, that then led to  
10:43:44 16 some kind of evidence against him in relation to the  
10:43:47 17 vampire murder". Keep scrolling down. And then keep going  
10:43:53 18 and then there's a discussion about what the vampire murder  
10:43:59 19 investigation was about. Keep going. Now, she says here,  
10:44:04 20 "What I'm concerned about now", this is September 2012, "Is  
10:44:08 21 I, at least on the basis of the draft statement, nothing  
10:44:11 22 ever happened in relation to finalising it". You ask her,  
10:44:15 23 "So you've made a statement, you've made a draft statement,  
10:44:18 24 did you?" She says, "Yeah, to Ron Iddles and it was left  
10:44:21 25 on the basis that a number of dates needed to be checked by  
10:44:24 26 the investigators. They were going to get back to me but  
10:44:28 27 nothing ever, you know, nothing ever happened in relation  
10:44:30 28 to that and that wasn't part of any settlement or anything  
10:44:33 29 else, so I just wonder where things are with that and  
10:44:37 30 secondly", she says, "Now that people have been charged  
10:44:40 31 with it and there will be a prosecution and there will be  
10:44:44 32 subpoenas, am I in some danger of, or can someone make  
10:44:48 33 sure, please, that I don't get exposed into any kind of  
10:44:52 34 extra dangers". Just taking those two paragraphs.  
10:44:55 35 Firstly, she was saying to you she'd made a draft  
10:44:59 36 statement, she wasn't quite sure why she was never asked to  
10:45:04 37 finalise it, do you agree?---I agree.  
10:45:05 38  
10:45:06 39 Secondly, she's saying if it is, if her name is at any risk  
10:45:10 40 of coming out in the prosecution there needs to be some  
10:45:12 41 protection as to her identity because of the risks that  
10:45:15 42 were posed to her, do you agree?---I agree.  
10:45:17 43  
10:45:18 44 Scroll down. At 48 she complains about the amount of money  
10:45:30 45 that Dale is spending in his, the ACC charges, do you see  
10:45:38 46 that at the top there. He has a QC, a junior and a  
10:45:43 47 solicitor, a total of 12 and a half grand a day?---Yes.

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10:45:47 1  
10:45:47 2 And at p.53 of that document, so there's an exchange that  
10:45:54 3 continues about Dale's trial for the ACC matters. She  
10:46:01 4 says, "I did, and I also say to them, you, you people  
10:46:12 5 reassess the position in terms of danger to me because the  
10:46:15 6 bottom line is my view hasn't changed. Call me to give  
10:46:18 7 evidence. I'm not going to, John, as scared as I am I'm  
10:46:23 8 not going to sit back and let this bloke get away with  
10:46:27 9 murder". What she was expressing was her desire to give  
10:46:31 10 evidence against Mr Dale at that stage?---Yes.  
10:46:33 11  
10:46:34 12 You I take it at that stage were aware that, at least in  
10:46:39 13 part, the civil suit that she brought against Victoria  
10:46:44 14 Police was based on Victoria Police proposing to use her as  
10:46:48 15 a witness against Mr Dale?---I never was given the details  
10:46:51 16 of the civil, of the civil suit.  
10:46:53 17  
10:46:53 18 I don't need to ask you the next question about that. Now,  
10:47:00 19 there seems to be a time when she's handed over to a DI  
10:47:06 20 Campbell to be the point of contact?---Yes.  
10:47:09 21  
10:47:10 22 And was that a complete hand over or was that while you  
10:47:16 23 were on leave?---That was a complete hand over.  
10:47:18 24  
10:47:20 25 I'm not sure whether I tendered that - I think I did tender  
10:47:23 26 that transcript. I'll ask for a new document to come up  
10:47:27 27 which is VPL.0100.0134.0293. This is the transcript of the  
10:47:40 28 hand over to DI Campbell. Do you see that?---I do.  
10:47:45 29  
10:47:47 30 You're explaining to Mr Campbell at the start of it  
10:47:56 31 essentially some, what's going to occur in the  
10:48:02 32 conversation. This is before she arrives?---Yes.  
10:48:04 33  
10:48:06 34 And you use the phrase that you think that she'll rabbit on  
10:48:11 35 about crap and then I can't quite see the next word under  
10:48:16 36 that line of the N. I take it what you're doing there is  
10:48:19 37 you're warning him that she is, she's a very keen  
10:48:25 38 communicator?---Yes.  
10:48:25 39  
10:48:28 40 Now, she then arrives and she talks to you and Campbell  
10:48:35 41 about many, many issues not to do with her personal life  
10:48:40 42 but about what's happening in the legal world and the  
10:48:43 43 Hodson murder and all of those sorts of things, you agree  
10:48:47 44 that's the conversation that happens?---Yes, I take it as  
10:48:51 45 that.  
10:48:52 46  
10:48:52 47 Sure. I tender that document, Commissioner. 28 November

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10:48:58 1 2012.  
10:49:00 2  
10:49:00 3 COMMISSIONER: It's actually a transcript between the  
10:49:02 4 witness, DI Campbell and Nicola Gobbo?  
10:49:08 5  
10:49:08 6 MR WOODS: Yes, eventually she comes in just after this  
10:49:12 7 page.  
10:49:13 8  
10:49:13 9 #EXHIBIT RC802A - (Confidential) Transcript of a  
10 10 conversation between John O'Connor, DI  
10:49:14 11 Campbell and Nicola Gobbo 28/11/12.  
10:49:14 12  
10:49:15 13 #EXHIBIT RC802B - (Redacted version.)  
10:49:17 14  
10:49:19 15 Thank you Commissioner. Further through in your statement  
10:49:21 16 to the Commission you talk about the Maguire advice being  
10:49:27 17 received. Now you're familiar with the fact that  
10:49:31 18 Mr Maguire was briefed to provide an advice in relation to  
10:49:35 19 disclosure generally speaking and that that was eventually  
10:49:38 20 received by Victoria Police?---Yes.  
10:49:40 21  
10:49:42 22 And you are aware that that advice arose as a result of  
10:49:47 23 issues that arose in the prosecution of Mr Dale?---Yes.  
10:49:51 24  
10:49:56 25 Your involvement is that once those issues arose, given  
10:50:01 26 your role at the head of the SDU, you were asked to  
10:50:08 27 consider and make available a number of SDU records for  
10:50:12 28 them to be considered, is that right?---Yes.  
10:50:15 29  
10:50:15 30 And at paragraph 98 of your statement you talk about the  
10:50:23 31 Cvetanovski trial and the fact that there was an allegation  
10:50:31 32 - I'll just turn to that. You say you're aware of one  
10:50:42 33 instance where concerns were raised about Ms Gobbo's role  
10:50:46 34 as a source potentially being exposed during a trial. You  
10:50:49 35 then go on to describe what the Commission's now heard  
10:50:55 36 significant evidence from the individuals involved about,  
10:50:58 37 which was that the defence had made allegations about the  
10:51:03 38 relationship between Ms Gobbo, the star witness in that  
10:51:09 39 case, and Victoria Police. Now is that something that was  
10:51:13 40 reported to you?---I can't recall that, sorry.  
10:51:20 41  
10:51:20 42 It was during your time as the head of the SDU and the  
10:51:25 43 documents and diaries indicate that your team?---I do  
10:51:28 44 recall that now, yes. Yes, sorry.  
10:51:30 45  
10:51:31 46 Do you recall who raised the matter with you and what  
10:51:34 47 conversations you had about it?---No. I believe there may

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10:51:41 1 be an email.  
10:51:44 2  
10:51:44 3 I don't need to take you to that now, but the ultimate  
10:51:48 4 outcome of that was that essentially there was no  
10:51:53 5 disclosure in that proceeding as to the relationship  
10:51:57 6 between Ms Gobbo, the witness and Victoria Police and  
10:52:00 7 essentially the defence moved on and the matter wasn't  
10:52:03 8 pressed. That was the outcome?---Yes.  
10:52:05 9  
10:52:05 10 All right. That matter is obviously or that trial is of  
10:52:12 11 particular interest to the Commission because it appears to  
10:52:15 12 be the closest that the defence got prior to these, this  
10:52:19 13 relationship being known publicly, the closest defence ever  
10:52:24 14 got to identifying what had in fact occurred between  
10:52:28 15 Ms Gobbo, Victoria Police and that particular witness.  
10:52:31 16 What I'd like to know is it's not clear from your diaries  
10:52:36 17 whether or not there was significant discussion about it,  
10:52:38 18 but do you recall that being a particular sensitive issue  
10:52:42 19 at the time?---I don't recall any conversation about it. I  
10:52:49 20 assume that I did have some conversation around it.  
10:52:54 21  
10:52:55 22 And certainly your team, as they were at the time, were  
10:52:58 23 engaged in not only conversations with the police who were  
10:53:05 24 dealing with the matter, Mr Flynn for example, but also one  
10:53:11 25 of the team attended a meeting at the prosecutor's  
10:53:19 26 chambers. Were you aware of that occurring at the  
10:53:21 27 time?---I can't recall.  
10:53:22 28  
10:53:24 29 One of the things that you were involved in is when  
10:53:29 30 Mr Comrie was appointed with Mr Gleeson's assistance to  
10:53:35 31 conduct essentially an internal review of the SDU's  
10:53:39 32 relationship with Ms Gobbo during her period of  
10:53:41 33 registration and you were essentially a conduit between  
10:53:47 34 Mr Gleeson and the SDU to try and get information to  
10:53:50 35 Mr Gleeson, is that right?---That is correct.  
10:53:52 36  
10:53:54 37 One of the first things that was required was to try and  
10:53:58 38 identify whether or not an Acknowledgement of  
10:54:03 39 Responsibilities had been provided in relation to Ms Gobbo  
10:54:06 40 at the beginning of the relationship with her. Do you  
10:54:09 41 agree?---Yes.  
10:54:09 42  
10:54:11 43 Now, you talk in your statement about the AOR. That on 25  
10:54:20 44 May 2012 there was to be - essentially you're asking one of  
10:54:28 45 the, the officer-in-charge of the HSMU, who I think has a  
10:54:34 46 pseudonym, and Superintendent Gleeson, to locate the  
10:54:38 47 document or audio recordings for the Acknowledgement of

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10:54:43 1 Responsibilities to demonstrate that that had occurred, do  
10:54:45 2 you agree?---Yes.  
10:54:46 3  
10:54:46 4 All right. And you knew that there was an obligation at  
10:54:49 5 the time that an AOR, at the relevant time that an AOR be  
10:54:55 6 explained verbally to a source?---Yes.  
10:54:58 7  
10:55:02 8 You obviously say there you hadn't had any reason to look  
10:55:05 9 for or review the AOR for Ms Gobbo previously as you came  
10:55:10 10 in, essentially as I understand what you're saying, you  
10:55:13 11 came in after she was deregistered in any event?---Yes.  
10:55:17 12  
10:55:17 13 You asked PII [REDACTED] to assist in the follow up of  
10:55:25 14 where the AOR might be, is that right?---Yes.  
10:55:27 15  
10:55:29 16 PII [REDACTED] was to instruct Officer Peter Smith to  
10:55:33 17 review both his diary and recordings to try and find an  
10:55:38 18 AOR, is that what occurred?---Yes.  
10:55:40 19  
10:55:42 20 Officer Richards was examined about this issue. Now, I  
10:55:50 21 want to bring up a document on the screen,  
10:56:01 22 VPL.6159.0064.0920. This is a little difficult to follow  
10:56:04 23 because it's heavily redacted and it doesn't contain the  
10:56:08 24 pseudonyms of individuals but I can explain a little bit  
10:56:12 25 about it to you. This is something that Officer Richards  
10:56:16 26 was taken to and what you'll see is the, I believe it's an  
10:56:26 27 analyst who is sending this first one to Mr Richards  
10:56:30 28 saying, "Just letting you know, tried to check 38", I take  
10:56:35 29 it that's Ms Gobbo?---Yes.  
10:56:36 30  
10:56:37 31 "Files in Sheridan's office to look for files", et cetera.  
10:56:41 32 "She was going to meet up with a particular person this  
10:56:44 33 afternoon re this. To go through the proper process she  
10:56:49 34 spoke to you regarding the same to see if she could look  
10:56:54 35 through the files. Sheridan is sick today so won't be  
10:56:57 36 looking through his files. She was advised that they have  
10:57:03 37 some files in a combination safe that refer to her",  
10:57:07 38 Ms Gobbo that is, "They are just the ICRs, no other files  
10:57:11 39 and partial SML logs. Trying to look for AOR for Ms Gobbo.  
10:57:18 40 Can't find one and no reference even on SML or in ICRs.  
10:57:22 41 Was that policy in 2005?" She then talks about the  
10:57:27 42 psychiatrist and whether or not the psychiatrist had been  
10:57:30 43 reporting back to the SDU about her contacts with Ms Gobbo.  
10:57:36 44 Ms Gobbo's psychiatrist that is. The psychologist, sorry.  
10:57:41 45 If you scroll up you'll see Officer Richards's response,  
10:57:46 46 which is, "OMG, what did you tell JOC", three exclamation  
10:57:54 47 marks. And then that person's response to Richards is,

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10:57:59 1 "Call me. Just the dot points". And then there's an  
10:58:06 2 organisation for that to occur. Now, Officer Richards was  
10:58:10 3 under your command at the time?---He was.  
10:58:13 4  
10:58:14 5 And you agree that on its face this document indicates that  
10:58:20 6 he's got a real concern about information being provided to  
10:58:24 7 you?---Yes.  
10:58:25 8  
10:58:27 9 Can I understand, there was a fair bit of evidence led from  
10:58:32 10 Mr Richards about his relationship with you and the other  
10:58:38 11 SDU's relationship with you at the time. Was that an  
10:58:42 12 impression that you got from, firstly, Officer Richards,  
10:58:45 13 that he was wanting to keep information from you?---Yes.  
10:58:48 14  
10:58:49 15 And in a general - well, that was the case with Sandy White  
10:58:53 16 as well, according to the documents, you agree?---Yes.  
10:58:55 17  
10:58:56 18 And Officer Peter Smith?---Yes.  
10:59:00 19  
10:59:05 20 Without going through each of the names, was that, did that  
10:59:08 21 relationship, was that a relationship that occurred across  
10:59:13 22 the board with the SDU members during your time as their  
10:59:16 23 boss?---On occasions, yes.  
10:59:18 24  
10:59:19 25 At paragraphs 111 to 116 of your statement - I should say  
10:59:25 26 that's already tendered, that document.  
10:59:27 27  
10:59:27 28 COMMISSIONER: 616 it is, the email chain.  
10:59:32 29  
10:59:32 30 MR WOODS: You talk about the possibility of Gobbo giving  
10:59:36 31 evidence against Paul Dale and various contacts you have  
10:59:41 32 with Mr Buick. Do you see that?---Yes.  
10:59:45 33  
10:59:46 34 It was your understanding that there was some part of the  
10:59:50 35 agreement reached between Victoria Police and Ms Gobbo that  
10:59:53 36 she would not be used as a witness?---Yes.  
10:59:55 37  
10:59:56 38 At 117 onwards you talk about that period in September 2011  
11:00:03 39 and discussions about what would happen if a subpoena or  
11:00:07 40 subpoenas arrived seeking information that caught Ms Gobbo  
11:00:15 41 and her role as a source with Victoria Police. You  
11:00:18 42 agree?---Yes.  
11:00:18 43  
11:00:19 44 That was an issue that was raised by Sandy White with you  
11:00:23 45 initially?---Yes.  
11:00:26 46  
11:00:26 47 And then a number of meetings followed. This is in the

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11:00:29 1 context of the ACC federal charges. Do you understand that  
11:00:37 2 to be the case?---I believe so.  
11:00:38 3  
11:00:42 4 This is taking a slight step back but dealing with a  
11:00:46 5 slightly different issue. So what happened is prior to  
11:00:50 6 Maguire's advice he had asked to read, he might not have  
11:00:56 7 known them to be the source management logs, but  
11:00:58 8 essentially to read about the relationship with the Source  
11:01:03 9 Development Unit and Ms Gobbo?---Yes.  
11:01:04 10  
11:01:07 11 On 19 October 2011, this is VPL.6031.0058.2690, Gobbo  
11:01:25 12 writes to Boris Buick about the possibility of her giving  
11:01:31 13 evidence against Dale in the ACC charges. Do you see  
11:01:36 14 that?---Yes.  
11:01:37 15  
11:01:38 16 And essentially she's complaining about the lack of - well  
11:01:43 17 the threats to her safety that would arise as a result on  
11:01:48 18 the one hand and on the other hand she's talking about her  
11:01:53 19 own health at the time. You agree?---Yes.  
11:01:57 20  
11:01:58 21 This is a letter that found its way to you?---No.  
11:02:03 22  
11:02:03 23 So this is the first you've seen it or have you seen it in  
11:02:06 24 your preparations?---No, this is the first I've seen it.  
11:02:09 25  
11:02:09 26 Well, what I want to do is bring up 20 October 2011, I  
11:02:18 27 think that might have been tendered through Mr Buick. We  
11:02:27 28 might check that if it has been.  
11:02:30 29  
11:02:30 30 COMMISSIONER: We are checking.  
11:02:31 31  
11:02:31 32 MR WOODS: What seems to be the case is that - I should say  
11:02:38 33 I understood to be the case, was that that is forwarded  
11:02:42 34 through to you by Buick the following day after it's  
11:02:50 35 received. She seems to send it on 19 October to him and  
11:02:53 36 she says she's decided to tone it down and then it's  
11:02:59 37 forwarded through to you the next day. Do you accept  
11:03:01 38 that?---Yes.  
11:03:01 39  
11:03:02 40 And then you sent it on to your boss who is Paul Sheridan  
11:03:06 41 at that time with high importance, which had been the case  
11:03:11 42 since it was forwarded to you, agree?---Yes.  
11:03:14 43  
11:03:16 44 Those two documents go together and I think they might be  
11:03:19 45 tendered.  
11:03:19 46  
11:03:19 47 COMMISSIONER: Yes, I've seen them before, we're just

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11:03:22 1 checking.  
11:03:22 2  
11:03:23 3 MR WOODS: Paragraph 121 of your statement you talk about  
11:03:30 4 what happened as a result of this bubbling up we'll call it  
11:03:36 5 of the possibility of Ms Gobbo's role coming out in this  
11:03:41 6 proceeding. You arrange for the CDPP prosecutors to review  
11:03:47 7 the documents relating to Gobbo's role as a source, is that  
11:03:51 8 right?---Yes, there's a request from, I assume it would  
11:03:55 9 have been from my superiors.  
11:03:57 10  
11:03:58 11 And you say there you weren't aware of the details of the  
11:04:02 12 charges against Paul Dale, that's the case?---No.  
11:04:04 13  
11:04:06 14 What Paul Sheridan says in his statement is that, "In early  
11:04:09 15 November 2011 I had attended a number of meetings and  
11:04:15 16 discussing regarding the potential disclosure of material  
11:04:17 17 relating to Ms Gobbo and the Dale prosecution. On 2  
11:04:20 18 November 2011 Superintendent Fryer emailed me to request  
11:04:26 19 that members of the Driver Task Force have access to the  
11:04:29 20 source management log to gain an understanding of what  
11:04:32 21 Ms Gobbo's previous role as a human source had involved.  
11:04:35 22 My diary records that I spoke to Assistant Commissioner  
11:04:39 23 Pope and DI O'Connor about that request". Is that  
11:04:42 24 something you have a recollection of?---I don't have a  
11:04:45 25 recollection of it.  
11:04:46 26  
11:04:46 27 But you accept that that would have been the case?---Yes, I  
11:04:48 28 do.  
11:04:49 29  
11:04:49 30 Your diary for that date I don't think has been produced,  
11:04:54 31 but Paul Sheridan's diary of that date, if that could be  
11:04:59 32 brought up. It's VPL.0005.0013.0817 and I'm after p.833.  
11:05:09 33 It's a bit difficult to read under the redaction but if  
11:05:13 34 that could be enlarged on the screen. It seems to be a  
11:05:18 35 conversation on the 2nd of the 11th, 2011 that is. DI  
11:05:32 36 O'Connor is - sorry, I thought I'd deciphered this, I'm not  
11:05:37 37 so sure. It's talking about, "Re Witness F SML access by  
11:05:47 38 someone. Advised him that Driver Task Force management not  
11:05:52 39 approved. Office correspondence and admin to by 5 pm".  
11:06:01 40 That's just what you were doing for the rest of the day.  
11:06:04 41 So it's the situation that there was a request that went to  
11:06:11 42 Sheridan for the information to be disclosed to the Driver  
11:06:17 43 Task Force and Sheridan said, "No, I'm not accepting that  
11:06:20 44 that will occur"?---Yes.  
11:06:22 45  
11:06:23 46 And that was a request that came through Fryer?---Yes.  
11:06:27 47

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11:06:28 1 And what Sheridan's statement says about this request is he  
11:06:34 2 essentially identifies the sterile corridor as being the  
11:06:38 3 reason why that wouldn't occur. He says at paragraph 29 of  
11:06:41 4 his statement, "On 3 November 2011 I spoke with  
11:06:45 5 Superintendent Fryer about his request. I recall I was not  
11:06:48 6 in favour of this and as my diary records I explained the  
11:06:51 7 need to maintain the sterile corridor between sources and  
11:06:54 8 investigators. Superintendent Fryer referred to our  
11:06:58 9 discussion in an email he sent later that morning". And  
11:07:02 10 I'll take you to that email in a moment. Did you  
11:07:06 11 understand, it might be difficult given the past bit of  
11:07:08 12 time, but did you understand that the request for the  
11:07:12 13 information was coming just so the investigators of the  
11:07:17 14 Driver Task Force could see and consider the documents or  
11:07:20 15 so that the CDPP could see and consider the documents?---I  
11:07:24 16 believe both.

11:07:25 17  
11:07:26 18 So insofar as - you understand what a sterile corridor is  
11:07:31 19 obviously?---I do.

11:07:32 20  
11:07:32 21 Insofar as the sterile corridor being the reason why the  
11:07:36 22 prosecutors couldn't see it, that wouldn't make sense, you  
11:07:40 23 agree with that, because sterile corridor persists between  
11:07:48 24 receivers of information and the investigators?---Yes.

11:07:50 25  
11:07:51 26 You understand too that the sterile corridor doesn't have  
11:07:55 27 any effect on disclosure obligations and whether or not  
11:08:01 28 matters need to be disclosed to a court and/or to the  
11:08:04 29 defence?---That's correct.

11:08:05 30  
11:08:08 31 You receive Maguire's advice and there's a meeting held.  
11:08:13 32 This is identified at paragraph 123 of your statement.  
11:08:17 33 This is 3 November 2011 and it's at VPL.0005.0013.1152.  
11:08:30 34 This is a document that's been, the contents of which have  
11:08:35 35 been put to a number of witnesses. Essentially what Fryer  
11:08:37 36 is reporting to Frewen, Buick, Ashton, Pope, Sheridan and  
11:08:45 37 yourself is that Maguire's advice has been received. So  
11:08:53 38 far that's correct?---Yes.

11:08:54 39  
11:08:55 40 And that what he says of that is, "Paul and I have an  
11:09:01 41 agreed view. Maguire has already viewed the SML attached  
11:09:06 42 in his 13 page memo of advice. Is his 13 page memo of  
11:09:12 43 advice. While some of it is highly speculative and worse  
11:09:17 44 case scenario it's based on facts gleaned from the SML and  
11:09:20 45 there's a proposal that the DPP be fully briefed",  
11:09:24 46 et cetera, et cetera. Did you read Maguire's advice when  
11:09:27 47 it was received?---No, I did not.

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11:09:28 1  
11:09:29 2 Have you had an opportunity to read it since?---No.  
11:09:31 3  
11:09:33 4 You understand that what in essence he was identifying was  
11:09:39 5 that because of the relationship that had persisted between  
11:09:42 6 Victoria Police and Ms Gobbo and the fact that she may well  
11:09:46 7 be a witness, that relationship may well be, have to be  
11:09:49 8 disclosed in the proceeding in which she was asked to give  
11:09:54 9 advice in relation to, do you understand that?---Yes.  
11:09:55 10  
11:09:56 11 And he's talking about what's explained by Paul Sheridan  
11:10:01 12 and Fryer as a combined views of theirs, is that it's  
11:10:06 13 simply a worst case scenario and is highly speculative,  
11:10:09 14 that's the words that were used in the email to you?---The  
11:10:13 15 emails I was included in on, yes.  
11:10:16 16  
11:10:16 17 Sorry, you and Ashton and Pope and others. Now Sheridan's  
11:10:23 18 statement says about this period of time, this is paragraph  
11:10:28 19 30 of his statement, "Later on the afternoon of 3 November  
11:10:31 20 2011 he met with barrister Krista Breckweg and another  
11:10:36 21 person from the CDPP. My diary records that they were told  
11:10:40 22 the complexity involved in Ms Gobbo's tasking. Ms Breckweg  
11:10:44 23 asked to access material relating to Ms Gobbo for up coming  
11:10:48 24 hearings in the Dale proceeding. On 4 November 2011  
11:10:52 25 Ms Breckweg again asked to obtain information in a phone  
11:10:55 26 call and by email. My diary records that AC Pope then  
11:10:59 27 instructed me to have a summary document prepared outlining  
11:11:02 28 the extent of contact reports and information reports with  
11:11:06 29 Ms Gobbo. As my diary records I spoke to DI O'Connor to  
11:11:11 30 arrange SDU staff members to work over the weekend and  
11:11:14 31 prepare the summary document requested. I also spoke to  
11:11:19 32 Superintendent Neil Paterson at the HSMU to arrange access  
11:11:23 33 to the relevant information. On Sunday 6 November 2011 DI  
11:11:29 34 O'Connor oversaw the SDU members collating the summary  
11:11:33 35 document. I was not present in the office that day". You  
11:11:36 36 have a recollection of firstly being asked to compile that  
11:11:41 37 document to hand over to the prosecutors?---Yes.  
11:11:43 38  
11:11:44 39 And asking members of your team to work on that over the  
11:11:48 40 weekend so that it could be provided to Pope by the Sunday  
11:11:52 41 evening?---Or provided to Sheridan.  
11:11:55 42  
11:11:55 43 Provided to Sheridan, sorry, yes?---Yes.  
11:11:58 44  
11:11:59 45 Now, on the 4th - so this is Friday, 4 November, so that  
11:12:06 46 Sunday being Sunday the 6th November, the Friday before  
11:12:10 47 that you have a phone call with Officer Richards.

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11:12:13 1 Unfortunately I don't have a pinpoint reference for his  
11:12:18 2 diary but I'll read out what's said anyway, and it has been  
11:12:21 3 tendered. Firstly, at 17:45 he has a discussion by phone  
11:12:30 4 about 2958, so Nicola Gobbo issues, and report to be  
11:12:34 5 prepared in relation to tasking and deployment whilst  
11:12:38 6 registered with the SDU. So that seems to be the genesis  
11:12:43 7 of that request. Then he has another phone call regarding  
11:12:47 8 the above and there's concerns re the SML being provided to  
11:12:51 9 the Commonwealth DPP. Confirms in the public domain that  
11:12:56 10 2958 was a human source. There's various words I can't  
11:13:02 11 read there because of the watermarking and actions and  
11:13:05 12 issues surrounding privileged conversation by persons of  
11:13:08 13 interest who are currently incarcerated and current trials.  
11:13:14 14 "Not an issue for a particular person as it is JOC,  
11:13:19 15 Sheridan and for HSMU to resolve." Now, firstly, when you  
11:13:26 16 asked - in fact I'll take you to one last entry there. At  
11:13:31 17 19:30 he receives a phone call from you and it says,  
11:13:35 18 "Explain circumstances that document was to be produced in  
11:13:39 19 order to show Assistant Commissioner Ashton and if the  
11:13:43 20 human source is compromised", something, "To the impending  
11:13:48 21 court process, that the consequences would be  
11:13:52 22 catastrophic". Now, the consequences being catastrophic is  
11:13:56 23 something that I'm interested in. It appears from an  
11:14:00 24 ordinary reading of that phrase that what's occurred is  
11:14:03 25 that you've spoken to Officer Richards and have said to  
11:14:08 26 him, firstly, "This is the document that's required to be  
11:14:13 27 provided to the prosecution in that matter". So far that's  
11:14:16 28 correct?---Yes.  
11:14:17 29  
11:14:18 30 And that he has said to you, "But the consequences of that  
11:14:22 31 occurring could be catastrophic". Do you agree that that's  
11:14:26 32 something he said to you?---I can't recall what he said.  
11:14:29 33 He's typed that up in his, in his notes.  
11:14:32 34  
11:14:33 35 There was an exchange between Mr Winneke, counsel  
11:14:40 36 assisting, and Mr Richards about the phrase "the  
11:14:44 37 consequences would be catastrophic" and what Mr Richards  
11:14:48 38 was adamant in his evidence about was that you were  
11:14:51 39 explaining to him the consequences of this disclosure would  
11:14:56 40 be catastrophic. And what was being put to Mr Richards is  
11:15:00 41 that's not what a natural reading of that diary entry is,  
11:15:05 42 in fact it was him saying to you, "We don't want to do this  
11:15:09 43 because the consequences might be catastrophic". Now you  
11:15:11 44 don't have a particular memory of it but do you at least  
11:15:16 45 recall whether you were raising concerns with your team  
11:15:20 46 about the consequences of disclosure or they were raising  
11:15:24 47 those issues with you?---They were raising them with,

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11:15:29 1 raising those issues with me on the back of me making the  
11:15:33 2 request for that work to be done over the weekend.  
11:15:36 3  
11:15:36 4 All right. So you request for the work to be done. In the  
11:15:39 5 process of asking for the work to be done were you also  
11:15:42 6 saying to them, "And by the way, the consequences of this  
11:15:45 7 work being done might be very, very significant for the  
11:15:50 8 SDU" or were you simply asking for the work to be done?---I  
11:15:55 9 can't recall the conversation but I was, I was, part of it  
11:15:59 10 clearly is I was asking for the work to be done.  
11:16:02 11  
11:16:02 12 Doing the best you can, given what you recall about your  
11:16:05 13 team explaining to you the dire consequences, was the term  
11:16:11 14 "the consequences being possibly catastrophic" a term that  
11:16:14 15 you used to them or that Officer Richards used to you?---I  
11:16:25 16 have no recollection.  
11:16:25 17  
11:16:25 18 But given that you were simply asking for a task to be  
11:16:28 19 conducted by your team as their boss, can I suggest to you  
11:16:31 20 that the likely speaker of those words, or the information  
11:16:34 21 that they convey or the feeling that they convey was  
11:16:37 22 Officer Richards and not you?---Possibly, yes.  
11:16:41 23  
11:16:42 24 It was Richards who knew all about this  
11:16:45 25 relationship?---Yes.  
11:16:45 26  
11:16:45 27 And not you, you accept that?---Yes.  
11:16:48 28  
11:16:49 29 So that being the case, you accept that it's more likely  
11:16:52 30 than not that it was him saying to you, "Well look, this  
11:16:55 31 thing you're asking me to do, the consequences might be  
11:16:58 32 catastrophic" rather than you saying, "Do this job and the  
11:17:01 33 consequences of this job might be catastrophic"?---Yes.  
11:17:04 34  
11:17:06 35 All right.  
11:17:08 36  
11:17:08 37 COMMISSIONER: Could I just say, my associate tells me the  
11:17:13 38 letter from Nicola Gobbo to Buick, 19 October 2011, is  
11:17:19 39 Exhibit 693. The emails chains of 20 October 2011 is  
11:17:26 40 Exhibit 692 and the email from Fryer to Buick, Ashton,  
11:17:35 41 O'Connor and others, 3 November 2011, is Exhibit 697.  
11:17:42 42  
11:17:43 43 MR WOODS: 697 was the last one, Commissioner?  
11:17:45 44  
11:17:45 45 COMMISSIONER: Yes.  
11:17:46 46  
11:17:50 47 MR WOODS: All right. Now, this might have been dealt



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11:17:54 1 with, I think the participants in the following might have  
11:18:00 2 been dealt with in the evidence that Mr Holt led you  
11:18:05 3 through at the commencement as to who the participants of  
11:18:07 4 this discussion were but I'll take you to a briefing note  
11:18:12 5 which is VPL.0010.0001.0001 and it's \_E1. I think I might  
11:18:29 6 have given the operator a GLA number for that one but I  
11:18:34 7 think this is the exhibit as tendered. It's  
11:18:40 8 0010.0001.001\_E1. This is essentially a briefing note that  
11:18:46 9 appears to be, to have been - I'm after the other version  
11:18:52 10 of it if that's possible. That will come up soon. I'll  
11:18:55 11 ask you about this because the other version that will come  
11:18:58 12 up on the screen essentially has who it was sent to and who  
11:19:02 13 by. Can you firstly explain how it was that this briefing  
11:19:11 14 note came about?---It was a request by Superintendent  
11:19:16 15 Sheridan to myself to put together this, this briefing  
11:19:21 16 note. It was required urgently by the Commonwealth DPP.  
11:19:28 17  
11:19:28 18 It arose out of those discussions I've just taken you  
11:19:31 19 through a moment ago?---Yes.  
11:19:32 20  
11:19:33 21 Was this the document that was worked on over the weekend  
11:19:36 22 by those officers at the SDU?---Yes, on the Sunday,  
11:19:39 23 whatever date it was.  
11:19:40 24  
11:19:40 25 There's a cover sheet, once it comes up, that is prepared  
11:19:45 26 by Paul Sheridan that talks about there being a potential  
11:19:52 27 for significant impact on past operations. We might go  
11:20:00 28 through those parts when it comes up on the screen. But  
11:20:05 29 essentially this a brief that was being put together to  
11:20:09 30 provide to Assistant Commissioner Ashton, is that  
11:20:15 31 right?---I believe so.  
11:20:16 32  
11:20:18 33 And we've identified aspects of it, but essentially it was  
11:20:22 34 as requested by Ms Breckweg at the CDPD and it was being  
11:20:27 35 given to Ashton to consider what would be done with the  
11:20:30 36 summary?---I don't dispute that but I've got no  
11:20:36 37 recollection of that.  
11:20:37 38  
11:20:37 39 Sure. This is it. If you could scroll down. It's a  
11:20:52 40 slightly different one with an \_E1 on it. It's the same  
11:20:56 41 number but\_E1. In any event we might come back to that.  
11:21:01 42 But the five page summary that was just on the screen, is  
11:21:06 43 that a document - my records say it might have been  
11:21:09 44 addressed in your evidence at the beginning but my records  
11:21:13 45 indicate that it was prepared by Officer Peter Smith,  
11:21:17 46 Officer Richards and Officer Fox?---No.  
47

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11:21:20 1 No, I think you might have corrected that. Do you know  
11:21:26 2 which officers put the briefing note together?---I'd need  
11:21:29 3 the pseudonym list.  
11:21:30 4  
11:21:30 5 Of course you would?---Sorry.  
11:21:31 6  
11:21:32 7 Exhibit 81.  
11:21:35 8  
11:21:36 9 COMMISSIONER: Yes.  
11:21:37 10  
11:21:37 11 WITNESS: Can you take me to which paragraph that is  
11:21:40 12 mentioned in my statement?  
11:21:42 13  
11:21:43 14 MR WOODS: Yes, I think it is the correction from this  
11:21:45 15 morning. My note from this morning - - - ?---127.  
11:21:57 16  
11:22:04 17 This might have been addressed this morning. Is it the  
11:22:07 18 case that there's a list in the briefing note - in fact  
11:22:14 19 I'll let you identify who the officers are?---I know who  
11:22:19 20 they are now.  
11:22:20 21  
11:22:20 22 Am I right it was Smith, Richards and Fox or who was  
11:22:24 23 it?---It was Smith, Anderson and Fox.  
11:22:29 24  
11:22:29 25 Thank you. If the GLA document can be brought up to start  
11:22:41 26 with because it might be easier just to deal with that,  
11:22:46 27 which is just the confidential summary that was sent  
11:22:50 28 through. It says at p.77 of the GLA exhibit - this is it,  
11:23:02 29 yes. It has just come up on my screen and the witness's  
11:23:07 30 screen and the Commissioner's screen. You'll see there  
11:23:10 31 that it talks about her being an active source in the  
11:23:15 32 period in which she was registered, do you see that?---Yes.  
11:23:17 33  
11:23:19 34 Whose words are these?---I believe they're mine.  
11:23:24 35  
11:23:24 36 Okay?---On the information supplied by - - -  
11:23:28 37  
11:23:28 38 By those three officers?---Smith, Anderson and Fox.  
11:23:31 39  
11:23:31 40 Thank you. And then it talks about an analysis of the  
11:23:36 41 intelligence holdings, that there's 319 IRs that have been  
11:23:41 42 disseminated, do you see that?---Yes.  
11:23:43 43  
11:23:43 44 It appears that from time to time, just pausing there,  
11:23:45 45 during the period of registration that information from  
11:23:49 46 time to time was disseminated without IRs - firstly, it was  
11:23:55 47 disseminated with hot debriefs, essentially a phone call to

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11:23:59 1 the Purana Task Force rather than waiting for an IR, that  
11:24:02 2 wouldn't surprise you?---No.  
11:24:03 3  
11:24:03 4 Given the nature of the information. And on a number of  
11:24:07 5 occasions there was no IR that was later drafted. Are you  
11:24:11 6 aware of the policies and procedures as they were at the  
11:24:14 7 time between 05 and 09?---No.  
11:24:16 8  
11:24:17 9 I won't take that any further. All right. Now it talks  
11:24:21 10 about the source contact reports. I want you to scroll  
11:24:26 11 down underneath that list of names. Just completely take  
11:24:31 12 them off the screen if you can. Keep going. Sorry, I want  
11:24:38 13 the paragraphs just underneath that list of names.  
11:24:44 14 Firstly, the list of names I take it was something that  
11:24:48 15 those three officers provided to you?---Yes.  
11:24:50 16  
11:24:51 17 Now, the words here, "It's difficult to assess the clear  
11:24:57 18 intention of the contact between the parties, however the  
11:25:01 19 Source Development Unit believes that in the main the  
11:25:04 20 contact between the parties was driven by the fact that  
11:25:07 21 Nicola Gobbo was practising as a solicitor at the time of  
11:25:11 22 the contacts and that her counsel was sought formally or  
11:25:14 23 informally pertaining to the legal status of the persons  
11:25:19 24 involved, eg pending charges, negotiations with  
11:25:22 25 investigating police, plea opportunities, receiving and  
11:25:25 26 passing on information". Now what you're saying there, it  
11:25:29 27 appears to be, information that's provided to you by those  
11:25:36 28 three officers, would that seem to have been the context in  
11:25:39 29 which the information was firstly gleaned by  
11:25:44 30 Ms Gobbo?---Yes, but an email, I believe - - -  
11:25:52 31  
11:25:53 32 MR HOLT: Can I speak to my friend?  
11:25:56 33  
11:25:56 34 MR WOODS: Yes, sure. This might have been dealt with this  
11:26:03 35 morning. Unfortunately I wasn't on notice of these emails  
11:26:08 36 being tendered but what I'm told is that the words were in  
11:26:12 37 fact drafted by someone other than those three individuals.  
11:26:16 38  
11:26:17 39 MR HOLT: The evidence this morning was based on an email  
11:26:19 40 that came on Friday from Mr Sheridan to Mr O'Connor,  
11:26:24 41 essentially that includes a summary which is in large  
11:26:28 42 measure word for word to those paragraphs that actually end  
11:26:32 43 up in the document. That was only discovered recently and  
11:26:36 44 I do apologise.  
11:26:37 45  
11:26:38 46 MR WOODS: Do you understand the situation to be that the  
11:26:40 47 words used here are Mr Sheridan's words?---Some of that is,

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11:26:44 1 yes.  
11:26:44 2  
11:26:45 3 Where are the other words from?---Just - are you talking  
11:26:50 4 about just that paragraph?  
11:26:51 5  
11:26:52 6 I'm just talking about that paragraph in particular?---I  
11:26:55 7 think that paragraph is from Mr Sheridan.  
11:26:58 8  
11:26:58 9 That would be indicated in the email I assume then. We  
11:27:01 10 might have a look at that in a moment. In other words  
11:27:07 11 though it was understood by Mr Sheridan and you at this  
11:27:11 12 stage that, I won't go through the words of it again, but  
11:27:15 13 that was the circumstances in which Ms Gobbo received the  
11:27:19 14 majority of the information during her time as a human  
11:27:22 15 source?---That was my understanding, yes.  
11:27:23 16  
11:27:26 17 I might bring the email up briefly.  
11:27:29 18  
11:27:30 19 COMMISSIONER: So the cover letter and the memorandum which  
11:27:33 20 was attributed to John O'Connor re the SDU and those above  
11:27:44 21 him which Nicola Gobbo had discussed with him was 701.  
11:27:52 22  
11:27:53 23 MR WOODS: Thank you Commissioner. If the email  
11:27:58 24 VPL.6078.0020.0317 could be brought up. I think this was  
11:28:07 25 tendered this morning. You'll see there those words.  
11:28:16 26 They're the words that found their way into that report,  
11:28:21 27 you agree?---Yes.  
11:28:22 28  
11:28:22 29 We won't try and check them against each other now, but in  
11:28:27 30 any event that appears to be the case from the Friday, from  
11:28:31 31 Sheridan?---Yes.  
11:28:33 32  
11:28:34 33 COMMISSIONER: That's 796.  
11:28:36 34  
11:28:37 35 MR WOODS: 796, thank you Commissioner. So it was clear  
11:28:45 36 then, at least to Mr Sheridan at this stage, that the SDU  
11:28:50 37 had been targeting Ms Gobbo because she had information  
11:28:54 38 that she'd obtained in her capacity as a lawyer, you accept  
11:28:59 39 that's the meaning of that large paragraph, the fourth one  
11:29:05 40 down?---Yes.  
11:29:06 41  
11:29:06 42 And it was also said that it was suspected that she was at  
11:29:12 43 the periphery of some criminal matters. I'm not sure that  
11:29:20 44 comes from this Sheridan email. It might just be the final  
11:29:26 45 version. No, I don't think it is. So in the version that  
11:29:29 46 was sent to Assistant Commissioner Ashton, as he was, that  
11:29:35 47 phrase is used, there's a suspicion of her being involved

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11:29:38 1 in the periphery of criminal matters. Can you explain  
11:29:41 2 where that information might have come from?---From my  
11:29:44 3 memory in my conversation over that weekend with Officers  
11:29:53 4 Smith, Anderson and Fox.  
11:29:54 5  
11:29:55 6 Is your memory, just doing the best you can, they were  
11:30:01 7 saying she might have been actively involved in that  
11:30:03 8 criminal activity or just that she was nearby the criminal  
11:30:08 9 activity?---The latter, nearby.  
11:30:11 10  
11:30:12 11 Sandy White was asked about that targeting that I've just  
11:30:17 12 suggested that was Mr Sheridan's understanding of why  
11:30:22 13 Ms Gobbo was pursued and the circumstances in which she  
11:30:25 14 received information from those she got information from.  
11:30:32 15 And his position is that essentially no, she wasn't pursued  
11:30:36 16 for that reason, in fact she was, there was an active  
11:30:43 17 effort on their part not to get information that might have  
11:30:46 18 been arising in those circumstances, in the lawyer/client  
11:30:52 19 relationship. Is that something that Sandy White ever  
11:30:54 20 explained to you?---Not that I recall, no.  
11:30:56 21  
11:30:59 22 Now, I want to ask you some questions about the disbanding  
11:31:02 23 of the SDU.  
11:31:03 24  
11:31:03 25 COMMISSIONER: We might have the midmorning break first.  
11:31:06 26  
11:31:06 27 MR WOODS: Thank you, yes.  
11:32:08 28  
11:32:09 29 (Short adjournment.)  
11:32:09 30  
11:52:09 31 COMMISSIONER: Yes Mr Woods.  
11:52:10 32  
11:52:10 33 MR WOODS: Thank you, Commissioner. Just before the break  
11:52:13 34 I said that I might ask you some questions about the  
11:52:16 35 disbanding of the SDU. Firstly, that's a decision that you  
11:52:23 36 weren't involved with, is that right, you weren't involved  
11:52:28 37 in making the decision?---No, I was not.  
38  
11:52:30 39 That came from those above you, Mr Pope and Mr Sheridan; is  
11:52:35 40 that right?---I believe Mr Pope.  
41  
11:52:39 42 Okay. You recall that there was some consideration of the  
11:52:46 43 possibility of the disbanding of the SDU. On 1 December  
11:52:53 44 2013 though you went on leave; is that correct?---I did.  
45  
11:52:58 46 At paragraph 130 of your statement you say you were  
11:53:06 47 formally told that the SDU was closing on 11 February 2013

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11:53:12 1 when you attended a meeting with Pope, Waddell and Segrave.  
11:53:17 2 As your diary records, "Pope advised us of the outcome of  
11:53:23 3 the Covert Services Division review that had recently been  
11:53:26 4 completed". So that was Mr Comrie's review?---No,  
11:53:33 5 the - - -  
6  
11:53:33 7 No, sorry, it wasn't. Sorry, keep going?---The Comrie  
11:53:36 8 review was separate to the Covert Services Division review.  
9  
11:53:42 10 Just to put this in context, what were your other  
11:53:46 11 obligations at the time other than the Inspector sitting  
11:53:49 12 above the SDU? Was that your sole job at the time?---And  
11:53:52 13 occasionally I would sit over the Undercover Unit, only for  
11:53:57 14 short periods of time.  
15  
11:53:59 16 This was a significant change for you as well, albeit you'd  
11:54:02 17 been there for a shorter period of time than a number of  
11:54:06 18 the SDU members, but essentially it meant your job was  
11:54:09 19 going to roll up and you'd move on just to another  
11:54:12 20 position; is that right?---That's correct.  
21  
11:54:14 22 At paragraph 132 of your statement you say that you assume  
11:54:21 23 that your experience managing the SDU described below was  
11:54:25 24 part of the decision to close the SDU, and we're going to  
11:54:28 25 get into some detail about that, "As you informed  
11:54:31 26 Superintendent Sheridan on an ongoing basis of your  
11:54:36 27 day-to-day experiences with managing the SDU". You gave  
11:54:40 28 Sheridan documents that listed the key concerns that you  
11:54:44 29 had about staff well-being and instances where SDU had  
11:54:49 30 taken, or proposed to take unacceptable operational risks.  
11:54:51 31 That's your position?---It is.  
32  
11:54:54 33 I'd like, firstly, document VPL.0005.0013.1152 to be  
11:55:04 34 brought up on the screen. I'm not just sure whether this  
11:55:23 35 is the right document that I wanted to refer to. No, I  
11:55:29 36 don't believe it is. I think that's a previous one. Does  
11:55:32 37 that end in 1152. It does. I might have the wrong  
11:55:36 38 reference for that. If you could bring up  
11:55:45 39 VPL.0005.0171.0008, please. Firstly, do you recognise the  
11:55:58 40 document?---I do.  
41  
11:55:59 42 Is this a document that you prepared?---I did.  
43  
11:56:02 44 Are you aware of the date on which you prepared that  
11:56:06 45 document? I'm not sure it's got a date at the end but  
11:56:11 46 we'll just scroll through and have a look. No, it doesn't.  
11:56:14 47 But can you place in time as best you can when this would

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11:56:19 1 have been prepared? This should only be on the witness's  
11:56:22 2 screen, my screen and the Commissioner's screen, sorry.  
11:56:27 3 You're talking about in 2012, "They are still trying"?---So  
11:56:34 4 some time in 2012.  
5  
11:56:36 6 Yeah, okay. If we need to we'll go to particular items in  
11:56:40 7 it but just by way of summary, one of the things you were  
11:56:45 8 identifying was that the SDU had an attitude of being  
11:56:50 9 different to the rest of the Police Force?---Yes.  
10  
11:56:55 11 You were concerned that administrative tasks, and you use  
11:57:00 12 the phrase "expectable behaviours" don't apply to them,  
11:57:04 13 your view was that they didn't think that they had to do  
11:57:07 14 particular administrative tasks and had to behave a certain  
11:57:10 15 way because they were members of the SDU. Was that your  
11:57:14 16 impression?---Yes.  
17  
11:57:15 18 You said that there was a concern about members of the SDU  
11:57:22 19 staying too long in their roles at the SDU and that being  
11:57:29 20 too taxing and them losing a grasp of reality, that was a  
11:57:34 21 concern you had?---Yes, it was.  
22  
11:57:36 23 Just as an aside, Mr Purton in his review of the Drug Squad  
11:57:40 24 had said that one of the real concerns there was people  
11:57:43 25 being in that particular position, which is a bit different  
11:57:46 26 obviously to the SDU, but for too long and it should be  
11:57:50 27 restricted to a short number of years before which they're  
11:57:53 28 taken out and then put into another area of the Force, both  
11:57:57 29 because of how taxing it was and their close association  
11:58:01 30 they were required to have with human sources. If my  
11:58:06 31 summary of it is correct, you'd accept that was similar  
11:58:09 32 concern to what you had with members of the SDU?---Yes.  
33  
11:58:14 34 There was a particular member of senior staff who you talk  
11:58:20 35 about at the bottom of that page, the health and well-being  
11:58:24 36 of that senior staff member is a real concern to you at  
11:58:29 37 that stage, do you agree?---Yes.  
38  
11:58:32 39 And that particular staff member had had 10 years or so in  
11:58:36 40 covert policing at that stage and simply that, in your  
11:58:40 41 view, was too long?---Yes.  
42  
11:58:42 43 Is that Mr White or Mr Smith or who were you talking about  
11:58:47 44 there?---Mr Richards.  
45  
11:58:52 46 And then you say separately that the members had lost  
11:58:57 47 connection with the rest of Victoria Police as at the date

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11:59:03 1 that you were writing this document, and that was your view  
11:59:05 2 at the time?---It was.  
3  
11:59:07 4 All right. When one reads that document it's very clear  
11:59:13 5 that you can see that these are hard-working individuals,  
11:59:18 6 you agree?---Very hard.  
7  
11:59:21 8 But albeit hard-working, you were critical of the way that  
11:59:25 9 they were conducting themselves at the time?---From time to  
11:59:28 10 time, yes.  
11  
11:59:31 12 Some of the evidence before the Commission, Mr Richards'  
11:59:38 13 evidence in particular, indicates that he at least was of  
11:59:40 14 the view that you didn't really understand covert policing  
11:59:48 15 in the area of the handling of human sources. I can see  
11:59:56 16 from your diary that's something that was explained to you  
11:59:59 17 by members of the SDU from time to time and you recorded  
12:00:01 18 that in your diaries?---I did.  
19  
12:00:03 20 And they used that as an excuse at times to question  
12:00:11 21 directives that you gave them?---They did.  
22  
12:00:18 23 We're aware now, or you would be aware now from, at least  
12:00:23 24 from media reports if not earlier due to your role at the  
12:00:26 25 SDU, that early on in her time as a source with these  
12:00:34 26 individuals she was explaining to them that she was acting  
12:00:38 27 for a person that she and the SDU were attempting to roll.  
12:00:45 28 Now, that was one of the pseudonyms that I handed up  
12:00:48 29 earlier that you needed to see. Do you know the individual  
12:00:51 30 that I'm talking about there?---I believe so, yes.  
31  
12:00:54 32 It's a significant individual and I can't really explain it  
12:00:58 33 to you otherwise?---No, it's the one that you handed up,  
12:01:01 34 yes.  
35  
12:01:02 36 Yes, that's right. What she'd said around that time to the  
12:01:09 37 handlers, or shortly after that was that, after that  
12:01:13 38 person's arrest, is that she'd thrown privilege and ethics  
12:01:17 39 out the window. Is that a phrase you've heard in your  
12:01:22 40 lead-up to giving evidence before the Commission?---Yes,  
12:01:24 41 through media reports I believe.  
42  
12:01:26 43 It being the case that you were, albeit not at the time but  
12:01:29 44 later on, the boss of these people, does that cause you  
12:01:32 45 concern if that phrase given by the source, given her  
12:01:37 46 profession, wasn't passed up the line?---Yes.  
47



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12:01:41 1 What about the seeking of legal advice prior to or early on  
12:01:46 2 in the registration of Ms Gobbo? Hindsight's obviously a  
12:01:50 3 wonderful thing and you came in after the event, but having  
12:01:53 4 been in charge of the SDU for a period of time, would that  
12:01:56 5 have been something that you would have required had these  
12:01:58 6 gentlemen told you that's what they were proposing to  
12:02:01 7 do?---Yes, it would have been.  
8  
12:02:04 9 The impression that one gets from this and some other  
12:02:09 10 documents - in fact I might just bring up one more document  
12:02:13 11 which is VPL.0005.0171.0005. This is the other document  
12:02:24 12 that you footnote at about this stage. That can only be on  
12:02:35 13 mine and the witness's and the Commissioner's screen. I  
12:02:42 14 need to be cautious about what I talk about here but this  
12:02:46 15 is entitled "SDU case studies". Firstly, is this a  
12:02:51 16 document that you put together?---Yes, I did.  
17  
12:02:54 18 And it's a document to record the serious concerns that you  
12:03:00 19 had at the time with the resistance of those in the SDU to  
12:03:05 20 any management that you tried to bring to the  
12:03:08 21 situation?---That is correct.  
22  
12:03:10 23 You say, there "Have been several cases in which the SDU  
12:03:16 24 personnel have strongly resisted managerial intervention or  
12:03:19 25 direction pertaining to the registration, de-registration  
12:03:24 26 of handling of CHIS", is that covert human - - -  
12:03:30 27 ?---Intelligence source  
28  
12:03:31 29 Intelligence source "over the past two and a half years.  
12:03:33 30 The predominant attitude by the controller", and it has his  
12:03:39 31 rank there, "and long serving handlers", their ranks there,  
12:03:43 32 "is that management are not trained to a particular level  
12:03:45 33 of human source standard, that they cannot make decisions  
12:03:49 34 pertaining to the risk presented". There's a couple of  
12:03:53 35 entries in your diaries that I might take you to but it's  
12:03:56 36 clear that they not only thought that but expressed that to  
12:04:01 37 you on many occasions?---They did.  
38  
12:04:03 39 Okay. The VPL number is 0005.0171.0005. I think there  
12:04:17 40 might be a few versions of the document on the system  
12:04:20 41 though, I'm not sure which number you might have. You say,  
12:04:29 42 "What these SDU staff failed to understand is that  
12:04:32 43 management", I can't read the word under the - "act as  
12:04:41 44 governance across the deployment of high risk human sources  
12:04:44 45 to ensure that the community, the organisation, the members  
12:04:51 46 and the human source are not placed at an unacceptable  
12:04:54 47 level of risk. This has developed over the past five to

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12:04:59 1 eight years due to a culture of risk taking based on ego  
12:05:03 2 rather than risk versus reward". There were some strong  
12:05:08 3 egos that you were dealing with in your attempts to manage  
12:05:11 4 the gentlemen within the SDU?---Yes, there was.  
5  
12:05:16 6 And Officer Richards was one of those?---Yes, he was.  
7  
12:05:23 8 Can you tell the Commissioner who the others who could be  
12:05:27 9 described that way?---Officer Sandy White.  
10  
12:05:31 11 Just pausing there, he was off working on another operation  
12:05:35 12 for part of this time; is that right?---Yes, he was.  
13  
12:05:40 14 But was a regular attendee at the premises of the SDU  
12:05:45 15 despite that?---Was in constant contact with the staff at  
12:05:49 16 the SDU whilst he was at that Task Force.  
17  
12:05:53 18 Okay. So Richards, White, they're both senior  
12:06:01 19 officers?---They are.  
20  
12:06:01 21 And which other officers?---To lesser degrees Wolf.  
22  
12:06:11 23 Yes?---Smith, Green, Preston before he left.  
24  
12:06:21 25 You don't need to continue but the vocal members of that  
12:06:28 26 group that you're identifying who were displaying this  
12:06:32 27 culture of risk taking based on ego, rather than risk  
12:06:36 28 versus reward, the first of those two individuals were the  
12:06:40 29 most vocal members of that group; is that right?---White  
12:06:43 30 and Richards, yes.  
31  
12:06:45 32 There's an audit conducted in May 2010 across the  
12:06:52 33 organisation, including the SDU. You say, "The controllers  
12:06:57 34 at the Unit resisted this believing that CMRD has no right  
12:07:02 35 to audit the handling of high risk human sources within the  
12:07:08 36 SDU. They were directed by the officer-in-charge to comply  
12:07:10 37 with the requests of the CMRD audit team". That was when  
12:07:16 38 you had just commenced your role as managing the SDU; is  
12:07:19 39 that right?---That is correct.  
40  
12:07:21 41 Was it you that they were explaining their resistance  
12:07:29 42 to?---Yes, they were.  
43  
12:07:34 44 There's a matter in New South Wales that's identified two  
12:07:40 45 paragraphs down, a particular operation in 2011. Now I'm  
12:07:43 46 going to go into some detail about this in due course but  
12:07:46 47 essentially that was - a matter of some concern arose out

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12:07:52 1 of that operation in relation to the way the SDU had  
12:07:55 2 behaved?---Yes, I believe that that should read in February  
12:07:59 3 2010.  
4  
12:08:00 5 Sorry, yes, that's right, February 2010. But the review  
12:08:04 6 and the documents that came out of the consideration of  
12:08:06 7 that were during your time?---Yes, they were.  
8  
12:08:12 9 On the next page it says that, "At a training day in late  
12:08:17 10 2011 several staff expressed that in their roles as human  
12:08:21 11 source handlers their first loyalty was to the high risk  
12:08:25 12 human source and not the Victorian community and the  
12:08:28 13 Victoria Police Force. When the officer-in-charge", I take  
12:08:31 14 it that's you?---It is.  
15  
12:08:33 16 "Explained to them that their loyalty should be to the  
12:08:36 17 Victorian community, the people that they had sworn to  
12:08:39 18 protect, they still believed that 'they should look after  
12:08:42 19 the source first'". You say, "This clearly demonstrates  
12:08:46 20 that they've lost connection with the organisation's  
12:08:50 21 philosophies". Now what were the reasons that you can  
12:08:53 22 identify that they had lost connection with those  
12:08:55 23 philosophies? And we talked about a couple of them  
12:09:01 24 earlier, time in role, for example. Are you able to assist  
12:09:03 25 the Commissioner?---The time in role, there was no maximum  
12:09:06 26 time in position.  
27  
12:09:07 28 Yes?---The members had become desensitised to the  
12:09:15 29 organisation's goals and values, in that they believed that  
12:09:21 30 the source, the high risk human source was their number one  
12:09:25 31 priority, and I had to reiterate to them on a number of  
12:09:28 32 occasions that "you're sworn to serve the Victorian  
12:09:32 33 community and the interests of the Victorian community come  
12:09:35 34 before the interests of the human source".  
35  
12:09:38 36 Okay. Was one of the driving factors of that attitude in  
12:09:42 37 your view the fact that they'd been [REDACTED]  
12:09:45 38 from Victoria Police premises for quite some time at that  
12:09:51 39 stage?---That adds to it because they're working in a, what  
12:09:57 40 we call an [REDACTED]  
41  
12:10:00 42 Yes?---And that adds to their feeling of being different to  
12:10:06 43 other members of the organisation.  
44  
12:10:08 45 All right. We spoke about it a little bit earlier but  
12:10:16 46 their complaints about your, what they describe as lack of  
12:10:18 47 qualification, that was something that they raised with you

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12:10:22 1 on a regular basis it seems from your diaries?---Yes,  
12:10:25 2 that's correct.  
3  
12:10:25 4 The qualifications are qualifications that were put  
12:10:28 5 together by these gentlemen?---The PII [REDACTED] course - - -  
6  
12:10:36 7 Yep?--- - - - was put together by the Source Development  
12:10:38 8 Unit.  
9  
12:10:39 10 Yes?---The [REDACTED] courses were put together by Human Source  
12:10:45 11 Management Unit.  
12  
12:10:47 13 One of the complaints - really the complaint about you not  
12:10:51 14 having the [REDACTED] courses was a complaint about not having  
12:10:56 15 done courses that they themselves had drafted and prepared;  
12:11:00 16 is that right?---Yes.  
17  
12:11:01 18 Okay. And presented?---And presented.  
19  
12:11:03 20 Okay. They had, to your understanding, put together those  
12:11:10 21 courses based on - well do you know that they put together  
12:11:14 22 those courses based on research that they and others had  
12:11:17 23 undertaken prior to the establishment of the SDU?---At  
12:11:21 24 around that time by Officer Sandy White, and I'm just not  
12:11:34 25 sure if I'm allowed to say the next name.  
26  
12:11:38 27 No, don't say the next name. We're aware of who those  
12:11:42 28 individuals were from evidence they've given. I want to  
12:11:45 29 bring up a diary of yours. Now I'm not sure whether that  
12:11:50 30 document's been tendered. I don't believe it has. I'll  
12:11:55 31 tender that, that will need an A and B.  
32  
12:11:58 33 COMMISSIONER: That's the SDU case studies document  
12:12:00 34 prepared by John O'Connor. That will be 803A and B.  
12:12:08 35  
12:12:08 36 #EXHIBIT RC803A - (Confidential) SDU case studies document  
12:12:00 37 prepared by John O'Connor.  
12:12:10 38  
12:12:10 39 #EXHIBIT RC803B - (Redacted version.)  
12:12:12 40  
12:12:12 41 MR WOODS: The other was the SDU health and well-being  
12:12:15 42 document which ends in 0008.  
43  
12:12:16 44 COMMISSIONER: I don't think that's been tendered.  
45  
46 MR WOODS: No, I don't think it has. I tender that as  
12:12:18 47 well.

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12:12:18 1  
12:12:19 2 #EXHIBIT RC804A - (Confidential) SDU health and well-being  
12:12:25 3 CSD review.  
12:12:26 4  
12:12:27 5 #EXHIBIT RC804B - (Redacted version.)  
12:12:30 6  
12:12:30 7 I've also got a note that I failed to tender an email a  
12:12:33 8 little bit earlier, and exchange between Bona and Sheridan  
12:12:38 9 of 13 August 2010 which is VPL.0005.0010.2013.  
12:12:51 10  
12:12:51 11 #EXHIBIT RC805A - (Confidential) Email exchange between  
12:12:36 12 Bona and Sheridan of 13/08/10.  
12:12:53 13  
12:12:53 14 #EXHIBIT RC805B - (Redacted version.)  
12:12:56 15  
12:12:56 16 As I pointed out earlier, some of those earlier emails are  
12:13:01 17 yellow so there might be some unresolved claims for  
12:13:03 18 privilege in relation to them. I tried to work around  
12:13:06 19 those areas.  
12:13:09 20  
12:13:09 21 There's a diary of yours that I'd like to bring up  
12:13:14 22 just by way of example. As I've said to you, and you've  
12:13:17 23 accepted that a number of the concerns that you raised and  
12:13:19 24 that were raised against you recorded in your diaries over  
12:13:24 25 the time. I just want to go to one of those. The diary  
12:13:27 26 itself is a large document which the operator doesn't have  
12:13:31 27 any notice of, but I'll do my best. It's  
12:13:39 28 VPL.0005.0186.0009. That might take some time to come up  
12:13:43 29 because my hard copy version of it is quite a lengthy  
12:13:47 30 document. But what I can do is take you to some parts of  
12:13:54 31 that. Do you have your diaries available in the hearing  
12:13:59 32 room?---My solicitors do.  
33  
12:14:01 34 Yeah, okay. If your diary - I'll give you the date. So  
12:14:09 35 the file ends in 0009. The diary is from 5 April 2011.  
12:14:29 36 I'd like the witness to have the original.  
12:14:33 37  
12:14:34 38 MR HOLT: May my instructor provide that, Commissioner?  
12:14:36 39  
12:14:36 40 COMMISSIONER: Yes, certainly.  
12:14:37 41  
12:14:38 42 MR WOODS: What I'm after is p.83, the little blue print  
12:14:44 43 that's on the police pagination of it and it's pinpoint 78  
12:14:48 44 of the larger document. I apologise for not giving the  
12:14:51 45 operator notice of that one. What this appears to be is  
12:14:58 46 one of the examples of your discussions with members of  
12:15:04 47 your team. This one is from 15 March 2012. Do you firstly

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12:15:12 1 see that, p.83?---I do.  
2  
12:15:14 3 And at 15th of the 3rd, which is on the left-hand column,  
12:15:20 4 if we go down a few lines it talks about an entry at 13:45,  
12:15:25 5 "SDU Ops update and admin. meeting", do you see  
12:15:30 6 that?---Yes.  
7  
12:15:31 8 This is a regular staff meeting, is it?---It is, to discuss  
12:15:33 9 the, either weekly or fortnightly, the human sources and  
12:15:38 10 what their, information that's been gleaned from them and  
12:15:43 11 tasking and whether to continue on with that human source.  
12  
12:15:48 13 Yes, all right. Was it your understanding that meetings of  
12:15:52 14 this kind had been occurring prior to your time in this  
12:15:57 15 role?---Yes.  
16  
12:15:59 17 And had the meetings been occurring with senior people or  
12:16:02 18 was Sandy White the most senior person in those  
12:16:05 19 meetings?---I believe that the Inspector that sat over both  
12:16:12 20 the Undercover Unit and the Source Unit did attend them.  
12:16:17 21 The frequency I don't know.  
22  
12:16:18 23 Yes?---But Sandy White or Officer Richards would have  
12:16:25 24 chaired those meetings.  
25  
12:16:26 26 I see. This particular entry, you've made a decision, by  
12:16:31 27 the sound of things, not to register a particular source,  
12:16:35 28 obviously not Ms Gobbo. Is that what I understand that to  
12:16:38 29 mean?---Yes, that RFA and number, yes.  
12:16:42 30  
12:16:42 31 I've got redacted version which takes out those  
12:16:48 32 details?---Okay.  
33  
12:16:49 34 I can tell you what the discussion is, is that they clearly  
12:16:52 35 want a particular source to be registered and you're  
12:16:54 36 telling them as their boss, "I don't want you to register  
12:16:58 37 that source"?---Yes.  
38  
12:17:00 39 It's fair to say, given the pages that come after that, and  
12:17:03 40 I don't expect you to know them off by heart, that you got  
12:17:07 41 significant kickback from your team about that  
12:17:11 42 refusal?---Yes, in particular Officer Richards.  
43  
12:17:14 44 And Officer Richards, you observed that he's extremely  
12:17:20 45 frustrated with you, is that correct?---Yes.  
46  
12:17:24 47 He says to you that he is a subject matter expert on high

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12:17:33 1 risk human source handling management and that essentially  
12:17:41 2 his view should prevail over yours, is that what was  
12:17:45 3 explained to you?---Yes, mine and Superintendent Sheridan  
12:17:50 4 as the local source registrar.  
5  
12:17:53 6 That seems to be the top of p.84 of the document, pinpoint  
12:17:58 7 79. Halfway down through that page, this is p.84 still  
12:18:04 8 with the blue 84 at the top, you've explained to him that  
12:18:11 9 it appeared to be a concerted effort by staff, is  
12:18:14 10 it?---Yes.  
11  
12:18:14 12 "To flesh out my reasons", and is that Richards  
12:18:20 13 there?---And - yes.  
14  
12:18:21 15 "Telling me how to do my role as the officer-in-charge.  
12:18:26 16 Richards", I take it, "spoke about decisions being made and  
12:18:30 17 he was not included in, including recent crime conference  
12:18:35 18 where he was not invited, running of human source and had  
12:18:41 19 not been" - what's that next word?---Not allowed to  
12:18:46 20 approach.  
21  
12:18:46 22 To approach a particular person?---M'hmm.  
23  
12:18:49 24 Essentially what you then do to him is explain again that  
12:18:53 25 you're not trying to frustrate him, you're simply trying to  
12:18:57 26 be a manager of the Source Development Unit; is that  
12:19:02 27 right?---That is correct.  
28  
12:19:03 29 He again then speaks to you about him being a subject  
12:19:06 30 matter expert and stated that you had not done the  
12:19:10 31 particular course so how could you essentially make the  
12:19:14 32 decision about the human source. That's another occasion  
12:19:17 33 where he's identifying that essentially he knows more about  
12:19:20 34 it than you do, you agree?---His opinion, yes.  
35  
12:19:25 36 You've said to him, you've pointed out that in fact you do  
12:19:29 37 have experience with human source management and your job  
12:19:33 38 is to manage the risk that is posed to the team, is that  
12:19:37 39 what you explained to him?---Yes, I did.  
40  
12:19:40 41 Then at the bottom of the next page, which is 85, he's  
12:19:48 42 stated that - on the screen in front of you, looking at  
12:19:55 43 that hard copy there, but there's the fourth black mark  
12:19:58 44 from the bottom, is that one of the handler's names there,  
12:20:02 45 and is it Richards or - - - ?---Yes.  
46  
12:20:05 47 Yeah, okay. So "Richards stated that", what's that next

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12:20:08 1 bit there?---Paul Sheridan.  
2  
12:20:10 3 Yep. "Should have been consulting him", i.e. should have  
12:20:14 4 been consulting Richards, "re any human source matter as he  
12:20:17 5 is the subject matter expert and that Paul Sheridan should  
12:20:21 6 come and see him, talk to him re human source matters".  
12:20:26 7 Now do I understand from that that it was expressed to you,  
12:20:31 8 at least by Richards, that just as he was critical of you  
12:20:36 9 in his view not knowing all the things that you should know  
12:20:39 10 about human source management, but he was expressing that  
12:20:45 11 about Paul Sheridan as well?---Yes.  
12  
12:20:47 13 Then on the following page, that's 86, two-thirds of the  
12:20:51 14 way down, the meeting finished 16:00. You've got,  
12:20:55 15 "Concerns about Richards' welfare and levels of stress and  
12:21:00 16 wanting to have every decision explained to him and to be  
12:21:03 17 consulted with", what's that next bit?---"With all  
12:21:08 18 decisions."  
19  
12:21:09 20 Okay?---"In relation to human sources and officer."  
21  
12:21:13 22 As I say, I don't want to take you through all of the  
12:21:17 23 entries that indicate that kind of conversation, but that  
12:21:22 24 seems to have been a fairly regular occurrence in your time  
12:21:25 25 managing the SDU?---Yes.  
26  
12:21:29 27 Generally speaking those concerns were expressed by Sandy  
12:21:33 28 White and Richards?---In particular, yes.  
29  
12:21:38 30 At paragraph 133, this is of your statement, you talk about  
12:21:43 31 the day that the closure of the SDU was announced and you  
12:21:49 32 say, "On the morning of 12 February 2013 I met with  
12:21:53 33 Superintendent Sheridan to discuss the closure. At 9 am I  
12:21:57 34 called the SDU members into the conference room at the  
12:21:59 35 office. I had arranged for all available staff to be  
12:22:02 36 present in the office that morning, including Sandy White,  
12:22:05 37 who'd been working elsewhere. I recall that I and the SDU  
12:22:11 38 members were each given a letter and that ACC Fryer and  
12:22:16 39 Superintendent Sheridan spoke briefly". You recall that  
12:22:22 40 what they said in that meeting was the reason for the  
12:22:25 41 closure was that the members had simply been too long in  
12:22:28 42 that covert environment; is that right?---Yes.  
43  
12:22:31 44 They talked about there being too great a risk from the SDU  
12:22:35 45 continuing to operate; is that right?---Yes.  
46  
12:22:38 47 And they told the SDU members that the Unit would close in

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12:22:43 1 approximately two weeks and that new positions would be  
12:22:45 2 found for them within Victoria Police. Is that your  
12:22:48 3 understanding, that they were all to be offered new  
12:22:50 4 positions within the Force?---They were, and it was my role  
12:22:53 5 to assist in that occurring.  
6  
12:22:55 7 Were they all offered new positions in the Force?---Yes.  
8  
12:23:00 9 Did they all take them?---Most of them did. One member  
12:23:07 10 took a leave of absence.  
11  
12:23:10 12 Right. Who was that?---From my recollection I believe it  
12:23:18 13 was Officer Peter Smith, I believe.  
14  
12:23:22 15 Yes. There's conjecture amongst a number of witnesses and  
12:23:29 16 documents about the reasons for the closure. Was it ever  
12:23:36 17 explained to you that there was anything, any reason other  
12:23:41 18 than the ones that were identified there by you in  
12:23:43 19 paragraph 133 as to why the SDU needed to close?---No, that  
12:23:48 20 was - no.  
21  
12:23:50 22 What about embarrassment arising from this relationship  
12:23:55 23 between the SDU and Gobbo, was it ever explained to you  
12:23:59 24 that there was some reason essentially quickly to get rid  
12:24:03 25 of the SDU as it was an embarrassment?---No.  
26  
12:24:06 27 Okay. I want to identify a couple more things. One is  
12:24:15 28 your - what's explained to them there about the risks and  
12:24:24 29 them being too long in a covert environment, and at  
12:24:30 30 paragraph 137 of your statement you start to drill down in  
12:24:36 31 some detail about what those concerns were and you talk  
12:24:43 32 about them being desensitised to taking risks and that's  
12:24:47 33 risks to themselves; is that right?---Yes.  
34  
12:24:51 35 After spending too long in a high risk covert area. "The  
12:24:54 36 culture of the Unit came to resist management's attempts to  
12:24:59 37 intervene to control those risks to Victoria Police and the  
12:25:01 38 community". I spoke to you a moment ago, I asked you a  
12:25:08 39 moment ago about where the courses came from. Was it ever  
12:25:12 40 a concern of yours that the courses were - other than the  
12:25:16 41 foundation course, were drafted by and presented by those  
12:25:24 42 members of the SDU, that essentially they had their own  
12:25:28 43 world, their own qualifications, their [REDACTED] their  
12:25:32 44 own way of doing things that the rest of the world wasn't  
12:25:36 45 privy to, is that a concern that you had?---I was concerned  
12:25:40 46 about some of the practices in the [REDACTED] course.  
47

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These claims are not yet resolved.

12:25:42 1 Yes?---And I raised - after sitting through that course I  
12:25:48 2 raised that in a debrief with and spoke to Sandy White and  
12:25:53 3 Officer Richards.  
4  
12:25:54 5 Yes?---In regards to the stress they were putting students  
12:25:59 6 and the instructors on.  
7  
12:26:02 8 Yes?---And that there'd need to be some change.  
9  
12:26:08 10 Did you face resistance to that suggestion?---Yes.  
11  
12:26:17 12 The case was that by the time of the closure there'd been -  
12:26:24 13 now there's a document I want to bring up just on yours,  
12:26:28 14 mine and the Commissioner's screen, VPL.0100.0169.0001. I  
12:26:37 15 need to be cautious about some aspects of the document but,  
12:26:42 16 firstly, you recognise that document?---Yes.  
17  
12:26:46 18 That's a document prepared by you?---It was.  
19  
12:26:51 20 What was occurring - so this is 16 July 2010, you were  
12:26:55 21 fairly new into your role, a couple of months in at that  
12:26:58 22 stage?---I was.  
23  
12:27:01 24 And what you were doing was reporting up the line to your  
12:27:05 25 superior, Detective Superintendent Sheridan, about the  
12:27:10 26 outcome of essentially an investigation into what had  
12:27:15 27 occurred with the SDU members in an interstate  
12:27:18 28 operation?---That is correct.  
29  
12:27:21 30 Now the situation had been that they were in another State  
12:27:27 31 of Victoria at the time, the members - sorry, another State  
12:27:33 32 of Australia at the time?---Yes, they were.  
33  
12:27:35 34 Other than Victoria?---Yes.  
35  
12:27:36 36 And that they were operating in relation to a particular  
12:27:44 37 human source, one particular human source that they were  
12:27:47 38 concentrating on at the time?---Yes.  
39  
12:27:48 40 And that human source was a Victorian based human source to  
12:27:51 41 your understanding?---Yes.  
42  
12:28:01 43 There was a consideration in this document about breaches  
12:28:04 44 of that other State's laws that had been committed by these  
12:28:10 45 members of the SDU?---Yes.  
46  
12:28:15 47 This has occurred in the early part of 2010, in about

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12:28:20 1 February 2010?---Yes, late January and early February 2010.  
2  
12:28:26 3 It says given that the other State's law enforcement  
12:28:34 4 professionals appear to have reported that there was  
12:28:38 5 insufficient evidence to charge them, do I understand that  
12:28:42 6 there was in fact a suggestion at some stage that they  
12:28:47 7 might be charged with offences?---I think that was a  
12:28:51 8 concern and that there was a possibility they could be  
12:28:55 9 charged with that particular State's offences.  
10  
12:29:02 11 And the officers who were involved, just looking at the  
12:29:05 12 pseudonym list in front of you there, do I understand them  
12:29:09 13 to have been Sandy White, Peter Smith, Richards, Anderson  
12:29:15 14 and another whose pseudonym I've unfortunately forgot - is  
12:29:24 15 it Green?---Can you scroll down to the next page?  
12:29:30 16  
12:29:32 17 Yes, go ahead. There we go. It's that bottom name I'm  
12:29:37 18 after. I'm just looking for the pseudonym. Wolf, I'm  
12:29:41 19 sorry?---Yes.  
20  
12:29:42 21 Thank you. The situation, as I understand from your  
12:29:45 22 reporting of this to Paul Sheridan, was that these  
12:29:49 23 individuals essentially thought they were doing the right  
12:29:52 24 thing but in doing so probably did break a number of  
12:29:56 25 laws?---Correct.  
26  
12:30:04 27 Anderson himself, in your understanding, broke the law on a  
12:30:07 28 number of occasions for making illegal recordings contrary  
12:30:12 29 to the laws that persisted in that State?---That is  
12:30:14 30 correct.  
31  
12:30:16 32 There seems to have been a tight spot that they were in at  
12:30:21 33 an airport where they were unsure what to do with a  
12:30:25 34 quantity of ice that the human source had and essentially  
12:30:28 35 the source handed the ice to the handler, or to one of  
12:30:32 36 these individuals, sorry, and that was a breach of policy;  
12:30:38 37 is that correct?---Conveying the drugs from that particular  
12:30:43 38 State back to Victoria - - -  
39  
12:30:46 40 Taking it on the plane, yep?---They hadn't used the correct  
12:30:51 41 instrument, an extra territorial search warrant to  
12:30:59 42 facilitate the legal method of bringing these exhibits  
12:31:03 43 back.  
44  
12:31:03 45 They in fact took them on a commercial flight between that  
12:31:10 46 State and Victoria?---They did.  
47

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12:31:12 1 As it explained to you that they simply didn't know what  
2 else to do with them at that stage when they were handed to  
12:31:14 3 them or was it not explained?---I believe they sought  
12:31:15 4 instructions from, I think it's listed in my report, they  
12:31:20 5 sought instructions from - am I allowed to say the Task  
12:31:26 6 Force?  
7  
12:31:27 8 Yes, you are?---The Purana Task Force.  
9  
12:31:29 10 Yes?---And they then sought - I believe they sought some  
12:31:34 11 clarification from the Inspector at the Task Force.  
12  
12:31:39 13 Yes?---And the Inspector who was sitting over the  
12:31:45 14 Undercover Unit and the Source Unit at the time.  
15  
12:31:50 16 Said that it was okay?---I believe that's - they were told  
12:31:57 17 to bring it back.  
18  
12:31:58 19 Do you know who that Inspector was at that stage in  
12:32:01 20 January/February 2010?---At Purana or at - - -  
21  
12:32:04 22 No, at - sitting above these individuals?---Glow, Andrew  
12:32:11 23 Glow.  
24  
12:32:11 25 Okay. As we go through the document, basically there are  
12:32:16 26 allegations that are considered and then there's a  
12:32:19 27 recording there of whether or not it appears to be  
12:32:21 28 supported. Now are they your view of whether or not it  
12:32:26 29 should be supported or rejected, or is this a disciplinary  
12:32:30 30 process that they underwent?---My recollection of the  
12:32:32 31 document is that there was, from the particular State - - -  
32  
12:32:36 33 I see?--- - - they provided where they believed there was  
12:32:40 34 breaches.  
35  
12:32:40 36 Yes?---And then I undertook an investigation into that and  
12:32:49 37 replied back as to whether or not there was breaches. The  
12:32:54 38 other State thought that the handlers had breached certain  
12:33:03 39 aspects of an Act.  
40  
12:33:06 41 Yes?---Where they handed a recording device to the person  
12:33:12 42 mentioned in the report.  
43  
12:33:13 44 Yes. And in fact, I won't go through each of them, but  
12:33:17 45 there are a number of occasions and a number of separate  
12:33:21 46 allegations about Anderson who continually made, what  
12:33:28 47 seemed apparent to that interstate law enforcement agency,

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12:33:33 1 appeared to be illegal recordings?---Yes.  
2  
12:33:38 3 So there's an allegation that Anderson has conveyed  
12:33:42 4 separately illegal substances out of the other State to  
12:33:46 5 Victoria other than the ice, or is it only the ice that  
12:33:50 6 occurred?---I believe it was also - Anderson and Smith  
12:34:01 7 drove back from that State to Victoria with some, I think  
12:34:08 8 from my memory, drugs, which I believe would be ice, and  
12:34:12 9 money which was believed to be proceeds of crime.  
10  
12:34:15 11 Then there's a third illegal recording of Anderson's, a  
12:34:21 12 potentially illegal recording of Anderson's, then there's a  
12:34:25 13 source being in possession of \$50,000 where that should not  
12:34:30 14 have been allowed to occur and then Wolf taking that  
12:34:34 15 interstate?---To another State, yes.  
12:34:37 16  
12:34:38 17 And then Wolf getting on to a plane accidentally with live  
12:34:42 18 ammunition in his bag, is that another thing that  
12:34:45 19 occurred?---Yes.  
20  
12:34:46 21 And his reasoning for that was that he accidentally left  
12:34:48 22 the live ammunition in his bag following a training day  
12:34:52 23 where he'd taken them out of his gun?---That is correct.  
24  
12:34:56 25 Then there's another potentially illegal recording made by  
12:35:00 26 Anderson. As a result of these - firstly, these were very  
12:35:07 27 serious matters, weren't they?---Significant matters, yes.  
28  
12:35:14 29 And they led to a review of the Standard Operating  
12:35:18 30 Procedures; is that right?---Yes, they did.  
31  
12:35:20 32 Did they lead to any disciplinary action being taken  
12:35:23 33 against the individuals?---No, no, there was not.  
34  
12:35:30 35 What they did lead to though was a dedicated Inspector  
12:35:33 36 being appointed to the SDU?---That was the reason what -  
12:35:37 37 that was what caused, I believe, for me to be selected, the  
12:35:40 38 position to be put in place for a dedicated Inspector to  
12:35:44 39 sit across the SDU and not across both Undercover and the  
12:35:49 40 SDU.  
41  
12:35:54 42 You must have been concerned, given the things that were  
12:36:03 43 under your examination here, about the professional conduct  
12:36:07 44 of these individuals; is that right?---I was.  
45  
12:36:13 46 Did it appear to you that they were essentially - did you  
12:36:18 47 think they were cowboys or did you think they knew what

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12:36:21 1 they were doing but had lost their way, what was your  
12:36:24 2 understanding when you were putting this document  
12:36:26 3 together?---I thought that the members involved were quite  
12:36:31 4 senior members, in particular - well all the members  
12:36:36 5 involved in it were very senior and I was amazed that they  
12:36:40 6 had not turned their mind to the laws in that other State  
12:36:44 7 in regards to that applicable State's Surveillance Devices  
12:36:57 8 Act.  
9  
12:36:57 10 Yes?---And that they didn't use what is commonly used in  
12:37:02 11 regards to returning exhibits from a different State, using  
12:37:06 12 the extra territorial provisions that are used across  
12:37:12 13 Australia to move exhibits in criminal matters from one  
12:37:13 14 State to another.  
15  
12:37:16 16 These are simple matters these people, given their  
12:37:19 17 experience, simply should have known about?---They're all  
12:37:23 18 trained detective, have all done Detective Training School  
12:37:23 19 and [REDACTED] were those matters,  
12:37:25 20 especially the extra territorial warrants, would have been  
12:37:29 21 covered.  
22  
12:37:29 23 Was it an example of what you later came to understand to  
12:37:34 24 be them really thumbing their nose at authority and wanting  
12:37:39 25 to run things their own way?---Probably more the risk  
12:37:49 26 versus reward.  
27  
12:37:51 28 I see. You go on to say in your statement that I think as  
12:37:56 29 a result of all of this you need to intrusively supervise  
12:38:06 30 these individuals. Was it your understand that that's  
12:38:09 31 something that just hadn't been happening adequately up  
12:38:12 32 until the time that you commenced?---That is my  
12:38:14 33 understanding, yes.  
34  
12:38:16 35 Was it described to you when you were offered or appointed  
12:38:16 36 to the role that that's something that you needed to do  
12:38:17 37 with these individuals?---It was.  
38  
12:38:19 39 Who explained that to you?---Mr Sheridan.  
40  
12:38:22 41 How long had he been in his role at that time, do you know,  
12:38:25 42 when you were appointed?---I think he started at maybe the  
12:38:31 43 start of the year in 2010, or maybe late 2009.  
44  
12:38:35 45 He was a few months in himself at that stage and identified  
12:38:38 46 these - they're really cultural issues, some of them,  
12:38:43 47 aren't they?---This was a really - this matter in the other

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12:38:46 1 State was a significant embarrassment to Victoria Police.  
2  
12:38:49 3 Yeah, I see. All right. But an embarrassment that  
12:38:54 4 nevertheless didn't make it into the press though?---No.  
5  
12:39:00 6 No, all right. So I take it the embarrassment is one Force  
12:39:07 7 to the other Force?---Yeah.  
8  
12:39:09 9 Okay. You say, and I think I've already asked you this but  
12:39:16 10 I want to clarify it, your view is that these were  
12:39:19 11 hard-working individuals who were trying to do the right  
12:39:22 12 thing; is that right?---Yes.  
13  
12:39:25 14 But the problem was that they continued to take  
12:39:27 15 unacceptable risks?---Yes, on occasions.  
16  
12:39:34 17 And that they were actively resistant to any management  
12:39:41 18 from you?---In the main, yes.  
19  
12:39:45 20 They tried to work around and circumvent decisions that had  
12:39:50 21 been made regarding them on a number of occasions?---Yes.  
22  
12:39:54 23 So if you take, for example, the location of their premises  
12:39:57 24 being moved, as it was at one stage into a larger Police  
12:40:04 25 Force office, they were very resistant to that  
12:40:06 26 happening?---Yeah, they were devastated by that.  
27  
12:40:09 28 They'd been working [REDACTED] for a long period of time in  
12:40:13 29 their own [REDACTED] ---Yes.  
30  
12:40:15 31 When that decision was explained to them they tried to go  
12:40:19 32 directly to the Chief Commissioner rather than to those  
12:40:22 33 above them; is that right?---Yes.  
34  
12:40:23 35 And that, I take it, is inappropriate in circumstances of  
12:40:27 36 an organisation that's a structured organisation when their  
12:40:30 37 own manager had explained to them what was  
12:40:33 38 happening?---Yes, and the Superintendent had explained to  
12:40:35 39 them too.  
40  
12:40:36 41 At p.143 - sorry, paragraph 143, you talk about the list of  
12:40:44 42 serious instances where the SDU members took or proposed to  
12:40:48 43 take unacceptable risks or resisted attempts to manage  
12:40:54 44 risks. Now I don't need to bring that document up but that  
12:40:58 45 was something that you felt obliged to record given your  
12:41:03 46 concerns about these gentlemen?---I did.  
47

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12:41:10 1 They are concerns that you passed on to Superintendent  
12:41:12 2 Sheridan regularly?---I did.  
3  
12:41:15 4 COMMISSIONER: Excuse me, has that document been tendered?  
12:41:18 5  
12:41:19 6 MR WOODS: Yes, it has. I don't have an exhibit number for  
12:41:21 7 it.  
8  
12:41:22 9 COMMISSIONER: We'll find it later. Sorry to interrupt, I  
12:41:26 10 just wasn't sure.  
12:41:30 11  
12:41:30 12 MR HOLT: 703, Commissioner.  
13  
12:41:32 14 COMMISSIONER: Thank you.  
12:41:39 15  
12:41:39 16 MR WOODS: It's the case that one of the things they didn't  
12:41:41 17 accept about management was that the decisions that you  
12:41:47 18 were making and the things that you were asking of them  
12:41:50 19 were to mitigate risk that they faced in a general sense;  
12:41:56 20 is that right?---Risk to them, risk to the community, risk  
12:41:58 21 to the human source.  
22  
12:42:01 23 They didn't accept that it was management's role to step in  
12:42:06 24 and try to mitigate the risks to each of those areas; is  
12:42:11 25 that right?---On a regular basis, yes.  
26  
12:42:15 27 You talk about their health and well-being declining due to  
12:42:19 28 the way they operated. Could you expand on that a little  
12:42:22 29 bit, what did you observe?---I observed - I must say they  
12:42:27 30 were very hard-working members.  
31  
12:42:31 32 Yes?---But they were working long hours, missing important  
12:42:38 33 family time, social functions and so they were becoming, I  
12:42:46 34 could see with a number of members they were becoming quite  
12:42:49 35 stressed. One member had to - left, went on sick leave and  
12:42:57 36 then subsequently resigned. And I could see that with a  
12:43:02 37 number of things happening, the move - in particular the  
12:43:07 38 move back from PII [REDACTED] to 412 St Kilda Road  
12:43:12 39 had a significant effect on their - how they perceived  
12:43:20 40 management.  
41  
12:43:21 42 Yes?---And also I could see how a number of members were  
12:43:29 43 becoming quite stressed as a result of that move and also  
12:43:38 44 as a result of them not getting what they wanted. It was -  
12:43:51 45 on occasions I would say no, we're not running a human  
12:43:54 46 source or on occasions Mr Sheridan would say that we're not  
12:43:58 47 running that human source, and they struggled very much so

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12:44:02 1 to accept that management - they didn't see that management  
12:44:07 2 were there to cover the risk to the organisation, risk to  
12:44:10 3 the community, risk to the human source and that in  
12:44:12 4 particular the risk to themselves and they struggled with  
12:44:16 5 having someone above them to actually, probably to say no.  
6  
12:44:22 7 Yes, I see. Now in around October 2010 there's a complaint  
12:44:27 8 about a member of the SDU, about his inappropriate use of  
12:44:31 9 his work phone. Can you just tell me, using the pseudonym,  
12:44:34 10 who that was?---Officer Preston.  
11  
12:44:43 12 What was the inappropriate use of the phone?---He was  
12:44:48 13 utilising his work phone to receive inappropriate and  
12:44:56 14 sexually explicit images, stills and videos.  
15  
12:45:05 16 He defended his use of the phone as being related to his  
12:45:09 17 work and you said well that's, your conclusion was that's  
12:45:14 18 clearly not the case; is that right?---Yes. Part of the  
12:45:18 19 SOPs was that they could use - because of the hours they  
12:45:23 20 worked they were all issued with telephones that - - -  
21  
12:45:28 22 It was a work phone?---It was a work phone and they were  
12:45:31 23 allowed to use it for some personal use. He said that he  
12:45:34 24 was using that for personal use and I said that doesn't cut  
12:45:37 25 it.  
26  
12:45:38 27 I see, all right. There was a disciplinary hearing into  
12:45:44 28 that and the member was sick during that and subsequently  
12:45:48 29 retired due to ill-health, is that the situation?---That is  
12:45:51 30 correct.  
31  
12:45:55 32 Regarding the Assistant Commissioner's decision to relocate  
12:46:00 33 to St Kilda Road, that's the situation when the members  
12:46:02 34 tried to circumvent that decision and go to the Chief  
12:46:08 35 Commissioner; is that right?---Yeah, via the chief of staff  
12:46:12 36 for the Chief Commissioner.  
37  
12:46:14 38 And the chief of staff was someone they had personal  
12:46:20 39 contact with?---One of the members of the Unit had worked  
12:46:26 40 at a suburban detectives' office with the then chief of  
12:46:33 41 staff.  
42  
12:46:33 43 Do you recall who the then chief of staff was out of  
12:46:36 44 interest?---Shane Paton.  
45  
12:46:37 46 That was obviously frowned upon because the decision had  
12:46:42 47 been made?---By Mr Pope, yes.

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12:46:43 1  
12:46:43 2 That was explained to them, not to do that, because the  
12:46:46 3 decision had been made?---I became aware of it. My  
12:46:49 4 recollection is I became aware of it when I was contacted  
12:46:53 5 by the chief of staff.  
6  
12:46:54 7 What they did is they drafted their own risk assessment  
12:46:59 8 about the risks that would be posed from their move from  
12:47:02 9 [REDACTED] into police headquarters; is that  
12:47:06 10 correct?---That is correct.  
11  
12:47:08 12 I'll tender that but I don't need to take you through the  
12:47:12 13 details of it. It's VPL.0100.0080.0012. Actually, I might  
12:47:21 14 just bring that up very briefly. Only on mine and the  
12:47:26 15 witness's and the Commissioner's screens. That's a letter  
12:47:31 16 from you passing on their risk assessment, you're writing  
12:47:35 17 to Sheridan; is that correct?---That is correct.  
18  
12:47:38 19 You say you're confident the staff will be able to mitigate  
12:47:43 20 the risks identified in performing their role, so  
12:47:47 21 essentially what you're saying is, look, this is their  
12:47:49 22 concerns and I'm bringing it your attention but your view  
12:47:52 23 is that the risk will be able to be mitigated?---Yes.  
24  
12:47:58 25 At 14 to 15 of that document there's - sorry, that might be  
12:48:08 26 it. You talk about the planning already being well  
12:48:14 27 underway, et cetera. You say that it's Green, it was the  
12:48:20 28 case that it was Officer Green who drafted the risk  
12:48:27 29 assessment?---Yes.  
30  
12:48:29 31 And your understanding was that it was reflective of the  
12:48:32 32 views of all of the then members of the SDU?---All staff of  
12:48:37 33 the SDU, my understanding, and including Officer White  
12:48:44 34 were, my understanding, had participated in drafting that.  
35  
12:48:48 36 Okay. I tender that, Commissioner.  
12:48:50 37  
12:48:53 38 #EXHIBIT RC806A - (Confidential) VPL.0100.0080.0012.  
12:48:56 39  
12:48:56 40 #EXHIBIT RC806B - (Redacted version.)  
12:48:58 41  
12:48:58 42 That can come off the screen now. There was what you  
12:49:01 43 described as a subdued sense of anger after the move,  
12:49:05 44 that's correct?---Yes.  
45  
12:49:05 46 And essentially they continued, even after the move, to try  
12:49:09 47 and get [REDACTED] back?---That is correct.



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1  
12:49:13 2 All right. At 152 of your statement you talk about April  
12:49:21 3 2012 and new policies being introduced. The members would  
12:49:26 4 travel - "All members would travel to work PII [REDACTED]  
12:49:32 5 PII [REDACTED] rather than all travelling in their own  
12:49:35 6 individual Victoria Police issued cars. Prior to this the  
12:49:38 7 [REDACTED] in the SDU had [REDACTED]  
12:49:41 8 [REDACTED] cars for their own use". There were particular  
12:49:54 9 [REDACTED], no, perhaps not [REDACTED], there were particular  
12:49:58 10 items that members were being required to carry. Up until  
12:50:07 11 this change they'd only been carrying one particular item  
12:50:10 12 with them [REDACTED] and [REDACTED]?---Yes.  
13  
12:50:13 14 And what they were being asked to do was to carry two other  
12:50:16 15 items with them in addition to that first item?---Yes.  
16  
12:50:20 17 Yeah, okay. Those changes came about in part as a result  
12:50:27 18 of one of the SDU member's wives writing and saying that  
12:50:32 19 she had serious concerns about her husband at the  
12:50:34 20 time?---Yes, had written a letter to the then, whoever the  
12:50:39 21 Chief Commissioner was at that stage.  
22  
12:50:45 23 On 20 April 2012 you were informed that Sheridan and Pope  
12:50:52 24 had directed those changes to take place. On 23 April you  
12:50:55 25 then tell the SDU about those changes and you recall them  
12:50:58 26 being upset and angry about the changes. Is it the case  
12:51:06 27 that the PII [REDACTED] travel policy, they essentially started  
12:51:12 28 doing half shifts from home as a protest in relation to  
12:51:16 29 that?---In effect, yes.  
30  
12:51:23 31 Was it your view that they were being deliberately  
12:51:26 32 uncooperative in relation to those changes in  
12:51:28 33 policy?---Yes.  
34  
12:51:29 35 Did that strike you as childish or petulant behaviour on  
12:51:35 36 their behalf?---Yes, although it had been very difficult at  
12:51:40 37 that stage and anything that management spoke about within  
12:51:46 38 reason they would push back on.  
39  
12:51:50 40 In a general sense from your time commencing in May 2010 to  
12:51:55 41 the disbandment in 2013, the resistance got stronger over  
12:52:01 42 time, rather than waned over time?---Yes.  
43  
12:52:04 44 It was so bad in relation to those issues we've just been  
12:52:08 45 talking about that Sheridan had to step in and try and  
12:52:11 46 assist; is that right?---He did. He attended a meeting at  
12:52:13 47 some stage in 2012 to talk to them.

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1  
12:52:17 2 Did they show him that they would be more cooperative with  
12:52:23 3 him than they had been with you?---No.  
4  
12:52:29 5 Mr Biggin, who's given evidence to the Commission  
12:52:32 6 previously, he had operational control over the SDU from  
12:52:36 7 about mid-2006 and onwards, and that's a period in which a  
12:52:44 8 number of very significant events that are under  
12:52:47 9 consideration of the Commission occurred. He said - his  
12:52:53 10 evidence was that during that period of time the buck  
12:52:56 11 stopped with him but it might be said that his style of  
12:53:08 12 management was less interventionist than your style of  
12:53:13 13 management. Are you able to comment? Did you make any  
12:53:16 14 observations in your time that they'd been left to their  
12:53:18 15 own devices or managed less rigorously in the past?---The  
12:53:23 16 Inspector who was in charge of both Units, Inspector Glow,  
12:53:28 17 based himself out of the PII [REDACTED] of the  
12:53:32 18 Undercover Unit.  
19  
12:53:33 20 Yes?---And spent, from my understanding, the majority of  
12:53:37 21 his time at that Unit and then would periodically would go  
12:53:42 22 across to the PII [REDACTED] of the SDU.  
23  
12:53:47 24 Just pausing there so I understand it properly. That means  
12:53:52 25 he was only visiting the SDU from time to time and was  
12:53:54 26 working from somewhere else most of the time?---To my  
12:53:57 27 understanding, yes.  
28  
12:54:00 29 Okay?---And so to have a Detective Inspector there  
12:54:03 30 full-time, and I was charged with the intrusively  
12:54:05 31 supervising the deployment of the high risk human sources  
12:54:10 32 and to manage the risk and they struggled having an  
12:54:15 33 Inspector who was intrusively supervising them.  
34  
12:54:22 35 There seems to be some mutual affection between the SDU  
12:54:26 36 members who have been asked about it and Mr Biggin, and  
12:54:30 37 Mr Biggin for a few members of the SDU. One of the things  
12:54:35 38 that they're critical, that Richards in particular is  
12:54:38 39 critical of you about, you can see from the diaries and  
12:54:42 40 some of the documents at the time, is you not having what  
12:54:45 41 he thought to be the appropriate qualifications in human  
12:54:49 42 source management. Now it appears from my reading of the  
12:54:52 43 documents that Biggin didn't have any more or less  
12:54:57 44 qualifications than you had at the time. Are you aware of  
12:55:01 45 those who came before you with operational control over the  
12:55:06 46 SDU, as to whether or not they actually had these  
12:55:10 47 qualifications that these members were complaining that you

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12:55:13 1 didn't have?---I would doubt that they did because,  
12:55:17 2 specially the [REDACTED] courses, were trying to get the rank  
12:55:22 3 and file through to get qualified because they're the ones  
12:55:25 4 that are out dealing with the day-to-day human sources, so  
12:55:30 5 to put an officer through to take one of the spots on a  
12:55:33 6 course that is specially the higher one.  
12:55:36 7  
12:55:36 8 Yes?---It would be inappropriate use of resources to put an  
12:55:40 9 officer through that. I have sat through I think two  
12:55:45 10 entire - - -  
11  
12:55:56 12 [REDACTED] courses above the one that you sat and  
12:56:01 13 achieved?---[REDACTED] above.  
14  
12:56:03 15 Yeah, okay. So you've sat through them as the boss of  
12:56:06 16 these individuals who had drafted the courses and were  
12:56:09 17 presenting the courses?---Yes.  
18  
12:56:11 19 So you were very familiar with the content then I take  
12:56:13 20 it?---Yes.  
21  
12:56:15 22 You were about to say something about those?---I've lost my  
12:56:22 23 train of thought.  
24  
12:56:23 25 That's all right. I think what you might be identifying,  
12:56:26 26 and tell me if I'm wrong, is that whether or not you held  
12:56:29 27 the qualifications, the fact is you'd sat through those  
12:56:33 28 courses and observed them in any event?---Yes.  
29  
12:56:37 30 COMMISSIONER: I think you're also saying that they were  
12:56:39 31 really for the lower ranks of officers, training them  
12:56:44 32 up?---Yes, Commissioner.  
33  
12:56:45 34 And it wasn't a good use of resources for senior - - -  
12:56:49 35 ?---No. So it's not a - to put an Inspector or  
12:56:52 36 Superintendent through the [REDACTED] courses is not a  
12:56:56 37 good - they're very sought after, the courses in Victoria  
12:57:03 38 Police, to do. The PII [REDACTED] one, people come from [REDACTED]  
12:57:06 39 and [REDACTED] to lecture on, subject matter experts. So it  
12:57:10 40 would be inappropriate use of resources putting me as a  
12:57:16 41 student on the course considering I wouldn't be out  
12:57:20 42 managing the day-to-day interactions with a high risk human  
12:57:26 43 source  
12:57:26 44  
12:57:26 45 MR WOODS: Yes.  
46  
12:57:31 47 COMMISSIONER: Was there new information in those courses

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12:57:34 1 that you wouldn't know, a senior officer would not know  
12:57:38 2 unless they did the course or could you expect senior  
12:57:41 3 officers to be familiar with - - - ?---No, they would need  
12:57:44 4 to sit through the lectures from the various subject matter  
12:57:48 5 experts who provide the training to the people in the  
12:57:52 6 [REDACTED] course, the students.  
7  
12:57:56 8 Yes?---So there was usually a number of observers sitting  
12:58:00 9 in and I made a point of sitting in, over the two courses I  
12:58:03 10 did, I sat through nearly all the lectures.  
11  
12:58:07 12 As an observer?---As an observer.  
13  
12:58:09 14 All right then. Thank you.  
12:58:10 15  
12:58:11 16 MR WOODS: Thank you, Commissioner, they're the questions.  
17  
12:58:13 18 COMMISSIONER: Yes. Is there any cross-examination apart  
12:58:16 19 from - - -  
12:58:16 20  
12:58:17 21 MR NATHWANI: There is. Just five minutes.  
22  
12:58:19 23 COMMISSIONER: Mr Nathwani.  
12:58:19 24  
25 <CROSS-EXAMINED BY MR NATHWANI:  
26  
12:58:20 27 Commissioner, I spoke to Mr Woods. There's lots and lots  
12:58:23 28 of transcripts between this witness and Ms Gobbo. I don't  
12:58:26 29 propose to go through any or all of them. We'll deal with  
12:58:29 30 them by submissions. There's just one I wish to take you  
12:58:32 31 to on a matter that Mr Woods asked you about. This morning  
12:58:35 32 you'll recall he was talking to you or asking you questions  
12:58:38 33 about your involvement with Ms Gobbo and in effect asked  
12:58:41 34 you whether your position was to try and keep your distance  
12:58:44 35 from her?---Yes.  
36  
12:58:45 37 As part of that he went to RC800. If we could bring that  
12:58:50 38 up, please. Just to remind you, he was at the point where  
12:58:55 39 Ms Gobbo was saying, "Well, I could tell you about how Mr  
12:59:00 40 Williams, Carl Williams died". Do you remember that? If  
12:59:02 41 you go to p.17 of this document at the bottom, which is  
12:59:13 42 082. I'll try by the VPL number. It looks like the wrong  
12:59:18 43 RC, it's down as RC800. If we go to VPL.0100.0255.0066.  
12:59:38 44 799, sorry, my fault. If you go to p.17 of that document.  
12:59:47 45 So you see at the bottom, Mr Woods took you to Ms Gobbo  
12:59:49 46 saying to you, "John, one other thing, insofar as the  
12:59:53 47 provision of information, I'm not int the business of

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12:59:55 1 wasting your time". If we can go to the next page, please.  
12:59:57 2 She offers you the Carl Williams thing. You suggest  
13:00:00 3 speaking to Crime Stoppers. She says, "I'm not going to do  
13:00:04 4 that". Then we stop there. I just want to go through the  
13:00:08 5 next couple of pages and then ask you a question about it.  
13:00:11 6 You say, "Well, if you want to". She then says, "If you  
13:00:14 7 want. All I'm saying is if you want to listen to it at all  
13:00:18 8 I'll happily tell you, but if you don't, then I won't".  
13:00:23 9 You reply, "No, no, I'm happy to listen to it but just to  
13:00:27 10 let you know that on any information you provide I may or  
13:00:30 11 may not act on. All right". Witness F, or Ms Gobbo then  
13:00:34 12 says, "Yeah, that's okay, but that's always been the case".  
13:00:37 13 You carry on discussing it. She says, "It's exactly what  
13:00:41 14 happened previously with me". So if you scroll down, she  
13:00:44 15 says, "It's always been the case. It's not up to me to  
13:00:48 16 determine the value of the information or otherwise. Yep.  
13:00:49 17 Of what I'm saying", she says. "It might be a piece of the  
13:00:54 18 jigsaw puzzle that helps or it might be something you  
13:00:56 19 already know". It goes on. And you then say, "It's all  
13:01:01 20 right. If you want to share that information with me,  
13:01:02 21 that's fine". Then there's a further discussion. Just to  
13:01:05 22 be fair to you, to finish the chain, if we go down to the  
13:01:08 23 bottom, "But, Nicola, I just want to make clear", next  
13:01:11 24 page, "we're not going into a relationship that you'd  
13:01:14 25 previously had with this unit". Okay. That's the whole of  
13:01:17 26 the material in relation to that discussion. The position  
13:01:19 27 was this, wasn't it, what you were saying was, "I don't  
13:01:24 28 really want to be in - you're not going to be a human  
13:01:25 29 source for us again"?---Correct.  
13:01:27 30  
13:01:27 31 But you're prepared to listen in case there was some  
13:01:32 32 information that was of use that you would then use if  
13:01:34 33 necessary?---Yes.  
34  
13:01:35 35 That's a reality, it wasn't just keeping her at arm's  
13:01:39 36 length, it was, "We'll listen to you and if anything comes  
13:01:42 37 up that's worthwhile we may pursue it"?---No, no. She -  
13:01:47 38 the way she was, she would volunteer information. I did  
13:01:51 39 not encourage her to provide information.  
40  
13:01:54 41 She says to you, I mean reading the transcript, "If you  
13:01:58 42 don't want to listen I won't say it to you". You say, "No,  
13:02:02 43 no, I'll listen"?---Yes.  
44  
13:02:04 45 And just reading it, obviously we weren't there, but it  
13:02:04 46 reads as though you were prepared to listen in case there  
13:02:08 47 was something worthwhile?---Yes.

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1  
13:02:11 2 Just to put that into context, by that time we'd had the  
13:02:15 3 debacle about Ms Gobbo moving from a human source through  
13:02:18 4 to Petra, she'd then obviously sued successfully the  
13:02:28 5 police?---Yes.  
6  
13:02:28 7 You were obviously a point of liaison at that stage?---Yes.  
8  
13:02:31 9 Just dealing then with the next issue. The settlement,  
13:02:34 10 Ms Woods asked you this morning, he said obviously there'd  
13:02:38 11 been a settlement and she'd sue Victoria Police for a  
13:02:41 12 figure, millions of dollars or the like. And then was  
13:02:45 13 seeking reward, because we discussed, she discusses reward  
13:02:49 14 with you for her role as an informer?---Yes.  
15  
13:02:52 16 And it was left open as to the terms of that. Are you  
13:02:55 17 aware of the terms of her settlement had nothing to do with  
13:02:58 18 her role as a human source?---No.  
19  
13:03:02 20 That goes back to an email you were shown first thing this  
13:03:06 21 morning, the first document you were shown, and again it's  
13:03:08 22 my fault, but there was an email from Pope to Sheridan and  
13:03:12 23 Biggin that had, within which, I think it was the day after  
13:03:16 24 you arrived in your role, within which Mr Pope had  
13:03:20 25 indicated that "as far as the legal action by Ms Gobbo was  
13:03:23 26 concerned it conveniently neglected all dealings with us up  
13:03:27 27 to that point"?---I recall that.  
28  
13:03:29 29 That's an indication of the claim made. Were you involved  
13:03:35 30 with any of the legal claim and its contents?---No.  
31  
13:03:38 32 I'll stop at that stage with you then. We didn't go to,  
13:03:43 33 and this is at paragraph 126 of your statement - two issues  
13:03:52 34 I'd like to ask you questions about. I'm told your diary  
13:03:59 35 entry, if it helps, is VPL.0005.0186.0062. I just want to  
13:04:08 36 ask you a couple of things about what was happening on 3  
13:04:11 37 November 2011 and around that time, okay. In fact if you  
13:04:15 38 go to paragraph 125, I'll read it out. It says, "My diary  
13:04:19 39 records that I discussed this issue with Superintendent  
13:04:22 40 Sheridan on the morning of 3 November 2011. I was not  
13:04:26 41 involved in the discussion between Fryer and Sheridan about  
13:04:29 42 whether members of the Driver Task Force or the  
13:04:32 43 Commonwealth DPP should review the source management log.  
13:04:36 44 I was not involved in any discussions about whether certain  
13:04:39 45 charges against Paul Dale should or should not be pursued".  
13:04:45 46 Then paragraph 126, "At 2 pm on 3 November 2011 I met with  
13:04:51 47 Ms Breckweg and Mr Beale", now Justice Beale, "from the

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13:04:59 1 Commonwealth with Superintendent Sheridan and DSS Buick.  
13:05:01 2 My diary records at 2.50 Ms Breckweg", who is obviously a  
13:05:05 3 senior member of the Commonwealth prosecution, and still  
13:05:09 4 is, and Mr Beale, incorrectly recorded in your diary as  
13:05:14 5 Mr Cairns, were given Ms Gobbo's source management log to  
13:05:18 6 read, which they did, until 5.30, so that's about three  
13:05:22 7 hours?---Yes.  
8  
13:05:23 9 We've all read them, that's about the time it would take to  
13:05:27 10 read that document. Just focusing on those two  
13:05:31 11 individuals, because it was a Commonwealth involvement.  
13:05:34 12 Were you aware at the time Operation Inca was in full  
13:05:37 13 flight, which is the ecstasy tomato tins drugs bust?---I'm  
13:05:41 14 aware of that.  
15  
13:05:43 16 Looking through the records, the main protagonists of that  
13:05:46 17 case didn't have their plea hearing until January 2012?---I  
13:05:51 18 don't know who you're - - -  
19  
13:05:52 20 Have you looked through the source management logs, because  
13:05:57 21 there's quite a lot of entries that are obviously about  
13:06:00 22 Inca, Rob Karam, and how the ecstasy pills came to be found  
13:06:05 23 by the AFP?---Yeah, I recall that's in the - I believe it's  
13:06:10 24 in the source management log. I haven't read it in a long  
13:06:13 25 time.  
26  
13:06:13 27 The next issue that you touch on in the rest of that  
13:06:15 28 paragraph is this: "I then briefed Smith and Anderson  
13:06:22 29 regarding the need to potentially work that weekend. I  
13:06:25 30 recall the need to work over the weekend arose because the  
13:06:28 31 Commonwealth requested a summary". In short. "I met with  
13:06:33 32 Sheridan and Pope on the afternoon of 5 November so they  
13:06:35 33 could brief me about what the CDPP wanted". At that stage,  
13:06:42 34 and I haven't read further, Mr Pope was still involved  
13:06:45 35 actively with the Commonwealth prosecution that involved  
13:06:48 36 Ms Gobbo?---I don't know.  
37  
13:06:49 38 You were in communication with him, so, for example, here  
13:06:53 39 he's saying to you, or he's certainly being briefed about  
13:06:57 40 what, or briefing you about what the CDPP wanted?---My  
13:07:02 41 recollection was that I was told to prepare the document  
13:07:07 42 that we've referred to.  
43  
13:07:08 44 Are you aware two days earlier Mr Pope signed an affidavit,  
13:07:12 45 which we've all seen, within which he denied a sexual  
13:07:20 46 relationship with Ms Gobbo?---No knowledge of that.  
47

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13:07:23 1 In that affidavit he says, paragraph 13, "I've always  
13:07:36 2 sought to be open and transparent with my colleagues and  
13:07:39 3 superiors about the nature of the relationship I had with  
13:07:42 4 Witness F, as detailed above, because I did not want there  
13:07:45 5 to be any criticism of me, my department of Victoria  
13:07:49 6 Police, and there was nothing about the relationship that  
13:07:51 7 should not be declared to my colleagues or superiors". On  
13:07:55 8 3 November, or in fact when you first arrived, or from 21  
13:07:59 9 October onwards, had he discussed at all that he had  
13:08:04 10 previously - you had handled Ms Gobbo as a human source in  
13:08:07 11 1990 to 2000?---No.  
12  
13:08:11 13 He says obviously that he told his colleagues or was  
13:08:14 14 transparent about telling colleagues about his contact with  
13:08:16 15 her during that period. I think you mentioned six  
13:08:19 16 occasions and coffees with her. Any discussion of that  
13:08:22 17 with him?---No.  
18  
13:08:24 19 Were you aware that that morning, 3 November, and we can  
13:08:29 20 bring it up if necessary, VPL.0002.0002.0065, that there  
13:08:37 21 was a Driver Task Force meeting at 11.30 and part of the  
13:08:43 22 discussion was about Witness F, Paul Dale and Operation  
13:08:50 23 Inca?---Am I included on that email?  
24  
13:08:53 25 I've only got the meeting minutes, I don't know who was  
13:08:56 26 there actually. We can pull them up?---If I can refer to  
13:09:00 27 my diary?  
28  
13:09:01 29 COMMISSIONER: What was the date?  
13:09:03 30  
13:09:04 31 MR NATHWANI: The same day, 3 November 2011. The same day.  
32  
13:09:08 33 COMMISSIONER: Right.  
13:09:08 34  
13:09:28 35 MR NATHWANI: I'll just read out the bottom of that  
13:09:32 36 document and we can always produce it later. I'm sure  
13:09:38 37 we've seen it in the Commission room. There's a discussion  
13:09:41 38 which involved Mr Ashton, it appears, involving Inca and  
13:09:43 39 the use of Ms Gobbo. This was hours before you obviously  
13:09:46 40 let in Ms Breckweg. Here we go. Your notes show that you  
13:09:52 41 obviously let them in, the Commonwealth prosecutors  
13:09:56 42 prosecuting Dale, about three hours after this meeting.  
13:10:01 43 This meeting starts at 11.30. We can see there's a  
13:10:05 44 discussion about the legal advice. G8 concerns around  
13:10:12 45 Inca. F was the originating human source. This is before  
13:10:19 46 the SMLs are seen by them. And then at the bottom it says,  
13:10:22 47 this is about Mr Pope, "Comments by F around a relationship



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13:10:25 1 with Mr Pope. Finn", that's Finn McRae, "to consider legal  
13:10:31 2 advice around reason to believe. Mr Pope to remain recused  
13:10:34 3 from Driver steering committee until further determination  
13:10:38 4 around the need for investigation or until any  
13:10:40 5 investigation is completed". Did you know he was recused,  
13:10:42 6 that's Mr Pope, from acting in anything related to Driver,  
13:10:49 7 the steering committee, which is Dale and Ms Gobbo?---I  
13:10:52 8 have no knowledge of that.  
9  
13:10:54 10 Of course we know a day later he's still actively in  
13:10:58 11 briefing you about the Commonwealth's requirements?---He  
13:11:02 12 was at the meeting, yes.  
13  
13:11:03 14 Your statement seems to read that way?---M'mm.  
15  
13:11:11 16 That's all I have to ask, thank you.  
17  
13:11:13 18 COMMISSIONER: Thank you. Do you want to make a start,  
13:11:15 19 Mr Chettle?  
13:11:16 20  
13:11:17 21 MR CHETTLE: Yes, thank you, Commissioner.  
13:11:19 22  
23 <CROSS-EXAMINED BY MR CHETTLE:  
24  
13:11:25 25 Can I have the stand?  
26  
13:11:26 27 COMMISSIONER: Of course.  
13:11:34 28  
13:11:34 29 MR CHETTLE: You were just asked some questions about  
13:11:37 30 Mr Pope's involvement with Ms Gobbo back in 1999, whenever  
13:11:44 31 it was, I've forgotten the year, but prior to her  
13:11:47 32 involvement with the SDU he had registered her as a source.  
13:11:51 33 That's something, if you were running a source, you would  
13:11:53 34 want to know, wouldn't you, her prior involvement with the  
13:11:56 35 police?---Yes.  
36  
13:11:59 37 It's something that would be properly disclosable to those  
13:12:03 38 managing her?---Yes.  
39  
13:12:06 40 Right. On a more broader topic, you and Sandy White had  
13:12:17 41 totally different approaches to the management of the Unit,  
13:12:22 42 didn't you?---Yes.  
43  
13:12:26 44 You understand the concept of intrusive supervision?---Yes.  
45  
13:12:30 46 And did you understand that Mr White had had a policy for  
13:12:34 47 some years at the SDU to have collective discussions as to

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13:12:40 1 the merits of individual handling decisions?---Yes.  
2  
13:12:46 3 And from your observation of the minutes that you observed  
13:12:49 4 and the way in which they operated, on a regular basis they  
13:12:52 5 met and had what had been described as robust discussions  
13:12:57 6 about the way a particular source should be handled?---Yes.  
7  
13:13:03 8 That style of approach was something - you had a different  
13:13:08 9 approach, it would be fair to say, wouldn't it? You were  
13:13:11 10 of the view that you made the decisions and they did what  
13:13:13 11 they were told?---No, I listened to their advice and then I  
13:13:17 12 made a decision.  
13  
13:13:18 14 And when you listened to their advice and made a decision,  
13:13:21 15 they followed your decisions?---In the main, yes.  
16  
13:13:25 17 What you've been talking about today, when you say they  
13:13:29 18 complained or they had resentment, they made it clear they  
13:13:33 19 thought your decisions were wrong but they followed them  
13:13:36 20 anyway?---They had a practise of doing, on occasions, work  
13:13:39 21 arounds.  
22  
13:13:40 23 The work around is what?---Where a Crime Department member  
13:13:45 24 may be told that myself didn't agree with the registration  
13:13:53 25 or the running of a human source, that human source had the  
13:13:57 26 potential to provide information that would assist that  
13:14:00 27 Crime Department and then the Crime Department members  
13:14:04 28 would speak to their superiors and then it would come, go  
13:14:08 29 up the chain and then come across. So that's what I mean  
13:14:11 30 in regards to work arounds.  
31  
13:14:13 32 What you're saying is there'd be a request for assistance  
13:14:16 33 from some squad, let's say it's Purana for the example.  
13:14:21 34 You'd look at it and say, "No, we're not using that  
13:14:24 35 source". Purana would go up the line and say, "You should  
13:14:28 36 reconsider that", is that what you're talking about?---Well  
13:14:31 37 there was meant to be a sterile corridor where the, Purana  
13:14:35 38 would ask they need assistance with some aspect of their  
13:14:39 39 investigation, "Have you got a source that can assist?" Or  
13:14:44 40 they might hand over, an investigative group may hand over  
13:14:48 41 a source and then they would - and we would assess them,  
13:14:52 42 they would assess them, and then it would come to me for  
13:14:56 43 whether I thought it was viable to run this person.  
44  
13:14:59 45 Any time there was a new source there had to be a request  
13:15:02 46 for assistance, didn't there?---Yes.  
47

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13:15:04 1 The scenario you're talking about, the squad would make a  
13:15:07 2 request, you'd knock it back and the squad would then ask  
13:15:11 3 you to reconsider it?---No.  
4  
13:15:13 5 Isn't that what you're saying?---No.  
6  
13:15:15 7 No. Well, what are you saying?---So on occasions sources  
13:15:21 8 would be referred to the SDU and then they would assess  
13:15:30 9 them as to whether or not they were viable to be run. And  
13:15:35 10 then it would then come to me with a risk assessment as to  
13:15:40 11 were they a high risk human source, because if they weren't  
13:15:43 12 a high risk human source then they wouldn't fit our  
13:15:47 13 criteria, and then I would assess and discuss with the  
13:15:50 14 members as to the viability of running the source and the  
13:15:54 15 risks that they present, and then I would speak to, then I  
13:16:00 16 would regularly speak with Sheridan as the Local Source  
13:16:04 17 Registrar in regards to that, discuss the risks, and  
13:16:09 18 sometimes I put up a source that I thought we would run and  
13:16:13 19 then sometimes Sheridan at the next level would say, "No,  
13:16:18 20 you're not running that person."  
21  
13:16:20 22 And then that source wouldn't be run?---Yes.  
23  
13:16:23 24 I'm going back to this concept of work around. You seem to  
13:16:27 25 be indicating that what would happen is that the squad who  
13:16:30 26 made the request would complain about the failure to use  
13:16:33 27 that person, is that what it comes down to?---No, the  
13:16:40 28 members regularly would say to the people, if we use the  
13:16:48 29 Crime Department as an example, "We believe we can run this  
13:16:54 30 source but O'Connor says he can't be run".  
31  
13:16:57 32 And did the source get run?---No.  
33  
13:17:00 34 How does the work around work? Nothing changed?---Well,  
13:17:04 35 they tried to influence the decision from above.  
36  
13:17:09 37 They just simply told the investigators that you'd knocked  
13:17:13 38 the source back, that's what happened, isn't it?---Then it  
13:17:16 39 goes further up the chain through Crime and across into  
13:17:20 40 Intel Covert Support.  
41  
13:17:21 42 So that squad, the officers in that squad, seek to  
13:17:25 43 challenge your decision. That's what happened, isn't  
13:17:28 44 it?---Well the - I would expect that the members from the  
13:17:33 45 Source Unit would accept the decision had been made.  
46  
13:17:37 47 It's not them who's coming across, it's the upper level

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13:17:41 1 management from the other squads who are making the squad  
13:17:44 2 for you reconsider, isn't it?  
13:17:48 3  
13:17:48 4 COMMISSIONER: Mr Chettle, he's saying it's coming from the  
13:17:51 5 SDU to the - - -  
13:17:54 6  
13:17:56 7 MR CHETTLE: Well that can't be right, Commissioner.  
8  
9  
10 COMMISSIONER: That's what he's saying. Is that not what  
13:17:56 11 you're saying? When you made the decision not to register  
13:17:58 12 there were occasions when you understood the SDU would  
13:18:02 13 circumvent you by going back to the squad requesting  
13:18:05 14 it?---That is correct.  
15  
16 And it would then go up the line and around and across.  
17  
18 MR CHETTLE: What you're saying, Mr O'Connor, is that they  
13:18:11 19 told these people making the request that you'd knocked it  
13:18:14 20 back?---Yes.  
21  
22 And those people then complained?---With the assistance of  
13:18:20 23 the source members.  
24  
25 How do they assist, other than simply saying that you've  
13:18:30 26 knocked it back?---Because they provide, they say that the  
13:18:33 27 - they would go into the reasons why it's been knocked back  
13:18:36 28 and why they didn't, why it hadn't been approved, and that  
13:18:41 29 they would say usually at the controller level that, "We  
13:18:46 30 think we have the ability to run this source ".  
31  
32 You saw any questioning of your decisions as an assault on  
13:18:54 33 your authority, didn't you?---No.  
34  
35 No, all right. Is that a convenient time, Commissioner?  
13:19:00 36  
37 COMMISSIONER: It is. We'll adjourn until 2 o'clock.  
13:19:03 38  
13:19:23 39 <(THE WITNESS WITHDREW)  
13:19:23 40  
13:19:24 41 LUNCHEON ADJOURNMENT  
42  
43  
44  
45  
46  
47



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14:09:57 1           UPON RESUMING AT 2.04 PM:  
14:09:57 2  
14:09:57 3           COMMISSIONER: Mr Chettle, as I foreshadowed earlier, the  
14:09:57 4           witness apparently has to leave at 5, I'm happy to sit on  
14:09:57 5           until 5.  
14:09:57 6  
14:09:57 7           MR CHETTLE: I'll do my best, Commissioner.  
14:09:57 8  
14:09:57 9           COMMISSIONER: Yes.  
14:09:57 10  
14:09:57 11          <JOHN O'CONNOR, recalled:  
14:09:57 12  
14:09:57 13          MR CHETTLE: When a request for assistance was knocked back  
14:09:57 14          the investigators had to be told why the request for  
14:09:57 15          assistance was knocked back, didn't they?---Yes.  
14:09:57 16  
14:09:57 17          That's what I was asking you about just before lunch, do  
14:09:57 18          you follow?---Yes.  
14:09:57 19  
14:09:57 20          I just want to take you to some of the evidence given by  
14:09:57 21          Sandy White in this case dealing specifically with you.  
14:09:57 22          You were at the meeting where the members of the SDU were  
14:09:57 23          informed that they were, had a disconnection from police  
14:09:57 24          identity and the organisation because of long-term exposure  
14:09:57 25          to covert policing, that was the excuse given, the reason  
14:09:57 26          given, wasn't it?---What date are you talking about?  
14:09:57 27  
14:09:57 28          The day they were sacked in February 13, I think,  
14:09:57 29          2013?---Yes, I was.  
14:09:57 30  
14:09:57 31          That was the reason that was given?---From my memory, yes.  
14:09:57 32  
14:09:57 33          And you in your statement back up the proposition by  
14:09:57 34          saying, giving examples that you went through with Mr Woods  
14:09:57 35          as to why you agree with that conclusion, remember saying  
14:09:57 36          that this morning?---Yes.  
14:09:57 37  
14:09:57 38          For a start off, SDU staff were not working undercover,  
14:09:57 39          were they?---No.  
14:09:57 40  
14:09:57 41          The comments made about disconnection police identity borne  
14:09:57 42          from long-term exposure to covert policing, is a problem  
14:09:57 43          that applies particularly to Undercover Units, isn't  
14:09:57 44          it?---And units such as the SDU.  
14:09:57 45  
14:09:57 46          Let's just deal with the undercover units for a moment.  
14:09:57 47          They're completely cut off from the Police Force, aren't

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14:09:57 1 they?---They are.  
14:09:57 2  
14:09:57 3 They have to [REDACTED], [REDACTED] and live totally  
14:09:57 4 [REDACTED]?---Yes.  
14:09:57 5  
14:09:57 6 Whereas the SDU staff were not working undercover, were  
14:09:57 7 they?---No.  
14:09:57 8  
14:09:57 9 They had contact with other police investigators?---Yes.  
14:09:57 10  
14:09:57 11 They regularly attended police buildings and police  
14:09:57 12 courses?---Yes.  
14:09:57 13  
14:09:57 14 And in their dealing with their customers, I suppose, the  
14:09:57 15 sources that they managed, it was clearly known and  
14:09:57 16 understood by the people they were dealing with that the  
14:09:57 17 sources were dealing with police officers?---Yes.  
14:09:57 18  
14:09:57 19 There's a contrast, isn't there, to the position of an  
14:09:57 20 undercover officer?---Yes.  
14:09:57 21  
14:09:57 22 The reality is most, the great majority of members of the  
14:09:57 23 SDU had only been at the SDU for a very short period of  
14:09:57 24 time when the unit was shut, wasn't it?---There had been an  
14:09:57 25 influx of new members.  
14:09:57 26  
14:09:57 27 Did you do an analysis of the list of the members and who,  
14:09:57 28 and how long they'd been there?---At the time I probably  
14:09:57 29 would have known.  
14:09:57 30  
14:09:57 31 Can I pull up a graph that I want to show you, please.  
14:09:57 32 This is a document that was prepared by Officer Fox over  
14:09:57 33 the last few days, do you follow? You get some idea who he  
14:09:57 34 is, he left I think pretty soon after you came. Do you  
14:09:57 35 know who I'm talking about?---Yes, I know who you're  
14:09:57 36 talking about.  
14:09:57 37  
14:09:57 38 Thank you. The pseudonyms have been applied for those that  
14:09:57 39 we have them. You'll see that the officers who were at the  
14:09:57 40 SDU at the time of closure - no, that's not it. I've sent  
14:09:57 41 the wrong one. Thank you. That previous one was all  
14:09:57 42 officers, this is the one - thank you. All right. Now in  
14:09:57 43 relation to officer - Commissioner, we need to give  
14:09:57 44 pseudonyms, and I was aware of that and you'll see I've put  
14:09:57 45 officer C, officer E, officer F at the bottom. They're  
14:09:57 46 names that have not got pseudonyms - I'm told they do now.  
14:09:57 47 Thank you. All right. So if we go through those. I'll

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14:09:57 1 just tell you - you know who the ones down to, with names  
14:09:57 2 on them to Richards and things of that sort. Officer C is  
14:09:57 3 known by the pseudonym of Close. Have you got that list in  
14:09:57 4 front of you? I think the witness will need the new  
14:09:57 5 pseudonyms.  
14:09:57 6  
14:09:57 7 COMMISSIONER: Can you just show that to Mr Chettle to make  
14:09:57 8 sure we're talking about the same one. My mind is  
14:09:57 9 spinning.  
14:09:57 10  
14:09:57 11 MR CHETTLE: I know. These are handlers who hadn't had - -  
14:09:57 12 -  
14:09:57 13  
14:09:57 14 COMMISSIONER: We're not changing any old ones again.  
14:09:57 15  
14:09:57 16 MR CHETTLE: No, we're not changing any of the other ones.  
14:09:57 17 That's not the right list. That's the list I got sent  
14:09:57 18 before lunch which isn't the right one. I can't do it. I  
14:09:57 19 can't name them.  
14:09:57 20  
14:09:57 21 COMMISSIONER: Can we use your officer C, et cetera?  
14:09:57 22  
14:09:57 23 MR CHETTLE: Yes we can.  
14:09:57 24  
14:09:57 25 COMMISSIONER: You can tell us later who they are, or  
14:09:57 26 perhaps your instructors could make a list up now for us.  
14:09:57 27  
14:09:57 28 MR CHETTLE: I trust my junior to do it.  
14:09:57 29  
14:09:57 30 MR HOLT: If these names aren't going to come up again then  
14:10:00 31 I can't see any need to allocate them pseudonyms,  
14:10:00 32 Commissioner. It's only if they're going to come up again.  
14:10:03 33 Obviously their real names shouldn't be used.  
14:10:03 34  
14:10:03 35 COMMISSIONER: If only we need to use them in the story  
14:10:06 36 that goes public, that's right.  
14:10:08 37  
14:10:08 38 MR WOODS: He can be given a Post-it Note if the witness to  
14:10:10 39 understand who the - - -  
14:10:10 40  
14:10:10 41 COMMISSIONER: We've got this up on the screen now and it's  
14:10:13 42 using officer, C, officer E. We need to write on a paper  
14:10:17 43 who officer C, officer E, officer F, officer G, officer H  
14:10:28 44 are.  
14:10:29 45  
14:10:32 46 MR CHETTLE: That's correct, Commissioner, just the names  
14:10:32 47 for them. The point of the exercise, there were two

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14:10:36 1 vacancies at the SDU at the time the unit was shut down, do  
14:10:37 2 you see that at the end?---I can't recall but I'll take it  
14:10:39 3 if Officer Fox has done it then it will be correct.  
14:10:41 4  
14:10:41 5 What's then is the number of years in total that the  
14:10:44 6 individual officer has been there and the amount of  
14:10:46 7 secondment and long service leave they have taken in that  
14:10:49 8 period of time, do you follow?---It's missing - you haven't  
14:10:53 9 got everyone on that list.  
14:10:56 10  
14:10:56 11 Who are we missing?---I can't see officer Sandy White.  
14:11:00 12  
14:11:01 13 He's not there at the time of closure, is he? That's why  
14:11:05 14 he's not there. I can pull him up on the other - -  
14:11:09 15 -?---It's all right.  
14:11:09 16  
14:11:10 17 He'd been sent off to Briars Task Force, hadn't he?---Yes.  
14:11:14 18  
14:11:15 19 These are the ones who were working at the SDU on 13  
14:11:19 20 February when they were shut down, or March 13, do you see  
14:11:22 21 that?---Yep.  
14:11:23 22  
14:11:23 23 COMMISSIONER: I suppose if he's seconded he's strictly on  
14:11:27 24 the books, is that the position?---He was the foundation  
14:11:30 25 member of the unit.  
14:11:32 26  
14:11:32 27 I know. But if someone is seconded are they still  
14:11:36 28 officially - - - ?---Still attached.  
14:11:37 29  
14:11:38 30 Yes.  
14:11:38 31  
14:11:38 32 MR CHETTLE: If you go back to the previous graph , if you  
14:11:40 33 like, it's the same point. If you go back to the previous  
14:11:43 34 graph you put up. There it is. That lists them all, do  
14:11:45 35 you follow, including Sandy White, including Mr Black,  
14:11:48 36 including Mr Fox, all of whom had gone to other postings,  
14:11:52 37 do you follow?---Yep.  
14:11:53 38  
14:11:55 39 But the point I'm trying to make is most of them had been  
14:12:01 40 there for less than four years, that's of the total number  
14:12:05 41 of staff?---Yes.  
14:12:10 42  
14:12:10 43 And if you look at those who were there at the time of the  
14:12:14 44 closure of the unit, there was only four of them that had  
14:12:17 45 been there for more than five years?---Yes.  
14:12:23 46  
14:12:23 47 And indeed, if you look at some of them, they take, in

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14:12:28 1 particular officer F as he's shown there, he's taken a  
14:12:32 2 considerable amount of leave and secondment in the very  
14:12:35 3 short time he's been there?---Yeah, I don't know who that  
14:12:39 4 is.  
14:12:39 5  
14:12:40 6 I'll hand you - can I give that to the witness. I think  
14:12:44 7 you'll know who it is.  
14:12:50 8  
14:12:50 9 COMMISSIONER: Just show the witness first and then we'll  
14:12:52 10 show everyone at the Bar table and then me after that.  
14:12:55 11  
14:12:55 12 MR CHETTLE: Do you see officer F?---Yes.  
14:12:58 13  
14:12:59 14 Do you know who I'm talking about?---Yeah, I can't recall  
14:13:02 15 him being seconded.  
14:13:03 16  
14:13:03 17 Long service leave or secondment has been combined in time  
14:13:07 18 away from the unit. Are you prepared to accept, firstly,  
14:13:11 19 the accuracy of what Fox has done?---Yes.  
14:13:14 20  
14:13:14 21 And the point of the exercise is to demonstrate that the  
14:13:17 22 suggestion that the members had been too long in a covert  
14:13:25 23 environment isn't borne out when you look at the totality  
14:13:29 24 of the list of members, do you agree with that?---In part.  
14:13:32 25  
14:13:32 26 I tender that graph, Commissioner, if I can and I'll come  
14:13:35 27 back to it with the names?---It should be noted that one of  
14:13:39 28 the members was a long-term undercover, or two of the  
14:13:41 29 members were long-term undercover working at the Undercover  
14:13:45 30 Unit.  
14:13:45 31  
14:13:46 32 Before they joined the SDU?---Yes.  
14:13:48 33  
14:13:48 34 One of them being PII [REDACTED] and one of them being PII [REDACTED]  
14:13:51 35 PII [REDACTED]?---Correct.  
14:13:51 36  
14:13:51 37 As I say to you, PII [REDACTED] is no longer there, is he?---No, he  
14:13:57 38 is there, he's just seconded to that Task Force.  
14:13:59 39  
14:14:00 40 I'll leave it.  
14:14:00 41  
14:14:03 42 #EXHIBIT RC807 - Years of service graph at the time of SDU.  
14:14:08 43 closure in March 2013.  
14:14:14 44  
14:14:15 45 Commissioner, I think Mr Woods forgot to do it this morning  
14:14:18 46 but I would seek to tender the entirety of this witness's  
14:14:22 47 diary which has the number VPL.0005.0186.0009. I'm not

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14:14:34 1 going to - obviously the entries speak for themselves but  
14:14:40 2 I'm not going to go through it.  
14:14:40 3  
14:14:40 4 MR WOODS: There are three things that I didn't tender,  
14:14:42 5 which I intended to. One of them was the diaries and I  
14:14:45 6 think there's various files, I don't think there's just  
14:14:49 7 one. But certainly I do seek to tender all of them and  
14:14:53 8 then we'll get Victoria Police just to PII review the ones  
14:14:58 9 that have been referred to.  
14:15:00 10  
14:15:00 11 COMMISSIONER: Sorry, is that the diaries that are Exhibit  
14:15:01 12 808, and you said files.  
14:15:04 13  
14:15:04 14 MR WOODS: There are a number of separate files that have  
14:15:07 15 been produced to the Commission which comprise the  
14:15:09 16 witness's diaries, I don't think there's just one file.  
14:15:13 17 There's in the order of 12 or more, some of them one or two  
14:15:17 18 pages, but I'd seek to tender all of them as a bundle and  
14:15:20 19 then with the usual practice being Victoria Police PII  
14:15:23 20 review those that have been to by Mr Chettle or myself.  
14:15:25 21  
14:15:26 22 #EXHIBIT RC808A - (Confidential) Diaries of John O'Connor.  
14:15:28 23  
14:15:28 24 #EXHIBIT RC808B - (Redacted version.)  
14:15:32 25  
14:15:32 26 MR CHETTLE: In his statement to this Commission Sandy  
14:15:36 27 White says, "The management personnel did not elaborate on  
14:15:39 28 the reason for the closure. We were simply told that we  
14:15:43 29 had to find new positions within six months. It's patently  
14:15:47 30 obvious this was used as an excuse to close the unit", do  
14:15:50 31 you follow, and that's correct, isn't it?---It was used as  
14:15:54 32 an excuse to close the unit?  
14:15:56 33  
14:15:56 34 Yes?---No.  
14:15:57 35  
14:15:58 36 When did you know the unit was going to be closed?---I was  
14:16:03 37 officially told by Mr Pope I think the day, the day before.  
14:16:09 38 I know that it was a consideration that was going to be  
14:16:14 39 considered by the Chief Commissioner. I was on a period of  
14:16:19 40 extended leave.  
14:16:20 41  
14:16:21 42 In December of the previous year?---December, January, yep.  
14:16:24 43  
14:16:24 44 How did you find that out?---I think Mr Sheridan said that  
14:16:27 45 there was a consideration.  
14:16:29 46  
14:16:29 47 Did Mr Sheridan tell you that Mr Pope had made his mind up

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14:16:33 1 in the middle of the previous year to sack the unit?---No.  
14:16:36 2  
14:16:37 3 Did he tell you that he'd actually set a date down in  
14:16:40 4 September to close the unit but had discussions with  
14:16:43 5 industrial relations about the best way to do that?---No.  
14:16:46 6  
14:16:46 7 This is all news to you, is it?---Yes.  
14:16:48 8  
14:16:49 9 Mr Sheridan was aware of Mr Pope's intention to shut the  
14:16:52 10 unit and had discussions as to the best way or best tactic  
14:16:56 11 to use to do that, do you know that?---No.  
14:17:01 12  
14:17:01 13 You provided him with a list of, the two documents that  
14:17:06 14 Mr Woods took you to, the list of complaints in relation to  
14:17:09 15 the way the members reacted with you and the health issues  
14:17:14 16 document. You provided those to Mr Sheridan at  
14:17:19 17 Mr Sheridan's request?---I did.  
14:17:20 18  
14:17:20 19 And that request happened when?---It was in 2012, maybe  
14:17:27 20 mid-2012. I haven't got an exact date.  
14:17:30 21  
14:17:31 22 In fact your statement tends to suggest it was later in  
14:17:34 23 2012, could that be right?---It could be, yeah.  
14:17:36 24  
14:17:37 25 What happens is that Mr Sheridan comes to you and asks you  
14:17:40 26 for a list of things that outline your concerns about the  
14:17:47 27 SDU?---I had regular contact with Mr Sheridan on a daily  
14:17:54 28 basis. He was aware of my concerns throughout the time.  
14:17:57 29  
14:17:57 30 I understand, that's not the question. Did he ask for you  
14:18:00 31 to provide him with a list?---Yes.  
14:18:01 32  
14:18:02 33 So provision of those documents was a direct response to a  
14:18:06 34 request from your superior?---Yes.  
14:18:09 35  
14:18:12 36 Had you been provided with a document compiled by the Force  
14:18:21 37 psychologist whose name I don't think I can mention, can I?  
14:18:27 38 No. Has she been given a pseudonym?  
14:18:32 39  
14:18:33 40 COMMISSIONER: No, she hasn't.  
14:18:35 41  
14:18:35 42 MR CHETTLE: Do you know who I'm talking about, there was a  
14:18:37 43 psychologist employed by the force?---Yes.  
14:18:40 44  
14:18:40 45 You from your diary had conversations with her from time to  
14:18:43 46 time?---Her and one of the other psychologists.  
14:18:46 47

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14:18:46 1 So you know who I'm talking about?---H'mm.  
14:18:49 2  
14:18:49 3 She prepared a document for Mr Pope outlining certain  
14:18:55 4 psychological risks that might be met by undercover units,  
14:19:01 5 did you ever sight such a document?---No, I have not.  
14:19:04 6  
14:19:04 7 So the preparation of the document that you did outlining  
14:19:07 8 health issues was not as a response to any document you  
14:19:15 9 were provided?---No.  
14:19:16 10  
14:19:18 11 Can you be shown Exhibit 442, please. VPL - I think it has  
14:19:29 12 an exhibit, there it is. You'll see there's a name written  
14:19:36 13 on the top of that which I don't want you to  
14:19:39 14 mention?---H'mm.  
14:19:39 15  
14:19:40 16 That's the person we're talking about?---Yes, it is.  
14:19:42 17  
14:19:42 18 And this is the document that she wrote, do you  
14:19:46 19 follow?---Yep.  
14:19:46 20  
14:19:47 21 It's your evidence that you've never seen that  
14:19:51 22 document?---Am I allowed to talk about what it's called?  
14:19:54 23  
14:19:55 24 Yes, health and well-being issues?---Covert Services  
14:20:00 25 Review, I've never seen it.  
14:20:01 26  
14:20:05 27 I'm not saying - sorry, you've never seen the Covert  
14:20:09 28 Services Review, is that what you're saying to me?---No.  
14:20:11 29  
14:20:12 30 That's not what I'm asking you. This was a document  
14:20:15 31 prepared for the Covert Services Review to the steering  
14:20:18 32 committee, or to Mr Pope, under the heading health and  
14:20:21 33 well-being issues which she prepared, do you follow?---Yes.  
14:20:25 34  
14:20:25 35 This is not the review, it was referred to in the review,  
14:20:30 36 do you follow?---Yes.  
14:20:30 37  
14:20:31 38 Your evidence is you've not seen this document. I know you  
14:20:34 39 say you've not seen the Covert Services Review, but what  
14:20:40 40 about the health and well-being issues?---No, I have no  
14:20:42 41 recollection of seeing this.  
14:20:43 42  
14:20:43 43 I'll put it to you simply and move on. If one compares the  
14:20:47 44 document you wrote with this document it has remarkable  
14:20:51 45 similarity, that's coincidental, is it?---I've never seen  
14:20:55 46 this document.  
14:20:55 47

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14:20:56 1 All right, moving on.  
14:20:57 2  
14:20:58 3 COMMISSIONER: Did you want to tender that?  
14:21:01 4  
14:21:01 5 MR CHETTLE: It has been tendered, Commissioner.  
14:21:03 6  
14:21:03 7 COMMISSIONER: Thanks.  
14:21:04 8  
14:21:07 9 MR CHETTLE: You maintain in the document that Mr Woods  
14:21:10 10 showed you your concern for the health and welfare of the  
14:21:15 11 members of the unit. Remember setting that out?---Yes.  
14:21:18 12  
14:21:18 13 Prior to your involvement with the unit they had PII [REDACTED]  
14:21:25 14 psychological sessions with the particular witness I've  
14:21:28 15 just talked about, didn't they?---Yes, and another - - -  
14:21:31 16  
14:21:31 17 Two of them?---H'mm.  
14:21:32 18  
14:21:34 19 That was standard operating procedure, that in order to  
14:21:37 20 help with the stress and the difficulties that might apply  
14:21:40 21 in being a handler and a controller they had to have psych  
14:21:44 22 assessments or psych sessions PII [REDACTED]?---Yes.  
14:21:46 23  
14:21:47 24 And in your concern for the unit you removed that  
14:21:56 25 provision, didn't you?---No, that person you're talking  
14:22:01 26 about was a regular, regular at the [REDACTED] and I  
14:22:06 27 spoke to them on a regular basis.  
14:22:08 28  
14:22:08 29 I understand that. But what I asked you is that the  
14:22:11 30 requirement - you cancelled the PII [REDACTED] psych reviews  
14:22:15 31 for the staff, didn't you?--- I have not, no recollection  
14:22:19 32 of doing that but if it's, if - - -  
14:22:22 33  
14:22:22 34 You might have?---I cannot recall.  
14:22:25 35  
14:22:26 36 Can you pull up VPL - it's the exhibit this morning, I'll  
14:22:33 37 get the number of it. 804, please. Exhibit 804. I'll  
14:22:53 38 just ask you to look at the heading of the document you  
14:22:56 39 prepared and compare it to the document I showed you a  
14:22:59 40 moment ago prepared by the psychologist, do you see  
14:23:03 41 that?---Yep.  
14:23:03 42  
14:23:04 43 "SDU health and well-being, CSD Review", it's the identical  
14:23:09 44 heading to what was on the document I showed you, isn't  
14:23:11 45 it?---It is.  
14:23:12 46  
14:23:13 47 That's just a coincidence, is it?---That's what I titled it

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14:23:17 1 from my recollection.  
14:23:18 2  
14:23:18 3 Without any reference to the document I showed you  
14:23:21 4 before?---That is correct.  
14:23:21 5  
14:23:24 6 Now, did you discuss with Mr White your concerns about the  
14:23:34 7 conduct of the SDU members?---On occasions.  
14:23:37 8  
14:23:38 9 Do you have any date or diary reference in relation to any  
14:23:41 10 conversation you've had with him about your concerns?---I  
14:23:47 11 would have to go back through my diaries.  
14:23:50 12  
14:24:00 13 Mr Holt wants me to take 804 off the screen. You often  
14:24:07 14 found yourself in conflict with the members of the SDU  
14:24:10 15 prior to the unit being shut, didn't you?---We had  
14:24:14 16 disagreements, yes.  
14:24:15 17  
14:24:15 18 And indeed you had a particular disagreement with Mr Wolf,  
14:24:23 19 do you know Mr Wolf?---In regards to?  
14:24:33 20  
14:24:33 21 Well, do you have your diary entry with you?---For what  
14:24:41 22 date?  
14:24:41 23  
14:24:42 24 19 June 2012?---Yes.  
14:25:07 25  
14:25:07 26 Do you have an entry in relation to the discussion you had  
14:25:13 27 with Mr Wolf?---This is 19 June 2000 - - -  
14:25:18 28  
14:25:18 29 19 June, yes?---2012. No I have no mention of that with  
14:25:21 30 him.  
14:25:22 31  
14:25:22 32 In his diary for that date - let me put this in context.  
14:25:29 33 There were concerns raised with you about risks to members  
14:25:34 34 because of the decision to relocate at 412 St Kilda Road,  
14:25:39 35 as a general proposition?---Yes.  
14:25:41 36  
14:25:42 37 And did it come to your attention that a criminal had been  
14:25:49 38 observing people come and go from those premises in  
14:25:52 39 February of 2012? George Zachariah, does that ring any  
14:25:59 40 bells with you?---Yes.  
14:25:59 41  
14:26:00 42 Do you remember a discussion about that?---I can't remember  
14:26:02 43 the dates but I remember - - -  
14:26:03 44  
14:26:04 45 Yep. And that he'd been seen in the vicinity of the police  
14:26:08 46 station, in general terms?---Yes, it was the Crime  
14:26:11 47 Department.

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14:26:11 1  
14:26:13 2 And that led to a meeting on 2 March 2012 with a number of  
14:26:25 3 members who prepared that risk assessment that you were  
14:26:30 4 talking about before. I don't need to go to it in any  
14:26:34 5 great detail?---Okay.  
14:26:35 6  
14:26:36 7 There were concerns about that this represented a risk,  
14:26:39 8 wasn't it?---That was the concern with moving from the [REDACTED]  
14:26:42 9 [REDACTED] yes.  
14:26:43 10  
14:26:43 11 I've actually conflated two issues here and I wanted to  
14:26:47 12 perhaps go back to the conversation on the 19th of June.  
14:27:06 13 Did you ever tell Mr Wolf that he had to be very careful  
14:27:10 14 about what he wrote in his diary?---I've got no  
14:27:16 15 recollection of that.  
14:27:17 16  
14:27:19 17 He was managing a source, controlling a source, you tasked  
14:27:25 18 somebody else to perform a function in relation to that  
14:27:29 19 source, and he asked you why you'd done that, leading to  
14:27:34 20 you becoming very angry with him. Do you remember  
14:27:37 21 that?---No.  
14:27:37 22  
14:27:38 23 No?---What time was this?  
14:27:40 24  
14:27:41 25 26 November 2019?---You said 19 of 6, 2012.  
14:27:50 26  
14:27:50 27 Sorry, that was the date he sent it to me, that was  
14:27:56 28 yesterday. I apologise. 19 June of 2012, thank you. You  
14:28:05 29 don't have any entry in your diary for that day for a  
14:28:09 30 discussion with him?---No, what time did he say the  
14:28:12 31 discussion occurred?  
14:28:13 32  
14:28:15 33 I haven't got the time. We can get his diary up if we have  
14:28:17 34 to. I suggest to you that he was working as a controller  
14:28:22 35 and that [REDACTED], I believe I can mention her name,  
14:28:27 36 she was an analyst at the place?---Yes, she was. I don't  
14:28:34 37 know if I'm allowed to mention names.  
14:28:37 38  
14:28:37 39 In any event she'd been approached by another handler,  
14:28:40 40 whose name hasn't been given a pseudonym yet, to conduct  
14:28:44 41 inquiries and she went and asked him why he was requesting  
14:28:47 42 the task and not the controller, do you follow what I'm  
14:28:50 43 putting?---No, I don't.  
14:28:52 44  
14:28:53 45 COMMISSIONER: I think you want the name of that - - -  
14:28:55 46  
14:28:55 47 MR HOLT: That name will - it might be helpful if

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14:28:58 1 Mr Chettle queried whether the name should be up before he  
14:29:04 2 says the name rather than the other way round.  
14:29:07 3  
14:29:07 4 COMMISSIONER: Just redact that name from the transcript  
14:29:09 5 and from the live streaming.  
14:29:13 6  
14:29:17 7 MR WOODS: Officer Boulevard is the pseudonym that I've  
14:29:21 8 been given for that analyst.  
14:29:23 9  
14:29:24 10 MR CHETTLE: A Street Car Named Desire. I'm just trying to  
14:29:25 11 set the scene for this?---Yep.  
14:29:27 12  
14:29:28 13 The officer that you had requested to make some inquiries  
14:29:35 14 is not on that list. Do you know an officer with the  
14:29:45 15 initials [REDACTED]? That's as close as I'll go. Hayden, Officer  
14:29:53 16 Hayden.  
14:29:53 17  
14:29:54 18 MR HOLT: Can we take the initials out?  
14:29:56 19  
14:29:56 20 MR CHETTLE: Yes, take the initials out, thank you.  
14:29:58 21  
14:29:59 22 COMMISSIONER: Take the initials out.  
23  
14:30:10 24 MR CHETTLE: Do you see the third name on that list?  
14:30:12 25  
14:30:12 26 COMMISSIONER: These will have to become part of Exhibit  
14:30:15 27 81, in the meantime give the witness the Exhibit 81 list.  
14:30:21 28  
14:30:21 29 MR CHETTLE: Officer Hayden.  
14:30:22 30  
14:30:23 31 COMMISSIONER: We'll have to add these to Exhibit 81.  
14:30:26 32  
14:30:26 33 MR CHETTLE: Yes, thank you. He was a handler at the  
14:30:28 34 unit?---He was.  
14:30:28 35  
14:30:31 36 According to the analyst, he had asked her for information  
14:30:38 37 because of a request from you in relation to a concern a  
14:30:43 38 source might be dealing drugs. Ring any bells?---No, no  
14:30:47 39 memory of it.  
14:30:47 40  
14:30:49 41 If that happened it's against unit policy, any issues in  
14:30:53 42 relation to a source should be run through a controller,  
14:30:56 43 shouldn't they?---Through the - yeah, from the handler to  
14:31:00 44 the controller.  
14:31:01 45  
14:31:02 46 If you had an issue in relation to a particular source,  
14:31:07 47 your first step should have been through the

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14:31:09 1 controller?---If we're talking about the 19th of the 6th I  
14:31:12 2 was with one of the controllers for the entire day, Officer  
14:31:17 3 Richards.  
14:31:17 4  
14:31:19 5 I'll get to the diary entries in a moment. I'm just trying  
14:31:22 6 to put the context of how this arose. Officer Wolf came to  
14:31:29 7 you and asked you why it was that you were making inquiries  
14:31:33 8 about this particular source and I suggest you became  
14:31:38 9 abusive and swore at him?---No.  
14:31:43 10  
14:31:43 11 In fact, as we'll see in one of the documents, you used a  
14:31:52 12 very foul expletive in relation to him. I'll perhaps pull  
14:31:57 13 it up and show it to you. Could Exhibit 443 be put on the  
14:32:05 14 screen, please. Go to p.3 of that document. Do you see  
14:32:16 15 the second paragraph? I'll just ask you to read that to  
14:32:21 16 yourself. It's the second line. I don't want to repeat  
14:32:29 17 it. Do you see that expression?---Yes.  
14:32:31 18  
14:32:32 19 Did you use that expression in relation to Mr Wolf?---I  
14:32:36 20 don't believe so, no.  
14:32:38 21  
14:32:39 22 All right. Having done so, I'd suggest - I suggest you did  
14:32:44 23 but you then came to him and told him that he needed to be  
14:32:50 24 very careful about what he wrote in his document, in his  
14:32:53 25 diary?---I have no recollection of that.  
14:32:58 26  
14:32:59 27 If you go to his diary for 19 June 2012 there is an entry  
14:33:04 28 in his diary about you chastising him and warning him about  
14:33:10 29 what information you should include in your diary, all  
14:33:14 30 right. If you accept - I ask you to accept from me that's  
14:33:18 31 in his diary, I'll tender it in due course and it will be  
14:33:21 32 produced to the Commission, do you follow?---If you say  
14:33:25 33 that's what it is, I haven't seen it.  
14:33:27 34  
14:33:27 35 If it's in his diary would you agree that's probably what  
14:33:30 36 happened?---I have no recollection of it.  
14:33:32 37  
14:33:32 38 No recollection?---Can I ask what time that was?  
14:33:38 39  
14:33:39 40 I have no idea what the time is. We have a reference for  
14:33:45 41 his diary for that day and what the diary number is, it  
14:33:48 42 hasn't of course been given a VPL number because it hasn't  
14:33:53 43 at this stage been got before the Commission. They kept  
14:33:56 44 diaries, you know that, don't you?---Yes.  
14:33:58 45  
14:34:13 46 You wouldn't know what the Covert Services Review actually  
14:34:17 47 says but it recommends the immediate closure of the unit

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14:34:21 1 and it sites lack of respect staff at the SDU had for  
14:34:25 2 management and how you worked around management to get  
14:34:28 3 their way, do you follow?---Yes.  
14:34:30 4  
14:34:30 5 You wouldn't be surprised that's in the Covert Services  
14:34:34 6 Review?---No.  
14:34:34 7  
14:34:34 8 Because that's in the material that you provided  
14:34:38 9 Mr Sheridan?---I provided examples to Mr Sheridan.  
14:34:41 10  
14:34:42 11 Of that sort of behaviour, gets itself to Mr Sheridan,  
14:34:47 12 Mr Sheridan gives it to the Covert Services Review, that  
14:34:50 13 doesn't surprise you?---No.  
14:34:52 14  
14:34:54 15 Mr White says this, "That statement is false and I believe  
14:34:59 16 it stemmed from the fact that the Inspector at the unit  
14:35:02 17 failed to identify with the culture at the unit which I had  
14:35:05 18 created as an anti corruption strategy. After many years  
14:35:09 19 working in the PII [REDACTED] environment, both as an PII [REDACTED]  
14:35:13 20 and a PII [REDACTED], I was well aware that management must do  
14:35:16 21 everything they can to ensure they know exactly what the  
14:35:19 22 staff are doing, good or bad, in such a high risk  
14:35:23 23 environment". You'd agree with that as a philosophy,  
14:35:25 24 wouldn't you?---Yes.  
14:35:26 25  
14:35:26 26 "The best way to do this is to encourage a culture where  
14:35:30 27 every member of the staff, including the lowest ranking  
14:35:32 28 member feels that their opinions are valued and  
14:35:35 29 considered", do you agree with that?---Yes.  
14:35:36 30  
14:35:37 31 "It's essential that there are no secrets amongst staff at  
14:35:42 32 all ranks and I encouraged staff at the SDU to  
14:35:45 33 constructively criticise me and each other on all matters  
14:35:49 34 whether administrative or operational." Again, were you  
14:35:53 35 aware that was his policy?---I can never recall anyone  
14:35:59 36 criticising Sandy White.  
14:36:02 37  
14:36:03 38 The Commission has evidence there were lots of robust and  
14:36:07 39 critical discussions at the meetings they had as a  
14:36:11 40 unit?---There was.  
14:36:13 41  
14:36:13 42 "Constructive criticism was an important part of source  
14:36:17 43 handling debriefs and drove the development of best  
14:36:21 44 practice." Right? You'd agree with that?---Yes.  
14:36:25 45  
14:36:25 46 On the day that, shortly after you were appointed an  
14:36:31 47 Inspector I want to suggest to you there was an occasion

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14:36:35 1 where you called Mr White into your office and shut the  
14:36:44 2 door. He got up and opened it. Do you remember an  
14:36:47 3 incident like that?---No.  
14:36:50 4  
14:36:50 5 And he said to you, "We don't have closed doors around  
14:36:53 6 here, everyone's involved in the discussions". Anything  
14:36:57 7 like that happen?---I can't recall that.  
14:37:00 8  
14:37:01 9 Could have happened?---Could have, yep.  
14:37:02 10  
14:37:06 11 "I don't believe either Inspector O'Connor or  
14:37:09 12 Superintendent Sheridan understood this. They implemented  
14:37:13 13 a very strict heirarchical system of management where even  
14:37:18 14 the [REDACTED] counsel was not desired. They felt  
14:37:21 15 constructive criticism of any of their decisions  
14:37:26 16 represented blatant disrespect and O'Connor in particular  
14:37:30 17 would respond violently with fits of shouting and swearing.  
14:37:32 18 He was in fact a bully and there are many examples of  
14:37:35 19 this." You're aware that that's in his statement?---Yes.  
14:37:40 20  
14:37:40 21 Were you shown it before you came to give evidence?---No,  
14:37:43 22 I've read aspects of his statement.  
14:37:46 23  
14:37:46 24 You read the bit that deals with you, I assume?---Yes.  
14:37:49 25  
14:37:51 26 I don't want to spend all the time fighting - you dispute  
14:38:00 27 that?---Yes, I do.  
14:38:02 28  
14:38:02 29 COMMISSIONER: Let him answer the question. Is that all  
14:38:02 30 you wanted to say?---Yes, I do. I just want to add that on  
14:38:06 31 the first day that I started at the Source Unit officer  
14:38:10 32 Sandy White spoke to me and said words to the effect of,  
14:38:14 33 "It's going to be very hard for me to have you here at the  
14:38:18 34 unit that I created, that I developed and I've been the  
14:38:21 35 officer in charge of". I said to him words to the effect  
14:38:26 36 of, "The Chief Commissioner has placed me here to manage  
14:38:30 37 the risk associated with this unit and I'm happy to work  
14:38:34 38 with you". That was on the first day - - -  
14:38:35 39  
14:38:37 40 MR CHETTLE: Is that in your statement?---No.  
14:38:41 41  
14:38:42 42 I'll come back to that because we're on a 15 minute delay  
14:38:46 43 but you'll appreciate that he's in fact listening to you  
14:38:49 44 giving the evidence?---(Witness nods.)  
14:38:53 45  
14:38:53 46 Right. There had been inspectors at that unit prior to  
14:39:05 47 you, hadn't there?---There was the Inspector in charge of

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14:39:10 1 the Undercover Unit and the Source Unit.  
14:39:12 2  
14:39:13 3 You know the history of the inspectors at that unit? You  
14:39:16 4 know about Andy Glow because he was there immediately  
14:39:19 5 before you, right?---Yes.  
14:39:20 6  
14:39:21 7 Do you know who was there before that?---Maybe Calishaw.  
14:39:27 8 I'm not sure.  
14:39:29 9  
14:39:29 10 Do you know, unfortunately, a deceased Inspector by the  
14:39:35 11 name of Hardy?---Rob, yes.  
14:39:36 12  
13 You know him?---Yes.  
14  
14:39:37 15 He was there for quite some time, wasn't he?---Yes, he was.  
14:39:40 16  
14:39:40 17 Given your attitude to the way you say the SDU members  
14:39:44 18 behaved, you would have expected some evidence of that with  
14:39:49 19 any of the inspectors who handled the unit in the past,  
14:39:54 20 wouldn't you?---Yes.  
14:39:55 21  
14:39:56 22 Did you ever stop to think the problem might have been you,  
14:40:00 23 not them?---I have thought about that.  
14:40:01 24  
14:40:02 25 Possibility?---I did think about it but I think that my  
14:40:07 26 management style was reasonable and they were being held to  
14:40:11 27 account, something that they probably hadn't been held to  
14:40:15 28 account before.  
14:40:16 29  
14:40:16 30 You've come to this Commission and you've set out in your  
14:40:21 31 statement reasons why you say you weren't surprised the  
14:40:26 32 unit got shut down, right?---Yes.  
14:40:28 33  
14:40:32 34 You completed professional development entries in relation  
14:40:36 35 to the officers you're now criticising, didn't you?---Yes.  
14:40:40 36  
14:40:41 37 And it would be fair to say that their PDA's have not one  
14:40:46 38 adverse comment in them from you, do they?---I'd have to  
14:40:49 39 look but - - -  
14:40:50 40  
14:40:50 41 I'm going to take you through them in a moment. In fact  
14:40:53 42 quite the opposite, you are complimentary in the extreme in  
14:40:59 43 relation to them, do you agree with that?---I haven't got  
14:41:05 44 them in front of me.  
14:41:06 45  
14:41:06 46 Let's perhaps deal with a few of those now. Can we put up  
14:41:18 47 - I'll start with Mr Green, do you follow, the officers who

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14:41:21 1 were still there. Do you know who I'm talking  
14:41:26 2 about?---Yes.  
14:41:26 3  
14:41:28 4 Can I have VPL.0100.0254.0382. These have all been  
14:41:40 5 tendered, Commissioner. I tendered all the PDA's at one  
14:41:46 6 stage earlier. The way a PDA works is basically the  
14:42:07 7 members are required to write their own assessment and then  
14:42:10 8 the assessors, officers, determine whether or not those  
14:42:15 9 goals have been met or achieved, do you understand?---The  
14:42:19 10 assessor usually writes the goals and then they - in  
14:42:22 11 consultation with them.  
14:42:24 12  
14:42:24 13 Then there's a need to meet them. This is Exhibit 562.  
14:42:31 14 The word "met" is put in as to whether or not they've  
14:42:34 15 achieved what they're supposed to do, do you follow?---Yep.  
14:42:56 16 Can I see who's actually this is?  
14:43:00 17  
14:43:00 18 Who's it is you want. And you see the review officer on  
14:43:08 19 the bottom there?---Yes.  
14:43:12 20  
14:43:12 21 So that's Mr Green and it's got your name as the review  
14:43:17 22 officer and Mr White as the assessor, do you follow  
14:43:20 23 that?---I do.  
14:43:21 24  
14:43:22 25 Can we go back up please to 382. Can you scroll up,  
14:43:52 26 please. I'm sorry, I can't find the entry that I had in  
14:44:04 27 front of me. Can we go back a page, I just want to get the  
14:44:13 28 period of time that this is. Yes, this is for 09, period  
14:44:19 29 of time at the end of 2009, do you follow, into the  
14:44:22 30 following year?---Yes.  
14:44:24 31  
14:44:24 32 And when did you start, in 09 or 10?---May, May 2010.  
14:44:30 33  
14:44:30 34 You come in halfway through this period by the look of  
14:44:35 35 it?---No, I think it's finished by the time I actually  
14:44:38 36 start.  
14:44:39 37  
14:44:39 38 Well it's got your name on it, that's why I thought you  
14:44:42 39 might have had something to do with it?---PDA's are a  
14:44:46 40 perennial issue within the organisation. The assessor,  
14:44:51 41 Mr Sandy White, he sets - he has set the things that need  
14:44:56 42 to be achieved by Mr Green and then I've, I've transferred  
14:45:03 43 in, I can't see what the date folder end date is. It's  
14:45:08 44 something May 2010. I can't - - -  
14:45:10 45  
14:45:10 46 Looks like 25th or 5th?---I'd been there three weeks, maybe  
14:45:15 47 two.

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14:45:15 1  
14:45:15 2 So you then sign off on it though?---Sign off on it.  
14:45:19 3  
14:45:19 4 So that's early days?---Yes.  
14:45:21 5  
14:45:21 6 Let's go forward a bit then. Can I go to 0389 at the top.  
14:45:43 7  
14:45:44 8 COMMISSIONER: So is this still relating to Green?  
14:45:47 9  
14:45:47 10 MR CHETTLE: Yes, this is all the one.  
14:45:49 11  
14:45:50 12 COMMISSIONER: We are still on the same document.  
14:45:52 13  
14:45:52 14 MR CHETTLE: Now we have come forward to August 2010 when  
14:45:56 15 you've been there a bit longer, do you follow? "I've  
14:45:59 16 received compliments from my superiors as to my forthright  
14:46:03 17 approach in these meetings, exploring the various options  
14:46:03 18 in coming up with solutions to dilemmas that high risk  
14:46:08 19 sources on occasions pose. This is a demonstration of my  
14:46:10 20 ability to provide leadership within the unit as I pay  
14:46:15 21 particular attention to the organisational values when  
14:46:16 22 exploring the risk assessment process, when dealing with  
14:46:20 23 the complexities of high risk human source management.  
14:46:24 24 Again, due to the sensitive nature of the work undertaken  
14:46:27 25 by the SDU I'm unable to disclose the results that I've  
14:46:33 26 helped achieve in this PDA cycle, however my superiors can  
14:46:38 27 corroborate the work that I have done in helping our  
14:46:40 28 primary stakeholders, the Crime Department, region  
14:46:44 29 investigators in disrupting organised crime", do you see  
14:46:48 30 that?---Yes.  
14:46:48 31  
14:46:49 32 That's been validated?---Yes.  
14:46:52 33  
14:46:52 34 If we go down to 0402 and 0403. 0402 firstly?---I doubt  
14:47:01 35 that would have been validated by myself.  
14:47:08 36  
14:47:09 37 Before you do 0396, yes, there we are. You see your name  
14:47:20 38 appears there as the officer?---Yes.  
14:47:24 39  
14:47:24 40 And you've actually put the comment in that he's performing  
14:47:28 41 at a good level?---Yes.  
14:47:30 42  
14:47:31 43 What I want to suggest to you is that nowhere in the PDA's  
14:47:36 44 is there any negative comment by you in relation to this  
14:47:39 45 officer or any of my particular clients. Would you agree -  
14:47:44 46 - - ?---I accept it if you say that.  
14:47:46 47

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14:47:47 1 If you have an issue with somebody, that's what a PDA is  
14:47:51 2 for, isn't it? To counsel them, to highlight it and deal  
14:47:54 3 with it?---It can be used for that but - - -  
14:47:57 4  
14:47:57 5 Can we go to 0402. What happens, just to look at those  
14:48:21 6 graphs for a moment and so the Commissioner understands the  
14:48:24 7 way they work, the person puts in their own assessment and  
14:48:27 8 then the assessor determines whether or not they've  
14:48:30 9 achieved a level higher than that?---Correct.  
14:48:32 10  
14:48:32 11 And you can see in relation to Mr Green that he rates  
14:48:38 12 himself as effective, but fairly modestly?---Yes.  
14:48:41 13  
14:48:41 14 And he is assessed as being well above his own assessment  
14:48:46 15 quality?---By the assessor, yes.  
14:48:48 16  
14:48:49 17 What, do you dispute that? You say by the assessor, do you  
14:48:55 18 suggest that he doesn't meet that standard?---But the  
14:48:57 19 assessor is the one who has given him that rating.  
14:49:00 20  
14:49:00 21 And you sign off on it?---This one is, yes.  
14:49:03 22  
14:49:03 23 Can we go down to the next page, please. Do you see there  
14:49:12 24 you've actually contributed to his assessment, haven't you?  
14:49:17 25 Do you see the name of yourself there?---Yep.  
14:49:20 26  
14:49:22 27 You firstly - you touch base on the persons concerned in  
14:49:31 28 the course, express your personal satisfaction with the  
14:49:34 29 very thorough and instructive course, "The one thing that  
14:49:38 30 makes this course so different to a lot of other courses I  
14:49:41 31 do is during it the use of experienced and credible  
14:49:44 32 lecturers keep the interest level up, I know the feedback I  
14:49:47 33 got was first rate. Please pass my thanks on to all  
14:49:50 34 concerned". That was from a Detective Sergeant that was  
14:49:54 35 sent to you and you included it in the PDA of Mr Green  
14:49:58 36 because he was one of the lecturers, wasn't he?---Yes, and  
14:50:01 37 it would have been included on the other members who had -  
14:50:04 38 - -  
14:50:04 39  
14:50:04 40 You put them in the other people who contributed to the  
14:50:07 41 course?---Yes.  
14:50:07 42  
14:50:08 43 And then you pass on, you also include in his PDA a letter  
14:50:17 44 from Doug Fryer to Jeff Pope and a couple of other senior  
14:50:21 45 officers, Danye Moloney, Paul Sheridan, Tony Biggin?---I  
14:50:28 46 assume it's an email, yes.  
14:50:30 47

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14:50:30 1 If you go down the page it sings the praises and thanks  
14:50:34 2 basically SDU's involvement in a particular  
14:50:40 3 operation?---Yes.  
14:50:40 4  
14:50:42 5 Obviously Mr Green was the officer, one of the officers  
14:50:46 6 involved in that operation?---Yes.  
14:50:47 7  
14:50:48 8 That's why it's in his PDA?---Yes.  
14:50:51 9  
14:50:51 10 Thank you. Would you go to 0413, please. Now, there's  
14:51:04 11 another assessment here but this time it's not by you, it's  
14:51:07 12 the review officer is Mr Waddell, do you see that?---Yes.  
14:51:11 13  
14:51:11 14 And Mr Richards is being the assessor in relation to the  
14:51:15 15 period ending May 2011. But let's look at what's said  
14:51:20 16 about him at this stage. If we can go down the page to  
14:51:26 17 0423. Go back, thank you. Can you highlight that entry at  
14:51:36 18 the bottom of the page we were previously at, please. Back  
14:51:41 19 to 0413. Sorry, Mr Skim. Go down. Okay. This is what  
14:51:54 20 I'm looking for, yes. This is a back capture on 21  
14:52:06 21 February 2013. Do you follow that? This is straight after  
14:52:11 22 the termination of the unit, or the closing down of the  
14:52:14 23 unit, do you follow?---Yep.  
14:52:16 24  
14:52:17 25 That, "Mr Green has been performing extremely well over a  
14:52:21 26 long period of time. He has leadership skills and  
14:52:24 27 knowledge and he has been a great mentor to junior  
14:52:28 28 members". And that's all it says. Now if I can go to  
14:52:34 29 0423. Down the bottom. This is a contribution he made to  
14:52:49 30 his own personal development file, "I've spent my career  
14:52:53 31 developing my communication skills and understanding of  
14:52:56 32 high level organised crime. It transferred to positions  
14:52:58 33 that would enhance these skills. I found a position in the  
14:53:01 34 organisation that developed these skills further to a level  
14:53:04 35 I could not have dreamed of, the SDU. Assistant  
14:53:08 36 Commissioner Jeff Pope closed the unit down for an as yet  
14:53:11 37 unexplained to me reason and cast aside all the members'  
14:53:14 38 experience with the stroke of a pen. As a result I have no  
14:53:20 39 further wish to develop my career or my personal well-being  
14:53:24 40 within this organisation". That's him leaving, isn't  
14:53:29 41 it?---Yes, from my recollection after the closure of the  
14:53:33 42 SDU I believe Officer Green took time off and then - - -  
14:53:40 43  
14:53:40 44 Long service leave and then left?---Yes.  
14:53:42 45  
14:53:42 46 At the time it was closed down he had in fact transferred  
14:53:47 47 out to another unit on temporary duty, hadn't he? He'd

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14:53:52 1 gone to a local CIU. You had to ring him, him and someone  
14:53:56 2 else, and tell him that the unit had been shut?---Yes, I  
14:53:58 3 did.  
14:53:58 4  
14:53:59 5 That's because he had gone out to a real police station on  
14:54:03 6 secondment?---Part of their wages, the allowance that they  
14:54:08 7 received required them to do duties, I think it was three  
14:54:13 8 months every three years or four years, they needed to go  
14:54:18 9 out to a station. Three months without leave or six months  
14:54:22 10 with proportional leave.  
14:54:24 11  
14:54:24 12 In fact the Commission's had evidence in relation to this  
14:54:27 13 particular officer. He wanted promotion and in order to  
14:54:30 14 enhance his promotion prospects he went to the Drug Task  
14:54:34 15 Force originally, then subsequently applied for other  
14:54:37 16 positions to try and - - - ?---I think from my recollection  
14:54:40 17 he might have gone out into the [REDACTED] suburbs somewhere.  
14:54:43 18  
14:54:44 19 He did. Can I go to 0431, please. I think this is the  
14:54:54 20 last entry I want to take you to. If you go down the  
14:55:00 21 bottom, there's an entry in relation to him. You'll see  
14:55:08 22 that this relates to someone by the name of [REDACTED], I  
14:55:12 23 think it's an Acting Senior Sergeant has put in an entry in  
14:55:16 24 relation to Mr Green and to Mr Wolf, do you see?---That  
14:55:21 25 name I think will be subject - - -  
14:55:23 26  
14:55:23 27 We might have to take the name I mentioned out,  
14:55:29 28 Commissioner?---I think you can refer to him as officer C.  
14:55:33 29  
14:55:33 30 Officer C, thank you. But you know who I mean?---Yes, I  
14:55:38 31 do.  
14:55:38 32  
14:55:42 33 "Both the members had been working together as a successful  
14:55:46 34 team managing a source for another work group. I've been  
14:55:49 35 very impressed with many aspects relating to their work  
14:55:52 36 achievements. The two officers, particularly their  
14:55:55 37 dedication, team work and integrity. Both members have  
14:56:00 38 shown persistence and ingenuity regarding source management  
14:56:05 39 techniques which has led to several successful outcomes for  
14:56:09 40 the Task Force. Despite existing work commitments both the  
14:56:12 41 two members worked regular extended hours to ensure the  
14:56:17 42 aims of the workforce were achieved. Both the two members  
14:56:20 43 are very well regarded by the Task Force management team  
14:56:23 44 and are to be congratulated on their efforts", all right.  
14:56:32 45 Everything in the PDAs is complimentary and there's nothing  
14:56:39 46 negative in them at all. That's not consistent with your  
14:56:43 47 evidence, is it?---Well the examples that I've cited for

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14:56:52 1 the SDU case studies, I think that's what it's titled, some  
14:56:56 2 of those members were involved in those case studies, some  
14:56:59 3 of them weren't.  
14:56:59 4  
14:57:02 5 Mr Green wrote the risk assessment in relation to the  
14:57:06 6 dangers of moving back to [REDACTED], didn't he?---I  
14:57:12 7 think his name was on the bottom of the thing, but it was  
14:57:15 8 contributed by all the staff.  
14:57:16 9  
10 That may be the case but clearly he was the man who wrote -  
14:57:17 11 he put his name on it, he wrote it with the assistance of  
14:57:20 12 others?---I would say so, yes.  
14:57:22 13  
14:57:22 14 And you saw that risk assessment as some form of attack on  
14:57:27 15 your authority?---No, I did not.  
14:57:29 16  
14:57:29 17 It was a validly expressed concern by members as to risks  
14:57:32 18 to their safety by the move back to St Kilda Road, wasn't  
14:57:37 19 it?---They were concerned about their safety.  
14:57:41 20  
14:57:41 21 Genuinely concerned?---Yes.  
14:57:42 22  
14:57:43 23 They were told - were they told why that was happening by  
14:57:46 24 you?---Why?  
14:57:49 25  
14:57:50 26 Yes?---Well, the fact, the fact that the - - -  
14:57:55 27  
14:57:55 28 Were they told what was happening? I have a lot to get  
14:58:01 29 through between now and 6 o'clock.  
14:58:02 30  
14:58:02 31 COMMISSIONER: I think he was about to answer the question.  
14:58:05 32 Anyway, were they told what was happening?---In regards to  
14:58:08 33 moving back to 412 St Kilda Road, yes, they were.  
14:58:12 34  
14:58:13 35 MR CHETTLE: Were they told it was because the [REDACTED] had  
14:58:15 36 [REDACTED] and Mr Pope didn't want to [REDACTED]  
14:58:18 37 [REDACTED]---No, the reason that there was a budget issue and  
14:58:23 38 another unit within intel covert support needed I think  
14:58:29 39 approximately \$300 to \$350,000 to fund purchase of  
14:58:34 40 equipment. The [REDACTED] at the [REDACTED] had been  
14:58:40 41 due, due to [REDACTED] but the member charged with doing  
14:58:44 42 that hadn't, hadn't been able, hadn't done that and a  
14:58:52 43 decision was made by Mr Pope that the funds that were going  
14:58:54 44 to be used for [REDACTED] of the [REDACTED]  
14:58:59 45 [REDACTED] was to be channelled into another work area for  
14:59:04 46 the purchase of equipment.  
14:59:06 47

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14:59:06 1 Did you tell the members that?---I told Officer White and  
14:59:16 2 Officer Richards and I believe I told the members that,  
14:59:21 3 where the money was, what it was being used for.  
14:59:24 4  
14:59:24 5 You didn't try and hide things from them?---No, I told them  
14:59:27 6 what it was.  
14:59:27 7  
14:59:28 8 Could you go to your diary please for 28 April of 2011.  
14:59:35 9 It's page - if you have a VPL number at the top it will be  
14:59:45 10 0018?---Just the date again, Mr Chettle.  
14:59:48 11  
14:59:49 12 28th of the 4th 2011. Do you have an entry there at 7.30,  
15:00:01 13 you'd come on duty at the office for administration and at  
15:00:04 14 9 o'clock you speak to Paul Sheridan?---Yep.  
15:00:07 15  
15:00:07 16 Can you read it because your writing is not the easiest for  
15:00:11 17 me to read?---0900, "Spoke to Paul Sheridan re ██████████ SDU  
15:00:18 18 ██████████ New ██████████ not ██████████ Informed from the AC not  
15:00:22 19 to ██████████ as AC looking at options, discussion re  
15:00:28 20 same".  
15:00:28 21  
15:00:28 22 Keep going?---9.15, "Speak to Officer Richards". 09.20,  
15:00:37 23 "Officer White and advise above direction. Decision next  
15:00:43 24 week from AC and all negotiations ██████████ on hold until  
15:00:48 25 then. Both White and Richards aware of direction".  
15:00:53 26  
15:00:54 27 And the direction is, "██████████ the ██████████", is that what  
15:00:56 28 it comes down to?---Yes, ██████████ the ██████████  
15:00:59 29  
15:01:00 30 And the rest of it?---"SDU staff not to be told until AC  
15:01:06 31 makes decision."  
15:01:08 32  
15:01:09 33 And he obviously made that decision the following week, is  
15:01:13 34 it?---At some stage, not far from that.  
15:01:16 35  
15:01:16 36 And that led to the unit being moved back in a period of  
15:01:19 37 time to St Kilda Road?---Yes. Later that year I think.  
15:01:23 38  
15:01:24 39 It took a while. It did go back. All right. When that  
15:01:28 40 occurred one of the wives of one of the members wrote to  
15:01:36 41 the Chief Commissioner, didn't she?---She did.  
15:01:39 42  
15:01:39 43 And you took the view that that had been done as a form of  
15:01:45 44 grievance by the members. You thought they were complicit  
15:01:48 45 in that?---I did turn my mind to that, yes.  
15:01:51 46  
15:01:51 47 In fact, ultimately once the matter was investigated it

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15:01:55 1 became apparent that she'd done it on her own bat and  
15:01:59 2 without any input from the members?---She must have had  
15:02:03 3 input from her husband because - - -  
15:02:06 4  
15:02:06 5 She knew that they'd gone back, she expressed concerns  
15:02:14 6 about risks to her husband, didn't she?  
15:02:15 7  
15:02:17 8 COMMISSIONER: Let him answer the question?---Yes, she did.  
15:02:19 9  
10 MR CHETTLE: In that sense he must have told her that there  
15:02:21 11 were risks to him, you're right about that, aren't you?  
15:02:24 12 That's what you're trying to say, I'm not trying to cut you  
15:02:27 13 off. Is there anything else you wanted to say that I  
15:02:30 14 stopped you saying?---No.  
15:02:30 15  
15:02:30 16 There was an investigation into it and the situation  
15:02:33 17 changed, the risk assessment in relation to the move was  
15:02:37 18 altered because it became apparent to management that she  
15:02:40 19 had her own issues and she wrote the letter unsolicited or  
15:02:44 20 unforced by anyone?---That's my understanding.  
15:02:47 21  
15:02:48 22 So what was the initial position that you thought that the  
15:02:53 23 staff had been involved, turned out to be wrong?---Yeah, it  
15:02:57 24 was a consideration that the staff may have been involved.  
15:03:00 25  
15:03:00 26 And when you thought the staff was involved, that led  
15:03:03 27 directly to the determination that they would have their  
15:03:07 28 cars taken off them, didn't it?---No, cars were not taken  
15:03:11 29 off them.  
15:03:11 30  
15:03:12 31 Sorry, the change of policy that they had to go  
15:03:16 32 PII [REDACTED]?---Yes.  
15:03:16 33  
15:03:16 34 That was as a direct result of that letter being written to  
15:03:20 35 the Chief Commissioner, wasn't it?---That was an aspect of  
15:03:22 36 it, yes.  
15:03:23 37  
15:03:23 38 You as the management, presumably in consultation with  
15:03:26 39 Mr Sheridan, decided that if they're going to go behind my  
15:03:30 40 back and complain to the Chief Commissioner or write  
15:03:32 41 letters we'll change the car policy?---No.  
15:03:36 42  
15:03:36 43 There is a nexus, isn't there?---Yes, you can say that.  
15:03:42 44 But the decision was made by Mr Pope and Mr Sheridan.  
15:03:45 45  
15:03:46 46 And you just followed orders?---Well that's - if that's the  
15:03:52 47 way, I was told by my superior, my Assistant Commissioner

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15:03:55 1 and my Superintendent that they were to travel PII [REDACTED]  
15:03:58 2 PII [REDACTED] policy which is currently now in Victoria Police.  
15:04:01 3  
15:04:01 4 I assume you were reporting upstream your beliefs in  
15:04:06 5 relation to the nexus between the letter written by one of  
15:04:10 6 the wives and the decision to change the car policy?---Well  
15:04:16 7 the letter came from the Chief Commissioner's office via, I  
15:04:19 8 assume, via Pope to Sheridan and then down to me.  
15:04:23 9  
15:04:23 10 And then you reported back up the line your belief that  
15:04:27 11 this was another example of SDU disgruntlement at your  
15:04:33 12 orders?---It was a concern that the members were feeling  
15:04:40 13 so, to that extent, that he had told his wife and then his  
15:04:44 14 wife had written to the Chief Commissioner.  
15:04:47 15  
15:04:47 16 Did you make any inquiries about the welfare of the  
15:04:50 17 wife?---Yes.  
15:04:51 18  
15:04:52 19 She was unwell, she had real issues, didn't she? I'm not  
15:04:55 20 going to go into them in public?---She did have issues.  
15:05:03 21  
15:05:04 22 All right. Sorry, I've got myself distracted there. You  
15:06:05 23 make a number of assertions in your evidence this morning  
15:06:08 24 about the conduct of the SDU. You maintain they refused to  
15:06:12 25 accept management as governance across human  
15:06:17 26 sources?---Yes.  
15:06:17 27  
15:06:18 28 You argue that the decisions they made were ego driven  
15:06:21 29 decisions?---On occasions, yes.  
15:06:23 30  
15:06:24 31 Whose ego were you talking about?---Well I primarily dealt  
15:06:28 32 with the controllers.  
15:06:29 33  
15:06:29 34 That's White and Richards?---In the main.  
15:07:02 35  
15:07:07 36 You suggest that the SDU made peer group selections for  
15:07:14 37 staff positions. Have you heard that before?---Yes.  
15:07:18 38  
15:07:19 39 Has that come from you or from Mr Sheridan?---When I did  
15:07:27 40 some selections there was often influence from Officer  
15:07:34 41 White and Officer Richards into who, who we should or  
15:07:38 42 shouldn't select.  
15:07:39 43  
15:07:39 44 What's wrong with that?---There's nothing wrong with it.  
15:07:42 45  
15:07:42 46 Okay, so it's not a criticism. You would expect them to  
15:07:45 47 have input, wouldn't you?---Yes, without doubt.

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15:07:48 1  
15:07:49 2 Do you say that they were resistant to change?---Yes.  
15:07:54 3  
15:07:54 4 That they attempted to suborn the authority of your  
15:07:57 5 management?---Yes.  
15:07:59 6  
15:08:08 7 So far as Mr White is concerned, his PDAs, save you going  
15:08:20 8 through them, his PDAs are a similar position, there's no  
15:08:25 9 criticism or any issue raised in relation to his conduct or  
15:08:31 10 behaviour in his PDAs anywhere?---I'll take that as - - -  
15:08:35 11  
15:08:35 12 Indeed, do you know Inspector Waddell?---I do.  
15:08:38 13  
15:08:38 14 He went on to become a Superintendent. Is he still in the  
15:08:43 15 Police Force?---He retired but then rejoined as a - - -  
15:08:50 16  
15:08:50 17 Consultant?---Unsworn, yeah, a consultant.  
15:08:53 18  
15:08:54 19 What rank did he have when he left?---I think he was  
15:08:58 20 Detective Inspector. He could have been - I think  
15:09:01 21 Detective Inspector.  
15:09:01 22  
15:09:02 23 He ran the Briars Task Force or part of it, didn't he?---He  
15:09:08 24 did.  
15:09:08 25  
15:09:09 26 As such he then worked with Mr White when he went across  
15:09:12 27 there?---When he was seconded from the SDU, yes.  
15:09:15 28  
15:09:15 29 In relation to the allegations you make about Mr White he  
15:09:19 30 says this, "I vehemently deny all these accusations or  
15:09:23 31 criticisms. I have never had one single accusation of any  
15:09:26 32 type described, put to me by either of the two managers.  
15:09:30 33 This level of criticism, being Inspector John O'Connor and  
15:09:33 34 Superintendent Paul Sheridan. If these criticisms were  
15:09:36 35 valid, I should have been counselled, possibly even  
15:09:40 36 disciplined". Now that's right, isn't it?---The issues  
15:09:45 37 that I have brought up in the SDU examples are issues that  
15:09:55 38 occurred over a long period of time where members were  
15:09:59 39 taking unacceptable risks.  
15:10:04 40  
15:10:04 41 Can you answer my question now?---Sorry.  
15:10:08 42  
15:10:08 43 If the criticisms you made of him were correct, he should  
15:10:10 44 have been counselled or even disciplined, shouldn't he?---I  
15:10:15 45 had spoken to him on a number of occasions in regards to  
15:10:18 46 trying to work with me and then for him to actually notify  
15:10:24 47 me of developments with matters and me not having to chase,

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15:10:29 1 chase him.  
15:10:31 2  
15:10:32 3 Can I go again. If the criticisms you make of him were  
15:10:36 4 valid he should have been counselled or even disciplined,  
15:10:39 5 shouldn't he?---Yeah, I concede that.  
15:10:42 6  
15:10:43 7 And he hasn't been, has he?---No.  
15:10:45 8  
15:10:46 9 And there's nothing in his PDAs to reflect upon him in that  
15:10:49 10 regard?---No, well from what you say, yes.  
11  
15:11:02 12 He says this, "It's fictional to suggest that the staff had  
15:11:08 13 systemic resistance to change when the staff in fact were  
15:11:12 14 change agents, having contributed significantly to massive  
15:11:16 15 cultural change concerning source management". Just  
15:11:20 16 stopping there, that last bit is true, isn't it, the SDU  
15:11:23 17 had been significantly responsible for a massive cultural  
15:11:27 18 change in relation to source management?---Well, they were  
15:11:31 19 part of it. The Human Source Management Unit and the work  
15:11:35 20 done by I think Neil, then Superintendent now Assistant  
15:11:44 21 Commissioner Neil Paterson, and work done by Tony Biggin, I  
15:11:48 22 don't think the SDU - they contributed but they weren't the  
15:11:51 23 only ones.  
15:11:52 24  
15:11:52 25 They contributed significantly to the cultural in Victoria  
15:11:56 26 Police. They went from the old envelope in the safe and  
15:12:01 27 corrupt relationships to a professional organisation,  
15:12:03 28 that's true, isn't it?---As a dedicated unit, yes.  
15:12:07 29  
15:12:08 30 "Every member of staff was an active participant in the  
15:12:11 31 design and delivery of the highest levels of human source  
15:12:15 32 management training in Australia and New Zealand." They  
15:12:18 33 went and gave lectures and contributed to that?---Yes. Not  
15:12:24 34 all of them but some did, yes.  
15:12:27 35  
15:12:28 36 Chief Commissioner Nixon - I'll read a quote from the Chief  
15:12:34 37 Commissioner in relation to - I think I will. No, I can't  
15:13:07 38 find it. I'll come back to that because I've got the wrong  
15:13:18 39 paragraph number, all right. He says this at paragraph 300  
15:13:28 40 of his statement, "Neither Inspector O'Connor nor  
15:13:31 41 Superintendent Sheridan ever spoke to me about the reason  
15:13:34 42 behind the Standard Operating Procedures and policy  
15:13:38 43 relevant to the unit and failed to comprehend the necessity  
15:13:42 44 behind some of them. By way of example I was told  
15:13:46 45 Superintendent Sheridan did not like the policy of  
15:13:49 46 sanitising information reports and I was directed on one  
15:13:53 47 occasion to disseminate intelligence to investigators in



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15:13:57 1 raw form. I was also told by Detective Inspector O'Connor  
15:14:01 2 on one occasion to disseminate intelligence via email".  
15:14:06 3 Does any of that ring any bells with you?---I know it was a  
15:14:11 4 frustration on occasions of Superintendent Sheridan that  
15:14:14 5 when the sanitised IRs came through there might be [REDACTED]  
15:14:19 6 [REDACTED] to explain [REDACTED] and so that was, I know that  
15:14:25 7 was a frustration and that was a point where the SDU  
15:14:32 8 maintained their trade craft per se and it was difficult on  
15:14:38 9 occasions to get the true picture of what a source was  
15:14:43 10 saying when you have [REDACTED] to talk about [REDACTED]  
15:14:46 11 [REDACTED].

15:14:48 12  
15:14:51 13 There is policy that sets out the requirements in relation  
15:14:55 14 to sanitising IRs, wasn't there?---Yes.

15:14:57 15  
15:14:57 16 And it was Victoria Police policy that anything that might  
15:15:01 17 identify the source needed to be taken out of the  
15:15:06 18 document?---Yes.

15:15:08 19  
15:15:08 20 And it was a requirement to ensure it does not contain any  
15:15:13 21 information that could identify the source and there's a  
15:15:16 22 requirement to forward an electronic copy of it to HSMU to  
15:15:20 23 ensure that occurs?---Yeah, they were the governance, yes.

15:15:23 24  
15:15:23 25 And that was their job, to make sure that the rules and the  
15:15:27 26 policies were complied with?---Yes.

15:15:29 27  
15:15:30 28 To cut this short, there was examples where directions were  
15:15:35 29 given to send IRs in unsanitised form that in effect was  
15:15:44 30 contrary to the policy that existed at the unit at the  
15:15:48 31 time. Do you agree with that?---I can't recall, can you  
15:15:52 32 show me the email?

15:15:53 33  
15:15:54 34 I can. All right. Mr Wolf in his diary on 11 July 2012,  
15:16:13 35 for an example, has an entry from the officer-in-charge in  
15:16:19 36 relation to a particular CH, covert human intelligence  
15:16:25 37 source, "The IRs generated last week, Superintendent will  
15:16:30 38 not forward them to ESD in their sanitised format, wants  
15:16:35 39 them [REDACTED]. This is on 11 July 12?---11 July, sorry?

15:16:41 40  
15:16:41 41 Yes, 11/7/12 is in his diary. That you spoke to him, OIC,  
15:16:54 42 that's you, telling him of Sheridan's attitude to the ESD  
15:17:00 43 IRs, do you follow?---Yes.

15:17:01 44  
15:17:01 45 Have you got something there?---I was on a day off that day  
15:17:05 46 but I've got myself, spoke to Wolf several times re  
15:17:18 47 Operations updates, request from Drug Task Force to do a

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15:17:21 1 debrief, but I've got nothing, and I've got, I've got  
15:17:28 2 written, "ICS re ethical", so, "Issue cover sheet re  
15:17:33 3 ethical and professional conduct training".  
15:17:36 4  
15:17:37 5 His diary records that he spoke to you that day in relation  
15:17:40 6 to the source, that Sheridan won't give ESD particular  
15:17:45 7 unsanitised IRs. Now, this is a small point but what I'm  
15:17:50 8 trying to raise is the handlers and the controllers would  
15:17:54 9 have discussions with you about the need to comply with  
15:17:56 10 policy when Sheridan didn't apparently agree with it, do  
15:18:00 11 you follow what I'm putting?---I follow what you're  
15:18:02 12 putting.  
15:18:03 13  
15:18:03 14 And do you agree with me?---Yes, as I said before, it was a  
15:18:08 15 point of frustration on occasions that Mr Sheridan would  
15:18:12 16 get 10 IRs - - -  
15:18:14 17  
15:18:14 18 I understand. So he did have that problem with IRs?---On  
15:18:18 19 occasions, yes.  
15:18:19 20  
15:18:23 21 There's also - did you ever direct Mr White to disseminate  
15:18:32 22 intelligence via email?---Not that I recall. Is there an  
15:18:39 23 email?  
15:18:40 24  
15:18:40 25 It's his statement. He said he recalls an occasion where  
15:18:44 26 you told him to disseminate intelligence via email. That  
15:18:49 27 would be an unsound thing to do, wouldn't it?---Yes, I have  
15:18:52 28 no recollection of that.  
15:18:52 29  
15:18:53 30 He told you that there were very good reasons why policy  
15:18:57 31 precluded that and refused. Could that have occurred?---As  
15:19:00 32 I said I cannot recall that.  
15:19:03 33  
15:19:03 34 But if he did do something like that you would see it as a  
15:19:07 35 challenge to your authority?---No, I would see it as being,  
15:19:12 36 IRs should have been sent by the Interpose system used on  
15:19:18 37 the link of an email.  
15:19:20 38  
15:19:20 39 I'll quote from your statement, "I was told by O'Connor  
15:19:24 40 that he and Superintendent Sheridan thought particular and  
15:19:27 41 very significant aspects of SDU trade craft for source  
15:19:29 42 meetings were unnecessary". Do you agree with that? Did  
15:19:32 43 you disagree with the way SDU did things?---I, on occasions  
15:19:37 44 I made, made my position in regards to that.  
15:19:40 45  
15:19:40 46 "And he, O'Connor, referred to them as bullshit", did  
15:19:46 47 you?---In regards to that I'll clarify - - -

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15:19:55 1  
15:19:55 2 I don't know what's happening. Did you say that?  
3  
4 VIDEO OPERATOR: You mentioned something in the  
5 (indistinct) and I'm trying to get him to redact it. It  
6 was under your breath and it was on the live stream. It  
7 was a little while ago, about three minutes ago.  
8  
15:20:19 9 MR CHETTLE: I'm sorry. I don't know what that was. If I  
15:20:19 10 said something under my breath it wouldn't be the first  
15:20:22 11 time.  
15:20:23 12  
15:20:23 13 MR HOLT: Commissioner, while we're just on that break, I'm  
15:20:24 14 just conscious that this question is an open ended one that  
15:20:28 15 may require a response that we don't know what it deals  
15:20:31 16 with in terms of methodology.  
15:20:33 17  
15:20:34 18 MR CHETTLE: My question is very simple, did you tell  
15:20:37 19 Mr White that some of the trade craft was bullshit?---Yes,  
15:20:42 20 in regards to aspects of the training course.  
15:20:47 21  
15:20:48 22 Okay?---The PII [REDACTED] training course and I can elaborate if  
15:20:51 23 you - - -  
15:20:53 24  
15:20:53 25 I just want to know whether you agree you said it and you  
15:20:57 26 don't argue with it and you can say why, understand,  
15:21:00 27 otherwise I'll never get finished with you? I meant to ask  
15:21:06 28 you that, and I don't want to pry into your personal life,  
15:21:10 29 but the intense personal issue you've got that made you  
15:21:14 30 want to get away has been one that you've had throughout  
15:21:17 31 the course of the years that you'd been dealing with the  
15:21:20 32 SDU, the issue was an issue back then for you?---Yes.  
15:21:24 33  
15:21:25 34 From time to time you took time off in order to assist with  
15:21:28 35 the issues that you had?---Yes.  
15:21:29 36  
15:21:30 37 And from time to time you worked from home?---Yes.  
15:21:32 38  
15:21:34 39 Now, was there an occasion when you directed a handler to  
15:21:40 40 attend PII [REDACTED] to talk to a source?---A controller.  
15:21:50 41  
15:21:52 42 Mr Richards?---Yes.  
15:21:53 43  
15:21:54 44 If I used the word handler - one of the staff?---He wasn't  
15:21:59 45 directed, he was asked.  
15:22:00 46  
15:22:04 47 You're the boss. You've asked him to go and do

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15:22:07 1 something?---I think if you look at the email chain you'll  
15:22:10 2 find that he was well aware of it and had been spoken to by  
15:22:14 3 the Detective Senior Sergeant of the area that was making,  
15:22:19 4 making that request and had chose - - -  
15:22:22 5  
15:22:22 6 He didn't want to go?---After a period of time he didn't  
15:22:26 7 want to go, no.  
15:22:27 8  
15:22:28 9 Visiting sources PII [REDACTED] is high risk, isn't it?---Yes.  
15:22:32 10  
15:22:32 11 And without revealing methodology, there was a system that  
15:22:36 12 was in place that assisted with that task, because you do  
15:22:41 13 have to visit sources PII [REDACTED] from time to time?---Yes.  
15:22:43 14  
15:22:43 15 The issue arose that that system was compromised, wasn't  
15:22:48 16 it, there was a problem with it? Do you know what I'm  
15:22:53 17 talking about? I'm trying to be cryptic because we're in  
15:22:57 18 open hearing?---I'm not 100 per cent sure what you mean by  
15:23:02 19 that.  
15:23:02 20  
15:23:02 21 I can't do it in open hearing. In any event I'll go back.  
15:23:06 22 You asked him to go and see a particular source?---Yes.  
15:23:11 23  
15:23:11 24 He didn't want to go?---No.  
15:23:13 25  
15:23:15 26 And he indicated that there were real risks in doing  
15:23:20 27 so?---Yes.  
15:23:21 28  
15:23:21 29 And there was, what you don't mention in your statement is  
15:23:25 30 that there'd been a risk assessment in relation to that  
15:23:27 31 conducted by another member of the unit, hadn't  
15:23:31 32 there?---There could have been, I can't recall.  
15:23:32 33  
15:23:33 34 And that risk assessment pointed out the real risk that  
15:23:40 35 could happen to the source if what you proposed went ahead,  
15:23:44 36 that's all I'm trying to get to?---It's hard in an open  
15:23:47 37 hearing to explain this but the - and I'm unsure if I'm  
15:23:53 38 allowed to say - - -  
15:23:55 39  
15:23:55 40 COMMISSIONER: If we have to go into a closed hearing we'll  
15:23:58 41 go into a closed hearing.  
15:23:59 42  
15:24:00 43 MR CHETTLE: We'll get back to it. We are probably going  
15:24:00 44 to go into a closed hearing at some stage but can I ask you  
15:24:04 45 this. He asked you to put your direction or your  
15:24:07 46 suggestion in writing and then he'd go, didn't he?---I  
15:24:11 47 can't recall that.



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15:24:12 1  
15:24:13 2 In any event, he didn't go, you did. Is that what  
15:24:16 3 happened?---I did.  
15:24:16 4  
15:24:20 5 Do you know why he didn't go?---He, Officer Richards, from  
15:24:31 6 my recollection believed the risk was too high. It was  
15:24:35 7 explained to him that the - - -  
15:24:41 8  
15:24:44 9 MR HOLT: Counsel assisting understands the sensitivity of  
15:24:47 10 the issue, which might not be just about methodology but  
15:24:51 11 about other issues as well. I don't think we can go any  
15:24:52 12 further at this point, Commissioner.  
15:24:52 13  
15:24:52 14 MR WOODS: I support that given what's - - -  
15:24:54 15  
15:24:54 16 COMMISSIONER: It's likely we'll have the break and then go  
15:24:57 17 into closed hearing after the break.  
15:24:59 18  
15:25:00 19 MR CHETTLE: If I put a different proposition, which I  
15:25:03 20 don't think I've said, I might be able to avoid the  
15:25:04 21 problem. A dedicated source handler visiting PII [REDACTED],  
15:25:09 22 it's highly likely to have serious consequences for PII [REDACTED],  
15:25:13 23 PII [REDACTED] isn't it?---Yes, if it was known.  
15:25:18 24  
15:25:18 25 If it was known. And this is from the unit and from the  
15:25:24 26 very person that you'd been telling the Commissioner has  
15:25:27 27 been taking unnecessary risks with the way he conducted his  
15:25:32 28 business. It's the complete opposite of what you've been  
15:25:35 29 putting, isn't it, he's very much risk averse?---No, I  
15:25:40 30 would not say that at all in regards to Officer Richards.  
15:25:43 31  
15:25:43 32 As far as this incident is concerned he was obviously  
15:25:48 33 considering risks that you didn't, put it that way?---The  
15:25:50 34 risk, again - - -  
15:25:51 35  
15:25:51 36 If you can't, I'll leave it. It's a good time for the  
15:25:56 37 break, Commissioner.  
15:25:57 38  
15:25:57 39 COMMISSIONER: All right, do you want to go into closed  
15:26:00 40 hearing when we come back?  
15:26:01 41  
15:26:01 42 MR CHETTLE: I'll discuss that with Mr Holt in the  
15:26:05 43 meantime. I don't think so otherwise we'll never get out  
15:26:07 44 of here.  
15:26:37 45  
15:26:37 46 COMMISSIONER: All right. We'll have a ten minute break.  
15:26:40 47

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(Short adjournment.)

15:26:40 1  
15:26:40 2  
15:38:33 3 COMMISSIONER: Yes Mr Chettle.

15:38:34 4  
15:38:35 5 MR CHETTLE: Mr O'Connor, you recall I asked you about what  
15:38:38 6 I suggested was a conversation you had with Mr Sandy White  
15:38:40 7 about open and shut doors and you told me that you had a  
15:38:44 8 discussion with him where he said he couldn't, he'd have  
15:38:49 9 difficulty working with you, do you remember that evidence  
15:38:51 10 you gave?---Yes.

11  
15:38:52 12 I want to suggest to you that you had - my instructions are  
15:38:56 13 that you had no such conversation with him?---That's  
15:38:58 14 totally incorrect.

15  
15:39:00 16 Do you record it - - - ?---I remember exactly where it  
15:39:04 17 occurred and in the garage basement where the [REDACTED]  
15:39:09 18 vehicles were stored at the [REDACTED] premises down there  
15:39:13 19 and he spoke to me on day one, that he was going to  
15:39:17 20 struggle having me there.

21  
15:39:20 22 Okay. Did you diarise that in any way?---No, I said to him  
15:39:25 23 - no, I did not.

24  
15:39:26 25 Did you document it in any way?---No, it's etched in my  
15:39:30 26 memory.

27  
15:39:31 28 As I say, we'll have to - my instructions are it didn't  
15:39:34 29 occur, you say it did?---That's correct, it did occur.

30  
15:39:37 31 Okay. I just want to take you to a couple of things you  
15:39:47 32 said this morning. That chronology document that you ended  
15:39:54 33 up passing up the line and showing to Mr Sheridan and  
15:39:58 34 showing to Mr Pope or going - remember the document I'm  
15:40:01 35 talking about?---Is this the source management log  
15:40:08 36 pertaining to - - -

37  
15:40:10 38 That's what it is. It was in fact the source management  
15:40:12 39 log, wasn't it?---Yes, that's correct.

40  
15:40:13 41 This morning you said it was a summary of the source  
15:40:16 42 management log prepared by Mr Richards and by Mr White.  
15:40:21 43 That's what your evidence was this morning?---Oh well I  
15:40:24 44 meant the source management log, the 250 plus pages.

45  
15:40:27 46 So if you gave evidence that it was a summary document of  
15:40:31 47 the source management log, that's simply not right, it is

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15:40:35 1 the - - - ?---My evidence should have been the summary  
15:40:39 2 document of the informer contact reports, source contact  
15:40:45 3 reports.  
4  
15:40:45 5 It's a bit more than that, isn't it? It actually has  
15:40:48 6 operational decisions, it has discussions with senior  
15:40:50 7 officers?---Yes.  
8  
15:40:51 9 Discussion with management as far up as  
15:40:55 10 Mr Overland?---Yeah. I haven't read it for a number of  
15:40:57 11 years.  
12  
15:40:58 13 It would have come - - - ?---It wouldn't surprise me.  
14  
15:41:02 15 We've got that clear, all right. The document that you  
15:41:07 16 prepared, I just want to take - it seems to me you've told  
15:41:15 17 a different version to - when you came into the witness box  
15:41:20 18 this morning you said that the - you corrected your  
15:41:22 19 statement in relation to a document, a multipage document  
15:41:26 20 with a list of names and some text on it, do you remember  
15:41:28 21 the document?---I do.  
22  
15:41:29 23 Right. Initially in your statement you said that was  
15:41:32 24 prepared by handlers?---Yes.  
25  
15:41:37 26 That's wrong, it wasn't prepared by handlers, was it?---All  
15:41:42 27 the names were.  
28  
15:41:43 29 They gave you the listed - let me put it clearly. You  
15:41:46 30 asked them to come in and to provide a list of names that  
15:41:49 31 were mentioned?---Yes.  
32  
15:41:50 33 And they went to the records and took what they call the  
15:41:54 34 usual suspects document and put out all the names for you  
15:41:59 35 that were mentioned?---Yes.  
36  
15:42:00 37 You also asked them to provide you with a list of stats in  
15:42:03 38 relation to the number of ICRs and contacts that  
15:42:06 39 occurred?---Yes.  
40  
15:42:07 41 They gave you that hard statistical material?---Yes.  
42  
15:42:10 43 They came in on a Sunday. They told you about her being  
15:42:16 44 involved with providing bodgie phones to Dale that she  
15:42:21 45 didn't tell them about initially?---Yeah, Dale and Williams  
15:42:25 46 I think, yes.  
47

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15:42:27 1 But apart from that the narrative, the text in the document  
15:42:30 2 was written by Mr Sheridan which you cut and paste into  
15:42:34 3 your document?---Yes.  
4  
15:42:37 5 Right, thank you. You mentioned this morning that there  
15:42:47 6 was - one of the things you claim in your statement was  
15:42:52 7 that there was resistance to the CMRD audit?---Yes.  
8  
15:42:56 9 The only resistance, I suggest to you, was the resistance  
15:43:00 10 against the idea that they would come to the SDU premises  
15:43:05 11 to review the files?---No, not at all.  
12  
15:43:07 13 Okay. Did they tell you that they thought it was a dumb  
15:43:10 14 idea for them to come to the premises?---They were  
15:43:13 15 resistant in regards to - I can't recall that, coming to  
15:43:18 16 the premises, but what transpired is they met sources not  
15:43:26 17 at the premises.  
18  
15:43:31 19 When you say resistant to the review, what does that  
15:43:35 20 mean?---Well they didn't think, Officer White and Officer  
15:43:42 21 Richards didn't think that the people from CMRD should have  
15:43:47 22 the right to review the management of the high risk human  
15:43:55 23 sources.  
24  
15:43:55 25 But they'd done it repeatedly in the past, they'd  
15:43:59 26 cooperated in a number of reviews of exactly that?---I can  
15:44:03 27 only tell you what occurred.  
28  
15:44:04 29 Let me suggest to you the only resistance that you got  
15:44:07 30 about it was simply resistance to the idea that it was bad  
15:44:10 31 trade craft and security to have these people come into the  
15:44:15 32 office when there was no need for it?---No, it wasn't in  
15:44:18 33 regards to that. They resisted the fact that they would  
15:44:21 34 meet - that the Inspectors, I think they were Inspectors  
15:44:23 35 from the CMRD, would meet with source or sources.  
36  
15:44:31 37 Did you diarise that?---I'd have to go through my diary and  
15:44:38 38 have a look.  
39  
15:44:39 40 You didn't locate anything in preparing your  
15:44:48 41 statement?---As you would appreciate the statement was a  
15:44:50 42 lengthy process. Can you bring me to the date roughly?  
43  
15:44:58 44 No, I can't. That's why I was asking you. I'll move to a  
15:45:10 45 different topic if I can. When you found out there was  
15:45:31 46 some possibility of the Unit being shut down whilst you  
15:45:34 47 were on holidays in December or January of 12/13, that's

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15:45:40 1 the time, isn't it?---Yep.  
2  
15:45:43 3 Did you discuss that with your [REDACTED]?---No.  
4  
15:45:46 5 Why not?---Well I didn't see any point talking to them  
15:45:51 6 about it. Why stress them in regards to it if a decision  
15:45:55 7 hadn't been made?  
8  
15:45:57 9 But the decision had been made but you didn't know that I  
15:46:00 10 take it?---I don't believe so at that stage, no.  
11  
15:46:03 12 If I'm right in what I put to you, and the evidence shows  
15:46:07 13 that the decision had been made midway through the previous  
15:46:10 14 year to shut the Unit down, your documents that you  
15:46:15 15 provided after that were, you'd agree, would be nothing  
15:46:19 16 more than window dressing to justify shutting them down,  
15:46:24 17 and you probably don't know that?---I don't know that. I  
15:46:26 18 was asked to provide documents, I provided documents.  
19  
15:46:29 20 By Mr Sheridan?---By Mr Sheridan.  
21  
15:46:31 22 Did he tell you he was giving them to Mr Pope?---I can't  
15:46:35 23 recall but I would assume that Mr Sheridan reported to  
15:46:39 24 Mr Pope, so.  
25  
15:46:43 26 Let me deal with an operation in another State, all right.  
15:46:50 27 You gave evidence this morning about that to Mr Woods. Do  
15:46:54 28 you know what I'm talking about?---Yes, an operation in  
15:46:57 29 another State, yes.  
30  
15:47:00 31 That's known - the name of the operation in another State  
15:47:05 32 is what you understand?---Yeah, I didn't know if I was  
15:47:08 33 allowed to mention that.  
34  
15:47:11 35 There's no one jumping up and down about the name. I'm  
15:47:13 36 just trying focus on what occurred.  
37  
15:47:17 38 MR HOLT: It's not about any particular - this is an  
15:47:19 39 operation which Mr Woods was very cautious and dealt with  
15:47:22 40 entirely appropriately in a public hearing and went as far  
15:47:26 41 as could be gone without going any further in terms of data  
15:47:30 42 that would likely identify otherwise people who shouldn't  
15:47:34 43 be identified for very good reasons. He deliberately  
15:47:37 44 didn't go to names and those sorts of things because all of  
15:47:39 45 that allows connection. It just needs to be done in that  
15:47:43 46 kind of very general way or it would need to be done in a  
15:47:47 47 wholly private hearing in our respectful submission. But



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1 if our friend can deal with it in the same way that  
2 Mr Woods did then - - -

3  
15:47:49 4 COMMISSIONER: Is there any problem with the name?

15:47:51 5  
15:47:51 6 MR HOLT: No, so long as we go no further than that. If my  
7 friend wants to put other biodata into the public domain  
15:47:58 8 then, yes, there would be, so it might be sensible to take  
15:48:00 9 it out, then at least it's one piece that isn't there.

15:48:01 10  
15:48:01 11 MR WOODS: I specifically didn't put it in because I  
15:48:04 12 thought it might be part of the puzzle and it didn't seem  
15:48:07 13 relevant to have it named.

15:48:08 14  
15:48:09 15 MR HOLT: Perhaps it could be taken out then it's one piece  
15:48:12 16 of data that - - -

17  
15:48:13 18 COMMISSIONER: Redact the name of the operation. We all  
15:48:16 19 know the operation that's being spoken of.

15:48:18 20  
15:48:19 21 MR CHETTLE: Now it has a name.

22  
15:48:20 23 COMMISSIONER: The operation in other State.

15:48:22 24  
15:48:22 25 MR CHETTLE: Multiple states, wasn't it?---Yes.

26  
15:48:26 27 Not just Victoria, but two other States [REDACTED]

15:48:33 28  
15:48:36 29 MR HOLT: This is bio data. This is data which is going to  
15:48:41 30 carry very significant risks with very significant costs.  
15:48:44 31 It's been handled so carefully today and within two  
15:48:48 32 questions of this we're already starting to cross that  
15:48:50 33 line. It either needs to be done in the cautious way  
15:48:53 34 Mr Woods dealt with it or it needs to be done in a wholly  
15:48:56 35 private hearing in our respectful submission.

36  
15:48:57 37 COMMISSIONER: Mr Chettle, would you be cautious with the  
15:49:02 38 way you proceed.

15:49:03 39  
15:49:05 40 MR CHETTLE: For the life of me I can't understand why  
15:49:07 41 this is going to bring anything down. I'm acutely aware of  
42 not identifying source. It has nothing to do with sources.

43  
15:49:07 44 COMMISSIONER: It's about bio data apparently, little bits  
15:49:10 45 of bio data. I'm always hearing about this. Come on,  
15:49:16 46 let's get on with it.

15:49:22 47

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15:49:23 1 MR CHETTLE: Firstly, everything that the SDU did was the  
15:49:26 2 subject of direction from a higher officer, wasn't it?---In  
15:49:31 3 regards to this operation?  
4  
15:49:33 5 Yes?---I can't say yes or no to that. They sought some  
15:49:43 6 permission in regards to bringing exhibits back but prior  
15:49:47 7 to the deployment they would have had to have got  
15:49:50 8 permission off an officer to go - - -  
9  
15:49:54 10 There are provisions under the police policy for interstate  
15:49:59 11 operations, isn't there? There's a procedure that needs to  
15:50:02 12 be followed?---Yes.  
13  
15:50:04 14 And they didn't just get on a plane and disappear off  
15:50:09 15 interstate, they were sent off as a result of a decision by  
15:50:12 16 Command to run across an interstate operation?---Yes.  
17  
15:50:17 18 And so what they were doing was following the orders they  
15:50:21 19 were given by Command when they went off to do what they  
15:50:26 20 did?---Yes.  
21  
15:50:30 22 Where it went wrong - this was one of the early cross  
15:50:35 23 border operations involving the SDU, do you understand  
15:50:39 24 that?---It was before my time.  
25  
15:50:41 26 Yeah, I know. But do you understand it was one of the  
15:50:43 27 earlier - first time this occurred?---Yes.  
28  
15:50:46 29 And that thereafter it was used as a learning exercise and  
15:50:50 30 various protocols were put in place to ensure that they  
15:50:54 31 knew what the legislation was in interstate provisions when  
15:50:59 32 they went interstate?---Yes.  
33  
15:51:01 34 What they did is apply Victorian rules and regulations and  
15:51:08 35 procedures, followed them properly, which would have been  
15:51:10 36 okay in Victoria, but it wasn't interstate; that's what it  
15:51:14 37 came down to, isn't it?---Yeah, in one aspect of it.  
38  
15:51:19 39 We'll get to more aspects of it later. When they had a  
15:51:23 40 problem, when the source turned up with a sample of drugs -  
15:51:26 41 it was a relatively small amount, wasn't it, the first  
15:51:29 42 lot?---I'd have to read the report again but I'll take it  
15:51:33 43 as - - -  
44  
15:51:34 45 That was the small amount that had to be dealt with.  
15:51:37 46 Something's got to be done with the drugs, doesn't it, you  
15:51:40 47 can't tip it down the sink?---No.

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1  
15:51:42 2 Indeed what did is they sought, Officer White sought  
15:51:47 3 instructions as to what he should do with it?---I believe  
15:51:50 4 so, yes.  
5  
15:51:51 6 At the end of the day you came to the conclusion that they  
15:51:55 7 were simply doing their job and following orders and it  
15:51:58 8 would be inappropriate to take any action against  
15:52:04 9 them?---Yeah, they had - well, they had no mens rea in  
15:52:09 10 regards to committing offences.  
11  
15:52:10 12 And as far as - perhaps the one example that was out of  
15:52:18 13 line with policy is Officer Wolf had a couple of live  
15:52:23 14 rounds in the bottom of his bag that he missed?---Yes, and  
15:52:26 15 he gave a plausible explanation as to why that occurred.  
16  
15:52:29 17 You could hardly deal with him when the Chief Commissioner  
15:52:33 18 of Police had had the identical issue arise in relation to  
15:52:36 19 him at that time, had he not?---Yeah, I don't know if he  
15:52:39 20 was Chief Commissioner at the time.  
21  
15:52:40 22 Well, you refer to well-known precedents in your document  
15:52:45 23 you write, don't you?---Yes. As I said, I don't know if he  
15:52:49 24 was Chief Commissioner at the time.  
25  
15:52:51 26 Or Assistant Commissioner - I think he was Chief  
15:52:56 27 Commissioner. It was issue of a loaded magazine on a gun,  
15:52:59 28 on a civil aircraft, wasn't it?---I knew it was ammunition.  
29  
15:53:02 30 And at the end of the day there was an OPI inquiry in  
15:53:04 31 relation to that and he was exonerated?---Yeah, I don't  
15:53:07 32 know, I can't recall which body did an inquiry but I know  
15:53:11 33 that there was no action taken.  
34  
15:53:14 35 What you were saying in your report was it was a bit stiff  
15:53:16 36 to kick Mr Wolf when either the Assistant Commissioner or  
15:53:19 37 Chief Commissioner did the same thing?---Yes.  
38  
15:53:23 39 All right. The real - were you aware that there were  
15:53:40 40 senior officers of Victoria Police interstate at the time  
15:53:43 41 that the SDU went interstate?---As a subject of this  
15:53:53 42 matter?  
43  
15:53:54 44 Yes?---Yes.  
45  
15:53:58 46 Indeed, without giving - these two Inspectors got involved  
15:54:07 47 with a source and arrested the source, did they not? I'm

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15:54:13 1 trying to keep this vague so that we don't get into  
15:54:16 2 trouble, but that's right, isn't it?---Yes.  
3  
15:54:18 4 There were allegations made about the conduct of those  
15:54:21 5 Inspectors in their dealings with the source, weren't  
15:54:29 6 there?---That was a separate matter undertaken by another  
15:54:35 7 investigating body within Victoria Police.  
8  
15:54:38 9 Are you meaning ESD, Ethical Standards?---Probably ESD back  
15:54:46 10 then but PSC now.  
11  
15:54:47 12 It was ESD back then I think. Ethical Standards  
15:54:51 13 anyhow?---Yes.  
14  
15:54:52 15 It was - none of that's mentioned in your report, is it?  
15:54:59 16 No mention of the involvement of these officers interstate  
15:55:02 17 and their involvement in the activities of what the SDU  
15:55:05 18 were doing?---That was not - that wasn't what I needed to  
15:55:09 19 address. I had to address the allegations that had been  
15:55:12 20 provided by the other State's effectively Ethical Standards  
15:55:19 21 Department.  
22  
15:55:23 23 When the other State, or one of the States, ascertained  
15:55:26 24 what had occurred, they expressed concern that this was  
15:55:29 25 happening in their territory?---Yes.  
26  
15:55:35 27 So far as Officer White is concerned, he was involved only  
15:55:42 28 in the very first part of the operation, was he not, and  
15:55:45 29 then he went on leave?---I believe so.  
30  
15:55:52 31 Have you checked the diary entries in relation to this  
15:55:58 32 operation for the members concerned?---I may have or I may  
15:56:05 33 have spoken to the members concerned.  
34  
15:56:07 35 Recently I provided your counsel with a copy of the  
15:56:11 36 relevant diary entries which go for some 20-odd pages, you  
15:56:15 37 understand? Did you see that?---I don't believe I've been  
15:56:19 38 shown it.  
39  
15:56:21 40 Didn't show it to you? Didn't ask you about it?  
15:56:22 41  
15:56:23 42 MR HOLT: They weren't provided to me on that basis,  
15:56:25 43 Commissioner. Sorry, this is sounding like a criticism so  
15:56:28 44 I need to address it. They weren't provided on that basis,  
15:56:29 45 they were provided on a between counsel basis of an  
15:56:31 46 indication of issues that were coming up. I didn't feel I  
15:56:37 47 was entitled to do anything else with them other than that.

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15:56:37 1  
2 COMMISSIONER: Thank you.  
3  
15:56:37 4 MR CHETTLE: The sensitivities are amazing. I'm not  
15:56:37 5 putting it in any critical way, I'm trying to get to it in  
15:56:43 6 short form.  
7  
15:56:45 8 COMMISSIONER: Just get on with it.  
15:56:48 9  
15:56:48 10 MR CHETTLE: All right. Let me suggest to you in summary  
15:56:50 11 that the diary entries show that throughout every step of  
15:56:54 12 the process the SDU were consulting with relevant  
15:57:00 13 Inspectors in Victoria, and you'd agree with that?---I  
15:57:05 14 assume that, yes.  
15:57:07 15  
15:57:07 16 MR WOODS: If the relativity number could be provided to me  
15:57:11 17 I'll at least bring it up on the screen so I can  
15:57:13 18 understand - - -  
15:57:14 19  
15:57:14 20 MR CHETTLE: You haven't got it.  
15:57:16 21  
15:57:18 22 MR WOODS: This hasn't been disclosed to the Commission?  
15:57:21 23  
15:57:23 24 MR CHETTLE: You have our diaries, I've given you a list of  
15:57:24 25 them all, but this is a document prepared by my client's  
15:57:30 26 instructions.  
15:57:30 27  
28 MR WOODS: I see, it's your client's instructions.  
29  
30 MR CHETTLE: Yes.  
31  
15:57:31 32 MR WOODS: Can we have a copy of it?  
15:57:33 33  
15:57:33 34 MR CHETTLE: Yeah. It hasn't got a relativity number, it's  
15:57:35 35 simply an extract of all the diary entries that relate to  
15:57:38 36 this Operation, Commissioner, to try and put it in context.  
37  
15:57:55 38 COMMISSIONER: You don't have a spare hard copy,  
15:57:57 39 Mr Chettle?  
15:57:58 40  
15:57:58 41 MR CHETTLE: I'll get one in electronic form. The one I've  
15:58:02 42 got has my markings on it, Commissioner.  
43  
15:58:04 44 COMMISSIONER: Okay.  
15:58:05 45  
15:58:05 46 MR WOODS: It can just be emailed.  
15:58:07 47

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15:58:07 1 MR CHETTLE: We'll get it to you, I'm sorry. Ms Thies is  
15:58:12 2 sending it to Mr Woods now. Do you recall that there were  
15:58:26 3 approaches made to the ACC interstate to see if they could  
15:58:35 4 assist with disposal of the drugs?---Not disposal but  
15:58:39 5 the - - -  
6  
15:58:39 7 The securing of them?---Securing. I believe that was done  
15:58:43 8 and - - -  
9  
15:58:46 10 They said no?---They said no.  
11  
15:58:48 12 They went to the ACC and got told no. There was an issue  
15:58:52 13 in relation - according to the information coming, about  
15:58:57 14 corruption in a Police Force.  
15:59:00 15  
15:59:02 16 MR HOLT: If the name of the State can be taken from the  
15:59:05 17 record, please.  
18  
19 MR CHETTLE: I think that was mentioned earlier.  
20  
15:59:06 21 COMMISSIONER: Take out the name of the State in line 7,  
15:59:10 22 thanks.  
15:59:11 23  
15:59:12 24 MR CHETTLE: There was an issue in relation to the Police  
15:59:15 25 Force of the State where this occurred?---It's not in my  
15:59:21 26 report.  
27  
15:59:23 28 But it wouldn't surprise you that that was in the  
15:59:27 29 diaries?---No.  
30  
15:59:31 31 The direction to transport the drugs, and there were two  
15:59:37 32 lots, a smaller amount and then subsequently a larger  
15:59:40 33 amount, that's correct, isn't it?---From my memory, yes.  
34  
15:59:43 35 And the direction to transport those drugs and what to do  
15:59:46 36 with them were made by officers above the SDU, that is  
15:59:55 37 those who were carrying out the operation?---Yes.  
38  
15:59:57 39 And it can be truly said that all the evidence indicates  
16:00:00 40 they were simply following orders?---Yes.  
41  
16:00:03 42 And the headlines that the paper attributes to cowboys is  
16:00:07 43 Mr Woods' word, not yours, isn't it? I mean it's just not  
16:00:11 44 fair to label them cowboys, is it?---I've never said  
16:00:16 45 they're cowboys.  
46  
16:00:18 47 No, you didn't. But that was the term used by counsel

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16:00:21 1 assisting and reported by the press. You wouldn't agree  
16:00:23 2 with that term, would you?---No, they were hard-working  
16:00:26 3 members.  
4  
16:00:26 5 Effectively doing their job?---Yeah, they should have used  
16:00:29 6 the extra territorial search warrant provisions to have the  
16:00:35 7 drugs and I think it says proceeds of crime there, cash.  
8  
16:00:39 9 Yes?---To be transported, to be lawfully moved from the  
16:00:45 10 State that it occurred in back into Victoria.  
11  
16:00:48 12 And somebody should have told them that, shouldn't  
16:00:51 13 they?---Well they're very [REDACTED]  
14  
16:00:58 15 Big boys?---They are all very [REDACTED] who have  
16:01:00 16 done a lot of time in the Police Force and it wasn't a new  
16:01:05 17 procedure that was in place. It's taught at DDS, advanced  
16:01:07 18 DDS, all courses that these people had undertaken.  
19  
16:01:11 20 To quote, "What on earth were they thinking, they should  
16:01:19 21 have been known better" is that quoting you? Is that  
16:01:19 22 fair?---They should have used those provisions, yes.  
23  
16:01:22 24 But equally, they did exactly what they were told. Those  
16:01:25 25 who told them what to do should have known better,  
16:01:28 26 shouldn't they?---Well they're not trainees, they are  
16:01:31 27 people - - -  
28  
16:01:32 29 No, no, come back to my question. I understand. They  
16:01:36 30 should have realised, I'm not arguing with you. But the  
16:01:39 31 reality is they were told what to do with it by a senior  
16:01:42 32 officer, or at least two senior officers, and they complied  
16:01:45 33 with their instructions?---Yes.  
34  
16:01:47 35 So those who told them what to do should have been alert to  
16:01:50 36 this problem as well?---Yes.  
37  
16:01:53 38 And as a result of the exercise Mr Pope directed that  
16:01:59 39 Standard Operating Procedures be changed to ensure it  
16:02:02 40 didn't happen again?---Yes, and that was my role.  
41  
16:02:04 42 And you put them into effect?---Yes.  
43  
16:02:07 44 All right. Commissioner, rather than spend time on this  
16:02:13 45 there will need to be a confidential exhibit because it's  
16:02:16 46 got all sorts of identifying material in there, but we've  
16:02:20 47 sent Mr Woods a copy of the relevant diary entries in

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16:02:22 1 relation to this particular operation and I'll seek to  
16:02:26 2 tender it as an exhibit.  
3  
16:02:28 4 COMMISSIONER: That's a copy of all the diary entries  
16:02:30 5 relevant to this operation?  
16:02:33 6  
16:02:33 7 MR CHETTLE: This particular operation.  
16:02:35 8  
16:02:35 9 MR HOLT: It's not, it's a typed table of a summary of  
16:02:38 10 those things. It's not the diary entries themselves.  
16:02:42 11  
16:02:43 12 MR CHETTLE: It's a table in relation to identifying each  
16:02:44 13 of the diary entries that relate to them.  
14  
16:02:46 15 COMMISSIONER: That's from all the relevant SDU officers?  
16:02:48 16  
16:02:48 17 MR CHETTLE: Yes. They're the only ones we have access to.  
16:02:49 18  
16:02:50 19 #EXHIBIT RC809A - (Confidential) Summary table.  
16:02:53 20  
16:02:54 21 #EXHIBIT RC809B - (Redacted version.)  
22  
16:02:56 23 COMMISSIONER: Are we able to know who are the senior  
16:02:59 24 officers who told them what to do?  
16:03:01 25  
16:03:02 26 MR CHETTLE: Yes. Mr Glow?---Yes.  
27  
16:03:03 28 And who was the Inspector at Purana, do you remember?---I  
16:03:08 29 believe it was Jones but I'd have to - - -  
30  
16:03:13 31 That is the name because - - - ?---I'd have to check my  
16:03:16 32 report.  
33  
16:03:17 34 Jones is the name in your report. So it's Inspector Jones  
16:03:21 35 and an Inspector - - - ?---Glow.  
36  
16:03:23 37 Yes, thank you.  
38  
16:03:24 39 COMMISSIONER: Thank you.  
16:03:26 40  
16:03:58 41 MR CHETTLE: I'm conscious that you've got a flight you've  
16:04:01 42 got to catch?---I do.  
43  
16:04:03 44 Okay. I'll try and cut back so that you can in fact catch  
16:04:18 45 it?---Thank you.  
46  
16:04:19 47 Just give me a moment. Mr Biggin, when he gave evidence,

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16:04:33 1 talked about decisions that can be made or actions that can  
16:04:41 2 be taken that he described as career limiting moves. Do  
16:04:45 3 you understand what I'm talking about?---I do.  
4  
16:04:46 5 It can be very difficult for a police officer to challenge  
16:04:53 6 or disagree with decisions that are made by Command?---It  
16:05:02 7 can be.  
8  
16:05:03 9 But nonetheless it is entirely appropriate for an  
16:05:06 10 experienced police officer to express concerns about issues  
16:05:11 11 that he or she disagree with?---Yes.  
12  
16:05:15 13 In the course of your role as head of - the  
16:05:22 14 officer-in-charge of the SDU, did you come across a SWOT  
16:05:26 15 analysis that was prepared by Mr Black? He's gone I think  
16:05:30 16 by the time you get there but you know who I'm talking  
16:05:33 17 about?---I do, yeah.  
18  
16:05:35 19 Did you come across a SWOT analysis that he had completed  
16:05:39 20 and forwarded up the line to Mr Overland?---I can't recall  
16:05:43 21 that document.  
22  
16:05:46 23 You've obviously had a lot to do with subsequent issues in  
16:05:49 24 managing Ms Gobbo, you talked about that earlier?---Yes.  
25  
16:05:54 26 Nothing to do with me, but you understood the decision to  
16:05:59 27 make her a witness so that you were managing her had been  
16:06:03 28 made at the highest level of the Police Force?---Yes, but I  
16:06:07 29 was not managing her as a witness. I was a point of  
16:06:11 30 contact.  
31  
16:06:11 32 I understand that?---I think the Petra investigators.  
33  
16:06:15 34 Petra - she'd been made a witness for Petra and she'd sued  
16:06:20 35 them and there was a problem and you were just there to  
16:06:23 36 manage the risk really?---As a point of contact.  
37  
16:06:25 38 It's risk management from Victoria Police's point of view,  
16:06:28 39 isn't it? It's designed to ensure she doesn't start  
16:06:31 40 informing again?---Yeah, it was because there was a legal  
16:06:35 41 agreement in place.  
42  
16:06:39 43 As a general proposition you agree with the principle that  
16:06:45 44 if people disagree with a Command decision it's appropriate  
16:06:50 45 for them to raise it, talk about it and ultimately do what  
16:06:56 46 they're told to do?---Yes.  
47

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O'CONNOR XXN

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These claims are not yet resolved.

16:07:05 1 That's what happened with your involvement with the SDU,  
16:07:07 2 isn't it? They raised issues with you, they disagreed with  
16:07:10 3 you, but ultimately can you point to one direction, one  
16:07:13 4 instruction that they did not follow?---Not off the top of  
16:07:21 5 my head, no.  
6  
16:07:25 7 I want to take you to Officer Pearce?---Sorry?  
8  
16:07:29 9 Officer Pearce. He's in your - do you see him there, the  
16:07:36 10 fellow who in 2010 had the disciplinary hearing, got sick  
16:07:40 11 and then disappeared?---Officer Preston.  
12  
16:07:42 13 Preston, sorry. Preston. Do you know who we're talking  
16:07:46 14 about?---I do.  
15  
16:07:50 16 His use of the phone involved, firstly, inappropriate  
16:07:56 17 contact with a female he was having a relationship  
16:07:59 18 with?---Yes.  
19  
16:08:02 20 And he was reported to ESD [REDACTED]  
16:08:08 21 [REDACTED]---My recollection, there was a - it  
16:08:14 22 came as an - back then an interim intervention order had  
16:08:21 23 been taken out by the lady in question.  
24  
16:08:22 25 Yes?---And so then he had to disclose what that was about  
16:08:25 26 and I remember him coming into my office with I think  
16:08:28 27 Officer White and Officer Richards.  
28  
16:08:33 29 So he told them, he effectively self-confessed in relation  
16:08:36 30 to what he'd been doing with the phone?---Yes.  
31  
16:08:39 32 And that was then handled appropriately and sent to  
16:08:42 33 ESD?---Yes, I'm not sure who did the notification.  
34  
16:08:45 35 But that's where it went?---It ended up at the Ethical  
16:08:49 36 Standards Department.  
37  
16:08:50 38 He ended up in front of a hearing in front of Luke  
16:08:53 39 Cornelius, did he not?---Yes, he did.  
40  
16:08:57 41 Luke Cornelius raised with him - of course, police have the  
16:09:01 42 ability to go through the phone and look at all sorts of  
16:09:03 43 technical stuff, don't they, about what's been happening  
16:09:05 44 with that phone?---Yeah, not my area of expertise.  
45  
16:09:08 46 No, no, I understand, but there are experts at the Police  
16:09:10 47 Force who can do that?---Yes.

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1  
16:09:12 2 And what happened is that Mr Cornelius asked him at a  
16:09:19 3 disciplinary whether or not he had been using that phone to  
16:09:21 4 transmit pornography, did he not?---I haven't read the  
16:09:24 5 transcription of the hearing.  
6  
16:09:25 7 What happened - he said no and lied to the Assistant  
16:09:29 8 Commissioner. Subsequently confessed that he had been and  
16:09:31 9 then was told that if he didn't retire, he'd be sacked.  
16:09:36 10 Now that's what happened, isn't it?---Well I wasn't there.  
16:09:39 11 What was communicated to me is that he had been caught  
16:09:44 12 lying to the hearing officer, Mr Cornelius, I assume he was  
16:09:48 13 a Assistant Commissioner then.  
14  
16:09:49 15 He was?---And then his representative from the Police  
16:09:54 16 Association sought an adjournment and then in that  
16:09:59 17 adjournment he broke down and wasn't fit to come back and  
16:10:03 18 then that was the - he then went on - he was suspended I  
16:10:09 19 think at that stage and then he - - -  
20  
16:10:11 21 He retired?---And subsequently ill-health retired at some  
16:10:15 22 stage down the track.  
23  
16:10:16 24 It was made clear to him - all of that's consistent with  
16:10:19 25 what I just put to you, that it was made clear to him if he  
16:10:23 26 didn't resign he'd be sacked, and he did, and that doesn't  
16:10:27 27 surprise you?---That's a negotiation between his rep. from  
16:10:30 28 the Police Association and Mr Cornelius, I wasn't involved.  
29  
16:10:36 30 COMMISSIONER: He said what he knows.  
16:10:37 31  
16:10:38 32 MR CHETTLE: Yes. That all happened in 2010, didn't  
16:10:40 33 it?---Yes.  
34  
16:10:41 35 It's got absolutely nothing to do with shutting down the  
16:10:44 36 SDU, has it? It has no connection with the activities of  
16:10:50 37 the SDU in 2012 or 13?---I used that as an example to  
16:10:54 38 demonstrate a cultural issue that he was - because that  
16:11:02 39 member in particular had basically, had run off the rails  
16:11:12 40 because of the unrealistic environment that he was working  
16:11:16 41 in in the high risk Source Unit.  
42  
16:11:20 43 You equate a man using the mobile phone in the way that he  
16:11:24 44 did with his duties with the SDU? They're two totally  
16:11:28 45 different things, aren't they?---He was using his work as  
16:11:31 46 an excuse to do what he was doing.  
47

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O'CONNOR XXN

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16:11:34 1 How?---Well it goes - he was in a - my understanding is he  
16:11:43 2 was married at the time and he was using the various hours  
16:11:47 3 and disruptive hours of working as a high risk source  
16:11:52 4 handler as a reason to be at - sleeping at work and  
16:12:00 5 obviously undertaking some other activities.  
6  
16:12:02 7 So what you're saying is he lied to his wife claiming he  
16:12:05 8 was working when he was out doing something else?---I  
16:12:09 9 assume that's what it's - - -  
10  
16:12:11 11 It's got nothing to do with all the rest of the members of  
16:12:18 12 the SDU, it's corruption by an individual, isn't it?---From  
16:12:21 13 my point of view he should have - and I think officer, from  
16:12:24 14 my memory officer Sandy White agreed with me on this point,  
16:12:28 15 that they should have done more to see that this person was  
16:12:33 16 running off the rails.  
17  
16:12:34 18 It's a long bow, I suggest to you, to suggest that because  
16:12:38 19 somebody does something like he did that it's got anything  
16:12:41 20 to do with his work?---No.  
21  
16:12:44 22 It's just simply deceitful conduct, and criminal conduct,  
16:12:52 23 isn't it?---And using his work.  
24  
16:12:55 25 As a cover?---And the high risk, unrealistic nature of the  
16:12:58 26 Source Development Unit.  
27  
16:13:01 28 All right, just bear with me a moment. Could we put up  
16:13:17 29 Exhibit VPL.6078.0010.4610 please. Now these are - I don't  
16:13:35 30 want this on anyone else's screens but - can you put it on  
16:13:38 31 his screen and not mine?  
16:13:38 32  
16:13:43 33 MR HOLT: Excuse me, Commissioner, can I speak to my  
16:13:45 34 learned friend. I'm sorry, Commissioner, I didn't  
16:13:51 35 intervene directly but Mr Woods will understand why.  
16:13:54 36  
16:13:54 37 MR WOODS: That shouldn't be on the screen in front of me  
16:13:58 38 in open hearing.  
39  
16:13:59 40 COMMISSIONER: We can show it to the witness though?  
41  
16:14:02 42 MR WOODS: And the Commissioner.  
16:14:02 43  
16:14:03 44 MR CHETTLE: Can we show it just to the Commissioner and I  
16:14:05 45 can do this in a way that won't cause - - -  
46  
16:14:05 47 COMMISSIONER: And the witness please. Show it to the



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16:14:07 1 witness and me. I think that's possible.  
16:14:15 2  
16:14:16 3 MR CHETTLE: I can do it generically. The document I'm  
16:14:17 4 showing you is one that was in the documents attached to  
16:14:21 5 your statement, do you follow, in the emails that you  
16:14:24 6 produced?---This isn't my email, it hasn't been addressed  
16:14:30 7 to me.  
8  
16:14:31 9 No, but you produced 330 pages of emails, all right, and  
16:14:39 10 I've gone through all of them. That's one of them?---I'll  
16:14:42 11 take it as is.  
12  
16:14:43 13 I didn't get it out of my hat. Can you follow what's in it  
16:14:46 14 just for the purposes of the exercise?---Yes.  
15  
16:14:49 16 Can I go to 4609 as well, please. I'll put it - - -  
16:14:58 17  
16:14:59 18 MR WOODS: We're just attending to making sure it doesn't  
16:15:01 19 come up on any screens at the Bar table.  
16:15:08 20  
16:15:09 21 MR CHETTLE: Just his and the Commissioner's. Have you got  
16:15:12 22 4609 as well there? I don't want any detail about it,  
16:15:34 23 Mr O'Connor, in a public hearing and you'll understand why  
16:15:37 24 when you read it. The question I want to ask you is this:  
16:15:45 25 in about August of 2012 information was conveyed by  
16:15:51 26 Mr Sheridan and to Mr Pope in relation to the suggestion  
16:15:56 27 that Ms Gobbo had been responsible for making the threats  
16:16:00 28 that she reported to the police and that Ms Gobbo was  
16:16:03 29 setting up false death threats via the phone. That  
16:16:07 30 information was conveyed to the officers I  
16:16:11 31 indicated?---Yes.  
32  
16:16:19 33 It's said that you were responsible for trying to get some  
16:16:22 34 information for Mr Gleeson?---Yeah, we've finished with  
16:16:28 35 that.  
36  
16:16:29 37 We've finished with that, that can go away. That was just  
16:16:33 38 the point I wanted to make, you've made?---Yes.  
39  
16:16:36 40 You were a conduit for trying to get information for  
16:16:39 41 Gleeson as part of his inquiry?---For Mr Comrie?  
42  
16:16:45 43 Well, yeah, but Mr Gleeson was the one asking you for the  
16:16:50 44 information, wasn't he, for what was ultimately the Comrie  
16:16:53 45 report?---Yeah, I knew he was working for Mr Comrie.  
46  
16:16:58 47 Did you read the Comrie report?---No, I have not.

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1  
16:17:02 2 You haven't read the Covert Services Review either,  
16:17:06 3 2012?---No, I have not.  
4  
16:17:08 5 But you went on to become the head of the Undercover Unit,  
16:17:12 6 didn't you?---Yes.  
7  
16:17:14 8 Weren't you - and that review dealt with the Undercover  
16:17:17 9 Unit as well, didn't it?---Yeah, there was aspects of the  
16:17:22 10 review but I've never read the Covert Services Review.  
11  
16:17:27 12 Even though you were officer-in-charge of the Unit it was  
16:17:30 13 referring to?---Yes.  
14  
16:17:33 15 In any event, so far as - how many times did Mr Gleeson  
16:17:38 16 come to you looking for information, do you know?---Oh, I  
16:17:41 17 think maybe once or twice.  
18  
16:17:45 19 Did you ever refer him to Sandy White?---No.  
20  
16:17:50 21 He would be the obvious choice, wouldn't he?---Yeah, but  
16:17:53 22 it's not for me to tell a former Chief Commissioner  
16:17:57 23 to - - -  
24  
16:17:57 25 No, no - - - ?---- - - who he's to go through. They  
16:18:03 26 approach Mr Sheridan and Mr Sheridan asked that I deal with  
16:18:06 27 Mr Gleeson.  
28  
16:18:08 29 Yeah, and Mr Gleeson is seeking documents and information  
16:18:14 30 in relation to what happened back when Ms Gobbo was being  
16:18:17 31 managed by the SDU, you knew that?---Yes.  
32  
16:18:20 33 The person who would be able to tell them was the  
16:18:23 34 officer-in-charge effectively at the time. Is there any  
16:18:26 35 reason you didn't direct him to Mr White?---No, the reason  
16:18:28 36 was that they required - my recollection is he wanted to  
16:18:32 37 see the source management log or the chronology and that I  
16:18:38 38 facilitated that.  
39  
16:18:39 40 But he wanted more than that, he wanted to know about an  
16:18:44 41 AOR?---And then there was an AOR which I had tried to check  
16:18:50 42 to see if it had been done and that's where I - - -  
43  
16:18:54 44 Hang on, I don't want to get distracted. Gleeson wanted to  
16:18:57 45 know about an AOR. He actually raised it in an email which  
16:19:02 46 you were shown this morning?---Yes.  
47

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These claims are not yet resolved.

16:19:06 1 And he raised an issue about the psychologist and whether  
16:19:10 2 the psychologist had seen Ms Gobbo, right, remember  
16:19:15 3 that?---Yep.  
4  
16:19:17 5 And he raised an issue about missing ICR numbers?---Yes.  
6  
16:19:21 7 And nonsequential documents. Is there any reason you  
16:19:28 8 wouldn't send that to the man who was in charge of that  
16:19:30 9 very issue at the time?---Well I believe at the time that  
16:19:34 10 Sandy White was at the Briars Task Force. I remember  
16:19:40 11 referring Gleeson to the Human Source Management Unit  
16:19:44 12 to - - -  
13  
16:19:44 14 PII [REDACTED]?---Yeah, I don't know we're allowed to say - - -  
15  
16:19:48 16 We're allowed to mention him. We've mentioned him a heap  
16:19:51 17 of times before. Look, did someone tell you not to go near  
16:19:55 18 White?---No.  
19  
16:19:57 20 Mr Sheridan didn't tell you not to tell him or not to ask  
16:20:01 21 White?---No. I know that - where is he - that Peter Smith  
16:20:07 22 called Sandy White and asked him had it been delivered to  
16:20:14 23 Ms Gobbo and there was an email that I recall, which you'll  
16:20:19 24 have, that'll say that he believes that Sandy White showed  
16:20:22 25 it to her and she refused to sign it.  
26  
16:20:25 27 I've seen that. Look, you just didn't think to refer  
16:20:33 28 Mr Gleeson to Mr Sandy White, is that what it comes down  
16:20:41 29 to?---No, I was able to facilitate what he needed so I  
16:20:45 30 undertook it.  
31  
16:20:48 32 Well, you understand - well if you haven't read the report,  
16:20:52 33 that Mr Gleeson is highly condemnatory of the records and  
16:20:59 34 makes certain assumptions and comes to conclusions which  
16:21:02 35 might have been able to be dealt with if he'd asked  
16:21:06 36 Mr White, that's why I'm asking you?---Mr Gleeson knew that  
16:21:08 37 White was the officer-in-charge until I arrived.  
38  
16:21:11 39 So he could have done it if he'd wanted to?---Yes.  
40  
16:21:14 41 As to the AOR, did you go and have a look at - can I put up  
16:21:21 42 ICR p.66 please. The first volume of the ICRs, p.66. This  
16:21:45 43 is a copy of the ICRs maintained by the SDU and it's 28  
16:21:53 44 November 2005, so it's fairly early in the management of  
16:21:57 45 Ms Gobbo, do you follow?---Yep.  
46  
16:21:59 47 If you go down the page to "DSU management" you'll see

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16:22:05 1 there's an entry there, the last half of it, "Reinforced  
16:22:08 2 with source the AOR and the DSU expects the HS to continue  
16:22:14 3 to lawfully operate the business as usual", do you see  
16:22:18 4 that?---Yep.  
5  
16:22:20 6 So from that you would clearly understand that there was an  
16:22:25 7 AOR and it was reinforced with her?---From that it appears  
16:22:30 8 so.  
9  
16:22:31 10 I take it you've never seen that entry before?---I haven't  
16:22:34 11 seen that. I had tasked - from my recollection I'd  
16:22:39 12 listened to a number of meetings with Gobbo and the handler  
16:22:44 13 and controller and I'd heard no AOR delivered. Smith  
16:22:50 14 returned from a period of leave. I tasked him through  
16:22:58 15 another officer who was performing a [REDACTED]'s  
16:23:05 16 role to - - -  
17  
16:23:05 18 To cut it short, he spent weeks looking for it and couldn't  
16:23:09 19 find it either?---Couldn't find it either.  
20  
16:23:11 21 Again, Mr Black in his diary - and you see who I'm talking  
16:23:15 22 about there?---Yes.  
23  
16:23:16 24 Mr Black in his diary has a similar entry of a 31 minute  
16:23:21 25 discussion with Ms Gobbo where he reinforced the AOR, do  
16:23:25 26 you follow?---Yes.  
27  
16:23:26 28 Do you say somewhere in one of the emails that I've read  
16:23:30 29 that you listened to some tapes but although you couldn't  
16:23:33 30 find the AOR you were able to ascertain that the effect of  
16:23:38 31 the AOR was in fact explained to her?---That's not my  
16:23:41 32 email, that's an email of a [REDACTED]. I don't know  
16:23:44 33 if we're using a pseudonym for that person.  
34  
16:23:47 35 Okay. But you received an email?---I did.  
36  
16:23:49 37 That indicated that although the actual document hadn't  
16:23:52 38 been located, it was clear that the effect of thrust of it  
16:23:55 39 had been discussed with her on tape?---Yes.  
40  
16:23:58 41 Yes, all right. I'm sure I've forgotten most of the things  
16:24:09 42 I'm supposed to ask you. But just give me a couple of  
16:24:13 43 minutes and I'll see if I can finish up. You had very  
16:24:25 44 limited experience as a source handler, I take it, prior to  
16:24:30 45 your involvement with the SDU? And I'm not using that as a  
16:24:35 46 criticism?---No, I'm not taking it as a criticism.  
47

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16:24:38 1 It's a fact, isn't it?---Yeah, I had - I wasn't at a  
16:24:42 2 Dedicated Source Unit so I had had - I'm a career detective  
16:24:47 3 and I've had sources along the way.  
4  
16:24:52 5 You'd run some sources but that was in the days when you  
16:24:55 6 ran your own sources?---Yeah, there was no Dedicated Source  
16:24:57 7 Unit for high risk sources  
8  
16:24:57 9 You'd have your own source registered and you'd look after  
16:25:00 10 them?---When I was at the Crime Department there was a  
16:25:04 11 central register at Crime.  
12  
16:25:12 13 You would not describe yourself as a very experienced  
16:25:16 14 Inspector in relation to source management?---No, I'm no  
16:25:24 15 source management - - -  
16  
16:25:25 17 Expert?---I'm not a subject matter expert. I wasn't a  
16:25:28 18 subject matter expert when I arrived at the Unit.  
19  
16:25:33 20 All right. You had conversations with Mr White at times  
16:25:50 21 about the risks that moving the Unit back to police  
16:25:55 22 headquarters, as distinct from a [REDACTED], had as  
16:25:59 23 far as source management was concerned?---Yes.  
24  
16:26:02 25 He made it clear that it was a risky occupation for a  
16:26:08 26 number of reasons. One, it makes it easy, if the crooks  
16:26:12 27 follow a handler back to the police station, it would make  
16:26:16 28 it difficult for the source, wouldn't it?---Yes.  
29  
16:26:19 30 If the source comes to the police station, that increases  
16:26:28 31 the risk of compromise?---Yes.  
32  
16:26:30 33 He told you about the Irish experience where in fact that's  
16:26:34 34 what had been happening, the Irish were fairly militant  
16:26:38 35 with their informers, and they'd follow sources and shoot  
16:26:44 36 them, that was when they were compromised because of their  
16:26:48 37 involvement with police?---Yes, it was well publicised,  
16:26:52 38 that.  
39  
16:26:53 40 There was an incident where one of the sources came to the  
16:26:56 41 foyer of St Kilda Road and was compromised downstairs, was  
16:27:00 42 there not, after they moved from [REDACTED] to  
16:27:07 43 St Kilda Road?---I can't recall that.  
44  
16:27:11 45 I'll try and find you the details of it.  
46  
16:27:30 47 COMMISSIONER: Just while you're doing that, did you want

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16:27:34 1 to tender the email exchange between Sheridan and Pope, 23  
16:27:39 2 August 2019?  
16:27:40 3  
16:27:40 4 MR CHETTLE: Yes, Commissioner, I do. That will have to be  
16:27:43 5 obviously a confidential email.  
6  
16:27:44 7 COMMISSIONER: At least initially.  
16:27:46 8  
16:27:46 9 #EXHIBIT RC810A - (Confidential) Email exchange between  
16:27:37 10 Sheridan and Pope, 23/08/12.  
16:27:48 11  
16:27:49 12 #EXHIBIT RC810B - (Redacted version.)  
16:27:51 13  
16:27:51 14 MR CHETTLE: I suspect Mr Holt won't let it be anything  
16:27:55 15 else other than a confidential exhibit.  
16  
16:27:57 17 COMMISSIONER: We'll see.  
16:27:57 18  
19 MR HOLT: It's not up to me to let anything happen, as the  
16:27:57 20 commissioner well knows. Commissioner, could I ask that  
16:27:57 21 for now at least it go into a sealed envelope?  
16:28:00 22  
16:28:00 23 COMMISSIONER: All right then.  
16:28:01 24  
16:28:01 25 MR HOLT: It has those kind of details. I think Mr Woods  
16:28:04 26 would understand why. That's the email that was just shown  
16:28:06 27 to the witness.  
16:28:07 28  
16:28:08 29 MR WOODS: Yes. It certainly contains matters that would  
16:28:11 30 require - - -  
31  
16:28:13 32 COMMISSIONER: The email exchange between Sheridan and Pope  
16:28:17 33 23 August 2012, 810A, to be placed in a sealed envelope,  
16:28:23 34 not to be opened without my order, and perhaps there'll be  
16:28:26 35 a B one day.  
16:28:30 36  
16:28:30 37 MR CHETTLE: Thank you. You're not aware of a source being  
16:28:36 38 compromised at a café nearby police headquarters of recent  
16:28:41 39 times?---You said the foyer of the police station.  
40  
16:28:44 41 I know, and I got it wrong. I've just got this - it was  
16:28:49 42 a - I can't be any more precise than that without  
16:28:52 43 disclosing things I shouldn't disclose?---Well I - - -  
44  
16:28:56 45 You've got no - - - ?---I've got no recollection - - -  
46  
16:28:59 47 No knowledge of any source being compromised near a police

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16:29:02 1 station?---A source, an SDU source?  
2  
16:29:08 3 Yes?---You'd have to - it's a long time ago so you'd have  
16:29:12 4 to provide greater clarity.  
5  
16:29:15 6 All I've got is instructions from Mr Fox who - you know who  
16:29:19 7 I'm talking about.  
8  
16:29:47 9 COMMISSIONER: The date of that last exhibit is 2012, not  
16:29:50 10 2019.  
11  
16:29:55 12 MR CHETTLE: Thank you. Commissioner, what I propose, and  
16:30:18 13 it will save a lot of time, Sandy White has provided me  
16:30:22 14 this morning with instructions in relation to the exhibit  
16:30:27 15 that was produced by Mr O'Connor in relation to the health  
16:30:31 16 and well-being report about - it was tendered this morning  
16:30:39 17 as an exhibit, 804 I think.  
18  
16:30:42 19 COMMISSIONER: It is 804, yes.  
16:30:44 20  
16:30:45 21 MR CHETTLE: I can go through this chapter and verse but  
16:30:48 22 I'm content if it suits you to provide a copy to the  
16:30:52 23 Commission and simply tender a copy of his response to what  
16:30:55 24 it is Mr O'Connor says.  
16:30:59 25  
16:30:59 26 MR WOODS: It would be usual to provide it in a signed  
16:31:01 27 statement.  
16:31:02 28  
16:31:02 29 MR CHETTLE: I'll get him to do that if you like as well.  
16:31:05 30 I can have him adopt it in a statement. There doesn't seem  
16:31:08 31 to be much point for me to go through a he said, they said,  
16:31:12 32 I say, and you say something different point, it just  
16:31:15 33 simply puts the arguments.  
34  
16:31:16 35 COMMISSIONER: Have you got a hard copy of that?  
16:31:18 36  
16:31:19 37 MR CHETTLE: No, I haven't. I have it in electronic form  
16:31:23 38 and it can be sent straight away to whoever you want it to.  
39  
16:31:27 40 COMMISSIONER: It's just I suppose if the witness wants to  
16:31:31 41 comment on it.  
16:31:32 42  
16:31:32 43 MR CHETTLE: I'll send it to the Commission it could be  
16:31:36 44 printed in no time I would imagine, Commissioner. I'll  
16:31:38 45 send it to Ms Thies now. I'm conscious of the time and I'm  
16:31:40 46 doing my best - - -  
47

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16:31:40 1 COMMISSIONER: That's fine. You're doing well, Mr Chettle.  
16:31:43 2 That's good.  
16:31:44 3  
16:31:46 4 MR CHETTLE: I like it when you tell me I'm doing well,  
16:31:50 5 Commissioner.  
6  
16:31:50 7 COMMISSIONER: Nothing sinister, Mr Chettle, nothing  
16:31:53 8 sinister.  
16:31:54 9  
16:31:55 10 MR CHETTLE: I've been in a covert environment for too  
16:31:57 11 long. It's just being sent now.  
12  
16:32:02 13 COMMISSIONER: Okay. Do you want me to tender that?  
16:32:06 14  
16:32:06 15 MR CHETTLE: I'll tender it. Once you get it, if Mr Woods  
16:32:09 16 or Mr Winneke or someone wants Mr Sandy White to adopt it  
16:32:13 17 in a statement he will. It's as simple as that.  
18  
16:32:16 19 COMMISSIONER: Yes. Sandy White's comments on Exhibit 804.  
16:32:27 20  
16:32:27 21 #EXHIBIT RC811A - (Confidential) Sandy White's comments on  
16:32:21 22 Exhibit 804.  
16:32:28 23  
16:32:28 24 #EXHIBIT RC811B - (Redacted version.)  
16:32:29 25  
16:32:30 26 MR WOODS: Commissioner, just for the sake of efficiency I  
16:32:33 27 think it should be assumed that because it's a matter of  
16:32:36 28 contention it should be adopted in a brief statement.  
16:32:39 29  
16:32:39 30 MR CHETTLE: I'll have him do it. This is my response to  
31 what it is signed by him. In fact he'll hear that and do  
32 it before I sit down I imagine.  
33  
16:32:47 34 COMMISSIONER: We'll get that printed as soon as possible  
16:32:52 35 and shown to the witness.  
16:32:54 36  
16:32:55 37 MR CHETTLE: What time do you have to get out of here,  
16:32:57 38 Mr O'Connor, do you know?  
39  
16:33:02 40 COMMISSIONER: 5 o'clock I'm told.  
16:33:03 41  
16:33:04 42 MR CHETTLE: I'll be well and truly finished by then.  
16:33:07 43 That's being done now. At the time the Unit shut down, you  
16:33:43 44 told us that Sandy White had moved off to Briars?---He was  
16:33:50 45 on secondment from the Unit to the Briars Task Force.  
46  
16:33:52 47 He was there for some time, wasn't he?---He'd been there

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16:33:55 1 for, oh, probably 18 months, 12, 18 months.  
2  
16:34:00 3 Righto. Secondly, Officer Wolf was away at a suburban  
16:34:07 4 station?---I believe upgraded into an [REDACTED] - [REDACTED]  
16:34:17 5 [REDACTED] suburbs or somewhere.  
6  
16:34:18 7 Officer Green, I think we dealt with him before. He'd gone  
16:34:21 8 off to another suburb as part of a three month rotation,  
16:34:25 9 you told us about that?---Three or six months is what they  
16:34:28 10 choose to do.  
11  
16:34:29 12 Officer Smith had been upgraded to [REDACTED]  
16:34:33 13 [REDACTED] and done a period of time at the HSMU?---Yes.  
14  
16:34:36 15 And of course my other clients, Mr Black and Mr Fox, had  
16:34:43 16 well and truly left the Unit by that stage?---Well, Black  
16:34:48 17 was never there when I was there.  
18  
16:34:51 19 He'd gone before you'd got there?---And Fox had, I believe,  
16:34:56 20 been promoted.  
21  
16:34:58 22 And gone off to a - - - ?---A place in town.  
23  
16:35:02 24 Yes. Mr Anderson got transferred out to [REDACTED], did he not?  
16:35:09 25 Do you know who Mr Anderson is?---Yeah, he transferred. He  
16:35:13 26 chose to transfer.  
27  
16:35:14 28 He went to [REDACTED]---Because he was - he transferred, he  
16:35:20 29 needed a more stable work platform and times.  
30  
16:35:25 31 By the time the Unit is shut down, really there's only,  
16:35:29 32 actually at the office there's only a couple of my clients  
16:35:33 33 who are there, Mr Smith and - Mr Smith?---They don't all  
16:35:39 34 get seconded at the same time as we'd have no one left. So  
16:35:43 35 they take it in turns.  
36  
16:35:45 37 At the time the Unit was shut both - Green was off in the  
16:35:49 38 suburbs, you rang him. Smith wasn't there, you rang  
16:35:52 39 him?---Smith was on some personal leave or long service  
16:35:55 40 leave, I'm not - - -  
16:35:56 41  
16:35:56 42 Long service leave?---Some type of leave.  
43  
16:36:04 44 Has that document come through to you? Can I have five  
16:36:08 45 minutes for the witness to read it?  
46  
16:36:09 47 COMMISSIONER: Sure, sure. Can we send it to - get it on

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16:36:13 1 the computer base as well of relativity? Thank you. Have  
16:36:17 2 you got it yet? No, not yet. Do you want me to adjourn?  
16:36:23 3  
16:36:24 4 MR CHETTLE: Just for five minutes, Commissioner, so the  
16:36:26 5 witness can look at it and then I will finish, I promise.  
6  
16:36:29 7 COMMISSIONER: That's fine. It's probably getting printed  
16:36:32 8 at the moment I guess.  
16:36:34 9  
16:36:34 10 MR CHETTLE: I think - I've got so much paper,  
16:36:37 11 Commissioner, I think I've finished but I'd like to ensure  
16:36:38 12 I have.  
13  
16:36:39 14 COMMISSIONER: You'd like to make sure. We'll have a brief  
16:37:24 15 adjournment.  
16  
17 (Short adjournment.)  
18  
16:47:28 19 MR CHETTLE: Thank you, Commissioner.  
20  
16:47:29 21 COMMISSIONER: Yes Mr Chettle.  
16:47:30 22  
16:47:31 23 MR CHETTLE: You've got a copy of that document and read  
16:47:33 24 it, Mr O'Connor?---I have.  
25  
16:47:35 26 It would be fair to say that you and Sandy White disagree  
16:47:37 27 on a number of things, don't you?---We do.  
28  
16:47:40 29 But you've read what he says. He obviously disagrees with  
16:47:43 30 some of the things you did?---From this document he does.  
31  
16:47:49 32 They're his words, not mine. Some of those, or a great  
16:47:53 33 majority of the points I've actually raised with you during  
16:47:57 34 this afternoon, haven't I?---Yes.  
35  
16:48:08 36 Is there anything you particularly want to say about what  
16:48:10 37 he's written other than the fact you disagree with  
16:48:10 38 him?---It's an emotive document.  
39  
16:48:12 40 That's all you want to say?---Yeah, I disagree.  
41  
16:48:16 42 Be that as it may. Can I take you to - this morning I took  
16:48:22 43 you to some PDAs in relation to Mr Green?---Yes.  
44  
16:48:26 45 Remember I went through those. In my excitement I forgot  
16:48:30 46 to take you to PDAs involving Officer Smith and Officer  
16:48:35 47 Wolf. Do you accept that as far as Smith is concerned

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16:48:37 1 there are entries, would you dispute that there are entries  
16:48:41 2 in those PDAs similar to what I took you to for Green,  
16:48:45 3 where you say that he's performing at a good level, things  
16:48:48 4 of that sort?---Yeah, the assessor would have said that,  
16:48:52 5 yes.  
6  
16:48:52 7 And you sign off on it?---Yes.  
8  
16:48:55 9 Similarly in relation to Officer Wolf, there are entries  
16:48:59 10 that relate to you in 2011 and 2012, nothing  
16:49:04 11 adverse?---Yes.  
12  
16:49:08 13 Well, Commissioner, I've probably missed something but  
16:49:12 14 that's it.  
15  
16:49:13 16 COMMISSIONER: That's life, Mr Chettle. Thanks Mr Chettle.  
16:49:15 17 You've done very well. Very concise. Yes Mr Holt.  
16:49:19 18  
19 <RE-EXAMINED BY MR HOLT:  
20  
16:49:20 21 Thank you. Mr O'Connor, in the interests of time I'm just  
16:49:24 22 going to deal with some matters in re-examination  
16:49:26 23 reasonably quickly. If you have your statement in front of  
16:49:29 24 you it will assist us. Could you go to paragraph 124,  
16:49:33 25 please, on p.21. This is the discussion about the events  
16:49:36 26 of 3 to 6 November 2011. You recall that was the weekend  
16:49:42 27 where the list and the document were prepared for the  
16:49:44 28 SDU?---Yes.  
29  
16:49:45 30 That refers to an email you were taken to by Mr Woods this  
16:49:49 31 morning which annexed the attachment of memorandum advice  
16:49:53 32 from Mr Maguire. If we can just bring it up quickly  
16:49:55 33 please. It's VPL.0005.0013.1125. As that's coming up, you  
16:50:08 34 were being asked questions by Mr Woods - 1152, I'm sorry,  
16:50:20 35 not 25. That was probably my - whatever the number  
16:50:24 36 equivalent of dyslexia is. Thank you. Without reading the  
16:50:28 37 whole thing, this is where there was a reference, do you  
16:50:31 38 recall, to the Driver staff not reviewing the SML and it  
16:50:39 39 was put to you that was because of the issue of the sterile  
16:50:42 40 corridor, maintaining a sterile corridor for the  
16:50:47 41 investigators?---Yes.  
42  
16:50:48 43 The next paragraph refers to Mr Maguire having already  
16:50:51 44 reviewed the SML and then a proposal of the DPP, which in  
16:50:55 45 this context clearly meant the Commonwealth, be fully  
16:51:02 46 briefed on the various statuses and be permitted to read  
16:51:02 47 the Maguire memo in full and if deemed necessary allowed to

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16:51:07 1 use specific or relevant areas of the SML?---Yes.  
2  
16:51:08 3 It seems there's a distinction being drawn there between  
16:51:11 4 keeping it completely away from the investigators but  
16:51:13 5 making it available to legal counsel and, subject to some  
16:51:15 6 conditions, the Commonwealth?---Yes.  
7  
16:51:18 8 Do you have anything you want to say about that as a  
16:51:21 9 difference?---No, it was - no, I've got nothing I can say  
16:51:29 10 on that.  
11  
16:51:29 12 Thank you, that can come down. As you confirmed this  
16:51:33 13 morning, on 3 November in fact at 2.50 pm the Commonwealth  
16:51:39 14 Director of Public Prosecutions, Mr Beale, who was counsel,  
16:51:43 15 and Ms Breckweg in fact got to review the whole of the  
16:51:45 16 source management log in your presence?---Yes.  
17  
16:51:47 18 Did you restrict their access in any way to that  
16:51:50 19 document?---No.  
20  
16:51:54 21 You were asked about a report from a psychologist, police  
16:51:58 22 psychologist, who we don't name, and you confirmed that you  
16:52:00 23 hadn't seen her report?---Yes.  
24  
16:52:06 25 In particular, by reference, if you need to, to paragraph  
16:52:09 26 155 of your statement on p.28, were you in contact with  
16:52:15 27 Victoria Police's psychologists, as you've noted, to  
16:52:18 28 understand welfare issues associated with the SDU's  
16:52:21 29 work?---Yes, constantly.  
30  
16:52:23 31 Would it surprise for you ultimately to be in sync in  
16:52:26 32 effect with some of the issues that a psychologist might  
16:52:29 33 otherwise raise about the SDU?---Not at all.  
34  
16:52:33 35 The cars issue, the PII issue. Do you recall being  
16:52:37 36 asked some questions about that?---Yes.  
37  
16:52:38 38 It was put to you, I think, I don't know how clear it was  
16:52:42 39 for you, it was put to you I think that making the SDU  
16:52:44 40 members ride PII in motor vehicles was some sort of  
16:52:50 41 punishment for their insubordination.  
16:52:53 42  
16:52:53 43 MR CHETTLE: No, that wasn't what was put. What was put  
16:52:55 44 was that it was connected to the fact that there was a  
16:52:57 45 letter written by one of the wives who he thought was done  
16:53:00 46 by the - that's what was put.  
16:53:03 47

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16:53:03 1 MR HOLT: Was there any motive to making the SDU staff go  
16:53:09 2 PII and carry the two extra items that Mr Woods told you  
16:53:12 3 about other than to improve the safety of the SDU  
16:53:12 4 members?---Yes, because there was clear - they were  
16:53:15 5 concerned that their health or well-being was in danger, or  
16:53:20 6 at risk, so the decision was made by Pope and Sheridan that  
16:53:23 7 they would travel PII.  
8

16:53:25 9 You were asked some questions very briefly about the fact  
16:53:28 10 that over this period of time there were times when you  
16:53:31 11 worked from home as a result of a personal issue?---Yes.  
12

16:53:35 13 Can you just assist the Commissioner with what steps you  
16:53:38 14 took ensure that you were fully engaged with the Unit  
16:53:40 15 notwithstanding those personal circumstances?---I had full  
16:53:46 16 connectivity at home. I had a safe at home that I could  
16:53:49 17 store documents if needs be. I was in constant contact  
16:53:52 18 with the controllers and with my superiors. It wasn't -  
16:53:57 19 working from home there would be occasions that I'd be  
16:53:59 20 working until midnight and there'd be periods of time where  
16:54:04 21 I'd have to attend appointments of the type that you  
16:54:07 22 understand in regards to my family situation.  
23

16:54:13 24 All right, thank you. Did that family situation affect the  
16:54:16 25 way in which you ran your shifts as well? Did you work  
16:54:18 26 particular shifts rather than other kind of shifts?---It  
16:54:21 27 was more medical appointments or occasionally I would need  
16:54:25 28 to assist my wife at home and Mr Sheridan was fully  
16:54:30 29 supportive of it and Mr White and Richards were fully  
16:54:34 30 supportive of it.  
31

16:54:38 32 Finally, you were asked some questions about the approaches  
16:54:41 33 that were made to you by Mr Gleeson on behalf of former  
16:54:44 34 Chief Commissioner Comrie?---Yes.  
35

16:54:46 36 In respect of the inquiries about records and so on to do  
16:54:50 37 with the SDU and the handling of Nicola Gobbo, you recall  
16:54:52 38 those questions?---Yes, I do.  
39

16:54:54 40 You were specifically asked why not go to Sandy White and  
16:54:57 41 you said, "Well, it was up to Mr Gleeson as to where he  
16:55:00 42 went". Can I just draw your attention to paragraph 106 of  
16:55:04 43 your statement on p.18. In respect of the AOR specifically  
16:55:10 44 there you instructed Officer Peter Smith?---Yes.  
45

16:55:14 46 To attempt to locate the AOR and did he specifically tell  
16:55:18 47 you, as you've noted there, that he had in fact spoken to

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16:55:21 1 Sandy White, who had recalled certain matters which were  
16:55:23 2 then the subject of inquiry to locate documents?---Yes.  
3  
16:55:26 4 In any way from your perspective, or indeed from what you  
16:55:30 5 could see from anyone else, was anything being deliberately  
16:55:33 6 kept from Mr White?---No, not at all.  
7  
8 Thank you, that's the re-examination.  
9  
16:55:38 10 COMMISSIONER: From Mr White.  
16:55:40 11  
16:55:40 12 MR HOLT: Yes, from Mr Sandy White.  
16:55:44 13  
16:55:44 14 MR WOODS: I might be precisely five minutes or less.  
16:55:48 15  
16 16 RE-EXAMINED BY MR WOODS:  
17  
16:55:49 18 Just a couple of things. The Commission's heard evidence  
16:55:52 19 previously from individuals who had management of the SDU  
16:55:57 20 and of the Purana Task Force, people, for example Mr White  
16:56:02 21 within the SDU and Mr Biggin above the SDU to date and  
16:56:05 22 Mr Ryan and O'Brien from Purana, and they've been  
16:56:11 23 challenged, each of these individuals, about how they could  
16:56:14 24 have allowed a practising barrister to be used as a human  
16:56:20 25 source in relation to the SDU, and in relation to Purana  
16:56:24 26 how it could be that they actively received information  
16:56:28 27 from someone that they knew to be a practising barrister  
16:56:35 28 who was providing information in relation to a number of  
16:56:39 29 people, but including clients of that practising barrister.  
16:56:42 30 You understand that's some of the challenges that have been  
16:56:44 31 put to some of those people?---Yes.  
32  
16:56:48 33 In that regard it's clear that Ms Gobbo was representing  
16:56:53 34 Tony Mokbel at the start of the time that she was engaged  
16:56:58 35 and registered as a human source and was representing an  
16:57:02 36 individual called PII [REDACTED] as well at that stage, and you  
16:57:06 37 understand who that is?---Yes.  
38  
16:57:09 39 And that she was actively pursuing Victoria Police's  
16:57:12 40 interests against those individuals whilst acting for them,  
16:57:15 41 as two examples. You understand generally that that's the  
16:57:17 42 state of the evidence?---Yes.  
43  
16:57:20 44 Hindsight is a wonderful thing, and you weren't involved at  
16:57:24 45 the time, however you were the head of the SDU after these  
16:57:27 46 events so it is of some assistance to the Commissioner to  
16:57:31 47 understand what you would have done when faced with some of

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16:57:35 1 the decisions that these gentlemen were faced with. If on  
16:57:41 2 your watch as the head of the SDU or having management of  
16:57:45 3 the SDU were the members of the SDU to suggest to you that  
16:57:50 4 they would engage a practising barrister, no mention  
16:57:55 5 necessarily of who she was acting for, but someone who was  
16:57:59 6 a practising barrister, what would have you asked for?---In  
16:58:04 7 hindsight I'm sitting here - hindsight's a great virtue and  
16:58:09 8 I just want to state that the people working back then were  
16:58:12 9 very hard-working and trying to solve some serious crimes  
16:58:17 10 in the community.  
11  
16:58:18 12 Of course?---But I have no issue with a practising  
16:58:21 13 barrister being registered as a human source as long as  
16:58:24 14 they're not informing on their clients.  
15  
16:58:26 16 And as the manager you say you had these regular meetings,  
16:58:29 17 would that have been one of the things that you would have  
16:58:34 18 explored in those regular meetings with the staff - - -  
16:58:39 19 ?---The operations meetings and the day-to-day corridor  
16:58:42 20 conversations, and we would have sought - I would have  
16:58:47 21 sought a legal opinion.  
22  
16:58:48 23 There are a couple of major issues. One is the obtaining  
16:58:52 24 and use of legal professional privilege but the other one  
16:58:56 25 is Ms Gobbo being - acting with a conflict of interest  
16:59:04 26 between the interests that she was pursuing for Victoria  
16:59:06 27 Police and the interests of her clients. Would they have  
16:59:09 28 both been things you would have been interested in  
16:59:11 29 exploring with the staff?---Yes, and with people above me.  
30  
16:59:18 31 In his examination of Sandy White Mr Winneke put an email  
16:59:25 32 to Mr White and I'd ask that that be brought up, this is  
16:59:31 33 VPL.6027.0032.4202. This is a 24 June 2012 email from  
16:59:43 34 Mr Sheridan to Mr Pope. If you see the text in the middle  
16:59:49 35 of that email there it says, "What really tips the scales  
16:59:54 36 for me is that the handling of Witness F has been  
17:00:01 37 undertaken and managed by the best trained human source  
17:00:06 38 personnel within the Force. These individuals have  
17:00:08 39 travelled the world and been trained and educated by the  
17:00:14 40 best and yet they still lost their way. In short, our best  
17:00:15 41 people in this area must be able to ensure that we do not  
17:00:15 42 make these mistakes in the future". Now that text was  
17:00:19 43 brought to Mr White's attention in examination by  
17:00:24 44 Mr Winneke on 20 August 2019, transcript reference 4931 to  
17:00:31 45 2. When it was suggested to him, "Now what we have  
17:00:36 46 examined over the last number of days, somewhat painfully I  
17:00:41 47 accept from your perspective, is that over the significant

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17:00:43 1 period of time there were considerable issues, and I'm  
17:00:46 2 putting this very broadly, which were missed, and not  
17:00:49 3 solely by you and your superiors, which led to many of the  
17:00:53 4 problems that this Royal Commission is now looking into, do  
17:00:57 5 you accept that?" Mr White did accept that. There were a  
17:01:01 6 few more questions and then Mr Winneke put to him, "In  
17:01:04 7 light of all of that, the comment that's made I suggest in  
17:01:07 8 italics", and he's referring to that phrase that I've just  
17:01:11 9 read to you, "there is not all together a misplaced  
17:01:15 10 comment, I suggest to you". He says, "I think the  
17:01:17 11 paragraph in italics, I agree with you". Was it something  
17:01:22 12 that has been expressed to you in your time as the manager  
17:01:27 13 of these individuals at the SDU or since, an acceptance  
17:01:32 14 that the individual's lost their way in relation to Nicola  
17:01:36 15 Gobbo?---I believe that they did in regards to informing -  
17:01:40 16 when they were taking information from her that she had  
17:01:44 17 gleaned from a lawyer/client privileged conversation.  
18  
17:01:50 19 So it was accepted by them personally to you or do you  
17:01:53 20 understand that they've said that to this  
17:01:56 21 Commission?---Well now I've just learnt that they've said  
17:01:58 22 that. I wasn't aware of Sandy White's evidence there but  
17:02:02 23 that's the first I've heard of that.  
24  
17:02:04 25 Is that the first that you've heard of an acceptance that  
17:02:06 26 they lost their way during this period of time?---Yes.  
27  
17:02:09 28 Thank you.  
17:02:10 29  
17:02:11 30 MR CHETTLE: Commissioner, that document as I read it was  
17:02:13 31 never tendered.  
17:02:15 32  
17:02:16 33 MR WOODS: I can tender a couple of other documents, so we  
17:02:19 34 might let the witness leave though in the meantime.  
17:02:20 35  
17:02:21 36 MR CHETTLE: When I was reviewing this I couldn't find an  
17:02:24 37 exhibit number for that. If it has been exhibited, fine,  
17:02:27 38 but I know it was put to Mr White.  
39  
17:02:31 40 COMMISSIONER: I'm told it's Exhibit 444.  
17:02:33 41  
17:02:34 42 MR CHETTLE: Thank you.  
43  
17:02:36 44 COMMISSIONER: It's an email 24 December 12, Sheridan,  
17:02:40 45 Pope, Sandy White redacted.  
17:02:42 46  
17:02:43 47 MR CHETTLE: I think it's June, isn't it?

.27/11/19

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O'CONNOR RE-XN



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

17:02:44 1  
17:02:45 2 MR WOODS: If the witness can be excused.  
3  
17:02:46 4 COMMISSIONER: Just a minute.  
17:02:49 5  
17:02:50 6 MR CHETTLE: That's why I can't get it, Commissioner, it's  
17:02:52 7 dated 24 June, not December.  
8  
17:02:55 9 COMMISSIONER: That's just the date I've written in. It's  
17:03:03 10 24 June, this one, so it may not be Exhibit 444. That's  
17:03:27 11 just my mistake. So it is June. It is Exhibit 444. Just  
17:03:31 12 before you go, you're familiar with the Terms of Reference  
17:03:34 13 of the Commission?---Yes.  
14  
17:03:36 15 Is there anything you wanted to add to the evidence that  
17:03:39 16 you've given today that's relevant to those Terms of  
17:03:43 17 Reference that could be helpful to the Commission?---No,  
17:03:45 18 Commissioner.  
19  
17:03:47 20 No, thank you. All right then we'll adjourn until 9.30  
17:03:50 21 tomorrow. We have a very short day tomorrow, just two  
17:03:55 22 hours. We'll be adjourning at 11.30 tomorrow.  
17:04:26 23  
17:04:26 24 <(THE WITNESS WITHDREW)  
17:04:28 25  
17:04:29 26 ADJOURNED UNTIL THURSDAY 28 NOVEMBER 2019  
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