

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, 12 February 2020

Led by Commissioner:           The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC Ms K. Argiropoulos Mr S. Fraunfelder Mr A. Purton
Counsel for State of Victoria	Mr C. McDermott
Counsel for Nicola Gobbo	Mr P. Collinson QC
Counsel for DPP/SPP	Mr P. Doyle
Counsel for CDPP	Ms A. Haban-Beer
Counsel for AFP	Ms I. Minnett
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for Chief Commissioner of Police	Mr A. Coleman QC Mr P. Silver

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09:37:03 1 COMMISSIONER: I note the appearances are largely as they  
09:37:07 2 have been, save that we have Mr Collinson back for  
09:37:10 3 Ms Gobbo. Mr McDermott for the State and Mr Doyle for the  
09:37:14 4 DPP this morning. In respect of the witness we're hearing  
09:37:20 5 from later, Mr Smith, Mr Orman's legal representatives have  
09:37:26 6 applied for leave to appear. Counsel assisting does not  
09:37:29 7 oppose, so unless anyone wants to be heard on that matter  
09:37:35 8 Mr Orman will be given leave to appear in respect of  
09:37:38 9 Mr Smith. We've got Mr Sheridan back in the box.  
09:37:43 10  
09:37:44 11 MR WOODS: Yes, that's right.  
09:37:45 12  
09:37:45 13 COMMISSIONER: Thank you. Of course you're on your former  
09:37:47 14 oath.  
09:37:48 15  
09:37:49 16 MR WOODS: I believe the situation is Mr Chettle has a  
09:37:51 17 final topic.  
09:37:52 18  
09:37:52 19 MR CHETTLE: One question.  
09:37:53 20  
09:37:54 21 MR WOODS: One question, then Mr Holt and then I'll have  
09:37:57 22 some re-examination.  
09:37:58 23  
09:37:58 24 COMMISSIONER: At least it's early in the day, Mr Chettle.  
25  
09:38:01 26 <PAUL ANTHONY SHERIDAN, recalled:  
09:38:01 27  
09:38:04 28 MR CHETTLE: One matter, Mr Sheridan, can I have Exhibit  
09:38:08 29 288 brought up on the screen, please. This is a copy of a  
09:38:11 30 letter that was sent to each of the members of the SDU on  
09:38:19 31 26 March 2013, the day on which the unit was  
09:38:25 32 disbanded?---Yes, I understand.  
09:38:26 33  
09:38:26 34 You signed that letter?---Yes.  
09:38:28 35  
09:38:28 36 That was given to all members of the SDU that morning?---I  
09:38:32 37 believe so, yes.  
09:38:32 38  
09:38:34 39 Were you there when the meeting was held?---Yes, I was.  
09:38:38 40  
09:38:41 41 Is there any reason - paragraph 1 sets out why in fact the  
09:38:46 42 unit was being disbanded, doesn't it?---Yes.  
09:38:53 43  
09:38:54 44 Is there any reason you didn't tell them why the unit was  
09:38:57 45 being disbanded?---I didn't actually draft this letter but  
09:39:07 46 - - -  
09:39:07 47

.12/02/20

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09:39:08 1 You signed it?---Yes, I've said I signed the letter, yes.  
09:39:11 2  
09:39:12 3 Who did draft it?---I believe Doug Fryer drafted this  
09:39:16 4 letter.  
09:39:17 5  
09:39:18 6 Again, do you know why the letter's in the terms it is and  
09:39:21 7 it doesn't actually disclose it was the Comrie Report and  
09:39:24 8 the bad behaviour according to what we saw last week?---I  
09:39:29 9 don't know if I agree. My view would be that the unit was  
09:39:32 10 disbanded as a result of, as I indicated in my previous  
09:39:37 11 evidence, not just the Comrie Report but the other  
09:39:41 12 managerial issues that have been identified over the  
09:39:44 13 previous years.  
09:39:46 14  
09:39:46 15 That's what I said, the Comrie Report plus the bad  
09:39:49 16 behaviour that you went through last time?---Your question  
09:39:50 17 was, sorry?  
09:39:51 18  
09:39:51 19 That's not in the letter sacking the unit, is it?---It  
09:39:55 20 doesn't appear to be, no.  
09:39:57 21  
09:39:57 22 You can't explain why it isn't?---I didn't draft this  
09:40:02 23 letter.  
09:40:02 24  
09:40:02 25 Mr Sheridan, I understand that. Do you know why it wasn't  
09:40:07 26 included in the - - -?---Often IR letters are carefully  
09:40:12 27 crafted with the assistance of someone from the HR  
09:40:15 28 department. I expect they would probably be in a better  
09:40:17 29 position to answer why they did or didn't put these things  
09:40:22 30 in the letter.  
09:40:22 31  
09:40:23 32 You participated in all the steps that led up to them being  
09:40:27 33 determined?---Yes, I did.  
09:40:29 34  
09:40:29 35 Right, thank you.  
09:40:30 36  
09:40:30 37 COMMISSIONER: Has that been tendered?  
09:40:32 38  
09:40:33 39 MR CHETTLE: It has. It's Exhibit 288, Commissioner.  
09:40:36 40  
09:40:36 41 MR HOLT: Could it stay up, please.  
09:40:38 42  
09:40:38 43 COMMISSIONER: Yes Mr Holt.  
09:40:39 44  
09:40:39 45 <CROSS-EXAMINED BY MR HOLT:  
09:40:41 46  
09:40:41 47 Mr Sheridan, I'll just read to you the first part of

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09:40:43 1 paragraph 1, so not the first paragraph but the one with  
09:40:48 2 the number 1, "A review of SDU has identified a number of  
09:40:52 3 significant issues such as disconnection from police  
09:40:55 4 identity and the organisation borne of long-term exposure  
09:40:57 5 to covert policing", do you see that as being an accurate  
09:41:00 6 statement?---Yes, I do.  
09:41:01 7  
09:41:02 8 Thank you. Now, could we have up please your supplementary  
09:41:06 9 statement which was tendered, I think it's 141166. You  
09:41:14 10 were asked some questions by Mr Chettle about the meeting  
09:41:19 11 that you had with Mr Pope where you were provided with and  
09:41:25 12 spoken to by Mr Pope about some of the findings of the  
09:41:29 13 Comrie Review that Mr Gleeson and Mr Comrie had been  
09:41:33 14 involved in?---Yes, that's right.  
09:41:34 15  
09:41:34 16 Just to be clear, if we could have a look at paragraph 6 of  
09:41:38 17 that supplementary statement, it notes that on 22 June 2012  
09:41:43 18 you attended Mr Pope's office. At that time he showed you  
09:41:46 19 a document which he said came from the Comrie Review?---He  
09:41:49 20 did, yes.  
09:41:49 21  
09:41:50 22 That you read one page of the document which outlined  
09:41:52 23 serious legal issues arising from the use of Nicola Gobbo  
09:41:56 24 as a human source against persons for whom she'd been  
09:41:57 25 acting in a legal capacity?---Yes.  
09:41:59 26  
09:41:59 27 Then it was Mr Pope who indicated to you that the review  
09:42:02 28 had discovered information which suggested members of the  
09:42:05 29 SDU had potentially conspired to pervert the course of  
09:42:09 30 justice, do you see that?---Yes.  
09:42:10 31  
09:42:10 32 Do you stand by that as the way in which those events  
09:42:13 33 transpired in Mr Pope's office?---Yes, I do.  
09:42:16 34  
09:42:16 35 It's 22 June 2012, which as we know, Mr Sheridan, but you  
09:42:22 36 may not, is the same day that Mr Pope had been provided  
09:42:25 37 with a report by Mr Gleeson, who had been conducting the  
09:42:30 38 Comrie Review. I'd like to just have a look at that  
09:42:32 39 report. It's Exhibit 897, VPL.0100.0105.0001 but I need  
09:42:43 40 0005. Now, Mr Chettle was asking you questions where you  
09:42:53 41 confirmed that you hadn't read the Comrie Review  
09:42:57 42 itself?---Yes.  
09:42:57 43  
09:42:57 44 And as you've indicated you were provided with a document  
09:43:00 45 that Mr Pope said had come from the Comrie Review?---Yes.  
09:43:04 46  
09:43:04 47 Given that that meeting occurs on 22 June and this

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09:43:08 1 document, the evidence says, was provided to Mr Pope on 22  
09:43:12 2 June, does this document look familiar to you at all, it  
09:43:15 3 may not, it may be just so long ago? What I might do,  
09:43:27 4 Mr Sheridan, is just take you to the third page of that  
09:43:28 5 letter. So two pages down. We can see there a series of  
09:43:35 6 what are described as examples of issues that have been  
09:43:38 7 identified by Mr Gleeson during the course of his  
09:43:41 8 review?---Yes.  
09:43:41 9  
09:43:42 10 Is that the - does that ring a bell of any sort, does that  
09:43:46 11 look like the sort of legal issues that were significant  
09:43:48 12 that were being described to you by  
09:43:53 13 Mr Pope?---Specifically, I don't have a recollection of  
09:43:54 14 reading those paragraphs per se, but in general terms, just  
09:43:58 15 looking at a couple of them now relatively quickly, that  
09:44:02 16 was the thrust of, I do remember, you know, involvement  
09:44:05 17 around court proceedings. That I clearly recall.  
09:44:09 18  
09:44:09 19 And then if we look at the first full paragraph below the  
09:44:12 20 set of dot points, it says, "Consideration of the above  
09:44:18 21 examples in company with the transition threats reported to  
09:44:20 22 the Petra steering group could at face value suggest that  
09:44:23 23 the source and police involved have acted in a manner which  
09:44:28 24 has cause to undermine the justice system"?---Yes.  
09:44:31 25  
09:44:32 26 Again, is that consistent with the thrust of what you were  
09:44:34 27 being told on that particular occasion?---Yes, it is and I  
09:44:36 28 think I made a note of that. I know I made a couple of dot  
09:44:42 29 point notes in my diary, which have been produced, and yes,  
09:44:47 30 I recall it had something along the lines of the justice  
09:44:47 31 system, or the courts.  
09:44:47 32  
09:44:48 33 Recognising that you very properly say that you don't  
09:44:50 34 specifically remember it being this document, this is the  
09:44:52 35 sort of material that was the basis for the conversation  
09:44:55 36 you were having?---Yes, most definitely, yes.  
09:44:58 37  
09:44:58 38 And being told of those examples and the prospect of  
09:45:02 39 activity that may have undermined the justice system, did  
09:45:05 40 that then inform the way in which you continued to take  
09:45:09 41 steps around the future of the SDU and the other matters  
09:45:12 42 that you've been asked questions about?---Yes, I already  
09:45:15 43 had serious concerns about some of the conduct of the SDU,  
09:45:21 44 and indeed the management, the management of them as such.  
09:45:24 45 I mean not all of their conduct was bad I might add, they  
09:45:28 46 did some extremely good work, but had some concerns about  
09:45:31 47 that and this was effectively the final point that pretty

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09:45:35 1 much convinced me that I should support the proposition  
09:45:39 2 that they be closed as a unit.  
09:45:41 3  
09:45:42 4 Whilst the Comrie Review has been used as a shorthand  
09:45:46 5 reference by Mr Chettle in the course of your evidence, you  
09:45:48 6 in fact never read the Comrie Review itself?---No, never  
09:45:50 7 read it, no.  
09:45:50 8  
09:45:51 9 But this was the document or the kinds of issues that were  
09:45:52 10 effectively informing your thinking around the way in which  
09:45:57 11 things would proceed?---Coupled with the previous  
09:46:00 12 knowledge, yes, that's right.  
09:46:00 13  
09:46:01 14 While we're on it, Mr Chettle used a number of phrases that  
09:46:07 15 have become well-worn in this Commission. The suggestion  
09:46:10 16 that the whole possess of closing the SDU you were engaged  
09:46:16 17 in was in fact some kind of cover up to protect  
09:46:19 18 Command?---Yes.  
09:46:19 19  
09:46:20 20 Firstly, what do you say to that in terms of a cover  
09:46:22 21 up?---I reject that, that's not accurate.  
09:46:24 22  
09:46:25 23 Specifically you were asked some questions about then  
09:46:28 24 Assistant Commissioner Pope. In any of your dealings with  
09:46:33 25 Assistant Commissioner Pope on this day or following, did  
09:46:36 26 you have any sense, inkling, evidence, suggestion, that he  
09:46:40 27 was trying to cover up or minimise or avoid scrutiny of the  
09:46:44 28 issues that have been raised in relation to this?---No, it  
09:46:47 29 wasn't apparent to me at all.  
09:46:49 30  
09:46:51 31 Thank you. Just on a topic that you were asked some  
09:46:54 32 questions about, I can literally say last year, which was  
09:47:01 33 the Standard Operating Procedures or SOPs that were put in  
09:47:08 34 place to manage contact with Ms Gobbo where you'll recall  
09:47:12 35 John O'Connor, Inspector O'Connor as he then was, was to be  
09:47:18 36 essentially the sole point of contact for Ms Gobbo?---Yes.  
09:47:20 37  
09:47:21 38 Mr Woods suggested to you that albeit on a smaller scale  
09:47:24 39 there was effectively, as a result of those arrangements,  
09:47:26 40 no real change, she was effectively continuing to be an  
09:47:30 41 informer. Can you just explain for the Commissioner what  
09:47:33 42 the purpose of those SOPs were, and particularly the  
09:47:35 43 allocation of Mr O'Connor to that role from your  
09:47:38 44 perspective, the difficulties you had with that?---Yes.  
09:47:41 45 Well the principal purpose of the SOPs was to control the  
09:47:48 46 communication, any communication from Ms Gobbo to Victoria  
09:47:54 47 Police and principally the communication in the first

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09:47:57 1 instance was obviously going to be from her to Victoria  
09:48:00 2 Police for whatever reason, she might have had a personal  
09:48:03 3 problem, she might have wanted to report something in terms  
09:48:08 4 of a crime, et cetera, which did happen on one or two  
09:48:09 5 occasions, she suffered some damage or something like that.  
09:48:11 6 But principally it was to control that so that the person  
09:48:14 7 receiving that information was generally the same person,  
09:48:17 8 and coupled with that, in this case, Detective Inspector  
09:48:20 9 O'Connor then was specifically tasked with, if you like,  
09:48:25 10 receiving the information but ensuring that nothing was  
09:48:28 11 done if that information related to anything untoward to  
09:48:32 12 breach the legal agreement that had been reached between  
09:48:35 13 Ms Gobbo and Victoria Police. So the whole concept of the  
09:48:40 14 contact point and the SOPs was designed to restrict and in  
09:48:44 15 fact, truthfully, to retard any ongoing relationship and  
09:48:48 16 indeed, O'Connor was briefed frequently by myself to ensure  
09:48:54 17 that he maintained a very cool relationship, as distinct  
09:48:58 18 from an inviting and open relationship with the subject.  
09:49:02 19 Because it was clear to us that should the opportunity be  
09:49:05 20 open to the subject to, you know, rekindle a fresh  
09:49:10 21 relationship where perhaps a source relationship could  
09:49:12 22 develop, that is not what we wanted. So the SOPs were  
09:49:15 23 designed if you like as parameters to ensure that we, as  
09:49:19 24 best as we could, could control that. The down side of  
09:49:23 25 course, and I think I conceded it in examination, is that  
09:49:26 26 we couldn't un-hear what was told, but what we could do  
09:49:32 27 with information was passed on in the first instance is we  
09:49:37 28 could make value judgments about whether indeed we acted at  
09:49:39 29 all on that information.

09:49:40 30  
09:49:41 31 Indeed that segues into the next topic I want to ask you  
09:49:43 32 about, which is in fact, whilst I think the evidence, it's  
09:49:47 33 fair to say the evidence is that John O'Connor played that,  
09:49:50 34 you know, cool role, arm's length role pretty effectively,  
09:49:54 35 nonetheless you recall that there was at least one occasion  
09:49:56 36 upon which material, information was given by Ms Gobbo  
09:49:59 37 which a decision had to be made about?---Yes, I do, yes.

09:50:02 38  
09:50:02 39 Could we have a look, please, at Exhibit 838,  
09:50:11 40 VPL.0005.0013.1038. If you could re-familiarise yourself  
09:50:18 41 with this document.

09:50:19 42  
09:50:19 43 COMMISSIONER: The earlier document, has that been  
09:50:22 44 tendered?

09:50:25 45  
09:50:26 46 MR HOLT: Yes.

09:50:26 47

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09:50:27 1 COMMISSIONER: It has, good. As long as it's been tendered  
09:50:29 2 we'll find it.  
09:50:30 3  
09:50:31 4 MR HOLT: 897, yes.  
09:50:34 5  
09:50:35 6 COMMISSIONER: Thanks.  
09:50:35 7  
09:50:35 8 MR HOLT: You can see this is an email exchange between you  
09:50:39 9 and Mr Lardner with a number of people copied in, do you  
09:50:42 10 see that?---Yes, I do.  
09:50:42 11  
09:50:43 12 You can see that includes Mr Pope, Mr McRae and Sir Ken  
09:50:47 13 Jones?---Yes.  
09:50:47 14  
09:50:50 15 Can we go down please to the next page. This is a note  
09:50:56 16 from you initially to Mr Lardner about John O'Connor  
09:51:01 17 speaking with F, that is Ms Gobbo, yesterday?---That's  
09:51:03 18 correct.  
09:51:03 19  
09:51:03 20 The first matter doesn't matter but the second, the third  
09:51:10 21 in particular, it doesn't have a number, she also seeks to  
09:51:13 22 provide information concerning the Driver investigation,  
09:51:19 23 Detective Superintendent Doug Fryer, do you see  
09:51:20 24 that?---Yes.  
09:51:20 25  
09:51:21 26 Is this again an example of where, notwithstanding all of  
09:51:23 27 those efforts, she is offering information, and so what you  
09:51:25 28 do is go to the civil litigation area or the legal area of  
09:51:29 29 Victoria Police and get advice on that very question, so  
09:51:32 30 that a sensible decision can be made about what to do with  
09:51:34 31 the information?---Yes, that's exactly it. It should be  
09:51:39 32 dot point 3. She has obviously called O'Connor and then  
09:51:43 33 raised those points individually. So it's a case of that  
09:51:46 34 you can't un-hear that she wants to talk about Driver.  
09:51:49 35  
09:51:49 36 If we go up, this email has been referred to previously so  
09:51:54 37 I won't go through it in detail. But the advice given to  
09:52:00 38 you by Mr Lardner was, in the fourth paragraph, "Re  
09:52:06 39 receiving information priority criminal investigation. If  
09:52:09 40 she rings and makes a statement that Joe Blogs did this or  
09:52:11 41 is about to do that, when we write it down and say 'thanks,  
09:52:14 42 goodbye' and she should not be tasked to make any inquiries  
09:52:18 43 or follow up any information" and a confirmation then of  
09:52:20 44 the accountability structure which lies then still with the  
09:52:23 45 Assistant Commissioner, that is Jeff Pope?---Yes, that's  
09:52:26 46 right.  
09:52:26 47



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09:52:26 1 From your perspective, is this an example of the system in  
09:52:30 2 effect working, that is whatever you think of how the  
09:52:33 3 information was handled but of accountability, record  
09:52:37 4 keeping and eyes being on this question?---Yes, and further  
09:52:40 5 to that, at no stage through myself or O'Connor was she  
09:52:45 6 ever actually tasked. If we did get told something like  
09:52:49 7 this she was never tasked to go out and verify or do  
09:52:52 8 anything. It was really a case of, "Yes, we heard that",  
09:52:54 9 that's it as far as that contact goes.

09:52:57 10  
09:52:57 11 The final topic I want to ask you about, Mr Sheridan, is  
09:53:01 12 the steps that you were taking on and around 4 November  
09:53:06 13 2011.

09:53:08 14  
09:53:08 15 COMMISSIONER: Sorry, those emails have been tendered, have  
09:53:11 16 they?

09:53:13 17  
09:53:13 18 MR HOLT: Yes they have, Commissioner. They are Exhibit  
09:53:16 19 838.

09:53:17 20  
09:53:18 21 COMMISSIONER: Just all in the one exhibit?

09:53:19 22  
09:53:20 23 MR HOLT: Yes.

09:53:20 24  
09:53:20 25 COMMISSIONER: Right, thank you. Yes Mr Holt.

09:53:22 26  
09:53:22 27 MR HOLT: Thank you Commissioner. Now, I wanted to ask you  
09:53:26 28 some questions about the events on and surrounding 4  
09:53:29 29 November 2011. You recall this was when the question of  
09:53:34 30 disclosure of Ms Gobbo's role and access to the SMLs by the  
09:53:42 31 Commonwealth Director of Public Prosecutions in relation to  
09:53:43 32 the Dale ACC charges was alive and very acute?---Yes.

09:53:48 33  
09:53:48 34 I just want to take you to a couple of emails about those  
09:53:53 35 events so the Commission can be helped to get a sense of  
09:53:56 36 what you're thinking about process was around those  
09:54:00 37 issues?---Yes.

09:54:00 38  
09:54:00 39 And disclosure and accountability. Could we look, please,  
09:54:03 40 at VPL.6079.0045.5491. Again, this is - we've seen a few  
09:54:15 41 emails from this day but this is on 4 November at 7.27 am  
09:54:20 42 from you to Mr Pope, do you see that?---Yes, I do.

09:54:24 43  
09:54:25 44 And there's a note there, that after some frank discussion  
09:54:28 45 with Ms Breckweg she still wished to view the source  
09:54:32 46 management log and you noted, "I can understand their  
09:54:34 47 position"?---Yes.

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09:54:35 1  
09:54:35 2 She and her colleague Chris Beale have now viewed the SML.  
09:54:39 3 As we discussed you understood that was done with  
09:54:42 4 Mr O'Connor being present?---I believe so, that's right.  
09:54:44 5  
09:54:46 6 And the bit I'm interested in is here with the asterisk,  
09:54:51 7 "It is likely this morning we will receive an email request  
09:54:55 8 from the Commonwealth DPP for the IRs, et cetera,  
09:54:55 9 pertaining to the SML references". You then said, "In my  
09:54:58 10 view this means that the Crime Department will be required  
09:55:02 11 to engage Gerard Maguire to begin preparation. PII claims  
09:55:03 12 in due course", do you see that?---Yes, I do.  
09:55:06 13  
09:55:07 14 May we take it by a combination of the matters in that  
09:55:11 15 email and the other things that were going on at the time,  
09:55:14 16 that your view as to the appropriate process that would  
09:55:16 17 occur was that access would be given to SMLs and other  
09:55:21 18 documents and then if there needed to be a PII claim you'd  
09:55:24 19 brief external counsel and that matter would be properly  
09:55:27 20 litigated in front of a court?---Yes, in front of a court,  
09:55:30 21 that's right.  
09:55:31 22  
09:55:31 23 I tender that. It hasn't been tendered to date,  
09:55:34 24 Commissioner.  
09:55:34 25  
09:55:39 26 #EXHIBIT RC1185A - (Confidential) Email from Mr Sheridan to  
09:54:18 27 Mr Pope 4/11/11 at 7.27 am.  
09:55:41 28  
09:55:42 29 #EXHIBIT RC1185B - (Redacted version.)  
09:55:45 30  
09:55:49 31 Commissioner, I'm instructed that the SOPs that I referred  
09:55:53 32 to but didn't bring up may not previously have been  
09:55:57 33 tendered. I'm not sure whether those assisting you might  
09:56:06 34 be able to help us with that, as to whether the SOPs for  
09:56:10 35 this period were tendered. I'm instructed they may not  
09:56:13 36 have been. Perhaps we can make that inquiry, Commissioner.  
09:56:16 37 I can indicate it's 0005.0171.0010.  
09:56:29 38  
09:56:30 39 COMMISSIONER: We think it might be Exhibit 299. A shaded  
09:56:38 40 operating procedures.  
09:56:41 41  
09:56:41 42 MR HOLT: No, Commissioner. That's a different set of  
09:56:44 43 SOPs. I suspect these ones haven't been tendered but can  
09:56:49 44 we confirm that and I'll deal with that tender formally  
09:56:52 45 later in the day.  
09:56:52 46  
09:56:53 47 COMMISSIONER: Yes, all right.

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09:56:53 1  
09:56:54 2 MR HOLT: Just, I think that's sufficient for present  
09:56:59 3 purposes. In terms of, I said it was the final topic, I  
09:57:06 4 didn't mean it, this is now the final topic. In terms of  
09:57:09 5 Mr Gleeson's work on what became known as the Comrie  
09:57:13 6 Review?---Yes.  
09:57:13 7  
09:57:13 8 Is it the position that Mr Gleeson was pretty regularly in  
09:57:17 9 contact with you in your role via the HSMU, we don't name  
09:57:23 10 the person he was involved with, in terms of getting  
09:57:26 11 information from the unit?---I wouldn't say regularly but  
09:57:30 12 we had a number of contacts. I think we had a couple of  
09:57:34 13 meetings and I would have got, you know, a couple of phone  
09:57:36 14 calls and perhaps a few emails so I wouldn't actually class  
09:57:39 15 that as a regular contact.  
09:57:40 16  
09:57:41 17 Sure, that was probably my mistake. But in any event there  
09:57:44 18 from your perspective did you limit the information that he  
09:57:47 19 had access to in any way or attempt to avoid him having  
09:57:50 20 information that he needed?---No, not at all.  
09:57:53 21  
09:57:53 22 Given that this related, his inquiry related to a period  
09:57:57 23 before your tenure, the email suggests that you were making  
09:58:04 24 inquiries with or having John O'Connor make inquiries with  
09:58:08 25 people who had actually been in the SDU at the time?---Yes,  
09:58:12 26 I did, yes.  
09:58:12 27  
09:58:13 28 Again, from your perspective was there any restriction or  
09:58:14 29 limitation in doing that?---Not to my knowledge at all. I  
09:58:18 30 thought that we made everything that was available .  
09:58:20 31  
09:58:20 32 Yes, thank you. That's the re-examination, Commissioner.  
09:58:22 33  
09:58:22 34 COMMISSIONER: I'll just say we've also been told about  
09:58:24 35 Exhibit 411. I don't think that's it.  
09:58:30 36  
09:58:30 37 MR HOLT: No, I think there are a number of documents that  
09:58:33 38 are called SOPs from various sources. Perhaps if we could  
09:58:39 39 tender these SOPs. These are the SOPs, perhaps we'll call  
09:58:43 40 them the John O'Connor SOPs, that might be the most  
09:58:47 41 sensible delineation, and it's VPL.0005.0171.0010. I don't  
09:58:56 42 need to go to them, Commissioner. I'm sorry, now the  
09:59:05 43 indication is that they may have been tendered.  
09:59:10 44  
09:59:10 45 COMMISSIONER: 441. Let's have a look at that one.  
09:59:15 46  
09:59:15 47 MR HOLT: Commissioner, I'm certain your associate is

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09:59:18 1 right. Perhaps we'll just double-check it at the break.  
09:59:21 2  
09:59:21 3 COMMISSIONER: Yes, it was to do with Paul Sheridan SOPs  
09:59:25 4 I've got a note.  
09:59:26 5  
09:59:27 6 MR HOLT: Yes, then that is it, Commissioner.  
09:59:28 7  
09:59:28 8 COMMISSIONER: That's it, 441A and B, already tendered.  
09:59:31 9  
09:59:32 10 MR HOLT: That's the re-examination.  
11  
09:59:33 12 COMMISSIONER: Thank you, yes.  
13  
14 MR WOODS: Thank you Commissioner. If that can just stay  
15 up on the screen for a moment.  
09:59:35 16  
09:59:36 17 <RE-EXAMINED BY MR WOODS:  
18  
09:59:37 19 Mr Sheridan, you gave some evidence in answer to some  
09:59:40 20 questions from Mr Holt a moment ago about this document and  
09:59:43 21 the thinking behind the document and you said that the  
09:59:47 22 concept was to restrict and retard the information that  
09:59:53 23 Nicola Gobbo might want to give. That was the  
09:59:56 24 situation?---Yes.  
09:59:57 25  
09:59:58 26 And you said words to the effect that you agreed with  
10:00:02 27 something that I had put to you last year about the  
10:00:07 28 document. I just want to take you to part of the document.  
10:00:11 29 If you could just scroll down slowly so I can see it. Keep  
10:00:21 30 going. The thing that I'm wanting to suggest to you is at  
10:00:27 31 the bottom of that page it does say that at the discretion  
10:00:31 32 of the SDU DI the information may be transmitted to the  
10:00:36 33 appropriate investigative intelligence body for action and  
10:00:38 34 what I'm saying is, the suggestion I'm putting to you is  
10:00:42 35 that despite what the intention behind the document was,  
10:00:45 36 the standard operating procedure itself does envisage that  
10:00:49 37 there will be occasions when Ms Gobbo gives information and  
10:00:53 38 it might be transmitted elsewhere in Victoria  
10:01:01 39 Police?---Yes, and I think that's appropriate.  
10:01:03 40  
10:01:03 41 Okay, all right. So inasmuch as it didn't prevent Nicola  
10:01:08 42 Gobbo from giving information and Victoria Police from  
10:01:12 43 utilising that information, you'd agree with my summary of  
10:01:16 44 that, is that right? It didn't restrict any of those  
10:01:25 45 things?---I'm not sure - no document could. I guess I  
10:01:28 46 would agree with it if we put the caveat at the end there,  
10:01:32 47 no document could prevent someone picking up the phone and

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10:01:36 1 calling someone else, to my knowledge anyway.  
10:01:38 2  
10:01:39 3 What I'm specifically talking about here is the system, the  
10:01:42 4 operating procedure under which this relationship was now  
10:01:44 5 to be regulated, that very document doesn't stop, firstly,  
10:01:48 6 Nicola Gobbo from providing information to Victoria Police,  
10:01:51 7 you agree with that?---Yes, and that no document is able to  
10:01:54 8 do that.  
10:01:55 9  
10:01:55 10 Well, I mean, no, I agree it can't stop her from talking.  
10:02:01 11 But secondly, it doesn't restrict the hearer of that  
10:02:03 12 information from using the information provided, the DI in  
10:02:07 13 the SDU deems that to be appropriate?---Yeah, I think the  
10:02:11 14 words "at the discretion" are pretty in important in the  
10:02:14 15 assessment of that, but yes, I think we're close.  
10:02:17 16  
10:02:17 17 Yes, I understand. You were asked some questions about the  
10:02:22 18 out of scope document and the Comrie Review and what you  
10:02:26 19 saw of that. Is it the situation that you saw a page or so  
10:02:31 20 of the Comrie Review or the out of scope document that  
10:02:35 21 Mr Gleeson prepared, do you know which one?---In my  
10:02:40 22 conversation with Jeff Pope you mean at that time?  
10:02:42 23  
10:02:43 24 I'm talking about when you say you only saw a page - was it  
10:02:45 25 a page or a page or so of Comrie?---My recollection was  
10:02:48 26 that I was shown a page of a document.  
10:02:51 27  
10:02:51 28 And that you understand that to have been a page of the  
10:02:54 29 Comrie Review?---I thought so, yes. But never having seen  
10:02:58 30 the Comrie Review I can't be totally sure on that.  
10:03:01 31  
10:03:02 32 That's something I just wanted to very briefly explore.  
10:03:04 33 One of the recommendations of the Comrie Review was that  
10:03:08 34 the Loricated database be established, you understand  
10:03:11 35 that?---Yes.  
10:03:12 36  
10:03:12 37 You were a member of the Loricated steering committee?---In  
10:03:16 38 an advisory capacity, yes.  
10:03:18 39  
10:03:18 40 What I wanted to ask you is, in that circumstance do you  
10:03:23 41 accept that it would have been appropriate, given your  
10:03:26 42 role, that you should have read the Comrie Review in your  
10:03:29 43 advisory role for the Loricated steering committee?---No,  
10:03:34 44 not necessarily, no.  
10:03:35 45  
10:03:36 46 Why is that?---I was only on the Loricated steering  
10:03:39 47 committee in an advisory capacity pertaining to current

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10:03:44 1 practices in relation to the Source Development Unit, and  
10:03:48 2 as I understood it the application of the SOPs in terms of  
10:03:54 3 ensuring compliance that the Force didn't engage any  
10:04:00 4 further with Ms Gobbo.  
10:04:04 5  
10:04:04 6 But the Loricated database itself was essentially putting  
10:04:08 7 together a record of the historical relationship between  
10:04:12 8 what was now your unit, or a unit that was under your  
10:04:17 9 authority, and Victoria Police, you agree - and Nicola  
10:04:20 10 Gobbo, do you agree with that, that's what Loricated were  
10:04:24 11 seeking to do?---In general terms I think, yeah, I think  
10:04:28 12 that's correct. It needs to be understood it was very much  
10:04:30 13 compartmentalised at that time and I wasn't part of that  
10:04:35 14 compartment. I was there purely to offer the advice for  
10:04:40 15 the two reasons I mentioned earlier.  
10:04:41 16  
10:04:41 17 You don't accept my suggestion that in that capacity it  
10:04:44 18 would have been beneficial for you to have read the Comrie  
10:04:49 19 Review?---No, I don't.  
10:04:50 20  
10:04:50 21 As part of the establishment and the running of the  
10:04:54 22 Loricated steering committee there was a question that was  
10:04:58 23 asked by an Officer Jackson about whether or not the Petra  
10:05:04 24 materials should, should be brought into Loricated, is that  
10:05:09 25 something you're aware of?---No.  
10:05:10 26  
10:05:11 27 There was ultimately a decision from the steering committee  
10:05:16 28 that those materials needn't be brought into Loricated it's  
10:05:20 29 understood. Do you understand the relevance of the Petra  
10:05:23 30 materials to - - - ?---No.  
31  
10:05:25 32 - - - the relationship between Nicola Gobbo and Victoria  
10:05:27 33 Police?---No.  
10:05:27 34  
10:05:27 35 As you sit here you don't know - - -?---Only what I've read  
10:05:31 36 since, but no, I certainly didn't then.  
10:05:34 37  
10:05:34 38 Was that a decision that you were part of or in your  
10:05:37 39 advisory capacity were you separate to those sorts of  
10:05:40 40 decisions?---I don't believe so. I don't believe I had any  
10:05:43 41 real voting rights at the Loricated steering committee at  
10:05:45 42 all. I think I was just there to offer the advice as to  
10:05:48 43 how things worked in the Source Development Unit aspect.  
10:05:51 44  
10:05:51 45 It was suggested by Mr Chettle that there was an error in  
10:05:58 46 something that was either put by me or an answer given at  
10:06:02 47 some stage about whether the courses were posing particular

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10:06:11 1 dangers, the courses, I can't talk about their numbers, but  
10:06:15 2 the courses?---The training courses?  
10:06:16 3  
10:06:17 4 Yes, that's right, being undertaken by the SDU and whether  
10:06:20 5 or not that fed into the ultimate decision about what would  
10:06:24 6 become of the SDU. You said there were a number of factors  
10:06:27 7 that went into it?---Yes.  
10:06:29 8  
10:06:30 9 I asked you last year, this is at T10590, whether or not, I  
10:06:38 10 say, "One of Mr O'Connor's concerns was that some of the  
10:06:42 11 elements of the more advanced courses he thought were just  
10:06:45 12 downright dangerous", that's my phrase, not his, "And that  
10:06:49 13 he expressed those concerns. Is that something he  
10:06:51 14 expressed to you", I go on, and you say, "I do recall that  
10:06:55 15 we did discuss things along those lines". Now that's your  
10:06:59 16 recollection?---Yes, I think that's correct, yes.  
10:07:01 17  
10:07:01 18 O'Connor's evidence on the point, I won't take you through  
10:07:05 19 it, I won't read it to you, but for the record it's T9972,  
10:07:10 20 he says essentially that he was concerned about some of the  
10:07:15 21 practices in the PII [REDACTED] courses and that's something  
10:07:19 22 he reported to you at the time?---Yes, I have a  
10:07:21 23 recollection that we did discuss that, that's right.  
10:07:23 24  
10:07:25 25 Some of the other factors that Mr O'Connor talks about, and  
10:07:29 26 you say, as you say, there were a number of factors, he  
10:07:32 27 talks about in his statement at paragraph 137 the SDU being  
10:07:36 28 desensitised to taking risks. Is that something he shared  
10:07:42 29 with you?---Yes.  
10:07:43 30  
10:07:43 31 He said that managing the risks relating to the SDU was a  
10:07:47 32 long-term issue, is that something that he expressed to  
10:07:48 33 you?---Yes.  
10:07:48 34  
10:07:48 35 That the members took unacceptable risks in their work,  
10:07:51 36 again something you recall?---Yes, not all the time, but  
10:07:55 37 yes, enough to cause concern.  
10:07:57 38  
10:07:57 39 To be fair you also say these gentlemen did some very good  
10:08:02 40 work?---That's right, they certainly did, yes.  
10:08:04 41  
10:08:04 42 He talks about at paragraph 152 of his statement the  
10:08:08 43 anonymous letter to the Chief Commissioner?---Yes.  
10:08:08 44  
10:08:10 45 Talking about concerns of their safety and that was  
10:08:13 46 something reported to you?---Yes.  
10:08:15 47

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SHERIDAN RE-XN

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10:08:15 1 And he had to reiterate that safety was the priority to  
10:08:19 2 them, did he explain to you that that was something he  
10:08:22 3 continually needed to raise with them?---Yes, he did.  
10:08:24 4  
10:08:25 5 Mr Chettle also put some questions about the interstate  
10:08:28 6 operation that went wrong. You know the operation I'm  
10:08:33 7 talking about?---I do, yes.  
10:08:34 8  
10:08:34 9 That was where interstate police were thinking about  
10:08:37 10 charging certain members of the SDU with criminal conduct,  
10:08:40 11 is that right?---I believe so, yes.  
10:08:41 12  
10:08:41 13 Those charges didn't go ahead?---That's right.  
10:08:43 14  
10:08:43 15 What Mr Chettle put to you was that that operation played  
10:08:47 16 no part in the logic behind disbanding the SDU and you were  
10:08:53 17 reluctant to accept that proposition by Mr Chettle, is that  
10:08:56 18 right? He was saying it didn't play any part at all in the  
10:09:02 19 decision making and I took your evidence to be that you  
10:09:05 20 weren't willing to accept that?---Yes, on the basis that I  
10:09:09 21 guess, similar to what I said, you can't un-hear or you  
10:09:12 22 can't un-know. As a manager you can't obviously forget if  
10:09:16 23 an issue arises it's all part of your total considerations  
10:09:20 24 when you're assessing a work unit and the risks that that  
10:09:23 25 work unit poses.  
10:09:25 26  
10:09:25 27 It was in the basket of considerations?---It was definitely  
10:09:29 28 in the basket, because it had happened significantly early  
10:09:33 29 in the piece, I wouldn't say it's the most compelling  
10:09:36 30 point, but yes, I guess human nature being what it is one  
10:09:41 31 couldn't exclude it from one's mind that you knew that that  
10:09:44 32 occurred.  
10:09:45 33  
10:09:45 34 Mr Pope's statement, I might just get a paragraph of this  
10:09:49 35 brought up, this is COM.0010.0001.0001. I'm after  
10:09:55 36 paragraph 60A. Similar to you, you can see that he says,  
10:09:59 37 "I acknowledge the SDU produce some very good results  
10:10:02 38 through the management of high risk human sources which  
10:10:06 39 helped Victoria Police impact and disrupt serious and  
10:10:09 40 organised crime in Victoria", that accords with your  
10:10:12 41 evidence?---Yes, in the main, yes.  
10:10:14 42  
10:10:14 43 But he then goes through some concerns and I only want to  
10:10:18 44 bring your attention to the first one. In that it seems to  
10:10:22 45 accord with your evidence in that he talks about that  
10:10:25 46 interstate operation that went wrong as being part of the  
10:10:32 47 concerns that gradually led him to the views that he had



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10:10:35 1 about the SDU?---Yes.  
10:10:37 2  
10:10:37 3 And so you'd agree, from the evidence you've just given  
10:10:40 4 now, that that accords with your recollection and your  
10:10:43 5 thinking about the SDU?---Well it certainly, from an AC's  
10:10:46 6 point of view, it was certainly a pretty big deal because  
10:10:50 7 obviously there had been a degree of conflict with another  
10:10:53 8 law enforcement agency and it was quite a serious conflict  
10:10:57 9 in a sense. So from his point of view it probably weighed  
10:11:00 10 even heavier. But it occurred all before I arrived, which  
10:11:04 11 is probably why in my case it weighed somewhat lesser, but  
10:11:07 12 it wasn't something that I couldn't not think about or not  
10:11:12 13 consider.  
10:11:12 14  
10:11:12 15 That can come off the screen now. On that point, Mr White  
10:11:17 16 gave evidence to the Commission about receiving the letter  
10:11:24 17 that you were taken to a moment ago and his evidence to the  
10:11:28 18 Commission is, "We received the letter", he describes as  
10:11:31 19 that, "We were sacked or terminated from the SDU" and for  
10:11:35 20 the record that's transcript 4927. Mr Chettle in  
10:11:39 21 cross-examination of Mr O'Connor says, describes that day  
10:11:43 22 as the day they were sacked in February 2013. You don't  
10:11:47 23 need to answer any of these yet, I'll ask you an ultimate  
10:11:50 24 question. That's T9994. Mr Chettle asked in  
10:11:54 25 cross-examination of Mr Ashton, "They turned up and they  
10:11:57 26 were sacked effectively", that's at transcript 10983.  
10:12:04 27 Mr Chettle later said in cross-examination of Mr Ashton,  
10:12:06 28 "They would come in and get sacked" at transcript 10984.  
10:12:10 29 Then in cross-examination of you quite recently he said,  
10:12:13 30 "You would be aware that after the unit was sacked" and  
10:12:16 31 went on to ask you a question, that's at transcript 13510.  
10:12:22 32 It's correct, isn't it, that not a single police member of  
10:12:25 33 the SDU was sacked as a result of the disbanding of the  
10:12:32 34 SDU?---As in dismissed from the Force?  
35  
10:12:33 36 Yes?---No, no one was dismissed from the Force as a result  
10:12:36 37 of the disbanding.  
10:12:37 38  
10:12:37 39 They were all offered roles?---Yes, they were.  
10:12:39 40  
10:12:39 41 No one was to be demoted?---No.  
10:12:42 42  
10:12:42 43 They were in fact allowed to keep the benefits, employment  
10:12:45 44 benefits that they had enjoyed while at the SDU while being  
10:12:49 45 in the new roles for at least a year as I understand  
10:12:51 46 it?---Yes.  
10:12:52 47

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10:12:52 1 Despite them moving on to different roles, is that the  
10:12:55 2 case?---Yes, that's right. There was a degree - well,  
10:12:57 3 there was an ideal of trying to show a degree of fairness  
10:13:00 4 there and to try and encourage the members, who all had  
10:13:05 5 various skills which were still of significant value going  
10:13:11 6 forward, to resurrect their career elsewhere.  
10:13:17 7  
10:13:18 8 Yes, thank you. They're all the questions, Commissioner.  
9  
10:13:18 10 COMMISSIONER: Yes. Thanks very much, Mr Sheridan, for  
10:13:18 11 making yourself available for this re-examination a number  
10:13:20 12 of times. It's appreciated. You're free to go.  
13  
10:13:28 14 <(THE WITNESS WITHDREW)  
15  
10:13:24 16 COMMISSIONER: The next witness is Mr Hollowood.  
10:13:29 17  
10:13:29 18 MR HOLT: Commissioner, Ms Argiropoulos will be dealing  
10:13:31 19 with the next two witnesses, may I be excused?  
10:13:35 20  
10:13:35 21 COMMISSIONER: Yes, of course. Thanks Mr Holt.  
10:13:37 22  
10:13:38 23 MS ARGIROPOULOS: Commissioner, I appear with  
10:13:39 24 Mr Frauenfelder on behalf of the next two witnesses as  
10:13:46 25 Mr Holt has just indicated.  
26  
27 COMMISSIONER: Thanks very much, Ms Argiropoulos.  
28  
10:13:48 29 MS ARGIROPOULOS: Mr Hollowood will take the oath.  
10:13:54 30  
10:13:55 31 COMMISSIONER: Yes. No problem giving this witness the  
10:13:59 32 pseudonym list I gather?  
10:14:01 33  
10:14:01 34 MS ARGIROPOULOS: No, no problem.  
10:14:21 35  
10:14:31 36 COMMISSIONER: Yes, Mr Hollowood, oath or  
37 affirmation?---Oath, thank you.  
38  
10:14:36 39 Oath, yes. If you could take the Bible in your right hand.  
10:14:39 40  
10:14:39 41 <PAUL STEVEN HOLLOWOOD, sworn and examined:  
10:14:49 42  
10:14:53 43 MS ARGIROPOULOS: Thank you, Commissioner. Is your full  
10:14:56 44 name Paul Steven Hollowood?---Yes, it is.  
10:14:59 45  
10:15:00 46 Are you currently a Superintendent at the Southern Metro  
10:15:05 47 Region of Victoria Police?---Yes, I am.

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HOLLOWOOD XN

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10:15:07 1  
10:15:07 2 Have you made a statement to this Royal Commission?---I  
10:15:10 3 have.  
10:15:11 4  
10:15:13 5 Do you have that in front of you?---Yes, I do.  
10:15:17 6  
10:15:17 7 If you can turn to p.7 of your statement. Does it bear  
10:15:23 8 your signature and the date of it is 19 November  
10:15:27 9 2019?---Yes, it does.  
10:15:28 10  
10:15:29 11 And are the contents of that statement to the best of your  
10:15:32 12 recollection true and correct?---They are.  
10:15:34 13  
10:15:34 14 Commissioner, I tender that statement, it will need an A  
10:15:37 15 and a B.  
10:15:38 16  
10:15:38 17 #EXHIBIT RC1186A - (Confidential) Statement of Paul Steven  
10:15:40 18 Hollowood 19/11/19.  
10:15:40 19  
10:15:41 20 #EXHIBIT RC1186B - (Redacted version.)  
10:15:48 21  
10:15:49 22 COMMISSIONER: Yes Ms Tittensor.  
10:15:50 23  
24 <CROSS-EXAMINED BY MS TITTENSOR:  
25  
10:15:53 26 Mr Hollowood, I just want to firstly take you through a  
10:15:57 27 couple of the roles that you've had within Victoria Police.  
10:16:00 28 June 2004 to February 2007 you were leading the  
10:16:04 29 restructuring project called the Major Crime Management  
10:16:08 30 Project, is that right?---Yes, I was.  
10:16:10 31  
10:16:10 32 That involved a re-organisation of the structure of  
10:16:12 33 criminal investigations in the Crime Department in  
10:16:15 34 particular?---Yes, and across the State, yes.  
10:16:17 35  
10:16:17 36 And across the State. Following that you were - sorry,  
10:16:24 37 what was your rank during that time?---Superintendent as  
10:16:27 38 well.  
10:16:28 39  
10:16:29 40 Following that in February 2007 until September 2008 you  
10:16:35 41 were Operations Superintendent?---Yes.  
10:16:37 42  
10:16:38 43 Within the Crime Department?---Yes, I was.  
10:16:40 44  
10:16:40 45 And that was overseeing the Purana Task Force?---Yes.  
10:16:45 46  
10:16:45 47 The Drug Task Force and the Arson Explosives Squad, is that

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10:16:49 1 right?---Yes.  
10:16:49 2  
10:16:50 3 And then you go on in September 2008 to have a role as  
10:16:56 4 tasking coordination manager within Crime?---Yes.  
10:17:00 5  
10:17:01 6 Now, can you explain the difference between an Operations  
10:17:05 7 Superintendent and the Tasking Coordinations  
10:17:08 8 Manager?---There were three superintendents actually within  
10:17:10 9 that operations tasking area, so basically the tasking  
10:17:16 10 coordination differed because you would be the chair of  
10:17:20 11 meetings, but they were very similar roles.  
10:17:22 12  
10:17:23 13 So in terms of the knowledge that you acquired, the advice  
10:17:27 14 that you were dispensing to ranks below you was  
10:17:33 15 similar?---It was very similar, yes.  
10:17:34 16  
10:17:34 17 It was just that you might have a slightly different  
10:17:36 18 responsibility if you were allocated the tasking  
10:17:39 19 coordination role because you might chair  
10:17:42 20 meetings?---Correct, that's right.  
10:17:43 21  
10:17:44 22 The other two people in that position or sharing those  
10:17:47 23 roles with you were who?---Superintendent Blayney and  
10:17:53 24 Superintendent Brown.  
10:17:53 25  
10:17:53 26 Is that Graham Brown?---Yes.  
10:17:55 27  
10:17:55 28 And Jack Blayney?---Yes.  
10:17:56 29  
10:17:58 30 Were you sharing those roles the entire time or - -  
10:18:02 31 -?---Yes, yes.  
10:18:02 32  
10:18:06 33 Now, you were, as part of those roles I understand you were  
10:18:13 34 briefed in relation to the commencement, the progress, the  
10:18:16 35 resolution, strategic directions of major  
10:18:19 36 investigations?---Yes, I was.  
10:18:21 37  
10:18:22 38 MR COLEMAN: Sorry to interrupt, I'm having trouble hearing  
10:18:26 39 the Superintendent.  
10:18:27 40  
10:18:27 41 COMMISSIONER: Yes, could you move the microphone a little  
10:18:29 42 closer, Mr Hollowood. See if that helps. Maybe even push  
10:18:32 43 it up a little because you're quite tall. I think that  
10:18:36 44 might help.  
10:18:37 45  
10:18:37 46 MS TITTENSOR: In terms of the major investigations that  
10:18:39 47 you were dealing with, that would be - Purana would be a

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10:18:42 1 major one?---Yes.  
10:18:44 2  
10:18:44 3 And you were dealing with Petra as well?---Yes.  
10:18:46 4  
10:18:47 5 And when it came along did you have any role with  
10:18:49 6 Briars?---No, none.  
10:18:51 7  
10:18:52 8 Is that because that was an operation that was being run  
10:18:56 9 outside of the Crime Department?---In part, but also during  
10:19:00 10 that period I was leading the investigation into the Black  
10:19:05 11 Saturday bushfires, so that occupied much of my time.  
10:19:09 12  
10:19:09 13 The Briars investigation had actually commenced prior to  
10:19:12 14 the Black Saturday bushfires back in 2007, did you have any  
10:19:16 15 role back in 2007?---No, I didn't.  
10:19:18 16  
10:19:20 17 And as you say, you had an operational role in relation to  
10:19:24 18 the bushfires and that was from February 2009?---Yes, it  
10:19:27 19 was.  
10:19:27 20  
10:19:28 21 You had that role, Operations Tasking Coordination Manager,  
10:19:32 22 up until 2011?---Yes, it was.  
10:19:36 23  
10:19:37 24 And at what stage in 2011 did you cease that role?---It was  
10:19:42 25 in early 2011 which I left the Crime Department and  
10:19:47 26 actually went to Southern Metro Region.  
10:19:50 27  
10:19:52 28 Broadly in relation to that role of Superintendent, what  
10:19:55 29 are your daily duties?---It's the oversight of  
10:20:01 30 investigative work groups. So investigative work groups  
10:20:04 31 are generally made up of teams of investigators headed by  
10:20:08 32 either an Inspector or Senior Sergeant and the direct  
10:20:12 33 report then of those groups is actually to the  
10:20:15 34 Superintendent, the Superintendent then reports to the  
10:20:17 35 department head, which is the Assistant Commissioner.  
10:20:20 36  
10:20:22 37 During part of that time frame there was no Assistant  
10:20:26 38 Commissioner sitting over Crime, is that right?---Correct.  
10:20:29 39  
10:20:29 40 And there was a board of management?---Yes, there was.  
10:20:32 41  
10:20:32 42 You were yourself part of that board of management?---I  
10:20:34 43 was.  
10:20:34 44  
10:20:36 45 But that board of management still had some supervision by,  
10:20:40 46 was it the Deputy Commissioner Overland at that  
10:20:43 47 stage?---Yes, it did.

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10:20:44 1  
10:20:45 2 Who would have the major decision making roles in relation  
10:20:49 3 to those matters, would it be the Deputy Commissioner or  
10:20:54 4 would it be taking the advice of the board of  
10:20:57 5 management?---In respect to the running of the Crime  
10:20:59 6 Department it would be the executive board and the  
10:21:02 7 executive board would have a rotating chair.  
10:21:04 8  
10:21:05 9 Would Mr Overland sit on that board?---No, but the board  
10:21:09 10 would actually report through to Mr Overland.  
10:21:11 11  
10:21:12 12 Would he attend meetings?---Sometimes he would, yes.  
10:21:15 13  
10:21:20 14 Now, I take it during this period of time you would have  
10:21:24 15 had some knowledge of who Ms Gobbo was?---Yes.  
10:21:28 16  
10:21:28 17 She had somewhat of a public profile?---Yes, but wasn't  
10:21:34 18 large in my mind in terms of a public profile.  
10:21:37 19  
10:21:38 20 In terms of her association with organised crime figures  
10:21:42 21 you would have appreciated that much, in terms of her at  
10:21:46 22 least representation of them?---Yes.  
10:21:48 23  
10:21:48 24 She was someone known to represent them?---Yes.  
10:21:50 25  
10:21:51 26 Was she also in your mind someone that was, had a  
10:21:55 27 reputation for being too close to those clients?---Yes.  
10:21:58 28  
10:21:58 29 And is that something that just you knew over time or was  
10:22:02 30 it something that was discussed within the Crime  
10:22:05 31 Department?---I think that's just something I knew over  
10:22:08 32 time.  
10:22:08 33  
10:22:10 34 Do you have any sense of what period of time you came to  
10:22:14 35 know who Ms Gobbo was?---Not really. I hadn't actually  
10:22:20 36 done trial work myself for a number of years so I certainly  
10:22:23 37 didn't have any association through there, so I think it  
10:22:27 38 was probably more through news media coverage.  
10:22:32 39  
10:22:33 40 But certainly when you were having your involvement in the  
10:22:35 41 Crime Department that was something that you would have  
10:22:37 42 been aware of throughout that period of time?---Yeah,  
10:22:40 43 generally, yes.  
10:22:40 44  
10:22:40 45 And you would have been aware that she was, as I said,  
10:22:43 46 someone that represented people of the nature of organised  
10:22:47 47 crime figures?---Yes.

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10:22:48 1  
10:22:48 2 And people to whom Purana Task Force were particularly  
10:22:56 3 interested?---Yes.  
10:22:57 4  
10:22:57 5 Were you also aware of her association with police, police  
10:23:03 6 members?---No, I wasn't.  
10:23:05 7  
10:23:06 8 Do you know when you first became aware of her potentially  
10:23:10 9 having an association which was regarded as perhaps suspect  
10:23:14 10 with police members?---It only came about I think during my  
10:23:19 11 involvement with the management committee for the Petra  
10:23:23 12 Task Force.  
10:23:25 13  
10:23:26 14 Now, that Task Force commenced in about March of 2007, is  
10:23:32 15 that right?---Yes, it did.  
10:23:33 16  
10:23:33 17 And you had a number of meetings with Mr Overland in  
10:23:36 18 relation to the investigation that was, it wasn't to  
10:23:42 19 commence, but it was to be reborn in the guise of Task  
10:23:50 20 Force Briars, is that right?---Yes, basically to establish  
10:23:53 21 the Task Force.  
10:23:53 22  
10:23:54 23 Petra?---Yes.  
10:23:54 24  
10:23:55 25 COMMISSIONER: Ms Tittensor. It might help if you pull the  
10:23:58 26 microphone a little bit closer too. Thank you.  
10:24:02 27  
10:24:04 28 MS TITTENSOR: And you, I think yourself and Mr Blayney  
10:24:09 29 received some written directions from Mr Overland on 3  
10:24:14 30 April?---Yes.  
10:24:14 31  
10:24:14 32 2007?---We did.  
10:24:15 33  
10:24:16 34 If we can just put those up quickly it's VPL.0100.0013.0846  
10:24:25 35 at p.480. That's the direction that you have referred to I  
10:24:33 36 think in your statement, is that right?---Yes, I have.  
10:24:35 37  
10:24:36 38 And it's addressed to both yourself and Blayney as tasking  
10:24:41 39 and coordination?---Yes.  
10:24:44 40  
10:24:44 41 In that role?---Yes.  
10:24:45 42  
10:24:47 43 Now, if we were to scroll through, I'm not sure exactly  
10:24:51 44 where it is in there, it indicates that there would be  
10:24:53 45 access to ongoing legal advice from senior lawyers  
10:24:56 46 experienced in the criminal law?---Yes.  
10:24:59 47

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10:25:00 1 Is that something that would be usual for such an  
10:25:03 2 investigation?---Well the actual management committee  
10:25:07 3 itself was unusual in a sense, that's the first time I'd  
10:25:11 4 ever been involved with a management committee internally  
10:25:15 5 within Victoria Police. My experience with management  
10:25:18 6 committees had always been with external agencies.  
10:25:21 7  
10:25:22 8 Did you understand why this was being done in this way?---I  
10:25:26 9 suspect it was because of the sensitivity of the  
10:25:30 10 investigation and its possible links to police corruption,  
10:25:33 11 so it seemed to be appropriate in the circumstances.  
10:25:35 12  
10:25:36 13 Did you understand that there was some concern within the  
10:25:38 14 organisation that any confirmed links to police corruption  
10:25:42 15 might lead to a Royal Commission?---Well I'm not sure if  
10:25:46 16 that was the, the driving force for it. I think there'd be  
10:25:51 17 more of a concern that criminal activity was linked to  
10:25:55 18 police corruption itself.  
10:25:55 19  
10:25:58 20 In any case was it a normal thing for an investigation to  
10:26:02 21 engage from the outset legal advice from senior lawyers  
10:26:07 22 experienced in criminal law?---From the outset, no.  
10:26:11 23  
10:26:13 24 Did you understand what the reason was in this case?---No.  
10:26:16 25  
10:26:21 26 If we go to p.2 of this document. It's the case that  
10:26:29 27 oversight of Petra was different to other major  
10:26:34 28 investigations, is that right, and you point that out in  
10:26:37 29 your statement?---Yes.  
10:26:38 30  
10:26:39 31 And that's for the reasons you've just spoken about?---Yes.  
10:26:42 32  
10:26:45 33 In terms of governance, you refer at paragraph 22 of your  
10:26:50 34 statement to the recorded attendance - you're recording  
10:26:55 35 your attendance at meetings in relation to the Petra Task  
10:26:58 36 Force?---Yes.  
10:26:59 37  
10:26:59 38 But for security reasons you didn't keep a record of  
10:27:02 39 committee meetings beyond that?---Correct.  
10:27:05 40  
10:27:06 41 Was that an instruction that you had?---No, it was a  
10:27:08 42 general practice. One of the down sides of keeping  
10:27:12 43 official diaries is that they're a hard copy document, if  
10:27:17 44 they were to be lost or misplaced or stolen they'd create  
10:27:21 45 risk so it was generally practice that you wouldn't  
10:27:24 46 actually write sensitive or protected information into the  
10:27:26 47 diary itself.

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10:27:27 1  
10:27:28 2 There were weekly updates that investigators were providing  
10:27:31 3 at these meetings, is that right?---Correct.  
10:27:33 4  
10:27:34 5 Did you keep yours and take it away?---No, they were  
10:27:38 6 distributed at the meeting and returned at the end of the  
10:27:41 7 meeting.  
10:27:41 8  
10:27:42 9 Those at the meeting, the investigators at the meeting, I  
10:27:47 10 take it were seeking direction from the steering committee  
10:27:49 11 in relation to their investigations?---In part. Part of it  
10:27:54 12 was briefing in terms of what the status of the  
10:27:57 13 investigation was and the next part of it would be what was  
10:28:01 14 actually proposed.  
10:28:02 15  
10:28:02 16 Yes. And they would be seeking guidance from the steering  
10:28:06 17 committee?---Yes.  
10:28:06 18  
10:28:07 19 And decisions would be made as to where to focus attention  
10:28:10 20 and where to focus resources?---Yes.  
10:28:12 21  
10:28:13 22 Where do we find the decision making in any of the records,  
10:28:18 23 do you know?---I've not seen any records from the committee  
10:28:21 24 itself.  
10:28:21 25  
10:28:24 26 As far as you're aware there were no written records which  
10:28:28 27 would evidence decision making of that Task Force?---I  
10:28:32 28 never kept any records and I certainly didn't see any  
10:28:34 29 produced.  
10:28:35 30  
10:28:37 31 Did you know about the record keeping of others on the Task  
10:28:41 32 Force?---Well I assumed that the committee would actually  
10:28:45 33 keep a record of the committee proceedings but I didn't  
10:28:49 34 certainly expect that the Task Force would.  
10:28:51 35  
10:28:52 36 In terms of the committee being Mr Overland?---Yes.  
10:28:56 37  
10:28:56 38 And Mr Cornelius and Mr Ashton?---Yes.  
10:28:58 39  
10:28:59 40 And the chair was Mr Overland?---Correct.  
10:29:01 41  
10:29:02 42 And would you expect ordinarily that there would be minutes  
10:29:06 43 and records of decision making kept by the chair?---Yes.  
10:29:10 44  
10:29:12 45 And you've never seen any in this case?---No.  
10:29:16 46  
10:29:16 47 Did you note that was odd through this process, that if

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10:29:18 1 you're turning up to meetings you're not getting minutes  
10:29:21 2 from the last meeting to understand what's gone on?---Well  
10:29:24 3 it wasn't probably so odd for this meeting because, as I  
10:29:28 4 said, this was the first experience I've had of an internal  
10:29:33 5 investigation management committee, but I would have  
10:29:35 6 expected as a matter of practice that any committee would  
10:29:39 7 keep a record of decisions.

10:29:40 8  
10:29:40 9 But as I say, you would turn up reasonably regularly to  
10:29:44 10 these meetings?---Yes.

10:29:45 11  
10:29:45 12 And never was there, there might have been in early days  
10:29:49 13 some short minutes, but most regularly there were no  
10:29:56 14 minutes tabled?---None tabled, no.

10:29:58 15  
10:29:58 16 Did that ever occur to you as odd?---In respect of that  
10:30:03 17 type of meeting, no.

10:30:04 18  
10:30:09 19 Now, you've indicated in your statement that you reviewed  
10:30:12 20 your diary and you refer to various attendances in 2008 and  
10:30:16 21 2009?---Yes.

10:30:18 22  
10:30:20 23 What about 2007?---I believe I did have attendances in  
10:30:27 24 2007, yes.

10:30:28 25  
10:30:28 26 It's just that your statement doesn't deal with  
10:30:35 27 2007?---Yeah, I certainly did have attendances in 2007.  
10:30:39 28 That's all I know.

10:30:40 29  
10:30:42 30 You're aware that that Task Force was set up as a result of  
10:30:45 31 a statement having been made by Carl Williams?---Yes.

10:30:48 32  
10:30:49 33 Did you see that statement?---No.

10:30:51 34  
10:30:53 35 You're aware that he was alleging the involvement of a  
10:30:57 36 former member of police, Paul Dale, in the murder of the  
10:31:00 37 Hodsons?---Yes.

10:31:01 38  
10:31:01 39 And you're aware that he had mentioned Ms Gobbo as being a  
10:31:06 40 conduit to Dale in his statement?---Yes.

10:31:09 41  
10:31:10 42 And at early meetings, I think on one of the very first or  
10:31:14 43 the very first meeting, Mr Cornelius has made some  
10:31:18 44 handwritten notes to the effect that the plan was that  
10:31:21 45 Ms Gobbo was to be interviewed at the OPI?---Yes.

10:31:24 46  
10:31:25 47 Was that your understanding from the outset of the

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10:31:27 1 investigation?---Yes, I believe so.

10:31:28 2

10:31:29 3 And in fact she was brought before the OPI in July 2007,

10:31:34 4 was that something that you were aware of?---Yes, I was.

10:31:37 5

10:31:46 6 Now, she's brought before the OPI on 19 July 2007. Were

10:31:54 7 you aware of any issues around that time as to concerns

10:31:59 8 about bringing her before the OPI?---None were expressed to

10:32:04 9 me, no.

10:32:04 10

10:32:05 11 Two days before that Mr Blayney was attending a Purana Task

10:32:12 12 Force briefing with Mr Overland and Mr Brown and

10:32:17 13 Mr O'Brien. Did you ever attend such Purana Task Force

10:32:20 14 briefings?---Yes, I did.

10:32:22 15

10:32:25 16 And as you say, the role of Mr Brown was similar to

10:32:29 17 yours?---Yes.

10:32:29 18

10:32:30 19 And similar to Mr Blayney's?---Correct.

10:32:32 20

10:32:33 21 Was it most regular that those types of meetings would be

10:32:37 22 attended by two of the three of you or - - -?---I think it

10:32:41 23 was more a case of who would be available during that time.

10:32:44 24 If all three of us were available we'd probably attend.

10:32:47 25

10:32:47 26 Would you keep each other updated on what issues were

10:32:51 27 occurring?---I'd expect so.

10:32:55 28

10:32:55 29 If there were things of particular concern that you're

10:32:58 30 going to be raising in that forum, especially with a Deputy

10:33:04 31 Commissioner, you would expect it would be something you

10:33:06 32 would be discussing between yourselves?---Yes.

10:33:10 33

10:33:10 34 During that briefing there was a discussion about, first of

10:33:14 35 all about changing Ms Gobbo's registration number or

10:33:17 36 changing the registration number of 3838. That's something

10:33:23 37 that was ultimately done about six months or so later. She

10:33:27 38 had been receiving threats for some period of time. Do you

10:33:34 39 recall a Purana operation known as Operation

10:33:41 40 Gosford?---Look, it's generally familiar, the operation

10:33:43 41 name, but I don't know the particulars of it.

10:33:46 42

10:33:46 43 If Purana were running an operation related to threats

10:33:50 44 being made against Ms Gobbo, is that something that you

10:33:53 45 would have been made aware of in your operations or tasking

10:33:57 46 coordination role?---In a general sense, but you must

10:34:02 47 appreciate at that time there's at least hundreds of

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10:34:06 1 concurrent investigations occurring within the Crime  
10:34:08 2 Department at various stages, so that probably would have  
10:34:10 3 been one of many.  
10:34:12 4  
10:34:12 5 Yes. No doubt about that. This is threats being made  
10:34:17 6 against Ms Gobbo, whom the investigators running the  
10:34:22 7 investigation are aware is a human source. Is that  
10:34:28 8 something that you were aware of at the time?---No, not at  
10:34:31 9 the time, no.  
10:34:32 10  
10:34:34 11 Mr Blayney has an entry in his diary, if we can bring that  
10:34:39 12 up, VPL.0005.0156.0029. You see there they discuss 3838  
10:34:51 13 change of registration number and hypothetical legal  
10:34:56 14 opinion. Now, Mr Blayney's evidence is that by this stage,  
10:35:04 15 this is July of 2007, over time gradually he'd come to  
10:35:10 16 understand that 3838 - that would have been a number I take  
10:35:13 17 it that you would have been aware of from the various  
10:35:17 18 briefings?---Yes, generally.  
10:35:19 19  
10:35:20 20 Because it was a great source of information for Purana  
10:35:23 21 that was coming through all the time?---Correct.  
10:35:24 22  
10:35:24 23 And over time Mr Blayney says he became aware that 3838 was  
10:35:29 24 a lawyer but didn't understand initially the area of the  
10:35:34 25 law that was practised in. He then became aware it was  
10:35:36 26 criminal law. He then became aware it was a female and  
10:35:41 27 thought perhaps one of two. And then became aware that it  
10:35:46 28 was Ms Gobbo and understood that Ms Gobbo was known to act  
10:35:51 29 for a range of people who were the targets of  
10:35:54 30 Purana?---H'mm.  
10:35:54 31  
10:35:56 32 And his concern intensified as this meeting became closer.  
10:36:02 33 Now, he has given evidence that he appreciated that there  
10:36:05 34 was a risk arising from her acting for a range of criminals  
10:36:10 35 and it might mean that the system was being corrupted, her  
10:36:13 36 evidence was being tainted and so forth. He's alive to the  
10:36:18 37 issue of conflict. He says, "Could she perform her  
10:36:21 38 responsibilities as a barrister and still be a human  
10:36:24 39 source?" And he's suggesting at this meeting a  
10:36:28 40 hypothetical legal opinion about the circumstances in which  
10:36:31 41 a lawyer might act in such a way?---H'mm.  
10:36:34 42  
10:36:35 43 Now, did you understand that that was occurring at that  
10:36:39 44 stage?---No, I wasn't.  
10:36:40 45  
10:36:40 46 Is that something that surprises you, that Mr Blayney in  
10:36:44 47 mid-2007 would have such concerns and not raise with

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10:36:49 1 you?---It probably does, but likewise, if he was trying to  
10:36:57 2 keep it as confidential as possible I can understand why he  
10:37:00 3 may only be discussing it with a few other people.  
10:37:04 4  
10:37:04 5 Obviously Mr Brown is at this meeting. It's the very kind  
10:37:08 6 of information that the three of you would be sharing,  
10:37:11 7 isn't it?---I'd like to think so, but certainly I didn't  
10:37:15 8 know about it at that time.  
10:37:16 9  
10:37:21 10 Mr Brown has indicated that you met with Mr Overland  
10:37:27 11 regularly about Purana matters, would that be right?---Yes.  
10:37:31 12  
10:37:31 13 He said there were sometimes things he was not privy to  
10:37:35 14 within those meetings but recalls reference to hearing "the  
10:37:42 15 blonde one" being discussed between the two of you. Is  
10:37:46 16 that something that might have occurred?---No, I've never  
10:37:51 17 heard that term ever used before.  
10:37:52 18  
10:37:53 19 You understand the implication if you're discussing with  
10:37:55 20 Mr Overland the blonde one?---The implication - - -  
10:37:59 21  
10:38:01 22 In a secretive covert way?---Yeah, the implication now.  
10:38:03 23 Probably at the time I wouldn't have.  
10:38:05 24  
10:38:06 25 The implication is if it's being discussed between you and  
10:38:09 26 Mr Overland at that period of time is that you both would  
10:38:14 27 have known who you were talking about?---I would assume,  
10:38:17 28 yes.  
10:38:18 29  
10:38:20 30 Would that mean that perhaps you might have known that  
10:38:20 31 Ms Gobbo was a human source back at that stage?---No.  
10:38:22 32  
10:38:23 33 Now, the very next day, 19 July, the SDU's Sandy White and  
10:38:32 34 Purana's Jim O'Brien are discussing issues including the  
10:38:37 35 political fall out should Ms Gobbo's role be revealed,  
10:38:41 36 which would include potential impact on the conviction of a  
10:38:48 37 particular [REDACTED], sorry, a particular [REDACTED] target who had  
10:38:53 38 been arrested and had rolled on numerous Mokbels and  
10:38:58 39 others. You may realise who I'm talking about?---Yes.  
10:39:01 40  
10:39:02 41 So they're discussing the very next day these issues, the  
10:39:08 42 potential impact on conviction for he and others, and they  
10:39:11 43 agreed on the need for legal advice in relation to the fall  
10:39:14 44 out. Now, what sort of contact were you having with  
10:39:18 45 Mr O'Brien at the time?---Fairly limited during that time.  
10:39:23 46 There was a bit of an overlap period when I actually came  
10:39:26 47 into the operations role because Jack Blayney continued

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10:39:31 1 having the continuity of most of the Purana investigations,  
10:39:35 2 so a lot of the meetings we would either jointly attend for  
10:39:38 3 quite a considerable period of time. So there was still  
10:39:41 4 occasions where Jim O'Brien would report through to Jack  
10:39:45 5 Blayney as well.  
10:39:45 6  
10:39:48 7 So this is something again that no one's reporting up to  
10:39:53 8 you?---Not on this, no.  
10:39:55 9  
10:39:56 10 Mr Blayney attended another meeting. It seems following  
10:40:00 11 that time there's a meeting called the next week with  
10:40:04 12 members of the Crime Department, he and Mr Brown again,  
10:40:10 13 members of Purana, a member of Petra, Mr O'Connell?---H'mm.  
10:40:17 14  
10:40:17 15 And the SDU?---H'mm.  
10:40:19 16  
10:40:20 17 And they're having a discussion no doubt arising from these  
10:40:24 18 concerns that are going on. Now in the middle of all of  
10:40:27 19 that Ms Gobbo had been called before the OPI and it hadn't  
10:40:32 20 gone well?---H'mm.  
10:40:33 21  
10:40:35 22 Did you understand that Ms Gobbo's appearance at the OPI  
10:40:40 23 had not gone well?---No, I can't recollect that.  
10:40:44 24  
10:40:44 25 What were you told about her appearance at the OPI?---I  
10:40:50 26 can't, I can't recall. I possibly would have been told how  
10:40:54 27 that went, but I can't recall.  
10:40:57 28  
10:40:57 29 Were you told that it was sort of shutdown pretty quickly  
10:41:02 30 after she was, it was thought that she might not have been  
10:41:09 31 entirely truthful with the questioner?---No, I don't have a  
10:41:13 32 memory of that.  
10:41:14 33  
10:41:17 34 Now, at this meeting the following week the SDU were  
10:41:22 35 present and the notes indicate that those present get a  
10:41:26 36 briefing on the history of the use of Ms Gobbo?---H'mm.  
10:41:29 37  
10:41:31 38 Mr Blayney says he gets told that there are steps in place  
10:41:35 39 to manage potential conflict and privilege issues, that  
10:41:42 40 Gobbo was being continually briefed to ensure that she was  
10:41:45 41 not breaching confidentiality and he walked away from the  
10:41:49 42 meeting of the view that legal advice had been obtained and  
10:41:53 43 the SDU were acting on legal advice in their management of  
10:41:57 44 Ms Gobbo. Now, you say at your statement at paragraph 25  
10:42:03 45 that at the time you learned that Ms Gobbo was a human  
10:42:07 46 source you recall being surprised because she was a  
10:42:10 47 lawyer?---Yes.

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10:42:11 1  
10:42:11 2 And you recall also being given general assurances that  
10:42:14 3 legal advice had been obtained?---Correct.  
10:42:16 4  
10:42:17 5 Is it possible that you were given this information about  
10:42:20 6 Ms Gobbo's status around the same time that Mr Blayney was  
10:42:24 7 getting it in 2007 - he was getting these assurances about  
10:42:30 8 legal advice and that's when you came to know?---That's not  
10:42:34 9 my memory of it. My memory is that it was later, but I  
10:42:37 10 can't be actually precise.  
10:42:40 11  
10:42:41 12 Do you have any recollection of the exact circumstance you  
10:42:45 13 were in when you learned that Ms Gobbo was a human  
10:42:48 14 source?---Well, my memory of it was that it was actually  
10:42:51 15 through one of the committee meetings when I first become  
10:42:54 16 aware that she had been a human source and that was at the  
10:43:00 17 time finding out that she was a human source and a lawyer,  
10:43:05 18 I made the remark as to whether, had we sought legal advice  
10:43:09 19 on this, and had been given assurance at that meeting that  
10:43:13 20 we had.  
10:43:13 21  
10:43:14 22 These committee meetings you're attending are obviously  
10:43:18 23 going on around this time too, in mid-2007?---Yes.  
10:43:20 24  
10:43:20 25 Is it likely, given that Mr Blayney's making these  
10:43:23 26 inquiries at about this time, that this is the period of  
10:43:28 27 time at which it's being discussed?---I can't say.  
10:43:31 28  
10:43:31 29 It may have been this time in 2007 when you discover  
10:43:35 30 Ms Gobbo's a human source?---I've reflected long on this to  
10:43:40 31 try and put it down to a precise time frame, I don't really  
10:43:43 32 say - I can't really say when exactly.  
10:43:46 33  
10:43:47 34 It may have been 2007, it may have been 2008?---My memory  
10:43:50 35 is 2008.  
10:43:51 36  
10:43:51 37 Are you able to say why you would land on 2008 as opposed  
10:43:55 38 to 2007, given that it's obviously on Mr Blayney's mind  
10:44:02 39 around this period of time?---No, I can't.  
10:44:04 40  
10:44:09 41 Are you able to say the context in which it came up?---It  
10:44:14 42 was the context of her having been a human source and -  
10:44:21 43 yeah, that was the only context, yes.  
10:44:24 44  
10:44:24 45 Someone raised in the meeting that Ms Gobbo is a human  
10:44:28 46 source?---Yes.  
10:44:28 47

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10:44:28 1 Do you know who was present when that occurred?---No.  
10:44:31 2  
10:44:31 3 Do you know who raised it?---No, I think it was possibly  
10:44:36 4 raised by the committee itself.  
10:44:39 5  
10:44:39 6 When you say the committee, do you mean Mr Overland,  
10:44:42 7 Mr Cornelius, Mr Ashton or one of the  
10:44:45 8 investigators?---Well, it wasn't always those three  
10:44:49 9 Commissioners that were actually part of that committee as  
10:44:52 10 well, it sometimes had a different composition. So I can't  
10:44:56 11 say precisely. My recollection was that it did come from  
10:45:00 12 the investigators and had come from the committee itself.  
10:45:04 13  
10:45:04 14 There was some sort of discussion within the  
10:45:07 15 committee?---Not really. After I queried it and received  
10:45:12 16 the response it didn't sort of go any further.  
10:45:16 17  
10:45:16 18 You queried it how?---Well, mainly because I was surprised  
10:45:20 19 to hear that being a lawyer that she was a human source and  
10:45:25 20 the first thing I said was had we sought legal advice on  
10:45:29 21 it.  
10:45:30 22  
10:45:31 23 Can you recall who you asked that of?---I've tried, I've  
10:45:34 24 tried to actually recall who precisely. I believe it was  
10:45:38 25 one of the committee members but I can't say precisely.  
10:45:41 26  
10:45:41 27 What was the response?---That we had.  
10:45:45 28  
10:45:45 29 Flat out we have?---Yes.  
10:45:48 30  
10:45:48 31 As far as you're aware was it one of the standing members  
10:45:52 32 of the committee or was it - - -?---I can't be any more  
10:45:56 33 precise than that.  
10:45:57 34  
10:45:59 35 Did you make any further inquiries as to when the legal  
10:46:03 36 advice was obtained, what the nature of the legal advice  
10:46:05 37 was?---No.  
10:46:06 38  
10:46:12 39 Were you concerned as to Ms Gobbo's representation of  
10:46:17 40 people in that context?---Well I was concerned that a  
10:46:25 41 lawyer could be a human source but I suppose my concerns  
10:46:30 42 were allayed to a degree once I was given an assurance that  
10:46:34 43 we had sought legal advice. So I was working on the  
10:46:38 44 assumption that the legal advice had said it was  
10:46:42 45 appropriate in the circumstances.  
10:46:43 46  
10:46:44 47 Your statement indicates that there was discussion about



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10:46:48 1 Ms Gobbo having acted as a human source during meetings at  
10:46:53 2 the Petra investigation management committee?---Yes.  
10:46:56 3  
10:46:56 4 That's at paragraph 24 of your statement?---H'mm.  
10:46:59 5  
10:46:59 6 That seems to indicate that there was discussion about that  
10:47:02 7 fact at more than one meeting?---I think there was  
10:47:07 8 discussion about Ms Gobbo at more than one meeting, but in  
10:47:10 9 respect to the aspect of seeking legal advice I can only  
10:47:13 10 recall one meeting.  
10:47:15 11  
10:47:15 12 So it might have been raised at one meeting and then you've  
10:47:18 13 thought about it more and then you've asked about the legal  
10:47:22 14 advice at the next meeting?---No, it was the first time I  
10:47:25 15 actually heard it.  
10:47:25 16  
10:47:26 17 When you've asked about her acting, when you became  
10:47:29 18 concerned about it, did you make any inquiries as to the  
10:47:31 19 nature of the information that she had been  
10:47:36 20 providing?---No.  
10:47:36 21  
10:47:37 22 You're aware that she was a human source?---Yes.  
10:47:41 23  
10:47:41 24 Obviously?---Yes.  
10:47:42 25  
10:47:42 26 Registered by the SDU?---Yes.  
10:47:43 27  
10:47:45 28 So a high value high risk source?---I'd assume, yes.  
10:47:52 29  
10:47:53 30 You made no further inquiries?---No, because I had a  
10:47:55 31 committee of senior people telling me that we'd actually  
10:47:59 32 sought legal advice. I'm not sure what other assurance I'd  
10:48:05 33 need.  
10:48:05 34  
10:48:06 35 Just to go through some of the events in the lead up to  
10:48:08 36 Ms Gobbo becoming a witness. In late September 2008 it's  
10:48:13 37 discovered that Ms Gobbo's the likely user of, for want of  
10:48:18 38 a better word, bodgey phones that are being used to contact  
10:48:23 39 Mr Dale. Do you remember discussions at the meeting about  
10:48:26 40 the Watergardens calls?---Watergardens in general, yes.  
10:48:32 41  
10:48:33 42 The investigators were working on the use of particular  
10:48:37 43 phone numbers and who was using such phone numbers?---I  
10:48:40 44 believe so.  
10:48:41 45  
10:48:41 46 And around about late September 2008 they become aware or  
10:48:45 47 they make the link that one of the phones used under false

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10:48:49 1 names to contact Mr Dale was likely to be used by  
10:48:54 2 Ms Gobbo?---Yes.  
10:48:55 3  
10:48:56 4 Following that there are arrangements put in place for  
10:48:59 5 Ms Gobbo to be interviewed?---Yes.  
10:49:01 6  
10:49:02 7 There are complications obviously because Ms Gobbo is a  
10:49:05 8 human source?---Yes.  
10:49:05 9  
10:49:06 10 Were you aware during that period of time that Ms Gobbo was  
10:49:08 11 a source, do you recall?---Well I think most of this  
10:49:12 12 actually happened after I found out she was a human source,  
10:49:16 13 yes.  
10:49:16 14  
10:49:17 15 All right. So you find out she's a human source, then she  
10:49:21 16 becomes - you get the information that she's of serious  
10:49:27 17 interest and investigators need to speak to her to progress  
10:49:30 18 the information?---Yes.  
10:49:31 19  
10:49:31 20 Progress the investigation?---Yes.  
10:49:33 21  
10:49:33 22 As far as you're aware by the time you know she's a human  
10:49:37 23 source, certainly the Commissioners sitting on the  
10:49:42 24 committee all know she's a human source as well?---That's  
10:49:45 25 my understanding, yes.  
10:49:46 26  
10:49:47 27 So that's Mr Overland, Mr Cornelius, as far as you knew  
10:49:52 28 Mr Ashton as well?---Yes.  
10:49:54 29  
10:49:59 30 She's interviewed by investigators we know on 17 November  
10:50:04 31 2008?---Yes.  
10:50:06 32  
10:50:07 33 There's a meeting that takes place that same day and  
10:50:13 34 there's some Petra Task Force update, but that's, it seems,  
10:50:19 35 had been written prior to the interview so there was a  
10:50:23 36 verbal update that evening as to what went on in the  
10:50:28 37 meeting?---That's likely, yes.  
10:50:29 38  
10:50:30 39 Apparently she'd confirmed the use of the phones, bodgey  
10:50:35 40 phones and that she was a conduit between Mr Dale and  
10:50:39 41 Mr Williams?---Yes.  
10:50:40 42  
10:50:40 43 If we look, I won't take you to it, we'll get through this  
10:50:45 44 a bit quicker, but if we looked at the Petra Task Force  
10:50:47 45 weekly update that has more information in it for the  
10:50:51 46 following week, 24 November?---Yes.  
10:50:52 47

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10:50:53 1 Which indicates those matters that I've just raised with  
10:50:56 2 you and also that she was, she would consider providing a  
10:51:00 3 statement to the Petra Task Force?---Yes.  
10:51:01 4  
10:51:02 5 Now this was at a time that was prior to her actually  
10:51:06 6 recording a conversation with Mr Dale, do you recall  
10:51:10 7 that?---No, I don't recall that, but certainly don't  
10:51:13 8 dispute it.  
10:51:14 9  
10:51:15 10 There were two matters of interest in terms of Ms Gobbo.  
10:51:19 11 One was she can give this information or the initial matter  
10:51:24 12 was she can give this information about a link between  
10:51:27 13 Mr Dale and Mr Williams?---Yes.  
10:51:29 14  
10:51:29 15 Prior to the murders?---Yes.  
10:51:31 16  
10:51:31 17 And then later in the piece she records this conversation  
10:51:34 18 with Mr Dale which is seen as pretty significant because he  
10:51:38 19 might be admitting things that Williams was saying that  
10:51:43 20 were correct?---Yes.  
10:51:44 21  
10:51:45 22 So the committee was wanting a statement from her already  
10:51:49 23 in relation to the first matter?---Yes.  
10:51:51 24  
10:51:54 25 Now, following that point in time it's apparent from the  
10:51:58 26 material that the SDU are raising concerns about the  
10:52:02 27 transition of Ms Gobbo from source to witness. Now, were  
10:52:06 28 you aware of that going on in the background?---I'm  
10:52:13 29 generally aware that SDU had concerns about any source  
10:52:16 30 becoming a witness. I'm not sure if I had a specific  
10:52:20 31 memory of this particular case.  
10:52:24 32  
10:52:24 33 All right. On 3 December Detective Inspector O'Connell is  
10:52:33 34 having a discussion with the SDU and indicates that it's a  
10:52:38 35 decision that perhaps should be made by a person with  
10:52:41 36 higher authority with knowledge of all the facts. Then in  
10:52:45 37 the next few days there's discussions and meetings and  
10:52:49 38 Mr Overland's involved and making clear that he wants her  
10:52:53 39 as a witness. Were you aware that those, that Mr Overland  
10:52:58 40 was getting involved in the decision making at that point  
10:53:02 41 in time?---I believe that he was fairly hands-on in respect  
10:53:07 42 of his involvement with it, yes.  
10:53:09 43  
10:53:10 44 Would his involvement in that regard be reported at  
10:53:15 45 subsequent meetings?---I'd assume so.  
10:53:19 46  
10:53:19 47 Would these things be talked about outside of meetings in

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10:53:23 1 terms of, you know, email, phone, running into each  
10:53:28 2 other?---I'd tend not to think in terms of email, perhaps  
10:53:34 3 not even with phone. I think there'd still be a concern  
10:53:38 4 around security, that information. And likewise there  
10:53:42 5 would be discussion outside the meetings but I'd still  
10:53:46 6 think that they'd be fairly confidential.  
10:53:48 7  
10:53:48 8 If Mr Overland's involved in this kind of discussion and  
10:53:53 9 decision making with concerned members of Intelligence  
10:53:59 10 Covert Support, you know, he's dealing with Superintendent  
10:54:03 11 Biggin from that department and also members of the SDU,  
10:54:08 12 would he be reporting those dealings to the joint  
10:54:12 13 committee?---I don't recall him reporting that back.  
10:54:17 14  
10:54:19 15 That those concerns were being raised with him you don't  
10:54:22 16 recall being raised with the committee?---No.  
10:54:26 17  
10:54:27 18 Ever?---No, I've just got a general memory of the handlers  
10:54:38 19 always having a concern about any source transitioning to  
10:54:42 20 witness, but that's the only memory I've really got.  
10:54:45 21  
10:54:45 22 Do you recall having that recollection at this time or is  
10:54:50 23 that just something that you know that they've always got  
10:54:53 24 this concern?---Well both. Both during that period in  
10:54:56 25 respect of all human sources, but probably back at this  
10:55:00 26 time as well, yes.  
10:55:01 27  
10:55:01 28 Would you have been having any dealings yourself with  
10:55:04 29 someone like Superintendent Biggin, who's at the same rank  
10:55:09 30 as you in the Intelligence Covert Support Department?---Not  
10:55:13 31 directly in respect of these matters. Generally our  
10:55:16 32 relationship extends to what services are actually provided  
10:55:21 33 to investigations in a general sense, so we'd actually  
10:55:25 34 attend meetings together but not specifically on this  
10:55:27 35 issue, no.  
10:55:28 36  
10:55:32 37 Ms Gobbo comes to tape the conversation with Mr Dale on 7  
10:55:37 38 December and the committee, I take it, is made aware of  
10:55:43 39 that?---Yes.  
10:55:44 40  
10:55:45 41 Apparently following that time there's an even greater  
10:55:48 42 desire for her to become a witness. Were you aware of that  
10:55:51 43 at the time?---I'm aware that there was a strong desire for  
10:55:56 44 her to become a witness, yes.  
10:55:57 45  
10:56:12 46 As you say in your statement, you recall you had a concern  
10:56:18 47 about, this is at paragraph 29 of your statement, you had a

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10:56:21 1 concern about Ms Gobbo acting as a witness as it had been  
10:56:25 2 your own experience that most human sources do not  
10:56:27 3 transition well to becoming a witness?---They generally  
10:56:31 4 don't, no.  
10:56:32 5  
10:56:32 6 Had you had some specific experience in your time?---A life  
10:56:37 7 long of investigations with experience of human sources not  
10:56:40 8 transitioning well.  
10:56:42 9  
10:56:42 10 What was the downfall, what went wrong in those  
10:56:46 11 cases?---Generally it was a question of credibility in  
10:56:49 12 respect of the witnesses before the court when it's  
10:56:53 13 disclosed that they'd actually been a human source. The  
10:56:57 14 main reason though was generally the risk to the human  
10:57:02 15 source themselves once they're declared as a witness.  
10:57:05 16  
10:57:06 17 There are two main concerns, one is the risk to them once  
10:57:10 18 they're declared and out in the open?---Correct.  
10:57:12 19  
10:57:12 20 The other is that it's disclosed in proceedings that  
10:57:17 21 they're a human source and their value or the weight  
10:57:23 22 accorded to their evidence is a lot less because they come  
10:57:26 23 with credit issues?---Yes, that's generally been my  
10:57:29 24 experience, yes.  
10:57:30 25  
10:57:31 26 The credit issues are because of the nature of the material  
10:57:34 27 that has to be disclosed?---More so the case that human  
10:57:39 28 sources by their very nature are perhaps not always  
10:57:43 29 truthful early when they're actually obtaining information,  
10:57:47 30 so generally I found in court proceedings that that fact's  
10:57:51 31 been maximised as their credibility as a witness.  
10:57:55 32  
10:57:55 33 Your experience to that point had been that there would be  
10:57:58 34 disclosure of their role as a human source?---Yes.  
10:58:01 35  
10:58:03 36 And to the extent that there was any resistance to any  
10:58:07 37 disclosure, you'd be getting legal advice?---Well, yes.  
10:58:11 38  
10:58:12 39 Had you had any experience where you'd gotten legal advice  
10:58:16 40 to try and resist disclosure of someone's status as a human  
10:58:20 41 source?---I've never had personal experience of it, no.  
10:58:23 42  
10:58:24 43 Your experience was that it was disclosed?---Yes, yes.  
10:58:26 44  
10:58:32 45 In order, you would think in order to make the decision  
10:58:35 46 that someone was to become a human source, as you say, one  
10:58:38 47 of the primary factors is that there's a risk to their

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10:58:43 1 personal safety?---Correct.  
10:58:44 2  
10:58:45 3 Because once you know they're a human source, it's not just  
10:58:48 4 this current case that they might have been source on, it's  
10:58:51 5 all sorts of others things?---Correct.  
10:58:52 6  
10:58:53 7 In order to understand the nature of the risk to that  
10:58:58 8 particular human source you'd need to have some  
10:59:01 9 understanding of what the nature of the information is that  
10:59:03 10 might come out in those proceedings, I take it?---Yes.  
10:59:06 11  
10:59:10 12 And that might come with risks not only to Ms Gobbo, but it  
10:59:14 13 might come with risks to the organisation or to other  
10:59:18 14 cases, it might compromise other cases she has provided  
10:59:22 15 evidence on?---I assume it would, yes.  
10:59:24 16  
10:59:24 17 You'd want to really understand that before you made any  
10:59:27 18 decision to make her a human source?---Yes.  
10:59:28 19  
10:59:38 20 Following her recording Mr Dale there are arrangements made  
10:59:46 21 to take a statement or during this period there were also  
10:59:49 22 arrangements being made to take a statement from Carl  
10:59:53 23 Williams?---Yes.  
10:59:54 24  
10:59:54 25 You're no doubt aware that was also going on at the same  
10:59:57 26 time?---Yes, it was.  
10:59:58 27  
11:00:00 28 Mr Smith has a diary entry on 29 December 2008 that he's  
11:00:09 29 at, attending at a Petra Task Force meeting at midday. We  
11:00:16 30 don't have a diary entry, we haven't been produced a diary  
11:00:21 31 entry of yours on that day. He records 12 o'clock, attend  
11:00:27 32 Petra steering committee meeting chaired by Deputy  
11:00:34 33 Commissioner Overland?---Was this on 29th - - -  
11:00:37 34  
11:00:37 35 29 December?---I've got no record of that.  
11:00:40 36  
11:00:42 37 So there's a meeting that's taken place at that point in  
11:00:45 38 time, would that be you hadn't been invited or you just  
11:00:50 39 were not available?---I was certainly available because I'd  
11:00:54 40 actually received on that day a briefing in respect of  
11:00:59 41 Purana, so I was certainly available so whether it was just  
11:01:05 42 a meeting between Commissioner Overland and Mr Smith, I  
11:01:11 43 don't know.  
11:01:11 44  
11:01:11 45 It's just that Mr Smith's diary indicated it was a Petra  
11:01:15 46 steering committee meeting?---I wasn't present at it.  
11:01:18 47

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11:01:21 1 Following that, if we can - on 31 December 2008 you had a  
11:01:26 2 meeting with Assistant Commissioner Moloney, is that  
11:01:33 3 right?---Yes, I did.  
11:01:33 4  
11:01:35 5 If we could bring up your diary, VPL.0005.0215.0001 at  
11:01:42 6 p.38. This is a meeting at 11.45 and I think for our  
11:01:55 7 purposes the relevant part starts at the second dash. It  
11:02:01 8 says you were, "Informed re recent developments, Petra Task  
11:02:08 9 Force re person of interest. CW", that's Carl  
11:02:12 10 Williams?---Yes.  
11:02:12 11  
11:02:12 12 "Provision of statement contingent on certain undertakings,  
11:02:17 13 immunity", et cetera?---Yes.  
11:02:18 14  
11:02:18 15 "Information not communicated to me in role of operational  
11:02:23 16 oversight"?---Yes.  
11:02:24 17  
11:02:24 18 "Concern re purpose of my role and ability to undertake  
11:02:29 19 joint management committee" - what's the next word,  
11:02:35 20 "assuming"?---"Assuming tactical decision making role."  
11:02:39 21  
11:02:42 22 Are you reporting concerns about what was going on in terms  
11:02:46 23 of the investigation at that point in time?---Well I had a  
11:02:50 24 concern about what I was aware of from the investigation  
11:02:55 25 and I'd first raised that on 8 December actually. That's  
11:02:59 26 recorded in my diary as well.  
11:03:00 27  
11:03:01 28 All right. Perhaps we might go back to 8 December and have  
11:03:03 29 a look at that. I take it we go up. So you there have at  
11:03:38 30 11 am Petra Task Force briefing, Smith, O'Connell, per  
11:03:44 31 update?---Yes.  
11:03:45 32  
11:03:45 33 Then 12.30, "Discuss with Assistant Commissioner Danye  
11:03:50 34 Moloney re roles" and is it - - -?---"Responsibilities."  
11:03:53 35  
11:03:53 36 "Responsibilities, et cetera." All right, so you've had a  
11:03:57 37 discussion there?---Yep.  
11:03:59 38  
11:03:59 39 And I take it from what you say now that was a discussion  
11:04:02 40 about your concern over roles and responsibilities?---Yes.  
11:04:06 41 It was in respect of what role I'd be actually performing.  
11:04:12 42 It sort of come to me there was a lot of information I  
11:04:15 43 wasn't aware of in respect to the investigation, so I  
11:04:19 44 queried with him earlier in the month and then still had  
11:04:23 45 those concerns by the end of the month that basically I  
11:04:25 46 didn't have the full picture of what was occurring.  
11:04:27 47

.12/02/20

13861

HOLLOWOOD XXN

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11:04:28 1 Were you particularly concerned that you were missing out  
11:04:30 2 on certain information, had certain information come to you  
11:04:34 3 that you hadn't been aware of previously and it was  
11:04:37 4 concerning to you?---Correct.  
11:04:38 5  
11:04:39 6 Can you recall what the nature of that information  
11:04:41 7 was?---I've tried to reflect on it. I can't specifically  
11:04:45 8 tie my hand down to what information but there were  
11:04:49 9 certainly gaps in respect of the investigations which were  
11:04:52 10 not being communicated to me.  
11:04:53 11  
11:04:54 12 Did you feel that there was some deliberate decision making  
11:04:58 13 going on in that regard?---I don't know whether it was  
11:05:01 14 deliberate but I certainly was excluded from some of those  
11:05:04 15 conversations.  
11:05:05 16  
11:05:05 17 If we go back to p.38, please. If we carry on from where  
11:05:21 18 we were. You indicate, "Further re suggestion of  
11:05:25 19 independent Superintendent to assess strength of  
11:05:29 20 case"?---Yes.  
11:05:29 21  
11:05:30 22 "Murray Fraser"?---Yes.  
11:05:31 23  
11:05:31 24 Is it the case that you were suggesting that, "We need to  
11:05:34 25 get someone independent in to look at the strength of this  
11:05:37 26 case before we take it further"?---Yes.  
11:05:39 27  
11:05:40 28 Why were you saying that at that stage?---I was feeling  
11:05:43 29 that basically it wasn't probably as strong as what was  
11:05:48 30 being represented.  
11:05:50 31  
11:05:51 32 No doubt you had some concerns that a lot of this case is  
11:05:54 33 hanging off the word like Carl Williams?---Yes,  
11:05:57 34 particularly, yes.  
11:05:58 35  
11:05:58 36 And the only mechanism to bolster this case seems to be  
11:06:04 37 Nicola Gobbo?---Possibly, yes.  
11:06:05 38  
11:06:06 39 Which you didn't even have a statement for at that  
11:06:09 40 stage?---No.  
11:06:10 41  
11:06:10 42 And you wanted someone independent to look at it before  
11:06:13 43 things were taken any further?---Yes.  
11:06:16 44  
11:06:16 45 What happened with that idea?---Never went anywhere.  
11:06:21 46  
11:06:21 47 Do you know why?---Again, I just got general assurances



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11:06:27 1 that I'd be included in with more information in respect of  
11:06:30 2 what was happening and then basically I took it from that.  
11:06:34 3  
11:06:34 4 Were you ever told, given reason to believe the case was  
11:06:39 5 any, or became any stronger?---I think it progressively did  
11:06:46 6 and there was a lot of meetings during January of the  
11:06:50 7 committee, so at that time probably more was coming, coming  
11:06:55 8 out in respect of it, yes.  
11:06:57 9  
11:06:58 10 Can you recall what was coming out that was strengthening  
11:07:02 11 the case?---Not particularly at this time, no.  
11:07:05 12  
11:07:06 13 Was it the fact Ms Gobbo signed a statement?---That would  
11:07:08 14 have a lot to do with it I'd say, yes.  
11:07:12 15  
11:07:12 16 So at this particular point in time you're saying, "We need  
11:07:14 17 someone independent to look at the case because I'm  
11:07:17 18 concerned about the strength of it"?---Yes.  
11:07:18 19  
11:07:18 20 The only thing that changed following that was, before  
11:07:22 21 progressing really, was the fact that Ms Gobbo signed a  
11:07:26 22 statement?---Yeah, I still had concerns about Carl Williams  
11:07:30 23 as being a witness of truth, so I still don't think that he  
11:07:37 24 would have presented as a very good witness.  
11:07:39 25  
11:07:39 26 That's the reason why so much weight was put on getting  
11:07:44 27 Ms Gobbo to sign a statement, because she was, that was the  
11:07:48 28 mechanism by which the police could say, "Well, even though  
11:07:52 29 Carl Williams lacks credibility, Paul Dale potentially said  
11:07:56 30 it was true"?---Possibly.  
11:07:58 31  
11:07:58 32 So that went nowhere. Did you raise this concern at  
11:08:08 33 steering committee level?---No, because Danye Moloney was  
11:08:11 34 part of that steering committee by that time.  
11:08:13 35  
11:08:13 36 By that stage he was?---Yes.  
11:08:15 37  
11:08:15 38 So you raised it with him and it was up to him whether it  
11:08:20 39 got raised at the steering committee, is that right?---Yes.  
11:08:24 40  
11:08:24 41 Because otherwise you might have been seen to be going over  
11:08:27 42 his head?---Correct.  
11:08:29 43  
11:08:35 44 You go on following that to say, "Petra Task Force  
11:08:38 45 officer-in-charge has missed operational briefings for", is  
11:08:44 46 it "two weeks running"?---Yes.  
11:08:46 47

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11:08:46 1 "Reporting to AC Crime"?---Yes.  
11:08:49 2  
11:08:51 3 So the officer-in-charge being Mr Smith?---Yes.  
11:08:54 4  
11:08:55 5 And he's been not reporting to you but just reporting  
11:09:00 6 straight to Mr Moloney?---Correct.  
11:09:01 7  
11:09:02 8 This is despite the fact that earlier in the month you had  
11:09:04 9 been complaining about those concerns?---Yes.  
11:09:06 10  
11:09:08 11 You expressed the view, you go on, "Expressed view that  
11:09:13 12 unable to perform role under this arrangement. Concern re  
11:09:18 13 direction of investigation and management of same"?---Yes.  
11:09:19 14  
11:09:19 15 Again, you're concerned about what's going on and the need  
11:09:23 16 for structure and guidance and so forth?---Yes, I felt that  
11:09:27 17 the committee was sort of getting dragged into tactical  
11:09:31 18 decision making which I didn't think was a good arrangement  
11:09:36 19 for an oversight committee.  
11:09:37 20  
11:09:37 21 Then it seems you receive an apology from  
11:09:40 22 Mr Moloney?---Yes.  
11:09:40 23  
11:09:41 24 For your non-inclusion?---Yep.  
11:09:43 25  
11:09:45 26 Do you recall having any further discussions about these  
11:09:49 27 kinds of matters thereafter?---Nothing I recorded, no.  
11:09:53 28  
11:09:58 29 No?---No.  
11:09:59 30  
11:09:59 31 Following that you record, is it discussion with - it seems  
11:10:05 32 maybe this is part of the conversation, it's the third dash  
11:10:09 33 point, with Mr Moloney, "Discussion with DI Edwards of  
11:10:13 34 Purana re Petra Task Force developments"?---Yes.  
11:10:16 35  
11:10:18 36 "Suggest speaking with Gavan Ryan"?---Correct, that's  
11:10:21 37 right.  
11:10:21 38  
11:10:21 39 Do you know what that's about?---I think it was more about  
11:10:25 40 bringing the investigators at Purana up to speed in terms  
11:10:30 41 of what was happening with Petra.  
11:10:32 42  
11:10:37 43 What gave rise to your concerns about the involvement of  
11:10:40 44 the steering committee in tactical decision making?---I  
11:10:46 45 suppose they had direct communication. When you start  
11:10:51 46 having investigators directing communicating with the  
11:10:54 47 committee itself, basically we're in place for a reason,

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11:10:58 1 we're a conduit for making sure that things occur, so I  
11:11:04 2 suppose that's when the concern starts to raise with me.  
11:11:07 3  
11:11:16 4 Was that something you could, was it something you could do  
11:11:19 5 off your own bat, is to get someone independent in to  
11:11:22 6 review the case?---No.  
11:11:24 7  
11:11:24 8 No. That was something that would have to be approved at  
11:11:27 9 steering committee level?---Yes, it would be.  
11:11:31 10  
11:11:32 11 It would be, you would think, good management practice to  
11:11:35 12 do that in any case, to review independently the strength  
11:11:39 13 of the case before you bring it?---That's my view, yes.  
11:11:42 14  
11:11:43 15 Especially if it's such a high profile case?---Yes.  
11:11:46 16  
11:11:46 17 We've noted on Chief Commissioner Nixon's calendar around  
11:11:53 18 this time you seem to be having some recurring crime  
11:11:56 19 briefing meetings with her, December 08 to 09. Do you  
11:12:01 20 recall what they were about?---Yes, I do. I'd been asked  
11:12:04 21 by Simon Overland to actually go and brief the Chief  
11:12:08 22 generally about operations which were in the, the focus of  
11:12:15 23 the news media during that time, so my understanding was  
11:12:20 24 the Chief Commissioner was doing a lot of unplanned media,  
11:12:23 25 basically talk back radio, that type of thing, and often  
11:12:27 26 she'd be asked questions about cases which were being  
11:12:33 27 resolved at that time, arrests and things of that type of  
11:12:35 28 nature. So I actually briefed her just on any of those  
11:12:38 29 cases which looked like they'd resolve probably within the  
11:12:42 30 next week or so for her purpose.  
11:12:44 31  
11:12:44 32 Did you brief her on Petra?---No.  
11:12:48 33  
11:12:49 34 I take it the concerns that you were having about the Petra  
11:12:54 35 investigation, you didn't raise with her?---No.  
11:12:57 36  
11:13:01 37 Now, Mr Smith's diary around that time, 30, 31 December,  
11:13:09 38 indicates that he's preparing a time line strategy and I  
11:13:15 39 might just bring up VPL.0100.0129.0001 at p.506. Is this a  
11:13:53 40 document you're familiar with? It seems as though it's a  
11:13:58 41 time line strategy that - it has, as you might see down the  
11:14:04 42 bottom, that's Mr Overland's handwriting in relation to  
11:14:08 43 what's going on with Operation Loris?---No, I don't recall  
11:14:13 44 having seen it.  
11:14:14 45  
11:14:15 46 See item 1, Witness C, who is Carl Williams, is to complete  
11:14:21 47 unsigned statements in relation to the Hodsons between 22nd

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11:14:26 1 and 28th of December?---H'mm.  
11:14:29 2  
11:14:31 3 If we go to item 2 over the page. He's to provide some  
11:14:38 4 summary of information in relation to other murders and  
11:14:43 5 item 3 relates to negotiation with the Tax Office, tax  
11:14:52 6 matters, about his father. If you see over the far side on  
11:15:03 7 the 30th, there was a meeting conducted with Edwards of  
11:15:07 8 Purana in relation to those tax matters?---Yes.  
11:15:09 9  
11:15:11 10 Edwards was to meet with Moloney on the 31st,  
11:15:15 11 representations were to be made to the ATO in relation to  
11:15:19 12 those kinds of matters. Now do you know why they might  
11:15:22 13 have gotten Edwards from Purana involved in this  
11:15:28 14 matter?---Mainly because the ATO actually had somebody  
11:15:32 15 seconded to the Purana Task Force, so they had the  
11:15:36 16 relationship with the Taxation Office.  
11:15:40 17  
11:15:42 18 You see further down that page in that last column there  
11:15:47 19 there's recommendations?---Yes.  
11:15:49 20  
11:15:50 21 And the recommendations include Victoria Police  
11:15:53 22 negotiations regarding this matter are conducted at Deputy  
11:15:58 23 Commissioner level?---Yes.  
11:15:58 24  
11:16:01 25 It seems as though it's a document that's created for the  
11:16:04 26 purposes of steering committee discussions at least?---I  
11:16:10 27 never saw this document at a steering committee.  
11:16:11 28  
11:16:13 29 It's making, it's certainly making a recommendation in  
11:16:16 30 relation to Command and the Deputy Commissioner being  
11:16:24 31 involved with those tax matters?---Yes.  
11:16:26 32  
11:16:26 33 Was that your understanding that was occurring?---No.  
11:16:31 34  
11:16:31 35 What was your understanding?---I didn't have an  
11:16:34 36 understanding of these matters. This type of document is  
11:16:36 37 not a standard type of document I've seen since I've been  
11:16:40 38 involved in the investigation, so I can only assume that it  
11:16:42 39 was actually asked for by Mr Overland.  
11:16:45 40  
11:16:45 41 Was it your understanding that Mr Overland was getting  
11:16:49 42 involved in relation to those tax matters?---No, not  
11:16:54 43 specifically, no.  
11:16:55 44  
11:16:55 45 If we go quickly over to the next one. Do you see there  
11:17:01 46 number 4 is to obtain a statement from Ms Gobbo between 1  
11:17:07 47 and 2 January, do you see that?---Yes.

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11:17:09 1  
11:17:10 2 And that seems to be, at least in draft. If we can - that  
11:17:14 3 seems to be what occurred. We then go to Mr Smith's diary  
11:17:21 4 of the 3rd of January. RCMP.0126.0001.0007 at p.112. And  
11:17:37 5 you see on the 3rd of December he's speaking with O'Connell  
11:17:53 6 and Davey in relation to Witness F and then speaking with  
11:17:59 7 Overland in relation to Witness F?---That's 3rd of January.  
11:18:05 8  
11:18:05 9 Sorry, did I say something else?---You said December.  
11:18:09 10  
11:18:10 11 3 January, yes?---Yes.  
11:18:11 12  
11:18:11 13 Ought he have been reporting to you during that period of  
11:18:15 14 time?---Yes.  
11:18:15 15  
11:18:16 16 I take it he wasn't?---Obviously not.  
11:18:20 17  
11:18:24 18 Now, through this period of time there are SDU issues  
11:18:28 19 continuing in the background, as you might appreciate. On  
11:18:31 20 30 December Mr Biggin had been told by Mr Moloney that  
11:18:35 21 Ms Gobbo is to be a witness and make a statement?---H'mm.  
11:18:41 22  
11:18:41 23 Mr Biggin, if we look at his diary, RCMP.0075.0001.0001 at  
11:18:52 24 p.700. He speaks to Mr Moloney. You see there, he gets  
11:18:59 25 told she 's to be a witness, she's to sign a statement  
11:19:03 26 Thursday, there's a meeting between the handlers and  
11:19:05 27 investigators to discuss legal issues, Witsec to notify a  
11:19:10 28 [REDACTED] Black and Inspector Glow of events and he  
11:19:15 29 says at the end, "Enough for a brief against target". He  
11:19:20 30 then, following that, speaks with [REDACTED] Black.  
11:19:26 31 Do you know who I'm speaking about there?---Yes, I do.  
11:19:29 32  
11:19:29 33 In relation to those matters. And it seems as though  
11:19:34 34 what's triggered there is there's some discussion again  
11:19:40 35 about the need to prepare for transition and Witsec and  
11:19:47 36 discussing a risk assessment, do you see right down the  
11:19:50 37 bottom there?---Yes.  
11:19:51 38  
11:19:52 39 There's discussion about the need for a risk  
11:19:55 40 assessment?---Yes.  
11:19:55 41  
11:19:55 42 Moloney indicates that he believes he told Mr Biggin so  
11:20:00 43 that he might be able to identify potential issues involved  
11:20:03 44 in the process. And as we've discussed, there is a need to  
11:20:09 45 understand and identify issues in order to make an  
11:20:14 46 appropriate reasoned decision?---Yes.  
11:20:15 47

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HOLLOWOOD XXN

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11:20:18 1 Now, Mr Biggin instructed Mr Black to outline the  
11:20:24 2 implications of Ms Gobbo making a statement and becoming a  
11:20:26 3 witness and he goes on to do that in the form of a SWOT  
11:20:31 4 analysis?---H'mm.  
11:20:32 5  
11:20:32 6 Do you have experience with SWOT analyses?---Yes, I do.  
11:20:35 7  
11:20:39 8 On 2 January 2009 Mr Biggin signs an issue cover sheet and  
11:20:44 9 sends it with a briefing note to the Acting Commander of  
11:20:48 10 Intelligence Covert Support, Mr Porter?---Yes.  
11:20:51 11  
11:20:54 12 If we can then go to 5 January 2009 and Mr Biggin's diary  
11:21:02 13 again. If we can bring that back up at p.706. At 8.50 he  
11:21:11 14 goes to see Mr Porter and you'll see down the bottom he  
11:21:17 15 collects the file in relation to human source 2958 and  
11:21:20 16 that's Ms Gobbo, in relation to Task Force Petra?---Yes, I  
11:21:24 17 see that.  
11:21:24 18  
11:21:25 19 And then at 9.10, 9.10, following that, he goes to Acting  
11:21:37 20 Senior Sergeant Boris Buick and delivers a file on human  
11:21:41 21 source 2958. Commissioner, I've just been handed a  
11:21:52 22 document which may have some relevance and I just would  
11:21:55 23 like some time to consider if that's all right.  
11:21:58 24  
11:21:58 25 COMMISSIONER: We'll take the midmorning break.  
11:22:00 26  
11:22:01 27 MS TITTENSOR: Thanks Commissioner.  
11:22:02 28  
11:22:29 29 (Short adjournment.)  
11:22:29 30  
11:47:56 31 COMMISSIONER: Yes Ms Tittensor.  
11:47:58 32  
11:48:02 33 MS TITTENSOR: Mr Hollowood, I was just taking you through  
11:48:05 34 the sequence of events, as the Commission understands them,  
11:48:08 35 on 5 January 2009. Do you understand that that's a  
11:48:14 36 significant date that the Commission's examining?---Yes.  
37  
11:48:21 38 There's a particular document that was in existence as of  
11:48:28 39 that date and the SWOT analysis. You understand  
11:48:34 40 that?---Yes.  
41  
11:48:36 42 The Commission is very concerned to understand who saw  
11:48:40 43 that, when they saw it, what was done about it. I'm not  
11:48:46 44 exactly sure that your statement deals with the issue of 5  
11:48:51 45 January and that document?---No, it doesn't.  
46  
11:48:54 47 Is there a reason why?---I've got no idea.

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1  
11:48:59 2 Were you asked to address the issue of whether you saw this  
11:49:03 3 document, when you saw this document, what happened with  
11:49:06 4 this document?---Yeah, I was asked post making my  
11:49:10 5 statement, so I was actually shown the document to see  
11:49:12 6 whether I've seen it previously, but I hadn't.  
11:49:17 7  
11:49:17 8 MR COLEMAN: Sorry, what was the answer to that?  
11:49:19 9  
11:49:19 10 COMMISSIONER: "But I hadn't", was that the answer?---I  
11:49:21 11 hadn't seen the document.  
12  
11:49:23 13 Hadn't seen it previously?---Yes.  
11:49:23 14  
11:49:23 15 MS TITTENSOR: There was a decision - you didn't make a  
11:49:26 16 subsequent statement?---No.  
17  
11:49:28 18 Do you know why you weren't asked about this document in  
11:49:31 19 the course of making your first statement, or you didn't  
11:49:34 20 address it in the course of making your first  
11:49:37 21 statement?---Well I wasn't aware of the document.  
22  
11:49:41 23 Although you would have been aware that it was a particular  
11:49:45 24 issue that the Commission was dealing with?---Not at the  
11:49:47 25 time when I'd completed my statement, no.  
26  
11:49:53 27 COMMISSIONER: Mr Hollowood, some of the documents that  
11:49:56 28 you've been taken through by Ms Tittensor before the break  
11:49:59 29 seemed to indicate that you may well have been sidelined in  
11:50:03 30 the meetings following you saying that you'd, asking about  
11:50:10 31 legal advice and expressing your concern about progressing  
11:50:14 32 this matter?---Yes.  
33  
11:50:15 34 Is that something that you felt at the time?---I certainly  
11:50:19 35 felt that I didn't have a complete knowledge of everything  
11:50:22 36 that was actually occurring and the history of matters, no.  
37  
11:50:27 38 And did you give some consideration as to why that was the  
11:50:30 39 position?---No. No, I didn't.  
40  
11:50:35 41 Right. What about with hindsight when you were making your  
11:50:39 42 statement after all this, did you form a view about why you  
11:50:43 43 may have been sidelined?---I only, I can only conclude that  
11:50:48 44 maybe in the thought of expediency, that direct contact was  
11:50:52 45 being made with people rather than sort of going through a  
11:50:56 46 process of doing things. I'd like to think that was the  
11:50:59 47 case. I don't think it was a case of trust issues or

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11:51:02 1 anything of that type of nature.  
2  
11:51:05 3 It didn't occur to you that it might be because you weren't  
11:51:08 4 as enthusiastic as perhaps those above you were about  
11:51:12 5 progressing this matter in the way it was being  
11:51:15 6 progressed?---I didn't think about that at all, no.  
7  
11:51:18 8 You didn't put in your statement any of the matters about  
11:51:23 9 you being sidelined, they've come out in Ms Tittensor's  
11:51:27 10 examination. Is there any reason for that?---No, I  
11:51:29 11 actually raised those matters - I highlighted those matters  
11:51:33 12 when my statement was being taken but I was guided by the  
11:51:36 13 advice I was given in terms of the compilation of the  
11:51:40 14 statement.  
15  
11:51:41 16 Yes, I thought that might be the case. Yes, thank you.  
11:51:43 17 Yes, Ms Tittensor.  
18  
11:51:44 19 MS TITTENSOR: One of the matters that was dealt with in  
11:51:49 20 some of those concerns was the need for, or you raised the  
11:51:55 21 need to independently assess the strength of the case  
11:51:57 22 because you felt that people were considering the case too  
11:52:00 23 strong and rushing forward on that basis and they needed to  
11:52:03 24 take a step back and assess the case. I take it that that  
11:52:09 25 was at steering committee level that that pressure was  
11:52:12 26 coming through?---Yes.  
27  
11:52:15 28 Was there any particular person at steering committee level  
11:52:18 29 that was putting that pressure on that you perceived?---Oh,  
11:52:22 30 I'd have to say probably the Chair of the committee,  
11:52:28 31 Mr Overland.  
32  
11:52:31 33 As you said earlier, he was quite involved in the  
11:52:34 34 operations?---Yes.  
35  
11:52:35 36 Behind the scenes?---Yes.  
37  
11:52:43 38 I take it you were concerned about the Chair of the  
11:52:45 39 steering committee making tactical and operational  
11:52:48 40 decisions?---Yes.  
41  
11:52:50 42 You took that as far as you could with your Assistant  
11:52:54 43 Commissioner?---Yes.  
44  
11:52:55 45 And it was up to him to raise those issues?---Correct.  
46  
11:53:10 47 On 5 January - I'll take you back to those events -



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11:53:14 1 Mr Biggin collected the file from Mr Porter. If we have a  
11:53:21 2 look at the file and the memo itself we see Mr Porter  
11:53:26 3 signing off on it that very day, on 5 January 2009?---Yes.  
4  
11:53:32 5 He's indicating he's seen it and it goes to the next  
11:53:36 6 level?---Yes.  
7  
11:53:37 8 Mr Biggin then delivers the file to Boris Buick. You  
11:53:43 9 understand that Mr Buick at that stage was the staff  
11:53:46 10 officer to Dannye Moloney, Assistant Commissioner Dannye  
11:53:49 11 Moloney?---Yes, he was.  
12  
11:53:51 13 We have that occurring at some stage around about 9.10 in  
11:53:57 14 the morning?---Yes.  
15  
11:53:59 16 If we can go to the, just quickly, that Exhibit RC518. We  
11:54:10 17 see, if we scroll through, you see on the 2nd it had been  
11:54:18 18 sent to Commander of Intelligence and Covert Support by  
11:54:24 19 Mr Biggin, do you see that there?---Yes.  
20  
11:54:27 21 Then if we scroll through to the end of the memo. Not  
11:54:32 22 right to the end, just the end of the memo itself. Scroll  
11:54:41 23 just a bit further. You see there Mr Porter has signed it  
11:54:45 24 on 5 January 2009?---Yes.  
25  
11:54:52 26 Then, as I indicated, Mr Biggin collects it from him and  
11:54:55 27 takes it to Mr Moloney's office and it's given to  
11:55:01 28 Mr Buick?---Yes.  
29  
11:55:07 30 If we go to your diary, VPL.0005.0215.0001 at p.41. We see  
11:55:19 31 at that time, 9 o'clock in the morning, you're having a  
11:55:22 32 meeting with Assistant Commissioner Moloney and Detective  
11:55:31 33 Inspector Smith?---Yes.  
34  
11:55:31 35 It says "Petra Task Force re proposed investigative  
11:55:35 36 direction/time tabling"?---Yes.  
37  
11:55:37 38 Then if we go to Mr Smith's diary, RCMPI.0126.0001.0007.  
11:56:06 39 In any case, we'll see on this date at 8.45 he's at  
11:56:10 40 St Kilda Road. He indicates he meets with yourself and  
11:56:15 41 Assistant Commissioner Moloney re Operation Loris. I think  
11:56:19 42 we've got, we had the chance to look through Mr Smith's  
11:56:23 43 diaries because we don't have all the entries for that day,  
11:56:29 44 but if I had them before us, and we will get them, that  
11:56:34 45 meeting seems to go until 11 o'clock. He clears the  
11:56:37 46 meeting, he says, according to his diary, at 11  
11:56:40 47 o'clock?---Yes.

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HOLLOWOOD XXN

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These claims are not yet resolved.

1  
11:56:40 2 It seems to be a reasonably long meeting that morning?---It  
11:56:43 3 doesn't necessarily mean the meeting's that long.  
11:56:46 4 Generally the way we record things in diaries is to  
11:56:50 5 actually have the commencement of the meeting and then the  
11:56:53 6 commencement of the next meeting, so I wouldn't make a  
11:56:55 7 natural assumption that it went for that period.  
8  
11:56:57 9 I only say that though because he records in his diary,  
11:57:01 10 following that meeting he says "clear above"?---Yes.  
11  
11:57:05 12 So he records initially, "I'm at St Kilda Road, meeting  
11:57:08 13 with Assistant Commissioner Moloney and Superintendent  
11:57:10 14 Hollywood re Operation Loris. 11 o'clock clear  
11:57:14 15 above"?---Yep.  
16  
11:57:15 17 So he seems to be indicating that he's leaving that  
11:57:19 18 location at 11 o'clock. The meeting's gone for maybe two  
11:57:22 19 hours that morning?---Okay.  
20  
11:57:25 21 He then speaks, following that, at 11.20 with Mr Iddles in  
11:57:32 22 relation to a journalist, and then following that, 20  
11:57:36 23 minutes after that, 11.40, he speaks with Mr Biggin in  
11:57:39 24 relation to registered human source?---M'mm.  
25  
11:57:44 26 It's very apparent that at that stage Mr Biggin is  
11:57:46 27 concerned about Gobbo, Ms Gobbo being transitioned to a  
11:57:51 28 witness. You'd appreciate that?---Well so I understand,  
11:58:00 29 yes.  
30  
11:58:00 31 There seems to be a strong inference that Mr Smith is  
11:58:03 32 discussing, or would be discussing with Mr Biggin concerns  
11:58:08 33 about that occurring and it's clear beyond that that  
11:58:15 34 Mr Moloney forwards the briefing or the briefing note and  
11:58:20 35 the SWOT analysis to Mr Overland?---Yes, on the document,  
11:58:25 36 yes.  
37  
11:58:25 38 And he too regards the issues as serious. Now do you have  
11:58:29 39 any recollection at all of that memo coming into that  
11:58:33 40 meeting and there being discussion about those issues that  
11:58:36 41 morning?---No, not that document, no.  
42  
11:58:41 43 If I can bring the document back up, RC518. You see there  
11:58:52 44 after Mr Moloney's got it he writes in there "5 January  
11:58:58 45 2009, destination Deputy Commissioner Overland" and it's  
11:59:05 46 for the purposes of Petra steering committee  
11:59:07 47 consideration?---Yes.

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HOLLOWOOD XXN

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1  
11:59:08 2 One would expect, the Assistant Commissioner having done  
11:59:12 3 that and it going to the Deputy Commissioner, that this  
11:59:14 4 document would be put before the steering  
11:59:17 5 committee?---Could possibly have been. I'd need to just  
11:59:21 6 clarify that we're not present during the entire committee  
11:59:24 7 meeting. Every time I actually went to a committee meeting  
11:59:29 8 the committee was already assembled and I entered with the  
11:59:33 9 investigators and actually left with the investigators and  
11:59:36 10 the committee members remained. So I'm not sure how long  
11:59:41 11 the committee meeting went before or after.  
12  
11:59:48 13 Is that the case because they tended to schedule some of  
11:59:52 14 these meetings, there'd be a, for example, a Purana  
11:59:55 15 meeting, a Petra meeting and then a Briars meeting and  
11:59:58 16 similar people were involved?---Well I think it was more  
12:00:00 17 because most of the meetings were scheduled in the Deputy  
12:00:06 18 Commissioner's office and so whenever we arrived they were  
12:00:09 19 already assembled inside the office.  
20  
12:00:11 21 Do you say if this document was put before that steering  
12:00:14 22 committee it was in your absence?---Yes.  
12:00:26 23  
12:00:26 24 COMMISSIONER: So when you'd come and go with the  
12:00:29 25 investigators were you told to leave at that point or what  
12:00:32 26 was the position?---It was generally a case of there was no  
12:00:37 27 more questions of the investigators and then we'd leave the  
12:00:40 28 room.  
29  
12:00:40 30 So you were, in effect, dismissed, that was your part in  
12:00:43 31 the meeting?---Correct, yes.  
32  
12:00:44 33 Okay, thank you.  
12:00:45 34  
12:00:45 35 MS TITTENSOR: You can't say what occurred before it,  
12:00:47 36 whether they were discussing Petra matters or other  
12:00:50 37 matters, or what occurred afterwards, whether they're  
12:00:52 38 discussing Petra matters or other matters, you just simply  
12:00:55 39 don't know?---Yeah, I've got no idea.  
40  
12:00:59 41 Did you have the understanding that they would discuss  
12:01:02 42 matters deliberately in your absence for legitimate  
12:01:05 43 reasons, I'm not saying for illegitimate reasons, but just  
12:01:08 44 that the committee would consider matters without all the  
12:01:11 45 extraneous people who were not formally part of the  
12:01:14 46 committee?---They may have but I think you'd have to ask  
12:01:16 47 the committee members, yes.

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1  
12:01:19 2 If I could just take you through the document. Certainly  
12:01:32 3 Mr Moloney would have been present at such meetings before  
12:01:35 4 and after, is that right, he was head of - - - ?---Yes.  
5  
12:01:39 6 - - - he was Assistant Commissioner of Crime?---He was part  
12:01:41 7 of the committee, yes.  
8  
12:01:42 9 And Mr Overland?---Yes.  
10  
12:01:44 11 And we understand that on this day Mr Cornelius was on  
12:01:47 12 leave?---Yes.  
13  
12:01:49 14 So he wasn't there but Mr Ashton was there?---Yes.  
15  
12:01:54 16 Do you have an actual memory of this day?---No.  
17  
12:02:00 18 Do you have a memory of significant issues being discussed  
12:02:04 19 on this day?---No.  
20  
12:02:07 21 This was at a time where Ms Gobbo had made a draft  
12:02:12 22 statement, pretty significantly, "If we're going to get a  
12:02:19 23 case up against Paul Dale, we need this statement  
12:02:21 24 signed"?---Yes, I was aware of that.  
25  
12:02:23 26 Were those matters, to your recollection, discussed on this  
12:02:26 27 day?---Well I don't recollect what was actually discussed  
12:02:30 28 on that specific day.  
29  
12:02:33 30 Do you recollect any issues being discussed in relation to  
12:02:36 31 Ms Gobbo on that day?---Oh, look, I suspect they would have  
12:02:40 32 been but I just don't have a memory of it.  
33  
12:02:49 34 If we can bring up that document, please. You've been  
12:02:57 35 taken through this document recently?---Yes, I have.  
36  
12:03:01 37 It raises, would you agree, very significant  
12:03:05 38 concerns?---Yes, it does.  
39  
12:03:08 40 Significant organisational risks?---Yes.  
41  
12:03:18 42 It notes, if we go to the cover - through the cover sheet,  
12:03:32 43 Mr Biggin notes down the bottom of that document that, "The  
12:03:36 44 purpose of the paper was to ensure that decision makers are  
12:03:39 45 in possession of relevant information to allow proper  
12:03:42 46 decisions to be made and that decisions made today may have  
12:03:46 47 long-term implications for Victoria Police", you see

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12:03:50 1 that?---Yes, I see that.  
2  
12:03:51 3 I take it you would share, or you would approve of those  
12:03:55 4 comments?---Yes.  
5  
12:03:59 6 And that you would accept that the contents following of  
12:04:03 7 the SWOT analysis were serious concerns that needed to be  
12:04:07 8 considered at the highest level of Victoria Police?---Yes.  
9  
12:04:20 10 Having seen that document recently were you surprised at  
12:04:24 11 the contents?---Yes, I was.  
12  
12:04:26 13 What particularly stood out for you?---Well, I was  
12:04:31 14 surprised that an assessment had actually been conducted.  
12:04:37 15 I was surprised I probably hadn't seen it.  
16  
12:04:40 17 What would you have expected to have occurred once a  
12:04:44 18 document like that was delivered to Command?---I think  
12:04:48 19 there'd be fairly in-depth discussion in respect to the  
12:04:52 20 contents of it.  
21  
12:04:54 22 In what regard?---In respect to the issues that have been  
12:04:58 23 actually raised.  
24  
12:05:01 25 If we go to some of the concerning issues. You would  
12:05:05 26 appreciate that it raises concerns about potential unsafe  
12:05:08 27 verdicts and appeals should there be discovery of  
12:05:12 28 Ms Gobbo's use as an informer?---Yes.  
29  
12:05:14 30 It raises concerns about jeopardising prosecutions that  
12:05:18 31 were underway at that time, such as Mokbel, you read  
12:05:22 32 that?---Yes.  
33  
12:05:23 34 It raises concerns that it jeopardised other future  
12:05:27 35 prosecutions?---Correct.  
36  
12:05:29 37 It raised concerns about possible judicial, OPI or  
12:05:34 38 government reviews?---Yes.  
39  
12:05:36 40 Including into the legal and ethical implications of what's  
12:05:40 41 been going on?---Yes.  
42  
12:05:41 43 It raised significant concerns about Ms Gobbo's credibility  
12:05:44 44 and therefore value as a witness?---Yes.  
45  
12:05:47 46 And all those issues presented very major organisational  
12:05:51 47 issues for Victoria Police?---Yes.

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1  
12:05:55 2 What ought to have been done if, in your view, Mr Moloney,  
12:06:02 3 Mr Overland get this document in their hands, what ought  
12:06:06 4 they have done?---At a minimum there's a number of legal  
12:06:08 5 issues raised in respect of this, so I'd certainly be  
12:06:12 6 thinking that we'd be seeking legal advice on those matters  
12:06:15 7 raised. But, yes, I think they're all significant serious  
12:06:20 8 issues which need to be dealt with at a high level.  
9  
12:06:23 10 You yourself had understood that there'd already been legal  
12:06:28 11 advice, I take it?---Yes.  
12  
12:06:30 13 But obviously not legal advice if these concerns were being  
12:06:33 14 raised?---Well if I'd read that at the time the first thing  
12:06:36 15 that would have come to my mind is how can this be if we'd  
12:06:41 16 already sought legal advice?  
17  
12:06:44 18 Would you be going to speak to the Chief Commissioner about  
12:06:47 19 things?---Well I'd still go through channels in respect of  
12:06:51 20 speaking to it but - - -  
21  
12:06:54 22 Presumably if you're an Assistant Commissioner or the  
12:06:56 23 Deputy Commissioner there's one or two levels up. Would  
12:07:02 24 that be a course that would be advisable, you would  
12:07:07 25 think?---Perhaps not advisable, but certainly I'd expect  
12:07:13 26 that had I raised concerns with an Assistant or a Deputy  
12:07:18 27 Commissioner, that they'd actually take them seriously.  
28  
12:07:21 29 Would you be getting that statement signed in a rush?---Oh,  
12:07:23 30 look, I couldn't say.  
31  
12:07:26 32 Sorry?---I couldn't say. I can't really sort of speculate  
12:07:29 33 about at what stage the statement taking was.  
34  
12:07:33 35 Well at this stage, as we know now, the draft statement had  
12:07:37 36 been taken, and perhaps I'll just take you back to the  
12:07:44 37 timeline strategy document, p.506 of VPL.0100.0129.0001.  
12:08:23 38 You'll recall this - if we can scroll through to event  
12:08:25 39 number 4. You see here - so we're at a meeting on 5  
12:08:33 40 January. You see here that the strategy has been to obtain  
12:08:37 41 a draft statement from Ms Gobbo on the 1st and the  
12:08:41 42 2nd?---Yes.  
43  
12:08:41 44 That was done. If you go over to the last column you see  
12:08:46 45 the first three paragraphs deal with, it seems, matters  
12:08:51 46 that have been overtaken. You see in italics down the  
12:08:54 47 bottom, "This statement has since been completed and not

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12:08:58 1 signed"?---Yes.  
12:08:59 2  
12:08:59 3 "Witness F has agreed to meet with investigators on  
12:09:03 4 Wednesday, 7 January 2009 and seek clarification in  
12:09:07 5 relation to safety and risk issues. If these are  
12:09:11 6 adequately covered Witness F will sign statement at this  
12:09:14 7 meeting." Mr Overland has made some notations at that  
12:09:21 8 point, "Immediate relocation and source to Crown witness".  
12:09:25 9 It appears as though there's a decision made that she's  
12:09:28 10 going to be a Crown witness?---It does, yes.  
11  
12:09:33 12 That's a pretty short turn around?---It is.  
13  
12:09:35 14 You've got these concerns before you, or you at least know  
12:09:39 15 about these very serious concerns about jeopardising other  
12:09:43 16 convictions and appeals and OPI, judicial inquiries. Would  
12:09:48 17 you be having that statement signed on 7 January?---I think  
12:09:52 18 if I was in receipt of that advice it's time for pause, I  
12:09:56 19 think, before I'd proceed and do anything else.  
20  
12:10:00 21 Do you have any idea or can you shed any light on why there  
12:10:04 22 was such a rush to get this statement signed?---No, I  
12:10:08 23 don't.  
24  
12:10:09 25 You appreciated at the time that things seemed to be  
12:10:11 26 happening in a rush?---Not really. I believe the draft  
12:10:14 27 statement was being prepared over a period of time anyway  
12:10:19 28 so I didn't feel that there was any date looming in respect  
12:10:22 29 of this.  
30  
12:10:22 31 Sorry?---I didn't feel there was any particular date  
12:10:25 32 looming, you know, like some deadline date or something  
12:10:28 33 like that.  
34  
12:10:31 35 It seems as though during this period of time there were  
12:10:37 36 media strategies being developed. There's a folder of  
12:10:41 37 documents that seems to have been maintained by Mr Overland  
12:10:45 38 during this period of time, including Petra Task Force  
12:10:49 39 minutes, this document, a media Q and A, it included - the  
12:11:00 40 folder includes the SWOT analysis and Mr Biggin's memo and  
12:11:07 41 a copy of Ms Gobbo's unsigned statement. So it seems as  
12:11:12 42 though these matters were all before Mr Overland?---M'mm.  
43  
12:11:20 44 Do you say that the concerns in that memo were raised with  
12:11:23 45 you at all?---No.  
46  
12:11:24 47 In your presence?---They weren't, no.

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HOLLOWOOD XXN

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These claims are not yet resolved.

1  
12:11:27 2 Any of those concerns raised with you?---No.  
3  
12:11:34 4 Would you have expected if those concerns were raised at  
12:11:41 5 Command level this is going to potentially effect the  
12:11:45 6 prosecution of this matter and you're supervising those  
12:11:50 7 that are going to be bringing the prosecution, would you  
12:11:52 8 expect those concerns or ought those concerns to have been  
12:11:58 9 raised with you?---I would, yes.  
10  
12:12:00 11 What's your view on the fact that those concerns were known  
12:12:04 12 to Command and they weren't raised with you?---Well, I  
12:12:07 13 can't conceive of a reason why I wouldn't know or should  
12:12:14 14 not know.  
15  
12:12:15 16 Disappointment?---Oh definitely.  
17  
12:12:19 18 Can you hazard any reason why it may not have been raised  
12:12:24 19 with you, these issues?---No, I can't.  
20  
12:12:27 21 COMMISSIONER: You don't think it might have been because  
12:12:30 22 they knew that you would have expressed less haste, more  
12:12:35 23 caution?---Possibly, possibly.  
24  
12:12:38 25 Obtaining advice?---Yes.  
12:12:41 26  
12:12:42 27 MS TITTENSOR: You'd asked in the past in relation to the  
12:12:44 28 use of Ms Gobbo whether there'd been legal advice?---Yes.  
29  
12:12:48 30 You'd expressed concern about her use even in the absence  
12:12:51 31 of this knowledge?---Yes.  
32  
12:12:54 33 Do you think these things may have been withheld from you  
12:12:58 34 because you might have challenged them to progress matters  
12:13:01 35 in a different way if they had have raised these issues  
12:13:06 36 with you?---I'd not like to think that that was the case.  
12:13:08 37 I mean, it wasn't an environment where you couldn't speak  
12:13:12 38 up and actually say things. I'd hate to think that that  
12:13:15 39 was the reason.  
40  
12:13:22 41 But certainly there were matters or concerns that you were  
12:13:26 42 raising with Mr Moloney that you weren't able to raise at  
12:13:30 43 steering committee level though?---Oh certainly, yes.  
44  
12:13:34 45 So there was some limitation on challenging within a  
12:13:39 46 meeting such as that?---I think there is in every  
12:13:43 47 hierarchical organisation, yes.



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1  
12:13:58 2 I think there's a number of documents that I haven't  
12:14:02 3 tendered yet, Commissioner. They include the direction by  
12:14:06 4 Mr Overland to Mr Blayney and Hollowood dated 3 April 2007.  
12:14:17 5  
12:14:17 6 #EXHIBIT RC1187A - (Confidential) Direction by Mr Overland  
12:14:06 7 to Mr Blayney and Hollowood 3/04/07.  
12:14:19 8  
12:14:20 9 #EXHIBIT RC1187B - (Redacted version.)  
12:14:21 10  
12:14:22 11 And also Mr Hollowood's diaries I'll tender at this stage.  
12:14:26 12  
12:14:26 13 #EXHIBIT RC1188A - (Confidential) Mr Hollowood's diaries.  
12:14:28 14  
12:14:28 15 #EXHIBIT RC1188B - (Redacted version.)  
16  
12:14:42 17 Would one of the matters that you might consider following  
12:14:48 18 receiving concerns such as this be to conduct further risk  
12:14:54 19 assessment?---Yes.  
20  
12:14:55 21 I mean this is a broad document raising numerous risks to  
12:15:01 22 the organisation and to that prosecution in itself?---Yes,  
12:15:06 23 because the SWOT analysis technique's not generally used  
12:15:11 24 for assessing risks within our organisation. It tends to  
12:15:15 25 be more of a project based tool. So I would have thought  
12:15:18 26 that we'd actually use a lot of the risk assessment tools  
12:15:22 27 that we actually already had at hand in respect of  
12:15:24 28 assessing this.  
29  
12:15:26 30 Can you explain why, having received the concerns in the  
12:15:31 31 form of the SWOT analysis, that such a risk assessment  
12:15:33 32 wasn't undertaken?---No, I've got no idea.  
33  
12:15:40 34 I take it a risk assessment that you would understand would  
12:15:44 35 be appropriate would deal with each of the concerns that  
12:15:48 36 have been raised in that SWOT analysis?---Yes, and probably  
12:15:52 37 might raise more risks as well, yes.  
38  
12:15:55 39 If you had have received the information in that document  
12:16:00 40 would you consider that you might have some obligations  
12:16:03 41 under the *Police Regulation Act* to report matters to the  
12:16:13 42 OPI, for example, or to your superiors?---Yes.  
43  
12:16:17 44 Would you have done so?---I'd like to think I would, yes.  
45  
12:16:25 46 Prior to having the witness sign the statement I take it  
12:16:29 47 you'd also want to make sure that such a witness was

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12:16:32 1 suitable to go into witness security?--Yes.  
2  
12:16:36 3 Was that something that you would imagine ordinarily would  
12:16:43 4 be done prior to having a statement signed as opposed to,  
12:16:48 5 "We'll just get her to sign it and then we'll deal with  
12:16:52 6 that later"?--Generally that process occurs PII [REDACTED]  
12:16:55 7 PII [REDACTED] a statement being signed, so usually  
12:17:00 8 [REDACTED] wouldn't be involved in [REDACTED]  
12:17:03 9 [REDACTED] PII [REDACTED], as a usual  
12:17:10 10 practice. There have been exceptions.  
11  
12:17:12 12 In an unusual case where you have someone that might have  
12:17:15 13 less than usual circumstances that need to be dealt with,  
12:17:19 14 would it be appropriate in that case to deal with those  
12:17:22 15 issues or to ensure that those issues at least could be  
12:17:25 16 dealt with appropriately PII [REDACTED]  
12:17:28 17 PII [REDACTED]?--Oh yes.  
18  
12:17:29 19 It doesn't seem as though there were any steps or risk  
12:17:34 20 assessments being undertaken prior to that?--Is this in  
12:17:38 21 respect [REDACTED]?  
22  
12:17:39 23 Yes?--Yes, I'd imagine that that work should be occurring  
12:17:47 24 at around that same time.  
25  
12:17:49 26 If I can take you to your diary, it's for 12 January.  
12:17:54 27 RCMPPI.0126.0001.0008 at p.167. Just while we're getting  
12:18:27 28 that entry up, I can tell you what it says in any case,  
12:18:30 29 it's a short entry. There's an entry at 1 pm on 12  
12:18:35 30 January, Petra Task Force meeting, Overland, Moloney,  
12:18:42 31 Smith, Wilkins. It says, "Discussion re timeframes for  
12:18:45 32 progressing - risk mitigation"?--Yes.  
33  
12:18:49 34 Can you shed any light on what that was about?--No. No, I  
12:18:54 35 can't.  
36  
12:19:07 37 This is shortly after Ms Gobbo has signed her statement and  
12:19:12 38 you're having discussions about risk mitigation. Do you  
12:19:18 39 know - can you tell us now what it might have been about,  
12:19:21 40 those sorts of discussions?--Well I would assume it would  
12:19:24 41 have been around witness security.  
42  
12:19:26 43 Do you know what kinds of risks you were perceiving at that  
12:19:29 44 stage in relation to Ms Gobbo?--The risk to her life.  
45  
12:19:33 46 Did you have any comprehension at that stage - presumably  
12:19:38 47 you knew that there was this decision-making process about,

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12:19:42 1 "Are we making her a witness" or "should she become a  
12:19:47 2 witness in this matter" and obviously there was some, or  
12:19:51 3 great support for that from Command, they wanted that  
12:19:55 4 statement because to get the case against Dale they needed  
12:19:58 5 it?---Yes.  
6  
12:20:00 7 There was a knowledge that Ms Gobbo was a human source and  
12:20:05 8 that that presented risks, as you've been through?---Yes.  
9  
12:20:10 10 Did you have any concern or do you know if anyone else had  
12:20:13 11 any concern to say, "Well, what are the risks in relation  
12:20:16 12 to this particular human source? Who has she been  
12:20:19 13 informing on? Because that will tell us where the risks  
12:20:23 14 are potentially going to come from"?---Well I'd say in my  
12:20:26 15 mind at that time it was mainly the risk to her physically,  
12:20:32 16 in effect life, because I was still working on an  
12:20:34 17 assumption that we'd actually dealt with the legal issues  
12:20:37 18 in respect of her having been a human source.  
19  
12:20:39 20 Yes. I'm asking you a question from that point of view.  
12:20:44 21 The risk to her life would be informed by knowing who she'd  
12:20:50 22 provided information about, because that's the very  
12:20:53 23 information that might be disclosed once these hearings  
12:20:56 24 take place?---And that'd be part of the assessment process  
12:21:00 25 for witness security, yes.  
26  
12:21:01 27 Was there any - and these were things that you might think  
12:21:05 28 would be occupying people's minds in the decision to make  
12:21:08 29 her a witness in the first place?---M'mm.  
30  
12:21:13 31 Was there any consideration during this period of time to  
12:21:16 32 who are, where's the threat going to come from? If she's  
12:21:21 33 been informing against Mr Gatto, Mr Mokbel, Mr Karam,  
12:21:25 34 they're significant threats, they're going to raise the  
12:21:27 35 threat level?---M'mm.  
36  
12:21:28 37 Was there any understanding of the nature of the  
12:21:31 38 information that she had been providing for a long time to  
12:21:37 39 Victoria Police?---Well, my assumption was that that  
12:21:40 40 information would be incorporated into the witness security  
12:21:43 41 assessment.  
42  
12:21:44 43 Did you question it, did you have any idea of that level of  
12:21:48 44 information that she'd been providing?---No.  
45  
12:21:50 46 Presumably you knew it was significant information because  
12:21:53 47 she was being handled by the SDU in any case?---Yes,

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12:21:56 1 correct.  
2  
12:21:57 3 But there was no questioning of who and where the threats  
12:22:01 4 might come from?---No, not how broad it might be, no.  
5  
12:22:08 6 I take it at that 12 January meeting the issue of the memo  
12:22:15 7 wasn't raised then either?---No, it wasn't.  
8  
12:22:20 9 You've indicated in your statement, and I took you to it  
12:22:26 10 earlier at paragraph 26, that you understood that there  
12:22:28 11 would be scrutiny of Ms Gobbo's evidence?---Yes.  
12  
12:22:31 13 That would involve disclosing her past with Victoria  
12:22:34 14 Police?---Yes.  
15  
12:22:41 16 Were you aware that in the discussions that the SDU and  
12:22:45 17 Mr Biggin were having with Mr Overland in the early part of  
12:22:49 18 December 2008 there was a decision to have Petra deploy  
12:22:59 19 Ms Gobbo in order to protect the historical relationship  
12:23:04 20 should she become a witness?---No, I wasn't aware of that.  
21  
12:23:08 22 That there seemed to be an intention, if it was at all  
12:23:13 23 possible, that Ms Gobbo's role, once she became a witness,  
12:23:16 24 would - or her role with the SDU would not be disclosed in  
12:23:20 25 any prosecution of Dale?---Oh, I'd find that hard to  
12:23:23 26 conceive how that could be done.  
27  
12:23:28 28 Again, if that was something that was to be considered or  
12:23:34 29 thought possible, what would you do?---Well again, it's a  
12:23:40 30 subject you would seek legal advice on.  
31  
12:23:44 32 Is that investigation 101?---Yes.  
33  
12:23:54 34 On 22 January 2009 Mr Cornelius returned to the committee,  
12:24:02 35 I think there was another meeting that day?---Yes.  
36  
12:24:05 37 Again, I take it you say that there were - the issues in  
12:24:08 38 relation to the memo weren't raised?---No.  
39  
12:24:11 40 And they weren't raised at all in the future?---Not with  
12:24:14 41 me, no.  
42  
12:24:18 43 Do you have any comment as to the - if these types of  
12:24:21 44 matters are being withheld from the very decision makers at  
12:24:27 45 that point in time, what does it say as to the culture,  
12:24:30 46 from the top, of Victoria Police?---I wouldn't class myself  
12:24:34 47 as a decision maker in respect of this.

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1  
12:24:36 2 No, I'm not just including you in that. If this is being  
12:24:40 3 withheld from Mr Cornelius who's on the committee?---I'm  
12:24:43 4 not aware of what Mr Cornelius was aware of or not aware  
12:24:47 5 of.  
6  
12:24:48 7 Did you appreciate or do you appreciate that there was a  
12:24:51 8 culture of siloing decisions like this?---I wouldn't call  
12:25:01 9 it a culture, no.  
10  
12:25:04 11 COMMISSIONER: Did it happen from time to time?---I think  
12:25:06 12 it happens from time to time in all organisations where  
12:25:10 13 basically there's a conflict between secrecy and security.  
12:25:21 14  
12:25:23 15 MS TITTENSOR: Did you ever understand that where there was  
12:25:25 16 such a conflict between secrecy and security that members  
12:25:29 17 of Victoria Police would put security as a priority over  
12:25:36 18 getting appropriate legal advice?---I'd not experienced  
12:25:42 19 that, no. And I certainly would not be constrained from  
12:25:47 20 getting legal advice based upon a security issue.  
21  
12:25:50 22 You wouldn't consider yourself constrained?---No.  
23  
12:25:55 24 COMMISSIONER: Could there have been here a conflict  
12:25:57 25 between how to manage high risk?---I think that's what's  
12:26:04 26 more the point, in terms of how that high risk might  
12:26:08 27 actually be maintained and who you would take into  
12:26:10 28 confidence, but I'd still believe that you're required to  
12:26:13 29 get that advice.  
30  
12:26:14 31 I note in your background quite early on, a long time ago,  
12:26:19 32 you'd done some crime audit work?---Yes.  
33  
12:26:21 34 Would you have dealt with how to deal with operational risk  
12:26:25 35 in that role?---Yes. Well, more particularly I, dealt with  
12:26:29 36 that with the restructure of our approach in respect of  
12:26:33 37 investigations. So trying to deal with that to make sure  
12:26:37 38 that we had both transparency and accountability in respect  
12:26:41 39 of everything we did.  
40  
12:26:43 41 Yes. When did you do that work?---That was during the  
12:26:48 42 period 2004 through to 2007.  
43  
12:26:51 44 And hence that would have had some impact on you asking for  
12:26:57 45 and seeking assurances about having obtained a legal advice  
12:27:02 46 about what was happening with the use of Nicola Gobbo, a  
12:27:06 47 lawyer, as a human source?---Well certainly that, and many

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12:27:10 1 years of actual trial experience tells me that that's  
12:27:14 2 necessary.  
3  
12:27:14 4 Yes, thank you.  
12:27:15 5  
12:27:16 6 MS TITTENSOR: You've indicated at paragraph 13 of your  
12:27:21 7 statement that you had a notation in your diary, or a  
12:27:25 8 couple of notations, in around mid-March in relation to  
12:27:28 9 speaking to Detective Inspector Edwards about access to  
12:27:32 10 Witness F being delayed?---Yes.  
11  
12:27:36 12 There's a Petra Task Force update at around that time where  
12:27:43 13 it's apparent that - there's a note of Mr Cornelius on one  
12:27:51 14 of the updates that others want access to her as a witness  
12:27:54 15 " - not yet"?---Correct.  
16  
12:27:56 17 You became aware that there were other areas of Victoria  
12:28:02 18 Police that were wanting Ms Gobbo as a witness?---Yes.  
19  
12:28:06 20 Purana potentially wanted her as a witness?---In  
12:28:09 21 particular, yes.  
22  
12:28:10 23 Do you know in relation to what?---I can't recall which  
12:28:13 24 specific investigation or whether it was more broadly  
12:28:16 25 trying to see if she had any information in regards to any  
12:28:19 26 of the matters that they were investigating.  
27  
12:28:22 28 Did you have any concerns about that?---No.  
29  
12:28:27 30 Also Briars, were you aware that Briars wanted her?---No, I  
12:28:31 31 wasn't aware, no.  
32  
12:28:34 33 Thanks, Mr Hollowood.  
34  
12:28:36 35 COMMISSIONER: Before we start cross-examination,  
12:28:39 36 Ms Argiropoulos, this is the second time we've heard from a  
12:28:42 37 senior and very experienced police officer that they've  
12:28:46 38 raised issues that they felt were relevant to the Terms of  
12:28:49 39 Reference and they weren't put into the witness statement.  
12:28:53 40 Now when it was raised last time with Mr Cornelius'  
12:28:57 41 evidence Ms Enbom was in the hot seat, where you are now.  
12:29:01 42  
12:29:01 43 MS ARGIROPOULOS: Yes.  
44  
12:29:02 45 COMMISSIONER: Victoria Police should be a model litigant,  
12:29:05 46 particularly when it's concerned in a Royal Commission into  
12:29:08 47 its conduct. I said to Ms Enbom that I wanted, over the

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12:29:14 1 long weekend in January, an audit done to see whether there  
12:29:18 2 were any other witness statements in the category of  
12:29:21 3 Mr Cornelius where things had been raised and not put in  
12:29:24 4 and, if necessary, supplementary statements provided and  
12:29:28 5 further material disclosed. As far as I know we've  
12:29:32 6 received nothing. This witness's statement would have been  
12:29:38 7 in that category of being caught by the audit at that time,  
12:29:42 8 and yet we're finding out today that he's in the same  
12:29:44 9 position as Mr Cornelius. I'm very concerned about it, as  
12:29:47 10 you could appreciate.

12:29:49 11  
12:29:50 12 MS ARGIROPOULOS: Yes, Commissioner.

13  
12:29:51 14 COMMISSIONER: I have raised this publicly with Mr Holt  
12:29:53 15 also because we had no response from the audit and I didn't  
12:29:58 16 know what was happening with it. But it just shows that  
12:30:02 17 whatever process has been undertaken since this was raised  
12:30:06 18 in Mr Cornelius' evidence hasn't been successful and it  
12:30:09 19 will need to be done as a matter of priority.

12:30:11 20  
12:30:12 21 MS ARGIROPOULOS: Yes, Commissioner. I've heard the  
12:30:14 22 evidence obviously that was given and I'm aware of the  
12:30:17 23 comments that were made when Ms Enbom was appearing and I  
12:30:20 24 need to seek some instructions in relation to the matters  
12:30:22 25 that have been raised today but I - - -

26  
12:30:22 27 COMMISSIONER: Of course, of course, I don't expect you to  
12:30:24 28 be able to answer it on your feet. But it is a most  
12:30:28 29 concerning issue.

12:30:29 30  
12:30:29 31 MS ARGIROPOULOS: Yes. Thank you, Commissioner.

32  
12:30:30 33 COMMISSIONER: Yes Mr Coleman?

12:30:32 34  
12:30:32 35 MR COLEMAN: I have no questions, thank you, Commissioner.

36  
12:30:35 37 COMMISSIONER: Mr Chettle?

12:30:35 38  
12:30:36 39 MR CHETTLE: Nothing.

40  
12:30:37 41 COMMISSIONER: Ms Argiropoulos?

12:30:39 42  
12:30:40 43 MS ARGIROPOULOS: I have no re-examination.

44  
12:30:41 45 COMMISSIONER: All right then. Thank you very much  
12:30:42 46 Mr Hollowood. You're excused and free to go---Thank you.

12:30:47 47

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1 <(THE WITNESS WITHDREW)  
2  
12:30:50 3 COMMISSIONER: The next witness is Mr Smith.  
12:31:14 4 Ms Argiropoulos, you're happy for Mr Smith to have Exhibit  
12:31:18 5 81?  
12:31:19 6  
12:31:19 7 MS ARGIROPOULOS: Yes, I am, Commissioner. And I'll just  
12:31:22 8 indicate, he's just on his way. I think he's been reached  
12:31:27 9 a little bit faster than anticipated so he might just be a  
12:31:30 10 couple of minutes.  
11  
12:36:24 12 COMMISSIONER: Sure. Oath or affirmation,  
12:36:26 13 Mr Smith?---Oath.  
14  
12:36:26 15 Yes. Take the Bible in your right hand, please.  
12:36:30 16  
12:36:31 17 <STEPHEN LANCE SCOTT SMITH, sworn and examined:  
18  
12:36:45 19 COMMISSIONER: Yes Ms Argiropoulos.  
12:36:46 20  
12:36:46 21 MS ARGIROPOULOS: Thank you, Commissioner. Mr Smith, is  
12:36:49 22 your full name Stephen Lance Scott Smith?---Yes.  
23  
12:36:54 24 Are you currently a Detective Inspector of Victoria Police  
12:36:58 25 and your current role is the manager of the Crime Scene  
12:37:02 26 Group with the Forensic Services Department?---That's  
12:37:07 27 correct.  
28  
12:37:08 29 Have you made a statement to this Royal Commission?---Yes.  
30  
12:37:12 31 Do you have that in front of you?---I have a copy.  
32  
12:37:17 33 Could I just ask you to have a look at that, please,  
12:37:22 34 Mr Smith. Is that a 16 page document which bears your  
12:37:26 35 signature on the last page?---Correct.  
36  
12:37:33 37 The statement doesn't appear to actually have a date  
12:37:36 38 recorded; is that correct?---My signature is not dated.  
39  
12:37:41 40 Yes, all right. You've read that statement  
12:37:47 41 recently?---Yes.  
42  
12:37:47 43 And to the best of your recollection is that a true and  
12:37:51 44 correct statement?---Yes.  
45  
12:37:54 46 Commissioner, I tender the statement. There are no PII  
12:37:57 47 claims in relation to that.

.12/02/20

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SMITH XN



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1  
12:37:59 2 COMMISSIONER: Yes.  
12:37:59 3  
12:38:00 4 #EXHIBIT RC1189 - Statement of Stephen Smith.  
5  
12:38:05 6 I should mention there is an application for leave to  
12:38:10 7 appear in respect of Mr Smith, and indeed Mr Hollowood,  
12:38:13 8 from PII [REDACTED] and counsel assisting does not oppose. So  
12:38:18 9 assuming that nobody wants to say anything to the contrary,  
12:38:26 10 I'll give leave to appear.  
12:38:28 11  
12:38:29 12 MS ARGIROPOULOS: No, Commissioner. Thank you.  
12:38:30 13 Commissioner, with leave I'd just seek to ask Mr Smith one  
12:38:34 14 question. Mr Smith, in preparation for your attendance to  
12:38:37 15 give evidence today have you been shown by your legal team  
12:38:41 16 a copy of a SWOT analysis prepared by a person who we call  
12:38:48 17 Black?---Yes, I have.  
18  
12:38:50 19 You recall the document that I'm referring to?---Yes, I do.  
20  
12:38:53 21 Is that a document that you have seen before being shown it  
12:38:58 22 by your lawyers?---No, I hadn't seen that document prior to  
12:39:05 23 it being shown to me during the preparation of the  
12:39:08 24 statement.  
25  
12:39:08 26 In particular do you have a recollection of whether you  
12:39:10 27 would have seen that document around 5 January 2009?---No,  
12:39:17 28 I was not shown the document prior to the statement  
12:39:21 29 process. I hadn't seen it.  
30  
12:39:23 31 Thank you.  
32  
12:39:25 33 COMMISSIONER: Yes Ms Tittensor.  
12:39:27 34  
35 <CROSS-EXAMINED BY MS TITTENSOR:  
36  
12:39:28 37 Just in relation to that last matter, is there any reason  
12:39:33 38 why your statement didn't indicate those matters?---That I  
12:39:39 39 hadn't seen it?  
40  
12:39:40 41 Yes?---Um - - -  
42  
12:39:42 43 You understand that it's a significant document in respect  
12:39:44 44 of the examination of events by this Royal Commission?---I  
12:39:50 45 was able to ascertain that importance when I saw it.  
46  
12:39:57 47 Yes?---I suppose I wasn't taken to it during the

.12/02/20

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SMITH XXN

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12:39:59 1 preparation of the statement by my legal advisors so it  
12:40:02 2 didn't get put into the statement.  
3  
12:40:04 4 So you were or you weren't?---I was not taken to the  
12:40:08 5 inclusion of the document in my statement by my legal  
12:40:12 6 advisors when the statement was prepared.  
7  
12:40:14 8 When were you taken to it?---Well they showed me the  
12:40:18 9 document during the preparation but our discussions didn't  
12:40:23 10 result in it being placed into the statement. I sought  
12:40:26 11 their advice in relation to what went in and what didn't go  
12:40:30 12 in.  
13  
12:40:30 14 You understand that that document indicated that it was for  
12:40:36 15 consideration of a Petra steering committee meeting on 5  
12:40:41 16 January, a meeting at which you were at, and it wasn't,  
12:40:47 17 there was a decision made not to deal with it in the  
12:40:50 18 statement, do you know why that was?---No, I don't. I  
12:40:56 19 don't know.  
20  
12:40:56 21 COMMISSIONER: Were there any other matters that you raised  
12:40:59 22 with your lawyers that you felt were relevant to the Terms  
12:41:03 23 of Reference of the inquiry that weren't put in your  
12:41:06 24 statement?---No.  
25  
12:41:07 26 All right, thank you.  
12:41:09 27  
12:41:10 28 MS TITTENSOR: Can I just ask, your statement doesn't have  
12:41:14 29 a date attached to it. Do you recall when you signed your  
12:41:17 30 statement?---Yes, it would have been in the second half of  
12:41:23 31 last year. Oh God, would have been September/October of  
12:41:33 32 last year that it was completed. Sorry, I can't be more  
12:41:38 33 precise than that.  
34  
12:41:39 35 That's all right, we'll probably have some record about  
12:41:42 36 when it came to us anyway.  
12:41:43 37  
12:41:44 38 MS ARGIROPOULOS: If it assists I can indicate it was  
12:41:45 39 produced to the Commission on 26 September last year.  
40  
12:41:49 41 COMMISSIONER: So some time prior to 26 September.  
12:41:54 42  
12:41:54 43 MS ARGIROPOULOS: Yes.  
44  
12:41:55 45 COMMISSIONER: Thank you.  
12:41:56 46  
12:41:56 47 MS TITTENSOR: Thanks. If I just take you through a couple

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12:41:57 1 of the relevant postings that you've had in relation to our  
12:42:05 2 inquiry. In 1999 you were a Senior Sergeant at ESD; is  
12:42:08 3 that right?---Yes.  
4

12:42:09 5 And in that period of time you were dealing - you were  
12:42:13 6 involved in Operation Hemi dealing with the systematic  
12:42:23 7 corruption issues at the Drug Squad?---Yes, that's right.  
12:42:26 8 I was at the Ethical Standards Department for the duration  
12:42:30 9 of Operation Hemi and I was the informant and prepared  
10 briefs of evidence against Malcolm Rosenes and Stephen  
12:42:37 11 Paton who were charged with drug trafficking, two Drug  
12:42:40 12 Squad members.  
13

12:42:41 14 Did that involvement include Ceja? You were involved in  
12:42:44 15 Ceja or your work stopped at Hemi?---No, Ceja morphed out  
12:42:51 16 of Hemi. I wasn't transferred over to the continuation of  
12:42:54 17 the inquiries in relation to Ceja. I remained with brief  
12:42:59 18 preparation and prosecution matters in relation to the Hemi  
12:43:02 19 accused.  
20

12:43:02 21 That was Paton and Rosenes?---Paton and Rosenes, yes.  
22

12:43:07 23 COMMISSIONER: Mr Smith, could you just pull that  
12:43:10 24 microphone a little closer to you. You're just a little  
12:43:13 25 bit hard to hear?---Sorry, Commissioner.  
26

12:43:16 27 That's much better, thank you.  
28

12:43:18 29 MS TITTENSOR: Following that you went to the Major Drug  
12:43:22 30 Investigation Division within the Crime Department?---I  
12:43:24 31 transferred to the Major Drug Investigation Division as a  
12:43:26 32 Senior Sergeant from the Corruption Division at ESD, yes.  
33

12:43:31 34 Do you know approximately when that was?---It would have  
12:43:35 35 been about, um, 2002, 2003.  
36

12:43:45 37 You were there until you were promoted to Inspector in  
12:43:49 38 2006?---Yeah, the Major Drug Investigation Division became  
12:43:55 39 the Drug Task Force and there was a restructure in relation  
12:43:59 40 to the management structure and I was promoted from Senior  
12:44:02 41 Sergeant to Inspector in charge of the Drug Task Force.  
42

12:44:05 43 Right?---So effectively the same office. It was rebadged  
12:44:10 44 and restructured.  
45

12:44:13 46 So the Drug Squad became the Major Drug Investigation  
12:44:18 47 Division and then that became the Drug Task Force?---That's

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12:44:20 1 correct.  
2  
12:44:23 3 I take it you were obviously experienced in investigation  
12:44:29 4 to be a Senior Sergeant and then Inspector in relation to  
12:44:33 5 the Drug Squad or Drug Task Force?---I'd expect that would  
12:44:38 6 be one of the reasons I obtained the role, yes.  
7  
12:44:41 8 And involved in the building of many investigations?---Yes.  
9  
12:44:45 10 Involved in compiling many briefs of evidence over the  
12:44:49 11 time?---Yes.  
12  
12:44:53 13 Involved in many committals and many trials?---Yes.  
14  
12:44:56 15 Giving evidence and advising those under you in their  
12:45:02 16 involvement in committals and trials and prosecutions and  
12:45:04 17 briefs of evidence and so forth?---Yes, all of that.  
18  
12:45:11 19 Very aware of rules of disclosure and relevance and so  
12:45:14 20 forth?---Yes.  
21  
12:45:19 22 You were at the Drug Task Force, is it until 1 July 2008,  
12:45:27 23 and then you went to Petra Task Force as the Inspector  
12:45:30 24 there?---Yes.  
25  
12:45:31 26 And you were there until June of 2010?---That's correct.  
27  
12:45:37 28 I take it, given your role from 2002 or 3 in the Major Drug  
12:45:44 29 Investigation Division, you were aware of significant  
12:45:48 30 prosecutions that were going on there in relation to Tony  
12:45:53 31 Mokbel and his associates?---From the MDID you're talking  
12:46:01 32 about?  
33  
12:46:01 34 They might have been commenced through the original Drug  
12:46:04 35 Squad, but at MDID level?---I don't recall the MDID  
12:46:12 36 charging Mokbel while I was there with anything.  
37  
12:46:16 38 There might have been some ongoing trials or briefs of  
12:46:18 39 evidence that, prosecutions that were working their way  
12:46:22 40 through the courts during that period of time?---There may  
12:46:25 41 have been, yes.  
42  
12:46:26 43 Do you recall that those prosecutions were being delayed  
12:46:29 44 and affected because of the prosecutions of corrupt police  
12:46:34 45 members who had been involved in the original  
12:46:36 46 investigations?---Yes. That - I'm sorry, I've refreshed my  
12:46:44 47 memory.

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1  
12:46:46 2 Yes?--In relation to Operation Hemi, Hemi commenced with  
12:46:50 3 information that was obtained from [REDACTED]  
12:46:54 4 [REDACTED].  
5  
12:46:59 6 COMMISSIONER: Do we need that taken out?  
12:47:02 7  
12:47:02 8 MS ARGIROPOULOS: We need that taken out.  
9  
12:47:04 10 COMMISSIONER: We'll take that [REDACTED] from the live  
12:47:06 11 stream and the transcript.  
12:47:09 12  
12:47:09 13 MS TITTENSOR: There were significant issues in relation to  
12:47:11 14 trials and investigations relating to Mokbel and others  
12:47:15 15 because of corruption issues; is that right?--Yes.  
16  
12:47:18 17 And that delayed their proceedings through the  
12:47:21 18 courts?--Yes, there was matters whereby I think Paton and  
12:47:27 19 Rosenes were either informants or important witnesses in  
12:47:31 20 those matters at the time that they were charged and they  
12:47:33 21 needed to be dealt with and they still needed to maintain  
12:47:38 22 that role through those prosecutions. So I think there was  
12:47:42 23 a number of different accused, it may have been Mokbel, it  
12:47:46 24 may have been others as well.  
25  
12:47:47 26 Yes, I understand that there were a number of  
12:47:50 27 others?--Yeah.  
28  
12:47:50 29 And there was Operation Kayak and other operations that  
12:47:55 30 were affected because of, not just in relation to Rosenes  
12:48:01 31 and Paton, but suspicions and cases that were being  
12:48:06 32 investigated by Ceja in relation to other officers, did you  
12:48:12 33 understand that?--Yes.  
34  
12:48:13 35 Did you have any involvement in overseeing staff that were  
12:48:18 36 working on those Mokbel prosecutions and those - Operation  
12:48:22 37 Kayak and those other prosecutions?--No, I didn't.  
38  
12:48:38 39 I think you've mentioned a particular person who created  
12:48:42 40 some issues in the Operation Hemi matters, that led to the  
12:48:50 41 Operation Hemi matters, and you spoke about that particular  
12:48:52 42 case when the OPI interviewed you back in 2007, do you  
12:48:56 43 recall that?--In 2007, the OPI?  
44  
12:49:04 45 Yes, I think the OPI interviewed you on some informer  
12:49:10 46 management issues that were going on or - - - ?--Look, I  
12:49:14 47 don't specifically remember that. That's probably the

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12:49:16 1 case. There was a number of significant issues with that  
12:49:19 2 particular matter and particular person which included my  
12:49:25 3 [REDACTED].  
4  
12:49:30 5 Perhaps if I can just bring up this transcript. It's  
12:49:33 6 IBAC.0008.0001.0012.  
12:49:38 7  
12:49:38 8 MS ARGIROPOULOS: Commissioner, while that's being done,  
12:49:40 9 can I just ask that that line 39, please, be removed from  
12:49:44 10 the live stream and the transcript.  
11  
12:49:48 12 COMMISSIONER: Okay. Take out line 39 of the transcript  
12:49:51 13 and the streaming, please.  
12:49:56 14  
12:49:56 15 MS TITTENSOR: If we can go to the - I don't know if this  
12:49:59 16 is the first page. Perhaps we can just go to the first  
12:50:02 17 page so we can - I take it you accept that this was an  
12:50:06 18 interview of yourself by a senior investigator at the OPI,  
12:50:12 19 Peter Vaseļ, do you know Mr Vaseļ?--No, I'm sorry I don't  
12:50:17 20 remember him.  
21  
12:50:17 22 Can't recall him?--No.  
23  
12:50:19 24 If we scroll through perhaps. Do you recall from time to  
12:50:28 25 time you'd get called before the OPI to answer questions in  
12:50:32 26 relation to various inquiries that they're making?--Yes.  
12:50:37 27 Yeah, that's occurred in the past, yes.  
28  
12:50:43 29 I think if we go to p.3 you're talking about the nature of  
12:50:48 30 the Drug Task Force that you were managing, you had about  
12:50:53 31 50 detectives. That was looking after all the sort of  
12:50:58 32 major organised crime, transnational crime, category 1  
12:51:02 33 offences?--Correct.  
34  
12:51:07 35 If we go to p.4. You're indicating your reporting lines.  
12:51:14 36 At that stage you reported to a Crime Superintendent, right  
12:51:20 37 down the bottom there, and that they reported to Boards of  
12:51:27 38 Management that were made up of all the Superintendents and  
12:51:29 39 there was no Assistant Commissioner and there was a Deputy  
12:51:32 40 Commissioner and Mr Overland?--Correct.  
41  
12:51:37 42 Throughout this interview, and I take it you accept this  
12:51:40 43 was an interview that you had at the time?--I accept that.  
12:51:43 44 I'm having trouble recalling it and I'm not quite sure what  
12:51:48 45 the interview was about.  
46  
12:51:49 47 I think that they were getting some appreciation from you

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12:51:53 1 about informer issues. If we go to p.5, they're asking you  
12:51:59 2 about your experience dealing with informers and you talk  
12:52:05 3 about your extensive exposure to informers with Hemi and at  
12:52:12 4 the MDID and the Drug Task Force. You were talking about  
12:52:15 5 the role of officer-in-charge and that falling between the  
12:52:19 6 controller and the Local Informer Registrar, do you see  
12:52:21 7 that?---Yes.  
8  
12:52:23 9 And what your role was. If we go to p.8, you're asked  
12:52:28 10 about what a stereotypical informer might look like and you  
12:52:34 11 talk about the first category essentially being suspects  
12:52:37 12 and offenders who might want assistance at court and the  
12:52:40 13 second category are those that might want to give up  
12:52:43 14 associates because of revenge, and then another category,  
12:52:46 15 civic minded people, "Enough enough's, I've been doing this  
12:52:51 16 for too long, I'm going to dob him in". Another category,  
12:52:55 17 "He's been doing this for too long, sorry, I'm going to dob  
12:52:58 18 him in"?---Yeah, that covers fairly typical motivations of  
12:53:03 19 informers, yes.  
20  
12:53:04 21 I think they were taking you through your experience with  
12:53:07 22 informers and obviously they're looking at structures and  
12:53:10 23 things and wanting to know where to go?---Yes.  
24  
12:53:16 25 At p.10 you're being asked questions about how risky it was  
12:53:21 26 dealing with informers?---Whereabouts are we on the page  
12:53:26 27 there?  
28  
12:53:28 29 Right at the top, "How risky is it dealing with informers  
12:53:34 30 to members, to VicPol reputation, to potential for criminal  
12:53:39 31 activity and corruption, that sort of thing", do you see  
12:53:43 32 that?---Yes.  
33  
12:53:46 34 You go on to indicate that it depends on what you  
12:53:52 35 categorise as risk. You refer to there being a Dedicated  
12:53:58 36 Source Unit to draw on and to separate informers from the  
12:54:00 37 management, sorry, to separate investigators from the  
12:54:04 38 management of informers?---Yes, that's right.  
39  
12:54:07 40 Then there's some discussion I think throughout this about  
12:54:11 41 potentially losing the experience of investigators in how  
12:54:14 42 to recruit and handle informers, I think you make that  
12:54:17 43 point a number of times in the interview?---Yes.  
44  
12:54:19 45 "We've now got a Source Development Unit but that has its  
12:54:22 46 negatives because we might lose the experience of being  
12:54:25 47 able to recruit them and use them ourselves"?---M'hmm.

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1  
12:54:31 2 If we go to p.25 there's a discussion about the importance  
12:54:38 3 of supervision of members dealing with informers. Do you  
12:54:45 4 see that towards the top, Mr Vasei is saying, "What about  
12:54:49 5 the importance of supervision?" Your response is that it  
12:54:52 6 was crucial, "That there might be innocent mistakes or  
12:54:55 7 inadvertent errors. Experienced supervisors must ensure  
12:55:00 8 they're picked up on, rectified and addressed. Need to be  
12:55:03 9 able to recognise indicators that the association or  
12:55:07 10 relationship was inappropriate", and that's when you go on  
12:55:12 11 to give an analogy of that particular informer that you  
12:55:18 12 were referring to before?---Yes.  
13  
12:55:19 14 I take it those are sentiments, in terms of supervision,  
12:55:23 15 that you would accept now, that supervision of the dealings  
12:55:31 16 with informer management is crucial?---Yes, and I suppose  
12:55:37 17 what I was talking about there is very much the essence of  
12:55:41 18 why the Source Development Unit was created, so that  
12:55:48 19 investigators, albeit we're talking about that loss of  
12:55:51 20 expertise and such, is that sterile corridor, if you like,  
12:55:57 21 that the investigators aren't wearing two hats in the end.  
12:56:02 22 They're trying to manage the investigation and they'd be,  
12:56:06 23 that the issue of day-to-day management of informers is  
12:56:08 24 taken away and handled by others. So I think probably what  
12:56:12 25 you're talking about there are the risks and the  
12:56:17 26 investigators trying to wear two hats and probably losing  
12:56:21 27 sight of the proper management of the informant was  
12:56:24 28 creating difficulties and risks for prosecutions and  
12:56:27 29 informants and so forth and hence the existence of that and  
12:56:31 30 the separation through this Source Unit development  
12:56:34 31 processes.  
32  
12:56:36 33 Beyond that, even within the SDU you would accept that  
12:56:40 34 there would need to be significant levels and appropriate  
12:56:43 35 levels of supervision there because some of the same risks  
12:56:47 36 would still exist in terms of building rapport with an  
12:56:50 37 informer and where it might go wrong?---It would be very  
12:56:55 38 much the same risks.  
39  
12:56:56 40 And many informers have that ability to manipulate?---Yes,  
12:57:00 41 it's the nature of the beast I think.  
42  
12:57:03 43 I tender that document, Commissioner.  
12:57:06 44  
12:57:06 45 #EXHIBIT RC1190A - (Confidential) IBAC.0008.0001.0012.  
12:57:10 46  
12:57:11 47 #EXHIBIT RC1190B - (Redacted version.)

.12/02/20

13894

SMITH XXN



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1  
12:57:14 2 I raised with you earlier about the Mokbel prosecutions  
12:57:17 3 that were going on and the delays. Were you aware of  
12:57:22 4 Ms Gobbo as a lawyer around that period of time when you  
12:57:26 5 came to the Major Drug Investigation Division, or even  
12:57:29 6 before that?---No. No, I really had no dealings with her  
12:57:33 7 or knew of her. I think I knew of her but had no dealings  
12:57:37 8 with her.  
9  
12:57:38 10 That's what I'm asking. About your awareness of her, were  
12:57:41 11 you aware - - - ?---Yes, I was aware of who she was, yes.  
12  
12:57:46 13 And was there discussion about her within the ranks that  
12:57:50 14 you were hearing about?---At that time?  
15  
12:57:53 16 Yes?---No, no.  
17  
12:57:56 18 There seems to have been some consternation between - by  
12:58:01 19 some members that she's getting the crooks bail and so  
12:58:06 20 forth and there's some concern at various points in time  
12:58:09 21 about how close she is with them and whether she might be  
12:58:12 22 involved in suspect activity herself. Were you hearing  
12:58:17 23 those reports?---No. No, I wasn't hearing that.  
24  
12:58:21 25 Were you aware that she was representing many people that  
12:58:24 26 were charged by the Drug Squad, by MDID?---From memory  
12:58:30 27 there were a group of solicitors and barristers that seemed  
12:58:34 28 to be constantly called upon by those drug related suspects  
12:58:42 29 that we were working on and there seemed to be a small  
12:58:45 30 group that they all went back to continually and I think  
12:58:48 31 Ms Gobbo was one of those.  
32  
12:58:50 33 So you knew her in that capacity?---Yeah, yes.  
34  
12:58:54 35 Did you know her as someone that was seen to socialise and  
12:58:59 36 be too close to her clients?---No, I didn't know that.  
37  
12:59:06 38 You indicate in your statement that you never had direct  
12:59:09 39 dealings with her. Did you have any indirect dealings with  
12:59:13 40 her?---No, not as the Senior Sergeant MDID or as Inspector  
12:59:20 41 at the Drug Task Force, no, not direct dealings.  
42  
12:59:25 43 In 2007 you were involved with Task Force Inca, or was it  
12:59:32 44 Operation Inca?---Yes, I was.  
45  
12:59:35 46 That was a joint operation involving a number of  
12:59:38 47 agencies?---Yes.

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SMITH XXN

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1  
12:59:40 2 AFP, VicPol, Customs and ACC; is that right?---Yes.  
3  
12:59:48 4 Who were the suspects in relation to that investigation or  
12:59:53 5 that operation?---Inca?  
6  
12:59:57 7 Yes?---Inca - I just want to clarify, Inca being the  
13:00:04 8 importation of the ecstasy within the container?  
9  
13:00:07 10 Yes?---It became apparent the persons of interest to us in  
13:00:16 11 relation to Inca, or some of those, probably not the  
13:00:19 12 entirety of them, were people that were previously or  
13:00:22 13 currently of interest to us in Operation Agamas, which were  
13:00:28 14 Higgs, Barbaro, Zirilli, Oieda, Karam and Falanga - there  
13:00:47 15 may have been others, I can't recall.  
16  
13:00:49 17 Can you just explain to the Commission the difference or  
13:00:51 18 how they inter-relate between Agamas and Inca?---That's an  
13:01:00 19 interesting question. Agamas was a joint agency  
13:01:03 20 investigation between the Drug Task Force, the ACC and, to  
13:01:09 21 a lesser degree, the AFP into the activities and potential  
13:01:15 22 importation by those persons that I just mentioned. That  
13:01:21 23 had been running for some time prior to and leading into  
13:01:24 24 the commencement of Inca.  
25  
13:01:28 26 What caused Inca to start? Did Agamas stop and Inca  
13:01:34 27 started or what caused that?---Agamas was ongoing and Inca,  
13:01:39 28 being the discovery of the container in June of 2008 at the  
13:01:43 29 Port of Melbourne.  
30  
13:01:44 31 Right?---Commenced Operation Inca.  
32  
13:01:49 33 For how long had Agamas been going?---It had been some  
13:01:53 34 time, a year or so.  
35  
13:01:55 36 Had you been involved the whole time?---With Agamas, yes.  
37  
13:02:00 38 I take it during that period of time Karam and others,  
13:02:08 39 being suspects in Agamas, is it a pro-active targeting of  
13:02:13 40 them or investigation into an historical - - - ?---No, it  
13:02:18 41 was pro-active targeting in relation to information that  
13:02:22 42 they were involved in high level drug trafficking and  
13:02:25 43 potential importation of drugs.  
44  
13:02:27 45 Were you getting that information through the  
13:02:31 46 SDU?---Agamas? Essentially, no. It was information that -  
13:02:37 47 I can't recall where the specific initial information came

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13:02:40 1 from, albeit that these people were always of interest to  
13:02:44 2 us and known to be involved in that activity. Sometimes  
13:02:49 3 we'd pick up an operation from scratch in relation to that  
13:02:52 4 and work it up from nothing. On this occasion it was  
13:02:57 5 probably how that occurred. There may have been a specific  
13:03:00 6 piece of intelligence or information that's come that led  
13:03:04 7 us to creating Agamas, but I don't think it came from the  
13:03:07 8 SDU.  
9  
13:03:08 10 But through the course of that investigation you may have  
13:03:10 11 received some intelligence, I take it, from the SDU?---In  
13:03:14 12 relation to Agamas?  
13  
13:03:16 14 Yes?---I don't recall that being the case.  
15  
13:03:24 16 You would have been aware that Mr Karam had been prosecuted  
13:03:27 17 a number of times in relation to drug importation and other  
13:03:31 18 drug related matters?---Then?  
19  
13:03:35 20 Yes?---Possibly. I don't recall how much I knew about his  
13:03:40 21 antecedents or his history.  
22  
13:03:45 23 There would have been surveillance on him during this  
13:03:50 24 period of time?---During Agamas, yes, I suspect so.  
25  
13:03:54 26 You would have been aware in June 2005 that he was  
13:03:58 27 undergoing trial?---Oh, possibly. I don't remember whether  
13:04:05 28 I knew that at the time or not.  
29  
13:04:08 30 June 2005 is when you become aware of a container, do you  
13:04:14 31 think you would have been aware that he was undergoing  
13:04:17 32 trial?---In 2005?  
33  
13:04:19 34 Sorry, not 2005. Sorry, 2007?---Yeah, I'm not sure I  
13:04:28 35 follow. Are you saying because we discovered the container  
13:04:34 36 I would have known that he was undergoing trial?  
37  
13:04:36 38 Around that time there's a significant event that occurs.  
13:04:40 39 There's a container, he's associated with it, he's  
13:04:45 40 undergoing a trial at the time, I'm just suggesting you  
13:04:47 41 would have been aware of that?---I don't know whether we  
13:04:49 42 associated him directly with the container when it was  
13:04:52 43 discovered.  
44  
13:04:54 45 When did you associate him with the container?---It was  
13:05:00 46 some time following the discovery of the container and the  
13:05:05 47 investigations that were ongoing with Inca may have

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13:05:10 1 indicated that he may have been involved in the  
13:05:16 2 importation, as well as the others that I had mentioned.  
3  
13:05:27 4 If it was the case that there was surveillance - I won't  
13:05:33 5 ask that question. Did you understand that Mr Karam had  
13:05:38 6 been someone of long-standing interest in the Drug Task  
13:05:40 7 Force and its predecessors?---Yeah, that would be right,  
13:05:46 8 yes, he was somebody of interest to us.  
9  
13:05:48 10 Would there have been a profile in relation to him which  
13:05:51 11 would have named his legal representatives?---Oh, I would  
13:05:55 12 imagine so. I don't know.  
13  
13:05:57 14 Is that something that you would have looked at?---It  
13:06:05 15 depends on a number of reasons whether I would have or I  
13:06:08 16 wouldn't have. I don't recall seeing it or doing that.  
17  
13:06:10 18 Were you aware he was someone that at least in the past had  
13:06:14 19 been associated with Tony Mokbel?---Karam?  
20  
13:06:18 21 Yes?---I possibly knew that at the time. I don't recall  
13:06:24 22 now that I knew that then.  
23  
13:06:26 24 Were you aware of Ms Gobbo's association with Tony  
13:06:28 25 Mokbel?---Then?  
26  
13:06:30 27 Yes?---Possibly.  
28  
13:06:35 29 You might recall about a year before or March the year  
13:06:39 30 before in 2006 Tony Mokbel had absconded prior to the end  
13:06:43 31 of a trial?---Yes.  
32  
13:06:45 33 That was something that would have been a significant event  
13:06:50 34 within MDID or the Drug Task Force?---It was a significant  
13:06:54 35 event for the Crime Department. My recollection is that  
13:06:59 36 was a Purana brief, a Purana Task Force investigation, and  
13:07:06 37 so I'm assuming it would have been of more interest to them  
13:07:09 38 than MDID.  
39  
13:07:11 40 But it would be something that would be well noted, I take,  
13:07:15 41 throughout the MDID? There were drug trials that he was  
13:07:20 42 coming up on?---Very much so, yes.  
43  
13:07:22 44 And there were newspaper articles with photos of his  
13:07:25 45 lawyers coming out of court. You would have known Ms Gobbo  
13:07:30 46 was one of those lawyers representing him?---Yeah, I  
13:07:32 47 probably did. I don't recall. I do remember the extensive

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13:07:36 1 media reporting and discussions around it, yes.  
2  
13:07:41 3 Do you know who I'm referring to when I say Officer  
13:07:44 4 Green?---Yes.  
5  
13:07:46 6 Officer Green was someone who had been at the SDU and came  
13:07:52 7 on secondment to the Drug Task Force?---Yes.  
8  
13:07:56 9 He'd submitted a résumé around about I think [REDACTED]  
13:08:01 10 and commenced his role on or about [REDACTED] PII [REDACTED] PII ?---Yes.  
11  
13:08:09 12 You may not know those exact dates off the top of your head  
13:08:15 13 but they're the dates that have been given in evidence?---I  
13:08:17 14 accept it.  
15  
13:08:17 16 I take it you accept that?---I accept that.  
17  
13:08:21 18 He came over in the position of PII [REDACTED]; is  
13:08:24 19 that right?---Yes, he did.  
20  
13:08:25 21 To lead one of three units in the Task Force?---That's  
13:08:28 22 right.  
23  
13:08:29 24 And he reported to you?---Yes.  
25  
13:08:34 26 What was his particular role in relation to Agamas?---He  
13:08:44 27 would have taken over as the investigation manager. Agamas  
13:08:50 28 was spread across all three units essentially. Just  
13:08:54 29 because of the number of suspects involved and the work  
13:08:57 30 that was involved there was a lot of crossing over just by  
13:09:00 31 use of all resources within the Unit. But essentially it  
13:09:03 32 belonged to that Unit and given that he was seconded there  
13:09:08 33 as the Unit manager he would have taken primary role as the  
13:09:14 34 acting investigation manager of that particular  
13:09:16 35 investigation.  
13:09:19 36  
13:09:19 37 MR CHETTLE: Sorry to interrupt, Commissioner, on the  
13:09:22 38 previous page there was a fair whack of bio data in lines  
13:09:27 39 45 to 46 of the previous page of the transcript which I  
13:09:31 40 request be removed. Dates about the movement - - -  
41  
13:09:44 42 COMMISSIONER: Do you want the month out or the month and  
13:09:46 43 the year?  
44  
13:09:48 44  
13:09:49 45 MR CHETTLE: Both the month and the year in the two lines  
13:09:51 46 please, Commissioner.  
47

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13:09:54 1 COMMISSIONER: We don't need the two lines out.  
13:09:56 2  
13:09:56 3 MR CHETTLE: No, the date in both of the lines.  
4  
13:10:00 5 COMMISSIONER: Do you need the year in?  
13:10:04 6  
13:10:04 7 MS TITTENSOR: I think the year - I don't see any issue  
13:10:06 8 with the month.  
9  
13:10:07 10 COMMISSIONER: At least about when he started. You  
13:10:08 11 probably don't need the year in the résumé, do you? That's  
13:10:13 12 not crucial. When he submitted the résumé isn't crucial.  
13:10:16 13  
13:10:16 14 MS TITTENSOR: No, Commissioner, but I think commencing his  
13:10:17 15 role in PII of PII is significant.  
16  
13:10:22 17 COMMISSIONER: Okay. We'll take out the date in line 45  
13:10:25 18 completely, the month and the year, and on the next line  
13:10:29 19 certainly take out the date. Is that all right with you?  
13:10:36 20  
13:10:37 21 MR CHETTLE: Yes, thank you, Commissioner.  
22  
13:10:38 23 COMMISSIONER: We'll leave in the month and the year.  
13:10:40 24  
13:10:41 25 MR CHETTLE: Opaque it.  
26  
13:10:46 27 COMMISSIONER: Yes.  
13:10:47 28  
13:10:50 29 MS TITTENSOR: Just to tell a bit of the story as we go  
13:10:52 30 through, Mr Smith, in the week prior to Officer Green  
13:10:59 31 commencing at the Drug Task Force Ms Gobbo had been asked  
13:11:04 32 to hold some documents for Mr Karam and she'd copied them  
13:11:09 33 and handed them over to the SDU. Do you understand  
13:11:12 34 that?---You're telling me that, yes.  
35  
13:11:16 36 Have you heard this before?---I've become aware as a result  
13:11:20 37 of these proceedings that that had occurred, yes.  
38  
13:11:25 39 She told the handler that she believed the container  
13:11:27 40 related to an arrangement between Mr Mannella and  
13:11:31 41 Mr Karam?---Yes.  
42  
13:11:32 43 Was Mannella on your radar as well?---I think Giuseppe  
13:11:39 44 Mannella.  
45  
13:11:41 46 Yes?---I think he was known as an associate of those others  
13:11:44 47 that I mentioned.

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1  
13:11:44 2 Mr Green's evidence is that he, I think he might have done  
13:11:50 3 some security work on the night that Ms Gobbo handed over  
13:11:53 4 the file, but he was certainly told about the bill of  
13:11:57 5 lading that Ms Gobbo had produced in the days thereafter,  
13:12:00 6 okay?---Okay.  
7  
13:12:06 8 Your evidence at paragraphs 11 and 12 of your statement is  
13:12:12 9 that you were told by Mr Green about human source  
13:12:18 10 information relating to a container arriving in to the Port  
13:12:21 11 of Melbourne?---Yes.  
12  
13:12:23 13 And around about the same time you're told that the source  
13:12:27 14 of that information was Ms Gobbo?---Yes.  
15  
13:12:30 16 Are you able to say the circumstances in which that  
13:12:34 17 disclosure was made to you?---No, I don't recall the  
13:12:40 18 specific details of that suffice to say that I recall that  
13:12:45 19 I was told that the information came from Ms Gobbo. I  
13:12:50 20 don't recall the specific conversation that I had but  
13:12:57 21 because I knew that it had come, the information had come  
13:13:01 22 from her, that I assumed that I was told by Officer Green,  
13:13:07 23 otherwise I wouldn't have any way of finding that  
13:13:09 24 information out.  
25  
13:13:14 26 Yes. So that's your recollection. Now you must have been  
13:13:17 27 told that by Mr Green because there was no other way?---No,  
13:13:21 28 there was no other way I would have known, so I take it,  
13:13:24 29 without recalling the specific conversation, that I was  
13:13:26 30 told by him that there was a container coming into the Port  
13:13:30 31 of Melbourne and the information had come from her.  
32  
13:13:32 33 Yes?---Whether it was the same conversation or two separate  
13:13:35 34 conversations, I don't recall.  
35  
13:13:37 36 Well in any case ordinarily you might get some intelligence  
13:13:40 37 or information through from the SDU, you wouldn't be told  
13:13:45 38 who the source was; is that right?---That would be the  
13:13:47 39 case, yes.  
40  
13:13:49 41 Now a decision apparently has been made, or was certainly  
13:13:52 42 made in this case, that for some reason you needed to know  
13:13:56 43 who that source was?---Whether I needed to know or I was  
13:14:00 44 told for another reason, I don't know, whether it was a  
13:14:04 45 slip or - sorry, I don't know. But I was told at the time  
13:14:08 46 that that's where the information came from.  
47

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These claims are not yet resolved.

13:14:11 1 The Source Development Unit and its members were not in the  
13:14:13 2 habit of slipping in terms of disclosing who a human source  
13:14:17 3 was, was that your experience?---Yes.  
4  
13:14:20 5 If they told someone like yourself that Ms Gobbo is a human  
13:14:27 6 source they would be doing that for a particular  
13:14:29 7 reason?---We'd expect so.  
8  
13:14:33 9 What was your reaction to being told Ms Gobbo was the  
13:14:38 10 supplier of that information?---I really - my reaction was  
13:14:45 11 did I really need to know that, where it came from? I  
13:14:48 12 accepted that that's what I was told and I did nothing  
13:14:54 13 further with the information. I was more interested in the  
13:14:58 14 truth of the information or not and whether this container  
13:15:01 15 was in fact going to be discovered.  
16  
13:15:07 17 If your reaction involved asking yourself, "Did I really  
13:15:11 18 need to know that", that was something that you might have  
13:15:14 19 inquired into as to, "Well, what's the reason for them  
13:15:17 20 telling me this"?---Not necessarily. As far as I was  
13:15:20 21 concerned it probably didn't need to be dwelled upon, it  
13:15:27 22 was something that I ought to keep to myself and not dwell  
13:15:30 23 on it. It was something that probably needed to go no  
13:15:33 24 further.  
25  
13:15:34 26 You knew her to be a defence barrister?---I knew of her at  
13:15:37 27 the time, yeah.  
28  
13:15:39 29 You knew her to be involved in the defence of people that  
13:15:41 30 were charged with serious drug activity?---Yes.  
31  
13:15:44 32 You knew that this involved serious drug activity?---Yes.  
33  
13:15:50 34 Did you question that there might be some representation of  
13:15:54 35 people involved in this?---No, I didn't. I effectively sat  
13:16:00 36 on the information and thought, well, that's probably not  
13:16:05 37 something that needs to be widely publicised.  
38  
13:16:08 39 The person that seems to have told you this, Mr Green, is  
13:16:11 40 someone that's in the days before, has come from the SDU,  
13:16:17 41 so you would assume that this is information from the  
13:16:20 42 SDU?---Oh, I assume it's how he would know that, yeah.  
43  
13:16:26 44 And the SDU is someone that's dealing with high risk high  
13:16:30 45 value human sources?---Yes.  
46  
13:16:32 47 Did it occur to you that Ms Gobbo might be a high risk high



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13:16:36 1 value human source dealing with Victoria Police?---No, it  
13:16:39 2 didn't.  
3  
13:16:45 4 It must have occurred to you that it was a pretty novel  
13:16:50 5 thing, for a criminal defence barrister to be providing  
13:16:55 6 information for the Drug Task Force?---It occurred to me  
13:17:00 7 that, yes, it was a little bit of a surprise that it was,  
13:17:04 8 but it also occurred to me that I was told, that was a  
13:17:07 9 surprise as well, and it was just whether or not it was her  
13:17:11 10 or anybody else, I thought, "M'mm, okay, do I need to know  
13:17:15 11 that?" And it's something that I probably need to accept  
13:17:22 12 that I've been told and concentrate on the information and  
13:17:24 13 not take it any further and not tell anybody else, repeat  
13:17:27 14 it or so forth.  
15  
13:17:29 16 If you had have been told that this is information that  
13:17:33 17 she's gotten from a client, what would you have done?---A  
13:17:37 18 client who she's representing at the time?  
19  
13:17:40 20 Yes?---That would have been different. That would have  
13:17:43 21 raised some concern in relation to the obvious issues of  
13:17:48 22 conflict and so forth.  
23  
13:17:50 24 What would you have done?---I would have inquired into it  
13:17:56 25 as much as I would have been told anything further by the  
13:17:59 26 SDU people or Green and, if not, pushed it upstairs for  
13:18:05 27 advice to superiors.  
28  
13:18:11 29 On 15 June - - -  
30  
13:18:16 31 COMMISSIONER: If that's a convenient time, we better take  
13:18:18 32 the lunch break I think. We'll adjourn until 2 o'clock.  
13:18:52 33  
13:18:52 34 <(THE WITNESS WITHDREW)  
13:18:53 35  
36 LUNCHEON ADJOURNMENT  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

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13:52:30 1 UPON RESUMING AT 2.06 PM:  
14:06:27 2  
14:06:28 3 COMMISSIONER: Yes Ms Tittensor.  
14:06:30 4  
14:06:31 5 MS TITTENSOR: Thanks Commissioner.  
14:06:32 6  
14:06:33 7 <STEPHEN LANCE SCOTT SMITH, recalled:  
14:06:37 8  
14:06:37 9 MS TITTENSOR: Mr Smith, I was just taking you to some  
14:06:40 10 events from mid-June of 2007. I'd indicated that earlier  
14:06:48 11 that month, on 5 June, Ms Gobbo had handed over shipping  
14:06:52 12 documents, that information had been conveyed to Officer  
14:06:56 13 Green and Officer Green had conveyed the information to  
14:06:59 14 you, okay, is that right?---In relation to shipping  
14:07:04 15 documents?  
16  
14:07:05 17 Yes?---He didn't tell me about the shipping documents.  
14:07:08 18  
14:07:08 19 Sorry, he told you that there was human source information  
14:07:13 20 relating to a container arriving into the Port of  
14:07:16 21 Melbourne?---Yes.  
14:07:17 22  
14:07:18 23 Your recollection is he didn't tell you about specific  
14:07:22 24 shipping documents?---No, only that there was a container  
14:07:25 25 coming in to the Port of Melbourne containing drugs.  
14:07:28 26  
14:07:31 27 And around the same time he tells you that the source of  
14:07:33 28 that information is Ms Gobbo?---That's my recollection.  
14:07:36 29  
14:07:40 30 On 15 June 2007 Ms Gobbo was told that, within the SDU,  
14:07:48 31 that they had established a way to disseminate the  
14:07:51 32 intelligence without disclosing her identity, and the  
14:07:55 33 evidence indicates that in the days thereafter Officer  
14:08:00 34 Green and Sandy White - do you know who I mean when I say  
14:08:04 35 Sandy White?---Yes.  
14:08:04 36  
14:08:05 37 Met with the head of the Australian Customs Service and  
14:08:08 38 together devised a way to disseminate the intelligence. On  
14:08:17 39 18 June 2007, so this is prior to the meeting with the  
14:08:21 40 Australian Customs Service, there's a reference to you in  
14:08:27 41 Mr White's diary, Sandy White's diary, with a reference to  
14:08:33 42 you meeting with the ACC and having discussions about  
14:08:36 43 tracking the container?---Yes.  
14:08:39 44  
14:08:41 45 Are you able to say why you might have been discussing  
14:08:44 46 those matters with Sandy White at that stage?---No, I don't  
14:08:50 47 have any recollection, independent recollection of that

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14:08:52 1 meeting.  
14:08:53 2  
14:08:54 3 Do you recall that you were dealing with Sandy White at all  
14:08:57 4 during this period of time?---No, I wouldn't - that's  
14:09:00 5 something that you're telling me now that's not within my  
14:09:03 6 memory.  
14:09:05 7  
14:09:05 8 Can you think of any other reason, other than in relation  
14:09:09 9 to a human source issue, that you might be having a meeting  
14:09:14 10 with Sandy White?---No, I'd agree with you that it would be  
14:09:18 11 a human source issue if I was talking to Sandy White.  
14:09:23 12  
14:09:23 13 And you're having discussions with him about tracking the  
14:09:26 14 container, so it seems as though there's some knowledge  
14:09:31 15 that there is a specific container that might be  
14:09:36 16 tracked?---Yes.  
14:09:40 17  
14:09:42 18 On the following day, 19 and then 20 June, Mr White and  
14:09:50 19 Officer Green, who is the SDU officer but seconded to your  
14:09:53 20 Task Force, is meeting with Tony Stephens. Do you know who  
14:09:58 21 Mr Stephens is?---The name is, does sound familiar to me.  
14:10:04 22 Is he a member of Customs?  
14:10:06 23  
14:10:06 24 He was the head of the Australian Customs Service?---Yes.  
14:10:09 25  
14:10:10 26 So his diary has meetings with Tony Stephens re Agamas.  
14:10:18 27 There's an indication that the AFP believe that Customs  
14:10:25 28 identified the container's existence via good work.  
14:10:32 29 There's reference to providing freight forwarding and  
14:10:36 30 consignee details, "Will not be passed on. Evidentiary  
14:10:40 31 issues, likelihood that target will dump the container  
14:10:45 32 being high", and then in a later meeting between Mr Sandy  
14:10:52 33 White and another officer of the SDU who we know as Mr Fox  
14:10:56 34 it's noted that, "Updated in relation to the AFP position.  
14:11:02 35 Customs have identified container by own means. Container  
14:11:06 36 on ship Monica. AFP working on Amatruda and D'Amico, they  
14:11:16 37 were other particular targets, is that right?---I'm  
14:11:19 38 familiar with the names. I'm aware they're associates of  
14:11:22 39 the other names we've spoken about before lunch.  
14:11:24 40  
14:11:25 41 Then there's a note about, "Strategy re protection of human  
14:11:28 42 source when container found". Were you made aware of  
14:11:35 43 arrangements with Customs during this period of time so as  
14:11:41 44 the human source, Ms Gobbo, was not compromised?---I don't  
14:11:46 45 recall whether I was or not. I'd be solely relying on  
14:11:50 46 documentation.  
14:11:51 47

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14:11:53 1 If your officer, Officer Green, is attending a meeting like  
14:11:57 2 that, is it something you would expect you would have known  
14:12:00 3 about?---Yes. Although it would appear as though Officer  
14:12:06 4 Green was probably still wearing two hats at that  
14:12:09 5 particular time in dealing with his role as an SDU member  
14:12:15 6 but also as a unit member at the MDID.  
14:12:17 7  
14:12:18 8 No doubt he was safe hands in terms of the SDU  
14:12:23 9 disseminating intelligence through to the Drug Task Force  
14:12:26 10 and other agencies, so from that point of view. But  
14:12:28 11 clearly by this point in time you'd been told that Ms Gobbo  
14:12:31 12 was a source for a particular reason?---The source of that  
14:12:35 13 particular piece of information?  
14:12:36 14  
14:12:37 15 Yes?---Yes.  
14:12:37 16  
14:12:37 17 Would you expect that the reason for that might be because,  
14:12:40 18 "We've got to go to Customs and work this out"?---Yeah, I'm  
14:12:48 19 not sure I necessarily follow that reasoning but it's  
14:12:53 20 possible. It's possible. I don't know what was in his  
14:12:56 21 mind about that.  
14:12:57 22  
14:12:58 23 If we go to your diary for the 21st, this is the day after  
14:13:03 24 the meeting with Customs, it's VPL.0005.0162.0186, p.7. Do  
14:13:16 25 you know there were some more diaries of yours that were  
14:13:19 26 produced overnight?---Yes.  
14:13:20 27  
14:13:21 28 Are you able to explain why a number of entries in relation  
14:13:25 29 to these matters weren't identified earlier?---Um, no. We  
14:13:33 30 went through the diaries during the preparation of my  
14:13:36 31 statement. As far as I'm aware during that process matters  
14:13:43 32 of relevance and interest were identified and produced. I  
14:13:47 33 had no role in producing the actual diaries to the  
34 Commission.  
14:13:50 35  
14:13:51 36 Were you involved in re-looking at these diaries for  
14:13:54 37 production or was it someone else?---Last night?  
14:13:58 38  
14:13:59 39 Yes, in relation to the production of the new diaries  
14:14:01 40 overnight?---I read - no, I wasn't involved in that process  
14:14:06 41 but I was taken to that this morning here.  
14:14:10 42  
14:14:11 43 If we go, this is on the 21st, you'll see - - -  
14:14:17 44  
14:14:17 45 COMMISSIONER: It might have been part of the audit  
14:14:19 46 process, Ms Tittensor.  
14:14:20 47

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14:14:21 1 MS TITTENSOR: Yes Commissioner. If we see at 8.45 am  
14:14:30 2 there's a reference to, "Tony Biggin re Agamas update re  
14:14:38 3 meeting yesterday"?---"Re meeting yesterday", yes.  
14:14:41 4  
14:14:44 5 Do you accept that that's likely to have been in relation  
14:14:48 6 to matters relating to what was going on with the Customs  
14:14:53 7 service?---Um, Tony Biggin's resources had a role with  
14:15:05 8 Agamas separately in relation to the container, Agamas  
14:15:10 9 being that ongoing investigation we utilised Mr Biggin's  
14:15:14 10 resources, covert resources.  
14:15:15 11  
14:15:15 12 If the day before - Tony Biggin was also essentially  
14:15:20 13 Mr Sandy White's boss?---Yep, yep.  
14:15:23 14  
14:15:23 15 And if the day before there had been a meeting in relation  
14:15:26 16 to protecting a human source in relation to the  
14:15:29 17 dissemination of information with the Australian Customs  
14:15:33 18 Service, is it likely that that's what he's telling you  
14:15:37 19 about?---It's possible but Agamas refers to that ongoing  
14:15:45 20 investigation we've already spoken about, so I'm only  
14:15:48 21 guided by what the notes say here. I have no independent  
14:15:51 22 recollection of the meeting.  
14:15:53 23  
14:15:56 24 If we can go through to p.9, please. You see there at  
14:16:13 25 6.35, amongst the matters there you receive an update from  
14:16:19 26 Officer Green, is that right?---Yes.  
14:16:21 27  
14:16:23 28 And then at 8.15 following that, sorry, after that you  
14:16:29 29 speak to Mr Hollowood and then at 8.15 you have a note,  
14:16:34 30 "Oueda to Sydney" and then is it, "Harry, Robby and  
14:16:42 31 Gobbo", or is it - - -?---It's, "Harry, Robby at Gobbo, and  
14:16:47 32 Gobbo".  
14:16:47 33  
14:16:47 34 Yes. Do you know what that's about?---No, I don't  
14:16:52 35 specifically.  
14:16:53 36  
14:16:54 37 Do you expect that Robby is a reference to Robby  
14:16:58 38 Karam?---It's possible. "Harry, Robby and/or at Gobbo."  
14:17:05 39 Possibly.  
14:17:05 40  
14:17:06 41 Might that relate to something to do with the dissemination  
14:17:10 42 of information from Officer Green?---Possibly. I note it's  
14:17:19 43 an hour and a half later. It could also relate to other  
14:17:24 44 information from somebody else that I was told in the  
14:17:27 45 course of the day's activities.  
14:17:29 46  
14:17:30 47 In any case, are you aware that Officer Green continued to

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14:17:36 1 receive disseminations of information on the movements of  
14:17:40 2 people like Karam and Higgs and including the fact that  
14:17:44 3 he'd received information, we can say, the night before  
14:17:48 4 this? Would he be passing that intelligence on to  
14:17:58 5 you?---That's quite possible that he would. It all depends  
14:18:02 6 on the circumstances, the context and the type of  
14:18:04 7 information as to whether it went to me or other  
14:18:07 8 investigators, really. Being the manager of the Task Force  
14:18:10 9 I had a different role.

14:18:12 10  
14:18:12 11 I follow that. But this is a situation, I guess, and as we  
14:18:18 12 progress further into when the container is seized or  
14:18:22 13 looked at by Customs, you're very interested in what the  
14:18:26 14 players are doing in the lead up and once the container has  
14:18:30 15 arrived, is that right?---Yes, I became, ultimately became  
14:18:35 16 the VicPol member of what was called the joint management  
14:18:38 17 group and so I had to attend briefings on behalf of VicPol,  
14:18:43 18 operational briefings.

14:18:44 19  
14:18:44 20 If we're looking at a container that's about to arrive,  
14:18:48 21 you're pretty concerned about what's going on with the  
14:18:52 22 players you think are involved with that?---Sorry, my  
14:18:54 23 previous answer related to post container delivery, not  
14:18:58 24 pre.

14:18:58 25  
14:19:00 26 We're in this period where we have information there's a  
14:19:03 27 container arriving, Customs know about it, we know who the  
14:19:09 28 suspects are, Mr Green is receiving disseminations of  
14:19:14 29 intelligence from the SDU, Ms Gobbo via the SDU. Would he  
14:19:19 30 be updating you on movements in relation to your  
14:19:24 31 suspects?---As relates to information coming via the SDU,  
14:19:31 32 the movements of the suspects, as you put it, would have  
14:19:35 33 been coming from any number of sources including possibly  
14:19:38 34 the SDU.

14:19:39 35  
14:19:39 36 But would Mr Green, when he's receiving this information,  
14:19:42 37 be telling you about it so that you can presumably make  
14:19:45 38 decisions about allocating resources for - - -?---He would  
14:19:51 39 have been quite possibly telling me, yes.

14:19:53 40  
14:20:01 41 Looking through your diary you see on this occasion, on the  
14:20:06 42 22nd, you've used the surname of, and I'm talking about the  
14:20:12 43 actual surname of Officer Green and you know what Officer  
14:20:18 44 Green's first name is?---Yes.

14:20:19 45  
14:20:19 46 On occasions we see through your diary that you refer to  
14:20:22 47 PII and that Christian name?---Yes.

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14:20:27 1  
14:20:27 2 I'm not going to say it?---I agree with that. I've  
14:20:30 3 reversed them on occasions in the diary but we're talking  
14:20:34 4 about the same person.  
14:20:35 5  
14:20:35 6 I just wanted to clarify that's the same person you're  
14:20:39 7 talking about?---Yes, it is. It's the way it's written  
14:20:43 8 really.  
14:20:43 9  
14:20:44 10 And it seems as though, as you would expect, on regular, at  
14:20:49 11 regular intervals you're receiving information from  
14:20:54 12 him?---Yes.  
14:20:55 13  
14:20:55 14 That would be right, you're receiving updates as to the  
14:20:57 15 status of the investigation and presumably that would  
14:21:00 16 include intelligence that he's received from the  
14:21:04 17 SDU?---Quite possibly, yes.  
14:21:05 18  
14:21:09 19 And it seems as though, when we go through the SDU  
14:21:14 20 material, that he continues to receive regular  
14:21:22 21 disseminations of information provided by Ms Gobbo in  
14:21:25 22 relation to her being tasked to make dinner arrangements  
14:21:31 23 with Mr Karam, provision of information about the  
14:21:34 24 involvement in meetings and movements of he and Mannella  
14:21:38 25 and Higgs and so forth and their plans and concerns in  
14:21:41 26 relation to the containers and a fear that if you put a  
14:21:47 27 quarantine on the container he'll know that it's off and  
14:21:52 28 they'll dump it. Would that type of information come to  
14:21:55 29 you?---Yes.  
14:21:56 30  
14:22:00 31 It makes sense because that would, you'd direct resources,  
14:22:04 32 if you knew that there was a meeting on at a particular  
14:22:07 33 time you'd have surveillance waiting there?---Quite  
14:22:11 34 possibly, yes.  
14:22:11 35  
14:22:13 36 If we go to p.11 of your diary here. We see you're getting  
14:22:24 37 an update, this is 28 June 2007, this is the day that the,  
14:22:32 38 that Customs sort of take possession of the container.  
14:22:37 39 That's at [REDACTED] take possession of the container,  
14:22:41 40 is that right?---Yes, the - through Customs they [REDACTED]  
14:22:46 41 [REDACTED] and put it [REDACTED]  
14:22:51 42 inspection processes.  
14:22:52 43  
14:22:52 44 That's what's reflected in your diary there?---Yes. I  
14:22:55 45 wasn't present during that time, he was updating me by  
14:22:59 46 phone.  
14:22:59 47

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14:23:00 1 What he tells you is that Australian Customs Service, ACC  
14:23:03 2 and AFP are all in attendance when that's occurring?---Yes.  
14:23:08 3  
14:23:11 4 You see there's an entry at 18:40, is it 19:00 the entry  
14:23:16 5 under that?---18:40, 19:00, yes.  
14:23:20 6  
14:23:20 7 You're getting another update from Officer Green?---Yes.  
14:23:24 8  
14:23:26 9 And then another one at 20:30?---Yes.  
14:23:30 10  
14:23:30 11 And you're told at that stage there's MDMA has been located  
14:23:35 12 in the container?---Correct.  
14:23:37 13  
14:23:42 14 Now, during this period of time, that day, Ms Gobbo is  
14:23:49 15 telling her handlers information that's being disseminated  
14:24:03 16 to Green - Ms Gobbo was providing information that's being  
14:24:09 17 disseminated to Officer Green during the day that Karam is  
14:24:12 18 meeting with the Italian boys from Griffiths about the  
14:24:16 19 container, they're meeting at the Waterfront that night at  
14:24:20 20 8.30. Would you expect that that type of information, when  
14:24:23 21 you're receiving those updates from Officer Green, would  
14:24:26 22 have been conveyed to you?---Yes, I probably would expect  
14:24:30 23 to know about that either at the time verbally or perhaps  
14:24:33 24 via an information report later on.  
14:24:36 25  
14:24:37 26 If you could have possibly, you would have wanted  
14:24:40 27 surveillance down at the Waterfront I take it?---Possibly,  
14:24:47 28 yep. It would have been a consideration.  
14:24:49 29  
14:25:07 30 Following that I think your diary reflects that you're  
14:25:11 31 given some information about the quantity of drugs that  
14:25:14 32 were located in the shipment and it was very  
14:25:18 33 substantial?---Correct.  
14:25:18 34  
14:25:19 35 Is it around this point of time that Inca commences?---Inca  
14:25:25 36 commenced as a result of the discovery of the ecstasy, yes.  
14:25:31 37 How long it took to actually stand it up as a formal  
14:25:35 38 investigation I'm not really sure, but it would have really  
14:25:38 39 effectively commenced with the discovery of the ecstasy.  
14:25:40 40  
14:25:44 41 It's appreciated at this stage though that this is part of  
14:25:47 42 the Agamas investigation as well?---Potentially, yes,  
14:25:54 43 without being known at that particular time.  
14:25:58 44  
14:25:58 45 On 1 July Ms Gobbo was given some feedback from her  
14:26:02 46 handlers that this police seizure will be the biggest in  
14:26:06 47 the world and she tells the handlers that she thinks that

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14:26:12 1 the Karam jury will go out on Thursday, so this is on the  
14:26:17 2 Sunday, I think, 1 July and she's telling them she's been  
14:26:21 3 doing a trial with him and the jury is set to go out the  
14:26:25 4 following Thursday, which will be 5 July?---Okay.  
14:26:29 5  
14:26:34 6 On 3 July she's having some conversation, a face-to-face  
14:26:39 7 meeting with Mr Smith, sorry, not Mr Smith, Mr Fox and  
14:26:44 8 Sandy White, and they're talking about the investigation  
14:26:48 9 and that the AFP were feeding off their own ego about how  
14:26:52 10 they got to know about the container and that they think  
14:26:55 11 it's all them and they're not looking for any source, which  
14:26:58 12 they're happy about. And there's talk about how Customs  
14:27:04 13 were steered in the right direction and got the right  
14:27:07 14 container and they believe that they found it and those  
14:27:13 15 kinds of issues?---(Witness nods.)  
14:27:14 16  
14:27:15 17 Now do you recall on about 4 July there was concern being  
14:27:22 18 raised about Ms Gobbo's potential involvement with Mr Karam  
14:27:28 19 in illegal activity?---Raised with me?  
14:27:33 20  
14:27:33 21 Yes?---No, I don't recall that.  
14:27:36 22  
14:27:39 23 During that day Ms Gobbo is, it becomes apparent that  
14:27:45 24 investigators are asking for clarification on the purpose  
14:27:51 25 or knowledge of text messaging between Ms Gobbo and  
14:27:57 26 Mr Karam, do you recall that as an issue?---No, I have no  
14:28:02 27 recollection of any of that.  
14:28:03 28  
14:28:03 29 It seems as though investigators were aware of text  
14:28:08 30 messaging going on between Mr Karam and Ms Gobbo and it was  
14:28:12 31 of a nature that suggested involvement in drug activity.  
14:28:15 32 Ms Gobbo was questioned by her handlers and said  
14:28:18 33 essentially she was, they were joking between each other  
14:28:21 34 and using, sending each other texts from current, or TI's  
14:28:28 35 in their current trial?---Right, okay. Yes, I can't  
14:28:33 36 comment on that.  
14:28:34 37  
14:28:34 38 If we can just go to your diaries for that day, 4 July.  
14:28:43 39 RCMPPI.0126.0001.0007 at 18 to 20. Now, I see there it  
14:28:59 40 appears as though that's at 22:03 but I'm not sure that  
14:29:05 41 that time in the left-hand column is correct because if we  
14:29:09 42 go over to the next page there's times after that, so I'm  
14:29:12 43 not sure if you can explain - - -?---The only thing I can  
14:29:18 44 say about that is that that may relate to the, what the  
14:29:22 45 text relates to. So in other words if there was some SMS  
14:29:33 46 activity between those particular people it may have  
14:29:37 47 occurred at 22:03.

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14:29:40 1  
14:29:41 2 Perhaps that's the time that that activity  
14:29:44 3 occurred?---Rather than - - -  
14:29:45 4  
14:29:47 5 Sometime previously?---Rather than the date relating to the  
14:29:50 6 meeting itself.  
14:29:50 7  
14:29:50 8 We see the first entry of your day is 09:00 and then 9:45  
14:29:57 9 you're at the office with other duties and then at 10:30  
14:30:01 10 you're at the ACC for a joint management group  
14:30:06 11 meeting?---Yes.  
14:30:07 12  
14:30:07 13 So is that Inca?---It may have been, Inca may have been  
14:30:16 14 created at that stage but it may have been in relation to  
14:30:19 15 what became Inca. Whether Inca had been labelled Inca by  
14:30:24 16 that stage I can't recall.  
14:30:25 17  
14:30:25 18 It's either that or the prelude to it?---Yes.  
14:30:28 19  
14:30:28 20 And then immediately under that you see you've written,  
14:30:35 21 "Gobbo phone", is it "for Karam text" or "to Karam  
14:30:42 22 text"?---I believe that's "to Karam text".  
14:30:45 23  
14:30:45 24 So, "Gobbo phone to Karam text"?---Yes.  
14:30:49 25  
14:30:50 26 Underneath that it's written again, "Joint management group  
14:30:54 27 meeting, Gobbo phone reverse CCRs"?---Yes.  
14:30:59 28  
14:31:00 29 Do you recall being told about concerns in relation to  
14:31:05 30 Ms Gobbo's use of phones with Karam?---It was either - I  
14:31:12 31 have no independent recollection of this meeting, given the  
14:31:15 32 passage of time, but looking at the notes it's either that  
14:31:18 33 or it's an update on, from an investigation point of view,  
14:31:24 34 the fact that she's been in touch with Karam, Karam being a  
14:31:30 35 person of interest, and discussion around her as a person  
14:31:34 36 of interest talking to another person of interest, being  
14:31:37 37 Karam.  
14:31:37 38  
14:31:38 39 Sorry, are you meaning to say that Ms Gobbo might be a  
14:31:41 40 person of interest?---By virtue of her contact with these  
14:31:44 41 people, yes.  
14:31:45 42  
14:31:46 43 And the nature of the contact?---The nature of the contact,  
14:31:50 44 yes.  
14:31:50 45  
14:31:51 46 And if we read a bit, a number of lines down they're  
14:31:55 47 talking about, "SMS, Karam, Higgs, good evidence texts",

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14:31:58 1 and then it says, "Discussion re Gobbo  
14:32:02 2 phone"?---"Discussion re Gobbo phone."  
14:32:05 3  
14:32:05 4 Dash?---Dash - - -  
14:32:09 5  
14:32:09 6 "Legally move container under board"?---Under bond.  
7  
14:32:14 8 Under?---Under bond.  
14:32:17 9  
14:32:17 10 Do you know what that is referring to?---It would have been  
14:32:20 11 in relation to Customs brokerage container issues.  
14:32:26 12  
14:32:26 13 Is this an indication that you're having a discussion in  
14:32:30 14 relation to Ms Gobbo's phone where there's some  
14:32:33 15 communication regarding a container under bond?---That's  
14:32:40 16 what it says on its face, yes.  
14:32:41 17  
14:32:41 18 Do you understand that this is a meeting at the ACC, would  
14:32:49 19 the AFP have been there as well?---No, I don't believe that  
14:32:52 20 they were. There's no reference to them being present. It  
14:32:56 21 would have been what the current Agamas joint management  
14:33:01 22 set up was, which was essentially ACC/VicPol, as much as I  
14:33:07 23 can recall.  
14:33:08 24  
14:33:09 25 What we do understand, what we know is that these concerns  
14:33:12 26 were getting back to the SDU, that Ms Gobbo is suspected of  
14:33:18 27 involvement in this offending and whatever she's doing she  
14:33:21 28 needs to stop it. You were at this meeting. Who else from  
14:33:26 29 VicPol would have been at this meeting?---I can't recall at  
14:33:34 30 that particular time. It may have been just me or it may  
14:33:38 31 have been other members of the, our drug area. I can't  
14:33:46 32 recall, I don't know.  
14:33:46 33  
14:33:47 34 What happens, what appears to happen is that these concerns  
14:33:51 35 get back to Superintendent Biggin, who then raises them  
14:33:55 36 with the SDU. So do you expect that you would have gone  
14:33:58 37 back and said to Mr Biggin, knowing that Ms Gobbo is a  
14:34:03 38 source, the ACC are asking questions about her?---It's  
14:34:13 39 possible. I don't believe that I would have, but my  
14:34:19 40 interest in her at that particular time would have been as  
14:34:23 41 a person of interest in relation to the offending and in  
14:34:27 42 relation to the container.  
14:34:30 43  
14:34:31 44 You say she might have been a person of interest in  
14:34:33 45 relation to the offending and the container, but she's the  
14:34:36 46 very person who has provided information about a container  
14:34:39 47 coming in. You know she's the source of

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14:34:42 1 information?---Yes.  
14:34:42 2  
14:34:42 3 Surely you would be going back to the SDU, probably via  
14:34:49 4 your colleague in rank, Superintendent Biggin, and saying,  
14:34:53 5 "The source is seeming to be involved in this, what's going  
14:34:57 6 on"?---Yeah, that's quite possible. I don't, I don't  
14:35:01 7 recall. It is quite possible.  
14:35:07 8  
14:35:09 9 If we can scroll through further, and over the page. I  
14:35:25 10 think we might have to go back to the newer diaries. If we  
14:35:35 11 can go to VPL.0005.0162.0186, and we're going to 4 July.  
14:36:11 12 So that's the page that we've just been looking at.  
14:36:35 13 Actually, we might need to go back to the old one because I  
14:36:39 14 have a note of the particular page and I'm not sure where  
14:36:42 15 it is in the new one. Sorry about that. Page 20 of the  
14:36:49 16 RCMPPI diary. So you see there's a note up the top that  
14:37:00 17 indicates we're still on 4 July?---H'mm.  
14:37:05 18  
14:37:08 19 Down the bottom, towards the end of that meeting, there's  
14:37:15 20 some reference to, "Good evidence, believe can install", do  
14:37:23 21 you see that?---Where you've got your cursor?  
14:37:27 22  
14:37:28 23 Yes, where the cursor is?---"Good evidence", I can't see  
14:37:33 24 what's - that's better.  
14:37:35 25  
14:37:35 26 Something "can install or" - - -?---I think it's Bell Air.  
14:37:40 27  
14:37:40 28 Sorry?---Bell Air.  
14:37:42 29  
14:37:43 30 "Bell Air install"?---Install. I think, was that a motel  
14:37:51 31 or hotel or something that was involved with them?  
14:37:54 32  
14:37:54 33 Right. Then following that you've got a reference, "Karam  
14:37:57 34 jury"?---Yes.  
14:38:01 35  
14:38:02 36 And as I indicated to you before, Mr Karam's jury were  
14:38:09 37 about to go out, they were about to retire to consider  
14:38:12 38 their verdict?---So are we still at this joint management  
14:38:16 39 group meeting?  
14:38:17 40  
14:38:17 41 It seems to be the case, yes. We can scroll up and confirm  
14:38:21 42 that if you look?---No, I'm happy - I just lost track of  
14:38:26 43 the date and the - - -  
14:38:26 44  
14:38:27 45 We may or may not be. Perhaps we can scroll up?---I just  
14:38:29 46 notice I was there at 10:30 in the morning.  
14:38:31 47

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14:38:32 1 It looks like a long day. Sorry, is that 18:15, it's a  
14:38:40 2 joint management group meeting, it might have reconvened  
14:38:44 3 perhaps?---Okay.  
14:38:44 4  
14:38:44 5 MS ARGIROPOULOS: Commissioner, if I can just indicate we  
14:38:45 6 do have the witness's original diaries if he would be  
14:38:49 7 assisted by having those.  
14:38:52 8  
14:38:52 9 MS TITTENSOR: Yes. No objection to that at all.  
14:38:54 10  
14:38:55 11 COMMISSIONER: Yes, it makes sense, yes.  
14:39:04 12  
14:39:04 13 MS TITTENSOR: It's perhaps the case that there's been a  
14:39:06 14 reconvening of that meeting later in the day?---Yes.  
14:39:09 15  
14:39:10 16 And I guess it's a significant time period after Customs  
14:39:16 17 had taken or intercepted the container?---Yes, it's three  
14:39:21 18 or four days later.  
14:39:23 19 This is the 4th and I think that had happened on the  
14:39:27 20 28th?---Okay, yes, a week or so.  
14:39:28 21  
14:39:28 22 There's a reconvening of the meeting on the night of 4 July  
14:39:36 23 and it seems as though towards the end of that meeting, if  
14:39:40 24 we can scroll up, there's reference to Mr Karam's jury and  
14:39:48 25 I - would you infer that that's a reference to discussion  
14:39:51 26 about him, his jury going out?---It would appear to be.  
14:39:57 27  
14:39:58 28 And then immediately under that, what does it say?---"Gobbo  
14:40:07 29 live."  
14:40:08 30  
14:40:09 31 Can you explain what that might mean, "Gobbo live" or  
14:40:18 32 "Gobbo live"?---"Gobbo live." I'm solely relying on those  
14:40:21 33 notes, I have no independent recollection of the meeting,  
14:40:24 34 and I can't take that further in relation to what that  
14:40:26 35 specifically means.  
14:40:28 36  
14:40:29 37 Underneath that it says "intel meeting"?---Yes.  
14:40:31 38  
14:40:32 39 Something about "accessing LD holdings"?---Yes.  
14:40:35 40  
14:40:36 41 You can't take it any further. There's obviously some  
14:40:38 42 discussion about Mr Karam's jury going out, a discussion  
14:40:42 43 about Ms Gobbo?---That's what it says. I can't recall and  
14:40:47 44 it doesn't say who was present in my diary as well so I  
14:40:52 45 can't take it any further.  
14:40:53 46  
14:40:54 47 Would you expect that if there's discussion along those

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14:40:57 1 lines about Mr Karam's jury going out, you've got  
14:41:01 2 discussions about Ms Gobbo being on, involved in concerning  
14:41:06 3 telephone calls with him, you've got this knowledge of her  
14:41:11 4 having provided the information to the SDU in the first  
14:41:14 5 place, that you might have, it might have occurred to you  
14:41:18 6 that Ms Gobbo was involved in Mr Karam's legal  
14:41:21 7 representation at the time?---I can't answer that other  
14:41:27 8 than what it says in my diary that you have in front of  
14:41:30 9 you.  
14:41:32 10  
14:41:33 11 Do you think it might have occurred to you?---It's possible  
14:41:38 12 it's something that I was told by - not something that I  
14:41:43 13 would have independently known. The only way I could  
14:41:46 14 relate the two, bring the two together, to close that loop,  
14:41:51 15 it would have been something that I was told by others.  
14:41:55 16  
14:41:58 17 Might it have occurred to you to inquire with all that  
14:42:01 18 information that you had, she's provided this information,  
14:42:07 19 he's in a trial at the time, she's a criminal defence  
14:42:10 20 lawyer, they're texting each other?---If that's what it  
14:42:14 21 relates to and if that's the outcome of that and if that's  
14:42:18 22 what that specifically has determined, yes, I would have  
14:42:21 23 inquired into it.  
14:42:24 24  
14:42:24 25 You don't know if you did or you didn't?---Well I know I  
14:42:27 26 didn't.  
14:42:28 27  
14:42:36 28 Now, following this time Ms Gobbo continued to provide  
14:42:42 29 intelligence about Mr Karam and about others through the  
14:42:46 30 SDU and there continued to be disseminations through to  
14:42:50 31 Officer Green and presumably you continued to receive some  
14:42:53 32 of that information?---Yeah, I expect that I would have.  
14:42:58 33  
14:42:58 34 Knowing that the significant information about the  
14:43:01 35 container coming in came from Ms Gobbo in the first place  
14:43:06 36 and Mr Green is getting this information from the SDU, you  
14:43:10 37 would have assumed that that information was also coming  
14:43:12 38 from Ms Gobbo?---Probably, yes.  
14:43:15 39  
14:43:20 40 Do you recall being told about what happened at Mr Karam's  
14:43:24 41 trial?---No.  
14:43:25 42  
14:43:25 43 That he was acquitted?---I take your word for it.  
14:43:32 44  
14:43:34 45 Is that something you likely would have been told at the  
14:43:37 46 time?---Possibly. I don't recall.  
14:43:43 47

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14:43:52 1 Now, you commenced at the Petra Task Force in July of  
14:43:58 2 2008?---Yes.  
14:43:58 3  
14:44:00 4 And that Task Force itself had commenced April the year  
14:44:05 5 before?---Yes.  
14:44:06 6  
14:44:07 7 In relation to the murders of Christine and Terrence  
14:44:11 8 Hodson?---Yes.  
14:44:11 9  
14:44:13 10 And as that investigation developed there were offshoot  
14:44:18 11 operations, is that right?---Yes.  
14:44:19 12  
14:44:20 13 The primary one in relation to the Hodsons was known as  
14:44:23 14 Operation Loris?---Yes, that's correct.  
14:44:24 15  
14:44:27 16 Now, you reported to the management committee?---Yes.  
14:44:33 17  
14:44:34 18 And the chair was Mr Overland?---Yes.  
14:44:36 19  
14:44:37 20 And Mr Cornelius and Mr Ashton were also on that  
14:44:40 21 committee?---Yes.  
14:44:41 22  
14:44:43 23 Was there anyone else who were decision makers on that  
14:44:48 24 committee?---Assistant Commissioner Moloney, I believe, and  
14:44:55 25 Superintendent Hollowood.  
14:44:58 26  
14:45:00 27 Moloney came on board in about November 2008 upon his  
14:45:04 28 promotion to Assistant Commissioner of Crime, is that  
14:45:07 29 right?---Yeah, I don't recall the date but he wasn't on it  
14:45:10 30 when I first started but he came to be on it later, yes.  
14:45:14 31  
14:45:14 32 What was your understanding of Superintendent Hollowood's  
14:45:17 33 role on that committee?---Superintendent Hollowood was a  
14:45:23 34 liaison, a day-to-day liaison from Petra into other matters  
14:45:30 35 other than matters that we needed approval for or  
14:45:35 36 discussion on the Monday weekly meetings. So he was - we  
14:45:39 37 would report day-to-day to Paul on, I don't know, lesser  
14:45:46 38 matters if you like, administrative, resource, the  
14:45:49 39 functions of the Task Force, funding, administration,  
14:45:55 40 et cetera, et cetera, and he would assist the steering  
14:46:03 41 committee in relation to those matters and anything else on  
14:46:06 42 the Monday afternoon meetings.  
14:46:10 43  
14:46:10 44 There was someone else who was intimately attending called  
14:46:13 45 Peter Wilson?---Peter Wilkins was Simon's staff officer.  
14:46:22 46 He wasn't a decision maker on the Task Force.  
14:46:25 47

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14:46:27 1 And in terms of his attendance at those meetings, was he a  
14:46:32 2 note-taker or anything like that?---No. Look he may have  
14:46:36 3 taken his own notes, I don't recall, but he was present in  
14:46:40 4 the capacity as Mr Overland's staff officer.  
14:46:44 5  
14:46:45 6 You say, you talk at paragraph 27 of your statement about  
14:46:51 7 when you joined the Petra Task Force the investigation at  
14:46:54 8 that point had plateaued?---Yes, pretty much, yes, it had.  
14:46:59 9  
14:47:00 10 And you familiarised yourself with the investigation,  
14:47:03 11 became aware of the suspects and so forth?---Yes.  
14:47:06 12  
14:47:07 13 And became aware of previous lines of inquiry?---Yes.  
14:47:09 14  
14:47:12 15 How did you engage in that task?---I sat down with Senior  
14:47:19 16 Sergeant O'Connell and also the primary investigators,  
14:47:24 17 Detective Sergeant Solomon and Senior Detective Davey, and  
14:47:29 18 was verbally briefed on the chronology of events within the  
14:47:33 19 Task Force and I would have familiarised myself with Task  
14:47:39 20 Force documentation also.  
14:47:41 21  
14:47:41 22 Did you have an opportunity to speak with Gavan Ryan about  
14:47:45 23 any of this?---No, I didn't. Gavin, I think, was overseas  
14:47:51 24 at an international deployment at the time, I think.  
14:47:55 25  
14:47:55 26 Did you receive any briefings from those on the steering  
14:47:59 27 committee?---No.  
14:48:00 28  
14:48:04 29 Now, I take it from the outset you were, you knew that  
14:48:08 30 Ms Gobbo was someone of interest in the  
14:48:12 31 investigation?---Yes.  
14:48:12 32  
14:48:13 33 And that was because of what Carl Williams had said about  
14:48:17 34 her in the statement?---His statement to Purana, yes.  
14:48:21 35  
14:48:21 36 Or to Petra?---Um - - -  
14:48:26 37  
14:48:27 38 It might have been Purana, yes?---The statement for Petra  
14:48:29 39 come later. There was a previous statement from Purana in  
14:48:31 40 existence at the time I arrived.  
14:48:33 41  
14:48:33 42 That was a statement that he had signed around the time of  
14:48:37 43 his plea hearing in April 2007?---I don't recall the date  
14:48:40 44 but yes, that sounds right.  
14:48:41 45  
14:48:42 46 Essentially he'd named her in a couple of paragraphs in his  
14:48:47 47 statement and indicated that she was someone involved in



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14:48:50 1 setting up meetings between he and Paul Dale?---It's been  
14:48:54 2 some time since I've seen the statement but I accept that,  
14:48:57 3 yes.  
14:48:57 4  
14:48:57 5 She was the link between them?---Yes.  
14:49:01 6  
14:49:01 7 Is that your recollection?---Yes, yes.  
14:49:03 8  
14:49:05 9 Now, were you aware that when the investigation had  
14:49:09 10 commenced back in April of 2007 there was a plan at that  
14:49:12 11 stage that Gobbo would be called before the OPI?---Yes.  
14:49:17 12  
14:49:18 13 And were you briefed about parts of the investigation that  
14:49:23 14 involved Ms Gobbo from that time?---Would have been, yes.  
14:49:28 15  
14:49:30 16 In May of 2007 Mr Overland had authorised the SDU to  
14:49:36 17 question Ms Gobbo about her knowledge of Mr Dale and the  
14:49:42 18 Hodsons. Were you made aware of that?---I would have been,  
14:49:46 19 yes.  
14:49:46 20  
14:49:50 21 Then in July of 2007 - you're aware by this stage, I take  
14:49:59 22 it, or you became aware very quickly that Ms Gobbo was a  
14:50:04 23 registered human source with the SDU?---In 2007?  
14:50:07 24  
14:50:08 25 Well, no, no, when you're getting your briefing now it's 1  
14:50:13 26 July or thereabouts?---I became aware around that time but  
14:50:18 27 later. I think it was, would have been a couple of months  
14:50:25 28 from the best of my memory, into my tenure at Petra.  
14:50:31 29  
14:50:32 30 In what circumstance?---I think it would have, the  
14:50:41 31 circumstances, as best I can recall, would have been in  
14:50:45 32 relation to being told that she was a registered human  
14:50:50 33 source in relation to what we, the fact that we proposed to  
14:50:54 34 re-interview her, or perhaps put her before another  
14:50:58 35 hearing, and what we were going to do in relation to  
14:51:02 36 extracting her full knowledge of what she knows about the  
14:51:06 37 Hodsons. I think I then became aware to help guide us in  
14:51:10 38 relation to what we were going to do with her that she was  
14:51:13 39 a human source.  
14:51:13 40  
14:51:14 41 Does that mean prior to that you hadn't, you might not have  
14:51:17 42 been told this information then, that back in May of 2007,  
14:51:25 43 prior to any OPI hearing relating to Ms Gobbo, the SDU had  
14:51:30 44 questioned her - - -?---I would have been told that after I  
14:51:34 45 arrived at Petra in relation to my, the familiarisation  
14:51:38 46 process that I went through. I wasn't told about May 2007  
14:51:43 47 in May 2007.

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14:51:44 1  
14:51:45 2 No, no, no. But what I'm saying is if you're getting this  
14:51:48 3 full briefing at the time you arrive on 1 July 2008 about  
14:51:52 4 what's gone on in relation to Ms Gobbo's part in this whole  
14:51:56 5 thing?---I see, yep.  
14:51:57 6  
14:51:57 7 One of the things, if you're getting a full briefing, is  
14:52:01 8 she's being questioned by the SDU and at that very moment  
14:52:06 9 then you know she's been registered by the SDU?---I  
14:52:10 10 maintain that I didn't know that at that particular time  
14:52:14 11 until around September, October. So whether I was told  
14:52:18 12 that she was being questioned by the SDU, well perhaps I  
14:52:20 13 was, I don't know the exact detail, but I certainly was  
14:52:25 14 briefed in relation to her relationships and associations  
14:52:27 15 with Williams and Dale.  
14:52:29 16  
14:52:30 17 Were you told that there'd been, at the time that you were  
14:52:35 18 briefed when you took over, took charge of this Task Force,  
14:52:38 19 that she'd already been called before the OPI?---Possibly.  
14:52:44 20  
14:52:44 21 That it didn't go well?---The hearing?  
14:52:47 22  
14:52:47 23 Yes?---Possibly.  
14:52:50 24  
14:52:50 25 And that the reason it didn't go well was because of  
14:52:54 26 concern that her status as a human source might be revealed  
14:53:00 27 through that process?---That's quite possible, I don't  
14:53:02 28 recall.  
14:53:02 29  
14:53:04 30 You no doubt would have been told that in February 2008  
14:53:07 31 Ms Gobbo had been spoken to again by investigators.  
14:53:11 32 There's some questionnaire that Mr Davey and Mr Solomon had  
14:53:17 33 taken Ms Gobbo to?---Yes, I was made aware that they had to  
14:53:25 34 submit questions before interviewing her.  
14:53:28 35  
14:53:28 36 Who did they have to submit questions to?---I think it was  
14:53:32 37 the steering committee, I think.  
14:53:34 38  
14:53:35 39 And who told you that that was necessary?---I would have  
14:53:43 40 been - I don't recall the specific conversation but it  
14:53:45 41 would have been as part of the overall briefing that I got  
14:53:50 42 on my arrival, because I think, based on where we wanted to  
14:53:57 43 go ultimately with, post my arrival, that we wanted to  
14:54:01 44 speak to her again.  
14:54:02 45  
14:54:03 46 I take it that sort of sticks out in your mind, that they  
14:54:06 47 had to submit questioning to the steering committee group

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14:54:09 1 because that's an unusual thing?---It is unusual.  
14:54:14 2  
14:54:15 3 Yes. Did you say why?---I don't recall. I probably did.  
14:54:22 4 I don't know. I don't recall whether I inquired into that  
14:54:29 5 at the time or not.  
14:54:30 6  
14:54:32 7 Were your investigators sort of questioning about why we're  
14:54:36 8 being told what questions to ask persons of interest?---The  
14:54:43 9 briefing and familiarisation process that I undertook went  
14:54:48 10 for quite some time. There was hundreds of people, persons  
14:54:52 11 of interest with Petra, and she was one of them.  
14:54:54 12  
14:54:56 13 In March of 2008 there was an investigation in relation to  
14:55:03 14 potential involvement by Andrew Hodson, you were told about  
14:55:06 15 that?---I would have read information about that post my  
14:55:12 16 arrival, yes, in that process.  
14:55:13 17  
14:55:14 18 And they took the unusual step in that case of asking him  
14:55:18 19 if he would submit to a polygraph?---Yeah, I don't recall  
14:55:22 20 that.  
14:55:22 21  
14:55:24 22 Do you recall being told about the use of Ms Gobbo in that  
14:55:27 23 process?---No.  
14:55:28 24  
14:55:29 25 Have you ever heard about that?---No, that's the first I've  
14:55:32 26 heard of that.  
14:55:32 27  
14:55:33 28 Are you aware that the investigators essentially wanted to  
14:55:42 29 steer Mr Hodson to Ms Gobbo for advice?---No, I'm not aware  
14:55:48 30 of that.  
14:55:49 31  
14:55:49 32 If you had have known that what would you have done?---That  
14:55:53 33 the Petra investigators - - -  
14:55:54 34  
14:55:55 35 The Petra investigators, knowing Ms Gobbo is a human source  
14:55:58 36 reporting back to the SDU and to them, were steering a  
14:56:02 37 suspect towards Ms Gobbo?---I wouldn't have been happy with  
14:56:08 38 that if that's what occurred.  
14:56:09 39  
14:56:10 40 What would you see is wrong with that?---My understanding  
14:56:14 41 is that, in relation to the Hodson murders, that the bodies  
14:56:21 42 were discovered by Andrew Hodson and that the first person  
14:56:25 43 that he rang when, when they were murdered was Gobbo,  
14:56:29 44 Ms Gobbo.  
14:56:30 45  
14:56:30 46 Yes?---And I was aware of that because at that particular  
14:56:33 47 time I was working at the Ethical Standards Department and

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14:56:38 1 I was assisting with the preparation of the brief against  
14:56:42 2 Dale for the burglary at Dublin Street, Oakleigh, where  
14:56:48 3 Hodson was the main witness against Dale, so I had some  
14:56:52 4 prior knowledge of that particular event and hence the fact  
14:56:55 5 that he had rung her, so I was aware through that of that  
14:57:03 6 relationship. And then from there it seemed to follow me  
14:57:08 7 into Petra and then I become aware that she was an  
14:57:14 8 associate of Dale and Williams, but I wasn't aware that  
14:57:19 9 they, Petra had steered, wasn't told, to the best of my  
14:57:23 10 recollection, they had steered her back towards Andrew  
14:57:27 11 Hodson.

14:57:27 12  
14:57:28 13 If you became aware of that, what do you see is wrong with  
14:57:32 14 that, deliberately using a lawyer in that way, a lawyer who  
14:57:41 15 is a human source?---Well, I'm assuming that whether she  
14:57:44 16 was or wasn't acting for him, I don't know whether that was  
14:57:48 17 the case at the time for any matters but I can see  
14:57:50 18 significant issues or potential issues in relation to  
14:57:53 19 conflict arising out of that, particularly given her prior  
14:57:57 20 involvement in the matter and her association with Andrew  
14:58:01 21 Hodson, whether that was in relation to other matters that  
14:58:03 22 he had been charged with, I don't know.

14:58:05 23  
14:58:05 24 That's in relation to her having a potential conflict.  
14:58:09 25 What about the conduct of police in deliberately, if this  
14:58:13 26 is what they did, if they deliberately steered a suspect to  
14:58:17 27 get advice from a lawyer who was essentially a police  
14:58:20 28 agent?---I wouldn't have approved that occurring.

14:58:26 29  
14:58:27 30 What would you have done if you heard about it?---If I was  
14:58:32 31 - if that was put to me as an avenue of inquiry when I was  
14:58:35 32 at Petra, running Petra Task Force, I wouldn't have allowed  
14:58:39 33 it to occur.

14:58:40 34  
14:58:40 35 Could you see that such conduct might have the tendency to  
14:58:45 36 pervert the course of justice?---Yes.

14:58:47 37  
14:58:49 38 When you were involved back in the Dale brief in 2003, were  
14:58:56 39 you aware at that stage that on the night that Dale was  
14:58:59 40 arrested he called Ms Gobbo for advice?---No.

14:59:04 41  
14:59:35 42 The Petra Task Force steering committee meetings, they took  
14:59:39 43 place often on Monday afternoons it seems, is that  
14:59:42 44 right?---Pretty much all took place on Monday, I think it  
14:59:46 45 was 4 pm. We had a standing appointment with the steering  
14:59:50 46 committee on a Monday.

14:59:51 47

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14:59:51 1 It seems as though there were a number of Task Forces, one  
14:59:55 2 after the other, that were scheduled?---Yes.  
14:59:57 3  
14:59:58 4 Were you aware of the existence of the other Task Forces or  
15:00:01 5 were they - - -?---I was aware of the existence of Briars,  
15:00:04 6 because Briars went in pretty much on the dot of 4.30, when  
15:00:11 7 we came out, they had the 4.30 slot.  
15:00:13 8  
15:00:13 9 You were at 4 o'clock, they're at 4.30?---Yes.  
15:00:16 10  
15:00:16 11 At some stage it seems there might have been some Purana  
15:00:19 12 meetings before that, is that the case?---From memory  
15:00:23 13 Purana was probably involved in that suite of meetings,  
15:00:27 14 they might have gone in prior to Petra.  
15:00:29 15  
15:00:29 16 In terms of your experience, you go in at 4, you're out by  
15:00:33 17 4.30 or thereabouts?---Yes.  
15:00:35 18  
15:00:35 19 And that's the general time frame in which those meetings  
15:00:40 20 take place, pretty much done within the half hour?---Yes,  
15:00:43 21 fairly strict in relation to time. We had our half hour  
15:00:48 22 slot and then we were, we left and the next Task Force  
15:00:51 23 briefings commenced.  
15:00:52 24  
15:00:56 25 Was it the case that there were discussions and decision  
15:01:02 26 making that was occurring at those meetings that you were  
15:01:05 27 aware of, when you stepped out and just between those, the  
15:01:10 28 core group of the joint management committee?---They may  
15:01:15 29 well have discussed things in my absence, I'm not aware of  
15:01:19 30 that. I was - I don't think I was ever asked to step out  
15:01:24 31 and step back in again. I provided the briefing during  
15:01:28 32 that half hour period and there were discussions that  
15:01:31 33 obviously I was aware of because I was in the room. If  
15:01:35 34 they had continued discussions after I left, I can't say.  
15:01:37 35  
15:01:38 36 It's not something that you were necessarily cognisant of  
15:01:42 37 if that's what was occurring?---No, I never suspected that  
15:01:45 38 that was occurring or was led to believe it was occurring.  
15:01:48 39  
15:01:50 40 If we can go to the SML p.38, please. This is on 7 August  
15:02:00 41 2008. Sandy White contacts Mr O'Connell. You see that  
15:02:09 42 there?---Yes.  
15:02:10 43  
15:02:11 44 Now, what was the working relationship like between  
15:02:14 45 yourself and Mr O'Connell?---Very good.  
15:02:18 46  
15:02:18 47 How often were you having communications?---Daily really.

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15:02:23 1  
15:02:24 2 And any significant developments or even insignificant  
15:02:30 3 sometimes I take it were exchanged between you?---Yes.  
15:02:31 4  
15:02:37 5 It's indicated there that Sandy White is contacted by  
15:02:41 6 Mr O'Connell in relation to stress being caused to Ms Gobbo  
15:02:46 7 about being called back to the OPI and her fears of being  
15:02:49 8 exposed as a source and there are some representations  
15:02:56 9 being made essentially that she had already spent 36 hours  
15:03:01 10 speaking with Petra investigators and there's reference to  
15:03:06 11 Mr Ashton at the OPI having been briefed by Mr Overland as  
15:03:10 12 to the source of, as to, sorry, the identity of the source  
15:03:16 13 prior to her having given evidence in order to protect her  
15:03:19 14 but that had been unsuccessful, do you see that?---Yes,  
15:03:22 15 yes.  
15:03:22 16  
15:03:23 17 Now, do you say it's around this time and in these  
15:03:26 18 circumstances that you become aware that Ms Gobbo is a  
15:03:30 19 source?---I - it was around this time or some time later,  
15:03:39 20 it was within that time period I became aware that she was  
15:03:42 21 a source. And as far as my recollection is that I was  
15:03:45 22 informed of that by Petra people in relation to my overall  
15:03:52 23 briefing.  
15:03:53 24  
15:03:53 25 So you see down the bottom there it says, "Mr O'Connell is  
15:03:56 26 to consider how to approach same and call back. Advised  
15:04:01 27 Mr O'Connell about Ashton and other senior management being  
15:04:06 28 briefed by Mr Overland in relation to the source identity"  
15:04:10 29 and so forth. Then if we go over to 13 August. You see  
15:04:18 30 there, "Advised by O'Connell of Petra that he'd spoken to  
15:04:24 31 Deputy Commissioner Overland, who had spoken to Ashton and  
15:04:26 32 the OPI, at the OPI and advised that Ms Gobbo would not be  
15:04:30 33 called back to OPI hearings. They are satisfied she has  
15:04:33 34 been of assistance to Petra investigators"?---Yes.  
15:04:37 35  
15:04:38 36 Now, presumably you would have been consulted in that  
15:04:42 37 process, it wouldn't have been - - -?---Briefed.  
15:04:45 38  
15:04:46 39 Consulted or briefed or updated about what was going  
15:04:49 40 on?---Yeah, I would expect so, yes.  
15:04:50 41  
15:04:51 42 Would it have been Mr O'Connell that goes directly to  
15:04:54 43 Mr Overland to speak to him about those matters or would it  
15:04:57 44 have been you?---Mr O'Connell, Shane O'Connell was the  
15:05:03 45 acting OC of - there had been some gap between Gavan Ryan  
15:05:09 46 leaving and myself arriving, so Shane was - O'Connell was  
15:05:13 47 the OC of Petra and he, he continued with the weekly

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15:05:25 1 briefings to the steering committee until I had the  
15:05:27 2 opportunity to familiarise myself sufficiently with the  
15:05:32 3 material. So even after I had arrived he was doing the  
15:05:35 4 steering committee briefings for a period of time while I  
15:05:38 5 was bringing myself up to speed, and there were times when  
15:05:41 6 I would accompany him to that and there were times when I  
15:05:44 7 wouldn't.  
15:05:44 8  
15:05:45 9 Nevertheless, do you think you would have been briefed  
15:05:48 10 about these developments at this stage?---I'd expect so. I  
15:05:55 11 don't have an independent recollection of it.  
15:05:57 12  
15:05:57 13 Is it something you would expect to have been dealt with  
15:06:00 14 within the steering committee or something outside of the  
15:06:03 15 steering committee?---I would have expected that the  
15:06:07 16 steering committee, as it says on the log, would have been  
15:06:13 17 advised in relation to that process. How long it took to  
15:06:16 18 filter back down to me, I can't recall.  
15:06:18 19  
15:06:19 20 I'm just curious as to whether this is the type of thing  
15:06:22 21 that would happen within the confines of a meeting or if  
15:06:24 22 it's, if Mr Overland would be contacted separately?---I  
15:06:33 23 suspect that he's probably spoken to separately and  
15:06:37 24 individually about that.  
15:06:38 25  
15:06:44 26 Around late September 2008 it became apparent from some  
15:06:51 27 phone analysis that Ms Gobbo had been the user of some  
15:06:56 28 false phones that had been used to communicate with  
15:07:00 29 Mr Dale?---Yes.  
15:07:01 30  
15:07:02 31 And that was a significant piece of information that had  
15:07:05 32 not been known previously?---That's right. It was  
15:07:11 33 something that came out of our ongoing investigations  
15:07:15 34 around that time.  
15:07:19 35  
15:07:19 36 We see thereafter, if we look at the SML at p.47, there's  
15:07:25 37 some discussions with Sandy White at the SDU on the 1st and  
15:07:31 38 3rd of October, do you see that, involving yourself on 1  
15:07:40 39 October?---Yes.  
15:07:40 40  
15:07:41 41 There's a call to Sandy White from yourself?---Yes.  
15:07:46 42  
15:07:47 43 And you advise him that investigators believe Ms Gobbo was  
15:07:50 44 in possession of false SIM cards shortly prior to the death  
15:07:54 45 of the Hodsons, they planned to interview her. And you're  
15:07:59 46 requesting that the SDU check their intel holdings in  
15:08:02 47 relation to what phone numbers she's at least said she

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15:08:06 1 had?---Yes.

15:08:07 2

15:08:08 3 Then a few days later there's another call between the two

15:08:12 4 of you and you are discussing an interview strategy?---Yes.

15:08:17 5

15:08:17 6 And issues, is that right?---Yes.

15:08:20 7

15:08:22 8 Now, certainly by this stage you're well aware that she's a

15:08:26 9 human source?---Yes.

15:08:26 10

15:08:28 11 Can you recall how you became aware of that or if it was a

15:08:31 12 surprise to you at this stage?---No, I don't specifically

15:08:36 13 recall. As best as I can recollect I would have been told

15:08:42 14 as part of the overall briefing and most likely by Shane

15:08:46 15 O'Connell.

15:08:47 16

15:08:48 17 Did you receive information at that stage about the type of

15:08:54 18 assistance she had been providing Victoria Police?---No.

15:08:57 19

15:08:57 20 Did you have an awareness of what that was likely to

15:09:01 21 be?---No.

15:09:01 22

15:09:02 23 Given that you knew by that stage that she'd provided

15:09:05 24 information in relation to Mr Karam, did that give you a

15:09:09 25 clue?---No. No, I didn't make any inquiries in relation to

15:09:13 26 that.

15:09:14 27

15:09:15 28 Did you have in your own mind though it's got to be pretty

15:09:20 29 significant information she's been assisting Victoria

15:09:22 30 Police with?---Potentially. I don't recall turning my mind

15:09:25 31 to that.

15:09:26 32

15:09:26 33 She's being run by the SDU, you would know that?---Yes.

15:09:29 34

15:09:48 35 Once you were aware that Ms Gobbo was a source, who else,

15:09:55 36 to your knowledge, knew that she was a source that was

15:09:58 37 involved in the Petra investigation?---To my knowledge,

15:10:03 38 direct knowledge, probably the two main investigators,

15:10:11 39 Senior Detective Davey and Detective Sergeant Solomon.

15:10:14 40

15:10:15 41 You understood that they knew, did you?---Thinking back

15:10:19 42 now, as best as I can recall, I assume they knew. I don't

15:10:23 43 know.

15:10:23 44

15:10:24 45 What makes you say that?---Basically because of the

15:10:29 46 processes that they needed to undertake in relation to what

15:10:33 47 we've just spoken about with the prearranged questions and



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15:10:39 1 pre-submitted questions and that type of process.  
15:10:43 2  
15:10:44 3 There seems to be some material that indicates that that  
15:10:48 4 information - the fact that Ms Gobbo being a human source  
15:10:51 5 was being kept from those two investigators, in particular,  
15:10:54 6 but was known by Mr O'Connell and Mr Ryan?---Okay, well I'm  
15:10:58 7 mistaken then.  
15:11:00 8  
15:11:00 9 You're aware that Mr O'Connell knew that she was a  
15:11:03 10 source?---Based on what I've seen today and based on my  
15:11:07 11 recollection that he told me that she was a source, yes.  
15:11:10 12  
15:11:11 13 What about those on the steering committee?---I don't know  
15:11:16 14 whether they knew or not. I wasn't told that they knew.  
15:11:20 15  
15:11:24 16 Now, in November 2008 Ms Gobbo was spoken to by  
15:11:30 17 investigators, you recall that occurring?---Around  
15:11:34 18 mid-November, yes.  
15:11:34 19  
15:11:37 20 And around the same time Mr Williams was being spoken to  
15:11:40 21 about making a statement?---Yes.  
15:11:42 22  
15:11:42 23 Or that possibility?---Correct.  
15:11:44 24  
15:11:45 25 When Ms Gobbo was interviewed on 17 November she confirmed  
15:11:50 26 the relationship between Mr Dale and Mr Williams?---Yes.  
15:11:56 27  
15:11:57 28 She confirmed that she'd assisted in setting up a meeting  
15:12:01 29 between them, a meeting?---Yeah, I don't have a specific  
15:12:07 30 recollection of it occurring at that particular time but I  
15:12:09 31 accept what you say.  
15:12:10 32  
15:12:11 33 She maintained that she was not aware of either of their  
15:12:15 34 involvement in the murders, do you recall that?---Yes.  
15:12:17 35  
15:12:18 36 And she indicated that she'd consider providing a  
15:12:23 37 statement?---Yes.  
15:12:24 38  
15:12:25 39 And that there was obviously going to be some further  
15:12:27 40 contact in relation to that?---Yes.  
15:12:30 41  
15:12:34 42 Now, there's an SML entry on 25 November, this is the day  
15:12:41 43 after one of the Petra Task Force updates where all that  
15:12:45 44 information was confirmed, which indicates that the Petra  
15:12:54 45 steering committee, Mr Overland, Moloney, Cornelius and OPI  
15:12:59 46 Director Ashton were all aware of Ms Gobbo's identity and  
15:13:02 47 role. This is a day after the steering committee meeting

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15:13:07 1 where it's been, where her information has been discussed  
15:13:11 2 and the fact that she's considering providing a statement.  
15:13:17 3 Are you able to shed any light on whether that's right or  
15:13:23 4 not?---That comment on the log?  
15:13:26 5  
15:13:26 6 Yes?---No, I can't shed any light on that.  
15:13:29 7  
15:13:29 8 You can't say one way or the other?---No.  
15:13:31 9  
15:13:36 10 Was there anything that gave you reason to believe that  
15:13:41 11 those on the steering committee had no idea of her  
15:13:48 12 role?---There was nothing that, there was nothing  
15:13:52 13 specifically that told me that they didn't know.  
15:13:56 14  
15:13:58 15 Yes. Now, in the days after this you would have been aware  
15:14:03 16 that the SDU were raising concerns and objections to the  
15:14:08 17 possibility of Ms Gobbo becoming a witness?---Yes.  
15:14:14 18  
15:14:18 19 If we can go to the ICR of 3 December at p.749. At 13:10  
15:14:40 20 down the bottom there is - you'll see a reference to source  
15:14:48 21 management and a number of members of the SDU discuss by  
15:14:52 22 phone with Detective Senior Sergeant O'Connell Operation  
15:14:55 23 Petra, and obviously there's a desire on the part of Petra  
15:14:59 24 at that stage wanting to use Ms Gobbo to show the  
15:15:02 25 relationship between Mr Dale and Mr Williams and Petra  
15:15:07 26 wanting to use her as a witness in the hope that, well, if  
15:15:12 27 the brief eventuates and that they're wanting her to wear a  
15:15:17 28 tape-recording device, do you see that?---Yes.  
15:15:27 29  
15:15:30 30 The SDU are discussing evidentiary problems in relation to  
15:15:35 31 Ms Gobbo and not being able to work again?---Is this after  
15:15:40 32 the taping of Dale or before?  
15:15:41 33  
15:15:42 34 No, this is 3 December, that recording occurs on 7  
15:15:46 35 December?---Right. But I think - sorry, go on, I was just  
15:15:52 36 going to ask, or say, I should say, that I think the offer  
15:15:55 37 for her to tape Dale had been made.  
15:15:59 38  
15:15:59 39 There had been some discussion about it, I understand, in  
15:16:03 40 the days before that, that she was to meet with Dale and  
15:16:07 41 there was some desire apparently for that conversation to  
15:16:11 42 be recorded. The SDU were expressing concerns about  
15:16:14 43 obviously two things, the fact that you want her as a  
15:16:18 44 witness in the first place, but also concerns about her  
15:16:21 45 recording, because it might be evidentiary?---Yes.  
15:16:24 46  
15:16:27 47 They're noting to O'Connell that her previous assistance

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15:16:32 1 may cause scrutiny on the department. You need to balance  
15:16:36 2 the value versus the risk and Mr O'Connell is, it says  
15:16:42 3 admitting it may be a decision that should be made by a  
15:16:45 4 person of higher authority with knowledge of all the facts,  
15:16:49 5 not just his narrow area. And he admits that the use of  
15:16:52 6 her as a witness and all ensuing problems are only  
15:16:56 7 justified if the evidentiary value is there, do you see  
15:16:59 8 that?---Yes.

15:16:59 9  
15:17:00 10 Presumably Mr O'Connell would go to you as his superior  
15:17:04 11 saying the SDU are raising these issues, there's  
15:17:10 12 potentially a problem in relation to causing scrutiny on  
15:17:13 13 the department because of her past use?---Yes, he would  
15:17:18 14 have.

15:17:18 15  
15:17:19 16 Do you recall that occurring?---I have no independent  
15:17:22 17 recollection of that conversation but I accept he probably  
15:17:25 18 would have done that.

15:17:26 19  
15:17:27 20 Do you have any recollection of events around this period  
15:17:30 21 of time at all?---I have a very poor recollection simply  
15:17:34 22 because of the passage of time. The only other thing that  
15:17:38 23 I can add to that is that I was significantly involved in  
15:17:43 24 the process around obtaining a statement from Carl Williams  
15:17:49 25 and the processes around that and that took up the vast  
15:17:53 26 majority of my time and focus.

15:18:00 27  
15:18:00 28 So do you say in terms of investigation focus, that was  
15:18:04 29 mainly by Mr O'Connell during this period of time?---The  
15:18:08 30 primacy in relation to that particular part of the  
15:18:13 31 investigation rested with Mr O'Connell, yes, but I don't  
15:18:20 32 derive from that fact that he would have briefed up to me  
15:18:22 33 on that. I just wanted to add that I was massively  
15:18:26 34 involved in the Williams' preparation statement collecting  
15:18:29 35 and that took up the vast majority of my time, effort and  
15:18:33 36 thought processes.

15:18:35 37  
15:18:37 38 In the day after this the SDU are told that Mr Overland  
15:18:44 39 wants Ms Gobbo as a witness, so it seems as though higher  
15:18:51 40 authority had been gone to and presumably that would have  
15:18:53 41 been through you as well?---Through me and Shane or me or  
15:18:58 42 Shane, yes, O'Connell.

15:19:00 43  
15:19:01 44 There's to be a discussion with Mr Biggin the following  
15:19:04 45 morning and there are all sorts of machinations going on at  
15:19:09 46 the SDU in relation to issues about Ms Gobbo becoming a  
15:19:12 47 witness?---Yes.

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15:19:12 1  
15:19:18 2 Now, in relation to that decision making at this point in  
15:19:22 3 time, was that Mr Overland making a decision off his own  
15:19:28 4 bat?---Yes, yes.  
15:19:32 5  
15:19:32 6 Was he consulting with anyone?---I don't know.  
15:19:34 7  
15:19:35 8 Was he consulting with you?---My recollection is that there  
15:19:40 9 was no concerns raised with me by Mr Overland in relation  
15:19:44 10 to the taking of the statement. As far as I - my  
15:19:49 11 recollection is concerned, and I think it's borne out by  
15:19:52 12 the fact that we went ahead and took the statement, that he  
15:19:56 13 didn't stand in our way from taking it.  
15:19:59 14  
15:20:00 15 This is about a month out from taking the statement at this  
15:20:03 16 point in time. The SDU are at a workshop down at a  
15:20:07 17 beachside location, Mr Biggin is there and Mr Overland's in  
15:20:11 18 the area and the SDU are, it seems, keenly trying to make  
15:20:17 19 representations about the dangers involved in transitioning  
15:20:21 20 this particular source to a witness and the concerns that  
15:20:27 21 they're expressing, at least in their documents, are  
15:20:30 22 concerns involving the potential for Royal Commissions.  
15:20:34 23 Are these things that you're hearing about?---No, no, they,  
15:20:40 24 they did not express those concerns directly to me.  
15:20:43 25  
15:20:45 26 They're expressing concerns that if her role, if her  
15:20:48 27 long-term role is exposed, there's going to be a perception  
15:20:51 28 that she's been passing on privileged information that the  
15:20:56 29 police had used?---Sorry, is that in this document?  
15:20:59 30  
15:21:00 31 It's not on that specific page but we could probably scroll  
15:21:04 32 through and find it?---No, that's okay, I just didn't know  
15:21:08 33 if I needed to be referring to it there.  
15:21:10 34  
15:21:10 35 They're expressing those particular concerns. This is, and  
15:21:14 36 this is in relation to a case where it would be understood  
15:21:17 37 that Mr Dale will be claiming potentially, "She's my legal  
15:21:24 38 advisor". They are raising concerns about putting  
15:21:29 39 prosecutions in jeopardy. Were you aware of that at this  
15:21:32 40 early stage in, putting other prosecutions in jeopardy I'm  
15:21:37 41 talking about, like Mokbel and others?---That was not  
15:21:39 42 raised with me.  
15:21:40 43  
15:21:41 44 That previous convictions would be open to claims of being  
15:21:44 45 unsafe because of her involvement in those matters?---They  
15:21:49 46 were not raised with me directly.  
15:21:51 47

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15:21:53 1 It seems as though, from the documents, and I won't take  
15:21:57 2 you right through them because you're not necessarily  
15:22:00 3 involved in those communications at this stage, but there's  
15:22:04 4 been a determination that Gobbo would be deployed by Petra  
15:22:10 5 in order to isolate her activity from Dale and protect the  
15:22:15 6 historical relationship should she become a witness. Now  
15:22:19 7 these are decisions that are being made in early December  
15:22:23 8 prior to her taping the conversation with Mr Dale, it seems  
15:22:27 9 in contemplation about future disclosure issues?---Okay.  
15:22:32 10  
15:22:35 11 They would have certainly been of concern to you, future  
15:22:40 12 disclosure issues in relation to a potential human source  
15:22:43 13 being used?---If she became a witness, yes.  
15:22:46 14  
15:22:48 15 Clearly by this stage everyone's, well everyone involved in  
15:22:52 16 the investigation is keen for her to become a witness.  
15:22:56 17 Were they matters being discussed, "Well how will this work  
15:22:59 18 if she does that"?---No, I don't recall specifically having  
15:23:06 19 a strategy meeting or anything similar to that with Petra  
15:23:10 20 in relation to that. We concentrated on her ability to  
15:23:18 21 assist us with the Petra matter at the time.  
15:23:22 22  
15:23:22 23 Had you been involved in investigations previously where an  
15:23:25 24 informer had become a witness?---Yes, I had. I have.  
15:23:32 25  
15:23:34 26 Were there disclosure issues in those matters?---Not  
15:23:36 27 substantial issues, no.  
15:23:38 28  
15:23:39 29 Was there disclosure about the fact that the witness was  
15:23:41 30 previous an informer?---Yes.  
15:23:43 31  
15:23:43 32 That was to be expected?---Yes, yes.  
15:23:45 33  
15:23:46 34 If you were contemplating a scenario where "we're going to  
15:23:51 35 try and hide that", would you think that legal advice at  
15:23:54 36 that very moment would be a good idea?---I don't think we  
15:23:57 37 ever thought that we were able to hide it and I'm quite,  
15:24:05 38 quite clear in that we would have at some stage needed  
15:24:08 39 legal advice in relation to matters if she became a  
15:24:12 40 witness, if the brief was served, if she remained on the  
15:24:16 41 brief and subsequent discovery issues arose.  
15:24:19 42  
15:24:24 43 You were aware by this stage that she was a source  
15:24:28 44 clearly?---Yes.  
15:24:29 45  
15:24:30 46 Being run by the SDU?---Yes.  
15:24:33 47

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15:24:33 1 That she'd spoken to the SDU about Dale previously?---Yes.  
15:24:37 2  
15:24:38 3 Did you take any steps to find out what she'd previously  
15:24:42 4 told the SDU about Dale?---I didn't personally.  
15:24:47 5  
15:24:49 6 Did you instruct anyone else to do that?---I don't recall.  
15:24:54 7  
15:24:58 8 Now you were involved, you say, significantly in getting  
15:25:06 9 the statement from Carl Williams?---Yes.  
15:25:08 10  
15:25:09 11 I'll just quickly take you to a couple of memos in relation  
15:25:13 12 to those matters. You've written a memo to Mr Overland on  
15:25:16 13 5 December 2008, it's VPL.0100.0237.8288. This is the  
15:25:37 14 first memo. Do you recall this memo in relation to a  
15:25:41 15 proposal to debrief Mr Williams?---Yes.  
15:25:50 16  
15:25:50 17 And you've addressed it to Deputy Commissioner Overland,  
15:25:54 18 steering committee Petra Task Force?---Yes.  
15:25:56 19  
15:25:57 20 Does that mean that this document will go to the steering  
15:26:01 21 committee for consideration?---That would have been a  
15:26:05 22 matter for Mr Overland. It was addressed specifically to  
15:26:11 23 him so it would have been a matter of him, how he dealt  
15:26:16 24 with that. If he felt he needed to deal with it within the  
15:26:20 25 steering committee, then that was a matter for him.  
15:26:21 26  
15:26:22 27 Is there a way that you can tell whether this document does  
15:26:25 28 go to the steering committee - sorry, perhaps if we go to  
15:26:31 29 the last page. You see there you put a proposal. Sorry,  
15:26:38 30 if we scroll back slightly. There's a series of proposals  
15:26:42 31 about what is to occur in relation to Mr Williams, do you  
15:26:47 32 see that?---Yes.  
15:26:48 33  
15:26:48 34 And then if we go up, you have a recommendation at the end  
15:26:52 35 and it's recommended that "in principle approval be given  
15:26:56 36 to the above mentioned proposal", so further detail,  
15:26:59 37 preparations can commence initially in relation to the  
15:27:02 38 timing and so forth?---Yes.  
15:27:03 39  
15:27:04 40 Into the debriefing of Mr Williams. Now, how do we know  
15:27:09 41 what occurs as a result of that memo, is there any record  
15:27:12 42 made?---I would expect that that would have been part of a  
15:27:17 43 file that would have been created as the process  
15:27:22 44 progressed.  
15:27:25 45  
15:27:25 46 Would that go on to your file - that's presumably been sent  
15:27:30 47 off to Mr Overland?---I mean that's a memo for him to deal

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15:27:36 1 with and it may have been that he approved that and sent it  
15:27:40 2 back so we had an approved copy and I've retained that, or  
15:27:47 3 it may be that he has verbally approved it and he's  
15:27:51 4 retained that. How he dealt with it was a matter for him.  
15:27:54 5 We were seeking approval, whether it's verbal or in  
15:27:59 6 writing, to progress.  
15:27:59 7  
15:27:59 8 You were asked some questions at the Dale committal in  
15:28:03 9 relation to this document. It was in relation to subpoena  
15:28:07 10 argument prior to the Dale committal, do you remember  
15:28:10 11 that?---I remember giving evidence in relation to the  
15:28:12 12 subpoena arguments, yes.  
15:28:13 13  
15:28:13 14 You were asked, clearly defence were trying to get whether  
15:28:19 15 particular documents existed and whether there were records  
15:28:22 16 of decision making and so forth?---Yes.  
15:28:24 17  
15:28:24 18 You recall that?---Yes.  
15:28:27 19  
15:28:27 20 They were quite doggedly trying to find out whether there  
15:28:32 21 was any material sitting behind it that had not been  
15:28:36 22 disclosed to them, is that right?---Yes, yes.  
15:28:38 23  
15:28:39 24 And it turns out there was a lot of material behind that  
15:28:42 25 had not been disclosed to them?---Behind this?  
15:28:45 26  
15:28:46 27 Well not just simply behind that, there was a lot of Petra  
15:28:50 28 material that hadn't been disclosed at the time of the  
15:28:52 29 committal?---Yeah, the subpoena arguments and discovery  
15:28:55 30 processes were quite substantial and went for some time.  
15:29:00 31 There were a number of subpoenas issued and there was an  
15:29:04 32 ongoing process of providing documents over a period of  
15:29:07 33 time, so, yeah, I'd probably agree with that.  
15:29:11 34  
15:29:12 35 COMMISSIONER: Is this a convenient time for the afternoon  
15:29:14 36 break?  
15:29:15 37  
15:29:15 38 MS TITTENSOR: Yes, Commissioner.  
15:29:18 39  
15:29:19 40 MR CHETTLE: Can we inquire what time we're concluding  
15:29:22 41 today?  
15:29:23 42  
15:29:23 43 COMMISSIONER: I think we're probably sitting through to 5,  
15:29:25 44 is that right?  
15:29:26 45  
15:29:27 46 MR CHETTLE: Is that the plan for the rest of the week?  
15:29:31 47

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15:29:31 1 COMMISSIONER: I think it is, isn't it, to be sure that we  
15:29:33 2 can finish. I think that's the plan. Except for Friday,  
15:29:37 3 we finish at 20 to 5 on Friday. Early day.  
15:30:10 4  
15:30:10 5 (Short adjournment.)  
6  
15:47:44 7 COMMISSIONER: Yes Ms Tittensor.  
15:47:44 8  
15:47:45 9 MS TITTENSOR: Thanks, Commissioner. Mr Smith, you were  
15:47:48 10 asked some questions about this particular document and  
15:47:51 11 some other matters at the subpoena argument prior to the  
15:47:56 12 Dale/Collins committal, during that process. I can take  
15:48:02 13 you to it, it's VGS0.3000.0316.0179 at p.37. You see there  
15:48:29 14 at line 7 you're being asked about this document dated 5  
15:48:33 15 December?---Yes.  
16  
15:48:35 17 Which is addressed to Deputy Commissioner Overland and the  
15:48:41 18 letter is headed "Proposed evidentiary debrief of Carl  
15:48:44 19 Williams" signed by yourself?---Yes.  
20  
15:48:46 21 You indicate you typed it yourself?---Yes.  
22  
15:48:49 23 You're then asked some questions about the decision-making  
15:48:53 24 process and the recording of the decision-making process  
15:48:56 25 after that. You indicate - you're asked if Mr Overland  
15:49:01 26 replied in writing. You say no. "Did he reply to you at  
15:49:05 27 all?" You said, "Verbally, yes". If we continue through  
15:49:12 28 to p.40 I think it is. There. At line 18 the magistrate  
15:49:24 29 asked, "Did you make a note that verbal communication was  
15:49:28 30 received from then Deputy Commissioner Overland"? You say,  
15:49:33 31 "My recollection I didn't make a note". Then you're asked,  
15:49:36 32 "Do you normally make notes of directions you get from the  
15:49:39 33 Chief Commissioner?" And you say, "Not as a matter of  
15:49:41 34 course". And you go on to say, "Making a note would be the  
15:49:47 35 exception rather than the rule"; is that right?---That's  
15:49:58 36 what it says.  
37  
15:49:59 38 Was that right, you would receive directions from the  
15:50:03 39 Deputy Commissioner in relation to the conduct of an  
15:50:05 40 investigation and not note them down anywhere?---I wouldn't  
15:50:25 41 say that that's necessarily a process that would apply to  
15:50:29 42 all cases. There'd be times when I would note something or  
15:50:35 43 - then there are times that I would. There's no specific  
15:50:37 44 rule around that.  
45  
15:50:38 46 What you were giving evidence about then was, you say, "It  
15:50:43 47 would be the exception rather than the rule", so most often



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15:50:46 1 you wouldn't write a note of a direction that the Deputy  
15:50:48 2 Commissioner gave you?---That's - yes, that's correct.  
3  
15:50:54 4 Was that something peculiar to Petra?---No, not really.  
5  
15:51:02 6 Is there any reason you wouldn't make a record of a  
15:51:06 7 direction from a Deputy Commissioner, a written  
15:51:09 8 record?---There wasn't very many occasions where I'd be  
15:51:12 9 getting direct directions, directions directly, I should  
15:51:16 10 say, from a Deputy Commissioner. But it may have been that  
15:51:24 11 it's not necessarily something that's recorded in my diary  
15:51:28 12 or a direct note but that approval is evidenced by the  
15:51:33 13 creation of further documents in relation to the matter  
15:51:35 14 that I received approval for.  
15  
15:51:43 16 I've got to tender a number of documents, I'm told,  
15:51:45 17 Commissioner, and I should do that at this point. I'll  
15:51:49 18 tender that transcript.  
19  
15:51:51 20 COMMISSIONER: The transcript - what's the date?  
15:51:59 21  
15:51:59 22 MS TITTENSOR: That was 19 March 2010.  
15:52:02 23  
15:52:02 24 #EXHIBIT RC1191A - (Confidential) Transcript of 18/03/10  
15:52:05 25 and 19/03/10.  
15:52:05 26  
15:52:06 27 #EXHIBIT RC1191B - (Redacted version.)  
15:52:08 28  
15:52:08 29 I think that there's a transcript of 18 March 2010 and for  
30 completeness we should tender that as well.  
31  
32 COMMISSIONER: As part of the same document?  
33  
15:52:12 34 MS TITTENSOR: We should tender that as well, 18 and 19  
15:52:16 35 March. I tender the diaries of Mr Smith.  
15:52:27 36  
15:52:27 37 #EXHIBIT RC1192A - (Confidential) Diaries of Mr Smith.  
15:52:28 38  
15:52:29 39 #EXHIBIT RC1192B - (Redacted version.)  
15:52:31 40  
15:52:31 41 Noting that there are two batches of those. And also the  
15:52:34 42 memo dated 5 December 2008 from Mr Smith to Mr Overland.  
15:52:42 43  
15:52:42 44 #EXHIBIT RC1193A - (Confidential) Memo dated 5/12/08 from  
15:52:37 45 Mr Smith to Mr Overland  
15:52:44 46  
15:52:44 47 #EXHIBIT RC1193B - (Redacted version.)

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1  
15:52:50 2 Now as you say, the evidence of a direction might be  
15:52:53 3 evidenced by the fact that an investigation proceeds in a  
15:52:56 4 particular way?---Yes.  
5  
15:52:58 6 So there's an inference to be made that you've received a  
15:53:01 7 positive response?---Yes.  
8  
15:53:05 9 If I can take you to a further memo to Mr Overland on 15  
15:53:09 10 December 2008, it's VPL.0100.0237.8283. Again, addressed  
15:53:21 11 to Deputy Commissioner Overland, steering committee Petra  
15:53:24 12 Task Force, "Proposed evidentiary debrief of Carl  
15:53:29 13 Williams"?---So this is a different document?  
14  
15:53:31 15 Yes, this one's dated 15 December?---Right.  
16  
15:53:35 17 You note in this document, "As previously discussed with  
15:53:38 18 members of the Petra Task Force steering committee it's  
15:53:41 19 intended to conduct an extensive debriefing process with  
15:53:45 20 Carl Williams"?---Yes.  
21  
15:53:46 22 And you go on to indicate the matters in which Carl  
15:53:49 23 Williams could make statements in?---Yes.  
24  
15:53:52 25 And you go through various issues. If we can go through  
15:53:59 26 that document. So it seems as though some of these  
15:54:04 27 discussions, whether this memo or the other memo has  
15:54:08 28 potentially gone to the actual steering committee, at least  
15:54:11 29 the issues have been discussed within the steering  
15:54:13 30 committee?---Yes.  
31  
15:54:30 32 If I can take you or refer you back to your evidence again  
15:54:36 33 during the committal process. If we can go to p.54, line  
15:54:47 34 8. You note - at the start of that document I just  
15:54:52 35 referred you to, you're being cross-examined about this  
15:54:56 36 document now, and it says, "As previously discussed with  
15:54:58 37 members of the Petra Task Force steering committee it's  
15:55:01 38 intended to conduct a debriefing process with Carl  
15:55:04 39 Williams", you see that?---Yes.  
40  
15:55:06 41 You're being asked about whether there are any other  
15:55:09 42 documents in relation to those discussions. You say, "No,  
15:55:13 43 other than what's been produced" and the questioner says,  
15:55:17 44 "I'm sorry, I've got to ask you again, what are you  
15:55:20 45 referring to when you say it's been produced", and you say,  
15:55:25 46 "My notes, the diary, the reports, there are no other  
15:55:29 47 documents". Do you see that?---Yes.

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1  
15:55:31 2 Would you consider that the Petra Task Force updates would  
15:55:35 3 have been included in what the questioner was seeking to  
15:55:38 4 elicit? Had the Petra Task Force updates been provided to  
15:55:46 5 the defence do you know?---They were provided, yes.  
6  
15:55:51 7 By the time of the committal, the updates?---As best as I  
15:55:54 8 can recall, yes.  
9  
15:55:59 10 If we go back to the other document. You see this is on  
15:56:06 11 p.3, there's a - I just want to quickly ask you about this  
15:56:10 12 matter. There's a debriefing methodology that's proposed  
15:56:13 13 in relation to Mr Williams. The second point, you're going  
15:56:21 14 to engage him in an initial overview conversation that will  
15:56:25 15 be recorded by notetaking. That will give the  
15:56:28 16 investigators an overview of his evidence, allow some  
15:56:31 17 preparation prior to the statements being obtained?---Yes.  
18  
15:56:33 19 Then statements will be obtained in relation to each event.  
15:56:36 20 "Statements will be obtained in the usual fashion via  
15:56:40 21 laptop computer by two members and Williams in conversation  
15:56:45 22 question and answer format"?---Yes.  
23  
15:56:47 24 You then say, "These conversations will be monitored by a  
15:56:50 25 third member in an adjoining room and be recorded by brief  
15:56:53 26 notes as required by this member. This will allow for  
15:56:58 27 research, corroboration, cross-referencing to material and  
15:57:02 28 briefing to statement takers of events or circumstances not  
15:57:07 29 known to them. This monitoring will not be  
15:57:10 30 recorded"?---Yes.  
31  
15:57:10 32 What does that mean?---The third member's monitoring was  
15:57:17 33 not either audio or video-recorded.  
34  
15:57:26 35 So - - - ?---I'm sorry, the - - -  
36  
15:57:30 37 The fact that they're monitoring will not be  
15:57:35 38 recorded?---Yes, that's my take from that line, yes.  
39  
15:57:40 40 This debriefing methodology that's outlined, was that an  
15:57:45 41 unusual process, or parts of that less than usual?---That's  
15:57:50 42 probably more than normal. It's probably - if you say over  
15:58:00 43 the top in relation to the normal taking of a statement,  
15:58:04 44 and that was probably because of the desire to make sure  
15:58:10 45 that anything Williams was saying at the time we were able  
15:58:13 46 to check against Petra intelligence holdings to make sure  
15:58:17 47 it was supported or factual or there are other matters that

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15:58:21 1 he's missing that we wanted to put to him to refresh his  
15:58:25 2 memory.  
3  
15:58:25 4 This seems to suggest that before he commits to a version  
15:58:27 5 of events there's going to be running between to make sure  
15:58:32 6 whatever he puts in that statement can be  
15:58:34 7 corroborated?---Yes.  
8  
15:58:36 9 And that that process wouldn't be recorded or  
15:58:40 10 monitored?---No, that's right.  
11  
15:58:47 12 We have a copy of the version of this document that was  
15:58:51 13 provided to the defence and save for the heading which says  
15:58:57 14 "Debriefing methodology", that section was redacted?---Yes.  
15  
15:59:03 16 On what basis would that be redacted?---This whole - all  
15:59:12 17 those dot points that we have here on the screen?  
18  
15:59:14 19 Yes, everything under the heading "Debriefing  
15:59:18 20 methodology"?---I could only imagine that it would have  
15:59:22 21 been redacted on advice around PII arguments in relation to  
15:59:26 22 a methodology argument.  
23  
15:59:29 24 You would understand that the defence would be very  
15:59:32 25 interested in any process that was undertaken with Carl  
15:59:35 26 Williams in order to take a statement?---Yes.  
27  
15:59:39 28 Did you seek legal advice about redacting that from this  
15:59:43 29 document?---I didn't, no.  
30  
15:59:46 31 Do you know if anyone did?---I would say that they did,  
15:59:49 32 yes. We had ongoing engagement with Victoria Police  
15:59:56 33 lawyers around all PII arguments and processes through the  
16:00:01 34 discovery process.  
35  
16:00:05 36 You could understand that defence seeing a debriefing  
16:00:10 37 methodology might choose not to question the fact that  
16:00:13 38 something's PII or not, or the legitimacy of such a claim.  
16:00:21 39 In your experience would something like that ordinarily be  
16:00:25 40 the subject of a PII claim?---That's not a process that  
16:00:30 41 I've undertaken before but I could see that being arguably  
16:00:35 42 a PII claim, yes.  
43  
16:00:37 44 And that defence wouldn't be entitled to ask about the  
16:00:40 45 process by which the statement was taken from Carl  
16:00:43 46 Williams?---They would have - they would certainly have  
16:00:51 47 that opportunity to ask the takers of the statement and

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16:00:53 1 also the statement provider in relation to the methodology.  
2  
16:00:59 3 Then why wouldn't they be entitled to this information  
16:01:03 4 which outlines the process prior to it occurring?---Well, I  
16:01:06 5 didn't make that decision and, I suppose from the Williams'  
16:01:16 6 perspective he wouldn't have been aware that process was  
16:01:19 7 being undertaken, he wouldn't have been able to answer  
16:01:21 8 those questions if it was put to him in relation to the  
16:01:24 9 process.  
10  
16:01:25 11 Pretty important to know that before he commits to a  
16:01:28 12 signature, you're taking this statement on a computer which  
16:01:31 13 matters can be deleted from pretty easily, and you've got  
16:01:34 14 people running back and forth and saying "That's right",  
16:01:36 15 "That's potentially wrong", or "What about this"?---Yeah,  
16:01:41 16 that's - it's not designed to tell him what to say, it's  
16:01:49 17 designed to try and support what he's saying and put  
16:01:53 18 matters to him during the taking of it. I didn't make the  
16:01:55 19 decision to redact that and, as you say, it's highly likely  
16:02:00 20 that would have been subject to argument and it's an  
16:02:03 21 argument we would have had and if we were told to declare  
16:02:06 22 it, well then so be it.  
23  
16:02:07 24 It's an argument only if defence really have some proper  
16:02:11 25 idea of what's underneath that redaction?---Yes, unless  
16:02:17 26 it's something that they can devolve from the overall  
16:02:23 27 context of the document in its whole.  
28  
16:02:26 29 I tender that document, Commissioner.  
30  
16:02:29 31 COMMISSIONER: That's the 15 December 08 one, isn't it?  
16:02:33 32  
16:02:34 33 MS TITTENSOR: Yes.  
16:02:34 34  
16:02:35 35 #EXHIBIT RC1194A - (Confidential) Document date 15/12/08.  
16:02:36 36  
16:02:36 37 #EXHIBIT RC1194B - (Redacted version.)  
16:02:38 38  
16:02:38 39 I might tender the defence version, that's  
16:02:49 40 PMD.026.0002.0126.  
16:02:49 41  
16:02:49 42 COMMISSIONER: The defence version, that is what was  
16:02:50 43 actually supplied to them?  
16:02:52 44  
16:02:53 45 MS TITTENSOR: Yes.  
16:02:54 46  
16:02:54 47 #EXHIBIT RC1195A - (Confidential) PMD.026.0002.0126.

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16:02:55 1  
16:02:56 2 #EXHIBIT RC1195B - (Redacted version.)  
16:02:58 3  
16:02:58 4 In this period December to January there were statements  
16:03:01 5 being taken from Mr Williams and Ms Gobbo?---Yes.  
6  
16:03:06 7 There's a Petra, according to your diary, a Petra Task  
16:03:10 8 Force meeting that you attend on 29 December 2008 at  
16:03:18 9 midday, a meeting chaired by Mr Overland. It doesn't seem  
16:03:21 10 as though we've got an update or one of the weekly updates  
16:03:26 11 for that period of time. I take it there was a lot of work  
16:03:32 12 going on and perhaps not time to do the update?---So the  
16:03:35 13 date was the 29th of December?  
14  
16:03:37 15 29 December?---Yeah, I suspect that was an extraordinary  
16:03:43 16 meeting of the Task Force outside the normal Monday  
16:03:46 17 meetings to brief them on the outcomes of the statement  
16:03:51 18 taking from Williams.  
19  
16:03:55 20 Yes?---I think I've gone straight from that location to the  
16:03:58 21 steering committee and briefed them on the statement.  
22  
16:04:04 23 Mr Hollowood has just given evidence before you and he  
16:04:09 24 checked his diary and didn't attend on that day, although  
16:04:12 25 said he would have been available. Is there any reason why  
16:04:15 26 he wouldn't have been - - - ?---No, that would have been a  
16:04:19 27 matter for the committee. I don't know. I was rung and  
16:04:21 28 told to be there at that time and that's what I did.  
29  
16:04:27 30 A couple of days after that Mr Hollowood has an entry in  
16:04:30 31 his diary in relation to a meeting he had with Mr Moloney,  
16:04:38 32 it's at VPL.0005.0215.0001 at p.38. It's apparent from  
16:04:48 33 this meeting he's informed then of recent developments in  
16:04:53 34 Petra Task Force re the person of interest Carl Williams,  
16:04:57 35 see that, it's the second dash point? Do you see that  
16:05:09 36 there?---Yeah, it's worse writing than mine.  
37  
16:05:11 38 "Informed re recent developments Petra Task Force re person  
16:05:16 39 of interest Carl Williams", or CW. "Provision of statement  
16:05:21 40 contingent on certain undertakings - immunities, et  
16:05:28 41 cetera"?---Yes.  
42  
16:05:29 43 What we see as we progress through this meeting is that  
16:05:34 44 Mr Hollowood is indicating some displeasure to Assistant  
45 Commissioner Moloney that information is not being  
16:05:49 46 communicated to him in his role of operational oversight.  
16:05:49 47 He's concerned about his purpose in terms of his role and

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16:05:53 1 ability to undertake joint management committee and  
16:05:56 2 assuming tactical decision-making role. He's suggesting  
16:06:00 3 that there needs to be an independent Superintendent to  
16:06:04 4 assess the strength of the case. Do you know who Murray  
16:06:08 5 Fraser is?---Murray Fraser's a Superintendent. I believe  
16:06:14 6 he may have been a Superintendent at Crime at the time.  
7  
16:06:18 8 Mr Hollowood was concerned that there was a view that this  
16:06:25 9 case was stronger than it actually was and it needed some  
16:06:29 10 level of independent assessment. That's what he's  
16:06:37 11 expressing to Mr Moloney at this stage. He's noting that  
16:06:41 12 you had missed operational briefings with him for the last  
16:06:45 13 two weeks running and that he was concerned that you were  
16:06:48 14 reporting directly to the Assistant Commissioner and not  
16:06:50 15 him, and he expressed the view that he's unable to perform  
16:06:56 16 his role under that arrangement, that he was concerned  
16:06:59 17 about the direction of the investigation and the management  
16:07:01 18 of it. Then there's an apology issued by the Assistant  
16:07:06 19 Commissioner at his noninclusion. Was there some bypassing  
16:07:10 20 of Mr Hollowood going on in this investigation?---Not  
16:07:16 21 deliberately, no. We were reporting on Monday afternoons  
16:07:24 22 to the steering committee and my expectation was that  
16:07:28 23 Mr Hollowood, if invited, was to be there and that was his  
16:07:32 24 opportunity to be updated on the investigation. If he  
16:07:37 25 wasn't there I don't know whether or not he would have been  
16:07:44 26 invited or there on, because he had other matters on or  
16:07:48 27 not, I don't know.  
28  
16:07:49 29 It seems as though from what we're reading here that he has  
16:07:52 30 a role in terms of, or he understood his role to be  
16:07:57 31 involved in tactical decision-making and that he was, it  
16:08:00 32 seems, being bypassed in that role?---We would meet or try  
16:08:06 33 and meet with Paul Hollowood, or whoever the Superintendent  
16:08:11 34 was at a time, on a Monday morning where possible, but it  
16:08:15 35 wasn't a standing meeting, it was often missed. My  
16:08:18 36 recollection is that our - his ability to be updated rested  
16:08:26 37 with the steering committee.  
38  
16:08:28 39 COMMISSIONER: Mr Smith, you say in paragraph 26 of your  
16:08:31 40 statement that the steering committee comprised of various  
16:08:34 41 people and those who are included are Paul  
16:08:41 42 Hollowood?---Yes.  
43  
16:08:41 44 Was he not a standing member of the steering  
16:08:43 45 committee?---Well he was a standing member of the steering  
16:08:45 46 committee but there were times when certain members of the  
16:08:48 47 steering committee weren't present. And the process around

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16:08:54 1 invites or availability to attend wasn't really a matter  
16:08:58 2 for me. I was really directed to attend.  
3  
16:09:01 4 Sure?---And who was there was there.  
5  
16:09:03 6 Sure, I understand that. But - and I can understand why if  
16:09:07 7 someone who was a member of the steering committee wasn't  
16:09:09 8 available, they wouldn't be there, but we understand here  
16:09:13 9 that Mr Hollowood was available but he wasn't there. So  
16:09:15 10 somebody was deciding who would come to a particular  
16:09:20 11 steering committee even though they were a standing member  
16:09:24 12 of the committee. Would that have been somebody high up in  
16:09:28 13 the - - - ?---I would suggest that would have been  
16:09:31 14 Mr Overland's decision about that. I can say here now that  
16:09:35 15 I haven't seen this diary entry before, obviously, and I  
16:09:40 16 don't recall Superintendent Hollowood raising those issues  
16:09:45 17 directly with me. This is news to me.  
18  
16:09:47 19 Okay, thank you.  
20  
16:09:48 20  
16:09:49 21 MS TITTENSOR: Do you recall there being any suggestion  
16:09:52 22 from the steering committee that, "We need to get some  
16:09:55 23 independent assessment before we proceed to charging in  
16:09:59 24 this matter"?---No, no, that's the first I'd heard of that.  
25  
16:10:02 26 Do you think it was advisable in a case like this?---No, no  
16:10:06 27 I don't. I don't necessarily agree with that.  
28  
16:10:12 29 You refer in your diary around this period of time to the  
16:10:16 30 preparation of a timeline strategy. Do you recall a  
16:10:21 31 timeline strategy document? I might just take you to it.  
16:10:26 32 VPL.0100.0129.0001 at p.506, or at least what I assume is  
16:10:38 33 the timeline strategy document. Do you recognise this  
16:10:55 34 document?---Not completely due to the passage of time  
16:11:04 35 but - - -  
36  
16:11:04 37 There's some entries in your diary on 30 December and then  
16:11:08 38 31 December, you make reference to "giving attention to  
16:11:13 39 preparation of reports re Operation Loris  
16:11:16 40 strategies"?---M'hmm, yes.  
41  
16:11:21 42 It seems as though, based upon the information contained in  
16:11:24 43 this, it's something of the nature that you would have  
16:11:27 44 compiled I would imagine?---I would have either compiled  
16:11:33 45 it, added to it or caused it or directed it to be compiled.  
46  
16:11:37 47 Yes. This is something that's been given clearly to



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16:11:39 1 Mr Overland because that's his handwriting down the bottom  
16:11:43 2 of the document?---Yeah, it was either tabled in the  
16:11:47 3 steering committee of which he was the Chair, or given  
16:11:50 4 directly to him.  
5  
16:11:52 6 Yes?---Yes.  
7  
16:11:53 8 You see at item 1 it's said - it seems as though, when we  
16:11:59 9 go through this, this is perhaps a living document that  
16:12:02 10 gets added to as events change, and event number 1 is that  
16:12:08 11 witness C, Carl Williams, is to complete unsigned  
16:12:11 12 statements in relation to Hodson between those two dates,  
16:12:14 13 the 22nd and the 28th of December 2008?---Yes.  
14  
16:12:21 15 Item 2 relates to him providing information about other  
16:12:24 16 murders. And then item 3, if we go over to that, relates  
16:12:30 17 to, in conjunction with the Purana Task Force, negotiating  
16:12:33 18 with the ATO in relation to withdrawal of tax matters  
16:12:37 19 against George Williams?---Yes.  
20  
16:12:45 21 Over the page, in the last - sorry, no, in the last column  
16:12:50 22 there, there's some recommendations and there's a  
16:12:54 23 recommendation that "Victoria Police negotiations regarding  
16:12:59 24 this matter are conducted at Deputy Commissioner level", do  
16:13:03 25 you see that?---Yes, I do.  
26  
16:13:09 27 That would clearly be Mr Overland?---Yes.  
28  
16:13:13 29 Would there be any other documentation other than this  
16:13:18 30 which might indicate his involvement in those matters or  
16:13:21 31 whether he became involved in those matters?---The ATO  
16:13:24 32 matters?  
33  
16:13:25 34 Yes?---I would expect that there would be, yes. I think my  
16:13:29 35 recollection is that any approach to the Commission,  
16:13:34 36 Taxation Commissioner, needed to be made at his level if we  
16:13:38 37 were going to proceed with that request from Williams to  
16:13:42 38 have that withdrawn, that debt.  
39  
16:13:43 40 Was that recommendation approved?---Yes, it was.  
41  
16:13:52 42 Do you recall now sort of going through this document that  
16:13:55 43 it was a document created for the steering committee, or  
16:13:58 44 was it a document created specifically for  
16:14:03 45 Mr Overland?---Oh look, I don't recall either. It could  
16:14:07 46 have been either. I can't say now sitting here today.  
47

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16:14:11 1 If we go over to item 4, just briefly. You see there that  
16:14:16 2 that relates to obtaining statements from Ms Gobbo between  
16:14:18 3 the 1st and the 2nd of January?---Yes.  
4  
16:14:20 5 And that's what was done in the end in terms of at least  
16:14:25 6 obtaining draft statements over that period of time, or  
16:14:27 7 unsigned statements?---Yes.  
8  
16:14:36 9 On 3 January we see, according to your diary, that after  
16:14:44 10 speaking with O'Connell and Davey you've spoken to,  
16:14:48 11 directly to Mr Overland about Witness F, presumably  
16:14:51 12 updating him on the status of the statement taking  
16:14:55 13 process?---Yes.  
14  
16:14:56 15 Did you get a copy yourself of the unsigned statement at  
16:15:00 16 that particular point in time? So it's taken on 1 and 2  
16:15:04 17 January, this is 3 January?---I don't recall. I either  
16:15:09 18 would have been provided a copy to read or I would have  
16:15:14 19 been briefed on its contents.  
20  
16:15:15 21 Does it get emailed to you or there's no emailing?---I  
16:15:21 22 don't recall. Either a verbal briefing or a hard copy,  
16:15:24 23 email copy. I don't remember.  
24  
16:15:29 25 If you had a hard copy would that be something that you  
16:15:33 26 would have provided to Mr Overland?---If he'd asked for it.  
27  
16:15:37 28 Yes, or if you had it, would you have offered him a  
16:15:41 29 copy?---I would have asked him if he wanted to see it  
16:15:44 30 probably.  
31  
16:15:47 32 Do you have any recollection of that?---No.  
33  
16:15:50 34 Did you understand that bubbling along in the background at  
16:15:53 35 this particular point were still concerns within the SDU  
16:15:57 36 about making Ms Gobbo a witness?---I'm aware of that now.  
37  
16:16:01 38 Were you aware of that then?---I was aware of discussions  
16:16:06 39 that we were having about the SDU but the extent of their  
16:16:09 40 concerns - the extent of their concerns I know now it  
16:16:17 41 wasn't known to me then at the time.  
42  
16:16:19 43 When you say you were "aware of discussions we were having  
16:16:22 44 about the SDU", who was having those discussions?---There  
16:16:25 45 were meetings that I was present and there were meetings  
16:16:28 46 when Shane O'Connell was present and I wasn't.  
47

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16:16:31 1 What meetings were you present at, who with?---Well there  
16:16:36 2 was a meeting on 5 January that I had a meeting with  
16:16:41 3 Biggin, Mr Biggin about.  
4  
16:16:43 5 Yes, and that was in relation to concerns about Ms Gobbo  
16:16:46 6 becoming a witness?---Yes, I recall that meeting.  
7  
16:16:50 8 Was there anyone else present at that meeting?---I'd have  
16:16:53 9 to refer to the diary, my diary about that.  
10  
16:16:59 11 Your diary?---Yes. May I?  
12  
16:17:02 13 Yes, sure?---Sorry, I'm going to need a later diary. This  
16:17:31 14 ends on January 08.  
15  
16:17:33 16 I think we might have it here for you.  
17  
16:17:36 18 COMMISSIONER: Have you got a later diary for him? Yes,  
16:17:39 19 thank you?---Thanks. This diary commences on the 18th of  
16:18:08 20 January 08. We're on the 5th of January, aren't we?  
16:18:19 21  
16:18:19 22 MS TITTENSOR: Yes?---Sorry, my apologies, I'm on the wrong  
16:18:23 23 year, 09. I'm sorry about that.  
24  
16:18:24 25 If you look at p.268?---Apologies, right date, wrong year.  
26  
16:18:31 27 It should be 268 up in the top corner?---Monday the 5th of  
16:19:05 28 January 2009.  
29  
16:19:07 30 Yes. It's the second last entry on that page, that's the  
16:19:11 31 one that you're looking for, at 11:40?---"Tony Biggin re  
16:19:20 32 RHS", yes.  
16:19:20 33  
16:19:20 34 Yes, that's what you were referring to having spoken to  
16:19:24 35 Mr Biggin about his concerns?---Yes, I believe it is, yes.  
16:19:26 36  
16:19:26 37 Do you recall whether there was anyone else present when  
16:19:28 38 you spoke to Mr Biggin?---At that particular time, no, I  
16:19:31 39 don't. I do recall having a meeting, whether it was that  
16:19:34 40 meeting or another meeting, where Officer White was present  
16:19:37 41 and another officer whose pseudonym escapes me.  
42  
16:19:43 43 Do you know his real name, we can perhaps provide with you  
16:19:46 44 a list?---Yeah, I do know his real name.  
45  
16:19:49 46 We might provide you with a - - -  
47

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16:19:53 1 COMMISSIONER: Exhibit 81.  
16:19:56 2  
16:19:57 3 WITNESS: I'm going to have trouble reading that.  
4  
16:20:01 5 COMMISSIONER: Too small, is it?---Yes.  
6  
16:20:09 7 Perhaps if you write the name of the person down and show  
16:20:11 8 it to Ms Tittensor, she'll tell you the number it is on the  
16:20:14 9 list. Or tell us the number it is on the list and that  
16:20:17 10 will solve the issue. Could the write the name on a piece  
16:20:27 11 of paper, please. Show Ms Tittensor.  
16:20:42 12  
16:20:42 13 MS TITTENSOR: It's Officer Black. So at some point in  
16:20:47 14 time you had a meeting also with Officer Black and Sandy  
16:20:50 15 White, is that the case?---I do recall them coming to Petra  
16:20:54 16 and having a meeting with Black and White.  
17  
16:21:01 18 Was Mr O'Connell there as well?---Yes, I think he was.  
19  
16:21:07 20 Do you know at what stage this was, was this prior to  
16:21:09 21 Ms Gobbo signing a statement or was it afterwards?---No, it  
16:21:12 22 was after. Signing?  
23  
16:21:14 24 Yes?---It may have been after the signing, I believe, which  
16:21:21 25 was 7 January. I believe it was after the signing.  
26  
16:21:30 27 The statement's in draft form as of 2 January. You have  
16:21:34 28 this meeting with Mr Biggin on 5 January. Then following  
16:21:40 29 that the statement is signed on 7 January. Can you say  
16:21:47 30 within that period of time or after that period of time  
16:21:50 31 that the statement was - that this meeting occurred?---I  
16:21:57 32 can't be sure. I think it was after the 7th.  
33  
16:21:59 34 Did you make any record of it?---I suspect it would be in  
16:22:05 35 my diary somewhere.  
36  
16:22:07 37 Okay. Perhaps we'll move along now but if you take some  
16:22:12 38 time with your diary afterwards and you can indicate  
16:22:14 39 through your lawyers to the Commission if you locate that  
16:22:20 40 entry.  
41  
16:22:22 42 COMMISSIONER: Mr Smith, I understood you to say that this  
16:22:24 43 may have been the occasion that you've noted on 5 January  
16:22:27 44 but you're not sure; is that right?---No, I believe,  
16:22:30 45 Commissioner, there was - this reference to 5 January has  
16:22:35 46 Tony Biggin.  
47

.12/02/20

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SMITH XXN

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16:22:36 1 Yes?---But I do have a recollection of a meeting where  
16:22:41 2 Black and White were present, so I'm assuming from that it  
16:22:44 3 was a second meeting.  
4  
16:22:46 5 Okay?---I just can't recall the date.  
6  
16:22:48 7 Was Biggin there then as well?---Yes.  
8  
16:22:52 9 Thank you.  
16:22:53 10  
16:23:01 11 MS TITTENSOR: You refer - perhaps if I can take you to  
16:23:05 12 paragraph 41 of your statement. Is that the occasion  
16:23:10 13 you're referring to or was it a different occasion? So  
16:23:32 14 paragraph 41 you're talking about 2 March 2009 and you met  
16:23:36 15 with Mr Biggin, Mr White, Mr Black in relation to  
16:23:41 16 Ms Gobbo's management and protection and it was decided  
16:23:44 17 that Petra Task Force should enlist the assistance of other  
16:23:51 18 handlers - - - ?---I think that's one and the same, yes.  
19  
16:23:55 20 That's the meeting that you think you notated?---Yes, I do.  
21  
16:24:01 22 That was around the time when it was appreciated that  
16:24:03 23 Ms Gobbo was pretty hard to handle?---Yes, we were going to  
16:24:13 24 - we were told that she was needy and we were going to need  
16:24:21 25 assistance in handling her, but based on the amount of time  
16:24:26 26 and effort that she demanded.  
27  
16:24:28 28 Yes?---Yes.  
29  
16:24:30 30 And these are the types of things, I guess, that the SDU  
16:24:34 31 had said to Petra before all of this occurred and Petra  
16:24:41 32 became well aware of that pretty quickly?---Yes, yes, very  
16:24:45 33 quickly.  
34  
16:24:45 35 There were some representations made around this time about  
16:24:50 36 trying to get the SDU to take her back over?---I think that  
16:24:54 37 was suggested but I don't think anybody seriously  
16:24:56 38 considered that that was going to occur. I think the  
16:25:00 39 process and decision was around that she belonged to Petra  
16:25:04 40 and we needed to handle her and that's where we sought  
16:25:08 41 assistance in doing that.  
42  
16:25:20 43 Can you tell us anything more about the meeting that you  
16:25:22 44 had with Mr Biggin on 5 January?---My recollection,  
16:25:32 45 although limited, was that it was around if she's going to  
16:25:39 46 become a witness for Petra, she ought to be or should be  
16:25:46 47 deactivated as a human source, she can't be both.

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1  
16:25:49 2 Was there any discussion about the difficulties in making  
16:25:52 3 her a witness and the issues associated with that at that  
16:25:55 4 point in time?---No.  
5  
16:25:57 6 Do you understand that in the lead up to that meeting that  
16:26:01 7 you had with Mr Biggin, on 30 December Mr Biggin had been  
16:26:07 8 told by Mr Moloney there are plans for Ms Gobbo to be made  
16:26:11 9 a witness and sign a statement and as a result of that  
16:26:15 10 Mr Biggin instructs Officer Black to go away and write up  
16:26:23 11 an issues document in relation to that? You're aware of  
16:26:27 12 that?---You're telling me now, yes.  
13  
16:26:31 14 You didn't understand that Moloney had told Biggin so that  
16:26:36 15 - - - ?---No, not at the time.  
16  
16:26:37 17 Is that something appropriate to do in any case, where  
16:26:40 18 you're going to transition a source into a witness, you're  
16:26:44 19 going to want to know what the risks are in relation to a  
16:26:47 20 decision like that; aren't you?---Yes.  
21  
16:26:49 22 What steps were you taking to ensure that you knew all the  
16:26:52 23 risks that Victoria Police were assuming by doing  
16:27:00 24 this?---Well I was expecting to receive updates and advice  
16:27:03 25 from the steering committee and then also speaking to the  
16:27:07 26 SDU, being provided with the information from them as to  
16:27:10 27 what I would expect the risks to be.  
28  
16:27:16 29 Within this process you didn't get any risk assessment from  
16:27:20 30 the SDU, did you, or from anyone else?---No.  
31  
16:27:22 32 It just went straight from, "We want her as a witness,  
16:27:25 33 she's got this draft witness statement. We know that there  
16:27:28 34 are issues with any source that becomes a witness. There's  
16:27:32 35 no risk assessment, let's have her sign it"?---A lot of the  
16:27:37 36 communication was verbal, yes, and verbal briefings. We  
16:27:42 37 were certainly advised in relation to the risks to her  
16:27:46 38 safety in relation to her becoming a witness. We were also  
16:27:51 39 advised in relation to the difficult nature of handling her  
16:27:56 40 on a day-to-day basis.  
41  
16:27:59 42 What were you advised in relation to her safety?---Well, we  
16:28:05 43 were advised that if she's going to give evidence - it's  
16:28:08 44 not so much a matter of advice in relation to the Dale  
16:28:11 45 matter, it was something that was directly apparent to us  
16:28:18 46 anyway, that if she's going to give evidence against Dale  
16:28:21 47 and Collins she's at risk.

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1  
16:28:22 2 You would have been aware thought that this person's a  
16:28:25 3 human source, she's not just been providing police with  
16:28:29 4 information about Mr Dale, it's about other matters?---I  
16:28:32 5 presume that from the fact that she was a registered  
16:28:35 6 source, yes.  
7  
16:28:35 8 And these matters and that fact are likely going to be  
16:28:40 9 exposed in court proceedings thereafter; is that  
16:28:46 10 right?---Yes.  
11  
16:28:47 12 And the nature of any risk to Ms Gobbo is going to be  
16:28:49 13 informed by the fact of what information is going to be  
16:28:55 14 revealed in that process, who she's been informing on, who  
16:28:59 15 finds out about that?---Yeah, that's right. That naturally  
16:29:02 16 follows.  
17  
16:29:02 18 And so any risk assessment that you'd want to undertake,  
16:29:06 19 and the risks that you'd want to understand before you sign  
16:29:09 20 her up as a witness, necessarily involve knowing what that  
16:29:13 21 information is going to be that's going to come out?---At  
16:29:19 22 the time we did not turn our mind to that risk, as you've  
16:29:25 23 outlined. We were concentrating on the fact of whether or  
16:29:32 24 not she was able to provide evidence without any issues in  
16:29:39 25 relation to her representing Dale.  
26  
16:29:43 27 Your focused, yes, on the value of her as a witness?---Yes.  
28  
16:29:48 29 But obviously you have to balance those against the  
16:29:51 30 risks?---Our immediate concern was that the risks in  
16:29:53 31 relation to her safety, which was paramount, and that would  
16:29:57 32 have been dealt with by ██████████ and entering her  
16:30:03 33 into the witness protection program which would have  
16:30:07 34 involved itself ██████████ being ██████████ by the  
16:30:11 35 Witness Security Unit. In relation to her evidence, I  
16:30:14 36 would agree that we didn't turn our mind to that totally at  
16:30:18 37 the time.  
38  
16:30:19 39 Mr O'Connell, I took you to some conversation at least that  
16:30:23 40 he'd had earlier in December with the SDU where they're  
16:30:29 41 raising concerns of the nature of implications for the SDU  
16:30:33 42 and other proceedings. Were those things discussed with  
16:30:38 43 you?---Not in any detail, no.  
44  
16:30:43 45 When you say not in any detail, was it the fact that there  
16:30:47 46 were going to be other issues associated with her evidence  
16:30:53 47 raised with you?---I don't recall specifically, no.

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1  
16:31:03 2 What occurs, as we understand it, is that Mr Black  
16:31:08 3 completes a memo or his analysis, he does it in the form of  
16:31:12 4 a SWOT analysis, you understand what that is?---Yes.  
5  
16:31:20 6 And gives that to Mr Biggin and he does that by the end of  
16:31:23 7 December. Mr Biggin writes an issue cover sheet and sends  
16:31:28 8 that and the briefing note to Acting Commander of the  
16:31:33 9 Intelligence Covert Support Department who is  
16:31:37 10 Mr Porter?---Yes.  
11  
16:31:38 12 On the morning of 5 January at 8.50 he collects the file  
16:31:43 13 from Mr Porter. Mr Porter signs off on the document and  
16:31:49 14 then at 9.10 he has himself delivering the file to Boris  
16:31:56 15 Buick, the staff officer for Mr Moloney, okay?---Yes.  
16  
16:32:01 17 You've seen the document, you understand the significance  
16:32:04 18 of that document I take it?---Yes.  
19  
16:32:07 20 If you had have understood the information in that document  
16:32:10 21 what would you have done?---I would have done what we've  
16:32:17 22 spoken about today, I would further inquired into any risks  
16:32:21 23 in relation to her credit as a witness and any  
16:32:25 24 ramifications of her giving evidence against Dale.  
25  
16:32:31 26 In terms of the other concerns raised in the document, you  
16:32:35 27 would agree that if you'd seen that document you couldn't  
16:32:42 28 unsee it, it's a document that would stick in your  
16:32:45 29 mind?---Yes.  
30  
16:32:46 31 It's a document that indicates that a lawyer has been used  
16:32:48 32 in a manner, in such a way that there might be unsafe  
16:32:51 33 convictions having been obtained?---Yes.  
34  
16:32:54 35 It indicates the prospect of judicial, government and OPI  
16:32:58 36 inquiries?---That's outlined in the document, yes.  
37  
16:33:03 38 Matters, you might think, significant organisational risks  
16:33:08 39 for Victoria Police beyond the Dale case?---Yes.  
40  
16:33:11 41 Would this type of risk be something that would immediately  
16:33:16 42 or should be immediately elevated to the Chief  
16:33:19 43 Commissioner?---Would be at that level, yes.  
44  
16:33:24 45 You would be going straight to a lawyer?---There would need  
16:33:32 46 to be legal advice.  
47



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16:33:34 1 Yes?---In relation to it.  
2  
16:33:35 3 Yes?---By whoever, yes.  
4  
16:33:37 5 The head of - - - ?---You're talking about me?  
6  
16:33:40 7 I'm talking about - if you had have seen this document, it  
16:33:45 8 indicates some serious concerns in relation to the handling  
16:33:50 9 and management at least of this source over time?---Yes.  
10  
16:33:57 11 Would you consider yourself, under the *Police Regulations*  
16:34:01 12 Act, obliged to report it at least to a superior, if not to  
16:34:04 13 the OPI?---I would have done that, yes. We had ourselves a  
16:34:10 14 very important investigation, we had just signed up  
16:34:14 15 Williams. We had taken a statement and had a tape, an  
16:34:20 16 evidentiary tape recording from Dale and Gobbo, so she was  
16:34:26 17 an important witness for us. We wished to proceed with  
16:34:29 18 that and we wished to try and get her into the prosecution  
16:34:33 19 and maintain her on the brief as much as possible. So I  
16:34:36 20 would have liked to have seen that document and dealt with  
16:34:42 21 it as best we can at the time.  
22  
16:34:44 23 If you had seen that document would you two days later have  
16:34:48 24 been signing up Ms Gobbo as a witness?---Probably not. We  
16:34:51 25 would have delayed that pending advice around what was in  
16:34:58 26 that SWOT analysis.  
27  
16:34:59 28 If I can just bring up your diary for 5 January again.  
16:35:05 29 VPL.0005.0215.0001 at p.41. Sorry, that's Mr Hollowood's  
16:35:28 30 diary, I apologise. Mr Hollowood's diary, I can just tell  
16:35:31 31 you, indicates that at - and it's similar to your diary -  
16:35:34 32 it indicates that at 9 o'clock, so remembering that this  
16:35:37 33 document is being delivered at around 9.10 to Dannye  
16:35:42 34 Moloney's office, at 9 o'clock you're in a meeting with  
16:35:46 35 Mr Hollowood and Mr Moloney and the meeting is described by  
16:35:52 36 Mr Hollowood as "Petra Task Force re proposed investigative  
16:35:56 37 direction and time tabling"?---Yes.  
38  
16:36:00 39 Do you recall - and if we look at your diary, sorry, if I  
16:36:04 40 can take you to your diary. You might have that open in  
16:36:07 41 front of you?---Yes, I have.  
42  
16:36:09 43 At 8.45 you're at St Kilda Road, you're meeting with  
16:36:14 44 Assistant Commissioner Moloney and Superintendent Hollowood  
16:36:18 45 re Operation Loris?---Yes.  
46  
16:36:20 47 Consistent with the entry in Mr Hollowood's diary. That

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16:36:24 1 meeting, it seems, you clear at 11 o'clock?---Yes.  
2  
16:36:27 3 It's a meeting that's gone on for some time and during that  
16:36:30 4 period of time Mr Biggin's issue cover sheet with this  
16:36:36 5 briefing note has arrived in Mr Moloney's office. Was that  
16:36:42 6 raised at all during the course of that meeting?---No.  
7  
16:36:47 8 Are you quite sure about that?---I have not seen that  
16:36:50 9 document prior to the preparation of my statement.  
10  
16:36:56 11 As you've indicated in the course of your evidence, you  
16:37:00 12 would have done something about it as soon as you saw that  
16:37:03 13 document?---Yes.  
14  
16:37:09 15 It's apparent, obviously, that you're having discussions  
16:37:12 16 not long after that meeting with Mr Biggin, who's elevated  
16:37:16 17 those matters to Mr Moloney that very day?---Yes.  
18  
16:37:21 19 Do you recall now whether he mentioned to you that he'd  
16:37:24 20 delivered a document to Mr Moloney?---No, I don't recall  
16:37:27 21 that and my recollection is, not having seen that document,  
16:37:31 22 that he didn't raise it during that meeting.  
23  
16:37:33 24 He might have raised the fact that he'd delivered a  
16:37:36 25 document with the concerns that - - - ?---No, I don't  
16:37:39 26 recall him doing that.  
27  
16:37:41 28 The document itself indicated that it was prepared for the  
16:37:45 29 steering committee to be able to make a decision, do you  
16:37:47 30 understand that?---Yes.  
31  
16:38:17 32 Do you know if you were there for the entirety of that  
16:38:19 33 meeting that morning with Mr Moloney?---I can only go on  
16:38:24 34 what's in my diary and it indicates that I was, but I don't  
16:38:29 35 have an independent recollection of the meeting due to the  
16:38:32 36 passage of time.  
37  
16:38:34 38 Your diary then goes on to indicate that you're back at the  
16:38:38 39 office by midday, you're giving attention to the  
16:38:40 40 preparation of the steering committee meeting; is that  
16:38:43 41 right?---Yes.  
42  
16:38:46 43 Then at 10 to 4 you're at the Victoria Police Centre for  
16:38:49 44 the steering committee meeting?---Yes.  
45  
16:39:06 46 I might just slightly correct something. If we bring up  
16:39:12 47 Exhibit RC518. You see here, in terms of the

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16:39:24 1 dissemination, Mr Biggin has sent the documents behind  
16:39:31 2 this, that we've been discussing on the 2nd of January, to  
16:39:35 3 the Commander of Intelligence Covert Support and that was  
16:39:40 4 Mr Porter?---Yes.  
5  
16:39:41 6 That's come back to him, he's collected the file. It's  
16:39:45 7 then been sent or taken to Mr Moloney's office. He's got  
16:39:48 8 it. Then on 5 January 2009 it gets sent to Deputy  
16:39:57 9 Commissioner Overland for Petra steering committee  
16:40:00 10 consideration?---Yes.  
11  
16:40:01 12 Do you see that? So it's apparent that Mr Moloney's got  
16:40:05 13 this document, he's read it, and it's going to the steering  
16:40:10 14 committee or, on his view, according to this document, the  
16:40:14 15 steering committee need to consider it?---Via Mr Overland.  
16  
16:40:17 17 Via Mr Overland, yes?---Yes, yes.  
18  
16:40:21 19 And then if we go up, I might just correct what I indicated  
16:40:24 20 before. Mr Biggin's cover sheet indicates down the bottom,  
16:40:32 21 in terms of the comments, there are a number of  
16:40:36 22 organisational risks to Victoria Police. "The SDU are  
16:40:40 23 prepared to expand upon these to Task Force management.  
16:40:43 24 The purpose of this paper is to ensure that the decision  
16:40:45 25 makers are in possession of relevant information to allow  
16:40:49 26 proper decisions to be made. Decisions made today may have  
16:40:52 27 long-term implications for Victoria Police"?---Yes, I see  
16:40:55 28 that.  
29  
16:40:57 30 And clearly you would agree with those comments, that there  
16:41:00 31 are organisational risks to Victoria Police that are  
16:41:03 32 contained within the SWOT analysis that sits behind  
16:41:06 33 this?---Yes.  
34  
16:41:10 35 I won't take you again through the SWOT analysis, I've  
16:41:15 36 raised those in broad terms with you, and you accept that  
16:41:17 37 they're very serious issues?---Yes.  
38  
16:41:20 39 That warranted significant consideration at various  
16:41:23 40 levels?---Yeah, I would have liked to have seen it at the  
16:41:27 41 time, yes.  
42  
16:41:30 43 We know that a meeting occurs later that afternoon and that  
16:41:33 44 you're at the meeting, that's right?---On the 5th, yes.  
45  
16:41:39 46 And it's a meeting that's attended by Mr Overland,  
16:41:42 47 Mr Moloney, Mr Ashton, Mr Hollowood and yourself?---Yeah, I

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16:41:48 1 accept that. That's not necessarily in my diary, but yeah,  
16:41:52 2 I accept that. It's probably on the update.  
3  
16:41:58 4 Your diary doesn't include the names of those  
16:42:00 5 present?---No, it just says, "Attend Petra steering  
16:42:07 6 committee meeting DC's office."  
7  
16:42:08 8 I think I might have gotten that information from  
16:42:10 9 Mr Hollowood's diary?---Right.  
10  
16:42:12 11 He indicates - I think your diary indicates that you were  
16:42:15 12 at the Victoria Police Centre by ten to 4?---Yes.  
13  
16:42:19 14 Mr Hollowood's diary indicates that the meeting commences  
16:42:22 15 at 4 pm, and then your diary indicates that it concludes at  
16:42:27 16 quarter to six?---I don't think the meeting would have gone  
16:42:33 17 that long but I would remained at the Victoria Police  
16:42:37 18 Centre perhaps for other matters. I just haven't listed  
16:42:42 19 the time it finished.  
20  
16:42:43 21 What does your diary indicate?---"At VPC. Attend steering  
16:42:51 22 committee DC's office 15:50 at above." Then, "17:45 clear  
16:42:57 23 above. Finish in the field to home address".  
24  
16:43:01 25 Just the "clear above" indicate that you're clearing the  
16:43:04 26 meeting?---I think it refers to clearing the Victoria  
16:43:07 27 Police Centre.  
28  
16:43:11 29 Does that indicate to you that the meeting may have gone  
16:43:13 30 longer than usual?---That's possible. I haven't written  
16:43:19 31 when I cleared the actual meeting. Look, it could refer to  
16:43:24 32 the meeting going for - until quarter to six but I doubt  
16:43:29 33 it.  
34  
16:43:30 35 There were significant issues that were being dealt with  
16:43:33 36 around this period of time?---Yes.  
37  
16:43:36 38 Carl Williams' statement, Ms Gobbo's statement, "We're just  
16:43:41 39 about to have the ammunition, if you like, to be able to  
16:43:44 40 bring charges against Mr Dale". It's happening at this  
16:43:48 41 point in time?---It was a busy time for us.  
42  
16:43:52 43 Yes?---Yes.  
44  
16:43:53 45 If I can take you back to the Operation Loris timeline  
16:43:58 46 strategy, VPL.0100.0129.0001 at 506.  
47

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16:44:16 1 COMMISSIONER: I'm not sure if that's been tendered.  
16:44:18 2  
16:44:18 3 MS TITTENSOR: It's within those folders of material,  
16:44:22 4 Commissioner.  
5  
16:44:22 6 COMMISSIONER: Yes, it is, correct.  
16:44:24 7  
16:44:24 8 MS TITTENSOR: If we can skip through to item 4 or event 4.  
16:44:30 9 You'll see on the far right column there's some - there's  
16:44:36 10 an indication in italics, that's presumably been updated  
16:44:41 11 perhaps by yourself, that since the entry the statement has  
16:44:48 12 been completed and not signed?---Yes, I see that.  
13  
16:44:51 14 "Witness F has agreed to meet with investigators on  
16:44:53 15 Wednesday the 7th and seek clarification in relation to the  
16:44:57 16 safety and risk issues. If these are adequately covered  
16:45:01 17 she'll sign the statement at the meeting"?---Yes, that's  
16:45:03 18 correct.  
19  
16:45:03 20 Mr Overland has indicated in his handwriting underneath  
16:45:07 21 that "immediate relocation" and down the bottom of the page  
16:45:12 22 "source to Crown witness". Is that your understanding of a  
16:45:15 23 decision that was made at the meeting, at the Petra Task  
16:45:19 24 Force meeting that day?---To go ahead and sign the  
16:45:22 25 statement?  
26  
16:45:23 27 Yes?---Yeah, it's highly likely that we would have been  
16:45:29 28 provided with that endorsement to go ahead and get it  
16:45:35 29 signed. I don't have a specific recollection of the  
16:45:37 30 meeting.  
31  
16:45:37 32 This document is contained within a folder that, it seems,  
16:45:40 33 to be maintained by Mr Overland, there are a number of  
16:45:44 34 other documents with his handwriting on it in around this  
16:45:50 35 period of time, including weekly Petra Task Force, weekly  
16:45:54 36 updates. There's a Petra Q and A for media following this  
16:45:59 37 document in relation to the arrest of Dale. Do you recall  
16:46:02 38 such a document?---No.  
39  
16:46:07 40 There's the 5th of January Petra Task Force weekly update  
16:46:10 41 which no doubt you would have compiled?---Yes.  
42  
16:46:13 43 Following that there is the distribution list, the Biggin  
16:46:16 44 cover sheet and the SWOT analysis?---Right.  
45  
16:46:21 46 So in that order, the weekly update and the distribution  
16:46:27 47 list cover sheets, SWOT analysis, followed by Ms Gobbo's

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16:46:31 1 unsigned statement. Do you know if Ms Gobbo's unsigned  
16:46:35 2 statement was presented to the meeting that day?---No, I  
16:46:39 3 don't recall. I'm sorry.  
4  
16:46:42 5 If Mr Overland has a copy of that unsigned statement how  
16:46:48 6 would it have gotten to him?---Well it must have been  
16:46:51 7 provided to him by Petra.  
8  
16:46:52 9 And who at Petra would have done that?---Oh, either me or  
16:46:58 10 O'Connell I would suggest.  
11  
16:47:04 12 Mr Moloney indicates that he has a recollection of the  
16:47:09 13 issue being discussed in terms of Ms Gobbo's transition  
16:47:12 14 from source to witness at the steering committee meeting.  
16:47:15 15 Are you able to say what was discussed in that regard at  
16:47:18 16 the meeting?---In relation to that?  
17  
16:47:20 18 Yes?---I don't - I can't, I'm sorry, just through the  
16:47:24 19 passage of time I don't recall.  
20  
16:47:25 21 He says the final decision was made by the head of the  
16:47:29 22 steering committee, Mr Overland, that a statement should be  
16:47:32 23 taken or signed. Is that your understanding?---My  
16:47:37 24 recollection is, that's simply because of the process, that  
16:47:41 25 we've proceeded in getting it signed, that they didn't  
16:47:44 26 stand in our way in doing that. That we were given  
16:47:47 27 endorsement to go ahead and get it signed.  
28  
16:47:49 29 Was there any discussion at that meeting about the types of  
16:47:53 30 risks in that SWOT analysis?---No, I don't recall, no.  
31  
16:48:00 32 Do you say - when you say you don't recall, do you say  
16:48:03 33 "certainly not, there wasn't", or do you say "perhaps those  
16:48:06 34 risks were discussed and I just can't recall it any  
16:48:09 35 more"?---Well, what I can say is I've never seen that  
16:48:12 36 document before and I just follow from that that it's - I  
16:48:19 37 can't say that I specifically definitely don't recall  
16:48:23 38 whether there was issues discussed from the document. I  
16:48:25 39 didn't see the document. I don't recall that they were  
16:48:30 40 discussed. I don't believe they were. I can't be 100 per  
16:48:34 41 cent sure. It's over ten years ago.  
42  
16:48:38 43 Would you recall if issues were discussed of the nature of  
16:48:42 44 this might lead to OPI, judicial inquiries?---As I said  
16:48:48 45 before, if the contents of the SWOT analysis were discussed  
16:48:52 46 I would have held the same view as to whether I was told  
16:48:55 47 about it or read it.

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1  
16:49:02 2 Do you ever recall becoming aware of concerns over other  
16:49:07 3 prosecutions or convictions?---As relates to Gobbo?  
4  
16:49:13 5 Yes?---No.  
6  
16:49:17 7 Were you aware over concerns about her credit, as might be  
16:49:22 8 revealed in the SDU material?---No, no. There was  
16:49:27 9 certainly a concern that Dale was adamant that the  
16:49:32 10 conversation that was taped was privileged and that we were  
16:49:36 11 trying to deal with that.  
12  
16:49:39 13 You're aware that there was significant SDU material  
16:49:43 14 sitting behind Ms Gobbo's use as a human  
16:49:46 15 source?---Potentially, yes.  
16  
16:49:47 17 But you never inquired as to what that was?---Not at that  
16:49:50 18 time.  
19  
16:49:51 20 By the time of the committal had you inquired?---We started  
16:49:57 21 to make inquiries about it because of the subpoenas. I  
16:50:01 22 think the informer file was named in the subpoenas.  
23  
16:50:05 24 It was inevitable that that material was going to have to  
16:50:10 25 be, or at least considered for disclosure?---I agree with  
16:50:16 26 that.  
27  
16:50:17 28 You understand that it's not simply a matter of defence  
16:50:21 29 hitting upon a lucky drafting of a subpoena before you have  
16:50:26 30 an obligation to disclose it, it was relevant for their  
16:50:29 31 case, you have to disclose it. You understand that?---Yes.  
32  
16:50:32 33 Why was it not until these subpoenas, and we're having this  
16:50:38 34 subpoena argument, that these issues are being looked  
16:50:41 35 into?---The only way I can answer that question, and it is  
16:50:44 36 a very good question, is that we weren't fully briefed on  
16:50:49 37 the breadth and extent of her informing.  
38  
16:50:52 39 But there was no inquiry to try and find out?---Well, you  
16:50:56 40 don't know what you don't know. I mean it might have been  
16:51:02 41 - I would have expected to have been told if that was a  
16:51:05 42 concern, particularly why wasn't Petra shown the SWOT  
16:51:09 43 analysis? Now we may have been blind to that, I accept  
16:51:12 44 that now in hindsight. But if it was a matter of  
16:51:20 45 significant concern I would have expected to have been  
16:51:22 46 briefed about it.  
47

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16:51:23 1 You knew enough to be making enquiries, didn't you, you  
16:51:26 2 knew this was a source that's been run by the Source  
16:51:29 3 Development Unit?---Well we were told she was a source.  
4  
16:51:32 5 And you knew she had been a source?---Yes.  
6  
16:51:34 7 I mean you're having discussions with the SDU to try and  
16:51:36 8 get them to take her back over?---Yes.  
9  
16:51:42 10 Potentially, yes.  
11  
16:51:43 12 Do you accept that you knew enough to put you on notice,  
16:51:47 13 "We need to make inquiries ourselves as to whether there's  
16:51:50 14 material that exists that we need to get on the front  
16:51:53 15 foot"?---No, I don't accept that.  
16  
16:51:56 17 Mr Hollowood recalls at the time of his becoming aware that  
16:52:01 18 Ms Gobbo was a human source that he had - he was surprised  
16:52:05 19 because she was a lawyer. Do you recall having such a  
16:52:09 20 reaction yourself?---I was surprised, yes.  
21  
16:52:12 22 He recalls being given assurances in steering committee  
16:52:19 23 meetings that there had been legal advice having been  
16:52:22 24 obtained about using a lawyer as a human source. Do you  
16:52:24 25 recall any discussion along those lines?---Not in front of  
16:52:28 26 me, no.  
27  
16:52:32 28 Now on 12 January there was another Petra meeting with  
16:52:39 29 Mr Overland, Mr Moloney, yourself, Mr Hollowood and  
16:52:43 30 Mr Wilkins and there's a discussion "re time frame for  
16:52:47 31 progressing and risk mitigation". Was there any discussion  
16:52:54 32 following Ms Gobbo signing the statements about risk issues  
16:52:58 33 for her, save and except for safety, general safety  
16:53:03 34 issues?---No, the essence of the discussions centred around  
16:53:10 35 her safety issues and the issues in relation to whether the  
16:53:15 36 Dale tape was privileged and we spent a significant amount  
16:53:21 37 of focus and attention immediately on getting her into the  
16:53:25 38 witness protection program and dealing with that potential  
16:53:27 39 Dale matter. I don't recall any other discussions about  
16:53:31 40 judicial risks about any other matter.  
41  
16:53:39 42 It's apparent following this time - well Mr Cornelius  
16:53:46 43 returns I think and I take it he - would he have been  
16:53:51 44 updated on what had gone on at steering committee meetings  
16:53:54 45 whilst he'd been absent? He'd been absent for the month or  
16:53:59 46 so prior?---I'd expect so by other members of the steering  
16:54:02 47 committee. I didn't brief Mr Cornelius separately, nor was



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16:54:09 1 I asked to do so.  
2  
16:54:11 3 Over time did you become aware of the nature of matters in  
16:54:13 4 which Ms Gobbo had provided information to police?---No.  
5  
16:54:20 6 Did you become aware that she'd been providing information  
16:54:22 7 to Purana?---No. No, not that I recall.  
8  
16:54:32 9 Did you become aware of her association at all with  
16:54:36 10 Purana?---No.  
11  
16:54:38 12 Did you know that there was an operation called Operation  
16:54:43 13 Gosford which was established by Purana to investigate  
16:54:46 14 threats that she'd received, serious threats to her  
16:54:54 15 life?---There were threats that she received while she was  
16:54:57 16 being looked after by Petra. I'm not sure whether that's  
16:55:01 17 the same set of threats or not.  
18  
16:55:02 19 These threats occurred when she was in Bali making the  
16:55:06 20 Briars statement, is that what you're talking  
16:55:08 21 about?---Yeah, there were some phone threats.  
22  
16:55:11 23 During the period that she was operating as a human source  
16:55:13 24 there was an operation being run by Purana called Operation  
16:55:19 25 Gosford which related to serious threats that she received,  
16:55:22 26 including the fact that her car was set fire on in South  
16:55:27 27 Melbourne. Is that something you're aware of?---I may have  
16:55:31 28 been. Sitting here now I can't recall that.  
29  
16:55:33 30 Is that something that you were briefed about prior to  
16:55:36 31 having her sign a witness statement?---Operation Gosford?  
32  
16:55:42 33 Well, that she'd received serious threats?---No, I don't  
16:55:45 34 recall being briefed on that.  
35  
16:55:48 36 You've referred to the Bali matter. You were in Bali with  
16:55:54 37 Ms Gobbo at the time she was making the statement with the  
16:55:58 38 Briars investigators; is that right?---Yes.  
39  
16:56:01 40 Did you have any idea about her association with that  
16:56:06 41 investigation? Did you know what that was about?---I  
16:56:10 42 didn't know the specifics but she - during the time we were  
16:56:16 43 handling with her I think she was speaking to our handlers  
16:56:19 44 or the investigators intimating to them that she had some  
16:56:23 45 information in relation to Briars and that was passed to  
16:56:25 46 Briars.  
47

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16:56:27 1 She spoke to Mr Iddles during the course of those matters  
16:56:38 2 and was talking with Mr Iddles about her assistance to  
16:56:42 3 Purana, the seizure of Mokbel assets and her acting in the  
16:56:47 4 best interests of police and not her clients, such that he  
16:56:51 5 was thinking about the possibility of a Royal Commission  
16:56:53 6 arising?---This is in Bali?  
7  
16:56:56 8 This is in Bali?---Okay.  
9  
16:56:57 10 Is that something that you had any knowledge of?---No, no.  
16:57:02 11 I wasn't present during the taking of the statement or the  
16:57:05 12 attempt to take a statement. We handed her to Briars and  
16:57:11 13 they took her away to another location.  
14  
16:57:13 15 If I can take you to this file note of Mr Cornelius,  
16:57:17 16 VPL.0005.0012.3547. Mr Cornelius has given evidence in  
16:57:25 17 relation to this document. His practice was to write notes  
16:57:29 18 on a printout of meetings that he had, were you aware of  
16:57:34 19 that?---Yeah, I was aware that's his habit.  
20  
16:57:40 21 On this day, on 27 May 2009, he has a telephone conference  
16:57:43 22 with you re 3838, Ms Gobbo?---Yes.  
23  
16:57:47 24 And you're giving him an update as to how it's going and  
16:57:51 25 this is at a time when she's in Bali with the Briars  
16:57:55 26 investigators?---Right, okay.  
27  
16:57:56 28 You're telling him, "Day one preliminaries, day two less  
16:58:03 29 than expected but growing in strength. Note, it will ID  
16:58:10 30 her as the source" or "H source. Not complete smoking gun  
16:58:17 31 but significant value. Assess tomorrow for signature". Do  
16:58:22 32 you see that?---Yes.  
33  
16:58:24 34 It seems as though you've got some idea of the nature of  
16:58:26 35 that investigation and Ms Gobbo's involvement in it?---As  
16:58:34 36 much as I can recall Iddles, I had a conversation with  
16:58:39 37 Iddles, or not so much a conversation, they offered certain  
16:58:43 38 information about - they came back to our location after  
16:58:47 39 the attempt at taking the statement. It was, "How did it  
16:58:53 40 go?" And I think, from my memory, he said, "Oh, we didn't  
16:58:58 41 get her to sign it. There was limited value and we've got  
16:59:03 42 some concerns about it."  
43  
16:59:05 44 Did he tell you what the concerns were?---No, no, he  
16:59:08 45 didn't.  
46  
16:59:08 47 Was there some concern - you note there at that second dot

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16:59:13 1 point on day 2 about her being identified as a source. It  
16:59:18 2 seems as though that's of some concern?---Yeah, I see that  
16:59:22 3 and it's my recollection is he never mentioned that he had  
16:59:27 4 that concern to me at the time. But I see that - I accept  
16:59:34 5 what's on that, but my recollection is that Iddles didn't  
16:59:37 6 tell me he held those concerns.  
7  
16:59:39 8 You understand the inference from that is that, well, if -  
16:59:43 9 well she's probably not going to be, or she might not be  
16:59:47 10 identified by Petra but this process in Briars is going to  
16:59:51 11 identify her?---That's, as I understand it, a certain that  
16:59:54 12 Iddles is saying he had or has.  
13  
16:59:56 14 There's been some evidence and indication that, Ms "Gobbo's  
17:00:01 15 going to be deployed separately by Petra so that we can  
17:00:06 16 avoid disclosure of her historical relationship with  
17:00:08 17 Victoria Police through the tasking of her by Petra to tape  
17:00:13 18 Dale". There seems to have been a plan, "Should she become  
17:00:16 19 a witness we're going to try and not identify her as a  
17:00:19 20 human source"?---If she was going to become a Briars  
17:00:21 21 witness?  
22  
17:00:22 23 No, no, the plan back at Petra stage was, "Let's create a  
17:00:26 24 barrier so that it's Petra that's deploying her, there's no  
17:00:32 25 link to SDU. We won't need to disclose that"?---I'm not  
17:00:38 26 aware of that. As far as I'm concerned what led to her  
17:00:42 27 making the offer to us to tape Dale, I don't know what sits  
17:00:46 28 behind that. As far as Petra is concerned she made that  
17:00:53 29 offer to us directly. If there was something in relation  
17:01:00 30 to the SDU that sat behind well neither me or any other  
17:01:04 31 Petra member is aware of that.  
17:01:05 32  
17:01:06 33 Just very briefly at this point, because we need to break  
17:01:09 34 for the day, but it seems as though what's being raised  
17:01:11 35 here in mid-2009, or what occurs from this point in time  
17:01:15 36 are the SDU raising significant issues that go up to  
17:01:19 37 Command to say, "We need to appreciate if you sign her up  
17:01:23 38 as a witness for Briars it's different to Petra. With  
17:01:28 39 Petra we can get away with not disclosing her as a human  
17:01:34 40 source. We won't be able to do it with Briars"?---I can't  
17:01:37 41 comment on that. I don't know what her, the evidence is  
17:01:39 42 she was proposing to give to Briars, or the discussions  
17:01:41 43 she's had with Briars. I can't comment on that.  
44  
17:01:44 45 My point in relation to that is that the plan for Petra was  
17:01:47 46 not to disclose her as a human source?---To disclose her as  
17:01:51 47 a human source?

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1  
17:01:51 2 Yes?--When?  
3  
17:01:54 4 COMMISSIONER: Not to disclose her.  
17:01:57 5  
17:01:57 6 MS TITTENSOR: Not to disclose her through court  
17:01:59 7 proceedings, the fact that she was a human source. That's  
17:02:01 8 what I'm putting to you. It seems as though that was a  
17:02:04 9 plan?---An SDU plan?  
10  
17:02:06 11 Well, a plan, and perhaps a Petra plan. I'm asking about  
17:02:12 12 your knowledge of that plan?---I'm not aware of any  
17:02:14 13 specific plan. I don't know how - I mean if you're talking  
17:02:17 14 about subpoenas ultimately pre-committal, how we would have  
17:02:21 15 hatched that plan, if you like. We would have been more  
17:02:25 16 than happy for the - not so much happy, but we would have  
17:02:31 17 been prepared to hand over any informer files. I don't  
17:02:34 18 know how we could have kept that secret.  
19  
17:02:38 20 Thanks Commissioner. Perhaps that - - -  
21  
17:02:40 22 COMMISSIONER: Before we adjourn for the day, Mr Paul Dale  
17:02:43 23 has applied for leave to appear in respect of Mr Hollowood  
17:02:46 24 and Mr Smith. Counsel assisting doesn't oppose, so if  
17:02:50 25 there's no submissions to the contrary I'll give leave to  
17:02:55 26 appear to Mr Dale with respect to Mr Hollowood and  
17:02:59 27 Mr Smith.  
28  
17:03:00 29 We'll adjourn until 9.30. How much longer will you  
17:03:04 30 be?  
17:03:05 31  
17:03:05 32 MS TITTENSOR: I'm hoping I'll be completed within half an  
17:03:09 33 hour, or at least an hour.  
34  
17:03:12 35 COMMISSIONER: Cross-examination, just so we know when the  
17:03:14 36 next witness is likely - - -  
17:03:15 37  
17:03:16 38 MR CHETTLE: Half an hour perhaps, Commissioner.  
39  
17:03:17 40 COMMISSIONER: Re-examination?  
17:03:18 41  
17:03:19 42 MS ARGIROPOULOS: At the moment about five minutes,  
17:03:20 43 Commissioner.  
44  
17:03:24 45 COMMISSIONER: Perhaps we'll have the next witness ready  
17:03:28 46 for 11.30, that's probably safe. Who is the next witness?  
17:03:34 47

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17:03:35 1 MS TITTENSOR: Mr Waddell.  
2  
17:03:36 3 COMMISSIONER: Thank you. All right, we'll adjourn until  
17:03:38 4 9.30 tomorrow morning.  
17:04:01 5  
17:04:01 6 <(THE WITNESS WITHDREW)  
17:04:02 7  
17:04:04 8 ADJOURNED UNTIL THURSDAY 13 FEBRUARY 2020  
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