

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 19 February 2020

Led by Commissioner:           The Honourable Margaret McMurdo AC

Also Present

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

Counsel for Victoria Police   Mr S. Holt QC  
  Mr A. Purton

Counsel for State of Victoria Ms C. McCudden

Counsel for Nicola Gobbo     Ms L. Scott

Counsel for DPP/SPP         Ms K. O'Gorman

Counsel for CDDP            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 SC  
  Mr P. Silver

Counsel for Jeff Pope        Mr M. Thangaraj SC

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09:35:30 1 COMMISSIONER: Yes, I note that appearances are largely as  
09:35:32 2 they have been save that we have Ms Scott this morning for  
09:35:39 3 Ms Gobbo.  
09:35:40 4  
09:35:40 5 MS SCOTT: Yes.  
09:35:41 6  
09:35:41 7 COMMISSIONER: We have Ms McCudden for the State,  
09:35:44 8 Ms O'Gorman for the DPP and Mr Thangaraj for the witness,  
09:35:51 9 Mr Pope. And there is an application from Mr Mullett and  
09:35:57 10 Mr Ashby for leave to appear in respect of the witness John  
09:36:02 11 Nolan. Counsel assisting doesn't oppose. Unless anybody  
09:36:06 12 else wants to say anything.  
13  
14 MR HOLT: No, Commissioner.  
15  
09:36:08 16 COMMISSIONER: Thank you, Mr Holt. I'll give leave to  
09:36:11 17 appear to Mr Mullett and Mr Ashby in respect of the witness  
09:36:16 18 John Nolan. All right, I understand Mr Pope's here to give  
09:36:20 19 his evidence.  
09:36:21 20  
09:36:21 21 MR WINNEKE: Yes he is, Commissioner. We're seeking to  
09:36:23 22 Interpose Mr Pope and call him now.  
09:36:26 23  
09:36:26 24 COMMISSIONER: Yes. Thank you. Would you go into the  
09:36:30 25 witness box, please, Mr Pope, and you're on your former  
09:36:34 26 oath.  
09:36:35 27  
09:36:36 28 <JEFFREY STEPHEN POPE, recalled:  
09:36:41 29  
09:36:41 30 COMMISSIONER: Where were we, Mr Winneke?  
09:36:44 31  
09:36:45 32 MR WINNEKE: Yes, Commissioner. I'm not too sure - - -  
09:36:48 33  
09:36:48 34 COMMISSIONER: Is there a further statement that you want  
09:36:50 35 to tender?  
09:36:51 36  
09:36:51 37 MR WINNEKE: We've got a further statement. I'm in my  
09:36:57 38 learned friend's hands. I'm content to lead the evidence  
09:37:01 39 from him. What we're generally doing is - - -  
09:37:10 40  
09:37:11 41 COMMISSIONER: You're probably not familiar with the  
09:37:13 42 process, Mr Thangaraj.  
09:37:14 43  
09:37:15 44 MR THANGARAJ: No, I'm sorry.  
09:37:17 45  
09:37:17 46 MR WINNEKE: I should have spoken to my learned friend  
09:37:19 47 about it.

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09:37:19 1  
09:37:20 2 COMMISSIONER: You just want to formally tender the  
09:37:23 3 statement?  
09:37:24 4  
09:37:24 5 MR THANGARAJ: Yes. Do I need to have the witness adopt  
09:37:28 6 the statement?  
09:37:28 7  
09:37:29 8 COMMISSIONER: Yes, usually that's done. If you could show  
09:37:31 9 it to him.  
09:37:39 10  
09:37:40 11 MR THANGARAJ: Mr Pope, your full name is?---Jeffrey  
09:37:46 12 Stephen Pope.  
09:37:46 13  
09:37:47 14 You have returned to the Commission to give evidence from  
09:37:50 15 last year?---Yes.  
09:37:51 16  
09:37:51 17 You prepared a supplementary statement?---Yes.  
18  
09:37:55 19 Dated 21 January this year?---That's right.  
09:37:56 20  
09:37:56 21 You've signed that statement?---Yes.  
09:37:58 22  
09:37:59 23 And it's and correct to the best of your knowledge?---Yes.  
09:38:02 24  
09:38:02 25 I tender that.  
09:38:03 26  
09:38:04 27 #EXHIBIT RC1306A - (Confidential) Supplementary statement  
09:38:05 28 of Jeffrey Pope.  
09:38:05 29  
09:38:06 30 #EXHIBIT RC1306B - (Redacted version.)  
09:38:08 31  
09:38:08 32 COMMISSIONER: Thanks Mr Thangaraj. Yes Mr Winneke.  
09:38:10 33  
34 <CROSS-EXAMINED BY MR WINNEKE:  
35  
09:38:11 36 Mr Pope, I take it you've read the statement recently prior  
09:38:15 37 to coming along today?---Yes.  
09:38:16 38  
09:38:17 39 Is there anything in it that you want to change?---No, not  
09:38:20 40 at this point.  
09:38:20 41  
09:38:23 42 Is there anything you want to add to it at this  
09:38:26 43 stage?---No.  
09:38:26 44  
09:38:26 45 Previously you were asked questions focusing on your  
09:38:30 46 earlier period of time in the Victoria Police Force. As we  
09:38:35 47 understand you left the Victoria Police Force but then

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09:38:39 1 returned for a short period of time in March of 2004 as a  
09:38:44 2 Sergeant Analyst at the Major Fraud Group, is that  
09:38:47 3 right?---Yes, that sounds right.  
09:38:49 4  
09:38:50 5 You were a staff officer for Simon Overland until, from 21  
09:38:57 6 June 2004 until 19 November 2004, is that correct?---Yes.  
09:39:02 7  
09:39:03 8 And during that period, as I understand it, you had no  
09:39:08 9 interactions with Ms Gobbo in a professional or any other  
09:39:12 10 capacity, is that right?---No, that's right.  
09:39:15 11  
09:39:16 12 In your capacity as staff officer to Mr Overland did  
09:39:25 13 anything involving Ms Gobbo come across your desk to your  
09:39:28 14 recollection?---No, not that I can recall.  
09:39:30 15  
09:39:31 16 Then, as I understand it, you left Victoria Police and you  
09:39:37 17 worked as, as the National Director of Intelligence at the  
09:39:42 18 ACC, Australian Crime Commission, based in Canberra, is  
09:39:46 19 that right?---Yes.  
09:39:47 20  
09:39:48 21 And during that period do you recall having any involvement  
09:39:52 22 in matters concerning Ms Gobbo?---No.  
09:39:56 23  
09:39:56 24 All right. You returned to the Victoria Police Force on 28  
09:40:03 25 September 2009, is that correct?---Yes.  
09:40:06 26  
09:40:07 27 And I think previously you indicated that you applied for a  
09:40:12 28 position which had been advertised?---That's right.  
09:40:14 29  
09:40:15 30 And you were interviewed by a panel of interviewers?---Yes.  
09:40:21 31  
09:40:21 32 I think you indicated Mr Overland was one of the  
09:40:24 33 interviewers?---Yes.  
09:40:25 34  
09:40:25 35 Mr Jones, Deputy Commissioner Jones was  
09:40:29 36 another?---Mr Jones, yes, and Deputy Commissioner Kieran  
09:40:32 37 Walshe and there was an independent who I believe was a CEO  
09:40:36 38 of a council somewhere here in Victoria.  
09:40:39 39  
09:40:39 40 I think you also said that it was your understanding when  
09:40:42 41 you came back to Victoria that there were issues involving  
09:40:48 42 Ms Gobbo which were going to be a part of your portfolio,  
09:40:53 43 is that your recollection?---My recollection is whilst I  
09:40:55 44 didn't have any direct involvement on anything to do with  
09:40:58 45 Ms Gobbo when I was at the Australian Crime Commission but  
09:41:02 46 I had heard information which made me believe that she had  
09:41:08 47 been a human source.

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09:41:09 1  
09:41:09 2 Yes. And you heard that through Victoria Police  
09:41:19 3 officers?---Well we - the Australian Crime Commission had  
09:41:21 4 obviously a lot of interaction with Victoria Police and did  
09:41:25 5 a number of joint Task Forces and operations on a whole  
09:41:28 6 range of issues and provided a range of support, so the  
09:41:34 7 Australian Crime Commission would quite often provide  
09:41:36 8 intelligence support or coercive powers or surveillance  
09:41:40 9 support. And my responsibilities varied from time to time.  
09:41:44 10 There were times when I was managing the covert human  
09:41:48 11 source capability at the Australian Crime Commission. So  
09:41:50 12 my recollection is it's through those interactions that I  
09:41:54 13 started to hear, again nothing directly with her name, but  
09:41:58 14 based on my past experience and understanding, I had made  
09:42:02 15 the assumption, a fairly strong assumption, that she had  
09:42:06 16 been used as a human source.  
09:42:07 17  
09:42:08 18 Without going into detail, I don't want you to say anything  
09:42:13 19 that you can't say, but are you able to say in what  
09:42:15 20 operations that you believe she had been involved in when  
09:42:20 21 you were at the ACC?---No. No, I can't recall that.  
09:42:25 22  
09:42:25 23 I take it it would be in relation to drug offences, would  
09:42:31 24 that be fair to say?---I would say organised crime  
09:42:37 25 generally, that was generally the focus of the Australian  
09:42:40 26 Crime Commission as well and part of our remit, so more in  
09:42:44 27 the organised crime space.  
09:42:45 28  
09:42:45 29 You heard enough to form the belief that she had been  
09:42:48 30 operating as a human source for Victoria Police?---Yes.  
09:42:52 31  
09:42:53 32 Are you able to say, I'm obviously taxing your  
09:42:58 33 recollections now, but are you able to say during what  
09:43:00 34 period and over what time frame?---My recollection is it  
09:43:05 35 was more towards the last few years of my time at the  
09:43:08 36 Australian Crime Commission.  
09:43:09 37  
09:43:12 38 All right. You're not able to give us any more  
09:43:19 39 particularity about that?---The only thing that I can  
09:43:21 40 recall is someone saying that Victoria Police were having  
09:43:28 41 good success with a long-term female human source.  
09:43:34 42  
09:43:34 43 What was it about the information that you received which  
09:43:37 44 enabled you to form the view it was Ms Gobbo who was  
09:43:41 45 providing the information?---Well firstly. I didn't think  
09:43:44 46 there would be too many female human sources. For one,  
09:43:47 47 that's generally my experience in law enforcement not

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09:43:51 1 something that occurs very regularly, and particularly  
09:43:55 2 long-term human sources, but I think it was more her  
09:44:02 3 presence in the media, her representation of a range of  
09:44:10 4 different people and coupling that with my previous  
09:44:16 5 knowledge of her, that I was forming that belief or  
09:44:19 6 assumption.  
09:44:20 7  
09:44:20 8 One assumes it would have to be - you've said someone told  
09:44:28 9 you. Now, I'm not asking you the name but do you recall  
09:44:31 10 who it was who told you that?---No, I don't. I don't.  
09:44:35 11  
09:44:35 12 Obviously someone who was quite well-connected?---Well I  
09:44:41 13 assume so. You know, we had joint operations and joint  
09:44:45 14 operation groups and a range of discussions and committee  
09:44:49 15 meetings, joint operation committee meetings, so my  
09:44:55 16 recollection it was in the margins of those but no, I don't  
09:44:57 17 remember who it was.  
09:44:59 18  
09:44:59 19 You had the impression that she was providing information  
09:45:03 20 against or in relation to fairly heavy organised  
09:45:08 21 crime?---That was my assumption, yes.  
09:45:10 22  
09:45:10 23 And was your assumption that she was providing information  
09:45:15 24 in relation to matters that she was involved in as a legal  
09:45:23 25 practitioner?---No, I don't recall having that  
09:45:27 26 understanding or forming that assumption, no.  
09:45:31 27  
09:45:33 28 In terms of your assumption that it was Ms Gobbo, was that  
09:45:38 29 formed in part on the basis that you were aware that she  
09:45:41 30 had good connections with people who were involved in  
09:45:47 31 organised crime?---Again I think it was reflecting on my  
09:45:51 32 experience with her, even though it was by that stage  
09:45:53 33 somewhat dated, but that's where I was using that  
09:45:57 34 experience I think to partly form this assumption.  
09:46:00 35  
09:46:00 36 From your experience you assumed that she would have had  
09:46:05 37 the motivation to provide information against people  
09:46:09 38 involved in organised crime?---Well I would certainly say  
09:46:13 39 that she had the inclination.  
09:46:15 40  
09:46:15 41 Inclination, yes. And the inclination to assist  
09:46:20 42 police?---Yes.  
09:46:20 43  
09:46:23 44 Did you have any discussions with either Mr Overland or  
09:46:29 45 Mr Jones or Mr Walsh about these assumptions that you  
09:46:35 46 formed when you came back or when you applied or shortly  
09:46:38 47 after coming?---Not during the selection process, no. But

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09:46:43 1 my recollection is after I arrived at Victoria Police I did  
09:46:46 2 have a conversation with Simon and just indicated to  
09:46:50 3 Mr Overland that I'd had some previous dealings with  
09:46:53 4 Ms Gobbo.

09:46:54 5  
09:46:54 6 Right. Did you also discuss with him the assumptions that  
09:46:59 7 you'd formed about her potential involvement during the  
09:47:04 8 period that you were at the ACC?---No. Because I think at  
09:47:09 9 that time I had been briefed as part of my incoming brief  
09:47:18 10 to my new role.

09:47:19 11  
09:47:19 12 Yes?---And had been advised that Victoria Police had used  
09:47:23 13 her as a human source.

09:47:25 14  
09:47:28 15 What sort of briefing did you get, was it a verbal briefing  
09:47:31 16 or was it a written briefing?---So my recollection, it  
09:47:34 17 wasn't a written briefing, no, it was a - I had an incoming  
09:47:39 18 conversation with all of my superintendents about their  
09:47:42 19 areas of responsibility to try and get my mind around the  
09:47:46 20 intelligence and covert service department and various  
09:47:51 21 responsibilities and risks and issues and to generally  
09:47:56 22 understand the nature of the business. So it was in the  
09:47:58 23 margins, it was in those conversations that I was very  
09:48:02 24 broadly briefed that Ms Gobbo had been used as a human  
09:48:06 25 source but was no longer registered.

09:48:09 26  
09:48:09 27 Did it cause you any concern, given that you had formed the  
09:48:13 28 assumption when you were at the ACC that she was providing  
09:48:19 29 information in relation to organised crime, that as a  
09:48:23 30 barrister she might have had conflicting obligations?---My  
09:48:27 31 mind didn't go to that at the time. My recollection of the  
09:48:32 32 briefing was that Victoria Police had used her for a number  
09:48:36 33 of years predominantly for organised crime and Purana  
09:48:42 34 matters.

09:48:42 35  
09:48:43 36 Yes?---So that was broadly the extent of my understanding.

09:48:48 37  
09:48:48 38 Right. Did you delve into it yourself and seek to have a  
09:48:54 39 look at the file at your unit that you took over, at least  
09:49:01 40 the HSMU had when you came back to Victoria Police?---No, I  
09:49:05 41 didn't. In retrospect I wish I did, but no, I didn't. I  
09:49:10 42 accepted that effectively the engagement with her as a  
09:49:14 43 human source had well and truly ceased.

09:49:14 44  
09:49:17 45 Yes?---That my area, particularly the Source Development  
09:49:22 46 Unit, had no longer any responsibility for her or any  
09:49:25 47 dealings with her, given that this is now late 2009.



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09:49:28 1  
09:49:28 2 Yes?---And that she was being managed by Petra and that it  
09:49:38 3 was now a matter for them.  
09:49:41 4  
09:49:41 5 Why do you say in retrospect you wish you had have?---I  
09:49:47 6 think if I had called for the source management log or a  
09:49:50 7 range of other documentation that I would have discovered  
09:49:52 8 the matters that have arisen before this Royal Commission  
09:49:54 9 much earlier.  
09:49:55 10  
09:49:56 11 I'll come back to that in due course. You in fact sat on  
09:50:00 12 the Petra steering committee. When did you commence  
09:50:04 13 sitting on that committee?---Based on my analysis of the  
09:50:10 14 emails that I've looked at, my understanding is I think  
09:50:14 15 that was in around about May 2010.  
09:50:16 16  
09:50:17 17 Yes. Your statement is in large part based upon analysis,  
09:50:24 18 is it, of email communications that you've had?---Yes.  
09:50:27 19  
09:50:28 20 I think you refer to the fact that there were somewhere in  
09:50:32 21 the region of - or many hundreds if not thousands of  
09:50:36 22 emails, and were you able to go through those emails and  
09:50:40 23 identify the emails which you regarded as being relevant to  
09:50:43 24 the Terms of Reference?---There was about 140,000 emails  
09:50:48 25 that I sent or received in the four years that I was at  
09:50:50 26 Victoria Police. And I was able to do some word searches  
09:50:55 27 across those using key terms and narrowed that down to  
09:51:00 28 around about, my recollection was 4 or 5000 and then I  
09:51:05 29 tried to narrow that down. I got down to I think 2500 to  
09:51:11 30 3000 that I trawled through in much greater detail.  
09:51:14 31  
09:51:14 32 You trawled through those with a view to producing the  
09:51:18 33 evidence in the statement that you've made to the Royal  
09:51:21 34 Commission?---Yes.  
09:51:21 35  
09:51:22 36 And over what period of time did you do that? Over what  
09:51:25 37 period, not dates, but the amount of time you spent doing  
09:51:29 38 it?---I would estimate that I've probably spent between the  
09:51:34 39 analysis of the emails and the compilation of my statement  
09:51:37 40 well in excess of 100 hours.  
09:51:39 41  
09:51:41 42 Thanks very much. Now, you were - I take it you would have  
09:51:52 43 been aware, given your responsibilities towards the end of  
09:51:56 44 2009, that Ms Gobbo was having an ongoing relationship with  
09:52:05 45 Victoria Police, not through the SDU but through Petra, is  
09:52:11 46 that right?---Well my recollection was I was advised that  
09:52:15 47 she was being managed by Petra.



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09:52:17 1  
09:52:17 2 Yes?---Yes.  
09:52:17 3  
09:52:18 4 And obviously that was prior to you coming on to the Petra  
09:52:21 5 steering committee?---That's right.  
09:52:22 6  
09:52:23 7 And I take it you would have been aware that it was perhaps  
09:52:29 8 a difficult relationship that Petra was having with  
09:52:32 9 her?---I wasn't aware of any particular detail with Petra  
09:52:35 10 until I got on to the steering committee.  
09:52:36 11  
09:52:37 12 When you did come on to the steering committee I take it  
09:52:39 13 you would have been aware that there were officers of  
09:52:44 14 Victoria Police who were speaking to her and were making  
09:52:48 15 recordings of the communications that they had with  
09:52:50 16 her?---That's right, and I think I even sent some emails  
09:52:53 17 with respect to giving them some direction around that.  
09:52:56 18  
09:52:56 19 Did you ever listen to any of the recordings that had been  
09:52:59 20 made of communications with Ms Gobbo?---No, I didn't.  
09:53:02 21  
09:53:03 22 Did you understand that Shane O'Connell had been speaking  
09:53:10 23 to Ms Gobbo for a period of time subsequent - at least  
09:53:14 24 immediately prior to and subsequent to her signing a  
09:53:16 25 statement in January of 2009?---My recollection is that  
09:53:22 26 once I joined the Petra steering committee we actually had,  
09:53:26 27 either he had already just been appointed as a primary  
09:53:30 28 contact person or we appointed him as a primary contact  
09:53:34 29 person to try and make sure that Ms Gobbo was engaging with  
09:53:38 30 just one person.  
09:53:38 31  
09:53:39 32 Don't confuse John O'Connor with Shane O'Connell?---No, I'm  
09:53:43 33 not. This is Shane O'Connell in Petra in early 2010.  
09:53:47 34  
09:53:48 35 Yes?---As I recall that remained the arrangement until  
09:53:53 36 after the mediation, which was in about August of 2010.  
09:53:56 37  
09:53:57 38 Yes?---And then there was a direction from the Chief  
09:54:00 39 Commissioner that came out and after that point John  
09:54:05 40 O'Connor was then appointed as the primary contact person.  
09:54:08 41  
09:54:08 42 So you were aware of those processes?---Yes.  
09:54:11 43  
09:54:12 44 I take it, and one gets the impression that you are quite  
09:54:15 45 careful and conscientious in your approach to your work,  
09:54:19 46 would that be fair to say?---I try to be, yes.  
09:54:22 47

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09:54:23 1 And I take it you would have made it your business in  
09:54:27 2 circumstances where you did understand that it was a  
09:54:31 3 difficult relationship to keep a close eye on it?--Well  
09:54:34 4 certainly once I got on the Petra steering committee, yes.  
09:54:37 5  
09:54:40 6 And once you did, it would have been apparent that there  
09:54:45 7 were complexities in the relationship between Victoria  
09:54:49 8 Police and Ms Gobbo?---Yes.  
09:54:51 9  
09:54:52 10 You spoke to a number of - not just people within your area  
09:54:57 11 but you spoke to investigators, for example, Mr Fryer,  
09:55:03 12 about Ms Gobbo?--My recollection is that came later,  
09:55:07 13 around the formation of the Driver steering committee,  
09:55:11 14 possibly a little bit before, but - - -  
09:55:15 15  
09:55:15 16 So perhaps around - well as we understand it the Driver  
09:55:20 17 steering committee commences after, some weeks after the  
09:55:25 18 murder of Carl Williams?---Yes.  
09:55:26 19  
09:55:26 20 So around May of 2010?---Yes. Yes, that would be about  
09:55:33 21 right.  
09:55:33 22  
09:55:35 23 Now, I take it you would have been aware that Ms Gobbo was  
09:55:38 24 in late 2009 and early 2010 writing letters to Mr Overland  
09:55:44 25 and there were some storm clouds, if you like, on the  
09:55:48 26 horizon suggesting that there might be litigation?---I  
09:55:53 27 recall being aware of that much closer to the actual  
09:55:59 28 litigation period, not in my very early months.  
09:56:03 29  
09:56:03 30 All right. Now, obviously the litigation or the issuing of  
09:56:08 31 proceedings which is in about April of 2010 was public  
09:56:13 32 knowledge. Nonetheless I take it once it was known that  
09:56:19 33 she was suing, I take it at least at that stage you would  
09:56:27 34 have examined her file to some extent, would you?---No, I  
09:56:30 35 didn't, no.  
09:56:31 36  
09:56:35 37 Are you aware that in terms of the litigation, there were  
09:56:42 38 requests being made by those who were managing the  
09:56:48 39 litigation from Victoria Police to examine her file?---I  
09:56:53 40 don't recall understanding that at the time, but something  
09:56:55 41 that I've since learnt.  
09:56:58 42  
09:56:59 43 If, for example, lawyers wanted to examine the source  
09:57:02 44 management log, is that not something that you would need  
09:57:06 45 to be made aware of?---Not necessarily. It's something  
09:57:11 46 that could be resolved at an Inspector level or a  
09:57:14 47 Superintendent level, so.

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09:57:17 1  
09:57:18 2 Have you since discovered that lawyers did access the  
09:57:22 3 source management log?---Yes, my understanding now is that  
09:57:27 4 the source management log was requested.  
09:57:33 5  
09:57:34 6 Yes?---I think by Peter Lardner, and that it was provided  
09:57:37 7 to him but I don't recall having any - I've got no  
09:57:41 8 recollection.  
09:57:41 9  
09:57:42 10 You've examined your emails and you haven't found any  
09:57:45 11 emails which suggests that you were involved in that  
09:57:48 12 process?---No, I haven't.  
09:57:49 13  
09:57:49 14 We understand that in around June of 2010 Deputy  
09:57:59 15 Commissioner Jones, Chief Commissioner Overland were  
09:58:02 16 briefed about Ms Gobbo's previous involvement as a human  
09:58:08 17 source and were informed, well at least a briefing  
09:58:12 18 contained observations that she'd been registered in 2005  
09:58:17 19 and had remained registered in 2009, until 2009?---H'mm.  
09:58:21 20  
09:58:22 21 Now, were you aware of that information around the period  
09:58:26 22 of mid-2010?---No, and I think the reason for that is that  
09:58:32 23 I was actually overseas for a work-related trip for most of  
09:58:38 24 June 2010.  
09:58:40 25  
09:58:40 26 Right. Do you recall when you left to go overseas?---I  
09:58:49 27 think it was about 31 May. It was almost like the last day  
09:58:53 28 of May, 30th or 31st of May and I was gone for I think the  
09:59:00 29 best part of a month.  
09:59:01 30  
09:59:01 31 That was a working trip?---Yes.  
09:59:03 32  
09:59:03 33 You were examining human source management procedures  
09:59:06 34 overseas, is that right?---I was examining dozens of  
09:59:10 35 different things that related to my area of responsibility.  
09:59:14 36  
09:59:17 37 Now, when do you say you did become aware of the exact  
09:59:26 38 periods of time that Ms Gobbo had been registered?---As I  
09:59:35 39 said, there was a general conversation when I first started  
09:59:39 40 which was presented to me as she'd been a human source for  
09:59:42 41 a number of years.  
09:59:43 42  
09:59:43 43 Right?---In the organised crime space.  
09:59:45 44  
09:59:45 45 That was Mr Overland who gave that briefing?---No, that was  
09:59:48 46 Mr Biggin.  
09:59:49 47

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09:59:49 1 Mr Biggin?---Yes.  
09:59:51 2  
09:59:51 3 One assumes that you would have asked him for particulars  
09:59:54 4 about that, when it was that she was registered?---We had a  
09:59:59 5 fairly broad conversation but as I said, it was either  
10:00:02 6 presented to me or it was my interpretation that it was  
10:00:08 7 effectively a historical matter, it was done and dusted,  
10:00:11 8 she was now no longer registered and no longer the  
10:00:14 9 responsibility for anybody in the department.  
10:00:17 10  
10:00:19 11 You were aware, and you would have been aware, that she'd  
10:00:22 12 been, she had made a statement?---I became, I became aware  
10:00:29 13 that she had made a statement, yes.  
10:00:32 14  
10:00:32 15 Prior to obviously the committal proceeding of Carl  
10:00:38 16 Williams and Rodney Collins. I take it you must have been  
10:00:42 17 aware she had made a statement and she was going to be a  
10:00:45 18 witness, or at least it was proposed she would be a witness  
10:00:49 19 in that proceeding?---My first recollection of her being a  
10:00:52 20 witness was in the context of Mr Dale.  
10:00:55 21  
10:00:56 22 Are you talking about the ACC prosecution of  
10:00:59 23 Mr Dale?---Yes, yes.  
10:01:00 24  
10:01:00 25 But it was well-known that in early 2010, surely within the  
10:01:12 26 Police Force, that Ms Gobbo was giving evidence against, at  
10:01:15 27 least had made a statement to give evidence against  
10:01:18 28 Williams and Dale - sorry, Rodney Collins, in the murder of  
10:01:27 29 the Hodsons?---I believe that I learned that around the  
10:01:32 30 time of the death of Carl Williams.  
10:01:35 31  
10:01:36 32 All right. Were you not aware of any issues with respect  
10:01:44 33 to subpoenas which may well have exposed Ms Gobbo as a  
10:01:50 34 human source in early 2010?---I don't recall understanding  
10:01:56 35 that, no.  
10:01:56 36  
10:01:59 37 When Mr Biggin gave you a briefing did he raise the matter  
10:02:06 38 that Ms Gobbo had made a statement and there may well be  
10:02:10 39 issues with respect to disclosure and discovery, I'm sorry,  
10:02:15 40 subpoenas arising out of that statement?---No, not that I  
10:02:20 41 recall.  
10:02:20 42  
10:02:20 43 Not that you recall?---No.  
10:02:21 44  
10:02:27 45 Now, were you aware of - you say that you were aware that  
10:02:34 46 Ms Gobbo had been providing information about organised  
10:02:39 47 crime. Were you given a briefing about any matters that

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10:02:45 1 were going to trial arising out of information that  
10:02:49 2 Ms Gobbo had provided which may raise issues of disclosure  
10:02:54 3 and subpoenas, et cetera, around your earlier briefing,  
10:03:00 4 that is in the latter part of 2009, early 2010?---No, I  
10:03:06 5 don't recall that.  
10:03:06 6  
10:03:07 7 Do you recall ever having discussions about the possible  
10:03:11 8 necessity of making claims of public interest immunity to  
10:03:14 9 protect Ms Gobbo's identity as a human source?---Well again  
10:03:22 10 my recollection around that came up in the context of the  
10:03:25 11 Dale matter.  
10:03:25 12  
10:03:25 13 Right. Can I suggest that prior to, at least around the  
10:03:38 14 time of the litigation, that is the civil litigation, it  
10:03:47 15 was made known to you that there was a prospect that the  
10:03:55 16 litigation may settle on the basis that Victoria Police  
10:03:58 17 would indicate that it was prepared not to rely upon  
10:04:02 18 Ms Gobbo as a witness in any future matters. Were you  
10:04:06 19 aware of that?---I do recall having that understanding. I  
10:04:11 20 don't know if it was during the litigation or at the  
10:04:14 21 conclusion of the litigation.  
10:04:15 22  
10:04:16 23 All right. If we can have a look at this document  
10:04:20 24 VPL.0005.0010.2179. This is around July of 2010 and prior  
10:04:32 25 to the settlement of the litigation. Can I suggest there  
10:04:37 26 were discussions about whether or not Ms Gobbo would be  
10:04:40 27 required in due course to give evidence and you see if you  
10:04:44 28 have a look at that email chain you'll see at the bottom  
10:04:49 29 there's an email from Abbey Hogan to Stephen Waddell, a  
10:04:54 30 reference to the prosecutor having reviewed the end Gobbo  
10:04:58 31 statement and the issues of its usefulness in any  
10:05:01 32 prosecution of Waters. Do you see that?---Yes.  
10:05:04 33  
10:05:05 34 And subsequently that email is sent by Stephen Waddell to  
10:05:09 35 you?---Yes.  
10:05:09 36  
10:05:10 37 You say, "Further to our discussion this morning this now  
10:05:12 38 makes it clear in my mind that we have no requirement for  
10:05:15 39 Ms Gobbo to be a witness for Victoria Police unless Purana  
10:05:18 40 have some substantial witness requirements of which I'm  
10:05:23 41 unaware, so we should seek to sever all ties with her  
10:05:25 42 through litigation process", do you see that?---Yes.  
10:05:28 43  
10:05:28 44 Would it be reasonable to assume that in making that  
10:05:31 45 decision as Assistant Commissioner, you would want to make  
10:05:36 46 sure that you understand the issues around whether or not  
10:05:42 47 Ms Gobbo might be required to give evidence and could

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10:05:47 1 provide useful evidence?---Yes. My recollection is this  
10:05:53 2 was in the context of the Briars Task Force, which I had  
10:05:57 3 responsibility for at that time.  
10:05:58 4  
10:05:58 5 Yes?---So I was responding to this request through the lens  
10:06:05 6 of the Briars, through the Briars Task Force.  
10:06:08 7  
10:06:09 8 You also note that Purana may have requirements from her in  
10:06:16 9 relation to which you were unaware. How would you be  
10:06:20 10 satisfied that Purana didn't have any requirement for  
10:06:24 11 her?---Well that would be a matter for the Assistant  
10:06:27 12 Commissioner for Crime to determine.  
10:06:28 13  
10:06:29 14 That was at that stage - who was it at that stage?---I  
10:06:33 15 think it might have been Dannye Moloney.  
10:06:36 16  
10:06:36 17 Did you have any discussions with Mr Moloney about  
10:06:42 18 that?---I don't recall any specific discussions but there  
10:06:45 19 was a whole range of conversations going on around this  
10:06:48 20 time, but it's possible.  
10:06:50 21  
10:06:51 22 Look, we can assume that you would be speaking to  
10:06:54 23 Mr Moloney about Ms Gobbo and about any requirements that  
10:07:00 24 Mr Moloney might have for Ms Gobbo?---Yes.  
10:07:03 25  
10:07:03 26 You wouldn't be making these sorts of decisions in a silo,  
10:07:07 27 there would be discussions amongst your - - -?---There was  
10:07:10 28 a whole lot of discussions going on. But this decision  
10:07:12 29 here was just purely made for the Briars Task Force.  
10:07:15 30  
10:07:15 31 I follow that. So you would certainly have been aware at  
10:07:19 32 that stage that Ms Gobbo had provided, or at least a draft  
10:07:24 33 statement had been taken from her the previous year, about  
10:07:27 34 12 months prior to this?---Yes, I believe that I learned  
10:07:30 35 that as I started to take responsibility for Briars.  
10:07:34 36  
10:07:36 37 Would it be fair to say that you'd had discussions with the  
10:07:39 38 investigators in Briars to find out whether or not Ms Gobbo  
10:07:43 39 was likely to be useful in that prosecution?---That's  
10:07:48 40 right.  
10:07:48 41  
10:07:48 42 Proposed prosecution?---That's right, primarily with Steve  
10:07:52 43 Waddell.  
10:07:53 44  
10:07:56 45 And you say at this stage you would not have called for her  
10:08:00 46 file to examine it, to see what information she'd  
10:08:04 47 provided?---No, I was content to accept the advice of Steve



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10:08:08 1 Waddell and the senior prosecutor.  
10:08:11 2  
10:08:11 3 Right. I take it you, at that stage, having significant  
10:08:18 4 experience in informer management, would have realised that  
10:08:22 5 if an informer was called as a witness, potentially there  
10:08:28 6 would be exposure of the informer's past role as a human  
10:08:33 7 source?---Yes, but I don't recall understanding at that  
10:08:37 8 particular point that she had been used as an informer in  
10:08:41 9 the Briars context. My understanding was that she had  
10:08:44 10 provided a witness statement.  
10:08:46 11  
10:08:47 12 Do you understand that there was concern on the part, there  
10:08:50 13 had been concern expressed by the SDU the previous year  
10:08:55 14 about the possibility or indeed the likelihood that if she  
10:08:59 15 was called as a witness in that matter, then the previous  
10:09:03 16 involvement of Ms Gobbo with Victoria Police would likely  
10:09:06 17 be exposed?---I don't recall being aware of that at the  
10:09:11 18 time.  
10:09:11 19  
10:09:12 20 I take it you would have read the statement?---No, I did  
10:09:15 21 not.  
10:09:16 22  
10:09:17 23 Do you say that you never read the draft statement that had  
10:09:19 24 been taken from Ms Gobbo?---That's right.  
10:09:22 25  
10:09:25 26 And did you ever have any discussions when you were at the  
10:09:30 27 Briars Task Force with the investigators who had taken the  
10:09:33 28 statement? Obviously Mr Waddell you'd spoken  
10:09:36 29 with?---Mr Waddell. I had had a number of conversations  
10:09:39 30 with Mr Waddell.  
10:09:40 31  
10:09:41 32 And were there discussions about whether or not the  
10:09:44 33 statement or at least the evidence that Ms Gobbo was likely  
10:09:47 34 to give in that statement was likely to be reliable  
10:09:50 35 evidence?---We had a range of discussions about her as a  
10:09:55 36 witness in the context of Briars and also in the context of  
10:09:58 37 Petra.  
10:09:58 38  
10:09:59 39 And you would have been aware that Ms Gobbo in her  
10:10:04 40 statement had, at least on the draft statement, there was a  
10:10:08 41 suggestion that Ms Gobbo had received or heard a direct  
10:10:13 42 admission from a Mr Perry who was alleged to have been a  
10:10:16 43 person involved in the murder?---I did have that  
10:10:21 44 understanding but I can't remember exactly when I got that,  
10:10:24 45 when I formed that view.  
10:10:25 46  
10:10:25 47 Right. Surely you would have wondered why it was that she



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10:10:32 1 wasn't going to be called if that was the case?--Well, the  
10:10:38 2 discussions that I recall having with Steve Waddell and  
10:10:41 3 also some of the discussions in the context of Petra and  
10:10:45 4 beyond was about whether she was going to be a competent  
10:10:49 5 witness.

10:10:50 6  
10:10:50 7 Right?---It was primarily, that was one of the primary  
10:10:53 8 issues. And the second issue was also in the context of  
10:10:58 9 Petra was with respect to Paul Dale, her safety.

10:11:02 10  
10:11:02 11 If she had made a statement about, which contained direct  
10:11:07 12 evidence of an admission, that would be a significant  
10:11:10 13 matter, wouldn't it?---It would be an important matter but  
10:11:13 14 as I said, I formed the view based on the advice from Steve  
10:11:18 15 Waddell and the senior prosecutor that if they didn't want  
10:11:21 16 to proceed with using her as a witness then I was prepared  
10:11:24 17 to accept that advice and I did.

10:11:26 18  
10:11:27 19 Were you told that she had spoken to handlers during the  
10:11:32 20 period that she was an informer and provided or made  
10:11:36 21 assertions during the course of that process which  
10:11:42 22 detracted from the evidence which might be led from her, at  
10:11:46 23 least that which was set out in the draft statement?---No,  
10:11:48 24 I don't recall having that knowledge at that time.

10:11:50 25  
10:11:51 26 Now you say that you were aware that Ms Gobbo was proposed  
10:12:03 27 to be called as a witness in the prosecution of Paul Dale  
10:12:07 28 for the alleged lies to the ACC?---Yes.

10:12:11 29  
10:12:13 30 And when do you think you were first made aware of  
10:12:22 31 that?---I think it was as I was forming, or taking  
10:12:26 32 responsibility for a number of those Task Forces throughout  
10:12:30 33 2010.

10:12:31 34  
10:12:35 35 And you understood that the evidence that Ms Gobbo would  
10:12:39 36 give in relation to that pertained to the tape recorded  
10:12:44 37 meeting which she had with Mr Dale in late 2008?---Yes.

10:12:48 38  
10:12:49 39 Did you see the statement that she'd signed in relation to  
10:12:52 40 that matter?---No.

10:12:53 41  
10:12:57 42 And at no stage when you were sitting on the Petra steering  
10:13:01 43 committee and then the Driver committee did you call for  
10:13:04 44 and examine that statement?---No, I did not.

10:13:06 45  
10:13:07 46 Why not?---Well the steering committees were I think more  
10:13:12 47 dealing with more strategic issues around safety and

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10:13:17 1 strategy as opposed to an examination of the evidence and I  
10:13:20 2 left that to the investigators and the prosecutors.  
10:13:24 3  
10:13:24 4 I take it you would have been aware of the concerns that  
10:13:30 5 arose during the course of 2011 that if Ms Gobbo was called  
10:13:35 6 to give evidence against Mr Dale in the ACC prosecution,  
10:13:40 7 there was a prospect of her history with Victoria Police  
10:13:44 8 being exposed?---Yes.  
10:13:46 9  
10:13:48 10 And when do you say you became aware of that?---It was as  
10:13:55 11 the, as the PII claim matter progressed, which I think was  
10:14:04 12 really throughout late 2010 and into 2011.  
10:14:09 13  
10:14:09 14 Right. Specifically in 2011, I take it you were aware  
10:14:15 15 around September of 2011 that it was intended, or at least  
10:14:22 16 the Commonwealth DPP intended to call Ms Gobbo as a  
10:14:27 17 witness?---Yes.  
10:14:29 18  
10:14:30 19 And you would have been aware, can I suggest, that Mr Buick  
10:14:39 20 had concerns about Ms Gobbo being called as a  
10:14:46 21 witness?---Yeah, I think we, I think many of us did.  
10:14:49 22  
10:14:50 23 I take it you would have been aware that there were  
10:14:55 24 meetings around, in late September, involving Mr Maguire,  
10:15:05 25 the barrister, providing an advice about that?---Yes.  
10:15:08 26  
10:15:10 27 And would you have been aware around 28 September that he  
10:15:15 28 had provided a draft advice?---I don't specifically recall  
10:15:21 29 seeing any draft advice but I was aware that some of my  
10:15:24 30 staff were engaging with him and assisting with him in that  
10:15:29 31 process. So I would say that I had a general knowledge  
10:15:31 32 that that was progressing.  
10:15:33 33  
10:15:33 34 Which staff members are you talking about?---I think it was  
10:15:37 35 Paul Sheridan predominantly from my department.  
10:15:42 36  
10:15:42 37 And we understand that Mr Sheridan had briefings with  
10:15:45 38 Mr Maguire, I think specifically on 28 September  
10:15:51 39 2011?---Yes.  
10:15:52 40  
10:15:52 41 And no doubt you would have had discussions with  
10:15:55 42 Mr Sheridan about what had been discussed in the meeting,  
10:16:00 43 would that be fair to say?---Yes.  
10:16:02 44  
10:16:04 45 And when do you say it was that you first, or did you ever  
10:16:11 46 see a copy of Mr Maguire's advice?---I think I saw the  
10:16:16 47 final advice.

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10:16:17 1  
10:16:17 2 Yes?---I haven't been able to find it in my emails, but I  
10:16:27 3 have some recollection.  
4  
10:16:28 5 You have a recollection?---It may not have got emailed to  
10:16:31 6 me, it may have been handed to me as a physical document.  
10:16:34 7  
10:16:34 8 I take it it's a document you would have wanted to  
10:16:37 9 see?---Yes.  
10:16:37 10  
10:16:38 11 And you, I take it, read the advice?---I believe so.  
10:16:43 12  
10:16:44 13 And you would have noted that in the advice that Mr Maguire  
10:16:51 14 set out, at least in summary form, the history of the  
10:16:54 15 relationship between Ms Gobbo and Victoria Police,  
10:16:58 16 including the fact that she was registered in around  
10:17:03 17 2005?---Yes.  
10:17:04 18  
10:17:04 19 That she had been acting for members of the Mokbel family,  
10:17:12 20 if I can paraphrase it, you would have been aware of  
10:17:16 21 that?---Yes.  
10:17:16 22  
10:17:16 23 And that at the same time as acting for them she was  
10:17:21 24 providing information to police about them?---Yes.  
10:17:24 25  
10:17:25 26 And you would have been aware that there was a concern  
10:17:32 27 that, that there would be likely some form of disclosure  
10:17:38 28 material from the unit and it may be required, and that  
10:17:42 29 disclosure could well identify her activities as a human  
10:17:47 30 source in relation to the Dale proceeding?---Yes, and my  
10:17:51 31 recollection was it was the Maguire advice that started to  
10:17:55 32 crystallise all those issues.  
10:17:56 33  
10:17:57 34 At that stage when you got the Maguire advice did you call  
10:18:01 35 for Ms Gobbo's file and examine it?---No.  
10:18:04 36  
10:18:06 37 Why not?---I didn't feel that it was really going to make a  
10:18:15 38 great deal of difference for me to get any further across  
10:18:18 39 the detail than what was already in that, in that advice.  
10:18:21 40  
10:18:21 41 That advice, I take it, had or suggested that there could  
10:18:29 42 well be significant concerns about Ms Gobbo's activities as  
10:18:32 43 a human source, do you accept that?---Yes.  
10:18:33 44  
10:18:34 45 And if she had been, as you suspected when you were at the  
10:18:38 46 ACC, been providing information about organised criminals  
10:18:42 47 at the same time as acting for them, that could well raise

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10:18:49 1 course of justice issues?---Potentially.  
10:18:52 2  
10:18:52 3 And potentially, as Mr Maguire pointed out in his advice, I  
10:18:57 4 think at paragraph 54, it could result in at least the  
10:19:02 5 opportunity for people such as Mr Mokbel and others, I  
10:19:05 6 think Mr Maguire said, of ventilating these issues in  
10:19:08 7 Courts of Appeal?---Right.  
10:19:11 8  
10:19:11 9 Do you accept that you would have read that at the  
10:19:14 10 time?---Yeah, most likely, yes.  
10:19:17 11  
10:19:18 12 And would it have occurred to you, having read that, that  
10:19:22 13 those sorts of matters should be raised with, if not  
10:19:27 14 internal lawyers within Victoria Police - I withdraw that.  
10:19:32 15 If not prosecutors, internal lawyers within Victoria  
10:19:36 16 Police?---And my understanding was that that did occur.  
10:19:39 17  
10:19:39 18 That did occur?---Yes.  
10:19:40 19  
10:19:41 20 I take it you would have understood that Victoria Police  
10:19:44 21 have an obligation of disclosure, that is to provide to  
10:19:49 22 prosecutors information - I withdraw that. At least  
10:19:57 23 provide the opportunity for courts to determine whether or  
10:20:01 24 not disclosure ought be made to individuals who have been  
10:20:04 25 prosecuted as a result of Victoria Police  
10:20:13 26 operations?---Yes.  
10:20:13 27  
10:20:14 28 So, for example, if someone had been prosecuted and it  
10:20:17 29 became apparent after they had been prosecuted that  
10:20:19 30 evidence had been obtained unlawfully or improperly, that  
10:20:22 31 may well be something that could entitle the person to  
10:20:26 32 challenge the conviction?---Yes, potentially.  
10:20:29 33  
10:20:29 34 And that's something that you would have been aware  
10:20:31 35 of?---Yes.  
10:20:32 36  
10:20:33 37 And having got the information, certainly from Mr Maguire,  
10:20:39 38 in that advice, what did you do about that to ensure that  
10:20:46 39 appropriate disclosure was made?---Well Mr Ashton was the  
10:20:50 40 Assistant Commissioner for Crime and my recollection was  
10:20:54 41 that he was escalating the matter and dealing with relevant  
10:21:00 42 prosecutions and prosecutors.  
10:21:05 43  
10:21:05 44 On what basis did you form that view?---Well Mr Ashton and  
10:21:11 45 I had a whole range of discussions throughout this period  
10:21:16 46 of time and it was particularly in the context of the  
10:21:21 47 Commonwealth DPP's prosecution with Mr Dale.

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10:21:24 1  
10:21:24 2 Yes?--Which Mr Ashton took the lead on with respect to  
10:21:29 3 engaging with the prosecutors, engaging, as I understand  
10:21:33 4 it, with Finn McCrae and others.  
10:21:36 5  
10:21:36 6 Right. Did you have a discussion with Mr Ashton about his  
10:21:46 7 concern that Ms Gobbo had acted for one of the people who  
10:21:52 8 had been involved in the tomato tins importation, I think  
10:21:58 9 it's been referred to as an Inca importation?---I don't  
10:22:04 10 remember any specific conversations around that but it's  
10:22:08 11 possible.  
10:22:08 12  
10:22:10 13 Can I suggest that at around this time it would have been  
10:22:14 14 apparent to you that issues concerning Ms Gobbo weren't  
10:22:21 15 confined to the Paul Dale prosecution, there was the  
10:22:27 16 distinct likelihood that Ms Gobbo had been providing  
10:22:30 17 information in relation to other people as well, obviously  
10:22:34 18 Mr Mokbel and his associates was one?---Certainly the Paul  
10:22:39 19 Dale issue was the most prominent and more urgent matter I  
10:22:46 20 think because of the pending the committal date. That was  
10:22:48 21 first and foremost I believe in terms of wanting to deal  
10:22:50 22 with issues.  
10:22:51 23  
10:22:52 24 That was an immediate concern because the Commonwealth DPP  
10:22:57 25 had made it quite clear that there had to be appropriate  
10:23:01 26 disclosure made to, firstly, it, but more importantly, to  
10:23:07 27 the court and to the defence if appropriate about  
10:23:12 28 Ms Gobbo's activities with respect to Dale?---Right.  
10:23:15 29  
10:23:15 30 You would have been aware of that?---Yes.  
10:23:18 31  
10:23:18 32 And so a decision had to be made as to whether or not that  
10:23:22 33 disclosure would be made and whether or not the charges  
10:23:26 34 would proceed insofar as they relied upon  
10:23:28 35 Ms Gobbo?---That's right.  
10:23:29 36  
10:23:30 37 But that didn't remove the apparent concerns in relation to  
10:23:35 38 other matters, I take it?---No, but I was, I just recall  
10:23:44 39 being more focused on the Dale matter as a matter of  
10:23:47 40 urgency.  
10:23:48 41  
10:23:48 42 So that was an urgent matter around the period from about  
10:23:53 43 the 28th, or at least September through to I think about 8  
10:23:59 44 November when it was decided ultimately not to call  
10:24:03 45 Ms Gobbo as a witness?---It was early November as I recall,  
10:24:06 46 yes.  
10:24:06 47

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10:24:08 1 Once that issue had been resolved do you recall there being  
10:24:12 2 any steps taken to disclose information to, for example,  
10:24:17 3 State prosecutors about the concerns that had been raised  
10:24:20 4 by Mr Maguire in his advice?---Well again my recollection  
10:24:24 5 was that the Assistant Commissioner for Crime and our  
10:24:29 6 Director of Legal Services and others were looking into  
10:24:32 7 those matters.

10:24:34 8  
10:24:34 9 Is that something that Mr Ashton told you?---Mr Ashton and  
10:24:39 10 I had a, as I said, we had a range of lengthy conversations  
10:24:43 11 about a whole range of issues with respect to Ms Gobbo and  
10:24:48 12 prosecutions.

10:24:49 13  
10:24:49 14 Right. Well, we understand that you had a meeting - I  
10:24:58 15 withdraw that. There's a suggestion in the documents that  
10:25:10 16 we have that Mr Maguire was of the view that his advice and  
10:25:17 17 the matters raised in, I think meetings of 28 September  
10:25:21 18 2011, which were set out in his advice, which was in draft  
10:25:28 19 at that stage, and ultimately that draft was more or less  
10:25:31 20 in line with his final advice on 4 October, Mr Maguire  
10:25:35 21 suggested that the matter should be referred to you and  
10:25:38 22 Mr Ashton?---Right.

10:25:41 23  
10:25:41 24 Do you accept that?---I accept that.

10:25:44 25  
10:25:46 26 And there was a meeting that you had, I think on 11 October  
10:25:53 27 2011, with Mr Cartwright, Mr Ashton and there was a  
10:26:04 28 discussion about these particular issues. Do you agree  
10:26:07 29 with that?---I accept that.

10:26:11 30  
10:26:12 31 And I think Mr McRae was there also. Now, what was the  
10:26:19 32 upshot of that meeting, do you recall?---No, I don't recall  
10:26:22 33 that meeting specifically, no.

10:26:24 34  
10:26:25 35 What Mr Cartwright noted was that there was a meeting that  
10:26:30 36 he had with Graham Ashton, with you, with Mr McRae on the  
10:26:35 37 phone, around the Federal OPP waiting for an external  
10:26:40 38 advice, possibly next week. The meeting with the DPP and  
10:26:48 39 there was a suggestion that there would be PII argument  
10:26:53 40 around previous disclosures with Mokbel. Do you know what  
10:27:00 41 that would have been about, that's a note of  
10:27:03 42 Mr Cartwright's?---No, I can't recall that.

10:27:05 43  
10:27:05 44 All right. I take it that at that stage you would have  
10:27:13 45 been aware of the Mokbel issues that, albeit you say you  
10:27:19 46 didn't receive the advice, you may not have received the  
10:27:22 47 advice, you would have been aware of those issues at that



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10:27:25 1 stage if that's what Mr Cartwright has noted?---I think I'd  
10:27:29 2 be starting to become aware of those issues.  
10:27:34 3  
10:27:39 4 And there was an agreement that there would, you would  
10:27:43 5 await the meeting with the Federal DPP and if the decision  
10:27:48 6 to proceed with her evidence, then again approach to  
10:27:52 7 encourage her entry into witness protection and there was  
10:27:56 8 no other reasonable course of action at that  
10:28:00 9 stage?---Right.  
10:28:00 10  
10:28:00 11 So that would have been a discussion that you would have  
10:28:03 12 had at about that time, would that be fair to say?---Yes.  
10:28:06 13  
10:28:16 14 We know that Mr Buick had - there was a Driver steering  
10:28:22 15 committee meeting on 21 October 2011 which is recorded in  
10:28:31 16 Mr Buick's day book and he notes that at 8.30 there was a  
10:28:37 17 meeting attended by Graham Ashton and yourself and Mr Buick  
10:28:43 18 was there also, amongst others, including Mr Frewen and  
10:28:52 19 Doug Fryer. Would that be correct if that's recorded?---It  
10:28:57 20 could be, yes.  
10:28:58 21  
10:28:58 22 We know that there was a conversation that Mr Buick had  
10:29:01 23 with Ms Gobbo later on in the day. She had a conversation  
10:29:08 24 with Detective Sergeant Lebusque and Ms Gobbo and Buick.  
10:29:16 25 It was during the course of that conversation that Ms Gobbo  
10:29:19 26 made the allegations that we know about, about her previous  
10:29:24 27 relationship with you?---Yes.  
28  
10:29:26 29 Which we've dealt with in due course and I might come back  
10:29:27 30 to that briefly. Mr Buick in the conversation which has  
10:29:33 31 been transcribed says this. "Well look, I think  
10:29:37 32 irrespective of what their position's going to be" -  
10:29:40 33 perhaps we can put this up. VPL.0100.0068.0545 at p.6.  
10:30:01 34 You'll see at about midway through, "Irrespective of what  
10:30:05 35 their position's going to be, it's possible that Victoria  
10:30:09 36 Police will ask the Commonwealth DPP not to proceed".  
10:30:13 37 Ms Gobbo says, "Why?" And he says, "Because for reasons  
10:30:16 38 that I'm not fully across, because I haven't been fully  
10:30:19 39 briefed and I haven't read all the material, examination of  
10:30:22 40 you or the production of documents by us relating to you  
10:30:26 41 has the potential to jeopardise other prosecutions". Now  
10:30:32 42 if I stop there, can I suggest that Mr Buick, having  
10:30:37 43 attended a meeting earlier on in the day with the people  
10:30:41 44 who I've mentioned is likely to have had discussions with  
10:30:47 45 you or there would have been discussions in the meeting in  
10:30:52 46 a manner which reflects the information that he's  
10:30:54 47 discussing with Ms Gobbo. These things flow from the



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10:31:01 1 Maguire advice?---Look, it's possible. I don't recall  
10:31:06 2 that. My only - the only thing that I'm just reflecting on  
10:31:13 3 there is a couple of days before that Ms Gobbo actually  
10:31:20 4 writes a letter to Mr Buick I think.  
10:31:22 5  
10:31:23 6 Yes?---Asking, or pleading not to be called as a witness.  
10:31:27 7  
10:31:28 8 Right. I think the evidence is that on some occasions she  
10:31:35 9 doesn't want to be called and on other occasions she does  
10:31:38 10 want to be called, she seems to vacillate. She wanted  
10:31:47 11 there to be flexibility in arrangements, certainly with  
10:31:50 12 respect to witness protection?---Yes.  
13  
10:31:52 14 Ultimately they weren't able to be provided to her to her  
10:31:54 15 satisfaction, do you accept that?---Yes.  
16  
10:31:56 17 She says, "What do you mean? The one document you said was  
10:31:59 18 in existence about Dale". Mr Buick says, "Well", and then  
10:32:02 19 the phone rings and Ms Gobbo says, "Grab if it you have to.  
10:32:05 20 And then we can hear, or at least you can see in the  
10:32:08 21 transcript Mr Buick takes the call. Then if we go through  
10:32:10 22 to p.10 of the transcript. Mr Buick says, "Now where was  
10:32:20 23 I?" Ms Gobbo says, "That VicPol might ask them to  
10:32:24 24 withdraw", presumably the Commonwealth DPP. "Yeah, but I  
10:32:29 25 thought there was only one document." Mr Buick says, "Your  
10:32:33 26 relationship or your situation with Paul is not the  
10:32:36 27 concern, we can overcome that we think". Ms Gobbo says,  
10:32:40 28 "Yep". Mr Buick says, "It's your relationship with other  
10:32:44 29 people over the years and what, what's, what people have  
10:32:47 30 recorded". Ms Gobbo says, "Yeah". Mr Buick goes on, "In  
10:32:51 31 relation to those engagements you've had with people, how  
10:32:55 32 they've recorded them and what they've recorded and the  
10:32:57 33 impact that might have on those convictions". Ms Gobbo  
10:33:01 34 says, "Yeah, I've always said that". Mr Buick says,  
10:33:05 35 "That's, that's the concern. I've always said that I".  
10:33:10 36 Mr Buick says, "That's the concern. If people were to find  
10:33:13 37 out". Mr Buick says, "Yeah, that's right". Ms Gobbo says,  
10:33:17 38 "But how? I thought, I thought that - I might sound like  
10:33:22 39 I'm half retarded asking this because I kind of, what  
10:33:25 40 happened in 2009, that only, that you're only considering  
10:33:30 41 this now, what happened?" Mr Buick says, "What, what,  
10:33:34 42 2009, what was in 2009?" She says, "Well 2009 was when I  
10:33:41 43 was back and forth with you name it, they threw a person at  
10:33:47 44 me. Yeah. I kept raising this over and over again, Geoff  
10:33:48 45 Alway, Rod Wilson, Kieran Walshe, on and on the list goes.  
10:33:53 46 Nobody ever had the common sense that you have now. What's  
10:33:57 47 happened? How come? Mr Buick says, "I don't know why,

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10:34:03 1 thank you very much. I don't know why it didn't dawn on  
10:34:06 2 people back then, or if it did whether", and Mr Buick says,  
10:34:11 3 "It wasn't apparent or whether they ignored it I don't  
10:34:14 4 know. But it's dawned on us and, you know". Ms Gobbo  
10:34:19 5 said, "But all that heartache could have been avoided, all  
10:34:23 6 this year's heartache could have been avoided, or maybe  
10:34:28 7 not". Mr Buick says, "Maybe not. It's not the to say".  
10:34:29 8 Ms Gobbo goes on, "Yes, but I appreciate that there are  
10:34:31 9 serious, I've always said that if my secret stuff were to  
10:34:35 10 come out in detail, what I've always said is it doesn't  
10:34:39 11 matter where you try and put me, I'm a dead woman walking.  
10:34:43 12 And the problem, I've always said the problem's going to be  
10:34:46 13 the police not in terms of my safety, because I'll be dead,  
10:34:50 14 but in terms of people jumping up and down about their  
10:34:53 15 convictions. I've said that for years. But isn't this all  
10:34:57 16 based on the assumption that somebody asks me a question,  
10:35:00 17 it comes out?" Mr Buick says, "Not just that, it's based  
10:35:04 18 on an assumption that material relevant to your credit will  
10:35:07 19 be asked for". I stop there. Can I suggest to you that  
10:35:12 20 the matters that Mr Buick and Ms Gobbo are discussing are  
10:35:16 21 matters that would have occurred to you and to the people  
10:35:19 22 with whom you were meeting on the morning prior to this  
10:35:23 23 discussion between Mr Buick and Ms Gobbo?---As I said, I  
10:35:31 24 don't recall the meeting but it's possible.  
10:35:33 25  
10:35:33 26 It's likely, isn't it?---Yep.  
10:35:35 27  
10:35:36 28 Surely if there's a concern about not just the Dale or not  
10:35:42 29 only the Dale but these other matters coming out, these are  
10:35:46 30 matters that experienced police officers like yourself,  
10:35:48 31 Mr Ashton and other people would be concerned about and  
10:35:51 32 would be discussing such that Mr Buick, who says he hasn't  
10:35:55 33 been fully briefed but is briefed sufficiently well to have  
10:35:58 34 this conversation with Ms Gobbo?---Yes.  
10:36:04 35  
10:36:05 36 It's likely, isn't it?---Yes.  
10:36:07 37  
10:36:07 38 So can I take it then that at that stage you, Mr Ashton,  
10:36:13 39 Mr Frewen, Mr Cartwright, sorry, those at the meeting, are  
10:36:19 40 aware of these issues and these problems?  
10:36:23 41  
10:36:23 42 MR COLEMAN: I object to that, Commissioner. How can this  
10:36:26 43 witness - the evidence of what Mr Ashton knew, for example,  
10:36:29 44 at that time, it was never suggested to him that this  
10:36:34 45 meeting and these matters were discussed, and his knowledge  
10:36:37 46 about what he knew and when he knew it is on the record.  
10:36:40 47 It's not putting the evidence accurately in my respectful

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10:36:43 1 submission for Mr Winneke to suggest that based upon these  
10:36:47 2 false premises that this witness can then conclude what  
10:36:50 3 Mr Ashton knew.  
10:36:51 4  
10:36:51 5 MR WINNEKE: It's put on the basis that he's at a meeting  
10:36:54 6 on the morning and there are people present, including  
10:36:59 7 Mr Ashton, who were participating in discussions.  
10:37:02 8  
10:37:02 9 COMMISSIONER: I'll let the question be asked. You can  
10:37:05 10 deal with it in re-examination and submissions, Mr Coleman.  
10:37:08 11 This isn't a court, it's an inquiry.  
10:37:12 12  
10:37:13 13 MR COLEMAN: Thank you Commissioner, I understand that it's  
10:37:13 14 not a court but there has to be factual accuracies in the  
10:37:21 15 way that the questions are put, with respect.  
10:37:22 16  
10:37:22 17 COMMISSIONER: I've said I'll allow the question to be put.  
18  
10:37:25 19 MR COLEMAN: May it please, Commissioner.  
10:37:25 20  
10:37:25 21 MR WINNEKE: Do you accept that as far as you were  
10:37:26 22 concerned the issues that are being discussed between  
10:37:30 23 Ms Gobbo and Mr Buick were issues that were, that you were  
10:37:35 24 alive to as at the day of this discussion, that is 21  
10:37:41 25 October 2011?---Based on this and the timing of the Maguire  
10:37:50 26 advice it seems that that is the case.  
10:37:52 27  
10:37:52 28 And if you were at a meeting which included Mr Frewen,  
10:37:57 29 Mr Ashton, yourself, Boris Buick, is it likely that those  
10:38:03 30 issues would have been discussed amongst the people at that  
10:38:07 31 meeting?---As I said, I can't recall but I think that's a  
10:38:13 32 fair assumption.  
10:38:15 33  
10:38:28 34 Based on your knowledge of Mr Ashton, would you say that  
10:38:33 35 these sorts of issues are not the sorts of issues that  
10:38:37 36 would have escaped his attention?  
10:38:40 37  
10:38:40 38 MR COLEMAN: I object.  
10:38:41 39  
10:38:42 40 MR WINNEKE: Based on your knowledge, I've asked - - -  
10:38:44 41  
10:38:45 42 MR COLEMAN: It depends on what Mr Ashton knows, that's the  
10:38:47 43 problem.  
10:38:47 44  
10:38:48 45 COMMISSIONER: That's ultimately the issue, but it's a  
10:38:50 46 proper question to be put in a Commission of inquiry.  
10:38:53 47 Thank you. Yes.

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10:38:54 1  
10:38:55 2 MR WINNEKE: Do you recall the question?---I believe so.  
10:38:59 3  
10:39:00 4 Yes?---I might ask you to repeat it though if you don't  
10:39:06 5 mind.  
10:39:07 6  
10:39:07 7 Based on your knowledge of Mr Ashton would you say that  
10:39:10 8 these sorts of issues, that is specifically the concern  
10:39:15 9 about the possibility of other convictions being put in  
10:39:22 10 jeopardy, would have been the sorts of issues that  
10:39:25 11 Mr Ashton would have been alive to?---It's my recollection  
10:39:32 12 that it's about this time that the balloon goes up and that  
10:39:36 13 there's a range of conversations going on with a whole  
10:39:40 14 range of people about these, about these issues and about  
10:39:43 15 how to deal with it.  
10:39:44 16  
10:39:44 17 We know that Mr Maguire provided his advice on 4  
10:39:50 18 October?---Yes.  
10:39:50 19  
10:39:51 20 You and your investigators and your colleagues, can I  
10:39:56 21 suggest, are conscious of, at around this time, the matters  
10:40:01 22 that are raised by Mr Maguire in his advice?---Yes.  
10:40:04 23  
10:40:06 24 And one of those matters specifically is the possibility  
10:40:09 25 that Mr Mokbel and others might end up before Courts of  
10:40:15 26 Appeal?---Yes.  
10:40:15 27  
10:40:15 28 It would follow from that that certainly you, if you were  
10:40:18 29 aware of those matters in the advice, must have been alive  
10:40:22 30 to those issues?---Yes.  
10:40:24 31  
10:40:30 32 If you were alive to those issues that were raised in  
10:40:36 33 Mr Maguire's advice, do you say it is likely you would have  
10:40:39 34 discussed those issues with your colleagues such as  
10:40:43 35 Mr Ashton?---There were a range of discussions going on  
10:40:48 36 around these issues, yes.  
10:40:49 37  
10:40:50 38 Do you believe that if Mr McRae was at meetings, these  
10:40:56 39 sorts of issues would have been raised with Mr McRae as  
10:40:59 40 well?---I would expect so.  
10:41:01 41  
10:41:05 42 Would they have formed the subject of discussions even  
10:41:09 43 outside of the meetings that I've referred you to, in  
10:41:13 44 particular 21 October?---As I said, my recollection is  
10:41:20 45 there was a whole range of discussions going on both as a  
10:41:25 46 group of people but also bilateral discussions.  
10:41:28 47

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10:41:29 1 Who do you believe you had bilateral discussions with about  
10:41:33 2 these sorts of issues I'm talking about?---Well, I was  
10:41:41 3 talking mainly with Superintendent Sheridan, Assistant  
10:41:47 4 Commissioner Ashton, Doug Fryer.  
10:41:48 5  
10:41:48 6 Yes?---Probably Mick Frewen, less so probably, less so  
10:41:53 7 Boris Buick, I think I only saw him in committee meetings.  
10:41:57 8  
10:41:58 9 Do you think that, as we understand it clearly there's  
10:42:01 10 issues with respect to the security of Ms Gobbo, the safety  
10:42:04 11 and security of Ms Gobbo should she be exposed as a human  
10:42:08 12 source?---And that was the predominant issue that occupied  
10:42:12 13 most of our, most of our minds I think.  
10:42:15 14  
10:42:16 15 In addition to that issue was the concern about the  
10:42:21 16 possible effect on other convictions an issue which led to  
10:42:25 17 the decision not to, or at least the decision to seek to  
10:42:29 18 have Ms Gobbo withdrawn as a witness in the ACC Dale  
10:42:33 19 prosecution?---Well again, my recollection is the main  
10:42:39 20 concern for her not appearing was her safety.  
10:42:42 21  
10:42:42 22 Yes?---And that secondary, there were the potential issues  
10:42:49 23 around disclosure.  
10:42:50 24  
10:42:50 25 Right. Certainly as far as Mr Buick is concerned it  
10:42:58 26 appears in this discussion that he's having with Ms Gobbo  
10:43:03 27 what he says, if I go back to p.10, is, "In relation to  
10:43:08 28 those engagements you've had with people, how they've  
10:43:11 29 recorded them and what they've recorded and the impact that  
10:43:14 30 might have on those convictions". Ms Gobbo says, "Yeah,  
10:43:18 31 I've always said that". Mr Buick says, "That's, that's the  
10:43:22 32 concern, if people were to find out"?---Yep.  
10:43:24 33  
10:43:25 34 Obviously that's the discussion that Mr Buick is having  
10:43:28 35 with Ms Gobbo and it may well be that's a concern that he's  
10:43:31 36 expressed, but do you accept that it was a significant  
10:43:35 37 concern of those people who were in the meeting on the 21st  
10:43:42 38 - at least as far as you were concerned from your  
10:43:44 39 discussions, was it a concern of the people at the meeting  
10:43:50 40 on 21 October?---I don't recall the meeting on 21 October,  
10:43:54 41 but I can recall that most of the discussions that we were  
10:43:58 42 having, if not nearly all of the discussions we were  
10:44:03 43 having, was about her safety.  
10:44:05 44  
10:44:07 45 If we can go on with this, if we can go back to the  
10:44:10 46 discussion. I think I was at p.10. Page 13 rather. I  
10:44:26 47 think she says that, "I'll be dead in terms of people

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10:44:30 1 jumping up and down about their convictions, I've said that  
10:44:34 2 for years. Isn't this all based on the assumption that  
10:44:37 3 somebody asked me a question?" He says, "Not just that,  
10:44:40 4 it's based on an assumption that material relevant to your  
10:44:41 5 credit will be asked for, yeah". Ms Gobbo says, "But you  
10:44:43 6 haven't got a subpoena, have you?" Mr Buick says, "No, we  
10:44:46 7 haven't got a subpoena, that's right. The Commonwealth  
10:44:48 8 have this disclosure principle or this disclosure  
10:44:53 9 philosophy which is broader than ours". He goes on,  
10:44:58 10 "That's not to say though that they are as compelled to  
10:45:01 11 hand material over to the defence. Victoria Police have a  
10:45:05 12 more narrow disclosure provision but they're compelled to  
10:45:09 13 hand stuff over, Commonwealth broad, broader disclosure  
10:45:13 14 provisions but aren't compelled to hand everything over  
10:45:16 15 just cause they've got it". Ms Gobbo says, "But it hasn't  
10:45:20 16 been asked for yet". Mr Buick says, "No, you're right, it  
17 hasn't been asked for and this is the thing and this is  
10:45:25 18 what I've been saying to people we're jumping the gun a  
10:45:28 19 bit". Ms Gobbo says, "Yeah". Mr Buick says, "It hasn't  
10:45:31 20 been asked for but if it's asked for and if it's required  
10:45:35 21 to be provided, we need a trigger point to be able to walk  
10:45:38 22 away so that it doesn't happen, that exposure doesn't  
10:45:43 23 occur". And he says, "So that, that's what hasn't been  
10:45:48 24 defined yet". Ms Gobbo says, "Yep. That's what is being  
10:45:52 25 thought about and worked on at the moment, okay". So do  
10:45:56 26 you accept that what Mr Buick is saying is that there were  
10:46:02 27 matters being worked on and worked through with a view to  
10:46:09 28 determining whether or not there would be material, would  
10:46:12 29 have to be material disclosed to the prosecution and the  
10:46:16 30 consequences of that?--Well based on that conversation,  
10:46:21 31 that seems to be the case. I don't recall having any  
10:46:24 32 conversation about Commonwealth disclosure principles.  
10:46:27 33  
10:46:27 34 Right?--Again, most of my recollection, if not nearly all  
10:46:32 35 of it, is based around her safety and that was an issue we  
10:46:38 36 had been discussing for quite a while.  
10:46:42 37  
10:46:42 38 There's evidence that we have that in late August 2010  
10:46:46 39 Ms Gobbo had told Mr Buick about her involvement with Karam  
10:46:49 40 and Barbaro and others and that she had provided shipping  
10:46:52 41 documents and that's how they had found out about the  
10:46:56 42 tomato tins importation. And there's also evidence that on  
10:47:01 43 3 November 2011 Mr Ashton raised that particular matter as  
10:47:09 44 a concern in a meeting that he had with Mr Cartwright and  
10:47:14 45 Mr McRae. Can I ask you this, in light of that, were you  
10:47:22 46 aware about this, this matter with respect to the potential  
10:47:30 47 of the Inca matter being a concern for Victoria Police and



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10:47:38 1 needing consideration as to whether it be disclosed?---I  
10:47:42 2 don't have any specific recollection of that but it's  
10:47:46 3 possible.  
10:47:46 4  
10:47:48 5 All right. Now, can I have a look - I think that  
10:47:59 6 transcript's been tendered already.  
10:48:01 7  
10:48:01 8 COMMISSIONER: It has, it's Exhibit 679.  
10:48:04 9  
10:48:05 10 MR WINNEKE: Thanks Commissioner. Can we have a look at  
10:48:07 11 some minutes of the Driver Task Force meeting of 21 October  
10:48:10 12 of 2011 and at that meeting Mr Buick, yourself, Mr Ashton,  
10:48:22 13 Mr Dunn, Mr Fryer are present. And it's  
10:48:34 14 VPL.6071.0051.0765. If we can go to p.2, item 4.1. 764 it  
10:49:22 15 is, if we go to p.2, 4.1. "Summary of current Driver Task  
10:49:29 16 Force investigations per weekly management report, nil  
10:49:31 17 issues arising". And then, "Discussion re Witness F.  
10:49:37 18 Matters pertaining around disclosure provisions to  
10:49:39 19 Commonwealth DPP as per their current practice. Ongoing  
10:49:44 20 discussion around the fact that if Witness F was called to  
10:49:47 21 give evidence and then cross-examined there may be a  
10:49:50 22 heightened risk to the witness's safety. Also  
10:49:53 23 notwithstanding any PII claim made and subsequently made by  
10:49:57 24 Victoria Police could still leave no doubt about the level  
10:49:59 25 of engagement Witness F could have had with other criminal  
10:50:02 26 matters. Discussion regarding the forensic need to  
10:50:06 27 subpoena such material as the argument of relevance would  
10:50:10 28 be run by prosecution. Counsel and VGS0 advice is that  
10:50:15 29 most likely all material would need to be provided before  
10:50:18 30 any argument could be mounted equals risk to Witness F".  
10:50:24 31 And Frewen informed committee that Commonwealth DPP were  
10:50:28 32 still awaiting advice from senior prosecutor, Mr Beale,  
10:50:32 33 regarding this issue. Now, do you accept that those are  
10:50:44 34 the minutes of the meeting of 21 October?---On face value,  
10:50:49 35 yes.  
10:50:49 36  
10:50:50 37 And would it be fair to say that the reference to, "PII  
10:51:03 38 claim subsequently made by Victoria Police could still  
10:51:06 39 leave no doubt about the level of engagement Witness F  
10:51:09 40 could have had with other criminal matters" is at least a  
10:51:12 41 reference to, if not expressly stated, about the concerns  
10:51:17 42 with respect to the possibility that other convictions  
10:51:22 43 could be put in doubt?---I think it's, I think it's  
10:51:34 44 referring to the fact that PII claims could bring a whole  
10:51:38 45 range of issues to the surface which - and again going back  
10:51:41 46 to the other point, the first point, impact on the  
10:51:45 47 witness's safety.



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10:51:45 1  
10:51:45 2 That seems to be, that's certainly expressed, but it does  
10:51:49 3 suggest that there had been discussion about the other  
10:51:57 4 criminal matters?---There's concerns about what other  
10:52:01 5 matters might arise as a result of broader PII.  
10:52:05 6  
10:52:06 7 "Leave no doubt about the level of engagement Witness F  
10:52:08 8 could have had with other criminal matters"?---H'mm.  
10:52:10 9  
10:52:11 10 Certainly that's a reference to other matters?---Yes.  
10:52:13 11  
10:52:13 12 That Ms Gobbo might have been involved in?---Yes.  
10:52:15 13  
10:52:17 14 And noting that Ms Gobbo, Mr Buick's discussion with  
10:52:21 15 Ms Gobbo subsequently in the day?---Yes.  
10:52:24 16  
10:52:24 17 It would be fair to assume, wouldn't it, that what Mr Buick  
10:52:28 18 was talking about was likely discussed around, or was  
10:52:34 19 likely discussed in the meeting?---It seems that way.  
10:52:36 20  
10:52:37 21 All right, thanks. Now, if I can just pursue this for a  
10:52:46 22 moment. Are you aware that as things progressed subsequent  
10:52:53 23 to 21 October it became apparent that the prosecution  
10:53:02 24 wanted to find out from Victoria Police what matters there  
10:53:09 25 may be which may be relevant to its prosecution in  
10:53:13 26 materials held by Victoria Police?---Sorry, which  
10:53:17 27 prosecution?  
10:53:17 28  
10:53:18 29 This is the prosecution of Paul Dale?---Right.  
10:53:23 30  
10:53:23 31 MR HOLT: Could this come down, Commissioner?  
10:53:25 32  
10:53:26 33 COMMISSIONER: Yes, sure.  
10:53:27 34  
10:53:27 35 MR WINNEKE: I tender those minutes, Commissioner.  
10:53:29 36  
10:53:32 37 #EXHIBIT RC1307A - (Confidential) Minutes of the Driver  
10:48:09 38 Task Force meeting 21/10/11.  
10:53:33 39  
10:53:34 40 #EXHIBIT RC1307B - (Redacted version.)  
10:53:35 41  
10:53:43 42 The evidence is that there were ongoing discussions between  
10:53:50 43 Victoria Police and the Commonwealth. Mr Ashton was  
10:53:54 44 primarily involved in those discussions, but would it be  
10:53:58 45 fair to say that you would have been aware also of the fact  
10:54:00 46 that there were discussions going on with a view to  
10:54:03 47 withdrawing Ms Gobbo as a witness in the

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10:54:06 1 proceeding?---Yeah, I was broadly aware of those, yes.  
10:54:10 2  
10:54:11 3 If we could have a look at a document dated I think 4  
10:54:18 4 November. Just excuse me. Perhaps I should clarify.  
10:54:29 5 There were other discussions going along at the same time  
10:54:34 6 with a view to getting Ms Gobbo to accept witness  
10:54:38 7 protection and go into protection so that she might be  
10:54:43 8 called and those discussions were still going on as late as  
10:54:46 9 2 November and she had a meeting with, I think a witness  
10:54:51 10 security representative and Mr Buick on 2 November trying  
10:54:55 11 to sort out the terms and at that stage it was left up in  
10:54:59 12 the air and it may well be that there was going to be  
10:55:04 13 further discussions. But things progressed. Were you  
10:55:07 14 aware of those sort of dual lines of discussion at that  
10:55:12 15 stage?---As I said, October/November 2011 was really when  
10:55:17 16 the balloon was going up and it was a frantic time, there  
10:55:20 17 was a whole range of issues that were trying to be dealt  
10:55:24 18 with and trying to be managed.  
10:55:25 19  
10:55:26 20 If we can move to this document, it's GLA.0004.0002.0013.  
10:55:35 21 This is an email which is forwarded to you. If we can go  
10:55:44 22 firstly to the email from Krista Breckweg to Mr Buick and  
10:55:51 23 Paul Sheridan. GLA.0004.0002.0013.  
10:56:05 24  
10:56:05 25 COMMISSIONER: It's not here we're being told, Mr Winneke.  
10:56:25 26  
10:56:26 27 MR WINNEKE: We'll find it but what I'll do if I can is  
10:56:30 28 read it to you?---I think I even refer to it in my  
10:56:32 29 statement so I think I've got some recollection of it.  
10:56:35 30  
10:56:35 31 Okay. So it's 4 November 2011. "Dear Boris and Paul.  
10:56:43 32 Following on from our recent meetings I now provide you  
10:56:46 33 with a list of the types of documents the prosecution  
10:56:49 34 considers should be disclosed to the defence in accordance  
10:56:52 35 with the CDPP prosecution disclosure policy, subject of  
10:56:58 36 course to any claims for PII you may make as constituting  
10:57:03 37 the relevant documents. The list has regard to Dale's  
10:57:06 38 likely defence (client legal privilege) and the likely  
10:57:10 39 attack on the credit of the witness NG", Nicola Gobbo. And  
10:57:15 40 then there are three dot points. "Information, if any,  
10:57:18 41 indicating that Nicola Gobbo encouraged Dale or any other  
10:57:21 42 criminal associates to believe that their communications  
10:57:24 43 were protected by client legal privilege, formerly known as  
10:57:29 44 legal professional privilege, notwithstanding she was  
10:57:34 45 formally retained as their legal advisor. Information, if  
10:57:40 46 any, indicating Nicola Gobbo was a perpetrator of or party  
10:57:44 47 to any criminal activity, not speeding offences.

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10:57:49 1 Information, if any, indicating Nicola Gobbo lied to  
10:57:52 2 investigators and police handlers". And she says that she  
10:57:57 3 would be grateful, "If you would provide me with a list of  
10:57:59 4 all documents in the possession of Victoria Police that  
10:58:01 5 would fall any of these categories so that this list can be  
10:58:05 6 provided to the defence. Upon provision of the list to the  
10:58:10 7 defence they can then request access to any of the  
10:58:13 8 documents, following which Victoria Police should be in a  
10:58:15 9 position to make any relevant PII claims". Now, if we  
10:58:20 10 could have a look at this, it's GLA.0004.0001.0013. I was  
10:58:31 11 a digit out. "As the committal hearing commences on Monday  
10:58:40 12 I would ask that the list be provided to me by 4 pm today.  
10:58:44 13 Thank you for your assistance." That email is forwarded to  
10:58:49 14 you on 4 November at 12.06 pm and it's forwarded from Paul  
10:59:01 15 Sheridan and CCed to Doug Fryer. Do you see that?---Yep.  
10:59:15 16  
10:59:20 17 And then there's a further note which perhaps I'll come  
10:59:24 18 back to, from Doug Fryer to Graham Ashton. "Graham, this  
10:59:28 19 doesn't appear to be what Paul Sheridan answered. Are you  
10:59:33 20 aware if the request has changed?" I tender that,  
10:59:37 21 Commissioner, that email.  
10:59:38 22  
10:59:39 23 #EXHIBIT RC1308A - (Confidential) Email GLA.0004.0001.0013.  
10:59:40 24  
10:59:41 25 #EXHIBIT RC1308B - (Redacted version.)  
10:59:43 26  
10:59:43 27 Also on that day is an email from Graham Ashton to  
10:59:53 28 yourself, Boris Buick, Shane Kirne of the Commonwealth  
10:59:57 29 Director of Public Prosecutions office, Krista Breckweg and  
11:00:01 30 Vicki Argitis, CCed to Tim Cartwright, and this is  
11:00:06 31 VPL.0100.0013.0053 at 0100. And the document that you're  
11:00:25 32 about to see forms part of Mr Cartwright's file in  
11:00:32 33 Operation Driver. Now, that email points out, formally  
11:00:38 34 advises you that, "It's the position of Victoria Police  
11:00:40 35 that the committal proceedings for Paul Dale due to  
11:00:43 36 commence on Monday morning, we only proceed on counts that  
11:00:47 37 do not rely on evidence of the witness I'll refer to as  
11:00:50 38 Witness F", that is obviously Ms Gobbo. "The reasons for  
11:00:54 39 this position is the risk to safety of Witness F posed by  
11:00:59 40 the disclosure obligations and I've also discussed today  
11:01:00 41 Krista's sensible request for a comprehensive list from the  
11:01:04 42 Witness F source file to enable some disclosure to occur.  
11:01:07 43 I'm advised this afternoon by our source handling unit that  
11:01:12 44 such a list would take some days to complete properly. I  
11:01:15 45 cannot view this file myself and rely on advice on this  
11:01:19 46 issue. If we proceed only on the non-Witness F matters  
11:01:24 47 next week I take it that Krista's request may not be

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11:01:24 1 necessary. If it still is necessary regardless then we  
11:01:28 2 would need an adjournment to respond appropriately.  
11:01:31 3 Grateful for your views". Was that your understanding of  
11:01:34 4 the discussions which were going on on 4 November  
11:01:41 5 2011?---Yes.  
11:01:42 6  
11:01:42 7 If we can just move up to 099, which is the previous page.  
11:01:51 8 At the bottom of that there's a note of a meeting that  
11:02:00 9 Mr Cartwright has about that email on 4 November. At 4.15  
11:02:08 10 phone advice from Graham Ashton. "Further discussions. 1.  
11:02:13 11 List to be prepared for prosecution broadly describing  
11:02:17 12 contact with F. GA to review and if any risk to F DPP will  
11:02:23 13 withdraw charges. 2. If no risk DPP will then seek to  
11:02:28 14 proceed with F as a witness seeking PII to some of the  
11:02:35 15 material. If PII is at risk will withdraw. Ask GA to  
11:02:41 16 ensure that Witsec have re-engaged prior to Monday". So  
11:02:47 17 was it your - in light of that and the emails, was it your  
11:02:52 18 understanding that what was going to occur subsequent to  
11:02:56 19 that was that Mr Sheridan was going to examine the file and  
11:03:00 20 produce some documents or at least produce some documents  
11:03:03 21 which would meet the request from the Commonwealth  
11:03:07 22 DPP?---Yes.  
11:03:08 23  
11:03:08 24 We also have evidence that on 3 November, the day previous  
11:03:13 25 to this, Mr Beale and Krista Breckweg had been shown the  
11:03:18 26 source management log and been permitted to read the source  
11:03:21 27 management log I think for a couple of hours, but not  
11:03:24 28 retain the log or indeed take notes. Was that your  
11:03:27 29 understanding or were you aware of that?---My understanding  
11:03:29 30 is I actually gave them the authority to do that.  
11:03:32 31  
11:03:32 32 Yes?---Yep.  
11:03:33 33  
11:03:33 34 And that would seem appropriate given that you were the  
11:03:36 35 Assistant Commissioner responsible?---That's right, I was -  
11:03:38 36 - -  
11:03:38 37  
11:03:41 38 Would you yourself at that stage have examined the log  
11:03:43 39 also?---No, I hadn't.  
11:03:44 40  
11:03:44 41 Do you think you should have looked at the log at that  
11:03:48 42 stage?---I regret not looking at the log a lot earlier.  
11:03:56 43  
11:03:56 44 I take it that would encompass this stage also?---Yes.  
11:04:00 45  
11:04:00 46 Nonetheless, you were certainly aware of the potential for  
11:04:06 47 the log to contain material which suggested that Ms Gobbo

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11:04:10 1 had been widely informing on people, perhaps including her  
11:04:14 2 clients?---Potentially, but I would have assumed that from  
11:04:17 3 the Maguire advice.  
11:04:20 4  
11:04:25 5 COMMISSIONER: That last email was part of Exhibit 1275.  
11:04:29 6  
11:04:29 7 MR WINNEKE: Yes, thanks Commissioner, I think it is. Are  
11:04:32 8 you aware that Mr Sheridan indicated that investigators  
11:04:36 9 shouldn't look at the log because if they were called to  
11:04:39 10 give evidence they might be asked questions about  
11:04:44 11 it?---Well, I think my recollection is that he was trying  
11:04:48 12 to preserve the sterile corridor.  
11:04:52 13  
11:04:52 14 Right. Is that an example of preserving a sterile  
11:04:57 15 corridor, preventing an investigator being aware of  
11:05:02 16 material that had been provided by the informer other than  
11:05:06 17 specifically relevant to the investigator's case?---I would  
11:05:09 18 think that's probably the intention, yes.  
11:05:12 19  
11:05:12 20 The other result might be that the investigator wouldn't be  
11:05:16 21 able to answer questions in the witness box about those  
11:05:20 22 sorts of matters, even though they might be relevant to the  
11:05:26 23 matters before the court, do you accept that?---Well, it's  
11:05:32 24 possibly one of the, one of the relevant concerns, yes, but  
11:05:37 25 - - -  
11:05:37 26  
11:05:37 27 Okay. Now, you understand that Mr Sheridan did, and  
11:05:51 28 Mr O'Connor did, over the weekend, examine the file?---Yes.  
11:05:57 29  
11:06:00 30 And produced a document over the weekend?---Yes.  
11:06:04 31  
11:06:04 32 And if we can have a look at this email, it's 7 November  
11:06:10 33 2011, and it's GLA.0003.0018.0021. It appears that in the  
11:06:28 34 morning of 7 November Mr Sheridan wanted to speak to  
11:06:39 35 Mr Ashton and produce to him the fruit of his work over the  
11:06:42 36 weekend?---That's right.  
11:06:44 37  
11:06:44 38 If we have a look at this email. We'll see, what we see  
11:07:21 39 there is that Mr Ashton says that he's - I'm sorry,  
11:07:26 40 Mr Sheridan says to Mr Ashton that he's finalising the  
11:07:29 41 document discussed last week, "Can I see you around 8.30  
11:07:33 42 this morning and deliver it to you?" That's at 7.24 on the  
11:07:37 43 Monday morning. There's an email to you VPL.6027 - I  
11:07:46 44 tender that, Commissioner.  
11:07:49 45  
11:07:50 46 #EXHIBIT RC1309A - (Confidential) Email 7/11/11  
11:06:16 47 GLA.0003.0018.0021.

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11:07:51 1  
11:07:51 2 #EXHIBIT RC1309B - (Redacted version.)  
11:07:53 3  
11:07:53 4 There's an email at 8.01 from Paul Sheridan to you,  
11:08:25 5 6027.0017.1732. Whilst that's coming up, it's an email  
11:08:32 6 from Mr Sheridan sent at 8.01 to you, "Subject Paul S.  
11:08:38 7 Good morning, Jeff. I have the 'F' document and have  
11:08:41 8 prepared the covering memo for Graham Ashton. I hope to  
11:08:45 9 see him at 9 am." And then there's some other matters  
11:08:52 10 discussed, do you see that?---Yes.  
11:08:55 11  
11:08:55 12 And then your response is, "Thanks Paul. Let me know how  
11:08:59 13 you go with Graham"?---Yes.  
11:09:02 14  
11:09:02 15 And further down, "Will advise you during the day about  
11:09:06 16 Graham Ashton's response, Paul Sheridan". So I take it you  
11:09:13 17 were well aware of the document that was being  
11:09:16 18 produced?---I was aware that the work was underway and a  
11:09:19 19 document had been produced, yes. I don't recall seeing it.  
11:09:21 20  
11:09:21 21 The likelihood is that you would have seen it, can I  
11:09:24 22 suggest?---I don't recall seeing it.  
11:09:28 23  
11:09:33 24 Do you say that it is likely that it would have been shown  
11:09:36 25 to you, despite the fact that you may not recall seeing  
11:09:40 26 it?---I think at this time I was trying to manage the  
11:09:47 27 allegation issue, so I think a number of us were being  
11:09:53 28 careful about what I was actually accessing.  
11:09:55 29  
11:09:55 30 Why is that?---Well I'd recused myself from the Driver  
11:10:02 31 steering committee so I think the potential issues around  
11:10:06 32 perceived conflict of interest might have been alive.  
11:10:09 33  
11:10:10 34 But that didn't prevent you from communicating with  
11:10:14 35 Mr Sheridan, communicating with Mr Ashton about these  
11:10:17 36 matters?---I was aware of what was going on.  
11:10:20 37  
11:10:20 38 And ultimately you'd accept that this was a significant  
11:10:26 39 risk, a major risk to your department, do you accept that,  
11:10:34 40 these issues?---Yes.  
11:10:36 41  
11:10:37 42 And a major risk to Victoria Police?---Yes.  
11:10:40 43  
11:10:40 44 And despite the fact that you recused yourself, it would  
11:10:43 45 have been, can I suggest, incumbent upon you at least to be  
11:10:46 46 aware of those major risk issues?---Yes, we all - - -  
11:10:54 47

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11:10:55 1 The extent of them and at least the sorts of risks that  
11:11:01 2 might be on the horizon?---I think we were all broadly  
11:11:06 3 aware of some of the risks that were ahead of us.  
11:11:08 4  
11:11:13 5 I tender that, Commissioner.  
11:11:15 6  
11:11:17 7 #EXHIBIT RC1310A - (Confidential) Email at 8.01 from Paul  
11:07:58 8 Sheridan to Jeff Pope,  
11:08:22 9 VPL.6027.0017.1732.  
11:11:19 10  
11:11:19 11 #EXHIBIT RC1310B - (Redacted version.)  
11:11:20 12  
11:11:33 13 It's clear that you are communicating with Mr Sheridan  
11:11:38 14 about the document that he's producing, at least in email  
11:11:41 15 form here?---Right.  
11:11:42 16  
11:11:42 17 It's likely that you would have had discussions with him  
11:11:46 18 face-to-face about the document?---I would have had some  
11:11:49 19 discussions with him, yes.  
11:11:50 20  
11:11:51 21 And you would have at least been, if you hadn't seen the  
11:11:56 22 document, you would have at least been informed by him of  
11:12:00 23 the nature of the document, firstly?---I'd expect so, yes.  
11:12:04 24  
11:12:04 25 And the fact that broadly speaking Ms Gobbo had been  
11:12:08 26 registered for a number of years?---Yes.  
11:12:11 27  
11:12:11 28 And that there were many names of people who Ms Gobbo had  
11:12:17 29 provided information about, in the hundreds, or 164 names  
11:12:21 30 referred to in the document?---Right.  
11:12:23 31  
11:12:23 32 You would have known that much?---I had a broad overview of  
11:12:26 33 that sort of level of detail, yes, at least.  
11:12:29 34  
11:12:31 35 Were you having discussions with Mr Ashton too about the  
11:12:35 36 matters that were raised in the document?---Yes, well we  
11:12:39 37 were having discussions about a whole range of things but  
11:12:42 38 my recollection is that this would have been one of them.  
11:12:45 39  
11:12:45 40 Mr Ashton says that this was a document, when he saw this  
11:12:49 41 document he realised the full extent of the informing that  
11:12:55 42 Ms Gobbo had been engaged in and he was shocked by it.  
11:13:00 43 Now, can I suggest to you that it's likely that that would  
11:13:04 44 have been the subject of a discussion that you would have  
11:13:06 45 had with Mr Ashton?---Yes.  
11:13:08 46  
11:13:11 47 Now, I tender that, Commissioner.

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11:13:18 1  
11:13:18 2 COMMISSIONER: I think I've tendered that.  
11:13:20 3  
11:13:21 4 MR WINNEKE: Right. Can I suggest that you did come to see  
11:13:23 5 this document, if not on this day subsequent to this day.  
11:13:28 6 Do you take issue with that?---It would probably help if I  
11:13:34 7 could have a look at it.  
11:13:35 8  
11:13:35 9 Before I go there. Look, what you've alluded to before was  
11:13:39 10 the allegations made by Ms Gobbo that she'd been in a  
11:13:43 11 sexual relationship with you for a number of months in  
11:13:47 12 1999/2000?---Right.  
11:13:48 13  
11:13:49 14 Now, that had been the subject of communication with you  
11:13:54 15 and Mr Cartwright?---Yes.  
11:13:56 16  
11:13:56 17 Mr Cartwright has taken a note that when he raised it with  
11:14:00 18 you, you said that you had dealt with Ms Gobbo as a  
11:14:05 19 witness, as a witness, not an informer, but as a witness, I  
11:14:09 20 think back in 99, and I'll take you to the note if you want  
11:14:14 21 me to, what do you have to say about  
11:14:19 22 that?---Mr Cartwright's an excellent Deputy Commissioner  
11:14:22 23 and has got a lot on his plate but I don't understand how  
11:14:25 24 he formed that view, unless there was some confusion in the  
11:14:30 25 conversation that we were talking about Witness F, but I  
11:14:33 26 never recall ever referring to her as a witness.  
11:14:36 27  
11:14:36 28 You subsequently swore an affidavit I think on 2 November  
11:14:40 29 or thereabouts, you offered to swear an affidavit and you  
11:14:42 30 did?---Yes.  
11:14:43 31  
11:14:44 32 In that affidavit effectively you were referred to her as  
11:14:47 33 being an informer, but you weren't sure whether she was  
11:14:51 34 registered or not?---That's right. I could never recall,  
11:14:54 35 until I prepared for the Royal Commission last year,  
11:14:57 36 whether I had actually registered her as an informer or  
11:15:00 37 not.  
11:15:00 38  
11:15:00 39 Right?---But I could recall obviously that I had dealings  
11:15:04 40 with her and that those dealings were her providing me with  
11:15:09 41 some information.  
11:15:10 42  
11:15:10 43 Right. So not as a witness?---No.  
11:15:12 44  
11:15:12 45 Do you say that Mr Cartwright must have simply  
11:15:18 46 misunderstood what you were saying?---I don't know how he  
11:15:22 47 has formed that view. As I say, the only thing I can think

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11:15:26 1 of is we would have been talking about her potentially as  
11:15:29 2 Witness F but I don't ever recall telling anyone at all  
11:15:34 3 that she was ever a witness.  
11:15:35 4  
11:15:36 5 Perhaps to be fair we'll have a look at Mr Cartwright's  
11:15:43 6 notes, VPL.0100.0013.0053 at p.101. This is a note that he  
11:15:52 7 took of a conversation with you, and Mr Ashton was present,  
11:15:57 8 on 24 October 2011. The meeting at 16:30, AC Ashton with  
11:16:39 9 AC Pope. "Allegations made Friday evening by F that she  
11:16:43 10 had had a sexual relationship with JP many years ago". It  
11:16:47 11 says, not clear whether it's three or four months, or three  
11:16:51 12 months. "JP advised me that he had dealing with her as a  
11:16:57 13 witness in 1999. And limited contact. No personal  
11:17:02 14 relationship". Then, "GA to obtain a transcript. Further  
11:17:07 15 assess then. Considered risks to F. None additional.  
11:17:13 16 Nature of allegation, nothing requiring OPI. Notification  
11:17:18 17 at this stage GA to advise Driver members", do you see  
11:17:23 18 that?---Yes.  
11:17:24 19  
11:17:25 20 I think there's evidence that you had a discussion, indeed  
11:17:30 21 you suggested that it ought be tabled before the Driver  
11:17:35 22 committee, is that right?---That's right.  
11:17:38 23  
11:17:39 24 Now, I want to put to you that - perhaps - what you said  
11:17:56 25 there is that there was no personal relationship and you  
11:18:02 26 denied a sexual relationship, I take it, that's what you've  
11:18:07 27 said and you maintain that?---Absolutely.  
11:18:08 28  
11:18:09 29 You've indicated that you swore an affidavit to that effect  
11:18:11 30 and you've maintained that there was no  
11:18:13 31 relationship?---Absolutely.  
11:18:14 32  
11:18:14 33 You've said that the contact that you had, do you say the  
11:18:19 34 contact that you had with Ms Gobbo was entirely recorded in  
11:18:23 35 the investigation log and your diary notes?---At that time  
11:18:27 36 I thought so.  
11:18:28 37  
11:18:29 38 Right. And I take it, do you accept that you did have  
11:18:37 39 ongoing discussions with Ms Gobbo throughout 1999 and into  
11:18:41 40 2000?---Some of the material that's come to light as part  
11:18:47 41 of the Royal Commission would seem to indicate that there's  
11:18:49 42 some form of ongoing phone calls or contact.  
11:18:52 43  
11:18:52 44 Right. Can I suggest to you that there was contact, I  
11:19:01 45 think the indications in the investigation log and your  
11:19:05 46 diary suggest that contact ceased, and this concerned an  
11:19:11 47 investigation into money laundering, is that correct, back

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11:19:15 1 in 99, we touched on that?---Yes.  
11:19:16 2  
11:19:17 3 And I think that investigation log and your diary suggests  
11:19:28 4 that contact ceased in around the middle of 99, is that  
11:19:36 5 your recollection or not, September 99, I apologise?---My  
11:19:41 6 recollection is there was a meeting in, on 1 October or  
11:19:45 7 early October in my diary.  
11:19:48 8  
11:19:51 9 Can I suggest to you that there were notes of subsequent  
11:19:55 10 communications, at least Ms Gobbo has made notes of  
11:20:00 11 communications to the effect that there is a note on 14  
11:20:09 12 December 99, perhaps we could put this up, Commissioner.  
11:20:14 13 RCMPPI.0066.0002.0001 at p.301 of the document. There's a  
11:20:41 14 note made by Ms Gobbo, "Catch up with Jeff Pope". It's  
11:20:46 15 crossed out and other notes indicate that there are ticks.  
11:20:53 16 Do you see that note there?---Yes.  
11:20:55 17  
11:20:55 18 That may well suggest the catch up didn't occur, but do you  
11:20:59 19 recall any communications in the latter part of December 99  
11:21:02 20 with a view to catching up with Ms Gobbo?---No, I don't.  
11:21:05 21  
11:21:06 22 I tender these - I think these have been tendered,  
11:21:11 23 Commissioner. If we have a look at the same document, but  
11:21:17 24 if we can go to an entry on 17 December, that is three days  
11:21:22 25 later.  
11:21:28 26  
11:21:29 27 COMMISSIONER: Exhibit 273 are the Gobbo diaries.  
11:21:32 28  
11:21:32 29 MR WINNEKE: Thanks Commissioner. There's a note of, at  
11:21:36 30 least Jeff Pope appears to be ticked. Do you think it's  
11:21:39 31 conceivable that you had a discussion or a meeting with  
11:21:42 32 Ms Gobbo in December of 99?---I have no recollection of  
11:21:46 33 either a discussion or a catch up with her.  
11:21:49 34  
11:21:51 35 Do you say there was any reason as far as your  
11:21:54 36 investigation was concerned for the need to catch up with  
11:21:57 37 Ms Gobbo in December of 99?---I notice in my diary that the  
11:22:04 38 investigation, whilst almost, or largely dormant isn't  
11:22:13 39 actually finalised until some time in early 2000.  
11:22:16 40  
11:22:16 41 Do you say your practice was to record all interactions  
11:22:20 42 that you had with a human source about the investigation in  
11:22:23 43 your diary or in the investigation log?---Generally, yes,  
11:22:28 44 when she was registered as a human source. But I think as  
11:22:32 45 a consequence of the investigation becoming largely dormant  
11:22:38 46 I wasn't looking at her through that lens by that stage.  
11:22:41 47

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11:22:43 1 Thanks. If we go to Ms Gobbo's diary of 2000. I think  
11:22:51 2 it's exhibited, Commissioner. 1183, Commissioner, the  
11:23:17 3 diary of 2000.  
11:23:20 4  
11:23:20 5 COMMISSIONER: Thank you.  
11:23:21 6  
11:23:30 7 MR WINNEKE: So if we go to 10 February of 2000. There's a  
11:23:37 8 note on that day to call Jeff Pope. Do you believe that  
11:23:41 9 you may have spoken to Ms Gobbo at that time?---I can't see  
11:23:46 10 that I'm sorry. Oh, the 9th.  
11:23:49 11  
11:23:50 12 Sorry, did I say the 10th. No, Thursday the 10th of  
11:23:56 13 February 2000?---It's off my screen, I'm sorry.  
11:24:09 14  
11:24:10 15 Do you see that, "Call Jeff Pope" at the top  
11:24:14 16 there?---Right, okay.  
17  
11:24:15 18 Do you recall that Ms Gobbo - you indicated previously that  
11:24:22 19 she appeared to be motivated or, I can't recall the word  
11:24:26 20 you used, to provide information to police. Was she the  
11:24:31 21 sort of person who you felt would pursue you and find out  
11:24:42 22 what was going on with investigations?---Yes, and I think  
11:24:47 23 there's a note in, either an information report, I think an  
11:24:53 24 information report in October of 1999 which indicates that  
11:24:56 25 she was seeking updates on how the investigation was  
11:25:00 26 progressing.  
11:25:01 27  
11:25:02 28 Right. If we go to another diary entry of hers on the  
11:25:13 29 24th. I withdraw that. The 21st of February.  
11:25:21 30  
11:25:22 31 COMMISSIONER: 2000 still?  
11:25:22 32  
11:25:24 33 MR WINNEKE: 2000. I don't want to put information into  
11:25:34 34 the public domain, do you see that entry there?---Yes, I  
11:25:37 35 do.  
11:25:37 36  
11:25:37 37 Is that accurate?---Yes.  
11:25:40 38  
11:25:40 39 Is there any reason why she'd have that information if you  
11:25:45 40 were simply communicating with her in a capacity as an  
11:25:50 41 investigator and an informer?---I recall making reference  
11:25:58 42 in my affidavit to discussions around age, so I'm just  
11:26:07 43 wondering if it's in the context of that that it's arisen.  
11:26:10 44  
11:26:11 45 There's also evidence that she was aware, you may or may  
11:26:15 46 not be aware that she was aware of the location where you'd  
11:26:19 47 purchased a house or where you lived?---I've since learned

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11:26:22 1 that, yes.  
11:26:23 2  
11:26:23 3 Is there any reason or is there any way that she could have  
11:26:25 4 come into that information in discussions with you?---Well,  
11:26:30 5 yes. When, around about the time that I was first  
11:26:34 6 introduced to her, so this is going back to May 1999.  
11:26:40 7  
11:26:40 8 Yes?---If not that week or very close to that date I  
11:26:44 9 purchased a house in that suburb and it was, you know,  
11:26:52 10 obviously something that was occupying a lot of my time and  
11:26:57 11 attention and then went on to sell our existing house in  
11:27:02 12 June of 1999.  
11:27:04 13  
11:27:04 14 Right?---And then proceeded to move into the new house  
11:27:08 15 about six or, six or eight weeks later.  
11:27:12 16  
11:27:12 17 So you believe you may have conveyed that information to  
11:27:16 18 her in discussions?---In discussions, we had a number of  
11:27:19 19 discussions throughout May and June and it was one of those  
11:27:23 20 issues that was certainly, you know, dominating my life at  
11:27:27 21 that time so it's possible.  
11:27:29 22  
11:27:29 23 Had you dealt with informers previously prior to  
11:27:35 24 this?---Um, yes.  
11:27:37 25  
11:27:37 26 Would you say that you were a relatively experienced  
11:27:40 27 officer when it came to dealing with informers?---At that  
11:27:44 28 stage not really, no.  
11:27:45 29  
11:27:51 30 I take it you'd say that it wouldn't be appropriate for an  
11:27:55 31 investigator to divulge personal information in the  
11:27:59 32 ordinary course to a person who was an informer?---You'd  
11:28:02 33 certainly want to be careful, but when you're trying to  
11:28:05 34 establish rapport with someone you also, and there's a  
11:28:07 35 whole range of different discussions going on, there's  
11:28:10 36 sometimes a need to talk about other things other than just  
11:28:13 37 work-related matters. So it's possible in the context of  
11:28:16 38 that that I was still being careful but perhaps more  
11:28:24 39 trusting in retrospect than I ought to have.  
11:28:27 40  
11:28:27 41 One assumes Ms Gobbo wasn't the ordinary run of the mill  
11:28:30 42 informer?---Well at that stage, you know, I had no reason  
11:28:34 43 to believe anything other than she was a principled lawyer.  
11:28:42 44  
11:28:43 45 She had your email address and there's notes to the effect  
11:28:45 46 that she's got your email address. I take it you've seen  
11:28:49 47 those notes?---My work email address, yes.



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11:28:52 1  
11:28:52 2 That was your work email address, was it?---That's right.  
11:28:55 3  
11:28:55 4 She forwarded you notes, law notes?---That's right.  
11:28:59 5  
11:28:59 6 To that extent there was a degree of none-work relationship  
11:29:04 7 I assume?---Yes, yeah, and I said in my evidence last year  
11:29:08 8 there were a whole range of topics that we would discuss,  
11:29:12 9 as I recall broadly, policing, politics, football, there  
11:29:17 10 was a whole range of things we would talk about. She  
11:29:21 11 didn't need any encouragement to talk.  
11:29:23 12  
11:29:24 13 If we have a look at an entry on 14 March. I'm sorry,  
11:29:30 14 firstly, 9 March 2000. There appears to be a note on that  
11:29:44 15 day, "Jeff Pope notes". Do you know what that would  
11:29:48 16 be?---Look, I've got no, I've got no recollection of it but  
11:29:52 17 it may be that's roughly around the start of the semester  
11:29:57 18 so it could relate to law notes potentially.  
11:30:00 19  
11:30:00 20 If we go to 14 March there appears to be another note with  
11:30:05 21 your name on 14 March. Do you see that?---Yes.  
11:30:12 22  
11:30:12 23 And then if we have a look at 18 March. Do you see that at  
11:30:21 24 the bottom there there's a reference to you and it says,  
11:30:29 25 "Disc, Jeff Pope" and then "Chadstone" which appears to  
11:30:34 26 be written in a different coloured pen. Can you explain  
11:30:36 27 what that might be?---No, I don't, I don't know what that  
11:30:40 28 is.  
11:30:40 29  
11:30:40 30 Did you ever meet Ms Gobbo at Chadstone?---No.  
11:30:43 31  
11:30:44 32 If we go to 23 March 2000. There's another note, Ms Gobbo  
11:30:53 33 has said that that refers to "disc", not dish, "Exclamation  
11:30:59 34 mark times two, Jeff Pope". Do you know what that's  
11:31:03 35 about?---No, no, I don't.  
11:31:05 36  
11:31:05 37 Do you recall that there was some discussions about  
11:31:12 38 Ms Gobbo providing discs to you, I think it was either  
11:31:17 39 floppy disks or CD discs or something like that?---I think  
11:31:21 40 there's only two, there's only two references to discs in  
11:31:24 41 this conversation with her over this period of time. One  
11:31:29 42 was she, you might recall earlier on in the time that she  
11:31:34 43 was informing she offered to go and look through some discs  
11:31:39 44 from the solicitor's office, I think she was looking  
11:31:42 45 through 30 of them to try and identify something that was  
11:31:45 46 relevant to the issue that she was bringing to my  
11:31:47 47 attention.

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11:31:48 1  
11:31:49 2 Yes?---And that took her I think a period of time.  
11:31:52 3  
11:31:52 4 Right?---And then the only other explanation that I can  
11:31:55 5 think of with respect to disc may well be whether it's a  
11:32:00 6 disc with law notes on it.  
11:32:02 7  
11:32:02 8 All right. There are further diary entries in May.  
11:32:10 9 There's a suggestion of lunch question mark in May, albeit  
11:32:15 10 she appears to have lunch with someone else on that day,  
11:32:20 11 you've seen that I take it?---Yes, I've seen that.  
11:32:23 12  
11:32:23 13 There's notes to call you on 15 May. You've seen  
11:32:27 14 that?---Yes.  
11:32:27 15  
11:32:27 16 And there's a note to call you later on in June and then  
11:32:31 17 finally there's a note of, "Drink with Jeff Pope" on 21  
11:32:38 18 July of 2000, about a week prior to her going to America or  
11:32:46 19 a few days prior to her going to America. Are you able to  
11:32:50 20 explain any of those notes, Mr Pope?---No, they're not my  
11:32:56 21 notes.  
11:32:56 22  
11:32:56 23 No, I understand that?---And I have no recollection of her  
11:33:03 24 calling me that frequently or meeting with her. The only  
11:33:11 25 one that I have a recollection of, which I think is a  
11:33:14 26 correlation to my affidavit, is this one on the last  
11:33:20 27 meeting in her diary, Friday 21 July at 4 o'clock. When I  
11:33:27 28 look at my diary, and I say in my affidavit that I had an  
11:33:31 29 incidental meeting with her when I was in the court  
11:33:35 30 precinct.  
31  
11:33:35 32 Yes?---And then went and had a coffee with her at the  
11:33:37 33 Metropolitan Hotel. My diary does have me in the County  
11:33:44 34 Court for a fortnight I think, or at least for all of that  
11:33:47 35 week, doing a trial.  
36  
11:33:48 37 Right?---So I believe that that would be the date that I  
11:33:53 38 had that coffee with her at the Metropolitan Hotel before  
11:33:57 39 her trip to America.  
11:33:58 40  
11:33:59 41 Right. And you refer to a discussion with her about, at  
11:34:05 42 least which you took to be a request of you to accompany  
11:34:08 43 her, is that right?---No, I wouldn't put it that way. My  
11:34:14 44 recollection of the discussion and the affidavit is that  
11:34:17 45 she was trying to contextualise that she was lonely, that  
11:34:21 46 she was saying, "I'm off to America, I would, I would pay  
11:34:25 47 for the right person to come with me". She did not ask me

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11:34:28 1 to come, she did not say, "Do you want to come? I will pay  
11:34:33 2 for you", but she was I think contextualising the fact that  
11:34:36 3 she was lonely.  
4  
11:34:37 5 Yes?---And then came the suggestion from her that, whether  
11:34:43 6 the relationship was going to ever develop into something  
11:34:47 7 more personal after that, which I declined.  
11:34:50 8  
11:34:51 9 Do you say the likelihood is that you met on the  
11:34:56 10 Friday?---Yes, I think that's a likelihood.  
11:34:59 11  
11:34:59 12 After court or before?---Yes, after court.  
11:35:01 13  
11:35:02 14 At the Metropolitan Hotel?---Right.  
11:35:04 15  
11:35:04 16 Is that right?---That's my belief, yes.  
11:35:06 17  
11:35:06 18 You say it was coffee?---Yes.  
11:35:08 19  
11:35:09 20 Do you recall whether Ms Gobbo was drinking coffee or  
11:35:12 21 something else?---I think it was just - my recollection is  
11:35:15 22 it was just coffees.  
11:35:18 23  
11:35:18 24 Okay. Do you say that if you had - they have been  
11:35:26 25 tendered, Commissioner.  
11:35:27 26  
11:35:27 27 COMMISSIONER: Yes.  
11:35:27 28  
11:35:28 29 MR WINNEKE: Do you say that if you had relevant  
11:35:30 30 communications with Ms Gobbo pertaining to an investigation  
11:35:34 31 you would note those?---If it related to the investigation,  
11:35:39 32 and I think my diary indicates that when I'm managing her  
11:35:42 33 as a human source and the investigation is quite active,  
11:35:45 34 that my diary and/or the information reports or the  
11:35:51 35 investigation log reflects the amount of contact. It would  
11:35:54 36 seem to be though as the investigation has become more  
11:35:58 37 dormant or inactive and we're not using her much as a human  
11:36:03 38 source or at all as a human source, then my references to  
11:36:06 39 her in my diary decline.  
11:36:09 40  
11:36:09 41 All right. I note the time, Commissioner.  
11:36:12 42  
11:36:12 43 COMMISSIONER: It certainly is time for the morning break.  
11:36:14 44 We will adjourn for 15 minutes, thanks.  
11:36:17 45  
11:36:37 46 (Short adjournment.)  
11:36:37 47

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11:59:27 1 COMMISSIONER: Yes, there's another application for leave  
11:59:29 2 to appear, this time from Mr Pasquale Barbaro's lawyers, in  
11:59:33 3 respect of this witness and also the witnesses O'Connell,  
11:59:38 4 Nolan, Johns and Moloney. Counsel assisting does not  
11:59:42 5 oppose. If nobody wants to be heard on it I'll give leave  
11:59:45 6 to appear. Yes.  
7

11:59:49 8 MR WINNEKE: Mr Pope, that detour was by way of dealing  
11:59:55 9 with the issue that arose because of the allegation made by  
11:59:59 10 Ms Gobbo. You, I think, swore an affidavit of 2 November  
12:00:11 11 2011?---Yes.  
12

12:00:12 13 That's been tendered already?---Yes.  
14

12:00:14 15 I don't propose to go to it. But was it your understanding  
12:00:17 16 that subsequently it was, as far as Mr Cartwright was  
12:00:23 17 concerned, you were able to resume normal duties with  
12:00:26 18 respect to Task Force Driver?---Well I offered to step down  
12:00:29 19 from the Task Force Driver steering committee while the  
12:00:31 20 investigation was on foot.  
21

12:00:33 22 Yes?---And that was accepted and endorsed as an appropriate  
12:00:38 23 strategy.  
24

12:00:39 25 Right?---And I was not advised in any other way to restrict  
12:00:45 26 any of my other activities or work with respect to  
12:00:49 27 Ms Gobbo.  
28

12:00:49 29 Right. We understand that subsequently you become involved  
12:00:56 30 in setting the Terms of Reference, or drafting the Terms of  
12:00:59 31 Reference for the Comrie review. So I take it at that  
12:01:04 32 stage as far as you were concerned there was nothing  
12:01:06 33 preventing you from being involved in matters concerning  
12:01:11 34 Ms Gobbo?---No, that's right. And my recollection is that  
12:01:14 35 was at the request of Mr Cartwright.  
36

12:01:17 37 Right. Can I just take you back to the document that you  
12:01:25 38 say you would likely have discussed, this is the Paul  
12:01:29 39 Sheridan, John O'Connor document. After you became  
12:01:36 40 involved, at least that issue with respect to the  
12:01:38 41 allegation appears to have settled, there was nothing  
12:01:42 42 preventing you from looking at that document?---No.  
43

12:01:45 44 Could we have a look at the document so as you can actually  
12:01:48 45 see it, VPL.0100.0001.3633. This is the note, or at least  
12:02:10 46 the cover note, that Mr Sheridan referred to, the covering  
12:02:17 47 memo. You can see it there, that the - he says, "The

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12:02:24 1 material contained herein is an analytical summary  
12:02:29 2 pertaining to Witness F as requested by the Commonwealth  
12:02:32 3 DPP pertaining to the pending prosecution. If further  
12:02:37 4 detailed information is required then additional resources  
12:02:40 5 from within the Intel Covert Support Department may need to  
12:02:43 6 be allocated", and you see the note that Mr Ashton's  
12:02:50 7 apparently made on it and it appears that he's made the  
12:02:54 8 note on 29 November 2011. "I've encouraged AC Intel and  
12:02:59 9 Covert to conduct review of HSM of Witness F", human source  
12:03:08 10 management of Witness F. It doesn't indicate that he's  
12:03:11 11 provided you with the document or that you've otherwise  
12:03:13 12 been provided with it, but can I suggest to you that there  
12:03:16 13 would be no reason for you not to see the document?---I  
12:03:19 14 agree.  
15  
12:03:19 16 And indeed, every reason for you to see the document?---And  
12:03:24 17 there's every chance that I did. I just can't remember it.  
18  
12:03:29 19 If we continue - have you seen it in the preparation for  
12:03:31 20 the Royal Commission?---No, I haven't.  
21  
12:03:33 22 Right. We better show you. Can we scroll through to the  
12:03:36 23 next page. There is a "Covert Services Division highly  
12:03:41 24 protected" note there, do you see that?---M'hmm.  
25  
12:03:44 26 I take it you would have seen cover sheets like that plenty  
12:03:48 27 of times?---Yes.  
28  
12:03:49 29 Next page, please. You'll see there that - this is the  
12:03:54 30 memo, the document that Mr O'Connor has prepared. "Active  
12:04:03 31 human source managed by the SDU from 16December 2005 to 14  
12:04:08 32 January 2009, three years and four months. An analysis of  
12:04:13 33 the intel holdings pertaining to Witness F indicate 319  
12:04:17 34 IRs, disseminated to various investigators that come from  
12:04:23 35 information that she has supplied, 172 source contact  
12:04:24 36 reports varying in length and the majority of the two  
12:04:28 37 documents pertain to Witness F contact with the following  
12:04:34 38 164 criminal solicitors and former members of Victoria  
12:04:38 39 Police". Can we just scroll through the next page and have  
12:04:47 40 a look at that. You'll see names including Paul Dale, Mick  
12:05:10 41 Gatto. If we keep going. You'll see Karl Khoder's name  
12:05:28 42 there and a number of other people named?---M'hmm.  
43  
12:05:31 44 Then you see all the Mokbels there?---Yep.  
45  
12:05:34 46 Next page. The paragraph at the end says this, "It's  
12:05:43 47 difficult to assess the clear intention of the contact

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12:05:45 1 between the parties however the Source Development Unit  
12:05:50 2 believes that in the main the contact between the parties  
12:05:52 3 is driven by the fact that Witness F was practising as a  
12:05:55 4 solicitor at the time of the contacts and that her counsel  
12:05:57 5 was sought formally or informally pertaining to the legal  
12:06:01 6 status of the party/persons involved, e.g. pending charges,  
12:06:08 7 negotiations with investigating police, plea opportunities,  
12:06:11 8 receiving and passing on of information", et cetera. And  
12:06:13 9 then she's suspected of being on the periphery of criminal  
12:06:17 10 matters throughout the time although nothing was ever - as  
12:06:20 11 a human source. Nothing was ever proven?---M'mm.  
12  
12:06:24 13 If we keep going. And she was deceptive with  
12:06:28 14 handlers?---M'hmm.  
15  
12:06:30 16 And signed by Mr O'Connor on 6 November 2011. Having seen  
12:06:35 17 that now are you able to say whether you have, recall  
12:06:40 18 seeing it or not?---I believe I've seen it.  
19  
12:06:43 20 Right. Insofar as the information contained within it, the  
12:06:51 21 suggestion is the contacts between Ms Gobbo and the people  
12:06:53 22 in relation to whom she's given information relate to her  
12:06:58 23 role as a solicitor or a barrister?---Right, yes.  
24  
12:07:01 25 As she was. That information was known to you, or became  
12:07:08 26 known to you at about this time in any event regardless of  
12:07:11 27 whether you saw that document?---Around about that time.  
28  
12:07:14 29 That obviously is a concerning document, do you agree with  
12:07:17 30 that?---Yes, it is.  
31  
12:07:19 32 And that information, if it is available to senior members  
12:07:24 33 of Victoria Police, can I suggest, should have led to a  
12:07:27 34 very determined inquiry to get to the bottom of what  
12:07:33 35 information Ms Gobbo had provided about people who she was  
12:07:38 36 acting for, do you accept that?---Yes, and that's what  
12:07:41 37 became the Comrie review.  
38  
12:07:44 39 Right. That brings me to the Comrie review. You were  
12:07:51 40 involved in setting up the - or drawing the Terms of  
12:07:56 41 Reference, correct?---I did the initial draft, yes.  
42  
12:08:00 43 The initial draft. I take it you were aware of the drafts  
12:08:03 44 as they progressed?---I think so.  
45  
12:08:06 46 It's likely that you were, do you accept that?---Yes. I  
12:08:09 47 was just - I was I believe away in early 2012 when the



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12:08:17 1 final Terms of Reference were settled.  
2  
12:08:22 3 If I can just deal with this chronologically. At around  
12:08:25 4 this time on 15 November, can we have a look at an email  
12:08:30 5 trail, VPL.6137.0073.8549. You understand that around this  
12:08:42 6 time there were discussions about where the file,  
12:08:47 7 Ms Gobbo's file would be kept? In fact can we take that  
12:08:52 8 one down and put this email up, 6027.0017.5367. This is  
12:09:01 9 your email. 6027.0017.5367. If we go to the bottom of  
12:09:18 10 this chain or train. There's an email from Boris Buick to  
12:09:27 11 Doug Fryer about original exhibits. "Doug, we're not in  
12:09:33 12 possession of a number of original exhibits from the Loris  
13 and therefore the Dale ACC brief, some of which will need  
12:09:36 14 to be tendered in the committal next week. This includes,  
12:09:37 15 but is not limited to, the original Gobbo/Dale audio  
12:09:41 16 recording, copies of Gobbo's diaries pages." He's  
17 instructed - "Spoken to Shane O'Connell. Shane stated  
12:09:46 18 that when Petra were wound up he was instructed to box up  
12:09:50 19 all exhibits that related to Gobbo and deliver them to AC  
12:09:55 20 Pope, which he duly did". Can we keep going up. Then  
12:09:59 21 there's a note from Mr Abrehart to Mr Sheridan, "Hi Paul.  
12:10:06 22 Jeff has requested that I forward this to you. He states  
12:10:09 23 that he believes the exhibits are in a safe under your  
12:10:12 24 control. If you like some assistance from me in locating  
12:10:15 25 them please let me know". Do you know what file or what  
12:10:20 26 documents this email train refers to?---It might be  
12:10:30 27 referring to two different streams. So the first one seems  
12:10:35 28 to be referring to the Petra exhibits.  
29  
12:10:38 30 Yes?---This one might be referring to the human source  
12:10:45 31 management file.  
32  
12:10:47 33 Right?---For Ms Gobbo.  
34  
12:10:48 35 Right. If we keep going down, there's a note from Sheridan  
12:10:52 36 to Abrehart talking about a meeting, "Seems to me the  
12:11:01 37 easiest thing is for Shane O'Connell to attend and obtain  
12:11:06 38 what he needs and hand it to Boris Buick at the same  
12:11:09 39 time"?---M'mm.  
40  
12:11:09 41 If we then keep going there's a note from Sheridan to you,  
12:11:12 42 "Jeff, I've advised Boris to seek approval to view the  
12:11:16 43 material. As you know I am only", I assume he's saying,  
12:11:16 44 "I'm the only custodian until I transfer it to Neil  
12:11:19 45 Paterson"?---M'mm.  
12:11:21 46  
12:11:21 47 "I've not catalogued/indexed the material. I'm unclear

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12:11:27 1 what value, if any, it would have to the Task Force. I'm  
12:11:30 2 also unaware if it's appropriate for them to view it".  
12:11:34 3 Then you say, "Okay, thanks". Then he says to you, "For  
12:11:39 4 your information, all material held by me now stored and  
12:11:43 5 secured at HSMU". You say, "Excellent, thanks. I bet that  
12:11:46 6 feels good". Are you able to say what that - what file  
12:11:52 7 that is, bearing in mind that it's held at the HSMU  
12:11:56 8 securely?---So my recollection is that as part of the  
12:12:05 9 settlement and the mediation where it was agreed that she'd  
12:12:08 10 no longer be used as a human source.  
11  
12:12:10 12 Yes?---I directed that all, that her file was to be stored  
12:12:16 13 in Paul Sheridan's office.  
14  
12:12:18 15 Right?---And that he was to be the custodian of that file,  
12:12:23 16 and he remained so, but I would say here at this point  
12:12:26 17 we've decided to transfer that back to the Human Source  
12:12:33 18 Management Unit.  
19  
12:12:33 20 Right. This is the hard copy file?---I think so. I think  
12:12:40 21 it was like a four drawer, a large four drawer filing  
12:12:43 22 cabinet safe.  
23  
12:12:46 24 Right?---Class B safe.  
25  
12:12:48 26 The Commission's been unable to locate original documents,  
12:12:52 27 or at least signed documents, of applications to register  
12:12:56 28 and various other original documents such as risk  
12:13:02 29 assessments and so forth?---M'mm.  
30  
12:13:05 31 Would those documents have been within this hard copy  
12:13:09 32 file?---I don't know. I never, I never accessed the file,  
12:13:12 33 I never looked at it. I don't know. I assume that's one  
12:13:16 34 of the likely options.  
35  
12:13:18 36 Right. You're not able to assist as to where those  
12:13:23 37 documents might be if there were original hand signed  
12:13:26 38 copies of risk assessments and so forth?---No.  
39  
12:13:41 40 Is it your belief that if there were such documents which  
12:13:48 41 were hard copy documents printed out and signed, they  
12:13:53 42 should have been within that material which was secured and  
12:13:56 43 stored at the HSMU?---Well that's one option and certainly  
12:14:01 44 the preferred option. As you've probably found out,  
12:14:06 45 though, the information management capabilities and  
12:14:10 46 capacity of Victoria Police is fairly simplistic and if  
12:14:17 47 that information had been provided to a steering committee

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12:14:20 1 or to a senior member or put in a file somewhere else, like  
12:14:23 2 a yellow backed type file, it could be elsewhere.  
3  
12:14:27 4 Right. It would be hard to imagine how that could happen,  
12:14:32 5 though, an original document like that finding it's way  
12:14:37 6 into another file or a yellow back and disappearing off  
12:14:40 7 into another location. That would be unfortunate if that  
12:14:45 8 happened?---It wouldn't be best practice.  
9  
12:14:46 10 It wouldn't be best practice?---M'mm.  
11  
12:14:49 12 But do you say it wouldn't be unheard of?---Yeah. Not much  
12:14:53 13 surprises me when it comes to information management,  
12:14:56 14 unfortunately, in Victoria Police at that time. I should  
12:14:58 15 say at that time. Because I did then take responsibility  
12:15:01 16 as a CIO or information security and management down the  
12:15:05 17 track, so it was extremely challenging.  
18  
12:15:10 19 Yes, thanks. I tender that.  
12:15:13 20  
12:15:14 21 #EXHIBIT RC1311A - (Confidential) VPL.6027.0017.5367.  
12:15:15 22  
12:15:15 23 #EXHIBIT RC1311B - (Redacted version.)  
12:15:17 24  
12:15:18 25 Coming back to the Terms of Reference as we move on  
12:15:20 26 sequentially. On 21 November there's an email chain in  
12:15:26 27 which you've had a go at drafting the ToRs. If we look at  
12:15:33 28 this, VPL.6023.0136.9294. The notes suggest that there was  
12:15:45 29 discussion about whether the inquiry or the review should  
12:15:48 30 be confined to an examination of Ms Gobbo's human source  
12:15:52 31 management file or whether it should include other files.  
12:15:58 32 And it was suggested, certainly at this stage, that it  
12:16:01 33 should not be specific to Ms Gobbo. Do you understand or  
12:16:05 34 do you recall that being an issue at the time?---I remember  
12:16:08 35 there being a couple of different drafts but I don't recall  
12:16:12 36 exactly why.  
37  
12:16:14 38 Right. VPL.6023.0136.9294. You'll see that you've noted  
12:16:31 39 that, "Ken's meeting with Neil Comrie tomorrow. I  
12:16:34 40 undertook to have a solid draft of the proposal in front of  
12:16:38 41 Ken by the end of today. Grateful for your comments".  
12:16:42 42 Then Mr McRae has suggested, "Happy with the document,  
12:16:45 43 however it may be worth reviewing three files as the  
12:16:48 44 subject matter of this case was unusual", and Mr Cartwright  
12:16:52 45 appears to agree with that. "Suggest we amend the  
12:16:54 46 documents to indicate the situation with 3838 raised  
12:16:58 47 specific issues. Asked to review that case and the case of

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12:17:00 1 two others to be provided by us". What would be the point  
12:17:09 2 of that if the real issue of concern was Ms Gobbo?---I'm  
12:17:15 3 not sure.  
4  
12:17:16 5 Right?---I'm not sure, unless they thought there was some  
12:17:27 6 value in doing some comparative analysis as to how she was  
12:17:31 7 managed compared to a couple of other human sources.  
8  
12:17:34 9 It may well take the focus off the management of Ms Gobbo  
12:17:38 10 if there was comparative analysis, or at least examination  
12:17:41 11 of other files?---Possibly.  
12  
12:17:43 13 You don't recall there being any discussions about that and  
12:17:46 14 the reasons for that?---No, I don't.  
15  
12:17:50 16 The Terms of Reference - I mean ultimately the Terms of  
12:17:54 17 Reference appear to be focusing on the governance of  
12:17:58 18 Ms Gobbo, the ultimate Terms of Reference appear to be  
12:18:03 19 focusing on governance and don't focus upon the concerns,  
12:18:08 20 the very real concerns and risks that we've been talking  
12:18:11 21 about before. You understand that?---Yes.  
22  
12:18:14 23 And do you say that that would be a deficiency in the Terms  
12:18:19 24 of Reference?---I don't remember it being a conscious  
12:18:23 25 decision to exclude those matters. But I'm not sure how it  
12:18:29 26 came about that they weren't included.  
12:18:31 27  
12:18:31 28 The expectation would be, I mean if you were apprised of  
12:18:36 29 all of the information that we've dealt with, the genuine  
12:18:39 30 concerns and the risks, you would expect that Victoria  
12:18:46 31 Police should have examined those, as I suggested to you  
12:18:49 32 before?---M'mm.  
33  
12:18:50 34 Do you agree?---Yeah.  
35  
12:18:51 36 And if they were to examine those properly and thoroughly,  
12:18:55 37 would you not expect that the reviewer would be asked  
12:18:59 38 specifically to look at those matters and to determine  
12:19:02 39 whether or not there was at least a risk that cases had  
12:19:09 40 been affected by Ms Gobbo's interactions?---And I think -  
12:19:14 41 and I'm going more on memory here, but I think the logic  
12:19:18 42 here was that we had done some preliminary analysis, we had  
12:19:23 43 a summary, we had a sense of an overview of what may have  
12:19:27 44 occurred, but we didn't have the detail and that to use the  
12:19:32 45 Comrie review as the opportunity to try and delve a bit  
12:19:36 46 further into the detail and to validate what the extent of  
12:19:39 47 the problem might be before we then went off and looked at

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12:19:43 1 them - before we looked at the legal ramifications.  
2  
12:19:48 3 Right. But do you accept that if that was what you wanted  
12:19:54 4 - if you set Mr Comrie Terms of Reference which involve an  
12:19:58 5 analysis of governance with respect to the management of  
12:20:02 6 Ms Gobbo, who was a lawyer, you're really only - you're not  
12:20:11 7 giving yourself a decent chance of getting to the bottom of  
12:20:15 8 those very significant issues, do you accept that  
12:20:18 9 proposition? Not well put, but - - - ?---Well, the Terms  
12:20:25 10 of Reference perhaps could have been more forensic in  
12:20:27 11 hindsight.  
12  
12:20:28 13 You say that with the benefit of hindsight?---Yes.  
14  
12:20:37 15 At around this time the evidence is that there were issues  
12:20:46 16 around the application for warrants and affidavits which  
12:20:54 17 had been apparently incorrectly sworn. Were you aware of  
12:20:57 18 those issues at the time?---Very, very broadly.  
19  
12:21:03 20 Mr Ashton has a note to the effect that in relation to  
12:21:07 21 Mokbel there were 23 warrants, five sworn correctly, all  
12:21:11 22 the rest in question and there's a note that, "Jerry I from  
12:21:20 23 the OPI, Peter Kidd OPP suggest we get represented", and  
12:21:29 24 there's reference to Mr Coghlan and "Director will call".  
12:21:30 25 That's around 22 November 2011 and the evidence is that  
12:21:34 26 throughout October, November and December of 2011 and into  
12:21:38 27 January and February there was litigation going on before  
12:21:40 28 the Supreme Court in which Mr Mokbel was attempting to in  
12:21:46 29 effect change his plea from one of guilty to one of not  
12:21:49 30 guilty. Were you aware of those matters at the time?---I  
12:21:55 31 was aware of the affidavit issue that Victoria Police was  
12:21:58 32 tackling. But I was very much on the periphery of it. As  
12:22:04 33 the Assistant Commissioner for Intelligence and Covert  
12:22:06 34 Support I didn't get deeply involved in matters around  
12:22:09 35 prosecutions and those sorts of issues.  
36  
12:22:12 37 No, even though you may not have gotten deeply involved, if  
12:22:18 38 you were aware of the general issues and - would you have  
12:22:22 39 been aware that Mr Mokbel was making his application?---I  
12:22:28 40 don't think I necessarily would have been, no.  
41  
12:22:30 42 Even though this is a relatively high profile conviction,  
12:22:35 43 or at least a high profile criminal?---I don't recall  
12:22:40 44 having the understanding, I don't remember being  
12:22:43 45 specifically aware of it, but I wasn't following  
12:22:46 46 prosecutions that closely.  
47

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12:22:47 1 Certainly if you were aware of it do you say that you would  
12:22:51 2 have been concerned given the information you had about the  
12:22:54 3 possibility that Ms Gobbo had both represented Mr Mokbel  
12:22:57 4 and provided information against him?---That would raise a  
12:23:00 5 concern, yes.

6  
12:23:04 7 It may well be that in addition to any argument he might  
12:23:07 8 have about his affidavit, about the affidavits, he might  
12:23:12 9 also have a more significant argument about whether  
12:23:15 10 Ms Gobbo had - her conduct had deprived him of a fair  
12:23:23 11 process?---Potentially.

12  
12:23:25 13 Right. Do you say that if you were aware of that it would  
12:23:29 14 have compelled you to take some steps or to ensure that  
12:23:33 15 steps were taken to make sure the prosecution was aware of  
12:23:38 16 these issues?---Well I would have had discussions with some  
12:23:42 17 of my colleagues with respect to the issue. I don't think  
12:23:44 18 I would have gone directly to the prosecutor myself. I  
12:23:47 19 didn't deal with any prosecutors directly at all during my  
12:23:50 20 time managing Intelligence and Covert, but I would have had  
12:23:55 21 discussions on that issue given the organisational risk.

22  
12:23:59 23 Yes. Could we have a look at an email of 27 November 2011  
12:24:07 24 from Mr Cartwright to you and Mr Ashton. Bearing in mind  
12:24:18 25 that it was on this day that there's a file note prepared  
12:24:21 26 by Mr Cartwright clearing you of misconduct, if you like,  
12:24:24 27 in relation to the allegations made by Ms Gobbo?---M'mm.

28  
12:24:27 29 Do you see at the bottom that Mr Cartwright says at  
12:24:31 30 11.41 am, he sends you an email, "Jeff and Graham, I had  
12:24:36 31 intended to write to direct Jeff's return to the Driver  
12:24:40 32 steering committee after resolution of recent matters.  
12:24:42 33 However given the state of Mokbel I think that we will  
12:24:46 34 await to see what eventuates in terms of a hearing of his  
12:24:50 35 charges. If Mokbel does succeed in obtaining a change of  
12:24:53 36 plea, and subsequently a trial, that of itself won't  
12:24:56 37 require that you stay off the steering committee, Jeff.  
12:24:59 38 But we may need to consider some contingency arrangements  
12:25:04 39 to ensure no possible perception of conflict of interest".  
12:25:11 40 You say to Graham Ashton, "Does this make any sense to  
12:25:15 41 you?" Mr Cartwright isn't included in your email, it's  
12:25:22 42 simply forwarded to Graham and he says, "No, I think he's  
12:25:25 43 confusing his Mokbels with his Dales"?---M'mm.

44  
12:25:31 45 Can I ask you, given what you were aware certainly of this,  
12:25:38 46 you would have been aware at this stage of Mr Maguire's  
12:25:41 47 advice?---M'mm.



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1  
12:25:44 2 And the suggestion in the advice that Gobbo had played both  
12:25:50 3 sides with respect to Mokbel and that may well given him a  
12:25:53 4 right of appeal. Can I suggest it would have been apparent  
12:25:59 5 to you what Mr Cartwright was talking about?---It seems  
12:26:11 6 that I hadn't joined the link, clearly.  
12:26:14 7  
12:26:14 8 It does appear that way?---Yeah. I don't know whether  
12:26:19 9 I - - -  
10  
12:26:20 11 You may not have - I mean your response - - -?---Clearly  
12:26:24 12 I've gone to Graham saying, "I don't understand what he's  
12:26:27 13 talking about".  
14  
12:26:29 15 But looking at it now, can I suggest it is pretty apparent  
12:26:33 16 what he's talking about?---Yes, but maybe it's reflecting  
12:26:38 17 the fact that I had no knowledge of Mokbel's hearing or his  
12:26:44 18 charges or anything else and I was purely just focused on  
12:26:47 19 the Dale issue.  
20  
12:26:51 21 Do you think that - - - ?---It looks like Graham's also a  
12:26:59 22 little bit perplexed as well.  
23  
12:27:01 24 Do you think you would have spoken to Mr Cartwright to find  
12:27:04 25 out what he was getting to?---I can't, I can't remember  
12:27:10 26 whether I did or whether we didn't or whether it was  
12:27:13 27 clarified at a steering committee meeting. I certainly  
12:27:21 28 don't remember there being any discussions around any  
12:27:24 29 contingency arrangements.  
30  
12:27:26 31 Mr Maguire's advice you say you would have been aware of.  
12:27:34 32 Mr Maguire's advice makes reference to current proceedings  
12:27:38 33 that Mokbel's involved in?---M'mm.  
34  
12:27:41 35 Do you think that, bearing in mind that matter, that it  
12:27:47 36 would have occurred to you, if it didn't immediately, but  
12:27:53 37 on reflection, that if Mr Mokbel is attempting to change  
12:27:56 38 his plea, if he does have current matters going on, and if  
12:28:01 39 he does then get the opportunity to run a trial, then  
12:28:05 40 issues of disclosure would arise?---M'mm.  
41  
12:28:08 42 And if they did arise then you might well find yourself,  
12:28:12 43 despite the fact that you'd been cleared, in a situation  
12:28:14 44 where you shouldn't be having any involvement in any  
12:28:18 45 decision-making process with respect to whether or not PII  
12:28:21 46 claims ought be made about Ms Gobbo's file?---Right.  
47

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12:28:25 1 I mean there's a number of ifs there?---There's a number  
12:28:28 2 of - - -  
3  
12:28:28 4 I accept that?---- - - ifs and possibilities, but I just,  
12:28:33 5 for whatever reason I can't explain why I clearly didn't  
12:28:37 6 draw the link at the time.  
7  
12:28:38 8 Can I suggest to you that effectively what Mr Cartwright's  
12:28:40 9 saying is that you shouldn't be involved in any decision  
12:28:45 10 either to disclose or not disclose Gobbo's involvement as a  
12:28:48 11 human source, because it might be seen that you were  
12:28:52 12 conflicted?---With respect to Mokbel?  
13  
12:28:55 14 With respect to a decision being made about Ms Gobbo's  
12:28:59 15 either disclosure or non-disclosure. She's made the  
12:29:10 16 allegation about you?---Yes.  
17  
12:29:11 18 You might be seen, for whatever reason, to say, "Righto,  
12:29:15 19 disclose her, I don't care", in response. But for whatever  
12:29:19 20 reason it would appear that you shouldn't be involved in  
12:29:21 21 any decision concerning whether she be disclosed or  
12:29:26 22 not?---Well that's probably right and I don't expect that I  
12:29:29 23 would be either.  
24  
12:29:30 25 No?---That'd be a matter for the investigators and the  
12:29:33 26 prosecutor.  
27  
12:29:34 28 Yes?---Given that I'm in charge of Intelligence and Covert  
12:29:37 29 Support. I'm just the custodian of the information.  
30  
12:29:39 31 Yes. But you're the person who would be conceivably  
12:29:43 32 involved in a decision as to whether or not a claim of  
12:29:45 33 public interest immunity should be made?---Or whether the  
12:29:49 34 information should be accessed.  
35  
12:29:50 36 Or whether it should be accessed?---Probably.  
37  
12:29:53 38 Or what steps should be taken, correct?---Yes.  
39  
12:29:57 40 In the same way as you were consulted with respect to the  
12:30:00 41 Dale matter?---That's right.  
42  
12:30:01 43 It does, can I suggest, put you on notice that, if you  
12:30:07 44 hadn't been already, there's an issue with respect to  
12:30:09 45 Mokbel and the possibility that Mokbel would have an  
12:30:13 46 argument about Ms Gobbo's use?---Looking at that now, yes,  
12:30:17 47 it does. But clearly, for whatever reason, I didn't make

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12:30:20 1 that connection at the time and I don't understand why.  
2  
12:30:25 3 Yes, all right. You say you don't recall having any  
12:30:32 4 discussions about this?---Not that I can recall, no.  
5  
12:30:49 6 On 22 December there was - if we can have a look at this  
12:30:54 7 email, VPL.6137.0073.6043. It seems there's a  
12:31:03 8 communication between you and Mr Paterson about whether  
12:31:18 9 Mr Comrie's review should be announced or not, do you see  
12:31:22 10 that?---Yes.  
11  
12:31:25 12 Was there a reason that you can recall why the announcement  
12:31:27 13 should be held back?---I can't recall a specific reason.  
12:31:38 14 I'm not sure if the Terms of Reference were fully settled  
12:31:41 15 at that stage.  
16  
12:31:43 17 I tender that.  
12:31:46 18  
12:31:46 19 #EXHIBIT RC1312A - (Confidential) VPL.6137.0073.6043.  
12:31:48 20  
12:31:49 21 #EXHIBIT RC1312B - (Redacted version.)  
22  
12:31:57 23 Can I ask you about - - - ?---Sorry, I was just also saying  
12:32:00 24 I think there was a procurement process that needed to be  
12:32:06 25 finalised as well which may have occurred around the same  
12:32:09 26 time, so maybe we just hadn't finalised all elements of it.  
27  
12:32:13 28 You may be right, I think there was an issue with  
12:32:19 29 finalising the procurement?---Yes.  
30  
12:32:21 31 There's an email of 20 January 2012 from you to Mr McRae  
12:32:24 32 CCing Mr Cartwright regarding the draft Terms of Reference,  
12:32:27 33 VPL.0100.0001.0493 at p.20 and onwards. You're indicating  
12:32:35 34 following a meeting - your email indicates, "Following a  
12:32:40 35 meeting with Mr Comrie prior to Christmas he had updated  
12:32:44 36 the draft Terms of Reference document. He wants to  
12:32:46 37 finalise by the end of January so that they were settled on  
12:32:49 38 what needed to be achieved before Mr Gleeson began  
12:32:52 39 substantive work in February" and there was a draft Term of  
12:32:55 40 Reference attached?---Right.  
41  
12:32:58 42 Do you see that?---I've got an email from Steve Gleeson to  
12:33:07 43 me.  
44  
12:33:07 45 Can we go to p.20 of that document, the 20th page. Do you  
12:33:16 46 see that there?---Yes.  
47

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12:33:26 1 Do you accept that you were closely involved in the  
12:33:29 2 preparation of the Terms of Reference?---Yes.  
3  
12:33:33 4 I tender that.  
12:33:36 5  
12:33:37 6 #EXHIBIT RC1313A - (Confidential) VPL.0100.0001.0493 at  
12:32:32 7 p.20 and onwards.  
12:33:41 8  
12:33:42 9 #EXHIBIT RC1313B - (Redacted version.)  
10  
12:33:54 11 There's evidence before the Commission that Mr Ashton, in  
12:33:58 12 diary notes in around the end of January 2012,  
12:34:07 13 VPL.6132.0041.4616 at p.9 and at p.10 is, including a note,  
12:34:20 14 "Breakfast with JP. Actions. Number 4 Comrie review next  
12:34:28 15 week", and later on includes, "Higgs currently using Gobbo  
12:34:32 16 as Higgs go-between because of Inca bail restrictions". Do  
12:34:38 17 you see that?---I see the breakfast and Comrie review. I  
12:34:48 18 don't see the second one. Oh, right down the bottom?  
19  
12:34:52 20 Yes?---Sorry.  
21  
12:34:53 22 It's a Purana briefing, it's not suggested that you were at  
12:34:56 23 that meeting?---Right.  
24  
12:34:58 25 Perhaps I should have made that clear. Then later on on 2  
12:35:01 26 February, "Get more on top of upcoming prosecutions, Mokbel  
12:35:08 27 next week". This is Mr Ashton's diary?---Right.  
28  
12:35:12 29 Would you have had discussions with Mr Ashton about his  
12:35:20 30 activities insofar as Mr Mokbel's concerned and his  
12:35:25 31 involvement in those matters?---Unfortunately I really  
12:35:29 32 can't remember. Graham and I used to have breakfast at  
12:35:36 33 least, well probably about once a week and talk very  
12:35:37 34 regularly during the week, but I can't remember a specific  
12:35:40 35 conversation about that.  
36  
12:35:41 37 All right, thanks very much. Also around this time, and  
12:35:47 38 indeed 2 March 2012, subpoenas were issued around or in  
12:35:55 39 relation to prosecutions of, or a prosecution of Mr Faruk  
12:36:03 40 Orman in relation to a murder of Mr Kallipolitis. There's  
12:36:08 41 an email 6031.0004.5686 from Mr Hupfeld to Mr Buick  
12:36:18 42 attaching two Faruk Orman subpoenas. Can I just have a  
12:36:23 43 look at the first subpoena which is dated 24 February 2012.  
12:36:28 44 Do you see that?---Yes.  
45  
12:36:29 46 If we go to p.5 which contains the schedule. You see if we  
12:36:40 47 go to - "Copy of all information reports and/or

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12:36:47 1 intelligence products held by Victoria Police containing  
12:36:50 2 information or references to the following, including the  
12:36:51 3 date the report was submitted, the date and time received  
12:36:54 4 and supervisor who verified the information report". If we  
12:36:59 5 go to (f) we'll see meetings and/or discussions between  
12:37:04 6 Nicola Gobbo and [REDACTED] between 1 April 2002 and 31  
12:37:10 7 March 2009. If we go to (g) we see disclosures by Nicola  
12:37:20 8 Gobbo to [REDACTED] between 1 May 2002 to 2 May 2008 of  
12:37:24 9 information concerning murders of [REDACTED] and  
12:37:27 10 [REDACTED] Page 7, item 6, a copy of draft statements or  
12:37:34 11 incomplete statements made by [REDACTED] in relation to the  
12:37:39 12 murder of [REDACTED] Page 9 - - -  
12:37:43 13  
12:37:44 14 MR HOLT: Commissioner.  
15  
12:37:45 16 COMMISSIONER: That will have to go out.  
12:37:46 17  
12:37:47 18 MR HOLT: It's quite a bit.  
19  
12:37:48 20 COMMISSIONER: Yes, all right, take out the reference to,  
12:37:49 21 in line 10, the last two words, thank you.  
12:37:53 22  
12:37:54 23 MR HOLT: And I think line 9, the first two words,  
12:37:56 24 Commissioner.  
25  
12:37:57 26 COMMISSIONER: And line 9, the first two words, correct.  
12:38:00 27  
12:38:00 28 MR HOLT: Line 14, the first two words.  
29  
12:38:03 30 COMMISSIONER: Line 14, the first two words.  
12:38:04 31  
12:38:05 32 MR HOLT: I understand what my friend's doing. It doesn't  
12:38:09 33 feel like there's a need for the detail to be read if the  
12:38:11 34 witness can see it.  
35  
12:38:11 36 MR WINNEKE: Yes, fair enough.  
12:38:12 37  
12:38:13 38 MR HOLT: Thank you.  
39  
12:38:14 40 MR WINNEKE: These subpoenas or this subpoena would  
12:38:19 41 certainly come to the attention, would it not, of your  
12:38:23 42 department?---It should.  
43  
12:38:25 44 It should. It should require people within your department  
12:38:40 45 to consider what is in the subpoena and consider what  
12:38:45 46 material would be held by your department with a view to  
12:38:50 47 responding to the subpoena?---Well based on what I've just

.19/02/20

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12:38:55 1 quickly seen it's a huge undertaking.  
2  
12:38:58 3 Yes?---By a number of people across my department to try  
12:39:04 4 and coordinate a response.  
5  
12:39:09 6 Do you recall having any discussion with any people within  
12:39:14 7 your department about this subpoena in particular?---This  
12:39:19 8 is the first time I think I've seen it.  
9  
12:39:22 10 Can you explain to the Commission what you believe would  
12:39:25 11 occur if a subpoena like that is served on the Chief  
12:39:29 12 Commissioner and finds its way into your department?---I  
12:39:34 13 would imagine that if it didn't come directly to me it  
12:39:38 14 would come to one of the Superintendents or Inspectors who  
12:39:41 15 might have the larger undertaking in terms of the  
12:39:47 16 disclosure. But then there would be a discussion across  
12:39:52 17 different parts of the department about coordinating a  
12:39:56 18 response.  
19  
12:39:56 20 Right. If that occurred would you assume that any material  
12:40:02 21 which is held, which might be relevant, should be gathered  
12:40:06 22 together and provided to a legal practitioner, whether it  
12:40:12 23 be the VGSO or a barrister?---I would expect so, yes, given  
12:40:16 24 the sensitivities of some of the matters that are being  
12:40:22 25 looked into.  
26  
12:40:23 27 We understand that there's been at least a suggestion that  
12:40:25 28 Ms Gobbo's had an involvement in representing this  
12:40:27 29 particular person at a time that she was an informer and  
12:40:31 30 also an involvement in the preparation of statements made  
12:40:35 31 by this person, this witness?---Okay, I accept - - -  
32  
12:40:48 33 Would you have been aware of that?---I don't recall this  
12:40:51 34 matter at all.  
35  
12:40:53 36 Further, there's evidence that Ms Gobbo was also  
12:40:55 37 representing the defendant at the time or at relevant  
12:41:02 38 times?---I accept what you're saying but I don't, I don't  
12:41:07 39 ever recall having that knowledge.  
40  
12:41:08 41 Right. Would you expect that if things operated according  
12:41:12 42 to Hoyle then all relevant documents would be gathered  
12:41:14 43 together and produced to a lawyer and appropriate arguments  
12:41:18 44 with respect to public interest immunity would be  
12:41:21 45 made?---Yes.  
46  
12:41:28 47 There's evidence, at least in respect to one subpoena, that



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12:41:35 1 discussions were had with legal representatives on behalf  
12:41:40 2 of people who had issued subpoenas to narrow the issues, to  
12:41:45 3 confine the issues in such a way that material which is  
12:41:52 4 perhaps properly produced pursuant to the subpoena doesn't  
12:42:00 5 get produced or doesn't find its way either to the defence  
12:42:04 6 or to the court. Do you understand whether anything like  
12:42:09 7 that occurred?---No, not to my knowledge. But as I said, I  
12:42:15 8 wasn't involved in any investigations as such.  
9  
12:42:19 10 Are you aware of a strategy or a process whereby there were  
12:42:26 11 attempts on the part of those representing Victoria Police  
12:42:29 12 with respect to subpoenas to narrow the issues or narrow  
12:42:35 13 what has been sought in the subpoena to materials which  
12:42:40 14 might be comfortably provided?---No, I'm not aware of that.  
15  
12:42:50 16 Were you aware, for example, in the Dale matter that there  
12:42:56 17 was an attempt, in effect, to narrow the ambit of a  
12:43:01 18 subpoena to materials which had been produced or which had  
12:43:12 19 been made after Ms Gobbo became a witness and not in any  
12:43:20 20 materials beforehand, do you recall that being a discussion  
12:43:22 21 which had been had?---No, I don't recall that.  
22  
12:43:25 23 And the Commonwealth DPP's policies made it clear that a  
12:43:30 24 subpoena couldn't be narrowed, or at least there couldn't  
12:43:36 25 be a restriction of materials provided in such a  
12:43:39 26 way?---Right, I accept that.  
27  
12:43:40 28 Do you accept that regardless of whether a subpoena hits  
12:43:44 29 the mark there's an obligation of disclosure of materials  
12:43:48 30 which, if those materials are relevant to a potential  
12:43:51 31 defence?---If those materials are relevant and if they  
12:43:55 32 exist, then yes.  
33  
12:43:57 34 Then it wouldn't matter whether there was a subpoena or  
12:43:59 35 not, do you accept that?---Yes.  
36  
12:44:07 37 I tender that, Commissioner.  
38  
12:44:09 39 COMMISSIONER: I think that's already been tendered. The  
12:44:12 40 email was Exhibit 706 and the first subpoena was 707. What  
12:44:23 41 do I call this one?  
42  
12:44:26 43 MR WINNEKE: I'm sorry, Commissioner?  
44  
12:44:28 45 COMMISSIONER: Is that the subpoena?  
46  
12:44:31 47 MR WINNEKE: It's a subpoena.

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1  
12:44:32 2 COMMISSIONER: That's already tendered as Exhibit 707.  
3  
12:44:35 4 MR WINNEKE: It may well be. Are you able to assist the  
12:44:37 5 Commission in the way in which subpoenas were responded to?  
12:44:40 6 Was that something that the SDU dealt with or was it the  
12:44:44 7 HSMU that dealt with responding to subpoenas?---I can't  
12:44:54 8 recall any specific cases but I would imagine that it would  
12:44:59 9 probably first come to the Human Source Management Unit.  
10  
12:45:02 11 Right. If it did apparently call for production of  
12:45:08 12 material within SDU holdings, what would occur then?---Then  
12:45:12 13 the Human Source Management Unit would, should work with  
12:45:16 14 the Source Development Unit to work their way through that  
12:45:18 15 material.  
16  
12:45:18 17 Right. Who would be the first port of call, if you like,  
12:45:23 18 at the SDU as a general proposition?---I imagine it would  
12:45:28 19 be the Inspector, officer-in-charge.  
20  
12:45:30 21 Right. Would it ever be - would you ever be briefed about  
12:45:36 22 subpoenas?---I don't recall ever being briefed about  
12:45:39 23 subpoenas, no.  
24  
12:45:43 25 As far as you were concerned it was something that would be  
12:45:46 26 dealt with either at a Superintendent level or at an  
12:45:49 27 Inspector level?---Generally. The only subpoena I was  
12:45:52 28 aware of was the one relating to Dale because of my role on  
12:45:56 29 the Petra and Driver steering committee. But outside of  
12:45:59 30 that I don't have a recollection of any specific subpoenas.  
12:46:01 31 There may have been some general discussions about resource  
12:46:04 32 implications as a consequence of some subpoenas, but I  
12:46:07 33 don't recall anything specific.  
34  
12:46:09 35 Do you know whether there are any guidelines which guided  
12:46:13 36 members of the SDU about the way in which they should deal  
12:46:16 37 with subpoenas?---No, I don't.  
38  
12:46:26 39 Thanks very much. When you were away, I think you were  
12:46:37 40 aware overseas in 2010, 12 rather, who was standing in your  
12:46:43 41 place?---I think Neil Paterson was acting.  
42  
12:46:46 43 Righto. Are you able to say when it was that you were  
12:46:53 44 away?---From around about the Labour Day weekend in March,  
12:47:05 45 maybe a few days before that.  
46  
12:47:06 47 Yes?---For a period of about four to five weeks, so that

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12:47:15 1 would probably put it into mid-April, late April.  
2  
12:47:20 3 All right. Were you aware of matters concerning the  
12:47:27 4 prosecution of Mr Orman for the murder of Kallipolitis at  
12:47:30 5 all to your recollection?---No.  
6  
12:47:32 7 And you haven't found any emails concerning that  
12:47:35 8 matter?---No.  
9  
12:47:45 10 As far as you were aware do you believe that Mr Paterson,  
12:47:49 11 when he went away, was aware of concerns about Ms Gobbo and  
12:47:56 12 potential problems in that area?---Look, I don't know for  
12:48:05 13 certain but it's most likely not.  
14  
12:48:08 15 Why do you say that?---Well I think those issues were  
12:48:11 16 largely contained to the relevant steering committees.  
17  
12:48:14 18 Yes?---Which he was not a member of. Or discussions with -  
12:48:27 19 or with, you know, Paul Sheridan and Graham Ashton and  
12:48:31 20 other investigators. I would suggest that he probably - I  
12:48:36 21 gave him probably a brief overview around the Comrie report  
12:48:40 22 so he was able to contextualise that.  
23  
12:48:47 24 Yes. When you returned were you briefed to the effect that  
12:48:49 25 Mr Maguire had been engaged to deal with the subpoena issue  
12:48:55 26 around Kallipolitis at his direction, Mr Paterson's  
12:49:00 27 direction, were you briefed about that?---No, I don't  
12:49:02 28 recall that, no.  
29  
12:49:09 30 You had returned by 22 May 2012?---Yes.  
31  
12:49:21 32 If we can have a look at a file note of Mr McRae of 22 May  
12:49:25 33 2012, VPL.0100.0001.0493 at p.12 of that document. The  
12:49:40 34 12th page. There's a note of a discussion with you,  
12:49:46 35 Mr Gleeson and Mr Pope. Discussion of UK protocols for  
12:49:50 36 legal practitioners, VGS0 advice on human rights and legal  
12:49:55 37 professional privilege issues and risk issues, risk  
12:50:02 38 assessments, I'm sorry, periodic methodologies UK and  
12:50:08 39 what's described as a place model and available courses.  
12:50:12 40 Do you recall having a discussion about these matters with  
12:50:15 41 Mr Gleeson and Mr McRae?---Not specifically but it looks to  
12:50:21 42 me like it's a, some sort of an update.  
43  
12:50:26 44 Right?---During the Comrie review process.  
45  
12:50:28 46 And do you recall having discussions with Mr Gleeson about  
12:50:32 47 concerns that he had as he went through this file?---Yes.

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1  
12:50:37 2 Do you recall what he told you his concerns were?--Well  
12:50:43 3 broadly that there seemed to be indications that Ms Gobbo  
12:50:50 4 had been informing at the same time as representing her  
12:50:54 5 clients.  
6  
12:50:55 7 Right. No doubt that would have been a matter of grave  
12:51:00 8 concern to you?--Yes.  
9  
12:51:02 10 Are you able to recall whether you spoke to any more senior  
12:51:09 11 officers about Mr Gleeson's concerns?--Well clearly I was  
12:51:16 12 in discussions with Mr Cartwright.  
13  
12:51:18 14 Yes?--From time to time. Mr McRae was also getting very  
12:51:22 15 regular updates from what I can recall. I was escalating  
12:51:30 16 matters as I think, as they were appropriate to Graham  
12:51:35 17 Ashton and Ken Lay I think.  
18  
12:51:36 19 Right. If we can have a look at - I tender that document,  
12:51:42 20 Commissioner.  
21  
12:51:43 22 COMMISSIONER: Yes.  
12:51:45 23  
12:51:46 24 #EXHIBIT RC1314A - (Confidential) File note of Mr McRae of  
12:49:24 25 22/05/12, VPL.0100.0001.0493 at p.12.  
12:51:52 26  
12:51:53 27 #EXHIBIT RC1314B - (Redacted version.)  
12:51:55 28  
12:51:56 29 MR WINNEKE: If we can at VPL.0099.0021.0039 at p.42. If  
12:52:10 30 we go to the bottom of the right page there's a note at  
12:52:15 31 9.15, at the very bottom, into the next page. It seems  
12:52:20 32 that there's a discussion with yourself and Mr McRae  
12:52:24 33 regarding the matter and it reflects Mr Gleeson's note of  
12:52:30 34 that same conversation?--M'hmm.  
12:52:32 35  
12:52:33 36 "Further issues re inappropriate usage of 3838. Details of  
12:52:38 37 the briefing note to Petra steering group delivered by  
12:52:42 38 Danye Moloney. Paper by Biggin", and another by a person  
12:52:49 39 we call Mr Black, "clearly alerting to legal practitioner  
12:52:54 40 being utilised as a human source. References to unsafe  
12:52:57 41 verdicts. Impacted on prosecutions current (Mokbel) and  
12:53:05 42 future and legal and ethical implications. Briefing note  
12:53:13 43 shown to Finn McRae and Jeff Pope". Firstly, are you aware  
12:53:22 44 that you were shown the briefing note which contained the  
12:53:26 45 SWOT analysis?--I don't recall seeing the SWOT analysis.  
12:53:32 46 I may have seen a briefing note but I've heard this term of  
12:53:36 47 SWOT analysis being used a bit.

.19/02/20

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POPE XXN

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1  
12:53:38 2 Yes?---And I don't recall ever seeing an actual document.  
3  
12:53:43 4 Do you believe that you were shown a document but you can't  
12:53:46 5 recall what it was?---I don't recall a SWOT analysis, I'm  
12:53:52 6 sorry.  
7  
12:53:53 8 Do you know what a SWOT analysis is?---Yes.  
9  
12:53:58 10 Have you seen this briefing note and the SWOT analysis in  
12:54:02 11 the course of preparing to give evidence before the Royal  
12:54:05 12 Commission?---No.  
13  
12:54:11 14 If we can have a look at Exhibit 518, please.  
15  
12:54:20 16 COMMISSIONER: What's the name of this document, and a  
12:54:23 17 date?  
18  
12:54:24 19 MR WINNEKE: This a diary of Mr Gleeson's, Commissioner.  
20  
12:54:27 21 COMMISSIONER: Mr Gleeson's diary, thanks.  
22  
12:54:30 23 MR WINNEKE: The date is 22 May 2012. I think it's been  
12:54:33 24 tendered already.  
25  
12:54:34 26 COMMISSIONER: Yes, sure. 22 May, was it, 12?  
27  
12:54:39 28 MR WINNEKE: Yes. Just before we move off it, you'll see  
12:54:41 29 the note, there's an arrow there. It says, "Implies  
12:54:48 30 members aware of usage being inappropriate. Also implies  
12:54:53 31 existing policy re LPP, et cetera, insufficient". Then it  
12:54:55 32 goes on to say, "Where to?" Finn seems to be crossed out.  
12:55:01 33 "Jeff to brief Ken Lay recommending referral to? (OPI in  
12:55:13 34 part conflicted?)" Then he says, "Possibly both OPI and  
12:55:19 35 OV", which is Ombudsman Victoria. It then says, "Steve G  
12:55:24 36 to continue with review and finalise same"?---M'mm.  
37  
12:55:33 38 Then at 9.30 there's a reference to being provided with a  
12:55:35 39 copy of the Maguire advice re 3838 and LPP issues, et  
12:55:40 40 cetera. Do you agree that the discussion that you had,  
12:55:50 41 including a discussion about a document, suggested or  
12:55:54 42 implied that members were using, were aware of  
12:55:57 43 inappropriate use?---Yes.  
44  
12:56:01 45 You accept that that was the gist of the  
12:56:04 46 conversation?---Yes.  
47

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12:56:06 1 If we can have a look at Exhibit 518, please. That's a  
12:56:14 2 cover sheet or a dissemination sheet. If we can go to the  
12:56:26 3 next page. There's an issue cover sheet with some  
12:56:30 4 redactions and this is a note that Mr Biggin had prepared.  
12:56:40 5 Just have a look at that. Do you see that there's a note  
12:56:53 6 or a comment, "There are a number of organisational risks  
12:56:56 7 to Victoria Police. The SDU are prepared to expand upon  
12:56:58 8 these to Task Force management. The purpose of this paper  
12:57:02 9 is to ensure that decision makers are in possession of  
12:57:06 10 relevant information to allow proper decisions to be made.  
12:57:08 11 Decisions made today may have long-term implications for  
12:57:12 12 Victoria Police. The recommendation is to forward it for  
12:57:18 13 information, consideration and transmission to AC Moloney,  
12:57:25 14 please". Go back to the front page, please. You'll see  
12:57:29 15 that it was transmitted on 5 January to Mr Overland and for  
12:57:37 16 the information of Petra steering committee, consideration  
12:57:42 17 by Danye Moloney, do you see that?---Yes.  
18  
12:57:45 19 Do you recall seeing that document, I'll take you through  
12:57:48 20 it further, but do you recall being shown that?---I don't  
12:57:52 21 recall ever seeing it.  
22  
12:57:54 23 Right. Can we go further down, please. You'll see that  
12:58:03 24 there's a briefing note there, "SDU have been tasked", et  
12:58:09 25 cetera?---M'mm.  
26  
12:58:10 27 There's the strategic analysis, strengths and weaknesses,  
12:58:13 28 possible OPI government review, et cetera?---M'mm.  
29  
12:58:16 30 Keep going. You've seen that document since do you  
12:58:27 31 say?---No.  
32  
12:58:27 33 Never seen it at all?---I don't recall ever seeing this  
12:58:30 34 document.  
35  
12:58:31 36 Do you think you might have been shown the briefing note  
12:58:37 37 during the course of the meeting but you've simply  
12:58:41 38 forgotten about it?---Look, I stand to be corrected if  
12:58:44 39 others are saying that I've seen this document and they've  
12:58:47 40 got notes to that effect. But I don't, I don't recall  
12:58:51 41 seeing it. I recall during the Comrie review there being  
12:58:57 42 an issue around the document and the location of the Petra  
12:59:03 43 file.  
44  
12:59:04 45 Yes?---But I don't recall seeing it. As I said, I stand to  
12:59:12 46 be corrected.  
47



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These claims are not yet resolved.

12:59:12 1 Could we go through to the next page, please. You'll see  
12:59:17 2 that there's a reference to OPI review, "Serving barrister  
12:59:21 3 assisting police, consideration of unsafe verdicts and  
12:59:25 4 possible appeals, prosecutions current Mokbel and future",  
12:59:27 5 and if you have a look at the note that Mr Gleeson's taken,  
12:59:32 6 there's a note to this effect, "Clearly alluding to legal  
12:59:38 7 practitioners being utilised as human source plus  
12:59:41 8 references to unsafe verdicts, impacted on prosecutions  
12:59:45 9 both current, Mokbel, and future, legal and ethical  
12:59:48 10 implications". Then it says, "Briefing notes shown to Finn  
12:59:50 11 McRae and Jeff Pope". Can I suggest to you that you did  
12:59:52 12 see this document and it was shown to you by  
12:59:55 13 Mr Gleeson?---Sorry, can you show me - - -  
14  
12:59:59 15 Firstly, just have a look at the OPI, the dot point there  
13:00:02 16 with "OPI review" and references to - - - ?---Right, okay.  
17  
13:00:15 18 - - - unsafe verdicts?---Right.  
19  
13:00:17 20 And then prosecutions current, Mokbel, and future, do you  
13:00:27 21 see that?---Yes.  
22  
13:00:27 23 And then if we go back to the note of Mr Gleeson's diary at  
13:00:35 24 p.42 of his diary?---Sorry, can I just ask, is that summary  
13:00:40 25 on the bottom of the SWOT analysis that was produced in  
13:00:43 26 2009?  
27  
13:00:44 28 2009. That's the SWOT analysis that was produced in at  
13:00:54 29 least late 2008?---These dot points here are  
13:01:00 30 Mr Gleeson's - - -  
31  
13:01:00 32 No, no, this is the document which was prepared by  
13:01:03 33 Mr Black?---Okay.  
34  
13:01:04 35 And provided to Mr Biggin, who makes the cover  
13:01:09 36 note?---Right.  
37  
13:01:10 38 Which refers to the implications on Victoria Police. It's  
13:01:15 39 then provided to ultimately Mr Moloney and there's evidence  
13:01:21 40 that it was provided to Mr Overland?---Right.  
41  
13:01:24 42 On 5 January 2009?---Right.  
43  
13:01:29 44 That has been - that note has then been produced to  
13:01:35 45 Mr Gleeson in the course of his examination. What I'm  
13:01:39 46 suggesting to you is that that's caused particular  
13:01:44 47 concerns, apparently to him, and he's shown it to you and

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13:01:47 1 Mr McRae?---Right.  
2  
13:01:48 3 On 22 May 2012?---Okay. I'll accept that, I just can't  
13:01:55 4 specifically recall it.  
5  
13:01:56 6 Righto. But do I take it then that - and if you want to  
13:02:04 7 have a look at Mr Gleeson's note there you'll see his note  
13:02:07 8 there?---M'mm.  
9  
13:02:11 10 22 May 2012, yeah?---"Briefing note shown to Finn McRae and  
13:02:16 11 Jeff Pope."  
12  
13:02:16 13 Can I suggest the evidence indicates that it's probable  
13:02:19 14 that you were shown that briefing note?---Yes, I was shown  
13:02:21 15 it. I probably read it and handed it back to him.  
16  
13:02:25 17 I take it that you're prepared to accept that there were  
13:02:31 18 discussions along the lines of that which are recorded by  
13:02:35 19 Mr Gleeson?---Yes.  
20  
13:02:37 21 It would, can I suggest, have rung serious alarm bells with  
13:02:42 22 you?---Yes.  
23  
13:02:43 24 Mr Gleeson was sufficiently concerned, it appears, to have  
13:02:47 25 prepared an out of scope document which was by way of a, in  
13:03:00 26 effect a notification about what he was concerned about  
13:03:05 27 with respect to the conduct of police members?---Right.  
28  
13:03:08 29 You recall receiving that, do you?---I've got a  
13:03:11 30 recollection of that. I would benefit from seeing the  
13:03:14 31 document if that's possible.  
32  
13:03:16 33 Right. If we can have a look at this document. 987. If  
13:03:46 34 we can put up 987, please. Exhibit 987. Whilst we're  
13:04:45 35 waiting for that, the note suggested that the OPI might be  
13:04:48 36 part conflicted, do you recall that?---Yes.  
37  
13:04:50 38 Do you recall having discussions with Mr Gleeson about the  
13:04:52 39 possibility that the OPI might not be an appropriate venue  
13:04:56 40 to provide a notification because of the fact that  
13:05:03 41 Mr Ashton had been a Deputy Director at the OPI around the  
13:05:10 42 time these events were going on, that is late 2008,  
13:05:14 43 2009?---I thought it was more about the fact that the OPI  
13:05:19 44 had been on steering committees, had a role on particular  
13:05:22 45 steering committees. I don't recall any specific concerns  
13:05:25 46 about Mr Ashton.  
47

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13:05:26 1 Well Mr Ashton was the representative of the OPI on the  
13:05:29 2 Briars steering committee and the Petra steering committee,  
13:05:32 3 you're aware of that I take it?---I learnt that along the  
13:05:36 4 way, yes.  
5  
13:05:37 6 Do you know whether the discussion that was had about  
13:05:40 7 whether they were part conflicted was because of  
13:05:44 8 Mr Ashton's sitting on the steering committee?---It's  
13:05:48 9 possible.  
10  
13:05:55 11 It seems we're having difficulty getting that. No.  
13:06:06 12 Perhaps if I can move to a different topic. You were  
13:06:10 13 aware, can I suggest, that Mr Gleeson, because of his  
13:06:15 14 concerns, was going to prepare a report to provide to you  
13:06:20 15 regarding inappropriate usage of sources. Were you aware  
13:06:26 16 of that?---Yes, and is that what gets referred to as the  
13:06:31 17 out of scope document?  
18  
13:06:34 19 Yes?---Right.  
20  
13:06:35 21 Were you aware that that was coming?---Yes.  
22  
13:06:40 23 Perhaps if we can have a look at Mr Gleeson's diary of 2  
13:06:44 24 July 2012. This is at VPL.0099.0021.0039 at p.47. There's  
13:07:13 25 a note at 14:00 reflecting a meeting with Jeff  
13:07:25 26 Pope?---Right.  
27  
13:07:27 28 There's a note about a correspondence it appears, "Corro  
13:07:38 29 from Cleds"?---Yes.  
30  
13:07:39 31 "Concerns re inaction and delays, make up file and seek  
13:07:43 32 advice"?---M'mm.  
33  
13:07:44 34 "Follow up required"?---M'mm.  
35  
13:07:46 36 Do you know what that is about?---Well Steve Gleeson and I  
13:07:50 37 had managing the relationship with the Commissioner for Law  
13:07:53 38 Enforcement Data Security. I had primary responsibility  
13:07:57 39 for that relationship. So that will just be referring  
13:08:02 40 to - - -  
41  
13:08:02 42 That's a separate matter?---That's a completely separate  
13:08:06 43 matter.  
44  
13:08:06 45 Then we see, "3838 matter. Will have contact made so that  
13:08:09 46 further inquiries may be generated by a trusted staffer.  
13:08:13 47 Will schedule a meet with", it seems to be David Watts, do

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13:08:19 1 you see that?---Yes.  
2  
13:08:20 3 Do you know what that's about?---Well David Watts was the  
13:08:23 4 Commissioner for Law Enforcement Data Security, so I think  
13:08:26 5 that dot point is just a follow up from the previous one  
13:08:29 6 that we spoke about.  
7  
13:08:31 8 Although it appears to be against the dot point "3838  
13:08:34 9 matter"?---I'm reading it as a separate action item.  
10  
13:08:40 11 Okay?---David - the Commissioner for Law Enforcement Data  
13:08:46 12 Security and David Watts had nothing to do with any of  
13:08:49 13 those matters.  
14  
13:08:49 15 Then there's a note, "I suggested that JP may consider  
13:08:54 16 providing a letter to the OPI now as to not be seen to  
13:08:58 17 delay this matter further and offer to undertake further  
13:09:02 18 inquiries as they may desire to consider this". Was that  
13:09:05 19 in relation to the 3838 matter or not, Ms Gobbo's  
13:09:10 20 matter?---It's hard to say.  
21  
13:09:11 22 All right. Were you having discussions at about that time  
13:09:16 23 about the referral to the OPI?---What was the date of this,  
13:09:21 24 I'm sorry?  
25  
13:09:22 26 2 July 2012?---Quite possibly.  
27  
13:09:27 28 All right. Could we have a look at Exhibit 987, which is  
13:09:31 29 VPL.0100.0105.0005. It's a letter from Mr Gleeson to you  
13:09:40 30 dated 22 June 2012. 0001 but at p.5. This is a - can we  
13:10:18 31 go to the front page of this, please. Go up to the top.  
13:10:24 32 This is a note from you to Chief Commissioner Lay. "I  
13:10:32 33 received this file from Superintendent Gleeson on Friday 22  
13:10:36 34 June 2012 mid-afternoon. I attach the report for your  
13:10:39 35 information. I'd like to confidentially discuss this  
13:10:43 36 report and the issues it raises and possible causes of  
13:10:46 37 action with you in the coming week or so". There's a note,  
13:10:50 38 we understand it, of Mr Lay's saying, "Legal advisor being  
13:10:55 39 milked, OPP". Then it says something, "Who you knew what"  
13:11:10 40 or "Question who knew what"?---Okay.  
41  
13:11:15 42 Then there's a note to this effect, "Received at 08 100 or  
13:11:20 43 110, 12 July 2012 hand delivered by JP"?---M'mm.  
44  
13:11:24 45 If we go to the second page. That's your signature I take  
13:11:28 46 it?---Yes.  
47

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13:11:29 1 Do you recall whether you provided that to Mr Lay by hand  
13:11:33 2 or did you provide it on or shortly after the 22nd?---I'd  
13:11:39 3 be almost certain that I didn't email it so I'd say it  
13:11:43 4 would have been delivered to him by hand but I don't know  
13:11:45 5 the exact date.  
6  
13:11:46 7 Were you away at all at around that time?---I'd have to  
13:11:50 8 look at my electronic diary.  
9  
13:11:53 10 Because you'd wonder why there'd be a delay between the  
13:11:58 11 22nd of June and the date on which it was subsequently  
13:12:01 12 provided?---I'd have to look at my diary and perhaps even  
13:12:06 13 the Chief Commissioner's diary to understand what might  
13:12:08 14 have contributed to that.  
15  
13:12:10 16 The document itself I take it you've seen?---Yes, I don't  
13:12:18 17 have a very clear memory of it, but yes.  
18  
13:12:22 19 And it indicates obviously the concerns that Mr Gleeson  
13:12:27 20 had. If we go to the bottom of it, he says that he's  
13:12:37 21 conscious of his *Police Regulation Act* obligations to  
13:12:45 22 report apparent misconduct and accordingly provide this  
13:12:45 23 report to you for appropriate attention. "In the course of  
13:12:48 24 my assisting with this 3838 review I've compiled  
13:12:51 25 substantial records which provide further detail in regard  
13:12:54 26 to the matters highlighted above and can make these  
13:12:57 27 available as may be required"?---M'mm.  
28  
13:13:00 29 Do you see that?---Yes.  
30  
13:13:01 31 You understood that to be Mr Gleeson effectively saying,  
13:13:04 32 "I've got an obligation under the Regulation Act to make a  
13:13:07 33 disclosure if I believe that police may have acted  
13:13:10 34 inappropriately"?---Yes.  
35  
13:13:12 36 And that was being done to you?---Yes.  
37  
13:13:14 38 You then provide it to Mr Lay because you considered it  
13:13:17 39 significant; is that correct?---That's correct.  
40  
13:13:19 41 And why did you consider it to be so significant?---Well  
13:13:23 42 because of the issues that were being raised in the report.  
43  
13:13:27 44 Right.  
45  
13:13:30 46 COMMISSIONER: That was Exhibit 897, so that was the  
13:13:32 47 trouble I think. Not 987.

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1  
13:13:36 2 MR WINNEKE: I apologise.  
3  
13:13:37 4 COMMISSIONER: You've been catching Mr Chettle's dyslexia.  
5  
13:13:42 6 MR WINNEKE: Okay. I'm just about to move to a different  
13:13:49 7 topic, Commissioner. I note the time.  
8  
13:13:51 9 COMMISSIONER: How are we going time-wise? I'm just  
13:13:55 10 wondering if we need to sit on a little. We still have  
13:13:59 11 quite a few witnesses to get through this week. How long  
12 do you expect to be.  
13  
13:14:01 14 MR WINNEKE: I'm going to speed through the remainder of  
13:14:03 15 it, Commissioner.  
16  
13:14:03 17 COMMISSIONER: You don't think we need to have a shortened  
13:14:06 18 lunch hour, or lunch of 45 minutes perhaps I should have  
13:14:11 19 said.  
20  
13:14:12 21 MR WINNEKE: No, I don't.  
22  
13:14:14 23 COMMISSIONER: All right then. We'll adjourn until 2.  
13:14:44 24  
13:14:44 25 <(THE WITNESS WITHDREW)  
13:14:46 26  
27 LUNCHEON ADJOURNMENT  
28  
29  
30  
31  
32  
33  
34  
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45  
46  
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13:53:09 1            UPON RESUMING AT 2.04 PM:  
14:04:44 2  
14:04:45 3            <JEFFREY STEPHEN POPE, recalled:  
14:04:48 4  
14:04:48 5            COMMISSIONER: Yes Mr Winneke.  
14:04:49 6  
14:04:50 7            MR WINNEKE: Thanks Commissioner. Now, I was asking you  
14:04:53 8            about a meeting that you had firstly with Mr McRae and  
14:04:59 9            Mr Gleeson on 22 May. Then I asked you about a meeting  
14:05:10 10           with, I suggested to you that a meeting with Mr McRae and  
14:05:14 11           Mr Gleeson which was referred to in Mr Gleeson's diary was  
14:05:19 12           of the same date. In fact that meeting reflects a second  
14:05:25 13           conversation that had you with Mr McRae and Mr Gleeson on  
14:05:30 14           19 June 2012 and that's the diary that we had up on the  
14:05:37 15           screen and that you were looking at. So I was mistaken  
14:05:41 16           about that date, but can I tender that diary entry,  
14:05:47 17           Commissioner, of Mr Gleeson of 19 June.  
14:05:52 18  
14:05:55 19           #EXHIBIT RC1315A - (Confidential) Gleeson diary entry of  
14:06:00 20           19/06/12.  
14:06:05 21  
14:06:06 22           #EXHIBIT RC1315B - (Redacted version.)  
14:06:07 23  
14:06:08 24           I also took Mr Pope to a diary entry of Mr Gleeson's of 2  
14:06:15 25           July 2012 and that's the one which also makes reference to  
14:06:20 26           the Cleds matter and Mr Watts, I tender that as well.  
14:06:24 27  
14:06:25 28           #EXHIBIT RC1316A - (Confidential) Gleeson diary entry of  
14:06:26 29           2/07/12.  
14:06:26 30  
14:06:26 31           #EXHIBIT RC1316B - (Redacted version.)  
14:06:27 32  
14:06:28 33           Just to put it in context. What we know is, I think, that  
14:06:40 34           Mr Gleeson managed to find the Petra records, two folders  
14:06:46 35           from Petra which contained the SWOT analysis. During the  
14:06:54 36           course of June, I think it was around 15 June of 2012, and  
14:07:00 37           that led him to examine that SWOT analysis which he  
14:07:03 38           discussed with you, I suggest, on 19 June and at the  
14:07:10 39           conclusion of that it was suggested that you would brief  
14:07:17 40           Mr Lay about these matters and Mr Gleeson was to prepare a  
14:07:26 41           report to provide to you and that was the report which has  
14:07:31 42           been referred to as the out of scope report?---Right.  
14:07:34 43  
14:07:35 44           Now, that was, as I indicated, signed by Mr Gleeson on 22  
14:07:45 45           June and provided to you on about that date, as the note  
14:07:48 46           that you prepared to Mr Lay indicated?---Correct.  
14:07:53 47

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14:07:54 1 It seems that you didn't have an opportunity to speak to  
14:07:56 2 Mr Lay until the date that he received it, it was put in  
14:08:03 3 his hand, I think it was around 8 July, if we can accept  
14:08:07 4 the handwritten note on the document. Can I suggest to you  
14:08:14 5 that on 3 July 2012, before you had the opportunity to  
14:08:18 6 speak to Mr Lay, Mr Gleeson had another conversation with  
14:08:24 7 you on 3 July. Now, Mr Gleeson's made a statement or a  
14:08:31 8 supplementary statement and this is at VPL.0014.0084.0025  
14:08:38 9 at paragraphs 24 and 25. I wonder if that could be put up  
14:08:46 10 so Mr Pope can comment on it.  
14:09:05 11  
14:09:06 12 MR COLEMAN: Whilst that's happening, Commissioner, may I  
14:09:08 13 ask through you that we get a copy of the supplementary  
14:09:12 14 statement of Mr Gleeson which we haven't received?  
14:09:14 15  
14:09:14 16 COMMISSIONER: Yes, of course. I suppose it has to be  
14:09:19 17 PIIed but even so - - -  
14:09:20 18  
14:09:20 19 MR HOLT: No issue, Commissioner.  
20  
14:09:22 21 COMMISSIONER: No issue.  
14:09:22 22  
14:09:22 23 MR WINNEKE: No, that should be provided, Commissioner.  
14:09:23 24  
14:09:23 25 COMMISSIONER: That will be provided by the Commission  
14:09:25 26 staff promptly.  
14:09:27 27  
14:09:29 28 MR WINNEKE: What Mr Gleeson says in his statement is that  
14:09:34 29 he having reviewed his diary at p.249 on 3 July 2012, he  
14:09:40 30 spoke at 9.15 with you and his diary records that he called  
14:09:46 31 you. There was a mention hearing, "Mentioned hearing that  
14:09:51 32 Mokbel sentence is to occur today. Concerns as to comments  
14:09:55 33 with 3838 file as to the responsibility for Mokbel's  
14:09:59 34 predicament and information that has passed that may have  
14:10:03 35 helped secure extradition. I don't know the nature of  
14:10:07 36 charges or if information provided made a difference. JP  
14:10:12 37 will need", assume he said, "Will need to pull all this  
14:10:16 38 apart. Will have Brian Horan contact you, as you could  
14:10:21 39 provide detail to him. Report to me and reference to  
14:10:25 40 material on file, then he could commence some works. Await  
14:10:29 41 contact from Brian". And he says that, "My recollection is  
14:10:32 42 that I heard on the news that Mr Mokbel was to be sentenced  
14:10:35 43 and that, that is what prompted me to call Assistant  
14:10:39 44 Commissioner Pope. As suggested in my diary I didn't know  
14:10:43 45 whether or to what extent the information provided by  
14:10:47 46 Ms Gobbo had any bearing on Mr Mokbel". What do you say as  
14:10:51 47 to that recollection of Mr Gleeson's, supported by his

.19/02/20

14473

POPE XXN

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14:10:55 1 note?---I don't have an independent recollection of it but  
14:11:01 2 I'll accept his diary note.  
14:11:04 3  
14:11:07 4 Now, would that call to you indicating that Mr Mokbel was  
14:11:15 5 to be sentenced have caused you to do anything or speak to  
14:11:20 6 any person?---Well it looked like I was going to take some  
14:11:27 7 form of action there in that, in that second paragraph, but  
14:11:34 8 my, I think my understanding at that stage would have been  
14:11:37 9 that the Mokbel matter had been escalated.  
14:11:41 10  
14:11:41 11 Where did you get that understanding from?---Well, we'd  
14:11:49 12 been, we'd known about the Mokbel matter since the Maguire  
14:11:55 13 advice, so late 2011.  
14 14  
14:11:57 15 Yes?---And I was of the view that Graham Ashton and Finn  
14:12:03 16 McCrae and Tim Cartwright were having discussions with  
14:12:05 17 respect to that matter.  
14:12:07 18  
14:12:07 19 Right. Sorry, go on?---Sorry, but I don't know whether  
14:12:14 20 that resulted in any engagement with prosecutors.  
14:12:19 21  
14:12:20 22 Right. Do you believe that in light of that call you would  
14:12:26 23 have communicated with either Mr Ashton, Mr McRae or  
14:12:30 24 Mr Cartwright?---I would say that I would have contacted  
14:12:35 25 one of them and would have just made sure that what had  
14:12:40 26 intended to be done, if anything needed to be done, that it  
14:12:44 27 had been done.  
14:12:46 28  
14:12:46 29 So you believe that you may have done that?---I think so.  
14:12:49 30  
14:12:50 31 You would expect that that is what you - - - ?---I don't  
14:12:54 32 think I'd do anything - I don't think I would not do  
14:13:01 33 anything about it.  
14:13:02 34  
14:13:02 35 You wouldn't do nothing about it?---No, I wouldn't think  
14:13:05 36 so.  
14:13:05 37  
14:13:05 38 Were you aware or had it been brought to your attention  
14:13:09 39 that there had been a call upon the HSMU to - had there  
14:13:13 40 been a call upon the HSMU to collate data with respect to  
14:13:18 41 Mokbel?---No, I don't recall that.  
14:13:19 42  
14:13:21 43 So you don't recall whether there'd been any discussion,  
14:13:26 44 either with you or anyone within your department to collate  
14:13:30 45 material to see what might need to be disclosed to the  
14:13:33 46 prosecution?---No, I don't recall that.  
14:13:35 47

.19/02/20

14474

POPE XXN

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14:13:35 1 You would expect that if something had been done about it,  
14:13:40 2 and the prosecution had been notified and in due course  
14:13:44 3 determined that it was appropriate to see what was going  
14:13:46 4 on, then you would expect, wouldn't you, that there would  
14:13:49 5 be a call on the HSMU to see what material was  
14:13:53 6 available?---Potentially, if they thought that the matters  
14:13:57 7 were relevant.

14:13:59 8  
14:13:59 9 That would be the first step, wouldn't it, to see what was  
14:14:02 10 in the HSMU materials about this?---It certainly could have  
14:14:09 11 been, or it could have - or an investigator may well have  
14:14:12 12 been able to clearly indicate whether there was any  
14:14:17 13 relevance with respect to that particular issue from Mokbel  
14:14:21 14 and 3838.

14:14:23 15  
14:14:23 16 Do you have a specific recollection of speaking to any, to  
14:14:30 17 any of your colleagues about this at around this time in  
14:14:35 18 July of 2012?---No, I don't have any specific recollection,  
14:14:42 19 I'm going to say I would like to think that I did and I  
14:14:47 20 don't recall seeing any emails relating to this when I was  
14:14:51 21 doing my searches.

14:14:52 22  
14:14:52 23 Yes, all right?---But generally, you know, I'd take an  
14:14:56 24 action item and Brian Horan was my staff officer and I  
14:15:01 25 would generally put those sort of actions into train.

14:15:05 26  
14:15:05 27 Have you found any communications with Mr Horan around this  
14:15:09 28 time about this sort of issue?---That wasn't one of the  
14:15:14 29 names I used as one of those key searches unfortunately.

14:15:18 30  
14:15:18 31 Do you think you might be able to do a key search using  
14:15:21 32 that name?---I could try. I mean he worked in my office so  
14:15:27 33 it's probably going to be a verbal discussion because he's  
14:15:32 34 effectively, you know, right next door, but it's a  
14:15:36 35 possibility. It looks to me like I've said to Steve  
14:15:49 36 Gleeson, "Let's look into this and I'll get Brian to do  
14:15:53 37 so".

14:15:54 38  
14:15:54 39 If we have a look at the email from Mr Gleeson to Mr Horan,  
14:15:59 40 VPL.0100.0040.0834. Might this be of assistance if we have  
14:16:10 41 a look at this. You'll see that there's a note from Brian  
14:16:57 42 Horan to Steve Gleeson. "Steve, I've located a CD folder  
14:17:01 43 with all relevant SDU recordings saved on CD since  
14:17:06 44 inception in 2004 until December 2011. It appears that the  
14:17:10 45 folder is complete with no months missing. I would think  
14:17:13 46 all contact recordings would be contained within, however  
14:17:17 47 my laptop cannot read either the folders and files". And

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14:17:22 1 it was noted by Mr Gleeson, "I note that HSMU reports on  
14:17:27 2 file near the very end of the full Interpose file make  
14:17:30 3 reference to the fact that, reflect that some audio  
14:17:33 4 recordings are missing, this info might even be at the end  
14:17:36 5 of the last SML and I think it made reference to the  
14:17:39 6 missing audio recording numbers. I hope that you really  
14:17:43 7 have located same. In any event you're off to a flying  
14:17:47 8 start". Do you know whether that may have any relevance to  
14:17:51 9 this matter or not?---It could do, but I don't know for  
14:17:57 10 certain.

14:17:58 11  
14:18:00 12 Was Mr Gleeson dealing with Mr Horan during the course of  
14:18:04 13 his examination of the matters for Mr Comrie?---It looks to  
14:18:10 14 me now, looking at that email, Brian Horan was my staff  
14:18:14 15 officer on and off for a long time, it looks like at this  
14:18:19 16 time we had placed him in the Human Source Management Unit  
14:18:23 17 for a period of time, so my interpretation of this email is  
14:18:27 18 Brian and Steve are talking to each other about matters  
14:18:29 19 relating to the Comrie Review.

14:18:33 20  
14:18:33 21 Right. It may not be specifically related to the concern  
14:18:36 22 that Mr Gleeson had?---It may or may not. It looks like to  
14:18:40 23 me that they've located all of the audio files that they  
14:18:44 24 feel might be relevant to the review.

14:18:47 25  
14:18:47 26 All right. Now, can we go to the meeting, at least the  
14:19:02 27 note that we have of the out of scope document that I  
14:19:09 28 briefly took you to before, which was provided to you on 22  
14:19:13 29 June 2012, and you apparently wanted to have a confidential  
14:19:20 30 discussion with Mr Lay about that matter, is that  
14:19:26 31 right?---Yes.

14:19:26 32  
14:19:26 33 Do you believe that you did?---Yes.

14:19:29 34  
14:19:29 35 Could we have a look at that document, please. I tender  
14:19:35 36 that last email whilst we're finding that - - -

14:19:39 37  
14:19:40 38 #EXHIBIT RC1317A - (Confidential) Email chain from  
14:15:56 39 Mr Gleeson to Mr Horan  
14:15:59 40 VPL.0100.0040.0834.

14:19:41 41  
14:19:42 42 #EXHIBIT RC1317B - (Redacted version.)

14:19:55 43  
14:19:55 44 Mr Chettle might have to help us with this exhibit number.

14:20:05 45  
14:20:05 46 MR CHETTLE: Out of scope, 897.

14:20:39 47

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14:20:45 1 MR WINNEKE: Do you believe that you would have had a  
14:20:47 2 discussion with the Chief Commissioner at about the time  
14:20:52 3 that you gave the document to him?---Yes.  
14:20:54 4  
14:20:58 5 What he indicates, what Mr Gleeson indicates is that in the  
14:21:03 6 course of reviewing material he'd identified certain  
14:21:05 7 records that raise issues of concern that are outside the  
14:21:08 8 Terms of Reference for the review but worthy of your  
14:21:12 9 further consideration. The concerns relate to the manner  
14:21:18 10 in which Ms Gobbo was used and the impacts thereof?---H'mm.  
14:21:23 11  
14:21:23 12 Full consideration would require substantial further  
14:21:27 13 investigation and consultation with various other parties  
14:21:29 14 well beyond the scope of this system and process focused  
14:21:33 15 review. Firstly, do you agree that this was a systems and  
14:21:38 16 process focused review?---I'm not sure I'd describe it that  
14:21:44 17 way. I mean I think the terminology that I, with the  
14:21:48 18 benefit of hindsight that I would use with this was more of  
14:21:52 19 a desktop review on the files and on the papers as they  
14:21:57 20 were presented and I wished we had used that term. I think  
14:22:02 21 we used the term "case review", which somewhat implies  
14:22:06 22 that, but probably not precisely enough. So certainly I  
14:22:11 23 would think a desktop review would incorporate some  
14:22:15 24 elements around systems and processes.  
14:22:16 25  
14:22:17 26 In any event he refers to a number of things in the report  
14:22:20 27 but in particular he refers to the provision of the Petra  
14:22:24 28 steering committee folders on 15 June and refers to the  
14:22:28 29 fact that the Petra steering committee consisted of Messrs,  
14:22:32 30 Overland, Moloney, Cornelius, Ashton. The records reflect  
14:22:37 31 that, "On 5 January 2009 AC Moloney delivered to Overland a  
14:22:41 32 file which was Mr Biggin's ICS and the SWOT analysis  
14:22:46 33 alluding to issues including possible OPI, Government,  
14:22:51 34 judicial review, consideration of unsafe verdicts, and  
14:22:54 35 possible appeals, prosecutions current, Mokbel and future,  
14:22:57 36 no minutes indicating who was at the meeting and if the  
14:23:01 37 file was circulated and discussed. And he also notes in  
14:23:08 38 this document that SDU electronic records include numerous  
14:23:12 39 examples of 3838 providing information about her criminal  
14:23:16 40 clients, taken at face value suggesting disregard of LPP.  
14:23:21 41 In some instances conduct may have compromised rights to  
14:23:25 42 fair trial for those concerned, handlers vulnerable to  
14:23:31 43 perception of inducing or encouraging conduct concerns,  
14:23:32 44 highlighted when passed on information to police case  
14:23:36 45 managers, presumably for their use" and examples are  
14:23:39 46 provided. "Also examples of SDU conduct and threats  
14:23:45 47 reported to Petra steering group could suggest source and



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14:23:49 1 police involved acted in a manner which has potentially  
14:23:56 2 undermined the justice system. Assessment of all necessary  
14:23:59 3 records and consultation with the DPP may discount this,  
14:24:04 4 such works beyond scope." Keep going. Can we scroll up.  
14:24:15 5 There was a further matter, essentially I'm summarising,  
14:24:19 6 but a further matter that suggested that there was an abuse  
14:24:24 7 of corporate hospitality, police had accepted corporate  
14:24:30 8 hospitality. Do you recall having discussions with the  
14:24:36 9 Chief Commissioner about this document?---Yes.  
14:24:38 10  
14:24:44 11 What was your understanding of the way in which these  
14:24:48 12 issues would be dealt with, these concerns that Mr Gleeson  
14:24:52 13 had raised and obvious concerns that reflected the  
14:25:00 14 possibility that the course of justice had been interfered  
14:25:03 15 with?---My recollection was that the potential course of  
14:25:11 16 justice matters were going to be dealt with by Finn McCrae.  
14:25:14 17  
14:25:15 18 Right?---With the respective OPP's and that there was  
14:25:22 19 discussion about whether the other matters ought to be  
14:25:24 20 referred to the Ombudsman or the OPI.  
14:25:26 21  
14:25:27 22 Right. And that was the effect of the discussion that  
14:25:31 23 you'd had, you had with Mr Lay, is that right?---Yes,  
14:25:34 24 that's my recollection.  
14:25:35 25  
14:25:37 26 And did you take any further role in those matters or  
14:25:42 27 not?---No.  
14:25:43 28  
14:25:43 29 Were you involved at any stage subsequent to this in any  
14:25:49 30 investigations?---Well, in any investigations? What sort  
14:25:56 31 of investigations? Into these matters.  
14:25:58 32  
14:25:58 33 Yes, into the matters?---I don't recall ever meeting with a  
14:26:02 34 prosecutor, I left that to others to deal with the  
14:26:05 35 prosecutors. I remember going to the OPI for a range of  
14:26:13 36 different reasons and I may have gone there with respect to  
14:26:16 37 this issue.  
14:26:17 38  
14:26:17 39 Right. Do you believe that from your discussions with  
14:26:21 40 Mr Lay that he appreciated Mr Gleeson's concerns about,  
14:26:27 41 that they related to Messrs Ashton, Overland, Moloney and  
14:26:33 42 Cornelius, that they were included in his  
14:26:37 43 concerns?---Potentially. I mean it's early days.  
14:26:40 44  
14:26:40 45 Yes?---So I think Steve's just broadly flagging a whole  
14:26:45 46 range of possibilities here.  
14:26:46 47

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14:26:47 1 Right?---But I think Ken's handwritten note on the front  
14:26:52 2 certainly indicates that he was concerned about who knew  
14:26:56 3 what and when.  
14:26:57 4  
14:26:57 5 Right. Now, I take it certainly it was apparent from  
14:27:02 6 Mr Gleeson's note that he regarded this as not something  
14:27:07 7 within the scope of Mr Comrie's review and therefore it  
14:27:11 8 required a thorough investigation outside of that process,  
14:27:18 9 do you agree?---Yeah, I think what he's suggesting here is  
14:27:22 10 the case review was, you know, Steve Gleeson was dedicated  
14:27:27 11 to that, supported by Mr Comrie, so we didn't have a lot of  
14:27:32 12 resources on it. I think what he's suggesting here is,  
14:27:36 13 "There's going to be more work that will be needed to be  
14:27:41 14 done and it's going to take some more resources and  
14:27:44 15 therefore I don't have the capacity or the time to do it  
14:27:47 16 now".  
14:27:47 17  
14:27:47 18 Right. Do you understand that there was another process  
14:27:51 19 set up which was called Loricated which was a process which  
14:27:56 20 was designed to deal with the first recommendation of the  
14:28:00 21 Comrie review?---I recall that, yes.  
14:28:02 22  
14:28:02 23 Did you see the Comrie review?---Yes.  
14:28:04 24  
14:28:05 25 And you read it?---Yes.  
14:28:06 26  
14:28:07 27 And would have noted the matters, at least Mr Comrie's  
14:28:13 28 concerns which certainly to a significant extent reflected  
14:28:18 29 those of Mr Gleeson?---Yes.  
14:28:20 30  
14:28:21 31 And Mr Comrie was of the view that there needed to be an  
14:28:28 32 investigative process, albeit it he didn't make a  
14:28:32 33 recommendation, he indicated that there ought be or there  
14:28:36 34 needed to be, to get to the bottom of those matters, a  
14:28:39 35 fairly significant investigation?---Right, yep.  
14:28:43 36  
14:28:44 37 Did you understand that the Loricated process was only set  
14:28:48 38 up to deal with the first recommendation of Mr Comrie?---I  
14:28:56 39 didn't have any role in Loricated. I knew it had been  
14:29:00 40 established, but I don't recall exactly what the Terms of  
14:29:03 41 Reference were and what they were looking at. So my  
14:29:06 42 recollection was when the Comrie review landed I set up a  
14:29:10 43 governance process with respect to the tracking of all the  
14:29:14 44 recommendations and the reporting on the progress of those  
14:29:17 45 recommendations through to the Victoria Police Executive  
14:29:20 46 and I don't recall really having too much more to do with  
14:29:24 47 the Comrie review and its recommendations after that. I

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14:29:29 1 was off predominantly doing my Chief Information Officer  
14:29:34 2 role at the same time, so I was being spread across a range  
14:29:38 3 of different responsibilities. But that's my broad  
14:29:41 4 recollection.  
14:29:41 5  
14:29:41 6 Did you ever - by this stage you were in receipt of a  
14:29:45 7 significant amount of information which was concerning  
14:29:47 8 information and suggested that the use of Ms Gobbo had gone  
14:29:50 9 off the rails?---Yes.  
14:29:51 10  
14:29:51 11 And potentially had effects on the criminal justice  
14:29:56 12 processes. Did you make any endeavours to find out whether  
14:30:02 13 the inquiry process was designed to get to the bottom of  
14:30:07 14 those concerns?---Well my recollection was there was, there  
14:30:15 15 seemed to be adequate discussions and activity going on  
14:30:19 16 that didn't raise any concerns for me that we had dropped  
14:30:22 17 the ball.  
14:30:23 18  
14:30:23 19 Right. And as far as you were concerned you say that the  
14:30:30 20 concerns of Mr Gleeson and those of Mr Comrie were being  
14:30:34 21 adequately investigated?---That's my understanding, yes.  
14:30:37 22  
14:30:38 23 Now, Mr Ashton has said that around the time the Comrie  
14:30:48 24 review, or at least a review which ended up in Mr Comrie's  
14:30:53 25 hands was being mooted, he took the view that he may be  
14:30:59 26 conflicted out of it and oughtn't have any involvement with  
14:31:02 27 that process. Was that something that you were aware  
14:31:06 28 of?---I recall having some conversations with him around  
14:31:18 29 the Comrie review but I think that was towards the end.  
14:31:21 30  
14:31:22 31 Yes?---And escalating some of these matters. But that's my  
14:31:29 32 recollection, that was towards the end.  
14:31:30 33  
14:31:31 34 Around August of 2012 if that's the evidence?---Possibly  
14:31:35 35 July and August.  
14:31:36 36  
14:31:37 37 Yes. But you don't have any recollection of him saying,  
14:31:43 38 "Well look, I can't be involved in this process because of  
14:31:46 39 my potential conflict having been involved with Briars and  
14:31:51 40 Petra"?---I don't specifically recall that.  
14:31:53 41  
14:31:55 42 Either in 2011 or 2012?---I don't specifically recall that.  
14:32:00 43  
14:32:01 44 If he did have that concern, and he said that he did have,  
14:32:10 45 he has given evidence that he had that concern and he  
14:32:12 46 hasn't been involved in the Terms of Reference or matters  
14:32:17 47 concerning the Comrie review, would you expect that to be

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14:32:21 1 declared and in writing somewhere, that conflict?---Well  
14:32:31 2 yes, but, you know, based on my own experience, I haven't  
14:32:37 3 done the best job in declaring some of my perceived  
14:32:41 4 conflicts in writing either.  
14:32:44 5  
14:32:44 6 You would say people in glass houses can't throw  
14:32:50 7 stones?---It's just context. You know, we're busy people  
14:32:53 8 and we'd like to think people remember things and sometimes  
14:32:56 9 they do and sometimes they don't. One of my reflections  
14:32:59 10 from this experience is I wish that I had been, that I had  
14:33:02 11 put some of my dealings with Ms Gobbo in writing to make it  
14:33:05 12 abundantly clear as to what, as to what I was declaring and  
14:33:10 13 for whatever reason I didn't do that. So in retrospect and  
14:33:17 14 with the benefit of hindsight there's probably a range of  
14:33:21 15 things we'd all do a little bit differently and pay a bit  
14:33:26 16 attention to a bit more governance and robustness in our  
14:33:29 17 processes.  
14:33:29 18  
14:33:30 19 Right. If you felt that you had a conflict because,  
14:33:33 20 perhaps this is hypothetical, but I'm asking you to in  
14:33:36 21 effect comment on Mr Ashton's conduct. If you felt that  
14:33:40 22 you had a conflict because you'd previously been involved  
14:33:44 23 in two steering committees that had utilised Ms Gobbo, who  
14:33:49 24 was then a barrister, and you felt that you were  
14:33:53 25 conflicted, do you think it would have been appropriate to  
14:33:56 26 be involved in a process whereby there was encouragement  
14:34:02 27 given to the Commonwealth DPP from withdrawing Ms Gobbo as  
14:34:07 28 a witness in a case, such as the ACC prosecution?---I think  
14:34:15 29 it depends on a whole range of factors, Mr Winneke. It  
14:34:20 30 depends on the role that the OPI and Graham played on the  
14:34:23 31 steering committees, whether they were active participants  
14:34:27 32 or whether they were observers, whether they were decision  
14:34:29 33 makers. You know, I note that the whole Comrie review  
14:34:34 34 suggestion was one of Graham's, so clearly that would  
14:34:37 35 indicate to me that he didn't have any significant concern  
14:34:43 36 about initiating a review. So it's going to depend on a  
14:34:54 37 range of different circumstances.  
14:34:55 38  
14:34:56 39 You refer in your statement to a number of matters  
14:35:00 40 concerning reasons, or at least reviews of a number of the  
14:35:08 41 units within your control?---Yep.  
14:35:11 42  
14:35:12 43 And that process began very early on, is that right?---Yes.  
14:35:16 44  
14:35:18 45 You've indicated in your statement that you had some  
14:35:22 46 concerns about the structure in place, this is at paragraph  
14:35:26 47 53 of your statement, for the management of the SDU when

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14:35:30 1 you arrived, is that right?---Yes. Yes, I did.  
14:35:33 2  
14:35:34 3 You indicate that as far as you were concerned having one  
14:35:38 4 Superintendent, Mr Biggin, dealing with the entire covert  
14:35:43 5 capability of Victoria Police was insufficient, in other  
14:35:47 6 words he was spread too thinly, is that right?---I think it  
14:35:51 7 was asking him to be superhuman. It was a huge, it was a  
14:35:55 8 huge division managing very complex, high risk operational  
14:36:05 9 issues, and the division had grown quite dramatically in  
14:36:10 10 the preceding years, particularly as a consequence of a  
14:36:13 11 range of counter terrorism issues. It was a massive  
14:36:17 12 undertaking.  
14:36:18 13  
14:36:18 14 In your view it wasn't sufficient to have one  
14:36:21 15 Superintendent and that was compounded by the fact that  
14:36:24 16 there was only one Inspector covering the SDU and the  
14:36:31 17 Undercover Unit?---Yeah, look I take my hat off to  
14:36:34 18 Superintendent Biggin, I think he did an extraordinary job  
14:36:37 19 in immensely challenging circumstances over a long period  
14:36:42 20 of time. But he was stretched too thin and then that was  
14:36:47 21 further compounded by the fact, as you say, there was one  
14:36:50 22 Inspector managing two high risk units.  
14:36:53 23  
14:36:53 24 You say that the structure was flawed and presented too  
14:36:57 25 much organisational risk?---That was my view.  
14:36:59 26  
14:37:00 27 As a consequence you sought funding for an additional  
14:37:05 28 Superintendent and an additional Inspector, is that  
14:37:10 29 right?---That's right.  
14:37:10 30  
14:37:20 31 You had some particular concerns about the SDU and some of  
14:37:28 32 the conduct that you saw and those matters are set out in  
14:37:37 33 your statement. Is there anything that you want to add to  
14:37:40 34 that?---No.  
14:37:41 35  
14:37:47 36 One of the things that you noted in your statement is that  
14:37:53 37 you felt there was a lack of female representation within  
14:37:57 38 the SDU?---Yes.  
14:37:58 39  
14:37:58 40 And why was that, what was the concern there?---Well I, I  
14:38:05 41 wasn't aware, and I don't think those around me were aware,  
14:38:09 42 that we had had many or any females handlers come through  
14:38:13 43 the Source Development Unit and not too many through the  
14:38:16 44 training process as I recall. Superintendent Sheridan and  
14:38:20 45 I were keen to try and change that and keen to try and  
14:38:25 46 introduce some females into the unit.  
14:38:28 47



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14:38:28 1 You had concern about the delivery of the SDU education,  
14:38:36 2 we're not allowed to talk about the particular [REDACTED]  
14:38:39 3 training, but did you have a particular concern about the  
14:38:45 4 training modules?--Well, I think the main issue there was  
14:38:53 5 that it created, because you had to complete certain [REDACTED]  
14:38:59 6 [REDACTED] training to be eligible for a vacant position at the  
14:39:05 7 Source Development Unit and the Source Development Unit  
14:39:09 8 were also selecting those that were going on the training,  
14:39:13 9 you were effectively selecting your own recruitment pool  
14:39:18 10 and I think that can create some challenges if you're  
14:39:24 11 trying to recruit people out of a fairly narrow pool. So  
14:39:28 12 that was one of the issues. I think the other issue that I  
14:39:32 13 raise, and this is not just with the SDU training, but it  
14:39:35 14 was an issue that I found with a lot of the training in the  
14:39:38 15 Intelligence and Covert Support Department when I arrived  
14:39:41 16 and I started to deal with, is that it was specialist  
14:39:46 17 training designed and delivered by specialists, but not  
14:39:49 18 necessarily anybody with adult education qualifications.  
14:39:54 19 So they were all very well intended, many of them extremely  
14:39:58 20 experienced, if not experts or considered experts in their  
14:40:04 21 field, but whether the training, given the huge undertaking  
14:40:07 22 and investment, was actually achieving its full potential,  
14:40:12 23 because it hadn't been designed by adult educators was an  
14:40:17 24 ongoing concern. So I started to take steps to move the  
14:40:21 25 intelligence training back to the Victoria Police Academy  
14:40:24 26 so it was actually sitting in the education portfolio with  
14:40:29 27 that professional educator capability in terms of course  
14:40:33 28 design and delivery. And then what needed to occur was  
14:40:37 29 further migration of some of these courses to go back into  
14:40:40 30 the education space or at least be designed and constructed  
14:40:45 31 in close consultation with people who had adult education  
14:40:50 32 qualifications.  
14:40:51 33  
14:40:53 34 I asked you about your appointment of a new Inspector.  
14:40:57 35 Mr O'Connor was appointed as the Inspector of the SDU and  
14:41:04 36 Mr Glow was appointed to manage the Undercover Unit.  
14:41:08 37 You've said in your statement your understanding was that  
14:41:11 38 Mr O'Connor was not openly embraced as an Inspector at the  
14:41:15 39 SDU. What do you mean by that, can you expand on  
14:41:19 40 that?--Well I think one thing they weren't used to having  
14:41:23 41 a full-time Inspector in the unit. I would say that was  
14:41:28 42 probably the first time that that had occurred, that it had  
14:41:31 43 gone from a part-time to a full-time. No doubt Inspector  
14:41:35 44 O'Connor was, wanted to make his mark and go in there and  
14:41:42 45 fulfil that officer-in-charge role and take responsibility  
14:41:45 46 for the unit and I think that that brought to the surface  
14:41:51 47 some cultural issues and from times, from what I

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14:41:56 1 understand, some resistance.  
14:41:58 2  
14:41:58 3 Was there a reason why you chose to appoint Mr O'Connor as  
14:42:02 4 the Inspector of the SDU and not Mr Glow and sent him  
14:42:06 5 across to the UCU?---My recollection was that was  
14:42:12 6 Superintendent Sheridan's choice and recommendation for  
14:42:15 7 Mr O'Connor to go in there, so I accepted that  
14:42:18 8 recommendation.  
14:42:19 9  
14:42:25 10 Mr Glow has said in his statement that, "I understood my  
14:42:30 11 role at both the SDU and the UCU as being to manage the  
14:42:34 12 policy, procedural and financial administration associated  
14:42:38 13 with running the two units which was where my experience  
14:42:41 14 lay. I saw my job as 'greasing the wheels' for the members  
14:42:47 15 to do their specialist policing work. There are a large  
14:42:51 16 number of administrative issues that the UCU and the SDU  
14:42:55 17 had to deal with, including managing the imprest accounts  
14:42:59 18 for expenses, equipment, sign out, property sign out,  
14:43:02 19 accounting for uncover or sourcing drug purchases,  
14:43:09 20 maintaining vehicle books. There was also a need to manage  
14:43:13 21 a number of other matters, basically managerial issues".  
14:43:21 22 What do you say about that, was his understanding correct  
14:43:24 23 as far as you were concerned?---It's not how I viewed it.  
14:43:27 24  
14:43:28 25 How did you view it?---He was the officer-in-charge of two  
14:43:31 26 units, so in addition to that administrative responsibility  
14:43:37 27 he also had operational responsibility.  
14:43:39 28  
14:43:39 29 It's been understood that there was some criticism or at  
14:43:43 30 least implied criticism of the proposition that those who  
14:43:49 31 were managing may not have had the qualifications of those  
14:43:53 32 who were actually acting as handlers and controllers. What  
14:43:58 33 do you say about that?---Look those sorts of things can  
14:44:01 34 come up in any sort of specialist context.  
14:44:06 35  
14:44:07 36 So you say that that doesn't disqualify a person from being  
14:44:11 37 an appropriate manager?---I don't think so, no. As a  
14:44:14 38 manager you need to rely on those around you who have got  
14:44:19 39 greater operational experience, you're not there to get  
14:44:21 40 deeply involved in the operational experience. You need to  
14:44:24 41 exercise judgment, sometimes you need to challenge the  
14:44:29 42 advice that you're being given, but if that were true, then  
14:44:37 43 every specialist unit could only ever be managed by a  
14:44:41 44 specialist who has been in that unit for 10, 20, 30 years  
14:44:46 45 and I don't see how that is manageable.  
14:44:48 46  
14:44:50 47 Could we quickly have a look at an email, it's

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14:44:50 1 VPL.6027.0003.0710. It's an email from you to Mr Sheridan  
14:44:58 2 of 13 July 2003, shortly before you leave?--2010 this one  
14:45:09 3 is.  
14:45:09 4  
14:45:10 5 Sorry, 2010, it is. I apologise, you're quite right. In  
14:45:15 6 fact shortly after you arrive. What you're talking about  
14:45:20 7 is having some legal training added to the course. Do you  
14:45:27 8 see that?---Yes.  
14:45:29 9  
14:45:32 10 What was your desire there and why was it thought necessary  
14:45:36 11 to add legal training?--My recollection was this arose in  
14:45:42 12 some conversations that I'd had with Peter Lardner in the  
14:45:45 13 context of the mediation with Ms Gobbo.  
14:45:48 14  
14:45:48 15 Yes?---That there were some things that he had detected  
14:45:55 16 from his understanding that might have been beneficial and  
14:46:02 17 we were effectively musing that there might be some  
14:46:07 18 benefit, you don't want to make, as I said you don't want  
14:46:10 19 to make, this is a law course and make our handlers lawyers  
14:46:15 20 but perhaps a broader appreciation of some of the  
14:46:18 21 implications of decisions might be useful.  
14:46:21 22  
14:46:21 23 I take it you would have had an understanding of what the  
14:46:26 24 issues were in the proceeding because you've noted  
14:46:27 25 promissory estoppel as being something that they could  
14:46:30 26 perhaps be trained in?---I think that I got that from him  
14:46:34 27 as well, but also from some of my earlier experience at the  
14:46:38 28 Australian Crime Commission.  
14:46:38 29  
14:46:39 30 Did you consider subsequent to this, at any time prior to  
14:46:44 31 leaving, it might be useful having training concerning the  
14:46:49 32 sorts of issues that arose with the use of a legal  
14:46:52 33 practitioner as an informer?---Well that was - certainly  
14:46:59 34 the overhaul of the training was one thing that I was  
14:47:02 35 expecting that was going to occur subsequent to the Comrie  
14:47:06 36 review.  
14:47:06 37  
14:47:07 38 Right, okay.  
14:47:08 39  
14:47:08 40 COMMISSIONER: Do you want to tender that?  
14:47:12 41  
14:47:13 42 MR WINNEKE: I tender that, Commissioner.  
14:47:14 43  
14:47:14 44 #EXHIBIT RC1318A - (Confidential) Email from Jeff Pope to  
14:44:58 45 Mr Sheridan 13/07/03.  
14:47:15 46  
14:47:16 47 #EXHIBIT RC1318B - (Redacted version.)

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14:47:17 1  
14:47:17 2 You mention in your statement that you travelled to a  
14:47:20 3 number of countries in May and June of 2010, including to  
14:47:24 4 the UK. The idea was to learn from the policies and  
14:47:27 5 procedures overseas, is that right?---That's right.  
14:47:29 6  
14:47:31 7 Learn about their approaches to human source management.  
14:47:35 8 And you became aware of the legislation that governed  
14:47:41 9 investigations over there, the Regulation of Investigatory  
14:47:45 10 Powers Act. Did you also become aware of the requirements  
14:47:47 11 and processes that apply in the UK or applied in the UK  
14:47:51 12 when a law enforcement agency intended to obtain legally  
14:47:59 13 privileged information from a human source?---I recall a  
14:48:01 14 Code of Practice document, I can't remember if I came up  
14:48:04 15 with that in the context of the travel to the UK or whether  
14:48:07 16 that, I think that also came up during the Comrie review.  
14:48:11 17  
14:48:11 18 Yes?---So I'm not sure if it was one or the other or both,  
14:48:17 19 but I do have a recollection of that document.  
14:48:18 20  
14:48:20 21 You believe that's a document certainly that you  
14:48:25 22 subsequently became aware of?---Yes.  
14:48:27 23  
14:48:28 24 Was that something that guided you as to your development  
14:48:32 25 of policies and procedures or did you not touch on that  
14:48:35 26 afterwards?---No, I didn't. I had left the organisation  
14:48:41 27 before we got too deeply into a restructure, sorry, a  
14:48:45 28 refocus around policies and procedures with respect to  
14:48:48 29 human source and structure, but what struck me most about  
14:48:52 30 the Act and the Code of Practice was I felt that the UK  
14:48:57 31 either through their own bitter experiences or for whatever  
14:49:01 32 other reason, from a governance and a policy perspective  
14:49:05 33 were far more advanced.  
14:49:07 34  
14:49:07 35 So did you, what was it about that regulatory regime that  
14:49:12 36 you thought was in advance of ours?---Firstly, there was a  
14:49:16 37 piece of legislation dedicated to the issue. So that's a  
14:49:21 38 good start. And that the Code of Practice seemed to be a  
14:49:24 39 really extremely thorough, well considered document and  
14:49:29 40 something that we could learn from.  
14:49:31 41  
14:49:32 42 So your view is that the rightful or regulatory legislation  
14:49:37 43 is something that we could, in this country, take notice of  
14:49:44 44 and use?---I think a dedicated piece of legislation  
14:49:48 45 deserves serious consideration.  
14:49:52 46  
14:49:52 47 And controlling which particular aspects of the task of

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14:49:58 1 using human sources, particularly with those with legal  
14:50:02 2 obligations?---It's going to be more in these complex areas  
14:50:07 3 where it might help further guide judgment and decision  
14:50:10 4 making and risk assessments, but certainly around  
14:50:14 5 authorities, approvals and reviews, where some of these  
14:50:17 6 things in policy or Standard Operating Procedures can get  
14:50:21 7 changed, can get lost and levels of compliance over time  
14:50:24 8 can erode. Whereas if it's legislated it's generally a far  
14:50:30 9 more robust compliance and governance regime.  
14:50:33 10  
14:50:33 11 You've also said that you considered that one of the  
14:50:36 12 problems with human source policy operating in Victoria  
14:50:38 13 around 2009, 10 was that policies and procedures were too  
14:50:42 14 onerous and difficult for members to abide by and therefore  
14:50:46 15 they were potentially not bothering or managing human  
14:50:50 16 sources "under the radar" and not through the appropriate  
14:50:54 17 policies and procedures. In what ways do you think they  
14:50:57 18 were too onerous and difficult for members to abide  
14:51:01 19 by?---My observation was, and I think sometimes this might  
14:51:05 20 have been a bit lost on some people in Victoria Police and  
14:51:12 21 perhaps others who might have been observing this from a  
14:51:14 22 distance, but it's natural when an organisation has a  
14:51:19 23 catastrophic event, such as the murder of Hodson as an  
14:51:24 24 informer, to put in processes and policies and procedures  
14:51:31 25 and actually over cook it and go too far the other way, to  
14:51:38 26 try and make sure, quite rightly, this never, ever happens  
14:51:46 27 again. Then after a little bit of time and you've regained  
14:51:49 28 organisational discipline and you've regained  
14:51:53 29 organisational confidence and competence, it might be time  
14:51:56 30 to start to review those to see whether they're still  
14:52:00 31 appropriate or whether it's time to actually bring them  
14:52:03 32 back a little bit further to something that's a bit more  
14:52:05 33 manageable. So the assessment I was making, and in  
14:52:08 34 conversations I was having with people around the State, is  
14:52:11 35 it's too difficult to register a human source, it's too  
14:52:14 36 much paperwork, it's too onerous, it's taking too long, so  
14:52:18 37 some of the sense that I got from that was, "They're an  
14:52:22 38 essential element of policing, we need them. I'm still  
14:52:25 39 going to do this activity, but I'm not sure I've got the  
14:52:29 40 time or the capacity to deal with everything that I'm  
14:52:32 41 required to do with respect to that policy, so I might work  
14:52:36 42 my way around it or under it". And therefore the  
14:52:40 43 organisation starts to bury the risk and we actually don't  
14:52:43 44 understand how many human sources we have, what the risk is  
14:52:46 45 around those human sources, the effectiveness and the  
14:52:51 46 governance arrangements. So there was a balance there that  
14:52:53 47 I don't think the organisation had struck and, as I say,

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14:52:56 1 it's natural after such a catastrophic event for an  
14:52:59 2 organisation to go that way and I've been in other  
14:53:02 3 organisations that have done exactly the same thing. It's  
14:53:05 4 human behaviour and you don't ever want to be in a senior  
14:53:10 5 management role when matters like that are repeated at all.  
14:53:14 6 So you put in those measures to protect the agency. So  
14:53:18 7 there was work to be done I think to try and reflect on  
14:53:21 8 that.

14:53:22 9  
14:53:26 10 What would you say as to some sort of oversight or  
14:53:31 11 independent oversight of the management of human sources,  
14:53:35 12 or the investigative processes around using human sources,  
14:53:39 13 is there a place for independent oversight?---Well we've  
14:53:43 14 seen this come into other parts of policing over the years  
14:53:47 15 and extra regulation and governance and intrusion is not  
14:53:54 16 always welcomed but I think effective and, as I said, an  
14:54:00 17 agency can put in all the best policies and procedures and  
14:54:03 18 do the best training they like, and that may well be enough  
14:54:07 19 for a while or actually for quite a period of time, but  
14:54:11 20 maintaining agency discipline against those over a long  
14:54:15 21 period of time is difficult and may well erode. So I think  
14:54:19 22 we've seen some successes with that in some other elements  
14:54:24 23 of covert capabilities, if I can put it that way, without  
14:54:29 24 going into too much detail.

14:54:32 25  
14:54:32 26 Yes, okay. In paragraph 53 of your paragraph and elsewhere  
14:54:37 27 you refer to the need for intrusive supervision in the use  
14:54:41 28 and management of human sources. What's your view of what  
14:54:44 29 intrusive supervision should entail and, secondly, do you  
14:54:48 30 think there was adequate intrusive supervision from your  
14:54:51 31 observations in the human source management in the period  
14:54:57 32 that we're dealing with?---I would say that there was more  
14:55:05 33 intrusive supervision occurring from what I could see in  
14:55:12 34 the Source Development Unit than there was in other parts  
14:55:17 35 of the organisation who are managing human sources. I  
14:55:19 36 didn't see sufficient evidence of that, but then again the  
14:55:25 37 level of risk of the human sources being managed in other  
14:55:28 38 parts of the agency was lower. But my sense was there was  
14:55:36 39 room for further intrusive supervision with respect to  
14:55:44 40 human source management.

14:55:45 41  
14:55:49 42 In paragraph 60 of your statement you note your concern  
14:55:53 43 about the operation and culture of the SDU, including the  
14:55:57 44 resistance to managerial intervention. In paragraph 88 you  
14:56:01 45 quote from what you understood to be the near final draft  
14:56:05 46 of the Covert Services Division Review of the SDU where it  
14:56:10 47 says, "It's the view of the steering committee that a



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14:56:14 1 decentralised model of CHIS management is required. Such a  
14:56:14 2 model would be governed centrally. This current SDU  
14:56:18 3 methodology and concept has highlighted the centralised  
14:56:22 4 high risk source unit it too high the concentration of  
14:56:24 5 risk. The risk needs to be devolved and spread". What do  
14:56:32 6 you say about that, do you agree with that?---I think  
14:56:36 7 there's ways in which we could structure it differently and  
14:56:38 8 this was also about how to get the rest of the organisation  
14:56:42 9 more deeply involved, trained, engaged and competent with  
14:56:47 10 respect to human source management, because we saw  
14:56:51 11 variations of that in different parts of the agency as I  
14:56:55 12 recall. One of the risks that you always get when you  
14:57:01 13 create a specialist unit is you create a mind-set in the  
14:57:04 14 agency that, "Well, managing human sources are presenting a  
14:57:11 15 high risk or potentially going to be a high risk aren't my  
14:57:14 16 problem. I'll just throw it over the fence for others to  
14:57:18 17 manage", and what you actually then end up experiencing is  
14:57:23 18 a deficit in capability because they're not taking on some  
14:57:27 19 of those more challenging roles at a local level, despite -  
14:57:31 20 regardless of whether they've got the training or not.  
14:57:33 21 Sometimes they just throw it over the fence and say, "It's  
14:57:36 22 not my problem". So in the UK in particular, but it could  
14:57:38 23 also be just by virtue of how their police forces are  
14:57:42 24 structured, it seemed to be far more decentralised, closer  
14:57:47 25 to the ground, a broader capability across organisations  
14:57:55 26 who are carrying the workload.  
14:57:57 27  
14:57:57 28 Do you have a view as to, I'm not suggesting you do, but do  
14:58:02 29 you have a view as to whether there are any organisational  
14:58:06 30 factors which may have enabled the use of Ms Gobbo as a  
14:58:09 31 human source?---What do you mean by organisational factors?  
14:58:13 32  
14:58:14 33 Anything of an organisational nature which permitted this  
14:58:19 34 to occur, that is the use of a barrister as a human  
14:58:22 35 source?---Look, my reflections on that are the agency at  
14:58:34 36 the time was in almost unprecedented times with respect to  
14:58:41 37 murders and organised crime that were evolving and they saw  
14:58:47 38 an opportunity to try and make some great inroads into what  
14:58:51 39 was creating a huge amount of risk for the Victorian  
14:58:55 40 community and this was that opportunity, and I think they  
14:58:59 41 saw that opportunity and they tried to take that  
14:59:01 42 opportunity with the best interest and best will in the  
14:59:06 43 world, but the level of risk, the dynamic nature of the  
14:59:12 44 relationship, her personality, and I think the fast and  
14:59:21 45 frantic pace at which things move in that environment  
14:59:25 46 exposed I think a lack of governance in that - - -  
14:59:30 47



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14:59:30 1 What I was asking you about was organisational risk. It  
14:59:33 2 seems that you've focused on intentions of people and  
14:59:36 3 desire to deal with particular issues at the time. Are you  
14:59:42 4 able to focus on factors insofar as the set-up,  
14:59:48 5 organisational set up or is it something you're really not  
14:59:51 6 in a position to deal with?---Look, I think I probably will  
15:00:01 7 just repeat what I think was mentioned by Ken Lay the other  
15:00:06 8 day, and again I've experienced it in different  
15:00:08 9 organisations and at some stages within Victoria Police.  
15:00:12 10 If there's really strong and stringent governance sometimes  
15:00:16 11 in other agencies, and even in Victoria Police when I sat  
15:00:20 12 on the procurement board and other project boards, there is  
15:00:23 13 strong governance in the administrative elements of the  
15:00:27 14 agency. But the operational environment is immensely  
15:00:31 15 dynamic, it literally changes sometimes within minutes, and  
15:00:35 16 putting in an effective governance layer across that  
15:00:39 17 without negatively impacting on the tempo of investigations  
15:00:44 18 and the way in which they need to move is I think one of  
15:00:47 19 the greatest challenges in the organised crime environment  
15:00:51 20 and I think it's that operational governance that requires  
15:00:54 21 a close focus.

15:00:55 22  
15:00:55 23 All right, thanks very much.

15:00:58 24  
15:00:59 25 COMMISSIONER: Ms Scott, do you have any questions?

15:01:01 26  
15:01:01 27 MS SCOTT: No Commissioner.

15:01:02 28  
15:01:02 29 COMMISSIONER: Mr Coleman?

15:01:02 30  
15:01:03 31 MR COLEMAN: No thank you, Commissioner.

15:01:05 32  
15:01:05 33 COMMISSIONER: Mr Chettle.

15:01:07 34  
15:01:07 35 MR CHETTLE: I think Mr Holt wants to go after me.

15:01:11 36  
15:01:11 37 COMMISSIONER: You're happy with that, Mr Holt?

15:01:14 38  
15:01:14 39 MR HOLT: Yes, Commissioner.

15:01:18 40  
41 <CROSS-EXAMINED BY MR CHETTLE:

42  
15:01:31 43 Mr Pope, there's a number of topics I want to take you  
15:01:34 44 through as quickly as I can because we're pressed for time.  
15:01:38 45 Can I start with, as I missed it, but nowhere in your  
15:01:44 46 statement do you deal with the issue of when you found out  
15:01:46 47 that she was registered as a human source, that is Nicola

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15:01:50 1 Gobbo was registered as a human source.  
15:01:52 2  
15:01:52 3 COMMISSIONER: Which time are you talking about?  
15:01:54 4  
15:01:55 5 MR CHETTLE: In this - 2005. We now know she was  
15:02:02 6 registered in 2005 and de-registered in 2009. When did you  
15:02:06 7 became aware that she was a registered police informer in  
15:02:09 8 2005?---My recollection was as part of that very broad  
15:02:13 9 incoming brief when I arrived back in 2009, so I think it's  
15:02:17 10 within the first couple of months of my arrival, is when I  
15:02:22 11 started to understand or had it confirmed that she had been  
15:02:25 12 registered.  
15:02:26 13  
15:02:26 14 It's not in your statement anywhere that I can see, is that  
15:02:30 15 right?---No, it's one - it's something I thought about  
15:02:34 16 afterwards, it was an oversight on my behalf.  
15:02:37 17  
15:02:38 18 Who delivered that briefing to you?---My recollection was  
15:02:40 19 Superintendent Biggin.  
15:02:41 20  
15:02:41 21 Was he on his own when he delivered that?---Yes.  
15:02:45 22  
15:02:45 23 Was it a briefing only in relation to her?---No, it was a  
15:02:52 24 broad briefing with respect to a range of different  
15:02:57 25 elements of the Covert Services Division he had responsible  
15:03:00 26 for at that time.  
15:03:03 27  
15:03:03 28 He's telling you what his units do, effectively?---I'm  
15:03:08 29 sorry, I missed that.  
15:03:09 30  
15:03:09 31 He's telling you what his units do?---Yes.  
15:03:11 32  
15:03:12 33 Giving you an overview?---Yes.  
15:03:14 34  
15:03:14 35 And it's in the context of that discussion that you say you  
15:03:18 36 told him that you had had prior involvement with  
15:03:21 37 Ms Gobbo?---That's my recollection.  
15:03:22 38  
15:03:23 39 What did you tell him?---Same as what I told others, is  
15:03:28 40 that I'd had some prior dealings with Ms Gobbo.  
15:03:30 41  
15:03:30 42 Full stop. Did you tell him what the nature of the  
15:03:36 43 dealings were?---I never - I didn't tell anybody that I had  
15:03:38 44 registered her because I actually had not retained that  
15:03:41 45 level of knowledge and understanding and I didn't know that  
15:03:44 46 until I prepared for the Royal Commission last year.  
15:03:46 47

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15:03:50 1 You told me when I asked you questions last year that there  
15:03:53 2 were a number of people you had informed of your prior  
15:03:56 3 involvement with her?---Yes.  
15:03:58 4  
15:04:00 5 Mr Biggin has given evidence that the first time that he  
15:04:04 6 heard of any of your involvement with her was when, in the  
15:04:09 7 context of a complaint made by her about your conduct, that  
15:04:13 8 is after the allegation. You're aware that's his  
15:04:16 9 evidence?---I've heard that, yes.  
15:04:18 10  
15:04:18 11 I take it in preparation for your evidence you've been  
15:04:21 12 aware of issues that have been raised that relate to this  
15:04:25 13 very topic with you?---Some of them, yes.  
15:04:27 14  
15:04:29 15 And Mr Biggin says that you indicated to him that you had  
15:04:33 16 attempted to recruit her as a human source. Now do you  
15:04:37 17 dispute that?---No, I would have used words, effectively  
15:04:42 18 said to people, "I've had dealings with her in the past,  
15:04:45 19 she gave me some information or tried to give me some  
15:04:48 20 information", words to that effect, I thought that I had  
15:04:53 21 conveyed adequately that it was some form of an informer  
15:04:59 22 type relationship, but I couldn't remember if I'd ever  
15:05:02 23 registered her.  
15:05:03 24  
15:05:03 25 She was an informer - I mean, you must have been somewhat  
15:05:07 26 appalled about this, I mean there's an upcoming storm about  
15:05:12 27 Victoria Police's use of a barrister as a human source and  
15:05:16 28 you yourself have used her as a human source in the past.  
15:05:19 29 The similarities must have struck you fairly hard?---As I  
15:05:23 30 said I couldn't remember if I had registered her as a human  
15:05:26 31 source, but I'd had a few meetings with her.  
15:05:28 32  
15:05:28 33 Registered her or not, you were using a barrister as a  
15:05:32 34 source of information for Victoria Police, correct?---She  
15:05:34 35 was providing me information.  
15:05:35 36  
15:05:36 37 And you knew she was a barrister?---At the time, yes.  
15:05:38 38  
15:05:43 39 So I'll come to the other people in a moment. Can I take  
15:05:46 40 you to a number of discrete issues with your statement.  
15:05:52 41 Can I take you, firstly, to paragraph 54. Mr Winneke took  
15:06:26 42 you to this. The bottom of the paragraph 54, "The new  
15:06:30 43 supervision model was not openly embraced by the SDU" and  
15:06:33 44 you go on to say the uncovers as well but I'm confining  
15:06:37 45 myself to the SDU, do you see that comment? The last  
15:06:42 46 sentence of paragraph 54 of your statement?---The last  
15:06:48 47 sentence of paragraph 54 I've got is, "I acknowledge the

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15:06:51 1 hard work of Superintendent Biggin in leading such a large,  
15:06:55 2 diverse and high risk" - - -  
15:06:57 3  
15:06:57 4 I'm talking about the second statement, paragraph - -  
15:07:01 5 -?---I'm sorry.  
15:07:03 6  
15:07:03 7 COMMISSIONER: Have you been given - you've got it  
15:07:06 8 now?---Yes, I'm sorry, I turned over, I thought I was on  
15:07:09 9 the bottom of p.12, I'm actually on p.13.  
10  
11 MR CHETTLE: The last sentence of 54 reads, "The new  
15:07:15 12 supervision model was not openly embraced by the SDU", do  
15:07:18 13 you see that?---Yes.  
15:07:19 14  
15:07:19 15 That's a reference to what you've just been talking about  
15:07:22 16 with Mr Winneke in relation to putting a dedicated  
15:07:26 17 Inspector into the unit, right?---Generally, yes, and a  
15:07:34 18 Superintendent.  
15:07:35 19  
15:07:36 20 They've always had a Superintendent but now you've got a  
15:07:39 21 dedicated Superintendent and a dedicated Inspector,  
15:07:43 22 right?---Yes.  
15:07:44 23  
15:07:45 24 Now, the SDU, the Commission's got evidence that the SDU  
15:07:50 25 had been crying out for an independent dedicated  
15:07:55 26 Superintendent from effectively day one, back in 2004.  
15:08:00 27 Sorry, dedicated Inspector, right from its outset. Do you  
15:08:06 28 understand that to be the case?---I wasn't aware of that.  
15:08:08 29  
15:08:09 30 There's plenty of material here of meetings where Mr Biggin  
15:08:12 31 has been consulted about the need for a dedicated Inspector  
15:08:16 32 and the fact there's just not enough money for it, all  
15:08:20 33 right?---Okay.  
15:08:20 34  
15:08:22 35 I'd suggest to you that you're wrong when you say the model  
15:08:25 36 wasn't openly embraced by the SDU. It wasn't the model, it  
15:08:28 37 was the man who filled the position who wasn't openly  
15:08:32 38 embraced by the SDU, do you understand the difference?---I  
15:08:35 39 understand the difference.  
15:08:35 40  
15:08:36 41 And at least, do I take it from some of the answers you  
15:08:39 42 gave that you in fact recognised what you called cultural  
15:08:43 43 issues between members of the SDU and Mr O'Connor?---Yes.  
15:08:48 44  
15:08:50 45 Mr O'Connor had a style of management which I suggest  
15:08:57 46 alienated those he was managing. Were you aware of  
15:09:04 47 that?---Well it's not what I saw.

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15:09:08 1  
15:09:09 2 You were getting your information from Sheridan, I assume,  
15:09:11 3 to a large extent?---Yes.  
15:09:13 4  
15:09:13 5 And Sheridan was getting his information from  
15:09:16 6 O'Connor?---Yes, but I was also from time to time having  
15:09:18 7 discussions with members of the unit.  
15:09:20 8  
15:09:20 9 Did you have discussions with Sandy White from time to  
15:09:22 10 time?---Yes, I did.  
15:09:23 11  
15:09:24 12 And he was a man who to your knowledge was dedicated to the  
15:09:29 13 best practice for the SDU?---Yes.  
15:09:32 14  
15:09:36 15 Without labouring this, can I put to you a lot of the  
15:09:39 16 issues that you refer to your in statement, and a lot of  
15:09:43 17 the issues that are covered in the documents that relate to  
15:09:45 18 the closure of the SDU, really come down to differences of  
15:09:52 19 opinion in relation to the way in which practices were  
15:09:56 20 being carried out at the SDU?---There might be elements of  
15:10:00 21 that but I don't know that that's the case with all of  
15:10:03 22 them.  
15:10:03 23  
15:10:03 24 Not all of them, I'm going to go to some in a moment.  
15:10:07 25 Take, for example, the closure of [REDACTED] and  
15:10:13 26 then moving back to head office?---Yes.  
15:10:16 27  
15:10:17 28 There was a report provided to you from Sandy White in  
15:10:24 29 relation to that?---Yes.  
15:10:25 30  
15:10:25 31 There was a report from O'Connor in relation to  
15:10:28 32 that?---Yes.  
15:10:28 33  
15:10:28 34 O'Connor's report was exactly the same as Sandy White's,  
15:10:31 35 they both recommended maintaining [REDACTED], didn't  
15:10:35 36 they?---Mr O'Connor's report provided three options from  
15:10:41 37 what I can recall.  
15:10:42 38  
15:10:42 39 And recommended, the recommended option was to maintain the  
15:10:48 40 covert premises?---That was one of them, yes.  
15:10:51 41  
15:10:51 42 Of the three that's the one he recommended to you?---He  
15:10:54 43 could well have.  
15:10:55 44  
15:10:55 45 You decided to move the unit primarily I suggest because of  
15:10:59 46 the financial reasons, to save the police?---No, that was  
15:11:05 47 one element.

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15:11:05 1  
15:11:05 2 The lease was coming up for renewal, wasn't it?---Within  
15:11:09 3 the next 12 months I think, yes.  
15:11:11 4  
15:11:12 5 You determined to shut the unit in the face of advice from  
15:11:16 6 Sandy White and from O'Connor?---I determined - - -  
15:11:18 7  
15:11:19 8 Sorry, not shut the unit, move the unit back to  
15:11:25 9 premises?---After conversations with O'Connor and  
15:11:28 10 Mr Sheridan I made the decision to move them back [REDACTED]  
15:11:32 11 premises.  
15:11:33 12  
15:11:35 13 Have you read Sandy White's statement in - - -?---No, I  
15:11:41 14 have not.  
15:11:41 15  
15:11:44 16 I'm sure the Commission is not interested between the  
15:11:49 17 fights between he and Mr O'Connor, but he sets out in his  
18 statement his concerns about the way in which O'Connor  
15:11:53 19 managed the unit. Those sort of things happen with units  
15:11:56 20 from time to time, don't they?---They do, and I'm sure  
15:11:59 21 O'Connor might have also shared some concerns the other  
15:12:01 22 way.  
15:12:01 23  
15:12:01 24 Yes. I exchanged those questions with Mr O'Connor when he  
15:12:04 25 was here. All right. Let me move to the next one. You  
15:12:09 26 say in paragraph 55 that you agreed to allocate six extra  
15:12:15 27 positions to the SDU, [REDACTED] and [REDACTED]  
15:12:18 28 [REDACTED] and analysts, do you see that?---Yes.  
15:12:21 29  
15:12:22 30 What you don't say is that you didn't deliver them, isn't  
15:12:26 31 that - the case is although there was an agreement, you  
15:12:30 32 didn't provide them with those - you agreed to provide them  
15:12:31 33 but didn't do so?---That's not my understanding.  
15:12:34 34  
15:12:34 35 Let me suggest to you that none of the positions that you  
15:12:37 36 promised to provide were in fact provided to the SDU. You  
15:12:42 37 say there was an extra position, do you?---My recollection  
15:12:46 38 was that I signed off on the allocation of those additional  
15:12:50 39 positions.  
15:12:50 40  
15:12:52 41 My suggestion to you is it didn't occur and let me go back  
15:12:56 42 to give you a bit of history for that. The SDU were keen  
15:13:00 43 to develop a proactive recruitment of sources, weren't  
15:13:05 44 they?---Yes, they were.  
15:13:06 45  
15:13:06 46 And that was something that Sandy White discussed with you  
15:13:10 47 from time to time?---Yes.



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15:13:11 1  
15:13:11 2 And you were enthusiastic about that prospect?---Yes, it  
15:13:17 3 was certainly a capability that I thought was worthy of  
15:13:20 4 investment.  
15:13:20 5  
15:13:21 6 When you told him you were going to allocate these extra  
15:13:24 7 positions to the SDU there was a discussion then about that  
15:13:27 8 would enable that proactive recruitment to occur?---That  
15:13:31 9 was potentially one of the uses of those resources.  
15:13:34 10  
15:13:34 11 Let me suggest to you it didn't happen and it couldn't  
15:13:36 12 happen because the resources were not provided?---Well, I'm  
15:13:42 13 not going to dispute what you're saying but I've got to say  
15:13:45 14 I don't recall being advised that that was the case.  
15:13:48 15  
15:13:48 16 You'd be surprised if they didn't get them?---I would be.  
15:13:51 17  
15:13:51 18 It wasn't a case that you didn't allocate them ultimately  
15:13:55 19 because you decided to shut them down?---No, they were  
15:13:58 20 allocated.  
15:13:59 21  
15:13:59 22 The positions were filled?---I don't have, I don't have  
15:14:02 23 visibility of that.  
15:14:03 24  
15:14:04 25 Can I take you to what Mr Winneke asked you about in  
15:14:07 26 paragraph 56. You said, "To the best of my knowledge the  
15:14:12 27 course", I won't talk about [REDACTED] "The training courses  
15:14:15 28 had not been designed by qualified adult educators and I do  
15:14:20 29 not believe any of the facilitators and trainers had adult  
15:14:24 30 educational qualifications". Before you say something, did  
15:14:28 31 you check to see whether that was the case?---That was my  
15:14:30 32 belief.  
15:14:31 33  
15:14:31 34 Did you check to see if that was the case?---Not since I've  
15:14:37 35 left Victoria Police, no.  
15:14:38 36  
15:14:39 37 Sandy White, I suggest to you, and he will be making a  
15:14:45 38 subsidiary statement to put to this Commission, will say  
15:14:48 39 that he was a certified particular [REDACTED] trained and  
15:14:53 40 qualified to compile and deliver training courses. He had  
15:14:57 41 been [REDACTED] at the [REDACTED] for  
15:15:00 42 three and a half years and was a [REDACTED] at the  
15:15:04 43 [REDACTED] course, do you follow  
15:15:06 44 that?---Yes.  
15:15:07 45  
15:15:08 46 If that's the case there's no further training that anyone  
15:15:11 47 could have undertaken with Victoria Police for the purpose

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15:15:13 1 of performing the role he undertook?---I'm not certain  
15:15:16 2 about the level of adult education qualifications that go  
15:15:21 3 with some of those positions, such as [REDACTED] and  
15:15:24 4 other things.  
15:15:25 5  
15:15:25 6 If the fact be that he was a certified [REDACTED], and I  
15:15:29 7 won't give the number, trained and qualified to compile and  
15:15:33 8 deliver training courses and he'd been an [REDACTED] for  
15:15:37 9 three years at the [REDACTED] and was a  
15:15:40 10 qualified trainer, he would be qualified to deliver the  
15:15:43 11 course, wouldn't he?---Particularly if the qualification  
15:15:46 12 was from an external institution, yes.  
15:15:49 13  
15:15:53 14 Can I have VPL.6027.0030.3457, please. Now, firstly, this  
15:16:10 15 is an email from Mr Sheridan to yourself in July of 2012.  
15:16:19 16 He provides you with a written report pertaining to issues  
15:16:24 17 that he sees with managerial problems with the SDU, do you  
15:16:28 18 see that?---Yes.  
15:16:29 19  
15:16:29 20 He then goes on to talk about AOR's not being completed in  
15:16:35 21 some circumstances?---Yes.  
15:16:37 22  
15:16:38 23 On that topic of AOR's, you had discussions with Mr Gleeson  
15:16:45 24 from time to time about trying to find an AOR in respect of  
15:16:48 25 3838's registration?---I recall that coming up as an issue.  
15:16:53 26  
15:16:54 27 Mr Gleeson appears to have laboured under the belief that  
15:17:01 28 the AOR was a flexible document. It's not a flexible  
15:17:07 29 document, is it? It was maintained in a strict form and  
15:17:10 30 had to be followed by the policy?---I think he also makes  
15:17:15 31 the observation that the AOR for this, for the Gobbo  
15:17:20 32 matter, in its strict form, was probably inadequate.  
15:17:25 33  
15:17:26 34 Absolutely. I think everybody agrees what would have been  
15:17:29 35 best is to have a flexible risk designed AOR for an  
15:17:33 36 individual source but that's not the way the policy worked,  
15:17:37 37 was it?---I have to accept your view on that.  
15:17:39 38  
15:17:40 39 The AOR is exhibited, it effectively says, "You're not an  
15:17:44 40 employee of Victoria Police. You can't commit crimes",  
15:17:49 41 et cetera, to that effect?---But if there were inadequacies  
15:17:51 42 in that then the policy owner could have tried to deal with  
15:17:54 43 that.  
15:17:54 44  
15:17:54 45 Absolutely. What had occurred by the time of the Gleeson  
15:17:59 46 report is the AOR had been changed from a five point  
15:18:03 47 document to a 12 or 13 point document, there were much

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15:18:06 1 broader steps taken as time went on, policy changed, didn't  
15:18:10 2 it?---Right, yes.  
15:18:10 3  
15:18:12 4 "I provided five or six behavioural examples which best  
15:18:16 5 highlight the resistance within the SDU of managerial  
15:18:20 6 intervention and confirmed with the intrusive supervision  
15:18:25 7 philosophy within the ICSD. I've also commented upon the  
15:18:30 8 peer selection process which has developed within the SDU.  
15:18:32 9 This ceased over a year ago at management action", it seems  
15:18:37 10 to me, I can't see, "John and I now play some role in  
15:18:42 11 ensuring that selection is undertaken on merit with a view  
15:18:46 12 to balance within the office", do you see that?---Yes.  
15:18:49 13  
15:18:50 14 So you put in - do you accept that you were being told by  
15:18:56 15 Mr Sheridan that, "There really isn't a problem now with  
15:19:01 16 the peer selection process because we fixed it a year  
15:19:05 17 ago"?---Well providing that those processes and people  
15:19:07 18 remained in place, so - - -  
15:19:10 19  
15:19:11 20 As at 5 June Mr Sheridan is, 5 July, Mr Sheridan is telling  
15:19:17 21 you that the, a year ago, the practice that he was talking  
15:19:21 22 about, peer selection, ceased, is that right?---Yes.  
15:19:27 23  
15:19:29 24 I tender that email, Commissioner.  
15:19:30 25  
15:19:32 26 #EXHIBIT RC1319A - (Confidential) Email from Mr Sheridan to  
15:15:53 27 Jeff Pope -/07/12 VPL.6027.0030.3457.  
15:19:33 28  
15:19:34 29 #EXHIBIT RC1319B - (Redacted version.)  
15:19:35 30  
15:19:35 31 I'll come to it later, Mr Pope, but when you wrote to  
15:19:38 32 Mr Lay setting out a number of managerial reasons as to why  
15:19:42 33 you were having problems with the SDU, you said that there  
15:19:45 34 was an issue with peer selection, do you follow what I'm  
15:19:49 35 putting?---Yes, I follow.  
15:19:51 36  
15:19:51 37 You knew full well that in fact the problem had been  
15:19:54 38 resolved the year before that?---That might have escaped my  
15:19:58 39 memory but I accept the email.  
15:20:02 40  
15:20:02 41 One of the other things I'll come to in that, you know the  
15:20:06 42 email I'm talking about that you sent on 28 August to  
15:20:09 43 Mr Lay?---Yes.  
15:20:10 44  
15:20:11 45 And you looked at it - you understand it's been the subject  
15:20:14 46 of a bit of heat from the SDU?---Yes.  
15:20:17 47

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15:20:18 1 Right. One of the first things you say is that most of  
15:20:25 2 them are ex-armed robbers and they will bring with them the  
15:20:28 3 experience of the militancy of the amend robbers from the  
15:20:34 4 past, do you remember that point?---I think it was an  
15:20:36 5 analogy or an inference that I was drawing.

15:20:39 6  
15:20:39 7 No. What happened in fact I suggest, Mr Pope, is  
15:20:43 8 Mr Sheridan wrote to you, drew an analogy to the conduct of  
15:20:47 9 the old Armed Robbery Squad and you turned them all into  
15:20:52 10 armed robbers when you wrote to Ken Lay. Now could that  
15:20:54 11 have occurred?---It's obviously a belief that I held at the  
15:20:58 12 time. How I formed that belief, that may have been one of  
15:21:01 13 the reasons, but it was a belief that I formed at the time.

15:21:04 14  
15:21:04 15 I'm not going to spend a lot of time on it because it's not  
15:21:07 16 going to help the Commission but what I want to suggest to  
15:21:09 17 you is you made a number of assertions of fact that just  
15:21:12 18 weren't true, is that a possibility?---Not deliberately. I  
15:21:16 19 made what I believe was, was a true, what I believed was a  
15:21:21 20 true understanding of the issues at the time.

15:21:23 21  
15:21:23 22 So let's look at this letter, this email - did that get a  
15:21:27 23 number, Commissioner, when I tendered it?

15:21:29 24  
15:21:30 25 COMMISSIONER: 1319.

15:21:31 26  
15:21:32 27 MR CHETTLE: Thank you. At the time that exhibit email was  
15:21:35 28 written you have been getting updates and information from  
15:21:40 29 Mr Gleeson about what's going to be in the Comrie  
15:21:44 30 Report?---Yes.

15:21:45 31  
15:21:46 32 And you have determined that as a means of managing risk  
15:21:52 33 you're going to shut down the SDU?---Well that came  
15:21:57 34 following conversations with other members of Victoria  
15:22:01 35 Police Executive.

15:22:01 36  
15:22:03 37 Did you, Doug Fryer and Paul Sheridan determine that the  
15:22:06 38 unit would be shut?---We determined to make that  
15:22:09 39 recommendation.

15:22:09 40  
15:22:09 41 That was your position and Ken Lay was to sign off on it,  
15:22:14 42 is that the way it works?---And Graham and others were  
15:22:17 43 briefed and they accepted the recommendation.

15:22:19 44  
15:22:19 45 So you, Fryer, Ashton and Ken Lay primarily being the  
15:22:27 46 people making that decision?---Yes, I think so.

15:22:31 47

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15:22:34 1 Now, you say in paragraph 16, just as another point, that  
15:22:40 2 you have no recollection of sitting on a Rewards Committee  
15:22:44 3 in relation to Ms Gobbo, remember that point?---That's  
15:22:47 4 right.  
15:22:47 5  
15:22:47 6 You'll recall, were you made aware that in fact there was a  
15:22:52 7 reward process being started that fell apart when the civil  
15:22:57 8 action subsumed it?---No, I wasn't aware of that.  
15:23:00 9  
15:23:00 10 But Ms Gobbo was aware, and the unit put together, or  
15:23:06 11 started to put together a reward application that would  
15:23:08 12 ultimately have gone in front of you, do you  
15:23:11 13 follow?---Yeah, I follow what you're saying but I wasn't  
15:23:13 14 aware of it.  
15:23:14 15  
15:23:14 16 They had a meeting at [REDACTED] where they spent a day  
15:23:18 17 putting it all together, the minutes are before the  
15:23:20 18 Commission?---Okay.  
15:23:21 19  
15:23:23 20 So no one brought that, you didn't know that that was in  
15:23:27 21 effect overtaken by the civil action?---No, I wasn't aware  
15:23:31 22 of that.  
15:23:31 23  
15:23:36 24 You say in paragraph 17 that you told Finn McCrae in 1999,  
15:23:40 25 sorry, about you being involved with Gobbo in 1999 or 2000.  
15:23:46 26 That's in paragraph 17 I believe?---Yes, about the fact  
15:23:51 27 that I had used her as a human source.  
15:23:56 28  
15:23:56 29 Why did you tell him that?---Because as I've put in my  
15:24:03 30 statement they asked me to be the independent senior  
15:24:08 31 Victoria Police representative in the mediation process and  
15:24:12 32 I declared to them that I had had prior dealings with  
15:24:15 33 Ms Gobbo and I didn't think that that was a good idea.  
15:24:18 34  
15:24:18 35 Mr McCrae has no recollection of that and says that the only  
15:24:22 36 reason, says the only documentation, documented reason for  
15:24:26 37 your non-involvement in the mediation process was because  
15:24:30 38 you were not available. That's what the documents  
15:24:34 39 record?---No, I was available and I had, I primarily had  
15:24:37 40 the conversation with Mr Lardner and then, and then with  
15:24:41 41 Mr McCrae after that, and it was that conversation that then  
15:24:44 42 triggered a series of emails, as I recall, with Assistant  
15:24:50 43 Commissioner Paul Evans and then Assistant Commissioner  
15:24:57 44 Dunne.  
15:24:59 45  
15:24:59 46 Mr McCrae doesn't have any documentation to support that  
15:25:02 47 recollection. Do you have any documentation to support



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15:25:06 1 that recollection?---I have the emails that I footnote in  
15:25:08 2 my statement.  
15:25:09 3  
15:25:09 4 Sorry, I'll have to get you to identify those by number,  
15:25:13 5 please.  
15:25:13 6  
15:25:14 7 COMMISSIONER: Footnote 4 is the one that seems to be  
15:25:17 8 closest in time. It's VPL.6027.0004.2887.  
15:25:25 9  
15:25:26 10 MR CHETTLE: Could that be brought up, please. I haven't  
15:25:29 11 given it to you. Thank you. I'll come back to that, I  
15:25:39 12 think I will be able to have it found. All right, now, you  
15:25:48 13 say in paragraph 21 that you moved Ms Gobbo's human source  
15:25:53 14 management file to Sheridan's office in 2010, right?---Yes.  
15:25:58 15  
15:26:01 16 You might recall I asked you some questions briefly when  
15:26:05 17 you were here last year about whether or not you caused a  
15:26:08 18 management file to be moved to yourself and you indicated  
15:26:12 19 that you hadn't, remember that?---I thought it was about  
15:26:15 20 whether I'd accessed the file, that was one of the  
15:26:18 21 questions I thought, and I hadn't.  
15:26:20 22  
15:26:20 23 I'll take you - - -?---And you may well have asked if I had  
15:26:24 24 moved it and I at that time said that I had not.  
15:26:30 25  
15:26:30 26 You didn't have access, you didn't move it, things of that  
15:26:31 27 sort?---Right. But clearly there was an email earlier  
15:26:34 28 today which indicates that I gave permission for it to be  
15:26:38 29 moved to the Human Source Management Unit.  
15:26:39 30  
15:26:40 31 Is that what prompted your memory for paragraph 21 of your  
15:26:44 32 statement, the documents that you've seen since giving  
15:26:46 33 evidence last year?---Well that's, that's talking about  
15:26:57 34 being moved from the Human Source Management Unit to Paul  
15:27:01 35 Sheridan's office. What I don't have, and what I didn't  
15:27:05 36 identify in my email research was the email that was shown  
15:27:08 37 to me earlier which then is my support for it to be moved  
15:27:11 38 from Superintendent Sheridan's office to the Human Source  
15:27:16 39 Management Unit.  
15:27:16 40  
15:27:16 41 That was in 2011, we saw before?---Right.  
15:27:21 42  
15:27:22 43 Can I bring up - firstly, what was it that you asked to be  
15:27:28 44 moved and put into Sheridan's office, everything that was  
15:27:31 45 hard copy to do with her?---My understanding was there was  
15:27:34 46 a four drawer safe, I think it's a class B safe, it's like  
15:27:39 47 a large filing cabinet, that contained hard copy



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15:27:43 1 documentation that only related to her and that we arranged  
15:27:46 2 for that entire safe just to be picked up and moved.  
15:27:51 3  
15:27:51 4 Still locked?---Yes, that's my understanding, yes.  
15:27:55 5  
15:27:55 6 Can I have Exhibit 536 brought up, please. Now, in 2015  
15:28:07 7 Mr Black - could Mr Pope be shown the identity of Mr Black.  
15:28:22 8 This was a man who was originally one of the handlers for  
15:28:25 9 Ms Gobbo and then subsequently became a  
15:28:33 10 controller?---Right.  
15:28:33 11  
15:28:33 12 Do you know who I'm talking about?---Yes. I believe so.  
15:28:39 13  
15:28:39 14 He's the man who wrote the document that Mr Winneke took  
15:28:42 15 you to this morning, the SWOT analysis?---I understand.  
15:28:45 16  
15:28:46 17 But in 2015 he's given a task by Inspector Swain from the  
15:28:53 18 Crime Command in relation to what he was told was a reward  
15:28:57 19 application for 3838, that's Gobbo, right?---Yes.  
15:29:01 20  
15:29:01 21 And he had to search for some documents and he went to the  
15:29:09 22 HSMU and SDU holdings revealed the following items which  
15:29:13 23 related to the reward application summary of assistance.  
15:29:17 24 And you'll see items I, J and K. "HSMU safe file 472, hard  
15:29:27 25 copy management files, 13 May 1999 to 23 September 2008."  
15:29:35 26 Now, take it from me, HSMU safe file 472 is the number  
15:29:42 27 assigned to your registration of her as a source in 1999.  
15:29:47 28 Do you follow?---Okay.  
15:29:53 29  
15:29:53 30 I mean I can go through a complicated process and show you  
15:29:56 31 the documents?---I wasn't aware of that so I accept that.  
15:30:00 32  
15:30:01 33 Hard copy management file - it shows on the records that  
15:30:04 34 were there that her registration from your registration in  
15:30:08 35 1999 ran until 2008. That would be news to you I take  
15:30:14 36 it?---Yes.  
15:30:16 37  
15:30:16 38 Underneath that is, "Safe file 727, hard copy management  
15:30:23 39 files from 16 September 05 to 12 January 09". Now that is  
15:30:31 40 the SDU registration?---Okay.  
15:30:33 41  
15:30:33 42 Do you follow? And then the witness catalogue, "All HSMU  
15:30:37 43 physical files", whatever the Witness F catalogue is and it  
15:30:43 44 may be that document that Mr Winneke showed you this  
15:30:45 45 morning of all the different names. "All HSMU physical  
15:30:48 46 files moved to AC Pope on 13 August 2012." Do you see that  
15:30:55 47 notation?---I see that.

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15:30:56 1  
15:30:56 2 So they were the envelopes that were, the evidence is those  
15:31:02 3 three, the two hard copy informer management files, there  
15:31:05 4 were envelopes in the safe with those endorsements on it,  
15:31:08 5 do you follow?---Okay.  
15:31:10 6  
15:31:10 7 And what do you say as to the proposition that those  
15:31:15 8 documents, including the registration forms for both  
15:31:21 9 periods, yours and the SDU, were moved to you in August  
15:31:24 10 2012?---I have absolutely no knowledge of that. I never  
15:31:30 11 opened the safe, I never received the safe. I wouldn't  
15:31:33 12 even know how to get into the safe.  
15:31:35 13  
15:31:35 14 The time is wrong too. Because according to what you say  
15:31:38 15 now is that Sheridan got the documents in 2010 and they  
15:31:41 16 went back to HSMU in 2011?---Yeah, I mean unless my name's  
15:31:46 17 being used as the person who gave the authority for the  
15:31:49 18 files to be moved, but I never ever had possession of the  
15:31:52 19 documents.  
15:31:53 20  
15:31:53 21 What occurs, Mr Winneke's already touched on this, what  
15:31:56 22 occurred is nobody can find the original registration  
15:31:59 23 documents for her registration in 2005, the signed  
15:32:03 24 documents, do you follow?---Okay.  
15:32:04 25  
15:32:05 26 There's copies, but the signed documents have gone missing  
15:32:08 27 and the last time they seem to have been seen, according to  
15:32:11 28 the records, is they've been moved to you on 13 August  
15:32:17 29 2012?---It's all news to me.  
15:32:19 30  
15:32:20 31 Superintendent Gleeson, Steve Gleeson, the evidence is,  
15:32:25 32 discovered your, in the course of an Operation Bendigo in  
15:32:29 33 2014, and you'd gone by then, hadn't you?---Yes.  
15:32:33 34  
15:32:33 35 Discovered a copy of your registration in 1999?---Right.  
15:32:41 36  
15:32:41 37 And you were shown that when you were here last  
15:32:44 38 time?---That's right.  
15:32:44 39  
15:32:44 40 I'm not going to pull it up now, it's the one that you  
15:32:47 41 filled out and then it got your name and writing on  
15:32:51 42 it?---Yes.  
15:32:51 43  
15:32:51 44 And he sent that to Mr Cartwright in 2014. That was when  
15:32:57 45 your registration was discovered?---When the registration  
15:33:01 46 form was discovered?  
15:33:03 47

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15:33:04 1 Yes?---Yes.  
15:33:05 2  
15:33:07 3 What's the difference, when did you work out that you had  
15:33:12 4 registered her?---When I started to prepare for the Royal  
15:33:14 5 Commission last year. But I'm just alluding to the fact  
15:33:17 6 that obviously I made the affidavit in November 2011 to  
15:33:21 7 Mr Cartwright indicating that I had used her as a human  
15:33:24 8 source.  
15:33:24 9  
15:33:25 10 That's not - as distinct from - according to you you've  
15:33:28 11 told a lot of people you used her as a source but you  
15:33:31 12 haven't ever recalled registering her?---No, no, not until  
15:33:36 13 I came to the Royal Commission last year.  
15:33:37 14  
15:33:39 15 That itself is extraordinary, isn't it, Mr Pope, that you  
15:33:41 16 would forget that you registered a barrister?---No.  
15:33:47 17  
15:33:49 18 No? Had you known that you registered her as a barrister  
15:33:51 19 in 1999 at the time you were dealing with Mr Cartwright and  
15:33:56 20 all the issues that occurred in relation to SDU's  
15:34:01 21 management of her as a barrister, it would have put you in  
15:34:04 22 a position of conflict, wouldn't it?---Look, I viewed the  
15:34:09 23 interactions that I'd had with her in 1999, she was giving  
15:34:13 24 me evidence about her employer, not about any client, and  
15:34:19 25 it was a low level insignificant matter.  
15:34:22 26  
15:34:22 27 It's a bit more than, it's a bit more than just her  
15:34:27 28 employer, in relation to a client in relation to a block of  
15:34:29 29 land and proceeds of drugs up the country, wasn't it, as  
15:34:33 30 well?---There were elements, there were elements of that's  
15:34:36 31 where the money may have gone to, I think.  
15:34:38 32  
33 Mr Holt taps his watch at me. Is the Commissioner having a  
34 break or - - -  
35  
36 COMMISSIONER: I think we'd better have a break for  
37 everyone's sake. Yes, we'll have a 15 minute break.  
38  
39 (Short adjournment.)  
40  
15:49:12 41 MR HOLT: Commissioner, just looking at the time, given  
15:49:14 42 that we've got an hour and ten minutes until 5 o'clock, is  
15:49:18 43 it possible to stand Mr O'Connell down? We can keep him if  
15:49:23 44 we need to but he has been here all day.  
45  
15:49:24 46 COMMISSIONER: So you're going to call Mr O'Connell next,  
15:49:28 47 is that the plan?

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15:49:30 1  
15:49:30 2 MR HOLT: Yes.  
3  
15:49:31 4 COMMISSIONER: It is, okay. Mr Chettle, you'll be how  
15:49:33 5 long?  
15:49:33 6  
15:49:34 7 MR CHETTLE: I don't know, Commissioner. I really don't.  
8  
15:49:38 9 COMMISSIONER: No, no, that's okay, but could you give me,  
15:49:39 10 you know, half an hour, an hour.  
15:49:41 11  
15:49:41 12 MR HOLT: Half an hour to an hour, that's my best bet.  
15:49:43 13  
15:49:43 14 COMMISSIONER: Okay. And how long will you be?  
15:49:46 15  
15:49:46 16 MR HOLT: Probably 15, 20 minutes, Commissioner.  
17  
15:49:48 18 COMMISSIONER: By the time we finish with Mr Pope that'll  
15:49:52 19 be it for the day I guess.  
15:49:53 20  
15:49:54 21 MR HOLT: Thank you, Commissioner.  
22  
15:49:54 23 COMMISSIONER: Thank you.  
15:49:56 24  
15:49:56 25 MR CHETTLE: Mr Pope, remember you made reference to a  
15:49:58 26 document in relation to those questions I was asking you  
15:50:01 27 about Finn McRae and about whether you participated in the  
15:50:04 28 mediation, remember those?---Yes.  
29  
15:50:08 30 6027.0004.2887 is an email from Finn McRae to yourself and  
15:50:15 31 Peter Lardner re Witness F contacts. I don't think it's on  
15:50:20 32 the system but I'll just read it to you. "Jeff, I've had a  
15:50:23 33 short discussion with VGSO regarding the civil litigation  
15:50:26 34 and the timing of the mediation. Our advice is as follows:  
15:50:30 35 VicPol agree to meet with Ms Gobbo" - there we are - "to  
15:50:35 36 meet with Ms Gobbo to discuss possible entry to witness  
15:50:38 37 protection program. After discussion with yourself we  
15:50:42 38 agree Paul Evans and Andrew Crisp should lead negotiations  
15:50:47 39 for VicPol", right?---Right.  
40  
15:50:49 41 To be fair to you, that's where you say you would have  
15:50:52 42 explained to Mr McRae why it is you couldn't appear, why  
15:50:56 43 you couldn't do the mediation yourself?---Yes, and  
15:50:58 44 particularly to Mr Lardner.  
45  
15:51:00 46 Right. I understand why you say what it says, but there's  
15:51:03 47 nothing in that document that indicates you declared your

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15:51:08 1 prior involvement with her, is there?---It doesn't spell it  
15:51:11 2 out, no.  
3  
15:51:12 4 But implicitly you say it would have occurred after that  
15:51:16 5 discussion with yourself?---It caused a change of strategy  
15:51:18 6 to go from me to Paul Evans or Andrew Crisp and ultimately  
15:51:23 7 it ended up going to Emmett Dunne.  
8  
15:51:25 9 I tender that document since I've referred to it,  
15:51:29 10 Commissioner.  
11  
15:51:29 12 COMMISSIONER: Yes.  
15:51:30 13  
15:51:30 14 #EXHIBIT RC1320A - (Confidential) 6027.0004.2887 email from  
15:50:13 15 Finn McRae to Pope and Peter Lardner re  
15:50:16 16 Witness F contacts.  
15:51:32 17  
15:51:33 18 #EXHIBIT RC1320B - (Redacted version.)  
15:51:35 19  
15:51:35 20 MR CHETTLE: Back to the issue of the registration  
15:51:37 21 documents. Mr Gleeson gave evidence at IBAC in relation to  
15:51:49 22 having a conversation with you about whether you'd ever had  
15:51:52 23 any prior involvement with Ms Gobbo, do you  
15:51:56 24 follow?---Right.  
25  
15:51:56 26 Have you been aware of his evidence in that regard?---No.  
27  
15:52:00 28 All right. Can I just read it to you. This is at p.16 of  
15:52:03 29 his evidence at IBAC. Remember I indicated to you that he  
15:52:19 30 found your registration and provided it to Cartwright  
15:52:21 31 before, in 2014?---Yes.  
32  
15:52:24 33 He's asked this question, "During the course of your  
15:52:27 34 letter", it's Exhibit 1.5, while that's being found, at  
15:52:35 35 p.16. "During the course of your letter you understand in  
15:52:39 36 fact Mr Pope in a previous life, back in about 1999, had  
15:52:42 37 registered 3838 as an informer under a different  
15:52:46 38 registration number. Were you aware of that?" That's the  
15:52:49 39 question to Gleeson, do you follow? He says, "I only found  
15:52:53 40 out earlier this year in about April - March, April, May I  
15:52:56 41 think it was when I was tasked to do some work in regards  
15:53:00 42 to the file. I certainly had no knowledge of it. It came  
15:53:03 43 as a surprise to me". Do you follow?---Right.  
44  
15:53:06 45 He's asked, "Did Mr Pope volunteer to you at any stage that  
15:53:10 46 he'd had some previous involvement". Page 16, please.  
15:53:15 47 Just so can you follow it. Next page, please. It's p.16

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15:53:29 1 and 17 at the top. Thank you. Can you see where I'm up  
15:53:34 2 to, "I only found out earlier this year. Did Mr Pope  
15:53:37 3 volunteer to you at any stage that he'd had some previous  
15:53:40 4 involvement, that this particular person, albeit not as  
15:53:43 5 3838 but indeed under some other informant number? No, in  
15:53:49 6 fact I asked him that question. If he ever had any prior  
15:53:51 7 involvement, because it appeared everybody else had, and  
15:53:57 8 that certainly wasn't forthcoming. I can understand why he  
15:54:01 9 wasn't but - - - Can I take you through that. When did  
15:54:04 10 you ask Mr Pope that question? It would have been in the  
15:54:07 11 first two or three months of doing this review. Why did  
15:54:11 12 you ask him that question? Look, I suppose I was a bit  
15:54:14 13 concerned with some of the revelations within the file and  
15:54:17 14 what people knew so I suppose I asked both him and the  
15:54:22 15 Director of Legal Finn McRae the same question, because I  
15:54:25 16 was concerned about who they, they'd brief in regard to  
15:54:29 17 developments and so on". I understand what he's saying,  
15:54:34 18 who he had to go and report to in relation to it. Go over  
15:54:38 19 the page, "Can I put this, paraphrase to you, please  
15:54:44 20 correct me if I'm wrong. You're telling the Commission  
15:54:47 21 that because of your concern that other police members'  
15:54:49 22 involvement with this particular source you wanted any  
15:54:50 23 involvement with your report and the Comrie signature of  
15:54:52 24 that report to be totally clear and free of any other prior  
15:54:56 25 involvement with this source?" Answer: "That's correct.  
15:55:01 26 You put that question to Mr Pope but did not receive the  
15:55:04 27 indication he in fact knew 3838 on a previous  
15:55:07 28 identification number? Well, I put the question, 'Gee, it  
15:55:11 29 appears that everyone's had some prior involvement with  
15:55:14 30 this thing. You're in the clear, aren't you? There's  
15:55:17 31 nothing there from you?' I got an affirmative response  
15:55:20 32 there was nothing of concern nor prior relationship or  
15:55:23 33 whatever. But I suppose that someone that's controlling a  
15:55:27 34 human source wouldn't be at liberty to divulge that  
15:55:30 35 information in any event so I can understand why the  
15:55:32 36 information came about but I can certainly recall asking  
15:55:37 37 that question", see? Now, do you remember him asking you  
15:55:40 38 that question?---No, I don't.  
39  
15:55:45 40 Do you accept that he did ask it and you replied in the way  
15:55:49 41 in which he's given evidence?---I don't have any  
15:55:56 42 recollection of that conversation at all. I recall having  
15:56:02 43 a discussion with Finn McRae around about the time of the  
15:56:05 44 Comrie Review with respect to also my affidavit, because  
15:56:09 45 the two started to coincide, but I don't recall this  
15:56:15 46 conversation at all.  
47



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15:56:18 1 I take it not recalling it means just that, you don't say  
15:56:22 2 it didn't happen, you have no recollection?---I'm just  
15:56:26 3 wondering whether it's in the context of the alleged  
15:56:30 4 relationship with Ms Gobbo.  
5  
15:56:33 6 No, no. What he's making clear, and he goes on to spell it  
15:56:37 7 out when you look at the rest of it, that he had issues  
15:56:40 8 with anybody who had any prior involvement with her. Not  
15:56:43 9 to do with sexual allegations?---If he had asked me that  
15:56:46 10 question I would absolutely have advised him that I  
15:56:50 11 previously - - -  
12  
15:56:52 13 Used her as a informer?---Had dealings with her.  
14  
15:56:55 15 As an informer?---Yeah, I had no reason not to do so and I  
15:56:57 16 had done so with other people.  
17  
15:56:59 18 Would you it surprise you that of all of the people that  
15:57:02 19 you list, nobody mentions that you've told them that she  
15:57:05 20 was an informer. Simon Overland has no recollection,  
15:57:08 21 Graham Ashton has no recollection, and they're both people  
15:57:10 22 you say you told repeatedly?---I wonder if this is an issue  
15:57:18 23 around language though. I don't think I ever would have  
15:57:22 24 said to anybody that I registered her as an informer  
25 because I do not recall having that, that recollection and  
15:57:26 26 that understanding until last year.  
15:57:26 27  
15:57:27 28 Or that you used her as an informer?---That I've had prior  
15:57:29 29 dealings with her and whether I've - - -  
30  
15:57:29 31 Prior dealings with her is not the point. I think you've  
15:57:32 32 said to me that you told people that you'd used her as an  
15:57:37 33 informer or to get information from?---Right.  
34  
15:57:39 35 Is that what you told people?---Words to that effect.  
36  
15:57:43 37 Either a registered or unregistered informer,  
15:57:47 38 correct?---Words to that effect.  
39  
15:57:50 40 It would surprise you that nobody - did you tell Ken  
15:57:57 41 Jones?---Yes, I did.  
42  
15:58:00 43 Mr Jones says he only discovered it during the course of  
15:58:03 44 this Royal Commission. You say you told Mr Overland on a  
15:58:06 45 number of occasions?---I'd spoken to Simon about it. I'd  
15:58:11 46 certainly spoken to Graham about it on a number of  
15:58:15 47 occasions.

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1  
15:58:16 2 On the issue of Simon, by the time you come round to  
15:58:19 3 dealing with the Comrie issues and dealing with Mr Gleeson,  
15:58:22 4 he's left as Chief Commissioner, hasn't he?---Yes.  
5  
15:58:24 6 He left in 2011?---Yes.  
7  
15:58:26 8 But just because he leaves doesn't mean that he's not  
15:58:29 9 available to be spoken to or contacted, does it?---No.  
10  
15:58:34 11 Is there any reason you didn't ask him or cause inquiries  
15:58:38 12 to be made with him as to what involvement he'd had with  
15:58:41 13 Ms Gobbo over the course of her registration?---I think, as  
15:58:46 14 I mentioned earlier, I saw this more as a desk top review  
15:58:50 15 and it was a case review rather than a thorough inquiry, so  
15:58:55 16 with very limited resources. So it was effectively, you  
15:58:58 17 know, looking at the file and making judgments and  
15:59:02 18 assessments based on the file, rather than following a  
15:59:05 19 range of avenues of inquiry.  
20  
15:59:07 21 But it became apparent when you spoke to Ken Lay, and you  
15:59:11 22 went through that out of scope issues document, you saw the  
15:59:14 23 notation he wrote on it, "Who knew what and when"?---Yes.  
24  
15:59:19 25 And isn't that really what this was all about, what  
15:59:23 26 happened and who knew about it?---Yes, in broad terms. I  
15:59:30 27 think more though I was trying to, firstly, actually  
15:59:34 28 understand what we were actually sitting on. I don't think  
15:59:38 29 we had a real sense as an agency of exactly what we were  
15:59:41 30 sitting on.  
31  
15:59:43 32 Well, you had no idea what had happened in her management  
15:59:46 33 because you hadn't been there and nobody had told you about  
15:59:49 34 it?---That's right.  
35  
15:59:50 36 You were learning as you were going along?---That's right.  
37  
15:59:52 38 But clearly would it be apparent - in any of your  
15:59:56 39 discussions with Simon Overland did he tell you that he was  
16:00:01 40 running - that he was aware of her use a human source?---We  
16:00:06 41 certainly had discussions, as I recall, around the time  
16:00:08 42 that Mokbel was located in Greece and around the Carl  
16:00:16 43 Williams murder time that she was deeply involved in these  
16:00:20 44 sorts of issues.  
45  
16:00:21 46 Right. That's before you come back to Victoria  
16:00:25 47 Police?---No, that's whilst I'm back at Victoria Police.

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1  
16:00:28 2       Whilst you're coming back?---Right.  
3  
16:00:31 4       He tells - apart from Mr Biggin telling you about her,  
16:00:34 5       according to you, Overland tells you about her use as a  
16:00:37 6       human source as well?---In very broad terms.  
7  
16:00:41 8       Did he tell that she was involved in providing information  
16:00:44 9       about Mr Mokbel?---I don't recall that, no.  
10  
16:00:47 11      You mentioned the Mokbel extradition. What was the context  
16:00:51 12      of the discussion about that?---Well it was the fact that  
16:00:57 13      he had been located and we were going to extradite him back  
16:01:03 14      to Victoria was, you know, a significant occasion. So it  
16:01:06 15      was in the context of that that my understanding is there  
16:01:09 16      were mentions around her.  
17  
16:01:10 18      You were in charge of the covert intelligence area at the  
16:01:13 19      time that he was extradited from Greece, were you?---I  
16:01:18 20      think - well I have to be because that was the only  
16:01:21 21      department I actually managed in that period of time, so.  
22  
16:01:24 23      You were aware there was a process being undertaken to  
16:01:27 24      bring him back?---Yes.  
25  
16:01:28 26      I take it you were never aware of any privileged or  
16:01:31 27      confidential information from Ms Gobbo in relation to that  
16:01:33 28      extradition process?---No, I wasn't deeply involved in the  
16:01:38 29      extradition process.  
30  
16:01:42 31      But you weren't told of her involvement in that process at  
16:01:45 32      all? The reason I ask you this is because Gleeson raises  
16:01:53 33      it with you in some of the documents that he writes later  
16:01:56 34      on?---I've got a vague recollection, I'm trying to  
16:01:59 35      understand where I've learnt it from. But I've got a vague  
16:02:03 36      recollection that she was somehow involved around that  
16:02:05 37      process.  
38  
16:02:06 39      This all started because you were talking to Simon Overland  
16:02:08 40      about her involvement. Did he actually tell you that he  
16:02:11 41      understood she was a registered human source?---I don't  
16:02:15 42      recall it being that specific.  
43  
16:02:18 44      All right. Now, Mr Sheridan, did you listen to or read his  
16:02:33 45      evidence in relation to his dealings with you?---Some  
16:02:36 46      elements.  
47

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16:02:38 1 You'll recall that he gave evidence that you had a  
16:02:40 2 conversation with him and showed him some pages of what  
16:02:45 3 would be part of the Comrie Review and talked about  
16:02:51 4 corruption issues with him, do you recall that?---I recall  
16:02:55 5 that I was providing him some briefings along the way as to  
16:02:59 6 how things were progressing.  
7

16:03:00 8 What he said was that you showed him some pages of what he  
16:03:03 9 understood came from Comrie, or Mr Gleeson, and that you  
16:03:06 10 talked about the criminal offence being committed,  
16:03:10 11 attempting to pervert the course of justice, for  
16:03:12 12 example?---Right.  
13

16:03:13 14 Do you recall that conversation?---No, I don't.  
15

16:03:16 16 At any time did you come to the view that there had been a  
16:03:20 17 criminal offence committed by the SDU?---I - well there was  
16:03:33 18 nothing on the face of it that indicated a criminal offence  
16:03:35 19 had been committed but there were certainly suggestions in  
16:03:38 20 the papers that there may well have been cause for concern  
16:03:42 21 around perverting the course of justice.  
22

16:03:45 23 You were taken to what Mr Gleeson put in the out of scope  
16:03:49 24 document?---That's right.  
25

16:03:50 26 There were issues that may be there that need to be  
16:03:54 27 explored?---That's right, yes, and I wonder if I was  
16:03:56 28 referring to that.  
29

16:03:57 30 But Mr Gleeson is stronger than that - sorry, Mr Sheridan  
16:04:01 31 is stronger than that, he says you told him that there had  
16:04:05 32 been criminal offences potentially committed, including  
16:04:09 33 attempting to pervert the course of justice. Do you agree  
16:04:12 34 with that or dispute that?---I don't recall that  
16:04:16 35 conversation.  
36

16:04:16 37 Because if you have that, tell him that, there'd be an  
16:04:19 38 obligation for you to report it to ESD, wouldn't  
16:04:22 39 there?---Or the OPI.  
40

16:04:25 41 The OPI got a copy of that out of scope agreement document,  
16:04:29 42 did they not? Did you send it to Mr Bonighton?---We did  
16:04:35 43 get a copy of it through to Mr Bonighton I believe.  
44

16:04:39 45 When you sent it to him it didn't have in it the concerns  
16:04:42 46 about the Police Act that Mr Gleeson referred to his duties  
16:04:48 47 of reporting, it was a slightly different version, wasn't

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16:04:51 1 it?---I don't know.  
2  
16:04:53 3 In any event Mr Bonighton indicated to you that there was  
16:04:56 4 nothing to see here and they weren't interested in  
16:05:01 5 it?---I'm not aware of that.  
6  
16:05:04 7 Okay. Sorry, Commissioner, I haven't got it in front of  
16:05:19 8 me. Let me suggest to you there is a letter written by  
16:05:23 9 Mr Bonighton indicating, "Thanks for advising us, we'll put  
16:05:27 10 it on the files but it's a matter for you", words to that  
16:05:30 11 effect?---Is that a letter back to me ?  
12  
16:05:33 13 That's what I want to make sure of. I believe it is but I  
16:05:41 14 will get you the number. Excuse me.  
15  
16:05:45 16 COMMISSIONER: Has it already been tendered, Mr Chettle?  
16:05:49 17  
16:05:49 18 MR CHETTLE: I don't believe it has, Commissioner. There  
16:06:01 19 it is, thank you. It's in fact to Graham Ashton. I  
16:06:06 20 apologise. It's VPL.0099.0048.0001. While that's being  
16:06:19 21 brought up I'll do something else. There it is. That's  
16:06:26 22 dated 10 August 2012 to Deputy Commissioner Ashton from  
16:06:33 23 Bonighton, thanking him for the letter and enclosures.  
16:06:39 24 That would be the - that's in relation to the missing Petra  
16:06:46 25 files, do you see that? That's not the right one?---Yeah,  
16:06:49 26 I don't - - -  
27  
16:06:50 28 We've got the wrong letter. While I've got that though, do  
16:06:54 29 you recall there was an issue in relation to trying to  
16:06:55 30 locate the files that were maintained by the Petra steering  
16:07:03 31 committee?---I recall Steve Gleeson having some challenges  
16:07:07 32 with that.  
33  
16:07:07 34 Did you assist in providing them to him? Let me suggest  
16:07:11 35 the evidence in relation to it in short compass is that you  
16:07:13 36 and Mr Fryer located them in the AC Crime office and walked  
16:07:18 37 them through to - and eventually provided them to  
16:07:21 38 Mr Gleeson?---Well, I'll accept that. I'd say it's  
16:07:27 39 probably more Mr Fryer's hard work than myself but I'll  
16:07:31 40 accept that.  
41  
16:07:32 42 There's some involvement of ESD because the files have been  
16:07:35 43 configured in a way that ESD configure them with string or  
16:07:39 44 laces?---Okay.  
45  
16:07:43 46 That became important, I suggest to you, because that  
16:07:47 47 promoted a change in the Terms of Reference for the Comrie

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16:07:50 1 Report? Do you recall there being an alteration to the  
16:07:55 2 Terms of Reference in the Comrie Report?---No, I don't, and  
16:07:59 3 I've heard this matter come up at the Commission but I  
16:08:03 4 don't have any recollection and I haven't been able to find  
16:08:05 5 any documentation.  
6  
16:08:08 7 I'll show you some in a moment. Initially the original  
16:08:10 8 Comrie Report terms, the ones you drafted in fact, were  
16:08:14 9 entirely about the management of 3838 and did not refer to  
16:08:17 10 her transition as a witness at Petra, do you  
16:08:20 11 follow?---Right.  
12  
16:08:21 13 Mr Gleeson started raising issues, that Mr Winneke took you  
16:08:25 14 to, in relation to, "Well, who sat on it? Who made the  
16:08:31 15 decision? What happened with the SWOT analysis", things of  
16:08:36 16 that nature, that led to obviously a change in the Terms of  
16:08:39 17 Reference so that a second Term of Reference was put in to  
16:08:42 18 investigate the process around transition from source to  
16:08:44 19 witness, do you follow?---I accept that that occurred. I  
16:08:47 20 mean there's obviously commentary in the report, final  
16:08:50 21 report about that as well.  
22  
16:08:52 23 The final report deals with that issue but it started out  
16:08:55 24 as something else. That became an issue as a result of the  
16:08:59 25 missing Petra files and Mr Gleeson's attempt to find out  
16:09:03 26 who authorised and what support was given in relation to  
16:09:06 27 the transition to a witness?---Okay.  
28  
16:09:09 29 If you read the - you've read the report I take it?---The  
16:09:12 30 Comrie Report?  
31  
16:09:13 32 Yes?---Yes.  
33  
16:09:15 34 You'd be aware that that report is critical of the SDU in  
16:09:18 35 failing to provide assistance to Petra and in fact not  
16:09:21 36 really providing an adequate risk assessment in relation to  
16:09:25 37 that transition?---Yes.  
38  
16:09:31 39 What we find happening, and I want to deal generally with  
16:09:36 40 the Comrie Report, is what it does is it distances Command  
16:09:40 41 from knowledge and responsibility for the conduct of the  
16:09:42 42 SDU, do you accept that that's the effect of it?---No, I  
16:09:47 43 don't. I don't agree with that and certainly that wasn't  
16:09:51 44 the intention of it.  
45  
16:09:53 46 Mr Gleeson reports that there was a deliberate  
16:09:57 47 under-reporting of risk by the SDU to management in order



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16:10:01 1 to avoid the derailing of the registration, do you recall  
16:10:06 2 that?--I recall that sentiment, yes.  
3  
16:10:12 4 And the second - in relation to the Petra transition of  
16:10:15 5 witnesses, he makes the comments I indicated before about  
16:10:21 6 the failure to give a proper risk analysis and to assist in  
16:10:26 7 the transition?--Right.  
8  
16:10:27 9 Now both of them at least appear to lay the responsibility  
16:10:30 10 for what occurred at the feet of the SDU, don't they?--I  
16:10:35 11 think he also provides some commentary around the fact that  
16:10:40 12 the matter may not have been brought properly before the  
16:10:44 13 Petra steering committee and that Mr Biggin was not called  
16:10:46 14 before the steering committee to speak to some of the  
16:10:49 15 documentation that the steering committee could have asked  
16:10:55 16 more, for more information. I thought there was more to it  
16:10:59 17 than that.  
18  
16:11:00 19 Let me - this SWOT analysis that Mr Winneke took you to  
16:11:04 20 looms large in this case, in this Commission, do you  
16:11:07 21 follow? It is a - have you read it in the course of - - -  
16:11:10 22 ?--I scanned it just before. That's the first time I've  
16:11:13 23 seen it.  
24  
16:11:13 25 What you saw is sufficient to make you realise that it  
16:11:18 26 clearly sets out real risks to the organisation in turning  
16:11:21 27 her into a witness?--It's a fairly blunt document and it  
16:11:25 28 canvasses a range of issues.  
29  
16:11:27 30 Which would alert, if it came to your attention, would have  
16:11:31 31 caused you to ask a lot of questions, wouldn't it?--Yes.  
32  
16:11:35 33 You were on the various steering committees after you came  
16:11:39 34 back to Victoria Police. If you saw a document like that  
16:11:44 35 you would elevate it to Chief Commissioner level, wouldn't  
16:11:46 36 you?--Yes.  
37  
16:11:50 38 You realise from what you saw with Mr Winneke that there  
16:11:54 39 was a real issue with Mr Gleeson trying to ascertain what  
16:12:01 40 happened with that SWOT analysis, who saw it and who made  
16:12:03 41 the decision to transition her as a witness?--Yes, and I  
16:12:07 42 think the files, and again the information management  
16:12:09 43 processes, made that very difficult to ascertain with a  
16:12:12 44 great degree of clarity.  
45  
16:12:15 46 You don't remember where you found those two folders that  
16:12:19 47 were provided to Mr - or firstly do you remember finding or

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16:12:24 1 locating those two folders?---I've got a vague  
16:12:27 2 recollection. As I said, I think it was more Doug Fryer's  
16:12:30 3 hard work and I thought it might have been when there was a  
16:12:34 4 change over of Assistant Commissioner of Crime.  
5  
16:12:36 6 When Simon's gone out and someone's come in?---No, when the  
16:12:42 7 Assistant Commissioner changed over.  
8  
16:12:43 9 Oh, the Assistant Commissioner?---M'mm, so it may well have  
16:12:46 10 been after Graham Ashton moved to become the Deputy  
16:12:51 11 Commissioner is a possibility, that the office was then  
16:12:54 12 completely cleaned out.  
13  
16:12:57 14 Okay. Have you examined those documents? I assume you  
16:13:03 15 haven't?---No, I haven't. I don't recall.  
16  
16:13:08 17 COMMISSIONER: Did you want to tender the letter Mr Ashton  
16:13:12 18 to Mr Bonighton?  
19  
16:13:15 20 MR CHETTLE: Yes, I will Commissioner. It's not the one I  
16:13:17 21 was looking for.  
22  
16:13:18 23 COMMISSIONER: No, I know that but wondered if you wanted  
16:13:18 24 to tender that and you do.  
16:13:18 25  
16:13:19 26 #EXHIBIT RC1321A - (Confidential) VPL.0099.0048.0001.  
16:13:21 27  
16:13:21 28 #EXHIBIT RC1321B - (Redacted version.)  
16:13:30 29  
16:13:32 30 Can I just approach Mr Winneke for a moment?  
31  
16:13:35 32 COMMISSIONER: Yes.  
16:13:36 33  
16:13:49 34 MR CHETTLE: Commissioner, I'll locate that document and  
16:13:51 35 deal with it later rather than waste time looking for it  
16:13:55 36 now, if that's convenient to you.  
16:13:58 37  
16:13:58 38 All right. I have to take you briefly to some of the  
16:14:06 39 documents you wrote in the lead up to the disbanding of the  
16:14:13 40 SDU. Can I put this to you generally: as a result of the  
16:14:16 41 information that became available to you from Mr Gleeson,  
16:14:20 42 primarily, you were aware that there was going to be a real  
16:14:24 43 risk to Victoria Police from the use of Ms Gobbo as - when  
16:14:30 44 it comes out that Ms Gobbo was used as a human  
16:14:34 45 source?---That was certainly one of the issues, yes.  
46  
16:14:36 47 It represented a real organisational risk?---Yes.

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1  
16:14:42 2 You determined, as a result of the Comrie Report, to shut  
16:14:49 3 down the SDU?---And the Covert Services Review.  
4  
16:14:53 5 Let me come to that. Let me put to you, firstly, you'd  
16:14:57 6 come to the decision to shut the Unit down based entirely  
16:15:01 7 on the Comrie Report and that thereafter you had industrial  
16:15:08 8 advice from Liz Chaligoy and others, like Doug Fryer, that  
16:15:12 9 led to a rejigging or redrafting of the Covert Services  
16:15:16 10 Report to make it the vehicle by which the SDU were shut  
16:15:23 11 down?---The two issues coincided for me, that the Covert  
16:15:28 12 Services Review process was bringing to the surface and  
16:15:32 13 reflecting on some of the challenges we'd had over the last  
16:15:36 14 couple of years, a range of issues. That was one issue.  
16:15:43 15 And then the Comrie Review came in and that was the tipping  
16:15:46 16 point.  
17  
16:15:46 18 Let me demonstrate the document through something else.  
16:15:51 19 Can I have you shown, it's VPL.6027.0033.2600. It's a  
16:16:09 20 briefing note written by Mr Sheridan on 21 August  
16:16:15 21 2012?---M'mm.  
22  
16:16:16 23 Which is about 10 days after the Comrie Review was provided  
16:16:20 24 to, a bit less than 10 days, formally provided, do you  
16:16:25 25 follow?---Right.  
26  
16:16:27 27 Right. Now, this briefing note, "The Source Development  
16:16:32 28 Unit will cease function and its members within it will be  
16:16:34 29 deployed via the Force Redeployment Group. This will take  
16:16:40 30 effect as at 31 August 2012". Do you see that?---Yes.  
31  
16:16:44 32 That's miles before the Covert Services Review was  
16:16:48 33 completed, isn't it?---Well the Covert Services Review was  
16:16:52 34 on foot since March 2012.  
35  
16:16:54 36 And Mr Sheridan - - - ?---So we were six - - -  
37  
16:16:57 38 - - - received a draft of it in October 2012, which I'll  
16:17:01 39 come to in a moment?---At this stage we're six months into  
16:17:04 40 the review and there had been briefings along the way with  
16:17:07 41 Mr Sheridan.  
42  
16:17:08 43 I'll come back to it. Listen to what this document says,  
16:17:11 44 "The decision is based on the findings of the Comrie Review  
16:17:14 45 into the SDU handling of a high risk human sources. The  
16:17:19 46 review indicates that the force needs to reassess the  
16:17:22 47 handling of human covert intelligence sources, in

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16:17:26 1 particular high risk sources", then it sets out the history  
16:17:30 2 of the SDU contributed to the policies and procedures which  
16:17:34 3 Comrie found it had failed to professionally adhere to.  
16:17:39 4 Going on it talks about training. "And that the actions of  
16:17:42 5 the SDU have placed themselves and the Force in jeopardy of  
16:17:46 6 criticism pertaining to the handling of high-risk  
16:17:49 7 informers", do you follow?---Right.  
8  
16:17:51 9 It's clear as the nose on my face that at that stage the  
16:17:54 10 decision had been made to shut them down on 31 August  
16:17:57 11 because of the Comrie Report full stop, wasn't it?---Well  
16:18:02 12 that's Mr Sheridan's view.  
13  
16:18:06 14 Let's have VPL.6027.0019.7142 brought up.  
15  
16:18:17 16 COMMISSIONER: Do you want to tender that one?  
16:18:19 17  
16:18:19 18 MR CHETTLE: I will, Commissioner?---I was just going to  
16:18:21 19 ask if you'd scroll down on that document before it went  
16:18:26 20 off the screen. Sorry.  
21  
16:18:27 22 I will. Before we go to it, if we go down to the bottom,  
16:18:31 23 there's the effect on the SDU members, where they're going  
16:18:34 24 to go, whether they're going to be paid. Over the page,  
16:18:38 25 effect of maintenance on high risk source, what you're  
16:18:42 26 going to do with them, who's going to look after those.  
16:18:43 27 Time frame, "A review into the human source management  
16:18:46 28 process Force-wide will be commissioned to commence in  
16:18:50 29 September 2012. Assistant Commissioner Jeff Pope will  
16:18:53 30 oversee an analysis into existing policy and  
16:18:56 31 procedures"?---Okay.  
32  
16:18:57 33 Right. "Welfare, media, Paul Sheridan"?---Right.  
34  
16:19:04 35 If I can have the VPL.6027.0019.7142. This is an email to  
16:19:18 36 you from Paul Sheridan dated 23 August, two days after he  
16:19:27 37 drafts the briefing note, do you see?---Yes.  
16:19:31 38  
16:19:31 39 "Jeff, please find attached the draft briefing note as  
16:19:34 40 discussed." So it's clear that what he does is draft it up  
16:19:39 41 and send it to you?---Right.  
42  
16:19:43 43 Did you come across this in the course of your searching  
16:19:46 44 for your emails?---I do recall some emails around some  
16:19:51 45 transition plans.  
46  
16:19:53 47 Well, without labouring the point, it's clear as day that

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16:19:59 1 at that point of time your plan was to shut the Unit based  
16:20:03 2 on the Comrie Report, correct?---I accept that that's  
16:20:07 3 what's in the document but I also make the point that it  
16:20:10 4 doesn't make any reference to what we were grappling with  
16:20:14 5 as part of the Covert Services Division Review. So it's  
16:20:18 6 not as complete.  
7  
16:20:19 8 Let me put that in context too. Because what you got told  
16:20:23 9 by a number of people, including Mr Lay, Mr Ashton, that  
16:20:29 10 you just can't - you need to have proper process to shut a  
16:20:34 11 Unit down, and the union are going to be involved, you're  
16:20:36 12 aware of that?---And that's regardless of whether the  
16:20:38 13 motivation is for the Comrie Review issues or for the  
16:20:42 14 Covert Services Division Review issues, or a combination of  
16:20:47 15 both. There is one process that needs to be followed.  
16  
16:20:50 17 The union made clear that there needed to be a proper  
16:20:54 18 review process of the Unit before there would be major  
16:20:58 19 changes to it?---Right.  
20  
16:21:01 21 I'll tender that email to Pope from Sheridan of 23 August.  
16:21:12 22 I'm told it's already Exhibit 1167, Commissioner.  
23  
16:21:16 24 COMMISSIONER: There we go. You're ahead of me.  
16:21:20 25  
16:21:21 26 MR CHETTLE: My Jiminy Cricket tells me.  
16:21:32 27  
16:21:33 28 Against that background you can see that at least  
16:21:35 29 there is a plan to act in the way that document sets out as  
16:21:39 30 at that date, you follow?---There's a confidential  
16:21:43 31 transition plan.  
32  
16:21:46 33 We'll go forward and look at just quickly some other  
16:21:49 34 documents. I did tender the briefing note as well, did I  
16:22:06 35 not, Commissioner?  
36  
16:22:07 37 COMMISSIONER: The earlier one was 1132, the briefing note.  
16:22:12 38 The last one was 1167, it's already been tendered.  
16:22:15 39  
16:22:16 40 MR CHETTLE: Let's look at what's happening about this  
16:22:22 41 time. If we go to Exhibit 444 firstly. A few months  
16:22:26 42 before this August document you'll see Paul Sheridan writes  
16:22:31 43 to you thinking about over the weekend about your pending  
16:22:36 44 discussion with the Chief re SDU and the handling of  
16:22:39 45 Witness F, do you see that?---Yes.  
16:22:43 46  
16:22:44 47 "I remain in favour of winding up of the Unit. It gives us

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16:22:48 1 an opportunity to redesign and improve work", do you see  
16:22:52 2 that?---Yes.  
3  
16:22:53 4 He goes on to say, "They represent more of a liability than  
16:22:57 5 an asset to the professional reputation of the  
16:23:00 6 organisation", right?---Yes.  
7  
16:23:04 8 Then he puts in what tips the scale for him is that they're  
16:23:11 9 experts. There's discussions with him about shutting down  
16:23:15 10 the Unit in June, do you follow?---Yes. There was a - my  
16:23:20 11 recollection is it was a contemplation of options.  
12  
16:23:25 13 Then he provides you, I showed you the document before, you  
16:23:28 14 asked him to provide you with examples of management  
16:23:31 15 problems with the Unit and he gave you a report that set  
16:23:35 16 out five or six examples of management issues?---Yes.  
17  
16:23:38 18 Remember I showed you that before?---Yes.  
19  
16:23:42 20 I'm not going to go through those with you, I attacked them  
16:23:47 21 with Mr O'Connor to some extent. Then can I take you to an  
16:23:51 22 email chain, just to put it in context for you, at Exhibit  
16:23:55 23 847.  
24  
16:23:56 25 COMMISSIONER: Are you wanting to tender that one?  
16:23:59 26  
16:23:59 27 MR CHETTLE: I have already tendered it, Commissioner.  
16:24:03 28 It's 444 I think.  
29  
16:24:04 30 COMMISSIONER: Right.  
16:24:05 31  
16:24:05 32 MR CHETTLE: If we bring up 847. This is an email chain -  
16:24:09 33 I'll just start at the top for the moment. The very first  
16:24:13 34 document. Can you go higher than that? No. I've got  
16:24:30 35 additional pages. All right. We'll go to the bottom of  
16:24:34 36 the email chain, please. Back one page because it's a two  
16:24:41 37 page document, three page document. Right. You see at the  
16:24:44 38 bottom - this is an email that I referred to before that  
16:24:48 39 you write to Ken Lay on 29 August 2012 where you set out a  
16:24:54 40 whole number of reasons and concerns about the SDU?---Yes.  
41  
16:25:01 42 You'll see that your objective is to close the SDU down by  
16:25:05 43 mid-September with minimal fuss, risk and impact on  
16:25:10 44 members, the organisation and the community, do you see  
16:25:12 45 that?---Yes.  
46  
16:25:13 47 At that point of time the Covert Services Review is nowhere



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16:25:16 1 near completed, is it?---It's getting close. I had  
16:25:20 2 extended it for a period of - for a little period to focus  
16:25:24 3 a bit more on a Terms of Reference around the intelligence.  
4  
16:25:29 5 There was a problem with the intelligence side of it, it  
16:25:32 6 was going to take more time?---Yes, so we extended it a  
16:25:35 7 little bit. But my recollection was by this stage the  
16:25:38 8 substance was largely done.  
9  
16:25:40 10 Let me suggest to you the evidence of Mr Sheridan, and the  
16:25:42 11 documents will show that in October Mr Sheridan completed  
16:25:45 12 his first draft of it and provided it to you and it made no  
16:25:49 13 reference whatsoever to shutting down the SDU, do you  
16:25:52 14 follow?---Right, okay.  
15  
16:25:53 16 In fact you were shown correspondence where Mr Fryer says  
16:25:57 17 to use the Covert Services Review as a means of shutting  
16:26:02 18 down the SDU would be to totally distort the direction and  
16:26:07 19 meaning of the Covert Services Report, have you seen that  
16:26:10 20 email?---Yeah, I think so.  
21  
16:26:14 22 Thereafter you and Mr Fryer rewrite the Covert Services  
16:26:18 23 Report to take into account the management issues and the  
16:26:21 24 Comrie Report to recommend closure of the SDU. That's in  
16:26:25 25 fact what happens, isn't it?---I think we were - as I said,  
16:26:29 26 for me, and this email indicates there were two issues  
16:26:33 27 intertwined. There were the issues around our experience  
16:26:36 28 with the Source Development Unit and the review, then there  
16:26:40 29 was the Comrie Review, these issues intersect, and what  
16:26:43 30 these emails and other related emails indicate is that we  
16:26:48 31 were looking for some industrial relations advice about the  
16:26:52 32 appropriate way in which to proceed.  
33  
16:26:54 34 Again, I accept that - I put to you what occurred is you  
16:26:59 35 got industrial relations advice as to what you would have  
16:27:02 36 to do in order to justify shutting the Unit down?---Right.  
37  
16:27:07 38 You'd agree with that?---I think so, yes, and we followed  
16:27:11 39 that advice.  
40  
16:27:12 41 Look, to go through this email will take more time than the  
16:27:15 42 Commissioner's going to give me, but can you look at what  
16:27:17 43 it says, is you set out background issues which you  
16:27:21 44 describe as problematic - the things that Mr Sheridan had  
16:27:25 45 reported to you about the Unit's problems?---And  
16:27:31 46 Mr O'Connor and some - - -  
47

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16:27:33 1 This is where I suggested to you before you've got some of  
16:27:36 2 the facts wrong about the Armed Robbery Squad and things of  
16:27:39 3 that sort, do you remember?---Yes, I recall that. These  
16:27:41 4 were my beliefs at the time that I wrote it.  
5

16:27:43 6 All right. Without going into the merits or otherwise of  
16:27:46 7 the points that are put there, if you go over the page, in  
16:27:50 8 the middle it refers to the Comrie Review?---M'hmm, yes.  
9

16:27:57 10 Have we got that?---M'hmm.  
11

16:27:59 12 And then it sets out what the Comrie Review has identified,  
16:28:05 13 that it's worse than anyone expected and highlights  
16:28:10 14 significant issue?---M'mm.  
15

16:28:12 16 See that?---Yes.  
17

16:28:13 18 Then the plan, the broad plan, "Paul Sheridan and I have  
16:28:16 19 devised the following plan and I have already broadly  
16:28:23 20 briefed Graham", that's Ashton, isn't it?---Yes.  
21

16:28:27 22 "As a consequence of the Comrie Review we will close the  
16:28:28 23 SDU by mid-September"?---Right. I think me saying that's  
16:28:31 24 the tipping point.  
25

16:28:32 26 There's you saying, "We're going to shut it down in  
16:28:36 27 mid-September because of the Comrie Report". Nothing could  
16:28:38 28 be clearer, is it?---It's not the most precise language.  
29

16:28:43 30 Right. If you go over to the very key messages for Mr Lay  
16:28:48 31 to give to the Police Association, "We cannot justify and  
16:28:54 32 defend continuing with the SDU in its current form. We'll  
16:28:59 33 close it by September, or maybe even a bit earlier",  
16:29:04 34 right?---Right.  
35

16:29:04 36 That didn't happen, did it?---No, it was ambitious, but I  
16:29:10 37 think we wanted it to try and be - - -  
38

16:29:13 39 Just follow it very quickly. If I can take you to Exhibit  
16:29:16 40 360. On 12 September 2012 you write to Mr Fryer in a  
16:29:26 41 briefing note, do you see that?---Yes.  
42

16:29:27 43 Have you seen that in preparation for this - - -?---I don't  
16:29:31 44 think I've seen this one, no.  
45

16:29:33 46 "Executive Command had previously reviewed the Comrie  
16:29:37 47 Inquiry and have endorsed a recommendation of ICSD that the

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16:29:38 1 SDU cease practice", see that?---Yes.  
2  
16:29:42 3 And the "cease practice" was a reflection of the words that  
16:29:45 4 Mr Ashton had used in saying, "Don't say shut it down, just  
16:29:49 5 use some other term rather than closure". Remember that  
16:29:53 6 email?---As with all these difficult decisions there's  
16:29:56 7 always posturing around nomenclature and how to label these  
16:30:02 8 things.  
9  
16:30:03 10 You point out that you're going to tell the staff on 18  
16:30:06 11 September, but you won't be telling Biggin and Paterson  
16:30:10 12 until the day before, see that?  
13  
16:30:15 14 COMMISSIONER: Do you need to have it made a little larger,  
16:30:17 15 it's rather small?---Yes, sorry, my eyes are struggling.  
16:30:21 16  
16:30:21 17 MR CHETTLE: Point 3, please. Biggin and Paterson will be  
16:30:24 18 advised on the 17th, see that?---Right, yep.  
19  
16:30:27 20 They're on the IP Covert Services Review steering  
16:30:30 21 committee, aren't they?---Yes.  
22  
16:30:32 23 And they're deliberately being kept out of the picture  
16:30:34 24 until the decision's been implemented?---My recollection is  
16:30:38 25 only on this issue.  
26  
16:30:40 27 On the closure of the SDU?---They were aware of all the  
16:30:43 28 other elements of the Covert Services Decision Review. It  
16:30:46 29 was just the closure of the Unit.  
30  
16:30:48 31 If you go over the page, if I go to the next document,  
16:30:51 32 Exhibit 894. Here is, on 12 October 2012, if you go to the  
16:31:02 33 very last page, Paul Sheridan signs off on the draft of the  
16:31:09 34 Covert Services Review, you see that?---Right.  
35  
16:31:18 36 If we go back to the start. To save time can I suggest to  
16:31:26 37 you that it's a multiple page document that does not have  
16:31:29 38 any reference to shutting the Unit at all and it's to do  
16:31:32 39 with the introduction of maximum time in position, do you  
16:31:35 40 follow?---I'm just trying to get my head around this actual  
16:31:43 41 document.  
42  
16:31:43 43 Okay. Go to the start of it. In March 2012 you  
16:31:50 44 commissioned the ICS Department review into the  
16:31:56 45 division?---Yes.  
46  
16:31:57 47 The Terms of Reference?---Right.

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1  
16:31:59 2 The steering committee?---Yep.  
3  
16:32:00 4 Pope, Sheridan, Biggin and Paterson, right?---Right.  
5  
16:32:04 6 Okay?---Sorry, where's the [REDACTED]  
16:32:07 7 element?  
8  
16:32:08 9 Turn over the page, "Staff consultation, position  
16:32:11 10 description phase"?---Sorry, what's the date of this  
16:32:18 11 document?  
12  
16:32:19 13 12 October 2012?---Okay.  
14  
16:32:23 15 It says what it says, Mr Pope. I've got time issues, I'm  
16:32:29 16 going to push on. Mr Winneke is waiting. Now can I take  
16:32:32 17 you to 361. This is an email chain, or email written by  
16:32:41 18 Doug Fryer addressed to yourself and copies to yourself and  
16:32:45 19 Sheridan with Liz Chaligoy as well. She's the - - -  
16:32:50 20 ?---Industrial relations person.  
21  
16:32:51 22 You read this one in preparation for today?---I've seen  
16:32:54 23 this one before.  
24  
16:32:55 25 This is where various options as to the way in which you  
16:32:58 26 can dress up the closure and what you do is discussed,  
16:33:03 27 isn't it?---My interpretation of this is Mr Fryer is  
16:33:08 28 getting his head around this. He's coming into it  
16:33:12 29 relatively late. He's getting his head around this and  
16:33:13 30 he's trying to understand and seek industrial advice about  
16:33:18 31 the options that are available.  
32  
16:33:19 33 Go to p.0138 at the top. I'll just go to this point of it.  
16:33:24 34 It speaks for itself. "If Command do not wish to rely upon  
16:33:31 35 the Comrie Review inquiry then I recommend that the closure  
16:33:35 36 not be pursued through other means. To do so would  
16:33:38 37 compromise the integrity of the Covert Services Review. To  
16:33:41 38 elicit managerial examples of poor work practices is  
16:33:47 39 self-defeating, as raised by Liz Chaligoy, as it would  
40 leave open management to criticism of not documenting  
16:33:48 41 appropriately within the PDA process". Do you see  
16:33:52 42 that?---I do. As I said, I think that was both of them  
16:33:54 43 trying to get their head around the various issues  
44  
16:33:56 45 Despite that advice, subsequently in the following year you  
16:34:00 46 do in fact use the review to effect the closure?---As an  
16:34:07 47 element.

.19/02/20

14523

POPE XXN

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1  
16:34:07 2 Look, do you accept that the driving force for the closure  
16:34:11 3 of the Unit was the Comrie Review?---My view is it was the  
16:34:15 4 tipping point.  
5  
16:34:16 6 Okay. At 362, Exhibit 362 - no, sorry, that's not it.  
16:34:33 7 Exhibit 362 is a Covert Services Review recommendation, 11  
16:34:38 8 December 2012. There you are. Is that your writing "Asho"  
16:34:43 9 written on it?---No, it's not.  
10  
16:34:50 11 If we go to page - this is the determination to shut the  
16:34:56 12 Unit down based on both documents, the CSD report and the -  
16:35:05 13 - - ?---Okay.  
14  
16:35:06 15 Okay. Can I suggest to you, Mr Pope, that when one  
16:35:12 16 examines this it's obvious to the reader that what occurs  
16:35:17 17 is that there is a real concern about the way in which  
16:35:22 18 exposure of the use of Ms Gobbo by Victoria Police is going  
16:35:26 19 to be seen and it's going to represent a real reputational  
16:35:32 20 risk for VicPol?---Yes, that's - - -  
21  
16:35:35 22 And the Comrie Review was in fact commissioned in order to  
16:35:39 23 help management deal with that issue?---To understand the  
16:35:42 24 issue, yes.  
25  
16:35:46 26 Did you suggest that in order to get that review properly  
16:35:49 27 prepared someone should talk to Simon Overland?---I didn't  
16:35:53 28 suggest it, no.  
29  
16:35:55 30 Would you have expected that someone would talk to Sandy  
16:35:59 31 White?---Well my understanding is that Mr Gleeson was  
16:36:03 32 directing inquiries when needed through the officers in  
16:36:07 33 charge of respective Units.  
34  
16:36:10 35 The man who could tell you all about it and what had been  
16:36:13 36 happening would be Sandy White, wouldn't he, he'd be the  
16:36:16 37 first choice?---Yes, he would have a lot of knowledge.  
38  
16:36:19 39 And if you were interested in knowing what really happened  
16:36:21 40 you would have asked him, surely?---As I said earlier, I  
16:36:25 41 think this - you know, I regret us not using the  
16:36:28 42 terminology of a desk top review. We used the terminology  
16:36:31 43 of a case review. This was not intended to be an inquiry  
16:36:34 44 or an investigation. It was more of an information  
16:36:38 45 gathering exercise to try and understand, based on the file  
16:36:41 46 and the documents, the extent of the issues that we had.  
47

.19/02/20

14524

POPE XXN

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16:36:45 1 Well, it's just coincidental that Mr Gleeson's report,  
16:36:54 2 Mr Comrie's report, makes adverse findings about the Unit  
16:37:01 3 keeping management in the dark and not properly reporting  
16:37:05 4 risk to them, that's what it does at the end, isn't  
16:37:08 5 it?---That's his objective assessment.  
6  
16:37:11 7 But if that's wrong, for example, you've been taken to the  
16:37:15 8 SWOT analysis. Mr Black prepares the SWOT analysis, gives  
16:37:19 9 it to Mr Biggin, who writes an endorsement, and that then  
16:37:23 10 goes to Moloney for transmission to the steering committee.  
16:37:27 11 They are clearly reporting risks to management, aren't  
16:37:31 12 they?---And my recollection is Mr Gleeson acknowledges that  
16:37:34 13 in the report.  
14  
16:37:36 15 Quite the contrary but that's a matter for  
16:37:39 16 submission?---Okay.  
17  
16:37:39 18 In relation to - you gave directions, did you not, to  
16:37:46 19 Mr Gleeson that he was not to speak to the Petra  
16:37:49 20 investigators?---No, I don't believe that.  
21  
16:37:53 22 There are letters written where he writes to you seeking  
16:37:56 23 who he can talk to and then he says, "In accordance with  
16:38:00 24 instructions I have not spoken to the Petra  
16:38:02 25 investigators"?---Okay, I don't recall that, so.  
26  
16:38:06 27 Can you think of any reason why you would give instructions  
16:38:09 28 as to who he can and can't talk to?---As I said, I don't  
16:38:13 29 recall doing so. If that is the case then the only thing I  
16:38:20 30 can think of was that we were intending to try and limit  
16:38:23 31 the scope of this to try and get it done, as again a desk  
16:38:28 32 top review, not a lengthy inquiry or investigation, just  
16:38:31 33 give us what you've got on the papers and then we'll make  
16:38:34 34 an assessment from there.  
35  
16:38:35 36 Mr Winneke makes the point that surely if you were  
16:38:38 37 interested about whether or not there were risks to  
16:38:42 38 convictions and whether there were problems with people  
16:38:44 39 being in gaol who shouldn't have been, or whether there'd  
16:38:47 40 been improper conduct by the SDU, it would be absolutely  
16:38:50 41 essential to go and ask the right people, wouldn't  
16:38:54 42 it?---It'd be helpful.  
43  
16:38:57 44 You know that - did you - when they were terminated, when  
16:39:01 45 the Unit was terminated, the letter that was written  
16:39:05 46 terminating them made no reference at all to why it was  
16:39:09 47 they were being sacked, the Unit was being sacked, did



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16:39:12 1 it?--Well the Unit was closed and the letter that was  
16:39:16 2 provided to them would have been drafted I believe by our  
16:39:19 3 people in the industrial relations area.  
4  
16:39:26 5 It is itself, I suggest, a fiction, too long in a covert  
16:39:31 6 environment is what was found, what was put in the  
16:39:34 7 letter?---Right.  
8  
16:39:34 9 Have you seen it?---Not in my preparation for this, no.  
10  
16:39:39 11 Well it says what it says. While I think of it, a document  
16:39:47 12 has been - in 2014 Boris Buick - can I have - I tendered it  
16:39:58 13 yesterday, it was the email from Buick to Steve Fontana  
16:40:06 14 dated 28 March 2014. I didn't take a note of the exhibit  
16:40:12 15 number. It's VPL.6069.0051.4768. It's Exhibit 716, thank  
16:40:30 16 you. See down the bottom - I'm not worried about the top  
16:40:37 17 two entries, but down the bottom there's an email from  
16:40:41 18 Boris to Steve Fontana, "Subject Witness F"?---Right.  
19  
16:40:46 20 He then in October - Buick sets out his role in the Dale  
16:40:51 21 investigations. And then says under the heading "Today"  
16:40:56 22 down the bottom, "At 11.15 this day I was briefed by  
16:40:59 23 Detective Senior Sergeant O'Connell as to the following:  
16:41:03 24 Herald Sun journalist Anthony Dowsley has in recent days  
16:41:07 25 contacted Solomon as Solomon was formerly in Petra.  
16:41:12 26 Conveyed to Solomon that F had disclosed to him that she'd  
16:41:16 27 previously had a sexual relationship with Pope. Dowsley  
28 conveyed to Solomon that he, Dowsley, had sought comment  
16:41:22 29 from Pope about this matter and that Pope denied the  
16:41:23 30 allegation". Do you recall Dowsley contacting you about  
16:41:26 31 that allegation?---Yes.  
32  
16:41:28 33 And that accurately sets out that you denied it to  
16:41:32 34 Dowsley?---Yes.  
35  
16:41:33 36 "Dowsley conveyed that Pope disclosed to him, Dowsley, that  
16:41:37 37 F was a registered human source and it was DC Ashton who  
16:41:41 38 had intervened and arranged the withdrawal of F as a  
16:41:43 39 witness in the Dale prosecution. Solomon provided no other  
16:41:46 40 information to Dowsley, diarised the contact and briefed  
16:41:50 41 O'Connell". See that?---Yes, I see that.  
42  
16:41:53 43 Is that accurate?---No.  
44  
16:41:55 45 So you didn't tell Mr Dowsley that she was a human  
16:41:59 46 source?---No, I didn't.  
47

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16:42:00 1 "That Ashton had intervened to arrange the withdrawal of a  
16:42:03 2 witness." Now that's true, isn't it, Mr Ashton had done  
16:42:08 3 that?---That came up in the context of me denying one of  
16:42:11 4 the allegations and conspiracy theories that Dowsley was  
16:42:16 5 putting to me.  
6  
16:42:18 7 Do you mean you did tell him that Ashton had intervened to  
16:42:22 8 arrange the withdrawal of the Dale prosecution?---I  
16:42:26 9 indicated to him that, because he asked me if it was my  
16:42:28 10 decision to withdraw the charges against Dale. I said no,  
16:42:31 11 it was not, it was Mr Ashton's decision.  
12  
16:42:34 13 Simply question: did you tell him that Ashton had  
16:42:37 14 intervened to arrange the withdrawal, as that  
16:42:40 15 reports?---The sentiment is relatively correct.  
16  
16:42:42 17 But not that she was a human source?---No.  
18  
16:42:46 19 All right. There's a number of issues I could take you to  
16:42:55 20 in general. Can I suggest to you that - well, when you  
16:43:00 21 wrote to the Chief Commissioner you indicated that there  
16:43:04 22 was strong push back from the SDU against the introduction  
16:43:06 23 of [REDACTED] remember that?---Yes.  
24  
16:43:09 25 Can I have Exhibit 1170 brought up, please. Mr Sheridan  
16:43:23 26 writes to you on 19 July and talks about having met with  
16:43:27 27 the SDU and the undercovers in relation to the CSD  
16:43:35 28 review?---Yes.  
29  
16:43:35 30 "I'll inform them that we are proceeding with [REDACTED]  
16:43:39 31 [REDACTED] aspect and that their PDs will be changed  
16:43:46 32 at a point in the coming months", do you see that?---H'mm.  
16:43:49 33  
34 "The SDU were outwardly more accepting, the UCU not so", do  
35 you see that?---H'mm.  
36  
16:43:52 37 So the reality is you'd been told by Sheridan the SDU  
16:43:55 38 weren't pushing back, it was the Undercover Units that were  
16:43:59 39 pushing back?---My interpretation of that was the UCU was,  
16:44:03 40 you know, it was absolutely not even up for discussion and  
16:44:06 41 the SDU were slightly less resistant than that.  
42  
16:44:10 43 More accepting of it. In fact you go on to outline in  
16:44:13 44 submissions in other documents, they made no submissions to  
16:44:17 45 you in relation to opposing [REDACTED] at  
16:44:20 46 all. They'd always wanted it I put to you?---Then I wonder  
16:44:24 47 why it was never done.

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1  
16:44:25 2 Right. Let me put - it's an example of what you put in  
16:44:29 3 your letter to Lay, another example, I suggest to you, that  
16:44:34 4 just isn't correct and you knew it wasn't?---No, I wouldn't  
16:44:38 5 say I knew it wasn't correct. It was what I believed.  
6  
16:44:41 7 Can I have Exhibit 1168 please. The picture you paint to  
16:44:50 8 Mr Lay is this is a group of effectively cowboys or outlaws  
16:44:56 9 who aren't obeying direction and "they're a real problem  
16:45:00 10 for us", right, that's the general picture you  
16:45:03 11 paint?---We've had some challenges.  
12  
16:45:05 13 This is a letter to you from Sheridan in January 2011 in  
16:45:10 14 relation to the issue of, among other things, movement from  
16:45:17 15 [REDACTED] location, you see down the middle of the  
16:45:20 16 page?---Yes.  
17  
16:45:21 18 He talks about having met with - Sandy White and  
16:45:25 19 Mr Richards are the names we give to those names, do you  
16:45:28 20 follow?---Okay.  
21  
16:45:29 22 "They are both opposed to the move to [REDACTED]  
16:45:33 23 location. I discussed the merits of same, including closer  
16:45:36 24 proximity to major investigators and financial advantages  
16:45:39 25 to the Department. However their view is that they're a  
16:45:44 26 greater risk to human sources if they are tasked to work  
16:45:47 27 out of police premises." You follow what they're saying,  
16:45:51 28 people get killed if the police get followed, the source  
16:45:56 29 gets followed to the police station, things of that  
16:45:58 30 sort?---Not that I expected they'd ever meet with source at  
16:46:02 31 the police station, but, yes, I follow what you're saying.  
16:46:04 32  
16:46:04 33 "I have asked them to put the arguments on paper for your  
16:46:07 34 consideration and discussion. They were professional and  
16:46:08 35 committed to best practice which is not a problem from our  
16:46:11 36 point of view", do you see that?---Yes.  
37  
16:46:13 38 The information you're getting, at least in relation to  
16:46:16 39 that issue, is that they are being professional and  
16:46:18 40 committed to best practice - from Mr Sheridan?---That's  
16:46:22 41 what Paul's indicating on that issue.  
42  
16:46:24 43 And that should be properly be reflected in what you write  
16:46:29 44 to the Chief Commissioner, shouldn't it?---I think this was  
16:46:32 45 then followed up with a paper as to all the reasons why  
16:46:35 46 this shouldn't occur.  
47

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16:46:36 1 In your statement, and I took you to that before, O'Connor  
16:46:39 2 contributed as well. In your statement you refer to an  
16:46:42 3 interstate operation that went wrong. We're not allowed to  
16:46:46 4 mention the State or anything of that sort?---Okay.  
5  
16:46:49 6 Do you know the document I'm referring to?---Yes.  
7  
16:46:51 8 You received from - sorry. Did you receive the report that  
16:46:56 9 Mr Sheridan got from the Inspector Glow, did you see  
16:47:04 10 it?---I think I did at the time but I wasn't able to see it  
16:47:06 11 as part of my preparation for this because I think it was  
16:47:09 12 password protected and I don't have a password.  
13  
16:47:13 14 Let me assure you I'm not going to take you through it in  
16:47:16 15 any detail, but I want to put a couple of propositions to  
16:47:20 16 you. Firstly - sorry, I've just lost my spot. Yes. What  
16:47:52 17 became apparent, I suggest to you, was that the SDU  
16:47:55 18 operation was authorised by Inspector Andrew  
16:48:00 19 Glow?---Probably.  
20  
16:48:01 21 And that there was - that was, not only was their trip  
16:48:09 22 interstate authorised, but their return and bring to - they  
16:48:12 23 brought some drugs that they were given by the source back  
16:48:15 24 to Victoria?---Right.  
25  
16:48:16 26 You knew that was the fact?---Yes, that was one of the main  
16:48:19 27 issues.  
28  
16:48:20 29 One of the problems. You discovered that they tried, Sandy  
16:48:24 30 White tried to find someone to take it, the ACC to take it  
16:48:29 31 and things of that sort, and eventually Glow told him to  
16:48:32 32 bring it back?---I'll accept that that's the case.  
33  
16:48:36 34 There was a what's called an interstate [REDACTED]  
16:48:41 35 [REDACTED] Do you know what that is?---Yes.  
36  
16:48:42 37 That means that their operation was approved at  
16:48:44 38 Superintendent level?---Yes.  
39  
16:48:45 40 As a result of this practices were put in place to make  
16:48:49 41 sure that there were effectively liaison officers to ensure  
16:48:52 42 that they didn't breach laws like [REDACTED] - steps  
16:49:08 43 were taken to ensure that the practices and procedures were  
16:49:11 44 improved?---Afterwards?  
45  
16:49:13 46 Yes?---Yes. My recollection was there was no [REDACTED]  
16:49:16 47 [REDACTED] in place for this particular

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16:49:18 1 operation, which was one of the other issues.  
2  
16:49:20 3 Let me suggest to you there was and that right from the -  
16:49:26 4 in any event, it's all spelt out in the report from  
16:49:30 5 Mr Glow?---Right. I wouldn't have seen it now for probably  
16:49:35 6 nearly 10 years.  
7  
16:49:37 8 All right. Can I suggest that in the middle of this  
16:49:38 9 operation, when there'd been some degree of success in what  
16:49:42 10 they'd done - I'm not going to go into the details of it -  
16:49:45 11 you telephoned Sandy White interstate and congratulated him  
16:49:50 12 on the job he'd done?---I don't recall that.  
13  
16:49:53 14 Possible?---It's possible. It's possible but I don't  
16:49:57 15 recall that. I thought he was on leave at that time  
16:50:02 16 actually.  
17  
16:50:03 18 No, no he was there for the first bit of it and not for the  
16:50:07 19 second bit, if you go through the report?---Okay.  
20  
16:50:09 21 He went out halfway through it, all right?---Okay. Were  
16:50:13 22 the major issues for the first bit or the second bit or  
16:50:15 23 both?  
24  
16:50:16 25 Both. There were issues everywhere, Mr Pope, I'm not going  
16:50:19 26 to go through them?---Right.  
27  
16:50:21 28 But there were issues. Of concern is this: in paragraph  
16:50:26 29 60B of your statement, please. This is - in your statement  
16:50:46 30 and indeed in the document that I took you to before when  
16:50:49 31 you wrote to the Chief Commissioner, you record issues  
16:50:52 32 surrounding a man we'll call Mr Preston, that's the name of  
16:50:58 33 the person?---Okay.  
34  
16:50:59 35 All right. You say that, "In October 2010 I was advised  
16:51:03 36 that Preston, a member of the SDU, was to be interviewed by  
16:51:06 37 Ethical Standards about allegations of stalking and  
16:51:09 38 harassment of two women. It was alleged that Preston had  
16:51:15 39 been using a police vehicle to stalk women at their home  
16:51:18 40 addresses and his work mobile phone to send inappropriate  
16:51:23 41 intimate photographs of himself to the women". Do you see  
16:51:26 42 that?---Yes.  
43  
16:51:27 44 In order to support this allegation you refer to a footnote  
16:51:30 45 61, do you see that? Let me suggest to you that there was  
16:51:35 46 never any allegation he was using a police vehicle to stalk  
16:51:38 47 females. It just didn't happen?---That's my recollection.

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1  
16:51:43 2 When you wrote this statement did you do it from documents  
16:51:46 3 or from recollection?---Largely documents but - - -  
4  
16:51:50 5 Well the document you footnote to rely upon for that  
16:51:54 6 allegation is VPL.6027.0001.9856?---I think that's - - -  
7  
16:52:04 8 COMMISSIONER: That's the one before, isn't it?  
9  
16:52:07 10 MR WINNEKE: Commissioner, can I just ask at this stage, I  
16:52:09 11 note the time, I don't want to interrupt because I don't  
16:52:12 12 want to drag it out any longer, but this is of such  
16:52:15 13 marginal relevance. Can I ask Mr Chettle how long it's  
16:52:17 14 going to be because we have shorthand writers - - -  
16:52:21 15  
16:52:22 16 MR CHETTLE: I'm nearly finished. I'm trying to get  
16:52:24 17 through it, Mr Winneke, as quickly as I can. Quite  
16:52:26 18 bluntly, Commissioner, and I don't want to waste time,  
16:52:27 19 there are a number of issues with this statement that I  
16:52:30 20 just can't, I have to at least - - -  
21  
16:52:31 22 COMMISSIONER: All right, well let's get on with it.  
16:52:33 23  
16:52:33 24 MR CHETTLE: Thank you. Can I have VPL.6027.0001.9856.  
16:52:41 25  
16:52:41 26 COMMISSIONER: That seems to - - -  
16:52:43 27  
16:52:43 28 MR CHETTLE: That's footnote 61, Commissioner.  
29  
16:52:46 30 COMMISSIONER: That's the one before, yes. There's also a  
16:52:50 31 footnote 62 which is 9122.  
16:53:03 32  
16:53:03 33 MR CHETTLE: It's over the page. I'll read it to you.  
16:53:07 34 "Paul Sheridan to Jeff Pope. Update re ESD file" and it  
16:53:11 35 has a number, "Jeff, for your information ESD will need to  
16:53:15 36 interview Preston of the SDU regarding allegations made by  
16:53:20 37 his former girlfriend", singular. "No major issues at this  
16:53:24 38 time. Neither [REDACTED] nor methodology appear to  
16:53:29 39 have been compromised. Further information to you as I  
16:53:31 40 receive it. Paul Sheridan", all right?---As I said, my  
16:53:35 41 recollection was there was a use of vehicles as part of the  
16:53:38 42 stalking.  
43  
16:53:38 44 Let me suggest that's just not true.  
45  
16:53:41 46 COMMISSIONER: You've suggested that. Yes. And your  
16:53:47 47 response, Mr Pope?---I thought that was the case.



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1  
16:53:49 2 Okay, there we go.  
16:53:50 3  
16:53:50 4 MR CHETTLE: And there were not two women and the  
16:53:52 5 documentation bears that out. Do you follow? What you  
16:53:59 6 were doing was looking for anything you could get your  
16:54:01 7 hands on to try and justify shutting down the Unit, weren't  
16:54:04 8 you?---No, I was reflecting what I believe to be the case  
16:54:07 9 at the time.  
10  
16:54:08 11 And do you suggest that he was supported or encouraged in  
16:54:16 12 his conduct by other members of the SDU?---I would more  
16:54:22 13 suggest that it was tolerated, rather than encouraged.  
14  
16:54:30 15 Do you recall Sandy White trying to get females into the  
16:54:35 16 Covert Services Unit?---No, I don't.  
17  
16:54:37 18 Into the SDU?---No, I don't.  
19  
16:54:40 20 Do you know of a woman called [REDACTED]?---I know of  
16:54:46 21 [REDACTED]  
22  
16:54:46 23 Let me suggest that Mr White was actively trying to  
16:54:49 24 encourage her to attend into the Unit, do you dispute  
16:54:52 25 that?---He may well have. I didn't see her there.  
26  
16:54:54 27 No, she wouldn't come?---In the time that I was there.  
28  
16:54:57 29 She wouldn't come?---Okay.  
30  
16:54:59 31 There was difficulty getting people to come, wasn't  
16:55:01 32 there?---Yes.  
33  
16:55:04 34 You were aware - last question. You were aware that Tony  
16:55:08 35 Biggin and Sandy White had played a large part in the  
16:55:11 36 putting together of the SDU?---Particularly Sandy White  
16:55:19 37 probably more so.  
38  
16:55:20 39 Did you read any of the material and reviews that Mr White  
16:55:24 40 published: the value of the future, an analysis of the  
16:55:29 41 pilot and all that - where he wrote quite extensive  
16:55:33 42 documentation on - - - ?---I think I may have sighted them  
16:55:36 43 at some stage.  
44  
16:55:37 45 Tony Biggin was involved in that?---Right.  
46  
16:55:40 47 Given that you were aware that he was central, and indeed

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16:55:46 1 Mr Biggin, both of them were central to the setting up of  
16:55:49 2 this Unit and the development of it, wouldn't it have been  
16:55:54 3 at least a matter of courtesy and common sense to ask them  
16:55:57 4 about the closure before you did it?---I think we  
16:56:01 5 contemplated that issue quite a few times about level of  
16:56:05 6 consultation and about whether the consultation was  
16:56:08 7 actually going to derive any great value when a decision  
16:56:12 8 has been made to close the Unit.

9  
16:56:14 10 So you decided that you wouldn't talk to them about  
16:56:16 11 it?---Well we advised them of the decision but we didn't  
16:56:19 12 ask them of what they thought - - -

13  
16:56:22 14 You advised Sandy White of it on the day of the  
16:56:24 15 termination, didn't you?---Along with the other staff.

16  
16:56:26 17 Yes, thank you. Sorry, Commissioner.

18  
16:56:30 19 COMMISSIONER: Yes Mr Holt.

16:56:38 20  
16:56:39 21 MR HOLT: Commissioner, in the interests of time I'll deal  
16:56:41 22 with the matters I have by way of submission.

23  
24 COMMISSIONER: Are you sure about that?

25  
26 MR HOLT: I'm sure about that. It's more important that  
27 Mr Winneke and Mr Thangaraj can deal with their issues.

28  
16:56:47 29 COMMISSIONER: Okay. Yes.

16:56:47 30  
16:56:48 31 MR THANGARAJ: I don't have anything, Commissioner.

32  
16:56:49 33 COMMISSIONER: Nothing. Yes, Mr Winneke.

16:56:51 34  
35 RE-EXAMINED BY MR WINNEKE:

36  
16:56:52 37 Mr Chettle put to you that the Terms of Reference changed  
16:56:53 38 as a consequence of the discovery of the Petra folders on  
16:56:56 39 15 June 2012. Can you have a look at this document,  
16:57:00 40 VPL.6027.0020.1006. Now that's a reference to a meeting  
16:57:10 41 concerning Neil Comrie on 7 February 2012?---M'mm.

42  
16:57:15 43 I tender that. Can I ask you to have a look at another  
16:57:25 44 document

16:57:26 45  
16:57:27 46 #EXHIBIT RC1323A - (Confidential) Reference to meeting  
16:57:10 47 concerning Neil Comrie on 7/02/12.

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

16:57:28 1  
16:57:28 2 #EXHIBIT RC1323B - (Redacted version.)  
16:57:30 3  
16:57:31 4 Can I ask you to have a look at another document,  
16:57:34 5 VPL.0100.0124.1317 I think it is. Or 57 rather. This is  
16:57:50 6 what's described as Terms of Reference for Independent Case  
16:57:54 7 Review dated 7 February 2012. Do you see, if you go down  
16:57:58 8 to the bottom of the page you'll see two focuses or Terms  
16:58:02 9 of Reference which are, "Process and associated issues  
16:58:06 10 whereby human source may transition to become a witness,  
16:58:08 11 including the adequacy of controls and risk recognition,  
16:58:12 12 arrangements and mitigation for such instances, the  
16:58:16 13 adequacy of existing human source policies", et  
16:58:19 14 cetera?---Yes.  
15  
16:58:20 16 Is it the case that prior to the discovery of the file that  
16:58:24 17 that was a Term of Reference, the transition, as far as you  
16:58:28 18 can recall? If we have a look at the top of the document  
16:58:31 19 it says 7 February 2012?---Sorry, I just missed where the  
16:58:38 20 transition element was mentioned.  
16:58:41 21  
16:58:41 22 MR CHETTLE: Again, it was not my proposition that it was  
16:58:43 23 because of the discovery of the files. My proposition was  
16:58:46 24 it was because of the issue surrounding her transition to a  
16:58:49 25 witness and the issue of the - - -  
26  
16:58:54 27 MR WINNEKE: As I understood it Mr Chettle put that it was  
16:58:58 28 subsequent to the discovery of the file and it's changed.  
16:59:02 29  
16:59:02 30 MR CHETTLE: No, no, it's - Commissioner, can I make it  
16:59:04 31 clear. If that's what Mr Winneke understood, it's not. My  
16:59:07 32 proposition was that it was because of the issues  
16:59:10 33 surrounding her transition from source to witness and the  
16:59:15 34 SWOT analysis that was being looked for and located, the  
16:59:18 35 Terms of Reference changed. It wasn't the location of the  
16:59:20 36 files. It was the issue that arose. It's subtle, but it  
16:59:24 37 wasn't the finding of the file on 15 June. That's not my  
16:59:28 38 proposition.  
39  
16:59:30 40 MR WINNEKE: In any event, as at 7 February was that - the  
16:59:33 41 two Terms of Reference that you can see, were they the  
16:59:36 42 ultimate Terms of Reference that Mr Comrie looked at?---I  
16:59:40 43 believe so.  
44  
16:59:42 45 I tender that, Commissioner.  
46  
16:59:47 47 COMMISSIONER: Is that different to the document we just

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16:59:48 1 tendered? 1323 we just tendered. Is this different? 7  
16:59:55 2 February 12, is that the same document or is this a  
16:59:58 3 different document? I did tender one shortly. I'm just  
17:00:01 4 trying - I'm a bit confused.  
5  
17:00:06 6 MR WINNEKE: There were two documents I've just referred  
17:00:10 7 to.  
8  
17:00:10 9 COMMISSIONER: You've put two documents up, all right.  
17:00:10 10 This is one is 1324A and B. All right then, thank you.  
17:00:16 11  
17:00:16 12 #EXHIBIT RC1324A - (Confidential) Terms of Reference for  
16:57:53 13 Independent Case Review dated 7/02/12.  
17:00:17 14  
17:00:18 15 #EXHIBIT RC1324B - (Redacted version.)  
17:00:20 16  
17:00:20 17 MR WINNEKE: You've been asked questions about the  
17:00:23 18 interstate incident. Did Mr Sandy White, in documents that  
17:00:36 19 he sent to you at around the time, describe the incident as  
17:00:40 20 a debacle?---Yes.  
21  
17:00:46 22 You've set out in some detail in your statement the reasons  
17:00:50 23 or the steps and processes which led to the closure of the  
17:00:56 24 SDU, which ultimately occurred in 2013?---Yes.  
25  
17:01:02 26 Do you say, on the basis of the materials that you've set  
17:01:04 27 out in your statement, that in your view at the time the  
17:01:07 28 closure of the SDU was justified?---Yes.  
29  
17:01:11 30 Given what we have heard since, throughout the course of  
17:01:14 31 the Royal Commission, is there any reason or is there any  
17:01:17 32 material that you have heard since which would you make  
17:01:20 33 doubt the correctness of your decision then?---No.  
34  
17:01:25 35 To the contrary?---Yes.  
36  
17:01:27 37 Thanks very much.  
38  
17:01:29 39 COMMISSIONER: Yes, you're free to go. Thanks  
17:01:32 40 Mr Pope?---Thank you, Commissioner.  
41  
17:01:33 42 We'll resume tomorrow at 9.30 with Mr O'Connell, is it? Is  
17:01:39 43 that correct? Yes. All right then.  
17:01:41 44  
17:01:42 45 <(THE WITNESS WITHDREW)  
17:01:43 46  
17:02:10 47 ADJOURNED UNTIL THURSDAY 20 FEBRUARY 2020