

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 Thursday, 23 January 2020

Led by Commissioner:       The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Ms R. Enbom SC Mr S. Frauenfelder
Counsel for State of Victoria	Mr T. Goodwin
Counsel for Nicola Gobbo	Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDP	Mr D. Holding
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 Simon Overland	Mr J. Gleeson QC Ms G. Coleman
Counsel for Noel Ashby and Paul Mullett	Ms K. Klaric Ms J. Condon QC

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09:39:15 1 COMMISSIONER: The appearances are as they were yesterday.  
09:39:20 2 Ms Enbom, if I could just mention one thing. I think there  
09:39:24 3 were some discussions between you and counsel assisting  
09:39:27 4 about the PII claims being made by Victoria Police in  
09:39:33 5 public hearings. You may not be aware of this, but on 19  
09:39:37 6 December I raised this matter with Mr Holt and I asked  
09:39:40 7 that - I stated that it was unsatisfactory that after the  
09:39:48 8 public hearings, there were a lot of PII claims being made  
09:39:54 9 when there was no objection at the time to the material and  
09:39:58 10 that this was an unsatisfactory way to proceed and I asked,  
09:40:04 11 if possible, for, if there was to be any public interest  
09:40:12 12 immunity claim, that to be made at the time during the  
09:40:14 13 public hearing. There will be the odd slip, I recognise  
09:40:19 14 that, which needs to be corrected, but I don't want there  
09:40:22 15 to be a lot of time and large slabs of material coming out  
09:40:26 16 later, if that can be avoided.

09:40:28 17  
09:40:28 18 MS ENBOM: Yes.

09:40:28 19  
09:40:28 20 COMMISSIONER: I just wanted to make that clear, because I  
09:40:30 21 think the discussions that you might have had with counsel  
09:40:32 22 may not have made that clear.

09:40:34 23  
09:40:34 24 MS ENBOM: I was certainly aware of that and I was seeking  
09:40:37 25 to explain to Mr Winneke that the issue that we're finding  
09:40:42 26 is this: matters are disclosed during the public hearing  
09:40:49 27 quite often, but we're trying our hardest to only jump up  
09:40:55 28 and raise the matter when it's really necessary, to avoid  
09:40:59 29 interrupting proceedings and delaying proceedings.

09:41:03 30  
09:41:03 31 COMMISSIONER: If there's a public interest immunity claim  
09:41:04 32 which you know about, it should be made at the time, during  
09:41:09 33 the public hearing, not afterwards.

09:41:12 34  
09:41:12 35 MS ENBOM: Yes, I understand. If I can just explain this:  
09:41:16 36 we've been comfortable with not making the claim and  
09:41:22 37 letting people who are sitting here and watching it on the  
09:41:27 38 live stream listen because it's hard, in that environment,  
09:41:29 39 for those people to be piecing things together.

09:41:32 40  
09:41:32 41 COMMISSIONER: I appreciate there will be the odd slip, but  
09:41:35 42 what was happening was there were huge slabs of material  
09:41:39 43 being PIIed afterwards in public hearings and with nothing  
09:41:43 44 said in the public hearing. I want to avoid that.

09:41:46 45  
09:41:46 46 MS ENBOM: Yes, I understand. I think the explanation for  
09:41:49 47 that is probably that we departed from what we've been

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09:41:53 1 doing - for some reason, when Mr Overland started, we  
09:41:58 2 departed from what we'd been doing for 12 months by not  
09:42:04 3 mentioning certain pseudonyms, and I've now spoken to  
4 everyone at the Bar table about this, not mentioning  
09:42:06 5 certain pseudonyms in public, we started doing that during  
09:42:08 6 Mr Overland's evidence - it's probably we're all just a bit  
09:42:10 7 - it was the end of the year, and so I understand that a  
09:42:13 8 lot of the redactions that have occurred afterwards have  
09:42:17 9 been to redact all those references, consistently with what  
09:42:23 10 we've been doing throughout the course of the year, but now  
09:42:26 11 that we've clarified that issue, that is not mentioning  
09:42:30 12 certain pseudonyms in public, then we won't need to make  
09:42:34 13 those redactions to the transcript from hereon.  
09:42:38 14  
09:42:38 15 COMMISSIONER: All right. I just didn't want there to be a  
09:42:40 16 misunderstanding as to what my expectations are.  
09:42:44 17  
09:42:44 18 MS ENBOM: Yes. No, not at all, Commissioner.  
19  
20 COMMISSIONER: Yes, Mr Chettle.  
21  
09:42:49 22 <SIMON JAMES OVERLAND, recalled:  
09:42:49 23  
24 MR CHETTLE: Thank you, Commissioner.  
25  
09:42:50 26 Mr Overland, yesterday we were dealing with the statement  
09:42:53 27 you made that it was almost inevitable that you thought  
09:42:55 28 that she'd be compromised and you said that was really your  
09:42:59 29 view, that the longer she stayed with the police, the more  
09:43:02 30 the risk increased?---Yes.  
09:43:03 31  
09:43:06 32 Clearly, you would never register anybody as a human source  
09:43:10 33 if it was inevitable that they were going to be  
09:43:12 34 compromised; the whole purpose is to avoid compromise,  
09:43:17 35 isn't it?---Certainly, yes, I accept that.  
09:43:19 36  
09:43:19 37 And certainly you made it clear that every step must be  
09:43:21 38 taken by the investigators and the SDU to ensure she isn't  
09:43:26 39 compromised?---Yes, I accept that.  
09:43:28 40  
09:43:28 41 So insofar as you had the belief that ultimately she  
09:43:33 42 probably would get compromised, it's something you didn't  
09:43:42 43 communicate to the SDU?---Look, I don't recall whether I  
09:43:44 44 did or I didn't. I don't think I did early on. I just  
09:43:48 45 don't remember whether, in the process of talking about an  
09:43:51 46 exit strategy, I might have said something to that effect.  
09:43:55 47

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1 Said, "We've got to get rid of her", something like that,  
09:43:55 2 absolutely, and they were in full agreement?---They were.

09:43:57 3  
09:43:57 4 I'll come to that later. At the time that she was  
09:44:00 5 registered, if you had concerns about - or if you believed  
09:44:04 6 that she was inevitably going to be compromised, that would  
09:44:07 7 have ended up in a risk assessment and been addressed?---I  
09:44:10 8 accept that. I don't think I did express that.

09:44:12 9  
09:44:18 10 Thank you. You had regular discussions with Superintendent  
09:44:23 11 Biggin?---Yes, I had - I did, yes.

09:44:26 12  
09:44:27 13 And he has given evidence to this Commission that at no  
09:44:31 14 stage did you ever raise any concerns about your - any  
09:44:36 15 concerns you might have had about Ms Gobbo's use by the SDU  
09:44:40 16 as a source. Now, would you agree with that?---I'm not in  
09:44:48 17 a position to disagree. I don't recall whether I did or I  
09:44:51 18 didn't.

09:44:52 19  
09:44:57 20 Memory - you touched on this yesterday - it's difficult to  
09:45:02 21 remember what occurred all these years ago with some  
09:45:05 22 precision?---Yes, it is.

09:45:06 23  
09:45:06 24 What happens, Mr Overland, I suggest to you, is that memory  
09:45:09 25 gets prompted or reconstructed by reference to notes or  
09:45:14 26 other things that you see?---I'm aware of that risk.

09:45:16 27  
09:45:16 28 In fact, let me suggest to you that that's occurred with  
09:45:19 29 you on a couple of occasions, and I'm going to come to  
09:45:23 30 them?---Look, it might have. I've tried very hard for that  
09:45:26 31 not to be the case, but it might have.

09:45:27 32  
09:45:29 33 When you started your evidence, you didn't remember having  
09:45:34 34 kept diaries. In fact, you said you hadn't?---No,  
09:45:36 35 absolutely.

09:45:36 36  
09:45:37 37 You said that you didn't tell Christine Nixon about 3838  
09:45:42 38 being Ms Gobbo.

09:45:43 39  
09:45:44 40 MR GLEESON: I object. That's not the evidence at all. He  
09:45:46 41 said he didn't recall.

09:45:48 42  
09:45:48 43 MR CHETTLE: Didn't recall telling her that, all right.  
09:45:50 44 You had no memory of telling her that?---Well, I think - I  
09:45:53 45 didn't have a memory, I still don't have a memory of  
09:45:56 46 telling her that.

09:45:57 47

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09:45:57 1 I'm not going to rehash what - the point is simply this:  
09:46:00 2 when you do see a note, you interpret the note and what you  
09:46:05 3 think it must mean?---Yes.  
09:46:07 4  
09:46:08 5 During the course of your preparation for this hearing, you  
09:46:13 6 were taken, I suspect, to some of the entries in the source  
09:46:17 7 management log and entries that the SDU had made about  
09:46:20 8 conversations with you?---Only on a very limited basis, as  
09:46:25 9 I recall.  
09:46:26 10  
09:46:26 11 But 17 May of 2006 was one of those dates that you were  
09:46:30 12 taken to?---I think that's an entry I was taken to in the  
09:46:34 13 IBAC inquiry.  
09:46:35 14  
09:46:35 15 Yes, and then subsequently, in preparation for this  
09:46:41 16 hearing?---I know I've seen it at some point, yes.  
09:46:44 17  
09:46:45 18 Now, in your diary, it simply records Sandy White, there's  
09:46:51 19 a meeting?---Yes.  
09:46:52 20  
09:46:52 21 There's no detail. Now, people don't just waltz into your  
09:46:58 22 office at will, there would have been an appointment  
09:47:00 23 made - - -?---There would have been.  
09:47:01 24  
09:47:02 25 - - - through your staff officer to come and see  
09:47:05 26 you?---Yes, there would have been.  
09:47:05 27  
09:47:06 28 And that entry in your diary may in fact have been made  
09:47:10 29 before they got there, that you had an appointment to see  
09:47:12 30 him, you have got an appointment with him at 3 o'clock on  
09:47:15 31 that day, for example?---I don't remember being ahead on my  
09:47:19 32 diary. I remember being behind on my diary.  
09:47:22 33  
09:47:22 34 Assume the staff officer said, "I've made an appointment  
09:47:27 35 for them to come and see you at 3 o'clock tomorrow." Would  
09:47:30 36 you put it in your diary?---In my handwritten diary?  
09:47:32 37  
09:47:32 38 Yes?---Probably not, because I assume there would have been  
09:47:34 39 entries before that that - - -  
09:47:36 40  
09:47:36 41 Do you have a recollection of that meeting now?---No.  
09:47:40 42  
09:47:40 43 None at all?---I have a vague recollection of it. I mean,  
09:47:42 44 I think the Celine Dion concert prompted some recollection,  
09:47:48 45 I do remember it at some point. I think the reward thing -  
09:47:51 46 I remembered at some point a discussion about a reward  
09:47:55 47 payment, yeah.

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09:47:56 1  
09:47:56 2 The reward - you suggested that it was something to do with  
09:47:59 3 a murder reward?---I think so. I really, again, don't have  
09:48:02 4 a clear recollection of the detail.  
09:48:05 5  
09:48:05 6 I want to suggest to you that it had nothing to do at all  
09:48:08 7 with a murder?---Okay.  
09:48:09 8  
09:48:10 9 And again, that might be - you don't hold firm to your view  
09:48:13 10 about that?---No. I was doing my best to remember based on  
09:48:18 11 the material that I was reading. I do maintain that I  
09:48:23 12 think a reward - the primary way a reward would be paid is  
09:48:29 13 where a reward is offered for information leading to the  
09:48:31 14 solving of.  
09:48:32 15  
09:48:32 16 What this was about was there was a Rewards Committee that  
09:48:35 17 sat in relation to any financial reward that might be given  
09:48:38 18 to a source?---Right, okay.  
09:48:38 19  
09:48:40 20 And you sat on that from time to time, didn't you?---Well,  
09:48:43 21 again, I was aware of sitting on a committee, I think,  
09:48:46 22 where we dealt with some speeding fines, or something like  
09:48:49 23 that.  
09:48:49 24  
09:48:50 25 I'm not talking about her particularly, but sources would  
09:48:53 26 come - there would be an application - - - ?---I'm sorry, I  
09:48:57 27 think that is right, I think that is right, I'm sorry, yes.  
09:48:59 28  
09:48:59 29 And what they came to talk to you about, and I can show you  
09:49:01 30 the history of this - - -?---No, I accept that. I accept  
09:49:05 31 what you're saying.  
09:49:05 32  
09:49:06 33 - - - was a consideration of how in fact they could get  
09:49:08 34 some form of reward to her for her service?---Okay, I  
09:49:11 35 accept that.  
09:49:12 36  
09:49:12 37 They had come to the conclusion that - post the events of  
09:49:17 38 ██████████, which you've been asked about - that's when ██████████  
09:49:22 39 ██████████ got arrested, all right?---(Witness nods.)  
09:49:24 40  
09:49:25 41 Post the event of that, there were discussions between her  
09:49:28 42 and the SDU about trying to ease her out of the  
09:49:35 43 organisation?---Yes.  
09:49:35 44  
09:49:36 45 MS ENBOM: Commissioner, I'm sorry to interrupt. There's a  
09:49:38 46 PII claim.  
09:49:40 47

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09:49:40 1 COMMISSIONER: Yes. That word will have to go out.  
09:49:42 2  
09:49:43 3 MS ENBOM: Yes, line 25 and line 24, if you can take out  
09:49:52 4 part of the date.  
09:49:54 5  
09:49:55 6 COMMISSIONER: Thank you. We'll take out the number on  
09:49:58 7 line 24.  
09:49:58 8  
09:49:59 9 MS ENBOM: Yes.  
09:49:59 10  
09:49:59 11 COMMISSIONER: And the last word - the last two words in  
09:50:03 12 line 25.  
09:50:04 13  
09:50:04 14 MS ENBOM: Thank you, Commissioner.  
09:50:06 15  
09:50:07 16 MR CHETTLE: Yes, sorry. It's difficult. I'm trying to  
09:50:12 17 draw your attention to particular facts. You know what  
09:50:14 18 occurred in the date I've just had taken out of the  
09:50:18 19 record?---Yes, I think I know what you're referring to.  
09:50:21 20  
09:50:21 21 And a month later, they're there seeing you in your  
09:50:25 22 office?---Yes.  
09:50:25 23  
09:50:26 24 Right. The proposition had been raised that you might meet  
09:50:30 25 her. She wanted to meet you and get your thanks for her  
09:50:35 26 work?---I don't recall that, but it doesn't surprise me.  
09:50:40 27  
09:50:41 28 Can I take you to some entries in relation to that and deal  
09:50:45 29 with what did happen on the 17th. If we can go to the  
09:50:55 30 source management log firstly for May 2006. Perhaps  
09:51:11 31 Exhibit 398. I'll take you first to the record that I've  
09:51:15 32 already asked you about, the meeting with you on 17  
09:51:19 33 May?---Yes.  
09:51:20 34  
09:51:20 35 Exhibit 398. This is an extract of Sandy White's diary and  
09:51:30 36 - - - ?---I saw this yesterday.  
09:51:31 37  
09:51:31 38 - - - you've seen this with Mr Winneke?---Yes.  
09:51:33 39  
09:51:34 40 Two officers, that's Sandy White and Mr Smith, as we know  
09:51:37 41 them, met with you to consider the issue of a potential  
09:51:42 42 reward to her and the termination process?---Yep.  
09:51:44 43  
09:51:45 44 You were to consider acknowledgement of appreciation by  
09:51:50 45 you, do you see the note?---Yes.  
09:51:51 46  
09:51:52 47 What that is is they're discussing with you whether or not



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09:51:56 1 you would give her thanks for what she thought was great  
09:52:00 2 work?---Yes.  
09:52:01 3  
09:52:03 4 And there was a discussion about the motivation and  
09:52:05 5 counselling for her and there was also apparently some  
09:52:09 6 discussion about an issue involving Docket Waters and  
09:52:13 7 somebody at IMU. Do you see that being set out there?  
09:52:20 8 Perhaps if you go to - no, it's not on that note?---Sorry,  
09:52:23 9 no, I can't see that.  
09:52:25 10  
09:52:25 11 Sorry, you're right. The bit about Docket Waters and  
09:52:29 12 someone at IMU is from a later entry?---Right.  
09:52:31 13  
09:52:32 14 If you go to 23 May 06 - and what I want to suggest to you  
09:52:39 15 is on the 17th, you said you'd think about it, you'd give  
09:52:44 16 some consideration to whether or not you would see her.  
09:52:46 17 You don't - - -?---I don't recall. I didn't see her, I'm  
09:52:50 18 very clear I didn't see her.  
09:52:51 19  
09:52:51 20 I have absolutely no doubt you didn't see her, but the  
09:52:54 21 possibility of doing so was discussed and you were going to  
09:52:58 22 consider it?---Right.  
09:52:58 23  
09:52:59 24 Because if you go to 23 May 06, Exhibit 399, sorry, in  
09:53:08 25 Mr White's diary - 23/05, please. Can you get rid of that  
09:53:18 26 front page, please. Exhibit 399 is the relevant exhibit  
09:53:25 27 section.  
09:53:25 28  
09:53:26 29 COMMISSIONER: 23 May 06.  
09:53:28 30  
09:53:28 31 MR CHETTLE: 23 May 06, Commissioner.  
32  
09:53:44 33 When it comes - I'll read it to you while it's being looked  
09:53:48 34 for. What happens is Mr White goes and discusses with  
09:53:51 35 Superintendent Biggin the possibility of AC Overland  
09:53:57 36 meeting with Ms Gobbo?---Right.  
09:53:58 37  
09:53:59 38 So he wants to see how that develops since they saw you six  
09:54:03 39 days earlier, do you follow?---Yes.  
09:54:05 40  
09:54:10 41 When you look at the entries that surround this meeting of  
09:54:18 42 the SDU with you, I suggest the following picture emerges:  
09:54:25 43 they had already thought about finding a way to ease her  
09:54:29 44 out. One of the considerations was to have you thank her  
09:54:31 45 and see her?---H'mm.  
09:54:33 46  
09:54:33 47 That was discussed with you as a possibility. Mr Biggin

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09:54:37 1 was informed of that possibility, but ultimately it didn't  
09:54:40 2 happen?---Yeah.  
09:54:41 3  
09:54:41 4 All right. Now, that - do you agree that that's an  
09:54:44 5 acceptable interpretation of what occurred at that  
09:54:46 6 time?---That's broadly consistent with my recollection,  
09:54:49 7 which was there was an agreement that that's what should  
09:54:52 8 happen at that time. And I just want to make the point  
09:54:55 9 that I'm seeing a lot of material for the first time  
09:54:59 10 sitting here, so - and I saw some material when I was in  
09:55:04 11 IBAC, so it is difficult to remember, you know, the  
09:55:09 12 material - - -  
09:55:09 13  
09:55:09 14 I'm not being critical, Mr Overland. In fact, I'm trying  
09:55:12 15 to help you?---I understand that, but I just wanted to make  
09:55:16 16 the point that I am seeing a lot of material for the first  
09:55:20 17 time sitting in this witness box.  
09:55:21 18  
09:55:22 19 And there is a lot of it, I can assure you. The  
09:55:24 20 significant thing is when you made your statement, you were  
09:55:27 21 aware of that meeting and you - - - ?---Because of my  
09:55:31 22 attendance at IBAC I was, yes.  
09:55:33 23  
09:55:34 24 When you thought about what occurred, you thought, "Well,  
09:55:36 25 that's right, I know I had an issue about an exit  
09:55:40 26 strategy"?---Yep, yep.  
09:55:41 27  
09:55:42 28 And you put your interpretation on to what you remembered  
09:55:45 29 as having occurred?---Correct, and I still - well, whether  
09:55:50 30 they came to me with the intent of raising that - my  
09:55:53 31 recollection is I was definitely thinking about that  
09:55:55 32 anyway, so maybe we were both thinking about that - - -  
33  
09:55:58 34 About the same thing?---And there was a conversation and  
09:56:00 35 there was an agreement that that's what should be attended  
09:56:02 36 to.  
09:56:03 37  
09:56:03 38 Can I put it bluntly. The concern on behalf of the SDU was  
09:56:07 39 when you read your statement, it looks like, "I came up  
09:56:10 40 with the idea we had to get rid of her and I told  
09:56:14 41 them"?---I'm sorry. I certainly remember that being my  
09:56:17 42 idea. I don't remember any opposition to the idea at the  
09:56:20 43 time, I remember that being an agreed course of action.  
09:56:23 44  
09:56:23 45 In fact - all right. You don't quibble with the fact the  
09:56:27 46 SDU were thinking about a way to ease her out as  
09:56:31 47 well?---No, I don't.

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09:56:31 1  
09:56:31 2 And that they came to you, saying, "Look, you thank her and  
09:56:34 3 can we give her some Celine Dion tickets?", and it was  
09:56:39 4 decided that that was inappropriate and it would not go to  
09:56:41 5 the Rewards Committee?---Yes, that sounds right. I don't  
09:56:45 6 specifically recall, but I do remember being amused by the  
09:56:48 7 Celine Dion proposition.  
09:56:50 8  
09:56:50 9 What I'm trying to illustrate with you, and I think you  
09:56:53 10 accept, is that memory gets constructed around diary  
09:56:58 11 entries, which bring back recollections to some extent, but  
09:57:03 12 not necessarily totally accurate at the time?---No, look, I  
09:57:07 13 accept that. I mean, I've made the point before. When I  
09:57:10 14 went to IBAC, I had access to no material, so I was trying  
09:57:14 15 to - the preliminary statement I made, which I prepared at  
09:57:19 16 the recommendation of my counsel at the time, was  
09:57:21 17 constructed entirely from my memory and some public source  
09:57:25 18 information that I was able to find. In the course of  
09:57:27 19 going to the IBAC hearing, you know, material was put to me  
09:57:32 20 that did refresh my memory or added to my memory in some  
09:57:36 21 way, shape or form.  
09:57:37 22  
09:57:39 23 Memory is a tricky thing over a period of time?---No, it  
09:57:43 24 is.  
09:57:43 25  
09:57:43 26 Indeed, at one stage, in dealing with your diary entries  
09:57:50 27 with Mr Winneke, you said that you deliberately - you  
09:57:55 28 recall deliberately leaving out reference to certain things  
09:57:58 29 in your diary in order to avoid compromising people. Do  
09:58:04 30 you remember - - -?---I do.  
09:58:04 31  
09:58:05 32 But you actually have no recollection of deliberately  
09:58:07 33 leaving something out of a diary you didn't remember  
09:58:10 34 taking, do you?---No, because I - and I'd given evidence  
09:58:14 35 about this before the diaries were found, that I would be  
09:58:16 36 very - you know, had a practice of being very careful  
09:58:20 37 around what I put in diaries around confidential  
09:58:22 38 information.  
09:58:22 39  
09:58:22 40 I understand that. Again, this is the way it worked. You  
09:58:22 41 had a practice that sometimes you didn't put things in your  
09:58:25 42 diary?---Yes.  
09:58:26 43  
09:58:26 44 But you don't have a specific recollection about a  
09:58:30 45 particular entry in your diary?---No, I accept that.  
09:58:31 46  
09:58:31 47 You couldn't because you didn't even know you had the

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09:58:34 1 diary?---No, I accept that.  
09:58:35 2  
09:58:56 3 All right. Now I want to bring up the risk assessment,  
09:59:00 4 please, Exhibit 285. Remember we spoke yesterday about the  
09:59:05 5 fact that over a period of some weeks, a risk assessment  
09:59:08 6 was compiled?---Yes.  
09:59:09 7  
09:59:09 8 And finally the registration was accepted and signed off in  
09:59:13 9 November?---Yes.  
09:59:13 10  
09:59:14 11 Now, this is the risk assessment that was prepared, dated  
09:59:20 12 15 November 05, in relation to the registration of  
09:59:24 13 Ms Gobbo?---Right.  
09:59:25 14  
09:59:26 15 This is the first one, in any event. I take it you never  
09:59:30 16 saw it?---I don't believe I did, no.  
09:59:32 17  
09:59:32 18 There would be nothing to stop you seeing it if you wanted  
09:59:35 19 to, would there? Could you have asked for a copy of the  
09:59:39 20 risk assessment in relation to her?---Well, I guess I could  
09:59:45 21 have but, again, I do make the point the sterile corridor  
09:59:49 22 was such that I was trying to respect that, so the  
09:59:53 23 management was over here - management of the source was  
09:59:55 24 over here, the management of the investigations was over  
09:59:58 25 here.  
09:59:58 26  
09:59:58 27 If you had concerns about - if you were concerned about the  
10:00:02 28 way the SDU were operating, whether or not they were  
10:00:04 29 properly looking after Ms Gobbo, you could have made  
10:00:07 30 inquiries if you wanted to?---I could have, but I had no  
10:00:10 31 reason to believe they weren't.  
10:00:12 32  
10:00:13 33 So you didn't, but you could?---Well, I could have, yes.  
10:00:16 34  
10:00:19 35 If you look at what's in this risk analysis, the source is  
10:00:23 36 a criminal barrister, extremely well-known within the legal  
10:00:26 37 fraternity, they talk about her memberships of various  
10:00:29 38 committees and she's well-known within police and criminal  
10:00:33 39 community, she's on various high-profile criminal matters  
10:00:36 40 over the past few years, she's around the courts and she's  
10:00:41 41 physically easily identified and that's a risk because she  
10:00:46 42 stands out like a big blonde beacon I think is what they're  
10:00:51 43 saying?---Yes.  
10:00:51 44  
10:00:52 45 All of that material would be known to you in a general  
10:00:55 46 sense, wouldn't it?---In a general sense, yes.  
10:00:57 47

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10:00:58 1 Then the source is currently acting for several members of  
10:01:01 2 the Mokbel criminal cartel, including Tony, who has been  
10:01:02 3 known to employ extreme violence in the pursuit of their  
10:01:08 4 enterprises and intelligence holdings, they breach criminal  
10:01:11 5 codes of silence as a matter - they regard breaches of the  
10:01:14 6 code of silence as extreme concern, well resourced, large  
10:01:19 7 amounts of money, and that is a risk to the source that  
10:01:24 8 compromises her role to anyone connected with this  
10:01:27 9 group?---Yes.  
10:01:27 10  
10:01:27 11 This is why you understood she came to the SDU in the first  
10:01:31 12 place?---It is.  
10:01:31 13  
10:01:31 14 Because of the risks that these people presented to  
10:01:35 15 her?---It is.  
10:01:36 16  
10:01:36 17 She has had conversations over the past - with several  
10:01:41 18 police officers over the past 12 months, including Purana  
10:01:44 19 and MDID, and about the possibility of the source assisting  
10:01:48 20 police. Some of these members are now aware that the  
10:01:52 21 source has in fact formalised her relationship with VicPol.  
10:01:56 22 Her handler believes it is highly likely that unidentified  
10:02:00 23 close work associates of these members are also aware.  
10:02:03 24 Further current members of the AFP and the ACC may also be  
10:02:07 25 aware that she has considered the possibility of covertly  
10:02:11 26 assisting police. The threat of compromise is considered a  
10:02:15 27 high one. Do you see that?---Yes, I do.  
10:02:17 28  
10:02:19 29 The reality is she had been talking to a number of police  
10:02:22 30 officers; she's been talking to MDID about giving  
10:02:25 31 assistance and she'd been talking to Stuart Bateson. It's  
10:02:31 32 undesirable that that - that represents a greater risk to  
10:02:36 33 her than having her dealt with by professionals, doesn't  
10:02:38 34 it?---Yes, it does.  
10:02:39 35  
10:02:40 36 And from a police point of view and from her point of view,  
10:02:43 37 putting her under the control of the unit that's designed  
10:02:48 38 to look after represents the most effective method of  
10:02:52 39 protecting her?---Absolutely.  
10:02:54 40  
10:02:54 41 If we scroll up a bit, it outlines her history in relation  
10:02:58 42 to her prior drug matter. Did that become known to you at  
10:03:03 43 some stage, that she had a bond for a drug offence in the  
10:03:05 44 past?---Look, at some point I became aware of that and that  
10:03:12 45 she had got involved in some fraud or some money laundering  
10:03:17 46 investigation, I think back in 2005, which subsequently I  
10:03:21 47 think then turned out to be the first time she was

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10:03:23 1 registered as a source.  
10:03:25 2  
10:03:25 3 1995?---1995, sorry, my apologies. I didn't know she had  
10:03:29 4 been registered as a source previously, but I had some  
10:03:32 5 awareness she'd been involved with police back in that  
10:03:34 6 time.  
10:03:34 7  
10:03:35 8 This turns out to be - the SDU registration turns out to be  
10:03:39 9 her third registration?---Yes, so I now understand.  
10:03:42 10  
10:03:43 11 Nobody told - you certainly didn't know that at the  
10:03:45 12 time?---I didn't know. No, I didn't know.  
10:03:46 13  
10:03:47 14 And the 1999 registration was Jeff Pope's registration,  
10:03:53 15 which he didn't share with you either?---No.  
10:03:55 16  
10:03:56 17 Then under - the bottom paragraph of that page outlines her  
10:04:00 18 relationship with police, that she has intimate  
10:04:03 19 relationships with a number of police officers. You had an  
10:04:11 20 awareness of that, I think?---I had a general awareness, I  
10:04:12 21 think, of that, yes.  
10:04:12 22  
10:04:12 23 You describe - at one stage you thought the information she  
10:04:16 24 was getting from Paul Dale you described as pillow talk,  
10:04:19 25 didn't you?---Yes, I obviously believed that there had been  
10:04:21 26 a sexual relationship between the two, yes.  
10:04:23 27  
10:04:23 28 And, in fact, at one stage you were labouring under the  
10:04:26 29 belief that the information she got from Dale about  
10:04:29 30 Williams' statement being accurate came from that sort of  
10:04:33 31 conversation?---Yes, yes, it was for a period of time, yes.  
10:04:36 32  
10:04:36 33 In fact, it turned out to be something else; she tape  
10:04:40 34 recorded Mr Dale at a preordained meeting?---Yes.  
10:04:44 35  
10:04:45 36 If we go over the page, please. She then sets out - the  
10:04:51 37 risk analysis then sets out her solicitor contacts with  
10:04:55 38 Mr Valos, her family involvements. Then she says this,  
10:05:02 39 "The source has stated a strong desire to be free of the  
10:05:06 40 clients who tend to consume a large proportion of her time  
10:05:10 41 and resources. Creates a great deal of stress to the  
10:05:13 42 source. Her sole motivation for acting as a source is to  
10:05:18 43 be rid of the clients in this category, specifically being  
10:05:21 44 those who belong to the Mokbel criminal cartel. She cannot  
45 initiate an end to these relationships in an open and  
10:05:26 46 direct manner with those concerned, due to tacit and subtle  
47 intimidation being applied to the source"?---Yes.

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1  
10:05:33 2 "If the source decides that police are not acting on the  
10:05:34 3 intelligence provided appropriately, a feeling of  
10:05:36 4 frustration may cause her to take unknown radical action in  
10:05:40 5 order to rid herself of contact with these people". Now,  
10:05:43 6 you had a general view about that. Someone must have told  
10:05:47 7 you why it was that she became a registered  
10:05:51 8 informer?---Generally consistent with the information that  
10:05:53 9 you've just read.  
10:05:54 10  
10:05:54 11 That must have come from either - presumably came from the  
10:05:58 12 briefings you had with Jim O'Brien?---Again, look, I don't  
10:06:01 13 now - I don't recall, but - - -  
10:06:03 14  
10:06:04 15 When you think about it, you know he was meeting you on  
10:06:09 16 effectively a weekly basis?---Yeah, so someone's clearly  
10:06:11 17 given me information about her motivation for becoming a  
10:06:15 18 source and it is consistent with what you've just described  
10:06:18 19 and what you've just described is also consistent with my  
10:06:20 20 past experience as a Detective dealing with sources, that  
10:06:22 21 this is an issue, and I think I've given evidence about it,  
10:06:25 22 that people like Ms Gobbo become trapped in those  
10:06:28 23 relationships.  
10:06:29 24  
10:06:30 25 The suggestion has been made she should have just walked  
10:06:32 26 away and gone overseas for six months?---Yeah, and my view  
10:06:36 27 is that's not possible.  
10:06:37 28  
10:06:37 29 I know it's a cliché, but if you're in with these people,  
10:06:39 30 you're stuck with them. If you try and leave, they'll kill  
10:06:45 31 you because you're a risk?---Correct.  
10:06:46 32  
10:06:47 33 There's a feeling - the risk analysis sets out that she's  
10:06:55 34 under a great deal of stress, psychological pressure,  
10:07:00 35 dealing with targets and emotional strain. It sets out  
10:07:03 36 issues in relation to her health because of the work and  
10:07:04 37 the pressure she was under and the stroke she had. Then it  
10:07:09 38 says this, "The source may possess other motivations and  
10:07:13 39 agendas not known to the handlers", and that's common,  
40 isn't it?---Yeah.  
41  
10:07:15 42 The motivation of a source is a difficult thing to work  
10:07:19 43 out?---It is and, again, it is consistent with the general  
10:07:23 44 evidence I have given about the complexity of these type of  
10:07:26 45 people and of managing these type of people - or this type  
10:07:28 46 of person.  
10:07:28 47



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10:07:29 1 Tony Biggin, in an analysis of the whole event with Gobbo,  
10:07:35 2 wrote, "We really have had difficulty getting to the bottom  
10:07:38 3 of what her real motivation was in relation to why she came  
10:07:42 4 to the police"?--Well, that, given what I know now, would  
10:07:46 5 be an obvious question you would ask yourself at some  
10:07:50 6 point, yes.  
10:07:50 7  
10:07:51 8 As time went on and the information became clear, it became  
10:07:55 9 a possibility that she was involved in, primarily, the  
10:08:03 10 death of the Hodsons, that she had had some role to play  
10:08:07 11 that might have seen her implicated in some way in that  
10:08:10 12 criminal conduct?---Yes. I think - my recollection is was  
10:08:13 13 potentially part of the chain of IR 44 getting out into the  
10:08:17 14 criminal underworld.  
10:08:18 15  
10:08:18 16 IR 44 and, secondly, putting Paul Dale in touch with Carl  
10:08:22 17 Williams?---Yes.  
10:08:24 18  
10:08:25 19 Because the theory is Dale organised, through Williams, to  
10:08:29 20 have the Hodsons murdered, that's the prosecution  
10:08:33 21 theory?---Look, I understand that. I perhaps have a  
10:08:36 22 slightly different view around some of that, but I accept -  
10:08:39 23 I think that was suggested at some point, yes.  
10:08:41 24  
10:08:41 25 That was part of the thesis that was being worked on?---It  
10:08:45 26 was one of the theses, yes.  
10:08:46 27  
10:08:47 28 Then there's a reference to her involvement with other  
10:08:51 29 barristers and the association and the people she works  
10:08:55 30 with, that she has supplied information to other law  
10:08:59 31 enforcement agencies and there's a risk that some of the  
10:09:03 32 intelligence she gives might light her up because it's only  
10:09:06 33 known to her?---Yes.  
10:09:07 34  
10:09:08 35 Keep going down the page, please. Now, they then set out a  
10:09:13 36 number of strategies that will be used to deal with those  
10:09:17 37 identified risks?---Yes.  
10:09:18 38  
10:09:18 39 And I don't need to take you through all those, but they go  
10:09:22 40 through eight different methods of trying to deal with  
10:09:26 41 those particular risks that I've just taken you to?---Yes.  
10:09:29 42  
10:09:29 43 Then it goes on to look at the next aspect of risk, which  
10:09:32 44 is risk to the handlers and of the controllers being  
10:09:35 45 jeopardised, that there were risks in relation to physical  
10:09:39 46 violence because of the company she keeps, effectively. If  
10:09:47 47 she is sighted by members of the legal fraternity with



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10:09:53 1 other police, her friends - I'm trying to skim through  
10:09:59 2 this. She herself is not violent, there's no real risk  
10:10:04 3 that she is likely to harm them herself. Keep scrolling  
10:10:08 4 up, please. A number of risks in relation to her - are  
10:10:18 5 identified in relation to handlers. And keep going up.  
10:10:21 6 And then there's measures set out as to how they would deal  
10:10:26 7 with those risks they've just assessed?---Yes.  
10:10:29 8  
10:10:30 9 Now, the point of what I'm trying to do here, Mr Overland,  
10:10:33 10 you've seen risk assessments before, have you not?---I  
10:10:36 11 have.  
10:10:36 12  
10:10:37 13 And the process of compiling a risk assessment was an  
10:10:42 14 evolving thing for Victoria Police?---Yes.  
10:10:45 15  
10:10:45 16 We're going back to 2005 here. There's been evidence to  
10:10:49 17 suggest that this was one of the most complete and thorough  
10:10:53 18 risk assessments that had been done?---Yes.  
10:10:55 19  
10:10:55 20 Now, what I'm going to invite you to do is say whether in  
10:11:04 21 fact you agree with that when we get to the bottom of it,  
10:11:07 22 all right, which is why I'm taking you through it, as  
10:11:10 23 quickly as I can. Then they outline the risk to the  
10:11:12 24 integrity of the information. Can we scroll up, please.  
10:11:17 25 Within the short time, she's provided credible and valuable  
10:11:21 26 intelligence to police. She's well in a position to obtain  
10:11:26 27 valuable intelligence in relation to the criminal  
10:11:26 28 activities of the Mokbel cartel - the focus being, clearly,  
10:11:29 29 from that, ongoing criminal activity, isn't it?---Yes.  
10:11:32 30  
10:11:32 31 "Intelligence supplied by the source is considered  
10:11:35 32 accurate. On occasions the information may have been  
10:11:37 33 obtained via third parties, who may not have been directly  
10:11:41 34 involved. This may concern - cause concerns regarding  
10:11:45 35 accuracy of information." It's just being aware of the  
10:11:49 36 fact you may not be getting correct stuff. Some of it  
10:11:53 37 hasn't reached its full potential. She's included - she's  
10:11:58 38 not always been included within the inner circle of the  
10:12:02 39 criminals upon whom she may be able to provide  
10:12:05 40 intelligence. Information gaps may exist. She might fill  
10:12:08 41 it with speculation. The source has a brief history of  
10:12:12 42 providing credible and valuable intelligence to police,  
10:12:15 43 well positioned to obtain tactical reliable information.  
10:12:18 44 She could be unwittingly fed information." The risk being  
10:12:24 45 that sometimes a criminal will give her intelligence to see  
10:12:29 46 whether or not it gets reported and she gets lit up as a  
10:12:34 47 result?---Yes.

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10:12:34 1  
10:12:34 2 As a test, sort of thing?---Yes.  
10:12:36 3  
10:12:37 4 And these are the sort of things that this unit were  
10:12:39 5 attuned to being aware of and being careful with?---Yes.  
10:12:42 6  
10:12:42 7 You wouldn't disseminate information if it were of the  
10:12:48 8 category that would light her up?---No.  
10:12:50 9  
10:12:51 10 Let's keep going through. "Current resources at Crime  
10:12:57 11 Department level do not allow for secure reporting and  
10:12:59 12 dissemination of intelligence and breaches of security of  
10:13:00 13 information have occurred in the past. Even allowing for  
10:13:03 14 upgraded security at MDID, the targets on which the source  
10:13:08 15 can supply information are extremely well resourced and are  
10:13:12 16 believed to actively seek avenues to initiate corrupt  
10:13:15 17 activities to meet their needs". What that's saying is you  
10:13:19 18 need really high-level security to look after the  
10:13:23 19 information she gives and other police departments really  
10:13:27 20 can't do that?---Correct.  
10:13:27 21  
10:13:28 22 And that was your view as well?---It was my view.  
10:13:31 23  
10:13:31 24 That's why you told Terry Purton that there had to be that  
10:13:35 25 sort of care taken with the material?---Correct. I think  
10:13:38 26 it was later solved by a system that came along that  
10:13:42 27 provided high levels of security, but at the time, no such  
10:13:47 28 system existed.  
10:13:48 29  
10:13:48 30 Was that Interpose?---That was Interpose.  
31  
10:13:50 32 That had its own problems at times, though, didn't it?---It  
10:13:50 33 did have its own problems, but it was a lot better than  
10:13:55 34 what preceded it.  
10:13:56 35  
10:13:57 36 The SDU - you would have been aware that because of the  
10:13:57 37 risk, the SDU had their own stand-alone facilities and  
10:14:01 38 encrypted facilities?---Yes. I agree it was a very real  
10:14:03 39 risk. I mean, I said yesterday my view is that previous  
10:14:06 40 investigations of the Mokbel syndicate were compromised at  
10:14:10 41 the outset.  
10:14:11 42  
10:14:11 43 Did it come to your attention that Mokbel had offered \$2  
10:14:14 44 million to have the Kayak tapes disappear?---I was aware  
10:14:18 45 that he was trying to obtain the Kayak tapes and there was  
10:14:22 46 a sum of money, a significant sum of money.  
10:14:22 47

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10:14:23 1 And he tried to bribe a policeman to get at it?---Yes.  
10:14:26 2  
10:14:27 3 Go down the page. Again, control measures to deal with the  
10:14:32 4 very issues that have been identified. Admiralty scale  
10:14:40 5 classification, whatever that - perhaps I better not read  
10:14:45 6 some of this out because it goes to methodology, I  
10:14:47 7 think?---I don't know there is any sensitivity about the  
10:14:50 8 scale.  
10:14:50 9  
10:14:53 10 All right. There were measures taken to sanitise,  
10:14:53 11 implement sterile corridor, secure storage, a risk  
10:14:56 12 assessment in relation to particular deployments, look at  
10:14:59 13 what you do - check out what you do before you do  
10:15:01 14 it?---Yes.  
10:15:01 15  
10:15:01 16 And regular ongoing debriefs should occur?---Yep.  
10:15:04 17  
10:15:05 18 All looking to be appropriate measures, as far as you're  
10:15:09 19 concerned?---Yes.  
10:15:10 20  
10:15:11 21 "Risk to Victoria Police. It is possible the source enjoys  
10:15:15 22 acting as a police agent. Although this does not seem to  
10:15:18 23 be the source's main motivation for assisting police, risk  
10:15:22 24 exists if the source becomes overenthusiastic about this  
10:15:25 25 role." This is written in November 05, before she really  
10:15:29 26 gets into it, but that risk actually demonstrated itself to  
10:15:33 27 be a real risk as time went on, didn't it?---Yes, it did.  
10:15:35 28  
10:15:36 29 She became overly enthusiastic?---Yes.  
10:15:38 30  
10:15:39 31 And, in fact, you said in - I think in your evidence to  
10:15:43 32 IBAC - that really, because of the way she acted, the only  
10:15:47 33 way they could ever have dealt with her was not to have  
10:15:51 34 registered her in the first place?---I think that's right,  
10:15:53 35 yes.  
10:15:53 36  
10:15:53 37 Because once - it's a bit like grabbing the tiger by the  
10:15:57 38 tail; once you've got her, you can't get rid of her, can  
10:16:01 39 you?---Well, it's very difficult to, yes.  
10:16:04 40  
10:16:04 41 And attempts were made to deregister her or wind her down,  
10:16:06 42 but she'd come up with more information?---That's my  
10:16:09 43 recollection, and she would go and do things that she was  
10:16:13 44 asked not to do and she would act unilaterally all the  
10:16:17 45 time.  
10:16:17 46  
10:16:18 47 And although that might lead to displeasure on behalf of

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10:16:21 1 her handlers, you can't just throw her out; you have got a  
10:16:24 2 duty of care to her?---No, that's exactly right. That was  
10:16:27 3 the real difficulty.  
10:16:28 4  
10:16:30 5 I told you yesterday about the tomato tins?---Yes.  
10:16:33 6  
10:16:34 7 Having been told that she's going to be put into  
10:16:37 8 effectively caretaker mode, she comes up with that. It is  
10:16:41 9 something that simply cannot be ignored, isn't it?---That  
10:16:44 10 information can't be ignored, no.  
10:16:47 11  
10:16:47 12 It was significant, high grade - it was the highest - at  
10:16:48 13 that stage, the largest ecstasy importation in the  
10:16:51 14 world?---I think so, yes, I think it was. It was very  
10:16:54 15 significant.  
10:16:55 16  
10:16:58 17 I'll go back to this risk analysis. "She has a strong and  
10:17:02 18 confident personality. May make her less likely to detect  
10:17:06 19 signs of suspicion. She has been involved in a number of  
10:17:10 20 trials and is well-known. There's a risk that using her  
10:17:18 21 will increase her knowledge of covert police methodology,  
10:17:22 22 which she might be using back to her clients?---That's  
10:17:25 23 always a risk with sources, that the backflow of  
10:17:28 24 information is actually more damaging than the positive  
10:17:31 25 flow of the information the other way.  
10:17:33 26  
10:17:37 27 "Police methodology risk." Keep going down the page.  
10:17:48 28 Risks are set out in relation to her belief that her  
10:17:52 29 premises are bugged or lack of control over her actions  
10:17:55 30 could lead to a number of adverse results. "Because of the  
10:18:02 31 source's occupation and particular position, if  
10:18:06 32 compromised, the handling of this source would come under  
10:18:09 33 extreme scrutiny. This could cause embarrassment and  
10:18:13 34 criticism of the force. This must be considered and  
10:18:16 35 balanced against the proposition of not using the source  
10:18:19 36 and the potential resultant harm to the public that may  
10:18:22 37 occur through the lack of intelligence against very  
10:18:26 38 large-scale drug traffickers"?---Yes.  
10:18:27 39  
10:18:28 40 That's almost prophetic, isn't it?---And I'd agree. I  
10:18:31 41 mean, that was a concern I held at the outset.  
10:18:34 42  
10:18:34 43 And Mr Black - you know who he was?---Yes.  
10:18:34 44  
10:18:37 45 Who wrote that SWOT analysis, told the Commissioner that he  
10:18:40 46 was always of the view that there was likely to be - if  
10:18:42 47 they used her as a source, the lawyers would always be

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10:18:45 1 looking at the way in which she was used?---I agree  
10:18:48 2 completely.  
10:18:49 3  
10:18:50 4 So the risks involved in using her are clearly being  
10:18:54 5 identified appropriately and properly in what we're going  
10:18:58 6 through?---Yes.  
10:18:59 7  
10:18:59 8 There's nothing to suggest that she's criminally active,  
10:19:03 9 although there has been speculation on the subject, that is  
10:19:05 10 what I raised with you, that she's been a bit close to some  
10:19:07 11 of these people?---Yes.  
10:19:08 12  
10:19:08 13 And that was something the Drug Squad had certainly been  
10:19:11 14 aware of or concerned about. Were you made aware that they  
10:19:15 15 thought she was on the edge - - - ?---I have a general  
10:19:19 16 awareness that she was regarded as very much on the edge,  
10:19:22 17 yes.  
10:19:22 18  
10:19:23 19 All right. The overall risk to exposure is considered  
10:19:27 20 "high". You'd agree with that?---Yes.  
10:19:29 21  
10:19:29 22 And that, again, control measures are set out to deal with  
10:19:33 23 those identified risks?---Yes.  
10:19:35 24  
10:19:38 25 Go down to, "Risk to public harm." They identify risks  
10:19:45 26 that would - potential risks that may occur. Fraternising  
10:19:52 27 with high-level criminals. No risk of harm to the public.  
10:20:00 28 "She displays a high degree of moral duty to uphold the  
10:20:05 29 law. This position must be constantly scrutinised. Would  
10:20:08 30 appear unlikely that she'll be involved in activities that  
10:20:12 31 would have a negative impact on her position." Many  
10:20:19 32 high-risk sources are in fact criminals, aren't  
10:20:22 33 they?---Most of them are. They have to be by virtue of -  
10:20:25 34 that's how they have the information that is attractive to  
10:20:28 35 police, yes.  
10:20:29 36  
10:20:30 37 Working with crooks and so they are likely to be a risk to  
10:20:32 38 the public themselves?---Most often they are.  
10:20:35 39  
10:20:35 40 Whereas this particular source doesn't really have those  
10:20:39 41 risks, because of her profession?---Not in that direct  
10:20:41 42 sense, no.  
10:20:42 43  
10:20:43 44 Keep going down. So they conclude she doesn't represent a  
10:20:47 45 risk to the public, which they describe as only "moderate".  
10:20:50 46 Then we go to the bottom. Keep going down.  
10:20:51 47

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10:20:52 1 COMMISSIONER: I don't know that you can say that, given  
10:20:53 2 what the High Court had to say.  
10:20:55 3  
10:20:56 4 MR CHETTLE: Sorry?  
10:20:56 5  
10:20:56 6 COMMISSIONER: About her risk to the public, I don't know  
10:20:58 7 that you can say that, and I think the witness was  
10:21:01 8 referring to that in his answer earlier, not in the sense  
10:21:04 9 of a criminal - physical harm.  
10:21:07 10  
10:21:07 11 MR CHETTLE: I was reading the line from the report,  
10:21:09 12 Commissioner. Can we go back. "The source does not  
10:21:12 13 represent any threat of violence towards the public."  
10:21:14 14  
10:21:15 15 COMMISSIONER: No, correct.  
10:21:15 16  
10:21:16 17 WITNESS: I'd agree with that.  
10:21:17 18  
10:21:17 19 MR CHETTLE: All right. Keep going up, if you would.  
10:21:20 20 Thank you. Now, overall the risk is determined as "high",  
10:21:24 21 nominated control measures are appropriate. She has  
10:21:27 22 extensive connections to high level and local criminals.  
10:21:31 23 "In her short history, she has been accurate. She's able  
10:21:34 24 to give timely and accurate intelligence. She's capable of  
10:21:37 25 being deployed. She is a criminal barrister in the  
10:21:42 26 Victorian legal community and represents many high-profile  
10:21:46 27 identities, one group of clients is the Mokbel family, and  
10:21:50 28 failure to - the effective utilisation of the source has  
10:21:53 29 the potential to impede major crime and reduce the illicit  
10:21:58 30 drug trade. Failure to do so will have the opposite effect  
10:22:03 31 and she's high risk, both strategically and tactically  
10:22:05 32 viable and therefore DSU management would be recommended".  
10:22:08 33 Keep going up. The control - that's the endorsement of the  
10:22:14 34 controller who is signing off on the handler, do you  
10:22:17 35 follow?---Yes.  
10:22:17 36  
10:22:17 37 If we can take that off the screen now. Do you agree that  
10:22:23 38 that risk analysis that I have just taken you to represents  
10:22:29 39 a high-grade example of an appropriate risk assessment for  
10:22:33 40 a source?---I do.  
10:22:35 41  
10:22:36 42 Now, to describe it as a tick and flick exercise, though it  
10:22:44 43 was totally adequate and that it didn't refer to the fact  
10:22:47 44 in fact that she was a lawyer, would be totally wrong.  
10:22:50 45 We've just seen that it does, don't we?---Yes, it does.  
10:22:52 46  
10:22:53 47 And it's certainly not a tick and flick exercise, is



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10:22:56 1 it?---It doesn't appear to me to be that, no.  
10:22:58 2  
10:22:58 3 I know you haven't read the Comrie Report, but the man who  
10:23:03 4 wrote it criticised the SDU as writing inadequate risk  
10:23:08 5 assessment and deliberately concealing risk from  
10:23:12 6 management. Do you follow that suggestion? I know you've  
10:23:15 7 never heard it before, but - - -?---No, I haven't heard it  
10:23:17 8 before. I follow the suggestion.  
10:23:19 9  
10:23:20 10 Now, if management - I mean upper management of the Police  
10:23:26 11 Force - wanted to distance themselves from the actions of  
10:23:30 12 the SDU, one of the things you could do is say, "Look, they  
10:23:35 13 didn't tell us about all this, it's all their fault. We  
10:23:39 14 didn't know what they were doing". That would be a tactic,  
10:23:42 15 wouldn't it?---Well, yes.  
10:23:43 16  
10:23:43 17 The Comrie Report says that the SDU deliberately  
10:23:49 18 understated risk in order to not derail the registration.  
10:23:53 19 Now, that suggestion, given what I've just shown you, is  
10:23:57 20 nonsense, isn't it?---Well, I haven't read the Comrie  
10:24:01 21 Report. I don't know what other - - -  
10:24:01 22  
10:24:01 23 I'm just asking you to accept that that's what it says?---I  
10:24:04 24 accept that, but I don't know what other issues it's looked  
10:24:08 25 at, who was spoken to, but that looks to me to be a  
10:24:13 26 thorough risk assessment.  
10:24:14 27  
10:24:14 28 And indeed, the very issues that you identify should be  
10:24:17 29 looked at were looked at by the SDU?---Yes.  
10:24:19 30  
10:24:19 31 And presented in an appropriate way to management, for them  
10:24:22 32 to sign off and accept the risk, under the policy that  
10:24:27 33 existed at the time?---Yes, and presumably someone did sign  
10:24:31 34 off on it.  
10:24:32 35  
10:24:32 36 And to a large extent - it was Mr Thomas who signed off on  
10:24:37 37 it. He was the Superintendent at the time?---Acting  
10:24:40 38 Commander, I think, yes.  
10:24:42 39  
10:24:48 40 That risk assessment, firstly, in a general sense, accords  
10:24:52 41 with your views of what you now know about it?---Yes.  
10:24:55 42  
10:24:55 43 And it accurately identifies the issues that should have  
10:24:58 44 been identified?---Yes.  
10:24:59 45  
10:25:01 46 Now, are you familiar with the concept of an AOR,  
10:25:06 47 acceptance of responsibility document? Do you know what



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10:25:09 1 I'm talking about with that, or is that getting down to too  
10:25:13 2 much detail?---I think that's - no, I don't. Well, I don't  
10:25:16 3 now recall. I mean, I might if you show me something, but  
10:25:20 4 I don't - - -

10:25:20 5  
10:25:21 6 Part of the policy involved the source signing an  
10:25:22 7 acknowledgment - or making an acknowledgement that they  
10:25:26 8 weren't employed by Victoria Police and they couldn't - -  
10:25:27 9 -?---I vaguely remember something of that nature, yes.

10:25:30 10  
10:25:31 11 And they couldn't commit crimes?---Yes.

10:25:33 12  
10:25:34 13 You've had a look at that SWOT analysis that was provided  
10:25:38 14 in December of 2008, for the purposes of coming along here,  
10:25:44 15 haven't you? You're saying you don't recall seeing it back  
10:25:49 16 then?---I don't recall - no, I don't recall seeing it, and  
10:25:51 17 I was shown it in the course of preparing to give evidence,  
10:25:54 18 yes.

10:25:54 19  
10:25:55 20 It, similarly, is a very thorough and comprehensive  
10:25:58 21 assessment of risk in relation to the use of Ms Gobbo as a  
10:26:02 22 witness, isn't it?---Well, it is, it sets out the risks,  
10:26:05 23 and I don't want you to interpret this as criticism,  
10:26:08 24 because it's not, but the thing it doesn't do is it doesn't  
10:26:12 25 provide a risk rating against the risks.

10:26:14 26  
10:26:14 27 To be clear - I see what you mean, it doesn't give a - -  
10:26:16 28 -?---A likelihood and consequence.

10:26:18 29  
10:26:18 30 But what it does do is puts out the strengths, weaknesses,  
10:26:27 31 opportunities and threats?---It does that, yes.

10:26:29 32  
10:26:30 33 The idea being to provide those up the chain with a clear  
10:26:37 34 picture of the issues that might arise if she is used as a  
10:26:42 35 witness?---Yes.

10:26:43 36  
10:26:43 37 Again, apart from the fact they don't put a rating against  
10:26:43 38 each of the risks that are set out in that SWOT analysis,  
10:26:43 39 you'd agree that it is a comprehensive bit of work?---I  
10:26:47 40 agree.

10:26:47 41  
10:26:48 42 And it's written by a PII [REDACTED] who had been - from  
10:26:53 43 the unit, who is trying to inform, firstly, his  
10:26:57 44 Superintendent and then the steering committee and people  
10:27:00 45 up the line, of the risks of the decision of using her as a  
10:27:04 46 witness?---Yes.

10:27:05 47

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10:27:06 1 Now, again, there's no suggestion of underreporting of  
10:27:13 2 risk, is there? They've made it pretty clear what will  
10:27:17 3 follow if - - - ?---Look, I recall being very clear about  
10:27:20 4 the views of the SDU and their concerns. I really don't  
10:27:25 5 believe I saw that document but, as I said, I think when  
10:27:28 6 talking to Mr Winneke, I didn't disagree with its contents  
10:27:31 7 and I understood there were a whole series of risks.  
10:27:34 8  
10:27:34 9 There's a concern, isn't there, that must arise by the fact  
10:27:37 10 that you didn't - if you didn't see that document,  
10:27:40 11 something's gone seriously wrong with the system, hasn't  
10:27:44 12 it?---Well, yes.  
10:27:44 13  
10:27:45 14 It was written for a Superintendent, who would look at it,  
10:27:49 15 endorse it, and gave it to a Commander?---Yes.  
10:27:51 16  
10:27:52 17 Who then wrote on it for the attention of the steering  
10:27:54 18 committee and gave it to you, he says, in his statement.  
10:27:57 19 Now, you're not in the position to dispute anything that he  
10:28:01 20 says about that, Danye Moloney?---Well, I don't - I just  
10:28:05 21 don't believe I saw it, I don't remember seeing it. I note  
10:28:09 22 the - I think the version I was shown, the cover sheet says  
10:28:12 23 it's to come to me but it's not signed.  
10:28:14 24  
10:28:15 25 He says he gave it to you. In his statement, that's what  
10:28:18 26 he says?---Well, I think - that's unusual, but it may have  
10:28:21 27 happened, but it would be unusual for that to happen that  
10:28:28 28 way.  
10:28:28 29  
30 What happened to it?---I don't know.  
31  
10:28:29 32 Why didn't it get to you?---I don't know.  
33  
10:28:31 34 It should have, shouldn't it?---It should have.  
10:28:33 35  
10:28:34 36 Let me suggest this: do you remember going to close a  
10:28:38 37 course that the SDU had been running at a beachside  
10:28:41 38 location?---I do.  
10:28:42 39  
10:28:42 40 And at that beachside location there was a dinner on the  
10:28:46 41 night before you - you know the meeting in the café in the  
10:28:50 42 morning go that you were walking past with your  
10:28:53 43 wife?---Yes.  
10:28:53 44  
10:28:53 45 The night before there'd been a dinner to close the course,  
10:28:58 46 hadn't there?---Yes, something like that, yes.  
10:28:59 47

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10:28:59 1 And you were there?---I was.  
10:29:00 2  
10:29:00 3 And you would have had conversations that night with Sandy  
10:29:03 4 White and with Mr Biggin?---I would have, yeah.  
10:29:06 5  
10:29:07 6 They say, their evidence has been that they had a,  
10:29:10 7 Mr Biggin had a conversation with you and you made it clear  
10:29:13 8 that you wanted to use Ms Gobbo as a witness, to transition  
10:29:18 9 her from source to witness, and that they then set about  
10:29:23 10 putting together a list of reasons why that shouldn't  
10:29:26 11 happen and Mr Smith, one of the handlers, at 7.20 in the  
10:29:30 12 morning, drew up a list of things which are recorded in the  
10:29:34 13 documents of the SDU?---So again, I just want to be clear  
10:29:37 14 around the dates, because I think that was slightly ahead  
10:29:44 15 of the meeting that Ms Gobbo subsequently had with Mr Dale,  
10:29:50 16 the recorded meeting.  
10:29:51 17  
10:29:52 18 Two days?---Two days, yes.  
10:29:53 19  
10:29:53 20 She says Dale on the 7th and records him?---My recollection  
10:29:56 21 is that the final trigger for me, because I do accept that  
10:29:59 22 there was a period of time where there was, you know,  
10:30:03 23 consideration being given to whether this should in fact  
10:30:05 24 occur. It's not a decision that was made overnight. There  
10:30:08 25 was a lot of thought and a lot of discussion that went on  
10:30:12 26 around that. To my recollection the trigger always was  
10:30:15 27 that tape recorded conversation, so I don't specifically  
10:30:18 28 recall a conversation with Mr Biggin on that night. I  
10:30:22 29 don't suggest I didn't have one, but I don't think I'd have  
10:30:27 30 been as categorical as, "We are going to", I think if  
10:30:32 31 anything it was, "Look, we are still really thinking about  
10:30:32 32 this".  
10:30:32 33  
10:30:33 34 Can I go back and put it in context?---Sure.  
10:30:33 35  
10:30:35 36 The evidence reveals that over the last half of 2008  
10:30:38 37 members of the Petra steering committee were talking to her  
10:30:41 38 about the possibility about what information she could  
10:30:44 39 provide to them?---The Petra investigators would have been  
10:30:47 40 talking to her about that investigation, yes. You said  
10:30:50 41 steering committee and, no, that's - - -  
10:30:51 42  
10:30:51 43 I withdraw that. Investigators, you're right?---Yes.  
10:30:54 44  
10:30:55 45 Particularly Shane O'Connell and people like that, they  
10:30:58 46 were talking to her about effectively helping you  
10:31:02 47 her?---Yes.

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10:31:03 1  
10:31:03 2 There's a difficulty turning an intelligence source into an  
10:31:07 3 evidentiary source?---There are huge difficulties with  
10:31:09 4 that.  
10:31:09 5  
10:31:09 6 In fact conventional wisdom is you don't do it?---Correct.  
10:31:13 7  
10:31:13 8 And that's what they were making clear to  
10:31:15 9 you?---Absolutely.  
10:31:15 10  
10:31:16 11 What happened is that the evidence shows that Sandy White  
10:31:19 12 in talking to her had been trying to talk her out  
10:31:23 13 of?---Yep.  
10:31:23 14  
10:31:23 15 Going along and assisting Petra?---Yep.  
10:31:26 16  
10:31:26 17 Saying, "Look, this is a really high risk thing to do,  
10:31:29 18 don't do it"?---Yep.  
10:31:31 19  
10:31:31 20 And then, after 5 December, he is encouraging her to do so,  
10:31:37 21 do you follow?---Yes.  
10:31:38 22  
10:31:39 23 Encouraging her to go along and assist Petra and that's why  
10:31:44 24 she gets wired up by Petra, not by the SDU, and she goes  
10:31:48 25 and tapes Dale?---Yes.  
10:31:49 26  
10:31:49 27 Do you follow?---Yes.  
10:31:49 28  
10:31:49 29 And asked why it was, by Mr Winneke, Mr White was asked,  
10:31:54 30 "Hang you, you've been telling her don't do it and there  
10:31:54 31 you are telling her she should do it, why - what happened?"  
10:32:03 32 And he says, "Well, I changed my mind when I was ordered to  
10:32:06 33 change my mind", do you follow what - - ?---I do, yes.  
10:32:07 34  
10:32:08 35 So what the SDU's position is that they changed their  
10:32:10 36 position and told her she shouldn't go on and she should  
10:32:13 37 assist Petra, because of the conversation you had with them  
10:32:17 38 down at that leafy beachside suburb?---Right.  
10:32:17 39  
10:32:20 40 Now, you don't dispute that could be in fact what  
10:32:21 41 occurred?---It could be, and again, it doesn't accord with  
10:32:23 42 my general recollection, but I don't have a specific  
10:32:27 43 recollection of that conversation.  
10:32:28 44  
10:32:28 45 You would not say that that evidence - look, part of the  
10:32:33 46 problem, one of the things you know about the SDU, and I  
10:32:36 47 took you to yesterday, is that they are prolific in their

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10:32:40 1 note-taking?---Yes.  
10:32:41 2  
10:32:41 3 And Tony Biggin kept diary notes, the SDU kept diary notes.  
10:32:48 4 In the absence of any notes by you it's hard to argue with  
10:32:51 5 the contents - - - ?---No, I'm not arguing, I'm just saying  
10:32:55 6 - I'm not arguing, I'm just saying my long-held  
10:32:56 7 recollection has been that the final trigger for me was  
10:32:59 8 that recorded conversation.  
10:33:00 9  
10:33:00 10 That's obviously a factor that means she becomes important  
10:33:04 11 as a witness, doesn't it?---Well it was a very significant,  
10:33:08 12 a very significant step, yes.  
10:33:10 13  
10:33:11 14 To take her from a source and put into effectively an  
10:33:15 15 investigative evidentiary role is a step that needs - - -  
10:33:19 16 ?---It was, it was a very big step, absolutely.  
10:33:23 17  
10:33:23 18 And what the SDU were saying, "Listen, there's got to be a  
10:33:26 19 break, there has to be a break between whatever you do with  
10:33:30 20 her and whatever we've been doing with her"?---Yes.  
21  
10:33:35 22 Because almost inevitably, to use an expression, she will  
10:33:39 23 be outed if she becomes a witness?---Yes, yes.  
10:33:40 24  
10:33:40 25 Have you read Mr White's statement in relation to - - -  
10:33:44 26 ?---No.  
10:33:45 27  
10:33:45 28 This. He says he had a conversation with you, and I think  
10:33:48 29 he's saying at the leafy beachside suburb, where he said,  
10:33:51 30 "Look, there's real risks of doing this", and you said  
10:33:54 31 words to the effect of, "Police confidence" - "corruption  
10:34:00 32 tops everything, confidence in the Police Force is,  
10:34:04 33 overrides any risks to her"?---Yes.  
10:34:05 34  
10:34:06 35 And do you agree with that?---Well I don't - - -  
10:34:08 36  
10:34:08 37 That was your thought?---I don't remember saying it. I  
10:34:12 38 remember very much trying to balance those issues though  
10:34:14 39 around understanding the complexity of turning a source  
10:34:21 40 into a witness, understanding the conventional reasons why  
10:34:25 41 you wouldn't do that, understanding, you know, and really  
10:34:29 42 trying to think about the risks to her and what the best  
10:34:32 43 option might be. But weighed against the fact that she  
10:34:36 44 appeared to have evidence that was increasingly important  
10:34:38 45 in a, you know, very serious murder investigation.  
10:34:41 46  
10:34:42 47 Your thoughts were that police corruption - in fact when

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10:34:44 1 you were welcomed in the press you said that you were going  
10:34:48 2 to have a strong anti-corruption stance?---Yes.  
10:34:51 3  
10:34:51 4 Corruption was something that was featured highly in your -  
10:34:54 5 - - ?---Yes, it did. I don't resile from that at all.  
10:34:56 6  
10:34:57 7 And saying something like "corruption tops everything" does  
10:35:00 8 sound like something you would say to him?---Look, I can't  
10:35:03 9 dispute it, because I don't recall it, but it doesn't sound  
10:35:07 10 like I would say it quite that way. He might have taken it  
10:35:11 11 that way, I accept that.  
10:35:12 12  
10:35:12 13 The risk to her is outweighed by the risk to the public in  
10:35:16 14 not using her?---Well, again, that's a risk that had to be  
10:35:18 15 weighed.  
10:35:19 16  
10:35:20 17 And that's the way you saw it in the long run, didn't you?  
10:35:20 18 Whenever it was you came to the opinion that she should be  
10:35:23 19 a witness, appreciating all the risks to her, you thought  
10:35:26 20 the use of her was important for the public perception of  
10:35:31 21 the way in which the police operated?---That was a factor,  
10:35:34 22 yes.  
10:35:34 23  
10:35:35 24 Against that background, within a month this SWOT analysis  
10:35:39 25 a floating around. What happens after the decision, after  
10:35:42 26 she does go along and tape Dale, is there are statements  
10:35:47 27 taken from her and she signs a statement and once she signs  
10:35:50 28 the statement she is - - - - ?---Deregistered.  
10:35:55 29  
10:35:56 30 Deregistered?---Yes.  
10:35:57 31  
10:35:57 32 And that occurred in January of 2009. When the statement  
10:36:00 33 was signed, she was no longer anything to do with the  
10:36:03 34 SDU?---Yes, that's right.  
10:36:04 35  
10:36:05 36 In your statement you talk about - you then gave direction  
10:36:10 37 that she not have any more contact with police, this is  
10:36:13 38 after she - - - ?---This was much later on.  
10:36:15 39  
10:36:15 40 When she sued you?---She sued, yes.  
10:36:18 41  
10:36:19 42 You talk about, she actually continued to try and provide  
10:36:23 43 information?---Well that was my understanding. My  
10:36:25 44 recollection of my signing of that direction was I was  
10:36:27 45 asked to do that by Finn McRae, who was dealing with the  
10:36:31 46 settlement.  
10:36:31 47



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10:36:32 1 Terms of settlement, yes?---And he advised me that she was  
10:36:36 2 continuing to - I think Petra Task Force members were  
10:36:39 3 continuing to deal with her. She was continuing to deal  
10:36:42 4 with them and that was clearly not tenable, given the  
10:36:44 5 situation that then existed.  
10:36:46 6  
10:36:46 7 I just want - the only reason I'm raising it with you is,  
10:36:50 8 you don't suggest in any way that the SDU had anything more  
10:36:54 9 to do with her after they - - - ?---Well I don't know  
10:36:55 10 whether they did or they didn't. I don't know that they -  
10:36:57 11 no, there's nothing that says to me they did.  
10:36:59 12  
10:37:00 13 What you were talking about is her attempts to keep talking  
10:37:03 14 to Petra even after she'd been - sued you?---That was my  
10:37:06 15 understanding, although I think whilst it was specifically  
10:37:09 16 directed at Petra, I think I made it clear that that was to  
10:37:15 17 include anyone really, yeah.  
10:37:17 18  
10:37:17 19 All right. Now perhaps I go back to this SWOT analysis  
10:37:24 20 then. Danye Moloney says that he got it, he read it, he  
10:37:29 21 thought that it needed to be directed to the steering  
10:37:35 22 committee for their attention and he was on that steering  
10:37:37 23 committee, wasn't he, the Petra steering committee?---At  
10:37:43 24 that time?  
10:37:46 25  
10:37:47 26 Don't remember?---I don't. I don't recall. I think he was  
10:37:50 27 but I thought it was subsequent to me going off the  
10:37:55 28 steering committee but I stand to be corrected.  
10:37:56 29  
10:37:57 30 You may well be right. At some stage he was on it?---At  
10:37:59 31 some stage he was on it.  
10:38:01 32  
10:38:01 33 Luke Cornelius was on it and Graham Ashton was on  
10:38:04 34 it?---Graham Ashton was on it, yeah.  
10:38:05 35  
10:38:06 36 They both say, Cornelius and Ashton both say they didn't  
10:38:11 37 see it?---Yes.  
10:38:12 38  
10:38:12 39 And you didn't see it?---No.  
10:38:14 40  
10:38:14 41 Your position would be that it did not get before the  
10:38:20 42 steering committee?---Correct.  
10:38:20 43  
10:38:20 44 There are only two possibilities that exist, aren't there,  
10:38:24 45 if Danye Moloney is right, that he provided it to your  
10:38:27 46 office for attention for the steering committee, either you  
10:38:29 47 didn't see it or it got lost in some way?---Yes.



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10:38:33 1  
10:38:34 2 Or you deliberately didn't put it before the steering  
10:38:37 3 committee?---Yes.  
10:38:37 4  
10:38:40 5 Now, is this a possibility: you had reached the view that  
10:38:44 6 she was going to be a witness. That course had been  
10:38:51 7 crossed, she's going to be a witness, she's on board,  
10:38:54 8 "These issues no longer concern me because the decision's  
10:38:57 9 made", so you put it aside and ignored it?---No. I mean I  
10:39:00 10 can't see why I would ignore it.  
10:39:03 11  
10:39:04 12 You had made the decision already?---At that time, yes,  
10:39:06 13 yes.  
10:39:06 14  
10:39:07 15 This is early January?---Early January, yeah.  
10:39:09 16  
10:39:10 17 So it really has no relevance to it, does it, you'd made  
10:39:14 18 your mind up of what's going to occur, you don't bother the  
10:39:18 19 steering committee with it. That's one possibility, isn't  
10:39:20 20 it?---It's a possibility, yes.  
10:39:22 21  
10:39:23 22 Alternatively, there's something seriously wrong with the  
10:39:28 23 management systems of your office in relation to not  
10:39:30 24 getting that document in front of you?---That's if it got  
10:39:33 25 there, yes.  
10:39:33 26  
10:39:33 27 The evidence is it did?---Yes, I accept that.  
10:39:37 28  
10:39:37 29 And ultimately it's found in folders that come from  
10:39:39 30 documents that were maintained by you, you went through  
10:39:42 31 those documents with Mr Winneke, do you remember that  
10:39:45 32 exercise?---That folder of information.  
10:39:48 33  
10:39:49 34 That folder of documents?---I'm not sure that information,  
10:39:51 35 I'm not sure where that information came from.  
10:39:52 36  
10:39:53 37 It had documents in it that did have your handwriting on  
10:39:57 38 it?---Well, it did, yes, but it had documents in it that  
10:40:00 39 didn't have handwriting, and I'm still none the wiser as to  
10:40:03 40 where all that material came from and how it was compiled.  
10:40:06 41  
10:40:06 42 As I understand it, and we haven't heard evidence from  
10:40:10 43 Mr Gleeson, but he was provided those documents in that  
10:40:14 44 folder by a man called Rust. Do you know Mr Rust?---Clive  
10:40:20 45 Rust?  
10:40:21 46  
10:40:21 47 An ESD man, isn't he?---Well he was Crime Department and I

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10:40:27 1 think he was in ESD for a while.  
10:40:29 2  
10:40:30 3 I know it's not any part of your - you've gone in  
10:40:34 4 2011?---Yes.  
10:40:34 5  
10:40:34 6 But in 2012 Gleeson's trying to put together a review that  
10:40:42 7 he has been writing that ultimately becomes called the  
10:40:46 8 Comrie Review?---Right.  
9  
10:40:48 10 But it was written by Steve Gleeson, do you know him?---I  
10:40:51 11 do.  
10:40:52 12  
10:40:52 13 I take it he at no stage spoke to you about your dealings  
10:40:56 14 with the SDU and what occurred?---No, no one ever spoke to  
10:40:59 15 me about my dealings until I appeared at IBAC.  
10:41:03 16  
10:41:03 17 So the Comrie Report, insofar as it talks about  
10:41:07 18 management's knowledge and position, was written without  
10:41:10 19 any input from you or connection with you?---Yes.  
10:41:13 20  
10:41:18 21 All right. Again, I think the point I try to make with  
10:41:28 22 that risk assessment, and there was another subsequent risk  
10:41:33 23 assessment later which updated the first one?---Yes.  
10:41:36 24  
10:41:37 25 The same sort of thing but with further risks identified as  
10:41:41 26 they unfolded?---Yes.  
10:41:42 27  
10:41:42 28 The SWOT analysis, all clearly indicate that the SDU were  
10:41:47 29 appropriately and properly documenting risk that related to  
10:41:51 30 Ms Gobbo, do you agree with that?---I accept that.  
10:41:53 31  
10:41:55 32 Let 's ask you about Dannye Moloney for a bit. You  
10:41:58 33 discussed Nicola Gobbo with him, 3838's involvement in the  
10:42:06 34 - I think you said in your evidence you have recollections  
10:42:08 35 of discussing it with Dannye Moloney?---No, I think - again  
10:42:13 36 I stand to be corrected - I think I was indicating I  
10:42:18 37 thought there'd been discussions with the head of the Intel  
10:42:22 38 Covert Support Department. I couldn't remember at that  
10:42:24 39 time whether it was Dannye Moloney or Ian Thomas. I think  
10:42:30 40 that's what you're referring to.  
10:42:31 41  
10:42:32 42 Again, I don't want to hold up going through the transcript  
10:42:34 43 but I have a recollection of you talking about discussion  
10:42:34 44 with Moloney?---I think I said I might have talked to  
10:42:39 45 Moloney or it might have been Thomas, that's my  
10:42:41 46 recollection of my evidence.  
10:42:41 47

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10:42:41 1 Clearly you said in your diary notes that you were going to  
10:42:45 2 talk to Thomas, which I took you to yesterday?---Yes.  
10:42:47 3  
10:42:47 4 But the records show that Sandy White gave full briefings  
10:42:51 5 to Mr Moloney on a number of dates, and I'm not going to  
10:42:54 6 take you through them all, but I'll just tell you the dates  
10:42:57 7 for the transcript: on 4 October 05, 5 December 05, 9  
10:43:03 8 January 06 and 14 February 06. The records show White  
10:43:10 9 going to Moloney and giving briefings in relation to  
10:43:17 10 3838?---Okay. I didn't know that but that sounds  
10:43:19 11 appropriate to me.  
10:43:20 12  
10:43:20 13 Can I ask you about structure. In about June of 2006 the  
10:43:26 14 SDU moved under the control of Covert Services, did it not?  
10:43:31 15 There was a move - it was - originally there was a problem  
10:43:35 16 because they were reporting to Porter, who was running HSMU  
10:43:40 17 and SDU at the same time?---Right.  
10:43:43 18  
10:43:43 19 And he was effectively reporting to himself?---Right.  
10:43:45 20  
10:43:46 21 And it was thought appropriate to switch that Unit under  
10:43:48 22 the control of Tony Biggin, who took over as the  
10:43:53 23 Superintendent I think in June of 2006?---Look, I remember  
10:43:57 24 Tony Biggin going across to that department and I was aware  
10:44:01 25 the SDU came under him. I don't specifically recall there  
10:44:04 26 was some sort of organisation realignment as part of that  
10:44:07 27 process, but.  
10:44:08 28  
10:44:08 29 Tony Biggin didn't have line management control of the SDU  
10:44:12 30 until that reorganisation occurred?---I accept that, I  
10:44:15 31 don't - - -  
10:44:16 32  
10:44:16 33 He was in charge of surveillance, SPU and things like that,  
10:44:24 34 but they moved the SDU in with him?---Right.  
10:44:27 35  
10:44:27 36 There was a problem. With this new unit - you've had  
10:44:31 37 questions about under-resourcing and the lack of funds and  
10:44:34 38 things of that sort, and one of them was the absence of a  
10:44:38 39 full-time Inspector?---Yes.  
10:44:40 40  
10:44:40 41 We've had Mr Cowlishaw's evidence, and he was for a short  
10:44:46 42 period of time the Inspector. We've had Mr Thomas, who  
10:44:50 43 hasn't given evidence yet, but there's a statement from  
10:44:53 44 Mr Thomas that I think indicates that he left in about  
10:44:56 45 February of 06. What I'm really wanting to ask you is it's  
10:45:01 46 strange, isn't it, that Mr White would be going straight to  
10:45:07 47 Dannye Moloney, the Commander, instead of going through

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10:45:09 1 line of command? Do you see the point I'm making?---Yeah,  
10:45:13 2 I do, but I - yeah.  
10:45:14 3  
10:45:15 4 If you had an Inspector you'd go to your Inspector and he  
10:45:19 5 would go to his Super and the Super would go to his  
10:45:22 6 Commander?---That's the normal chain of command.  
10:45:24 7  
10:45:24 8 But if you haven't got effective control, if you haven't  
10:45:28 9 got somebody who is properly managing you, he has to, one -  
10:45:32 10 Mr White took on much of the activities of head of the unit  
10:45:36 11 himself?---Right.  
10:45:36 12  
10:45:37 13 Have you been told that?---No.  
10:45:38 14  
10:45:39 15 The evidence is that he in fact acted very much as the  
10:45:42 16 person in control of the unit, as well as performing his  
10:45:46 17 roles as a controller and a handler?---Right.  
10:45:48 18  
10:45:49 19 And that's a consequence of inadequate resourcing or just  
10:45:53 20 people looking over him, do you agree with that?---Well I  
10:45:56 21 can't disagree with it, I'm not in a position to.  
10:45:59 22  
10:45:59 23 That's why he ends up talking to Danye Moloney, because he  
10:46:04 24 hasn't got effectively anybody else to talk to, until Tony  
10:46:07 25 Biggin comes on board in, really in May/June of  
10:46:12 26 2006?---Right.  
10:46:12 27  
10:46:12 28 Were you aware there was an audit - as a result of what  
10:46:17 29 happened, I'm going to be cryptic if I can, the events that  
10:46:20 30 occurred in PII of 2006 when you were at the police  
10:46:25 31 station, that you knew there were certain arrests that took  
10:46:29 32 place. Do you remember that event? Perhaps if I can do it  
10:46:32 33 this way. Have you got Exhibit 81 there, please.  
10:46:37 34  
10:46:38 35 COMMISSIONER: Yes, I think so.  
10:46:40 36  
10:46:41 37 MR CHETTLE: List of pseudonyms. Have you got that in  
10:46:46 38 front of you?---I have, yes.  
10:46:47 39  
10:46:47 40 If you look at the person who is listed against number  
10:46:51 41 PII?---Yes. Yes, I've got that. Right. Yep, I'm with you  
10:46:55 42 now, sorry.  
10:46:56 43  
10:46:56 44 When the events surrounding that person occurred, the SDU  
10:47:02 45 came to the conclusion that there needed to be a review and  
10:47:07 46 clear - I'll get the expression right. I can't find it.  
10:47:43 47 There was a need to make sure that the processes that the

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10:47:46 1 SDU were using with her were appropriate and being run  
10:47:49 2 properly?---Right.  
10:47:51 3  
10:47:51 4 And that there was a review or an audit commissioned by  
10:47:54 5 Danye Moloney to get Tony Biggin, as someone independent  
10:47:59 6 at that stage, to come and have a look at what was  
10:48:03 7 happening with 3838 and review the way she was being  
10:48:06 8 handled. Were you aware of that?---Look, I probably was  
10:48:09 9 but I don't have a recollection of it now.  
10:48:11 10  
10:48:13 11 The SDU had - - - ?---Sorry, so Tony Biggin was still at -  
10:48:19 12 - -  
10:48:19 13  
10:48:19 14 Still at the other - - - ?---In the Crime Department?  
10:48:23 15  
10:48:23 16 Yes?---Then I assume I was aware of it, yes.  
10:48:26 17  
10:48:26 18 What happens, there was a general review of the SDU  
10:48:28 19 conducted by somebody else, but not 3838, because of her  
10:48:32 20 security issues?---Yes.  
10:48:33 21  
10:48:34 22 That Tony Biggin, as an independent officer, reviewed the  
10:48:38 23 way SDU were handling her?---Yes.  
10:48:41 24  
10:48:42 25 And he wrote an audit review that said they were doing  
10:48:45 26 everything appropriately?---Yes.  
10:48:46 27  
10:48:47 28 This was before he comes over as the Superintendent?---Yes.  
10:48:49 29 I think I recall that actually, yeah, I think I do.  
10:48:52 30  
10:48:53 31 That would be, firstly, inappropriate. If you had concerns  
10:48:56 32 about what has happening, that would be an appropriate  
10:48:58 33 thing to do, wouldn't it?---Yes.  
10:48:59 34  
10:49:00 35 You understand, Tony Biggin having conducted that audit,  
10:49:05 36 gave the evidence that Mr Winneke referred you to. He  
10:49:08 37 said, "Look, the buck stops with me"?---Yes.  
10:49:10 38  
10:49:10 39 "I'm responsible for what happened with the SDU. If there  
10:49:13 40 were failures, it's my problem", right, and that's what  
10:49:17 41 accountability is all about, isn't it?---Yes.  
10:49:19 42  
10:49:23 43 Mr White, who I said really took on - and says he made all  
10:49:28 44 the critical decisions at the SDU - he accepted  
10:49:31 45 responsibility for what occurred. That's appropriate too,  
10:49:34 46 isn't it?---Yes.  
10:49:35 47

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10:49:38 1 I know you say that there was a lot of the detail you  
10:49:41 2 didn't know, but it's apparent from the number of briefings  
10:49:45 3 that you had a pretty good overview of what was happening  
10:49:49 4 with Ms Gobbo, isn't it?---Overview, yes, I had an overview  
10:49:53 5 of what was happening with her.  
10:49:54 6  
10:49:54 7 You knew that she was providing the sort of information she  
10:49:57 8 was providing, because Jim O'Brien kept updating you about  
10:50:01 9 it?---To an extent, yes.  
10:50:04 10  
10:50:04 11 Your diary has got numerous entries in relation to Purana  
10:50:10 12 updates either from Jim O'Brien or from Gavan Ryan, doesn't  
10:50:13 13 it?---Yes, it does.  
10:50:14 14  
10:50:15 15 But there are a couple of occasions where you put entries  
10:50:18 16 in about what was said?---Yes.  
10:50:20 17  
10:50:20 18 But in general all your diary records is "Purana  
10:50:25 19 update"?---Well I think earlier on there was more detail  
10:50:28 20 and as things went on "Purana update", but, as I made the  
10:50:32 21 point, there were written reports that came in.  
10:50:34 22  
10:50:34 23 Again, the written reports would be spoken to by the  
10:50:38 24 officer update?---Yes.  
10:50:40 25  
10:50:40 26 And this is the point I made before, in the absence of any  
10:50:43 27 note by you, you cannot but accept what Jim O'Brien's got  
10:50:49 28 in his notes as to what he told you?---Well I've given  
10:50:52 29 evidence extensively about that.  
10:50:54 30  
10:50:54 31 I'm not going to ask you about - the point is slightly  
10:50:56 32 different. You don't remember what's in O'Brien's notes?  
10:50:58 33 You have no recollection of some of the things that he  
10:51:01 34 said?---Well some of the things he says, no.  
10:51:03 35  
10:51:03 36 The point I made to you before, in the absence of any note  
10:51:07 37 of yourself, it's hard to contradict what he says he told  
10:51:10 38 you?---Yes, and I don't believe I have at any point.  
10:51:13 39  
10:51:13 40 So you allow the possibility of what he has in those notes  
10:51:16 41 is exactly what you were told?---I've always said that I  
10:51:19 42 can't challenge his notes. I have qualified it where I've  
10:51:23 43 said it's not consistent with my recollection or other  
10:51:26 44 information that's available to me.  
10:51:27 45  
10:51:28 46 Have you seen Tony Biggin's diary entries in relation to  
10:51:31 47 conversations he's had with you?---No.



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10:51:33 1  
10:51:34 2 I'm going to take you to a couple because I have to.  
10:51:37 3 Again, the same principle would apply, wouldn't it?---Yes,  
10:51:40 4 I accept that.  
10:51:40 5  
10:51:45 6 Can I have Exhibit 395 brought up, please. I just found  
10:51:55 7 the document I meant to show you before. Remember the  
10:51:58 8 meeting on 17 May and I think we finally reached an accord  
10:52:02 9 in relation to that?---Yes.  
10:52:04 10  
10:52:05 11 Exhibit 395. There's a portion of Mr White's diary for 27  
10:52:14 12 April of 2006. This is before he comes to see you on 17  
10:52:26 13 May, do you follow?---Yes.  
10:52:28 14  
10:52:28 15 I'll find the right bit. There's a meeting with Mr Biggin.  
10:52:42 16 Next page, please. Yes, there it is. If you go to the  
10:52:56 17 bottom of the page where the cursor is. "Meet with  
10:52:59 18 Superintendent Biggin re 3838 audit review." Remember  
10:53:03 19 that?---Yes.  
10:53:04 20  
10:53:04 21 I told you about that before, that Biggin conducted. "No  
10:53:08 22 issues with the file. Should continue with Mokbels via  
10:53:15 23 Horty if she feels secure and SDU happy." This is what  
10:53:20 24 Biggin's telling him, do you follow?---Yes.  
10:53:21 25  
10:53:22 26 "Discuss reward for her. Recommend", yes, "recommend  
10:53:30 27 acknowledgement of appreciation by AC Overland"?---Yep.  
10:53:35 28  
10:53:35 29 So that's what leads to the making an appointment to come  
10:53:40 30 and see you about that possibility, do you see the - - -  
10:53:43 31 ?---No, I see that.  
10:53:43 32  
10:53:44 33 - - - the trail that I was taking you to?---Yes.  
10:53:45 34  
10:53:46 35 Again, that further confirms what I put to you before about  
10:53:49 36 what that 17 May meeting was about?---Yes, I accept that.  
10:53:52 37  
10:53:53 38 All right. Now, was Commander Moloney ultimately  
10:54:08 39 responsible for the activities of the SDU?---It was under  
10:54:13 40 his command, yes.  
10:54:14 41  
10:54:14 42 And did he report directly to Christine Nixon or to  
10:54:18 43 you?---No, he reported to Christine Nixon.  
10:54:20 44  
10:54:20 45 So at the time she had a structure where all the Commanders  
10:54:24 46 were reporting to her?---Yes.  
10:54:25 47

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10:54:28 1 He had no line - you had no line control in relation to  
10:54:33 2 him?---Not until I became Chief Commissioner.  
10:54:36 3  
10:54:36 4 All right. However, even though you had no direct line  
10:54:43 5 management of the SDU, you could have made your views known  
10:54:48 6 if you were concerned about what they were doing? If you  
10:54:53 7 had issues with them, you could have told them what you  
10:54:56 8 thought?---If I'd had concerns I probably - I would have  
10:55:00 9 made them known, yeah.  
10:55:01 10  
10:55:01 11 Line management is not the be all answer to it?---No, it's  
10:55:06 12 not, no, I accept that.  
10:55:07 13  
10:55:08 14 As an AC they would be - when you say jump, they'd jump,  
10:55:13 15 wouldn't they?---Well it's not always been my experience.  
10:55:19 16  
10:55:19 17 That's why they come and see you, they want your input in  
10:55:24 18 relation - - - ?---Well they want input and, you know, I  
10:55:26 19 was happy to do that, but I mean in that case, on 17 May,  
10:55:29 20 they've come to see me obviously now about a reward which  
10:55:35 21 was an appropriate thing to do because it potentially  
10:55:39 22 required me to do certain things.  
10:55:41 23  
10:55:41 24 And the reward being two parts, one, you'd given some  
10:55:49 25 formal appreciation yourself?---Yes.  
26  
10:55:49 27 Albeit some sort of financial - - - ?---I understand that  
10:55:50 28 now, yep.  
10:55:52 29  
10:55:52 30 Thank you. I just want to turn, if I can, to a different  
10:55:56 31 topic and that's a couple of the things that you said to  
10:56:01 32 IBAC when you were there. It would be fair to say that  
10:56:06 33 when you went you weren't all that keen on going because  
10:56:09 34 you had been dragged down there on a number of  
10:56:12 35 occasions?---No, it would be fair to say I wasn't keen on  
10:56:15 36 being there.  
10:56:15 37  
10:56:15 38 And that you went down there with a pre-written statement  
10:56:18 39 in relation to a number of matters?---Yes.  
10:56:20 40  
10:56:20 41 You started off with a dissertation, really, about issues  
10:56:28 42 that really had no interest to - - - ?---As it turned out  
10:56:31 43 it had no interest to IBAC, no.  
10:56:33 44  
10:56:33 45 Because when you went down there, you didn't know why you  
10:56:37 46 were going?---Well I knew it related to Ms Gobbo but that's  
10:56:41 47 all I knew.

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10:56:42 1  
10:56:44 2 You said, I'll just - do you agree that you said in the  
10:56:49 3 pre-written statement that you were responsible or involved  
10:56:51 4 in many of the key decisions in what became known as  
10:56:56 5 Operation Purana?---Yes, I was.  
6  
10:56:59 7 In 2008?---I do remember saying that.  
10:57:00 8  
10:57:01 9 And that's the truth?---It is.  
10:57:02 10  
10:57:02 11 And those key decisions were made in consultation and  
10:57:05 12 discussions with, among other people, Gavan Ryan and Jim  
10:57:08 13 O'Brien?---Yes. And others, and John Whitmore and Terry  
10:57:19 14 Purton.  
10:57:19 15  
10:57:19 16 Yes?---But also the DPP. I mean that's what I was  
10:57:23 17 referring to when I was involved in it.  
10:57:25 18  
10:57:26 19 That's what I come to now. "I immediately stressed that  
10:57:28 20 all undertakings under my leadership were done with the  
10:57:31 21 full knowledge and agreement of the then Director of Public  
10:57:35 22 Prosecutions Mr Paul Coghlan QC and Chief Crown Prosecutor  
10:57:40 23 Geoff Horgan"?---Yes.  
10:57:41 24  
10:57:41 25 That's in your statement to IBAC?---Yes.  
10:57:44 26  
10:57:44 27 And indeed, we've seen that you've had a number of meetings  
10:57:47 28 with Mr Coghlan and with Mr Horgan?---Yes.  
10:57:49 29  
10:57:49 30 And they're set out in both your diary and Jim O'Brien's  
10:57:52 31 diary?---Yes.  
10:57:53 32  
10:57:53 33 And you went with him on occasions?---On occasions.  
10:57:56 34  
10:57:56 35 Now, I take it it's your evidence that you did not tell  
10:58:01 36 Mr Horgan or Mr Coghlan of Ms Gobbo's involvement in the  
10:58:07 37 Purana exercise?---No.  
10:58:08 38  
10:58:10 39 Can you help the Commissioner with that? Because you said  
10:58:12 40 during the course of your evidence that you felt it was the  
10:58:16 41 obligation of the investigators to inform the DPP of the  
10:58:23 42 involvement of a human source in an investigation?---Yes.  
10:58:26 43  
10:58:27 44 You've had a number of opportunities where you as the head,  
10:58:30 45 really, of the investigators, could have done that?---Yes,  
10:58:34 46 well I had meetings with Paul Coghlan and Geoff Horgan,  
10:58:38 47 yes.

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10:58:39 1  
10:58:39 2 Geoff Horgan is the prosecutor in relation to all these  
10:58:42 3 trials, isn't he?---Mainly the homicides he was, yes.  
10:58:45 4  
10:58:51 5 I just want to understand why it is you didn't tell  
10:58:55 6 them?---Because it wasn't relevant to the matters that we  
10:58:58 7 were discussing, which initially were primarily around  
10:59:05 8 dealing with the various people who rolled and the manner  
10:59:10 9 in which their cooperation would be secured.  
10:59:13 10  
10:59:13 11 I understand those issues. I'm talking - later on you meet  
10:59:18 12 with them in relation to what are described as Purana  
10:59:21 13 issues, don't you?---Yeah, that's right, so that was in  
10:59:23 14 relation to a person you referred me to earlier, [REDACTED].  
10:59:30 15  
10:59:30 16 Yes, correct?---Yes. But again on the basis of  
10:59:35 17 cooperation.  
10:59:35 18  
10:59:36 19 But if what you say is right, that the investigators should  
10:59:40 20 tell the prosecutors of the source's involvement, you could  
10:59:46 21 have, but didn't?---Well I suppose I could have, but I  
10:59:48 22 didn't. I mean they're matters that I assume would be  
10:59:51 23 disclosed as part of the preparation of briefs of evidence  
10:59:54 24 in the normal passage of those through the system.  
10:59:57 25  
10:59:57 26 Did you discuss source involvement with Mr Rapke at any  
11:00:04 27 stage when he was DPP, or senior Crown Prosecutor?---The  
11:00:09 28 source, no.  
11:00:10 29  
11:00:12 30 Were you made aware of a meeting that Steve Waddell had on  
11:00:18 31 1 July of 2009 with Mr Rapke?---That doesn't bring anything  
11:00:32 32 to mind.  
11:00:32 33  
11:00:32 34 All right. This was in relation to I think one of the  
11:00:35 35 murder charges against Carl Williams. I'll just read the  
11:00:41 36 relevant entry, see if it helps. Can you bring up the  
11:01:03 37 second 2958 ICR, sorry, SML for 1 July 09. I think - it's  
11:01:18 38 Exhibit 284 I'm told. That's the SML. This has been  
11:01:48 39 redacted. It's the top entry there on 1 July. This is a  
11:01:53 40 log maintained by the SDU and it records that there was a  
11:01:57 41 meeting with DDI Waddell from Operation Briars who - at  
11:02:01 42 that stage you are on the steering committee of  
11:02:07 43 Briars?---No.  
11:02:07 44  
11:02:07 45 No. Have you gone by 1 July 09?---Yes.  
11:02:10 46  
11:02:11 47 Because you've just become Chief Commissioner?---I've

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11:02:13 1 become Chief Commissioner.  
11:02:14 2  
11:02:14 3 I think you say you maintain an interest in what was  
11:02:17 4 happening?---No, I think I, I went off the steering  
11:02:22 5 committees, I think by certainly March.  
11:02:25 6  
11:02:25 7 All right?---And, look, I don't remember whether people  
11:02:27 8 were telling me things or not about what was going on, but  
11:02:31 9 I was much, much more removed from all of this by then.  
11:02:34 10  
11:02:35 11 Rod Wilson became your Chief of Staff, did he?---Yeah, I  
11:02:39 12 think he did. I think he was initially the Chief of Staff,  
11:02:41 13 yeah.  
11:02:41 14  
11:02:41 15 And he would be involved in Briars?---He had been involved  
11:02:44 16 in Briars, yes.  
11:02:45 17  
11:02:48 18 But this entry, Waddell tells the SDU that he'd been  
11:02:56 19 provided with documents re the SDU intel holdings in  
11:03:00 20 relation to the source. Now I just want to remind you  
11:03:06 21 about that if I can. Do you remember when you were with  
11:03:10 22 Briars that there was a desire by the Briars Task Force to  
11:03:14 23 obtain from the SDU material that related to what it was  
11:03:19 24 that Gobbo had said about Waters and Lalor in the past.  
11:03:26 25 Try to obtain evidentiary material - intelligence material  
11:03:29 26 for some evidentiary basis?---Yeah, I think so, yes.  
11:03:33 27  
11:03:33 28 And what happened is there was resistance from the SDU to  
11:03:39 29 providing that material?---Yep.  
11:03:40 30  
11:03:40 31 But there was a direction given that they actually had to  
11:03:43 32 provide material to the Briars Task Force?---Right.  
11:03:48 33  
11:03:49 34 Does that ring any bells? And they compiled a document  
11:03:52 35 which was a precis from the ICRs of the relevant material,  
11:03:57 36 that is "Nicola said this" in relation to those people, do  
11:04:01 37 you follow?---Yep.  
11:04:01 38  
11:04:01 39 And it was quite lengthy?---Yep.  
11:04:03 40  
11:04:04 41 Do you remember that at all?---I don't at the moment, no.  
11:04:08 42  
11:04:09 43 And that's what Waddell is talking about, "Provide a  
11:04:12 44 document re SDU intel holdings for 3838 and 2958", which is  
11:04:20 45 her, by her two numbers?---Yes.  
46  
11:04:22 47 And you understood, I take it, that - - -?---They'd changed

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11:04:23 1 numbers, yes.  
11:04:23 2  
11:04:23 3 That was for security reasons?---Yes.  
11:04:26 4  
11:04:26 5 Because too many people knew who she was?---Yes.  
11:04:29 6  
11:04:31 7 "Informed by Waddell that Rapke is aware that she is a  
11:04:35 8 witness." Now, it's unclear. It's presumably a witness  
11:04:39 9 for something to do with Briars, isn't it?---Well, again, I  
11:04:43 10 think that's right. Subsequently, I think we said  
11:04:47 11 yesterday, Briars stopped for a period of time and then  
11:04:50 12 restarted and I think when being restarted, again the  
11:04:55 13 prospect of using her as a witness in Briars was - - -  
11:04:58 14  
11:04:59 15 Presumably against Tony Mokbel, because it says, "Tony  
11:05:02 16 Mokbel defence team have subpoenaed VicPol re any material  
11:05:05 17 that goes to the credit or otherwise of a particular  
11:05:08 18 person." You can't see that on there, do you follow?---No,  
11:05:12 19 I can't, but Mokbel wasn't part of Briars.  
11:05:14 20  
11:05:14 21 I know. I understand that. It's Waddell, from Briars,  
11:05:18 22 talking about her being a witness. Now, what's redacted,  
11:05:22 23 and I understand why it's redacted, and I'm not going to  
11:05:26 24 name some names, but Mokbel defence team have subpoenaed  
11:05:29 25 VicPol re any material that goes to the credit of one of  
11:05:31 26 the people involved with a murder charge?---Right.  
11:05:36 27  
11:05:38 28 And if you've got your list?---Yep.  
11:05:43 29  
11:05:44 30 MR GLEESON: Commissioner, could I ask that the witness be  
11:05:46 31 able to see the unredacted version of that? We don't need  
11:05:49 32 to, but I think in fairness he does.  
11:05:51 33  
11:05:52 34 MR CHETTLE: I'm happy to - there you go.  
11:05:54 35  
11:05:54 36 COMMISSIONER: Yes, we'll have it shown to him.  
11:05:56 37  
11:05:57 38 MR CHETTLE: Do you, Commissioner, have the unredacted  
11:05:59 39 version?  
11:05:59 40  
11:06:00 41 COMMISSIONER: Yes, I do. He has the unredacted version on  
11:06:03 42 the screen, he does have it on the screen.  
11:06:05 43  
11:06:06 44 MR CHETTLE: Can you take that off the screen, please.  
11:06:08 45  
11:06:08 46 COMMISSIONER: It is on his screen.  
11:06:10 47



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11:06:10 1 MR CHETTLE: It was on this one here as well.  
11:06:12 2  
11:06:13 3 COMMISSIONER: Okay.  
11:06:13 4  
11:06:13 5 MR CHETTLE: Do you have the document in front of you,  
11:06:16 6 Mr Overland?---I'm trying to work out which version I  
11:06:19 7 should be looking at.  
11:06:20 8  
11:06:20 9 The one that was handed to you has grey shading, but you  
11:06:24 10 can read it?---Yep.  
11 11  
11:06:25 12 And you'll see I've read some of it, that the Mokbel  
11:06:27 13 defence team have subpoenaed VicPol?---Yes.  
11:06:34 14  
15 Re material that goes to the credit of an  
16 individual?---Yes.  
17  
11:06:34 18 And he was an individual of interest to Briars, wasn't  
11:06:37 19 he?---Yes, he was.  
11:06:38 20  
11:06:39 21 And re the charge of a, a murder of a particular  
11:06:42 22 person?---Yes.  
11:06:43 23  
11:06:45 24 "Briars have attempted to fight the request, which would  
11:06:47 25 encompass the SDU documents, and have lodged a confidential  
11:06:51 26 affidavit before the judge, who will not entertain same,  
11:06:55 27 insisting that he runs a transparent court and no secrets  
11:06:59 28 will be kept from the officers of the court"?---Right.  
11:07:02 29  
11:07:02 30 So there's been attempt to claim PII in relation to those  
11:07:05 31 entries made by the SDU and the judge won't have a bar of  
11:07:10 32 it?---Yep.  
11:07:10 33  
11:07:10 34 All right. Rapke advises that either they'll have to  
11:07:14 35 appeal that decision or withdraw the charges?---Yes.  
11:07:20 36  
11:07:21 37 And that he is to discuss, Waddell is going to discuss  
11:07:26 38 those issues with Acting Commissioner Cornelius that  
11:07:31 39 day?---Yes.  
11:07:32 40  
11:07:32 41 Advised - the SDU told Waddell that she's not a witness yet  
11:07:37 42 and that there should be a privilege claim in relation to  
11:07:40 43 the SDU material?---Yes.  
11:07:41 44  
11:07:41 45 Now, the reference to "appeal the decision or withdraw the  
11:07:48 46 charges" relates clearly to the desire not to expose the  
11:07:58 47 material that shows Ms Gobbo was a source, doesn't it?

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11:08:01 1  
11:08:02 2 MS O'GORMAN: Commissioner, at this point can I object.  
11:08:04 3 The witness has not indicated any awareness of this  
11:08:07 4 conversation. At best, Mr Chettle's asking this witness to  
11:08:12 5 speculate. At worst, he's putting a submission and airing  
11:08:15 6 that submission in that forum. If the witness has no  
11:08:18 7 familiarity with this conversation, in my submission these  
11:08:21 8 speculative questions shouldn't be put to the witness.  
11:08:25 9  
11:08:25 10 MR CHETTLE: I can make it clear. I'll refine it.  
11:08:26 11  
11:08:27 12 COMMISSIONER: Yes, thank you.  
11:08:27 13  
11:08:27 14 MR CHETTLE: Mr Wilson, the man who became your Chief of  
11:08:31 15 Staff, has given evidence that that's exactly what it  
11:08:33 16 meant, do you follow?---I understand that.  
11:08:34 17  
11:08:35 18 Did he convey that to you?---I don't believe so because I  
11:08:39 19 don't believe I knew this information.  
11:08:41 20  
11:08:41 21 All right. So it's news - what I've shown to you today is  
11:08:45 22 news as far as you're concerned to you?---As far as I can  
11:08:48 23 recall it is, yes.  
11:08:49 24  
11:08:50 25 You can hand that document back so it doesn't get lost. In  
11:09:03 26 your letter to IBAC, I just want to read some of it at  
11:09:09 27 p.15, "Analysis of the corruption over the preceding period  
11:09:12 28 revealed the source management, or actually the  
11:09:16 29 mismanagement of criminals who provided information to  
11:09:18 30 police, sat at the heart of all the corruption. There was  
11:09:21 31 a lot of work done to improve policy, practice and  
11:09:24 32 procedures in informant management, including the  
11:09:27 33 establishment of sterile corridors"?---Yes.  
11:09:29 34  
11:09:29 35 That's what we touched on yesterday, that there was an  
11:09:33 36 evolving and changing environment, trying to get best  
11:09:36 37 practice with source management that the SDU represented  
11:09:40 38 the central point of?---Well, yes, the idea behind the  
11:09:47 39 review was to determine what best practice was and adopt  
11:09:51 40 that in Victoria Police.  
11:09:52 41  
11:09:52 42 And it's not something that just happens like that?---No,  
11:09:56 43 no, no, it's never, as I said yesterday, it's never - you  
11:09:59 44 never get it right straight off, but you do have a refine  
11:10:03 45 as you go. But I would make the point that I was involved  
11:10:06 46 in the review and I think the trial and the establishment  
11:10:08 47 of the Unit and they're not involved.

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11:10:12 1  
11:10:12 2 The pilot?---The pilot, yes.  
11:10:13 3  
11:10:13 4 And supported the fact that it went on thereafter?---I  
11:10:17 5 thought it was clearly needed and I thought it was a  
11:10:20 6 significant improvement over what had existed previously.  
11:10:25 7  
11:10:25 8 The point again, as you say, you would not be surprised if  
11:10:28 9 the SDU thereafter had to modify and change policy?---I  
11:10:32 10 would expect that to be the case.  
11:10:33 11  
11:10:34 12 And that's what you would expect?---I would have.  
11:10:35 13  
11:10:36 14 "There was little direct contact between the informant and  
11:10:39 15 investigators and, if there was any, it would be closely  
11:10:42 16 supervised", that is the investigators should not be  
11:10:45 17 involved with the informer?---That was part of the  
11:10:48 18 discipline that we were trying to create, yes.  
11:10:50 19  
11:10:51 20 "Contact outside of these arrangements was not permitted  
11:10:55 21 and if it did occur it was cause for concern and  
11:10:59 22 suspicion"?---Correct.  
11:11:00 23  
11:11:11 24 The bit that I referred to yesterday, "I recall being very  
11:11:15 25 clear with my investigators and her managers that she could  
11:11:18 26 not provide information or be tasked in relation to current  
11:11:22 27 clients or to provide information obtained in a  
11:11:26 28 solicitor/client relationship. I also recall various  
11:11:29 29 discussions around the time about the professional ethics  
11:11:31 30 of her position. The general view was that any ethical  
11:11:35 31 issues with respect to clients were for her." Remember - -  
11:11:39 32 - ?---Yes, I do.  
11:11:40 33  
11:11:41 34 That view that you expressed, are you referring to the  
11:11:44 35 discussion you had with Terry Purton when you say you made  
11:11:49 36 it clear to her managers what should occur? That's the one  
11:11:53 37 referred to - - - ?---Again, I'm struggling to recall the  
11:11:56 38 precise details. I mean I, I must have spoken to Terry  
11:12:00 39 about this. I believe I spoke to Gavan Ryan about this, I  
11:12:05 40 believe I spoke to Jim O'Brien about this.  
11:12:06 41  
11:12:06 42 Dannye Moloney?---At least. Quite probably, quite  
11:12:13 43 possibly, yes.  
11:12:13 44  
11:12:14 45 The determination or the view that any ethical issues were  
11:12:19 46 hers to manage, where did that come?---I think there were  
11:12:23 47 discussions about the ethics of what she was doing. There

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11:12:28 1 were a lot of discussions about that. But the ethical, the  
11:12:33 2 legal ethical issues are her issues, so we had to be  
11:12:37 3 cognisant of those, but we also had other responsibilities  
11:12:41 4 around investigating serious crime and if she was providing  
11:12:45 5 information about ongoing serious crime, we had  
11:12:48 6 responsibilities around that.  
11:12:49 7  
11:12:49 8 You went on to say, "The vast majority of the information  
11:12:53 9 provided by Gobbo of which I was aware did not relate to  
11:12:56 10 information obtained in a professional capacity"?--Well,  
11:13:00 11 perhaps I could have put that better, but wasn't covered by  
11:13:05 12 privilege.  
11:13:05 13  
11:13:05 14 What you were seeing and you what knew about was not  
11:13:09 15 legally professionally privileged?--Well it didn't appear  
11:13:12 16 to be, it appeared to be about current or ongoing criminal  
11:13:16 17 activity.  
11:13:16 18  
11:13:18 19 You certainly - "It seemed to me that she had become far  
11:13:22 20 too close to a significant number of former clients and  
11:13:26 21 other gangland figures and had lost professional  
11:13:29 22 distance"?--Yes.  
11:13:30 23  
11:13:31 24 "My opinion was that she entered into the relationship with  
11:13:34 25 Victoria Police as a means of extracting herself from the  
11:13:37 26 very dangerous and difficult position she'd put herself  
11:13:40 27 in"?--Yes.  
11:13:40 28  
11:13:40 29 Now that's a reference to being far too close to a  
11:13:43 30 significant number of former clients and gangland  
11:13:47 31 figures?--Yes.  
11:13:47 32  
11:13:47 33 And that's a reference to the Mokbels, isn't it?--Yes.  
11:13:50 34  
11:13:51 35 So that was your view or state of mind at the time she came  
11:13:56 36 on board?--Yes.  
11:13:57 37  
11:14:02 38 "I also came to the view, based on reports of her  
11:14:06 39 behaviour, that she was pathologically incapable of  
11:14:10 40 recognising and acting in her own best interests"?--Yes,  
11:14:14 41 and, again, I was thought I was in a private hearing and I  
11:14:18 42 perhaps expressed myself in ways that - I'd perhaps use  
11:14:22 43 different language if that was being said publicly. But I  
11:14:24 44 came to the view that she was a very poor decision maker.  
11:14:27 45  
11:14:27 46 I'm not critical of the language, what I want to know is  
11:14:31 47 who told you? You must have been getting this information

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11:14:34 1 - - - ?---I just remember conversations with investigators,  
11:14:36 2 but also conversations with Sandy White and probably Tony  
11:14:39 3 Biggin. I understood she was very, very difficult to  
11:14:44 4 manage and would do things against her self-interest and  
11:14:48 5 would do things when she wasn't asked to do them, she'd go  
11:14:53 6 and do them anyway.  
11:14:54 7  
11:14:54 8 She was told not to do things and she would do them despite  
11:15:00 9 being told not to do them?---Correct. So this is in 2014,  
11:15:03 10 looking back over the entire course of the relationship  
11:15:05 11 that I knew about with Victoria Police.  
11:15:07 12  
11:15:08 13 One of the things I want to suggest to you that she was  
11:15:11 14 told not to do, was to - she provided information that led  
11:15:17 15 to the arrest of the person that's set out in number PII  
11:15:21 16 that I told you about?---Yes.  
11:15:23 17  
11:15:23 18 She was told not to be involved with his processing by the  
11:15:27 19 police, but she went anyway?---So I now understand, yes.  
11:15:31 20  
11:15:31 21 And that's the sort of behaviour you're talking about, when  
11:15:34 22 you, in that passage that you wrote to IBAC?---Well it's an  
11:15:38 23 example of it, but I don't recall being given many  
11:15:43 24 specifics, I just recall being told that she was very  
11:15:46 25 difficult, doing things she was told not to do, or doing  
11:15:50 26 things she ought not do.  
11:15:52 27  
11:15:52 28 Having said that, though, you said that she was the best  
11:15:55 29 source or informant you've known over 20 years of being an  
11:16:00 30 investigator?---Yes.  
11:16:00 31  
11:16:03 32 "Over time she became more difficult to manage, including  
11:16:07 33 doing things that she'd been instructed not to do, placing  
11:16:10 34 herself at increased risk"?---Yes.  
11:16:12 35  
11:16:12 36 Again, same as what you said before?---Yes.  
11:16:14 37  
11:16:15 38 Ongoing discussions with those involved with looking at  
11:16:18 39 her, all right. This is something I do want to take you  
11:16:22 40 to, I suggest you've got wrong, "To my knowledge the SMU",  
11:16:29 41 the Source Management Unit, "failed to develop an exit  
11:16:33 42 strategy and Gobbo's position became more and more  
11:16:37 43 complex", right?---Well, perhaps again, failed to implement  
11:16:41 44 one perhaps is a better description.  
11:16:42 45  
11:16:42 46 I'll take you to some entries in a moment that show they  
11:16:46 47 did have an exit strategy?---No, look, I accept that and I

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11:16:49 1 want to be clear, I understand the difficulty of the  
11:16:52 2 situation they were in and trying to manage her.  
11:16:56 3  
11:16:56 4 They had an exit strategy, it involved trying to keep her  
11:17:00 5 effectively in baby-sitting mode?---Yes.  
11:17:02 6  
11:17:03 7 Where they couldn't deregister her because there were  
11:17:07 8 upcoming court cases that were going to place her at risk  
11:17:10 9 of exposure and they had to manage that. And as we've  
11:17:14 10 seen, if they deregister her, put her off the books,  
11:17:17 11 they're not allowed to have any contact with her. So they  
11:17:20 12 have to keep her on the books to justify managing her,  
11:17:24 13 talking to her, and they protect themselves by doing all  
11:17:28 14 the things that they're supposed to do and record  
11:17:32 15 accurately what occurs with her?---Yeah. Look, I accept  
11:17:33 16 that. My view was an exit strategy was always going to be,  
11:17:36 17 you know, a complex - and there would need to be a period  
11:17:40 18 of time for it to be effectively implemented, it wasn't  
11:17:43 19 just a matter of saying, "There you go, off you go, see you  
11:17:49 20 later".  
11:17:49 21  
11:17:50 22 And in fact they discussed that with you?---That might be  
11:17:53 23 right, yes.  
11:17:53 24  
11:17:53 25 Gavan Ryan came involved in that. You recall you were  
11:17:55 26 asked questions about that, I think, by Mr Winneke. There  
11:17:58 27 was a time when Gavan Ryan came to the SDU and said, "Hang  
11:18:02 28 on, you've got to put the exit strategy on hold because we  
11:18:05 29 want to look at using her for Petra and Briars". You were  
11:18:09 30 aware of that?---Look, again, not specifically, but I don't  
11:18:13 31 challenge that.  
11:18:13 32  
11:18:18 33 They started looking at a way, as I showed you before - by  
11:18:23 34 May of 2006 they're already talking about it. By the end  
11:18:27 35 of 2006 and into 2007 they're still trying to achieve a way  
11:18:31 36 that this can be done?---Yes.  
11:18:33 37  
11:18:34 38 The position gets complicated though when it becomes  
11:18:37 39 apparent through discussions with you that her use of  
11:18:42 40 assistance with Petra and Briars is something you want to  
11:18:45 41 consider?---Yes.  
11:18:46 42  
11:18:46 43 That complicates getting rid of her?---Yes, it does.  
11:18:50 44  
11:18:57 45 You say this, "Because of the way she was being managed I  
11:19:03 46 formed the view that Gobbo was very probably compromised  
11:19:07 47 because of the number of people against whom she had



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11:19:09 1 informed and her increasingly erratic and self-disregarding  
11:19:14 2 behaviours. She had, for example, as I recall it, played a  
11:19:17 3 pivotal role in dismantling of the Mokbel drug syndicate  
11:19:22 4 and the ultimate location and recapture of Antonios Mokbel  
11:19:27 5 in Greece"?---Yes.  
11:19:28 6  
11:19:28 7 Can I suggest to you that's just wrong?---Yes, no, I accept  
11:19:31 8 that. My understanding is wrong, yes.  
11:19:35 9  
11:19:35 10 This is an example of how memory can be faulty. There was  
11:19:39 11 an informer who had received much publicity in relation to  
11:19:43 12 helping capture and bring back Mokbel from Greece?---Right.  
11:19:46 13  
11:19:46 14 And he had a number that wasn't 3838, but it wasn't  
11:19:50 15 dissimilar?---Right.  
11:19:51 16  
11:19:51 17 And what you've done is confused the two, isn't it?---I  
11:19:54 18 must have been.  
11:19:54 19  
11:19:55 20 Because she had nothing to do with the ultimate recapture  
11:20:00 21 of Antonios Mokbel in Greece?---So I now understand.  
11:20:03 22  
11:20:03 23 Again, the theme that I've been perhaps trying to run,  
11:20:06 24 because of the effluxion of time memory is a tricky  
11:20:10 25 thing?---I accept that.  
26  
11:20:11 27 And what we're left with is, as far as the SDU is  
11:20:15 28 concerned, you wouldn't argue with the proposition that  
11:20:18 29 they represent the best of the record keepers in this  
11:20:21 30 episode?---They appear to be, yes.  
11:20:23 31  
11:20:24 32 Is that a convenient time for a break, Commissioner? Or do  
11:20:27 33 you want me to persevere for longer? I would like a short  
11:20:32 34 break.  
11:20:33 35  
11:20:33 36 COMMISSIONER: All right. How much longer will you be?  
11:20:36 37  
11:20:36 38 MR CHETTLE: I'll try and be less than an hour.  
11:20:41 39  
11:20:41 40 COMMISSIONER: Okay. In which case it's probably looking  
11:20:45 41 not before 3 o'clock for our next witness.  
11:20:49 42  
11:20:50 43 MS ENBOM: Thank you, we'll let him know.  
11:20:52 44  
11:20:52 45 COMMISSIONER: Thank you. We'll adjourn.  
11:21:22 46  
11:21:22 47 (Short adjournment.)

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11:25:56 1  
11:45:27 2 COMMISSIONER: Yes, Mr Chettle.  
3  
11:45:28 4 MR CHETTLE: Thank you.  
5  
11:45:29 6 Could I have p.11325 of the transcript brought up, please.  
11:45:35 7 Do you remember I asked you - it's only a small point,  
11:45:39 8 Mr Overland - I said to you that you said you talked to  
11:45:42 9 Danye Moloney about Nicola Gobbo?---Yes.  
10  
11:45:44 11 And you told me that you didn't think you did or you  
11:45:48 12 thought you might have. This is your evidence at p.11325.  
11:45:54 13 "What about line 33" - this was after Mr Winneke had asked  
11:45:56 14 you about whether you'd told the Chief  
11:45:59 15 Commissioner?---Okay.  
16  
11:45:59 17 "What about other colleagues, very senior members of  
11:46:02 18 Victoria Police?" "I do remember talking with Danye  
11:46:03 19 Moloney about these issues"?---Yes, okay.  
20  
11:46:04 21 "What we discussed with Mr Moloney? My recollection was he  
11:46:09 22 was at the time Commander of the Intelligence and Covert" -  
11:46:12 23 and blah blah blah. "I wanted to make sure he was aware.  
11:46:16 24 I had a chat to him about the fact that Ms Gobbo had been  
11:46:19 25 registered as a source and about being managed by the SDU  
11:46:22 26 and that we needed to manage that carefully"?---Yep.  
27  
11:46:25 28 That was not - this is the thing about memory. That was  
11:46:29 29 your memory when you were answering questions to Mr Winneke  
11:46:32 30 on 16 December?---Yes. And I just had a recollection of  
11:46:38 31 somewhere I had said I wasn't sure whether at the time he  
11:46:41 32 was actually in that role, because I was aware there's a  
11:46:44 33 period of time where Ian Thomas was - yeah.  
34  
11:46:45 35 I understand we have an issue with that. With me you were  
11:46:48 36 talking about what his position was?---Yep.  
37  
11:46:50 38 But whether you had a discussion with him - on 16 December  
11:46:54 39 your memory is of talking to him?---Yeah.  
40  
11:46:56 41 Today you have no memory of it?---No, no, I didn't - I  
11:46:59 42 don't think I did say I had no memory of it, I just said I  
11:47:04 43 think I did, yeah.  
11:47:05 44  
11:47:07 45 So do you accept that what I put to you at the start of  
11:47:11 46 that piece of cross-examination was right, you did have a  
11:47:14 47 conversation with Moloney about it?---Yeah, I accept that.

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1  
11:47:17 2 In that passage of the Steve Waddell discussion with SDU on  
11:47:24 3 1 July about Jeremy Rapke, remember I just took you to that  
11:47:29 4 before the break?---Yes.  
5  
11:47:30 6 Mr Wilson, of course, wasn't at that meeting, but he did  
11:47:32 7 say that he indicated to him that Rapke knew she was a  
11:47:39 8 source?---Right.  
9  
11:47:40 10 What you said - rather than bring it up, this is your  
11:47:43 11 transcript at IBAC at p.19. You talk about you being  
11:47:50 12 involved in the decision to use Gobbo as a witness. "I  
11:47:53 13 recall" - that you were Deputy Commissioner of Victoria  
11:47:57 14 Police at the time. And then you say this, "I believe the  
11:48:01 15 DPP was briefed about Ms Gobbo. My recollection is that by  
11:48:05 16 this time that was Jeremy Rapke QC but I stand to be  
11:48:09 17 corrected." Do you agree that's what you said to IBAC?  
18  
11:48:15 19 MS O'GORMAN: Commissioner, I think to be fair the previous  
11:48:18 20 paragraph also needs to be put, especially the passage  
11:48:20 21 which is, "My recollection is that I was involved in the  
11:48:22 22 decision to use (presumably it says Ms Gobbo) as a witness  
11:48:23 23 in the case against Dale", so clearly that second paragraph  
11:48:26 24 then is referable to the fact of Ms Gobbo being used as a  
11:48:32 25 witness.  
26  
11:48:33 27 COMMISSIONER: That's fair enough.  
28  
11:48:36 29 MR CHETTLE: I did put that. I actually read the - the  
11:48:38 30 next paragraph reads this, does it not, Mr Overland, "I  
11:48:41 31 believe that the DPP was briefed about Ms Gobbo. My  
11:48:43 32 recollection is that by this time it was Jeremy Rapke QC,  
11:48:47 33 but I stand to be corrected on that." Firstly, did you say  
11:48:51 34 that in your statement?---Well I must have if it's in the  
11:48:54 35 - - -  
36  
11:48:54 37 COMMISSIONER: Do you want to have a look at the  
11:48:56 38 transcript?---If it's in the transcript, I accept I said it  
11:48:58 39 to IBAC.  
40  
11:48:59 41 MR CHETTLE: Was that as a result of being told or shown  
11:49:01 42 what I took you to just before the break?---Sorry, so where  
11:49:05 43 is it in the transcript? Is it part of my opening  
11:49:09 44 statement or is it - - -  
45  
11:49:10 46 Yes, it's your opening statement and it's at p.19. You  
11:49:14 47 read out a large slab of material?---Yeah. So again, I've

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11:49:18 1           tried to explain this. I was called before IBAC, I was  
11:49:23 2           told it was about Ms Gobbo, I was told nothing else. I had  
11:49:27 3           no access to information at all, other than my recollection  
11:49:31 4           and public source information, and it was my attempt at the  
11:49:35 5           time to write down my recollections as to what had  
11:49:39 6           occurred.  
7  
11:49:39 8           I accept that, and we've demonstrated they were  
11:49:43 9           wrong?---They could be flawed, absolutely I accept that.  
10  
11:49:46 11          And you've agree with me obviously the obvious one is  
11:49:48 12          Mokbel overseas?---Yep, absolutely.  
13  
11:49:51 14          But you did have a belief that Rapke had been briefed about  
11:49:55 15          Ms Gobbo?---Well, I did, yes.  
16  
11:49:58 17          At this stage you can't tell me where you got that  
11:50:00 18          from?---No, I can't. Also I note I said I stand to be  
11:50:04 19          corrected, so obviously I wasn't sure about it at the time,  
11:50:08 20          but I had some recollection that he had been.  
21  
11:50:11 22          Did you have discussions with Finn McRae about that, do you  
11:50:16 23          know?---In what context?  
24  
11:50:18 25          About talking about Nicola Gobbo's involvement with  
11:50:21 26          Victoria Police?---Sorry, again, I'm not clear when you're  
11:50:23 27          asking me.  
28  
11:50:25 29          MS O'GORMAN: Commissioner, again, the premise of the  
11:50:26 30          question - - -  
31  
11:50:27 32          COMMISSIONER: Yes. You'll need to sort it out.  
33  
11:50:29 34          MR CHETTLE: Post 2009, when you were Chief Commissioner of  
11:50:31 35          police, did you have any discussions about Nicola Gobbo's  
11:50:34 36          role as an informer with Victoria Police?---With Finn  
11:50:42 37          McRae?  
38  
11:50:44 39          Yes?---I think so.  
40  
11:50:45 41          That was in the context of the civil dispute?---I think so,  
11:50:48 42          yes.  
43  
11:50:49 44          Between 2009, when you became Chief Commissioner, and 2011,  
11:50:54 45          when you left, there had been no expression of concern to  
11:51:00 46          you or by you about the way Ms Gobbo had been managed by  
11:51:03 47          the SDU, had there?---I'm not quite sure that's right. I

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11:51:15 1 think that part of Mr Pope I think coming back into the  
11:51:25 2 organisation to take on the role of Assistant Commissioner  
11:51:28 3 for the Intel and Covert Support area, is I did ask him to  
11:51:32 4 do a general review of the functions in that area, which I  
11:51:36 5 think included the SDU.  
6  
11:51:38 7 That's an overview, isn't it, of the function, but I'm  
11:51:42 8 talking about the way in which she was handled?---No, no.  
11:51:46 9 Specifically about that, no.  
10  
11:51:47 11 The issues in relation to the management of Ms Gobbo were  
11:51:50 12 never the subject of any concern by you or expressed to you  
11:51:53 13 in the time that you were Chief Commissioner?---Look,  
11:52:08 14 again, I don't recall anything at this time, no.  
15  
11:52:11 16 The issues all arose after you left, and I know you took no  
11:52:16 17 part in what occurred thereafter?---Yes, certainly most of  
11:52:19 18 that, yes, it happened after I'd gone, yes.  
19  
11:52:22 20 The point I'm trying to make is for two years while you  
11:52:24 21 were Chief Commissioner, you were not troubled by what had  
11:52:27 22 occurred with her management?---No.  
23  
11:52:29 24 All right. Very quickly, later on in that transcript, you  
11:52:35 25 were asked by Mr Hevey, on behalf of the IBAC inquiry, how  
11:52:41 26 you came to know that Ms Gobbo was a source, all right, and  
11:52:46 27 you said, "Look, I don't have a particular clear  
11:52:49 28 recollection about timings. I don't even remember who told  
11:52:52 29 me that she was a source, so I can't really take it any  
11:52:55 30 further than that"?---Yes.  
31  
11:52:57 32 Is that still the position?---Well, it's not now because  
11:53:00 33 obviously there's other information that's been made  
11:53:02 34 available to me.  
35  
11:53:03 36 You can say, "I definitely knew by 26 September"?---I can  
11:53:08 37 say that, yes.  
38  
11:53:09 39 "And I may have known on" - - -?---I may have known on the  
11:53:13 40 12th.  
41  
11:53:14 42 Thank you. At p.52 of the transcript, Mr Hevey and  
11:53:22 43 Mr Kellam put to you the SWOT analysis that I've referred  
11:53:28 44 to before, the one that Mr Black wrote and - - -?---They  
11:53:31 45 spoke to me about it. I don't ever recall being shown the  
11:53:33 46 document.  
47

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11:53:34 1 You're quite right. They spoke to you about it. They said  
11:53:41 2 - indeed, Mr Black and Tony Biggin took the unusual course  
11:53:44 3 of preparing a briefing note. It was supported by  
11:53:49 4 Detective Superintendent Biggin. I think you were  
11:53:53 5 Deputy Commissioner at the time. You said, "Possibly."  
11:53:57 6 "Look, boss, don't do it. M'mm. We're not happy. That of  
11:54:00 7 itself was an unusual step, to put it in writing? M'mm.  
11:54:05 8 We disagreed with the boss' view." You said, "They're  
11:54:08 9 entitled to do that"?---Yes.  
10  
11:54:11 11 And Hevey said, "I understand." You said, "If they  
11:54:14 12 disagree." And Mr Kirkham said to you, "Mr Overland, of  
11:54:19 13 course it was a balancing exercise." Do you accept the  
11:54:23 14 potential for what Mr Hevey suggested could happen  
11:54:23 15 happening, that is, "Look, boss, don't do it, we disagree  
11:54:27 16 with you"? You said, "Yeah, but I immediately countered  
11:54:31 17 with there was equally as much potential for that to happen  
11:54:31 18 had the decision not been made"?---Yes.  
19  
11:54:35 20 And that's where it was left. You certainly didn't say you  
11:54:41 21 didn't receive it when you were at IBAC, did you? You  
11:54:44 22 didn't say anything about it, other than you immediately  
11:54:50 23 countered for "the risks could have happened to her if we  
11:54:53 24 hadn't have made the decision to make her a witness"?---My  
11:54:55 25 recollection is there was some conversation about it. My  
11:54:59 26 recollection is I had a habit of, when I saw documents, to  
11:55:02 27 actually mark them, and there was quite a deal of  
11:55:05 28 conversation about that. To be quite frank, the whole  
11:55:07 29 thing was a little bit cryptic during - I remember it being  
11:55:09 30 a bit cryptic during the hearing and I did keep thinking,  
11:55:12 31 "Why don't they just show me the document", and they  
11:55:16 32 didn't. I don't know that they specifically put it to me.  
33  
11:55:21 34 I think you're right. From what I can see, I don't think  
11:55:23 35 they actually put the physical document to you?---No.  
36  
11:55:27 37 My point is this - - -?---So I don't know that I could say,  
11:55:29 38 without seeing something, that I'd not seen it.  
39  
11:55:34 40 "But I immediately countered with there's equally as much  
11:55:37 41 potential for that to happen had the decision not been  
11:55:38 42 made", seems to involve you saying, "Look, I know that's  
11:55:42 43 what they said, but I said, 'Listen, we've got to make the  
11:55:45 44 decision because the risks will happen otherwise'." Do you  
11:55:47 45 see what I mean?---I think that's reflective of the  
11:55:51 46 evidence I've given here, which is I understood the risks  
11:55:55 47 of using her in that way, but I also thought there were



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11:55:59 1 risks in continuing to have her, you know - - -  
2  
11:56:01 3 You wanted to get her out of the organisation?---Yeah, I  
11:56:04 4 thought we needed to bring the relationship to an end, the  
11:56:08 5 relationship as a source to an end, as much as anything.  
11:56:13 6 Again, it's one of those really really difficult decisions  
11:56:17 7 where I absolute appreciate that people had strongly held  
11:56:21 8 views that were different to mine and I respect that. It  
11:56:23 9 was one of those judgment calls that had to be made.  
10  
11:56:28 11 Mr Winneke would suggest though that those - if you want to  
11:56:33 12 look at that SWOT analysis - exposes people to knowledge of  
11:56:37 13 the real risks associated with using Ms Gobbo at all, do  
11:56:41 14 you understand?---I do understand that, but I think, as you  
11:56:44 15 said, you know, once she was on board, then we had the  
11:56:47 16 tiger by the tail and it was very difficult to let go.  
17  
11:56:51 18 Could I take you very briefly to a number of discrete  
11:56:55 19 topics. When the decision was made and Petra were going to  
11:56:59 20 take her over, the SDU cooperated fully and helped you with  
11:57:03 21 that process, didn't they?---That's my recollection, yes.  
22  
11:57:06 23 And it's important because what they did is they helped  
11:57:11 24 provide two properly trained handlers to manage her, help  
11:57:16 25 manage her?---I don't specifically recall that, but I  
11:57:19 26 accept that.  
27  
11:57:20 28 Have you got Exhibit 81 again, the list?---Yes.  
29  
11:57:23 30 If you go to numbers 10 and 11, Mr Evans and Mr Lloyd.  
11:57:32 31 They're pseudonyms. You'll see their real names are - -  
11:57:38 32 -?---I don't think I know those officers.  
33  
11:57:41 34 The evidence is that they were trained to an appropriate  
11:57:43 35 level in source handling, that they then became her  
11:57:46 36 handlers, and SDU worked with them to help them manage  
11:57:50 37 her?---I accept that.  
38  
11:57:51 39 There's no - the reason I'm asking you this, Mr Overland,  
11:57:57 40 is in the Gleeson document, the Comrie report, he says that  
11:58:02 41 the SDU tried to - didn't help you, did what they could to  
11:58:08 42 stymie the transition of her as a witness. Now, that's  
11:58:12 43 just not true. They expressed their dislike of the idea  
11:58:16 44 but once you said it was going to happen, they cooperated  
11:58:18 45 fully with you?---Well, look, I don't know of any  
11:58:20 46 information to the contrary. I do make the point that it  
11:58:24 47 was around this time I actually became Chief Commissioner

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11:58:29 1 and so, you know, I moved on to deal with a whole range of  
2 - sorry?  
3

11:58:32 4 But you kept an interest in Petra, didn't you, I think you  
11:58:35 5 said?---For a short time, but I really, I stopped - I  
11:58:37 6 wasn't able to even sit on the steering committee and I was  
11:58:41 7 drawn into a whole range of other things that consumed my  
11:58:44 8 time.  
9

11:58:45 10 Can I put it generally then. You know of nothing to  
11:58:50 11 indicate that they didn't do exactly what you - - -?---No,  
11:58:53 12 I've said that. I don't have any information that said  
11:58:56 13 they didn't cooperate. But I'm just making the point that  
11:59:01 14 I was transitioning out, so if there had been issues, I may  
11:59:04 15 not have necessarily known about them.  
16

11:59:12 17 The decision to make her a witness occurred in early  
11:59:18 18 January and she was deregistered on 9 January 2009?---That  
11:59:24 19 seems to be the case, yes.  
20

11:59:25 21 On 15 January, the SDU went to the Victoria Police Centre  
11:59:31 22 with Petra and WitSec and assisted with the handover to  
11:59:35 23 Petra and WitSec with somebody called PII [REDACTED], Shane  
11:59:39 24 O'Connell and Steve Smith and two members of the  
11:59:43 25 SDU?---Right.  
26

11:59:44 27 On 26 January 06 - - -  
28

11:59:49 29 COMMISSIONER: 09.  
30

11:59:50 31 MR CHETTLE: Sorry, 09, I'm dyslexic, there was a meeting  
11:59:54 32 with Petra and WitSec and the purpose was to facilitate the  
11:59:59 33 smooth transition to Petra and Inspector Glow said he  
12:00:02 34 wouldn't be going but other members would be?---Okay.  
35

12:00:07 36 On 27 January there was a meeting at the Victoria Police  
12:00:11 37 centre and SDU and Shane O'Connell, someone called  
12:00:15 38 PII [REDACTED] and Sandy White and Mr Smith to  
12:00:19 39 discuss the management of 2958 and assist with the threat  
12:00:23 40 assessment that was being conducted in relation to  
12:00:25 41 her?---Yes.  
42

12:00:27 43 On 28 January they met with Shane O'Connell re housekeeping  
12:00:33 44 management of 2958 and the discussion of security issues,  
12:00:37 45 managing technical things around her security?---Yes.  
46

12:00:42 47 On 29 January, Mr White authorised the release of documents

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12:00:49 1 WitSec for the threat assessment about who the usual  
12:00:54 2 suspects were, that is they kept a list of people who were  
12:00:58 3 of concern for Ms Gobbo. I think you - and they provided a  
12:01:02 4 copy of the latest risk assessment that they had conducted  
12:01:05 5 in order to assist the Petra people?---Yep.  
6  
12:01:11 7 And on 29 January, two hours later, they hand delivered  
12:01:15 8 documents WitSec, they discussed the management issues re  
12:01:20 9 Ms Gobbo and they arranged a point of liaison to share  
12:01:23 10 intelligence between the officers for the purpose of sound  
12:01:27 11 management of Ms Gobbo?---Right.  
12  
12:01:29 13 And then on 30 January they went to WitSec and assisted in  
12:01:35 14 completing the threat assessment for her, which took some  
12:01:38 15 three hours to do?---Right.  
16  
12:01:40 17 All of that is consistent with what I put, that they did  
12:01:42 18 what they could to assist the smooth transition of Ms Gobbo  
12:01:44 19 to Petra?---Right.  
20  
12:01:51 21 Thank you. And you don't - having told you that, you'd  
12:01:56 22 agree with me, I take it?---Well, I would. I don't know  
12:01:58 23 that I knew all that information, but I don't disagree with  
12:02:01 24 what you're putting to me.  
25  
12:02:03 26 That comes from the records kept in relation to what  
12:02:04 27 occurred from the logs.  
28  
12:02:06 29 MS ENBOM: Commissioner, may I speak to Mr Chettle?  
30  
12:02:09 31 COMMISSIONER: Yes.  
32  
12:02:17 33 MR CHETTLE: Do you remember the names I read? There may  
12:02:26 34 be some names that have to disappear, Commissioner.  
35  
12:02:42 36 MS ENBOM: There are, Commissioner. They're not in the  
12:02:43 37 transcript. You'll see at line 4, p.12253.  
38  
12:02:53 39 COMMISSIONER: The indecipherable names there.  
40  
12:02:55 41 MS ENBOM: They're indecipherable but they'll be streamed.  
12:02:59 42 Perhaps I can give the operator the names.  
43  
12:03:01 44 COMMISSIONER: The two indecipherable names on line 4, if  
12:03:05 45 they could be taken out of the live stream and they'll be  
12:03:09 46 removed from the transcript.  
47

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12:03:11 1 MS ENBOM: And the first name at line 5.  
2  
12:03:14 3 COMMISSIONER: And the first name at line 5.  
4  
12:03:16 5 MS ENBOM: Yes.  
6  
12:03:18 7 MR CHETTLE: I apologise, Mr Overland and, Commissioner,  
12:03:21 8 for that.  
9  
12:03:22 10 MS ENBOM: I'm sorry, I should clarify. The first full  
12:03:23 11 name at line 5, not just the given name.  
12  
12:03:25 13 COMMISSIONER: Yes. That's what I understood.  
14  
12:03:32 15 MR CHETTLE: Mr Overland, I was going to take you through  
12:03:36 16 the entries in Mr Biggin's diaries and the entries in  
12:03:40 17 Mr O'Brien's diaries in relation to meetings with you but  
12:03:44 18 I'm not going to do that because in general principle you  
12:03:46 19 don't argue with if it's written down there, it could well  
12:03:49 20 have occurred?---I mean I've given extensive evidence about  
12:03:52 21 this that, you know, I accept entries. If I don't have  
12:03:56 22 anything contrary to it, I accept that, but, you know,  
12:03:59 23 there have been occasions where they don't accord with my  
12:04:02 24 recollection or where I have some entries that would seem  
12:04:05 25 to contradict some of what's there, so.  
12:04:08 26  
12:04:08 27 I'm putting this as a general proposition. If you don't  
12:04:10 28 have an entry in relation to a meeting, the best evidence  
12:04:14 29 of what occurred will be the note of someone who does have  
12:04:17 30 details?---With all the limitations of notes, yes, I accept  
12:04:19 31 that.  
32  
12:04:22 33 I just want to show you a couple of other documents,  
12:04:24 34 please. Can I have Exhibit 376 put up on the screen,  
12:04:28 35 please. Ron Iddles was working with Petra or was it -  
12:04:37 36 sorry, Briars. I withdraw that?---He was with Briars, yes.  
37  
12:04:42 38 You'll see that. This is an email - can we go to the top,  
12:04:49 39 please. Mr Iddles sends an email to Mr Black, do you see  
12:04:55 40 that, "I'm thinking outside the square. If 3838 were  
12:05:00 41 called to the AC hearing with respect to her conversation  
12:05:04 42 last night, would she ever be a 'reluctant witness'? We  
12:05:08 43 need to sit down and does how this could be done without  
12:05:14 44 burning her." Do you see that?---Yes.  
45  
12:05:16 46 That's Ron thinking about a way in which they might get  
12:05:18 47 some evidence from her as a reluctant witness before the

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12:05:21 1 ACC, do you see that?---Yes.  
2  
12:05:23 3 Keep going down. Mr Black writes to Mr Iddles, saying,  
12:05:30 4 "Thanks mate." And then there is some reference to, "I'll  
12:05:35 5 find out from Rod", and some disparaging remark. "I've  
12:05:40 6 just left a message on [REDACTED] phone. I'll brief Rod with  
12:05:44 7 respect to last night's meeting with 3838 and DKT", which  
12:05:48 8 is a Docket, isn't it?---I would assume that's what it  
12:05:50 9 refers to.  
10  
12:05:51 11 So there's been a meeting the previous night between Docket  
12:05:53 12 and Ms Gobbo?---Yes.  
13  
12:05:54 14 And Mr Iddles is apparently aware of it, all right? And  
12:05:58 15 then this - keep going down the page. Mr Iddles says, "I  
12:06:02 16 told him he's not to tell the OPI and he's given me an  
12:06:07 17 undertaking. He has spoken with Simon Overland about the  
12:06:11 18 possibility if they go for dinner next week, as to whether  
12:06:13 19 an LD can be installed. I've expressed to Rod it was my  
12:06:17 20 understanding that this was out of the question, but I  
12:06:20 21 believe Simon is going to call Mr White." Do you see  
12:06:25 22 that?---Right.  
23  
12:06:26 24 Now, what that relates to, as I understand it, is that  
12:06:31 25 Gobbo has met Waters, there's a possibility that not you  
12:06:35 26 and Ms Gobbo going for dinner in the next week?---I'm  
12:06:39 27 relieved about that.  
28  
12:06:40 29 It's Docket and Ms Gobbo going for dinner the next week, do  
12:06:47 30 you follow?---Right.  
31  
12:06:48 32 And there's talk about whether they can bug it, put a  
12:06:52 33 listening device in?---But I'm not sure why he's talking to  
12:06:54 34 me about it, but anyway.  
12:06:54 35  
12:06:55 36 Apparently he has been talking to you about it and you've  
12:06:57 37 given some indication that you're going to ring Sandy White  
12:07:01 38 about it. Do you follow? Does any of this ring any bells  
12:07:06 39 with you?---No, it doesn't.  
40  
12:07:09 41 It does tend to indicate that you've at least got some  
12:07:13 42 involvement in operational decisions about the use of  
12:07:16 43 Ms Gobbo?---Well that's why I'm surprised. I mean I can't  
12:07:18 44 imagine why they would be talking to me about whether an LD  
12:07:23 45 can be installed. I mean, they were operational decisions  
12:07:26 46 that were made by the investigators.  
47

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OVERLAND XXN

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12:07:29 1 "He has spoken with Simon Overland about the possibility of  
12:07:33 2 if they go for dinner next week, as to whether an LD can be  
12:07:35 3 installed." So that's Iddles saying that you have been  
12:07:38 4 spoken to about bugging Gobbo and Waters, that's what it  
12:07:42 5 says, isn't it?---You tell me that's what it says.  
6  
12:07:45 7 It's not you going to dinner?---No, it's certainly not me  
12:07:49 8 going to dinner, no.  
9  
12:07:50 10 If they go to dinner, being Docket - presumably Docket and  
12:07:53 11 Gobbo?---I'm sorry, I mean these are someone else's emails,  
12:07:56 12 it's the first time I'm seeing them. I'm sorry, I just  
12:08:00 13 don't - they don't make any sense to me.  
14  
12:08:02 15 All right. But if it is what it says, it does tend to  
12:08:06 16 indicate that you have an involvement, at least to some  
12:08:08 17 degree, with operational decisions?---No, I think that if I  
12:08:11 18 was - I might be asked to facilitate things and I did that  
12:08:18 19 from time to time, but I wasn't directing the operational  
12:08:22 20 decisions. They were being made by the Task Force head.  
21  
12:08:26 22 Mr Iddles would be the man - we haven't heard from  
12:08:28 23 Mr Iddles?---No.  
24  
12:08:30 25 But that's the document we have which on the surface  
12:08:33 26 indicates your involvement, doesn't it, on the  
12:08:37 27 surface?---Yeah, I understand that. I just have no  
12:08:39 28 recollection of that and I'm a bit mystified as to why I  
12:08:42 29 would be involved in that.  
30  
12:08:43 31 Okay. There's another one I want to show you, if I can,  
12:08:47 32 please. VPL - - -  
33  
12:08:49 34 COMMISSIONER: Do you want to tender that one?  
35  
12:08:51 36 MR CHETTLE: It has been tendered, Commissioner, it's  
12:08:55 37 Exhibit 376.  
38  
39 COMMISSIONER: Thanks for that.  
40  
12:08:56 41 MR CHETTLE: Can we have Exhibit VPL.6050.0030.3119.  
12:09:14 42 You'll see that this is something organised by Sandy White,  
12:09:18 43 that there is to be a meeting re 2958 and some WitSec  
12:09:23 44 issues and there's some people named. Steve Smith. He was  
12:09:28 45 Petra, wasn't he?---Yes, he was.  
46  
12:09:32 47 Tony Biggin, Mr Black and Shane O'Connell. They are all



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12:09:36 1 names I can mention, I think?---Yes.  
2  
12:09:38 3 It'S to be on 2 March 09 and it reads, "AC Moloney has  
12:09:45 4 requested that we meet to discuss the current and future  
12:09:49 5 status of ex source 2958 in regards to involvement with  
12:09:55 6 WitSec. This meeting will be followed by a briefing with  
12:09:59 7 DC Overland in regards to the same issue." So this is  
12:10:02 8 shortly before you become Chief Commissioner?---I think  
12:10:05 9 that might almost be about the date I became  
12:10:08 10 Chief Commissioner, or very nearly thereabouts.  
11  
12:10:13 12 This is an example - a further example of what I was  
12:10:16 13 putting to you before about the cooperation and interaction  
12:10:18 14 between the SDU and Petra and WitSec and - - -?---Look, I  
12:10:23 15 accept that the SDU were cooperating because I don't have  
12:10:27 16 any recollection to the contrary.  
17  
12:10:29 18 And then you were going to be briefed about how they're  
12:10:32 19 going to manage her in this?---That's what it says, yes.  
20  
12:10:36 21 Significantly, clearly Mr Moloney - I've told you there are  
12:10:42 22 entries of him talking to Mr White at the start, but he's  
12:10:45 23 also involved at the end of Ms Gobbo's involvement with  
12:10:48 24 organising matters in relation to her?---That's right, but  
12:10:53 25 given he is now AC Moloney, I think he's moved across to  
12:10:57 26 the Crime role by then.  
27  
12:10:59 28 All right. I'll tender that document, Commissioner.  
29  
12:11:04 30 COMMISSIONER: Right.  
12:11:05 31  
12:11:05 32 #EXHIBIT RC991A - (Confidential) Meeting request from Sandy  
12:11:11 33 White re 2/03/09.  
12:11:11 34  
12:11:12 35 #EXHIBIT RC991B - (Redacted version.)  
36  
12:11:17 37 COMMISSIONER: Would you say a memorandum, is it?  
12:11:18 38  
12:11:19 39 MR CHETTLE: It's an email in relation to  
40  
41 COMMISSIONER: It's an email, okay.  
42  
12:11:22 43 MR CHETTLE: A strategy meeting. It came out of the emails  
12:11:24 44 when they were circulated to us.  
45  
12:11:28 46 COMMISSIONER: All right. It's an email from Sandy White -  
12:11:33 47 - -?---It actually looks like a meeting request,

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12:11:35 1 Commissioner, if I might say.  
2  
12:11:36 3 Yes, it does look like a meeting request?--Which would  
12:11:38 4 have gone through the electronic system.  
5  
12:11:40 6 Meeting request from Sandy White.  
7  
12:11:46 8 MR CHETTLE: Re 2 March 09.  
9  
12:11:50 10 COMMISSIONER: So would that have gone to all the people  
12:11:53 11 listed under "required"?---Yes. That's my understanding  
12:11:58 12 Commissioner, it would have gone to those as an electronic  
12:12:01 13 invitation to a meeting.  
14  
12:12:17 15 MR CHETTLE: Another brief and distinct topic. Mr Winneke  
12:12:21 16 asked you questions about a concern that Mr White expressed  
12:12:24 17 about Mr Blayney being on a rewards committee and why he  
12:12:29 18 needed to be on it and not just you and someone  
12:12:34 19 else?---Yeah, I do remember being asked about that.  
20  
12:12:35 21 That was at p.11519 of the transcript where it  
12:12:39 22 occurred?---Yes.  
23  
12:12:40 24 Now, as you said, Mr Blayney is a respected and highly  
12:12:45 25 ethical police officer?---As far as I know.  
26  
12:12:48 27 As I understood it, Mr Winneke was asking you those  
12:12:53 28 questions in order to suggest that Mr White was trying to  
12:12:57 29 keep Blayney away from knowing what he'd been doing with  
12:13:03 30 Ms Gobbo. Do you see the - - -?---I see what you're  
12:13:05 31 putting to me, yes.  
32  
12:13:07 33 But what happened was entirely consistent with Mr White  
12:13:10 34 trying to limit the number of people who knew about  
12:13:13 35 Ms Gobbo?---I understand that.  
36  
12:13:15 37 That's his job, isn't it, to try and do that?---I  
12:13:17 38 understand that.  
39  
12:13:19 40 Indeed, did you know that as far as Mr Blayney was  
12:13:22 41 concerned, he was in fact one of Mr White's mentors and  
12:13:28 42 role models, he would have no reason to be afraid of  
12:13:35 43 him?---I don't, I don't think I knew that, but I accept  
12:13:37 44 that.  
45  
12:13:37 46 And in any event, Mr Blayney did sit on the rewards  
12:13:40 47 committee and never raised any issues about the fact that

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12:13:42 1 she was being used as a source?---I accept that.  
2  
12:13:52 3 I briefly want to take you to a couple of entries. On 10  
12:14:00 4 May - I don't need to get them up on the screen. Do you  
12:14:04 5 remember I asked - we had some discussion about exit  
12:14:07 6 strategies and how it progressed?---Yep.  
7  
12:14:27 8 I've just lost the page but I've been reminded. You gave  
12:14:41 9 permission for the SDU to speak to Ms Gobbo about her  
12:14:49 10 knowledge of the Hodson murders, did you not?---I believe  
12:14:54 11 so, based on material that I've seen, that seems to be the  
12:14:58 12 case, yes.  
13  
12:14:59 14 That was conveyed to the SDU by Mr Gavan Ryan?---Again, I  
12:15:08 15 don't specifically recall it, but I don't question that.  
16  
12:15:11 17 The source management file for 16 May 2007 reads, "From DDI  
12:15:18 18 Ryan, Petra. AC Overland has approved the SDU speaking to  
12:15:22 19 HS re her knowledge of Hodson murders"?---Yes.  
20  
12:15:25 21 And you'll accept that at face value?---I'll accept that.  
22  
12:15:28 23 There was a meeting five days later, on the 21st, between  
12:15:35 24 Sandy White and Mr Anderson, who's a member of the SDU who  
12:15:40 25 died?---Right.  
26  
12:15:42 27 And Ms Gobbo, and she'd conducted an extensive debriefing  
12:15:48 28 in relation to her involvement with Carl Williams, Paul  
12:15:51 29 Dale, the Dublin Street burglary, the IR 44, Adam Ahmed,  
12:15:58 30 all those issues?---Right.  
31  
12:16:00 32 On the 22nd, the following day, according to the log, DDI  
12:16:06 33 Ryan was briefed, a full debrief, in relation to what had  
12:16:10 34 been told to the SDU the previous night and he was to brief  
12:16:13 35 you in relation to what had been passed down?---Right.  
36  
12:16:19 37 And again I'm reading exactly from the entry in the source  
12:16:22 38 management log for that day. You'd accept that?---I accept  
12:16:25 39 that.  
40  
12:16:26 41 And you did in fact receive a briefing in relation to  
12:16:29 42 it?---Okay.  
43  
12:16:30 44 You don't remember that?---I don't.  
45  
12:16:35 46 There's two parts to it. According to Mr White's diaries,  
12:16:43 47 you requested that he come along to a meeting with you on

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12:16:47 1 25 May 07 in relation to this issue, to tell you about - to  
12:16:51 2 talk to you about the debrief with Ms Gobbo about all those  
12:16:57 3 issues?---Right.  
4  
12:16:59 5 I can take you to the diary entries, but we end up on 25  
12:17:03 6 May with a meeting with you, Tony Biggin and Sandy  
12:17:07 7 White?---Right.  
8  
12:17:09 9 I don't believe it's in your diary?---Right.  
10  
12:17:14 11 But can I take you - there's two parts to this - firstly to  
12:17:18 12 the source management log for 25 May 07. You'll see that  
12:17:27 13 it records that they met with Superintendent Biggin and DC  
12:17:31 14 Overland?---Yes, I've seen this entry before.  
15  
12:17:34 16 "Briefing re HS knowledge of Paul Dale involvement in  
12:17:36 17 stolen IRs, Dublin Street burglary and Hodson murders.  
12:17:40 18 Update re psychological assessment and ongoing viability.  
12:17:44 19 Agreed that she is viable re Operation Petra investigation  
12:17:51 20 and Waters and co. and agreed that the OPI will not  
12:17:55 21 subpoena HS re same." Do you see that?---Yes.  
22  
12:17:57 23 From that email that related to Mr Iddles before, did you  
12:18:00 24 see there was a suggestion of getting her before a  
12:18:03 25 compulsory hearing to get her to talk about things?---Yes.  
26  
12:18:06 27 And what was agreed is there's no need to do that because  
12:18:09 28 she is going to talk, she is voluntarily giving this  
12:18:12 29 information which will be shared with you, all  
12:18:14 30 right?---Right.  
31  
12:18:15 32 Do you have any recollection of that?---Not particularly,  
12:18:17 33 no.  
34  
12:18:18 35 Again, it's another example where you accept that it  
12:18:20 36 occurred?---I do.  
37  
12:18:22 38 And then if I can take you to Mr White's diary, which is  
12:18:27 39 Exhibit 423. Keep going to the next page, please. There  
12:18:39 40 it is, where the red tab is, the meeting with Overland and  
12:18:46 41 Superintendent Biggin. This is his diary in relation to  
12:18:49 42 the entry that was referred to previously?---Right.  
43  
12:18:53 44 As I read it - as he reads it, actually, "Exit strategy,  
12:18:57 45 SDU objective, end relationship without bitter  
12:19:01 46 recriminations either way. HS objective, Mokbel is out of  
12:19:06 47 her life"?---Yep.

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1  
12:19:08 2 "Agreed HS viable, but it requires ongoing SDU management.  
12:19:14 3 SDU to monitor OPI" - sorry, Simon Overland, "SO to monitor  
12:19:22 4 OPI re request for HS to be subpoenaed for compulsory  
12:19:26 5 hearing. Agreed not necessary as HS will assist"---Yes.  
6  
12:19:34 7 So that fleshes out a little bit more what's in the source  
12:19:39 8 management log?---Yes, it does.  
9  
12:19:42 10 So clearly they're discussing an exit strategy and all the  
12:19:47 11 problems we talked about before?---Yes.  
12  
12:19:49 13 But there's an added complication here, her viability and  
12:19:52 14 usefulness in relation to Petra, that is Dale, and her  
12:19:55 15 involvement with Waters and Briars?---Yes.  
16  
12:19:59 17 And, in fact, that's why she ended up effectively being -  
12:20:04 18 she was tasked in relation to those operations?---She was.  
19  
12:20:09 20 And that was done at the request of the steering committees  
12:20:13 21 and investigators of both Briars and Petra?---Well, it was,  
12:20:17 22 but it seems to me that, looking at this now and the  
12:20:21 23 earlier note, that clearly there was a discussion about  
12:20:24 24 that with the SDU and with Mr Biggin around that. I don't  
12:20:30 25 know that it was a directive per se, but clearly there was  
12:20:35 26 some consideration being given to whether that could,  
12:20:38 27 should, would happen.  
28  
12:20:41 29 There's evidence that Jim O'Brien said, "Look, she's going  
12:20:44 30 to be a witness for Petra, we might as well make her a  
12:20:47 31 witness for Briars"?---Yeah.  
32  
12:20:48 33 There were things like that being said, "We might as well  
12:20:51 34 use her while we can"?---I remember a long period of sort  
12:20:54 35 of "would we, wouldn't we", what's the, you know, and I  
12:20:57 36 mean as we've covered, it wasn't really until the end of  
12:21:01 37 2008 where we got to the position where that's what  
12:21:06 38 occurred, yeah.  
12:21:07 39  
12:21:08 40 Partly because of her reluctance or ambivalence about what  
12:21:10 41 she was going to do?---Look, it was really complex, yeah,  
12:21:15 42 it was really complex.  
43  
12:21:17 44 From the SDU point of view - this is not a question of them  
12:21:20 45 and us, you're all policeman and you're all on the same  
12:21:23 46 side?---I understood we were all trying to achieve the same  
12:21:25 47 sort of outcomes, yes.

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12:21:26 1  
12:21:26 2 But we've all got different jobs to do?---Correct.  
3  
12:21:29 4 And the SDU's job in this was to look after her and make  
12:21:32 5 sure she wasn't compromised?---Yes.  
6  
12:21:35 7 And part of their strategy had to involve accommodating  
12:21:37 8 your - when I say yours, Petra and Briars's needs balanced  
12:21:43 9 with the need to protect her?---Yes.  
10  
12:21:47 11 Did you become aware - yesterday you were discussing the  
12:21:52 12 fact that homicides could have been avoided in certain  
12:21:55 13 circumstances, you do you remember that?---Yes, I do.  
14  
12:22:00 15 Do you remember being informed about Matty Johnson, Matthew  
12:22:03 16 Johnson attempting to murder somebody and Ms Gobbo provided  
12:22:06 17 information that led to that person being saved,  
12:22:08 18 effectively? A man called Anton Clait. Johnson went to  
12:22:15 19 kill him, went to the wrong house, got arrested and locked  
12:22:20 20 up and Ms Gobbo was present when Karam, Manalla and others  
12:22:30 21 discussed who was going to pay for his fees because they  
12:22:33 22 had asked for him to do the killing?---Right.  
23  
12:22:36 24 As a result of which Mr Clait was put in protective  
12:22:38 25 custody?---I'm sorry, I don't recall that.  
26  
12:22:41 27 But that would be an example of high-grade intelligence  
12:22:44 28 that you would expect from - that would be enormously  
12:22:48 29 valuable?---Yes.  
30  
12:22:49 31 And if it actually led to Mr Clait being put in protective  
12:22:53 32 custody so that they couldn't get to him, there could be no  
12:22:58 33 issue with using that information?---I wouldn't have  
12:23:00 34 thought so.  
35  
12:23:03 36 Were you ever made aware that John Higgs was trying to  
12:23:07 37 nobble a jury at the Supreme Court of a trial that was  
12:23:10 38 going on?---I'm sorry, I'm just trying to think about that.  
39  
12:23:21 40 There was a drug importation trial running in the Supreme  
12:23:24 41 Court, Higgs was hanging around trying to nobble or get to  
12:23:26 42 one of the jurors?---So I'm just trying - because John  
12:23:30 43 Higgs was significant in other ways - - -  
44  
12:23:36 45 Perhaps I won't take you there?---I'm struggling to recall.  
46  
12:23:39 47 These are sorts of things though that are high-grade



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12:23:43 1 intelligence that the police are interested in?---Yes.  
2

12:23:56 3 The role of the SDU. I started with that and I perhaps  
12:23:59 4 want to complete that. Can I take you to PII 2006.  
12:24:14 5 This is in the relative early days of Ms Gobbo's  
12:24:17 6 involvement. Operation Purana - Operation Posse is being  
12:24:30 7 run with the objectives that you have talked about and  
12:24:34 8 perhaps - can I have Exhibit 392 on just the witness'  
12:24:42 9 screen and the Commissioner's screen, please. It's a diary  
12:24:48 10 entry of Mr White meeting with Mr Black and with Mr Smith,  
12:24:54 11 the two members of the SDU, all three of them having a  
12:25:00 12 conference about an upcoming issue?---Yes.  
13

12:25:11 14 It's PII 06 from his diary. They have had meetings  
12:25:28 15 with Ms Gobbo, Ms Gobbo has been providing information that  
12:25:33 16 is going to lead to the arrest of the person that we talked  
12:25:36 17 about before?---Yes.  
18

12:25:39 19 You know who I'm talking about?---I think so. Person PII?  
20

12:25:43 21 Yes, PII on the list, that's right. Have you got the diary  
12:25:50 22 in front of you?---I have.  
23

12:25:51 24 Can you pick up where it reads, "Issue with HS  
12:25:57 25 representing" the individual after his arrest? I can't see  
12:26:02 26 it?---Yeah, it's down further, at 18:00, I think, issue  
27 - - -  
28

12:26:09 29 "Issue with HS representing" that person after his  
12:26:12 30 arrest?---Yes.  
31

12:26:13 32 "Evidence from him implicating himself may not be  
12:26:16 33 admissible if counsel is not impartial"?---Yes.  
34

12:26:20 35 That's an issue that you identified with Mr Winneke as  
12:26:23 36 being one of concern?---Yes.  
37

12:26:26 38 "Agreed investigators to be warned. Intended that he be  
12:26:31 39 interviewed prior to" something else occurring which I  
12:26:35 40 won't read out?---Yeah.  
41

12:26:37 42 All right. Now, if the SDU recognised an issue like that,  
12:26:45 43 it's a pretty significant issue, isn't it?---Yes.  
44

12:26:48 45 Warning the investigators about that would be the  
12:26:50 46 appropriate thing for them to do?---Yes, it would be.  
47

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12:26:54 1 Do you recall - firstly, Sandy White says he believes he  
12:26:58 2 did do exactly what he said he was going to do?---Yes.  
3  
12:27:01 4 Do you recall it being brought to your attention?---No, it  
12:27:04 5 wasn't.  
6  
12:27:06 7 It should have been, I take it?---It should have been.  
8  
12:27:23 9 Excuse me. I'll just check that I am finished. The last  
12:27:36 10 thing. Again, you were taken by Mr Winneke to the entry  
12:27:41 11 where Rod Wilson informed Mr White that Ashton and  
12:27:47 12 Cornelius were aware of Ms Gobbo's identity. Do you  
12:27:51 13 remember being asked questions about that by Mr Winneke?  
12:27:55 14 If the you don't - - -?---I'm just trying to be clear. Was  
12:27:58 15 this in - because I think there were a number of - - -  
16  
12:28:01 17 06, I think?---06. The suggestion was in 06.  
18  
12:28:04 19 And you said, "I thought it was later than that"?---Yes, I  
12:28:09 20 did say that.  
21  
12:28:11 22 That's what you said, the discussion, but there is an entry  
12:28:11 23 in fact being - there is an entry in the source management  
12:28:16 24 log that reads, when I find it - this is in relation to  
12:28:39 25 whether or not you were going to approach Ashton at the OPI  
12:28:42 26 and have him lay off Ms Gobbo. Remember that issue?---In  
12:28:46 27 06.  
28  
12:28:46 29 In 06?---It was in relation to Operation Khadi, I think,  
12:28:51 30 yes.  
12:28:51 31  
12:28:51 32 That is involving - - -?---Yes, I remember that.  
33  
12:28:55 34 COMMISSIONER: What is the date of the entry?  
35  
12:28:57 36 MR CHETTLE: The diary entry, Exhibit 405, is 25 July 06,  
12:29:02 37 Commissioner. "A call to Rod Wilson ESD. Criticise re  
12:29:09 38 Attrill disclosing to HS that she knew she was assisting.  
12:29:10 39 Suggested AC Overland approach Ashton and brief and request  
12:29:13 40 no further action re 3838." That was the tone of what was  
12:29:17 41 put to you?---Yes. I think there was a specific meeting  
12:29:21 42 that we were supposed to have been at where all of this  
12:29:24 43 happened.  
44  
12:29:24 45 There was a meeting on that day, the 25th, according to  
12:29:27 46 that diary entry, "Met with Superintendent Biggin, Wilson  
12:29:31 47 and Mr Smith re OPI issues. Luke Cornelius briefed.

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12:29:37 1 Agrees AC Ashton to speak to Graham Ashton OPI" - "AC  
12:29:43 2 Overland to speak to Graham Ashton OPI re issue. Advised  
12:29:44 3 not to pursue. Biggin will speak to Overland re same.  
12:29:49 4 Gauge if info re HS can be limited only to Ashton at the  
12:29:53 5 OPI. What will the staff think if the investigation is  
12:29:55 6 stopped", et cetera. Then on the 26th, according to the  
12:30:04 7 diary entry of Mr White, he spoke to Superintendent Biggin.  
12:30:07 8 Biggin had spoken to Overland, "He is to meet with Ashton  
12:30:11 9 tomorrow morning and we'll request no further action re HS  
12:30:16 10 investigation." Now, you said that didn't accord with  
12:30:18 11 your memory?---Yes.  
12  
12:30:19 13 But, again, it's an example where things are recorded in  
12:30:22 14 diaries as being contemporaneous of meetings of that sort,  
12:30:26 15 follow?---Yes.  
16  
12:30:28 17 From the point of view of the ESD, I raised with you before  
12:30:36 18 that at no stage did you ever suggest to them that there  
12:30:42 19 was something wrong - did I say ESD there? Wrong acronym.  
12:30:43 20 SDU. From the point of view of the Source Management Unit,  
12:30:49 21 on those entries, it is significant from their point of  
12:30:53 22 view that they're aware that you know about Ms Gobbo's  
12:30:57 23 involvement as a source and provision of information, that  
12:30:57 24 Mr Cornelius knows, and he's the head of ESD, isn't  
12:31:02 25 he?---He is, or he was at the time.  
26  
12:31:03 27 At the time. And Graham Ashton knows.  
28  
12:31:06 29 MR COLEMAN: That's not what it says.  
30  
12:31:08 31 MR CHETTLE: And Graham Ashton, according to them - have  
12:31:12 32 you got an objection?  
12:31:13 33  
12:31:14 34 MR COLEMAN: I do object. That's not what the diary entry  
12:31:14 35 said. It didn't say that Mr Ashton knows. It said that  
12:31:16 36 Mr Overland was going to tell Mr Ashton.  
37  
12:31:19 38 MR CHETTLE: From their point of view, I'm not saying  
12:31:21 39 whether it's true or not - - -  
40  
12:31:22 41 COMMISSIONER: No, no, but you should accurately state what  
12:31:24 42 the diary entry says.  
43  
12:31:28 44 MR CHETTLE: From the point of view of the SDU, they are of  
12:31:33 45 the state of mind that you know, Ashton knows and Cornelius  
12:31:36 46 knows. Whether that's right or wrong, that's what they  
12:31:39 47 believe the people in the know, know?---Well, I mean,

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12:31:46 1 that's their entry. I mean I can't add to it, other than  
12:31:49 2 that's their entry.  
3  
12:31:50 4 Just to make Mr Coleman happy, on 27 July 06, Mr Biggin  
12:31:58 5 reports to the SDU that he has spoken to you and that you  
12:32:02 6 have met with Ashton and he's happy to drop off the  
12:32:07 7 [REDACTED] thing, so it's not a question of making it up. As  
12:32:09 8 far as the SDU are concerned - - -  
9  
12:32:10 10 COMMISSIONER: Mr Coleman is appearing for Ashton.  
11  
12:32:13 12 MR CHETTLE: Yes, correct.  
13  
12:32:14 14 As far as the SDU are concerned, Ashton knows, Cornelius  
12:32:18 15 knows and you know, correct, from those entries?---That's  
12:32:21 16 what that appears to say, yes.  
17  
12:32:23 18 And nobody is saying to them, "Hey boys, pull up. What are  
12:32:27 19 you doing"?---No, we weren't, no.  
20  
12:32:29 21 In fact, you were encouraging them to do their job?---Well,  
12:32:34 22 I don't know that you can say that. I mean I expected  
12:32:37 23 they'd be doing their job anyway.  
24  
12:32:38 25 You were encouraging them to explore the possibilities of  
12:32:43 26 using her and keeping her on the books so you can use her  
12:32:46 27 for Petra and Briars?---No, I don't think that's right. I  
12:32:52 28 think this is in 06 and as the issue has been put to me,  
12:32:56 29 this is around her potential use as part of an ESD  
12:33:01 30 investigation.  
31  
12:33:02 32 Correct, I agree, Mr Overland. Let's take it forward a few  
12:33:07 33 months. They're trying to get her out, we've seen that  
12:33:09 34 before, they're trying to shut her down. Into 2007, where  
12:33:13 35 she is kept on, on a holding pattern in order to be used  
12:33:17 36 for Petra and Briars?---Well, again, I think - look, you're  
12:33:23 37 running a whole series of things together. I agree in  
12:33:26 38 general that I think through 2007, 2008, you know, she kept  
12:33:33 39 coming up in both of those investigations and so that  
12:33:35 40 further complicated the picture, but in 2006 you know the  
12:33:39 41 matters that have been put to me around her use in relation  
12:33:44 42 to an ESD investigation.  
43  
12:33:47 44 MS ENBOM: Commissioner, I don't want - I'm sorry, I just  
12:33:49 45 need to deal with an urgent matter.  
46  
12:33:52 47 MR WINNEKE: There was a name mentioned who we're calling

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12:33:55 1 [REDACTED].  
2  
12:33:56 3 MS ENBOM: Yes, that's the one.  
4  
12:33:57 5 MR WINNEKE: So that ought to be removed.  
6  
12:33:59 7 MS ENBOM: That's right. It's at line 2, p.1126. It is  
12:34:03 8 appearing in the transcript as "(indistinct)".  
9  
12:34:06 10 COMMISSIONER: Line 2, did you say?  
11  
12:34:10 12 MS ENBOM: Yes.  
13  
12:34:14 14 COMMISSIONER: Right.  
15  
12:34:17 16 MS ENBOM: It is the name at 12B of Exhibit 81.  
17  
12:34:24 18 COMMISSIONER: All right. The first two words at p.12266,  
12:34:34 19 line 2, namely "the" and then "(indistinct)" should be  
12:34:41 20 removed from the transcript and from the live stream.  
12:34:46 21 That's all?  
22  
12:34:49 23 MS ENBOM: Just the name.  
24  
12:34:52 25 MR CHETTLE: The email I took you to before which Mr Iddles  
12:34:55 26 had reference to - - -  
27  
12:34:56 28 COMMISSIONER: And also if the mention of the name by  
12:34:58 29 Mr Winneke, is that right?  
30  
12:35:01 31 MS ENBOM: I think Mr Winneke used the pseudonym.  
12:35:04 32  
12:35:04 33 WITNESS: He didn't use it.  
34  
12:35:06 35 MR CHETTLE: Yeah, he did.  
36  
12:35:07 37 COMMISSIONER: That's all right.  
38  
12:35:12 39 MR CHETTLE: That email that I took you to which you  
12:35:14 40 couldn't understand where Iddles was talking about taping  
12:35:18 41 her?---Yes.  
42  
12:35:18 43 And you speaking to Mr White. The suggestion of - it  
12:35:25 44 wasn't necessarily an operational decision. The status at  
12:35:28 45 that stage was that she wasn't supposed to be cast and to  
12:35:32 46 use her in the way that Iddles wanted to would require your  
12:35:36 47 permission for her to be tasked?---Okay. I understand

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12:35:38 1 that.  
2  
12:35:39 3 That makes sense now?---That makes more sense now.  
4  
12:35:42 5 It's getting permission to use her when the arrangement was  
12:35:45 6 that she not be used?---Okay. I understand that.  
7  
12:35:49 8 COMMISSIONER: That last question related to a later  
12:35:50 9 period, correct?  
10  
12:35:52 11 MR CHETTLE: Sorry, Commissioner?  
12  
12:35:54 13 COMMISSIONER: The last question related to - - -  
14  
12:35:56 15 MR CHETTLE: My last question related to the email that  
12:35:58 16 Mr Iddles - - -  
17  
12:35:59 18 COMMISSIONER: Which was in?  
19  
12:36:01 20 MR CHETTLE: 07?---07, I think, Commissioner.  
21  
12:36:03 22 It was. That was in relation to the Waters - - -  
23  
12:36:06 24 COMMISSIONER: Yes, that's right. I just wanted to clarify  
12:36:08 25 we've moved from 06.  
26  
12:36:11 27 MR CHETTLE: In your diaries, Mr Overland, on 26 November  
12:36:19 28 '07, there's a gap where there's a jump, but then in  
12:36:22 29 November '07 there's an entry on that day at 16:20 that  
12:36:26 30 reads, "Graham Ashton OPI, telephone conversation re  
12:36:29 31 Operation Purana update only." Can you explain why you  
12:36:36 32 would be updating Graham Ashton about Purana in 2007?---No,  
12:36:48 33 I'm sorry, I can't.  
34  
12:36:49 35 I'm reading verbatim what it says?---No, I understand that.  
36  
12:36:57 37 And you would have seen that entry when you were preparing  
12:36:58 38 - - - ?---When I went through it presumably, yes, but I'm  
12:37:00 39 sorry, I can't.  
40  
12:37:01 41 Was Mr Ashton monitoring what was happening with  
12:37:07 42 Purana?---Purana, of course - - -  
43  
12:37:09 44 Is a big thing?---A big thing and, yes, at various times  
12:37:14 45 the OPI clearly was concerned. I mean, IR 44 is a case in  
12:37:19 46 point.  
47

.23/01/20

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OVERLAND XXN



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12:37:24 1 Clearly by 26 November '07 everybody agrees Mr Ashton is  
12:37:27 2 aware that Ms Gobbo is providing information as a  
12:37:30 3 source?---I think that's right, yes.  
4

12:37:33 5 And he never expressed any concern to you about that?---Not  
12:37:38 6 to my recollection, no.  
7

12:37:40 8 All right. Thank you. On 14 January 2008, going forward  
12:37:47 9 to that year, your diary reads - and perhaps you can  
12:37:51 10 translate it for me. If it could be provided to you,  
12:37:54 11 that's your 2008 diary. I can't read your writing for some  
12:37:59 12 of it?---Sometimes I can't read my writing, Mr Chettle.  
13

12:38:11 14 Is there a hard copy diary available? 14/1/08. I think  
12:38:23 15 this is my last question. I think you can be provided with  
12:38:53 16 a photocopy of them. If that doesn't work, the originals  
12:38:59 17 might be in front of you. You've got an entry at 11  
12:39:05 18 o'clock on 14 January about Jack Blayney, that's the one I  
12:39:10 19 want to take you to?---Yes.  
20

12:39:13 21 Can you read it, please. It starts "Jack Blayney" and then  
12:39:16 22 refers to Operation Agamas?---"Agamas - 3838 - compromise?  
12:39:22 23 - VicPol - target" - sorry.  
24

12:39:31 25 You've got the same problem I've got?---Something "aware of  
12:39:41 26 limited info - conveyed via" - can I use that name? I'm  
12:39:48 27 just - - -  
28

12:39:51 29 I don't know what it is, that's the problem?---Sorry, I'm  
12:39:56 30 just trying to - - -  
31

12:39:57 32 I understand your concern, Mr Overland?--- - - - save us  
12:40:01 33 some time.  
34

12:40:03 35 COMMISSIONER: Perhaps just show that page to Ms Enbom.  
36

12:40:05 37 MR CHETTLE: I can't read his writing, Commissioner?---No,  
12:40:07 38 I think it's okay. It's Ouieda.  
39

12:40:14 40 Yes, you can mention that name?---Yes.  
41

12:40:15 42 He is one of the people of interest?---"All appropriate  
12:40:19 43 action taken. ESD advised."  
44

12:40:23 45 So you've had a conversation with Jack Blayney about  
12:40:26 46 Operation Agamas?---Yes.  
47

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12:40:28 1 And whether that compromises 3838?---That seems to be what  
12:40:31 2 it's saying.  
3  
12:40:32 4 Isn't Agamas to do with the pills?---Sorry, I now don't  
12:40:37 5 recall what Agamas relates to.  
6  
12:40:39 7 Remember the story I told you about the pills and the  
12:40:41 8 containers in Sydney and Mr Karam importing - - -?---Does  
12:40:46 9 it? That might be right, but that's - - -  
10  
12:40:48 11 That is Agamas, as I understand it. So that would indicate  
12:40:51 12 you had some awareness of that in early 08, that is  
12:40:57 13 Operation Agamas, and you would have known what it was?---I  
12:41:01 14 assume so.  
15  
12:41:01 16 And 3838's involvement in it?---Well, it appears so, yes.  
17  
12:41:08 18 Now, as to the rest of it, I can't make sense of it. Can  
12:41:10 19 you help us or is it cryptic to you as well?---It's cryptic  
12:41:14 20 to me as well.  
21  
12:41:15 22 I suppose I should formally tender that diary entry for 14  
12:41:20 23 January 08, Commissioner.  
24  
12:41:43 25 COMMISSIONER: The whole diaries were tendered as  
12:41:45 26 Exhibit 184.  
27  
12:41:48 28 MR CHETTLE: Okay. I've referred to it, it's in the  
12:41:50 29 transcript. Thank you, Commissioner, I have no further  
12:41:50 30 questions.  
31  
12:41:51 32 MR NATHWANI: There is one topic, about three questions,  
12:41:52 33 that I didn't ask and Mr Winneke is happy for me to ask  
12:41:54 34 Mr Overland.  
35  
12:41:55 36 COMMISSIONER: Yes, all right then. I'll give you leave.  
37  
38 <FURTHER CROSS-EXAMINED BY MR NATHWANI:  
39  
12:41:58 40 Mr Overland, yesterday I showed you the Posse PowerPoint  
12:42:02 41 document and you can remember at the end - we don't need to  
12:42:04 42 go to it - there was a slide that had challenges, which  
12:42:06 43 included judicial process and PII?---(Witness nods.)  
44  
12:42:10 45 Obviously I can see you're nodding. You understand this is  
12:42:13 46 being recorded. As far as your answer to that, your answer  
12:42:18 47 to that was it is not as, and I'm summarising, nefarious as

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12:42:24 1 it may appear. You then referred to your evidence at IBAC,  
12:42:27 2 in the sense that there were some things you wouldn't put  
12:42:29 3 in your notes or diaries or wouldn't keep notes or diaries  
12:42:33 4 because of the discovery process?---Yes.

5  
12:42:37 6 Can I just continue that theme. Was another tactic you  
12:42:42 7 were aware of whilst you were involved in Victoria Police  
12:42:44 8 the following: where, for example, a nominal informant or  
12:42:50 9 a police officer was sent to discovery hearings to give  
12:42:54 10 evidence before a court, not knowing, for example, that  
12:42:57 11 Ms Gobbo was the source and so when they gave answers to  
12:43:00 12 the court about whether there was any material in the  
12:43:03 13 possession of the police that led to a relationship between  
12:43:06 14 Nicola Gobbo and the police, that police officer would  
12:43:09 15 answer honestly, as far as they were concerned, that there  
12:43:14 16 wasn't?---I wasn't aware of that.

17  
12:43:17 18 So if I put the specific example of, let's say, the Paul  
12:43:21 19 Dale murder inquiry in 2009 at committal. There was  
12:43:27 20 subpoena applications made which, in short, requested -  
12:43:30 21 Mr Dale requested, through his lawyers, material relating  
12:43:33 22 to - any material relating to the discussion of Petra  
12:43:37 23 between Gobbo and the police and you agreed by necessity  
12:43:41 24 that disclosure request would have triggered some of the  
12:43:45 25 information provided to the SDU?---Yes.

26  
12:43:48 27 That obviously wasn't disclosed. Are you aware if in that  
12:43:52 28 case any police officers were either teed up or did give  
12:43:55 29 evidence on the basis that they honestly believed that she  
12:44:00 30 had no relationship with the SDU?---No, I wasn't aware of  
12:44:03 31 that.

32  
12:44:03 33 And the final question on that topic: at some of the board  
12:44:08 34 of management meetings you were involved with, in  
12:44:12 35 particular with Mr Cornelius, he suggested in his evidence  
12:44:14 36 that if the notes are accurate, there's material you were  
12:44:17 37 withholding from him relating to the use of Nicola Gobbo as  
12:44:20 38 a source. Again, as far as you were concerned, if she was  
12:44:24 39 ever discussed as a human source at either Briars or Petra  
12:44:29 40 board of management meetings, were you withholding that  
12:44:32 41 knowledge from anyone else?---I don't believe so, no.

42  
12:44:35 43 Thank you.

44  
12:44:36 45 COMMISSIONER: Yes, Mr Gleeson.

12:44:38 46  
12:44:38 47

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1 <RE-EXAMINED BY MR GLEESON:  
2

12:45:02 3 Mr Overland, during the first hour of your  
12:45:06 4 cross-examination by Mr Winneke last year, he put a number  
12:45:12 5 of propositions to you and in particular I want to raise  
12:45:18 6 with you these three. Firstly, he put to you that  
12:45:23 7 particularly when providing information against a type of  
12:45:28 8 person against whom Ms Gobbo was informing, there's a very  
12:45:32 9 real danger to the physical safety of such human sources  
12:45:36 10 should their role be discovered?---Yes.

11  
12:45:37 12 And you gave a one-word answer to that proposition; you  
12:45:40 13 said "yes"?---Yes.

14  
12:45:42 15 He then said that any misstep on the part of Victoria  
12:45:44 16 Police could result in Ms Gobbo's serious injury or  
12:45:48 17 death?---Yes.

18  
12:45:48 19 And again you answered "yes". And he then said any harm  
12:45:52 20 that came to Ms Gobbo would have posed a very serious  
12:45:56 21 organisational risk for Victoria Police, and again you gave  
12:46:03 22 a single-word answer; you said "yes"?---Yes.

23  
12:46:06 24 In the context of putting these matters to you, he also  
12:46:09 25 referred you to the Hodson murders in May of 2004?---Yes.

26  
12:46:13 27 Which was, obviously, over a year before Nicola Gobbo was  
12:46:18 28 registered as a human source?---Yes.

29  
12:46:22 30 He then said this to you: you would have considered that  
12:46:28 31 any such event, namely should harm come to Nicola Gobbo,  
12:46:32 32 would undoubtedly expose Victoria Police to an inquiry or  
12:46:36 33 to a Royal Commission?---Yes.

34  
12:46:38 35 And again, you answered that proposition by saying "yes".  
12:46:46 36 I take it, from your long experience in policing, and  
12:46:52 37 generally, you would have been aware that a Royal  
12:46:56 38 Commission has wide powers to investigate  
12:46:59 39 matters?---Absolutely.

40  
12:47:00 41 They can compel the production of  
12:47:02 42 documents?---(Witness nods.)

43  
12:47:03 44 Compel the attendance of witnesses?---Yes.

45  
12:47:05 46 Require witnesses to answer questions on oath?---Yes.  
47

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12:47:08 1 Apply for a warrant to enter premises and search and seize  
12:47:12 2 documents?---Yes.  
3  
12:47:13 4 And that legal professional privilege doesn't apply so as  
12:47:18 5 to excuse someone from answering questions?---Yes.  
6  
12:47:20 7 The same with privilege against self-incrimination?---Yes.  
8  
12:47:25 9 Can I ask you this: what, if anything, does an awareness  
12:47:28 10 of the prospect of a Royal Commission into a matter from  
12:47:30 11 the commencement of that matter do to the mindset of a  
12:47:34 12 senior police officer as to the way they conduct themselves  
12:47:37 13 about that matter?---Well, it's an added reason to be  
12:47:42 14 scrupulous in what you do and to ensure that, as best you  
12:47:49 15 can, you act lawfully, you act ethically and that you are  
12:47:57 16 able to account for what takes place and what transpires.  
12:48:02 17 I do remember very clearly from the outset very consciously  
12:48:08 18 being aware that I thought there was a real likelihood that  
12:48:12 19 at some point there would be some sort of inquiry into the  
12:48:15 20 role Ms Gobbo was playing. My greatest fear was it would  
12:48:19 21 be a coronial inquiry, if that she'd been killed and,  
12:48:23 22 again, coronial inquiries have very wide powers. So I  
12:48:27 23 proceeded on the basis that I thought at all times there  
12:48:29 24 was a real likelihood that at some point in the future  
12:48:33 25 these matters would be subject to scrutiny.  
26  
12:48:38 27 You've also been asked some questions about events that  
12:48:42 28 occurred in late 2008 and into 2009 that led to the  
12:48:47 29 decision that Ms Gobbo should become a witness and you've  
12:48:52 30 given evidence that a number of police officers were  
12:48:54 31 strongly opposed to that course, as it would publicly  
12:48:58 32 expose Ms Gobbo as a human source?---Yes.  
33  
12:49:02 34 And you've given evidence that, despite this strong  
12:49:06 35 opposition, it remained your view that this was the  
12:49:09 36 appropriate course, for a number of reasons, including that  
12:49:12 37 you thought it presented the best option for protecting her  
12:49:15 38 by getting her into witness protection?---Yes.  
39  
12:49:21 40 At the time of this decision playing out as to just what to  
12:49:26 41 do with Ms Gobbo in terms of should she give evidence,  
12:49:30 42 should she not give evidence, if you believed that you  
12:49:32 43 personally had done the wrong thing in relation to Ms Gobbo  
12:49:35 44 over the previous years, that you'd either acted  
12:49:39 45 inappropriately or unethically or unlawfully, what course  
12:49:44 46 would have best served your personal interest in relation  
12:49:48 47 to that decision?---It would have been not to call her as a

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12:49:53 1 witness and to try and conceal those matters, but I didn't  
12:49:58 2 act in those ways. At all times I believe I had acted  
12:50:06 3 appropriately and ethically and lawfully. I was very aware  
12:50:10 4 of the implications and consequences of that decision, I  
12:50:15 5 was very aware that it would mean that her role would be  
12:50:20 6 discovered, so again, I understood, through the processes  
12:50:25 7 that would flow, that her role would be discovered and that  
12:50:28 8 it would come to light and I also understood the views of  
12:50:33 9 other police officers about the reasons not to do that, and  
12:50:35 10 I respect those views and I don't criticise the officers  
12:50:39 11 for having those views, I think they're entirely  
12:50:42 12 appropriate, but in the end, it was one of those very  
12:50:45 13 difficult decisions that needed to be made, but I made it  
12:50:49 14 knowing that in making it, there would be real scrutiny  
12:50:53 15 around Ms Gobbo's role and what had transpired and so I was  
12:50:57 16 always prepared to come along and justify what I had done  
12:51:02 17 with respect to that. I didn't believe I had done anything  
12:51:05 18 wrong, unlawful, unethical, illegal.  
19  
12:51:11 20 You've been taken at various times to the SWOT  
12:51:16 21 analysis?---Yes.  
22  
12:51:16 23 And your evidence is that you don't believe that you  
12:51:18 24 received that?---It is.  
25  
12:51:21 26 And you've been taken to specific parts of it, including a  
12:51:24 27 part under the subheading "Threats", where the various pros  
12:51:29 28 and cons were being weighed up, and one of the threats  
12:51:31 29 that's identified in one of the bullet points is "Judicial  
12:51:34 30 review of police actions in tasking and deploying one of  
12:51:38 31 their own"?---Yes.  
32  
12:51:39 33 Another one is "OPI review, serving barrister assisting  
12:51:44 34 police, consideration of unsafe verdicts and possible  
12:51:46 35 appeals, prosecutions, current Mokbel and future." Another  
12:51:50 36 one is, "Media attention on SDU, methodology and trade  
12:51:53 37 craft being exposed"?---Yes.  
38  
12:51:54 39 Your evidence is that you did not receive this, but is it  
12:51:58 40 fair to say that you didn't quibble with the propositions  
12:52:01 41 that were raised, at least to that extent?---No, no, and  
12:52:06 42 again, memory is a tricky thing, but none of that is a  
12:52:09 43 surprise to me. I thought all of those were potential  
12:52:13 44 risks throughout the time that Ms Gobbo was involved with  
12:52:17 45 Victoria Police, right from the very outset. I mean, I  
12:52:20 46 understood the consequences of registering a barrister as a  
12:52:24 47 human source and, quite appropriately, you know,



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12:52:28 1 particularly in the prosecution of serious criminal  
12:52:32 2 matters - you know, those matters are very strongly  
12:52:34 3 defended and one of the many advantages that organised  
12:52:38 4 criminal figures have is they've normally got a lot of  
12:52:41 5 money and they have very able criminal barristers defending  
12:52:45 6 them and they take every point, so I expected that these  
12:52:50 7 things would be challenged and there would be questions  
12:52:52 8 asked and, of course, it's not unusual in that process for  
12:52:56 9 suggestions to be made that police actions or conduct is  
12:53:01 10 somehow improper. I mean, I guess it really goes to a  
12:53:04 11 critical issue in these sorts of criminal trials around  
12:53:07 12 whether evidence gets admitted or not, the Bunning and  
12:53:13 13 Cross issues, whether the evidence has been lawfully  
12:53:14 14 obtained or whether it's been unlawfully obtained and the  
12:53:16 15 probative value versus the prejudicial value. These are  
12:53:19 16 all things that happen all the time, particularly in  
12:53:25 17 criminal trials around serious offending. I understood  
12:53:30 18 that this was likely to all be in the future and would be  
12:53:36 19 subject to challenge and could and would be reviewed at  
12:53:40 20 some point.  
21  
12:53:42 22 Can I take you to a diary entry that you're asked questions  
12:53:45 23 about on a number of occasions. It's the diary entry for  
12:53:48 24 27 September 2005, at 345. It is Mr Overland's diary entry  
12:54:09 25 regarding a meeting with Terry Purton.  
26  
12:54:13 27 COMMISSIONER: I don't know whether we can get that up on  
12:54:15 28 the screen or whether we need to get the hard copy.  
29  
12:54:22 30 MR GLEESON: I'm told the VPL number is VPL.0005.0264.0344.  
12:54:28 31 It's also extracted in Mr Overland's supplementary  
12:54:37 32 statement, at paragraph 67.  
33  
12:55:02 34 Mr Overland, do you have access to that diary entry, either  
12:55:05 35 in your supplementary statement - - -?---I have it in my  
12:55:07 36 supplementary statement.  
37  
12:55:08 38 Commissioner, do you have it?  
39  
12:55:09 40 COMMISSIONER: I do.  
41  
12:55:10 42 MR GLEESON: Thank you.  
43  
12:55:11 44 You'll remember that this is a reference to a meeting at  
12:55:14 45 3.45 pm on 27 September and, on any view of the evidence,  
12:55:19 46 that's either very shortly after you learned of Nicola  
12:55:27 47 Gobbo's registration as a source or quite shortly

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12:55:29 1 after?---Yes.  
2  
12:55:34 3 The second dash point there says, "Discussed handling of  
12:55:39 4 information from 3838, highly sensitive, IR as normal.  
12:55:43 5 Content reports held by TP. Discuss with Ian Thomas  
12:55:47 6 regarding management. Need to keep info extremely tight  
12:55:52 7 and with audit trails." Could you explain what that means,  
12:55:55 8 please?---So, obviously, part of the concern is about the  
12:56:00 9 security of the human source and protecting the human  
12:56:03 10 source and their identity, but also part of it was about  
12:56:09 11 making sure that we could account for all of our dealings  
12:56:15 12 with her and the information that was provided and how that  
12:56:18 13 information was used and, you know, what flowed from the  
12:56:22 14 information that was provided and who had access to that  
12:56:26 15 information because, again, my expectation was that all of  
12:56:31 16 these matters would be subject to discovery, or potentially  
12:56:35 17 subject to discovery. I mean, there could well be PII  
12:56:40 18 claims that could be made around all of that, but it was  
12:56:43 19 really important that we could clearly and transparently  
12:56:46 20 account for all our dealings with that source.  
21  
12:56:52 22 Did you ever withdraw that requirement, that there be audit  
12:56:57 23 trails?---No.  
24  
12:56:58 25 Did you ever vary it?---No.  
26  
12:57:00 27 Did you ever have a reason to believe that it was being  
12:57:03 28 disobeyed?---No.  
29  
12:57:12 30 You, over the course of your cross-examination, were shown  
12:57:15 31 the diary notes of numerous police officers and you're  
12:57:20 32 asked typically to accept that the notes were an accurate  
12:57:25 33 record of meetings you were said to have attended?---Yes.  
34  
12:57:27 35 And things you were said to have said?---Yes.  
36  
12:57:28 37 And things that were said to have been said to you?---Yes.  
38  
12:57:31 39 And typically you said you couldn't recall the meeting  
12:57:34 40 independently, or at least what was specifically said, but  
12:57:37 41 you accepted that the note said what it said?---Yes.  
42  
12:57:41 43 Speaking generally, what's been your observation, as a  
12:57:45 44 senior police officer, about the tendency or otherwise of  
12:57:51 45 some police officers to cite the approval of an  
12:57:54 46 Assistant Commissioner or a Deputy Commissioner or a  
12:57:57 47 Chief Commissioner for tasks that had been performed or

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12:58:01 1 they thought about performing?---So I remember one of the  
12:58:06 2 things I learnt very early on in my time in senior  
12:58:09 3 executive roles was the need to try and be careful about  
12:58:14 4 often what I'd refer to as casual or corridor conversations  
12:58:17 5 or, in fact, any conversation that you had with people,  
12:58:20 6 because I've found, through my experience, and I still find  
12:58:23 7 to this day, that you have conversations with people that,  
12:58:26 8 to you, are a chat or a conversation or of not particular  
12:58:30 9 significance, only to find out later on that you've either  
12:58:34 10 been purported to have made some decision or endorsed some  
12:58:37 11 view or decided on some course of action. I don't mean to  
12:58:40 12 be critical in that, I think it is just human nature, I  
12:58:43 13 think people tend to take out of meetings, particularly  
12:58:45 14 with senior officers, what they want to take out of those  
12:58:48 15 meetings. As I say, it's happened to me, it continues to  
12:58:52 16 happen to me, it's happened to me in my role with council,  
12:58:55 17 where I would find that I've had a conversation with  
12:58:58 18 someone which I thought was a chat and a discussion and  
12:59:02 19 then later on I've found it's been reported that I've made  
12:59:06 20 a particular decision or a particular view of mine is to be  
12:59:09 21 implemented. So I think it's just human nature, I think  
12:59:12 22 that's one of the things that happens. I think that can,  
12:59:16 23 at times, be reflected in notes that are recorded of  
12:59:19 24 meetings and, again - I mean, I think on some rare  
12:59:22 25 occasions people might take advantage of that for quite,  
12:59:27 26 you know, suspicious reasons, but I think a lot of the time  
12:59:30 27 it is just human nature.

28

12:59:35 29 Can I take you to one particular example of a meeting you  
12:59:40 30 were cross-examined about, and it's a diary note of  
12:59:48 31 Mr Wilson about a meeting that's said to have occurred on 6  
12:59:52 32 June 2006?---Yes.

33

12:59:58 34 You were cross-examined to the effect that this diary note  
13:00:02 35 revealed that there was a meeting at which you gave a  
13:00:04 36 briefing as to Ms Gobbo's role as a human source and that  
13:00:08 37 that meeting occurred at 9.30 on 6 June?---Yes.

38

13:00:13 39 And it was put to you that the note recorded that at this  
13:00:17 40 meeting you'd said that before anything was done, there  
13:00:20 41 needed to be discussions with Mr White at the SDU before  
13:00:23 42 any action is taken and to coordinate issues?---Yes.

43

13:00:26 44 Can I tell you that Mr Cornelius, when he gave evidence,  
13:00:30 45 was a bit baffled by this because he said he couldn't  
13:00:35 46 remember being at such a meeting at or about this time and  
13:00:37 47 certainly couldn't remember receiving any briefing by you

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13:00:42 1 about Ms Gobbo's role as a human source?---Yes.  
2  
13:00:44 3 You gave evidence that you couldn't recall such a  
13:00:47 4 meeting?---Yes.  
5  
13:00:51 6 Can I ask that document VPL.0098.0008.0001 be brought up.  
13:01:02 7 I do have paper copies in case there's a difficulty.  
8  
13:01:08 9 MS ENBOM: I think the paper copy will need to be handed up  
13:01:11 10 to you, Commissioner, because the electronic version is  
13:01:13 11 heavily redacted.  
12  
13:01:22 13 COMMISSIONER: Is there one for the witness, even more  
13:01:23 14 importantly? Thank you. Has this been tendered already?  
15  
13:01:25 16 MS ENBOM: No, it hasn't.  
17  
13:01:28 18 COMMISSIONER: It hasn't?  
19  
13:01:29 20 MR GLEESON: No, Commissioner.  
21  
13:01:45 22 Do you see that this is a draft minute of a meeting of the  
13:01:53 23 Organisational Development Standing Committee?---Yes.  
24  
13:01:57 25 And you'll see, if you look about halfway down the page,  
13:02:02 26 just before the grey shading, the meeting commenced at  
13:02:05 27 9.30 am?---Yes.  
28  
13:02:07 29 That is precisely the same time that you're said to have  
13:02:11 30 been at a meeting with Mr Wilson - - -?---Yes.  
31  
13:02:18 32 - - - and Mr Cornelius and Mr Masters, at which you were  
13:02:22 33 giving a briefing. Do you see there that you're said to be  
13:02:29 34 an attendee, along with a number of other people? It  
13:02:32 35 seems, from the face of it, to be a fairly substantial  
13:02:35 36 meeting?---Yes. The minutes indicate that the meeting, I  
13:02:41 37 think, went until nearly midday, or to midday.  
38  
13:02:44 39 It's possible, of course, for anyone to step in or out of  
13:02:48 40 meetings. What do you say, having had a look at the  
13:02:51 41 contents of that minute, as to the likelihood or otherwise  
13:02:53 42 of you stepping in or out or as to whether you would have  
13:02:57 43 been there?---There's a number of actions where I finish up  
13:03:02 44 getting nominated to do various things, so - - -  
45  
13:03:05 46 That probably means you weren't there?---Well, yes. I  
13:03:11 47 mean, that might be the rule. My recollection is I

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13:03:14 1 probably was, because I think there was a general principle  
13:03:17 2 that you wouldn't be nominated to do these things unless  
13:03:20 3 you were there to agree to it, even though some  
13:03:24 4 organisations might work differently, but I think I was  
13:03:27 5 there for the duration of that meeting.  
6

13:03:31 7 Are you able to reconcile the apparent inconsistency  
13:03:37 8 between you being in two different meetings at the same  
13:03:39 9 time?---No, I can't, and I also understand I do have a  
13:03:44 10 brief reference in my diary to in fact being at this  
13:03:48 11 meeting at that time.  
12

13:03:49 13 That is the ODSC?---Yeah, so I assume I was at this meeting  
13:03:54 14 for the duration. I mean, this was a reasonably important  
13:03:57 15 meeting for me, so it's the sort of thing I would do my  
13:04:01 16 utmost to attend. The minutes indicate I was there. I  
13:04:04 17 assume I was there for the duration.  
18

13:04:07 19 And when you say "the duration", the minutes record it  
13:04:10 20 concluding at midday?---I'm just trying to - - -  
21

13:04:15 22 The last page?---The last page. I might - it says,  
13:04:18 23 "Meeting concluded 12 am". I assume - that's probably  
13:04:21 24 12 pm, but anyway, I assume it's midday that it concluded.  
25

13:04:26 26 Yes. I tender that, Commissioner.  
13:04:31 27

13:04:33 28 #EXHIBIT RC992A - (Confidential) Draft minute of meeting of  
13:01:53 29 Organisational Development Standing  
13:04:44 30 Committee  
13:04:44 31

13:04:45 32 #EXHIBIT RC992B - (Redacted version.)  
33

13:04:50 34 MR GLEESON: Mr Overland, you've been asked a series of  
13:04:53 35 questions about your diaries?---Yes.  
36

13:04:55 37 Could the witness be shown the first volume of his diary,  
13:04:59 38 please. Just by reference to early entries, I want you to  
13:05:08 39 tell the Commissioner a bit about the nature of your job.  
13:05:13 40 There's been some implication at least that you personally  
13:05:18 41 were responsible for everything from meeting with the  
13:05:20 42 Premier to putting the bins out, but what was it that your  
13:05:24 43 job entailed as at the moment you started as  
13:05:29 44 Assistant Commissioner?---So as Assistant Commissioner  
13:05:37 45 Crime, I was in charge of the Crime Department, which, at  
13:05:41 46 that time, I think, had around 600 staff attached to it, I  
13:05:45 47 think its budget was in the vicinity of 30 to \$35 million

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13:05:48 1 per annum, and the Crime Department was charged with the  
13:05:52 2 investigation of the most serious crime that occurred in  
13:05:56 3 Victoria, but also it would have a reach beyond that  
13:06:01 4 because we would work with other agencies, federal  
13:06:05 5 agencies, we would work at times with other state agencies,  
13:06:08 6 but primarily dealing with serious and organised crime. So  
13:06:13 7 whilst that was a significant component of it, as  
13:06:20 8 Assistant Commissioner, I also had - so I had  
13:06:21 9 responsibilities for managing the department, that's all  
13:06:23 10 aspects of it, finance, HR, asset management, in addition  
13:06:27 11 to the operations. I think there was some discussions  
13:06:30 12 yesterday about the fact there was a Commander there and  
13:06:32 13 Terry Purton's role and the reason there was a Commander  
13:06:35 14 there was because the Assistant Commissioner was away so  
13:06:37 15 much of the time and so there was a Commander there - - -  
16  
13:06:41 17 Away from what?---Away from the department or taken off to  
13:06:45 18 do other things, so there was a Commander there to provide  
13:06:47 19 greater continuity about around operational matters because  
13:06:51 20 the AC just simply wouldn't be there or wouldn't be  
13:06:53 21 available for significant periods of time, and I did go  
13:07:00 22 around and get briefed from the various units around the  
13:07:05 23 sort of activity that was going on. So at the time, there  
13:07:09 24 were 23 drug operations under way, sex crimes had 104  
13:07:17 25 matters on the book, 37 current, there were 36 homicides,  
13:07:22 26 arson had 12 current cases, the Cold Case Unit had nine,  
13:07:25 27 missing persons - missing, presumed dead, had seven,  
13:07:31 28 serious crime had 19 current matters, 12 for the armed  
13:07:34 29 offenders, seven for the Asian Crime Squad and so on and so  
13:07:39 30 forth. The organised crime - "TRS", I'm struggling to  
13:07:44 31 remember what that was, but they had 32 current jobs,  
13:07:47 32 organised crime had six matters, there was a very large  
13:07:50 33 investigation going on into VicRoads, I think the stolen  
13:07:57 34 motor vehicle - I think it is OMVT - had eight jobs. So  
13:08:01 35 it's just reflective of there was a significant range of  
13:08:06 36 operational activity going on and, of course, numbers  
13:08:09 37 doesn't quite do justice to it because often these  
13:08:11 38 investigations would be very large and complex  
13:08:14 39 investigations. So that was the range of operational  
13:08:17 40 activity that was happening at the time and I have to say  
13:08:20 41 we got busier after that because, of course, the gangland  
13:08:23 42 stuff took off and the Purana side of things really added  
13:08:28 43 to the operational workload, the operational tempo, that  
13:08:33 44 was being experienced at that time. One of my concerns, as  
13:08:39 45 a senior police officer, is I think that the role of senior  
13:08:42 46 police officers is not widely understood in the community.  
13:08:44 47 I think that, in a way, we're almost seen as beefed up

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13:08:49 1 Detective Senior Sergeants or equivalents and in fact  
13:08:51 2 you're actually a senior executive, so much of your time is  
13:08:54 3 on doing things that senior executives would do in other  
13:08:59 4 organisations. I have made a list. If I'm able to refer  
13:09:02 5 to it, I can run through the sorts of things that I was  
13:09:04 6 doing, because I think it is important context to  
13:09:07 7 understand that Purana was just one small part of my  
13:09:10 8 overall responsibilities.

9  
13:09:12 10 With the leave of the Commissioner, could the witness refer  
13:09:14 11 to the list?

12  
13:09:16 13 COMMISSIONER: Yes.

14  
13:09:19 15 MR GLEESON: Thank you?---I think I referred in evidence  
13:09:21 16 yesterday to through 2004, 2005 I led the development of  
13:09:25 17 the organised crime strategy for Victoria Police and that's  
13:09:28 18 a key executive role, setting the strategic direction, and  
13:09:32 19 the joint review that was done with Boston Consulting Group  
13:09:34 20 to develop a new major crime management model for the  
13:09:37 21 organisation. They were significant projects that took a  
13:09:40 22 lot of time and a lot of resource. My corporate  
13:09:43 23 responsibilities. So I was part of the Corporate  
13:09:46 24 Committee, which was analogous at that time to the board of  
13:09:49 25 Victoria Police, so it was the peak advisory  
13:09:51 26 decision-making body for the organisation, charged with  
13:09:54 27 advising the Chief Commissioner and participating in the  
13:09:57 28 development of strategy, policies and reform to Victoria  
13:10:00 29 Police and over time the commitment to these corporate  
13:10:02 30 responsibilities took more time and included the  
13:10:04 31 development of the standing committee, so, for instance,  
13:10:07 32 the Organisational Development Standing Committee minutes  
13:10:10 33 that we were talking about earlier, that was a subcommittee  
13:10:13 34 of Corporate Committee, and I was also on a thing called  
13:10:16 35 the Police Operation Standing Committee. I was a member of  
13:10:18 36 the ministerial council on drug strategy, so that was a  
13:10:23 37 ministerial council involving police and health ministers  
13:10:27 38 to look at drug strategy and we were charged with advising  
13:10:30 39 them. There were normally two or three officers' meetings  
13:10:33 40 a year and one or two ministerial meetings a year. I was  
13:10:37 41 part of the Australian Crime Commissioner's forum, so that  
13:10:41 42 was a meeting of Assistant Commissioners Crime and  
13:10:42 43 equivalent from Australia and New Zealand to work on  
13:10:43 44 national matters relevant to the investigation of serious  
13:10:46 45 and organised crime and through 2003, 4, 5, a lot of the  
13:10:50 46 focus was on developing protocols for the management of  
13:10:53 47 cross-jurisdictional investigations into terrorism matters.

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13:10:57 1 I was appointed to the Sentencing Advisory Council as an  
13:11:00 2 inaugural member and I would go to those meetings. I was  
13:11:04 3 on various working groups on systems reform to responses to  
13:11:08 4 family violence, delays in the criminal justice system,  
13:11:12 5 prostitution control, identity control through Births,  
13:11:14 6 Deaths and Marriages, I'd conduct internal disciplinary  
13:11:17 7 hearings, I would sit on Compstat panels, that were  
13:11:20 8 internal panels that would often be day long, essentially  
13:11:25 9 review of the performance of areas of the organisation,  
13:11:28 10 there were community commitments and there were visits to  
13:11:32 11 police stations and being out and about and being seen. So  
13:11:35 12 I don't pretend that is exhaustive, but that is an  
13:11:39 13 indication of the sorts of things as AC crime and then  
13:11:43 14 later on, as Deputy, my role changed a little bit but  
13:11:45 15 continued to be heavily focused on corporate  
13:11:47 16 responsibilities.  
17  
13:11:51 18 In March 2006, the Commonwealth Games occurred?---They did.  
19  
13:11:56 20 They took place in Melbourne?---Yes.  
21  
13:11:57 22 Did you have a role there?---I did have a role in that,  
13:12:00 23 yes.  
24  
13:12:01 25 24 April 2005 was a day on which a Senior Constable of  
13:12:07 26 Victoria Police was murdered, Tony Clark?---Senior  
13:12:11 27 Constable Tony Clark was murdered on that day.  
28  
13:12:13 29 Did that involve - - -?---That was a Crime Department  
13:12:15 30 investigation, yes.  
31  
13:12:17 32 On 11 February 2005, a woman by the name of Maria Korp was  
13:12:23 33 murdered - or the revelation of her murder occurred, and  
13:12:26 34 that was known as the "body in the boot murder"?---Yes.  
35  
13:12:32 36 Which occupied headlines in Melbourne for some weeks?---It  
13:12:36 37 did, yes.  
38  
13:12:36 39 Did that involve you?---Yes.  
40  
13:12:39 41 On 19 April 2005 there was a fatal police shooting in  
13:12:43 42 Shepparton. Were you involved in that?---Yes.  
43  
13:12:46 44 There's the notorious case, on 4 December 2005 - at least  
13:12:52 45 in 2005 - of Robert Farquharson murdering his three  
13:12:56 46 children by driving into a dam?---Yes.  
47

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13:12:58 1 Were you involved in that?---Yes.  
2  
13:13:01 3 There was the Mildura hit and run car accident on 11  
13:13:04 4 February 2006, which resulted in six people dying and seven  
13:13:08 5 being injured, deliberately driving into a crowd of  
13:13:13 6 people?---Yes.  
7  
13:13:14 8 Were you involved in that?---I think that was another Crime  
13:13:16 9 Department matter, yes.  
10  
13:13:17 11 Michael Griffey, who was a multimillionaire who was  
13:13:21 12 murdered, with considerable media attention attendant, on  
13:13:23 13 29 December 2005. Were you involved in that?---Yes.  
14  
13:13:27 15 In November 2005 there were 17 people arrested across  
13:13:31 16 Melbourne and Sydney after planning to commit a series of  
13:13:34 17 terrorist attacks, including plans to bomb the 2005 AFL  
13:13:37 18 Grand Final, the 2006 Australian Grand Prix and the Crown  
13:13:42 19 Casino, as well as being involved in a plot to assassinate  
13:13:47 20 the prime minister, John Howard. Were you involved in the  
13:13:51 21 investigation of that?---Yes.  
22  
13:13:52 23 It has been suggested to you that in the course of your  
13:13:56 24 activities, you either were aware, or if you weren't aware,  
13:14:02 25 you should have asked about the originating source of  
13:14:07 26 various pieces of information or evidence that your team or  
13:14:15 27 teams were pursuing in relation to various  
13:14:20 28 investigations?---Yes.  
29  
13:14:21 30 What do you say about your capacity to either know it or  
13:14:24 31 investigate it and interrogate it?---Well, I've often  
13:14:29 32 described, as I've got more senior, my role as knowing a  
13:14:35 33 little bit about a lot of things and I think that is right;  
13:14:37 34 you are across a huge range of issues. I mean, there are  
13:14:40 35 times when you have to get into things in more depth, but  
13:14:43 36 in general you are just briefed on generalities and unless  
13:14:47 37 you've got a particular reason to burrow and inquire, you  
13:14:51 38 don't, you just take on board what you're told.  
39  
13:14:55 40 It's been put to you, in substance, that you knew, or if  
13:15:01 41 you didn't, you should have known, which various junior  
13:15:06 42 barristers at the Victorian Bar acted for which individuals  
13:15:11 43 within the labyrinth of organised crime organisations and,  
13:15:18 44 more particularly, who they didn't act for, in 2003, 4, 5,  
13:15:24 45 6, 7, 8 and 9. How often did you personally turn up to a  
13:15:29 46 bail application across that period?---I never did.  
47

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13:15:32 1 How often did you turn up to a committal across that  
13:15:34 2 period?---I never did.  
3  
13:15:35 4 How often did you turn up to a trial of one of the various  
13:15:39 5 members of these organised crime gangs?---I never did.  
6  
13:15:42 7 If you were watching the TV news and something came on  
13:15:45 8 about the latest legal proceedings against one or more of  
13:15:48 9 the dozens of players in organised crime gangs, was your  
13:15:52 10 focus on who their barrister was?---No.  
11  
13:16:00 12 It's been put to you that, in substance, if a person who's  
13:16:14 13 engaged in criminal conduct expresses a wish to use a  
13:16:21 14 certain barrister as their lawyer, police should somehow  
13:16:28 15 prevent that from happening if that lawyer has what the  
13:16:33 16 police might regard as a conflict?---Yes.  
17  
13:16:36 18 In your experience, what would be the consequences if  
13:16:39 19 police said to an arrested criminal who wanted to brief  
13:16:43 20 barrister X, "You can't do that"?---I don't think you could  
13:16:47 21 do that because that would beg the obvious question why and  
13:16:52 22 that's not a question you'd want to answer or even have  
13:16:55 23 running in a suspect's mind.  
24  
13:16:58 25 And what, in your experience, and given your knowledge of  
13:17:00 26 this matter, is the range of outcomes that might occur if  
13:17:06 27 Nicola Gobbo had been told that she couldn't or shouldn't  
13:17:08 28 act for a certain person?---I understand she was told that  
13:17:14 29 at - now I understand she was told that at various points  
13:17:17 30 in time and didn't follow that advice. I think always  
13:17:23 31 throughout one of the difficulties we faced - or that  
13:17:25 32 seemed to be faced in managing her was not having her leave  
13:17:29 33 the organisation in an uncontrolled way, because that was  
13:17:32 34 likely to lead to very bad consequences for her, and then  
13:17:37 35 the attendant, you know, controversy surrounding that and  
13:17:41 36 review and undoubted criticism of Victoria Police for the  
13:17:44 37 way we'd managed her. So if we were seen to have, you  
13:17:50 38 know, essentially forced her out of the organisation and  
13:17:52 39 something bad happened to her, then that would be an issue  
13:17:54 40 for us.  
41  
13:17:56 42 Commissioner, just a couple of questions before the break,  
13:17:58 43 if I might.  
44  
13:17:59 45 COMMISSIONER: Yes, all right.  
46  
13:18:02 47 MR GLEESON: What do you say, Mr Overland, to the

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13:18:04 1 suggestion that you have knowingly and deliberately caused,  
13:18:10 2 implemented or allowed a system of dealing with Ms Gobbo  
13:18:14 3 that was unlawful, inappropriate or unethical?---That is  
13:18:22 4 not true, that is not something that I would ever do, and I  
13:18:26 5 think when you look at what I did do, I would have had to  
13:18:31 6 have been reckless and cavalier in the extreme to do some  
13:18:34 7 of the things I subsequently did if I had actually  
13:18:37 8 knowingly engaged in that sort of behaviour, because I  
13:18:41 9 always understood the risks and, in the end, I did make a  
13:18:47 10 decision to call her as a witness, knowing everything that  
13:18:49 11 would flow from that. So I think when you look at those  
13:18:54 12 things, it just seems totally inconceivable that had I  
13:18:58 13 knowingly engaged in unlawful or illegal or improper  
13:19:02 14 behaviour, that I would have done those things.

15

13:19:07 16 What do you say to the suggestion that you've knowingly and  
13:19:10 17 deliberately caused, implemented or allowed a system of  
13:19:14 18 dealing with Ms Gobbo that presented an unnecessary risk to  
13:19:18 19 her welfare?---Again, I don't agree with that. I think  
13:19:23 20 that there was always a risk to her welfare from day one.  
13:19:26 21 That's the very reason why at the outset I considered that  
13:19:31 22 having her registered as a human source was the best of a  
13:19:35 23 bad bunch of options. I always appreciated the risk to  
13:19:43 24 her. To be quite frank, my recollection now is that her  
13:19:49 25 actions continued to magnify that risk, despite the best  
13:19:53 26 efforts of everyone concerned, and that that resulted in a  
13:19:57 27 situation where I got to the point where I felt that the  
13:20:00 28 only way to keep her safe was to have her go into witness  
13:20:04 29 security, because I couldn't conceive that - by late 2008,  
13:20:11 30 I thought people must have known, and if they hadn't known,  
13:20:14 31 they would know very shortly and that that would put her at  
13:20:17 32 very serious risk and that she - the only way to really  
13:20:20 33 properly protect her was for her to go into witness  
13:20:23 34 security.

35

13:20:25 36 You've given evidence that you regard her information as  
13:20:28 37 having been very valuable over the years?---Yes, it was.

38

13:20:31 39 Did you hold or do you hold any personal antipathy for  
13:20:34 40 her?---No, I don't.

41

13:20:36 42 Did you have any concern for her welfare?---Yes. I've been  
13:20:45 43 criticised for having concerns for the welfare of the  
13:20:48 44 people who were murdered during the gangland wars; I'm on  
13:20:51 45 record saying that in the media. It was put to me time and  
13:20:54 46 time again, "It doesn't matter, they're just crooks", and I  
13:20:57 47 said, "No-one deserves to die that way, that's my view." I

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13:21:01 1 think I'm a humanist at heart, so I think everyone,  
13:21:09 2 regardless of what they've done, regardless of their  
13:21:10 3 merits, regardless of the rights and wrongs, deserves to be  
13:21:13 4 able to live their lives and no-one - I don't even believe  
13:21:16 5 the State has the right to take someone's life, other than  
13:21:19 6 in a situation of war.  
7  
13:21:20 8 Is that a convenient time, Commissioner?  
9  
13:21:22 10 COMMISSIONER: How much longer are you going to be, Mr  
13:21:24 11 Gleeson?  
13:21:24 12  
13:21:25 13 MR GLEESON: I just need to check if there's anything  
13:21:26 14 further. I suspect not.  
15  
13:21:28 16 COMMISSIONER: Okay. Mr Winneke?  
17  
13:21:30 18 MR WINNEKE: I would imagine I'll be about - I said an hour  
13:21:34 19 last night. I don't think I'll be that long.  
20  
13:21:36 21 COMMISSIONER: Right. Perhaps we better have Mr Cornelius  
13:21:40 22 available, if possible, from, say, 2.30.  
23  
13:21:45 24 MS ENBOM: Yes. We'll try to reach him now.  
25  
13:21:47 26 COMMISSIONER: If possible.  
27  
13:21:49 28 COMMISSIONER: All right then. We'll adjourn until  
13:21:50 29 2 o'clock.  
13:22:38 30  
13:22:38 31 <(THE WITNESS WITHDREW)  
32  
33 LUNCHEON ADJOURNMENT  
34  
35  
36  
37  
38  
39  
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45  
46  
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14:00:52 1           UPON RESUMING AT 2.04 PM:  
14:00:52 2  
14:04:51 3           <SIMON JAMES OVERLAND, recalled:  
4  
14:04:44 5           COMMISSIONER: Yes, Mr Gleeson.  
14:04:46 6  
14:04:46 7           MR GLEESON: I have no further questions, Commissioner.  
14:04:50 8  
14:04:50 9           COMMISSIONER: Yes, Mr Winneke.  
14:04:55 10  
14:04:57 11          <RE-EXAMINED BY MR WINNEKE:  
12  
14:04:57 13          Mr Overland, I gather one of the concerns you have about  
14:05:01 14          the notes of other people, particularly more junior  
14:05:06 15          officers, is, as you said to Mr Gleeson, police officers  
14:05:10 16          might have a tendency, when seeking authorities or speaking  
14:05:16 17          to more senior officers, to do what's otherwise described  
14:05:21 18          as verbal you and, in effect, attribute things to you which  
14:05:29 19          you might not have actually said. Is that what you were  
14:05:33 20          trying to put across?---I wouldn't put it that highly  
14:05:36 21          because I think "verbal" has particular connotations. I  
14:05:40 22          don't think that there's anything - I'm not suggesting  
14:05:42 23          there's anything sinister in this, it's just an observation  
14:05:46 24          of mine, having been in very senior roles in organisations  
14:05:49 25          for a long period of time, that there is a tendency for  
14:05:54 26          more junior staff to read more into conversations than I  
14:05:56 27          would read into them.  
14:05:57 28  
14:05:58 29          It mightn't have been your intention, but Mr Gleeson,  
14:06:01 30          immediately after that series of questions, asked you about  
14:06:04 31          a meeting which I'd asked you about - admittedly some time  
14:06:09 32          ago now - on 6 June 2000?---Yes.  
14:06:12 33  
14:06:15 34          The fact is - 2006 - Mr Cornelius has a diary entry, and  
14:06:22 35          whilst Mr Gleeson said Mr Cornelius apparently wasn't  
14:06:28 36          certain about some of the things that were attributed to  
14:06:32 37          you or he understood were said in the meeting, what he did  
14:06:38 38          have in his notes is that you were at a meeting at 9.30 on  
14:06:43 39          6 June?---Right.  
14:06:44 40  
14:06:44 41          And the notes indicate that he was having a meeting with  
14:06:47 42          Phil Masters, Rod Wilson, Simon Overland, with respect to  
14:06:55 43          Operation Khadi - - -?---Yes.  
14:06:56 44  
14:06:57 45          - - - at 9.30. Where would that meeting have been, if  
14:07:00 46          there was such a meeting with him?---I now don't know. I  
14:07:05 47          don't have a recollection of the meeting.

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14:07:07 1  
14:07:07 2 If he was having a one-on-one meeting with Phil Masters and  
14:07:12 3 you turned up to the meeting with Wilson, one assumes that  
14:07:15 4 it would have been in his office?---Look, again, I don't  
14:07:20 5 know. It could have been. It could have been in my  
14:07:22 6 office.  
14:07:23 7  
14:07:24 8 And Mr Wilson has a diary entry which says that at 9.30 he  
14:07:31 9 met with Assistant Commissioner Simon Overland, Phil  
14:07:37 10 Masters, regarding Operation Khadi - his Assistant  
14:07:43 11 Commissioner, being Cornelius, you, Assistant Commissioner  
14:07:47 12 at that stage, or perhaps Deputy Commissioner, but on the  
14:07:51 13 cusp of the two?---Yes, yeah.  
14:07:53 14  
14:07:54 15 Regarding Operation Khadi, "coercive hearing, discussion  
14:07:59 16 involving Nicola Gobbo, briefed by Simon re Gobbo and  
14:08:02 17 involvement with respect to human source. Needs to speak  
14:08:09 18 to Sandy White to coordinate issues"?---I understand. I  
14:08:13 19 understand all of that, yes, absolutely.  
14:08:16 20  
14:08:16 21 Then the source management log, on 6 June, it says,  
14:08:19 22 "Advised by Superintendent Wilson, ESD", that he's aware of  
14:08:22 23 the source ID, "informed by AC Overland after being  
14:08:26 24 referred to same by Super Biggin when inquiry made re  
14:08:30 25 putting TI on source phone. ESD working with the OPI re  
14:08:34 26 investigation of Richard Shields and [REDACTED]  
14:08:38 27 [REDACTED] police had intended to subpoena Ms Gobbo to OPI  
14:08:41 28 hearings and compel to answer questions and advised by  
14:08:45 29 Overland to contact SDU re same", et cetera. So there are  
14:08:49 30 those contemporaneous records?---Yep.  
14:08:51 31  
14:08:51 32 Which indicate that there was a meeting with you at 9.30 on  
14:08:55 33 6 June 2006 about those matters?---Yes, I accept that.  
14:09:03 34  
14:09:03 35 You're not suggesting, are you, that those officers,  
14:09:08 36 Cornelius and Wilson, made up those notes?---No, I'm not.  
14:09:13 37  
14:09:13 38 And you're not suggesting that that was some sort of a fake  
14:09:17 39 record to, in effect, put you in the picture?---No, I'm  
14:09:21 40 not.  
14:09:22 41  
14:09:22 42 And it may well be - can I suggest to you it is most likely  
14:09:26 43 that you were at a meeting and you did go to a meeting  
14:09:31 44 which went all morning, and we've seen that, that was  
14:09:36 45 tendered, but at 9.30 you had a meeting with these  
14:09:41 46 people?---Well, that's a possibility, but my diary has a  
14:09:46 47 reference at 9.30 to me being at - the abbreviation is

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14:09:50 1 ODSC. That sparked my memory that I thought it was the  
14:09:55 2 Org. Development Standing Committee and we asked for the  
14:09:58 3 minutes and the minutes indicate that I was at that  
14:10:01 4 meeting. All I can do is point out that there's an  
14:10:04 5 inconsistency between those things.  
14:10:06 6  
14:10:06 7 But what is, can I suggest, much more likely is that either  
14:10:09 8 at 9.30 or shortly - I withdraw that. At some stage after  
14:10:13 9 9.30, you joined that meeting?---Well, I don't know.  
14:10:17 10  
14:10:17 11 No, you don't, because what you do say is insofar as your  
14:10:22 12 diary is concerned, there's no record of this  
14:10:26 13 meeting?---No, but there is a record of me being somewhere  
14:10:31 14 else.  
14:10:31 15  
14:10:31 16 There's a record of you being - having to attend that  
14:10:36 17 meeting at 9.30?---Yes.  
14:10:38 18  
14:10:38 19 Right. Would there be a reason, perhaps, that you might  
14:10:45 20 deliberately refrain from putting into your diary any  
14:10:48 21 reference to a discussion about Nicola Gobbo?---Well, I was  
14:10:52 22 obviously careful about what I put into my diary - - -  
14:10:54 23  
14:10:55 24 Right?--- - - - about Nicola Gobbo, but I can't see a  
14:10:59 25 reason why I wouldn't have had an entry there.  
14:11:01 26  
14:11:01 27 Why you wouldn't have?---Why I wouldn't have had an entry  
14:11:04 28 of some kind. If I was somewhere else, that I had a - you  
14:11:07 29 know, it might have been, you know, whatever the time was,  
14:11:10 30 "meeting AC Cornelius", or whatever, if that's what I had  
14:11:14 31 done. Look, I can't explain it, other than to say you've  
14:11:18 32 put those matters to me, I've accepted them. With the  
14:11:21 33 benefit of looking at my diary, I found an entry that is  
14:11:27 34 contrary to what you've put to me.  
14:11:29 35  
14:11:30 36 All right. It would seem unlikely that two other police  
14:11:30 37 officers have recorded your attendance at a meeting at 9.30  
14:11:33 38 when that simply didn't occur?---I can't throw any more  
14:11:37 39 light on it. My evidence was I don't recall being at the  
14:11:41 40 meeting. Some of the matters you were putting to me about  
14:11:43 41 it just didn't ring any bells with me. I was struggling to  
14:11:46 42 make sense of it. I am not - you know, the notes are the  
14:11:50 43 notes, I'm not challenging those. It was just an example  
14:11:53 44 of an inconsistency between notes.  
14:11:56 45  
14:11:56 46 I follow that. Do you accept the proposition that  
14:11:59 47 certainly - you agree with this proposition: insofar as

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14:12:02 1 recording matters concerning Nicola Gobbo, you would be  
14:12:07 2 very cautious about putting those matters in your  
14:12:10 3 diary?---I was careful. Absolutely, I accept that, yes, I  
14:12:12 4 was careful, but there are cryptic references elsewhere,  
14:12:16 5 so, you know, I would find a way of doing that where I  
14:12:20 6 thought that was necessary.  
14:12:21 7  
14:12:21 8 All right. And it wouldn't be unheard of for you to attend  
14:12:27 9 a meeting, which was going to go for all of the morning,  
14:12:30 10 perhaps 10, 15 minutes late?---Look, that could happen, but  
14:12:40 11 - look, I don't know, maybe I'm placing too much store on  
14:12:43 12 this, but if you have a look at the people present, there's  
14:12:47 13 the person chairing the meeting and then I'm named, so - I  
14:12:50 14 may be reading too much into it, but I'm assuming I was  
14:12:52 15 there from the outset, otherwise I think my name might have  
14:12:55 16 been recorded later on.  
14:12:56 17  
14:12:56 18 Do you know where the ESD offices were?---Yes.  
14:12:59 19  
14:13:00 20 Where were they?---They were part of what's called the  
14:13:05 21 Victoria - what was called the Victoria Police complex, but  
14:13:08 22 that was three buildings down at the end of Flinders Street  
14:13:12 23 and there was a front tower, that was on Flinders Street,  
14:13:17 24 and there were two back towers and the ESD offices were in  
14:13:23 25 one of the back towers, so there was sort of a concourse  
14:13:27 26 that you had to get to and it was probably a three or four  
14:13:33 27 minute - five-minute walk from the - I don't know whether  
14:13:34 28 it's the main building, but the front building.  
14:13:35 29  
14:13:35 30 So the meeting that you have referred us to occurred on the  
14:13:40 31 10th floor of the front building, is that right?---The 10th  
14:13:42 32 floor of the front building, which is - - -  
14:13:42 33  
14:13:42 34 The ESD office is where?---It's in one of the rear  
14:13:45 35 buildings in the same complex, but in order to get there,  
14:13:48 36 you have to go down to a mezzanine level, walk through the  
14:13:54 37 mezzanine level into a lift and up to that.  
14:13:55 38  
14:13:55 39 So three to five minutes?---Three to five minutes.  
14:13:59 40  
14:14:07 41 In your evidence - and in your diaries, I might say -  
14:14:11 42 there's a reference to a person by the name of Dianne  
14:14:14 43 Preston?---Yes.  
14:14:17 44  
14:14:17 45 Who is she?---She was, I think, a Victorian Government  
14:14:22 46 Solicitor but attached to Victoria Police. There was an  
14:14:25 47 out-posted legal - VGS0 unit attached to Victoria Police

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14:14:30 1 and I think she was part of that.  
14:14:32 2  
14:14:33 3 As we understand it, the VGSO had solicitors who worked  
14:14:41 4 within Victoria Police?---Yes.  
14:14:42 5  
14:14:43 6 The Crime Department itself had their own lawyers?---I  
14:14:48 7 think there were a couple of lawyers as part of the Major  
14:14:52 8 Fraud area.  
14:14:52 9  
14:14:52 10 Right. I think Mr McRae, in due course, is going to say  
14:14:56 11 that there were about - there were a number of lawyers,  
14:14:58 12 perhaps six - I don't know exactly, but somewhere around  
14:15:01 13 that - who were actually within the Crime Department who  
14:15:04 14 didn't report to Mr McRae. They were the Crime  
14:15:08 15 Department's own lawyers?---Look, again, my recollection,  
14:15:19 16 and I again stand to be corrected, is I think there were a  
14:15:22 17 couple of legally qualified lawyers as part of Major Fraud,  
14:15:25 18 but yep.  
14:15:26 19  
14:15:27 20 Ms Preston was a person who you were obviously used to  
14:15:32 21 speaking to about legal matters with respect to the Crime  
14:15:38 22 Department?---Yes. This was a particular issue that had  
14:15:44 23 arisen in the course of a trial and we needed to get  
14:15:47 24 advice, yes.  
14:15:47 25  
14:15:47 26 And that was with respect to Solicitor 2, I  
14:15:50 27 think?---Solicitor 2, yes.  
14:15:51 28  
14:15:51 29 And I think there were other - are there other occasions  
14:15:53 30 when you have recourse to Ms Preston?---Yes, I also, I  
14:15:58 31 think, dealt reasonably extensively with her around the  
14:16:04 32 management of another person who's referred to in my  
14:16:07 33 diaries, and I don't want to go too far into that because  
14:16:10 34 there are some sensitivities about it, but it was about the  
14:16:13 35 management of that individual.  
14:16:14 36  
14:16:16 37 There were other lawyers to whom you could speak if you  
14:16:19 38 wanted to - - -?---Yes.  
14:16:20 39  
14:16:21 40 - - - within Victoria Police?---Yes.  
14:16:23 41  
14:16:24 42 Mr McRae, I think, started in - somewhere in 2006?---Look,  
14:16:30 43 that - I don't recall, but I accept that, if that's what  
14:16:34 44 you are putting to me.  
14:16:35 45  
14:16:35 46 And you had a direct line to him if you wanted to speak to  
14:16:38 47 him?---I could talk to him, yes.

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14:16:40 1  
14:16:40 2 If you had any concerns about any matter?---Yes.  
14:16:42 3  
14:16:45 4 Now, what you say is that you had very real concerns about  
14:16:58 5 the risks associated with using a barrister as a human  
14:17:03 6 source?---Yes.  
14:17:04 7  
14:17:05 8 And if things weren't done absolutely properly, then there  
14:17:11 9 was the real potential for miscarriages in the judicial  
14:17:17 10 process?---That was one of the risks, yes.  
14:17:22 11  
14:17:22 12 You didn't have any experience at all of, prior to the  
14:17:26 13 registration of Ms Gobbo, of a barrister being used as a  
14:17:31 14 human source?---Not as a human source, no.  
14:17:33 15  
14:17:33 16 Or any lawyer at all?---Well - - -  
14:17:38 17  
14:17:39 18 As a human source?---Not as a human source, no.  
14:17:40 19  
14:17:45 20 Mr Nathwani asked you some questions about whether or not  
14:17:49 21 there were attempts to - attempts made to target Ms Gobbo  
14:17:54 22 particularly, and I think he referred to a circumstance  
14:17:57 23 where she was vulnerable having had a stroke, and you say,  
14:18:01 24 "Well, look" - - -?---And I think you asked me about that  
14:18:03 25 as well.  
14:18:03 26  
14:18:03 27 Yes. Do you say that there was no - that the Crime  
14:18:14 28 Department did not have any process whereby it would target  
14:18:19 29 individuals of a particular sort to assist as  
14:18:26 30 informers?---Well, it was - it's a general role of  
14:18:31 31 detectives - or it was a general role of detectives to  
14:18:33 32 think about potential sources of information and, if  
14:18:37 33 possible, to target or identify those sources, yes.  
14:18:42 34  
14:18:42 35 We do know, because we've got an exhibit which was - it's  
14:18:48 36 called, "Review and develop best practice human source  
14:18:52 37 management" and it was a policy document which was  
14:18:55 38 established during the course of the setting up of the SDU  
14:18:58 39 or the DSU?---Yes.  
14:19:00 40  
14:19:01 41 And one of the chapters in that - or one of the headings in  
14:19:08 42 that deals with the recruitment of human sources and  
14:19:13 43 included within that is the proactive recruitment of people  
14:19:18 44 with specialist or having specialist occupations?---Yes.  
14:19:21 45  
14:19:21 46 Now, do you think that that was something that might have  
14:19:28 47 been relevant to the decision to recruit Ms Gobbo, that



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14:19:33 1 sort of thought or that sort of consideration?---Well, it  
14:19:37 2 might have been. I think it goes to matters that I've  
14:19:42 3 covered previously. I think particularly with more  
14:19:45 4 sophisticated organised crime, they do tend to have  
14:19:50 5 professional advisers, often around laundering and  
14:19:55 6 concealing assets, and those people are well worth  
14:19:58 7 targeting because - I mean, to put it crudely, they're  
14:20:02 8 often easier to roll and they have lots of information.  
14:20:05 9  
14:20:05 10 Accountants, for example?---Accountants, for example, yes.  
14:20:07 11  
14:20:07 12 People who are holding money?---Yes.  
14:20:09 13  
14:20:10 14 Or laundering money on behalf of them?---Yes.  
14:20:13 15  
14:20:15 16 What about lawyers?---Well, look, to be honest, I don't  
14:20:21 17 recall specifically even considering lawyers as part of  
14:20:25 18 that review. If you'd said to me we should target the  
14:20:33 19 recruitment of a lawyer, that causes me some discomfort.  
14:20:36 20  
14:20:37 21 Yes?---That was not my understanding as to the  
14:20:39 22 circumstances under which she came to Victoria Police. I  
14:20:41 23 think there would be all sorts of reasons why you wouldn't  
14:20:47 24 do that unless you had - and I don't mean to sort of  
14:20:53 25 descend to semantics, but unless you had very good reason  
14:20:57 26 to believe that that lawyer was in fact just behaving as a  
14:21:01 27 criminal and that - you know, there may be good reasons  
14:21:06 28 there, but I think you really need to look at it on a  
14:21:11 29 case-by-case basis and be careful about that. Can I say  
14:21:14 30 this, because I do understand the issue about lawyers being  
14:21:18 31 used as sources. It was not unknown in my career for  
14:21:22 32 solicitors and lawyers to provide information to police  
14:21:25 33 from time to time and I think there needs to be some care  
14:21:29 34 because sometimes lawyers can be put in very difficult  
14:21:32 35 positions with clients through no fault of their own, and  
14:21:35 36 it was actually in their best interests to let police know  
14:21:39 37 things. Most graphic example I can give is I was involved  
14:21:43 38 in the investigation of the murder of Assistant  
14:21:47 39 Commissioner Colin Winchester, and that was the trial I  
14:21:51 40 referred to when I said there was a retrial I had to go to  
14:21:54 41 that was a 30 year old murder, it was that matter. There  
14:21:55 42 was a solicitor involved in that matter who, at one point,  
14:21:58 43 came to us and said, "Look, if anything untoward happens to  
14:22:02 44 me, you should look in my safe". So, you know,  
14:22:06 45 particularly criminal lawyers dealing with some of these  
14:22:09 46 people, they can find themselves in a really difficult  
14:22:12 47 position, as I say, through no fault of their own, and

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14:22:16 1 sometimes the sensible and appropriate thing to do is to  
14:22:19 2 tell police stuff.  
14:22:20 3  
14:22:21 4 Incidentally, you went away in October of 2006 to the  
14:22:24 5 United States?---Yes.  
14:22:26 6  
14:22:26 7 Did you have meetings over there with law enforcement  
14:22:29 8 authorities?---Yes, I did.  
14:22:30 9  
14:22:31 10 Did you know in that period of time that law enforcement  
14:22:35 11 authorities in the United States were using lawyers as  
14:22:37 12 human sources?---No, I didn't, but I wasn't meeting about  
14:22:40 13 that. I actually went to a program at Harvard and then  
14:22:44 14 after that I was specifically interested in trying to work  
14:22:48 15 out how law enforcement agencies evaluated their  
14:22:53 16 effectiveness against organised crime and looking for  
14:22:56 17 information about that.  
14:22:58 18  
14:22:58 19 Right. Did you meet with members of the FBI?---I did.  
14:23:02 20  
14:23:11 21 Now, you were asked questions about the presentation - I  
14:23:14 22 think Mr Nathwani asked you about there was a presentation  
14:23:20 23 given to the Chief Commissioner on 16 August at which  
14:23:23 24 Mr O'Brien was present and I think his notes indicate that  
14:23:28 25 you were present and that presentation, I think, was put up  
14:23:35 26 on the screen?---Yes, I remember seeing it, yes.  
14:23:38 27  
14:23:38 28 You don't say you weren't present at that meeting?---I  
14:23:41 29 don't remember being there and I don't remember seeing the  
14:23:44 30 presentation and, as I said yesterday - I think you  
14:23:47 31 suggested it was a presentation that was going to be given  
14:23:49 32 to the Premier and there is no way known I would have let a  
14:23:54 33 presentation like that go anywhere near the Premier. I did  
14:23:57 34 brief the Premier on a number of occasions in 2004 and I  
14:24:02 35 gave him no operational information at all, because I  
14:24:05 36 didn't think that was appropriate.  
14:24:07 37  
14:24:07 38 Right. But you wouldn't be - the document that you saw,  
14:24:13 39 that was put to you, wouldn't be problematic to put to the  
14:24:17 40 Chief Commissioner?---Not to the Chief Commissioner, no.  
14:24:19 41  
14:24:19 42 Or to other members of Victoria Police who were interested  
14:24:22 43 in that area?---No, it wouldn't have been.  
14:24:26 44  
14:24:27 45 It may well be that - and there was a briefing to the  
14:24:29 46 Premier, I think, on 29 August 2006. Now, it may not have  
14:24:34 47 contained that same - - - ?---I would hope not, because it

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14:24:37 1 would have been entirely inappropriate, and I can't imagine  
14:24:40 2 that the Premier's staff would have let anything like that  
14:24:43 3 near him anyway.  
14:24:44 4  
14:24:44 5 You wouldn't have permitted the details of that - - -?---I  
14:24:48 6 wouldn't have permitted it, no, I wouldn't have.  
14:24:49 7  
14:24:49 8 But if you were concerned, for example, that issues - I  
14:24:50 9 think one of the issues that was raised in one of the  
14:24:52 10 slides concerned problems associated with legal  
14:24:57 11 professional privilege - I'm sorry, PII matters being a  
14:25:00 12 threat to the operation, that's one of the slides. That  
14:25:03 13 might be something that you might raise with the Premier,  
14:25:06 14 problems associated with PII and difficulties that might  
14:25:10 15 cause?---I doubt it. I doubt it very much.  
14:25:12 16  
14:25:13 17 In any event, if notes suggest that you were at a briefing,  
14:25:16 18 again you'd say, "Well, look, whilst I can't recall it, if  
14:25:20 19 someone says that I'm at a briefing, unless there's reason  
14:25:23 20 to suggest I was elsewhere, it may well be that my memory  
14:25:28 21 simply fails me"?---It could be, absolutely.  
14:25:31 22  
14:25:31 23 In any event, by that stage, can I suggest that you would  
14:25:36 24 have been pretty well across Operation Posse and the sorts  
14:25:40 25 of methods and means that were being used to pursue those  
14:25:50 26 criminals?---Yes, but I think by that stage, I think that -  
14:25:57 27 I think most of the domestic - the targets who were still  
14:26:02 28 in Australia had been arrested.  
14:26:04 29  
14:26:04 30 Yes?---And I think Mr Mokbel had fled. I don't think at  
14:26:11 31 that stage we'd worked out he was in Greece, I think he was  
14:26:15 32 still in the land of the missing.  
14:26:17 33  
14:26:18 34 And I think certainly Milad Mokbel had been arrested and a  
14:26:22 35 number of other targets of that operation had been  
14:26:25 36 arrested?---Had been arrested, yes.  
14:26:26 37  
14:26:28 38 So it had been, to that stage, a pretty successful  
14:26:30 39 operation?---It had been.  
14:26:31 40  
14:26:32 41 And you were aware that Ms Gobbo was an integral part of  
14:26:36 42 that operation?---I was.  
14:26:37 43  
14:26:47 44 Do you recall having a meeting with members of the DPP  
14:26:55 45 concerning a decision that had been made by Justice King  
14:26:58 46 about disclosure? That was around mid-August 2016. I  
14:27:07 47 think I asked you about that previously - 2006?---I'm

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14:27:13 1 sorry, I'm - well, I had a number of meetings with the DPP  
14:27:22 2 about disclosure.  
14:27:24 3  
14:27:25 4 Yes?---Again, I'm tempted to ask is there a reference in my  
14:27:29 5 diary to that meeting?  
14:27:30 6  
14:27:30 7 I think, unfortunately - your diary finishes, I think - -  
14:27:35 8 -?---Okay.  
14:27:36 9  
14:27:36 10 I don't think you kept notes at that stage?---Okay. Look,  
14:27:41 11 I probably did - I possibly did, yes.  
14:27:43 12  
14:27:43 13 And it would be clear enough that you didn't raise any  
14:27:46 14 issues about the fact that there was an informer integral  
14:27:51 15 to that operation, who happened to be a barrister?---What  
14:27:54 16 was the - what was the matter, I'm sorry? I'm - - -  
14:28:00 17  
14:28:00 18 I'm sorry, it - righto. It related to a person who I can't  
14:28:16 19 - perhaps I can talk about PII [REDACTED] and  
14:28:20 20 Gobbo involvement, disclosure in relation to those matters.  
14:28:24 21  
14:28:24 22 COMMISSIONER: And he has Exhibit 81 as well.  
14:28:28 23  
14:28:29 24 MR WINNEKE: Yes?---Right.  
14:28:33 25  
14:28:33 26 Concerning the trial of PII [REDACTED]?---About disclosure?  
14:28:46 27 I don't know whether I was there. I can't recall.  
14:28:49 28  
14:28:58 29 I just want to ask you about - you've been asked questions  
14:29:01 30 about Commander Purton and his role. What's your  
14:29:13 31 recollection of his position, Commander Purton, in around  
14:29:20 32 September/October of 2005?---As in what position was he in  
14:29:27 33 at that time?  
14:29:28 34  
14:29:28 35 Yes?---I think Commander Crime.  
14:29:31 36  
14:29:31 37 Right. Now, it was your understanding that in February  
14:29:43 38 2006 - do you recall whether he remained in that position  
14:29:46 39 or did he go elsewhere?---I think at some point he moved on  
14:29:54 40 to another role, but I don't specifically recall when.  
14:29:56 41  
14:29:57 42 What was the line of authority - when he moved on to  
14:30:01 43 another role, what was the position with respect to the  
14:30:04 44 line of authority at that stage?---As in who filled the  
14:30:12 45 vacancy?  
14:30:13 46  
14:30:13 47 Yes?---I don't recall now whether it was done on an acting

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14:30:16 1 basis. I don't recall.  
14:30:18 2  
14:30:18 3 I'm trying to establish who - Mr O'Brien reported, you say,  
14:30:23 4 for the most part, reported to either you or  
14:30:27 5 Mr Purton?---Well, no, I thought the chain was through John  
14:30:30 6 Whitmore, who was a Detective Superintendent, through Terry  
14:30:37 7 Purton to me, that was my understanding of the chain.  
14:30:39 8  
14:30:40 9 And when Mr Purton left to go elsewhere?---I don't remember  
14:30:46 10 who came into the role.  
14:30:47 11  
14:30:47 12 It may be that no-one came into the role in about February  
14:30:51 13 of 2006?---I'm sorry, I just don't - I don't recall.  
14:30:59 14  
14:31:00 15 Do you recall there being anyone else in that line of  
14:31:03 16 authority in that significant period of time between  
14:31:07 17 November of 2006 through to April of 2000 - September 2005  
14:31:16 18 through to April of 2006?---Clearly Terry was there - Terry  
14:31:24 19 was there for some of the time. I'd have thought all of  
14:31:27 20 the time, but again, stand to be corrected. My  
14:31:30 21 recollection is John Whitmore was there through that time  
14:31:34 22 and Purana was - reported through John Whitmore to Terry  
14:31:39 23 Purton to me.  
14:31:40 24  
14:31:40 25 And you say that you directed that Purton be given a full  
14:31:44 26 briefing on Ms Gobbo's involvement in 2005?---Yes.  
14:31:49 27  
14:31:49 28 Do you recall having any other person briefed in the same  
14:31:57 29 manner after he left?---No, I don't, but I assume if  
14:32:09 30 someone took over from him, they would have - they would  
14:32:12 31 have taken that on, but again, I just don't - I don't  
14:32:15 32 recall who that was or what happened, or even when it was  
14:32:19 33 that he left, to be honest.  
14:32:20 34  
14:32:27 35 You were asked questions about - I think by Mr Chettle -  
14:32:35 36 about an email which suggested that you were involved in  
14:32:50 37 communications concerning the taping by Ms Gobbo of a  
14:32:54 38 meeting that she might have with David Waters?---Yes.  
14:32:57 39  
14:32:58 40 And the email suggested that you were to speak to Sandy  
14:33:03 41 White about that?---Yes.  
14:33:03 42  
14:33:03 43 And you have no recollection of being involved in  
14:33:06 44 that?---No, I don't.  
14:33:08 45  
14:33:11 46 Mr Cornelius, in his statement, notes that, at paragraph  
14:33:20 47 70, "I recall we were keen to understand from 3838 what was

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14:33:23 1 discussed at the meeting with Waters and Lalor. We agreed  
 14:33:27 2 to take the opportunity, through the Human Source  
 14:33:31 3 Management Unit, through Sandy White, to ask Ms Gobbo to  
 14:33:33 4 engage in a further pretext conversation with Waters and  
 14:33:38 5 Lalor. It was intended that the conversation would be  
 14:33:40 6 PII in order to corroborate what she had told police  
 14:33:43 7 about Waters and Lalor's involvement with the  
 14:33:48 8 person"?---Right.  
 14:33:48 9  
 14:33:49 10 That's - he's talking about - - -?---Is that at the  
 14:33:52 11 relevant - that's at the relevant time?  
 14:33:55 12  
 14:33:55 13 At the relevant time?---Right.  
 14:33:56 14  
 14:33:57 15 Does that assist you in your recollection?---Look, I have a  
 14:34:03 16 general recollection about discussions about the propensity  
 14:34:10 17 for Ms Gobbo to get information from that particular  
 14:34:13 18 individual.  
 14:34:13 19  
 14:34:13 20 Yes?---I don't specifically remember a discussion about a  
 14:34:18 21 PII, but, you know, there were  
 14:34:22 22 ongoing issues about her interaction with that individual  
 14:34:25 23 and another and the potential for her to either get  
 14:34:28 24 evidence or to perhaps assist investigations by  
 14:34:32 25 PII other PII  
 14:34:35 26 PII.  
 14:34:36 27  
 14:34:37 28 You accept then that, given that's what Mr Cornelius is  
 14:34:40 29 saying about what the board of management were thinking of  
 14:34:44 30 doing at the time and that there's a note to the effect  
 14:34:48 31 that you're going to speak to Sandy White about that, it  
 14:34:51 32 may well have - - - ?---It may well have happened.  
 14:34:54 33  
 14:34:54 34 Again, it's something you simply don't recollect?---No, I  
 14:34:58 35 don't.  
 14:34:59 36  
 14:35:00 37 All right. Now, you were asked questions about a meeting  
 14:35:08 38 that you had with Paul Coghlan, who was then the  
 14:35:16 39 DPP?---Yes.  
 14:35:16 40  
 14:35:16 41 On 19 April 2006, with respect to an adjournment?---Yes.  
 14:35:21 42  
 14:35:23 43 Now, you knew at that stage why the adjournment was being  
 14:35:27 44 sought? You would have?---Sorry, I'm just trying to  
 14:35:30 45 remember what the matter was. The adjournment was the - -  
 14:35:33 46 -  
 14:35:33 47



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14:35:33 1 This was the matter with respect to the person whose PII [REDACTED]  
14:35:37 2 PII [REDACTED] had been found?---Yes. Yes, I remember now.  
14:35:39 3  
14:35:40 4 There was concern that he mightn't be caught up to his  
14:35:43 5 armpits in incriminating material?---I understand. I'm  
14:35:48 6 with you now, sorry.  
14:35:49 7  
14:35:49 8 You knew his part in that operation?---Yes.  
14:35:51 9  
14:35:51 10 That is that he was the person who carried out a particular  
14:35:56 11 role with respect to Mr Mokbel?---Yes.  
14:35:59 12  
14:36:00 13 And the importance of catching him on a PII [REDACTED] - -  
14:36:06 14 - ?---Yep, that was part of the strategy, yep.  
14:36:09 15  
14:36:09 16 And he had a PII [REDACTED] coming up?---Yep.  
14:36:12 17  
14:36:12 18 And it was important to ensure that you got the evidence  
14:36:16 19 that you needed and then utilise him in the way that you  
14:36:18 20 wanted to utilise him to get the Mokbel people?---Yep.  
14:36:21 21  
14:36:22 22 So that was the Posse plan really coming to fruition. So  
14:36:28 23 you go and see Mr Coghlan, the DPP, with a view to seeking  
14:36:33 24 an adjournment?---Yes.  
14:36:34 25  
14:36:35 26 Of his PII [REDACTED]?---Yes.  
14:36:36 27  
14:36:37 28 Now, can I suggest to you that you would have known at that  
14:36:43 29 stage where the information was coming from that enabled  
14:36:51 30 the detectives to find his PII [REDACTED]y?---Well, yes, I'd  
14:36:54 31 have known that that information - yes, about that, yes.  
14:36:57 32  
14:36:58 33 Was coming from Ms Gobbo?---Yes.  
14:36:59 34  
14:36:59 35 A barrister?---Yes.  
14:37:00 36  
14:37:00 37 It was a perfect opportunity for you, in a meeting with  
14:37:04 38 Mr Coghlan, to tell him what you were doing?---Well, we  
14:37:10 39 did, in general terms, and we were talking to him about the  
14:37:12 40 possibility of getting an adjournment.  
14:37:14 41  
14:37:14 42 You didn't - what I'm referring to - - - ?---I understand.  
14:37:19 43 I did and I didn't tell him that.  
14:37:21 44  
14:37:22 45 You didn't tell him?---No.  
14:37:22 46  
14:37:23 47 And you say, "We've got no" - "I had no compunction, no

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14:37:25 1 problem at all about telling prosecutors about our  
14:37:28 2 informers. In fact, it was important the prosecution  
14:37:30 3 should know"?---As part of a brief of evidence, yes.  
14:37:33 4  
14:37:37 5 So you would say, "Look, at that stage there was no reason  
14:37:40 6 for me to tell Mr Coghlan"?---No.  
14:37:42 7  
14:37:47 8 Subsequently, well down the track, when, for example, you  
14:38:04 9 say you decided to transition Ms Gobbo from being an  
14:38:13 10 informer to a witness, one of the concerns that were being  
14:38:17 11 expressed by the handlers, the SDU, was, "Look, if this  
14:38:23 12 happens, she's going to be exposed"?---Yes.  
14:38:26 13  
14:38:29 14 There'll need to be disclosure?---Yes.  
14:38:31 15  
14:38:33 16 Would you have been of the view at that stage that there  
14:38:36 17 would have already been disclosure to the appropriate  
14:38:39 18 authorities, to the prosecution?---Well, I assume so, to  
14:38:42 19 the extent necessary, yes.  
14:38:44 20  
14:38:44 21 You must have been surprised at that stage - if people were  
14:38:48 22 suggesting that there are all sorts of problems with  
14:38:52 23 disclosure, you would have assumed, wouldn't you, that by  
14:38:55 24 that stage there would have been appropriate disclosure  
14:38:57 25 already?---Yes.  
14:38:58 26  
14:38:58 27 Because a number of these people had gone to  
14:39:00 28 prosecution?---Yes.  
14:39:01 29  
14:39:01 30 Did you say, "What are you talking about? Hasn't there  
14:39:05 31 already been disclosure to the prosecution about  
14:39:11 32 this"?---Well, again, I don't recall having those  
14:39:14 33 conversations, but I wasn't concerned by disclosure.  
14:39:17 34  
14:39:17 35 I follow that, but wouldn't you have said, "What are you  
14:39:20 36 worried about? There must have been disclosure already,  
14:39:24 37 the courts must have ruled on this issue already. We've  
14:39:27 38 had prosecutions." Didn't you - - -?---I don't recall  
14:39:29 39 doing that.  
14:39:30 40  
14:39:30 41 What about when you had the meeting with Mr McRae arising  
14:39:33 42 out of the civil litigation? There was the whiteboard and  
14:39:36 43 there was discussions about the fact that she'd been a  
14:39:39 44 registered informer from 2005 through to 2009 and the  
14:39:43 45 problems that would ensue if you run a defence about the  
14:39:46 46 fact that she's been an informer? Wouldn't you have said,  
14:39:51 47 "Look, there's been disclosure already about all of this",

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14:39:53 1 surely?---But my recollection - my evidence is that I  
14:39:57 2 always assumed - well, by that stage I assumed her identity  
14:40:01 3 was likely to come out through disclosure anyway.  
14:40:04 4  
14:40:04 5 Did you say, "Look, it must have already occurred"?---I  
14:40:07 6 don't recall that.  
14:40:08 7  
14:40:08 8 You knew it hadn't occurred?---No, I didn't.  
14:40:12 9  
14:40:12 10 MR GLEESON: Commissioner, I object to this. I'm not sure  
14:40:14 11 of the process that has been adopted so far during the  
14:40:20 12 Commission, but does Mr Winneke just get a second go? This  
14:40:23 13 doesn't arise out of cross-examination. If he's just  
14:40:25 14 thought up some more questions - - -  
14:40:25 15  
14:40:25 16 COMMISSIONER: The rules of evidence don't apply.  
14:40:27 17  
14:40:28 18 MR GLEESON: Of course. The rules of fairness do, though,  
14:40:31 19 and how long is Mr Overland to be submitted to  
14:40:35 20 cross-examination just because counsel has another idea?  
14:40:37 21 With respect, there has to be an end, and he has addressed  
14:40:41 22 this very topic with him, there's nothing new.  
14:40:44 23  
14:40:45 24 MR WINNEKE: Mr Gleeson, with respect, in my submission,  
14:40:48 25 did raise issues which squarely permit me to ask questions  
14:40:52 26 along these lines.  
14:40:53 27  
14:40:54 28 COMMISSIONER: Yes. Well, I'll allow the questions to be  
14:40:56 29 asked.  
14:40:57 30  
14:41:03 31 MR WINNEKE: You say, "Look, I was comfortable about  
14:41:07 32 disclosure occurring, I never had any problem with  
14:41:09 33 disclosure." But can I suggest to you that that can't be  
14:41:13 34 right because by 2010 you were well aware that there hadn't  
14:41:19 35 been disclosure?---No, that's not the case.  
14:41:21 36  
14:41:21 37 What about the Dale committal? Did you think there was  
14:41:24 38 disclosure - - -?---No. I just wasn't as close to these  
14:41:27 39 things as you seem to think I was. I wasn't involved in  
14:41:30 40 prosecutions, I didn't see briefs of evidence, I didn't  
14:41:33 41 follow the court cases, I just wasn't as close or as  
14:41:36 42 involved as your questions suppose me to have been.  
14:41:39 43  
14:41:40 44 Can I suggest this to you, Mr Overland: you say that you  
14:41:45 45 had all these other things to do, that you had - you're a  
14:41:49 46 very busy man, there were all sorts of criminal activities  
14:41:53 47 going on, but this was a particular matter where it was

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14:41:58 1 absolutely incumbent upon you, knowing, as you did, that  
14:42:02 2 this was a very, very sensitive issue, to keep yourself  
14:42:11 3 apprised of what was going on. You're having a barrister  
14:42:15 4 registered?---No, I didn't register a barrister.  
14:42:18 5  
14:42:24 6 If you considered that Ms Gobbo should not have been  
14:42:27 7 registered, that would not have occurred?---No, no.  
14:42:32 8  
14:42:32 9 It was your team which wanted her registered?---No. We've  
14:42:35 10 addressed this. I think I would have been - I was very  
14:42:38 11 reluctant to intervene in a process that was covered by a  
14:42:43 12 Chief Commissioner's instruction and was being pursued  
14:42:47 13 through what I considered at the time to be proper  
14:42:50 14 channels. It would have been an extraordinary thing for me  
14:42:54 15 to intervene in that, at that point.  
14:42:57 16  
14:42:57 17 It was your investigators - it was Mr Hill who asked for  
14:43:00 18 the assistance in the first place?---So I now understand,  
14:43:04 19 but at the time what I was told was that she had come to  
14:43:10 20 Victoria Police seeking assistance because of the fears  
14:43:12 21 that she held about her association with the Mokbel  
14:43:15 22 syndicate and Tony Mokbel in particular.  
14:43:16 23  
14:43:17 24 It was your investigators, Mr O'Brien, who was having her  
14:43:22 25 sent to the SDU, you're aware of that?---I'm aware of that  
14:43:25 26 now, yes.  
14:43:26 27  
14:43:26 28 You say that you were concerned about the great risks posed  
14:43:31 29 to the integrity of justice?---I was concerned about a  
14:43:34 30 series of risks posed by her becoming an informer.  
14:43:39 31  
14:43:39 32 And this was precisely the situation where you had to keep  
14:43:44 33 yourself apprised of what was going on?---And I believed I  
14:43:47 34 did.  
14:43:47 35  
14:43:49 36 To find out who she was acting for?---No. That was not my  
14:43:54 37 role.  
14:43:54 38  
14:43:55 39 Well, you knew who she was acting for and you knew she was  
14:43:58 40 acting for the Mokbel people?---I knew she had acted for  
14:44:02 41 various people. I didn't know who she was acting for at  
14:44:06 42 any given point in time. I was an Assistant Commissioner  
14:44:09 43 Crime, so I was entitled to, as I did, rely on those under  
14:44:13 44 me to do their best to manage that situation. That's what  
14:44:17 45 I thought was occurring at all time and at no time was  
14:44:21 46 information given to me that suggested otherwise.  
14:44:23 47

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14:44:23 1 I think you said in cross-examination that there were other  
14:44:26 2 things that could have been done?--Well, now, knowing what  
14:44:29 3 I know and given everything that's transpired, the obvious  
14:44:32 4 answer to that question is yes.  
14:44:34 5  
14:44:34 6 What were they? What could they have been?--Well, again,  
14:44:37 7 I think there's better support that could have been given  
14:44:40 8 to the SDU, additional resources. I think, you know, we  
14:44:47 9 could have, should have, gone and got better legal advice.  
14:44:51 10 I think there's clearly issues that should have been better  
14:44:54 11 communicated to the investigators so that, you know - I  
14:44:57 12 mean, I assumed everyone was on the one page about the  
14:45:00 13 legal risks that needed to be managed. That would appear  
14:45:04 14 not to be the case, so clearly there's more that could have  
14:45:07 15 been done around that.  
14:45:08 16  
14:45:08 17 Do you accept that you should have got legal advice?--No,  
14:45:11 18 I don't.  
14:45:12 19  
14:45:13 20 Do you accept that you were quite able to get legal advice  
14:45:16 21 or speak to one of your in-house lawyers?--Of course I  
14:45:20 22 could get legal advice if I needed it.  
14:45:22 23  
14:45:22 24 You said to Mr Gleeson that you were aware that there could  
14:45:25 25 be an inquiry?--Yes.  
14:45:26 26  
14:45:26 27 A Royal Commission about this?--Yes.  
14:45:28 28  
14:45:28 29 If that's the case - if you were aware of that at the  
14:45:32 30 outset and the significant issues involved in it, why  
14:45:33 31 didn't you get legal advice at the very outset?--Again,  
14:45:36 32 we've covered this at length.  
33  
14:45:39 34 What's the answer?--Well, I believed that, on the  
14:45:43 35 investigation side, those issues would be picked up through  
14:45:46 36 the discovery process and on the informer management side,  
14:45:50 37 that was an issue for the SDU and that command to worry  
14:45:54 38 about.  
14:45:54 39  
14:45:55 40 So in answer to your concern - or at least the response to  
14:45:57 41 any concern that you had about the potential for a Royal  
14:46:02 42 Commission, or something along those lines, your assumption  
14:46:06 43 is, "Look, it would have been sorted out through the  
14:46:08 44 discovery process"?--No, I think that's putting words in  
14:46:12 45 my mouth. I believed that the SDU was appropriately - at  
14:46:16 46 the time had been set up for, you know, this very purpose.  
14:46:21 47 I believe that we'd gone through an exercise of seeking to

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14:46:24 1 identify world's best practice and adopt that in Victoria  
14:46:27 2 Police. I appreciate it was early days, so it wasn't going  
14:46:30 3 to be perfect, but I thought that that Unit was very well  
14:46:34 4 placed to manage a source of that nature and that they  
14:46:37 5 would be - given the experience and given the people who  
14:46:44 6 were there, I thought they would be well able to do that.  
14:46:47 7  
14:46:48 8 Right. So in terms of your responsibility, as the  
14:46:58 9 Assistant Commissioner of crime, for the process of  
14:47:03 10 registering Ms Gobbo and the commencement of her using - of  
14:47:07 11 using Ms Gobbo as an informer, you say, "Well, look, that  
14:47:11 12 wasn't my responsibility"?---No, it wasn't.  
14:47:14 13  
14:47:16 14 You say you couldn't have put a stop to it?---Well, I  
14:47:28 15 don't - I don't know. I mean, it's covered by a Chief  
14:47:31 16 Commissioner's instruction. I guess at the end of the day,  
14:47:35 17 I could have - I could have raised issues, but again, I've  
14:47:39 18 talked through the reasons that I didn't, that having  
14:47:42 19 considered what I understood to be the reason that she'd  
14:47:46 20 come forward, considering all the issues, I understood and  
14:47:49 21 I thought that that was the best option available at that  
14:47:52 22 time.  
14:47:52 23  
14:47:54 24 When you became the Deputy Commissioner, did you have any  
14:47:59 25 responsibility or authority then for the continuation of  
14:48:02 26 the use of Ms Gobbo?---Well, other than being on the  
14:48:06 27 committees overseeing Briars and Petra, no. The  
14:48:11 28 reporting lines continued to be directly through to the  
14:48:15 29 Chief Commissioner. I wasn't in line.  
14:48:18 30  
14:48:19 31 Can we have a look - have you got your diary there for 17  
14:48:23 32 July 2006? Have we got Mr Purton's diary there also,  
14:48:34 33 please, for that date? The actual diary, not the -  
14:48:45 34 Mr Purton's actual diary. Mr Overland, what's an EMT  
14:48:58 35 meeting?---Executive management team.  
14:49:01 36  
14:49:01 37 Did you attend those meetings and did you attend one of  
14:49:04 38 those on 17 July 2006?---It appears so, yes.  
14:49:07 39  
14:49:08 40 And who was the attendees at that meeting?---I don't have  
14:49:12 41 it recorded.  
14:49:12 42  
14:49:12 43 You don't record that?---No.  
14:49:14 44  
14:49:14 45 Would Mr Purton have been there?---Quite possibly, yes.  
14:49:17 46  
14:49:19 47 His diary says that SO keeps responsibility for crime intel



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14:49:24 1 and SDM and in 12 months reassess. What does that  
14:49:30 2 indicate?---Sorry, can you read that to me again?  
14:49:35 3  
14:49:36 4 "SO", Simon Overland, "keeps responsibility for crime intel  
14:49:41 5 and SDM, and Kieran Walsh, risk and strategy and CT - DC  
14:49:54 6 and CT", counter terrorism?---I don't know.  
14:49:57 7  
14:49:58 8 What about "DC"?---I don't know what that refers to.  
14:50:01 9  
14:50:01 10 And third position not filled?---I don't know what that's  
14:50:07 11 referring to.  
14:50:08 12  
14:50:09 13 If the decision was that you keep responsibility for intel,  
14:50:15 14 what does that mean?---Well, I don't know.  
14:50:18 15  
14:50:18 16 Does that mean that you are responsible for the SDU and - -  
14:50:22 17 - ?---No.  
14:50:22 18  
14:50:23 19 And the units underneath it?---No.  
14:50:25 20  
14:50:25 21 What does it mean?---I don't know. You'll have to ask  
14:50:28 22 Mr Purton. It's his entry, not mine.  
14:50:31 23  
14:50:31 24 What is the SDM?---I don't know.  
14:50:34 25  
14:50:36 26 Now, subsequently you speak to - or Mr Biggin has you  
14:50:43 27 involved in discussions dealing with issues as to whether  
14:50:51 28 or not Ms Gobbo should remain registered?---Yes.  
14:50:56 29  
14:50:56 30 Right. Does that suggest that you have a responsibility  
14:51:01 31 for that decision-making process?---No, I don't - I don't  
14:51:07 32 think so. I mean, I think that, you know, at various times  
14:51:11 33 they would come and talk to me about that issue, but I  
14:51:13 34 think that was as much because of her role in  
14:51:16 35 investigations as anything and my role in overseeing  
14:51:20 36 investigations.  
14:51:20 37  
14:51:25 38 When you became Deputy Commissioner, who do you say had  
14:51:29 39 line authority over the SDU?---It would have been the  
14:51:32 40 Commander of the Intel and Covert Support division.  
14:51:35 41  
14:51:35 42 The Intel and Covert Support division?---Yes.  
14:51:39 43  
14:51:39 44 And who's that?---Well, it was Danye Moloney, I think,  
14:51:44 45 probably at that time, and then I think it - - -  
14:51:48 46  
14:51:48 47 He was Assistant Commissioner, was he?---No, no, he was a

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14:51:52 1 Commander. He was originally Commander of that area.  
14:51:55 2  
14:51:55 3 Right?---I think subsequently he became the Assistant  
14:51:59 4 Commissioner Crime after I became Deputy Commissioner, but  
14:52:01 5 that would have been a period of time after that. I'm not  
14:52:04 6 sure who replaced him in the Intel and Covert Support area.  
14:52:09 7 Then it became Mr Pope, but I think that was well down the  
14:52:12 8 track.  
14:52:12 9  
14:52:13 10 If, for example, there was a discussion about who remains  
14:52:16 11 in control of intel, that would suggest, wouldn't it, that  
14:52:21 12 that's your responsibility?---Again, it's Mr Purton's  
14:52:25 13 entry. You'll have to ask him about that.  
14:52:28 14  
14:52:28 15 If Mr Purton says, "I made a note to the effect that SO  
14:52:33 16 keeps responsibility for crime and intel", would that  
14:52:37 17 indicate as far as he's concerned at that meeting - -  
14:52:38 18 -?---It might in his mind, yes.  
14:52:39 19  
14:52:39 20 In his mind?---It might. I don't know. It's his entry.  
14:52:43 21  
14:52:45 22 Well, let's just assume that that is correct and that his  
14:52:53 23 note is that you remain having responsibility for intel.  
14:52:57 24 Now, intelligence would include the SDU, would it  
14:53:02 25 not?---Well, I don't know what "intel" means. I mean,  
14:53:04 26 "intel" also relates to - there was intel function within  
14:53:08 27 the Crime Department, so - I'm sorry - - -  
14:53:10 28  
14:53:10 29 Intelligence and covert services would be intel, wouldn't  
14:53:13 30 it?---I don't know. Intel is intel. I don't know. Intel  
14:53:19 31 and Covert Support department is Intel and Covert Support  
14:53:22 32 department.  
14:53:22 33  
14:53:22 34 Does it fall within intel?---Look, I can't add any more  
14:53:28 35 light to it. It's not my entry, so I don't know what it is  
14:53:32 36 he's purporting to represent there.  
14:53:33 37  
14:53:34 38 Do you say that you didn't retain responsibility for Crime  
14:53:37 39 and Intel?---No.  
14:53:38 40  
14:53:39 41 And as Deputy Commissioner you didn't have responsibility -  
14:53:41 42 - - ?---I didn't have line responsibility, no.  
14:53:44 43  
14:53:46 44 All right. If people such as Mr Biggin are asking you to  
14:54:17 45 become involved in decision-making processes, such as that  
14:54:23 46 which I've referred to, for example, Gobbo's continuation  
14:54:30 47 additionally asking you to become involved in the matters

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OVERLAND RE-XN

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14:54:34 1 concerning Operation Khadi, that would suggest, wouldn't  
14:54:38 2 it, that you have, at least in the minds of people such as  
14:54:42 3 Mr Biggin, a responsibility for those matters?---Well look,  
14:54:46 4 again, you'd have to ask them, their reasons for talking to  
14:54:50 5 me. My understanding of their reasons for talking to me  
14:54:53 6 about that was because of my responsibility for the  
14:54:57 7 investigations that information she was providing was being  
14:55:01 8 used or potentially being used, and they would come and  
14:55:04 9 talk to me from time to time about that.

14:55:06 10  
14:55:09 11 Nonetheless, you say to this Commission, "Look, I didn't  
14:55:12 12 have any authority for her continued use as a human  
14:55:16 13 source"?---No, her continued use as a human source was  
14:55:22 14 covered by the Chief Commissioner's policy and the  
14:55:24 15 processes, you know, spelt out in that.

14:55:28 16  
14:55:38 17 All right. Thanks very much, Mr Overland.

14:55:40 18  
14:55:40 19 COMMISSIONER: Now, Mr Gleeson, is there anything that you  
14:55:43 20 submit was raised in that re-examination that was new and  
14:55:47 21 that you didn't have an opportunity to comment on?

14:55:50 22  
14:55:50 23 MR GLEESON: No, thank you.

14:55:51 24  
14:55:52 25 COMMISSIONER: Thank you. All right, thanks, Mr Overland,  
14:55:53 26 you're free to go?---Thanks, Commissioner.

27  
28 (Witness excused.)

29  
14:55:56 30 <THE WITNESS WITHDREW

14:55:56 31  
14:55:56 32 COMMISSIONER: Is the next witness ready?

14:55:59 33  
14:55:59 34 MS ENBOM: He is here. Someone will collect him.

14:56:02 35  
14:56:02 36 COMMISSIONER: Thank you. Just whilst we're waiting for  
14:56:07 37 him to come in, the Commission has received an application  
14:56:10 38 for leave to cross-examine on behalf of Mr Ashby and  
14:56:16 39 Mr Mullett, along similar lines to the cross-examination of  
14:56:21 40 Mr Overland, so if there's - I understand counsel assisting  
14:56:27 41 don't have an issue with that, so if there's no submissions  
14:56:30 42 to the contrary, I will grant leave to cross-examine on  
14:56:36 43 that limited basis.

14:56:37 44  
14:56:39 45 MS CONDON: Thank you, Commissioner.

46  
14:56:40 47 COMMISSIONER: As was done with the previous witness.

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14:56:43 1  
14:56:43 2 MS TITTENSOR: Yes, there's no objection from counsel  
14:56:46 3 assisting.  
14:56:46 4  
14:56:47 5 COMMISSIONER: Thank you.  
14:58:09 6  
14:58:10 7 MS ENBOM: Our room, Commissioner, is on the other side of  
14:58:13 8 the floor, so it might take a few minutes.  
14:58:17 9  
14:58:17 10 COMMISSIONER: Sure. It's a bit early for the afternoon  
14:58:18 11 break, I think, a bit too early to take it now. He's only  
14:58:22 12 a minute or so away, I understand.  
14:58:24 13  
14:58:25 14 MS ENBOM: Thank you.  
15  
14:58:27 16 COMMISSIONER: Oath or affirmation?  
14:58:31 17  
14:58:31 18 MS ENBOM: I can't remember what happened last time he was  
14:58:34 19 there.  
14:58:35 20  
14:58:35 21 MS TITTENSOR: He would already have been sworn,  
14:58:38 22 Commissioner, so perhaps he can be reminded he is still  
14:58:41 23 under oath.  
14:58:41 24  
14:58:41 25 COMMISSIONER: Was he excused?  
14:58:43 26  
14:58:44 27 MS TITTENSOR: No.  
14:58:44 28  
14:58:44 29 COMMISSIONER: He wasn't, all right.  
30  
14:59:15 31 Yes Mr Cornelius. If you could return to the witness  
14:59:18 32 box and I'll just remind you that you're on your former  
14:59:23 33 oath?---Thank you.  
14:59:24 34  
14:59:25 35 <LUKE CORNELIUS, recalled:  
14:59:26 36  
14:59:27 37 COMMISSIONER: Yes, Ms Tittensor.  
14:59:28 38  
14:59:29 39 MS TITTENSOR: Thanks, Commissioner. Welcome back,  
14:59:32 40 Mr Cornelius?---Thank you.  
14:59:33 41  
14:59:35 42 Now, on the last occasion I was asking you some questions  
14:59:39 43 about a Briars meeting on 10 September, you recall that, in  
14:59:44 44 2007?---Yes.  
14:59:46 45  
14:59:46 46 And that was the document in which it was, I suggested to  
14:59:51 47 you that Ms Gobbo's name had been scrubbed out and the code

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14:59:58 1 number 3838 replaced. Do you recall that?---Yeah, that was  
15:00:03 2 your suggestion.  
15:00:04 3  
15:00:04 4 Yes. Now you understand that the evidence to the  
15:00:09 5 Commission in relation to others involved in, first of all,  
15:00:15 6 the Briars Task Force of Mr Overland, Mr Ashton, Mr Wilson,  
15:00:22 7 Mr Waddell, Mr Iddles, all indicate that they were all very  
15:00:28 8 well aware that 3838 was Ms Gobbo by that stage?---I  
15:00:32 9 understand that's their evidence.  
15:00:33 10  
15:00:35 11 And there's a belief expressed by a number of those that  
15:00:39 12 you were well aware by that stage that 3838 was  
15:00:43 13 Ms Gobbo?---Yeah, well look, I stand by the evidence I've  
15:00:46 14 given and that was, I certainly don't recall being aware at  
15:00:49 15 that time, that is on 10 September, that 3838 was in fact  
15:00:56 16 Ms Gobbo.  
15:00:57 17  
15:00:58 18 Right. Now I took you to a handwritten note by Mr Overland  
15:01:03 19 on the last occasion in which he recited events that appear  
15:01:11 20 to read in at least abbreviated form, "Saturday, Richmond,  
15:01:17 21 Kent Street, Lalor, Gobbo on site. Met on site,  
15:01:21 22 conversation about OPI hearings", which reflects, in  
15:01:24 23 essence, what had been conveyed to Detective Iddles by the  
15:01:28 24 SDU. I took you to that conversation?---Yeah, I recall you  
15:01:33 25 putting that to me.  
15:01:33 26  
15:01:34 27 And your handwritten note on that document indicates, you  
15:01:40 28 note, "Meeting with Waters, 3838" and that "3838" has been  
15:01:44 29 scrubbed out?---Yes.  
15:01:46 30  
15:01:46 31 Or sorry, something has been scrubbed out and replaced with  
15:01:50 32 "3838". "Lalor re discussions OPI hearings", so  
15:01:55 33 significantly similar to the note taken by  
15:01:58 34 Mr Overland?---Yes.  
15:01:58 35  
15:01:59 36 And reflecting what had been conveyed to Mr Iddles. Now  
15:02:04 37 Mr Overland's evidence, if you've heard it in the last  
15:02:07 38 while, was that Ms Gobbo was referred to by name during the  
15:02:12 39 meeting. As I indicated to you, his evidence has been that  
15:02:16 40 he was sure that both you and Mr Ashton were aware that  
15:02:19 41 Ms Gobbo was a source of information in respect of both  
15:02:22 42 Petra and Briars by that stage. And again, as I've just  
15:02:27 43 indicated, all the investigators that I've referred to are  
15:02:31 44 all aware of her status as a source by that stage. Now,  
15:02:34 45 first of all, do you concede the possibility that  
15:02:37 46 Ms Gobbo's name was used during that meeting?---Well, it  
15:02:42 47 may have been possible. As I've said, I certainly do not

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15:02:48 1 recall her name being used in that meeting.  
15:02:52 2  
15:02:53 3 Do you concede the possibility that you were aware by that  
15:02:56 4 stage that Ms Gobbo was a human source?---No, I don't.  
15:02:59 5  
15:03:02 6 Your evidence is that the scrubbed out portions were not  
15:03:07 7 Ms Gobbo's actual name, and you describe the scrubbing out  
15:03:11 8 as somewhat of a doodling. Do you maintain that  
15:03:16 9 evidence?---Yes, I do. My strong sense, as I've said in my  
15:03:21 10 early evidence, was that I believe I'd written down the  
15:03:26 11 wrong number.  
15:03:26 12  
15:03:27 13 Is that a sense or is that an actual recollection?---Well I  
15:03:31 14 say that it's a strong sense. I say that I do not recall  
15:03:37 15 hearing Gobbo's name, nor indeed writing it down. I have  
15:03:41 16 to say, I hadn't seen those notes for many years, until I  
15:03:45 17 saw them again in response to the requirement to find those  
15:03:51 18 notes and produce them for the Royal Commission. And I  
15:03:55 19 have to say, I actually had no recollection of what that  
15:04:00 20 note looked like, and I certainly recall when I saw those  
15:04:05 21 notes again late last year, I actually recall being  
15:04:14 22 surprised by it.  
15:04:16 23  
15:04:17 24 What were you surprised about?---Look, I was surprised that  
15:04:21 25 - I was surprised that that alteration was there.  
15:04:26 26  
15:04:26 27 And why were you surprised about that?---Well because I had  
15:04:29 28 no - I had no recollection of having made an adjustment to  
15:04:37 29 the note, but clearly I had, and, of course, I had to ask  
15:04:44 30 myself, well, what is it that I'd scratched out? And my  
15:04:49 31 strong sense of it was, when I reviewed the note, was,  
15:04:53 32 well, I must have written down a wrong number because I  
15:04:56 33 certainly didn't recall, when I looked at those notes, nor  
15:05:02 34 do I think recalling at any stage, that I was aware at that  
15:05:08 35 time that 3838 was in fact Ms Gobbo.  
15:05:12 36  
15:05:13 37 Now, you've described it as a doodle in the past in your  
15:05:18 38 evidence?---Yes.  
15:05:19 39  
15:05:19 40 It's more than a doodle, isn't it?---Look - - -  
15:05:25 41  
15:05:26 42 It's heavily scratched out?---Indeed it is, and it may well  
15:05:29 43 be that, because, as I say, I have no direct recollection  
15:05:34 44 that I can call in my mind about exactly I was doing at  
15:05:38 45 that time, but it looks to me like, you know, I've sort  
15:05:42 46 drawn a box around what I believed to have been the wrong  
15:05:46 47 number and I've effectively coloured it in over the course



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15:05:50 1 of the meeting.  
15:05:51 2  
15:05:51 3 At paragraph 70 of your statement you indicate that you  
15:05:56 4 recall around this time that Briars were keen to understand  
15:05:59 5 from 3838 what was discussed at the meeting with Waters and  
15:06:04 6 Lalor?---Yes.  
15:06:05 7  
15:06:07 8 And there was an agreement to take the opportunity, I take  
15:06:11 9 it that's an agreement through the Petra Task Force  
15:06:15 10 committee, or steering committee, that through Sandy White  
15:06:20 11 at the SDU, to ask 3838 or Ms Gobbo to engage in a further  
15:06:27 12 pretext conversation with Waters and Lalor?---Yeah, the  
15:06:30 13 note I've taken certainly is suggestive of that.  
15:06:33 14  
15:06:35 15 And that's your evidence in your statement?---Yes, it is.  
15:06:38 16  
15:06:39 17 And it's intended that that conversation, it was intended  
15:06:43 18 that that conversation would be recorded in order to  
15:06:45 19 corroborate what 3838 had told police about Waters and  
15:06:50 20 Lalor's involvement with the particular person?---Yes.  
15:06:55 21  
15:07:03 22 Now, on 21 September 2007, according to Mr White's diary,  
15:07:12 23 Mr Overland met with Mr Biggin and Mr White in relation to  
15:07:19 24 the use of Ms Gobbo. Now that would have been in  
15:07:22 25 accordance with this plan, I take it?---I imagine so, but I  
15:07:29 26 have no knowledge specifically of that meeting.  
15:07:31 27  
15:07:31 28 Around about that time, presumably, if you've come up with  
15:07:34 29 this plan that you're going to record this meeting, one of  
15:07:37 30 you would have been given the task of going off to arrange  
15:07:41 31 it or to have the discussions with the SDU?---Yes.  
15:07:44 32  
15:07:52 33 Now, in your - - - ?---Sorry, by "one of you", who do you  
15:07:58 34 mean, myself or Simon Overland?  
15:08:00 35  
15:08:00 36 Or someone on the Petra Task Force steering committee I  
15:08:03 37 take it?---Yeah, I think from memory - - -  
15:08:06 38  
15:08:07 39 From Briars sorry?---Yeah, from memory I think it might  
15:08:10 40 have been Steve Waddell who was trying to take that  
15:08:15 41 discussion with Sandy White.  
15:08:16 42  
15:08:17 43 The evidence from Ms White's diary is that there was a  
15:08:19 44 discussion between Mr Overland, Mr Biggin and he on 21  
15:08:23 45 September?---Right.  
15:08:23 46  
15:08:24 47 And he has himself expressed concern about any recording

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15:08:31 1 potentially becoming evidentiary, as you might do with a  
15:08:34 2 human source?---H'mm.  
15:08:36 3  
15:08:36 4 Do you understand that concern?---I can certainly  
15:08:40 5 understand that concern, given that evidently those  
15:08:44 6 individuals knew she was a human source.  
15:08:46 7  
15:08:46 8 Everyone would have known she was a human source. You knew  
15:08:50 9 that the person - - - ?---Yes.  
15:08:51 10  
15:08:51 11 - - - that was going to be recorded was a human source,  
15:08:54 12 you would understand - - - ?---Yep.  
15:08:55 13  
15:08:55 14 - - - potentially if that corroborates whatever you wanted  
15:09:00 15 it to corroborate?---Yes.  
15:09:01 16  
15:09:01 17 It potentially becomes evidence in court?---Yes.  
15:09:04 18  
15:09:04 19 And the speakers potentially become witnesses?---Yes.  
15:09:06 20  
15:09:08 21 Now, in your statement you refer to another, a number of  
15:09:12 22 other Briars Task Force updates where you've used the  
15:09:15 23 number 3838?---Yes.  
15:09:17 24  
15:09:19 25 On 24 September you've got some handwritten notes about the  
15:09:30 26 particular Briars witness you were talking about. Do you  
15:09:34 27 know the Briars witness that I'm referring to?---Can I just  
15:09:39 28 - - -  
15:09:39 29  
15:09:39 30 There was one main witness in Briars, this was the person  
15:09:42 31 that needed to be significantly corroborated if there was  
15:09:45 32 ever to be a case?---Yes, I think I know who you're talking  
15:09:48 33 about, yep.  
15:09:49 34  
15:09:49 35 You made some handwritten note, I think, that indicates, in  
15:09:55 36 respect of that person, "Not corroborated, ██████'s  
15:10:01 37 involvement" and there was reference to a neighbour and  
15:10:03 38 that did not occur and there had been concern about  
15:10:07 39 credibility?---Yes.  
15:10:07 40  
15:10:08 41 There was a particular story that the witness had indicated  
15:10:15 42 which police had investigated and it turned out not to be  
15:10:18 43 the case, is that right?---Yeah, I remember seeing that  
15:10:20 44 note. I can't remember the details of the discussion at  
15:10:24 45 the board meeting about it, but certainly when I read that  
15:10:28 46 note, that was the sense that I took from it.  
15:10:31 47

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15:10:31 1 And that was why it was necessary in these cases with these  
15:10:35 2 types of witnesses, that it's necessary to track every  
15:10:39 3 rabbit down every burrow?---Yes.  
15:10:41 4  
15:10:42 5 To try to corroborate them because quite often it turns out  
15:10:45 6 they're not the most reliable people?---Yes.  
15:10:48 7  
15:10:48 8 And in this case, one aspect of his story, it turns out,  
15:10:53 9 they've gone to a neighbour and the neighbour has said,  
15:10:55 10 "No, nothing like that happened", and there's concern about  
15:10:59 11 the witness's credibility at that point in time?---Yes.  
15:11:02 12  
15:11:05 13 It's noted in that same set of notes that that witness was  
15:11:10 14 to be charged the following week with the murder of  
15:11:18 15 [REDACTED] and essentially you wanted some publicity  
15:11:22 16 about it, and in relation to that you've written "re 3838",  
15:11:25 17 that was the effect of the note, is that right?---Yes.  
15:11:30 18  
15:11:32 19 Is it the case that you wanted that publicity to attract,  
15:11:37 20 perhaps, [REDACTED] or to [REDACTED] on  
15:11:41 21 [REDACTED] or for Mr Waters to head to 3838 so that you  
15:11:46 22 might get that [REDACTED]?---Well, I don't know that it  
15:11:49 23 was about Mr Waters heading to 3838, but it was, it was  
15:11:54 24 more about seeing whether we could position ourselves to  
15:12:02 25 [REDACTED] any [REDACTED] or [REDACTED] that might be  
15:12:06 26 [REDACTED] by the publicity associated with that person's  
15:12:10 27 arrest.  
15:12:10 28  
15:12:12 29 We could put the note up if need be, it's  
15:12:20 30 VPL.0005.0012.1345. If we could go to the second page I  
15:12:23 31 think it is. Down the bottom. You've got a "re 3838"  
15:12:32 32 after it, is that right?---Yes.  
15:12:33 33  
15:12:33 34 So you want some publicity in relation to the charging re  
15:12:37 35 3838?---Yeah. No, so, I mean I have, of course, looked at  
15:12:43 36 this note in preparing the statement and in preparation for  
15:12:49 37 giving my evidence. That note in relation to "re 3838"  
15:12:56 38 does not necessarily flow from the previous note. My sense  
15:13:01 39 of that note is that it may well be that in fact I'd asked  
15:13:06 40 a question about where we'd got to with 3838 and it's  
15:13:12 41 evident that I may not have been given an answer to that  
15:13:15 42 and that answer came subsequent to this meeting. So I  
15:13:20 43 wouldn't necessarily connect that previous dot point with  
15:13:24 44 the dot point that's headed "re 3838".  
15:13:27 45  
15:13:27 46 Or it may have flown from that - if the intention in the  
15:13:32 47 meetings prior to that was to try and [REDACTED] some

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15:13:34 1 PII [REDACTED] between 3838 and Mr Waters,  
15:13:40 2 naturally this was the opportunity, and maybe perhaps you  
15:13:43 3 asked, "Where are we with that"?---That may well have been  
15:13:47 4 what I asked but, as I say, I can't recall the specifics of  
15:13:50 5 the conversation. The point I'm making is that - because,  
15:13:53 6 of course, I turned my mind to this when I reviewed that  
15:13:57 7 note, you know, what is it, some 12 years after this all  
15:14:01 8 happened.  
15:14:01 9  
15:14:02 10 Yes?---To try and understand or see if I could recover any  
15:14:05 11 memory of it and to be honest with you, sitting here now, I  
15:14:10 12 can't remember necessarily whether both entries are  
15:14:13 13 connected or the one flowed from the other, or indeed it  
15:14:16 14 was more a question about what had happened in relation to  
15:14:20 15 what was, what we were advised of and what we had  
15:14:27 16 determined in the previous board meeting.  
15:14:29 17  
15:14:29 18 I tender that document, Commissioner.  
15:14:31 19  
15:14:35 20 #EXHIBIT RC993A - (Confidential) VPL.0005.0012.1345.  
15:14:37 21  
15:14:38 22 #EXHIBIT RC993B - (Redacted version.)  
15:14:40 23  
15:14:40 24 If we can bring up the next document, please, 1 October  
15:14:43 25 2007, Briars Task Force update, VPL.0005.0012.1273. And if  
15:14:53 26 we can scroll - there's a note right down the bottom of  
15:15:01 27 that update?---Yep.  
15:15:02 28  
15:15:04 29 Right down the bottom there?---Yes.  
15:15:06 30  
15:15:06 31 You note there "SW", I take it that's Steve Waddell?---Yes.  
15:15:11 32  
15:15:12 33 To speak to Mr White?---Yes.  
15:15:13 34  
15:15:13 35 Re 3838. Can you - - - ?---And further meeting with  
15:15:19 36 Waters.  
15:15:19 37  
15:15:19 38 And further meeting with Waters?---Yes.  
15:15:21 39  
15:15:21 40 So again, possibly following up whether there's going to be  
15:15:24 41 that SDU arranged meeting?---Yes.  
15:15:28 42  
15:15:28 43 Where you might get your [REDACTED]?---And  
15:15:31 44 that may well have been the advice I was looking for in the  
15:15:34 45 previous meeting where I've made that notation "re 3838"  
15:15:37 46 but have written nothing further.  
15:15:39 47

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15:15:39 1 I tender that document, Commissioner.  
15:15:41 2  
15:15:43 3 #EXHIBIT RC994A - (Confidential) VPL.0005.0012.1273.  
15:15:45 4  
15:15:46 5 #EXHIBIT RC994B - (Redacted version.)  
15:15:49 6  
15:15:55 7 On 9 October 2007, just taking things in order here,  
15:16:01 8 according to Mr Wilson's diary, at 8.10 in the morning he  
15:16:08 9 speaks with Mr Waddell re 3838 and ACC coercive hearing and  
15:16:15 10 notes a "need to further discuss with Simon", presumably  
15:16:19 11 Mr Overland. Then later at 2 o'clock he reports having a  
15:16:24 12 one-on-one with you, "An update re Operation Briars and  
15:16:29 13 need to further discuss 3838". Now, in order - presuming  
15:16:40 14 that there's some discussion about bringing 3838 before an  
15:16:44 15 ACC hearing, I presume that that was what was being  
15:16:47 16 discussed with you at the time given that that was - - -  
15:16:50 17 ?---It may be, but I've got no recollection of that  
15:16:52 18 meeting.  
15:16:53 19  
15:16:54 20 Do you have a recollection of discussions involving  
15:16:59 21 bringing 3838 before a coercive body?---Before the ACC,  
15:17:05 22 yes, I do recall that and I think there are references to  
15:17:07 23 that in meeting, the board meeting updates, but as to the  
15:17:13 24 specifics around the timing of it and who was organising  
15:17:16 25 it, I can't recall the details of it.  
15:17:19 26  
15:17:20 27 Now, if 3838's to be brought before any kind of coercive  
15:17:26 28 body, you'd presumably have to know who they are? You're  
15:17:32 29 going to know pretty quickly?---Yeah, I imagine so but I,  
15:17:38 30 as I say, I've got no, I've got no recollection of the  
15:17:42 31 details or the specifics about how that was being arranged.  
15:17:46 32  
15:17:50 33 Do you think it's likely for Mr Wilson - - - ?---I don't  
15:17:54 34 even recall whether ultimately she did appear before the  
15:17:58 35 ACC.  
15:17:59 36  
15:17:59 37 I'm not sure that she did either. Do you think it's likely  
15:18:03 38 for Mr Wilson to be having a discussion with Mr Waddell,  
15:18:07 39 which is to be discussed with Mr Overland, and then he's  
15:18:11 40 having an update on Operation Briars and discussing 3838  
15:18:15 41 with you on the same day?---Yep.  
15:18:16 42  
15:18:17 43 That he's - everyone's going to be in the know about who  
15:18:22 44 3838 actually is?---That may be the case but, again, I'd  
15:18:25 45 make the point that these are discussions that Wilson is  
15:18:31 46 saying that he's going to be having with Simon Overland.  
15:18:34 47

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15:18:34 1 You're his superior officer at that stage?---Yes.  
15:18:37 2  
15:18:37 3 You're the chair of the Briars Task Force?---Yes.  
15:18:39 4  
15:18:41 5 Don't you think you're going to be involved in a discussion  
15:18:45 6 about bringing 3838 before a coercive hearing?---Yeah,  
15:18:52 7 well, I may well have been. But I'm saying to you I don't  
15:18:57 8 recall being involved in those discussions or those  
15:18:59 9 arrangements. I have no memory of it.  
15:19:03 10  
15:19:03 11 That's not to say it didn't happen?---Well, I mean all  
15:19:08 12 sorts of things may happen that I don't remember. I mean  
15:19:12 13 I'm sitting here doing my level best to try and call to  
15:19:17 14 mind matters which you're putting to me but I'm saying to  
15:19:20 15 you, I simply do not remember being involved in that or  
15:19:23 16 that being discussed with me.  
15:19:25 17  
15:19:27 18 There's a further Briars update on 29 October 2007, it's at  
15:19:33 19 VPL.0005.0012.0974. If we can scroll through that, please.  
15:19:44 20 Down to the bottom there. You see the handwriting down the  
15:19:51 21 bottom?---Yes.  
15:19:52 22  
15:19:54 23 It's indicating that Mr Waters - DW, I take it, is David  
15:20:01 24 Waters?---Yes, I think so.  
15:20:02 25  
15:20:03 26 "Visited 3838 this morning"?---Yes.  
15:20:05 27  
15:20:07 28 "To be interviewed by appointment"?---Yes, so separate  
15:20:11 29 entry, "Docket Waters to be interviewed by appointment".  
15:20:16 30  
15:20:16 31 "Intends to give prepared statement"?---Yes.  
15:20:19 32  
15:20:19 33 "Wants to show prepared statement"?---Yes.  
15:20:22 34  
15:20:22 35 "Contact in to CBR", that's Canberra?---Yes.  
15:20:27 36  
15:20:27 37 "Says 55 lines off and seven to be charged"?---Yes.  
15:20:31 38  
15:20:33 39 That appears to correspond with a report by Ms Gobbo to her  
15:20:38 40 handlers earlier that day of a meeting, which if I need to  
15:20:41 41 take you to it - if we can bring it up - ICR 1325. Just to  
15:20:52 42 summarise, so we can get through the evidence a bit  
15:20:56 43 quicker, if you take it from me, Mr Cornelius, that through  
15:21:03 44 the - during this conversation she's having with her  
15:21:05 45 handlers, she tells them that Mr Waters is considering  
15:21:09 46 using a prepared statement when he's interviewed and that's  
15:21:13 47 something obviously one might want to potentially discuss



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15:21:18 1 with a legal advisor, do you accept that?---Yes, I can see  
15:21:25 2 that.  
15:21:25 3  
15:21:30 4 If we scroll through a bit further. So you see there about  
15:21:39 5 the sixth dot point down on the next page that, "Now he'll  
15:21:43 6 be interviewed he's thinking of making a prepared statement  
15:21:47 7 read out at interview and he'll not answer any other  
15:21:51 8 questions"?---Yes.  
15:21:51 9  
15:21:56 10 If we continue on there's a line separating and then  
15:22:00 11 there's another series of dot points, then there's another  
15:22:04 12 line separating. Then it says about halfway down the page,  
15:22:08 13 "General talk about human source concerns that Docket may  
15:22:10 14 be getting ready to use her as legal representation"?---I'm  
15:22:17 15 sorry, can you take me to where that is.  
15:22:20 16  
15:22:20 17 Where the cursor is at the moment?---Yes, thank you. Thank  
15:22:23 18 you, yes.  
15:22:23 19  
15:22:24 20 And she goes on to say, she believes she'd only be used as  
15:22:27 21 a second opinion, but not at court, and she'll make sure  
15:22:31 22 she's unavailable for court matters?---Yes, I can see that.  
15:22:34 23  
15:22:35 24 It doesn't say that she's not going to be unavailable to  
15:22:40 25 provide him with legal advice outside of court  
15:22:43 26 matters?---Yes, I can see that.  
15:22:44 27  
15:22:53 28 Now, when you were being given this information about 3838  
15:23:02 29 having provided some information through the SDU which  
15:23:07 30 you're getting presumably through Mr Iddles or  
15:23:10 31 Mr Waddell?---Yep.  
15:23:10 32  
15:23:11 33 About he's reported to 3838 that he's to be interviewed by  
15:23:17 34 appointment, that he intends to give a prepared statement,  
15:23:19 35 that he wants to show 3838 his prepared statement, did that  
15:23:23 36 cause you to question anything?---No, it didn't. You can  
15:23:31 37 see from my note that I've dispassionately, evidently,  
15:23:36 38 written down what we were advised at the meeting.  
15:23:41 39  
15:23:43 40 Didn't query why Mr Waters would want to show this  
15:23:48 41 particular source the statement that he was preparing to  
15:23:51 42 give to police?---I don't recall it being a point of  
15:23:58 43 interest or concern to me. I don't recall reacting to that  
15:24:02 44 information.  
15:24:02 45  
15:24:02 46 Do you recall anyone else in the room, Mr Overland or  
15:24:05 47 Mr Ashton, reacting to that information, given that they

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15:24:08 1 would have known who 3838 was?---No, I don't, and, again,  
15:24:15 2 with the effluxion of time I'm actually - I mean I have no  
15:24:19 3 direct recollection of that meeting. I mean it's not like  
15:24:23 4 I can put myself in the room and remember the faces sitting  
15:24:26 5 around that table and the "I said", "he said" of what was  
15:24:30 6 discussed at that meeting. All I have is the briefing  
15:24:35 7 update we were providing and the notes that I've made on it  
15:24:39 8 and then introspection, for want of a better description,  
15:24:45 9 on my part in terms of trying to call to mind what that  
15:24:48 10 related to and what my response to it was.

15:24:51 11  
15:24:52 12 I tender that document, Commissioner.

15:24:58 13  
15:24:59 14 COMMISSIONER: 29 October 07.

15:25:01 15  
15:25:02 16 #EXHIBIT RC995A - (Confidential) VPL.0005.0012.0974.

15:25:04 17  
15:25:04 18 #EXHIBIT RC995B - (Redacted version.)

15:25:10 19  
15:25:10 20 If I can bring up quickly, there's a Petra Task Force  
15:25:15 21 update of 10 December 2007, it's at VPL.0100.0001.5402, at  
15:25:24 22 p.303. I just wanted to understand - you see half way down  
15:25:55 23 the page, it may or may not be relevant Mr Cornelius,  
15:26:00 24 beside "IR 44" there's some handwriting?---Yes, that's my  
15:26:06 25 handwriting.

15:26:06 26  
15:26:07 27 I just wonder if you can indicate to me what it says?---It  
15:26:09 28 says, "Possible human source? to be identified". Then  
15:26:15 29 there seems to be a left pointing arrow, "Being managed  
15:26:22 30 through Tony Biggin".

15:26:23 31  
15:26:23 32 Do you have any idea what that was about?---No. It's  
15:26:28 33 written alongside the Task Force update in relation to IR  
15:26:33 34 44, but I've got no recollection of what it might be about.

15:26:41 35  
15:26:41 36 I tender that document, Commissioner.

15:26:44 37  
15:26:45 38 #EXHIBIT RC996A - (Confidential) VPL.0100.0001.5402.

15:26:46 39  
15:26:46 40 #EXHIBIT RC996B - (Redacted version.)

15:26:46 41  
15:26:56 42 On 14 January 2008 Briars investigators spoke with Ms Gobbo  
15:27:02 43 in her chambers, are you aware of that?---I'm sorry, can  
15:27:08 44 you ask that question again.

15:27:09 45  
15:27:09 46 On 14 January 2008 Briars investigators spoke with Ms Gobbo  
15:27:13 47 in her chambers?---Yeah, I - I don't recall being aware of

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15:27:20 1 that.  
15:27:20 2  
15:27:22 3 You're aware of that now, you weren't, you say you weren't  
15:27:25 4 aware of that at the time?---Yeah, I wasn't aware of it at  
15:27:28 5 the time.  
15:27:28 6  
15:27:30 7 The information report I think is already tendered but just  
15:27:35 8 for the sake of the transcript, it's VPL.0100.0053.0298.  
15:27:44 9 Just in summary, Mr Iddles and Mr Waddell went to her  
15:27:52 10 chambers. They interviewed her about her knowledge of  
15:27:56 11 matters relevant to the Briars investigation and she gave  
15:28:01 12 them what you would understand at that stage was some  
15:28:05 13 pretty important information, is that right? If we can  
15:28:17 14 scroll through. If I can just shortcut it. Aside from the  
15:28:32 15 various bits and pieces of information you see in the  
15:28:40 16 information report, Mr Cornelius, she told the  
15:28:44 17 investigators on that occasion that she'd been told by  
15:28:48 18 another solicitor, who had learned from their client, that  
15:28:55 19 the particular PII witness had, that there was an  
15:29:01 20 admission in relation to the knowledge of killing  
15:29:09 21 [REDACTED], you understand that?---Yes, I do.  
15:29:12 22  
15:29:12 23 That that admission was made to this other  
15:29:15 24 solicitor?---Yes, I can see that.  
15:29:16 25  
15:29:16 26 That's what you understand?---Yes.  
15:29:18 27  
15:29:18 28 That was, at that point in time, a very significant piece  
15:29:22 29 of information?---Yes. I have to say I've never seen this  
15:29:26 30 IR before.  
15:29:28 31  
15:29:28 32 No. You say you never became aware, at least at that  
15:29:33 33 stage, in January 2008, or in the months thereafter, you  
15:29:37 34 say, "I was never told of that significant piece of  
15:29:40 35 information"?---No. There is, though, I think one thing  
15:29:42 36 that just leapt out at me. If you go to the previous page,  
15:29:46 37 please. So there is one piece of information in there that  
15:29:49 38 I do recall much later being made aware of and that was the  
15:29:53 39 piece about a 56A application for Strawhorn.  
15:30:02 40  
15:30:03 41 As to Ms Gobbo representing Mr Waters in an ESD - - -  
15:30:08 42 ?---Yeah, I remember much later - - -  
15:30:11 43  
15:30:12 44 Yes?--- - - - in phase 2 of Briars, being told by Waddell,  
15:30:18 45 that - and this was after I was aware that Ms Gobbo was  
15:30:24 46 3838, that his understanding, that is Mr Waddell's  
15:30:28 47 understanding, from her was that she'd only ever

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15:30:32 1 represented Waters, well, Waters in connection with this  
15:30:40 2 56A application for Strawhorn.  
15:30:41 3  
15:30:42 4 Your evidence to the Commission is, or was to the effect on  
15:30:46 5 the last occasion, that you weren't aware of this interview  
15:30:51 6 of Ms Gobbo and that significant piece of  
15:30:53 7 information?---That's right.  
15:30:53 8  
15:30:54 9 About the admission?---I wasn't aware - - -  
15:30:56 10  
15:30:56 11 Until over a year later?---Indeed.  
15:30:58 12  
15:30:58 13 In Briars phase 2?---Indeed.  
15:31:00 14  
15:31:00 15 So in actual fact you became - - - ?---No, no. So the  
15:31:03 16 point I'm making is, this referencing here, I mean it  
15:31:07 17 pricks my recollection because the content in this document  
15:31:13 18 is new to me. The only thing that I do recall being aware  
15:31:17 19 of is that reference in relation to the 56A application for  
15:31:21 20 Strawhorn and that was, that was identified with me by  
15:31:26 21 Waddell, to me in a conversation in the phase 2 of the  
15:31:31 22 Briars investigation.  
15:31:31 23  
15:31:31 24 And that's when he was, there was some conversation about  
15:31:35 25 the prospect of - - - ?---Yes.  
15:31:37 26  
15:31:37 27 - - - legal professional privilege applying?---Yes.  
15:31:42 28  
15:31:42 29 But what I'm suggesting to you is that you say, "January  
15:31:46 30 2008, and thereabouts, I had no idea that these  
15:31:49 31 investigators had had this conversation, I only became  
15:31:51 32 aware about this conversation and this significant evidence  
15:31:55 33 a year later"?---Yes.  
15:31:56 34  
15:31:57 35 Or well over a year later?---That's right.  
15:31:59 36  
15:32:00 37 And you can't think of any reason why your investigators  
15:32:03 38 wouldn't have told you about such a significant piece of  
15:32:06 39 information?---No, I can't.  
15:32:07 40  
15:32:08 41 COMMISSIONER: If you're going on to another topic we'll  
15:32:11 42 have the afternoon break now.  
15:32:13 43  
15:32:13 44 MS TITTENSOR: I might ask one further question and then -  
15:32:17 45 yes. Later when Ms Gobbo made her draft statement she in  
15:32:23 46 fact said, "No, it wasn't the other solicitor that was, the  
15:32:28 47 admission was made to, it was me". That's right, isn't

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15:32:31 1 it?---I don't recall that.  
15:32:34 2  
15:32:34 3 Well that became a significant concern in that  
15:32:37 4 investigation in relation to Ms Gobbo's credit as a  
15:32:41 5 witness?---Well I don't recall being aware of that.  
15:32:43 6  
15:32:45 7 Do you say you've just forgotten that, you're likely aware  
15:32:49 8 of that at the time?---I'm sitting here right now saying to  
15:32:54 9 you saying to you what you've just said to me is news to  
15:32:57 10 me. I've never heard that before.  
15:32:59 11  
15:32:59 12 COMMISSIONER: Would you be likely to remember it if you  
15:33:02 13 had heard it before?---I think I would have because it goes  
15:33:07 14 to the question of credit.  
15:33:08 15  
15:33:08 16 All right then, we'll take the afternoon break.  
15:33:59 17  
15:33:59 18 (Short adjournment.)  
19  
15:51:38 20 COMMISSIONER: Yes, Ms Tittensor.  
21  
15:51:40 22 MS TITTENSOR: Thank you, Commissioner.  
23  
15:51:41 24 After the interview of Ms Gobbo by Briars investigators in  
15:51:48 25 January of 2008, in February and March 2008 the Petra  
15:51:51 26 investigators spoke with Ms Gobbo and you say likewise  
15:51:55 27 you're unaware of that occurring?---Yeah, I don't recall  
15:51:58 28 being aware of it at the time, but I understand that it  
15:52:01 29 occurred much later - sorry, I understood much later that  
15:52:05 30 it had occurred.  
31  
15:52:06 32 At what point in time did you become aware that that  
15:52:09 33 occurred?---I can't recall.  
34  
15:52:11 35 Prior to her becoming a witness or after her becoming a  
15:52:14 36 witness?---Yeah, I can't recall. My recollection of her  
15:52:28 37 being spoken to by investigators and interviewed and then  
15:52:32 38 subsequently providing a witness - was November 2008. I  
15:52:39 39 don't recall being aware of that earlier interaction with  
15:52:42 40 her in 2008.  
41  
15:52:46 42 Do you say you became aware of it after she became a  
15:52:49 43 witness then?---Yeah. If anything, I became aware of it in  
15:52:53 44 the course of preparing my statement. It's a much more  
15:52:56 45 recent memory than - I certainly don't recall being aware  
15:52:59 46 of that engagement with her in 2008, at the time that the  
15:53:06 47 Petra investigation was ongoing.

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1  
15:53:10 2 It would seem an extraordinary thing for you not to have  
15:53:13 3 found out about that in the context of the Petra  
15:53:16 4 investigation, wouldn't it?---I became aware of what was  
15:53:20 5 happening in the Petra investigation on the basis of the  
15:53:24 6 briefings that were provided to me and so if there was a  
15:53:31 7 briefing included in those weekly updates that pointed to  
15:53:36 8 it, then I would have been aware of it.  
9  
15:53:40 10 Beside those briefings, did you have any contact with  
15:53:44 11 investigators outside those briefings?---Not on a  
15:53:48 12 day-to-day basis with the investigators. On occasion I  
15:53:52 13 would have the investigation manager of the day raising  
15:53:59 14 issues with me. Largely it was resourcing issues or about  
15:54:05 15 arranging access to specialist capabilities, but I wasn't  
15:54:11 16 being given a blow-by-blow update of who investigators were  
15:54:16 17 talking to at any given point in time.  
18  
15:54:18 19 People like Solomon and Davey, were you having any contact  
15:54:21 20 with them?---No.  
21  
15:54:22 22 But you had contact with people such as Mr Waddell or  
15:54:26 23 Mr O'Connell and Mr Smith?---Yes. Yes, primarily with  
15:54:30 24 Mr Smith and with Mr Waddell.  
25  
15:54:33 26 And Mr Ryan when he was involved in the  
15:54:37 27 investigation?---Yes.  
28  
15:54:37 29 There was no reason for any of those investigators not to  
15:54:41 30 tell you about this questioning of Ms Gobbo?---There was no  
15:54:45 31 reason for them to not tell me or, indeed, no reason for  
15:54:49 32 them to tell me. I mean, one of the pieces for me was that  
15:54:55 33 I was keen, for reasons of Task Force security and  
15:54:59 34 accountability, to make sure that matters that were for  
15:55:03 35 consideration for the board were included in the briefings  
15:55:06 36 that were provided to the board so that we would then  
15:55:09 37 consider those within that context.  
38  
15:55:11 39 If I were to take you back to the very first update for  
15:55:17 40 Petra, your handwriting indicates that, "One of the first  
15:55:21 41 things we need to do is interview Ms Gobbo"?---Yes.  
42  
15:55:23 43 Then this is when it happens because we get past the OPI,  
15:55:26 44 that doesn't work, and you don't know about that?---Yeah.  
45  
15:55:29 46 And then we get to this and we're interviewing Ms Gobbo, a  
15:55:33 47 significant potential corroborator?---Yep.

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CORNELIUS XXN



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1  
15:55:36 2 And you don't get told?---No, but my understanding was that  
15:55:39 3 there were extensive and ongoing inquiries being undertaken  
15:55:44 4 into the circumstances surrounding Ms Gobbo's potential  
15:55:48 5 involvement and it was important that those inquiries be  
15:55:52 6 pursued before we actually approach Ms Gobbo in November  
15:56:00 7 2008.  
8  
15:56:00 9 What were those inquiries?---Well, if memory serves, by and  
15:56:04 10 large it related to the use of telephones under a  
15:56:11 11 pseudonym, understanding the connections between those  
15:56:13 12 phones and who was using them. It took some time to  
15:56:18 13 confirm, on the basis of those investigations, where  
15:56:24 14 Ms Gobbo was in all of that. And I mean - - -  
15  
15:56:30 16 We see in those updates the "Watergardens" heading?---Yes.  
17  
15:56:36 18 And that's to do with all the phones?---Yes.  
19  
15:56:39 20 The first time that Ms Gobbo's name appears to be mentioned  
15:56:41 21 in all of that as a possibility for using one of those  
15:56:47 22 phones is much, much later, in about September of 2008. Do  
15:56:53 23 you say all along she was a suspect for that and that's not  
15:56:57 24 included in - - - ?---No, it took considerable time to join  
15:56:59 25 the dots and work out exactly who was using those phones.  
15:57:03 26 We had the pseudonyms for those phones for some time.  
27  
15:57:06 28 That's right, you had the false names the phones were  
15:57:10 29 registered in, but it seems as though it not until  
15:57:11 30 September 2008 that someone comes to the conclusion or  
15:57:16 31 comes to the suspicion that, "I think this phone", because  
15:57:20 32 of who it's been calling, "is being used by  
15:57:24 33 Ms Gobbo"?---Yes.  
34  
15:57:24 35 Now that's no reason not to be interviewing Ms Gobbo about  
15:57:27 36 the statements made by Carl Williams, that you've wanted to  
15:57:32 37 interview her for through the OPI back in April of  
15:57:38 38 2007?---I was certainly aware that Ms Gobbo was a barrister  
15:57:40 39 and I wouldn't want to, as an investigator, be sitting down  
15:57:42 40 to interview an experienced and reputable barrister without  
15:57:47 41 having a very clear understanding of the matters that I  
15:57:50 42 would be putting to her and the basis upon which those  
15:57:53 43 matters were to be put.  
44  
15:57:54 45 Mr Davey and Mr Solomon went in there armed with a well  
15:57:59 46 thought out, apparently, questionnaire to put to Ms Gobbo,  
15:58:04 47 so they did that?---Well, good.

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CORNELIUS XXN

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1  
15:58:07 2 You just weren't told about it?---I don't recall being told  
15:58:10 3 about it. I don't think I was told about it.  
4  
15:58:14 5 Now, around about that same time, in about February/March  
15:58:20 6 of 2008, the Task Force updates indicate that Andrew Hodson  
15:58:28 7 is being investigated again as a suspect, he's in the mix  
15:58:32 8 as a potential suspect?---Yes.  
9  
15:58:35 10 There's an update with your handwriting on 3 March 2008,  
15:58:45 11 VPL.0100.0001.5402, at p.290. You see there your  
15:58:56 12 handwriting. They're, at that stage, talking - is that  
15:59:04 13 your handwriting?---Yes.  
14  
15:59:06 15 The possibility of polygraph?---Yes.  
16  
15:59:08 17 And if we scroll through a couple of pages beyond that to -  
15:59:13 18 I think it's at the end of those - there you've made a  
15:59:18 19 comment, down the bottom - you note that Andrew Hodson is  
15:59:23 20 worried about Tony Mokbel?---Yeah, note "Andrew Hodson is  
15:59:30 21 concerned about Mokbel".  
22  
15:59:33 23 Yes, concerned about Tony Mokbel. Do you recall being told  
15:59:35 24 about a strategy around that time to deal with Andrew  
15:59:41 25 Hodson or to investigate Mr Hodson?---No, I don't recall  
15:59:48 26 any specifics around that.  
27  
15:59:53 28 Well you're clearly told, "We want to try and get him to  
15:59:55 29 accept a polygraph"?---My note there says possibility of a  
16:00:00 30 polygraph, but again, I can't recall the specifics around  
16:00:03 31 that. I imagine that's a notation which points to us  
16:00:09 32 considering the use of a polygraph in relation to us  
16:00:13 33 speaking to him.  
34  
16:00:16 35 Did you become aware that the investigators took steps  
16:00:20 36 along those lines?---I don't recall that. It may well be  
16:00:27 37 that the investigators pursued it. I mean I've written  
16:00:29 38 down the note there saying that "possibility of polygraph",  
16:00:34 39 so clearly it was in our consideration.  
40  
16:00:37 41 Did you become aware that the investigators and the SDU  
16:00:41 42 used Ms Gobbo in her capacity as a lawyer to provide advice  
16:00:44 43 to Andrew Hodson?---No, I'm not aware of that.  
44  
16:00:52 45 I take you through some explanation of that. On 4 March  
16:01:00 46 that year, 2008, there's documentation that indicates that  
16:01:05 47 the SDU handler speaks to Mr O'Connell, one of the senior

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16:01:10 1 investigators for Petra?---M'hmm.  
2  
16:01:15 3 And that Ryan - that's the Inspector at Petra?---Yes.  
4  
16:01:21 5 Would speak to Ms Gobbo about her helping out with Andrew  
16:01:23 6 Hodson and that Hodson may be spoken to later in the week,  
16:01:28 7 after a Mokbel hearing in Greece, as Hodson was concerned  
16:01:34 8 about Mokbel concerning and that he might be asked about  
16:01:37 9 taking a polygraph. That's a conversation that occurs on 4  
16:01:40 10 March, that's the day after your meeting where you make  
16:01:42 11 note about the polygraph?---Yes.  
12  
16:01:45 13 A number of discussions follow thereafter involving the  
16:01:49 14 SDU, Petra members and Ms Gobbo?---M'hmm.  
15  
16:01:51 16 On 7 March O'Connell speaks with Ms Gobbo's handler. It's  
16:01:58 17 indicated that Petra would call Mr Hodson at 4.30 to  
16:02:02 18 arrange a chat. They would mention that Mokbel was coming  
16:02:06 19 back and when Hodson came to meet them, they would offer  
16:02:12 20 him a polygraph. The handler, according to the notes,  
16:02:16 21 responded to Mr O'Connell to make the call to Hodson after  
16:02:19 22 hours or on the weekend, as Hodson might call Jim Valos if  
16:02:24 23 he couldn't get through to Ms Gobbo?---This is all news to  
16:02:28 24 me.  
25  
16:02:33 26 There's records indicating Ms Gobbo's subsequent  
16:02:37 27 conversation with the handler, that she is told that Petra  
16:02:41 28 would be calling Hodson. She wants to record the  
16:02:44 29 conversation and the handler's told her not to, it could be  
16:02:47 30 evidence, and she's then talking about potentially going to  
16:02:50 31 get her own recorder from Dick Smith. So then there is  
16:02:55 32 some concern and some discussion with the handler, with the  
16:03:00 33 investigators, in case that happens. On 9 March Ms Gobbo  
16:03:07 34 reported that Hodson had called her and had told her that  
16:03:10 35 Petra wanted to meet with him and he was concerned because  
16:03:13 36 usually they came to speak with him at home, but this time  
16:03:16 37 they wanted him to come and see them. Ms Gobbo told him  
16:03:20 38 that they might want to formally interview him and ask why  
16:03:25 39 he was concerned. She told him to contact the investigator  
16:03:30 40 to ask if he was to be formally interviewed and, by the by,  
16:03:36 41 she is apologising to the SDU handler for giving him such  
16:03:39 42 legal advice which might discourage him. She reported that  
16:03:45 43 Hodson, in terms of having asked Hodson why he's concerned  
16:03:51 44 about such things, she reports to the handler that Hodson  
16:03:53 45 seems to have an issue with Mokbel and whether he might  
16:03:56 46 come back and make a deal, and she said Hodson had arranged  
16:04:00 47 to see her after the interview. The following day the

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CORNELIUS XXN

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16:04:08 1 handler has another conversation with O'Connell. They  
16:04:11 2 discuss the polygraph. And the investigator asks the  
16:04:16 3 handler to ask Ms Gobbo not to talk Hodson out of the  
16:04:21 4 polygraph and allude to it being safe. The handler then  
16:04:27 5 tells Gobbo that Hodson has left his meeting with Petra,  
16:04:33 6 after he's been interviewed by them, and tells her that  
16:04:37 7 they've done something non-standard in the course of the  
16:04:41 8 meeting. Gobbo later rings and reports on the meeting that  
16:04:44 9 she's had with Hodson. They discuss the polygraph. Hodson  
16:04:48 10 has obviously discussed it with Ms Gobbo. And she says she  
16:04:52 11 told him that from a legal point of view the test was not  
16:04:55 12 valid, but she didn't tell him that a transcript of the  
16:04:58 13 polygraph might be used against him in evidence. The Petra  
16:05:08 14 Task Force update, if I can just take you to it, on 12  
16:05:12 15 March 2008 - it's VPL.0100.0202.5725, at p.80.  
16  
16:05:30 17 COMMISSIONER: 3 March 08, did you want to tender that one?  
16:05:33 18 There was one on 3 March I think you started with.  
19  
16:05:36 20 MS TITTENSOR: Yes, if I haven't tendered that,  
16:05:38 21 Commissioner, I will tender that.  
22  
16:05:39 23 COMMISSIONER: We think it may already have been tendered  
16:05:41 24 as a previous exhibit. 881 my associate tells me is a  
16:05:48 25 possibility.  
26  
16:05:49 27 MS TITTENSOR: We might just have to do a reconciliation.  
16:05:51 28 Some of them have handwriting on them, some of them don't.  
29  
16:05:54 30 COMMISSIONER: 881 has handwriting on it but I haven't got  
16:05:59 31 the date. Is that the date, 8 March for that one? We're  
16:06:02 32 just checking to see if it's already been tendered.  
33  
16:06:27 34 MS TITTENSOR: I may have provided Mr Skim with the wrong  
16:06:29 35 number, but in any case, I'll indicate to you,  
16:06:33 36 Mr Cornelius, that the update indicates that Hodson has  
16:06:36 37 been further interviewed, he denied prior knowledge of his  
16:06:39 38 parents' murder and consented to a polygraph, and that had  
16:06:42 39 been organised for 28 March 2008. Assuming that scenario  
16:06:56 40 or those facts that I've just taken you through, I take it  
16:06:59 41 you say you weren't aware of what went on there?---I'm not  
16:07:03 42 aware of the details that you've just outlined to me. I  
16:07:06 43 also have to say that I'm surprised and I wasn't aware that  
16:07:14 44 within the context of Petra, we were dealing with Ms Gobbo  
16:07:17 45 through the Source Unit. I mean, my strong recollection  
16:07:22 46 and my view in relation to Ms Gobbo in relation to Petra  
16:07:27 47 was that she was both a person of interest who was the

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16:07:31 1 subject of investigation and then ultimately became a  
16:07:34 2 witness for us.  
3  
16:07:39 4 You do see - well, can I ask you this: what would you have  
16:07:44 5 done if you'd known about what was going on here?---I mean,  
16:07:47 6 I - I must say that I'm surprised to hear that we seem to  
16:07:54 7 have been engaging with her in relation to providing legal  
16:07:58 8 advice to a person that we're going to be interviewing.  
9  
16:08:05 10 What would you have done?---I would have asked questions  
16:08:09 11 about whether or not that was appropriate.  
12  
16:08:13 13 The scenario that I've just taken you through, do you see  
16:08:16 14 any problems with that?---I don't think it's - I mean, if  
16:08:22 15 you put yourself in Mr Hodson's shoes, I think he would,  
16:08:26 16 quite rightly, have concern that the person who he might  
16:08:29 17 have turned to for legal advice is in effect, if you like,  
16:08:36 18 acting on our instructions.  
19  
16:08:39 20 Yes. His lawyer is a police agent?---Yes, that's the point  
16:08:43 21 I'm making.  
22  
16:08:44 23 Do you think there might have been an issue with all of  
16:08:47 24 this if it had turned out there was enough evidence to  
16:08:50 25 charge Mr Hodson with the murder, do you think there might  
16:08:53 26 have been issues with this?---Well, of course.  
27  
16:08:56 28 If you had known that this was going on, that your  
16:09:00 29 investigators were using Ms Gobbo in this way, what would  
16:09:04 30 you have done?---I would have told them not to do it.  
31  
16:09:08 32 Would you have done anything more than that?---In what  
16:09:13 33 sense, Ms Tittensor?  
34  
16:09:16 35 Well, they're essentially perverting the course of justice  
16:09:20 36 in that scenario that I've just described to you?---Well,  
16:09:24 37 had I been given the opportunity to express a view about  
16:09:28 38 it, I would have thought that I would have told them not to  
16:09:32 39 do it and that would have avoided that outcome.  
40  
16:09:34 41 So you wouldn't have needed to conduct any investigation  
16:09:37 42 into their conduct?---Well, of course it would lead to  
16:09:41 43 other questions being asked, but I have to say to you I'm  
16:09:47 44 genuinely surprised by what you've just outlined to me.  
45  
16:09:52 46 Might it have led to you making some enquiries about  
16:09:55 47 whether such conduct was going on with Ms Gobbo with other

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16:09:59 1 clients?---Well, it might have, but that would be - that is  
16:10:05 2 obviously with a significant dose of hindsight, but I have  
16:10:10 3 to say I'm surprised by what I've just learnt here.  
4  
16:10:15 5 It just seems, having asked you that question, you would  
16:10:18 6 have told them not to do it, what, you're going to give  
16:10:21 7 them maybe a little rap over the knuckles for a matter like  
16:10:23 8 this?---No, I'm not saying that at all. I would have taken  
16:10:25 9 the opportunity - so I mean if this course had been  
16:10:28 10 outlined to me, I would have told them not to do it and it  
16:10:31 11 would have avoided any further harm.  
12  
16:10:34 13 Is it of concern to you that these are very senior  
16:10:38 14 investigators that have engaged in this conduct?---Yes, it  
16:10:43 15 is concerning to me.  
16  
16:10:55 17 On 17 March 2008 there's a Briars Task Force update. It's  
16:11:06 18 at VPL.0100.0058.0798 at p.413. If we can scroll through  
16:11:21 19 there. Keep going. You see the last typed entry there?  
16:11:33 20 This appears to be from a folder of material which contains  
16:11:39 21 material with Mr Overland's handwriting on it. We  
16:11:44 22 understand that's is Mr Overland's handwriting. Do you  
16:11:48 23 recognise that handwriting at all, Mr Cornelius?---I think  
16:11:52 24 that's actually my handwriting.  
25  
16:11:53 26 It's your handwriting, is it?---Yep.  
27  
16:11:56 28 Actually I might have the wrong folder. Sorry. You see  
16:12:06 29 the last entry there, entitled, "Informers." "At some  
16:12:12 30 stage defence will make an 8A request for all informers,  
16:12:16 31 either at brief service or during committal. We need to  
16:12:20 32 think through a strategy to deal with PII issues"?---Yes.  
33  
16:12:24 34 You've written, "Rely on OPI protections"?---Yes.  
35  
16:12:28 36 Do you know 3838 was a significant informer in the  
16:12:37 37 case?---Yeah, but I can't recall what that entry relates  
16:12:41 38 to. Sorry, when was this update?  
39  
16:12:45 40 This is 17 March 2008?---And this is for Petra or Briars?  
41  
16:12:51 42 Briars Task Force. So you're anticipating, as you do in  
16:12:58 43 these cases, often at the very, very commencement of an  
16:13:01 44 investigation, you come up with strategies to deal with  
16:13:04 45 disclosure issues that might crop up along the way?---Yes,  
16:13:07 46 that's right.  
47



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16:13:08 1 Now, at this stage it's come up for consideration that  
16:13:10 2 defence will make a request, an 8A, being at committal, for  
16:13:17 3 disclosure?---Yes.  
4

16:13:18 5 "For all informers, either at brief service or during the  
16:13:22 6 committal, and we need to think through a strategy to deal  
16:13:25 7 with PII issues." Do you know what occurred in that  
16:13:29 8 regard?---No, I don't. I mean, obviously I've made the  
16:13:33 9 note there about relying on OPI protections, but, you know,  
16:13:38 10 obviously that would be very much determined by the context  
16:13:43 11 or the specifics around what it was that we were seeking to  
16:13:46 12 protect and whether those protections, whatever that means,  
16:13:50 13 would in fact be open.  
14

16:13:52 15 Were there similar considerations going on in respect of  
16:13:56 16 the Petra investigation, presumably?---No, because we  
16:14:01 17 didn't - within Petra, we weren't dealing with a human  
16:14:05 18 source.  
19

16:14:06 20 You would have had disclosure issues?---There are always  
16:14:14 21 disclosure issues.  
22

16:14:15 23 You can't say why, in respect of Briars, there might have  
16:14:19 24 been a particular concern about informers and PII?---No,  
16:14:23 25 not at that stage.  
26

16:14:26 27 Were there any other significant, at that stage,  
16:14:31 28 informers?---The most significant one was [REDACTED].  
29

16:14:43 30 MS ENBOM: Commissioner, can I interrupt. That's one of  
16:14:44 31 the pseudonyms we're not using in public.  
32

16:14:49 33 WITNESS: Sorry.  
34

16:14:49 35 COMMISSIONER: All right. It's very difficult. We'll  
16:14:51 36 remove that reference from the streaming and the record and  
16:15:00 37 if you have a look at Exhibit 81, which is there, you'll  
16:15:06 38 see that the pseudonym we're now using for that person - -  
39 -  
40

16:15:17 41 MS ENBOM: He doesn't have an alternative.  
42

16:15:19 43 COMMISSIONER: PII [REDACTED]? Are we using PII [REDACTED]?  
44

16:15:22 45 MS ENBOM: No.  
46

16:15:24 47 COMMISSIONER: We're not using that one either?

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1  
16:15:26 2 MS ENBOM: We're not using a pseudonym at all in public  
16:15:27 3 hearings for that person.  
16:15:28 4  
16:15:29 5 WITNESS: I'm sorry, this piece of paper was indicated to  
16:15:31 6 me by your tipstaff as being the document I should refer  
16:15:35 7 to.  
8  
16:15:35 9 COMMISSIONER: Absolutely. Absolutely no criticism of you  
16:15:37 10 for this. It's a nightmare. It's the same document I  
16:15:43 11 have.  
12  
16:15:43 13 MS TITTENSOR: We might just refer to the PII witness,  
16:15:46 14 the PII witness?---Okay.  
15  
16:15:49 16 COMMISSIONER: Is that a problem?  
17  
16:15:53 18 MS ENBOM: Perhaps if we do what Mr Chettle did earlier,  
16:15:57 19 use the number on there, but we've just got to make sure -  
20 - -  
21  
16:16:00 22 COMMISSIONER: Use what, sorry?  
23  
16:16:01 24 MS ENBOM: The number on Exhibit 81, but we've just got to  
16:16:06 25 make sure going forward we don't then continuously use that  
16:16:09 26 number because then that becomes the pseudonym.  
27  
16:16:12 28 COMMISSIONER: Okay. So number PII we're going to use. All  
16:16:16 29 right.  
30  
16:16:16 31 MS ENBOM: Thank you, Commissioner.  
32  
16:16:17 33 COMMISSIONER: Number PII.  
34  
16:16:20 35 MS TITTENSOR: That just becomes another pseudonym.  
36  
16:16:23 37 COMMISSIONER: I know. I can't quite follow it. Just  
16:16:29 38 while we've interrupted your stream, I'm just trying to  
16:16:32 39 keep up with the exhibits. They're coming thick and fast.  
16:16:34 40 I don't know whether we've found out yet whether we've  
16:16:39 41 previously tendered - we have already tendered the 3 March  
16:16:43 42 Briars Task Force update and that's Exhibit 881, but then  
16:16:49 43 you've mentioned since then the - Ms Tittensor, 12 March 08  
16:16:57 44 Petra Task Force update.  
45  
16:16:59 46 MS TITTENSOR: I'll tender that, Commissioner.  
47

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16:17:02 1 COMMISSIONER: Hang on. That's Exhibit 883, already  
16:17:04 2 tendered, and then the last one you've been discussing is  
16:17:08 3 17 March 08 Briars Task Force update.  
4  
16:17:12 5 MS TITTENSOR: I might as well tender that early,  
16:17:14 6 Commissioner.  
7  
16:17:14 8 COMMISSIONER: Sorry?  
9  
16:17:15 10 MS TITTENSOR: I'll tender that now.  
11  
16:17:17 12 COMMISSIONER: You think that's a new one? Okay. So that  
16:17:21 13 takes us up to 997A and B.  
16:17:24 14  
16:17:24 15 #EXHIBIT RC997A - (Confidential) Briars Task Force update  
16:17:25 16 17/03/08.  
16:17:25 17  
16:17:26 18 #EXHIBIT RC997B - (Redacted version.)  
16:17:27 19  
16:17:28 20 MS TITTENSOR: That person that we were talking about  
16:17:29 21 really wouldn't be someone that defence would be requesting  
16:17:33 22 in relation to [REDACTED]. If there were ever going  
16:17:36 23 to be any charges laid in relation to Briars, that person  
16:17:39 24 was the PII witness?---Yes, but also he was [REDACTED]  
16:17:45 25 [REDACTED].  
26  
16:17:49 27 Defence are going to be making application in relation to  
16:17:54 28 that person as a witness, is that right?---Yes, and defence  
16:18:00 29 may well be asking for any other records pertaining to that  
16:18:05 30 witness, which might include records that were generated  
16:18:09 31 within the context of our dealings with that person as a  
16:18:12 32 human source.  
33  
16:18:15 34 All right. You can't say what the strategy was?---No.  
35  
16:18:31 36 Now, in August of that year, on 7 August 2008, if we go to  
16:18:37 37 the SML 2958 at p.38, the SDU controller speaks with  
16:18:47 38 Mr O'Connell, who - Mr O'Connell, as you're aware, knows  
16:18:53 39 Ms Gobbo is a human source?---(Witness nods.)  
40  
16:18:56 41 He tells - there's a discussion about the great deal of  
16:19:00 42 stress that's been caused to Ms Gobbo by having the OPI  
16:19:04 43 hearing part-heard, hanging over her head, and her not  
16:19:10 44 answering questions for fear of exposing herself as a  
16:19:13 45 source if she's called back before the OPI, you understand  
16:19:17 46 that?  
47

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16:19:18 1 MS ENBOM: I don't want to interrupt but I have to, I'm  
16:19:20 2 sorry. Can we just have a look at lines 5-10. We're  
16:19:40 3 identifying there the PII witness in Briars as having a  
16:19:43 4 particular role in a public hearing. Can I ask that the  
16:19:50 5 role be removed. So the word in the middle of line 7, and  
16:20:00 6 the word at the end of line 9 and the first word at the  
16:20:03 7 start of line 10.  
8

16:20:07 9 MS TITTENSOR: As I understand it, Commissioner, this  
16:20:08 10 particular person was a prolific statement maker and  
16:20:11 11 perhaps all of these statements were made at a time when he  
16:20:14 12 wasn't a witness yet, but he became a witness and these  
16:20:19 13 matters were gone over time and time again in trials  
16:20:24 14 thereafter.  
15

16:20:27 16 COMMISSIONER: Look, what I'm inclined to do is take it out  
16:20:33 17 for the time being. Obviously these matters are going to  
16:20:36 18 be sorted out somewhere else before, at a time when it's  
16:20:41 19 necessary for us to do it. So I'm not agreeing that you're  
16:20:44 20 correct in terms of your claim, but I'll take it out for  
16:20:47 21 the moment just so we can get on with it and the transcript  
16:20:50 22 can be published.  
23

16:20:51 24 MS ENBOM: Thank you, Commissioner.  
25

16:20:54 26 MS TITTENSOR: I find it hard to believe that a public  
16:20:59 27 interest immunity claim could be made in respect of that  
16:21:01 28 witness.  
29

16:21:01 30 COMMISSIONER: That's probably right, but it has been made.  
31

16:21:04 32 MS TITTENSOR: Yes, Commissioner.  
33

16:21:06 34 COMMISSIONER: We'll go on. So take out line 7 on 11230,  
16:21:25 35 the third, fourth and fifth words, and then in line 9, the  
16:21:34 36 last two words, and the single word in line 10.  
37

16:21:39 38 MS ENBOM: Thank you, Commissioner.  
39

16:21:47 40 MS TITTENSOR: Just taking you to that source management  
16:21:51 41 log entry, Mr Cornelius, in relation to Ms Gobbo's concerns  
16:21:53 42 about being recalled before the OPI?---Yes.  
43

16:22:03 44 The controller asked if Mr O'Connell was aware that  
16:22:08 45 Ms Gobbo had to go back, that Petra investigators had spent  
16:22:14 46 36 hours with her, providing information, and asked if that  
16:22:18 47 information had been passed on to the OPI and it would help



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16:22:23 1 with their management of her to know and to tell her  
16:22:25 2 essentially whether she is going to get called back.  
16:22:28 3 Mr O'Connell indicated that he'd consider it and get back  
16:22:31 4 to him. It is then advised, you'll see, down the bottom,  
16:22:45 5 "Advised O'Connell that Ashton and senior management at the  
16:22:49 6 OPI were briefed by Mr Overland in relation to the source  
16:22:53 7 identity prior to the source giving evidence for the  
16:22:55 8 purpose of protecting the source from questions that would  
16:22:57 9 have compromised her but that that had been unsuccessful."  
16:23:01 10 If we go to p.39 of the source management log on 13 August,  
16:23:08 11 you'll see that the controller is advised by O'Connell that  
16:23:13 12 Petra had spoken to Mr Overland, who'd spoken to Mr Ashton  
16:23:17 13 at the OPI, and advised that Ms Gobbo would not be called  
16:23:22 14 back to the OPI and they're satisfied that she'd been of  
16:23:26 15 assistance to Petra investigators. Now, it seems as though  
16:23:30 16 Mr Ashton is aware of the assistance Ms Gobbo had been  
16:23:37 17 providing to Petra by that stage, as it was indicated  
16:23:43 18 earlier, 36 hours of providing Petra investigators  
16:23:46 19 information. Is that something you would have known about?  
16:23:51 20 If the Mr Ashton knows, Mr Overland knows, the  
16:23:54 21 investigators know, is that something you would have known  
16:23:57 22 about?---No, it's not - I don't recall knowing about it. I  
16:23:59 23 note here that this involves evidently communications  
16:24:04 24 between Overland and Ashton and the Petra team, but I don't  
16:24:10 25 recall being party to these, nor do I recall being aware of  
16:24:14 26 this.  
27  
16:24:17 28 Is there any reason why they might be not telling you that  
16:24:22 29 Ms Gobbo has spent 36 hours providing Petra investigators  
16:24:26 30 with information?---No, I don't know.  
31  
16:24:35 32 On 4 September 2008 Mr Waddell and Mr Trichias go out to  
16:24:43 33 the prison to speak with the witness we've been speaking  
16:24:47 34 of?---Yes.  
35  
16:24:48 36 And he provides them with some information in relation to  
16:24:52 37 Mr Waters, except I think it's perhaps in a different  
16:24:56 38 context. At that visit Mr Waddell gets handed a number of  
16:25:02 39 letters that have been intercepted or photocopied within  
16:25:07 40 the prison intelligence system. One of the letters is a  
16:25:11 41 letter from Ms Gobbo to a prisoner, Mr Mannella, and then  
16:25:17 42 there are others in relation to the correspondence between  
16:25:22 43 Gobbo and Mannella floating about as between Mr Mannella  
16:25:30 44 and Mr Williams, Carl Williams and Mr Heaney, and another  
16:25:38 45 one with Matthew Johnson and Mr Mannella. Those letters  
16:25:44 46 refer to Ms Gobbo in less than flattering terms in some  
16:25:50 47 respects. Mr Waddell discusses the letter, it seems,

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16:25:56 1 according to some diary entries, with Mr Wilson and  
16:26:00 2 Mr Sandy White from the SDU. He then - he sends them  
16:26:04 3 scanned copies of those letters, with - relevant portions  
16:26:10 4 are marked up with pen. It seems the letter from Ms Gobbo  
16:26:13 5 initially to Mr Mannella had - she'd written to him  
16:26:17 6 objecting to an insult that she'd perceived from him and  
16:26:22 7 then those other letters, as I said, are in response to  
16:26:27 8 that. One of those letters - a number of aspects of those  
16:26:33 9 letters indicate that Mr Williams has a belief that the  
16:26:40 10 police have something on Ms Gobbo and they send her into  
16:26:44 11 people to get them to roll. He describes a process about  
16:26:50 12 having caught her out during a subpoena process and having  
16:26:55 13 spoken to her about it and saying that he'd shown the  
16:27:01 14 paperwork to Milad Mokbel, who'd continued to have contact  
16:27:04 15 with her, that Milad Mokbel had waived his right to  
16:27:10 16 committal in July of 2007, then Horthy came to gaol and had  
16:27:17 17 his committal in November 2007 and then it came out that  
16:27:20 18 PII [REDACTED] had assisted after talking to Ms Gobbo, that  
16:27:29 19 Williams said that they now thought that she was a dog and  
16:27:33 20 he told them that she was all right, she was only giving  
16:27:36 21 the clients the best advice and it was up to them whether  
16:27:38 22 they took it. He referred to Ms Gobbo now being with the  
16:27:43 23 Don, referring to Mick Gatto. He referred to a particular  
16:27:49 24 witness, who we refer to - a particular gangland witness  
16:27:56 25 who he said had made some statements about Faruk Orman and  
16:28:03 26 that was why Faruk was charged with two murders and now she  
16:28:07 27 was - this is a witness that Ms Gobbo had acted for, and  
16:28:09 28 that she was now acting for Faruk Orman and made some  
16:28:14 29 comments about conflict of interest and the law having been  
16:28:18 30 thrown out the window. There was also a letter at that  
16:28:24 31 stage from Matthew Johnson in relation to Ms Gobbo, saying  
16:28:29 32 disparaging things about her. These were pretty serious  
16:28:33 33 people, you'd agree, talking about Ms Gobbo being a police  
16:28:37 34 stooge or an informer?---Yes.  
35  
16:28:41 36 Do you recall there being any alarm raised about safety  
16:28:43 37 issues in relation to Ms Gobbo at that stage?---No, I don't  
16:28:47 38 recall being briefed about any of these matters at that  
16:28:50 39 time.  
40  
16:28:53 41 Mr Wilson's diary records him briefing Mr Overland the next  
16:29:00 42 day in relation to both the interview that had been had  
16:29:05 43 with the witness that Waddell and Trichias were out there  
16:29:12 44 seeing, as well as Ms Gobbo, and Mr Wilson's evidence was  
16:29:16 45 that he would have discussed those letters with Mr Overland  
16:29:19 46 and that potentially Mr Overland might have seen that as -  
16:29:25 47 it might have made it more of a chance to be a witness if

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16:29:29 1 people already thought she was assisting police. Again, do  
16:29:32 2 you have any recollection of anything along those lines at  
16:29:37 3 that stage?---No, I don't recall any of those matters being  
16:29:40 4 canvassed with me, by either Mr Wilson or Mr Overland.  
5  
16:29:44 6 If you've, at that stage, got people like Carl Williams and  
16:29:49 7 Matthew Johnson making assertions like that about someone  
16:29:55 8 who is an actual informer, what would you do about  
16:29:59 9 it?---Well, clearly there'd be a need to assess her risk  
16:30:03 10 and to ensure there are arrangements put in place to  
16:30:07 11 address those risks and ensure that she was safe.  
12  
16:30:16 13 And you've got no idea whether anything like that was  
16:30:19 14 raised within Victoria Police?---No.  
15  
16:30:26 16 It's not long after that, 29 September, if we go to the  
16:30:30 17 Petra Task Force update, VPL.0100.0002.5903, and if we  
16:30:39 18 scroll through to the next page - p.3, actually, and the  
16:30:49 19 second paragraph. You see there this appears to be the  
16:30:55 20 first Petra Task Force update where there's been a bit of a  
16:30:59 21 breakthrough in relation to those phones. The investigator  
16:31:05 22 believes that the phone described in the name of Valersky  
16:31:11 23 is used by Ms Gobbo?---Yes.  
24  
16:31:13 25 And describes the reasons why he comes to that suspicion or  
16:31:17 26 belief. Then if we go to p.5, you see down the bottom of  
16:31:25 27 that page there are some steps ahead and one of them is to  
16:31:30 28 speak to Ms Gobbo?---Yes.  
29  
16:31:42 30 I think we've got another version of this document with  
16:31:46 31 your handwriting, but you would accept that you became  
16:31:48 32 aware of that information?---Yes. I remember this update.  
33  
16:31:57 34 I tender that document, Commissioner.  
16:32:02 35  
16:32:02 36 #EXHIBIT RC998A - (Confidential) VPL.0100.0002.5903  
16:32:05 37  
16:32:07 38 #EXHIBIT RC998B - (Redacted version.)  
39  
16:32:09 40 COMMISSIONER: Have you finished with that topic or do you  
16:32:12 41 want to go a little bit further?  
42  
16:32:14 43 MS TITTENSOR: I'm in your - I might do a couple of other  
16:32:18 44 quick topics.  
45  
16:32:20 46 COMMISSIONER: Sure.  
47

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16:32:21 1 MS TITTENSOR: Finish this line.  
2  
16:32:22 3 COMMISSIONER: Sure.  
4  
16:32:24 5 MS TITTENSOR: Following that, there's communications  
16:32:25 6 between Mr Smith and the SDU about interviewing Ms Gobbo,  
16:32:29 7 as you might expect. If we go to the SML at page - -  
16:32:37 8 -?---I'm sorry, as I've said previously, in relation to  
16:32:41 9 Petra, it was news to me of the SDU involvement. My  
16:32:45 10 understanding was that this was an investigation that was  
16:32:48 11 being pursued and undertaken by Petra Task Force members.  
12  
16:32:56 13 Well, you get told that Ms Gobbo is to be spoken to in  
16:33:03 14 September, on 29 September 2008?---Yes.  
15  
16:33:06 16 That's a pretty significant breakthrough, Ms Gobbo being -  
16:33:11 17 using those false phones?---Yes, and I was keen to  
16:33:14 18 understand what she would have to say about it.  
19  
16:33:18 20 The significance of this is that she's the conduit between  
16:33:22 21 the person who might have ordered the hit and the  
16:33:26 22 killer?---Yes, and it was also highly corroborative of what  
16:33:30 23 Carl Williams had said in his original statement.  
24  
16:33:36 25 Now, following that, as I'm going to take you through, the  
16:33:40 26 arrangements to speak with Ms Gobbo are made through the  
16:33:42 27 SDU?---I understand that now.  
28  
16:33:45 29 Are you surprised that Mr Overland, according to you, never  
16:33:50 30 tells you that Ms Gobbo is an informer? Does that surprise  
16:33:54 31 you?---No, I'm not surprised because, as I've said in my  
16:33:58 32 earlier evidence, the identity of human sources is, and  
16:34:03 33 ought be, tightly held and so advising someone of the  
16:34:08 34 identity of a human source very much needs to be on a  
16:34:16 35 need-to-know basis.  
36  
16:34:18 37 This is something of significance, in numerous respects, in  
16:34:20 38 a matter like this, would you agree; to her credibility, to  
16:34:26 39 the value of the evidence, to the safety of the witness, to  
16:34:29 40 disclosure, significance all the way through, and you're  
16:34:35 41 one of the main people making decisions, steering this  
16:34:40 42 investigation, and you don't know?---No, I don't know.  
43  
16:34:42 44 Do you find that extraordinary?---Well, certainly with the  
16:34:46 45 benefit of hindsight I do, but I can't speak for  
16:34:52 46 Mr Overland or others, but as I say to you, I'm surprised  
16:34:57 47 at SDU being involved in the interactions between the Petra

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16:35:02 1 Task Force members and a person who was very much a person  
16:35:06 2 of interest to us.  
3  
16:35:07 4 It takes a significant amount of time for the arrangements  
16:35:12 5 to be made as between the SDU and investigators to  
16:35:17 6 interview Ms Gobbo following this discovery. Did you  
16:35:21 7 understand why it was taking so long?---No, I didn't at the  
16:35:25 8 time. I do recall feeling somewhat frustrated about it  
16:35:29 9 too, because this briefing was in September, there were  
16:35:33 10 further updates and then it was November. This was in 2008  
16:35:41 11 as well, so I do recall I'd taken three weeks' leave at the  
16:35:45 12 end of September into the first week of October, so it may  
16:35:49 13 well be that I've missed one of the Task Force meetings.  
14  
16:35:53 15 When you get back, it's still not done?---Still not done,  
16:35:56 16 but we're being told that she is to be - we're given a date  
16:35:59 17 when she's due to be interviewed, I think, and that was  
16:36:02 18 conveyed at the November Task Force update meeting.  
19  
16:36:06 20 Well, what did you understand the hold-up to be?---I don't  
16:36:10 21 recall having an understanding of what the cause for the  
16:36:13 22 hold-up was. It might have been that they were finding it  
16:36:18 23 difficult to find a time to meet with her. I don't know.  
16:36:22 24 I can't recall what the reason for the delay was, and I  
16:36:26 25 certainly don't recall being told of any reason.  
26  
16:36:30 27 Perhaps that is a convenient time, Commissioner.  
28  
16:36:33 29 COMMISSIONER: Before we adjourn, a couple of things. The  
16:36:36 30 finish time tomorrow will be no later than 3.40 in the  
16:36:42 31 afternoon. Mr Nathwani, I think you were going to give me  
16:36:47 32 an update on what's happening with Ms Gobbo's evidence,  
16:36:51 33 which, at the moment, is scheduled for the 29th.  
34  
16:36:54 35 MR NATHWANI: We've been, as you're aware, in discussion  
16:36:56 36 with counsel for the Commission and those assisting you  
16:37:00 37 behind the scenes and we've asked that, for various  
16:37:02 38 reasons, which I need not go into in public, that she give  
16:37:07 39 evidence instead on - commencing 4 February and, as I  
16:37:09 40 understand, it is anticipated that will occur between the  
16:37:13 41 4th to the 7th, that is four days, and during what we've  
16:37:16 42 termed a morning session, so 9.30 to about the usual 1.15,  
16:37:20 43 with a break, subject to, of course, how she is appearing  
16:37:26 44 and her health, but that's - - -  
45  
16:37:28 46 COMMISSIONER: And her evidence will be given remotely?  
47

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16:37:32 1 MR NATHWANI: Yes.  
2  
16:37:33 3 COMMISSIONER: All right then. Thank you for that. We'll  
16:37:34 4 adjourn now until 9.30 tomorrow morning.  
16:38:14 5  
16:38:15 6 <(THE WITNESS WITHDREW)  
16:38:15 7  
8 ADJOURNED UNTIL FRIDAY 24 JANUARY 2020  
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