

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 Tuesday, 8 October 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC Ms K. Argiropoulos
Counsel for State of Victoria	Ms C. McCudden
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDPP	Ms C. Fitzgerald
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for John Higgs	Ms C. Dwyer
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for AFP	Ms I. Minnett
Counsel for Chief Commissioner of Police	Mr Coleman SC Mr Silver

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09:35:52 1 COMMISSIONER: I see the appearances are largely as they
09:35:55 2 were on Friday save that Mr Holt, we have you here again
09:35:58 3 today with your team, and Ms McCudden for the State,
09:36:03 4 Ms O'Gorman for the DPP and Mr Coleman and Mr Silver for
09:36:10 5 the Chief Commissioner.
09:36:11 6
09:36:12 7 MR COLEMAN: May it please the Commissioner.
8
09:36:13 9 COMMISSIONER: Yes. Yes, Mr Woods.
09:36:14 10
09:36:18 11 <OFFICER GREEN, recalled:
09:36:21 12
09:36:21 13 MR WOODS: Mr Green, can you hear me?---Yes, loud and
09:36:24 14 clear, thank you.
15
09:36:24 16 On Friday when we finished I'd taken you to an entry at the
09:36:30 17 beginning of your time handling Ms Gobbo in February
09:36:33 18 2006?---Yes.
19
09:36:33 20 Where you'd had a discussion with Sandy White and he'd
09:36:38 21 said, essentially he cautioned you about speaking to
09:36:42 22 Ms Gobbo about Tony Mokbel's trial, do you remember
09:36:45 23 that?---Yes, I do.
24
09:36:48 25 Then we went through a couple of ICRs, or one or two ICRs
09:36:52 26 after that date, where Ms Gobbo continued to talk about
09:36:59 27 Tony Mokbel's trial and I'd suggested to you that that was
09:37:04 28 inappropriate in circumstances where essentially Mr White
09:37:07 29 had said to you not to do so. Do you remember those
09:37:10 30 questions?---Yes, I do.
31
09:37:12 32 And you'd said, "Well, the thing about handling a human
09:37:17 33 source is you've got to sit there and record what they're
09:37:21 34 saying and all you were doing was recording what she was
09:37:23 35 saying to you", is that a correct summary of your
09:37:27 36 evidence?---At that point, yes.
37
09:37:36 38 I think the particular document I took you to was on the
09:37:40 39 3rd, it was the ICRs, it was on 3 March 2006, and I think
09:37:44 40 the phrase that was used was "Tony Mokbel trial, general
09:37:47 41 discussion. Has a possible chance of acquittal due to a
09:37:51 42 clever no case submission", you recall that?---Yes, I do.
43
09:37:56 44 And you'd said that, well, you hadn't recorded what the
09:37:59 45 clever no case submission was and you don't recall her
09:38:01 46 explaining to you precisely what it was in any event; is
09:38:09 47 that correct?---Yeah, no, I don't recall that, no.

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1
09:38:10 2 Okay?---That is correct, that is what we spoke about, yes.
3
09:38:13 4 If we can bring up the 3838 ICRs at p.177, please. This is
09:38:22 5 at 15:05 and this is another of your ICRs. So it's two
09:38:28 6 days after that last one that you were talking about with
09:38:34 7 the clever no case submission. She's rung you and she said
09:38:39 8 that she's to meet a particular person, talk to people at
09:38:45 9 20:30 at the Waterfront Café and that the source is to meet
09:38:50 10 with Tony Mokbel and another of his witnesses, do you see
09:38:53 11 that? 15:05, last entry before 15:15?---Yep. 15:05,
09:39:04 12 sorry, yes. Yep, I've got you now, yep.
09:39:07 13
09:39:08 14 Then at 15:15 you update Jim O'Brien about those matters;
09:39:14 15 is that right?---That is - yes, that would have been
09:39:16 16 specific to the person's movements, yep.
17
09:40:10 18 In any event, there are two items of discussion between you
09:40:14 19 and Ms Gobbo at 15:05. The first is about the movement -
09:40:19 20 her meeting two particular people?---Yep.
21
09:40:21 22 The second is about her meeting Tony Mokbel and another of
09:40:24 23 his witnesses?---Yep.
24
09:40:26 25 Then at 15:15, you call, it says "JOB re Purana
09:40:35 26 updated"?---Yep, yep.
09:40:35 27
09:40:36 28 So what your evidence is is the only thing you updated Jim
09:40:38 29 O'Brien about was the movement of those first two people
09:40:41 30 and not about meeting with Tony Mokbel and another of his
09:40:44 31 witnesses; is that right?---That's right. My recollection,
09:40:49 32 for the majority of the contacts I had with her, until that
09:40:51 33 person was arrested was purely to - the number one priority
09:40:57 34 and the only tasking that I recall was to try and find
09:41:01 35 where he was conducting his activities from.
36
09:41:06 37 We might leave that to closed session?---Okay.
38
09:41:10 39 I understand?---Yep.
40
09:41:11 41 What I need to tease out though, rather than going through
09:41:14 42 the particulars of that person and the other person named
09:41:17 43 in the line?---Yep, yep.
44
09:41:18 45 Is why it is you're confident that you didn't pass on to
09:41:23 46 Mr O'Brien that Ms Gobbo was meeting Tony Mokbel and
09:41:28 47 another of witnesses on that day, is it simply because that

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1 was the only topic of conversation you had with Mr O'Brien
09:41:31 2 around that time?--Would have been, yep, not relating to
09:41:33 3 Tony, that's for sure, yep.
4
09:41:35 5 We might develop that a little bit in closed session in a
09:41:38 6 little while?---Okay.
7
09:41:42 8 Then at p.180 of that same document?---M'mm.
9
09:41:47 10 There's an entry at 19:30. Now again the person we won't
09:41:54 11 name is there?---Yep.
12
09:41:58 13 And there's been a question asked about Tony Mokbel trial
09:42:02 14 and some other issues. Ms Gobbo has said to you that Tony
09:42:08 15 Mokbel has been told he will be going to gaol. He said
09:42:13 16 that he has expected it and one-on-one he is upset, do you
09:42:20 17 see that there?---Yes, yep.
18
09:42:22 19 Do you understand that the person telling Tony Mokbel that
09:42:24 20 he'll be going to gaol, that's one of his lawyers, do you
09:42:28 21 understand that be to the case?---I would imagine so, yep.
22
09:42:31 23 This is at the time when the trial into Tony Mokbel's
09:42:34 24 importation was running, you agree with that?---I'll take
09:42:40 25 your word on that, yep.
26
09:42:42 27 Did you understand there to be any issues in the context
09:42:44 28 where Mr White had said to you some time before, "Don't
09:42:48 29 talk about the trial", were there any issues in your mind
09:42:51 30 of having a discussion with her about the advice that had
09:42:54 31 been given to Tony Mokbel about the strength of his
09:42:56 32 case?---Yes, I figured that that was just a general detail
09:43:04 33 and not a specific matter that would change the destiny of
09:43:10 34 any matter before the courts.
35
09:43:13 36 That may or may not be the case. What I'd like to suggest
09:43:16 37 to you though is that this is a defence barrister who's
09:43:21 38 representing Tony Mokbel, you agree with that?---Yep.
39
09:43:25 40 She's talking to a member of Victoria Police, which is you,
09:43:30 41 agree with that?---Yes.
42
09:43:32 43 Now whilst they're Federal charges that he's facing in the
09:43:40 44 Supreme Court of Victoria - you understand that was the
09:43:43 45 case, this importation was Commonwealth charges?---That's
09:43:48 46 correct, yes.
47

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09:43:49 1 Was there any indication that Tony Mokbel had given
09:43:52 2 instructions to Ms Gobbo to tell Victoria Police that his
09:43:57 3 case was weak?---I wouldn't imagine that's the case, no.
4
09:44:02 5 So you'd agree that, just focusing on Ms Gobbo's behaviour
09:44:06 6 here, this was an inappropriate thing for her to be telling
09:44:09 7 Victoria Police?---I would say it's more of a
09:44:14 8 conversational intent rather than any other tone of that
09:44:20 9 conversation. I don't think that was specifically told to
09:44:24 10 a Victoria Police member in order to do anything with it or
09:44:30 11 take the matter any further.
12
09:44:32 13 Okay. Let's put intent to one side. If you were in the
09:44:36 14 position of facing serious charges yourself, you wouldn't
09:44:41 15 want your barrister to be passing on to any authorities,
09:44:47 16 without your say so, that the advice to you had been that
09:44:51 17 your defence was very weak. You accept that you wouldn't
09:44:53 18 want that to happen in that situation?---Look, I just don't
09:45:00 19 see it as a specific point that has any real direct bearing
09:45:08 20 on the matter before the court.
21
09:45:10 22 COMMISSIONER: We're not a court, we're an Inquiry?---Okay.
09:45:14 23 Yep, sorry.
24
09:45:14 25 You were asked a question. Could you just give a direct
09:45:19 26 answer, please. Yes, Mr Woods, could you ask the question
09:45:22 27 again.
28
09:45:24 29 MR WOODS: So putting yourself in the situation of facing
09:45:26 30 serious charges and without telling your barrister that
09:45:28 31 they had authority to explain the legal advice that your
09:45:32 32 case was weak to the authorities, would you expect or,
09:45:37 33 sorry, would you be satisfied with your barrister for
09:45:39 34 passing on to the authorities that you had been told that
09:45:43 35 your case was weak and that you would be going to
09:45:47 36 gaol?---In those terms, no, I wouldn't want that to happen.
37
09:45:51 38 You've accepted that there's no indication here that
09:45:54 39 Mr Mokbel had given Ms Gobbo any instructions to pass this
09:45:59 40 on to Victoria Police and so - - - ?---Yep.
41
09:46:04 42 - - - it's inevitable, isn't it, that what was happening
09:46:07 43 here was something quite untoward that Ms Gobbo was
09:46:10 44 doing?---I would - like I say, with the topics discussed in
09:46:23 45 that conversation it was said in a conversational manner.
09:46:31 46 I never - I take your point absolutely, the more I think of
09:46:35 47 it.

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1
09:46:35 2 Yes?---You wouldn't want - Tony Mokbel wouldn't want her
09:46:40 3 telling anyone anything, I would imagine, but he would also
09:46:49 4 be expecting that other people would be talking about him
09:46:52 5 and his matter, not that he would want her to talk about it
09:46:56 6 in any way, shape or form, I understand that. But I
09:47:00 7 believe the way it was told to me was more of a discussion
09:47:02 8 topic rather than a point of significance or importance.
9
09:47:09 10 All right. So you're warming to the idea of it being
09:47:14 11 something improper that had happened but as I understand it
09:47:17 12 - - - ?---Yes.
09:47:17 13
09:47:17 14 - - - at this stage you're not willing to accept that
09:47:20 15 anything improper was happening in this
09:47:23 16 conversation?---When you read those two lines on a document
09:47:27 17 like that it looks, I agree, completely with your angle on
09:47:33 18 it, absolutely.
19
09:47:34 20 In fact it is a conversation that should not have been
09:47:44 21 allowed to occur?---Yeah, I would say she probably
09:47:46 22 shouldn't that told me, that's right, yep.
09:47:49 23
09:47:50 24 And in fact she shouldn't have told you those things and in
09:47:52 25 fact you should have been saying to her, I would suggest,
09:47:55 26 "Nicola, we are not talking about Tony Mokbel's trial or
09:47:57 27 advice that you've given to him about the strength of his
09:48:00 28 case", do you accept that that's something you should have
09:48:05 29 said?---Look, I would. And I'm sure if she had have
09:48:08 30 started going on in any detail about that, I would have
09:48:12 31 swayed the conversation away from that, absolutely.
32
09:48:15 33 Whether it's any detail or not, what she seems to be saying
09:48:18 34 here is that the guy who's defending, the man who's
09:48:20 35 defending these criminal charges in the Supreme Court has
09:48:23 36 no defence to the criminal charges. That's what she's
09:48:26 37 saying in those words, isn't she?---My belief at that point
09:48:30 38 in time is that he was guilty of those offences anyway, so
09:48:35 39 it hasn't impacted on my, stuff of mine as to being told
09:48:43 40 that.
41
09:48:45 42 So - - -?---It's not a significant - to me, sorry, the way
09:48:49 43 I hear that is that is not a significant statement in any
09:48:56 44 way.
45
09:48:58 46 All right?---I was hopeful that Tony Mokbel would be going
09:49:03 47 to gaol anyway. My understanding would be he was - to be

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09:49:06 1 honest, I don't know the ins and outs of that particular
09:49:10 2 case, so.
09:49:10 3
09:49:10 4 Can I say I'm less interested in what you understood to be
09:49:13 5 - what you wanted to happen with Tony Mokbel in the
09:49:15 6 trial?---Yep.
7
09:49:15 8 I'm interested in the propriety of the conversation that
09:49:20 9 was going on Ms Gobbo, who was defending Mr Mokbel, and
09:49:23 10 Victoria Police, so you understand that's the focus of what
09:49:26 11 I'm asking?---Yep, I do. And I understand your point, yes.
12
09:49:30 13 Whether or not - sorry, I can't see you so it's, sometimes
09:49:33 14 it's hard for me to know when you're stopping talking or
09:49:38 15 when I get a chance to. But the situation that the
09:49:42 16 Commission's interested in is the propriety of the
09:49:49 17 conversation and certainly in circumstances where Mr White
09:49:50 18 had said to you some time before not to talk about Tony
09:49:55 19 Mokbel's trial, so you understand?---Yes, I understand
09:49:57 20 that. I understand the point you're trying to make but I'm
09:50:00 21 trying to express the point of view that I held at that
09:50:04 22 time so that it's not perhaps exaggerated out of context.
23
09:50:09 24 Yes. The last thing I wanted to ask you about, you were
09:50:14 25 talking about the conversational nature of this. Is this a
09:50:16 26 conversation you have a distinct memory of or are you
09:50:20 27 assuming that from the tenor of the notes?---I'm assuming
09:50:23 28 that from the tenor of the notes and that was, what, at
09:50:29 29 7.30 at night, yep.
30
09:50:31 31 Okay. You understand that - and you understood at the time
09:50:37 32 I should ask - that it's improper for a legal practitioner
09:50:43 33 to have a conflict of interest, so, for example - well, in
09:50:48 34 fact, can you answer that first?---Yep.
35
09:50:50 36 You understand that a conflict of interest is something
09:50:58 37 that a legal practitioner should not have?---Yes.
38
09:51:00 39 Can you explain what your understanding now of a conflict
09:51:04 40 of interest is?---As of today - - -
41
09:51:06 42 Yes?--- - - - you mean? Yep. That would be where you have
09:51:11 43 a commitment to person A and if you were to be asked or to
09:51:30 44 get like instructions from another person that was relative
09:51:34 45 to that person A, you would need to - if you can't
09:51:38 46 compartmentalise the two people separately and there's a
09:51:45 47 cross over between those two people or those two events

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09:51:53 1 that don't match up, then I guess that's where the conflict
09:51:56 2 comes in.
3

09:51:58 4 All right. Bringing it into the context of Ms Gobbo and
09:52:01 5 Victoria Police, you understand that during her time as a
09:52:07 6 registered informer with the SDU, that she was acting in
09:52:13 7 the interests of Victoria Police and the SDU by providing
09:52:18 8 information to the SDU; is that right?---Yes.
9

09:52:24 10 On a number of occasions that the Commission's familiar
09:52:27 11 with, and some we'll tease out in some detail, she was
09:52:32 12 purporting to act on behalf of people who she was
09:52:39 13 implicating in her conversations with the SDU, you're aware
09:52:43 14 of some of those?---Yes.
15

09:52:44 16 And inasmuch as she was doing, she was acting with those
09:52:48 17 two interests, she had a conflict between the two
09:52:51 18 interests, that's correct?---Yeah, I think there's a bit
09:52:54 19 more that the conflict was with as well but, yes, that's
09:52:59 20 certainly - I agree with your analogy of that.
21

09:53:04 22 A conflict was to be avoided because if on the one hand
09:53:09 23 Ms Gobbo, let's just take a hypothetical person, on the one
09:53:13 24 hand Ms Gobbo is providing information to implicate that
09:53:17 25 person in criminal activity?---M'mm.
26

09:53:21 27 Then when the person is arrested for such criminal activity
09:53:25 28 she's in immediate conflict between the task she's been
09:53:30 29 undertaking for the SDU, or the information she's given
09:53:34 30 them, and her duties to act in the client's best interests;
09:53:38 31 is that right?---Yes, yep. Provided - see, I think the
09:53:42 32 other conflict that comes into that discussion is the fact
09:53:45 33 that she is aware that her clients are committing, in some
09:53:49 34 cases, quite serious criminal offences.
35

09:53:52 36 Yes?---And that also comes into the mix. I guess that's
09:53:56 37 what brought about her motivations in the first place.
38

09:54:00 39 The Commission's aware of those issues and we might just
09:54:05 40 separate two issues now because on the one hand you and
09:54:09 41 your - well a number of your colleagues have given evidence
09:54:12 42 that their understanding of legal professional privilege,
09:54:16 43 and I'm talking not here about conflict?---Yes.
44

09:54:18 45 Is that if there was an ongoing criminal activity then
09:54:22 46 legal professional privilege didn't apply to that?---Yep.
47

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09:54:25 1 And Ms Gobbo was and should give up that information to the
09:54:31 2 authorities and that would accord with your position, I
09:54:33 3 take it?---Yep, that's correct, yep.

4
09:54:34 5 But what I'm talking about is a situation where Ms Gobbo
09:54:38 6 does that but then purports to act on the person's behalf,
09:54:42 7 whether it's in relation to those matters she's implicated
09:54:46 8 the person in relation to or other matters that she hasn't
09:54:49 9 implicated the person in relation to, she has a conflict
09:54:53 10 between two interests as soon as she does that, do you
09:54:56 11 agree with that?---Yes, I agree with the proposition you
09:54:59 12 make, yeah.

13
09:55:01 14 You talk in your statement about Ms Gobbo's motivation, her
09:55:07 15 early motivation I think, as being she complains about the
09:55:13 16 Mokbel's manipulating the legal system. We talked a bit
09:55:17 17 about that on Friday, do you recall?---Yes, I do.

18
09:55:20 19 When Ms Gobbo was engaged with the SDU in September 2005
09:55:27 20 Mr Mokbel was a known client of Ms Gobbo's at that stage,
09:55:32 21 do you agree?---Yep, yep.

22
09:55:34 23 And from the very get-go she was pretty keen to explain how
09:55:39 24 she was wanting to get the Mokbel monkey off her back and
09:55:44 25 to - - - ?---Yes.

26
09:55:46 27 - - - make sure that Tony Mokbel spent a lot of time in
09:55:48 28 prison, do you agree?---Yeah, yes.

29
09:55:53 30 Do you accept that insofar as that scenario that we've just
09:55:57 31 gone through existed, that Victoria Police itself was
09:56:00 32 wanting to manipulate the legal system?---No, that wasn't
09:56:06 33 the case. My recollection at that point in time was it was
09:56:11 34 pretty simple, the plan was relatively simple in the way it
09:56:20 35 tied in with Purana's investigation, and that was, really
09:56:24 36 the focus was on arresting the person we're not allowed to
09:56:27 37 talk about, because he was generating a lot of income for
09:56:31 38 that family.

39
09:56:32 40 Yes?---So the real target, in my recollection, was on that
09:56:39 41 person and not - whatever happened with that Mokbel family
09:56:45 42 along the way would so be it, but that was the focus and it
09:56:52 43 certainly wasn't to manipulate any matters before the
09:56:57 44 court.

45
09:56:58 46 All right. We might develop that a bit in a moment. So in
09:57:03 47 short you don't accept that there was any manipulation of

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09:57:05 1 the legal system by engaging Mr Mokbel's counsel as a
09:57:14 2 source?---No.
3
09:57:17 4 Okay. There is not only Mr Mokbel who Ms Gobbo provided
09:57:27 5 information about but there's Mr Karam, there's a couple of
09:57:32 6 people who we're not able to mention at the moment whose
09:57:39 7 behalf she continued to act on behalf of despite assisting
09:57:45 8 the police in relation to implicating them?---M'mm.
9
09:57:48 10 So you're aware of her undertaking that activity?---Yes.
11
09:57:52 12 Putting to one side her ability to breach what might
09:58:01 13 otherwise be privilege or do something which might
09:58:04 14 otherwise be a breach of privilege, after she'd implicated
09:58:07 15 those people she had a conflict acting on their behalf. Is
09:58:10 16 that something I think you've already accepted; is that
09:58:13 17 correct?---Yes, I accept what you're saying now, yep.
18
09:58:15 19 Just as an example, in a matter that you ended up being
09:58:20 20 fairly involved in, the tomato tins matter and
09:58:25 21 Mr Karam?---Yep.
22
09:58:26 23 You know that on 5 June 2007 Ms Gobbo handed over a bill of
09:58:33 24 lading to her handlers that evening?---Yes, I'm aware of
09:58:35 25 that.
26
09:58:39 27 You know that she was acting for Mr Karam at the
09:58:43 28 time?---Yes, yep.
09:58:44 29
09:58:45 30 You know that the bill of lading implicated Mr Karam in
09:58:49 31 some very serious drug importation?---That's correct.
32
09:59:00 33 You would accept, I take it, that in handing over the bill
09:59:05 34 of lading to the police Ms Gobbo was essentially acting as
09:59:10 35 an agent of the police and not of Mr Karam?---At that point
09:59:15 36 in time she had a choice of either, I guess, being
09:59:21 37 knowingly concerned with a four and a half tonne import or
09:59:26 38 handing it to the police, yes. That's the dilemma I
09:59:30 39 believe she had at that point in time.
40
09:59:32 41 I understand?---She either had to join the gang or work
09:59:35 42 against them.
43
09:59:36 44 I understand that. But - - - ?---Yep.
45
09:59:40 46 - - - in working against them the issue that I'm wanting to
09:59:42 47 identify is that she continued to act on Mr Karam's behalf

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09:59:46 1 after that date?---I believe she did, yes, and I think the
09:59:50 2 trial went for a few more weeks or something before -
09:59:54 3 interestingly she didn't, I don't believe she's told us
09:59:57 4 anything at all about that trial at any stage.
5
10:00:02 6 I'm not sure that's correct if you review the ICRs but - -
10:00:06 7 - ?---Okay.
8
10:00:07 9 - - - we don't need to go there at the moment?---Okay, yep.
10
10:00:21 11 Just before we go into a brief private session I just want
10:00:24 12 to ask a couple of issues about Ms Gobbo's mental
10:00:29 13 well-being as you understood it to be at the time that you
10:00:34 14 were handling her?---Yep.
15
10:00:36 16 You say at paragraph 5 that a psychologist was used due to
10:00:42 17 extended use, I think is the phrase you used - let me just
10:00:49 18 find the phrase. It might be p.5, I'm sorry. It's at p.5
10:01:15 19 of your first statement?---Yep.
20
10:01:18 21 It's paragraph F?---F, yes, I've found it. Yep.
22
10:01:23 23 You talk about the use of that professional there?---M'hmm,
10:01:32 24 okay, yep.
25
10:01:34 26 Can I understand a little bit more about the first words in
10:01:37 27 that sentence, "Due to the extended period of use". Was
10:01:45 28 that the trigger for Ms Gobbo seeing that mental health
10:01:48 29 professional or was it something else, the extended
10:01:53 30 use?---And also her state of mind as it sort of fluctuated,
10:01:59 31 yep, along that journey.
32
10:02:01 33 Was this something that you'd had to do for other sources
10:02:05 34 or was this something peculiar to Ms Gobbo?---That was
10:02:08 35 peculiar, yep.
36
10:02:09 37 Have you had that experience with other sources before
10:02:12 38 where you've had to arrange for them to see
10:02:16 39 psychologists?---No, not that I can recall, no.
40
10:02:18 41 Okay. Whose idea was it, was it yours or Mr White's?---It
10:02:26 42 probably would have been something I've raised with him and
10:02:29 43 we discussed it and how the actual logistics of achieving
10:02:34 44 it, it was difficult on a number of fronts, but, yeah, we
10:02:39 45 would have discussed it and worked out a plan.
46
10:02:42 47 Other than that issue of extended use of Ms Gobbo, those

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10:02:46 1 issues that you identify, Ms Gobbo spoke about suicide from
10:02:52 2 time to time in dealings with you; is that correct?---I
10:02:58 3 don't remember her talking about suicide.
4
10:03:01 5 Do you remember her - - -?---She was depressed and anxious
10:03:04 6 and what have you, certainly I remember that. But I don't
10:03:07 7 remember her - I mean I could - I mean the notes, I may
10:03:13 8 well have taken a note of it but I don't recall it at this
10:03:16 9 point in time.
10
10:03:17 11 Your memory is of depression and anxiety?---Yeah, and quite
10:03:20 12 significant, more than, yep, the average.
13
10:03:22 14 She was a lonely person in your understanding?---Yes, yep,
10:03:28 15 very.
16
10:03:29 17 One of the things that comes through in the ICRs is that
10:03:33 18 she was constantly very nervous about being identified as a
10:03:38 19 human source, do you recall that?---Yes, I do, yep.
20
10:03:42 21 And the other thing that becomes clear from September 2005
10:03:49 22 onwards is that Ms Gobbo became more and more reliant on
10:03:55 23 members of the SDU for emotional support?---I would agree
10:04:00 24 with that, yes.
25
10:04:01 26 They're some other reasons why the view was taken that a
10:04:05 27 psychologist was needed to spend some time with
10:04:08 28 Ms Gobbo?---They were the other extra reasons did you say,
10:04:11 29 sorry?
30
10:04:12 31 They were some of the reasons why a psychologist was seen
10:04:15 32 as necessary?---Yep, that's correct, yep.
33
10:04:17 34 You talk also, I think it might be the same part of the
10:04:20 35 statement, about trying to limit telephone calls to Monday,
10:04:26 36 Wednesday and Friday?---Yes, that's correct.
37
10:04:30 38 I hear you laugh. I think it might be because as I look
10:04:34 39 through the ICRs that as an abject failure; is that
10:04:38 40 right?---Correct, that would be a very adequate
10:04:41 41 description, yep.
42
10:04:42 43 It wasn't unusual for Ms Gobbo to be ringing ten plus times
10:04:46 44 a day during your period of handling her?---Mate, ten might
10:04:52 45 be a slight exaggeration but you're pretty close, yep.
10:04:56 46
10:04:56 47 It was rare when a handler was on, and we'll just take you

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10:05:01 1 as the example, it was rare that you wouldn't hear from her
10:05:05 2 every day?---Yeah, absolutely.
3
10:05:09 4 What was the course you took to try and limit the number of
10:05:13 5 calls to Monday, Wednesday, Friday?---Just in my discussion
10:05:17 6 with her along the way.
7
10:05:18 8 Did she indicate to you that that was something she was
10:05:21 9 willing to do?---She said she would try.
10
10:05:28 11 Okay?---Yep.
12
10:05:29 13 You didn't see any effort of her trying?---There would have
10:05:34 14 been some good reason, I'm sure, to ring me five minutes
10:05:38 15 after I made that suggestion.
16
10:05:41 17 You also talk in the same part of the statement about
10:05:45 18 Ms Gobbo having narcissistic tendencies?---Yes.
19
10:05:48 20 Can you explain to the Commission the behaviour that you
10:05:51 21 concluded was narcissistic?---Basically it was - she was
10:05:59 22 the focus or wanting to be the focus of attention so
10:06:06 23 I - - -
24
10:06:09 25 That's something - - -?---In a nutshell, other than
10:06:11 26 drilling down into every single example, I couldn't pick
10:06:16 27 out examples for you right now but certainly that was the
10:06:19 28 impression I got, yeah.
10:06:20 29
10:06:20 30 Commissioner, there's some issues for a short private
10:06:23 31 hearing and then we can open the hearing again with the
10:06:26 32 witness, if that's possible.
33
10:06:27 34 COMMISSIONER: Yes, all right then. I'm satisfied that
10:06:30 35 under s.24 of the Inquiries Act access to the Inquiry
10:06:34 36 during the evidence of - this part of the evidence of
10:06:39 37 Officer Green, a pseudonym, is limited to legal
10:06:41 38 representatives and staff assisting the Royal Commission,
10:06:43 39 the following parties with leave to appear in the private
10:06:45 40 hearing and their legal representatives: the State of
10:06:49 41 Victoria, Victoria Police, including media unit
10:06:52 42 representatives, Graham Ashton, the Director of Public
10:06:58 43 Prosecutions and Office of Public Prosecutions,
10:07:00 44 Commonwealth Director of Public Prosecutions, Ms Nicola
10:07:02 45 Gobbo, the SDU handlers, Australian Federal Police, the
10:07:05 46 Department of Home Affairs Commonwealth, the legal
10:07:09 47 representatives of the following parties with leave to

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10:07:11 1 appear: Faruk Orman, Pasquale Barbaro, John Higgs and
10:07:16 2 Person 14, media representatives accredited by the Royal
10:07:21 3 Commission are allowed to be present in the hearing room.
10:07:23 4 The hearing is to be recorded but not streamed or
10:07:27 5 broadcast. Subject to any further order there is no
10:07:28 6 publication of any material, statements, information or
10:07:30 7 evidence given made or referred to before the Commission
10:07:34 8 which could identify or tend to identify the persons
10:07:35 9 referred to as Witness A, Witness B, Witness X, Person 14,
10:07:40 10 any member of the Source Development Unit or their
10:07:46 11 whereabouts. A copy of this order is to be posted on the
10:07:49 12 door of the hearing room.
10:07:51 13
10:07:51 14 Mr Coleman, the lawyers present during these closed
10:08:01 15 hearings have given an undertaking only to discuss with
10:08:05 16 their clients the aspects of confidential material relevant
10:08:09 17 to obtaining instructions for potential cross-examination
10:08:10 18 of the witnesses, to inform their clients of any relevant
10:08:12 19 non-publication orders of the Commission and/or extant
10:08:17 20 suppression orders and the criminal sanctions that would
10:08:20 21 apply for any breach of those orders, and not to disclose
10:08:22 22 the confidential information, other orally or in writing,
10:08:25 23 to any other person. I assume you'd be prepared to give
10:08:28 24 that undertaking?
10:08:30 25
10:08:30 26 MR COLEMAN: I do, Commissioner. I will inform my client.
27
10:08:33 28 COMMISSIONER: Thanks Mr Coleman.
10:08:35 29
10:08:35 30 MR WOODS: I understand counsel for the Department of Home
10:08:39 31 Affairs is also willing to give that same undertaking. She
10:08:47 32 hasn't been asked to yet.
33
10:08:49 34 COMMISSIONER: Yes, all right then. Yes, Ms Martin,
10:08:49 35 you're prepared to give that undertaking also?
10:08:54 36
10:08:55 37 MS MARTIN: Yes, I am.
38
10:08:56 39 COMMISSIONER: Thank you.
40
41 (IN CAMERA HEARING FOLLOWS)
42
43
44
45
46
47

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11:33:38 1 UPON RESUMING IN OPEN HEARING:
11:33:41 2
11:33:41 3 MR WOODS: Mr Chettle, has something to raise briefly
11:33:43 4 before I continue.
11:33:44 5
11:33:44 6 COMMISSIONER: We're now in open session.
11:33:46 7
11:33:46 8 MR CHETTLE: Yes Commissioner. Exhibit 568 was a portion
11:33:51 9 of transcript that was tendered before the break.
11:33:54 10
11:33:54 11 COMMISSIONER: Yes.
11:33:54 12
11:33:55 13 MR CHETTLE: What appears to have occurred, Commissioner,
11:33:58 14 is there appears to have been some alterations and
11:34:01 15 deletions to the transcript that has been prepared and
11:34:04 16 delivered to everybody, and that may well be that someone
11:34:07 17 has listened to it and decided it has things in it that
11:34:11 18 weren't heard by the original transcribers. But it's only
11:34:16 19 become apparent to me that that's occurred when I compared
11:34:18 20 the two. Frankly, I'm slightly concerned. I'd like to
11:34:23 21 know about it if that's what's occurred.
11:34:25 22
11:34:26 23 COMMISSIONER: Can you throw any light on this?
11:34:29 24
11:34:29 25 MR WOODS: Yes, the situation is this, Commissioner. The
11:34:30 26 audio recordings are of various quality. Those
11:34:35 27 transcribing them have left gaps when it's not clear to
11:34:39 28 them what the words are. If the word is very clear to us,
11:34:43 29 to the Commission staff when we're listening to the
11:34:45 30 recording and we're confident that that's what the word is,
11:34:45 31 then it is inserted into the transcript. That's the
11:34:47 32 situation with the word "brilliantly", which I think is one
11:34:51 33 of the words under discussion now. That's the simple
11:34:54 34 answer to it, which is that the recording is listened to
11:34:59 35 again and if there's anything that's audible that the
36 transcriber, whoever they were, didn't think was audible -
11:35:01 37 - -
11:35:01 38
11:35:02 39 COMMISSIONER: Can I ask when that happens then you put the
11:35:05 40 RCMPI number on the left-hand side? We just need to make
11:35:09 41 sure that people can understand when and where that's
11:35:12 42 happened. Is that a distinguishing feature where this has
11:35:17 43 happened?
11:35:17 44
11:35:18 45 MR WOODS: Yes, I think the way that they're tendered in
11:35:20 46 fact has the VPL number of the document, the VPL number of
11:35:23 47 the audio at the top of it, and so those wanting to check

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11:35:27 1 the transcript are able to immediately go to the audio and
11:35:31 2 the transcript and check them against each other to see if
11:35:34 3 they agree that that phrase or that word is correct or
11:35:41 4 incorrect.
11:35:41 5
11:35:41 6 COMMISSIONER: How does someone looking at the document
11:35:44 7 understand whether it's the Commission's document or a
11:35:48 8 Victoria Police document?
11:35:49 9
11:35:49 10 MR WOODS: I take your point, Commissioner. So, for
11:35:52 11 example, to highlight a word that wasn't identified by the
11:35:55 12 transcriber but has been identified by the Commission might
11:35:58 13 be the safest course, is that's what's being suggested?
11:36:03 14
11:36:03 15 COMMISSIONER: That's one course. Up on the screen now I
11:36:06 16 think we've got Exhibit 568. Now that looks a little bit
11:36:14 17 different, does it, to other transcripts?
11:36:17 18
11:36:18 19 MR WOODS: Yes, so if you look over on the right-hand side
11:36:20 20 there's the - see halfway down Officer Green, "H'mm, oh, I,
11:36:27 21 I", you'll see that on the fourth line down on the
11:36:32 22 left-hand side. "I just the way, just the whole", and then
11:36:35 23 "... the whole on the right", so those words have been
11:36:39 24 identified by the Commission in listening to that recording
11:36:42 25 that obviously the transcriber that Victoria Police used
11:36:45 26 wasn't confident about identifying it. That's been
11:36:49 27 inserted because we were confident that those were the
11:36:52 28 words spoken.
11:36:52 29
11:36:52 30 COMMISSIONER: Okay. So in future, and if this could be
11:36:55 31 done with this document too, as you say highlight the
11:36:58 32 changes and maybe in the heading say, "Additional words
11:37:04 33 heard by Royal Commission officers are highlighted",
11:37:10 34 something to that effect on the heading.
11:37:14 35
11:37:14 36 MR WOODS: Yes, I understand.
11:37:15 37
11:37:16 38 MR HOLT: That would make sense, Commissioner. From our
11:37:21 39 perspective they were our transcripts originally. Could we
11:37:21 40 ask whether that's occurred in previous documents or
11:37:23 41 whether this is the first one? If it has then it is very
11:37:27 42 sensible to try and improve the transcript as we go, we
43 have no objection to that.
44
45 COMMISSIONER: Yes.
46
11:37:31 47 MR HOLT: I also wonder, Commissioner, you raised whether

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11:37:33 1 there was a separate RCMPPI number where there had been a
11:37:38 2 change. I'm just concerned to ensure that when that VPL is
11:37:42 3 referred to which document comes up in the system.
4
11:37:45 5 COMMISSIONER: The reason I say is because 569 had RCMPPI
11:37:48 6 documents.
11:37:49 7
11:37:49 8 MR HOLT: No, I had seen that, Commissioner. But not this
11:37:50 9 one.
11:37:50 10
11:37:50 11 COMMISSIONER: But not this one.
11:37:52 12
11:37:52 13 MR HOLT: So if we put into the system that VPL with the
11:37:56 14 0922 on the far side it's presumably going to come up with
11:38:00 15 the original transcript, not this one. Just for ease of
11:38:03 16 reference perhaps if those two steps might be able to be
11:38:06 17 taken we'd be grateful.
11:38:08 18
11:38:08 19 COMMISSIONER: That probably makes sense.
20
11:38:09 21 MR HOLT: Thank you Commissioner.
11:38:09 22
11:38:10 23 MR WOODS: And it might be that because this is a
11:38:10 24 transcript and recording that I've provided to the
11:38:13 25 operator, as I understand it when that's happened in the
11:38:15 26 past perhaps more diligent counsel have indicated where
11:38:21 27 there are words that have been identified, it might simply
11:38:23 28 be the way that I've sent it to the operator. In any event
11:38:27 29 we can highlight it now.
11:38:28 30
11:38:29 31 COMMISSIONER: Yes. I don't know that the actual
11:38:34 32 transcript's been changed in the past but could you find
11:38:37 33 that out.
11:38:37 34
11:38:38 35 MR WOODS: It has been.
11:38:38 36
11:38:38 37 COMMISSIONER: It has been, okay. So where that's happened
11:38:41 38 we need to identify that.
11:38:42 39
11:38:43 40 MR WOODS: Anything in this format may well have been, so I
11:38:46 41 think Mr Flynn was taken to a few so we'll undertake that
11:38:51 42 task.
11:38:52 43
11:38:52 44 COMMISSIONER: If you could do that task and then tender
11:38:55 45 them in the form with it highlighted, with a note that it's
11:38:59 46 highlighted, and with a new RCMPPI identification number on
11:39:03 47 it. So we've got that sorted now?

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11:39:06 1
11:39:07 2 MR WOODS: We do.
3
11:39:07 4 COMMISSIONER: Yes.
11:39:07 5
11:39:08 6 MR CHETTLE: I'm not trying to complain, Commissioner, what
11:39:12 7 I want is an opportunity to check it, that's all.
11:39:15 8
11:39:15 9 COMMISSIONER: You can still check it.
11:39:17 10
11:39:17 11 MR CHETTLE: I will.
11:39:17 12
11:39:18 13 COMMISSIONER: You can check it, if there is a problem then
11:39:24 14 you let us know.
11:39:26 15
16 MR CHETTLE: I will.
17
18 COMMISSIONER: The Royal Commission can do this and then
19 you'll let us know if there's any issue with that.
20
21 MR CHETTLE: Commissioner, you'll appreciate there's been
11:39:28 22 an issue about the accuracy of the transcripts.
11:39:31 23
11:39:31 24 COMMISSIONER: Absolutely, I thank you for raising it.
11:39:33 25
11:39:33 26 MR WOODS: The other side of the coin is there are
11:39:35 27 occasions where the transcriber, there is something clearly
11:39:40 28 wrong, that the transcriber has written down there an
11:39:41 29 incorrect word or something, that will be identified as
11:39:43 30 well in the process which you have requested happen.
31
32 COMMISSIONER: Sure.
33
34 MR WOODS: About whether we've corrected that.
35
11:39:50 36 COMMISSIONER: So highlight, a note that it's highlighted
11:39:52 37 and a new RCMPPI number on the left-hand side to distinguish
11:39:58 38 it from the original one. That should cover all bases I
11:39:59 39 think and if anyone has any more issues with the accuracy
11:40:05 40 of the RCMPPI version no doubt they'll raise it.
41
42 MR HOLT: Thank you Commissioner.
43
11:40:08 44 COMMISSIONER: Good, thank you.
11:40:08 45
11:40:08 46 MR WOODS: Thanks for bearing with us, Mr Green, are you
11:40:10 47 there?---Yes, no worries.

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11:40:12 1
11:40:12 2 What I want to move on to now is about a year forward from
11:40:17 3 where we were talking about earlier today, to your time in
11:40:22 4 the Drugs Task Force. So you understand what I'm going to
11:40:27 5 be asking you about there?---Yes, I do.
11:40:28 6
11:40:28 7 You've provided a second statement that Mr Chettle tendered
11:40:32 8 through you on Friday. I think it's undated of about 7 or
11:40:45 9 8 pages?---Seven, yep.
11:40:47 10
11:40:47 11 43 paragraphs?---Yes.
11:40:50 12
11:40:51 13 And that is Exhibit 561E and F, it was tendered as, and
11:40:57 14 that, what that seeks to do is you set out your
11:41:02 15 recollections and what you see from your diaries of your
11:41:06 16 time in the Drug Task Force after the second half of 2007,
11:41:11 17 is that right?---That's correct, yes.
11:41:13 18
11:41:17 19 The moment that I asked about earlier in open session of
11:41:22 20 Ms Gobbo handing over the bill of lading that was provided
11:41:26 21 to her by Mr Karam on 5 June 2007, you understand that was
11:41:31 22 the significant event that then led to the apprehension of
11:41:38 23 Mr Karam and his co-accused?---That's correct.
11:41:40 24
11:41:41 25 Your diary, in fact I think we did, we tendered your Drug
11:41:47 26 Task Force diary, those portions of it on Friday. Do you
11:41:50 27 have a copy of that with you?---Yes, I do, yep.
11:41:54 28
11:41:54 29 We might look at a couple of sections of that in due
11:41:57 30 course. Now, just focusing on 5 June 2007 for a moment.
11:42:04 31 Mr Anderson's diary, which I might get brought up on your
11:42:10 32 screen, VPL.0016.0004.0013. While that's being brought up
11:42:23 33 I'll explain to you what it contains. It explains that
11:42:29 34 what was happening prior to the face-to-face meeting on
11:42:34 35 that evening was that you were assisting with, you're
11:42:40 36 assisting and [REDACTED] Ms Gobbo, is that right?---That's
11:42:43 37 correct, yep.
11:42:44 38
11:42:45 39 Do you have your own diaries from 5 June 2007 to 12 June
11:42:51 40 2007?---Yes, I would have.
11:42:53 41
11:42:54 42 Just on that point, the Commission doesn't have your
11:42:59 43 diaries from those dates, it has the Drug Task Force diary
11:43:02 44 onwards from about 12 June. Are there relevant entries
11:43:07 45 from 5 June 2007 onwards?---Um - - -
11:43:13 46
11:43:14 47 Not your Drug Task Force diary?---Yeah.

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11:43:17 1
11:43:17 2 Your SDU diary?---SDU diary, yes, just two seconds. Ah
11:43:27 3 yes, yep, I've got them here. 5 June.
11:43:32 4
11:43:32 5 You've just got your hard copy, original handwritten diary,
11:43:36 6 do you?---Yeah, yep.
11:43:37 7
11:43:39 8 So on 5 June?---H'mm.
11:43:41 9
11:43:41 10 Can you tell me the page number of your hard copy diary?
11:43:49 11 You know how there is an imprint on each page?---Yes, it
11:43:53 12 begins at the very bottom of p.9, 09.
11:43:56 13
11:43:56 14 Okay?---And goes through to the bottom of p.10. It's
11:44:00 15 basically p.10, yep.
11:44:02 16
11:44:03 17 Okay, I'm just going to turn to my ones because I haven't
11:44:07 18 be able to identify those?---I think there will be a lot
11:44:11 19 of, there'll be a lot of redaction I believe.
11:44:14 20
11:44:14 21 That redaction is about other human source activity?---Yep.
11:44:19 22
11:44:19 23 Or in relation to Ms Gobbo?---No, other source activity,
11:44:24 24 yep.
11:44:24 25
11:44:25 26 What the Commission appears to have is page - here we go.
11:44:29 27 The thing on the screen in front of you at the moment,
11:44:32 28 that's Mr Anderson's diary, sorry. That's not your
11:44:36 29 handwriting, is it? No, leave that on the screen, that's
11:44:39 30 fine?---Yep, that looks like his, yep.
11:44:42 31
11:44:42 32 Then if I go through what's been produced to the
11:44:46 33 Commission, we go from, there's a page 190 which is January
11:44:56 34 2007 and then the next entry is June 2007 which appears to
11:45:04 35 be p.10 of a diary. So is that the next diary that begins
11:45:10 36 in June 2007 that you have there?---Um, yeah my next diary
11:45:16 37 actually, 14 May it begins, 14 May 07.
11:45:19 38
11:45:20 39 Okay. And that presumably - - - ?---Actually, I'm looking
11:45:25 40 at this. None of that, I'm just flicking through it,
11:45:28 41 there's only about four or five pages previous, none of
11:45:32 42 that is relevant to 3838. I wasn't handling her then.
11:45:36 43 Yeah, that would be why you probably haven't got those
11:45:39 44 pages.
11:45:39 45
11:45:40 46 Can you turn specifically to 5 June 2007?---Yep, yep, I've
11:45:44 47 got that.

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11:45:45 1
11:45:45 2 What page number of your diary is that?---It begins at the
11:45:49 3 bottom of p.09. There's two - that will be blanked out
11:45:56 4 too, looking at this, because it relates to another matter.
11:45:59 5
11:45:59 6 Okay?---Give me two seconds, I'll read the day.
11:46:04 7
11:46:05 8 Just check that you have the entry about Ms Gobbo and the
11:46:09 9 meeting that occurred that evening?---Yeah, I do. At 15:55
11:46:11 10 I go to an address in Fitzroy to assist Anderson.
11:46:16 11
11:46:16 12 15:55 in that day. How many lines entry in your diary do
11:46:22 13 you have there?---In relation to that?
11:46:24 14
11:46:24 15 Yes?---Is two, two.
11:46:25 16
11:46:26 17 Could you read those please. Obviously don't read any
11:46:31 18 handler names or any other human sources?---Okay, 15:55, I
11:46:35 19 went to a hotel in Fitzroy. "Assist Anderson, re [REDACTED]
11:46:44 20 for pending meeting" and then I've got here 16:15 I've
11:46:51 21 returned to the office. Then at 17:45 I've cleared the
11:46:57 22 office to the Carlton area to assist Anderson re [REDACTED]
11:47:04 23 3838 to observe same to 18:45 clear area above.
11:47:12 24
11:47:12 25 Do you understand that was the end of the meeting or were
11:47:16 26 you not assisting - - - ?---That would be just the start.
11:47:19 27 It would be the pick up and the start, yep.
11:47:21 28
11:47:22 29 Then for the balance of that day?---Yep.
11:47:25 30
11:47:31 31 I don't have a copy of your diary but I need to be cautious
11:47:35 32 about some issues?---Yeah, no, I understand.
11:47:37 33
11:47:38 34 You can assume what some of those issues are, I'm
11:47:42 35 sure?---Yes, and they're quite sensitive as it turned out,
11:47:45 36 yeah.
11:47:45 37
11:47:46 38 For the balance of that day?---Yep.
11:47:47 39
11:47:47 40 Do you have any other dealings in relation to this meeting
11:47:50 41 that happened with Ms Gobbo?---No. No, that's it.
11:47:54 42
11:47:54 43 As it turns over from midnight to the next morning?---Yeah.
11:47:57 44
11:47:58 45 Are there any relevant entries there?---No, no. Finished
11:48:02 46 at 3 o'clock in the morning that shift.
11:48:04 47

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11:48:05 1 Okay?---So there would be nothing for that whole day.
11:48:08 2
11:48:08 3 Dealing with other issues not to do with Ms Gobbo?---Yep,
11:48:11 4 yep.
11:48:11 5
11:48:13 6 Then the following day, so 6th of the 6th, do you have any
11:48:20 7 relevant dealings with Ms Gobbo then?---No. No.
11:48:29 8
11:48:30 9 Okay. This won't be too laborious because we only have to
11:48:34 10 get up to the 12th of the 6th?---Yeah, yeah.
11:48:37 11
11:48:38 12 Just page turning those diaries from there on?---Yep.
13
11:48:42 14 Are there any relevant entries in relation to Ms Gobbo up
11:48:47 15 until the 12th of the 6th?---No. On the 8th, it was a
11:48:49 16 Friday, I worked that day and there's nothing relevant.
11:48:53 17 Then I had Saturday off, so there's nothing there. Then
11:48:55 18 the Sunday, being the start of the week, I go to the other
11:48:59 19 diary that you've got there, yep.
11:49:01 20
11:49:02 21 I see. I call for - - - ?---Go - - -
11:49:05 22
11:49:05 23 That being the case I call for the diary, those relevant
11:49:09 24 diary entries from 15:55 to 18:45 on that day to be
11:49:15 25 produced.
11:49:15 26
11:49:15 27 COMMISSIONER: I think that's 5 June 07?
11:49:18 28
11:49:18 29 MR WOODS: Yes, 5 June, 07.
11:49:20 30
11:49:21 31 MR HOLT: They will be produced shortly, Commissioner, it's
11:49:22 32 a simple task.
11:49:26 33
11:49:35 34 MR WOODS: In your second statement you talk about, you're
11:49:41 35 talking about paragraphs 5, 6 and 7. This is relating to
11:49:52 36 how it was that you came to - - - ?---Oh yeah, yep.
11:49:56 37
11:49:56 38 Essentially what had happened, paragraph 4 you say in May
11:50:00 39 2007, so the previous month to when the bill of lading was
11:50:04 40 handed over, you applied for a three month secondment
11:50:08 41 opportunity within the Crime Department?---Yep.
11:50:11 42
11:50:11 43 That's right?---It sort of started in paragraph 3 really,
11:50:16 44 to give you the full story of it.
11:50:18 45
11:50:19 46 Essentially from February you were looking for another job
11:50:22 47 with a promotion somewhere in the Police Force?---Yeah,

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11:50:25 1 correct, within the Crime Department, yep.
11:50:27 2
11:50:28 3 And then the February one that you applied for, you didn't
11:50:33 4 get?---Yep.
11:50:34 5
11:50:35 6 And so then you focused your attention later on in May for
11:50:40 7 another three month secondment opportunity, is that
11:50:43 8 right?---Well for a three months, yeah, that's right, yep.
11:50:47 9 That would make my skill level more current or - yeah.
11:50:54 10
11:50:54 11 Was your focus on the Drug Task Force in that application
11:50:58 12 or was it somewhere - - - ?---No.
11:51:00 13
11:51:03 14 - - - wherever within the Crime Department?---Wherever
11:51:06 15 within the Crime Department and I was advised that there
11:51:08 16 would be a spot because of leave requirements, they had no
11:51:13 17 one for a couple of weeks while I was there, it would be
11:51:16 18 with DTF.
11:51:18 19
11:51:18 20 When did you find out that it was going to be the
11:51:23 21 DTF?---May, may, yep.
11:51:24 22
11:51:24 23 Do you have a diary entry that records that occurring?---I
11:51:27 24 don't have a diary entry but what I did uncover was on our
11:51:32 25 hard drive is I made an application, I did a brief resume
11:51:38 26 type document and a referee report were prepared by me in
11:51:44 27 May and forwarded.
11:51:46 28
11:51:46 29 I'm going to take you to those documents. So until you saw
11:51:52 30 those documents you weren't precisely sure when it was that
11:51:57 31 the opportunity came up and when you applied for it in the
11:52:00 32 Drug Task Force?---Yeah, that's correct, yep.
11:52:02 33
11:52:06 34 Now, I take it from what you've said about the meeting on 5
11:52:10 35 June, providing assistance and [REDACTED] for Nicola Gobbo,
11:52:15 36 that you didn't actually attend the meeting on that
11:52:18 37 evening?---That's correct.
11:52:20 38
11:52:20 39 You're aware from after that meeting though, I assume, that
11:52:25 40 during the meeting Ms Gobbo handed over the bill of
11:52:30 41 lading?---Yes, I think on about a Wednesday, I think on the
11:52:36 42 Thursday or the Friday it was mentioned, yep.
11:52:37 43
11:52:38 44 Did you know she had assisted in translating it during that
11:52:41 45 meeting?---No, I don't recall that, but, yep.
11:52:47 46
11:52:47 47 It's recorded in the ICRs?---Yep. Okay, I wouldn't dispute

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11:52:56 1 that.
11:52:56 2
11:52:56 3 From that discussion that happened with you in the days
11:52:59 4 afterwards, I assume you were aware that, well it was
11:53:03 5 explained to you that Mr Karam handed a bag to Ms Gobbo
11:53:06 6 containing documents that he didn't want to bring in to his
11:53:10 7 County Court trial?---I didn't realise it was in a bag, but
11:53:15 8 yeah, I just thought it was a document.
11:53:17 9
11:53:17 10 And you knew she'd taken a copy of the document though
11:53:20 11 during a lunch break in that proceeding?---Yeah, I think
11:53:24 12 so, yeah.
11:53:25 13
11:53:25 14 That was the document that she handed over to her handler
11:53:29 15 that evening?---A photocopy of it, yeah, yeah.
11:53:33 16
11:53:33 17 That's explained, those elements are each explained to you
11:53:37 18 prior to you going across to the Drug Task Force?---Yes,
11:53:42 19 yep.
11:53:42 20
11:53:43 21 And just doing the best you can from memory, I assume this
11:53:47 22 was a pretty significant turn of events that this document
11:53:52 23 had been provided, is that a fair assumption?---Yes.
11:53:57 24
11:53:59 25 And at that stage you didn't know exactly what the
11:54:01 26 container would have within it, is that right?---That's
11:54:07 27 correct, there was talk, I believe, certainly pills and
11:54:13 28 apparently three times bigger than the import he was on
11:54:15 29 trial for that day.
11:54:16 30
11:54:16 31 Did you know about that from the time the bill of lading
11:54:20 32 was handed over or was that only once the container was
11:54:24 33 found?---I've got a feeling I would have known that from
11:54:31 34 that point, yeah.
11:54:32 35
11:54:32 36 From the point of the bill of lading being provided?---Yep,
11:54:35 37 yep.
11:54:36 38
11:54:39 39 And indeed, Officer Fox has given evidence that the receipt
11:54:44 40 of the bill of lading was a significant event for the SDU
11:54:50 41 and its significance was immediately identified, not simply
11:54:58 42 down the track when the investigations started and that
11:55:00 43 would accord with your recollection?---It certainly became
11:55:03 44 significant once the actual drugs were found, yes.
11:55:06 45
11:55:06 46 But you remember it being a cause for discussion
11:55:08 47 immediately?---Yep, yep.

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11:55:10 1
11:55:12 2 So it's a few days later that you start - was it the 10th
11:55:17 3 of the 6th or the 12th of the 6th that you started at the
11:55:21 4 Drug Task Force?---On the Tuesday, I started on the Tuesday
11:55:24 5 for some reason.
11:55:25 6
11:55:25 7 What day of the week is that?---That's the 12th.
11:55:35 8
11:55:35 9 Just to go through that application process a little
11:55:41 10 bit?---Yep.
11:55:41 11
11:55:42 12 Essentially the early part of 2007 had comprised you
11:55:47 13 applying for various positions but not being successful, is
11:55:50 14 that right?---Yes, that's correct.
11:55:52 15
11:55:53 16 And at the time you were handling Ms Gobbo during May 2007,
11:55:59 17 according to the records, that was the last, and the
11:56:06 18 successful application for a crime opportunity within the
11:56:11 19 department?---Sorry, the start of that question, I was
11:56:14 20 handling her in May, was I?
11:56:16 21
11:56:16 22 You were?---Okay.
11:56:17 23
11:56:17 24 I'll tell you precisely when?---Yes. I don't think it was
11:56:21 25 (indistinct).
11:56:21 26
11:56:22 27 Just to be precise about it?---Yep, yep, I thought I had a
11:56:29 28 week or two off, a month or two off, from handling her that
11:56:33 29 is.
11:56:33 30
11:56:34 31 In fact that may or may not be correct. My note is that
11:56:37 32 you were handling her as at 27 May but that might have in
11:56:42 33 fact been the previous year. It might have been Officer
11:56:46 34 Fox?---Yeah.
11:56:46 35
11:56:47 36 In fact it was Officer Fox who attended that
11:56:50 37 meeting?---Yep.
11:56:50 38
11:56:50 39 He'd been handling her for a few weeks beforehand, is that
11:56:54 40 right?---Yeah, I last handled her on 13 Feb 07, yeah.
11:57:00 41
11:57:01 42 I see, so that was between 5 December 06 and the 13th of
11:57:06 43 the 2nd 07?---Yeah, that sounds about right, yep, yep.
11:57:09 44
11:57:10 45 Then you didn't handle her again until the 22nd of the 2nd
11:57:17 46 2008?---Yeah, it was a good year or so, yeah.
11:57:20 47

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11:57:21 1 Obviously I withdraw the question you were the handler at
11:57:24 2 that time when you made the application?---Okay, yeah.
11:57:27 3
11:57:28 4 So the timing obviously is important to the Commission's
11:57:34 5 investigations. Now, what I'd like to do is firstly bring
11:57:40 6 up VPL.0100.0277.0001. Just as it's being brought up on
11:57:53 7 the screen, this is your application for higher
11:57:57 8 duties?---Yep, yep, that's right.
11:57:58 9
11:58:00 10 That's on the screen there. It's got your name changed to
11:58:04 11 your pseudonym?---Yeah, that looks - okay, yep, that looks
11:58:08 12 like it, h'mm.
11:58:09 13
11:58:10 14 It appears from that document that the application was made
11:58:18 15 on the 10th of the 6th 2007, period of assignment?---Yeah.
11:58:24 16
11:58:24 17 Are you able to assist when the application itself was
11:58:27 18 made?---To find that out I would probably have to go, or
11:58:31 19 you'd have to go on to the drive that we used on the
11:58:36 20 computer and there would be like a metadata file in the
11:58:41 21 date when the file was started.
11:58:43 22
11:58:43 23 Yeah. No I understand. There's obviously also the problem
11:58:46 24 with taking that course of the difference between when the
11:58:53 25 parent document was created and a new version of the
11:58:56 26 document was created. Do you understand what I'm asking
11:59:00 27 there?---Yeah, I think so, yep.
11:59:01 28
11:59:02 29 So the period - - - ?---Like I didn't fill this form out on
11:59:06 30 the 10th of the 6th if that's what you're saying.
11:59:09 31
11:59:09 32 Do you know when you did fill out this form?---Yeah, I
11:59:13 33 think it was something like, let's see, I think it was
11:59:19 34 about the 12th or the 15th May, or a fortnight earlier.
11:59:23 35
11:59:24 36 Do you have a note to that effect or how do you remember
11:59:26 37 that?---No, I do remember because I looked at this document
11:59:30 38 on my drive, on the work drive a few weeks ago when I was
11:59:34 39 making my statement.
11:59:36 40
11:59:36 41 Recently?---Yeah, yeah, in the last, yeah, three weeks,
11:59:41 42 four weeks or something.
11:59:42 43
11:59:43 44 Did you printout what that metadata said about that
11:59:47 45 document?---No, I didn't, but I'd be able to find it on the
11:59:51 46 laptop I've got here if that's what you want. I've got
11:59:55 47 that.

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11:59:55 1
11:59:56 2 The Commission would be assisted by a copy of what you've
11:59:59 3 got there?---Okay, and your assistant here could perhaps
12:00:06 4 photograph it or something.
12:00:07 5
12:00:07 6 We'll work out a way for that to be done?---Okay.
12:00:12 7
12:00:12 8 That position, my note here says it was approved on the
12:00:17 9 23rd of the 7th, we might just scroll down a bit. 23/6 it
12:00:28 10 says there, "HS personnel officer"?---Yep, yep.
12:00:34 11
12:00:34 12 The approval for your move to the Drug Task Force was made
12:00:38 13 on the 15th of the 6th 2007 by Steve Smith, do you see
12:00:43 14 that?---Yeah, that would be the day I arrived or shortly
12:00:46 15 thereafter, yeah.
12:00:47 16
12:00:47 17 And the recommendation for you to take that position was
12:00:53 18 made again just above section 2 on the 15th of the 6th 07,
12:00:57 19 do you see that?---Yeah, I do.
12:00:59 20
12:01:00 21 And the period of assignment of higher duties, this is why
12:01:04 22 I asked you before about whether it was the 10th or the
12:01:06 23 12th, this document says it's the 10th but you say it
12:01:11 24 wasn't until the 12th you started?---Yeah, the 10th would
12:01:15 25 be the start of the fortnight, yeah the Sunday, yeah.
12:01:20 26
12:01:20 27 You accept the document says on its face, which is that you
12:01:24 28 were recommended and approved for that role both on the
12:01:28 29 15th of June 2007?---Yep.
12:01:31 30
12:01:32 31 And there was a certification of some sort by an HR officer
12:01:38 32 on the 23rd of the 6th 07?---Yep.
12:01:44 33
12:01:45 34 Could the operator bring up VPL.0010.0233.0001. This is a
12:01:55 35 report that is made by your referee which is Sandy
12:01:58 36 White?---Yep, it's got our names on it, but yeah.
12:02:03 37
12:02:04 38 No, this will only be on the screens - if it could just be
12:02:09 39 put on, if there's a sensitivity about it it should be on
12:02:14 40 mine, the Commissioner's and the witness's screen. Scroll
12:02:18 41 away from the names might be the simplest thing?---H'mm.
12:02:23 42
12:02:24 43 What is happening in this document is that your boss at the
12:02:27 44 SDU, Mr White, is making a recommendation or giving a
12:02:33 45 reference for you?---Yep, that's correct.
12:02:36 46
12:02:37 47 If we scroll down to the end of the document, we were

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12:02:40 1 talking about metadata a moment ago, I think you'll see an
12:02:44 2 example of that at the end. This has been produced I think
12:02:48 3 by Victoria Police. Just scroll up a little bit more.
12:02:51 4 It's Victoria Police production. And what that purports to
12:02:55 5 say - - - ?---Yep.
12:02:56 6
12:02:59 7 - - - is that this document was created on 15 May
12:03:03 8 2007?---Yep. I think that's the same day I did that other
12:03:07 9 form.
12:03:07 10
12:03:07 11 Modified 7 May 2007. Perhaps it was this metadata you were
12:03:12 12 thinking about a moment ago or was it the other
12:03:15 13 document?---When you search the drive it comes up with a
12:03:17 14 second column for the right-hand side with those dates on
12:03:21 15 it. I've never seen that actual document before, but that,
12:03:27 16 it's got that date on it, and that date rings a bell, about
12:03:32 17 15 or 17 May would be when I did both those documents and
12:03:35 18 forwarded them.
12:03:36 19
12:03:36 20 You didn't keep a diary note of completing those documents
12:03:40 21 I assume?---I wouldn't have, no.
12:03:42 22
12:03:45 23 The situation as I understand you're explaining it is that
12:03:55 24 your appearance at the Drug Task Force as at 12 June
12:04:00 25 2007?---H'mm.
12:04:00 26
12:04:02 27 Otherwise what might be the coincidence between the bill of
12:04:05 28 lading being handed over on 5 June 2007 is no coincidence
12:04:11 29 because in fact you had applied for the Drug Task Force
12:04:13 30 role some time before that?---That's correct, there's no
12:04:17 31 coincidence.
12:04:18 32
12:04:19 33 The approval and the other document that we looked at a
12:04:25 34 moment ago shows that it wasn't approved until well and
12:04:28 35 truly not just after 5 June but after you'd started at the
12:04:33 36 Drug Task Force as well?---Yeah, that's the document they
12:04:38 37 would have had to have signed off on, yep.
12:04:40 38
12:04:41 39 When were you told that you were going to be moving
12:04:43 40 specifically into the Drug Task Force?---When I've filled
12:04:50 41 out the top half of that form.
12:04:52 42
12:04:52 43 The top of the member movement form?---Member movement
12:04:56 44 form, yep, and then prepared - because I'm trying to
12:05:00 45 remember the exact procedure but you had to attach a
12:05:04 46 referee report and, to the movement form, and I think there
12:05:11 47 was some, like a professional, personal development aspect

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12:05:17 1 to this as well, I'm trying to recall, but yeah, and the
12:05:23 2 opportunity, I must have been contacted prior to this date
12:05:27 3 saying that that period from the 10th to, the three month
12:05:34 4 period from the 10th of June to the, what was it - - -
12:05:37 5
12:05:38 6 14th?---8 September I think I went to.
12:05:41 7
12:05:41 8 I think the application form talks about 10 June until 14
12:05:45 9 July perhaps as an initial period?---Yeah, I think that
12:05:49 10 might be more for your payment. You can only do a month at
12:05:53 11 a time I think on your salary, because it's a higher duty
12:05:59 12 form, I think you can only do 30 days at a time or
12:06:05 13 something, so I might have filled out more of them while I
12:06:07 14 was at the Drug Task Force to make up for the secondment.
12:06:10 15
12:06:10 16 You think you might have been told some time before 5 June
12:06:15 17 there was going to be the DTF you were going to?---I would
12:06:19 18 say it would be around the 15th or - 15 May I would have
12:06:23 19 been told.
12:06:24 20
12:06:24 21 Who told you?---There was, I don't recall specifically. I
12:06:32 22 remember them explaining to me that there was, it would be
12:06:37 23 someone from HR or, actually, if I had - I might have put
12:06:45 24 their name in my actual diary when I was - - -
12:06:47 25
12:06:48 26 It's certainly a matter of interest for the
12:06:50 27 Commission?---Yeah, and they've told me that there was a
12:06:53 28 three month secondment and I recall the reason for that
12:06:56 29 secondment is because there's about a month of it in the
12:06:59 30 middle where there were no [REDACTED] at all in the
12:07:03 31 Drug Task Force because they were on leave.
12:07:04 32
12:07:05 33 If we're still going with your evidence over lunch, we'll
12:07:09 34 ask that you have a look through your diary from the 15 May
12:07:13 35 period to see if you can identify when it was that you were
12:07:16 36 told that it would be the Drug Task Force?---Yep.
12:07:19 37
12:07:19 38 And indeed who told you. But you recollect that it was
12:07:22 39 perhaps someone from human resources?---On something like
12:07:26 40 that, they knew that there was going to be a gap in the
12:07:30 41 management there for that period and they needed a back
12:07:34 42 fill, yeah.
12:07:35 43
12:07:36 44 Do you recall this being a verbal conversation or something
12:07:40 45 that was emailed to you?---I would call it verbal but I
12:07:47 46 don't know, I haven't seen the email, so I couldn't, I
12:07:51 47 don't recall an email.

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12:07:53 1
12:07:54 2 The reason I ask that question is it does appear unusual in
12:07:58 3 that it's not until the 15th of the 6th that the
12:08:00 4 recommendation is made and approved that in fact it was
12:08:05 5 some substantial time before, a month before, that someone
12:08:09 6 told you that you were going to have the role, do you
12:08:12 7 understand what I'm pointing out there?---Yeah, yeah. What
12:08:16 8 happens I would have filled out the top of that member
12:08:18 9 movement form, application for higher duties, I would have
12:08:21 10 filled out the top of that. I think it goes through - I'm
12:08:24 11 trying to remember the name of the program that VicPol had
12:08:27 12 at that time where you, maybe it will come to me, where you
12:08:34 13 fill out that and then you send it to the other person,
12:08:37 14 it's not like a normal email, it goes through this program.
12:08:41 15 I just can't remember the name.
12:08:43 16
12:08:44 17 It's got one of those hot email buttons you can see
12:08:47 18 there?---Yeah, exactly. Yeah, there you go. That's it,
12:08:49 19 exactly right. That would have gone to them and they would
12:08:53 20 have signed off on that when I actually arrived so I got
12:08:56 21 paid - they would have agreed, on that document basically
12:09:00 22 Dave Snare and Steve Smith would have approved my payment
12:09:03 23 for higher duties from the 10th of the 6th to the 14th of
12:09:07 24 the 7th. That's basically what that document tells you.
12:09:10 25
12:09:11 26 Commissioner, it's an important question as to when and why
12:09:16 27 this movement occurred. The witness's evidence is pretty
12:09:21 28 clear that he recalls it being the middle of May that there
12:09:26 29 was a conversation. There must be human resources that
12:09:31 30 either confirm or don't confirm that. I can probably move
12:09:35 31 on simply by calling for any relevant records so that we
12:09:41 32 can have a look at them.
12:09:41 33
12:09:42 34 MR HOLT: Those sorts of inquiries have been made but I've
12:09:44 35 just put in a train a second inquiry to follow up on the
36 issues that our friends raise.
37
12:09:54 38 COMMISSIONER: Thanks Mr Holt.
12:09:54 39
12:09:54 40 MR WOODS: So I tender those two documents that I've just
12:09:57 41 identified, the higher duties movement form and the referee
12:10:03 42 form.
12:10:06 43
12:10:06 44 COMMISSIONER: Do you want to tender them separately,
12:10:09 45 because I understood that the referee form was attached to
12:10:11 46 the higher duties application?
12:10:13 47

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12:10:14 1 MR WOODS: They are in fact separate documents. They were
12:10:17 2 produced separately. So, yes, I think they should be
12:10:22 3 separate documents.
12:10:23 4
12:10:26 5 #EXHIBIT RC570A - (Confidential) Higher duties application
12:10:35 6 form.
12:10:35 7
12:10:35 8 #EXHIBIT RC 571B - (Redacted version.)
12:10:38 9
12:10:38 10 #EXHIBIT RC 572A - (Confidential) Referee report.
12:10:40 11
12:10:40 12 #EXHIBIT RC 572B - (Redacted version.)
12:10:46 13
12:10:46 14 Officer Green, you'll recall we were talking about the
12:10:48 15 metadata of the first of those documents, the member
12:10:52 16 movement form?---Yes.
12:10:53 17
12:10:54 18 I just want to be precise about your evidence. Is the
12:10:54 19 metadata you saw not in relation to the member movement
12:10:58 20 form but in fact in relation to the referee form?---Was it,
12:11:00 21 yeah.
12:11:00 22
12:11:01 23 No, I'm asking you. I don't know the answer to that, I'm
12:11:04 24 asking - - - ?---I'm pretty sure I did both those forms on
12:11:07 25 the same day, 15 May rings a bell.
12:11:11 26
12:11:11 27 Have you checked the metadata of the member movement form
12:11:16 28 is what I'm asking?---I can do that now if you'll give me
12:11:20 29 one second, if you like. Or not.
12:11:22 30
12:11:23 31 We might do it in a little while instead. I just note that
12:11:26 32 it has handwriting on it, so unless you've got access to
12:11:30 33 the electronic record that's on the server then it might
12:11:33 34 not be of any assistance?---Okay. I've only got it from
12:11:38 35 me, my file on the SDU drive.
12:11:41 36
12:11:41 37 You've got access to that?---Date modified, yeah, I'm just
12:11:47 38 trying to find it now.
12:11:48 39
12:11:49 40 Have a quick look and if it's taking too long we'll move
12:11:56 41 on?---Okay. Okay, "DTF secondment three months", I have
12:12:15 42 17th of the 5th 07, and that's my - whoops. That's taking
12:12:26 43 a little while to load.
12:12:27 44
12:12:28 45 That's all right, we might move on?---I have the referee
12:12:31 46 report as well at the same time. It would appear from this
12:12:34 47 that I did - the referee report might have been, looking at

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12:12:38 1 that, 15 minutes earlier than the actual secondment
12:12:42 2 document, yep.
12:12:43 3
12:12:43 4 What I want to know is the metadata that you're looking at,
12:12:47 5 does it look similar to the box you can see on the right
12:12:51 6 hand of the screen?---No, it's not, no.
12:12:53 7
12:12:53 8 It's a different thing, is it?---You've got the file name
12:12:57 9 column and then you've date modified column and then it
12:13:01 10 tells you the type of file it is. I'm looking at the date
12:13:05 11 modified column.
12:13:07 12
12:13:07 13 We might get a copy of what it is that you're looking at in
12:13:09 14 due course?---Yep, yep.
12:13:10 15
12:13:11 16 In the meantime, have you seen a document that was tendered
12:13:14 17 through Officer Fox by Mr Chettle that is entitled
12:13:21 18 something to the effect "15 million pills, how it
12:13:27 19 happened"?---Okay, yeah.
12:13:28 20
12:13:29 21 You have seen that?---I think I have, yep.
12:13:31 22
12:13:31 23 You understand what that document is, someone has gone
12:13:35 24 through the ICRs?---Yeah, yep.
12:13:39 25
12:13:39 26 And distilled information from the moment of the bill of
12:13:42 27 lading being handed over until the apprehension and the
12:13:46 28 prosecution of each of the relevant individuals?---Yeah,
12:13:50 29 something like that, yep.
12:13:51 30
12:13:54 31 Officer Fox was taken through each of the back and forth,
12:14:01 32 so Officer Fox was the main handler during the period of
12:14:04 33 time from the handing over of the bill of lading until the
12:14:11 34 apprehension of the individuals, you remember that was the
12:14:15 35 case because he was providing information to you?---Yes,
12:14:18 36 that's right, yep.
12:14:19 37
12:14:19 38 There's a couple of ways of going about it but Officer Fox
12:14:23 39 has been taken through the ICRs in pretty significant
12:14:27 40 detail?---Right.
12:14:29 41
12:14:29 42 Without having been taken to every single one of them, but
12:14:33 43 what I wanted to suggest to you is that when one looks at
12:14:37 44 the ICRs from 5 June 2007 onwards, what you see is, once we
12:14:43 45 get to 12 June onwards, that he is receiving information
12:14:49 46 about Mr Karam, Mr Higgs, Mr Barbaro and others about their
12:14:55 47 location and what they might be up to and he is passing

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12:14:58 1 that information on to you at the Drug Task Force?---That's
12:15:01 2 correct, yep.
12:15:02 3
12:15:03 4 And when we see in the ICRs that Fox has recorded that he's
12:15:09 5 passed information on to you, you accept that that's what
12:15:12 6 in fact occurred on each of those occasions?---Yes.
12:15:15 7
12:15:16 8 You knew it to be the case that this was information that
12:15:19 9 had come from Ms Gobbo?---Yes, I would have thought that.
12:15:25 10
12:15:30 11 The investigation of these matters became known as
12:15:38 12 Operation Agamas, is that correct?---Agamas was already
12:15:45 13 running when I got to the Drug Task Force.
12:15:46 14
12:15:46 15 So it was, yes, you're right. But this part of the
12:15:50 16 investigation was rolled into Agamas?---Yeah, that's right,
12:15:54 17 because as a coincidence, I guess you'd call it, would be
12:15:58 18 that one of the targets in Agamas was relevant to that,
12:16:01 19 yes.
12:16:01 20
12:16:02 21 Yes, I understand?---Yep.
12:16:03 22
12:16:03 23 And on the AFP side of it there was Operation Inca?---I
12:16:08 24 think Inca was formed in around 1 August, a joint Task
12:16:15 25 Force. Yeah, I don't think the AFP had any - I don't know,
12:16:21 26 but I don't know what the AFP were doing on the early or
12:16:26 27 mid-June, I've got no idea.
12:16:27 28
12:16:29 29 During your time at the Drug Task Force you were reporting
12:16:32 30 to [REDACTED]?---Correct.
12:16:35 31
12:16:35 32 I just want to take you through a couple of things he says
12:16:39 33 about this period of time. This comes from his statement
12:16:44 34 which is VPL.0014.0063.0001. At paragraph 9 he talks about
12:16:56 35 Operation Inca being the joint investigation?---Yep.
12:16:59 36
12:17:00 37 H'mm.
12:17:01 38
12:17:02 39 Involving the Drug Task Force and that means Victoria
12:17:04 40 Police, that's correct?---Yep.
12:17:06 41
12:17:06 42 And the AFP and other agencies?---Yes.
12:17:10 43
12:17:10 44 And the AFP played the lead role in the investigation, you
12:17:14 45 agree with that?---Yes, yes.
12:17:15 46
12:17:16 47 And the suspects for the importation included Karam, Higgs,

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12:17:20 1 Barbaro, Falanga and Zirilli?---Yep.
12:17:25 2
12:17:27 3 He says, "At the time Operation Inca commenced Officer
12:17:33 4 Green was seconded to the Drug Task Force. Officer Green
12:17:36 5 was [REDACTED] of one of the three units at the Drug
12:17:41 6 Task Force and reported to me". That's your understanding,
12:17:44 7 your memory of what occurred?---Correct.
12:17:46 8
12:17:47 9 And then he goes on to say that he recalls a discussion
12:17:52 10 with you in 2007 in which you told him that you'd been
12:17:58 11 provided with information by a human source in relation to
12:18:01 12 the potential import. It's correct that you would have
12:18:06 13 told Smith that the import information had come from a
12:18:09 14 human source?---I'm surprised I would have said human
12:18:14 15 source, but I mean it's pretty, where else would it have
12:18:17 16 come from. I'd be surprised if I used those words.
12:18:21 17
12:18:21 18 And that you said to him that it related to a specific
12:18:24 19 container arriving in the Port of Melbourne?---Yep.
12:18:28 20
12:18:29 21 No surprise to you there?---No.
12:18:31 22
12:18:33 23 And he says that, "Around the same time I was told the
12:18:37 24 source of the information was Ms Gobbo". Now was it you
12:18:41 25 that told him the source was Ms Gobbo?---No way.
12:18:45 26
12:18:45 27 Why do you say no way?---I wouldn't have - I don't recall
12:18:49 28 saying that to anyone.
12:18:51 29
12:18:51 30 The reason I ask the question is that this gentleman was
12:18:55 31 your boss at the time?---Yep.
12:18:57 32
12:18:57 33 You'd said to him that the information was provided by a
12:19:00 34 human source?---I don't know that I said human source, but
12:19:06 35 anyway, yeah.
12:19:07 36
12:19:07 37 He says that you did?---It looks like he does on reading
12:19:11 38 his statement there now.
12:19:13 39
12:19:13 40 Do you accept or reject that?---The words human source, I'd
12:19:19 41 be surprised if I said that to him, "By the way human
12:19:24 42 source says this". I wouldn't have said that. I would
12:19:27 43 have said, "We've got some information about a container
12:19:29 44 coming in". He may have deduced it was from a human source
12:19:35 45 but I never told him.
12:19:36 46
12:19:36 47 He uses the words "he told me he'd been provided

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12:19:40 1 information by human source"?--I'm reading that, that's
12:19:41 2 right, and I would dispute that.
12:19:42 3
12:19:42 4 You say you wouldn't have said that to him?--Yep.
12:19:47 5
12:19:47 6 He says around the time he was told the source of the
12:19:51 7 information was Ms Gobbo. So your evidence is you
12:19:55 8 certainly wouldn't have told him that?--Absolutely not.
12:19:57 9
12:19:57 10 Who else was he dealing with at the time in relation to the
12:20:00 11 source of this information, do you know?--Who was he
12:20:03 12 dealing with?
12:20:04 13
12:20:04 14 Yes?--Sorry, no, I don't know. No one.
12:20:08 15
12:20:08 16 Did you have meetings with Mr Smith and other individuals
12:20:11 17 from either the SDU - firstly, in relation to meetings
12:20:19 18 between Officer Smith and yourself and other members of the
12:20:22 19 SDU, do you remember any of those meetings?--Other members
12:20:25 20 of the DCF, sorry?
12:20:28 21
12:20:29 22 No, this is just the SDU?--The SDU, no, I don't think we
12:20:32 23 did.
12:20:32 24
12:20:32 25 The reason I'm asking about the SDU is it was common
12:20:35 26 knowledge within the SDU that Nicola Gobbo (a) was a
12:20:38 27 source?--Yes.
12:20:38 28
12:20:38 29 And (b) had provided the bill of lading, do you understand
12:20:41 30 that?--Yep, yep.
12:20:42 31
12:20:43 32 I'm trying to work out what the other source - if the
12:20:45 33 source of information that Gobbo had provided the material
12:20:52 34 wasn't you, I'm trying to get to the bottom of who it might
12:20:57 35 have been?--Yep, I've got no idea who would have told
12:21:01 36 Steve Smith that it came from her. He may have deduced it
12:21:05 37 by the end of the operation somehow but there's no way -
12:21:12 38 I'm extremely confident that I never told him that name.
12:21:17 39
12:21:18 40 Would it come as a great surprise to you that anyone within
12:21:21 41 the SDU would have told him that the source of information
12:21:24 42 was Ms Gobbo?--I would be stunned if that was the case.
12:21:27 43
12:21:27 44 You think it must have come from elsewhere?--I think he's
12:21:32 45 worked that out later on.
12:21:33 46
12:21:34 47 So you dispute what he says in paragraph 11 about you

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12:21:39 1 telling him it came from a source and you dispute what he
12:21:44 2 says in paragraph 12?---I'm very strong on paragraph 12 and
12:21:47 3 I'm confident I never would have, no need for me to use
12:21:52 4 that word human source.
12:21:53 5
12:21:53 6 In paragraph 12 you can only be strong about yourself, I
12:21:57 7 assume?---Yep, and there's no way I told him that, ever.
12:22:03 8
12:22:03 9 He says, "It's possible that I was told Ms Gobbo was the
12:22:06 10 source of the information in the discussion with Officer
12:22:09 11 Fox that I refer to in paragraph 11 above but I do not
12:22:12 12 specifically recall". Okay, so I need to point that out to
12:22:16 13 you, he's not saying with any certainty that it was you, he
12:22:22 14 just says it was possible and you say it wasn't, is that
12:22:25 15 right?---I can speak on my behalf and there's no way ever I
12:22:29 16 told him that.
12:22:30 17
12:22:30 18 He goes on to say, "I cannot think of who would have told
12:22:34 19 me that the source of the information was Ms Gobbo other
12:22:36 20 than Officer Green, although I have no recollection of him
12:22:39 21 doing so", okay?---There you go, yeah, okay.
12:22:42 22
12:22:45 23 Paragraph 19, he says, "My diary contains references to
12:22:53 24 Ms Gobbo on 4 July 2007 in the context of two meetings that
12:22:57 25 I attended on that day. My diary states Gobbo phone
12:23:01 26 reverse CCRs, discussion re ID of Carmelo Falanga,
12:23:08 27 discussion re Gobbo phone. I infer from those notes that
12:23:11 28 Ms Gobbo was a person of interest to us via or through her
12:23:14 29 phone contact with Operation Inca suspects"?---Yeah, that
12:23:18 30 was, that's likely, yep.
12:23:21 31
12:23:21 32 Because of your dealings with Ms Gobbo you understood, I
12:23:25 33 take it, that she shouldn't be regarded as a person of
12:23:28 34 interest, rather she was in fact assisting the police in
12:23:33 35 identifying details about the importation and the people
12:23:35 36 who might be implicated, is that right?---That's right,
12:23:40 37 yep.
12:23:40 38
12:23:45 39 The container itself, I want to be, I'm not going to go
12:23:51 40 into a lot of detail and I'd ask that you don't either in
12:23:55 41 relation to methodology issues?---I understand that, yep.
12:23:58 42
12:23:58 43 The container itself was seized on 28 June 2007, is that
12:24:03 44 right?---Yep, that sounds right.
12:24:05 45
12:24:08 46 And your time at the DTF ended when?---8th or something of
12:24:17 47 September.

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12:24:17 1
12:24:25 2 Officer Fox records, in fact I think I've already asked you
12:24:32 3 that question, Officer Fox was the main point of contact to
12:24:35 4 you so I'll move on from there?---Yep. H'mm.
12:24:40 5
12:24:42 6 You say in your second statement, and this is the one
12:24:46 7 dealing with Agamas and Inca?---H'mm.
12:24:49 8
12:24:50 9 I'm talking about paragraph 7 here, 13 June onwards. That
12:24:59 10 you were aware that the information of the importation had
12:25:02 11 come from Ms Gobbo. Now that's something, I think you've
12:25:06 12 said, was known to you quite quickly after 5 June 2007, is
12:25:12 13 that right?---Probably the next day or the following, yeah.
12:25:15 14
12:25:17 15 And you understand that Officer White's evidence to the
12:25:22 16 Commission was that all of the intelligence that the SDU
12:25:26 17 received from Ms Gobbo about this importation was to go
12:25:31 18 directly through you at the DTF, was that your
12:25:35 19 understanding at the time?---Yes, yep.
12:25:37 20
12:25:37 21 And that accords with what we see in the ICRs. Have you
12:25:41 22 had a chance to look at any of the ICRs for that period of
12:25:45 23 time?---No, not really. I think I read that summary thing
12:25:48 24 you spoke of earlier.
12:25:49 25
12:25:50 26 Okay?---Yeah.
12:25:51 27
12:25:51 28 You would see in the summary on each occasion the movements
12:25:55 29 of Mr Karam and his co-accused are provided to the
12:25:58 30 SDU?---Yeah, that's correct.
12:25:59 31
12:25:59 32 And there's a conversation with you, is that right?---Yeah,
12:26:02 33 yep, that's correct.
12:26:04 34
12:26:04 35 In your statement, the same statement at paragraph 15 you
12:26:07 36 talk about a meeting on 19 June where you received a daily
12:26:11 37 update from the Operation Agamas members?---Yep.
12:26:16 38
12:26:16 39 Do you see that?---Yes, I do.
12:26:17 40
12:26:18 41 You meet with, at 11:50 hours you meet with your boss
12:26:23 42 [REDACTED], and your - - - ?---Customs.
12:26:27 43
12:26:27 44 Sorry, Customs, right?---Yep.
12:26:32 45
12:26:32 46 And with also Sandy White?---White, yep.
12:26:36 47

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12:26:36 1 And you're discussing in that meeting what was expected to
2 occur which was the landing of this large amount of drugs
3 in a container?---Yes.
4

12:26:53 5 So White's evidence is that, that he gave to the Commission
12:26:59 6 about this, he says, he's identifying his diary and he
12:27:05 7 says, "Discuss import paperwork, bill of lading manifest,
12:27:09 8 consignee would get arrival notice." I'll go through some
12:27:14 9 of those details. "Tony Stephens advised VicPol has a
12:27:18 10 source, may be able to get container number, not sure if
12:27:22 11 worth risk". So is it the case that in this meeting
12:27:27 12 Mr Stephens of Customs was told that VicPol had a
12:27:31 13 source"?---Yep. Must have.
12:27:33 14

12:27:34 15 Is that by you or Mr White?---Look I don't recall telling
12:27:40 16 him we had a source.
12:27:42 17

12:27:42 18 Would it surprise you if it was you?---Um, he'd certainly
12:27:52 19 given enough information to know that there must have been
12:27:55 20 a source, but I don't remember specifically saying it, no.
12:27:59 21 I might have but I don't recall specifically mentioning it
12:28:04 22 in that many words.
12:28:06 23

12:28:08 24 In paragraph 15 of your statement about this 19 June 2007
12:28:08 25 meeting, the last sentence, you say, "I recall Stephens was
12:28:11 26 told at either this meeting or the following one on 21 June
12:28:15 27 that the container with the drugs was in tinned tomatoes,
12:28:19 28 it was arriving from Italy in the next couple of
12:28:22 29 weeks"?---Yep.
12:28:22 30

12:28:23 31 "I recall Stephens was not told the specific container
12:28:26 32 number or any other specifics." Now that's an interview -
12:28:30 33 - - ?---Yep, that's my recollection, yep.
12:28:34 34

12:28:34 35 Why is it that he's not told the container number or any
12:28:38 36 specifics?---Because I believed he would be able to
12:28:40 37 identify the container in question through his own
12:28:44 38 resources.
12:28:46 39

12:28:48 40 Okay?---Based on that little information.
12:28:51 41

12:28:52 42 I want to take you now to your Drug Task Force diary at p.6
12:29:00 43 and that will come up on the screen. It's 11.50 am I'm
12:29:10 44 interested in?---Yep.
12:29:12 45

12:29:12 46 So this is, "Clear with Sandy White"?---Yep.
12:29:17 47

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12:29:18 1 And you've had a conversation with Mr Stephens of
12:29:25 2 Customs?---Correct.
12:29:26 3
12:29:26 4 And the conversation was about background and import
12:29:30 5 info?---Correct.
12:29:31 6
12:29:33 7 The import information had come from Gobbo, you agree with
12:29:37 8 that?---Yes.
12:29:38 9
12:29:38 10 And the background, I suggest to you the only relevant
12:29:44 11 background is that this information had come from a human
12:29:49 12 source?---No, no.
12:29:53 13
12:29:53 14 So when you're having a discussion with Mr Stephens of
12:29:57 15 Customs about background and import information, what's the
12:30:00 16 discussion that you're having?---It would be about the
12:30:03 17 background of, more than likely, the - Robbie Karam.
12:30:09 18
12:30:10 19 About an individual?---His involvement. His name would
12:30:13 20 have been painted on the wall down there at Customs House
12:30:17 21 and they were very well aware of him.
12:30:19 22
12:30:20 23 Bearing in mind this the 19th still?---H'mm.
12:30:23 24
12:30:24 25 Your diary indicates that the conversation with Mr Stephens
12:30:28 26 included import information?---Yep, the tinned tomatoes
12:30:34 27 from Italy in the next couple of weeks, correct.
12:30:37 28
12:30:37 29 But you're suggesting you wouldn't have spoken about
12:30:40 30 specific container numbers or anything like that?---I don't
12:30:44 31 remember telling him the specific container number ever.
12:30:50 32
12:30:50 33 When you told him the import information, this individual
12:30:53 34 from Customs?---Yep.
12:30:54 35
12:30:54 36 You just said, "Look, there's some drugs arriving in the
12:30:59 37 next couple of weeks"?---In tinned tomatoes in the next
12:31:02 38 couple of weeks and I was confident with what I know that
12:31:08 39 they were able to, they would be able to narrow that down
12:31:13 40 significantly and then we would have another meeting with
12:31:16 41 him after he'd done that.
12:31:17 42
12:31:18 43 So White's Diary of 21 June 2007?---H'mm.
12:31:27 44
12:31:28 45 You won't have this in front of you, I'm just going to tell
12:31:31 46 you some evidence he's given. This is your statement at
12:31:34 47 paragraph 17?---Yep.

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12:31:38 1
12:31:38 2 There's another meeting with yourself, Sandy White and
12:31:42 3 Stephens of Customs in relation to Operation Agamas, do you
12:31:46 4 see that?---Yes.
12:31:48 5
12:31:48 6 And here you say that you think it was this meeting where
12:31:51 7 Customs had profiled the cargo, and I think this might have
12:31:56 8 been what you were talking about a moment ago?---Yeah.
12:31:59 9
12:31:59 10 And found their own way to what container it might be, is
12:32:03 11 that the situation?---Correct.
12:32:04 12
12:32:05 13 White says, "Discuss strategy re hired human source
12:32:10 14 involvement in container discovery. Agreed, AFP not to be
12:32:15 15 told human source involved. Possible leave in Melbourne
12:32:19 16 office. Prefer that AFP believe Customs identify container
12:32:23 17 existence by our good work. Customs have numerous alert
12:32:30 18 plans which ID container, provide a container number",
12:32:34 19 et cetera?---Yep.
12:32:35 20
12:32:35 21 "Will not be passed on, evidentiary issues" and I won't
12:32:38 22 read that last line. But it appears to indicate that there
12:32:43 23 is a desire to keep from the Australian Federal Police, but
12:32:50 24 not Customs, the fact that there was a human source
12:32:53 25 involved, do you agree that that was something you were at
12:32:56 26 pains to do?---I was at pains to not tell anyone that a
12:33:04 27 human source was involved.
12:33:06 28
12:33:06 29 Well Stephens, by his own, Stephens already knows -
12:33:11 30 sorry?---Yep.
12:33:11 31
12:33:11 32 I'm talking about a different person at that stage?---He
12:33:15 33 probably would have deduced a human source, how else would
12:33:19 34 you know about it? But yeah, yep.
12:33:22 35
12:33:22 36 White says from the previous meeting?---Yep.
12:33:24 37
12:33:24 38 Tony Stephens was advised that VicPol has a source, that
12:33:28 39 was a few days before?---Yeah. White may have advised him,
12:33:32 40 but I wasn't, I wasn't going to.
12:33:36 41
12:33:36 42 Do you recall any desire to keep that information away from
12:33:40 43 the Australian Federal Police, the use - - - ?---Yes, I
12:33:44 44 would keep that away from everyone, including the AFP, yep.
12:33:48 45
12:33:48 46 And including Customs?---Yes.
12:33:52 47

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12:33:52 1 So it's a surprise to you that it's indicated that on 19
12:33:56 2 June Customs were told?---Yes. Look, it may well have been
12:34:02 3 a case that it's come out in, like it's bleeding obvious
12:34:07 4 that a source is involved, how else would you get that
12:34:09 5 information, but I don't remember any specific discussion
12:34:13 6 about, you know, there's a source who said - it would be
12:34:19 7 something like, "Someone has told us blah, blah, blah, this
12:34:22 8 is happening".
12:34:23 9
12:34:23 10 White's note of this 21 June 2007 meeting talks about the
12:34:28 11 phrase evidentiary issues. That's not your note but do you
12:34:32 12 recall there being discussion about evidentiary issues in
12:34:38 13 relation to the location or how the tomato tins were
12:34:41 14 located?---I don't know what evidentiary issues would be at
12:34:48 15 stake at that point in time. I'm just trying to think.
12:34:54 16 No, I don't - - -
12:34:57 17
12:34:57 18 The reason I ask, it might be obvious. The reason I ask is
12:35:01 19 an obvious evidentiary issue to me standing here in 2019 is
12:35:06 20 that the source of this information had come through a
12:35:09 21 barrister who was acting on behalf of Mr Karam at the time
12:35:12 22 and I'm asking whether or not you recall that being a topic
12:35:16 23 of discussion?---With Customs, no. That wouldn't have been
12:35:20 24 a topic of discussion with Customs.
12:35:22 25
12:35:24 26 Can I bring up p.947 of the ICRs. This is 28 June 2007 at
12:35:35 27 6:15 pm, do you see that on the screen there?---Yes,
12:35:43 28 correct.
12:35:43 29
12:35:43 30 I think this is Officer Fox's entry. It says, "Return call
12:35:49 31 to 3838", so he has rung her. "She cannot talk long, human
12:35:54 32 source has ducked into her office to talk to me. Higgs and
12:35:57 33 Karam have just met. They're going to Pacific
12:36:02 34 International Apartments in Little Bourke and Queen Street
12:36:04 35 behind the Supreme Court. Karam said it was to meet the
12:36:09 36 Italian boys from Griffith. The Italian boys are booked in
12:36:14 37 there for the week. The human source asked Rob", which is
12:36:17 38 Mr Karam, "If this had to do with the container and she was
12:36:21 39 told yes". Do you see that?---Yep.
12:36:23 40
12:36:24 41 "Karam stated he was still waiting on confirmation that
12:36:28 42 everything is still okay as the container should have been
12:36:31 43 stolen by now. Human source has to go. Will ring me
12:36:35 44 later" and then Officer Fox rings you and disseminates that
12:36:40 45 to you?---Yep.
12:36:41 46
12:36:41 47 Do you accept that was information that was passed on to

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12:36:43 1 you?---I do.
12:36:44 2
12:36:45 3 And then your statement at 23 appears, so paragraph 23,
12:36:53 4 appears to accord with that, although the timing is five
12:36:59 5 minutes off. "Detective Fox contacted me to tell me the
12:37:04 6 whereabouts of Agamas targets and that the Griffiths boys
12:37:08 7 were booked into" - it's the same accommodation. "This was
12:37:11 8 noteworthy intelligence as until that point DTF did not
12:37:17 9 have direct evidence about who else was behind the
12:37:20 10 importation with Karam and Higgs" and that was your
12:37:22 11 understanding at the time?---Correct.
12:37:24 12
12:37:28 13 All right. So but also importantly that you understood
12:37:32 14 that was important information you'd just received?---Yep.
12:37:38 15 Yes.
12:37:38 16
12:37:41 17 It's the case, I take it, that you've then passed on the
12:37:45 18 information about the Italian boys from Griffith being in
12:37:49 19 that hotel to the Australian Federal Police?---I don't know
12:37:57 20 that the AFP were involved up to that point. They didn't
12:38:00 21 want to have anything to do with this matter until drugs
12:38:03 22 had been found by Customs on the, at the barrier and that
12:38:10 23 was, that was it. I think you've got - they found the
12:38:15 24 drugs later that day.
12:38:15 25
12:38:16 26 I think the problem, the problem with that analysis is that
12:38:19 27 it's on 2 July, four days later, that the AFP put listening
12:38:25 28 devices into the hotel room?---Yep.
12:38:29 29
12:38:29 30 Did you know that?---Sorry, I might have misunderstood your
12:38:33 31 question then. Definitely that information was passed to
12:38:37 32 the AFP at some point in time but not on that day.
12:38:41 33 Unlikely on that day because we weren't even talking to the
12:38:44 34 AFP on that day.
12:38:45 35
12:38:45 36 How do you know that?---That we weren't talking to the AFP
12:38:49 37 or that it was passed on?
12:38:52 38
12:38:53 39 That you weren't talking to the AFP on that day?---Because
12:38:55 40 we went up to try and get them involved in this prior to
12:38:58 41 the actual seizure and they repelled us at, on both
12:39:05 42 occasions, and they explained to me, and the others
12:39:08 43 present, that they weren't going to do anything until
12:39:12 44 Customs had made the seizure and then they would get their
12:39:17 45 ball rolling from that point on.
12:39:19 46
12:39:19 47 Can you look at p.9 of your DTF diary. So this is the same

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12:39:25 1 date?---Yep.
12:39:26 2
12:39:26 3 And it's about 15 minutes later?---H'mm. Page 9, yep. On
12:39:39 4 the what, 19th?
12:39:42 5
12:39:42 6 No, the 28th of the 6th, 2007?---Sorry.
12:39:47 7
12:39:51 8 Sorry, I might have taken you to the wrong spot?---That's
12:39:55 9 it, I've got it, 28th, yep.
12:39:57 10
12:39:58 11 So what I'm wanting to point out to you is that, and this
12:40:05 12 can come up on the screen, it's VPL.0100.0215.0009. Do you
12:40:15 13 see 17:00 on Thursday the 28th?---Yes, h'mm.
12:40:20 14
12:40:21 15 You say you cleared office with a couple of people?---Yep.
12:40:25 16
12:40:25 17 Talk about Customs there in the ACC?---Correct.
12:40:29 18
12:40:30 19 You talk about there being an examination and - sorry, I
12:40:35 20 withdraw that because it can have a couple of different
12:40:40 21 meanings. "Re Operation Agamas. To meet AFP investigators
12:40:45 22 times two"?---Right. So what happened when we attended at
12:40:49 23 the building, after we were there for a while, some time, a
12:40:54 24 considerable time, two AFP investigators turned up.
12:41:00 25
12:41:01 26 Right?---Later in the evening.
12:41:04 27
12:41:05 28 So is that recorded in the diary later on thereafter,
12:41:14 29 21:20?---Sorry, what are you - no.
12:41:17 30
12:41:18 31 Just to get the chronology right?---Yep, yep, absolutely,
12:41:22 32 yep.
12:41:22 33
12:41:22 34 It's the case that this information about the boys from
12:41:26 35 Griffith?---In the morning, yep.
12:41:29 36
12:41:30 37 And then 16:20 that day Fox contacts you and tells you
12:41:40 38 about that occurring, that's right so far?---Yep, that's
12:41:43 39 right, yep.
12:41:44 40
12:41:44 41 And then at 17:00, what I'm interested in is, "Re Op
12:41:50 42 Agamas", what's that word there, "E"?---"Inquiries to
12:41:55 43 meet".
12:41:55 44
12:41:56 45 "Meet AFP investigators times two", what I'm interested in
12:42:00 46 - - - ?---The separate occurrence is meeting two AFP
12:42:03 47 investigators, "Meet AFP investigators by two". I don't

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12:42:09 1 even know their names. I think other than pleasantries we
12:42:12 2 didn't even talk to them while the container was being
12:42:16 3 unpacked by Customs.
12:42:18 4
12:42:18 5 And so your evidence is that you didn't, within that half
12:42:23 6 an hour after the information being given to you about the
12:42:28 7 boys from Griffith staying in that particular hotel, you
12:42:32 8 didn't pass that on to the AFP?---No, nothing was passed on
12:42:36 9 to the AFP. They sat as silent observers in the back of
12:42:41 10 the viewing room while the unpack took place and they did
12:42:45 11 nothing.
12:42:45 12
12:42:46 13 They were taking the lead on this investigation, weren't
12:42:49 14 they, the AFP?---They did once Customs had contacted them
12:42:53 15 and asked if they'd found the products, the illegal
12:42:57 16 products.
12:42:58 17
12:42:58 18 It was noteworthy intelligence that the boys from Griffith
12:43:04 19 were staying in the particular hotel?---Yep.
12:43:07 20
12:43:07 21 I suggest in those circumstances it's inevitable that you
12:43:10 22 passed it on to the AFP immediately afterwards, do you
12:43:16 23 accept that?---No, I do not accept that at all. I
12:43:19 24 certainly didn't pass it on to them then. I may have told
12:43:22 25 them in the following day or two after this event, when the
12:43:27 26 AFP had been notified of the drugs arriving and then we
12:43:31 27 started exchanging information.
12:43:35 28
12:43:36 29 And on 2 July 2007 you don't take exception to the fact
12:43:42 30 that it was then that listening devices by then had been
12:43:44 31 installed in the apartment?---No, definitely.
12:43:47 32
12:43:48 33 The apartment that Zirilli was staying at?---Correct, yep.
12:43:53 34 The ACC would have been aware of the Italian involvement.
12:43:56 35
12:43:56 36 Yes?---(Indistinct).
12:43:57 37
12:43:58 38 The ACC were part of the joint Task Force, were
12:44:01 39 they?---Ultimately, yes, yep.
12:44:03 40
12:44:03 41 Because there was an intention to use their coercive powers
12:44:08 42 to further the investigation?---Not at that stage. The
12:44:11 43 intention was to use their resources for surveillance and
12:44:14 44 electronic and physical, yeah.
12:44:16 45
12:44:16 46 I see. All right, so on 5 July 2007, it appears - so this
12:44:26 47 is paragraph 29 of your statement?---Yep.

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12:44:33 1
12:44:33 2 You say there's a team managers meeting at the AFP with all
12:44:39 3 agencies involved?---Correct.
12:44:40 4
12:44:40 5 And it was decided that the four main targets were Barbaro,
12:44:46 6 Zirilli, Karam and Higgs?---Correct.
12:44:48 7
12:44:48 8 Do you remember that meeting?---Yes.
12:44:50 9
12:44:54 10 And you say, "We planned an arrest phase of these targets.
12:45:00 11 We all agreed that more evidence was required to establish
12:45:03 12 a nexus between the targets and the container, but on this
12:45:06 13 day the container was moved from the wharf to a holding
12:45:15 14 yard nearby", is that what occurred?---Yes, that's correct,
12:45:18 15 I remember that, yep.
12:45:19 16
12:45:19 17 Having reviewed your diary at the DTF, this is just a
12:45:24 18 general question about your time there, it appears that
12:45:27 19 Agamas/Inca was at least 80 per cent of what you were doing
12:45:33 20 during that period within a pinch, is that about
12:45:38 21 right?---Yes, that's about right.
12:45:40 22
12:45:41 23 There might have been one or two smaller tasks or
12:45:44 24 investigations that you were doing?---Operations that I was
12:45:46 25 [REDACTED] Up until about the last fortnight or three
12:45:50 26 weeks I was there it was 80 per cent of my activity,
12:45:54 27 absolutely.
12:45:54 28
12:45:54 29 You worked, you say, after this the AFP became more
12:46:01 30 involved?---Yes.
12:46:02 31
12:46:03 32 Did you then work pretty closely with the AFP after that
12:46:06 33 date?---Yes.
12:46:08 34
12:46:08 35 There's just an interesting thing I wanted to ask about at
12:46:12 36 p.37 of your Drug Task Force diary. The original page
12:46:21 37 numbers on that diary, I should say it's p.36?---Yes. Yep,
12:46:42 38 got it.
12:46:43 39
12:46:44 40 There seems to have been some disagreements with the AFP or
12:46:50 41 a lack of trust between Victoria Police and the AFP. Am I
12:46:55 42 reading that correctly in your notes?---Yes.
12:46:58 43
12:46:58 44 Can you explain what was going on there?---Um - - -
12:47:08 45
12:47:08 46 If it requires you to go into methodology?---No, look, I
12:47:12 47 understand. There was an operation well before this one

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12:47:16 1 that occurred that resulted in friction between the
12:47:19 2 agencies.
12:47:20 3
12:47:20 4 Yep?---And I was very optimistic with my involvement with
12:47:27 5 this agency in the beginning, and right up until about the
12:47:34 6 28th I was still being very optimistic with what we could
12:47:40 7 achieve together. Until this conversation I was somewhat,
12:47:48 8 yeah, put back.
12:47:49 9
12:47:49 10 And this was Wiggett of the AFP and he's said to you he has
12:47:58 11 some serious misgivings about the AFP working with Victoria
12:48:02 12 Police in this environment?---That's right.
12:48:03 13
12:48:03 14 It says, "AFP and VicPol relations are a closed door except
12:48:09 15 Inca, an all time low", do you see that?---Yes.
12:48:12 16
12:48:12 17 "I told him I was sorry that this is what he believed as
12:48:17 18 the contrary is what has been intended all along. No one
12:48:21 19 has tried to be deceitful or treacherous, quite the
12:48:27 20 opposite intended"?---Yep, that's correct.
12:48:29 21
12:48:29 22 What was the fear of deceit or treachery, what triggered
12:48:34 23 that?---Okay. Agamas, there were two targets, there was
12:48:39 24 John Higgs and another guy, can I say his name?
12:48:43 25
12:48:44 26 You're safe to say his name?---Mohammed Ouieda, right, so
12:48:51 27 obviously once this kicked off with the container Higgs
12:48:55 28 became the major focus.
29
12:48:56 30 Yes?---We had a meeting, one of the earlier meetings with
12:48:59 31 AFP and told them that we also wanted to investigate Ouieda
12:49:05 32 and his involvement. They said no, there's definitely,
12:49:08 33 there's only five, I think there were five main targets,
12:49:12 34 Barbaro, Zirilli - the ones you rattled off before,
12:49:14 35 Barbaro, Zirilli, Falanga, Higgs and Karam
36
12:49:17 37 Yes?---And we said we've got, you know, part of the rest of
12:49:20 38 the Task Force, it's not all the Drug Task Force was
12:49:24 39 involved in this of course, only some of it. So we told
12:49:27 40 them that we wanted to include this other target and they
12:49:30 41 said no. We said okay, fine, no worries. I think it was
12:49:34 42 about three or four days before this on the Saturday or
12:49:37 43 something, or just prior to the Saturday, we let them know
12:49:41 44 that, "Look, Ouieda, there's a container coming in that
12:49:44 45 he's connected with and we're going to have a look at it
12:49:47 46 with Customs" and they said they weren't particularly
12:49:50 47 interested. Then the container came in on the Saturday, or

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12:49:53 1 it was examined, I think there was some AFP members down
12:49:57 2 there doing testing of the liquids and what have you, and
12:50:05 3 so I went down on the Saturday with the crew, the rest of
12:50:10 4 the crew from Agamas in relation, that were looking at
12:50:12 5 Quieda, in relation to that, and then for some reason that
12:50:17 6 has been interpreted by the AFP that we were doing
12:50:25 7 something behind their backs.
12:50:27 8
12:50:27 9 I see?---Now to this day I'm still mystified why they would
12:50:34 10 think that and why they thought that was being deceitful
12:50:38 11 and treacherous. In my opinion it was because of other
12:50:41 12 things that were happening, they just wanted to get rid of
12:50:44 13 us and get us off the map basically and it was very
12:50:48 14 disappointing.
12:50:49 15
12:50:51 16 You understand that this joint Task Force of Agamas and
12:51:00 17 some associated investigations were to be the subject of a
12:51:07 18 joint Task Force, written agreement for a joint Task
12:51:11 19 Force?---Ultimately that's what happened, yeah.
12:51:13 20
12:51:13 21 That was - - - ?---That became Inca, yeah.
12:51:16 22
12:51:16 23 So that was what was signed around the time that Inca was
12:51:21 24 established, is that right?---Yeah, so I think they had
12:51:24 25 Operation Loco was the operation they ran from the moment
12:51:29 26 Customs advised them to when, after all the initial what
12:51:34 27 have you took place, and then by, I think it was the 1st of
12:51:39 28 August, so there's a good month there of liaisons that went
12:51:45 29 quite well until we signed up for the joint Task Force, of
12:51:51 30 which we were allowed two members in the joint Task Force
12:51:54 31 and they put on all these other conditions of our
12:52:01 32 involvement. And to be fair, it is an AFP primacy job so
12:52:08 33 they call the shots, and if they didn't want us there,
12:52:12 34 that's it.
12:52:13 35
12:52:13 36 I understand. And the joint Task Force was to comprise the
12:52:16 37 ACC, VicPol, AFP and Customs?---I would imagine so, yep.
12:52:22 38 That's it. There might have been other people but I don't
12:52:25 39 know.
12:52:25 40
12:52:26 41 The Commission has been provided, and I'll tender this,
12:52:29 42 Commissioner, I don't need to take you to it, Officer
12:52:32 43 Green, but I think it's an complete document, I think the
12:52:37 44 completed document hasn't been able to be located, but it's
12:52:41 45 an appropriate time to tender it. It's VPL.0100.0261.0001
12:52:51 46 and that is a portion of the joint investigation agreement
12:52:57 47 between those agencies. I assume that will need to be

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12:53:01 1 reviewed.
12:53:05 2
12:53:05 3 COMMISSIONER: Right.
12:53:06 4
12:53:09 5 Portion of joint investigation Commission between
12:53:13 6 Australian Crime Commission, Victoria Police, Australian
12:53:15 7 Federal Police and Australian Customs Service
12:53:21 8
12:53:21 9 COMMISSIONER: Do we have a date?
12:53:24 10
12:53:24 11 MR WOODS: No we don't.
12:53:25 12
12:53:25 13 COMMISSIONER: 573A and B.
14
12:53:09 15 #EXHIBIT RC573A - (Confidential) Portion of joint
12:53:11 16 investigation Commission between
12:53:13 17 Australian Crime Commission, Victoria
12:53:15 18 Police, Australian Federal Police and
12:53:17 19 Australian Customs service.
12:53:28 20
21 #EXHIBIT RC573B - (Redacted version.)
22
12:53:28 23 MR WOODS: The index goes up to 5.6 but we've only go to
12:53:32 24 1.6 of the substantive document, and I think a search has
12:53:34 25 been done for it.
12:53:34 26
12:53:35 27 MR HOLT: I can confirm, Commissioner, a full search has
12:53:37 28 been done and that's the only part of the document held by
12:53:40 29 Victoria Police. Plainly other agencies may hold it.
12:53:44 30
12:53:44 31 MR WOODS: Customs or AFP might well provide it, I'm not
12:53:49 32 sure. I just want to ask a couple of things to finish off
12:53:53 33 this issue?---H'mm.
12:53:56 34
12:53:56 35 On 26 June 2007, and I'm looking here at your DTF
12:54:04 36 diary?---Yep.
12:54:04 37
12:54:04 38 I think it's p.8 of that diary?---H'mm, yeah.
12:54:15 39
12:54:15 40 This is back obviously just previous to what we were
12:54:19 41 looking at before, you say, "Cleared at 11 am", right down
12:54:22 42 the bottom of page, "Clear to ACC re briefing with ACC, AFP
43 and ACS"?---Yes.
44
12:54:28 45 "Unable to progress the joint agency agreement until drugs
12:54:33 46 IDed in containers"?---Yep.
12:54:34 47

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12:54:34 1 You have an exclamation mark there?---Yeah.
12:54:37 2
12:54:37 3 The exclamation mark is, I assume, a reference to what you
12:54:42 4 were talking about a moment ago about the difficulties you
12:54:45 5 were facing?---Yeah, correct.
12:54:47 6
12:54:48 7 Was it your position that the joint agency agreement can
12:54:53 8 and should be entered into at that stage?---My
12:54:59 9 understanding at that stage is that it's a significant
12:55:02 10 quantity of drugs were on the way and in order to do things
12:55:10 11 that the AFP do when they seize drugs, it would take a lot
12:55:17 12 of effort and energy to do in the short period of time that
12:55:22 13 they're leaving themselves between the actual seizure and
12:55:27 14 subsequent ongoing activity that the AFP do after they've
12:55:33 15 made, after Customs have made a big seizure like that.
12:55:37 16
12:55:38 17 I'm sorry about this, but if that joint agency agreement
12:55:42 18 could be just brought back up on the screen just briefly.
12:55:45 19 There's an aspect of that I wanted to ask you about. It's
12:55:50 20 at p.2. There we go. "Recent information received." Do
12:56:03 21 you know when this document, the joint agency agreement was
12:56:07 22 put together or did you have any hand in that?---No.
12:56:12 23
12:56:12 24 Sorry, it's p.4, yes. "Recent information received.
12:56:16 25 Intelligence sources have indicated a shipping container",
12:56:19 26 so it's clearly prior to the arrival of that container, you
12:56:25 27 can see that from the words there?---Yep, yep. "Due at
12:56:33 28 Sydney, yeah."
12:56:34 29
12:56:34 30 "On 22 June and Melbourne on 26 June", do you see
12:56:38 31 that?---Yeah, yep. I can see that.
12:56:42 32
12:56:43 33 So top of the next page, "Surveillance has seen Karam with
12:56:47 34 Higgs" and you understand that - was there separate
12:56:52 35 surveillance on that two individuals that you were aware
12:56:56 36 of?---Yeah, specifically on that day or around that time,
12:57:01 37 I'm not - there was a lot coming and going there, but
12:57:05 38 basically we had interest in the latter and Crime
12:57:09 39 Commission had interest in the former.
12:57:12 40
12:57:12 41 Do you see there, "Intelligence sources have indicated that
12:57:16 42 Higgs has taken control of Logistics Solutions", do you see
12:57:21 43 that?---Yes.
12:57:21 44
12:57:22 45 Do you know who that intelligence source was?---It may have
12:57:30 46 been me or it may have, I'm not sure if Customs had worked
12:57:35 47 that out themselves because Joe was in gaol and I don't

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12:57:40 1 know if they did an investigation into who was taking over
12:57:45 2 Logistics Solutions, but yeah, it could have been me
12:57:50 3 telling ACC or Customs that but, look - no, I don't know
12:58:02 4 now without perhaps reading the whole document, I don't
12:58:05 5 know if that's something they have put in historically to
12:58:09 6 justify the new proposal or whether that is an ongoing
12:58:13 7 document like an investigation log type of process.
12:58:14 8
12:58:14 9 In fact we can move on from that document now then. It's
12:58:18 10 on 8 August 2008 that a number of the arrests occur of the
12:58:26 11 people - - - ?---Okay, yeah. Yep, yep.
12:58:29 12
12:58:30 13 And I just want to bring up the ICR for that date, which is
12:58:35 14 at p.2944 of 2958 at 8.55 am. I might be wrong about my
12:58:47 15 note there?---Sorry, do you know the ICR number again,
12:58:54 16 sorry.
12:58:54 17
12:58:55 18 I don't know the ICR number, I have p.544. It's the 2958
12:59:04 19 is?---Is it 8/11/06.
12:59:09 20
12:59:10 21 8/8/08?---8/8/08.
12:59:21 22
12:59:21 23 This is Officer Wolf's entry?---Okay. Yep, okay, yep.
12:59:27 24
12:59:29 25 There's been a call, Officer Wolf has received a call from
12:59:34 26 Nicola Gobbo?---Yep.
12:59:35 27
12:59:36 28 She's been told the AFP were now interested in getting a
12:59:41 29 statement from her. RS is registered source, is that
12:59:44 30 correct?---Yeah, yeah.
12:59:45 31
12:59:45 32 "She says would not do this or speak if arrested. Would
12:59:49 33 call Sandy White at the SDU if this occurred. Was not
12:59:53 34 joking. Asked human source if the [REDACTED] would be
12:59:57 35 compromised in this matter. Human source stated there
13:00:01 36 would be no issue with [REDACTED] as it has only been
13:00:06 37 used", et cetera, et cetera. "Registered source, so Nicola
13:00:11 38 Gobbo has been called by numerous people to represent and
13:00:15 39 see Rob Karam when he gets to the Custody Centre", this is
13:00:20 40 following his arrest?---H'mm.
13:00:22 41
13:00:22 42 Wolf says, I assume it's Wolf says, "Registered source
13:00:28 43 surely has been warned off by Federal Police not to do
13:00:31 44 this". Do you see that?---At 8.55. This is the 8th of the
13:00:41 45 8th, 08?
13:00:42 46
13:00:43 47 That's correct.

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13:00:47 1
13:00:47 2 COMMISSIONER: It's at 544.
13:00:49 3
13:00:49 4 MR WOODS: It should be on the screen in front of
13:00:51 5 you?---Yeah, I was trying to - yep, okay.
13:00:56 6
13:00:56 7 COMMISSIONER: If you want the hard copy, it's 544 of the
13:01:00 8 2958 ICRs?---Thank you, I've got that now, yep, on the
13:01:04 9 screen, yep, "AFP surely will not allow Federal Police to
13:01:10 10 do this" - - -
13:01:10 11
13:01:10 12 MR WOODS: So a number of people have come to her and said
13:01:13 13 that, "You should represent Karam when he gets to the
13:01:17 14 Custody Centre" and it seems - - - ?---Yep.
13:01:19 15
13:01:21 16 - - - to be that Wolf says to her, "Surely the Federal
13:01:24 17 Police have told you not to do that", do you see
13:01:27 18 that?---Yep, yep.
13:01:28 19
13:01:29 20 It's clear at this stage that the Federal Police, it's
13:01:32 21 clear to Wolf at least at this stage, his understanding is
13:01:34 22 that the Federal Police know about Nicola Gobbo's
13:01:39 23 involvement at that stage, is that correct?---Involvement
13:01:43 24 in representing the clients?
13:01:46 25
13:01:47 26 Yeah. What I'm trying to understand is why would the
13:01:51 27 Federal Police, why the SDU would understand that the
13:01:55 28 Federal Police have told Gobbo not to represent Karam, do
13:01:59 29 you have any understanding of that?---Well, my
13:02:02 30 understanding is they thought she was involved with all the
13:02:08 31 surveillance that put her in contact with him and others.
13:02:13 32 I thought they were, at one point, they were considering
13:02:17 33 her a suspect.
13:02:18 34
13:02:18 35 That's your understanding of why that position might have
13:02:21 36 been taken?---Yeah, yeah. I wouldn't have thought they'd
13:02:26 37 be happy with her, mind you, we weren't either, but yeah.
13:02:30 38
13:02:31 39 Did you have discussions after, well from the start of your
13:02:36 40 time at the Drugs Task Force and onwards about the AFP's
13:02:42 41 belief that Ms Gobbo was implicated in criminal activity
13:02:45 42 with these individuals?---No, I never initiated that
13:02:51 43 conversation.
13:02:51 44
13:02:51 45 Whether you initiated it or not, you understood that during
13:02:54 46 the period the AFP were also getting some intelligence that
13:02:59 47 appeared to them to implicate Ms Gobbo in the criminal

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13:03:04 1 activities of Mr Karam and Mr Higgs?---I would assume just
13:03:05 2 from the surveillance that they would have been suspicious,
13:03:09 3 yep.

13:03:09 4
13:03:09 5 Okay?---If they weren't suspicious that she was actually
13:03:12 6 involved in the importation, they would have been
13:03:16 7 suspicious by the amount of time that she spends with them
13:03:20 8 while that was happening and, look, I think the history
13:03:23 9 between Rob Karam and the AFP goes back a long way and I'm
13:03:28 10 sure they've got deep seated opinions of him and her well
13:03:35 11 before all this.

13:03:36 12
13:03:36 13 I understand. Another document I want to take you to is
13:03:41 14 VPL.5000.0001.3232. This is 9 August 2008 and this is your
13:03:56 15 electronic diary. I'm after 18:54. You can see that's the
13:04:01 16 largest entry in that diary. It should be on the screen in
13:04:05 17 front of you?---Yeah, yep.

13:04:06 18
13:04:09 19 There's an entry there. She says to you on that date that
13:04:17 20 she doesn't care if someone has to tell the AFP what she's
13:04:21 21 been doing in order to protect her reputation, do you see
13:04:25 22 that?---Yep. H'mm, yep, got that.

13:04:29 23
13:04:29 24 So there, what her motivation is, which is a common
13:04:34 25 motivation, of course, is to keep her name as far as
13:04:38 26 possible out of any implication that she was providing
13:04:43 27 information to Victoria Police, that's what she's saying
13:04:47 28 there?---Reputation with the AFP or - no, sorry, the way I
13:04:59 29 read that statement is that she's - - -

13:05:03 30
13:05:03 31 She doesn't want to end up in the witness box is what I'm
13:05:06 32 suggesting to you?---Yeah.

13:05:07 33
13:05:08 34 And she's saying, if it will help, just to pause for a
13:05:11 35 second, if it will help then she's happy for the AFP to be
13:05:15 36 told that in fact she's a source because that would mean
13:05:18 37 that PII could be claimed in relation to her involvement,
13:05:20 38 that's what she was saying to you?---Okay. Yeah, I
13:05:26 39 wouldn't have gone quite that far, but yeah, okay. I put
13:05:33 40 it you could read it like that, yep.

13:05:35 41
13:05:36 42 What did you understand she was saying to you there when
13:05:40 43 she said tell the AFP - - - ?---Sorry, I'm trying to
13:05:42 44 perhaps, I'm just trying to read but the SDU, albeit badly
13:05:48 45 spelt, issues.

13:05:49 46
13:05:49 47 She has a gut feeling about ending up in the witness box or

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13:05:53 1 dead?---Or that matters may come out, stated, "I don't care
13:06:00 2 if someone has to tell the AFP" - okay, yeah, she could
13:06:06 3 perhaps be happy if we told them that she was a source,
13:06:10 4 reading that, yep.

13:06:11 5
13:06:11 6 The reason she is saying that in the context of what comes
13:06:15 7 before it is that she wants to make sure that she's safe
13:06:18 8 and protected, which is understandable, do you agree?---I
13:06:22 9 think the reputation she's talking about there is that
13:06:25 10 she's not considered to be a drug dealer and in with the
13:06:29 11 group.
12

13:06:29 13 I see?---That's how I sort of, you know, if we had to tell
13:06:33 14 the AFP, "Listen, listen, she's been helping us a bit so
13:06:38 15 she's not in on the drug trafficking side of things, she's
13:06:41 16 more in on the law enforcement side of things", so yeah.

13:06:46 17
13:06:46 18 "She's helping us, she's not helping the criminals so don't
13:06:51 19 think it reflects badly on her reputation because in fact
13:06:54 20 it should reflect well on her reputation because she's in
13:06:58 21 fact helping the police"?---Yeah, because like that's the
13:07:04 22 fine line that she walked with this whole import, that it
13:07:09 23 doesn't take much to be charged with knowingly concerned.
24 I think just by the volume of, you know, her being at every
13:07:14 25 second meeting with these guys, the AFP surveillance would
13:07:18 26 have thought, "Hang on, what's going on here? She's one of
13:07:23 27 the crew".

13:07:23 28
13:07:24 29 A couple of lines down, where you tell her it's unlikely,
13:07:28 30 she says she doesn't want the AFP putting the text messages
13:07:35 31 between her and Rob Karam on the brief?---Yes.

13:07:38 32
33 And she wanted you tell her what is on the brief and give
34 her a warning about it, that's something she asked
35 you?---Yeah.
36

13:07:39 37 And you told her that's not going to happen?---Very
13:07:42 38 unlikely, yeah.

13:07:44 39
13:07:45 40 And the same document, 11 August 2008 at 13:23, the AFP
13:07:58 41 members are staring at her in court today, that's 11 August
13:08:01 42 2008. Do you recall her expressing concern to you about
13:08:07 43 the fact that she thought she was being stared at by the
13:08:10 44 AFP member?---I remember that. They hated her anyway so
13:08:15 45 that's hardly surprising, yeah.

13:08:18 46
13:08:18 47 That was, you understood that to be because of their

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13:08:23 1 perception that she was involved in Mr Karam's
13:08:27 2 activities?---She kept getting him bail and beating their
13:08:35 3 trials, I imagine they would be pissed off, or sorry,
13:08:39 4 annoyed.
13:08:40 5
13:08:40 6 Just a couple of things before we finish. You talk in your
13:08:46 7 first statement - it might be in fact your second
13:08:58 8 statement, just give me a moment. So yes, it's p.7 of your
13:09:09 9 first statement. You talk about the prosecution obligation
13:09:14 10 to disclose to accused people material that could exculpate
13:09:23 11 them. Do you see that three paragraphs from the
13:09:28 12 bottom?---Yep, yep. Yes, I've got that.
13:09:31 13
13:09:34 14 You understand that the obligation to disclose exculpatory
13:09:40 15 material arises in the collation of the brief of evidence,
13:09:44 16 when the brief is first being put together, do you
13:09:47 17 agree?---Yeah, yes.
13:09:48 18
13:09:49 19 And that it's not appropriate to wait for an application or
13:09:55 20 a request for further disclosure to provide such material,
13:10:00 21 it's got to be done upfront, do you agree?---Yeah, if there
13:10:05 22 was exculpatory material I guess the brief wouldn't have
13:10:11 23 been approved in the first place, yes, that's right.
13:10:13 24
13:10:13 25 Just at a conceptual level, if there was something known to
13:10:17 26 the police but not to an accused person sitting in the
13:10:21 27 background of a particular investigation, that might affect
13:10:26 28 whether or not that accused person could be dealt with
13:10:29 29 fairly by the legal system, the police knew about it, the
13:10:33 30 accused person didn't know about it, that would trigger an
13:10:36 31 obligation to disclose in usual circumstances, you
13:10:41 32 agree?---Yeah, I guess so, yep. Although (indistinct),
13:10:52 33 that's for sure.
13:10:52 34
13:10:52 35 I understand that. Let's use an example. If a police
13:11:02 36 officer neglected to caution an accused person, the police
13:11:09 37 officer knew it, was nervous about it and it came to the
13:11:14 38 collation of the brief of evidence where something
13:11:17 39 indicating that no caution was given before admissions were
13:11:21 40 made, you'd expect that the police would disclose that
13:11:27 41 information that indicated there was no caution, they would
13:11:30 42 disclose that to the accused person, do you agree with
13:11:33 43 that?---Yeah, they'd probably withdraw the charge or
13:11:38 44 something, yes, yep.
13:11:39 45
13:11:40 46 And similarly if police officers, corrupt officers broke
13:11:46 47 into premises and conducted an illegal search without a

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13:11:55 1 warrant, you'd expect, I'm not suggesting this has happened
13:11:59 2 in this environment?---Yeah.
13:12:00 3
13:12:00 4 But you'd expect that that is something the accused would
13:12:03 5 be told about in the service of the brief of
13:12:07 6 evidence?---Yeah, yep.
13:12:10 7
13:12:10 8 What I want to suggest to you is that the use of Ms Gobbo
13:12:15 9 as an agent of the police, and you say she was sort of
13:12:19 10 playing this dual role, trying to do the best for the
13:12:22 11 police and the best for a particular accused in one
13:12:25 12 instance we were talking about before, that dual role was
13:12:29 13 something that was known to Victoria Police about the
13:12:35 14 person we were talking about earlier, do you accept that,
13:12:38 15 the police knew about the dual role?---Yes.
13:12:41 16
13:12:42 17 The police knew about that dual role in relation to
13:12:45 18 Mr Karam?---In relation to the import, the last import?
13:12:55 19
13:12:56 20 Yes?---Do you mean? I think above that was the fact that
13:12:59 21 she was also going, a hare's breath off being a
13:13:05 22 co-offender, but yes, I understand your question. But
13:13:07 23 there's also a more significant role there than just with
13:13:11 24 the first example we discussed, yeah.
13:13:13 25
13:13:13 26 What I'm suggesting to you is that that dual role, not
13:13:18 27 unlike the other two examples that I've just taken you to,
13:13:21 28 is something that should have been disclosed to accused
13:13:26 29 persons that Ms Gobbo had a professional relationship and
13:13:30 30 also implicated to Victoria Police, do you accept
13:13:40 31 that?---See, as I see it the accused in the second instance
13:13:44 32 was trying to entice her into being a co-offender. I think
13:13:49 33 she has bigger issues at play there than just simply what
13:13:53 34 you've said.
13:13:54 35
13:13:54 36 You're suggesting that by handing Ms Gobbo the documents at
13:13:59 37 court on 5 June, that there was an intention to try and
13:14:05 38 implicate her as a co-accused, is that what you're
13:14:08 39 saying?---I believe that extra step of actually being in
13:14:12 40 possession, knowingly being in possession of documents that
13:14:15 41 relate to an import that he'd been bragging about for some
13:14:19 42 time beforehand to her, I say that if Federal agencies were
13:14:25 43 monitoring those conversations somehow, they would have run
13:14:29 44 across the road and arrested the two of them with those
13:14:33 45 papers in a hare's breath.
13:14:35 46
13:14:35 47 You were aware though, you are aware at least now, that she

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13:14:39 1 was'n't able to represent that person independently after
13:14:45 2 she'd conducted herself the way she had with Victoria
13:14:48 3 Police, do you agree with that?---Yep.
13:14:52 4
13:14:52 5 Commissioner, I've got probably about another five or ten
13:14:57 6 minutes. I'm in your hands about whether you want - - -
13:15:01 7
13:15:01 8 COMMISSIONER: I think we'll have lunch, yes. We'll
13:15:03 9 adjourn until 2 o'clock.
10
13:15:37 11 <(THE WITNESS WITHDREW)
13:15:38 12
13:15:38 13 LUNCHEON ADJOURNMENT.
14
15
16
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19
20
21
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13:58:30 1 UPON RESUMING AT 2.00 PM:
2
14:05:57 3 COMMISSIONER: Yes, Mr Woods.
14:05:59 4
14:06:00 5 <OFFICER GREEN, recalled:
14:06:02 6
14:06:02 7 MR WOODS: Mr Green, can you hear me?---Yes, loud and
14:06:06 8 clear.
9
14:06:06 10 Just a little bit more to go with me you'll be glad to
14:06:10 11 hear. I want to ask you some questions about the Petra
14:06:14 12 Task Force and the proposal to turn Ms Gobbo from a human
14:06:18 13 source into a witness in the Paul Dale matter. Do you know
14:06:21 14 what I'm talking about there?---Yes, I do.
15
14:06:25 16 You were aware, I take it, from the early stages of this
14:06:31 17 plan being hatched that it was going to be - the proposal
14:06:37 18 was that Ms Gobbo would covertly record Paul Dale?---Yes,
14:06:44 19 she was going to have a meeting with him or something,
14:06:47 20 yeah.
21
14:06:47 22 And that the ultimate outcome of those arrangements was the
14:06:52 23 strong likelihood, or if not inevitability, that she would
14:06:57 24 end up as a witness in his criminal proceeding?---Yep,
14:07:02 25 that's correct.
26
14:07:02 27 And that was a criminal proceeding in relation to the
14:07:05 28 Hodson murders?---Yeah, I believe so.
29
14:07:10 30 All right. A number of witnesses have given their evidence
14:07:15 31 that it's a very dangerous thing to turn a human source
14:07:22 32 into a witness for, let's say, obvious reasons but is that
14:07:26 33 your position as well?---Yes, it is.
34
14:07:28 35 And are those obvious reasons because once it becomes
14:07:33 36 disclosed that someone's been assisting police they're
14:07:36 37 going to have essentially a target on their
14:07:39 38 forehead?---Correct.
39
14:07:42 40 Is it the case that you've had other instances of a human
14:07:48 41 source being specifically turned to a witness intentionally
14:07:53 42 by the SDU or Victoria Police?---I believe Victoria Police
14:07:59 43 has had a history of it. I wasn't involved in earlier
14:08:05 44 ones, but I don't know if the SDU had any involvement in
14:08:08 45 that. And there was one instance where a person was
14:08:11 46 thought to be a source but it became evident quite early on
14:08:17 47 that they would be a witness and so we ended up managing

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14:08:21 1 that witness, for want of a better description, because it
14:08:26 2 was for a short period of time.
3
14:08:28 4 I suppose it's not as simple to say it can never happen
14:08:33 5 because it will often be the case that an individual for a
14:08:36 6 particular benefit might want to make statements and get
14:08:39 7 into the witness box against other individuals. Is that
14:08:44 8 something that happens from time to time?---That's correct,
14:08:48 9 you could never guarantee anything.
10
14:08:50 11 Okay. But in relation to Ms Gobbo in particular, it was -
14:08:55 12 there was a lot of sensitivity about this proposal to turn
14:08:59 13 her into a witness in particular, wasn't there?---Yes, yep.
14
14:09:04 15 What's your understanding of whose idea it was for this to
14:09:09 16 occur?---I believe it went right up to the highest - they
14:09:16 17 had meetings with the Petra Task Force members.
18
14:09:21 19 Yes?---Then I believe it went right up to the highest
14:09:24 20 levels.
21
14:09:25 22 The highest levels?---The highest level, yeah.
14:09:30 23
14:09:30 24 The highest level being the Chief Commissioner at the
14:09:32 25 time?---Yeah, I believe so, yeah.
26
14:09:34 27 That would then encompass obviously the Assistant
14:09:42 28 Commissioner and the relevant Crime Department?---I would
14:09:44 29 assume, yeah.
30
14:09:45 31 Firstly, did you voice your concerns about this proposal to
14:09:47 32 anyone?---Yeah, we discussed it in the office, yep.
33
14:09:53 34 Amongst yourselves at the SDU?---Correct.
35
14:09:55 36 Did you have that discussion with anyone outside the SDU
14:09:58 37 about this being a bad idea?---No, I don't think so, no. I
14:10:02 38 wouldn't have talked to anyone about her position.
39
14:10:05 40 There's a diary entry, it's not yours, it's Officer Black.
14:10:10 41 Do you see his name on the pseudonym list?---Yeah.
42
14:10:14 43 I'll get this brought up on the screen, it's
14:10:21 44 COM.0025.0003.0021 and the page number is 0136. I think
14:10:27 45 this might have already been tendered, it's a diary entry
14:10:31 46 of 30 December 2008. Do you see at 20:25 there's a meeting
14:10:40 47 that's had there?---Yes, yes.

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1
14:10:46 2 Officers, I think it might be Evans, yourself and
14:10:51 3 Smith?---Yes.
4
14:10:52 5 Richards, sorry?---Okay, yep.
6
14:10:56 7 Richards, yourself and Smith?---Yep.
8
14:10:58 9 With obviously the diary maker, Officer Black?---Yes.
10
14:11:03 11 Do you see that what's discussed at that meeting is "brief
14:11:07 12 members of the decision and plan, SDU members for am on
14:11:13 13 31/12/08", so there's a meeting to occur the next
14:11:17 14 morning?---M'hmm.
15
14:11:18 16 And, "Summary of the brief discussions and obvious
14:11:23 17 implications". Now do you agree that this was a discussion
14:11:27 18 between yourself and the other SDU members about the
14:11:30 19 implications of Nicola Gobbo being turned into a
14:11:34 20 witness?---It looks like that, yes.
21
14:11:37 22 And as you read down?---Yep.
23
14:11:39 24 Firstly, there's a question about what are the objectives
14:11:42 25 of this, what are the implications?---Yep.
26
14:11:47 27 Ongoing viability?---Yes.
28
14:11:51 29 Exposure of staff, human source credibility. These are the
14:11:55 30 types of issues that you recall being discussed on that
14:11:57 31 day?---Yes.
32
14:12:02 33 One of them further down is, "Source's role with VicPol"
14:12:09 34 and then, "Issues with existing court cases, appeal issues
14:12:13 35 with former clients re unsafe verdicts", do you see
14:12:16 36 that?---Yes.
37
14:12:19 38 It was the case that each of you in that meeting were
14:12:23 39 discussing the real problems that might arise, which is
14:12:25 40 that when Ms Gobbo's role as a human source came out people
14:12:30 41 would be able to appeal their verdicts as unsafe verdicts
14:12:33 42 because of the role that she had been playing with the SDU,
14:12:36 43 you recall that being a concern?---Looks like it was, yes.
44
14:12:42 45 The reason that that was a concern is that each of you knew
14:12:47 46 that what had been going on in relation to this, with this
14:12:52 47 relationship with Ms Gobbo, was something that shouldn't

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14:12:55 1 have existed, shouldn't have been happening, do you accept
14:12:58 2 that?---No, I wouldn't accept it.
3
14:13:03 4 Well you were nervous about there being appeals from former
14:13:08 5 clients because of unsafe verdicts. Can I suggest the only
14:13:12 6 reason you would be concerned about such appeals on that
14:13:16 7 particular basis is because you knew that there was a real
14:13:18 8 risk that people would bring such appeals, firstly, you
14:13:22 9 knew that that was a risk; is that right?---I guess, yep.
14:13:29 10 Yes, I would say that.
11
14:13:31 12 And you knew that the appeals might well be based on the
14:13:35 13 fact that the verdicts were unsafe, you knew that was the
14:13:37 14 case?---I can follow that, yes.
15
14:13:43 16 And the reason that the verdicts might well have been
14:13:45 17 unsafe is because of the dual role that we've been talking
14:13:48 18 about that Ms Gobbo was performing, do you agree with
14:13:51 19 that?---Yes.
20
14:13:55 21 Just to tease out that role a little bit more I just want
14:13:58 22 to understand a little bit about disclosure. To your
14:14:06 23 memory was disclosure or non-disclosure of materials held
14:14:11 24 by the SDU in relation to Ms Gobbo, was that ever discussed
14:14:18 25 between you and other members of the SDU? Do you know what
14:14:21 26 I'm asking there?---Whether it was a common topic of
14:14:28 27 discussion do you mean or - - -
28
14:14:30 29 Whether in fact it was ever a topic of discussion. For
14:14:33 30 example, did investigators ever approach the approach the
14:14:37 31 SDU when there was a request for further police disclosure
14:14:43 32 that might have called for documents that were relevant to
14:14:47 33 Ms Gobbo's role with the SDU?---I don't recall any.
34
14:14:53 35 Do you recall any subpoenas being discussed or brought to
14:14:58 36 the attention of the SDU?---No, I don't recall.
37
14:15:03 38 Do you recall those discussions happening, then not in
14:15:07 39 particular about a particular summons or a request, but
14:15:10 40 more so in relation to "what we would do were this to
14:15:15 41 happen, what will be our position if there is a request for
14:15:19 42 something that our relationship with Nicola Gobbo is
14:15:23 43 responsive to", do you recall having those
14:15:28 44 discussions?---Not specifically. I remember with sources
14:15:33 45 in general that if the source was to be disclosed more
14:15:39 46 often than not the matter would be withdrawn. Now I don't
14:15:45 47 recall anything much more than that general sort of feeling

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14:15:50 1 about it.
2
14:15:51 3 Yeah, okay. Do you recall your own thoughts about these
14:15:57 4 issues in relation to Ms Gobbo, whether or not what the -
14:16:02 5 sorry, I withdraw that. Do you recall being concerned
14:16:05 6 yourself about the involvement between the SDU and Nicola
14:16:11 7 Gobbo might give rise to materials that needed to be
14:16:15 8 disclosed in a criminal proceeding, do you recall that
14:16:18 9 being a concern of yours?---Generally speaking, yes, if it
14:16:28 10 came out she was a source there would be a concern
14:16:32 11 absolutely for her safety and well-being, yep.
14:16:34 12
14:16:34 13 I'm not just talking about if it came out. What I'm
14:16:39 14 interested in did you identify in your own mind that there
14:16:41 15 was a real problem here for Victoria Police and the SDU if
14:16:45 16 it came out through disclosure, if it was required to be
14:16:50 17 disclosed, that that would cause concerns for Victoria
14:16:55 18 Police and the SDU in particular? Do you recall having
14:16:58 19 that concern?---I think the place, the point in time I was
14:17:05 20 most concerned about things like that was with [REDACTED].
21
14:17:19 22 But there was a particular matter that you - - -?---There
14:17:22 23 was one particular matter that was more apparent to me.
24
14:17:26 25 And it occurred to you in relation to that particular
14:17:28 26 matter, did it?---Yeah.
27
14:17:30 28 And did it occur to you on the night that that person was
14:17:33 29 arrested?---Yeah, yep.
30
14:17:35 31 Okay?---As far as where we're going with this as becoming a
14:17:42 32 witness, I don't know that - certainly I mean I can see
14:17:47 33 it's a valid point when it's pointed out like this, but I
14:17:51 34 don't remember thinking a lot of that as a major issue.
35
14:17:57 36 As in disclosure becoming a major issue?---Oh maybe I'm off
14:18:04 37 the track here, sorry. But that her role would lead to
14:18:07 38 unsafe verdicts.
39
14:18:10 40 Whether or not it was major issue, it was an issue that was
14:18:12 41 discussed between those at this meeting on 30 December
14:18:17 42 2008?---Okay, yep.
43
14:18:21 44 It simply was because it's listed there in the record of
14:18:25 45 this meeting that you were at?---That's right, and we
14:18:28 46 probably had the brief discussions about it, yeah.
47

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14:18:32 1 Okay. There's just a couple more things. I want to bring
14:18:41 2 up another document. This is an email,
14:18:58 3 VPL.6025.0009.5615?---Oh yeah.
4
14:19:11 5 Just go down to the bottom of that. That's the bottom of
14:19:16 6 the document, okay. Sandy White, 27 July 2009, so it's a
14:19:22 7 few months after the registration period's
14:19:26 8 finished?---M'hmm.
9
14:19:27 10 And he's written to yourself, to Officer Fox?---M'hmm.
11
14:19:39 12 Smith and Wolf?---Yep.
13
14:19:41 14 And what he said there is, "Can you please send me the work
14:19:45 15 you've done re the reward application so I can try and
14:19:49 16 massage it into shape"?---M'hmm.
17
14:19:53 18 Is it the case there was a reward application that was
14:19:56 19 being promoted by Sandy White in 2009?---Yep, I think that
14:20:02 20 was a decision to try and quantify on the - there's some
14:20:10 21 matrix, or whatever they call it, where they can try and
14:20:14 22 calculate how much particular assistance is valued at on a
14:20:21 23 dollar value, yeah.
24
14:20:23 25 Okay. You send back to him the following day at 9.16 am a
14:20:29 26 document that you've entitled "38 great hits"?---Oh, yeah,
14:20:35 27 yep.
28
14:20:36 29 Have you seen a copy of that document in the last few
14:20:38 30 months?---No.
31
14:20:42 32 I've done a search of the system and haven't been able to
14:20:45 33 identify the document but can you explain to the
14:20:47 34 Commissioner your recollection of what the document was
14:20:50 35 that you created?---Gee, I'm sort of guessing a bit but I
14:20:57 36 would assume it's along the lines of the results of, from
14:21:06 37 the information she's provided, who or what was seized or
14:21:10 38 arrested.
39
14:21:11 40 All right?---I guess.
41
14:21:15 42 But that was your recollection of what was being sought by
14:21:20 43 Officer White, was to show the value that Ms Gobbo had
14:21:24 44 provided through the SDU?---In keeping with the theme of
14:21:29 45 all sources if a reward application was done, if it wasn't
14:21:34 46 for a letter of assistance for them, this and another
14:21:39 47 sources, or other sources I should say, if it wasn't for a

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14:21:45 1 letter of assistance then there would be some sort of
14:21:47 2 dollar value that's put on it. I can't remember the format
14:21:50 3 of the matrix now or the values for that matter, but it was
14:21:53 4 along those lines, yeah.
5
14:22:03 6 If the document is in existence I'd call for it to be
14:22:07 7 produced and if it's not if we can be told.
14:22:11 8
14:22:12 9 MR HOLT: I'm instructed it was produced on 29 July 2019 as
14:22:16 10 an embedded document within an email.
14:22:20 11
14:22:21 12 MR WOODS: Okay. I might just have been handed a copy of
14:22:27 13 it too.
14
15 COMMISSIONER: Thanks, Mr Holt.
16
17
14:22:28 18 MR WOODS: Although at the same time I think there's an
14:22:30 19 issue taken with dealing with rewards.
14:22:32 20
14:22:33 21 MR HOLT: Can I speak to my friend, Commissioner, I just
14:22:35 22 don't know where we're going with this?
14:22:55 23
14:22:55 24 MR WOODS: If this could be brought up on just the
14:22:58 25 witness's, the Commissioner's and my screen, it's
14:23:04 26 VPL.6025.0009.5616.
27
14:23:15 28 COMMISSIONER: Would you like that number again? Yes,
14:23:17 29 could we have the number again, please.
14:23:19 30
14:23:19 31 MR WOODS: I'm sorry. VPL.6025.0009.5616. I'll obviously
14:23:34 32 be cautious about the detail in the document where
14:23:36 33 appropriate. While that's coming up on the - There we
14:23:57 34 go?---Yes. Oh yeah.
35
14:24:00 36 Do you think this is the document that you prepared and
14:24:02 37 that was attached to that email?---Look, I don't know
14:24:07 38 specifically but, yeah, it's highly likely.
39
14:24:10 40 There's some - - -?---Oh, yeah, looks like it would be,
14:24:15 41 yep.
14:24:15 42
14:24:16 43 You can take that off my screen but leave it on the
14:24:20 44 Commissioner's and the witness's if that's possible. So
14:24:25 45 does it assist you at all looking at that to say whether or
14:24:28 46 not this was the document that you put together?---I reckon
14:24:31 47 it would be, especially - yeah, and the number of contacts

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14:24:35 1 and what have you, yeah, yep.
2
14:24:38 3 You're going through information in a general sense that
14:24:42 4 she's provided and how that information has been utilised
14:24:49 5 to the benefit of investigating and prosecuting particular
14:24:56 6 individuals; is that right?---Thereabouts, yeah. Not
14:24:59 7 always prosecution results but certainly seizure of - and
14:25:03 8 I'm looking at that one there, looks like seizure of
14:25:07 9 tobacco and what have you, yeah. I don't think anyone was
14:25:10 10 charged with that.
11
14:25:12 12 There's obviously Mr Karam's matter. You talk about the
14:25:17 13 import of \$200 million of cocaine?---Oh yeah, again. Yep.
14
14:25:25 15 And in other items there, in an item on the top page you
14:25:30 16 talk about a \$2 million plus tax avoidance?---Yes, that's
14:25:36 17 that one in red.
18
14:25:38 19 Another one that Ms Gobbo is responsible for?---Yep.
20
14:25:45 21 This was an attempt to quantify the value of the
14:25:50 22 information that was provided by Ms Gobbo?---Yes, that's
14:25:55 23 correct.
24
14:25:56 25 And was it the case that Mr White was wanting or was
14:26:02 26 promoting the situation where there might be some kind of
14:26:05 27 reward provided to Ms Gobbo for that assistance?---Yep.
28
14:26:11 29 Just one final point. We talked about the use of a
14:26:14 30 psychologist earlier?---Yes, that's right.
31
14:26:18 32 There's an email chain - I think you were involved in the
14:26:21 33 arrangements that were made for that?---That's right.
34
14:26:24 35 COMMISSIONER: We want to tender that, won't we?
14:26:27 36
14:26:28 37 MR WOODS: Yes, we will, Commissioner. It's pretty
14:26:30 38 sensitive some of the elements so there'll need to be an A
14:26:36 39 and B.
40
14:26:38 41 COMMISSIONER: Of course.
42
43 MR WOODS: Perhaps attached to the email might be the best
14:26:38 44 way to do it.
14:26:38 45
14:26:40 46 #EXHIBIT RC574A - (Confidential) Email and attachment from
14:26:44 47 Mr Green to Sandy White 28/7/09 re

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14:26:48 1 3838/2958 reward application.
 14:26:54 2
 14:26:55 3 #EXHIBIT RC574B - (Redacted version.)
 14:27:00 4
 14:27:00 5 MR WOODS: Thank you, Commissioner. Just the final
 14:27:02 6 document I want to take you to is another email chain and
 14:27:05 7 it's VPL.2000.0002.0175. I don't want to read out the name
 14:27:13 8 of the psychologist?---Yes.
 9
 14:27:16 10 Essentially what I'm interested in is that there was a
 14:27:21 11 proposal within the SDU that you've already given evidence
 14:27:24 12 about?---Yeah.
 13
 14:27:25 14 About Ms Gobbo's - or the SDU's understanding that Ms Gobbo
 14:27:30 15 should see a psychologist?---We thought it would help, yes.
 16
 14:27:35 17 I think your evidence was that was unusual in your
 14:27:36 18 experience with other human sources; is that
 14:27:41 19 correct?---It's the only one I've organised, yep.
 20
 14:27:44 21 Just the identity, without identifying the actual
 14:27:47 22 PI
 14:27:50 23 PI
 14:27:58 24 PI
 25
 14:28:00 26 And was it the case that the psychologist in relation to
 14:28:04 27 Ms Gobbo was to report back to the SDU anything about her
 14:28:09 28 contacts with Ms Gobbo?---Yeah, yep. Not specifically
 14:28:16 29 about what was said but if there was concerns you would
 14:28:20 30 want a brief understanding of, yeah, what's happening.
 31
 14:28:25 32 So the psychologist was performing two functions. One was
 14:28:30 33 to assist Ms Gobbo with the emotional problems that she was
 14:28:36 34 having, that was one aim; is that correct?---Yep, correct.
 35
 14:28:40 36 And the other was to assist the SDU if that psychologist
 14:28:43 37 said there were particular problems that Ms Gobbo was
 14:28:46 38 facing that affected her ability to operate as a human
 14:28:49 39 source?---Yes, correct.
 40
 14:28:52 41 PI
 14:28:59 42 PI
 43
 14:29:03 44 PI
 14:29:05 45 PI
 14:29:11 46 PI
 47

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14:29:12 1 [REDACTED]
14:29:15 2 [REDACTED]
14:29:16 3 [REDACTED]
14:29:16 4 MR HOLT: I think it will be.
14:29:18 5
14:29:18 6 MR WOODS: All right. They're all the questions I have for
14:29:20 7 you, Officer Green, thank you?---Thank you.
8
14:29:25 9 I should say, Commissioner, if it's convenient to you
14:29:30 10 Ms Dwyer for Mr Higgs might ask the first questions in
14:29:34 11 cross-examination.
12
14:29:35 13 COMMISSIONER: No problem by me. First of all, did you
14:29:37 14 want to tender that last email?
14:29:39 15
14:29:40 16 MR WOODS: Yes, thank you, Commissioner.
17
14:29:45 18 COMMISSIONER: How will we describe that? The date of it?
14:29:50 19
14:29:51 20 MR WOODS: It is an email chain of 25 January 2007,
14:29:58 21 commencing on 25 January 2007 in relation to arrangements
14:30:03 22 for psychologist attendance.
23
14:30:07 24 COMMISSIONER: For Ms Gobbo.
14:30:08 25
14:30:09 26 MR WOODS: Yes.
14:30:09 27
14:30:12 28 #EXHIBIT RC575A - (Confidential) Email chain commencing
29 25/01/07 in relation to arranging
14:30:14 30 psychologist attendance.
14:30:14 31
14:30:16 32 #EXHIBIT RC575B - (Redacted version.)
14:30:18 33
14:30:18 34 MR HOLT: Commissioner, out of an abundance of caution can
14:30:21 35 I ask that the reference that preceded my objection before
14:30:25 36 [REDACTED]
14:30:31 37 [REDACTED]
38 [REDACTED]
14:30:36 39 [REDACTED]
14:30:46 40 [REDACTED]
14:30:48 41 [REDACTED]
14:30:51 42 [REDACTED]
14:30:52 43 MR HOLT: Yes, line 13, Commissioner, to line 18. I'll
14:31:00 44 take instructions but out of an abundance of caution, given
14:31:06 45 it's being live streamed, I'd ask for that to be removed
14:31:08 46 for present purposes.
47

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14:31:09 1 COMMISSIONER: Do you want to be heard?
14:31:11 2
14:31:12 3 MR WOODS: Perhaps out of an abundance of caution but I
14:31:12 4 must say if the SDU were to go about things in a particular
14:31:15 5 manner to conceal that the SDU were involved, I would
14:31:18 6 suggest it wouldn't be surprising but my learned friend
14:31:20 7 should have an opportunity to consider it in my submission.
8
14:31:24 9 COMMISSIONER: The trouble is once it goes out it never
14:31:26 10 goes back again because we've always gone on to something
14:31:32 11 else and we forget about it.
14:31:36 12
14:31:36 13 MR HOLT: Commissioner, I'm happy to undertake to advise
14:31:39 14 the Commission at 9.30 tomorrow morning of the position and
14:31:41 15 I will do that.
16
14:31:44 17 COMMISSIONER: All right then. Take out from line 16 down
14:31:54 18 to line 20, I think that's all that needs to go out. Line
14:31:58 19 16 to line 20, take that out. Keep a record of the
14:32:01 20 transcript in a confidential form for the moment, thank
14:32:08 21 you.
22
14:32:12 23 We're going to have Ms Dwyer first?
14:32:17 24
14:32:18 25 MR WOODS: Yes.
26
14:32:19 27 COMMISSIONER: For Mr Higgs. I understand the questions
14:32:20 28 that you're asking have been discussed with Mr Woods and
14:32:25 29 Mr Woods is content for you to ask them.
14:32:29 30
14:32:29 31 MR WOODS: That's correct, Commissioner.
32
14:32:30 33 COMMISSIONER: I take it nobody else has any difficulty
14:32:33 34 with that and that they're quite short, I understand.
14:32:37 35
14:32:37 36 MS DWYER: Yes, there's a handful of topics, Commissioner.
37
14:32:40 38 COMMISSIONER: Yes, all right then. Yes, Ms Dwyer.
39
40 <CROSS-EXAMINED BY MS DWYER:
41
14:32:42 42 Mr Green, on 5 September back in 2006 Ms Gobbo gave you
14:32:50 43 Mr Higgs' mobile number at that time. Do you recall that
14:32:55 44 happening?---Yes.
45
14:33:04 46 You created an information report and that information
14:33:10 47 report was disseminated, do you recall that

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14:33:12 1 happening?---Yep.
2
14:33:15 3 Can I have the IR brought up. It's VPL.2000.003.8864. I
14:33:27 4 look like I might have dropped a zero out of one of those
14:33:32 5 numbers. It's 0003. I'll just read it out again. It's
14:33:44 6 VPL.2000.0003.8864. I might not have given the - it's an
14:33:58 7 IR. I may not have given the operator sufficient notice of
14:34:04 8 this document. Is that the IR that you created,
14:34:20 9 Mr Green?---Likely, yes.
10
14:34:25 11 If we just scroll down. It can be seen there, "Higgs uses
14:34:33 12 mobile" and there's a particular mobile number there?---Yes
14:34:36 13
14:34:37 14 MR HOLT: Commissioner, this should be a redacted version.
14:34:39 15 I just apologise. There should be a redacted version of
14:34:43 16 the IRs that gets produced. I apologise, Commissioner,
14:34:48 17 that's correct, sorry.
14:34:51 18
14:34:53 19 MS DWYER: That's the IR you created?---Yes, that's
14:34:56 20 correct.
21
14:34:57 22 Which was disseminated?---I assume so. I think if it says
14:35:02 23 down the bottom of the form there it was disseminated - it
14:35:07 24 probably was. Yeah, it might not have been. I don't know.
25
14:35:20 26 What's the purpose of creating an information report?---To
14:35:25 27 pass on information.
28
14:35:26 29 So presumably when this document was created there was an
14:35:30 30 intention to pass the information on?---Yep, yes.
31
14:35:37 32 At this point in time you say you can't remember whether or
14:35:41 33 not it was passed on?---I don't recall specifically. I
14:35:46 34 don't think I - it might have just gone into the system at
14:35:52 35 that stage. I'm just trying to remember in September 06, I
14:35:57 36 don't know that he was a target of any - or anyone was
14:36:02 37 working on him specifically.
38
14:36:07 39 And certainly - - - ?---Yeah, I don't think so. That was
14:36:12 40 when we just got the VicPol database. Sorry to interrupt.
41
14:36:15 42 Certainly that intelligence then would have been available
14:36:18 43 for anyone who commenced an investigation to use and to
14:36:22 44 then compile into something like a telephone intercept
14:36:26 45 warrant application?---That's certainly the intention and I
14:36:31 46 assume that's what happened, yep, most likely that's what's
14:36:35 47 happened.

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1
14:36:37 2 Moving on, in your statement at paragraph 12 you said the
14:36:45 3 following - I'm sorry, I'm referring to your second
14:36:49 4 statement, what's been referred to as your second statement
14:36:53 5 where you talked about Operation Agamas and the tomato tins
14:37:03 6 investigation?--Okay, yes.
14:37:03 7
14:37:04 8 I'm going to read you a passage from paragraph 12. "On 18
14:37:04 9 June 2007 [REDACTED] Fox contacted me to tell me the latest
14:37:08 10 whereabouts of Operation Agamas targets. I was regularly
14:37:14 11 receiving this type of intelligence which had minimal
14:37:16 12 impact on the actual operation. This was partly due to
14:37:19 13 resourcing issues, i.e. it was not possible to have ongoing
14:37:23 14 surveillance on those targets". Now, it was the case that
14:37:27 15 there was surveillance between 26 June and 11 July every
14:37:32 16 day, wasn't it?--Yeah, there would have been by then,
14:37:36 17 yeah, absolutely.
18
14:37:38 19 So there may have been resourcing issues earlier in time
14:37:42 20 but for three days straight before the container arrived
14:37:47 21 and for 12 days straight afterwards there was ongoing
14:37:50 22 surveillance, you agree with that?--Yes, I'd agree with
14:37:52 23 that, yep.
24
14:37:53 25 And it's the case that the intelligence, being the bill of
14:37:58 26 lading, drove operational priorities?--Yeah, the discovery
14:38:06 27 of the actual seizure of the drugs convinced everyone to
14:38:11 28 get involved, yep.
29
14:38:14 30 You've indicated that there were resourcing issues in the
14:38:18 31 Drug Task Force?--Yes, yep.
32
14:38:21 33 And yet three days of straight surveillance were devoted
14:38:27 34 prior to the container arriving?--Yep.
35
14:38:31 36 So you must agree, mustn't you, that the intelligence,
14:38:34 37 being the bill of lading, allowed significant resources to
14:38:39 38 be deployed?--Yeah, just because we got the bill of lading
14:38:44 39 didn't mean we had the resources, but once the ship had
14:38:48 40 arrived then it was given the priorities, yeah. Or even in
14:38:54 41 the lead-up, as you've quite rightly pointed out I guess,
14:38:58 42 in the lead-up to that there was additional resourcing
14:39:04 43 given to it, yep, because we believed, and so did other law
14:39:08 44 enforcement agencies, believed it was actually happening
14:39:11 45 and so we started ramping up from our end, yep.
46
14:39:17 47 The intelligence that led you to believe that something

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14:39:21 1 worth investigating was happening included the bill of
14:39:25 2 lading which had come from Ms Gobbo?---Yes, that's correct.
3
14:39:29 4 And potentially other information which had come from
14:39:34 5 Ms Gobbo?---That's correct, and also anything learned from
14:39:39 6 the surveillance too may have increased our abilities.
7
14:39:52 8 Moving to - I withdraw that. During that period of ongoing
14:39:58 9 surveillance you were receiving updates from members of the
14:40:03 10 SDU as to - - - ?---Yep.
11
14:40:07 12 - - - movements of those targets that came from Ms Gobbo,
14:40:12 13 weren't you?---Yep, yes.
14
14:40:14 15 There were at least nine disseminations in that period that
14:40:17 16 related to Mr Higgs, for example?---Okay, and that's that
14:40:21 17 three days before and 12 days after you're talking about,
14:40:24 18 that period, yeah, yep. Yep, that's correct.
19
14:40:30 20 And so again Ms Gobbo was providing ongoing intelligence to
14:40:35 21 assist in the investigation of these suspects?---Yes,
14:40:40 22 that's correct. Just on that point too, from a - I guess,
14:40:50 23 although I wasn't a source handler at this time, I was very
14:40:54 24 well aware of the limitations of if I was to pass on every
14:40:58 25 single bit of information that [REDACTED] Fox gave me and
14:41:02 26 updated surveillance and other investigators about every
14:41:07 27 single movement that she said, I would probably blow her
14:41:11 28 out of the water and just because how else would you know
14:41:15 29 that, you know, so and so and so and so's going to meet up
14:41:18 30 at a café at the waterfront or whatever? If that was
14:41:23 31 happening every day and every, a couple of times a day even
14:41:28 32 at times, then that could highlight to a lot of people that
14:41:31 33 clearly someone very close, and it wouldn't take very long
14:41:35 34 for the surveillance people and what have you to work out,
14:41:39 35 that - who the source is basically. So I had to be
14:41:44 36 particularly careful. Once we started using a number of
14:41:48 37 agencies and the seizure had taken place, to be perfectly
14:41:55 38 honest there would be no need to have the source contacting
14:41:58 39 us with much information at all, in fact - - -
40
14:42:02 41 I'm sorry to cut you off. Is it your understanding that
14:42:05 42 apart from people above you in the hierarchy you were the
14:42:09 43 only member of Drug Task Force at your level or below who -
14:42:14 44 - - ?---Yep.
45
14:42:15 46 - - - was aware of the role of a human source - - -
14:42:23 47 ?---Yes.

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14:42:24 1
14:42:24 2 - - - as being the key source of intelligence as part of
14:42:31 3 this investigation?---Yeah, that's correct, yes.
4
14:42:33 5 And so the evidence that you've just given really
14:42:36 6 highlights how strategic it was to have you, as a member of
14:42:41 7 Drug Task Force, being an additional filter and person who
14:42:47 8 understood both the role of Ms Gobbo and the way that
14:42:52 9 operational priorities were being laid out and met by the
14:42:57 10 Drug Task Force, doesn't it?---You could say that. The
14:43:02 11 other way of looking at it, it was pretty lucky, lucky for
14:43:07 12 some, that the Drug Task Force already had an operation up
14:43:10 13 and running with Agamas focusing on your client, Mr Higgs.
14:43:19 14 If that wasn't the case then other methods would have been
14:43:23 15 used and other activity would have taken place. So it's
14:43:29 16 fair to say that whilst it was important intel and the
14:43:34 17 timing of me being there at the Drug Task Force was
14:43:39 18 convenient, it was - there was a fair degree of luck
14:43:46 19 involved in that process.
20
14:43:49 21 Moving on to the ACC officer by the name of Rick Burton.
14:43:56 22 He's mentioned in your statement in a number of paragraphs,
14:43:59 23 14, 19 and 36?---Yep.
24
14:44:01 25 Are you aware that he was at a later time also liaising
14:44:06 26 directly with the SDU?---No, I didn't know that. I don't
14:44:15 27 recall that.
28
14:44:16 29 I'll take you to a reference. It's one of many, it's
14:44:22 30 p.1654 of what I understand to be the 3838 ICRs. This is
14:44:28 31 on 12 January 2008 at 20:45, Mr Green?---Oh, yep.
32
14:44:50 33 There's an example, "Phone Rick Burton re Higgs/Karam
14:44:57 34 Romantica's meeting - message left to ring back". Sorry,
14:45:00 35 you've had the opportunity to have a look at that?---Sorry,
14:45:03 36 yeah, I couldn't - I've got it. Down the very bottom ,
14:45:06 37 yeah.
14:45:06 38
14:45:06 39 Down the bottom. If we scroll up to p.1566?---I've got it,
40 yep.
41
14:45:11 42 We're moving to 13 January 2008 at 10.10?---Yep, okay, I
14:45:32 43 see that, yep. That was Officer Smith making those calls,
14:45:37 44 yeah.
45
14:45:40 46 I'm sorry, Mr Green, I'm just trying to catch up?---That's
14:45:45 47 it.

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1
14:45:49 2 "Received call Rick Burton and advise re Karam/Higgs at
14:45:53 3 Romantica's restaurant later today. Will advise response".
14:45:57 4 At 1567 on the same date at 17:37?---There it is, yep.
14:46:10 5
14:46:10 6 "Advised Burton of some intelligence", you can see
14:46:14 7 there?---Yes. Yeah, I can.
8
14:46:16 9 And there's another entry on the next day that I don't
14:46:20 10 think I need to take you to specifically?---Okay, yep.
11
14:46:24 12 You get the sense that Mr Burton is liaising directly with
14:46:30 13 the SDU?---Yeah, he is, yeah.
14
14:46:33 15 Do you know, you having had contact with Mr Burton
14:46:38 16 yourself, and you understanding to some extent his
14:46:41 17 role?---Yep.
18
14:46:42 19 Do you know how he knew to liaise with the SDU?---He
14:46:55 20 probably deduced that from my dealings with him - - -
21
14:47:06 22 By that do you mean it would have become clear to him from
14:47:09 23 his conversations with you that VicPol had a human
14:47:17 24 source?---Yeah, he would have worked that out because he
14:47:20 25 knew where I was stationed after I left the DTF.
26
14:47:28 27 Did he know - to your knowledge did he know the identity of
14:47:33 28 Ms Gobbo?---I don't think he did.
29
14:47:38 30 To your knowledge did he know that Victoria Police's human
14:47:45 31 source was a lawyer of some form?---No.
32
14:47:52 33 Moving on. In your statement at paragraphs 35 and 38 you
14:47:56 34 mention that two Victoria Police members were to be a part
14:48:02 35 of the joint Task Force to effectively work within the
14:48:08 36 AFP?---Yes.
37
14:48:08 38 Who were those two members?---To start with it was me and
14:48:24 39 possibly Sergeant Fisher. I couldn't be - I'm not 100 per
14:48:29 40 cent sure, yep.
41
14:48:33 42 You said to start with it was you, does that mean that that
14:48:37 43 role changed over time?---Yeah. Once the JTF was actually
14:48:45 44 established I'm pretty sure it was two other members, it
14:48:52 45 was possibly Sergeant Fisher and one of the other members
14:48:54 46 on his crew that did most of it. My role with the AFP, now
14:48:59 47 that I think of it, was more from when the container was

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14:49:06 1 located until the joint Task Force Inca actually started,
14:49:13 2 which I think was the 1st or the 2nd, something like that,
14:49:17 3 of August. I was there, busy for July basically, and then
14:49:21 4 from early August there was other members there in the AFP
14:49:30 5 building.
6
14:49:30 7 But to the best of your knowledge Fisher was in that
14:49:33 8 role?---Yeah, he had a role there, yep.
9
14:49:39 10 I want to take you to the bill of lading and I might give
14:49:47 11 the operator this VPL number because I believe I haven't
14:49:52 12 given him notice of this number either. So it's
14:50:00 13 VPL.0005.0137.0399. Whilst I introduce this topic,
14:50:10 14 Mr Green. Now you weren't at the face-to-face meeting when
14:50:14 15 Ms Gobbo handed over the bill of lading, were you?---No,
14:50:17 16 I'm not sure I've even seen it. This could be the first
14:50:21 17 time.
18
14:50:23 19 As I understand your evidence today, you've said that she
14:50:31 20 had a choice at the time that the bill of lading was handed
14:50:35 21 over between being knowingly concerned in a 4.5 tonne
14:50:41 22 import or handing the document over to police. It's not
14:50:46 23 the case that you are saying that she knew or police knew
14:50:54 24 exactly what the bill of lading related to on 5 June 2007.
14:51:00 25 That's not your evidence, is it?---She had a fair
14:51:05 26 understanding of what it was because I think Robbie Karam
14:51:08 27 had been bragging to her for some time about - it started
14:51:12 28 off general as stuff and then it ended up being quite a
14:51:18 29 specific, like 14 million pills.
30
14:51:23 31 I might take you to the recording of the meeting on 5
14:51:29 32 January?---Oh, okay.
33
14:51:31 34 At least part of the audio of this meeting was tendered as
14:51:36 35 Exhibit 303. That occurred on 8 August, Commissioner.
14:51:43 36 That is not yet on the website. This is the transcript
14:51:50 37 which appears to me to be unredacted.
38
14:51:56 39 COMMISSIONER: Right. Do you have the exhibit number of
14:51:59 40 the tape?
14:52:01 41
14:52:02 42 MS DWYER: The tape is Exhibit 303.
43
14:52:04 44 COMMISSIONER: 303.
14:52:05 45
14:52:05 46 MS DWYER: It's not clear to me whether that exhibit
14:52:07 47 incorporated both audio and transcript. It's Exhibit

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14:52:17 1 RC303, audio recording. It's not mentioned in the title.
2
14:52:23 3 COMMISSIONER: Just the audio clip, not the transcript. So
14:52:27 4 this a new document.
14:52:31 5
14:52:32 6 MS DWYER: What I propose to do is read portions, of course
14:52:37 7 omitting any references to names which in my view would
14:52:44 8 then mean that nothing that shouldn't be said in open
14:52:51 9 court - - -
10
14:52:52 11 COMMISSIONER: Let's see how we go.
14:52:55 12
14:52:56 13 MS DWYER: - - - is being traversed. And Mr Holt can jump
14:53:00 14 up if anything comes up.
15
14:53:02 16 COMMISSIONER: He sure will.
14:53:04 17
14:53:08 18 MS DWYER: Ms Gobbo said to one of her handlers, "Mannella
14:53:17 19 left to go to court and Rob said to me, 'Can you hold on to
14:53:21 20 this, leave it in the office', and I said to him, 'It's not
14:53:25 21 going to get me in trouble, is it?' He goes, 'Oh, your
14:53:28 22 fingerprints are already on the outside of it, so thank
14:53:31 23 you, thanks'. Because I said, 'What's this one in relation
14:53:34 24 to? Good quality importation, it's ecstasy, cocaine, not
14:53:39 25 tobacco, is it?' He goes, 'Bit of this, bit of that', and
14:53:42 26 then he said, 'No', he said, 'I got to hold on to them
14:53:46 27 because in case Mannella goes'. I said to him, 'Why don't
14:53:51 28 you take it to court'", and it continues?---Yes.
29
14:54:00 30 In that process of handing over the document there
14:54:03 31 certainly wasn't a discussion about either what the
14:54:07 32 substance was necessarily or the scale of the importation,
14:54:11 33 was there?---Not in that paragraph you've shown me, no.
14:54:17 34 Yeah.
35
14:54:20 36 I might be criticised for not reading further but I have
14:54:24 37 had very limited access to these documents. In relation to
14:54:33 38 the intelligence that police had, the first mention of the
14:54:40 39 size of the import was in fact on 17 June. Firstly, if
14:54:51 40 that's what the ICRs show, is that something that you would
14:54:54 41 accept?---17 June? I thought it was earlier than that. I
14:55:09 42 remember there was discussion about three times the one he
14:55:12 43 was on trial for.
44
14:55:14 45 So if we can go to ICR 85, which I'm hoping is at p.909.
14:55:41 46 Can you see that on the screen, Mr Green?---Yes.
47

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14:55:48 1 17 June 2007. "The container has 15 million pills in it.
14:55:52 2 Karam referred to as three times as big as the current
14:55:55 3 trial." Is that the information that you're recalling,
14:56:00 4 three times as big as the current trial?---Yes. Yep, I
14:56:03 5 think that was the first time I went to 15 million pills.
14:56:07 6 I think for the conversations before that she was talking
14:56:10 7 about 14 million pills, but yes, I remember that.
8
14:56:15 9 Can I put it this way: if there's information that
14:56:18 10 indicates that those types of discussions were being had,
14:56:24 11 another member at the Bar table can put that forward. If
14:56:28 12 that's what the ICRs show, that the 17th of June 2007 was
14:56:34 13 the first time the size of the import was discussed by
14:56:40 14 Nicola Gobbo with her handlers, you would accept that
14:56:46 15 evidence?---Yeah, I don't think that was the first time it
14:56:51 16 was discussed though. I don't know, I'd have to go back
14:56:57 17 through it. I'm pretty sure we knew - I think the first
14:57:01 18 time it was ever mentioned was somewhere around March.
19
14:57:04 20 You wouldn't dispute the accuracy of the ICRs though, would
14:57:07 21 you?---No, not at all. But as far as that's the only
14:57:10 22 mention of it, I'm pretty sure there's more. I could be
14:57:14 23 mistaken but I'm - because I wasn't handling her at that
14:57:19 24 point but I remember expecting - yeah. I could be
14:57:29 25 confused, I could also be confused with other imports
14:57:31 26 because there was plenty going on to be honest.
27
14:57:34 28 Can I put it to you this way: if the evidence indicates
14:57:38 29 that there were, police were investigating various
14:57:45 30 imports?---Yep.
31
14:57:46 32 And the first indication of any importation - of any
14:57:54 33 information about this importation was 5 June, it must be
14:57:59 34 the case that you're mistaken?---Okay, yep. Yeah, I am,
14:58:05 35 yep. I might add, I don't think Higgs' involvement in it
14:58:11 36 didn't appear until quite late in the piece. But yeah,
14:58:16 37 okay, I am mistaken there if that's what it says.
38
14:58:25 39 In relation to your statement that she had a choice between
14:58:31 40 being knowingly concerned in an import or handing over the
14:58:35 41 document to police, if we can just break that down a little
14:58:39 42 bit further. If a barrister is asked to do something but
14:58:50 43 is concerned that that might be illegal, or ethically
14:58:55 44 dubious, the obvious solution is to refuse to take that
14:59:00 45 action. You would agree with that, wouldn't you?---Yeah.
46
14:59:06 47 So applying that to the factual scenario Ms Gobbo found

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14:59:10 1 herself faced with, she should have refused to take
14:59:14 2 possession of the documents, shouldn't she?---That would
14:59:19 3 have been a good resolution to the problem, yes.
4
14:59:24 5 And it follows that the only possible reason that a
14:59:27 6 barrister could have for accepting possession of documents
14:59:32 7 that she had some suspicion would implicate her in a crime
14:59:40 8 would be because she was acting as an agent for Victoria
14:59:43 9 Police and she wanted to collect them for intelligence
14:59:47 10 gathering purposes, that follows, doesn't it?---Yeah, that
14:59:51 11 follows. There was sort of still - like Amy Garretty was
14:59:59 12 the solicitor there on the night I notice just reading that
15:00:02 13 contact report. I don't know what she did about receiving
15:00:05 14 that information, about a 15 million pill import.
15
15:00:11 16 I note that that name has not been mentioned previously.
15:00:14 17
15:00:15 18 MR CHETTLE: It has been.
19
15:00:19 20 COMMISSIONER: No one's jumping up so I presume you can go
15:00:21 21 on.
22
15:00:27 23 MS DWYER: The focus of this inquiry is on Ms Gobbo and you
15:00:31 24 understand the path of reasoning that's just being
15:00:41 25 presented to you, don't you, Mr Green?---Yeah, I understand
15:00:45 26 what you're trying to say, yep.
27
15:00:52 28 Moving on to one last topic. There has been a document
15:00:58 29 presented to the Commission today which is a partial record
15:01:02 30 of the joint Task Force agreement. You remember that
15:01:06 31 document?---Yes, I do, yep.
32
15:01:09 33 And in that document there was reference to the
15:01:13 34 intelligence about Mr Higgs being suspected of having taken
15:01:19 35 over Mr Mannella's business?---Yep, that's correct, yes.
36
15:01:26 37 If ICRs indicate that Ms Gobbo had provided some
15:01:30 38 information to that effect, it would follow that she was a
15:01:34 39 likely source of that information, wouldn't it?---Yes,
15:01:40 40 correct, from the police perspective, yes, yep.
41
15:01:44 42 Thank you, Commissioner.
43
15:01:46 44 COMMISSIONER: Is there anybody else before Mr Collinson?
15:01:49 45 No. Yes, thanks Mr Collinson.
15:01:52 46
47 <CROSS-EXAMINED BY MR COLLINSON:

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1
15:01:54 2 If the Commissioner pleases. Mr Green, my name is
15:01:58 3 Collinson, I'm one of the barristers for Ms Gobbo. I want
15:02:01 4 to start by revisiting, if I might, your understanding of
15:02:04 5 Ms Gobbo's motives. Now that's something you address in
15:02:09 6 your first witness statement which is Exhibit RC561A.
15:02:19 7 You've got a hard copy of that with you, I take it?---Yes,
15:02:23 8 I do.
15:02:23 9
15:02:23 10 It's on p.4?---Yes, m'hmm.
11
15:02:28 12 You can see, Mr Green, in question 11 you're effectively
15:02:36 13 asked two questions which is to set out your understanding
15:02:39 14 of Ms Gobbo's motivations, meaning (a) her initial
15:02:46 15 motivations for assisting Victoria Police, and (b) her
15:02:49 16 motivations for providing ongoing assistance to Victoria
15:02:54 17 Police?---Yes.
18
15:02:54 19 And in the first paragraph you mention that she said she
15:03:00 20 wanted to effectively put the Mokbels in gaol?---That's
15:03:06 21 correct, yep.
22
15:03:07 23 You then go on in the second paragraph to mention the
15:03:12 24 Hodsons' murder?---M'hmm.
25
15:03:15 26 Just so we have the understanding of the timeline
15:03:18 27 correct?---Oh, yes, yeah.
28
15:03:23 29 You start hearing about Ms Gobbo's involvement in aspects
15:03:27 30 of the events leading to the murders of the Hodsons I think
15:03:32 31 in about 2008, don't you?---Yeah.
32
15:03:40 33 When you're dealing with ICRs relating to Mr Paul
15:03:43 34 Dale?---Yeah, right at the end of the process, yeah, or our
15:03:47 35 end of the process, yeah.
36
15:03:48 37 Is it a correct interpretation - you see your paragraph
15:03:51 38 beginning, "Her desire to help increased due to her
15:03:55 39 concerns as to her possible involvement with the murder of
15:04:01 40 the Hodsons"?---Yep.
41
15:04:03 42 You're talking about your understanding being that that was
15:04:05 43 a desire on her part that occurred later in the piece, some
15:04:11 44 considerable time after she started being an
15:04:17 45 informer?---Yes, that's correct. And by increased too I
15:04:19 46 mean her level of commitment. There's one thing being a
15:04:23 47 source, obviously, and there's another thing being a

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15:04:25 1 witness. So I see that as an increase in your level of
15:04:28 2 commitment.
3
15:04:28 4 So Mr Woods asked you about this but as you know Ms Gobbo
15:04:34 5 eventually agreed to become a witness against
15:04:39 6 Mr Dale?---M'hmm.
7
15:04:40 8 You attribute that, do you, to Ms Gobbo feeling remorse at
15:04:47 9 her involvement in some of the events that led to the
15:04:51 10 murder of the Hodsons, is that what you mean?---Yep, that's
15:04:55 11 the conclusion I came to, yes.
12
15:04:57 13 But you don't suggest, do you, that you ever believed that
15:05:02 14 she had an intention involvement in the murder of Hodsons,
15:05:07 15 you mean an unwitting involvement, don't you?---I couldn't
15:05:10 16 comment. I don't know, yeah.
17
15:05:12 18 Okay. Certainly in terms of Ms Gobbo's motives would you
15:05:26 19 agree that she never appeared to have a financial motive,
15:05:31 20 in other words - - - ?---Yes, I'd agree.
21
15:05:35 22 - - - to obtain a reward for herself?---That's correct.
23
15:05:39 24 Some of the handlers have given evidence that they got on
15:05:43 25 quite well with Ms Gobbo, I think Mr White said words to
15:05:51 26 that effect. Is it fair to say that you got on pretty well
15:05:55 27 with Ms Gobbo as well?---I think so, yep.
28
15:05:58 29 You had a satisfactory working with relationship with
15:06:03 30 her?---Yep, yes.
31
15:06:06 32 Mr Woods, he referred to some evidence that you gave in the
15:06:12 33 IBAC inquiry where - now I haven't seen this document, I
15:06:17 34 never will. Mr Woods keeps getting me excited that I might
15:06:24 35 one day and then casts me down again. You appear to have
15:06:28 36 said something to the effect that you described your
15:06:30 37 reaction to Ms Gobbo after the first meeting as being, and
15:06:35 38 this is in quotation marks, "Treacherous, as I fully
15:06:38 39 expected", and then Mr Woods asked, and this is at
15:06:42 40 transcript 7320, "Your first meeting with Ms Gobbo?" You
15:06:47 41 answered, "Generally treachery is high on the to-do list
15:06:57 42 with all high risk sources across the board". What I just
15:06:58 43 want to ask about is what did you mean by treacherous when
15:07:04 44 you gave that evidence at the IBAC inquiry as to your view
15:07:11 45 about Ms Gobbo at that time?---Okay, well treacherous means
15:07:15 46 you breach trust. So for someone to breach trust they have
15:07:22 47 to have some motivation to change their position as far as

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15:07:28 1 trust is concerned. This is a topic I've given a lot of
15:07:31 2 thought to. Because, and this is why we consistently
15:07:38 3 monitor source's motivations, is because you wouldn't just
15:07:42 4 talk about someone that you had a previous trusting
15:07:46 5 relationship just for no good reason. You wouldn't decide
15:07:51 6 to breach that trust that you build up. So from my
15:08:00 7 experience with pretty much all the sources that I've dealt
15:08:02 8 with, that treachery is high on the list of - and that's
15:08:07 9 something we try and look into and try and work out what
15:08:12 10 would motivate someone to, you know, dob in your mum or
15:08:16 11 whoever. You know, there's got to be a significant reason
15:08:20 12 for that. And in this case there's plenty of significant
15:08:24 13 reasons I guess.

14
15:08:25 15 Yes. I take it what you mean by breach trust is you mean
15:08:30 16 Ms Gobbo breached the trust of the people she obtained
15:08:34 17 information from?---That's the dictionary definition of
15:08:39 18 treachery, is to breach trust. I'm just working from that
15:08:43 19 and I don't mean that any more or less because she's a
15:08:47 20 lawyer, just because she's a human being.

21
15:08:51 22 Yes. Is it fair to say the point you're making is that
15:08:55 23 almost all human sources are treacherous in the sense that
15:09:00 24 they are breaching trust owed to somebody?---That's
15:09:06 25 correct. They have to know the information that they're
15:09:12 26 able to provide.

27
15:09:12 28 Yes. When you said to IBAC that you formed a view that
15:09:19 29 Ms Gobbo was treacherous, I take it you didn't mean
15:09:23 30 anything more than just that almost by definition by acting
15:09:29 31 as a human source she's breaching trust owed to
15:09:33 32 people?---Yes, correct.

15:09:34 33
15:09:42 34 You're still in your statement there can you go, please, to
15:09:46 35 p.6?---Yes.

36
15:09:51 37 You'll see in question 16 you're asked some questions about
15:09:57 38 some lawyers duties, including legal professional
15:10:04 39 privilege?---M'hmm.

40
15:10:06 41 In sub-paragraph A you deal with legal professional
15:10:10 42 privilege, you see that?---Yes, I can.

43
15:10:14 44 About four lines down, Mr Green, you'll see that I say, "I
15:10:18 45 did not actively seek out any information that I would
15:10:25 46 consider LPP. I had a clear line in the sand and simply
15:10:28 47 put as 'nothing to be discussed' if it was a matter before

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15:10:36 1 the courts?---Yes.
2
15:10:38 3 I think though in the ICRs there are a couple of examples,
15:10:54 4 and aren't there, where Ms Gobbo did give you some
5 information about a matter she was acting on before the
6 courts?---Yep.
7
15:10:54 8 And you did seem to pass it on to Purana?---I passed it on
15:11:04 9 to Purana? I'd be a little bit surprised at that, but
15:11:10 10 yeah.
15:11:10 11
15:11:11 12 Yes. Perhaps I'll take you to the ICR. I'm not
15:11:20 13 suggesting - Mr Green, don't misunderstand me, I'm not
15:11:24 14 suggesting you did this all the time or even as a matter of
15:11:26 15 practice but merely that there seemed to be a couple of
15:11:30 16 instances at least - - - ?---Okay, yep.
17
15:11:32 18 - - - where that occurred?---I understand what you're
15:11:34 19 saying then. In that sense that may have happened, I
15:11:40 20 wouldn't dispute that.
21
15:11:41 22 I'll just take you to the one I had in mind. Have you got
15:11:46 23 a copy of the ICRs with you?---Yes, I do. Can I have at
15:11:50 24 ICR number?
25
15:11:51 26 It's ICR number 20, p.165?---Is this - I'm sorry, I've got
15:12:11 27 the wrong folder. It's the other registration number.
28
15:12:14 29 This is her first registration number?---Righto, yes,
15:12:17 30 sorry. ICR number 20. Yes, I've got that.
15:12:27 31
15:12:27 32 I just want to draw your attention to - do you see about
15:12:31 33 two-thirds of the way down under the time entry
15:12:34 34 4.48 pm?---Yep.
35
15:12:36 36 There's a statement there, "Source very confident of Tony
15:12:41 37 Mokbel being found guilty now Operation Purana
15:12:47 38 updated"?---Yes.
39
15:12:48 40 I assume that "Operation Purana updated" means that you
15:12:55 41 spoke to someone at Operation Purana to pass on the
15:12:59 42 information that Ms Gobbo was confident of Mr Mokbel being
15:13:04 43 found guilty?---I don't know that I passed that specific
15:13:26 44 bit of information on but I've clearly contacted Purana.
15:13:32 45 Yeah, I may well have contacted Purana for something. I'm
15:13:36 46 just doing reading through the bits above, sorry.
47

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15:13:39 1 Take your time?---Yeah, it may have been. It may also have
15:13:55 2 been other stuff above but anyway, yeah, I'll take it.
15:14:01 3
15:14:01 4 I don't want to embarrass you, Mr Green, but its proximity,
15:14:06 5 the reference "Operation Purana updated" is very close to
15:14:09 6 the reference, "Source very confident of Tony Mokbel being
15:14:15 7 found guilty now"?---Yeah, I understand that and that's the
15:14:20 8 way it reads, yep.
15:14:20 9
15:14:20 10 There was one other under ICR 21. If you go to p.175. I'm
15:14:42 11 not suggesting for this one, however - it's not clear that
15:14:46 12 you passed on this information to Operation Purana but do
15:14:51 13 you see opposite the time entry 6.12 pm, "Called back.
15:15:01 14 Tony Mokbel trial general discussion. He has a possible
15:15:03 15 chance of acquittal due to a clever no case submission".
15:15:08 16 If one goes over the page to 176, you'll see some
15:15:19 17 references on that page. Do you see about halfway down it
15:15:23 18 says, "JOB, Operation Purana updated"?---Yeah, yep.
15:15:27 19
15:15:27 20 I'm not suggesting to you that they're at all the
15:15:33 21 information pertaining to the misinformation about a
15:15:35 22 possible chance of acquittal. It doesn't appear that you
15:15:39 23 did pass that information on. Is that the way to interpret
15:15:44 24 the ICR?---From reading my interpretation of it is that at
15:15:47 25 that particular time her priority was that person. Her
15:15:59 26 priority was that other person, not that particular point
15:16:02 27 that you're pointing to about the clever no case
15:16:05 28 submission. I'm pretty sure I wouldn't have passed that on
15:16:12 29 anyway, that was pretty incidental really, but compared to
15:16:15 30 the other topics in that conversation which I knew were a
15:16:25 31 priority to Purana.
32
15:16:26 33 Sure. I just want to take through a couple of other ICRs
15:16:30 34 and a couple of miscellaneous points. Can you go, please,
15:16:33 35 to ICR 52 first of all at p.547. I should say for clarity,
15:16:44 36 this isn't one of your ICRs?---Oh, okay, yep, yes.
37
15:16:48 38 You can see whose ICR it is from p.535?---Yes, I can see,
15:16:54 39 yep.
40
15:16:55 41 I just wanted to clarify with you your view of this subject
15:17:01 42 matter, just for completeness. Do you see at p.547 under
15:17:08 43 the heading "Welfare" the third dot point says, "3838 said
15:17:13 44 that she had told SDU that she did not want compensation or
15:17:18 45 reimbursement at the beginning"?---Yes. She made that very
15:17:22 46 clear on a number of times through my direct handling with
15:17:25 47 her, yep.

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15:17:25 1
15:17:26 2 That that was something she'd never asked for?---She never
15:17:31 3 - we sort of offered it even as a bit of a test and never.
4
15:17:42 5 Never taken up?---Never wanted a dime. Even when she was -
15:17:45 6 at times there I remember there was a point where she told
15:17:49 7 me towards the very end there, you know, what's that, late
15:17:53 8 08, early 09, where she hadn't had any income for the month
15:17:59 9 and she was quite distressed about, you know, paying bills.
15:18:03 10 I think she had a tax bill or something. Yeah, even then,
15:18:08 11 you know, she never said, you know, can we help her out or
15:18:13 12 anything like that.
13
15:18:14 14 Yes. I think there is an ICR that records that information
15:18:17 15 actually, you're right, Mr Green. Can I take you please to
15:18:23 16 ICR 64, and I should say this is one of your ICRs, on
15:18:29 17 p.623?---Yes.
18
15:18:41 19 You'll see halfway down the page, and we're on 1 February
15:18:48 20 2007, you'll see the heading "SDU issue"?---Yes.
21
15:18:54 22 It continues, "General conversation about source's
15:18:57 23 motivation and how she wants to be the best source and
15:19:01 24 nothing is good enough unless it meets her high
15:19:04 25 expectations and all those around her should be the
15:19:08 26 same"?---Yes.
27
15:19:10 28 What does it mean, when it says "SDU issue" I take it that
15:19:18 29 irrespective of that heading the sentence I just read out
15:19:22 30 beginning "General conversation" is a conversation you've
15:19:25 31 just had with Ms Gobbo?---Yes, that's correct.
32
15:19:30 33 Did it disturb you or other handlers that you spoke to that
15:19:35 34 Ms Gobbo wanted to be the best source?---For me that's part
15:19:41 35 of the risk assessment that you talk about regularly, yes,
15:19:48 36 that was definitely discussed.
37
15:19:50 38 Why is it part of the risk assessment? Does it heighten
15:19:54 39 the risk in some respect?---I think it does, yes.
40
15:19:58 41 Can you describe how?---It's sort of - it means you may
15:20:10 42 well go outside the normal boundaries of what's expected of
15:20:23 43 her and she starts going out - look, we were very, tried to
15:20:28 44 be very, believe it or not, narrow in our tasking of her
15:20:36 45 tasking, as specific tasking, even though the information
15:20:38 46 coming in was voluminous, the actual tasks we set her were
15:20:42 47 quite small in number and quite specific and in my mind the

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15:20:50 1 danger of her trying to be the best source means she starts
15:20:53 2 going out looking at other things outside of the taskings
15:20:58 3 we'd given her, even more so than what we were already
15:21:01 4 having to contend with.
5
15:21:04 6 Does it suggest to you a sort of psychological capture of
15:21:08 7 Ms Gobbo's mind in the sense that she's almost wanting to
15:21:13 8 act like a member of the SDU team?---Yeah, you could say -
15:21:18 9 sort of say that. She certainly suggested that she wanted
15:21:21 10 to get another job and some of those jobs that she
15:21:28 11 mentioned that she looked at were things along those lines,
15:21:34 12 like an analyst position or something like that, yeah.
15:21:42 13
15:21:42 14 Can I take you to ICR 65, p.633. This was one of your
15:21:51 15 ICRs. Do you see at the top of the page it says,
15:21:55 16 "Suggested Mr White should handle her for a month. All
15:22:01 17 source wants is thanks, respect and appreciation"?---Yes.
15:22:03 18
15:22:04 19 "A thank you from Jim O'Brien"?---Yes.
15:22:07 20
15:22:08 21 "Source is striving for 100 per cent level of trust by
15:22:12 22 Mr White"?---Yes.
23
15:22:14 24 What's your view about a matter that's been raised with
15:22:17 25 other witnesses that she came to idolise Mr White and he
15:22:24 26 became a sort of father figure in her mind, what would you
15:22:27 27 say to that?---I don't know about idolise but certainly a
15:22:35 28 father figure would be a fair description. There's
15:22:37 29 probably other words that would better describe it. I'm
15:22:40 30 trying to think of them at the moment, but yeah, certainly
15:22:42 31 she wanted to impress, yeah.
32
15:22:46 33 If I could take you, please, to ICR 34. Sorry to take you
15:22:57 34 backwards?---No, that's okay. Yes.
35
15:23:03 36 It's p.326, Mr Green?---Yep.
37
15:23:12 38 This is in June 2006. You'll see in the middle of the page
15:23:21 39 another heading "SDU issue"?---Yep.
40
15:23:26 41 It says, "Source mentioned her needing psychiatric help
15:23:31 42 also"?---Yep.
43
15:23:32 44 It then says, "Offered help re a psych. for source. Turned
15:23:38 45 down offer but stated that talking to handlers
15:23:43 46 helped"?---Yes.
47

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15:23:43 1 This appears to be - I think you just happened to be on
15:23:49 2 watch, so to speak, Mr Green when Ms Gobbo first raised a
15:23:54 3 need for psychiatric help?---Yep.
4

15:23:58 5 And I take it that when you responded, "Offered help re a
15:24:08 6 psych. for source", did you mention a particular - or did
15:24:12 7 you have in mind a particular person? You shouldn't name
15:24:15 8 that person, of course, but did you have in mind a
15:24:19 9 particular person?---No, I had no idea at that point.
10

15:24:23 11 Did you discuss it with Mr White?---Yes, yep. We
15:24:28 12 discovered we had one that would be suitable, so yeah.
13

15:24:33 14 Are you able to say whether it's unusual to have a source
15:24:39 15 request psychiatric help?---I've got a feeling, a vague
15:24:48 16 memory here that she said that in a - whilst semi-jesting
15:24:57 17 sort of tone, I took it seriously though and yes - like, I
15:25:07 18 think you could put the word crazy in that sentence and it
15:25:10 19 would probably, the fact that she's saying, "I must be
15:25:15 20 crazy doing this" as well, but in that sense. But
15:25:20 21 nonetheless she's used that word and I took that quite
15:25:23 22 seriously, and I might add too, that third line where she
15:25:27 23 says that talking to us helped, that's a bit of a theme too
15:25:33 24 where she's said that a few times as I recall when talking
15:25:37 25 about stress levels and stuff like that and we'd say, look,
15:25:40 26 we'll end the relationship sort of thing, "Oh, but the only
15:25:44 27 thing that's helping me is talking to you guys".
28

15:25:47 29 Yes. I appreciate it's a non-professional opinion but
15:25:51 30 would you generally agree she appeared to exhibit a
15:25:54 31 psychological dependency on the SDU handlers?---Yes, I've
15:26:02 32 got the distinct feeling towards the end that she had no
15:26:07 33 one else to talk to about anything for that matter. I
15:26:10 34 think she had one friend she randomly visited from time to
15:26:17 35 time, but other than her sister, yeah, she was quite
15:26:21 36 lonely.
37

15:26:23 38 My earlier question was do you recollect any other source
15:26:28 39 with whom you dealt?---No.
40

15:26:31 41 Requesting psychiatric help?---No, no other source.
42

15:26:36 43 I won't take you to the ICRs but do you have a general
15:26:40 44 recollection that when - let me start it this way. You in
15:26:46 45 dealing with her didn't sort of see that much of her in a
15:26:50 46 way, as it seems to me, and there was a long gap I think,
15:26:55 47 wasn't there, from about February 2007 until August 2008

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15:27:01 1 when you didn't see her at all?---That's right, yep.
2
15:27:05 3 And then you started to see, as I think you've mentioned,
15:27:10 4 quite a bit of her during 2008, including I think the last
15:27:15 5 meeting between Ms Gobbo and her handlers, does that accord
15:27:20 6 with your recollection?---Yep, that's correct.
7
15:27:23 8 When you re-engaged contact with her in August 2008 and
15:27:34 9 over the ensuing months, do you have a recollection that
15:27:37 10 her physical and psychological health had declined compared
15:27:41 11 to - - - ?---Yeah.
12
15:27:43 13 - - - your first contact with her?---Yes, yep. Absolutely.
14
15:28:00 15 One other ICR I wanted to take you to is ICR 34, which is
15:28:13 16 still the original informer registration number, and in
15:28:18 17 particular p.321. I've been bouncing you around with
15:28:27 18 dates, Mr Green, but this is 8 June 2006. You'll see
15:28:32 19 towards the bottom, do you see at 7.49 pm it says, "Called
15:28:38 20 source"?---Yes.
21
15:28:41 22 I'm sorry, it's 4.49 pm, I think, yes?---Yes, 16:49.
23
15:28:48 24 "Called source. Horthy called for a meeting tonight in
15:28:52 25 South Melbourne with Mark Lanteri at Park Street,
15:28:57 26 Chinese/Japanese restaurant." There's a time there.
15:29:02 27 "Discuss recording device. Danger may outweigh benefit.
15:29:06 28 Call back to confirm." Then you call back a few hours
15:29:10 29 later. "Decided no to recording device due to it being an
15:29:14 30 unnecessary risk. Source put out a little bit by this but
15:29:16 31 only briefly." It appears from this exchange that it was
15:29:21 32 Ms Gobbo's idea on this occasion that she wear a recording
15:29:26 33 device to this restaurant meeting?---Yep, that's right
34
15:29:30 35 Do you have a recollection of this event?---Yeah,
15:29:34 36 generally, yep.
37
15:29:35 38 It seems to me, and I'm interested in your view, that it is
15:29:39 39 a highly risky strategy for someone in Ms Gobbo's position
15:29:44 40 to adopt because if you're at a restaurant and somehow the
15:29:48 41 recording device becomes uncovered, pretty well it would be
15:29:54 42 hard to come up with a convincing excuse as to why you have
15:29:57 43 it?---That's correct.
44
45 So it's an example, isn't it, of some of the high risk
15:30:08 46 behaviour that Ms Gobbo engaged in, even within the context
15:30:08 47 of being a human source for Victoria Police?---Yes

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15:30:10 1
15:30:11 2 But wisely - I take it you would have consulted, would you,
15:30:14 3 with Mr White?---Yes.
15:30:16 4
15:30:17 5 In relation to this suggestion?---Yep. I know I pretty
15:30:22 6 much knew what the answer was going to be but nonetheless
15:30:26 7 that's - yep. There you go, I rang her back at
15:30:31 8 six o'clock, an hour later, yeah.
15:30:33 9
15:30:33 10 That's right, six o'clock?---Give or take.
15:30:35 11
15:30:35 12 Commissioner, I just have a few questions on one remaining
15:30:40 13 subject matter which will need to be in closed hearing if
15:30:45 14 that's convenient.
15:30:45 15
15:30:45 16 COMMISSIONER: We'll take the afternoon break and we'll
15:30:48 17 resume in closed hearing with the earlier order I made when
15:30:52 18 we were in closed hearing in respect to this witness in
15:31:13 19 place. Thank you.
15:31:14 20
21 (Short adjournment.)
22
15:31:15 23 (IN CAMERA PROCEEDINGS FOLLOW)
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1 PROCEEDINGS IN OPEN HEARING:
2
16:04:46 3 COMMISSIONER: All right, we're now in open hearing.
4
16:04:50 5 MR HOLT: Thank you, Commissioner. It's
16:04:58 6 VPL.0100.0233.0001. Do you recognise the document that's
16:05:08 7 on the screen there, Mr Green?---I haven't actually got it
16:05:13 8 on the screen.
16:05:13 9
16:05:14 10 We're ahead of you?---I can see a screen in front of you.
16:05:19 11 That's it, yep, now I've got it.
16:05:21 12
16:05:21 13 You've got it now, excellent?---Yep.
16:05:23 14
16:05:23 15 We'll go down to the very last page of that document if we
16:05:27 16 can, literally the very last page?---Yep, okay.
16:05:30 17
16:05:30 18 We can see there the Microsoft Word based metadata that
16:05:35 19 Mr Woods took you to before which on its face and
16:05:38 20 recognising the limitations of this kind of data indicates
16:05:41 21 that it was created on 15 May 2007, modified on 17 May
16:05:48 22 2007, and then ultimately accessed most recently on 19
16:05:51 23 March 2014, do you see that?---H'mm, yep.
16:05:58 24
16:05:58 25 That idea that it was created, the referee report on 15 May
16:06:01 26 and modified on 17 May, that's consistent I take it with
16:06:05 27 your recollection as you've put it in your statement as to
16:06:07 28 when you were preparing the application to take up the
16:06:11 29 secondment opportunity with the DTF?---Yes.
16:06:14 30
16:06:14 31 All right?---Yep.
16:06:15 32
16:06:16 33 If we can just come back up one page, please, so the very
16:06:20 34 end of the actual document. This is the overall comment
16:06:25 35 where the referee was being asked to provide what's called
16:06:28 36 a word picture of you?---Yep.
16:06:31 37
16:06:31 38 If you look at that do you see there at the end it refers
16:06:34 39 to your suitability to take on administrative functions as
16:06:39 40 a [REDACTED] at the Drug Task Force, do you see
16:06:42 41 that?---H'mm, yes.
16:06:43 42
16:06:43 43 And that your experiences will make you an asset to the
16:06:47 44 DTF?---Yep.
16:06:47 45
16:06:47 46 And again, at risk of stating the obvious given the
16:06:51 47 metadata is indicating at least that this document is

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16:06:55 1 prepared on the 15th, between 15 and 17 May 2007, does that
16:07:01 2 confirm your evidence that the secondment was one
16:07:04 3 specifically to the DTF well before the bill of lading was
16:07:08 4 provided to the SDU?---Yes.
16:07:10 5
16:07:10 6 Thank you. Now, just finally, but on the same topic, could
16:07:14 7 we have a look at the application for higher duties form
16:07:18 8 which for the record is Exhibit 570 and that's
16:07:29 9 VPL.0100.0027.0001. Do you see that document there?---Yep.
16:07:33 10
16:07:35 11 It's me, not you, I got a little lost in your evidence this
16:07:39 12 morning, I just want to clarify a couple of things. You
16:07:42 13 indicated I think that you, on the document or on the
16:07:46 14 system that you're operating off, you're able to see some
16:07:50 15 form of metadata at least in the word program for the
16:07:53 16 original version of this document that you created. Do I
16:07:56 17 have that right?---No, sorry, maybe I got confused. I've
16:08:01 18 got another document that I've had access to, that is more
16:08:06 19 like a brief resume of mine and a dot point of where I
16:08:11 20 worked throughout my career.
16:08:12 21
16:08:12 22 I see?---It's got a similar metadata to that, the referee
16:08:18 23 report that you showed me a moment ago. This document, I
16:08:23 24 believe, comes up on the Oracle system, I think it's
16:08:29 25 Oracle. I wasn't sure.
16:08:31 26
16:08:32 27 Are you saying Article which I think is the human resources
16:08:38 28 system at some point for Victoria Police, is that
16:08:40 29 correct?---Was it Article? I thought it was Oracle.
30
16:08:44 31 Sorry, Oracle?---Yeah, it was known as that large computer
16:08:45 32 company, I think it's their program or something. This is
16:08:48 33 a thing, I would have, from the way I read this, is I would
16:08:52 34 have filled this out once I actually got to the DTF,
16:08:56 35 because I've got things on this like the position number
16:08:59 36 which I wouldn't have known that at the SDU.
16:09:00 37
16:09:00 38 I understand?---Then that's gone, I think it's, that hot
16:09:04 39 email button, that would have gone straight to I guess Dave
16:09:08 40 Snare and then he would have ticked it and then it would
16:09:12 41 have gone to Steve Smith who would have clicked his button,
16:09:16 42 and then that goes off to HR so that I get paid that higher
16:09:20 43 rate and that, see that bottom section 4 how it's got a
16:09:25 44 biro on it, someone has printed that out, probably at HR,
16:09:30 45 and they updated that probably when they updated my pay
16:09:36 46 slip advice thing.
16:09:38 47

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16:09:38 1 If you just have a look at the last part of section 1 just
16:09:41 2 above section 2?---H'mm.
16:09:43 3
16:09:43 4 It's noted there that the person whose role or position
16:09:47 5 number you're going into is a person called [REDACTED]
16:09:51 6 [REDACTED], do you see that?---Oh okay, yeah.
16:09:52 7
16:09:52 8 Does that ring a bell now that it was [REDACTED]
16:09:56 9 [REDACTED] whose role you were taking for the
16:10:00 10 purposes of the secondment?---Yeah, he must have gone
16:10:02 11 somewhere, yeah, somewhere else. He'd been seconded
16:10:06 12 somewhere, or he might have got promoted even, I don't
16:10:09 13 know. I think seconded looking at that, yeah.
16:10:11 14
16:10:12 15 Just looking at that resume you were talking before, if go
16:10:19 16 back to paragraph 4 of that second statement that I took
16:10:21 17 you to a moment ago?---Yep.
16:10:22 18
16:10:22 19 If I carried on reading it would have said, "In May 2007 I
16:10:26 20 submitted a resume and a referee report in support of my
16:10:30 21 application"?---That's correct.
16:10:31 22
16:10:31 23 Is the document you're referring to that resume that
16:10:34 24 accompanied the referee report which we've just seen?---The
16:10:38 25 referee report, yes. I had no knowledge of this document
16:10:43 26 or no, sorry, no copy of that document.
16:10:45 27
16:10:46 28 I'm sorry?---The one that you've got up at the moment.
16:10:49 29
16:10:49 30 The application form itself?---Yeah.
16:10:51 31
16:10:51 32 Yes, I understand. Yes, thank you Commissioner.
16:10:53 33
16:10:53 34 COMMISSIONER: Yes Mr Chettle.
16:10:55 35
16:10:55 36 <RE-EXAMINED BY MR CHETTLE:
16:10:55 37
16:10:56 38 Thank you Commissioner. That document that you have, that
16:10:58 39 is your resume, it has what metadata on it?---That's got
16:11:03 40 the same date as the 17 May, the same as that first
16:11:07 41 document, not this one, the first document that you showed
16:11:10 42 me, the referee report. It has got the same metadata date
16:11:15 43 as that and I think it's 15 minutes later or something.
16:11:18 44
16:11:18 45 Does the document you have, have a VPL number on it?---No,
16:11:24 46 that's on - I only found that on the computer system that
16:11:29 47 we used to use when I was employed.

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16:11:32 1
16:11:32 2 All right. So have you got it in front of you now?---I can
16:11:35 3 get it.
16:11:36 4
16:11:36 5 No, no, don't. There's someone from the Commission there
16:11:40 6 who can take a copy of it or details of it?---Yeah.
16:11:43 7
16:11:43 8 If the Commission is interested?---Yeah.
16:11:46 9
16:11:46 10 And Mr Woods is interested. So I'll tender a copy of it,
16:11:50 11 Commissioner.
16:11:50 12
16:11:57 13 #EXHIBIT RC576A - (Confidential) Resume dated May 2007.
16:12:07 14
16:12:08 15 #EXHIBIT RC576B - (Redacted version.)
16:12:11 16
16:12:11 17 Just in relation to SDU's concern about Ms Gobbo turning up
16:12:19 18 when a person was arrested. Do you remember those
16:12:22 19 questions from Mr Collinson?---Yes.
16:12:24 20
16:12:27 21 I suppose in an excess of caution I'm told I should go into
16:12:34 22 closed hearing.
16:12:34 23
16:12:34 24 COMMISSIONER: That's right, we've gone out of it. You
16:12:36 25 want to go into private session?
16:12:38 26
16:12:39 27 MR CHETTLE: Yes.
16:12:39 28
16:12:39 29 COMMISSIONER: Yes?
16:12:42 30
16:12:42 31 MR CHETTLE: Yes.
16:12:42 32
16:12:42 33 COMMISSIONER: Back into private hearing with the orders
16:12:45 34 that I made earlier for this witness once more in place.
35
36 (IN CAMERA PROCEEDINGS FOLLOW)
37
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39
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41
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43
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45
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47