

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

11:04:29 1 PROCEEDINGS IN CAMERA:

11:04:31 2
11:04:40 3 COMMISSIONER: Yes Mr Woods.

11:04:41 4
11:04:42 5 MR WOODS: Thank you, Commissioner. The issue that I want
11:04:45 6 to ask some questions about in private session relate to
11:04:50 7 [REDACTED], who we touched on earlier?---Correct.

11:04:52 8
11:04:53 9 And your understanding that we said we'd talk about it a
11:05:00 10 little bit later was that Operation [REDACTED] was focused on
11:05:07 11 apprehending that person and stopping [REDACTED]
11:05:11 12 activities, rather than [REDACTED]?---No, Operation [REDACTED]
11:05:18 13 was the investigation of him and whoever was working with
11:05:21 14 him, including those working laterally with him and those
11:05:24 15 who were actually controlling him from above but - - -

11:05:27 16
11:05:28 17 It was known that [REDACTED] activities were carried out
11:05:31 18 on behalf of or for the [REDACTED] cartel?---Certainly earlier
11:05:38 19 had told us that, yes.

11:05:40 20
11:05:40 21 In fact the plan from an early stage was to implicate or
11:05:50 22 collect evidence to show that [REDACTED] was involved in his
11:05:54 23 activities, [REDACTED], [REDACTED] in order
11:05:59 24 for him to be essentially caught red-handed and then that
11:06:03 25 he would roll on others and implicate [REDACTED] and their
11:06:09 26 associates in those activities?---My understanding of the
11:06:11 27 role of my division at that stage was a service delivery
11:06:15 28 division, we were involved in the apprehension of him, the
11:06:18 29 tactical planning in relation to the investigation, which
11:06:21 30 I'm happy to expand on, is really a role for investigators.
11:06:25 31 We didn't get involved in that other than in relation to
11:06:28 32 the aspects that actually dealt with us. When I say us,
11:06:32 33 the State Surveillance Unit and the Technical Support Unit
11:06:37 34 were actually providing significant resources in relation
11:06:40 35 to a [REDACTED] and surveillance of those people, so we were
11:06:42 36 consulted in relation to that but not the broader tactical
11:06:45 37 aspects of the investigation.

11:06:46 38
11:06:51 39 Mr Overland said to you early in the stage, and I think
11:06:54 40 we've spoken about your diary entry - - - ?---In February,
11:07:00 41 yes.

11:07:00 42
11:07:00 43 - - - February 2006 about the importance of protecting
11:07:05 44 Ms Gobbo in relation to Operation [REDACTED]---Correct.

11:07:08 45
11:07:14 46 You're obviously, it goes without saying, not a human
11:07:17 47 source handler and weren't present at these meetings with

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

11:07:20 1 Ms Gobbo from September 2005 until [REDACTED] 2006?---No.
11:07:25 2
11:07:25 3 But it's clear that in those early meetings, certainly in
11:07:30 4 the first three face-to-face meetings, Ms Gobbo says quite
11:07:35 5 clearly that [REDACTED] is a client of hers?---I'll take
11:07:39 6 that. I didn't know it.
11:07:41 7
11:07:42 8 That was my next question, is it something you knew at the
11:07:46 9 time?---No.
11:07:47 10
11:07:47 11 It's something you knew obviously on [REDACTED] ---Correct.
11:07:50 12
11:07:50 13 Is it your position that you simply didn't know that was
11:07:54 14 the fact before [REDACTED] ---Didn't know and really, right
11:07:57 15 through the period of handling Ms Gobbo I didn't know who
11:08:01 16 her clients were specifically.
11:08:02 17
11:08:03 18 Why is it - so once you take functional control of the SDU,
11:08:08 19 I assume that was an important thing for you to get your
11:08:11 20 head around given what her profession was and those she was
11:08:16 21 acting on behalf were, who her clients were?---My position
11:08:20 22 in relation to that was I didn't know who her clients were,
11:08:23 23 I didn't think she was actually informing on her clients
11:08:28 24 and so I specifically didn't turn my mind to it. Looking
11:08:33 25 back in hindsight, yes, it's a significant issue and
11:08:36 26 perhaps one I should have considered. I was more
11:08:38 27 concentrated on little bits and pieces that I was being
11:08:43 28 told in relation to the information that she provided
11:08:44 29 rather than specifically about who it was.
11:08:46 30
11:08:46 31 But it's a very obvious, can I suggest, problem that would
11:08:51 32 immediately spring to mind and did immediately spring to
11:08:55 33 mind when you found out that this criminal defence
11:08:58 34 barrister was acting as a human source, that there was a
11:09:00 35 potential for conflict of interest?---My assumption at that
11:09:04 36 point of time was that it had been addressed by those doing
11:09:08 37 the recruiting, but let me say this: I appointed a
11:09:12 38 part-time Inspector in charge of the SDU and it was
11:09:15 39 something that I would expect the Inspector to be right
11:09:19 40 across. The way that I managed and the way I continued to
11:09:24 41 manage is that I was very busy, whilst that's not an excuse
11:09:28 42 I was doing a large number of things and so I necessarily
11:09:31 43 had to step back and take a broader oversight review rather
11:09:36 44 than a hands on getting information review.
11:09:39 45
11:09:40 46 Hindsight is a wonderful thing but it appears that if a
11:09:47 47 practising defence barrister with the clients and personal

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

11:09:49 1 contacts that Ms Gobbo had commenced acting as a source,
11:09:52 2 the potential for conflict would be screaming out at anyone
11:09:57 3 who knew that she was undertaking that role with the SDU,
11:09:59 4 do you accept that?---I accept it now, yes.
11:10:02 5
11:10:02 6 You say your position is it's simply, I think your evidence
11:10:08 7 is it occurred to you that you thought another individual
11:10:12 8 would have their head around that rather than you?---True,
11:10:17 9 true. I wasn't involved in the recruitment of Ms Gobbo.
11:10:19 10 It's a significant issue to recruit any human source and so
11:10:23 11 they are necessary considerations for those actually doing
11:10:25 12 the recruiting.
11:10:26 13
11:10:26 14 Yes. But once you became, having the control over the SDU
11:10:35 15 in July 2006, is it a matter of regret that you didn't ask
11:10:43 16 the SDU for what their position was in relation to possible
11:10:48 17 conflicts of interests and breaches of legal professional
11:10:51 18 privilege?---I can see that, yes.
11:10:54 19
11:10:56 20 It seems inherently unlikely that the discussion about
11:11:03 21 conflict of interest and breach of LPP wasn't discussed
11:11:07 22 with, amongst you and others at the time, in
11:11:12 23 September/October 2005. Is there any possibility that
11:11:17 24 those issues in fact were discussed and you simply don't
11:11:21 25 have a recollection of them or - - - ?---No, I think if
11:11:25 26 they were discussed I'd recollect them. There's a slight,
11:11:28 27 slight, slight possibility they may have been raised and
11:11:33 28 it's fallen out of my mind. I don't think so. Bear in
11:11:36 29 mind that in September of 2005 I had no responsibility for
11:11:40 30 the SDU. The pilot was done and dusted, was finished. I
11:11:45 31 was, at that stage, brand new into a brand new role, I was
11:11:49 32 concentrating on that. I was informed by Sandy White that
11:11:53 33 this person had been recruited and whilst I don't remember
11:11:57 34 the specifics of the conversation it was a by the way
11:12:00 35 conversation, rather than a specific briefing, "I need to
11:12:02 36 sit down and brief you about this".
11:12:04 37
11:12:05 38 So one of the first questions asked of Ms Mokbel by
11:12:09 39 Mr White was for her to tell him and his colleague
11:12:13 40 everything she knew about Tony Mokbel. Now again you
11:12:16 41 weren't at that meeting but it was known to those
11:12:21 42 individuals that she was acting for Mr Mokbel at the time.
11:12:26 43 Now, you can see the problems we're grappling with now were
11:12:33 44 or should have been immediately apparent to those people
11:12:35 45 sitting in the room at that stage?---I think you said
11:12:40 46 Ms Mokbel, I think you meant Ms Gobbo. Yes, I think it's
11:12:48 47 certainly something that perhaps may have been not at the

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

11:12:52 1 forefront of their mind but once Ms Gobbo started to talk
11:12:55 2 about the Mokbels, once they found out that she was
11:12:57 3 actually representing them, surely they are then issues for
11:13:00 4 them to actively consider, yes.

11:13:02 5
11:13:02 6 The Operation ██████ plan though had been directed at the
11:13:07 7 Mokbel cartel and predated these meetings, these first
11:13:13 8 meetings with Ms Gobbo and it was a clear plan prior to her
11:13:17 9 registration to bring down the Mokbel cartel. Now you
11:13:21 10 understand that to be the case?---No, no, I - I had nothing
11:13:26 11 to do with the Operation ██████ planning at all. I knew the
11:13:29 12 Mokbels, and there's four brothers, were very, very active
11:13:36 13 and significant drug dealers, and I know that there was a
11:13:41 14 position at Victoria Police that at least one of them had
11:13:46 15 some involvement in some of the police gangland killings,
11:13:50 16 so they were certainly always on the radar of Victoria
11:13:55 17 Police.

11:13:55 18
11:13:56 19 But in February of 2006 at the meeting that we've gone to a
11:14:03 20 moment ago?---Yes.

11:14:04 21
11:14:05 22 Between yourself and Assistant Commissioner
11:14:11 23 Overland?---Yes.

11:14:11 24
11:14:12 25 He was saying that Ms Gobbo in particular was to be
11:14:14 26 protected, do you agree with that?---I do.

11:14:16 27
11:14:17 28 And he was identifying Operation ██████ as being a
11:14:20 29 priority?---Correct.

11:14:21 30
11:14:24 31 It simply must be the case that you were well aware that
11:14:28 32 Ms Gobbo was giving information in relation to Operation
11:14:32 33 ██████ at that stage, February 2006?---It crossed my mind
11:14:35 34 that she may have. I didn't know any specifics and bear in
11:14:40 35 mind that February 2006 I had no functional responsibility
11:14:43 36 for the SDU.

11:14:44 37
11:14:44 38 You did a handful of months afterwards though?---Okay.

11:14:49 39
11:14:49 40 What I'm suggesting to you here is the note of that 16
11:14:52 41 February 2006 meeting, in the same breath talks about
11:14:56 42 Ms Gobbo, Overland telling you that Gobbo is to be
11:15:00 43 protected re Operation ██████ a priority?---Correct.

11:15:03 44
11:15:04 45 What I'm suggesting is that it was discussed in that
11:15:07 46 meeting that Gobbo was providing information to assist
11:15:12 47 Operation ██████ ---I don't recall that. It was just

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

11:15:17 1 Overland telling me that Gobbo was involved, was a human
11:15:21 2 source, and she was to be protected and Operation [REDACTED] was
11:15:26 3 a priority.

11:15:26 4
11:15:26 5 You knew that Operation [REDACTED] was the operation to
11:15:30 6 dismantle the Mokbel cartel?---No, I knew - no. I was told
11:15:36 7 in the October by Moloney and Purton that there was a new
11:15:40 8 job called Operation [REDACTED], there was a human source
11:15:43 9 involved and that [REDACTED] was the target.

11:15:45 10
11:15:47 11 And that [REDACTED] was the target in order to get him to
11:15:51 12 roll and to implicate [REDACTED]?---No, I didn't know
11:15:54 13 that.

11:15:54 14
11:15:55 15 So the meeting - - - ?---Let me finish on that point.

11:15:57 16
11:15:58 17 Go ahead?---Whilst I didn't know it, if [REDACTED] offered
11:16:04 18 to roll and give someone else up, as any investigator you
11:16:08 19 would follow that lead and that thing along the normal
11:16:12 20 track it would go. You wouldn't reject that.

11:16:15 21
11:16:15 22 On 16 February 2006 at that meeting with Mr Overland, is it
11:16:20 23 the situation, is what you're explaining that he might have
11:16:24 24 mentioned Operation [REDACTED] but you didn't know what
11:16:26 25 Operation [REDACTED] was about?---No, I knew [REDACTED] was about
11:16:31 26 [REDACTED]

11:16:32 27
11:16:32 28 You knew [REDACTED] was [REDACTED] the Mokbels?---I knew he
11:16:35 29 was [REDACTED], I knew he previously worked for the Mokbels. I
11:16:40 30 didn't know currently then who he was [REDACTED], whether
11:16:44 31 he worked for the Mokbels or was with some other group.
11:16:48 32 That was what the investigation was about. Part of the
11:16:50 33 investigation was actually to determine the extent of his
11:16:52 34 criminality there and then. Then the second part was to
11:16:55 35 identify the other players in the drug trafficking with
11:16:58 36 him.

11:16:58 37
11:16:59 38 And in fact at that stage he had, he was facing charges,
11:17:05 39 Mr Mokbel, for importation, you knew that at that stage in
11:17:09 40 early 2006?---There was some federal charges in place
11:17:15 41 because I had to actually facilitate the provision of a
11:17:18 42 police vehicle to the Forensic Science Laboratory for some
11:17:23 43 scientific testing, yes.

11:17:24 44
11:17:25 45 If it was said that that note clearly indicates that
11:17:31 46 Overland was saying to you that Gobbo was to be protected
11:17:36 47 at all costs because she was integral to the playing out of

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

11:17:41 1 Operation ██████, which was a plan to bring down the
11:17:48 2 Mokbels, what would you say about that?---I don't agree
11:17:50 3 with that.
11:17:50 4
11:17:51 5 So really it's just that he says "Gobbo has to be
11:17:55 6 protected"?---Yes.
11:17:56 7
11:17:57 8 And "we're using her for ██████?---█████, yes, that's
11:18:00 9 right.
11:18:00 10
11:18:00 11 And that your understanding of ██████ at that stage was only
11:18:03 12 about ██████---Correct.
11:18:05 13
11:18:08 14 Are you aware of why it was that Jim O'Brien commenced his
11:18:12 15 time at Purana?---To do Operation ██████.
11:18:16 16
11:18:16 17 And Jim O'Brien was someone who was known to
11:18:19 18 you?---Correct.
11:18:19 19
11:18:20 20 Did you have discussions with Mr O'Brien about Operation
11:18:25 21 ██████---I had some discussions in relation to the services
11:18:28 22 I was going to provide, yes.
11:18:30 23
11:18:30 24 And your position is that it simply wasn't discussed with
11:18:34 25 you that ██████ was this broader plan other than simply
11:18:40 26 bringing down ██████---No, my position is you bring
11:18:43 27 down ██████, if the investigation provides other
11:18:48 28 evidence against other persons of offending you would then
11:18:53 29 follow that stream of evidence. But specifically I don't
11:18:57 30 recall Mr O'Brien telling me that this is ultimately step
11:19:01 31 one in relation to the Mokbels or whatever, I don't know
11:19:06 32 that. That's really an issue for investigators and their
11:19:10 33 managers, that form of investigation detail.
11:19:12 34
11:19:13 35 During this period of ██████, in fact during the whole period of
11:19:17 36 registration up until ██████, it was well-known by
11:19:21 37 Victoria Police and the SDU in particular that ██████
11:19:26 38 was facing significant charges already and there was
11:19:30 39 discussion about adjourning off his plea, for ██████
11:19:37 40 ██████ that he'd been involved in, that was
11:19:40 41 something that was known to you?---It was. He was charged
11:19:42 42 ██████ in relation to a ██████ in
11:19:45 43 ██████ which was my first period back at the
11:19:49 44 MDID. I actually went to that ██████, he was
11:19:51 45 charged in relation to ██████.
11:19:53 46
11:19:54 47 It was known that his intention was to plead guilty to

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

11:19:57 1 those charges throughout late 2005 and into 2006?---I
11:20:00 2 didn't know that.
11:20:01 3
11:20:01 4 That was something that wasn't explained to you?---It
11:20:03 5 wasn't explained to me but I'm not surprised that he
11:20:07 6 intended to plead guilty.
11:20:08 7
11:20:09 8 So in which case it was the fact that he was already facing
11:20:12 9 a significant time in gaol in this early period of
11:20:19 10 2006?---That's - yes, yes.
11:20:21 11
11:20:21 12 That would have been known to you as well?---It wasn't
11:20:24 13 something I had particularly turned my mind to. I knew of
11:20:27 14 the [REDACTED] investigations, I knew of [REDACTED] arrests. I
11:20:30 15 didn't know where they were in relation to their court
11:20:32 16 proceedings. Not that I - I took no interest, I just had
11:20:36 17 no reason to know.
11:20:37 18
11:20:42 19 All right. Are you aware that in this period of late 2005
11:20:56 20 and early 2006, or were you aware at the time that there
11:21:00 21 was a plan afoot - firstly, you were aware there was a plan
11:21:06 22 afoot to implicate [REDACTED] because we've talked about
11:21:09 23 that?---Yes.
11:21:10 24
11:21:10 25 You're aware that the plan initially was to set up a
11:21:15 26 pretend, I suppose, chance meeting with Dale Flynn?---I
11:21:19 27 didn't know that, no.
11:21:20 28
11:21:23 29 And you were aware though that by later on in [REDACTED] and
11:21:30 30 [REDACTED] and [REDACTED] 2006 that the plan had
11:21:35 31 then changed to catching [REDACTED] essentially red-handed
11:21:40 32 [REDACTED] and using information that Ms Gobbo had
11:21:46 33 provided?---Can I just take you back one step? Was that a
11:21:49 34 chance meeting between Dale Flynn and [REDACTED]
11:21:51 35
11:21:52 36 Yes?---I didn't know that. But I certainly knew that once
11:21:57 37 the [REDACTED] was identified, which was next to [REDACTED] in
11:22:00 38 [REDACTED]
11:22:00 39
11:22:01 40 Yes?---That there were some investigative tactics in
11:22:08 41 relation to putting some electronics into the [REDACTED]
11:22:13 42
11:22:14 43 Yes?---By people that report to me. I knew that. And I
11:22:18 44 knew that at an appropriate time the investigators would
11:22:22 45 then raid [REDACTED] and arrest those there [REDACTED]
11:22:26 46 [REDACTED] and seize whatever drugs [REDACTED] were
11:22:30 47 available.

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

11:22:31 1
11:22:32 2 But you were also aware that the information identifying
11:22:34 3 the [REDACTED] had come from Ms Gobbo?---Didn't know
11:22:37 4 that.
11:22:37 5
11:22:38 6 So what were you told about how it came to pass that the
11:22:42 7 [REDACTED] was identified?---Certainly I was told that
11:22:47 8 Dale Flynn had been given a rough location, I don't know
11:22:50 9 where he got that from, and he drove round [REDACTED]
11:22:53 10 [REDACTED] one evening and found [REDACTED] or what he
11:22:56 11 suspected to be [REDACTED] on a specific evening [REDACTED]
11:23:01 12 [REDACTED].
11:23:01 13
11:23:02 14 Yes?---And that was my understanding until just recently.
11:23:04 15
11:23:05 16 So the first you were aware of Ms Gobbo's involvement in
11:23:12 17 identifying that site was recently, is that right?---Yes,
11:23:16 18 it was confirmed with me recently. It was put to me by
11:23:21 19 IBAC. I didn't really understand what they were saying to
11:23:23 20 me at the time. It was only just recently that it was
11:23:26 21 confirmed to me that Ms Gobbo had actually given the
11:23:29 22 information that led to Flynn finding [REDACTED].
11:23:32 23
11:23:34 24 All right. Well the records show that indeed that's what
11:23:39 25 occurred, that Ms Gobbo was assisting - sorry, just a
11:23:48 26 moment. You were aware in the period of late 2005, early
11:23:56 27 2006 prior to [REDACTED], which was the apprehension of
11:24:02 28 [REDACTED] that Ms Gobbo was providing information about
11:24:06 29 [REDACTED] I'm not talking specific information here.
11:24:14 30 We've talked a little bit about [REDACTED]. But that she was
11:24:17 31 assisting the SDU providing information about that
11:24:19 32 individual?---No, I think my recollection of the [REDACTED]
11:24:24 33 period of 2005 was that Sandy White had told me she was
11:24:28 34 providing, that she had been registered as a source and was
11:24:32 35 providing information. It was a by the way conversation,
11:24:36 36 it wasn't a briefing conversation at all.
11:24:38 37
11:24:38 38 I understand that. The passage I've taken you to of your
11:24:42 39 diary where you had the meeting with Mr Overland?---Yep.
11:24:45 40
11:24:45 41 Indicates that [REDACTED] was discussed and you understood the
11:24:51 42 focus of that to be on [REDACTED]---Correct.
11:24:53 43
11:24:54 44 And in the same breath that Gobbo was to be
11:24:57 45 protected?---Correct.
11:24:58 46
11:24:58 47 So it was clear to you at least at that stage that she was

.09/10/19

7507

BIGGIN XXN - IN CAMERA

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

11:25:03 1 integral to providing information about [REDACTED] ---She
11:25:08 2 provided some information about Operation [REDACTED], whether it
11:25:10 3 was [REDACTED] or not, I'm not across the details.

11:25:13 4
11:25:15 5 I might have misunderstood, but I think I took your
11:25:17 6 evidence earlier to be you understood she was providing
11:25:20 7 assistance in relation to [REDACTED] in the early parts of
11:25:23 8 2006, is that the position or not?---I didn't know that
11:25:27 9 specifically, no.

11:25:30 10
11:25:30 11 Did you suspect it given that you knew that [REDACTED], your
11:25:34 12 understanding of [REDACTED] was the focus was on [REDACTED] and
11:25:37 13 that Overland had said that she was to be protected in
11:25:39 14 relation to Operation [REDACTED] ---In the back of my mind I had
11:25:44 15 that thought that perhaps that could be the case, yes.

11:25:46 16
11:25:48 17 And it must have been explained or known to you that Gobbo
11:25:52 18 was acting on behalf of [REDACTED] at that period of
11:25:55 19 time?---Hadn't been explained to me, no.

11:25:57 20
11:26:03 21 What was it that Overland told you that she needed to be
11:26:08 22 protected from?---I think just a broader protection in
11:26:11 23 relation to any human source. You have a human source, one
11:26:15 24 of the first aspects is that you actually provide them with
11:26:19 25 protection.

11:26:20 26
11:26:20 27 With respect, this is the Assistant Commissioner coming to
11:26:24 28 you to talk about the protection of one particular human
11:26:28 29 source. Now, whilst your diaries are redacted for
11:26:30 30 relevance about other circumstances, I suggest to you that
11:26:35 31 would be a pretty rare thing for an Assistant Commissioner
11:26:38 32 to come to you in your position and say, "That particular
11:26:42 33 source needs to be protected". That's an unusual thing,
11:26:45 34 isn't it?---It is unusual, yes.

11:26:47 35
11:26:47 36 And naming the operation that that particular source needed
11:26:51 37 to be protected in relation to, he's giving you the
11:26:55 38 specific reason why she needs to be protected?---No, he
11:26:58 39 didn't give me the specific reason why. He just told me
11:27:02 40 she needed to be protected.

11:27:04 41
11:27:04 42 COMMISSIONER: Do the notes say "at all costs"?

11:27:08 43
11:27:08 44 MR WOODS: No, that was my - it says, "AC Overland re human
11:27:12 45 source to be protected re Operation [REDACTED] a priority,
11:27:16 46 discuss possible tactics to manage". So the reason that he
11:27:25 47 was talking about protection of Ms Gobbo, it goes without

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

11:27:30 1 saying, I suppose, that it's because there were particular
11:27:33 2 risks that faced her?---Well there were risks that faced
11:27:38 3 her but what was in Mr Overland's mind I can't answer, I
11:27:42 4 don't know.
11:27:43 5
11:27:43 6 He has come to you or you've gone to him?---Yes.
11:27:46 7
11:27:46 8 And spoken about the protection of her because of risks.
11:27:49 9 What were the risks that were discussed?---Well the same as
11:27:53 10 the risks for any human source, identification which then
11:27:57 11 leads to broader issues in relation to their safety and
11:28:00 12 security.
11:28:00 13
11:28:01 14 You take my point though, Mr Biggin, that this was an
11:28:05 15 unusual conversation for the Assistant Commissioner to come
11:28:08 16 and talk about one particular source?---Yes.
11:28:12 17
11:28:12 18 Is that correct?---That's correct, yes.
11:28:14 19
11:28:14 20 So what I'm suggesting is that he wasn't regularly coming
11:28:17 21 to you and saying, "By the way this other source, whoever
11:28:21 22 it might be, they need to be protected"?---No.
11:28:23 23
11:28:25 24 So this was him coming to you and saying, "Gobbo needs to
11:28:29 25 be protected because she's important in relation to
11:28:33 26 Operation ██████---Correct, yep.
11:28:35 27
11:28:36 28 Now, it's the case, isn't it, that in that meeting the
11:28:43 29 risks that she was facing would have been discussed between
11:28:46 30 you and Mr Overland?---I don't specifically recall us
11:28:50 31 discussing the risks, no.
11:28:52 32
11:28:52 33 I know you don't recall the risks being discussed, I
11:28:57 34 suggest it's a pretty odd conversation if the Assistant
11:29:02 35 Commissioner comes to you and says, "Make sure you look
11:29:04 36 after that source, she's really important in relation to
11:29:07 37 Operation ██████ and then essentially leaves the
11:29:10 38 room?---You clearly haven't spoken to Assistant
11:29:13 39 Commissioners before, that's exactly how they speak.
11:29:15 40
11:29:16 41 You don't have a memory of this particular meeting?---No.
11:29:18 42
11:29:29 43 COMMISSIONER: We might have the midmorning break now if
11:29:31 44 that's a convenient time, Mr Woods.
11:29:34 45
11:29:34 46 MS ARGIROPOULOS: Before that occurs, can I raise one
11:29:37 47 issue, Commissioner. I was loath to interrupt at the time

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

11:29:40 1 but there was just a mention of [REDACTED]
11:29:47 2 [REDACTED] at the time of [REDACTED] being located.
11:29:47 3
11:29:47 4 COMMISSIONER: Yes, we're in closed session at the moment.
11:29:49 5
11:29:50 6 MS ARGIROPOULOS: We're in closed session. I just wonder
11:29:53 7 if I could seek a non-publication order in relation to [REDACTED]
11:29:57 8 [REDACTED]. I understand it's a claim that's been accepted
11:29:59 9 by the Commission in relation to other documents. The
11:30:02 10 concern is obviously that has nothing to do with these
11:30:02 11 matters.
11:30:02 12
11:30:02 13 COMMISSIONER: Yes, privacy issues, that has nothing to do
11:30:06 14 with it, no.
11:30:08 15
11:30:08 16 MR WOODS: No issue with that, Commissioner.
11:30:09 17
11:30:10 18 COMMISSIONER: Another non-publication order is made.
11:30:13 19
11:30:13 20 MS ARGIROPOULOS: I do apologise.
11:30:15 21
11:30:16 22 COMMISSIONER: It's nothing that you need to apologise for.
11:30:16 23 A non-publication order in respect of [REDACTED],
11:30:19 24 so that will be taken out of the transcript before it is
11:30:24 25 published, but there will be no publication of that.
11:30:27 26
11:30:27 27 MS ARGIROPOULOS: I'm grateful, thank you, Commissioner.
11:30:29 28
11:30:29 29 COMMISSIONER: All right, we'll adjourn for the midmorning
11:30:31 30 break.
11:30:32 31
11:30:58 32 (Short adjournment.)
11:30:58 33
11:56:57 34 COMMISSIONER: Yes Mr Woods.
11:56:59 35
11:56:59 36 MR WOODS: Thank you, Commissioner. Mr Biggin, just before
11:57:01 37 the break we were talking about - we're still in closed
11:57:04 38 session I understand.
11:57:04 39
11:57:05 40 COMMISSIONER: Yes.
11:57:06 41
11:57:06 42 MR WOODS: We were talking about some issues about the
11:57:09 43 protection of Ms Gobbo in relation to Operation [REDACTED] and I
11:57:13 44 was asking you some questions about the meeting with
11:57:16 45 Mr Overland on 16 February?---Correct.
11:57:16 46
11:57:20 47 What I want to understand, there was a couple of weeks

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

11:57:24 1 before that meeting that you had, there's another meeting
11:57:33 2 where O'Brien and Overland discuss the running of two
11:57:39 3 separate diaries, the intention of which appears to be
11:57:46 4 hiding Ms Gobbo's involvement or making sure that
11:57:49 5 Ms Gobbo's involvement doesn't come to light, is that an
11:57:53 6 issue that you were aware of?---No. Two official police
11:57:58 7 diaries you mean?
8
11:58:00 9 Yes, that's right, or one official diary and then a
11:58:04 10 separate diary to record what was happening in relation to
11:58:07 11 Ms Gobbo?---No, that's a - - -
11:58:08 12
11:58:08 13 Have you ever heard of that happening before?---Never, no.
11:58:10 14 No, never, no.
11:58:10 15
11:58:14 16 The course that was ultimately taken in relation to
11:58:17 17 [REDACTED] was as we discussed earlier, which was Ms Gobbo
11:58:23 18 identified or assisted the SDU in identifying the location
11:58:28 19 of [REDACTED] and your evidence is you weren't aware that that
11:58:31 20 was her assistance that helped locate [REDACTED], is that
11:58:35 21 right?---Correct.
22
11:58:37 23 And that she - what next happened was that he and his
11:58:43 24 [REDACTED] were apprehended on [REDACTED]
11:58:49 25 2006?---Correct.
26
11:58:50 27 And you were present at St Kilda Road at one stage during
11:58:53 28 that evening?---Correct.
29
11:58:57 30 A couple of days before that arrest occurred Ms Gobbo had
11:59:02 31 told her handlers that Ms Gobbo was the only person that
11:59:08 32 [REDACTED] was going to call upon his arrest. Now is that
11:59:12 33 something that was known to you?---No.
34
11:59:17 35 It's clear from the information available to the Commission
11:59:20 36 that that's in fact what happened on the afternoon of the
11:59:22 37 arrests on [REDACTED], he did ask for her. Now I want to ask
11:59:30 38 you about your involvement on that day. Now you attended
11:59:38 39 [REDACTED] in [REDACTED] on [REDACTED] ---I did, yes.
40
11:59:41 41 And that was - the reason for that was that your crews were
11:59:49 42 involved in the events of that day?---Correct.
43
11:59:53 44 And what was their involvement?---Well - - -
45
11:59:58 46 The State Surveillance Unit and the Technical Surveillance
12:00:03 47 Unit?---Yes. The State Surveillance Unit - this is a

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

12:00:04 1 closed court, isn't it? The State Surveillance Unit had
12:00:07 2 actually been surveilling ██████████, were sitting off
12:00:11 3 ██████████ making observations. And the Technical Surveillance
12:00:13 4 Unit had attempted to actually ██████████ the ██████████
12:00:17 5 but due to ██████████ were unable to do it. So
12:00:21 6 they ██████████ around the external of the
12:00:28 7 ██████████ and so after the arrest had occurred I went out
12:00:33 8 and liaised with my people and then had a look at the
12:00:37 9 ██████████ of ██████████ for my own interest sake.
12:00:45 10
12:00:45 11 At that stage when you were attending you would have known,
12:00:47 12 I take it, that the SDU were also involved in the
12:00:51 13 background of these events?---I knew they'd been placed on
12:00:55 14 stand-by by Purana but I wasn't quite sure why, but I
12:00:59 15 presumed it would be to speak to ██████████
16
12:01:04 17 All right. You are now aware, I take it, that it was the
12:01:13 18 SDU who contacted Ms Gobbo in relation to ██████████ and
12:01:21 19 ██████████ arrest, do you know that to be the case?---No, I
12:01:24 20 didn't know that.
21
12:01:31 22 You arrive - in fact I might take you to your diary at
12:01:36 23 p.256 of the consolidated diaries. This is your diary for
12:01:40 24 ██████████ 2006?---Certainly.
25
12:01:43 26 There's a briefing there with ██████████
12:01:46 27 ██████████ --Correct, at 8.25 in the morning.
28
12:01:48 29 About Operation ██████████ ---And 14:30 that day, yes.
30
12:01:52 31 There's ██████████ overnight, possible conclusion of ██████████
12:01:57 32 today"; is that right?---Yes, "█████████ overnight, possible
12:02:01 33 conclusion today" is the entry, yes.
34
12:02:03 35 Then you get another briefing at 14:30 that day?---Correct.
36
12:02:07 37 That the arrest has occurred and there's ██████████ people in
12:02:09 38 ██████████ --Correct.
39
12:02:11 40 You then, about 45 minutes later, attend the ██████████?---I do.
41
12:02:19 42 ██████████ You talk about Operation ██████████ in the third line
12:02:25 43 there?---Yes, I do.
44
12:02:27 45 And you say that you viewed some ██████████ - ██████████ but it's not
12:02:32 46 ██████████ --Correct.
47

.09/10/19

7512

BIGGIN XXN - IN CAMERA

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

12:02:34 1 Okay. Then at 17 - just over that 0, I can't quite see the
12:02:39 2 time, but you attend Task Force Purana?---Yes.
3
12:02:42 4 At 5 pm or thereabouts?---Yep.
5
12:02:46 6 And again you meet [REDACTED] ---Yes
12:02:50 7
12:02:50 8 MS ARGIROPOULOS: Sorry, Commissioner, that name has now
12:02:52 9 been mentioned twice today. It came up in relation to
12:02:55 10 Mr Flynn's evidence. Could I ask that that person now be
12:02:59 11 given a pseudonym? We didn't take that step last week
12:03:02 12 because I understood he wasn't going to come up again but
12:03:07 13 that's a name that requires a pseudonym for reasons I don't
12:03:12 14 wish to ventilate in this closed hearing.
12:03:19 15
12:03:20 16 MR WOODS: They're reasons I'm not aware of but just for
12:03:23 17 current purposes if we can take it from the record and we
12:03:26 18 can deal with it afterwards perhaps.
19
12:03:29 20 COMMISSIONER: We might as well give - it will probably be
12:03:34 21 easier if you're going to refer to the name again.
12:03:37 22
12:03:37 23 MR WOODS: Well, I had intended to.
24
12:03:39 25 COMMISSIONER: Yes.
12:03:44 26
12:03:45 27 MR WOODS: I just don't know the basis of the application.
12:03:47 28 I'm not critical of that.
12:03:48 29
12:03:49 30 MS ARGIROPOULOS: If I might just approach Mr Woods.
31
12:03:52 32 COMMISSIONER: Yes.
12:04:18 33
12:04:19 34 MR WOODS: I don't have a view as to the strength or
12:04:22 35 otherwise of the application because we're simply not in a
12:04:26 36 position to discuss it in any detail at the moment, but it
12:04:32 37 does seem that there's a basis.
38
12:04:37 39 COMMISSIONER: All right, well with reluctance I'll take
12:04:39 40 out the name that appears at line 25, the surname that
12:04:46 41 appears at line 25 of the transcript be removed. Do you
12:04:53 42 have the other reference, Ms Argiropoulos? Sorry, that's
12:04:58 43 line 25 of the transcript that surname will be removed. Do
12:05:01 44 you have the other reference that you want removed?
12:05:04 45
12:05:04 46 MS ARGIROPOULOS: Sorry, I'll just find that. My
12:05:06 47 transcript is just - - -

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

1
12:05:10 2 COMMISSIONER: And a non-publication order in respect of
12:05:13 3 that name for the time being. These are interim orders.
12:05:21 4 If you want that to continue you'll have to substantiate it
12:05:25 5 in a hearing.
12:05:26 6
12:05:27 7 MS ARGIROPOULOS: Yes, thank you.
12:05:28 8
12:05:28 9 MR WOODS: All right. So you attend St Kilda Road?---I do.
12:05:32 10
12:05:37 11 COMMISSIONER: Those orders will be in place for 24 hours.
12:05:40 12
12:05:40 13 MR WOODS: Yes, thank you.
12:05:41 14
12:05:42 15 MS ARGIROPOULOS: Thank you, Commissioner.
12:05:43 16
12:05:43 17 MR WOODS: Specifically to Task Force Purana's
12:05:46 18 office?---Yes.
19
12:05:49 20 You meet that person?---I do.
21
12:05:51 22 We just discussed?---I do.
23
12:05:53 24 Inspector Gavan Ryan gives you a briefing?---He did.
25
12:05:58 26 You spoke to Jim O'Brien as well?---I did.
12:06:01 27
12:06:01 28 "Stand by and briefing"?---Yes.
29
12:06:02 30 And then it's at 11.10 pm you leave?---It's got me "stand
12:06:09 31 by and briefing", so I may have left before that, but
12:06:12 32 certainly at 11.10 I finish duty for the day. So I'm
12:06:20 33 suggesting I wouldn't have been at Purana, I was there for
12:06:25 34 some time, but I wasn't there for five or six hours.
35
12:06:27 36 Mr Flynn was there on that occasion as well, you accept
12:06:30 37 that?---I accept that, yes.
38
12:06:31 39 Do you have a memory of him being there?---No.
40
12:06:34 41 His evidence was that - well, before I go there. You
12:06:40 42 recall Ms Gobbo attending on that evening?---I do.
43
12:06:46 44 She attended late in the afternoon and appears to have
12:06:53 45 cleared the station at 17:45. Do you recall when that
12:06:57 46 happened?---No, I recall her being there and her being
12:07:00 47 quite busy, moving between offices and talking to people.

.09/10/19

7514

BIGGIN XXN - IN CAMERA

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

1
12:07:05 2 She was busy talking to [REDACTED] and [REDACTED], you're aware
12:07:09 3 of that?---Yes, she spoke to those people, yes.
4
12:07:13 5 She was also talking to Purana individuals as
12:07:17 6 well?---Correct.
7
12:07:24 8 Mr Flynn says that he left the 12th floor and went up to
12:07:28 9 the 16th floor at one stage to update you. Do you have a
12:07:32 10 recollection of that?---No, but perhaps if I explain what
12:07:37 11 the 16th floor was.
12
12:07:38 13 Yes?---The 12th floor was, the MDID had the whole 12th
12:07:42 14 floor. The 16th floor was initially the operations centre
12:07:45 15 for Crime Command. What I mean by that is that all major
12:07:49 16 operations were set up and run from that room. As Purana
12:07:54 17 was put into place and got bigger it took over half the
12:07:57 18 floor, so half the floor was Task Force Purana's office
12:08:03 19 area and operations area and the other half was an
12:08:05 20 operations suite.
21
12:08:06 22 I see. So it wouldn't surprise you that you might have
12:08:09 23 been up on the 16th floor at some stage during that
12:08:13 24 afternoon or evening?---I would think I would have been up
12:08:15 25 there, yes.
26
12:08:20 27 So the meeting - are you able to say what that minute mark
12:08:24 28 next to the 17 is there? You might have it in your diary
12:08:30 29 summaries, perhaps. I just can't see it under the
12:08:38 30 zero?---It looks like a 3 at a guess.
31
12:08:40 32 I'll just find out from a version of that that doesn't have
12:08:44 33 the lettering on it what it says. All right. Flynn's
12:08:48 34 evidence is that it was evident to all of those present
12:08:54 35 that night that Gobbo was acting for [REDACTED] and that
12:08:58 36 that would have been generally discussed between the
12:09:01 37 individuals, the police people who were there, and he says
12:09:07 38 it would have been extraordinary if he didn't discuss
12:09:11 39 Gobbo's attendance with you. So firstly, you knew she was
12:09:15 40 there because you saw her there?---Yes.
41
12:09:18 42 You knew she was there assisting [REDACTED]---I knew she
12:09:21 43 was there representing him, yes.
44
12:09:23 45 Okay. What Flynn says is that he found the situation of
12:09:29 46 her attendance to be a very complex thing, you'd agree with
12:09:34 47 that?---Not specifically, no. It's quite normal in major

.09/10/19

7515

BIGGIN XXN - IN CAMERA

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

12:09:42 1 investigations for barristers to be present speaking to
12:09:44 2 their clients.
3
12:09:45 4 Well in circumstances where you knew that Ms Gobbo was a
12:09:47 5 human source, you knew that she was assisting with
12:09:50 6 Operation [REDACTED] and you knew that this was a significant
12:09:53 7 arrest in relation to Operation [REDACTED], given those three
12:09:57 8 things, you must have understood this to be a pretty
12:10:00 9 complex situation and not simply the normal lawyer/client
12:10:04 10 relationship?---No, I thought it was the normal
12:10:06 11 lawyer/client relationship.
12
12:10:07 13 Even though you knew she was a human source?---I knew some
12:10:11 14 months before she was a human source.
15
12:10:12 16 And even though she was a human source assisting with
12:10:15 17 Operation [REDACTED]---I knew that some months before, yes.
18
12:10:17 19 And you thought that Operation [REDACTED] focus was on
12:10:21 20 [REDACTED]---I did.
21
12:10:22 22 Putting those three things together you must have known
12:10:24 23 that this was an extraordinary situation?---No, I just
12:10:27 24 thought it was a normal relationship.
25
12:10:31 26 As you give that evidence now and reflect on it, you can
12:10:34 27 see that that was a naïve view, can you?---I would
12:10:39 28 acknowledge that, yes, but I'm putting you back into my
12:10:42 29 mind-set at the time. We're talking 13 years ago, not -
12:10:46 30 you know, this is a 50-year-old Tony Biggin, not a
12:10:51 31 64-year-old.
32
12:10:52 33 I understand. But the reason I put that proposition is
12:10:56 34 that they were some pretty simple ingredients that go into
12:11:00 35 that conclusion and I'm interested, and I think the
12:11:04 36 Commission's interested, in why it would be that you would
12:11:08 37 think that there was nothing untoward and that this was a
12:11:11 38 normal barrister/client relationship that you saw playing
12:11:15 39 out before you?---I can only answer that with my mind-set
12:11:18 40 at the time.
41
12:11:19 42 You also watched her interacting with her handlers on that
12:11:26 43 evening?---I did.
44
12:11:27 45 That didn't trigger any concerns for you?---No, that was
12:11:30 46 quite normal.
47

.09/10/19

7516

BIGGIN XXN - IN CAMERA

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

12:11:31 1 Normal because of her wearing her hat as a human
12:11:35 2 source?---No, it was quite normal for - what I mean by
12:11:39 3 that, for human source handlers to be present during major
12:11:42 4 arrests and to be interacting with people involved in those
12:11:46 5 arrests.
6
12:11:47 7 But these were human source handlers that you knew had a
12:11:51 8 relationship in that capacity with Ms Gobbo?---I knew they
12:11:54 9 were human source handlers, yes.
10
12:11:55 11 And you knew she was a human source?---I knew some months
12:11:58 12 before she was a human source, yes.
13
12:11:59 14 You knew she was being managed by the SDU?---I knew that
12:12:03 15 some months before, yes.
16
12:12:05 17 Mr O'Brien's evidence is that he was shocked by her
12:12:10 18 attendance. You didn't see the complexity that Mr Flynn
12:12:13 19 saw. Did you experience any shock in the nature of what
12:12:17 20 Mr O'Brien experienced?---No, no.
21
12:12:22 22 Mr White's evidence is that on her attendance he thought
12:12:26 23 about having her arrested. Are you aware of that
12:12:30 24 evidence?---I'm not aware of that evidence and, no, I
12:12:32 25 wasn't aware of that.
26
12:12:34 27 So these - you were talking to Gavan Ryan. In fact he
12:12:41 28 briefed you, albeit at around 5, 5.30 according to the
12:12:50 29 diary. Is it your position that the complexities of
12:12:54 30 Ms Gobbo's work assisting with Operation [REDACTED] and her
12:13:00 31 concurrent attendance, you think as a barrister, the
12:13:08 32 complexity of that situation simply wasn't discussed with
12:13:10 33 you?---It wasn't discussed with me and my mind-set at that
12:13:13 34 point of time was that I had other units that were going to
12:13:16 35 be deployed in the next phases of the operation if
12:13:19 36 [REDACTED] and others spoke, so that one of the reasons I
12:13:23 37 was there was to actually get a feel for what the next
12:13:26 38 steps were to be from a service provision point of view.
39
12:13:30 40 Because the intention was, upon this person's arrest, was
12:13:33 41 that he would assist by providing information against his
12:13:37 42 criminal associates?---That was the hope, yes. And let me
12:13:42 43 be very, very clear, I'm a service provider. I'm a
12:13:45 44 Superintendent in charge of service providers. Task Force
12:13:48 45 Purana belonged to Crime, which is a separate command to
12:13:51 46 me. I have no functional control over them, nor would I
12:13:55 47 ever step into the investigative function as a

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

12:13:58 1 Superintendent over and above Jim O'Brien or Gavan Ryan.
12:14:00 2 That is a role for another Superintendent, it is not for
12:14:04 3 me.
4
12:14:05 5 A few days before the arrest though you'd been asked -
12:14:12 6 well, it had been determined that you would be conducting
12:14:15 7 an audit of Ms Gobbo's human source file?---I was certainly
12:14:21 8 asked in the [REDACTED] of 06, yes. I can't remember the - - -
9
12:14:25 10 Were you asked before [REDACTED]---I can't remember the day
12:14:29 11 but I was asked, yes.
12
12:14:35 13 The evidence available to the Commission is that White was
12:14:39 14 told on [REDACTED] 2006 to deal with you directly, and we'll
12:14:44 15 come to this in some more detail in a little while, in
12:14:49 16 relation to the audit of Nicola Gobbo's file?---Yes, that's
12:14:53 17 right.
18
12:14:53 19 And it was White who approached you in relation to that
12:14:58 20 audit?---No, Danye Moloney approached me.
21
12:15:02 22 So Danye Moloney asked you?---Yes.
23
12:15:04 24 But the person you initially dealt within the SDU was
12:15:08 25 Mr White?---It would have been, yes.
26
12:15:14 27 You knew about the lawyer/client relationship that Ms Gobbo
12:15:19 28 had with [REDACTED] prior to your attendance on [REDACTED]
12:15:23 29 2006?---Some months before I knew.
30
12:15:27 31 You knew that Operation [REDACTED], or your understanding of it
12:15:32 32 was the focus was on [REDACTED], being [REDACTED]---Correct.
33
12:15:39 34 And you knew that Operation [REDACTED] was relying heavily on
12:15:45 35 Nicola Gobbo to provide it with information?---No, I didn't
12:15:49 36 know that.
37
12:15:49 38 Well you knew about it because in February Overland had
12:15:54 39 said to you she's to be protected re Operation [REDACTED], a
12:15:59 40 priority?---That's right.
41
12:16:01 42 So what else could that mean other than she's to be
12:16:06 43 protected because she is a substantial asset for Operation
12:16:10 44 [REDACTED]---I don't recall him saying anything about her being
12:16:13 45 a substantial asset.
46
12:16:16 47 She was a priority for Operation [REDACTED], you accept that,

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

12:16:20 1 that's what your note says?---I do.
2
12:16:23 3 So what I'm suggesting to you is that at least on 16
12:16:26 4 February 2006 you knew of her involvement as a human source
12:16:31 5 in relation to Operation ██████---I knew colloquially that
12:16:35 6 she was involved, yes.
7
12:16:36 8 So given each of those ingredients, how is it that you
12:16:41 9 missed, as it sounds like you did, that there was a serious
12:16:47 10 conflict of interest before your eyes on ██████
12:16:55 11 2006?---It's just something that didn't occur to me.
12
12:17:01 13 You've now heard my description of three others who were
12:17:06 14 observing this: shock, complexity and thinking about
12:17:11 15 arresting her. Is it the case that none of these
12:17:15 16 individuals mentioned any of these things to you?---No,
12:17:18 17 they didn't.
18
12:17:19 19 What about Gavan Ryan?---I don't recall him mentioning
12:17:23 20 anything to me, no.
21
12:17:30 22 Is that a strange thing? I mean as we stand here now and
12:17:35 23 we dissect these events of these years ago, it seems odd,
12:17:39 24 to say the least, that this circumstance wouldn't have been
12:17:44 25 discussed pretty openly amongst the police officers who
12:17:46 26 were present. Do you have anything that you can assist
12:17:49 27 with there?---What I can say is that human sources are
12:17:52 28 never discussed openly anywhere. And the second point, and
12:17:56 29 I go back to my other position I made before, my role is as
12:18:01 30 a service provider. I manage service providers. I don't
12:18:04 31 manage investigations.
32
12:18:06 33 But you, Flynn, Ryan, O'Brien, White, Smith who was also
12:18:13 34 there, all of you knew she was a human source?---I knew
12:18:16 35 some time before she was, yes.
36
12:18:18 37 And you knew that she was a human source when she was there
12:18:21 38 on ██████--No, I didn't. I knew she was a human
12:18:25 39 source, had been a human source as of February. On ██████
12:18:30 40 ██████ I thought she was there as a barrister.
41
12:18:32 42 So she was simply wearing another hat?---She was wearing
12:18:35 43 her barrister's hat.
44
12:18:36 45 And the conflict in that situation simply didn't occur to
12:18:45 46 you?---Didn't occur to me.
47

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

12:18:48 1 Given your senior role that you played at the time, and
12:18:56 2 given the seniority of you as compared to the other
12:19:00 3 officers around you, do you accept that that's, in
12:19:05 4 retrospect, a pretty serious issue if it's the case that it
12:19:09 5 didn't occur to you and that you didn't discuss it with
12:19:14 6 others?---I go back to the point I make, is that my role
12:19:18 7 there that night was as a service provider. Crime Command
12:19:23 8 have their own line of management. If they have concerns
12:19:25 9 about it, this is a role for investigators, not for service
12:19:29 10 providers, to resolve.
11
12:19:31 12 Do you see that that might create or might indicate a
12:19:33 13 cultural problem within the Force?---I'm not quite sure
12:19:39 14 about that. I really don't know. It's something I would
12:19:43 15 have to reflect upon before I could answer it properly.
16
12:19:47 17 You say you watched from a distance Mr White and do you
12:19:53 18 know who Mr Smith is - I can put a document in front of you
12:19:58 19 if it helps?---I know who Mr Smith is.
20
12:20:01 21 You watched those two interact with Ms Gobbo, is that
12:20:03 22 right?---I did.
23
12:20:04 24 I just want to understand physically where were you and
12:20:08 25 where were they when you were watching this
12:20:11 26 interaction?---I think I was in another office. We had
12:20:13 27 glass in it away towards the west side of the building and
12:20:19 28 they were in the middle of the floor some 20, 25 metres
12:20:25 29 away.
30
12:20:26 31 So you couldn't hear them?---No.
32
12:20:28 33 You saw them interacting with her though?---Yes.
34
12:20:32 35 Is this the interaction you later talked about in your
12:20:35 36 audit?---Correct.
37
12:20:36 38 What did you observe?---Interaction. Talking, interaction.
39
12:20:39 40 So do you know what they were talking about?---No.
41
12:20:44 42 What were the observations about the nature of their
12:20:48 43 conversation, was it jovial, was it businesslike, what did
12:20:54 44 you see?---It appeared quite cordial, businesslike and
12:20:58 45 quite cordial.
46
12:20:59 47 Did you ask them after the event what they'd been talking

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

12:21:02 1 about with her?---No.
2
12:21:03 3 All right?---Bear in mind at this point of time they didn't
12:21:08 4 report to me.
5
12:21:09 6 No, I know they didn't report to you but you were asked to
12:21:13 7 audit a file that was Ms Gobbo's file and you relied in
12:21:20 8 part on your observations of Mr White and Mr Smith
12:21:23 9 interacting with Ms Gobbo on [REDACTED], which is the basis
12:21:27 10 of my questions?---Correct.
11
12:21:40 12 When you saw Ms Gobbo there and assumed that she was there
12:21:48 13 acting in her capacity as a barrister, did you take any
12:21:52 14 steps to ensure that that was the case given the elements
12:21:55 15 of knowledge that you had at that stage?---No.
16
12:21:59 17 You didn't think to ask Gavan Ryan in your discussion with
12:22:02 18 him?---No.
19
12:22:07 20 Once you knew - well I take it by [REDACTED] at least you
12:22:14 21 knew of her dual role that she was playing on that night,
12:22:19 22 is that correct?---No, no. The first - as I said before,
12:22:26 23 the first time that I knew that she'd actually given
12:22:30 24 information about [REDACTED] was only just recently. My
12:22:32 25 assumption all the way along is as I've previously
12:22:35 26 explained.
27
12:22:37 28 So your assumption all along was that she had never
12:22:41 29 implicated [REDACTED]--I didn't know whether she had or
12:22:44 30 hadn't but I didn't know.
31
12:22:47 32 Well can I suggest that that's a difficult proposition to
12:22:51 33 reconcile with the discussion that you'd had with
12:22:55 34 Mr Overland in [REDACTED] of that year. Do you have anything
12:22:58 35 to say in relation to that?---Well I can only say as
12:23:02 36 honestly as I've said all the way long, as my diary says,
12:23:09 37 "human source was to be protected". What she provided
12:23:12 38 information in relation to matters I didn't know. I knew
12:23:16 39 it was Operation [REDACTED] but I didn't know the specifics, I
12:23:19 40 didn't know the information that she was providing, I
12:23:21 41 didn't know.
42
12:23:21 43 Perhaps not knowing the specifics or the information, but
12:23:24 44 do you accept it might be said that you were wilfully blind
12:23:27 45 in that situation given the things that you knew?---No, I
12:23:30 46 reject that.
47

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

12:23:32 1 Mr Flynn's evidence was that on the night of [REDACTED] Gobbo
12:23:38 2 was integral in giving [REDACTED] a push towards assisting
12:23:43 3 Victoria Police. Now is that your recollection of that
12:23:46 4 evening?---No, I know nothing about that.
5
12:23:50 6 You know that the intention though, broadly speaking, was
12:23:54 7 for [REDACTED] to roll and to implicate his criminal
12:24:00 8 associates?---I knew that.
9
12:24:02 10 Your understanding was that Ms Gobbo was there to represent
12:24:06 11 him in the capacity as a barrister?---Yes.
12
12:24:10 13 So you would assume, given each of those things, that she
12:24:13 14 was aware and gave him advice in relation to this proposal
12:24:18 15 that he assist police?---I presume she gave advice, yes.
16
12:24:28 17 The proposal as it's known - the other thing about that
12:24:36 18 matter is that you were aware that Ms Gobbo was
12:24:42 19 representing a number of [REDACTED] criminal associates
12:24:46 20 previous to [REDACTED] 2006?---No.
21
12:24:50 22 None of them?---I have no idea who she was representing.
23
12:24:55 24 You knew that she was representing Mr Mokbel?---I knew
12:24:58 25 she'd represented him some previous time before.
26
12:25:01 27 Well, at the time, in March 2006 she was representing
12:25:04 28 Mr Mokbel, that was very common knowledge?---I didn't know
12:25:07 29 that.
30
12:25:08 31 You simply didn't know?---No. The only time that I knew
12:25:11 32 she'd represented Mr Mokbel was, as I explained before,
12:25:15 33 when we went out to Forensic and she turned up in the
12:25:18 34 January of - I can't remember the year now, to inspect the
12:25:21 35 [REDACTED] Unit [REDACTED].
36
12:25:38 37 Commissioner, I'm happy to go into open hearing now. There
12:25:42 38 is some prospect that I might need to go into closed
12:25:45 39 hearing again later on but we'll try and avoid then.
40
12:25:48 41 COMMISSIONER: All right then. We now return to open
12:25:51 42 hearing.
12:25:52 43 - - -
44
45
46
47

.09/10/19

7522

BIGGIN XXN - IN CAMERA