

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

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Thursday, 15 August 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC Ms R. Enbom Ms K. Argiropoulos
Counsel for State of Victoria	Mr T. Goodwin
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms A. Martin
Counsel for CDPP	Ms C. Fitzgerald
Counsel for Police Handlers	Mr G. Chettle Ms L. Theis
Counsel for Faruk Orman	Mr M. Koh
Counsel for John Higgs	Ms C. Dwyer
Counsel for Pasquale Barbaro	Mr C. Wareham

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00:54:01 1 COMMISSIONER: Yes, we are again in closed session with the
00:54:04 2 orders that were made yesterday afternoon still apposite.
00:54:09 3 The appearances are as for yesterday, except we have
00:54:16 4 Ms Martin for the DPP, Ms Fitzgerald for the CDPP. Is
00:54:24 5 there an application for leave from the Australian Federal
00:54:27 6 Police? Yes, and I've granted that application on the
00:54:30 7 papers. And your name is?
00:54:34 8
00:54:35 9 MS MINNETT: Minnett. I also understand that Officer Sandy
00:54:46 10 White may be giving evidence later today and there's
00:54:48 11 currently an order specifying the parties that have leave
00:54:52 12 to appear for that and I'd ask that that be amended to
00:54:56 13 include me.
00:54:56 14
00:54:56 15 COMMISSIONER: Yes, it will involve an undertaking. You're
00:55:01 16 a lawyer, Ms Minnett?
00:55:04 17
00:55:05 18 MS MINNETT: Yes, I am with Clayton Utz.
00:55:08 19
00:55:08 20 COMMISSIONER: And we'll deal with that when we get there.
00:55:11 21
00:55:11 22 MS MINNETT: Thank you.
00:55:11 23
00:55:12 24 COMMISSIONER: Thank you.
00:55:13 25
00:55:14 26 MR WOODS: I think we're part way through Mr Chettle's
00:55:21 27 cross-examination of the witness.
00:55:21 28
00:55:21 29 COMMISSIONER: Yes, Mr Chettle.
00:55:22 30
00:55:22 31 <GAVAN RYAN, recalled:
00:55:22 32
00:55:23 33 MR CHETTLE: Just before the break yesterday I was asking
00:55:25 34 you to look at an ICR. It's ICR 007 on registration 2958.
00:55:33 35 It's VPL.2000.0003.0816. It's p.76 of that third volume.
00:55:51 36 I took you to this yesterday before the break but then we
00:55:55 37 got distracted by something else.
00:56:00 38
00:56:00 39 MR HOLT: Commissioner, this was an issue that was raised
00:56:05 40 yesterday and our learned friend Mr Woods presciently
00:56:05 41 raised that on a quick review we might be able to deal with
00:56:13 42 it. We've reviewed it. There is no claim of public
00:56:13 43 interest immunity in respect of the lower shaded part.
00:56:17 44 Those issues can be dealt with as counsel see fit.
00:56:17 45
00:56:17 46 COMMISSIONER: Thank you, Mr Holt.
00:56:18 47

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00:56:19 1 MR CHETTLE: Thank you. Do you have that up on the screen,
00:56:21 2 Mr Ryan?---Yes, I do.
00:56:22 3
00:56:22 4 You'll see down the bottom I took you to - yesterday I took
00:56:25 5 you to the SDU issue?---Yes.
00:56:27 6
00:56:27 7 And the reference to Davies, which should be Davey?---Yes.
00:56:31 8
00:56:31 9 And O'Connell having spoken to you. Do you have any
00:56:34 10 recollection of that conversation, of telling O'Connell
00:56:38 11 that you were going to manage any contact with Hodson or
00:56:47 12 Higgs?---No, it was well-known that I was resigning at that
00:56:52 13 time but I don't have any recollection.
00:56:54 14
00:56:54 15 You'll see if you go up the page a little bit to the centre
00:57:02 16 of the page under Andrew Terrance Hodson, without reading
00:57:04 17 it out, there was a discussion about whether or not someone
00:57:07 18 would be dealing with him, right, do you see that?---Yes.
00:57:09 19
00:57:13 20 Clearly any issue of ██████████ Hodson or using Gobbo
00:57:17 21 to ██████████ Hodson would involve her with extra risk,
00:57:21 22 would it not?---Oh, yes.
00:57:23 23
00:57:23 24 And that's exactly the sort of risk that you would expect
00:57:26 25 the SDU to manage?---Yes.
00:57:30 26
00:57:34 27 All right, I'll leave that alone. So far as risk to her
00:57:42 28 was concerned, do you recall there being a heightened
00:57:46 29 period of risk for her at the time that the Orman trial was
00:57:56 30 proceeding and ██████████ was about to give evidence?---No,
00:58:00 31 I was, I think I was in Afghanistan then.
00:58:04 32
00:58:05 33 Were you, right. I'll just put up a document. It's
00:58:10 34 VPL.6048.0001.0655. It shouldn't go on the main screens
00:58:30 35 because it has names on it. Firstly, you know the people
00:58:34 36 involved in that?---Yes.
00:58:36 37
00:58:37 38 It's an email from one of the handlers to others, is it
00:58:40 39 not?---All I've got is one page.
00:58:44 40
00:58:44 41 Yes. It's one page with one line if you read - - -?---Yes,
00:58:49 42 I get you, yes.
00:58:50 43
00:58:51 44 That is a line, that's an email dated 12 March of
00:58:55 45 2008?---Yes.
00:58:56 46
00:58:57 47 At 10.39 in the morning?---Yes.

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00:58:59 1
00:58:59 2 Do you follow, and it's from one handler to several other
00:59:04 3 handlers?---Yes.
00:59:05 4
00:59:06 5 All right. And it reads, "Please be on standby for
00:59:09 6 [REDACTED] of 2958, stand by, stand by", all
00:59:16 7 right?---Yes.
00:59:16 8
00:59:18 9 You would have been aware, I take it, of what was happening
00:59:21 10 in the court case with Mr Orman at the time?---This is
00:59:28 11 March 08, is it?
00:59:30 12
00:59:31 13 Yes, just before you left?---Yeah. I don't have any
00:59:33 14 recollection of that.
00:59:34 15
00:59:35 16 The situation was that at that time [REDACTED] was about to
00:59:39 17 give evidence and there was a heightened risk that her
00:59:43 18 identity as an informer, or her role with [REDACTED] may
00:59:48 19 come out and the SDU were taking steps to be prepared to
00:59:52 20 protect her if that occurred?---Yes.
00:59:53 21
00:59:57 22 Two things about that. Firstly, that's the role of the
01:00:00 23 SDU, to look after a source in a situation like
01:00:02 24 that?---Yes.
01:00:03 25
01:00:03 26 But secondly, as at that point of time it's clear that she
01:00:07 27 hadn't been outed as a source and they were taking steps to
01:00:12 28 protect her if she did?---That's my reading of it, yes.
01:00:14 29
01:00:15 30 Thank you. I'll tender that email, Commissioner.
01:00:19 31
01:00:23 32 WITNESS: It's at the committal, is it? Sorry.
01:00:26 33
01:00:27 34 MR CHETTLE: Sorry, I can tell you from the ICR. It may be
01:00:30 35 the committal, it was one of the hearings in any but event
01:00:32 36 in relation to him and the risk of compromise?---Okay.
01:00:37 37
01:00:37 38 COMMISSIONER: It will have to be, the pseudonyms will have
01:00:41 39 to be put in that are appropriate before it is published,
01:00:45 40 but that should be able to be dealt with fairly quickly.
01:00:50 41
01:00:50 42
01:00:52 43 #EXHIBIT 338A - (Confidential) Document VPL.6048.0001.0655.
01:00:55 44
01:00:56 45
01:00:57 46 #EXHIBIT 338B - Redacted version.
01:01:06 47

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01:01:06 1 MR CHETTLE: During the course of your examination by
01:01:08 2 Mr Woods you indicated that you yourself didn't receive
01:01:12 3 information reports from the SDU?---That's correct.
01:01:15 4
01:01:16 5 Because that wasn't you being the officer effectively in
01:01:20 6 charge of Purana, someone else would receive information
01:01:23 7 reports and deal with them, would they not?---I assume
01:01:26 8 internally through their, their own bosses, et cetera.
01:01:30 9
01:01:30 10 Yes. We've already had, the Commission's already had
01:01:35 11 evidence from Jason Kelly that he received a number of
01:01:39 12 information reports as part of the interaction between the
01:01:42 13 SDU and Purana and what I'm suggesting to you is you had
01:01:46 14 someone who was an officer whose job it was to receive and
01:01:50 15 file those documents, not you?---Yes, I assume they're
01:01:56 16 something to do with him, whatever he's investigating at
01:02:00 17 the time.
01:02:03 18
01:02:09 19 I want to take you to ICR 91 which is in volume 2 of the
01:02:13 20 ICRs at p.1043. You were asked questions about whether or
01:02:27 21 not there was some hindrance or interference with the
01:02:33 22 process of the OPI by your involvement in the SDU
01:02:36 23 involvement, do you remember those questions?---Yes.
01:02:39 24
01:02:43 25 At p.1043 - have you got that up there. No,
01:02:51 26 VPL.2000.0003.2629?---Yes, I've got that.
01:02:58 27
01:03:04 28 You'll see that under the heading "OPI" the particular
01:03:08 29 handler has recorded that, "I have spoken to Gavan Ryan
01:03:13 30 yesterday and he mentioned his shock when she was asked the
01:03:19 31 questions about all the police she knew", right, that's
01:03:22 32 after the first day of the hearing?---Yes.
01:03:24 33
01:03:26 34 Then if you go down the page to the sixth dot point?---Yes.
01:03:34 35
01:03:36 36 The handler explained to Gobbo that he didn't want to talk
01:03:39 37 specifically about the hearing, the specific questions
01:03:41 38 asked and the answers she gave are between her and the OPI.
01:03:45 39 "Only need to know about questions that she believes
01:03:48 40 affects her safety or compromise", all right?---Yes.
01:03:51 41
01:03:53 42 If we go across yet to another one of those entries related
01:03:57 43 at p.1106, on the same topic. This is on
01:04:03 44 VPL.2000.0003.2693. If you go to the bottom of that page
01:04:17 45 in the third-last paragraph where it says, "Told HS that
01:04:23 46 she keep saying this", do you see that?---Yes.
01:04:25 47

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01:04:26 1 You'll see that at the end of that paragraph, "She needs to
01:04:30 2 tell the OPI everything and it must be the truth"?---Yes.
01:04:33 3
01:04:36 4 And then it reports towards the bottom of the page, the
01:04:41 5 last paragraph, "Mr Fitzgerald asked if she had any
01:04:44 6 problems with the OPI telling him they were now aware of
01:04:47 7 the threats. She said no. She viewed Dale Flynn as a very
01:04:51 8 ethical and of the highest integrity", all right?---Yes.
01:04:55 9
01:04:55 10 It's clear - do you have any recollection that during a
01:04:58 11 break down there Dale Flynn was consulted or gave some
01:05:03 12 material?---No.
01:05:03 13
01:05:03 14 It's clear that that might have happened without you having
01:05:07 15 any - - - ?---Yes, I only saw her the once.
01:05:10 16
01:05:11 17 But you accept it does indicate that Flynn was involved in
01:05:13 18 relation to informing the OPI of the threats against
01:05:18 19 her?---Yes.
01:05:20 20
01:05:22 21 And then across the page, p.1108, the next one, last
01:05:27 22 paragraph I want to take you to, "Reiterated that she must
01:05:31 23 tell the truth and leave nothing out"?---What page is it?
01:05:36 24
01:05:37 25 The fourth paragraph down. It says, "More talk to
01:05:40 26 reinforce the point that a definition about what a
01:05:43 27 relationship is, she must tell the truth and leave nothing
01:05:45 28 out"?---Yes.
01:05:46 29
01:05:47 30 So the point of what I'm, of what was occurring is - there
01:05:55 31 was clearly no intent to hinder or hamper the OPI as far as
01:06:02 32 you were aware?---That's correct.
01:06:03 33
01:06:04 34 What was occurring was simply restricted to trying to stop
01:06:08 35 her being asked the magic question, "Which policeman have
01:06:13 36 you talked to" in order to avoid exposing herself as a
01:06:19 37 source?---Yes.
01:06:20 38
01:06:20 39 Otherwise she was urged and told she had to tell the truth
01:06:23 40 on all occasions?---Yes.
01:06:25 41
01:06:25 42 Thank you. During the course of your time at Purana you
01:06:28 43 had conversations from time to time, did you not, with
01:06:31 44 Officer White in relation to how they were going to manage
01:06:38 45 her?---Yes.
01:06:38 46
01:06:39 47 Did he tell you on occasions that he wished to de-register

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01:06:44 1 her?---Yes.

01:06:45 2

01:06:45 3 That he had a duty of care in relation to her ongoing
01:06:48 4 safety and welfare?---Yes, we all considered we all had
01:06:53 5 that duty of care.

01:06:54 6

01:06:54 7 And obviously he's a man at the coal face of the particular
01:06:58 8 unit that's running it?---Yes.

01:06:59 9

01:07:01 10 There were discussions about trying to ease her down or put
01:07:04 11 her into what might be called caretaker mode?---Yes.

01:07:08 12

01:07:11 13 She, on the other hand, kept coming up with pieces of
01:07:15 14 information that made herself valuable, did she not?---Yes.

01:07:19 15

01:07:20 16 And indeed you - I touched on this yesterday, in relation
01:07:29 17 to that attempting to ease her out, you and Officer White
01:07:35 18 had conversations from time to time with Mr Overland in
01:07:39 19 relation to her role?---Yes.

01:07:41 20

01:07:42 21 And indeed, there's an entry in the source management log,
01:07:46 22 which I think you've been taken to, of 16 May of 2007.
01:08:03 23 Sorry, I've got the wrong year. "DDI Ryan, Petra, ACO
01:08:17 24 Overland has approved the SDU speaking to the human source
01:08:19 25 re her knowledge of the Hodson murders"?---Yes, I remember
01:08:23 26 that.

01:08:24 27

01:08:24 28 You remember that?---I remember it being raised in
01:08:28 29 cross-examination of me.

01:08:28 30

01:08:28 31 You don't remember it actually happening?---No.

01:08:30 32

01:08:31 33 It was clear, as you said yesterday or the day before,
01:08:36 34 decisions get made from above and those down the line get
01:08:41 35 stuck with implementing those decisions?---That's fair
01:08:46 36 enough.

01:08:46 37

01:08:46 38 COMMISSIONER: Mr Chettle, if it's already been said we
01:08:49 39 don't need you to repeat it. We're very short on time so
01:08:51 40 please just focus on - - -

01:08:51 41

01:08:51 42 MR CHETTLE: I appreciate that, Commissioner, I was trying
01:08:52 43 to make a different point. On 10 May of 2007 there's an
01:09:09 44 entry in Mr White's diary that reads as follows, "Met with
01:09:14 45 DDI Ryan, Purana, update re HS status, exit strategy,
01:09:21 46 consideration to SDU speaking to, for compulsory hearings.
01:09:29 47 GR to seek approval from Overland". Now, that is the lead

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01:09:35 1 up to what I just took you to a moment ago, is it
01:09:38 2 not?---Yes, I understand.
01:09:39 3
01:09:40 4 Do you have any recollection of discussing, having a
01:09:43 5 meeting with Mr White in relation to that matter?---No.
01:09:48 6
01:09:52 7 I'm unclear what is your diary position. Have you got your
01:09:55 8 diary for that period of time?---Yes, I have here in front
01:09:58 9 of me if you want me to check.
01:09:59 10
01:10:00 11 Do you have an entry on 10 May 07 in relation to any
01:10:06 12 meeting with Mr White?---Yes, I do.
01:10:20 13
01:10:20 14 What does your entry say?---"Meet with Detective Sandy
01:10:28 15 White re 3838. Discussion re the future possible to use
01:10:32 16 3838 re Paul Dale. Need answers to the following. What
01:10:37 17 does 3838 know of the involvement of PD in the burglary,
01:10:44 18 Carl Williams and the Hodsons? Did 3838 receive anything
01:10:48 19 from PD and pass it on to anyone else? If we take 3838
01:10:54 20 before a hearing the possibility exists that nothing will
01:10:57 21 be said, very least hate VicPol and that we have hung 3838
01:11:03 22 out to dry. Best option is a straightforward approach to
01:11:08 23 3838 to elicit info via the SDU".
01:11:12 24
01:11:12 25 All right. Mr White's diary reads, I read it correctly,
01:11:17 26 "Met with DDI Gavan Ryan Purana. Update re HS status. No
01:11:23 27 tasking. Intention re exit strategy. Advised objective is
01:11:30 28 to terminate relationship without bitterness or
01:11:30 29 recriminations. Advised GR that HS overly concerned about
01:11:35 30 what Carl Williams might say in a statement. GR states
01:11:38 31 that she shouldn't have known about it. Considerations for
01:11:42 32 having her before compulsory hearing re Williams - Dale.
01:11:47 33 Consideration to have SDU speak to her re the same as
01:11:50 34 opposed to hearings. GR to seek approval from DC". That's
01:11:58 35 the mirror, slightly different emphasis but it's the mirror
01:12:01 36 of that meeting?---Yes, sort of.
01:12:06 37
01:12:06 38 All right. Well, there clearly was a meeting?---Yes.
01:12:09 39
01:12:10 40 And you made notes of what you thought was
01:12:13 41 important?---That's exactly right, yes.
01:12:18 42
01:12:18 43 COMMISSIONER: Did you want to tender the diary entry?
01:12:20 44
01:12:21 45 MR CHETTLE: Both entries, Commissioner. The diary entry
01:12:22 46 of the witness and the diary entry of Officer White.
01:12:28 47

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01:12:29 1
01:12:29 2 #EXHIBIT RC339 - Diary entry of Officer White on 10/05/07.
01:12:43 3
01:12:43 4 #EXHIBIT RC340 - Diary entry of Mr Ryan on 10/05/07.
01:12:57 5
01:12:58 6 MR CHETTLE: You were asked a lot of questions about an
01:13:00 7 entry in the ICRs in relation to Gobbo saying to the
01:13:07 8 handlers to, "Ask Gavan Ryan if it's okay that I appear at
01:13:10 9 the ACC for [REDACTED]", do you remember the
01:13:21 10 questions along that line?---Yes, I think it was in
01:13:24 11 relation to [REDACTED] as well.
01:13:26 12
01:13:26 13 You have no entries in your diary in relation to
01:13:28 14 that?---That's right.
01:13:29 15
01:13:30 16 Let me suggest to you, you'd probably agree with this, you
01:13:34 17 were not asked about it. What occurred in simple terms was
01:13:38 18 she asked the handler, the handler asked the controller,
01:13:41 19 the controller made the decision and she was informed
01:13:44 20 without any reference to you. That would accord with your
01:13:48 21 recollection of what occurred?---I don't have a
01:13:50 22 recollection. Sorry, I don't quite follow.
01:13:52 23
01:13:52 24 What the documents demonstrate is that you weren't asked.
01:13:57 25 That's what I'm trying to put to you?---Okay.
01:13:59 26
01:14:00 27 It's a negative really. Can I take you to ICR 105, p.12 of
01:14:19 28 that ICR.
01:14:23 29
01:14:23 30 COMMISSIONER: Some pages, please?
01:14:25 31
01:14:25 32 MR CHETTLE: It's p.1307 VPL.2000.0003.2893.
01:14:38 33
01:14:41 34 COMMISSIONER: Thank you.
01:14:44 35
01:14:45 36 MR CHETTLE: This has been touched on by a number of - you
01:14:51 37 were asked about this the other day, it's about her having
01:14:55 38 dinner with Gatto, who was present, where they went and she
01:15:02 39 saw a position to cement her position?---Yes.
01:15:06 40
01:15:06 41 Remember being asked about that?---Yes.
01:15:08 42
01:15:11 43 Do you have any note in your diary in relation to being
01:15:17 44 spoken to by Officer Fox? You'll see there's a reference
01:15:22 45 to verbal dissemination to Gav Ryan in that document?---I'm
01:15:28 46 just checking my diary.
01:15:30 47

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01:15:31 1 Yes. Indeed you might have to check not necessarily on
01:15:36 2 that day but the following day?---Nothing on the 17th. On
01:15:51 3 the 18th I'm just checking. Nothing on the 18th.
01:16:04 4
01:16:04 5 Right. I'll try and - the diary of Mr Fox does have a
01:16:10 6 record of contacting you?---Yes.
01:16:12 7
01:16:13 8 In relation to this and in short compass what you were told
01:16:19 9 about was safety measures in relation to her. She'd been
01:16:23 10 given a panic alarm?---Okay. I didn't know that.
01:16:27 11
01:16:27 12 And you paid for it?---I paid for it?
01:16:30 13
01:16:30 14 No, Purana paid for it, that's what I meant?---Okay.
01:16:33 15
01:16:34 16 Do you have any recollection of that at all?---No.
01:16:35 17
01:16:37 18 You would have had to get financial, to make that sort of
01:16:41 19 expenditure you would have to get approval for that,
01:16:43 20 wouldn't you?---Yeah, there was a cap that I could approve
01:16:46 21 and then if it was above that it would just go up to the
01:16:50 22 next level.
01:16:50 23
01:16:51 24 Effectively what I'm suggesting to you, that the only
01:16:53 25 conversation in relation to that is because she was meeting
01:16:56 26 people from the Carlton crew, she was out late with a lot
01:16:59 27 of criminals, there were safety issues that were being
01:17:03 28 managed by that device, but you have no recollection of
01:17:06 29 it?---That's right.
01:17:07 30
01:17:07 31 All right, thank you. Did you have any awareness in your
01:17:23 32 role at Purana as to Mr Karam's importations, or was that
01:17:30 33 not something you were - - - ?---I only know anecdotally.
01:17:36 34 That whole thing, not the whole thing, I know Jim O'Brien
01:17:40 35 has significant knowledge.
01:17:41 36
01:17:41 37 All right, I'll wait for him. Can I take you to ICR 40,
01:17:46 38 please, p.385. It will be volume 1. This is ICR 40. I
01:18:05 39 think it's 40. I've been asked to provide ICR numbers.
01:18:19 40 Yes, it is, it's ICR 40 in volume 1 at p.385. It is - see
01:18:38 41 in the centre of the page there's a reference to
01:18:40 42 Mr Bateson?---Yes.
01:18:41 43
01:18:43 44 "Bateson advises that, advised HS that in court Faris
01:18:49 45 brought up alleged conflict with ██████████ Prosecutor
01:18:55 46 Horgan suggested going to the Ethics Committee. HS has
01:18:59 47 already done so and no problems. Is adjourned to Monday.

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01:19:05 1 HS received email from Faris advising will issue an
01:19:11 2 injunction against HS acting for ██████████ regardless of
01:19:16 3 Ethics Committee. HS will get advice re this, may write
01:19:21 4 out a plea for someone else to read out", do you see
01:19:24 5 that?---Yes.
01:19:25 6
01:19:25 7 Firstly, Mr Faris was a barrister?---Yes, I think he's a
01:19:30 8 QC.
01:19:31 9
01:19:31 10 It's the same thing?---Sorry.
01:19:33 11
01:19:33 12 Did you have a recollection that he was acting for, was it
01:19:36 13 Carl Williams?---For Carl Williams?
01:19:39 14
01:19:39 15 Do you know who he was acting for?---I'm assuming from this
01:19:45 16 he's acting for ██████████ The guy that acted for Williams was -
01:19:52 17 he had a tremor, nice fellow.
01:19:58 18
01:19:58 19 The point I want to raise with you is this, do you have a
01:20:02 20 recollection now of Mr Horgan raising the issue of whether
01:20:06 21 or not she has a conflict, she should go to the Bar Ethics
01:20:10 22 Committee and have it checked out?---No. As I explained I
01:20:15 23 rarely went to court, it was just to either give evidence
01:20:18 24 or for a sentence basically.
01:20:20 25
01:20:21 26 Presumably Mr Bateson would have kept you informed about
01:20:24 27 what was happening?---Yes.
01:20:26 28
01:20:26 29 Do you have any recollection of him - well - - - ?---No.
01:20:29 30
01:20:30 31 Do you have your diary for 7 August 06 there?---06?
01:20:37 32
01:20:37 33 Yes. 7/8/06?---That's a Monday and I'm on a rest day.
01:20:59 34
01:20:59 35 The next day?---I'm on a series of rest days from 6 August
01:21:03 36 06 to - and leave till the 27th.
01:21:09 37
01:21:09 38 I'll leave it for Mr Bateson?---Okay.
01:21:12 39
01:21:12 40 That issue of her going to the Ethics Committee and getting
01:21:15 41 an approval to appear for ██████████ was not something you
01:21:19 42 were ever made aware of?---Probably not.
01:21:21 43
01:21:29 44 All right. So far as ██████████ is concerned, were you made
01:21:37 45 aware that she informed ██████████ of her conflict and that
01:21:44 46 she had acted for ██████████?---No.
01:21:47 47

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01:21:48 1 If I can perhaps take you to ICR 119 on 14 January of 08.
01:22:04 2 The page number I'll give you. I'm sorry, I haven't
01:22:29 3 written down the correct page number but I'll find it. ICR
01:22:38 4 no.119?---Yes.

01:22:43 5
01:22:45 6 It's a large ICR, I'm just trying to find the right page
01:22:50 7 number. I have a summary of it. Excuse me. Sorry, my
01:23:05 8 fault, I have badly - I'll put this in short form. You
01:23:22 9 were asked questions about the information you received
01:23:27 10 from Officer Fox in November of 2006 about [REDACTED] being
01:23:36 11 unsure about whether he wanted to proceed?---Yes.

01:23:38 12
01:23:38 13 And having issues. Did you know whether or not at the time
01:23:45 14 you received that information she had indicated that she
01:23:50 15 was not acting for and would not act for [REDACTED]?---No.

01:23:54 16
01:24:08 17 Sorry, I can't find it. There is a note on [REDACTED] 06
01:24:13 18 that she tells her handlers that she visited [REDACTED] today,
01:24:17 19 told him she cannot act because of conflict. That he was
01:24:20 20 happy and not suspicious - - -

01:24:22 21
01:24:23 22 COMMISSIONER: 06 or 08?

01:24:24 23
01:24:25 24 MR CHETTLE: 08, I'm sorry. Page 1572, VPL.2000.0003.3158.
01:24:56 25 You'll see in the middle of the page under, "[REDACTED] visited"
01:25:02 26 at particular prison today?---Yes.

01:25:04 27
01:25:04 28 "HS explained for HS conflict reasons and health reasons
01:25:10 29 that she can't act for [REDACTED]. [REDACTED] said she looked
01:25:14 30 unwell, is not suspicious of HS way out of acting for him,
01:25:19 31 he is happy for this. She feels she has comforted him
01:25:25 32 sufficiently that he won't drive her mental", do you
01:25:31 33 follow?---Yes.

01:25:32 34
01:25:36 35 That is, in relation to the conflict issue, as simple as
01:25:42 36 this, you weren't made aware or you have no recollection of
01:25:47 37 telling [REDACTED] of her conflict position?---I have no
01:25:49 38 recollection. I don't know if I was told.

01:25:51 39
01:25:53 40 Thank you. You know a man by the name of Steve Wardell, an
01:26:04 41 Inspector?---Yes, I know him well.

01:26:06 42
01:26:06 43 He was involved in the Briars Task Force, was he
01:26:11 44 not?---That's correct.

01:26:12 45
01:26:13 46 And in your statement at paragraph 97 you refer to a diary
01:26:22 47 entry of 9 October of 2007 and a discussion you had with

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01:26:27 1 Mr Wardell when you say you were of the view that he knew
01:26:30 2 about her being a source. Do you remember - - - ?---Yes,
01:26:33 3 that was obvious.
01:26:36 4
01:26:37 5 What's your diary entry - - - ?---It was just obvious.
01:26:42 6
01:26:47 7 - - - for that day say?---What was the date, please?
01:26:52 8
01:26:53 9 9 October 2007?---Do you want me to read it?
01:27:02 10
01:27:02 11 Yes please?---"10:00 hours, meeting Detective Inspector
01:27:07 12 Wardell re 3838. Advised him that I was strongly against
01:27:11 13 using 3838 as a witness."
01:27:14 14
01:27:14 15 Inspector Wardell wanted to use, the plan was that he
01:27:19 16 wanted to use her for Briars to give evidence against
01:27:23 17 alleged corrupt police officers?---That's correct.
01:27:24 18
01:27:25 19 You made your view clear. You were aware that, I take it,
01:27:29 20 that SDU members had exactly the same view as
01:27:32 21 yourself?---Yeah.
01:27:33 22
01:27:33 23 And they expressed the same similar dissatisfaction as you
01:27:38 24 did?---Yes.
01:27:39 25
01:27:39 26 COMMISSIONER: We know this, Mr Chettle. We do know this.
01:27:42 27 Good point, the first one. Can we just move it along a bit
01:27:46 28 faster, please.
01:27:47 29
01:27:47 30 MR CHETTLE: I'm nearly there, Commissioner.
01:27:50 31
01:27:51 32 COMMISSIONER: Okay.
01:27:52 33
01:27:58 34 MR CHETTLE: All right. Perhaps a couple of things I want
01:28:02 35 to ask you about specifically.
01:28:04 36
01:28:05 37 COMMISSIONER: Did you want to tender his diary note?
01:28:10 38
01:28:10 39 MR CHETTLE: Yes please, Commissioner.
01:28:11 40
01:28:12 41
01:28:12 42 #EXHIBIT RC341 - Diary note of 9/10/07.
01:28:21 43
01:28:21 44 COMMISSIONER: It doesn't sound as though if we just have
01:28:25 45 that diary note there's anything that will need to be
01:28:29 46 redacted.
01:28:29 47

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01:28:30 1 MR CHETTLE: It's only that section I'm interested in,
01:28:32 2 Commissioner.
01:28:32 3
01:28:33 4 COMMISSIONER: Yes.
01:28:33 5
01:28:33 6 MR CHETTLE: I want to show you another document and again
01:28:37 7 it will have to just be on the screen to you,
01:28:41 8 VPL.6025.0002.1175. I'll take you to the bottom of the
01:29:46 9 page first. Again you'll see it's from a man called Brent
01:29:50 10 Fisher?---Yes.
01:29:51 11
01:29:51 12 Do you know him?---Yes. I know the name.
01:29:55 13
01:29:55 14 It's an email that he sent to Steve Smith, that's not Peter
01:30:03 15 Smith, an Inspector Steve Smith?---Yes, I know Steve Smith.
01:30:07 16
01:30:07 17 Then some other members whose names I won't have you
01:30:12 18 mention at this stage if you could?---Yeah.
01:30:14 19
01:30:14 20 You'll see at the bottom of that document it makes
01:30:19 21 reference to Ms Gobbo and her involvement with
01:30:21 22 Karam?---Yes.
01:30:22 23
01:30:22 24 I'll read it because it mentions you. "Nicola Gobbo is
01:30:26 25 catching up with Karam a lot of late and one could infer
01:30:30 26 her associations in these meetings that she may be crossing
01:30:32 27 the line. Spoke to Purana and Mark Hatt. She is also
01:30:37 28 still active with their side of things. To what extent is
01:30:41 29 not known. And he stated Gav Ryan is also interested in
01:30:46 30 Gobbo as well. We are arranging for a meeting to see what
01:30:51 31 info each unit may have on same and what we can do to
01:30:57 32 progress the investigation", do you see that?---Yes.
01:30:59 33
01:31:01 34 That's an example of what I think I asked you about
01:31:04 35 yesterday of receiving intelligence or reports in relation
01:31:07 36 to her activities?---Yes.
01:31:08 37
01:31:10 38 Clearly you did have the concerns that are set out, or that
01:31:15 39 the author of that email may have had?---Yes.
01:31:18 40
01:31:21 41 That email, for the purposes - I take it you've got no
01:31:25 42 recollection of seeing it?---No.
01:31:26 43
01:31:27 44 But you have no doubt that sort of information did come to
01:31:30 45 you?---Yes.
01:31:31 46
01:31:32 47 And that, for the purposes of the Commission, has been

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01:31:36 1 passed on by Inspector Smith to Tony Biggin?---Could you
01:31:43 2 just pan up?
01:31:44 3
01:31:44 4 Go back up towards the top if you would, please. You'll
01:31:47 5 see that the chain goes from Fisher to Smith and then Smith
01:31:50 6 sends it on to Biggin. Right to the top of the
01:32:01 7 page?---Okay, yep. Yeah.
01:32:04 8
01:32:05 9 Then Biggin sends it off to a number of people, including
01:32:09 10 Officer Sandy White?---Yes.
01:32:11 11
01:32:12 12 I'll tender that email, Commissioner.
01:32:14 13
01:32:17 14
01:32:17 15 #EXHIBIT RC342 - (Confidential) Email.
01:32:24 16
01:32:24 17 COMMISSIONER: Then it can be published in a redacted form.
01:32:27 18
01:32:28 19 MR CHETTLE: Names will have to be redacted, Commissioner.
01:32:35 20 The next document I want to ask you about is
01:32:38 21 VPL.6025.0007.6862. I'm not suggesting this is a document
01:33:02 22 you've seen at all, but there's information in it I want to
01:33:07 23 get from you. Do you have on the screen there an email
01:34:20 24 from Tony Biggin to Officer Sandy White and Officer Black
01:34:25 25 at the SDU?---Yes.
01:34:28 26
01:34:29 27 It's copied to the Inspector I mentioned to you yesterday,
01:34:33 28 Acting Inspector Glow?---Yes.
01:34:34 29
01:34:35 30 I'm not suggesting you've seen this. To put it in context,
01:34:39 31 there's a work - the SDU were going to have a workshop down
01:34:44 32 at [REDACTED] and it's proposed that Mr Biggin come to talk
01:34:48 33 to them on a particular day. He indicates that he's happy
01:34:51 34 to come either on the - he gives a date that he's happy to
01:34:55 35 come and then raises a number of matters about the source's
01:35:00 36 motivation and management issues that they could do better,
01:35:04 37 things of that sort, all right?---Yes.
01:35:05 38
01:35:06 39 That's what you would expect because Mr Biggin was the boss
01:35:09 40 of that unit, is that fair enough?---Yes.
01:35:12 41
01:35:12 42 Then look if you can at the paragraph four up from the
01:35:19 43 bottom, it starts, "The branding of this person", do you
01:35:22 44 see that?---Yes.
01:35:23 45
01:35:24 46 "The branding of this person as a human source became a
01:35:26 47 significant issue. I think we scraped through by good

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01:35:30 1 luck, rather than good management". Then it says
01:35:35 2 "[REDACTED]/[REDACTED]/Purana issues", do you see that?---Yes.
01:35:39 3
01:35:41 4 [REDACTED], do you have any recollection of there being an
01:35:43 5 issue when the surveillance squad were following her and
01:35:48 6 Mick Gatto and they lost her, or lost him and then rang up
01:35:54 7 and said, "Ask the handler where Mick is" or where the
01:35:58 8 source is?---No.
01:35:58 9
01:35:59 10 That caused a large security issue?---I just point out I
01:36:05 11 was gone from VicPol then.
01:36:06 12
01:36:06 13 I know you were gone on 17 February 2009, this is a
01:36:10 14 reference to some historical matter in relation to an issue
01:36:13 15 with the Surveillance Unit?---No, I don't have any
01:36:15 16 recollection of that.
01:36:16 17
01:36:16 18 [REDACTED] was an officer with the Drug Squad, was he
01:36:19 19 not?---Yes.
01:36:20 20
01:36:20 21 And Purana issue, was there an issue with somebody in
01:36:26 22 Purana leaking information by the name - perhaps - any
01:36:34 23 problem with mentioning his name? A man called [REDACTED],
01:36:39 24 [REDACTED]
01:36:41 25
01:36:41 26 Do you recall anything about that?---No, I know [REDACTED] quite
01:36:46 27 well.
01:36:46 28
01:36:46 29 Was there a suggestion he was leaking information?---That
01:36:49 30 doesn't ring a bell at all.
01:36:50 31
01:36:50 32 That's the only reason I wanted to ask you about that. I
01:36:54 33 will tender that email, Commissioner.
01:37:00 34
01:37:01 35 MR WOODS: As far as the relevance, the question and the
01:37:03 36 email Commissioner, I just - I must say I don't follow.
01:37:09 37
01:37:09 38 MR CHETTLE: The relevance I thought would be obvious,
01:37:09 39 Commissioner. It certainly goes to the oversight of the
01:37:12 40 unit by Mr Biggin, his awareness and knowledge of - - -
01:37:14 41
01:37:14 42 COMMISSIONER: It is probably more logically tendered when
01:37:18 43 Biggin gives evidence but I presume you're going to go back
01:37:20 44 to it then.
01:37:20 45
01:37:20 46 MR CHETTLE: And Mr White.
01:37:21 47

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01:37:21 1 COMMISSIONER: That's true but this witness doesn't know
01:37:22 2 anything about it. It is after he left. You were giving
01:37:26 3 him the opportunity to comment on these matters, I
01:37:31 4 understand.
01:37:32 5
01:37:32 6 MR CHETTLE: I needed to know about the [REDACTED] Purana
01:37:36 7 issue.
01:37:36 8
01:37:37 9 COMMISSIONER: Let's not waste time. Look, I'll tender it
01:37:38 10 just to save time. We will probably no doubt go back to it
01:37:40 11 later.
01:37:41 12
01:37:42 13 MR CHETTLE: I will be going back to it later,
01:37:44 14 Commissioner.
01:37:44 15
01:37:44 16 COMMISSIONER: It might be better to tender it then because
01:37:47 17 we might lose it in the exhibit lists otherwise. You're
01:37:51 18 going to go back to it when we hear from Mr Biggin I
01:37:55 19 presume.
01:37:55 20
01:37:56 21 MR HOLT: Commissioner, the name that was given I'm
01:37:58 22 instructed will in fact need a pseudonym because of I
01:38:02 23 understand a role he's held previously. I think evidence
01:38:05 24 has previously been given by Superintendent Mahoney about
01:38:08 25 it. I can't see a pseudonym on the list, I apologise.
01:38:11 26
01:38:11 27 COMMISSIONER: He probably is going to be mentioned again
01:38:14 28 so we might as well give him a pseudonym rather than just
01:38:17 29 redact it. We'll use the pseudonym, what are we up to -
01:38:24 30 why don't we just call him officer - did you have a
01:38:28 31 suggestion, Mr Holt?
01:38:30 32
01:38:30 33 MR HOLT: You did ask me that, Commissioner, and I think
01:38:32 34 I'm out of pseudonyms. It obviously needs to be something
01:38:38 35 which, the difficulty is we've chosen things on the run and
01:38:41 36 then they have been a name that another person already has.
01:38:46 37 We'll come up with one, Commissioner, in a moment. We'll
01:38:49 38 just do a quick check of it. Given the pseudonym will also
01:38:52 39 deal with the reputational issue that has been dealt with
01:38:56 40 as well.
01:38:56 41
01:38:57 42 MR WOODS: Commissioner, just before that occurs can I say
01:38:58 43 the reputational issue is one thing. The broader issue
01:39:02 44 though is if a police officer once had a particular role in
01:39:05 45 which their identity was presumably kept secret, the fact
01:39:09 46 of their surname being mentioned in a completely different
01:39:13 47 context as a police officer, how can it possibly be PII or

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01:39:17 1 there be a security risk to that person?
01:39:20 2
01:39:20 3 MR HOLT: That may well be right, Commissioner. I just
01:39:22 4 need to check the situation. I had no idea the name was
01:39:25 5 going to be mentioned until it was mentioned, so I take my
01:39:28 6 friend's point.
01:39:29 7
01:39:29 8 COMMISSIONER: For the moment then we'll just redact the
01:39:31 9 name from the transcript.
01:39:33 10
01:39:33 11 MR HOLT: Thank you, Commissioner. We'll arrange either
01:39:35 12 for the purposes of a pseudonym or to say that it can be
01:39:37 13 said.
01:39:38 14
01:39:38 15 MR CHETTLE: The last matter I want to ask you - - -
01:39:41 16
01:39:41 17 COMMISSIONER: And some affidavit material as to why it's
01:39:44 18 necessary.
01:39:45 19
01:39:45 20 MR HOLT: Yes, Commissioner. I think evidence has been
01:39:47 21 given but we'll go back to that. Our learned friend
01:39:52 22 Mr Woods may be right, it may not be necessary in this
23 context other than imputation as to reputation but I'll
01:39:54 24 deal with that as quickly as I can, Commissioner. I wasn't
01:39:55 25 aware it was coming up.
01:39:56 26
01:39:56 27 MR WOODS: We're running a bit behind with some of the
01:39:59 28 transcript as if we could have that by 4 pm that would be
01:40:02 29 great.
01:40:03 30
01:40:03 31 MR HOLT: Of course.
01:40:04 32
01:40:05 33 COMMISSIONER: Yes Mr Chettle.
01:40:07 34
01:40:07 35 MR CHETTLE: Thank you, Commissioner. You explained your
01:40:11 36 hunch about her concern about her knowledge in the Hodson
01:40:15 37 killing as one of the things you had thoughts about?---Yes,
01:40:17 38 the theory.
01:40:18 39
01:40:18 40 Can I take you to the, I just want to take you to two
01:40:22 41 entries in the ICR that bear on that theory. One is on
01:40:26 42 p.278 for 20 April 06. It's ICR number 40. No, it's not.
01:40:37 43 Page 278.
01:40:53 44
01:40:54 45 COMMISSIONER: Is this in the single volume or the two
01:40:59 46 volume - - -
01:41:00 47

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RYAN XXN - IN CAMERA

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01:41:00 1 MR CHETTLE: The first volume, Commissioner. I've been
01:41:02 2 handed the third one which is not helpful.
01:41:05 3
01:41:06 4 COMMISSIONER: There's one volume when she was 2958.
01:41:10 5
01:41:11 6 MR CHETTLE: Yes.
01:41:11 7
01:41:11 8 COMMISSIONER: There's volume when she was 2958 and two
01:41:17 9 volumes when she was 3838.
01:41:19 10
01:41:19 11 MR CHETTLE: 3838, the first of the three volumes,
01:41:22 12 Commissioner, at p.278.
01:41:23 13
01:41:23 14 COMMISSIONER: So it's the first of the 38 ones. At what
01:41:32 15 page, sorry?
01:41:33 16
01:41:33 17 MR CHETTLE: The page reference I have is 278.
01:41:39 18
01:41:45 19 COMMISSIONER: Is that p.7 of 13?
01:41:48 20
01:41:49 21 MR CHETTLE: I apologise, Commissioner. My learned junior
01:41:53 22 reminds me. I'm referring to the conversation of a meeting
01:41:56 23 she had with the handlers, not the ICR itself. It's the
01:42:00 24 meeting of that day. So meeting of 20 April 06 at p.278.
01:42:09 25 It has a number - - -
01:42:13 26
01:42:13 27 COMMISSIONER: We're looking for the transcript of it.
01:42:16 28
01:42:17 29 MR CHETTLE: VPL.0005.0097.0288. Now, put this in context,
01:42:42 30 Mr Ryan. You were the Officer-in-charge of Purana - sorry,
01:42:46 31 of Petra looking at the involvement and the allegation that
01:42:51 32 Dale had been involved in having the Hodsons killed?---Yes.
01:42:54 33
01:42:57 34 The Petra position was that Ms Gobbo had been instrumental
01:43:03 35 in having Dale introduced to Williams?---Sorry, the
01:43:08 36 allegation?
01:43:08 37
01:43:08 38 The allegation was - - - ?---Yeah, yesterday, yeah.
01:43:12 39
01:43:12 40 So against that background, if we've got this page of the
01:43:16 41 transcript, she spoke to the handlers in these meetings and
01:43:20 42 they're recorded?---Okay.
01:43:22 43
01:43:25 44 It's still downloading, all right. It's p.278.
01:43:50 45
01:43:50 46 COMMISSIONER: Just remind me, what date are we?
01:43:53 47

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01:43:54 1 MR CHETTLE: 20 April 06, Commissioner. Page 278 of that
01:44:09 2 document. So it will have on the top of it 0288. Yes,
01:44:32 3 that's it there. All right, thank you. Now you'll see she
01:44:37 4 gives a large answer that starts with the words, according
01:44:40 5 to the transcript, "Know the problem", do you see that
01:44:42 6 there?---Yes, I do.

01:44:43 7
01:44:44 8 Just a few lines down I want to pick up, "The problem with
01:44:49 9 being used by people to, you know, manipulate all sorts of
01:44:52 10 systems or not so much criminal justice system really, but
01:44:57 11 really being used by people. That's part of it, that's
01:45:03 12 part of - it was a guilty conscious I guess, but it's not
01:45:05 13 from doing anything illegal myself but from" - sorry?
01:45:12 14 "It's not from doing anything illegal myself but from
01:45:17 15 knowing about these and not doing anything about it", full
01:45:21 16 stop, do you see that?---Yes.

01:45:22 17
01:45:23 18 Later on the same topic on 30 March of 2007, the meeting of
01:45:32 19 that date, at p.359 is VPL.0005.0127.1079. It's still
01:45:59 20 downloading. VPL.0005.0127.1079. We're jumping forward.
01:46:55 21 If you go to the bottom of the page, 1078.

01:47:11 22
01:47:11 23 COMMISSIONER: It's not up yet.

01:47:17 24
01:47:18 25 MR CHETTLE: 1078. I'll save time. What she says is, "I
01:47:29 26 haven't got a guilty conscious, I had a guilty conscious
01:47:32 27 but it's not guilty any more, it's regret now", she says.
01:47:44 28 Did you have a belief that some perception or reality,
01:47:51 29 actually, of her involvement with Williams, Dale and the
01:47:57 30 death of the Hodsons somehow motivated her
01:48:00 31 informing?---That's what I said yesterday and that's my
01:48:04 32 theory.

01:48:07 33
01:48:13 34 The significance of her role with Mr Dale occurred - well,
01:48:21 35 evidentially wise it occurred after you left?---I only know
01:48:26 36 snippets.

01:48:27 37
01:48:27 38 You had no plan to turn her into a witness?---No, no.

01:48:31 39
01:48:31 40 And would have been opposed to any such - - -

01:48:33 41
01:48:34 42 COMMISSIONER: He's already said that several times,
01:48:36 43 Mr Chettle.

01:48:36 44
01:48:37 45 MR CHETTLE: Thank you Commissioner, that's all I have.

01:48:39 46
01:48:39 47 COMMISSIONER: Thank you. Is there any other examination?

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01:48:42 1 Re-examination?
01:48:43 2
01:48:43 3 MR HOLT: No re-examination Commissioner, thank you.
01:48:45 4
01:48:45 5 MR WOODS: A couple of brief things arising.
01:48:48 6
01:48:48 7 COMMISSIONER: Yes.
01:48:48 8
01:48:48 9 MR WOODS: Mr Ryan, we spoke during your evidence about the
01:48:55 10 bill of lading that Ms Gobbo provided to her handlers that
01:48:59 11 ultimately implicated Mr Karam and others in some criminal
01:49:03 12 activity, do you remember that?---I said anecdotally.
01:49:12 13
14 Yes?---Yes.
15
01:49:13 16 The tomato tins as they're known were intercepted on 23
01:49:19 17 August 2007. You left for the AFP in April 2008?---Yes.
01:49:24 18
01:49:24 19 What I want to understand is did you have any involvement
01:49:27 20 in Mr Karam's matters or his co-accused once you were at
01:49:32 21 the AFP?---No, no. I was, I was in what's called the IDG,
01:49:39 22 the International Deployment Group, so a completely
01:49:42 23 separate group to, I think it's organised crime or
01:49:46 24 something I think they called it.
01:49:47 25
01:49:47 26 I understand. You didn't have any meetings or anything of
01:49:50 27 that nature in relation to Mr Karam's matters?---Nothing.
01:49:53 28
01:49:53 29 There was a dinner that we spoke about a couple of days ago
01:49:59 30 now that you have a recollection of, the dinner that you
01:50:01 31 said that you, Mr O'Brien and some of the handlers attended
01:50:05 32 and that Ms Gobbo wasn't particularly interested in being
01:50:07 33 there?---Yes.
01:50:08 34
01:50:09 35 And that was where you had the discussion with her about
01:50:11 36 the Hodsons, is that right?---Yes.
01:50:13 37
01:50:14 38 Now, if the source management log could be brought up.
01:50:18 39 This is VPL.2000.0001.9236. I'm after 2 May 2007. I think
01:50:35 40 it's at p.109 of the paginated version of that. You need
01:50:43 41 another number? In any event there's an entry that I'll
01:50:50 42 read to you.
01:50:52 43
01:50:52 44 COMMISSIONER: What date is this?
01:50:54 45
01:51:00 46 MR WOODS: This is on 2 May 2007.
01:51:25 47

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RYAN XXN - IN CAMERA

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01:51:25 1 COMMISSIONER: There's a document that's up at the moment
01:51:27 2 but it relates to - - -
01:51:29 3
01:51:29 4 MR WOODS: It's a later one.
5
6 COMMISSIONER: January 08.
7
01:51:31 8 MR WOODS: I might just read it to you, that might be the
01:51:34 9 most efficient way of doing it. Just don't worry about
01:51:39 10 that for now. In the source management log there's an
01:51:43 11 entry - firstly do you know what the source management log
01:51:46 12 is?---Yeah. Yeah.
01:51:47 13
01:51:48 14 And what it records is that there's a meeting between
01:51:54 15 Ms Gobbo - now I'll just be cautious about the use of names
01:52:02 16 - Mr O'Brien of Purana?---Yes.
01:52:06 17
01:52:06 18 There is a person by the name of Officer Anderson. Do you
01:52:13 19 have a copy of the pseudonym list in front of you?---No.
01:52:16 20
01:52:17 21 COMMISSIONER: We'll let you know who that is.
01:52:20 22
01:52:20 23 MR WOODS: I think it's important. What I'm going to be
01:52:23 24 asking you is just to determine whether this was the same
01:52:25 25 night that you had a recollection of attending a dinner
01:52:28 26 with Ms Gobbo?---Okay.
01:52:29 27
01:52:30 28 The note says that Mr O'Brien was at this dinner. It says
01:52:35 29 that Officer Anderson was at the dinner?---Yes.
01:52:39 30
01:52:39 31 Is that a person you know?---I know the name. I can't put
01:52:42 32 a face to it.
01:52:43 33
01:52:43 34 You know the real name that's been put in front of
01:52:46 35 you?---Yeah, yeah.
01:52:47 36
01:52:48 37 That the other person was Officer Green who will be shown
01:52:53 38 to you in a moment?---Yeah, I know him. Know him well.
01:53:03 39
01:53:03 40 Do you remember him being at that dinner?---No.
01:53:05 41
01:53:05 42 And the other person was Sandy White being at the
01:53:08 43 dinner?---Yes, he was.
01:53:10 44
01:53:11 45 You're confident that the person who you've just seen on
01:53:13 46 that card was not at the dinner?---No, I'm just saying I
01:53:17 47 can't remember if he was.

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RYAN XXN - IN CAMERA

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01:53:18 1
01:53:18 2 You can't remember him being there?---Yes.
01:53:20 3
01:53:21 4 Do you remember how many people were there other than
01:53:25 5 Ms Gobbo and yourself and Mr O'Brien and Mr White?---Yes, I
01:53:29 6 sat next to, from memory, Jim O'Brien.
01:53:31 7
01:53:32 8 If you can be cautious with the names of the handlers. If
01:53:36 9 you remember any of those?---No, I remember - the only one
01:53:41 10 I remember is Sandy.
01:53:42 11
01:53:42 12 But you remember there being other people there besides
01:53:45 13 those we've named?---Yes, I think there was some security
01:53:48 14 there too. I'm not 100 per cent on that but it would be
01:53:51 15 prudent to have it.
01:53:52 16
01:53:58 17 As we understand it there were in fact two meetings of this
01:54:04 18 kind and this is, this is a meeting where a pen was handed
01:54:08 19 over to Ms Gobbo?---H'mm.
01:54:10 20
01:54:10 21 But the records that the Commission's got, not just from
01:54:14 22 this source management log which doesn't mention you being
01:54:16 23 there, but in fact one of the handler's diaries who records
01:54:21 24 being there doesn't mention you being there. In fact your
01:54:24 25 own diary on the night says that you went home at about
01:54:28 26 7.20 pm?---H'mm.
01:54:30 27
01:54:31 28 So what we're trying to understand is might there have
01:54:35 29 been, it might well have been a different occasion when you
01:54:39 30 attended dinner with Ms Gobbo?---All I can say this was
01:54:44 31 exhaustively asked of me by the lawyers. All I can say is
01:54:51 32 I can remember him, Jim, giving her a pen.
01:54:55 33
01:54:57 34 You have a distinct recollection of that?---Yeah, I didn't
01:55:00 35 know it was coming.
01:55:00 36
01:55:01 37 Might it have been somewhere in the St Kilda Road area
01:55:04 38 where you attended? You say you're pretty sure it wasn't a
01:55:08 39 golf course from memory?---I can't remember it being a golf
01:55:12 40 course. It's hard, what's that, 12 years ago.
01:55:15 41
01:55:16 42 Yes, all right?---Jim will know.
01:55:19 43
01:55:19 44 We'll certainly ask him that question. It just appears
01:55:24 45 that from your own diary and the other records the
01:55:29 46 Commission's got that you weren't there on this particular
01:55:32 47 night and this was the particular night that the pen was

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RYAN XXN - IN CAMERA

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01:55:34 1 handed over. So might you be mistaken about being
01:55:38 2 there?---I suppose, but I remember a pen going over.
01:55:43 3 Unless he gave her two.
01:55:45 4
01:55:45 5 She might have been given two pens. You were asked some
01:55:55 6 questions at the beginning of the day about your knowledge
01:55:58 7 of [REDACTED] giving evidence in [REDACTED]'s
01:56:03 8 committal?---Yes.
01:56:04 9
01:56:04 10 This document doesn't necessarily need to be brought up on
01:56:07 11 the screen but in the particular ICR on the second day of
01:56:13 12 the committal there's concerns being raised by Ms Gobbo to
01:56:17 13 her handlers about conversations that she was aware of
01:56:20 14 happening at court that might implicate her, or reveal her,
01:56:25 15 I should say. And what you said in the ICR is that you
01:56:30 16 were receiving regular updates from the particular handler.
01:56:33 17 So you'd accept - - - ?---I accept if it's in the ICR I
01:56:37 18 was, but I don't have any recollection of it.
01:56:38 19
01:56:39 20 I understand, I understand. And finally, there were
01:56:44 21 discussions - there was an exchange between you and
01:56:47 22 Mr Chettle earlier about the discussions that took place at
01:56:53 23 the time during Ms Gobbo's period of registration that she
01:56:59 24 might or should be eased out, do you remember that?---Yes,
01:57:03 25 it's in my statement.
01:57:04 26
01:57:04 27 And you formed that view early on, you agree with
01:57:07 28 that?---Yes, yes.
01:57:08 29
01:57:09 30 And Mr Chettle took you to discussions that you might have
01:57:12 31 had with Sandy White about that very fact, about easing her
01:57:16 32 out?---H'mm.
01:57:16 33
01:57:18 34 Just to be clear, it's the case that when you left in April
01:57:22 35 2008 to go off to the AFP, Purana was still actively
01:57:27 36 involved in receiving information from Ms Gobbo at that
01:57:29 37 stage?---As far as I'm aware, yes.
01:57:31 38
01:57:31 39 That information came via the handlers?---Yes.
01:57:34 40
01:57:36 41 Nothing further, Commissioner.
01:57:37 42
01:57:38 43 COMMISSIONER: Thanks very much Mr Ryan, you're excused and
01:57:41 44 free to go?---Thank you.
45
01:57:42 46 <(THE WITNESS WITHDREW)
01:57:43 47

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RYAN XXN - IN CAMERA

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01:57:43 1 COMMISSIONER: Do we need to adjourn to get Mr White back
01:57:46 2 on the line? Could you start that process. Mr Holt, I
01:57:53 3 wanted to talk to you again about the ICRs that have been
01:57:58 4 tendered.
01:57:58 5
01:57:59 6 MR HOLT: Yes, Commissioner.
01:58:01 7
01:58:01 8 COMMISSIONER: I've rethought the position and in fact I
01:58:03 9 think that the ICRs are an important document to get into
01:58:08 10 the public sphere because they really do tell the story of
01:58:12 11 the relationship between Nicola Gobbo and her handlers at
01:58:16 12 Victoria Police and I think that should be done as a whole.
01:58:22 13 So if later today you could give me an indication of how
01:58:27 14 long it will take for the PII to be done on the three
01:58:31 15 volumes.
01:58:31 16
01:58:32 17 MR HOLT: I'll take instructions, Commissioner. I'm aware
01:58:33 18 from reasons that the Commissioner would know from a
01:58:35 19 previous confidential affidavit that will be a complex
01:58:38 20 process, I'll aim to provide the Commissioner with some
01:58:41 21 precision later today.
01:58:43 22
01:58:43 23 COMMISSIONER: All right then, thank you.
01:58:44 24
01:58:45 25 MR WOODS: Commissioner, one other thing just while we're
01:58:48 26 housekeeping, if that's what we're doing, is the
01:58:51 27 transcripts of this particular tranche of hearings. I'm
01:58:55 28 told that none of them have been put online as yet and I
01:58:58 29 think that's because - - -
30
01:59:01 31 COMMISSIONER: When you say this tranche of hearings, you
01:59:08 32 mean from some weeks back?
01:59:11 33
34 MR WOODS: Yes, some weeks back.
35
36 COMMISSIONER: What's the delay?
37
38 MR WOODS: As I understand it the procedure is that they
01:59:11 39 get PII reviewed and once they're PII reviewed they get put
01:59:15 40 on the web page. I don't think we have received any PII
01:59:19 41 reviewed transcripts from Victoria Police.
01:59:20 42
01:59:21 43 COMMISSIONER: That's not very satisfactory.
01:59:23 44
01:59:24 45 MR WOODS: We're pretty keen to get those up.
01:59:25 46
01:59:26 47 COMMISSIONER: I understood that they were to be done on a

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01:59:30 1 rolling basis quite quickly.
01:59:34 2
01:59:36 3 MR WOODS: There's no doubt some complication because of
01:59:36 4 the nature of the closed hearings means there's more to
01:59:38 5 review, but in any event the expectation is they will be
01:59:42 6 put on the web page as soon as they're ready. I have had a
01:59:45 7 look and there are none there. That's what I'm told is the
01:59:49 8 reason for it.
9
10 COMMISSIONER: That's not good at all.
11
01:59:50 12 MR WOODS: Mr Nathwani says there might be two from this
01:59:54 13 tranche of hearings that are up. From open hearings. I
01:59:59 14 just simply - - -
02:00:01 15
02:00:01 16 COMMISSIONER: Mr Holt, you can let me know later.
02:00:04 17
02:00:04 18 MR HOLT: Yes, I'll take some instructions, Commissioner.
02:00:07 19 The open hearings are no difficulty, they're a quick
02:00:10 20 review. It's the closed hearings that are the problem.
21
22 COMMISSIONER: There haven't been too many of those.
23
24 MR HOLT: No, no, I think that's the difficulty, that the
02:00:15 25 closed hearings have a complexity about them because things
02:00:16 26 are dealt with more openly. They have a difficulty in
02:00:18 27 terms of review but I'll take instructions, Commissioner.
02:00:21 28
02:00:21 29 COMMISSIONER: We're resuming with Mr White in open or
02:00:24 30 closed hearing?
02:00:25 31
02:00:25 32 MR HOLT: We had finished in closed. I'd understood we
02:00:29 33 were continuing closed but it's really in Mr Winneke's
02:00:32 34 hands I think.
02:00:32 35
02:00:33 36 MR WOODS: If we could have a short break that will
02:00:35 37 certainly assist counsel assisting.
02:00:37 38
02:00:37 39 COMMISSIONER: True, but is it going to be open or closed,
02:00:39 40 that's what I'm asking, Mr Winneke?
02:00:41 41
02:00:42 42 MR WINNEKE: It's going to be a private hearing.
43
02:00:44 44 COMMISSIONER: Private hearing, all right. And then I
02:00:45 45 think Ms Minnett from the AFP has now been granted leave.
02:00:51 46 She is going to be here. Ms Minnett, there's an
02:00:54 47 undertaking being given that you won't disclose any

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02:01:23 1 evidence given, made or referred to before the Commission
02:01:26 2 which could identify or tend to identify the persons
02:01:30 3 referred to as [REDACTED]
02:01:34 4 or any member of the Source Development Unit or their
02:01:38 5 whereabouts. I think that's the nature of the undertaking,
02:01:45 6 isn't it?
02:01:45 7
02:01:46 8 MR WOODS: That sounds correct, it's the same as the one
02:01:48 9 that was proffered yesterday by one of the other
02:01:51 10 participants, yes.
02:01:53 11
02:01:53 12 COMMISSIONER: Yes, without the authorisation of the
02:01:57 13 Commission. So are you prepared to give that undertaking?
02:02:01 14
02:02:02 15 MS MINNETT: Yes Commissioner.
02:02:03 16
02:02:03 17 COMMISSIONER: All right then. We'll have a ten minute
02:02:08 18 break.
02:02:09 19
02:02:09 20 MR WOODS: Thank you, Commissioner.
02:02:10 21
02:02:11 22 COMMISSIONER: And we'll resume in closed hearing.
02:06:55 23
02:06:55 24 (Short adjournment.)
02:15:57 25
02:19:01 26 COMMISSIONER: Now I'm told I have to make a fresh order.
02:19:04 27 There's been some changes to the parties. Pursuant to s.26
02:19:09 28 of the *Inquiries Act* access to the inquiry during the
02:19:12 29 evidence of Officer White is limited to: legal
02:19:14 30 representatives and staff assisting the Royal Commission,
31 the following parties with leave to appear in the private
02:19:17 32 hearing and their legal representatives, the State of
02:19:19 33 Victoria, Victoria Police, including media unit
02:19:22 34 representatives, Director of Public Prosecutions and the
02:19:24 35 OPP, Commonwealth Director of Public Prosecutions,
02:19:27 36 Ms Nicola Gobbo, SDU handlers, Australian Federal Police,
02:19:31 37 the legal representatives of the following parties with
02:19:33 38 leave to appear, Stephen Asling, Pasquale Barbaro, [REDACTED]
02:19:39 39 [REDACTED] Faruk Orman, John William Higgs. Media representatives
02:19:44 40 accredited by the Royal Commission are allowed to be
02:19:47 41 present in the hearing room. The hearing is to be recorded
02:19:50 42 but not streamed or broadcast. Subject to any further
02:19:54 43 order there is to be no publication of any material,
02:19:54 44 statement, information or evidence given made or referred
02:19:57 45 to before the Commission which could identify or tend to
02:20:00 46 identify the persons referred to as [REDACTED]
02:20:04 47 [REDACTED] any member of the Source Development

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02:20:06 1 Unit or their whereabouts. A copy of this order is to be
02:20:08 2 posted on the door of the hearing room.
3
02:20:14 4 We've got the witness on the line. Mr White, you're
02:20:18 5 on your former oath. Yes Mr Winneke.
02:20:20 6
7 <SANDY WHITE, recalled:
8
02:20:21 9 MR WINNEKE: Thanks Mr White. You can hear me?---Yes,
02:20:23 10 Mr Winneke.
11
02:20:24 12 Now, I was asking you some questions, we're dealing with
02:20:26 13 the SDU involvement with Petra at the moment, the early
02:20:32 14 stages of that process leading into the OPI hearings that
02:20:37 15 Ms Gobbo ultimately has in 2007. Now, I was asking you
02:20:42 16 about some ICRs in March of 07 but I just want to take you
02:20:49 17 - if you've got the source management log there, if we can
02:20:57 18 just perhaps go back just to get our bearings. If we go to
02:21:01 19 p.88 of the source management log 3838. Have you got that
02:21:12 20 handy?---Yes, I have. Can you give me the date?
02:21:16 21
02:21:16 22 Yes, 21 February 2007. To put this in perspective, Carl
02:21:26 23 Williams has been charged and there's talk going around
02:21:32 24 that he's going to plead and it appears that on 21 February
02:21:36 25 2007 Ms Gobbo becomes aware that he's going to plead and
02:21:43 26 you'll see the entry in the source management log on that
02:21:46 27 day, that she's aware that Carl will plead and that
02:21:50 28 Solicitor 2 has stated that he'll get Ms Gobbo back the
02:21:55 29 thing she's done by dealing with the police. So she's
02:22:00 30 obviously concerned that Williams might well say something
02:22:04 31 that will "get her back" and she's concerned that Carl will
02:22:11 32 make something up and tell the police and she states that
02:22:13 33 she's nothing to hide but believes that he will fabricate
02:22:18 34 something to discredit her, do you see that?---Yes.
02:22:20 35
02:22:21 36 That was a sort of a, that refrain came back on a number of
02:22:27 37 occasions prior to Ms Gobbo actually finding out about what
02:22:31 38 was in the statements, or the statement at which time she
02:22:36 39 in effect, she was hugely upset when she found out what
02:22:39 40 Williams had said, is that your recollection?---Um, I can't
02:22:46 41 recall.
02:22:47 42
02:22:47 43 All right. If you go over to p.91 of the source management
02:22:52 44 log you'll see that there's another entry concerning Paul
02:22:57 45 Dale. She reports that there's a request by Paul Dale to
02:23:01 46 see her as soon as possible. He's still in Queensland and
02:23:05 47 she's concerned that he's involved in the Hodson killings.

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WHITE XXN - IN CAMERA

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02:23:10 1 He's requested sex from her in the past. She's concerned
 02:23:15 2 that he can find out that she's a source and she's also
 02:23:19 3 concerned if the OPI is watching Paul Dale meet with her.
 02:23:25 4 And she's advised only to meet him in business hours and
 02:23:29 5 consistent with professional contact. Do you see
 02:23:33 6 that?---Could you give me the date please, my page number -
 02:23:39 7 - -
 02:23:39 8
 02:23:40 9 Yes. 27 February 2007?---Yes.
 02:23:59 10
 02:24:02 11 Then if you turn over the page to 28 February 2007 it seems
 02:24:08 12 that there's a note, a management note that Williams has
 02:24:14 13 entered a plea of guilty to the murders. See that on the
 02:24:20 14 28th of the 2nd?---Yes.
 02:24:22 15
 02:24:22 16 And I think the evidence will be that he doesn't actually
 02:24:25 17 make the plea until about 24 April and it may well be that
 02:24:31 18 the statements, or the statement that ultimately is
 02:24:35 19 produced is produced subsequent to that entering of the
 02:24:39 20 plea, but Ms Gobbo is obviously concerned about it because
 02:24:46 21 if you then go to 13 March of 2007 you'll see that - this
 02:24:57 22 is at p.97 of the SML. It seems we have different page
 02:25:04 23 numbers. But in any event you'll see that there's, at the
 02:25:15 24 bottom of that entry on 13 March Ms Gobbo again warns about
 02:25:19 25 what Carl Williams might say about her. Then if you go
 02:25:30 26 over to an entry on 19 March, this is - it's again the
 02:25:38 27 source management log. She reports having contact from a
 02:25:43 28 newspaper reporter who believed that Paul Dale was involved
 02:25:47 29 in the Hodson killings and he asks her if she'd slept with
 02:25:52 30 Paul Dale and I think there's - there's a reference to ICR
 02:26:02 31 No.70. I'm not going to go to it but I suggest to you
 02:26:06 32 effectively she says that she responds to him and tells him
 02:26:10 33 to mind his own business. She might have used other words
 02:26:15 34 but again you accept the proposition that there's a
 02:26:21 35 building concern on the part of Ms Gobbo about these
 02:26:26 36 matters, Dale, the Hodson killings and so forth. Do you
 02:26:30 37 accept that?---Yes.
 02:26:30 38
 02:26:34 39 If you go over to 20 March 2007 you'll see that again
 02:26:47 40 there's intel with respect to the association with Paul
 02:26:51 41 Dale. She believes that Paul Dale has Adam Ahmed's money
 02:27:00 42 and he bought the petrol station in Wangaratta with it.
 02:27:12 43 Then on 30 March there's a discussion which is reflected in
 02:27:35 44 ICR number 72 which is at p.751 of the ICR books. There's
 02:27:50 45 a fairly lengthy discussion between yourself, Mr Smith
 02:28:04 46 about matters concerning Paul Dale. Now, Mr White, do you
 02:28:11 47 have those ICRs and those page numbers?---Yes, I do.

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WHITE XXN - IN CAMERA

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02:28:15 1
02:28:18 2 Can I ask you this, at some stage you were in effect given
02:28:24 3 the go ahead by Mr Overland to start receiving information
02:28:27 4 from her about Mr Dale and any information that she might
02:28:36 5 have with respect to the matters that he was particularly
02:28:39 6 interested in. Do you recall that?---I don't recall
02:28:44 7 specifically but that was the case.
02:28:46 8
02:28:46 9 In effect you were, there were discussions with Mr Overland
02:28:52 10 and you'd had discussions with her about these matters but
02:29:00 11 it became, there was an official instruction which was
02:29:05 12 given, and I'll come to it in due course, to you to in
02:29:09 13 effect start receiving or start getting information from
02:29:11 14 her about those matters?---Yes.
02:29:13 15
02:29:17 16 Without going into great detail, if you have a look at that
02:29:21 17 ICR, p.751. You'll see that she's talking about Paul Dale,
02:29:49 18 never knew, she never knew what he was doing, never knew
02:29:54 19 they were letting informers run corruptly. "Never knew he
02:30:00 20 was close to Mokbel, in fact Paul Dale gave the impression
02:30:04 21 he was not close to Tony Mokbel. Also didn't know that he
02:30:08 22 was close to Carl Williams and then questions are asked
02:30:11 23 about - she provides information about the Dublin Street
02:30:18 24 burglary". You'll see that there's a reference to 2 am at
02:30:33 25 the burglary, "Tony Mokbel has rung and said that a friend
02:30:37 26 of his was involved in a burglary. Said a house was
02:30:41 27 burgled. They won't let her go, can you ring up the police
02:30:44 28 and ask what's going on. She said that she wouldn't and
02:30:48 29 advised that he should ring and give the officers her
02:30:54 30 number. She receives another call that night from either
02:30:57 31 Colleen O'Reilly or Abby Haynes. Advised of the burglary
02:31:02 32 and the police were there and she was unable to recall who
02:31:05 33 actually called". Dale contacts her in the morning and
02:31:09 34 states that four of her clients were there and they wanted
02:31:12 35 to speak to her and she asked if it was about a burglary
02:31:17 36 last night and he said it might be and one of the people
02:31:20 37 was Ahmed and she says that she'd acted for her father.
02:31:28 38 She also stated that one of the photos on the brief, which
02:31:33 39 she obviously subsequently saw, had her business card on
02:31:36 40 top of ecstasy tablets and she said that she gave Abby
02:31:44 41 Haynes advice about making statements and various other
02:31:51 42 things that are set out there. As you go through the ICR
02:31:58 43 you'll see that a few weeks later Terry gets arrested. So
02:32:02 44 does Dale and Dale rang her first. And she says further
02:32:07 45 down when Dale asked her to represent him she said no
02:32:10 46 because she acted for Ahmed and anyway, she told him to
02:32:15 47 ring the Police Association. She says that after Dale was

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02:32:20 1 suspended he came to see her and she admits that she may
02:32:25 2 have some of the chronology, there's a reference to a long
02:32:30 3 chronology that was produced by Dale and she'd looked for
02:32:34 4 it to see if she could supply it to the SDU. Do you see
02:32:39 5 that?---Yes.
02:32:40 6
02:32:41 7 All right. That's an entry on 30 March and then if we
02:32:52 8 follow the thing through we go back to the source
02:32:55 9 management log. Perhaps before I go back there. On 6 May
02:33:46 10 2007 there's a discussion between Mr Anderson and Ms Gobbo,
02:33:55 11 p.825. This is ICR number 78 at p.825?---I have that.
02:34:19 12
02:34:21 13 This is a discussion where she's concerned that her phone -
02:34:28 14 it says that she's concerned her phone might be off, might
02:34:34 15 be being intercepted given the fact that Adam has said that
02:34:37 16 he has been told that he can't talk to her, that is to
02:34:41 17 Ms Gobbo. She believes that this has come from comments
02:34:46 18 made from Carl Williams in his negotiations with police
02:34:48 19 regarding his plea, states that something must have
02:34:54 20 happened recently to cause Adam to be called before the
02:34:58 21 hearing at this time. So it appears that she's aware that
02:35:02 22 Adam Ahmed has been called before a hearing and it says
02:35:12 23 that she says that Paul Dale has also recently appeared
02:35:18 24 before a hearing. She's convinced that Carl Williams'
02:35:22 25 statement is the reason for the hearings at this time and
02:35:25 26 she's again commented that Carl Williams will be making
02:35:28 27 things up to cause her to be the target of the
02:35:30 28 investigation. Further down she says that she would not
02:35:40 29 answer any questions if fronted before a hearing. She says
02:35:44 30 that Williams has made a statement about his corrupt
02:35:46 31 relationship with Dale. She claims not to have done
02:35:51 32 anything wrong, going down at the end of - she stated that
02:35:56 33 she will reconsider her relationship with the SDU if it is
02:36:00 34 established that Purana have taken a statement off Carl
02:36:03 35 Williams where he's made allegations about her and nobody's
02:36:06 36 told her in advance. She is clearly upset about what she
02:36:19 37 believes to have occurred, that is that Purana's been
02:36:24 38 speaking to Williams, Williams has made a statement and
02:36:28 39 she's got a real concern that it might in some way
02:36:32 40 implicate her, do you see that?---Yes.
02:36:34 41
02:36:34 42 Around this time she was quite emotional and upset because
02:36:41 43 if you go to the source management log, if we have a look,
02:36:54 44 and I'm going back a couple of weeks, but if you have a
02:36:57 45 look at 17 April, there's a management note to this effect
02:37:08 46 that she's not following instructions, that she's behaving
02:37:14 47 erratically and trying to get herself involved in matters

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02:37:17 1 that she has been told to leave alone and the entry above
02:37:22 2 that you'll see that she's emotional, she's wanting to see
02:37:30 3 I think Horty Mokbel in the cells and she's dissatisfied
02:37:34 4 with the psychologist. If you go over to the next entry on
02:37:38 5 19 April it says that she's still emotional, she's waiting
02:37:45 6 for a bail hearing, this is Horty Mokbel's bail hearing.
02:37:55 7 20 April she's still emotional, she wants to be thanked.
02:38:00 8 She states that RS is still emotional and still wants to be
02:38:11 9 thanked. RS states that he is owed \$3.5 dollars by VicPol
02:38:18 10 for her work time. That may well be reference to her own
02:38:21 11 work time although - effectively she's saying, "Look, I'm
02:38:28 12 doing all this work and I'm owed \$3.5 million by VicPol"
02:38:33 13 for her work time, et cetera, do you see that?---Yes.

02:38:36 14
02:38:39 15 And ultimately I think this led to the dinner which was I
02:38:43 16 think we've heard about on 2 April. She didn't quite get
02:38:47 17 that amount of money but she got a pen. Can I ask you
02:39:10 18 this: at various times there were discussions had with her
02:39:15 19 about her potentially receiving a reward, do you recall
02:39:20 20 that?---No, I can't recall specifically. I know that we
02:39:31 21 did discuss the process for her getting a reward. When I
02:39:38 22 say we I'm talking about the SDU staff, but the reward
02:39:42 23 application, which is prepared by the SDU staff, was never
02:39:45 24 finished and I'm sure at one point I told the SDU guys that
02:39:52 25 we weren't to talk to her about a reward.

02:39:55 26
02:39:55 27 It wouldn't be surprising though that she had either done
02:39:58 28 some research or formed the view that she would be entitled
02:40:02 29 to some sort of benefit for the assistance that she'd been
02:40:06 30 providing police?---No, not at all. She's probably had
02:40:10 31 dealings with people that had been rewarded.

02:40:12 32
02:40:16 33 And then if you go to the entry on 20 April she is still
02:40:19 34 refusing to see a psych. She wants Mr Anderson to tell her
02:40:26 35 what to do with her life and Mr Anderson told her to make
02:40:29 36 her own decisions. Do you agree with that?---Yes.

02:40:36 37
02:40:41 38 I mean obviously at this stage there was a concern on the
02:40:44 39 part of the SDU that she genuinely needed to have
02:40:51 40 psychological assistance?---Yes, she was, my memory is she
02:41:02 41 had high highs and then at times she'd be quite low.

02:41:07 42
02:41:07 43 In amongst all of this she's receiving threats, including
02:41:14 44 death threats, isn't she? For example, if we go to 26
02:41:18 45 April 2007 there was a phone call with Mr Anderson who
02:41:23 46 advised that Detective Sergeant Flynn was visiting tomorrow
02:41:27 47 re text threats?---Yes.

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02:41:31 1
02:41:37 2 And then I think we'll see that there was the meeting
02:41:42 3 between Ms Gobbo, Anderson, yourself, Mr O'Brien and is it
02:41:56 4 Mr Wolf - Green, I apologise - on 2 May and that was a
02:42:06 5 welfare meeting and meal and presentation of a pen to her
02:42:13 6 regarding the appreciation and motivation. Do you recall
02:42:17 7 that meeting or that dinner?---Vaguely. I think she called
02:42:23 8 it, later called it a stinking pen.
02:42:28 9
02:42:28 10 A what?---A stinking pen.
02:42:29 11
02:42:29 12 Was it engraved?---I don't think so.
02:42:34 13
02:42:38 14 We understand that was at the Heritage Golf Club I think,
02:42:48 15 is that your recollection?---I think it was in the eastern
02:42:52 16 suburbs, it will be in the contract report.
02:42:54 17
02:42:54 18 Just as a point of clarification, there seems to have been
02:42:58 19 a suggestion that there was a dinner or a meeting at which
02:43:03 20 Mr Ryan attended, Gavan Ryan attended, but apparently
02:43:07 21 didn't attend on this night. Do you recall that there was
02:43:10 22 another meeting where he did attend?---There might have
02:43:16 23 been one at the, what's it called, the Willows in St Kilda
02:43:20 24 Road.
02:43:20 25
02:43:20 26 Yeah?---I can't recall whether we actually went through
02:43:25 27 with it but I know we did start to arrange it.
02:43:28 28
02:43:28 29 He certainly gave evidence he recalled having a meeting
02:43:31 30 with her, didn't recall a meeting at a golf club, and the
02:43:36 31 evidence seems to suggest he wasn't present on this night
02:43:40 32 at the golf club?---He was definitely not at the golf club,
02:43:45 33 that was Jim O'Brien.
02:43:46 34
02:43:46 35 And Mr O'Brien, his recollection was that O'Brien was
02:43:50 36 present at the other dinner as well. Does that assist your
02:43:58 37 recollection?---No, I would have said that Jim O'Brien was
02:44:06 38 only present at one meeting with her from memory.
02:44:08 39
02:44:08 40 Did you give her two pens or was it only the one pen she
02:44:13 41 got?---It was only the one.
02:44:15 42
02:44:15 43 Was there another gift given to her on the next
02:44:18 44 occasion?---No.
02:44:23 45
02:44:23 46 All right. In any event you obviously don't have a clear
02:44:28 47 recollection of that because you're not too sure whether it

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02:44:31 1 went ahead?---That's right.
02:44:32 2
02:44:35 3 You do recall making arrangements for it. Was it after the
02:44:39 4 meeting that we've been discussing on 2 May 07 or was it
02:44:42 5 before that?---I think it would have been before.
02:44:46 6
02:44:46 7 Right?---But I can't be sure.
02:44:49 8
02:44:52 9 Are you able to link it to any particular event or any
02:44:57 10 particular success that the police had achieved as a result
02:44:59 11 of her assistance?---No.
02:45:02 12
02:45:03 13 All right. In any event a couple of days after that she's
02:45:09 14 still resisting visits from a psychologist. So one assumes
02:45:18 15 that the concern that the SDU had was continuing and the
02:45:22 16 desire was that she have a visit but she was resistant to
02:45:28 17 that?---Yes, but she did actually meet with the
02:45:37 18 psychologist.
02:45:37 19
02:45:38 20 Right. She did, I think we've been through that but she
02:45:43 21 met I think on a couple of occasions, did she, and
02:45:46 22 ultimately determined that the psychologist wasn't the
02:45:49 23 right person to see her?---Yes.
02:45:51 24
02:45:56 25 There was another discussion with her, between her and
02:46:04 26 Mr Anderson on 7 May 2007, this is at p.827 of the ICRs.
02:46:23 27 Have you got p.827?---Yes.
02:46:26 28
02:46:30 29 She's got some information from Ahmed. It appears that
02:46:35 30 he's been [REDACTED]
02:46:40 31 [REDACTED]. Are we
02:46:47 32 allowed to mention it or not? We'll say it, [REDACTED]. He
02:46:52 33 received [REDACTED] by Sol Solomon
02:47:00 34 and Cameron Davey and the [REDACTED]
02:47:05 35 [REDACTED] Do you
02:47:15 36 know - it appears and I've asked you questions about this
02:47:18 37 before, if she did provide such information about her
02:47:22 38 knowledge of these matters, one assumes that the SDU would
02:47:27 39 be saying to her, "How did you know about this? How did
02:47:31 40 you get this information? Did you get it through your
02:47:34 41 capacity as a barrister or did you get it through your
02:47:37 42 capacity as a friend of someone?" Was that a matter of
02:47:40 43 concern, these particular issues?---I don't know, I can
02:47:44 44 only go by what's in the, either the contact report or the
02:47:48 45 transcript.
02:47:48 46
02:47:49 47 Yes?---As to what was said.

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02:47:52 1
02:47:52 2 Yes, okay. You'll note that there's an entry, it's about
02:47:56 3 the third dot point down, and it's this, investigators have
02:48:02 4 told Alistair Gregor it says, I think we can assume it is a
02:48:07 5 reference to a solicitor called Alistair Grigor, that he
02:48:10 6 has a conflict of interest and he is unable to represent
02:48:14 7 Adam Ahmed or Azzam Ahmed, do you see that?---Yes.
02:48:19 8
02:48:19 9 That's obviously something that she has told Mr Anderson
02:48:23 10 because he's recorded it?---Yes.
02:48:25 11
02:48:28 12 I mean in your experience as a Detective over the years,
02:48:33 13 have you been aware of circumstances where it's been
02:48:37 14 suggested to particular solicitors that they should not be
02:48:43 15 appearing for a particular person because there is an
02:48:46 16 apparent conflict of interest?---No.
02:48:48 17
02:48:50 18 So would you say that that entry there represents the first
02:48:54 19 time you'd heard of such a thing occurring?---Um, the first
02:49:04 20 time that investigators had told a solicitor that he can't
02:49:09 21 appear for someone because of a conflict of interest?
02:49:12 22
02:49:12 23 Yes?---I don't know.
02:49:15 24
02:49:16 25 What you say is, "I don't know of that occurring before"
02:49:20 26 but whether or not it has you simply don't know?---No.
02:49:24 27
02:49:24 28 Certainly did on that occasion, it appears anyway, if you
02:49:28 29 accept what's written there?---Yes.
02:49:29 30
02:49:32 31 Then if you go further down you'll see that she's aware or
02:49:38 32 she's suggesting that the police have been working on the
02:49:40 33 Hodson murders for some time. Would be using TIs,
02:49:45 34 listening devices and informers. She believes that her
02:49:48 35 name has been nominated in the Carl Williams' statements
02:49:52 36 taken by Gavan Ryan and Stuart Bateson. She is unable to
02:49:56 37 comprehend the fact that the SDU and Purana investigators
02:49:59 38 would allow Carl Williams to nominate 3838 and she
02:50:03 39 questions the level of trust between 3838 and the SDU and
02:50:09 40 she asks why she wasn't advised of the content in the Carl
02:50:14 41 Williams' statement. That of itself suggests that she's
02:50:18 42 got herself into a state of mind where she believes that
02:50:22 43 she has a right to know what people are putting in
02:50:26 44 statements. I mean one assumes that you were aware of
02:50:30 45 this, either this note or the general attitude that she
02:50:34 46 had?---I think what it's, what it's saying, looking at it
02:50:44 47 now, is obviously that she's, and this is obviously another

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02:50:50 1 piece of information added to what you've already told me.
02:50:52 2
02:50:52 3 Yes?---Is an indication of her concern about something
02:50:55 4 being said in relation to her involvement with the Carl
02:50:59 5 Williams' murder.
02:51:00 6
02:51:00 7 Yes?---But she also had an ongoing concern or, what do you
02:51:05 8 call it, criticism, of the fact that we wouldn't tell her
02:51:09 9 things.
02:51:09 10
02:51:09 11 Yes?---And she was told why she wasn't going to get told
02:51:14 12 things but she saw it as a trust issue.
02:51:18 13
02:51:19 14 I mean you told her, you gave her quite rational reasons
02:51:25 15 why it wouldn't be appropriate for you or for the police to
02:51:28 16 be providing information to her?---Yes.
02:51:29 17
02:51:30 18 She appears not to accept or understand that?---Well, she -
02:51:35 19 yeah, as I say, she saw it as a trust issue.
02:51:37 20
02:51:38 21 I mean it may also be an indication that she was very much
02:51:43 22 an accumulator of information, was keen to get information
02:51:46 23 to know what was going on?---In a general sense or -
02:51:54 24 because she was clearly worried about the fact that she was
02:51:59 25 an informer coming out and so she was constantly, I
02:52:03 26 suppose, searching for information about that.
02:52:06 27
02:52:06 28 But quite clearly this isn't a concern about her status as
02:52:11 29 an informer coming out, this is a concern about her
02:52:13 30 potential implication in criminal activities, in particular
02:52:19 31 the murders of Terrence and Christine Hodson?---Yes, that's
02:52:24 32 right.
02:52:24 33
02:52:24 34 So not about her, not a concern about her informer status
02:52:28 35 but about something which occurred prior to her becoming an
02:52:31 36 informer on 16 May 2004?---Yes, I think you're right.
02:52:38 37
02:52:40 38 And indeed she goes on to say that - she states that Adam
02:52:50 39 knows nothing about the Hodson murders, that investigators
02:52:53 40 are already aware of this. She claims that it's a fishing
02:52:58 41 expedition, inappropriate use [REDACTED], suggests that
02:53:02 42 Adam will say nothing anyway and it may well be that she's
02:53:06 43 then been having, she's having discussions with Adam Ahmed,
02:53:12 44 who she had acted for previously, you're aware of that I
02:53:15 45 take it?---I think so. She had - she had a very close
02:53:24 46 relationship with Adam Ahmed in that he was the one that
02:53:29 47 rescued her when she had her stroke.

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02:53:31 1
02:53:31 2 She says that and she's maintained that position on a
02:53:34 3 number of occasions. Indeed, she had very many visits with
02:53:42 4 Mr Ahmed when he was in custody, not always of a
02:53:46 5 professional nature, you're aware of that?---Yes.
02:53:50 6
02:53:52 7 There was at least a suggestion that she was in a close
02:53:57 8 personal relationship with Mr Ahmed, do you agree with
02:54:00 9 that?---Yes, I do.
02:54:01 10
02:54:02 11 And it clearly suggests what we are seeing here is that
02:54:07 12 she's getting information from Ahmed which is of a perhaps
02:54:14 13 legally professionally privileged nature because she's
02:54:18 14 speaking to him about his approach [REDACTED] that
02:54:22 15 she's received - he's received I apologise?---I'm sorry, is
02:54:33 16 it in here that he's told her he's received summonses?
02:54:39 17
02:54:40 18 I went through that before. Indeed she says here that she
02:54:43 19 states Adam will say nothing anyway?---Yes.
02:54:46 20
02:54:47 21 "Unless she intervenes he won't assist [REDACTED].
02:54:51 22 She has offered that if asked she will see Adam and advise
02:54:57 23 him to cooperate. She states that she's [REDACTED]
02:54:58 24 [REDACTED]. She's aware of the consequences of
02:55:02 25 communicating with Adam. She's concerned that Carl
02:55:06 26 Williams can make up anything about her and this concerns
02:55:12 27 her. She maintains that there is nothing that Carl
02:55:14 28 Williams could legitimately allege against her." Do you
02:55:18 29 see that?---Yes.
02:55:23 30
02:55:24 31
02:55:26 32 And that matter is returned to on 9 May at p.830. At this
02:55:35 33 stage she has now discovered that Carl Williams has made a
02:55:39 34 statement nominating her as being associated with Paul Dale
02:55:45 35 and she said that it's complete bullshit and she's not
02:55:49 36 happy as she's discovered this and that the SDU are
02:55:54 37 supposed to be looking out for her, failed to advise her of
02:55:58 38 Carl Williams nominating her in his statement. Again, it
02:56:02 39 suggests that she appears to be very concerned about what
02:56:05 40 Williams might have to say about her?---Yes, that's right.
02:56:13 41
02:56:23 42 And then it goes on and there's a reference to her - calm
02:56:30 43 down - I withdraw that. Under the entry Carl Williams
02:56:35 44 she's calmed down from the time that the message was left.
02:56:38 45 She stated that she was furious when she first heard.
02:56:41 46 She's disappointed that Gavan Ryan would take the
02:56:46 47 statement. She states that 3838 was with Paul Dale - this

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02:56:49 1 might be inaccurate - and involved in corrupt activity.
02:56:54 2 That may well be inaccurate but certainly that's what it
02:56:57 3 says there anyway. This is at page - - - ?---Yes, I see
02:57:02 4 that. It doesn't seem to make sense.
02:57:03 5
02:57:04 6 It may be inaccurate. She says that, it's recorded that
02:57:11 7 specific comments in the statement are not known to 3838.
02:57:15 8 She's concerned that the statement will be shown to the
02:57:17 9 Supreme Court and barristers and will impact badly on her
02:57:22 10 reputation. She wants to write to Justice King and provide
02:57:26 11 an explanation why the incompetent Purana investigators
02:57:30 12 would include this bullshit in Carl Williams' statement and
02:57:34 13 she states she has never been anywhere with Paul Dale and
02:57:38 14 Carl Williams and she's refused to provide the source of
02:57:44 15 the information that she had received and she's confident
02:57:47 16 that the source is accurate. She is clearly indicating
02:57:51 17 that she has a source who has provided her with information
02:57:53 18 as to what was in Williams' statement.
02:57:55 19
02:57:56 20 COMMISSIONER: She seems to think that what was in the
02:57:58 21 statement was that she was involved with Paul Dale in
02:58:01 22 corrupt conduct.
02:58:02 23
02:58:03 24 MR WINNEKE: Commissioner, I think that's probably quite
02:58:05 25 correct.
02:58:05 26
02:58:05 27 COMMISSIONER: Would you agree, Mr White, that seems to be
02:58:11 28 what the most likely scenario is?---Yes, Commissioner.
02:58:14 29
02:58:25 30 MR WINNEKE: Now, then under that - was there any, do you
02:58:33 31 know was there any discussion with her about whether it was
02:58:36 32 appropriate to write to the trial judge?---I've just
02:58:41 33 finished reading that entry and there's no reference to it
02:58:44 34 so I can't take it any further.
02:58:50 35
02:58:50 36 She wants to write to Justice King and provide an
02:58:54 37 explanation why the - and then it says she has said that
02:58:59 38 she will be writing to the judge, "Justice King not going
02:59:02 39 to keep her knowledge of Carl Williams' statement secret.
02:59:08 40 She's demanding a copy of the statement". The statement
02:59:09 41 she says could never be used. She will not talk [REDACTED]
02:59:12 42 [REDACTED] or similar. She wants to warn
02:59:15 43 all barristers involved that she will sue for defamation if
02:59:21 44 they spread any of the references to 3838 contained in the
02:59:22 45 statement of Carl Williams. She is not going to do
02:59:24 46 anything today due to her low emotional state, she will
02:59:29 47 think before acting. Was asked to discuss any proposed

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02:59:32 1 response to this statement prior to doing anything. That
02:59:37 2 may well be the response to my question, effectively she is
02:59:41 3 being told, counsel, before you do anything, discuss it
02:59:45 4 with the handlers, do you see that?---Yes.
02:59:49 5
02:59:58 6 That's a reference to a conversation which occurred on 9
03:00:04 7 May. Now, do you know as a result of all of that, were you
03:00:09 8 getting - were you having communications with Petra
03:00:17 9 investigators at this time?---I don't know.
03:00:27 10
03:00:32 11 Do you have your diaries with you?---Yes, I do. Yes, I do.
03:00:55 12
03:00:56 13 Perhaps if we go to your diary of 7 May. This is
03:01:16 14 VPL.2000.0001.1139. I think it's perhaps only appropriate
03:01:24 15 if this goes up on the screen that's in front of me - I
03:01:28 16 suppose Mr Chettle - have you got the diary? I think they
03:01:34 17 can go up on the screen. I've got a blacked out version of
03:01:59 18 your diary but on that date it appears that you're keeping
03:02:03 19 tabs on what's going on with Ms Gobbo and this particular
03:02:08 20 issue because on that day you see that you're updated by
03:02:12 21 Mr Anderson and you're told that she's very concerned about
03:02:17 22 what Carl Williams is saying about her and she will get a
03:02:22 23 copy of Adam Ahmed's subpoena today. Do you see
03:02:27 24 that?---Yes.
03:02:28 25
03:02:34 26 Then if we go over to 1153, and I think it's on 8 May. If
03:02:42 27 we just go to that page, 1153. Can we do that?
03:02:54 28
03:02:54 29 Have you got the diary in front of you, Mr White?---I think
03:02:58 30 it's - - -
03:02:59 31
03:02:59 32 It's p.8 in the top left corner?---Yes.
03:03:15 33
03:03:16 34 Again, it seems that you're being updated because you've
03:03:19 35 got some information there from Mr Anderson again. There's
03:03:27 36 a reference to Ahmed getting the statement, she's
03:03:32 37 emotional. Do you see that?---Yes.
03:03:35 38
03:03:41 39 "Then she thinks that" - what does that say, "she's been"
03:03:45 40 something - - -?---She thinks she is target I think that
03:03:51 41 represents.
03:03:53 42
03:03:54 43 "From", something, "From Carl Williams'
03:03:58 44 statement"?---"Comes from Carl Williams' statement."
03:04:00 45
03:04:00 46 "She can get Ahmed talking but not supposed to speak to
03:04:04 47 him", is that what it says?---Yes.

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03:04:12 1
03:04:13 2 And then she - further down with the asterisk, there's a
03:04:22 3 reference to something, "KW will make up shit about her and
03:04:26 4 Paul Dale", can you read that?---Yep.
03:04:30 5
03:04:30 6 What does that say?---She reckons Carl Williams will make
03:04:35 7 up shit about her and Paul Dale. All bullshit.
03:04:38 8
03:04:39 9 Okay. So that appears to be a reference to the meeting
03:04:44 10 that Mr Anderson's had with her on the 8th, would that be
03:04:48 11 fair to say, and which is set out in this ICR?---This is
03:04:53 12 Mr Anderson's update to me.
03:04:56 13
03:04:56 14 To you, yes. Then if you go over to p.10, that reflects a
03:05:09 15 meeting between you, Gavan Ryan and Task Force - what does
03:05:23 16 that say, St Kilda Road?---Yes.
03:05:27 17
03:05:27 18 And briefing by Gavan Ryan regarding the operation. And he
03:05:36 19 updates regarding the status of Ms Gobbo. Are you updating
03:05:40 20 or is he updating to you?---I'm not sure.
03:05:46 21
03:05:46 22 And then it says there's an outline of an exit strategy.
03:05:54 23 And, "Advise GR objective is to terminate the relationship"
03:06:01 24 and does that - "without bitterness and recriminations", is
03:06:05 25 that right?---That's right.
03:06:06 26
03:06:07 27 "Advise Gavan Ryan that" - - - ?---Would you like me to
03:06:17 28 read it?
03:06:17 29
03:06:17 30 Perhaps that might be easier if you read it?---"Advise
03:06:21 31 Gavan Ryan re 3838 statements to handler", being
03:06:25 32 Mr Anderson.
03:06:25 33
03:06:25 34 Yes?---"Re Carl Williams' statement, possibly excessive
03:06:31 35 concern."
03:06:36 36
03:06:37 37 Yes?---"Advise Gavan Ryan human source has been told of
03:06:41 38 content of statement. Gavan Ryan confirmed same is
03:06:43 39 accurate and human source should not have that knowledge."
03:06:47 40
03:06:47 41 "Gavan Ryan prepared to tell the human source the content
03:06:51 42 of the statement and possibly show her the same but he
03:06:55 43 needs Simon Overland's approval with" - what does that
03:06:59 44 mean?---Because of the - - -
03:07:02 45
03:07:03 46 OPI involvement. There was a discussion about the OPI
03:07:06 47 knowledge of human source's ID?---Yes.

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03:07:10 1
03:07:11 2 "Discuss the possibility that human source being subpoenaed
03:07:15 3 before compulsory hearing and the impact on VicPol
03:07:19 4 relationship and that would be strained" - - -
03:07:24 5 ?---Terminal.
03:07:25 6
03:07:25 7 Terminal, sorry, and, "No chance of getting information" -
03:07:31 8 what's that?---"Required."
03:07:34 9
03:07:35 10 "Required." Is that a reference to information required
03:07:39 11 about Mr Dale, do you know?---I presume it is.
03:07:49 12
03:07:51 13 What else could it be?---I presume that's what it is
03:07:57 14 because I think that's what the OPI hearing was all about.
03:08:00 15
03:08:00 16 "And advise best if she could be asked about Dale and the
03:08:04 17 Hodsons", et cetera, "By the SDU and not by the OPI - Dale
03:08:09 18 and the Hodsons"?---Yes.
03:08:11 19
03:08:12 20 So effectively there's a suggestion that maybe, rather than
03:08:18 21 having her before the Office of Police Integrity which is
03:08:23 22 investigating the conduct of a corrupt police officer, and
03:08:31 23 therefore ruining the relationship between Ms Gobbo and
03:08:36 24 Victoria Police, if it could be done in a more informal
03:08:40 25 way, that is by the SDU asking her questions. Was that the
03:08:44 26 gist of that?---I think it was. The concern was she would
03:08:48 27 be compromised at a hearing.
03:08:50 28
03:08:50 29 And Gavan Ryan was to seek approval from the Deputy
03:08:57 30 Commissioner, is that right?---Yes, it is.
03:08:58 31
03:08:58 32 Who was that a reference to?---I would imagine Simon
03:09:03 33 Overland.
03:09:04 34
03:09:05 35 So in other words he needs to give approval at that stage
03:09:10 36 for the SDU to speak rather than the OPI?---That's right.
03:09:16 37 And I think even prior to this there was a discussion that
03:09:23 38 I had with Mr Overland where I was told that one day there
03:09:27 39 would be a hearing in relation to this and the decision
03:09:33 40 about whether we could talk to her about it or not at some
03:09:36 41 later stage.
03:09:37 42
03:09:37 43 Yes. Then if we have a look at - if we move on to p.12.
03:09:48 44 You have a discussion with your handler, Mr Anderson.
03:09:51 45 There's an update about the discussion. It was agreed that
03:09:55 46 she wasn't to be told about the content of the statement,
03:09:58 47 that is Williams' statement, is that right?---Yes.

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03:10:02 1
03:10:04 2 Simply advise that you had spoken to Gavan Ryan.
03:10:11 3 "Statement, no problem"?---Yes.
03:10:15 4
03:10:15 5 "Gavan Ryan was prepared to meet with her at any time or
03:10:24 6 place for" - what's that say?---"In good faith."
03:10:32 7
03:10:32 8 "And therefore the need is to delay the exit strategy
03:10:38 9 ending" - perhaps can you read that?---Yes. "Need to delay
03:10:43 10 exit strategy pending DC approval for conversation with
03:10:50 11 human source re Dale, et cetera."
03:10:52 12
03:10:52 13 Righto. So the idea was that you'd approach Overland, ask
03:10:58 14 for his approval and see if you can avoid the OPI hearing
03:11:02 15 by getting an approval for an informal discussion with the
03:11:06 16 SDU, is that right?---Yes.
03:11:08 17
03:11:08 18 And then if we go over to p.22 it seems that there had been
03:11:14 19 no reply from Overland yet, and that appears to be on 15
03:11:46 20 May?---I can't see that. Sorry, 22?
03:11:50 21
03:11:50 22 Yes?---Yes, I see it.
03:11:52 23
03:11:54 24 No reply from Overland but then if we go over - then it
03:11:58 25 says, "Adam Ahmed updated", there's a reference?---The
03:12:05 26 reference on p.22?
03:12:06 27
03:12:06 28 Yes?---Is that one at 14:00?
03:12:10 29
03:12:10 30 Yes?---I see, sorry, 14:25, call to Ryan, "No reply from DC
03:12:17 31 Overland yet. Adam Ahmed update".
03:12:23 32
03:12:23 33 And then if we go over the page, if we go over to the 16th,
03:12:34 34 next page, p.23 at the bottom, there's a phone call with
03:12:39 35 Gavan Ryan and you've been given the okay at that
03:12:42 36 stage?---Yes.
03:12:47 37
03:12:48 38 And that entry is reflected in the source management log of
03:12:54 39 the same date where it says, "From DDI Ryan, Petra,
03:12:58 40 Overland has approved the SDU speaking to Gobbo regarding
03:13:01 41 her knowledge of the Hodson murders"?---Yes.
03:13:19 42
03:13:19 43 COMMISSIONER: So what date is that?---16 May 07.
03:13:22 44
03:13:22 45 Thank you.
03:13:26 46
03:13:27 47 MR WINNEKE: I take it the idea was that [REDACTED] would

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03:13:35 1 be in a position - it was hoped that [REDACTED] would be in
03:13:39 2 a position to assist, if I can use that expression,
03:13:43 3 Victoria Police by providing a statement?---It was true
03:13:53 4 that [REDACTED] could have provided a statement, yes, he
03:13:57 5 certainly, I think the belief was he certainly would have
03:14:02 6 known whether [REDACTED] was involved or not in that
03:14:06 7 [REDACTED]

03:14:06 8
03:14:07 9 Indeed, or someone else. Do you know whether [REDACTED]
03:14:11 10 at that stage had made [REDACTED] statement?---No.

03:14:12 11
03:14:13 12 Because it was understood that there was a suggestion that
03:14:16 13 [REDACTED] had a bit of knowledge about this matter,
03:14:22 14 certainly in terms of the statement that [REDACTED] made.
03:14:25 15 Were you aware of that?---No, I don't recall that.

03:14:31 16
03:14:33 17 In any event, it was understood by Purana, by Ryan and
03:14:42 18 yourself, that it was very worthwhile keeping Ms Gobbo on
03:14:49 19 side and the relationship with her and Victoria Police on
03:14:53 20 an even keel, that was very much desired I take it?---Well,
03:15:00 21 up until this point I think we were talking about the exit
03:15:03 22 strategy which was a way to finish that relationship with
03:15:06 23 her.

03:15:06 24
03:15:06 25 No, I understand that. And the reason you were wanting to
03:15:10 26 exit is because you were concerned about her, she had
03:15:13 27 psychological issues. She was, I suggest, behaving in a
03:15:18 28 very difficult, if not irrational, way, would you accept
03:15:22 29 that proposition?---She was behaving in a difficult way,
03:15:27 30 yes.

03:15:27 31
03:15:28 32 Threatening to write to the judge, a Supreme Court judge.
03:15:34 33 I think the note that I read to you before wasn't following
03:15:37 34 instructions, behaving erratically, trying to get herself
03:15:42 35 involved in matters. To be perfectly frank she was at that
03:15:46 36 stage a nightmare?---I wouldn't describe her as a nightmare
03:15:53 37 but what I would say is that we had been thinking about
03:15:56 38 exit strategies for, in relation to her for quite some
03:16:01 39 time, and it's never desirable to have a source registered
03:16:07 40 and operational for long periods of time because the risks
03:16:13 41 increase as time goes by. We had issues with her for the
03:16:18 42 threats you mentioned and we still had a duty of care in
03:16:22 43 relation to her.

03:16:22 44
03:16:22 45 I understand that. The risk to her wasn't abated, in fact
03:16:27 46 if anything it had increased because she was behaving
03:16:32 47 erratically and threatening to write to judges and so

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03:16:35 1 forth. You quite clearly had a duty of care to a very
03:16:40 2 great extent, and without being critical her involvement
03:16:43 3 with police had significantly increased her risk?---Yes.
03:16:47 4
03:16:48 5 You were keen to get her out but then at this stage Simon
03:16:53 6 Overland and Purana are keen to keep her because there's
03:16:58 7 this idea that she might be able to provide information
03:17:01 8 which could solve the murder of the Hodsons?---Yes, that's
03:17:05 9 right.
03:17:05 10
03:17:09 11 And despite the fact that one option of dealing with her
03:17:13 12 would be to have her on oath, to have her before an
03:17:17 13 independent inquiry and answering questions, it was felt an
03:17:22 14 alternative in order to keep her sweet was to do it in an
03:17:27 15 informal manner and that's what we're dealing with at the
03:17:30 16 moment I suggest?---That's right. I don't recall thinking
03:17:34 17 that the OPI was off the table, it was more a case of I
03:17:39 18 think we were going to have a go at her first.
03:17:41 19
03:17:42 20 Yes, yes, okay. So have a go at her first, see what she
03:17:47 21 could provide, and if that, whether or not that was
03:17:51 22 successful there would be the option or the possibility of
03:17:54 23 her appearing before the OPI?---Yes.
03:17:56 24
03:17:57 25 Yes, okay. So then when you get the go ahead from Overland
03:18:04 26 you then have a fairly long and detailed discussion with
03:18:10 27 her, and I'll take you to it. Four days later on 20 May
03:18:33 28 you and Mr Anderson meet with her and if we go to p.842. A
03:18:55 29 significant part of this, in fact the real reason for this
03:18:58 30 meeting is to find out what she has to say or what she
03:19:03 31 knows about these murders. So the meeting starts, if we go
03:19:30 32 to p.841, the meeting starts at around 5.40. There's some
03:19:38 33 discussion about Rob Karam, firstly, because going on at
03:19:46 34 the same time as all of this we've got tomato tins coming
03:19:52 35 in, do you agree with that?---Yes.
03:19:55 36
03:19:56 37 And then you move on to Williams and there's a discussion
03:20:02 38 about the statement, comments made to Gavan Ryan, two
03:20:08 39 references made to the statement. She discussed thoughts
03:20:15 40 on the taking of the statement and the comments made by
03:20:18 41 Ryan in the Supreme Court. Do you know what that's a
03:20:21 42 reference to?---No.
03:20:22 43
03:20:25 44 Then, "Phone call received from Carl Williams when he rang
03:20:29 45 Gobbo and asked to speak to Paul Dale. Dale was with Gobbo
03:20:34 46 at the time and was put on the phone. And then the phone
03:20:39 47 number of Paul Dale provided to Carl Williams. Discussed

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03:20:44 1 the consequences of comments made in the statement.
03:20:50 2 Thought that investigators should have investigated the"
03:20:55 3 and then it's cut off. "Are things truthful? She denied
03:20:59 4 giving Paul Dale's phone number. She can't recall
03:21:03 5 receiving a phone call from Carl Williams and putting Paul
03:21:06 6 Dale on the phone. She recalls a story involving Dale
03:21:10 7 ringing whilst pissed. She was on the phone and asked to
03:21:14 8 ring some of his friends so he didn't drive. Subsequently
03:21:18 9 ran into Dale in person. Dale was pissed and was asking
03:21:20 10 for Tony Mokbel's phone number. On the evening Dale
03:21:21 11 grabbed her mobile phone and looked for a phone number for
03:21:26 12 Mokbel. Did give Dale an old non-operating phone number
03:21:30 13 for Tony Mokbel. Believes that Dale and Mokbel were not
03:21:36 14 known to each other". In any event there's a fairly
03:21:40 15 lengthy discussion about those matters. Then there's
03:21:52 16 reference to, during the discussion there's reference to
03:22:04 17 Adam Ahmed and this is at p.843. Just excuse me. I thank
03:22:28 18 Mr Holt for that, Commissioner. These are obviously
03:22:32 19 complicated issues and difficult issues and there's no
03:22:42 20 criticism at all of police for being concerned about it or
03:22:44 21 Mr Holt because clearly he has significant obligations.
03:22:52 22 There's a discussion about Ahmed. There had been
03:22:55 23 discussions that she had with Adam about Adam potentially
03:23:12 24 assisting the police, making a statement. There's a
03:23:20 25 reference to the OPI hearing. "Adam was going to tell them
03:23:23 26 to get fucked. Adam's concerned about that the hearing's a
03:23:28 27 fishing expedition." Then down the bottom of that page,
03:23:34 28 843, she said that she's no longer scared of Carl Williams,
03:23:45 29 the Mokbels or anybody connected to the people and she'd be
03:23:52 30 willing to make a statement about a particular matter.
03:24:00 31 Then there's references to Paul Dale on p.844 and there's a
03:24:06 32 very lengthy discussion about Paul Dale. Now effectively
03:24:11 33 what you were doing there was the bidding of Mr Overland
03:24:17 34 and trying to find out - and Mr Ryan - to find out as much
03:24:21 35 as you could about the Hodson murders, correct?---Yes, I
03:24:30 36 think so.
03:24:31 37
03:24:33 38 What she did say is this, in response to your question or
03:24:41 39 indication that you wanted to speak to her specifically in
03:24:45 40 relation to Paul Dale, she said that she had a bizarre
03:24:49 41 using friendship with Paul Dale whereby she provided legal
03:24:54 42 advice to him for free. Do you see that?---Yes.
03:24:57 43
03:25:06 44 And there's a reference to her saying that she had a copy
03:25:10 45 of notes that had been supplied to her by Dale and the
03:25:16 46 content of the notes were in the form of operation notes
03:25:20 47 and the notes show all the Hodson activities that he, Dale,

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03:25:25 1 was aware of. And that Dale provided these notes to her
03:25:30 2 whilst in custody at Port Phillip and the notes had been
03:25:35 3 given to Mr Hargreaves who was representing Paul Dale at
03:25:41 4 his bail application. Do you see that?---No, I don't.
03:25:55 5 What page are you on?
03:25:57 6
03:26:04 7 Page 846, about halfway down or a little before halfway
03:26:10 8 down. "Ms Gobbo has a copy of the notes that had been
03:26:16 9 supplied by Dale." See that?---Yes.
03:26:21 10
03:26:22 11 "Dale provided these notes whilst in custody at Port
03:26:24 12 Phillip. The notes have been given to Hargreaves,
03:26:30 13 Hargreaves represented Dale." Clearly, or there was at
03:26:34 14 least a very strong likelihood that those notes would have
03:26:37 15 been provided by Paul Dale to her in the capacity of a
03:26:43 16 legal advisor because the notes were then provided by her
03:26:48 17 to Mr Hargreaves, do you agree with that?---Yes.
03:26:53 18
03:26:55 19 What also appears to be the case is that whilst she might
03:26:59 20 well have passed the notes on, she had kept a copy,
03:27:02 21 retained a copy herself of these notes, do you agree?---It
03:27:11 22 says here she has a copy of the notes, yes.
03:27:14 23
03:27:16 24 And she's going to see if she can find them. Dale didn't
03:27:20 25 give any notes or information reports - I withdraw that.
03:27:28 26 And there's a number of references to the IRs. Clearly at
03:27:37 27 that stage there was a great interest in information
03:27:40 28 reports concerning Hodson's status as an informer, do you
03:27:46 29 see that?---I can't see that.
03:27:51 30
03:27:51 31 You understand that was an issue because you were asking
03:27:54 32 questions about it. If you go over to p.847?---It was all
03:27:58 33 about IR 44 and the suggestion that Paul Dale had stolen
03:28:08 34 it.
03:28:08 35
03:28:09 36 There was at least a suggestion that Petra, the
03:28:15 37 investigators were pursuing and that is that Ms Gobbo had
03:28:18 38 had some role in providing those notes to Tony Mokbel or
03:28:25 39 other people in the criminal underworld?---Yes, that's
03:28:30 40 right.
03:28:30 41
03:28:36 42 And then there's a note halfway down on p.847 where she
03:28:42 43 says that [REDACTED] had been arrested. Williams requested
03:28:49 44 that Gobbo go and see him in custody and she detailed how
03:28:53 45 she assisted [REDACTED] to roll over and the plea was around
03:28:57 46 the time of the murder of the Hodsons. And then there's a
03:29:03 47 reference to the stroke that she suffered in 2004 and then

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03:29:07 1 there are questions asked about the IR reports that Tony
03:29:13 2 Mokbel had and she's asked questions about her knowledge of
03:29:18 3 those matters, do you agree with that?---Yes.
03:29:21 4
03:29:24 5 Now, that information I take it was provided to Task Force
03:29:33 6 Petra, is that right?---I don't know.
03:29:38 7
03:29:38 8 All right. I suggest that it was. If you have a look at
03:29:42 9 your diary. If we go to p.32, which is VPL.2000.0001.1162.
03:30:26 10 No, VPL.2000.0001.1162?---Is this 21 May 07?
03:30:45 11
03:30:45 12 Yes, 21 May. What's occurred is - this is the following
03:31:01 13 day, there's, "Preparation re 3838 meet, recordings re
03:31:08 14 human source mention of Paul Dale", do you see that?---Yes.
03:31:13 15
03:31:14 16 And if we go over the page, what appears to be is, these
03:31:22 17 are apparently notes that you take, is that right?---Yes.
03:31:26 18
03:31:34 19 Is it the case that that information is provided to Task
03:31:42 20 Force Petra, is that what that meeting's about?---Are you
03:31:49 21 looking at that entry at 18:40?
03:31:54 22
03:31:55 23 Just excuse me?---Are you on p.33?
03:32:00 24
03:32:00 25 No, I don't have 33. Have you got 33 there?---Yes.
03:32:06 26
03:32:06 27 Yes, I do. Yes?---The only reference I have on this page
03:32:14 28 is at 18:40 a call to Ryan, "Advise not required to attend
03:32:21 29 meet".
03:32:23 30
03:32:23 31 All right. The 17:20 entry "clear" - what does that say,
03:32:32 32 "With Mr Anderson regarding 3838"?---"17:20, clear with
03:32:44 33 Anderson re 3838 meet", yes.
03:32:45 34
03:32:45 35 If we go over to p.34. What does that tell us, top of the
03:32:56 36 page?---In relation to the entry before it, 19:25?
03:33:02 37
03:33:02 38 Yes. The top of the page?---Okay, so the top of the page
03:33:12 39 there's questions to 3838.
03:33:16 40
03:33:16 41 "What does she know about the involvement of Paul Dale and
03:33:19 42 the burglary, Carl Williams and the Hodsons? Did human
03:33:26 43 source receive anything from Paul Dale and pass on to
03:33:29 44 anyone else?" And then there's, "How you going buddy?
03:33:38 45 These maggots won't get me". Do you know what that's a
03:33:43 46 reference to?---No.
03:33:44 47

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03:33:45 1 It seems to be in quotation, is it a reference to a
03:33:48 2 telephone communication?---I'd only be guessing, I've got
03:33:58 3 no idea.
03:33:59 4
03:33:59 5 Just whilst we're on this page, it appears - perhaps if we
03:34:09 6 - I'll come back to that. If we go over to p.37. It seems
03:34:19 7 that there's a Purana with Anderson, Ryan, "Brief about our
03:34:30 8 Gobbo meet on the 21st. Agreed that Ryan will brief
03:34:35 9 Overland". What does that say?---"█ to be available to
03:34:44 10 brief same if required."
03:34:45 11
03:34:46 12 Righto. And then I just want to go back just to deal with
03:34:50 13 a matter which is perhaps a discrete matter. If we go back
03:34:54 14 to the previous page. There's a note of a discussion with
03:34:58 15 Mr Flynn or about Mr Flynn concerning notes, do you see
03:35:03 16 that?---Yes.
03:35:04 17
03:35:05 18 And it says, "What to do with them", and can you read that
03:35:10 19 out?---"Agreed with human source, blackout give to OPP,
03:35:19 20 won't claim privilege if suggested to scrutiny. Will state
03:35:24 21 that to protect NG, Nicola Gobbo, because of death threats,
03:35:29 22 prime suspects being Horty, et cetera, believe notes would
03:35:30 23 aggravate situation."
03:35:32 24
03:35:33 25 I take it that is a reference to the upcoming trial or
03:35:39 26 committal of Horty Mokbel and there was, you agreed with
03:35:43 27 the suggestion of Ms Gobbo that any notes that Mr Flynn may
03:35:49 28 be required to produce, or at least any notes that had to
03:35:54 29 be given to the OPP were to be blacked out. I take it
03:35:58 30 blacked out meaning that they wouldn't contain any
03:36:01 31 reference to Nicola Gobbo, is that right?---They would be
03:36:04 32 redacted in relation to her presence, yes.
03:36:06 33
03:36:10 34 And you won't claim privilege if the blackouts were
03:36:16 35 subjected to scrutiny?---Yep, I don't understand that
03:36:24 36 because if it was in relation to an informer it would have
03:36:30 37 been claimed as privilege.
03:36:31 38
03:36:32 39 Yes. But what I'm suggesting to you is that at that stage
03:36:38 40 her appearing as a lawyer, she wasn't appearing as an
03:36:42 41 informer, was she?---Well that was my concern, that she
03:36:48 42 was.
03:36:48 43
03:36:50 44 But you wouldn't be claiming privilege if it was subjected
03:36:53 45 to scrutiny because you couldn't because she wasn't an
03:36:59 46 informer?---In my mind at this time she was definitely an
03:37:09 47 informer.

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03:37:10 1
03:37:10 2 Yes. I follow that?---The fact that she was there, the
03:37:14 3 fact that she was there and hadn't told [REDACTED] was the issue
03:37:18 4 we were concerned about. Sorry, not [REDACTED] - - -
03:37:22 5
03:37:22 6 [REDACTED] The first point I want to put to you is
03:37:27 7 this: you are directly involving yourself in the redaction
03:37:31 8 process, aren't you, that's the first thing?---Yes.
03:37:35 9
03:37:35 10 And it's got nothing to do with the HSMU, you're engaging
03:37:40 11 in the process, correct?---I'm obviously having discussion
03:37:46 12 with Flynn about it, yes.
03:37:47 13
03:37:48 14 So you are having a discussion with the investigator about
03:37:51 15 it and about what appropriate blackouts should be made on
03:37:56 16 notes that Mr Flynn might have which might then be called
03:37:59 17 before a court of law, do you agree with that?---Yes.
03:38:02 18
03:38:04 19 So do we take it then that your answers which have been
03:38:09 20 given previously about your involvement in that redaction
03:38:12 21 process being nil, that's a matter for the HSMU to deal
03:38:18 22 with, doesn't apply to this particular matter at the very
03:38:23 23 least?---No, Mr Winneke, what I was saying to you in
03:38:25 24 relation to the HSMU is that when the, when there are, if
03:38:35 25 you like, subpoenas that are searching for information that
03:38:38 26 relate to informers, then it's a matter for the HSMU to
03:38:45 27 brief counsel and to work with the investigators about how
03:38:49 28 that's best going to be managed.
03:38:51 29
03:38:51 30 What's this, this is a case where there isn't a subpoena
03:38:54 31 but quite obviously these notes are going to be called for
03:38:58 32 and there's going to need to be argument about, or there
03:39:03 33 may need to be argument about how they're dealt
03:39:06 34 with?---That's right.
03:39:08 35
03:39:08 36 So in effect what you're doing is preempting a situation
03:39:12 37 which will inevitably arise in court where informers,
03:39:19 38 sorry, informant's notes are going to be scrutinised?---I
03:39:24 39 don't know about preempting. It was a common process to
03:39:29 40 black out anything that can identify an informer.
03:39:32 41
03:39:32 42 Right. But what you're saying here is you're not going to
03:39:38 43 run an argument about informer privilege because you simply
03:39:42 44 couldn't. There was no basis for you to run an argument
03:39:45 45 about informer privilege when you've got a lawyer turning
03:39:48 46 up to represent a client who has been charged or arrested
03:39:52 47 for a criminal offence. That's right, isn't it?---No, I

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03:39:57 1 don't think that.
03:39:58 2
03:39:59 3 You disagree?---Yes.
03:40:00 4
03:40:01 5 Okay, why?---Yes, I do.
03:40:02 6
03:40:02 7 Why?---Because the fact that her presence was there on that
03:40:08 8 night and she didn't declare it was going to confirm that
03:40:12 9 she was an informer.
03:40:13 10
03:40:13 11 How would it confirm she's an informer?---Because she had
03:40:19 12 lied to [REDACTED]
03:40:21 13
03:40:22 14 What's that got to do with anything?---About being there.
03:40:25 15
03:40:26 16 The fact is she is a lawyer who turns up to represent
03:40:29 17 [REDACTED] when he is arrested, right, and - - - ?---I
03:40:34 18 understand - - -
03:40:34 19
03:40:35 20 And it's referred to in his record of interview, isn't it,
03:40:38 21 that he speaks to the lawyer and there's a reference in the
03:40:43 22 notes, in the record of interview of the fact that she's
03:40:46 23 there?---I understand what you're saying, Mr Winneke,
03:40:49 24 you're asking me - - -
03:40:51 25
03:40:51 26 Do you accept that proposition?---You're asking me what my
03:40:54 27 thoughts were at the time and I'm telling you. If that
03:40:57 28 information that she was there had come out that would have
03:41:00 29 compromised her as an informer.
03:41:02 30
03:41:02 31 If that's the case, why do you do, why do you suggest the
03:41:08 32 way, why do you suggest this is the means of dealing with
03:41:11 33 it, "Black out and give to the OPP. If there's scrutiny we
03:41:17 34 won't claim privilege but what we'll say instead is that
03:41:20 35 she was the subject of death threats and that's why we
03:41:23 36 don't want her name to be exposed"?---I don't know.
03:41:29 37
03:41:29 38 Well, what I suggest to you is that you are in effect
03:41:37 39 saying to the informant, "I don't want you to claim that
03:41:42 40 she is an informer, I want you to claim that she is the
03:41:45 41 subject of death threats and that's why we have blacked it
03:41:48 42 out. If there's scrutiny by the court about it, don't tell
03:41:52 43 them she's an informer, tell them that she's the subject of
03:41:57 44 death threats". That's clearly what it is, isn't
03:41:59 45 it?---Well that, that - that seems to be what it's saying,
03:42:04 46 but I don't understand it at this particular point in time.
03:42:07 47

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03:42:08 1 What I'm suggesting that you're doing is an exercise
03:42:13 2 whereby you are seeking to in effect excise her involvement
03:42:18 3 in this arrest, correct? You don't want anyone to know of
03:42:25 4 her involvement in the arrest?---I did not - well that's
03:42:30 5 right, I do not want her compromised. I don't know how I
03:42:35 6 can say that any other way.

03:42:36 7
03:42:37 8 But why would you say that you wouldn't claim privilege if
03:42:41 9 the matter was the subject, if your blacking out was the
03:42:45 10 subject of scrutiny?---I don't know, Mr Winneke. As I said
03:42:49 11 the other day, I have no recollection of this and that
03:42:52 12 doesn't make much sense to me. All I can tell you is what
03:42:57 13 I've just told you. I'm not going to repeat it.

03:43:00 14
03:43:00 15 Okay. If we go over the page to p.37 there's a reference
03:43:17 16 to a meeting with Purana at 15:30, meet - we've dealt with
03:43:24 17 that already. But then underneath, "Meet with Flynn,
03:43:30 18 Purana". This is at 16:45, 4.45, "Re Gobbo and notes of
03:43:37 19 [REDACTED]' arrest. Advised re the decision" as per the diary
03:43:42 20 on p.34 and you meet with Tony Biggin, is that
03:43:48 21 right?---Yes.

03:43:48 22
03:43:49 23 And you update Biggin regarding the matter that is the
03:43:54 24 subject of your note?---Yes.

03:43:58 25
03:44:00 26 So effectively, I take it, you would have said to Biggin,
03:44:04 27 "Look, this is what we're going to do. We've had a
03:44:07 28 discussion with Flynn about it. We're going to black out
03:44:11 29 the notes. We're going to give them to the OPP. If
03:44:15 30 there's scrutiny about it we won't claim privilege but
03:44:24 31 we'll say that she's subject to threats and that's why it's
03:44:25 32 blacked out"?---I don't know if I spoke to Mr Biggin about
03:44:29 33 that. The update in relation to 3838 is not specific.
03:44:33 34 It's a general update obviously but I don't know
03:44:37 35 specifically what - - -

03:44:38 36
03:44:39 37 Clearly it's a reference to the note in your diary, the
03:44:43 38 previous page, p.34, do you agree with that?---That's the
03:44:48 39 meeting with Flynn, yes.

03:44:49 40
03:44:49 41 And the agreement as to how you were going to approach the
03:44:57 42 notes. So there's a meeting with Flynn concerning his
03:45:07 43 notes and the decision, either you were advising him or
03:45:11 44 he's advising you, that the way in which the notes will be
03:45:14 45 dealt with is as per your diary on the previous page, do
03:45:18 46 you agree with that?---Yes.

03:45:18 47

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03:45:20 1 And then you meet with Biggin and I suggest that there's an
03:45:26 2 update which includes those matters?---It's possible,
03:45:31 3 Mr Winneke, but I just, I can't be specific.
03:45:34 4
03:45:37 5 Do you believe - you can't understand why you would have
03:45:41 6 had that agreement because that doesn't seem to be an
03:45:43 7 appropriate way of going about it, is that what you're
03:45:46 8 saying?---Well it just doesn't make much sense to me at
03:45:50 9 all.
03:45:50 10
03:45:50 11 Right?---There was a legitimate basis for redacting her
03:45:55 12 identity.
03:45:55 13
03:45:56 14 Yes. What was that basis?---That she was an informer.
03:46:00 15
03:46:02 16 And the fact that she had provided the advice to the client
03:46:09 17 about how he might respond to the charges and being an
03:46:15 18 informer which led to his arrest, clearly those matters
03:46:18 19 would have been in the forefront of your mind
03:46:23 20 surely?---Well all I can say to you is what I know now and
03:46:28 21 that was that my concern was that her presence there would
03:46:31 22 compromise her.
03:46:32 23
03:46:32 24 In any event what you can be quite clear about is that you
03:46:36 25 were not going to tell the OPP that she was an
03:46:39 26 informer?---I was not going to tell the OPP, that's right.
03:46:44 27
03:46:44 28 And this is, you recall I went through your draft SOPs
03:46:51 29 which talk about the importance of telling if there's an
03:46:57 30 informer involved, telling the prosecutor about it and
03:47:00 31 those sorts of matters. You recall that was in your
03:47:03 32 SOP?---Yes.
03:47:06 33
03:47:06 34 So you had made a conscious decision not to do that in
03:47:12 35 contravention of your SOP?---Well, it was - I never thought
03:47:20 36 it was my responsibility to talk to the prosecutor about
03:47:24 37 cases that involved informers.
03:47:25 38
03:47:26 39 But your SOP suggests otherwise, doesn't it?---It does. I
03:47:34 40 don't really want to go back there.
03:47:36 41
03:47:36 42 I know. Who was going to tell the prosecutor about it
03:47:39 43 though?---Well, it would have been brought up in the normal
03:47:43 44 course of events with a subpoena and the PII issues would
03:47:46 45 have been discussed by investigators.
03:47:48 46
03:47:48 47 No, no, this isn't a question of subpoena. This is a

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03:47:51 1 question of you consciously being aware of an issue which
03:47:55 2 required disclosure and making a decision not to do
03:47:58 3 so?---Mr Winneke, I never in relation to any informer
03:48:05 4 approached the prosecutor and said, "There's an informer
03:48:08 5 involved in this case".
03:48:08 6
03:48:09 7 Why not?---It just was never done. It's never been part of
03:48:15 8 the process in managing informers.
03:48:18 9
03:48:18 10 But here was a case, and I know we've discussed this at
03:48:22 11 some length, the fact is these notes really highlight this
03:48:25 12 issue. Here was an issue which you were conscious of. The
03:48:28 13 problem you were conscious of - I mean you'd had a
03:48:31 14 discussion with Ms Gobbo about this a couple of days
03:48:34 15 before, before the arrest?---I was very - - -
03:48:44 16
03:48:45 17 Yes.
03:48:46 18
03:48:46 19 COMMISSIONER: Answer the question?---I've already said, I
03:48:49 20 was very - - -
03:48:51 21
03:48:51 22 Please, Mr White, finish the question. It's difficult
03:48:54 23 because you're not seeing the questioner I think. People
03:48:58 24 aren't understanding when one party is finished the
03:49:01 25 question. So please finish your answer?---Yes,
03:49:06 26 Commissioner. I was very concerned that she was going to
03:49:10 27 get compromised out of that visit to the police station,
03:49:13 28 which as I've already told you we did not want her to do.
03:49:18 29
03:49:18 30 MR WINNEKE: Yes. But what I'm suggesting to you is that
03:49:20 31 you were also conscious of the very issue that I've been
03:49:25 32 asking you about and that is the fact that she has been
03:49:28 33 advising a person as a client in the circumstances where
03:49:32 34 she has been an agent of the police who has led to the
03:49:37 35 client being arrested. What I'm suggesting to you is that
03:49:40 36 you were conscious of that proposition because you raised
03:49:43 37 it with Ms Gobbo on [REDACTED], two days before the arrest,
03:49:50 38 albeit you say in a hypothetical circumstance, but in
03:49:53 39 circumstances where it's quite clear, I suggest, that you
03:49:56 40 were aware of the very problem. Do you agree with
03:49:59 41 that?---Mr Winneke, I've already given evidence to that
03:50:03 42 effect.
03:50:03 43
03:50:03 44 What I'm trying to get to, Mr White, is what steps did you
03:50:09 45 take to ensure that this issue was brought to the attention
03:50:14 46 of the appropriate people?---I didn't take any steps to
03:50:21 47 advise the prosecution of her involvement in this matter.

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03:50:26 1
03:50:27 2 All right. It may well be you told Mr Biggin about
03:50:30 3 it?---That's possible.
03:50:34 4
03:50:35 5 And one would form a view, judging from your notes, that
03:50:41 6 you did raise it and discuss it with him?---Well, again,
03:50:46 7 I've answered that question.
03:50:47 8
03:50:48 9 Do you accept that the problem of all of this is that no
03:50:54 10 one, defence or court, because of your desire to black out
03:50:59 11 notes, and accepting you say protect your source, is able
03:51:03 12 to deal with the problem?---No, I think the investigators
03:51:08 13 were able to deal with that problem. They knew exactly
03:51:11 14 what the problem was.
03:51:12 15
03:51:12 16 But you're telling the investigators how to deal with the
03:51:15 17 problem by blacking out the notes?---Well, I don't know
03:51:18 18 that I'm telling them but I'm agreeing with them that
03:51:21 19 that's what was going to be done. As I said to you, I
03:51:25 20 can't recall this conversation.
03:51:27 21
03:51:27 22 Look, do you accept that this is problematic?---I accepted
03:51:32 23 that this was problematic last week.
03:51:34 24
03:51:35 25 I suggest to you that you would have been aware that it was
03:51:37 26 problematic at the very time?---Well, all I can say to you
03:51:42 27 is what I've already said. My concern was she was going to
03:51:46 28 get compromised and my role was to make sure that she
03:51:49 29 didn't get compromised.
03:51:50 30
03:51:51 31 All right. So one assumes then that you would have been
03:51:54 32 pulling out all stops to make sure that this never happened
03:51:58 33 again, correct?---In relation to - I'm not sure what your
03:52:04 34 question is, Mr Winneke.
03:52:05 35
03:52:06 36 The problem where you've got someone acting for a person in
03:52:10 37 circumstances where they've been providing information to
03:52:13 38 police as an agent for the police?---Again, we discussed
03:52:16 39 this at length last week and I think the record's very
03:52:20 40 clear that we tried to stop her being involved in
03:52:23 41 representing anybody that could have been the subject of
03:52:26 42 her information.
03:52:29 43
03:52:29 44 Now, can I come back now to - I got waylaid there for a
03:52:39 45 moment. If we can perhaps go to p.39 of your diary whilst
03:53:01 46 we're dealing with your diary. You'll see that there's a
03:53:16 47 note at 16:45, "Request to attend at a meeting with Deputy

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03:53:23 1 Commissioner Overland on Friday" and you were to contact
03:53:29 2 the Deputy Commissioner directly, is that right?---Yes.
03:53:33 3
03:53:34 4 And also to have an information report with respect to
03:53:41 5 3838?---That's multiple, also have IRs.
03:53:48 6
03:53:48 7 I see?---"Re 3838 should read."
03:53:51 8
03:53:51 9 And so how do we interpret that?---I'm not sure whether it
03:54:01 10 was I should read them or Mr Overland should read them or
03:54:06 11 Gavan Ryan.
03:54:08 12
03:54:08 13 All right. I take it that you did have a meeting with
03:54:15 14 Mr Overland, is that right?---Um, I can't recall so if you
03:54:23 15 can assist me. It will be in my diary.
03:54:29 16
03:54:30 17 It may well be it's blacked out. If we go to p.46 it may
03:54:40 18 well be that this is Friday. I've got a note of a meeting
03:54:49 19 at 14:00 at Victoria Police centre, is that right?---Yes.
03:54:54 20
03:54:54 21 And what date's that, or what day is that, can you tell us
03:54:59 22 because it's blacked out?---That's the 25th of May, which
03:55:02 23 is a Friday.
03:55:03 24
03:55:10 25 Just before I forget, if we go back to the previous entry,
03:55:16 26 in fact if we go back to p.42. There's an entry at five
03:55:25 27 minutes past 3, you return to the office and there's an
03:55:30 28 update from Mr Anderson about Gobbo. "Her status will
03:55:36 29 speak to", what does that say, "Paul Dale and wear a wire
03:55:40 30 if required"?---Yes.
03:55:42 31
03:55:42 32 Believes that Paul Dale will speak to her?---Yes.
03:55:45 33
03:55:46 34 At that stage was there talk of Ms Gobbo wearing a wire and
03:55:53 35 assisting Operation Petra in that way?---Talk with her
03:56:02 36 about it do you mean?
03:56:03 37
03:56:04 38 Was there discussion with Overland or Ryan at that early
03:56:08 39 stage about her in effect wearing a wire and becoming a
03:56:18 40 witness?---Not that I can recall. Yes, there definitely
03:56:21 41 was talk about that at some stage but whether it was before
03:56:24 42 this or not I don't know.
03:56:25 43
03:56:26 44 Then if we go over to the next page, p.43, this appears to
03:56:31 45 be a continuation of the update. She says that she feels
03:56:34 46 guilty about the Hodsons because she told people that Terry
03:56:39 47 was an informer and that may be a reflection of something

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03:56:44 1 that she has told Mr Anderson?---Yes.
03:56:47 2
03:56:49 3 If we can come to your meeting on p.46. You meet with
03:57:07 4 Overland, is that right?---Yes.
03:57:18 5
03:57:23 6 And you brief him about her involvement with respect to IR
03:57:28 7 44, Paul Dale. You outline an exit strategy from the SDU,
03:57:32 8 is that right?---Yes.
03:57:34 9
03:57:34 10 So at that stage are you still in effect saying to
03:57:38 11 Mr Overland, "Look, we're concerned about her, we think
03:57:43 12 that she should get out. We don't think that it's
03:57:46 13 appropriate to have her as an informer any longer"?---Well
03:57:52 14 that's what the exit strategy would have been a reference
03:57:55 15 to, yes.
03:57:56 16
03:57:57 17 And what was the exit strategy?---I can't recall at this
03:58:03 18 point in time. We still, we still obviously would have had
03:58:09 19 those duty of care issues but I don't know specifically how
03:58:13 20 we were going to manage that.
03:58:15 21
03:58:15 22 Is it fair to say that at that stage your view, bearing in
03:58:19 23 mind what is your duty of care to Ms Gobbo, your view is
03:58:25 24 that she should get out, she should no longer be an
03:58:28 25 informer?---Yes.
03:58:30 26
03:58:34 27 So having outlined the exit strategy you also outline the
03:58:39 28 viability with respect to Adam Ahmed, Dave Waters, who's a
03:58:47 29 potentially, a person who Mr Overland's interested in
03:58:52 30 investigating, do you agree?---Yes.
03:58:56 31
03:58:58 32 And Paul Dale. Now, would it be fair to say that all of
03:59:03 33 those matters concern the possibility of, the potential of
03:59:11 34 Gobbo providing information concerning corrupt police
03:59:14 35 officers, allegedly corrupt police officers Paul Dale and
03:59:17 36 Mr Waters who at that stage I think had retired. Was he
03:59:22 37 still a police officer or had he retired?---I'd only be
03:59:27 38 guessing.
03:59:28 39
03:59:29 40 The note under that is that the SDU objective is to end the
03:59:33 41 relationship, is that right, without bitterness and
03:59:35 42 recriminations, is that right?---Yes, that's right.
03:59:41 43
03:59:41 44 What does that go on to say?---"Either way" and then,
03:59:48 45 "Human source objectives, Mokbels out of life".
03:59:51 46
03:59:53 47 Your objective is to end the relationship without

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03:59:55 1 bitterness and recrimination and her objective is to get
03:59:59 2 the Mokbels out of her life, do you agree with that?---Yes,
04:00:03 3 I do.
04:00:03 4
04:00:04 5 To a significant extent the Mokbels are out of her life,
04:00:11 6 one assumes, because they'd either been charged or fled the
04:00:15 7 country, is that right?---I think so.
04:00:20 8
04:00:24 9 However it appears that the end result of the meeting was
04:00:30 10 that that wasn't going to happen, is that right? Can you
04:00:44 11 explain that last part of the entry?---Would you like me to
04:00:51 12 read it?
04:00:52 13
04:00:52 14 Yes. It says that she's viable, is that right?---Yes, it
04:00:57 15 is.
04:00:57 16
04:00:59 17 "Ongoing SDU" - - - ?---"Management."
04:01:01 18
04:01:01 19 "Management." What does it say there?---"Simon Overland to
04:01:09 20 monitor. OPI re request for human source to be subpoenaed
04:01:15 21 for compulsory hearing. Agreed not necessary as human
04:01:20 22 source willing to assist."
04:01:21 23
04:01:22 24 Right, okay. Is the upshot of it, look, "Our desire to get
04:01:28 25 her out was overridden by Overland's desire to keep her",
04:01:33 26 is that a fair summary?---Yes. Yes, I think it is.
04:01:38 27
04:01:39 28 Okay, all right. Now, that's on the 25th. If we go back
04:01:49 29 to the ICRs we see that on the 23rd of May, I know we're
04:01:55 30 going back a couple of days, but on 23 May, p.852, we see
04:02:13 31 that under the heading "Paul Dale", clearly she's been
04:02:17 32 tasked to see if she can't get a hold of the notes that she
04:02:21 33 had taken from Paul Dale and supposedly given to the
04:02:24 34 solicitor. She's in the process of looking for the notes,
04:02:27 35 do you see that?---Yes.
04:02:27 36
04:02:31 37 She said that, if we go over further down, she's been
04:02:38 38 avoiding Dale for about 18 months. She asked if the SDU
04:02:43 39 would like her to see Paul Dale to find out stuff and
04:02:49 40 advised that this would be considered but not to do so at
04:02:53 41 the time. She thought that Dale would be suspicious of her
04:02:56 42 and he'd been keen to catch up with her. So bearing in
04:03:00 43 mind that the meeting that you had with Overland was a
04:03:03 44 couple of days hence, then at that stage there was no clear
04:03:07 45 direction, is that right?---Yes, I think so.
04:03:14 46
04:03:15 47 Now if we go then to 27 May, p.862. It appears that she's

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04:03:25 1 located the notes and there were arrangements made to be
04:03:28 2 discussed regarding the collection of the notes and she's
04:03:31 3 considering the ethical implications of handing the
04:03:36 4 documents over?---I see that.
04:03:44 5
04:03:46 6 And I take it that the SDU was content to leave to Ms Gobbo
04:03:52 7 any ethical gymnastics that she may need to have to go
04:03:58 8 through in order to provide those documents to the SDU?---I
04:04:02 9 think that must have been the case at that time.
04:04:05 10
04:04:05 11 All right. And, look, perhaps that was a loaded question,
04:04:10 12 but I do suggest to you it would have been quite obviously
04:04:14 13 that ethically it would be very difficult for Ms Gobbo to
04:04:17 14 be handing over the notes that she receives from a person
04:04:20 15 who she was seeing in custody and being asked to provide
04:04:23 16 those notes to a solicitor?---Yes, I think so. I think, my
04:04:29 17 memory of these notes was that we were thinking it was
04:04:32 18 actually IR 44.
04:04:35 19
04:04:35 20 Right. But we've already gone through it and I suggest to
04:04:39 21 you that she had said that she wasn't given any IRs or
04:04:45 22 anything - there were operational documents but not
04:04:51 23 information reports I suggest. In any event. Your view
04:04:56 24 was that they may have been the very documents that you
04:04:59 25 were interested in getting a hold of, or at least
04:05:02 26 Mr Overland was interested in getting a hold of?---Yes.
04:05:10 27 There was some - there was some suggestion that she had
04:05:17 28 been the conduit of the IR between Paul Dale and Tony
04:05:24 29 Mokbel or Carl Williams, I can't remember which.
04:05:26 30
04:05:26 31 Yes. But I mean wouldn't that of itself raise significant
04:05:31 32 issues because if that in fact was the case potentially
04:05:37 33 she's involved in a crime?---Potentially, that's right.
04:05:44 34
04:05:45 35 Was she ever warned that perhaps she shouldn't be doing
04:05:48 36 these things, handing over notes or at least potentially
04:05:53 37 incriminating herself in the way in which was being
04:05:57 38 suggested?---Not that I recall.
04:06:01 39
04:06:01 40 I mean as a police officer do you agree that there is at
04:06:06 41 least the potential for her involvement, if you say that
04:06:08 42 there was a concern that she might have been a conduit,
04:06:12 43 there was at least a concern that in her handing over these
04:06:16 44 materials it might provide evidence against her?---I don't
04:06:22 45 know and you would have to go back and analyse the
04:06:25 46 conversation we had with her about this at the time, so I
04:06:28 47 don't know what my thinking was at this particular point

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04:06:31 1 that you're talking about right now.
04:06:33 2
04:06:33 3 Look, it's all pretty muddy and complicated I suggest to
04:06:38 4 you at this stage, that would be fair to say, wouldn't it,
04:06:41 5 what's going on here?---Yes, it would.
04:06:50 6
04:06:51 7 If we go over to p.865 we can see that Mr Anderson, or at
04:07:06 8 least it appears that Mr Anderson has gone and picked up
04:07:10 9 the notes. At least that's sort of put in train because
04:07:14 10 there's a reference to Gobbo saying that she's 15 minutes
04:07:21 11 away from her office and there's an arrangement to meet her
04:07:26 12 to collect the notes/documents and that she'll wait for the
04:07:31 13 handler to come and collect them, do you see that?---Yes.
04:07:34 14
04:07:40 15 And the purpose of collecting these documents is to provide
04:07:43 16 information to Petra?---Well no, as I say, the purpose was
04:07:49 17 to see if it was IR 44.
04:07:52 18
04:07:53 19 Right. And if they were handwritten instructions which
04:07:59 20 didn't relate or which were quite apparently on their face
04:08:03 21 not IR 44 there would be no need to retain them?---That
04:08:09 22 would be right.
04:08:09 23
04:08:10 24 And yet these documents ended up on the SDU system, on the
04:08:14 25 hard drive?---Yes.
04:08:16 26
04:08:19 27 Do you say that there was information passed to Petra about
04:08:26 28 this transaction, about the documents which had come
04:08:28 29 in?---About the content of the documents?
04:08:31 30
04:08:32 31 Yes?---No.
04:08:34 32
04:08:34 33 How do you know that?---Well, because I recall thinking at
04:08:38 34 the time we were disappointed at the time that it wasn't IR
04:08:44 35 44.
04:08:44 36
04:08:44 37 Right?---And so the notes were just filed.
04:08:47 38
04:08:47 39 What right did the police have to them? What right did the
04:08:51 40 SDU have to these handwritten notes which had been provided
04:08:54 41 by Mr Dale in circumstances where he quiet reasonably
04:08:58 42 believed that he provided them to his lawyer? I would
04:09:02 43 suggest it would be open to assume he reasonably
04:09:06 44 believed?---I think in hindsight the notes should have been
04:09:09 45 given straight back to her once it was established it
04:09:11 46 wasn't IR 44.
04:09:13 47

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04:09:13 1 Why do you need hindsight for that?--Well, because I can't
04:09:17 2 tell you what I was thinking at the time.

04:09:21 3
04:09:27 4 You quite obviously weren't thinking that you shouldn't
04:09:29 5 have these documents, were you?--Well, Mr Winneke, all I
04:09:35 6 can say is what I thought, what I can recall now and I've
04:09:40 7 already told you what I thought it was and the reason for
04:09:43 8 getting it.

04:09:44 9
04:09:44 10 I take it you would have read through the documents,
04:09:46 11 wouldn't you?--I doubt it once it was determined that it
04:09:50 12 wasn't what we thought it was going to be.

04:09:52 13
04:09:54 14 You would have been pretty intrigued though to read the
04:09:58 15 documents, surely?--I've got no recollection what was in
04:10:03 16 those documents.

04:10:04 17
04:10:04 18 Right. Do you say that you would not have even looked at
04:10:09 19 them or read them?--What I'm saying to you, Mr Winneke, is
04:10:13 20 I can't remember looking at them. All I can remember is it
04:10:17 21 wasn't what we thought it was going to be.

04:10:19 22
04:10:20 23 Righto. Now, on 11 June 2007 Mr Anderson again spoke to
04:10:43 24 Ms Gobbo, IR 83 at p.888. There's a reference to, "[REDACTED]
04:11:02 25 speaking to Solomon and Davey, willing to speak off the
04:11:07 26 record regarding [REDACTED]. [REDACTED] doesn't trust the ACC,
04:11:15 27 doesn't want to be known as a dog. Especially as he's [REDACTED]
04:11:21 28 years left to serve. Stating that if [REDACTED] is fronted
04:11:25 29 before any hearing he won't talk. He's been consistent
04:11:28 30 with his version of events since the time of his arrest and
04:11:31 31 any hearing may put him offside and he won't talk". So
04:11:36 32 again, I suggest that Victoria Police, the SDU, Purana was
04:11:44 33 very keen to utilise Ms Gobbo, who had acted for [REDACTED]
04:11:50 34 and was quite obviously associating with him perhaps not
04:11:57 35 just as his lawyer but perhaps as an associate as well, to
04:12:03 36 use Ms Gobbo to get information from [REDACTED] and to assist in
04:12:08 37 keeping [REDACTED] sweet with police, if I can use that
04:12:12 38 expression. Do you agree with that?--Generally, yes. I'm
04:12:20 39 not sure where she gets this information, whether it's
04:12:25 40 coming from Sol Solomon and Cameron Davey or whether it was
04:12:29 41 coming from him. Certainly the latter part seems to have
04:12:33 42 come from [REDACTED]

04:12:35 43
04:12:35 44 It's not clear whether [REDACTED] spoke to Sol Solomon or
04:12:42 45 Cameron Davey or she had, is that right?--Yes, yes.

04:12:46 46
04:13:14 47 [REDACTED]'s in custody obviously at this stage, you're

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04:13:18 1 aware?---Yes.

04:13:19 2

04:13:21 3 Was she telling you that she was visiting - I withdraw
04:13:28 4 that. Indeed, there's a reference, the Commission has
04:13:43 5 evidence that Ms Gobbo conducted a professional box visit
04:13:48 6 with [REDACTED] on 11 June, which would support the
04:13:55 7 proposition that she was at least going in to see him and
04:13:58 8 getting information from him. Do you know - I take it
04:14:04 9 you're not aware of that?---No.

04:14:07 10

04:14:09 11 Clearly it would have been useful, I think we've been over
04:14:12 12 this before, for you to have known who she was acting for,
04:14:16 13 who she was visiting and those sort of questions should
04:14:19 14 have been asked and clarified?---Yes.

04:14:21 15

04:14:22 16 All right. Now, if we go then to 14 June 2007. This is at
04:14:54 17 ICR 85 at p.893. Under, "Mr Anderson has spoken to
04:15:11 18 Ms Gobbo. She's asked if anybody would be interested in
04:15:14 19 her communicating with Paul Dale and she was advised not at
04:15:17 20 this time". So she seemed to be quite keen to speak to
04:15:21 21 Mr Dale to provide evidence or information about him, that
04:15:27 22 would be clear enough, wouldn't it?---That seems to be the
04:15:32 23 suggestion, yes.

04:15:32 24

04:15:36 25 Now, if we go then to ICR 85 at 2521 which is at p.935.
04:16:27 26 You'll see that on that occasion she has - if we just move
04:16:41 27 up the page. There's a reference to a discussion which is
04:16:54 28 had between the handler and Ms Gobbo, and this is Mr Fox,
04:17:03 29 on 25 June of 2007, do you see that, at 8.32?---Yes.

04:17:15 30

04:17:16 31 There's discussions about Mr Karam and then we get down to
04:17:21 32 Carl Williams. It says this, that, "Ms Gobbo was looking
04:17:27 33 around other counsel's offices yesterday, Saturday". Now,
04:17:32 34 she's effectively saying she's in the barrister's chambers
04:17:36 35 and she's looking around other barrister's offices, the
04:17:40 36 previous day, the Saturday. "She found in Sharon Cure's
04:17:45 37 office", it says Cura but the evidence is that Sharon Cure
04:17:51 38 was a barrister. "She found in her office subpoenaed
04:17:54 39 documents from [REDACTED] Prison" and Cure, that is Ms Cure,
04:17:59 40 did Carl Williams' plea. Now she was junior, Ms Cure was
04:18:04 41 junior counsel to Mr David Ross. Both of them appeared for
04:18:09 42 Mr Williams on his plea. She had a copy of Carl Williams'
04:18:19 43 statement when it was made and Ms Gobbo says that when she
04:18:25 44 was going through Ms Cure's office she found a list of
04:18:29 45 phone records from [REDACTED] Prison, obtained under subpoena,
04:18:34 46 about [REDACTED] and the phone records detail daily contact
04:18:40 47 with Ms Gobbo and Purana members - numbers, I apologise -

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04:18:48 1 contact human source and Purana numbers. "She's annoyed
04:18:52 2 about this as she was reassured that these records could
04:18:56 3 never be obtained and she says that she's now got no faith
04:19:00 4 in the system when she sees things like this and she was
04:19:05 5 told by Mr Fox that he would look into it and confirm the
04:19:10 6 existence of these documents." And then if we go over the
04:19:14 7 page there's general conversation about tickets to Lionel
04:19:20 8 Richie, her lack of faith - and she was keen to see Lionel
04:19:25 9 Richie, I gather, she wanted the SDU to cover the cost of
04:19:28 10 her tickets to see Lionel Richie, do you agree with
04:19:33 11 that?---Yes, I don't know whether we volunteered that or
04:19:37 12 she asked for it.
04:19:38 13
04:19:38 14 There was a lack of faith in certain police departments.
04:19:43 15 Talked about how her day was. There was no Karam trial
04:19:48 16 today and she was doing a plea in the Magistrates' Court.
04:19:51 17 That's the extent of that entry on that day. I just want
04:19:55 18 to ask you about that. Were you aware that she had gone
04:19:59 19 into another barrister's office and was fishing around
04:20:03 20 looking for documents?---I've got no memory of that.
04:20:09 21
04:20:09 22 Do you know what the elements of burglary are, the offence
04:20:19 23 of burglary?---Yes, I do.
04:20:21 24
04:20:21 25 One would assume that it may well be, I mean who knows, but
04:20:27 26 it may well be that Ms Gobbo has committed such an
04:20:30 27 offence?---Yes, that's right.
04:20:32 28
04:20:34 29 Now, it would be an extraordinary thing for a barrister to
04:20:41 30 go through another member of counsel's office on a weekend
04:20:46 31 looking for material which might be of interest to her and
04:20:49 32 of interest to the police, do you agree?---Yes, I do.
04:20:54 33
04:20:55 34 On no view could it be considered that obtaining such
04:20:59 35 material would be appropriate and lawful?---No.
04:21:08 36
04:21:08 37 I'm not suggesting that it was used but what I am
04:21:16 38 suggesting is it was quite clear to you, if you'd have read
04:21:21 39 this document, that Ms Gobbo was behaving in an entirely
04:21:24 40 inappropriate, if not criminal, way?---Yes.
04:21:29 41
04:21:35 42 The Commission has understanding that there was no
04:21:39 43 authority for Ms Gobbo to break into or go into these
04:21:43 44 chambers. Assuming that's the case it would be quite
04:21:48 45 conceivable that Ms Gobbo had engaged in criminal
04:21:51 46 conduct?---That's a possibility on the face of that entry,
04:21:55 47 yes.

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04:21:55 1
04:22:08 2 We've seen previously Ms Gobbo apparently was aware of the
04:22:12 3 contents of Mr Williams' statement - I withdraw that. In
04:22:20 4 any event, what doesn't appear from this is that, certainly
04:22:25 5 from the notes, that she's counselled against this sort of
04:22:30 6 behaviour?---No, that's not apparent in the note.
04:22:35 7
04:22:35 8 And I suggest to you that if there was appropriate control
04:22:42 9 and oversight of what was going on here, this would be a
04:22:47 10 very alarming event for the SDU, or ought to be, I
04:22:53 11 suggest?---Yes, I agree with that.
04:22:55 12
04:23:03 13 We don't see any reference in the source management log to
04:23:08 14 any - there's no entry concerning this matter in the source
04:23:13 15 management log?---I'll take your word for that.
04:23:21 16
04:23:23 17 And indeed, what we do see on this day is that there was an
04:23:28 18 audit conducted by Superintendent Biggin. "LSR -" is that
04:23:38 19 the local source registrar?---I'm sorry, are you looking at
04:23:42 20 the source management log?
04:23:43 21
04:23:44 22 The source management log for 25 June 2007?---Local source
04:23:54 23 registrar.
04:23:54 24
04:23:54 25 That's Superintendent Biggin?---Yes.
04:23:56 26
04:23:58 27 Do you know whether this particular entry or this
04:24:07 28 particular information was conveyed to Mr Biggin?---No, I
04:24:12 29 don't know.
04:24:13 30
04:24:15 31 Were you told about this particular incident?---I've
04:24:25 32 certainly got no knowledge of it, no recollection of it.
04:24:28 33
04:24:29 34 Can I suggest this to you: if you had been told that
04:24:34 35 Ms Gobbo had potentially committed a burglary, in any event
04:24:40 36 gone into another barrister's chambers and was fishing
04:24:49 37 through documents and found material, it is something that
04:24:52 38 you would have remembered, I suggest?---I think so.
04:24:55 39
04:24:57 40 Are you surprised to hear that you weren't told about that
04:25:00 41 if you weren't?---Yes.
04:25:02 42
04:25:02 43 Were you on duty at this time? You may not be. Let's have
04:25:10 44 a look. 25 June 2007, p.134, 1218. What do we see on that
04:25:41 45 day?---I'm definitely on duty if that's your question.
04:25:48 46
04:25:48 47 We see that this entry occurred at 8.32 in the morning, do

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04:25:54 1 you see that? This telephone call?---Yes.
04:25:59 2
04:26:01 3 And then we see in your diary at 9.10 an update by
04:26:08 4 Mr Fox?---At 9.10, yes.
04:26:14 5
04:26:14 6 Do we see that? And what we see there is, we see an entry
04:26:23 7 which says that [REDACTED] wants Ms Gobbo to buy a [REDACTED]
04:26:29 8 for [REDACTED] \$ [REDACTED] and it says "Purana to" - what does that
04:26:37 9 say?---To be informed.
04:26:41 10
04:26:41 11 Right. We'll come back to that. Then we've got - over the
04:26:52 12 page what does that say?---On the top line?
04:26:54 13
04:26:54 14 Yes?---"Phone number for Mia Dega obtained."
04:27:00 15
04:27:00 16 Is that relevant to Ms Gobbo?---It must have been.
04:27:03 17
04:27:10 18 "Yellow note on shipping document with respect to Monica
04:27:17 19 written by human source, something too fiddly to copy", is
04:27:22 20 that right?---Yes.
04:27:23 21
04:27:24 22 There's a reference to - what does that say, the next
04:27:36 23 one?---"Recs obtained this morning re [REDACTED]", no, that
04:27:45 24 might be, "Docs re [REDACTED], stolen from his house, provided
04:27:50 25 to [REDACTED]".
04:27:51 26
04:27:52 27 "Five pages but is" something - what does that say?---"Five
04:27:56 28 pages but is 100. Wants the source to copy because had to
04:28:02 29 give back to bloke."
04:28:04 30
04:28:04 31 Then there's another entry about the human source, there
04:28:07 32 was - what does that say?---"There was an [REDACTED] in court
04:28:15 33 at Heidelberg I think it is last week. No indication of
04:28:19 34 threat to [REDACTED]."
04:28:20 35
04:28:21 36 And then there's reference to Lionel Richie tickets, do you
04:28:26 37 see that?---Yes.
04:28:27 38
04:28:29 39 Something about a weekend away, see that?---Yes.
04:28:41 40
04:28:43 41 And then, "Costs associated with that and transfers". Is
04:28:51 42 that something that Ms Gobbo was after - wanting?---I'm not
04:28:56 43 sure. I'm not sure if that's in relation to the Lionel
04:29:02 44 Richie tickets or something completely different.
04:29:04 45
04:29:05 46 It might be that Lionel Richie was playing out of
04:29:07 47 town?---It's possible. I'm not sure what the transfers are

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04:29:15 1 but - - -
04:29:17 2
04:29:20 3 "Gobbo has been asked by Faruk to represent him"?---Yes.
04:29:25 4
04:29:26 5 And something else that we don't - something about Manella.
04:29:33 6 "Karam going to see Manella today." That's concerning the
04:29:43 7 tomato tins?---Right, okay.
04:29:44 8
04:29:44 9 What he hasn't told you anything about it seems, or at
04:29:48 10 least if he has you haven't written it down, is about
04:29:52 11 Ms Gobbo potentially breaking into another barrister's
04:29:56 12 chambers and fishing around through her notes?---That's
04:30:02 13 what it seems.
04:30:03 14
04:30:05 15 Is that a matter of concern, that Ms Gobbo - or should that
04:30:10 16 have caused concern that Ms Gobbo was letting herself into
04:30:14 17 other barrister's chambers?---Yes, I think so.
04:30:16 18
04:30:18 19 At least on its face that's what it suggested. Were you
04:30:24 20 aware that she shared chambers with other senior barristers
04:30:30 21 who also represented people charged with very serious
04:30:34 22 criminal offences, including drug offences?---I'm not sure
04:30:46 23 who else was in that building with her but I think, I was
04:30:51 24 aware that at least Con Heliotis was.
04:30:55 25
04:30:56 26 Mr Richter, Mr Dunn, other barristers?---As I said I'm not
04:31:01 27 sure about them but I certainly knew about Mr Heliotis.
04:31:07 28
04:31:07 29 I note the time, Commissioner.
04:31:09 30
04:31:09 31 COMMISSIONER: Yes. I suppose to be fair to the witness at
04:31:11 32 945 of the ICRs, for what it's worth, there's no controller
04:31:17 33 signature on the document.
04:31:26 34
04:31:26 35 MR WINNEKE: Yes.
04:31:27 36
04:31:28 37 COMMISSIONER: I don't know whether that indicates anything
04:31:29 38 to you. I think your evidence last week was that you
04:31:36 39 didn't have a great deal of confidence about these
04:31:39 40 electronic signatures?---That's correct, Commissioner.
04:31:44 41
04:31:45 42 All right then. We'll adjourn until 2 o'clock, thanks.
43
04:31:49 44 <(THE WITNESS WITHDREW)
04:31:49 45
04:31:49 46 LUNCHEON ADJOURNMENT
47

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04:31:50 1 UPON RESUMING AT 2.00 PM:
2
05:19:58 3 COMMISSIONER: We haven't got the witness yet.
05:20:28 4
05:20:28 5 MR CHETTLE: We've had a missed call from one of the other
05:20:32 6 people up there, so Ms Thies has just gone to check to see
05:20:40 7 if there's a technical problem.
8
05:20:41 9 COMMISSIONER: Yes. While we're waiting for that, Mr Holt,
05:20:49 10 are you in a position to help us?
11
05:20:54 12 MR HOLT: To some extent, Commissioner. In terms of the
05:20:57 13 transcript, what I can indicate at this stage is that a
05:21:04 14 review of the closed hearing transcript is a longer job
15 than had been anticipated but is getting quicker as the
05:21:07 16 people get used to it so I'm instructed that Victoria
05:21:08 17 Police are putting additional dedicated resources on that
05:21:11 18 to try and catch up. I should be in a position to give
05:21:14 19 some timeframes tomorrow. We hope that those will start
05:21:17 20 coming through very shortly.
21
05:21:19 22 The ICRs are obviously a longer proposition but I can
05:21:23 23 indicate this: full PII review - I'm sorry, I withdraw
05:21:27 24 that. Preliminary PII review, that is at a relatively
05:21:34 25 junior level, has been done over the ICRs, that's the
05:21:37 26 shading that's currently seen, that's massively
05:21:38 27 over-redacted, and there are also some that are missed.
05:21:41 28 That's inevitable at that phase of the process. The first
05:21:44 29 seven I'm instructed have now been fully PII reviewed.
30
05:21:48 31 COMMISSIONER: Great.
05:21:49 32
05:21:49 33 MR HOLT: Our intention would be, subject to the
05:21:51 34 Commissioner's views, that we provide those immediately.
05:21:54 35 They be the subject of both discussion and ruling if
05:21:56 36 necessary by the Commissioner.
37
05:21:57 38 COMMISSIONER: The protocol I suppose comes into play.
05:21:59 39
05:22:00 40 MR HOLT: Yes. What we would hoped that would do is to
05:22:01 41 mean that we'd be on the same page, if I can use the
05:22:05 42 vernacular, such that the further review would be quicker.
05:22:08 43 What we then propose to do would be to produce essentially
05:22:11 44 blocks of the ICRs almost as chapters, so in some
45 appropriate number.
46
47 COMMISSIONER: That would be great.

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1
05:22:15 2 MR HOLT: Once we start that I think I'll be in a position
05:22:18 3 to give a realistic indication of how long that will take.
05:22:22 4 But at least it means that the story can be told in a
05:22:24 5 chronological sense. That's what's proposed at present,
05:22:28 6 Commissioner.
7
05:22:28 8 COMMISSIONER: That's great, thank you. Any news,
05:22:32 9 Mr Chettle?
10
05:22:33 11 MR CHETTLE: No, is the short answer. We've sent three
05:22:39 12 messages asking to be let in, turn the machine on. That
05:22:48 13 requires someone at the other end to do just that, put some
05:22:52 14 PIN numbers in.
15
05:22:55 16 COMMISSIONER: I think we have somewhere there, don't we?
05:22:56 17 Can we contact them now? We also needed the pseudonym for
05:23:10 18 the person whose name was mentioned earlier. Do we have
05:23:16 19 that?
20
05:23:18 21 MR HOLT: I don't, Commissioner. I just need to make some
05:23:19 22 further inquiries into that. We don't need that pseudonym
05:23:21 23 immediately. Might I just have a little more time to
05:23:24 24 identify when we might need it and then we'll provide it.
25
05:23:26 26 COMMISSIONER: Yes. I think we'd like it to - was that in
05:23:29 27 open hearing? No.
05:23:31 28
05:23:31 29 MR HOLT: No, it wasn't. But in any event the way in which
05:23:34 30 it was used on my initial assessment is not problematic but
05:23:38 31 it might be in a different context.
32
05:23:43 33 COMMISSIONER: Yes. It's a bit rough on him I suppose.
05:23:46 34
35 MR HOLT: The reputation issue is different question but,
36 Commissioner, the order you've made in terms of the
05:23:46 37 transcript - no, I understand the point. I'll come up with
05:23:48 38 a pseudonym immediately, Commissioner.
39
05:23:52 40 COMMISSIONER: If he's not going to feature again, or is he
05:23:55 41 going to feature again?
42
43 MR HOLT: I don't know. I would expect so.
44
05:23:56 45 COMMISSIONER: Will he feature again, that person?
05:24:00 46
05:24:00 47 MR CHETTLE: Yes, he will.

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05:24:01 1
05:24:02 2 MR HOLT: We'll determine something now, Commissioner,
05:24:03 3 check it against other names and then we'll provide it
05:24:06 4 perhaps to your associate.
5
05:24:07 6 COMMISSIONER: Right. We have contact. Yes, Mr Winneke.
05:24:22 7
05:24:23 8 <SANDY WHITE, recalled:
9
05:24:28 10 MR WINNEKE: Mr White, Ms Gobbo was asked - if we go to
05:24:36 11 p.939, about the means by which she was communicating with
05:24:46 12 Paul Dale back in 2003/2004. If we go to p.939 you'll see
05:25:00 13 that there's an inquiry about telephone numbers, do you see
05:25:04 14 that?---Yes.
15
05:25:07 16 The answer to the question - what I suggest is that you
05:25:11 17 were being asked to find out by the investigators what
05:25:15 18 numbers Ms Gobbo communicated with Dale on, what phones she
05:25:19 19 had; is that right?---Yes.
20
05:25:22 21 And the answer that she gave is set out on p.939 and she
05:25:27 22 said that the two numbers she was ringing him on are, the
05:25:32 23 old number, and they're set out there and I don't need to
05:25:35 24 provide the number. One was an Optus number seven years
05:25:38 25 old, and the other one was a new number, also of Optus, and
05:25:42 26 it may be both because she swapped numbers, the new numbers
05:25:47 27 around that time and she only uses the new number now. She
05:25:51 28 said to check both for 2004 and that information was
05:25:58 29 verbally disseminated to Gavan Ryan. I suggest to you that
05:26:02 30 the reason that information was being sought was to check
05:26:08 31 call charge records to confirm whether there were any
05:26:12 32 communications between Paul Dale, Nicola Gobbo, Tony
05:26:16 33 Mokbel, any of the people who may well have been in
05:26:19 34 possession or had the possibility of being in possession of
05:26:23 35 ICR 44, IR 44, do you agree with that?---Yes, I think
05:26:28 36 that's logical.
37
05:26:32 38 I think I asked you quite some time ago now about whether
05:26:36 39 or not Ms Gobbo was always accurate and truthful in her
05:26:39 40 communications with the SDU. This is one of the examples
05:26:43 41 where it appears, from information that you obtained
05:26:47 42 subsequently, that she in fact wasn't?---I don't know about
05:26:56 43 these numbers but I think you pretty well established last
05:26:59 44 week that she wasn't truthful when we spoke about the
05:27:02 45 charging people for representation we didn't know about.
46
05:27:05 47 Yes. But also insofar as this particular matter, which was

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05:27:09 1 of some significance because it concerned a very important
05:27:13 2 investigation, that is into the murders of the Hodsons, do
05:27:19 3 you agree with that?---Sorry, is the question are these
05:27:27 4 numbers important in regards to the investigations of the
05:27:29 5 Hodsons?
6

05:27:30 7 Yes. The numbers that she was using were clearly a matter
05:27:34 8 of some significance to Gavan Ryan and to Petra because
05:27:38 9 they wanted to find out whether she was communicating with
05:27:45 10 Dale and how frequently, when and - do you agree with
05:27:50 11 that?---Yes.
12

05:27:51 13 It was later discovered by Petra that in fact she was using
05:27:58 14 a number of telephone numbers, at least two, which were
05:28:03 15 numbers which were registered in names other than her own
05:28:06 16 and not those two telephone numbers that she gave?---I'm
05:28:20 17 not sure about that but I do have a recollection that she
05:28:25 18 didn't tell us the truth about these phones.
19

05:28:25 20 What I'm suggesting to you is that insofar as that
05:28:30 21 information that's recorded there, assuming she had a
05:28:33 22 recollection of it, she told - it apparently is the case,
05:28:37 23 and it's subsequently been confirmed to be the case, that
05:28:41 24 she had numbers other than those two numbers that she
05:28:44 25 provided you with, do you accept that proposition?---Yes, I
05:28:57 26 do.
27

05:29:01 28 Further down, about Paul Dale, "She wants to know when she
05:29:06 29 can start ringing him for us" and in effect she's told not
05:29:11 30 just yet, so she's champing at the bit to get going to
05:29:16 31 assist but she's being held back, if you like, if I can use
05:29:20 32 that expression, do you agree with that?---Yes.
33

05:29:26 34 Then she's asked about an OPI summons, was that the subject
05:29:41 35 of discussion?---An [REDACTED] the notes say.
36

05:29:52 37 There's discussion about [REDACTED]. Yes, that's
05:29:55 38 correct, there's discussions about [REDACTED] and she's
05:29:59 39 heard that Faruk Orman [REDACTED] and there's talk
05:30:09 40 amongst the legal fraternity [REDACTED]
05:30:13 41 up from clients and she's intending to represent Faruk
05:30:17 42 Orman for his case. Quite clear what she's going to do
05:30:22 43 there, that information is verbally disseminated to
05:30:25 44 Mr O'Brien. Now if we go to - just before I move back to
05:30:38 45 the Petra issue and the OPI issue. Just on that question
05:30:41 46 about the fact that she has made it clear that she's going
05:30:45 47 to represent Orman, and that verbal dissemination, one

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WHITE XXN - IN CAMERA

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05:30:51 1 assumes that there would have been a discussion with
05:30:57 2 Mr O'Brien about whether it was appropriate for her to
05:31:00 3 represent Faruk Orman in the circumstances known to him and
05:31:04 4 to the SDU?---I can't tell you. I wasn't involved in that
05:31:15 5 conversation.

6
05:31:16 7 I follow that. I take it it's not - we don't know because
05:31:23 8 that document, the ICR doesn't have anyone's name on it and
05:31:27 9 it's not clear who viewed the document, but one assumes
05:31:34 10 that you were [REDACTED] at the time, you were working at
05:31:39 11 that stage because we had established that you were working
12 at that stage because we'd established that you were
05:31:41 13 working on at least the 25th and I take it you were working
05:31:45 14 on the 26th and following days, weren't you?---Yes.

15
05:31:48 16 You would have been [REDACTED]?---Most probably.

17
05:31:50 18 And if the information was disseminated to O'Brien would it
05:31:53 19 have been done with your imprimatur or not?---Not
05:31:58 20 necessarily.

21
05:32:00 22 Would it have been known amongst members of the unit,
05:32:05 23 including Mr Fox, who apparently took the note, the
05:32:10 24 difficulties with respect to Ms Gobbo representing Faruk
05:32:15 25 Orman?---I would think so. I think it's pretty apparent.

26
05:32:37 27 In any event there's information about what's in Mr Fox's
05:32:42 28 diary and it refers to talk amongst the legal fraternity
05:32:49 29 and leaking within the legal fraternity but not anything
05:32:54 30 about an intention to - her intention to represent Faruk
05:32:59 31 Orman for the case. If that's the case there's clearly -
05:33:04 32 let's just assume that the information that she's intending
05:33:07 33 to represent Orman is not passed on, would that be
05:33:13 34 information that should have been passed on?---I'm sorry,
05:33:21 35 that she was intending to represent Orman, should that have
05:33:26 36 been passed on?

37
05:33:26 38 Yes?---Not necessarily.

39
05:33:31 40 Again, we come back to this issue about appropriate
05:33:34 41 disclosure and if the investigators, who you say have an
05:33:39 42 obligation to make disclosure, don't know about Ms Gobbo's
05:33:43 43 intention to represent a particular person they might be
05:33:47 44 confronted with a problem of having to disclose that
05:33:51 45 information if, for example, Ms Gobbo turns up to represent
05:33:56 46 Orman when they know that she's been providing information
05:34:00 47 and assisting the person who is providing evidence against

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05:34:07 1 Mr Orman, do you follow what I'm saying?---Not really and -
05:34:12 2 it's very difficult to ask me questions like this when I
05:34:15 3 don't know whether it was or it wasn't. The document
05:34:17 4 suggests it was but you're asking me to speculate on what
05:34:20 5 will be the case if it wasn't.

05:34:22 7 Well I'm - - - ?---It's a very difficult - - -

05:34:26 9 Mr Chettle has come up to me and told me that in Mr Fox's
05:34:31 10 diary, which I don't have at this stage before me, the only
05:34:34 11 information which was passed on, according to his diary
05:34:39 12 note, is that the legal fraternity is leaking information
05:34:43 13 but there's nothing being passed on about her intention to
05:34:46 14 represent Orman. I'm simply asking you do you think that
05:34:49 15 that's information which should be passed on to the
05:34:52 16 investigators who you say have a responsibility with
05:34:55 17 respect to disclosure?---Well possibly.

05:35:02 19 Because the problem which may well eventuate is the problem
05:35:06 20 that you been aware of now, I suggest, since [REDACTED] 2006
05:35:13 21 and it seems to be recurring?---Are you asking me was I
05:35:25 22 aware of the problem?

05:35:28 24 Well, if you had been told that she was intending to
05:35:32 25 represent Orman you would have been aware of the problem, I
05:35:35 26 suggest?---Well I think again, and we've discussed this at
05:35:41 27 length, but she was consistently told not to represent
05:35:46 28 people that she had provided information about.

05:35:48 30 Yes?---I'm not sure - - -

05:35:50 32 I'm going to put it to you that she consistently refused to
05:35:53 33 accept your instructions and you knew that she consistently
05:35:58 34 refused to accept your instructions?---What I'm saying to
05:36:04 35 you is I didn't know that. That's what I told you last
05:36:07 36 week.

05:36:07 38 Okay. That's your position, you didn't know that she was
05:36:11 39 refusing to accept your instructions?---I knew. I knew
05:36:14 40 that she did not follow all of our instructions.

05:36:18 42 Okay?---And in relation to who she was representing, I
05:36:23 43 didn't know that she was representing people behind our
05:36:26 44 backs.

05:36:26 46 Well she's here - she's putting it right upfront, she's
05:36:30 47 telling you who she's intending to represent?---On the one

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05:36:38 1 hand you're examining me about something that does exist
05:36:41 2 and on the other something that doesn't exist. I can't
05:36:44 3 help you with this one.
4
05:36:45 5 I'm not too sure I follow you. What is in a document which
05:36:49 6 is a document which you, at face value, should be looking
05:36:54 7 at and exercising your managerial responsibilities with
05:37:00 8 respect to, in this document it's being made quite clear by
05:37:06 9 your human source, who is an agent of the police, that she
05:37:10 10 is intending to provide legal assistance to Mr Orman, the
05:37:15 11 person who she clearly has a conflict of interest with
05:37:22 12 respect to?---And it may well be the case, Mr Winneke, that
05:37:26 13 she was told not to do that.
14
05:37:28 15 Yes?---At a subsequent time. I just don't have that
05:37:31 16 information.
17
05:37:32 18 All right. Do you accept the proposition that the systems
05:37:36 19 and management in place at the time at the SDU were
05:37:42 20 woefully inadequate?---I don't accept that they were
05:37:49 21 woefully inadequate, but there were certainly mistakes that
05:37:53 22 we made or, more specifically, that I made.
23
05:38:05 24 If we go to - if we move on to p.1005. I suggest to you
05:38:16 25 that she's ringing to say that she's just had a call from
05:38:34 26 Sam at the OPI, he wants to see her regarding serving
05:38:38 27 confidential documents on her and she believes that this
05:38:42 28 relates to Paul Dale?---Are we on p.1005?
29
05:38:50 30 Yes?---And which entry, please?
31
05:38:55 32 The first at 10.43.
33
05:39:01 34 COMMISSIONER: Sorry, 1005 is - - -
35
05:39:06 36 MR WINNEKE: I apologise, I'm looking at the wrong page.
05:39:14 37 If we go back to 1003, I apologise. Do you see that? I
05:39:26 38 was on the wrong page, I apologise. The first entry. This
05:39:29 39 is when she first gets the documents. She assumes that it
05:39:32 40 relates to Paul Dale. She's reassured not to panic. She
05:39:39 41 says that she was talked into speaking to Lindsey Attrill
05:39:47 42 last year about all this and it was a disaster. She has
05:39:51 43 fears of her identity getting out as a human source if she
05:39:56 44 gives evidence at a hearing like this. If we then go over
05:39:58 45 to p.1005, about halfway down. She's worried about the
05:40:02 46 usual questions at the start of any of these hearings
05:40:06 47 regarding who she's spoken to about the summons. Straight

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05:40:09 1 away she's going to have to lie to protect her identity as
05:40:13 2 a human source. She doesn't want this coming out at all.
05:40:16 3 She's very, very scared of this. She talks about not going
05:40:20 4 and will cop being charged. Do you see that?---Yes.
5
05:40:24 6 Now obviously that is going to cause her difficulties with
05:40:29 7 respect to the SDU and the OPI; is that right?---Yes.
8
05:40:42 9 The issues were talked through with her and how it may look
05:40:45 10 if she is hiding something or being uncooperative. She
05:40:48 11 doesn't care, she says her life and protection of her
05:40:53 12 identity is paramount and there's general talk about that
05:40:56 13 and she's emotional, doesn't want to talk about it. Then
05:40:59 14 there's further discussions about it. She's ringing to
05:41:01 15 confirm that she's been served and it's about Paul Dale.
05:41:05 16 Summons relates to the IRs, Tony Mokbel, and she's
05:41:09 17 beginning to cry and she's scared where it's going. "Not
05:41:13 18 scared about giving information as she has already told us
05:41:18 19 everything in respect of this. She's worried with respect
05:41:23 20 to the risk of her identity coming out. They can charge
05:41:25 21 her, she doesn't care." And then there's a discussion
22 about the implications of this and the her reputation as a
05:41:30 23 barrister. Threat of gaol, she talks about that, and she
05:41:33 24 doesn't deserve what she's confronted with. She's worried
05:41:38 25 about questions being asked where she will have no choice,
05:41:41 26 et cetera. Insofar as this is an inquiry into police
05:41:53 27 corruption and the potential involvement of a former police
05:41:59 28 officer Paul Dale in the double execution, the leaking of
05:42:05 29 IRs and the involvement of her and all of that, do you
05:42:07 30 accept the proposition that it is an important
05:42:10 31 inquiry?---Yes.
32
05:42:14 33 And that this organisation, the OPI, is intended to be an
05:42:20 34 independent oversight authority with significant powers,
05:42:25 35 both with respect to obtaining of information and enforcing
05:42:30 36 of confidentiality, which is designed to investigate
05:42:38 37 serious criminal activities on the part of members of
05:42:44 38 Victoria Police?---Yes.
39
05:42:49 40 And therefore it would be, one assumes, important for her
05:42:53 41 to attend at the hearing and ask any questions which the
05:42:58 42 investigator believes are appropriate to be asked, do you
05:43:10 43 agree with that proposition? I know there's a few points
05:43:13 44 in it. But as a general proposition do you agree with
05:43:16 45 it?---Yes.
46
05:43:19 47 What's said is that, "She wants a guarantee from us that we

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05:43:23 1 control the questions being asked and it's explained to
05:43:27 2 her" - now I accept that it's not you who's explaining it
05:43:31 3 to her but nonetheless this is an issue that you are, as
05:43:34 4 the controller, you've got an involvement in what's going
05:43:40 5 on here I take it?---I would have, yes.
6
05:43:46 7 And it's explained that the SDU cannot guarantee and cannot
05:43:52 8 control the questions or cannot influence the OPI and nor
05:43:55 9 should you, do you accept that?---Yes.
10
05:43:59 11 And at the end I think Mr Fox says that he would call her
05:44:04 12 back if she wants to talk more about the issue and he says
05:44:08 13 that he would speak to you about it [REDACTED].
05:44:13 14 Then there's a discussion subsequently, she's been sick
05:44:17 15 since she last spoke. She was very worried but calmed
05:44:20 16 down. There was general discussion about her health and
05:44:23 17 she's cancelled dental surgery and then there's a
05:44:26 18 discussion about other matters that she's involved in. I
05:44:29 19 take it you would have had a discussion with Mr Fox about
05:44:35 20 these matters and how best to deal with them?---I think so.
21
05:44:47 22 I take it this is something that you would have some
05:44:50 23 recollection of, wouldn't you?---No. This is 14 years ago.
24
05:44:56 25 Right. So we'd need to go to your source management log
05:45:01 26 and your diary entries, would that be the case?---Yes.
27
05:45:14 28 If we go to 11 July 2007 in the source management log.
05:45:48 29 It's at p.117 in my document but in yours, 11 July, it says
05:45:57 30 that, "RS spoke to Mr Fox. States has been served with a
05:46:09 31 summons from the OPI to give evidence at a hearing. She's
05:46:14 32 extremely concerned about the identity. States that she'll
05:46:17 33 be asked about the Hodson IRs. States that she'll accept
05:46:21 34 fines, convictions, rather than be identified as a source
05:46:24 35 and she's booked a holiday". Then it says, "The following
05:46:29 36 day inquiries being made by Deputy Commissioner Overland re
05:46:33 37 prohibiting certain questioning of the source at the OPI
05:46:36 38 that would reveal her role as a source". And then perhaps
05:46:44 39 the next entry suggests something which might have been
05:46:46 40 apparent given the use of the term RS, that [REDACTED]
05:46:50 41 has changed from that name - [REDACTED] to - - -
42
05:47:08 43 COMMISSIONER: Yes, I should say that I was handed a note
05:47:11 44 to say that the name that was mentioned before lunch that
05:47:14 45 was redacted will now be referred to by the pseudonym
05:47:19 46 Officer Pierce. That will come in in Exhibit 81 as 12C.
47

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05:47:49 1 MR WINNEKE: Can I ask you, Mr White, to go to your diary
05:47:53 2 at p.164. It's difficult to know exactly what date this is
05:47:59 3 on. You might be able to assist. But it's an entry at
05:48:04 4 12.45, p.164. Are you able to tell us what day that
05:48:11 5 is?---That would have been given to me on 17 July.
6
05:48:21 7 Judging from your diary you're on leave, are you, at all in
05:48:26 8 the days leading up to that time?---I was on leave for the
05:48:30 9 two week period prior to 16 July.
10
05:48:34 11 So you're back on 17 July and you're confronted with this
05:48:42 12 problem, it seems. You've made an entry in your diary, and
05:48:59 13 it seems in the source management log, and it says that
05:49:01 14 there's a meeting between yourself, Mr Fox, Mr Smith and
05:49:10 15 Ms Gobbo?---It wasn't in a meeting with Ms Gobbo.
16
05:49:25 17 It was or wasn't?---No, it was not. It was a meeting
05:49:29 18 between - - -
19
05:49:30 20 I apologise?---Those people you mentioned about Ms Gobbo.
21
05:49:42 22 The management log perhaps isn't entirely accurate because
05:49:44 23 the note in your diary is that you're meeting with the
05:49:49 24 [REDACTED] and the previous [REDACTED] who is [REDACTED]
05:50:00 25 right, and it's, "To meet tonight. The issues are the OPI
05:50:06 26 subpoena, human source's concerns that she'll be asked to
05:50:10 27 give evidence that could compromise her. Spoken to Gavan
05:50:16 28 Ryan, who has spoken to Simon Overland. Agreed that she
05:50:19 29 would not be asked questions about which policemen she
05:50:23 30 has" - - -?---Spoken to.
31
05:50:28 32 - - - "spoken to. Fitzgerald has been told that" - what's
05:50:34 33 it say, "has been told that human source is a human
05:50:38 34 source"?---Yes.
35
05:50:40 36 Is that information - I take it you didn't tell
05:50:44 37 Mr Fitzgerald that?---No.
38
05:50:49 39 Is that information that you've received from anyone?---I
05:50:56 40 don't know whether this is me getting briefed about this
05:50:58 41 issue.
42
05:51:01 43 Yes?---Or whether Mr Overland had mentioned to me that
05:51:05 44 ultimately this was going to be examined by Mr Fitzgerald.
05:51:09 45 I have a vague recollection of that. Sorry, the answer to
05:51:20 46 your question is I don't know where that came from.
47

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05:51:22 1 If you look at the note - sorry, in the SML it says,
05:51:26 2 "Advise Chairman aware of some assistance human source has
05:51:30 3 provided police and will ensure human source not put in
05:51:33 4 self-compromising position. Human source agrees to the
05:51:37 5 strategy. Agreed. Gavan Ryan, Purana, will be present at
05:51:42 6 the hearing in case of problems. Discuss issues regarding
05:51:46 7 source becoming a witness and discuss Karam intelligence
05:51:50 8 with respect to the container". It may well be that that
05:51:54 9 entry in the source management log is entered later on
05:51:59 10 because what appears to be the case there is that the
05:52:04 11 Chairman, who I assume is intended to refer to
05:52:07 12 Mr Fitzgerald, is aware of some assistance that she has
05:52:10 13 provided to the police but not the full extent of it, was
05:52:14 14 that the strategy?---I don't know.
15
05:52:21 16 Indeed, if you go down the page it says, "Need to ask Gavan
05:52:25 17 Ryan if Gobbo can be told Fitzgerald is the Chairman.
05:52:30 18 Gobbo to be told three options: say nothing at
05:52:34 19 all"?---You're back on my notes, sorry?
05:52:41 20
05:52:41 21 Yes, sorry, back on your notes. Can you read those for
05:52:44 22 us?---"Three options: Say nothing at all. Human source
05:52:47 23 threatening to do. Bravado that she is prepared to go to
05:52:51 24 gaol. Two, human source to answer all questions except
05:52:55 25 those that would compromise. Asked to stand down and then
05:52:57 26 seek advice from SDU."
27
05:52:59 28 Yes?---"Three, human source to be advised that Chairman
05:53:02 29 could receive limited intel re human source assistance to
05:53:05 30 police and concerned that answers re same will be
05:53:08 31 documented and may compromise human source at later date.
05:53:13 32 Especially concerned re death threats."
05:53:17 33
05:53:25 34 COMMISSIONER: That's 17 July, is it, the diary
05:53:29 35 entry?---Yes, Commissioner.
36
05:53:30 37 Thank you.
38
05:53:32 39 MR WINNEKE: Wasn't there another option?---Well, there's
05:53:42 40 not another option nominated.
41
05:53:45 42 Couldn't she simply have - - - ?---I'm sure you're going to
05:53:49 43 have one.
44
05:53:52 45 Why couldn't she have simply told the truth?---Well I think
05:53:57 46 number two tells her to answer all the questions.
47

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05:54:00 1 Except those that would compromise her?---Except those that
05:54:04 2 would compromise her. And then be stood down and get some
05:54:08 3 advice about it. I think if you go back to the contact
05:54:10 4 report.
5

05:54:10 6 Yes?---She's actually encouraged to do the right thing and
05:54:14 7 tell the truth.
8

05:54:17 9 What I'm suggesting to you is that why couldn't she turn up
05:54:22 10 to a hearing, which is a confidential hearing set up as an
05:54:28 11 independent oversight organisation, and simply tell the
05:54:30 12 truth about her relationship with Victoria Police?---We
05:54:36 13 were very concerned - - -
14

05:54:38 15 Was that ever seen as a possibility?---Well it must have
05:54:41 16 been because we had discussions with Mr Overland about
05:54:44 17 this. But we were very concerned she was going to
05:54:46 18 compromise herself.
19

05:54:47 20 Right. Well, by telling the truth?---Yes.
21

05:54:54 22 Can I put this scenario to you: if she goes along and tells
05:54:59 23 the truth then Mr Fitzgerald, who has been brought down
05:55:07 24 from Queensland to carry out a thorough investigation,
05:55:12 25 would be entitled to and able to get as much information
05:55:17 26 and ask as many questions as he can to establish the nature
05:55:21 27 of, firstly, Ms Gobbo's relationship with potentially
05:55:26 28 corrupt police officers. That's the first thing, do you
05:55:29 29 agree with that?---Yes.
30

05:55:32 31 And he might even discover that Ms Gobbo is a human source
05:55:38 32 and a barrister?---But I think he already knew that.
33

05:55:45 34 If that's the case what's the problem with the
05:55:47 35 compromise?---Well there would have been other people in
05:55:53 36 the court. I don't think there was a concern about
05:55:56 37 Mr Fitzgerald.
38

05:56:06 39 Can I just understand this: this is a body which has strict
05:56:11 40 confidentiality obligations, do you agree?---Yes.
41

05:56:25 42 If, for example, he was able to establish that Ms Gobbo was
05:56:29 43 a barrister who was also providing information against, or
05:56:34 44 to Victoria Police potentially about her clients, it might
05:56:41 45 well have been that the OPI, the Office of Police
05:56:45 46 Integrity, might have had an opportunity to look into that
05:56:49 47 as a matter of - as an issue of itself?---Well that might

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05:56:56 1 be right, Mr Winneke, but that clearly wasn't what I was
05:57:00 2 thinking at the time. I was just concerned about her being
05:57:03 3 compromised and the record shows that I believe
05:57:05 4 Mr Fitzgerald knew that she was a source. That could be
05:57:09 5 the only explanation for me not taking it further.

6
05:57:14 7 We'll come to that in due course. What I'm suggesting is
05:57:17 8 that this very organisation is set up as an independent
05:57:26 9 oversight organisation to look into police behaviour. Here
05:57:30 10 was an opportunity, if Ms Gobbo was simply told to go along
05:57:33 11 and answer questions, that all of this might well have come
05:57:37 12 out, do you accept that?---Yes.

13
05:57:43 14 We mightn't be here now. Do you accept that
05:57:56 15 proposition?---Yes, I do.

16
05:58:19 17 Can I just ask you, and I'll come back to that but I just
05:58:23 18 want to take you back to p.1014, 14 July 2007, ICR p.1014.
05:58:46 19 This is a discussion between Mr Fox and Ms Gobbo on the
05:58:54 20 14th and this is arising obviously out of the OPI summons.
05:58:59 21 There was discussions about the OPI, there was talk about
05:59:02 22 alternatives, not going. She was encouraged towards the
05:59:07 23 second option, as opposed to going to the hearing and
05:59:12 24 answering their questions and her identity remaining
05:59:15 25 intact. "She was encouraged towards the second option and
05:59:19 26 she was reassured that you were having meetings now and on
05:59:23 27 Monday to prevent questions about her identity being
05:59:26 28 asked." And there's a reference to you being away on a
05:59:32 29 trip at the moment and you're cutting the trip short to
05:59:34 30 come back and support her. That is you're away, Mr White's
05:59:43 31 away on a trip and you're cutting your trip short to come
05:59:47 32 back, is that correct?---That's how it appears.

33
05:59:53 34 Look, obviously, this is a significant issue. You're on a
05:59:56 35 holiday and you're cutting your holiday short to come back
06:00:00 36 and deal with this problem, okay. I take it you've
06:00:09 37 obviously been communicating with Mr Fox about the matters
06:00:11 38 and you're aware of the issues?---I think I must have been.

39
06:00:18 40 She was told that not cooperating with the OPI won't solve
06:00:22 41 anything and they will not go away. She knows that. She's
06:00:26 42 thinking about claiming legal professional privilege in the
06:00:29 43 hearing. I suggest to you that what she's talking about
06:00:33 44 there is suggesting that she has a professional
06:00:38 45 relationship with Mr Dale, or has had, and at the time of
06:00:47 46 the relevant matters which would be the subject of inquiry
06:00:50 47 and she could exercise that right of legal professional

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06:00:58 1 privilege of Mr Dale's and not answer questions about any
06:01:03 2 communications between he and her because they were covered
06:01:07 3 by LPP, that's what it's suggesting I put to you?---Yes,
06:01:18 4 that's a probability.
5
06:01:19 6 Do you agree with that?---Yes, that makes sense.
7
06:01:24 8 Perhaps if I can jump forward. Subsequently you know that
06:01:28 9 Mr Dale was charged with criminal offences concerning both
06:01:35 10 - well obviously the murder of the Hodsons, murders of the
06:01:41 11 Hodsons and also lying to the ACC, you agree with
06:01:44 12 that?---Yes.
13
06:01:46 14 And it was likely or it was considered likely that Mr Dale
06:01:52 15 would be suggesting that any communications that he had
06:01:55 16 with Ms Gobbo, in particular the taped conversation on 6
06:02:01 17 December of 2008, would be the subject of legal
06:02:04 18 professional privilege, do you agree with
06:02:06 19 that?---Ultimately I think that was the case. I don't
06:02:16 20 think you're asking was that what we were thinking at the
06:02:19 21 time?
22
06:02:19 23 No, of course not. I'm just trying to cover off on this
06:02:22 24 issue rather than coming back to it?---Okay.
25
06:02:25 26 Because you were aware that subsequently it was an issue in
06:02:27 27 proceedings involving Mr Dale that any communications that
06:02:31 28 he had with her, in particular the communication on 6
06:02:36 29 December, was covered by legal professional privilege, do
06:02:39 30 you agree with that?---Yes.
31
06:02:41 32 That information, that very line there, may well have been
06:02:44 33 something that Mr Dale and his legal representatives might
06:02:48 34 have been keen to get a hold of, do you agree with that
06:02:53 35 proposition?---That she was considering claiming legal
06:02:57 36 professional privilege at an OPI hearing?
37
06:03:03 38 Yes. In effect she was saying, "Look, I could go along and
06:03:06 39 say he's my client, I'm his lawyer, I shouldn't have to
06:03:10 40 answer questions"?---Yes, sorry, and you are asking me if
06:03:13 41 Paul Dale or his counsel would want to know that she was
06:03:16 42 going to do that at the OPI hearing?
43
06:03:19 44 What I'm simply saying is there are other issues, and I've
06:03:23 45 taken you previously to a line where she says that there
06:03:25 46 was a bizarre relationship where she provided him legal
06:03:28 47 advice for nothing, right, do you follow what I'm

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06:03:33 1 saying?---Yes.
2
06:03:35 3 That information, I suggest to you, would be relevant to
06:03:38 4 whether or not Mr Dale had a potential argument that the
06:03:44 5 communication with Ms Gobbo on 6 December was the subject
06:03:50 6 of legal professional privilege?---I'm sorry, Mr Winneke,
06:03:54 7 I'm just not following. I'm not following your
06:03:58 8 proposition.
9
06:04:00 10 Look, the point that I make is this, and I'm getting ahead
06:04:03 11 of myself, but ultimately amongst these materials is
06:04:07 12 evidence that might suggest that Ms Gobbo has been a lawyer
06:04:12 13 for Mr Dale. What I'm putting to you is ultimately none of
06:04:19 14 that information was made available to Mr Dale when he went
06:04:23 15 to trial, or committal?---That he - she had appeared at the
06:04:31 16 OPI ?
06:04:31 17
06:04:31 18 No, no, no - - - ?---I'm lost. I'm sorry, I'm lost. We're
06:04:36 19 talking about the OPI and I'm just not following.
20
06:04:45 21 There was information available to the SDU that Gobbo was
06:04:48 22 acting as a lawyer for Dale at times?---Yes.
23
06:04:52 24 That information, because of your desire not to compromise
06:04:58 25 her, ultimately it wasn't made available to Mr Dale, that's
06:05:01 26 what I'm putting to you?---Okay. No, that's right.
27
06:05:33 28 "She's thinking about claiming legal professional privilege
06:05:37 29 at the hearing and you reminder her that she needs to be
06:05:40 30 careful doing this as LPP is confined to client
06:05:44 31 instructions, not criminal activity. She did not want to
06:05:47 32 be seen to be hiding behind this if it is not true. She
06:05:50 33 knows this. She's encouraged to go there and just to tell
06:05:52 34 the truth. She asks how she can tell the truth if it means
06:05:58 35 revealing her identity. She's told that if that occurs she
06:06:01 36 could call a time out and not answer the question and let
37 us deal with it as opposed to lying and perjuring herself
06:06:07 38 and she knows this and agrees not to perjure herself",
06:06:11 39 right?---Yes.
40
06:06:23 41 If we go over to p.1017. There's another discussion about
06:06:48 42 the hearing. She's spoken again about using legal
06:06:53 43 professional privilege as a defence to the questions.
06:06:55 44 Again, she's reminded that the scope of this claim doesn't
06:06:59 45 extend into criminal activity so does not - she can't hide
06:07:03 46 behind it or "do not hide behind it". That suggests that
06:07:10 47 either she and/or Mr Dale are engaged in criminal activity,

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06:07:13 1 doesn't it?---Yes.
2
06:07:18 3 That may or may not be the case? That entry is on 15 July
06:07:28 4 2007?---I have that. I'm agreeing with you. Yes, it does
06:07:36 5 suggest that.
6
06:07:52 7 Then if we go over to p.1019, on 16 July 2007 she's asked
06:08:00 8 about the telephone numbers. She's had the same two
06:08:04 9 numbers for years and years, going back to prior to 2003,
06:08:08 10 therefore is police CCR her phone for back then, they would
06:08:12 11 pick it up. She only ever rang Paul on her mobile number
06:08:15 12 or from her office line. She confirms that there were
06:08:20 13 never any bodgie phones or numbers between the two of them.
06:08:24 14 Do you see that?---Sorry, I didn't pick it up as you were
06:08:30 15 reading it. I'm just reading it.
16
06:08:32 17 1019?---I've found it.
18
06:08:41 19 Do you see that?---Yes, I'm just reading it.
20
06:08:53 21 That, I suggest, makes it quite clear that, from
06:08:58 22 information that you subsequently obtained, that she wasn't
06:09:00 23 telling the truth about that?---Again, my recollection is
06:09:10 24 that she didn't tell the truth about that and we found that
06:09:14 25 out some time later, I just can't recall how.
26
06:09:20 27 You were told by investigators that they had discovered two
06:09:23 28 other telephone numbers that she was using?---Okay.
29
06:09:38 30 The source management log for 12 July - perhaps if we go to
06:09:49 31 p.2595. I withdraw that. If we go to p.1025, and this is
06:10:13 32 on 17 July, bottom of the page. The various options are
06:10:26 33 set out there. The options are discussed with Gobbo. The
06:10:32 34 agreement as the best course of action. Regarding option
06:10:38 35 three, "The SDU can say that she has assisted police in the
06:10:41 36 past and now has threats on her life and that we need to
06:10:44 37 keep her on side with us. We don't have to tell them
06:10:47 38 everything". That's option - - - ?---I'm sorry,
06:10:51 39 whereabouts - - -
40
06:10:52 41 Option three, regarding option three. Three options: one
06:10:56 42 is refuse to answer; two participate and hope they don't
06:11:00 43 ask any questions, that would be dangerous; three, "We have
06:11:03 44 influence over the questions but this would mean that
06:11:05 45 someone would have to know the human source identity, i.e.
06:11:12 46 the Examiner. Discuss these options with Gobbo to come to
06:11:15 47 agreement about the best course. Option three. SDU can

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06:11:20 1 say that HS has assisted police in the past and now has
06:11:25 2 threats on her life. That we need to keep her on side with
06:11:28 3 us, we don't have to tell them everything". Do you see
06:11:32 4 that?---Yes.
5

06:11:33 6 "By doing this we are confident that questions relating to
06:11:36 7 who you told, et cetera, about the summons would not be
06:11:38 8 asked. Just as important, if she does not get called to
06:11:42 9 the hearing like everyone else has, then it may look
06:11:45 10 strange and people will think suspiciously. She's told
06:11:49 11 Gavan Ryan is in charge of the Hodson investigation and
06:11:52 12 being assisted by the OPI. She agrees that there is no new
06:11:57 13 evidence that she can give against Tony Mokbel that we do
06:12:01 14 not already have. Tony had the 50 IRs but so did everyone
06:12:12 15 else. She does not want evidence to come out that she saw
06:12:16 16 Tony Mokbel with the 50 IRs because one fears for her
06:12:20 17 safety; two, her concern on where the transcript of the OPI
06:12:23 18 hearing will end up, and she has fears that we will not be
06:12:27 19 able to control its release. Long talk about the above
06:12:30 20 issues". And the resolution was, "After going through all
06:12:35 21 of the options it is agreed by everyone that the best
06:12:40 22 option is for the human source to attend the OPI hearings",
06:12:42 23 that's the first thing, "and the SDU will ensure that
06:12:45 24 Mr Fitzgerald, the Examiner, is informed she has assisted
06:12:48 25 in the past and now threatens on her life in order to ensure
06:12:52 26 that questions relating to who she has spoken to about this
06:12:58 27 summons will not be asked". That was what it was intended
06:13:01 28 to do, correct?---Yes.
29

06:13:06 30 That would not be telling Mr Fitzgerald the truth?---That's
06:13:16 31 not what that says.
32

06:13:17 33 Right. What you were saying is that she will simply - he
06:13:24 34 will be told that she has assisted in the past and threats
06:13:28 35 on her life, now threats on her life in order, to ensure
06:13:32 36 that questions relating to - what I'm suggesting to you is
06:13:35 37 that it's misleading, the intention is to mislead
06:13:39 38 him?---That's not true and it's entirely accurate what that
06:13:45 39 sentence says.
40

06:13:46 41 Right.
42

06:13:48 43 COMMISSIONER: But it's not the complete story, is it?---It
06:13:53 44 doesn't say that he will be told about every action that
06:13:58 45 she participated in as the informer, if that's what
06:14:01 46 Mr Winneke's asking me.
47

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06:14:04 1 MR WINNEKE: It's not the entire truth, it's not the whole
06:14:07 2 truth at all, is it?--Well I think that's accurate and
06:14:12 3 Mr Overland knew what she had done and he was the one who
06:14:16 4 was going to make the approach.
5
06:14:17 6 So you say that that's accurate and Mr Overland was going
06:14:22 7 to, in effect, present the same story that you had agreed
06:14:30 8 upon?--I'm not sure what Mr Overland was going to present
06:14:36 9 to Mr Fitzgerald. I just assumed that he would tell
06:14:42 10 Mr Fitzgerald that she was a human source.
11
06:14:44 12 If that's the case why wouldn't you simply say to
06:14:46 13 Mr Fitzgerald, "She's a human source, ask away"?--Well,
06:14:52 14 Mr - - -
15
06:14:55 16 What's the fuss about then?--I left that with Mr Overland.
06:14:59 17 My concern was that she was going to get compromised by
06:15:02 18 saying that she had spoken to members of the Source
06:15:06 19 Development Unit who were obviously source handlers.
20
06:15:09 21 Yes. You didn't want that information - - - ?--No, don't
06:15:12 22 put words in my mouth, please. It wasn't our intention to
06:15:16 23 deceive Mr Fitzgerald because I always believed he was
06:15:19 24 going to be told.
25
06:15:23 26 And he would not ask questions about police who Ms Gobbo
06:15:30 27 had spoken to?--That's right. The specific questions
06:15:35 28 about, "Who have you spoken to in relation to this
06:15:37 29 summons?"
30
06:15:38 31 Right?--That was what I understand the agreement was.
32
06:15:49 33 Right. You understood that Mr Fitzgerald would be told
06:15:53 34 that she was an active human source, registered on the
06:15:58 35 books, and he would be permitted to ask questions, what,
06:16:07 36 about those matters or not?--Well I don't know whether
06:16:10 37 that was ever talked about with Mr Overland and
06:16:14 38 Mr Fitzgerald. All I know is Mr Overland was going to talk
06:16:17 39 to him about the fact she was a human source for Victoria
06:16:19 40 Police. I don't know anything about those discussions.
41
06:16:21 42 Yes. What the note says is that he would be told that she
06:16:27 43 had assisted in the past?--But that's entirely true.
44
06:16:33 45 Yeah, but she was currently assisting, she was a registered
06:16:36 46 informer. It had been agreed that she wouldn't be
06:16:41 47 deactivated by you and Overland and Ryan and she was

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06:16:47 1 continuing to be on the books, she was continuing to
06:16:49 2 provide information?---I don't think there was any - - -
3
06:16:53 4 Go on?---My belief was that Mr Overland was going to tell
06:16:58 5 Mr Fitzgerald that she was a source and that she'd assisted
06:17:01 6 in the past. Now, you can read this very prescriptively,
06:17:04 7 which is what you're actually doing, but I'm telling you
06:17:09 8 what my belief was.
9
06:17:09 10 I suggest to you that you very carefully crafted what would
06:17:14 11 be told to him and that it was not that she is currently a
06:17:17 12 registered human source, but that she had assisted in the
06:17:19 13 past and was subject to threats?---Well - - -
14
06:17:24 15 That is, I suggest - just listen to the question. I
06:17:27 16 suggest to you it's misleading?---I'm the one giving the
06:17:30 17 evidence and that's not the case.
18
06:17:33 19 I'm the one who's asking the questions and I'm suggesting
06:17:37 20 it's misleading?---Well you don't want to accept my
06:17:39 21 evidence. I've already told you what I thought Mr Overland
06:17:42 22 was going to do in relation to this and there was never an
06:17:46 23 intention to deceive Mr Fitzgerald, which is clearly what
06:17:51 24 you're suggesting.
25
06:17:52 26 I do. All right. Now, if we go to p.1030. This is a
06:18:27 27 reference to communications on the following day.
06:18:32 28 "Ms Gobbo stayed up late last night thinking about what was
06:18:36 29 said at our meeting. Against her better judgment she's
06:18:39 30 going because we want her to. Advised her that the hearing
06:18:43 31 officer will be Gary Livermore", and she makes some
06:18:50 32 comments about him, including that he had been retained by
06:18:56 33 Mr Jamou and Tony Mokbel in the past. She questions how he
06:19:00 34 can be a hearing officer at the OPI with past clients like
06:19:04 35 this. "Tried to reassure her that Livermore will not be
06:19:11 36 told of her status, only Fitzgerald, and he has overriding
06:19:15 37 control of the hearing", right? Was it your understanding
06:19:21 38 that of the person questioning, carrying out the
06:19:26 39 questioning for Mr Fitzgerald, would not be told?---Well
06:19:32 40 that's what this seems to be suggesting but - - -
41
06:19:40 42 Right. Later on there's discussions about it, "Went over
06:19:44 43 again with her what is in place for the OPI hearing
06:19:47 44 tomorrow. She will not be asked questions about who you've
06:19:50 45 spoken to about the summons, rather that you've spoken to
06:19:53 46 Paul Dale", et cetera, et cetera. "Remind her of the
06:19:55 47 importance of telling the truth. If she feels threatened

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06:19:58 1 because of questions asked or by answering she feels she
06:20:00 2 may have to reveal her identity as a source then she can
06:20:04 3 call a time out and Gavan Ryan will be there to deal with
06:20:07 4 her", do you see that?---Yes.
5
06:20:11 6 Then the following entries in the ICR at p.1033. "She's
06:20:25 7 rung. She's nervous for today at the OPI hearing. She was
06:20:30 8 wished the best and moral support was provided. She only
06:20:33 9 got two and a half hours sleep. She was reassured that
06:20:36 10 Gavan Ryan will be there. She's concerned that this all
06:20:39 11 may be some type of set up by us, the SDU, and Purana in
06:20:45 12 order to compel her to be a witness. Told no. If we want
06:20:52 13 a statement from her we would simply ask. Talk about the
06:20:55 14 OPI and how they are a separate investigation body to
06:21:00 15 Victoria Police." If we go over the page to 1034,
06:21:26 16 discussion about Mr Livermore, OPI senior counsel. She
06:21:31 17 says that he provided advice to Tony Mokbel and Milad
06:21:41 18 Mokbel. She's reminded to remain professional during the
06:21:50 19 hearing and not antagonise. She says she won't. Then at
06:21:54 20 1.17 there's a break in the hearing. She believes all the
06:21:57 21 questioning is crap. Fitzgerald is asking all the
06:22:01 22 questions. She complains that one of the first questions
06:22:08 23 was tell the hearing about all the police officers she's
06:22:12 24 ever spoken to. She complains about how open-ended this is
06:22:16 25 and risks divulging her human source identity. She has to
06:22:22 26 name the person and then go into how they met and the type
06:22:24 27 of relationship. She's worried that if this continues she
06:22:27 28 may have divulge you, Mr White, "and the rest of us". She
06:22:31 29 said that she's exhausted her memory and Mr Fitzgerald has
06:22:35 30 told her to go and get her address book for more names.
06:22:41 31 The hearing is adjourned for her to get the address book.
32 And she's advised that the instructions are the same and
33 she's had to call a time out - she is to call a time out
06:22:48 34 which she feels she's left in a position of revealing her
06:22:50 35 identity. She wants Mr Fox to update you and there's
06:22:58 36 another call subsequently. You call her back. I'm sorry,
06:23:06 37 Mr Fox calls her back. "Advised that I have told the
06:23:10 38 controller", [REDACTED], "and he is furious with
06:23:13 39 Mr Fitzgerald at the OPI regarding these open-ended
06:23:16 40 questions". Was that the case, you were furious with the
06:23:21 41 questioning of Ms Gobbo?---I don't recall that.
42
06:23:25 43 Well, you don't dispute that that's what it says and that's
06:23:29 44 likely to reveal your state of mind?---Well I don't recall
06:23:36 45 being furious about it.
46
06:23:40 47 Right?---That's all I can say to you.

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1
06:23:42 2 She was reminded that it's good for Fitzgerald to be asking
06:23:45 3 the questions, as opposed to Livermore, as he doesn't know
06:23:48 4 her status and she was advised that you would be speaking
06:23:52 5 to Gavan Ryan and Mr Overland regarding this issue. "She
06:23:58 6 claims that she's not happy and she feels cheated by
06:24:01 7 Victoria Police and us. She's worried that the OPI will
06:24:04 8 not listen to us and choose to ask these questions
06:24:08 9 regardless. She's reminded that she can call a time out."
06:24:13 10 Look, one gets the impression that this is a hearing
06:24:17 11 process in which the SDU is apparently very much invested
06:24:25 12 in what's going on?---Well as I've already stated we were
06:24:32 13 very concerned that she would be compromised by revealing
06:24:35 14 the fact that she had a relationship with the SDU.
15
06:24:38 16 Yes?---So we were invested to that extent.
17
06:24:40 18 I suggest to you that you're more concerned about her
06:24:46 19 protection than Mr Fitzgerald being able to get to the
06:24:49 20 bottom of the issues?---No, well I don't agree with that.
21
06:24:57 22 Then she goes on and she's talking about the sorts of
06:25:01 23 questions that she was asked, including questions about
06:25:05 24 Mr Argall, and she tells you about all the information that
06:25:11 25 she - a lot of the information that she's asked about at
06:25:15 26 the hearing. Did you take the view that this exercise,
06:25:33 27 Mr Fitzgerald's exercise, the OPI exercise was really a
06:25:40 28 series of questions which had been - I withdraw that and
06:25:45 29 I'll start again. This OPI hearing was a hearing which was
06:25:50 30 being carried out by, in effect, Mr Overland in conjunction
06:25:54 31 with the OPI?---Did I suspect that or are you asking - - -
32
06:26:01 33 Was that your understanding?---I can't recall who kicked
06:26:07 34 this off, this OPI hearing. Obviously Mr Overland had a
06:26:14 35 lot of control over it because ultimately there was a Task
06:26:19 36 Force dedicated solely to it, it might have even been going
06:26:23 37 at this time, and the Task Force would have made the
06:26:25 38 arrangements with the OPI to have the compulsory hearing.
06:26:30 39 As I've already stated, I know Mr Overland was going to
06:26:34 40 talk to Mr Fitzgerald specifically about it.
41
06:26:36 42 And that was your understanding, that Mr Overland would
06:26:40 43 speak to Mr Fitzgerald?---Yes.
44
06:27:01 45 Was there any concern on your part that putting aside
06:27:04 46 Ms Gobbo's position as a human source and a barrister and
06:27:11 47 the potential for her to be compromised in the sense that

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06:27:16 1 some more people would know that she was a human source,
06:27:18 2 was there concern that the SDU involvement with Ms Gobbo as
06:27:24 3 a barrister representing clients and, in effect, providing
06:27:32 4 information against those clients was something that you
06:27:36 5 would rather not have exposed?--I don't think that was the
06:27:40 6 concern at that time. You asked me to put aside my other
06:27:48 7 concerns. My sole concern, not my sole concern, but my
06:27:52 8 overriding concern was that she would be compromised which
06:27:55 9 meant she would have been killed.

10

06:27:59 11 Is it conceivable that questioning could have been asked
06:28:02 12 whereby you didn't have to go through this business of, in
06:28:06 13 effect, having Mr Fitzgerald restrict his cross-examination
06:28:12 14 of her whereby he could conduct the examination in a
06:28:18 15 private hearing whereby he gets to ask the questions that
06:28:22 16 he wants to ask and comes to a conclusion with respect to
06:28:28 17 the matters that he's interested in investigating without
06:28:30 18 being hampered?--I don't think that ever occurred to me.

19

06:28:39 20 You were quite aware that Ms Gobbo was concerned about Carl
06:28:49 21 Williams implicating her, correct?--Yes.

22

06:28:53 23 That was something that had certainly occurred to you and
06:28:58 24 it had certainly occurred to the investigators, do you
06:29:04 25 agree?--Yes.

26

06:29:06 27 As it turned out she had withheld information to you about
06:29:11 28 the telephone means by which she was communicating with
06:29:14 29 Mr Dale, she had lied to you about that, it appears, now
06:29:18 30 with the benefit of hindsight?--That's how it appears.

31

06:29:23 32 And it would, I suggest, have been a very good thing, not
06:29:29 33 just - it's axiomatic, it's obvious that anyone
06:29:37 34 investigating Ms Gobbo should have been able to do so
06:29:39 35 without being constrained in any way, I suggest?--Yes,
06:29:50 36 well that would have been the ideal situation I think with
06:29:55 37 hindsight. At the time, as I've said, my sole concern was
06:29:59 38 her getting asked questions about who she'd spoken to about
06:30:05 39 the summons, which we revealed would have been SDU
06:30:07 40 handlers, and I thought that the way it was being handled
06:30:11 41 was going to mean that that inquiry into Paul Dale could
06:30:15 42 have been done completely. The only issue was not asking
06:30:20 43 those first couple of questions about who she'd spoken to.

44

06:30:24 45 Right. And ultimately, as we know, Mr Fitzgerald took the
06:30:31 46 view that Ms Gobbo had not told the truth, you understand
06:30:35 47 that?--No. I accept that if you're saying that but I

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06:30:44 1 don't have a recollection of that.
2
06:30:47 3 All right. I take it you continued to be involved in this
06:30:52 4 process?---Which process?
5
06:30:59 6 In the OPI examination, investigation?---In her appearance
06:31:11 7 before the OPI?
06:31:12 8
06:31:12 9 Yes?---I'm not sure what you mean by involved, Mr Winneke.
10
06:31:17 11 Can we go to your diaries, your own diaries. If we go to
06:31:23 12 your diary of 20 July 2007. This is one of your first
06:31:28 13 entries in your electronic diary?---Sorry, 21 July?
14
06:31:32 15 Sorry, 20 July. If I said the 21st I made a mistake.
06:31:51 16 VPL.2000.0001.0671. This was the day after the hearing on
06:32:14 17 19 July. There's an update from Mr Fox. "Gobbo rang last
06:32:20 18 night, lengthy conversation. All okay. Initially angry re
06:32:24 19 being asked questions regarding all the policemen she knew
06:32:28 20 but understands Fitzgerald protecting her. Is angry that
06:32:32 21 it is taking so long but is aware of the fact that her
06:32:35 22 answers are long-winded". Do you see that?---Yes.
23
06:32:43 24 Then later on in the day, if you go over the page to I
06:32:47 25 think 673, the OPI matter's been adjourned for two to three
06:32:53 26 weeks. She's to go on a holiday. Do you see that? And
06:33:04 27 then if we go to p.0675, also on 20 July in your diary.
06:33:15 28 "Call from Gavan Ryan, Operation Petra. Advised that
06:33:18 29 Fitzgerald has to return interstate and will not be
06:33:21 30 available next week. Approval for Ms Gobbo to be told that
06:33:24 31 the matter's been adjourned because of the unavailability
06:33:27 32 of Mr Fitzgerald". Do you see that?---Yes.
33
06:33:45 34 If we then move to August it appears that she's been called
06:33:49 35 back to the hearing. This is at .0996. She's distressed.
06:34:12 36 This is the - - - ?---What date please, Mr Winneke?
37
06:34:16 38 15 August 2007. "She's distressed today, she's received a
06:34:21 39 phone call from the OPI and told to attend the hearing on
06:34:24 40 Friday. Also asked to bring her diary with her and she's
06:34:28 41 concerned about why her diary was wanted" and she's asked
06:34:34 42 if there's any reference to the SDU or to you, Mr White, in
06:34:38 43 the diary and she says no. She's not had - and then it
06:34:44 44 goes on to talk about another matter. Then Thursday 16
06:34:51 45 August there's an update from Mr Fox again. This entry
06:35:00 46 says that, "Fitzgerald not aware that Ms Gobbo is a source.
06:35:08 47 Has simply been told that she assisted Purana and as a

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06:35:12 1 consequence has received death threats". Now what I
06:35:15 2 suggest to you is that that is in fact what your plan was,
06:35:21 3 the plan which had been put in place prior to the first
06:35:27 4 hearing. Now is that right?---No, that's obviously what
06:35:32 5 she's telling Officer Fox. As I said, I believe that Simon
06:35:41 6 Overland told Mr Fitzgerald. That was always my belief.
7
06:35:49 8 Then, "She's concerned that the diary will be examined but
06:35:52 9 states there is nothing in it about the SDU handlers or
06:35:58 10 role as a source. She will be angry as a consequence of
06:36:02 11 cross-examination at the OPI and may be a relationship
06:36:06 12 ending event". What I suggest to you, if I can just come
06:36:20 13 back to that, the plan was that "the SDU will ensure that
06:36:23 14 Mr Fitzgerald is informed that she has assisted in the past
06:36:31 15 and there are now threats on her life". Can I suggest to
06:36:34 16 you that the entry that is made in your diary is more or
06:36:42 17 less exactly that which was planned in point 3, that she's
06:36:49 18 assisted Purana and as a consequence has received death
06:36:52 19 threats. Do you see?---No, well I've already answered this
06:36:58 20 question. I told you what I think.
21
06:37:00 22 All right?---And I believe that Mr Fitzgerald knew. That's
06:37:06 23 said, that's also stated in my diary.
24
06:37:09 25 All right?---But you seem to want to concentrate on that
06:37:11 26 bit.
27
06:37:12 28 Can I say this: it appears to be consistent with what you
06:37:17 29 were suggesting Mr Flynn should do in his notes if he was
06:37:21 30 asked about Ms Gobbo and her attendance on [REDACTED], that
06:37:27 31 she had assisted in the past, or she had assisted police
06:37:31 32 and as a consequence was receiving death threats. I
06:37:35 33 suggest to you that that's consistent with what you did
06:37:37 34 then?---No. No, I don't accept.
35
06:37:40 36 Well you couldn't provide an explanation as to that entry
06:37:43 37 and I suggest to you this entry here supports the plan that
06:37:47 38 you had for Mr Flynn?---No, I don't accept that at all.
39
06:37:51 40 Okay?---I'm not going to repeat myself. I've already told
06:37:54 41 you what I thought.
42
06:37:55 43 Okay. Then there's a further entry. It was recommended
06:38:07 44 that Graham Ashton be made aware of the potential of
06:38:12 45 Ms Gobbo to assist with respect to Briars and Petra and
06:38:16 46 relevant consideration be given to the damage to the
06:38:20 47 Victoria Police relationship if she was compelled to answer

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06:38:22 1 questions regarding sexual relationships with police if
06:38:27 2 there was no forensic value. The decision was to be made
06:38:31 3 by Mr Ashton. Is that your recommendation, that if
06:38:35 4 Mr Fitzgerald wants to ask if he feels it's appropriate to
06:38:39 5 ask questions about the sexual relationship, then he should
06:38:45 6 be made aware of the potential to break down the
06:38:49 7 relationship between VicPol and Gobbo?---No, I don't. Can
06:38:58 8 I read this section? I don't understand what you're
06:39:00 9 saying.
10
06:39:01 11 Just read it and tell me what you say it means?---Okay,
06:39:14 12 yes. So that's from Gavan Ryan and there's consideration
06:39:21 13 that if the relationship with Ms Gobbo obviously has
06:39:28 14 potential in relation to Operation Briars and Operation
06:39:31 15 Petra.
16
06:39:31 17 Yes?---And asking her questions about sexual relationships
06:39:34 18 with police, if there's no forensic value it's just going
06:39:37 19 to destroy the relationship with her and I guess the
06:39:41 20 suggestion is that she would not then assist with Operation
06:39:45 21 Briars and/or Petra.
22
06:39:47 23 Right. So the suggestion would be that there be no
06:39:55 24 questioning of a sexual relationship between Ms Gobbo and
06:39:58 25 members of Victoria Police?---That seems to be the case,
06:40:02 26 yes.
27
06:40:03 28 No doubt - - - ?---Honestly, with that proviso, unless
06:40:08 29 there's some forensic value.
30
06:40:11 31 Then if we go over the page, the following day, just have a
06:40:17 32 look at the entry at 12.15?---Okay, I've read those two
06:40:37 33 entries.
34
06:40:38 35 What do you make of those?---I think it's a continuation of
06:40:41 36 the same theme.
37
06:40:42 38 Right. The update is that Ms Gobbo is aware that Ryan will
06:40:50 39 be the vicinity if any issue regarding compromise arises.
06:40:53 40 The update re conversation with Ryan last night, that is
06:40:58 41 update Mr Overland regarding the conversation with Ryan
06:41:04 42 last night. "Gavan Ryan to speak with Graham Ashton
06:41:08 43 regarding Ms Gobbo's value for Operation Briars and Petra
06:41:11 44 and potential to damage VicPol relationship with source by
06:41:15 45 cross-examination regarding sexual liaison if it has no
06:41:19 46 forensic purpose." Then there's a call to DDI Ryan. "Has
06:41:23 47 spoken to Graham Ashton. Informed of ramifications of

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06:41:27 1 hearing on 3838 and ongoing value to police. OPI still
06:41:31 2 intend to cross-examine re possible lie about sexual
06:41:35 3 relationships". Further, "Human source has been asked if
06:41:41 4 she has spoken to anyone since her appearance at the
06:41:44 5 hearing last month. She's asked to stand down. Obviously
06:41:48 6 does not want to perjure herself, and going to meet Graham
06:41:52 7 Ashton to work out matter and then see the human source".
06:41:55 8 That's Gavan Ryan is going to go and meet Graham Ashton to
06:42:00 9 work out the matter and then see Ms Gobbo; is that
06:42:03 10 right?---I think that's what it's saying, yes.
11
06:42:05 12 And then you call Mr Overland to update him, is that right?
06:42:14 13 I apologise. Yes, not Deputy Commissioner. I withdraw
06:42:23 14 that because I suggested previously Fox was Deputy
06:42:28 15 Commissioner but that's Mr - - -
16
06:42:31 17 COMMISSIONER: Officer Fox, is it?
18
06:42:33 19 MR WINNEKE: Okay?---Commissioner, is it possible to have a
06:42:39 20 short break?
21
06:42:41 22 COMMISSIONER: Yes, certainly. We'll have a ten minute
06:42:43 23 break.
24
25 (Short adjournment.)
26
07:00:01 27 COMMISSIONER: Yes, Mr Winneke.
28
07:00:03 29 MR WINNEKE: Thanks Commissioner. Mr White, just to go
07:00:08 30 back to those entries. There's an entry subsequent to the
07:00:17 31 12.15 one, it's obviously between 12.15 and 2.35. There's
07:00:25 32 a call to you from Gavan Ryan to update you what's going
07:00:29 33 on. She's been asked if she's spoken to anyone since the
07:00:34 34 appearance, it's stood down. Obviously doesn't want to
07:00:37 35 perjure herself and he's going to speak to Ashton to work
07:00:41 36 out the matter and then see her. Then there's a call from
07:00:45 37 Mr Fox?---Sorry, Mr Winneke, I didn't realise we were still
07:00:53 38 on mute. I'm not sure what time you're referring to.
39
07:01:00 40 I apologise. I just asked you, I just talked about that
07:01:04 41 entry immediately under the blackout which is in yellow
07:01:08 42 there, do you see that?---Yes.
43
07:01:10 44 Now then there's a - you get a call from Mr Fox and he's
07:01:14 45 received a call from Dale Flynn. She's contacted him to
07:01:20 46 get a message to you because she left [REDACTED] in her
07:01:26 47 office and she's very distressed and you advised Fox to

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07:01:34 1 contact Flynn and advise that if she calls she is to go and
07:01:41 2 speak to Gavan Ryan; is that right?---Yes.
3
07:01:45 4 You call Ryan and he can't speak because he's already
07:01:48 5 speaking with Gobbo. You then get a call from Ryan and
07:01:52 6 she's very distressed. It's agreed that she would state
07:01:59 7 that she's told Ryan and one other about her appearance and
07:02:02 8 no further questions would be asked. Fitzgerald has now
07:02:12 9 been told that she is a source. At this stage it seems
07:02:18 10 that he's been told that she's a source. So would you
07:02:21 11 accept that that is the reason why you had the view that
07:02:25 12 Fitzgerald had been aware that she's a source, that
07:02:32 13 ultimately he was told, do you agree?--Well, no because I
07:02:38 14 - as I said to you before, I'm still of the belief that
07:02:41 15 Simon Overland was going to tell him.
16
07:02:43 17 Right. Well I suggest to you that that note there supports
07:02:46 18 the propositions that I've been putting to you previously,
07:02:49 19 that up until now he was to be told that she'd provided
07:02:54 20 assistance in the past as a consequence of which she was
07:02:57 21 the subject of death threats. But at this stage now he's
07:03:03 22 been told. That might - you might agree or disagree with
07:03:11 23 that but I suggest that's what that entry reveals?---That's
07:03:16 24 what Ryan believes and that's what he's telling me.
25
07:03:20 26 Right?---I understand what you're saying but I still -
07:03:25 27 that's not my understanding, not my recollection.
28
07:03:32 29 In any event, she's given this evidence and then been told
07:03:36 30 that the Tribunal believed that she'd previously told lies,
07:03:42 31 and then it's been stood down for her to consider obtaining
07:03:46 32 legal representation, do you accept that?---Yes.
33
07:03:53 34 There's a discussion between you and Mr Fox, there's an
07:03:55 35 update. She has rung, the matter's been adjourned. She
07:03:58 36 seems okay and aware that she needs to consider legal
07:04:01 37 representation. Then about six minutes later you call
07:04:07 38 Gavan Ryan to update and as discussed by Fox, Ryan has
07:04:15 39 spoken to Overland, who has authorised payment of legal
07:04:19 40 expenses for Gobbo to be represented. Do you agree with
07:04:25 41 that?---Yes, yes.
42
07:04:43 43 Then there's an update later on. "No need for a meeting
07:04:47 44 with Ms Gobbo, she's relative calm. She's trying to work
07:04:50 45 out what she has said which is a lie. She's been told by
07:04:53 46 Mr Fitzgerald that she's lied." She's been told that
07:05:03 47 VicPol will pay costs re legal expenses and there's an

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07:05:08 1 exclamation mark there. Do you know why - what that's
07:05:14 2 about? It seems to be surprise expressed by the writer,
07:05:19 3 what's all that about?---I don't know.
4
07:05:21 5 "Not very interested in legal representation, doesn't think
07:05:23 6 it will help, and still concerned about them finding out
07:05:27 7 that she's assisted police." Then there's a call to
07:05:32 8 Superintendent Biggin. "Updated about the situation and
07:05:37 9 advised by the Superintendent that the OPI prosecutor has
07:05:42 10 been told that Ms Gobbo is a police source." Is that a
07:05:46 11 reference - is it your understanding that he was telling
07:05:50 12 you that Mr Livermore had been told or Mr Fitzgerald had
07:05:55 13 been told that Ms Gobbo was a source?---It's a reference to
07:06:02 14 the prosecutor so I can only assume it was Mr Livermore.
15
07:06:05 16 So both. In fact that seems to be confirmed by the next
07:06:09 17 entry?---Yes.
18
07:06:17 19 In the end it appears that everyone finds out anyway after
07:06:27 20 all that. Obviously as to the extent to which or what they
07:06:37 21 were told, we don't know that much, do we?---No.
22
07:06:40 23 Okay. The expectation was then that there would be a
07:06:46 24 further hearing, that Mr Fitzgerald wanted to continue his
07:06:53 25 examination but then that seems to change because
07:06:59 26 subsequently if you go to your diary, I think it's an entry
07:07:05 27 in September of 2007, "Ms Gobbo was contacted by the OPI
07:07:14 28 yesterday and was told that they want to put a proposition
07:07:18 29 to her". It's 19 September 2007, the VPL number is
07:07:31 30 2000.0001.1272. Just read that entry there at the top,
07:07:57 31 "Meet with Mr Fox to update"?---I've read that.
32
07:08:33 33 Can I just suggest to you that at the end of the inquiry on
07:08:38 34 18 August, at the end of that inquiry Mr Fitzgerald
07:08:44 35 suggested that Ms Gobbo hadn't told the truth and that she
07:08:47 36 was to come back next time and tell the truth. Do you
07:08:52 37 understand that that's the way in which it was left?---I've
07:08:57 38 got no recollection of it.
39
07:09:00 40 In any event, you understood that it was suggested that she
07:09:05 41 have a lawyer next time she attend?---The references you've
07:09:14 42 taken me to suggest that, yes.
43
07:09:15 44 It appears that she was contacted by the OPI yesterday,
07:09:19 45 told that they want to put a proposition and an email was
07:09:22 46 sent to her and it was suggested that she make a sworn
07:09:25 47 statement in answer to questions put to her and she's been

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07:09:31 1 given questions that she is to answer and then she was also
07:09:38 2 told that Mr Fitzgerald was unavailable for an indefinite
07:09:41 3 period and that she has engaged a barrister, Mr Ian Hill
07:09:47 4 QC, with respect to that statement and it had been
07:09:51 5 determined that that would not be done, in other words, a
07:09:54 6 statement would not be provided, and Mr Hill had also asked
07:09:58 7 for her depositions from previous hearings and had been
07:10:03 8 denied the same. Can I suggest to you that that's the way
07:10:09 9 it finished up, the OPI hearing, do you agree with that
07:10:12 10 proposition?---I don't know if that's the case or not. I
07:10:19 11 take it - if you're telling me that's the case, I accept
07:10:23 12 that.

13
07:10:24 14 What I do suggest is that there were never any more
07:10:28 15 hearings before Mr Fitzgerald at the OPI where Ms Gobbo was
07:10:32 16 asked questions by him in relation to that inquiry. I'm
07:10:42 17 asking you to accept that. Can I just deal with another
07:10:49 18 issue and that is we've been asking - I've mentioned a
07:10:54 19 couple of Task Forces. One was Petra and the other one was
07:10:58 20 Task Force Briars. You're aware of Task Force Briars I
07:11:02 21 understand it?---Yes.

22
07:11:08 23 As has been discussed, that was one of the operations that
07:11:12 24 it was intended that Ms Gobbo be of some use with, do you
07:11:17 25 understand that?---Yes.

26
07:11:18 27 Briars was an investigation which commenced as a result of
07:11:23 28 information provided by a person called I think, we'll call
07:11:28 29 - called [REDACTED], who suggested that there were corrupt
07:11:33 30 police involved in the murder of [REDACTED], do you
07:11:39 31 understand that?---Yes.

32
07:11:42 33 Initially [REDACTED] had given information about that murder
07:11:48 34 but at some stage during the course of his statement taking
07:11:54 35 process with police he introduced a proposition that there
07:11:57 36 were police involved also who had provided an address at
07:12:02 37 which [REDACTED] lived, do you understand that
07:12:06 38 much?---Yes.

39
07:12:07 40 Indeed, you yourself became involved in the Briars Task
07:12:11 41 Force, did you not?---Yes.

42
07:12:13 43 When was that?---I think it was 2011 or 2012.

44
07:12:26 45 So you were involved - how long were you there
07:12:31 46 for?---Probably three or four years, maybe even five years.
07:12:44 47 I did have two periods where I took long periods of long

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07:12:52 1 service leave towards the end.
2

07:12:54 3 Yes. Do I take it that you were part of that Task Force at
07:13:01 4 about the time or including the period that the matter went
07:13:04 5 to trial?---No.
6

07:13:08 7 What about committal, were you there at the committal
07:13:11 8 stage?---No, I think I'd retired before [REDACTED] had ever
07:13:21 9 been found.
10

07:13:24 11 So at the time that you retired no one had been charged; is
07:13:28 12 that right?---That's right.
13

07:13:32 14 If I could go back to 13 August 2006. If we can go to -
07:13:50 15 I'll give you a page. What I want to suggest to you is
07:13:59 16 that Ms Gobbo went and visited [REDACTED] in custody at a
07:14:03 17 time that she wasn't representing him?-- [REDACTED]
18

07:14:19 19 Have you got a card that you can be shown so as you can
07:14:22 20 identify - - - ?---Yes, I have. I know who it is.
21

07:14:38 22 Did you know who he was at the time?---No. Oh, well - - -
23

07:14:45 24 Back in 2006?---Did I know his importance at the time?
25

07:14:50 26 Actually can I just - Commissioner, can I just stop for a
07:14:55 27 moment. There's an order that the Commissioner has made
07:15:01 28 pursuant to s.26 of the Inquiries Act concerning [REDACTED]
07:15:07 29 [REDACTED] We need to include in that order [REDACTED]
07:15:12 30 as well. If I can hand that up.
31

07:15:18 32 COMMISSIONER: Thanks. This probably isn't the order that
07:15:38 33 needs to be amended, it's the order that I made earlier
07:15:42 34 today, the last order I made today in respect of this
07:15:47 35 officer that needs to be amended I think.
36

07:15:59 36
07:16:00 37 I'll just amend the order made earlier today in
07:16:03 38 respect of the evidence of this witness by adding to
07:16:09 39 paragraph 6, number F, [REDACTED] and the undertakings from
07:16:23 40 the lawyers for potentially affected persons and the AFP,
07:16:29 41 and everyone who's present, I now understand will be
07:16:34 42 extended to include non-publication in respect of [REDACTED]
07:16:40 43 as well.
44

07:16:48 45 MR WINNEKE: Thanks, Commissioner. If you go to p.392 of
07:16:55 46 the ICR book, which is ICR number 41, 13 August 2006. You
07:17:16 47 see on that date there's a reference to [REDACTED] calling

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07:17:29 1 complaining about [REDACTED] calling complaining
07:17:33 2 about [REDACTED] and then there's a reference to seeing
07:17:37 3 [REDACTED] regarding her pending trial but no details are
07:17:41 4 given, do you see that?---Can I have the page number again,
07:17:45 5 please?
6

07:17:45 7 Yes, sorry, 392. It seems clear enough that - well, if you
07:18:16 8 go to p.399 certainly your name appears [REDACTED]
07:18:21 9 box in that ICR. Do you accept that?---Yes.
10

07:18:34 11 These events obviously occur prior to the commencement of
07:18:39 12 the Briars Task Force, which apparently commenced around
07:18:42 13 the early part of 2007, but at this time she's going to see
07:18:52 14 [REDACTED] supposedly with respect to a pending trial. Now
07:18:56 15 the Commission has evidence to suggest that Ms Gobbo in the
07:19:03 16 weeks I think in September - at a time in September was
07:19:07 17 involved in a trial as junior to I think Mr Heliotis in an
07:19:13 18 [REDACTED] proceeding in which the accused person was
07:19:26 19 alleged to have murdered [REDACTED] but what she has said to
07:19:35 20 the handler is that she sees [REDACTED] re her pending trial
07:19:42 21 but no details were given and apparently no details were
07:19:45 22 sought. If we go to her court book. If I can give you
07:19:52 23 this entry, MIN.0001.0014.0784 at p.0834. It was edited
07:20:11 24 this morning. It's been edited. This is an entry on [REDACTED]
07:20:15 25 August, firstly, and then I'll go to another entry on [REDACTED]
07:20:19 26 August. It can be put up I think on everyone's screen, I
07:20:27 27 don't think there's a problem. There's a reference to -
07:20:42 28 now don't read out the names because there's a reference to
07:20:45 29 [REDACTED] at the bottom there. Do you see that there's on
07:21:09 30 the left-hand page, you don't need to highlight it, on the
07:21:14 31 left-hand page, "Concern re someone bumped into [REDACTED]
07:21:18 32 [REDACTED] and told her that I'd told [REDACTED] that made
07:21:32 33 statement against [REDACTED]", do you see that?---Yes.
34

07:21:37 35 And then further entries on the following page referring to
07:21:46 36 Mr Bateson, the team that he barracks for. "Tell [REDACTED]
07:21:51 37 to calm down. Visit by himself. Needs to calm down", I'm
07:22:01 38 sorry, [REDACTED]. And then further down there's a
07:22:10 39 note which says, "Tony came back that day from Queensland.
07:22:15 40 Someone's suggesting he wasn't here but he was. Paid him
07:22:21 41 \$15,000", and then apparently the first name of [REDACTED]
07:22:28 42 [REDACTED] It may well mean short of money, that might
07:22:34 43 well be a reference there. That's on [REDACTED] August of 2006.
07:22:43 44 Now I suggest to you that that concerns information
07:22:50 45 surrounding the, or relevant to the murder of, or the
07:22:57 46 alleged murder of [REDACTED] which occurred at a time in I
07:23:05 47 think March of 2004. In any event, if we go to the next

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07:23:13 1 entry which is the same number but not at 08:34, but 08:36,
07:23:24 2 this is [REDACTED] August, do you see that? This is the entry
07:23:29 3 which is reflected, or perhaps not reflected, in the entry
07:23:32 4 in the ICR on 13 August, "Saw [REDACTED] re her pending
07:23:38 5 trial". What we see here is that on [REDACTED] August 2006, and
07:23:45 6 the prison records reveal that she visits all [REDACTED]
07:23:50 7 those people, [REDACTED] and [REDACTED] on this
07:23:57 8 day, [REDACTED] August. There's a reference to Rob Stary, who is a
07:24:05 9 solicitor, and then there's a reference to [REDACTED] that
07:24:18 10 [REDACTED] had received, [REDACTED] with [REDACTED] - [REDACTED], [REDACTED] to go, I
07:24:26 11 apologise.
07:24:27 12

07:24:28 13 MR HOLT: Commissioner, that would be just an obvious piece
07:24:30 14 of information.
15

07:24:31 16 COMMISSIONER: There's an order.
07:24:32 17

07:24:33 18 MR HOLT: I accept that, Commissioner.
19

07:24:35 20 COMMISSIONER: I'm sure they understand.
07:24:36 21

07:24:36 22 MR HOLT: I'm exercising caution, Commissioner, I'm sorry.
23

07:24:39 24 COMMISSIONER: I think the media understand the importance
07:24:45 25 of the order and its breadth.
07:24:49 26

07:24:50 27 MR HOLT: Thank you, Commissioner.
28

07:24:51 29 MR WINNEKE: "Question whether Tony Mokbel, Queensland or
07:24:53 30 not, time of [REDACTED]'s murder." Then there's a
07:24:59 31 reference to [REDACTED] and the solicitor
07:25:05 32 [REDACTED]. It was alleged ultimately that
07:25:10 33 [REDACTED] and [REDACTED] had been involved in the murder
07:25:15 34 of [REDACTED], and with a person by the name of [REDACTED]
07:25:22 35 and it was alleged that Tony Mokbel had been involved in
07:25:29 36 that murder in fact by paying for it, that was the
07:25:34 37 allegation ultimately. You're aware of that I take
07:25:39 38 it?---Part of it, yes.
39

07:25:42 40 Then there's a name underneath that, Peter Trichias and
07:25:51 41 Grant Kelly of Purana. There's a reference to [REDACTED]
07:25:57 42 [REDACTED] to [REDACTED], gave to "[REDACTED]". Do you know who
07:26:05 43 that's a reference to?---Presuming [REDACTED].
44

07:26:09 45 And O'Brien, which would be Jim O'Brien, who was involved
07:26:12 46 in Walsh Street, do you see that?---Yes.
47

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07:26:19 1 Solicitor for [REDACTED] then the
07:26:23 2 dates [REDACTED] 2006, [REDACTED] 2007, which appear to be
07:26:31 3 court dates perhaps, Court of Appeal, [REDACTED], appeal
07:26:35 4 against conviction and sentence. Then over the page,
07:26:39 5 [REDACTED] all okay, comfortable but paranoid", and Bateson
07:26:47 6 apparently barracking for [REDACTED], as was suggested
07:26:53 7 previously. What that, I suggest to you, indicates is that
07:26:57 8 Ms Gobbo is not going, at least those notes don't suggest
07:27:01 9 that she has gone to see [REDACTED] about a trial that she's
07:27:06 10 got upcoming, but for another purpose all together, do you
07:27:13 11 see that? Would you accept that proposition?---Yes.

12
07:27:27 13 For whatever reason she's told her handlers or her handler
07:27:33 14 that she went to see him for a particular reason which
07:27:36 15 doesn't appear to be the case. It appears that she's there
07:27:39 16 for another purpose and certainly she's gathering
07:27:42 17 information and she's recording that information, do you
07:27:44 18 agree with that proposition, or those propositions?---Yes.

19
07:27:52 20 Can I say, put this to you, that these people, [REDACTED]
07:27:59 21 [REDACTED] and [REDACTED] are [REDACTED] at [REDACTED],
07:28:07 22 do you accept that, or were you aware of that?---I'm not
07:28:12 23 aware of that. Well, I don't have a recollection of being
07:28:16 24 aware of that.

25
07:28:17 26 You might have been aware of that at the time but you can't
07:28:19 27 say now?---That's right.

28
07:28:26 29 If we go to p.709, which is in volume 1. This is an entry
07:28:36 30 ICR number 70 on 15 March 2007. Just before I go there, do
07:29:00 31 you understand that there had been some - there was
07:29:03 32 information that Ms Gobbo may have been in communication
07:29:06 33 with Mr Mokbel around the time of the, or shortly after the
07:29:16 34 murder of [REDACTED]?

07:29:18 35
07:29:18 36 COMMISSIONER: Is that Tony Mokbel?

37
07:29:20 38 MR WINNEKE: Yes, Tony Mokbel?---Am I aware that she had
07:29:25 39 communication with him at that time?

40
07:29:28 41 Investigators were in possession of information which
07:29:30 42 suggested that she may have been with Mr Mokbel shortly
07:29:36 43 after the murder of [REDACTED], or in communication with him
07:29:44 44 at around the time that I think money had been paid for the
07:29:49 45 murder of - where it was alleged that money had been paid
07:29:52 46 for the murder of [REDACTED], in the days shortly after - - -
07:29:59 47 ?---I don't recall that.

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1
07:29:59 2 Were you aware of - - - ?---I don't recall that.
3
07:30:02 4 Okay. Obviously these were matters that the Briars Task
07:30:05 5 Force would have been investigating pretty closely?---I
07:30:10 6 would imagine, yes.
7
07:30:12 8 You may not have been aware of it in 2006 but you might
07:30:16 9 subsequently have become aware of it when you were involved
07:30:19 10 in that investigation, would that be fair to say?---I might
07:30:23 11 have.
12
07:30:24 13 What was your involvement in the Briars Task
07:30:27 14 Force?---Initially I was asked by Mr Pope if I would review
07:30:35 15 the investigation from the point of view of new avenues of
07:30:40 16 inquiry.
17
07:30:42 18 Right?---We did identify a new avenue of inquiry which
07:30:46 19 speared the investigation off into a totally different area
07:30:51 20 which ended - what's the word.
21
07:30:57 22 Dead end?---No, no, it ended up taking over. It grew into
07:31:02 23 another much larger investigation about several unsolved
07:31:06 24 homicides and robberies.
25
07:31:08 26 I see?---So the majority of my focus was on that.
27
07:31:11 28 If we go to p.709, there's an entry towards the bottom of
07:31:19 29 the page which suggests that Ms Gobbo had said that police
07:31:22 30 should be careful having [REDACTED] with [REDACTED]
07:31:31 31 [REDACTED] and [REDACTED] and that [REDACTED] has passed a message to
07:31:52 32 [REDACTED] telling him that
07:32:00 33 [REDACTED] is making false statements about [REDACTED], do you
07:32:08 34 see that?---Yes.
35
07:32:24 36 And that [REDACTED] claims that this is false and that police
07:32:29 37 should be careful about what [REDACTED] is saying about
07:32:32 38 people and that Ms Gobbo doesn't want the SDU or Purana to
07:32:42 39 think that she doesn't believe [REDACTED], rather that
07:32:46 40 police are just careful with what they're being told. If
07:32:52 41 we then go to volume 2 at p.759, which is ICR 73. You'll
07:33:20 42 see there that there's discussion from Ms Gobbo about
07:33:24 43 matters concerning David Waters, that Waters stated that he
07:33:36 44 was - and this is on 1 April 2007 - that Gobbo suspects
07:33:47 45 that [REDACTED] might have something on Waters. Gobbo met
07:33:53 46 with David Waters who was concerned about [REDACTED] Do
07:33:56 47 you see that?---I'm sorry, I can't find the - - -

.15/08/19

4712

WHITE XXN - IN CAMERA

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1
07:34:06 2 It's about the third dot point. "Waters stated that he was
07:34:09 3 concerned about what [REDACTED] had been saying"---Yes.
07:34:12 4
07:34:13 5 "Gobbo suspects that [REDACTED] must have something over
6 Waters. Waters states that whatever has been said it would
07:34:21 7 all be crap unless [REDACTED] is corroborated. Waters
07:34:23 8 discussed his thoughts that [REDACTED] didn't kill [REDACTED]
07:34:26 9 [REDACTED]. Waters stated that he has a contact at the Purana
07:34:32 10 Task Force. Waters stated that [REDACTED] killed the
07:34:35 11 [REDACTED] for a fee and this will come out in the
07:34:43 12 [REDACTED] trial", do you see that?---Yes.
13
07:34:53 14 Then if we go to - later on - sorry, on 2 April - I
07:35:03 15 apologise, on 3 April on p.762. Again under the heading
07:35:09 16 "Waters", "Nothing further to add in relation to Gobbo
07:35:14 17 meeting with the two on Saturday. Gobbo commented that
07:35:19 18 [REDACTED] was the most notable conversation topic and
07:35:22 19 suspects that Waters might have been fishing. Gobbo states
07:35:25 20 that [REDACTED] and [REDACTED] used to drink at the [REDACTED]
07:35:31 21 Hotel", or the [REDACTED] Hotel, do you see that?---Yes.
22
07:35:51 23 If you go to p.818, this is 30 April 2007, ICR 77. There's
07:36:03 24 a discussion under - have you got that?---818, yes.
25
07:36:10 26 Discussion under the heading "[REDACTED]", but amongst
07:36:15 27 those things she states that Purana will have a problem
07:36:20 28 with [REDACTED] and [REDACTED] right. If we go then to
07:36:31 29 p.1129, which is ICR 96 on 22 August 2007.
30
07:36:39 31 COMMISSIONER: Sorry, what page was that?
32
07:36:43 33 MR WINNEKE: 1129. There's a heading under [REDACTED] and
07:36:55 34 Operation Briars". Ms Gobbo has just heard from [REDACTED]
07:37:00 35 who's been talking to [REDACTED] "Rumours are that Ron
07:37:06 36 Iddles is negotiating with Tony Mokbel. GaoI talk is that
07:37:09 37 Tony Mokbel" - you can read that. I won't ask you to read
07:37:18 38 it out. Do you see that?---Yes.
39
07:37:29 40 The information is verbally disseminated to Ron Iddles of
07:37:33 41 Operation Briars, do you see that?---Yes.
42
07:37:38 43 If we go to 1178, this is ICR number 98, p.1178 I think I
07:37:49 44 said. She says in that entry that, "Docket Waters has just
07:38:19 45 left her office. He came in unannounced. He's asked her
07:38:23 46 if she's been called to the OPI. She's denied by saying
07:38:24 47 that she couldn't say whether she had or had not or who she

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07:38:28 1 might have been there to represent, as previously discussed
07:38:30 2 with her". There's a conversation in which she's asked how
07:38:35 3 he took it and she said, "It didn't go over that well,
07:38:38 4 however then proceeded to warn her that Bob Hodgkin had
07:38:44 5 been called to the OPI hearing and warned her that anyone
07:38:48 6 connected to him may be called". If we then go to the next
07:38:52 7 one which is at p.1183. You'll see under the heading "SDU
07:39:10 8 management", "Ms Gobbo was tasked that she is to ring
07:39:16 9 straight away regarding any calls or contact with Waters or
07:39:22 10 Campbell". That was understood. "She says that Dave
07:39:27 11 Waters knows [REDACTED] as they used to drink regularly at
07:39:30 12 the [REDACTED] Hotel in [REDACTED]. She says that she knows that
07:39:33 13 [REDACTED] has rolled because he is [REDACTED] as
07:39:38 14 [REDACTED]. She would never confirm this to
07:39:45 15 anyone though. She is asked: 'What does Waters want you
07:39:49 16 to keep from the OPI?' She's not sure. Maybe about his
07:39:53 17 prior knowledge of things like the [REDACTED]
07:39:58 18 relationship and the threat to make a statement for the
07:40:00 19 association to get funding in order to save his life.
07:40:03 20 She's asked if Waters has ever gotten her to do anything
07:40:08 21 for him. She said no, just a Magistrates' Court 56A
07:40:12 22 application previously spoken about. She's to ring in the
07:40:16 23 morning if she's hears from Waters and Campbell".
07:40:22 24

07:40:23 25 MR HOLT: Commissioner, it's late in the day.
26

07:40:23 27 COMMISSIONER: Yes. That's a problem, the highlighting in
07:40:25 28 the fourth last dot point, those names.
29

07:40:30 30 MR WINNEKE: Yes, [REDACTED]
31

07:40:34 32 COMMISSIONER: I'll order that those names be redacted and
07:40:37 33 not be published.
34

07:40:39 35 MR HOLT: Thank you, Commissioner.
36

07:40:42 37 COMMISSIONER: We've got that. It's [REDACTED]
38

07:40:47 39 MR WINNEKE: Thanks, Commissioner. If we move on we see
07:40:51 40 that she continues to have an involvement with Operation
07:40:58 41 Briars and she's continuing to be tasked about Briars,
07:41:03 42 concerning Briars. If we go to 12 September 2007.
43

07:42:01 44 MR HOLT: Commissioner, I didn't have notice of this entry.
07:42:02 45 It is shaded. I suspect it can be resolved but I don't
07:42:04 46 think I can do it immediately on my feet, I'm sorry.
47

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07:42:09 1 COMMISSIONER: Yes.
07:42:10 2
07:42:11 3 MR HOLT: We'll look it overnight.
4
07:42:14 5 COMMISSIONER: Does that mean we pull up stumps for the
07:42:16 6 night?
07:42:17 7
07:42:19 8 MR HOLT: Unless there's another five minute topic my
07:42:21 9 learned friend can go to. I'm just not in a position to
07:42:25 10 deal with that lengthy one now, I'm sorry.
11
07:42:26 12 COMMISSIONER: Is there anything else you can cover? I
07:42:29 13 know you would have liked to have finished this, Mr
07:42:32 14 Winneke.
07:42:32 15
07:42:33 16 MR WINNEKE: It's really - it's the main issue. We might
07:42:34 17 have to deal with it in the morning.
18
07:42:36 19 COMMISSIONER: It looks like it, doesn't it? Yes. All
07:42:39 20 right then, we'll adjourn until 9.30 tomorrow morning.
07:43:11 21
07:43:11 22 <(THE WITNESS WITHDREW)
07:43:19 23
07:43:22 24 ADJOURNED UNTIL FRIDAY 16 AUGUST 2019
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