

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 Friday, 16 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 K. O'Gorman

Counsel for CDPP Ms C. Fitzgerald

Counsel for Police Handlers Mr G. Chettle  
Ms L. Thies

Counsel for John Higgs Ms C. Dwyer Counsel for

Faruk Orman Mr M. Koh Counsel for Pasquale

Barbaro Mr C. Wareham Counsel for AFP Ms I.

Minnett

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

1 COMMISSIONER: Yes, good morning, Mr Winneke.

2

3 MR WINNEKE: Good morning, Commissioner.

4

5 COMMISSIONER: I under the appearances are as for  
6 yesterday, so no changes. Yes, Mr Winneke, the witness is  
7 here. Thank you. On the line.

8

9 <SANDY WHITE, recalled:

10

11 MR WINNEKE: Mr White, are you there?

12

13 COMMISSIONER: Yes, he's there. Can you hear us, Mr White?  
14 No, he's not hearing?---I can hear you now, Commissioner.

15

16 Good, thank you.

17

18 MR WINNEKE: Mr White, I was dealing with some matters  
19 concerning Task Force Briars when we finished last night.  
20 I just want to go back to that for a little while this  
21 morning. As we understand it, just backtracking for a  
22 moment, Briars was set up early 2007 to deal with alleged  
23 corruption within - well allegedly corrupt behaviour on the  
24 part of a number of police officers, one of whom, in  
25 particular Mr Waters, it was felt that Ms Gobbo could  
26 potentially obtain information from. You understand  
27 that?---Yes.

28

29 There was discussion - I think I dealt with this briefly a  
30 while ago - there was early discussion that you had with  
31 Detective Senior Sergeant Iddles back in July of 2007  
32 concerning the viability of Ms Gobbo re passing information  
33 to Waters for the purpose of [REDACTED] for  
34 PII [REDACTED] just with respect to the Briars  
35 investigation. It was anticipated that there'd be a time  
36 frame of approximately one month. I'm referring to the  
37 diary entry of yours, your electronic diary on 26 July  
38 2007. I'm going to be dealing with your diary. We've got  
39 an electronic diary. It's the first folder of electronic  
40 diary entries and some ICRs from about 100 on. Just if  
41 you'd have those available?---I have them.

42

43 You accept the proposition that there were early  
44 discussions with Mr Iddles about the use of Ms Gobbo at  
45 that stage?---Yes.

46

47 Did you understand how Mr Iddles came to know that Ms Gobbo

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

1 was a human source?---No, I can't remember.

2

3 Right. Then there's - if we go through your diary there's  
4 another entry on 6 August and we've briefly discussed that.

5 There was a discussion with Overland, Biggin, Blayney and

6 Ryan concerning utilising Ms Gobbo for Briars and Petra,  
7 you accept that?---Yes.

8

9 And then if we come right forward to 8 September you get a  
10 call from Mr Fox and there'd been a reported contact from  
11 Dave Waters. She's been asked to go and meet him with  
12 Peter Lalor who was a former police officer, or a police  
13 officer, at the building site in Richmond, you're aware of  
14 that?---Yes.

15

16 You'd been notified by Iddles who had received intelligence  
17 via telephone intercept and Ms Gobbo reported it ten  
18 minutes later. "Agrees Gobbo can meet but no report to Fox  
19 both before and after meeting for safety reasons", do you  
20 accept that?---Yes.

21

22 Then a call from Fox regarding Ms Gobbo. "She's attended  
23 the meeting. Just same discussion regarding OPI. Waters  
24 reported going to the hearings." Then on 10 September at  
25 quarter past four you met with Detective Senior Sergeant  
26 Iddles regarding Briars and then there was a discussion  
27 about the viability of tasking Ms Gobbo to have a  
28 conversation with targets [REDACTED] for  
29 [REDACTED], you accept that?---Yes.

30

31 Then 12 September you meet with [REDACTED] I'm sorry, you  
32 meet with Mr Fox regarding Gobbo and there was an update  
33 from Mr Fox regarding "Mr Iddles' intelligence and a  
34 request regarding tasking Ms Gobbo as per the following  
35 email", and then there was an email which set out the  
36 information that was to be supplied to Ms Gobbo for  
37 dissemination or in effect to pass on to Mr Waters,  
38 correct?---Yes.

39

40 The information was that [REDACTED] is to be charged with  
41 another murder in the next two or three weeks. He's made a  
42 statement implicating Waters and Lalor in the preparation  
43 of the murder and he's prepared to give evidence,  
44 correct?---Yes.

45

46 The murder has something to do with a vampire and, finally,  
47 that [REDACTED] has mentioned something about an address which

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

1 Docket, which is a reference to Waters, and Lalor had got  
2 for him. "If investigators find what computer database or  
3 where it came from they are then confident in charging  
4 Docket and Lalor", do you agree with that?---Yes.

5  
6 "If he is suggesting, need to understand where it comes  
7 from", or where it came from. Do you understand what  
8 that's about?---I presume that's about the address.

9  
10 There's a discussion about the tasking with Mr Fox. It was  
11 advised that Waters commenced OPI appearance at 4 pm,  
12 possible that Gobbo may be contacted by him immediately  
13 afterwards, and Gobbo was to be contacted regarding  
14 Mr Iddles' tasking and the tasking as we've just described;  
15 is that right?---Yes.

16  
17 Then there's a call from a Superintendent Biggin. There  
18 was an update regarding Waters and Operation Briars and  
19 "Lalor has had a memory loss at the OPI, was suspended  
20 today's date". So the OPI hearing was suspended and  
21 apparently Mr Lalor had a memory fade at the hearing,  
22 correct?---Yes.

23  
24 Then on 14 September - in fact if we go back rather to ICR  
25 number 100 at p.1215. Effectively what's happening here is  
26 Ms Gobbo is reporting back on the 13th. Do you see that?  
27 The bottom entry, "Dave Waters has just left her office a  
28 few minutes ago. He arrived unannounced as expected".  
29 That was what was anticipated, correct?---I guess so.

30  
31 "He was very cautious that he was being followed, paranoid,  
32 he didn't want to talk in her office and they had a talk in  
33 the stairwell of her office. He told her what happened at  
34 the OPI hearing yesterday. He hadn't had a chance to speak  
35 to Lalor yet about what had happened. He spoke about the  
36 operation name, being Operation Plumes or similar,  
37 something to do with feathers. He said that Stash had told  
38 him this" - is that a reference to Lalor?---Yes.

39  
40 "She relayed the message as per my instructions earlier.  
41 The message was virtually verbatim to what she was told to  
42 say. She told him she had got mail from [REDACTED]" In  
43 effect she's suggesting she got mail from [REDACTED] Prison,  
44 when in fact it had come from the SDU, that's as I  
45 understand it; is that right?---Yes.

46  
47 She didn't have to say any more than that and he accepted



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

1 this on face value. So effectively he had swallowed that  
2 story. "When she spoke about the address she said he  
3 didn't understand this. He couldn't think what that was  
4 about", do you see that?---Yes.

5

6 There was reference to a car, a LEAP check and so forth.

7 Then over the page there's further information about what

8 Mr Waters had conveyed to her, and including Waters then  
9 relayed to Ms Gobbo that Lalor had spoken to a  
10 Mr Hargreaves, Tony Hargreaves, a solicitor, who had rung  
11 Ron Iddles about what was going on. Then Lalor also rang  
12 Ron Iddles later on asking if Ron wanted to interview him  
13 for a murder. Ron had told him only if he wants to talk,  
14 et cetera, but not if he's going to say no comment. And  
15 then he was going to get legal advice from the Association.  
16 He then spoke to her about what he knew about the murder,  
17 that it was [REDACTED] who had done it but he is trying to  
18 blame it on [REDACTED] and another person, and the OPI  
19 are trying to allege something about a warrant that was  
20 altered to give [REDACTED] an alibi. "He said that this was  
21 ludicrous as the arrest was done at 3 pm and how could  
22 someone know when a murder was going to happen to alter it.  
23 Originally [REDACTED] asked [REDACTED] to help him out  
24 with an old [REDACTED] warrant." Then there's a reference  
25 to a solicitor, a Mr Balmer, and discussion about the  
26 execution of a warrant at the [REDACTED] police station.  
27 And further discussions about the murder of  
28 Chartres-Abbott. They're all notes which are in ICR 100  
29 and the information that had been conveyed to Mr Fox, do  
30 you agree with that?---Yes.

31

32 That was obviously a tasking project given to Ms Gobbo to  
33 in effect assist the Task Force Briars investigations, do  
34 you accept that?---Yes.

35

36 Then there was further tasking of Ms Gobbo. If we go to  
37 ICR 103 at p.1259. That's 3 October, 1259. Had Ms Gobbo  
38 mentioned that she had previously acted for Mr Waters in  
39 what's known as a 56A application in the Magistrates'  
40 Court, were you aware of that?---I've got no recollection.

41

42 We discussed it yesterday. Assuming it's recorded and in  
43 the materials you would have been aware of it at the time I  
44 assume?---Most probably.

45

46 All right. Then there's tasking given to Ms Gobbo on 3  
47 October 2007. Tasking for this meet at lunch and Docket

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

1 Waters. "She's told that we want her to provide feedback  
2 to Docket Waters about the following", and then there's  
3 information that [REDACTED] will be [REDACTED]  
4 on either - that should be struck - - -  
5

6 COMMISSIONER: You'll have to take that name from the  
7 transcript and not streamed, thanks.  
8

9 MR WINNEKE: [REDACTED] on either [REDACTED] or [REDACTED]  
10 That police are confident they are close to finding out how  
11 the address was checked. If they get that then Docket or  
12 Stash will be charged. She's heard that [REDACTED] is at [REDACTED]  
13 Prison but unknown which unit. He may be getting moved  
14 soon. If Docket wants to talk about this address issue  
15 more then Ms Gobbo can say that they believe that the  
16 address check has something to do with the Reservoir police  
17 station. General talk then about how Ms Gobbo can say this  
18 and stressed the importance of keeping the source of her  
19 information vague, noting that as yet Docket has not asked  
20 her the source of the information. If he asks where she's  
21 hearing it from, it can come from a variety of sources,  
22 including police contacts, gaol and legal gossip. There  
23 was discussion about the possibility she could say that the  
24 legal gossip is from what they are hearing from OPI  
25 hearings. She says that she doesn't like this idea  
26 regarding using the OPI. She says they have no credibility  
27 and it will only cheapen the impact of the message. Docket  
28 has already said that from the questions asked at the OPI.  
29 He believes it is all a charade and they've got nothing.  
30 Then discussions go on over the page. The information is  
31 verbally disseminated to Mr Iddles at Operation Briars and  
32 he was aware of the above scenario. Do you see  
33 that?---Yes.  
34

35 All right. Then the following day on 4 October, if we go  
36 to p.1265, that information then - Ms Gobbo in effect  
37 debriefs Mr Fox about the conversation that she had had  
38 with Waters. Do you accept that?---Yes.  
39

40 "That she saw him this morning at about 8.40, had to get  
41 rid of him by 8.55 as she had a client waiting", and so  
42 forth. "He wanted to know if she could find out if  
43 Mr Trichias is still seeing [REDACTED] because he has the  
44 capacity to speak to or get to Trichias to find out what  
45 [REDACTED] is exactly saying." In any event, I don't  
46 propose to go through all of that information but one  
47 assumes that that is in effect the information that was set

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

1 out in the discussion between Fox and Gobbo and recorded in  
2 the ICR, which one assumes you would have been aware of as  
3 a general proposition, would you?---I notice from my diary  
4 that I was actually running a course out of Melbourne for  
5 that period.

6  
7 Yes?---And I can't see who checked this ICR.

8  
9 I think that's another one of the ICRs where there's no  
10 name at the back of it and it's not clear?---Yes.

11  
12 Either on that one or any other one who did. But we do  
13 note that in your diary of 6 October 2007 that you received  
14 a call from Mr Fox concerning Ms Gobbo. She'd met with  
15 Waters & Co. yesterday for lunch. "Lalor was still  
16 overseas but coming back today. Very interested in  
17 information regarding [REDACTED] being charged on the [REDACTED]  
18 or the [REDACTED]. Claims to have someone talking to Operation  
19 Briars investigators but is all rubbish. Ron Iddles is  
20 aware of the same. Waters believes that if [REDACTED] is to be  
21 charged it will be the end of the month. Also very  
22 interested in info re police at QRV being questioned." Do  
23 you know what that is, QRV?---That would be Reservoir  
24 police station.

25  
26 Right. Is it your understanding that Ms Gobbo also had a  
27 connection herself with [REDACTED] via [REDACTED]  
28 [REDACTED]---No. Are you talking about [REDACTED]  
29 partner?

30  
31 Yeah. Do you know the name of [REDACTED] [REDACTED]? Don't  
32 say it?---No.

33  
34 No one's going to say.

35  
36 COMMISSIONER: He doesn't know the name.

37  
38 MR CHETTLE: He doesn't know it anyway.

39  
40 MR WINNEKE: All right. We might need to put something in  
41 front of you because I'm going to take you to a note, if I  
42 can find it.

43  
44 COMMISSIONER: If you do it in big print I should be able  
45 to show it to him. Or you should be able to show it to him  
46 too.

47

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

1 MR WINNEKE: Just excuse me, Commissioner. I'd like you to  
2 have a look at your handwritten diaries, and perhaps if  
3 these can be put up just so as the Commissioner and  
4 Mr White and I can see these. If we go to  
5 VPL.2000.0001.1174. That's at p.49 of your last  
6 handwritten diary?---Could you give me the date, please?

7  
8 Yes, just excuse me. Don't read anything out. It's  
9 somewhere around - because I've got blanks on mine it's  
10 hard to know, but can you see the - it'll be somewhere  
11 around the end of May of 2007, early June. As I say, it's  
12 got p.49 in the top right corner?---That will be 25 May  
13 2007.

14  
15 I appreciate you telling me that because it's not apparent  
16 from my redacted copy. So 25 May, is it?---Yes.

17  
18 What we see here is that there's a conversation with a  
19 handler; is that right?---So that will be Officer Black who  
20 at that time I'm not sure if he was a handler or a  
21 controller.

22  
23 The message says that you receive a telephone call from -  
24 at least he's received a call from Ron Iddles, is that  
25 right, you or he?---He.

26  
27 And there's a reference to a name, and we're not going to  
28 use the name, but in brackets it's "[REDACTED]"  
29 do you see that?---Yes.

30  
31 It says "on TI"; is that right?---Yes.

32  
33 So one assumes that at this stage Mr Iddles - do you  
34 understand where he is at this stage?---I don't think so.  
35 Who's that, Mr Iddles?

36  
37 He would be at Briars at that stage, I assume, wouldn't  
38 he?---I'm just not sure. I think there were some issues  
39 with Briars.

40  
41 Right?---Where Iddles - I don't know whether he spent  
42 several periods there or one, I'm just not sure.

43  
44 The Commission has information that suggests that Mr Iddles  
45 is likely to have been at Briars at that stage and it seems  
46 that he's obviously listening to telephone intercepts which  
47 have turned up a conversation at least concerning or

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

1 involving [REDACTED] [REDACTED] you'd agree with  
2 that?---Yes.

3

4 What does it say after the bracket, what does that mean,  
5 "PL" or "PA", phone?---"Phone on TI" I think.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

Yes?---I'm not sure that that HS is a reference to  
Ms Gobbo.

Right. You think it might not be. Let's go back to the  
previous page then?---Can I just - - -

MR HOLT: Commissioner, I'm sorry that raises an obvious  
and immediate issue. Might I just take some instructions  
in relation to that question before we move on and explore  
it any further for what I hope are obvious reasons?

COMMISSIONER: Do you want an adjournment for that? Is  
that what you're asking for, an adjournment?

MR HOLT: I think so, Commissioner. I just need to find  
out what the situation is before I know whether I can  
assist the Commission in terms of what steps might need to  
be taken or not. There might be an easy answer though.  
Given what the witness has said, I think it's important  
that we don't explore this without understanding what the  
implications might be.

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

1 MR WINNEKE: I think that's reasonable. It's entirely  
2 reasonable, Commissioner, that that be - - -

3  
4 COMMISSIONER: Yes. It might even be useful if you had a  
5 direct conversation with the witness.

6  
7 MR WINNEKE: I'm happy to do it if we have a break,  
8 Commissioner. Obviously this is a matter of some  
9 significance. The fact that we've been provided with these  
10 diaries, if this suggests that human source is the human  
11 source we're dealing with - - -

12  
13 COMMISSIONER: That's obviously what someone's I would have  
14 expected.

15  
16 MR HOLT: No, no, these diaries are the very diaries that  
17 have only been redacted for relevance, they haven't been  
18 redacted - - -

19  
20 COMMISSIONER: Yes. The fact that you've got this entry it  
21 suggests that - - -

22  
23 MR HOLT: I understand. I'm sorry, yes, Commissioner.

24  
25 COMMISSIONER: - - - the reading was that the HS is Gobbo.

26  
27 MR HOLT: That may well be so and one can understand why.

28  
29 COMMISSIONER: Which is why it was a reasonable inference  
30 by Mr Winneke, when he's got large bits of redacted stuff  
31 for relevance, and then this is here and there's a  
32 reference to human source, you can see why he thought it  
33 was Gobbo.

34  
35 MR HOLT: And I should say, I read that on the same basis,  
36 Commissioner, so I'm not offering any criticism at all.

37  
38 COMMISSIONER: No, no, I understand. We'll have a short  
39 adjournment and I suspect the witness might be able to help  
40 Mr Winneke with this, perhaps in a private conversation.  
41 He's nodding, so I think that might be the way to go.

42  
43 MR HOLT: Commissioner, I take it, and if not I'd seek a  
44 formal order, that there be no publication of any name  
45 that's been mentioned in the last few minutes by media in  
46 the meantime simply as a matter of caution. I have no idea  
47 whether it's affected or not but just as a matter of



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

1 caution.

2

3 COMMISSIONER: Yes. At this stage I order that there be no  
4 publication of any names in the last section of examination  
5 by Mr Winneke and we'll have a short adjournment.

6

7 MR HOLT: Thank you, Commissioner.

8

9 (Short adjournment.)

10

11 MR WINNEKE: Commissioner, we've managed to sort it out in  
12 the interim. Mr Holt has an application for a particular  
13 order for suppression which I don't take any issue with.

14

15 COMMISSIONER: Yes.

16

17 MR HOLT: Yes, Commissioner. In order to deal with the  
18 situation, we understand how it emerged, and I think  
19 there's an agreed position in effect, subject to, of  
20 course, the Commissioner's view, that is that there be, we  
21 seek an order that there be no publication of any reference  
22 to the content of the 25 May 2007 diary entry of Officer  
23 White and that there be no publication of any reference to  
24 [REDACTED] nor any publication of any reference to  
25 the discussion that then followed in the Commission. Would  
26 it assist if we provided those words to the Commissioner's  
27 associate?

28

29 COMMISSIONER: That would be great, thank you.

30

31 MR HOLT: We'll do that Commissioner, thank you.

32

33 COMMISSIONER: Yes, and obviously that is the appropriate  
34 order and I so order.

35

36 MR HOLT: Thank you, Commissioner. We'll provide the  
37 wording.

38

39 MR WINNEKE: Yes. Thanks Commissioner.

40

41 COMMISSIONER: Thanks Mr Winneke.

42

43 MR WINNEKE: Yesterday I took you to the entries in  
44 Ms Gobbo's diary which concerned the visit that she made on  
45 [REDACTED] of 2006 to [REDACTED] in custody which indicated  
46 clearly that she had some interest in [REDACTED] and what he  
47 may know about the murder of [REDACTED] or the involvement

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

1 of Tony Mokbel in the murder of [REDACTED], you accept  
2 that proposition?---Yes.

3

4 It appears that, as I suggested to you yesterday, that the  
5 entry that was made in the ICR which reflects what she had  
6 told the handlers about that didn't accurately reflect what  
7 was in her court book, you accept that proposition?---I'm  
8 sorry, the entry in the ICR - - -

9

10 The ICR which said that she was seeing [REDACTED] in  
11 relation to an upcoming trial, do you remember that? It  
12 was a bland entry?---Yes.

13

14 The Commission also is aware that one of the - what emerged  
15 from the trial, the Briars trial, is that [REDACTED] - I  
16 made a blunder, can that be - - -

17

18 COMMISSIONER: Yes, obviously there's no publication  
19 already, an order there. So it will be removed from the  
20 transcript.

21

22 MR WINNEKE: That one of the reasons that [REDACTED] decided  
23 to come to the police and confess his involvement in the  
24 murder of Chartres-Abbott was because of something that  
25 Nicola Gobbo had said to him. Were you aware of  
26 that?---No.

27

28 All right, okay. Some time later you had further  
29 discussions about Ms Gobbo as a human source concerning  
30 Operation Briars which are recorded in your diaries. So if  
31 we go to entries in your diaries around VPL.2000.0001.1895.  
32 This is in August, I'm sorry, April of 2009?---I don't have  
33 my diaries here for 2009.

34

35 All right. It'll come up on the screen.

36

37 COMMISSIONER: It wasn't [REDACTED] was it? Because that's  
38 all redacted.

39

40 MR WINNEKE: No. Perhaps if we move on actually to  
41 VPL.2000.0001.1939. Perhaps if we go there. It seems that  
42 on 12 June 2009 there was a discussion between yourself and  
43 DDI Glow regarding a request to attend on Monday 8th of the  
44 6th, the issue relates to Ms Gobbo and the request by  
45 Briars Task Force to access SDU holdings regarding Ms Gobbo  
46 making a statement. Then on the 15th regarding a meeting  
47 with Biggin, Porter, Glow, Fox, Smith and Black regarding

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

1 Task Force Briars "attempts to access SDU SCR's and  
2 recordings regarding Ms Gobbo", do you see that?---Yes.

3

4 If we go over the page. Do you recall having this issue  
5 arising because of - - - ?---No.

6

7 You are aware, and I take it you were aware at the time,  
8 that Mr Iddles had been to see Ms Gobbo in Bali and  
9 commenced the process of taking a statement from her  
10 regarding her knowledge of matters concerning Waters,  
11 Lalor, [REDACTED] and those matters were considered to be  
12 relevant in the prosecution of a number of people for the  
13 Chartres-Abbott murder?---I know that he went to Bali to  
14 take that statement, yes, but I don't know when it was in  
15 relation to this time.

16

17 All right. The evidence is it was in May of 2009. You  
18 would have had discussions with Mr Iddles about that I  
19 assume, wouldn't you?---I really don't know. I guess I  
20 should have but I don't recall it.

21

22 Was he not provided with SDU documents to enable him to  
23 take the statement?---I don't have any recollection of  
24 that.

25

26 All right. Did you ever read the statement or the draft  
27 statement which had been prepared by Mr Iddles, Mr Waddell  
28 and Nicola Gobbo?---No.

29

30 In any event, there's a note here to the effect that,  
31 "We're pretty keen for no statement to be taken. It's an  
32 issue for the steering committee, Danny and Luke", so  
33 that's Cornelius, is it?---Dannye Maloney and Luke  
34 Cornelius, yes.

35

36 They want to listen to every reference to assess the  
37 credibility of Ms Gobbo. And your position is "that we  
38 need to convince Luke Cornelius & Co. that it's not worth  
39 it", and that was agreed. Well, it was agreed to contact,  
40 that is that you would contact Waddell regarding exactly  
41 what it was that they want, to arrange a meeting, and then  
42 include Biggin regarding who pays the cost and listen to  
43 recordings or read transcripts. "If transcripts are to be  
44 prepared then consider O'Brien's services. Need to log  
45 exactly what is provided to Briars." Do you accept  
46 that?---Yes.

47

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

1 That that reflects the meeting that you'd had?---Yes.

2

3 Then if we go to the following day, on 16 June, there's a

4 meeting with Biggin and Waddell regarding Gobbo witness

5 issues. If you could just read that entry?---Yes, I've

6 read that.

7

8 Does that refresh your memory about the issues that were

9 going on at the time?---No, not really.

10

11 Do you accept that you were at that meeting or not? This

12 is your diary?---Yes, I do. This is my diary, yes.

13

14 Clearly you were aware at this stage that Ms Gobbo had

15 already made a statement in relation to Petra and the

16 Hodson murders, Hodsons murders, you understand - - -

17 ?---You just said to me I think that the trip to Bali was

18 before this I think.

19

20 What we understand is that Ms Gobbo had made a statement

21 and it had been given to Cameron Davey in January of 2009,

22 so earlier this year very shortly after, or around the time

23 that she was deregistered, in relation to the murder of the

24 Hodsons and her involvement with Mr Dale, Williams, et

25 cetera, you understand that?---Yes, I understand that. I'm

26 a bit confused about dates.

27

28 It appears that Mr Iddles went to Bali with a view to

29 taking a statement. We understand that was in May 2009. I

30 stand to be corrected but we're confident that was in May

31 2009. And by the stage that we're dealing with here a

32 statement has been prepared and the question is whether the

33 SDU would be able to - now I'm getting - heads are being

34 shaken. In any event, what appears to be the case is that

35 it's asserted that "the case is weak and may be sufficient

36 for charging but probably not for conviction. It's a

37 matter of risk v reward" and you advise Mr Waddell that you

38 don't think the reward justifies the risk if a conviction

39 is unlikely. That appears to be the effect of your note,

40 doesn't it?---Yes.

41

42 COMMISSIONER: What date is this note?

43

44 MR WINNEKE: This is 16 June 2009, Commissioner.

45

46 COMMISSIONER: Thanks.

47

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

1 MR WINNEKE: It may well be the statement hasn't been made,  
2 but you're not aware of that issue, I take it, as we speak  
3 here?---Not at this point in time.  
4  
5 All right then. If we move forward. If we get to around -  
6 at the end of June, if we go to your diary entry at  
7 VPL.2000.0001.1981. It appears to be 30 June 2009, your  
8 diary, would that be right?---I can't see it there.  
9  
10 If you go to the next page. Do you accept that that's 30  
11 June then?---Yes.  
12  
13 What occurs on that date is that you make a call to DDI  
14 Waddell and you advise that the document regarding  
15 Ms Gobbo's ready. There are 21 recordings of approximately  
16 average duration four hours, so we're thinking probably  
17 around 80-odd hours. "Recommend document be perused to  
18 determine the priority for recordings. Mr Waddell would  
19 call tomorrow when available for a meeting." Do you agree  
20 with that?---Yes.  
21  
22 Subsequently there's a call between you and Superintendent  
23 Biggin and there was a discussion which included that "it  
24 was agreed not to delay pending the resolution of Gobbo  
25 issues as this could take years and need a reward  
26 application prepared ASAP. Potential issues regarding  
27 discovery of notes from analysis of source deployment. All  
28 notes to be marked 'draft' and will be subject to privilege  
29 claims". Can you explain to the Commission what that entry  
30 is about?---I don't know the issues that are referred to  
31 there "could take years".  
32  
33 Right?---The reward application, I think as we discussed  
34 the other day, there was an attempt to start the reward  
35 application.  
36  
37 Yes?---The issue re discovery of notes, I'm presuming that  
38 must relate to - so this must relate to Steve Waddell's  
39 request for the material in order to take a statement.  
40  
41 Yes?---And all the notes, I'm not sure if that's diary  
42 notes or contact reports. I'm not exactly sure what that's  
43 a reference to.  
44  
45 Right?---Obviously if they related to her they would be  
46 subject to privilege claims.  
47

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

1 You say "obviously", why do you say that?---Because she's  
2 an informer.

3  
4 In this case obviously she'd be a witness if she's going to  
5 be giving though one assumes?---I'm not sure. I can only  
6 tell you, looking at this paragraph now, what I think it  
7 relates to. I think that relates to the fact that she was  
8 an informer and there would be privilege claims.

9  
10 Right?---I can't - - -

11  
12 Okay?---Sorry, I can't take it much further.

13  
14 If we go then to an entry on the following day. There's a  
15 discussion about - just go back - come down. We see that  
16 there's - it says 2958 SML but there's nothing around that.  
17 One assumes that that relates to entries in the source  
18 management log I assume, would that be right?---It might be  
19 - I had a habit sometimes of writing the things that I  
20 needed to attend for the day either at the end of the  
21 previous day's diary entry or the start of the next day's,  
22 and I haven't been involved in these redactions as you  
23 understand.

24  
25 Yes?---So I would imagine this is just a note to myself to  
26 try and keep that up-to-date.

27  
28 Right. If we go to the source management log. There's an  
29 entry in the source management log on 1 July 2009. That  
30 appears to reflect your diary entry. I tell you this, that  
31 the statement - albeit the statement's not signed, there's  
32 a suggestion that such as it was the statement was - the  
33 jurating or the acknowledgement at the end of the statement  
34 was in May of 2009, 21 May 2009.

35  
36 COMMISSIONER: Sorry, which statement is this?

37  
38 MR WINNEKE: This the unsigned statement.

39  
40 COMMISSIONER: Taken by Ron Iddles.

41  
42 MR WINNEKE: Taken by Waddell and Ron Iddles and it's  
43 jurated on 21 May 2009, although not signed.

44  
45 COMMISSIONER: Right.

46  
47 MR WINNEKE: Do you believe that you would have been



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

1 provided with that statement, or at least that unsigned  
2 statement?---No.

3  
4 As the controller?---No.

5  
6 You were aware though that the statement existed I assume,  
7 it's apparent from the notes that you would have been aware  
8 of it from your diary?---I'm not sure. Is there anything  
9 in my diary saying that a statement had been taken? I know  
10 they went to take a statement.

11  
12 In any event the documents - you provided a document  
13 regarding SDU intel holdings concerning Gobbo. Would there  
14 be a separate document provided or is that something that  
15 wouldn't have been kept or recorded?---I don't know what  
16 form that document would have been in.

17  
18 All right. If we go to the next entry in the source  
19 management log we see an entry on 3 July 2009, "Recordings  
20 of meetings between SDU and human source handed to Waddell  
21 of the Briars Task Force as follows", and thereafter  
22 there's a number of recordings. Headings are, "Recordings  
23 required, converted, recording's length", and there seems  
24 to be about 20 of them, as was suggested in the previous  
25 diary entry. Would that have been the document that you  
26 are referring to?---It could have been.

27  
28 Right. You were provided information by Mr Waddell that  
29 Rapke, I assume that's Jeremy Rapke, was aware that  
30 Ms Gobbo is a witness. Do you see that?---Yes.

31  
32 And that "Tony Mokbel defence team have subpoenaed VicPol  
33 regarding any material that goes to the credit or otherwise  
34 of ██████████ regarding the charge of murdering ██████████", do  
35 you see that?---Yes.

36  
37 "Briars have attempted to fight the request which could  
38 compromise the SDU's documents and have lodged confidential  
39 affidavit before the judge who will not entertain the same,  
40 insisting that he runs a transparent court, and no secrets  
41 will be kept from the officers of the court. Mr Rapke  
42 advises the matter may have to go to appeal or be  
43 withdrawn." Then there's an entry to the effect that -  
44 "Briars have attempted to fight the request which could  
45 encompass SDU documents and have lodge confidential  
46 affidavit". I take it you can read it as well I can, and I  
47 apologise, I misread it. Did you take those notes?---I

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

1 don't know if I made this note but you'd have to look at my  
2 diary.

3

4 Well that's in your diary and it's reflected in the source  
5 management log, so one assumes you took it?---Okay.

6

7 You were simply recording information, I take it, that  
8 you'd been provided by Mr Waddell; is that right?---Can we  
9 go to my diary?

10

11 Yes. If you have a look at VPL.2000.0001.1983. If we can  
12 have that up on the screen so Mr White can see  
13 that?---Okay, yes. That has to be information that comes  
14 from Mr Waddell.

15

16 Are you aware that Mr Mokbel had been charged with two  
17 murders subsequent to his extradition from Greece,  
18 Mr White, were you aware of that?---I was aware he was  
19 charged with one murder. I don't recall him being charged  
20 with two.

21

22 It's publicly recorded that he was charged with the murder  
23 of Mr Marshall and that murder proceeded until about, or  
24 that charge proceeded until about early April of 2009 on  
25 which date, or at which time it was nolle'd, in other words  
26 the prosecution ended. At the same time he was directed or  
27 presented to stand trial in relation to the murder of [REDACTED]  
28 [REDACTED]. This is the murder that is the subject of this  
29 disclosure and subpoena application. Are you aware of  
30 that?---No.

31

32 Clearly you were told that there was an attempt to obtain  
33 material which went to the credit or otherwise of [REDACTED]  
34 and it was felt that there was material available in the  
35 SDU holdings which would be answered or which would be  
36 relevant to that subpoena and the judge wasn't prepared to  
37 entertain a confidential affidavit about Ms Gobbo or  
38 matters concerning Ms Gobbo which were relevant to your  
39 file and he said that no secrets would be kept from  
40 officers of the court. I take it you must have had some  
41 interest at that time about those matters because you were  
42 having discussions with your colleagues and Mr Biggin about  
43 what material may be, may fall within the ambit of the  
44 subpoena and may need to be provided to Briars. That  
45 follows, doesn't it?---I thought the material that Steve  
46 Waddell was searching for was in relation to the Briars  
47 matter.

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

1

2 It may well be both but it may well also be that there was  
3 material within the SDU holdings which went to the credit  
4 or otherwise of ██████████ concerning the charge of  
5 murdering ██████████. Do you have no recollection of  
6 that?---No.

7

8 If you go to p.1571 of the ICRs. 1571. If you go to the  
9 bottom of the page there's a reference to Iddles' interview  
10 re Waters. It says that Ms Gobbo was told not to talk on  
11 the phone about human source words, "other thing, i.e.  
12 talking to the SDU because of all precautions. Told what  
13 to say if asked. Iddles told human source that human  
14 source is mentioned in a statement by ██████████ regarding  
15 her being at the ██████████ and she can't recall either  
16 way". This is an ICR that concerns 14 January 2008?---Can  
17 I ask - - -

18

19 Yes?---Is this her reporting her conversation with Iddles  
20 in Bali?

21

22 This is early 2008, this has nothing to do with Bali. This  
23 is January 2008. Iddles is talking to Gobbo, telling her  
24 in effect that she has been mentioned in a statement by  
25 ██████████ regarding her being at the ██████████ and she  
26 can't recall either way. Subsequently Ms Gobbo in the  
27 statement that she makes, or at least was taken by  
28 Mr Iddles, makes reference to meeting ██████████ at the  
29 ██████████. Are you aware of that or not?---No.

30

31 He's also asking her apparently about other matters  
32 concerning whether she knew Peter Lalor, talked to him when  
33 acting for a person by the name of Speedy regarding a  
34 stalking matter, Lalor was the informant. He also asked  
35 how long she had known Waters. Met through Steve Campbell  
36 98/99 and one other time in 2000/2001. Didn't know him  
37 well until he got charged with the St Kilda marijuana  
38 offences and she acted for ██████████, and after  
39 that she acted for Waters for a 56A application regarding  
40 Strawhorn in the Magistrates' Court and Waters refers her  
41 clients and very rarely gone to see him. And Mr Fox told  
42 Ms Gobbo to go and say certain things previously.  
43 Obviously that's a reference to what we've been talking  
44 about before with respect to the tasking, do you agree with  
45 that?---Yes.

46

47 She also asked about a number of other - she was asked by

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

1 Mr Iddles about other matters, including a person she met  
2 through Waters called Bluey Bob and Inspector Bob Hodgkin  
3 who she also met through Waters and then nothing further.  
4 Then there's reference to the brother of the bloke she was  
5 acting for was going out with the victim and Valos told her  
6 that this person acted for Lee Perry, was the boyfriend.  
7 She remembered Lee Perry had a lab and Mark was the  
8 boyfriend of the victim. So he's clearly asking her about  
9 matters which subsequently appeared in the statement that  
10 she provided to Mr Iddles but wasn't signed. Your name  
11 appears at the end of this ICR at p.1588, but again there's  
12 no date on it so we can't be certain when and if you saw  
13 it; is that right?---Yes.

14  
15 There's information also at p.1573 concerning Dave Waters,  
16 "Asking to be reminded what can say to Waters. Licensee  
17 made statement. Storeman, Waters, Lalor, [REDACTED]  
18 together". If you go over the page on 1574 it seems that  
19 you're advised, and there's further discussion about the  
20 Storeman, "Photos shown to Ms Gobbo, that of a member of  
21 Police Force. Iddles doesn't believe this is the person  
22 concerned. Advised if able to ID the Storeman. Storeman  
23 would be helpful. Told not to do so if suspicious,  
24 dangerous", et cetera. Then there's a reference to  
25 advising you about the matters concerning Gobbo and Waters,  
26 do you agree with that?---Yes.

27  
28 Then there's further discussion in that ICR regarding a  
29 call received from Ms Gobbo about the matters that were of  
30 interest to Mr Iddles. Do you see that?---Yes.

31  
32 Just hang on. This information seems to have found it's  
33 way into an information report which is dated 14 January  
34 2008, VPL.0100.0053.0298. Do you see that there, a report  
35 - the date it's submitted is 14 January 2008. The report  
36 number is Briars 301, submitted by Stephen Waddell,  
37 Detective Inspector of the Task Force Briars. If we scroll  
38 down it seems to be an information report reflecting  
39 information that Ms Gobbo has provided to Waddell and  
40 Iddles and it reflects information that was provided to the  
41 handler, at least to a significant degree in the ICR that  
42 we've just been dealing with. If we can just scroll down  
43 that. If you can have a look at that, please, Mr White.  
44 If we can go down to p.3 through that information - keep  
45 going down there. Do you want to read that, Mr White, or  
46 are you content just to scroll through that?---No, I'm  
47 content to scroll through. Do I need to read the whole

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

1 thing?

2

3 No, I'm not going to ask you questions about it. Can I

4 just ask you this: were you - if we go to the update by

5 Waddell on 23 December 2009. He's spoken to - sorry, at  
6 the top of the page, "Inquiries to be made, statement to be

7 obtained, can you please advise Ron and Steve that I've  
8 checked my diaries and I believe the other dates upon which

9 I saw Waters were as follows". Do you know whether that  
10 was a request for a further statement to be obtained from  
11 Ms Gobbo?---No, I haven't seen this information report.

12

13 You don't know anything about the dates which are set out  
14 there in the IR and I suggest that they appear to be dates  
15 that Ms Gobbo has taken from her diary and forwarded to Ron  
16 Iddles and Steve - to the SDU which was then forwarded to  
17 Briars. Do you know anything about that?---No, but if they  
18 were it should be in the contact reports.

19

20 There's a further update on 26 July 2010 and it's to this  
21 effect: "Hi Steve. Mr Tinney SC has again reviewed the N  
22 Gobbo statement and the issues of its usefulness in any  
23 prosecution of Waters. Having re-read the statement he's  
24 formed the view that it would not be of any great  
25 assistance in any prosecution of Waters and that any  
26 material in the statement that would assist would not be  
27 sufficient to change our minds as to the appropriateness of  
28 charging Waters. As it stands there's no evidence of any  
29 clear admissions made by Waters of any involvement in the  
30 killing and the material and the statement does little more  
31 than engender suspicions. In addition, to the limited  
32 usefulness of the statement there is also the fact that  
33 Gobbo would be a problematic witness and in the  
34 circumstances it does not seem to be worthwhile pursuing  
35 this evidence in light of the troubled relationship between  
36 the witness and VicPol". Mr Tinney apologises for not  
37 getting back to you earlier about this, he's on leave for  
38 couple of weeks, but will be back in August of 2010 if you  
39 wish to discuss. That's an email from Abbey Hogan,  
40 principal solicitor at the OPP. At this stage you were  
41 still at the SDU I take it in July of 2010?---You would  
42 have to check my diaries.

43

44 Is it your understanding - do you believe that you had had  
45 any discussions with respect to the ongoing possibility of  
46 Ms Gobbo being a witness?---In relation to Waters and  
47 company?

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

Yes?---No.

MR CHETTLE: Commissioner, is it the proposition of the Commission that this is a document that my clients had anything to do with compiling?

MR WINNEKE: No, I'm not suggesting it is but I'm asking whether the witness has had any knowledge that she was still being considered in July of 2010 as a potential witness in the prosecution of Mr Waters.

COMMISSIONER: What's the date of this IR, please?

MR WINNEKE: If we go to the top. It appears to have been updated, Commissioner.

COMMISSIONER: Sure.

MR WINNEKE: But if we go to the top of the document, it's submitted on the 14th of the 1st 2008. If we scroll down, it seems that it's been added to, Commissioner.

COMMISSIONER: Yes. Is that the most recent update, 14 January 10?

MR WINNEKE: No, no. The last entry concerns a communication which was on, I think in July, 10 July of - 26 July 2010.

COMMISSIONER: Right.

MR WINNEKE: Is it your understanding that information reports such as these can be updated or is this a compilation document? Do you know what this is?---What some investigators do is they'll start an information report on a particular avenue of inquiry.

Yes?---And then as they develop their inquiries into that avenue they will just update that same information report.

Yes.

COMMISSIONER: Then it's checked by a supervisor. Can you have a look at that, at the bottom, please. There's nothing there.



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

1 MR WINNEKE: It appears not to have been. Those boxes  
2 appear to be empty, Commissioner, so I can't assist in that  
3 regard.

4  
5 COMMISSIONER: Thank you.

6  
7 MR WINNEKE: Are these information reports normally checked  
8 and actioned and forwarded or not, do you know?---I think  
9 the way this one's been utilised is not really in the  
10 spirit of what an information report is supposed to do.

11  
12 Right?---You've seen the SDU information reports. That's  
13 what their purpose was. This one is being used as a log of  
14 inquiries in relation to a particular issue by the look of  
15 it.

16  
17 In any event, whether or not you were aware of it, I take  
18 it that you would have been concerned about the prospect  
19 that there would have been disclosure to a court which may  
20 well have exposed Ms Gobbo as a human source, that would  
21 have been a matter that would have concerned to you; is  
22 that right?---I think that you've shown me an entry for a  
23 meeting that I had where that was discussed, yes.

24  
25 Ultimately would you have had any say in what information  
26 was provided?---No.

27  
28 As to whether or not there was any information in the SDU  
29 records which would be relevant to the credibility of  
30 Ms Gobbo as a witness, and clearly there would have been,  
31 that would have been of great concern, wouldn't it, to you  
32 as her controller over a significant period of time?---I  
33 think the fact that she could potentially be called to  
34 court would have compromised her and, yes, that would have  
35 caused me some concern.

36  
37 If she was called as a witness and her credibility was in  
38 issue, I mean effectively the entirety of the SDU files  
39 would be disclosable, wouldn't they, if her credibility was  
40 in issue?---Yes.

41  
42 I'm going to leave that topic and move to a different topic  
43 at this stage. I wonder if that's an appropriate time,  
44 Commissioner? I'm happy to keep going but it's a matter  
45 for you and perhaps Mr White.

46  
47 COMMISSIONER: Mr White, would you like a break yet?---Yes,

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

1 please, Commissioner.

2

3 All right then. We'll have a ten minute break, thanks.

4

5 (Short adjournment.)

6

7 MR WINNEKE: Thanks, Commissioner. Are you there,  
8 Mr White?---Yes, Mr Winneke.

9

10 I want to ask you some questions about the SDU involvement  
11 with Ms Gobbo around [REDACTED] and how he came to assist  
12 police by making statements. What I suggest to you is that  
13 when you first spoke to Ms Gobbo way back in September of  
14 2005 one of the things that she told you was that she had  
15 been acting for [REDACTED] and had been involved in the  
16 process whereby [REDACTED] made statements and she was  
17 expressing great concern that that involvement and her  
18 acting for [REDACTED] would come to light. Now you accept  
19 that that was something that was a constant cause of  
20 concern for Ms Gobbo?---I haven't got [REDACTED] in front of  
21 me but are you talking about the statements that she took  
22 for Stuart Bateson?

23

24 Yes, the statements which Mr Bateson took, amongst others,  
25 from [REDACTED] and her involvement in that process. It's  
26 something that she was concerned about and she made - I'm  
27 putting to you, and there's I suggest no dispute about it,  
28 that she told you about her concern in the first meeting  
29 that you had with her?---Yes.

30

31 You know who [REDACTED] is?---I think I do.

32

33 COMMISSIONER: Have you got your list there? Is that on  
34 your list?---Commissioner, that one's not on my list.

35

36 Could you hand me the flash card, please.

37

38 MR WINNEKE: He and [REDACTED] were charged with the murder  
39 of [REDACTED] and also the murders of [REDACTED] and  
40 [REDACTED]?---Yes, I'm pretty sure I know who you're talking  
41 about.

42

43 COMMISSIONER: Could you just show me the flash card.  
44 Could I have the camera on me?---I'm just being shown by -  
45 yes.

46

47 You've got it?---That's who I thought it was, thank you.

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

1

2 MR WINNEKE: To put you further into the picture and  
3 perhaps refresh your recollection, and I understand we're  
4 talking about events which are now many years past, there  
5 was a committal in [REDACTED] of 05 in which [REDACTED] and [REDACTED]  
6 were represented and they were being charged with and  
7 prosecuted for the murders of [REDACTED] and [REDACTED], [REDACTED]  
8 [REDACTED]. By that stage [REDACTED] had in effect rolled and had  
9 provided statements. [REDACTED] was cross-examined to a great

10 degree during the course of that committal in 2005 and I'll  
11 come to some matters which concern that in due course.  
12 Now, do you accept that? Are you prepared to accept  
13 that?---Yes.

14

15 What appears to have been the case is that after that  
16 committal [REDACTED] and [REDACTED] were maintaining that  
17 they were not guilty of the murders of [REDACTED] and [REDACTED],  
18 and indeed [REDACTED] was maintaining that he wasn't  
19 guilty of the murder of [REDACTED] and during the  
20 year 2005 it appears that there had been at least  
21 consideration on the part of [REDACTED] Now do you know  
22 who [REDACTED] is?---No, but I think my helper is getting  
23 it. Yes, I know who that is.

24

25 Indeed, at the conclusion of the committal in early 2005  
26 there had been some indication on the part of [REDACTED]  
27 through his barrister that he would be pleading guilty and  
28 ultimately he wasn't presented for trial on any of, in fact  
29 he didn't run a contested proceeding in relation to any of  
30 the murders. Now, what I want to take you to is an ICR  
31 which is at p.151 of the first series of ICRs concerning  
32 Ms Gobbo as 3838. If you go to the bottom of the page.

33

34 COMMISSIONER: Which ICR, please?

35

36 MR WINNEKE: ICR no.18.

37

38 COMMISSIONER: Thank you.

39

40 MR WINNEKE: We're talking about early 2006. At this stage  
41 Ms Gobbo has been, up until this time Ms Gobbo has been  
42 advising, communicating and acting for [REDACTED] If you  
43 go down to the bottom of the page. She hadn't appeared at  
44 a committal because it was accepted by her that she had a  
45 conflict of interest with [REDACTED] having acted for  
46 [REDACTED] earlier on when he had been interviewed and  
47 ultimately had become a witness. So it was conceded by her

.16/08/19

4739

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

1 that she had a conflict and she couldn't appear for [REDACTED]  
2 [REDACTED] at the committal proceeding in 2005 but nonetheless  
3 behind the scenes she was still communicating with  
4 him?---Sorry, are we on p.151?  
5

6 Yes, 151 at the bottom. You see at the bottom there's a  
7 note to this effect, that there's a rumour from Solicitor 2  
8 that [REDACTED] has rolled and is assisting police. Do you  
9 see that?---Yes.

10  
11 If we follow this through, if we go over the page, 152 down  
12 the bottom, we see that - perhaps we might, instead of  
13 referring to her by name we might call her Solicitor 2,  
14 Commissioner, which is how she has been referred to  
15 previously. Perhaps if we can remove any reference to her  
16 by name.

17  
18 COMMISSIONER: All right then. Yes, remove the reference  
19 to her by name and if possible in the transcript insert  
20 Solicitor 2 instead. It's probably a bit of a  
21 misdescription, I suppose. She's not a solicitor, is she?  
22

23 MR WINNEKE: [REDACTED]  
24

25 COMMISSIONER: All right, Solicitor 2 then.  
26

27 MR WINNEKE: Right. Then on the 14th of the 2nd there's an  
28 entry to the effect that Solicitor 2 has advised Ms Gobbo  
29 that [REDACTED] has rolled. It was mentioned in court and  
30 the prosecutor said that he [REDACTED] wished to talk to  
31 Purana. Didn't state what about. Solicitor 2 was worried  
32 about this. And Ms Gobbo didn't know what he's got to  
33 offer. Do you see that?---Yes.  
34

35 Solicitor 2 tries to give the impression that she trusts  
36 Ms Gobbo and Ms Gobbo doesn't believe that. In any event  
37 that's by the by. If we go down the page we see that on  
38 the 15th, the next day, Solicitor 2 is asking Ms Gobbo if  
39 she thinks that [REDACTED] is fair dinkum or not. She  
40 believes that Solicitor 2 is worried about Roberta Williams  
41 and Tony Mokbel if [REDACTED] rolls. In other words, if he  
42 decides to no longer contest the murder charges that he's  
43 facing and indeed decides to give evidence against other  
44 people. Do you follow that?---Yes.  
45

46 And there's another entry at 18:05, she believes that [REDACTED]  
47 will be able to involve George Williams Roberta Williams

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

1 and then there's further discussion about, I suppose, the  
2 rumours that are flying around at about this time  
3 concerning [REDACTED] right?---Yes.

4  
5 The evidence is that at that stage Solicitor 2 was  
6 representing both [REDACTED] and [REDACTED] so clearly  
7 there's an apparent issue arising with respect to [REDACTED]  
8 [REDACTED] position in acting for both of those people and that  
9 would seem to be obvious, wouldn't it? Yes, Solicitor 2's  
10 position?---Sorry, are you asking me that she shouldn't be  
11 representing those two people?

12  
13 What I'm suggesting is you would appreciate that if she's  
14 acting for two people and one of them decides to roll and  
15 provide evidence against another one, well it would put her  
16 in a very difficult position with respect to both of the  
17 people for whom she's previously been acting, you would  
18 appreciate that I assume?---Yes.

19  
20 There's a conflict?---Yes.

21  
22 She's obviously been receiving instructions for both and  
23 now it appears that one of them is changing the  
24 instructions and there may well be difficulties and you  
25 understand that situation?---Yes.

26  
27 Now, if we then move to p.155. You'll see at the bottom of  
28 the page that Ms Gobbo says that, [REDACTED] rang this  
29 morning. [REDACTED] and  
30 therefore that's coded talk that he may want to roll and he  
31 wants to see Ms Gobbo this weekend and she'll do so with  
32 the solicitor Jim Valos", do you see that?---Yes.

33  
34 If we continue with the story into the next ICR on p.157,  
35 we're now at 17 February. It appears that Ms Gobbo has  
36 told Mr Black, no, Mr Green, that she'd spoken to Stuart  
37 Bateson from Purana regarding [REDACTED] rolling. She has  
38 an association with Bateson regarding [REDACTED] doing the  
39 same thing. This, that is [REDACTED] rolling over, may  
40 include her own current clients and [REDACTED] will want to  
41 know what is on offer. She believes it would be wrong not  
42 to help him because Ms Gobbo trusts Jim Valos looking after  
43 [REDACTED] at present. Then she talks about the problem  
44 with Solicitor 2 is that she's not helping anyone and she  
45 is happy to tell, that is Ms Gobbo is happy to tell Bateson  
46 what is going on. Then she goes on and says - and we  
47 understand that her last contact with Mr Bateson was in

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

1 December of - it says December or January of 2006. Goes on  
2 and says that Tony Mokbel had said not to get involved with  
3 [REDACTED] previously. Tony Mokbel [REDACTED]  
4 [REDACTED] Ms Gobbo in 2000, 2001 and she says that [REDACTED] had  
5 produced a bag of white powder and said, "You're all right  
6 if you're with him". She says that she was, she tells the  
7 handler that she was horrified about this. In any event  
8 she says that she has a Saturday meeting with Mr Mokbel  
9 concerning trial preparation, and of course we're aware  
10 that the trial was going on at this time and you recall  
11 that Mr Mokbel left the jurisdiction on or about 23  
12 February. So that's the time that we're talking about. I  
13 apologise, March. We're talking about leading into that  
14 trial. And she says that there's a meeting that is  
15 arranged on Sunday at [REDACTED] with [REDACTED] do you see  
16 that?---Yes.

17  
18 So those issues are developing with Ms Gobbo and the SDU  
19 around February of 2006 and then there are DSU issues which  
20 are set out here, "Not to discuss Tony Mokbel trial matters  
21 with the source. That could be taken out of context, i.e.  
22 pervert the course of justice". Now do you understand what  
23 that may indicate?---No, that's consistent with our, or my  
24 instructions not to delve into client's defence issues.

25  
26 Because that might amount to a perversion of the course of  
27 justice if that were done?---Yeah, I guess potentially,  
28 yes.

29  
30 Potentially, all right. Now to come back to - perhaps if  
31 we go to the source management log on p.15. In fact if we  
32 can put that up just for a moment. Just put that back,  
33 that entry back up, that ICR. Immediately under that  
34 discussion there's a further telephone call between  
35 Ms Gobbo and Mr Green and it says on the 18th of the 2nd  
36 2006, the following day, discussion about - there's a  
37 discussion about a witness in the Tony Mokbel trial and  
38 also the fact that Ms Gobbo has taken four statements today  
39 from four witnesses for the defence and those people are  
40 named and they're recorded in the ICR and she's saying it's  
41 a possibility that it's an attempt on the part of Mr Mokbel  
42 to pervert the course of justice, that's her subjective  
43 opinion, there's no evidence that this is the case,  
44 exclamation mark, exclamation mark and then there's a  
45 number of entries there referring to the people from whom  
46 she's taken witness statements and what they have said in  
47 the witness statements. Do you see that?---Yes.

.16/08/19

4742

WHITE XXN - IN CAMERA



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

1

2 And what they've said about the main Crown witness, or a  
3 main Crown witness, do you see that?---Sorry, what they  
4 have said about the main Crown witness?

5

6 What they've said about the two people referred to in the  
7 line above - if you go to about five lines from the bottom,  
8 they say they have known these two people who are named,  
9 through the café and were not put in touch with each other  
10 on the day of the arrest by Tony Mokbel as alleged by the  
11 Crown. Tony Mokbel was charged the day after matters  
12 concerning a particular person that you can see there.  
13 Tony Mokbel's idea and the statements may be used in two or  
14 three weeks' time. Do you see that?---Yes.

15

16 Effectively what, despite the note previously taken about  
17 not to discuss Tony Mokbel trial matters with the source,  
18 it appears that that very thing has been done in the  
19 following entry, do you agree with that?---Yes, to a, to a  
20 certain extent.

21

22 COMMISSIONER: It's quite some detail.

23

24 MR WINNEKE: The answer is yes, isn't it?

25

26 COMMISSIONER: It's quite some detail, the names of the  
27 witnesses are listed and a summary of what they're going to  
28 say?---Yes, that's correct. I don't have a recollection of  
29 this but I'm presuming that this member has pursued the  
30 possible pervert the course of justice issue.

31

32 MR WINNEKE: It may or may not be the case but in any event  
33 as Ms Gobbo indicated that was her subjective view but  
34 nonetheless she has provided a certain amount of  
35 information about matters concerning the trial, I suggest  
36 to you?---Yes.

37

38 In any event if we go over the page to 158, we see that she  
39 received, top of the page, she received a call from [REDACTED]  
40 [REDACTED] from [REDACTED] today. There's a coded conversation. "He's  
41 got the vibe that someone was charged today", do you see  
42 that?---Yes.

43

44 Then if we go down to the 19th of the 2nd entry at 1.05,  
45 she's called, that is Mr Green is called by the source.  
46 She calls back, or he calls back. [REDACTED] will talk to police.  
47 So in effect what she's saying, what she's telling the

.16/08/19

4743

WHITE XXN - IN CAMERA

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

1 handler is in effect what she's been told by her client, he  
 2 will talk to police. He'll start with murders of [REDACTED]  
 3 [REDACTED]  
 4 Goes on to say, she goes on to say that he does not want  
 5 his family to know. Wants his solicitor Jim Valos and  
 6 Stuart Bateson of Operation Purana to see him at 6 pm,  
 7 right?---Yes.

8  
 9 Now, Ms Gobbo's diary indicates that she was going to see  
 10 [REDACTED] at 9.30 and then was going to speak to Mr Mokbel  
 11 at 1 pm - I'm sorry, 3 pm. In the source management log we  
 12 have an entry at p.15. On 19 February. In fact if you go  
 13 a couple of entries above that you'll see 17 February,  
 14 "Phone call by Green, discussion re [REDACTED] considering assisting  
 15 police, Detective Sergeant Bateson to manage the same with  
 16 Jim Valos representing". Mr Valos will be dealing with  
 17 Mr Bateson about this issue. Would that be because it was  
 18 considered that Ms Gobbo may have had a conflicted position  
 19 with respect to [REDACTED]---I have no idea.

20  
 21 She's already indicated, and it's set out in the ICR, that  
 22 any statements that [REDACTED] may make, [REDACTED] may well  
 23 affect her current clients and she's already indicated to  
 24 you previously that she had acted for [REDACTED]  
 25 correct?---Sorry, I've forgotten who [REDACTED] was. Sorry, I've  
 26 got it now. Thank you, that's right.

27  
 28 If we then go over to the next page, we go to - I'm sorry,  
 29 19 February 2006 in the source management log. "Advised  
 30 that [REDACTED] wants to assist police re gangland killings, Valos  
 31 to represent him". Then there's some other intel and then,  
 32 "Human source advised to minimise contact with [REDACTED] and let  
 33 Valos manage the matter" and then the next entry is a  
 34 conversation with O'Brien and Bateson, "Re minimising  
 35 Gobbo's involvement in the process from the point of view  
 36 of compromising herself at later court hearings". Now,  
 37 what do you understand that to mean?---I can only imagine  
 38 that's a reference to her role as a source becoming known.

39  
 40 Now then if you go over to p.159. It seems that there's  
 41 more discussions about this. This is becoming an issue.  
 42 If you go to page, about a quarter of the way down it says  
 43 this - - -

44  
 45 COMMISSIONER: Could we have the VPL number?

46  
 47 MR WINNEKE: VPL.2000.0003.1745, p.159. Gobbo's been asked

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

1 by Mokbel not to talk to [REDACTED] in the past. She feels that  
2 she'd be killed if Mokbel found out that she'd done so.  
3 She would still like to talk to [REDACTED] as it would be  
4 the right thing to do for [REDACTED] ---I'm sorry. I'm  
5 sorry, Mr Winneke, we're on p.159?

6  
7 159, yes, about a third of the way down?---Yes. Thank you.

8  
9 Then there's a highlighted section, "Motive of source, ease  
10 her conscience to do the right thing" and then O'Brien is  
11 updated about the above. So that's the Purana  
12 investigator, right?---Yes.

13  
14 Then, "Called by source. Called back. Stuart Bateson,  
15 Mark Hatt from Purana. Met with [REDACTED] There's a  
16 discussion about Ms Gobbo disguising her reason for talking  
17 to [REDACTED] from Tony Mokbel by telling him about  
18 [REDACTED]. This would excite Tony  
19 Mokbel to know something that he knows he should not be  
20 told and it could explain [REDACTED] absence from gaol if need be  
21 in the future". And then a DSU issue, "Source advised not  
22 to get too close to [REDACTED] if he starts cooperating with  
23 police as it would be an unnecessary risk at this stage".  
24 Now, what would be the risk that's referred to there?---I'm  
25 guessing it's a reference to the fact that if she gets into  
26 or assists him in rolling, for want of a better word.

27  
28 Yes?---Then obviously the Mokbel crew would think that  
29 she's working with the police.

30  
31 And she believes that [REDACTED] has already doxed Tony  
32 Mokbel in. And then it says, "She's taking a statement  
33 today from a particular person, a travel agent, and that  
34 person is a possible witness for Tony Mokbel". So she's  
35 again telling the handlers about things that she's doing  
36 with respect to her trial. Do you see that?---Yes.

37  
38 You, I take it, had some concern, did you, about - perhaps  
39 I'll withdraw that at this stage. Discussion about the  
40 position of Ms Gobbo with Operation Purana job. Then it  
41 says, [REDACTED] and ACC angle. May be further down the  
42 track, not yet. Called by source. Called back". Can we  
43 put up on the screen VPL.2000.0001.0634?

44  
45 COMMISSIONER: Could you give that number again, please,  
46 Mr Winneke?

47

.16/08/19

4745

WHITE XXN - IN CAMERA

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

1 MR WINNEKE: VPL.2000.0001.0634?---Is this a diary  
2 reference, Mr Winneke?

3  
4 Yes, it is?---Can you give me the date, please?

5  
6 19 February 2006. What it says here is that there's a  
7 telephone call from Mr Green regarding Ms Gobbo. "Gobbo's  
8 spoken to [REDACTED] at [REDACTED] gaol. Can give statement re [REDACTED]  
9 [REDACTED] and one other? Ms Gobbo has spoken to Bateson  
10 regarding the same and have advised Mr O'Brien", and it's  
11 Mr Green's note suggests that he had contacted Mr O'Brien.  
12 "The issue that has arisen is that Bateson's notes may  
13 compromise Ms Gobbo." Do you see that?---Yes.

14  
15 Now, effectively what you seem to be concerned about is  
16 that Ms Gobbo, having spoken to Mr Bateson, may have led to  
17 Mr Bateson making notes about that communication, is that  
18 what you're concerned about?---That's what seems to be the  
19 case, yes.

20  
21 At face value Ms Gobbo is a person who is a lawyer who is  
22 representing [REDACTED] would that be a reasonable  
23 assumption?---Yes.

24  
25 And yet you're concerned about Mr Bateson 's notes making  
26 reference to the fact that Ms Gobbo had communicated with  
27 him about [REDACTED] potentially assisting police?---I think  
28 the concern might have been the contact from the SDU. If  
29 Bateson had references to her and the SDU in his notes,  
30 that would identify her as a source. I'm just assuming  
31 that's what that is.

32  
33 Right. And then Mr Green to contact Ms Gobbo regarding the  
34 excuse to be given to Tony Mokbel about seeing [REDACTED]  
35 is that right?---Um - - -

36  
37 That's the ruse that had been invented to the effect that  
38 she was seeing him about [REDACTED]?---Okay, yes.

39  
40 And then a discussion from Mr Green, "Can't get on to human  
41 source, possibly with Tony Mokbel now", and then there's a  
42 call to Mr O'Brien regarding Mr Bateson's notes and then  
43 you get Mr Bateson's telephone number. You discuss the  
44 issue of the notes with Bateson. "Nil notes", do you see  
45 that?---Yes.

46  
47 "Yet. Meeting with Ms Gobbo and Mr Valos this evening

.16/08/19

4746

WHITE XXN - IN CAMERA

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

1 regarding what [REDACTED] may say. Aware of human source  
2 identity and issues surrounding that", do you see  
3 that?---Yes.

4  
5 And then there's another discussion as we go over the page,  
6 later that day, it's about 7.30, the meeting has apparently  
7 been at 6.30 between Bateson, Valos and Gobbo, and there's  
8 a discussion about that meeting. "Ms Gobbo reported to  
9 Green about the meeting with Bateson and Valos", do you see  
10 that?---Yes.

11  
12 You were obviously concerned that if there was any  
13 communication between what a handler or the DSU and  
14 Mr Bateson, that might find its way into Mr Bateson's  
15 notes?---Yes.

16  
17 At that stage do you understand that there had been any  
18 communication between the DSU and Mr Bateson?---Had there  
19 been any are you asking?

20  
21 Yes. Aside from your call to him?---I don't know.

22  
23 To warn him about the potential problems with respect to  
24 notes?---I don't know.

25  
26 Did you understand that Ms Gobbo was looking after [REDACTED]  
27 [REDACTED] as his lawyer or was speaking to him as an agent for  
28 Victoria Police?---I'm not sure what I was thinking at that  
29 time.

30  
31 What was the purpose of you becoming involved in this  
32 communication between Ms Gobbo and Mr Bateson?---The  
33 purpose of me becoming involved?

34  
35 Yes?---As far as contact with Bateson, it seems to be just  
36 about the notes.

37  
38 All right. So you were foreshadowing the possibility that  
39 Ms Gobbo's involvement in this matter may lead to problems  
40 with respect to disclosure down the track and  
41 compromise?---Well, compromise would have been my concern.

42  
43 Compromise through Mr Bateson having to reveal his notes  
44 and communications with Ms Gobbo?---Not so much that, his  
45 notes and communications with the SDU.

46  
47 Right. I ask you again, did you expect that there would be



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

1 an involvement between the SDU and Ms Gobbo and  
2 Mr Bateson?---No. Ongoing involvement, no.

3

4 Right. If we then go to p.161 and this is an entry on the  
5 22nd. Page 161. She tells Mr Green that she was under  
6 pressure in respect of the trial of Tony Mokbel, that she  
7 was doing preparation work for that. Then there's a  
8 reference to ██████████, Solicitor 2 and ██████████ at ██████████  
9 and Solicitor 2 wanted to see Ms Gobbo urgently.

10 ██████████ wants to know why ██████████ and Gobbo  
11 had told him that the police were playing games. Now,  
12 we're aware at this stage that Ms Gobbo is visiting  
13 Mr Williams in custody and also visiting ██████████  
14 ██████████ as professional visits, are you aware of  
15 that?---Sorry, she's visiting ██████████

16

17 And Carl Williams, who are ██████████ in ██████████?---And Carl.

18

19 It will be apparent because Carl Williams is in custody and  
20 either she's speaking to him over the phone or she's  
21 visiting, but the Commission has evidence that she is  
22 visiting Carl Williams and ██████████ amongst other people  
23 around these times?---Okay, yes.

24

25 You would have been aware of that at the time I assume,  
26 would you?---Again, my memory doesn't help me at all but  
27 the contact reports shows she's obviously talking to  
28 ██████████ on a regular basis. As to Carl Williams, unless  
29 you point to something in the contact reports, I don't  
30 know.

31

32 Yes. The records, the prison records indicate that she'd  
33 visited in January of 06 and then in April of 06. And  
34 she'd been visiting ██████████ in January, February, March,  
35 April of 06. Now, if we then go to p.163. You'll see that  
36 there are DSU issues, and this is on 23 February of 2006.  
37 "Source advised to stay away from ██████████ and assisting  
38 police as it will draw attention to her in her current  
39 position with Tony Mokbel trial", et cetera, et cetera,  
40 "Previously acting for ██████████ Do you see that?---Yes.

41

42 So it was clearly a concern, as far as the SDU was  
43 concerned, that she should stay away from ██████████ and the  
44 issue about her previous involvement with ██████████ was  
45 referred to expressly there, do you see that?---Yes.

46

47 If we then move to p.165, we're now into 24 February. You

.16/08/19

4748

WHITE XXN - IN CAMERA



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

1 can see here that Ms Gobbo is still discussing the position  
2 of [REDACTED] "Source and Jim Valos cannot think of who  
3 could represent [REDACTED] and he needs a push to decide to  
4 roll and assist police", do you see that?---Yes.  
5

6 She's in effect saying that he needs to be given a push to  
7 make a decision to assist police. Then in the same  
8 conversation she's saying that she as confident of Tony  
9 Mokbel being found guilty now in the charges that he was  
10 facing then. If we move then to - obviously that may well  
11 indicate that Ms Gobbo has at least an apparent interest in  
12 assisting the police by having [REDACTED] roll over. That  
13 appears at face value to indicate that that is her view,  
14 doesn't it?---Yes.  
15

16 If we then move on to 27 February 2006, p.170. At about 8  
17 am, "Called by source. Called back. Jim Valos and  
18 Solicitor 2 have a meeting at 9 o'clock with her to discuss  
19 [REDACTED]. Jim Valos doesn't understand [REDACTED] angle".  
20

21 COMMISSIONER: Remove that name from the transcript,  
22 please.  
23

24 MR WINNEKE: Sorry, that he's coming from. "Valos does not  
25 pick up on the subtleties of [REDACTED] Then later on  
26 she's explaining that [REDACTED] rang at lunchtime and wants Gobbo  
27 to come and see him. He's very distraught. Doesn't know  
28 why pressure from Solicitor 2 to not assist police. No one  
29 will have any problems with what he has to say about [REDACTED]  
30 [REDACTED] and there's - either she, Gobbo, or [REDACTED] is  
31 critical of Solicitor 2. So it seems that Solicitor 2 and  
32 potentially [REDACTED] own solicitor, because apparently they've  
33 had a meeting, have provided him with certain advice and it  
34 seems to be not to assist police and that seems to be  
35 what's conveyed to Ms Gobbo, do you agree with that  
36 proposition?---Sorry, is the proposition that he seems to  
37 not want to assist the police?  
38

39 No, he doesn't know why the pressure from Solicitor 2 not  
40 to assist police. And given that the meeting was with  
41 Solicitor 2 and Valos, because you'll see the earlier entry  
42 at 8 am, there was a suggestion of a meeting between  
43 Solicitor 2 and Valos to meet with Gobbo and discuss  
44 [REDACTED]  
45

46 COMMISSIONER: Remove that, thanks?---Yes.  
47

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

1 MR WINNEKE: In any event then subsequently there's a call  
2 again from ██████████ to Ms Gobbo. "Wants Ms Gobbo to tell  
3 ██████████ that he's going to roll over. Wants to know if it's  
4 okay for ██████████ to put ██████████ in for a ██████████.  
5 He wants ██████████ blessing. ██████████ had an  
6 understanding that if ██████████ is doing life it's okay for  
7 ██████████ to lag him in for one more so he gets a discount.  
8 Gobbo's advised ██████████ that the police will want him to tell  
9 everything he knows, not just bits and pieces. ██████████ is  
10 desperate for the source to see him by the weekend". Now,  
11 effectively what she's doing is telling you, or the  
12 handler, what's going on between ██████████ and her,  
13 communications between ██████████ and her about ██████████  
14 position, do you accept that proposition?---Yes.

15  
16 Do you think there was some issue or there might well be  
17 some issue in recording this information from Ms Gobbo  
18 given that she appears to be providing him with legal  
19 advice?---Well, yes.

20  
21 You agree with that?---Yes.

22  
23 Then we go further down and she's telling the SDU about  
24 what Tony Mokbel is concerned about. He's asking how  
25 ██████████ how is ██████████ then asked all the who, what,  
26 where and why questions. He's asking about ██████████  
27 Mr Mokbel is worried that ██████████ might put him in and  
28 the various scenarios re ██████████  
29 discussed in general terms. This information is all coming  
30 back to the DSU. Now then we see a DSU issue. "Ms Gobbo  
31 is advised by me that she should not go and see ██████████  
32 for the police sake. If he asks for her help and in the  
33 normal course of her duty she would help, then she should  
34 do as she normally ethically would do. This advice was  
35 based on discussions with Jim O'Brien from Purana. Purana  
36 do not care if ██████████ rolls over or not, but if he does  
37 he must go all the way." Do you see that?---Yes.

38  
39 Is that an indication that the information that's coming  
40 from Ms Gobbo about ██████████ position is being passed on  
41 to Purana and there seems to be communication between  
42 Purana and the DSU about ██████████ and his position with  
43 respect to charges that he's facing?---I think there must  
44 have been some discussion with Jim O'Brien.

45  
46 Yes?---Prior to this in order for those instructions to  
47 come back.

.16/08/19

4750

WHITE XXN - IN CAMERA

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

Yes. Now, can I suggest to you that on its face Ms Gobbo is quite apparently acting unethically already with respect to her involvement with [REDACTED] and her communications with Victoria Police. It's quite apparent that that's the case?---Insofar as she's talking about information she shouldn't be talking about.

Yes?---Yes.

And that information's being conveyed to the investigators?---Yes. I've just got one proviso and I'm not, obviously I've got no memory of this, but she's having discussions with the police about a person that's considering rolling so she must be giving him some advice.

Right?---But to pass that on to the police, is that not within her ambit?

If there is to be communications between Ms Gobbo and the police, the investigators, those who are responsible for investigating or charging him, oughtn't that be between Ms Gobbo with her client's authority and the police, and perhaps with the instructing solicitor?---Yes.

And clearly if [REDACTED] is aware of it it may well be appropriate?---Yes.

Now, [REDACTED] certainly didn't know that Ms Gobbo was a human source I suggest?---No.

And wouldn't have known that she was speaking to the SDU about what [REDACTED] was saying to her?---No.

If we then go over to p.172, towards the bottom of the page, Tuesday 28 February 2006, "Ms Gobbo believes that the DPP would be unhappy with the police approach to [REDACTED] last week. The DPP would want less than what the police want from [REDACTED]. The heavy handed approach to [REDACTED] would not work well. [REDACTED] called the source begging for her to see him. The source is busy till weekend. He wants a fair go at it and does not know what to do. The source has offered to help and give informed advice", do you accept that?---Yes.

That's obviously an indication that he is telling her, "I need your independent advice as to what to do and I want to

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

1 see you so as you can provide me with independent advice",  
2 right?---Yes.

3  
4 And that is being passed on to police?---Yes.

5  
6 I mean, do you see an issue with that?---I don't see an  
7 issue with her passing it on to investigators.

8  
9 Right?---But as I agreed before, there would be an issue  
10 with passing it on to the SDU.

11  
12 Ultimately it's a question of what she's instructed to do.  
13 If she's got authority to do so and to negotiate that may  
14 well be appropriate, do you accept that proposition?---Yes.

15  
16 If she's doing it behind her client's back and behind,  
17 without the client knowing about it, there may well be  
18 problems with that?---Yes.

19  
20 If she's not acting in the best interests of her client but  
21 is in some way acting in the interests of Victoria Police,  
22 that would be a problem, would it not?---Yes, potentially.

23  
24 And clearly that would be something that the court would be  
25 very concerned about, if that was occurring?---If that was  
26 occurring, yes.

27  
28 Or indeed if she was - yes, okay. Indeed, if she was  
29 acting in her own interests, for example, because she was  
30 concerned about her, for example, exposure as being  
31 involved with ██████████ that might be obviously a concern  
32 too?---Insofar as it affects her impartiality.

33  
34 Insofar as it's something that she is exceedingly concerned  
35 about and has always been concerned about the possibility  
36 of her involvement in that earlier process coming out in  
37 court proceedings?---Sorry, can you give me your question  
38 again?

39  
40 If she was worried that a thorough examination of ██████████  
41 in a contested proceeding might well lead to her exposure,  
42 that may well be something that she was concerned about and  
43 that might suggest that she could be acting in her own  
44 interests rather than in the interests of her  
45 client?---Yes. Clearly she had that concern for herself  
46 and clearly it related not just to witness - - -  
47

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

1 COMMISSIONER: [REDACTED]?-[REDACTED] but also to [REDACTED]

2

3 MR WINNEKE: Yes. And also to [REDACTED] or [REDACTED] and  
4 we've discussed these issues?---Yes.

5

6 It was a constant concern for her, exposure as a source,  
7 which was always on the cards if there was contested  
8 litigation?---Yes.

9

10 If we then move on to p.189. We see that there's a  
11 reference to - just excuse me. I think I've taken you to  
12 that previously. That's a concern that she has about the  
13 statement of [REDACTED] and do you recall that she was  
14 concerned about what [REDACTED] had said in his statement  
15 about her involvement, potentially complicit involvement in  
16 the murder of [REDACTED] do you recall  
17 that?---Sorry, are you saying that [REDACTED] says that she  
18 had some involvement in the murder of [REDACTED]

19

20 Yes, made a statement in which he suggested that Ms Gobbo  
21 had passed on a message to Mr Mokbel and Mr Williams about  
22 paying [REDACTED] any money that was due to him as a result  
23 of the murder of [REDACTED]. So that's something that she  
24 was very concerned about and you'll see that if you go to  
25 the previous page, but I'm not suggesting we do. And also  
26 there's a mention that [REDACTED] is going down the same  
27 path as [REDACTED] and wants to see Ms Gobbo on Sunday at  
28 the [REDACTED] Prison. Do you see that?---Yes.

29

30 Then there's a DSU issue. "Spoke to Jim O'Brien at Purana.  
31 Much of the details already led at the committal, should be  
32 no surprises. Not of any significance to Purana  
33 investigators. Arrange for Stuart Bateson to talk to  
34 Ms Gobbo and explain actions taken". And then if we then  
35 move to the next page, there's more concern about, on the  
36 part of Ms Gobbo about Carl Williams who had been told by  
37 Solicitor 2, who was seeing Carl today, will then come and  
38 see Ms Gobbo regarding the statement made by [REDACTED]  
39 She's read the transcript of evidence by investigators  
40 regarding [REDACTED] statement. Now, then if we can move  
41 forward now to p.196. "She has spoken to [REDACTED]  
42 yesterday and 99 per cent likely to make statement to  
43 assist Operation Purana." Do you see that?---Yes.

44

45 If we then go over to p.200. There's a note to this effect  
46 under the heading "Solicitor 2", "When Carl Williams rang  
47 recently he asked if Ms Gobbo thought that Solicitor 2 was



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

1 looking after his best interests", that is Carl Williams.  
2 "Solicitor 2 is to see [REDACTED] on Wednesday to get a  
3 statement. Ms Gobbo has no idea about the details of  
4 this." Now, if we then move to p.202. We see that,  
5 "Ms Gobbo advised that Solicitor 2 is seeing [REDACTED]  
6 tomorrow [REDACTED] She's asked with respect to talking to  
7 detectives from Purana regarding the [REDACTED] matter and  
8 advised no problem, all else to go through handler". And  
9 then another missed call and a phone back. "She's seeing  
10 [REDACTED] tomorrow in the morning. Advised for Ms Gobbo  
11 overall situation better not to be involved with [REDACTED]  
12 making statements if possible. She knows this but feels  
13 obligated to do so but may be able to explain to him  
14 regarding the same and she's spoken to Detective Sergeant  
15 Bateson and will do a 465 warrant on her office" and that's  
16 with respect to notes concerning [REDACTED] statement, do  
17 you understand that?---I accept that.

18  
19 Then if we go to p.204. Just to complete the picture, it  
20 seems that on 21 March of 2006 Mr Bateson notes that he had  
21 met with [REDACTED]s [REDACTED] "The meeting was discontinued  
22 due to [REDACTED]s [REDACTED] claiming that [REDACTED] is  
23 maintaining his innocence." That's a note that Mr Bateson  
24 makes at about half past 3 on 21 March. He then receives a  
25 call from Ms Gobbo later on that day. She had been  
26 contacted by [REDACTED]s [REDACTED] and she was meeting with her  
27 in the morning and the note says that "he'd outlined the  
28 meeting as above". So there's clearly communication  
29 between Detective Bateson and Ms Gobbo about [REDACTED]  
30 [REDACTED] and what she had said previously, that is that [REDACTED]  
31 [REDACTED] was maintaining his innocence, right. Now that occurs on  
32 21 March of 2006. It may well be that at this particular  
33 point in time you're on leave but ultimately it does seem  
34 that you're the controller at the relevant time because  
35 your name's on the ICR. So can we take it that you would  
36 have been conscious of the matters which are set out in the  
37 ICR that we're dealing with?---The sign off, if you like.

38  
39 Yes?---Is dated and has my name on it so I would have read  
40 this ICR.

41  
42 Okay. If we then go to p.204, and we're now on the 22nd of  
43 March. The entry reads that Ms Gobbo had met with [REDACTED]  
44 [REDACTED] who had many questions for Ms Gobbo about [REDACTED]  
45 [REDACTED] likely decision to make statements to assist Purana  
46 investigators, and she also discusses the meeting with  
47 Detective Bateson and I'm not going to go into the details

.16/08/19

4754



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

1 of that discussion.

2

3 MR HOLT: Excuse me, Commissioner. I've just raised an  
4 issue with my learned friend. Again I use these words, as  
5 I do a lot, out of an abundance of caution but I do seek an  
6 interim non-publication order in respect of the involvement  
7 of ██████████ in the process of him giving  
8 statements. It is not a matter as we understand it at  
9 present that's ever been made public previously and we just  
10 simply want to make some inquiries to confirm there are no  
11 safety issues that might arise as a result of that. We'd  
12 obviously have those done quickly, Commissioner. But in  
13 the meantime I'd seek a non-publication order in respect of  
14 any involvement of ██████████

15

16 COMMISSIONER: The current non-publication orders involve  
17 ██████████ or any evidence tending to disclose his identity  
18 so they won't be able to refer to ██████████ ██████████

19

20 MR HOLT: If that's the Commissioner's ruling then I'm sure  
21 the media will understand that. I was concerned that the  
22 mere mention of ██████████ doing something wouldn't  
23 in itself tend to identify ██████████ save for the fact that  
24 he ██████████ and on that basis it's simply - - -

25

26 COMMISSIONER: They can't mention ██████████ so how can they  
27 say ██████████ They might say ██████████ of a  
28 criminal figure.

29

30 MR HOLT: I'm content with that the Commissioner. I  
31 suppose it's out of an abundance of caution but if that's  
32 the way it would have to be reported - - -

33

34 COMMISSIONER: I understand that. I can't see with the  
35 current non-publication orders, I don't see how they can  
36 mention ██████████ if they can't mention ██████████

37

38 MR HOLT: Then I have no difficulty, Commissioner, thank  
39 you.

40

41

42 COMMISSIONER: Do you have anything to say, Mr Winneke?

43

44 MR WINNEKE: I tend to agree with what you've said,  
45 Commissioner. I don't see how it could. Can I say this,  
46 it's certainly not suggested that ██████████ was  
47 involved in the statement taking process. The evidence

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

1 I've just dealt concerns her concerns about what might  
2 occur once that's done. I mean it's obvious once he rolls  
3 it means he's likely to go to gaol. Commissioner, I don't  
4 propose to go deeply into this and go any further in any  
5 event.

6  
7 COMMISSIONER: They can't publish anything tending to  
8 disclose the identity or the name of [REDACTED] so I can't  
9 see how they can talk about [REDACTED] It couldn't  
10 be done other than [REDACTED] of a criminal.

11  
12 MR WINNEKE: I agree with that, Commissioner. I agree.

13  
14 Mr White, you've obviously heard this discussion, what  
15 I want to put to you arising out of that particular entry  
16 which is highlighted in yellow, is that Ms Gobbo has met  
17 with the [REDACTED] obviously got concerns  
18 about the consequences if [REDACTED] assists. Do you agree  
19 with that proposition?---I think that's a logical  
20 assumption, yes.

21  
22 And in effect she was saying, look, she wasn't happy with  
23 the explanation given to her by the investigators about  
24 those consequences, can I put it that way?---Yes.

25  
26 And what Ms Gobbo is saying is that this concern needs to  
27 be or ought be passed on to the investigators in order to  
28 assist the process, do you see that?---Yes.

29  
30 Now, I mean that might be looked at two ways. On the one  
31 hand it might simply be if [REDACTED] knows that Ms Gobbo is  
32 assisting, is talking to the police and does so with his  
33 imprimatur that might be all aboveboard, do you agree with  
34 that proposition?---Yes.

35  
36 On the other hand if Ms Gobbo is acting as an agent for  
37 Victoria Police, as an informer, and speaking to police  
38 officers without his authority, it might seem to be  
39 Ms Gobbo trying to assist the process whereby a plea can be  
40 entered and [REDACTED] rolled and the process occur smoothly. Do  
41 you see there are two ways of looking at it?---Yes.

42  
43 Then if we go down to the bottom of the page there's some  
44 information which is provided to Detective Senior Sergeant  
45 O'Brien. It's not all together clear exactly when you look  
46 at the information above that entry what the relevance of  
47 it is to [REDACTED] - just excuse me. In any event

.16/08/19

4756

WHITE XXN - IN CAMERA

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

1 Mr O'Brien suggests that Gobbo recommend another barrister  
2 to ██████████ ASAP and possibly a barrister by the name of  
3 ██████████ do you see that?---Yes.  
4

5 So there in effect saying that Gobbo should suggest to  
6 ██████████ a different barrister other than her, would that  
7 be the way you read that?---Well, it's either a reference  
8 to her or to Solicitor 2.  
9

10 Right. I don't think there's any suggestion - there's no  
11 suggestion that Solicitor 2 was engaged by ██████████ In  
12 any event, the entry speaks for itself I suppose. Then we  
13 see an entry a couple of lines below that. It seems that  
14 Mr Heliotis QC has given advice to Ms Gobbo. He gave Gobbo  
15 a talking to regarding Ms Gobbo associating with clients,  
16 with respect to ██████████ partly because of media interest.  
17 In any event, if we then continue on with the matters  
18 concerning ██████████ which I'd like to discuss with you.  
19 If we go to p.235. We see that Ms Gobbo has seen Solicitor  
20 2. She's discussed sending a fax from Paris to initiate an  
21 appeal on behalf of Tony Mokbel. She's pissed off because  
22 of a rumour that ██████████ is going to roll. She wants a  
23 joint conference with him and Ms Gobbo and Ms Gobbo told  
24 her that that was possible any time, apparently, that's  
25 what it seems to suggest. They are talking about a joint  
26 conference. Bearing in mind Solicitor 2 is acting for  
27 Williams at this stage in relation to a trial proceeding  
28 which is impending, do you accept that proposition?---Yes.  
29

30 In fact that may be a bit unclear, in any event what is  
31 being suggested by Solicitor 2 is a joint conference with  
32 ██████████ and apparently Carl Williams. That seems to come  
33 up again, if we then move on to p.239, or indeed 238. We  
34 see at the bottom, "Called by the source and the following  
35 discussed" under the heading "gaol conference". "The  
36 source requested that the DSU gets the approval from  
37 Purana", so Ms Gobbo has requested that your unit get the  
38 approval from Purana, "For her to attend a meeting at the  
39 prison involving her, Solicitor 2, Carl Williams and  
40 ██████████ and Ms Gobbo is wanting the meeting to occur in  
41 order to stop the gaol gossip about ██████████ Now, it  
42 says that the DSU will speak with investigators and respond  
43 in due course. And then under the heading "welfare", "The  
44 source continues to be concerned about compromise through  
45 the information passed on to police and that she's  
46 reassured again that the DSU are endeavouring that that  
47 does not occur. She's frustrated that police have not

.16/08/19

4757

WHITE XXN - IN CAMERA

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

1 achieved any arrests and have not found any of [REDACTED]  
2 [REDACTED] Now, was it something that the  
3 DSU would do as a matter of course, to arrange with  
4 investigators at the behest of Ms Gobbo to arrange  
5 conferences at Port Phillip Prison, was that occasionally  
6 done?---No.  
7  
8 Do you say it wasn't done at all, ever?---I don't know what  
9 the outcome of this is yet.  
10  
11 Yes?---But my recollection, which is clearly not 100 per  
12 cent accurate, is that we weren't involved in anything to  
13 do with [REDACTED] and we basically handballed the whole  
14 thing to Stuart Bateson.  
15  
16 So your recollection is, albeit not perfect, that there was  
17 no involvement of the DSU as far as [REDACTED] is  
18 concerned?---Well that's what I would have thought. I'm  
19 not surprised that she reports, you know, things as they're  
20 occurring, but I would have thought she had direct  
21 communication with Stuart Bateson.  
22  
23 Right. Sorry, go on?---I would expect all of this stuff  
24 would have been reported directly to Bateson from her.  
25  
26 Is the point that as far as you were concerned there was no  
27 involvement in the DSU in any discussions between Ms Gobbo  
28 and Mr Bateson because she was simply acting for [REDACTED]  
29 as a barrister?---That was, that was my recollection.  
30  
31 It seems to be quite clear from the notes in the records  
32 that there was a real concern about Ms Gobbo acting for  
33 [REDACTED] and indeed it seems apparent that in terms of  
34 the public record Ms Gobbo was indicating that she simply  
35 couldn't because she was conflicted out. Now, if we move  
36 forward we go to an entry on p.248. We're now into April,  
37 18 April. It appears that the meeting that had been  
38 proposed between [REDACTED] Solicitor 2 and  
39 Ms Gobbo had been cancelled due to lack of staff at the  
40 prison and then Jim O'Brien was updated about that, do you  
41 see that?---Yes.  
42  
43 Now, if we then move to 19 April. It appears that there is  
44 a meeting, and this is in Mr Bateson's notes, a meeting  
45 with O'Brien, Ryan, regarding [REDACTED] are resolved and it  
46 says, "Nil further approach from us at this stage. Supply  
47 transcript to 3838 with edits and have her approach [REDACTED]"

.16/08/19

4758

WHITE XXN - IN CAMERA

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

1 [REDACTED] Do you see that?---No, sorry, I don't. 252?  
2  
3 No, no, I apologise. I'm putting to you there's been a  
4 position reached with respect to the investigators. They  
5 weren't going to approach [REDACTED] any longer but what was  
6 proposed was that Ms Gobbo would be given a copy of a  
7 transcript of communications between Purana investigators  
8 and [REDACTED] That transcript would be provided to  
9 Ms Gobbo and then Ms Gobbo would approach [REDACTED] with a  
10 view to getting him to provide assistance. That's what I'm  
11 suggesting that meeting, or that - that was the intention  
12 of Purana, because if we then go to your notes - -  
13 -?---That - - -  
14  
15 Sorry, go on?---So this is, this information comes from  
16 Bateson, is that correct?  
17  
18 That's right, yes?---Right, okay.  
19  
20 If we go to your handwritten notes at p.55, we see that -  
21 this is at VPL.2000.0001.0717. This is [REDACTED]. Your  
22 note's on [REDACTED] You'll see at the top - if you have a  
23 look at the screen you'll see at the top at 10.10 in your  
24 diary there's, "Operation Purana. Meet with Jim O'Brien.  
25 Request from Ms Gobbo to speak to [REDACTED] Do you see  
26 that?---Sorry, would you just bear with me, I'll just try  
27 and get my notes.  
28  
29 Yes?---Okay, I have that.  
30  
31 If you have a look at that page you'll see that there's a  
32 discussion in the morning between you and Jim O'Brien and  
33 he's in effect saying to you that he wants Gobbo to speak  
34 to [REDACTED] do you follow that?---Yes.  
35  
36 And then there's further discussions had because there's  
37 other actions going on at this stage involving Purana and  
38 that's [REDACTED] and you'll see that there are a lot of  
39 discussions going on about how to manage the situation with  
40 respect to [REDACTED] do you see that?---Yes.  
41  
42 "Issues to be discussed: misinformation regarding [REDACTED]  
43 [REDACTED] vulnerabilities, [REDACTED]  
44 would that be a reference to Nicola Gobbo?---I don't know.  
45  
46 [REDACTED] Meet with Jim O'Brien or Flynn regarding  
47 the strategy with respect to [REDACTED] In any event

.16/08/19

4759

WHITE XXN - IN CAMERA



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

1 that's a discussion about vulnerabilities and the strategy  
2 that was going to be employed to get [REDACTED] to in effect  
3 come on board, do you see that?---Yes.

4  
5 Bear in mind this is a few days before [REDACTED] was  
6 arrested and that's obviously another stream in this story.  
7 At the same time, whilst that's a concern to Purana, at the  
8 same time there's the other investigation that they're  
9 pursuing and that is the murders in relation to which  
10 [REDACTED] can assist, do you agree with that?---Yes.

11  
12 Then there's a further meeting, if we go over to p.56.  
13 There's a 6 o'clock meeting with Green and Smith regarding  
14 Gobbo issue of representing [REDACTED] after the arrest. Black,  
15 I'm sorry. And then I think we've discussed this previous  
16 evidence from [REDACTED] implicating self may not be admissible.  
17 If we then go over the page to p.58, in fact two pages over  
18 to 58. There's a further meeting concerning Ms Gobbo and  
19 it's at 19:05, do you see that?---Yes.

20  
21 Something with respect to Ms Gobbo. What does that  
22 say?---Sorry, are you referring to the line that starts  
23 "SMS"?

24  
25 No, above that?---"Received call from human source."

26  
27 Right. "SMS from [REDACTED] meeting cancelled." If we go further  
28 down, "Told Ms Gobbo want to speak to her about the [REDACTED]  
29 [REDACTED] transcript". Do you see that?---Yes.

30  
31 There's also discussions about speeding tickets, file  
32 extension - do you know what that's about?---Speed ticket  
33 fines.

34  
35 "Extension required", is that right?---Expires, she must  
36 have got an extension for her fines.

37  
38 And there was some suggestion ultimately that those tickets  
39 would be paid, there were two speeding tickets which would  
40 be paid in this case by Victoria Police, do you accept  
41 that?---Yes.

42  
43 You're aware that that occurred?---I think it did.

44  
45 A reward application - perhaps I'll just - the speeding  
46 tickets were withdrawn, is that right?---I can't remember  
47 exactly what happened to them, whether they were paid by



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

1 the police department or they were withdrawn. I can  
2 remember having a conversation with HSMU about this, they  
3 didn't have a process in place. I'm not sure ultimately  
4 what happened.

5  
6 If we put this document up on the screen whilst we're  
7 talking about it. VPL.2000.0003.8304. It's being  
8 downloaded, okay. Just whilst that's coming up, can I  
9 suggest that insofar as Ms Gobbo was concerned an  
10 application was made in effect to enable speeding tickets  
11 which she had received to be withdrawn, but in any event  
12 she not pay them and she not receive demerit points  
13 associated with the two offences that she had committed on  
14 the basis that at the time of the alleged infringements  
15 which had occurred within 12 minutes of each other, she was  
16 acting directly upon instructions of the handlers to meet  
17 with and ascertain movements of targets of Operation  
18 Purana. Relevant intelligence was obtained on the day and  
19 if the fines were processed she was likely to have her  
20 driver's licence suspended or be very close to having that  
21 occur and it would cause her difficulties in achieving  
22 future results of handler being able to task the source and  
23 the handler requested consideration be given to withdrawal  
24 of the two notices and she'd been counselled with respect  
25 to any further traffic infringements occurring, do you see  
26 that document there?---Yes.

27  
28 And it's signed by you and Smith and another person, I  
29 don't know whether that person's got a name - all right,  
30 another person associated with the DSU, don't worry about  
31 the name, but also Mark Porter who was - who was Mark  
32 Porter?---He was the Superintendent in charge of the State  
33 Intelligence Division.

34  
35 Right?---And he was the Local Informer Registrar.

36  
37 And then there was a request, if you go down to about p.5  
38 at the top of the page, you'll see that the recommendation  
39 was approved. The date of the meeting in which it was  
40 approved was [REDACTED] 2006 and it was signed by the  
41 Assistant Commissioner of Crime Simon Overland and  
42 Commander of Intelligence and Covert Support Danyne Moloney  
43 and it his signature there as well. And subsequently we  
44 see - and Jack Blayney also signs it. He was the Major  
45 Crime Tasking and Coordination Officer. There's a name,  
46 Keiran Walsh, which is the Assistant Commissioner Region CT  
47 and Emergency Management, although his signature doesn't

.16/08/19

4761

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

1 appear, do you see that?---Yes.  
2  
3 I tender that, Commissioner.  
4  
5  
6 #EXHIBIT RC343A - (Confidential) Document  
7 VPL.2000.0003.8304.  
8  
9 #EXHIBIT RC343B - Redacted version.  
10  
11 MR HOLT: We'll just need to check that, Commissioner.  
12  
13 MR WINNEKE: Indeed, further down in the document there are  
14 contained the speeding tickets. If we go down we will see  
15 the tickets she's obtained, 17 February 2006 and then  
16 subsequently another one of the same date. Date of  
17 offence, 3 February 2006, I'm sorry. All right.  
18  
19 COMMISSIONER: Do you remember anything about the tasks she  
20 was doing at the time she got these speeding tickets?---I  
21 think, Commissioner, she was on the way to a meeting with  
22 us.  
23  
24 Right?---And there's certain procedures that we participate  
25 in prior to the meetings, I think it occurred then.  
26  
27 MR WINNEKE: You would say that the claim is genuine in any  
28 event?---Yes.  
29  
30 As to her need to exceed the speed limit?---She certainly  
31 would not have been directed to exceed the speed limit.  
32  
33 If you go to p.2 it says, "Provide a detailed summary of  
34 the assistance provided by" - it says that, "The human  
35 source is providing extremely sensitive information on a  
36 number of very high level drug manufacturers and  
37 traffickers and has been doing so for several months. This  
38 large volume of information has been found to be  
39 exceptionally accurate and timely and is being disseminated  
40 to Operation Purana for current operations. It is expected  
41 that the source will continue to provide vital intelligence  
42 in the foreseeable future. To date the information  
43 generated by the source has resulted in the compilation of  
44 over 107 information reports. The dissemination of these  
45 IRs has included numerous to Purana, ESD, MDID and OCS.  
46 Due to the status of this source she is seen as extremely  
47 valuable and is committed to assisting the police, which is

.16/08/19

4762

WHITE XXN - IN CAMERA

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

1 occurring on a daily basis and the motivation providing is  
2 moral motivation", do you see that?---Yes.

3

4 Was this form filled out by you or the handler?---I don't  
5 know.

6

7 In any event it was signed by you on 28 March, do you  
8 accept that?---Yes.

9

10 I'm sorry, now I diverted from what we were doing. One of  
11 the things that was being discussed on the 19th with  
12 Ms Gobbo is the provision, or at least the transcript with  
13 respect to [REDACTED] correct?---Yes.

14

15 All right. If we now have a look at 20 April 2006. You'll  
16 see that if we have a look at p.253 there's an 8.30  
17 telephone call. Ms Gobbo is going to see Carl Williams and  
18 [REDACTED] on Saturday.

19

20 COMMISSIONER: Did you say that was p.233?

21

22 MR WINNEKE: 253, Commissioner.

23

24 COMMISSIONER: Just before we leave that, on the point  
25 about the interviews relating to [REDACTED] being shown,  
26 could I take you to the ICR at p.252 for the date 19 April  
27 06. That's ICR 028. And it's VPL.2000.0003.1838. If you  
28 look just, at the note just above the heading "tasking",  
29 about two-thirds of the way down the page?---Yes.

30

31 It says, "HS suggested seeing transcripts of [REDACTED]  
32 interviews would assist re talking to him". So I'm just  
33 wondering - do you see what I'm - - -?---Sorry,  
34 Commissioner, I'm not looking at the right thing. Tasking  
35 on p.252.

36

37 Page 252 just above the heading "tasking", the last entry  
38 above?---Yes, I see that.

39

40 I'm just wondering, given the other information, that  
41 suggested the police suggested she do this whereas this  
42 entry suggests it's the other way around, it's her  
43 suggestion. I don't suppose you recall now which it  
44 was?---No, I don't, Commissioner.

45

46 No. Thank you.

47

.16/08/19

4763

WHITE XXN - IN CAMERA

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

1 MR WINNEKE: All right. In any event that telephone call  
2 appears to occur at 8.15 am and then there's some  
3 references to other matters but then there's a meeting with  
4 Mr Bateson. There's a note in Mr Bateson's diary on the  
5 19th and it says, "Meeting with O'Brien, Ryan regarding  
6 [REDACTED] resolve. Nil further approach from us at this  
7 stage. Supply transcript re Gobbo with edits and have her  
8 approach [REDACTED] So that's something which has  
9 occurred at 8.30 and there's the suggestion of Ms Gobbo at  
10 18:15 on the 19th. Is it the case as far as you were aware  
11 that communications were occurring between Ms Gobbo and  
12 Mr Bateson?---As I've stated previously, my recollection is  
13 that the conversations between her and Bateson in relation  
14 to [REDACTED] were done independently of the SDU.

15  
16 In any event, it seems as far as Mr Bateson is concerned,  
17 if one looks at his diary, there's any reference to  
18 Ms Gobbo is not as Ms Gobbo but as 3838. Would that have  
19 been as a result of your discussions with him concerning  
20 any notes that are taken?---I don't know about that but I  
21 think the first item you took me to, there was a note there  
22 that he was aware that she was a source.

23  
24 Yes?---And there might have been an instruction from  
25 O'Brien.

26  
27 Yes?---In relation to how she's referred to in his diary.

28  
29 In any event - - - ?---I'm only speculating.

30  
31 Can I suggest this to you, these communications are being  
32 made as between Ms Gobbo and Stuart Bateson, she's being  
33 recorded as 3838 and you've had discussions with Mr Bateson  
34 concerning his notes, and I suggest to you that as between  
35 you and Bateson and Ms Gobbo, Ms Gobbo is being utilised as  
36 a police informer and she's not acting as a barrister, can  
37 I suggest that?---Yes, but as I said to you, I was always  
38 under the impression that she was dealing directly with him  
39 and she was definitely reporting the contacts with him and  
40 how things were going.

41  
42 COMMISSIONER: Yes, it's time. We'll adjourn now until 2  
43 o'clock, thanks.

44  
45 <(THE WITNESS WITHDREW)

46  
47 LUNCHEON ADJOURNMENT

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

1 UPON RESUMING AT 2.00 PM: \_\_\_\_\_  
2

3 COMMISSIONER: Yes, Mr Winneke.  
4

5 <SANDY WHITE, recalled:  
6

7 MR WINNEKE: Thanks Commissioner. Mr White, I was just  
8 moving through the [REDACTED] issue. You, I suggest, had  
9 been given a transcript by Purana of a discussion that had  
10 been held between Bateson, O'Brien and [REDACTED]  
11 [REDACTED] in early 2006 and you had that transcript  
12 and you took it to show to Ms Gobbo, correct?---Well I  
13 don't recall that.

14  
15 Right. If we go to the ICRs you'll see that - if you go to  
16 p.253, there was a meeting at 7 pm which you attended,  
17 Mr Smith and Mr Green attended, and the debrief commenced  
18 with you and Green present. Ms Gobbo produced a copy of  
19 material relied upon by the AFP to support bail forfeiture  
20 in relation to a particular matter. Material had been  
21 provided to Renee, that is Milad's wife's solicitor. There  
22 was references to various things and Operation Purana, do  
23 you see that?---Yes.

24  
25 The first matter that was discussed concerned Tony Mokbel's  
26 disappearance, then there was discussion about Mr Navaroli  
27 and then there was another person discussed, Mr Akl Khoder,  
28 a client of Ms Gobbo's I suggest, and then there was a  
29 discussion about Tony Bayeh, do you see that?---Yes.

30  
31 Then there was a discussion about [REDACTED] transcripts, do  
32 you see that?---Yes.

33  
34 They were shown to Ms Gobbo at investigator request.  
35 Ms Gobbo is aware that [REDACTED] has not told the entire  
36 truth. She is told that police will have nothing to do  
37 with [REDACTED] unless he tells the entire truth. So it  
38 appears that Ms Gobbo is told that police, that is  
39 investigators, will have nothing to do with [REDACTED] unless he  
40 tells the entire truth. And then there's further  
41 information in this ICR to the effect that she believes  
42 that [REDACTED] a person by the name of [REDACTED]  
43 hasn't mentioned this in his statements, that is [REDACTED]  
44 hasn't mentioned that. She is to speak with Mr Bateson  
45 regarding what can be done for [REDACTED] before she talks  
46 to him. She's concerned about what charges [REDACTED] will  
47 face and then there's a discussion about a search warrant

.16/08/19

4765

WHITE XXN - IN CAMERA



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

1 on her office regarding notes, and she's prepared to assist  
2 the police regarding notes but prefers that they be seized  
3 under a warrant, right. Now that's the summary of the  
4 discussion under the heading [REDACTED] transcripts", do  
5 you see that?---Yes.

6  
7 There's further discussion with respect to a trial  
8 adjournment of [REDACTED] and she's set out various names,  
9 including the counsel for [REDACTED] s [REDACTED]  
10 unavailable for a plea hearing, a solicitor called [REDACTED]  
11 who's representing [REDACTED] and wants a separate  
12 hearing, and Kabalan Mokbel is contesting charges that are  
13 listed in August and she's unwilling to make an adjournment  
14 application because doesn't believe that she'll get it.  
15 Indeed, there's a reference to a judge by the name of  
16 Chettle, "If he's the judge she will not proceed with the  
17 matter", no doubt because she figured there would be  
18 significant scrutiny given to the application. In any  
19 event - so there's discussion about those matters and she's  
20 passing on her views about the adjournment application.

21  
22 What I want to do is take you to some transcript and  
23 if I can give the court the number, VPL.0005.0097.0011.  
24 That's the first page. I'd like to go to p.106 which is  
25 0116. Mr White, I'm not going to play the transcript -  
26 play the audio of it. Obviously, like a lot of these  
27 things, there will be things that can't be picked up and  
28 don't come across from the transcript. But I suggest to  
29 you that at around this area of the conversation there's a  
30 discussion about a number of issues which eventually lead  
31 into a discussion about the problem with respect to [REDACTED]  
32 [REDACTED] and she's talking - Mr Smith is talking about [REDACTED]  
33 Ms Gobbo talks about the greatest irony, "Do you know the  
34 greatest irony of this?" And she says that - in effect, it  
35 seems that she's steering away from all of this, trying to  
36 steer away from all of this, and it can cause huge  
37 problems. "I try and steer away but I get lured back". I  
38 think Mr Green says, "Like the Titanic". She then says,  
39 "I've had my discussion with Stuart Bateson". Mr Smith  
40 describes this issue in a different way. He says, "It's  
41 like a tightrope". She says, "Then I managed to get myself  
42 out of"?---Sorry, Mr Winneke, is it possible to follow this  
43 transcript to read.

44  
45 Yes, if can you follow me when I'm reading. "Then I get  
46 myself out of it and now I knew this would happen because I  
47 knew for the last 10 days at least nothing was going to

.16/08/19

4766

WHITE XXN - IN CAMERA



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

1      happen" - - -

2

3      MR CHETTLE: Sorry, Mr Winneke, he's asking for the  
4      transcript I think to be shown to him.

5

6      MR WINNEKE: He's got it. It's on the screen. Can you see  
7             that, Mr White? I'm just going to see if you can scroll  
8      through as I go?---I can, it was stuck on that first page.

9

10     COMMISSIONER: It wasn't moving with the - - -

11

12     MR WINNEKE: I don't see any issue if it's up on all the  
13     screens. There are names referred to but I don't think  
14     they can be seen.

15

16     COMMISSIONER: It can go on all the screens then, thanks  
17     you. Is it big enough for you to read or would you like it  
18     enlarged a bit more, Mr White?---No, no, that's fine,  
19     Commissioner.

20

21     Thank you.

22

23     MR WINNEKE: It can't be read. There's a non-publication  
24     order, Commissioner.

25

26     MR HOLT: It's just practical. The people who need them,  
27     Commissioner, already have them, so they don't need to be  
28     on the big screens.

29

30     MR WINNEKE: In any event, does everyone who need it have  
31     it? Okay.

32

33     COMMISSIONER: Everyone's happy? That's good.

34

35     MR WINNEKE: Anyway. There's discussion about the best  
36     laid plans and Mr Smith says, "Look, can you sum up your  
37     version of the stalemate in 25 words or less and then I'll  
38     give you mine". Gobbo says, "They don't know whether to  
39     charge [REDACTED] with another [REDACTED] they don't know whether to  
40     use that against him now. They don't know whether to  
41     accept [REDACTED] statements as being true. They can't  
42     corroborate some of what he said. Some of what he said I  
43     think they know is utter crap". Smith says, "Okay". "They  
44     want [REDACTED] to say certain, to go a certain step in relation to  
45     particularly Mokbel, or the Mokbels, but he hasn't yet".  
46     Smith says, "Does [REDACTED] believe that if they're not happy he's  
47     telling the truth they're going to walk away". Ms Gobbo

.16/08/19

4767

WHITE XXN - IN CAMERA

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

1 assents to that or agrees. Smith said, "That is 100 per  
 2 cent true". Gobbo agrees. Smith says, "Because I've, have  
 3 you read the [REDACTED] statements?" She says, "Yeah". "Most of  
 4 them or all of them?" She says, "The ones that I've got,  
 5 yeah". And Smith said, [REDACTED] um, and there's some other  
 6 matters that I'm not aware of obviously, some corroborating  
 7 matters". Gobbo says, "I know, I acted [REDACTED]". "Do you  
 8 agree that [REDACTED] are quite similar in a lot of matters?"  
 9 She says, "Yes, but I certainly - I don't necessarily give  
 10 that much credit because [REDACTED] statements for 18 months  
 11 before he made his own". Smith says, "Regardless. As I  
 12 understand it from what they've got [REDACTED] version of certain,  
 13 of a couple of [REDACTED] is not in line with those two  
 14 which -" Ms Gobbo says, "I don't know what, I'm not -"  
 15 Mr Smith, "I'm not -" Gobbo says, "I don't know what his  
 16 version is though". Smith says, "Yeah, well his version  
 17 is, 'I tried to stop it'." Gobbo says, "I've heard the I  
 18 tried to stop it' thing, yes". Smith says, "It wasn't me,  
 19 it wasn't me, [REDACTED] which they believe  
 20 is crap". Gobbo says, "I know that". Then there's talk  
 21 about common sense, and I suggest to you - and you're  
 22 involved, you're present here, do you accept that,  
 23 Mr White?---Yes.

24  
 25 There's reference to Ms Gobbo saying, "Told him about a gun  
 26 though". Over the page Mr Smith says, "Yeah, but was that  
 27 the one where he said, 'I didn't know it was going to  
 28 happen" and one of them, he's just there as a look-out,  
 29 he's not even saying that though, is he?" Ms Gobbo says,  
 30 "But he was there as a look-out but he's saying he wasn't  
 31 there, yeah". Further down - and then Mr Smith says, "You  
 32 don't need to take my word, there's obviously a good  
 33 chance", and there's a ... on that one and a listening of  
 34 that tape will say, "There's obviously a good chance of an  
 35 indemnity on that one". Then Mr Smith is talking about  
 36 trying to minimise his involvement in those. Over the page  
 37 on p.111 at 121, "So this, browse away, read away, there's  
 38 a lot there and obviously you can't keep it". What I  
 39 suggest to you occurs there is that on instruction from the  
 40 investigator, Mr Bateson and Mr O'Brien, you have been  
 41 provided with a transcript of a conversation, a recorded  
 42 conversation between O'Brien, Bateson and [REDACTED] which  
 43 had occurred some weeks previously at the prison,  
 44 correct?---I can't recall what the actual - I can't recall  
 45 the incident at all.

46  
 47 Yeah?---Obviously - I take it you've obviously putting it

.16/08/19

4768

WHITE XXN - IN CAMERA

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

1 to me because you've got evidence that's what Bateson said.  
2  
3 Correct. What I'm putting to you is that you gave Ms Gobbo  
4 that transcript, but you didn't Ms Gobbo that transcript as  
5 a legal representative of [REDACTED] you gave it to her as  
6 an agent of the State, as an informer, to enable her to  
7 read that transcript, to see what had been said, but not to  
8 retain it and not to show it to [REDACTED] and not to tell  
9 [REDACTED] that she'd read it. Do you accept that  
10 proposition?---I don't know which of those propositions is  
11 right, I can't recall the actual incident.  
12  
13 Right?---But - - -  
14  
15 Sorry, go on, I apologise?---Does it also say we told her  
16 not to tell [REDACTED] and not to show it to him?  
17  
18 Yeah. Well certainly she's not to have the transcript, it  
19 wasn't given to her because it says, it's quite obvious,  
20 "You can't keep it"?---Yes.  
21  
22 Right? Now ordinarily if something is provided by Victoria  
23 Police to a solicitor or a barrister who's representing a  
24 person, it's provided to them, they're entitled to keep it,  
25 they're entitled to then show their client and that's what  
26 happens in the usual course, is it not?---I think so, yes.  
27  
28 This isn't what occurred. What I'm suggesting to you, what  
29 is occurring here is Ms Gobbo is being tasked as a human  
30 source to go and speak to her client, armed with certain  
31 information which she is not to officially have, but with a  
32 view to convincing him to roll, to plead guilty and to  
33 assist the police by providing evidence. You can either  
34 accept or disagree with that proposition. What do you  
35 say?---Well once again that's a possibility. It's also a  
36 possibility that we gave it to her thinking that it was a  
37 legitimate thing to do for her representing him. I just  
38 don't know at this point in time.  
39  
40 Do you accept that ordinarily if information is provided by  
41 Victoria Police to a person who is - to an accused person  
42 or a defendant, that's generally provided by way of  
43 correspondence either between the OPP and the instructing  
44 solicitor or provided by the police to the instructing  
45 solicitor?---Ordinarily, I accept that, yes.  
46  
47 It's not done by some surreptitious means by giving it on

.16/08/19

4769

WHITE XXN - IN CAMERA

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

1 informer management organisation who then show it to the  
2 barrister and then expect it to be returned, do you agree  
3 with that proposition?---I think I do. I'm not - yes, I'll  
4 say yes.  
5  
6 There was really no need - if this was done as a legitimate  
7 purpose of the investigators providing it to Ms Gobbo as a  
8 barrister, there's no need for this charade to occur at  
9 all, it can be simply given to her by the investigator?---I  
10 heard that. I don't know why Bateson didn't do this.  
11  
12 Can I suggest to you that the reason that it's done is to  
13 hide it, to conceal it, to conceal the fact that it's been  
14 done, do you agree with that proposition?---No, I don't.  
15  
16 Because if Mr Bateson had done it and provided it to her,  
17 there would necessarily be a record of it being done and it  
18 would therefore risk the exposure of what has  
19 occurred?---Okay, I see what you're saying. Maybe it was  
20 done for that reason. Maybe it was done to ensure that she  
21 wasn't compromised. Perhaps that's why Bateson didn't do  
22 it himself.  
23  
24 To ensure that she wasn't compromised, so in other words  
25 exposed as an informer?---Yes.  
26  
27 In any event if we continue on with this discussion, there  
28 appears to be - as you read through the transcript, and I'm  
29 not asking you to read through all of it, perhaps if we  
30 scroll slowly through to enable you to have a look at what  
31 I'm suggesting is by and large Ms Gobbo is there, she's  
32 reading the transcript of the conversation that is had  
33 between the people at the prison, O'Brien, Bateson and  
34 ██████████ in which he's telling the police about his  
35 involvement in certain matters, and if you go to page, for  
36 example, 114, it appears that there are sticky tabs or  
37 sticky notes on the document and she says at p.114, "Why  
38 does this have a sticky note on it?" Do you see that, 114  
39 there?---Yes.  
40  
41 Then there's further discussion but it's quite apparent,  
42 certainly when one listens to the tape, it's quite apparent  
43 that Ms Gobbo is going through this document in the  
44 presence of you and the handlers, do you accept  
45 that?---Yes.  
46  
47 Then if we go through to p.120, see at the bottom Mr Smith

.16/08/19

4770

WHITE XXN - IN CAMERA

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

1 says, "Now, would have been easier to mark which pages the  
2 ones he's told lies, the ones he's not told lies".

3 Ms Gobbo says, "The ones he's not told lies, there's not  
4 many". I'm sorry, I apologise. "The ones he's told lies,  
5 there's not many". Do you see that?---Yes.  
6

7 Clearly what's going on there is that she's going through  
8 the transcript and she's reading it, digesting it and

9 obviously at various points she's able to identify where  
10 she believes that he's told lies. But she says there are  
11 not many of those, right. Then if you go to p.121 there's  
12 a discussion - Ms Gobbo says, "Rule no.1 you supply a gun  
13 to someone, you don't supply the ammo, just in case they  
14 want to use it on you. Which Carl wouldn't. That's how I  
15 think anyway. Have you heard that before?" Obviously  
16 that's a comment apparently on something which is written  
17 in the document that she's looking at. Mr Green says he  
18 understands the logic of that. There's a discussion about  
19 cars and registration, do you see that?---Yes.  
20

21 If we go over the page to 122, there's a reference to a  
22 particular registration number and Ms Gobbo asks, "Why is  
23 it not re-registered?" Mr Green offers an explanation,  
24 "Too many people have spotted it, it was on fire", et  
25 cetera, do you see that?---Yes.  
26

27 Then if we go to the bottom of p.122 Ms Gobbo says, "He's  
28 right about that. Carl didn't shoot Mark Moran ..."  
29 Mr Green says, "Who did?" Gobbo says, "I actually don't  
30 know. I've heard but I don't know for sure. See, that's  
31 another lie but it's not all together clear. Maybe it's a  
32 misprint. No, it can't be, he's talking about a guy called  
33 Nick having tried to shoot and kill Mark Smith. Well  
34 that's not right, I know who tried to shoot Mark Smith".  
35 Then she says it was [REDACTED] "I acted for Mark Smith. I had  
36 Mark Smith. Mark Smith refused to identify him but  
37 [REDACTED] and I know where I suspect that [REDACTED] has  
38 forgotten to tell Purana about that little piece of  
39 information, which I really shouldn't be telling you  
40 because it's a magnificent piece of cross-examination in  
41 front of a jury. That will be in front of a jury if  
42 [REDACTED] hasn't told Purana the truth. Maybe he has,  
43 maybe I'm wrong about it. Did Jim O'Brien not know" - - -  
44

45 (Discussion at Bar table.)  
46

47 Just to clarify, I've just been informed that my learned

.16/08/19

4771



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

1 friends for Ms Gobbo actually have the transcripts of these  
2 conversations between [REDACTED] and O'Brien and Bateson on  
3 the computer. So it appears that parts are redacted.

4 Ms Gobbo has them. It's not all together clear - I assume  
5 when they get them - what I can say, Commissioner, is that  
6 the Royal Commission is aware that there are a number of  
7 conversations, not all of them involve O'Brien, Bateson and  
8 [REDACTED] Subsequent transcripts of conversations which

9 occur in June don't include Mr O'Brien, but there are  
10 certainly conversations involving Mr Bateson I think,  
11 Ms Kerley and [REDACTED] I don't think it's suggested that  
12 it can be told when Ms Gobbo was provided them, whether  
13 they were provided at a later stage during litigation which  
14 occurred subsequently. Now it may well be that Ms Gobbo  
15 may well have obtained them during the discovery process in  
16 relation to the trial of Faruk Orman. But I'm told by my  
17 learned friends nonetheless they have them. They have  
18 redacted copies of them which would suggest that they've  
19 certainly been redacted. So I don't know what copies they  
20 have. What does appear to be the case, at least from this  
21 transcript, certainly from the point that I have mentioned  
22 already, that they weren't being provided to her at that  
23 stage.

24  
25 COMMISSIONER: She was just given them to read.

26  
27 MR WINNEKE: In any event, I'm simply - Mr Bateson's diary  
28 entries or summary suggests that he met with O'Brien and  
29 Ryan, "Resolve nil further approach from us at this stage,  
30 supply transcript to 3838 with edits and have her approach  
31 [REDACTED] I'm simply - that may or may not have occurred  
32 and I'll ask this witness what the situation was. I  
33 suspect he doesn't recall.

34  
35 COMMISSIONER: So that it may be that he was actually given  
36 a copy of the transcript, is that what - - -

37  
38 MR WINNEKE: That's what's being suggested.

39  
40 COMMISSIONER: That's what Ms Gobbo's counsel are saying.

41  
42 MR WINNEKE: And it would not be in accordance with what  
43 I've been putting to the witness.

44  
45 COMMISSIONER: Yes.

46  
47 MR WINNEKE: Do you know whether or not on this night she



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

1 was provided with any transcripts or not?---No, I've got no  
2 recollection of this at all.

3

4 In any event, no doubt that'll be something that we might  
5 need to speak to someone else about. The question is  
6 whether she was shown the transcripts or whether she was  
7 provided the transcripts. You can't enlighten us on this  
8 point at this stage; is that right?---That's right.

9

10 Certainly what does appear at least from the transcript is  
11 that it's said that, at least by Mr Smith, "Browse, read  
12 away, there's a lot there, obviously you can't keep it".  
13 No doubt we'll have to listen to the actual recording and  
14 see whether there's anything added to that which is of any  
15 significance. But what I do suggest to you is that  
16 certainly insofar as this meeting on this night is  
17 concerned, it appears from the transcript that she wasn't  
18 given these recordings and what you're really saying is you  
19 don't know, that may or may not be the case?---That's  
20 right.

21

22 Then if we go on, she says that - if we keep going down. I  
23 thank my learned friends for that. If we go on through to  
24 123. Ms Gobbo talks about [REDACTED] and talks about  
25 various other people at the bottom. If we go over the  
26 page, we'll keep going, go over to p.125, there's a  
27 reference to [REDACTED] He says, "I know ... that  
28 [REDACTED] is under surveillance. I said fair enough. He  
29 said he's red hot". O'Brien, "How does he know that?" So  
30 clearly she's referring to the transcript. You accept  
31 that?---I'm sorry, I was a bit behind you.

32

33 I apologise. There's a large reference then, it's  
34 obviously a reference to information which is apparently  
35 being provided in [REDACTED]'s discussion and it concerns  
36 [REDACTED] and Paul Dale, do you see that?---Are you  
37 referring to the paragraph that starts [REDACTED]

38

39 [REDACTED]---Yes.

40

41 The conversation goes on and if we continue through to  
42 p.129?---Sorry, would I be able to read that in relation to  
43 Paul Dale?

44

45 Sorry? By all means, yes, go?---Okay, I understand that.  
46 Are you saying that's part of the transcript that was shown  
47 to her?

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

1  
2 Yes, she's discussing what she's reading, I suggest,  
3 because she's referring to something that [REDACTED] says  
4 and then Mr O'Brien asks a question, "How does he know  
5 that?" She's reading what is on the page in front of her  
6 and then commenting at the end. She says at the end,  
7 "That's really bad, isn't it? If Paul Dale did provide  
8 information that [REDACTED] was off to Carl, Carl's using him to  
9 [REDACTED] and he doesn't tell him he's off, that's bad".  
10 Mr Green says, "Any way you look at it". Ms Gobbo says,  
11 "That's right". "From the good guys?" Ms Gobbo said,  
12 "Yeah, from every point of view". "Judge, citizen,  
13 everyone's bad there." Ms Gobbo says, [REDACTED] talks about  
14 having told Tony. He thought he was off and having given  
15 [REDACTED] to check and [REDACTED] says, 'No, mate,  
16 [REDACTED] you're okay.'" Do you see  
17 that?---Can I interrupt please, Mr Winneke?  
18  
19 Yes, certainly?---I'm a little bit lost here. Are we in  
20 general conversation here or are you saying that this is  
21 all on the transcript that she was shown?  
22  
23 What I'm suggesting is that Ms Gobbo in effect reading the  
24 transcript and commenting on aspects of it, reading some of  
25 them out and offering her own comments on those matters  
26 that are written on the transcript that she's been provided  
27 with by you?---Okay. If you've got the transcript and  
28 that's what's on it that would be helpful, but it seems  
29 this is just normal conversation to me.  
30  
31 All right. In any event, if we go over to p.129, Mr Green  
32 says, "You don't have to read it all now". She says, "Why?  
33 I want to read it all now". Mr Green says, "I know you  
34 want to". If you go above that, what Mr Green is saying is  
35 there's reference to - in fact if you go back to the  
36 previous page, "Fair bit to go?" Ms Gobbo says, "Huh?"  
37 "Fair bit to go. Yeah, 30 pages. You can read it next  
38 time if you like." Really what is being suggested is she's  
39 not going to be given a copy, "You can read the rest of it  
40 when you come back", do you see what I'm saying?---Yes.  
41  
42 "You don't have to read it all now" and she says, "Why, I  
43 want to read it all now". Green says, "I know you want  
44 to", and there's a reference to a second time. Then if we  
45 go down Mr Smith says, "Okay, that's probably the guts of  
46 it". Ms Gobbo says, "What are they really going to do for  
47 him though?" Mr Smith says, "Well that's, talk to them

.16/08/19

4774

WHITE XXN - IN CAMERA

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

1 about it. The one where, the one where he keeps a look-out  
2 they can do a lot". It appears to be that the DSU, you  
3 were sort of suggesting, or at least her handlers are  
4 having a discussion with her about what might be available,  
5 might be open to [REDACTED] Do you accept that?---Yes.  
6  
7 Then Ms Gobbo, if you go over the page, offers her view  
8 about it and she says, "I don't think he's guilty of the  
9 [REDACTED] maybe a conspiracy,  
10 maybe accessory before the fact, but he's not guilty of a  
11 [REDACTED] or alternatively I would say to Stuart you  
12 tell me on what basis he is. Because that's where we're  
13 going to, I think, and I've always thought that's where the  
14 bigger problem is. [REDACTED] is absolutely right when he says the  
15 bit in [REDACTED] statement where he says, [REDACTED] said put two in  
16 his head for me'. That's not [REDACTED] words, [REDACTED] says in here  
17 that's Carl's words. And that's right. That's exactly  
18 what Carl would say. Bateson would know that. But they  
19 said Bateson said of course [REDACTED] witness of truth and he  
20 says that [REDACTED] said" - in other words, effectively what she's  
21 saying is Purana have accepted [REDACTED] version and  
22 [REDACTED] says that the person who she's purportedly  
23 representing, [REDACTED] said, [REDACTED] and  
24 "that's not the sort of thing [REDACTED] would say and why would [REDACTED]  
25 have a motive to kill [REDACTED] at all, ever". Do you  
26 see that?---Yes.  
27  
28 Effectively she's in effect saying what she might be saying  
29 to detectives or the OPP if she'd had instructions to do so  
30 by way of explaining, or at least in discussions why there  
31 would be - it would be difficult to convict [REDACTED] of  
32 the [REDACTED] do you follow what I'm saying?---Not really.  
33 Obviously this is what she should be saying to Bateson.  
34  
35 That might well be right. It may well be right, assuming  
36 she's doing it as a representative of [REDACTED] and with  
37 his imprimatur, do you accept that proposition?---Yes, I  
38 do.  
39  
40 Even if she was permitted and should be representing him  
41 given the problems that she has. If we go to - and I'll  
42 just do this at the moment. If we go to 20 April 2006, the  
43 source management log. This is obviously a shorthand  
44 description of what had occurred because it was a fairly  
45 long meeting that occurred on 20 April and you recall we've  
46 gone through parts of it previously. Do you recall  
47 that?---Of this entry?

.16/08/19

4775

WHITE XXN - IN CAMERA

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

1

2 20 April included a long discussion and it was in that  
3 discussion you recall Ms Gobbo described the ethics of the  
4 whole thing as being "fucked", but this is just one part of  
5 the discussion. If you see the entry on 20 April, the  
6 entry says that it was a meet between you and the handlers,  
7 "General discussion about the arrest process of [REDACTED] and  
8 Gobbo's involvement in the same, general discussion about  
9 Navaroli, intel re Bayeh". Then it says this, "Gobbo is  
10 shown transcripts at the investigator's request". That  
11 really supports the proposition I've been putting, I  
12 suggest. She's not given transcripts, she's shown  
13 transcripts at the investigator's request, do you accept  
14 that proposition?---Yes, I do.

15

16 Indeed, if you go back to the entry on 19 April, there's a  
17 request for Gobbo to speak to [REDACTED] regarding the  
18 truthfulness of statements being made by the same. That's  
19 on 19 April, that's the day before as a result of your  
20 discussions with Bateson. So they're concerned about the  
21 truthfulness of it. They provide a transcript to you to  
22 show to her with a view to her, I suggest to you, going and  
23 speaking to [REDACTED] as an informer. That's what I'm  
24 putting to you. Do you agree that that's what it appears  
25 to be?---Well it's certainly a possibility, yes.

26

27 If that's the case, if they're not simply treating her as a  
28 barrister and she's being used as an agent of Victoria  
29 Police to assist [REDACTED] to roll, to plead guilty to  
30 either [REDACTED] and provide evidence, that would  
31 be a troubling situation I suggest?---I'm sorry,  
32 Mr Winneke, can you repeat that?

33

34 If what was occurring here was that in conjunction with the  
35 DSU the investigators were utilising Ms Gobbo as an  
36 informer or agent of Victoria Police to approach [REDACTED]  
37 with a view to having him plead guilty and assist police,  
38 that would be a concerning arrangement?---Yes, as is my  
39 understanding, yes.

40

41 It may well be, particularly if Ms Gobbo is apparently  
42 presenting as a barrister who's genuinely representing  
43 [REDACTED] best interest, it may well be an act which has  
44 the tendency to pervert the course of justice I suggest, if  
45 that's what occurred. Do you agree with that  
46 proposition?---I'm just thinking, Mr Winneke. I've never  
47 charged anybody with perverting the course of justice. I'm

.16/08/19

4776

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

1 not sure whether that's a possibility.

2

3 Without using that technical expression, it may well be  
4 something that might deprive ██████████ of the opportunity  
5 of having independent legal advice about a very important  
6 matter as to whether or not he should plead guilty to an

7 ██████████--That's a possibility.

8

9 If we continue. If we go through to p.137. Perhaps if we  
10 go back to the transcript. I apologise, I'm jumping about.  
11 At the bottom of p.136 there's discussions about Marshall,  
12 "Yeah, on Marshall, but what ██████████ said is that Tony Mokbel  
13 paid and the reason why Tony did it is because Tony was a  
14 good friend of Willie Thompson and Tony was led to believe  
15 that Willie Thompson was killed by Michael Marshall", do  
16 you see that?---Yes.

17

18 "And that Carl really killed Willie Thompson and then  
19 convinced Tony Mokbel that Michael Marshall did it and so  
20 because Tony was a friend of Willie Thompson, when he heard  
21 that Michael Marshall was responsible for Willie Thompson's  
22 murder he ██████████" It's  
23 all a bit confusing here. But in the sense that Willie  
24 Thompson didn't kill Michael Marshall and that what ██████████  
25 talking about here is who did Willie Thompson and how it  
26 happened this version is right, not ██████████ version.  
27 "I'm sure Tony Mokbel did pay for murders but not that one.  
28 It just doesn't make sense at all. Now that's more like  
29 it. Marshall getting killed for his P2P oil business, when  
30 was Willie Thompson murdered", and there's a question about  
31 that. She's offering - it seems that she's reading  
32 something on the page and offering the view that what  
33 ██████████ was saying appeared to be the accurate version of  
34 events as opposed to the version that ██████████ had been  
35 putting in his statements, do you accept that  
36 proposition?---Gee, it is very confusing.

37

38 I accept that, and I understand that late on a Friday it is  
39 confusing, but as a general proposition what I'm suggesting  
40 to you is that the exercise that is being undertaken here  
41 is that Ms Gobbo is being shown transcripts for her to  
42 comment on and that's what's occurring and it's information  
43 which is being provided to her in effect to enable her then  
44 to go and speak to ██████████--I think that was the  
45 purpose of showing her the transcripts from what we  
46 discussed this morning.

47

.16/08/19

4777

WHITE XXN - IN CAMERA



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

1 I'm not going to go through all of this but if we could  
2 perhaps shoot through to p.149. It appears that she's  
3 reading something from the transcript and she says this,  
4 "Because I, because he said ..." Then there's quotations,  
5 "I want to ask you ... because I want to ask you a  
6 question, right".  
7  
8 COMMISSIONER: Just a minute.  
9  
10 MR WINNEKE: I apologise.  
11  
12 COMMISSIONER: I think the 149 was taken on the VPL number.  
13  
14 MR WINNEKE: Yeah, 149 at the bottom, 159 at the top.  
15 That's it.  
16  
17 COMMISSIONER: Right.  
18  
19 MR WINNEKE: She's reading obviously what appears to be in  
20 quotes, "I want to ask you, because I want to ask you a  
21 question, right. Nicola's the one that convinced me ... I  
22 don't know but I trust her. Who can I get to put, who can  
23 I get to put it all together for me". Bateson, she says,  
24 says, "Look, I reckon Jim Valos is an honest solicitor".  
25 Then [REDACTED] says, "He's a weak something or other  
26 though", and she says obviously an expletive. She says,  
27 "Oh, dear me. I'll have to edit this transcript before I  
28 ever give it to Jim". Then Mr Green says, "I don't think",  
29 what I'm going to suggest to you if you listen to the  
30 transcript is, "I don't think that transcript will be going  
31 very far". If you listen to it I suggest that's in fact  
32 what's said, which supports the proposition that at least  
33 on this day it wasn't intended to give Ms Gobbo the  
34 transcript. I'm not asking you to accept that proposition  
35 because you haven't heard it and you probably haven't read  
36 it, would that be fair to say?---Yes.  
37  
38 You were there but I suggest to you that's what was  
39 said?---Yes, I can see references to memory sticks and  
40 saving things prior to this.  
41  
42 Yes?---What is the context of that, can you tell me?  
43  
44 You might have to help us there. If you go back to the  
45 previous pages there appears to be, it seems to be that  
46 there were jokes made about memory sticks and it's hard to  
47 work out even listening to it.

.16/08/19

4778

WHITE XXN - IN CAMERA



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

1  
2 COMMISSIONER: So you want to go back to the previous page,  
3 Mr Winneke, is that right?  
4  
5 MR WINNEKE: I'd be happy to play this. I think it ought  
6 be played quite frankly in public but clearly it's a very  
7 difficult thing if we're going to have the position where  
8 there has to be redactions and bleeping out of names and so  
9 forth. It's obviously important that people listen to it.  
10 No doubt people should listen to it and perhaps ought to  
11 over the weekend in any event. There are non-publication  
12 orders, Commissioner, but - - -  
13  
14 MR HOLT: With other long portions we've been given at  
15 least overnight notice which has allowed us to make  
16 assessments. We've been given no notice of this one.  
17  
18 MR WINNEKE: No, no.  
19  
20 MR HOLT: We can do it for Monday if it's to be played, I'm  
21 sure we can make that Happen, Commissioner.  
22  
23 COMMISSIONER: Can you go on with another matter?  
24  
25 MR WINNEKE: Commissioner, I think I can achieve what I  
26 want to achieve simply by what's on the page at the moment.  
27  
28 COMMISSIONER: All right. But I think you were asking - so  
29 it's gone back to the previous page now, the transcript.  
30 Is that far enough? About memory sticks we were having a  
31 look at.  
32  
33 MR WINNEKE: Yes. What I want to do is - just excuse me.  
34 I think what I'll do, Commissioner, at this stage is just  
35 refer to what's on the transcript and I'm happy to next  
36 week provide a copy of the document which we believe that  
37 Ms Gobbo was reading from to enable Mr White to appreciate  
38 it further. Did you ever read the transcript, Mr White, do  
39 you believe?---I don't think so. I've certainly got no  
40 recollection of it.  
41  
42 I'll keep going. We'll see how we go, all right.  
43  
44 COMMISSIONER: It's just Mr White did ask about the memory  
45 sticks and he said - and you were going to take him back to  
46 the earlier pages about the memory stick. I think that's  
47 where you were before we were interrupted?---My only

.16/08/19

4779

WHITE XXN - IN CAMERA

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

1 concern about the memory sticks is it's obviously important  
2 to Mr Winneke as to whether she was left a copy of this  
3 document or not. I'm just wondering whether she was given  
4 a memory stick or she copied the file.  
5

6 MR WINNEKE: That may or may not be the case. You don't  
7 have a recollection of it. But it certainly appears that  
8 there was a joke made immediately prior to this, and you'll  
9 be able to listen to it if you like over the weekend, there  
10 was a joke made about swapping memory sticks by Mr Green,  
11 "Rip it out and take it home", Smith says, and Green says,  
12 "We could swap memory sticks one day, all good".  
13

14 MR CHETTLE: Sorry, I just called them by their real names.

15  
16 COMMISSIONER: That will be removed from the record,  
17 thanks.  
18

19 MR WINNEKE: Can we keep going just for the purpose of this  
20 exercise. Ms Gobbo reads on, she says - Bateson says, "But  
21 he's honest". ██████ goes, "Yeah". Bateson goes, "And  
22 I believe Nicola is ultimately honest too". ██████ says, "Yeah,  
23 she is, and I don't think she'll sell me out to them". .  
24

25 COMMISSIONER: That seems to be a quote.  
26

27 MR WINNEKE: That seems to be a quote. She's saying, ██████  
28 says this, yeah, she is, and I don't think she'll sell me  
29 out to them". She's quoting Bateson, she's quoting ██████  
30 ██████ He goes, "Yeah, well I don't think she will either".  
31 Then Ms Gobbo says this, "Fuck, what a line he uses. Have  
32 you read this?" Mr Smith says, "I have not read it, trust  
33 me". Ms Gobbo, "How's - no seriously, how's this? This is  
34 just, I'm blown away by this. He's a weak, something or  
35 other though, you know what I mean by that". Bateson,  
36 "Yeah". ██████ "Yeah". Bateson, "But he's honest".  
37 ██████ "Yeah". Bateson, "But I believe Nicola is  
38 ultimately honest too". ██████ says, "Yeah, she is.  
39 But I don't think she'll sell me out to them". Bateson  
40 says, "Well I don't think she will either". ██████ says, "I'll  
41 be honest with you, I've got a gut feeling she'd rather  
42 help you than help what's going out there". Ms Gobbo is  
43 obviously tickled by that because she says, "What an ironic  
44 thing" - - -  
45

46 COMMISSIONER: Could I just make clear that's all a quote  
47 from the statement.

.16/08/19

4780

WHITE XXN - IN CAMERA

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

1

2 MR WINNEKE: That's all a quote, do you see that?---Yes.

3

4

5

In quotes, "I'll be honest with you. I've got a gut feeling she'd rather help you than to help what's going out there", that is [REDACTED] is saying, "I think she'd rather help you, the police". And Bateson says, "Well, I don't know about that but I think she's honest". And Ms Gobbo says, "Isn't it funny for him to be saying that?" Then there's a bit of laughter if you listen to the tape. Now what I suggest to you is this: everyone in the room is knowing when [REDACTED] or [REDACTED] says that, "I've a got feeling that she'd rather help you out", that he's pretty well on the money, although he doesn't know it. Do you accept that proposition?---I think that's possible, yes.

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

Mr Green says, "That will be his perception of what he's doing and what if, if you (Ms Gobbo) were a dirty rat he probably wouldn't be sitting in gaol. He'd probably be buried in the confines after he's been murdered in there". In any event, what I suggest to you is that that encapsulates really what is going on to a significant degree, well it appears to anyway, that the people in this room seem to be of the view that Ms Gobbo is in fact helping the police and she's not on [REDACTED] side. She's not acting for him. She's acting for the police I suggest to you. That's what it appears to be suggesting. Do you accept that or not?---I certainly think that it appears she's acting for the police, yes.

Then it goes on. If you go over to p.151, Ms Gobbo says, "And he's saying, he's saying, he says that I'm the only one who understands him, and I believe it, blah blah blah. Then he says I'd rather be helping police than what's going on [REDACTED]. Then there's a discussion about, he says, "Basically I can understand I'll be putting you in a really difficult position. So basically says the same thing". Mr Green says, "How does that make you feel though?" She says, "But I knew that's what they said, I knew that's [REDACTED] had said, he told me. The minute he said to me that there had been some conversation about me by police I said, [REDACTED] exactly what did you say?' I actually wasted a whole half a phone call on him. I can understand from Stuart's point of view he's probably got a vested interest in one sense in me acting for [REDACTED] but in another sense he's steering me right away from it". Mr Green says, "It's a delicate balance, isn't it?" Then

.16/08/19

4781

WHITE XXN - IN CAMERA

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

1 further down you say, "Well, Stewie knows the more involved  
2 in it you are, the harder it is for us to keep you out of  
3 all these sorts of things and stop you from getting  
4 compromised". Then there's some apparently other words but  
5 can't be discerned and what you do say is, [REDACTED]  
6 trusts you". Do you see that?---Yes.

7  
8 It seems apparent from what you're saying, and it's  
9 apparent to all that, "The more you become involved in it  
10 the harder it is for us to keep you out of all these sorts  
11 of things and stop you from getting compromised". Is it  
12 fair to say this, that you understood full well that for  
13 Ms Gobbo to involve herself in this process was certainly a  
14 very difficult and a very problematic position for her to  
15 take?---I think that's pretty clear.

16  
17 If she is involving herself as a police informer, it really  
18 means that there is a very great risk that she will be  
19 compromised or ought be compromised because her role should  
20 be disclosed?---As an informer, I think her role in the  
21 statement taking from any of those people had the potential  
22 to compromise her as an informer.

23  
24 And indeed the steps that had been taken even prior to this  
25 in getting her involved as an informer in any discussions  
26 which had any design of having [REDACTED] pleading guilty to  
27 any offence, whether it be [REDACTED] or conspiracy or  
28 otherwise, that had already occurred and you were a part of  
29 that process I suggest?---In relation to [REDACTED] are you  
30 asking?

31  
32 In relation to becoming a tool of the investigators by  
33 showing her the transcript and becoming part of the  
34 exercise or the design of having Ms Gobbo being used to  
35 turn or roll [REDACTED]---I think you pointed out that  
36 there's two rolls she's involved in there.

37  
38 Yes?---I don't understand why Bateson just didn't do this  
39 himself. He obviously had a good relationship with her.

40  
41 Right. Well the reality is you were conscious of the fact,  
42 and it's been recorded and we've been through it to date,  
43 that really she shouldn't have any role in this at all, she  
44 shouldn't be advising [REDACTED]---That's right.

45  
46 We may need to come back to this transcript but just before  
47 we do, if we go over to p.163. I apologise, 162, bottom of

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

1 162. You say - if you can just scroll perhaps to the  
2 midway. You say this, "Well, if anybody can get him to  
3 tell the truth it will be you. Now is that in his own  
4 interests, we don't know enough about that. You would know  
5 a lot more about that". Ms Gobbo says, "I think it is but,  
6 I mean, he's gone a long way and that, he's put everyone in  
7 all sorts of things. They haven't sat him down and said,  
8 'Now tell us everything you know about Milad, tell us  
9 everything you know about Horthy', and he doesn't do that in  
10 there probably, the next meeting, but if the [REDACTED]  
11 remains on the, remains the only charge available you're  
12 never going to get anywhere because he's not going to plead  
13 to it". Then you say, "We obviously don't know enough  
14 about it". Ms Gobbo says, "No, that's what I'm saying".  
15 You say, "He's talking to Stewie about that but don't read  
16 anything more into this than the fact that from an  
17 investigator's point of view there is an opportunity to get  
18 the truth out of [REDACTED]. Clearly they're not getting it  
19 now and is insufficient for them to even consider running  
20 any further with it but they need to explore it as far as  
21 they can and if you can help them do that all well and  
22 good". Then there's a reference to [REDACTED]. It does appear that  
23 you're suggesting to Ms Gobbo that she can use her  
24 influence to help [REDACTED] to help the police?---That's  
25 true and I suspect reading this that what we're talking  
26 about is the fact that he's already provided information to  
27 Bateson but that it hasn't been completely true.  
28  
29 I follow that, and it appears that what they've done is got  
30 information not in a form that can be used against him,  
31 it's not in a record of interview where he's been given his  
32 rights, they've got certain information from him and  
33 they're in effect seeking Ms Gobbo to encourage him to  
34 provide more information to assist the police, do you see  
35 that?---I do but - and again I've got no memory of this,  
36 but surely it's in the interests of somebody who's told the  
37 police the truth to make sure they tell the whole truth.  
38  
39 Well it may be but isn't the real point here what's in  
40 [REDACTED]'s best interests is for him to have an  
41 independent legal advisor to assess the weight of the  
42 evidence which is against him and make an educated and  
43 properly advised decision as to what he should do?---Yes, I  
44 agree with that.  
45  
46 Indeed, in circumstances where Ms Gobbo herself appears to  
47 be saying he may well have a defence, do you see what I'm

.16/08/19

4783

WHITE XXN - IN CAMERA



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

1 saying?---I don't see that bit.

2

3 Right. Objectively on its face it just appears to be a  
4 very strange situation where you've got an informer who's  
5 acting as a - at least pretending or apparently acting as a  
6 barrister, being advised by the police or encouraged by the  
7 police to take a particular course with her client. At  
8 face value it simply looks most unusual and concerning I  
9 suggest to you?---If I look at that from an investigator's  
10 point of view I would be saying to any barrister that was  
11 representing somebody who was going to assist the  
12 prosecution, I would be saying to that barrister, "Make  
13 sure he tells the whole truth. He can't tell half the  
14 truth if he's going to be a prosecution witness."

15

16 I understand that, I follow that?---That's, that's - - -

17

18 That's certainly what you may well - - - ?---Sorry.

19

20 That's what you may well say as an investigator and it may  
21 well be an appropriate thing to say to an investigator.  
22 But the question is what the purpose of this exercise is.  
23 Is the exercise to use and to encourage your informer to  
24 encourage a person who the police has charged to take a  
25 particular course of action?---Well, again, I'm only  
26 speculating on the contents of the conversation that you've  
27 shown me.

28

29 Yes?---But that seems to be the hat that I've got on,  
30 saying to her he needs to tell the whole truth if he's  
31 going to be a prosecution witness. That makes perfect  
32 sense to me. Again, I've said this twice already, I don't  
33 understand why we were asked to do this, I don't understand  
34 why Bateson couldn't do this himself.

35

36 I mean it would certainly be a concern if investigators,  
37 having taken a position and accepted statements from  
38 [REDACTED] and [REDACTED] that they were very keen for [REDACTED]  
39 to adopt the approach or adopt the statements or the  
40 versions of events which had been already provided by those  
41 two people?---Well I couldn't see investigators doing that.  
42 They would want the truth. I don't think they'd want a  
43 statement just so that it matches other statements.

44

45 Okay, all right. If I can move on. This occurs on 20  
46 April. If we go then to p.257 of the ICRs. This is on 21  
47 April 2006. About halfway down at around 12.58, "Received

.16/08/19

4784



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

1 a call. Ms Gobbo has just spoken to a solicitor at the  
2 OPP, Vaile Anscombe, regarding the Williams [REDACTED]  
3 matters. They have received copies of letters forwarded  
4 from [REDACTED] with Solicitor 2 trying to arrange a  
5 meeting with [REDACTED] and Ms Gobbo.  
6 Ms Gobbo advised Ms Anscombe that this was done without her  
7 knowledge or consent". Do you see that?---Yes.  
8

9 Well, it would appear to be, given what we've been through  
10 before, that Ms Gobbo was well aware of an attempt to  
11 arrange a meeting between [REDACTED] Solicitor 2 and her,  
12 you accept that proposition?---That she was aware of this  
13 meeting as a consequence of Mr or Mrs Anscombe telling her  
14 or are you asking me was she aware of it before that?  
15

16 Well she was aware it was going to take place. Indeed, as  
17 we've gone through earlier it seems apparent that she  
18 agreed with the idea, was happy to do it, and there'd been  
19 discussion about it. She'd asked the SDU to assist in  
20 arranging it, do you recall that, to get Purana's  
21 permission, do you see?---Yes.  
22

23 It's quite apparent from what she said there that she'd  
24 told a complete lie to - it seems to be that she's told an  
25 untruth to the OPP solicitor, that was done without her  
26 knowledge or consent, do you accept that?---I'm not sure  
27 about this, and I can only go by what's in front of me  
28 here, but she's saying that she's try to - sorry,  
29 Solicitor 2 was trying to arrange a meeting between the  
30 three of them.  
31

32 Yes?---And she's saying to the OPP that it was done without  
33 her knowledge or consent. Well she must have had  
34 knowledge.  
35

36 She certainly had knowledge that there was a meeting such  
37 as this being proposed?---Yes.  
38

39 As to whether the letter - maybe she didn't know about the  
40 letter. But what I'm suggesting is the material suggests  
41 that she was well aware that there had been such a meeting  
42 proposed and she was willing to take part in it and,  
43 indeed, she had enlisted the SDU to assist in arranging it.  
44

45 COMMISSIONER: The earlier reference is at 248.  
46

47 MR WINNEKE: Yes, 248 of the ICRs.

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

1  
2 COMMISSIONER: The 9.20 note.

3  
4 MR WINNEKE: If you follow on it says that she's just  
5 received a subpoena to attend the Supreme Court before  
6 Judge Betty King to appear in five minutes. It may not be  
7 a subpoena, but she's certainly been asked to attend before  
8 the Supreme Court regarding, it appears, either this  
9 meeting or the matter generally regarding [REDACTED]

10 [REDACTED] - Solicitor 2 has also been subpoenaed. She's in  
11 a panic and she doesn't know what it's about. Mr O'Brien  
12 is immediately contacted. He's unaware of the subpoenas.  
13 "States that Solicitor 2 and Carl Williams are very  
14 suspicious of Ms Gobbo's loyalties because of the [REDACTED]  
15 situation. The direct quote was, 'She's for them, not us'.  
16 Solicitor 2 visited Williams earlier today and Roberta  
17 Williams had intentions to meet Mick Gatto". Now then it  
18 appears that she does attend at the Supreme Court and on  
19 that day there's an appearance from Mr Horgan and Mr Tinney  
20 for the Crown, Mr Heliotis is appearing on behalf of  
21 Solicitor 2. There's a person by the name of Debra Coombs  
22 appearing on behalf of Corrections Victoria and Ms Gobbo  
23 appeared at the request of the court. I just want to take  
24 you to the source management log. This is obviously a  
25 matter which is of some concern to the SDU. Perhaps I'll  
26 go to the ICR first. Ms Gobbo has contacted the handler  
27 and said, "Regarding the Supreme Court judge, Justice King,  
28 asked why Ms Gobbo was seeing [REDACTED] if not acting, and  
29 she told him that she was seeing him regarding other  
30 matters. The judge was querying regarding a conflict with  
31 [REDACTED] The judge asked if Ms Gobbo knew about the  
32 letter sent by" - - -

33  
34 COMMISSIONER: Sorry, where is this now, Mr Winneke?

35  
36 MR WINNEKE: This is at p.257, Commissioner.

37  
38 COMMISSIONER: Oh right, yes, I've got that. Right.

39  
40 MR WINNEKE: Asked about the letter sent by Solicitor 2 and  
41 she said no. Mr Heliotis appeared for Solicitor 2, said  
42 that the reason that Solicitor 2 was going to the mention  
43 meeting was to quell friction caused by Purana and the OPP  
44 and the prosecutor was apparently incensed by this and  
45 Solicitor 2 had previously given the court an undertaking  
46 not to see Carl Williams and Ms Gobbo believes that her  
47 reputation with the court and probably with the OPP is

.16/08/19

4786

WHITE XXN - IN CAMERA

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

1 intact. Outside the court and within the earshot of  
2 unknown others Mr Horgan asked Ms Gobbo, "When is [REDACTED]  
3 going to plead?" There was an unknown senior woman from  
4 [REDACTED] Prison there also and Ms Gobbo asked her if she can  
5 still visit [REDACTED] and this woman replied, "We run the  
6 prison, not the police". It's not known what she was on  
7 about. Ms Gobbo wants Detective Bateson to tell Vaile  
8 Anscombe that Ms Gobbo knows about [REDACTED] and that this  
9 is okay. There's a discussion then with Mr Bateson. His  
10 opinion is that Ms Anscombe would likely to gossip about  
11 Ms Gobbo's matter today and Mr Horgan likewise "as he is  
12 not totally aware of Ms Gobbo's situation regarding this".  
13 If I just stop there. Did you understand that to mean that  
14 Mr Bateson was suggesting that Mr Horgan was not aware that  
15 Ms Gobbo was a human source, not totally aware of the  
16 situation?---I've got no idea what all this refers to.

17  
18 Right. "Bateson not to talk to the OPP further regarding  
19 this incident. Mr Horgan had already phoned and Mr Bateson  
20 to talk to Ms Gobbo regarding [REDACTED] matters resulting  
21 from her checking the transcripts. Advised Bateson that  
22 will ring soon also. If he hears from [REDACTED] advise the  
23 handler ASAP." Then you were briefed regarding Ms Gobbo's  
24 court appearance, et cetera, do you see that?---Yes.

25  
26 Did you make any inquiries of Ms Gobbo yourself to  
27 determine what the issue was with respect to her position  
28 insofar as the Supreme Court - what Justice King had said  
29 and what she had said to the court?---I've got no idea.

30  
31 It's clearly of some concern, isn't it, that there is a  
32 discussion involving the Supreme Court, a Justice of the  
33 Supreme Court, and Ms Gobbo having been called before the  
34 Supreme Court because of some concern that she was to be  
35 engaged in a visit in circumstances where she shouldn't be  
36 doing so?---To be honest with you I don't understand what  
37 this is all about looking at this entry here.

38  
39 Right. What I'm interested to know is would you have made  
40 any attempt at the time to ascertain what the situation was  
41 with respect to the Supreme Court, Ms Gobbo and her  
42 capacity to appear to act for [REDACTED] or to be involved  
43 in any court processes concerning [REDACTED] Carl Williams,  
44 et cetera? Did you make any attempt to find out what the  
45 situation was?---I don't know.

46  
47 You were told about the court appearance. Do you think you

.16/08/19

4787

WHITE XXN - IN CAMERA

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

1 would have, for example, tried to speak to someone who was  
2 at court or ask Ms Gobbo exactly what had occurred and what  
3 her situation was?---You've asked me three times,  
4 Mr Winneke. I just don't know.

5  
6 Okay. Would you have done such a thing, do you think you  
7 would have done such a thing?---My answer is I don't know  
8 whether I would have or not.

9  
10 Well I'm giving you the opportunity to say, "Well look, I  
11 would as a matter of professionalism tried to find out what  
12 was going on and what the issue was", and I suggest that's  
13 what you should have done?---I can understand your  
14 suggestion, and maybe it is what I should have done, but I  
15 just - I don't really understand what the issue is there  
16 beyond obviously the reference to people talking about what  
17 ██████████ is going to do in public.

18  
19 All right?---But I don't understand what the rest of it is  
20 about.

21  
22 Okay. Have a look at your diary at p.64,  
23 VPL.2000.0001.0723.

24  
25 COMMISSIONER: What date is this in the diary?

26  
27 MR WINNEKE: 21st, Commissioner, 21st of April. 17:40,  
28 5.40. You see the entry in the ICR, "Advise Bateson will  
29 ring soon. Also if hears from ██████ advise handler.  
30 Controller White briefed re Ms Gobbo's court appearance",  
31 et cetera. It appears you've had an update at 5.40 in your  
32 diary?---Yes.

33  
34 Can you read that out, please?---Do you want me read the  
35 entire entry?

36  
37 Yes, please?---"Human source subpoenaed to court by Judge  
38 King. Also subpoenaed" - - -

39  
40 Solicitor 2?---"Asked if she's briefed to act", that's  
41 ██████████ isn't it?

42  
43 Yes, ██████████--"No problem re court appearance. Judge  
44 concerned if conflict of interest for human source. King  
45 interested in Solicitor 2 trying to arrange conference with  
46 ██████████ and ██████████ Human source happy reputation with  
47 court intact. Inform Jim O'Brien concern re intel that

.16/08/19

4788

WHITE XXN - IN CAMERA

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

1 Carl Williams and Solicitor 2 questioning human source  
2 allegiance."

3  
4 Right?---"Human source hasn't heard from" - - -

5  
6 14?---"14", yes. "Bateson spoke to human source now re [REDACTED]  
7

8 In your notes you've asked if she's briefed to act for  
9 [REDACTED]. What answer were you given?---Are you asking me  
10 - I've got no idea. I can't tell you any more than what's  
11 in this diary.

12  
13 All right. It's quite apparent that you didn't get a clear  
14 answer to that question in any event though, did you? Or  
15 at least you haven't recorded it?---I haven't recorded it.  
16 So to that extent you're right.

17  
18 Do you know whether there was any concern expressed by the  
19 Supreme Court as to whether Ms Gobbo was able to be  
20 involved in a trial concerning [REDACTED] or Carl  
21 Williams?---No.

22  
23 What apparently occurred is the judge asked, said this,  
24 "The reason I asked Ms Gobbo to attend is that in this  
25 letter it says Ms Gobbo is acting as [REDACTED]'s junior  
26 to", she says Mr Heliotis but she's made a mistake, "Junior  
27 to Mr Heliotis. I would have thought that that would  
28 create the same problems as to why Ms Gobbo was not your  
29 junior in the last trial". Ms Gobbo says, "Your Honour, I  
30 haven't seen the letter but I don't think it's Mr Heliotis,  
31 I think it's Mr Lovitt". Her Honour says, "I'm sorry, as  
32 junior to Mr Lovitt". Ms Gobbo says, "No, I'm not, Your  
33 Honour, I can't appear in the trial for the same reason I  
34 couldn't appear at the committal and I can't appear at this  
35 trial". Her Honour said, "Have you seen the letters?" She  
36 said, "No, I haven't". Her Honour said, "The first letter  
37 is dated 13 April". She then sets out the terms of the  
38 letter and it's this: "We write seeking approval for a  
39 joint professional visit with prisoners Carl Williams and  
40 [REDACTED] on Saturday, 15 April, by the writer and counsel  
41 Ms Nicola Gobbo". The next letter, "We confirm that the  
42 writer is the solicitor on the record for Mr Williams and  
43 Ms Gobbo is counsel for [REDACTED]. We advise that the  
44 proposed legal conference on Saturday 15 April is to confer  
45 in relation to trial proceedings listed for July 2006  
46 before the Supreme Court of Victoria, as well as other  
47 matters to which these prisoners have sought advice. I'm

.16/08/19

4789

WHITE XXN - IN CAMERA



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

1 sure you are not surprised". The next letter is, [REDACTED]  
2 [REDACTED] is represented by the firm Messrs Valos Black and his  
3 counsel is Colin Lovitt and Ms Nicola Gobbo. [REDACTED] is  
4 [REDACTED]  
5 [REDACTED] Justice King says, "I think you understand why I've  
6 asked you to come". Ms Gobbo says, "Yes, Your Honour".  
7 Her Honour says, "You are not counsel". Ms Gobbo says,  
8 "No, Your Honour. I've continued to have a role in  
9 relation to [REDACTED] and I have visited him, as everyone  
10 here is probably well aware, with Mr Valos, and one of the  
11 reasons - I'll leave aside the reasons". Her Honour said,  
12 "I've read the plea, I've seen the plea in respect of", she  
13 says [REDACTED] but she's referring I think to [REDACTED]  
14 "Sorry, it was [REDACTED] was it?" "No, it's someone  
15 else." "Are you involved for [REDACTED] in some other way?"  
16 She said, "Yes, not in relation to this trial, Your  
17 Honour". Her Honour says, "Okay, well accordingly - - -"  
18 Ms Gobbo said, "And for the same - - -" Her Honour says,  
19 "You certainly shouldn't be having a joint conference".  
20 Ms Gobbo says, "I think Your Honour raised on a previous  
21 occasion, or someone raised the question of I think my name  
22 appearing on the transcript from the committal. Or there  
23 was some suggestion I was at the committal. I thought that  
24 Your Honour had raised it previously. But for the same  
25 reason I can't be the in trial because I've acted for one  
26 of the witnesses". She says, "You were certainly not  
27 intending to have a joint conference with [REDACTED] and  
28 [REDACTED] and Solicitor 2 in relation to the trial?" She  
29 says, "No, not in relation to the trial, Your Honour".  
30 "Thank you." Ms Gobbo then asks to be excused. It may  
31 well be that Ms Gobbo is suggesting that there were other  
32 matters that she wished to be involved in and subsequently  
33 a discussion was had about attending in a joint conference  
34 to, in effect, resolve problems that had occurred between  
35 [REDACTED] and [REDACTED] tensions that had arisen because  
36 of rumours that were going around, no doubt because there  
37 were rumours circulating that [REDACTED] might be intending  
38 to roll and give evidence. Would it be fair to assume that  
39 if Ms Gobbo - the court was expressing the view that  
40 Ms Gobbo wasn't to be involved in matters concerning the  
41 trial, that the court would be concerned to hear that  
42 Ms Gobbo was attending upon [REDACTED] with a view to  
43 convincing him to plead guilty, or at least to discuss with  
44 him what he should do with respect to the trial, do you  
45 accept that proposition?---To be honest with you,  
46 Mr Winneke, you lost me about five minutes ago.  
47

.16/08/19

4790

WHITE XXN - IN CAMERA



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

1 COMMISSIONER: The transcript - is it on the - the  
2 transcript from Justice King, is that on the computer  
3 system?  
4  
5 MR WINNEKE: We'll have a look and see if it is,  
6 Commissioner, and if it isn't we'll make sure that it is.  
7  
8 COMMISSIONER: Are you wanting to tender that?  
9  
10 MR WINNEKE: Yes, I'll tender that, Commissioner.  
11  
12 COMMISSIONER: What date was that?  
13  
14 MR WINNEKE: 21 April 2006.  
15  
16 COMMISSIONER: Yes.  
17  
18 MR WINNEKE: Can I suggest this - - -  
19  
20 #EXHIBIT RC344 - Transcript from mention before Justice  
21 King.  
22  
23 MR WINNEKE: In circumstances in which the court was  
24 clearly expressing concern as to Ms Gobbo's role and what  
25 she was doing with respect to ██████████ Williams, the  
26 trial, that it would have been incumbent upon you as the  
27 controller and the handler and the SDU to be very careful  
28 about and to make very careful inquiries into what the  
29 situation was, do you accept that proposition?---As a  
30 general proposition I accept that but I just don't  
31 understand what the issue was that was being discussed  
32 here.  
33  
34 I mean to put it bluntly, it's a proposition - - -  
35 ?---Please.  
36  
37 - - - that you were aware of, that the SDU ought to have  
38 been aware of, that Ms Gobbo simply couldn't be involved in  
39 a proceeding involving ██████████ couldn't be advising  
40 him?---Sorry, the - are you telling me that that's Judge  
41 King's direction, that she couldn't advise him?  
42  
43 No. What I'm suggesting is that the court was very  
44 concerned to find out what Ms Gobbo, what her role was,  
45 what she was doing with respect to acting for ██████████ and  
46 Ms Gobbo made it clear that she couldn't, she didn't act  
47 for him at a committal and she wasn't going to act for him

.16/08/19

4791

WHITE XXN - IN CAMERA

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

1 in a trial?---Yes.

2

3 In effect she's in agreement with you to that extent  
4 because the SDU appears to be of the view that she  
5 shouldn't have been involved likewise with [REDACTED]

6 [REDACTED]--Well, that's correct, we certainly told her to stay  
7 away.

8

9 Right. And yet - - - ?---But I think - - -

10

11 Sorry, go on?---No, it's okay.

12

13 And yet she in effect was being tasked, having been  
14 provided with the transcript of the discussion between  
15 O'Brien, Bateson and [REDACTED] to go out and speak to  
16 [REDACTED] about the very matters which were the subject of  
17 the trial?---Which trial?

18

19 The trial concerning Williams, [REDACTED] and [REDACTED]  
20 which [REDACTED] had made statements concerning the death of  
21 [REDACTED]--I'm sorry, Mr Winneke. I'm trying my  
22 hardest to understand your proposition.

23

24 All right. I note the time, Commissioner.

25

26 COMMISSIONER: Yes, I think we might leave it there. It's  
27 been a long day. We'll adjourn now. We'll need you back  
28 again on Monday I'm afraid, Mr White?---Yes, Commissioner.

29

30 9.30.

31

32 <(THE WITNESS WITHDREW)

33

34 ADJOURNED UNTIL MONDAY 19 AUGUST 2019

35

36

37

38

39

40

41

42

43

44

45

46

47