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09:42:14 1 COMMISSIONER: Yes, Mr Winneke.
2
09:42:17 3 MR WINNEKE: Good morning Commissioner.
4
09:42:19 5 COMMISSIONER: The appearances are largely as for
09:42:21 6 yesterday. I note Mr Chettle's arrived. Mr Goodwin for
09:42:27 7 the State and Ms Fitzgerald for the Commonwealth DPP.
09:42:33 8 Otherwise the appearances are as usual, thank you. Yes,
09:42:39 9 Mr Winneke.
09:42:40 10
09:42:40 11 <SANDY WHITE, recalled:
12
09:42:42 13 MR WINNEKE: Thanks Commissioner. Are you there,
09:42:44 14 Mr White?---Yes, Mr Winneke.
15
09:42:45 16 Okay. I was dealing last night with the transitional stage
09:42:50 17 of Ms Gobbo from source to witness. I just want to take
09:42:57 18 you to a couple of entries in the source - I'm sorry, in
09:43:02 19 the ICRs of 31 December 2008 at p.798. This is an entry 31
09:43:17 20 December. Mr Green is the handler. As we understand,
09:43:38 21 Mr White, you were on leave from I think 20 December 2008
09:43:41 22 through to about 11 January 2009. That's what the records
09:43:47 23 indicate?---Yes.
24
09:43:49 25 However whilst this matter was going on it appears that
09:43:52 26 there were communications with you, you were in effect
09:43:55 27 being kept up to speed about what was going on?---Right.
28
09:44:08 29 That accords with your recollection, I take it, does
09:44:14 30 it?--Well no, I don't recall but yesterday we spoke about
09:44:20 31 a phone call that I had direct with Ms Gobbo and that was
09:44:27 32 clearly during that period of leave.
33
09:44:29 34 If we could go briefly through those notes. It appears, if
09:44:33 35 we have a look at an entry at 11.41, this is on p.798,
09:44:40 36 there's a discussion between Mr Green and Ms Gobbo and
09:44:46 37 she's very cross and arguable. It appears that she's going
09:44:51 38 down to the Bellarine Peninsula as part of the process of
09:44:55 39 making statements and she's using a significant amount of
09:44:59 40 morphine and she's indicated it's not safe to drive. She's
09:45:08 41 vacillating about making a statement or not and she says,
09:45:18 42 "What does Mr White think I should do, make a statement or
09:45:22 43 not?" She is told by Mr Green that he thought she should
09:45:27 44 make a statement and apparently she was happy with that.
09:45:31 45 Now that's in accord with your recollection. Your view was
09:45:35 46 at that stage that given your instructions and your
09:45:38 47 understanding of the attitude of Mr Overland, she should

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09:45:44 1 make a statement?---That's - yeah, that's right.
2
09:45:53 3 There's an entry at 11.45 "FIN". I take it you don't know
09:46:01 4 what that's all about?---?---No.
5
09:46:21 6 Did you at various stages have recourse to a legal advisor
09:46:24 7 within Victoria Police? Was there ever a discussion with
09:46:27 8 Mr McCrae, a Finn McCrae?---Not with me and Finn McCrae,
09:46:36 9 no.
10
09:46:36 11 Did you know Finn McCrae back in 2008/9?---No, about I knew
09:46:42 12 there was a legal advisor's office.
13
09:46:44 14 And you hadn't - yeah, okay. It appears that Mr Green's
09:46:50 15 spoken to you, "Will call Petra to determine if new facts
09:46:53 16 exist as the previous understanding was that the source's
09:46:59 17 information would not change the brief against Dale at
09:47:03 18 present". Then there was apparently another discussion
09:47:05 19 with you, "Things have changed. She does need to make a
09:47:08 20 statement. Has given Petra an overview of source's
09:47:11 21 assistance". Is that likely to be a reference to you
09:47:16 22 having spoken to Mr O'Connell at Petra?---It might have
09:47:25 23 been. It's hard to tell whether this is me making these
09:47:29 24 comments or Mr Green.
25
09:47:31 26 Yeah, okay. In any event you were certainly having
09:47:35 27 discussions with Mr O'Connell at around this time, Shane
09:47:39 28 O'Connell, about Ms Gobbo and the value of the evidence
09:47:44 29 that she might be able to provide?---If I was there should
09:47:53 30 be something in my diary, or at the very least there'd be
09:47:58 31 something in Mr O'Connell's diary.
32
09:48:02 33 Okay. If we go over to p.799. Are you aware there's a
09:48:11 34 note there to - this is about midway down the page, there's
09:48:16 35 a reference to a Mr Hill. Just above the notation about
09:48:21 36 him, "There is no one in Australia I could trust". Then it
09:48:26 37 says, "Hill. No way, that was an OPI matter. Nothing
09:48:31 38 about being an informer". Are you aware that she had
09:48:39 39 spoken to a Mr Hill at the time that she was being called
09:48:46 40 upon before the OPI? Were you aware about that at this
09:48:51 41 stage?---I think, as I said to you yesterday, she had -
09:49:03 42 well my recollection is that she had a lot of respect for
09:49:06 43 Mr Hill and she had spoken to him at some point in time.
44
09:49:09 45 Yes?---I think the reference you took me to yesterday was
09:49:13 46 in regards to the OPI matter.
47

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09:49:15 1 It appears to be, she appears to be saying here she may
09:49:19 2 well had spoken, she had spoken to Mr Hill about the OPI
09:49:22 3 matter but hadn't told him anything about being an
09:49:26 4 informer?---That's what it seems to suggest.
5
09:49:29 6 In any event, the next note is, "Does Mr White want me to
09:49:33 7 do it? ? ?" And advised yes. That appears to be similar
09:49:46 8 to that which we've been discussing before, consistent with
09:49:50 9 your attitude at the time?---Yes.
10
09:49:58 11 Then further down she feels comforted knowing that it is
09:50:01 12 with your blessing and it seems quite apparent that she was
09:50:05 13 very betwixt and between as to whether she should in fact
09:50:11 14 be making a statement and that accords with your
09:50:14 15 recollection, does it?---Yes.
16
09:50:18 17 If we go over the page to p.800, there's a note here to the
09:50:31 18 effect that she was - obviously she's using morphine and
09:50:36 19 she said that she'd "used a lot today".
20
09:50:40 21 COMMISSIONER: Whereabouts is that?
22
09:50:42 23 MR WINNEKE: This is about a quarter of the way down on the
09:50:44 24 page, Commissioner, p.800. "I'm burnt, finished. Simon's
09:50:51 25 magic wand. Morphine, used a lot today". Then it says,
09:50:58 26 "Weight loss, down to size 6". Do you see that at the top
09:51:02 27 of the page there? Can you stop it. Do you see that
09:51:09 28 there, "I'm burnt, finished", just below the arrow?---Yes.
29
09:51:15 30 You did note, I suggest, that she had lost weight because
09:51:18 31 that appears in discussions that you had with her, at least
09:51:22 32 in transcripts. Is that your recollection, that you were
09:51:24 33 aware that she had lost a considerable amount of
09:51:30 34 weight?---I can't recall that but if it's in transcripts
09:51:32 35 where I've noticed it, then I rely on the transcript
09:51:36 36 obviously.
37
09:51:36 38 Okay. Further down the page there's what appears to be an
09:51:40 39 SDU issue and that's this, "Should or would Mr White read
09:51:47 40 the statement before it was signed?" Do you understand
09:51:51 41 that you did read the statement before it was signed or
09:51:54 42 not?---No, I don't, I don't think I did. I don't recall it
09:52:00 43 but there'd be no reason for me to read it.
44
09:52:03 45 Yes. There's also a note to the effect that "parts of the
09:52:08 46 statement would include that [REDACTED] had told source that
09:52:12 47 Dale was telling things", that is Paul Dale was telling

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09:52:16 1 things "to Carl Williams. [REDACTED] has made a statement
09:52:18 2 to Petra" and it appears that Ms Gobbo had read it but
09:52:23 3 Petra didn't know that. If we go over the page to p.801,
09:52:34 4 we're now on 2 January.
5
09:52:36 6 COMMISSIONER: Just before we leave that.
7
09:52:37 8 MR WINNEKE: Yes.
9
09:52:38 10 COMMISSIONER: In the heading, the last line under the time
09:52:40 11 slot 17:26, is that a reference to you?---Sorry,
09:52:51 12 Commissioner, the - I'm not sure which reference.
13
09:52:54 14 See the time slot for 17:26 on p.800?---Yes.
15
09:53:01 16 The last line under that time slot?---Oh, "will talk to" -
09:53:06 17 yes, that must be a reference to me. "I will want to talk
09:53:10 18 to", yes.
19
09:53:11 20 Yes, thank you.
21
09:53:14 22 MR WINNEKE: Thanks Commissioner. On p.801 there's a note
09:53:23 23 that, "Shane O'Connell needs to discuss my safety and
09:53:27 24 future prospects in more detail than just the Homicide
09:53:34 25 Squad, 'Don't worry we will look after you' and Ms Gobbo
09:53:40 26 was encouraged to discuss her situation with him. What am
09:53:49 27 I going to be in two years? Shane O'Connell said he will
09:53:56 28 do what is necessary". Further down, "Shane O'Connell does
09:53:59 29 not know the full situation and he said he needs to talk
09:54:03 30 more to you", to Mr White. And then, "Would like to talk
09:54:08 31 to Mr White in the next week or so to get his perspective
09:54:12 32 and if he is supportive of me doing this" and quite
09:54:17 33 apparently she needs your reassurance that she was doing
09:54:20 34 the right thing. Firstly, insofar as the transitional
09:54:27 35 stage, was there a process whereby you and Mr Black and
09:54:33 36 other members were communicating with Mr O'Connell to
09:54:37 37 provide Petra with as much detail as possible about
09:54:43 38 Ms Gobbo, her needs and idiosyncrasies---There was a
09:54:59 39 meeting - I just can't recall who was actually at that
09:55:03 40 meeting. I'm sure there was a meeting at some point where
09:55:05 41 we spoke about her in relation to exactly those issues, her
09:55:09 42 personal state, her health, her motivations, all those
09:55:13 43 issues, just to give the investigators an understanding of
09:55:17 44 what sort of a person she was.
45
09:55:19 46 Yes. Do you believe they were comprehensive or those
09:55:24 47 discussions were comprehensive?---I think they would have

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09:55:31 1 been.
 2
09:55:52 3 If we again go over to p.802.
 4
09:55:56 5 COMMISSIONER: Just before you leave that. Page 801, the
09:55:59 6 last big paragraph, Mr White, it starts, "The brief is
09:56:06 7 shit", can you see that?---Yes.
 8
09:56:08 9 Do you know what she's talking about there? She seems to
09:56:12 10 be giving an opinion about some case?---I would imagine
09:56:24 11 this, being Petra, it was all about Paul Dale. I would
09:56:30 12 imagine this would be a reference to the Paul Dale
09:56:34 13 evidence.
 14
09:56:34 15 Okay, thank you.
 16
09:56:39 17 MR WINNEKE: Then she says she's going to sign today, "They
09:56:42 18 need to see my welfare point of view". Then over the page
09:56:44 19 she's saying, "What's the rush? SDU and investigators
09:56:50 20 issues, I don't want to have to sue them in a year's time
09:56:54 21 if I don't get what I need". Then under the heading
09:57:04 22 "Petra", "Pressure" - it seems that Petra was putting
09:57:12 23 pressure on her to sign the statement but she did not and
09:57:14 24 she needed to proofread the second version and apparently
09:57:18 25 she "barristered" the statement according to Cam Davey.
09:57:24 26 "Statement has minor amendments that need attending to."
09:57:32 27 Further down there's a note to this effect, "Reminded
09:57:36 28 source that source and witness work will be kept far
09:57:39 29 removed from each other and it was agreed that this was a
09:57:44 30 good idea". Obviously you didn't take that note but are
09:57:48 31 you able to explain to the Commission what that means, that
09:57:50 32 is the separation of the source and the witness work and
09:57:54 33 keeping them far removed and why it was necessary?---Yeah,
09:58:00 34 I think this is - we discussed this yesterday and I know
09:58:04 35 there were some discussions at some point, it might have
09:58:10 36 been the desire of the investigators, that the SDU continue
09:58:13 37 to manage her as a witness and, as I said to you yesterday,
09:58:18 38 the SDU's role was to manage informers, not to manage
09:58:21 39 witnesses.
 40
09:58:22 41 Yes?---And so there was a decision made that if she decided
09:58:29 42 to be a witness that would be the end of the relationship
09:58:31 43 with the handlers.
 44
09:58:33 45 Yes?---And the SDU. And then it would be a new
09:58:36 46 relationship, which would be between her and the Petra
09:58:40 47 investigators, it had nothing to do with the SDU.

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1
09:58:42 2 Yes, I follow that. I take it to a significant degree
09:58:46 3 that's in effect to isolate the SDU and remove to the
09:58:56 4 greatest extent possible the likelihood that the SDU's
09:59:01 5 involvement would be exposed in any court
09:59:05 6 proceeding?---Yes, as we discussed yesterday.
7
09:59:08 8 Yes, okay. Then there's a note to this effect, "Shane
09:59:12 9 O'Connell going to contact the source next week to sign the
09:59:17 10 statement after talking with you, Mr White, to get
09:59:20 11 background details. They were peeved that she wouldn't
09:59:25 12 sign now. Cameron tried to convince the source to sign but
09:59:28 13 she wouldn't sign until they understood her level of needs.
09:59:31 14 That's a necessity. The evidence is gold but it comes at a
09:59:34 15 price". She goes on and says that she has huge problems
09:59:39 16 with looking at the outcome of this action. "My life
09:59:43 17 changing is at a cost. I'm not saying I have you over a
09:59:47 18 barrel but I need to be compensated. Taking away the
09:59:51 19 opportunities to earn X amount. Going to make this clear
09:59:54 20 to Petra". Again, not your note, but is that consistent
09:59:57 21 with your understanding of the problems that she
10:00:08 22 faced?---It seems to be all about money. I don't recall
10:00:12 23 her saying that it was all about money.
24
10:00:15 25 I mean it seems to be what she's saying is, "Look, once I'm
10:00:22 26 a witness my role, certainly in obtaining a statement from
10:00:28 27 Paul Dale and the circumstances in which it occurred, will
10:00:32 28 effectively mean that I'm no longer going to be able to
10:00:37 29 employed as a barrister in the State of Victoria, if not
10:00:40 30 Australia, and I'm not going to able to earn an income and
10:00:43 31 effectively I'm going to have to be recompensed in some way
10:00:47 32 for that loss". Do you understand that that was a point
10:00:51 33 that she was making clear reasonably clear to Victoria
10:00:53 34 Police?---I think you took me to something yesterday that
10:00:59 35 would probably be clearer on that point, along the lines
10:01:05 36 you suggested.
37
10:01:08 38 Is that something that was discussed with you and amongst
10:01:14 39 your crew and with the Petra operatives, the fact that
10:01:20 40 there could well be significant financial consequences if
10:01:23 41 she's no longer able to practise as a barrister?---Not that
10:01:28 42 I can recall but it may well be the case.
43
10:01:39 44 Then later down the page, further down the page there's a
10:01:49 45 note to this effect, that she wants you to view the
10:01:57 46 statement to see if there are any loose ends, do you see
10:02:05 47 that?---Yes.

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1
10:02:11 2 Over the page on p.803, "Wants to meet you next week or not
10:02:20 3 going to sign anything. Very keen to sign as they may need
10:02:24 4 to take out warrants", et cetera. Again, it appears that
10:02:36 5 she's very keen for you to be involved in the process and
10:02:39 6 if we go over the page to 804, "Requested to see", it seems
10:02:48 7 again the last entry you, "Mr White and talk before
10:02:53 8 Wednesday 8 am. Will be signing by 9.30. 'Signing my life
10:02:58 9 away'". Do you see that?---Yes.
10
10:03:06 11 It does appear to be the case that you're on leave but do
10:03:10 12 you accept that she was very much wanting to speak to you
10:03:13 13 to find out your views?---Yes.
14
10:03:16 15 In fact if we go over to p.806. Again she's saying she
10:03:30 16 wants to speak with Mr White Monday or Tuesday before the
10:03:33 17 statement signing. Further down, "She wants to remain
10:03:40 18 number one ! ! ! with the SDU and she mentioned this during
10:03:48 19 a small window of happiness". Further down under the
10:04:02 20 heading "Petra", "Why would you do this, make a statement?
10:04:08 21 It's stupid. Needs to talk to you about it. Advised that
10:04:11 22 he would be calling today". Over on to p.807, "Shane
10:04:17 23 O'Connell needs to know more background", and it seems that
10:04:23 24 you've been advised about that by Mr Green - I withdraw
10:04:30 25 that - "advised that Mr White would do this". And then
10:04:38 26 there was a call to you at 5.40 on 5 January.
27
10:04:49 28 COMMISSIONER: So there are many references to you
10:04:51 29 throughout this, Mr White. She seems to be relying very
10:04:55 30 heavily on you at this time, would you agree with that?---I
10:05:00 31 think so, Commissioner. It's clear she wanted my opinion
10:05:03 32 about what she should do even though she'd been given it I
10:05:09 33 think a couple of times.
34
10:05:10 35 Yes.
36
10:05:11 37 MR WINNEKE: There's a note I think on 2 January, we don't
10:05:17 38 need to go to it, but effectively she says, "She doesn't
10:05:21 39 want investigators to know re source as then it won't come
10:05:26 40 out in cross-examination". Page 803. The reality is
10:05:46 41 investigators did know she was a source I take it?---Yes,
10:05:49 42 they did.
43
10:05:50 44 Did all of them know?---No, but I'm certain that Shane
10:05:58 45 O'Connell knew.
46
10:05:59 47 Shane O'Connell knew but there were other investigators

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10:06:02 1 such as Cameron Davey and Sol Solomon and it may be that
10:06:06 2 they weren't aware that she was a source. Indeed, Mr Davey
10:06:13 3 took this statement from her, didn't he?---I'm not sure.
4
10:06:20 5 Had you ever had any discussions with Mr Davey about, or in
10:06:25 6 your capacity as Ms Gobbo's controller? Do you believe you
10:06:29 7 had?---Again, I've got no recollection. If I did there'll
10:06:37 8 be a reference in my diaries.
9
10:06:40 10 Yes?---I'm not even sure if I ever knew who Mr Davey was.
10:06:46 11 I can't recall him now.
12
10:06:48 13 Yes. See, what she was obviously hoping is that if the
10:06:52 14 investigators who had taken the statement, the informants,
10:06:55 15 people who were looking into, were investigating the
10:06:58 16 murder, were not aware of her role as a human source it
10:07:02 17 wouldn't come out in cross-examination?---Well that's
10:07:06 18 obviously something she must have told Mr Green.
19
10:07:10 20 Yes?---But I know we had discussions with her about this
10:07:13 21 and the discussions were based around the fact that it
10:07:16 22 would come out and she needed to be protected.
23
10:07:23 24 Protected in what way?---I'm not sure I'm allowed to say.
25
10:07:32 26 Sorry, no, no. You're not talking about being protected in
10:07:38 27 court by avoiding disclosure?---No, no, I'm talking about
10:07:42 28 the process.
29
10:07:43 30 Yes, I follow that. Then at 18:36, 6.30 pm on the 5th, it
10:07:51 31 appears that you have had a discussion with Ms Gobbo. You
10:07:57 32 were called at 5.40, call to you and updated about the
10:08:01 33 earlier entry. "Called by source. She'd left a message.
10:08:09 34 She says that the call between you and her cut out. She
10:08:14 35 needed to ask you more questions. She's not signing
10:08:19 36 anything until she hears from him". Then you are spoken to
10:08:23 37 by Mr Green regarding the above and you've called Ms Gobbo
10:08:27 38 back as soon as you get change for the public phone. I
10:08:32 39 think there's some suggestion that you were calling her on
10:08:34 40 a public phone and you needed coins to communicate with
10:08:37 41 her; is that right?---That's what it's suggesting.
42
10:08:40 43 In fact I think if we go to your diary of that date, 5
10:08:48 44 January - - - ?---Is this - - -
45
10:08:50 46 Yes?---Is this the call we spoke about yesterday afternoon?
47

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10:08:53 1 Yeah, I think there was a - was it \$34 of change that you
10:09:02 2 needed to use in the telephone call? Just excuse
10:09:11 3 me?---Seems like an expensive phone call.
4
10:09:14 5 It does, I know. If you go to 2000.0001.1735. It does
10:09:58 6 seem to be a fairly long call. Do you know where you -
10:10:02 7 were you interstate or were you overseas?---I can't
10:10:08 8 remember at this stage.
9
10:10:09 10 In any event, "\$35 expended, three calls made, re
10:10:13 11 insufficient change". Then there's a reference - there's
10:10:18 12 obviously a note that you've taken of the telephone call
10:10:25 13 and she's wanting reassurance, et cetera. That's the one
10:10:28 14 that we discussed yesterday. So clearly it was a - well, I
10:10:35 15 suppose it appears to be a call from 6.15 to 6.30. Do you
10:10:40 16 see that?---I can't see a finish time but I accept that.
17
10:10:46 18 Then you call Mr Green to update him, right?---Yes.
19
10:10:54 20 And then there's the note that I discussed with you last
10:10:59 21 night before we finished about the possibility of omitting
10:11:05 22 aspects of the statement and that was something that you
10:11:08 23 discussed with Detective Inspector Smith; is that
10:11:13 24 right?---Yes.
25
10:11:17 26 If we go then over the page to 7 January in your diary, you
10:11:21 27 get a call from Smith at Petra regarding the meeting with
10:11:30 28 Ms Gobbo and "Shane O'Connell's currently with the same".
10:11:38 29 The note was to the effect that "they were happy to change
10:11:40 30 the statement but there may be continuity issues" and the
10:11:45 31 continuity issues, that simply means that in terms of
10:11:49 32 trying to establish the reliability and the accuracy of the
10:11:55 33 telephone - I'm sorry, the taped discussion, there may be
10:12:01 34 issues with that, do you see what I mean?---Yes.
35
10:12:06 36 So no problems with the idea of doing it but there may be
10:12:09 37 problems with establishing continuity, does that - do you
10:12:14 38 agree with that?---Yeah, that seems to make sense.
39
10:12:23 40 If we go back to the ICRs. There's a note on p.808, at the
10:13:05 41 top of the page, or towards the top. There were a number
10:13:09 42 of issues that were having to be sorted out and one of them
10:13:13 43 was the need for, the potential need for legal
10:13:18 44 representation at future ethical Bar Council hearings, is
10:13:27 45 that something that you recall?---Are you at the top of
10:13:32 46 p.808?
47

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10:13:33 1 Yes?---Are we in the contact reports?
2
10:13:35 3 Yes?---Sorry, yeah, I see it now.
4
10:13:39 5 Clearly that was something that she was considering at that
10:13:43 6 stage, having to appear before the Ethics Committees at the
10:13:51 7 Bar?---That would have been something, yes, that she must
10:13:54 8 have told Mr Green.
9
10:13:55 10 There's also a note, one below that or two below that,
10:14:01 11 "Discussed meeting with Dale and the recording methods.
10:14:06 12 Will not be revealed at court as it exposes methodology".
10:14:10 13 That again is an indication of the discussion that you've
10:14:11 14 had previously about in effect changing the statement and
10:14:16 15 trying to avoid the efforts about the means by which the
10:14:24 16 conversation was recorded, do you agree with that?---Yes.
17
10:14:33 18 Over the page, top of the page, further discussions about
10:14:36 19 that, "Worried re taping of Dale and how it is worded in
10:14:41 20 the statement". You and Mr O'Connell need to talk about
10:14:45 21 that soon. Now then if we go down to 7 January it appears
10:14:54 22 that she's now signed the statement, do you see that, on 7
10:15:03 23 January?---Yes.
24
10:15:13 25 So at that stage she has effectively become - once she
10:15:23 26 signs she's then becomes a witness; is that right?---Yes.
27
10:15:27 28 So effectively once that's done she's back over the side of
10:15:31 29 the Rubicon again, she's no longer a human source any
10:15:35 30 longer and she's now just an ordinary person who's a
10:15:38 31 witness in the proceeding. Is that the way it works?---I'm
10:15:42 32 not sure whether there was an official hand-over date or
10:15:52 33 whether it occurred on that date. It would be in contact
10:15:57 34 reports here as to when our relationship stopped because
10:16:00 35 that's when we stopped having any communication with her.
36
10:16:04 37 Okay, all right then. Then if we go over the page there's
10:16:11 38 some more discussion between Mr Green and Ms Gobbo and
10:16:16 39 there's pressure to meet - this is about midway down,
10:16:22 40 "Pressure to meet you soon, driving her crazy being in no
10:16:28 41 man's land". Obviously at this stage she's already signed
10:16:31 42 the statement I take it?---According to the contact report,
10:16:37 43 yes.
44
10:16:38 45 Having signed the statement it doesn't necessarily mean
10:16:40 46 that she's forced to give evidence though I take it, does
10:16:46 47 it?---Oh, I assume because she signed the statement she

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10:16:51 1 must have been aware that she was - she'd be asked to give
10:16:54 2 evidence.
3
10:17:03 4 Ultimately you did meet her I take it; is that
10:17:11 5 right?---Yes, I think we did.
6
10:17:13 7 Just before we go to that meeting. It appears that there
10:17:20 8 was an email on 8 January 2009 from Mr Biggin to Mr Black.
10:17:36 9 Now at this stage you're apparently still on leave. When
10:17:44 10 you were away was Mr Black effectively in control, in
10:17:49 11 operative control of the SDU?---As I said, I think
10:17:57 12 yesterday, Mr Black was [REDACTED] at the
10:18:07 13 unit.
14
10:18:07 15 Yes?---So he was the other full-time controller. It didn't
10:18:12 16 automatically fall to him to become the controller for
10:18:15 17 Ms Gobbo when I was on leave.
18
10:18:17 19 Yes?---Because he had his own handlers and other sources to
10:18:21 20 manage.
21
10:18:21 22 Right?---So it might have been the case that one of the
10:18:27 23 [REDACTED] was upgraded to become the controller **Cresce**
10:18:30 24 **Crescent-O** and that should be recorded somewhere.
25
10:18:33 26 Yeah, okay. There's a - sorry, go on?---I didn't answer
10:18:40 27 your question properly. I guess Mr Black would have been
10:18:44 28 the **Crescent-O** [REDACTED] in my absence if we didn't
10:18:49 29 have an Inspector at that time. I'm not sure whether we
10:18:53 30 did or we didn't.
31
10:18:54 32 Okay. In any event the email has been sent to Mr Black and
10:19:02 33 it's CC'd to a number of other people, including I think
10:19:08 34 Mr Preston and Messrs Wilson and Glow. Do you see that?
10:19:21 35 If you go to p.63, the entry in the source management log
10:19:25 36 on 8 January 2009?---This is the email you're referring to?
37
10:19:44 38 Yes?---At this point in time it looks like Andrew Glow was
10:19:51 39 the Detective Inspector in charge of the SDU.
40
10:19:56 41 Yes. The other name, the first one's Mr Richards?---That
10:20:14 42 may have been for the reason that he was **Crescent-O** **Crescent**
10:20:16 43 **Crescent-O** whilst I was on leave.
44
10:20:18 45 Yes, I follow. Basically what that email sets out is a
10:20:30 46 break down of a number of the issues but, "As of 7.23 pm
10:20:36 47 last evening she became a witness by the signature on the

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10:20:42 1 statement. Name and details are potentially open to
10:20:44 2 disclosure requests from now on". I mean it's not to say
10:20:48 3 that her name and details wouldn't have been open to
10:20:51 4 disclosure requests prior to signing the statement, I take
10:20:58 5 it, you'd accept that proposition?---Yes.
6
10:21:00 7 Then there's a note that there was a - "The brief to Acting
10:21:13 8 Commander Purton on the potential request for the SDU to
10:21:16 9 continue to manage Ms Gobbo". He agreed that that
10:21:18 10 shouldn't be done and if asked you'd decline and there are
10:21:22 11 a number of matters that supported that proposition.
10:21:28 12 Obviously she's no longer a human source. "There was also
10:21:31 13 the potential of a break down of the relationship because
10:21:33 14 in our dealings with Ms Gobbo she did not disclose all of
10:21:37 15 her relationship with Dale and it was bound to be put
10:21:41 16 strongly to her which would damage the relationship." That
10:21:44 17 was one of the concerns.
18
10:21:48 19 COMMISSIONER: Just a minute, please. We've lost Mr White.
10:21:55 20 Do we need to adjourn?
21
10:21:58 22 MR WINNEKE: Don't blame him.
23
10:21:59 24 COMMISSIONER: No, you can't, can you? We're just trying
10:22:06 25 to reconnect. We'll see if we need a break. Can we send
10:22:18 26 an email or something to our contact there? I was looking
10:22:49 27 at the other screen, do you know how long we'd lost
10:22:54 28 contact?---I'm back, Commissioner.
29
10:22:57 30 Good. Thanks Mr White. We were worried you'd had
10:22:59 31 enough?---I'm not going to make a comment about that.
32
10:23:02 33 MR WINNEKE: No, we're all in agreement. I said I wouldn't
10:23:05 34 blame you.
35
10:23:07 36 COMMISSIONER: We're just trying to work out - how long
10:23:09 37 have you been off air?---Only a couple of minutes.
38
10:23:12 39 Yes. I was just looking at the other screen.
40
10:23:15 41 MR WINNEKE: I was just going through the email. The view
10:23:19 42 was taken that it wouldn't be appropriate for the SDU to
10:23:22 43 manage Ms Gobbo as a witness; is that right?---Yes.
44
10:23:27 45 I take it you agreed with that?---Yes.
46
10:23:34 47 Indeed, I think in your diary there's a note to the effect

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10:23:39 1 that you expressed concern about the SDU having continued
10:23:43 2 involvement in management of Ms Gobbo as a witness.
10:23:47 3 "Discussed issues with likelihood of prior role becoming
10:23:50 4 apparent in subsequent court proceedings because of ongoing
10:23:54 5 contact with the SDU and that wasn't desirable or safe for
10:23:58 6 Ms Gobbo." That's a note you make to that effect in your
10:24:02 7 diary?---Yes.
8
10:24:05 9 Was it still your hope at that stage that it could be
10:24:07 10 managed in such a way that Ms Gobbo's role as a human
10:24:10 11 source wouldn't or might not be revealed?---No, it was my
10:24:15 12 belief that once she was turned into a witness it would be
10:24:18 13 revealed.
14
10:24:20 15 Yes, okay. All right then. Then there's a meeting that
10:24:26 16 you have - if we move forward, you're back from leave. You
10:24:35 17 have a meeting with her, with Ms Gobbo, on 12 January. If
10:24:45 18 we move forward to ICR - p.823, ICR number 53?---Yes.
19
10:25:11 20 It's a meeting with you, Mr Fox and Mr Green and there's
10:25:19 21 general discussions about a number of matters, lots of
10:25:22 22 welfare chat, et cetera, what she did over Christmas and so
10:25:25 23 on. She's talking about the sorts of jobs that she might
10:25:32 24 like to do on the assumption that she'd never be able to
10:25:36 25 practise as a barrister again, do you accept that? If we
10:25:41 26 go to p.825 about a third of the way down, "She would like
10:25:47 27 to work for the ACC or similar"?---Oh, yes.
28
10:25:55 29 "Shane said that he would look into it." There's also at
10:26:06 30 some stage discussions about her I think getting employment
10:26:12 31 as an air traffic controller, do you recall that?---I do
10:26:16 32 recall that actually.
33
10:26:18 34 And also the possibility at some stage of her becoming in
10:26:21 35 effect a talent scout for the SDU, that is engaging with
10:26:30 36 potential new informers. That was your idea, wasn't
10:26:37 37 it?---No, I don't recall that.
38
10:26:40 39 If it's in the notes you'd accept that that was - - -
10:26:43 40 ?---Yes, I do, absolutely.
41
10:26:45 42 If we go over to p.826, about a quarter of the way down
10:26:52 43 there's a reference to her telling someone close to her
10:26:55 44 that she was "involved in turning crooks for Purana", do
10:27:00 45 you see that?---Yes.
46
10:27:15 47 Then there was also some discussion, if you go over to

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10:27:19 1 p.830, that she had asked Mr O'Connell about going to the
10:27:34 2 FBI profiling course at Quantico, USA. She's always been
10:27:41 3 interested in this. "General talk about the art of
10:27:43 4 criminal profiling and its successes". Do you see
10:27:47 5 that?---Yes.
6
10:27:47 7 Clearly it was her anticipation and the understanding of
10:27:49 8 the SDU that she was unlikely ever to be able to work as a
10:27:55 9 barrister again?---I think that's right.
10
10:28:07 11 If I can just put this to you: her fascination with
10:28:13 12 criminal profiling would be consistent with your
10:28:17 13 understanding of her that you'd gained over a number of
10:28:21 14 years, that she was fascinated in motivations for people to
10:28:25 15 engage in criminal activities?---No, I think that's an
10:28:32 16 overstatement.
17
10:28:33 18 Was she was also very interested in what motivated
10:28:41 19 informers?---Not to my recollection.
20
10:28:48 21 Did she ever discuss with you post-graduate studies that
10:28:55 22 she had planned to engage in which did relate to informers
10:29:00 23 and informing?---No.
24
10:29:06 25 Right?---I think she - I'll definitely stand to be
10:29:09 26 corrected on this but she might have at some point said
10:29:13 27 she'd done a criminology course or started one.
28
10:29:23 29 Insofar as you were concerned your experience was that she
10:29:27 30 had provided, on a number of occasions in relation to a
10:29:31 31 number of people, advice to Victoria Police as to the best
10:29:35 32 way of getting them to come on board, if you like, either
10:29:39 33 as witnesses or to otherwise provide assistance to the
10:29:45 34 police?---Yes.
35
10:29:54 36 At some stage it was the intention of the SDU in effect to
10:30:00 37 have a bit of a debrief about its management of Ms Gobbo
10:30:04 38 over the years and there was a plan to go down the coast to
10:30:11 39 do that, do you recall that?---Yes. That was - to be
10:30:16 40 specific, I don't know that that was specifically about a
10:30:20 41 debrief. My recollection's more about starting to think
10:30:26 42 about a reward application and what would need to go into
10:30:31 43 that and who would do that.
44
10:30:35 45 Yeah. If we go to your diary of 11 February 2009, there's
10:30:39 46 a reference to a plan to go away on 2 March and review the
10:30:42 47 management file and prepare a reward application. Now

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10:30:46 1 that's consistent with what you've just said?---Yes.
2
10:30:51 3 But in addition - so that was going to be day one. Day two
10:30:56 4 was "re lessons learnt". I'll get you the entry if you
10:31:01 5 like. "Re lessons learnt", analysis of Ms Gobbo and the
10:31:04 6 operations that she engaged in, do you recall that?---No, I
10:31:13 7 don't recall exactly what was spoken about but there'd be
10:31:16 8 obviously entries in the diary.
9
10:31:24 10 If we go to VPL.2000.0001.1758. Do you see that, that
10:31:57 11 there's a getaway for the review of the management file.
10:32:01 12 "Day two, prepare reward application. Attempt 2 March.
10:32:09 13 Handlers to work on a record application. Day one, rest of
10:32:16 14 staff attend evening and day two re lessons learnt.
10:32:16 15 Analysis of 3838, 2958 and" - and then it's blacked out but
10:32:23 16 "operations". Sorry, "Work on reward application" and then
10:32:29 17 you were to coordinate that, do you see that?---Yes.
18
10:32:42 19 That suggestion - did that eventually occur, the
10:32:47 20 seminar?---Yes.
21
10:32:48 22 Was it a two day process?---Yes, it was.
23
10:32:55 24 Was that obviously for the purposes of the preparation of a
10:33:00 25 reward application?---Was it for the purposes of a
10:33:05 26 preparation of the reward application?
27
10:33:07 28 Yes, was it for the purpose - were there two purpose, one
10:33:10 29 to prepare material to support an application for a
10:33:19 30 reward?---Yes.
31
10:33:20 32 Now was that done?---No. Well it wasn't finished.
33
10:33:26 34 Right. At what stage did you get to?---I don't know at
10:33:35 35 this point in time. I just know that it was started, a lot
10:33:39 36 of discussion about it.
37
10:33:40 38 Yes?---But the reward application was never finished and
10:33:43 39 submitted.
40
10:33:44 41 Was there a reason why it wasn't?---I don't recall - it
10:33:50 42 might have been because at some point Ms Gobbo was given a,
10:34:02 43 I don't know if you'd call it an ex gratia payment, but I
10:34:06 44 recall it was a consequence of that and I never knew what
10:34:10 45 the extent of that was. We didn't continue with the reward
10:34:14 46 application and I imagine that was a direction from the
10:34:18 47 HSMU.

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1
10:34:21 2 Were you directed not to continue with the preparation of
10:34:25 3 the reward application?---I think I must have been.
4
10:34:28 5 Were any documents prepared with a view to those being used
10:34:36 6 in an application for a reward?---I don't think it even got
10:34:41 7 to that point.
8
10:34:46 9 Do you know whether there has been initiated a process of a
10:34:51 10 reward for Ms Gobbo?---No, but only the one that we
10:35:00 11 referred to in the last few weeks concerning the traffic
10:35:05 12 infringement notices.
13
10:35:07 14 Yeah?---That was submitted formally as a reward application
10:35:11 15 which went to the Rewards Committee, as you know, but there
10:35:15 16 was never another one completed.
17
10:35:18 18 Yes. See, this process obviously - the view was this
10:35:25 19 process would occur in 2009. Now clearly at that stage
10:35:30 20 Mr Dale and Mr Collins hadn't been brought to trial, or
10:35:35 21 indeed even been brought to committal. Was there a
10:35:38 22 direction that it not proceed prior to that process, that
10:35:43 23 criminal trial process?---No, not that I'm aware of.
24
10:35:49 25 Who did you get the direction from not to go on with the
10:35:52 26 reward application process?---I don't know. What I said to
10:35:56 27 you was I'm assuming we must have been told not to continue
10:36:00 28 with it because she'd been paid out.
29
10:36:03 30 But that was in August of 2010 I think the civil litigation
10:36:11 31 settled. It seems that you were still talking about the
10:36:15 32 seminars and the potential of having a seminar with a view
10:36:19 33 to preparing a reward in April/May 2009, so well prior to
10:36:26 34 her issuing civil proceedings which I think was in February
10:36:29 35 of 2010?---Right.
36
10:36:31 37 Or May. In any event 2010?---I'm not even sure if the
10:36:40 38 decision to pay her came out of what you've just suggested,
10:36:44 39 she's issued proceedings in February 2010.
40
10:36:47 41 Thereabouts?---All I recall is that at one point I attended
10:36:52 42 a meeting with a number of lawyers and that was the first
10:36:56 43 I'd heard of her potentially being paid out.
44
10:36:59 45 Yeah, I'll come to that. That was in I think in 2011 after
10:37:07 46 she'd already - perhaps I'll withdraw that. I'll withdraw
10:37:10 47 that. I just want to take you to an entry in your diary,

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10:37:33 1 [REDACTED] 2009, VPL.2000.0001.1774. This is a call from
10:37:54 2 Mr O'Connell to you regarding [REDACTED] in which Mr Hatt
10:38:02 3 was the informant. Nigel L'Estrange took a statement.
10:38:12 4 [REDACTED] said she'd visit him in the Custody Centres, and
10:38:18 5 that's a reference to the message which was allegedly
10:38:23 6 passed by her to [REDACTED] and [REDACTED] regarding
10:38:28 7 outstanding money [REDACTED]. [REDACTED] was then a
10:38:32 8 defendant. There was a warrant done on Ms Gobbo's chambers
10:38:36 9 and notes were put in an envelope and lodged with the
10:38:39 10 court. There was an issue about [REDACTED]'s privilege
10:38:42 11 because - and at that stage Ms Gobbo had seen him as a
10:38:47 12 legal advisor and she's been asked by defence if she'd
10:38:51 13 spoken to anyone about it. Now that occurs in [REDACTED] of
10:38:55 14 2009. Do you understand the reason for that request was
10:39:00 15 because there was a trial against [REDACTED] pending for the
10:39:06 16 murder of [REDACTED]?---Not at this point in time.

17
10:39:14 18 No, but I mean if you go to the next entry which was about
10:39:17 19 half an hour later, you call him back. You had seen the
10:39:22 20 documents or the contents of Ms Gobbo's notes regarding
10:39:25 21 [REDACTED]. There was no corroboration other than the fact
10:39:28 22 that she'd met him in the cells and the notes were scant.
10:39:33 23 Did you have access to those notes at the time and were you
10:39:36 24 able to view them?---I don't think so.

25
10:39:44 26 Had Mr Hatt seen the notes and was he telling you?---I
10:39:47 27 think that's Mr Hatt talking because the next sentence is,
10:39:52 28 "Have not requested statement from Nicola Gobbo re same and
10:39:57 29 will not be". That obviously must be a reference to what
10:40:01 30 they're telling me.

31
10:40:02 32 Yeah, I follow. It appears to be that as a consequence of
10:40:05 33 the notes not supporting what [REDACTED] had said in his
10:40:09 34 statement that the charge against [REDACTED] may well be
10:40:13 35 withdrawn, and indeed that occurred I think in [REDACTED] of
10:40:16 36 2009, [REDACTED] that year. Was it your understanding that that
10:40:22 37 charge was withdrawn because of the inability to
10:40:27 38 corroborate what [REDACTED] had said in his statement?---No,
10:40:31 39 I don't know why that charge was withdrawn.

40
10:40:34 41 In any event, it goes on and says that you advised MH,
10:40:39 42 presumably you advised Mark Hatt that the defence have
10:40:43 43 approached Ms Gobbo and asked about Purana taking the notes
10:40:47 44 and any follow up and the concern was that the defence may
10:40:51 45 want Ms Gobbo as a defence witness. Was it your
10:40:56 46 understanding that that desire or that concern may have
10:41:01 47 assisted in the withdrawal of the charges against [REDACTED]

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10:41:05 1 [REDACTED]?---I have no idea, Mr Winneke.
2
10:41:08 3 Right. In any event, later on there's a call to Shane
10:41:14 4 O'Connell, "Advised saying that Purana have inspected
10:41:18 5 Ms Gobbo's notes regarding the visit with [REDACTED] and no
10:41:22 6 corroboration for the statement re asking the message to
10:41:25 7 pass on". You were told, I take it, that "there will not
10:41:30 8 be a requirement for a statement from Ms Gobbo", is that
10:41:35 9 the effect of those notes?---I think so.
10
10:41:42 11 In effect you were being told that there won't be a
10:41:45 12 requirement?---That seems to be what it's saying.
13
10:41:48 14 Okay, all right then. Can I suggest to you that around -
10:42:18 15 perhaps if we go to 2 March 2009 to the source management
10:42:45 16 log, p.67 of 72. That was a discussion, a meeting that you
10:43:28 17 had, I suggest, with a number of people including Biggin,
10:43:32 18 Mr Black, Detective Smith and Detective Senior Sergeant
10:43:38 19 Shane O'Connell concerning Ms Gobbo?---Yes.
20
10:43:43 21 A number of things were discussed, including bail affidavit
10:43:49 22 and potential consequences of Ms Gobbo being a witness. Do
10:43:56 23 you see that, without going into the detail of those
10:43:59 24 consequences?---Yes.
10:44:00 25
10:44:05 26 "Does not agree there is a problem re her being outed", do
10:44:14 27 you know what that's a reference to?---No. I think,
10:44:19 28 guessing from the sentence above that, "Witness agrees to
10:44:22 29 go interstate", et cetera.
30
10:44:24 31 Yes?---I think this must be a reference to her.
32
10:44:30 33 The view of Mr Overland appears to have been that the SDU
10:44:36 34 could assist with handling, do you see that?---Yes.
35
10:44:41 36 She's an extremely important witness. There were rumours
10:44:45 37 going around that she's made a statement and there are
10:44:48 38 options discussed with respect to her management as a
10:44:52 39 witness?---Yes.
40
10:44:55 41 It was made clear I take it to Mr Overland that the SDU
10:44:59 42 assistance wasn't an option, do you see that?---I didn't
10:45:08 43 have a discussion with Mr Overland about this other than
10:45:12 44 the day we discussed yesterday.
45
10:45:15 46 Right?---So this would have been the responsibility of
10:45:21 47 probably Mr Biggin.

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1
10:45:22 2 Mr Biggin, yes. So the SDU strategy at that stage was to
10:45:25 3 isolate the Dale investigation from activities of the past.
10:45:37 4 If you go on to the third dot point, "If the SDU was
10:45:41 5 involved again there was a potential for what has occurred
10:45:43 6 in the past to come back in the discovery process and
10:45:47 7 cross-examination". What I suggest to you is that the view
10:45:51 8 was still being taken at that stage that Ms Gobbo's
10:45:54 9 involvement as a human source could be avoided if there was
10:45:57 10 a break between the SDU management and the management of
10:46:05 11 Petra, do you agree?---Well, no, I don't. Because my view
10:46:12 12 was always once she became a witness then it would
10:46:15 13 definitely come out.
14
10:46:16 15 That may well be right but what I'm suggesting to you is
10:46:19 16 that doesn't appear to be the view of those at the meeting
10:46:23 17 because it seems to be that there was a view that if there
10:46:31 18 was a break between the two, if the SDU didn't manage and
10:46:35 19 if Petra was involved in the investigation, thereby
10:46:39 20 isolating the SDU from that investigation, then that might
10:46:45 21 be avoided, that is the disclosure might be avoided?---Well
10:46:50 22 that's what is in the note there obviously. I don't know
10:46:54 23 whether these were generally discussed and I note there's
10:46:59 24 bullet points.
25
10:47:00 26 Yes?---But I can only tell you what I believe and I always
10:47:03 27 believed once she was a witness she's going to have to
10:47:07 28 answer every question and it's all going to come out
10:47:11 29 ultimately.
30
10:47:12 31 If the view was taken that disclosure was necessary and
10:47:21 32 what I'm suggesting to you at that stage, that the view of
10:47:24 33 those in charge of the SDU was that there wouldn't be any
10:47:28 34 disclosure of it, that was the desire?---I can't keep
10:47:36 35 repeating my answer to that. That's not my belief.
36
10:47:39 37 You understand that in the process leading into the
10:47:44 38 Dale/Collins committal there were attempts being made even
10:47:50 39 at that stage to avoid disclosure of Ms Gobbo's role as a
10:47:53 40 human source?---No, I don't know that.
41
10:47:58 42 Well, can I suggest that the approach to disclosure which
10:48:07 43 was taken with respect to the murder subpoenas was only to
10:48:10 44 provide documents created by the Petra Task Force
10:48:13 45 investigators. I'm not suggesting that was your decision
10:48:24 46 but what I'm suggesting to you is at that stage, that is in
10:48:27 47 2009, it was the collegiate intention on the part of the

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10:48:33 1 SDU to continue to protect Ms Gobbo as a human source. You
10:48:38 2 disagree with that I take it?--No, I'm sure we would have
10:48:43 3 liked to protect her as a human source and we would have
10:48:46 4 still been worried about some of those parties, such as the
10:48:51 5 Mokbels, finding out what she'd been involved in, there was
10:48:55 6 a definite concern about that. But I can only tell you
10:48:58 7 what has always been my belief, any human source - I've
10:49:02 8 never believed a human source should be turned into a
10:49:05 9 witness for the obvious reason that their activities as a
10:49:08 10 source will inevitably be declared.
11
10:49:23 12 There was also issues raised in that meeting about
10:49:26 13 Ms Gobbo's viability as a witness in other matters, in
10:49:30 14 particular Karam, Mokbel and Gatto, do you see that?---Yes.
15
10:49:44 16 I'll leave that. At about that time another issue arose on
10:49:55 17 the horizon and that was the concern that she might then
10:50:01 18 want - Task Force Briars might want her as a witness and
10:50:07 19 that is referred to in your diary on 25 March 2009. "Aware
10:50:17 20 that Ms Gobbo is now a witness for Petra Task Force", this
10:50:21 21 is a meeting that you had with Waddell. "Believe that she
10:50:26 22 may have evidence regarding the Waters and Lalor
10:50:30 23 investigation" and there was a discussion about the
10:50:32 24 "viability of accessing evidence as a potential witness".
10:50:35 25 We've discussed that previously. That was another issue
10:50:37 26 that arose at that time, I suggest?---Sorry, I can only
10:50:47 27 rely on what's in my diary.
28
10:50:49 29 That was in your diary that that issue arose. There were
10:50:55 30 further discussions about that on 24 April 2009. You met
10:50:58 31 with Mr Waddell of the Briars Task Force and handed him a
10:51:04 32 43 page summary of contact between Gobbo and Dave Waters.
10:51:10 33 It says in your notes, "Not to be retained, will peruse",
10:51:15 34 that is Briars will peruse and then return to the SDU. Do
10:51:19 35 you recall that?---No.
36
10:51:21 37 But if it's in your notes you don't dispute it?---No.
38
10:51:25 39 There were also discussions that you had, I suggest, with
10:51:30 40 Mr Black about this matter and he was involved in
10:51:34 41 discussions about the potential problems that would arise
10:51:39 42 if Ms Gobbo became a witness in the Briars matter, do you
10:51:51 43 accept that?---If it's in my diary, yes.
44
10:51:53 45 We understand that Iddles and Waddell travelled to Bali in
10:51:59 46 around May of 2009 and took the unsigned statement from
10:52:04 47 Ms Gobbo. That appears to be the evidence that we have and

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10:52:13 1 what they had with them, what they were armed with, was the
10:52:16 2 summary that you've provided Mr Waddell with, do you accept
10:52:20 3 that?---I've got no knowledge of it.
4

10:52:26 5 All right?---But you say that they had it. I imagine they
10:52:32 6 must have supplied that information so I don't dispute it.
7

10:52:36 8 It appears that Mr Iddles had a discussion with Mr Black
10:52:46 9 about a month later at the end of May of 2009, apparently
10:52:56 10 upon his return from Bali. Now I'm not going to take you
10:53:02 11 to the details of that discussion, save that Mr Black's
10:53:11 12 perspective was that the SDU was aware that Command, that
10:53:19 13 is Police Command, have decided to approach Ms Gobbo for a
10:53:22 14 statement. They were of the view, that is Force Command
10:53:27 15 was of the view that she's now a witness for Petra Task
10:53:30 16 Force so she can also be a witness for Briars. "The SDU
10:53:35 17 view was that the circumstances are very different. The
10:53:40 18 SDU anticipates that if that course of action is pursued
10:53:44 19 Ms Gobbo's role as a human source will be discovered."
10:53:49 20 Assuming that that comes from a note of Mr Black in his
10:53:55 21 diary, would you accept that if he is putting forward the
10:54:02 22 SDU's view, he'd be putting forward views which you have in
10:54:07 23 effect agreed to or contributed to?---Not necessarily.
10:54:14 24 Where was I when this was happening?
25

10:54:23 26 There are no diary entries in relation to this particular
10:54:25 27 matter but I'm simply asking you whether you would have had
10:54:28 28 discussions with Mr Black, who at that stage was speaking
10:54:34 29 to Mr Iddles about the problems of using Ms Gobbo as a
10:54:38 30 witness in the Briars prosecution?---Well I've got no
10:54:45 31 recollection of this but just as a matter of logic I don't
10:54:49 32 see how that could have been any different to - the
10:54:53 33 difference between Waters and Dale would seem - I can't see
10:54:57 34 any difference there.
35

10:54:59 36 Well, do you agree then that the view which apparently
10:55:03 37 Mr Black is talking about, that is that there would be a
10:55:06 38 difference between Briars and Petra, the effect of which
10:55:11 39 would be that insofar as Briars was concerned she had to
10:55:15 40 make a statement and she was a witness then there would be
10:55:19 41 discovery, whereas that wouldn't occur with Petra?---No.
42

10:55:23 43 What Mr Black also records in his notes is this, that there
10:55:31 44 was concern with respect to disclosure of Ms Gobbo's role
10:55:35 45 as a source, the dual responsibility of giving legal advice
10:55:41 46 to clients, and this is the circumstance, the Briars'
10:55:47 47 perspective. I'll put this up on the screen so as you can

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10:55:51 1 at least see what's there. VPL.2000.0001.4685. The reason
10:56:41 2 I'm putting those up so you can read them is because
10:56:43 3 subsequently you do have a discussion with Mr Black about a
10:56:46 4 number of these issues. I'd like you to have a look at
10:56:49 5 those and comment on those views. These are apparently
10:57:03 6 notes of 29 May 2009. Again, it appears that there are no
10:57:12 7 notes that we've got from you from 23 May through to
10:57:20 8 potentially Friday - look, it may well be that you're not
10:57:27 9 working at this time. But I just want you to have a look
10:57:29 10 at these notes and tell me what your recollection is about
10:57:33 11 the views that are expressed there?--Okay, I've read that.
12
10:57:52 13 A number of the views that are expressed there appear to be
10:57:55 14 similar to the views that were expressed earlier on around
10:58:00 15 the time that it was being considered that Ms Gobbo might
10:58:02 16 become a witness in Petra, do you accept that?---I do.
10:58:08 17 These are a repeat of what was in the SWOT analysis you
10:58:12 18 showed me yesterday.
19
10:58:13 20 It's not an exact repeat because there seems to be a
10:58:16 21 different - a suggestion of a different view as between
10:58:21 22 Petra and Briars. There appears to be - assuming this is
10:58:42 23 reflective of Mr Iddles' perspective, because you'll see
10:58:46 24 circumstances from Briars' perspective, "Statement from
10:58:50 25 Ms Gobbo still being requested. Concern re disclosure of
10:58:53 26 the source role as a source. Dual responsibility of giving
10:58:56 27 legal advice to clients. Disclosure will initiate a Royal
10:59:00 28 Commission with perceived unsafe verdicts. Current arrests
10:59:03 29 she's been involved with may be subject of review and
10:59:07 30 disclosure of SDU methodology". Then there's a note
10:59:12 31 underneath that, "SDU response". Do you see that?---Yes.
32
10:59:15 33 "The strategy for Ms Gobbo to become a witness was
10:59:17 34 strategic, to separate two distinct roles from that of
10:59:22 35 being a human source to that of a Crown witness." That was
10:59:27 36 the view that was taken with respect to Petra, wasn't
10:59:30 37 it?---Yes, it was.
38
10:59:37 39 The SDU view in this case appears to be that the
10:59:41 40 circumstances are very different. If you go up to the
10:59:44 41 third dot point under the SDU perspective?---That's what
10:59:50 42 Mr Black has, I presume that's what he's told Mr Iddles.
43
10:59:56 44 Right. Did you ever have a discussion with Mr Black about
11:00:01 45 Mr Iddles' views?---Not that I can recall but you said that
11:00:09 46 you were going to take me to my diary in relation to this.
47

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11:00:13 1 What I can do is - first I'll make this suggestion. As the
11:00:18 2 person who was the [REDACTED] and the person who
11:00:23 3 effectively was intimately involved in the establishment of
11:00:25 4 the SDU and operating it, you would have had discussions
11:00:29 5 with Mr Black about these matters, would you not have?---I
11:00:35 6 think if I was there at the time I would have, yes.
7
11:00:38 8 Would you have had discussions with Mr Iddles about these
11:00:41 9 matters?---I don't think so.
10
11:00:42 11 All right. He, I gather, is a person who you regard very
11:00:46 12 highly and have worked with in the past?---Yes.
13
11:01:08 14 If we go to VPL.2000.0001.4691. In fact before I do that
11:01:23 15 go to 4687, please. Again, this is a note in Mr Black's
11:01:37 16 diary that he has discussed - it appears that he's referred
11:01:43 17 this matter to Detective Inspector Glow and he's briefed
11:01:50 18 him with respect to the Briars Task Force. He notes here
11:01:55 19 that the officer-in-charge was unaware of the situation,
11:01:57 20 hadn't been briefed. Outlined the issues re Briars'
11:02:00 21 proposed course of action. Outlined perceived implication
11:02:03 22 of source making a statement and the matter was to be
11:02:06 23 discussed with Superintendent Biggin upon his return from
11:02:08 24 leave, and effectively then he sets out the same concerns
11:02:16 25 which had been recorded in his diary on the earlier date,
11:02:20 26 do you see that?---Yes.
27
11:02:24 28 Then if we go through to p.2000.0001.4690. This appears to
11:02:50 29 be 2 June 2009 and it appears that you still are away.
11:02:58 30 There's a meeting about this. It's obviously exercising
11:03:02 31 some concern. There was a Purana meeting followed by a
11:03:05 32 request from Mr Smith at HSMU to discuss another matter.
11:03:17 33 There's a brief regarding a meeting that was conducted in
11:03:21 34 the absence of the SDU and Superintendent Porter and
11:03:27 35 Biggin. There's issues about missing source contact
11:03:33 36 reports handed to the Briars Task Force. Directing for
11:03:38 37 that to occur. "That Ms Gobbo will be making a statement
11:03:41 38 to Briars. They wanted all intel on other identities and
11:03:49 39 places of interest to Briars." Mr Black records that's the
11:03:53 40 first briefing that he'd had regarding this issue. If we
11:04:01 41 go over the page, this matter then is updated again to
11:04:12 42 Glow, who's unaware of the meeting, unaware of the
11:04:15 43 direction. He's lodged an objection to the request and
11:04:17 44 he's very concerned that if Gobbo makes a statement to
11:04:21 45 Briars the situation will be very different to those at the
11:04:25 46 time of the Petra Task Force. There was an audience
11:04:29 47 requested with Porter. Glow was unable to attend. Then

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11:04:33 1 later on he attended at Porter's office with Smith and
11:04:47 2 there were these issues, "The implications for VicPol if
11:04:51 3 her role was ever disclosed, the overview of Petra
11:04:56 4 v Briars, public interest immunity may not be successful
11:04:59 5 and jeopardise the HSMU program. Command may cause a Royal
11:05:05 6 Commission. Briars' decision is tactically dangerous for
11:05:11 7 convictions and Briars' actions will get Ms Gobbo killed".
11:05:16 8 Then further down on that same page at 18:00, apparently on
11:05:25 9 the same day, he's called you whilst you're on leave and
11:05:29 10 he's briefed you with respect to the issues surrounding the
11:05:32 11 Briars Task Force, the unannounced meeting by journey and
11:05:39 12 the HSMU and he detailed the Gobbo process of making a
11:05:44 13 statement to Briars. His understanding was Waddell had
11:05:48 14 told you three to four weeks ago of the proposal and it
11:05:53 15 appears now that the proposal has become an action, do you
11:05:57 16 see that?---Sorry, I must have tuned - I was reading, I
11:06:05 17 wasn't listening to you.
18
11:06:07 19 I'm sorry, fair enough. Just read the bottom of the page
11:06:12 20 then and over the following page. What I'm suggesting to
11:06:14 21 you is that you're fully appraised of all of these issues,
11:06:19 22 including issues about the potential for a Royal
11:06:21 23 Commission, et cetera?---Well obviously at 18:00 I was
11:06:52 24 briefed by Mr Black and he's a pretty meticulous sort of a
11:07:02 25 fellow.
26
11:07:03 27 Yes?---I was clearly briefed about the issues that are
11:07:05 28 documented there. There's nothing documented there about
11:07:07 29 the Royal Commission belief that Mr Black obviously held.
30
11:07:10 31 Right?---I think this is more the - I'm trying to sort of
11:07:14 32 get my head around what the real issue here was and it
11:07:18 33 seems to be a lot to do with using source contact reports
11:07:21 34 to - well, there's a reference to refresh your memory but
11:07:25 35 also that reports have been handed over and haven't been
11:07:29 36 returned.
37
11:07:29 38 Yes?---I can't add anything to the contents of this
11:07:36 39 conversation beyond what Mr Black's put in his notes there.
40
11:07:40 41 Yes, all right. In any event there was - he certainly did
11:07:44 42 make reference to the possibility of "jeopardised
11:07:48 43 convictions" but then you say, "Look, the Command has
11:07:51 44 already made its decision", do you see that?---Yes.
45
11:07:54 46 "If the SDU try to protect Ms Gobbo any PII could or would
11:07:59 47 fail as public interest will be viewed higher than

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11:08:02 1 protecting police methodology. Also goes to the credit and
11:08:07 2 instructions to Ms Gobbo", do you see that?---Yes.
3
11:08:14 4 COMMISSIONER: That comment seems to be right spot on with
11:08:18 5 the High Court's decision in the case, doesn't it?---Yes.
6
11:08:26 7 MR WINNEKE: All right. Thanks very much for that. Just
11:08:59 8 to complete that little exchange. If you go to 7.30 on 3
11:09:06 9 June it appears that Mr Black has sent an email to you and
11:09:11 10 Mr Biggin, CC'd to Mr Glow. Do you accept that you would
11:09:17 11 have received that email?---Yes, I do, yep.
12
11:09:24 13 He's saying that when you're back from leave "need to meet
11:09:28 14 and discuss and risk assess what Briars Task Force is
11:09:32 15 proposing with respect to Gobbo. Troubled by their
11:09:34 16 attitude towards our methodology. Moreover, what do they
11:09:38 17 actually hope to gain from that individual against the harm
11:09:41 18 that they'll bring to the organisation? Obviously the
11:09:44 19 circumstances we created for the transition to Petra are
11:09:48 20 vastly different to Briars. It appears like it's the good
11:09:52 21 old days of the CIB Drug Squad where they're trying to
11:09:56 22 change a [REDACTED] [REDACTED] into an [REDACTED]
23 It can only be that what they thought they had has now
11:10:02 24 proven to be unreliable, or perhaps I just shouldn't care
11:10:05 25 so much. I'll be guided by your advice". Did you give him
11:10:10 26 any advice on your return about that, do you recall?---No.
27
11:10:13 28 You don't recall?---I don't recall.
29
11:10:18 30 If I can move forward considerably to about August of 2011.
11:10:23 31 At that stage you are at the Briars Task Force; is that
11:10:30 32 correct?---I'm not exactly sure when I went there but my
11:10:34 33 diaries will answer that question.
34
11:10:37 35 All right. If we can go to this document,
11:10:45 36 VPL.6025.0002.9954. That is an email from Mr Sheridan to
11:12:00 37 you, the subject of Ms Gobbo. It's an advice - well, in
11:12:06 38 fact from Mr Andrew Bona to a number of people, including
11:12:14 39 you, "Advise that a mediation in regard to the writ issued
11:12:17 40 by Ms Gobbo against the State of Victoria and others was
11:12:21 41 held yesterday on 11 August and as a result the matter has
11:12:23 42 been settled out of court. The terms of the settlement are
11:12:26 43 confidential". You obviously sent a note to Mr Biggin
11:12:30 44 asking, "Do you think we should dare to believe this could
11:12:34 45 be the end of it ...". He says, "Unlikely" on the following
11:12:41 46 day. Which never a truer word I suppose. Do you see
11:12:45 47 that?---Yes, I do. Just to correct the record.

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11:12:50 1 "Unlikely", I think, "talk Friday", that's from Paul
11:12:55 2 Sheridan, not from Tony Biggin.
3
11:12:58 4 I apologise, yes. If we can set the scene. It appears
11:13:05 5 that at this stage the civil litigation has been resolved.
11:13:10 6 Mr Dale had been charged with Australian Crime Commission
11:13:16 7 offences of perjury in February 2011. You understand
11:13:20 8 Mr Buick was the informant?---Yes, I recall that.
9
11:13:25 10 There were subpoenas which had been issued which would
11:13:34 11 potentially reveal Ms Gobbo's true involvement with the
11:13:36 12 police. Now do you understand that?---I understand what
11:13:43 13 you're saying, yes.
14
11:13:45 15 Indeed, on 12 September Mr Buick's diary indicates that he
11:13:49 16 met with you, Mr O'Connell, a person by the name of [REDACTED],
11:14:01 17 [REDACTED], a person by the name of Anderson, where the issue
11:14:05 18 of a possible subpoena in the Dale prosecution was being
11:14:09 19 discussed. If you accept the proposition that's what
11:14:12 20 Mr Buick's diary reveals, it's likely, I take it, your
11:14:16 21 involvement there would have been in some way related to
11:14:19 22 your knowledge of the management of Ms Gobbo as a human
11:14:23 23 source?---Probably. But there's other individuals -
11:14:35 24 actually, I can't say where they come from, so.
11:14:39 25
11:14:39 26 It will become clearer when we go to the next document
11:14:43 27 which is an agenda. It's VGS0.5000.0051.0045. What this
11:15:18 28 is, I suggest, Mr White, is an agenda of a meeting which
11:15:24 29 was set up for 21 September 2001 in the chambers of
11:15:31 30 Mr Gerard Maguire - 2011, sorry. I said 2001. There were
11:15:40 31 a number of people present including two people from
11:15:43 32 Driver, that is Farella and Buick, Steve Waddell from
11:15:48 33 Briars and you from Briars, two VGS0 people, Greg Elms and
11:15:54 34 Louise Jarrett, Finn McCrae, Director of Legal services and
11:16:01 35 Acting Inspector Andy Bona, Legal Services, Krista Breckweg
11:16:05 36 of the Commonwealth DPP and Gerard Maguire. Do you recall
11:16:10 37 that meeting?---No. Actually, sorry. Is this the meeting
11:16:17 38 where it was - I don't think it is. It's not the meeting
11:16:22 39 about the civil claim?
40
11:16:24 41 Were you also at a meeting with members of counsel who
11:16:28 42 acted for the State of Victoria and Simon Overland,
11:16:33 43 Christine Nixon where Ms Gobbo had sued those people for
11:16:40 44 damages? Were you also at a meeting which occurred arising
11:16:44 45 out of that civil proceeding?---I only recall being - - -
46
11:16:49 47 In May or June of 2010. I think it might have been with

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11:16:53 1 Mr Wheelahan, Rowena Orr and/or Michael Rush; is that
11:17:00 2 right?---I can't remember who was there. But I do recall
11:17:02 3 getting called to a meeting which I think was about a
11:17:06 4 pay-out to Ms Gobbo.
5
11:17:07 6 Right. Were you there for a particular purpose at that
11:17:13 7 meeting?---I definitely would have been. I can't recall
11:17:18 8 exactly what it was but there would be an entry in my
11:17:21 9 diary.
10
11:17:24 11 It appears that - you believe it was in June or thereabouts
11:17:31 12 of 2010; is that right?---No, I've got no idea when it was.
13
11:17:37 14 Do you recall - sorry, go on?---I can recall it was in
11:17:43 15 either Bourke Street or Collins Street.
16
11:17:47 17 Right. Not Queen Street?---I know I would have said Bourke
11:17:58 18 or Collins but I could be wrong.
19
11:17:59 20 Do you know how many people were present at the
11:18:02 21 meeting?---There was quite a few. There could have been
11:18:05 22 eight or more.
23
11:18:06 24 Okay. Perhaps if we go to your diary of 1 June 2010,
11:18:12 25 VPL.2000.0001.2337. It appears that you did have a meeting
11:18:56 26 - well perhaps, it says "call from JOC re Gobbo, request
11:19:02 27 checks of names of following persons who may be involved in
11:19:05 28 civil suit, need to check intel holdings to see if conflict
11:19:09 29 of interest". Then there are a number of names there,
11:19:14 30 including three barristers, do you see that?---Yes.
31
11:19:23 32 Then there's a reference to an advice that Mr Rush had
11:19:26 33 provided previously. That's on 1 June. Do you recall that
11:19:36 34 it was later that you met with any of these people, that is
11:19:45 35 after 1 June?---Sorry, no, I've got no idea about dates. I
11:19:54 36 don't know that this is - - -
37
11:20:00 38 Effectively there's a desire on the part of police to check
11:20:04 39 any intel holdings with respect to conflict and that was -
11:20:11 40 it seems you were tasked with that job; is that right?---It
11:20:16 41 seems that way, yes.
42
11:20:27 43 You don't recall providing any overview or any advice or
11:20:33 44 any information to any lawyers about the involvement of the
11:20:39 45 SDU with Ms Gobbo, do you?---I'm not sure what this
11:20:45 46 reference is that you're pointing me to. But what I was
11:20:49 47 thinking, the meeting I attended I recall telling people at

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11:20:57 1 the meeting about an incident that occurred between
11:21:00 2 Ms Gobbo and I think it was Horty Mokbel.
3
11:21:03 4 Yes?---And I'm presuming that that must have been in
11:21:07 5 relation to the compensation claim or the pay-out that was
11:21:14 6 being considered at the time.
7
11:21:15 8 The incident being the incident when Mr Mokbel grabbed her
11:21:19 9 around the throat or something, is that the one?---That's
11:21:22 10 right.
11
11:21:22 12 Effectively saying, "Look, the risk to Ms Gobbo is very
11:21:27 13 significant and there would be very significant
11:21:30 14 consequences of her being disclosed as a human source", is
11:21:34 15 that what you were saying, is that the effect of what you
11:21:37 16 were saying?---No, I think the discussion was more around
11:21:42 17 how serious the risk was to her.
18
11:21:44 19 Yes?---In that particular incident Horty Mokbel told her
11:21:50 20 he'd kill her if he found out she had anything to do with
11:21:54 21 person - sorry, [REDACTED].
22
11:21:56 23 Right?---And I can recall that that generated some
11:22:02 24 discussion, that particular incident. People were a bit
11:22:06 25 surprised or shocked.
26
11:22:09 27 Right?---So I'm only presuming that it was in relation -
11:22:12 28 they were trying to consider the claim that she had.
29
11:22:19 30 Yes?---It wasn't spelt out to me in any great detail, I
11:22:24 31 recall thinking that.
32
11:22:25 33 All right, yes?---And, as I said, I was never told the
11:22:28 34 outcome of it.
35
11:22:30 36 Did you take any documents with you to the meeting?---I
11:22:35 37 don't think so.
38
11:22:36 39 Apparently counsel were given a briefing on Ms Gobbo's role
11:22:39 40 as a human source. Did you provide that briefing?---You'd
11:22:45 41 have to take me to my diary, Mr Winneke, in relation to
11:22:50 42 that.
43
11:22:50 44 Yes?---I've only told you what I can recall, which is
11:22:53 45 pretty scant.
46
11:22:54 47 Well I can't find any diary entry about it. You say that

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11:22:58 1 you did go to such a meeting. You don't recall what
11:23:01 2 occurred at the meeting; is that right?---Other than what I
11:23:05 3 told you.
4

11:23:06 5 Save for that one aspect of it. Do you know how long the
11:23:11 6 meeting went?---No.
7

11:23:12 8 Was it in a barrister's chambers?---It was in an office of
11:23:16 9 a high-rise building. And, as I said, I thought it was
11:23:20 10 Queen - sorry, not Queen. Bourke or Collins. I think it
11:23:26 11 probably was a lawyer's offices.
12

11:23:31 13 Who else was there, do you recall?---No, I don't recall any
11:23:36 14 of the people that were there.
15

11:23:39 16 You've got no recollection of any of the people who were at
11:23:42 17 the meeting?---No.
18

11:23:44 19 All right. Were there any other - - -
11:23:52 20

11:23:53 21 MR HOLT: If we can attempt to narrow down that date,
11:23:56 22 Commissioner, we'll get diary entries.
23

11:24:00 24 MR WINNEKE: If we go perhaps to VPL.2000.0001.2328. This
11:24:09 25 is about a week earlier than the note we've just been
11:24:16 26 talking about. You meet with Superintendent Sheridan and
11:24:22 27 John O'Connor; is that right?---Yes.
28

11:24:25 29 Regarding Ms Gobbo's civil suit against police. Both have
11:24:29 30 read the source management log and agree that it should not
11:24:31 31 be produced in court. There was a discussion about public
11:24:35 32 interest immunity and the possibility of claiming same to
11:24:37 33 prevent disclosure. "Probable that witness would waive PII
11:24:42 34 for informer privilege so will only have PII on methodology
11:24:47 35 to run with. Advise do not think will be sufficient." Do
11:24:57 36 you recall that meeting?---No.
37

11:25:01 38 No recollection of that meeting at all?---No.
39

11:25:07 40 It appears to be about Ms Gobbo's civil suit against police
11:25:10 41 and the desire on the part of Victoria Police to prevent
11:25:14 42 disclosure of her role as a human source. That appears to
11:25:17 43 be the case, doesn't it?---It appears to be the case, yes.
44

11:25:26 45 There's also a note in your diary to the effect that the
11:25:28 46 Chief Commissioner has directed that the source management
11:25:30 47 log be handed over to Finn McCrae, the legal advisor. Did

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11:25:35 1 that occur?--Well I can't recall it but there'd be no
11:25:42 2 reason for it not to occur. That's a direction from the
11:25:48 3 Chief Commissioner.
4

11:25:52 5 No doubt that was complied with and as I understand it
11:25:55 6 there was an email sending that source management log to
11:26:02 7 Mr McCrae, and that wouldn't surprise you?--No.
8

11:26:07 9 All right then. I might come back to that but just in the
11:26:09 10 meantime what I'll do is take you back to the document that
11:26:12 11 I was discussing before. This is the VGS0.5000.0051.0045.
11:26:26 12 This is the agenda of the meeting in Mr Maguire's chambers
11:26:33 13 on 21 September 2011 at 2.30. Amongst the issues are, "The
11:26:42 14 status of subpoena. Has it been issued? If so, what's
11:26:45 15 it's scope? If not, what's the likely scope". Also
11:26:48 16 there's a note of the location of material falling within
11:26:51 17 the anticipated or actual scope of the subpoena. "Have all
11:26:54 18 Victoria Police work units been approached and all
11:26:57 19 locations of documents identified?" "And the source's
11:27:02 20 identified to date include" and there are a number of
11:27:08 21 places where documents might well be found, one of which is
11:27:13 22 the HSU. Others Petra Task Force, Driver Task Force and
11:27:20 23 Briars Task Force. Obviously it's civil litigation because
11:27:23 24 at that stage proceedings had been issued and resolved.
11:27:26 25 Then there was a proposed procedure for counsel's review of
11:27:30 26 documents. Do you know whether you ever saw this document
11:27:33 27 at all or not?--It doesn't look familiar.
28

11:27:39 29 Then there was - agenda item number 6 was the
11:27:43 30 identification of PII arguments, relevance arguments and so
11:27:48 31 forth. Can I suggest to you that meeting went ahead and
11:27:56 32 you were present at the meeting and contributed to the
11:27:59 33 meeting. If we go to VGS0.5000.0051.0043, these are notes
11:28:09 34 taken by a person at the meeting, apparently Greg Elms, who
11:28:14 35 was a VGS0 representative. There's clearly a discussion
11:28:20 36 about subpoenas, responses, affidavits and Mr Smith's
11:28:24 37 evidence in the Dale murder charge. Do you recall that
11:28:28 38 that was discussed?--I don't recall this meeting at all.
39

11:28:34 40 All right. Apparently if we move down the page there's a
11:28:38 41 note that initial there - can I suggest that you
11:28:59 42 contributed this, that great pains were taken to ensure
11:29:03 43 that Victoria Police never obtain information on people
11:29:07 44 that Ms Gobbo represented, do you see that?--Yes.
45

11:29:11 46 And FM, we can assume that's Finn McCrae, agrees with that.
11:29:21 47 I'm sorry, Witness F agrees with that, I apologise, that is

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11:29:26 1 Ms Gobbo. Do you accept that that is what was
11:29:35 2 discussed?---Yes.
3
11:29:38 4 Then there were, in effect, I suggest two parts of the
11:29:41 5 meeting. The first part involved Victoria Police and also
11:29:46 6 the Commonwealth Director of Public Prosecutions, or
11:29:50 7 representatives from that office, because you'll see Krista
11:29:54 8 Breckweg of counsel was one of the attendees and she was
11:30:00 9 from the CDPP. Then after a while the meeting continued
11:30:05 10 without the representative of the CDPP being present,
11:30:15 11 because if we go over to the second page you'll see a line
11:30:18 12 drawn and then it says, "ISIO ex-CDPP" - 15:10 - without
11:30:33 13 CDPP or Commonwealth Director of Public Prosecutions.
11:30:36 14 Further matters were discussed. "Risk assessment.
11:30:38 15 Ms Gobbo's personal safety. Information provided and
11:30:47 16 information on people she was acting for." Then there's
11:30:57 17 also a reference to financial risk, civil litigation. Do
11:31:04 18 you recall that or not?---No.
19
11:31:09 20 If we then go to the next document, VGS0.5000.0051 - - -
21
11:31:17 22 COMMISSIONER: I'm just looking at the time. I think we
11:31:19 23 should probably take the mid-morning break.
24
11:31:22 25 MR WINNEKE: Yes, sorry.
26
27 (Short adjournment.)
28
11:55:08 29 COMMISSIONER: Yes Mr Winneke.
11:55:09 30
11:55:10 31 MR WINNEKE: Thanks Commissioner. Now, Mr White, do I take
11:55:17 32 it that you recall only having one meeting in a lawyer's
11:55:22 33 chambers about issues concerning Ms Gobbo?---Yes.
11:55:26 34
11:55:29 35 And that's the building, that's the one which I think was
11:55:33 36 on the corner of William and Bourke Street, is that right,
11:55:39 37 or thereabouts anyway?---Thereabouts.
11:55:42 38
11:55:42 39 Was that in relation to civil litigation, was it in
11:55:46 40 relation to subpoenas and criminal litigation, are you able
11:55:50 41 to say at all or not?---Well, no. What I said earlier was
11:55:56 42 I thought it was about the civil litigation but I could be
11:55:59 43 wrong about that.
11:56:00 44
11:56:00 45 Because I mean the meeting that we've got here on 21
11:56:04 46 September apparently doesn't relate to civil proceedings,
11:56:09 47 it relates to the subpoenas issued in a criminal proceeding

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11:56:13 1 against Paul Dale in 2011, do you accept that?---These are
11:56:17 2 the notes that you just took me to before the break?
11:56:20 3
11:56:21 4 Yes?---Yes.
11:56:21 5
11:56:26 6 There is a suggestion that there was another meeting
11:56:31 7 involving SDU members and barristers, two or three
11:56:36 8 barristers amongst other people. Can you be confident that
11:56:39 9 you didn't attend that meeting also?---No.
11:56:43 10
11:56:47 11 If I then, I just want to take you to another set of notes
11:56:51 12 that we've got, VGS0.5000.0051.0047. You recall I said to
11:57:00 13 you there were two VGS0 people there, Greg Elms, whose
11:57:05 14 notes I took you to a moment ago. The other person was
11:57:09 15 Louise Jarrett. Flick through that document if you
11:57:13 16 wouldn't mind just to, three pages hence, 0047 I'm after.
11:57:26 17 Can you just move through to the next page 0047. These are
11:58:05 18 notes taken by, I suggest, Louise Jarrett. You'll see the
11:58:09 19 author, LEJ probably, the meeting, there seems to be a
11:58:16 20 meeting with CDPD and VicPol, the time is 2:33:10 and there
11:58:25 21 are a number of matters discussed, do you see that?---Yes.
11:58:26 22
11:58:26 23 "Subpoena has not been issued that we know, wide scope
11:58:30 24 including, such as settlement terms, anything to do with
11:58:34 25 her contact with VicPol." Then there's reference to
11:58:38 26 relevant scope of evidence, et cetera. Then there's a note
11:58:42 27 to Krista, which is Krista Breckweg, which is the
11:58:49 28 Commonwealth DPP solicitor, "Documents relevant to her
11:58:52 29 engagement with Dale as a lawyer - not any of this" and
11:58:58 30 that appears to be GM, which may be Gerard Maguire. And
11:59:04 31 then there's a note further down which is highlighted,
11:59:10 32 "Copy of subpoenas, copy of responses, affidavits filed,
11:59:16 33 evidence of Smith from the Dale committal". If we go over
11:59:20 34 the page it appears that at the top of that, "Contact with
11:59:28 35 you, Mr White, extensive, everyday. Four to five years up
11:59:34 36 to 12 convos a day". And then it seems that Mr Maguire is
11:59:45 37 asking a question, "Will the log give major highlights?"
11:59:51 38 You say yes. "The first document that he needs to look at,
11:59:56 39 will the log say who the people were being investigated?
11:59:59 40 Whether they were represented by Ms Gobbo?" And there's a
12:00:03 41 note there, "KB, at least one". And you were indicating
12:00:07 42 you would get the log for the barrister, Mr Maguire, 60 to
12:00:12 43 70 pages detail. And then there's a note to this effect,
12:00:17 44 "Victoria Police went to great lengths to avoid knowing who
12:00:22 45 she was acting for to avoid her being deployed against
12:00:26 46 anyone she was acting for". Would that reflect what you
12:00:32 47 had told the meeting, that the Victoria Police went to

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12:00:35 1 great lengths to avoid knowing who she was acting
12:00:40 2 for?---No, no, not at all. You see, "She was acting for/to
12:00:44 3 avoid her being deployed against anyone".
4
12:00:45 5 Yes?---I think that's closer to what we were doing. We
12:00:52 6 would have gone to great lengths to avoid finding out who
12:00:54 7 she was acting for.
12:00:55 8
12:00:56 9 Yes. So effectively what you were telling Mr Maguire is
12:00:59 10 that you went great lengths to avoid her being deployed
12:01:07 11 against anyone she was acting for, that's what that
12:01:08 12 reflects, does it?---Yeah, that's what - yeah, that's
12:01:11 13 right, yes.
12:01:12 14
12:01:13 15 Would you have told the meeting that you never went to
12:01:17 16 great lengths to actually find out who she was acting
12:01:21 17 for?---I doubt it.
12:01:22 18
12:01:23 19 All right. So it appears the end result of that was there
12:01:36 20 was going to be, the log was going to be produced to
12:01:41 21 Mr Maguire and he was going to obviously consider that and
12:01:48 22 provide an advice which apparently he did on 4 October
12:01:53 23 having reviewed the source management logs, he provided an
12:01:57 24 advice to Victoria Police. I take it, were you aware that
12:02:03 25 he had provided an advice to Victoria Police?---No.
12:02:07 26
12:02:08 27 Having viewed the source management log?---No.
12:02:11 28
12:02:15 29 If we just scroll through that document there and just stop
12:02:24 30 there. Then if we keep going it appears that there were
12:02:41 31 two parts of the meeting as suggested in the notes of
12:02:45 32 Mr Elms. Keep going. Keep scrolling through the document
12:02:51 33 if you wouldn't mind, please. If we come to that point
12:03:00 34 there. This is appears to be the second part of the
12:03:03 35 meeting from 3.10 to 3.50 and the file concerns the Dale
12:03:09 36 subpoenas. This meeting is only with VicPol and as per the
12:03:13 37 previous note it seems that the CDPP has left at this
12:03:17 38 stage. Now, do you recall that there were, there was a
12:03:22 39 second part of the meeting?---I don't recall the meeting at
12:03:27 40 all, Mr Winneke, so.
12:03:29 41
12:03:29 42 All right. If we go down to - there's a notation of risks
12:03:44 43 there which you can see, then you see there's an asterisk
12:03:51 44 which says, "One example of informing on a person who she
12:03:55 45 later represented" and there's a reference to your name
12:03:57 46 there?---Yes.
12:03:59 47

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12:03:59 1 Do you see that?---Yes.
12:04:02 2
12:04:02 3 So you came up with one example of her informing on a
12:04:05 4 person who she later represented, do you see that?---Yes.
12:04:08 5
12:04:10 6 You don't recall that meeting therefore you wouldn't recall
12:04:15 7 who it was you're referring to?---No.
12:04:17 8
12:04:18 9 But the reality is there wasn't only one example, there
12:04:22 10 were quite a number of examples, weren't there?---I think -
12:04:27 11 - -
12:04:27 12
12:04:27 13 As we have discovered?---I think the reference is probably
12:04:30 14 to [REDACTED] because that was the one that, well we've
12:04:36 15 already spoken about that. It's clear now after several
12:04:42 16 weeks of our discussions that, yes, she did represent other
12:04:47 17 people.
12:04:47 18
12:04:47 19 All right. So obviously without the benefit of the time
12:04:50 20 that we've had it may well be that that contribution may
12:04:57 21 have been somewhat inaccurate. Do you accept that?---Yes,
12:05:02 22 I do.
12:05:02 23
12:05:03 24 COMMISSIONER: It is an example, he wasn't saying it was
12:05:06 25 the only one.
12:05:08 26
12:05:09 27 MR WINNEKE: Yes. It may well be, perhaps that's being
12:05:12 28 unfair to you, it may well be that you provided one example
12:05:15 29 of many or you might have said there was only one example.
12:05:18 30 It's not clear from the record. You don't know, I take
12:05:24 31 it?---No, I don't know at this point in time.
12:05:26 32
12:05:28 33 Down the bottom of the page there seems to be another
12:05:30 34 contribution from you, do you see that, your initials
12:05:35 35 there?---Yes.
12:05:36 36
12:05:37 37 It says that, "The Human Source Unit was used, or used
12:05:41 38 Ms Gobbo in relation to a number of suspects up until she
12:05:45 39 met with Dale. Human Source Unit advised that she was
12:05:49 40 likely to provide evidentiary material and if she wanted to
12:05:57 41 be a witness for Petra then the HSU would terminate the
12:06:02 42 arrangements and they would terminate and she wasn't a
12:06:05 43 registered source, she became a witness" and there's a
12:06:08 44 reference to a break being significant and do you see what
12:06:16 45 it says there on the bottom line, "Gen knowledge is she is
12:06:23 46 a witness, not a human source", do you see that?---Yes, I
12:06:27 47 see that.

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12:06:27 1
12:06:28 2 Were you talking about there being a break between her
12:06:33 3 being a human source to then her becoming a witness, is
12:06:39 4 that what you were talking about?--Well, I can't remember
12:06:43 5 the conversation so I can't tell you and I didn't take
12:06:46 6 these notes myself, so.
12:06:48 7
12:06:48 8 I'm just asking if you can interpret that?--No, but I
12:06:52 9 think it's probably consistent with what we discussed
12:06:55 10 already in relation to my belief that she's either a source
12:06:58 11 or a witness, she can't be both and once she became a
12:07:01 12 witness that broke the contact with the SDU.
12:07:04 13
12:07:04 14 Yes, I see. And over the page there's further
12:07:08 15 contributions, "If it's revealed that she's a human source,
12:07:13 16 then Mokbels, Italian criminal syndicate would want to kill
12:07:21 17 her", do you see that?--Sorry, were you reading something
12:07:31 18 verbatim then?
12:07:32 19
12:07:33 20 Yes, not verbatim, but you see your initials there, "If it
12:07:37 21 is revealed she is a human source"?--Yes.
12:07:40 22
12:07:40 23 So you were making it clear the risks that she faced if she
12:07:44 24 was revealed?--Yes.
12:07:46 25
12:07:47 26 All right. Thanks very much. I tender those notes,
12:07:56 27 Commissioner, both of them, the two VGS0 officers.
12:08:02 28
12:08:03 29 #EXHIBIT RC345 - Agenda and notes of meeting in Gerard
12:08:07 30 Maguire's chambers on 21/9/2011.
12:08:18 31
12:08:19 32 MR WINNEKE: Perhaps included in that, Commissioner, could
12:08:21 33 be the agenda of the meeting.
12:08:23 34
12:08:23 35 COMMISSIONER: Yes, the agenda and notes, Exhibit 345.
12:08:27 36
12:08:28 37 MR CHETTLE: They'll need to be redacted, Commissioner.
12:08:30 38
12:08:31 39 COMMISSIONER: They will. That shouldn't take long though.
12:08:32 40
12:08:33 41 MR CHETTLE: No, it's only names of my clients.
12:08:35 42
12:08:35 43 COMMISSIONER: And initials, yes, that should be able to be
12:08:38 44 attended to pretty quickly.
12:08:40 45
12:08:41 46 MR WINNEKE: Thanks Commissioner. Whilst I'm tendering
12:08:41 47 there are a number of other matters that I haven't

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12:08:43 1 tendered. The first one is some extracts of Mr Black's
12:08:46 2 diary. Perhaps we can identify the relevant pages. Rather
12:08:56 3 than doing it now, Commissioner, we'll do it during a break
12:08:59 4 or at lunchtime.
12:09:01 5
12:09:01 6 COMMISSIONER: You'll need to tell me what they are.
12:09:05 7
12:09:12 8 MR WINNEKE: Yes, yes. It may well be, Commissioner, that
12:09:16 9 - perhaps I'll leave that for the moment, that tender.
12:09:20 10
12:09:20 11 COMMISSIONER: If you want them to - they have been
12:09:23 12 tendered but as a confidential exhibit. If you're wanting
12:09:26 13 them to be in the public domain you might need to tender
12:09:30 14 them separately.
12:09:31 15
12:09:31 16 MR WINNEKE: Yes, all right. I'll do that, Commissioner,
12:09:34 17 separately, but as I say - - -
12:09:36 18
12:09:37 19 COMMISSIONER: We'll wait until - - -
12:09:38 20
12:09:39 21 MR WINNEKE: Can we do that? I'll tender also the email
12:09:46 22 exchange of 12 August 2010 which is referred to in the
12:09:56 23 subject line "re Witness F".
12:10:04 24
12:10:07 25 COMMISSIONER: Between this witness - - -
26
12:10:11 27 MR WINNEKE: Yes, that's the email exchange between this
12:10:15 28 witness.
12:10:15 29
12:10:15 30 COMMISSIONER: And Paul Sheridan, was it?
12:10:17 31
12:10:17 32 MR WINNEKE: Yes.
12:10:17 33
12:10:17 34 COMMISSIONER: Was it this witness and Sheridan?
35
36 MR WINNEKE: This witness and Biggin and then Sheridan I
12:10:24 37 think, Commissioner. It's VPL.0625.0002.9934, or 54.
12:10:31 38
12:10:31 39 COMMISSIONER: Biggin was involved in that, was he? Yes.
12:10:36 40
12:10:36 41 MR WINNEKE: Yes, it was Biggin to - that's it there. Paul
12:10:47 42 Sheridan to Mr White.
12:10:49 43
12:10:49 44 COMMISSIONER: Yes, okay.
12:10:51 45
12:10:52 46 #EXHIBIT RC346 - Email exchange of 12/08/10 re Witness F
12:10:57 47 between Sandy White, Paul Sheridan and

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12:11:01 1 Biggin.
2
12:11:04 3 COMMISSIONER: And that will just need to be redacted which
12:11:08 4 won't take long to do that and then that can get published.
12:11:13 5
12:11:13 6 MR WINNEKE: Thanks Commissioner. It appears, as we have
12:11:20 7 noted, that Mr Maguire was provided with the SML and he
12:11:26 8 provided an advice and an opinion and amongst other matters
12:11:36 9 he said that as a consequence of Ms Gobbo's role or the
12:11:44 10 matters that had been revealed to him in the conference in
12:11:49 11 the source management log, paragraph 53, he said, "Once
12:11:53 12 identified as an informer from February 2007 likely defence
12:11:57 13 would press for other documents as to dealings with police
12:12:00 14 showing she was providing legal services and advice to
12:12:03 15 other targets at the same time as providing information to
12:12:06 16 police. It would form the basis of a credit attack and
12:12:11 17 bolster the claim of legal professional privilege". He
12:12:15 18 said at paragraph 54, "If role fully exposed possibility of
12:12:22 19 persons such as Mokbel would seek to challenge convictions
12:12:25 20 on the basis of it being improperly obtained. They might
12:12:28 21 have a collateral effect in relation to current sentencing
12:12:32 22 of Mokbel". In effect that's what the advice was
12:12:41 23 suggesting. Now, can I suggest that that appeared to be,
12:12:46 24 he appeared to be saying that there had to be disclosure at
12:12:51 25 least to the prosecution and do you agree that that would
12:12:55 26 have been appropriate?---I think with the benefit of
12:13:04 27 hindsight and obviously further knowledge about some of
12:13:08 28 these issues, which I didn't have at the time, that would
12:13:13 29 be appropriate but I don't believe I ever saw this report
12:13:17 30 from Mr Maguire.
12:13:19 31
12:13:19 32 I'm just asking if you agree and effectively what you say
12:13:22 33 is with the benefit of hindsight, yes, you would agree. Do
12:13:32 34 you accept that?---Yes, I do.
12:13:42 35
12:13:43 36 Can I just ask you this: as we understand it on or around
12:13:50 37 6 November 2011 what had occurred was that the Victoria
12:14:05 38 Police sought advice from the Commonwealth Director of
12:14:08 39 Public Prosecutions about what areas they would seek
12:14:10 40 disclosure about and Mr Ashton, after getting feedback,
12:14:20 41 sought, indicated that he wanted a report as to what the
12:14:26 42 list would look like having communicated with - sorry, just
12:14:35 43 excuse me. Mr Ashton sought some feedback in effect to see
12:14:55 44 what sort of documents would need to be disclosed. Now I
12:14:59 45 wonder if you could have a look at this document here.
12:15:06 46 VPL.2000.0002.0037. Whilst we're waiting, you it seems
12:15:58 47 were not at the SDU or may not have been at the SDU by this

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12:16:04 1 stage and it may well be that you were at Task Force
12:16:08 2 Briars. Do you think that's the situation, judging from
12:16:15 3 the agenda - - - ?---I'm sorry, Mr Winneke, I'm not even
12:16:20 4 sure what time you're talking about.
12:16:22 5
12:16:23 6 September through to November 2011 the agenda seems to
12:16:26 7 suggest you were at Task Force Briars at that stage. Is
12:16:30 8 that likely to be the case?---Was that the agenda for the
12:16:39 9 meeting with the lawyers we just spoke about?
12:16:41 10
12:16:41 11 Yes?---They've obviously recorded me as being at Briars so
12:16:46 12 I presume that's accurate.
12:16:48 13
12:16:48 14 Nonetheless it appears that you're called upon when there
12:16:52 15 are matters concerning Ms Gobbo's role as a human source
12:16:59 16 were to be considered. It seems that Mr Ashton by this
12:17:02 17 stage was seeking to find out what disclosure might need to
12:17:07 18 be made in relation to subpoenas in the criminal proceeding
12:17:11 19 and as a consequence this document appears to have been
12:17:14 20 created on 6 November 2011 and it seems to include a number
12:17:24 21 of matters, including Ms Gobbo's denial with respect to
12:17:30 22 phones and you'll see there's an ICR number 88 on 16 July
12:17:37 23 2007, and she denies ever having bodge phones between
12:17:41 24 herself and Dale, and the allegation that she's accused of
12:17:45 25 telling untruths in the OPI hearings and there's reference
12:17:48 26 to source contact reports 94 and 95, assessment of [REDACTED]
12:17:54 27 [REDACTED]'s brief of evidence, recommendations for potential
12:17:57 28 recruitment of human source based on knowledge from
12:18:00 29 clients. Psychologist, reference to the psychologist who
12:18:04 30 you engaged to deal with her. Discussing details of ACC
12:18:10 31 hearings, seeking advice from police regarding clients and
12:18:15 32 corruption issues and significant intelligence, legal
12:18:21 33 identities. Now, do you recall putting together a document
12:18:25 34 of that sort in which you identified various issues which
12:18:29 35 might need to be disclosed in any trial?---No. Was this
12:18:36 36 provided to Mr Ashton?
12:18:41 37
12:18:42 38 All I can say to you is that the metadata reveals this
12:18:45 39 document was created on 6 November 2011 at around the same
12:18:50 40 time that Victoria Police, including Mr Ashton and
12:18:53 41 Mr O'Connor, are considering the issues that have arisen
12:18:59 42 following Mr Maguire's advice on 4 October. Perhaps if I
12:19:13 43 can ask you this, after that meeting that you had you say
12:19:16 44 you can't recall do you believe that you had any other
12:19:21 45 discussions with members of Victoria Police, senior members
12:19:26 46 of Victoria Police about Ms Gobbo's role as a human
12:19:34 47 source?---Not that I can recall, and my belief has always

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12:19:41 1 been once she was handed over as a witness we had virtually
12:19:46 2 nothing to do with her. From my point of view, once I went
12:19:49 3 to the Briars Task Force I would have had even less to do
12:19:55 4 with her.
12:19:57 5
12:19:58 6 I understand that. You didn't go back to the SDU after you
12:20:01 7 went to Briars?---No.
12:20:03 8
12:20:04 9 All right. In terms of - clearly you'd communicated with
12:20:10 10 Mr Sheridan following the settlement of the litigation.
12:20:16 11 You were ultimately advised as to the closure of the SDU at
12:20:25 12 some later stage, was it, in 2013?---You would have to - we
12:20:36 13 all received a letter which had the date that we were
12:20:40 14 sacked or terminated from the SDU.
12:20:42 15
12:20:42 16 Yes?---I don't have a copy of that and I can't tell you
12:20:46 17 what the date was. I thought it might have been 2012 but
12:20:50 18 maybe it was 13.
12:20:51 19
12:20:51 20 Yes, all right. Around the time of that - I just want to
12:21:00 21 just briefly and finally put a couple of matters because
12:21:04 22 obviously you're very critical of the closure of the SDU.
12:21:14 23 I take it that's right, are you?---Yes.
12:21:17 24
12:21:18 25 And you've offered all sorts or possibilities as to why it
12:21:22 26 was closed and I suppose the reason you've offered those
12:21:25 27 possibilities is because you say it's never been made clear
12:21:29 28 to you exactly why it was shut down, is that right?---Well,
12:21:37 29 I was told, and you can see in my statement.
12:21:41 30
12:21:41 31 Yes?---What I was told, but I never believed that. I
12:21:45 32 always thought there was much more to it.
12:21:47 33
12:21:48 34 Right?---And it's only as a result of the Royal Commission
12:21:51 35 and documents being discovered, if you like, that I've sort
12:21:56 36 of discovered there's a lot more to it than obviously I was
12:22:02 37 told.
12:22:02 38
12:22:04 39 It appears that's what's occurred is on 6 November, no
12:22:10 40 doubt in part connected to the document that we've got on
12:22:14 41 the screen, obviously someone has gone to the records and
12:22:18 42 produced some ICRs and various documents which in effect
12:22:26 43 set out some issues which would need to be disclosed if
12:22:30 44 there was any prosecution of Mr Dale about matters
12:22:34 45 concerning Gobbo. A report was then prepared by John
12:22:43 46 O'Connor. You know John O'Connor, do you?---Yes.
12:22:47 47

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12:22:47 1 Did you work with him during the time that you were at the
12:22:50 2 SDU?---Yes.
12:22:50 3
12:22:51 4 If we can put this document up. Perhaps before we go
12:22:57 5 there, if we put up VPL.0010.0001.0075. What we see there
12:23:26 6 is basically a cover sheet to Assistant Commissioner Graham
12:23:31 7 Ashton from Paul Sheridan, the subject being the summary of
12:23:35 8 Witness F as requested by the Commonwealth DPP. So what
12:23:39 9 appears to have occurred is the Commonwealth DPP has wanted
12:23:42 10 to know what might need to be disclosed and a question was
12:23:46 11 raised as - what might need to be disclosed and therefore a
12:23:51 12 report was done by Mr O'Connor, but effectively the summary
12:23:55 13 says this, "The release of this material to any party
12:23:59 14 outside Victoria is likely to have serious repercussions.
12:24:03 15 Material contained herein is an analytical summary
16 pertaining to Witness F as requested by the Commonwealth
12:24:08 17 DPP pertaining to the pending prosecution of Paul Dale".
12:24:15 18 If we go to the following page, "Exposure of Witness F
12:24:22 19 activities within Victoria Police as contained in this
12:24:26 20 summary will have significant impact upon Victoria Police
12:24:29 21 operations past and present. The material contained within
12:24:34 22 this summary may rely upon public interest immunity claims
12:24:37 23 should further dissemination be considered". And then
12:24:41 24 there's a report which has been prepared. If we go over
12:24:49 25 the page and continue on to the second page. And under the
12:25:02 26 heading of Witness F there's a summary of the activities,
12:25:07 27 "Active human source managed by the SDU from 16/9 to 14
12:25:12 28 January of 2009, three years and four months. Information
12:25:15 29 reports. The analysis of intelligence holdings by the SDU
12:25:20 30 pertaining to Witness F indicate 309 information reports.
12:25:25 31 Disseminated to various investigators that have come from
12:25:28 32 information that she has supplied to handlers. There are
12:25:31 33 172 ICRs varying in length. The majority of the two
12:25:39 34 documents pertain to Witness F contact with the following
12:25:43 35 164 people" and you can see then there's a list of people
12:25:46 36 which goes over three and a half pages. And obviously some
12:25:53 37 of the names you'll see there are pretty significant
12:25:57 38 criminal names, many of whom Ms Gobbo has acted for and
12:26:02 39 certainly many of whom she has provided information about,
12:26:05 40 or all of whom. Do you see that?---Yes.
12:26:08 41
12:26:12 42 Obviously not all of them are criminals. And then it says,
12:26:19 43 "It's difficult to assess the clear intention of the
12:26:22 44 contact between the parties. However the SDU believes that
12:26:25 45 in the main the contact between the parties is driven by
12:26:28 46 the fact that Witness F was practising as a solicitor at
12:26:30 47 the time of the contacts and that her counsel was sought

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12:26:35 1 formally or informally pertaining to legal status of the
12:26:39 2 persons involved, eg pending charges, negotiations with
12:26:43 3 investigating police, please opportunities, receiving and
12:26:43 4 passing on information" et cetera. Under the heading
12:26:47 5 "criminal activity", "Witness F was suspected of being on
12:26:50 6 the periphery of criminal matters throughout her time as a
12:26:55 7 human source. Nothing ever was proven". Do you accept
12:26:58 8 those two propositions?---No, I don't accept the one that
12:27:05 9 begins "it's difficult to assess the clear intention". Who
12:27:09 10 has written this?

12:27:10 11
12:27:10 12 This is Mr O'Connor?---Right. Well, we had very little
12:27:16 13 discussions. I don't recall having any discussions with
12:27:20 14 him about Ms Gobbo. Certainly the last sentence regarding
12:27:25 15 being suspected of being on the periphery of criminal
12:27:28 16 matters throughout her time, nothing was ever proven that
12:27:32 17 that's accurate. The one before that I would have issue
12:27:36 18 with.

12:27:36 19
12:27:37 20 You have issue with the first sentence I take it?---Sorry,
12:27:45 21 yes.

12:27:46 22
12:27:46 23 The whole lot of it?---Mr O'Connor was never there when she
12:27:50 24 was being managed so he wasn't I guess well informed and he
12:27:56 25 seems to be suggesting there that the sole reason that we
12:27:59 26 worked with Ms Gobbo was to take advantage of her counsel
12:28:05 27 for her clients. And as I said to you from the outset this
12:28:09 28 started off, our relationship with her was all about
12:28:14 29 something much broader than her clients, it was about the
12:28:17 30 whole Mokbel cartel and all the underlings that were there.
12:28:22 31 Obviously as time - sorry, don't you want me to continue?

12:28:27 32
12:28:27 33 Yes, please.

12:28:27 34
12:28:28 35 COMMISSIONER: Yes, continue, finish your answer
12:28:31 36 please?---As time went on we got dragged into that area
12:28:34 37 with clients that we thought, at the time I think we
12:28:38 38 thought we were managing okay. Not receiving information
12:28:46 39 that we thought was LPP. Then it got further muddled by
12:28:52 40 her providing information about her clients who we knew she
12:28:55 41 was representing that were committing these other offences.
12:28:58 42 So I don't think John O'Connor was over the whole thing. I
12:29:03 43 think he's looked at it and said, "That was our intention
12:29:05 44 from the outset to use her against her clients" and that
12:29:08 45 wasn't the intention at the outset.

12:29:10 46
12:29:10 47 MR WINNEKE: I hear what you say but ultimately what he's

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12:29:12 1 really saying is it's difficult to assess the clear
12:29:15 2 intention of the contact. But ultimately it seems that
12:29:19 3 he's saying in the main the contact between the parties is
12:29:22 4 driven by the fact that she's practising as a solicitor at
12:29:25 5 the time of the contacts and that her counsel was sought
12:29:29 6 formally or informally pertaining to the legal status of
12:29:32 7 the persons involved. Whilst you might say, "Look, we did
12:29:37 8 not intentionally seek to obtain LPP", ultimately it can't
12:29:43 9 be gainsaid that the reason that Ms Gobbo was of use was
12:29:49 10 because she was a solicitor who acted for many of the
12:29:52 11 people who information was provided about or information
12:29:59 12 received from. That can't be gainsaid, I suggest?---No,
12:30:04 13 all I'm saying to you is that I think his understanding is
12:30:08 14 fairly limited because I've said from the very beginning of
12:30:11 15 this matter, she was unlike any other lawyer insofar as her
12:30:17 16 social network were all serious criminals and she was
12:30:22 17 seeing them socially and that was the value of her.
12:30:26 18
12:30:26 19 Yes?---And some of them, some of them were clients, some of
12:30:30 20 them had been clients and some of them went on to become
12:30:34 21 clients and I don't want to rehash all that.
12:30:38 22
12:30:38 23 I agree, there's no point going back to the beginning.
12:30:42 24 Ultimately the fact is she was engaged to bring down the
12:30:45 25 Mokbels who were her clients, or many of whom were her
12:30:52 26 clients, there's no dispute about that is there,
12:30:54 27 surely?---No, one was definitely her client at the time.
12:30:56 28
12:30:59 29 All right. The final point made in the document, or
12:31:20 30 referred to deceptive behaviour with source handlers and
12:31:24 31 then there's a reference to, this is on the final page,
12:31:28 32 "The failure to disclose you've previously acted as a
12:31:34 33 conduit for communications and meetings between Dale and
12:31:38 34 Williams" and she admitted later on that she had, and
12:31:45 35 knowledge of the false mobile telephones. Now, in any
12:31:56 36 event the ultimate result of all of that was that without
12:32:01 37 making any disclosure to the Commonwealth DPP
12:32:06 38 representations were made to them, that is the Commonwealth
12:32:10 39 Director of Public Prosecutions, that Ms Gobbo should be
12:32:14 40 withdrawn as a witness, do you understand that that
12:32:16 41 occurred?---No, but I'll take it as accurate.
12:32:21 42
12:32:22 43 Yes, all right. Can I finally ask you to comment on an
12:32:48 44 email of Mr Sheridan's. Just excuse me. It's
12:33:01 45 VPL.0005.0013.1125. If that could be put up. This is an
12:33:15 46 email from Paul Sheridan, who in effect was at this stage
12:33:22 47 in charge of the SDU.

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12:33:24 1
12:33:24 2 COMMISSIONER: Do you want to tender the cover sheet and
12:33:28 3 that document?
12:33:29 4
12:33:30 5 MR WINNEKE: Yes Commissioner.
12:33:30 6
12:33:30 7 COMMISSIONER: That last one.
12:33:31 8
12:33:32 9 MR WINNEKE: I do.
12:33:33 10
12:33:33 11
12:33:34 12 #EXHIBIT RC347 - Summary re Witness F as requested by
12:33:39 13 Commonwealth DPP, written by John
12:33:47 14 O'Connor, 7/11/11.
12:33:55 15
12:33:55 16 MR HOLT: That will need review, Commissioner. I don't
12:33:57 17 think it will be complex but it will need review.
12:34:00 18
12:34:01 19 COMMISSIONER: All right. It will need to be redacted.
12:34:04 20
12:34:04 21 MR HOLT: It has a list of names, Commissioner, and there
12:34:08 22 may be one or two others.
12:34:11 23
12:34:11 24 COMMISSIONER: Sure.
12:34:11 25
12:34:12 26 MR WINNEKE: You understand that Mr Gleeson had been
12:34:19 27 involved in quite a significant review of the documents
12:34:27 28 which had been created by the SDU and his work resulted in
12:34:33 29 effect in the Comrie report, do you accept that or is that
12:34:38 30 your understanding?--I know Mr Gleeson was involved in the
12:34:41 31 review with Mr Comrie, I don't accept that it was a
12:34:46 32 comprehensive review.
12:34:46 33
12:34:46 34 Right. In any event, having carried out that review he
12:34:55 35 said this, that he sent an email to Mr Pope - I'm sorry, I
12:35:03 36 withdraw that. Mr Sheridan sent an email to Mr Pope on 24
12:35:13 37 June 2012 saying that, "He'd been thinking over the weekend
12:35:19 38 about your pending discussion with the chief re the SDU and
12:35:24 39 handling of Ms Gobbo and he thought that he'd formalise
12:35:27 40 some of his thoughts for consideration". And he says, "I
12:35:31 41 remain in favour of winding-up the unit as it gives us the
12:35:35 42 opportunity to redesign a new and improved work group which
12:35:39 43 would better manage the handling of high risk sources. I
12:35:43 44 believe with the Comrie review and my own observations over
12:35:46 45 the past two years we have a sound understanding of the
12:35:48 46 issues that need to be addressed and the best way forward.
12:35:51 47 There are some parallels with the handling of the old Armed

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1 Robbery Squad. The current view labours under
12:35:57 2 misapprehension that they're doing the right thing for the
12:35:58 3 right reasons. The regrettably the handling of F and
12:36:01 4 probably others has shown that in their current form they
12:36:04 5 present as more of a liability than an asset to the
12:36:07 6 professional reputation of the organisation. Covert human
12:36:12 7 source intelligence sources will remain an important and
12:36:16 8 integral part of future investigation strategy. However
9 the rebuild of this unit will send a clear message that the
10 value of covert human intelligence sources will not be
11 accepted without the requisite professionalism and ethics
12 overlay required of a Victoria Police member. What really
13 tips the scale for me is the handling of Witness F has been
14 undertaken and managed by the best trained human source
15 personnel within the Force. These individuals have
16 travelled the world and been trained and educated by the
17 best and yet they still lost their way. In short our best
18 people in this area must be able to ensure that we do not
19 make these mistakes in the future". Do you see
12:36:54 20 that?---Yes.

12:36:54 21
12:36:55 22 Now, what we have examined over the last number of days,
12:37:03 23 somewhat painfully I accept from your perspective, is that
12:37:07 24 over the significant period of time there were considerable
12:37:14 25 issues, and I'm putting this very broadly, which were
12:37:17 26 missed and not solely by you but by you and your superiors,
12:37:24 27 which had led to many of the problems that this Royal
12:37:27 28 Commission is now looking into, do you accept that?---Yes.

12:37:30 29
12:37:34 30 Obviously, by virtue of the fact that we've now seen at
12:37:40 31 least, we've now seen one person released from custody and
12:37:44 32 acquitted because of the involvement of Ms Gobbo and the
12:37:48 33 SDU, it now appears to be apparent that missteps were made,
12:37:55 34 unfortunately, and things which were done now with the
12:37:59 35 benefit of hindsight ought not to have been done, do you
12:38:02 36 accept that proposition?---Yes, I do.

12:38:04 37
12:38:05 38 In light of all of that, the comment that's made I suggest
12:38:11 39 in italics there is not all together a misplaced comment I
12:38:17 40 suggest to you?---I think the paragraph in italics - I
12:38:26 41 agree with you.

12:38:26 42
12:38:27 43 All right then. You've been very patient, thanks very much
12:38:32 44 Mr White?---Thank you Mr Winneke.

12:38:35 45
12:38:35 46 COMMISSIONER: Now, Mr Winneke, were we wanting to go into
12:38:39 47 private session briefly at this stage or not? I think you

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12:38:43 1 were going to discuss that - - -
12:38:45 2
12:38:45 3 MR WINNEKE: No, as far as I'm concerned there's no need -
12:38:47 4 just excuse me.
12:38:47 5
12:38:48 6 MR HOLT: I'm aware of the issue, Commissioner, if we could
12:38:50 7 do that briefly after lunch I'd be grateful.
8
9 COMMISSIONER: After lunch.
10
12:38:54 11 MR HOLT: I just want to clarify a couple of things that
12:38:56 12 I'm not entirely sure of.
12:39:00 13
12:39:00 14 COMMISSIONER: That's fine. Well Mr White, they say a
12:39:02 15 change is as good as a break, you're now going to be
12:39:06 16 cross-examined by Mr Collinson for - - -
12:39:07 17
18 MR HOLT: Commissioner, I think there's an agreement with -
12:39:09 19 subject to the Commissioner's view, but I might
12:39:12 20 cross-examine briefly first.
12:39:14 21
22 COMMISSIONER: Yes.
23
24 MR HOLT: Because I only have one very narrow topic.
25
12:39:14 26 COMMISSIONER: All right then. In fact you're going to be
12:39:16 27 cross-examined by Mr Holt for Victoria Police first and
12:39:18 28 then Mr Collinson?---Yes, Commissioner. Can I take a very
12:39:24 29 short toilet break?
12:39:25 30
12:39:26 31 COMMISSIONER: Yes, of course. Will five minutes be
12:39:55 32 sufficient?---Yes.
12:39:56 33
12:40:30 34 We'll take a five minute break then.
12:40:34 35
12:40:35 36 (Short adjournment.)
12:44:54 37
12:44:54 38 COMMISSIONER: Yes, the witness I think is there. Thanks
12:44:57 39 Mr White. Yes, you can hear us?---Thank you.
12:45:02 40
12:45:03 41 Yes, Mr Holt.
12:45:04 42
43 <CROSS-EXAMINED BY MR HOLT:
44
12:45:05 45 Mr White, can you hear me okay?---Yes, I can Mr Holt.
12:45:09 46
12:45:09 47 Thank you very much. I'm literally only going to be a few

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12:45:12 1 minutes with you. Can I ask you to pull out please the
12:45:15 2 source management log, the second source management log
12:45:19 3 relating to 2958?---I have that.
12:45:22 4
12:45:22 5 Go if you would to the entry on 25 November 2008 which at
12:45:26 6 least on my copy is at p.57 of 72. Do you see that?---Yes.
12:45:34 7
12:45:35 8 Now, this was an entry that Mr Winneke took you to a few
12:45:40 9 days ago and on its face it says, "Petra steering
12:45:45 10 committee, Overland, Maloney, Cornelius and OPI Director
12:45:50 11 Ashton, all aware of HS identity and role". You might
12:45:54 12 recall that, although I know you've been asked a lot of
12:45:57 13 questions about a lot of things?---I recall we spoke about
12:46:01 14 this, yes.
12:46:01 15
12:46:02 16 Excellent. It may be that as a result of the questions and
12:46:03 17 answers that one was left with the impression that you
12:46:06 18 might have had some personal knowledge or involvement of -
12:46:09 19 - -
12:46:09 20
12:46:10 21 COMMISSIONER: Sorry, Mr Holt, what date are we looking at
12:46:12 22 here?
12:46:13 23
12:46:13 24 MR HOLT: 25 November 2008, Commissioner.
12:46:15 25
12:46:15 26 COMMISSIONER: Yes, right.
12:46:16 27
12:46:17 28 MR HOLT: Which starts, "Petra steering committee".
12:46:19 29
12:46:19 30 COMMISSIONER: Yes.
12:46:19 31
12:46:19 32 MR HOLT: That the suggestion may have been, may have
12:46:22 33 implied that you may have had some personal knowledge of
12:46:25 34 whichever committee meeting or the basis of that entry was.
12:46:30 35 Is the source management log entry in fact a summary as it
12:46:34 36 normally is, as we've learnt from you, a summary of what's
12:46:38 37 in the ICRs?---It's a combination of a summary of ICRs and
12:46:45 38 updates from other areas. So you'll see the second column
12:46:50 39 from the left.
12:46:51 40
12:46:51 41 Yes?---Is headed "contact and manage", that's basically the
12:46:59 42 C is the information that comes from contact reports and M
12:47:04 43 are management entries that come from all sorts of sources,
12:47:08 44 it might be investigators, it might be managers, there
12:47:10 45 might be brief papers, et cetera.
12:47:11 46
12:47:11 47 Of course. Sometimes, in fact often as we've seen, the

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12:47:15 1 basis for those management entries in fact also appears
12:47:19 2 handily in the ICRs themselves?---Yes.
12:47:20 3
12:47:21 4 And in fact if I can tell you, and we can provide you with
12:47:27 5 a copy of it, your diary for this date is otherwise
12:47:31 6 redacted for relevance and the reason for that is it
12:47:34 7 demonstrates that you were out of Melbourne and has no
12:47:37 8 references relevant to 3838 or to Petra in it. If we then
12:47:44 9 go to the same date in the ICRs in folder 1 of one, that's
12:47:50 10 the 2958 ICRs and hard copy p.714. Do you see that's a
12:48:23 11 page with - - -
12:48:26 12
12:48:26 13 COMMISSIONER: Sorry, Mr Holt, what page was that?
12:48:28 14
12:48:30 15 MR HOLT: 714 of the hard copy volume, Commissioner. That
12:48:32 16 has the date 25 November 2008, so the same date on the
12:48:35 17 left-hand column, do you see that?---Yes, I do.
12:48:38 18
12:48:38 19 At 13:10, so 1.10 pm, we can see there an entry under the
12:48:44 20 heading underlined "Op Petra", do you see that?---Yes.
12:48:47 21
12:48:49 22 If we go just above that to the 13:10 entry we can see that
12:48:54 23 that's based on a discussion had between the controller and
12:48:57 24 Detective Senior Sergeant O'Connell of Operation Petra.
12:49:10 25 Are you on the right page?---I'm on the right page. That's
12:49:14 26 actually I think a conversation between the handler,
12:49:17 27 Mr Smith.
12:49:17 28
12:49:18 29 Yes, and DSS O'Connell?---Yes.
12:49:21 30
12:49:22 31 And so again this is what we might call a management entry
12:49:25 32 in effect because it's not coming from the source?---Yes.
12:49:28 33
12:49:28 34 And we can see there under Op Petra there's an irrelevant
12:49:32 35 part initially and then it says, "Persons on steering
12:49:35 36 committee reported to by DDI Smith are", then the four
12:49:39 37 names are there as I read them before and it says,
12:49:41 38 "Therefore assume all three know identity of HS2958", do
12:49:46 39 you see that?---Yes.
12:49:47 40
12:49:47 41 Given what I've just shown you, would you agree that entry
12:49:50 42 in the ICR is the basis for the entry we then see in the
12:49:55 43 SML?---I think that's safe to say especially if there's
12:50:00 44 nothing in my diary.
12:50:00 45
12:50:01 46 All right. In that case, understandably the SML contains a
12:50:06 47 kind of truncated version but the accurate version would be

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12:50:09 1 that which is in the ICR which notes an assumption that all
12:50:11 2 three knew the identity of HS2958?---Yes.
12:50:15 3
12:50:16 4 Thank you, Commissioner, that's the only question.
12:50:18 5
12:50:18 6 COMMISSIONER: Thank you. Now we're to hear from
12:50:21 7 Ms Gobbo's counsel. Yes Mr Collinson, that's you.
12:50:24 8
9 <CROSS-EXAMINED BY MR COLLINSON:
10
12:50:25 11 If the Commissioner pleases. Mr White, my name's Collinson
12:50:32 12 and I think as you've just heard I'm one of the counsel for
12:50:35 13 Ms Gobbo?---Yes Mr Collinson.
12:50:38 14
12:50:39 15 I think we all think you've been very patient, Mr White,
12:50:43 16 for the last couple of weeks and I'm sorry to have to take
12:50:47 17 up some of your time going over these matters from a
12:50:51 18 slightly different perspective?---Thank you.
12:50:54 19
12:50:55 20 Most of my questions, Mr White, revolve around the informer
12:51:03 21 contact reports. My understanding from your answers is
12:51:06 22 that you've got a hard copy of that document, don't
12:51:10 23 you?---Yes, I do.
12:51:11 24
12:51:13 25 Now, the way I'm going to structure this is I'm going to
12:51:19 26 put to you some general propositions for your consideration
12:51:24 27 about the handling of Ms Gobbo and then I'm going to go
12:51:29 28 into more detail to specific subject matters and I'll try
12:51:32 29 to identify what those subject matters are with some
12:51:35 30 clarity when I go to them. So starting with the general
12:51:39 31 propositions. In the course of your answers over the past
12:51:46 32 14 days you've sometimes distinguished between how you saw
12:51:54 33 events at the beginning of the relationship with Ms Gobbo
12:52:00 34 in September 2005 and how you now see them with the benefit
12:52:05 35 of hindsight. Do you recall making those references to
12:52:09 36 hindsight from time to time?---Yes.
12:52:11 37
12:52:14 38 I think I infer from your evidence, but correct me if I'm
12:52:18 39 wrong, that at least with the benefit of hindsight I think
12:52:23 40 you're of the view that the handling of Ms Gobbo as a human
12:52:30 41 source ought to have been approached differently if at
12:52:33 42 all?---Yes.
12:52:33 43
12:52:34 44 By if at all I mean on the premise that there ought to have
12:52:38 45 been a human source relationship between SDU and Ms Gobbo
12:52:43 46 which I'll come to. But if I could take you to the first
12:52:50 47 interview with Ms Gobbo on 16 September 2005. The way in

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12:53:02 1 which the discussion seems to have gone is that there were
12:53:08 2 a number of things said by Ms Gobbo by way of introduction
12:53:13 3 about the Mokbel clan, do you agree with that?---Yes.
12:53:18 4
12:53:21 5 And I think to be fair to you, at this first interview,
12:53:25 6 first of all I think it was at the very beginning, so you
12:53:28 7 didn't really know where all of this was going to head at
12:53:31 8 this stage, did you?---We had no idea where it was going.
12:53:36 9
12:53:36 10 In particular, you knew nothing about the personality of
12:53:40 11 Ms Gobbo?---That's right.
12:53:41 12
12:53:44 13 Now, you would know better than me but I would imagine that
12:53:50 14 typically when SDU or predecessor members of VicPol engaged
12:53:59 15 with a prospective human source, the role of the human
12:54:04 16 source is primarily simply passively provide information to
12:54:09 17 the police rather than be an actor, so to speak?---No. I
12:54:18 18 think it's the opposite.
12:54:20 19
12:54:20 20 Yes?---Considering my time in previous workplaces such as
12:54:24 21 the [REDACTED], the role of sources was very active in
12:54:29 22 terms of tasking and generally speaking you can have a
12:54:34 23 source that is what they colloquially call an eyes and ears
12:54:40 24 source who is doing what you suggest, being very passive
12:54:44 25 and listening to information and reporting it back and then
12:54:47 26 you have sources that are actually tasked and deployed,
12:54:50 27 which would be the majority of sources in my experience.
12:54:54 28
12:55:06 29 In any event, perhaps I won't broaden the discussion too
12:55:11 30 much about human sources generally. Focusing on Ms Gobbo,
12:55:17 31 I think it's fair to say, isn't it, that what you didn't
12:55:21 32 initially visualise were the implications of Ms Gobbo
12:55:28 33 continuing to be a legal actor in the sense of being a
12:55:33 34 barrister, at the same time as acting as a human
12:55:41 35 source?---That's definitely right.
12:55:43 36
12:55:50 37 Commissioner, I don't see why for a large part of my
12:55:56 38 questions it shouldn't be in open hearing.
12:55:58 39
12:55:59 40 COMMISSIONER: Yes.
12:55:59 41
12:55:59 42 MR COLLINSON: And I hope to tailor most of my
12:56:02 43 cross-examination to allow that to happen.
12:56:03 44
12:56:04 45 COMMISSIONER: That would be great if you could do that.
12:56:06 46 At this stage we can be in open hearing?
12:56:09 47

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12:56:10 1 MR COLLINSON: Yes.
12:56:10 2
12:56:10 3 COMMISSIONER: Can we do that without an adjournment? All
12:56:15 4 right, it will be streamed. I would ask that everybody be
12:56:18 5 very careful about using pseudonyms and try not to have
12:56:21 6 slip ups. We do have the 15 minute delay though with
12:56:26 7 streaming.
12:56:26 8
12:56:26 9 MR COLLINSON: Yes, of course.
12:56:30 10
12:56:31 11 COMMISSIONER: And the non-publication orders will remain.
12:56:33 12
12:56:34 13 MR COLLINSON: If the Commissioner pleases.
14
12:56:35 15 COMMISSIONER: When I say the non-publication, I mean the
12:56:39 16 specific non-publication orders relating to particular
12:56:42 17 individuals and identities, not generally.
18
19 MR COLLINSON: Yes.
20
21 (OPEN HEARING FOLLOWS)
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