

00:20:21 1 [REDACTED] [REDACTED]  
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00:20:22 3 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
00:20:25 4 [REDACTED]  
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00:20:32 6 [REDACTED] [REDACTED]  
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00:20:47 8 [REDACTED] [REDACTED]  
00:20:49 9 [REDACTED]  
10  
00:20:51 11 Thank you. Yes, Mr Winneke.  
00:20:54 12  
00:20:54 13 <SANDY WHITE, recalled:  
14  
00:20:59 15 MR WINNEKE: Mr White, I said some time ago that I was  
00:21:01 16 going to ask you some questions about your background. I'm  
00:21:04 17 not going to go into a great deal of detail but I do want  
00:21:08 18 to ask you this, you had - you were in the Police Force for  
00:21:13 19 many years, I think in excess of 30 years; is that  
00:21:19 20 right?---Yes.  
21  
00:21:24 22 You resigned from the Police Force at the rank of Detective  
00:21:29 23 Acting Inspector; is that right?---Yes.  
24  
00:21:36 25 Certainly in the early years of your policing you were  
00:21:40 26 involved in criminal investigations for a good deal of that  
00:21:43 27 period; is that right?---Yes.  
28  
00:21:51 29 Those sorts of investigations concerned serious crime,  
00:21:59 30 including the investigation of drugs, offences of violence,  
00:22:05 31 correct?---Yes.  
32  
00:22:07 33 Murders?---Yes.  
34  
00:22:15 35 And you were a member of specialist organisations involved  
00:22:20 36 in the investigation of crime?---Yes.  
37  
00:22:23 38 When I say organisations, specialist units within the  
00:22:26 39 Police Force involved in the investigation of  
00:22:27 40 crime?---That's right.  
41  
00:22:33 42 At one stage in your career you were involved in training  
00:22:42 43 other detectives in legal matters; is that right?---Yes.  
44  
00:22:51 45 You did that for a number of years, somewhere around four  
00:22:55 46 years; is that right?---Yes.  
47

00:22:57 1 Was that a full-time position?---Yes, it was.  
2  
00:23:04 3 So effectively for a period of four years your job involved  
00:23:10 4 training other detectives in matters concerning the law and  
00:23:17 5 the law's intersection with the obligations of police  
00:23:20 6 officers?---Yes.  
7  
00:23:27 8 Without going into a great deal of detail about that  
00:23:31 9 training, I take it that it involved you having a general  
00:23:40 10 understanding of the criminal process?---Yes.  
11  
00:23:44 12 The investigative process?---Yes.  
13  
00:23:46 14 And the stage where investigations lead to charging  
00:23:51 15 criminals?---Yes.  
16  
00:23:55 17 Or accused criminals. And tat he stage where accused  
00:24:02 18 criminals are brought before courts?---Yes.  
19  
00:24:11 20 Preparation of briefs?---Yes.  
21  
00:24:13 22 I take it you would have taught detectives of matters  
00:24:19 23 concerning evidence?---Yes.  
24  
00:24:24 25 The importance of ensuring that evidence is  
00:24:27 26 admissible?---Yes.  
27  
00:24:30 28 The importance of ensuring that detectives who were putting  
00:24:37 29 together briefs of evidence relied upon lawfully gathered  
00:24:43 30 evidence?---Yes.  
31  
00:24:47 32 Ensuring that police officers understood their obligations  
00:24:55 33 to act in accordance with the law?---Generally, yes.  
34  
00:25:03 35 When you say generally, what do you mean by generally, is  
00:25:06 36 that a qualification?---No, it's a big topic.  
37  
00:25:09 38 Yes, all right. Areas which were relevant to detectives.  
00:25:13 39 I'm not suggesting that you would have taught detailed laws  
00:25:18 40 concerning evidence but certainly law, or the position with  
00:25:22 41 respect to police officers ensuring that only lawfully  
00:25:31 42 obtained evidence was put before courts?---That's right.  
43  
00:25:35 44 Did you teach other detectives about their obligations to  
00:25:41 45 disclose material that may be relevant to a person's  
00:25:48 46 defence, albeit not material that was going to be relied  
00:25:52 47 upon by prosecutors in the prosecution of criminals or

00:25:57 1 alleged criminals?---I didn't specifically teach in  
00:26:01 2 relation to disclosure but certainly would have covered the  
00:26:04 3 topic of ensuring that exculpatory material was presented  
00:26:09 4 to a court.  
5  
00:26:11 6 Exculpatory material was presented to a court, but what  
00:26:15 7 about provided to accused persons?---I'm sorry, I don't  
00:26:25 8 understand the question.  
9  
00:26:26 10 Well, do you understand that there may be material which is  
00:26:30 11 relevant and which the prosecution would seek to rely upon  
00:26:34 12 as evidence of guilt, that there might be other material  
00:26:39 13 which isn't part of a hand-up brief but which may be  
00:26:42 14 important to disclose because it may give accused persons  
00:26:45 15 an inkling of evidence that might or materials that might  
00:26:49 16 give them a potential defence, did you understand that?---I  
00:26:56 17 understand what you're saying but I don't - I can't tell  
00:27:00 18 you that I specifically instructed students in relation to  
00:27:03 19 that specific type of scenario. I certainly did instruct  
00:27:11 20 students in relation to certain covert methodologies and  
00:27:16 21 claiming of public interest immunity.  
22  
00:27:18 23 Yes. You might not have instructed it but as a detective  
00:27:25 24 would you have been aware of that obligation?---Are you  
00:27:29 25 talking about the matters of relevance being presented to  
00:27:38 26 the court, is that - - -  
27  
00:27:39 28 No, no - - - ?---I'm not quite certain of your question.  
29  
00:27:43 30 All right. Look, do you understand that there is an  
00:27:45 31 obligation of disclosure that is upon police officers to  
00:27:54 32 disclose to persons who are accused of offences all  
00:27:59 33 materials that may be relevant to them even though they're  
00:28:08 34 not materials which are part of the brief of evidence?---I  
00:28:14 35 do. If you're talking about exculpatory matters, I do.  
36  
00:28:18 37 Yes?---If you're talking about relevance, yes, I do.  
38  
00:28:21 39 So matters that might be exculpatory - even though they're  
00:28:25 40 not relied upon - you would understand there's an  
00:28:28 41 obligation to disclose those matters?---Yes.  
42  
00:28:31 43 And that's something that you were certainly aware of at  
00:28:35 44 the time that you were training detectives?---Yes.  
45  
00:28:40 46 And it's something that one assumes all investigators and  
00:28:48 47 people who, police officers who bring matters to court

00:28:51 1 should be aware of, you'd agree with that proposition I  
00:28:54 2 take it?---Yes.  
3  
00:28:59 4 MR CHETTLE: Commissioner, I hesitate to interrupt but  
00:29:01 5 there's been a new lawyer entered the room and I assume  
00:29:06 6 that we need some undertakings from that lawyer as well.  
00:29:08 7  
00:29:09 8 MS DWYER: I can assist. It's my instructor and I'll  
00:29:12 9 advise him of the undertaking and that it extends to him.  
10  
00:29:17 11 COMMISSIONER: The undertaking is to you.  
00:29:22 12  
00:29:22 13 VOICE (from body of court): I can also take the  
00:29:23 14 undertaking.  
15  
00:29:27 16 COMMISSIONER: Right. I see.  
17  
18 MS DWYER: I will advise him when I get a chance to.  
19  
00:29:27 20 COMMISSIONER: We still don't have Ms Clark, she's not  
00:29:29 21 here? No, all right. Thank you.  
22  
00:29:40 23 MR WINNEKE: There are fairly fundamental obligations that  
00:29:43 24 all police officers, younger police officers and older  
00:29:47 25 police officers would be aware of, that's the right to  
00:29:50 26 silence, you're aware of that?---Yes.  
27  
00:29:52 28 That's something that you would have trained detectives  
00:29:54 29 about?---Yes.  
30  
00:29:58 31 Indeed, one assumes that even before you get to Detective  
00:30:03 32 Training School police officers would be aware of their  
00:30:04 33 obligation to inform someone who's a suspect of their right  
00:30:07 34 to silence, not to say anything?---Yes.  
35  
00:30:10 36 I take it you would have been aware of a person's right to  
00:30:19 37 speak to a lawyer?---Yes.  
38  
00:30:20 39 And that right would be a right to speak to an independent  
00:30:26 40 lawyer?---Yes.  
41  
00:30:33 42 You understand that there is a criminal trial process that  
00:30:36 43 we have in this State, I take it? You're aware of the  
00:30:43 44 general nature of the criminal trial process?---Yes, I am.  
45  
00:30:48 46 And that criminal trial process in effect involves an  
00:30:53 47 adversary process where you have prosecutors?---Yes.

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And the obligation of the prosecutor is to use all lawful measures to present the evidence, relevant evidence, with a view to proving a case beyond reasonable doubt against a person who's charged with a criminal offence?---Yes.

And you understand that a person who is charged with a criminal offence is entitled to a legal practitioner who is independent, would you accept that, that you would have been aware of that when you were training detectives?---Yes.

And when I say independent, a person - a legal practitioner who is independent of the police and the prosecution, you would have been aware of that?---Yes.

Would you understand that when you were training detectives that a person's legal practitioner, an accused person's legal practitioner, has an obligation to act in the best interests of their client?---Yes.

To use all available measures, lawful available measures, to give their client the best possible chance of acquittal of any charges that have been laid?---I'm not sure that that is always going to be the best advice to the client.

It may be on some occasions that the best advice to a client provided by an independent legal practitioner, bearing in mind the evidence that's available to the prosecution, might be to plead guilty, that's what you're suggesting, is it, on some occasions?---On some occasions.

But that's a question for, you would agree, the independent legal practitioner to discuss with their client and their client alone and to discuss with them and weigh up the evidence and so forth, you accept that?---Yes, I do.

Indeed, I suppose I could put a hypothetical situation, a hypothetical only. If at some stage you were charged with a criminal offence, a serious criminal offence which may be serious enough to involve your incarceration, one assumes that you would attend upon a legal practitioner, would you not?---I would attend upon a practitioner, sorry, is that what you said?

Yes, a sensible thing - - - ?---I would - - -

00:33:56 1 If you were charged with a criminal offence it would be a  
00:33:59 2 sensible thing for you to do to attend upon a legal  
00:34:01 3 practitioner, one assumes, a solicitor?---To get myself a  
00:34:06 4 legal practitioner, yes.  
5  
00:34:07 6 Yes?---Yes.  
7  
00:34:13 8 It may be the case that the legal practitioner, the  
00:34:16 9 solicitor, might engage a barrister, that might  
00:34:19 10 hypothetically be something that you would do, wouldn't  
00:34:22 11 it?---Yes.  
12  
00:34:23 13 And you would expect that your barrister, if they were  
00:34:25 14 acting for you hypothetically, would be acting in your best  
00:34:29 15 interests, wouldn't you?---Yes.  
16  
00:34:32 17 And that's something that you would have been aware of when  
00:34:35 18 you were training detectives?---Yes.  
19  
00:34:39 20 You would be horrified to think that the barrister that you  
00:34:42 21 had engaged was secretly working against your interests  
00:34:48 22 with the very people who had charged you, to seek to have  
00:34:51 23 you put behind bars, wouldn't you?---I would not be happy,  
00:34:54 24 yes.  
25  
00:34:56 26 Indeed, if you were aware that that was occurring you would  
00:35:03 27 be very unhappy if that barrister was doing it secretly  
00:35:06 28 behind your back, wouldn't you?---Yes.  
29  
00:35:10 30 And you would regard that conduct on the part of that  
00:35:13 31 barrister as being most unethical?---Yes.  
32  
00:35:18 33 If not tantamount to the commission of an offence, such as  
00:35:26 34 perverting the course of justice?---Is the question do I  
00:35:32 35 think a person in that position would be committing a  
00:35:35 36 perversion of the course of justice?  
37  
00:35:38 38 Do you think if they were secretly operating behind your  
00:35:40 39 back when you had engaged them to act in your interests,  
00:35:43 40 operating behind your back with those who were seeking to  
00:35:47 41 put you behind bars, would you regard that as potentially  
00:35:50 42 the commission of a serious criminal offence?---Yes, the  
00:35:57 43 possibility, yes.  
44  
00:36:01 45 If that information was withheld from you deliberately,  
00:36:05 46 that would be something that you would be outraged by,  
00:36:09 47 wouldn't it?---Yes.

1  
00:36:18 2 These are all matters - these matters are fundamental  
00:36:23 3 matters, aren't they, that police officers know  
00:36:25 4 about?---Yes.  
5  
00:36:32 6 These are matters that you would hope that every police  
00:36:36 7 officer would know about?---Yes.  
8  
00:36:42 9 These are matters that you knew about when you were  
00:36:45 10 training detectives, correct?---Well I think the example  
00:36:50 11 that you're talking about in relation to a perversion of  
00:36:53 12 the course of justice, I don't think we ever went into that  
00:36:56 13 sort of detail at Detective Training School.  
14  
00:36:59 15 If a detective who you were training, or indeed a detective  
00:37:04 16 who was under you, at one stage came to you and said,  
00:37:08 17 "Look, Joe Blow, a crook that we've charged, has been  
00:37:14 18 offered the opportunity to see a lawyer and what I did was  
00:37:20 19 to sit just outside the door and I heard what was said and  
00:37:25 20 I'm going to tell you this, we've got an opportunity to fix  
00:37:28 21 up the case that we've got", what would you say to that  
00:37:33 22 detective?---I would say he did the wrong thing.  
23  
00:37:40 24 Yes. Would you do any more than that?---Well, we - it's  
00:37:48 25 quite a - you're lacking a lot of detail in your scenario.  
26  
00:37:54 27 Well it's a simple scenario. If a young police officer in  
00:37:59 28 effect came to you and said, "Look, I've managed to listen  
00:38:02 29 and deliberately overhear something that a lawyer told to  
00:38:05 30 his client and we might be able to use it", you'd be pretty  
00:38:09 31 annoyed with that police officer, wouldn't you?---I've  
00:38:11 32 already told you I would tell him it's the wrong thing.  
33  
00:38:14 34 Why would you say that?---Because it is the wrong thing.  
35  
00:38:18 36 Why is that?---We wouldn't be seeking to use that  
00:38:21 37 information that he's got in a manner that's wrong.  
38  
00:38:27 39 Why would it be wrong?---I think we've already discussed  
00:38:32 40 that, Mr Winneke. I've already agreed to your proposition.  
41  
00:38:35 42 Yeah, all right. It would be legally wrong, correct?---I'm  
00:38:47 43 not sure what the offence would be.  
44  
00:38:50 45 Do you think it would be ethically wrong?---Yes, it would  
00:38:54 46 be ethically wrong.  
47

00:38:56 1 Do you think it would be depriving the person a right to  
00:38:58 2 speak to their lawyer and to exercise their right to speak  
00:39:04 3 to a lawyer in private?---Are we still talking about the  
00:39:08 4 scenario of the detective outside the door?  
5  
00:39:10 6 Yes?---Is that depriving the right of the, if you like the  
00:39:18 7 accused, the right to independent legal counsel?  
8  
00:39:31 9 Yes?---Is that the question?  
10  
00:39:36 11 Yes?---If that information that the policeman has is used  
00:39:37 12 to undermine that counsel, I would agree with you.  
13  
00:39:41 14 It would also be depriving them of their right to silence I  
00:39:43 15 assume?---If it was acted upon, yes.  
16  
00:39:45 17 You would say that so long as it wasn't acted upon it would  
00:39:51 18 be okay to sit and listen outside the door?---No, but I've  
00:39:53 19 already answered your question in relation to that and said  
00:39:56 20 that was wrong. Now we're looking at the second part of  
00:39:59 21 it. So he's heard it, he shouldn't have heard it, and then  
00:40:01 22 the issue is has he acted on it? And he shouldn't act on  
00:40:04 23 it.  
24  
00:40:06 25 Yes. Even if it's not used it's wrong and certainly  
00:40:06 26 shouldn't be acted upon, you agree with both of those  
00:40:08 27 propositions?---Yes, I do.  
28  
00:40:26 29 At various stages in your career you worked in the - at a  
00:40:35 30 stage in your career you worked within the Major Drug  
00:40:39 31 Investigation Division; is that right?---Yes.  
32  
00:40:44 33 During the period that you worked in that division did you  
00:40:47 34 come across Nicola Gobbo?---No.  
35  
00:40:53 36 Did you interact with her at all?---No.  
37  
00:40:57 38 Did you know her at all?---Yes.  
39  
00:41:03 40 You were never the informant in a matter in which she was a  
00:41:07 41 defence barrister?---No.  
42  
00:41:11 43 Did you know that she acted for a number of people who your  
00:41:18 44 colleagues had charged with criminal offences in the time  
00:41:21 45 that you were in the Major Drug Investigation  
00:41:24 46 Division?---Yes.  
47



00:41:29 1 Are you able to recall any colleagues who interacted with  
00:41:31 2 her or who charged people that she defended?---No.  
3  
00:41:37 4 Are you able to tell the Commission the names of detectives  
00:41:43 5 with whom you worked in the Major Drug Investigation  
00:41:48 6 Division?---No.  
7  
00:41:50 8 You don't remember or you're not prepared to say?---No,  
00:41:54 9 you're asking at the time I was at the drug MDID?  
10  
00:41:59 11 Yes?---Did I know of any cases that she was involved in  
00:42:03 12 that some of my colleagues were involved in?  
13  
00:42:06 14 Yeah, okay. So what you say is you didn't know any - you  
00:42:11 15 can't recall any detectives who charged her clients; is  
00:42:15 16 that right?---No, sir.  
17  
00:42:15 18 Okay. What was her reputation, do you recall, as a  
00:42:24 19 barrister at that time?---I think she had a reputation of  
00:42:31 20 being quite an aggressive barrister that involved herself  
00:42:34 21 in quite a lot of bail applications.  
22  
00:42:46 23 Is that a reputation that you got from speaking to  
00:42:49 24 detectives at the time or is it something that you just  
00:42:52 25 gleaned?---No, that's my recollection of her reputation at  
00:42:56 26 the time.  
27  
00:42:58 28 Did you ever speak to any detectives about Nicola  
00:43:01 29 Gobbo?---Not that I recall.  
30  
00:43:05 31 Were you aware of any associations that she had with  
00:43:10 32 members of Victoria Police, whether it be MDID or  
00:43:14 33 otherwise?---No.  
34  
00:43:31 35 Who did you serve with in the MDID?---It had a staff of  
00:43:38 36 over 70 people.  
37  
00:43:42 38 Firstly, who was in your crew? Were you the head of a crew  
00:43:45 39 or were you in someone else's crew?---At the beginning I  
00:43:53 40 wasn't the head of any crew. I was working in the  
00:43:57 41 compliance policy and administration unit.  
42  
00:43:58 43 Right?---And then after some time I was moved to run the -  
00:44:06 44 what was referred to as The Herald team, teams. It was a  
00:44:11 45 number of teams.  
46  
00:44:12 47 Who were the detectives in that team or those teams?---Oh,

00:44:19 1 would you like me to nominate the ones I can remember?  
2  
00:44:26 3 Yes?---One of the Sergeants was a guy called Doug Fryer.  
4  
00:44:34 5 Yes?---Another one for a period was a fellow called Wayne  
00:44:38 6 Cheesman. Another Sergeant was a fellow called Paul  
00:44:43 7 Stuart. There was another one called Mick Bade, was  
00:44:57 8 another one of the sergeants.  
9  
00:44:59 10 Right?---How many have I given you? I think that's five.  
11  
00:45:02 12 Yep. What about detectives?---There was a fellow called  
00:45:09 13 Andrew Thwaights.  
14  
00:45:20 15 Did you work with Paul Dale?---No, he was in the  
00:45:26 16 clandestine lab unit.  
17  
00:45:28 18 Right. There's been evidence that you attended a social  
00:45:33 19 event with he and his wife who was having a birthday  
00:45:39 20 somewhere around I think the latter part of September in  
00:45:44 21 2003 or early October, do you recall that?---No.  
22  
00:45:51 23 Do you recall Mr Dale, working with Mr Dale?---No, I don't  
00:45:59 24 recall working with Mr Dale. As I said, he was in the  
00:46:04 25 other unit. He really came to my attention on the night of  
00:46:07 26 the Dublin Street, Oakleigh burglary.  
27  
00:46:12 28 Right. He came to your attention on that night; is that  
00:46:20 29 right?---To the best of my memory. It was either that  
00:46:22 30 night or the next day. I mean I knew of Dale, he was a  
00:46:26 31 Sergeant, as I say, in one of the other teams.  
32  
00:46:28 33 Right?---But in terms of working with him, I didn't work  
00:46:32 34 directly with him but he obviously came to prominence as a  
00:46:36 35 consequence of that burglary.  
36  
00:46:37 37 Yes, all right. You certainly have no recollection. I  
00:46:42 38 think the evidence was there were drinks after statements  
00:46:46 39 had been made to the ESD I think on or about 2 October 2003  
00:46:56 40 and drinks were had at the casino. You say you don't  
00:46:59 41 recall going there?---No, I think - no, I don't say I don't  
00:47:07 42 recall going there. I don't recall going out with his wife  
00:47:10 43 for her birthday. But I do recall after that Dublin Street  
00:47:13 44 event I did go out with the detectives from MDID that had  
00:47:18 45 been involved in that event and it was basically a morale  
00:47:23 46 sort of a booster if you like. I'm pretty sure Paul Dale  
00:47:29 47 was there.

1  
00:47:29 2 Do you recall how many people were there?---Oh, no, I would  
00:47:33 3 just be guessing.  
4  
00:47:34 5 It was a morale booster, was it?---Yes, it was.  
6  
00:47:38 7 In what way?---Oh, it was a devastating event for everybody  
00:47:49 8 at the MDID to find out that one of our own detectives had  
00:47:55 9 been caught trying to rob a drug safe house and some of the  
00:48:04 10 members there, the junior members, were very distressed  
00:48:06 11 about it.  
12  
00:48:10 13 In any event that was Mr Miehchel, correct?---Yes, it was.  
14  
00:48:18 15 That event and a number of other events which had occurred  
00:48:21 16 prior to that relating I think to detectives such as  
00:48:27 17 Rosenes, Paton, Strawhorn and so forth, led to a major  
00:48:36 18 change in the Drug Squad, you're aware of that?---Yes.  
19  
00:48:40 20 And indeed it led, in effect, to the new MDID which you  
00:48:49 21 became a part of. Were you a member of the Drug Squad  
00:48:51 22 before the MDID came into being?---I was a member of the  
00:48:56 23 Drug Squad in the mid-80s as a Detective Senior Constable.  
24  
00:49:02 25 Yes?---This was well and truly - - -  
26  
00:49:05 27 Sorry, go on?---I was never at the Drug Squad during the  
00:49:11 28 time of Paton and Rosenes and those other fellows.  
29  
00:49:17 30 You went back when it was the MDID; is that right?---That's  
00:49:20 31 right.  
32  
00:49:26 33 Did you socialise with Paul Dale other than that night that  
00:49:29 34 we've referred to already?---No.  
35  
00:49:34 36 And you don't believe that you went to any other party at  
00:49:39 37 which he attended?---No.  
38  
00:49:41 39 Do you believe that you ever went to any social function  
00:49:45 40 where Ms Gobbo attended?---No.  
41  
00:49:55 42 Who was in charge, who was your boss, if you like, at the  
00:49:59 43 MDID in, say, [REDACTED]?---There were three Detective  
00:50:11 44 Inspectors there. There was Paul Newman, Tom Sawyer and  
00:50:19 45 Robert Hill.  
46  
00:50:21 47 Yes?---And the Superintendent in charge of the entire

00:50:27 1 division or unit was Tony Biggin.  
2  
00:50:31 3 You've maintained, or at least you did at that stage and  
00:50:35 4 subsequently, a reasonably close professional relationship  
00:50:39 5 with Mr Biggin; is that right?---A professional  
00:50:42 6 relationship, yes.  
7  
00:50:46 8 Indeed, he ultimately, I take it, recommended you to be  
00:50:52 9 involved in the development of the trial, if you like, to  
00:50:56 10 get the Dedicated Source Unit up and running; is that  
00:51:01 11 right?---That's right.  
12  
00:51:08 13 In your time within the Drug Squad you say that you had a  
00:51:12 14 considerable involvement in the use of MDID informers is  
00:51:22 15 that right, or human sources?---Are we talking - well, it  
00:51:26 16 means the same, the Drug Squad or the MDID.  
17  
00:51:31 18 Yes?---In both instances I had a lot of experience with  
00:51:35 19 human sources, yes.  
20  
00:51:36 21 Indeed, you say that throughout your career you have  
00:51:39 22 appreciated the value of informers, human sources?---Yes,  
00:51:45 23 yes.  
24  
00:51:45 25 And you say that you also appreciate the inherent risks of  
00:51:50 26 using human sources?---Yes.  
27  
00:51:54 28 You say that in your days as a Constable you were highly  
00:51:58 29 motivated to become an investigator, you were crime  
00:52:02 30 orientated and you received training from the likes of Ron  
00:52:05 31 Iddles and Tom Sawyer who you've just mentioned?---Yes.  
32  
00:52:09 33 Both of those people in effect became your  
00:52:12 34 mentors?---That's right.  
35  
00:52:16 36 Did they continue to be your mentor throughout your time in  
00:52:23 37 the, was it the Drug Squad and the SDU later?---Well when  
00:52:31 38 does a person stop becoming a mentor? Obviously they were  
00:52:37 39 two sergeants that even when I was in uniform branch were  
00:52:42 40 my supervisors and they've continued to be supervisors at  
00:52:47 41 different roles throughout my career. They stopped  
00:52:49 42 supervising me probably at the rank of - the last time  
00:52:56 43 either of those fellows, it would have been at Major Drug  
00:53:00 44 Investigation Division when Tom Sawyer was one of the  
00:53:02 45 Detective Inspectors.  
46  
00:53:05 47 You were involved in the review of informer management

00:53:08 1 practices within the Crime Department during the late 90s.  
00:53:11 2 What was the review that you conducted then?---It was - I  
00:53:22 3 think it was aimed or, if you like, run under the auspices  
00:53:30 4 of the Crime Department. I think it was only applicable to  
00:53:34 5 the Crime Department and Jack Blayney, and I can't remember  
00:53:40 6 his rank at that time.  
7  
00:53:42 8 Yes?---But I get - - -  
9  
00:53:44 10 Sorry, go on. Sorry for interrupting?---He was the leader  
00:53:48 11 of the project and another fellow called [REDACTED].  
12  
00:53:53 13 Just before you say that I think he's referred to as  
00:53:56 14 Officer Cruze for the purposes of this exercise, am I right  
00:54:00 15 about that? Officer Cruze is - if you have a look at  
00:54:08 16 paragraph 11 of your statement. Have you got a - - - ?---I  
00:54:17 17 don't have the older version of the statement.  
18  
00:54:20 19 All right then. You can take it from me that Jack Blayney  
00:54:23 20 was the Superintendent, and there was an officer Cruze who  
00:54:27 21 was the Detective Senior Sergeant, they were also involved  
00:54:29 22 in the project?---Yes.  
23  
00:54:32 24 Commissioner, if the name has got out, or I don't know  
00:54:37 25 whether it's found it's way on to the transcript, it ought  
00:54:41 26 not get out I believe.  
27  
00:54:46 28 COMMISSIONER: It's not streaming.  
29  
00:54:50 30 MR WINNEKE: Okay.  
31  
00:54:50 32 COMMISSIONER: We're in private hearing.  
33  
00:54:58 34 MR WINNEKE: The three of you were selected because you had  
00:55:03 35 extensive informer management experience; is that  
00:55:05 36 right?---That's right.  
37  
00:55:06 38 Mainly through your careers respectively in the [REDACTED]  
00:55:11 39 and the [REDACTED]?---That's right.  
40  
00:55:15 41 And there were various recommendations, greater  
00:55:17 42 accountability for detectives in their contacts with human  
00:55:22 43 sources and there were algorithms, et cetera, which were  
00:55:29 44 created. That was the suggestion to identify; is that  
00:55:32 45 right?---That's right.  
46  
00:55:35 47 You would say that as far as your experience is concerned

00:55:41 1 with respect to informers, there would be only probably the  
00:55:45 2 five per cent of people within the whole of Victoria Police  
00:55:49 3 who might have had more experience than you?---At that  
00:55:55 4 time, yes. Well, sorry, can I rephrase that?  
5  
00:55:59 6 Yes?---At the time of my resignation I think that would  
00:56:05 7 have been correct.  
8  
00:56:12 9 So you would say that you were very experienced in the  
00:56:14 10 management of human sources?---Yes.  
11  
00:56:19 12 And indeed you'd say that, I think you say that in terms of  
00:56:24 13 the Drug Squad, MDID, at least 80 per cent of  
00:56:30 14 investigations are driven by sources?---At that time, yes.  
15  
00:56:35 16 Do you think it's less now?---I really don't know,  
00:56:40 17 Mr Winneke.  
18  
00:56:41 19 Okay, all right. Do you think it's because of your great  
00:56:48 20 experience that you became involved in the development of  
00:56:51 21 the SDU?---Well you'd have to ask Mr Biggin that question  
00:57:01 22 but I would presume that was a consideration for him.  
23  
00:57:07 24 You say in your statement that in July of 2003 then  
00:57:12 25 Assistant Commissioner of Crime Simon Overland proposed a  
00:57:19 26 commissioning statement to Tony Biggin who was then the  
00:57:21 27 officer-in-charge of the MDID to initiate a project to  
00:57:25 28 review the situation with respect to informers or human  
00:57:29 29 sources?---Yes.  
30  
00:57:32 31 Do you have an understanding of why that came  
00:57:34 32 about?---Well, I have a general understanding. I'm just  
00:57:49 33 trying to recall some dates but clearly the Hodson event  
00:57:55 34 had happened, as in - - -  
35  
00:57:57 36 Because the Hodson event occurred on 16 May 2004. Clearly  
00:58:01 37 there were a number of corruption issues in respect of the  
00:58:06 38 Drug Squad which resulted in Mr Purton's report, do you  
00:58:09 39 remember that? Did you have a - - - ?---I do.  
40  
00:58:12 41 Do you remember a Task Force Ceja?---Yes, I do.  
42  
00:58:16 43 Do you know that Mr De Santo was an investigator who was  
00:58:21 44 involved in Task Force Ceja?---Yes, I do.  
45  
00:58:28 46 Did you know that Mr De Santo on occasions spoke to  
00:58:31 47 Ms Gobbo and received information from her?---No, I didn't.

00:58:38 1  
2 You've never heard that?---I may have been told that in the  
3 last week but, no, prior to that I hadn't heard it.  
4  
00:59:03 5 You obviously were aware that ESD was involved in  
00:59:03 6 investigating corrupt, allegedly corrupt police officers in  
00:59:03 7 around that time, in 2001, 2002, 2003?---Yes, I was. There  
00:59:10 8 was a whole host of events that had happened in the Drug  
00:59:15 9 Squad that could be connected to the use of informers.  
00:59:17 10  
00:59:17 11 And indeed, subsequent to the commissioning the person  
00:59:26 12 Terry Hodson who was an informer, it seems there is  
00:59:31 13 evidence of that, he and his wife were brutally murdered  
00:59:35 14 and you know about that because you've mentioned  
00:59:38 15 that?---Yes.  
00:59:39 16  
00:59:39 17 That led to a perception that it was appropriate to carry  
00:59:43 18 out a review, at least the corruption with respect to  
00:59:47 19 police officers?---Yes.  
00:59:49 20  
00:59:51 21 You were tasked to undertake, or at least to be involved in  
00:59:57 22 that process, is that right?---That's right.  
01:00:00 23  
01:00:01 24 When were you initially tasked to engage in that process or  
01:00:07 25 to carry out work in that process?---I'd have to have a  
01:00:12 26 look at my diary and the dates of the commissioning  
01:00:17 27 statement and the dates of the, when we actually started  
01:00:22 28 the project, started to consult with people.  
01:00:25 29  
01:00:25 30 You don't have your diary because that can't be found, but  
01:00:28 31 the commissioning statement from Simon Overland was on 27  
01:00:31 32 July 2003 and then you prepared a report entitled Review  
01:00:41 33 and Develop Best Practice Human Source Management Police in  
01:00:41 34 about, or in October, sorry, in 2004. So does that assist  
01:00:49 35 you in recollecting when it was?---Well, it must have been  
01:00:54 36 subsequent to the commissioning statement from Mr Overland.  
01:00:58 37  
01:00:58 38 How long were you involved in that project leading up to  
01:01:02 39 the development of that paper?---I would only be guessing.  
01:01:11 40 We spent, we could have spent easily six months consulting  
01:01:16 41 with a whole range of people about their views of how  
01:01:21 42 Victoria Police managed sources.  
01:01:23 43  
01:01:24 44 When you say we, who's we?---Well myself and Tony Biggin,  
01:01:33 45 although in terms of actually doing the sit down  
01:01:36 46 consultations I did the majority of those.  
01:01:38 47

01:01:39 1 Effectively it was you and Tony who prepared that review  
01:01:43 2 report, is that right?---Yes.  
01:01:45 3  
01:01:45 4 And I assume you did the leg work and he signed off on it,  
01:01:48 5 would that be fair to say?---It would, but he was a  
01:01:53 6 substantial contributor.  
01:01:55 7  
01:01:56 8 It took a fair bit of time, you say somewhere in the region  
01:01:59 9 of six months?---I am guessing there, it could have been  
01:02:04 10 longer.  
01:02:04 11  
01:02:04 12 You spoke to a lot of individuals who possessed extensive  
01:02:09 13 human source experience did you say?---Yes.  
01:02:14 14  
01:02:15 15 Did you speak to police officers?---They were definitely  
01:02:20 16 police officers. The vast majority were police officers.  
01:02:26 17 Through my time at [REDACTED], particularly one of  
01:02:34 18 my roles was to assess what we were then calling informers  
01:02:40 19 as to [REDACTED]. As a  
01:02:45 20 consequence of that, and I was there for quite a number of  
01:02:49 21 years, I got to know who were the investigators that were  
01:02:54 22 regularly dealing with informers and so they were, if you  
01:02:59 23 like, the main source of the people that I consulted.  
01:03:02 24  
01:03:02 25 Yep. Because you knew these people you would go and speak  
01:03:09 26 to them and you interviewed them?---That's right.  
01:03:11 27  
01:03:12 28 You carried out one-on-one interviews and you say over 130  
01:03:17 29 individuals?---Yes.  
01:03:18 30  
01:03:18 31 Were they mainly Victorian police officers?---They were,  
01:03:21 32 but I don't think - they definitely mainly were but I did  
01:03:26 33 think we did have some interstate input. I just can't  
01:03:31 34 recall exactly how that worked.  
01:03:32 35  
01:03:33 36 You attended the first Australasian human source working  
01:03:36 37 group?---Yes.  
01:03:36 38  
01:03:37 39 Where was that?---Adelaide.  
01:03:40 40  
01:03:42 41 You obviously spoke to, did you interview people there?---I  
01:03:49 42 had a, if you like, a set group of questions so there was  
01:03:56 43 some consistency over the consultation process.  
01:03:59 44  
01:03:59 45 Yes?---I can't remember whether I used that in South  
01:04:02 46 Australia or not. We certainly did speak to investigators  
01:04:05 47 over there that were heavily involved in source management.



01:04:08 1  
01:04:10 2 You travelled overseas I gather?---Yes.  
01:04:13 3  
01:04:14 4 Was that before you prepared the paper or was it  
01:04:16 5 afterwards?---I'm not sure. I think it was before.  
01:04:31 6  
01:04:32 7 So prior to preparing that first report you believe you  
01:04:35 8 went to Canada and the United States, is that right?---Yes.  
01:04:40 9  
01:04:40 10 So you would say at some stage in 2003 or 4, you can't say  
01:04:46 11 which?---Yes. The relevant dates are contained within the  
01:04:56 12 report, I think.  
01:04:57 13  
01:04:58 14 Yes. You undertook a course in Canada, is that  
01:05:04 15 right?---Yes.  
01:05:05 16  
01:05:13 17 How long did that course, go for?---Three weeks I think.  
01:05:19 18  
01:05:21 19 Did you produce any particular writings or documents as a  
01:05:26 20 result of carrying out that course?---Yes.  
01:05:29 21  
01:05:31 22 And did you - you brought those to bear, I take it, in, you  
01:05:38 23 say in carrying out our review or preparing your review  
01:05:43 24 paper?---Yes. As I say for clarity, Mr Winneke, there was  
01:05:52 25 a report, there was a report, an extensive report done  
01:05:58 26 which made recommendations that led to the trial, if you  
01:06:04 27 like, of the project and then there was a second report  
01:06:08 28 some six or eight months later which spoke about how the  
01:06:14 29 trial had gone and made further recommendations. Now I  
01:06:17 30 know in one of those documents there's a chapter that  
01:06:20 31 relates to the course in Canada that you're talking about.  
01:06:24 32  
01:06:24 33 Yes. Did you undergo any specific - did you ever see a  
01:06:47 34 report entitled, did you ever see a report or a document  
01:06:57 35 entitled Dedicated Source Handling Team's Project Final  
01:07:02 36 Report in May 2004?---Is that the one produced by the State  
01:07:08 37 Intelligence Division? Is it produced by Senior Sergeant  
01:07:14 38 Glen Owen?  
01:07:16 39  
01:07:16 40 Just excuse me. No, the project manager was Doug Calishaw.  
01:07:23 41 There was a team leader [REDACTED] and the deputy team  
01:07:28 42 leader was Glen Owen.  
43  
01:07:46 44 Strike that last name, Commissioner.  
01:07:53 45  
01:07:54 46 COMMISSIONER: That last name will be removed from the  
01:07:55 47 record. There will be no publication of that.

01:07:59 1  
01:08:00 2 MR WINNEKE: He's got a pseudonym and it is Mr Winters.  
01:08:10 3  
01:08:11 4 COMMISSIONER: I don't know that we've been given that  
01:08:13 5 pseudonym.  
01:08:14 6  
01:08:14 7 MR WINNEKE: No, number 38, Commissioner.  
01:08:16 8  
01:08:17 9 MR HOLT: It was given this morning, Commissioner.  
01:08:19 10  
01:08:19 11 COMMISSIONER: Got it.  
01:08:20 12  
01:08:20 13 MR WINNEKE: I wonder if - I take it we've got the ability  
01:08:26 14 to show Mr White a copy of some documents. If we could put  
01:08:32 15 up some documents and - I think just on the screen for  
01:08:40 16 Mr White, Commissioner, at this stage. Is that possible?  
01:08:46 17 No. The first document that I'd like to show the witness  
01:09:19 18 is VPL.0005.0027.0001 at p.6. Can you see that,  
01:09:58 19 Mr White?---Actually, that's better. I can.  
01:10:05 20  
01:10:07 21 What that is, and I'm seeking to see if I can jog your  
01:10:13 22 memory. There's a heading on that document, Effectiveness  
01:10:17 23 in the Management of Informants and Human Sources. It's  
01:10:23 24 from the Assistant Commissioner of Crime to the Deputy  
01:10:28 25 Commissioner Specialist Operations and the date of it is 3  
01:10:30 26 June 2004. And then it obviously reads that it's, "Please  
01:10:39 27 provide advice on the outcome of the dedicated human source  
01:10:43 28 handling team's project steering committee meeting which I  
01:10:47 29 believe is to occur on 4 June 2004". Do you see  
01:10:50 30 that?---Yes.  
01:10:51 31  
01:10:51 32 You were obviously involved at this stage, I take  
01:10:55 33 it?---There were actually two projects running in tandem if  
01:11:03 34 you like on the same subject, being informer management.  
01:11:07 35 So on the one hand there was the project under the auspices  
01:11:11 36 of the Crime Department which is the one that  
01:11:16 37 Superintendent Biggin and myself were working on.  
01:11:19 38  
01:11:19 39 Yes?---Then also another one that was being run by the  
01:11:25 40 people you've mentioned from the State Intelligence  
01:11:31 41 Division. So on the one hand you had the Crime Department,  
01:11:34 42 on the other hand you had, I can't remember what they were  
01:11:37 43 called in those days but it was the intelligence  
01:11:40 44 department. So this paper that was prepared by them in  
01:11:44 45 relation to what they called the Dedicated Human Source  
01:11:47 46 Handling Team's Project was not one I had input into.  
01:11:50 47

01:11:50 1 Right. But I take it it was one you were given and you  
01:11:54 2 saw?---I did see it at one point, yes.

01:11:57 3

01:12:02 4 It's a final report dated May 2004 and if you scroll down  
01:12:11 5 to page number, or go to the next page. If Mr Skim can go  
01:12:15 6 to the next page. You'll see there that the issue covered  
01:12:20 7 by it is the effectiveness and the management of informers  
01:12:23 8 and human sources, right?---Yes.

01:12:27 9

01:12:28 10 "In January 2004 the SID commenced a level one project,  
01:12:32 11 dedicated human source handling teams in order to examine  
01:12:38 12 best practice in human source management", right?---Yes.

01:12:40 13

01:12:41 14 On 23 March Superintendent Lay on behalf of the Chief  
01:12:48 15 Commissioner requested a copy of the final report upon  
01:12:51 16 completion and it was attached and it was supported by the  
01:12:56 17 Deputy Ombudsman, Brian Hardiman, the DPP at that stage was  
01:13:00 18 Mr Coghlan and Commander Ceja Task Force Danye Moloney and  
01:13:07 19 the document is signed as you can see there by  
01:13:11 20 Mr Winters?---Yes.

01:13:14 21

01:13:15 22 Then if we go to the next page you'll see the document. Do  
01:13:20 23 you see that?---Yes.

01:13:21 24

01:13:22 25 That's a document that you would have seen?---Yes.

01:13:26 26

01:13:28 27 Do you say that whilst you saw it you didn't have any  
01:13:32 28 involvement in that, the production of that document?---Not  
01:13:37 29 in the writing but, as I said, at the same time the Crime  
01:13:43 30 Department had their own project going about this and you,  
01:13:47 31 I think you have got, I hope you've got the document we  
01:13:51 32 prepared entitled Review and Develop Best Practice Human  
01:13:56 33 Source Management Policy.

01:13:57 34

01:13:58 35 Yes?---Now, Mr Winter worked on our team as well.

01:14:05 36

01:14:05 37 Yes?---So we did share information and input about this  
01:14:11 38 particular topic and I think if you've had any opportunity  
01:14:15 39 to read these documents you'll see that in many regards  
01:14:18 40 it's the same recommendations that are made.

01:14:20 41

01:14:20 42 Yes. If we go over the page we can see executive  
01:14:25 43 summaries. You see the foreword, executive, and then  
01:14:33 44 there's the team project there, right, team members. Go  
01:14:38 45 over the page, executive summaries. Part of the executive  
01:14:42 46 summary says this, that each - second-last paragraph, "Each  
01:14:50 47 informer relationship will be the subject of rigorous and

01:14:54 1 ongoing risk assessment. Appropriately trained personnel  
01:14:58 2 will address risk mitigation strategies through intrusive  
01:15:03 3 supervision, ongoing audit and oversight of the source  
01:15:07 4 management process", do you see that?---Yes.  
01:15:09 5  
01:15:14 6 What does intrusive supervision mean?---What had  
01:15:23 7 traditionally happened with informer management across  
01:15:26 8 Victoria Police was a very ad hoc sort of a system where  
01:15:29 9 often times investigators would meet with what we then  
01:15:36 10 called informers in a very unsupervised environment. There  
01:15:41 11 was very little accountability, virtually in many cases no  
01:15:46 12 accountability for the meeting. There was no recording of  
01:15:49 13 the content of the meeting, [REDACTED] via  
01:15:54 14 any sort of document, and in certain areas there was no  
01:16:01 15 supervision at all of those meetings by supervisors. So  
01:16:09 16 intrusive supervision is, it's what we call an extra level  
01:16:19 17 of supervision over the operations of your staff than would  
01:16:24 18 normally be required. So in the world of human source  
01:16:29 19 management intrusive supervision effectively means or  
01:16:32 20 practically means that the supervisor, instead of just  
01:16:36 21 simply reading reports about what might have been said at a  
01:16:40 22 meeting, he actually gets out and he meets the source, he  
01:16:48 23 attends meetings to make assessments about what sort of  
01:16:52 24 relationship the handler may have with that source.  
01:16:56 25  
01:16:56 26 Yes?---Ultimately he ends up with certain responsibilities  
01:17:02 27 in that role which became known as a controller.  
01:17:04 28  
01:17:05 29 Yes. The intrusive supervisor is the controller, is that  
01:17:09 30 right?---Yes, it is.  
01:17:10 31  
01:17:10 32 But it's not just the controller because there are other  
01:17:13 33 levels of supervision as well, aren't there, or at least  
01:17:16 34 there was supposed to be?---Within the system that we  
01:17:20 35 recommended?  
01:17:21 36  
01:17:21 37 Yes?---There certainly was other roles going up the  
01:17:26 38 management tree if you like but none of those roles  
01:17:28 39 required intrusive supervision.  
01:17:30 40  
01:17:30 41 So really the responsibility, the intrusive supervision  
01:17:33 42 rested upon the controller, is that right?---That's right.  
01:17:37 43  
01:17:38 44 So you've got, the idea was that a handler's relationship  
01:17:44 45 with his or her informer, or human source, would be pretty  
01:17:52 46 closely controlled and looked at by the controller,  
01:17:59 47 correct?---Definitely. Sorry, can I just ask a question?

01:18:04 1 Is this, at the moment is the hearing a closed hearing or  
01:18:09 2 is this a public hearing?  
01:18:11 3  
01:18:11 4 COMMISSIONER: Yes, it's a private hearing but there are  
01:18:14 5 non-publication orders about certain issues. But there are  
01:18:17 6 media present?---Thank you Commissioner.  
01:18:21 7  
01:18:22 8 MR CHETTLE: I should have indicated earlier, Commissioner,  
01:18:24 9 I was to indicate to you the witness had indicated some  
01:18:28 10 concerns about PII issues in relation to methodology and I  
01:18:33 11 was to alert you and I forgot in the excitement this  
01:18:37 12 morning, to say that if he does raise it, it will be  
01:18:40 13 because of a concern about PII and methodology. So that's  
01:18:44 14 what this is about.  
01:18:45 15  
01:18:46 16 COMMISSIONER: All right. If you think that there's  
01:18:49 17 methodology that you, that should not, that requires a  
01:18:54 18 public interest immunity application to be made you should  
01:18:57 19 identify that, thank you.  
01:18:59 20  
01:18:59 21 MR WINNEKE: Commissioner - - - ?---Thank you,  
01:19:01 22 Commissioner.  
01:19:01 23  
01:19:01 24 - - - it obviously should be borne in mind that this Royal  
01:19:04 25 Commission has in effect been convened to examine closely  
01:19:08 26 the relationship between Ms Gobbo and the people who  
01:19:14 27 handled and controlled her and obviously those matters  
01:19:17 28 would be important to the Commission's work. I accept the  
01:19:20 29 points that are made but it should be borne in mind that  
01:19:23 30 these are the matters that we're looking into, the  
01:19:26 31 relationship between them.  
01:19:27 32  
01:19:27 33 COMMISSIONER: Certainly. But if he wishes to raise a  
01:19:29 34 matter which he thinks is public interest immunity he can  
01:19:32 35 do so and Victoria Police and the State are represented so  
01:19:35 36 they can raise matters also.  
01:19:38 37  
01:19:38 38 MR WINNEKE: Yes. What I was asking you was about the  
01:19:50 39 obligation of the controller to, in effect, oversight, to  
01:19:59 40 manage, supervise the work of the handler,  
01:20:04 41 correct?---That's right.  
01:20:05 42  
01:20:05 43 And if there was any feeling that the handler was engaging  
01:20:14 44 with the source in an inappropriate way or allowing the  
01:20:18 45 source to engage in unethical or improper conduct then that  
01:20:23 46 was the obligation of the controller to deal, correct?---To  
01:20:30 47 try and identify if it was happening, yes.

01:20:32 1  
01:20:33 2 To identify it if it was happening, to monitor it and to  
01:20:38 3 assess any risks, for example, that may be associated with  
01:20:42 4 the role of the source?---Yes.  
01:20:46 5  
01:20:54 6 And likewise there were superior officers to the controller  
01:21:01 7 who in effect had oversight of the conduct of the handling  
01:21:08 8 team, that being the controller and the handler,  
01:21:11 9 right?---Yes.  
01:21:12 10  
01:21:13 11 And it was appropriate on occasions, and indeed necessary  
01:21:17 12 on occasions, for supervisors, for example, to conduct  
01:21:23 13 audits of files to make sure that everything was running  
01:21:27 14 according to Hoyle?---Yes.  
01:21:29 15  
01:21:31 16 So in this case obviously you were the controller and I'm  
01:21:35 17 getting ahead of myself, but so far as the relationship  
01:21:39 18 with Ms Gobbo is concerned you were a controller,  
01:21:41 19 correct?---Correct.  
01:21:43 20  
01:21:43 21 And you had people above you who supervised you?---Yes.  
01:21:48 22  
01:21:50 23 It seems to be the case that you didn't have an immediate  
01:21:55 24 line superior for the most part, did you?---No.  
01:21:59 25  
01:22:01 26 But who was the person who, for example, during the early  
01:22:08 27 stages of the SDU was your supervisor?---So in the early  
01:22:18 28 stages of the SDU it was called the DSU, the Dedicated  
01:22:24 29 Source Unit and at that time Inspector Doug Calishaw from  
01:22:28 30 the State Intelligence Division was my immediate  
01:22:33 31 supervisor.  
01:22:33 32  
01:22:33 33 And what was his rank?---He was a Detective Inspector.  
01:22:36 34  
01:22:36 35 And then above him?---Gee, I think above him was  
01:22:44 36 Superintendent Ian Thomas.  
01:22:48 37  
01:22:52 38 If I can just go back to this document. If we can move on  
01:22:57 39 perhaps over the page. It was felt - just excuse me. If  
01:23:18 40 we can move on to p.16. There's a background there which  
01:23:41 41 describes the dedicated source handling team's project, the  
01:23:46 42 project outcomes were to identify the most appropriate  
01:23:50 43 model and application of a sterile corridor to human source  
01:23:53 44 intelligence, that was one of the outcomes?---Yes.  
01:23:56 45  
01:23:58 46 Can you tell the Commissioner what sterile corridor  
01:24:02 47 management is?---So the sterile corridor is - quite simply

01:24:08 1 it's a separation of the management of the investigation  
01:24:12 2 from the management of the human source.  
01:24:16 3  
01:24:16 4 And what are the purposes of that?---So in practical terms  
01:24:22 5 it means that investigators - so what was happening with  
01:24:28 6 investigators were responsible for recruiting and managing  
01:24:31 7 their own human sources and they would do that to suit  
01:24:35 8 their own priorities, which is whatever investigations they  
01:24:39 9 had underway at the time. It's a very time consuming  
01:24:43 10 process to manage a source and a lot of the time you spend  
01:24:47 11 managing a source is spent on doing things that don't  
01:24:50 12 relate to the actual collection of intel, often times it's  
01:24:55 13 dealing with welfare issues and the like. So it also means  
01:24:59 14 that the investigator would only be interested in  
01:25:04 15 collecting intelligence that suits his or her particular  
01:25:07 16 investigation and the organisation was moving towards the  
01:25:11 17 model of intelligence led policing and they were looking to  
01:25:17 18 improve the way in which they collect intelligence and it  
01:25:21 19 was determined that certainly in this space with informers,  
01:25:26 20 that we as an organisation were not getting the most out of  
01:25:31 21 our informers because an investigator, as I said, would  
01:25:35 22 only debrief us about an informer with that material that  
01:25:39 23 he or she was interested in. Where in actual fact that  
01:25:42 24 informer might possess information over a whole range of  
01:25:47 25 areas that could be useful for the police department, other  
01:25:51 26 investigators or even strategically. So by having a  
01:25:56 27 sterile corridor that means you can then have a person  
01:25:59 28 dedicated to the task of managing that individual, they can  
01:26:02 29 then debrief that informer about everything he or she  
01:26:05 30 knows, rather than just one specific thing, so there was an  
01:26:09 31 advantage there of having the sterile corridor, plus, as I  
01:26:13 32 said, it was a lot more efficient for investigators who  
01:26:18 33 then didn't have to worry about managing informers and all  
01:26:20 34 the issues that comes with that.  
01:26:25 35  
01:26:25 36 Yes?---I could go on for quite a while but I think that's  
01:26:31 37 the essence of it.  
01:26:32 38  
01:26:32 39 That's the main essence of it, is it, the separation of the  
01:26:37 40 task of the investigator, to the task of the person who was  
01:26:42 41 the information, the handler, is that right?---That's  
01:26:44 42 right. It also has application in terms of governance.  
01:26:48 43  
01:26:48 44 Yes?---The SDU was set up as a separate entity to the Human  
01:26:58 45 Source Management Unit which was the area responsible for  
01:27:03 46 holding all the intelligence that was acquired from sources  
01:27:07 47 and it was also the area responsible for governance of all

01:27:12 1 human source files.  
01:27:13 2  
01:27:14 3 Yes?---And so it was felt that separating the management of  
01:27:19 4 the SDU from the management of the governance area through  
01:27:23 5 the application of the sterile corridor meant that the  
01:27:28 6 HSMU, the governance area, would have, would be more  
01:27:32 7 independent from the operations of the SDU.  
01:27:36 8  
01:27:36 9 Those are the main things now that you've referred to with  
01:27:40 10 respect to sterile corridor?---Yeah. I would like to point  
01:27:45 11 out that there are people that think that the sterile  
01:27:47 12 corridor means an investigator will never know the identity  
01:27:51 13 of a source and that's incorrect.  
01:27:54 14  
01:27:54 15 Right?---It has no relevance.  
01:27:58 16  
01:27:58 17 That's not relevant?---It's just totally incorrect. There  
01:28:02 18 are occasions where investigators will know the identity of  
01:28:07 19 a human source, and I'm talking only about high risk human  
01:28:13 20 sources here that were managed by the SDU.  
01:28:15 21  
01:28:16 22 Yes?---Often, possibly most often, investigators knew the  
01:28:21 23 identity of a source because they were the ones that made  
01:28:24 24 the referral to the SDU in the first instance.  
01:28:27 25  
01:28:27 26 Yes?---There were some sources the SDU recruited  
01:28:32 27 independently of any investigators, in that case no  
01:28:36 28 investigator would know the identity of the source.  
01:28:39 29  
01:28:39 30 Clearly those who introduced the source would know the  
01:28:43 31 person was going to be a source perhaps, that would be  
01:28:46 32 right, wouldn't it?---That would be right.  
01:28:49 33  
01:28:49 34 Indeed sometimes misinformation is given, and indeed wasn't  
01:28:53 35 it the case that misinformation was given in this case to  
01:28:56 36 suggest - - - ?---Yes.  
01:28:57 37  
01:28:57 38 And that was to ensure confidentiality of the source,  
01:29:02 39 wasn't it?---Yes.  
01:29:03 40  
01:29:03 41 The reality is a significant aspect of a sterile corridor  
01:29:08 42 was to have confidentiality in the source?---That was an  
01:29:19 43 outcome, yes.  
01:29:20 44  
01:29:20 45 Is it really the case that what you're saying is sort of  
01:29:24 46 down playing this notion of confidentiality because  
01:29:27 47 ultimately in the case of Ms Gobbo there were in excess of



01:29:30 1 100 people who ultimately knew of her identity as a  
01:29:33 2 source?---Well, what is your question, Mr Winneke?  
01:29:37 3  
01:29:37 4 I'm suggesting that you're deliberately down playing this  
01:29:41 5 aspect of sterile corridor because you know that a very  
01:29:45 6 great number of people ultimately came to know of your  
01:29:48 7 source?---No, I don't agree with that at all and I make no  
01:29:51 8 effort to down play that.  
01:29:54 9  
01:29:54 10 Let's go to p.32 of that document?---I'm simply pointing  
01:29:59 11 out to you that the definition of sterile corridor is not  
01:30:02 12 one, it's not about whether you know who the source is or  
01:30:05 13 not.  
01:30:05 14  
01:30:06 15 All right. If we go to Australian minimum standard number  
01:30:13 16 6 it says the DSHDs are to ensure that appropriate "sterile  
01:30:20 17 corridors are maintained and preserved between intelligence  
01:30:23 18 collection and action", do you see that?---Yes.  
01:30:28 19  
01:30:29 20 Then the first part talks about administrative separation.  
01:30:33 21 Do you see that? To draw, in effect to take the  
01:30:38 22 possibility of corruption developing because of the close  
01:30:43 23 relationship between an investigator and a source, that's  
01:30:45 24 part of the reason and that's part of the reason why it  
01:30:48 25 came about, wasn't it, because of what was going on in the  
01:30:52 26 Drug Squad?---That's right.  
01:30:53 27  
01:30:53 28 And then it says in the second paragraph, "Unless necessary  
01:30:57 29 the role of intelligence manager, investigation manager  
01:31:00 30 must be separated. The intelligence manager is ultimately  
01:31:04 31 responsible for maintaining confidentiality of the source  
01:31:08 32 identity and suitably sanitising reports disseminated for  
01:31:14 33 operational use", right?---Yes.  
01:31:16 34  
01:31:16 35 That's a significant aspect of the sterile corridor, isn't  
01:31:23 36 it?---It is but I think - maybe we're debating semantics  
01:31:30 37 here.  
01:31:30 38  
01:31:30 39 Yes?---I'm just simply pointing out that in - you can have  
01:31:36 40 the sterile corridor in operation and an investigator can  
01:31:40 41 know who the source is.  
01:31:41 42  
01:31:41 43 That can happen, yes?---It happened more often than not is  
01:31:48 44 important to know. And it was one point, I missed your  
01:31:53 45 point about an anti corruption strategy is absolutely  
01:31:57 46 right, it does provide for an anti corruption strategy.  
01:32:00 47

01:32:01 1 In paragraph 95 I think of your statement you say that  
01:32:06 2 during the creation of information reports it was essential  
01:32:09 3 for handler's to sanitise the intelligence. This meant  
01:32:12 4 that the handler would take sufficient steps to ensure that  
01:32:15 5 the provider of the intelligence could not be identified,  
01:32:19 6 right?---That's right.  
01:32:21 7  
01:32:22 8 In order to achieve this you set out a number of steps to  
01:32:28 9 do that, correct?---Sorry. Yes, I'm just trying to find  
01:32:42 10 paragraph 95.  
01:32:52 11  
01:32:56 12 COMMISSIONER: Have you got it there now, Mr White?---I'm  
01:33:02 13 nearly there, Commissioner.  
01:33:03 14  
01:33:03 15 That's fine?---95, yes, I have that, with the dot points.  
01:33:07 16  
01:33:07 17 MR WINNEKE: Yes. You agree with the proposition, I mean  
01:33:09 18 you've set it out in your statement, the idea is to ensure,  
01:33:13 19 take sufficient steps to ensure that the provider of  
01:33:16 20 intelligence couldn't be identified?---Yes.  
01:33:18 21  
01:33:18 22 Indeed, one of the things you used, one of the pieces of  
01:33:21 23 information you used to persuade Ms Gobbo to become an  
01:33:26 24 informer was in effect saying to her that the amount of  
01:33:30 25 people who would know that she was an informer would be  
01:33:33 26 limited, strictly limited?---Yes.  
01:33:35 27  
01:33:36 28 You weren't trying to deceive her, were you?---No.  
01:33:40 29  
01:33:42 30 Commissioner, I note the time.  
01:33:44 31  
01:33:44 32 COMMISSIONER: We might sit a little bit later today, we've  
01:33:47 33 lost a lot of time today. We'll finish at 4.30.  
01:33:51 34  
01:33:52 35 MR WINNEKE: If it please the Commissioner. All right.  
01:34:03 36 Would you agree with this proposition, that when  
01:34:17 37 determining whether or not to activate or use a source to  
01:34:24 38 tackle organised and serious crime it was important to  
01:34:27 39 understand the motivations of the individuals?---Yes.  
01:34:32 40  
01:34:33 41 Who were the proposed informers, the strengths and  
01:34:35 42 weaknesses of the various players, victims, offenders,  
01:34:42 43 informers and the general public?---Again, I'm not sure of  
01:34:48 44 your question but the question in relation to needing to  
01:34:54 45 understand motivation, absolutely I agree with that.  
01:34:58 46  
01:34:58 47 Would you agree with the proposition that a human source

01:35:05 1 structure required intrusive and ongoing oversight, an  
01:35:09 2 independent review process, adequately resourced, properly  
01:35:14 3 trained and ethically proven personnel, you agree with that  
01:35:17 4 I take it?---Yes, I do.  
01:35:19 5  
01:35:24 6 If you want to follow this, if we go to p.18 of this  
01:35:29 7 document. Do you agree that principal policing must be the  
01:35:34 8 dominant ethos within human source management, down the  
01:35:39 9 bottom?---Yes, I do.  
01:35:40 10  
01:35:40 11 "In the context of a potential lack of integrity the use of  
01:35:41 12 sources is possibly the highest risk area in the work of  
01:35:43 13 the modern police service", do you agree with that?---Yes,  
01:35:47 14 I do.  
01:35:47 15  
01:35:47 16 "Any loss of public or judicial confidence in this  
01:35:51 17 sensitive and controversial area may well undermine its  
01:35:57 18 future effectiveness in criminal investigation", do you  
01:35:58 19 agree with that?---Yes, I do.  
01:36:00 20  
01:36:01 21 "Unfortunately this sentiment is the stark reality  
01:36:01 22 confronting Victoria Police and the reason why a  
01:36:03 23 substantial change must be undertaken with respect to the  
01:36:07 24 attitudes and practices of members involved with  
01:36:10 25 informers", do you agree with that?---Yes, I do.  
01:36:13 26  
01:36:16 27 If you go over the page, do you agree with this  
01:36:19 28 proposition, "The most commonly recognised configuration  
01:36:22 29 for a human source structure is positioned as an  
01:36:23 30 independent component within the intelligence stream, the  
01:36:26 31 essential element to ensure is operational autonomy from  
01:36:36 32 investigative units, providing for increased security of  
01:36:40 33 human source information and independence of action", do  
01:36:41 34 you agree with that?---Yes, I do.  
01:36:42 35  
01:36:57 36 Do you agree with this proposition, if you go to p.21,  
01:37:03 37 halfway down, "In order to preserve the confidentiality of  
01:37:08 38 the human source and the integrity of any resulting  
01:37:11 39 investigations, handlers must not have direct involvement  
01:37:15 40 in the actioning of intelligence obtained from the human  
01:37:19 41 source", do you agree with that?---I can't see where you're  
01:37:23 42 reading from. Sorry, I can see that now, yes. Yes, I  
01:37:36 43 agree with that.  
44  
01:37:36 45 If we go over the page, do you agree with this proposition,  
01:37:39 46 that a commonly identified factor associated with  
01:37:42 47 drug-related corruption was a police culture that was

01:37:44 1 characterised by a code of silence, unquestioned loyalty to  
01:37:48 2 other officers and cynicism about the criminal justice  
01:37:53 3 system?---I'm not sure - - -  
01:38:03 4  
01:38:03 5 Did you agree at the time that that was one of the  
01:38:06 6 problems, there was a cynicism about the criminal justice  
01:38:11 7 system?---Well no, I don't agree with that. Bearing in  
01:38:15 8 mind I didn't write this report. I don't know that I would  
01:38:21 9 say a commonly identified factor associated with  
01:38:29 10 drug-related corruption was cynicism about the criminal  
01:38:36 11 justice system. No, I'm not sure where the evidence for  
01:38:38 12 that is.  
01:38:38 13  
01:38:39 14 You disagree with that proposition?---Well I would need to  
01:38:41 15 think about this, think about or at least hear what the  
01:38:45 16 evidence of this is.  
01:38:47 17  
01:38:47 18 You would say that as far as you were concerned you didn't  
01:38:51 19 have any cynicism about the criminal justice system when  
01:38:55 20 you were involved?---I didn't, no.  
01:38:58 21  
01:38:59 22 And you did your best to ethically give effect to the  
01:39:04 23 criminal justice process?---Yes. Yes, I do.  
01:39:08 24  
01:39:10 25 You don't believe you did anything to subvert that process,  
01:39:14 26 I take it?---That's correct.  
01:39:19 27  
01:39:31 28 Can I ask you about the concept of risk assessment in this  
01:39:46 29 document and Acknowledgement of Responsibilities. This is  
01:39:50 30 at p.26 of the document. Do you see that there's an  
01:40:04 31 Australasian minimum standard number 1? Just move up the  
01:40:10 32 page somewhat?---Yes.  
01:40:14 33  
01:40:17 34 And what it says is the use of informers is recognised as  
01:40:23 35 possibly the highest risk area currently facing Victoria  
01:40:26 36 Police, informer management policy must prescribe the high  
01:40:33 37 standards expected whilst providing for flexibility in the  
01:40:37 38 application at local level. The current situation is that  
01:40:40 39 informers who clearly fall within the registration criteria  
01:40:40 40 are either being dealt with outside policy in an  
01:40:44 41 uncontrolled environment or that the organisation is losing  
01:40:47 42 an extremely valuable source", right?---Yes.  
01:40:52 43  
01:40:52 44 Do you see that? Then there's a reference to a thing  
01:40:56 45 called an Acknowledgement of Responsibility. Can you tell  
01:40:59 46 the Commission what that is?---That was a form that was  
01:41:04 47 created in tandem with myself and Mr Winters and others.

01:41:08 1  
01:41:09 2 Yes?---I can't remember where the idea originally came  
01:41:15 3 from, but it wasn't our idea.  
01:41:17 4  
01:41:17 5 Right?---And the idea of it was that it would provide a  
01:41:23 6 framework that a human source - actually, I'm not  
01:41:36 7 explaining this very well. It was a document that would  
01:41:39 8 explain to the human source what his responsibilities were  
01:41:43 9 in his relationship with Victoria Police.  
01:41:45 10  
01:41:45 11 Yes?---And it could either be signed by the human source  
01:41:55 12 proving that he had been made aware of those, if you like,  
01:41:59 13 conditions of the relationship.  
01:42:00 14  
01:42:01 15 Yes.  
01:42:01 16  
01:42:02 17 MR HOLT: Commissioner - - -  
01:42:03 18  
01:42:03 19 COMMISSIONER: Just a moment, Mr White.  
01:42:05 20  
01:42:05 21 MR HOLT: Can I just approach my learned friend to deal  
01:42:08 22 with this?  
01:42:09 23  
01:42:10 24 COMMISSIONER: Yes.  
01:42:16 25  
01:42:16 26 MR WINNEKE: Yes, yes, okay. Just excuse me. I'm not  
01:42:33 27 going to ask you how the acknowledgement was given at this  
01:42:37 28 stage but I just want to focus on the actual nature of the  
01:42:40 29 concept of the Acknowledgement of Responsibility as it's  
01:42:48 30 set out. Firstly, you say that there's a document - it may  
01:43:00 31 not necessarily be in documentary form, correct?---Correct.  
01:43:04 32  
01:43:05 33 And the importance of it is to in effect set out the ground  
01:43:10 34 rules of the relationship between the human source and  
01:43:14 35 Victoria Police?---That's correct.  
01:43:16 36  
01:43:23 37 The importance of it is so that both sides in effect know  
01:43:29 38 the rules of the game?---Yeah. It was a very, it was a  
01:43:39 39 document that changed over a period of time. Its original  
01:43:45 40 intention was to try and stop informers from committing  
01:43:49 41 crime while they've got a relationship with a law  
01:43:53 42 enforcement agency. That was the gist of the form.  
01:43:56 43  
01:43:57 44 I take it for the most part informers or human sources were  
01:44:03 45 likely to be people who were involved in that milieu who  
01:44:07 46 were criminals?---That's right.  
01:44:09 47

01:44:09 1 For the most part?---For the most part.

01:44:12 2

01:44:14 3 It was then important to make it clear that if they were to

01:44:17 4 remain in the relationship with Victoria Police, they

01:44:21 5 couldn't engage in criminal conduct?---That's right.

01:44:25 6

01:44:27 7 And to that extent it was important to set out the ground

01:44:30 8 rules of the relationship?---That's right.

01:44:33 9

01:44:34 10 Would you say that that was an important aspect of the

01:44:37 11 relationship that both sides knew what the rules were?---As

01:44:46 12 I said, this form has changed over the years and the rules

01:44:49 13 I think have increased.

01:44:51 14

01:44:51 15 I'm just talking about as a general proposition, is it

01:44:55 16 important for the handler, was it then important, and no

01:44:59 17 doubt it is still, important for a human source to clearly

01:45:04 18 understand what they could and could not do?---Yes.

01:45:07 19

01:45:09 20 And in the case of a criminal, clearly it would be

01:45:12 21 important that they understand that they cannot engage in

01:45:15 22 criminal activities?---That's right.

01:45:18 23

01:45:18 24 And if a person was to engage in criminal activities

01:45:24 25 despite the Acknowledgement of Responsibilities, something

01:45:28 26 would need to be done about it, correct?---Correct.

01:45:31 27

01:45:32 28 Obviously the point would be, well look if you engage in

01:45:35 29 criminal activities, firstly, you're not going to be

01:45:38 30 continuing in your relationship with Victoria Police as a

01:45:40 31 human source and, secondly, you might end up getting

01:45:44 32 charged?---That's right.

01:45:46 33

01:45:46 34 You've got no indemnity to engage in criminal conduct just

01:45:50 35 because you're an informer?---That's right.

01:45:52 36

01:45:54 37 Sometimes you do get a specific indemnity in some certain

01:45:57 38 but restricted and clear circumstances?---Yes.

01:46:00 39

01:46:12 40 If someone did breach an Acknowledgement of

01:46:16 41 Responsibilities they were liable to be, in effect,

01:46:19 42 deregistered?---Yes.

01:46:21 43

01:46:22 44 And did that happen on occasions when you were involved in

01:46:25 45 managing informers?---I'm certain it would have.

01:46:32 46

01:46:32 47 Do you have a recollection?---I can't think of a specific

01:46:37 1 example at this time but I'm certain it would have happened  
01:46:41 2 and because - the mere fact they had actually committed an  
01:46:49 3 offence whilst in the relationship with Victoria Police  
01:46:51 4 didn't automatically mean they would be deactivated, but in  
01:46:56 5 most cases that's exactly what happened.  
01:46:58 6  
01:47:00 7 I take it you didn't on any occasion authorise or condone  
01:47:08 8 Ms Gobbo engaging in criminal conduct?---No.  
01:47:12 9  
01:47:12 10 And you wouldn't have allowed that to occur?---Well, as  
01:47:21 11 you've just said previously there are occasions where there  
01:47:25 12 may be indemnity for certain actions under very controlled  
01:47:29 13 circumstances.  
01:47:29 14  
01:47:29 15 Do you know whether you ever gave Ms Gobbo an  
01:47:32 16 indemnity?---She was never given an indemnity.  
01:47:35 17  
01:47:40 18 Did you ever know of any offences that she committed?---No.  
01:47:48 19  
01:47:48 20 Did you ever suspect that she'd committed offences?---Well,  
01:47:58 21 as I say in my statement, motivation's a constantly  
01:48:04 22 changing thing and we're always trying to assess it.  
01:48:07 23 There's the possibility that any source could be committing  
01:48:10 24 offences, I suppose. We formed the opinion that she had  
01:48:17 25 not committed offences. She was consistent in her  
01:48:21 26 motivation insofar as we could tell, so I don't believe she  
01:48:26 27 committed any offences during the time that we were  
01:48:29 28 managing her.  
01:48:29 29  
01:48:30 30 What about disclosing her involvement or other's  
01:48:34 31 involvement in compulsory hearings?---Well, I'm not sure in  
01:48:42 32 relation to that issue and I guess you may take me there,  
01:48:49 33 but I'm not sure whether there had been hearings underway  
01:48:55 34 or proceedings had commenced in relation to possible  
01:49:00 35 compulsory hearings. I do know she raised the issue of  
01:49:05 36 compulsory hearings more than once and the concern for  
01:49:10 37 myself as the controller was that if she was to attend  
01:49:17 38 compulsory hearings then she would be compromised as a  
01:49:21 39 human source.  
01:49:22 40  
01:49:22 41 What I want to suggest to you, Mr White, is that on regular  
01:49:26 42 occasions she disclosed to you or your handlers that she  
01:49:30 43 had either attended or was going to attend compulsory  
01:49:34 44 hearings, or her clients, in contravention of the law. Now  
01:49:38 45 you know that, don't you?---Well, I'm happy to go to those,  
01:49:44 46 I'm happy to go to those particular dates. From  
01:49:49 47 recollection, and I wouldn't say it was a regular event

01:49:52 1 over three years.  
01:49:57 2  
01:49:57 3 Yes?---But she certainly told me she was in fear of being  
01:50:02 4 called to compulsory hearings herself and as I said that  
01:50:05 5 was the major concern for the reason - - -  
01:50:10 6  
01:50:11 7 What you say is had you got an inkling that she was  
01:50:14 8 breaching the law by telling you about compulsory hearings  
01:50:18 9 and you know those sorts of hearings are, as a general  
01:50:21 10 proposition, Australian Crime Commission hearings are  
01:50:25 11 secret hearings and the disclosure of attendance at those  
01:50:29 12 hearings is absolutely forbidden, you're aware of  
01:50:32 13 that?---It depends on whether the notices have been issued.  
01:50:35 14  
01:50:36 15 If a notice has been issued?---Again, I'm happy to go to  
01:50:40 16 those particular dates. I'm not disputing what you say,  
01:50:43 17 I'd need more information.  
01:50:45 18  
01:50:46 19 We'll come back to that. What you say in your statement is  
01:50:57 20 that you examined extensive literature about human source  
01:51:08 21 management?---Yes.  
01:51:11 22  
01:51:12 23 And how did you source that literature?---Okay, well, it  
01:51:23 24 was a variety of ways. I spoke to I think all the State  
01:51:32 25 based agencies and we had a look at how they were doing  
01:51:36 26 things. We got copies of their policies, procedures. As  
01:51:39 27 you've previously mentioned, we went to the inaugural human  
01:51:44 28 source, Australasian Human Source Working Group where all  
01:51:48 29 the members of that group, which was all the state and  
01:51:52 30 territory law enforcement agencies were present. So we had  
01:51:56 31 access to their material.  
01:51:57 32  
01:51:57 33 Did you bring that material back?---Probably did. And that  
01:52:01 34 would include New Zealand. I also was, as you know, sent  
01:52:08 35 to the United States and Canada.  
01:52:10 36  
01:52:10 37 Yes?---So we had a look at their legislation and policies.  
01:52:15 38 We also - well, I didn't but members of the Human Source  
01:52:21 39 Management Unit attended the UK, and I think Ireland, and  
01:52:25 40 they also spoke to the various agencies there about their  
01:52:29 41 policies and procedures and brought back some of that  
01:52:32 42 material.  
01:52:32 43  
01:52:33 44 Did you bring back or examine any material in your travels  
01:52:38 45 to Canada and the United States?---Well, I was given a  
01:52:45 46 folder with notes from their specialised national  
01:52:52 47 investigators course.



01:52:55 1  
01:52:56 2 Right. What happened to those?---I have no idea.  
01:53:01 3  
01:53:01 4 I take it they were kept and used by you in carrying out  
01:53:09 5 the various papers and setting up the various Standard  
01:53:13 6 Operating Procedures and so forth, is that right?---Yes, it  
01:53:16 7 is.  
01:53:16 8  
01:53:17 9 Would you have destroyed those or would you have filed them  
01:53:22 10 with the appropriate authorities at Victoria Police?---All  
01:53:24 11 those notes were retained at the Source Development Unit  
01:53:33 12 when it was the standard, I had nothing to do with what  
01:53:38 13 happened with the material, it was held there so I can't  
01:53:40 14 assist you with that.  
01:53:41 15  
01:53:41 16 Obviously it appears that various people travelled overseas  
01:53:48 17 and I think someone went to the United Kingdom, is that  
01:53:53 18 right?---Yes.  
01:53:54 19  
01:54:07 20 Just excuse me. [REDACTED], I think it was, went over to  
01:54:15 21 the United Kingdom, is that right?---That's right.  
01:54:18 22  
01:54:20 23 He gave you a document or some material that he gathered  
01:54:24 24 overseas, is that right?---Yes.  
01:54:27 25  
01:54:30 26 Commissioner, I was going to take the witness to that  
01:54:32 27 document but I note the time now.  
01:54:33 28  
01:54:34 29 COMMISSIONER: All right, it might be something we can wait  
01:54:37 30 till tomorrow for. Yes Mr Chettle.  
01:54:39 31  
01:54:39 32 MR CHETTLE: Before we adjourn for the night, the new 81B  
01:54:43 33 that was circulated has some errors in it.  
01:54:45 34  
01:54:46 35 COMMISSIONER: Does it?  
01:54:46 36  
01:54:47 37 MR CHETTLE: Which I've drawn to the attention of VicPol.  
01:54:51 38 I haven't had the opportunity to draw it to Mr Winneke's  
01:54:54 39 attention. But can I say as it is at the moment, dealing  
01:54:56 40 with the witness on the first witness on the list, the word  
01:55:00 41 "grey" should be deleted. I'll hand this copy back  
01:55:03 42 obviously. I can indicate the word "grey" should be  
01:55:06 43 deleted and the word "Anderson" inserted.  
01:55:09 44  
01:55:10 45 COMMISSIONER: They keep changing.  
01:55:11 46  
01:55:12 47 MR CHETTLE: No, no, there was an intention to go to

01:55:15 1 colours but that got - that disappeared.  
01:55:17 2  
01:55:17 3 COMMISSIONER: We have Green and White.  
01:55:19 4  
01:55:19 5 MR CHETTLE: We still have some colours.  
01:55:22 6  
01:55:23 7 COMMISSIONER: With an SON or an SEN?  
01:55:25 8  
01:55:26 9 MR CHETTLE: SON, that's unchanged Commissioner. Then item  
01:55:29 10 7 which has no pseudonym at the moment, the pseudonym that  
01:55:34 11 should be there is Preston I understand. And number 8 is  
01:55:38 12 McBride.  
01:55:39 13  
01:55:39 14 COMMISSIONER: Is it? Okay.  
01:55:41 15  
01:55:41 16 MR CHETTLE: And number 10 needs a new pseudonym, the one  
01:55:45 17 that's listed there is the old one. The new pseudonym is  
01:55:50 18 Graham Evans. I'll hand back my copy, which is copy 5, and  
01:55:56 19 it has those amendments made on it, Commissioner.  
01:56:00 20  
01:56:00 21 COMMISSIONER: Right, okay. Is everyone happy with those?  
01:56:02 22 I knew there were some problems where the gaps were so I'm  
01:56:06 23 grateful for you helping there.  
01:56:07 24  
01:56:08 25 MR CHETTLE: Always here to help, Commissioner.  
01:56:10 26  
01:56:10 27 COMMISSIONER: Thanks Mr Chettle. We all try and do our  
01:56:13 28 bit, don't we? If everyone is happy with that then 81B  
01:56:17 29 will be amended accordingly.  
01:56:18 30  
01:56:19 31 MR CHETTLE: The other thing I want to raise, Commissioner,  
01:56:21 32 the statement of Sandy White. The redacted version I  
01:56:25 33 understand is likely to be put up overnight. I ask that  
01:56:28 34 that not be done until some further identifying features  
01:56:31 35 can be removed. I didn't get the redacted version till  
01:56:37 36 today, I have had the unredacted one. There are issues  
01:56:41 37 with it that I want to raise. All I ask is it be left  
01:56:46 38 until tomorrow so we'll be able to fix it.  
01:56:48 39  
01:56:48 40 COMMISSIONER: All right. We will leave it overnight. It  
01:56:50 41 can't linger on. The public interest immunity is a claim  
01:56:52 42 by the State.  
01:56:54 43  
01:56:54 44 MR CHETTLE: It's also in relation to the issue that I  
01:56:57 45 raised with you in relation to identifying features.  
01:57:00 46 That's what it's predominantly about.  
01:57:02 47

01:57:02 1 COMMISSIONER: That's what the public interest immunity is  
01:57:04 2 about too.  
01:57:05 3  
01:57:05 4 MR CHETTLE: My client is concerned not to be injured.  
01:57:07 5  
01:57:07 6 COMMISSIONER: Yes, yes. There's no - yes, that's true.  
01:57:12 7  
01:57:12 8 MR WINNEKE: Commissioner, if I could ask that the exhibits  
01:57:16 9 be handed back.  
01:57:18 10  
01:57:18 11 COMMISSIONER: Yes. My associate will collect the  
01:57:23 12 exhibits, copies of Exhibit 81B, yes.  
01:57:27 13  
01:57:28 14 MR WINNEKE: Thanks Commissioner. Finally as far as I'm  
01:57:30 15 concerned, can I tender a series of documents that I have  
01:57:34 16 taken the witness to. It's a bundle of communications  
01:57:39 17 including the Dedicated Source Handling Team's Project  
01:57:43 18 Final Report May 2004 and associated communications. It  
01:57:48 19 ought be a confidential document certainly at this stage.  
01:57:52 20  
01:57:53 21 COMMISSIONER: What's the name of it again, please?  
01:57:55 22  
01:57:55 23 MR WINNEKE: Dedicated Source Handling Team's Project Final  
01:58:01 24 Report, May 2004, and associated communications. And I can  
01:58:12 25 give you a VPL number.  
01:58:16 26  
01:58:16 27 COMMISSIONER: Yes.  
01:58:17 28  
01:58:17 29 MR WINNEKE: I'll read it out, .0005, this is  
01:58:21 30 VPL.0005.0027.0006 through to 60, .0060.  
01:58:33 31  
01:58:34 32  
01:58:35 33 #EXHIBIT 293 - (Confidential) Dedicated Source Handling  
01:58:01 34 Team's Project Final Report, May 2004, and  
01:58:06 35 associated communications.  
01:58:39 36  
01:58:39 37 MR HOLT: Commissioner, we haven't received notice that  
01:58:42 38 that document was to be referred to in detail. Could I  
01:58:44 39 just ask, and I well understand the vagaries of time and so  
01:58:48 40 on, that where there are documents that are to be put to  
01:58:50 41 this witness or others in the next little while that  
01:58:53 42 contain what generally might be described as methodology or  
01:58:57 43 policy or procedures or those sort of things, if we could  
01:59:00 44 have advance notice of that. I don't seek that for any  
01:59:02 45 forensic purpose, only so that we're not scrambling at the  
01:59:06 46 Bar table attempting to identify public interest immunity  
01:59:09 47 claims that might otherwise waste the Commission's time.

01:59:11 1  
01:59:11 2 COMMISSIONER: I thought actually I saw some PII redactions  
01:59:15 3 in that document. No?  
01:59:16 4  
01:59:16 5 MR HOLT: Not that I'm aware of, Commissioner.  
01:59:18 6  
01:59:19 7 MR WINNEKE: Yes, there were Commissioner.  
01:59:20 8  
01:59:20 9 COMMISSIONER: There were some PII redactions already in  
01:59:23 10 it.  
01:59:23 11  
01:59:24 12 MR HOLT: There may have been. Certainly from my  
01:59:26 13 perspective, Commissioner, it would be very useful if we  
01:59:29 14 could simply have notice of what is likely to come, so I  
01:59:32 15 can be on top of it as much as anything else to assist the  
01:59:34 16 Commission, rather than try and do things ad hoc.  
17  
18 MR WINNEKE: We'll do our best.  
19  
01:59:38 20 COMMISSIONER: Mr Winneke has indicated he will do his  
01:59:41 21 best.  
22  
23 MR HOLT: I'm grateful, thank you.  
24  
01:59:42 25 COMMISSIONER: It might be worth looking at that because I  
01:59:42 26 thought I saw a number of PII blackouts with PII written  
01:59:46 27 across them.  
01:59:47 28  
01:59:48 29 MR HOLT: I will have a look, Commissioner. Again, it may  
01:59:50 30 have been done a long time ago in terms of the issues that  
01:59:54 31 have been resolved between the Commission. There may be  
32 claims that wouldn't be sustained and I don't want to make  
02:00:00 33 them for no purpose as much as anything else. So if we  
02:00:01 34 could have notice and I can review those in advance to  
02:00:04 35 ensure we're not wasting your time.  
02:00:04 36  
02:00:04 37 COMMISSIONER: All right then. I'll just mention for  
02:00:06 38 everyone's convenience, on Friday I have to adjourn  
02:00:10 39 earlier. On Friday we'll sit from 9.30 till 12, then we'll  
02:00:16 40 half a half hour break and sit from 12.30 till 2.30 or  
02:00:22 41 2.45.  
42  
43 MR HOLT: Thank you Commissioner.  
44  
02:00:23 45 COMMISSIONER: And we'll adjourn now until ten o'clock  
02:00:26 46 tomorrow morning, thank you.  
47

1 <(THE WITNESS WITHDREW)

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3 ADJOURNED UNTIL WEDNESDAY 31 JULY 2018

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