

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Tuesday, 6 August 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

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

10:01:31 1 COMMISSIONER: Yes, thank you. I note the appearances for
10:01:33 2 counsel assisting, Mr Winneke.
10:01:35 3
10:01:35 4 MR WINNEKE: Yes Commissioner.
10:01:36 5
10:01:36 6 COMMISSIONER: Mr Collinson, Mr Holt, I think Mr Goodwin
10:01:39 7 for the State of Victoria this morning. Mr Chettle and
10:01:43 8 Ms Thies, Mr Carr for the DPP. Ms Fitzgerald again for the
10:01:48 9 Commonwealth and the appearances for the affected persons
10:01:51 10 as per usual. Thank you. We'll get the witness on the
10:01:56 11 phone now, thanks.
12
10:02:06 13 I note that we are in closed hearing with the same
10:02:10 14 orders extant as when we adjourned yesterday. We're having
10:02:20 15 trouble connecting?
10:02:25 16
10:02:26 17 MR CHETTLE: Can I ring him, Commissioner?
18
10:02:30 19 COMMISSIONER: Yes, please. Yes, thanks Mr Chettle, that
10:02:35 20 would be helpful.
21
10:02:48 22 Whilst that's happening I'll mention that I don't know
10:02:52 23 whether everyone at the Bar table's been informed, but we
10:02:55 24 won't be sitting on Monday next week because I've got
10:02:59 25 commitments in Brisbane and we'll be adjourning at 3.30 on
10:03:04 26 Friday. And because the progress has been somewhat slower
10:03:09 27 than anticipated I think we might have to start sitting
10:03:12 28 some slightly longer hours. We'll probably start at 9.30
10:03:16 29 and have a slightly shorter lunch hour, a 45 minute lunch
10:03:21 30 hour, and sit until 4.30 each day.
10:03:26 31
10:03:27 32 MR HOLT: Thank you, Commissioner.
10:03:32 33
10:03:32 34 <SANDY WHITE, recalled:
10:03:40 35
10:03:40 36 COMMISSIONER: Yes, good morning Mr White. Can you hear
10:03:43 37 me?---Yes, I can. Thank you Commissioner.
10:03:46 38
10:03:46 39 Thank you. Yes Mr Winneke.
10:03:47 40
10:03:48 41 MR WINNEKE: Thanks, Commissioner. Now, Mr White, can I
10:03:52 42 just take you through some events leading to the arrest of
10:03:57 43 [REDACTED]. Throughout the period from - I just put this as
10:04:06 44 a general proposition - throughout the period from the
10:04:10 45 initial registration of Ms Gobbo in September of 2005
10:04:16 46 through to January/February/March of 2006, it's quite clear
10:04:24 47 that Ms Gobbo was providing information which was relevant

10:04:31 1 and useful to police in their investigations against [REDACTED]
10:04:36 2 [REDACTED] correct?---Yes.
10:04:38 3
10:04:39 4 And as a result of that information it was becoming clear
10:04:44 5 that [REDACTED] was engaging in criminal conduct and,
10:04:49 6 specifically [REDACTED] and proposing - sorry, proposing
10:04:54 7 and indeed commencing to [REDACTED] amphetamines?---Yes.
10:04:58 8
10:05:00 9 It was equally clear that Ms Gobbo was acting for Mr Mokbel
10:05:08 10 and indeed was appearing for Mr Mokbel in a trial?---Yes.
10:05:13 11
10:05:18 12 At one point towards the end of the trial the handlers were
10:05:32 13 having discussions with Ms Gobbo about what Mr Mokbel was
10:05:38 14 doing. If I can take you to ICR number 23.
10:06:51 15
10:06:51 16 COMMISSIONER: It's up on the screen anyway.
10:06:54 17
10:06:55 18 MR WINNEKE: If you go to - - -
10:06:56 19
10:06:56 20 COMMISSIONER: It's p.190 in the bundle.
10:06:59 21
10:07:00 22 MR WINNEKE: If we can go to p.197. If we can go to page
10:07:06 23 VPL.2000.0003.1783. In fact if we go back to p.194
10:07:27 24 please?---I have that.
10:07:28 25
10:07:28 26 1780?---Yes, I have that page.
10:07:33 27
10:07:37 28 And there's a note to the effect that, "Ms Gobbo has to see
10:07:42 29 Tony Mokbel this weekend as the judge has said that he will
10:07:46 30 be in custody as of Tuesday when the jury goes out. Mokbel
10:07:54 31 has told human source at least twice not to ring him this
10:07:59 32 week end, which is very strange because of this human
10:08:04 33 source is not sure if he is involved in some unknown
10:08:07 34 criminality this weekend". Do you see that?---Yes.
10:08:11 35
10:08:13 36 That information was provided to Mr O'Brien at Operation
10:08:22 37 Purana?---Yes.
10:08:22 38
10:08:22 39 And there's a note there with respect to cancelling SCSU.
10:08:29 40 Can you explain what that's about?---That's a reference to
10:08:37 41 surveillance.
10:08:38 42
10:08:38 43 Yes?---But I can't explain what it means.
10:08:42 44
10:08:42 45 Is it a reference to cancelling surveillance or not?---It
10:08:46 46 seems to be.
10:08:47 47

10:08:47 1 Right. In any event you can't explain that any
10:08:53 2 further?---No.
10:08:53 3
10:08:58 4 Then it appears that around this time there are discussions
10:09:15 5 about Ms Gobbo's involvement or potential involvement in
10:09:24 6 the statement process - withdraw that. Ms Gobbo was in
10:09:38 7 some way implicated in a statement made by a person called
10:09:44 8 Witness Do you understand that?---No.
10:09:50 9
10:09:50 10 Right. If we go to ICR 022 at p.188?---I'm sorry, I was
10:10:04 11 just looking at the pseudonym list. What was the
10:10:09 12 reference, the page reference?
10:10:10 13
10:10:10 14 188?---I have that.
10:10:22 15
10:10:22 16 There's a reference to, we're not going to read the name
10:10:27 17 out of the particular person, but if you have a look at an
10:10:33 18 entry at 2025 you'll see that Ms Gobbo was furious
10:10:43 19 regarding a statement of a person who's recorded there, and
10:10:48 20 we know him as Witness regarding the murder of
10:10:52 21 -Yes.
10:10:53 22
10:10:54 23 And she says that paragraph 68 is crap, do you see
10:10:57 24 that?---Yes.
10:10:57 25
10:10:57 26 And she says that she never had the conversation which is
10:11:03 27 suggested in the statement. She was very, very angry.
10:11:06 28 There were tears flowing, she was crying, the statement
10:11:10 29 should have been checked before being produced in the
10:11:14 30 Supreme Court and sworn as being accurate. She says that
10:11:16 31 she made sure that everything in a statement of another
10:11:20 32 person who we know as Witness said was true?---Yes.
10:11:25 33
10:11:25 34 Before it was used in a statement and she said that she'd
10:11:29 35 been subpoenaed for the defence and there were trust issues
10:11:32 36 raised with respect to Stuart Bateson and Purana for not
10:11:37 37 asking her first. This was easy to check, et cetera,
10:11:40 38 et cetera, et cetera. Then underneath that there are notes
10:11:43 39 that the stress levels are at 100 per cent and then there's
10:11:46 40 a call by the source and there was welfare issues discussed
10:11:52 41 and stress levels now were estimated at 95 per cent
10:11:56 42 regarding the statement of Witness and then there seemed
10:12:00 43 to be ongoing discussions about that for some time. If we
10:12:04 44 go over the page to 189 - just excuse me. What I might do
10:12:09 45 - we have a copy of the statement, the Commission has a
10:12:17 46 copy of the statement. I can tell you that at paragraph 68
10:12:23 47 in the statement it says that, "Whilst I was at the

10:12:27 1 [REDACTED] - this is a statement made by Witness [REDACTED] I take it
10:12:30 2 you were involved in this process at the time and you were
10:12:37 3 cognisant of what was going on?---In relation to the
10:12:41 4 statements?
10:12:42 5
10:12:42 6 Yes?---No, we had nothing to do with that.
10:12:45 7
10:12:45 8 No, no, no, in relation to Ms Gobbo and her response to
10:12:48 9 hearing about the statement and management of Gobbo around
10:12:51 10 this issue?---I would have been briefed, yes.
10:12:53 11
10:12:54 12 Briefed by obviously your handlers, yes?---Yeah, by
10:13:02 13 Mr Green I think this one was.
10:13:03 14
10:13:04 15 Indeed, if you go to the source management log at p.20
10:13:11 16 you'll see an entry with reference to this matter. You'll
10:13:16 17 see at p.20 there's an entry in the source management log.
10:13:21 18 14 May there's another entry in the source management log
10:13:25 19 for 15 May and then - - - ?---May or March?
10:13:28 20
10:13:28 21 I apologise, March. Do you see that?---Yes, I do.
10:13:32 22
10:13:33 23 All right. Now the statement is to this effect, this is
10:13:37 24 Witness [REDACTED] statement. This is a statement in a serious
10:13:41 25 [REDACTED] murder. Paragraph 68: "While I was in the
10:13:47 26 [REDACTED] I was visited by my barrister Nicola Gobbo."
10:13:54 27 And there's evidence the Commission has heard already that
10:13:57 28 Ms Gobbo did go and visit Witness [REDACTED] on the day following
10:14:01 29 his arrest?---Yes.
10:14:02 30
10:14:03 31 "I asked her to pass on a message to [REDACTED] and I
10:14:07 32 [REDACTED] together and mentioned [REDACTED]. This
10:14:10 33 action was referring to getting the [REDACTED] from [REDACTED] to go
10:14:14 34 to [REDACTED] could be taken care of. Nicola wrote a
10:14:18 35 note and put it to the screen. Although I don't remember
10:14:21 36 the exact wording it said words to the effect that she
10:14:24 37 would be [REDACTED] that day". Then at paragraph 69 of
10:14:29 38 the statement, "A couple of days later I spoke to [REDACTED]
10:14:32 39 [REDACTED] He was actually at [REDACTED]. During
10:14:35 40 this call [REDACTED] told me that he had been given, he
10:14:39 41 had given [REDACTED]. I later discovered that it was
10:14:44 42 [REDACTED]. I have not received any more of [REDACTED]
10:14:48 43 promised". That's a reference to [REDACTED] to him
10:14:52 44 for the execution of [REDACTED]. Now what that suggests,
10:14:58 45 would you agree that it suggests that Ms Gobbo had involved
10:15:02 46 herself in the arrangement for the [REDACTED] - for
10:15:07 47 [REDACTED]. Do you agree with that?---These are all details

10:15:17 1 that are completely new to me. What it sounds like you
10:15:20 2 said is that she was given [REDACTED]
10:15:26 3 over a small part of it.
10:15:28 4
10:15:29 5 In any event the statement is as it is but what it does
10:15:33 6 suggest is, at the very least, there's been communications
10:15:38 7 between Witness [REDACTED] and Ms Gobbo with respect to [REDACTED]
10:15:44 8 [REDACTED] Do you accept that?---Yes, yes.
10:15:51 9
10:15:53 10 Is it the case that the SDU obtained a copy of that
10:16:04 11 statement?---Not to my recollection.
10:16:08 12
10:16:09 13 Right. If we go to the SML of 14 March, the note that's
10:16:19 14 made is that - and I take it you've made this entry in the
10:16:23 15 SML, do you see that on 14 March?---I do. I would have to
10:16:29 16 see whether I was on leave or not at that time.
10:16:31 17
10:16:32 18 Yes. Whether or not you were, I mean - - - ?---I made - -
10:16:37 19 -
10:16:37 20
10:16:37 21 This is your file, you're obviously aware of what's going
10:16:41 22 on in this important document with respect to Gobbo?---Yes.
10:16:44 23
10:16:47 24 Gobbo totally denies - I'll go back. One paragraph relates
10:16:53 25 to HS passing go on a message to Witness [REDACTED] from [REDACTED]
10:16:58 26 whilst in the [REDACTED] after the murder of
10:17:01 27 [REDACTED]. A stated message related to [REDACTED]
10:17:06 28 [REDACTED] for [REDACTED]. HS totally denies this
10:17:08 29 allegation and very upset at the implications for her
10:17:10 30 professional reputation". Clearly that was the
10:17:14 31 understanding of whoever wrote that and whoever read it
10:17:19 32 would have had no doubt that was what the suggestion was in
10:17:23 33 the statement, do you agree with that proposition?---Yes, I
10:17:25 34 do. Bear in mind this is a summary of what's in the
10:17:28 35 contact report.
10:17:29 36
10:17:30 37 Exactly. Yes, I follow that. Now, there's another entry
10:17:37 38 on 15 March, "Advise Gobbo that the investigator Stuart
10:17:46 39 Bateson will contact tomorrow to discuss Ms Gobbo's
10:17:50 40 concerns regarding the evidence, or his evidence given with
10:17:56 41 respect to the Witness [REDACTED] matter" and there's another entry
10:18:02 42 there concerning another witness, "Witness [REDACTED] wants to meet
10:18:05 43 the source poss re giving evidence". No doubt that would
10:18:14 44 be "possibly re giving evidence", would that be
10:18:16 45 right?---Yes.
10:18:17 46
10:18:18 47 And if you have a look, just so as you're comfortable, your

10:18:23 1 signature, at least your name appears on this ICR at p.189
10:18:30 2 and it's got a date against it of 12 May 2006, okay. So
10:18:36 3 that would suggest that you're across these matters,
10:18:39 4 correct?---Yes, yes.
10:18:41 5
10:18:44 6 Then there's an SML entry on 16 March. "Human source to
10:18:51 7 meet with Detective Sergeant Bateson tonight regarding
10:18:54 8 **Witness** statement and that was approved." Do you agree
10:18:57 9 with that?---Yes.
10:18:58 10
10:19:00 11 If we go to p.195 we see an entry which appears to follow
10:19:07 12 up from the meeting that Ms Gobbo had with Mr Bateson. Do
10:19:12 13 you see that?---I'm sorry, can you give me the page
10:19:17 14 reference?
10:19:18 15
10:19:18 16 195?---And can I have the question again, please?
10:19:30 17
10:19:30 18 Yes. It appears that, "She saw Bateson from Purana this
10:19:33 19 afternoon for over an hour. Is reasonably happy with the
10:19:38 20 discuss regarding the implications of **Witness**
10:19:43 21 statement. Very long story. She apologised for not, he
10:19:47 22 apologised for not advising her after the statement was
10:19:51 23 taken, that she had been mentioned. That is **Witness**
10:19:56 24 stating that he'd seen her and she passed on a note from
10:20:05 25 **Witness** regarding money being paid to **Witness**. She
10:20:07 26 believed that trust in Bateson has not been misplaced.
10:20:10 27 Asked him to get a 465 warrant on her office before taking
10:20:16 28 the statement regarding **Witness**. Better to do this
10:20:22 29 because of pressure from Zarah Garde-Wilson". Now do you
10:20:31 30 know what that means, the 465 warrant, the suggestion that
10:20:34 31 that occurred?---No.
10:20:36 32
10:20:36 33 That would be a search warrant, wouldn't it?---A 465
10:20:40 34 warrant, yes.
10:20:41 35
10:20:41 36 So she is suggesting or she's saying to Bateson, "You're
10:20:49 37 better off getting a warrant on my office before taking the
10:20:52 38 statement regarding the **Witness** matter and therefore you
10:20:55 39 can get" - I withdraw that.
10:20:55 40
10:20:56 41 COMMISSIONER: Just take that name out, thank you. The
10:20:59 42 **Witness** matter.
10:21:01 43
10:21:01 44 MR WINNEKE: I apologise Commissioner.
10:21:02 45
10:21:03 46 COMMISSIONER: That's all right, these things happen.
10:21:05 47

10:21:06 1 MR WINNEKE: "She can't recall the details of that matter
10:21:09 2 states because of suffering a stroke and can't find the
10:21:13 3 notes. Believes were definitely made notes of a meeting in
10:21:17 4 gaol but cannot remember ever having seen him and she
10:21:23 5 states that it was the worst time of her life, early 2004,
10:21:27 6 when dealing with Witness [REDACTED] and having to lie to [REDACTED]
10:21:32 7 [REDACTED] whilst acting for [REDACTED] and dealing
10:21:38 8 with Witness [REDACTED] the subject of [REDACTED]."
10:21:43 9 There's all sorts of issues she has going on there and
10:21:46 10 complications, do you accept that?---Yes.
10:21:48 11
10:22:00 12 The following page there's a reference to a telephone call
10:22:07 13 later on on the same day which she says that she's found
10:22:13 14 the notes relevant to the Witness [REDACTED] matter and she was very
10:22:17 15 happy. "Reference to money and [REDACTED], but totally
10:22:22 16 different story to that in the statement." Do you see
10:22:26 17 that?---Yes.
10:22:27 18
10:22:35 19 Do you know whether that information was communicated to
10:22:40 20 Purana?---No.
10:22:48 21
10:22:52 22 Insofar as the arrangement of the meeting with Mr Bateson,
10:23:02 23 was that done to ensure that she was in effect pacified and
10:23:11 24 in effect kept happy about this issue with her name coming
10:23:18 25 up in Witness [REDACTED] statement?---I'm not sure. The position
10:23:28 26 with the SDU and Mr Bateson was that we didn't want to have
10:23:33 27 any involvement with that.
10:23:34 28
10:23:34 29 Yes?---All those matters in relation to the statements
10:23:38 30 concerning Witness [REDACTED] and Witness [REDACTED] were matters that she
10:23:42 31 was dealing direct with Bateson on.
10:23:45 32
10:23:45 33 Yes. So there was a meeting set up between her and
10:23:55 34 Bateson. What was your understanding of the reason for
10:23:57 35 that meeting?---I have no idea.
10:24:02 36
10:24:04 37 Did you speak to Bateson about it?---No.
10:24:06 38
10:24:08 39 How was it organised?---I don't know. I would presume it
10:24:13 40 would have been direct between her and Mr Bateson, that was
10:24:17 41 how this was being managed with this business in relation
10:24:21 42 to those two witnesses you've mentioned.
10:24:24 43
10:24:26 44 You advised the human source - I'm sorry, the source
10:24:32 45 management log indicates that, "Advised human source that
10:24:35 46 investigator Bateson will contact tomorrow to discuss her
10:24:38 47 concerns". One assumes that an arrangement had been made

10:24:42 1 between the SDU and Mr Bateson for the meeting because it
10:24:47 2 was suggested that she would be, that she would be told
10:24:52 3 that that had occurred. Do you follow that?---I do but can
10:24:58 4 you point me to the reference on the log, please?
10:25:00 5
10:25:00 6 Yes. Have a look at p.20, second-last entry, "Advised HS
10:25:06 7 that investigator Bateson will contact tomorrow to discuss
10:25:09 8 her concerns". It's 15 March?---Okay, I see that. So that
10:25:43 9 will be, as I said that will be a summary of the content of
10:25:47 10 the ICR.
10:25:48 11
10:25:49 12 Yes, yes?---And we'll have to go to the ICR and see who
10:25:54 13 made that arrangement.
10:25:55 14
10:25:55 15 If we go to p.189. "She wants Purana explanation of what
10:26:14 16 happened regarding the statement of Witness [REDACTED] She says
10:26:17 17 that Witness [REDACTED] going down the same path as Witness [REDACTED] wants
10:26:23 18 to see Ms Gobbo on Sunday at [REDACTED] and then DSU issues.
10:26:31 19 Spoke to Mr O'Brien at Purana"?---So I would take from this
10:26:40 20 that Mr Smith has spoken directly to Jim O'Brien at Purana.
10:26:50 21
10:26:50 22 Yes?---And asked him to make those arrangements with
10:26:53 23 Bateson and have a discussion with Bateson about it.
10:26:56 24
10:26:57 25 I wonder if we could put the ICRs on at least the screen so
10:27:01 26 my learned friend Mr Collinson could read those.
10:27:11 27
10:27:11 28 COMMISSIONER: We're up to p.7 of that one, 1775.
10:27:18 29
10:27:19 30 MR WINNEKE: That's Mr Green, I think, is it?---Sorry, yes,
10:27:26 31 that is Mr Green.
10:27:28 32
10:27:29 33 The issue about - - - ?---Sorry.
10:27:33 34
10:27:33 35 The handler's signature at the bottom you can see there.
10:27:37 36 Just check?---That was Mr Green's contact report, I just
10:27:47 37 noticed - I just noticed a line after 1825 there was a
10:27:52 38 reference to one of the other handlers but no, you're
10:27:54 39 right, it would be Mr Green speaking to Mr O'Brien I think
10:27:58 40 reading this.
10:27:58 41
10:27:59 42 Also I asked you whether or not the DSU would have been
10:28:02 43 provided with a copy of Witness [REDACTED] statement. It appears
10:28:08 44 to be though that the DSU was handed a copy because it says
10:28:08 45 at the bottom of the page, "Also handed a copy of the
10:28:14 46 statement re [REDACTED] murder"?---Okay, yes. I don't
10:28:22 47 recall ever seeing that.

10:28:23 1
10:28:24 2 The other reference I want to ask you about is immediately
10:28:28 3 under saying, "She wants an explanation of what happened
10:28:31 4 regarding the statement of Witness [REDACTED] there's this
10:28:35 5 reference to Witness [REDACTED] going down the same path as Witness [REDACTED]
10:28:38 6 [REDACTED] "Wants to see the source on Sunday at [REDACTED]". Now,
10:28:45 7 what I suggest to you that means is that she is saying that
10:28:49 8 Witness [REDACTED] is potentially going to be providing evidence,
10:29:01 9 providing statements to assist Purana in the prosecution of
10:29:06 10 [REDACTED] That's what that's referring to, isn't
10:29:10 11 it?---Yes, it seems to be.
10:29:12 12
10:29:13 13 And would it be at least potentially the case that Ms Gobbo
10:29:18 14 is suggesting that she can assist Purana by speaking to
10:29:27 15 Witness [REDACTED] to encourage him to do so?---I don't know if you
10:29:36 16 can take that from that sentence.
10:29:38 17
10:29:38 18 Yes. I mean it may well be open to conclude that that's
10:29:43 19 what she was suggesting?---It's a possibility.
10:29:52 20
10:29:52 21 In any event, those little bits of information were passed
10:29:56 22 on to Mr O'Brien at Purana?---Yes.
10:30:01 23
10:30:05 24 And it appears that that has led to the meeting between
10:30:10 25 Ms Gobbo and Mr Bateson which we then see occurring on
10:30:17 26 p.195, do you accept that?---Yes.
10:30:29 27
10:30:31 28 Mr Bateson apologising to Ms Gobbo for not advising her
10:30:36 29 about something that was in a statement, do you see
10:30:40 30 that?---This is what she's reporting, yes.
10:30:42 31
10:30:43 32 Yes. If you accept that that's what, if what she's saying
10:30:49 33 is correct, all right?---Yes.
10:30:51 34
10:30:53 35 Do you know whether Ms Gobbo ever provided to the DSU the
10:31:00 36 notes that she referred to that she found in her
10:31:06 37 possession, the notes that apparently would support the
10:31:10 38 proposition that Witness [REDACTED] statement was incorrect?---I
10:31:16 39 don't know.
10:31:17 40
10:31:18 41 Yes?---She shouldn't have. As I said, this was a matter
10:31:23 42 between her and Bateson.
10:31:26 43
10:31:27 44 In any event, what she says in those notes there was
10:31:30 45 references to [REDACTED] and to Witness [REDACTED] mother, but in a
10:31:34 46 totally different - but presenting a totally different
10:31:39 47 story to that which Witness [REDACTED] presented in his

10:31:43 1 statement?---That seems to be what the contact report is
10:31:46 2 suggesting.

10:31:47 3

10:31:50 4 All right. You understand that [REDACTED] some time later
10:32:15 5 was charged with the [REDACTED], on the basis of
10:32:21 6 the statement of Witness [REDACTED] I know [REDACTED] was charged
10:32:27 7 with [REDACTED], I'm not sure which one it was.

10:32:30 8

10:32:31 9 He was charged with [REDACTED], but I can tell you that he
10:32:35 10 was charged with the [REDACTED] and in part it
10:32:42 11 was based on the evidence of Witness [REDACTED] and the statement
10:32:45 12 that I've been telling you about was relevant to that
10:32:51 13 prosecution. Now you accept that?---Yes.

10:32:53 14

10:32:55 15 Did you subsequently - I suggest at some stage later on you
10:32:59 16 had discussions prior to the trial of [REDACTED] on that
10:33:07 17 charge with a person by the name of Detective [REDACTED] about
10:33:12 18 those notes that Ms Gobbo had referred to, [REDACTED]. Do
10:33:19 19 you recall that?---No.

10:33:20 20

10:33:22 21 Do you know whether there were any discussions with Mr [REDACTED]
10:33:29 22 or the HSMU about disclosure of materials which might
10:33:37 23 expose Ms Gobbo as a human source at around the time of the
10:33:42 24 prosecution of that murder?---Not that I can recall.

10:33:46 25

10:33:49 26 Do you say that there weren't any discussions that you were
10:33:52 27 involved in?---No. No, but I just don't have any
10:33:58 28 recollection of them.

10:33:59 29

10:33:59 30 Right, okay?---If they did occur, but I'm sure if there was
10:34:03 31 it will be in the record somewhere.

10:34:06 32

10:34:06 33 All right. Would you have been involved? Would it be
10:34:09 34 likely that you would have been involved in those
10:34:11 35 discussions?---It's possible.

10:34:16 36

10:34:18 37 Do you have your diaries available?---I do, yes.

10:34:23 38

10:34:46 39 I might just leave that. Perhaps can I ask you to do this:
10:35:00 40 have you got your diaries, your electronic diaries for the
10:35:04 41 period of about March, February/March of 2009?---Can you
10:35:14 42 excuse me for one moment?

10:35:16 43

10:35:17 44 Yes?---Was that February 2009?

10:35:26 45

10:35:26 46 Yes?---No, I don't have those.

10:35:29 47

10:35:30 1 Look we'll come back to that. I'll leave that alone for
10:35:33 2 the moment. In any event arising out of all of that it
10:35:42 3 would have been apparent certainly to Ms Gobbo that
10:35:47 4 [REDACTED] was implicated [REDACTED] as a consequence of a
10:35:55 5 statement which had been made by Witness [REDACTED] do you accept
10:35:57 6 that?---Well, I would accept it but I'm a little bit
10:36:06 7 confused about who said what, but I accept what you say if
10:36:11 8 that's in the statement.
10:36:12 9
10:36:12 10 All right then, all right. If I can come back in the time
10:36:38 11 sequence to Operation Posse. Around the 5th and the 9th of
10:36:48 12 March there's material in the ICRs, in particular ICR 21,
10:36:57 13 that Ms Gobbo was anticipating the arrest of [REDACTED] and
10:37:03 14 telling her handlers that she wanted to be there to control
10:37:07 15 what was said and done when it happened. Do you accept
10:37:10 16 that?---She definitely wanted to be there, yes. It was
10:37:19 17 about control, specifically how it looked.
10:37:23 18
10:37:23 19 In any event at paragraph 191 of the statement you refer to
10:37:29 20 audio transcript of a 9 March conversation in which Green
10:37:33 21 notes that [REDACTED], sorry, "[REDACTED] would call Gobbo if
10:37:39 22 he got arrested and Gobbo said that he wouldn't call anyone
10:37:45 23 else" and Green asked, "Well how was she going to be able
10:37:51 24 to represent him, there would be a conflict of interest".
10:37:55 25 Right?---Yes.
10:37:56 26
10:37:58 27 And Gobbo's response was, "Well what conflict, he'll be
10:38:02 28 pleading guilty, what difference does it make?" Do you see
10:38:13 29 that?---Yes.
10:38:13 30
10:38:16 31 Did you take that to mean Ms Gobbo was telling the handler
10:38:21 32 that he would be pleading guilty to all charges or any
10:38:25 33 charges that he faced?---No, I don't know what I thought at
10:38:33 34 the time.
10:38:33 35
10:38:33 36 Yes?---I think he had already, it was already a fact that
10:38:37 37 he was pleading to the [REDACTED].
10:38:41 38
10:38:41 39 And it had been anticipated he would plead to the [REDACTED]
10:38:47 40 matters, but certainly he hadn't even been charged with any
10:38:51 41 offence with respect to the further conduct that the
10:38:54 42 investigators had been busy investigating since the
10:38:57 43 previous year, do you accept that?---Yes.
10:39:01 44
10:39:05 45 It appears from that that Ms Gobbo's suggesting, "Look,
10:39:09 46 what conflict could there be? He's going to be pleading
10:39:13 47 guilty". That's pretty plain, isn't it, in that

10:39:22 1 discussion?---Yes.
10:39:23 2
10:39:24 3 Indeed you say, "We were particularly concerned about the
10:39:27 4 conflict of interest that would arise from the arrest of
10:39:31 5 Person [REDACTED] if she involved herself in representing him
10:39:34 6 in any way"?---Yes.
10:39:35 7
10:39:35 8 You and Green spoke to her about what would happen - - -
10:39:40 9
10:39:40 10 MR HOLT: Sorry, the name was said again, that will need to
10:39:43 11 be taken from the transcript.
10:39:44 12
10:39:44 13 COMMISSIONER: Yes, thank you. That will have to be
10:39:46 14 removed from the transcript and a non-publication order of
10:39:50 15 the name.
10:39:51 16
10:39:51 17 MR WINNEKE: So you say you were particularly concerned
10:39:53 18 about that?---Yes.
10:39:55 19
10:39:56 20 Right. And that, you say that great concern is set out -
10:40:03 21 well that concern is set out in that extract you
10:40:08 22 say?---There's a number of discussions we had with her from
10:40:12 23 early March, I think onwards, about this whole issue of
10:40:17 24 representing [REDACTED].
10:40:25 25
10:40:28 26 Now, I take it you didn't seek any legal advice at that
10:40:37 27 stage obviously about what the position might be?---No.
10:40:42 28
10:40:43 29 Did you have any discussions with senior officers about how
10:40:47 30 that issue could be managed?---Not to my - well not that I
10:40:54 31 can recall.
10:40:55 32
10:40:56 33 Right, okay?---If I did there would be entries in my
10:40:59 34 diaries.
10:41:00 35
10:41:00 36 You understand that there was discussion about the
10:41:02 37 potential of adjourning [REDACTED] plea hearing?---Yes.
10:41:10 38
10:41:10 39 And Ms Gobbo indicated that those for whom [REDACTED] was
10:41:18 40 [REDACTED] wanted his case [REDACTED] so that he
10:41:21 41 could cook for as long as possible before going to gaol and
10:41:24 42 he also wanted an [REDACTED] before
10:41:28 43 [REDACTED]. Do you understand that?---Yes, I do.
10:41:31 44
10:41:31 45 And over a number of months there was, there were efforts
10:41:35 46 made to try and establish the location, that is by
10:41:39 47 investigators, where [REDACTED] was [REDACTED] so that he

10:41:44 1 could be arrested effectively whilst he was doing it and as
10:41:51 2 a consequence he would be under real pressure to assist
10:41:56 3 police?---Yes.
10:41:59 4
10:42:00 5 Now was consideration being given to how an adjournment
10:42:04 6 might be brought about?---Was there?
10:42:07 7
10:42:07 8 Well - - - ?---Sorry, was that a question?
10:42:11 9
10:42:11 10 Yes?---There was.
10:42:14 11
10:42:14 12 All right. And indeed in your statement you provide as an
10:42:19 13 example of the SDU integrity the fact that Ms Gobbo was
10:42:24 14 advised not to have the matter adjourned unless it was
10:42:27 15 legitimate?---That's right.
10:42:29 16
10:42:30 17 In the source management log of ██████████ 2006 you'll see
10:42:43 18 that there's an update by Smith?---Yes.
10:42:57 19
10:42:57 20 Which says that, "Human source asked by ██████████ to have
10:43:02 21 the trial adjourned. Human source possibly unavailable for
10:43:06 22 same due to health reason. Human source to be advised not
10:43:10 23 to have matter adjourned unless legitimate", and that's
10:43:15 24 what you say?---Yes.
10:43:16 25
10:43:38 26 On ██████████ Mr Smith was reporting about the meeting a few
10:43:47 27 days earlier with Gobbo which he and Mr Green had on ██████████
10:43:52 28 ██████████ I take it would you have spoken to your handlers
10:43:57 29 about the meeting and what was said during the course of
10:44:00 30 the meeting?---Are you referring to a meeting on ██████████?
10:44:06 31
10:44:07 32 Yes?---Did that meeting actually occur?
10:44:15 33
10:44:15 34 Yes. If you go to the source management log you'll see on
10:44:18 35 ██████████ amongst other things there was discussion about
10:44:23 36 getting ██████████ trial adjourned?---Sorry, I didn't see
10:44:27 37 that.
10:44:29 38
10:44:29 39 What I want to suggest to you is that on the audio
10:44:33 40 transcript of ██████████ it reveals that there was discussions
10:44:39 41 about Ms Gobbo becoming sick and going to hospital in order
10:44:42 42 to manufacture the need for an adjournment of ██████████
10:44:46 43 plea and that's at p.70. Would you have listened to
10:44:50 44 that?---No.
10:44:50 45
10:44:52 46 At p.72 Ms Gobbo said that she had thought of telling
10:44:58 47 ██████████ to break his leg or have a car accident - p.72.

10:45:06 1 And there was discussion about that being okay but Gobbo
10:45:10 2 said it wouldn't solve his problem because he wouldn't be
10:45:13 3 able to [REDACTED] and that's p.75. Now, I
10:45:28 4 mean obviously if those discussions were had that wouldn't
10:45:33 5 be an appropriate discussion to have, I assume, would
10:45:38 6 it?---Well she's contemplating false reasons for getting an
10:45:44 7 adjournment, would that be not an appropriate conversation
10:45:48 8 to have?
10:45:49 9
10:45:49 10 Yes?---Sorry, not be an appropriate course to take.
10:45:54 11
10:45:54 12 And certainly if it appears to be that the handlers are
10:45:59 13 participating, if not encouraging her, in that
10:46:03 14 conversation, clearly that would be inappropriate I would
10:46:07 15 assume, you would say that?---I would.
10:46:09 16
10:46:11 17 I've been referring to p.70 of the transcript. What you
10:46:18 18 say is, "Look, I wouldn't have listened to that
10:46:20 19 conversation"?---Yes.
10:46:22 20
10:46:27 21 Clearly there's no transcript made of these conversations
10:46:31 22 at the time, is that right?---That's right.
10:46:34 23
10:46:40 24 Was there a practice of controllers or any senior officers
10:46:46 25 [REDACTED] or [REDACTED] with human sources
10:46:51 26 to make sure that everything was being done
10:47:04 27 appropriately?---The fact that these [REDACTED] - - -
10:47:10 28
10:47:12 29 MR HOLT: Commissioner, can I just - - -
10:47:14 30
10:47:15 31 COMMISSIONER: Just a minute.
10:47:16 32
10:47:17 33 MR HOLT: I think he has agreed with it, that might assist
10:47:20 34 in making sure we don't run into difficulties with the
10:47:23 35 answer.
10:47:24 36
10:47:24 37 MR WINNEKE: I'll be more specific. In relation to
10:47:27 38 Ms Gobbo where there were audio files which you didn't
10:47:33 39 participate in as a controller, would you on occasions
10:47:38 40 listen to them?---Not that I recall.
10:47:40 41
10:47:41 42 All right. Did you ever listen to any conversations which
10:47:48 43 had occurred and on occasions where they'd been
10:47:56 44 recorded?---Not that I can recall.
10:47:57 45
10:47:59 46 All right. If I can suggest to you that at p.80 of the
10:48:17 47 transcript she asks the handlers if, one of the handlers if

10:48:23 1 he could think of a reason to adjourn and Smith said no, he
10:48:28 2 wanted to have a proposal, presumably for O'Brien, that's
10:48:32 3 at p.80. They discussed the trouble with the type of case
10:48:36 4 it is, that he was already on bail and there was a
10:48:40 5 discussion about consideration of getting herself admitted
10:48:43 6 to hospital as she asked how she'd do it and one of the
10:48:48 7 handlers suggested that chest pains would do it. I suggest
10:48:52 8 that's between pp.81 and 88 of the transcript. And then at
10:48:59 9 p.88 Smith says that the best they'd come up with is her
10:49:03 10 being sick in hospital and then Ms Gobbo said that she was
10:49:08 11 open to any suggestions but can't lie and Smith responded
10:49:13 12 that they wouldn't want her to. And Ms Gobbo said then
10:49:19 13 that the Crown could say they needed an adjournment because
10:49:23 14 he's the subject of an ongoing investigation and Smith
10:49:27 15 responded by saying words to the effect, "We can't go in
10:49:31 16 there saying the truth now, can we?" And his offsider then
10:49:34 17 said, "That would put the whole court system out of whack",
10:49:41 18 p.92. Now, I'm suggesting to you that those are the
10:49:47 19 matters that are discussed certainly in the transcript.
10:49:52 20 Now, what you say is if that's the case, that would be
10:49:57 21 entirely inappropriate, would it not?---If you're
10:50:02 22 suggesting that the handlers are engaged in creating,
10:50:06 23 trying to create false reasons for an adjournment, yes,
10:50:11 24 that would be inappropriate.

10:50:13 25
10:50:13 26 Bear in mind this discussion occurred in [REDACTED] I'm sorry,
10:50:20 27 yes, [REDACTED], when the plea on any view wasn't listed I
10:50:25 28 think until [REDACTED] 2006. So in effect there were
10:50:31 29 discussions about predictions of Ms Gobbo's health and
10:50:36 30 whether or not she might be able to be well enough to be
10:50:40 31 involved in a proceeding in [REDACTED] of 2006. Do you accept
10:50:48 32 that?---I'm sorry, can you put the proposition to me again?

10:50:55 33
10:50:55 34 Yes. So there were discussions being had with handlers
10:50:59 35 about the potential of Ms Gobbo being unwell at a time some
10:51:04 36 weeks down the track such that the proceeding would need to
10:51:07 37 be adjourned. Do you accept that?---I accept that there's
10:51:13 38 some sort of hypothetical discussions going on, but I think
10:51:20 39 it's clear, isn't it, that the handlers didn't want her to
10:51:23 40 lie about it.

10:51:24 41
10:51:27 42 You understood that there was concern at that stage that
10:51:30 43 the [REDACTED] and Mr - I'm sorry, [REDACTED]
10:51:35 44 couldn't be arrested, up to his neck in trouble if the [REDACTED]
10:51:39 45 [REDACTED] and that would in effect put the plan out
10:51:42 46 of whack, wouldn't it?---Yes.

10:51:46 47

10:51:48 1 Righto. Now, the evidence is that on [REDACTED] 2006 the
10:51:56 2 [REDACTED] and in the source management log of
10:52:05 3 that day there's a note of a meeting with Operation Purana,
10:52:17 4 [REDACTED], and discussions re [REDACTED]
10:52:26 5 trial being adjourned and AC, one assumes that's a
10:52:31 6 reference to Mr Overland, is it?---Yes.
10:52:34 7
10:52:35 8 Was to approach the OPP, is that right?---Yes.
10:52:45 9
10:52:46 10 Now ultimately do you understand that there was a
10:52:50 11 discussion and ultimately it was considered not appropriate
10:52:54 12 that the plea be adjourned?---I can't help you from a
10:53:02 13 recollection point of view.
10:53:03 14
10:53:03 15 All right. There were, in the days leading up to the
10:53:16 16 arrest, following the [REDACTED], a number
10:53:21 17 of meetings involving you and Mr Smith and Ms Gobbo. At
10:53:37 18 least there was a meeting but there was considerable
10:53:43 19 discussion about what was going to occur upon the arrest,
10:53:49 20 do you accept that?---Yes.
10:53:51 21
10:53:58 22 On [REDACTED] at 10.30 there was a conference with DSS
10:54:05 23 O'Brien and DS Flynn discussing tactics for post arrest
10:54:11 24 based on human source information regarding [REDACTED] and
10:54:18 25 possible [REDACTED] of [REDACTED], do you agree with that?
10:54:26 26
10:54:26 27 COMMISSIONER: This is at p.252 of the SML?---Yes.
10:54:34 28
10:54:35 29 MR WINNEKE: And there was discussion about the tactics
10:54:45 30 based on the information that Gobbo had provided and that
10:54:49 31 was being discussed?---No, I'm not sure about that.
10:55:01 32
10:55:01 33 Yes. You met with - just excuse me.
10:55:11 34
10:55:12 35 MR HOLT: Excuse me, Commissioner, one second.
10:55:26 36
10:55:27 37 MR WINNEKE: And on [REDACTED] you meet with Mr O'Brien, do
10:55:33 38 you agree with that?---Yes.
10:55:34 39
10:55:37 40 And you discuss the possibility of [REDACTED] [REDACTED]
10:55:43 41 [REDACTED], if I can put it in that way?---Yes.
10:55:46 42
10:56:05 43 On [REDACTED] there's a diary note - just excuse me. Will
10:56:18 44 you just go to VPL.2000.0001.0717. Do you see that there?
10:57:23 45
10:57:24 46 COMMISSIONER: So this is the diary, is it?
10:57:26 47

10:57:26 1 MR WINNEKE: Is that your diary, Mr White?---Yes, it is.
10:57:29 2
10:57:36 3 COMMISSIONER: What's the date?
10:57:37 4
10:57:37 5 MR WINNEKE: If we can go back to the previous page. It's
10:57:42 6 [REDACTED].
10:57:44 7
10:57:44 8 COMMISSIONER: Thank you, [REDACTED] 06.
10:57:46 9
10:57:48 10 MR WINNEKE: Yes. If we move to the next page. And
10:57:58 11 there's a reference to a discussion with Purana, "Meeting
10:58:02 12 with Mr O'Brien, request for human source to speak to
10:58:05 13 Witness [REDACTED] do you see that?---Yes.
10:58:12 14
10:58:12 15 If we move down the page we see, "Meet with Mr O'Brien and
10:58:17 16 Mr Flynn regarding [REDACTED] strategy". Do you see
10:58:21 17 that?---Yes.
10:58:21 18
10:58:24 19 If we go down the page we see, "Meet with Superintendent
10:58:28 20 Porter, collect authorised impressed reconciliation", is
10:58:34 21 that relevant to this matter?---No.
10:58:36 22
10:58:37 23 If we go over to the page - just further down. At the
10:58:43 24 bottom we see, "Advise Superintendent Biggin to review the
10:58:49 25 file", do you see that?---Yes.
10:58:50 26
10:58:51 27 "And deal direct with same." What does that mean?---That I
10:58:55 28 was to communicate with Mr Biggin.
10:58:58 29
10:58:59 30 Right?---In relation to when he could come and review the
10:59:02 31 file.
10:59:02 32
10:59:02 33 Okay. Over the page. If we go to the meeting at 6 pm,
10:59:10 34 what do we see there?---Do you want me to read it?
10:59:14 35
10:59:14 36 That suggests it's a meeting between, using the appropriate
10:59:20 37 names, can you see that there, who are they?---So that is
10:59:25 38 Mr Black and Mr Smith.
10:59:28 39
10:59:28 40 Right. And yourself?---Yes.
10:59:31 41
10:59:36 42 And there's, "An issue re human source representing [REDACTED]
10:59:42 43 [REDACTED] after the arrest", do you see that?---Yes.
10:59:44 44
10:59:45 45 "The evidence from [REDACTED] implicating self may not be
10:59:49 46 admissible if counsel not impartial." That was agreed, is
10:59:55 47 that right?---Yes.

10:59:56 1
10:59:57 2 And it says at the bottom, "Investigators to be warned", is
11:00:02 3 that right?---Yes.
11:00:04 4
11:00:04 5 And it says, "Intended that ██████████" - just excuse me.
11:00:18 6 "To be interviewed prior to", in effect a ██████████ to assist
11:00:24 7 him decide to ██████████, if I can put it that
11:00:27 8 way?---Yes.
11:00:27 9
11:00:29 10 And then further down it says, "The big picture is the
11:00:34 11 ██████████", right?---Yes.
11:00:36 12
11:00:36 13 "And ██████████ is" - what does that say?---I think that's
11:00:46 14 "one".
11:00:47 15
11:00:48 16 COMMISSIONER: One what?---Sorry, one inquiry re same.
11:00:51 17
11:00:52 18 MR WINNEKE: What does that mean?---Um, I don't know. It
11:00:58 19 might just be that he was part of the general picture about
11:01:01 20 ██████████. He's just one - sorry, that would be one
11:01:07 21 avenue of inquiry re same.
11:01:09 22
11:01:09 23 So big picture is the ██████████ and ██████████ is one avenue
11:01:16 24 of inquiry regarding the same or one avenue to assist in
11:01:20 25 the investigation/prosecution of the same?---Yes.
11:01:24 26
11:01:26 27 And it says, "Investigators intend to use ██████████ as a witness
11:01:30 28 if he agrees, possibly engage him to visit ██████████
11:01:43 29 ██████████ or" - what's that word there?---██████████.
11:01:51 30
11:01:52 31 So they were potential targets who ██████████ might provide
11:01:58 32 assistance to the police with respect to the prosecution -
11:02:00 33 or investigation and prosecution of, do you agree with
11:02:03 34 that?---Yes.
11:02:04 35
11:02:05 36 And Purana request that you, the SDU, assist in that
11:02:11 37 venture?---Yes.
11:02:13 38
11:02:16 39 And Ms Gobbo's file to be reviewed by Mr Biggin, do you see
11:02:22 40 that?---Yes.
11:02:22 41
11:02:23 42 And discuss the need for independent oversight of the
11:02:28 43 management of Ms Gobbo?---Yes.
11:02:32 44
11:02:33 45 That was agreed. A number of other matters were agreed.
11:02:36 46 The tactical decisions with respect to 3838 were made in
11:02:41 47 accordance with investigators, is that right?---Yes.

11:02:45 1
11:02:47 2 Independent review to deal, to - - - ?---Check.
11:02:51 3
11:02:52 4 - - - check process being complied with. And consideration
11:02:57 5 whether Gobbo is too high a risk. Do you agree with
11:03:03 6 that?---Yes.
11:03:04 7
11:03:05 8 In what respect, why would she be too high a risk?---At
11:03:14 9 this point in time I'm not sure what I was thinking then.
11:03:18 10
11:03:18 11 Yes?---There might have - obviously with the impending
11:03:22 12 arrest of ██████████.
11:03:24 13
11:03:24 14 Yes?---And her desire to be involved in that.
11:03:28 15
11:03:29 16 Yes?---That was probably a consideration.
11:03:32 17
11:03:32 18 I suppose one of the risks would be the risk of any
11:03:39 19 pollution, if you like, of any evidence that ██████████
11:03:43 20 might provide against himself in the form of a record of
11:03:45 21 interview, that would be a risk I assume?---And that's what
11:03:49 22 was discussed a bit earlier in the note we're reading.
11:03:53 23
11:03:57 24 Then it says, "Agreed will minimise chance of compromise by
11:04:03 25 spread of misinformation", what's all that about?
11:04:08 26
11:04:08 27 MR HOLT: Sorry, can I just - Commissioner, as will be
11:04:16 28 obvious to the Commissioner, we are working really hard to
11:04:19 29 try and ensure there aren't delays but it is with respect
11:04:23 30 critical that we get - these are documents that have been
11:04:24 31 had for a long time, they're not documents we've provided
11:04:26 32 recently, that we get as much notice as possible so that we
11:04:28 33 can do a review for issues of public interest immunity.
11:04:31 34 I'm attempting to do them on my feet but it becomes really
11:04:34 35 very, very difficult.
11:04:34 36
11:04:35 37 COMMISSIONER: This is central to the relationship between
11:04:38 38 - - -
11:04:38 39
11:04:38 40 MR HOLT: Commissioner, I'm not arguing to the contrary,
11:04:41 41 not for a moment. This is a question of practicality.
11:04:44 42 Even, as we've been getting at times, even notice just
11:04:44 43 before we start of particular documents or dates will be
11:04:48 44 helpful. I don't want to be interrupting these proceedings
11:04:51 45 at all, I have no desire to do that, nor does Victoria
11:04:54 46 Police. But there are issues that are being raised on
11:04:57 47 documents which have been provided without PII review for

11:05:00 1 the reasons that I set out the other day. I'd just be very
11:05:01 2 grateful if every effort could be made to give us notice so
11:05:03 3 that we don't have to deal with things on the run. There's
11:05:08 4 an issue that's just been raised which is one I'd be
11:05:08 5 grateful if it could be left so I can deal with it as
11:05:11 6 shortly as I can.

11:05:11 7
11:05:12 8 COMMISSIONER: So do you not want any more questions about
11:05:14 9 this matter at this moment?

11:05:16 10
11:05:16 11 MR HOLT: There's plenty in that document which is fine,
12 Commissioner, there's no difficulty with that. But there
11:05:19 13 are issues that again, even if I had just ten minutes in
11:05:22 14 advance I could have reviewed and worked out with my friend
11:05:26 15 a way of dealing with them as we've done successfully to
11:05:28 16 date. So I'd just ask for that in future if I could.

11:05:28 17
11:05:28 18 MR WINNEKE: I understand, Commissioner. There are so many
11:05:31 19 documents and we're doing our best and we have been
11:05:35 20 cooperating insofar as much as we can, I think that seems
11:05:39 21 to be apparent. There are some matters which are
11:05:41 22 obviously, as you indicate, fundamentally important to the
11:05:46 23 relationships and the development of the relationship.
11:05:49 24 Obviously these are. In any event as I understand it my
11:05:51 25 learned friend is saying that this ought not be, that
11:05:53 26 particular word or that particular aspect of it shouldn't
11:05:56 27 be dealt with in a private hearing with the media present.

11:06:03 28
11:06:03 29 MR HOLT: I think what we have identified, Commissioner,
11:06:04 30 and it may be that this is or isn't one and I'm not sure
11:06:07 31 because I simply haven't had an opportunity to consider it
11:06:10 32 properly, but it may be that there are a very small number
11:06:13 33 of matters which would go to core methodology, which we
11:06:19 34 would ask be dealt with in what we might describe as a
11:06:20 35 fully private hearing at the conclusion of this evidence.
36 Certainly I'm aware of some topics Mr Chettle wishes to
11:06:22 37 deal with in re-examination. Again, I don't know whether
11:06:23 38 this is one of them. It's simply a question of having as
11:06:26 39 much notice as our friends can give us so I can try and
11:06:30 40 avoid those problems. I'll do my best with this one. If
11:06:35 41 it could just be left for now I'd be very grateful. I
11:06:36 42 don't want to hold proceedings up, Commissioner, I have no
11:06:39 43 desire for that.

11:06:40 44
11:06:40 45 COMMISSIONER: All right, Mr Winneke, I suppose if you can
11:06:42 46 give notice it will be good.

47

11:06:45 1 MR WINNEKE: Commissioner, I'm trying to give notice, I
11:06:46 2 understand that. In any event I haven't given notice about
11:06:50 3 that matter. As I understand it my learned friend is
11:06:53 4 saying that cannot be dealt with in the hearing as it's
11:06:57 5 proceeding at the moment. I'm content to leave that matter
11:07:00 6 at this stage.
11:07:00 7
11:07:01 8 COMMISSIONER: I mean I just think it's central to the
11:07:03 9 relationship between - I can't see how that can't be dealt
11:07:06 10 with.
11:07:07 11
11:07:08 12 MR HOLT: Commissioner, it may be that I come to that
11:07:09 13 conclusion with our learned friend. I'm simply - given the
11:07:11 14 criticality of these issues, I'm just - I don't want to do
11:07:14 15 that on my feet.
11:07:15 16
11:07:15 17 COMMISSIONER: We'll have a short break now, we'll have the
11:07:18 18 midmorning break early and we'll resume and hopefully then
11:07:22 19 it can be dealt with.
11:07:24 20
11:07:41 21 MR HOLT: Thank you, Commissioner.
22
23 COMMISSIONER: Ten minutes.
11:07:43 24
11:07:45 25 (Short adjournment.)
11:10:58 26
11:18:40 27 COMMISSIONER: Yes Mr Winneke.
11:18:41 28
11:18:42 29 MR WINNEKE: Thanks Commissioner.
11:18:44 30
11:18:44 31 COMMISSIONER: All sorted.
11:18:45 32
11:18:45 33 MR WINNEKE: I wonder if that diary could be put up again.
11:18:53 34 Now, are you there, Mr White?---Yes.
11:18:56 35
11:18:59 36 I'm going to just see if I can direct you with respect to
11:19:03 37 that entry at the bottom of the page about the
11:19:08 38 agreement?---Yes.
11:19:09 39
11:19:09 40 Firstly, it related to Ms Gobbo, I take it, is that
11:19:14 41 correct?---Yes.
11:19:15 42
11:19:15 43 And the compromise that you were concerned about was a
11:19:20 44 compromise of Ms Gobbo?---Yes.
11:19:22 45
11:19:23 46 And the compromise in effect meant that, "We don't want
11:19:28 47 people to know that Ms Gobbo is in effect a human source in

11:19:32 1 relation to this matter"?---Yes.
11:19:34 2
11:19:35 3 And so the spread of misinformation particularly related to
11:19:41 4 minimising that risk of that compromise with respect to
11:19:46 5 Ms Gobbo, correct?---Yes.
11:19:48 6
11:19:49 7 Can I ask you this, and focusing on those matters
11:19:53 8 specifically to Ms Gobbo, what misinformation would be
11:19:58 9 spread?---I don't know at this point in time.
11:20:01 10
11:20:03 11 Right, okay. But I take it one of the things that you were
11:20:08 12 concerned about was Ms Gobbo, in effect, turning up and
11:20:15 13 being present when ██████████ was arrested?---That's right,
11:20:22 14 I didn't want her anywhere near the place.
11:20:25 15
11:20:25 16 Right. And nonetheless you were concerned that she
11:20:30 17 would?---Yes.
11:20:31 18
11:20:32 19 And was it at that stage that you were actually considering
11:20:38 20 preventing her from coming by arresting her?---I'm not
11:20:48 21 sure.
11:20:49 22
11:20:54 23 Perhaps I'll ask you this question. And if we can perhaps
11:21:05 24 go back a bit. I asked you about - one of the matters that
11:21:17 25 you were concerned about was, you say, Ms Gobbo - if we go
11:21:25 26 back to the previous page if we can. "Evidence from ██████
11:21:34 27 implicating self may not be admissible if counsel not
11:21:37 28 impartial." So effectively what that concern is is that
11:21:42 29 if, for example, Ms Gobbo turns up, advises him, and
11:21:53 30 following her advice to him he makes admissions to police
11:22:00 31 on tape, they may not be admissible?---Yes.
11:22:05 32
11:22:05 33 Those admissions, is that what you were concerned
11:22:09 34 about?---Yes.
11:22:09 35
11:22:14 36 It was agreed that you would warn the investigators about
11:22:21 37 that matter, is that right?---Yes.
11:22:38 38
11:22:39 39 It says, "Agreed: investigators to be warned", is there a
11:22:45 40 full stop after that?---Yes.
11:22:48 41
11:22:50 42 "Intended that ██████████ be interviewed prior to
11:22:54 43 ██████████", is that right?---Yes.
11:23:03 44
11:23:04 45 How were you aware of that? Is that something that you'd
11:23:09 46 been told by the investigators or is that something that
11:23:12 47 you had discussed with the investigators?---I'm only

11:23:16 1 guessing. Looking at the context, it seemed that I was
11:23:20 2 warned - sorry, not warned, it would seem that I was aware
11:23:23 3 of that.
11:23:24 4
11:23:24 5 So there'd be - sorry, I interrupted you?---So it seems
11:23:32 6 that I was aware of that at that point in time.
11:23:34 7
11:23:34 8 That was something that you'd had discussions with the
11:23:38 9 investigators about, because clearly they wanted you to be
11:23:41 10 involved in this process with respect to [REDACTED]?---Yes.
11:23:45 11
11:23:58 12 Did you warn the investigators about that matter that you
11:24:06 13 were concerned about?---I don't know.
11:24:10 14
11:24:10 15 Right. One assumes you would have. This is an important
11:24:17 16 matter, isn't it?---Obviously we had an awareness of it,
11:24:26 17 and we were thinking and talking about it so I presume I
11:24:30 18 did.
11:24:30 19
11:24:30 20 At that stage had you had any firm discussions with
11:24:34 21 Ms Gobbo about whether or not she should turn up if she was
11:24:37 22 called?---Yes.
11:24:39 23
11:24:39 24 You had. Had you - - - ?---We had a number - sorry.
11:24:46 25
11:24:46 26 Had you personally had discussions with her about that?---I
11:24:49 27 think I was involved in a number of discussions with her
11:24:52 28 leading up to that [REDACTED] event.
11:24:55 29
11:24:55 30 Yes?---I know we spent some time trying to provide excuses
11:25:02 31 for her to get out of it.
11:25:04 32
11:25:04 33 Yes. And certainly at that, or prior to that time as far
11:25:10 34 as you were concerned the views of the SDU had been made
11:25:13 35 very firm and very clear about what she shouldn't do and
11:25:19 36 that is she shouldn't be turning up to represent
11:25:22 37 him?---Yes.
11:25:22 38
11:25:31 39 You say that on [REDACTED] you had a lengthy conversation
11:25:37 40 with Ms Gobbo in the presence of Detective Sergeants Green
11:25:43 41 and Smith in relation to what you believed would be a
11:25:47 42 conflict of interest for her if she was called by [REDACTED]
11:25:51 43 on the day of the arrest, right. This is what you say in
11:25:56 44 paragraph 192 of your statement?---Yes.
11:25:58 45
11:26:00 46 And the conversation is based around hypothetical
11:26:05 47 situations and was an attempt by you and the handlers to

11:26:08 1 get as much information as possible about what could occur
11:26:12 2 if and when [REDACTED] was arrested so that "we could plan a
11:26:17 3 strategy to avoid her having to respond to [REDACTED]'s possible
11:26:23 4 request for assistance when he was arrested",
11:26:29 5 correct?---Yes.
11:26:30 6
11:26:33 7 What were some of the suggestions that you had?--Well we
11:26:45 8 discussed sending her to Bali. We discussed her just not
11:26:53 9 answering her phone.
11:26:54 10
11:26:54 11 Yes?---I'm struggling to remember what other strategies
11:27:01 12 there were but there was a range of things we discussed.
11:27:04 13
11:27:05 14 And these strategies were discussed in the conversation
11:27:09 15 with Ms Gobbo?---Yes.
11:27:12 16
11:27:20 17 Certainly you wouldn't ultimately have been involved in any
11:27:25 18 measures put in place to facilitate [REDACTED] being, coming into
11:27:32 19 contact with Gobbo after the arrest, would you?---No.
11:27:38 20
11:27:39 21 Because your view was really she shouldn't be there, she
11:27:42 22 should be in Bali or she should be somewhere else but she
11:27:51 23 simply shouldn't be there, correct?---Yes.
11:27:55 24
11:27:56 25 You say that these strategies were discussed with her and
11:28:00 26 you've referred to a conversation that starts on p.0266 of
11:28:08 27 a VPL document which I might come to. That's what you say,
11:28:11 28 is it?---Yes.
11:28:12 29
11:28:12 30 Have you listened to the conversation at any time
11:28:16 31 recently?---Which particular conversation?
11:28:19 32
11:28:19 33 The one that you refer to in paragraph 192 of your
11:28:23 34 statement?---I think I would have listened to sections of
11:28:32 35 that because it's in my statement.
11:28:41 36
11:28:41 37 You say at paragraph 193, "I recall that I also had a
11:28:46 38 conversation with Ms Gobbo expressing my concern about her
11:28:51 39 providing [REDACTED] with any legal advice after his arrest
11:28:54 40 and I went so far as to ask her exactly what she would say
11:28:58 41 to him in an effort to convince her that she should make
11:29:03 42 herself unavailable when it happened", right?---Yes.
11:29:07 43
11:29:09 44 "And she told me very clearly and quite rightly that it was
11:29:13 45 none of my business"?---Yes.
11:29:15 46
11:29:19 47 Did she use those words?---Yes, those - well, bear in mind

11:29:26 1 it's 14 years ago that's how I recall it.
11:29:29 2
11:29:31 3 I'm asking you have you listened to the conversation and
11:29:35 4 found those words recently?---No.
11:29:38 5
11:29:39 6 When was the last time you listened to that conversation
11:29:42 7 which occurred on ██████████ 2006?---It would have been in
11:29:46 8 the last one or two months.
11:29:50 9
11:29:50 10 Right?---I have not had the benefit of listening to these
11:29:54 11 entire conversations. I've simply done a search on words
11:30:00 12 such as privilege, um, conflict of interest.
11:30:08 13
11:30:10 14 Right?---So a search of the transcripts to try and find
11:30:13 15 those.
11:30:13 16
11:30:13 17 All right. Look, I wonder if I could play some transcript,
11:30:19 18 if I can, of the conversation of ██████████ 2006. It's part
11:30:23 19 of it, not all of it, but if I can play it so you can
11:30:27 20 listen to it. And this is starting at page, I believe,
11:30:38 21 VPL.0005.0097.0263. That certainly includes the
11:30:48 22 conversation which commences on p.0266 which you refer to,
11:30:55 23 okay.
11:30:55 24
11:30:56 25 MR HOLT: Excuse me, Commissioner. I understand just for
11:30:58 26 the benefit of those listening and for the witness that the
11:31:00 27 name of ██████████ has been blanked out in this audio. I
11:31:06 28 understand every attempt has been made. If that's been
11:31:09 29 done then ultimately there would be no difficulty in
11:31:11 30 publication. We'll listen carefully obviously and if there
11:31:15 31 are any difficulties this might need to be reviewed before
11:31:19 32 it's published.
11:31:19 33
11:31:19 34 COMMISSIONER: I think all the pseudonyms have been
11:31:21 35 applied.
11:31:21 36
11:31:22 37 MR HOLT: I think so but in the audio there are some
11:31:25 38 references to the person's name. I think the best has been
11:31:28 39 done in the time available, I'm simply indicating we might
11:31:32 40 need a bit of time to confirm that in the end.
11:31:36 41
11:31:37 42 COMMISSIONER: Okay.
11:31:37 43
11:31:38 44 MR HOLT: Thank you, Commissioner.
45
11:31:52 46 (Audio recording played to the hearing.)
47

11:32:00 1 MR WINNEKE: Commissioner, I wonder if we could start that
11:32:03 2 again. It's a bit unclear.
11:32:05 3
11:32:05 4 COMMISSIONER: It maybe needs to be louder.
5
11:32:33 6 (Audio recording played to the hearing.)
7
11:33:32 8 MR WINNEKE: Commissioner, as I understand it this can be
11:33:36 9 heard louder and I think my learned friends and I have
11:33:40 10 heard it louder. I'm surprised that's the only volume we
11:33:43 11 can get out of it.
11:33:48 12
11:33:48 13 COMMISSIONER: All right.
11:33:50 14
11:33:51 15 MR WINNEKE: I understand attempts are being made to make
11:33:54 16 it louder.
11:33:55 17
11:33:55 18 COMMISSIONER: Sure. Mr Winneke, I'm just wondering, is
11:35:12 19 there some other line of questioning - and perhaps they can
11:35:14 20 look at this over the lunch break. Is there some other
11:35:18 21 line of questioning you can go on with? It doesn't seem
11:35:21 22 they can get it any louder at the moment.
11:35:25 23
11:35:26 24 MR WINNEKE: Yes, certainly Commissioner.
11:35:28 25
11:35:29 26 COMMISSIONER: Apparently he can do it with speakers. He's
11:35:32 27 just getting some speakers so we'll wait.
28
11:36:56 29 (Audio recording played to the hearing.)
30
11:37:21 31 WITNESS: Excuse me, Commissioner?
11:37:23 32
11:37:24 33 COMMISSIONER: Yes. Stop the tape, please. Yes
11:37:26 34 Mr White?---I'm sorry, it's very muffled but I've just
11:37:30 35 realised I can turn it down.
11:37:32 36
11:37:32 37 All right, thank you?---Sorry.
11:37:34 38
11:37:34 39 You're lucky apparently, you can hear it loudly. It's soft
11:37:40 40 for us.
11:37:43 41
11:37:43 42 MR WINNEKE: Could we start from the beginning now.
43
11:37:50 44 (Audio recording played to the hearing.)
45
12:04:49 46 COMMISSIONER: There were some - the name of ██████████ was
12:04:54 47 mentioned I think three times I noted.

12:04:57 1
12:04:57 2 MR HOLT: I think I had four, Commissioner, but we're happy
12:05:02 3 to work with your staff so that that can be done quickly.
4
12:05:05 5 COMMISSIONER: Thank you. The transcript was accurate.
12:05:06 6 And of course there's a non-publication order with respect
12:05:09 7 to the name. Yes, Mr Winneke.
8
12:05:11 9 MR WINNEKE: Thanks, Commissioner.
10
12:05:12 11 COMMISSIONER: We'll get that available as soon as
12:05:14 12 possible.
13
12:05:14 14 MR WINNEKE: Mr White, what you've said in your statement
12:05:23 15 at paragraph 192 is that you've obviously had a lengthy
12:05:29 16 conversation with Ms Gobbo in the presence of Green and
12:05:32 17 Smith in relation to what you believed would be a conflict
12:05:35 18 of interest for her if she was called by Person [REDACTED] on
12:05:38 19 the day of the arrest and the conversation starts - oh, [REDACTED]
12:05:44 20 if I said - I did? I did.
21
12:05:48 22 COMMISSIONER: I think you did. Again, that name will be
12:05:52 23 removed from the record.
24
12:05:55 25 MR WINNEKE: It was based around a hypothetical situation,
12:05:59 26 it was an attempt by you and the handlers "to get as much
12:06:03 27 information as possible about what could occur if and when
12:06:06 28 he was arrested subject to a plan, a strategy to avoid her
12:06:11 29 having to respond to his possible request". Firstly, what
12:06:18 30 I suggest to you is that on a listening of that - and I
12:06:21 31 know it's difficult to hear everything that's said, however
12:06:27 32 what I suggest to you is that what you've said in the
12:06:31 33 statement isn't reflected by the overall content of the
12:06:34 34 discussions that you had with Ms Gobbo that we could hear,
12:06:39 35 do you accept that proposition?---No, I don't, Mr Winneke.
12:07:04 36 I think it was an attempt to get as much information as
12:07:07 37 possible about what could happen.
38
12:07:15 39 There was a lot in the conversation clearly about how
12:07:23 40 [REDACTED] could [REDACTED], there's no doubt about that,
12:07:29 41 isn't there?---No.
42
12:07:30 43 You say no?---Sorry, no, there's no doubt about that.
44
12:07:34 45 Yeah, okay. It's quite clear that you were eliciting ideas
12:07:37 46 from her about the best way that pressure could be applied,
12:07:43 47 even to the extent that he be given cigarettes and what

12:07:48 1 sort of cigarettes and so forth and so on, you accept that
12:07:51 2 proposition?---Yes, I do.
3
12:07:52 4 And you were genuinely trying to get and elicit that
12:07:59 5 information that would enable the best steps to be put in
12:08:02 6 place by the investigators to ensure that he [REDACTED], if I
12:08:07 7 can use that expression?---Yes.
8
12:08:14 9 Effectively the idea would be that he would be knee deep in
12:08:20 10 [REDACTED], "The [REDACTED]
12:08:23 11 [REDACTED] exactly the same position he
12:08:26 12 was in", and then she said, "Well, no, it shouldn't be the
12:08:29 13 same fellow" and there was some suggestions made by her
12:08:34 14 about that, do you agree?---Yes.
15
12:08:36 16 And then that he'd come back to the police station feeling,
12:08:42 17 "Gee, I'm not in a good position", and later on, perhaps an
12:08:46 18 hour it's laid out to him, "Well, not only am I in a bad
12:08:51 19 position standing in the middle of fuckin' [REDACTED]
12:08:54 20 [REDACTED] but he's got all these other headaches, financial
12:08:58 21 headaches, [REDACTED] and so forth", do you accept
12:09:04 22 that?---Yes.
23
12:09:04 24 She talks about the fantasy world that she'd like to be in,
12:09:08 25 where Steve's arrested, Dragon's arrested, Spanky's
12:09:14 26 arrested, in custody, and the whole shebang and that
12:09:17 27 "everyone's fucked in the immediate world. And what about
12:09:21 28 the bigger world? Well that'd be good if they're all
12:09:24 29 fucked'. There's certainly nothing in that part of the
12:09:28 30 discussion which is by way of eliciting what would occur if
12:09:34 31 she turned up, you agree with that?---Yes.
32
12:09:42 33 Part of it, and indeed at one point you say, "Well look,
12:09:45 34 I'm just wondering whether he'd make the decision on his
12:09:48 35 own or he'd say 'is Nicola still here or can I get her
12:09:53 36 back?'" , do you see that?---Yes.
37
12:09:55 38 It appears that those things are attributed to you, those
12:10:01 39 words. It's at p.266 of the transcript, or 276. Do you
12:10:09 40 agree it was you who said those words?---Yes.
41
12:10:16 42 It may well be that some of the attribution in the
12:10:19 43 transcript isn't entirely accurate but nonetheless you
12:10:23 44 accept that the general thrust of what was said appears to
12:10:26 45 come through the transcript?---Yes, I do.
46
12:10:29 47 Okay. Then on p.267 Mr Green says, "So you'll be around

12:10:45 1 for a while so if a, if an impromptu, a ten minute - these
12:10:51 2 are the facts, typed interview was done after the initial
12:10:55 3 advice was given and he was sat down and it was all made,
12:11:01 4 the full story was made crystal clear to him in a calm and
12:11:04 5 measured way". She says, "When you say the full story, do
12:11:08 6 you mean like the financial side? These are your other
12:11:11 7 problems, [REDACTED] it's not just the one". But what appears to
12:11:16 8 be coming across there is the expectation is that Ms Gobbo
12:11:20 9 would be there and be able to speak to him, do you accept
12:11:25 10 that?--No, I think the expectation is that's what the
12:11:30 11 investigators would be saying to him. That's how I
12:11:33 12 interpret that.
13
12:11:34 14 Right, okay. Then there's a discussion about - perhaps if
12:11:56 15 I put it this way. You ask her at p.272, "Look, purely a
12:12:05 16 technical point of view. If you talk to Person [REDACTED] and give
12:12:09 17 him legal advice before he's interviewed and he makes a
12:12:13 18 confession". Yeah, [REDACTED] "And I'm speaking theoretically
12:12:17 19 here. Okay, I'm not saying this is going to happen". So
12:12:20 20 this is you posing the hypothetical; is that right?---Yes.
21
12:12:24 22 You say, "But wouldn't it be the case down the track that a
12:12:29 23 defence barrister could argue well the advice that he got
12:12:32 24 prior to participating in the record of interview was not
12:12:34 25 impartial because it was done on behalf of the police by a
12:12:37 26 person that was acting for the police", right? What it
12:12:42 27 seems to me, I suggest to you, is that you're actually
12:12:44 28 asking her the question, "Would that be the case"?---Yes.
29
12:12:54 30 In effect you're asking for her legal opinion about that,
12:12:57 31 that's how it comes across I suggest?---Oh, I think it's
12:13:00 32 probably more than that. I mean I think it's pretty clear
12:13:03 33 that I did not want her to do that.
34
12:13:06 35 Certainly - I'm sorry, yeah, go on?---I didn't want her to
12:13:10 36 be in that position and I think it's clear what I think the
12:13:15 37 concern is.
38
12:13:17 39 I agree with that. But you're asking her the question,
12:13:25 40 aren't you, to find out what she as a lawyer would say, you
12:13:28 41 accept that proposition?---Yes.
42
12:13:29 43 Her response to that is, "Who the fuck's going to say
12:13:34 44 that?" I mean obviously that probably wasn't the advice
12:13:41 45 that you were after, you were after an opinion I suspect,
12:13:44 46 weren't you?---Well, I was trying to show her that she
12:13:54 47 shouldn't be involved at all. I think her answer was -

12:13:58 1 yeah, you're right, if your question is that was not the
12:14:01 2 response I wanted you're right.
3
12:14:04 4 Firstly, if we look at it that way, if you're trying to
12:14:08 5 sort of gently lead her to the view that you were trying to
12:14:11 6 put across, she certainly didn't get that because her
12:14:14 7 response was entirely - well unlaywer like, if you
12:14:21 8 like?---Yeah, it was unlaywer like for sure. It was
12:14:24 9 consistent with her role. She obviously thought that we
12:14:28 10 would be declaring her as a human source.
11
12:14:33 12 What it's consistent with is that her role won't be
12:14:36 13 revealed, it'll be hidden, isn't it?---As a human source,
12:14:49 14 yes, that's right.
15
12:14:50 16 Can I just put this proposition to you. I'll ask you the
12:14:54 17 question: do you say that question was asked not by way of
12:15:00 18 genuinely asking her the legal position but by guiding her,
12:15:05 19 is that what you say?---Yes.
20
12:15:11 21 Well obviously she didn't get it, did she?---No.
22
12:15:17 23 Okay?---I think - I'm sorry, without actually having a good
12:15:22 24 look at this conversation, I think she must have well
12:15:26 25 understood that.
26
12:15:28 27 Did you understand it?---That she shouldn't be giving him
12:15:34 28 any legal advice?
29
12:15:35 30 Yes?---Yes, that's why I - - -
31
12:15:38 32 Then you say, or then you make this comment on the
12:15:40 33 following page, "No one's going to say that" - in fact you
12:15:45 34 go on and say, "It's a theoretical question, it's not, I'm
12:15:49 35 trying to" - and it seems that you're suggesting it's a
12:15:53 36 theoretical question. Gobbo says, "Well why would anyone
12:15:56 37 say that?" You say, "Well no one's going to say that
12:15:59 38 because", effectively you're saying no one's going to know
12:16:05 39 about it, I suggest?---That she was a human source?
40
12:16:08 41 Yes?---Yes.
42
12:16:10 43 And that she had been involved in providing information
12:16:13 44 against him?---Yes.
45
12:16:16 46 But then you say, "But I'm trying to understand what the
12:16:20 47 conflict of interest area is, something that - it's not

12:16:26 1 something that we ever deal with, all right?" I take it
12:16:29 2 that - I mean it wasn't because you'd never, ever dealt
12:16:36 3 with a situation like this before, had you?---No.
12:16:38 4
12:16:41 5 "All right for you, and I mean it's, some people could put
12:16:44 6 up an argument that a person who's a barrister perhaps
12:16:47 7 could never help the police and still represent the person
12:16:49 8 that she's helping the police with. So I'm just trying to
12:16:53 9 get my head around this. Could, could you, maybe it's even
12:16:56 10 pointless talking about it because you might actually think
12:16:59 11 I'm going", and it's not clear unfortunately what you then
12:17:03 12 go on and say, but she says, "Probably but what's the real
12:17:08 13 point?" And you say, "Forget it". It seems that you drop
12:17:11 14 it. Now what I suggest to you is that it does not come
12:17:16 15 across here that you are trying to convince her not to turn
12:17:20 16 up. I put that to you quite clearly, I suggest that that
12:17:27 17 is not what you are doing?---My discussions with her about
12:17:33 18 not turning up occurred over a number of meetings.
19
12:17:37 20 Yes?---I think you're accurate when you say I'm not telling
12:17:43 21 her at this particular meeting, "You can't turn up".
12:17:47 22 Clearly I know what the issue is and I'm trying to sort of
12:17:50 23 guide her down that path. Looking at this meeting now and
12:17:54 24 listening to it in hindsight, I'm thinking I wish I had
12:18:00 25 have said to her, "Listen, again, you just can't go, we
12:18:02 26 don't want you there".
27
12:18:04 28 It appears, Mr White, that you've certainly got a bit of an
12:18:14 29 idea about the issues, haven't you?---Yes.
30
12:18:16 31 You're asking her for her views about it I suggest?---Yes.
32
12:18:21 33 But she's not the in-house SDU lawyer, is she?---No.
34
12:18:29 35 You did have available to you a lawyer or a person you
12:18:34 36 could go to to obtain legal advice about this matter,
12:18:41 37 didn't you?---Within the police organisation, yes.
38
12:18:43 39 You could have accessed that sort of advice if you'd wanted
12:18:47 40 to?---Yes. But I think, and I have given this evidence
12:18:57 41 before.
42
12:18:58 43 Yes?---I am of the view we did not seek legal advice in
12:19:03 44 relation to this matter and I wish we had have.
45
12:19:08 46 I understand that. Indeed, Ms Gobbo puts it this way:
12:19:20 47 when you raise that issue about the ethical difficulties

12:19:24 1 that she's in and the problems that would then face
12:19:27 2 ██████████ and potentially the system of justice, she says,
12:19:34 3 "Well what's the real problem?" Mr Smith says, "Just the
12:19:40 4 ethics of the whole situation". You heard him say
12:19:44 5 that?---Yes.
6
12:19:45 7 Right. Ms Gobbo says, "Well the general ethics of the
12:19:49 8 whole situation is fucked". It couldn't be put any
12:19:55 9 clearer, could it?---No.
10
12:20:02 11 I've asked you before about this self-test that the police
12:20:07 12 utilise. Will it stand up to scrutiny? Did you ask
12:20:12 13 yourself that self-test during the course of this
12:20:14 14 discussion with her? Will it stand up to scrutiny?---I
12:20:23 15 don't know whether I considered that at that time in that
12:20:26 16 discussion.
17
12:20:27 18 Do you think you should have considered it?---I think we
12:20:30 19 were considering it.
20
12:20:30 21 You say you were, all right. What about the next part of
12:20:33 22 the self-test: is it ethical, did you consider that - - -
12:20:36 23 ?---I think that's why I asked her about it.
24
12:20:40 25 We know the answer to that, "It's fucked", right? What
12:20:44 26 about the L part of it, lawful? Is it lawful? Did you ask
12:20:51 27 yourself that at any stage, either during or after this
12:20:55 28 interview?---Well we did and we had a conversation with her
12:21:00 29 in relation to the legality of it.
30
12:21:03 31 What about the fairness of it, did you consider the
12:21:06 32 fairness of it at any time during or after this?---I can't
12:21:12 33 assist you. I can only go by what's in the transcript.
34
12:21:15 35 Right. Well see you'd agree that the justice system
12:21:22 36 requires fairness to people charged with an offence and
12:21:26 37 you'd agree that a person such as ██████ is entitled to
12:21:30 38 fairness in the criminal justice process, do you agree with
12:21:33 39 that?---Yes, I do.
40
12:21:41 41 What I suggest to you, and it may well be that you can
12:21:44 42 point to somewhere else in the transcript that you've
12:21:46 43 listened to, but I suggest to you it certainly doesn't
12:21:50 44 appear in this part of the transcript that when you asked
12:21:53 45 her exactly what you would say to him in an effort to
12:21:58 46 convince her that she should make herself unavailable when
12:22:01 47 it happened, she told you very clearly and quite rightly

12:22:05 1 that it was none of your business. We didn't hear that.
12:22:09 2 Do you say that occurs elsewhere in the transcript?---I
12:22:13 3 didn't see it referred to in those terms but I do have a
12:22:17 4 recollection of that.
5
12:22:18 6 You have a recollection of it, do you?---Yes.
7
12:22:20 8 And you believe that that was said to you in this
12:22:26 9 conversation?---I don't know which conversation it was in,
12:22:30 10 Mr Winneke.
11
12:22:30 12 All right. Well look, I mean you've made the statement.
12:22:34 13 It's in your paragraph in your statement, 193. I'm giving
12:22:38 14 you the opportunity to tell us where it is, do you know?
15
12:22:43 16 COMMISSIONER: Would you be able to look for it and find it
12:22:45 17 overnight?---I don't think so, Commissioner. There's so
12:22:50 18 much material here that I haven't looked through. That's
12:22:54 19 in my statement because I have a recollection of that.
20
12:22:57 21 Okay, thank you.
22
12:22:59 23 MR WINNEKE: All right. But you'd agree with this
12:23:03 24 proposition, that if you were going to give her strong
12:23:05 25 advice, and if indeed that is the actual position that the
12:23:08 26 Commission should accept, that she should not attend the
12:23:12 27 interview because of the potential interruption to the
12:23:17 28 criminal justice process, this meeting would be a very good
12:23:20 29 opportunity to do so, wouldn't it?---It would be.
30
12:23:25 31 Yeah. Because you knew on [REDACTED] 2006 that [REDACTED] had
12:23:32 32 [REDACTED]?---I'll take it as accurate what you're saying.
33
12:23:40 34 And there was the real possibility of an imminent arrest of
12:23:45 35 [REDACTED], you agree with that?---Yes.
36
12:23:52 37 If she was making it clear to you, as she appears to have
12:23:56 38 been certainly in that discussion, this would have been a
12:23:59 39 perfect opportunity to make it absolutely clear to her that
12:24:04 40 that couldn't happen because of the potential for the
12:24:08 41 perversion of the course of justice?---Oh, I've already
12:24:12 42 given evidence that I would have been a lot happier if at
12:24:17 43 that statement a strong statement was in there to that
12:24:21 44 effect.
45
12:24:21 46 No doubt you would have. But you're saying that you did
12:24:24 47 attempt to make it clear and I'm suggesting to you that you

12:24:27 1 didn't, now do you disagree with that?---I do disagree with
12:24:30 2 that, Mr Winneke.
3
12:24:32 4 All right. Do you say that you spoke to Ms Gobbo in person
12:24:45 5 prior to the arrest on [REDACTED] after this occasion?---No.
6
12:24:51 7 So there certainly wouldn't have been an occasion
12:24:55 8 subsequent to this where the conversations that you've
12:24:57 9 referred to in paragraphs 192 and 193 of your statement
12:25:01 10 would have occurred?---Subsequent to this particular
12:25:03 11 conversation?
12
12:25:04 13 Yes, and prior to the arrest?---So this one was on [REDACTED]
12:25:09 14 [REDACTED]?
15
12:25:09 16 Yes?---And the arrest was on the [REDACTED] is that right?
17
12:25:13 18 [REDACTED] of [REDACTED] Just have a look at the source management
12:25:23 19 log?---Yes. No, there's no - I had no contact with her
12:25:27 20 between those dates.
21
12:25:28 22 Prior to [REDACTED] when was the last time that you'd spoken
12:25:31 23 to her?---We'd have to go through the log. So the time
12:27:12 24 that I met with her prior to [REDACTED] was [REDACTED].
25
12:27:21 26 So what you would say is potentially at that time there
12:27:24 27 might have been a discussion about this?---There might have
12:27:30 28 been.
29
12:27:31 30 There might have been. Ultimately as that conversation
12:27:43 31 progressed, and we haven't played the entirety of it, but
12:27:46 32 Ms Gobbo was making it quite clear to you that she wanted
12:27:50 33 to be there and would be there when [REDACTED] was arrested, would
12:27:56 34 that be fair to say?---I think so.
35
12:28:02 36 The end result was that inevitably he would be called and
12:28:06 37 she would be there?---Yes.
38
12:28:11 39 That's in effect the last discussion that you have, it
12:28:19 40 would be correct to say, after the - or prior to the
12:28:23 41 arrest?---Sorry?
42
12:28:24 43 That's the last discussion that you have with her prior to
12:28:27 44 the arrest, do you agree with that?---Yes.
45
12:28:33 46 Do you recall what was in fact put into train when the
12:28:40 47 arrest did occur?---No.

1
12:28:46 2 I suggest to you that Ms Gobbo was told about the arrest on
12:28:49 3 the morning and that Mr O'Brien was communicating with the
12:28:54 4 SDU on the morning of the impending arrest prior to the
12:28:58 5 arrest, do you accept that?---Can I have a look at my
12:29:06 6 diary?
7
12:29:07 8 If you've got your diary there by all means?---I have my
12:29:36 9 diary for [REDACTED].
10
12:29:37 11 Right. Does it record that you were told at 9.30 - - -
12:29:45 12 ?---I had a rest day on [REDACTED] and I can see that - - -
13
12:29:55 14 [REDACTED]?---[REDACTED], yes. So it looks like at 18:09 I
12:30:06 15 received a call from Mr Smith.
16
12:30:10 17 Yes?---Telling me that [REDACTED] and another [REDACTED]
12:30:15 18 [REDACTED].
19
12:30:16 20 Right. They were going to be arrested?---No, they had been
12:30:21 21 arrested.
22
12:30:22 23 Had been, all right. Are you sure about that?---I'm
12:30:29 24 reading from my diary so I'm just relying on my notes.
25
12:30:34 26 Perhaps you can read it out?---So 18:09.
27
12:30:37 28 Yes?---"Call from Smith."
29
12:30:44 30 Yeah, that's - perhaps we can go back earlier in your diary
12:30:49 31 to 9.30 in the morning?---Yes.
32
12:30:51 33 What do you see there?---"Spoke to JOB", which is Jim
12:31:02 34 O'Brien. "[REDACTED] possibly to be arrested today."
35
12:31:06 36 Yes?---Do you want me to keep on going?
37
12:31:10 38 Yes?---"SOG on stand by."
39
12:31:15 40 SOG, okay?---"Have informed HS", human source.
41
12:31:22 42 So you've told her, or she's been told?---"[REDACTED] may be
12:31:26 43 arrested. She is at Barwon."
44
12:31:29 45 What occurs next as far as you know in your diary? Keep
12:31:33 46 going on in your diary?---"Estimate HS will have eight
12:31:39 47 pound."

1
12:31:41 2 Yes?---I've got no idea what that is a reference to.
3
12:31:46 4 Is there an entry in your diary to the effect that she's at
12:31:50 5 Barwon and hasn't been able to get on to ■?---The next
12:31:55 6 sentence is, "HS has not been able to get on to Person
7
12:32:01 8 HS is Gobbo and ■ is the person - - -
9
12:32:03 10 COMMISSIONER: There's a standing non-publication order on
12:32:06 11 anything re the names.
12
12:32:09 13 MR WINNEKE: All right. I suggest to you that the relevant
12:32:19 14 ICR states that, "She has been told to leave the phone in
12:32:24 15 the car switched on silent, ring the handler immediately
12:32:29 16 she leaves prison, may see handlers today at St Kilda Road
12:32:35 17 if arrests occur, to ignore unless prearranged secure
12:32:40 18 meeting. Gobbo to immediately advise a handler regarding
12:32:45 19 any contact by ■". Then it says - that name again,
12:32:51 20 Commissioner, I apologise. Then says, "White advised", so
12:32:54 21 you'd been advised of that?---I can see I've got a message
12:32:59 22 from Smith at 15:20 to ring.
23
12:33:04 24 Yes?---And I don't ring until 18:09. Sorry, I didn't - - -
25
12:33:13 26 Perhaps if you have a look at ICR number 28.
27
12:33:16 28 COMMISSIONER: Would you look at the ICRs at p.258.
29
12:33:19 30 MR WINNEKE: 258. Can we put that up on the screen?
31
12:33:35 32 COMMISSIONER: It's 2000.0003.1844 on my numbering. I
12:33:58 33 think the witness has the hard copy in front of him anyway.
34
12:34:01 35 MR WINNEKE: Yes, do you have the hard copy there with
12:34:04 36 you?---Yes, I do.
37
12:34:05 38 You'll see that there's the entry I referred to at 9.23,
12:34:11 39 "Advised to leave the phone in the car", do you see
12:34:13 40 that?---Yes.
41
12:34:16 42 And this is an ICR which you've have subsequently, I
12:34:22 43 suggest, signed and ultimately you were advised in any
12:34:26 44 event about that?---Yes.
45
12:34:31 46 Whether or not you made a note in your diary of it, you
12:34:35 47 were certainly advised about it, according to this ICR

12:34:38 1 anyway. It's in bold, you see that?---Yes.
2
12:34:41 3 If we move on to an entry at 12.30, we see that "Gobbo's
12:34:47 4 waxing ironic re imminent [REDACTED] arrest" and that "she won't
12:34:54 5 get paid for representing him", do you see that?---Yes.
6
12:34:57 7 Right. Then it appears that the arrest occurred of [REDACTED]
12:35:07 8 [REDACTED]. I'm not too sure whether that person has a
12:35:17 9 name. I'm not sure, I don't believe he has but I might be
12:35:20 10 wrong.
11
12:35:20 12 COMMISSIONER: Is there any problem with him being named?
12:35:23 13 Suppression orders or any other reason?
12:35:30 14
12:35:30 15 MR HOLT: There's no order, Commissioner.
16
12:35:32 17 COMMISSIONER: Thank you.
18
12:35:33 19 MR WINNEKE: It's quite clear that there's no doubt that
12:35:36 20 she's going to attend, you agree with that?---Yes.
21
12:35:39 22 Indeed, it was suggested that when she did, and if she did,
12:35:43 23 she was to ignore any handlers?---Yes.
24
12:35:51 25 Effectively she was being told to be ready and she was
12:35:54 26 given quite clear advice about what to do and how she'd be
12:36:02 27 able to get there, correct?---I don't think she was told
12:36:15 28 what to do and how to get there.
29
12:36:18 30 She was told of the arrest, she was told to keep her phone
12:36:19 31 switched on silent, to ring the handler immediately she
12:36:22 32 leaves prison, et cetera, et cetera. What I suggest is
12:36:24 33 that her attendance after the arrest occurred was being
12:36:28 34 facilitated by the SDU?---No, I don't agree with that.
35
12:36:36 36 You disagree with that?---She made it very clear she was
12:36:39 37 going to go whether we wanted her to or not.
38
12:36:41 39 Why did you assist her?---How do you say we assisted her?
40
12:36:45 41 You disagree that you gave her assistance, do you?---Yes.
42
12:36:52 43 The reality is had she not been told she might have been
12:36:55 44 oblivious to all of this, she might have been at the prison
12:37:00 45 seeing clients and the whole thing could have gone off
12:37:03 46 without her being there, do you agree or disagree?---No, I
12:37:14 47 disagree with that. I think it was pretty obvious that she

12:37:17 1 was going to get told by [REDACTED]. I don't think there
12:37:21 2 was any doubt that was going to happen.
3
12:37:22 4 Yes, okay. In any event what's your next entry in your
12:37:28 5 diary?---Sorry, what time would you like?
6
12:37:35 7 When's your next relevant entry in your diary?---18:09.
8
12:37:40 9 Right. At that stage what do you say?---So I've got a call
12:37:44 10 from Mr Smith.
11
12:37:45 12 Yes?---" [REDACTED] arrested."
13
12:37:50 14 Yes?---"3 pm approx. Source had been to see him. Short no
12:37:59 15 comment interview."
16
12:38:00 17 Right?---"En route to Purana now. Green on stand-by."
18
12:38:12 19 So - - - ?---"Human source" - sorry.
20
12:38:15 21 Sorry, go on. Keep going?---"Human source said no drugs
12:38:19 22 found. Possibly [REDACTED] has not [REDACTED] yet."
23
12:38:27 24 Right. In any event she's conveying to you or conveying to
12:38:34 25 the SDU matters that she apparently has learnt from her
12:38:40 26 attendance at the police station following [REDACTED]
12:38:44 27 arrest, do you agree with that?---Presumably.
28
12:38:49 29 Then what's your next entry?---"Call to Smith, update."
30
12:38:58 31 Yes. Did you get - - - ?---Sorry?
32
12:39:04 33 Did you get an update?---I'm not sure whether I got an
12:39:07 34 update or this is Mr Smith updating me.
35
12:39:11 36 Right. What was the update?---"[REDACTED] considering [REDACTED]
12:39:18 37 Human source currently speaking to him."
38
12:39:21 39 Right?---"Has spoken to him" - sorry.
40
12:39:27 41 No, you go ahead. I interrupted you?---"Has spoken to him
12:39:32 42 with JOB and Flynn."
43
12:39:36 44 Yes?---"Green came in to assist."
45
12:39:41 46 Yes, go on?---"Possibly problem re source not alerting
12:39:49 47 others as requested by [REDACTED]"

1
12:39:51 2 Yes. What did you understand that to be?---That last
12:39:55 3 sentence?
4
12:39:55 5 Yes?---I'm not sure now. It might have been a reference to
12:40:07 6 her being required to alert ██████████ that ██████ had
12:40:14 7 been arrested.
8
12:40:15 9 Yes, all right. Do you think that was the - when I asked
12:40:19 10 you before about the misinformation that might need to be
12:40:24 11 employed with respect to Ms Gobbo, do you think that is
12:40:27 12 what might have been anticipated, that problem?---I'm not -
12:40:36 13 I don't know at this stage. One of the biggest problems
12:40:39 14 with this event in relation to the arrest of ██████ was that
12:40:52 15 there was an expectation that if any of the people involved
12:40:57 16 in that particular ██████████ that she was
12:41:02 17 expected to notify them, that is ██████████, of the arrest
12:41:14 18 and if she failed to do that that would be a problem.
19
12:41:21 20 What you do understand is that Smith did go in and speak
12:41:26 21 to, or speak with O'Brien and Flynn to do, in effect, a
12:41:36 22 ██████████ to ██████████, if I can put it neutrally
12:41:42 23 that way, do you agree with that?---I'm not sure that they
12:41:46 24 were to be involved in the ██████████
25
12:41:48 26 Yes?---That was something that Mr O'Brien and Flynn were
12:41:56 27 taking care of. From recollection there was some thought
12:42:00 28 that if ██████████ the police then
12:42:06 29 maybe ██████████ to the ██████████ for
12:42:10 30 ██████████
31
12:42:15 32 Yes. In any event, Smith was there because of his
12:42:28 33 knowledge of ██████████, would you agree with that? Do you
12:42:34 34 agree with that proposition?---No, Smith was there in case
12:42:38 35 ██████ did ██████████.
36
12:42:40 37 Righto, okay?---That's my recollection.
38
12:42:48 39 ██████████ asked Ms Gobbo to come back a second time; is
12:42:53 40 that correct?---I don't know.
41
12:42:56 42 Do you know that she also advised ██████████ at that
12:43:01 43 stage?---No, I don't know.
44
12:43:04 45 The first occasion that ██████████ spoke to a lawyer it was to
12:43:10 46 Ms Gobbo, you're aware of that, are you?---No.
47

12:43:13 1 I take it you would have become aware of that?---I may have
12:43:20 2 been told that but I've got no recollection if I was told
12:43:32 3 that but it should be in my diary.
4
12:43:34 5 That was potentially problematic as well, wasn't it,
12:43:36 6 because the information that led to the arrest of [REDACTED] also
12:43:39 7 [REDACTED], do you agree with that?---And
12:43:43 8 that's problematic?
9
12:43:45 10 Yes, because Gobbo was the person who largely contributed
12:43:51 11 to the arrest of both of them?---I don't really see your
12:43:55 12 point. The arrest of [REDACTED] came about as a consequence of him
12:44:04 13 telling Ms Gobbo that [REDACTED].
14
12:44:06 15 Yes?---I can't recall whether - I think he might have
12:44:13 16 mentioned - I can't recall at this point.
17
12:44:18 18 All right?---If he nominated who was with him. As I stated
12:44:25 19 previously, I didn't believe there was an issue with
12:44:28 20 receiving and acting on that information.
21
12:44:30 22 That wasn't what I was talking about that, I was talking
12:44:32 23 about the problem that you had alluded to in your
12:44:34 24 discussion with Ms Gobbo about Ms Gobbo appearing and
12:44:37 25 representing or advising [REDACTED] that then doubles because she
12:44:40 26 then [REDACTED], do you accept that
12:44:44 27 proposition?---I do.
28
12:44:47 29 Okay?---I didn't see that at the time but I can see what
12:44:50 30 you're saying now.
31
12:44:52 32 All right. At p.259 of the ICRs there's a note or there's
12:45:02 33 this note, "HS forgot to mention that there were [REDACTED]
12:45:09 34 [REDACTED]", do you see that at 18:35?---Yes.
35
12:45:24 36 That clearly was something that had been conveyed to her in
12:45:26 37 discussions that she'd had with [REDACTED] do you accept
12:45:37 38 that?---Yes.
39
12:45:38 40 Now that was immediately conveyed to Detective Inspector
12:45:47 41 O'Brien, do you accept that?---Yes.
42
12:45:49 43 And subsequently [REDACTED] was charged, convicted and
12:45:52 44 sentenced with respect to being [REDACTED].
12:46:02 45 Did you know about that or not?---No.
46
12:46:05 47 Well at face value those charges and convictions would, at

12:46:09 1 least at face value, have arisen out of information that
12:46:13 2 Gobbo had been given by one of her clients in a
12:46:17 3 conference?---At face value, yes.
4
12:46:20 5 Well that would be a clear breach of legal professional
12:46:26 6 privilege, wouldn't it?---Well it would depend. I don't
12:46:29 7 know the circumstances of [REDACTED] telling her [REDACTED].
8
12:46:34 9 Right. In any event, if we had a situation where there was
12:46:40 10 a proper vetting of information and turning it into
12:46:44 11 sanitised intelligence to ensure that no LPP material was
12:46:49 12 conveyed, that wouldn't have occurred, one assumes, or at
12:46:54 13 least there would have been the opportunity to consider
12:46:57 14 that before it was conveyed immediately to the
12:46:59 15 investigators, do you agree with that proposition?---I
12:47:02 16 think you would have to ask Mr Smith.
17
12:47:07 18 Yes?---How that information was obtained. I honestly don't
12:47:10 19 know whether that was LPPed or not so I would be
12:47:14 20 speculating.
21
12:47:14 22 See, you're the person who ultimately signs off on this
12:47:18 23 ICR, right? Do you accept that?---I do.
24
12:47:22 25 Did you ever ask Mr Smith about that?---I might have.
26
12:47:26 27 You might have?---M'mm, maybe it wasn't LPPed. Maybe
12:47:31 28 Mr Smith made that decision himself and spoke to
12:47:36 29 Mr O'Brien.
30
12:47:36 31 Well it's pure speculation because there's no note about it
12:47:41 32 anywhere, is there?---It's speculation either way.
33
12:47:51 34 COMMISSIONER: Mr Winneke, we should probably tender,
12:47:54 35 before I forget, the redacted audio clip and transcript.
36
12:47:58 37 MR WINNEKE: Yes, tender that.
38
12:47:59 39 COMMISSIONER: Between Gobbo, White and Smith. The date of
12:48:04 40 that was the 19th, was it?
41
12:48:08 42 MR WINNEKE: [REDACTED] 2006, Commissioner.
12:48:11 43
12:48:12 44 #EXHIBIT 300 - Redacted audio clip and transcript of
12:48:19 45 conversation between Gobbo, White and Smith
12:48:22 46 on [REDACTED]/06.
47

12:48:25 1 MR WINNEKE: You understand Ms Gobbo was taken away from
12:48:27 2 the St Kilda Road Police Station for a period of time by
12:48:29 3 her handlers?---No.
4
12:48:30 5 Is it your understanding that she met them at a location
12:48:39 6 some distance or some short distance away from the police
12:48:42 7 station?---Not that I can recall.
8
12:48:46 9 I suggest that she met them at a hotel some distance away
12:48:50 10 and remained there for a period of time until she was
12:48:53 11 called to re-attend at St Kilda Road Police Station, were
12:48:56 12 you aware of that?---Not that I can recall.
13
12:49:00 14 If that was the sequence of events one assumes that you
12:49:03 15 would have been made aware of that at the time, wouldn't
12:49:06 16 you?---Yes.
17
12:49:08 18 Then when she did come back on a second occasion she went
12:49:11 19 into a room with [REDACTED] and Detective Flynn and she was
12:49:18 20 there for about an hour and a half because she went in
12:49:24 21 there at 7.25 pm and left at 9 pm. Are you aware of
12:49:29 22 that?---Not that I can recall.
23
12:49:34 24 Right. Did you receive an update at quarter past eight by
12:49:38 25 Smith that [REDACTED] was [REDACTED] and
12:49:43 26 that Gobbo was in there speaking to him?---Yes.
27
12:49:48 28 In effect she became part of the [REDACTED] if you
12:49:52 29 like, do you accept that proposition?---Oh well, I don't
12:49:56 30 know.
31
12:49:57 32 Right. Were you updated at about quarter past ten that
12:50:11 33 [REDACTED] had asked to speak to Dale Flynn and Ms Gobbo
12:50:16 34 alone?---Yes.
35
12:50:20 36 At that stage he had [REDACTED]?---That's what my
12:50:26 37 diary says, yes.
38
12:50:31 39 All of that must have been of great concern to you I take
12:50:35 40 it?---Well I've already told you that I didn't want her
12:50:49 41 there. I would have much preferred she was in Bali. So to
12:50:54 42 that extent, yes.
43
12:50:56 44 I mean you understood, because it's set out in the
12:51:01 45 interview that you had, that there could be real problems
12:51:06 46 if she turned up and was advising him, in circumstances
12:51:10 47 where she was the provider of information. It's apparent

12:51:14 1 from that interview I suggest?---Yes.
2
12:51:16 3 Right. Did you speak to Mr O'Brien about your concerns
12:51:22 4 after all this had occurred?---I imagine I would have. I
12:51:33 5 know that he was not happy with her turning up at the
12:51:36 6 St Kilda Road Police Complex so I imagine we must have
12:51:41 7 spoken about it at some point.
8
12:51:43 9 What was the reason for his unhappiness, do you recall?---I
12:51:47 10 think the same as mine. I don't think he thought it was
12:51:49 11 appropriate she should be there.
12
12:51:52 13 Right. Did you raise this concern with anyone, any of your
12:51:56 14 line superiors in your division?---Not that I can recall.
15
12:52:04 16 Why not?---I have no idea at this stage.
17
12:52:09 18 Well, does that suggest - when you say you had no idea - -
12:52:13 19 - ?---Sorry, are you asking me why I can't recall? I'm not
12:52:19 20 saying I didn't do it. I'm just saying I can't recall.
21
12:52:23 22 All right. In any event it was something which was, I
12:52:26 23 suggest, significant enough, for example, to make an entry
12:52:30 24 in the source management log about?---I think the record
12:52:33 25 clearly shows that it was a concern for me, Mr Winneke.
26
12:52:37 27 What I'm suggesting to you is that if you were concerned
12:52:40 28 about it and that she had specifically disobeyed your
12:52:45 29 instructions leading to potential inadmissibility of
12:52:56 30 evidence or worse, that is something which would be a
12:52:58 31 significant management issue, would it not?---Yes.
32
12:53:00 33 Why don't we see any entry in that regard in your source
12:53:04 34 management log on the [REDACTED] or [REDACTED], why
12:53:09 35 don't we see any entry in your log about that?---The source
12:53:15 36 management log is essentially compiled out of contact
12:53:19 37 reports and notes from my diary. I want to point out this
12:53:27 38 is an aide-memoire, this source management log, it's not
12:53:31 39 part of any sort of policy to keep that. It was something
12:53:34 40 that I kept myself.
41
12:53:35 42 I understand that, but it's not - but the source management
12:53:39 43 log that you decided to keep was designed to record
12:53:41 44 management issues with respect to your sources, wasn't it?
12:53:46 45 That's the purpose of it?---Yes.
46
12:53:48 47 This was a - - - ?---Yeah, one purpose.

1
12:53:52 2 This was a red flag management issue, wasn't it?---Yes.
3
12:53:57 4 Why don't you record it in your source management log if
12:54:00 5 you regarded it as a red flag issue?---I can't explain
12:54:06 6 that, Mr Winneke.
7
12:54:10 8 Did you deliberately not include it in your log?---No.
9
12:54:14 10 Did you forget to record it in your log?---I cannot help
12:54:20 11 you with any recollection.
12
12:54:23 13 Right?---On this particular point.
14
12:54:26 15 Right. Did you update any risk assessment to reflect the
12:54:32 16 fact that this particular source was recalcitrant and was
12:54:37 17 likely to ignore instructions and attend upon people with
12:54:41 18 respect to whom she'd provided information against?---There
12:54:47 19 was a second risk assessment - I know there was a second
12:54:54 20 risk assessment done. I can't recall whether it was before
12:54:56 21 this or after, and I'm not sure what's in it.
22
12:54:59 23 That was the day of the interview on [REDACTED] I suggest to
12:55:03 24 you?---Was it?
25
12:55:05 26 Yes. So the reality is as a consequence of this there was
12:55:11 27 no update in the risk assessment, do you accept
12:55:14 28 that?---That's right.
29
12:55:15 30 Okay. In the ICR at p.259 there's a note to the effect
12:55:22 31 that at about 16:10 that "human source seems happy about
12:55:36 32 the [REDACTED] and she asks the question, 'who's next?'" That
12:55:41 33 was immediately after being told that "[REDACTED]
12:55:47 34 [REDACTED] in custody and [REDACTED] asking for human source who
12:55:52 35 was en route to St Kilda Road Police Station, ten minutes
12:55:56 36 off", do you see that?---Yes.
37
12:55:59 38 At that stage she's clearly aware of [REDACTED] and she's happy
12:56:03 39 about the [REDACTED], do you accept
12:56:05 40 that?---Yes.
41
12:56:13 42 Equally it seems that [REDACTED] having [REDACTED], was [REDACTED]
12:56:17 43 [REDACTED]?---Yes.
44
12:56:21 45 What I suggest to you is it's quite clear that Gobbo should
12:56:30 46 have been, I suggest - or I withdraw that. I withdraw
12:56:33 47 that. In your diary there's a note to this effect, that

12:56:59 1 Gobbo was concerned as she should ring [REDACTED] and warn him
12:57:04 2 that [REDACTED] had been arrested and [REDACTED], do
12:57:08 3 you agree with that?--What page are we on?
4
12:57:10 5 In your diary of that day, the [REDACTED]-Is this p.60 - - -
6
12:57:20 7 2215?---Thank you.
8
12:57:28 9 Do you see that?---To do something with [REDACTED]?
10
12:57:34 11 Yes?---"Human source concerned, she wants [REDACTED] to look after
12:57:39 12 himself."
13
12:57:42 14 Just read that again?---"Want to do something with [REDACTED]
12:57:48 15 Human source concerned, she wants [REDACTED] to look after
12:57:55 16 himself."
17
12:57:56 18 Right. [REDACTED] to [REDACTED]".
19
12:58:02 20 COMMISSIONER: All right, just be careful.
21
12:58:05 22 MR WINNEKE: I'm sorry, "[REDACTED] agreed to make
12:58:07 23 statement"?---Yes.
12:58:07 24
12:58:08 25 "[REDACTED]"?---Yes.
12:58:14 26
12:58:15 27 "Has not been put to him"?---Yes.
12:58:16 28
12:58:18 29 "Gobbo said she should [REDACTED] and warn him that [REDACTED]
12:58:22 30 arrested and [REDACTED], no excuse for not doing so"?---Yes.
31
12:58:26 32 That was a problem. Then Gobbo said that she's happy that
12:58:35 33 she's doing the right thing, do you agree with
12:58:39 34 that?---She's happy that she's done the right thing,
12:58:43 35 "bigger picture".
36
12:58:44 37 Yes. So that's the bigger picture that you'd been
12:58:47 38 referring to previously with her either - do you accept
12:58:54 39 that proposition?---The bigger picture in relation to
12:58:57 40 getting [REDACTED] out of her life.
41
12:58:59 42 Yes, okay. All right, thanks very much.
43
12:59:07 44 COMMISSIONER: We'll go on for a little bit, Mr Winneke.
12:59:10 45 If we can we'll go on for a little bit. We'll sit until
12:59:16 46 1.15.
47

12:59:17 1 MR WINNEKE: Yes, I'm happy to do so.
12:59:19 2
12:59:19 3 Your diary also reflects that at ten minutes past
12:59:22 4 midnight "Gobbo is okay with the situation, she didn't want
12:59:25 5 to stay at the hotel, she was happy to go home, she wasn't
12:59:28 6 worried". She says, "[REDACTED] and some others will hate her
12:59:34 7 and have nothing more to do with her when this is all
12:59:41 8 finished", and she agreed that this was one of her
12:59:44 9 objectives, do you agree with that?---Sorry, are you back
12:59:47 10 on the ICR?
11
12:59:48 12 No, your diary, I apologise?---My diary. Ten past 12?
13
12:59:56 14 Yes?---And which part of that do you want me to refer to?
15
13:00:08 16 "That she was okay and happy with the situation, she didn't
13:00:11 17 want to stay at the hotel. She was happy to go home. She
13:00:14 18 wasn't worried. She says [REDACTED] and some others will hate
13:00:17 19 her and have nothing more to do with her when this is all
13:00:21 20 finished. She agreed that this was one of her objectives".
13:00:25 21 Do you agree with that?---Yes.
22
13:00:42 23 In your diary there's a reflection of the fact that [REDACTED] has
13:00:47 24 made contact with [REDACTED] to ensure that everything was
13:00:51 25 okay. Do you understand that - - - ?---That's a - - -
26
13:01:03 27 Yes?---That is a question mark in relation to [REDACTED]
13:01:09 28 I'm not sure what that is a reference to.
29
13:01:13 30 Do you understand that he had got a message - that Gobbo
13:01:22 31 had got a message to the effect that [REDACTED] had tried
13:01:29 32 to get in touch - were you aware of the situation with
13:01:39 33 respect to [REDACTED]-No. Well, sorry, was I aware? I
13:01:45 34 don't know.
35
13:01:46 36 Right. Your diary at 22:55, have a look at that?---Yes.
37
13:02:27 38 Right. What does that indicate?---Sorry, the entry at
13:02:37 39 22:55?
40
13:02:38 41 Yes?---So some discussions there that I had with Mr Smith.
42
13:02:45 43 Yes?---And there was some talk about whether [REDACTED] would be
13:02:49 44 deployed that night in regards to [REDACTED].
45
13:02:56 46 Right. Was it agreed - - - ?---That then there was - - -
47

13:03:00 1 Sorry, go on?---There was a discussion - this was around
13:03:04 2 trying to protect Ms Gobbo. So this was speculation about
13:03:10 3 if [REDACTED] was deployed then she could ring shortly after
13:03:14 4 warning [REDACTED] about [REDACTED] and then she would have done what
13:03:20 5 she felt she is supposed to do with those particular
13:03:24 6 individuals.
7
13:03:24 8 Yes?---When persons are arrested.
9
13:03:30 10 Yes, I follow. If you have a look at the ICR at p.260 it
13:03:34 11 says that this is information that - - -
12
13:03:36 13 COMMISSIONER: Sorry, which time slot?
14
13:03:40 15 MR WINNEKE: 260, Commissioner.
16
13:03:42 17 COMMISSIONER: Yes, but which time slot on the page?
18
13:03:46 19 MR WINNEKE: 22:40. "Human source receives a call from car
13:03:52 20 wash business partner Paul. Coded talk that someone with
13:03:55 21 Paul needs to speak to human source and it was believed,
13:04:01 22 she believed that that was [REDACTED] and Detective
13:04:07 23 Inspector O'Brien was contacted and advised regarding
13:04:10 24 [REDACTED] Will talk to [REDACTED] and may need to contact him
13:04:13 25 and anybody else to keep up appearance of normality", do
13:04:26 26 you see that?---Yes, I do.
27
13:04:28 28 And that suggests that it was suggested to [REDACTED] that he
13:04:36 29 contact [REDACTED] Do you follow that?---Yes.
30
13:04:41 31 And that's what happened. At paragraph 200 of your
13:04:55 32 statement you say you've been criticised for allowing her
13:04:58 33 to represent [REDACTED] on the day, do you agree with that?---214?
34
13:05:10 35 Paragraph 200 on p.47?---I'm sorry, paragraph 214?
36
13:05:19 37 No, 200 on p.47. I apologise?---Yes.
38
13:05:33 39 You say that - your answer to the criticism is that you
13:05:37 40 took comfort from the fact that her representation at a
13:05:40 41 remand hearing would have no impact on the justice system,
13:05:58 42 do you see that?---Yes.
43
13:05:59 44 Because he had no chance of getting bail by virtue of the
13:06:03 45 fact that this was [REDACTED] in court for the
13:06:06 46 [REDACTED], do you follow
13:06:09 47 that?---Yes. Yes, I do.

1

13:06:12 2 Firstly, you say that you're conscious of the fact that
13:06:15 3 there is a potential for the justice system to be impeded
13:06:18 4 by Ms Gobbo's involvement in the way in which we've been
13:06:22 5 describing?---Yes.

6

13:06:24 7 And you say, well look, insofar as your concerned, because
13:06:30 8 it was only a remand hearing and a bail application in
13:06:34 9 which he'd never get bail, as far as you were concerned you
13:06:38 10 take comfort from that, right?---Well that extra piece of
13:06:43 11 further representation, yes.

12

13:06:48 13 But ultimately the real problem conceivably for the
13:06:51 14 criminal justice system might be her involvement with
13:06:56 15 ██████████ not in court, but out of court, what she does by
13:07:01 16 way of advising him, speaking to him, do you accept
13:07:04 17 that?---Yes.

18

13:07:05 19 So the justice system can be interfered with not simply by
13:07:08 20 a person such as Ms Gobbo who has conflicting interests
13:07:12 21 appearing in court, but it can very much be interfered with
13:07:18 22 by the advice that she gives and those sorts of important
13:07:22 23 things which occur behind the scenes, do you accept that
13:07:25 24 proposition?---Yes, I do.

25

13:07:27 26 You knew of that at the time, didn't you?---At the time she
13:07:29 27 was talking to ██████████?

28

13:07:33 29 Yes, at the time that all this occurred, yes?---Yes.

30

13:07:44 31 What you say is that you accept now that you very much
13:07:47 32 should have made your concerns known to more senior members
13:07:51 33 of Victoria Police Force?---No, what I'm saying to you now
13:07:57 34 is I don't recall whether I did or I didn't.

35

13:07:59 36 Right. Do you believe that they were aware of all of these
13:08:04 37 matters, your superior officers?---I think so.

38

13:08:09 39 Well which ones?---Well the management of Purana, whoever
13:08:18 40 that was at that time.

41

13:08:18 42 Yes. So Mr O'Brien would have been aware of it?---Yes, and
13:08:23 43 whoever the senior management was.

44

13:08:27 45 Mr - - - ?---I think the fact that Person ██████████ - depends on
13:08:37 46 what time you're talking about - sorry.

47

13:08:41 1 COMMISSIONER: That's okay, just take your time. It's easy
13:08:44 2 to do. There's a standing non-publication order and it
13:08:47 3 will be taken from the record. Now if you could just
13:08:50 4 answer the question again, please, Mr White?---So in
13:08:54 5 relation to [REDACTED] arrest, I imagine that [REDACTED]
13:09:01 6 [REDACTED] senior Crime Department personnel would have
13:09:08 7 known exactly what the plan was in regards to arresting
13:09:13 8 [REDACTED] and [REDACTED]
13:09:20 9 that investigation [REDACTED].
10
13:09:25 11 What you say is effectively certainty O'Brien was aware of
13:09:28 12 the process, he was aware that Gobbo had been involved in
13:09:32 13 providing the evidence, he was aware that she'd turned up
13:09:35 14 to provide advice, do you accept that?---Yes.
15
13:09:39 16 And you can only assume, although you don't know, that he
13:09:43 17 would have made those things known to his line superiors as
13:09:49 18 well, would you expect that?---Yes. Yes, I would.
19
13:09:53 20 And ultimately the expectation is that he would have made
13:09:55 21 it known, although you don't know, but it should have
13:10:04 22 become known to persons such as the Assistant Commissioner
13:10:07 23 of Crime?---Well as you say, I don't know but I think - no,
13:10:14 24 sorry, I'm not going to just guess.
25
13:10:16 26 Okay, all right then. It's not something that you
13:10:18 27 discussed with Mr O'Brien subsequent to the arrest?---Not
13:10:24 28 that I can recall.
29
13:10:30 30 You were aware though that Ms Gobbo had an ongoing and a
13:10:36 31 continued relationship with [REDACTED] there
13:10:40 32 afterwards?---No.
33
13:10:42 34 You're aware that she - - - ?---I don't think she had any
13:10:45 35 further involvement in representing [REDACTED].
36
13:10:48 37 No. But in terms of visiting [REDACTED]?---Oh, yes.
38
13:10:54 39 And she frequently visited [REDACTED], I take it you're
13:10:59 40 aware of that?---Yes.
41
13:11:02 42 And it was a matter of some concern to you and to Purana
13:11:07 43 detectives that [REDACTED] would be comfortable with his
13:11:12 44 situation and [REDACTED]
13:11:18 45 [REDACTED] ---Yes.
46
13:11:22 47 And you're aware that Ms Gobbo was used in the process of

13:11:26 1 keeping [REDACTED] happy?---I guess generally speaking.
2
13:11:41 3 You're aware that there's certainly a suggestion that she
13:11:45 4 was providing money to him?---Yes.
5
13:11:50 6 COMMISSIONER: [REDACTED] of course was in custody, correct?
7
13:11:55 8 MR WINNEKE: He was in custody, wasn't he?---Yes. Oh
13:11:59 9 well - - -
10
13:12:00 11 MR HOLT: Excuse me, Commissioner.
12
13:12:26 13 COMMISSIONER: My question was [REDACTED] was in custody?
13:12:31 14 Is there a problem with that?
15
13:12:34 16 MR WINNEKE: Commissioner, there's an issue in the
13:12:36 17 immediate period.
18
13:12:39 19 MR HOLT: There's no issue with the proposition that he was
13:12:42 20 in custody at the time my learned friend is asking
13:12:44 21 questions about. I think if my friend and the witness are
13:12:45 22 clear about that there's no difficulty.
23
13:12:46 24 COMMISSIONER: He [REDACTED] was remanded in
13:12:49 25 custody, is that correct?---Yes, Commissioner.
26
13:13:01 27 MR WINNEKE: Ultimately, and I'll do this as carefully as I
13:13:05 28 can, [REDACTED]
13:13:17 29 [REDACTED] clearly, down
13:13:21 30 the track?---I'm pretty sure he did.
31
13:13:29 32 In the more immediate term - - -
13:13:31 33
13:13:32 34 MR HOLT: Sorry, Commissioner, I apologise. Can I approach
13:13:34 35 my friend?
36
13:13:40 37 COMMISSIONER: Look, I think it's probably time to adjourn
13:13:42 38 for lunch so we'll adjourn now until 2 o'clock, thanks.
13:14:08 39
13:14:10 40 <(THE WITNESS WITHDREW)
13:14:11 41
42 LUNCHEON ADJOURNMENT
43
44
45
46
47

13:56:11 1 UPON RESUMING AT 2.07 PM:
14:07:21 2
14:07:25 3 COMMISSIONER: Yes Mr Winneke.
14:07:26 4
14:07:31 5 <SANDY WHITE, recalled:
6
14:07:26 7 MR WINNEKE: Now, Mr White, are you there?---Yes,
14:07:29 8 Mr Winneke.
14:07:30 9
14:07:33 10 MR WINNEKE: I was asking you before about your
14:07:35 11 understanding that whilst she didn't actually appear in
14:07:38 12 court for ██████████, save for those matters that we've
14:07:43 13 referred to and you've referred to in your statement, she
14:07:46 14 did continue to maintain a relationship with him and
14:07:49 15 visited him, at least purporting to visit him as a
14:07:52 16 professional visitor because that's what the, certainly the
14:07:58 17 records that we have from Corrections reveal. Are you
14:08:02 18 aware of that?---No. I did know that she was visiting.
19
14:08:07 20 Yes?---I'm not sure in what capacity.
14:08:09 21
14:08:10 22 All right then. Insofar as the ICR records reveal, she
14:08:20 23 certainly visited him on a number of occasions ██████████
14:08:27 24 ██████████. Do you know how ██████████
14:08:32 25 ██████████ ultimately?---No.
14:08:36 26
14:08:43 27 Can I suggest that ██████████. She
14:08:48 28 reported to her handlers, for example, if we go to ICR
14:08:54 29 number 34, 6 June, that he had calmed down.
14:09:07 30
14:09:07 31 COMMISSIONER: Just a moment while the witness finds it.
14:09:14 32 It's up on the screen.
14:09:19 33
14:09:19 34 MR HOLT: 562, Commissioner.
14:09:21 35
14:09:21 36 COMMISSIONER: Thank you.
14:09:25 37
14:09:25 38 MR WINNEKE: No, it's at p.319. Initially he was, he went
14:09:39 39 off his head, he was extraordinarily upset, that's what was
14:09:44 40 reported if we go to Tuesday, 6 June, 10.10, "Called by
14:09:53 41 source. ██████ gone off his head, doesn't want to help
14:09:56 42 anyone any more. Saying things like 'I'll do ██████████,
14:10:04 43 et cetera, et cetera"?---Yes.
14:10:06 44
14:10:09 45 The distress and he says, "She reported that ██████████
14:10:15 46 ██████████, hadn't been treated
14:10:19 47 well and this distressed ██████ as if it ██████████

14:10:26 1 [REDACTED]".
14:10:31 2 Right?---Yes.
14:10:33 3
14:10:33 4 And then there's a note that [REDACTED] called Gobbo a second time
14:10:42 5 and is feeling better than before. He had a 45 minute
14:10:47 6 meeting with [REDACTED] and [REDACTED] not happy at all. He
14:10:54 7 then wants - there's some other information there that - he
14:11:02 8 says he [REDACTED]
14:11:06 9 vacant?---Yes.
14:11:06 10
14:11:09 11 Do you know whether the SDU ever made calls to Purana when
14:11:15 12 it received information of that sort to see if those
14:11:18 13 matters could be dealt with, matters like that?---I don't
14:11:24 14 know.
14:11:25 15
14:11:25 16 Right?---If it was, it should be on the (indistinct) report
14:11:31 17 I would think.
14:11:32 18
14:11:32 19 Certainly Ms Gobbo was aware of him [REDACTED] and
14:11:35 20 if we go to, this is [REDACTED] and if we go to the records at
14:11:41 21 p.323 on 9 June. It says that, "An arrangement was to be
14:11:51 22 made to enable Gobbo between 2 and 3 to [REDACTED]
14:12:00 23 [REDACTED]". Do you see that?---Sorry, what time are you
14:12:05 24 on?
14:12:05 25
14:12:06 26 If you have a look at p.323 at 12.11?---Yes.
14:12:16 27
14:12:21 28 So the arrangement's made between 2 and 3 pm to [REDACTED]
14:12:25 29 [REDACTED], do you see that?---Yes.
14:12:29 30
14:12:29 31 And then it seems that there was a meeting with the - and
14:12:39 32 you had a meeting subsequently with the source at about
14:12:44 33 5.19, is that right?---Yes.
14:12:46 34
14:12:48 35 Do you believe that you had discussions about [REDACTED]
14:12:52 36 [REDACTED], and what she had discovered insofar as her
14:12:59 37 reading of the statements was concerned?---I'm just reading
14:13:04 38 the contact. I don't recall it.
14:13:08 39
14:13:08 40 All right?---But if it happened it should be in the contact
14:13:12 41 report.
14:13:12 42
14:13:18 43 As a member of the Police Force would you be concerned
14:13:21 44 about the fact that a human source is reviewing draft
14:13:29 45 statements of a witness who's going to be giving evidence
14:13:33 46 in serious criminal proceedings in the Supreme Court or
14:13:41 47 County Court?---I know that she looked at material in

14:13:45 1 relation to the Person [REDACTED] brief with a view to - - -
14:13:50 2
14:13:50 3 COMMISSIONER: That will have to be taken out, thank you.
14:13:53 4 That's all right, that's all right, just take a deep
14:13:57 5 breath. It's okay, easily done.
14:13:59 6
14:13:59 7 MR WINNEKE: Don't get easily upset. I don't think there's
14:14:00 8 any secret in the room about it but in any event, try not
14:14:03 9 to.
14:14:03 10
14:14:03 11 COMMISSIONER: I think there's almost nobody with a
14:14:06 12 speaking role who hasn't made the same mistake at some
14:14:10 13 point. I might be wrong.
14:14:12 14
14:14:13 15 WITNESS: So in relation to [REDACTED] he was shown material
14:14:17 16 to be prepared by Purana, sorry, he was not shown, she was
14:14:22 17 shown material and the sole purpose of that was just simply
14:14:25 18 to make sure that there was nothing in there that could
14:14:30 19 potentially compromise her as a human source.
14:14:33 20
14:14:33 21 Is that something that she needs to be shown, is it, to
14:14:38 22 determine?---I don't know that she needed to be shown it.
14:14:44 23 She had, she had wanted to and we put it to the Purana
14:14:50 24 investigators and they were happy for that to be done.
14:14:52 25
14:14:52 26 But I mean ultimately you're the professionals, you're the
14:14:55 27 people who are dealing with her and trying to do everything
14:14:59 28 that's right to prevent her being compromised. If anyone
14:15:04 29 needs to see it, wouldn't it be better if the professionals
14:15:07 30 saw them rather than a person who is at the very least
14:15:11 31 closely connected to the person who's making the
14:15:17 32 statements?---I think the view at the time was that, and I
14:15:21 33 don't dispute what you say, we certainly should have had an
14:15:26 34 input, but I think the view at the time was that she would
14:15:30 35 look at it from a defence point of view or a lawyer's point
14:15:34 36 of view to see what, what ways she could be compromised out
14:15:40 37 of it.
14:15:41 38
14:15:41 39 You don't think that she could look at it from a defence
14:15:45 40 point of view and see if there were ways it could be made
14:15:50 41 stronger from a prosecution point of view?---No. No, that
14:15:55 42 was definitely not the purpose.
14:15:58 43
14:15:59 44 Did that ever happen though?---I don't think so. I think
14:16:03 45 the, I think she did provide some points in relation to
14:16:08 46 material.
14:16:08 47

14:16:08 1 Yes?---But my recollection is that they were about the
14:16:14 2 areas where she saw issues with her role being exposed.
14:16:19 3
14:16:20 4 Yes. Now if we go to p.325. If you go to the bottom
14:16:34 5 paragraph of that page. It seems that there was a
14:16:37 6 discussion about the statements in the meeting that you
14:16:41 7 were at, do you agree with that?---Yes.
14:16:49 8
14:16:50 9 And what's recorded is that she'd read all statements made
14:16:54 10 by ■ to ■■■■■ at Purana, do you see that?---Yes.
14:17:00 11
14:17:00 12 And she was very impressed with the detail and thoroughness
14:17:04 13 of the statements, see that?---Yes.
14:17:09 14
14:17:09 15 And she commented on a number of minor corrections, do you
14:17:33 16 see that?---Yes.
14:17:34 17
14:17:34 18 Now, she had hard copies of the statements, is that
14:17:40 19 right?---I presume so.
14:17:43 20
14:17:43 21 Well, do you recall or not?---No.
14:17:45 22
14:17:50 23 And the comments and - firstly, the minor corrections
14:17:53 24 certainly wouldn't relate to any matters which would
14:18:00 25 identify her or compromise her, that doesn't seem to be the
14:18:05 26 suggestion from that note, does it?---I really can't tell.
14:18:12 27 I don't know what the minor corrections were.
14:18:13 28
14:18:14 29 As a matter of common sense. I mean if it was suggested
14:18:17 30 there was something in a statement which would expose her,
14:18:20 31 that is something which would be of some significance and
14:18:22 32 it would be referred to, wouldn't it, in your note, or at
14:18:25 33 least in the ICR?---If there was an issue that could
14:18:29 34 compromise her, yes, it would be.
14:18:31 35
14:18:32 36 So she's impressed with the detail and the thoroughness and
14:18:36 37 she commented on a number, albeit minor matters?---Yes.
14:18:39 38
14:18:40 39 According to that note. Now, what happened to the
14:18:48 40 statements, do you know?---No.
14:18:51 41
14:18:53 42 I assume she wasn't permitted to retain the statements, was
14:18:57 43 she?---I doubt it.
14:18:58 44
14:18:59 45 Do you think there would have been notes or marks made on
14:19:03 46 the statements?---I doubt it.
14:19:07 47

14:19:07 1 Do you know as a matter of fact?---No.
14:19:09 2
14:19:10 3 And would the statements have been returned to Purana?---I
14:19:14 4 think they would have.
14:19:14 5
14:19:15 6 So conceivably the statements would have been returned to
14:19:17 7 Purana with notes on the pages which had been made by
14:19:22 8 Ms Gobbo?---There's no reference here to any notes being
14:19:26 9 made so I can't say that that was the case.
14:19:31 10
14:19:32 11 It's suggested that there are minor corrections to the
14:19:36 12 statements?---Yes.
14:19:36 13
14:19:36 14 Do we know what those minor corrections were?---No.
14:19:40 15
14:19:43 16 Who determined that they were minor corrections?---I have
14:19:51 17 no idea at this point in time. It says the source
14:19:55 18 commented on a number of minor corrections, presumably it
14:19:58 19 was raised by her.
14:19:59 20
14:20:00 21 We can assume, and this perhaps doesn't need to be asked,
14:20:04 22 we assume whoever was the subject of those statements was
14:20:07 23 never told that Ms Gobbo was commenting on the statements,
14:20:13 24 their thoroughness and minor corrections that could be made
14:20:16 25 with those statements?---I don't know if she actually spoke
14:20:21 26 to ██████████ about this.
14:20:24 27
14:20:25 28 Right. But did you hear my question?---I thought that's
14:20:29 29 what you asked.
14:20:30 30
14:20:30 31 No, I asked you whether any of the people who were the
14:20:34 32 subject of the statements, that is the people against whom
14:20:36 33 the statements were being made, were made aware that Nicola
14:20:40 34 Gobbo had been provided with the statements, commented on
14:20:43 35 them and made corrections to them?---I don't know if she
14:20:49 36 made corrections, just to be accurate, but the answer is I
14:20:53 37 don't think the persons that might have been the subject of
14:20:56 38 those statements would have been told of her involvement.
14:20:59 39
14:21:00 40 Of course they wouldn't have been, would they?---No.
14:21:02 41
14:21:06 42 Are you aware that in fact she did have copies of all of
14:21:12 43 Witness ██████████ statements? I'm moving to a different person
14:21:20 44 at this stage but I'm just - do you know that?---No.
14:21:23 45
14:21:34 46 Do you accept that she was a person who, as far as you
14:21:42 47 could tell by your dealings with her, that she was someone

14:21:45 1 who almost by instant, loved gathering information or loved
14:21:55 2 gathering intelligence?---I think that would be a fair
14:21:58 3 description, yes.
14:21:59 4
14:22:02 5 Would you agree also that she was a person who had the
14:22:07 6 capacity to influence ██████████?---Yes, I think she
14:22:19 7 probably would.
14:22:19 8
14:22:20 9 He was ██████████, wasn't he, at various
14:22:25 10 stages?---Yes, I think he - no, I don't know that he said
14:22:28 11 this but she told us that he said that ██████████.
14:22:33 12
14:22:35 13 Look, I suggest, you accept the proposition, albeit perhaps
14:22:38 14 with the benefit of hindsight, it would have been far
14:22:41 15 better if Ms Gobbo hadn't been shown the statements?---Yes,
14:22:45 16 I do.
14:22:46 17
14:22:50 18 Do you know whether there were any changes made to the
14:22:53 19 statements after she had been shown the statements?---I
14:22:59 20 don't know for sure but I don't think there were.
14:23:02 21
14:23:02 22 How could you say that with any confidence?---I can't say
14:23:07 23 with confidence.
14:23:08 24
14:23:14 25 On the following day, ██████████ 2006, is it the case that
14:23:27 26 ██████████ called the source and indicated that he was very
14:23:32 27 ██████████?---Yes.
14:23:36 28
14:23:36 29 And he wanted the source to pass on a message to the same
14:23:40 30 not to contact him any more, is that the situation?---Yes.
14:23:46 31
14:23:47 32 And there was a dispute over ██████████
14:23:54 33 ██████████ for ██████████ whilst in gaol?---Yes.
14:23:59 34
14:23:59 35 And that ██████████ wants or needs psychiatric help as the
14:24:03 36 pressure is driving him mad?---Yes.
14:24:07 37
14:24:11 38 On the same day did she mention that she needed psychiatric
14:24:16 39 help also?---Yes.
14:24:17 40
14:24:20 41 Was psychiatric assistance offered?---Well you can see that
14:24:30 42 the, the notation on the document.
14:24:35 43
14:24:35 44 Yes?---Says she was offered help re a psyche and she turned
14:24:40 45 down the offer stating that talking to the handlers helped.
14:24:45 46 However she was, I did arrange for her to visit with a
14:24:51 47 psyche at a particular point during the relationship.

14:24:56 1
14:24:56 2 A psychologist. I think there was an arrangement made to
14:24:58 3 see a psychologist, wasn't there, at a particular
14:25:01 4 time?---Yes, that's right.
14:25:02 5
14:25:02 6 There were in effect two roles being provided for by that
14:25:09 7 psychologist. One, to provide her with psychological
14:25:13 8 assistance and, two, to enable the Source Development Unit
14:25:17 9 to get an idea of what made her tick effectively, if I can
14:25:22 10 use that vernacular?---The primary purpose was simply all
14:25:25 11 about her welfare and it was also used by me as a means of
14:25:35 12 trying to work out what sort of an exit strategy we could
14:25:40 13 put in place to finish our relationship with Ms Gobbo. The
14:25:43 14 primary reason was really just around her welfare.
14:25:47 15
14:25:47 16 In any event you were concerned enough to come to the
14:25:51 17 conclusion that she needed to see, or needed to receive
14:25:56 18 psychological assistance?---Yes.
14:25:57 19
14:26:00 20 "I notice here that whoever has taken this note turned down
14:26:04 21 our offer but stated that talking to handlers helped", and
14:26:08 22 there's an exclamation mark there. Did you make that note
14:26:13 23 or read that note and if so, what did you understand it to
14:26:17 24 mean? Was there some concern reflected by that exclamation
14:26:25 25 mark?---Firstly, yes, I would have seen it because I've
14:26:30 26 kept this report.
14:26:30 27
14:26:31 28 Yes?---Secondly, she did like to talk to the handlers, she
14:26:36 29 talked a lot. Certainly by comparison to all the other
14:26:41 30 high risk sources we were managing she was the most time
14:26:44 31 consuming, I think that's a reference to that fact.
14:26:47 32
14:26:47 33 Is it? Yes, okay. Was there any, anything put in place to
14:26:53 34 in effect dampen down the enthusiasm to speak to the
14:27:00 35 handlers, to prevent her from passing on so much
14:27:04 36 information?---As I said, I think yesterday at a stage in
14:27:08 37 the relationship we went into baby-sitting mode where we
14:27:11 38 were trying not to get information. She still continued to
14:27:15 39 walk into a meeting and provide information that wasn't
14:27:18 40 asked for.
14:27:20 41
14:27:20 42 Yes?---So your question was, was anything put in place to
14:27:25 43 try and stop her? H'mm, I'd have to think carefully about
14:27:33 44 that.
14:27:33 45
14:27:34 46 In any event, just touching on the psychological
14:27:40 47 assistance, as I understand it she wasn't particularly

14:27:45 1 enamoured of the psychologist who she was provided
14:27:54 2 with?---No, her view was that she only had an arts degree.
14:28:01 3
14:28:02 4 Effectively what she thought was that she needed to have a
14:28:05 5 real doctor, a psychiatrist, not a psychologist, that is
14:28:07 6 someone with a medical degree?---I'm not sure. I'm not
14:28:11 7 sure, but I mean you're quite right - to be honest with you
14:28:16 8 at that time I was thinking it might have been more a
14:28:20 9 gender thing.
14:28:21 10
14:28:21 11 More an agenda thing?
14:28:23 12
14:28:23 13 COMMISSIONER: Gender.
14:28:26 14
14:28:26 15 MR WINNEKE: I apologise, sorry. Yeah, I follow. Did you
14:28:28 16 seek to engage with another person at any stage?---No.
14:28:32 17
14:28:42 18 On 11 June, if we have a look at ICR - - -
14:28:46 19
14:28:46 20 COMMISSIONER: Just before, are you finished with that
14:28:49 21 psychologist point?
14:28:50 22
14:28:51 23 MR WINNEKE: At this stage, Commissioner, there are some
14:28:53 24 other materials.
14:28:53 25
14:28:53 26 COMMISSIONER: I was just going to ask you, you said you
14:28:58 27 had her see the psychologist for two reasons, one to help
14:29:01 28 her but also to help you know how best to end the
14:29:06 29 relationship. You deal with this in your statement at
14:29:09 30 paragraph 230 on p.54. And then at paragraph 232 you say
14:29:30 31 the psychologist gave you certain advice?---Yes.
14:29:33 32
14:29:33 33 About her which you've set out there. Did you consider
14:29:37 34 that you were in fact putting the psychologist in a
14:29:41 35 difficult position by asking her to wear two hats, to be a
14:29:46 36 psychologist to Ms Gobbo and also to be a psychologist to
14:29:51 37 you and to the Victoria Police, providing feedback on her
14:29:57 38 mental health to you?---I knew this, I knew the
14:30:07 39 psychologist, Commissioner, and I knew from her previous
14:30:13 40 role that she could provide both those aspects of
14:30:16 41 information.
14:30:18 42
14:30:18 43 Yes. No doubt she could but to ask her to do so in respect
14:30:23 44 of the one person, did you not consider that that was
14:30:27 45 actually putting her in a conflict position?---No, I don't,
14:30:32 46 no.
14:30:32 47

14:30:32 1 All right, thank you.

14:30:41 2

14:30:41 3 MR WINNEKE: Thanks Commissioner. Just whilst we're there.

14:30:44 4 I think you said that the reason or one of the reasons, the

14:30:46 5 second reason for the engagement of the psychologist was to

14:30:49 6 explore exit strategies. I used a sort of vernacular

14:30:54 7 expression, see what made her tick. What I suggest is at

14:30:59 8 230 of your statement you said that there were two reasons,

14:31:02 9 at one point in the relationship you arranged for the

14:31:05 10 psychologist, Ms Gobbo to meet the psychologist, this was

14:31:08 11 to help her deal with the stress in her life and I also

14:31:11 12 thought it would be worthwhile to have a professional - - -

14:31:16 13

14:31:16 14 MR HOLT: Excuse me, Commissioner. There may be claims

14:31:20 15 that the Commission has accepted in respect of that

14:31:23 16 paragraph. Can I confirm that position?

14:31:26 17

14:31:26 18 COMMISSIONER: 230? I don't think so.

14:31:29 19

14:31:29 20 MR HOLT: Can I just check, Commissioner. I apologise,

14:31:34 21 Commissioner, it's only the name. Thank you.

14:31:38 22

14:31:38 23 COMMISSIONER: Thank you.

14:31:39 24

14:31:40 25 MR WINNEKE: Anyway, in point of fact what I put to you was

14:31:44 26 I suggest correct, it wasn't just exit plan, although that

14:31:48 27 may have been something you discussed also, it was to have

14:31:51 28 a professional feedback on her both from the point of view

14:31:55 29 of mental health, so you wanted to know what her mental

14:31:59 30 health was like but also in contributing to a more complete

14:32:05 31 understanding of her personality and motivation to be a

14:32:09 32 human source, right?---Yes.

14:32:11 33

14:32:16 34 I know the Commissioner was a bit sensitive about this.

14:32:20 35 The reality is there are a number of occasions throughout

14:32:23 36 your dealings with Ms Gobbo where there had been

14:32:26 37 discussions about suicidality, about suicide?---Yes.

14:32:34 38

14:32:36 39 And expressions of a desire to suicide or at least

14:32:43 40 consideration of it?---Yes, she - Ms Gobbo could at times

14:32:53 41 be a bit of a drama queen and depending on her mood for a

14:32:57 42 particular day would depend on how she kicked off a

14:33:01 43 conversation, but she certainly did say, I can't say the

14:33:05 44 exact words, but she did mention the topic of suicide a

14:33:09 45 couple of times to the handlers.

14:33:11 46

14:33:11 47 Did you, on each of those occasions, consult with a

14:33:15 1 psychologist or a mental health professional?---I did
14:33:18 2 address that issue with the psychologist that we spoke to
14:33:23 3 that saw Ms Gobbo.
14:33:25 4
14:33:25 5 That was on one occasion only?---I think she saw her on
14:33:30 6 more than one occasion.
14:33:32 7
14:33:33 8 But it was over a relatively short period given the entire
14:33:37 9 relationship that you had with, at least the SDU had with
14:33:43 10 Ms Gobbo?---Yes.
14:33:43 11
14:33:44 12 One of the things that you've referred to in your
14:33:46 13 statement, at least as was provided by the psychologist,
14:33:50 14 was that insofar as suicide, there was, there was probably
14:33:58 15 not a suicide or self-harm risk but that if contact with
14:34:02 16 the SDU stopped there would be a big hole in her life and
14:34:06 17 the source personality problems have been long-standing and
14:34:11 18 not created by her role as a human source. That's what you
14:34:15 19 were told in a report that was provided to you, is that
14:34:20 20 right?---I don't know that I was specifically provided a
14:34:28 21 report but that's what I was told.
14:34:33 22
14:34:33 23 You were provided with information to that effect by a
14:34:36 24 psychologist?---Yes.
14:34:38 25
14:34:39 26 You say that you've been criticised in a document referred
14:34:42 27 to as the Comrie report for failing to identify some mental
14:34:47 28 illness the source must have had and you say, "The
14:34:49 29 criticism is without basis and made by an individual who
14:34:52 30 has never met the source or ever spoken to myself or any
14:34:57 31 member of the SDU team at any time". That's your criticism
14:35:01 32 of the Comrie report?---Yes.
14:35:04 33
14:35:05 34 It goes without saying that you have no qualifications at
14:35:08 35 all in psychiatry or psychology, do you?---No.
14:35:12 36
14:35:13 37 And you're not a doctor?---No.
14:35:16 38
14:35:18 39 And you're not qualified medically or otherwise to be able
14:35:23 40 to diagnose whether someone is suffering from a psychiatric
14:35:29 41 illness or a psychological disorder?---No.
14:35:32 42
14:35:33 43 And there would have been occasions when suicidality or
14:35:37 44 ideas of suicidality were expressed but were not followed
14:35:43 45 up by referrals to doctors, psychologists or
14:35:51 46 psychiatrists?---Well, the record shows she only spoke to a
14:35:57 47 psychologist on those one or two occasions.

14:36:00 1
14:36:00 2 Yes?---At that one particular time and if you look at the
14:36:05 3 contact reports you'll see that the handlers addressed the
14:36:07 4 welfare of Ms Gobbo on every instance and she was seeing
14:36:13 5 her own medical professionals.
14:36:15 6
14:36:15 7 Yes?---So if you're suggesting that I took the possibility
14:36:22 8 of suicide lightly, I would highly debate that.
14:36:25 9
14:36:25 10 In any event, you maintain your criticism of, the criticism
14:36:30 11 of you in the Comrie report, is that right?---Yes, I do.
14:36:34 12
14:36:41 13 On 11 June 2006, ICR 35 at p.327, if you can go there. Do
14:37:08 14 you see that - just excuse me. There's a note to the
14:37:15 15 effect that Ms Gobbo told handlers - I withdraw that. At
14:37:31 16 327 there's a note to tell Dale Flynn that [REDACTED] wants
14:37:37 17 to amend some of his statements about [REDACTED], do
14:37:45 18 you see that?---Sorry, at 317?
14:37:48 19
14:37:49 20 Yes. Sorry, at 11 o'clock on 11 June.
14:37:55 21
14:37:55 22 COMMISSIONER: Under the heading "DSU issue".
14:37:58 23
14:37:58 24 MR WINNEKE: First entry, "called by the source" and
14:38:00 25 there's a reference to [REDACTED] she's visited Person
14:38:04 26 [REDACTED]
14:38:05 27
14:38:06 28 COMMISSIONER: Oops.
14:38:07 29
14:38:08 30 MR WINNEKE: I'm sorry, she has visited [REDACTED] at [REDACTED] [REDACTED]
14:38:12 31 [REDACTED] and you can read all
14:38:15 32 of that. And then there's an issue, DSU issue as a result
14:38:24 33 of that telephone call from Ms Gobbo to tell Dale Flynn
14:38:31 34 that [REDACTED],
14:38:39 35 right?---Yes.
14:38:40 36
14:38:40 37 It's about [REDACTED]-Yes.
14:38:42 38
14:38:44 39 That information is coming to you and then going to Dale
14:38:50 40 Flynn as a result of something that Ms Gobbo has told you,
14:38:54 41 or at least your handlers?---Yes.
14:38:57 42
14:39:03 43 If we go to p.372, 28 July 2006, ICR 39. It may be on the
14:39:48 44 screen in front of you?---372 you said, didn't you?
14:39:53 45
14:39:53 46 Yes?---Okay, I have 372 and the reference?
14:39:58 47

14:39:59 1 At 14.15, missed a call and then phones back, Gobbo. "She
14:40:06 2 went to [REDACTED] she saw [REDACTED] for two hours. [REDACTED]
14:40:13 3 [REDACTED] because they hadn't been to the DPP yet",
14:40:20 4 right. She was with [REDACTED] for one and a half hours,
14:40:27 5 Witness [REDACTED] I'm sorry. See that?---Yes.
14:40:31 6
14:40:32 7 She was with a person by the name - - -
14:40:36 8
14:40:37 9 COMMISSIONER: He has a pseudonym too, I think.
14:40:42 10
14:40:42 11 MR WINNEKE: He has, [REDACTED]. Do you know who [REDACTED]
14:40:45 12 is, Mr White?---I do.
14:40:46 13
14:40:47 14 "For about an hour. Also saw [REDACTED] He was meant to be
14:40:54 15 there at [REDACTED] but saw him at [REDACTED]. Going to see [REDACTED] Also
14:41:02 16 ran into a Detective by the name of Butterworth and the
14:41:05 17 crew who she believes were seeing [REDACTED]
14:41:12 18 and two other police members". Do you see that?---Yes.
14:41:16 19
14:41:18 20 You'd have to say that she is right in the thick of it,
14:41:21 21 wouldn't you?---Yes.
14:41:25 22
14:41:25 23 When it comes to people who are providing evidence in
14:41:32 24 relation to very, very serious criminal offences in this
14:41:37 25 state, some of them are, do you agree?---So from that
14:41:44 26 meetings two of those individuals were, the other three, I
14:41:48 27 don't know how they fit in.
14:41:51 28
14:41:51 29 Right. You may or may not but certainly she's also seeing,
14:41:56 30 she's seeing one, the people [REDACTED],
14:42:04 31 indeed the first three we've - - - ?---The first two.
14:42:08 32
14:42:09 33 Well yeah?---Sorry, I missed that.
14:42:11 34
14:42:11 35 The first two, although - and she also was seeing people in
14:42:20 36 relation to whom they [REDACTED], do
14:42:27 37 you agree with that?---No, I'm not sure which ones you're
14:42:32 38 referring to.
14:42:33 39
14:42:33 40 [REDACTED]?---Sorry. So she saw [REDACTED] that obviously
14:42:55 41 [REDACTED], or [REDACTED].
14:42:58 42
14:42:58 43 Yes?---And she saw two who were the subject of statements,
14:43:02 44 well, at some stage she [REDACTED] but she said she was on the
14:43:08 45 way and that's what you would expect if you go out to gaol,
14:43:13 46 you make your visits as efficient as possible I would
14:43:15 47 think.

14:43:15 1
14:43:16 2 Did you as a member of the Police Force see any issue at
14:43:22 3 all to in relation to Ms Gobbo, a person who had some
4 influence on at least a number of these people, a person
14:43:23 5 who was a gatherer of information, going out and seeing
14:43:28 6 these people and communicating with them, looking at their
14:43:32 7 [REDACTED] et cetera?--Well firstly in relation to
14:43:37 8 Witness [REDACTED] that had nothing to do with me or my guys. In
14:43:45 9 relation to [REDACTED] I understand what you say there. I'm quite
14:43:53 10 certain she would have spoken to [REDACTED] with a
14:43:57 11 view of trying to make sure that she wasn't under suspicion
14:44:02 12 because I think at this time there was starting to be a bit
14:44:06 13 of discussion that she's an informer and a dog and a few
14:44:14 14 other things. So I'm sure she would have taken the
14:44:19 15 opportunity to talk to them to try and make sure that they
14:44:21 16 didn't believe that.
14:44:22 17
14:44:25 18 Now is it the case that the SDU were passing on welfare
14:44:30 19 information with respect to Witness [REDACTED] as well as [REDACTED]
14:44:35 20 [REDACTED] to Purana?--I don't know about that.
14:44:41 21
14:44:42 22 If there is any suggestion in the notes, ICR records that
14:44:47 23 that was done, it is what it is, I suppose?--Yes.
14:44:51 24
14:44:55 25 And obviously certainly insofar as Faruk Orman was
14:45:04 26 concerned some of that information was passed on to Purana
14:45:08 27 and apparently acted upon and that sort of information led
14:45:12 28 to his recent acquittal, you'd agree with that
14:45:15 29 proposition?--No.
14:45:16 30
14:45:16 31 You don't agree with it or you don't know?--I don't know.
14:45:19 32 I was led to believe that his acquittal was a consequence
14:45:24 33 of her informing against him and then going on to represent
14:45:28 34 him.
14:45:29 35
14:45:29 36 Okay, in any event you haven't a close understanding of
14:45:33 37 that decision I take it?--No.
14:45:35 38
14:45:41 39 Can I put some general propositions to you: [REDACTED] over
14:45:48 40 the ensuing years [REDACTED]
14:45:54 41 [REDACTED]
14:45:58 42 [REDACTED] do you accept that
14:46:01 43 proposition?--I'm not sure about the number but I know, I
14:46:08 44 know [REDACTED] I think it [REDACTED]
14:46:12 45 [REDACTED].
14:46:14 46
14:46:14 47 As a general proposition you're aware that in fact over a

14:46:20 1 number of years [REDACTED]
14:46:24 2 [REDACTED]?---Yes.
14:46:24 3
14:46:26 4 And Ms Gobbo made contact with him over that time?---Yes, I
14:46:32 5 think she did.
14:46:33 6
14:46:33 7 Ms Gobbo was particularly concerned, virtually for the
14:46:37 8 entire period that your unit dealt with her, that her
14:46:42 9 involvement [REDACTED], if I could use that expression,
14:46:49 10 [REDACTED] did not become known?---Well I'm not sure that
14:46:54 11 she did roll him. She was certainly concerned that her
14:46:59 12 involvement in telling the police about his activities in
14:47:03 13 [REDACTED], she was certainly concerned that that
14:47:08 14 would come out.
14:47:09 15
14:47:10 16 And she was keen to ensure that he remained as happy and
14:47:18 17 content as he could as was possible in the circumstances
14:47:23 18 that he was in?---Yes.
14:47:25 19
14:47:26 20 And she would on regular occasions - when I say regular, on
14:47:33 21 occasions she would notify her handlers if there were any
14:47:37 22 issues that he had and that information would be passed on
14:47:40 23 to Purana investigators?---Yes, I think, I think that's
14:47:43 24 right.
14:47:43 25
14:47:45 26 Indeed, when - there was a proposal that when he was [REDACTED]
14:47:48 27 [REDACTED], there was a suggestion made by [REDACTED]
14:47:53 28 that he would go and [REDACTED] are you aware of
14:47:59 29 that?---I don't know about that, no.
14:48:01 30
14:48:02 31 But what you can say is that they remained very
14:48:08 32 close?---Yes.
14:48:08 33
14:48:09 34 And what I suggest to you is that Ms Gobbo had a very
14:48:13 35 similar role and relationship with respect to Witness [REDACTED] do
14:48:18 36 you accept that proposition?---No.
14:48:20 37
14:48:21 38 You don't know or you're not - - - ?---I don't think it's
14:48:28 39 similar I mean in one respect. There was some sort of
14:48:31 40 genuine relationship between the two.
14:48:34 41
14:48:34 42 Yes. Okay, continue, sorry?---Well, she, she maintained
14:48:43 43 communication with him and I don't know that it was
14:48:45 44 professional, I thought it was more a social thing. It may
14:48:50 45 well have been borne out of a feeling of guilt as well, but
14:48:53 46 they definitely had a personal relationship that she
14:48:57 47 thought was valuable.

14:48:58 1
14:49:00 2 COMMISSIONER: Mr White, if you're wanting a break at any
14:49:03 3 time, if you want a break at any time would you let me
14:49:06 4 know?---Thank you, Commissioner.
14:49:07 5
14:49:07 6 Are you okay to continue at the moment?---I am, thank you.
14:49:10 7
14:49:13 8 MR WINNEKE: So you would say that she didn't have a
14:49:15 9 [REDACTED] Witness as perhaps may have
14:49:20 10 been the case with [REDACTED]?---Yes.
14:49:24 11
14:49:25 12 Do you understand that she made [REDACTED]
14:49:32 13 [REDACTED] ---No, I was aware of the
14:49:38 14 ones she made for [REDACTED] but not Witness [REDACTED]
14:49:42 15
14:49:43 16 No, I think I might have misstated that. Certainly you're
14:49:47 17 aware that [REDACTED]s
14:49:51 18 account?---Yes.
14:49:52 19
14:49:52 20 And there was a time when arrangements were put in place to
14:49:59 21 in effect relieve Ms Gobbo of the burden of making [REDACTED]
14:50:05 22 [REDACTED] and pass that burden on to Victoria Police to make
14:50:08 23 [REDACTED], you're aware of that?---No. I'm sorry, not
14:50:17 24 from memory.
14:50:17 25
14:50:17 26 I suggest that is the case but not only that, it was done
14:50:21 27 in such a way that [REDACTED] continued to believe that
14:50:25 28 Ms Gobbo [REDACTED], as opposed to Victoria
14:50:28 29 Police, are you aware of that?---I don't recall that.
14:50:31 30
14:50:32 31 Do you have an awareness that there was a desire on the
14:50:36 32 part of Victoria Police to, insofar as it was possible,
14:50:46 33 continue to ensure that the relationship between [REDACTED]
14:50:50 34 and Ms Gobbo was a good relationship?---Um, sorry, is the
14:51:01 35 question that that's, that was what the investigators
14:51:04 36 wanted?
14:51:04 37
14:51:05 38 Well, do you know - firstly, do you know that that was,
14:51:11 39 that that was done, that it was desirous on the part of the
14:51:15 40 investigators to have Ms Gobbo and [REDACTED] in a good
14:51:20 41 relationship, maintain a good relationship?---I don't have
14:51:25 42 a recollection of that. I don't really see the benefit to
14:51:30 43 the investigators.
14:51:31 44
14:51:31 45 If not the investigators - - - ?---I think their
14:51:34 46 relationship was - sorry, as I understand it the
14:51:37 47 relationship with the investigators was an exceptionally

14:51:42 1 good one. [REDACTED] was involved in more than just [REDACTED]
14:51:46 2 [REDACTED].
14:51:47 3
14:51:47 4 COMMISSIONER: Yes.
14:51:49 5
14:51:50 6 WITNESS: So I don't - - -
14:51:52 7
14:51:52 8 COMMISSIONER: Just be careful there, Mr White, you just
14:51:55 9 mentioned the name again?---Again.
14:51:58 10
14:51:58 11 That's all right?---I lose concentration in the afternoons,
14:52:04 12 Commissioner.
14:52:04 13
14:52:04 14 I think we all do. If you need to have a break let me
14:52:08 15 know?---Thank you.
14:52:09 16
14:52:12 17 MR WINNEKE: Can I put as a general proposition again:
14:52:15 18 Ms Gobbo was certainly very keen that [REDACTED] did not
14:52:20 19 reveal her role in advising [REDACTED] on the [REDACTED]
14:52:30 20 [REDACTED]?---That's correct, but to be specific her concern
14:52:37 21 was that if it had become apparent she had been to the
14:52:41 22 [REDACTED] and had
14:52:46 23 failed to notify [REDACTED].
14:52:50 24
14:52:50 25 Yes?---[REDACTED] she would be killed.
14:52:56 26
14:52:57 27 But ultimately it was very important for her that that
14:53:01 28 situation remain between her, between [REDACTED] and
14:53:08 29 Victoria Police?---Yes, that's right.
14:53:11 30
14:53:12 31 What I'm suggesting to you is that everything possible was
14:53:16 32 done to ensure that the relationship between Gobbo and
14:53:20 33 [REDACTED] remained on an even keel?---No, well I'm not - I
14:53:31 34 don't know that there was any consideration about that. As
14:53:35 35 I say the relationship with [REDACTED] and the police
14:53:39 36 department was a very healthy relationship. I don't think
14:53:43 37 it was necessary to keep her involved. Having said that I
14:53:46 38 think from her point of view, I think she was keen to stay
14:53:52 39 on the right side of him and make sure that [REDACTED]
14:54:00 40 [REDACTED]
14:54:03 41 [REDACTED] was a great concern for her.
14:54:06 42
14:54:06 43 If we just have a brief look at p.851 of the ICRs, volume
14:54:12 44 2. I just want to ask you about an entry on 22 May the
14:54:38 45 following year. I'm sorry, 23 May the following year, 2007
14:54:43 46 at 20:15. There was a call made I think at the time
14:54:49 47 between Mr Anderson and Ms Gobbo in which - - - ?---851,

14:54:54 1 Mr Winneke?
14:54:55 2
14:54:55 3 851 at quarter past 8 in the evening. There's a reference
14:55:02 4 to Witness [REDACTED] having given Ms Gobbo [REDACTED]
14:55:08 5 [REDACTED]. Do you see that?---Yes.
14:55:12 6
14:55:13 7 And [REDACTED] has also appointed Gobbo?---Yes.
14:55:20 8
14:55:21 9 Now I suggest that's in the same position, as a [REDACTED]
14:55:24 10 [REDACTED]?---Yes.
14:55:26 11
14:55:34 12 Now, can I ask you some questions about [REDACTED]. On
14:55:44 13 [REDACTED], [REDACTED] the arrest of [REDACTED], obviously
14:56:04 14 the day when she turned up - - -
14:56:08 15
14:56:09 16 COMMISSIONER: Back to 06 now, is that right, [REDACTED] 06?
14:56:13 17
14:56:14 18 MR WINNEKE: Yes. The day she turned up against your
14:56:18 19 express wishes upon the arrest of [REDACTED]?---Are we
14:56:35 20 looking at contact reports or diary?
14:56:40 21
14:56:40 22 COMMISSIONER: I'm not sure yet.
14:57:05 23
14:57:07 24 MR WINNEKE: As we've established, one of the desires of
14:57:13 25 the whole program of engaging Ms Gobbo was to enable
14:57:20 26 evidence to be obtained to bring down the Mokbels and part
14:57:24 27 of that plan was to [REDACTED] into [REDACTED] where
14:57:28 28 really [REDACTED] and he had no other
14:57:32 29 option but [REDACTED] in that exercise, do you agree
14:57:35 30 with that?---Yes.
14:57:36 31
14:57:38 32 And one of the people that the police were keen for him to
14:57:44 33 assist in bringing to book was [REDACTED]?---Yes.
14:57:47 34
14:57:57 35 Do you say that - you say that you had a conversation with
14:58:00 36 Ms Gobbo about her representing [REDACTED]?---Yes.
14:58:09 37
14:58:10 38 And in the same way as you had your concerns about Gobbo
14:58:18 39 advising, representing, looking after [REDACTED], the same
14:58:23 40 principle, the same issues would apply with respect to
14:58:25 41 [REDACTED] wouldn't they, [REDACTED]?---Yes.
14:58:28 42
14:58:28 43 And indeed anyone who she might have acted for or advised
14:58:33 44 who was the subject of [REDACTED]
14:58:41 45 [REDACTED] and indeed - - - ?---Yes.
14:58:43 46
14:58:44 47 - - - Gobbo, right?---Yes.

14:58:45 1
14:58:55 2 Now, on [REDACTED] you met with Ms Gobbo and Mr Smith, is
14:59:04 3 that right?---Yes.
14:59:24 4
14:59:26 5 Did you have another conversation with Ms Gobbo about the
14:59:32 6 difficulties that you perceived that might arise if she was
14:59:36 7 likewise called upon by Milad Mokbel should he be
14:59:42 8 arrested?---I think I did.
14:59:47 9
14:59:47 10 What you say is that you would have in the same terms as
14:59:51 11 you did, for example, on previous occasions, such as [REDACTED]
14:59:56 12 [REDACTED], expressed clearly to her your desire that she not
15:00:02 13 respond to any request from Milad if he's arrested, Milad
15:00:08 14 Mokbel?---I know I had a discussion with her about not
15:00:13 15 representing him, but that I think was probably the only
15:00:17 16 time I had that discussion with her about Milad. I'm not
15:00:22 17 100 per cent certain but I think so.
15:00:23 18
15:00:23 19 The exact same issues would apply, wouldn't they?---Yes.
15:00:29 20
15:00:32 21 Did you discuss a variety of excuses for her to get out of
15:00:38 22 appearing for or advising or responding to any request for
15:00:42 23 legal assistance by Milad Mokbel?---I think I did.
24
15:00:47 25 Right?---Obviously it's in the transcript.
15:00:51 26
15:00:57 27 On [REDACTED] [REDACTED] was arrested?---I think that's
15:01:08 28 right.
15:01:08 29
15:01:09 30 And if I can put this as a general proposition: the
15:01:13 31 evidence that led to his arrest - the information,
15:01:18 32 et cetera, that led to his arrest came indirectly from
15:01:24 33 Ms Gobbo in the first place and [REDACTED]
15:01:30 34 [REDACTED], do you agree with that as a general
15:01:41 35 proposition?---So the evidence that led to his arrest came
15:01:44 36 from [REDACTED].
15:01:47 37
15:01:47 38 Yes?---I'm not sure at this point what she said from an
15:01:56 39 intelligence point of view regarding [REDACTED] prior to that
15:01:59 40 other than the fact that I'm fairly certain she said that
15:02:03 41 he was active.
15:02:05 42
15:02:05 43 As a general proposition what I want you to accept is that
15:02:08 44 Gobbo's involvement was intricate ultimately in the arrest
15:02:13 45 of [REDACTED] because she was part of the whole plan,
15:02:17 46 that's what I'm saying?---Yes.
15:02:22 47

15:02:22 1 Look, the reality is she was very much conflicted, do you
15:02:26 2 agree with that?---Yes.
15:02:28 3
15:02:28 4 She was in no position to advise [REDACTED], correct?---Yes,
15:02:32 5 I would.
15:02:33 6
15:02:34 7 She should not have been advising [REDACTED], do you accept
15:02:37 8 that proposition?---Yes.
15:02:39 9
15:02:39 10 Because he was part of the very cartel who she wanted to
15:02:43 11 have put away, do you accept that?---Yes, I do.
15:02:46 12
15:02:48 13 You say that you tried to convince her again on that day
15:02:51 14 that she should not respond to any call?---I haven't got
15:03:00 15 the specifics at hand. Without referring to the transcript
15:03:05 16 I can't, I can't recall what I told her.
15:03:07 17
15:03:07 18 Right. But in any event at the end of it all was that she
15:03:15 19 took his call and she came and spoke to him when he was
15:03:18 20 arrested, didn't she?---She, sorry, I've just got a note in
15:03:24 21 my diary here and she said she should leave, she should
15:03:31 22 inform him that she is conflicted because she's
15:03:34 23 [REDACTED]. You'd have to point me to the entry about
15:03:40 24 where she did talk to him.
15:03:42 25
15:03:42 26 Well I will, it's on [REDACTED] 2006 in your source
15:03:48 27 management log and it says this, "Human source speaks to
15:03:51 28 [REDACTED] ". That's pretty clear, isn't it?
15:04:03 29
15:04:03 30 COMMISSIONER: That's what, ICR 029, is it?
15:04:08 31
15:04:08 32 MR WINNEKE: I was referring to the source management log,
15:04:11 33 28.
15:04:12 34
15:04:12 35 COMMISSIONER: Okay, right.
15:04:13 36
15:04:17 37 MR WINNEKE: The source management log says - - -?---Yes.
15:04:24 38
15:04:24 39 There is a phone (indistinct), I think it's Green, I'm not
15:04:28 40 sure, [REDACTED]. "Human source concerned re
15:04:32 41 [REDACTED]" - - -
15:04:33 42
15:04:34 43 MR HOLT: Excuse me Commissioner.
15:04:50 44
15:04:55 45 MR WINNEKE: In any event it says in the source management
15:04:57 46 log that, "Meet human source at police complex when speaks
15:05:05 47 to [REDACTED]. Human source speaks to [REDACTED] in custody",

15:05:13 1 right?---Yes.
15:05:14 2
15:05:15 3 And then you meet, you meet her thereafter and there's a
15:05:22 4 debrief about a story for not telling ██████████ regarding
15:05:28 5 ██████████ and she's to cut off ties with ██████████
15:05:33 6 because of conflicts of interest, do you agree with
15:05:36 7 that?---Yes.
15:05:36 8
15:05:37 9 Nonetheless at that stage she's already spoken to ██████████ in
15:05:43 10 custody?---Yes.
15:05:44 11
15:05:46 12 As to what she said you wouldn't know, would you?---The
15:05:59 13 only diary entry which I read to you earlier which was on
15:06:04 14 ██████████.
15:06:04 15
15:06:04 16 Yes?---Where I had discussion with her on this point.
15:06:12 17
15:06:12 18 Yes?---And she tells me she believes she should inform
15:06:16 19 ██████████ that she's conflicted because she is ██████████ ██████████
15:06:20 20
15:06:21 21 Yes. In any event the question I asked was that you
15:06:25 22 wouldn't know what advice she gave him when she saw him in
15:06:29 23 custody, would you?---Well, I would assume from that note
15:06:32 24 that the advice she gave him was that she was conflicted
15:06:36 25 and couldn't represent him.
15:06:37 26
15:06:37 27 If we have a look at p.282, ██████████, ICR number 30. On ██████████
15:07:12 28 she says that, "Human source says ██████████ talking
15:07:17 29 about pleading guilty to all current charges. Human source
15:07:22 30 annoyed with Dale Flynn for not returning calls. And then
15:07:28 31 she says later on she spoke to ██████████ explaining,
15:07:33 32 because ██████████ ██████████ can't act for him. She explained the
15:07:36 33 conflict. Didn't previously understand but does now. He's
15:07:41 34 not interested, et cetera, in bail. Thinks ██████████ et cetera.
15:07:51 35 In any event, what she's doing is telling you all about the
15:07:55 36 discussion that she had with ██████████ including the fact that
15:07:58 37 he was talking about pleading guilty to all charges.
15:08:03 38 Surely what she is doing is telling you about material that
15:08:06 39 she could only have learnt in a confidential discussion
15:08:09 40 with a client, and indeed to the extent that there's a
15:08:12 41 discussion, there's a discussion about pleading guilty to
15:08:15 42 charges which is then conveyed to you, or at least your
15:08:18 43 handlers, do you accept that?---I'm just reading the entry.
15:08:24 44
15:08:24 45 Right?---So I take it from this statement in this document
15:09:19 46 she's still not acting for ██████████ and she's explained the
15:09:23 47 conflict. He didn't previously understand but now does.

15:09:34 1 Where does it say that he's telling her what his plea is
15:09:38 2 going to be?
15:09:38 3
15:09:39 4 It says quite clearly there and she's told you that he's
15:09:43 5 thinking about pleading guilty. 1319?---Okay.
15:09:48 6
15:09:53 7 "Also he thinks he'll be charged in relation to the [REDACTED]
15:09:58 8 [REDACTED]." Look, she goes in to see him, he might think
15:10:05 9 reasonably under the banner of a lawyer/client, and she
15:10:09 10 comes out and tells you that sort of information?---I don't
15:10:12 11 think it's as clear as that.
15:10:14 12
15:10:14 13 You don't, all right, okay?---No, I think - no, I don't.
15:10:18 14
15:10:18 15 Okay. 393, 14 August 2006, ICR 41. As far as the
15:10:54 16 Commissioner knows and the records of the Office of
15:10:57 17 Corrections are concerned, Ms Gobbo attends under the
15:11:01 18 banner of a professional visit and visits [REDACTED] and
15:11:06 19 as a consequence of that provides information to the effect
15:11:10 20 that resulted in instructions to call Purana, "Instructions
15:11:18 21 to call Purana and get Bateson or Flynn to get him moved
15:11:21 22 [REDACTED] [REDACTED] is getting inside
15:11:24 23 his head and driving him crazy. Does he want to talk?
15:11:31 24 Does he want to talk? Source will see on a visit on
15:11:37 25 Sunday". So she's providing information to the police,
15:11:42 26 Victoria Police, and providing his instructions and
15:11:48 27 discussing whether or not he wants to talk to the police
15:11:51 28 and she'll see him on a visit on Sunday, do you see
15:11:58 29 that?---Yes.
15:11:59 30
15:11:59 31 For all the world it looks like she's going to see him as a
15:12:03 32 lawyer, doesn't it?---I don't know about the description
15:12:06 33 "for visit at Corrections", that's not knowledge that I
15:12:10 34 had. And I don't know that it's clear that this is her
15:12:15 35 representing [REDACTED].
15:12:18 36
15:12:18 37 Yes?---That's not how I take it.
15:12:20 38
15:12:21 39 What are the instructions talking about?---Bearing in mind
15:12:26 40 that she would see [REDACTED] out at the gaol for the
15:12:30 41 reasons that I mentioned earlier, about her concern for
15:12:35 42 herself and the fact that she's got that relationship with
15:12:38 43 him, I think these matters that he's spoken about to her
15:12:46 44 could easily be just in the context of the personal
15:12:51 45 relationship they have. It might be. It might be true
15:12:55 46 that it is, that she has decided to take him on as a client
15:13:00 47 but that's news to me.

15:13:01 1
15:13:01 2 Well if it was news it ought to have been news in the ICR
15:13:04 3 which you, I assume, saw, didn't you?---I'll have a look.
15:13:11 4 Yes, I have seen this one.
15:13:13 5
15:13:16 6 It may well have been a concern that Ms Gobbo had about him
15:13:21 7 and being exposed, but it seems that certainly [REDACTED]
15:13:25 8 wouldn't have known about Ms Gobbo's role, would he?---No,
15:13:29 9 he wouldn't. No, he wouldn't.
15:13:31 10
15:13:39 11 Then if we go to p.495, 18 October 2006, ICR 495. Bottom
15:14:00 12 of the page, p.13 of 31. [REDACTED], "Gobbo states that
15:14:05 13 she has spoken to [REDACTED]. He still wants to leave her name
15:14:10 14 on his phone contact list at [REDACTED] Prison. Advised that
15:14:15 15 his brief is due to be served. This will be a good source
15:14:18 16 of feedback from [REDACTED] to Gobbo about what he's thinking",
15:14:22 17 right?---Yes.
15:14:23 18
15:14:23 19 Were you content to receive that information from Ms Gobbo
15:14:26 20 about, for example, what [REDACTED] might be thinking? Do you
15:14:31 21 think that was appropriate?---I think if - obviously she's
15:14:38 22 still quite concerned that he might work out that she had
15:14:42 23 some involvement and - - -
15:14:46 24
15:14:46 25 Did you provide her with any instructions to, that she was
15:14:50 26 simply not to go anywhere near him?---No, I don't think so.
15:14:56 27
15:14:57 28 Did you set out some sort of responsibility regime whereby
15:15:01 29 if she did continue to see him or any other of these sorts
15:15:05 30 of people the relationship would be ended?---No.
15:15:08 31
15:15:14 32 Can we go to p.531, 30 October 2006. Now this was the
15:15:38 33 occasion that Ms Gobbo was shown briefs of evidence, Purana
15:15:48 34 briefs of evidence, is that right? Have you got
15:16:55 35 that?---I'm just trying to refresh my memory. I've got the
15:17:02 36 page, yes, 531.
15:17:04 37
15:17:05 38 Perhaps if we go to 528, there's a note on 30 October 2006
15:17:14 39 at 1.10 pm, there was a liaison, "Note liaison with Gobbo in
15:17:26 40 coordinator meeting". 13:10?---Yes, I have that.
15:17:46 41
15:17:49 42 And Mr Smith was at the meeting. This is an ICR which
15:17:53 43 you've signed off on as the controller apparently?---Yes.
15:17:57 44
15:18:00 45 And the purpose of the meeting was to allow Ms Gobbo to
15:18:06 46 peruse 5 times volumes of Purana Task Force brief of
15:18:10 47 evidence against [REDACTED], I think [REDACTED],

15:18:18 1 and [REDACTED] and general debrief regarding recent
15:18:22 2 activities, do you see that?---Yes.
15:18:23 3
15:18:25 4 Just as a general proposition this would be rather
15:18:29 5 extraordinary, wouldn't it, in the annals of legal history,
15:18:36 6 do you agree with that proposition?---Yes.
15:18:37 7
15:18:51 8 And one of the things that was covered in the course of the
15:18:54 9 meeting was that, at p.530, we move over to the following
15:19:01 10 page, right down the very bottom, Ms Gobbo is going to
15:19:05 11 represent [REDACTED] during the plea of Operation Posse. Do
15:19:11 12 you see that?---Yes.
15:19:13 13
15:19:15 14 And she's considering changing the date of the plea and
15:19:18 15 bringing it forward so he's not [REDACTED]
15:19:22 16 [REDACTED] at the end of the day, right?---Yes.
15:19:27 17
15:19:28 18 And that's to protect her?---To protect her exposure,
15:19:36 19 yes?---Yes.
15:19:36 20
15:19:47 21 And there's a reference to an invitation to a Homicide
15:19:51 22 Squad Cup Eve function by Mr Argall and it was suggested
15:19:56 23 that she shouldn't, probably wouldn't be advisable to
15:20:00 24 attend the function. Do you know whether she did go to the
15:20:03 25 function?---No.
15:20:04 26
15:20:04 27 In any event if we come down to the bottom, it says that,
15:20:13 28 "The following is the feedback provided by Ms Gobbo
15:20:15 29 relating to the brief of evidence" and then there's some
15:20:21 30 comments on that page and the first one is that, " AkI
15:20:37 31 Hammoud and Tony Bayeh should be produced on the same brief
15:20:40 32 of evidence. All have been adjourned to the same mediation
15:20:44 33 date". Her view was that they should be same mention date
15:20:49 34 and they should be included in the same brief of evidence.
15:20:53 35 Do you see that?---Yes.
15:20:55 36
15:20:55 37 And you understand that AkI Hammoud was a client of hers?
15:21:03 38 You may not now but I suggest the evidence before the
15:21:07 39 Commission reveals that that's the case?---Okay.
15:21:10 40
15:21:11 41 And if we go over the page, "If above names are added to
15:21:15 42 the briefs, the advice that she gives is that all cover
15:21:18 43 sheets needed to be altered to reflect the new names",
15:21:22 44 right?---Yes.
15:21:24 45
15:21:24 46 "And another person, Abdul Khoder has not been included in
15:21:29 47 the brief yet has been recently charged with same", so

15:21:36 1 effectively she's saying, "He has been charged with the
15:21:40 2 same matters and he hasn't been included in the brief of
15:21:44 3 evidence and his false statement is not included in this
15:21:48 4 brief of evidence", see that?---Yes.
15:21:52 5
15:21:52 6 And she questioned as to why the video interview was
15:21:58 7 included, and an explanation was provided. "Concerned that
15:22:02 8 [REDACTED] might suspect that Ms Gobbo had knowledge of what
15:22:06 9 [REDACTED] was doing. [REDACTED] would simply [REDACTED]
15:22:12 10 that she was [REDACTED]", do
15:22:18 11 you see that?---Yes.
15:22:19 12
15:22:20 13 As I understand it what you would say is that, look, this
15:22:23 14 was for a particular purpose, this permitting Ms Gobbo to
15:22:29 15 read the brief and that was for the same purpose as we've
15:22:31 16 discussed previously, that is to ensure that there was
15:22:34 17 nothing in the brief that might expose Ms Gobbo's
15:22:40 18 role?---Yes, that's right.
15:22:41 19
15:22:41 20 But it seems quite apparent that it isn't confined to that
15:22:45 21 sort of information, is it?---Not confined to judging by
15:22:55 22 the reference to the previous two people.
15:22:58 23
15:22:59 24 All right?---(Indistinct).
15:23:02 25
15:23:02 26 Sorry - I can't see you and it's difficult to know when
15:23:08 27 you're about to start talking.
15:23:10 28
15:23:11 29 COMMISSIONER: You just talked over each other, if you
15:23:12 30 could just repeat the end of your last answer,
15:23:15 31 please?---Yes, Commissioner. So the names Hammoud and
15:23:18 32 Bayeh, I don't think they were involved in the [REDACTED]
15:23:23 33 [REDACTED] so your question was the conversation is not confined
15:23:28 34 to [REDACTED] and my answer is, yes, that's right.
15:23:33 35
15:23:41 36 MR WINNEKE: And she gave some advice about folder 3, s.11,
15:23:49 37 "First page of Niblett's statement was missing and there
15:23:53 38 was a reference to concern regarding the photos located on
15:23:56 39 the coffee table and they may need to be removed if they
15:23:59 40 were on the brief. Not to be produced". Now do you know
15:24:04 41 what that was about?---No.
15:24:05 42
15:24:06 43 It may or may not be a concern that she has about her being
15:24:10 44 identified but you're not certain about that?---That's
15:24:13 45 right.
15:24:13 46
15:24:16 47 MR CHETTLE: Commissioner, could I simply ask, he has been

15:24:19 1 in the witness box now for six days, can he be given a five
15:24:25 2 minute break mid-way through the afternoon?
15:24:25 3
15:24:25 4 COMMISSIONER: I've asked the witness to let me know if he
15:24:28 5 would like a break. Would you like a break?---I wouldn't
15:24:32 6 mind, Commissioner.
15:24:54 7
15:24:54 8 COMMISSIONER: All right, we'll just have a ten minute
15:24:56 9 break.
15:24:57 10
15:24:57 11 (Short adjournment.)
15:24:57 12
15:39:16 13 COMMISSIONER: Let me know, as I say, Mr White, if you need
15:39:18 14 a break at any time?---Thank you, Commissioner.
15 15
15:39:24 16 MR WINNEKE: Can I just deal with this episode of the
15:39:28 17 review of the briefs. It's quite clear, and I take it you
15:39:35 18 accept this proposition, that certainly there are some
15:39:37 19 matters that were raised by Ms Gobbo in her analysis of the
15:39:42 20 briefs which were of concern to her because they may have
15:39:49 21 revealed her role, but you'd accept the proposition that a
15:39:55 22 number of other matters were of no relevance to that
15:39:58 23 particular topic but were comments on the brief and those
15:40:05 24 comments were passed on to investigators, do you accept
15:40:07 25 that proposition?---Yes.
26
15:40:11 27 In the entirety, because if we see - if we have a look at
15:40:16 28 p.433 we see - 533, I apologise, the following people still
15:40:38 29 to be charged and there are a list of names there. "These
15:40:43 30 people clearly identified or will be able to argue
15:40:48 31 regarding bail that they knew and did not flee the
15:40:51 32 jurisdiction", so she's providing comments about possible
15:40:55 33 arguments on bail applications that these people might
15:40:58 34 have, for example, if they weren't charged quickly enough
15:41:07 35 all of that information - do you accept that
15:41:10 36 proposition?---I don't understand it.
37
15:41:13 38 What she's saying is that if they're not charged quickly
15:41:17 39 and if there's a delay all of them would be able to argue
15:41:21 40 on a subsequent bail application, "Well, we knew that
15:41:26 41 people had been charged, we knew that we were going to be
15:41:30 42 up next, we haven't fled the jurisdiction, we're still
15:41:33 43 here, we're not likely to be a risk for not turning up on
15:41:38 44 bail", that's effectively what she was saying to you, or at
15:41:43 45 least - do you accept that?---Well I don't - no, I don't
15:41:48 46 really understand it, Mr Winneke.
47

15:41:49 1 All right, okay. In any event, all of the information, the
15:41:52 2 above information was provided to Detective Sergeant Flynn
15:41:55 3 verbally, do you accept that?---Yes.
4

15:42:04 5 If we go to p.680 of the materials, ICR number 69. You'll
15:42:29 6 see an entry at the very bottom of 680 and then over the
15:42:33 7 following page. The heading relates to the Purana Task
15:42:37 8 Force. "Milad Mokbel is positive of arranging a plea deal
15:42:42 9 following meeting with Jim O'Brien." She's obviously
15:42:48 10 referring to clearly a discussion that she has had with
15:42:53 11 Mr Mokbel. It appears that Mokbel's had a meeting with
15:42:58 12 O'Brien. Regardless of what was discussed in that meeting,
15:43:01 13 she's told by Mokbel that there's a likelihood of a plea
15:43:08 14 deal being arranged, do you agree with that?---Yes.
15

15:43:30 16 We may be able to clarify that a little bit more. If we go
15:43:35 17 to p.676 at the bottom of the last but one entry, this is 6
15:43:50 18 March 2007, understand the heading of "Milad Mokbel", "Is
15:43:55 19 going to meet Jim O'Brien and discussed options for a
15:43:58 20 possible plea. Discussed the possible conditions of a
15:44:01 21 plea. Milad wants to know what assistance is required and
15:44:08 22 O'Brien is advised verbally". That information has
15:44:12 23 apparently come from Gobbo and has gone to O'Brien; is that
15:44:16 24 right?---Yes.
25

15:44:17 26 Perhaps it's not clear whether she's meeting with O'Brien
15:44:20 27 or Mokbel's meeting with O'Brien. Then if we go over the
15:44:28 28 page to 677 Ms Gobbo says, firstly about halfway down the
15:44:39 29 page, "If Milad pleads then everyone will plead", do you
15:44:43 30 see that?---Yes.
31

15:44:44 32 And then, "Result of Jim O'Brien visiting Milad to be
15:44:48 33 discussed at a later date", do you see that? It may well
15:44:58 34 be that the first entry that I referred you to was, at
15:45:04 35 p.681, the wash up of that meeting that she's spoken to
15:45:08 36 Milad, Milad told her about the contents of his
15:45:12 37 conversation with Jim O'Brien, this is at p.681?---Yes.
38

15:45:25 39 "Milad has provided feedback in relation to these
15:45:28 40 discussions and Horthy spoke to Milad for about 20 minutes."
15:45:33 41 Now obviously that's information that Ms Gobbo is conveying
15:45:35 42 to you. She's quite clearly speaking to Milad Mokbel about
15:45:41 43 legal matters about what he's proposing to do and those
15:45:44 44 sorts of things which are ordinarily the province of a
15:45:48 45 legal advisor and his lawyer/client, do you accept
15:45:54 46 that?---Ordinarily, yes.
47

15:46:08 1 There's evidence from a statement of Mr Flynn that he and
15:46:13 2 O'Brien met with Ms Gobbo in her chambers and in
15:46:19 3 Mr O'Brien's diary there's a reference to a discussion with
15:46:22 4 Ms Gobbo about a potential plea deal for Milad Mokbel which
15:46:26 5 involved keeping his wife out of prison. Those two entries
15:46:30 6 would be consistent with the proposition, in effect, that
15:46:33 7 Ms Gobbo was inserting herself in the discussions going on
15:46:38 8 between Milad Mokbel and the police, and in effect acting
15:46:44 9 in a way in which a lawyer would act, do you accept
15:46:47 10 that?---It would be consistent, yes.
11
15:46:57 12 Clearly the expectation would be that a barrister acting in
15:47:02 13 that sort of role would be acting in the best interests of
15:47:05 14 her client, do you accept that?---Yes.
15
15:47:08 16 And that's what the client would be expecting?---Yes.
17
15:47:14 18 And indeed the court and the criminal justice system would
15:47:18 19 require as much, do you accept that?---Yes, I do.
20
15:47:23 21 Okay. If we go to p.683, this is 9 March 2007, ICR number
15:47:32 22 69. Milad Mokbel under the heading - 683. He wants to
15:47:49 23 speak to Ms Gobbo following his meeting with Jim O'Brien.
15:47:54 24 "Should be able to do this next week some time." Page 686,
15:48:16 25 again Milad Mokbel. "She states that Jim O'Brien must be
15:48:24 26 firm with Milad in relation to the plea negotiations.
15:48:28 27 O'Brien needs to rattle his cage." Do you see that? In
15:48:38 28 effect she, a person who's purporting to act as the
15:48:42 29 barrister, is advising Purana how they should conduct their
15:48:48 30 negotiations with Milad Mokbel, do you see that?---Yes.
31
15:49:02 32 Do you know whether or not that information was passed
15:49:05 33 on?---No.
34
15:49:07 35 It may or may not be as far as you were concerned?---Yes.
36
15:49:14 37 Can I put this proposition: it is in Ms Gobbo's interests
15:49:20 38 that Milad Mokbel plead guilty I suggest to you, do you
15:49:26 39 accept that proposition?---I think there would be less
15:49:37 40 likelihood that she would be compromised as a human source
15:49:40 41 if he pleaded, yes.
42
15:49:42 43 So there would be no concerns arising out of potential
15:49:46 44 subpoenas for notes, there would be no concerns about her
15:49:52 45 being exposed, do you accept that proposition?---Yes.
46
15:49:56 47 And equally, her very desire at the very outset of this

15:50:01 1 exercise was to have the Mokbels put away?---Yes.
2
15:50:08 3 Can we move to p.724 to 725, 21 March 2007, ICR number 71.
15:50:44 4 What that indicates is that there were discussions had
15:50:51 5 between the handler and Ms Gobbo about the ways in which
15:50:57 6 Ms Gobbo would be able to get out of being involved in the
15:51:00 7 signing of the affidavit that the solicitor has prepared
15:51:05 8 for Milad to sign and she would be able to achieve this via
15:51:12 9 Gerard Lethbridge, a solicitor, do you see that?---Yes.
10
15:51:23 11 Are you aware that this related to charges that had been
15:51:27 12 levelled against Mr Mokbel's wife Renate?---No.
13
15:51:37 14 The idea was that she would convince Mr Lethbridge it was
15:51:41 15 better to have Milad in person give the evidence rather
15:51:45 16 than otherwise, do you accept that, without her being
15:51:54 17 involved apparently?---There's a suggestion that - I have
15:52:04 18 no idea what this is about but I can read, there's
15:52:07 19 obviously a suggestion that Milad will give evidence in
15:52:10 20 person rather than signing an affidavit for some reason.
21
15:52:14 22 "And this will also allow Ms Gobbo to visit Milad [REDACTED]
15:52:19 23 [REDACTED] and Witness [REDACTED]
15:52:27 24 She then says that "she believes Milad will plead but needs
15:52:33 25 to see Ms Gobbo to renew his trust in her", right?---Yes.
26
15:52:38 27 Do you accept that?---Yes.
28
15:52:40 29 Quite clearly ongoing involvement in the plea discussions,
15:52:49 30 if you like, or the process of moving towards a plea for
15:52:53 31 Mr Mokbel. Can I ask you about ICR number 73 at p.767.
15:53:55 32 The proposition we started from was that Ms Gobbo should
15:54:03 33 not be involved in any way, shape or form in advising
15:54:07 34 Mr Mokbel as to what he should do, do you accept
15:54:09 35 that?---Yes.
36
15:54:10 37 It seems from the materials that we've got that Mr Mokbel
15:54:13 38 apparently has a solicitor, Gerard Lethbridge, and if you
15:54:17 39 have a look at the entry on p.767, apparently he's been
15:54:23 40 wrongly convinced by Mr Wilson - in any event it says
15:54:34 41 Lethbridge, "that Purana will not be serving additional
15:54:39 42 charges", right, and "she has lost her temper with Milad
15:54:44 43 regarding this as she has already told him that he will
15:54:47 44 face further charges", right? Effectively she's telling
15:54:53 45 you, or telling the SDU about discussions that she's had
15:55:00 46 with Mr Mokbel, right?---Yes.
47

15:55:11 1 "He says that he wants his wife to be released", right, so
15:55:17 2 that is quite clear that that is a concern that he has,
15:55:22 3 right?---Yes.
4
15:55:26 5 And he's desperate to resolve matters and ensure that Renee
15:55:30 6 or Renate is released, do you accept that?---I'm not sure
15:55:36 7 about the "desperate" but it's pretty clear he wants Renee
15:55:40 8 to be released.
9
15:55:42 10 He says he's desperate but in any event - that's what she
15:55:46 11 says. "She is frustrated with the bullshit advice that
15:55:50 12 Wilson and Lethbridge are providing Milad", that is the
15:55:54 13 independent solicitors are providing advice and she's
15:55:58 14 providing her views about it, isn't she? And she states
15:56:07 15 that Milad will not deal with - it says Peter Trichias from
15:56:12 16 Purana - that's clearly what is being said?---Yes.
17
15:56:29 18 There is a reference to passing on information to Jim
15:56:32 19 O'Brien, Purana Task Force, verbally. It wouldn't be
15:56:38 20 clear, I suggest, that that relates to one dot point or all
15:56:42 21 of them, would it?---It's not clear.
22
15:56:48 23 No, all right. Page 745, 30 March 2007, ICR number 72.
15:57:11 24 745. If we have a look at p.745 there is a meeting that
15:57:50 25 you're involved with and Detective Sergeant Smith and this
15:57:54 26 is at 16:51, the commencement of the meeting.
27
15:57:57 28 COMMISSIONER: On 30 March?
29
15:58:00 30 MR WINNEKE: On 30 March of 2007?---Yes.
31
15:58:03 32 Right. If we go over to p.746 towards the bottom of the
15:58:09 33 page, there's a discussion about Milad's committal mention
15:58:16 34 and the possibility of material being subpoenaed and
15:58:22 35 Ms Gobbo, as we've discussed previously, is expressing
15:58:27 36 concern regarding recordings on the night of the [REDACTED],
15:58:32 37 that's clearly a reference to the [REDACTED] 2006, the
15:58:37 38 night that [REDACTED] was arrested, and Flynn, O'Brien wanted him
15:58:51 39 [REDACTED] and there's a reference to
15:58:55 40 "massive inconsistencies, statement heaps of lies" -
15:59:02 41 "inconsistent statement, heaps of lies". She's expressing
15:59:09 42 a view about the statement made by [REDACTED] it seems, do
15:59:13 43 you see that?---I can see that but I can't tell whether
15:59:19 44 it's a reference to [REDACTED] statement.
45
15:59:21 46 Okay. If we go back to the previous page, there's a
15:59:23 47 discussion - it relates to, the heading is "[REDACTED]".

15:59:27 1 There's a discussion about Milad's committal mention, the
15:59:30 2 possibility of subpoenaed, "She said the balance of TI
15:59:35 3 intercepts not on the brief", right?---Yes.
4
15:59:37 5 So she talks about the brief of evidence. "She's
15:59:40 6 discussing restraining order affidavits in sealed envelopes
15:59:43 7 in court files, she's concerned about the contents of some
15:59:46 8 of those being discovered by the defence, that is Milad
15:59:52 9 Mokbel, a person who we've been seeing previously she's
15:59:55 10 been providing advice to", and then there's a reference to
16:00:02 11 concerns about Purana getting hold of recordings on the
16:00:05 12 ██████ of the ██████ Well obviously that will be a reference
16:00:08 13 to ██████ because ██████, hasn't
16:00:14 14 he?---Yes.
15
16:00:14 16 And she says that "they're a massive inconsistent
16:00:19 17 statement, heaps of lies". It may well be that she's
16:00:24 18 referring to recordings, things said by ██████ on tape
16:00:33 19 outside of the statement process, outside the interview
16:00:39 20 room. So she's concerned about recordings that have been
16:00:43 21 made on the night I put it to you?---I don't know.
22
16:00:48 23 She's again mentioned concerns about her involvement in the
16:00:51 24 ██████. She's requested that investigators
16:00:59 25 be aware that the following will depict her at St Kilda
16:01:07 26 Road Police Complex. There's reference to security video
16:01:09 27 or computer entries when she enters the complex, briefing
16:01:14 28 papers on the night, all of which she's concerned about, do
16:01:20 29 you see that?---Yes.
30
16:01:32 31 She's previously stated to Mokbel and others she wasn't ██████
16:01:35 32 ██████, she didn't know ██████ was arrested. In
16:01:39 33 fact she's lied and told Milad that ██████ was arrested
16:01:43 34 re a ██████. Really she's got herself in a
16:01:47 35 hopelessly conflicted and difficult situation, do you
16:01:50 36 accept that proposition?---Yes.
37
16:01:58 38 Then if we go to 748. She will see Milad - firstly,
16:02:09 39 there's a reference, this is p.748, firstly there's a
16:02:13 40 reference to the plea date in relation to ██████
16:02:18 41 She's stating that there's not enough evidence to satisfy
16:02:21 42 the charges that he's facing. Then Milad Mokbel, if we
16:02:29 43 focus on Milad Mokbel, "She'll see him on Monday regarding
16:02:32 44 a plea. Will say that he has to think about the bigger
16:02:38 45 picture, i.e. charges involving a longer period of
16:02:41 46 trafficking. She states that Milad is getting advice from
16:02:45 47 Lethbridge and a barrister Livermore, saying to check the

16:02:50 1 warrants, et cetera, prior to pleading. She states that
16:02:57 2 that she has already done so and they're fine".
16:03:04 3 Effectively whether - as to whether or not she's telling
16:03:12 4 Mr Mokbel, that it's not clear, but in any event she's
16:03:18 5 certainly speaking to Milad and going to speak to him
16:03:22 6 because she says that she intends to say to him things from
16:03:26 7 the past where she's been right regarding this matter. "He
16:03:29 8 said on the night of the arrest he wanted to plead guilty.
16:03:35 9 He said to human source that 'HS was right about this'."
16:03:37 10 Effectively what she's saying is she's going to convince
16:03:41 11 him to plead. "Will say the longer you leave something the
16:03:44 12 more they will have." She's going to say common sense
16:03:47 13 things like that to him, right, do you see that?---Sorry,
16:03:55 14 you skipped a few bullet points ahead of me. I tried to
16:03:59 15 find it and I wasn't listening.
16
16:04:01 17 I suggest what the gist of it is, she's telling the
16:04:04 18 handlers about what she's going to say to Milad Mokbel in
16:04:08 19 order to convince him to plead and to get it over with, I
16:04:14 20 suggest, and there's a dot point there which says, "Gobbo
16:04:19 21 hopes that Renate doesn't get out on Tuesday. It will
16:04:29 22 solidify her position", and at the bottom of the page,
16:04:33 23 "Milad swore a false affidavit yesterday with respect to
16:04:36 24 resigning from a company involved in the ownership of the
16:04:39 25 property in Brunswick". Over the page on p.749 there's a
16:04:49 26 discussion about further options regarding the involvement
16:04:52 27 with [REDACTED]. She's indicated that - "HS has indicated
16:05:06 28 that would consider charging with threats if any made upon
16:05:09 29 discovery of her involvement. This would result in Horthy
16:05:15 30 being possibly remanded in custody". There's references to
16:05:30 31 - clearly references to material which would be
16:05:32 32 confidential I suggest to you. In particular she says
16:05:45 33 that - in any event, there's a discussion about a little
16:05:49 34 over half the way down the page on p.749, "No notes from
16:05:56 35 [REDACTED] will be handed over at this stage to any outside
16:06:01 36 person. Under 8A subpoenas have not been issued at this
16:06:05 37 stage". Do you understand what that means?---No, apart
16:06:13 38 from the fact that subpoenas hadn't been issued.
16:06:15 39 Presumably that's a reference to subpoenas for police
16:06:20 40 notes.
41
16:06:21 42 Yes. Effectively nothing's going to be handed over under
16:06:26 43 the usual committal disclosure process and until subpoenas
16:06:30 44 have been issued there'll be no notes handed over or even
16:06:32 45 being considered to be handed over, do you understand
16:06:34 46 that?---I do but I don't know how she would know that.
47

16:06:37 1 It may well be that she's saying or someone's telling her
16:06:41 2 that, but certainly there's a reference to that in the
16:06:43 3 discussion with Ms Gobbo?---Yes.
4
16:06:50 5 And certainly if it's coming from the police it would be an
16:06:54 6 unusual thing to be saying to someone like Ms Gobbo?---I
16:07:02 7 don't know.
8
16:07:03 9 There's a reference to Mr Bateson, a blackout reference -
16:07:09 10 okay. "Public interest immunity was discussed, not an
16:07:12 11 option, information unable to be kept secret." Then she
16:07:16 12 talks about "Bateson, blackout references regarding
16:07:21 13 **Witness** They got away with not having to produce" and
16:07:25 14 that appears to be information coming from Ms Gobbo to the
16:07:28 15 handler, right? There's a discussion about the possibility
16:07:35 16 of human source representing one of the co-offenders and
16:07:39 17 she suggested that the only person that could be
16:07:41 18 represented is Akl, Akl Hammoud or Hammoud. Do you accept
16:07:49 19 that?---Yes.
20
16:07:55 21 "She suggests that if Renate refused she believed that
16:08:01 22 would change Milad's attitude, i.e. be more receptive to
16:08:05 23 her suggestions and influence. Would be good if he got
16:08:08 24 more charges." That's what she's saying to police, do you
16:08:14 25 accept that?---Yes.
26
16:08:15 27 Right. If we could then move on to - I suggest at p.780
16:08:35 28 with respect to ICR 74 there's a discussion, reference to a
16:08:42 29 discussion involving the contents of **██████████**'s
16:08:46 30 statements. He wants to go through the contents of them
16:08:49 31 with her and he has instructed the solicitor to subpoena
16:08:54 32 the unedited versions, do you see that? He wants to
16:09:03 33 identify informers involved in his arrest, do you see that,
16:09:08 34 p.780?---Yes.
35
16:09:20 36 799, on 18 April 2007, ICR number 75. Again this is a
16:09:38 37 reference to information about **██████████**. He's
16:09:45 38 apparently furious about **██████████** and his statements made.
16:09:50 39 He's asked Ms Gobbo if she visits or sees **██████████**. She's
16:09:55 40 concerned that upcoming subpoenas will reveal the contacts
16:09:58 41 that she's had with **██████████** and this issue was discussed
16:10:02 42 with O'Brien and O'Brien agreed that - sorry, "advised that
16:10:06 43 agreement is in place with the prison to advise of all
16:10:11 44 subpoenas". Then, "**██████████** has stated that he would lie
16:10:16 45 to protect Ms Gobbo's involvement with him and she says
16:10:22 46 that she's advised him that he must tell the truth", right,
16:10:26 47 do you accept that?---Yes.

1
16:10:27 2 That's in the record. All of these are matters, I suggest
16:10:36 3 to you, Mr White, that would be of interest to any person
16:10:41 4 who was representing Mr ██████████, or indeed anyone who
16:10:49 5 ██████████ was giving evidence against, do you accept that
16:10:52 6 proposition?---So your question is - - -
7
16:11:14 8 Look, ██████████ is a witness who has given evidence against
16:11:19 9 a significant number of people, we accept that, don't
16:11:23 10 we?---Yes.
11
16:11:24 12 Any legal practitioner who is representing a person who has
16:11:30 13 been charged because of statements made and evidence given
16:11:33 14 by ██████████ would be wanting to test his veracity and
16:11:38 15 credibility and credit, do you accept that?---Yes.
16
16:11:43 17 In order to do so it is appropriate and reasonable and
16:11:45 18 necessary, in order to enable a fair trial to be had, that
16:11:53 19 a relevant disclosure be made concerning anything that
16:11:57 20 might concern the reliability or credibility of a witness,
16:12:01 21 do you accept that?---Yes, I do.
22
16:12:03 23 What I suggest to you is that all of these matters that I'm
16:12:06 24 dealing with now would be potentially very relevant in any
16:12:11 25 trial or any committal proceeding to enable that veracity
16:12:15 26 and reliability and credibility to be tested, do you accept
16:12:26 27 that proposition?---Yes.
28
16:12:28 29 Okay. None of these materials were made available to any
16:12:31 30 defence counsel in any proceeding involving the evidence of
16:12:37 31 ██████████ I suggest to you?---I don't know.
32
16:12:44 33 You don't know of any though, do you?---No.
34
16:12:48 35 If I can move on to p.801, ICR 75, 19 April.
36
16:12:56 37 COMMISSIONER: What page was that, Mr Winneke?
38
16:12:58 39 MR WINNEKE: 801, Commissioner.
40
16:13:00 41 COMMISSIONER: Yes.
42
16:13:09 43 MR WINNEKE: ██████████ with respect to Milad Mokbel. "Ms Gobbo
16:13:16 44 would like to see Milad and assist him to plead to all
16:13:20 45 charges. She states that Renee needs to stay in gaol to
16:13:25 46 enable her to be able to convince" - and then there's
16:13:29 47 general discussions about not representing or providing

16:13:32 1 legal advice to the Mokbels. Now, you agree that certainly
16:13:40 2 on this occasion, and on other occasions, there had been
16:13:43 3 general conversations about not representing or providing
16:13:46 4 legal advice to the Mokbels, do you see that?---Yes.
5
16:13:51 6 What you say, quite correctly, is that on many occasions
16:13:57 7 handlers made suggestions to Ms Gobbo that she should not
16:14:03 8 represent people such as the Mokbels, do you agree with
16:14:07 9 that?---Yes.
10
16:14:08 11 And that's what in effect your position is, "We were often
16:14:12 12 telling her that she shouldn't be doing these things" and
16:14:18 13 that's got to be conceded?---Yes.
14
16:14:20 15 But the reality is it didn't stop her, did it?---No, it
16:14:27 16 definitely didn't stop her on some occasions.
17
16:14:32 18 Certainly insofar as Milad Mokbel is concerned and
16:14:35 19 ██████████ is concerned, and they're two we've looked at so
16:14:39 20 far, it quite clearly didn't stop her, do you accept that
16:14:42 21 proposition?---Yes, I do.
22
16:14:47 23 Can I just ask you about this concept of Acknowledgement of
16:14:53 24 Responsibilities which you've spoken and which we've dealt
16:14:56 25 with. Let's just assume you've got a source who comes with
16:14:59 26 a criminal background and there is at least a concern on
16:15:03 27 the part of handlers that that person might engage in
16:15:08 28 criminal activity. That is frequently the circumstance
16:15:15 29 with human sources, is it not?---Yes, it is.
30
16:15:17 31 You would expect that an AOR would include prohibition
16:15:22 32 against committing offences where there is no indemnity
16:15:25 33 being provided, do you accept that?---Yes.
34
16:15:33 35 I take it that the usual consequence of a source who
16:15:37 36 intentionally breaks the terms or breaches the terms of the
16:15:44 37 AOR by continuing to offend and perhaps compromising the
16:15:48 38 justice system, that would be in effect the end of the
16:15:54 39 relationship, wouldn't it?---So if it was a criminal source
16:16:02 40 breaching the AOR by committing a further offence.
41
16:16:06 42 Yes?---It wouldn't necessarily be end of the relationship.
43
16:16:14 44 It wouldn't necessarily be?---It wouldn't necessarily be
16:16:21 45 the end of the - well, I understand the policy has changed,
16:16:26 46 that's not the case now. But back then just because a
16:16:29 47 source committed an offence which would be against the

16:16:32 1 spirit of the AOR, he wouldn't automatically, he or she, be
16:16:38 2 sacked.
3
16:16:39 4 I follow that. If it was a speeding offence or a
16:16:41 5 relatively minor offence you might overlook it. But if
16:16:45 6 someone repeatedly committed criminal offences in breach of
16:16:49 7 an Acknowledgement of Responsibilities, ultimately the
16:16:54 8 effect would be to end the relationship, wouldn't
16:16:58 9 it?---Yes.
10
16:16:59 11 Here there was a boundary where Ms Gobbo should not
16:17:02 12 represent those whom she had provided information against.
16:17:07 13 You say there was that boundary and it had been made very
16:17:13 14 clear to her, do you say that?---Yes.
15
16:17:16 16 Albeit, I suggest, that it may not have been. Nonetheless,
16:17:19 17 it would be, as far as you were concerned, quite
16:17:24 18 inconsistent with the interests of justice, the interests
16:17:27 19 of the persons who she purports to represent for her, to
16:17:31 20 continue to act for them because she couldn't be acting in
16:17:34 21 their best interests, I suggest to you?---I'm not sure
16:17:46 22 about whether she was acting in their best interests.
23
16:17:50 24 Let's take - - -?---With the actions that she took. But
16:17:54 25 she certainly was not impartial.
26
16:17:58 27 Take Mr Mokbel, Milad Mokbel. We've already established
16:18:02 28 that there were good reasons why she would like Mr Mokbel,
16:18:07 29 Milad Mokbel to plead guilty. We've gone through a couple
16:18:09 30 of them, haven't we?---Yes.
31
16:18:12 32 So at the very least insofar as he's concerned she couldn't
16:18:16 33 be said to be an impartial person, quite to the contrary,
16:18:20 34 she's partial, isn't she?---That's exactly what I said.
35
16:18:24 36 Yes. Indeed, what I suggest to you is that if there was an
16:18:31 37 Acknowledgement of Responsibilities which was being
16:18:34 38 appropriately enforced, she was continually breaching
16:18:37 39 it?---Yes.
40
16:18:40 41 Did you ever give her an ultimatum and say to her, "Look,
16:18:44 42 if you do this one more time we're going to have to end
16:18:48 43 this relationship because we've got real concerns about the
16:18:50 44 system of justice which we are all supposed to be
16:18:55 45 upholding"? Did you ever give her that ultimatum?---She
16:19:01 46 was told - you use the term a relationship ending event.
47

16:19:06 1 Yes?---I know that term was used with her at one or more
16:19:12 2 points in the relationship, I just can't recall in the
16:19:14 3 context of what that was.
4
16:19:17 5 All right. Forget about the expression. Did you ever say
16:19:20 6 to her, "Listen, Nicola, if you continue to do this we're
16:19:24 7 just going to have to end this relationship"? Did you ever
16:19:28 8 say anything like that to her?---That's what I'm saying to
16:19:31 9 you, we may have.
10
16:19:39 11 Was it said to her in relation to Ms Gobbo being involved
16:19:45 12 in the Karam matter?---I don't know.
13
16:19:50 14 And her potentially being involved criminally in the Karam
16:19:55 15 importation matter?---I don't know.
16
16:20:03 17 We haven't got too much more time. I think we've got
16:20:07 18 another ten minutes, is that right, Commissioner?
19
16:20:10 20 COMMISSIONER: Yes.
21
16:20:12 22 MR WINNEKE: Can you cope with that, Mr White?---Yes,
16:20:14 23 Mr Winneke.
24
16:20:44 25 In that case where you do tell her about, I don't know
16:20:47 26 whether the relationship ending event - is that expression
16:20:52 27 used on that occasion?---On which occasion?
28
16:20:56 29 With respect to Mr Karam's matter?---Oh, I don't know. I
16:21:02 30 can't recall.
31
16:21:02 32 All right. In any event, perhaps we'll come to that in due
16:21:05 33 course. Can I move on. Can I ask you about ICR number 75,
16:21:41 34 p.801. I asked you a couple of questions about that.
16:21:57 35 Insofar as Tony Mokbel was concerned, at that stage, 19
16:22:14 36 April, there's a reference to - by this stage Mr Mokbel's
16:22:20 37 been arrested overseas, you understand that?---Yes.
38
16:22:28 39 I withdraw that. I withdraw that. She again offered to go
16:22:34 40 overseas - I withdraw that, he hadn't been arrested. She
16:22:38 41 offered to go overseas and meet with him and she'd do it at
16:22:41 42 her own expense, do you see that? At this stage he hasn't
16:22:50 43 been arrested, do you see that? Do we understand
16:22:54 44 that?---Yes.
45
16:22:55 46 She's offering to go overseas and meet with him. "She'd
16:22:59 47 need to infiltrate Kabalan Mokbel, Jeffrey Jamou and a

16:23:09 1 number of other associates to disseminate intentions of
16:23:12 2 travelling and she's 100 per cent confident that he'll
16:23:19 3 surface if she was to travel overseas", do you see
16:23:22 4 that?---Yes.
5
16:23:28 6 Can I suggest to you that that is - it's almost an
16:23:32 7 indication of someone who is simply not well,
16:23:35 8 psychiatrically unwell?---No, I don't accept that.
9
16:23:41 10 You don't accept that, right?---No.
11
16:23:44 12 Right. The fact that she's even suggesting that if she's
16:23:47 13 goes overseas that Mr Mokbel will surface and she would be
16:23:51 14 able to speak to him suggests that she's unhinged I would
16:23:55 15 suggest?---No, I don't accept that.
16
16:23:58 17 It's an extreme informer activity, isn't it?---Well, in the
16:24:08 18 area of high risk source operations, I don't think I'd call
16:24:13 19 it extreme.
20
16:24:14 21 Was there consideration given to utilising Ms Gobbo to in
16:24:21 22 effect act as a decoy and travel overseas and flit about
16:24:25 23 the place and see if Mr Mokbel turned up?---No, she didn't
16:24:30 24 have any idea where he was so I don't think that would have
16:24:35 25 been considered.
26
16:24:36 27 Which suggests that she's behaving in an extraordinarily
16:24:41 28 irrational way I suggest to you?---I've already given my
16:24:46 29 response to that.
30
16:24:47 31 Okay, all right. Page 818, 30 April 2007, ICR number 77.
16:24:59 32 818. Again, she's passing on information that she's got
16:25:09 33 from Milad Mokbel. "He's very keen to plead. Wants to
16:25:13 34 talk to Mr O'Brien. He's concerned about Renee in custody
16:25:22 35 still. He's requested that O'Brien speak to him", and
16:25:26 36 indeed Mr O'Brien is notified, do you see that? If we go
16:25:34 37 to p.834, 11 May, ICR number 78?---I'm sorry, I hadn't
16:25:43 38 finished reading that last one.
39
16:25:45 40 I apologise.
41
16:25:56 42 COMMISSIONER: Are you right now, Mr White?---Sorry,
16:25:59 43 Commissioner?
44
16:26:00 45 Have you finished reading that section now?---No, I
16:26:03 46 haven't. It's just come back up on the screen.
47

16:26:06 1 All right. It's 818 of the bundle?---Yes, I've seen that.
2
16:26:29 3 Thank you.
4
16:26:31 5 MR WINNEKE: Okay. Just if I can deal with a couple more
16:26:34 6 and that'll be it. 834, 78, he's expecting to see Dale
16:26:41 7 Flynn today. "It's quite clear that she's passing on
16:26:54 8 information which she's learnt as a result of speaking to
16:26:57 9 him concerning his relationship with his solicitors. Wants
16:27:00 10 to sack his solicitor. He's just paid a significant amount
16:27:03 11 of money to his solicitor and Milad has told Flynn that he
16:27:09 12 wants Flynn to deal with Ms Gobbo", right?---Yes.
13
16:27:19 14 And she says that she will, but she's not going to appear
16:27:23 15 in court for Milad, she believes that a settlement can be
16:27:26 16 reached with Milad and Purana, do you see that?---Can I
16:27:32 17 just pull you up on that? You said that she said she will.
18
16:27:37 19 No, I withdraw that. What I was going to suggest - I'll
16:27:41 20 read it out. "Believes that a settlement can be reached.
16:27:45 21 She's not going to represent or appear at court for him but
16:27:50 22 she believes that a settlement can be reached with him and
16:27:53 23 Purana". What I'm suggesting to you is that she is quite
16:27:59 24 content to act behind the scenes in advising and
16:28:03 25 representing him but she won't do it in open, do you follow
16:28:07 26 that, that's what I'm suggesting to you?---Yes, I follow
16:28:13 27 all that.
28
16:28:14 29 But regardless of whether she appears in court for him in
16:28:18 30 the open or advises him behind the scenes, it doesn't
16:28:22 31 matter, does it, because the importance is for a person to
16:28:27 32 have an independent barrister, you accept that
16:28:30 33 proposition?---I do accept that but from the outset she was
16:28:35 34 not representing him and here she's saying she's not
16:28:39 35 representing him. I'm not - I just don't know whether he
16:28:42 36 had impartial counsel outside of her constantly reporting
16:28:47 37 back on him.
38
16:28:48 39 I suggest to you it's quite apparent that she's involving
16:28:54 40 herself in these discussions about the plea and she's doing
16:28:59 41 it not as an official lawyer but she's doing it behind the
16:29:01 42 scenes?---Yes.
43
16:29:02 44 Okay. Have a look at p.837. I suggest to you this
16:29:08 45 illustrates exactly the point that I'm making. She's been
16:29:13 46 talking to Flynn about the Milad plea deal, right?---Yes.
47

16:29:19 1 She can't talk to Lethbridge who's the - if you accept
16:29:23 2 that, the on-the-record solicitor. "Advised Gobbo that
16:29:28 3 this is not appropriate for her to represent Milad." So in
16:29:34 4 effect she's being told by a handler that it's not
16:29:38 5 appropriate for her to represent Milad, see that?---Yes.
6
16:29:41 7 "She agrees and added that he has failed to pay \$40,000 in
16:29:48 8 fees, but nonetheless she's been talking to Flynn about the
16:29:55 9 plea deal", do you see that?---Yes.
10
16:30:00 11 She's referred to Milad to Robert Richter to negotiate with
16:30:07 12 Purana. So effectively she's speaking to Purana and also
16:30:11 13 referring Milad to Robert Richter. I note the time,
16:30:24 14 Commissioner.
15
16:30:25 16 COMMISSIONER: Yes, we'll adjourn now until 9.30 tomorrow
16:30:59 17 morning.
18
16:31:00 19 <(THE WITNESS WITHDREW)
16:31:01 20
16:31:04 21 ADJOURNED UNTIL WEDNESDAY 7 AUGUST 2019
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