

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Thursday, 14 March 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting: Mr C. Winneke QC
 Mr A. Woods
 Ms M. Tittensor

Counsel appearing Mr G. Chettle
for Officer Black Ms C. Thies

1 COMMISSIONER: I am satisfied that the conduct of today's
2 proceedings will be more effective and efficient if I make
3 the following order under s.24 *Inquiries Act 2014*.

4

5 All people, other than the lawyers assisting, officers and
6 authorised agents of the Commission, the witness and his
7 lawyers are excluded from today's proceedings. I direct
8 that a copy of this order be posted on the door to this
9 hearing room forthwith.

10

11 Anyone other than the category of people I have listed must
12 now leave the hearing room.

13

14 Under s.24 *Inquiries Act 2014* I am satisfied the conduct of
15 this proceeding will be more efficient and effective if the
16 following order is made: the publication of any information
17 that may enable the identity of the person who is to give
18 evidence in this proceeding is prohibited. It is an
19 indictable offence for a person, which includes a body
20 corporate, to knowingly or recklessly contravene this
21 order. The penalty is 600 penalty units or imprisonment
22 for five years. I direct that a copy of this order be
23 immediately posted on the door to this hearing room.

24

25 Thank you Associate.

26

27 Appearances, please. Mr Winneke?

28

29 MR WINNEKE: Commissioner, I appear with Mr Woods for this
30 part of the hearing.

31

32 COMMISSIONER: Thank you, Mr Winneke. Mr Chettle.

33

34 MR CHETTLE: Commissioner, I formally need leave to seek to
35 leave to appear with my learned junior Ms Thies.

36

37 COMMISSIONER: Yes. I thought leave to appear had been
38 formally granted. Yes, I note your appearance. Thank you,
39 Mr Chettle. Yes, Mr Winneke.

40

41 MR WINNEKE: Commissioner, Officer Black is giving evidence
42 this morning. We've got some other materials. I'm in the
43 Commission's hands as to whether you wish them to be
44 tendered now. Pursuant to s.41 of the IBAC legislation,
45 and with IBAC's cooperation, a number of transcripts have
46 been provided to the Commission's lawyers, including a
47 transcript of a hearing involving Officer Black dated 21

1 November 2014. That's going to be referred to during the
2 course of this hearing this morning and it may well be
3 appropriate if that transcript is tendered to the
4 Commission. There were a number of enquiries carried out
5 by IBAC from November through to - January 2014 through to
6 January 2015, and I can tender those at this stage or at a
7 later stage this morning if that's convenient.

8

9 COMMISSIONER: We might as well tender them now.

10

11 MR WINNEKE: All right.

12

13 COMMISSIONER: I think the Black transcript will be tendered
14 in hard copy as well as electronically?

15

16 MR WINNEKE: I think we've got a hard copy of it. We've
17 got electronic copies of the others and perhaps we can
18 tender those in electronic form if that's satisfactory.
19 Indeed, Mr Chettle and Ms Thies act for a number of those
20 people and I understand that they've got copies of those
21 transcripts now.

22

23 COMMISSIONER: Yes.

24

25 MR WINNEKE: Firstly - and I should say also, Commissioner,
26 as you would appreciate there are in due course going to be
27 questions with respect to anonymisation of certain aspects
28 of the transcript. There will be claims of public interest
29 immunity as we understand it.

30

31 COMMISSIONER: The transcripts in their present form will
32 not be published. That's the concern everyone has, I
33 think.

34

35 MR WINNEKE: They won't be published.

36

37 COMMISSIONER: They'll be tendered as exhibits but they
38 won't be published in their present form.

39

40 MR WINNEKE: No.

41

42 COMMISSIONER: Yes.

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44 MR WINNEKE: And the arrangement is that, if this is
45 satisfactory to the Commission, that those who are
46 appropriately briefed and instructed to make claims of
47 public interest immunity will have the opportunity prior to

1 any publication to make those claims and those claims will
2 be either agreed to or argued and appropriately decided in
3 due course.

4

5 COMMISSIONER: Yes. Mr Winneke, in terms of the electronic
6 management of the exhibits, what's the numbering that's
7 appropriate?

8

9 MR WINNEKE: Well, I suppose, depending on whether you want
10 all of these to be - I think they should be tendered
11 separately.

12

13 COMMISSIONER: Yes.

14

15 MR WINNEKE: So Exhibit RC1 could be the transcripts from
16 the IBAC hearing conducted in 2014/2015 and then they can
17 be, parts of that exhibit can be identified separately.
18 So if I can tender then the transcript of Officer Black.

19

20 COMMISSIONER: Yes. So RC1 will be the transcript of the
21 IBAC hearings relating to the handlers of Nicola Gobbo, is
22 that - - -

23

24 MR WINNEKE: Not just handlers, there are a number of
25 police officers. IBAC hearing - - -

26

27 COMMISSIONER: They're all police officers though?

28

29 MR WINNEKE: I believe they were all police officers,
30 although not all serving, as I understand it.

31

32 COMMISSIONER: Yes.

33

34 MR WINNEKE: And there's a lawyer as well, Mr Findlay
35 McCrae.

36

37 COMMISSIONER: All right. Because I'm just wanting to
38 describe them properly because they won't be all the
39 transcripts before the Kellam inquiry.

40

41 MR WINNEKE: We're proposing to tender all of them.

42

43 COMMISSIONER: All of them - all the transcripts from the
44 Kellam inquiry will be tendered as part of, as Exhibit RC1?

45

46 MR WINNEKE: Yes. The ones that have been provided to the

47

1 Commission, there are 14 transcripts.
2
3 COMMISSIONER: So the 14 transcripts from IBAC's Kellam
4 inquiry will be Exhibit RC1.
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6 #EXHIBIT RC1 - Fourteen transcripts from IBAC Kellam
7 Inquiry.
8
9 MR WINNEKE: If I can identify them individually.
10
11 COMMISSIONER: Yes.
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13 MR WINNEKE: The first one we'll tender is Officer Black,
14 Friday 21 November 2014.
15
16 COMMISSIONER: RC1.1?
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18 MR WINNEKE: Yes.
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20 #EXHIBIT RC1.1 - Transcript of Officer Black dated
21 21/11/14.
22
23 COMMISSIONER: Yes.
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25 MR WINNEKE: Officer Fox, 11 November 2014.
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27 #EXHIBIT RC1.2 - Transcript of Officer Fo dated
28 11/11/14.
29
30 MR WINNEKE: James O'Brien, Wednesday 12 November 2014.
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32 #EXHIBIT RC1.3 - Transcript of James O'Brien dated
33 12/11/14.
34
35 MR WINNEKE: Findlay McCrae, Wednesday 12 November 2014.
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37 COMMISSIONER: For the record how do you spell that please?
38
39 MR WINNEKE: Findlay, F-i-n-d-l-a-y, McCrae, M-c-C-r-a-e.
40
41 COMMISSIONER: Thank you.
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43 #EXHIBIT RC1.4 - Transcript of Findlay McCrae dated
44 12/11/14.
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46 MR WINNEKE: Stephen Craig Gleeson, Monday 10 November
47 2014.

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COMMISSIONER: Yes.

#EXHIBIT RC1.5 - Transcript of Stephen Gleeson dated 10/11/14.

MR WINNEKE: Anthony Michael Biggin. For the transcript - there are two transcripts, Wednesday 12 November 2014 and Friday 14 November 2014. I think that could be one exhibit.

COMMISSIONER: Yes.

MR WINNEKE: 1.6.

#EXHIBIT RC1.6 - Transcripts of Anthony Biggin dated 12/11/14 and 14/11/14.

MR WINNEKE: Officer Anderson, Monday 17 November 2014.

#EXHIBIT RC1.7 - Transcript of Officer Anderson dated 17/11/14.

MR WINNEKE: John Joseph Blayney, Monday 17 November 2014.

COMMISSIONER: Spelling of that, please?

MR WINNEKE: B-l-a-y-n-e-y.

#EXHIBIT RC1.8 - Transcript of John Blayney dated 17/11/14.

MR WINNEKE: Dale Stephen Flynn, Tuesday 18 November 2014.

#EXHIBIT RC1.9 - Transcript of Dale Flynn dated 18/11/14.

MR WINNEKE: Officer Green, Thursday, 13 November 2014.

#EXHIBIT RC1.10 - Transcript of Officer Green dated 13/11/14.

MR WINNEKE: Graham Leonard Ashton, Tuesday 18 November 2014.

#EXHIBIT RC1.11 - Transcript of Graham Ashton dated 18/11/14.

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2 MR WINNEKE: Officer Peter Smith, Thursday 20 November
3 2014.
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5 #EXHIBIT RC1.12 - Transcript of Officer Peter Smith dated
6 20/11/14.
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8 MR WINNEKE: And Simon James Overland Saturday, 22 November
9 2014.
10
11 #EXHIBIT RC1.13 - Transcript of Simon Overland dated
12 22/11/14.
13
14 MR WINNEKE: That's you will of them, Commissioner.
15
16 COMMISSIONER: Thank you. Yes.
17
18 MR WINNEKE: As the Commissioner appreciates, the Letters
19 Patent make it clear that this Royal Commission is to
20 cooperate with other investigations and not unduly
21 duplicate other enquiries, so to that extent we're not
22 going to rehash everything that's been done in the Kellam
23 inquiry but there are some matters - I'm sorry. Just
24 excuse me. I'm sorry, there was one other. I apologise.
25 I've - - -
26
27 COMMISSIONER: I thought you just couldn't count,
28 Mr Winneke.
29
30 MR WINNEKE: I couldn't count.
31
32 COMMISSIONER: There's another, there's 1.14.
33
34 MR WINNEKE: There's fourteen in fact, it's Officer Sandy
35 White.
36
37 COMMISSIONER: That transcript will be RC1.14.
38
39 MR WINNEKE: That's 19 November 2014 and 29 January 2015.
40
41 COMMISSIONER: Thank you.
42
43 #EXHIBIT RC1.14 - Transcripts of Officer Sandy White dated
44 19/11/14 and 29/01/15.
45
46 MR WINNEKE: I've had some discussions with my learned
47 friend about this issue. Mr Chettle proposes to lead

1 Officer Black through a number of matters concerning the
2 transcript of evidence and that which was said during the
3 course of the IBAC hearing, and some other matters that he
4 wishes to lead from his client, and then following that,
5 if it's satisfactory to the Commission, I'll lead some
6 further evidence from the witness.

7
8 COMMISSIONER: Thank you. Yes, so Mr Chettle, you're
9 calling the witness?

10
11 MR CHETTLE: Yes, thank you, Commissioner. Yes, I should
12 call him.

13
14 COMMISSIONER: His full name is [REDACTED]

15
16 MR CHETTLE: [REDACTED]

17
18 COMMISSIONER: Officer Black, yes. Officer Black, if you could
19 go into the witness box, please.

20
21
22 I authorise [REDACTED], an officer of the
23 Commission, to administer oaths and affirmations at this
24 and all subsequent hearings, whether in camera or public,
25 pursuant to s.21 of the *Inquiries Act 2014*.

26
27 Officer Black, do you take the oath or affirmation?

28
29 Officer Black: The oath, please.

30
31 COMMISSIONER: Yes, swear the witness.

32
33 <Officer Black, sworn and examined:

34
35 COMMISSIONER: Yes, Mr Chettle.

36
37 MR CHETTLE: Thank you, Commissioner. Officer Black, just
38 state your full name, rank and station, please?---Officer
39 Black. I'm a [REDACTED], the officer in
40 charge of the [REDACTED].

41
42 And you have been a police officer since [REDACTED]?---Yes.

43
44 Have you prepared a brief summary of your CV of your career
45 with Victoria Police?---Yes, I have.

46
47 Would you have a look at this document, please (handed to

1 witness). Is that the CV you prepared of your
2 career?---Yes, it is.
3
4 I'll tender that to the Commission if that assists.
5
6 #EXHIBIT RC2 - CV of Officer Black.
7
8 In summary, Officer Black, you've been a member of the [REDACTED]
9 Squad, the [REDACTED] Squad, various task forces and indeed
10 involved with DSU and SDU as both a handler and
11 controller?---Correct.
12
13 I won't take you through any more of that, it speaks for
14 itself. But you've been a police officer now for what, [REDACTED]
15 years?---Correct.
16
17 As you set out in that, in 2004 you became a handler with
18 the Direct Source Unit?---With the Dedicated Source Unit,
19 yes.
20
21 Sorry, I get the acronyms wrong. But the DSU?---Correct.
22
23 Dedicated Source Unit. And then in 2006 you were in the
24 Source Development Unit?---Correct.
25
26 You have produced to the Commission copies of your diaries
27 for the relevant period?---I have.
28
29 That were requested. And you have had an opportunity to
30 examine the transcript of your appearance before IBAC
31 referred to this morning?---Yes, I received it yesterday.
32
33 Right. Having looked at it overnight - I'll start with
34 that. Are there three corrections that you wish to make to
35 that transcript?---Yes.
36
37 Might the witness have leave to refer to his copy of the
38 transcript, Commissioner?
39
40 COMMISSIONER: Yes. Perhaps actually it might be best if
41 he makes the corrections on the exhibit itself. Would that
42 be - - -
43
44 MR CHETTLE: That will be fine for two of them, it won't
45 work for the third.
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47 COMMISSIONER: Right.

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MR CHETTLE: Put it simply, he was asked a double barrel question and he said yes.

COMMISSIONER: All right then. He can refer to his copy then and we'll just make notes accordingly.

MR CHETTLE: Would you look at p.6 line 18, please. On the very topic I've just been discussing, were you asked about when it was that you became involved with the Unit?---Yes, with the benefit of the transcript and the benefit of some time, the date published - obviously the answer was November 2005, it was when - was the date in question. In actual fact it was November 2004, not 2005.

So the correct - what date did you join, do you know?---I started there on 22 November 2004 at the DSU.

When you gave your evidence to IBAC did you have access to your diaries, as you do now?---Not to this extent, no.

All right. The next one, p.18. Is there a correction you wish to make there?---Yes. On line 22 Mr Hevey asked me a question which I replied, my response at line 26 was, "Yes". In actual fact, now that I've read the transcript, there's clearly two questions asked in that one question from Mr Hevey. My answer was, "Yes". The answer that I was referring the positive was the second aspect of his question where he puts the proposition, "She had been brought on board at the time that she was acting for Mr Bickley", that was my response, "Yes". The first proposition of the question was, "When you first met her were you aware that she had been arrested before?" The answer to that is absolutely no.

That was the 93 arrest, you weren't aware of it at that time?---No knowledge of it.

And the third correction, p.21/22 I think it is, in relation to legal advice?---Yes.

What correction do you want to make there?---So, again, I hadn't been provided with any document. I was asking to refer off my memory. I qualified it by saying "I think" and I named Mr Coghlan as being the source of the legal advice.

1 COMMISSIONER: Excuse me, what page is this, please,
2 Mr Chettle?

3
4 MR CHETTLE: Pages 21 and 22?---It starts at 22.

5
6 MR WINNEKE: Bottom of 22.

7
8 COMMISSIONER: Right. Yes, thank you. Which
9 line?---Starts at 40, 41, 42.

10
11 Yes?---And it's quite clearly reflected later on when I did
12 a SWOT analysis that it was actually - the source actually
13 names Mr Ian Hill QC, not Coghlan, as was my memory.

14
15 MR CHETTLE: The SWOT analysis to which you referred, does
16 that appear at p.137 of your diary, already produced to the
17 Commission?---That's the start of the entry, correct.

18
19 And the entry to Mr Hill is in that?---Is on p.138.

20
21 Thank you.

22
23 COMMISSIONER: The transcript should read, if it were to be
24 correct now, according to your recollection, "I think it
25 might have maybe a referral covertly from" - how should it
26 read?---It actually should read - excuse me for a moment.
27 So when we were conducting, the when I was compiling the
28 SWOT analysis on 31 December 2008, the source states that
29 she was to seek legal advice. In actual fact, she went on
30 to say it was undertaken by the source at previous hearings
31 and she names Ian Hill. That was the context of the legal
32 advice.

33
34 MR CHETTLE: Was there any legal advice sought, to your
35 knowledge, from Mr Coghlan or anyone associated with the
36 DPP?---Look, without the benefit of referring to the source
37 management log or any contact report, I'm unsure. But my
38 response in relation to legal advice was in reference to
39 that point from the SWOT analysis.

40
41 On the topic of documents, when you were with the Source
42 Development Unit contact with sources took place in two
43 separate ways, either personally face-to-face or by
44 telephone?---Correct.

45
46 When they took place face-to-face were there [REDACTED] [REDACTED]
47 police officers conducting that face-to-face meeting?---A

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[REDACTED]

All right. And they were tape-recorded on every occasion?---Every occasion.

Right. Can you help the Commission with what happened with those tapes? How was it done and how were they stored?---M'mm. So the machines themselves were quite sophisticated. They weren't [REDACTED], they had [REDACTED] which had [REDACTED] [REDACTED]. These recordings would [REDACTED] of the recording. Furthermore, you needed the [REDACTED] for the tape recording to be [REDACTED] on to a specific computer. These machines are [REDACTED] each. Once we did that, and once we conducted a meeting, we would get back to the office, we downloaded these recordings on to a [REDACTED] [REDACTED] which was not [REDACTED] at all. It was complete [REDACTED]. And the machine automatically backed up to [REDACTED] hard drives which were also [REDACTED] with what they call a [REDACTED] [REDACTED] or something. It's [REDACTED]. So it couldn't [REDACTED]. So when the [REDACTED] on the computer we would check to make sure the recording had functioned and then once that was satisfied each month, just because of [REDACTED] [REDACTED] we would have to take the recordings off the [REDACTED] computer and burn them to a [REDACTED] for archiving purposes. From that process then once a month [REDACTED] would be cleansed, would be emptied. The recordings would be checked to make sure the download functioned correctly. We would then catalogue the creation of that [REDACTED] in a register. That [REDACTED] was still [REDACTED]. Each month, in short, the [REDACTED] on the [REDACTED] computer would [REDACTED]. So when we did the download we would record all the recordings that were [REDACTED] on to the [REDACTED]. The [REDACTED] in a [REDACTED] in conjunction with a copy of what recordings were burnt on to that [REDACTED] and then they would be stored [REDACTED] [REDACTED] at the Human Source Management Unit.

The Human Source Management Unit, what was that organisation compared to the SDU?---Okay. So the Human Source Management Unit was purely a governance role who sat at St Kilda Road as part of the Intel Covert Support Unit. They had basically two responsibilities in relation to

1 governance and training. And I guess the third aspect of
2 the training was policy development. They were housed
3 within the St Kilda Road Police Complex, so it was a stand
4 alone to where we were operating out of, which was a covert
5 premises.

6
7 So would the original tapes for every contact with Gobbo,
8 for example, when she was spoken to, tape recording
9 conversations occurred, would they still be on the computer
10 or do they get erased when they go on to the CD?---Yeah,
11 they're erased off the computer only because of capacity
12 issues with space and they would be converted to the DVD
13 and then stored at HSMU in their vaults.

14
15 Have you seen those documents ever, or those CDs?---Many
16 years ago, m'mm.

17
18 Right. We'll be asking you later about a computer program
19 called Loricated. Are you aware of that?---Yes.

20
21 Did you have some role in assisting in getting material for
22 Loricated and I'll come to that later?---Yes.

23
24 Do you know whether or not all the HSMU discs/CDs have been
25 replicated on Loricated?---No. I've never had the
26 opportunity to check it or see it.

27
28 All right. Just with that, was there a [REDACTED] that
29 related to - you needed access to in order to access these
30 discs?---Yes.

31
32 Would you tell the Commission about that?---So the [REDACTED]
33 [REDACTED] was part of the [REDACTED]. So basically, as it
34 were, the cover of the DVD, so the DVD disc would be
35 created with the digital files burnt on which were all
36 [REDACTED]. Then a screenshot of the computer with the
37 loaded files would be printed off and that would
38 effectively become a [REDACTED] and the same image
39 would be [REDACTED] which
40 contained the [REDACTED] to open that particular month's
41 worth of recordings.

42
43 That month's worth of recordings would relate to [REDACTED]
44 [REDACTED] to by the SDU, not just, for
45 example, [REDACTED]?---Correct. My recollection of the book was
46 that each, it was basically downloaded each month, which
47 gave us the capacity to keep loading on the next, the

1 following month's load of recordings.

2

3 [REDACTED] was there a separate
4 track that could be isolated that related to the contact
5 [REDACTED]?---Correct. The beauty with
6 these recorders is that they would create an individual
7 file on the individual day so you may be able to carry over
8 [REDACTED] recordings in a month over to DVD, depending on the
9 length of the meetings.

10

11 There's been suggestions that there's hundreds of hours of
12 those tapes. Do you have any idea of how many hours of
13 tapes are [REDACTED] with 3838, with Gobbo?---There
14 would be at least hundreds of hours.

15

16 But in this HSMU disc it would be possible to isolate each
17 of the tracks that related to her over that period?---Very
18 easily.

19

20 Right. For every conversation there's a tape, that is
21 every face-to-face conversation, it becomes apparent she
22 had lots of phone calls with the unit as well?---Yes.

23

24 Were they able to be tape-recorded?---No.

25

26 Subsequent to either a face-to-face meeting where there was
27 a tape recording, or a telephone call where there wasn't,
28 was there another document prepared?---Several. So
29 initially the handler would record the contact in their
30 diary, whether it was a face-to-face or a telephone call.
31 That would then get replicated into a source contact
32 report. From that source contact report then the
33 controller would read the contact report, basically check
34 it, sign off on it, as it were, and then make a separate
35 entry in a document that we called a source management log.

36

37 Could I stop you. We'll come to the log in a moment. On
38 the source contact reports, where were they stored?---So
39 they too were stored on our encrypted stand alone computer.

40

41 Were they copied at all or were they left on that
42 computer?---They were left on that computer. I'd have to
43 check it but my recollection is when the SDU were closed a
44 great portion of the SDU database was then duplicated and
45 copied over to the Human Source Management Unit database
46 which sits on the corporate holdings of Victoria Police but
47 on a secure driver separate to business as usual activities

1 for Victoria Police.

2

3 Right. So when the unit was shut down, the computer was
4 left there? Do you know where that stand alone computer
5 that SDU had is or was?---No.

6

7 Where was it when you last saw it?---I left the unit in
8 June 2009. That was the last time I saw it.

9

10 Right. Would it be the position that the SCRs, source
11 contact reports would be on that computer?---There's a fair
12 possibility they would be, yes.

13

14 All right. And I stopped you because you talked about a
15 management log or a management file?---So a source
16 management log, or as it colloquially may have been
17 referred to as a controller's log from time to time, it was
18 basically the executive summary of the deployment of every
19 source and each source had their own source management log.
20 That was something which we devised as a summary of the
21 source's activities in conjunction with some intrusive
22 supervision and management protocols.

23

24 By reference to your diary from time to time it's clear you
25 make references to updating that log?---Very much so, it
26 was a living document.

27

28 Do you know where it was kept and stored?---It was on our
29 stand alone computer at the Source Development Unit and I
30 know for a fact a copy of both those logs, because 3838 had
31 two identities at one stage, where one was started and
32 finished and a second one was created, both source
33 management logs are still sitting on the HSMU G drive, as
34 we commonly referred to it.

35

36 On their computer?---Yes.

37

38 For reference, on 15 August, I think it is, or some time in
39 2015, August 15, there's reference to you working on that
40 log?---Yes.

41

42 All right?---I opened it, printed that log at that time. I
43 didn't actually add to it.

44

45 All right. Informer reports. Information reports I should
46 say, IRs. Were they produced by your unit?---Yes.

47

And how was that process determined?---So the information

1 report was basically a summary of whatever intelligence we
2 were able to disseminate to external investigators in
3 relation to the information. The information was sanitised
4 so it should never be able to be traced or referenced back
5 to the human source. Primarily, broader speaking, it's a
6 sanitised information report where the origin should never
7 have been able to be disclosed whether it's - or
8 established. Whether it was information from a witness, a
9 source, a piece of surveillance, so basically it's been
10 sanitised and able to then be used by investigators.

11
12 It wouldn't have, for example, her name or number in
13 it?---Not at all.

14
15 Indeed, at times even the handlers had [REDACTED] on those
16 documents or [REDACTED] from those in the SDU were used on
17 the IRs?---Yes, so we had approval by Command to actually
18 have [REDACTED] even within Victoria Police, so
19 when we generated these information reports it didn't
20 automatically come back that the author of this information
21 report was actually a member of the Source Development
22 Unit.

23
24 When you were - there were a number of way sources came to
25 be dealt with by the SDU but were there documents called
26 RFAs or requests for assistance?---Yes, so that was a
27 document that we started back at the commencement of the
28 pilot, the Dedicated Source Unit, where it was simply just
29 a Word document where we would document the initial request
30 for us to be involved in either an assessment or taking
31 over the management of an individual.

32
33 Would that tell you which particular branch of the Police
34 Force was making the request?---It was quite a reasonable
35 summary of who the individual was, where the request was
36 coming from and then, more importantly, what resources or
37 time we would spend on it.

38
39 What happened to them so far as where they were stored and
40 whether they were in hard copy or computer?---They were
41 primarily a hard copy document which were printed out and
42 put into several folders. It was broken up into a year by
43 year folder as such. [REDACTED] the Human Source
44 Management Unit in about [REDACTED] discovered a
45 large portion of these folders in a storeroom within the
46 Human Management Source office. At roughly around sort of
47 the same time [REDACTED] preparing to move from St Kilda Road

1 to the new Spencer Street complex, one of [REDACTED] was to
2 start commencing to box a lot of this material up and I
3 absolutely recall one of the sets of the documents [REDACTED]
4 [REDACTED] were several folders of the RFAs from the Source
5 Development Unit. They were boxed up, put on to a system
6 that we call Recfind which is a corporate filing system, as
7 it were, electronically and - - -

8

9 COMMISSIONER: So the name of that system was what,
10 sorry?---Recfind, Record Find. It's R-e-c-f-i-n-d is the
11 VicPol slang for it.

12

13 Recfind, thank you?---It's just a database to track, to
14 archive files that aren't readily required in the
15 short-term. That material gets shipped out and stored at a
16 secure vault out at [REDACTED] where our main archive storage
17 centre is.

18

19 MR CHETTLE: Again, so far as other material that came from
20 the Source Development Unit, do you understand there's
21 boxes of other material from SDU out at [REDACTED]-Yes.

22

23 Right. Turning, if I can, to another document, an AOR.
24 What's that stand for?---So AOR means, stands for an
25 Acknowledgement of Responsibilities.

26

27 What's the nature of that document?---It's pretty well a
28 single page document which is, as it were, an informal
29 contract between a potential human source and we, the
30 Victoria Police. It outlined, I think there was about [REDACTED]
31 points, which were obligations of both parties to abide by
32 and then to progress the relationship. So outline the
33 obligations we expect of the source and we also then
34 clearly outlined our obligations of law enforcement to that
35 source.

36

37 COMMISSIONER: Was that tailored to each source?---No, they
38 were generic, it's generic documents.

39

40 They were all the same?---Indeed, yes. Now, the only
41 variation with the document was, depending on the
42 circumstances, we had - it was in policy that we had [REDACTED]
43 [REDACTED], we could [REDACTED] deliver that as hard copy and
44 invite the individual to sign it, [REDACTED] [REDACTED]
45 [REDACTED] of that acknowledgement of
46 responsibility.

47

1 MR CHETTLE: In your diaries at p.20 of 159 is there a
2 reference to that AOR so far as Gobbo is concerned?

3

4 COMMISSIONER: So you've got copies of your diaries there
5 or some of them; is that right?---Yes, I have.

6

7 Yes. You're referring to them.

8

9 MR CHETTLE: I'm sorry, can he seek to formally refer to
10 his diaries? They have been produced to the Commission.

11

12 COMMISSIONER: Yes.

13

14 MR WINNEKE: Commissioner, I think we have the capacity to
15 put those up on the screen so you can see them. Perhaps if
16 we do that now because we're going to be going through this
17 diary in due course so it might be worthwhile if it's
18 brought up.

19

20 COMMISSIONER: Thank you. That would be helpful, thank
21 you. Just while you're doing that, could I ask you SWOT,
22 the acronym SWOT stands for what?---Strength Weaknesses
23 Opportunities Threats.

24

25 Thank you.

26

27 MR CHETTLE: We have an extract of your diary up
28 there?---Yes.

29

30 And the writing there in green writing is yours, isn't
31 it?---Yes.

32

33 When you prepared your diary you highlighted certain
34 entries that might relate to matters of interest to this
35 Commission?---Yes.

36

37 Right. Would you read the marked entry there, please, just
38 so we can all understand what it says?---So it was a 31
39 minute conversation I had with the source. I reinforced
40 with the human source the Acknowledgement of
41 Responsibilities and reminded her that DSU expects human
42 source to lawfully operate as business as usual. 3838
43 assures us it's lawful activity. Source appeared tired,
44 lonely and enjoyed speaking to the Dedicated Source Unit.

45

46 All right.

47

1 COMMISSIONER: I'm just wondering, should we tender the
2 diaries?

3
4 MR WINNEKE: I'm content to tender the diaries in their
5 entirety. Again, there's going to be - in due course it
6 will become apparent that these are significant documents.
7 A lot of it is irrelevant because I would imagine amongst
8 them there's a lot of material which doesn't relate to 3838
9 and it may well be that there are matters which are not
10 only irrelevant but there might be other issues as well.
11 But I'm content for them to be tendered.

12
13 COMMISSIONER: Again on the basis that - - -

14
15 MR WINNEKE: Same basis, subject to the same arrangement.

16
17 COMMISSIONER: Yes, on the basis that nothing will be
18 published without giving VicPol and Officer Black the
19 opportunity to make submissions on PII matters.

20
21 MR WINNEKE: Yes.

22
23 COMMISSIONER: Yes. Are you happy with that, Mr Chettle?

24
25 MR CHETTLE: Absolutely. That is subject to one - of
26 course there's always a confusion, Commissioner.

27
28 COMMISSIONER: Yes.

29
30 MR CHETTLE: There are diaries relating to the relevant
31 period that the SDU operated, which are the documents
32 contained in the folder which the witness has. But in the
33 material provided there are other entries to the diary for
34 Officer Black for later years. He's got entries in his
35 diaries for years 2014 and 15 which, of course, are after
36 everything that's relevant, but because of his involvement
37 with putting together what occurred for Loricated, and
38 other factors that he was involved in, he's reproduced
39 those to the Commission. I don't know whether they're
40 meant to be included or not.

41
42 MR WINNEKE: I think we've got all the documents that
43 Officer Black has produced electronically available. So they
44 can be tendered as a separate exhibit or they can be - no,
45 I think perhaps they could be tendered as a separate
46 exhibit if we get to them. The diaries are contemporary
47 diaries my friend is referring to. There's 159 pages.

1 They run through from 2005, October, through to about June
2 of 2009.

3

4 MR CHETTLE: I'm content with that, Commissioner, other
5 than I didn't want the Commission to be under the
6 impression that he hasn't produced other diary entries for
7 later periods of time, that's all. And they are relevant
8 pages - - -

9

10 COMMISSIONER: It might sense to tender them as a separate
11 exhibit in due course when you get there.

12

13 MR CHETTLE: Yes, subsequent. As long as the Commission
14 understands what they are, that's all.

15

16 COMMISSIONER: So Exhibit RC 3 will be the 159 pages of
17 Officer Black's diaries from - - -

18

19 COMMISSIONER: What were the dates again, Mr Winneke?

20

21 MR WINNEKE: I think it's - - -

22

23 COMMISSIONER: Approximately.

24

25 MR WINNEKE: 2005 to 2009.

26

27 COMMISSIONER: 2005 to 2009. Thank you.

28

29 #EXHIBIT RC3 - 159 pages from Officer Black's diary
30 dated 2005-2009.

31

32 MR CHETTLE: On the topic of this Acknowledgement of
33 Responsibilities, if you - - -

34

35 COMMISSIONER: Sorry, what was the date of this entry, the
36 Acknowledgement of Responsibilities entry?

37

38 MR CHETTLE: Thank you, Commissioner, I'll just go back.
39 That was - it looks like 28 November 2005. No, 29 November
40 - 28th, 28th. Sorry Commissioner, 28 November 2005. It's
41 p.20 of 159.

42

43 COMMISSIONER: Is that correct, Officer Black?---Yes.
44 Yes, 28 November 05, thank you.

45

46 MR CHETTLE: Do you know where that document - do you know
47 where the document that constitutes the AOR in respect of

1 Gobbo is?---I assume it's with the source file that was in
2 the HSMU safe.

3
4 Okay. From records that you were able to see, do you know
5 whether the documents that were in the HSMU safe are still
6 there?---So I was given a piece of work to do in November
7 2015. I can talk more about that if that's - - -

8
9 Did that lead you to sight where you think the HSM - or
10 where the documents went?---Yeah, so there was - so the
11 Human Source Management Unit had some very large safes
12 which held all of the source registration documents for all
13 of Victoria Police and I had cause to gain access to that
14 safe as a result of a request for a Force file which I had
15 to complete and that had reason for me to go and access
16 38's registration details.

17
18 Were you able to do that?---Yes, I did and I discovered
19 there were three files in that registration. Two related
20 to her being registered. One I'd never seen before. And
21 the third document was a notation that in 2012 where
22 documents have been transferred to AC Pope possession.

23
24 In order for the Commission to perhaps follow what you've
25 just said, do you reproduce in a briefing note dated 10
26 November 2015 document 24 in folder 2 provided to the
27 Commission, details in relation to that search?---Correct.

28
29 COMMISSIONER: Can we get that - we'll get that up on the
30 screen. Is that possible?

31
32 MR WINNEKE: Yes, I think we can. It's under tab 24,
33 folder 2.

34
35 MR CHETTLE: I'm told it's p.198 in the scanned documents.
36 There's two forms of it. There's this and we have a
37 scanned form in electronic form. I don't know if that
38 helps. It's been given to you in two forms, Commissioner.

39
40 MR WINNEKE: We'll find it. Teething troubles but we'll
41 get there.

42
43 COMMISSIONER: Sure.

44
45 MR CHETTLE: The point is, I'm just trying to point the
46 Commission on transcript to where the document is to what
47 the witness has just referred to.

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COMMISSIONER: Sure. I think every document has a number, doesn't it?

MR CHETTLE: This does. This is document 24 in the folders provided, folder 2.

COMMISSIONER: You should have a number for the electronic system.

MR CHETTLE: Page 198 I'm told in the electronic version provided to you. That may be different at your end, Commissioner, that's doing the best we can.

COMMISSIONER: Sure, sure.

MR CHETTLE: I meant to go back and ask you, sorry, something I missed, the log books, sorry, not the log book, the book of codes, do you recall when you last saw that and where it was?---Yeah, the last time I saw the code book was when I was at the SDU in 2009.

Where was it then?---It was still with, within the security vault system at the SDU.

And it's a hard copybook?---Yes.

Thank you.

COMMISSIONER: What is the code book?

MR CHETTLE: The code book is - you better tell the Commissioner. You told us about it before but what is it?---It's a register of recordings made by the Source Development Unit [REDACTED]

COMMISSIONER: Right, thank you?---[REDACTED].

MR CHETTLE: Something that, as I understand it, the Commission's interested in any contact the witness may have had with people other than the Source Development Unit. Are you aware of any meeting that she may have had with Mr Overland?---Yes. Again it would be recorded in the - well we would have generated a source contact report and we certainly would have made an entry on the source management log, but my recollection, without the benefit of those two documents, is that the source met with Mr Overland at the

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Kew golf course with us present.

COMMISSIONER: So who's us?---The SDU.

The whole SDU?---A controller, a handler and the source met with Mr Overland.

MR CHETTLE: Do you have any idea what date that was or when that was?---No. It would be on the source management log.

COMMISSIONER: Do you remember the other people there apart from you and Mr Overland?---Definitely Officer Sandy White was there and it either would have been Officer Peter Smith or Officer Green who were one of the two handlers at the time.

Thank you.

MR CHETTLE: Part of the difficulty, Officer Black - through your solicitors and counsel have you sought, being trying to get access to the very documents we're talking about in order to be able to assist the Commission?---Yes.

Have we been able to get those things?---No.

No, all right.

COMMISSIONER: Have you any idea where they are, just in - - - ?---The source management logs, the last I looked they're still sitting on the HSMU G drive. It's under a tab, it says - you open up HSMU, you look for the tab SDU, open it up and there's most of the database.

I see. But you haven't been able to do that yourself but you expect - - - ?---No, it's a restrict server, yeah.

Sure, thank you.

MR CHETTLE: And the requests to VicPol through their solicitors have been fruitless at the moment?---Correct.

Can I ask you about a [REDACTED] - I'm not sure, Commissioner, if I'm allowed to name him? I can name him, can I? [REDACTED]

COMMISSIONER: Yes.

1 MR CHETTLE: Did your unit, to your recollection, have
2 contact with [REDACTED] Yes.

3

4 On how many occasions?---The Source Development Unit had
5 one dealing with him.

6

7 When was that, do you know?---Again, without the benefit of
8 the source management log or any of the contact reports,
9 it's a guess. I think it would have been in about [REDACTED]
10 towards the end of [REDACTED] maybe the start of [REDACTED]

11

12 What's your recollection about what occurred then?---So
13 that individual was referred to us by investigators to
14 conduct an assessment to see whether or not this individual
15 was viable to be registered as a source and deployed.

16

17 Did you conduct that assessment or someone else, or don't
18 you remember?---Look, I don't recall. Without referring to
19 the documents I couldn't accurately say. I certainly knew
20 about it.

21

22 Does the name Officer Hotham mean anything to you?---Yes.
23 Officer Hotham was a [REDACTED] on secondment from
24 the [REDACTED] to the Source Development
25 Unit as a temporary handler, as it were. One of the tasks
26 he was given was to conduct an assessment upon that
27 individual in conjunction with a full-time handler from the
28 SDU as well.

29

30 Were you and Officer White the handlers or was that it?---At
31 that stage we were both controllers.

32

33 Controllers?---Yes.

34

35 So it would be someone else other than you and Officer
36 White?---Correct.

37

38 MR WINNEKE: I should say this - sorry for interrupting.
39 I understand that that information will be the subject of a
40 claim for public interest immunity. Perhaps that ought to
41 be noted at this stage. I do understand that that
42 information is sensitive information but obviously it's
43 subject to the order that Your Honour - that the
44 Commission has made at the outset.

45

46 COMMISSIONER: Thank you.

47

1 MR CHETTLE: I acknowledge - it's hard to see how it can be
2 when he's [REDACTED] but having said that it's not our
3 problem.

4
5 COMMISSIONER: No, no, we'll see in due course. But
6 apparently that's the information VicPol have given
7 Mr Winneke and to get the information the Commission has
8 agreed to this arrangement for the time being until the PII
9 applications are heard and determined.

10
11 MR CHETTLE: We're seeking to put before the Commission
12 anything whatever it is that we can help you with.

13
14 COMMISSIONER: Absolutely. Thank you, I appreciate that,
15 Mr Chettle.

16
17 MR CHETTLE: What happens when there's an assessment like
18 that, would there be information reports generated by the
19 Source Development Unit?---Possibly. We would go and
20 conduct an assessment of the individual. Some of those
21 assessments may consist of one meeting. Some may consist
22 of several. Just depends on the complexity of the
23 individual and the risk profile they carry. Again, without
24 the benefit of the request for assistance document, the
25 source management log, whether they were registered or not,
26 we would generally start a log so we can track the work we
27 did on the assessment and, more importantly, address the
28 final decision why we decided to proceed or not proceed
29 with that individual.

30
31 What was the final decision?---We didn't proceed with that
32 individual.

33
34 Why not?---Because we deemed he was too high risk.

35
36 Well, in [REDACTED] - - -

37
38 COMMISSIONER: Can I just ask you why too high
39 risk?---Ma'am, without the benefit of the source management
40 log - - -

41
42 You don't recall?---I can't, yeah.

43
44 Thank you. Yes Mr Chettle.

45
46 MR CHETTLE: [REDACTED] did Mr Sheridan make a request to you in
47 relation to that same person?---Yes, so I [REDACTED]

1 [REDACTED] and I was tasked by Detective
2 Superintendent Paul Sheridan to go and - a proposal had
3 been put up by one of the intel units within Crime to
4 register [REDACTED] as a source. I was tasked to go and
5 speak to the investigators and make an appraisal of the
6 information, whether or not this individual was viable or
7 not. This obviously is done, as it were, separate to the
8 initial involvement with the SDU. But certainly with that
9 corporate knowledge but that certainly would never be
10 disclosed to the investigators that we'd had previous
11 dealings with that individual. So I went and met with both
12 investigators, one was Detective Senior Sergeant Brett
13 Dawson and the other handler or proposed handler would have
14 been Officer Pearce who was a [REDACTED].

15
16 Does the name Boris Buick mean anything?---So Boris Buick
17 was a member of that investigative unit as well but he
18 wasn't present during my meeting with the investigators.

19
20 All right. The next question was did you meet with
21 [REDACTED] No, it was quite - - -

22
23 Take him on board?---It was quite clear the information in
24 the briefing I got that he was absolutely not viable, nor
25 should he ever be registered. He was too high a risk and
26 my view was he had been [REDACTED]

27
28
29 How did he come to be at VicPol do you know, from
30 memory?---I understand [REDACTED]
31 to the attention of those attending police.

32
33 In 2009 the SDU was shut down?---Yes. Sorry, 2012
34 thereabouts. I left in 2009. I think the unit was closed
35 12, maybe 13. I'd have to check that.

36
37 I'm talking about you, Officer White - the Comrie
38 report?---Yes.

39
40 Did you ever get a copy of that?---No.

41
42 To your knowledge would there be in existence a file, which
43 I might call the Force file, in relation to the closure of
44 the SDU?---There would have to be a Force file in existence
45 that closed the SDU down.

46
47 And in your opinion is that a document that would be useful

1 to the Commission in relation to the circumstances in which
2 or why it was that the unit was shut down?---Very much.

3
4 COMMISSIONER: And that document's called a Force file, the
5 Force file?---Ma'am, I expect that the closure of the
6 Source Development Unit would have to be recorded in what
7 we would refer to as a Force file, which again would also
8 be listed on this mechanism called Recfind as well.

9
10 Right, thank you.

11
12 MR CHETTLE: I'm not giving evidence from the Bar table,
13 Commissioner, but can I indicate that requests for that
14 document have been made to VicPol and its existence is
15 acknowledged but we haven't got it. Put it that way.

16
17 COMMISSIONER: Thank you.

18
19 MR CHETTLE: If that helps. On the Source Development Unit
20 database did you compile a list of persons who knew of the
21 identity and awareness that SDU were getting information
22 from Gobbo?---Yes. So we started a simple Word document on
23 our stand alone computer. Each time we had to disclose the
24 identity of the source or inadvertently her role became
25 obvious to certain investigators or support services, we
26 would log their name against that database.

27
28 How many names roughly on that list?---It became so big we
29 just stopped doing it.

30
31 Can you give us any idea how many names there were?---It
32 would be near 100.

33
34 And obviously there are a large number of higher ranking
35 officers than you who were aware of her existence and what
36 she was doing?---Yes.

37
38 Right. Commissioner, that's all I want to lead from the
39 witness. I did that in the hope that it would give some
40 parameters to - - -

41
42 COMMISSIONER: Yes, thank you. Just before Mr Winneke asks
43 you some questions, can I just take you back to the meeting
44 between Nicola Gobbo and Simon Overland at the Kew golf
45 course. Do you have any idea of the date of that
46 meeting?---Ma'am, in fairness I would think it's probably
47 in about 2008.

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Right. But that's a guesstimate?---That's a guess, yes. It will absolutely be detailed in great forensic detail on the source management log when that occurred.

Thank you. Yes, thanks Mr Winneke.

<CROSS-EXAMINED BY MR WINNEKE:

Your belief that it was in 2008 arises because at that stage Operation Petra was keen to take her over; is that right?---That's my recollection, yes.

So your belief is that it was in the context of those negotiations, if you like, between your unit and Petra that there were discussions between Overland and your unit; is that right?---Correct.

Are you able to recall why Gobbo was at the meeting at the Kew golf club as part of that transfer process?---I can give you an answer from my memory but again subject to qualification from the source management log.

I understand that. Yes?---She demanded to hear it from the man was basically her quote.

I'll come back to this in due course but the Source Development Unit was very much against her being transferred, coming out from undercover, if you like, and being brought out into the open as a witness?---Our view was she should not be a witness.

Right. The view taken by those on the Petra side of things was that they were very keen for her to be a witness and there was a sort of a tug of war, if you like, process that went on for some time; is that right?---Indeed.

She said that she wanted to meet and speak to Overland?---Yes.

Who did she tell that to, who did she say that to?---Again, subject to review of the contact reports and the source management log, that was us. That's my memory of it without referring to the logs.

Right. Is your memory that she didn't want to be a witness?---Yes.

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But she wanted to speak to Overland to hear why, in effect, he wanted her to be a witness?---I'm not too sure what the reasoning behind it, but she actually wanted to hear it from the main decision maker.

Was this a covert meeting?---Yes.

Do you recall whether there were either notes taken or recordings made of that meeting?---I assume a [REDACTED], that meeting was audio recorded covertly. And it would have had - - -

[REDACTED]

And the recording of this meeting, assuming it occurred in 2008 or whenever, would have been recorded and dealt with in the same way in which you've described earlier on, that is it's recorded on the [REDACTED] equipment, at the end of the month it's transferred on to a DVD, that DVD is locked away in an appropriate safe at the HSMU?---Yes.

As far as you know was that the only meeting that she had with Mr Overland?---To my recollection, yes.

With the Source Development Unit?---Correct.

And you were at this meeting?---No.

Okay. Do you know who was at the meeting?---I'm reasonably confident that off memory it was Officer White and, as I said, either one of the two handlers, either Officer Smith or Officer Green if my memory serves me correct.

Your belief is there were four people at the meeting, White as the controller, a handler, Smith or Green, Gobbo and Overland?---Correct.

Okay. Do you know whether that meeting was - now you're aware, I take it, as part of your responsibilities within the SDU that Gobbo was ultimately used to record a conversation on behalf of Petra with Mr Dale who was the subject of, or the target of their investigation; is that right?---I'm aware of that activity, yes.
And that, we understand, I think was in about December, 7

1 December or thereabouts of 2008, do you know that or
2 not?---That timeline would be about right.

3
4 Do you know whether the meeting at the Kew golf club was
5 before or after that event?---I'm not sure. I'd have to
6 check the source management log.

7
8 Again, you would need to check that. Okay. I should say,
9 Commissioner, the Commission has been provided with a
10 database called Loricated but the restrictions of it mean
11 that we're not in a position to put up on the screen
12 documents from that database. We understand it does
13 contain the source management log. At this stage we've had
14 it for a significant - well, for a short enough period of
15 time for us not to have had the ability to go through it
16 all to the degree of detail with which we would like but
17 that's the situation with respect to that.

18
19 COMMISSIONER: So Loricated was provided to you only
20 recently, wasn't it?

21
22 MR WINNEKE: Relatively recently, although there's been
23 hitches in our ability to access Loricated, but in the
24 initial stages we were provided with six computers, for
25 which obviously we're grateful, but the computers in effect
26 weren't operating properly and we've really only had proper
27 access to it for the last couple of days and there's a fair
28 bit of information in it. So unfortunately we haven't been
29 able to go through it to the sort of detail that we'd like
30 and we're not in a position to put material on the screen
31 in any event, and unfortunately that also means that in
32 due course we may need to give Officer Black the opportunity
33 to come back and to put matters to him when we're in a
34 position to do so properly and in fairness to him.

35
36 MR CHETTLE: Commissioner, just on that point, it will be
37 apparent from my questioning, I think, that there's been a
38 real difficulty, for not only this client, but all the
39 clients in the unit, to get hold of the base material from
40 which we can properly assist the Commission.

41
42 COMMISSIONER: Yes.

43
44 MR CHETTLE: It's our view, rightly or wrongly, that the
45 tape-recorded conversations are going to be very important.
46 But where there wasn't a tape-recorded conversation the
47 informer contact reports will be important, and then a

1 comparison of that to the IR reports to see what was
2 disseminated. We haven't been able to get it. Our
3 position or submission to the Commission ultimately will be
4 that things went off the rails somewhat with the Comrie
5 report and we haven't been able to get hold of it to
6 address that properly. As you would be aware, the Kellam
7 report effectively picked up and repeated a large amount of
8 the Comrie report and it's apparent from the judgment of
9 Justice Ginnane that he has relied on the Comrie report to
10 come to some conclusions which could be said to be adverse
11 to my clients in relation to the documentation. Now we are
12 at the moment firmly of the view that Loricated is only
13 incomplete, it was put together well after - that's why the
14 point I went through today with the Commission, to try and
15 point you to where you might be able to find all of the
16 documents which will hopefully assist you with the task you
17 have.

18
19 COMMISSIONER: Yes. Hopefully that will all happen during
20 the course of the inquiry and you will have the opportunity
21 to ensure natural justice is done to your clients,
22 Mr Chettle.

23
24 MR CHETTLE: We are only too happy to do the best we can to
25 help but we are doing so with our hands tied behind our
26 back.

27
28 COMMISSIONER: I know the feeling. Yes, Mr Winneke.

29
30 MR WINNEKE: Thanks very much, Commissioner. I do want to
31 ask you a couple of questions, and I'll come back to that
32 topic in due course, and a number of the other topics that
33 have been raised so far, but I do want to ask you a bit
34 about your background in this unit. As you've indicated
35 when you gave evidence before the IBAC inquiry in front of
36 Mr Kellam, you said that you had some of your diaries but
37 not to the extent that you've got now. So can you explain
38 that?---To be quite blunt, the scope of that IBAC
39 investigation was pretty well blinded to us.

40
41 Right?---We were served with documents. We weren't allowed
42 to talk to anybody about it. We were pretty well, and if
43 you read - again, I only just got the transcript yesterday
44 from IBAC.

45
46 Yes?---I'm trying to understand what we were being
47 cross-examined on.

1
2 Right?---Like with the benefit of hindsight we weren't
3 provided with any documents in relation to largely what we
4 were cross-examined on.
5
6 All right?---Until we were standing there being
7 cross-examined on something that happened ten years ago.
8
9 I follow?---It constantly was said this is not a memory
10 test. Well, with all due respect, it seemed to be from
11 where I was standing. Now with the benefit of hindsight,
12 if we had been provided with some procedural fairness we
13 could have prepared ourselves and given a lot more
14 forthright and accurate account of what took place.
15
16 Right. I follow that. You're not suggesting you weren't
17 forthright, but you were doing the best, I take it, with
18 your memory and the documents that you had put in front of
19 you, is that what you're saying?---Correct. I'm trying to
20 struggle to understand what were we trying to achieve?
21
22 Okay, all right. Can I ask you this: did you have any
23 diaries at that stage?---Yes.
24
25 Okay. Now, what diaries did you have?---All my diaries.
26 You've provided to the Commission a number of documents, I
27 think there are about 30-odd or 40-odd documents that
28 you've provided to the Commission through your instructing
29 solicitor and there were two folders. Did you compile
30 those folders?---Yes, a total of 31 documents.
31
32 Thirty-one documents, right. You compiled those documents
33 from holdings that you had in your possession I take it; is
34 that right?---M'mm. The point of difference with me is
35 that I was at the unit from day one.
36
37 Yes?---At the pilot, I was selected to go there.
38
39 Yes?---And then I left in about June of 2009 to go back, as
40 it were, to the real world.
41
42 Yes?---And then in [REDACTED] a vacancy was arriving at [REDACTED] and
43 I was encouraged to apply for that vacancy, which I did.
44
45 And you did?---Yes, so therefore I got brought back to the
46 [REDACTED] area of the [REDACTED]
47 [REDACTED], an area I'd never worked in before.

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At that stage there was no SDU, it had been disbanded at that stage, is that right?---Precisely.

But you had some diaries as part of your own holdings?---Yes.

Are they copies of your diaries or the actual diary?---Actual diary.

As a member of the Police Force, you obviously remain a member of the Police Force, you're entitled to hang on to your diaries, is that right?---Yes, and I've still been contracted back even when I went out [REDACTED], I was still being requested to come back to assist the Human Source Management Unit to deliver training sessions.

The documents that you provided to the Commission effectively were those documents that you were able to put your hands on in response to the Notice to Produce?---Yes.

They included a number of documents which I assume you have gathered over the years, including when you were involved in the pilot program; is that right?---A large portion of those documents was when I went back to the [REDACTED] in - or when I went to the [REDACTED] in [REDACTED]. Because one of the criteria I was given when I was there, I basically did 12 months of [REDACTED] management, then I went to [REDACTED] and [REDACTED], and then I was allocated the role of training.

I see?---That's when I - - -

So you gathered these documents because you were in effect a trainer of people?---Correct.

But some of the documents included, for example, that you've provided the findings of a Dedicated Source Unit pilot conducted from 1 November 2004 through to 30 April 2005?---Correct.

Prepared by Officer Sandy White?---Correct.

Does that document, 74 page document, is that a document that you were provided with when you first started at the SDU as part of the pilot, or at the end of the pilot

1 program?---Yes, so many of those documents were authored
2 by Officer Sandy White.

3

4 Yes?---Some were at the commencement of the pilot, some
5 were at the conclusion and then incorporated all that were
6 assorted Command reports as far as the immigration or the
7 migration from the Dedicated Source Unit to the Source
8 Development Unit, and then the future beyond.

9

10 Just tell us the difference between the Dedicated Source
11 Unit and the Source Development Unit, is there a
12 significant difference there?---Yes, there is.

13

14 What's the difference?---The Dedicated Source Unit was a
15 pilot set up by Victoria Police in relation to the murders
16 of the Hodsons and the corruption ongoing at the Drug
17 Squad. So a large portion - the review in relation to the
18 corruption at the Drug Squad, it talks about a large
19 portion of each of those instances directly related to the
20 mismanagement of informers. So Victoria Police Command
21 decided to set up a pilot, which basically is just a carbon
22 copy of what took place in London, Ireland and Canada.

23

24 Yes?---And we brought that protocol over here. So we set
25 up a small unit which consisted of a dedicated controller,
26 which was Officer Sandy White, and then they picked four
27 [REDACTED] from the Crime Department to be
28 handlers.

29

30 And you were one of those; is that right?---Yeah, I was
31 seconded from the [REDACTED].

32

33 Okay?---So we operated as a pilot under a steering
34 committee.

35

36 Right?---Then about ten months into that we were reviewed
37 by, whatever they call themselves, the review area,
38 corporate CMRD, reviewed the pilot, looked at our key
39 performance indicators and the project was signed off to
40 become a full-time unit which we called the Dedicated
41 Source Unit, and in short then the unit was doubled in
42 strength and we then went to [REDACTED] and
43 operated from there.

44

45 I will take you through that in due course but just before
46 I do, so you'd been a [REDACTED] you'd been in the
47 [REDACTED]?---Yes.

1 Had you been an informant in cases that had gone to
2 trial?---Many.
3
4 Many. As an informant one assumes you'd put together
5 briefs of evidence?---Yes.
6
7 You obviously had experience looking at it coming into this
8 unit from the perspective of an investigator who on
9 occasions had access to sources or used sources; is that
10 right?---Yes, I think that's why I got selected.
11
12 Do you recall how many investigations you'd been involved
13 in which went to trial did you run as an informant?---As
14 trials?
15
16 Yes. I know it's a difficult - I've put you on-the-spot
17 there, I don't want to put you in the same position as
18 you've complained about, but approximately?---It would be
19 several. It would be ten, 12.
20
21 So quite a few?---Yeah.
22
23 If we go back further, what sort of training do you get
24 within the Police Force either in basic training or
25 Detective training as to issues of evidentiary matters, the
26 importance of collecting evidence that's going to be
27 admissible, I mean is there much training given in that
28 regard?
29
30 COMMISSIONER: Is that currently?
31
32 MR WINNEKE: I'm talking about when Officer Black was going
33 through training.
34
35 COMMISSIONER: Thank you.
36
37 WITNESS: Well, so the unit started in 2004.
38
39 MR WINNEKE: Yes?---So prior to that, and I think the
40 reason why the pilot and the staff were selected was
41 because they only picked Detective Sergeants with the
42 relevant experience.
43
44 Yes?---For those very reasons. We had undertaken, well all
45 of us had done a form of Detective Training School twice.
46
47 Yes?---As a [REDACTED] and then back as a

1 [REDACTED]. And then our court and trial
2 experience.
3
4 Yes, okay. So during the course of that experience I take
5 it you come to appreciate the necessity to ensure that
6 evidence is properly obtained and the importance of relying
7 on evidence which is going to be admissible in
8 court?---Quite right.
9
10 And one assumes you have discussions with prosecutors about
11 that when you're running a trial as an informant?---Yes.
12
13 Okay. And that's part of, as your understanding, that's
14 part of the reason why you're brought into this
15 unit?---Yes.
16
17 Okay, all right. If I can come back to the Dedicated
18 Source Unit. You mentioned that there were programs going
19 on overseas in Ireland, in the UK and Canada and so forth.
20 Is it the case, we understand it is, that there were
21 various police officers who were sent overseas to gather
22 evidence as to best practice; is that right?---Yes.
23
24 Were you one of the lucky ones or not?---No, not in the
25 early stages.
26
27 Do you know who did go overseas?---Without referring to
28 those documents, I know Officer Sandy White and Glen Owen were
29 sent to Canada to have a look at what we call their [REDACTED]
30 course over there, which is the High Risk and Recruiting
31 course.
32
33 Yes?---And there were other people prior to that from
34 Command that went over to various jurisdictions. One - - -
35
36 Are you able - sorry, go on?---One certainly was - some of
37 them were sent to London to the Met.
38
39 Was there a person called McLean involved?---That rings a
40 bell, yes, Geoff McLean.
41
42 Geoff McLean?---Yes.
43
44 Do you know whether Geoff Pope was involved in setting up
45 this process?---I can't recall.
46
47 Do you know Mr Pope, Geoff Pope?---Yes.

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He's an Assistant Commissioner, is he?---He was when he left, yes.

When he left, yes, okay. Had he had any involvement in either the Dedicated Source Unit or the Source Development Unit or the HSMU?---Yes. He was part of the Command structure.

Yes?---In Intel Covert Support.

In, sorry, what?---Intel Covert Support Command.

Right?---And his name was certainly in amongst a lot of the earlier steering committees and what have you.

That resulted in the setting up of this pilot program and then the SDU; is that right?---Yes.

What about Mr Overland, do you recall that he was involved or not?---I don't recall Overland in the early on establishment of the Dedicated Source Unit. He certainly was later on in relation to steering committees involving Briars and Petra.

For example, as I understand it there's a process whereby sources could make application for rewards?---Yes.

And that application process would have to go through a number of steps, would it, and that would include going to a committee who assessed; is that right?---Very much. There were two committees in relation to human source management. There was the human source management working group.

Yes?---That was a body that basically was a standing body that consisted of Executive Command that would meet, I think it was every six months they would meet and basically oversee the running of the Human Source Management Program for Victoria Police. And then there was a monthly Reward Committee meeting that would assess and grant any reward payments for human sources. So they were two separate bodies which sat above. Now the Human Source Management Unit, or back in the early days it was referred to as the Informer Management Unit, IMU, so the IMU became the HSMU and they basically were the secretariats, as it were, to the Human Source Governance Committee as such and then the

1 Human Source Reward Committee. They were absolutely
2 separate to the Dedicated Source Unit and the Source
3 Development Unit.

4

5 Right. You don't know who sat on those committees that
6 oversaw the approval of rewards or not, do you?---Assorted
7 Assistant Commissioners and what have you, yes.

8

9 As to names you couldn't say without looking at documents I
10 assume, is that right?---In fairness I'd have to check
11 those documents.

12

13 COMMISSIONER: Can I just ask in terms of Nicola Gobbo, do
14 you know whether she ever received rewards, payments?---So
15 the briefing note I referred to in November 2015 that I've
16 spoken to, that was the first occasion. We had started a
17 reward application at the Source Development Unit for her.
18 That was conducted, we went to a workshop at [REDACTED] and
19 commenced to start some sort of scoping document so far as
20 trying to encapsulate what that reward application may look
21 like. That was never finished.

22

23 When was that, when you started that?---May I refer to that
24 briefing note?

25

26 Sure?---So I compiled this briefing note on 10 November
27 2015 and it related to both, as it were, 3838 and 2958. It
28 came on a Force file through Command for me to review for
29 Detective Inspector Swain. I understand she had the job to
30 actually compile the formal reward application. Now
31 amongst my reply to that I attached several documents. I'm
32 just trying to refer to the [REDACTED] document, ma'am.
33 Yes, so documents A to G as I detail on this briefing note,
34 outlined the SDU preparation for a human source reward
35 application. I haven't got the date for the [REDACTED]
36 workshop.

37

38 MR WINNEKE: Right. Whilst we're on that, this job comes
39 about because there's an application for a reward; is that
40 right?---Yes.

41

42 So Ms Gobbo has made an application to someone to be
43 rewarded for her services, if you like, as an informer; is
44 that right?---No.

45

46 No?---So it would seem that someone within Command, because
47 this was done independent of Human Source Management Unit.

1
2 Right?---Someone has decided to commence to a formal reward
3 application for 3838.
4
5 Yes?---Obviously they had gone through some of the holdings
6 on the database and to the best of their abilities started
7 to compile what they thought was all the documentation.
8 That's why the file came to me.
9
10 Yes?---To - you'll see there's several documents that I
11 refer them to. I apologise, I've just found the note here.
12 We had some minutes, it's on the first page under
13 "investigation item number A", SDU minutes.
14
15 Perhaps I'll stop you there for the moment. It's
16 COM.0025.0003.0015, that's the document you're referring
17 to?---Correct. That's it, spot on.
18
19 COMMISSIONER: Do you want to tender this, Mr Winneke?
20
21 MR WINNEKE: I think we'll tender it, Commissioner, yes.
22
23 COMMISSIONER: Thank you.
24
25 MR WINNEKE: It's a briefing note.
26
27 COMMISSIONER: 10 November [REDACTED].
28
29 MR WINNEKE: 10 November [REDACTED] to the OIC Human Source
30 Management Unit prepared by the witness.
31
32 #EXHIBIT RC4 - Briefing note dated 10/11/[REDACTED] to the OIC
33 Human Source Management Unit prepared by the
34 witness.
35
36 WITNESS: The date of that was 20 July 2009.
37
38 MR WINNEKE: If I can just come back to that. 20 July 2009
39 refers to a [REDACTED] workshop. Were there any documents,
40 were you able to find those minutes?---Yes.
41
42 You don't have those with you but they'll be somewhere
43 within the holdings of the HSMU; is that right?---There
44 attached, there's an attachment which will be included on
45 the Force file.
46
47 Do you know why that came about, that workshop?---It was

1 basically a matter of housekeeping that we thought we
2 needed to start putting a reward application for her. This
3 was at a point where we had, as it were, she had
4 transitioned from being a source into a witness.

5
6 Yes?---And it was a piece of work that needed to be
7 concluded. She was a deactivated human source and our view
8 was that she was entitled to a reward.

9
10 Do you know whether she got a reward?---I don't know.

11
12 Okay. This is a matter of public record, she's claimed
13 that there were somewhere in the region of 340-odd people
14 arrested as a consequence of her efforts with the SDU, have
15 you read that somewhere?---I have.

16
17 Do you know where that figure comes from?---No, I'm rather
18 surprised by that number.

19
20 Right. When you went through the materials as part of this
21 workshop and any other efforts that you made to determine
22 the product, if you like, of her assistance, did you come
23 up with a number of people who had been arrested?---Yeah,
24 that was part of that scoping document was try and put some
25 sort of a measure around what assistance did she provide
26 law enforcement.

27
28 What was the conclusion?---It was vast.

29
30 You say you're surprised about that number but are you able
31 to recall what number you did come up with at about that
32 time?---No.

33
34 Are we talking - - - ?---It was a workshop that we
35 commenced to try and consolidate over five years of work.

36
37 Right?---We got to a point where, you know, we basically
38 just couldn't finish it and it was a piece of work that we
39 needed to get back to.

40
41 So it was actually never finished?---Correct.

42
43 And one assumes if the Commissioner, if we asked we would
44 get this material, it may well be on the source management
45 log or somewhere within the record?---All that material's
46 printed off and included in the Force file, so it should be
47 all with that.

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It should be all available?---Yes.

Right, okay. These documents, A, B, C down to L are all documents that you then had access to when you carried out this investigation that you've referred to; is that right?---Yeah, I simply opened up the system and searched for the documents and they were all sitting there.

All right. Insofar as Witness F, the catalogue with respect to Witness F, as we understand it that's also Nicola Gobbo?---Yes.

That was her identification for the purposes of Petra, the task force Petra; is that right?---Correct.

And that material you didn't have because that had been moved to AC Pope on 13 August of 2012?---So to be clear, in the HSMU safe with all the registration documents was a file relating to 3838.

Yes?---In that file were three individual files as it were.

Yes?---One was the first time I'd ever seen the management file, which a file number 472 in relation to her management from 13 May 1999 to 23 September 2008.

Yes?---The second file in the safe was number 272, which is the registration that I obviously knew all about from 2005 to 2009.

Yes?---And then there was this third file in there in relation to this Witness F catalogue where it had a notation being the third file that on 13 August 2012 it was moved to AC Pope.

All right. You say that you had no idea that she'd been previously registered?---No.

In 99, much less 1995?---I had no knowledge of 95 and I'm quite certain I had no idea about 1999. Without checking the original risk assessment, if we had known about that, it would have been recorded on the request for assistance when we first got that or on the risk assessment, because they'd be quite pertinent to our overall assessment of her viability.

1 Righto. When you went through that file number 472 were
2 you able to ascertain who registered her and who was
3 involved in that registration?---Yes.

4
5 Was it Mr Pope, was he involved?---If I can qualify my
6 answer by saying this is off my memory.

7
8 Yes?---Two names on that, it was Pope and Sayce.

9
10 And Sayce. Had you had any dealings with Mr Pope in
11 setting up the Dedicated Source Unit and the SDU?---Not
12 myself, no.

13
14 But other people had had dealings with him?---I expect that
15 to be the case given his - - -

16
17 You mentioned that there was a list of people which got to
18 about 100 of the people who were aware of who she was and
19 the fact that she was registered, a Word document you
20 said?---Yes, in relation to the SDU environment, correct.

21
22 You said that you gave up with that list eventually. Do
23 you know where it is?---It still should be sitting on the
24 SDU record somewhere in HSMU.

25
26 Did you contribute any names to that list?---Yes.

27
28 Do you know whether Mr Pope's name was on that list?---I
29 believe so.

30
31 Right. If his name was on that list would you expect to
32 have been informed by him about his previous registration
33 or would the SDU expect to have been informed about the
34 previous registration?---I would have expected so. At some
35 stage during our contact with Command or her, we're
36 normally pretty good at that, we would have gleaned that
37 she'd been registered before.

38
39 Right. And one of the things that you changed in the
40 transcript of your evidence was the double barrel question
41 and you said you hadn't been aware that she had been
42 arrested herself in relation to any criminal
43 activity?---Correct.

44
45 And you're quite clear and definite about wanting to make
46 that change, can I ask you why?---Because as of yesterday
47 was the first time I saw my transcript and when I read that

1 double barrel question I was a bit disappointed with myself
2 that I missed it.

3

4 It's important, is it, the fact that a person who you are
5 relying upon as an informer, you want to know about their
6 background; is that right?---Precisely, because it affects
7 the risk profile, particularly for our personal safety.
8 We're at great personal risk when we meet some of these
9 individuals, and it's not just her, it's a whole pile of
10 other people we dealt with.

11

12 Do you know whether she would have been asked - you weren't
13 the initial handler and you weren't the initial controller;
14 is that right?---Correct.

15

16 Do you know whether she had been asked as to whether she
17 had been convicted of any offences or found guilty of any
18 offences in the past?---This is why I need access to the
19 original recordings.

20

21 Okay, all right.

22

23 COMMISSIONER: We might take a ten minute break at this
24 point, give everyone a break. Just before we do could I
25 just check then that prior to 20 July 2009 as far as you
26 know Nicola Gobbo had not received any reward for her work
27 as an informer?---Ma'am, that's my understanding. There is
28 a notation here in relation to some traffic infringements
29 but no, it's been withdrawn. Again, without going through
30 the file in forensic details I'm not sure of the mechanism
31 of that but my understanding is she had never been subject
32 to a formal reward application from Victoria Police.

33

34 Thank you. All right, we'll adjourn for ten minutes, thank
35 you.

36

37 (Short adjournment.)

38

39 COMMISSIONER: Yes Mr Winneke.

40

41 MR WINNEKE: Thank you Commissioner. If I can just come
42 back to this briefing note that you prepared on 10 November
43 2015. I was asking you about the catalogue of Witness F
44 which had been moved to AC Pope on 13 August 2012. Did you
45 make inquiries about that to find out whether you could
46 access it?---No, it wasn't in my brief.

47

1 It wasn't in your brief?---No. I went to the safe and
2 checked what registration details were sitting in it to see
3 if there was anything relevant in that source file and that
4 was one of the three files relating to her.

5

6 Of your own knowledge do you know why that would have been
7 moved to AC Pope on 13 August 2012?---The date means
8 nothing to me but we were operating quite a, it was quite a
9 hostile environment at that time in Victoria Police years
10 back in relation to all the Drug Squad corruption matters.
11 I know there was some concern at HSMU or the Informer
12 Management Unit to actually make sure that those files were
13 secure.

14

15 Right. So when you say a hostile environment what do you
16 mean there, can you explain that?---Corruption.

17

18 Corruption?---Yes.

19

20 So the concern was that there was, to be frank, corruption
21 within the Police Force and the idea is to secure those
22 files to make sure that a corrupt person might not get
23 their hands on them?---Correct.

24

25 And one assumes that if there's a notation on the file to
26 the effect that it's gone to AC Pope that it's been done
27 officially in any event?---Absolutely. Our file had been
28 moved out of the HSMU safe to AC Pope on that date.

29

30 If we were looking for that file, one assumes that that
31 file would be locatable in the event?---I'd expect so, yes.

32

33 And there's, if you went there in 2015 it appears that you
34 were able to access and get a hold of records at least
35 going back to 2009. Do you know what the policy is with
36 respect to destruction of documents and the policy
37 there?---In relation to human sources?

38

39 Yes?---They shouldn't be destroyed.

40

41 Do you know whether there is a policy or not?---Yeah, there
42 is. There is a policy in relation to archiving of
43 documents, absolutely there is.

44

45 And do you know where they're archived?---If they have been
46 archived they'll be at [REDACTED] in the secure - so [REDACTED]
47 is a storage facility for Victoria Police but within

1 [REDACTED] there is a secure vault.

2

3 Yes?---That human source material is secured in.

4

5 If I can go back to the old days before this unit, was the
6 situation with respect to human sources somewhat different
7 and ad hoc, and done on a locality basis, is that
8 right?---Quite right.

9

10 How did it operate, say, prior to 2003?---So it was
11 effectively a single piece of paper which you hand wrote
12 the details of who the informer was.

13

14 Yes?---That would be filled out, it was placed in an
15 envelope and handed to your assorted Command. That
16 generally used to be a Chief Inspector or a Superintendent.
17 He would then secure that envelope in his safe local to
18 that area.

19

20 Right. What was the process of registering a source, let's
21 say in 1995?---The same.

22

23 So you've talked about Acknowledgement of Responsibilities
24 and those sorts of concepts, did they apply back in 95 or
25 the earlier days when you were in the Police Force?---Never
26 existed. The single slip of paper in the envelope was the
27 registration process for an informer back then.

28

29 What sort of arrangement was there between the informer and
30 the person who registers the informer, is it a formal
31 relationship? Is it a formal situation whereby the person
32 says to the informer, "Righto, I'm going to register you as
33 an informer"?---Yes.

34

35 And was that invariably the case or not?---Yes, and most of
36 them were given a local number that related to that local
37 area.

38

39 Right?---For instance, it would be prefaced by - the number
40 would follow, for instance crime would be, it would have a
41 number like State Crime Squads [REDACTED] after
42 that and generically it was like number [REDACTED] or
43 number [REDACTED]. It wasn't, nothing as sophisticated as
44 we had from 2003 onwards.

45

46 How would you know what number to be put on it? Presumably
47 there would be a register or a log somewhere that recorded

1 the numbers?---So that's where the local Command person,
2 whether it was an Inspector, Superintendent, whatever he
3 used to be, he would allocate those numbers and usually
4 then when the envelope was handed to the old Command he
5 would give you basically the next number and write that
6 number in the top of the single page form.

7
8 When you say a single page form, a single page for each
9 informer, not for the whole informers with the numbers down
10 the left-hand column?---No. It was a single slip of paper
11 we'd fill out with the name of the informer, details of
12 you, your office and that was basically the extent of the
13 forensic detail of that form.

14
15 What about, for example, the information that's provided by
16 that informer, is that recorded in a particular place or is
17 it just recorded in the police officer's diary?---It should
18 have been recorded in people's diaries, we're talking back
19 95 now, that ilk, that time.

20
21 Let's say 95 through to 99, 2000, that period. Were there
22 any changes during the course of that period?---Yes, so my
23 memory serves me I think about 1999 we started to try and
24 formalise some informer management practices. But prior to
25 99, off my memory, yeah, it was a slip of paper, you were
26 given a number by your local Command and that's basically
27 what you wrote in your diary.

28
29 Let's say you had some expenses associated with the use of
30 that informer back in 1995?---Yes.

31
32 Or a reward or something like that, or what's the, what was
33 the situation that pertained back then?---So in relation to
34 expenses you would take an expense report back to your
35 local Commander, whoever took the initial registration, and
36 basically submit a reimbursement sheet for the expenses.

37
38 Was there a reward process back then?---I couldn't - I
39 don't recall one.

40
41 Righto, okay?---No.

42
43 Did that change as time went on? You mentioned that there
44 seemed to be a change in about 1999. The expense process
45 and the reward process, are you able to offer any
46 information about that at that time?---In short, we went
47 from pretty well zero to, you know, a 90 per cent

1 accountability regime from about 99 onwards.

2

3 All right?---I think I've included in one of the documents
4 one of the, a Chief Commissioner's instruction or something
5 which I think dates back to 2003 maybe, Chief
6 Commissioner's instruction number 7 or something, where
7 that pretty well, one of those earlier pieces of work
8 started to really formalise how Victoria Police dealt with
9 sources going forward.

10

11 Okay, all right. And that's in the materials that you've
12 provided to the Commission, is that right?---Yes.

13

14 Now, can I just - I'll take you forward to the Dedicated
15 Source Unit. You've mentioned that that came about, as we
16 understand it, because of a number of things and two of
17 which you've referred to, firstly, problems which were
18 associated with the Drug Squad in the late 90s, early
19 2000s, is that right?---Yes.

20

21 And the death of Terry and Christine Hodson?---Correct.

22

23 In 2004?---H'mm.

24

25 Indeed, the pilot, source unit pilot starts in November of
26 2004, so about five months after that, or those
27 murders?---Correct.

28

29 Are you able to tell the Commission the reason why in your
30 understanding this process came about and what the
31 fundamental changes were to the informer registration
32 process?---So the crime department already had a review
33 going in relation to the corruption aspects to the Drug
34 Squad. That was already in train and that's when basically
35 a lot of the reports were already written saying the core,
36 the root cause of a lot of the corruption issues
37 specifically dealt with corrupt relationships between
38 police and informers.

39

40 Right?---And then by an unfortunate set of circumstances
41 then the Hodsons were murdered as well. So that was pretty
42 well the tipping point that, you know, we needed to
43 formalise professionalise how we dealt with informers. So
44 the pilot was set up and we were given the highest risk
45 individuals to takeover the management and deployment for
46 the State from that point on.

47

1 And then you've described in brief terms to Mr Chettle the
2 process where people went overseas and gathered information
3 and so forth. And then there was a document which was
4 produced, the findings of a Dedicated Source Unit pilot,
5 and you've referred to that. I wonder if we could, if I
6 can get a number of that document. Right. Now if we can
7 go to p.17 of that document, 17 of 74. If you have a look
8 there you'll see - perhaps what I might do, you'll see risk
9 assessment?---Yes.

10

11 And it says there, "Risk assessment is one of the four
12 pillars of effective source management and these being risk
13 assessment, control, intrusive supervision and the sterile
14 corridor". Do you see that?---Yes.

15

16 So can I ask you a little bit about risk assessment. Now
17 what is risk assessment, what's the purpose of risk
18 assessment?---So it's basically - the risk assessment in
19 that term is to identify what the risk is and try and
20 identify a control measure to reduce the risk.
21 Right?---And if we can't do that then the risk remains high
22 and we probably shouldn't proceed.

23

24 Right?---That's the short version.

25

26 I follow that and you mentioned, in relation to a
27 particular person earlier on you said, "We had a look at
28 that and the risk was so high that we said we shouldn't
29 even register that particular person"?---Precisely.

30

31 I'll come back to that in due course. That's part of that
32 risk assessment process. Was there a pro forma document
33 which you had to go through in assessing the risk of a
34 particular person?---So some background that's important in
35 relation to the risk assessment is this: when Victoria
36 commenced, when we embarked on the human source management
37 project, we - South Australia initially started the work in
38 relation to some initial policy work. Again, most of that
39 was acquired from the Canadians. We then took it to the
40 next step because of the strong focus in relation to the
41 corruption and the murders of the Hodsons and then that's
42 when we took that work from South Australia to the next
43 level and implemented it as standard best practice for
44 source management.

45

46 Right?---At the same time ANZPS had a human source working
47 group.

1
2 What's ANZPS?---Australian New Zealand Police Services. So
3 basically each state was a signatory to this body. ANZPS
4 had many heads in relation to different aspects of
5 policing. One chapter they had was in relation to human
6 source management. Every state was a signatory to that
7 body of work and each state would send representatives to
8 ANZPS, generally subject matter of experts, to develop best
9 practice across Australia which included the AFP, which
10 included the Australian Crime Commission and also New
11 Zealand.

12
13 Right?---So one of the briefs Victoria Police had out of
14 ANZPS was to create a risk assessment document because
15 there was no such beast in existence. So that's when we
16 got hold of the Australian New Zealand standards and
17 commenced to actually compile the first ever risk
18 assessment for human source management, and that document
19 I'm quite sure I have included in the material, one of the
20 31s is included in that. So we the Dedicated Source Unit
21 produced that document for ANZPS which pretty well got
22 adopted across Australia.

23
24 Okay. The next concept or the next of the four pillars is
25 control?---H'mm.

26
27 [REDACTED]
28 [REDACTED]
29 [REDACTED]
30 [REDACTED]
31 [REDACTED]
32 again, it's all a matter of whether or not we could reduce
33 the risk. For instance, there may be some issues where the
34 individual may have [REDACTED] or the individual may be
35 [REDACTED]. The last thing we want to do is place
36 that person back into peril. So unless we could think of a
37 [REDACTED] measure, a [REDACTED] you know, the likelihood and
38 the consequence, if we couldn't reduce that to a more
39 acceptable risk categorisation it would remain high. Which
40 at the end of the day if we work our way through the four
41 main pillars, if the risk was still high we wouldn't
42 generally entertain that individual.

43
44 Right. So you wouldn't register someone who you [REDACTED]
45 [REDACTED]?---That was the objective of the exercise, indeed.

46
47 Yes?---The risk assessment is a living document. We never,

1 you would never compile a risk assessment, put the full
2 stop on the end and say that's that and look at it in two
3 years' time. It was a living, breathing document that
4 could change by the week, by the day, by the hour.

5
6 Whilst it is a separate pillar nonetheless it is relevant
7 to the risk?---Very much.

8
9 If you lose control of someone there's a risk that that
10 person might endanger themselves or their controllers and
11 there are real problems if that occurs, is that
12 right?---And to the information.

13
14 And the information. What is intrusive supervision?---So
15 intrusive supervision, that's why the model of having a
16 controller and a handler was introduced, right. It's a
17 positive obligation for the controller to be supervising,
18 not just supervising, actively supervising the relationship
19 between the handlers and the source. If we thought,
20 sometimes it's chemistry, sometimes some handlers just
21 aren't suited to that individual. The greatest, the
22 greatest device we had was the [REDACTED] and
23 the [REDACTED]. What we used to teach was
24 [REDACTED] to actually [REDACTED]
25 [REDACTED]. Sometimes if a handler couldn't make
26 that relationship with the source, well, one, we'd be
27 disappointed as controllers because clearly we've sent the
28 wrong handler to that individual. We have to make sure
29 they have the appropriate skill sets professionally,
30 socially that can engage with those sources. So if that's
31 not working then this is one of the aspects of intrusive
32 supervision. And we also need to make sure that our
33 handler is not becoming too familiar with the source. We
34 have to make sure the handler is complying with all the
35 policy obligations. For instance, something as simple as
36 all contacts will be [REDACTED] and subject to
37 a contact report. All face-to-face meetings will be
38 subject to [REDACTED]. These are non-negotiables.
39 But then the other positive thing about intrusive
40 supervision is it's the whole team mentality.

41
42 Right?---We would - each week we would sit down and
43 basically debrief each source and it's a point when we had
44 a face-to-face meeting we would always, [REDACTED]
45 [REDACTED]. It's just not-negotiable.
46 There will always be [REDACTED]. On [REDACTED]
47 meetings the controller would go, plus we've got [REDACTED]

1 [REDACTED]. During these debriefs after these
2 meetings, and it could be something as simple as five
3 minutes at the conclusion of a meeting once we are clear
4 and safe, we would, you know, quickly have a hot debrief
5 and discuss how that meeting went. This is all about
6 intrusive supervision, this is all about team work. It is
7 important that the feedback we gave to the handlers were
8 timely and effective. If we thought we'd missed something
9 or something didn't make sense or we as a supervisor
10 thought something wasn't quite right, we would raise the
11 issue immediately. And it's also incumbent upon the
12 co-handler, they're not just a passenger, they're intrinsic
13 to make sure that meeting is professional and effective.

14
15 You mentioned during the course of that answer note-taking
16 and recording matters in your diary. Now I want to ask you
17 about that before I move on to the next part which is the
18 sterile corridor. I just want to focus on the note-taking.
19 If there is a face-to-face meeting, the participants in
20 that meeting would have a diary I assume, would
21 they?---Yes.

22
23 A police diary, an official police diary?---Yes.

24
25 Was that the place where you would record your notes of the
26 meeting?---Yes.

27
28 Was that an instruction that any meetings that are
29 occurring face-to-face, a person needs to record as a
30 summary in their diary what's said?---The - so the diary is
31 there to record the physical meeting, absolutely.

32
33 Yes?---The contents of the meeting was usually written down
34 in a diary in the event the recording failed.

35
36 And one assumes also to avoid the need of [REDACTED]
37 [REDACTED] in order to make the
38 further documents that you need to make, is that fair
39 enough?---Yes. And the other thing is it was [REDACTED]

40 [REDACTED]
41 [REDACTED]
42 [REDACTED]
43 [REDACTED]
44 [REDACTED]
45 [REDACTED]
46 [REDACTED] we
47 had a note of the key points. Similar to what we do during

1 [REDACTED].

2

3 We have got your diary and we can see you've taken what
4 appear to be comprehensive notes of meetings and telephone
5 calls?---Yes.

6

7 I've asked you about meetings. Telephone calls, if you as
8 a handler have a communication with a source do you have to
9 make a detailed note of what information you're told?---You
10 would have a note of every single contact in your diary.

11

12 Right, yes?---And if it's not there there would be
13 reference to a source contact report.

14

15 Right?---These phones didn't stop 24 hours a day, 7 days a
16 week, whether you're on duty, off duty, on a train with
17 your loved ones, when the phone rang you had to answer it.
18 So that's why we primarily didn't enforce [REDACTED]
19 [REDACTED] because it was just simply
20 impractical. We needed to make sure whatever we did we
21 always did.

22

23 You said you had training which went for [REDACTED] or [REDACTED]
24 [REDACTED] a [REDACTED] in [REDACTED] and [REDACTED] down at
25 [REDACTED]. Was there specific training about note
26 keeping and recording?---Yes.

27

28 And the importance of recording all the relevant
29 details?---Yes.

30

31 That's part of your training as a member of the Police
32 Force in any event I assume?---Precisely, it's just being a
33 good investigator.

34

35 Okay. The last thing I want to ask you about, the last of
36 the four pillars is this concept of sterile corridors. Can
37 you explain to the Commissioner what that means and what
38 the purpose of that is?---So the sterile corridor is a
39 principle where you separate the management of the informer
40 from the needs and wants of the investigation, the
41 investigators. What the investigators may need or want may
42 be completely opposing views of what we can and can't do
43 safely with a source. So there were quite regular
44 occasions where the investigators would want three things
45 to happen and we would make the decision some of them were
46 unsafe, some we needed to modify their objectives, but the
47 management of the source had nothing to do with the

1 investigators. So that's the sterile corridor principle
2 and exactly that, a source generally would never, the
3 investigators would never know who the source was.
4 Obviously there's a particular issue where the very
5 investigators hand you that source over in the initial
6 phases, yes.

7
8 I'll come back to that because the sterile corridor concept
9 with respect to this informer, Ms Gobbo, really sort of
10 fell down a bit, didn't it, ultimately?---It's the peril of
11 a long-standing relationship with sources, yes.

12
13 I mean one would hope that it would be an unusual
14 circumstance that 100-odd people would know the identity of
15 an informer in a circumstance of high risk?---We were, we
16 had a heightened awareness and we were overly cautious. If
17 something happened we needed to make sure we had a
18 comprehensive list of who knew.

19
20 I follow that. Were there any other informers who you were
21 aware of who had a list of upwards or up to 100 people who
22 were aware of the identity of that person?---No.

23
24 So this particular one would be unusual, I assume, is that
25 right?---Unique.

26
27 Unique, all right. Now, the location that the SDU was
28 initially when it commenced in 2004, where was that?---Off
29 memory it was the old conference room on the 10th floor at
30 the St Kilda Road Police Complex. We took up a portion of
31 that conference room which became no longer available to
32 the rest of Crime Command.

33
34 Was there an occasion when it moved from that location to a
35 location [REDACTED]?---Yes, we went to a
36 [REDACTED] location. Once CMRD as it were signed off on the
37 project we moved to the first of the [REDACTED] locations.

38
39 [REDACTED]
40 [REDACTED]
41 [REDACTED]
42 [REDACTED] ---Precisely, yes. And to [REDACTED]
43 [REDACTED] as well.

44
45 [REDACTED]?---H'mm.

46
47 When Ms Gobbo was first registered as a source in about -

1 do you know when she was or not?---With the benefit of
2 reading the material now, yes, September 2005.

3
4 So somewhere around 16 September 2005. Where were you at
5 that stage?---I'm quite confident we're still at St Kilda
6 Road.

7
8 In the initial stages - okay, whilst I'm on that topic,
9 when do you believe you did move?---I'm pretty sure, again
10 without checking my records, I think we were only there for
11 about 12 months at St Kilda Road when we moved to the [REDACTED]
12 [REDACTED] premises. So my recollection would be about
13 November 06.

14
15 How long did you remain at that [REDACTED] premises?---About 16
16 months, thereabouts, yes, just short of 18 months.

17
18 [REDACTED]
19
20 MR CHETTLE: [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24
25 [REDACTED]
26 [REDACTED]

27
28
29 [REDACTED]

30
31 [REDACTED]
32 [REDACTED]

33
34
35 COMMISSIONER: I can't see that it's going to help me
36 much.

37
38 MR WINNEKE: No, no. Initially Officer Peter Smith was the
39 handler?---Yes.

40
41 And Officer Sandy White was the controller, is that
42 right?---Correct.

43
44 It seems that you stepped in as a handler in about
45 October, is that right?---Yeah, as a co-handler, correct.

46
47 Co-handler?---Yes.

1 Who were you co-handling with?---Officer Peter Smith is my
2 recollection, yes. And then I took over the controlling
3 role of her not long after that as well.

4

5 How long were you the controller for?---Basically whenever
6 Officer Sandy White went on leave I assumed the responsibility
7 as the controller of her.

8

9 In effect he was the primary controller?---Yes.

10

11 But when the situation necessitated you were brought in as
12 the controller, is that right?---Correct.

13

14 Do you recall how many meetings you went to with
15 her?---Without referring to the source management log or
16 going through my diaries, I couldn't say. It was several.

17

18 Several, all right. Perhaps I might assist you. We might
19 just go through a couple of those.

20

21

22 COMMISSIONER: Just while you're finding that I might just
23 ask a couple of questions. If you could have a look at the
24 transcript before the IBAC. Now at p.66 you told, you
25 spoke there about the report you prepared on these issues
26 after you'd done a tour of duty, a tour overseas?---Yes.

27

28 And you said you were going to prepare a paper. Did you
29 prepare that paper. It's about line 10 you talk about
30 that?---I commenced the paper, unfortunately there were
31 other circumstances at the office that precluded me from
32 finishing that paper.

33

34 Right?---The draft of the document is attached in one of
35 those 31 documents as far as I got but I was diverted on to
36 other matters.

37

38 So the draft of the document, it will be in the material -
39 - - ?---Yes.

40

41 - - - the Commission already has?---Yes.

42

43 Thank you. I'll just take you then to 74 of the
44 transcript. About line 35 there's mention by Mr Kellam of
45 Mr Sheridan's report and then you said, "It wasn't a
46 decision by Paul Sheridan, it came from the top". Do you
47 know what Mr Kellam was referring to about Mr Sheridan's

1 report?---My belief when I was answering that question was
2 in relation to the closure of the SDU.

3

4 As far as you knew it wasn't any report from Mr Sheridan,
5 it came from the top?---Absolutely.

6

7 That's your understanding, okay. Just if you could have a
8 look at 76, about line 6 it says, "There's been several,
9 you know, the SDU has defeated" and it's record as "a tax",
10 should that be "attacks", a-t-t-a-c-k-s?---Correct.

11

12 Subject to those corrections and the matters that you
13 mentioned earlier, the evidence you gave to the IBAC was
14 true and correct, is that correct?---Yes.

15

16 Yes, thank you?---It's important the context in relation to
17 the legal advice. When I got asked about that, when I - it
18 was meant to be not a test of my memory but with all due
19 respect I think it was.

20

21 Sure?---And I knew that the issue in relation to legal
22 advice was absolutely discussed at the office. Now I may
23 have attributed to the wrong person being White, Biggin,
24 and with the benefit now of going through and having
25 access to all the documents it's quite clear where that
26 belief came from, and that was from the SWOT analysis
27 which I completed which refers to Mr Hill.

28

29 Thank you. Thanks Mr Winneke.

30

31 MR WINNEKE: It was quite clear when you were asked
32 questions by the IBAC that you were of the view that there
33 had been a legal advice obtained not by Ms Gobbo but by
34 Biggin and White that was your recollection, wasn't it?---
35 That was my recollection, yes, but having read the
36 documents it's quite clear, she sought advice from Mr
37 Hill.

38

39 I follow that. But your initial recollection was that
40 your organisation, that the unit had sought advice. Do
41 you say that that's not the case, you don't believe there
42 had been any legal advice sought now?---I just keep
43 saying, like, without the benefit of the source management
44 log, the source management log will have quite clear if we
45 actually sourced external advice. The fact is we did have
46 external advice, she told us about it and she even told us
47 who it came from.

1 Do you know what the advice was?---No.

2

3 You say that she told you that there was legal advice from
4 Mr Hill. Did you have that discussion with her or was it
5 someone else who had the discussion with her about
6 that?---I can't answer that without going through all the
7 recordings and the source logs.

8

9 I'll come back to the SWOT in due course. But you were
10 able to put together a document which set out pros and cons
11 of her going to Petra to be a witness?---Correct.

12

13 One of the issues that you did refer to was the fact that
14 she had got legal advice from Mr Hill, it's in your
15 note?---Correct.

16

17 Do you recall putting that advice together, that SWOT
18 together to provide to Mr Biggin?---Absolutely.

19

20 How did that SWOT come about? How did you come to do
21 that?---So I had a phone call late in the afternoon prior
22 to, I think it was 30 December. Can I refer to my diary,
23 please?

24

25 Yes, by all means. By all means. I think it's page - just
26 excuse me. If we go to p.100 and - - - ?---37.

27

28 37, yes?---It actually starts the day before on p.136,
29 Tuesday 30 December. I'd been on an early day shift that
30 day, I got a phone call from Mr Biggin at 5.30 in the
31 afternoon and he briefs me the first time that Command had
32 reached a decision that they're going to request a
33 statement from the human source. AC Maloney passed on a
34 message to the Superintendent, who was on her rest day, and
35 it goes on to explain they want her to become a witness, so
36 I consequently set up a conference call at about 8.25 that
37 same evening on Tuesday. I spoke to Richards, Green, Smith.
38 They were only people available as part of the SDU and we
39 discussed in broad terms what the issue was and I started
40 to scope what or how we should address that issue. I then
41 rang Mr Biggin back saying we'll be able to get some sort
42 of a document together, I made that phone call at 20:45
43 that night. Then Wednesday morning, 31 December 2008, I
44 commenced work on getting some sort of reply back to
45 Mr Biggin. I then hosted a meeting at the source unit, my
46 recollection in my notes say it's quite clear that Sandy
47 White I assume was an holidays because he wasn't

1 present.

2

3 That is the 8.50 meeting in the morning?---That's the 8.50
4 meeting in the morning. I sat down - - -

5

6 So present is Emma?---Officer Richards, Officer Green, Officer Peter
7 Smith, Ms Boulevard. So Ms Boulevard was one of the two
8 analysts we had at the office.

9

10 Right, yes?---So too was [REDACTED], she was the
11 second analyst.

12

13 Are they sworn members?---Yes. And the third one, [REDACTED] is
14 Officer Anderson. So we sat down and spoke of the issues.

15

16 Yes?---And explained the reasons behind it all and what we
17 were requested to do and then I went about compiling that
18 analysis. We thought the best format to do that was a
19 SWOT analysis. In fairness to what we thought, the SWOT
20 analysis we thought would be the best mechanism to see if
21 we could identify perhaps there is good reason why the
22 source should become a witness or make a statement.
23 They're some of the issues we tried to flesh out under
24 strengths, weaknesses, opportunities and threats.

25

26 Okay?---I compiled that document and then went and
27 delivered it by hand to Mr Biggin at 3.05 that afternoon.

28

29 In that form I take it, is that right, or more or less in
30 that form?---Yes, it was a stand alone, stand alone
31 document, I think it was about three pages long. That
32 simply was just an identical cut and paste in my
33 electronic diary, it was handed to him in hard copy which
34 was just a Word document.

35

36 That analysis was contributed to by all of the people at
37 the meeting, is that right?---Yes.

38

39 And one of the points that you make, to come to the topic
40 that we're referring to, under the section C,
41 opportunities, "HS to seek legal advice" and what you've
42 said there is effectively it's already been undertaken by
43 HS at previous hearings (Ian Hill)?---Yes.

44

45 That related, did it not, to hearings in which Ms Gobbo
46 had been called before the OPI to give evidence?---Yes.

47

1 Is that right?---Yes.

2

3 Was that knowledge given to you by someone else or was it
4 knowledge that you had that she had spoken to Mr Hill?---My
5 understanding is that came from her.

6

7 I follow that, but how did you come to put it in the SWOT?
8 Did you put that in because you were aware of that or
9 because someone else told you?---No, we were aware of that.

10

11 When you say we, she told you or she told the unit? Who
12 did she tell that's what I want to know?---She told one of
13 the handlers. May not have had a controller at that
14 meeting but this was the collective knowledge that we had
15 at the source unit at the time when I was compiling that
16 document for Mr Biggin.

17

18 Do you know what the advice was?---No.

19

20 Do you know what it related to?---Well, one of the things
21 was quite topical was her interactions with [REDACTED]

22

23 Right. Are you aware of the context that the advice came
24 up for her?---Privilege was something we discussed, if it
25 wasn't a weekly it was almost a daily event in relation to
26 information from her.

27

28 Right. So you thought, and you assumed that the advice
29 that she got from Mr Hill related to privilege?---And other
30 things, yes.

31

32 I mean I'm asking do you know what it was about or
33 not?---No.

34

35 Okay, all right. You assumed that it was about
36 privilege?---Yes.

37

38 Privilege is a concept, I assume, which comes up, or it
39 came up regularly with respect to her I take
40 it?---Absolutely.

41

42 Privilege is an issue that as a person handling sources you
43 would be conscious of?---Yes.

44

45 And we're talking about public interest immunity privilege
46 because it's one of the recognised and accepted privilege,
47 that is source privilege?---Yes.

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Informer privilege?---Yes.

Can I ask you this: as an informant preparing a brief and dealing with prosecutors, is it something that would come up from time to time in your discussions between, as an informant with a prosecutor?---PII?

Yes?---It's a constant issue.

Right. Is it something that you were specifically taught about as a member of the Police Force or is it something that you're taught about as a Detective or as a member of the Human Sources Unit?---It was primarily taught to us as detectives.

Right?---Yes.

And what are you taught if an issue of where someone is requesting a document, whether it be by way of simply a question in a committal proceeding or in a trial or whether someone is seeking disclosure, what are you taught about PII?---I'd have to check my, whatever they were teaching at Detective Training School at the time.

But from your recollection?---The concept is that if you have an issue in relation to a PII matter you raise it with the appropriate authorities.

Who is the appropriate authority?---Generally we would go to the VGSO's office.

It's a legal reason not to disclose material which might otherwise be relevant, is that right, yes?---Yes, that's a fair assumption.

Do you agree with that?---Yes.

You mentioned the analysts, they were two sworn members, obviously not [REDACTED], but were they detectives or were they uniform?---No, they were both [REDACTED].

[REDACTED]?---No, they were [REDACTED]. They both came from the intelligence area of policing.

So from, under the umbrella of the HSMU?---Yes, in that

1 same area. They had high level skill set and security
2 clearances as opposed to the general VicPol.

3

4 What sort of tasks were they engaged in?--Primarily
5 analytical roles. They were both classed as a tactical
6 investigation officer, so they were, as I said, they were
7 both sworn members but they basically monitored our data
8 bases, did a lot of sourced based searching, open source
9 searching on the intranet and what have you. They did a
10 lot of linkages. They identified threats against our
11 existing sources. That whole analytical portfolio. They
12 were a support wing primarily to our handlers and helped us
13 as controllers to make some strategic decisions around the
14 sources.

15

16 I follow that. I was going to ask you some questions about
17 the diary and I might deal with a couple of these concepts.

18

19

20 COMMISSIONER: Do we need to tender this document?

21

22 MR WINNEKE: I'm going to tender the - it's already
23 tendered as part of the diaries.

24

25

26 COMMISSIONER: The document that we were at before this
27 one, we didn't tender that, did you want to tender that?

28

29 MR WINNEKE: Just excuse me. Sorry, Commissioner, which
30 one is that? The briefing note?

31

32

33 COMMISSIONER: The pilot, the Sandy White pilot document.

34

35 MR WINNEKE: I'm sorry, yes, I will do that. In fact
36 whilst I'm thinking about it I'll tender the pilot, which
37 is 0025, this is COM.0025.0002.0005.

38

39

40 COMMISSIONER: That will be RC5, and how do you describe
41 it? The DSU pilot by Sandy White?

42

43 MR WINNEKE: The findings of the Dedicated Source Unit
44 pilot 1/11/04 to 30 April 05.

45

46 #EXHIBIT RC5 - Findings of the Dedicated Source Unit pilot

47

1 1/11/04 to 30/04/05.

2

3 MR WINNEKE: Now, if we can go to p.3 of your diary. This
4 is an entry dated 28 October 2005?---Yes.

5

6 Can I ask you this: is this your first interaction with
7 Nicola Gobbo in respect to her role as an informer?---Yes.

8

9 Obviously you've produced diaries to the Commission
10 commencing on 28 October 2005, whereas you've said now in
11 evidence that you commenced at this unit back in
12 2004?---Yes.

13

14 Do you have diaries for those earlier times?---Yes.

15

16 Have you gone through them very carefully in order to
17 determine whether there are any entry at all about her
18 involvement - in those diaries?---Yes.

19

20 And you've found none?---Correct.

21

22 Although I understand from your memory you were aware - and
23 this is judging from the evidence that you gave before the
24 IBAC, you were aware that she had actually come on board at
25 or about the time that she did come on board, is that
26 right?---Yes, so she was subject to a request for
27 assistance.

28

29 Yes?---Which is a minor differentiation from when she was
30 first registered as such. So we went through an assessment
31 phase of her, working out whether she was a truthful double
32 agent, whether this is a set up, whether - who knows what
33 the motivation was at that stage.

34

35 When you say we did, I take it were you part of that
36 process or not?---Well, part of the office, like the office
37 had weekly meetings.

38

39 Yes?---And, you know, that was all part of the discussions.
40 We would discuss the RFAs which was documented in the
41 request for assistance, which Sandy White kept a copy of.

42

43 There is nothing in your diary about that?---No.

44

45 If we go to the source management log or the note, various
46 other entries in the record of the unit, we'll find a

47

1 reference to meetings that you were - - - ?---Precisely.
2
3 That you were attending?---Yes.
4
5 I take it that you're obviously aware that she was a
6 practising barrister?---Yes.
7
8 And you were aware that she was representing clients who
9 were the subject of investigations?---Yes.
10
11 And did that trigger in your mind any
12 concerns?---Absolutely.
13
14 And what are they?---Privilege.
15
16 What were they? Privilege?---Very much.
17
18 And we're not talking about public interest immunity or
19 anything like that, we're talking about legal professional
20 privilege?---Legal professional privilege.
21
22 Did you have at that stage any understanding of the concept
23 of legal professional privilege?---Yes.
24
25 What was it, what was your understanding?---The engagement
26 of a lawyer to represent their client during court matters.
27
28 Right?---Instructions and everything that flows from that.
29
30 Is this something that you had been specifically taught
31 about or was it something that you'd basically picked up by
32 osmosis over the period of time that you'd charged people
33 who appeared in court?---No, we spent some time on that at
34 Detective Training School.
35
36 Do you recall, and I'm not asking you for details about
37 this, when you say you spent some time, what were you
38 taught about it?---About the principles of legal
39 professional privilege.
40
41 In other words you can't basically use investigative
42 techniques to determine what's passing between a person who
43 you've charged and their legal representative?---In short,
44 yes, correct.
45
46 That's off limits?---Yes.
47

1 Do you know how much time was devoted to teaching you about
2 those sort of matters at Detective Training School?---Look,
3 I did Detective Training School in 1990, so this is a while
4 ago, but the principles haven't changed.

5

6 Okay. But you're not talking about sitting down for weeks
7 and learning about case law and those sorts of things I
8 take it?---No.

9

10 It would be a fairly high level notion of legal
11 professional privilege, would that be fair to
12 say?---Correct.

13

14 And did it, for example, did you know whether there was any
15 difference between the notion of confidentiality
16 obligations as compared to legal professional
17 privilege?---I don't recall ever reading anything about
18 confidentiality aspects in conjunction with legal
19 professional privilege.

20

21 I take it not recalling having read anything about it, your
22 understanding back in 2005 through to 2009 would have been
23 much the same, it wouldn't have been as if you were finely
24 attuned to the differences between the two?---We were very
25 conscious that we had an active serving barrister who may
26 or may not have been involved in other major crime. We
27 were acutely aware of that.

28

29 Yes, I follow that. I follow that. So one of the issues I
30 think that you've mentioned is what her motivations might
31 have been?---H'mm.

32

33 And you've just made a reference to one of them, it might
34 have been she might have been involved in crime
35 herself?---Absolutely.

36

37 And indeed were you aware that she was interviewed in about
38 2004 as a suspect? Did you know that?---2004?

39

40 In relation to the Hodsons?---Interviewed?

41

42 Yes?---No.

43

44 Do you know whether that was the case or not?---I don't
45 know, I'd have to check the risk assessment and the request
46 for assistance as well but not to my recollection.

47

1 Okay?---I'm aware of the hypothesis that, you know, we've
2 obviously got a great concern in relation to I think it was
3 IR number 44. Someone released it. If she was, I mean the
4 Hodsons, you know I was on the floor at Homicide when that
5 investigation was unfolding and it was pretty well locked
6 down that was restricted to one crew, so whether she was
7 interviewed or not I wouldn't know, and nor should I.

8

9 You were aware that there was an issue that IR44 had
10 somehow escaped the Drug Squad offices and got into the
11 public domain?---Very much.

12

13 Were you aware at that stage that she may have been
14 implicated in that or in some way implicated in
15 that?---Absolutely.

16

17 Were you aware of her relationship with Paul Dale in
18 September of 2005?---Yes.

19

20 COMMISSIONER: What was that relationship?---I had the
21 unfortunate pleasure of working with Dale for many years,
22 yeah, so her relationship with he and others, serving
23 members, was a pretty poorly kept secret.

24

25 What do you mean, are you talking about Nicola Gobbo's
26 relationship with Dale?---Yes.

27

28 What was the reputation, what was the understanding?---She
29 spent a lot of time socially with a lot of serving police.

30

31 MR WINNEKE: Are you talking about knowledge that you had
32 in 2005?---Yes.

33

34 So you were aware that she had a social relationship prior
35 to that with Paul Dale?---Absolutely. I worked with him at
36 Homicide and prior to all this unfolding, you know, there
37 were occasions where we would, well, mainly he and others
38 would bump into her through just usual business as usual
39 events, going in and out of the court processes.

40

41 Right. I follow that but what about in a less professional
42 capacity, were you aware then of a personal relationship
43 that she had with Dale?---Yes.

44

45 And what was your knowledge of that, what was that based
46 on?---Well, second-hand accounts and my personal
47 observations of he interacting with her.

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Did you know of other officers whom she socialised with?---Anecdotally, yes.

Did you know Mr Argill?---Yes.

Did you have a view as to whether or not - if this is scuttlebutt you can say so?---No, I suspected he knew her very well. There was an occasion when we were about to go to a committal and we were having a coffee and there was a chance meeting between Argill and her and quite obviously by the embrace they were very close.

All right, okay. So those two, are you aware of any others or not?---Not first-hand knowledge.

Okay. So that was something that you, as a member of the SDU, gave some consideration to when you were dealing, when the unit was dealing with her, is that right?---Very much.

COMMISSIONER: So this inquiry isn't bound by rules of evidence, so in terms of the scuttlebutt that you heard, what other information, what other police officers did you understand she had a social relationship with?---Scuttlebutt?

Yes?---Geoff Pope was one of them.

Yes?---Yeah.

Thank you. Anyone else?---It would be unfair of me to say, but they're the three that we pretty well operated on the assumption that the three of them actually did have relationships with her. So we were mindful of, we proceeded with great caution.

MR WINNEKE: So you operated on - that in effect conditioned your dealings with her, that knowledge or the view that you had, that, "As far as we're concerned we will operate on the assumption that she is in a relationship, or has had unprofessional" - perhaps I'll withdraw that. Friendly relations, if not more, with Dale, Argill and Pope?---She was having sex with them.

Okay?---And the other thing is there is always a high hypothesis that she was involved somehow, some way, whether an aider or abettor or something, in relation to the

1 killing of the Hodsons. That was probably our greater
2 concern rather than the after hour activities.

3

4 COMMISSIONER: Is this your understanding at the time she
5 was first registered as an informer, that this was her
6 general reputation, that she was having or had had sexual
7 relationships with a number of police officers, including
8 those three, perhaps others as well?---Yes.

9

10 That she was also a possible aider and abettor in the
11 Hodson murders?---Spot on, ma'am. We were operating in a
12 hostile environment. We didn't know who to trust.

13

14 MR WINNEKE: Nonetheless, you understood that she did have
15 clients and she was appearing in court and representing
16 people?---Yes.

17

18 Have you ever, has it ever been suggested, or have you ever
19 suggested that she had real clients and a different sort of
20 clients?---Yes.

21

22 It may well be the case, I can't put a document in front of
23 you, but you accept the proposition that you had at times
24 recorded her as having gone off to visit her real clients
25 in custody?---Very much, yes. She would give us a blow by
26 blow description. I mean, the important thing is that our
27 job was to build rapport, our job was to be alive to the
28 risk assessment.

29

30 Yes?---Every day.

31

32 Yes?---Pretty well every contact.

33

34 Yes?---Because that one phone call, that one piece of
35 information may greatly impact on what that risk assessment
36 looked like. So, you know, it wasn't our job to restrict -
37 we wanted her to trust us.

38

39 Yes?---That was part of our training, to build rapport and
40 it quite quickly became that we almost became the emotional
41 crutch for her.

42

43 Yes, yes?---So - and we also told her that we needed to
44 know everything. The important difference is what we did
45 with that information.

46

47 Right?---That's, that's where I say we were always alive to

1 the privilege aspect.

2

3 Right, okay. I follow that. So can I just get, we perhaps
4 ought to get this clear. You were, the relationship of SDU
5 and Nicola Gobbo was, "We are happy to accept all
6 information from you, we want all of the information from
7 you that you can give us", is that right?---We were happy
8 to listen to anything she wanted to tell us about.

9

10 Sorry, go on?---Yeah. So there's a great difference
11 between listening to her vent and building rapport as
12 opposed to collecting intelligence.

13

14 Yes?---And then furthermore, actioning that intelligence.

15

16 I follow that, but the first two, listening to her vent and
17 collecting information?---Yes.

18

19 They were somewhat blurred because the fact is she would
20 vent to you and she would give you information and it might
21 be all sorts of information that she would give you about
22 all sorts of things?---All sorts of things.

23

24 And you were happy to, and you regarded it as appropriate
25 to get all that information because there may be an
26 important piece of information amongst it, is that
27 right?---Our number one priority was to keep her alive and
28 two, make sure that we weren't hurt or damaged.

29

30 And three, to prevent the commission of serious
31 crime?---Correct. Our job is to look after the community.
32 That's why we had her. That's why we were trained to the
33 level we were trained in.

34

35 I follow that. And in order to get that information you
36 were, you would speak to her, she would vent to you, she
37 would tell you what information she'd had, what she'd been
38 doing and you would record that information, is that
39 right?---On the contact reports, correct.

40

41 Yes, okay. That's what I wanted to ask you about. For
42 example, if we go to 28 October 2005, that's a meeting, if
43 we go down to 19:00, there's a meeting which is at the
44 [REDACTED]?---H'mm.

45

46 And you get there and you're soon joined by Smith and White
47 who were - you've made a note here which you've

1 highlighted, "Co-handle and soon control", I assume
2 "White on leave", is that right?---Sure. So this meeting
3 was - so part of our operating procedure was, particularly
4 with this individual, we'd always have a full-time
5 controller with her. Sandy White was about to go on leave.
6 I'd never met her before in this professional setting so I
7 went along as the co-handler for this meeting so she'd get
8 to meet me, see me and then I would take over the role as
9 controller once Sandy White went on holidays.

10
11 Yes, I follow. In your capacity as co-handler you made
12 notes of the information that she provided?---Yes.

13
14 And I take it, I mean you seem to me to be a good
15 note-taker?---Yes.

16
17 Do you think you are by comparison to other police
18 officers, a conscientious note-taker who puts down most of
19 the details?---I take a lot of notes.

20
21 And they're legible, which is better. So you've basically
22 got the information that she's given during the course of
23 that meeting?---Yes.

24
25 And you've set out that information there, is that
26 right?---Yes.

27
28 During the course of your note-taking or your meetings with
29 her, did you seek to ascertain where the information came
30 from? In other words, how she got the information that
31 she was giving you?---Most of the time she'd tell us that,
32 yes.

33
34 Would you record where she's got the information
35 from?---Yeah, well that was, that was the point of having
36 an audio recorder going.

37
38 So on the tape, it will be there, if you've asked her
39 questions about it, it will be there?---Every word, every
40 expression, comprehensively.

41
42 So, for example, move away from this meeting?---Sure.

43
44 You've talked about your desire to get all the information
45 that you possibly can but then the real question was what
46 then goes out?---H'mm.

47

1 Right?---Yes.

2

3 You want to make sure that what goes out is sanitised,
4 firstly, to ensure that she's not known as the source, is
5 that right?---Correct.

6

7 In this case that was probably futile because the reality
8 is the people with whom you were dealing, primarily at
9 Purana, would have known who she was, is that right?---In
10 most instances, yes. That's why we started to devise some
11 other strategies like putting some, you know, [REDACTED]
12 [REDACTED] the IRs. These
13 sort of strategies to try and make sure that sterile
14 corridor was as effective as we could make it.

15

16 You would, I take it, want to make sure that you're not
17 passing on information that you had received from her which
18 was, to your understanding, the subject of LPP, legal
19 professional privilege?---Yes.

20

21 How would you do that? How would you satisfy yourself that
22 the information that you're passing on didn't fall within
23 that category?---We'd assess it in totality at the end of
24 the meeting before we disseminated the information reports.

25

26 I understand that, you would assess it. How would you
27 assess it? What criteria would you use to assess it?---We
28 talked about it amongst ourselves before we let any of this
29 information go.

30

31 Would you make sure that when you got the information that
32 it was recorded somewhere that there is at least a risk
33 this information might have come from a client of
34 hers?---There would be some instances in one of the
35 assorted contact reports where that would be specifically
36 addressed, yes.

37

38 Right?---And there are some instances where it is quite
39 clear information has been acquired by us and we haven't
40 actioned it for that reason.

41

42 Are you able to point to those or is it what you assume to
43 be the case?---Between the recordings, the contact reports
44 and the source management logs.

45

46 Yes?---That would give a comprehensive view of exactly the
47 process and what we'd disseminated and, more importantly,

1 what we held back.

2

3 Was it the case that the information would always go
4 through that analysis prior to it being passed on to the
5 investigators?---98 per cent of the time, absolutely.
6 There are some crucial time sensitive stuff and I'm talking
7 broadly here, where sometimes we would disseminate direct
8 to the investigators and then it would be captured as a
9 contact report. But that would be rare.

10

11 Right?---That would be occasions where we had a life
12 threatening situation or the investigators had arrest crews
13 or about to deploy the SOG, they needed to verify for
14 instance a house number or something like that, that would
15 be instances where we would give investigators a direct - -
16 -

17

18 What about a mobile number for example, a telephone mobile
19 number?---On occasions considering the overall
20 circumstances of the importance of that piece of
21 information.

22

23 Did you consider whether or not the mobile number had been
24 passed to Nicola Gobbo in circumstances importing a duty of
25 confidentiality or legal professional privilege, was that
26 something you considered?---Look, we'd have to go back
27 through the recordings, if it came from a face-to-face
28 meeting it would be captured and recorded on a recording,
29 otherwise we'd go through the contact report and understand
30 the context of how, where it came from.

31

32 As a co-handler was it your responsibility to make the
33 information report or was that the job of the
34 controller?---To make the information report?

35

36 Yes, to prepare the information report?---No, primarily
37 that was the role of the handler.

38

39 That was the handler's job?---Yes. So the handler would
40 prepare the contact report and then from the contact report
41 he would generate whatever information reports he deemed
42 fit and then that would be checked by the controller before
43 it was released or alternatively if he chose not to release
44 certain bits of information that would be recorded on the
45 source management log as to why that wasn't disseminated.
46 So when it got audited it would be quite clear that we
47 released this, didn't release that.

1
2 The ICO, the informer contact report, that's something that
3 the handler's responsible for as well?---Yes.
4
5 So if we look at your handwritten notes here we'll probably
6 find when we get the opportunity to do so, we'll go to the
7 ICRs and we'll see an ICR which more or less reflects the
8 notes that you've taken, is that right?---Correct.
9
10 Then if we follow it through to the information report, you
11 may well have prepared an information report arising out of
12 that ICR?---If I was the handler, correct.
13
14 If you were the handler?---Correct. There are also some
15 occasions where you would go back and listen to the
16 recording to check certain aspects of the meeting. So you
17 wouldn't just be relying on the notes in your diary,
18 particularly if you were the handler.
19
20 If you were uncertain about a particular subject you might
21 go back to the recording?---Correct.
22
23 So you would regard it as being necessary, would you, to
24 listen to the recordings or seek transcripts of the
25 recording, of the conversations that you've had?---There
26 were occasions where we transcribed part of some
27 recordings. It was unusual though. And depending on the
28 length of the meeting and the complexity of the meeting and
29 what the issues were discussed, you know, you'd probably be
30 listening to, I don't know, it wouldn't be a regular thing
31 you'd sit there and listen to all the recordings because we
32 just didn't have that luxury of time. But certainly the
33 key things you'd go back to, if you needed to check you'd
34 check the recording.
35
36 If we go to p.6 of the diary, 164, have you got - if you
37 can have a look at that?---Yes.
38
39 Page 6 of 159?---Yes.
40
41 We see that there's an entry, "Source 3838, handler [REDACTED]
42 Officer Peter Smith and there's an update?---H'mm.
43
44 A phone contact. [REDACTED], is that [REDACTED] called 3838"?---Yes.
45
46 "Supplied a verified mobile number of associate [REDACTED]
47 is that right?---Yes.

1
2 "Meeting with 3838 and [REDACTED] Intel re Mokbel being
3 raided, came from a male called [REDACTED]", et cetera?---Yes.
4
5 Now, at the bottom it says, "IR to be drafted re
6 intel"?---Yes.
7
8 I assume that means you drafted the IR in relation to that
9 intel?---No, [REDACTED] would have.
10
11 [REDACTED] would have?---He was the handler. So he's ringing me up
12 as the controller.
13
14 I follow?---Informing me of this phone call.
15
16 Okay. So it's the handler's responsibility to ring the
17 controller and convey the information that's gleaned
18 through the source contact, is that right?---Correct.
19
20 That's what's done there. If you go to the next page,
21 source 3838, this is at 19:00?---H'mm.
22
23 Page 7 of 159. "Handler Smith. Update info re possible
24 riposte corruption. Update of member of the MDID and IR to
25 be drafted for circulation"?---Correct.
26
27 Again, do you say that that IR is drafted for circulation
28 amongst the members of the SDU?---No, that IR would be
29 drafted for consideration to be circulated to be released,
30 acted upon, actioned.
31
32 So the controller would look at that, consider it, and then
33 if it's appropriate to be actioned it would then be sent
34 off, is that right?---Correct. Spot on.
35
36 Can I ask you about the concept of tasking. If we go to
37 p.8, the next page. Again, is the controller you're called
38 by Smith, source 3838, "Called by 3838, just received a call
39 from Milad", we assume that's Milad Mokbel, "Stating keep
40 phone on as he's expected to be raided by police tomorrow
41 morning", right?---Yes.
42
43 Did you understand that she was acting for or he was her
44 client?---Yes.
45
46 And, "NB, not known what the police organisation task.
47 Attempt to establish how got information". So can I ask

1 you, what's this concept of tasking, how does that fit into
2 the role of handler/controller of a source?---So speaking
3 broadly.

4

5 Yes?---That was one of the aspects we wanted to make quite
6 clear, what jobs, as it were, what jobs, what tasks did we
7 give to a human source.

8

9 Right?---On this occasion we wanted to attempt to establish
10 how got the information.

11

12 So how Milad got the information?---No, how she got the
13 information.

14

15 How she got the information?---H'mm.

16

17 So the task, is it a task that she's got to undertake or a
18 task that Smith's got to undertake?---Yeah, effectively they
19 both have.

20

21 Right?---Yes.

22

23 So the task is, "Attempt to establish how got information".
24 One assumes it's, what, how she got the information. The
25 answer is she got it from Milad Mokbel, wouldn't it be?---I
26 don't know that.

27

28 Don't know?---No. That's the point of the note.

29

30 I follow. How she got the information Milad Mokbel knew he
31 was going to be raided?---Well it could have come from
32 another person.

33

34 I follow. I notice the time. In fact I've been told of
35 the time.

36

37 COMMISSIONER: I'm just wondering, are we going to - how
38 long do you expect your examination to be? I'm just
39 wondering if we're going to finish today.

40

41 MR WINNEKE: If we don't finish today, depending on what
42 you want to do, my expectation is there's no need to have
43 Officer Black back tomorrow because the likelihood is we're
44 going to have to have him back in due course in any event.
45 I think we will be finished today one way or the other.
46 Unless you take the view that there are matters that you
47 want us to continue to go on with. But it might be

1 preferable if we let Officer Black go at any event today
2 because I think that we might need him back in due course
3 anyway.

4

5 COMMISSIONER: All right then. We'll adjourn until 2
6 o'clock.

7

8 MR CHETTLE: Before you do adjourn.

9

10

11 COMMISSIONER: Yes Mr Chettle.

12

13 MR CHETTLE: Can I just contribute to that issue, Madam
14 Commissioner?

15

16 COMMISSIONER: Yes.

17

18 MR CHETTLE: Obviously I haven't been able to prepare a
19 statement for Officer Black. Part of the problem is we're
20 anxious to actually put in front of you everything that
21 happened and that seems to us to involve getting just what
22 Officer Black said before, "Get the tapes, get what she
23 actually said, look at what we did with her with the IRs
24 ultimately and demonstrate what took place before her and
25 what was disseminated". At the moment, much in all as we
26 can get some general idea we can't get the detail that's
27 going to help you. We have always understood that we will
28 be preparing statements for all of our clients, including
29 Officer Black, and providing them to you which will cover
30 every contact and all the material they inter-related with
31 her and then what they did with it. It seems inevitable
32 he is going to have to come back again. Today I was
33 hoping to put before you a general overview, but to be
34 fair to him and any of the other witnesses they can't give
35 you any detail until they get the material that we need.
36 We have sought to get just that material and we are not
37 getting anywhere. You will undoubtedly be more successful
38 than we are and I just ask you to consider whether or not
39 it would be useful for you to get that material, allow
40 what we can have of it and we will be in a much better
41 position to do it properly rather than piecemeal. I only
42 make that suggestion because we'll be covering a lot of
43 ground twice otherwise.

44

45 COMMISSIONER: All right then. In terms of the general
46 overview, you've established what you can do with the
47 material you've got at the moment, is that right?

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MR CHETTLE: Yes. There's a couple of matters I want to clear up in re-examination that go to that but other than that, no.

COMMISSIONER: All right, thank you. We will adjourn until 2 o'clock.

LUNCHEON ADJOURNMENT

1 UPON RESUMING AT 2.04 PM:

2

3 COMMISSIONER: Yes Mr Winneke.

4

5 MR WINNEKE: Thanks, Commissioner. Mr Chettle asked you
6 questions about other senior officers who were aware that
7 Nicola Gobbo was an informer. I take it you can name those
8 people?---Yes.

9

10 So who would be, senior to you and to White, would be going
11 back to 2005 when she was first registered, who were the
12 senior officers aware then?---So immediate Inspector was a
13 bloke called Doug Calishaw.

14

15 Doug Calishaw, is it?---Yes.

16

17 C-a-l-i-s-h-a-w?---Yeah, that's right, Calishaw.

18

19 And what was his rank?---He was a Detective Inspector.

20

21 Yes?---There was - McLean was - - -

22

23 This is Geoff McLean?---He was a Senior Sergeant but he
24 spent a lot of time as the Detective Acting Inspector in
25 the Intel world sitting over the top of us from time to
26 time. There was a guy called Ian Thomas who was a
27 Detective Chief Inspector back in the days when we had
28 them, he was on a steering committee.

29

30 Yes?---Yeah, there was - Geoff Pope was in there from time
31 to time, we obviously had Tony Biggin, we had AC Danny
32 Maloney, we had - Tony Biggin, I've mentioned him.

33

34 Are you talking about in 2005 thereabouts?---Yeah, I'm
35 trying to slowly move my way through that.

36

37 No, no, I'll let you go?---Rod Porter was the Central
38 Source Register for Victoria Police.

39

40 He was aware?---Absolutely.

41

42 Yes?---There was a bloke called Rod Journing who was on one
43 of the steering committees. He was, I think back in those
44 days, was a Chief Inspector.

45 Do you spell his name?---J-o-u-r-n-i-n-g.

46

47 Yes, Rod Journing?---Rod Journing. And then working our

1 way through we had our inspectors who were Dean McWhirter,
2 who is an AC now. We had Rob Hardy, who was a Detective
3 Inspector. We had a bloke called, another Detective
4 Inspector called Andrew Glow.

5
6 Glow, G-l-o-w?---G-l-o-w. A lot of these times they were
7 the Inspector in charge of both the Undercover Unit and us,
8 the SDU, so they occupied dual roles.

9
10 Would you have had or would members of your unit have
11 discussions with those, any of the gentlemen that you've
12 referred to, about her actions as an informer, the sorts of
13 things that she was doing for the SDU?---Well Doug Calishaw
14 would have been, he was there at the start when she was
15 first taken on board by our unit. He was our immediate
16 Inspector. Certainly the Central Source Register, he has
17 to approve the registration ultimately for Victoria Police.

18
19 And that's Calishaw, is it?---No, Calishaw was our
20 immediate Inspector. The Central Source Register was -
21 sorry, his name's just fallen out.

22
23 COMMISSIONER: Porter?---Mark Porter, thank you.

24
25 MR WINNEKE: Mark Porter. So ultimately does he have to
26 approve the registration of this person?---Yes. He's the
27 Central Source Register and he signs off on every single
28 registration for Victoria Police.

29
30 What documents would he have seen in order to sign off on
31 her?---He's supposed to review the registration itself, the
32 actual registration form.

33
34 So there's a registration form?---Yes.

35
36 And would the register contain any risk assessment
37 document?---Probably not at this stage. The risk
38 assessment document would come along after the registration
39 was initially accepted, yeah.

40
41 So that comes afterwards, the acknowledgement of
42 responsibilities that might or might not be in a form, a
43 signed document, you've said?---Correct.

44
45 Would you expect that with a high risk person such as this
46 that there would be a document signed off on?---Yes.

47

1 You've said that that was a pro forma document, you thought
2 there might have been [REDACTED] points or categories; is that
3 right?---Yeah, the original acknowledgement of
4 responsibility I think actually was first published with
5 [REDACTED] points and then we expanded it many years later to
6 incorporate about [REDACTED] points.

7
8 Right?---But effectively the principles were unchanged.

9
10 Look, with an informer who's a legal practitioner - - -
11 ?---M'mm.

12
13 - - - one assumes that there would be specific
14 responsibilities that conceivably could or should have been
15 put in an Acknowledgement of Responsibilities arrangement
16 which wouldn't have been in this document?---You know, that
17 was the whole point of the Human Source Management Unit,
18 they're meant to - they are basically in charge of all
19 governance aspects in relation to every source
20 registration.

21
22 Right?---To my recollection, I'm pretty sure I'm right, you
23 know, this was the first barrister we had registered.

24
25 Right. And so one assumes that you would get directions
26 from above saying, "Righto, well look, with a barrister,
27 with a legal practitioner, you really should be putting
28 into an AOR her obligation not to disclose matters of legal
29 professional privilege or matters which are confidential",
30 and that should be in a document setting out the
31 relationship, shouldn't it?---In 2006 there was an audit
32 done by a Superintendent to AC Maloney where it highlights
33 every single source under management of the SDU and they
34 reported as far as a comprehensive audit was conducted on
35 our processes, paperwork and the objectives, 3838 was
36 actually delegated to Mr Biggin to do the review but
37 basically that holistic review of the Source Development
38 Unit went to Mr Maloney in 2006. They absolutely knew what
39 we were doing with that particular individual.

40
41 I follow that. It may well be we're talking about
42 hindsight but as I think you've said when you gave evidence
43 before former Justice Kellam, you said, "This was a
44 developing process, things happened reasonably quickly
45 here. This wasn't something that we'd dealt with before".
46 That's no criticism of you?---No, I accept that.

47

1 You maintain that position, that you were sort of on the
2 hop a bit?---Absolutely we were, yeah.

3

4 With the benefit of hindsight should a document, such as an
5 Acknowledgement of Responsibilities, if you were going to
6 be so brave as to get a barrister on board these days, make
7 it quite clear what information could and couldn't be
8 passed on?---At the end of the day we were operating under
9 policy that Victoria Police command drafted and
10 implemented. That's what we operated towards. When I went
11 to London and found the Ripple legislation and the Code of
12 Practice, it was quite an enlightening experience.

13

14 I notice it was one of the documents that you provided to
15 the Commission?---M'mm. I mean we are striving to try and
16 always adhere to best practice.

17

18 Yes?---And that was part of my motivation, to make sure
19 that we took source management further and further into the
20 future.

21

22 And obviously during the course of the Kellam inquiry you
23 were asked about that document which had been produced in
24 2002, we believe, and a case which had been determined in
25 the Court of Appeal in the UK in 2002 called Robinson, you
26 didn't know anything about that?---No.

27

28 You would hope, I assume, that those people who were
29 involved in setting up the program, including those people
30 who went overseas, would be on top of those sorts of
31 issues?---That's their job.

32

33 And it appears that they weren't?---Well we didn't have it,
34 so.

35

36 No, I understand that. How many informers did the SDU have
37 once it got going?---The SDU?

38

39 Yes?---I think we tracked - again without - we would need
40 access to the Request for Assistance folders, off the top
41 of the head I think we were tracking on average about ■■■
42 ■■■ assessments a year.

43

44 Yes?---And of actually registered sources we would probably
45 run somewhere between ■■■ and ■■■ throughout the year. Some
46 were short-term, most were short-term.

47

1 Most would be activated and deactivated in quite short
2 compass, what, during the course of 12 months?---Yes.
3
4 For a particular job or for a particular series of jobs,
5 would that be right?---Yeah, or they may have a
6 particularly unique issue that we had to de-escalate and
7 control as best we could.
8
9 All right. On average somewhere in the region of, at any
10 given time during that period - - -?---Actively on the
11 books?
12
13 Actively on the books?---At any one time, yeah, it would
14 probably be [REDACTED] something, without referring to the source
15 management logs.
16
17 I follow that. And there were [REDACTED] teams, were
18 there?---Yes.
19
20 [REDACTED] controllers, you and White?---Yes.
21
22 And you each had how many handlers?---We had [REDACTED] full-time
23 handlers and we had an analyst TIO each as well.
24
25 The [REDACTED] analysts might have, say, [REDACTED] sources between
26 them each?---The four handlers, correct?
27
28 Yes. In one crew. The other crew maybe the same, so 20 to
29 [REDACTED] people at any given time on the books?---Yeah, it was
30 unusual that 3838 took pretty well one of us offline
31 completely.
32
33 Yes. So your four handlers were - who were they?---I had
34 Officer Fox, Officer Anderson, Officer Green and Officer
35
36 Who was your analyst?---I primarily had [REDACTED].
37
38 White had?---Officer Smith.
39
40 Yes?---Officer Richards, Officer Wolf and Officer Haven. And the
41 analysts attached to White's crew was Ms Boulevard.
42
43 If I can just come back to your diary, I'm not going to go
44 through it laboriously, at least I hope I won't. You gave
45 evidence to Mr Chettle about the Acknowledgement of
46 Responsibilities, this is at p.20. This was during the
47

1 course of a 31 minute call duration. Were you an acting
2 handler at that stage? Can you tell by looking at your
3 diary?---Yes, I would have been.

4

5 That appears to relate to, if you go back to p.193, 17 of
6 159 - p.17 of 159. So we're talking about 28 November 2005
7 and then there's a call, if you go over to the following
8 page, which is p.18 of 159?---Yes.

9

10 There's a telephone call, "Called 3838 back. Following
11 stated: [REDACTED] visited". So she provides you with
12 information about [REDACTED] Yep.

13

14 And you've got all the information there that she's
15 provided?---Yep.

16

17 At that stage would you have known that [REDACTED] was a
18 client?---Yeah, look, I'd have to refer to the log.

19

20 All right. I'll leave that for the moment, or leave that
21 alone actually. Then at the end of all of that you say
22 that you reinforce the human source's AOR, this is at
23 p.20?---Yes.

24

25 How did you do that? What's the process of reinforcing the
26 AOR?---Reminding her of the ten points.

27

28 Right, okay?---So we would basically regurgitate the
29 Acknowledgement of Responsibility and remind her to, as it
30 were, stay on track.

31

32 Effectively what you're doing is you're rehashing or
33 repeating that ten point pro forma?---M'mm, precisely.

34

35 Not any specific document relating to her, but the ten
36 point pro forma which relates generically to informers,
37 right?---Everyone that we spoke to we assumed they're
38 recording us, even though we knew we were recording them.
39 So it was quite important for us to make sure that we got
40 this stuff correct.

41

42 Yes. I'll ask you this. It says this: "31 minute call
43 duration. Reinforced human source AOR. DSU expects HS to
44 lawfully operate as" - it seems to read BRU, but I might be
45 wrong. What does that say?---Business as usual.

46

47 Business as usual, righto. That is, "3838 is lawful.

1 Source appeared tired and lonely and enjoyed ST DSU". So
2 it appears that she seems to be enjoying the
3 contact?---Indeed, she loved it.
4
5 At various times you questioned yourself as to whether or
6 not she was engaging lawfully, didn't you?---Very much.
7
8 So, for example, at one stage we read that - I think it was
9 Mr Karam asked her to check out a few registration
10 numbers?---M'mm.
11
12 It occurred to you if he believes that she's going to be
13 able to provide rego numbers, then there must be something
14 going on there?---Precisely.
15
16 And so that gave you cause for concern I assume, did
17 it?---Yes.
18
19 Then if you go over to p.23 of 159, at the bottom at 22:06,
20 "3838 called me back". Go above that, [REDACTED] is waiting
21 for her at her office, do you follow that?---Yes.
22
23 So clearly [REDACTED] is in her chambers or in her office where
24 she works as a barrister?---Yes.
25
26 You would assume, I take it, from that circumstance that
27 he's consulting her in her professional capacity, would you
28 make that assumption?---That was one option.
29
30 Right?---The other option is he wanted to have a
31 relationship with her.
32
33 You get some information from her and you record that,
34 right?---Yes.
35
36 And then at the bottom of that you called and updated Jim
37 O'Brien at Purana of the ketone issue, do you see
38 that?---Yes.
39
40 I asked you before about the process of providing
41 information to investigators?---Yes.
42
43 This is an example, isn't it, of immediately, rather than
44 going through the information report process, immediately
45 getting on to the phone and contacting the
46 investigator?---Correct.
47

1 Right?---Not just any investigator, he was our point of
2 liaison for the Purana Task Force.

3

4 Right?---So we always just tried and dealt with a single
5 point so the information was recorded at one single point.

6

7 Was it always him that you spoke to if you needed to speak
8 to someone at Purana?---He was our official point of
9 liaison person. There were occasions - - -

10

11 Were there other persons you spoke to?---There were
12 occasions when he wasn't available so we would seek out the
13 most appropriate person after that.

14

15 Okay. We see as we go through the diary that you've
16 highlighted a number of aspects of it. One assumes the
17 highlights relate to matters pertinent to the sorts of
18 things that the Commission's interested; is that
19 right?---Well this was done back prior to - this was during
20 the Loricated phase when I was given the task to collect
21 the diaries and sanitise my diaries, yes.

22

23 Is that right? So you were told to get your diaries
24 together and sanitise them?---Yes. I was instructed to
25 hand over everything in relation to 3838 to Loricated,
26 which I did.

27

28 In that process you highlighted aspects of it for your own
29 purposes obviously?---Yeah, I had basically five years of
30 material I had to go through in a matter of handful of
31 weeks, plus - - -

32

33 You photocopied the diaries, or the relevant aspects of it,
34 provided it to the Loricated people?---Yes.

35

36 And one assumes that you highlighted those aspects of it,
37 what, for Loricated or for your own purposes?---A bit of
38 both to be honest. Like whilst I was reading through the
39 material I was highlighting stuff as I went along.

40

41 All right.

42

43 COMMISSIONER: So what did you mean by sanitised?---So try
44 as best I could, remove stuff that was superfluous to 3838.
45 There was some key management stuff in there which I left
46 in there because I thought it might have been important.

47

1 MR WINNEKE: Are these documents the unsanitised versions
2 or sanitised versions, because there doesn't seem to be
3 much sanitisation in it?---The key pages I've left pretty
4 well intact because it was going to IBAC.

5
6 Yes, I follow?---Yeah.

7
8 So you didn't delete irrelevant material, if a page had
9 relevant matters on it you photocopied it and provided
10 it?---Yeah, so, you know, each diary is nearly 400 pages.
11 I had five of them and I got it down to 158 pages.
12 All right.

13
14 You were also getting information from her about Tony
15 Mokbel?---Yes.

16
17 You knew she was acting for Mokbel?---Yes.

18
19 Did you understand her motivation for being an informer?
20 Did you glean that from her, why she wanted to inform?---It
21 seemed to change almost on a weekly, monthly basis. She
22 wanted Mokbel out of her life was one of the reasons why,
23 that she explained to us.

24
25 Right. When you say "us", you?---The SDU in totality, the
26 various handlers and controllers. It was no secret.
27 Again, that will be on the recording.

28
29 Sorry, I interrupted you. Sorry?---And that will be on the
30 recordings.

31
32 Okay. Were there other motivations that you understood her
33 to have?---Yeah, she was lonely.

34
35 Yes?---She loved - - -

36
37 Was that a stated motive or was an that assumed motive?---I
38 spent - it was a stated motive. I spent a long time one
39 particular day when, you know, helping her through - it was
40 the anniversary, I think, of the passing of her father.
41 She had no one else to ring but us. Quite sad really.

42
43 Indeed, on Christmas Day, I think Christmas Day of this
44 year I think she was speaking to you?---Correct. Yes. And
45 she also, I think, liked the notoriety. She liked to know
46 what was going on. I think she described to one of her
47 handlers that she viewed it as a sport. She liked to

1 figure out where the information came from.

2

3 Can I ask you about this. If we go to p.29. There's a
4 reference to - about the middle of p.29, she's worried
5 about whenever she's called to [REDACTED],
6 right?---M'hmm.

7

8 We can assume that that's a [REDACTED]
9 [REDACTED]?---Yes.

10

11 And you understood that to be the case?---Yes.

12

13 Would you have expected her to tell you if she was
14 summonsed to a hearing such as that?---It's a predicament
15 that we had which again was something we'd never struck
16 before where we're running an asset, an asset is called to
17 a [REDACTED].

18

19 Yes?---How do we control someone's personal safety if we
20 don't know what that individual is doing and, more
21 importantly, how that impacts on our personal safety as
22 well?

23

24 Right. The situation arose, didn't it, when she was called
25 before the OPI the following year?---Yes.

26

27 And indeed do you know whether in 2006 she was in fact
28 called to [REDACTED]?---On that particular
29 occasion, on that particular date she volunteered that
30 information to us without us eliciting it.

31

32 I follow that?---M'mm. I don't know what happened after
33 that.

34

35 You don't know whether she [REDACTED]?---I
36 don't know, and I expect that be to addressed on the source
37 management log.

38

39 Okay?---Because that's quite a significant issue for us.
40 Again, there's quite a policy gap in relation to that as
41 well.

42

43 Well, if we can move forward to - effectively you say,
44 "Look, I don't know what happened with [REDACTED],
45 [REDACTED], I wasn't involved"?---I
46 don't know. She volunteered it.

47

1 I follow that?---Yeah.

2

3 Would you discourage her from telling you that sort of
4 thing?---Well once she tells us we can't unknow it. We've
5 got an obligation to record it, it's a matter of what we do
6 with it, I guess, after that will be, is what we're judged
7 on.

8

9 I mean that's the problem, what do you do if she is called
10 before - - - ?---It's a problem.

11

12 Well it's a problem. Do you get some advice about
13 it?---Well it depends on what we did with it.

14

15 Were your superiors aware of it? Say, for example, if we
16 talk about the case in 2007 where we've already heard that
17 Ian Hill gave her some advice, were your superiors aware of
18 the predicament with respect to her being called before an
19 OPI hearing?---I'd love to have access to the source
20 material log because that's where that detail would be.

21

22 I'll leave that alone, if you're not able to help us about
23 that. Can I ask you about - I'll move on. If we can go to
24 p.35 - in fact we go back to 34. You called 3838 at work,
25 you having missed a call from her at 20.15; is that
26 right?---Yes, so when I call her at work the terminology is
27 I actually rung her mobile and she's at work. I don't call
28 her at the office.

29

30 COMMISSIONER: What date is this, please?

31

32 MR WINNEKE: It's 7 December 2005, Commissioner.

33

34 COMMISSIONER: Thank you.

35

36 MR WINNEKE: At p.212 of the diary, 34 of 159 it is.

37

38 COMMISSIONER: Thank you.

39

40 MR WINNEKE: If we go down to the bottom of the page. You
41 called her, she was at work. She's been busy with other
42 clients?---Yes.

43

44 And she sees Karam. Karam's a client and she's been
45 dealing with other people but Karam comes to see her; is
46 that right?---Look, I don't know whether Karam was a client
47 at that particular moment in time.

1 All right. In any event Karam - if you go over to the
2 following page?---I just - just reading through the note
3 there, like, you know, he's a client. So Rob Karam uses
4 her mobile phone to call an associate. Like, it seems
5 rather odd behaviour.

6
7 In any event that's what he does?---Yes.

8
9 If you go to the following page, he thinks he's under
10 surveillance and he gave 3838 a piece of paper and asked if
11 she could find out some rego numbers. We were talking
12 about that before?---Sure.

13
14 And she's tasked to do certain things?---Yes.

15
16 Is that something which would regularly occur, to your
17 knowledge, that she would be tasked to find out certain
18 things, to do certain things in relation to people for whom
19 she was notionally acting?---Not that she was strictly
20 acting for, no.

21
22 Right?---But in these circumstances we saw that as an
23 opportunity and we absolutely pursued it.

24
25 Yes. When you say an opportunity what do you mean by
26 that?---I've written next to, under "tasked, retain paper,
27 tell Karam can't find out till next week". Goes on, "May
28 have someone who could help next week". That's an
29 opportunity for us to [REDACTED] into that.

30
31 [REDACTED], absolutely.

32
33 Right?---I mean Karam is a major target for law
34 enforcement across Australia.

35
36 Can I ask you this: he's not a target for the SDU, he's a
37 target for investigators?---Correct.

38
39 So you know he's a target because you know that Jim
40 O'Brien's team or people at Purana or other investigative
41 bodies are looking at Mr Karam; is that right?---Rob Karam
42 is a crook.

43
44 Yes?---We had an opportunity to possibly think about a [REDACTED]
45 [REDACTED] with an opportunity for some information we
46 received hot off the press. This is what we're trained
47 for.

1
2 Do you liaise closely with the investigators about that so
3 as - do they tell you what their tactics are or do you tell
4 them what you think the tactics should be?---So generally
5 when we're deployed or contracted for an investigator,
6 whether we're running a source or they've provided us a
7 source, we would generally have weekly meetings, where most
8 of the time we would sit and listen and see what strategies
9 we could be able to do or some other opportunities we had
10 even with other assets that may be able to progress their
11 job.

12
13 You spent a fair bit of your time at St Kilda Road even
14 when you were notionally located [REDACTED], you spent a
15 lot of your time at St Kilda Road dealing directly with
16 investigators?---Yes.

17
18 Again, that would be unusual, wouldn't it, if we're talking
19 about the SDU and the, you know, the sterile corridor
20 situation?---Unusual how?

21
22 Well, if what you're saying is this, the way in which the
23 unit was developed with one of the four pillars being the
24 sterile corridor, the information comes in and then it's
25 fixed up and then sent out to the investigators with the
26 investigators not knowing much about it, what I'm
27 suggesting is that that's not the way Gobbo was being used
28 by the investigators and you in this case?---Well part of
29 our - I mean ultimately the SDU was a service to the
30 investigators.

31
32 Yes?---So we would go to these meetings and just because we
33 were handing them information reports or trying to develop
34 their investigation plans, it didn't necessarily mean that
35 all the Intel came from that one asset.

36
37 Right?---It could have come from anywhere.

38
39 Right?---And, again, as these jobs evolve a lot of these
40 criminal associates are known to each other, mix in the
41 same circle of friends or attend common places.

42
43 Right?---And they're all tasking opportunities that we can
44 exploit.

45
46 In this case it was the situation that there was a
47 particular advantage for this source and that is that she

1 had access to some pretty high level crooks because of her
2 position as a barrister and - I'll stop there - as a
3 barrister?---And socially, yes.
4
5 And socially, right. So if we go, for example, to p.42 at
6 20:15, right?---Yes.
7
8 You see there you get a call from Jim O'Brien at
9 20:15?---Yep.
10
11 And Adam Ahmed has been sentenced to 19 years?---Yes.
12
13 I take it you knew who Adam Ahmed was or Azzam Ahmed?---I
14 know Ahmed very well.
15
16 He'd been sentenced to a pretty hefty sentence for various
17 activities involving the production of drugs, amphetamines,
18 pills and so forth?---I was aware he was sentenced in
19 relation to drug trafficking, yes.
20
21 He's associated with Mokbel? If you don't know - - - ?---I
22 don't know.
23
24 Okay. But nonetheless you were aware that he had been a
25 client of Gobbo's?---Yes.
26
27 And it seems that O'Brien was aware of that?---Yes.
28
29 And there was a suggestion that he could be used, and there
30 was a possibility of him giving evidence now or in the
31 future, right?---Yes.
32
33 How was that going to be achieved? Was that going to be
34 achieved through the use of 3838 or Nicola Gobbo?---That
35 may have been one outcome. The fact is Jim O'Brien called
36 me and raised the possibility of that strategy.
37
38 The strategy - - - ?---And it's got there, the SDU to
39 canvass.
40
41 The idea being that it may well be that she could be used
42 because of her past, either personal or professional,
43 relationship with Azzam to get him to provide evidence?---A
44 possibility, correct.
45
46 Okay, all right. Was that ever followed up?---I don't
47 know, I'd have to refer to the source management log.

1
2 I think, to be fair, if we sort of move through it?---Yes.
3
4 I think you did speak to her about that, did you? Do you
5 recall or not?---I don't recall.
6
7 All right. If we go to p.46. Do you see there's a
8 highlighted part there which you've highlighted and put an
9 asterisk against, [REDACTED] and [REDACTED]
10 [REDACTED]?---M'mm.
11
12 Spoke to solicitor Valos. I assume that's Jim Valos, is
13 it?---Yes.
14
15 Firstly, do you know who [REDACTED] is?---Yes.
16
17 Who's he?---He was a Detective Sergeant attached to
18 VicPol's Asian Squad and then he got a secondment, I think
19 he went to the Crime Commission.
20
21 The ACC?---Yes.
22
23 [REDACTED]'s obviously a detective, a Victorian Police
24 detective?---Yes.
25
26 And then there was a reference to Mr Bickley and below
27 that - so you had a discussion. Was that a discussion with
28 her about these matters? Just have a look at the - - -
29 ?---I think, as I'm reading through the diary entry note,
30 yeah, it looks like she's raised the issue.
31
32 "Mr Bickley is called. Yesterday, Theo Magazis. Brief
33 served. Lots of evidence against", et cetera. "Told Theo
34 that his client calling human source. Coffee with
35 Mr Bickley tomorrow". So clearly there's information there
36 that appears to concern Mr Bickley and the fact that she's
37 in some sort of a relationship, whether it be, one assumes
38 professional, or perhaps not?---Or perhaps not, correct.
39
40 Right?---There's some sort of relationship there, yes.
41
42 Adam Ahmed, did you discuss the possibility that was raised
43 by Jim O'Brien previously about her being used with respect
44 to Ahmed?---I'm just reading through my diary note there.
45 It doesn't seem we specifically did, which would not be
46 particularly unusual, because the last thing we want to do
47 is flag to the source what the investigative strategies may

1 be. This may be a meeting where we simply, as it were,
2 tested the waters.

3
4 Well, it seems that she's told you that he'll remain loyal
5 to Tony Mokbel. "His mother had a stroke on the weekend.
6 Adam knows strokes through my experience." One assumes -
7 and it goes on, "Appeal will reduce to 13 years, he'll do
8 it hard. Adam will not turn". One assumes that you
9 followed up that suggestion, not being critical or
10 otherwise?---No.

11
12 That O'Brien put and that you've put it to her?---I mean
13 this is a classic example of where sterile corridor comes
14 in. The investigator floats an idea. We test it with the
15 source, we risk assess it, and we make a decision whether
16 we progress it or not. It seems they're pretty loyal.

17
18 Okay. If we go to p.52, it seems that you've recorded
19 "possible avenues against Tony Mokbel, explore"?---M'mm.

20
21 Are they matters that you are raising with Ms Gobbo?---No.
22 These are - this is some notes I made during a meeting
23 where we're sitting there listening and she's talking and
24 as she volunteers this information we're recording it and
25 I'm just making a note here "possible avenues against
26 Mokbel".

27
28 Right?---She talks, I write. Again, this will absolutely
29 be captured on a recording.

30
31 This is a face-to-face meeting?---Correct.

32
33 You believe; is that right?---Yes.

34
35 Yes, it is. If we go to p.71, 21:47?---Yes.

36
37 You got a message to call Ms Gobbo. [REDACTED] wants to
38 meet her, that's at 21:38, and then you call her back.
39 This is Christmas Day 2005?---M'hmm.

40
41 She wants directions with respect to tasking about [REDACTED]
42 and she's happy to see [REDACTED] and she'd like to. Now, was
43 that unusual that she would say to you, "Look, give me some
44 direction, I want to know what to do"? Just read that and
45 tell us what the answer is to that question?---That would
46 not be unusual. She would tell us about certain
47 opportunities she had and she said, "Do you want me to do

1 it or not?", in short. But this was particularly important
2 as we highlighted here, you know, in relation to, you know,
3 instruct her to stay in a public place and be visible, like
4 we're worried about her welfare, about any possible harm
5 that may come to her.

6
7 Right. At various stages, and certainly prior to the
8 arrest of [REDACTED] she got quite concerned, and
9 indeed I think she said at one point she was depressed, she
10 told you, because she'd in effect given you, and you had
11 given the investigators, the means by which they were able
12 to arrest [REDACTED] do you recall that?---I don't recall
13 that specifically. I recall the depression aspect she was
14 going through. Whether that was directly attributed to the
15 point of [REDACTED] I'd have to - if you could direct me to
16 something in my diary but I'd have to check the contact
17 report or the source management log.

18
19 I'll come to that?---Sure.

20
21 Perhaps I'll ask you about this. There's a reference on
22 p.71, and indeed I think there's references elsewhere, to a
23 car wash which she had?---Yes.

24
25 Were you aware that she had purchased a car wash?---No, not
26 until I got told.

27
28 Told by her?---By her, yes.

29
30 Righto. Was that information that you passed on to anyone
31 for the purpose of investigation to see where she got the
32 wherewithal to buy a car wash?---I would have to check the
33 contact report but I would expect that piece of information
34 would have been shared, absolutely.

35
36 Yeah, all right?---Particularly with Matthew Tomas.

37
38 With who?---With Tomas. From my memory, and just reading
39 my note again, Tomas was involved in this car wash
40 business.

41
42 This is the car wash that Ms Gobbo's involved in with
43 Tomas, is it?---I understand that conversation evolves over
44 the next period of time off my memory, yes. Tomas is a
45 criminal.

46
47 Was it your understanding that she ran or she owned a car

1 wash with him?---Again, without referring to the contact
2 reports, that was my recollection, yes.

3

4 COMMISSIONER: And that's Thomes, T-h-o-m-e-s?---I
5 apologise, it's without the H, T-o-m-a-s, Matthew Tomas.

6

7 T-o-m-a-s?---Yes.

8

9 Thank you?---Again, in 2005, Tomas' name meant something to
10 me because I'd arrested him.

11

12 MR WINNEKE: Prior to this or after this?---Yeah, 1996 I
13 arrested him for murder.

14

15 Right. Well you probably wouldn't forget him?---No.

16

17 COMMISSIONER: Was he not convicted?---He beat the trial,
18 m'mm.

19

20 MR WINNEKE: All right. You were aware also that she was
21 communicating directly with members of Purana; is that
22 right?---Sorry, can you repeat that question?

23

24 I'll ask you, were you aware that she would be speaking
25 directly to investigators at various times?---No, I wasn't
26 aware of that.

27

28 Did you - - - ?---Other than the occasional, I guess,
29 business as usual sort of stuff, an activity as a
30 barrister yes, but as far as source Richards's stuff, no,
31 that would be - I wasn't aware of that.

32

33 Were you aware that previous to coming on board with the
34 SDU she had been providing information to Stuart Bateson,
35 for example?---Yeah, we'd become aware of that during the
36 process, yes.

37

38 What was your - did you speak to her about that?---My
39 involvement with her at the early stages wouldn't have
40 addressed that, no.

41

42 Okay?---This was all during the request for assistance
43 assessment phase.

44

45 If we go to p.82 you'll see that there's an entry there
46 which is following on from a telephone call that you made
47 that day I believe. If you go back to p.80 you'll see that

1 there was a call commenced at 14:02?---Yes.

2

3 And it was about a dinner which was attended on 28 December
4 and if you go back over to 82 you see that she "met
5 Mr Bickley yesterday". A tape recording was done, do you
6 see that?---On p.82?

7

8 Yes?---Yes.

9

10 Can I ask you what that refers to, the tape
11 recording?---Again, I'd have to check the contact report in
12 relation to the exact context of that. She obviously said
13 that a tape recording done, I don't know exactly - - -

14

15 It may well be that Mokbel tape-recorded Mr Bickley but did
16 you ever provide her with a tape recorder to tape any
17 conversations that she had with anyone?---I didn't.

18

19 Do you know whether the SDU or anyone at the SDU ever did
20 from your knowledge?---I'd have to check the source
21 management log. That wouldn't be a usual practice of us.

22

23 Right. So what you can say is it wasn't a practice but
24 it's possible but you'd need to check the log?---Correct.

25

26 Do you know whether she was ever tasked to go and visit
27 people in custody by the SDU?---Not that I'm aware of.

28

29 Do you know that she was ever, whether she was ever tasked
30 by members of Purana to go and have conversations with
31 people in custody?---Not that I'm aware of.

32

33 Okay. In any event, after this long conversation with 3838
34 you contacted Lisa Burrows; is that right?---Yes.

35

36 She was at which task force?---I believe she was part of
37 Purana.

38

39 All right. And you updated re 3838. How do we know what
40 you tell Lisa Burrows?---Well I'd have to refer to the
41 contact report as to what was disseminated to the
42 investigators.

43

44 That's a contact report which might be prepared at some
45 stage thereafter. You've had the conversation which starts
46 at 14:02, it goes for quite some time obviously?---Yes.

47

1 Immediately afterwards at 2.30 you call Lisa
2 Burrows?---Yes.
3
4 So you've taken notes of the conversation and there's
5 obviously discussions about Milad, Tony Mokbel, et
6 cetera?---Yes.
7
8 References to Bednarski. How can anyone be certain about
9 what you say to Lisa Burrows immediately after that?---Well
10 it'll be in my contact report.
11
12 But how do you know that what you've said in the
13 conversation is the same as what's in your contact
14 report?---Because I typed up the contact report.
15
16 Yeah, but you didn't type it up between getting off the
17 phone and 2.30?---I've got pretty good notes of what I
18 discussed with the source and what I discussed with
19 Burrows.
20
21 So you will have set out in your contact report that which
22 you have conveyed to Burrows, will you?---I'd expect so,
23 yes.
24
25 Okay, all right. You also warned regarding what in the IR,
26 versus what goes into the affidavit?---Yes.
27
28 Versus what investigators are telling you. What's all that
29 about?---Sterile corridor.
30
31 Just explain that?---Yes. So it's all about investigators
32 making sure they don't incriminate the source and attribute
33 the information back to the source. Basically stick to
34 what is in the information report.
35
36 Right, I follow that?---And in fairness, if you follow
37 through then, ten minutes later I ring Officer White and give
38 him an update. He's my controller at that particular
39 point in time. So again - - -
40
41 You need to drive this investigation, get priority for
42 Operation Purana, what's that all about?---It seems like
43 we've got some opportunity and it was an investigative
44 strategy we think we can pursue.
45
46 What I'm not sure that I understand is, I mean effectively
47 Purana are the investigators but you're saying, "We need to

1 drive the investigation". I'm just not too sure how that
2 fits in with the sterile corridor situation, do you know
3 what I mean?--Not really. Our job is to run the source,
4 identify strategies and opportunities for us to exploit the
5 information and intelligence.

6
7 Righto?--And that's something - we're a service to the
8 investigators and that's what we're supposed to do, spot
9 these opportunities and exploit them as best we can.

10
11 Maybe that's not an appropriate description, you driving
12 the investigation. Do you reckon that's an appropriate
13 description in terms of what you're doing?--Ultimately
14 it's up to the investigators and their command what they
15 want to do about it.

16
17 Yes?--But our obligation is to provide them with as many
18 opportunities as we possibly can.

19
20 Okay?--If they take it, they take it. If they don't, so
21 be it.

22
23 I asked you before about her feeling depressed. If you go
24 over to p.84. 10.29, "Called by 3838 again. Just
25 finishing watching the DVD that ██████ left", and this is a
26 Leap of Faith video, you recall that. "██████ dropped it
27 off tonight. Romantic theme. She's feeling depressed.
28 She feels guilty about disclosing", and we can't see the
29 bottom of your diary. There may be may not be anything
30 written down there. But then over the following page, "He
31 trusts her". You say, "Well look, you're doing the right
32 thing". You outline that lives were ruined from
33 amphetamine and ecstasy and her cooperation is voluntary
34 and "██████ has to realise life of crime has to stop, DSU
35 could actually assist", and that's 20 minutes, and
36 reassurance, et cetera?--M'mm.

37
38 Right. Effectively you're reassuring her that she's doing
39 the right thing?--I think I said at the outset, we quickly
40 became an emotional crutch for her. ██████ wanted
41 to have a relationship with her.

42
43 But, look, the reality is she's acting for him.

44
45 MR CHETTLE: Commissioner, I don't know if I can object.
46 It's the first time I've done it. It's a question of when.
47 I think there's no doubt she had acted for him in the past.

1 She was acting for the [REDACTED] that he was charged with.
2 At the time the information was provided to the
3 police - - -
4

5 COMMISSIONER: What's your objection, Mr Chettle?

6
7 MR CHETTLE: The question is he was acting for her.
8

9 COMMISSIONER: You want him to be more specific?

10
11 MR CHETTLE: At the time the information was received I
12 submit he's not.
13

14 COMMISSIONER: All right. Would you be more specific in
15 your question, Mr Winneke.
16

17 MR WINNEKE: Let me put it this way: what steps did you
18 take to find out whether or not she was acting for him in a
19 legal capacity at that time you're getting the information,
20 you're telling her these things, what steps did you
21 take?---We asked her.
22

23 All right. When did you ask her?---During the meetings.
24

25 Right?---She volunteered this information. As you see, as
26 we go through a conversation she picks a topic and off she
27 goes.
28

29 All right. What I'm trying to ascertain is do you make it
30 clear - you say that you understand the situation with
31 respect to legal professional privilege?---Yes.
32 And you say, "I don't want to pass on information that
33 might have arisen out of a professional relationship",
34 right?---Yes.
35

36 What I want to know is what steps you take to ascertain to
37 yourself whether the information that she's passing on to
38 you she gets in the context of a confidential relationship
39 or not, that's what I'm asking you? What steps do you
40 take?---We speak to her. She asks us, she tells us
41 regularly about - - -
42

43 I understand you speak to her but - - - ?---Can I finish
44 answering the question?
45

46 Yes, go for your life?---She speaks about, on a regular
47 occasion, she's dealing with other clients, dealing with

1 clients, dealing with issues, rah, rah, rah. At this point
2 in time we have probably Australia's [REDACTED]
3 [REDACTED] arriving, dropping off a romantic video to her, of a
4 romantic theme. My understanding is she wasn't acting for
5 him. We know he was involved in an [REDACTED] that he
6 hadn't been arrested for. So that was our interest in
7 [REDACTED]

8
9 I follow you know he's an [REDACTED], but largely that's
10 because of information she provides to you?-- [REDACTED]
11 has been a target of law enforcement across Australia for
12 years.

13
14 I know that, but in terms of this particular [REDACTED] the one
15 at [REDACTED] near the [REDACTED], you know about more
16 or less because she provides you with that
17 information?--With all due respect, we knew nothing about
18 [REDACTED] Our interest was we thought he may have had a
19 [REDACTED] out in the [REDACTED].

20
21 Ultimately the lab was discovered as a result of the
22 information that she provided?--Absolutely.

23
24 Right, okay. Indeed, ultimately [REDACTED] was arrested and
25 were you involved - were you present when he was arrested
26 or not?--No.

27
28 Obviously you're not involved in compiling a brief, that
29 was a matter that, was it Mr O'Brien, Mr Flynn were
30 doing?--Correct.

31
32 Can I take you to p.116?--Yes.

33
34 It seems that there was a - this is I think the 22nd of
35 August. A brief's been compiled, one assumes, at this
36 stage. Have you read that?--Yes.

37
38 Just have a look at it. Yes, okay. There's an issue about
39 disclosure and discovery, isn't there?--Sure.

40
41 And the issue is what went on. Indeed Mr [REDACTED] is
42 wanting to know what went on when [REDACTED] was arrested,
43 Mr [REDACTED] is acting?--Sure.

44
45 Correct?--Yes.

46
47 And the OPP want a transcript and there are a number of

1 tapes, okay. Now, firstly, can I ask you, with respect to
2 the tapes, are these 464 tapes or are these covert
3 tapes?---My understanding of this entry it relates to the
4 464 tapes.

5
6 Right?---Again this'll be covered on the source management
7 log.

8
9 If you read the entry here it says there was an interview
10 that started at 16:14. It starts at the top, legal advice
11 and there's DNA, a request, I assume. There are two tapes.
12 "OPP want transcripts of arrest", it says "nigh". Is that
13 "arrest night"?---Sorry, can you direct me to where - - -

14
15 Sorry, at the very top, "OPP wants transcript of arrest",
16 it's either "nigh" or maybe it's "rights". What is it, do
17 you know?---Yeah, "arrest" - it'll be "rights".

18
19 There are two tapes there. Then the third tape, "Spoke to
20 legal counsel, detailed some conversations". Now what
21 would that be? Would that be a covert tape or would that
22 be an overt tape?---I don't think there's any - I think
23 these are all overt tapes.

24
25 Then there's a fourth, et cetera, four confessions?---Yes.

26
27 And "since he's made 40 plus statements", do you see
28 that?---Yes.

29
30 And then there's an arrow which is boxed and says, "Plead.
31 Do they, the OPP need the transcripts to be tendered", do
32 you see that?---Yes.

33
34 And you've spoken to O'Brien and Flynn?---No, that's - this
35 is - I'm just trying to get my bearings here. These are my
36 diary notes.

37
38 Right?---Of an office meeting with Superintendent Biggin
39 that starts at 10 o'clock. This is a meeting that we have,
40 it starts on p.115, starts at 10 o'clock.

41
42 Yes?---I beg your pardon. No, I beg your pardon. I'm just
43 trying to get context.

44
45 You're missing a page?---Yes, I'm just trying to get the
46 context around this meeting.

47

1 Unfortunately we can't get the context because we don't
2 have p.205?---Yes, so looking at the timeline, if you turn
3 over the page at 117 it says we conclude the operational
4 aspects. That's p.207. This is all part of an office
5 meeting.

6
7 Righto, okay?---So again, these are covered in - we have
8 minutes of this meeting and then most of the time that will
9 also then be cut and pasted straight into the source
10 management log.

11
12 I follow that. I'm not suggesting that this is a call with
13 3838. What it does appear to be are your notes about
14 issues which have arisen because either the OPP or
15 Mr Hargreaves wants to have produced - - - ?---Absolutely.

16
17 - - - documents?---This a conversation between Biggin,
18 myself, Officer Fox, Officer Green and Ms Boulevard. These are my
19 notes.

20
21 Someone in any event has spoken to O'Brien and
22 Flynn?---Correct.

23
24 Whether it be you or someone else, whether it be Biggin or
25 whoever it might be, correct?---Correct.

26
27 Then you see PII and methodology, right?---Yes.

28
29 So PII, public interest immunity and methodology?---Yes.

30
31 Then you've got written underneath that, "Source, party to
32 confession"?---Yes.

33
34 You don't want there to be disclosure of those
35 matters?---Of course not.

36
37 Of course not?---M'mm.

38
39 Defence wants it, it seems?---I accept that.

40
41 OPP may want to get it, it seems, and you've said, "And
42 there's a concern that the source is a party to the
43 confession", right?---Yes.

44
45 Now bear in mind that she gives him legal advice on this
46 night, correct?---I wasn't there when this happened.

47

1 I understand that. But if she's a party to the confession
2 it might well be that she's involved in the
3 confession?---No, it's not that simple.
4
5 No. Well perhaps if you can explain it?---I wasn't there.
6
7 Well you made the notes?---I made the notes as a
8 participant to this meeting with Detective Superintendent
9 Biggin.
10
11 All right?---We'd have to refer to the office minutes.
12
13 All right. In any event, at 14:00 hours Jim O'Brien and
14 Dale Flynn meeting at Purana to discuss the police
15 response. I assume that's to discuss the response to the
16 request for disclosure?---Indeed.
17
18 And it says, "us", is that us?---That's us, the word us,
19 yes.
20
21 "Don't release the tapes"?---Yes.
22
23 Now whether or not the tapes were released, don't know?---I
24 don't know.
25
26 But in any event as far as you were concerned that
27 information oughtn't be released?---Correct, because we've
28 already flagged the fact there's a PII matter at play.
29
30 Look, the reality is, and this may not be a question for
31 you?---Sure.
32
33 And it might be a question for Mr O'Brien, but the fact is
34 she is being used to get information which has in effect
35 potted [REDACTED] Now that might well be very significant
36 information to the legal practitioners acting for
37 [REDACTED] I can't comment on that because I wasn't
38 there.
39
40 All right. Look, the reality is ultimately in 2008, if we
41 move forward, these issues loom quite large, don't they,
42 because there's this tug of war between you and Purana
43 about whether or not she should remain an undercover or
44 whether she should be a witness?---Correct.
45
46 Right. And as we've already seen to some extent, one of
47 the reasons why you think that these materials - that she

1 oughtn't be is because of the potential downside to
2 Victoria Police reputation wise, the possibility of
3 convictions being upset and so forth?---Our primary
4 responsibility was to keep her alive.

5

6 I understand that. I understand that?---She was already
7 subjected to sordid threats so it was a live issue for us
8 every day.

9

10 Yes, okay. If we go over the page to, just to complete
11 this picture, we go over the page to 210, 118 of 159. I
12 think it's the 23rd, the following day, August 2006. If
13 you go down the bottom of the page, "Debrief Green Purana
14 visit", Green being - - - ?---Officer Green, one of the
15 handlers.

16

17 One of the handlers. "Issue release of [REDACTED] interview
18 tapes. Purana understands implications for source if
19 released. Third tape very specific by Dale Flynn.
20 Reassess next week with Purana if still needed by the
21 OPP". That's obviously a note that you've made and you're
22 a party to that discussion. Are you able to fill us in on
23 that or not?---No, I think that was simply a follow up to
24 the conversation we started, I think it was the day
25 before.

26

27 Yeah, I follow that. It seems that we move on. Then
28 there's a bit of a gap because your diaries then start in
29 2007. Is there a reason why - one assumes it's because
30 you weren't involved with Ms Gobbo from August through to
31 2007; is that right?---Correct.

32

33 If there are any other gaps in these diaries it's because
34 you've searched your diaries and you haven't found any
35 reference to her?---Correct.

36

37 Okay, all right. At some stage - if I can perhaps ask you
38 this. If we go to p.123. Now this is April of 2007,
39 p.123?---Yes.

40

41 There's a management meeting?---Yes.

42

43 [REDACTED] so Sandy White arrived, he's off, leave?---Yep.

44

45 Officer Smith [REDACTED] is - - - ?---Officer Richards.

46

47 And RH is - - - ?---Rob Hardy, our Inspector.

1 The issue, it seems, on the agenda is the future of
2 Ms Gobbo as a source; is that right?---Sure, yes.

3
4 What was the situation with respect to her at that stage,
5 because it appears that there was some suggestion that she
6 ought to be deactivated?---Correct.

7
8 What was that for?---She had - I've got a note there,
9 "initial goal achieved". It was time to deactivate her and
10 move on.

11
12 The initial goal being the?---The goals of the
13 investigators from Purana.

14
15 Okay. Horty Mokbel's been arrested. She's involved
16 herself with bail applications and it says "via", but what
17 does that mean, "SD advised not", "despite SD advised not
18 to"?---Correct.

19
20 Do you know what that means? And she's also visited him in
21 gaol?---Correct. We advised her not to get involved in
22 that and she did.

23
24 Can I ask you this: I mean the way in which she was getting
25 information was by continuing to associate with these
26 people, I mean that was your understanding, wasn't
27 it?---Correct.

28
29 And the way in which she continued to associate with them
30 was by being their legal advisor?---Not always their legal
31 advisor. She was spending a lot of time with these people
32 socially.

33
34 I follow that, but the reality is the reason why they were
35 - the Mokbels found her useful was because of her capacity
36 either as a lawyer or as a person with connections, for
37 whatever reason, would that be fair to say, as far as you
38 were concerned?---That's a complex question.

39
40 All right?---I can't give you an accurate answer for that.
41 But the reality is if she simply stopped acting for them,
42 stopped being their lawyer, that'd be the end of your
43 information, wouldn't it?---I don't necessarily agree with
44 that proposition. She was quite a friendly, well spoken
45 individual who could probably talk her way into just about
46 anything.

47

1 The point I make is that - - -?---She was a tool for the
2 Mokbel family, absolutely.

3

4 And as a mouth piece, as a barrister?---That was one of the
5 aspects, absolutely.

6

7 That's the reality of it. So there's a sort of an internal
8 inconsistency between you saying, "We don't want you to act
9 for these people", but as soon as she says "I can't act for
10 these people", they'll say "well, what's going on? Why
11 aren't you acting? Why can't you go down to court" for
12 whoever it might be? Do you follow what I'm saying?---We
13 never tasked her to that - we never tasked her directly
14 into her clients, no.

15

16 Okay. Ultimately at the bottom of the page it says,
17 "Create a break and deactivate". What was the idea
18 there?---So we need an exit strategy and deactivate her.

19

20 You needed an exit strategy?---Yes.

21

22 How was that going to be achieved?---Well, that's why I
23 made the entry, we need to think of a set of circumstances
24 that she would naturally think it's time to part ways.

25

26 Now at that stage in April 2007 had the investigators
27 started to determine or started to move towards using her
28 as a witness? Do you recall when that first started, that
29 process?---Basically it really commenced when I was
30 requested to attend a meeting with Detective Inspector
31 Steve Wardell who was part of the Briars Task Force and I
32 met him one morning at the casino.

33

34 And that's the Blue Train?---Yes.

35

36 That's the following day, it seems, on 24 April?---Correct.

37

38 There was a general discussion only re SDU assistance,
39 "exiting sources and possibly to recruit, no specific, but
40 3838 into their stated targets". What's all that about?
41 That's what you're talking about, the need to
42 recruit?---Yes. I was asked to meet with Wardell and I met
43 with Wardell and he gave me an overview in relation to
44 Briars and the proposition was that the Briars Task Force
45 were aware that we had an asset that they might be able to
46 use.

47

1 Was that because of her relationship with Waters and
2 Lalor?---I don't know.
3
4 Did you know that she was a friend of Waters?---Yes.
5
6 Did you know that he was a target of Briars?---Yes.
7 Wardell told me so during that briefing.
8
9 In the end your final note is clear, "My recommendation,
10 3838 is to be deactivated"?---Correct.
11
12 With a view to her becoming a witness or simply - - -
13 ?---No, deactivate her. Give her a rest.
14
15 COMMISSIONER: So the notion that she should be deactivated
16 definitely preceded any contact that you had with her
17 becoming a witness or - - - ?---Correct.
18
19 - - - becoming involved in Operation Briars?---Correct.
20
21 Operation Briars was the murder investigation?---Yes, into
22 Chartres-Abbott.
23
24 MR WINNEKE: Was that coincidental, if we go back to 276,
25 which one assumes 270 is Tuesday 17 April, so 276 is
26 somewhere between 17 April and perhaps the next date, which
27 is the 24th, was that purely coincidental or had it been
28 suggested to Briars or Petra that she was going to be
29 deactivated?---They wouldn't have known we were even
30 deactivating her. In actual fact they shouldn't even know
31 who she was.
32
33 What, as in Briars?---Yes.
34
35 What about Petra?---It's the same. It's the whole
36 principle of sterile corridor.
37
38 How did they know?---Oh well, you go back to the initial
39 request for assistance. She came to us from the Drug
40 Squad.
41
42 Overland knew that she was - - - ?---Indeed, he was on the
43 steering committee. How could he not know?
44
45 Exactly. But he's also associated with Petra?---Correct.
46
47 And he's associated with Briars, isn't he?---Correct. Not

1 ideal.

2

3 Is it conceivable that - you say that there are 100-odd
4 people who know what she's doing. It does seem a
5 coincidence, doesn't it, that you're talking about
6 deactivating her on the 17th and then a week later Briars
7 has got their hand out for her?--My personal view is she'd
8 completed her task, we needed to deactivate her.

9

10 I follow that?--The number one principle of source
11 management all around the world is law enforcement gets
12 themselves into difficulties when we overuse human sources.
13 We'd had her on the books since 2005. Time to put her to
14 bed. She had achieved our initial targets, that should
15 have been the end of it.

16

17 Was it at that stage - I mean she obviously had to change
18 her number?--M'mm. So again, the list was growing as far
19 as knowledge was concerned and we had a - one of our
20 strategies to try and protect her was to change her
21 registered number. So the human source file ending in 3838
22 was completed and we created a new registration which was
23 human source 2958, I think it was.

24

25 Yes?--And proceeded from there.

26

27 COMMISSIONER: Is this connected with the arson on her
28 motor vehicle?--Yes, that was one of the other concerns,
29 correct.

30

31 That had happened, what, around about this time, prior to -
32 - - ?--Prior to I believe, yes.

33

34 Was that a factor in you wanting to deactivate?--Very much
35 so, yes.

36

37 MR WINNEKE: She'd made it clear that she'd been the
38 subject of threats going back to 2006, hadn't she?--She'd
39 been grabbed by the throat in an after hours meeting with
40 some other identities in, I think it was Lygon Street, and
41 threatened with death.

42

43 And Roberta Williams had been making threatening
44 statements, hadn't she?--That was a weekly event.

45

46 Right?--Without being flippant, yeah, it was a reality.

47

1 So you took the view that it was time for her to in effect
2 cease her role in providing evidence against criminals,
3 whether it be as an informer or as a witness?---I think it
4 was my position that her intelligence role had probably
5 come to a conclusion at that point and that was my view and
6 it's important we voice these views. Vigorous and rigorous
7 debate was something that improves source management and
8 that was my view at the office.

9

10 COMMISSIONER: Would that view have been transferred up the
11 line to the supervisors, ultimately to Overland?---At that
12 particular time I was quite clear, I reported back saying
13 we're not assisting Briars and she's to be deactivated.

14

15 That would have gone up the chain of supervision?---It
16 would have been on the source management log.

17

18 And who would normally access that again?---Superintendent
19 Biggin, Human Source Management Unit, and anybody else that
20 wanted to look at it from there above.

21

22 Yes, okay. Thank you.

23

24 MR WINNEKE: Do you know, was it Briars or Petra who got
25 their talons on to her first?---I understand it was Briars.

26

27 COMMISSIONER: Were you concerned about this or - - - ?---I
28 was, yes.

29

30 Yes.

31

32 MR WINNEKE: What was the reason for your concern?---Well,
33 her life had been absolutely threatened. Again, we had
34 achieved the task. We need to step out of this
35 relationship.

36

37 COMMISSIONER: When you say "we", do you mean VicPol as a
38 whole, not just the SDU?---Yes, VicPol as a whole.

39

40 MR WINNEKE: Were you aware of her appearance at the OPI in
41 July of 2007?---I don't think so. I'd have to check the
42 source management log.

43

44 It appears that your next, according to your diary, your
45 next involvement is in 2008. So is it the fact that you
46 had nothing really to do with her until 2008?---Yes.

47

1 Right. Can I ask you to have a look at p.127?---Yes.
2 You've included this as a diary page, one assumes, because
3 of its relevance, what is the relevance of the note on 3
4 July 2008?---I've been trying to recall that specific point
5 myself. I understand that related to an issue where
6 Victoria Police, and again this is subject to checking the
7 source management log, but I was reading my notes the other
8 day and Victoria Police had lost a profile in relation to
9 some targets.

10
11 Right?---Which relates to the email from Mr Biggin to me
12 dated 3 July 2008. I'd have to check the source management
13 log to make sure I had the context correct.

14
15 And I notice there's an email from Brent Fisher. He was at
16 Purana, was he? Do you recall? I'm not putting that as a
17 fact, I'm asking you?---From memory I understand Brent
18 Fisher was part of a thing called Operation Inca which was
19 a joint investigation between VicPol and the AFP.

20
21 Yes?---Subject to me checking the source management logs,
22 that's my recollection of where Brent was. He did move
23 around. I think Brent was technically attached to the Drug
24 Squad at one stage. Whether he left Inca, went to Petra,
25 I'm not too sure. I'd have to check the context to that.

26
27 What you do believe is that he was associated with a joint
28 task force or with the Federal Police?---That's my
29 recollection, yes.

30
31 Do you know what they were working on?---I'm going off
32 memory.

33
34 Okay?---I don't want to - yeah.

35
36 If you're not able to provide an educated guess don't worry
37 about it. On that topic about information going to Federal
38 investigators, do you know whether any information that she
39 provided was provided to Federal authorities?---I'd have to
40 check the log.

41
42 Again, not too sure. Right. Then we come back to where we
43 started a little bit earlier on and you do the SWOT
44 analysis. Obviously there are a number of matters there
45 which you put on the positive side, the strengths, and then
46 there seem to be quite a few weaknesses. We're up to
47 p.137?---Yes.

1 If we go to p.137 we see "(a) information evidence is
2 critical to support serious charges, possible prosecution
3 against Paul Dale and others. Disengagement of the SDU
4 from the management of the individual". So obviously that
5 was becoming, for the reasons you've already expressed,
6 time was up?---Yes.

7

8 But the weaknesses are "possible OPI government review into
9 legal and ethical implications", right?---Yes.

10

11 That was a possibility that occurred to you and the other
12 members in the group?---Yes.

13

14 "A disclosure of the long-term relationship. Time
15 sensitive for HS", there's medical conditions and so
16 forth?---Yes.

17

18 "The relationship with VicPol could be adversely affected."
19 That was pressing it. Then you've got, "Inconsistent
20 statements, SDU relationship with Dale and failure to
21 disclose the bogus mobile telephone numbers". What's all
22 that about?---Sorry, what page are you up to there?

23

24 137 at the bottom. These are the points under
25 "weaknesses"?---Sorry.

26

27 Do you see those?---Yes.

28

29 What's all that about? As you understand it there are a
30 number of people who have contributed to this document, you
31 may not know; is that right?---Yes, correct. This was as a
32 result of, as it were, a brainstorming exercise with a very
33 tight timeline trying to identify - and in fairness to
34 command, that's why we chose the SWOT analysis because
35 perhaps there was an option that perhaps there was some
36 obvious strengths that we had, you know, missed through
37 some unconscious bias. But when we sat down and actually
38 mapped out, well, what are the strengths, we come up with
39 three points. Then we tried to dissect the proposition as
40 best we could in the form of a SWOT analysis and this was
41 the collective knowledge of the office at this particular
42 point in time, in no particular order, in no particular
43 list of priorities.

44

45 You say you're not aware of the failure to disclose the
46 bogus mobile phone numbers, is that what you're saying?
47 You don't know what that is?---That was a piece of

1 information going back to the Paul Dale and Carl Williams'
2 relationship.

3

4 That was a use of bogus phones by Gobbo to communicate, or
5 Dale to communicate with Williams?---That was our
6 hypothesis, yes. Again, that will be covered in the source
7 management log.

8

9 Then you go through to the opportunities?---Yes.

10

11 Then there's the reference to Ian Hill which we spoke of
12 earlier?---Yes.

13

14 Can I just come back to that?---Sure.

15

16 Look, you were asked pretty clearly at IBAC about legal
17 advice that had been got, obtained by the SDU, not by
18 Nicola Gobbo, right?---I think the initial proposition was
19 had we received any legal advice.

20

21 Right?---And I think I qualified it by saying, well, off my
22 memory I think we did get something.

23

24 Yes?---That was the context of my answers.

25

26 Okay?---And, again, now having benefit to access this
27 stuff, that's where my memory was going.

28

29 The answer to that question, as far as you were concerned
30 the SDU never got advice?---Correct.

31

32 COMMISSIONER: You were never offered advice from
33 management?---No.

34

35 From your superiors?---No.

36

37 MR WINNEKE: And then - - -

38

39 COMMISSIONER: Did they give you any guidance at all as to
40 how to deal with this issue of the fact that she was a
41 barrister and informing on her clients?---No. From our
42 recollection this was the first.

43

44 MR WINNEKE: Were there legal advisors available to the
45 Source Development Unit at any stage if you wanted advice
46 about anything?---Every member of Victoria Police has got
47 access to the VGS0 if and when needed.

1 Right, okay. Do you know whether the SDU did obtain advice
2 about other matters within its realm of operations in the
3 period that you were there?---Many times.

4

5 From whom?---My role, one of my - well at the SDU you're
6 saying?

7

8 Yes?---I'd have to check the source management log but as
9 far as - overall my role back at HSMU, we were constantly,
10 particularly in relation to PII matters, we were heavily
11 engaged with the OPP and the VGSO office in relation to
12 assorted criminal prosecutions as far as the safety and
13 exposure of sources.

14

15 Who would you normally speak to about a PII matter?---We'd
16 ring the VGSO.

17

18 Was there a person there who you would regularly speak
19 to?---No, whoever the solicitor was available at that
20 particular point in time.

21

22 That's the in-house VGSO at police command?---Yes. So in
23 my time when we were running the training courses at HSMU
24 from 2013 onwards we had a standing presentation from the
25 VGSO's office.

26

27 If you wanted legal advice, for example, about that matter
28 that I was discussing with you before when Mr [REDACTED]
29 and the OPP were asking, you could have got legal advice if
30 you wanted to?---Well that's matter for the investigators
31 at that point in time in relation to that aspect.

32

33 Okay, all right. Can I just ask you about this: if we go
34 to p.138, if you go down the bottom you see that there's an
35 OPI investigation, or the possibility is a threat would be
36 an OPI investigation, the implications of HS involvement
37 with [REDACTED] That's another source as we understand it; is
38 that right?---Yes.

39

40 What would have been the implications if that came to
41 light?---Yeah, I can't recall, without accessing the
42 information, who [REDACTED] actually was. That may have simply
43 been even a potential request for assistance, I'm not sure.
44 Normally a source number is a four digit number, not a
45 three digit number.

46

47 Right. You're not aware that [REDACTED] had been an informer in

1 a particular case which had run in the Supreme Court I
2 think?---I'm unaware.

3
4 You don't know?---I don't know.

5
6 You don't know, okay. This issue didn't die with that note
7 that you've made because it continued to be an issue right
8 through to 2009; is that right?---Correct.

9
10 Indeed, if we go to p.147, there was a meeting that you had
11 with Detective Senior Sergeant Iddles of the Briars Task
12 Force?---Yes.

13
14 Detective Senior Sergeant Iddles was investigating the
15 murder of Chartres-Abbott and there was a spin-off with
16 Waters and there was an issue about that, as far as you're
17 aware; is that right?---Correct.

18
19 "The SDU is aware that Command had decided to approach
20 human source 3838 for a statement. Command is of the view
21 that 3838 is now a witness for Petra Task Force so that
22 individual can now be a witness for Briars." So Command
23 takes a view that she's now out in the open with Petra in
24 relation to Dale, well Briars can have her as well; is that
25 right?---That seemed to be their thinking.

26
27 And the circumstances from Briars' perspective - and this
28 is a note you've prepared, is it?---Yes.

29
30 "Statement from HS." Your recommendation back to Command
31 was that no such statement can be taken and there's a
32 concern re disclosure of the source, the role of the
33 source, and you talk about the dual responsibility of
34 giving legal advice to clients. "Disclosure will initiate
35 a Royal Commission with perceived unsafe verdicts and
36 current arrests. HS involved and maybe subject to a review
37 and obviously methodology." Now I take it those were
38 genuine views that you held?---Yes.

39
40 Right, okay. They persisted, Briars persisted for some
41 time. If we go over to 151. You attended upon
42 Superintendent Porter with Officer Peter Smith. Do you see
43 that at 3.45 pm?---Yes.

44
45 Issue of release of records, issue of disclosure of source,
46 issue of CSR not being briefed?---Yes.

47

1 What's the CSR?---Central Source Register.
2
3 Why was that an issue?---Well Superintendent Porter was the
4 Central Source Register for Victoria Police.
5
6 Right?---Any information released in relation to a source
7 should be subject to his approval.
8
9 Right. And so what was the issue there that you've
10 referred to of him not being briefed?---Well he wasn't,
11 didn't seem to be being briefed on the activities of Petra
12 or Briars.
13
14 I follow. It was basically he's the person who should be
15 brought into the loop if Briars and Petra are coming
16 towards the SDU for one of its sources and he's not being
17 approached; is that right?---That's correct.
18
19 Righto, okay. Obviously, again the views that you've
20 expressed there are genuine. You seem to - if I just go
21 over to 152 - we're getting towards the end. If we go to
22 19:00 hours, 7 o'clock pm, there's a note there. Are you
23 able to tell the Commission what the context of that note
24 is? In fact go to 16:00 hours, the note that you made
25 there. What was that note with respect to?---So I called
26 Sandy White on leave.
27
28 Yes?---And briefed him in relation to the issues
29 surrounding the current status of the Briars Task Force.
30
31 Right. Does that note which follows over on to p.152
32 outline the views that you had and that you expressed to
33 Sandy White?---Yes.
34
35 At 19:00 hours, "Review arguments to reject the statement
36 from Ms Gobbo and implications of Victoria Police if her
37 role was ever disclosed, particularly whilst tasked to
38 Briars Task Force", and you've said here, "Issues are
39 completely different to Petra Task Force hand-over but
40 Command appeared not to distinguish the very different
41 circumstances". Are you able to say what the different
42 circumstances were?---My take on the whole situation is
43 Briars was all about getting Paul Dale. Sorry, I withdraw
44 that.
45
46 Petra?---Petra.
47

1 Yes?---And Briars were, seemed to be going to exploit her
2 relationship in relation to access to Waters and others in
3 relation to Chartres-Abbott and the hypothesis that they
4 were working with.

5

6 Right. I'm just not too clear about the different, the
7 very different circumstances?---Well - - -

8

9 I understand the different circumstances - - - ?---I think
10 the short - again, I really can't speak on behalf of the
11 investigators other than the fact they basically wanted to
12 wire up 3838 and send her to Paul Dale, was Briars' point
13 of view.

14

15 They'd already done that at that stage?---M'mm.

16

17 Righto. You're not certain - save for that you can't
18 expand on that?---No.

19

20 Okay, righto?---I mean this was a conversation between two
21 controllers, one of which was on holidays, and I thought it
22 was prudent to ring him and have a conversation about it.

23

24 All right. You got emails from Wardell and Journing at the
25 following page, 153?---Yes.

26

27 They're obviously senior police officers, are they?---Well
28 I sent an email to my Superintendent, Tony Biggin, yeah,
29 and to my Inspector, Andrew Glow.

30

31 If we go to further down the page, you reviewed the email
32 from HSMU, "Peter Wardell and Journing demanded lists of
33 identities. Briefed [REDACTED] to start assessing the volume of
34 the Intel just within SDU holdings on the Z Drive"?---M'mm.

35

36 "Initial assessment, that the request can't be serviced by
37 COB today, Wednesday, as directed". Is that in the lead-up
38 to the brief or the briefing which occurred, or the [REDACTED]
39 [REDACTED] workshop, is that right? Am I wrong about that?---I
40 think this was actually before it, yeah, you're quite
41 right.

42

43 Right. That was assessing the volume of Intel just within
44 SDU?---Yet again it's an example where our Central Source
45 Register was being bypassed and they were coming direct to
46 our office expecting us to download the Intel holdings on
47 those individuals.

1 Right. What about that list of individuals in that list
2 below the email at 9.05 or the note at 9.05, what's that
3 list?---That list was emailed to Officer Peter Smith. I'm not
4 too sure who from. But then [REDACTED], who was the handler at
5 that stage and received the email on-forwarded it to me
6 saying that they want access to these names and see what
7 holdings we had against any of these individuals.

8
9 In relation to those individuals?---Correct.

10
11 Just excuse me, I'm just about finished. Did you know of
12 any connection that she had with a gentleman by the name of
13 Wayne Strawhorn?---No.

14
15 Can I just come back to the other source that you referred
16 to this morning who's [REDACTED] You gave some evidence
17 about that person and you took the view that it was just
18 too high risk to register that person?---Yes.

19
20 Do you know when that - - - ?---On the second occasion or
21 the first?

22
23 On the second occasion?---Yes.

24
25 That is in 2014?---Yes, and my role at [REDACTED] yes.

26
27 Are you able to say who came to you with the request that
28 that person be registered, which police officers?---So the
29 investigators had reached out to us to conduct an
30 assessment of the viability of having that individual
31 registered and I went down and spoke with them and
32 debriefed in some length in relation to the issues and a
33 general risk assessment on the proposition.

34
35 My question was: do you know who the investigators
36 are?---Yeah, Dawson and - Detective Senior Sergeant Brett
37 Dawson.

38
39 Brett Dawson. What was he attached to?---I think they were
40 called the Operational Intelligence Unit or something,
41 which is an investigative unit. I think they're
42 technically attached to Crime. If they're not attached to
43 Crime, they're attached to the Intel Covert Support
44 Command.

45
46 Do you know what they were investigating?---Part of their
47 criteria is organised crime.

1 Any particular part of organised crime or aspect of
2 organised crime?---I think they had a particular focus at
3 that particular time on Italian organised crime.

4
5 Italian. [REDACTED]-Yes.

6
7 So in 2014 Mr Dawson, and any other police officers that
8 you're aware of?---Officer Pearce, Detective Sergeant Pearce.

9
10 Attached to the same unit?---Same unit, same chain of
11 command, same office.

12
13 Did they give you any other information about why they
14 wanted this person registered?---The individual had access
15 to a lot of associates because he too was [REDACTED] is my
16 recollection of the association.

17
18 Was he [REDACTED]?---Yes, he was.

19
20 And was the information that they thought he might be able
21 to give related to the fact that he was a [REDACTED]
22 [REDACTED]?---No. This individual was brought to them,
23 off my recollection, in relation to [REDACTED] he'd been
24 talking to.

25
26 Right. Now you mentioned that before. He's been speaking
27 to [REDACTED]?---Yeah, I think the other way around.

28
29 Sorry, [REDACTED] goes to him - this is [REDACTED],
30 isn't it?---Correct.

31
32 Goes to this person and, what, asks him questions or - -
33 - ?---The take on it I had is that these two had been
34 talking for some period of time.

35
36 About organised crime?---Yes.

37
38 Officer Pearce and Dawson had been speaking to this fellow
39 who's [REDACTED] correct?---I think primarily they
40 had a contact from [REDACTED].

41
42 Right?---And then ultimately spoke with the potential
43 source, yes.

44
45 Yes, I follow. Do you know whether any information,
46 contact reports or information reports had been created
47

1 arising out of this?---I expect the investigators would
2 have had some, some document to record what they'd been
3 talking to him about, but we certainly did not progress or
4 authorise any registration of that individual.

5
6 If you don't register him does that prevent the police
7 officers still getting information from him? I mean if he
8 wants to give information to the police why can't he give
9 it to the police?---There's only two ways Victoria Police
10 will accept information, it's either from a registered
11 human source or an information report. This was part of
12 the strengthening in relation to the Human Source Program.
13 This was on the back of the Dennis Tanner investigation.

14
15 What about a community contact or someone who contacts
16 Crime Stoppers?---Yeah, so - - -

17
18 Or someone who just rings up?---They're a whole - Crime
19 Stoppers is a complete different reporting regime. Anybody
20 can ring Crime Stoppers, the information is logged, it is
21 audited, it's attributed a number and it has a way of
22 tracking what we do with that information. And the caller
23 ID details, if they are supplied, are kept separate to the
24 information. That's a completely different pathway of
25 investigators receiving information. As far as what was,
26 used to be termed as a community contact, that was someone
27 who wasn't going to be tasked. It was a piece of one-off
28 information.

29
30 Right?---That an investigator could register someone as a
31 community contact.

32
33 Right?---That was not going to be tasked generally. It was
34 one-off items of intelligence.

35
36 Yes?---So that would be recorded against them, an
37 information report would be generated, and again all this
38 is covered under policy.

39
40 Yes?---And then the third aspect was a proper registered
41 human source.

42
43 Right?---Later on in policy we got rid of the community
44 contact and introduced a beast called the community source.
45 Very similar in how a community contact was treated but the
46 beauty with a community source is they still couldn't be
47 tasked, but they could be rewarded.

1 Your understanding was that this was going to be none of
2 those, this was going to be a person who they wanted to
3 register as a human source?---Correct.

4

5 Would you be surprised to know that there was information,
6 informer contact reports in relation to this
7 person?---Would I be - what was the proposition?

8

9 Surprised?---Surprised.

10

11 To know that?---If they attributed that person's name to
12 the information, not at all. It's standard practice. As
13 long as they named the origin of the source of the
14 information.

15

16 How could - if an actual number has been attributed to the
17 person, how could that be if they weren't registered?---It
18 can't happen.

19

20 Right.

21

22 MR CHETTLE: Sorry, just excuse me. Could it be clarified
23 whether an information report was generated by SDU or by
24 someone else? That was the difficulty.

25

26 COMMISSIONER: Yes, Mr Winneke.

27

28 MR WINNEKE: The reality is SDU didn't exist in 2014. It
29 would be the Human Services Management Unit, wouldn't it,
30 or the current iteration of that organisation?---No,
31 because [REDACTED]. I'm telling you
32 now, that individual was never registered [REDACTED].

33

34 I follow that. In 2014 you [REDACTED]?---Absolutely
35 I was. I was sent by Superintendent Paul Sheridan to go
36 down and assess the information they had in relation to
37 [REDACTED] I said, "It ain't going to happen". So if there
38 were some information reports generated by the
39 investigation in relation to their contact with [REDACTED] or
40 [REDACTED], they may be subject of an information report.

41

42 Yes?---But the source of that information should be named
43 in that information report.

44

45 Righto?---Now given the security clearance those guys have,
46 they can put that information report in a secure directory
47 that not everybody in Victoria Police could access. So the

1 information is received, documented, it has some level of
2 accountability and auditability, but can still be actioned.
3 So if we need to go back to the source of that information,
4 I'm talking broadly here, it can be traced back to that
5 information report. This methodology goes back to the
6 inquiry we had in relation to Dennis Tanner and the name of
7 the investigation escapes me for the time being. It was
8 quite clear, we had a strong, particularly when we were
9 putting up affidavits in relation to all things electronic,
10 TIs, surveillance stuff, that we need to be able to
11 attribute what information came from what origin and that
12 was a change in the policy.

13
14 When you went down and assessed the situation did it come
15 to your knowledge that there'd been contact between this
16 person and police back in 2008? Were you aware of
17 that?---Yes, I was at the SDU when we initially had him for
18 the first time, as it were, on a request for assistance.

19
20 There was a request for assistance in 2008?---Yes.

21
22 Who was that made by?

23
24 COMMISSIONER: Sorry, is this in addition - I thought
25 earlier today we talked about 2006/7, the first contact.

26
27 MR WINNEKE: I think you might be right, Commissioner.
28 Yes, I withdraw that. You couldn't recall but you thought
29 it was 2006 or 7?---Without benefitting the accessing those
30 requests for assistance folders, I'd be able to tell you
31 the exact date if I had access to that information.

32
33 Perhaps if I can - without the benefit, can you give us the
34 benefit of your recollections, you do believe that he did,
35 there was a request to register him back in 2006/7, or at
36 some stage around then?---There was a request for
37 assistance that comes in.

38
39 Right?---We had that at the SDU, that was the first time
40 his name came into our office. We conduct that assessment.
41 My recollection is that we didn't proceed with the
42 registration and it was finalised, that was it.

43
44 Do you know who that request came from?---No, I'd have to
45 refer to the documents to be able to tell you exactly.

46
47 Aside from the fact that there was the request, which is

1 the precursor, if you like, to registration, you have to
2 get the request, then you consider it, and you'd go and
3 have a meeting like you did with Nicola Gobbo, and do all
4 that sort of stuff, that didn't occur, is that right, or
5 did it occur?---I think we conducted some physical
6 assessments with the asset, but as far as registration's
7 concerned I'd have to check my notes, but I don't think
8 that progressed. We certainly never got to the point where
9 - look, I'd have to check. I keep saying, I'd have to
10 check the request for assistance and we need to understand
11 whether he was registered or not.

12
13 I follow that. We're trying to pursue avenues of inquiry
14 and if you can give us some assistance - - - ?---He
15 certainly came in for an assessment at the SDU.

16
17 As to who sent him, can you recall or not?---It's all
18 documented on the request for assistance.

19
20 All documented, okay.

21
22 COMMISSIONER: Just earlier today, the second contact with
23 this person was talked about is 2015 and then this
24 afternoon you've been talking about 2014.

25
26 MR WINNEKE: Perhaps I'm applying my knowledge. Do you
27 know whether it was 2014 on the second occasion?---I
28 couldn't tell you. I'd need access to the records to tell
29 you exactly.

30
31 All right. Do you know who assessed him? ■ assessed him
32 in 2014/15, who assessed him back then in 2006, 7 or 8?---I
33 think I spoke earlier in my evidence in relation to a Officer
34 Hotham.

35
36 Officer Hotham?---Who was one of the - was a secondee from
37 HSMU to the SDU for a three month period.

38
39 You think it might have been him?---He was working with a
40 full-time SDU handler as well.

41
42 COMMISSIONER: You're talking there about the earlier
43 period?---Yes.

44
45 Yes, thank you.

46
47 MR WINNEKE: Do you know what - do you have any

1 recollection at all about the manner in which he was
2 proposed to be used back then?---I'd have to refer to the
3 material, I can't recall.

4
5 All right. Commissioner, I don't have any further
6 questions at this point. I think - - -

7
8 COMMISSIONER: Thank you. There's just something I wanted
9 to ask. Mr Winneke asked you earlier today about the
10 comment attributed to Nicola Gobbo about 340 people had
11 been charged as a result of the information she gave and
12 you said you had nothing to support that number. But you
13 did say there'd been a vast number of people arrested. Can
14 you elaborate - as a result of the information she provided
15 - can you elaborate on that at all as to what is a vast
16 number?---If you're asking me to guess I would estimate -
17 I'd be surprised if it was over 100.

18
19 Would you be able to be specific about the number when you
20 have access to your diaries and other records?---Very much
21 so, and particularly that Force file in relation to the
22 reward application. That would have great detail in it.
23 In actual fact, it must have great detail in it, it's the
24 very nature of a human source reward application. They
25 take a long time to prepare and that was particularly
26 difficult for her, particularly - demonstrated by the, that
27 we started the work at a specific workshop to try and put
28 some parameters around what that would look like in a
29 reward application.

30
31 So that will have an indication of how many cases were - or
32 how many people from your perspective were brought to
33 justice because of the information she supplied?---In great
34 detail.

35
36 Thank you. Anything arising out of that Mr Winneke? No.
37 Mr Chettle.

38
39 <RE-EXAMINED BY MR CHETTLE:

40
41 Thank you. I'll be as quick I can. You were asked some
42 questions about the answers you gave to IBAC and the
43 availability of your diaries. When you went down there and
44 answered those questions did you have your diaries with
45 you?---No.

46
47 I think you said you had no knowledge about what you were

1 going to be asked before you went?---None at all.
2
3 You were asked about the process of which people can be
4 registered, the numbers put in safe, things of that
5 sort?---Yes.
6
7 You were referred to one when Mr Pope registered her in
8 1999. When that system was applied did the person who was
9 registered necessarily know that they were
10 registered?---No. We were under no obligation to tell
11 them.
12
13 So they could be registered without their
14 knowledge?---Correct.
15
16 You were asked about risk assessments. Were they - how
17 often were they conducted in relation to Ms Gobbo and your
18 dealings with her?---At the minimum, on a monthly basis.
19 They were reviewed and discussed.
20
21 And the details of those reviews will be in the source
22 management file?---Absolutely, every month.
23
24 As to the issues of legal professional privilege, did you
25 ever have, to your knowledge, yourself, any conversation
26 with her about legal professional privilege and her
27 obligations in relation to that?---Yes.
28
29 To your knowledge did others in the Unit have similar
30 discussions by reference to these management meetings?---It
31 was in front of mind all the time when we discussed matters
32 with her.
33
34 Again, we need the tapes to get the exact conversations or
35 the - - - ?---Precisely.
36
37 - - - contact reports. But in one sentence what was it she
38 was told about legal professional privilege?---We don't
39 want to know about your active clients.
40
41 You were asked about the nature of her relationship with
42 [REDACTED] and you said on a number of occasions that - it
43 was put to you that he was her client at various times and
44 you said that was one relationship she may have had with
45 him?---Yes.
46
47 In the course of your diaries, and I don't need to go

1 through them in detail, but there are references at pp.26
2 and 30 of your diary to [REDACTED] expressing romantic
3 interest and propositioning her?---It was a regular event.
4 He wanted to have a relationship with her desperately.

5

6 And indeed they went out to dinner together in a sort of
7 romantic setting?---Indeed. [REDACTED] used to visit
8 her at her home address.

9

10 Was Mr Karam, according to the diary you produced, also
11 having some interest in her?---Very much.

12

13 I mean in a physical sexual nature?---Yes.

14

15 So far as the Mokbels, Milad and Tony, were concerned, were
16 you aware of any personal relationship she had with him
17 over and above a legal relationship?---No.

18

19 All right. Without going into the details, were some of
20 the people she gave you information about, [REDACTED]

21

22

23

24

25

26

27

Subsequent to her providing information about them?---Yes.

28

29 On the topic of personal relationships, were you aware of
30 any personal relationship she had with Adam Ahmed?---Yes.

31

32

33

34

Over and above any professional one?---Oh very much so.

35

36

37

38

She adored him and Ahmed saved her life when she had a

39

40

41

42

43

medical, quite a severe medical episode.

44

45

46

Do you know whether or not he had a key to her premises
effectively?---I believe that was the case, yes. She
adored him.

47

I've made a note here which I can't quite understand so
bear with me for a moment. Yes. Mr Winneke asked you some
questions about whether or not you set her up effectively
with a tape to tape-record people?---M'mm.

1 COMMISSIONER: Just wait while we find that please.

2

3 MR CHETTLE: Top of the page there, under the heading
4 "Bednarski", "Tape recording done". And remember those
5 questions being asked? Do you see that there? Page 82 of
6 159?---Got it, yes.

7

8 Right. To put that in context, would you go back to p.75,
9 please. Did she inform you on that day, this is - I don't
10 have a date on these things, it's hard to tell from your
11 diary - she had previously told you that "Mokbel had
12 planned to meet with Bednarski tomorrow and tape-record
13 him"?---That's correct, that's the context in relation to
14 that entry, correct.

15

16 When you see those two entries, are they related?---Yes,
17 absolutely.

18

19 You were asked a number of questions about the Petra and
20 Briars issue that arose and led to her de-registration and
21 her becoming a witness or not becoming a witness or
22 whatever. Is it fair to say that you personally thought it
23 was a very bad idea that she become a witness?---Yes.

24

25 Indeed, to put that finally in context, you expressed your
26 view to Officer White, to Mr Biggin and to anyone who would
27 listen, that you thought it was a bad idea?---Yes.

28

29 You were taken to some of the conversation you had with
30 Officer White as is recorded in your diary, p.152 of your
31 diary?---Yes.

32

33 You were asked about the very different circumstances that
34 exist between, that Command didn't appear to understand,
35 that entry at 19:00?---Yes.

36

37 To put in context what your views were, do they appear in
38 more detail at your 7.30 entry which relates to an email
39 you sent to Biggin and White and Glow?---Correct. That
40 explains - correct, exactly it.

41

42 The reference is probably self-explanatory, but the good
43 old days when CIB Drug Squad were trying to change a
44 non-evidentiary purpose into an evidentiary one, that was
45 part of the reason that the units were set up?---
46 Precisely. We were set up to run human sources covertly to
47 gain intelligence. We were not there to develop witnesses
for

1 evidentiary purposes.

2

3 And your experience or expression, which - it's finally,
4 Officer Black, in the material you provided at document 22
5 in volume 2, it's an extract from your diary from Tuesday
6 8 April 2014.

7

8 COMMISSIONER: Just a moment, Mr Chettle, while we find
9 it.

10 MR CHETTLE: It's in volume 2, document 20. Have you got
11 it?

12

13 COMMISSIONER: We don't have it up here. We're just trying
14 to find it. I think you're operating on a different
15 numbering system than the computer is.

16

17 MR CHETTLE: Document 22.

18

19 MR WINNEKE: I don't think we've got it on the system.

20

21 MR CHETTLE: It hasn't been loaded on the system. I
22 apologise.

23

24 MR WINNEKE: It is. We need to find it, Commissioner.

25

26 COMMISSIONER: There's a different numbering process,
27 that's the trouble. You're operating on a different
28 numbering process to the numbers in the computer.

29

30 MR WINNEKE: We'll get this right next time.

31

32 MR CHETTLE: If it helps, it's his diary for 8 April
33 2014?---I have that.

34

35 We better wait for everyone else.

36

37 COMMISSIONER: I think we're in luck. We've got it up now,
38 is that right? That's the document you're after,
39 Mr Chettle?

40

41 MR CHETTLE: It is, thank you Commissioner. You'll see
42 that's an extract from your diary of that day?---Yes.

43

44 You had a meeting at 9.20 with somebody called Detective
45 Inspector Kearney?---Correct.

46

47 Have I pronounced his name incorrectly?---John Kearney,

1 yes.

2

3 You've redacted the location that the meeting occurred
4 because it was close to your home?---Yeah, I was on leave.

5

6 All right. You had a meeting with him at a café?---Yep.

7

8 Without going into the whys and wherefores, were you tasked
9 by someone to speak to Kearney?---I was contacted by
10 Detective Superintendent Paul Sheridan, who was my
11 Superintendent at the time. I was briefed in relation to a
12 complaint that had been generated in relation to an article
13 that appeared on the front page of the Sun newspaper, and I
14 was to ask if it was okay if I met him during my leave,
15 which of course I did, and I was told by the Superintendent
16 to be full and frank with the PSC investigator, which I
17 was.

18

19 He was - I call it ESD but he was an Internal Affairs
20 investigator?---Yes, he was a Detective Inspector in charge
21 of this investigation in relation to this perceived media
22 leak or whatever it was.

23

24 He was seeking information from you about the handling of
25 3838 for the purposes of his investigation?---Correct.
26 You went through there and set out - I'm not going to take
27 you through every one, we'd be here for a long while, but
28 you set out all the points and issues that caused you
29 concern about the way in which she was handled?---Indeed.

30

31 They're those two pages that follow in that diary
32 report?---Yeah, I spoke to him for an hour and 40 minutes.

33

34 If there's any doubt about your views about things, Kearney
35 informed you that he tape-recorded you?---Yes.

36

37 And that should be available too?---We sat there for an
38 hour and 40 minutes, he didn't write a note down. So it
39 was pretty obvious.

40

41 Last thing. You were asked about a series of notes you
42 made about - - -

43

44 COMMISSIONER: Are you still on this document?

45

46 MR CHETTLE: I'm finished with it.

47

1 COMMISSIONER: Would you like to tender that?

2

3 MR CHETTLE: Yes, I'll tender it as an exhibit,
4 Commissioner.

5

6 #EXHIBIT RC 6 - Diary note.

7

8 COMMISSIONER: Thank you.

9

10 MR CHETTLE: To summarise, Officer Black, we went through each
11 line of that yesterday, didn't we?---Yes, we did.

12

13 Look, in relation to the issue about [REDACTED] tape
14 recordings when he was interviewed, there were two entries
15 in your diary or a couple of pages you were taken to. If I
16 perhaps take you to p.118 of your diaries rather than put
17 words in your mouth. You see the entry that reads, "Third
18 tape very specific by Dale Flynn"?---Yes.

19

20 Was Dale Flynn one of the investigators who conducted the
21 interview?---Yes, attached to Purana.

22

23 In relation to the third tape of the interview, can you
24 tell us what it was that concerned your Unit in relation to
25 that tape, having a look at that entry?---My notation here
26 is that the third tape, it'd be quite obvious that the role
27 of the source would be disclosed.

28

29 Right. So if Flynn put a proposition it would only come
30 from her?---Yes.

31

32 It would expose her?---Correct.

33

34 Yes, Commissioner, I don't propose to ask any further
35 questions.

36

37 COMMISSIONER: Yes, thank you. Well I think it's very
38 plain that we'll need to have you come back some other time
39 after we've got the source material that you're keen to get
40 and that you need to properly assist the Commission.
41 You're free to leave the witness box now but you will be
42 required again at some later point. It's also important to
43 remember that this is an in camera hearing and nobody is to
44 publish or discuss - publish the evidence that's been given
45 today to others. Of course it'll be discussed no doubt by
46 the legal teams on both sides but not otherwise.

47

1 MR WINNEKE: I think or disclose, not just publish, but I
2 think disclose. I think there's a difference between those
3 two expression, but disclose would - - -

4

5 COMMISSIONER: If there is a difference that means
6 disclosure as well.

7

8 MR CHETTLE: I understand that in relation to our other
9 clients. Can I just raise some very brief matters for the
10 Commissioner that I think are important that I'm asked to
11 raise.

12

13 COMMISSIONER: Yes. You're free to leave the witness box,
14 thanks Officer Black.

15

16 (THE WITNESS WITHDREW)

17

18 MR CHETTLE: Obviously, Commissioner, all of my clients,
19 particularly Officer Black today, are concerned that there
20 should be no publication of their his name or his image or
21 any of their names or images and this was what occurred in
22 the Supreme Court. As I understand it, although I haven't
23 been able to get the affidavits, there were affidavits
24 filed in the Supreme Court by a current Superintendent
25 pointing out the difficulty that would occur if Justice
26 Ginnane published the names of the handlers and the
27 controllers. These men work in covert environments mixing
28 with criminals, are seen to be mixing with criminals by
29 other criminals, and in short form disclosure of their
30 names or their image would lead to grave risks to people
31 they were talking to, because you can imagine the
32 situation where one person of interest is being spoken to
33 or a source is being spoken to and other people see it. So
34 I'd be seeking the Commission to suppress the publication
35 of any of the SDU names - - -

36

37 COMMISSIONER: You better tell us who they are. Obviously
38 it's Officer Black, Officer Fox.

39

40 MR CHETTLE: Officer White, Officer Peter Smith, Officer Wolf and
41 Officer Green. They're my six clients.

42

43 COMMISSIONER: Officer Wolf.

44

45 MR CHETTLE: He played a marginal role in all this but he
46 is one of my clients.

47

1 COMMISSIONER: Is he a handler?

2

3 MR CHETTLE: Yes, for a very brief time.

4

5 COMMISSIONER: [REDACTED], is it?

6

7 MR CHETTLE: Yes.

8

9 COMMISSIONER: What do you say, Mr Winneke?

10

11 MR CHETTLE: And I'd ask Officer Anderson's name be put on it,
12 because although Officer Anderson is deceased, he still has
13 family, and of course the publication of his image or name
14 could lead to people identifying people talking to him.
15 Same issue.

16

17 MR WINNEKE: Commissioner, what Mr Chettle says probably
18 makes sense although I'm really not in a position to
19 dispute what he has to say and I would imagine in any
20 event that Mr Murphy QC's team would probably support his
21 application. But I'm not in a position to dispute what he
22 has to say. I mean obviously we want to get as much as we
23 can into the public domain, as it ought be appropriate,
24 but if it gives rise to the risks to the safety of people
25 obviously it shouldn't be done, but I'm not in a position
26 to dispute anything my learned friend says.

27

28 COMMISSIONER: The difficulty is what - how do I make this
29 order and how is it to be publicised when the only people
30 here today are, the only lawyers here today are you? I
31 mean if I made an order and put it on the website about
32 individual people that kind of defeats the purpose
33 somewhat.

34

35 MR WINNEKE: I think the way it would be done is that
36 when, in due course, anything is put on to the website,
37 the names would be either obliterated or given a
38 pseudonym, a number or something along those lines.

39

40 COMMISSIONER: I understand, of course, that's the plan,
41 but I understood Mr Chettle's application to stop the Sun
42 Herald putting these people's photos in the newspaper at
43 the moment.

44

45 MR WINNEKE: As I understand what Mr Chettle's saying is
46 if the names don't appear then there will be no ability to
47 identify them and then publish photographs. I don't

1 understand Mr Chettle's saying - - -

2

3 COMMISSIONER: I thought he was asking for a
4 non-publication order of the name and the image of these
5 specific people, and I'm just wondering how I would make
6 such an order without in fact drawing attention to them.

7

8 MR WINNEKE: Well - - -

9

10 Commissioner: At the moment, because today's hearing is
11 not publicised, it has a non-publication order in respect
12 of it - well I've done that already and that can be done in
13 the future and we can - when information is put on the
14 website it can be in a redacted form and people can no
15 doubt give evidence with some sort of pseudonym, a number,
16 Detective Sergeant A and Detective B and so forth, but I
17 understood Mr Chettle was asking for more than that.

18

19 MR CHETTLE: I can perhaps assist. I am and perhaps it
20 doesn't need to be dealt with today but in summary I can
21 ask this way. The names and photos of members of the
22 Source Development Unit between 2000 and 2009 not be
23 published.

24

25 COMMISSIONER: You're going to have to say who they are
26 because otherwise people are not going to know.

27

28 MR CHETTLE: It's like saying don't publish my name.

29

30 COMMISSIONER: That's right, exactly. That's the
31 difficulty.

32

33 MR CHETTLE: I'll consider it. I've raised it now. I know
34 today's covered. It's just going to be an issue that all
35 of my clients are concerned about.

36

37 COMMISSIONER: The safety of witnesses and other people is
38 of great concern to the Commission and we will do what we
39 can to make sure that human safety is paramount, but that
40 said we also want to publish as much as possible on the
41 website in due course so it's going to be a question of
42 balancing that. But for the moment you're content that
43 your clients' position is covered.

44

45 MR CHETTLE: Today's fine.

46

47 COMMISSIONER: You're not asking for any further orders

1 now.

2

3 MR CHETTLE: I'll do my best to formulate something that
4 will work between now and next time we come back,
5 Commissioner.

6

7 COMMISSIONER: All right then.

8

9 MR CHETTLE: Do we get a copy of the transcript of today?
10 I'm simply inquiring. I know it's suppressed but does that
11 mean it's suppressed from us as well?

12

13 COMMISSIONER: I think in due course you should -
14 Mr Winneke is not objecting. You're not objecting?

15

16 MR WINNEKE: Not at all.

17

18 COMMISSIONER: You would have a copy of the transcript but
19 it is restricted transcript so it could not be used beyond
20 your legal team and your client.

21

22 MR CHETTLE: I understand that. Thank you, Commissioner.

23

24 COMMISSIONER: That is this client.

25

26 MR CHETTLE: Yes, this particular client, I'm aware of
27 that.

28

29 COMMISSIONER: All right then. I would adjourn the
30 Commission hearing to a date to be fixed, thank you.

31

32 ADJOURNED TO A DATE TO BE FIXED

33

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