

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

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria
On Thursday, 19 December 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC
Counsel for State of Victoria	Mr T. Goodwin
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Mr P. Doyle
Counsel for CDPP	Ms A. Mitchelmore SC Ms A. Haban-Ber
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for AFP	Ms I. Minnett
Counsel for Chief Commissioner of Police	Mr A. Coleman SC Mr P. Silver
Counsel for Simon Overland	Mr J. Gleeson QC Ms G. Coleman
Counsel for Paul Mullett and Noel Ashby	Ms J. Condon SC
Counsel for Paul Dale and Peter Lalor	Mr G. Steward

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09:40:20 1 COMMISSIONER: Yes, the appearances are largely as they
09:40:22 2 were yesterday, save that we have Mr Goodwin today for the
09:40:27 3 State and we have Ms Condon for Mr Mullet and Mr Ashby and
09:40:31 4 Mr Steward for Mr Dale and Mr Lalor.
5
09:40:33 6 Before we start, Mr Holt, there's one issue that is
09:40:39 7 troubling me. The transcripts of the public hearings are
09:40:45 8 being - after the hearings the transcripts are being,
09:40:55 9 claims are being made on transcript that came out in public
09:40:59 10 hearing for PII when there was no objection at the time to
09:41:06 11 the material and I don't think this is a satisfactory way
09:41:08 12 to proceed. So could I ask you if there is to be a claim
09:41:13 13 for any information that comes out in a public hearing, the
09:41:18 14 claim for public interest immunity should be made at the
09:41:21 15 time. Obviously there will be the odd slip which needs to
09:41:28 16 be corrected that we've all just missed, but generally
09:41:29 17 speaking they're quite significant things that are now
09:41:32 18 being claimed as PII in the transcript after the public
09:41:35 19 hearing and that's stopping us and slowing us down from
09:41:39 20 publishing it on the website and it's not a satisfactory
09:41:42 21 way to proceed.
09:41:43 22
09:41:43 23 MR HOLT: I think those things that are missed are missed
09:41:49 24 inadvertently ordinarily by me, Commissioner, but I
09:41:51 25 understand the point and I'll make some inquiries.
09:41:52 26
09:41:53 27 COMMISSIONER: Yes, there are some significant matters.
09:41:55 28
09:41:55 29 MR HOLT: I think some of them relate to a particular
09:41:57 30 issue.
09:41:57 31
09:41:58 32 COMMISSIONER: Yes, well it's not proper that it not be
09:42:00 33 raised in the public hearing, that it be done behind
09:42:04 34 afterwards, I'm very concerned about that. Thank you.
09:42:05 35
09:42:06 36 MR HOLT: There's no objection being taken - - -
09:42:07 37
09:42:08 38 COMMISSIONER: Just so you understand what the position is
09:42:09 39 from this point on.
09:42:11 40
09:42:11 41 MR HOLT: I do, Commissioner.
09:42:12 42
09:42:12 43 COMMISSIONER: Thank you. Yes Mr Winneke.
09:42:13 44
09:42:14 45 <SIMON JAMES OVERLAND, recalled:
09:42:17 46
09:42:18 47 MR WINNEKE: I just want to deal lastly with a matter

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09:42:23 1 concerning Operation Khadi before I move away from that,
09:42:26 2 Mr Overland. You've been asked some questions about the 26
09:42:29 3 July 2006 meeting that you had with Mr Ashton and
09:42:34 4 Mr Cornelius?---Yes.
09:42:35 5
09:42:37 6 In that meeting it's suggested on the evidence that there
09:42:42 7 was a request made to withdraw Ms Gobbo, or at least to
09:42:48 8 suggest that the OPI should not call Ms Gobbo before a
09:42:52 9 hearing, do you accept that?---I accept that's the
09:42:55 10 suggestion, yes.
09:42:56 11
09:42:56 12 That's the suggestion on the evidence?---The suggestion,
09:42:59 13 yes.
09:42:59 14
09:43:00 15 Just assuming that is the case for a moment, were that to
09:43:04 16 be done, it would, you accept, require a fairly significant
09:43:09 17 explanation on the part of Victoria Police to justify it
09:43:13 18 making such a request of the OPI?---Yes.
09:43:15 19
09:43:17 20 Particularly given that the OPI has independent oversight
09:43:25 21 of Victoria Police, do you accept that?---Yes, I said that
09:43:29 22 I think repeatedly yesterday, yes.
09:43:31 23
09:43:31 24 This was an inquiry that Mr Cornelius had the charge of
09:43:37 25 insofar as Victoria Police was concerned, do you accept
09:43:40 26 that?---Yes, it was an ESD matter, as you put it to me,
09:43:45 27 yes.
09:43:45 28
09:43:45 29 And you're not certain as to how it could be that you were,
09:43:53 30 or you came to be involved in the process of requesting
09:43:57 31 Mr Ashton to take the particular course of action that was
09:43:59 32 being requested of him?---No, I have no recollection of it.
09:44:04 33
09:44:04 34 And it would seem strange on its face that you would be
09:44:08 35 brought in to speak to Mr Ashton, do you accept
09:44:14 36 that?---Yes, I think so. I can't think why I was brought
09:44:16 37 in so I can't explain it.
09:44:18 38
09:44:24 39 What the evidence suggests is, I went through the notes
09:44:28 40 with you, is that on 24 July there was concern being
09:44:33 41 expressed on the part of the SDU and I took you to the
09:44:38 42 notes of Mr White which in effect made that clear. Do you
09:44:45 43 remember that?---I do.
09:44:46 44
09:44:50 45 What appears to have been the case is that on that morning
09:44:54 46 between about 8.45 and 12.40 in the afternoon there was a
09:45:07 47 unit meeting at the SDU and a number of their sources were

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09:45:14 1 being discussed and during the course of that meeting, or
09:45:21 2 at about the same time as that meeting, there was a
09:45:25 3 discussion going on between the ESD officers, including
09:45:30 4 Inspector Mr Attrill and Ms Gobbo?---Right.
09:45:32 5
09:45:32 6 And you recall we discussed that previously?---Yep.
09:45:37 7
09:45:37 8 One of the things that was occurring was that subject to an
09:45:42 9 arrangement which had been made previously, the ESD was
09:45:47 10 going to speak to Ms Gobbo and get some information but
09:45:50 11 they weren't going to put particular matters with respect
09:45:53 12 to Waters and co, do you recall that?---Yes, I do.
09:46:00 13
09:46:00 14 What appears to be the case is during the course of that
09:46:03 15 meeting one of the handlers gets a call from Ms Gobbo who
09:46:06 16 has just finished that meeting. There are two meetings
09:46:09 17 going on, do you accept that proposition?---I do. I
09:46:11 18 understand what you're saying.
09:46:12 19
09:46:12 20 It seems that the meeting between Ms Gobbo and the ESD
09:46:16 21 finishes first and after that meeting she contacts her
09:46:20 22 handler and has a discussion with him and that is reflected
09:46:31 23 in the diary of Mr Smith. If we can put this up,
09:46:38 24 VPL.2000.0001.5454 at p.234. 24 July. What that diary
09:47:17 25 reflects is a conversation between Mr Smith and
09:47:28 26 Ms Gobbo?---I'm sorry, where am I looking?
09:47:31 27
09:47:31 28 If you go to p.234. 234. Right. So what you see there at
09:48:14 29 about 11.11 I think it is, "Received two mobile calls from
09:48:21 30 Ms Gobbo" and then he speaks to her. Now, what I might do
09:48:29 31 is then go to the ICR at p.366 which reflects - perhaps
09:48:34 32 just leave that there and if we can - what we might do is,
09:48:45 33 I don't know whether we can have them both on the screen,
09:48:49 34 but perhaps if we can go to ICR p.366. You'll see
09:49:10 35 "Inspector from ESD" and there's a name there?---I'm sorry,
09:49:15 36 I'm really struggling to see this.
09:49:18 37
09:49:18 38 That's why I think we might go to ICR p.366. Now if you
09:49:30 39 have a look at the bottom of the page of the ICR you'll see
09:49:34 40 that, "Received two missed calls"?---I see that, yes.
09:49:41 41
09:49:41 42 "Phone back 3838, visit by ESD as arranged. HS very upset
09:49:46 43 that Inspector Attrill knew about \$20,000 that HS claimed
09:49:52 44 Ahmed spoke about. Believes that controller Sandy White
09:49:55 45 and handler Mr Smith have spoken to this Inspector and
09:49:58 46 therefore aware of her role. Going to report to Wilson to
09:50:03 47 HS. Knows ideally from them they'd want a statement. Gave

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09:50:09 1 no guarantees she wouldn't be called before the OPI. She's
09:50:14 2 adamant she can't be cross-examined in this type of forum
09:50:17 3 because of her role. Told that Sandy White and Mr Smith
09:50:20 4 were trying" - I'm sorry, "Mr Green were trying to head off
09:50:25 5 OPI hearing for Ms Gobbo. Swindells said nothing. The
09:50:28 6 other Inspector did it all", do you see that?---I do.

09:50:31 7
09:50:31 8 In effect that reflects what is recorded in the
09:50:35 9 note?---Okay.

09:50:36 10
09:50:37 11 Now, then that, I suggest, or it seems to lead to some
09:50:46 12 discussions within the SDU meeting which is going on, the
09:50:50 13 unit meeting, and there's a degree, it might be suggested,
09:50:55 14 of concern, if not panic, at this stage and that leads to
09:50:59 15 this desire to speak to, or at least for you to speak to
09:51:05 16 Mr Ashton?---I understand that.

09:51:07 17
09:51:08 18 Previously it had been the case that Mr Ashton wasn't to be
09:51:12 19 told, that what appears to have been the case is as a
09:51:15 20 result of this conversation there's a degree of concern
09:51:18 21 which is being expressed within the meeting. Now, if we
09:51:21 22 can - we've seen Mr White's diary, if we have a look at
09:51:27 23 Mr Black's diary, RCMPI.0090.0001.0001 at p.144. Now,
09:51:46 24 you'll see, if we can just highlight that, that the same
09:51:52 25 office meeting is referred to at 8.55 in the
09:51:56 26 morning?---H'mm.

09:51:56 27
09:51:57 28 There's a number of matters discussed and you'll see that
09:52:01 29 the meeting ends at about 12.40. Do you see that?---I do.

09:52:06 30
09:52:07 31 Which is consistent with Mr White's diary and then there's
09:52:13 32 this note here, "Future 3838? v Royal Commission", do you
09:52:22 33 see that?---I do.

09:52:23 34
09:52:23 35 What appears to have been the case is as a result of that
09:52:31 36 telephone call, the suggestion that there's no guarantees
09:52:34 37 that Ms Gobbo's not going to be called before the meeting,
09:52:38 38 a concern, apparently, at least on the part of one of the
09:52:42 39 people in the meeting that there is at least the potential
09:52:46 40 question mark for a significant inquiry into her conduct.
09:52:51 41 Bearing in mind this is 2006?---Yep.

09:52:53 42
09:52:53 43 It's as a result of that that you've been contacted and the
09:53:01 44 desire now is for you to speak to Mr Ashton and only
09:53:07 45 Mr Ashton at the OPI, and suggest to him that perhaps
09:53:12 46 Ms Gobbo ought not be called before the OPI?---I understand
09:53:17 47 that.

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09:53:17 1
09:53:17 2 Do you accept that?---I understand that.
09:53:19 3
09:53:19 4 Do you recall in any discussions that you had around this
09:53:23 5 matter, do you recall being told that if Ms Gobbo was
09:53:32 6 called before the OPI there was at least the prospect of an
09:53:38 7 inquiry into the conduct of Victoria Police and the
09:53:40 8 SDU?---No.
09:53:41 9
09:53:44 10 Do you recall or do you have any recollection at all of a
09:53:51 11 request which was in the nature of an anxious request to
09:54:00 12 prevent this from going ahead, from the SDU?---No, I don't.
09:54:05 13 And as I said yesterday, I recall discussions in 2007 about
09:54:09 14 this issue.
09:54:10 15
09:54:10 16 Yes?---I don't recall this discussion.
09:54:13 17
09:54:13 18 Yes?---And I still feel I was never concerned, as I said
09:54:18 19 yesterday, about the prospect of her being called in front
09:54:21 20 of the OPI. I understand why the SDU was.
09:54:24 21
09:54:25 22 Yes?---I mean they live and breathe this stuff, they've got
09:54:28 23 to deal with the source. I understand why they were
09:54:32 24 anxious. I never shared that anxiety, so I am genuinely
09:54:37 25 perplexed around the conflict my memory and the notes that
09:54:40 26 are here because I can't reconcile them.
09:54:43 27
09:54:43 28 When you say you understand their anxiety, their anxiety
09:54:48 29 appears to be a concern about a potential Royal Commission
09:54:51 30 is that the anxiety you - - -?---Well no. I understand, I
09:54:53 31 understood at the time their anxiety was about protecting
09:54:56 32 the identity of a source which is a general anxiety that
09:54:59 33 any police officer would share.
09:55:02 34
09:55:02 35 Right?---Around, you know, protecting the identity of the
09:55:06 36 source. I always thought, as I've said before, I've always
09:55:10 37 thought from relatively early on in this that it was highly
09:55:15 38 likely that Ms Gobbo's role was going to be discovered at
09:55:19 39 some point in time, I thought it was almost inevitable, so
09:55:22 40 I didn't share that concern at any point.
09:55:26 41
09:55:27 42 If your view was, "Look as far as I'm concerned it's not a
09:55:31 43 problem for Ms Gobbo to be called before the OPI, that's
09:55:36 44 entirely reasonable, entirely appropriate", can you offer
09:55:41 45 any explanation at all as to why you would be deputised,
09:55:48 46 effectively deputised to go and speak to Mr Ashton?---No, I
09:55:52 47 can't.

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09:55:52 1
09:55:53 2 Would you not have said, if you were so asked, "Look,
09:55:55 3 there's no problem with that. It's an appropriate for
09:55:59 4 thing for her to be called. It's important that she be
09:56:02 5 called, because the OPI has a mandate and they've got to
09:56:05 6 carry it out"?--And I do remember having conversations
09:56:08 7 like that in 2007, I just genuinely do not recall this at
09:56:12 8 all.
09:56:13 9
09:56:14 10 Okay. Can we move to 11 September 2006. We've had
09:56:24 11 evidence from Mr Blayney, Jack Blayney, you know him?--I
09:56:28 12 do.
09:56:28 13
09:56:30 14 In his statement he says that he recalls, this is paragraph
09:56:34 15 15 in his statement, that on 11 December 2006 he attended a
09:56:38 16 Purana briefing conducted by DDI Ryan and he records in his
09:56:45 17 diary that he was informed that Ms Gobbo had been
09:56:48 18 approached by a gangland figure with information and that
09:56:52 19 Ms Gobbo had herself received threats by SMS message. He
09:57:03 20 records it as 3838. Can we perhaps just put this up so we
09:57:07 21 can see it, VPL.0100.0185.0014, a diary entry of Jack
09:57:20 22 Blayney's of 11 December 2006 at 11 am. Do you see that
09:57:25 23 there, the diary entry of Gavan Ryan? It looks like - I'm
09:57:31 24 sorry, Jack Blayney?--Jack Blayney, yep.
09:57:35 25
09:57:38 26 It looks like, "3838 approached by Karam re hit - client -
09:57:46 27 possible set up - death threats SMS". Now, Mr Blayney was
09:57:57 28 involved in providing resources to Task Forces such as
09:58:03 29 yours, is that right, was that his job?--I am just trying
09:58:11 30 to recall what role he was in at that time. He was a
09:58:13 31 Superintendent in the Crime Department for a period of time
09:58:15 32 as I recall.
09:58:16 33
09:58:16 34 Yes?--I'm just trying to recall whether he was somewhere
09:58:21 35 else. Are you suggesting he was with surveillance
09:58:23 36 resources or?
09:58:26 37
09:58:36 38 We'll find out?--I suspect he was a member - - -
09:58:38 39
09:58:38 40 Provision of resources to criminal investigators I think if
09:58:42 41 we can put it that broadly for the moment?--Sure. I
09:58:46 42 suspect if he was there he was part of - maybe not
09:58:49 43 actually.
09:58:49 44
09:58:49 45 In any event if you have a look at the issues he's dealing
09:58:52 46 with there, you'll see there's a number of matters of a
09:59:01 47 different nature which is being discussed during the course

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09:59:03 1 of the briefing?---I see that.
09:59:05 2
09:59:05 3 Obviously one of which is the concern about
09:59:08 4 Ms Gobbo?---Yes.
09:59:08 5
09:59:08 6 At this stage, as far as you were aware, as I understand
09:59:13 7 it, I think as at May of 2006 your understanding was that
09:59:20 8 Ms Gobbo was going to be disentangled, at least there was
09:59:25 9 going to be a process of disentangling, is that
09:59:28 10 right?---Yes.
09:59:28 11
09:59:31 12 In any event there's an expression of concern about her and
09:59:36 13 there's death threats and so forth. That I assume would
09:59:40 14 have been a matter of concern to you?---Absolutely.
09:59:42 15
09:59:43 16 And it seems that after the briefing Mr Ryan meets with the
09:59:51 17 SDU and indicates that you're concerned about an exit
09:59:57 18 strategy?---Yes.
09:59:58 19
09:59:58 20 You say that was your concern at that stage?---I don't
10:00:02 21 specifically recall it but it's consistent with my general
10:00:06 22 recollection around wanting to find a way to manage her
10:00:11 23 out, yes.
10:00:11 24
10:00:12 25 Was it your expectation that she would continue to be
10:00:14 26 registered for a period of time?---I think that was a
10:00:18 27 matter that needed to be worked through in the exit
10:00:21 28 strategy around the appropriate way to - - -
10:00:23 29
10:00:23 30 How long did you expect that she would continue to be
10:00:26 31 registered?---Look, it wasn't for me to do, it was for the
10:00:30 32 experts, the SDU, to work out what an exit strategy
10:00:34 33 actually looked like.
10:00:34 34
10:00:35 35 Yes?---And how to bring that into effect. I mean the key
10:00:39 36 issue really for me was around ensuring her safety so that
10:00:43 37 that - you know, we had a duty of care to her because of
10:00:47 38 what she'd done and what she'd been involved in. I
10:00:49 39 appreciated that we needed to manage that very carefully so
10:00:52 40 that we could be as satisfied as we could be that we'd done
10:00:58 41 everything to protect her safety.
10:01:01 42
10:01:02 43 If we recall what had occurred around the period of July
10:01:06 44 when you were having discussions with the, I think
10:01:09 45 Mr Biggin about this Khadi business, the last note was to
10:01:13 46 the effect of Ms Gobbo could be warned, pre-warned about a
10:01:19 47 hearing in due course about - - - ?---Yeah.

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10:01:24 1
10:01:24 2 - - - about Dale, et cetera. So it may well be that your
10:01:28 3 expectation as at July is that she would still be
10:01:33 4 registered for a period of time into the future and that
10:01:36 5 she would still be in the hands of the SDU when it came,
10:01:39 6 when the Dale interview came around, the OPI interview came
10:01:44 7 round, would that be fair to say if we accept those
10:01:47 8 notes?---Well, I don't think I saw it quite in those ways.
10:01:50 9 I mean there's an issue around whether she's registered and
10:01:53 10 whether she's active.
10:01:55 11
10:01:55 12 Yes?---And that's separate and distinct from the duty of
10:01:59 13 care that Victoria Police owed her.
10:02:01 14
10:02:01 15 Yes?---To ensure her ongoing safety. I don't think, I
10:02:05 16 didn't see those two things linked I think quite in the way
10:02:09 17 that you're suggesting. I would have thought it may have
10:02:11 18 been possible to de-register her at some point but we would
10:02:15 19 have continued to have a duty of care to her for quite some
10:02:19 20 time.
10:02:19 21
10:02:19 22 I understand that. I think you made the point previously
10:02:23 23 that there's no need to keep her registered simply to
10:02:26 24 exercise your duty in care?---Not in my view.
25
10:02:30 26 No, and equally - - - ?---I'm not the expert in this area,
10:02:32 27 so that I think was something very much for the SDU to do.
10:02:35 28
10:02:35 29 Indeed as far as you could see there's no need to keep her
10:02:39 30 registered simply for dealing with court processes either
10:02:44 31 because the obligation to protect her remains?---I couldn't
10:02:49 32 see that.
10:02:50 33
10:02:50 34 If we have a look at VPL.0100.0096.0468, which is
10:02:58 35 Mr White's diary at p.0503, this is a note that he takes
10:03:04 36 having had a discussion with DDI Ryan who apparently
10:03:07 37 conveys to him that he, that is Ryan had met with you,
10:03:12 38 "Concerned re exit strategy for Ms Gobbo. Advised phase
10:03:17 39 process already implemented. Phase 1, cease tasking.
10:03:22 40 Phase 2, cease dissemination of intel, Ms Gobbo advised.
10:03:27 41 Phase 3, psych connection. Phase 4, reward process" and
10:03:31 42 Mr White apparently advises Mr Ryan that the ongoing duty
10:03:38 43 of care issue re discovery processes at court and he's to
10:03:47 44 update you regarding the same. So that seems to reflect
10:03:51 45 the view certainly of Mr White?---Yep.
10:03:53 46
10:03:55 47 That there's a duty of care re discovery processes to

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10:04:00 1 court. Is that consistent with your view?---That's part of
10:04:03 2 the duty of care. I think there's a broader duty of care
10:04:07 3 to protect her identity to the extent that we can, but also
10:04:11 4 to ensure, the key duty is to ensure her safety.
10:04:16 5
10:04:16 6 That may well be right, but there's also another duty to
10:04:20 7 the judicial process, one assumes?---I'm not arguing with
10:04:24 8 that. No, I'm not arguing with that, absolutely agree.
10:04:27 9
10:04:28 10 Whilst there may well be a duty of care that's got to be,
10:04:32 11 one assumes, subservient to the duty to comply to the
10:04:39 12 law?---As I've said repeatedly my expectation was that her
10:04:43 13 identity would most probably be discovered through that
10:04:47 14 process.
10:04:47 15
10:04:48 16 In any event what appears to be the case is that between 17
10:04:52 17 May 2006 and 11 December 2006 she's continued to provide a
10:04:58 18 significant amount of information, certainly just in terms
10:05:02 19 of numbers on our analysis, there are about nearly 300
10:05:07 20 pages of information reports between those dates. Is that
10:05:12 21 - ICRs. ICRs, information contact reports, some 280-odd
10:05:17 22 pages of ICRs between those two dates. Would you be
10:05:20 23 surprised they're still getting that amount of information,
10:05:26 24 still communicating with her to that extent?---I understand
10:05:29 25 she was prolific at various points but I didn't know the
10:05:35 26 volume was at that level during that period of time, I
10:05:38 27 wasn't privy to a detailed account of exactly what
10:05:41 28 information she was providing and the day-to-day
10:05:44 29 interactions she was having with the SDU.
10:05:47 30
10:05:49 31 I take it that it's not something that you would have
10:05:54 32 concerned yourself with, that is by contacting them and
10:05:57 33 saying, "Well look, what is going on? How's it going? Is
10:06:01 34 she being eased out? Is she getting psychological
10:06:05 35 treatment" and those sorts of issues?---No.
10:06:07 36
10:06:09 37 Was it your understanding at that stage that she was not
10:06:14 38 psychologically firm, emotionally firm? Did you have a
10:06:19 39 view at that stage?---As I've said previously, I was
10:06:26 40 concerned from day one about her judgment and about her
10:06:35 41 management of boundaries and, you know, professional, by
10:06:38 42 virtue of the fact that, you know, the way she actually
10:06:42 43 came to Victoria Police.
10:06:43 44
10:06:43 45 Yes?---I think I understood by then that she was quite
10:06:48 46 difficult to manage but I don't think my concerns had
10:06:54 47 elevated, they hadn't elevated to the point to where they

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10:06:57 1 got to in 2008, 2009.
10:07:00 2
10:07:00 3 All right. I'm not suggesting that you would be constantly
10:07:04 4 ringing up yourself, but would you perhaps task Mr Ryan to
10:07:08 5 be in communication with Mr Sandy White or Mr Biggin just
10:07:13 6 to make sure things are in accordance with your views?---I
10:07:18 7 don't, I don't remember doing that. No, I don't remember
10:07:22 8 doing that.
10:07:22 9
10:07:22 10 Okay. Now, if we can move to 2007. As we understand it
10:07:29 11 there was a Task Force Briars established. There was
10:07:36 12 communication I think between you and the Chief
10:07:42 13 Commissioner and Mr Ashton with a view to setting up a
10:07:47 14 joint arrangement with the OPI?---So my recollection of
10:07:53 15 that is that towards the end of 2006 and early parts of
10:07:57 16 2007 I - we had two streams of information coming together
10:08:05 17 that seemed to suggest there was a direct connection
10:08:09 18 between homicides that had happened and police corruption,
10:08:13 19 and of course that had been an issue that had been running
10:08:18 20 within the media ever since, well 2003, this suggestion
10:08:21 21 that there was this connection between the two things.
10:08:24 22
10:08:24 23 Yes?---And we were getting to the point where we certainly
10:08:29 24 had firm intelligence heading towards having certain
10:08:32 25 evidence that that in fact was the case. That was
10:08:35 26 obviously a very significant development. I do remember
10:08:38 27 going to the Chief Commissioner and I think Mr Cornelius
10:08:42 28 and a number of others to make them aware of that and I
10:08:45 29 think out of that we decided that we should go and tell the
10:08:49 30 OPI and from that process I think it was then agreed to
10:08:54 31 conduct joint operations. I don't specifically recall
10:08:57 32 whether we went to them saying we want to conduct a joint
10:09:01 33 operation, I think we went to them to say, "We have a
10:09:04 34 problem, this is what it looks like. How do you want to
10:09:07 35 deal with it?"
10:09:08 36
10:09:08 37 And I think ultimately what occurred was there was, the
10:09:12 38 arrangement was that your investigators in effect would be
10:09:18 39 housed out of the OPI?---I think that's an important point
10:09:22 40 I need to make too, because part of my concern was how on
10:09:25 41 earth we set up investigations in Victoria Police in a
10:09:34 42 covert way to investigate allegations that serving police
10:09:36 43 and former police were involved in homicides. It's very,
10:09:42 44 very difficult to do that in an organisation like Victoria
10:09:45 45 Police and part of the concern was really operational
10:09:48 46 security and how we set these things up in a way as best
10:09:53 47 they could, they could operate as covertly as they could,

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10:09:57 1 for as long as they could. I always appreciated that that
10:10:02 2 was going to be very difficult and unlikely to be
10:10:03 3 successful over the longer term just by virtue of the
10:10:06 4 nature of the organisation and the issues we were dealing
10:10:09 5 with.
10:10:09 6
10:10:09 7 You were concerned about I assume leaks?---Absolutely.
10:10:14 8
10:10:14 9 And security of information?---Security of information and
10:10:16 10 even the fact that if there was a really secret Task Force
10:10:20 11 established, coppers being coppers would want to know what
10:10:25 12 it was about, sometimes for good reason, sometimes because
10:10:30 13 they are just curious but sometimes for improper reasons.
10:10:33 14
10:10:33 15 I take it there were discussions and negotiations with the
10:10:36 16 OPI, you had meetings with Mr Ashton I think and
10:10:40 17 Mr Cornelius, there's evidence that there was a meeting I
10:10:42 18 think on 20 February or thereabouts?---I think we met with
10:10:48 19 Mr Brouwer too if I recall who was then the Director of the
10:10:54 20 OPI, if that is the correct term, he was the head of the
10:10:58 21 OPI.
10:10:58 22
10:10:58 23 Yes?---My recollection is that we did try and set Briars up
10:11:02 24 I think within the OPI offices. There's Petra and Briars
10:11:06 25 and I think one was there and I think [REDACTED] [REDACTED] [REDACTED]
10:11:09 26 [REDACTED], I think.
10:11:14 27
10:11:15 28 There's evidence that on, I think on 20 February you had a
10:11:18 29 meeting with Mr Ashton, John Nolan and yourself and Luke
10:11:30 30 Cornelius?---That sounds right, yes.
10:11:32 31
10:11:32 32 There's evidence that on the 21st of February, the
10:11:37 33 following day, Mr Ashton ceased recording contemporaneous
10:11:42 34 notes in his diary?---Right.
10:11:44 35
10:11:44 36 Now, do you know whether there's any connection between
10:11:48 37 that meeting that you had with him and his decision the
10:11:54 38 following day to cease taking notes, contemporaneous notes
10:11:58 39 in his diary?---I don't recall a connection now but it's
10:12:03 40 possible there was one because of the sensitivity of these
10:12:07 41 matters. They were highly sensitive.
10:12:08 42
10:12:09 43 Yes. So it may be that you suggested to him, "Look, it
10:12:11 44 might be sensible if you didn't keep a diary, keep a
10:12:16 45 regular diary"?---Well I might have suggested that.
10:12:20 46
10:12:20 47 Yes?---I don't remember it. I'm sure we would have spoken

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10:12:23 1 about operational security and information security, they
10:12:27 2 were key factors in my mind at the time.
10:12:29 3
10:12:30 4 Yes, all right. It wouldn't surprise you had he done
10:12:34 5 so?---No, no.
10:12:35 6
10:12:37 7 Now, could we have a look at this document, it's an
10:12:43 8 Operation Clonk/Briars running sheet, it's
10:12:52 9 IBAC.0008.0001.0043 at p.3. Now, there's a note, obviously
10:13:00 10 you can see it there, "Brief CDPP, provide draft direction
10:13:05 11 and discuss comments on need for legal advice, management
10:13:11 12 committee accountability to CDPP, IT security and provision
10:13:11 13 of specialist support accepted. Incorporated into
10:13:15 14 direction, formal sign off through CDPP discussed and
10:13:20 15 agreed". If we just, can we just have a look at that
10:13:24 16 document so Mr Overland can see what it is. Go to the
10:13:27 17 first page of that if we can. Does that document strike a
10:13:42 18 cord would you?---I think so.
10:13:44 19
10:13:44 20 It's what's described as a running sheet for Clonk and
10:13:48 21 Briars?---Yes.
10:13:49 22
10:13:49 23 Clonk was the investigation into the murder of
10:13:53 24 Chartres-Abbott, is that correct?---I don't recall that now
10:13:56 25 but I accept that's probably the operation name for it, but
10:14:00 26 I don't specifically recall.
10:14:03 27
10:14:03 28 When it became there was a suggestion of police involvement
10:14:06 29 a new Task Force was set up?---That would make sense for
10:14:10 30 security reasons, yes.
10:14:11 31
10:14:11 32 The entries on 21 February suggest that there's a briefing
10:14:18 33 to the Chief Commissioner?---Yes, I certainly remember
10:14:23 34 discussing this with the Chief Commissioner.
10:14:28 35
10:14:30 36 If we have a look at the joint agency agreement,
10:14:38 37 VPL.0005.0012.0610. Have you seen that document
10:14:44 38 before?---Look, I'm sure I must have.
10:14:46 39
10:14:46 40 You would have?---Yep.
10:14:47 41
10:14:47 42 I assume seen it?---Yep.
10:14:49 43
10:14:51 44 That sets out the arrangement between the OPI and Victoria
10:14:56 45 Police and if we go to the bottom of it we'll see it's
10:15:00 46 signed, or perhaps - yes, signed by Mr Cornelius and
10:15:04 47 Mr Ashton and there's a management group which comprises

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10:15:10 1 you there at 2.1?---Yes, I see that.
10:15:15 2
10:15:15 3 Cornelius and Ashton. So effectively the three people who
10:15:19 4 are managing this operation, this Task Force,
10:15:24 5 correct?---Well given it was sort of operating outside of
10:15:26 6 all the normal chain of command.
10:15:28 7
10:15:28 8 Yes?---There was a management group set up just to
10:15:31 9 oversight the operation, yep.
10:15:33 10
10:15:33 11 Can you explain what that means, the management group's
10:15:38 12 oversight of it, what does that mean?---Well really the
10:15:41 13 running of the investigation was for the head of the Task
10:15:46 14 Force who, I get them confused, I think was Rod Wilson, but
10:15:54 15 I mean he needed to be able to report somewhere, so there
10:15:57 16 was a management group set up to ensure the OPI had
10:16:02 17 visibility over what was happening. But it also enabled
10:16:05 18 any sort of strategic issues to be identified and if
10:16:10 19 necessary reported through to the Chief Commissioner. A
10:16:13 20 lot of it early on in particular was just around logistics
10:16:16 21 and resourcing and was making sure the thing was set up and
10:16:20 22 could operate.
10:16:20 23
10:16:21 24 You saw no issue sitting in a management group with the
10:16:26 25 Deputy Director of the OPI on this investigation?---I
10:16:33 26 understand the potential for issues around that. I
10:16:37 27 understand the potential for criticism around that. I
10:16:42 28 think whichever choice you make there are benefits and
10:16:45 29 there are dis-benefits so I understand that.
10:16:47 30
10:16:49 31 So that's signed off on 22 March and the investigation is
10:16:52 32 up and running?---That accords with my recollection, yes.
10:16:55 33
10:17:01 34 As you indicate there are concerns that information gets
10:17:05 35 out. There are concerns there's always a possibility that
10:17:08 36 information will leak?---Yes.
10:17:09 37
10:17:09 38 If we have a look at an ICR on 1 April 2007. It reflects a
10:17:17 39 conversation which is conveyed to handlers that Ms Gobbo
10:17:22 40 has had with one of the targets of Task Force Briars. If
10:17:28 41 we go to p.757. Keep scrolling down. You'll see there's a
10:17:35 42 reference to David Waters there?---H'mm.
10:17:37 43
10:17:37 44 Meets with Ms Gobbo and another person at the South
10:17:43 45 Melbourne Anglers Club. Inspector, a police
10:17:51 46 officer?---Yes, I see the name.
10:17:51 47

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10:17:52 1 The actual reason for meeting was never raised according to
10:17:55 2 Ms Gobbo. If we keep going. As part of the conversation
10:18:09 3 "Hodgkin mentioned that he was with Dr John at the [REDACTED]
10:18:13 4 Hotel the other night" in inverted commas, do you see
10:18:17 5 that?---Yes.

10:18:17 6
10:18:17 7 You'll see the next entry, "Concern that Hodgkin might have
10:18:21 8 been at [REDACTED] Hotel on the night of 30 March, the night
10:18:26 9 Ms Gobbo met with SDU handlers". In any event then there's
10:18:29 10 this next entry, that Waters stated that he was concerned
10:18:33 11 about what [REDACTED] had been saying. Do you see that?---I
10:18:39 12 do.

10:18:40 13
10:18:41 14 "Gobbo suspects that [REDACTED] must have something over
10:18:44 15 Waters. Waters states that whatever is being said it would
10:18:49 16 be all crap unless [REDACTED] is corroborated"?---Yes.

10:18:52 17
10:18:54 18 We go down, "Waters stated he had a contact at Purana Task
10:19:01 19 Force. Waters stated that [REDACTED] killed [REDACTED]
10:19:07 20 [REDACTED]", he wasn't a killer, but [REDACTED] for a fee and
10:19:14 21 this would all come out in the [REDACTED] trial", do you see
10:19:18 22 that?---I do.

10:19:19 23
10:19:19 24 If we keep going down. I think there's further references
10:19:27 25 and there's information to, [REDACTED]
10:19:33 26 White notified regarding the above meeting and
10:19:35 27 conversations and DDI Ryan assisted in attempting to get
10:19:40 28 video footage of the [REDACTED] Hotel. No footage was
10:19:44 29 available to identify the meeting on 30 March". Do you see
10:19:49 30 that?---I do.

10:19:49 31
10:19:49 32 There had been a meeting involving Ms Gobbo and the SDU on
10:19:53 33 that night at the [REDACTED] Hotel. Do you see that?---I do.

10:19:56 34
10:19:57 35 Now, is that information which would have been conveyed to
10:20:01 36 you?---Look it may have been. I have to say I have
10:20:11 37 struggled to recall why Ms Gobbo was involved in Operation
10:20:19 38 Briars and it's only in relatively recent days when
10:20:22 39 additional material has been provided by Victoria Police
10:20:26 40 that I recalled that she had this association or contact
10:20:31 41 with David Waters and another individual, I'm not sure
10:20:36 42 whether they're under a - I don't know if Mr Lalor - I
10:20:41 43 think the Commission has referred to him by name so I
44 assume we can refer to him.

45
10:20:46 46 Yes?---So look, I genuinely struggled to remember exactly
10:20:48 47 what her role was through all of this. I do recall - I

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10:20:54 1 recall becoming aware of information of this sort. I don't
10:20:58 2 specifically recall when that would have been.

10:21:01 3
10:21:01 4 Well, you may have heard something about it during the
10:21:06 5 Khadi process because you recall that one of the targets of
10:21:09 6 Khadi was - - - ?---Was Waters.

10:21:13 7
10:21:13 8 Dave Waters?---Yes, I do.

10:21:14 9
10:21:15 10 There was a suggestion there had been an attempt to pervert
10:21:19 11 the course of justice and Mr Waters had apparently said to
10:21:22 12 the officer, "Ms Gobbo saved your skin because she didn't
10:21:25 13 mention"?---I remember that.

14
10:21:25 15 I think you might have been aware of that?---I might have
10:21:27 16 been. I also remember that obviously in the period of
10:21:32 17 transition from Operation Clonk to Operation Briars there
10:21:36 18 would have been a period where I'd have known about what it
10:21:44 19 was that the person providing the information that led to
10:21:49 20 the establishment of Briars was likely to say. I mean I
10:21:51 21 assume there was a can-say sort of process that was gone
10:21:56 22 through, or there would have been a process around
10:21:59 23 obtaining a statement. Clearly that implicated Mr Lalor
10:22:02 24 and Mr - and Mr Waters in these matters. So I'd have known
10:22:14 25 clearly they were persons of interest as part of this.

10:22:16 26
10:22:16 27 It certainly seems at this early stage on 1 April Waters
10:22:20 28 has already received some information which is, you would
10:22:24 29 have thought, fairly, ought be fairly tightly held
10:22:30 30 information about what [REDACTED] might be saying, that
10:22:35 31 certainly seems to be the case, doesn't it?---Yes, it was a
10:22:38 32 constant challenge, particularly dealing with these sorts
10:22:41 33 of matters trying to keep them covert. We did our best, I
10:22:46 34 think as I said in response to an earlier question, I
10:22:49 35 assumed that we would have great difficulty keeping the
10:22:53 36 existence of the Task Forces covert and information
10:22:57 37 security was a constant nightmare.

10:22:59 38
10:23:00 39 I assume Purana would have been making a pretty careful
10:23:04 40 note of who [REDACTED] was speaking to, who he was visited
10:23:10 41 by?---I assume so.

10:23:11 42
10:23:12 43 Would have been aware that Ms Gobbo had visited [REDACTED]
10:23:15 44 the previous year, I think in about August, would that have
10:23:18 45 been something that Purana would have been aware of?---Well
10:23:20 46 I assume so, I assume - was it Purana running that
10:23:25 47 investigation at that point? I'm just trying to remember

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10:23:29 1 whether it was still with the Homicide Squad, I don't quite
10:23:31 2 recall, I think it was with the Homicide Squad and then I
10:23:35 3 don't - sorry.

10:23:39 4
10:23:39 5 In any event if Purana takes it over, they would be taking
10:23:45 6 over all the accumulated investigative material?---I would
10:23:49 7 think so, whether they're actually monitoring prison
10:23:53 8 attendance, I don't know. There would have to be a reason
10:23:55 9 for that. I don't know specifically whether they were or
10:23:58 10 weren't in this case.

10:23:58 11
10:23:59 12 If they're already speaking to [REDACTED] they would be
10:24:04 13 monitoring pretty carefully who was visiting him?---I would
10:24:08 14 have thought so, yes.

10:24:08 15
10:24:08 16 Do you know whether there were attempts to find out who
10:24:12 17 [REDACTED] was speaking to at around this time?---I don't
10:24:15 18 know that.

10:24:15 19
10:24:16 20 You'd expect that insofar as it would be possible, you
10:24:21 21 would want to know who he was speaking to if there was any
10:24:24 22 suggestion that there were leaks getting out and getting to
10:24:28 23 people such as Mr Waters at this early stage in the
10:24:31 24 operation?---Yes, you would.

10:24:33 25
10:24:36 26 All right. Now, two of the investigators for Briars were
10:24:40 27 Detective Inspector Stephen Waddell and Detective Senior
10:24:46 28 Sergeant Ron Iddles, is that correct?---That's my
10:24:48 29 recollection, yes.

10:24:49 30
10:24:49 31 Would you have made it known to them for the purposes of
10:24:53 32 Briars that Gobbo was a human source and a potential use to
10:24:59 33 the investigation?---I don't, I don't recall doing that.

10:25:08 34
10:25:09 35 Yes. I take it you did have discussions with Mr Iddles
10:25:14 36 about, during the course of the operation, Briars?---I did
10:25:19 37 have a number of discussions with Ron Iddles.

10:25:21 38
10:25:22 39 You would have met with both of the investigators on a
10:25:26 40 pretty regular basis, wouldn't you?---Mainly Mr Wilson as I
10:25:31 41 recall it.

10:25:32 42
10:25:33 43 We might just go through this process chronologically. If
10:25:36 44 we can have a look at 17 April 2007. It appears there's an
10:25:41 45 SDU management meeting, can we have a look at that in the
10:25:44 46 SML. On the 17th there's a note that "RS", refers to
10:25:57 47 Ms Gobbo, "Calls I think Mr Anderson. She's emotional, she

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10:26:03 1 wants to see Horthy Mokbel in the cells. Mr Anderson, the
10:26:08 2 handler, has told Ms Gobbo not to get involved and she's
10:26:12 3 disobeying all instructions given by the handler. She went
10:26:17 4 into Renate's court case, for no reason", that's Renate
10:26:22 5 Mokbel?---Yes.
10:26:22 6
10:26:23 7 "And saw Roberta Williams who mouthed to her that she was a
10:26:27 8 dog and she's dissatisfied with the psychologist", do you
10:26:31 9 see that?---I do.
10:26:32 10
10:26:33 11 And effectively it seems that she's becoming a very
10:26:40 12 difficult person to manage as far as a human source is
10:26:44 13 concerned?---Yes, so that accords with my recollection.
10:26:46 14
10:26:46 15 And really not the sort of person who you would want to
10:26:49 16 have involved in your operation, really, is she?---Um, well
10:26:56 17 I think that's a very general statement so I think - I
10:27:00 18 understand the issue but she's someone who continued to
10:27:06 19 have, I think, quite - well she had information. I am
10:27:13 20 genuinely struggling to remember exactly what information
10:27:15 21 she had about Briars, other than I think she was someone
10:27:19 22 who socialised with Waters and Lalor, so she had
10:27:24 23 information about them and then of course subsequently she
10:27:26 24 became significant in Petra but my recollection is that's
10:27:29 25 not until much later.
10:27:31 26
10:27:31 27 If we can have a look at Inspector Hardy's diary.
10:27:37 28 VPL.0100.0178.0001, p.81. This is the Inspector at the
10:27:52 29 SDU. What you'll see is that it reflects his understanding
10:27:59 30 that the handler, Mr Anderson, is reporting that Ms Gobbo's
10:28:05 31 being erratic, driving him nuts, adjourning psychological
10:28:12 32 meetings and not setting another one. It's at p.81. You
10:28:19 33 see 3838, do you see that?---Is that at 15:30?
10:28:22 34
10:28:23 35 15.30, yes?---Again I'm struggling to read that, if you're
10:28:28 36 telling me that's what it says I accept that, I can see
10:28:31 37 that.
10:28:31 38
10:28:31 39 What they do, they have team meetings, they go through a
10:28:35 40 number of issues and obviously there was a concern about
10:28:38 41 her, and you'll see the different sources, we don't need to
10:28:41 42 worry about the others, but you'll see what I've suggested
10:28:44 43 reflected in that note?---Yes.
10:28:46 44
10:28:46 45 And nothing more about Karam and imports, do you see there?
10:28:54 46 The last line before the next source there, nothing more
10:28:59 47 about - the last two lines, "Nothing more about Karam

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10:29:04 1 imports"?---I see "nothing more about" - is that Karam?
2
10:29:07 3 Yes?---"Karam and imports", yeah, I think I can see that,
10:29:09 4 yep.
10:29:10 5
10:29:10 6 If we then go to p.83, which is two pages down, there's
10:29:15 7 another note. Further discussion at the bottom, 3838, do
10:29:24 8 you see that?---Yes.
10:29:25 9
10:29:25 10 This is at the end of the meeting and there's a note,
10:29:29 11 "Docket Waters, Saunders, secret Task Force, discussed
10:29:35 12 issue re Ms Gobbo", do you see that?---Yes.
10:29:40 13
10:29:40 14 If we can just go in again. "Directions to take
10:29:52 15 recognition" - - - ?---Ceremony, is it.
16
10:29:59 17 Recognition ceremony is - - -
10:29:59 18
10:30:00 19 MR CHETTLE: Down the bottom of that, get rid of the names.
10:30:04 20 See the three names?
21
10:30:05 22 COMMISSIONER: Yes, I do.
10:30:05 23
10:30:06 24 MR WINNEKE: Just keep scrolling down, we've read that,
10:30:09 25 we'll move on. So "recognition ceremony", then there's the
10:30:15 26 name, don't worry about the name, that refers to the
10:30:18 27 psychologist, "No longer involved, 3838 refuses to meet.
10:30:23 28 Psychologist suggests that she should not be forced", do
10:30:27 29 you see that?---I see that.
10:30:28 30
10:30:29 31 "Recognition ceremony" again. And then, "End contact with
10:30:39 32 human source times five", do you see that?---I do.
10:30:44 33
10:30:47 34 In any event, if we then have a look at Mr Black's diary,
10:30:53 35 RCMP.0090.0001 - apparently there are five people at the
10:31:04 36 meeting, so it may well be a unanimous view there ought be
10:31:10 37 no more contact. Mr Black's diary. This is also of 17
10:31:19 38 April. It records a meeting with SDU members, including
10:31:26 39 White, Smith, Richards and DI Hardy. Do you see that? Do
10:31:34 40 you see the initials there at the top of the page? "Future
10:31:37 41 3838", talk about the arrests of Horty Mokbel?---Yes.
10:31:42 42
10:31:44 43 It was noted that Gobbo had involved herself with bail
10:31:49 44 applications despite the SDU advice not to?---Yep.
10:31:53 45
10:31:53 46 Noted that Gobbo had visited Horty in gaol, which was
10:32:00 47 obviously a concerning matter for the SDU. And there's a

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10:32:09 1 reference to the initial goal achieved, do you see
10:32:12 2 that?---I do.
10:32:14 3
10:32:14 4 You understand the initial goal was to get the Mokbels out
10:32:18 5 of her life?---Yes.
10:32:19 6
10:32:19 7 So then there's a note Purana wants to host a dinner and we
10:32:26 8 understand that there was a dinner which ultimately
10:32:30 9 occurred between Mr O'Brien and the SDU and Ms Gobbo on 2
10:32:33 10 May 2007?---Right.
10:32:35 11
10:32:35 12 Then we see some other issues discussed. "Discussion re
10:32:42 13 deactivation, Courts of Appeal v duty of care. Control and
10:32:51 14 no SDU instructions" and there's something about policy.
10:32:57 15 "RHS", registered human source, "Involved in privilege
10:33:01 16 advice to clients even after ^{PII} [REDACTED]" and then there's a
10:33:08 17 note, well, "Versus, overturned at appeal court? Policy v
10:33:16 18 SDU management and source management principles. Billed
10:33:20 19 official send off, thank you. Rotate handler rest,
10:33:25 20 Mr Anderson, psych not visiting. Create a break and
10:33:29 21 deactivate", do you see that?---I do.
10:33:31 22
10:33:31 23 What we see there is that there is a real desire on the
10:33:37 24 part of those who are actually looking after has Gobbo to
10:33:41 25 disentangle with her and get her off the books?---Yes.
10:33:45 26
10:33:45 27 And there's a concern also about other matters which are
10:33:48 28 obviously stated there and that's privilege, insofar as
10:33:55 29 ^{PII} [REDACTED], potential Courts of Appeal, et cetera?---I see
10:33:58 30 that.
10:33:59 31
10:34:00 32 And even after that, even after that matter which we've
10:34:05 33 talked about around towards the end of April, you recall,
10:34:09 34 there is concern about other clients?---Yes.
10:34:13 35
10:34:13 36 So same issues with respect to ^{PII} [REDACTED] are being
10:34:16 37 expressed and Courts of Appeal. Now, can I suggest to you
10:34:25 38 that that certainly reflects a knowledge and concern on the
10:34:31 39 part of the SDU that there has been something which has
10:34:38 40 occurred which is somewhat troubling, do you accept
10:34:41 41 that?---I do accept that, yes.
10:34:43 42
10:34:47 43 Now then if we have a look at - this is 17 April. Could we
10:34:51 44 go to Mr Black's diary again and on 24 April, so the
10:34:58 45 following week, we see at 24 April there's a meeting at the
10:35:07 46 Blue Train café at Southbank, a meeting with Inspector
10:35:13 47 Waddell and Mr Anderson for Operation Briars. Do you see

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10:35:19 1 that?---I do.
10:35:19 2
10:35:20 3 In the morning?---Yes.
10:35:21 4
10:35:22 5 And one assumes that this meeting would have been arranged
10:35:28 6 by the investigators, the Briars investigators?---Yes.
10:35:34 7
10:35:34 8 With a view to making contact with Ms Gobbo,
10:35:39 9 potentially?---I assume.
10:35:40 10
10:35:40 11 For the purposes of Briars?---I assume so, but - - -
10:35:45 12
10:35:45 13 Right?---Yes.
10:35:46 14
10:35:47 15 Is it likely that you would have been given updates about
10:35:51 16 this and been aware of this approach?---I may have been but
10:35:59 17 I'd have thought if I was it would be recorded in one of
10:36:03 18 the updates that was provided to the management committee.
10:36:06 19
10:36:07 20 The fact that there's a meeting with a potential source
10:36:15 21 would be a fairly significant investigative step to
10:36:19 22 take?---Yes, and I would expect that we, if we were updated
10:36:23 23 it would be, as I say, reflected in a briefing that came.
10:36:26 24
10:36:26 25 It might be reflected in a briefing and it might also be
10:36:29 26 something that you were told about at a briefing?---Well
10:36:34 27 it's possible.
10:36:35 28
10:36:35 29 Yes, all right. In any event there's a discussion about
10:36:42 30 SDU assistance with existing sources, possibility to
10:36:46 31 recruit, and then, "No specific re human sources but 3838
10:36:58 32 into their stated targets". Now, does that, or do you
10:37:05 33 agree with this proposition, that certainly the author of
10:37:10 34 these notes is getting the impression that what Briars
10:37:14 35 wants is Ms Gobbo to be tasked into the targets of
10:37:25 36 Briars?---Um, it's a bit ambiguous. I think it clearly
10:37:31 37 relates to wanting to talk to her about Briars but it may
10:37:36 38 be no specific requests - it may just be they were after
10:37:41 39 information that came her way.
10:37:42 40
10:37:42 41 Yes?---Without specifically asking her to do anything.
10:37:45 42
10:37:45 43 "Into their stated targets" does suggest, well it might be
10:37:50 44 information about or it might be tasking her into or to do
10:37:53 45 something?---Well it may be but - look, it's ambiguous, I'm
10:38:03 46 struggling to understand what it actually means, other than
10:38:06 47 I accept it's generally about Briars and whether she can

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10:38:10 1 assist or has information or something, but I think that's
10:38:13 2 ambiguous to me.
10:38:14 3
10:38:16 4 It should be said that Mr Black's view was that what he
10:38:22 5 considered was occurring was that Briars wanted her to be
10:38:25 6 used?---Right.
10:38:26 7
10:38:27 8 Tasked, that was his impression?---His understanding,
10:38:34 9 right.
10:38:34 10
10:38:34 11 Is it conceivable you're the person who asked Mr Waddell to
10:38:39 12 go and have this meeting?---I may have but I don't think
10:38:42 13 so.
10:38:42 14
10:38:43 15 All right. Who else do you think might have asked him to
10:38:48 16 do it?---Mr Wilson might have asked him to do it.
10:38:51 17
10:38:51 18 It would be surprising if that was done though without the
10:38:54 19 knowledge of the management, board of management?---I would
10:38:59 20 have thought we'd get advised of that at some point, yes.
10:39:02 21
10:39:03 22 What we have is after the meeting you'll see, "9.15, clear"
10:39:11 23 and Mr Black has written here, "My recommendation is that
10:39:15 24 3838 to be deactivated"?---I see that.
10:39:19 25
10:39:20 26 And his evidence was that he did not think that Ms Gobbo
10:39:25 27 should be involved in this operation?---I accept that.
10:39:27 28
10:39:28 29 And you would assume for the reasons that I've been
10:39:31 30 through?---Yes.
10:39:31 31
10:39:34 32 Was it conveyed to you that the SDU was not keen for
10:39:37 33 Ms Gobbo to be used in this operation at any stage?---I
10:39:41 34 don't believe so.
10:39:41 35
10:39:42 36 If that had been conveyed, there'd be no reason for it not
10:39:47 37 then to be passed up the line to the board of
10:39:50 38 management?---I'd have expected it to be, yes.
10:39:53 39
10:39:55 40 If we do follow this chronologically, on the same day Petra
10:40:01 41 commences. So there's a few things going on at the same
10:40:05 42 time and can I suggest to you that both of these Task
10:40:09 43 Forces, Briars and Petra, even at this stage, the
10:40:12 44 expectation is that Ms Gobbo's going to be used, would that
10:40:15 45 be fair to say?---I don't understand how she was - how it
10:40:28 46 was intended that she'd be used in relation to Petra.
10:40:31 47

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10:40:32 1 Right?---As I said - - -
10:40:34 2
10:40:34 3 You would certainly be wanting to get information from her
10:40:36 4 about her knowledge of Dale?---Um, again, if we, um - well
10:40:49 5 we'd have been wanting to get information from a lot of
10:40:53 6 people about their knowledge of Dale.
10:40:56 7
10:40:56 8 We're focusing on Ms Gobbo?---I understand that. I'm
10:41:00 9 genuinely trying to think. My recollection particularly
10:41:04 10 around Briars hasn't been all that clear. My sense was she
10:41:09 11 wasn't involved early on in Briars, you're putting
10:41:13 12 information to me that suggests she was, so I accept that.
10:41:17 13 I don't recall the extent to which there was a thought that
10:41:22 14 she'd involved in Petra. I know she became involved in
10:41:26 15 Petra but I don't recall at what point that became
10:41:31 16 significant.
10:41:31 17
10:41:31 18 You recall at the end of the Khadi issue what had been
10:41:35 19 conveyed to the handlers at least, and inferentially from
10:41:39 20 you, was that she won't be used in Khadi but in due course
10:41:45 21 - - - ?---She'd be called.
10:41:46 22
10:41:47 23 Perhaps before the OPI for Dale, et cetera?---Sorry, you're
10:41:51 24 right, of course the IRs.
10:41:53 25
10:41:53 26 There's the expectation she has information that's going to
10:41:57 27 be of assistance?---Potentially about the IR, yes, yep.
10:42:00 28
10:42:01 29 And you'll recall I put to you that there was some
10:42:04 30 suggestion in the note that it had been conveyed to you
10:42:08 31 that Ms Gobbo could be pre-warned about any OPI hearing
10:42:15 32 before it occurred?---Yes, I accept that was in the note.
10:42:19 33
10:42:21 34 If we have a look at a Task Force update, Petra Task Force
10:42:25 35 update of a meeting of 24 April and this is
10:42:31 36 VPL.0100.0046.2677. You see the members there. Then
10:42:39 37 you'll see at the bottom there's a statement from Carl
10:42:44 38 Williams. By this stage the first statement of Williams
10:42:48 39 had been obtained?---Yes.
10:42:51 40
10:42:52 41 At that stage I think it was - well in fact it was signed
10:42:55 42 on this day but at the time that these minutes were
10:42:58 43 prepared no doubt it hadn't, sorry, this update had been
10:43:01 44 prepared, it hadn't been signed one assumes. I think the
10:43:06 45 evidence is it was signed on 24 April, this day?---Well
10:43:09 46 look I accept that. I remember that was the trigger for
10:43:12 47 this actually starting. Until we had a signed statement

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10:43:15 1 there was really nothing solid to go on.
10:43:18 2
10:43:18 3 He had spoken to investigators at this stage, completed a
10:43:21 4 statement, hasn't signed it, considerable negotiations have
10:43:24 5 taken place between the Williams defence team relative to
10:43:28 6 the signing of the statement and these negotiations
10:43:31 7 continue and it's hoped that Williams will sign it
10:43:33 8 today?---I see that.
10:43:35 9
10:43:35 10 As it turned out he did?---Yes.
10:43:37 11
10:43:37 12 If we go through, scroll to the next page. Some matters
10:43:42 13 have been corroborated relative to the statement, in
10:43:47 14 particular a phone call between Williams and Dale has been
10:43:51 15 located on a Purana line and there's a plea and sentence
10:43:56 16 set down for 27 April and there'll be an affidavit provided
10:44:03 17 and there's been a briefing of a legal team but no date has
10:44:06 18 been set for the briefing. Hoped that it will happen in
10:44:09 19 the next week. Now, do you see that?---I do.
10:44:12 20
10:44:13 21 There's handwriting at the bottom and we understand it's
10:44:16 22 Mr Cornelius's handwriting. "Task Force to meet or will
10:44:20 23 meet with OPI investigators re Dale and Nicola Gobbo, to
10:44:26 24 brief for hearing with Nicola Gobbo"?---Okay, yep.
10:44:29 25
10:44:31 26 And the intention at that time, can I suggest, of those at
10:44:37 27 the meeting, was that Ms Gobbo would be brought before the
10:44:41 28 OPI as had been mentioned by you to Ashton the previous
10:44:47 29 year in relation to Khadi?---Yes, I accept that.
10:44:50 30
10:44:50 31 I'm sorry, Ashton to you rather?---I accept that.
10:44:57 32
10:44:58 33 Bearing that in mind, if we have a look at what occurs
10:45:04 34 next. On 3 May 2007 Mr White has been given some
10:45:09 35 instructions from Superintendent Biggin and if we have a
10:45:15 36 look at his diary, VPL.0100.0096.0612. At 9 am, at the
10:45:24 37 bottom, "Meet with Superintendent", that's Biggin, "3838
10:45:27 38 update. Agreed cannot yet deactivate but to wind down",
10:45:34 39 over the page. "No tasking, no intel. Advised re Brouwer
10:45:42 40 knowledge of Ms Gobbo's ID by DC Overland". Now, are you
10:45:53 41 able to explain what that might mean? What it suggests is
10:46:03 42 that the OPP, sorry, the OPI has been advised by yourself
10:46:10 43 that effectively, you know, Ms Gobbo's identity,
10:46:17 44 conceivably that she's a human source?---Yes, it does.
10:46:21 45
10:46:24 46 Do you believe you did speak to Mr Brouwer about Ms Gobbo's
10:46:26 47 identity?---I possibly did, yeah.

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10:46:35 1
10:46:37 2 Mr Ashton's given evidence that he didn't know the identity
10:46:40 3 of Ms Gobbo until a later time?---Yes.
10:46:47 4
10:46:47 5 Do you think you might also - do you think you may have
10:46:50 6 discussed it with Mr Ashton, putting aside what the
10:46:53 7 evidence with respect to Khadi suggests or might not
10:46:56 8 suggest, do you think you might have also spoken to
10:46:59 9 Mr Ashton about it?---Well I'd be surprised if I spoke to
10:47:03 10 Mr Brouwer without Mr Ashton.
10:47:05 11
10:47:05 12 Yes?---I would be surprised about that.
10:47:08 13
10:47:09 14 Well that's a note of Mr White. I mean it's second,
10:47:14 15 third-hand conceivably hearsay but he's obviously got an
10:47:18 16 impression that you had spoken to Brouwer. If you were
10:47:21 17 going to speak to anyone at the OPI it would be more likely
10:47:24 18 to be Ashton, wouldn't it, about this?---Well yes, but I
10:47:28 19 did meet with Mr Brouwer from time to time.
10:47:29 20
10:47:29 21 Yes. Do you think it would be more likely that if you were
10:47:35 22 going to convey information like this or have a discussion
10:47:39 23 about a human source of this sensitivity, you'd be speaking
10:47:44 24 to a fellow police officer rather than the Director of the
10:47:46 25 OPI or not?---No, I - well I don't - I'm sorry, I'm
10:47:52 26 genuinely trying to - - -
27
28 MR COLEMAN: He's not a fellow police officer.
29
10:47:58 30 MR WINNEKE: He was previously. I understand the
10:47:59 31 objection.
10:48:00 32
10:48:00 33 MR COLEMAN: If that was meant to reference Mr Ashton, he
10:48:03 34 of course was not a fellow police member, he was a member
10:48:06 35 of the OPI.
10:48:07 36
10:48:08 37 MR WINNEKE: A member of the OPI who had previously been a
10:48:14 38 fellow police office. I will withdrew that question and
10:48:15 39 put it again?---Look, again, I would be surprised if I'd
10:48:17 40 mentioned it to Mr Brouwer without Mr Ashton being present.
10:48:20 41
10:48:20 42 It wouldn't be surprising however if you'd mentioned it to
10:48:23 43 Mr Ashton because Mr Ashton was sitting on the board of
10:48:26 44 management of both - well, of Briars but also of Petra. He
10:48:32 45 was on the Task Force steering committee?---Um, that's -
10:48:40 46 well that's right, but I think, um, I think at that point
10:48:47 47 Ms Gobbo was seen more as a witness in relation to these

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10:48:51 1 two investigations rather than as a source.
10:48:53 2
10:48:53 3 Yes. Insofar as Petra is concerned, there's a reference to
10:49:00 4 her, if we recall what was on the note, the update, we see
10:49:07 5 Mr Cornelius writing down the name Gobbo, which reflects
10:49:12 6 the fact that he's of the view that, on one view she's not
10:49:16 7 a source?---Yes, she's a witness.
10:49:18 8
10:49:18 9 And her name would have been discussed no doubt in the
10:49:22 10 course of those Task Force update meetings?--Well I that's
10:49:27 11 right because, sorry for my earlier confusion, of course
10:49:32 12 there was the kind of separate but the very linked issue
10:49:37 13 around the IR, IR 44 and how that had got out.
14
10:49:43 15 Yes?--And the suspicion was it got out through Mokbel, in
10:49:47 16 some way, shape or form, but there was a question of how it
10:49:50 17 got to Mokbel, and I certainly remember again some
10:49:53 18 suggestion that she was possibly involved in the chain or
10:49:55 19 she certainly knew that Hodson was an informer. So, you
10:50:00 20 know, she was an obvious person you'd want to speak to
10:50:03 21 about all of that.
10:50:04 22
10:50:04 23 She was a person of interest or at least a potential
10:50:06 24 witness?---Yes, a witness and potentially a person of
10:50:11 25 interest.
10:50:11 26
10:50:12 27 Really what you wanted to do with respect to Carl Williams,
10:50:16 28 and it will become apparent in due course why, I mean
10:50:19 29 ultimately you wanted to corroborate his statement?---We
10:50:21 30 needed to corroborate his statement if it was to be of any
10:50:25 31 value.
10:50:25 32
10:50:26 33 And you wanted her to do that?--We wanted to do it by any
10:50:30 34 means available.
10:50:30 35
10:50:31 36 One means available was Ms Gobbo?---Yes.
10:50:33 37
10:50:35 38 Insofar as Briars was concerned, she was a source of
10:50:42 39 information so to that extent she was providing information
10:50:46 40 to Briars as an informer, as a human source?---Um, yes, I
10:50:53 41 see that but I think, I think, and I think this became an
10:50:57 42 issue later on. There was an issue around whether she
10:51:00 43 should be a witness in relation to that I think.
10:51:04 44
10:51:04 45 But that was another, that was something that happened much
10:51:07 46 later on but certainly at this time there was a suggestion
10:51:10 47 that she had information about Waters, possibly - -

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10:51:14 1 -?---Well yes, but she's possibly someone in other
10:51:17 2 circumstances that you'd have just gone and approached and
10:51:20 3 spoken to as a witness directly, but I think because she
10:51:22 4 had been a source there were some obvious complications
10:51:27 5 that just needed to be managed.
10:51:29 6
10:51:30 7 MR COLEMAN: Commissioner, can I just talk to my learned
10:51:32 8 friend for a moment.
10:51:32 9
10:51:33 10 COMMISSIONER: Yes.
10:51:43 11
10:51:43 12 MR COLEMAN: Thank you, Commissioner.
10:51:45 13
10:51:45 14 MR WINNEKE: If we can have a look at Mr White's diary of 4
10:51:49 15 May, the following day. Now this, if we can - I won't
10:51:55 16 mention names but it reflects a meeting that Mr White has
10:52:00 17 with a psychologist and there's a meeting at 10.05. So if
10:52:08 18 we can go over the page. At the bottom there, "Meeting
10:52:24 19 with", we don't need the name, what we do know is that's
10:52:28 20 the psychologist?---I accept that.
10:52:30 21
10:52:30 22 If we go to the next page there we see, "Strategies re exit
10:52:35 23 plan. Strategies re psychological counselling. Gobbo to
10:52:42 24 be told hasn't followed instructions with respect to
10:52:49 25 visiting a psychologist. Relationship going into damage
10:52:53 26 control mode. Less contact, no tasking, no intelligence.
10:52:59 27 Probably not suicidal. Suicide, self-harm risk. If
10:53:06 28 contact with SDU stopped big hole in life and various
10:53:11 29 issues with respect to long-standing problems", do you see
10:53:15 30 that?---I do.
10:53:16 31
10:53:16 32 "Not created by role as a human source. Counselling should
10:53:20 33 continue if she wants", right?---Yes, I see that.
10:53:24 34
10:53:24 35 Now, you were, can I suggest, you gave evidence at IBAC
10:53:31 36 previously before Justice Kellam, former Justice Kellam, to
10:53:36 37 the effect that you were aware of the fact that she did
10:53:39 38 have psychological problems?---Yes.
10:53:41 39
10:53:41 40 Can I suggest that this is the sort of information that you
10:53:45 41 were being updated with?---No, I wasn't being updated with
10:53:48 42 this information.
10:53:49 43
10:53:49 44 Right. Well, what is - are you able to explain how you did
10:53:53 45 come to the view which you conveyed to Mr Kellam that she
10:53:59 46 did have psychological issues?---Um, because of her
10:54:06 47 behaviours over the period of time that she was with

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10:54:10 1 Victoria Police as they were, you know, periodically
10:54:12 2 reported to me but only in very general terms. I think
10:54:17 3 there was a number of meetings where I was part of where I
10:54:20 4 understood that she was difficult to manage, I understood
10:54:24 5 she was doing things she shouldn't have been doing, in
10:54:26 6 terms of, you know, continuing associations that she should
10:54:29 7 disentangle herself things from. She'd be told not to do
10:54:34 8 things, she'd go and do them. I only got very general
10:54:35 9 details, I didn't get specifics.
10:54:37 10
10:54:37 11 I follow that?---I guess again the comments I was making in
10:54:41 12 front of IBAC was looking back over the entirety of the
10:54:46 13 time that she was in a relationship of some kind with
10:54:48 14 Victoria Police.
10:54:49 15
10:54:49 16 I follow that. Would it be reasonable to say that there
10:54:52 17 was a dialogue going on between your investigators and
10:54:56 18 Gobbo's managers because it seems to be established by now,
10:55:01 19 by late April, early May, that there is a desire to
10:55:06 20 communicate with Gobbo via her handlers and it would be
10:55:10 21 surprising if your investigators weren't being told, in
10:55:15 22 general terms, the sort of issues that we're reading about
10:55:18 23 here?---I don't know what they were told.
10:55:20 24
10:55:21 25 Well, I accept that you don't know exactly what they were
10:55:25 26 told, but would it be surprising that they weren't being
10:55:28 27 told, that is your investigators weren't being told, "Look
10:55:31 28 Ms Gobbo is very difficult, there are a number of
10:55:33 29 difficulties we've got, she's not easy to handle"?---Yes,
10:55:39 30 they may well have been told that.
10:55:41 31
10:55:42 32 If they were told that the likelihood is that that's the
10:55:44 33 sort of information which filters through to you?---I don't
10:55:45 34 remember being told that.
10:55:46 35
10:55:46 36 What you do recall is certainly when you gave evidence, I
10:55:51 37 suppose you'd have to say this, that over a period of time
10:55:54 38 you accumulated information about Ms Gobbo, to the extent
10:55:58 39 that by the time you gave evidence you had a pretty firm
10:56:02 40 recollection about some of the problems that she was
10:56:06 41 having?---But bearing in mind that also included time that
10:56:11 42 I'm sure we'll get to, around the lawsuit against Victoria
10:56:17 43 Police.
10:56:17 44
10:56:17 45 Yes?---And her behaviour around that time, where I think
10:56:23 46 despite the fact that she was suing us she continued to try
10:56:27 47 and interact and deal with members of Victoria Police and

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10:56:29 1 it got to a point where I think I had to give I think a
10:56:34 2 written direction to the Petra Task Force not to deal with
10:56:38 3 her any more.
4
5 Yes?---And then I think even then after that she continued
10:56:39 6 to deal, as I now understand it, she continued to deal with
10:56:42 7 the organisation. So I had all of that information known
10:56:44 8 to me when I was talking to or answering questions in front
10:56:48 9 of Mr Kellam, so it's the totality of that information that
10:56:52 10 caused me to express the views that I expressed.
10:56:55 11
10:56:55 12 All right. On 16 May 2007 can I suggest that you
10:57:03 13 approached the SDU to speak to Gobbo regarding the Hodson
10:57:10 14 murders, or at least via Gavan Ryan?---That may be right,
10:57:15 15 yes.
10:57:15 16
10:57:16 17 If we have a look at the source management log,
10:57:19 18 p.110?---Yes.
10:57:19 19
10:57:20 20 There's a note to the effect that information had been
10:57:24 21 passed from Mr Ryan that you had approved the SDU speaking
10:57:29 22 to her?---Yep, well again she would be a witness that we
10:57:34 23 would need to talk to, but because of her past role that we
10:57:38 24 would need to manage that.
10:57:40 25
10:57:42 26 It appears to be an instruction coming from you via Ryan.
10:57:48 27 Is it you or is it the management committee which is
10:57:51 28 passing on the instruction, sorry, the steering committee
10:57:54 29 in the case of Petra?---Again, look, I assume it was
10:58:01 30 discussed in the steering committee. If he's referenced
10:58:06 31 that it's coming from me, he's referenced it was coming
10:58:09 32 from me. But I assume it was something that would have
10:58:10 33 been discussed at the management committee.
10:58:13 34
10:58:14 35 The management committee and you convey that decision to
10:58:17 36 Mr Ryan or he might be there?---He would have been there.
10:58:22 37 I'm the senior Victoria Police officer there so if he wants
10:58:26 38 to attribute it to me he attributes it to me.
10:58:30 39
10:58:30 40 Can I suggest this, these sorts of things are being
10:58:33 41 discussed openly at the meeting, at the management meeting,
10:58:37 42 the steering committee meeting?---I assume they were. The
10:58:40 43 need to talk to her as a witness around her knowledge of IR
10:58:44 44 44, I think particularly at that time, and what if any
10:58:49 45 relationship - I don't recall when the issue of a
10:58:52 46 relationship with Dale became an issue, but certainly the
10:58:55 47 issue around IR 44, it was an obvious line of inquiry to be

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10:59:00 1 followed through.
10:59:00 2
10:59:01 3 It wasn't, "Can you go and speak to Ms Gobbo?" It's, "Can
10:59:05 4 you go and tell the SDU that they have the approval to
10:59:07 5 speak to Ms Gobbo", do you follow the distinction?--I do,
10:59:11 6 I follow the distinction.
10:59:12 7
10:59:13 8 So it would have been apparent to anyone at the meeting
10:59:15 9 that that was the decision that was taken?---It appears so,
10:59:18 10 yes.
10:59:19 11
10:59:20 12 All right. So if Mr Ashton was there, if Mr Cornelius was
10:59:22 13 there then it would have been apparent to all of those
10:59:27 14 people that Mr Ryan was being asked to inform Mr White,
10:59:34 15 Sandy White, that he had approval of the steering committee
10:59:37 16 to speak to Ms Gobbo?---Well if that's where it happened,
10:59:39 17 yes, but - - -
10:59:41 18
10:59:41 19 Through the SDU?---Through the SDU, but I don't know, maybe
10:59:44 20 that was a separate conversation between Ryan and me, I
10:59:47 21 honestly don't recall.
10:59:49 22
10:59:53 23 In any event it seems clear that the approval was for the
10:59:57 24 SDU to speak to Ms Gobbo?---I accept that.
11:00:00 25
11:00:00 26 All right. 21 May 2007. The evidence is that there was a
11:00:07 27 meeting between Ms Gobbo and her handlers and controller.
11:00:13 28 If we have a look at the source management log of that
11:00:17 29 date, 21 May, you'll see there there was a meeting between
11:00:21 30 Ms Gobbo, Mr White, Mr Anderson and it was a debrief
11:00:31 31 regarding the knowledge of Paul Dale relationship with Carl
11:00:34 32 Williams, involvement in Dublin Street burglary, theft of
11:00:39 33 IRs, intel re Adam Ahmed, do you see that?---I do.
11:00:43 34
11:00:43 35 In the course of the meeting, perhaps if we can put up ICR
11:00:49 36 p.844, just to get a bit of an idea certainly about the
11:00:55 37 length of the meeting. You'll see that - perhaps just go
11:01:00 38 back. Yeah, okay. Come back up, we'll see around Paul
11:01:06 39 Dale, and there's a number of matters discussed including,
11:01:12 40 "Bizarre using friendship with Paul Dale, providing legal
11:01:16 41 advice for free". Reference to Abby Haynes, "Abby Haynes
11:01:24 42 was advised to make a statement to police to better her
11:01:30 43 cause. Didn't want to sign a statement. She had to
11:01:33 44 convince her to sign the statement", do you see that?---I
11:01:36 45 do.
11:01:37 46
11:01:38 47 "Involvement of Mokbel in calls on the morning of the

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11:01:41 1 burglary." There's a reference to Ahmed told her \$900,000
 11:01:50 2 at the house. It might be further down. It goes on for
 11:01:57 3 quite some time?---Right.
 11:01:58 4
 11:02:00 5 Scroll through it. There we are, 900,000. "Mokbel said
 11:02:06 6 the same", do you see that?---Yes.
 11:02:08 7
 11:02:08 8 "Waters and Campbell said that money was stolen, seemed to
 11:02:14 9 have some involvement." Right. "Waters and Campbell both
 11:02:27 10 said money was taken from the house. She denies that she's
 11:02:32 11 in possession of the 900,000", et cetera?---Yes.
 11:02:35 12
 11:02:35 13 There's a denial of having any of [REDACTED]'s money it may
 11:02:42 14 be suggested that he'd given her, but she denies it. When
 11:02:47 15 Dale was suspended, if we go to p.846, she met him at a pub
 11:02:52 16 to discuss the matter. She provided him with a number of
 11:02:54 17 judgments to assist. Page 846, can you see that? Up the
 11:03:03 18 top of the page. Was that information that was passed on,
 11:03:07 19 do you recall, those sorts of - - - ?---I suspect not in
 11:03:13 20 that detail, but - - -
 11:03:17 21
 11:03:17 22 Right. There's also a reference to Ms Gobbo having a copy
 11:03:23 23 of notes from Dale which were supplied whilst in custody.
 11:03:27 24 The notes had been given to Hargreaves who represented
 11:03:31 25 Dale. Were you aware of Ms Gobbo being provided with notes
 11:03:35 26 by Paul Dale when he was in custody, to be provided to his
 11:03:40 27 solicitor?---I don't think so.
 11:03:46 28
 11:03:46 29 Right. And there's also, there's a suggestion that those
 11:03:53 30 notes were in fact provided to the SDU and there's also a
 11:03:59 31 suggestion that Mr Ryan had seen a copy of those notes.
 11:04:03 32 Were you ever aware of that, that Mr Ryan had seen those
 11:04:07 33 notes, or notes that had been provided by Paul Dale?---I
 11:04:12 34 don't think so.
 11:04:13 35
 11:04:13 36 To Ms Gobbo. No, all right. There's a notation that Gobbo
 11:04:20 37 was with Ahmed on the night of the murder and there was a
 11:04:22 38 discussion with Gobbo about the Bezzina interview, that
 11:04:26 39 Charlie had put it to her that Terry was an informer.
 11:04:30 40 There's a reference to Mokbel having an IR and there was
 11:04:33 41 references to various people after, asked who Dale would
 11:04:39 42 have given statements to and they're the names mentioned.
 11:04:45 43 I think if I go to p.847, there's Williams, [REDACTED]
 11:04:51 44 [REDACTED], George Williams, Karam, Mark Smith and John
 11:04:56 45 Higgs. There's a wealth of information there that's been
 11:04:59 46 provided, do you see that?---I do.
 11:05:01 47

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11:05:02 1 The following day, if we go to the SML, we'll see that
11:05:10 2 Mr Ryan was briefed about the Gobbo debrief the day before
11:05:16 3 and the note is to the effect that Ryan would then brief
11:05:21 4 you?---Right.
11:05:22 5
11:05:22 6 Do you accept that you did get a briefing from Mr Ryan
11:05:27 7 about the matters that had been discussed?---I do.
11:05:31 8
11:05:31 9 Did you ever get a tape of that meeting?---No.
11:05:34 10
11:05:35 11 You don't believe that a tape was sought by the Task Force
11:05:40 12 steering committee of that meeting to see exactly what she
11:05:42 13 did say and what information she had?---No.
11:05:45 14
11:05:45 15 Do you know what sort of record was provided to the Task
11:05:50 16 Force of that meeting?---Um, no, I don't. I don't recall.
11:05:58 17 Some of the information of it is certainly information I
11:06:01 18 was made aware of.
11:06:02 19
11:06:02 20 Right?---But I don't recall - I don't recall.
11:06:07 21
11:06:07 22 One assumes that the SDU on your instruction or at least on
11:06:12 23 the instructions of the steering committee had gone to a
11:06:15 24 significant effort to go and meet her and get all of that
11:06:20 25 information?---Yes.
11:06:20 26
11:06:20 27 With a view to passing it on to Petra?---Yes.
11:06:25 28
11:06:25 29 I'm just wondering what form that information would have
11:06:29 30 taken?---I imagine it would have been covered as one of the
11:06:34 31 weekly updates. There would have been a summary of the
11:06:36 32 information that had been provided.
11:06:37 33
11:06:37 34 Well, what, do you say that the only information that would
11:06:41 35 have been recorded by the Task Force would be that which
11:06:44 36 had been provided in the update, a summary?---Yes.
11:06:47 37
11:06:47 38 Surely if you're trying to get as much information as you
11:06:51 39 can you'd want to get a detailed account of what Ms Gobbo
11:06:54 40 had to say?---I'm sure the investigators would have that.
11:06:57 41
11:06:57 42 Right, right?---But there's no reason for the management
11:06:59 43 committee to have that level of detail.
11:07:01 44
11:07:01 45 I follow that. Do you know what, or was it conveyed to you
11:07:06 46 what information they actually did get? Was it in the form
11:07:10 47 of an audio recording, was it in - - - ?---I don't recall

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11:07:14 1 anything about an audio recording. I assume they would
11:07:19 2 have got and made appropriate records of what they were
11:07:21 3 told.
11:07:22 4
11:07:22 5 Yes?---And I assume a summary of that will have been
11:07:25 6 reported to the management committee.
11:07:27 7
11:07:27 8 On 25 May 2007 there's, in the source management log,
11:07:31 9 there's a meeting with Superintendent Biggin and DC
11:07:36 10 Overland. "Briefing re Ms Gobbo's knowledge of Paul Dale,
11:07:42 11 involvement in the stolen IRs, Dublin Street burglary and
11:07:45 12 Hodson murders. Update re Ms Gobbo's psychological
11:07:50 13 assessment and ongoing viability. Agreed Ms Gobbo viable
11:07:53 14 with respect to Operation Petra investigation and Waters
11:07:58 15 and co. Also agreed OPI will not subpoena Ms Gobbo re
11:08:05 16 same"?---H'mm.
11:08:06 17
11:08:07 18 Would you accept that that reflects a discussion that has
11:08:11 19 occurred involving you and you get a briefing, personally
11:08:16 20 get a briefing about the sort of information that had been
11:08:18 21 provided?---Yeah, it seems to suggest that, yes.
11:08:29 22
11:08:29 23 All right. Perhaps if we just have a quick look at
11:08:33 24 Mr White's diaries, VPL.0100.0096.0646. "Update meet with
11:08:42 25 DC Overland and Superintendent Biggin re Ms Gobbo. Update
11:08:46 26 re human source involvement IR 44 Paul Dale", et cetera.
11:08:56 27 "Outline exit strategy. SDU outline viability with respect
11:09:01 28 to Ahmed". Same date, 25 May. "Dave Waters, Paul Dale.
11:09:11 29 SDU objective, end relationship without bitter
11:09:14 30 recriminations either way. Human source objective
11:09:19 31 effectively been achieved, that is Mokbel out of life. But
11:09:22 32 in the end the agreement was that she was viable. There
11:09:26 33 was to be ongoing SDU management. The SDU to monitor OPI
11:09:33 34 re request for her to be subpoenaed for compulsory hearing
11:09:37 35 and it was agreed not necessary as human source willing to
11:09:42 36 assist", do you see that?---I do.
11:09:44 37
11:09:44 38 What that seems to suggest is that there's a sort of a
11:09:47 39 unilateral agreement between you and the SDU that she
11:09:54 40 wasn't, she didn't need to be called before Mr Brouwer's
11:10:01 41 organisation, do you accept that?---No, I don't. Where do
11:10:06 42 you - I don't.
11:10:08 43
11:10:09 44 "Agreed that it's not necessary for her to be called to a
11:10:16 45 compulsory hearing because she's willing to
11:10:19 46 assist"?---Okay. Well that might have been the
11:10:20 47 understanding at the time but that looks to me like an

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11:10:27 1 agreement that we could end her role as a human source but
11:10:32 2 then she would transition more to being a witness, but the
11:10:35 3 SDU would need to continue to manage her or manage, you
11:10:35 4 know, continue to be present and manage her I assume
11:10:44 5 because of duty of care issues.
11:10:46 6
11:10:46 7 It may be, it may also be that the SDU wanted to deactivate
11:10:52 8 her but you wanted to keep her active?---No, I don't -
11:10:55 9 that's not my recollection. I mean my - I have seen this
11:10:59 10 note and a number of other notes I think later in 2007
11:11:03 11 which I'm sure you'll get to put to me which accord with my
11:11:08 12 recollection which was that trying to transitioning her out
11:11:11 13 of being a source but understanding she still needed to be
11:11:14 14 a witness in relation to these other matters and would
11:11:17 15 still need to be spoken to.
11:11:18 16
11:11:18 17 Certainly the evidence we've seen this morning suggests
11:11:21 18 that at least one, or at least a couple of the SDU
11:11:28 19 [REDACTED] are of the view that she
11:11:30 20 shouldn't be, that she ought be deactivated?---Yeah, I
11:11:34 21 understand that.
11:11:35 22
11:11:35 23 Nonetheless it appears that once there's a desire to use
11:11:39 24 her for Briars and Petra, there seems to be pressure being
11:11:43 25 brought to bear to keep her going?---No, I don't read it
11:11:47 26 that way. It doesn't accord with my recollection, which
11:11:49 27 was she was becoming much more - well she was a witness,
11:11:53 28 not a source.
11:11:54 29
11:11:54 30 Right?---And that it was possible to end her role as a
11:11:59 31 source and that would need to be managed, but Victoria
11:12:03 32 Police was going to have to continue to deal with her
11:12:06 33 because she was a potential witness or even potentially
11:12:10 34 implicated in the Petra matters, depending on what her
11:12:14 35 involvement in the circulation of IR 44 was, and Briars.
11:12:19 36 Again I accept, you know, she was providing information but
11:12:21 37 it was more as a witness around her dealings with Waters
11:12:24 38 and Lalor, what she knew, what she could tell us that would
11:12:28 39 be of assistance.
11:12:29 40
11:12:29 41 All right. Did you tell your fellow members of the Task
11:12:38 42 Force steering committee that she had been debriefed by the
11:12:43 43 SDU?---Did I tell them that?
11:12:47 44
11:12:48 45 Yes, was that something which was common knowledge to all
11:12:51 46 those members of the steering committee, the fact that she
11:12:54 47 had been - - - ?---I assumed they'd have been made aware of

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11:13:00 1 the information that had been provided. I'm not sure
11:13:02 2 whether they were specifically told that she was debriefed,
11:13:05 3 I just don't recall.
11:13:06 4
11:13:07 5 I mean we know that the OPI want to call her before a
11:13:13 6 hearing?---Yep.
11:13:13 7
11:13:14 8 On one view it might have been best to do that before any
11:13:19 9 debriefing occurred, would you accept that, as a general
11:13:22 10 investigative proposition?---Not necessarily, no. In fact
11:13:29 11 sometimes there's reasons to talk to people ahead of, ahead
11:13:33 12 of a hearing.
11:13:33 13
11:13:33 14 Would you expect there would be a reference in updates,
11:13:38 15 Task Force updates about the debriefing and information
11:13:41 16 contained, obtained from the debriefing?---Well I think
11:13:49 17 there'd be an update on relevant information, I just don't
11:13:52 18 - I honestly don't recall whether that was a reference to
11:13:55 19 the debrief or not, but certainly the information that she
11:13:58 20 referred to, I recall becoming aware of that information.
11:14:01 21
11:14:01 22 Right. Could we have a look at the weekly update of 28 May
11:14:06 23 2007, VPL.0100.0020.5275, p.6. If we go to p.6 of this.
11:14:43 24 Can you go to the top. I just want to make - go further
11:14:52 25 up. So it appears to start here, Petra Task Force. This
11:14:58 26 is, obviously - I think this an Interpose. Then you get to
11:15:05 27 weekly update, 28 May 2007. There's Task Force activities,
11:15:10 28 do you see, that tape lifts?---Yes, I see that.
11:15:13 29
11:15:14 30 Mr Biggin is given a briefing in relation to Operation
11:15:18 31 Nutation, which was the investigation into the alleged
11:15:20 32 involvement of Dale, et cetera?---I see that.
11:15:22 33
11:15:23 34 Then there is a gun seized from Hodson's car. Spoken to
11:15:27 35 Azzam Ahmed, et cetera. Analysis holdings. If we keep
11:15:32 36 going down. Keep going. And there's references to a
11:15:37 37 number of matters. Crime Commission hearings, planned
11:15:41 38 activities. Do you see that?---I do.
11:15:43 39
11:15:44 40 There doesn't seem to be any reference to - keep going to
11:15:47 41 the end just so as we're absolutely clear about this. Keep
11:15:51 42 going. And that's it. There doesn't seem to be any
11:15:56 43 reference to the debriefs and the meetings which had
11:16:02 44 occurred in the previous week involving your discussions
11:16:06 45 with the SDU and their discussions with Ms Gobbo and all of
11:16:14 46 that information which had been provided. Is that
11:16:16 47 surprising?---I don't know why - I don't, I don't know, I

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11:16:28 1 can't comment on why - I don't know why it's not there.
11:16:31 2
11:16:31 3 Is there any reason why it wouldn't be there? Would you
11:16:34 4 expect that it would be there?--Well unless at that point
11:16:40 5 we hadn't indicated to Mr Ashton or Mr Cornelius that
11:16:49 6 Ms Gobbo was a registered informer, that's the only reason
11:16:53 7 I can think of.
11:16:53 8
11:16:54 9 Right?--Yeah. Why it might not have been included.
11:16:59 10
11:17:00 11 So it may have been that because you hadn't conveyed to
11:17:03 12 them that she was an informer that that source of
11:17:09 13 information might have been kept from them?--It might have
11:17:13 14 been, yes.
11:17:13 15
11:17:13 16 Do you think you might also have been a little bit
11:17:16 17 concerned about letting them know that you were going to
11:17:19 18 debrief her prior to the OPI getting their hands on
11:17:22 19 her?--No.
11:17:23 20
11:17:23 21 No, all right. Could we have a look at - if that is the
11:17:30 22 case, do you accept that it is somewhat significant
11:17:34 23 information that you are keeping from the fellow members of
11:17:39 24 your steering committee, that is Mr Cornelius and
11:17:42 25 Mr Ashton?--Well I don't think we were trying to withhold
11:17:46 26 information, I think we were possibly, and again I'm
11:17:48 27 speculating, but possibly trying to protect the identity of
11:17:51 28 the source. I mean they subsequently did come to know that
11:17:54 29 she was a source, so as often is the case with these things
11:18:00 30 there's sort of judgments about whether you do, whether you
11:18:02 31 don't, and when the appropriate period of time is. But
11:18:05 32 they did become aware that she was a source and I'm just,
11:18:09 33 I'm not sure when Mr Cornelius was aware. Was he aware by
11:18:13 34 now? I don't recall when he became aware.
11:18:16 35
11:18:16 36 Are you able to say whether there were discussions, free
11:18:20 37 discussions with Mr Cornelius and Mr Ashton during the
11:18:23 38 early stages of this, well this investigation about
11:18:29 39 Ms Gobbo being an informer?--I don't recall. There
11:18:32 40 certainly would have been discussions about Ms Gobbo
11:18:35 41 because of her involvement in IR 44.
11:18:35 42
11:18:38 43 Right?--But her character there is more as a witness
11:18:41 44 rather than a source.
11:18:42 45
11:18:42 46 But the information she's providing, albeit through the
11:18:44 47 handlers, is not insignificant information, it's quite

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11:18:49 1 significant information?--Correct. And I'm sure all of
11:18:52 2 that was conveyed to the members of the management group at
11:18:54 3 some point of time.
11:18:55 4
11:18:55 5 You would say if we go through all of the updates at some
11:18:58 6 stage we'd see some reference to it?--I don't know, but I
11:19:01 7 certainly was aware of some of the information she
11:19:06 8 conveyed. I think - certainly about - sorry, there was a
11:19:13 9 name there again, I'm just trying to be careful not to - I
11:19:15 10 think it's okay, but it was about a person living in
11:19:18 11 Queensland who had access to the IR.
11:19:20 12
11:19:21 13 Smith?--Okay, Smith having access to the IR.
14
11:19:24 15 Yes?--I think we already knew that because I think - no,
11:19:27 16 we already knew that because Charlie Bezzina I think had
11:19:32 17 followed that through pretty vigorously.
11:19:35 18
11:19:35 19 Through at least a reference to some stable of an associate
11:19:40 20 of Tony Mokbel's?--Yeah, it did. Yes, that did. That's
11:19:43 21 right, yep.
11:19:43 22
11:19:47 23 If we then move on to 28 May 2007, ICR p.862. If we have a
11:19:58 24 look at that and I just want to - I briefly touched on this
11:20:03 25 before. You'll see here with respect to Paul Dale that
11:20:11 26 Ms Gobbo's located the notes, and can I suggest that the
11:20:16 27 notes referred to there are the notes which I've previously
11:20:20 28 referred to, those which were provided to Ms Gobbo by Paul
11:20:23 29 Dale when she visited him in custody around 5 or 7 December
11:20:28 30 2003. Perhaps later on?--But they're using her - - -
11:20:38 31
11:20:38 32 In December in any event?--Yeah. So they're using her
11:20:41 33 reference, her code reference there, so that would indicate
11:20:45 34 to me that that was information being reported to the
11:20:49 35 management committee.
11:20:50 36
11:20:50 37 No, this is the ICR, so on?--This is the ICR, sorry, my
11:20:55 38 apologies.
11:20:56 39
11:20:57 40 Just scroll down a bit. It's a discussion that's being had
11:21:04 41 I think on the 28th - yeah, it's on the 28th. She said she
11:21:11 42 located the notes, "Arrangements to be discussed regarding
11:21:13 43 the collection of the notes"?--Right.
11:21:15 44
11:21:16 45 "She's considering the ethical implications of handing
11:21:20 46 these notes over", do you see that?--I do.
11:21:22 47

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11:21:22 1 She considers that for a short time and obviously decides
11:21:26 2 that she's prepared to do so and then the documents are
11:21:30 3 ready to be collected, do you see that?---I do.
11:21:32 4
11:21:35 5 MR CHETTLE: This is not on the screen, can I have a page
11:21:40 6 reference?
11:21:40 7
11:21:40 8 COMMISSIONER: 862 in the bottom.
11:21:42 9
11:21:43 10 MR WINNEKE: 862. Can we go down and just find the time.
11:21:47 11 So they're handed, they're ready to be collected at about
11:21:51 12 1 o'clock. So at 10, it may be the previous - yeah. Can
11:21:58 13 we just scroll up the page, so the 27th of May. I might be
11:22:04 14 mistaken then about that, it may be during the evening of
11:22:06 15 the 27th the discussion is had. Keep going. And then the
11:22:12 16 following day - so she says that she's found them and then
11:22:17 17 they're ready to be handed over the next day at about
11:22:21 18 1 o'clock, do you see that?---I see that.
11:22:24 19
11:22:29 20 If we can go then have a look at the monthly review, the
11:22:33 21 source management log at p.112. What that review reflects
11:22:40 22 is that, "The risk is high by virtue of her association
11:22:43 23 with gangland and assistance provided to police regarding
11:22:47 24 the same. Value remains high re corruption issues and
11:22:52 25 murder investigation involving serving and ex police".
11:22:57 26 That's no doubt a reflection of your views?---Yes. Well,
11:23:02 27 yes.
11:23:03 28
11:23:03 29 "And it's also anticipated that Mokbel may be arrested in
11:23:06 30 the near future and will attempt to contact Ms Gobbo. Then
11:23:09 31 a decision will have to be made regarding any source
11:23:12 32 involvement in this"?---Yep.
11:23:14 33
11:23:19 34 Now, would you agree that the information that he is about
11:23:26 35 to be arrested or may be arrested in the near future must
11:23:30 36 have been information that would have come from
11:23:32 37 Purana?---It must have.
11:23:33 38
11:23:33 39 And the recommendation is, "Continued management by the SDU
11:23:37 40 is essential"?---I see that.
11:23:41 41
11:23:43 42 And would it be fair to say that the reason Purana contacts
11:23:48 43 the SDU to let them know that Mokbel may well be arrested
11:23:53 44 soon is that the expectation is that he would call
11:23:58 45 Ms Gobbo?---That seems to be the case, yes.
11:24:00 46
11:24:00 47 And Purana would want to know what he's said to

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11:24:03 1 Ms Gobbo?---Possibly.
11:24:05 2
11:24:05 3 Which could be somewhat troubling, couldn't it, if the
11:24:08 4 expectation is that Mokbel might call someone who had
11:24:12 5 previously represented him, he might be thinking he's
11:24:15 6 speaking to a lawyer and not knowing that that information
11:24:18 7 was going to be passed on to Purana?---Well yes, she
11:24:23 8 shouldn't be talking to him in that capacity, I accept
11:24:25 9 that.
11:24:25 10
11:24:26 11 And Purana shouldn't have been seeking that
11:24:30 12 information?---Well if they were having a privileged
11:24:33 13 conversation, yes, but it would depend what the
11:24:35 14 conversation was. I mean my recollection at that point is
11:24:38 15 that Ms Gobbo had been in reasonably regular contact with
11:24:41 16 Mr Mokbel but it didn't look like a legal professional
11:24:45 17 relationship, it looked like someone who was facilitating
11:24:50 18 his continued operations of his drug network back in
11:24:53 19 Australia.
11:24:53 20
11:24:53 21 Do you say that you had evidence of communications between
11:25:00 22 Ms Gobbo and Mr Mokbel at that stage?---Well I think so, I
11:25:03 23 think that's what I was being told. I understood that she
11:25:03 24 was assisting the investigators in locating and
11:25:05 25 apprehending him overseas. I don't know the detail but my
11:25:09 26 understanding was that she was useful in providing
11:25:12 27 information around the location and capture of Tony Mokbel
11:25:15 28 in Greece.
11:25:16 29
11:25:19 30 I think you just suggested that she was somehow
11:25:21 31 instrumental in his drug activities overseas, that's not
11:25:24 32 what you're saying?---No, no. I think my recollection,
11:25:27 33 based on what I was briefed about, was that she was
11:25:30 34 facilitating his network here in Australia while he was
11:25:35 35 overseas.
11:25:36 36
11:25:36 37 So, what, was a human source or as a - - - ?---No, almost
11:25:40 38 as a co-accused.
11:25:41 39
11:25:42 40 We'd see that in Purana updates and briefing notes, surely,
11:25:45 41 would we?---I think so. I mean that's my recollection,
11:25:48 42 that she was involved in that.
11:25:50 43
11:25:50 44 If that's your recollection one assumes it would be
11:25:53 45 recorded in updates and so forth?---I would assume so.
11:25:56 46
11:25:56 47 All right. Now, what we know, the evidence of the Royal

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11:26:06 1 Commission is that on 5 June 2007 Ms Gobbo handed over to
11:26:12 2 the SDU a bill of lading in relation to the tomato tins
11:26:18 3 import, you know the matter I'm talking about?---I know the
11:26:22 4 matter you're talking about.

11:26:23 5
11:26:23 6 And equally at around, at the same time, mid-2007, Ms Gobbo
11:26:28 7 is representing Rob Karam in a trial. At some point during
11:26:36 8 that time he gave her some documents for safekeeping, one
11:26:39 9 of which was the bill lading, and she copied it and
11:26:43 10 provided it to police handlers. And she assisted then by
11:26:46 11 translating the Italian components of it. Then we know the
11:26:50 12 bill of lading was provided through various means to
11:26:53 13 federal authorities?---I don't have any recollection of
11:26:55 14 this, I'm not sure I knew this information.

11:26:58 15
11:26:58 16 Were you at that stage in June of 2007, did you have
11:27:05 17 overall charge of the DTF, the Drug Task Force?---No.

11:27:09 18
11:27:11 19 Who had - - - ?---Well - no, I don't think so. I don't
11:27:16 20 think I did. The joint Drug Task Force between - - -

11:27:19 21
11:27:20 22 No, it's a Victoria Police unit we understand. Drug Task
11:27:24 23 Force?---No.

11:27:24 24
11:27:25 25 Which was - no?---No.

11:27:26 26
11:27:26 27 Do you know under whose command that was?---I assume
11:27:34 28 whoever was the AC Crime.

11:27:36 29
11:27:36 30 Right. Now, I take it you say you weren't aware of these
11:27:44 31 events that I've just recited?---I've become aware of them
11:27:51 32 through media subsequently, I didn't know that Ms Gobbo was
11:27:53 33 the source of that information. I don't believe I knew
11:27:55 34 about that information at the time.

11:27:56 35
11:27:57 36 Now, if we can move on to 22 June 2007. If we have a look
11:28:04 37 briefly at a Briars Task Force update, VPL.0100.0048.1555.

11:28:12 38
11:28:13 39 COMMISSIONER: Is this a convenient time?

11:28:15 40
11:28:15 41 MR WINNEKE: Yes, Commissioner, I was looking at the clock,
11:28:17 42 I'm happy to break now.

11:28:19 43
11:28:19 44 COMMISSIONER: All right, we'll have the midmorning break.

11:28:44 45
11:28:45 46 (Short adjournment.)
11:28:45 47

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11:50:09 1 COMMISSIONER: Yes, Mr Winneke.
2
11:50:12 3 MR WINNEKE: Thanks, Commissioner. I think I suggested to
11:50:14 4 you before that there were some notes which had been
11:50:17 5 provided by Ms Gobbo to the SDU which were shown to one of
11:50:20 6 your investigators, I think I suggested Gavan Ryan. I'm
11:50:24 7 informed that it was Shane O'Connell. I take it you say
11:50:27 8 you don't recall in any event - - - ?---No.
9
11:50:29 10 - - - who it was?---No.
11
11:50:30 12 All right. On 22 June there was a significant Task Force
11:50:38 13 update. If we have a look at VPL.0100.0048.1555. There
11:50:52 14 was a suggestion that there had been a media leak, or at
11:51:00 15 least a leak to media and that Nick McKenzie had been
11:51:04 16 provided with some information. Can you go up the screen
11:51:07 17 please. Do you see that?---Yes.
18
11:51:20 19 Nick McKenzie, a journalist, had a meeting with Mr Iddles
11:51:24 20 again on Tuesday. "You'll recall some weeks ago he
11:51:26 21 believed Ron, Steve and I were working on Victor Peirce.
11:51:32 22 He now tells Ron that he knows about Operation Petra",
11:51:36 23 which is Hodson, "and he's been told from someone from
11:51:39 24 within the Crime Department that we're working on the
11:51:42 25 vampire", which is clearly the Briars matter, "and we have
11:51:46 26 Waters, Lalor and Saunders as targets. He says don't do
11:51:56 27 reverse CCRs on the phone", et cetera. He won't disclose
11:52:01 28 his source other than the source is, you know, well
11:52:07 29 connected?---Yes.
30
11:52:08 31 Do you see that?---I do.
32
11:52:10 33 That's information that you obviously would have been made
11:52:13 34 aware of?---Absolutely.
35
11:52:15 36 And you say that was obviously a matter of concern?---Yes.
37
11:52:23 38 As I put to you before, it appears that those sorts of
11:52:27 39 leaks might have been occurring earlier, much earlier than
11:52:31 40 that on 1 April?---Yes.
41
11:52:33 42 Did you know about the earlier ones, the 1 April
11:52:37 43 information?---Sorry, can you just remind me again what
11:52:42 44 that was.
45
11:52:43 46 That was the communication between Ms Gobbo and her
11:52:45 47 handlers that she'd met Mr Waters at the angling club and

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11:52:55 1 there'd been a suggestion from him that [REDACTED] had
11:53:00 2 something on him and it was connected with [REDACTED] ---I
11:53:03 3 think I must have been aware of that, yes. I don't
11:53:06 4 specifically recall but I'm sure they'd have told me that.
5
11:53:09 6 It would have come from the SDU?---Oh, okay.
7
11:53:12 8 If that's the case, it would have come from the SDU through
11:53:16 9 to your investigators?---I assume it would, yeah, and I
11:53:19 10 assume they'd have told me something to that effect, yeah.
11:53:22 11 Because operation security was a key issue, as I said.
12
11:53:27 13 Can I ask you this: at trial, ultimately, obviously well
11:53:33 14 after you'd left Victoria Police, in [REDACTED] gave
11:53:37 15 evidence and he was a key witness in that proceeding.
11:53:41 16 There was evidence that one of the reasons that he came
11:53:46 17 forward and made the statements in the first place, which I
11:53:52 18 think was around [REDACTED], the year previously, in effect
11:53:58 19 implicating himself, was because of something that he'd
11:54:01 20 heard from Nicola Gobbo. Now were you aware at any stage
11:54:05 21 during the course of your investigation of a suggestion
11:54:10 22 that Ms Gobbo had spoken to [REDACTED] and had in some way
11:54:15 23 influenced him into making a statement or making the
11:54:21 24 initial statement that he made?---No, I don't believe so,
11:54:24 25 no.
26
11:54:25 27 That information was never conveyed to you to your
11:54:29 28 recollection?---I don't believe so, no.
29
11:54:37 30 The information in relation to Mr McKenzie's source was of
11:54:47 31 significance and it led to obviously further conduct on the
11:54:51 32 part of the board of management, did it not?---My
11:55:01 33 recollection is it did.
34
11:55:05 35 Well obviously you'd sought to investigate - - - ?---Yeah,
11:55:08 36 where the information had come from.
37
11:55:10 38 Yep?---I'm just trying to remember what we tried to do
11:55:13 39 about McKenzie. I don't remember whether I - - -
40
11:55:17 41 Perhaps if we have a look at the chronology for the OPI
11:55:19 42 which had been prepared by Mr Cornelius,
11:55:28 43 IBAC.0010.0001.0477. You'll see the meeting on the 22nd of
11:55:36 44 June?---Yeah, yeah, I see that, yeah.
45
11:55:43 46 If we continue on. The other direction, keep going. The
11:55:52 47 other way. No, no, the other way. Further meeting on 9

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11:55:59 1 July and there were discussions with him about whether or
11:56:06 2 not he would publish an article and when he would publish
11:56:10 3 an article?---Yep.
4

11:56:14 5 I'm not going to go down at this stage the other path but
11:56:24 6 can I ask you this: do you believe that there was a view
11:56:32 7 taken around this time that it was - look, I'll withdraw
11:56:45 8 that. Was it the intention of the board of management to
11:56:50 9 use Ms Gobbo or someone else to put information into the
11:56:54 10 public domain?---I don't have a recollection of that, no.
11

11:57:09 12 Okay. Do you believe that at some stage there was a
11:57:15 13 decision made to task Ms Gobbo to do that, to put
11:57:21 14 information into the public?---Look, there may have been
11:57:26 15 but again I don't recall it.
16

11:57:36 17 That running sheet or that chronology that was prepared for
11:57:40 18 the OPI which you've just seen, and I think you also had an
11:57:51 19 investigation running sheet, a chronology, didn't
11:57:58 20 you?---For these matters?
21

11:57:59 22 Yes, for these matters, for this matter?---Quite possibly,
11:58:01 23 yes.
24

11:58:02 25 I've referred to one already which was your running sheet.
11:58:07 26 Can I ask you how that was prepared? Was that prepared on
11:58:11 27 the basis of any contemporary documents that you had?---I
11:58:22 28 don't now recall. I assume I'd have gone back - well, I
11:58:29 29 assumed I'd looked at documents. I had diaries and the
11:58:33 30 updates - I mean I don't even remember when I prepared that
11:58:38 31 but I assume I'd have looked at whatever records I had to
11:58:42 32 assist in that.
33

11:58:43 34 You mentioned diaries. As I understood you didn't have
11:58:46 35 diaries?---No, sorry, a electronic diary. I had an Outlook
11:58:53 36 diary, yeah, so that sort of thing, around meetings and
11:58:56 37 things like that.
38

11:58:58 39 Because ultimately you prepared an affidavit and also a
11:59:00 40 chronology in which there was quite some detail. Do you
11:59:04 41 say that was prepared using those electronic diaries?---I
11:59:09 42 think so. And I think there were documents prepared at the
11:59:11 43 generation, at the start of the Task Force, and I'd have
11:59:14 44 had all of those. So I think I had, I had some material
11:59:16 45 that had been prepared for the purpose of briefing the
11:59:19 46 Chief Commissioner, I think the establishment of the Task
11:59:21 47 Force. There'd have been emails possibly, there'd have

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11:59:26 1 been electronic diary records, so - even phone records
11:59:28 2 sometimes can be of assistance around that.
3
11:59:30 4 All right. As I say, I'm doing this chronologically to get
11:59:34 5 an idea of what was going on?---M'mm.
6
11:59:36 7 If we go now, on the same day as that, we know that
11:59:43 8 Mr Orman, Faruk Orman was arrested and if we have a look at
11:59:49 9 ICR p.925 what we'll see is that when he was arrested he
11:59:54 10 called Ms Gobbo?---Right.
11
12:00:01 12 Do you see that at 9.25?---Sorry, I'm not sure I've
12:00:10 13 got - - -
14
12:00:10 15 22 June, is that right? 22nd of June. There we
12:00:23 16 are?---Yes, I see that.
17
12:00:24 18 Got a call from Faruk Orman this morning, he's been
12:00:26 19 arrested this morning for the murder of Victor Peirce.
12:00:29 20 First person he rang was Ms Gobbo. She complains about not
12:00:34 21 being told first. This frustrates her and makes her angry.
12:00:41 22 If we keep going. He's wanted to see her all day but she
12:00:48 23 didn't get there. Solicitor Grigor went to the complex and
12:00:52 24 he didn't get to see her and both Grigor and Gobbo went to
12:00:57 25 see Mr Gatto and the others at the Stokehouse, and you'll
12:01:02 26 see - keep going. Righto. Can I suggest that what happens
12:01:11 27 then is you get a report, that is Purana Task Force gets an
12:01:15 28 update. Now it may be in relativity now. Commissioner, we
12:01:25 29 received a large bundle of documents last night. If we can
12:01:41 30 just put it up on the Commissioner's screen, my screen, and
12:01:46 31 Mr Overland's screen. Commissioner, there's a lot of
12:01:49 32 material on it which oughtn't be in the public domain.
12:01:56 33 It's a Task Force update of 26 June 2007,
12:02:02 34 VPL.0099.0002.0256 at p.3. Just before I go there, just
12:02:09 35 before I go there, on that 22nd there's a reference to
12:02:15 36 meeting with Gatto, Kaya and others at pp.928 and 29, I
12:02:21 37 think we flicked past it. Do you see at the top of the
12:02:24 38 page there? If we perhaps have them both on the screen at
12:02:31 39 the same time if that's possible. You'll see on the
12:03:13 40 right-hand side is the Purana Task Force meeting update and
12:03:20 41 you'll see that on 26 June information was obtained, or
12:03:27 42 updated in any event. Orman arrested on the 22nd of June,
12:03:31 43 charged with the murder of Peirce, remanded in custody.
12:03:35 44 Then there's reference to the brief service date. Intel
12:03:39 45 from registered human source. Meeting at the Stokehouse on
12:03:45 46 the 22nd of June 2007. Called by Gatto. Also present at
12:03:54 47 the meeting was the solicitor Alistair Grigor. "Gatto

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12:03:58 1 wants to know who's giving evidence in relation to Orman.
12:04:01 2 Also wants to know if Mansour paid a lot of money on behalf
12:04:07 3 of Mokbel", et cetera. Again Kaya is present also. Do you
12:04:14 4 see that?---I do.
5
12:04:16 6 Clearly this information is coming from Ms Gobbo via the
12:04:21 7 source handlers, would that be fair to say?---I accept
12:04:25 8 that.
9
12:04:31 10 It would have been apparent to you who the source was at
12:04:35 11 this stage I take it?---I assume so, yes.
12
12:04:42 13 I tender that update, Commissioner. Obviously it will need
12:04:48 14 to be an A and B because there's a lot of information on
12:04:52 15 it. Can we go to the top so as we can see the date but I'm
12:04:55 16 suggesting it's 26 June 2007.
17
12:04:58 18 COMMISSIONER: Yes.
19
12:04:59 20 MR WINNEKE: Keep going. There it is there.
12:05:01 21
12:05:02 22 #EXHIBIT RC 927A - (Confidential) Purana Task Force minutes
12:05:08 23 investigation Posse, 26/6/07.
12:05:14 24
12:05:14 25 #EXHIBIT RC927B - (Redacted version.)
26
12:05:18 27 Right. Just before I move away from that. What we can
12:05:24 28 also see if we go to p.928 - if we can perhaps pop the ICR
12:05:33 29 up again. At p.928 of the ICR there's - have them both
12:05:47 30 together, please. Whilst that's occurring can I just point
12:06:08 31 out that there's information from Kaya and Orman, Kaya
12:06:11 32 beside himself now that Orman's been arrested. Kaya's
12:06:19 33 worried that police are just charging people on the word of
12:06:22 34 others and a bit of corroboration. Faruk Orman - there's
12:06:29 35 obviously technical difficulties and I apologise,
12:06:31 36 Mr Overland. What's recorded, and I suggest to you is
12:06:38 37 recorded in both documents, is that insofar as Orman's
12:06:41 38 concerned, "All genuinely concerned Orman will not cope
12:06:49 39 well in gaol as is an obsessive compulsive in relation to
12:06:54 40 cleanliness and has to have people around him. Includes
12:06:58 41 reference to Gatto confirming that Veniamin went to Gobbo's
12:06:58 42 house, actually naming Ms Gobbo in 2003/4 intending to kill
12:07:03 43 her on the order of Williams for obtaining Lewis Moran's
12:07:06 44 bail". That's at ICR p.929. "Gatto being told by someone
12:07:12 45 close to Purana is being worked on". That's on ICR p.928.
12:07:14 46 Gatto had been told Purana were putting pressure on Orman
12:07:18 47 to get him to roll over at 928. That's, I take it, what

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12:07:22 1 Purana did?---How do you mean?
2
12:07:25 3 Putting pressure on Orman to get him to roll?---They'd have
12:07:30 4 been trying to get him to roll I'm sure, yes.
12:07:33 5
12:07:33 6 And that they were after Gatto?---Yes.
7
12:07:35 8 And it would have been known that Ms Gobbo was in the Gatto
12:07:39 9 camp, as it were?---I think she was in lots of camps in
12:07:43 10 those days.
11
12:07:44 12 Certainly in Mr Gatto's camp?---Well I'm not sure about
12:07:48 13 that because she was in the Mokbel/Williams camp and they
12:07:56 14 were agin the Gatto camp as I understand it.
15
12:07:58 16 Was there a phase 3 of Purana?---There were a number of -
12:08:02 17 there were a series of phases, yes.
18
12:08:05 19 Phase 3 was targeting Mr Gatto?---He was targeted. Whether
12:08:07 20 that was phase 3 or not I don't now recall.
21
12:08:11 22 He was targeted?---He was certainly a - yeah, he was
12:08:15 23 targeted.
24
12:08:15 25 He was targeted in the same way as Mokbel was
12:08:18 26 targeted?---Yes.
27
12:08:19 28 And Ms Gobbo was providing information to Purana about
12:08:22 29 Gatto in the same way she was providing information to
12:08:28 30 Purana about Mr Mokbel, do you accept that?---Yeah, I
12:08:31 31 accept that, yes.
32
12:08:34 33 Were you aware that Ms Gobbo had represented Mr Gatto at
12:08:36 34 hearings?---I don't know that I - - -
35
12:08:47 36 Or that she was providing information?---No, not while she
12:08:50 37 was providing information. I, to be honest, thought he
12:08:54 38 tended to be represented by someone else to my knowledge,
12:08:56 39 and I say that because I actually quite embarrassingly ran
12:09:01 40 into him in the lift in the AFP building with a well-known
12:09:06 41 solicitor who was acting for him at that time.
42
12:09:08 43 There's evidence that the Commission that Ms Gobbo was, did
12:09:13 44 represent him on at least one occasion during the course of
12:09:16 45 the period that she was providing information about
12:09:19 46 him?---Okay, well I don't believe I knew that.
47

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12:09:21 1 Were you aware Mr Gatto had a company that Purana were
12:09:28 2 investigating?---In the building industry?
3
12:09:34 4 Elite Cranes?---The cranes, yes.
5
12:09:38 6 Were you aware Ms Gobbo had provided advice with respect to
12:09:42 7 that company?---No.
8
12:09:43 9 No, all right?---I'd have thought that was a bit outside
12:09:47 10 her area of expertise, but anyway.
11
12:09:52 12 Many talents. Could we have a look at the source
12:09:59 13 management log of [REDACTED] and [REDACTED]. You'll see on [REDACTED]
12:10:28 14 there's a note to this effect, "Advised by Detective
12:10:32 15 Sergeant Flynn of Purana that disclosure in court in
12:10:34 16 presence of Bayeh and counsel for Mokbel, Mokbel wasn't
12:10:39 17 present, that Gobbo attended at St Kilda Road on the night
12:10:45 18 of [REDACTED]'s arrest", do you see that?---I do.
19
12:10:48 20 Then if we have a look at [REDACTED]. "Speak with Jim O'Brien
12:10:54 21 re [REDACTED]'s evidence at the Mokbel committal situation
12:11:00 22 with respect to [REDACTED]'s arrest and Ms Gobbo's involvement
12:11:03 23 in the same. Arrested. Sought advice from Ms Gobbo over
12:11:06 24 the phone. Interview number 1 no comment. Human source
12:11:10 25 arrives at the police station. Gave advice and left. Five
12:11:13 26 hours later interview number 2, confession". If we scroll.
12:11:19 27 "[REDACTED] states in the second interview that he'd had
12:11:22 28 advice on the phone from Ms Gobbo then spoke to the same at
12:11:25 29 the police station. He will", that is [REDACTED], "will
12:11:28 30 claim privilege regarding Ms Gobbo's instructions on the
12:11:31 31 night if asked. Also request Mr O'Brien to conduct a LEAP
12:11:37 32 alert via camouflage of Purana interest", do you see
12:11:42 33 that?---I do.
34
12:11:44 35 I take it you were aware that your investigators had been
12:11:49 36 meeting and dealing with Ms Gobbo throughout 2007 in
12:11:52 37 relation to resolving [REDACTED]'s matter - I'm sorry -
12:12:02 38 Mr Mokbel's matter, I apologise, Milad Mokbel's matter?---I
12:12:10 39 understood she was providing information. I don't know
12:12:13 40 whether she was meeting directly with the investigators or
12:12:17 41 doing that through the SDU.
42
12:12:19 43 She was meeting with Mr O'Brien and Mr Flynn with a view to
12:12:22 44 attempting to resolve Mr Milad Mokbel's matter and enabling
12:12:31 45 that matter to be sorted out prior to committal so that
12:12:33 46 there wouldn't be any - on one view, certainly from
12:12:34 47 Ms Gobbo's perspective, so there wouldn't be any

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12:12:40 1 cross-examination and potential disclosure issues during
12:12:43 2 the course of the committal proceeding. Were you aware of
12:12:47 3 that?---Again, I don't have a recollection of that. I may
12:12:51 4 have been but I don't recall it.
5
12:12:53 6 Well, if you were aware of it I take it you would have been
12:12:57 7 very concerned about it, wouldn't you?---So, sorry, she was
12:13:05 8 advising - - -
9
12:13:07 10 Milad Mokbel?---Milad Mokbel.
11
12:13:09 12 So the process is she acts for ^{PII} [REDACTED] she assists
12:13:13 13 police in rolling ^{PII} [REDACTED], ^{PII} [REDACTED] then - - - ?---Yes,
12:13:17 14 I understand.
15
12:13:18 16 - - - [REDACTED] and goes and gets information against Milad
12:13:24 17 Mokbel. Milad Mokbel's arrested. Ms Gobbo acts?---I
12:13:27 18 understand.
19
20 Advises?---I understand
21
12:13:27 22 Are you prepared to concede that you were aware of
12:13:29 23 that?---No, I don't recall.
24
12:13:31 25 No?---I don't think I was.
26
12:13:33 27 No. Now that I've explained to you are you suggesting that
12:13:38 28 you weren't aware of that?---I said I don't recall and I
12:13:43 29 don't think I knew it, but.
12:13:44 30
12:13:44 31 Look, it would be very concerning because what we have is
12:13:49 32 Ms Gobbo representing someone who she has no business at
12:13:53 33 all to accept?---I understand.
34
12:13:55 35 To advise?---I understand.
36
12:13:59 37 Clear conflict of interest?---Yes.
38
12:14:02 39 Clear potential to interfere with the course of
12:14:06 40 justice?---Yes.
41
12:14:07 42 And the idea that she is negotiating with your
12:14:16 43 investigators with a view to resolving it so as to avoid
12:14:20 44 any issues with respect to disclosure, you would accept
12:14:23 45 would be very troubling?---Yes.
46
12:14:25 47 And you would accept that Ms Gobbo would have an interest,

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12:14:29 1 and Victoria Police on the same hand would have an
12:14:32 2 interest, for this matter to go away without any
12:14:37 3 trouble?---I understand that but as I've said repeatedly,
12:14:43 4 my expectation is that her role was going to be discovered
12:14:45 5 through the criminal justice process, through the discovery
12:14:50 6 process.
7

12:14:51 8 That's not the point though?---Well it is the point because
12:14:53 9 I'd actually understood that that was a risk and that was
12:14:56 10 almost certainly likely to occur through discovery. I
12:15:02 11 wasn't interested in not appropriately disclosing to the
12:15:07 12 prosecution and I wasn't involved - well, you tell me I was
12:15:11 13 involved in some meetings with the DPP about discovery, I
12:15:15 14 accept that. But these are matters that I would not be
12:15:18 15 involved in.
16

12:15:19 17 Certainly if there was a plea before any potential
12:15:24 18 contested committal then that would resolve the problem of
12:15:28 19 disclosure?---I understand what you're saying, yes.
20

12:15:30 21 Right. And can I suggest that had you made it abundantly
12:15:35 22 clear to O'Brien and Flynn that she couldn't act for people
12:15:38 23 in relation to whom she'd provided information, then they
12:15:42 24 wouldn't have been a part of this process?---Well I did
12:15:44 25 make it clear.
26

12:15:46 27 Yeah, all right. Can I move to 3 July 2007. You recall
12:15:57 28 I'd mentioned - I suggested to you that the Drugs Task
12:16:04 29 Force was involved in the provision of information to
12:16:07 30 Federal authorities which resulted in the information about
12:16:15 31 the tomato tins case?---Yes.
32

12:16:19 33 On 3 July 2007 there was a meeting with Ms Gobbo and
12:16:25 34 members of the SDU and there was a conversation about
12:16:29 35 Ms Gobbo not representing anyone related to the bill of
12:16:36 36 lading. Would you have told the SDU that they should make
12:16:46 37 it clear to Ms Gobbo that she shouldn't represent anyone
12:16:51 38 who might be arrested because of her information, would you
12:16:54 39 have given them the instructions or only your investigators
12:16:57 40 that instruction?---I think I'd given that instruction to
12:17:04 41 the investigators because I thought it was more likely that
12:17:06 42 they would be dealing with those issues.
43

12:17:11 44 Yes?---I do recall early on talking with the SDU about the
12:17:14 45 privilege issues.
46

12:17:15 47 Yes?---But I don't think I mentioned that issue around

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12:17:17 1 conflict.
2
12:17:18 3 All right. Can we have a look at a transcript, and this is
12:17:23 4 VPL.0005.0136.0001 at p.121. This is a discussion between
12:17:45 5 obviously Ms Gobbo and Sandy White, do you see
12:17:48 6 that?---Yeah, I do.
7
12:17:49 8 It's around this particular issue about the importation and
12:17:54 9 Karam and, as I've suggested to you previously, she was
12:17:58 10 representing Mr Karam in a trial at the time that she - - -
12:18:01 11 ?---I understand that.
12:18:02 12
12:18:04 13 COMMISSIONER: And the date is?
14
12:18:07 15 MR WINNEKE: 3 July 2007. Mr White says, "All right. Now
12:18:12 16 it's really important for all of us that you don't
12:18:14 17 represent anyone". Ms Gobbo says, "M'mm". "I'd hate to
12:18:21 18 think that ultimately", and that's, I suggest to you, if
12:18:27 19 you listen to it says ultimately, "a conviction could be
12:18:31 20 overturned because there was an allegation or suggestion or
12:18:34 21 a bloody inquiry in relation to whether he got completely
12:18:38 22 unbiased, uncompromised defence". Do you see that?---I do.
23
12:18:42 24 And Gobbo says, "Who's ever going to know about that?"
12:18:47 25 Mr White says, "Well ... ". Ms Gobbo, "And there's already
12:18:53 26 20 people in at that category". Mr White says, "I know, I
12:18:57 27 know". Ms Gobbo says, "Sorry?" Mr White says, "Don't
12:19:03 28 think we haven't thought about this day in and day out".
12:19:06 29 Ms Gobbo says, "I do". Mr White says, "It's, it's, and I
12:19:12 30 fully expect you would". That information there, can I
12:19:21 31 suggest, is very concerning, do you agree with that?---Yes.
32
12:19:26 33 Because what Ms Gobbo is effectively saying in response to
12:19:30 34 Mr White, "Look, it's important that you don't represent
12:19:33 35 people", she's saying, "Well it's already happened in
12:19:37 36 relation to 20 people"?---Yes.
37
12:19:39 38 Effectively it's happened on numerous occasions and it
12:19:42 39 keeps happening?---Yes.
40
12:19:47 41 Can I suggest to you that your investigators would have
12:19:51 42 been aware of those matters?---Well they should have been.
43
12:19:53 44 Well - - - ?---No, sorry, they'd have been aware of those
12:19:57 45 matters, I agree with that, yes.
46
12:19:58 47 They would have been aware of the information she was

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12:20:00 1 providing?---Yes.
2
12:20:01 3 And they would have been aware of who she's acting
12:20:06 4 for?---Yes.
5
12:20:06 6 Can I suggest to you that if that has occurred and whether
12:20:11 7 it's 20 people or whether it's 15 or 10 or 5?---Whether
12:20:18 8 it's one.
9
12:20:19 10 It's a situation which has occurred within your
12:20:21 11 investigation team?---Yes.
12
12:20:24 13 And something which has occurred under your watch?---Yes, I
12:20:26 14 accept that.
15
12:20:27 16 And it shouldn't have happened, do you accept that?---I do.
17
12:20:30 18 Can I suggest to you that had you given appropriate
12:20:36 19 instructions, clear instructions, then it wouldn't have
12:20:39 20 occurred?---Well I did give instructions. It seems to me
12:20:43 21 that Mr White understood the issue. I thought that was
12:20:49 22 understood.
23
12:20:51 24 The fact that it apparently hasn't been understood by your
12:20:57 25 investigators suggests that there simply has been either no
12:21:00 26 communication or a lack of communication or your
12:21:02 27 investigators have simply defied you, that would be the
12:21:07 28 three options, wouldn't it?---I guess so.
29
12:21:24 30 The evidence that we have is, and the handlers have given
12:21:34 31 the Commission, is that they were telling Ms Gobbo on
12:21:39 32 numerous occasions not to do it and she simply defied
12:21:42 33 them?---Well that was appropriate advice from them, but
12:21:46 34 surely it should have escalated.
35
12:21:49 36 But it's something that your investigators would have been
12:21:50 37 aware of in any event?---They must have been.
38
12:21:52 39 Around this time and shortly thereafter on 11 July 2007
12:21:57 40 Ms Gobbo is summonsed to the OPI in relation to the Dale IR
12:22:05 41 44 investigation?---Right.
42
12:22:07 43 You would have been aware of that?---I'm sure I was.
44
12:22:10 45 And if you have a look at the SML you'll see that she's
12:22:14 46 been served with a summons from the OPI. She's extremely
12:22:18 47 concerned about her identity being revealed?---Yep.

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1
12:22:21 2 And states she'll be asked about the Hodson IRs, states
12:22:26 3 will accept fines/convictions rather than be identified as
12:22:31 4 a source, you see that?---I do.
5
12:22:33 6 If we then go to the 12th. "Inquiries being made via DC
12:22:38 7 Overland re prohibiting certain questioning of the source
12:22:43 8 at the OPI that would reveal her role as a source", do you
12:22:47 9 see that?---I do see that.
10
12:22:48 11 And do you recall whether there were any inquiries made of
12:22:51 12 you in that vein?---I remember concerns being raised with
12:22:58 13 me about her appearance, but as I've said previously, I was
12:23:04 14 not concerned about her being called in front of an OPI, a
12:23:08 15 confidential private OPI hearing.
16
12:23:12 17 Can I suggest that you were aware of the issue and you were
12:23:21 18 considering what to do at around this time, 12 July?--Well
12:23:25 19 I was aware people were, I think, either the SDU I think
12:23:30 20 was raising concerns about her being called.
21
12:23:35 22 Yes?---I understood that concern to be about the general
12:23:37 23 issue of the protection of the identity of a source.
24
12:23:39 25 Yes?---And as I've said previously, I didn't have such a
12:23:43 26 concern about that becoming known to the OPI through that
12:23:45 27 process.
28
12:23:46 29 And ultimately she was called in any event?---She was.
30
12:23:48 31 Look, if we have a look at - - - ?---I think she was called
12:23:52 32 twice.
33
12:23:52 34 12 July there's a note to the effect, this is in the ICRs I
12:23:58 35 think at p.1009, she was told that the issue was at your
12:24:03 36 level. "Attempts are being made to prevent questions being
12:24:08 37 asked that would reveal her as a human source and they
12:24:11 38 wanted to let her know that this is a better position than
12:24:13 39 this morning and gives her some hope and she states that
12:24:17 40 the only way that can be done is if someone at the OPI is
12:24:20 41 told about who she is", do you see that?---Yep, I see that.
42
12:24:25 43 I take it the Task Force would have been well aware that
12:24:30 44 this was about to occur?---Absolutely.
45
12:24:33 46 And there's an update on 16 July which indicates that the
12:24:37 47 OPI hearings are to be conducted Thursday and Friday, 19

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12:24:41 1 and 20 July, and it would have been known by the Task Force
12:24:44 2 that Tim Argall and Nicola Gobbo were to be called before
12:24:48 3 the - - - ?---Yeah, I think that's right.
4

12:24:58 5 If we have a look at 17 July 2007, VPL.0100.0096.0705,
12:25:06 6 which is Sandy White's diary. At 12.45 he meets with his
12:25:18 7 colleagues, co-handlers, Mr Richards, Mr Fox and Mr Smith.
12:25:25 8 Mr White said that he'd spoken to Gavan Ryan, who'd spoken
12:25:29 9 to you, and you'd asked that Gobbo not be asked any
12:25:36 10 questions about what police she'd spoken to. Do you accept
12:25:41 11 that?---Well I accept that's what the note says, yes.
12

12:25:49 13 It says that, "Need to ask Gavan Ryan if Ms Gobbo can be
12:25:58 14 told that Mr Fitzgerald is the chairman. Human source to
12:26:03 15 be told three options", and there are three options there.
12:26:10 16 I suggest to you information - "Spoken to Gavan Ryan, who's
12:26:20 17 spoken to Simon Overland. Agreed that she would not be
12:26:23 18 asked those questions". At the top entry, do you see
12:26:31 19 that?---Yes, I see that. Sorry, again it's a bit difficult
12:26:37 20 to read.
21

12:26:38 22 It says, "Fitzgerald has been told that she's a human
12:26:41 23 source". Now was that your understanding?---Well, I find,
12:26:45 24 you know, all of this a bit concerning because I don't know
12:26:48 25 whether Mr Fitzgerald was told that information or not. I
12:26:52 26 know it's suggested I had a conversation with Mr Ashton. I
12:26:56 27 don't remember that and I don't believe I did. I've seen
12:26:59 28 other evidence that says it was Gavan Ryan who went and saw
12:27:02 29 Mr Ashton. I had no involvement in this as best I can
12:27:06 30 recall and as best I can tell. So I'm not sure why these
12:27:10 31 notes indicate as they do.
32

12:27:12 33 I'm asking if you can shed any light on it?---No, I can't.
12:27:15 34 Because it's inconsistent with what I recall and what I
12:27:18 35 understand other evidence actually says.
36

12:27:20 37 You're quite right, there seems to be some versions of it.
12:27:25 38 On the one hand it's been suggested that Mr Fitzgerald was
12:27:28 39 to be told that she'd provided assistance to the police in
12:27:32 40 the past?---I think this was raised with me. I think
12:27:35 41 people were talking - so whether it was the source or
12:27:40 42 whether it was Gavan, I don't recall, but I do remember
12:27:44 43 people raising concerns about that. What I'm clear about
12:27:47 44 is that I don't believe I had a conversation with Mr Ashton
12:27:49 45 about it. I understand Mr Ryan might have. I'd have
12:27:52 46 thought again if we needed to tell the OPI, we needed to
12:27:56 47 tell the OPI. Then they needed to work out what they did

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12:28:00 1 with that information.
2
12:28:01 3 Clearly there's a concern that she not be put in a position
12:28:03 4 where either she has to lie or significant detail about the
12:28:09 5 information, or her relationship with Victoria Police might
12:28:13 6 come out. That seems to be the concern that's being
12:28:15 7 expressed?---Well, that wasn't my concern.
8
12:28:19 9 No?---I understood the concern to be about being identified
12:28:22 10 as a source.
11
12:28:23 12 Yes?---I was not concerned about that. I thought the OPI -
12:28:26 13 in fact I wanted the OPI to call her and examine her
12:28:29 14 because I wanted to find out what she knew about, I think
12:28:33 15 IR 44 and other matters.
16
12:28:35 17 Right. Were you content for her to be asked those
12:28:39 18 questions about IR 44 and what she knew and as much
12:28:44 19 information as she could give about those particular
12:28:47 20 matters but it not be laid bare that she's a human source
12:28:53 21 and that she's a lawyer and she's providing information in
12:28:57 22 the way that she's been describing to the handlers?---No, I
12:29:02 23 accepted that being called in front of the OPI, and in
12:29:05 24 particular in front of Mr Fitzgerald, it was a matter for
12:29:08 25 Mr Fitzgerald as to how he conducted that inquiry. He'd
12:29:12 26 asked whatever questions he wanted. And I didn't see - and
12:29:15 27 I didn't seek to influence or limit that in any way.
28
12:29:20 29 Is it conceivable that there'd been discussion, and you do
12:29:27 30 recall that you were involved in discussions which were
12:29:31 31 around this concern that the OPI might find all about
12:29:37 32 Ms Gobbo and the relationship with Victoria Police, do you
12:29:40 33 recall those discussions?---I recall. Without recalling
12:29:45 34 specifics.
35
12:29:48 36 No?---But I recall being made aware there was a concern
12:29:50 37 about her being called in front of the OPI. And I think
12:29:54 38 these - you've taken me to various documents over a period
12:29:56 39 of time where clearly that was contemplated, there'd been
12:30:00 40 concerns expressed. I understood those concerns to be
12:30:03 41 about the general proposition of protecting the source.
12:30:06 42 Which is consistent with any source. You try and limit the
12:30:09 43 number of people who actually know about them and know
12:30:13 44 about their identity. That's what I understood the concern
12:30:16 45 to be.
46
12:30:16 47 Not that there was a concern should this all come out that

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12:30:20 1 there'd be a Royal Commission or that there would be
12:30:27 2 inquiries?---No.
3
12:30:32 4 Is it conceivable that one of the things that was
12:30:35 5 discussed, one of the ways in which Mr Fitzgerald might be
12:30:41 6 let into a bit of a story was that she'd provided
12:30:44 7 assistance in the past with respect to encouraging clients
12:30:48 8 to plead guilty and assist police, but that that was the
12:30:53 9 extent of it and as a consequence of it she was receiving
12:30:57 10 threats?---Look, it might have been. But again I
12:31:10 11 reiterate, I don't believe I took any action in relation to
12:31:13 12 this. I don't believe I spoke to the OPI about this. I
12:31:15 13 was content for her to be called and for them to ask
12:31:19 14 whatever questions they wanted to ask.
15
12:31:26 16 In any event, it may well be that there's some degree of
12:31:31 17 contradiction in the notes because on the one hand it's
12:31:35 18 said Fitzgerald has been told that Gobbo is a human
12:31:38 19 source?---Well I don't know - I didn't know that at any
12:31:41 20 point.
21
12:31:42 22 Yeah?---I don't know why there are notes indicating in some
12:31:46 23 way it would seem to link that back to me.
24
12:31:49 25 Yes. Look, if we have a look briefly at source management
12:31:52 26 log p.118. Same day, 17 July. Meeting between human
12:32:11 27 source, Richards, Fox and Smith. "Discussed OPI issues.
12:32:14 28 Possibility of compromise. Advise Chairman aware of some
12:32:19 29 assistance Gobbo has provided police and will ensure Gobbo
12:32:23 30 not put in self-compromising position. Gobbo agreed to the
12:32:27 31 strategy. Agreed DDI Ryan will be present in case of
12:32:32 32 problems. Discuss issues re Gobbo becoming a witness".
12:32:37 33 Mr Ashton's given evidence that he didn't know that
12:32:41 34 Ms Gobbo was a human source until 19 July, that is the day
12:32:46 35 that she's actually called, and this note suggests that
12:32:53 36 that information's already been imparted?---Yes, well it
12:33:00 37 does but - well it suggests that's what's been told to the
12:33:07 38 source. Now I don't know, maybe they told her something
12:33:09 39 that wasn't quite right to reassure her, which they
12:33:13 40 shouldn't have, but.
41
12:33:15 42 You don't know whether - what you're saying is you don't
12:33:19 43 believe that you'd spoken to Mr Ashton prior to the
12:33:22 44 hearing?---I don't believe so, no.
45
12:33:26 46 Do you believe you might have spoken to Mr Brouwer or
12:33:28 47 not?---No, I definitely didn't speak to Mr Brouwer. And I

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12:33:33 1 certainly didn't talk to Mr Fitzgerald. I've never spoken
12:33:36 2 to Mr Fitzgerald.
3
12:33:37 4 Okay, all right. Do you think it's conceivable that
12:33:46 5 Mr Ashton knew already that she was a human source because
12:33:49 6 of her involvement - sorry, his involvement in the matters
12:33:53 7 surrounding Operation Khadi and then subsequent to that his
12:33:58 8 involvement in both the Task Forces, Briars and Petra, such
12:34:02 9 that he would have already known. Do you think as a
12:34:05 10 combination, one or other or all of those things, your view
12:34:08 11 is that Mr Ashton already knew at this stage?---As I've
12:34:11 12 said, I've really got no recollection about Operation Khadi
12:34:15 13 and I don't believe I spoke to him about that.
14
12:34:18 15 Yes?---If you'd asked, without having had a look at all of
12:34:22 16 this material, I'd have said I'd have thought he'd known by
12:34:26 17 that time, but I can't specifically say that he did.
18
12:34:29 19 You say, "Well look, I thought he would have known by that
12:34:34 20 time simply because they were matters that were discussed
12:34:35 21 in Petra and Briars"?---I'd have thought so, yes.
22
12:34:38 23 It's likely that he would have know?---Well I wouldn't -
12:34:38 24 I'd have thought he would know, but I can't say
12:34:41 25 categorically that he did or when he didn't. But if you'd
26 asked me I'd have said, yes, I thought he would have known
27 by now.
28
12:34:45 29 You'd have said yes and he's in the same category as
12:34:47 30 Mr Cornelius I assume?---I'd have thought so, yes.
31
12:34:50 32 On the same date, 17 July 2007, there's a diary entry of
12:34:59 33 Jack Blayney's, VPL.0005.0156.0031. What that entry shows
12:35:19 34 is that at 14:00 hours, which is the time that your Task
12:35:26 35 Force hearings generally occur, there's a Task Force
12:35:29 36 briefing to Simon Overland, "3838, change of registration
12:35:34 37 number, hypothetical legal opinion", do you see that?---I
12:35:38 38 do.
39
12:35:42 40 Do you have any recollection of there being a discussion
12:35:46 41 about a hypothetical legal opinion on 17 July 2007?---I do
12:35:52 42 have a vague recollection of a discussion.
43
12:35:56 44 What is your recollection?---I don't remember the time
12:35:59 45 frame so if you're telling me this is when it happened. I
12:36:03 46 do vaguely remember the proposal to get a hypothetical
12:36:08 47 legal opinion about Ms Gobbo and her role.

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1
12:36:12 2 Yes?---Yeah.
3
12:36:13 4 And what was the reason for getting a hypothetical
12:36:17 5 opinion?---Well I guess it would go to issues associated
12:36:27 6 with her role as a human source.
7
12:36:30 8 What you'd been dealing with?---What she'd been dealing
12:36:33 9 with, yes.
10
12:36:34 11 A barrister as a human source potentially acting in
12:36:36 12 conflict with her clients?---Yes.
13
12:36:38 14 Potentially providing legally privileged information?---I
12:36:42 15 think that was one of the problems with a hypothetical
12:36:45 16 opinion, it would depend very much on what the hypothetical
12:36:48 17 was.
18
12:36:49 19 Yes. Can I suggest to you that Mr Blayney's given evidence
12:36:57 20 about this and what he says is that leading into this
12:37:01 21 meeting he was becoming more concerned about what he'd been
12:37:04 22 hearing about Ms Gobbo?---Right.
23
12:37:06 24 Right. You accept that Mr Blayney is the sort of police
12:37:12 25 officer who would be concerned about these sorts of
12:37:15 26 issues?---Yes, I do.
27
12:37:20 28 A particularly ethical police officer?---He's an ethical
12:37:24 29 police officer, yes.
30
12:37:25 31 He says, and this is at 10233 in the transcript,
12:37:29 32 Commissioner, "I was becoming more concerned about the
12:37:32 33 legal complexities around utilising Ms Gobbo as a human
12:37:36 34 source", and he says that he was having conversations in
12:37:39 35 the weeks prior to this meeting with a number of people in
12:37:44 36 Purana. He says, "Perhaps O'Brien, Ryan and Hollowood", so
12:37:53 37 they're the sorts of people he might have been speaking to
12:37:56 38 you would concede?---Well I don't know, if that's what
12:37:59 39 you're telling me.
40
12:38:00 41 Those people were in Purana, I take it, at the time?---I
12:38:05 42 don't think Hollowood was.
43
12:38:06 44 O'Brien and Ryan were?---O'Brien and Ryan I think were,
12:38:10 45 yes.
46
12:38:10 47 He said he had a number of conversations and he'd spoken to

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12:38:13 1 Mr Biggin as well?---Right.
2
12:38:16 3 And he said that he eventually learned that Gobbo was being
12:38:22 4 used against her clients, and that's at transcript 10234.
12:38:28 5 He said that the situation around Ms Gobbo was getting
12:38:32 6 complex. There was a need to consider whether an opinion
12:38:35 7 should be obtained, if indeed it had not been obtained
12:38:38 8 already. That was the effect of his evidence at transcript
12:38:41 9 10238?---Right.
10
12:38:44 11 This discussion about the need for a hypothetical legal
12:38:48 12 opinion occurred in a meeting with you and he said that it
12:38:58 13 was something that he raised in the meeting?---Right.
14
12:39:02 15 I'm not suggesting that all of those matters which I've
12:39:04 16 just put to you about his concerns and the information that
12:39:07 17 he had was raised, but what he did say is that he raised it
12:39:11 18 in the meeting and his view was that it was something that
12:39:19 19 was clearly discussed in the meeting?---I accept that.
20
12:39:25 21 Right. And his concern was that she'd been representing
12:39:29 22 clients and providing information in relation to those
12:39:31 23 people, right?---Well, I don't recall being told that.
24
12:39:36 25 No?---I remember a discussion about a hypothetical legal
12:39:43 26 opinion and a discussion about that.
27
12:39:45 28 Yes?---Yes.
29
12:39:49 30 What was the upshot of this discussion, do you
12:39:56 31 recall?---Well I think it was along the lines of my
12:39:58 32 response to you, which was it would depend very much on the
12:40:01 33 scenario - - -
34
12:40:02 35 Right?---- - - that was being posed and I'm not sure -
12:40:11 36 look, I don't remember how it was resolved but I don't
12:40:14 37 think we ever - I don't think that was ever done.
38
12:40:17 39 You didn't get an opinion?---A hypothetical legal opinion.
12:40:22 40 Again, I'm not sure how you get a hypothetical legal
12:40:25 41 opinion really. I think you either need to have a
12:40:27 42 particular set of facts that you go and get some advice on.
12:40:30 43 But I'd never heard of a hypothetical legal opinion.
44
12:40:34 45 Can I suggest that these would have been matters which
12:40:36 46 would have concerned you as a, one, as a Deputy
12:40:38 47 Commissioner of Victoria Police?---Yes.

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1
12:40:40 2 And as a lawyer?---Yes. So I understood, I understood the
12:40:42 3 issues.
4
12:40:42 5 Someone who is legally qualified?---I understood the issues
12:40:46 6 associated with he use, yes.
7
12:40:48 8 If that's what he was saying, if he was raising the
12:40:51 9 suggestion that it was necessary to get a hypothetical
12:40:54 10 legal opinion because he was concerned about what was going
12:40:59 11 on, it would have been a matter of concern to you I take
12:41:04 12 it, wouldn't it?---Yes, but, as I say, I appreciated the
12:41:11 13 issues.
14
12:41:12 15 Yes?---As I say, I'm not sure how you get a hypothetical
12:41:17 16 legal opinion. I think you need to have a set of facts
12:41:20 17 that you - - -
18
12:41:21 19 Was he suggesting, "Look, we can't use Ms Gobbo, we can't
12:41:25 20 use a particular set of facts because we'd be revealing to
12:41:29 21 someone we've got a human source called Ms Gobbo who is a
12:41:32 22 criminal barrister, but perhaps if we use a hypothetical
12:41:36 23 set of facts not naming Ms Gobbo, but a criminal barrister
12:41:39 24 who was doing the sorts of things that Ms Gobbo was doing",
12:41:46 25 call her Lawyer X?---I don't - I don't - it's difficult to
12:41:58 26 recall the detail of the discussion. I remember a
12:42:00 27 discussion.
28
12:42:02 29 Yes. One assumes that if he raised this issue about a
12:42:09 30 concern that he had such that he thought it would be
12:42:12 31 appropriate to get a legal opinion, you would have been
12:42:15 32 interested to know what he was talking about, "Why are you
12:42:20 33 concerned, jack, what's the issue"?---Yes, so my
12:42:23 34 understanding was that he was concerned about the general
12:42:25 35 issue of a barrister being used as a human source.
36
12:42:28 37 If the situation was, if his state of mind was or
12:42:33 38 understanding was at that time was Ms Gobbo was being used
12:42:36 39 against her clients, it's likely, isn't it, that you would
12:42:40 40 have asked him what his concerns are and he would have
12:42:44 41 said, "I'm concerned, I'm hearing that she's being used
12:42:47 42 against her clients".
43
12:42:51 44 MS COLEMAN: I object, Commissioner. The question was if
12:42:53 45 his state of mind, that is Jack's state of mind, his
12:42:55 46 understanding at the time was Ms Gobbo was being used, the
12:42:59 47 witness can't know another state of mind.

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1
12:43:06 2 MR WINNEKE: Commissioner, I've put the evidence of
12:43:08 3 Mr Blayney that he says that by this time he'd become -
12:43:15 4 he'd learnt that she was being used against her clients.
12:43:18 5 So that, on his evidence, must have been his state of mind
12:43:24 6 at the time. Now I'm simply saying - - -
7
12:43:24 8 COMMISSIONER: Perhaps just rephrase it in a different way.
9
12:43:27 10 MR WINNEKE: Right.
11
12:43:28 12 COMMISSIONER: The evidence was this, yes.
13
12:43:30 14 MR WINNEKE: Let's just assume that that's the case, that
12:43:32 15 by the time of this meeting Mr Blayney had reached a state
12:43:36 16 of mind whereby he had concern that Ms Gobbo was being used
12:43:41 17 against her clients, right?---I don't recall it being
12:43:44 18 expressed to me that way.
19
12:43:46 20 Assume that was the case, and he'd raised this issue of a
12:43:50 21 hypothetical legal opinion, correct, let's just - - -
12:43:54 22 ?---Yeah, I get you. And if he'd raised it in that way,
12:43:59 23 I'd have said there's no need to get a hypothetical legal
12:44:02 24 opinion, we need to go and get a definitive legal opinion.
25
12:44:05 26 You would have said to him, "What's your concern about?
12:44:09 27 Why do you think we need an opinion"?---My understanding,
12:44:12 28 my recollection was his concern was about the use of a
12:44:16 29 barrister as an informer.
30
12:44:18 31 Did you reassure him that there was no concern that he need
12:44:23 32 have because Ms Gobbo wasn't being used against her
12:44:26 33 clients? Would have you reassured him in that way?---I
12:44:30 34 don't know. I don't recall whether I did or I didn't.
35
12:44:33 36 Do you think you would have, as a response to his concern,
12:44:37 37 said to your investigators, "Look, what's going on here?
12:44:41 38 Why would we need a hypothetical legal opinion? As far as
12:44:46 39 I know you've been given clear instructions", et
12:44:49 40 cetera?---Look, it's - you're putting specifics to me.
12:44:53 41 It's difficult because I don't actually recall details of
12:44:57 42 the conversation. I remember a discussion about it.
43
12:44:58 44 Yes?---As best I can tell no hypothetical legal opinion was
12:45:03 45 ever sought.
46
12:45:05 47 Right?---I can't really take it much further than that.

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1
12:45:09 2 An experienced ethical police officer has raised in a
12:45:12 3 meeting his concern about a situation whereby you've got a
12:45:18 4 barrister working as an informer, right?---Yes.
5
12:45:26 6 And this person has long experience with informers?---Yes.
7
12:45:32 8 Would you not, if that concern had been raised, make
12:45:40 9 inquiries to satisfy, one, yourself and, two, him that
12:45:46 10 there is no need to be concerned?---Well I understood his
12:45:50 11 concern to be about things that she had done. Those things
12:45:54 12 were done. My expectation is those things would be - - -
13
12:45:58 14 What things?---Well her role as an informer, so anything
12:46:03 15 that she'd done would be disclosed as part of any
12:46:07 16 prosecutions and that those matters would be dealt with
12:46:10 17 through that process.
18
12:46:16 19 Look, can I suggest this to you, that if you've got an
12:46:19 20 experienced police officer like Mr Blayney at a meeting at
12:46:24 21 this time expressing these concerns, you would have done
12:46:29 22 something about it?---I don't agree with that, no.
23
12:46:38 24 You wouldn't have said to Jim O'Brien, "What's all this?
12:46:41 25 Is there any need for us to be concerned"?---My
12:46:44 26 understanding was that it was a general concern about a
12:46:46 27 barrister acting as a human source .
28
12:46:49 29 Right?---Now she had acted as a human source. We couldn't
12:46:53 30 change any of that. Any issues associated with that would
12:46:56 31 be dealt with through discovery and through the normal
12:47:00 32 prosecution process.
33
12:47:04 34 This is at the same time you've got members of the SDU
12:47:10 35 expressing concerns?---I understand that, but they weren't
12:47:14 36 expressed to me.
37
12:47:15 38 They weren't expressed to you?---So, you know, there was a
12:47:19 39 meeting I think that you took me to before the break where
12:47:22 40 as best I can tell there was an agreement reached around
12:47:25 41 how she was going to be managed from there, which to my
12:47:28 42 recollection was transitioning her more to a witness than a
12:47:32 43 source.
44
12:47:32 45 Yes?---But because of the complex factors around her, that
12:47:37 46 the SDU would need to continue to be involved for a period
12:47:39 47 of time.

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1
12:47:41 2 You say you had concerns, you were surprised when she was
12:47:45 3 registered in the first place, you were concerned about it.
12:47:48 4 Here's another investigator, a very senior person, saying
12:47:52 5 he's got concerns. He's suggesting a hypothetical legal
12:47:58 6 opinion?---Yeah, I understand that.
7
12:48:00 8 You've got Finn McRae a couple of floors away, why not
12:48:06 9 speak to him and say, "Look, Finn, perhaps just can you
12:48:08 10 satisfy us that everything's according to Hoyle here and
12:48:10 11 we're not doing anything wrong"? Why wouldn't you do
12:48:14 12 that?---Well, I think I've tried to answer the questions
12:48:16 13 that you've asked me. I mean there - I recall a
12:48:19 14 conversation. I couldn't see value in a hypothetical piece
12:48:23 15 of legal advice. I couldn't see how you would do that or
12:48:26 16 why one would be provided. She was a human source. She'd
12:48:30 17 acted as a human source. I understood the issue around a
12:48:33 18 barrister being a human source. Those were issues that
12:48:36 19 would be dealt with through the criminal justice process
12:48:38 20 and through discovery.
21
12:48:40 22 It might even just have been a regular piece of advice.
12:48:44 23 "Look, Finn, we've got this thing called Operation [REDACTED]
12:48:48 24 We're trying to target Tony Mokbel. We're using [REDACTED]
12:48:52 25 to do it, we want to get him to roll. We know that
12:48:55 26 Ms Gobbo's been providing this information about [REDACTED].
12:48:58 27 We know that she's representing Mr Mokbel. Can you give us
12:49:01 28 an opinion about whether or not that's a good thing to do
12:49:04 29 or not"?---Yep, understand.
30
12:49:06 31 That would have been pretty easy to do, wouldn't it?---Yes,
12:49:10 32 it would have been.
33
12:49:12 34 Can I suggest to you that on the one hand, on the best view
12:49:15 35 it looks like you're putting your head in the sand and
12:49:20 36 ignoring something which was glaringly obvious?---No.
37
12:49:24 38 That's on the one hand?---No, I don't - no, I wasn't.
39
12:49:26 40 No. And on the other hand you know that it's wrong and you
12:49:29 41 don't want to get a legal opinion?---No.
42
12:49:31 43 That's the other view that might be open?---No. Not the
12:49:34 44 case.
45
12:49:40 46 Then if we can come back to IBAC - sorry, the OPI on 18
12:49:50 47 July 2007, Mr O'Brien's given evidence to IBAC - this is at

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12:49:57 1 I think p.27 of his transcript. He says, "Mr Overland came
12:50:01 2 to me about Gobbo being called as a witness at the OPI
12:50:06 3 talking about disclosing and asked what I thought of the
12:50:09 4 idea. I said, 'Well, I think you're breaching your own
12:50:13 5 policy'. I think, I know he sought the same information
12:50:17 6 from Sandy White and was told the same thing but I think he
12:50:21 7 proceeded anyway". Now, the effect of Mr O'Brien's
12:50:26 8 evidence was he was saying, "Well look, if she goes before
12:50:33 9 the OPI and it's disclosed to the OPI that she's an
12:50:42 10 informer, that would be against a policy of concealing
12:50:49 11 informers and you're breaching the policy by doing it", and
12:50:54 12 he said, effectively said, "Look, Mr Overland proceeded
12:50:57 13 anyway"?--Right.

14
12:50:58 15 I take it you wouldn't disagree with that?--No.

16
12:51:02 17 Perhaps I should be fair. You wouldn't disagree with the
12:51:05 18 proposition that if someone said to you, whether it be
12:51:07 19 Mr O'Brien or Mr White, "Look, I don't think she should be
12:51:11 20 before the OPI", your view is, "Well look, I think she
12:51:15 21 should be before the OPI"?--Well I think it goes back to
12:51:18 22 earlier conversations we've had about this. I remember
12:51:21 23 people expressing concerns to me and I was firmly of the
12:51:24 24 view that if the OPI was calling her, she had to attend and
12:51:29 25 answer their questions.

26
12:51:29 27 Do you agree with this proposition then arising from that,
12:51:32 28 if that's what Mr O'Brien was saying, he didn't want her to
12:51:38 29 go before the OPI?--Yes, I understand that. But one of
12:51:40 30 the difficulties here is there are very legitimate reasons
12:51:44 31 why you would want to keep the identity of a source
12:51:47 32 confidential.

33
12:51:53 34 Around the same time, 18 July - I'll put to you another
12:52:04 35 diary entry of Mr White. 18 July Mr White has a discussion
12:52:07 36 with Mr O'Brien and there's a discussion about the
12:52:10 37 possibility of Ms Gobbo being called as a witness. Do you
12:52:18 38 see that? "Task Force Purana meeting with Jim O'Brien
12:52:21 39 regarding Ms Gobbo issues. Discuss possibility of being a
12:52:25 40 witness. Advised against the same"?--Yep.

41
12:52:28 42 That seems to be consistent with Mr O'Brien's evidence
12:52:31 43 before IBAC. "JOB suggested if inevitable, then Ms Gobbo
12:52:38 44 will be compromised, then should utilise as a witness
12:52:42 45 whilst we can"?--Yep.

46
12:52:44 47 Do you see that?--I do.

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1
12:52:45 2 Mr White says, "I advise don't believe she will necessarily
12:52:49 3 be compromised and value as a witness needs to be
12:52:58 4 assessed", I think, "balanced against a political fall out
12:53:04 5 from legal fraternity, i.e. will it impact on [PII] s
12:53:12 6 conviction and others"?--M'mm.
7
12:53:16 8 So that's weighed against the political fall out. They
12:53:23 9 seem to be on the same side of the ledger in any event.
12:53:27 10 There's potential for political full out from the legal
12:53:33 11 fraternity and potential of impacting upon [PII] s
12:53:36 12 conviction and others. "Agreed need legal advice regarding
12:53:39 13 the fall out. Her value as a witness limited to Mr Karam.
12:53:48 14 Tony Mokbel material limited and will make little
12:53:54 15 difference. Meet with Gavan Ryan regarding 3838 OPI
12:54:06 16 examination. Will be present in", I think it's another
12:54:10 17 room. "Will contact the SDU if Gobbo compromised or at
12:54:15 18 serious risk". Now that seems to suggest that certainly
12:54:21 19 there's a discussion amongst those two people about a
12:54:28 20 concern about the impact on the conviction of
12:54:31 21 [PII]?---Yes.
22
12:54:32 23 And potentially other people?---Yes.
24
12:54:40 25 Is that something that you were aware of, this
12:54:42 26 information?---No.
27
12:54:45 28 Would you expect to be made aware of that sort of
12:54:48 29 concern?---I should have been.
30
12:54:52 31 You should have been?---Yes.
32
12:54:57 33 So it seems that we've got these two people talking about
12:55:00 34 the need for legal advice at this stage. You've got
12:55:05 35 Mr Blayney on the same day talking about a hypothetical
12:55:08 36 legal opinion, right, but it doesn't get to you, the
12:55:14 37 concern doesn't get to you?---Not in the terms - - -
38
12:55:17 39 No one's telling you?---Not in the terms that you're
12:55:20 40 putting to me, no.
41
12:55:21 42 It seems that there's just a complete disconnect. You're
12:55:24 43 giving your investigators strict instructions about what
12:55:29 44 can be done and what can't be done. It seems that what
12:55:32 45 you're saying is that those instructions are being ignored
12:55:36 46 and yet there's concern being expressed as to the
12:55:40 47 consequences of failing to comply with your

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12:55:43 1 instructions?---Yeah, I accept that. But it's also the
12:55:46 2 case that I was perfectly comfortable with her going before
12:55:49 3 the OPI and being questioned.
4
12:55:55 5 Then on 19 July Ms Gobbo goes to the OPI and there's - I
12:56:03 6 think you understand that there appears to be a difference
12:56:06 7 in view about what occurs at the OPI, who tells who what
12:56:10 8 and so forth, you've been listening to the evidence or you
12:56:14 9 understand what - - - ?---No.
10
12:56:16 11 Do you have any idea about what occurred at the OPI?---No.
12
12:56:25 13 Did you subsequently receive a transcript?---Of?
14
12:56:28 15 Of the hearing at the OPI?---I don't - I don't recall
12:56:44 16 whether I did. I don't know.
17
12:56:47 18 In any event Mr Ashton said it was at this point that he
12:56:51 19 was told that Ms Gobbo was a human source and that he
12:56:55 20 didn't know beforehand. You don't know whether or not
12:56:59 21 that's the case?---Well I accept that. If that's what he
12:57:02 22 says I accept that.
23
12:57:03 24 Yes?---I don't - as I said to you earlier, I thought he
12:57:08 25 would have known earlier but I can't specifically say, "He
12:57:12 26 was clearly told then."
27
12:57:14 28 Yes, all right. Did you have any discussions with Mr Ryan
12:57:20 29 around the time of the hearing?---I think I probably did.
12:57:26 30 I think I was aware he was going to go and sit through the
12:57:29 31 hearing or sit in on the hearing.
32
12:57:31 33 Was it your instruction that he go down to the OPI and sit
12:57:35 34 in a room and take copious notes of what was said?---No, I
12:57:42 35 don't - look, I don't think so. I think he went down there
12:57:45 36 to monitor what was happening.
37
12:57:47 38 The evidence is, and certainly in his diary he's sat there
12:57:50 39 and taken significant notes?---Has he? Right.
40
12:57:53 41 Reflecting what he heard?---Right.
42
12:57:55 43 He was watching a monitor?---Presumably he's done that with
12:57:58 44 the agreement of the OPI.
45
12:58:00 46 Presumably, but also presumably he's done it at your
12:58:03 47 request to do so?---At my request?

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1
12:58:12 2 Here's a police officer who's going down to sit in on a
12:58:16 3 room and watch an OPI hearing?---I thought he was
12:58:20 4 monitoring what was happening but he did that with the
12:58:23 5 agreement of the OPI.
6
12:58:24 7 Yes?---Which would be necessary in order for him to be
12:58:27 8 there.
9
12:58:27 10 Well he wouldn't be permitted in otherwise?---No, correct.
11
12:58:30 12 Ordinarily police don't go down there, do they, and
12:58:34 13 watch?---Well it can happen but essentially it's a matter -
12:58:37 14 you know, the OPI would need to agree to that.
15
12:58:39 16 And a request would need to be made by police?---Yes.
17
12:58:43 18 All right. I take it you would have made that request?---I
12:58:47 19 don't think so.
20
12:58:48 21 Right. Mr Ashton certainly told the inquiry before
12:58:56 22 Mr Kellam that he'd had a heated exchange with
12:58:59 23 Mr Fitzgerald because Mr Fitzgerald wasn't happy about
12:59:05 24 being told to curtail his questioning. Do you recall
12:59:09 25 having a discussion with Mr Ashton about a heated
12:59:11 26 discussion?---No, I don't.
27
12:59:12 28 At any stage?---No, I don't.
29
12:59:25 30 If we have a look - if we were to have a look at the Task
12:59:30 31 Force update of 24 July, the Petra Task Force meeting. If
12:59:34 32 you can take it from me that within that update there's no
12:59:38 33 reference to the OPI hearings. Would there be a reason for
12:59:41 34 that?---I don't - I don't know.
35
12:59:47 36 Would you expect if Mr Ryan had been there and taken notes
12:59:51 37 and was listening he'd provide a briefing about it or
12:59:56 38 not?---No, not necessarily. I mean I'd have thought at
13:00:01 39 some point if there was evidence or information that was
13:00:03 40 relevant to the murder inquiry that would come across.
41
13:00:06 42 Yes?---But as I understand it Mr Fitzgerald was primarily
13:00:11 43 inquiring into the release of IR 44.
44
13:00:28 45 One assumes that the committee - well obviously you were
13:00:31 46 aware that she was going to be examined?---Yes.
47

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13:00:34 1 Mr Ashton was aware they were going to be examined?---Yes.
2
13:00:37 3 And one assumes that the Task Force would have wanted to
13:00:43 4 know what had occurred down at the OPI?---I assume they
13:00:45 5 would, and I assume if it was appropriate information would
13:00:48 6 have been disclosed to them.
7
13:00:50 8 Do you know how it would have been disclosed, in what
13:00:54 9 way?---I imagine there would have to be some sort of formal
13:01:00 10 disclosure from the OPI.
11
13:01:02 12 One assumes also there'd be a verbal update by Mr Ryan,
13:01:06 13 wouldn't there?---Not necessarily. I mean I think if he'd
13:01:12 14 sat and watched, I think it was then a matter for the OPI.
13:01:15 15 So Mr Fitzgerald was running the inquiry, it was his
13:01:18 16 inquiry. It would be - - -
17
13:01:19 18 He'd been delegated the task by the Director?---By the
13:01:23 19 Director, yeah.
20
13:01:24 21 Mr Ashton conceivably was aware of the product of the
13:01:27 22 inquiry?---I'm sure he was.
23
13:01:29 24 He could have updated the Task Force about it?---Well if it
13:01:32 25 was appropriate he would have. If it wasn't appropriate he
13:01:35 26 wouldn't have.
27
13:01:36 28 There was a joint agency agreement. An information
13:01:37 29 sharing, was that part of it?---There was, but look, this
13:01:39 30 would really be a matter for the OPI as to what and when it
13:01:43 31 was appropriate to disclose.
32
13:01:46 33 That highlights, doesn't it, one of the problems with
13:01:49 34 having a Deputy Director of the OPI sitting on a Task
13:01:55 35 Force?---I understand what you're saying about that, but as
13:01:58 36 I said, there's arguments for and against it. So this
13:02:02 37 notion that there's a perfect way to operate these things
13:02:05 38 is wrong. Whichever way - - -
39
13:02:08 40 There's certainly an imperfect way though, isn't
13:02:08 41 there?---Well there's no perfect way and whichever way you
13:02:11 42 go there are consequences. So, you know, I think that, as
13:02:16 43 you indicated yesterday, IBAC's made a decision not to do
13:02:19 44 these things, I understand that, but there's consequences
13:02:24 45 to that choice.
46
13:02:26 47 If we can have a look at the source management log at p.119

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13:02:30 1 for 24 July 2007. There's a Crime Department meeting with
13:02:33 2 the SDU. What that reveals is that on the 24th - Crime
13:02:52 3 Department meeting with Superintendent Tony Biggin, DDIs
13:02:57 4 Jim O'Brien, Gavan Ryan, Senior Sergeant O'Connell,
13:03:00 5 Superintendents Jack Blayney and Graham Brown. "Update
6 regarding Ms Gobbo. Agreed value of human source. The
13:03:08 7 source is outweighed by repercussion and risk to the same.
13:03:12 8 Agreed to continue deployment with no tasking. Intel
13:03:16 9 received to be assessed on an individual basis and risk
13:03:18 10 determination prior to any dissemination. Agreed amongst
13:03:23 11 Mr Biggin, Sandy White, Jack Blayney to brief DC Overland
13:03:32 12 regarding the issues", that is the issues or the concerns
13:03:35 13 about the repercussions, do you see that?---I do.
14
13:03:42 15 Outweighing the value that she has?---Yes.
16
13:03:45 17 Was that conveyed to you?---I believe it was.
18
13:03:49 19 What was your response?---I think I agreed with that
13:03:57 20 assessment. I think, as I recall now, I was given - I
13:04:02 21 think a group of these people came to see me and there were
13:04:06 22 three options.
23
13:04:07 24 Yes?---One was to deregister her. The other was to use her
13:04:12 25 as a witness.
26
13:04:17 27 Yes?---And - sorry, I was just waiting for you. And the
13:04:25 28 third was to keep her registered but not task her and the
13:04:29 29 registration was to continue - well, to continue to try and
13:04:35 30 manage the issues associated with her and I understand that
13:04:38 31 was the agreed outcome of that meeting.
32
13:04:41 33 Right. Can I suggest to you that the evidence of
13:04:46 34 Mr Blayney is that he had further meetings with the SDU and
13:04:51 35 investigators and he was given to understand that there had
13:04:57 36 been legal advice obtained, there had been legal advice
13:05:03 37 that they could receive and act upon information being
13:05:06 38 received from Ms Gobbo. Do you know how - if that was
13:05:14 39 Mr Blayney's view, that legal advice had been obtained, how
13:05:17 40 he could have come to that view?---No, I don't. I didn't
13:05:21 41 know about that until I think I read something about that
13:05:23 42 the other day.
43
13:05:24 44 Yes?---But I assume that would have been a matter that the
13:05:27 45 SDU - you know, that's action they took. If it happened,
13:05:33 46 that's what I would assume.
47

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13:05:35 1 Did you ever speak to Mr Blayney about his hypothetical
13:05:38 2 legal opinion again?---Not that I recall.
3
13:05:41 4 And did you ever speak to any of your officers about
13:05:45 5 getting an opinion, whether it be hypothetical or an actual
13:05:49 6 opinion, throughout the course of 2007, 2008?---No, not
13:05:53 7 that I recall.
8
13:06:06 9 The other thing I want to suggest to you is that - well,
13:06:11 10 apparently Mr White and Mr O'Brien were talking on the 18th
13:06:18 11 about getting legal advice?---Yes.
12
13:06:19 13 Do you recall, about the fall out?---I recall you putting
13:06:23 14 that to me, yes.
15
13:06:30 16 Mr Sandy White - and ultimately there is a meeting that you
13:06:34 17 have subsequently on 6 August, do you recall that?---I
13:06:37 18 think that's what I was referring to, I think, when people
13:06:42 19 subsequently came to see me to talk about, "We think these
13:06:47 20 are the issues", or the options, sorry.
21
13:06:49 22 Was there a discussion about legal advice on that
13:06:52 23 occasion?---I don't - I don't recall.
24
13:06:56 25 In any event, you say you agree with the proposition that
13:07:02 26 the repercussions outweigh the value, you agree with
13:07:07 27 that?---I do but that's based on - I have seen some notes
13:07:11 28 that indicate that such a meeting took place, that the
13:07:14 29 options were presented and that's what we agreed. That
13:07:17 30 generally accords with my recollection.
31
13:07:26 32 Do you agree with this proposition: if that was a meeting
13:07:29 33 that Mr Blayney attended it would be hard to understand how
13:07:33 34 he could walk out of that meeting with a view that legal
13:07:37 35 advice had been obtained?---Well I don't - so, look, I
13:07:44 36 don't know. I can't comment on that.
37
13:07:46 38 You can't comment?---I thought you said he'd got that
13:07:49 39 information from the SDU.
40
13:07:50 41 Yeah. What he says is that he has further meetings with
13:07:57 42 the SDU and investigators. Was given to understand that
13:07:58 43 there had been a legal advice and that they could receive
13:07:59 44 and act upon information being received from
13:08:04 45 Ms Gobbo?---Right. Well I was never aware of such advice.
46
13:08:06 47 We have Mr O'Brien and Mr White talking about on 18 July

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13:08:10 1 the need for legal advice. Then we have Mr Blayney and
13:08:14 2 Mr White meeting with Mr O'Brien and others, Senior
13:08:19 3 Sergeant O'Connell, Tony Biggin at the Crime Department and
13:08:24 4 apparently having a view that legal advice had been
13:08:27 5 obtained. You don't have any understanding as to how he
13:08:30 6 could have come to that view?---No, I can't help you with
13:08:33 7 that.
8
13:08:34 9 On 24 July Mr Iddles has a discussion with Mr White. If we
13:08:46 10 can have a look at VPL.2000.0001.0871. If the view is, or
13:08:57 11 if your view is that Ms Gobbo shouldn't be tasked and that
13:09:02 12 she shouldn't be utilised and the repercussions and so
13:09:16 13 forth - 26 July, I apologise. If that's the view that's
13:09:19 14 been taken out of that meeting, one assumes that the views
13:09:22 15 have been taken back to you, that is that the SDU are of
13:09:26 16 the view that the repercussions of using her are too
13:09:31 17 great?---Using her as a source?
18
13:09:35 19 As a source?---Yes.
20
13:09:36 21 And if Biggin is saying that, sorry, O'Connell is saying
13:09:41 22 that, Gavan Ryan is a part of that meeting and those views
13:09:45 23 are being expressed, it seems that they're not getting
13:09:49 24 through to you?---To me?
25
13:09:51 26 Or at least to the Task Force and then to Mr Iddles because
13:09:59 27 - - - ?---Well, was there - I'm just trying to think now
13:10:02 28 back to the note I saw. Was there - - -
29
13:10:04 30 Put the - - - ?---Maybe if I can have a look at it that
13:10:07 31 would be helpful.
32
13:10:08 33 Have a look at the note again, the source management
13:10:10 34 log?---Yeah, there's another record I'm thinking of which I
13:10:28 35 think is actually the record of the meeting that I had.
36
13:10:31 37 Yes, of 6 August?---Well I think it's 6 August. And I
13:10:33 38 think there's a record of that meeting that I think might
13:10:37 39 have indicated that - - -
40
13:10:39 41 I'll come to that in due course but I'm focusing on the
13:10:43 42 24th. The view's being expressed Mr Biggin, Mr White,
13:10:48 43 Mr O'Brien to brief Mr Overland regarding the issues, that
13:10:54 44 is repercussions outweighing value?---Yes.
45
13:10:58 46 We can assume that you were briefed about those matters if
13:11:02 47 that's what was - - - ?---Well that's what I've said. I

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13:11:05 1 recall I was briefed. And I recall - I think there's a
13:11:10 2 record of that briefing.
3
13:11:11 4 Yes?---And I think part of that did indicate that whilst
13:11:14 5 that was the consensus, I think there was some discussion
13:11:17 6 around whether she might be used around Briars and Petra to
13:11:23 7 a degree. So I think there's a record somewhere that
13:11:26 8 indicates that that was the case.
9
13:11:28 10 It certainly was the result, that's what happened rather,
13:11:31 11 but despite that agreement apparently, or at least
13:11:37 12 discussion about those concerns and the agreement to brief
13:11:41 13 you, two days later we've got Mr Iddles speaking to
13:11:47 14 Mr White and Mr Iddles saying that there's a plan for
13:11:52 15 Ms Gobbo?---That's - I'm not quite sure what your point is
13:11:57 16 because that's two days after those people have had a
13:12:00 17 discussion that I don't know anything about that.
18
13:12:03 19 Effectively what you're saying is that wouldn't have got to
13:12:07 20 you?---No.
21
13:12:08 22 Right?---No. What I'm saying is I think that was conveyed
13:12:12 23 to me in the August meeting.
24
13:12:14 25 I follow what you're saying?---Sorry. So I didn't know
13:12:17 26 that.
27
13:12:17 28 Okay, all right. What does appear is that there's a
13:12:23 29 discussion about the viability of Ms Gobbo passing
13:12:26 30 information to Mr Waters [REDACTED]
13:12:29 31 [REDACTED] ?---Yes.
32
13:12:30 33 Approximate time frame about a month?---And that accords
13:12:33 34 with my recollection of what was discussed in that August
13:12:36 35 meeting, and whilst generally I absolutely accepted the
13:12:40 36 proposition that we shouldn't be tasking her as a source,
13:12:43 37 and this is where it does - you know, I mean she's a
13:12:46 38 potential witness and there may have been things that she
13:12:50 39 could do safely that could assist that part of the
13:12:52 40 investigation. And there was a discussion about that, as I
13:12:54 41 recall it, but I also recall very clearly that everyone
13:12:57 42 present in that discussion agreed. It wasn't a matter of
13:12:59 43 me saying, "That's what's going to happen". There was a
13:13:03 44 genuine discussion and agreement around that was an
13:13:05 45 appropriate way to proceed.
46
13:13:06 47 If we have a look at the Briars Task Force update on 30

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13:13:09 1 July. This is obviously before 6 August. It's a Briars
13:13:17 2 Task Force update and there's a reference to Kit Walker
13:13:24 3 issues, do you see that?---Yes, I do.
4
13:13:26 5 Further discussion of a meeting last Friday, the 27th,
13:13:29 6 between Detective Senior Sergeant Iddles, Wilson, Overland,
13:13:34 7 investigators mapped out in more detail the
13:13:38 8 strategy?---Yes.
9
13:13:39 10 Phone calls between Lalor and Waters?---Sorry, where am I?
13:13:50 11 I've just lost that bit?
12
13:13:53 13 So previous Friday would have been, one assumes, 27 July.
13:13:59 14 There'd been a discussion on the 27th I take it, it seems.
13:14:03 15 There was a meeting in which you've attended. There was a
13:14:06 16 strategy and the idea is that there be a delay. What I
13:14:26 17 want to ask you about is the handwriting here, which we
13:14:28 18 understand is Mr Cornelius' handwriting, which reflects,
13:14:33 19 one assumes, a verbal update?---Right. I can't read any of
13:14:42 20 that.
21
13:14:42 22 We have a typed version of that, so what we'll do is pop
13:14:46 23 that up, see if we can't compare them?---Right.
24
13:14:48 25 So if we can have the other one - the typed version on the
13:14:53 26 page?---Yes.
27
13:14:56 28 You see that, "Kit Walker issues. Ron Iddles' view. Phone
13:15:01 29 calls between Lalor and Waters concern. The OPI approach
13:15:04 30 will have a major impact, spook the players. Info to be
13:15:09 31 [REDACTED] PII [REDACTED] may be talking. You need to be careful.
13:15:17 32 Give Hodgkin a hearing and then pending Baker. [REDACTED]
13:15:22 33 in the media. Prefer [REDACTED]. Advise female visitors
13:15:28 34 - lawyer". So either a female visitor or a lawyer. And
13:15:32 35 then, "Call Hodgkin for hearing and then out [REDACTED] PII
13:15:38 36 This will then lead to conversation in which vehicle MTG re
13:15:46 37 disclosures. Meeting re disclosure if not successful, then
13:15:51 38 go to hearing viz Kit Walker. Delay of two weeks"?---Yep.
39
13:15:56 40 And Steve Wilson's briefed, do you see that?---I do.
41
42 That appears to be a strategy to [REDACTED] or see information
13:16:00 43 about [REDACTED] PII [REDACTED]. Related issues via female visitors, a
13:16:04 44 reference to a lawyer, right. That seems to correspond
13:16:13 45 with what Mr Iddles had been suggesting to Mr White at his
13:16:19 46 meeting on the 26th?---Right. I accept that, yep.
13:16:24 47

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13:16:29 1 Was that the plan at that stage?--Well look, bearing in
13:16:31 2 mind I'm looking at this for the first time in some
13:16:34 3 considerable period of time, it looks to me like the plan
13:16:37 4 was to [PII] with the hope of [PII]
13:16:41 5 [PII], which is
13:16:43 6 not an uncommon investigative strategy.
7
13:16:46 8 Right. It looks like that was the strategy?--It looks
13:16:50 9 like that was what the strategy was, so it's I guess in a
13:16:54 10 way a controlled [PII] a deliberate [PII]
11
13:16:55 12 Yes?--And clearly there'd been some contemplation around
13:16:59 13 hearings but they'd been pushed back to allow this strategy
13:17:03 14 to play out and then to move to the hearing phase. The Kit
13:17:07 15 Walker matter was an internal matter, as I recall it, it
13:17:10 16 was an ESD matter that Luke had carriage of and it related
13:17:14 17 to some internal issues in Victoria Police. So not a
13:17:17 18 criminal matter per se, I don't think, more of a
13:17:20 19 disciplinary Force matter.
20
13:17:22 21 I understand that. Yes, thanks very much.
22
13:17:25 23 COMMISSIONER: Yes, all right, we'll adjourn now until 2
13:17:29 24 o'clock.
13:17:48 25
13:17:49 26 <(THE WITNESS WITHDREW)
13:17:50 27
28 LUNCHEON ADJOURNMENT
29
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13:55:53 1 UPON RESUMING AT 2.02 PM:
14:02:29 2
14:02:32 3 <SIMON JAMES OVERLAND, recalled:
14:02:38 4
14:02:39 5 MR WINNEKE: We were up to 6 August 2007, the meeting I
14:02:42 6 think that you had been talking about. There's a reference
14:02:45 7 to that in the source management log at p.120. If you just
14:02:50 8 have a look at that. It's a meeting with Sandy White,
14:02:54 9 yourself, Superintendent Biggin, Jack Blayney, DDI Ryan,
14:03:00 10 regarding management and update. "Three options were
14:03:02 11 discussed, deactivation, ongoing management with no
14:03:06 12 tasking, or a witness." So that is the option of her being
14:03:12 13 a witness. "It was agreed witness not an option as the
14:03:18 14 source will be compromised." If I can stop there. That
14:03:22 15 was something that I take it you agreed to if you were part
14:03:26 16 of that meeting?---Yes.
14:03:27 17
14:03:29 18 "Deactivation not an option by virtue of the fact that
14:03:32 19 ongoing communication will be required regarding court
14:03:35 20 issues re Mokbel trials." That's another issue we've
14:03:41 21 discussed, you say, "Look, I'm not certain why that's a
14:03:45 22 relevant matter because those matters can be determined
14:03:49 23 regardless of whether she's a witness"?---I think so, yes.
14:03:52 24
14:03:52 25 Sorry, an informer?---This was the advice that I was
14:03:55 26 getting at the time from those responsible for her
14:03:57 27 management.
14:03:58 28
14:03:58 29 And then the alternative is that she is to be managed with
14:04:05 30 no tasking and any intel to be risk assessed with
14:04:11 31 Superintendent Biggin prior to dissemination or
14:04:14 32 actioning?---Yes.
14:04:14 33
14:04:14 34 There was also discussion apparently about the utilisation
14:04:18 35 of Ms Gobbo to speak to targets of Petra and Briars to
14:04:24 36 [REDACTED] Agreed
14:04:29 37 any strategy to be risk assessed prior to
14:04:33 38 implementation?---Yes.
14:04:34 39
14:04:34 40 Certainly that second paragraph is something that you would
14:04:38 41 have been particularly interested in?---Yes.
14:04:40 42
14:04:42 43 Would it be fair to say that you met resistance in pushing
14:04:46 44 those causes?---I don't, I don't recall that being the
14:04:56 45 case.
14:04:57 46
14:04:57 47 Was the prevailing view of those handling her that there

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14:05:01 1 was a desire to break with her?---I don't, I don't recall
14:05:14 2 that.
3
14:05:15 4 The evidence that we've been to this morning would - -
14:05:18 5 -?---No, I understand that.
14:05:19 6
14:05:20 7 - - - clearly suggest that they didn't want to keep
14:05:22 8 handling her and that they saw all sorts of problems and
14:05:26 9 repercussions?---I understand that.
14:05:29 10
14:05:29 11 We've had Mr Blayney express at a meeting a few weeks
14:05:33 12 earlier his concern about legal ramifications, do you
14:05:35 13 agree?---Yes.
14:05:36 14
14:05:36 15 We've got certainly Mr White expressing a view in
14:05:40 16 discussions with Mr O'Brien, I think on 17 July, about
14:05:46 17 concerns with potential convictions, et cetera,
14:05:50 18 et cetera?---Yes, I understand that.
14:05:51 19
14:05:52 20 Mr White in evidence said that it was probable I think that
14:05:56 21 he would have raised his concerns at this meeting about the
14:06:01 22 potential for trials or convictions being upset at this
14:06:09 23 meeting. What do you say about that?---About convictions
14:06:13 24 being upset?
14:06:14 25
14:06:14 26 Well - - - ?---I don't recall that, that's all, no.
14:06:18 27
14:06:19 28 You recall in the meeting that he had with Mr O'Brien there
14:06:22 29 was a reference to concern?---Yes, I recall that.
14:06:27 30
14:06:28 31 And fall out in the legal fraternity?---I recall that.
14:06:31 32
14:06:31 33 The possibility of [REDACTED]'s conviction being in doubt
14:06:34 34 and others?---I recall that.
14:06:36 35
14:06:36 36 As I say, Mr White gave evidence, albeit some years down
14:06:40 37 the track in this Royal Commission, but gave evidence that
14:06:42 38 he probably would have raised it because he was concerned
14:06:44 39 about it in this meeting. Now you say you don't have any
14:06:48 40 recollection of that?---No, I don't.
14:06:51 41
14:06:53 42 If there had been concern on the part of investigators
14:06:58 43 about those sorts of matters, would you expect to be told
14:07:02 44 about it?---Yes.
14:07:03 45
14:07:03 46 When I say - perhaps, to be clear, managers of Ms Gobbo who
14:07:08 47 were concerned about the possibility of successful appeals,

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14:07:16 1 you would expect that if they had concerns about that then
14:07:20 2 they would raise it?---Yes.
14:07:22 3
14:07:24 4 And likewise if Jim O'Brien had that concern would you
14:07:29 5 expect that he would raise it with you?---Yes.
14:07:32 6
14:07:33 7 And can I suggest if he did have those concerns he would
14:07:36 8 have raised them with you?---I accept that.
14:07:39 9
14:07:40 10 But you have no recollection of those concerns being raised
14:07:42 11 with you?---No, I don't.
14:07:44 12
14:07:45 13 Do you say they wouldn't have been raised or is it simply a
14:07:49 14 case of saying "I don't recall"?---I don't recall. To be
14:07:52 15 honest my recollection around this is because I've seen
14:07:56 16 this note previously.
14:07:59 17
14:08:00 18 Yes?---I really don't have much independent recollection
14:08:03 19 other than what I've seen in that note. Other than it
14:08:06 20 accords, I do remember I had a general recollection of
14:08:09 21 getting to a point where there was a decision made not to
14:08:12 22 task her any further.
14:08:13 23
14:08:13 24 Yes?---And to have an ongoing management role but
14:08:19 25 essentially to try, well not to use her or not to task her
14:08:23 26 as a human source. So that's consistent with my general
14:08:27 27 recollection. I don't, I don't recall the meeting. But I
14:08:30 28 accept that it happened because there's the note of it
14:08:32 29 there.
14:08:32 30
14:08:32 31 Yes. Well there's no reference in the note clearly about
14:08:36 32 concerns about cases being - - - ?---No, there's not and -
14:08:43 33 - -
14:08:43 34
14:08:43 35 - - - upset?---And there's also, you know, I think it's a
14:08:48 36 cautious way forward, where we're saying, and look, I
14:08:52 37 appreciate the tensions around this and I would have been
14:08:55 38 asking, "Look, is it possible to get her to do some things
14:08:59 39 to [REDACTED] on [REDACTED]?" There was
14:09:02 40 obviously a discussion about that and we agreed, looking at
14:09:06 41 that, that it needed to be risk assessed to make sure that
14:09:13 42 it was safe for that to happen. So look, I don't recall
14:09:15 43 much about the conversation but I don't accept that I'd
14:09:17 44 have been pushing that particular view through. I accept
14:09:21 45 I'd have raised it, but again, I mean I was basically
14:09:24 46 accepting the advice that people were coming to me with.
14:09:27 47 To the extent I recall anything - I don't recall this being

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14:09:30 1 a difficult meeting or a heated meeting or disagreement, I
14:09:33 2 just recall this as, "Okay, this is the sensible way to
14:09:36 3 proceed from here".
14:09:37 4
14:09:37 5 Can I make this, put this proposition: at the outset you
14:09:42 6 had a concern when she was registered and you were aware of
14:09:48 7 the potential minefield with respect to gathering
14:09:55 8 information from her?---Yes.
14:09:57 9
14:09:57 10 Can I suggest you would have had a hair trigger when it
14:10:02 11 would have come to the proposition of getting legal advice.
14:10:04 12 If there was any concern at all about something going
14:10:09 13 wrong, given your views, if those issues were raised in a
14:10:15 14 meeting, you would - - - ?---I think I'd recall it, yes, I
14:10:23 15 think I'd recall it.
14:10:24 16
14:10:35 17 Did you at any stage consider picking up the phone to Finn
14:10:43 18 McRae and seeking an advice from him?---No.
14:10:44 19
14:10:50 20 We move on. On 31 August 2007 there's evidence that
14:10:57 21 Ms Gobbo was visited by David Waters, former Detective
14:11:03 22 David Waters in her chambers and he asked her if she'd been
14:11:10 23 called to the OPI. She said that she couldn't say whether
14:11:13 24 she had or not, or who she might have been there to
14:11:18 25 represent, and that's the response that she gave, having,
14:11:27 26 as had previously been discussed with her, there had been a
14:11:31 27 discussion with her how she should respond if Waters
14:11:36 28 comes?---Right.
14:11:36 29
14:11:37 30 That information was verbally disseminated to
14:11:41 31 Mr Iddles?---Right.
14:11:41 32
14:11:41 33 I take it you would have been keeping up with
14:11:45 34 communications or interactions between Ms Gobbo and
14:11:49 35 Mr Waters at this stage?---I assume that would have been
14:11:53 36 mentioned at a regular briefing, yeah.
14:11:56 37
14:11:56 38 In the source management log on 6 September 2007 you'll see
14:12:05 39 that there was a request to meet with, "Meeting with
14:12:10 40 Detective Senior Sergeant Iddles re Briars. Request to
14:12:13 41 utilise Ms Gobbo to pass info to Waters to generate
14:12:18 42 conversation". So that which had been raised previously
14:12:21 43 has now come to pass?---Yep.
14:12:25 44
14:12:26 45 And you'll see below in effect the script. There was an
14:12:31 46 email passed on or sent to the SDU by Mr Iddles setting out
14:12:38 47 the script or the information that had to be passed

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14:12:40 1 on?---Right.
14:12:41 2
14:12:41 3 Do you see that?---I do.
14:12:42 4
14:12:42 5 And that would have been done no doubt in accordance with
14:12:46 6 the investigation plan?---Look, I assume so but that's a
14:12:51 7 level of operational detail that I'm not sure I was across
14:12:55 8 that at the time, but I understood the broad strategy, but
14:12:59 9 yeah.
14:12:59 10
14:13:00 11 And then on 8 September Ms Gobbo reports being called by
14:13:05 12 Mr Waters that morning. If we go to the ICR, we'll see at
14:13:10 13 p.1202 - see that? "She's just ringing to let me know that
14:13:24 14 she's had a call from Docket Waters this morning. He was
14:13:27 15 going on about having decided to become" - in any event,
14:13:33 16 asked what this means, she's got no idea. "Docket wants to
14:13:43 17 see her in an hour. She's off to see her seamstress. She
14:13:50 18 plans to see Docket around midday. He's at a building
14:13:52 19 site, she'll call after the meeting", do you see that?
14:13:59 20 That's disseminated to Mr Iddles?---Right.
21
14:14:02 22 That's at Kent Street in Richmond?---Right.
14:14:05 23
14:14:05 24 He was at that building site and that's where she was going
14:14:08 25 to meet him. If we over the page there's a report on the
14:14:14 26 meeting, if we go to 12.03. We can see that the meet, and
14:14:25 27 there's information which is passed on about the meeting.
14:14:29 28 It was all about his OPI summons, been adjourned off until
14:14:34 29 next Wednesday. Lalor was also on site and he was going
14:14:39 30 back to the OPI on Wednesday, she suspected he would come
14:14:43 31 and see her after the hearing for advice about being
14:14:46 32 charged. Do you see that?---Right.
14:14:51 33
14:14:52 34 So that's information which was passed on and her suspicion
14:14:59 35 is that Mr Waters would come and see her, one assumes, for
14:15:06 36 legal advice?---Right.
14:15:07 37
14:15:07 38 Do you see that?---Yep.
14:15:08 39
14:15:08 40 Was that information which was conveyed to you do you
14:15:19 41 think?---Possibly, yes.
14:15:21 42
14:15:22 43 Were you aware of the potential relationship between
14:15:28 44 Ms Gobbo and Mr Waters of a lawyer/client nature?---I don't
14:15:36 45 believe so.
14:15:36 46
14:15:36 47 You don't?---I don't.

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14:15:37 1
14:15:39 2 Were you aware that she had previously represented him in a
14:15:45 3 s.56 application before the Magistrates' Court?---I don't
14:15:53 4 recall. I don't know.
14:15:55 5
14:16:01 6 That obviously would have been a matter of some relevance I
14:16:03 7 assume?---In what way? I don't understand, sorry.
14:16:09 8
14:16:09 9 If Mr Waters felt that he could go and see Ms Gobbo to get
14:16:13 10 legal advice, that would be a matter of some concern to
14:16:17 11 investigators and to you, would it not?---Yeah, if there
14:16:19 12 was - so I don't think I ever understood that she was
14:16:23 13 acting as his lawyer during the time she was providing this
14:16:26 14 information.
14:16:26 15
14:16:27 16 No, but had you been told that he might come and see her
14:16:29 17 for advice following the hearings that would be an alarm
14:16:33 18 bell, I assume?---Yes.
14:16:35 19
14:16:43 20 You would have been concerned to know exactly what the
14:16:46 21 situation was had you been told that?---I assume so, yes.
14:16:49 22
14:16:49 23 You might have asked had she ever represented him as a
14:16:53 24 lawyer before?---Well I wouldn't have been concerned if
14:16:55 25 she'd previously represented him, but if she was
14:16:58 26 representing for him at this time or subsequently I
14:17:01 27 understood the issue.
14:17:02 28
14:17:02 29 It certainly would have become relevant?---Yes.
14:17:05 30
14:17:05 31 If we have a look at the source management log of the same
14:17:08 32 date. It simply reflects - can we move now to 10 September
14:17:19 33 2007. Task Force Briars update, IBAC.0010.0001.0529 at
14:17:38 34 p.151. Can I suggest to you that this is a document of
14:17:44 35 yours and it contains your handwriting at the
14:17:48 36 bottom?---Yes.
14:17:49 37
14:17:51 38 And - - - ?---Yes, yep I see that.
14:17:55 39
14:17:55 40 And there's a reference to Kent Street and Lalor?---Yep.
14:18:01 41
14:18:01 42 So clearly that's a reference to information which has come
14:18:05 43 from - - - ?---Yes, it is. Well it's come through the
14:18:09 44 investigators I imagine.
14:18:10 45
14:18:10 46 From the investigators?---Who got it from the SDU.
14:18:13 47

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14:18:13 1 From SDU via the investigators?---Yep, yep.
14:18:16 2
14:18:16 3 And also it says, "Gobbo to meet on site. Conversation
14:18:23 4 about OPI hearings"?---Yes, it does.
14:18:25 5
14:18:28 6 That was obviously something that was being discussed
14:18:32 7 during the course of the meeting?---Yes.
14:18:34 8
14:18:35 9 And it would seem likely that her name was used, because
14:18:39 10 you've recorded it?---Yes, correct.
14:18:42 11
14:18:42 12 And that, for example, is a basis upon which you would say,
14:18:49 13 "Well look, the people who were involved in this Task Force
14:18:52 14 would know who Ms Gobbo is"?---Well they knew who she was
14:18:57 15 because she was in a way a potential witness in these
14:19:04 16 matters.
14:19:04 17
14:19:04 18 Either a potential witness or a person providing
14:19:07 19 information?---Correct.
14:19:08 20
14:19:08 21 But clearly there's been discussion about her?---Yes.
14:19:12 22
14:19:29 23 Can I ask you - thanks very much that can come down. There
14:19:36 24 was an OPI inquiry into media leaks and that was Operation
14:19:43 25 Diana I think, is that right?---Yes.
14:19:44 26
14:19:44 27 And affidavits were prepared by you, Mr Cornelius,
14:19:50 28 Mr Ashton and Mr Wilson?---Yes.
14:19:53 29
14:19:54 30 And there were I think chronologies also prepared which
14:20:00 31 were either annexures or part of that affidavit material,
14:20:04 32 would that be fair to say?---I don't recall that but if you
14:20:07 33 tell me I did that I accept that, yes.
14:20:09 34
14:20:10 35 Can I suggest that within the affidavits of yours,
14:20:13 36 Mr Cornelius, Mr Ashton and Mr Wilson there was no
14:20:14 37 reference to the use of Ms Gobbo to disseminate
14:20:18 38 information, would that be correct?---I haven't seen that
14:20:20 39 material for a long time, but I accept that if you're
14:20:23 40 saying that to me.
14:20:24 41
14:20:26 42 If that's the case, if that is in fact the case you
14:20:28 43 wouldn't dispute it?---No, I don't dispute it.
14:20:30 44
14:20:30 45 Would you have any reason for not including that
14:20:34 46 information in your affidavits and chronologies?---Was it
14:20:39 47 relevant to the matter?

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14:20:40 1
14:20:40 2 Did you consider it relevant or not?---No, I don't think I
14:20:43 3 did otherwise I would have included it.
14:20:44 4
14:20:45 5 Was that to avoid compromising her?--Well that would be a
14:20:50 6 reason not to mention her, but I'm not sure what her
14:20:53 7 relevance was to Diana.
14:20:55 8
14:20:55 9 Would it be to avoid the scrutiny, that is the OPI scrutiny
14:21:01 10 of her use?---No.
14:21:03 11
14:21:07 12 All right. Now, I assume you were preparing affidavits to
14:21:31 13 provide as much information as you could about how
14:21:35 14 information might have got into the public domain and how
14:21:39 15 it might have been disseminated, would that be the purpose
14:21:42 16 of preparing the affidavits?---Well I was asked to prepare
14:21:45 17 an affidavit by the OPI in relation to their investigation,
14:21:48 18 so it would have gone to those matters, yes.
14:21:50 19
14:21:51 20 And the tasking of the dissemination of information via
14:21:56 21 Ms Gobbo obviously occurred, as we've seen, somewhere
14:22:01 22 around September of 2007?---Yes.
14:22:06 23
14:22:07 24 Was that the issue that was of concern to you and to the
14:22:11 25 Task Force, that dissemination or leaks at about that time
14:22:15 26 or was there concern about disseminations or leaks at other
14:22:19 27 times?---Well as I understand it the OPI started Operation
14:22:23 28 Diana some time before September.
14:22:24 29
14:22:25 30 Right?---I learnt about it in mid-September.
14:22:27 31
14:22:28 32 Yes?---So I'm not sure what caused them to start the
14:22:32 33 investigation.
14:22:32 34
14:22:32 35 It certainly seems there was, it was clear enough that
14:22:37 36 Ms Gobbo had been provided information at least to some
14:22:42 37 extent back in April of 2000 and - - - ?---No, I accept
14:22:45 38 that, yep.
14:22:46 39
14:22:51 40 So no doubt there would have been concerns about leaks at
14:22:54 41 around that time I assume?---There were ongoing concerns
14:22:58 42 about information security and about leaks, yes.
14:23:01 43
14:23:02 44 All right. Now, can I ask you about Gatto and Orman. If
14:23:14 45 we go to a Purana Task Force update, and this is another, a
14:23:18 46 new one, dated 5 November 2007. It evidences a Task Force
14:23:27 47 meeting of 5 November. Again it's not something that can

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14:23:31 1 be shown on all of the screens, just - now if we go to p.4
14:23:40 2 of that there's reference to Mr Gatto [REDACTED]
14:23:45 3 [REDACTED] on 21 November 2007 in
14:23:49 4 relation to various operations, do you see that?--I do.
14:23:52 5
14:23:57 6 Then there's a reference also to the Orman committal
14:24:02 7 mention on this day?--Right.
14:24:04 8
14:24:08 9 Tentative committal dates. There's reference to material
14:24:11 10 being subpoenaed. Requested in a Form 8A document, I take
14:24:23 11 it you know what that is?--No, I don't.
14:24:25 12
14:24:25 13 That's a document which is prepared by a solicitor for an
14:24:30 14 accused person which sets out material which has been
14:24:35 15 sought?--Okay.
14:24:36 16
14:24:36 17 And likely to use legal advisor assistance?--Sure.
14:24:40 18
14:24:40 19 Do you see that? "A large amount of material has been
14:24:44 20 requested in Form 4A documents. Subpoena investigators
14:24:44 21 processing request, likely to utilise legal advisors for
14:24:48 22 assistance in future"?--Yes.
14:24:50 23
14:24:52 24 Now, would you have been aware at this stage that Ms Gobbo
14:24:57 25 was representing Mr Orman in those proceedings?--No, I
14:25:01 26 don't believe so, no.
14:25:02 27
14:25:11 28 The evidence against Mr Orman included evidence of [REDACTED]
14:25:17 29 [REDACTED]?--Right. I'm not - - -
14:25:21 30
14:25:21 31 Significantly?--Okay.
14:25:23 32
14:25:23 33 You would have been aware of that surely?--Not
14:25:25 34 necessarily.
14:25:26 35
14:25:26 36 You may not recall now but surely at the time when you were
14:25:30 37 interested and looking closely at these murders, you would
14:25:33 38 have been aware of the fact that [REDACTED]
14:25:37 39 had provided many statements against a number of people,
14:25:40 40 and one of them was Faruk Orman?--Right. Well I have no
14:25:45 41 recollection of that but I accept that's the case.
14:25:48 42
14:25:52 43 You would have had information, I take it, that Ms Gobbo
14:25:55 44 was representing Mr Orman?--I don't, I don't recall that.
14:26:04 45 I don't think so. I don't recall it.
14:26:06 46
14:26:10 47 We've had information previously that I've taken you to

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14:26:14 1 before about information which quite apparently you
14:26:18 2 conceded would have come from Ms Gobbo about what Mr Orman
14:26:25 3 or how he might respond to being in custody?---Yeah, yeah.
14:26:28 4 I read that. I also saw that referred to recently I think
14:26:35 5 in an ABC program.
14:26:37 6
14:26:37 7 Yes?---I must admit I didn't recall having been told that
14:26:41 8 and I was surprised by that.
14:26:43 9
14:26:43 10 It was incumbent upon you as a senior investigator, and a
14:26:51 11 person responsible for the investigation, to make sure who
14:26:54 12 your informers were if you've got an informer who is a
14:26:58 13 barrister, correct?---No, the management of the informer
14:27:01 14 was done by the SDU. That was not my responsibility.
14:27:04 15
14:27:05 16 And because of your concerns, can I suggest to you that it
14:27:08 17 was incumbent upon you to make sure your informer wasn't
14:27:13 18 acting for a person in relation to whom she was providing
14:27:16 19 information?---As I've said, I understood that was
14:27:20 20 understood and that was being followed, but at this point
14:27:24 21 I'm a Deputy Commissioner, you know, I'm, I'm getting
14:27:28 22 updates but I'm getting very high level updates about
14:27:32 23 investigations. I'm just not across the detail in the way
14:27:35 24 that you are suggesting I should have been.
14:27:39 25
14:27:38 26 Mr Overland, you specifically discussed this with the Chief
14:27:42 27 Commissioner and said, "I want to continue. Albeit I'm now
14:27:44 28 becoming the Deputy Commissioner, I want to continue to
14:27:46 29 have a hand in these investigations"?---To oversight what's
14:27:49 30 happening, yes, I did.
14:27:50 31
14:27:51 32 Do you say that you never ever asked, you never asked who
14:27:56 33 Ms Gobbo was acting for?---No.
14:27:58 34
14:28:00 35 You must been aware, can I suggest, that there was at least
14:28:07 36 a risk that she would be acting for people in circumstances
14:28:11 37 where she's providing information to you?---Yes, and I
14:28:15 38 understood that that was understood by my investigators and
14:28:19 39 that wasn't happening.
14:28:20 40
14:28:20 41 Well, given that you must have been aware that she had been
14:28:23 42 acting for Mr Mokbel, in circumstances where your operation
14:28:29 43 was targeting Mr Mokbel, that must have put you on notice
14:28:33 44 that your investigators weren't complying with your
14:28:36 45 instructions?---We covered this yesterday, so. Yes, the -
14:28:40 46 initially back in 2005, 2006 the focus was the Mokbel
14:28:45 47 syndicate, but specifically it was [REDACTED] who was the

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14:28:49 1 target of that investigation. Mr Mokbel then was on trial
14:28:54 2 for the Commonwealth charges and he fled in the March of
14:28:59 3 2006.
14:28:59 4
14:29:00 5 And you would have become cognisant of the fact that
14:29:03 6 Ms Gobbo was acting for him, if not before, you certainly
14:29:07 7 would have been aware then?---Again, I spoke about this
14:29:10 8 yesterday.
14:29:10 9
14:29:10 10 Can I suggest you would have been on notice then to say,
14:29:13 11 "Now listen, make sure this doesn't occur again"?---Well I
14:29:16 12 didn't think it was occurring.
14:29:18 13
14:29:18 14 Right. You didn't?---No.
14:29:19 15
14:29:20 16 Is that because you didn't watch the news or because you
14:29:23 17 didn't think it was relevant that she was acting for the
14:29:26 18 target of your operation?---I'm not sure that I knew she
14:29:29 19 was acting for Mr Mokbel at that point in time.
14:29:32 20
14:29:32 21 Do you have a television?---Yes, I do have a television.
14:29:35 22
14:29:36 23 Did you have a television then?---Yes, I had a television.
14:29:38 24
14:29:38 25 Did you watch the nightly news?---No.
14:29:40 26
14:29:41 27 No?---No, I was often not home.
14:29:43 28
14:29:43 29 All right. Now, could we have a look at another one of
14:29:54 30 these lately provided ones, 26 November 2007,
14:30:04 31 VPL.0099.0002.0043 at p.3. There's a reference to the,
14:30:14 32 "Gatto [REDACTED] [REDACTED] [REDACTED]
14:30:19 33 [REDACTED] [REDACTED] [REDACTED], do you see that?---I do.
14:30:24 34
14:30:25 35 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14:30:30 36 [REDACTED] do you see that?---I do.
14:30:33 37
14:30:33 38 It would have been concerning to you to know that Ms Gobbo
14:30:37 39 would even be considering appearing for him?---It would.
14:30:41 40
14:30:41 41 Right. Because you're aware that she was providing
14:30:44 42 information about him?---Yes. Well, I - I don't
14:30:56 43 specifically recall whether I was, but again, okay, yep.
14:31:00 44
14:31:01 45 Now, would you have been told at a verbal briefing that
14:31:19 46 Mr Richter and Ms Gobbo were appearing for Mr Gatto? Do
14:31:25 47 you think you might have been told that?---Look, I might

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14:31:28 1 have been but that, that doesn't, that doesn't ring any
14:31:31 2 bells with me.
14:31:33 3
14:31:34 4 The evidence is that Ms Gobbo provided the SDU with
14:31:36 5 information about Mr Gatto's concerns following the
14:31:40 6 hearing. Were you provided information about that?---I
14:31:51 7 don't know. Look I'm struggling to remember what, what the
14:31:55 8 [REDACTED] [REDACTED] hearing was with respect to Mr Gatto.
14:31:58 9
14:32:05 10 [REDACTED]
14:32:12 11 [REDACTED]
14:32:15 12 [REDACTED]
14:32:20 13 [REDACTED]
14:32:20 14 [REDACTED]
14:32:21 15 [REDACTED]
14:32:25 16 [REDACTED]
14:32:29 17 [REDACTED]
14:32:40 18 Would it be fair to say that Briars, and I think the
14:32:47 19 evidence is it was phase 3, sorry, Purana phase 3 was
14:32:54 20 focusing on Mr Gatto, you accept that he was a major target
14:32:59 21 of your actions around that stage?---Yes.
14:33:02 22
14:33:03 23 Late 2007?---Yes.
14:33:05 24
14:33:05 25 And indeed subsequently into 2008?---Yes.
14:33:08 26
14:33:17 27 It would have been a matter - Ms Gobbo, the fact that she
14:33:24 28 was providing information to the SDU which was then, I
14:33:27 29 suggest, coming to Purana was a matter which was well-known
14:33:32 30 I suggest to you, to Mr Cornelius and to Mr Ashton?---Well
14:33:41 31 look again I don't, I just don't recall. I'm sorry, I
14:33:45 32 don't recall.
14:33:45 33
14:33:46 34 All right. Whether it be - perhaps - I withdraw that.
14:34:09 35 Your investigators Gavan Ryan and Mr Smith were obviously
14:34:14 36 aware that Ms Gobbo was a source?---Yes.
14:34:19 37
14:34:19 38 And they were the Petra investigators?---Was Mr Smith a
14:34:29 39 Petra investigator?
14:34:30 40
14:34:31 41 Yes, he was?---Was he?
14:34:32 42
14:34:33 43 Well he was - - - ?---Mr Smith?
14:34:35 44
14:34:36 45 Was he part of Petra, Steve Smith?---Sorry, I'm looking at
14:34:41 46 a code name. You mean a real Mr Smith.
14:34:45 47

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14:34:45 1 Yes, real Mr Smith?---Yes, Mr Smith was a member - yes, I
14:34:52 2 apologise. Mr Smith was a real member, yes.
14:34:55 3
14:34:56 4 Your investigators in Briars, Wilson, Waddell and Iddles
5 were also obviously aware?---I think so, yes.
6
14:35:02 7 About Ms Gobbo?---I think so, yes.
14:35:05 8
14:35:05 9 Can I suggest that it was most likely that Mr Ashton and
14:35:08 10 Mr Cornelius were also aware that Ms Gobbo was a source of
14:35:14 11 information with respect to both of those
14:35:17 12 investigations?---I'm sure they would have been, yes.
14:35:20 13
14:35:25 14 Can I just ask you about a matter concerning Andrew Hodson.
14:35:30 15 Do you know who Andrew Hodson is?---I do.
14:35:32 16
14:35:33 17 You know obviously that he was, or is the son of the
14:35:38 18 Hodsons?---Yes.
14:35:40 19
14:35:41 20 For a time he was a suspect, do you accept that?---He was,
14:35:47 21 yes.
14:35:47 22
14:35:48 23 And can I suggest to you that - perhaps if we have a look
14:35:52 24 at VPL.0100.0020.5725. There's a reference to Andrew
14:36:03 25 Hodson, if we can scroll through to p.77. Can we just
14:36:14 26 scroll down a bit, please. "Investigators have again
14:36:31 27 spoken with Mandy Hodson specifically about inconsistencies
14:36:36 28 with Andrew Hodson's version of events", do you see that?
14:36:40 29 And there's reference to a number of matters which I don't
14:36:43 30 need to go into but if we go further down to - there,
14:36:50 31 "Andrew Hodson rang office on Thursday 28 February. Stated
14:36:57 32 that he'd received information that [REDACTED] had
14:37:00 33 made a statement in relation to the Hodson murders and
14:37:03 34 nominated the shooter. Stated that [REDACTED] knew who
14:37:06 35 murdered his parents and that [REDACTED] paid for the murder.
14:37:09 36 Was not able to substantiate how he knew this. He was
14:37:14 37 agitated and nervous. Investigators believed that Hodson
14:37:18 38 was deliberately seeking information relating to [REDACTED] and
14:37:23 39 further inquiries were pending with Hodson". Now, can I
14:37:27 40 suggest it would have been apparent where that information
14:37:29 41 came from?---What date is this, sorry? What date are we
14:37:34 42 talking about?
14:37:34 43
14:37:35 44 This is 3 March 2008. "Hodson rang office 28 February" -
14:37:43 45 no? Perhaps I withdraw that. Do you think it might be
14:37:47 46 that he contacted the police office, the office of Purana
14:37:53 47 or Victoria Police?---That he did?

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14:37:54 1
14:37:55 2 Yes, are you able to say?---I don't know.
14:37:56 3
14:37:57 4 Fair enough. It may well be that he's rung the
14:38:01 5 office?---That's what it seems to say, yes.
14:38:03 6
14:38:09 7 And then if we have a look at Petra Task Force update - can
14:38:22 8 I suggest to you that what occurred as a consequence of
14:38:25 9 receiving this information was that a plan was devised to
14:38:31 10 attempt to get some information from Mr Hodson, would that
14:38:35 11 be something that occurred?---Well it may have. I don't -
14:38:42 12 I don't recall this information.
14:38:45 13
14:38:46 14 You are aware that he was a suspect, you can recall
14:38:49 15 that?---Well he was earlier on, he was a suspect as I
14:38:52 16 understand very early on.
14:38:54 17
14:38:54 18 Yes?---When the Homicide Squad was running the
14:38:58 19 investigation, but my recollection is he pretty much was
14:39:01 20 discounted as a suspect reasonably, reasonably early on.
14:39:06 21
14:39:07 22 What appears to be the case is that he's come back on to
14:39:10 23 the radar and investigators are keen to have him
14:39:13 24 polygraphed?---Well that might be right. I think by that
14:39:18 25 stage we had a better understanding as to what we thought
14:39:23 26 had happened. The issue with things like this though is
14:39:27 27 once they come up you have to follow them through, because
14:39:31 28 when you get to trial these are the sorts of things that
14:39:34 29 are used as saying, "It wasn't him, it was him."
14:39:36 30
14:39:36 31 "It was him" as a defence?---And you've to be able to blow
14:39:38 32 these things out, so I would have thought we were trying to
14:39:43 33 blow it out, not actually - because it doesn't accord with
14:39:45 34 my recollection of where we'd got to at that point in time.
14:39:49 35
14:39:49 36 Right?---So that's just a potential false lead that has to
14:39:53 37 be chased down and tied off.
14:39:57 38
14:39:57 39 I follow that, so what investigators wanted to do was to
14:39:53 40 find a way to tie off that potential defence?---Yes.
14:39:57 41
14:39:57 42 Can I suggest it was done by utilising his connection with
14:40:01 43 Ms Gobbo?---Right. Well, again, I don't, I don't recall
14:40:06 44 that. I don't recall how that was done.
14:40:08 45
14:40:08 46 Can I suggest that a plan was devised on 4 March and that
14:40:13 47 handlers were told that Petra members would tell Ms Gobbo

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14:40:17 1 that Ryan would speak to her about helping out with the
14:40:20 2 Andrew Hodson plan?---Right, so she was used to pass
14:40:25 3 information?
14:40:26 4
14:40:26 5 The idea would be that, to enable him to be polygraphed
14:40:32 6 there would be, the plan was to use Ms Gobbo?---Right.
14:40:36 7
14:40:37 8 Is that something that you would have been aware of?---I
14:40:41 9 might have been but I don't, I don't recall it and I don't
14:40:43 10 think I necessarily would have been across that level of
14:40:46 11 detail.
14:40:46 12
14:40:47 13 In any event the plan was to call him to arrange a chat.
14:40:51 14 They'd mention Mokbel and they'd offer him a
14:40:54 15 polygraph?---Right.
14:40:55 16
14:40:55 17 In view of the concern that he'd expressed, he'd rung the
14:40:59 18 office, he's - they thought he was seeking information
14:41:02 19 relating to Mokbel, he was worried, and they wanted to get
14:41:06 20 him - - - ?---I understand that.
14:41:07 21
14:41:08 22 In accordance with your plan to exclude him?---I understand
14:41:10 23 that.
14:41:10 24
14:41:12 25 And there was discussion with the handler about the timing
14:41:18 26 of making the telephone call?---Yes.
14:41:20 27
14:41:21 28 And it was considered to be desirable that the telephone
14:41:26 29 call occur out of hours to avoid the risk that Mr Hodson
14:41:32 30 might contact Mr Valos, but instead contact Ms Gobbo. Do
14:41:39 31 you follow?---I do follow.
14:41:40 32
14:41:41 33 And that was done because it was known that Ms Gobbo was an
14:41:47 34 informer?---Well, you know, I don't believe I knew about
14:41:52 35 that.
14:41:52 36
14:41:52 37 And that it was basically a set up?---Yeah, no, I get it.
14:41:56 38 I understand what they were trying to do.
14:41:59 39
14:42:02 40 Clearly problematic if that's the plan surely that can't be
14:42:06 41 a good thing to do?---I think the plan is to blow the story
14:42:09 42 out, not to actually incriminate him in anything. I don't
14:42:12 43 think we believed the information.
14:42:14 44
14:42:14 45 That may or may not be the case. If your investigators are
14:42:17 46 using the fact that your informer is a barrister, or a
14:42:21 47 lawyer, to whom, whether or not you're hoping to exclude

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14:42:26 1 him or not, it's troublesome, who knows what he might say,
14:42:33 2 he might fail the polygraph test, who knows? It's
14:42:36 3 troublesome, isn't it?--Well, I don't think it's that
14:42:41 4 troublesome. I don't think I knew about it, but I don't
14:42:45 5 think it's that troublesome.
14:42:48 6
14:42:48 7 If you knew about it you might have said, "Don't worry
14:42:52 8 about it, go ahead it's a good plan"?--No, I think that's
14:42:57 9 trying to put words in my mouth.
14:43:01 10
14:43:01 11 I mean it's no good if he goes to an independent lawyer who
14:43:07 12 says, "No, don't take a polygraph test, that's no good.
14:43:09 13 Don't do that". That would be the conservative advice an
14:43:12 14 independent lawyer would say, "Don't do a polygraph
14:43:15 15 test"?--I understand that.
14:43:17 16
14:43:17 17 And there goes your plan?--I think we were trying to, as I
14:43:20 18 said, rule him out, not rule him in.
14:43:23 19
14:43:23 20 Well, who knows. It's just not appropriate can I suggest
14:43:28 21 to you?--Okay, you can suggest that.
14:43:30 22
14:43:30 23 Do you agree or disagree?--I'm not sure I agree.
14:43:33 24
14:43:34 25 Can we have a look at ICR 2958 at p.95 please, 13 March
14:43:44 26 2008. At 14:53 the handler receives a call. She'd
14:44:09 27 received a call from Nick McKenzie from The Age, do you see
14:44:14 28 that, wanting to see her on Friday afternoon?--Yes.
14:44:19 29
14:44:20 30 And she stated that Petra had tasked her to find out who
14:44:25 31 his source of information was?--Right.
14:44:29 32
14:44:29 33 And she wanted to see him but would be guarded about what
14:44:35 34 she said to the same. Was that the plan? And she was to
14:44:45 35 tell, clarify with Mr O'Connell, "Handler to clarify with
14:44:52 36 O'Connell"?--Again, this is happening, this is an
14:44:57 37 operational issue. It's a level of detail I wouldn't
14:45:00 38 necessarily be privy to or know about. I think this is
14:45:06 39 news to me, I don't recall, I don't recall knowing this.
14:45:09 40
14:45:10 41 All right. Now, I take it you're aware of Operation
14:45:26 42 Gosford. Would you have been told about Operation -
14:45:29 43 Ms Gobbo was the subject of threats, had been the subject
14:45:32 44 of threats for quite a period of time?--I knew she was
14:45:36 45 subject of threats, that operation name doesn't mean
14:45:38 46 anything to me.
14:45:39 47

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14:45:40 1 An operation called Gosford was established in the early
14:45:44 2 part of 2007. There was evidence that she had received
14:45:47 3 threats, indeed we've referred to one, Mr Blayney's concern
14:45:52 4 on 11 December 2006, and then subsequently there were
14:45:56 5 threats into 2007 and an operation was set up in Purana to
14:45:59 6 investigate those threats?---Right. I don't recall that.
14:46:03 7
14:46:04 8 You may not recall it but if you're getting briefing
14:46:07 9 updates and there's reference to it you may have been aware
14:46:13 10 of it?---I may well have been, may well have been, yep.
14:46:17 11
14:46:28 12 If you weren't aware of the threats and you weren't aware
14:46:33 13 of any - - - ?---No, I was aware of the threats, I've said
14:46:36 14 I was aware she was receiving threats. I got briefed on
14:46:40 15 that from time to time.
14:46:40 16
14:46:40 17 Perhaps I may have misled you, it may well be there aren't
14:46:45 18 updates about it relating to Gosford. In any event you
14:46:48 19 were aware of the fact she had been threatened?---I knew
14:46:52 20 she'd been threatened, yes.
14:46:53 21
14:46:53 22 Would it be fair to say that by April 2008 you would have
14:46:59 23 had some significant concerns about Ms Gobbo and about
14:47:06 24 whether or not she was really in a fit and proper state to
14:47:15 25 be assisting Victoria Police as an informer, by April of
14:47:19 26 2008?---It's difficult to put a time frame around these
14:47:23 27 things. I was always concerned about her role as a human
14:47:30 28 source, I became progressively more concerned. There was
14:47:35 29 attention we were trying to manage around the fact that she
14:47:39 30 also appeared to have that was relevant to two high profile
14:47:45 31 murder investigations.
14:47:46 32
14:47:46 33 And you got a significant amount of information in relation
14:47:48 34 to Petra in May of 2007?---I'll have to take your word for
14:47:56 35 that.
14:47:57 36
14:47:57 37 She'd been examined and she'd spoken to your investigators
14:48:00 38 on 21 May 2007?---Okay. Okay.
14:48:03 39
14:48:05 40 And you'd spoken to handlers and you'd been suggesting
14:48:08 41 since May of 2006 that really we've got, you've got to work
14:48:15 42 on an exit strategy?---Yes.
14:48:17 43
14:48:17 44 You're then learning about threats that she's receiving,
14:48:20 45 threats on her life?---Yes.
14:48:21 46
14:48:21 47 You've expressed certainly in your statement the longer an

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14:48:24 1 informer is registered, the more likely she is to come to
14:48:28 2 harm?---Yes.
14:48:29 3
14:48:30 4 You've expressed, I think in your statement that even one
14:48:33 5 false move or a slip could lead to her death?---Yes.
14:48:37 6
14:48:38 7 And can I suggest to you that as time goes by those
14:48:44 8 concerns wouldn't have been diminishing, they would have
14:48:47 9 been escalating?---Yes.
14:48:48 10
14:48:49 11 On 16 April Ms Gobbo is at dinner and her car's set on
14:48:56 12 fire?---Yeah, I remember that happening. I don't - well I
14:48:59 13 remember it happening, yes.
14:49:01 14
14:49:01 15 Yes. And you're aware that there was a significant amount
14:49:06 16 of publicity about it?---Well I don't remember that.
14:49:10 17
14:49:11 18 There was publicity about it?---I accept that, but I
14:49:16 19 remember being told her car had been set on fire.
14:49:18 20
14:49:18 21 It would have been taken very seriously by Victoria
14:49:20 22 Police?---Yes.
14:49:21 23
14:49:22 24 It is an indication that people are either sending her a
14:49:26 25 message or wanting to harm her?---Yes.
14:49:27 26
14:49:32 27 If she had been the subject of this sort of threat, can I
14:49:39 28 suggest to you that it is a matter which you would have
14:49:41 29 taken very seriously, or the fact that she was rather, the
14:49:46 30 fact this had occurred is a matter you would have taken
14:49:49 31 very seriously?---Yes.
14:49:50 32
14:49:53 33 If she had been physically harmed, killed, it's a matter
14:50:00 34 which would have, I suggest, led to potential for huge
14:50:08 35 organisational problems within Victoria Police?---Yes.
14:50:11 36
14:50:11 37 It was an organisational risk?---Yes.
14:50:13 38
14:50:19 39 Mr Hodson had been murdered and his wife?---Yes.
14:50:22 40
14:50:23 41 If it occurred again it would have been disastrous?---Yes.
14:50:26 42
14:50:26 43 Why wouldn't you tell the Chief Commissioner about this,
14:50:29 44 the fact that Ms Gobbo was a human source?---Because it was
14:50:33 45 an operational matter and these are matters best dealt with
14:50:38 46 at my level and levels below.
14:50:41 47

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14:50:41 1 If something had occurred and the Chief Commissioner hadn't
14:50:44 2 been told about it, wouldn't she be looking to you and
14:50:47 3 saying, "What's going on here? Why wasn't I told about
14:50:51 4 this"?---These are always judgment calls that you have to
14:50:54 5 make but I have to say my view when Christine was Chief
14:50:59 6 Commissioner, and certainly my view when I became Chief
14:51:02 7 Commissioner, is that you really don't have the time or the
14:51:06 8 head space to be dealing with operational matters. This is
14:51:10 9 why you have a chain of command and these matters are to be
14:51:15 10 managed appropriately. There are times when you are
14:51:17 11 briefed about matters, but I've got to say as Chief
14:51:20 12 Commissioner I wasn't briefed much at all on operational
14:51:23 13 matters.

14:51:23 14
14:51:24 15 But this isn't just an ordinary operational matter?---No, I
14:51:28 16 understand that.

14:51:28 17
14:51:29 18 It's a potential?---It's a potential, yes, it's a
14:51:32 19 potential. I understand that.

14:51:33 20
14:51:33 21 Why wouldn't you simply say to your Chief Commissioner,
14:51:36 22 "Look, you should be aware that we've got this issue. You
14:51:39 23 might have heard about the fire in Gobbo's car. You should
14:51:42 24 be aware that this is what's going on", why wouldn't you
14:51:47 25 say that?---Why would I?

14:51:50 26
14:51:50 27 Why would you?---Yes.

14:51:53 28
14:51:53 29 To keep your Chief Commissioner informed about what you're
14:51:55 30 doing?---Again, these are just judgment calls around when
14:51:59 31 you brief up.

14:51:59 32
14:52:00 33 Do you stand by your judgment call and say it was a correct
14:52:04 34 decision not to inform her?---I do.

14:52:07 35
14:52:07 36 You do?---Yes.

14:52:08 37
14:52:08 38 When you were Chief Commissioner and something like this
14:52:10 39 was going on, would you not be expected to be told?---Not
14:52:14 40 necessarily, no.

14:52:15 41
14:52:15 42 If Ms Gobbo was killed, wouldn't the Chief Commissioner say
14:52:18 43 to you, "What on earth has been going on"?---Yeah, you'd
14:52:22 44 want to know about it then but that wasn't the situation.

14:52:25 45
14:52:25 46 Can I suggest you didn't tell her because you were
14:52:28 47 concerned about telling her?---No, not at all. Can I just

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14:52:31 1 make this point, as Chief Commissioner you're running an
14:52:34 2 organisation at that time of 15,000 people, an annual
14:52:38 3 operating budget of \$2 billion. You've got, you're
14:52:43 4 essentially the CEO of one of the biggest organisations in
14:52:46 5 Australia. You have to delegate and you can't be across
14:52:48 6 the level of detail that you seem to be suggesting.
14:52:51 7
14:52:54 8 It wouldn't take a huge amount of time to go into her
14:52:58 9 office and to make this known to her?--Well you could but
14:53:02 10 to what end? Just to say, "There may be a problem"?
14:53:05 11
14:53:06 12 Do you say that this wasn't a significant issue as far as
14:53:10 13 you were concerned?---It was a significant issue and it was
14:53:12 14 an issue that was being managed.
14:53:14 15
14:53:14 16 The fact that you've got a barrister who's a human source,
14:53:17 17 who's been the subject of threats, who's car has been fire
14:53:23 18 bombed, there's at least the potential for convictions to
14:53:27 19 be affected by the conduct of your investigators?--Well I
14:53:31 20 didn't know that.
14:53:31 21
14:53:32 22 Didn't know, all right. Let me ask you this: this
14:54:06 23 operation, the initial operation in which Ms Gobbo was
14:54:12 24 used, contained within it a significant risk that the
14:54:18 25 conduct of Victoria Police could well be challenged by the
14:54:23 26 use of a practising barrister?---So, sorry, Mr Winneke,
14:54:26 27 where are we now, which operation are we - - -
14:54:29 28
14:54:29 29 Posse?---Posse, right. Thank you.
14:54:31 30
14:54:34 31 One of the major criminals in Australia at the time is the
14:54:41 32 target of this operation, right?---Yes.
14:54:44 33
14:54:45 34 And one of your main human sources is his barrister, right.
14:54:56 35 Now that's unusual to say the least?---It is unusual.
14:54:58 36
14:54:59 37 This person, a couple of years down the track is becoming
14:55:03 38 erratic, right, and out of control, moving in that
14:55:07 39 direction?---Yep.
14:55:08 40
14:55:11 41 She's the subject of threats?---Yes.
14:55:13 42
14:55:14 43 Her car has been set fire to?---Yes.
14:55:17 44
14:55:19 45 Now you say you're not aware of your investigators'
14:55:23 46 concerns, is that right?---My investigator's concerns, no.
14:55:26 47

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14:55:27 1 Senior police officers, you're not aware of any concerns
14:55:29 2 they've got?---No.
14:55:30 3
14:55:30 4 You've got Jack Blayney, who you say is an ethical officer,
14:55:34 5 who is saying, "Look, I think we might need to get legal
14:55:36 6 advice"?---We've covered that, yes.
14:55:38 7
14:55:38 8 An accumulation of matters, and her car is now set fire to,
14:55:45 9 you say it's still not appropriate to let the Chief
14:55:48 10 Commissioner know what you're doing?---Yes.
14:55:50 11
14:55:51 12 Right, okay. Now, can I ask you about Purana's focus on
14:56:10 13 Mr Gatto. As I've suggested, the focus moves away from
14:56:17 14 Mr Mokbel because you've dealt with that, now you're
14:56:20 15 focusing on Gatto. You were looking at his business
14:56:25 16 interests, correct?---Well they were, yes, absolutely that
14:56:30 17 was part of what they were looking at.
14:56:32 18
14:56:32 19 Can I suggest that Ms Gobbo has, having been aligned with
14:56:36 20 Mokbel, is now aligning with Gatto, you must have been
14:56:39 21 aware of that?---Well I'm not sure I was.
14:56:41 22
14:56:41 23 Can I suggest that there were media reports about
14:56:46 24 Ms Gobbo's alignment with Mr Gatto, do you say that's not
14:56:49 25 right?---Well I don't know.
14:56:50 26
14:56:56 27 There was information about her, and I've referred you to
14:57:01 28 about her going out to dinner with him, you must have been
14:57:04 29 aware, that had come to you, that information?---Again I'm
14:57:09 30 not quite sure we had established that was the case.
14:57:11 31
14:57:12 32 After Mr Orman's arrest she was at dinner with
14:57:15 33 him?---Sorry, that did come, yes.
14:57:17 34
14:57:17 35 You must have been aware at that stage that she'd moved to
14:57:20 36 his, into his orbit?---Well had an association with him but
14:57:25 37 she seemed to have an association with lots of people.
14:57:29 38
14:57:29 39 Yes, but people who happened to be your targets?---Yes.
14:57:33 40
14:57:36 41 You were aware that, at least as far as you were concerned
14:57:39 42 Mr Gatto was a dangerous man?---Yes.
14:57:42 43
14:57:45 44 And if Ms Gobbo was found out, on your understanding she
14:57:52 45 would be at significant risk, surely?---Yes.
14:57:57 46
14:57:58 47 Does that not enhance your concern about her risk?---Does

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14:58:03 1 what not enhance my concern?
14:58:05 2
14:58:05 3 That knowledge, her car is set fire to, your concern about
14:58:10 4 the - - - ?---I said I was concerned, I was always
14:58:13 5 concerned about her safety.
14:58:14 6
14:58:14 7 Did you ask for another risk assessment to be done?---No.
14:58:19 8
14:58:19 9 Why not?---Because that was something that the SDU would
14:58:22 10 do.
14:58:22 11
14:58:23 12 And you were confident that that was all being looked
14:58:25 13 after?---Yes.
14:58:26 14
14:58:26 15 Did you speak to Mr Moloney about that?---I don't know. I
14:58:30 16 don't think so.
14:58:32 17
14:58:34 18 Did anyone raise any concerns with you about whether it was
14:58:39 19 appropriate to be using this barrister who you had concerns
14:58:44 20 about, psychologically at least at this stage, did you have
14:58:50 21 concerns about her psychological state at this stage?---I
14:58:53 22 had concerns about her psychological state at every stage.
14:58:56 23 Did I raise, did anyone raise concerns with me or did I
14:59:00 24 raise concerns with anyone?
14:59:01 25
14:59:01 26 Did anyone raise any concerns with you?---About her state
14:59:04 27 of mind?
14:59:04 28
14:59:04 29 About her state of mind and about the fact that she had
14:59:07 30 been utilised to target Mr Gatto?---No, not that I recall.
14:59:11 31
14:59:11 32 Can I suggest to you it was utterly irresponsible to be
14:59:14 33 using her in the way in which she was being used in 2008 by
14:59:18 34 Purana, utterly irresponsible, what do you say to
14:59:29 35 that?---So I don't know that I understood that she was
14:59:31 36 being - so she was being tasked by Purana in 2008?
14:59:36 37
14:59:36 38 She was providing information to Purana about Mr Gatto, who
14:59:40 39 as far as Purana was concerned was a very dangerous
14:59:43 40 man?---I think that's consistent with - - -
14:59:44 41
14:59:45 42 Whether or not that's the fact, that was the concern?---I
14:59:47 43 think that was consistent with where we got to in August,
14:59:51 44 which was if she had information she would pass it on but
14:59:57 45 she wouldn't be tasked.
14:59:58 46
14:59:58 47 The people who were managing it, can I suggest, were

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15:00:02 1 putting to you that she shouldn't be involved, that
15:00:04 2 Victoria Police should be breaking with this
15:00:07 3 woman?---That's not my recollection as to what transpired.
15:00:11 4
15:00:11 5 Yes, all right. Can we move on to August of 2008. There
15:00:16 6 was a resumption of the OPI hearing. Do you recall
15:00:22 7 that?---By Fitzgerald?
15:00:25 8
15:00:25 9 Yes?---I don't specifically recall that but I recall there
15:00:28 10 was a second hearing.
15:00:29 11
15:00:29 12 There was concerns being expressed about the plan to call
15:00:32 13 her back before the OPI?---Yeah, again I recall that.
15:00:35 14
15:00:36 15 If we have a look at the source management log 2958, p.38.
15:01:04 16 You were aware that Mr Fitzgerald wanted to have her back
15:01:09 17 and had taken the view that she hadn't told the truth on
15:01:13 18 the first occasion?---Yes, I think so.
15:01:15 19
15:01:16 20 There's a note here that the handler, or the controller had
15:01:18 21 spoken to Mr O'Connell, who by that stage was aware of
15:01:25 22 Ms Gobbo's identity as a source. "Told him, told same that
15:01:29 23 the OPI part hearing is causing great deal of stress and
15:01:33 24 that Ms Gobbo will not answer questions for fear of
15:01:36 25 exposing herself as a source for police if called back by
15:01:42 26 the OPI." Perhaps I should - Ms Gobbo was called back in
15:01:50 27 2007?---Yes, she was.
15:01:51 28
15:01:52 29 I apologise?---She was.
15:01:54 30
15:01:54 31 There was a plan or at least it was being mooted that she
15:01:57 32 be called back in 2008, I'm sorry?---Right. Sorry, I'm
15:02:03 33 confused.
15:02:03 34
15:02:04 35 She had been called back in August of 2007 and she'd been
15:02:09 36 sent away to get legal advice because Mr Fitzgerald had
15:02:13 37 suggested that she wasn't telling the truth?---I recall
15:02:16 38 that.
15:02:16 39
15:02:16 40 And then there was a plan or at least the OPI were planning
15:02:20 41 to call her back again?---I thought they did.
15:02:22 42
15:02:23 43 In 2008?---Right.
15:02:24 44
15:02:24 45 Were you aware of that?---I thought she went twice is my
15:02:28 46 recollection.
15:02:29 47

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15:02:29 1 Yes, she went twice. I'm talking about the possibility
15:02:32 2 that she might come back a third time?---Well I don't - I
15:02:36 3 don't, I don't have a recollection of that.
15:02:38 4
15:02:38 5 All right. And effectively she said she'll refuse to
15:02:43 6 answer questions and run the risk of being charged with
15:02:45 7 contempt and the thrust of the questions revolve around
15:02:53 8 potentially improper relationships she has had with
15:02:59 9 police?---Yes.
10
15:02:59 11 Mr O'Connell was asked if he was aware whether Ms Gobbo had
15:03:03 12 to go back, if he was aware that she had spent 36 hours
15:03:07 13 with Petra investigators providing information as requested
15:03:10 14 and had that information been passed to the OPI. If so,
15:03:14 15 was the OPI satisfied?---Right.
15:03:18 16
15:03:18 17 Do you see that? "SOC", Mr O'Connell, "To consider how to
15:03:24 18 approach the same and called back." I'll go back. "Aware
15:03:29 19 that the SOC may not be able to talk about it, but if
15:03:33 20 Ms Gobbo info to Petra has been provided to the OPI and
15:03:36 21 they're satisfied, then she could be told and that would
15:03:40 22 help with her management" because by this stage she is
15:03:42 23 getting frantic about it and very anxious about being
15:03:45 24 called back?---She was always anxious about these things as
15:03:50 25 I recall.
15:03:50 26
15:03:51 27 "Advised O'Connell that Ashton and senior management at the
15:03:54 28 OPI were briefed by Overland re identity of the source
15:03:58 29 prior to the source giving evidence for the purpose of
15:04:01 30 protecting the source from questions that would have
15:04:03 31 compromised her but that had been unsuccessful." That's
15:04:07 32 obviously a reference to - - - ?---I think that goes back
15:04:09 33 to the earlier entries.
15:04:13 34
15:04:14 35 It is historical there's no doubt about that?---I'm not
15:04:16 36 sure it's quite right but I think that's what it references
15:04:20 37 back to.
15:04:20 38
15:04:21 39 I follow that. Were you aware there had been or there was
15:04:22 40 a desire on the part of Graham Ashton to have her called
15:04:26 41 back at this stage, is that something that you had
15:04:30 42 discussed with her?---I may have, but as I said my
15:04:34 43 recollection was that she was called twice to the OPI. I
15:04:37 44 don't recall this proposal to call her a third time.
15:04:40 45
15:04:40 46 All right. You're aware that the OPI was still examining
15:04:46 47 these matters, particularly IR 44 and Ms Gobbo's knowledge

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15:04:54 1 of that issue?---I remember it being quite a process that
15:04:57 2 they went through, yes.
15:05:00 3
15:05:00 4 Do you recall that Mr Ashton had sought and been provided
15:05:07 5 with the names of two informers, one of whom was Ms Gobbo
15:05:11 6 and then Mr Ashton had been keen to get telephone numbers
15:05:15 7 to go with those names to assist them in their inquiries,
15:05:19 8 do you recall that?---I don't but I think I've seen some,
15:05:26 9 in the process of preparing I think I've seen some emails.
15:05:29 10
15:05:30 11 Emails to that effect. You're prepared to concede
15:05:33 12 that?---I concede that, yes.
15:05:34 13
15:05:34 14 If we have a look at the source management log on 13 August
15:05:37 15 - and those numbers were provided, you asked your
15:05:40 16 investigators?---I think I referred it on.
15:05:42 17
15:05:42 18 Referred it on, it went to the SDU and I think Mr Black and
15:05:46 19 Mr White arranged for those numbers to be
15:05:49 20 forwarded?---Right.
15:05:50 21
15:05:50 22 Are you aware of that?---That's what the document seemed to
15:05:53 23 indicate, yes.
15:05:54 24
15:05:54 25 If we have a look at the SML on 13 August we see that,
15:06:00 26 "Advised by O'Connell that Petra, that he had spoken to DC
15:06:06 27 Overland who had spoken to Ashton, OPI and advised that
15:06:10 28 2958 will not be called back to the OPI hearings. OPI are
15:06:14 29 satisfied that Ms Gobbo has been of assistance to Petra
15:06:17 30 investigators", do you see that?---Well that may - look, I
15:06:20 31 don't recall this but it looks to me like the third hearing
15:06:23 32 might have been used as a way of putting pressure on her to
15:06:28 33 make sure she fully cooperated with Petra and that would
15:06:31 34 seem to indicate that that had been successful.
15:06:32 35
15:06:33 36 Is that your understanding, it that what the OPI was
15:06:35 37 planning, is it what you were planning or was it a joint
15:06:37 38 plan?---I don't recall but that note, that note indicates
15:06:42 39 to me that's possibly what was going on.
15:06:44 40
15:06:45 41 Right?---Which would be a legitimate sort of strategy to
15:06:48 42 get someone to be truthful.
15:06:50 43
15:06:53 44 Were you at this stage considering using Ms Gobbo as a
15:06:57 45 witness?---This is where I have some difficulty. I mean
15:07:07 46 clearly there was consideration that had to be given
15:07:13 47 as to whether she could or should be called as a witness.

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15:07:15 1
15:07:16 2 Yes?--My recollection is that there was quite a period of
15:07:21 3 time where that was an issue in play and that there was no
15:07:28 4 concluded view one way or the other about that.
15:07:30 5
15:07:30 6 All right. Now, I'll come back to that in due course but
15:07:36 7 just before I do, it seems that on 4 September
15:07:42 8 investigators went out to the prison and they got from Carl
15:07:48 9 Williams - sorry, they got a letter from Carl Williams to a
15:07:53 10 person by the name of Mannella and it had been dated 28
15:07:58 11 August 2008, amongst other letters. They got a number of
15:08:01 12 letters but there was a letter that Carl Williams had
15:08:04 13 written and it contained some information which I suggest
15:08:08 14 would have been concerning to investigators?--I think that
15:08:14 15 was further threats, is that right?
15:08:16 16
15:08:16 17 Yes. Effectively the letters indicated that Mr Williams
15:08:34 18 was of the view, and apparently of the well-informed view
15:08:40 19 that Ms Gobbo was an informer, providing
15:08:44 20 information?---Right.
15:08:45 21
15:08:47 22 Do you recall hearing about these letters?---Well I do but
15:08:56 23 I'm just trying to recall when I heard.
15:08:58 24
15:09:01 25 On 5 September, the day after Mr Wilson briefed you
15:09:06 26 regarding Ms Gobbo - he having had an interview with [REDACTED]
15:09:17 27 [REDACTED] -Yep.
15:09:18 28
15:09:19 29 I withdraw that. Other investigators had spoken to [REDACTED]
15:09:23 30 [REDACTED] and there was information which I suggest would have
15:09:28 31 caused you to have been concerned that heavy criminals were
15:09:33 32 of the view that Ms Gobbo was assisting police?---(Witness
15:09:37 33 nods.)
15:09:37 34
15:09:37 35 Would you agree that that would have even more, or even to
15:09:41 36 a greater degree enhanced your concerns about the risks to
15:09:46 37 Ms Gobbo?---It would.
15:09:46 38
15:09:49 39 Now, one of the things that - look, perhaps we'll put it up
15:09:56 40 quickly. VPL.6025.0003.3589. This is a letter from Carl
15:10:08 41 Williams to another prisoner dated 30 August 2008.
15:10:16 42 Effectively what he's saying is he refers to the police
15:10:19 43 having something over Ms Gobbo. Said he'd caught her out
15:10:23 44 through subpoenas. Said he'd spoken to her to her face
15:10:28 45 about it. Said he showed Milad about the paperwork but
15:10:31 46 didn't seem to care. Refers to Milad having waived his
15:10:37 47 rights to a committal. Do you recall seeing these

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15:10:39 1 letters?---I don't think I saw the letters. I believe I
15:10:42 2 was made aware of the thrust of the information, yeah.
15:10:45 3
15:10:46 4 And the information was pretty good can I suggest?---I
15:10:50 5 haven't read it so I don't know.
15:10:53 6
15:10:53 7 Milad having waived his right to a committal in July 2007
15:10:56 8 and then Horty coming to gaol and having his committal in
15:11:01 9 November 2007, when it came out [PII] had assisted
15:11:04 10 after talking to Ms Gobbo?---Yeah.
15:11:06 11
15:11:06 12 You would have known that by then, wouldn't you?---Known
15:11:09 13 what, sorry?
15:11:10 14
15:11:10 15 About [PII] having assisted after talking to
15:11:16 16 Ms Gobbo?---No, I don't believe I did.
15:11:18 17
15:11:18 18 You didn't know that, even having - - - ?---No. I don't
15:11:23 19 think I read these, I don't think I've seen these letters.
15:11:25 20
15:11:26 21 Were you briefed on it?---Probably about the fact that
15:11:28 22 there were letters that had identified her as a source. I
15:11:31 23 think that was probably the extent of it.
15:11:34 24
15:11:34 25 Well you say you mightn't have been told that [PII] had
15:11:40 26 assisted police after having spoken to Ms Gobbo?---I don't
15:11:43 27 think I was.
15:11:44 28
15:11:44 29 Right. You'd never known that, even right from 2006, right
15:11:51 30 through to 2008, you'd never been told that Ms Gobbo - -
15:11:54 31 -?---No.
15:11:54 32
15:11:55 33 - - - had been involved in that?---No.
15:11:56 34
15:12:00 35 Said Gobbo was with the Don, that is referring to Mr Gatto,
15:12:03 36 now she's aligned herself with him?---Right.
15:12:07 37
15:12:07 38 That is what Mr Williams is saying, said that, "She has
15:12:11 39 told a particular person, [PII]
15:12:15 40 [PII]
15:12:18 41 [PII]
15:12:22 42 [PII]
15:12:26 43 [PII]
15:12:29 44 [PII]
15:12:32 45 [PII]
15:12:32 46 [PII]
15:12:35 47 [PII]

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15:12:39 1 [REDACTED]
15:12:43 2 [REDACTED]
15:12:46 3 [REDACTED]
15:12:50 4 [REDACTED] ---Yes.
5
15:12:50 6 That's information which would have resonated with your
15:12:54 7 investigators.
8
9 COMMISSIONER: Just a moment, there's an objection.
10
15:12:55 11 MR WINNEKE: Sorry.
15:12:55 12
15:12:55 13 MR HOLT: Commissioner, there was significant data about
15:12:57 14 the person now referred to as [REDACTED] which in my
15:13:00 15 submission would breach the order to identify that person,
15:13:03 16 it would link to the name of the person who was then
15:13:06 17 charged.
15:13:09 18
15:13:09 19 COMMISSIONER: All right.
15:13:12 20
15:13:12 21 MR HOLT: There is an order, Commissioner, that no
15:13:18 22 information that could tend to identify - - -
15:13:19 23
15:13:19 24 COMMISSIONER: There is, that's true. Just tell me which
15:13:20 25 lines you're objecting to, I think the witness knows what
15:13:24 26 we're talking about.
15:13:25 27
15:13:25 28 MR HOLT: Yes, Commissioner. Line 30 I think,
15:13:37 29 Commissioner. Maybe earlier than that. Line 22. It's
15:13:51 30 about who he made statements about.
15:13:53 31
15:13:54 32 COMMISSIONER: Probably after the comma on line 23, isn't
33 it?
34
35 MR HOLT: Yes, thank you Commissioner.
36
15:13:56 37 COMMISSIONER: After the comma on line 23 down to - really
15:14:06 38 it's just to the next comma, isn't it?
15:14:09 39
15:14:10 40 MR HOLT: Yes. And then again - - -
15:14:11 41
15:14:11 42 COMMISSIONER: To the next comma on line 24.
15:14:15 43
15:14:15 44 MR HOLT: Then again on line 33 perhaps. 34, I'm sorry.
15:14:19 45 End of 33. The middle of 33 to that full stop on 35,
15:14:28 46 Commissioner.
15:14:28 47

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15:14:29 1 COMMISSIONER: So 34.
15:14:35 2
15:14:35 3 MR HOLT: To the full stop on 35 perhaps.
15:14:38 4
15:14:38 5 COMMISSIONER: 34 to the full stop on 35, yes.
15:14:41 6
15:14:41 7 MR HOLT: Thank you, Commissioner.
15:14:42 8
15:14:42 9 COMMISSIONER: Thank you. I think the witness understands
15:14:45 10 exactly who is being spoken about?---I'm sorry, I am a
15:14:51 11 little bit mystified, Commissioner.
15:14:54 12
15:14:54 13 Show him Exhibit 81 please?---Was it a name I used?
15:14:58 14
15:14:58 15 Could you have a look at Exhibit 81, please?---Certainly.
15:15:02 16
15:15:03 17 MR WINNEKE: I think Mr Overland knows about the person but
15:15:05 18 it's sort of the cumulation of information which Mr Holt is
15:15:08 19 concerned about?---Sorry, Commissioner, which name am I
15:15:10 20 looking at?
15:15:11 21
15:15:11 22 33 I think it is. The person I've been previously calling
15:15:16 23 - - - ?---Yes, [REDACTED] yes.
15:15:18 24
15:15:18 25 COMMISSIONER: And his role in relation to - - -
15:15:20 26
15:15:20 27 MR WINNEKE: The connection to - well I won't mention it
15:15:30 28 because I'll be doing the same thing?---Thank you.
15:15:33 29
15:15:33 30 In any event can I suggest to you that that is information
15:15:37 31 which would have resonated with your investigators, it
15:15:40 32 would have been significant information?---Yes.
15:15:41 33
15:15:42 34 And Mr Wilson has briefed you about these matters. If he's
15:15:47 35 got the letters with him, or at least if he's had the
15:15:51 36 letters, if he's read the letters, you would expect him to
15:15:54 37 tell you the significant parts of the letters, tell you the
15:15:57 38 information in the letters which would cause him and you
15:16:00 39 concern, one assumes?---I'd assume so, yes.
15:16:03 40
15:16:10 41 Now, if he had have told you that, and I suggest it would
15:16:16 42 be reasonable and sensible for him to tell you that
15:16:19 43 information, can I suggest you would have done something
15:16:23 44 about it?---Well, then I can only assume he didn't tell me.
15:16:27 45 I don't remember being told. Had I been told I would have
15:16:31 46 done something about it.
15:16:32 47

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15:16:32 1 And so you're still in the dark about the activities of
15:16:38 2 Ms Gobbo as we get through now to September of 2008?---Yes.
15:16:42 3
15:16:42 4 All right. It's almost as if there's a sort of conspiracy
15:16:46 5 to keep information from you. That's how it seems. Now I
15:16:51 6 take it you wouldn't agree with that proposition. Well
15:16:59 7 would you agree?---I don't know, I can't comment. I don't
15:17:01 8 know.
15:17:01 9
15:17:02 10 In circumstances - I take it as new investigators come
15:17:07 11 along or as any investigator who hasn't heard your
15:17:12 12 instructions previously about being very careful with this
15:17:17 13 informer barrister, you would have made sure they were
15:17:21 14 aware of your concerns?---Um, well I'm not sure I said that
15:17:26 15 to Mr Wilson because I think she was more a witness at this
15:17:32 16 point in time, so the information we were after from her
15:17:36 17 was more as a witness.
15:17:38 18
15:17:38 19 I'm more concerned about the information in the letter
15:17:41 20 which would - - - ?---I didn't see the letter, I've not
15:17:45 21 read the letter. I was briefed that the letter contained
15:17:49 22 threats to Ms Gobbo, that's my recollection.
15:17:52 23
15:17:53 24 At this stage you didn't think that that was a reason to
15:17:57 25 take any particular action, get a risk analysis
15:18:02 26 done?---Again, that wasn't for me to do.
15:18:04 27
15:18:05 28 Did you take any action at all, contact the SDU and say,
15:18:09 29 "Well look, we've got this information coming out of the
15:18:13 30 prison, it seems Williams has a lot of information" - -
15:18:16 31 -?---I didn't, but I assumed others would have.
15:18:18 32
15:18:19 33 Did you satisfy yourself that they had?---Look, I don't
15:18:26 34 know. I don't know.
15:18:28 35
15:18:33 36 I take it you would have contacted Mr Moloney?---About
15:18:38 37 these matters?
15:18:38 38
15:18:39 39 Yes?---Again, I don't know.
15:18:42 40
15:18:42 41 All right. Do you accept you should have?---Not
15:18:47 42 necessarily.
15:18:48 43
15:18:48 44 If Mr Wilson's briefing you, you'd say, "Well look, you're
15:18:53 45 briefing the wrong person. You better tell Mr Moloney
15:18:55 46 about this, this isn't my issue"?---No, I'd assume the
15:18:59 47 information would be passed to the SDU.

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15:19:00 1
15:19:01 2 Okay. Now, can I suggest that it became apparent to Petra,
15:19:12 3 because of information that had been gathered as a result
15:19:16 4 of the telephone, the CCR records, that Ms Gobbo was
15:19:22 5 suspected of using phones in false names to communicate
15:19:29 6 with Dale prior to the murder?---Yeah, I think that's
15:19:33 7 right, yes.
15:19:33 8
15:19:33 9 And that information was, I think, updated to a Petra Task
15:19:39 10 Force meeting on 29 September. You don't take any issue
15:19:42 11 with that?---No, I don't take any issue with that.
15:19:44 12
15:19:45 13 There's evidence that on 1 October 2008 - we'll have a look
15:19:52 14 at the SML so you can see it. Page 47, 2958. 1 October.
15:20:11 15 "Mr Smith contacts the SDU, advises that investigators
15:20:15 16 believe that Gobbo is in possession of false SIM cards,
15:20:18 17 shortly prior to the death of the Hodsons, there was a plan
15:20:21 18 to interview her and the SDU will check intel holdings in
15:20:24 19 relation to phone numbers that Gobbo has had"?---Yep.
15:20:26 20
15:20:27 21 Then on 3 October, SML same page, call from DDI Smith,
15:20:33 22 "Petra discussed strategy re-interview with Gobbo. SDU
15:20:36 23 will not mention Petra request prior to the interview.
15:20:40 24 Interview will not happen prior to O'Connell returning from
15:20:43 25 leave. Query how Smith knew of Gobbo identity. Told by
15:20:48 26 O'Connell that Mr Overland had also mentioned it", do you
15:20:51 27 see that?---Yep.
15:20:52 28
15:20:54 29 Keep scrolling. There. All right. You'd accept that,
15:21:04 30 that's accurate, or would be likely to be accurate?
15:21:07 31
15:21:08 32 MS COLEMAN: I'm not sure about the recollection of what
15:21:12 33 (indistinct) says there at the end, "Told by O'Connell and
15:21:16 34 Overland" - - -
15:21:17 35
15:21:17 36 COMMISSIONER: Can you just make sure you have a
15:21:19 37 microphone.
15:21:20 38
15:21:20 39 MS COLEMAN: I'm just concerned the last line might have
15:21:23 40 been misread out. The last bullet point is, "Query how SS
15:21:29 41 know of ID of human source, told by O'Connell and Overland
15:21:32 42 has also mentioned same".
15:21:34 43
15:21:35 44 MR WINNEKE: I think I said "had", I accept that. It
15:21:37 45 should be "and Overland has also mentioned it". What do
15:21:41 46 you say as to that proposition, had you mentioned it that -
15:21:48 47 - - ?---To Steve Smith?

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15:21:49 1
15:21:50 2 Yes?---Quite possibly.
15:21:51 3
15:21:51 4 Yes, okay. Then source management log, 3 November, there's
15:21:57 5 a monthly review, p.53. Now, I take it that suggests that
15:22:04 6 you were having discussions with investigators about how to
15:22:07 7 deal with Gobbo, how to manage the interview?---Yes.
15:22:13 8
15:22:13 9 You were at least having that level of involvement at this
15:22:16 10 stage?---Well at that stage but it would have come up I
15:22:20 11 assume at a briefing that we were intending to do that and
15:22:23 12 I suspect if Steve didn't already know, I said, "Well, you
15:22:27 13 probably need to talk to the SDU and coordinate that".
15:22:30 14
15:22:30 15 And there's a monthly review here. If we keep going.
15:22:38 16 Petra haven't yet interviewed - sorry. "Petra not yet
15:22:46 17 interviewed her re the use of the false phones. SDU
15:22:50 18 strategy to assist. Petra to be requested to facilitate."
15:22:59 19 Keep going. "To request to facilitate interview soon due
15:23:06 20 to commitments of the SDU in the next week." Do you see
15:23:10 21 that?---Yes.
15:23:13 22
15:23:13 23 And, "There's recent intel from Petra regarding the source,
15:23:17 24 use of false phones, connections to Dale, Williams and
15:23:21 25 Ahmed may be of high value to the Hodson
15:23:22 26 investigation"?---Yep.
15:23:22 27
15:23:23 28 17 November 2008. There's a Petra Task Force update. Can
15:23:29 29 you accept this proposition that Gobbo was interviewed by
15:23:34 30 Petra investigators on 17 November?---I accept that, yes.
15:23:38 31
15:23:40 32 And if you have a look at the source management log of that
15:23:43 33 day, 17 November, there's a summary of the information that
15:23:48 34 was obtained?---Yes.
15:23:51 35
15:23:51 36 She advised the handler that she'd attended. They'd asked
15:23:55 37 for a statement. Mr White had spoken to O'Connell. Gobbo
15:24:01 38 is well aware - thereafter it sets - keep scrolling. You
15:24:06 39 can see the information that she provides?---Yep. So that
15:24:10 40 is helpful to me to understand the course of action through
15:24:15 41 that period of time because whilst I was conscious that
15:24:20 42 there was this ongoing issue around do we, don't we use her
15:24:25 43 as a witness, my memory of the detail was quite hazy. So
15:24:29 44 that's helpful.
15:24:29 45
15:24:29 46 So at this stage the idea is that, well at least there's
15:24:36 47 strong consideration being given to using her as a

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15:24:38 1 witness?--Well, you've got to start thinking about it
15:24:42 2 because she's providing information that is important in
15:24:45 3 connecting Dale to Williams and thereby potentially
15:24:50 4 corroborating Williams but also opening up other potential
15:24:54 5 lines of inquiry.
15:24:55 6
15:24:57 7 Now, then as things move on, there's an update to Petra on
15:25:04 8 24 November and that information, that refers to the
15:25:09 9 details of the Gobbo interview with the
15:25:15 10 investigators?---Right.
15:25:15 11
15:25:15 12 And that's hardly surprising?---Right.
15:25:18 13
15:25:18 14 If we then move on to 25 November 2008, the SML whilst
15:25:24 15 we've got it in front of us. Petra steering committee,
15:25:27 16 Overland, Moloney, Cornelius and the OPI Director Ashton
15:25:31 17 are all aware of her role, identity. Do you see that?---I
15:25:35 18 do.
15:25:35 19
15:25:35 20 And that accords with your understanding?---It does.
15:25:39 21
15:25:40 22 You would not be surprised at all, in fact you would be
15:25:43 23 confident that all of them would have been aware of who she
15:25:46 24 was and her role?---Certainly by that stage, yes.
15:25:48 25
15:25:48 26 By that stage?---Yes.
15:25:50 27
15:25:50 28 All right. 1 December 2008. If we have a look at a Petra
15:25:56 29 Task Force update, VPL.0100.0046.2867. There's a reference
15:26:06 30 to Ms Gobbo speaking further to Sol Solomon on 28 November
31 2008?---Yes.
32
15:26:14 33 She's to ring Cam Davey on Monday 1 December to make a
15:26:16 34 further appointment?---Yes.
15:26:18 35
15:26:20 36 And there we have it there. So that's the plan moving
15:26:26 37 along. She's confirmed the relationship, that she assisted
15:26:30 38 in the setting up of the meetings. Not aware of either of
15:26:34 39 the persons involved in the murders. And will consider
15:26:39 40 providing a statement?---Yep.
15:26:41 41
15:26:43 42 Was it your understanding that she was happy and willing to
15:26:48 43 provide a statement or not?---It was my understanding that
15:26:53 44 she was considering whether she would do that or not.
15:26:56 45
15:26:56 46 Yes?---I'm not sure I knew what her state of mind was at
15:27:01 47 the time.

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15:27:01 1
15:27:02 2 Was it ever conveyed to you that she was most unhappy about
15:27:05 3 providing a statement?---I could understand - I don't
15:27:10 4 specifically recall but I can understand why she would be
15:27:12 5 apprehensive about that.
15:27:13 6
15:27:15 7 Do you say that that was a matter that was conveyed to you
15:27:20 8 or not?---I think it probably was.
15:27:25 9
15:27:26 10 Yes, all right. Nonetheless you were, I take it,
15:27:32 11 determined to get a statement from her?---No.
15:27:35 12
15:27:36 13 You accept that her making a statement and getting into the
15:27:44 14 witness box and being questioned about her role would be a
15:27:49 15 life changing event for her?---Absolutely.
15:27:51 16
15:27:52 17 Change her life forever?---Absolutely.
15:27:54 18
15:27:57 19 Now, can I suggest to you that the SDU were vehemently
15:28:02 20 opposed to her being called as a witness?---Yes, they were.
15:28:06 21
15:28:07 22 And if we have a look at an ICR 2958 at p.749 at 13:30,
15:28:19 23 which is 3 December 2008. There's a source management - at
15:28:31 24 13:10 I think it is?---Yep.
15:28:34 25
15:28:34 26 There's a meeting of the SDU, Sandy White, Peter Smith and
15:28:40 27 Mr Green, conversation with O'Connell of Petra. Petra want
15:28:46 28 to use Ms Gobbo to show a close relationship between Dale
15:28:49 29 and Williams?---Yep.
15:28:52 30
15:28:52 31 Petra want to use her as a witness if there is a brief
15:28:56 32 against Dale?---Yep.
15:28:57 33
15:28:57 34 Petra want her to wear a tape-recording device?---Well
15:29:05 35 that's news to me.
15:29:08 36
15:29:08 37 What was your understanding as to what was being
15:29:12 38 planned?---Well I understood that there was a proposal to -
15:29:24 39 the key issue for me I think happens on 7 December.
15:29:28 40
15:29:29 41 Yes?---And that's where she has a meeting with Dale.
15:29:31 42
15:29:31 43 Yes?---So up until this point I was up in the air about
15:29:35 44 whether we called her as a witness or not. I could
15:29:38 45 certainly see her value but I could also certainly see the
15:29:42 46 risks associated with doing that for her.
47

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15:29:44 1 Right?---The thing that clinched it for me was on 7
15:29:48 2 December when she met with Dale, I think at Dale's
15:29:52 3 instigation, and she did wear a tape and she recorded the
15:29:55 4 conversation and in that conversation Dale essentially
15:29:59 5 credits - - -
15:30:01 6
15:30:03 7 Well - - - ?---I just want to explain. I didn't know that
15:30:05 8 she was wearing, I didn't know she was going to record that
15:30:08 9 meeting.
15:30:08 10
15:30:08 11 According to this it says Petra want her to wear a
15:30:13 12 tape-recording device?---I know, and that's why I'm going
15:30:16 13 to it, because that's not consistent with my understanding
15:30:17 14 or my recollection around what I knew. I'm quite clear
15:30:21 15 about this because I was surprised when I heard about it.
15:30:24 16 I was told she volunteered to wear the tape, she did that
15:30:28 17 to the Petra investigators. She wore the tape, she had the
15:30:33 18 conversation with Dale and in that Dale made incriminating
15:30:37 19 remarks. Now for me that was, that was the turning point
15:30:41 20 for me in terms of tipping me to the point where I said,
15:30:44 21 "Right, I think we now need to call her as a witness" and
15:30:47 22 that's in my statement.
15:30:48 23
15:30:48 24 I know it is. But so what you say is this, this idea that
15:30:54 25 Petra were pursuing Ms Gobbo to have her wear a
15:31:00 26 tape-recording device, that's something that you'd never
15:31:04 27 heard about?---It's inconsistent with my recollection and
15:31:07 28 what I was told at the time, which was that she volunteered
15:31:11 29 to wear the tape.
15:31:13 30
15:31:13 31 Can we go back to 746. 2958, 746, p.746. If we go back
15:31:26 32 three pages. "Petra, spoke to Cameron Davey at Petra,
15:31:32 33 Ms Gobbo is very nervous regarding this and is feeling sick
15:31:37 34 but wants to see them before seeing Paul Dale next weekend,
15:31:40 35 if does so. Discuss if Petra ask Ms Gobbo to see him and
15:31:44 36 tape it. Ms Gobbo will tell them will not be a witness in
15:31:49 37 any circumstances but if can help will do"?---Yes.
15:31:54 38
15:31:54 39 "Discuss this. Ms Gobbo will not, she's adamant she will
15:31:58 40 not be a witness, 'Even if they end up hating my guts will
15:32:03 41 not give evidence if called to any hearing'"?---Yes.
15:32:06 42
15:32:06 43 You can well understand why she would have that view,
15:32:09 44 wouldn't you?---I do.
15:32:10 45
15:32:10 46 Because effectively if her life hadn't been ruined already
15:32:14 47 at this stage, it was going to be once she's out as a

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15:32:18 1 witness?---Yes.
15:32:18 2
15:32:20 3 I wonder if that's an appropriate time, Commissioner.
15:32:23 4
15:32:24 5 COMMISSIONER: Yes, all right, we'll have the midafternoon
15:32:27 6 break.
15:33:00 7
15:33:01 8 (Short adjournment.)
9
15:49:58 10 MR CHETTLE: Commissioner, can I raise a very brief matter
15:50:01 11 before Mr Winneke goes on?
15:50:02 12
15:50:02 13 COMMISSIONER: Yes, certainly, Mr Chettle.
15:50:03 14
15:50:04 15 MR CHETTLE: During the course of his cross-examination of
15:50:05 16 Mr Overland Mr Winneke suggested that Mr White had conceded
15:50:09 17 that in his evidence that cases would be put in jeopardy in
15:50:14 18 reference to the 18 July 2007 diary note. It's not quite
15:50:17 19 that strong when one looks at the evidence at pp.5417 and
15:50:22 20 8. It is simply that it might do that, not that it would.
15:50:26 21 I just wanted to raise that.
22
15:50:28 23 COMMISSIONER: Yes, all right. Thanks for that,
15:50:29 24 Mr Chettle. Yes, Mr Winneke.
25
15:50:30 26 MR WINNEKE: And I concede that if that's the transcript.
15:50:37 27 Whilst we're dealing with 1 December can I just ask the
15:50:44 28 operator to go back to ICR at 2958 at p.749. Could we go
15:50:50 29 to an entry at 9.16 please, in the morning. Go back to the
15:50:59 30 previous page, please. 749, that's it. Under the heading
15:51:12 31 "Operation Petra "you'll see that it reads that the handler
15:51:17 32 has just come from seeing Petra, DSS O'Connell and Davey.
15:51:24 33 I apologise. That Ms Gobbo has come from seeing
15:51:28 34 them?---Yep.
35
15:51:29 36 They've told her that what she's told them thus far is
15:51:33 37 crucial and extremely important. They said they will do
15:51:36 38 everything in their power to use her as a witness.
15:51:40 39 "Discussed recording her conversation with Dale next
15:51:43 40 weekend. She brought up implications of her being a
15:51:47 41 witness. She will not be able to work as a barrister
15:51:50 42 again. Won't be able to live in Victoria, let alone
15:51:53 43 threats of death, therefore cannot give evidence." They
15:51:56 44 said, "There is nothing that Mr Overland would not do to
15:52:00 45 help her regarding this matter". Can I stop there. Are
15:52:07 46 they acting in accordance with your instructions, if that's
15:52:17 47 what they're saying to her?---It's difficult to recall

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15:52:24 1 whether I - I don't think I gave them those instructions.
15:52:28 2 I think there was certainly a lot of conversations going on
15:52:31 3 around the desirability of her being a witness.
4

15:52:33 5 Yes?--And if that were to occur then obviously certain
15:52:36 6 things were going to follow. I understood the implications
15:52:39 7 of her becoming a witness and going into the witness
15:52:42 8 protection program. One of the things I understood clearly
15:52:46 9 about that was that in doing that, that would have very
15:52:53 10 significant financial implications for the organisation.
15:52:56 11 Because the principle we were trying to work on with
15:53:00 12 respect to people who go into the witness protection
15:53:03 13 program - and I don't know whether I'm now starting to
15:53:08 14 tread on grounds that make other people nervous but - - -

15:53:11 15
15:53:11 16 MR HOLT: I think we're well and truly into ground that
15:53:15 17 carries risks in terms of certain legislation.

15:53:18 18
15:53:18 19 COMMISSIONER: Yes.

15:53:18 20
15:53:19 21 MR WINNEKE: Commissioner, I'm not going to push this
15:53:20 22 evidence. I don't think we need to go into private session
15:53:23 23 to get the evidence.

15:53:25 24
15:53:26 25 WITNESS: Can I just say, I understood the significance of
15:53:28 26 that, and if that's what was conveyed to Ms Gobbo, then
15:53:31 27 that's fair enough. I'm not sure I would have said it that
15:53:36 28 would I do anything to - I'm not sure I would have put it
15:53:39 29 that way. This is, I guess, what she's saying they told
15:53:44 30 her that I said to them.

15:53:44 31
15:53:47 32 MR WINNEKE: I understand that?--I think it's, you know,
15:53:50 33 there's a few layers between.

15:53:50 34
15:53:52 35 I follow that. Perhaps not everything but a significant
15:53:55 36 amount?--I understood the significance of that step being
15:53:59 37 taken.

15:53:59 38
15:53:59 39 Yes, all right?--And it was a very significant step.

15:53:59 40
15:54:02 41 But as to - I mean there are a number of propositions that
15:54:06 42 are in that paragraph, that it includes recording a
15:54:13 43 conversation?--Well it does. Again, that's just not
15:54:17 44 consistent with my understanding and what I have
15:54:20 45 consistently believed and what I believe I was told because

46 - - -
47

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15:54:25 1 It's not consistent with your recollection?--Well it's not
15:54:27 2 consistent with my recollection. But the reason I'm
15:54:30 3 stronger about this is that was the turning point for me,
15:54:34 4 that in recording the conversation with Dale, and then what
15:54:40 5 flowed from that, that was very significant and for me that
15:54:44 6 was always the tipping point and it's been my recollection,
15:54:49 7 my view, that I didn't know that - I knew she was going to
15:54:53 8 have the conversation. I didn't know that it was going to
15:54:58 9 be recorded.
10
15:55:02 11 If you have a look at the next paragraph, "They want to see
15:55:08 12 Ms Gobbo next Friday or Saturday and to see Dale on
15:55:12 13 Sunday". They, that is Petra, want Ms Gobbo to tape it.
15:55:16 14 They don't want to get a warrant, do you see that?---Yeah,
15:55:20 15 I understand that.
16
15:55:20 17 That's a fair degree of thought which has gone into that.
15:55:25 18 "We don't want to get a warrant but we want her to tape it.
15:55:28 19 So we want it to appear as if she's done it on her own
15:55:35 20 voluntarily, we don't need a warrant"?--Well I understand
15:55:39 21 at the time, I stand to be corrected, if she's party to the
15:55:43 22 conversation you wouldn't need a warrant, but again my
15:55:46 23 recollection was that Mr Dale got in contact with her,
15:55:49 24 wanting to meet her. I think she told the investigators
15:55:56 25 about that and there were then some discussions about that.
15:56:01 26 And in those discussions she volunteered to wear the wire.
27
15:56:06 28 That doesn't seem to be consistent - - - ?---No, it doesn't
29
15:56:08 30 - - - with what she's telling her handlers?---Which is why
15:56:11 31 I'm going to it, because it's actually not consistent with
15:56:16 32 what I've said in my statement and it's not consistent with
15:56:18 33 my recollection.
34
15:56:19 35 If you have that understanding it must be inconsistent with
15:56:23 36 what your investigators are telling Ms Gobbo, is that's
15:56:24 37 correct?
15:56:24 38
15:56:24 39 MR HOLT: Commissioner, I object, simply on the basis that
15:56:28 40 the Commission has statements from both of the
15:56:31 41 investigators contrary to the matters that have been put at
15:56:35 42 the present, which are one stage less hearsay removed.
15:56:38 43
15:56:39 44 MR CHETTLE: If it helps, Commissioner, it's paragraph 18
15:56:41 45 of Cam Davey's statement.
46
15:56:46 47 MR WINNEKE: Commissioner, this is a document which was

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15:56:49 1 absolutely and utterly contemporaneous. The statement has
15:56:52 2 been made at some stage thereafter. We haven't heard from
15:56:57 3 him yet. Yes, we've got statements but that's a
15:57:01 4 contemporaneous record of something that Ms Gobbo said
15:57:03 5 immediately after the meeting. In my submission I'm
15:57:05 6 entitled to put what's recorded here.
15:57:07 7
15:57:08 8 MR HOLT: I don't object to it (indistinct) it's been on
15:57:12 9 the basis that it's an actual record of what those people
15:57:14 10 did, the investigators, and the Commission has - - -
11
15:57:16 12 COMMISSIONER: You're just being asked to make clear what
15:57:19 13 it is that you - - -
14
15:57:20 15 MR WINNEKE: But I think we understand that - I don't think
15:57:27 16 Mr Overland has a misunderstanding of what this is. We've
15:57:31 17 pointed out there seem to be a couple of steps between
15:57:35 18 Mr Overland and what's being recorded here. What I'm
15:57:38 19 simply putting is that which has been conveyed to the
15:57:41 20 handlers and recorded in the immediate aftermath, and I'm
15:57:45 21 going to come to it.
22
15:57:46 23 COMMISSIONER: That's clear now.
24
15:57:53 25 MR WINNEKE: Then the next thing is Ms Gobbo brought up
15:57:55 26 that Dale may consider any conversation with human source
15:58:00 27 as privileged and they said "cross that bridge if come to
15:58:07 28 it". Do you know whether there was any discussion with
15:58:13 29 your investigators about the potential that Mr Dale might
15:58:16 30 say, "Well look", in due course, "this is a privileged
15:58:21 31 communication"?---I think we all understood that might be a
15:58:24 32 claim he would make at some later stage.
33
15:58:28 34 Yes?---I recall specifically being told that she wasn't
15:58:33 35 seeing him as a barrister.
36
15:58:34 37 Who told you that?---I think the investigators told me that
15:58:37 38 as part of the process leading into the meeting. So my
15:58:40 39 understanding was it wasn't a conversation covered by legal
15:58:44 40 professional privilege. I always understood that Mr Dale
15:58:46 41 was likely to make such a claim at a later time. It's an
15:58:50 42 obvious course of action for someone like Mr Dale to take.
43
15:58:54 44 It may be an obvious course of action, or at least it may
15:58:58 45 be an obvious assertion to make if Mr Dale, for example,
15:59:01 46 does communicate with Ms Gobbo on occasions when he wants
15:59:04 47 legal advice. That might be something - - - ?---That was

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15:59:07 1 my understanding - my understanding was this was not such
15:59:10 2 an occasion. He just wanted to talk to her. Because I do
15:59:13 3 remember asking specifically about that.
4

15:59:15 5 Yes?---And I have to say I fully expected that, you know -
15:59:19 6 I mean I didn't know what Mr Dale was going to say. As it
15:59:22 7 happened he said highly incriminating things. It's an
15:59:25 8 obvious point for someone like Mr Dale to take, to lie and
9 say well of course it was covered by legal professional
15:59:32 10 privilege. I would have expected on his trial that point
15:59:34 11 to be raised and argued out. That's the sort of thing that
15:59:38 12 happens in criminal trials.
13

15:59:39 14 And if Victoria Police had any information which might
15:59:42 15 support that proposition, then that would be disclosed in
15:59:42 16 due course?---Well it would have to have been discovered,
15:59:45 17 wouldn't it, yes.
18

15:59:46 19 Such as an assertion that she has a bizarre relationship
15:59:51 20 where she provides free legal advice to him?---Correct.
21

22 The fact that mentioned, then you would expect that that is
15:59:57 23 something that might be provided or should be
15:59:57 24 provided?---That would be a bit curious as a barrister I'd
16:00:02 25 have thought if you're meeting with someone in a café
16:00:04 26 without an agreement and you're purporting to be providing
16:00:08 27 legal advice.
28

16:00:09 29 It doesn't necessarily mean that it's not a circumstance
16:00:11 30 where someone is providing legal advice that it's free in a
16:00:14 31 cafe?---It's not really consistent I think with your Bar
16:00:18 32 rules, is it?
33

16:00:19 34 It may or may not be, it depends on the way in which the
16:00:21 35 barrister operates?---I think most barristers don't operate
16:00:24 36 like this.
37

16:00:25 38 Most don't, clearly. If we go down to the bottom it says,
16:00:29 39 "Source management" and there's a discussion by telephone
16:00:36 40 with the people - with Mr O'Connell, who had had the
16:00:42 41 discussion with Ms Gobbo, do you see that?---Yes.
42

16:00:47 43 At 1.10 - just go back to the previous entry which was in
16:00:53 44 the morning. So the very day there's a discussion between
16:01:00 45 the SDU and Mr O'Connell, do you see that?---At 13:10, is
16:01:09 46 that what you're saying?
47

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16:01:10 1 And the investigator?---At 13:10, discuss by phone with
16:01:16 2 O'Connell?
3

16:01:17 4 Yes. And they say, "Want to use her to show close
16:01:21 5 relationship between Paul Dale and Carl Williams. They
16:01:23 6 want to use Gobbo as a witness. If brief against Dale,
16:01:27 7 hope that this brief eventuates. They want her to wear a
16:01:31 8 tape recording device"?---Again, all I can say is that's
16:01:35 9 inconsistent with what I was told.
10

16:01:38 11 Whether or not it is, do you accept that that's closer to
16:01:41 12 the horse's mouth then, at least you've got the people
16:01:43 13 making the record speaking to Mr O'Connell, who's saying
16:01:48 14 that they want her to wear a recording device?---Well it's
16:01:52 15 one step closer but again it's not a conversation that I
16:01:55 16 was privy to and it's inconsistent with my understanding of
16:01:59 17 what was to happen - sorry, how that eventuated.
18

16:02:02 19 This was a significant step in the investigation, I take
16:02:06 20 it, Mr Overland?---Well I don't know that we knew it was.
16:02:08 21 I mean I think Dale, as I understand it Dale contacted her
16:02:12 22 wanting to have a conversation.
23

16:02:13 24 That being so - - - ?---Hang on. Hang on. We
16:02:16 25 assumed - - -
26

16:02:18 27 - - - then the opportunity is seized?---Yes, as you would
16:02:19 28 expect us to. So you would expect, I think, Dale had come
16:02:22 29 out of a hearing and wanted to talk to Gobbo and you would
16:02:26 30 expect us to follow that through to see what he was going
16:02:29 31 to say.
32

16:02:31 33 Then there's a discussion about evidentiary problems,
16:02:36 34 Ms Gobbo not being able to work again. "Advised previous
16:02:41 35 assistance may be a cause to bring scrutiny on the
16:02:44 36 department", et cetera?---Yes.
37

16:02:45 38 If we go on. "Mr O'Connell admits that this may be a
16:02:49 39 decision that should be made by a person of higher
16:02:52 40 authority with knowledge of all facts, not just his narrow
16:02:57 41 area. Mr O'Connell admits that use of Ms Gobbo as a
16:03:01 42 witness and all ensuing problems are only justified if
16:03:05 43 evidentiary value is there." Do you agree with what he
16:03:07 44 says there, that someone who has knowledge of all of the
16:03:11 45 facts higher up, that's the sort of person who should be
16:03:16 46 making such a decision?---Yes.
47

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16:03:18 1 Ultimately that would be you, wouldn't it?---Yes.
2
16:03:21 3 Or at least - either you or your steering committee?---Yes.
4
16:03:25 5 Which one would it be?--Well, I mean it's probably me
16:03:28 6 because I'm the senior person there, so.
7
16:03:33 8 Right?---I recall it was - I think it was discussed.
16:03:36 9 Certainly it was discussed at the management committee but
16:03:38 10 I mean at the end of the day I was the Deputy Commissioner,
16:03:42 11 it's, you know, I have to accept it's my call.
12
16:03:45 13 It's an operational decision?---That is an operational
16:03:48 14 decision but it's an operational decision that covers a
16:03:52 15 range of factors and it had a huge number of implications,
16:03:57 16 so I think I agree with Mr O'Connell in those
16:04:00 17 circumstances, it was appropriate that it got elevated to
16:04:02 18 that level.
19
16:04:03 20 It's a very significant matter, it's a significant issue
16:04:06 21 and you would have thought that it's something that you
16:04:08 22 would have been closely involved in?---I was. I'm not
16:04:12 23 suggesting I wasn't.
24
16:04:13 25 Can I suggest to you that if Mr O'Connell is saying, "We
16:04:17 26 want her to wear a tape recording device", that's something
16:04:25 27 that you would have known?---I didn't.
28
16:04:26 29 You didn't?---No.
30
16:04:29 31 Then there's a source management discussion about the call
16:04:32 32 with Sandy White at length to clarify with Ms Gobbo
16:04:37 33 following points, "The likelihood of Dale confessing, the
16:04:43 34 location of the meeting and can she control this to discuss
16:04:49 35 hypothetically the situation if she cuts ties with Petra?
16:04:53 36 SDU handle. Ms Gobbo to tape conversation and disseminate
16:04:59 37 information"?---Yes.
38
16:05:00 39 "Petra agree not to call Ms Gobbo to other type of hearing
16:05:05 40 and this would require someone at Petra knowing Ms Gobbo,
16:05:11 41 being O'Connell." If we go to the next page at 7.51.
16:05:26 42 There's further discussions about it and obviously there's
16:05:31 43 concern being raised and - here we are, 19:25, "Source
16:05:43 44 management". There's a suggestion to the controller
16:05:52 45 Mr Smith, so this records a discussion between he and
16:05:59 46 Mr Sandy White, the controller. He tells the controller
16:06:03 47 and effectively he's instructed "to make a point form list

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16:06:07 1 of criteria to be covered with AC Overland tomorrow
16:06:11 2 regarding the above situation. Criteria required. She
16:06:16 3 does not become a witness, Petra does not ask her to
16:06:21 4 make/sign a statement. Petra agreed to SDU handling her
16:06:24 5 from now on regarding all Dale meetings. SDU facilitate
16:06:29 6 taping any Dale meetings, disseminate intel to O'Connell.
7 Ms Gobbo says Dale has already maintained that he had
8 nothing to do with the Hodson murder. Extremely unlikely
16:06:39 9 will change from that. Petra agree not to call her to any
16:06:41 10 other type of hearing". That seems to be the wish list of
16:06:46 11 Sandy White?---Yep.
12
16:06:49 13 But ultimately it's a question for you?---Well again, I
16:06:53 14 recall discussions over a period of time about this.
15
16:06:55 16 Yes?---I recall the very strong views of the SDU, which I
16:07:00 17 absolutely understood.
18
16:07:01 19 Yes?---Absolutely understood and respected. It was only at
16:07:06 20 the point where the taped evidence came into play that that
16:07:11 21 for me was the point at which it tipped my view about this.
16:07:16 22 Because up until that time I was really not sure which way
16:07:19 23 to go.
24
16:07:19 25 Yes, I follow. If we have a look at 4 December at p.754,
16:07:27 26 there's a discussion between the handler and the controller
16:07:29 27 Mr White. This is on 4 December, from DC Overland, "Wants
16:07:37 28 Gobbo as a witness. To discuss with Superintendent Biggin
16:07:41 29 tomorrow", do you see that?---I do. I think - - -
30
16:07:44 31 That's before, you accept, any tape?---I know what you're
16:07:49 32 going to say and I think that overstates the situation. I
16:07:51 33 was certainly having conversations with them about whether
16:07:54 34 she should or could become a witness. I don't agree that
16:07:57 35 I'd made a determination at that point that she would.
36
16:08:01 37 Well, do you say that you - - - ?---It says "wants HS a
16:08:10 38 witness". I mean you can read that as well, that's
16:08:12 39 something I want. Is that something we should do? That's
16:08:14 40 my recollection of the conversations.
41
16:08:17 42 Yeah, well it seems that certainly this record indicates
16:08:22 43 that your view is that - at least indicates that they
16:08:27 44 understand that your view is that you want her as a
16:08:29 45 witness?---I wanted to discuss that with them. That's what
16:08:32 46 I understand to be happening.
47

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16:08:34 1 Yes. Do you think as per Mr O'Connell's comment that had
16:08:39 2 been made previously, it's the matter for the higher
16:08:41 3 authority?---I agree with that, absolutely.
4

16:08:43 5 And he'd gone to the higher authority and he'd been told
16:08:46 6 that you want her as a witness?---No. I don't agree with
16:08:51 7 that.
8

16:08:51 9 There's a misunderstanding there?---Well I think there is.
16:08:54 10 I think that my recollection, and to be frank it's only
16:08:58 11 until I've seen material in the more recent times around
16:09:01 12 the timing of the recording of the conversation, the one
16:09:05 13 thing I've always been clear about is that was the tipping
16:09:08 14 point for me.
15

16:09:09 16 Have you seen these before?---No, I haven't seen this
16:09:11 17 before, no.
18

16:09:12 19 It doesn't change you to alter your recollection?---No, it
16:09:16 20 doesn't.
21

16:09:17 22 Alter your view?---No, it doesn't. Because I've always
16:09:21 23 been clear in my own mind that whilst we were thinking
16:09:25 24 about it for some period of time, and I said to you earlier
16:09:27 25 in response to some of your earlier questioning, some of
16:09:29 26 the material I've seen today has been helpful because it's
16:09:33 27 filled in some of the detailed gaps for me around why it
16:09:38 28 was and when it was and how all of this happened. There
16:09:39 29 was a period of time when that was under consideration. It
16:09:43 30 was a very, very significant decision to be made. It was
16:09:45 31 not one that was made lightly. But my very clear
16:09:48 32 recollection is that for me the turning point was the tape,
16:09:51 33 but even then there was then conversations with Ms Gobbo
16:09:54 34 around, "Will you do this?"
35

16:09:57 36 But you had information by this stage that there were false
16:10:00 37 phones being used by Ms Gobbo and information that
16:10:03 38 suggested that she had put Dale in contact with
16:10:05 39 Williams?---Correct.
40

16:10:06 41 That's significant information?---It is significant
16:10:08 42 information. But I'd also ask you to remember that we
16:10:13 43 needed to be able to corroborate Williams. Williams had no
16:10:16 44 credibility whatsoever.
45

16:10:17 46 Well he said in his statement, didn't he, that he spoke to
16:10:22 47 Ms Gobbo who put him in touch with Dale, something to that

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16:10:25 1 effect?--Well I think he might have.
2
16:10:26 3 And you had that evidence?--No, well it's not worth
16:10:29 4 anything from him alone, unless you can corroborate it.
16:10:32 5 It's not admissible and so, you know, that's why we were
16:10:38 6 thinking about it. But the clincher is when out of Dale's
16:10:43 7 own mouth he credits Williams.
8
16:10:45 9 I follow what you're saying. If you then have a look at
16:10:48 10 the next day. Now we're told that there's - we're not
16:10:53 11 allowed to mention the location but there's a sunny
16:10:57 12 beachside location somewhere and you're jogging I think and
16:11:00 13 there's a meeting in the morning?--I even disagree with
16:11:02 14 that.
15
16:11:03 16 Was it a cloudy day?--No, no. I don't think I was
16:11:07 17 jogging.
18
16:11:07 19 All right.
20
16:11:09 21 COMMISSIONER: It was a pleasant beachside location?--It
16:11:13 22 was a pleasant beachside location.
23
16:11:17 24 MR WINNEKE: Were you wearing jogging clothes?--No, I
16:11:20 25 wasn't. No, my recollection is I was out for a walk with
16:11:22 26 my wife, and she doesn't jog.
27
16:11:24 28 Very wise. If we have a look at this document here. This
16:11:28 29 is a - what's been prepared as a consequence of the request
16:11:34 30 by Sandy White to prepare a dot point analysis, if you
16:11:42 31 like, subsequent to the request made by his controller, do
16:11:46 32 you see that, or [REDACTED]? Now what he's done is to
16:11:49 33 put together risks if Ms Gobbo becomes involved as a
16:11:54 34 witness in Operation Petra. "Controller briefed prior to
16:11:59 35 the meeting. Risk of exposure, risk to organisation if
16:12:02 36 long-term source is exposed, perception of source passing
16:12:05 37 on privileged information, and police using the same. Risk
16:12:08 38 of a Royal Commission into source handling by the SDU as a
16:12:12 39 result of the above. Threat to personal safety. Inability
16:12:15 40 to work again. Risk of exposing methodology. Health
16:12:25 41 issues. Treatment, medication, depression. Likelihood of
16:12:30 42 charges being made?" Then if we go on, "He's already
16:12:39 43 stated his innocence. Will claim previous conversations
16:12:43 44 were privileged", and obviously that's a significant matter
16:12:46 45 - - - ?--Yes.
46
16:12:46 47 - - - if it needs to be confronted. "Jeopardise future

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16:12:51 1 prosecutions if her role is divulged, mostly Mokbel and
16:12:55 2 spin-offs". Again, sort of refrain which we've heard
16:13:01 3 before but you would say you haven't heard that?--I think
16:13:04 4 it's interesting the way that's been put because it's quite
16:13:07 5 general and not specific to the sorts of issues that you've
16:13:09 6 put to me over the last three days.
7
16:13:12 8 Future prosecutions you say?--Well no, if you go back up I
16:13:17 9 think there was a reference to perception issues.
10
16:13:19 11 Yes?--Perception of source passing on privileged
16:13:21 12 information. Well of course I understood that was a risk.
13
16:13:24 14 Yes?--There's no suggestion there that she actually did.
15
16:13:28 16 Just hang on. Jeopardise - sorry, "Leave previous
16:13:31 17 convictions open to claims of being unsafe because of HS
16:13:34 18 involvement/privilege"?--Yeah, look I understand that but
16:13:40 19 I don't think there's - I mean I understood there were
16:13:42 20 concerns and risks around calling her as a witness.
21
16:13:46 22 Yes?--But my understanding of the concerns were the
16:13:49 23 general proposition of a barrister being used as a human
16:13:54 24 source and I understood that was always contentious.
25
16:13:56 26 Right?--And likely to be used as a means to challenge
16:14:01 27 convictions.
28
16:14:02 29 Look, I'm not suggesting you get this, you've got this.
16:14:07 30 This is a dot point which has been put together. But one
16:14:09 31 of the issues which is concerning, at least to these people
16:14:12 32 who have been handling her, is the possibility of "previous
16:14:17 33 convictions being open to being unsafe"?--Okay, I
16:14:21 34 understand that.
35
36 Do you follow that?--I follow that.
37
16:14:22 38 Then there's the source management issue, meeting with
16:14:24 39 Superintendent Biggin, "Controllers Mr White and Mr Black
16:14:38 40 re Ms Gobbo's assistance to Operation Petra. Mr Overland
16:14:45 41 wants Ms Gobbo as a witness. Conveyed this message to
16:14:49 42 Mr White last night and Mr Overland says that he's aware of
16:14:52 43 the consequences" and obviously, with respect, this handler
16:14:55 44 doesn't believe that you're aware of the consequences.
16:15:00 45 There is a meeting, as you're aware, I think it's in a café
16:15:05 46 or something like that, do you recall?--I know there's a -
16:15:09 47 yes, there's a claim there was a meeting.

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1
16:15:13 2 You recall dropping in, I gather, as you're walking
16:15:19 3 by?---Very vaguely but it was in a café. I was walking
16:15:23 4 with my wife. My recollection is I dropped in and said
16:15:26 5 hello and left.
6
16:15:27 7 Right. Do you recall that there was any discussion at
16:15:32 8 all?---Not in the morning, no. And I vaguely recall - and
16:15:36 9 the night before was not an appropriate location or venue
16:15:40 10 to be talking about these matters. So it might have been
16:15:43 11 mentioned in passing but I certainly don't recall, don't
16:15:46 12 accept that there would have been a detailed conversation
16:15:49 13 about these matters, in either location.
14
16:15:51 15 Yes?---Because they were - one was sort of, well, it wasn't
16:15:55 16 public but it certainly had a lot of people in it and this
16:15:57 17 is a public venue.
18
16:16:00 19 I follow that. Obviously there needs to be an appropriate
16:16:03 20 place and an appropriate time to speak with or to receive
16:16:08 21 information from the people who you say are the experts in
16:16:13 22 handling human sources?---Absolutely, yes.
23
16:16:17 24 And to get views from them as to the risks and the benefits
16:16:21 25 of exposing Ms Gobbo?---Absolutely.
26
16:16:24 27 Because do you say she would be?---Absolutely.
28
16:16:32 29 What you would want to know is the potential risks if she
16:16:37 30 is exposed?---I understood - well, yes, I did want to know
16:16:41 31 that and I think I understood the risks if she was exposed.
32
16:16:44 33 You may have understood it but you'd want to know and you'd
16:16:47 34 want to have it quite clear from them before you made a
16:16:50 35 decision, I suggest?---Yes, and I think I did. My
16:16:54 36 recollection is that considerations around this issue went
16:16:56 37 on for quite some time and it evolved. As the information
16:17:01 38 she provided became more significant and more relevant,
16:17:04 39 there was sort of ongoing consideration of this issue.
40
16:17:09 41 Did you have meetings, did you arrange a meeting to speak
16:17:12 42 to either Mr Biggin or Sandy White or any of the other
16:17:17 43 people, Mr Moloney?---I recall a number of conversations
16:17:24 44 about this, and some of them must have happened in
16:17:27 45 meetings, yes.
46
16:17:30 47 With whom?---Well I certainly recall talking with Mr Biggin

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16:17:34 1 about this and Mr White.
2
16:17:35 3 Yes?---I recall talking to Mr Moloney about this. It was
16:17:40 4 something that was being talked about in the Petra
16:17:44 5 management committee.
6
16:17:47 7 Yes?---So my recollection is this is - the consideration of
16:17:52 8 this was happening for a number of weeks.
9
16:17:55 10 Right. Can we have a look at the SML, p.58 and this is a
16:18:04 11 source management log entry, 5 December. It says that
16:18:10 12 Mr White and Mr Black meet with Superintendent Biggin
16:18:15 13 regarding the issues of using Ms Gobbo as a witness. "DC
16:18:20 14 Overland present. Made clear that Ms Gobbo's value as a
16:18:26 15 witness is more important than perceived issues", do you
16:18:31 16 see that?---I do.
17
16:18:32 18 So again, can I suggest that you have made up your mind
16:18:35 19 here, prior to any taping, that she is going to be a
16:18:41 20 witness?---No, I don't agree with that.
21
16:18:44 22 Right?---I don't. I certainly agree we were talking about
16:18:47 23 that as a possibility. But as I've said in answer to your
16:18:50 24 previous questions, I'm clear in my mind that the trigger
16:18:53 25 for me was the tape, and the reason I remember it so
16:18:57 26 clearly is that I was surprised by the fact that the
16:18:59 27 conversation was taped. I was even more surprised by the
16:19:03 28 fact that Mr Dale incriminated himself in that
16:19:06 29 conversation.
30
16:19:07 31 All right. What it says further is the decision that's
16:19:12 32 preferable is that Petra deploy Ms Gobbo in case deployment
16:19:18 33 becomes evidentiary, "Need a barrier or break between the
16:19:23 34 SDU management and the witness management". Was that
16:19:26 35 discussed with you or not?---I do recall discussions to
16:19:30 36 that effect.
37
16:19:30 38 Okay?---But again, I think my recollection is that was
16:19:35 39 still in the hypothetical at that point in time. If that's
16:19:39 40 the direction we were to go, that's what would need to
16:19:42 41 happen.
42
16:19:42 43 Right. The reason that was preferable is that it would be
16:19:49 44 Petra who was getting the evidence and not the
16:19:53 45 SDU?---Correct.
46
16:19:53 47 Correct, right. If we have a look at Mr White's diary.

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16:20:01 1 VPL.2000.0001.1710. This is a diary of the same date and
16:20:12 2 this is a reference to the meeting in the morning. "Meet
16:20:17 3 with Biggin, Black and Smith re issues. Petra intention to
16:20:23 4 utilise as witness. Agree deployment of Ms Gobbo to be
16:20:25 5 done by Petra to isolate activity regarding Dale from the
16:20:28 6 SDU in order to protect historical relationship with the
16:20:30 7 SDU from discovery should Ms Gobbo become a witness against
16:20:34 8 Dale". Do you see that?---I do.

9

16:20:36 10 Do you agree with those propositions?---Again, it's
16:20:40 11 consistent with what I've said to you previously. I mean
16:20:43 12 my recollection is we were talking about that. Certainly
16:20:48 13 if that was the step that was taken there would be a need
16:20:53 14 to change the management arrangements.

15

16:21:02 16 As we do know certainly that which the investigators had
16:21:08 17 suggested was going to happen occurred on 7 December and
16:21:13 18 Ms Gobbo was supplied with a tape recording device and she
16:21:19 19 records Dale?---That's now my understanding based on some
16:21:24 20 material I've seen in the recent past.

21

16:21:26 22 And there's a Petra Task Force update. If we can have a
16:21:32 23 look at this of 8 December 2008, VPL.0100.0046.2876. You
16:21:52 24 see there Operation Loris?---M'hmm.

25

16:21:57 26 We can move down. The note here is, "Gobbo spoke to
16:22:05 27 investigators on 7 December 2008. Confirmed she has
16:22:10 28 recently spoken with Dale. He told her about attending
16:22:16 29 coercive hearings. General discussion about hearing.
16:22:18 30 Discussion about Collins and Williams and Dale speculating
16:22:22 31 about evidence against him", do you see that?---I do.

32

16:22:26 33 Can I ask why, if in fact the conversation had been taped
16:22:31 34 and recorded, the update wouldn't indicate that?---I don't
16:22:37 35 know.

36

16:22:39 37 But the reality is you were aware in fact that it had been
16:22:44 38 taped and you were told pretty well straight away what had
16:22:49 39 been said?---I assume so. I was certainly told that it had
16:22:52 40 been taped. I was told that, I think the words used was
16:22:58 41 something to the account of, "Carl's account's very
16:23:01 42 accurate", or something like that. I was certainly told
16:23:03 43 that.

44

16:23:03 45 Whilst that isn't recorded here, the fact is it was
16:23:06 46 provided to you by way of a verbal update?---Well I assume
16:23:10 47 it must have been. I can't see why it wouldn't have been

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16:23:12 1 provided on that day.
2
16:23:16 3 In any event, it may be that - to be fair, it may be there
16:23:26 4 was a sort of a dawning realisation which didn't occur
16:23:28 5 straight away, that's the following day?---It's the
16:23:31 6 following day so they may possibly not have updated the
16:23:34 7 update before the meeting. That's all I can speculate on.
8
16:23:48 9 I take it you get these written updates before you go to
16:23:52 10 the meetings?---No, we'd get them at the meeting.
11
16:23:57 12 Or at the meeting. And you'd keep them, I assume?---I did
16:24:01 13 keep them, yes.
14
16:24:02 15 I gather you put them in a folder which you take to a
16:24:05 16 meeting or do you - - - ?---No, I wouldn't have taken them.
16:24:07 17 I'd have had them in a safe, stored in a safe.
18
16:24:11 19 What you do is you take the documents that you get at the
16:24:14 20 meeting, you take them back to your office and you put them
16:24:17 21 in a safe in the folder in which you keep them?---Yes.
22
16:24:20 23 Are the meetings held in your office or in a meeting room
16:24:26 24 adjacent to your office?---No, I don't think these were. I
16:24:29 25 think we - I don't now recall, I'm sorry.
26
16:24:41 27 That's all right?---I think some of them were on the Task
16:24:44 28 Force side. I'm sorry, I don't recall.
29
16:24:46 30 D7, does that ring a bell, a room?---D7, yeah, that would
16:24:51 31 be where I was located as a Deputy Commissioner.
32
16:24:53 33 Yes?---Yes. So some of them may have been there. I think
16:24:56 34 they were held in a variety of locations to be honest.
35
16:24:59 36 We've seen previously one of these updates with your
16:25:04 37 handwriting on it. Does that suggest that when you get
16:25:07 38 these updates during the meeting you might make a note on
16:25:10 39 them?---I might, yes.
40
16:25:12 41 And then you would take that note with you and put it into
16:25:14 42 a binder or into a folder where you kept it?---That's my
16:25:19 43 recollection, yes.
44
16:25:21 45 Is it the case that the folder contains documents which are
16:25:23 46 relevant to this investigation. Say, for example, if you
16:25:29 47 got a statement or an unsigned statement of Ms Gobbo that

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16:25:33 1 might be put into the folder as well?---No.
2
3 No?---No.
4
16:25:35 5 Where would that be stored?---Well I wouldn't have that
16:25:38 6 information, that would be stored by the investigators.
7
16:25:40 8 If investigators thought it appropriate to provide a
16:25:43 9 document of that effect to you would that not be given to
16:25:47 10 you to see?---I very, very rarely read a statement.
11
16:25:50 12 Right. In a case such as this you might have been provided
16:25:55 13 with a statement?---No, no. I wouldn't have been. Look,
16:25:59 14 you know, I have a lot of things to read. I relied on
16:26:06 15 advice and summaries. I just needed to know the
16:26:09 16 essentials. I didn't need to read this stuff. I didn't
16:26:13 17 read it as a matter of course.
18
16:26:14 19 It's your decision. You're the one who's the higher up
16:26:16 20 person who has to make a decision as to whether or not to
16:26:18 21 call Ms Gobbo in circumstances where it's going to be a
16:26:20 22 life changing event, surely you'd want to see the evidence
16:26:21 23 that she could recall?---I'd want to be told about the
16:26:23 24 evidence that she can provide.
25
16:26:24 26 You might even want to see it?---I didn't.
27
16:26:28 28 Pardon?---I didn't.
29
16:26:29 30 How can you recall that?---Because that was - my practice
16:26:32 31 was I very rarely read a statement.
32
16:26:35 33 So do you mean to say that you make a life changing
16:26:37 34 decision on behalf of another person without actually
16:26:40 35 seeing the statement in front of you which sets out what
16:26:43 36 she could say?---I was told what she could say.
37
16:26:50 38 All right. How often have you made these sorts of
16:26:53 39 decisions like this, to out an informer such as Ms Gobbo
16:26:56 40 who's been a huge supplier of important information, the
16:27:00 41 best in 20 years that you've - - - ?---Yeah, well I
16:27:03 42 understand the significance of that decision but I'd have
16:27:06 43 to say in the course of my career I've made a number of
16:27:10 44 life changing decisions, sometimes not realising they were
16:27:13 45 life changing but that's the nature of operational
16:27:14 46 policing.
47

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16:27:14 1 This was a decision that you knew would be life
16:27:18 2 changing?---Yeah, I did, I would thought life changing.
16:27:20 3 Yes, I did.
16:27:20 4
16:27:20 5 Did you seek to get all of the appropriate information that
16:27:22 6 you could possibly get to ensure you made the right
16:27:25 7 decision?---I did.
8
16:27:32 9 If we have a look at a diary entry of Mr Smith's,
16:27:50 10 VPL.0100.0237.1866 at 16:45.
11
16:28:13 12 COMMISSIONER: What date, please?
13
16:28:15 14 MR WINNEKE: This is 15 December 2008, Commissioner.
16:28:26 15 There's an indication that he's having a meeting in your
16:28:30 16 office?---Yeah, I'm sorry - - -
17
16:28:32 18 "Re Operation Loris, meeting with DC Overland and DC
16:28:39 19 Moloney as above"?---AC Moloney.
16:28:44 20
16:28:44 21 MR CHETTLE: This is the real Mr Smith?
16:28:47 22
16:28:48 23 MR WINNEKE: The real Mr Smith, yes.
24
16:28:51 25 COMMISSIONER: This is the real Mr Smith. Thanks for
16:28:51 26 clarifying that.
27
16:28:56 28 MR WINNEKE: Would that have been a Petra Task Force
16:28:59 29 meeting?---I don't think so, I'm not sure now what Op Loris
16:29:08 30 was.
31
16:29:09 32 Loris was the investigation into the murder of the
16:29:12 33 Hodsons?---That was Petra.
34
16:29:16 35 Did I say - what did I say?---It says Loris, and that was
16:29:21 36 Petra.
37
16:29:22 38 It was the previous - the Homicide Squad investigation I
16:29:25 39 think was called Loris?---Okay, sorry. Well I don't think
16:29:31 40 so because ordinarily - so you're saying this is Mr White's
16:29:37 41 diary.
42
16:29:38 43 No, Mr Smith?---Mr Smith. The real Mr Smith.
44
16:29:42 45 The real Mr Smith?---Sorry. No, because the other
16:29:46 46 management committee members aren't there so I'm not sure
16:29:51 47 what that's about.

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1
16:29:53 2 All right, I'll move on from that. At this stage there's
16:30:02 3 plans to take Williams out of custody and make a statement,
16:30:09 4 is that right, the second statement from Mr Williams? You
16:30:17 5 recall the first statement he makes he suggests that he
16:30:20 6 meets Mr Dale out at Hillside but he doesn't go the final
16:30:27 7 step and say that Mr Dale engaged him to conduct a murder.
16:30:34 8 Subsequently a second statement is taken from him?--I'm
16:30:37 9 sorry, I don't remember that. But I accept that happened.
10
16:30:39 11 In any event, was it your understanding that he would be
16:30:51 12 taken out of custody to make a statement, was that
16:30:54 13 something you would have been aware of?--I'd have been
16:30:57 14 aware of that. I was probably involved in arranging that
16:31:01 15 if that was necessary because that wasn't a simple thing to
16:31:04 16 do.
17
16:31:05 18 All right. That's something that - Commissioner, I'm about
16:31:20 19 to move on to a different topic.
20
16:31:21 21 COMMISSIONER: Yes, all right. We'll adjourn then I guess
16:31:26 22 for the day. So how much longer do you expect to be?
23
16:31:32 24 MR WINNEKE: I'll finish tomorrow morning, Commissioner.
25
16:31:34 26 COMMISSIONER: Cross-examination?
16:31:36 27
16:31:36 28 MR HOLT: About an hour, Commissioner.
29
16:31:38 30 COMMISSIONER: Yes. Mr Chettle?
16:31:40 31
16:31:40 32 MR CHETTLE: I understand Mr Nathwani has got some.
33
16:31:43 34 COMMISSIONER: Mr Nathwani?
16:31:45 35
16:31:45 36 MR NATHWANI: About an hour.
16:31:47 37
16:31:48 38 MR CHETTLE: That's going to leave me at about 3.30.
16:31:50 39
16:31:52 40 MR COLEMAN: I'll be ten minutes or so.
41
16:31:55 42 COMMISSIONER: I think we're going to be tight,
43 Commissioner.
44
16:31:56 45 COMMISSIONER: Well we will be tight because we have a 3.30
16:31:57 46 finish tomorrow.
16:31:58 47

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16:31:58 1 MR CHETTLE: I know that. That's why I said 3.30. I'm
16:32:01 2 going to do my best I can to trim it back overnight,
16:32:05 3 because I've been trying to help Mr Winneke and help me get
16:32:08 4 it shorter.
5
16:32:11 6 MR WINNEKE: I think Mr Steward has a couple of questions.
16:32:14 7
16:32:14 8 MR STEWARD: Yes. On behalf of Mr Lalor and Mr Dale I'll
16:32:19 9 try and do it in half an hour.
10
16:32:21 11 COMMISSIONER: It's not sounding promising for finishing
16:32:24 12 tomorrow, is it?
13
16:32:27 14 MR WINNEKE: Commissioner, I'll do my best overnight to see
16:32:29 15 if I can trim it right back, within reason obviously. We
16:32:33 16 want to get all the information.
17
16:32:34 18 COMMISSIONER: Yes.
19
16:32:35 20 MR WINNEKE: I'll do my best.
21
16:32:37 22 COMMISSIONER: All right. If everyone can do the same,
16:32:39 23 we'll see how we go. All right then, we'll adjourn until
16:33:11 24 9.30.
16:33:13 25
16:33:13 26 <(THE WITNESS WITHDREW)
16:33:14 27
16:33:17 28 ADJOURNED UNTIL FRIDAY 20 DECEMBER 2019
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