

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

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 7 August 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

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

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

00:53:48 1 COMMISSIONER: Yes, I understand the appearances are
00:53:49 2 largely as for yesterday. Mr Goodwin for the State,
00:53:54 3 Mr Carr for the DPP, Ms Avis for the Commonwealth DPP and
00:54:01 4 Ms Dwyer for Mr Higgs is here today.
5
00:54:05 6 Yes, we have the witness on the line and Mr Winneke.
7
00:54:10 8 MR WINNEKE: Thanks Commissioner.
00:54:11 9
00:54:11 10 <SANDY WHITE, recalled:
11
00:54:15 12 MR WINNEKE: Mr White, are you there?---Yes, Mr Winneke.
13
00:54:18 14 All right. I know this is a tedious process but it's
00:54:20 15 something we've got to go through so if you'll just bear
00:54:23 16 with us the Commission would very much appreciate
00:54:26 17 it?---Yes.
18
00:54:27 19 Okay. Have you got ICR number 80, p.856 of the second
00:54:45 20 volume of ICRs there?
21
00:54:51 22 COMMISSIONER: Did you give a page number, I'm sorry?
23
00:54:54 24 MR WINNEKE: 856, Commissioner.
25
00:55:00 26 COMMISSIONER: Yes, thank you.
27
00:55:09 28 MR WINNEKE: You'll see an entry there at about just after
00:55:17 29 1 pm where Ms Gobbo has told a handler that she wants to
00:55:28 30 speak to Mr Flynn so that she can tell Milad what he is
00:55:31 31 expected to plead to. She then wants to get a solicitor to
00:55:36 32 negotiate on behalf of Milad Mokbel, do you see
00:55:42 33 that?---Yes.
34
00:55:43 35 The evidence is that, according to Mr Flynn's statement, on
00:55:50 36 28 May 2006, about three days later, he says that he has
00:55:57 37 had discussions with Ms Gobbo. So that would be consistent
00:56:00 38 with that entry, you'd agree with that proposition?---Yes.
39
00:56:06 40 If we then move on to p.866, which is ICR number 82. 866.
00:56:21 41 In fact we might go to p.866 where under the heading "Milad
00:56:29 42 Mokbel" she says, she's telling the handler that she's
00:56:32 43 having trouble removing herself from Milad Mokbel. Do you
00:56:37 44 see that there?---Yes.
45
00:56:41 46 It's not clear whether she's pleading or someone's pleading
00:56:44 47 with Milad to get the ball rolling with respect to a plea.

.07/08/19

4041

WHITE XXN - IN CAMERA

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

00:56:49 1 Now then if we go on to p.886. It seems that there's been
00:57:05 2 some sort of an attempt, well it may suggest that there's
00:57:10 3 been an attempt to change solicitors because at 17:43 on 10
00:57:21 4 June there's a reference to her being unable to talk and
00:57:24 5 was heading to Mr Lewenberg regarding a Milad Mokbel plea
00:57:28 6 deal. Then further down the page there's a discussion
00:57:33 7 about an arrangement to pay money to Mr Lethbridge, \$7,000
00:57:41 8 in cash, and Lethbridge is looking for 50,000 and then
00:57:48 9 there's a reference to another solicitor, the other
00:57:55 10 solicitor I mentioned, Mr Lewenberg, and that intelligence
00:57:59 11 is provided to Mr O'Brien at Purana. Just excuse me. In
00:58:34 12 any event, what it appears to suggest is that there's been
00:58:36 13 a change of solicitors. If we then go over to page - I
00:58:54 14 just want to ask you about an entry on p.889 on the bottom
00:58:58 15 under the section "Welfare". Do you see that there's an
00:59:09 16 entry which says that - there seems to be a reference to
00:59:17 17 the discussions about Mokbel. She says that she's again
00:59:28 18 considering ending her relationship with the SDU. She says
00:59:33 19 that the options are that she deals with the - either
00:59:38 20 someone is saying deal with the SDU only, deal with the SDU
00:59:41 21 and Tony Mokbel, act for Tony Mokbel and end relationship
00:59:46 22 with SDU. That seems to be - that phrase "end
00:59:53 23 relationship" appears to crop up on a number of occasions
00:59:57 24 throughout the discussions that are had between handlers
01:00:02 25 and Ms Gobbo. Was that an expression that was used in
01:00:13 26 discussions with her, relationship ending or end
01:00:15 27 relationship, is that the sort of expression that would be
01:00:17 28 used in discussion?---Yes.
29
01:00:24 30 If I can come back to Milad Mokbel. If we go to p.918 on
01:00:33 31 20 June, ICR number 84. 918. She's expressing frustrating
01:00:47 32 with a lack of action on the Mokbel plea. She wants it
01:00:51 33 done so that Milad won't contest the committal. She feels
01:00:55 34 like doing it herself. She's told she's not to get
01:00:59 35 involved in representing Milad and she says that she
01:01:02 36 understands the reason why and it's said that Purana will
01:01:09 37 facilitate the plea if that's what he wants to do and she
01:01:12 38 says that that's understood. If we go then to p.920 - just
01:01:28 39 excuse me. Whilst we're doing it, there's a lot of
01:01:33 40 different stories going on at the one time, do you accept
01:01:36 41 that, Mr White? I'll be more specific. What I mean is
01:01:47 42 that as we go through each of these little stories you can
01:01:50 43 see that it's not just the one matter you're dealing with
01:01:54 44 with Ms Gobbo, there are a whole lot of stories, if I can
01:01:59 45 put it that way, being dealt with at the same time. For
01:02:05 46 example, if you have a look at the previous entry there's
01:02:09 47 references to Mr Karam?---Yes, I know what you're saying,

.07/08/19

4042

WHITE XXN - IN CAMERA

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

01:02:20 1 Mr Winneke.
2
01:02:21 3 Do you know what I mean?---Yes.
4
01:02:22 5 It's a complicated process that's going on. She's
01:02:25 6 providing lots of information about lots of people and
01:02:27 7 there are various streams going through this whole process
01:02:32 8 as you move along. Does that make sense what I'm
01:02:35 9 suggesting to you?---Yes, yes.
10
01:02:39 11 Some are connected, some are interwoven, some are
01:02:42 12 separate?---Yes.
13
01:02:44 14 If you go, for example, immediately below the entry
01:02:47 15 concerning Milad Mokbel there's a reference to [REDACTED]
01:02:52 16 and [REDACTED] at [REDACTED] and there's general discussions
01:02:56 17 about these two and the constant calls that she gets from
01:03:01 18 them, it wears her down as they have issues all of the
01:03:04 19 time, trivial stuff and sometimes they just want to talk to
01:03:07 20 her, or someone to talk to, rather. It's said to her,
01:03:13 21 look, this is not her burden if it's stressing her. It
01:03:17 22 appears that the suggestion is to slowly wear them off and
01:03:22 23 let the police handle their issues, but she won't do this,
01:03:26 24 she can't let go. So she wants to continue maintaining
01:03:29 25 contact with these important [REDACTED], [REDACTED] and [REDACTED]
01:03:34 26 do you accept that?---Yes.
27
01:03:35 28 At the same time I suggest we often get these references to
01:03:38 29 her health, so immediately below that we can see that she's
01:03:43 30 feeling very stressed, she's exhausted and indeed it sounds
01:03:48 31 it in her voice. It's suggested that she should take a
01:03:51 32 holiday after a trial. She doesn't know if she can and
01:03:56 33 it's discussed she has to do this for her own good health.
01:04:00 34 She knows this and perhaps, she's says, she's just looking
01:04:04 35 for sympathy. Do you see that?---Yes.
36
01:04:06 37 Then we move on to the next part of the stream, which is
01:04:09 38 another story. We see there's discussions on the following
01:04:12 39 day in the morning about Jim Coghlan who's in Athens and
01:04:19 40 he's dealing with another aspect of this and that's Tony
01:04:24 41 Mokbel. That's this constant theme there, that she's not
01:04:29 42 to get involved with Mokbel. Do you accept this
01:04:32 43 proposition, there's a constant battle between her and the
01:04:36 44 handlers trying to get her away from Mokbel, trying to
01:04:38 45 prevent her from inserting herself in the Mokbel
01:04:43 46 extradition process, do you see that?---Yes.
47

.07/08/19

4043

WHITE XXN - IN CAMERA

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

01:04:46 1 It was getting awfully complicated, wasn't it?---I think
01:04:49 2 the whole thing was complicated from the outset.
3
01:04:52 4 Yes, I agree. I agree. I just want to ask you about this
01:05:01 5 matter here whilst we're dealing with it. At p.919 there's
01:05:05 6 a reference to - at 9.06 in the morning on 21 June she has
01:05:21 7 called and then the handler has returned her call and she
01:05:25 8 says this, that she's just letting the handler know, and I
01:05:30 9 think it's Fox-O - I apologise. I'm sorry.
10
01:05:41 11 COMMISSIONER: Yes, that's covered by the present order so
01:05:43 12 that will be removed from the transcript. It's officer
01:05:46 13 Fox.
14
01:05:49 15 MR WINNEKE: Fox. I apologise. "Letting me know that
01:05:52 16 Purana have emailed her", that is Paul Rowe at Purana,
01:05:57 17 "wanting a copy of an old Federal Police brief on Tony
01:06:00 18 Mokbel. They just want to look at the same and return and
01:06:03 19 she has no problem with this". If we go over the page.
01:06:08 20 "She's told Mr Rowe to ensure that he lets Jim O'Brien know
01:06:12 21 and for Jim to tell us. She doesn't want anything done
01:06:16 22 behind anyone's back. Told it would be noted, thanks". It
01:06:21 23 says here, "She doesn't know why they want it. Does not
01:06:25 24 want to know. Just happy to help". Were you aware at that
01:06:32 25 stage that there were extradition processes going on and
01:06:38 26 there were very significant time limits being applied to
01:06:42 27 Federal Police to make application to extradite Mr Mokbel
01:06:52 28 from Greece - sorry, Victoria Police rather?---No.
29
01:07:04 30 Do you say at this stage you don't recall but you probably
01:07:06 31 would have been aware back then or it was something that
01:07:09 32 was unknown to you?---I don't recall. I can only go by
01:07:15 33 what's in the record.
34
01:07:22 35 You would expect, I would assume, that if Ms Gobbo was to
01:07:29 36 provide a document which had been provided to her during
01:07:34 37 the course of a legal professional relationship with a
01:07:37 38 client in relation to a trial then there would need to be a
01:07:46 39 waiver of privilege by the client before handing that
01:07:49 40 document over, would that be fair to say?---I think so.
41
01:07:57 42 It doesn't appear to be the case, certainly insofar as that
01:08:01 43 entry is concerned, there was any discussion about a waiver
01:08:09 44 of privilege or ensuring that privilege has been waived
01:08:17 45 before it be handed over, do you agree with that, certainly
01:08:20 46 not in relation to that aspect of it?---Not in that
01:08:24 47 description.

.07/08/19

4044

WHITE XXN - IN CAMERA

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

1
01:08:25 2 One would assume that it would be most unlikely that
01:08:29 3 Mr Mokbel would be prepared to waive privilege and permit
01:08:33 4 Ms Gobbo to hand over a brief to assist Victoria Police to
01:08:38 5 extradite him from Greece, one would assume that, wouldn't
01:08:43 6 we?---I don't think I'm in a position to make assumptions.
7
01:08:48 8 All right, okay. We could follow that stream but what I
01:08:59 9 might do is come back to Mr Mokbel, Milad Mokbel. 929,
01:09:06 10 p.929, ICR 85, 22 June 2007. It appears that Milad Mokbel
01:09:20 11 still wants Ms Gobbo to represent him. She's put him off
01:09:25 12 today. She's told him that she cannot represent him
01:09:30 13 because of [REDACTED]. Then even if he did use another
01:09:41 14 solicitor he'd still come back to her for advice. She's
01:09:45 15 confident that she could go down to [REDACTED] and talk to him
01:09:49 16 and he'd listen to her and it was reiterated the importance
01:09:53 17 that she not represent him. She says she knows this. Do
01:10:00 18 you see that?---Yes.
19
01:10:05 20 One of the problems that the handlers were having is that
01:10:09 21 despite the fact that those sorts of things were put to
01:10:12 22 her, and she says that she knows it, as we see as we go
01:10:15 23 along, she continues to come back to it and there's
01:10:19 24 continuing a resistance on her part to leave him alone, do
01:10:24 25 you agree with that?---I'm not sure who's worse, her or
01:10:31 26 Milad himself.
27
01:10:43 28 We see immediately above that entry there's a reference to
01:10:47 29 Tony Mokbel who's still very shocked at the news that he's
01:10:50 30 been charged with the Marshall murder. Do you see that's
01:11:04 31 at p.929? Again, that's another issue that Ms Gobbo at
01:11:08 32 least has some concern about because the evidence upon
01:11:13 33 which Mr Mokbel has been charged is the statement of
01:11:18 34 [REDACTED] and the concern that she has, we've referred to
01:11:29 35 that previously, the concern that she has is the suggestion
01:11:32 36 in the statement that she's somehow implicated. Do you see
01:11:40 37 that?---Yes.
38
01:11:48 39 Whilst I'm dealing with that, that issue resurfaces, and I
01:11:53 40 apologise for slipping around, but that issue resurfaces
01:11:57 41 subsequently, quite some time later, in relation to that
01:12:09 42 trial after Ms Gobbo has been deregistered. Mr Mokbel was
01:12:22 43 ultimately brought to trial, you're aware of that?---Sorry,
01:12:31 44 of course I'm aware he was brought to trial. The timing of
01:12:35 45 it I'm not sure of.
46
01:12:37 47 It may be of some assistance - ultimately - if you go to

.07/08/19

4045

WHITE XXN - IN CAMERA

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

01:12:44 1 the source management log if you wouldn't mind. If you go
01:12:55 2 to 15 June 2009?---Mr Winneke, I don't think I've got the
01:13:15 3 source management log for 2958.
4
01:13:19 5 You haven't got it with you?---No.
6
01:13:22 7 I wonder if we can put this document up. Just excuse
01:13:30 8 me?---My apologies. I have got it.
9
01:13:43 10 VPL.2000.0001.9236. If we go down to p.68 at the bottom.
01:14:17 11 I'm not suggesting that you have a clear recollection of
01:14:20 12 these events now but if you read these source management
01:14:24 13 logs I suggest that it would rekindle your
01:14:29 14 recollections?---Yes.
15
01:14:31 16 You recall that after Ms Gobbo was deregistered in January
01:14:38 17 of 2009 there were other Task Forces laying claims on her.
01:14:45 18 Firstly, there was Petra who wanted to use her as a witness
01:14:51 19 in the prosecution of Paul Dale and Rodney Collins, you
01:14:54 20 understand that?---Yes.
21
01:14:55 22 And equally there was another Task Force, this is Task
01:15:01 23 Force Briars, which was keen to have her called to give
01:15:04 24 evidence in relation to the murder charge relating to Shane
01:15:11 25 Chartres-Abbott, you recall that?---I know there was some
01:15:17 26 interest with Briars Task Force but I don't recall them
01:15:21 27 wanting her to give evidence. I can't actually - - -
28
01:15:26 29 Sorry, I interrupted you. Go on?---I can't remember
01:15:28 30 actually what the interest was with her from that Task
01:15:31 31 Force.
32
01:15:31 33 You are aware that Ron Iddles was dealing with you in
01:15:35 34 relation to Operation Briars?---Yes.
35
01:15:41 36 And you had at least some understanding and involvement in
01:15:44 37 the matters concerning Operation Briars?---Yes.
38
01:15:49 39 Do you understand that Mr Iddles and Mr Wardell went to
01:15:52 40 Bali and commenced the process of taking a statement from
01:15:56 41 her in about May of 2009?---Yes.
42
01:15:59 43 You're aware of that?---Yes.
44
01:16:03 45 You're aware, I suggest, of why the statement ultimately
01:16:09 46 wasn't signed?---No.
47

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

01:16:14 1 Have you spoken to Mr Iddles about these matters?---No.
2
01:16:21 3 You were, as I understand it, close to Mr Iddles and you
01:16:24 4 dealt with him on a regular basis, didn't you?---I am close
01:16:32 5 to him and I consider him a friend.
6
01:16:34 7 Yes?---But I had not - at that time I certainly wasn't
01:16:37 8 dealing with him on a regular basis.
9
01:16:39 10 In any event subsequently no doubt you've heard Mr Iddles
01:16:42 11 in the press talking about the reasons why he didn't think
01:16:45 12 it was appropriate - or have you heard Mr Iddles in the
01:16:51 13 press suggesting that one of the reasons why he didn't have
01:16:54 14 Ms Gobbo sign the statement was because, amongst other
01:16:57 15 things, it would lead to the very sort of inquiry that
01:17:00 16 we're having now?---No, I'm not aware of that.
17
01:17:04 18 You're not aware of that, I see, all right?---No.
19
01:17:08 20 In any event you've been away or you were overseas for a
01:17:15 21 while I gather; is that right?---This year, yes. But I
01:17:18 22 have to say to you I purposely don't read any press about
01:17:27 23 this particular matter.
24
01:17:29 25 If we go to an entry on 15 June 2009.
01:17:57 26
01:17:57 27 MR CARR: Commissioner, could I just interrupt for a
01:17:59 28 moment. Our screen has been operating. There's no one
01:18:03 29 that would be of concern to the Commission, as I understand
01:18:07 30 it, that could see our screen.
01:18:10 31
01:18:11 32 MR HOLT: No difficulty, Commissioner with our learned
01:18:14 33 friend Mr Carr's screen being on, given the circumstances
01:18:18 34 there's no security risk even conceivable with that.
35
01:18:19 36 COMMISSIONER: There might be more media people come in
01:18:22 37 though. There's a bit of inconsistency in this. I was
01:18:27 38 told it had to be on as few screens as possible.
01:18:29 39
40 MR HOLT: No, there should be, Commissioner. I'd struggle
41 to say why right now that shouldn't happen, that's all I'm
01:18:30 42 saying. I suppose I'm in the Commissioner's hands.
01:18:33 43
01:18:33 44 MR CARR: Our screen is angled in this direction.
45
01:18:36 46 COMMISSIONER: I don't know whether it can be put on one
01:18:38 47 screen and not others. It goes on all or none. If you

.07/08/19

4047

WHITE XXN - IN CAMERA

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

01:18:41 1 want them on all we can put it on all.
2

01:18:52 3 MR WINNEKE: Do you understand that there were a number of
01:19:01 4 - in fact there were two murder trials that Mr Mokbel
01:19:05 5 faced. One of them was with respect to the murder of
01:19:09 6 Mr Marshall, do you agree with that?---Yes, I do.
7

01:19:12 8 And that's the one which involved particularly Ms Gobbo in
01:19:17 9 the sense that she had in effect been brought into the
01:19:23 10 process because of the statement of ██████████ and then
01:19:26 11 there was the issue of the notes that she had taken and the
01:19:30 12 suggestion that she had somehow been complicit in the sense
01:19:34 13 that there was this suggestion that she'd passed messages
01:19:41 14 on with respect to the payment for that killing, you
01:19:46 15 understand that?---That's all news to me.
16

01:19:51 17 That's something that we were dealing with yesterday but
01:19:53 18 you say you don't recall that?---No.
19

01:19:56 20 Okay, all right. Then the other one - - - ?---I don't know
01:20:00 21 the - - -
22

01:20:00 23 Sorry, go on?---I don't know the specifics about her
01:20:04 24 involvement with the Marshall murder.
25

01:20:11 26 The other issue insofar as Ms Gobbo was concerned was that
01:20:18 27 she had been in communications with a number of people who
01:20:25 28 were of interest in relation to the murder of
01:20:29 29 Chartres-Abbott, so she was friendly with a couple of
01:20:34 30 police officers, one by the name of Waters, do you remember
01:20:38 31 that, were you aware of that?---Yes.
32

01:20:44 33 She provided a lot of information to the SDU which was
01:20:52 34 ultimately provided to Mr Iddles which in effect formed the
01:20:57 35 basis of the statement that he was preparing with Ms Gobbo
01:20:59 36 in Bali. I take it you're aware of that?---I don't have
01:21:04 37 any recollection.
38

01:21:07 39 In any event can you accept the proposition that within the
01:21:15 40 source management records, the SDU records, there is
01:21:18 41 considerable information that she had been providing about
01:21:21 42 those matters and certainly at the time you would have been
01:21:24 43 generally across those sorts of issues as the controller at
01:21:28 44 the SDU?---Yes.
45

01:21:33 46 If we then go to an entry on 15 June 2009, do you see that,
01:21:47 47 on p.69 of 72?---Yes, I do.

.07/08/19

4048

WHITE XXN - IN CAMERA

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

1
01:21:59 2 There's a reference to a meeting, "SID re meet with Biggin,
01:22:06 3 Porter, DDI Glow, Fox, Smith and Green re Task Force Briars
01:22:11 4 attempt to access SDU SCRs", source contact reports I
01:22:17 5 assume that is, "and recordings with respect to
01:22:19 6 Ms Gobbo"?---Yes.
7
01:22:27 8 "And the Chief", I assume the Chief Commissioner, "has
01:22:29 9 received a subpoena with respect to 3838", Gobbo, "in the
01:22:32 10 Petra investigation"?---Yes.
11
01:22:40 12 There's a note here, "We're pretty keen for no statement to
01:22:44 13 be taken". At this stage you'd be aware that a statement
01:22:52 14 had been taken from Ms Gobbo in the Petra matter, that is
01:22:57 15 her understanding of issues concerning Paul Dale? The
01:23:08 16 statement was taken in January of 2009?---Okay.
17
01:23:14 18 Shortly after she was deactivated and handed over from the
01:23:19 19 - in fact shortly before she was deregistered but after
01:23:24 20 she'd been more or less handed over by the SDU to
01:23:29 21 Petra?---Yes.
22
01:23:30 23 Then the next issue is it's an issue for the steering
01:23:33 24 committee. So given that statement had already been taken,
01:23:43 25 can we assume that the keenness was that there be no
01:23:46 26 statement taken in relation to Briars, which is the subject
01:23:51 27 matter of the meeting, Task Force Briars, attempts to
01:23:55 28 access?---I really don't know. I don't think I wrote this
01:24:00 29 entry.
30
01:24:19 31 COMMISSIONER: Just while you're working there, I'm told if
01:24:22 32 the screens that are in vulnerable positions are turned off
01:24:26 33 images can be sent to the safe screens. So who wants the
01:24:29 34 images sent to them? Just you?
01:24:32 35
01:24:33 36 MR CARR: Just me to follow the cross-examination.
37
01:24:36 38 COMMISSIONER: All right. Just Mr Goodwin?
01:24:40 39
01:24:41 40 MR GOODWIN: No, that's fine. Thank you.
41
01:24:42 42 COMMISSIONER: No one else wants it. All right. That
01:24:45 43 should now be streamed to Mr Goodwin's computer because the
01:24:50 44 other screens have been turned off.
45
01:24:59 46 MR WINNEKE: Mr White, do you have your diaries there with
01:25:05 47 you?---I don't have my diaries for 2009. I did ask

.07/08/19

4049

WHITE XXN - IN CAMERA

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

01:25:15 1 yesterday whether they were required and I didn't get a
01:25:17 2 response.
3
01:25:21 4 Who did you ask?---Your assistant here. She was going to
01:25:26 5 make the inquiry as to whether they were needed today. Do
01:25:30 6 you remember this came up yesterday?
7
01:25:32 8 In any event you haven't got them?---No.
9
01:25:35 10 Okay, all right. If we go through - we might have to come
01:25:40 11 back to this, Mr White.
12
01:25:43 13 MR HOLT: Excuse me a moment, Commissioner. Commissioner,
01:25:47 14 I can indicate, I know there's a lot going on, my learned
01:25:51 15 friend asked the other day about diary entries for these
01:25:53 16 specific dates and we have provided these ones. They might
01:25:58 17 not have them immediately but I'm happy to assist in
01:26:01 18 getting those.
19
01:26:01 20 COMMISSIONER: Thank you.
21
01:26:03 22 MR WINNEKE: Perhaps if I can ask you this. 16 June 2009,
01:26:09 23 do you recall CSD meeting with Superintendent Biggin and
01:26:14 24 DDI Wardell?---I don't recall it.
25
01:26:31 26 If we go to 1 July 2009, "Meet with DDI Wardell", do you
01:26:51 27 recall that?---No.
28
01:26:54 29 What we might do is come back to that issue.
30
01:27:01 31 COMMISSIONER: Would you be able to get your diaries over
01:27:03 32 the lunchtime? Would that assist, Mr Winneke, if the
01:27:08 33 witness got his diaries over the lunchtime?
34
01:27:11 35 MR WINNEKE: How long would it take you to get your
01:27:13 36 diaries?
37
01:27:14 38 COMMISSIONER: The question was how long would it take for
01:27:17 39 you to get your diaries for this period?---Commissioner, I
01:27:21 40 think my copy of those diaries are at the Police Academy
01:27:25 41 and if we could have a break I could ask somebody to go out
01:27:30 42 and get them now so they'd be available for this afternoon,
01:27:35 43 unless there's, of course, a copy.
44
01:27:35 45 MR WINNEKE: If that can be done, we'll keep going.
46
01:27:39 47 COMMISSIONER: Mr Holt, would you be able to put that in

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

01:27:42 1 train?
01:27:42 2
3 MR HOLT: Commissioner, I think there's some confusion
01:27:44 4 about the position. These entries are not entries that
01:27:46 5 would appear in the copies that this witness has for the
01:27:51 6 issue that was raised recently. Our learned friend's asked
01:27:51 7 for these particular dates a few days ago and we've
01:27:52 8 provided these ones so I think it's just a question of
01:27:54 9 finding where those are so they can have them. We're happy
01:27:58 10 to get those.
11
01:28:00 12 COMMISSIONER: So they can be put up on the screen, can
01:28:01 13 they?
01:28:01 14
01:28:03 15 MR HOLT: Yes, they were provided electronically.
01:28:03 16
01:28:03 17 MR WINNEKE: I accept that, Commissioner.
01:28:05 18
19 MR HOLT: I know everything gets lost, I'm not being
01:28:06 20 critical, but these ones are available and I'll work with
01:28:08 21 our friends to get that.
22
01:28:10 23 COMMISSIONER: All right. What that means, Mr White, is
01:28:12 24 that apparently somewhere in the system we have an
01:28:14 25 electronic copy of that and we'll find that later and come
01:28:17 26 back to it. All right, thank you?---Thank you,
01:28:19 27 Commissioner.
28
01:28:20 29 MR WINNEKE: All right. Can I ask you about an entry on 25
01:28:42 30 June 2007, ICR number 85, p.937. Just move up the page a
01:29:10 31 bit. Do you see under the heading "Milad Mokbel", "She's
01:29:24 32 confident she can turn him around and get him to plead.
01:29:27 33 She wants to be able to speak to Paul Rowe to say I've
01:29:31 34 spoken to police and this is what is on the table and this
01:29:34 35 is the best option for him to take. She still understands
01:29:42 36 it's not the best for her to represent. She has told him
01:29:45 37 no funding, no acting", do you see that?---Yes.
38
01:29:55 39 If you go down the page. It appears that, "His solicitor
01:30:02 40 will be away during the committal next week. She's worried
01:30:06 41 now that the plea will fall over and Milad may change
01:30:13 42 because of no support. She confirms that Milad has told
01:30:17 43 her he is pleading to the first matters but reserves his
01:30:23 44 plea on the second matters. Told her she can speak to
01:30:28 45 Milad if she thinks it will help but cannot represent him
01:30:34 46 as already discussed numerous times", do you follow
01:30:39 47 that?---Yes.

.07/08/19

4051

WHITE XXN - IN CAMERA

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

1
01:30:40 2 Effectively what she's been told is, "Look, you can speak
01:30:43 3 to him behind the scenes if you think it will help to have
01:30:46 4 the matter resolve into a plea, and that's okay, but you
01:30:52 5 can't overtly represent him in court as we have discussed
01:30:56 6 numerous times". That's what I'm suggesting effectively
01:31:01 7 that's what she's being told?---Yes.
8
01:31:05 9 Obviously it would be in her best interests if the matter
01:31:12 10 resolves in a plea, that would avoid a committal which
01:31:14 11 would expose her, potentially expose her role in the whole
01:31:21 12 process. You agree with that, that's one of the concerns
01:31:26 13 that she was repeatedly expressing?---Yes.
14
01:31:30 15 On the other hand, his best interests would be in fact to
01:31:36 16 expose her role with the possibility that the evidence
01:31:39 17 against him could be excluded from any trial against him.
01:31:44 18 That would be a fair proposition, I suggest?---That would
01:31:54 19 be a possibility.
20
01:31:59 21 It's not a fanciful possibility, it's a reasonable
01:32:02 22 possibility that someone who had a general understanding of
01:32:05 23 the criminal process would be cognisant of, do you accept
01:32:16 24 that proposition?---I accept it's a possibility.
25
01:32:19 26 Only a possibility, all right?---Yes.
27
01:32:22 28 Okay. If we can move to p.940. We can see there there's
01:32:35 29 been discussion again about Milad Mokbel. "She spoke to
01:32:38 30 him on the phone today, told him the best course of action
01:32:42 31 was to consolidate all matters and consider options
01:32:44 32 regarding the between dates trafficking charges and she'll
01:32:48 33 talk to him tomorrow about that again". Do you see that?
01:32:58 34 Page 940?---Yes.
35
01:33:10 36 Again, I mean that would clearly be a discussion about
01:33:14 37 matters which would be in the province of client/lawyer
01:33:23 38 confidential communications, do you accept that
01:33:25 39 proposition?---Well she's certainly meddling. I didn't
01:33:31 40 consider he was her client at the time.
41
01:33:44 42 Regardless of whether she was - you considered that she was
01:33:48 43 a client, I take it you would have considered she was
01:33:51 44 speaking to him and providing legal advice to him?---I
01:33:59 45 think the content of that is right, your suggestion's
01:34:05 46 right.
47

.07/08/19

4052

WHITE XXN - IN CAMERA

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

01:34:05 1 Okay. Then if we can just drop down below that. We see
01:34:18 2 general talk about stresses in her life, "She needs a
01:34:20 3 holiday. She was told that her health comes first, she's
01:34:21 4 done enough already for Victoria Police, she can walk away
01:34:24 5 feeling proud of her achievements for us", that's for
01:34:28 6 Victoria Police. "Human source doesn't like to hear this."
01:34:31 7 She says, "The reason I spoke to Victoria Police in the
01:34:33 8 first place was because she could not cope with all the
01:34:36 9 unfairness going on, her conscience" - I assume it's
01:34:42 10 "conscience got the better of her and she had to tell
01:34:44 11 someone who could do something. She talks about her
01:34:47 12 frustrations about having a new handler causing extra
01:34:52 13 stress and she won't accept another handler", and if you do
01:35:02 14 that effectively she says she'll call it quits. Do you see
01:35:08 15 that?---Yes.
16
01:35:10 17 Were those sorts of discussions had on a number of
01:35:13 18 occasions over the journey?---Well her health and welfare
01:35:21 19 had to be spoken about on every occasion.
20
01:35:24 21 Yes?---And we were looking, I think I told you yesterday,
01:35:29 22 certainly in late 2006 to have an exit strategy.
23
01:35:34 24 Yes?---If it was as simple as giving her a new handler I
01:35:38 25 think I would have done it.
26
01:35:43 27 Then if we follow this stream, if we go to p.952. In fact
01:35:53 28 this is another matter which seems to have occurred
01:35:58 29 relatively recently. If we go to 952 in the first box, it
01:36:02 30 seems that she's meeting with Dale Flynn tomorrow to talk
01:36:05 31 about death threats that she's getting and she'll obviously
01:36:11 32 meet away from her building for a coffee. Is that
01:36:16 33 something that you would have been made aware of?---Yes.
34
01:36:24 35 Would there have been a reassessment of her risk in
01:36:26 36 relation to the death threats that she was getting?---Yes.
37
01:36:34 38 Clearly there's no formal change to the risk assessment
01:36:38 39 because as we understand it there's only two written formal
01:36:43 40 risk assessment documents but do you say that despite that
01:36:46 41 there would have been consideration of the perhaps
01:36:50 42 enhancement of the increased risk associated with death
01:36:55 43 threats that she was receiving?---Yes, that was an ongoing
01:36:58 44 issue that was being discussed and we'd set up I guess a
01:37:11 45 liaison with Dale Flynn as the person responsible for
01:37:13 46 investigating any threats, of which there were a few.
47

.07/08/19

4053

WHITE XXN - IN CAMERA

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

01:37:19 1 Okay?---If you look at the risk assessments that were
01:37:22 2 prepared and the monthly reviews you'll see it's mentioned
01:37:25 3 I think a few times in there.
4

01:37:28 5 If we're talking about the different streams of the story
01:37:31 6 going on, if we drop down to about the middle of the page
01:37:36 7 it seems that she's had a discussion with - in fact she was
01:37:39 8 with Flynn at the moment when she was called, so obviously
01:37:43 9 there was a telephone call made to her no doubt by the
01:37:49 10 handler, and I think it's Mr Fox, and she goes to the
01:37:56 11 toilet to take the call and she's told about a container
01:38:00 12 seizure and she's reminded that Flynn doesn't know about
01:38:06 13 this, and then she's given a task and it was explained to
01:38:10 14 her that, "We've searched the container, found a large
01:38:14 15 quantity of pills in amounts consistent with what Rob Karam
01:38:18 16 had talked about" and she was very excited with that news
01:38:22 17 and told that, "It was very important that we get updates
01:38:28 18 this morning and throughout the day if Higgs or Karam get
01:38:31 19 suspicious at all about anything in the documents or on the
01:38:36 20 documents", on the doc's, "we're particularly interested at
01:38:40 21 the moment in an 11.31 pm call Rob Karam got last night
01:38:46 22 from his contact on the doc's" would probably mean the
01:38:47 23 dock, I assume, "on the docks"?---Yes.
24

01:39:02 25 It was understood by her and "she would ring us as soon as
01:39:07 26 she hears anything". Clearly that's a reference to
01:39:09 27 information that Ms Gobbo had provided which led to the
01:39:12 28 location of a large container of - on the docks which
01:39:17 29 contained a vast sum of ecstasy tablets; is that
01:39:21 30 right?---That's right.
31

01:39:21 32 It was obviously something that I take it you were across
01:39:27 33 and you were aware of?---Yes.
34

01:39:29 35 And you also were aware, I take it, that Ms Gobbo was
01:39:33 36 representing Mr Karam in criminal trial proceedings at
01:39:38 37 around the same time?---She - well, at this point in time
01:39:47 38 I'm not sure but I know that she was representing him at
01:39:49 39 one point in time.
40

01:39:51 41 If we move on to 958 we come back to Milad Mokbel?---I'm
01:39:58 42 sorry, I missed the reference.
43

01:40:00 44 958?---Yes.
45

01:40:08 46 "SDU management told her that next week during the
01:40:11 47 committal I will get daily updates from Dale Flynn and I'll

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

01:40:17 1 update her and she's not to contact any investigators
01:40:20 2 directly and she understood that." That's a reference to a
01:40:24 3 committal proceeding occurring the following week in which
01:40:29 4 Mr Milad Mokbel, and a person by the name of Bayeh, were
01:40:34 5 being prosecuted for offences that had arisen initially
01:40:40 6 through the information that in part Ms Gobbo had provided,
01:40:44 7 you understand that?---Yeah. Are you talking about the
01:40:51 8 charges that arose out of [REDACTED] meeting with [REDACTED]
01:40:55 9 [REDACTED]?
01:40:55 10 [REDACTED]
01:40:56 11 [REDACTED] yes?---Oh, sorry.
12
01:41:02 13 COMMISSIONER: That's all right, it's covered by orders.
14
01:41:06 15 MR WINNEKE: Just whilst we're on that page, if we go down.
01:41:09 16 "She talks about how she thinks often about ending this
01:41:12 17 relationship with VicPol on a 'significant date' in her
01:41:15 18 life" and significant date is in inverted commas. Another
01:41:24 19 theme that comes out when one reads these ICRs is that she
01:41:30 20 seems to place significance on particular anniversaries, do
01:41:33 21 you accept that proposition?---Yes, I do.
01:41:35 22
01:41:36 23 Whether it be birthdays or the passing of her father or the
01:41:39 24 commencement with the SDU, or the day on which she had the
01:41:42 25 stroke, 24 July 2004, those were all sorts of things which
01:41:48 26 seemed to be of significance to her and crop up, do you
01:41:51 27 agree with that?---Yes.
28
01:41:52 29 "There was general talk about this. She can end the
01:41:55 30 relationship whenever she likes. It would be good to end
01:41:58 31 it on good terms than not and of her choosing", and it was
01:42:03 32 discussed that "she can't go on forever because of her
01:42:07 33 health and safety issues. It was suggested that she could
01:42:11 34 walk away now feeling proud of her achievements". This is
01:42:16 35 at the top of p.959. She says, "It's not time to go yet.
01:42:21 36 She has ambitions of being the best human source Victoria
01:42:27 37 Police have ever had and no one will be able to beat her",
01:42:32 38 do you see that?---Yes.
39
01:42:33 40 "And it was explained the dangers of thinking like that and
01:42:37 41 it was an unnecessary ambition to have", you accept that,
01:42:43 42 and that was obviously stated to her and she says that
01:42:49 43 she's frustrated again about not being given updates about
01:42:53 44 the import investigation. There was discussions about lack
01:42:57 45 of trust. In effect she's saying, "You should be giving me
01:43:02 46 all this information. I'm giving you information, I want
01:43:05 47 to get information back", that was a sort of a typical

.07/08/19

4055

WHITE XXN - IN CAMERA

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

01:43:08 1 conversation with her?---Yes.
2
01:43:11 3 There was an agreement to disagree on that and it was
01:43:15 4 discussed that there were great lengths going to to protect
01:43:26 5 her. Do you accept that?---Yes.
6
01:43:31 7 Another one of the themes in the relationship between the
01:43:35 8 handlers, the SDU and her was what appeared to be that she
01:43:42 9 was quite keen - I think I asked you this yesterday - she
01:43:46 10 was quite keen to accumulate information and I suggest that
01:43:51 11 there are constant references throughout the ICRs which
01:43:56 12 suggest that she's fishing for information?---I'm sorry,
01:44:11 13 I'm not sure. Is your question was she fishing for
01:44:14 14 information?
15
01:44:15 16 Did you and your handlers get the impression or at least -
01:44:24 17 yes, did you get the impression that she was often seeking
01:44:26 18 information from the police, and particularly from her
01:44:30 19 handlers, controllers, et cetera, did you get that
01:44:34 20 impression?---That she was trying to get information from
01:44:37 21 the police, yes. I think that - - -
22
01:44:42 23 Yes, on a number of occasions?---A particular entry in a
01:44:45 24 contact report shows that she was not - she felt it was a
01:44:49 25 bit of a one-way street.
26
01:44:51 27 The handlers, I think, write in the ICRs that they believe
01:44:54 28 on occasions that she was fishing for information?---Yes.
29
01:44:58 30 And obviously there was a constant concern, this trust
01:45:01 31 issue, a concern about whether or not she was in fact
01:45:04 32 feeding information back to her clients?---That was
01:45:11 33 definitely a concern in the early part of the operation.
34
01:45:17 35 Ultimately it wasn't just in the early stages because those
01:45:22 36 concerns were expressed right at the very end. For
01:45:27 37 example, with respect to Mr Gatto, her relationship with
01:45:31 38 Mr Gatto?---I'm just not following you.
39
01:45:35 40 Okay, all right. If we can move to - leave that. We'll
01:45:48 41 move to p.961. That's a reference to the Mokbel/Bayeh
01:46:05 42 committal tomorrow. "She wants me to remind Dale Flynn
01:46:11 43 that Zarah Garde-Wilson may be at court tomorrow to listen
01:46:16 44 in." It was assured that Dale Flynn would be told, or she
01:46:19 45 was assured that Dale Flynn would be told. Further down
01:46:29 46 that entry we see that she's got concerns about this
01:46:33 47 committal and the fact that she was present during

.07/08/19

4056

WHITE XXN - IN CAMERA

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

01:46:36 1 [REDACTED] [REDACTED] therefore the inference could be
01:46:40 2 made by the Mokbel clan that she should have known and they
01:46:44 3 would have expected her to call, right?---Yes.
4
01:46:52 5 That was verbally disseminated?---Yes.
6
01:47:04 7 If we move to p.965 on [REDACTED] July. It appears that the first
01:47:22 8 day of the committal is [REDACTED] July?---Which entry would you
01:47:34 9 like me to look at?
10
01:47:36 11 If you have a look at p.965?---Yes.
12
01:47:44 13 You can see an entry at 9 o'clock in the morning. This is
01:47:49 14 the first day of the committal. "She's off to see Milad
01:47:54 15 Mokbel now at the Custody Centre. She's told by a handler
01:48:05 16 that there would be an update for her at lunchtime
01:48:09 17 regarding this committal involving [REDACTED] and apparently
01:48:14 18 Jim O'Brien would be first up giving evidence and then Dale
01:48:18 19 Flynn." That was verbally disseminated to Mr Green who was
01:48:25 20 then at [REDACTED] ---Yes.
21
01:48:32 22 Then later on after lunch, or at lunchtime, there was a
01:48:37 23 return call to Ms Gobbo and "explained to her feedback from
01:48:42 24 Jim O'Brien's evidence at the committal and it was told to
01:48:48 25 her that there were no 464 issues" - do you know what that
01:48:52 26 means?---No.
27
01:49:03 28 Just excuse me.
29
01:49:26 30 MR CHETTLE: References, Commissioner, that were made in
01:49:29 31 relation to the entry that Mr Winneke just went through
01:49:31 32 from 2 July 07 to dissemination to Mr Green should be the
01:49:37 33 subject of an express provision that that not be published.
01:49:43 34 There are reasons for it and Mr Winneke I think
01:49:45 35 understands.
36
01:49:46 37 COMMISSIONER: Right. Is it just the non-publication
01:49:48 38 of - - -
39
01:49:50 40 MR CHETTLE: That particular officer has a different role
01:49:54 41 at different times. You'll see the initials at the end of
01:49:58 42 it.
43
01:49:59 44 COMMISSIONER: Mr Winneke, what order do you want made?
45
01:50:08 46 MR WINNEKE: I'm not too sure whether - Commissioner, it's
01:50:14 47 not clear. I hear what my learned friend says but as to

.07/08/19

4057

WHITE XXN - IN CAMERA

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

01:50:17 1 whether that is seriously going to identify him - - -
01:50:22 2
01:50:22 3 MR CHETTLE: No, no, that's not - there are other documents
01:50:25 4 - you'll hear about what was disseminated to whom and
01:50:30 5 where. There are what we call disseminated documents.
01:50:34 6 Items are disseminated to people in different capacities.
01:50:38 7 All I can say to you, Commissioner, is he was not working
01:50:43 8 in that capacity that Mr Winneke assumed at the time that
01:50:46 9 happened. You'll see the initials on the end of that line,
01:50:49 10 Commissioner. It explains what it is he was doing at the
01:50:53 11 time. To Mr Fox's statement there's an annexure set out at
01:51:01 12 the end of it, annexure 2, spelling out who got
01:51:05 13 disseminated with what and he's named in that capacity in
01:51:08 14 that document. I don't want to say much more about it but
01:51:11 15 I can assure you there is a - I understand what's happened
01:51:14 16 but for the purposes of these proceedings it should have
01:51:22 17 been a - - -
18
01:51:23 19 COMMISSIONER: It's all a bit cryptic I'm afraid but
01:51:26 20 anyway. Do you understand what's going on, Mr Winneke?
21
01:51:29 22 MR WINNEKE: Vaguely, Commissioner. It's something I
01:51:32 23 wouldn't mind inquiring about it and it may well be that it
01:51:35 24 needs to be done - I think it's a matter of some
01:51:37 25 significance.
26
01:51:37 27 COMMISSIONER: I think so. It's probably best to have that
01:51:39 28 discussion now.
29
01:51:41 30 MR WINNEKE: Have it now?
31
01:51:42 32 COMMISSIONER: Is it? Is it best - do you want to have it
01:51:45 33 now or do you want to do it in the mid-morning break?
34
01:51:49 35 MR WINNEKE: I suspect what will be said insofar as that
01:51:50 36 discussion is concerned it has to be done in private.
37
01:51:52 38 COMMISSIONER: I see what you're saying. You understand
01:51:53 39 what Mr Chettle's point is?
40
01:51:56 41 MR WINNEKE: I understand what his point is. What I do
01:51:58 42 want to explore is the purpose for that process because on
01:52:03 43 one level it's a dissemination to someone else who's in on
01:52:10 44 the - in the SDU and obviously what needs exploring is why
01:52:18 45 that occurs in that way. No doubt there's a reason for it.
46
01:52:23 47 COMMISSIONER: All right. Are you asking that we go into a

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

01:52:26 1 private session without the press or the affected parties?
2

01:52:31 3 MR WINNEKE: Commissioner, I don't know whether - I hear
01:52:36 4 that it's an issue which involves some sensitivity.
5

01:52:39 6 COMMISSIONER: That's what I'm saying.
7

01:52:40 8 MR WINNEKE: I'd be quite keen just to keep asking this
01:52:43 9 witness about it. I don't have any application save that
01:52:46 10 I'll be asking questions about it. I assume that there'll
01:52:49 11 be applications made by someone else which will need to be
01:52:52 12 substantiated.
01:52:54 13

01:52:55 14 MR CHETTLE: Can I deal with it in two minutes in a private
01:52:58 15 hearing, Commissioner. I just can't do it in an open
01:53:02 16 hearing. The problem is done, I just want to fix it.
17

01:53:06 18 COMMISSIONER: Would it help if I adjourned and you can
01:53:09 19 speak to Mr Winneke? No?
01:53:11 20

21 MR CHETTLE: I'm prepared to try, yes.
22

23 COMMISSIONER: Or is that not going to help?
24

01:53:12 25 MR WINNEKE: No, certainly it's worth trying. I'm
01:53:15 26 receptive. It may be appropriate if we have a - - -
01:53:17 27

01:53:18 28 MR CHETTLE: I'll only be five minutes, Commissioner, or
01:53:20 29 less than. If I can talk to him privately it will take me
01:53:24 30 no time to explain it.
31

01:53:25 32 COMMISSIONER: We'll adjourn just for a few minutes to see
01:53:54 33 this can be sorted out.
34

35 (Short adjournment.)
36

02:01:49 37 COMMISSIONER: Yes, Mr Winneke.
38

02:01:50 39 MR WINNEKE: I'll just move back to this committal
02:01:52 40 proceeding if I might, Mr White. So it appears that
02:01:56 41 Mr O'Brien's giving evidence at the committal in the
02:01:59 42 morning of 2 July and Ms Gobbo is getting feedback, albeit
02:02:07 43 she's not in the court, she's getting feedback from her
02:02:11 44 handlers about what's going on in the committal proceeding.
02:02:16 45 There are no 464 issues, being issues concerning, I
02:02:20 46 suggest, interviews, explanations of rights to an accused
02:02:26 47 person, et cetera, and no public interest immunity issues,

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

02:02:33 1 do you see that?
2
02:02:52 3 COMMISSIONER: Sorry, can you hear, Mr White?---My
02:02:57 4 apologies, Commissioner. I had the mute button on.
5
02:03:04 6 Thank you. I thought you were giving great thought to the
02:03:07 7 answer?---I actually heard the question loud and clear.
8
02:03:10 9 Thank you.
02:03:11 10
02:03:12 11 WITNESS: Yes, I do understand that.
12
02:03:14 13 MR WINNEKE: So if the person's interviewed they've got a
02:03:16 14 right to a lawyer, they don't have to answer questions, et
02:03:19 15 cetera, et cetera, do you understand that?---Yes, I do.
16
02:03:22 17 And the 464 issue would be [REDACTED] being asked whether he
02:03:28 18 wishes to speak to a lawyer and whether or not he's spoken
02:03:31 19 to a lawyer. That, I suspect, or I suggest, is what that's
02:03:35 20 about?---I'm not sure what that was about. I understand
02:03:38 21 the no PII issues, but I don't know what the 464 was
02:03:44 22 relating to.
23
02:03:46 24 Then later on there's a further call, there's an update.
02:03:53 25 Dale Flynn's cross-examination is going on and there's been
02:03:59 26 an update about that. She says that she saw Milad in the
02:04:04 27 court in the morning, do you agree with that?---Are you
02:04:11 28 reading the - - -
29
02:04:12 30 The entry at 123?---Right, okay. "Updated re Flynn's
02:04:20 31 cross-examination", yes.
32
02:04:21 33 It appears she can't drag herself away from it. She wants
02:04:24 34 to be involved in one way or another. She sees Milad in
02:04:30 35 court, do you see that?---Yes.
36
02:04:32 37 And indeed she's still getting advice from him because she
02:04:36 38 says, "All is good but he wants her to be involved in the
02:04:39 39 plea". Sorry, she's getting information from him and she's
02:04:44 40 passing that information on. "She knows she's been told to
02:04:48 41 stay away but Milad says that he will only deal with her
02:04:51 42 and she thinks that Horthy will have the same attitude. She
02:04:57 43 accepts that she's created this problem herself. She knows
02:05:03 44 our position on this matter", do you see that?---Yes.
45
02:05:05 46 Not only that, she's speaking to [REDACTED] who's the [REDACTED]
02:05:08 47 [REDACTED] these people, against Milad Mokbel. It's

.07/08/19

4060

WHITE XXN - IN CAMERA

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

02:05:14 1 extraordinary, isn't it?---I don't know that she'd say it
02:05:23 2 was extraordinary. Obviously her particular interest in
02:05:27 3 this matter is in relation to whether she would be
02:05:30 4 compromised as a human source and she's concerned obviously
02:05:33 5 about that and what the ramifications of that would be.
6
02:05:36 7 Then ten minutes later another return call to her, more
02:05:40 8 talk about Dale Flynn's update at the committal, general
02:05:44 9 reassurance to her that all is okay so far, see
02:05:49 10 that?---Yes.
11
02:05:53 12 We go over the page. There's another update at 4.42. Now
02:05:59 13 this is where a bit of a problem arises because it was
02:06:03 14 explained to her that it had come out during the course of
02:06:08 15 the evidence of Dale Flynn that she was in fact present at
02:06:13 16 the first arrest of [REDACTED] on [REDACTED], right at the
02:06:18 17 end, general questioning and nothing followed up about it.
02:06:23 18 She said it doesn't matter because in effect it's come out
02:06:26 19 and she's now fucked, do you see that?---Yes.
20
02:06:32 21 Further calls a little while later. "She tells the handler
02:06:40 22 that she saw Dale Flynn and spoke to him about the
02:06:42 23 committal and what he'd said. She complains that she was
02:06:46 24 not told by the handler that it had come out that she had
02:06:58 25 attended the first arrest." She apparently hadn't recalled
02:07:02 26 that, that that discussion had only occurred an hour
02:07:05 27 previously or thereabouts?---Sorry, I don't follow you
02:07:09 28 there.
29
02:07:10 30 "She complained that she was told by me that it had come
02:07:13 31 out that she'd attended the arrest", but in fact it had
02:07:17 32 because he pointed out, "Look, I told you this about an
02:07:20 33 hour ago"?---Yes.
34
02:07:21 35 Corrected her and read back the notes, 16.42, which I just
02:07:25 36 read to you. "She apologises and says there's a lot going
02:07:28 37 on and she's missed it." She then says, "She expected it
02:07:31 38 would come out later on. She believes that she's now
02:07:35 39 fucked. She's also concerned about what this information
02:07:38 40 to do to her practice, no one will use her any more, and
02:07:41 41 she's clearly scared and upset about the issue. She was
02:07:46 42 reminded to put the issue in perspective, that Milad was
02:07:49 43 not there". Do you see that?---Second-last - - -
44
02:07:57 45 Second-last dot point. What that suggests is that Milad
02:08:00 46 Mokbel in fact wasn't participating in that part of the
02:08:04 47 committal, he'd entered pleas to, as I understand it,

.07/08/19

4061

WHITE XXN - IN CAMERA

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

02:08:08 1 certain charges and reserved his pleas in relation to other
02:08:11 2 charges and the committal proceeding was going on against
02:08:13 3 Mr Bayeh only. Do you accept that?---Yes.

4
02:08:21 5 Okay. Dale was asked if [REDACTED] [REDACTED] got legal advice before
02:08:26 6 he spoke to police, that's the normal 464 question. "It
02:08:30 7 wasn't explored any more than that because he did get
02:08:34 8 advice, like anyone else, and she says that the issues
02:08:38 9 don't matter, she still believes that she's fucked, she
02:08:41 10 believes her life's in danger now and there'd be further
02:08:45 11 discussion about it tomorrow", right?---Yes.

12
02:08:56 13 Then this issue continues to bubble away. If we go over to
02:09:09 14 p.970 - perhaps I'll withdraw that. 969. She rings up or
02:09:28 15 she speaks to [REDACTED] [REDACTED] about what's come out in court. So
02:09:34 16 she's apparently, she's speaking to the witness who gave
02:09:38 17 evidence, she's been speaking to the accused person, she's
02:09:42 18 now speaking to [REDACTED] [REDACTED] about what's come out in court.
02:09:50 19 She seems to be speaking to people on all sides of the
02:09:52 20 transaction, do you agree with that proposition?---Yes.

21
02:09:56 22 And there's no hint that she's been told not to, I suggest.
02:10:00 23 It's not said, "Look, we told her do not speak to these
02:10:04 24 people, do not speak to these witnesses", do you agree with
02:10:08 25 that?---I think the views been made pretty plain by the
02:10:16 26 handlers about our desire for her not to be involved in any
02:10:20 27 of this.

28
02:10:21 29 Look, you understand - I mean even as the most junior of
02:10:26 30 police officers, if people are arrested it's most important
02:10:32 31 - and it's necessary to get an unpolluted story, an
02:10:37 32 unadulterated story from two people, the idea is to
02:10:41 33 separate them so the evidence can't be polluted, you accept
02:10:44 34 that proposition, that's fundamental policing, isn't
02:10:47 35 it?---Yes.

36
02:10:48 37 You don't want witnesses to be speaking to each other and
02:10:51 38 people to be passing on information one to the other,
02:10:55 39 that's important, isn't it?---Yes.

40
02:10:59 41 In any event what she's done now is contacted the witness
02:11:03 42 who hasn't at this stage given evidence because what I
02:11:07 43 suggest is that the investigators have given evidence
02:11:12 44 first, Flynn and O'Brien, there's been discussion about -
02:11:18 45 there'd been examination of those witnesses and this piece
02:11:20 46 of evidence has come out, and I suggest to you that it's
02:11:25 47 apparent when you look at this material that [REDACTED] - I

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

02:11:32 1 withdraw that, [REDACTED] hasn't yet given his evidence but she's
02:11:36 2 contacted him and told him what came out in court, do you
02:11:40 3 see that?---Yes.
4

02:11:41 5 Ordinarily there are orders made by a magistrate when a
02:11:46 6 committal commences that witnesses are to be out of court
02:11:49 7 and out of the hearing of the court, do you understand
02:11:51 8 that?---Yes.
9

02:11:55 10 And effectively what's going on here is a breach of that
02:11:59 11 order and she's complicit in the breach of the order, if
02:12:05 12 you accept that proposition?---I think you're making some
02:12:09 13 presumptions. I don't know whether - and you might be able
02:12:14 14 to assist me - but I would have thought [REDACTED] would
02:12:20 15 have been the first witness in the committal hearing.
16

02:12:21 17 I accept that, but it appears that he wasn't because the
02:12:25 18 committal kicked off on the 2nd and it seems that O'Brien
02:12:28 19 and Flynn gave evidence and [REDACTED] was to come. I'll follow
02:12:36 20 this through because effectively what she then does, she's
02:12:44 21 speaking to him about what came out in court. He's
02:12:47 22 currently on the way - sorry, she's currently on the way to
02:12:50 23 her doctor for an appointment. If we go over the page to
02:13:06 24 p.970 it says that she expects to see him around 1.30
02:13:11 25 before court at 2 pm, not clear who that is, but she's
02:13:15 26 updated regarding the committal. "Jason Kelly's now in the
02:13:18 27 witness box. Bayeh didn't turn up for court this morning.
02:13:22 28 People are looking for him now and we'll talk later on this
02:13:25 29 afternoon" and that information's disseminated. I withdraw
02:13:30 30 that. I withdraw that. Then if we go to the next entry,
02:13:42 31 apparently after court, "Returned the call. Updated her on
02:13:49 32 committal as per update on Dale Flynn. Theme of the
02:13:54 33 defence team is that they're looking for prior inconsistent
02:13:56 34 statements for all witnesses, especially [REDACTED] She's
02:14:02 35 happy about that as it's not as in-depth as she would have
02:14:07 36 thought", and the handler says, "I'll call her when we're
02:14:13 37 ready". Now, of course, as we understand it she's already
02:14:19 38 made it clear that as far as she was concerned there were
02:14:22 39 real potential problems in the evidence of [REDACTED] if it
02:14:27 40 became apparent that in the recorded conversations, the
02:14:31 41 non-464 recorded conversations, if those conversations came
02:14:35 42 out because, as we discussed yesterday, she was concerned
02:14:39 43 that they were full of lies, do you accept that?---No, I'm
02:14:47 44 not following.
45

02:14:48 46 All right. She had told handlers previously that as far as
02:14:54 47 she was concerned there was considerable lies and

.07/08/19

4063

WHITE XXN - IN CAMERA

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

02:14:57 1 inconsistencies between the statements that [REDACTED] had
02:15:01 2 made and the conversations that were had with [REDACTED] on
02:15:08 3 the night that he was arrested. I'm suggesting to you that
02:15:17 4 that's the material that's available to the
02:15:20 5 Commission?---I'm not aware of that.

6
02:15:38 7 In any event that's the discussion which occurs on the
02:15:44 8 afternoon of the second day of the committal proceeding.
02:15:53 9 If we go to p.975. In fact if we go to p.971 we can see
02:16:11 10 that later on that evening, that is the evening of the
02:16:14 11 second day of the committal, [REDACTED] 2007, at 7.55 there was
02:16:19 12 a meeting between you, Gobbo and Mr Fox. Do you see
02:16:26 13 that?---Yes.

14
02:16:28 15 That meeting commences at about 7.55, five to eight. See
02:16:36 16 that?---Yes.

17
02:16:42 18 It covers a significant number of topics and goes for quite
02:16:46 19 some period of time. Indeed, if you go to the very end it
02:16:55 20 appears that it finishes at quarter to one in the morning
02:17:00 21 so it's a long conversation. At p.975 do you see that
02:17:05 22 there's a discussion about [REDACTED]? What occurs in this
02:17:12 23 conversation is that she tells you that "she told [REDACTED]
02:17:21 24 that Dale Flynn confirmed in the witness box that she was
02:17:25 25 there and she told him that it was important to tell the
02:17:29 26 truth", right? So she's effectively telling you that she's
02:17:34 27 told [REDACTED] about what Flynn said in the witness box, do you
02:17:39 28 see that?---Yes.

29
02:17:41 30 Clearly this is an area where she is most concerned about
02:17:45 31 because it leads to the potential of her being exposed, do
02:17:48 32 you agree with that?---Yes.

33
02:17:49 34 There was discussion about how [REDACTED] doesn't want to
02:17:54 35 let Dale Flynn down, in other words he wants to get it
02:17:59 36 right and he wants to assist the police as well as he can,
02:18:04 37 you agree with that proposition?---Yes.

38
02:18:06 39 "[REDACTED] thinks that [REDACTED] will be very unhappy when he finds
02:18:10 40 out. She has told [REDACTED] that anything they ask after
02:18:16 41 confirming that she was there on the day is LPP and he
02:18:20 42 should not answer", do you see that?---Yes.

43
02:18:26 44 Effectively what she is doing there, and telling you about
02:18:31 45 it, is telling a witness who is about to give evidence in a
02:18:35 46 criminal proceeding how to answer questions, do you see
02:18:42 47 that?---Well, that's one view but isn't what she's saying

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

02:18:49 1 right?
2
02:18:49 3 It may or may not be but do you say that at that stage she
02:18:54 4 is acting as an agent for police? Is she acting as
02:19:03 5 [REDACTED] lawyer? Is she acting as Milad Mokbel's
02:19:07 6 lawyer? Who's she acting for?--Well she was clearly
02:19:19 7 acting as his lawyer on the night.
8
02:19:22 9 Who's she acting for on 3 July?---I'm not sure, Mr Winneke.
10
02:19:26 11 On one view she's certainly looking after
02:19:28 12 herself?---There's no doubt about that.
13
02:19:31 14 But what I'm suggesting to you is that that very series of
02:19:35 15 transactions is a very troubling sequence of events I
02:19:38 16 suggest to you, do you agree with that?---No. I'm still
02:19:58 17 reading it but not at face value.
18
02:20:01 19 All right. You don't see any particular concern about
02:20:08 20 those matters that I've just taken you to; is that
02:20:11 21 right?---I always saw concern about her representing him on
02:20:14 22 that night full stop.
23
02:20:18 24 Okay?---This is pretty much an extension of that I guess.
25
02:20:23 26 Well it's compounding it, isn't it? Because she's now
02:20:26 27 inserting herself in the criminal justice process quite
02:20:31 28 clearly?---Well she is but - and I haven't finished reading
02:20:38 29 this but she's telling him it's important to tell the
02:20:41 30 truth. I don't see anything wrong with that particular
02:20:44 31 statement.
32
02:20:53 33 Then, "There's discussion with human source about how the
02:20:55 34 interview shows that he has got advice from her and then
02:20:58 35 makes no comment interview and that's good and when he
02:21:05 36 talks on tape some eight hours later there's no indication
02:21:09 37 that she's still there, that is good for her too",
02:21:12 38 right?---Yes.
39
02:21:19 40 The reality is she had gone back and had a long discussion
02:21:22 41 with him and the investigators in private, do you agree
02:21:27 42 with that?---Yes.
43
02:21:31 44 So it would be good for the criminal justice system if that
02:21:34 45 came out, wouldn't it?---I don't see why that wouldn't come
02:21:42 46 out.
47

.07/08/19

4065

WHITE XXN - IN CAMERA

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

02:21:42 1 Well it wouldn't come out if the defence counsel didn't
02:21:46 2 know about it I suppose?---I think it would be in the
02:21:52 3 investigators' notes, maybe in their statements as well.
4
02:22:09 5 In any event you accept the proposition that it appears to
02:22:13 6 be the case that she is providing instructions to a witness
02:22:18 7 who hasn't yet given evidence in the proceeding?---Insofar
02:22:27 8 as she's telling him it's important to tell the truth, yes.
9
02:22:31 10 And that he shouldn't answer questions thereafter?---I
02:22:37 11 don't think she's saying that he shouldn't answer any
02:22:40 12 questions, it's just those that relate to LPP. I mean
02:22:44 13 you're asking me to comment - I'm speculating as much as
02:22:48 14 you on this particular point.
15
02:22:51 16 You were there, Mr White, speaking to her?---It was 14
02:22:55 17 years ago, Mr Winneke.
18
02:22:56 19 I understand that. All right?---I don't mean to be
02:23:09 20 argumentative but it's clear what her concern was, because
02:23:13 21 she'd told lies to Horthy Mokbel.
22
02:23:19 23 Right. Well then can I ask you to have a look at a
02:23:25 24 document which is an extract of your diary and the VPL
02:23:29 25 number is 2000.0001.1234. This is your diary, an entry in
02:24:05 26 your diary on 3 July 2007, the day of this conference. Do
02:24:34 27 you see that entry? Is that an extract of your handwritten
02:24:38 28 diaries, Mr White?---Yes, it is.
29
02:24:43 30 We don't have to worry about the first part. If we can go
02:24:46 31 down to the 11 o'clock discussion. That seems to be a
02:24:51 32 conference, is it, or a discussion? What's that - - -
02:24:57 33 ?---That is call from Detective Fox.
34
02:25:02 35 Yes. What does that - "Dale Flynn"?---Yes.
36
02:25:10 37 "Regarding update"?---Rang.
38
02:25:13 39 "Rang regarding update"?---"Dale Flynn rang update re court
02:25:19 40 Milad committal." So this is Detective Fox updating me.
41
02:25:24 42 All right. Then there's a discussion about redacting
02:25:29 43 [REDACTED] first interview where there is reference to the
02:25:34 44 human source in the interview?---Yes, yes.
45
02:25:42 46 What does it next say there?---"Can be done if close in
02:25:48 47 proximity to material that can be legitimately redacted."

.07/08/19

4066

WHITE XXN - IN CAMERA

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

02:25:53 1 Right. Can you explain what that means?---No, I'm not
02:25:59 2 sure.
3
02:26:03 4 Can I suggest this to you, that there's a discussion about
02:26:06 5 redacting the interview where there's a reference to human
02:26:11 6 source, that is can her name be taken out of the interview?
02:26:15 7 Would that be right?---It's possible.
8
02:26:19 9 Then it says, "That can be done if it's in close proximity
02:26:25 10 to material that can be legitimately redacted", do you see
02:26:27 11 that?---Yes.
12
02:26:32 13 And then it says below, "Claim protecting the barrister
02:26:36 14 with respect to threats if pushed, i.e. re why that part
02:26:44 15 was redacted" - or what does it say?---The last word?
16
02:26:50 17 Yes?---Yeah, redacted.
18
02:26:52 19 No, no, the word before?---Portion.
20
02:26:54 21 Portion, right. So effectively can I suggest this to you,
02:26:59 22 and this may be what the Commission might conclude if you
02:27:06 23 look at that, "We want to take her name out of it, there's
02:27:11 24 no legitimate basis to do so but we'll have a go only if
02:27:16 25 it's in close proximity to the material that can be
02:27:20 26 legitimately redacted, and then if we're really pushed on
02:27:23 27 it and we have to expose it, we'll say, 'Look, we're
02:27:27 28 protecting the barrister from threats'". Do you accept
02:27:31 29 that that is a reasonable interpretation of what's said
02:27:33 30 there?---No.
31
02:27:36 32 What do you say it is, what do you say it means?---I think
02:27:42 33 that's saying that if it can be legitimately redacted it
02:27:48 34 can be.
35
02:27:50 36 "Can be done if in close proximity to material that can be
02:27:53 37 legitimately redacted." So if it's close to the material
02:27:56 38 that can be legitimately redacted "we'll have a go"?---I
02:28:02 39 can't explain that particular comment. It can only be
02:28:07 40 redacted obviously if it was legitimately PII.
41
02:28:11 42 I understand that. Then the next sentence supports what
02:28:14 43 might be the reasonable interpretation, "If we're pushed,
02:28:21 44 we'll claim that it's protecting the barrister with respect
02:28:25 45 to threats. If pushed regard why that portion was
02:28:28 46 redacted", in other words why that illegitimate portion was
02:28:32 47 redacted?---No, I don't - that's not a legitimate reason

.07/08/19

4067

WHITE XXN - IN CAMERA

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

02:28:41 1 for redacting something so I can't explain that.
2
02:28:46 3 All right. But that seems to be one interpretation and an
02:28:49 4 interpretation that is open if you read those notes I
02:28:52 5 suggest to you?---No, I don't accept that because it'd be
02:29:04 6 hardly reasonable if I'm suggesting we do something like
02:29:07 7 that, then I'd be writing it in my diary.
8
02:29:13 9 Do you have a practise of not writing things in your diary
02:29:16 10 if they're a bit line ball?---Well I don't have a practise
02:29:20 11 of doing things that are line ball.
12
02:29:22 13 All right. Look, did you get any legal advice from a
02:29:25 14 lawyer about the redaction of notes?---I don't think so.
15
02:29:35 16 It would be a case of redacting, in other words putting
02:29:42 17 black markers across parts of notes, or in this case a
02:29:45 18 record of interview?---I'm not involved in the redacting
02:29:51 19 process at all in relation to the preparation of briefs.
20
02:29:54 21 It seems that you are because you're discussing it?---No,
02:29:58 22 but it's not something I participate in in my role and in
02:30:06 23 all handlers' roles. That's not our job.
24
02:30:08 25 Right.
26
02:30:13 27 COMMISSIONER: Are you there repeating what Flynn told you
02:30:16 28 about what was happening at the Milad committal?---It's
02:30:20 29 possible, Commissioner. That is an update to me. I think
02:30:26 30 if we just go back a bit, I think that's an update from
02:30:30 31 Mr Fox.
32
02:30:34 33 MR WINNEKE: As I understand it what you were saying is
02:30:36 34 that people who are responsible for public interest
02:30:39 35 immunity and redactions and so forth were the HSMU and not
02:30:44 36 the SDU. Those matters, I suggest you've said, have been
02:30:48 37 left to the HSMU and the investigators?---I'm sorry?
38
02:30:54 39 And the investigators. What you were saying before is the
02:30:57 40 HSMU, or the day previously, the HSMU and investigators are
02:31:02 41 the people who deal with redactions and public interest
02:31:08 42 immunity?---That's right, the investigators and HSMU.
43
02:31:13 44 Was this matter referred to the HSMU or not?---I don't
02:31:17 45 know.
46
02:31:20 47 Do you know whether it's the investigators who are making

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

02:31:22 1 the redactions or Mr Fox who is making the redactions or is
02:31:30 2 it simply a discussion between Fox and Dale Flynn about
02:31:36 3 what can and can't be done with respect to redactions?---I
02:31:42 4 don't know. All I can tell you is that it is not the job
02:31:45 5 of the handlers to be making redactions on briefs of
02:31:48 6 evidence.
7

02:31:53 8 What about - it may well not be their job but it certainly
02:31:58 9 appears to be the case that there are discussions and
02:32:01 10 suggestions coming from the SDU about what redactions are
02:32:06 11 appropriate, legitimate or otherwise?--Well I'll just
02:32:14 12 correct you on that. The SDU handlers would not be making
02:32:17 13 suggestions about redactions that were illegitimate.
02:32:22 14 Firstly, I make that clear.
15

02:32:24 16 Yes?---Secondly, would investigators consult with members
02:32:28 17 of the SDU over briefs of evidence and the involvement of
02:32:33 18 human sources? Possibly.
19

02:32:35 20 Right.
21

02:32:36 22 COMMISSIONER: Can we just go back to the beginning of that
02:32:39 23 diary entry, please, on the previous page. Thanks. So
02:32:42 24 it's a call from Mr Fox who's giving you an update from
02:32:48 25 Dale Flynn, is that what it is?---Yes, that's right,
02:32:52 26 Commissioner.
27

02:33:00 28 MR WINNEKE: The discussion was about redacting [REDACTED]
02:33:05 29 first interview where there's a reference to the human
02:33:10 30 source. Is that a discussion that you've had with Mr Fox
02:33:16 31 about the discussion that he had with Mr Flynn about that
02:33:22 32 matter?---I honestly don't know.
33

02:33:28 34 That's one possibility. The other possibility is that he's
02:33:33 35 contacting you and there's an issue that the investigators
02:33:38 36 are concerned about and that is the redaction of the
02:33:47 37 interview and he's seeking your advice about it?---I think
02:33:53 38 the notes make it pretty clear that this is an update. I
02:33:58 39 don't think, and I am confident in saying to you that none
02:34:06 40 of the source handlers that worked at the SDU would be
02:34:10 41 involved in doing anything illegitimate or improper in
02:34:13 42 relation to this.
43

02:34:17 44 So what you say is that note doesn't reflect you providing
02:34:20 45 advice, it's simply a note taken of a conversation that
02:34:24 46 you'd had with Mr Fox about considerations that were being
02:34:36 47 given to how that issue would be dealt with if it came

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

02:34:39 1 up?---What I'm saying to you, Mr Winneke, and I want to be
02:34:42 2 very clear in this, I would not be instructing source
02:34:49 3 handlers to be redacting material from a brief of evidence
02:34:53 4 that has no legitimate or proper purpose.
5

02:34:56 6 I take it it would be concerning if that was done, if it
02:35:02 7 was simply an expedient, that is, "Look, we'll see if we
02:35:05 8 can remove it so long as it's close to an area that can be
02:35:10 9 legitimately redacted", that would be a concern I take
02:35:12 10 it?---It would be but I don't see why anybody in their
02:35:15 11 right mind would do that. There's a legitimate process in
02:35:18 12 place for protecting the identity or role of human sources.
02:35:23 13 It doesn't include eliminating material in the way you're
02:35:28 14 suggesting.
15

02:35:28 16 I follow. You'd hope not. But the issue really would be
02:35:31 17 for the HSMU and for lawyers to provide legal advice about
02:35:39 18 where public interest immunity claims are appropriate to be
02:35:42 19 made, that's what should occur, isn't it?---Yes, it is.
20

02:35:49 21 One would hope that if issues arose about redactions and
02:35:53 22 what was legitimate or otherwise, those would be dealt with
02:35:58 23 by seeking appropriate advice about it, do you agree with
02:36:05 24 that?---Yes, I do.
25

02:36:06 26 Is that the sort of thing that would be referred to the
02:36:09 27 HSMU and to an appropriately qualified person within that
02:36:16 28 unit to determine?---So what would happen if there was some
02:36:22 29 information that needed the claim of public interest
02:36:27 30 immunity to be considered, the investigators would be told
02:36:31 31 to refer it to the Human Source Management Unit and they
02:36:36 32 would then brief I think generally outside counsel in
02:36:40 33 relation to it.
34

02:36:41 35 Right. From your understanding that didn't occur in the
02:36:48 36 lead-up to this committal proceeding?---I really don't
02:36:51 37 know, Mr Winneke.
38

02:36:52 39 All right. Would you hope and expect that that would have
02:36:56 40 occurred if it was genuinely considered that there would be
02:37:00 41 public interest immunity issues likely to arise during the
02:37:02 42 course of the committal proceeding?---Yes.
43

02:37:25 44 This is a question obviously the Commission has to
02:37:28 45 determine, the appropriate way of dealing with these
02:37:30 46 matters. In your draft SOP that we've taken you to there
02:37:37 47 was a reference to referring a matter - I haven't got the

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

02:37:44 1 exact wording - but letting prosecutors know ahead of time
02:37:49 2 if an informer is involved in the evidence gathering
02:37:53 3 procedures in a particular matter. Do you recall I asked
02:37:58 4 you questions about that?---I'm sorry, in seven days of
02:38:07 5 questions I don't recall.
6
7 I know. I can well understand?---I don't recall that one.
8
02:38:09 9 I apologise for that but it can't be helped?---I don't
02:38:12 10 recall that specific section of the SOPs.
11
02:38:16 12 All right. Do you accept the proposition that it would be
02:38:19 13 worthwhile if prosecutors were aware leading into a
02:38:24 14 committal where an informer was involved, where the issues
02:38:28 15 might arise so as people with legal qualifications and
02:38:33 16 knowledge about public interest immunity were aware of
02:38:35 17 those matters and they could be ready to deal with those
02:38:38 18 matters?---It's interesting that you ask that question
02:38:40 19 because obviously as a consequence of this hearing I've had
02:38:45 20 to think a lot about the SDU and the processes that we had
02:38:49 21 in place and about the disclosure issues that you've
02:38:53 22 raised.
23
02:38:54 24 Yes?---I think, and I don't know how it's done elsewhere,
02:38:59 25 and to be honest with you I don't even know if the
02:39:02 26 organisation, that is Victoria Police, does it now anyway,
02:39:06 27 but - sorry, that was a long-winded answer to your
02:39:10 28 question.
29
02:39:11 30 No, go ahead. Keep going. We're very interested to hear
02:39:15 31 what it is?---I do think that where there's a human source
02:39:18 32 involved in any police operation maybe your suggestion is a
02:39:23 33 good one.
34
02:39:24 35 Indeed, it's your suggestion because it was in your SOP.
02:39:31 36 But you agree that it would be worthwhile if prosecutors
02:39:34 37 were made aware - where a human source is involved they
02:39:38 38 were aware, to be prepared when these issues arise?---Yes.
39
02:39:46 40 They could be involved in the consideration of what
02:39:50 41 appropriate disclosure looks like?---Well just as a matter
02:39:55 42 of thinking about policy, I don't know whether it's the
02:40:00 43 prosecutor or whether there should be a disclosure officer
02:40:07 44 or somebody in that capacity who could be independent of
02:40:11 45 the prosecution.
46
02:40:11 47 Independent of the prosecution, independent of the

.07/08/19

4071

WHITE XXN - IN CAMERA

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

02:40:14 1 investigators and the police?---Yeah, somebody who has that
02:40:19 2 legal background and can look at it from a different point
02:40:22 3 of view.

4
02:40:22 5 Yeah, objectively?---Yes.

6
02:40:24 7 One of the reasons, I suggest, for the sterile corridor was
02:40:30 8 to take away any tendencies on the part of investigators to
02:40:41 9 prioritise matters - perhaps I'm not making it clear. To
02:40:48 10 take away the temptation to cut corners in order to get
02:40:52 11 convictions by inappropriately using informers and to put
02:41:00 12 that job in the hands of independent managers of the
02:41:03 13 informers?---Yes.

14
02:41:09 15 Can I suggest this to you, that in this case the sterile
02:41:12 16 corridor - I'm talking about Ms Gobbo, the SDU and the
02:41:19 17 interaction between the SDU and the investigators - it
02:41:24 18 appears to be the case that the SDU seems to have been too
02:41:27 19 close to the investigators and that sterile corridor broke
02:41:32 20 down?---No, I don't accept that.

21
02:41:35 22 Right, okay. If I could move on to p.986. There's ongoing
02:41:57 23 reference to the [REDACTED] committal. Gobbo's concerned
02:42:05 24 about the interview transcripts in relation to - what they
02:42:11 25 say in relation to her. She sees two problems with the
02:42:14 26 interview number 3 at 9.08 pm. She says, "It looks like I
02:42:20 27 rolled him. I'm there and didn't ring anyone. Milad will
02:42:24 28 never accept any excuse I use because I should have rung
02:42:29 29 somebody". See that? That's clearly an expression of a
02:42:34 30 concern on her part about what the interview looks
02:42:36 31 like?---What the interview looks like? Obviously the
02:42:40 32 concern there is it's going to come out that she didn't
02:42:45 33 ring Milad Mokbel and warn him that [REDACTED] had been
02:42:50 34 arrested.

35
02:42:52 36 More than that, it looks like she's actually been actively
02:42:56 37 been involved in rolling him, to use that expression?---She
02:42:59 38 said, "It looks like I rolled him", yes.

39
02:43:04 40 Then there's discussions about what Milad would think about
02:43:06 41 that. Over the page she's talking about the emotional
02:43:09 42 stress in her life because of these issues. She realises -
02:43:15 43 she feels resentment for VicPol. She realises she's
02:43:18 44 brought all of this on herself and indeed she was wondering
02:43:22 45 if she could get some tickets - - -

02:43:30 46
02:43:31 47 MR HOLT: Can I just talk to my friend?

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

1
02:43:57 2 MR WINNEKE: If we go further down the page on 987 she
02:44:00 3 calls, she seems to be in a good mood. She says she's
02:44:06 4 communicated with [REDACTED]. I'm sorry, the phone rings in
02:44:10 5 her office and she says it's [REDACTED] from [REDACTED], she'll ring
02:44:15 6 back. She mentions that "she'll pay him out for what he
02:44:18 7 did today at the committal" and then obviously "she's
02:44:22 8 spoken to someone else about today's events at the
02:44:25 9 committal where [REDACTED] got caught out lying under oath. She's
02:44:33 10 heard that at the committal he's apparently told a lie on
02:44:36 11 oath, got caught out, and she's very disappointed about
02:44:41 12 that and it appears to be the case that she is concerned
02:44:46 13 that [REDACTED] remains credible. Do you accept that, that's what
02:44:54 14 she's concerned about?---I'm not sure what the reference is
02:44:58 15 but in view of the fact she told him to tell the truth and
02:45:02 16 it appears she's been told that he lied, it's consistent I
02:45:06 17 guess with her saying she was disappointed.
18
02:45:09 19 Yes. That may well be right but ultimately she's
02:45:16 20 representing people that he's giving evidence against,
02:45:21 21 isn't she?---No, she wasn't. Who was she representing?
22
02:45:28 23 Well she's got an investment in the outcome as we've
02:45:30 24 discussed previously. She, I suggest to you, is concerned
02:45:36 25 that the Mokbels are put behind bars, one of whom is Milad
02:45:40 26 Mokbel who she's communicating with and trying to engineer
02:45:43 27 a situation whereby he pleads guilty.
28
02:45:46 29 MR CHETTLE: Commissioner, that's a different question to
02:45:48 30 the one Mr Winneke asked. The one he asked was whether
02:45:51 31 she was - - -
32
02:45:52 33 MR WINNEKE: I do suggest to you that she is advising Milad
02:45:55 34 Mokbel. I suggest to you behind the scenes she's advising
02:46:01 35 Milad Mokbel?---Yes.
36
02:46:08 37 You draw the distinction between representing and simply
02:46:12 38 advising behind the scenes?---Yes, I do.
39
02:46:15 40 Okay, all right. Then if we go to p.993 there's a
02:46:28 41 reference to [REDACTED] - I withdraw that - [REDACTED] having
02:46:34 42 told Ms Gobbo that Dale Flynn had been to see him to
02:46:37 43 discuss the committal and that he'd given poor evidence.
02:46:40 44 [REDACTED] is aware that Barbaro may now have no case to answer and
02:46:44 45 he feels bad for letting Dale and O'Brien down. She's told
02:46:48 46 [REDACTED] he has breached the trust of Dale and may never get it
02:46:53 47 back", right?---Yes.

.07/08/19

4073

WHITE XXN - IN CAMERA

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

1
02:47:03 2 Clearly she's making it clear to him that - I withdraw
02:47:12 3 that. If we then move to ICR number 91 at p.1039. You see
02:47:56 4 she's, insofar as the representation of Milad Mokbel's
02:48:00 5 concerned she says that she's going to recommend a
02:48:02 6 different solicitor, Alistair Grigor, to take over, do you
02:48:07 7 see that?---I'm sorry, which box are you in?
8
02:48:12 9 The last box, about the middle dot point, she says that
02:48:15 10 she's going to recommend - - - ?---Recommend?
11
02:48:23 12 Alistair Grigor to Milad to take over?---Yes.
13
02:48:31 14 If we go to p.1050, ICR number 92. At the bottom of the
02:48:46 15 page she's discussing Milad Mokbel. "He wants human source
02:48:51 16 to talk to Dale Flynn and sort out his charges", do you see
02:48:56 17 that?---Yes.
18
02:48:58 19 If we go over the page. Horthy Mokbel's also spoken to her
02:49:08 20 on the phone. He talked about the 464 done on him today by
02:49:16 21 Dale Flynn. She talks about more charges coming. She has
02:49:25 22 told Milad she is doing nothing because she does not have a
02:49:29 23 brief and because of no money. In other words she says to
02:49:34 24 Milad she's not doing anything, ,she needs - unless he's
02:49:41 25 got money she's not going to be involved and she wonders
02:49:47 26 what will happen if he offers to pay her. The handler
02:49:51 27 tells her that, "We don't want you representing him" and
02:49:55 28 she says that she understands that and that information is
02:49:57 29 disseminated to Dale Flynn. Then if we go to p.1068.
02:50:40 30 Insofar as it relates to Milad Mokbel, "He's complaining
02:50:40 31 about a person called Alex who has not been to see him yet
02:50:40 32 to drop off money. She says that she told him that she
02:50:42 33 doesn't want the money dropped off to her". Well that
02:50:47 34 would seem to be good because that seems to suggest that
02:50:50 35 she's not going to represent him, or act for him, but then
02:50:54 36 what she says is, "It is to go to a solicitor's trust
02:50:58 37 account and be accounted for as a legitimate entry", do you
02:51:04 38 see that?---Yes.
02:51:06 39
02:51:09 40 So far from not acting for him, in fact she is saying she
02:51:14 41 wants the money and once she's got the money legitimately
02:51:21 42 paid into her clerk's account, she'll act for him, do you
02:51:24 43 see that?---Yes.
44
02:51:34 45 Then if we go to p.1088-9. 1088. There's discussion about
02:52:06 46 Milad Mokbel. If we go over?---1088?
02:52:24 47

.07/08/19

4074

WHITE XXN - IN CAMERA

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

02:52:24 1 The conversation starts about Roula Mokbel and brother
02:52:29 2 George, but then it moves on when you go to p.1089, starts
02:52:38 3 talking about Milad. "Milad will still move over to
02:52:40 4 Grigor", that's the new solicitor. "With these threats,
02:52:45 5 charges, along with his - he's got charges of, he's faced
02:52:52 6 with making threats, along with all of his other drug
02:52:55 7 charges." So it seems that she's engineered the change to
02:52:59 8 the new solicitor, Alistair Grigor, and he's now dealing
02:53:06 9 with all the matters, the threats to kill and also the drug
02:53:07 10 charges. He still wants to plead to everything, including
02:53:10 11 the threats to kill and the drugs. He has asked Ms Gobbo
02:53:14 12 to get on to Dale Flynn and negotiate the plea for him.
02:53:17 13 She's told them both no funding from the solicitor then no
02:53:22 14 work. This has put them off a little while until Grigor
02:53:26 15 comes to her with the money. Effectively it's about money,
02:53:29 16 she wants the money, then she'll deal with that in the next
02:53:34 17 couple of weeks about how to delay them from her
02:53:35 18 representing him. It appears that she has not said no and
02:53:38 19 is still actively getting them to think that she will do
02:53:41 20 it. She knows she should not represent them owing to the
02:53:46 21 circumstances and that is our position on the matter. Then
02:53:49 22 there's general talk regarding this and she agrees with
02:53:52 23 this and that's disseminated to Dale Flynn. Do you see
02:53:56 24 that?---Yes.

02:53:57 25
02:54:00 26 There might be a couple of interpretations on that but
02:54:04 27 certainly one interpretation of it is that she'll act if
02:54:09 28 she gets money, or she'll advise if she gets money. That's
02:54:15 29 one interpretation, isn't it?---Yes.

02:54:16 30
02:54:22 31 If we then go to p.1114, ICR no.95. She's spoken again to
02:54:54 32 Milad Mokbel. It seems that he's now officially with
02:55:06 33 Alistair Grigor. Milad is still good with her, he
02:55:15 34 understands that Mr Shirreffs, a Stephen Shirreffs a
02:55:21 35 barrister, or human source will be speaking to the Crown to
02:55:23 36 formalise his plea. She knows regarding not directly
02:55:26 37 representing him, that is in other words she can't do it if
02:55:30 38 it's out in the open, I suggest, not directly representing.
02:55:39 39 Do you understand what that reference means, if she's
02:55:44 40 advising him behind the scenes that's okay, but if she's
02:55:48 41 directly - - - ?---No.

02:55:49 42
02:55:49 43 - - - representing him that's not good, do you accept
02:55:51 44 that?---No. No, I don't.

02:55:53 45
02:55:53 46 What do you say that means?---I think the handlers have
02:55:56 47 been telling her consistently not to represent him and I

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

02:56:02 1 think what they're saying there is they want Shirreffs to
02:56:06 2 do it.
02:56:07 3
02:56:07 4 What it says is, "Milad is still good with her, he
02:56:10 5 understands that Shirreffs or HS will be speaking to the
02:56:13 6 Crown to formalise his plea, she knows re not directly
02:56:19 7 representing him". That's what it says. Then if we go,
02:56:24 8 follow this through, if you go to 1127. This is ICR no.96.
02:56:41 9 At the bottom of the page she's having a discussion about
02:56:45 10 George Williams. Then she gets a telephone call from Milad
02:56:50 11 and she's got to go and deal with that. Then she returns
02:56:54 12 the call, do you see that?---Yes.
02:56:55 13
02:56:56 14 If we go to the top of the next page there's feedback
02:57:00 15 regarding the Milad Mokbel call. He's at rock bottom. In
02:57:05 16 other words, she speaks to Milad, then she gets back on the
02:57:09 17 phone to the handlers and starts conveying the information
02:57:11 18 that she gets from him. He's at rock bottom regarding his
02:57:16 19 wife Renee, what can he do to help. He asks, he wants
02:57:21 20 Ms Gobbo to facilitate a plea deal as soon as possible. He
02:57:25 21 wants to plead to the drug charges and [REDACTED] to
02:57:28 22 [REDACTED] regarding [REDACTED]. "He is checking
02:57:36 23 with me that that's okay to [REDACTED] about this
02:57:41 24 issue. Told okay as in natural course of work. Caution
02:57:47 25 not to represent Milad Mokbel and what she will say to the
02:57:51 26 [REDACTED], just to ensure that she's
02:57:55 27 not prevented from representing Roula Mokbel. She
02:58:00 28 understands that". Then it says this, "She is not
02:58:02 29 representing Milad, just facilitating contact so a plea can
02:58:06 30 be arranged. Milad will only confide in her, as she said
02:58:13 31 all along. She tells everyone that any case involving
02:58:18 32 [REDACTED] she cannot act for the accused because of the
02:58:21 33 contact and has been consistent with this and that's good".
02:58:24 34 Effectively what she's saying is, "I'm not going to act out
02:58:27 35 in the open but I'm going to be behind the scenes and
02:58:30 36 advising him to facilitate a plea", do you accept
02:58:32 37 that?---No.
02:58:33 38
02:58:34 39 All right. Commissioner, I note there was a line there
02:58:37 40 about "wants to resolve the plea and wants to [REDACTED]
02:58:43 41 [REDACTED] about [REDACTED]", I wonder whether that
02:58:46 42 might not be published, there might not be any material
02:58:50 43 published about that.
02:58:51 44
02:58:51 45 COMMISSIONER: All right. Can you identify that piece for
02:58:54 46 the transcript?
02:58:55 47

.07/08/19

4076

WHITE XXN - IN CAMERA

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

02:58:55 1 MR WINNEKE: If you have a look at five dot points down.
02:59:01 2
02:59:01 3 COMMISSIONER: I don't have the real time transcript.
02:59:04 4
02:59:04 5 MR WINNEKE: It's p.1128.
02:59:06 6
02:59:06 7 COMMISSIONER: I've got that, I don't have the real time
02:59:09 8 transcript.
02:59:10 9
02:59:10 10 MR WINNEKE: I'll read it out so there can be no doubt
02:59:15 11 about - - -
02:59:16 12
02:59:16 13 COMMISSIONER: Just identify that for the - have you got -
02:59:32 14 can you just show it to the recorders so they know what to
02:59:37 15 take out.
02:59:38 16
02:59:38 17 MR WINNEKE: Commissioner, just so it's abundantly clear,
02:59:45 18 there ought be no publication of [REDACTED]
02:59:54 19 [REDACTED] withdraw that. The next [REDACTED]
02:59:58 20 [REDACTED] that information in my submission ought be - - -
03:00:00 21
03:00:00 22 COMMISSIONER: You just want the words [REDACTED]
03:00:04 23 [REDACTED]
03:00:04 24
03:00:04 25 MR WINNEKE: Not be published.
03:00:05 26
03:00:06 27 COMMISSIONER: They will be deleted from the transcript and
03:00:08 28 not published.
03:00:18 29
03:00:19 30 WITNESS: Excuse me, Commissioner, is it possible to have a
03:00:21 31 short break?
03:00:23 32
03:00:23 33 COMMISSIONER: Certainly, we'll have a ten minute break.
03:00:40 34
03:00:41 35 (Short adjournment.)
03:15:18 36
03:15:18 37 COMMISSIONER: Yes Mr Winneke.
03:15:19 38
03:15:19 39 MR WINNEKE: Are you there, Mr White?---Yes, Mr Winneke.
03:15:22 40
03:15:22 41 Good, thank you. Now, I just want to take you to an entry
03:15:26 42 on p.1169 of the ICRs. This is ICR no.97. She describes a
03:15:51 43 meeting that she's had with Milad Mokbel. He told her
03:15:57 44 about [REDACTED] with [REDACTED] the previous day and they
03:16:01 45 were discussing with [REDACTED] they discussed with [REDACTED]
03:16:04 46 [REDACTED] - perhaps I'll leave that. Milad,
03:16:13 47 she says told Dale that he is only listening to the human

.07/08/19

4077

WHITE XXN - IN CAMERA

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

03:16:18 1 source, Ms Gobbo, regarding advice for the plea. The human
03:16:22 2 source has told Milad that no money then she won't be
03:16:29 3 acting for him. She doesn't expect to be paid. She knows
03:16:32 4 she should not be acting for him in the circumstances but
03:16:35 5 she says that she cannot think of any reason why she cannot
03:16:40 6 represent and she talked about [REDACTED] and said she acted
03:16:44 7 for him and Dale wants Milad to get his solicitor to ring
03:16:52 8 him so as to get things moving and Milad told her that it
03:16:57 9 would be her to do it and she says that she cannot get out
03:17:01 10 of it. And that information was verbally disseminated to
03:17:06 11 Dale Flynn, that's on p.1170, do you see that?---Yes.

03:17:10 12
03:17:15 13 Then if we go to 1176 - this may be a reference to another
03:17:33 14 matter. Can I ask you about this, there's a heading OPI.
03:17:38 15 Do you see that? It's perhaps another topic to be dealt
03:17:44 16 with but you understand that she was called to attend
03:17:47 17 before an OPI hearing to give evidence of her knowledge
03:17:52 18 regarding the Petra matters, do you see that?---Sorry, I'm
03:17:59 19 just reading it. Yes.

03:18:22 20
03:18:23 21 You agree that that's what that was about, that OPI
03:18:27 22 hearing, because it occurred around - in fact it was
03:18:30 23 originally, the first part of the hearing was in July of
03:18:34 24 2007 and then there was a second part in August. But what
03:18:39 25 she's saying there is it appears that Grigor knows about
03:18:42 26 her OPI hearing and that she has mentioned the threat of
03:18:45 27 perjury and you understand that on the second occasion she
03:18:51 28 appeared Mr Fitzgerald made it quite clear to her that he
03:18:56 29 felt she had been telling lies on the previous occasion, do
03:18:59 30 you understand that?---I just have to take your word for
03:19:05 31 that.

03:19:06 32
03:19:06 33 And she stated to him to put in a good word with the
03:19:09 34 Minister of Police, she's going on a trek with him the next
03:19:14 35 - he stated to her, I'm sorry. She stated to him to put in
03:19:20 36 a good word in for her with the Minister of Police, Grigor
03:19:25 37 is going on a trek with him the next week for a week but as
03:19:29 38 a consequence of that Ms Gobbo is looking after his
03:19:32 39 practice, do you see that?---Yes.

03:19:35 40
03:19:36 41 At that stage I suggest to you that all of the Mokbels had
03:19:43 42 transferred their business over to Mr Grigor's
03:19:47 43 practice?---I'm not aware of that.

03:19:53 44
03:19:53 45 Knowing that it would be a matter of some concern, I
03:19:55 46 suggest?---Yes.

03:19:57 47

.07/08/19

4078

WHITE XXN - IN CAMERA

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

03:20:04 1 I'm reading from the ICRs and I suggest to you from an
03:20:07 2 examination of the ICRs that that appears to be the case,
03:20:10 3 that they've gone over to Al Grigor whose practice she is
03:20:14 4 now looking after for a week when he's away on the trek.
03:20:21 5 Now, she then says that she would speak to Dale Flynn
03:20:25 6 regarding Milad who was calling her tomorrow?---Sorry,
03:20:30 7 where are you now?
03:20:31 8
03:20:31 9 Further down. Milad ringing her tomorrow, she said she'd
03:20:37 10 speak to Dale Flynn regarding Milad and he wants her to
03:20:40 11 sort out the plea and that information was disseminated to
03:20:44 12 Dale Flynn. What I suppose is an obvious concern is if
03:20:52 13 she's looking after a practice which has a number of files,
03:20:55 14 particularly with respect to the Mokbels, it would be a
03:20:59 15 concern, I suggest, for, it ought be a concern for handlers
03:21:06 16 knowing and understanding that she potentially has access
03:21:09 17 to the solicitor's files. Do you accept that
03:21:20 18 proposition?---Yes, I do.
03:21:22 19
03:21:25 20 Can I move on to p.1178. There's a reference to [REDACTED]
03:21:36 21 [REDACTED] next week. I suggest to you that there are a
03:21:42 22 number of discussions throughout the - and I asked you this
03:21:47 23 before, a number of discussions throughout the ICRs where
03:21:50 24 she's providing information about Australian Crime
03:21:54 25 Commission hearings that are occurring, that are going on
03:21:57 26 and she was, she appeared to be quite comfortable in
03:22:01 27 telling police officers about various compulsory hearings
03:22:05 28 going on and this, I suggest - - - ?---Yes.
03:22:07 29
03:22:08 30 - - - is an example of it?---So she tells the SDU she's not
03:22:17 31 to represent, sorry, she's told not to [REDACTED]
03:22:21 32 [REDACTED] next week.
03:22:22 33
03:22:23 34 Yes. And it's said, "We believe you have a conflict and do
03:22:27 35 not want you there if he provides any evidence. Just
03:22:31 36 another case", it says, "Where she is involved in someone
03:22:34 37 giving evidence". That seems to be a comment from a
03:22:38 38 handler?---Yes.
03:22:40 39
03:22:42 40 And, "She's not happy with this as she sees this as an
03:22:45 41 opportunity to talk to Milad about other Purana matters and
03:22:49 42 facilitate a plea. This has been going on for over 12
03:22:54 43 months now and there is still no firm plea from Milad and
03:22:56 44 she accepts the instruction and will not represent him."
03:23:03 45 Right. That appears to be good news. Then if we go to
03:23:10 46 1187, she's back on about [REDACTED] [REDACTED] halfway
03:23:22 47 down, "Asked human source what cover story are you going to

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

03:23:24 1 use for Milad? And she talks about this, she presumes that
03:23:29 2 [REDACTED] will ring her tomorrow and deny her [REDACTED]
03:23:32 3 [REDACTED]. So effectively she's saying, "Well look I need a
03:23:35 4 cover story, I won't represent him" and she presumes that
03:23:38 5 [REDACTED] will ring tomorrow and deny her the opportunity to
03:23:43 6 [REDACTED] in any event. So what that does suggest is that
03:23:48 7 she's actually put her name forward to [REDACTED]
03:23:52 8 [REDACTED] but she presumes that she'll be told that she
03:23:56 9 can't?---No, I don't think you can assume she put her name
03:24:01 10 forward, I'm guessing that Milad must have.

03:24:05 11
03:24:06 12 One or other - - - ?---I'm presuming that's - I'm presuming
03:24:10 13 that's because [REDACTED] must have been [REDACTED].

03:24:13 14
03:24:13 15 "If that's the case then she will tell him that and that
03:24:17 16 won't be a problem. If the [REDACTED] does not say
03:24:20 17 this then she will have to make up an excuse that she is
03:24:24 18 already [REDACTED] or something and she will
03:24:27 19 do what she is told regarding this, although she still
03:24:30 20 thinks having an opportunity like this to speak to Milad on
03:24:30 21 the quiet and resolve his charges would be the best thing."
03:24:34 22 Again she says, "This has been going on for 12 months and
03:24:38 23 nothing has been done. Milad is still constantly ringing
03:24:43 24 and will continue to do so", which is a cause of headache
03:24:46 25 for her. "She sees this as the best opportunity but we'll
03:24:46 26 do what we want". Then if we go over the page, 3
03:24:52 27 September, the following day, "Talk about Milad's position
03:24:55 28 on [REDACTED], Milad wants to know why people just
03:25:00 29 can't come and talk to him. She's explained that because
03:25:02 30 no one trusts him or the lies that he's already told.
03:25:06 31 Milad's position is to [REDACTED], they can all
03:25:10 32 get fucked, she has [REDACTED]
03:25:13 33 [REDACTED] and he doesn't care. She's left it at
03:25:17 34 that and he will think about it and get back to her on
03:25:20 35 Wednesday". And that information appears to be some
03:25:24 36 information is verbally disseminated to Dale Flynn at
03:25:28 37 Purana. It may or may not include those conversations that
03:25:32 38 she's had with respect to Milad Mokbel which I would
03:25:37 39 suggest to you would be privileged conversations?---Sorry,
03:25:56 40 is that the question?

03:25:57 41
03:25:57 42 Yes, that's the question?---So I agree with you, I don't
03:26:02 43 know whether that included that information but again as to
03:26:05 44 whether it's a privileged conversation, we would have
03:26:11 45 thought it depended on whether Milad, whether she was
03:26:13 46 actually representing him at [REDACTED] and I
03:26:17 47 think it's clear that she wasn't going to represent him at

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

03:26:20 1 [REDACTED].
03:26:21 2
03:26:21 3 Look, the reality is it doesn't matter whether it's actual
03:26:25 4 representation or information or advice, discussions which
03:26:30 5 occur prior to a court proceeding, that quite conceivably
03:26:42 6 would be privileged communication, wouldn't it?---You've
03:26:45 7 obviously got a much greater appreciation of what it is.
03:26:50 8 All I can tell you is what we thought at the time. Our
03:26:56 9 belief at the time was that a privileged conversation
03:26:59 10 related to instructions to an ongoing court matter from a
03:27:02 11 client and it was fairly limited it appears now in that
03:27:09 12 respect.
03:27:11 13
03:27:11 14 You relied upon a definition which was set out in a manual
03:27:16 15 and I think you've referred to it in your statement and I
03:27:19 16 suggest to you that includes communications not just
03:27:24 17 specifically referable to a particular court case but
03:27:32 18 communications between a lawyer and a client in which legal
03:27:36 19 advice is provided?--Well, I can only say to you what our
03:27:43 20 understanding at the time was. Our understanding was that
03:27:46 21 (a) it had to be a client and that the instructions would
03:27:49 22 apply to that particular court case.
03:27:51 23
03:27:51 24 In any event, you would say looking at that there's nothing
03:27:56 25 that you can see which would be legally privileged about
03:27:58 26 that?---No, I'm telling you what, what we would have
03:28:03 27 thought at the time.
03:28:04 28
03:28:04 29 All right, okay. I don't want to go over old ground,
03:28:08 30 obviously it's the sorts of things you would go and see a
03:28:12 31 lawyer about, isn't it? If you had any doubt about it you
03:28:15 32 would get legal advice about it and that should have
03:28:17 33 occurred?--Well, on this particular point I'm not sure but
03:28:21 34 I'm more than happy to you agree with you we needed legal
03:28:26 35 advice in relation to a lot of these matters.
03:28:28 36
03:28:36 37 If we go to p.1202 which is ICR 99. She has had a
03:28:57 38 screaming match with Milad, she's frustrated that the
03:29:01 39 situation hasn't resolved, he needs a good talking to but
03:29:04 40 she's been told not to go near him. He didn't cooperate
03:29:08 41 [REDACTED]. She spoke about if a plea is not resolved
03:29:12 42 this week then it would go back into the trial list. There
03:29:16 43 was no money so Shirreffs and Grigor would not do any work.
03:29:20 44 The delay means more stress on her. She believes she can
03:29:23 45 talk him into pleading. She knows the instructions
03:29:26 46 regarding this and will keep away as required and Mr Flynn
03:29:30 47 was verbally advised about those matters, do you agree with

.07/08/19

4081

WHITE XXN - IN CAMERA

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

03:29:34 1 that?---Yes.

03:30:18 2

03:30:21 3 Sorry, did you want to say something?---I was just going to

03:30:25 4 explain the delay. I'm just reading, trying to keep up

03:30:28 5 with you. Obviously you know what bits you want to speak

03:30:31 6 about but I just want to look at the thing in the whole

03:30:36 7 context.

03:30:37 8

03:30:37 9 I understand that. If you need time by all means say so.

03:30:41 10 It seems apparent that Mr Flynn has had a number of

03:30:51 11 discussions with Ms Gobbo, as we've gone through these ICRs

03:30:57 12 it's become apparent that she's been communicating with

03:31:00 13 Mr Flynn on a number of occasions throughout the period, do

03:31:04 14 you accept that?---Yes.

03:31:05 15

03:31:05 16 He says so. What reason would there be for Ms Gobbo to be

03:31:10 17 speaking to Mr Flynn if it wasn't apparent that she was

03:31:13 18 representing Mr Mokbel in those discussions, what possible

03:31:17 19 reason would there be for her to discuss those matters with

03:31:21 20 him?---I can't answer that question.

03:31:27 21

03:31:27 22 I suggest the only reason is that she's acting on his

03:31:31 23 behalf in discussions with him?---Again, I can't take that

03:31:42 24 any further.

03:31:43 25

03:31:45 26 Do you know whether or not the investigator was aware of

03:31:49 27 her conflicted situation and therefore she shouldn't be

03:31:53 28 making representations on his behalf to the investigator,

03:31:56 29 do you know whether that was the case or not?---No, I don't

03:32:00 30 know. I would imagine so.

03:32:03 31

03:32:03 32 Yes, okay. If we can move to an entry in ICR no.100 on

03:32:25 33 p.1215.

03:32:26 34

03:32:26 35 COMMISSIONER: What page was that, please?

03:32:28 36

03:32:29 37 MR WINNEKE: 1215, Commissioner. It appears that there's a

03:32:37 38 discussion, Ms Gobbo is arguing with various Mokbels who

03:32:41 39 want her to represent them, including Milad. If you want

03:32:45 40 some time just let me know?---Is this the first entry on

03:32:50 41 the page?

03:32:51 42

03:32:51 43 The first entry at 13:52, p.1215. Firstly, "Horty's been

03:33:26 44 on the phone abusing her. Doesn't understand why she can't

03:33:30 45 do it, he's very demanding and just thinks everything

03:33:35 46 should happen this way. She explains to him why it can't

03:33:39 47 and she's told him that because she's represented Karl

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

03:33:45 1 Khoder she can't look after Roula. That's a reference to
03:33:47 2 Roula Mokbel. Then Milad gets on the phone complaining
03:33:50 3 that nothing had been done regarding his plea. She has an
03:33:53 4 argument with him as he's under the delusion that he can
03:33:57 5 dictate what he will plead to. He believes the police will
03:34:02 6 accept this as they do not want his case to go to court.
03:34:02 7 She can't believe how arrogant he is and has had enough.
03:34:07 8 She states that this is resolved her even more that she
03:34:11 9 will have nothing to do with Milad's case". See
03:34:16 10 that?---Yes.

03:34:18 11
03:34:37 12 The Royal Commission has information that insofar as Milad
03:34:44 13 Mokbel was concerned she charged Mr Mokbel a sum of \$500 on
03:34:51 14 13 September 2007, that very day, and it was described, the
03:34:59 15 charge is described as, "Briefing to advise, confer and
03:35:03 16 settle charges". Now, I take it you're not aware of
03:35:12 17 that?---No.

03:35:15 18
03:35:20 19 Can I suggest this to you, that there has been a constant
03:35:28 20 battle, if you like, or at least apparently, in which you
03:35:35 21 would say handlers have been telling her that she shouldn't
03:35:41 22 represent Mr Mokbel, Milad Mokbel. I suggest to you that
03:35:47 23 there is an understanding that so long as it's not done in
03:35:52 24 public view and it's only behind the scenes advising him,
03:35:57 25 then that's okay and ultimately that's in fact what occurs.
03:36:04 26 She is speaking to Dale Flynn. She's speaking to Mokbel,
03:36:11 27 Milad Mokbel, and ultimately she involves herself in
03:36:15 28 settling his charges and she charges him for doing so, do
03:36:20 29 you agree with that proposition?---Not if you're suggesting
03:36:24 30 that that was the intention of the source handlers to, to
03:36:32 31 underhandedly have her manage, sorry, manage, represent
03:36:37 32 Milad Mokbel. I think the record is abundantly clear
03:36:41 33 that's not what we wanted. I have no idea she charged for
03:36:44 34 that service. I think that obviously says a lot. But
03:36:49 35 there was never any intention on the handler's part to
03:36:53 36 allow her to do that or even worse, to condone that sort of
03:37:00 37 behaviour.

03:37:01 38
03:37:01 39 What I suggest to you is that in effect she was told, she
03:37:05 40 was given instructions that so long as it occurred by way
03:37:11 41 of providing advice and not appearing for him, then that
03:37:17 42 was okay?---No, I don't agree with that.

03:37:19 43
03:37:20 44 I suggest to you that she was told that it was okay to
03:37:24 45 facilitate an arrangement or a plea between Milad and
03:37:30 46 Mr Flynn, and I suggest to you that that was not only
03:37:34 47 facilitated or acquiesced in, but encouraged?---No, I

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

03:37:44 1 don't, I don't accept what you're saying about that.
03:37:47 2
03:37:47 3 All right. I suggest at the very least that it was
03:37:51 4 understood that that was going on and it was acquiesced
03:37:54 5 in?---It was understood that she was not following our
03:38:02 6 instructions, yes. To that extent you're right and to the
03:38:08 7 extent that she obviously had those discussions with
03:38:11 8 Mr Mokbel it is as reported, you're quite right.
03:38:16 9
03:38:16 10 In any event, if it is the case that she had been
03:38:24 11 facilitating the plea and charging money to do so, in the
03:38:32 12 circumstances that we've been through, it would be a
03:38:37 13 significant event and a concerning event?---Yes.
03:38:42 14
03:38:43 15 Would that be a relationship ending matter?---Probably.
03:38:52 16
03:38:54 17 All right. Can I ask you to have a look at this document
03:39:02 18 and if I can put this up on the screen VPL.2000.0001.9408.
03:39:27 19
03:39:27 20 COMMISSIONER: Mr White, I understand that you may not be
03:39:30 21 feeling terribly well today so if you require breaks don't
03:39:33 22 hesitate to ask for it?---Thank you, Commissioner.
03:40:08 23
03:40:29 24 MR WINNEKE: Have we found that document? 9408, I
03:40:45 25 apologise if I said 80. Do you see that document
03:42:08 26 there?---Yes.
03:42:09 27
03:42:12 28 I can tell you this much about the document and you'll have
03:42:16 29 to accept my word for it, but it's described as 3838
03:42:21 30 current issues 26 May 2006 but the metadata on the document
03:42:31 31 suggests or shows that the document was created on the same
03:42:37 32 date, that is 26 May 2006. We're just going to
03:42:43 33 double-check this. If you accept that proposition for the
03:42:46 34 moment?---Yes.
03:42:49 35
03:42:50 36 Do you recognise that document?---No.
03:42:53 37
03:42:55 38 Assuming that it was a document that came off, was created
03:43:00 39 at that time, would there be documents, would the SDU have
03:43:09 40 prepared documents of this sort, basically setting out the
03:43:14 41 issues that were confronting you in dealing with
03:43:18 42 Ms Gobbo?---No. It's not a document format that I
03:43:24 43 recognise.
03:43:26 44
03:43:26 45 I can suggest to you this, and I put to you this, that it's
03:43:31 46 come off the SDU system and it was created on the date that
03:43:38 47 it is recorded as having been recorded?---Yes, Mr Winneke.

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

03:43:44 1
03:43:45 2 Certainly that would be the sort of information that you
03:43:47 3 would want to sort of gather together - have you had a
03:43:53 4 chance to read it? You probably haven't?---No.
03:43:56 5
03:43:56 6 Just have a quick look at it. Insofar as Horty Mokbel, it
03:44:07 7 talks about his contact with the human source and it
03:44:09 8 clearly relates to Ms Gobbo. Commissioner, I don't have a
03:44:29 9 copy, I don't know if there's any possibility of getting a
03:44:33 10 copy now. It's on the screen and I can go through it.
03:44:36 11 Mr Chettle doesn't have a copy.
03:44:38 12
03:44:39 13 MR CHETTLE: I'd just like a copy at some stage,
03:44:42 14 Commissioner.
03:44:42 15
03:44:43 16 COMMISSIONER: Yes. Can we forward that to someone or
03:44:44 17 email it? Email it to Catherine, she can print out copies
03:44:50 18 for everybody.
03:44:52 19
03:44:52 20 MR WINNEKE: Yes. Thanks Commissioner. So contact really
03:44:59 21 dropped off, had threatened human source with violence and
03:45:03 22 accused human source of being an informer on 2 May 2006.
03:45:07 23 That's material which is within the ICRs I suggest. "After
03:45:15 24 this human source confronted Horty who backed off slightly.
03:45:19 25 Would not give detail of any information obtained by him.
03:45:24 26 May have been bluffing. Still very suspicious of the human
03:45:30 27 source's allegiance to the Mokbels now she is acting for
03:45:33 28 [REDACTED], do you see that?---Yes.
03:45:35 29
03:45:36 30 That sort of information would only have been available at
03:45:39 31 this point in time to your unit, I assume?---I'm not sure
03:45:50 32 but this has come off our database.
03:45:53 33
03:45:53 34 Yes?---I take it you're saying, yes.
03:45:56 35
03:45:57 36 Yes. And it talks about - - - ?---Certainly it was
03:46:01 37 information within our realm, yes.
03:46:03 38
03:46:03 39 Assuming that it was made on 26 May 2006, if we can operate
03:46:10 40 on that basis, and I'm instructed that we can?---Yes.
03:46:13 41
03:46:13 42 It would seem to be that that's information that has been
03:46:17 43 compiled within your unit about Ms Gobbo and the various
03:46:23 44 activities and relationships that she is having at about
03:46:31 45 that, at about that time, 26 May 2006?---Yes.
03:46:35 46
03:46:38 47 You don't know obviously for certain but is it conceivable

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

03:46:43 1 that that might have been put together either by an analyst
03:46:47 2 within your unit or a handler?---I don't know. Unlikely to
03:46:55 3 be an analyst.

03:46:57 4
03:46:57 5 Right?---From the little detail I've read so far.

03:47:01 6
03:47:03 7 I mean it may well be, and our examination of the records
03:47:08 8 appear to suggest either Green or Smith were the then
03:47:11 9 current handlers of Ms Gobbo at that time, that is on 26
03:47:16 10 May 2006. Would that suggest that perhaps one or other of
03:47:31 11 those men might have put together a document like this in
03:47:35 12 effect to set out the various intricacies of Ms Gobbo's
03:47:47 13 relationship with various people at that time?---I really
03:47:54 14 don't know. I have not, I've got no recollection of this
03:47:58 15 document but it's not something that we did as a matter of
03:48:02 16 course. I didn't ask the handlers for documents of this
03:48:07 17 type. It seems to be some sort of a briefing or an update
03:48:13 18 but I just can't see a reason why it would have been done.

03:48:17 19
03:48:17 20 It may well be a summary of material which had been
03:48:20 21 provided to the handlers about Gobbo's relationships at
03:48:25 22 about that stage?---It may have been.

03:48:28 23
03:48:29 24 Insofar as - might it have been prepared subsequent to the
03:48:42 25 arrests which had occurred, that had taken place on [REDACTED]
03:48:53 26 [REDACTED]--I think, and I'm trying to read it as you're
03:49:00 27 speaking, there's obviously a reference to things may
03:49:05 28 change when [REDACTED] full story emerges.

03:49:11 29
03:49:11 30 COMMISSIONER: That reference will have to be
03:49:13 31 removed?---You'd think after seven days I can get it right.
03:49:18 32 So that would suggest it's post [REDACTED] arrest.

03:49:22 33
03:49:22 34 MR WINNEKE: Yes. Assuming it was created on 26 May, that
03:49:26 35 may well be the case and that's what the metadata suggests
03:49:31 36 I'm told?---Yes.

03:49:32 37
03:49:35 38 If you could just excuse me a moment. Insofar as Milad
03:49:40 39 Mokbel's concerned it says that he's on remand at Barwon
03:49:43 40 and she's been to see him at his request and he apologises
03:49:47 41 for Horty's behaviour. He kind of apologises, rather, and
03:49:52 42 she's saying he has no intention of applying for bail and
03:49:55 43 he wants to plead guilty, however he is unaware of what
03:49:59 44 other charges might be laid, et cetera.

03:50:01 45
03:50:01 46 COMMISSIONER: Excuse me, I see the document has now been
03:50:05 47 printed in hard copy. Who is to get a copy of this?

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

03:50:11 1
03:50:18 2 MR HOLT: Parties with standing leave only I'd be grateful.
3 Having viewed this document online if it could be received
03:50:20 4 by those people on the usual undertakings I'd be grateful.
03:50:20 5
03:50:20 6 COMMISSIONER: Standing parties only. With an undertaking,
03:50:20 7 it's a confidential document at this stage. I wouldn't
03:50:26 8 mind a copy if there's a spare.
03:50:30 9
03:50:32 10 MR HOLT: Commissioner, I have an electronic copy, I'm
03:50:34 11 happy to provide one.
03:50:38 12
03:50:38 13 COMMISSIONER: Thank you. Thanks very much Mr Holt.
03:50:42 14
03:50:42 15 MR WINNEKE: There's references to - in any event, it may
03:51:50 16 well be that it's been compiled by one of your handlers but
03:51:53 17 it certainly suggests it concerns information that's
03:51:56 18 available at the time. Now, what I was asking, the reason
03:51:59 19 I was asking is because if you go to the source management
03:52:04 20 log on 17 May 2006, p.31, you'll see that there is a
03:52:25 21 meeting that you have with Simon Overland on 17 May?---You
03:52:38 22 might have a different record to me. My record shows an
03:52:42 23 entry on the 17th - sorry, 2006.
03:52:45 24
03:52:45 25 2006, yes, 17 May 2006?---Sorry, I was on 7. Yes.
03:52:59 26
03:53:00 27 There's a meeting on that date, less than a month after the
03:53:05 28 arrests on [REDACTED] 2006, with Mr Overland and you and
03:53:14 29 Mr Smith meet him. Do you recall this?---I don't recall
03:53:19 30 it.
03:53:19 31
03:53:19 32 Was this the first time you'd met Mr Overland in relation
03:53:22 33 to Ms Gobbo, do you think, or - - - ?---I don't know. No,
03:53:31 34 I don't know. I think I've read something somewhere might
03:53:34 35 suggest I've met him earlier than this but I'm not sure.
03:53:38 36
03:53:54 37 Now, the meeting is along these lines, that it was a
03:53:57 38 meeting with Overland and the issue was of a potential
03:54:01 39 reward to Ms Gobbo and termination process, do you see
03:54:07 40 that?---Yes.
03:54:08 41
03:54:11 42 Mr Overland was considering acknowledgement of appreciation
03:54:16 43 by him and there was discussion of motivation and
03:54:22 44 counselling for the source and there's a reference to GMC.
03:54:30 45 Is that McLean?---Yes.
03:54:32 46
03:54:32 47 Of the IMU. Informed regarding - that's another matter,

.07/08/19

4087

WHITE XXN - IN CAMERA

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

03:54:41 1 association with Waters, that's a different matter I take
03:54:43 2 it, is it?---Yes.
03:54:46 3
03:54:47 4 But I'm wondering what - is the discussion about motivation
03:54:55 5 and counselling for source, that's something that was
03:54:59 6 discussed with Mr Overland I take it, was it?---It seems to
03:55:03 7 be, yes.
03:55:04 8
03:55:07 9 What appears to be the case is that at that stage on 17 May
03:55:10 10 06 the view was that it was then appropriate to wind up her
03:55:17 11 involvement and to de-register her?---Are you asking me was
03:55:35 12 that the view?
03:55:36 13
03:55:36 14 I'm wondering if that was the view, that was your view?---I
03:55:41 15 think issue of potential reward to source and termination
03:55:51 16 process obviously is a reference to discussing.
03:55:55 17
03:55:55 18 Yes?---Winding her up or winding-up that registration.
03:55:59 19
03:56:00 20 Yes?---It must have been.
03:56:05 21
03:56:05 22 Now, were you of the view that it would be an appropriate
03:56:11 23 thing at that stage to wind her up?---I can't recall what
03:56:21 24 my view was at the time but I think after the, after the
03:56:27 25 arrest of Milad it probably would have been a
03:56:34 26 consideration.
03:56:36 27
03:56:38 28 And obviously the issues that had arisen where she had not
03:56:43 29 taken your advice and she'd turned up and represented
03:56:49 30 [REDACTED] and had represented [REDACTED] those matters I take
03:56:56 31 it were of concern to you, clearly?---Yes.
03:56:59 32
03:57:01 33 It would be fair to assume, wouldn't it, that about let's
03:57:08 34 say three weeks or thereabouts afterwards, a little less
03:57:12 35 afterwards, those matters clearly would have been fresh in
03:57:15 36 your mind. Nonetheless there had been successful
03:57:20 37 operations, but those matters or those sort of dark clouds
03:57:24 38 over the operation would have been fresh in your mind, they
03:57:26 39 would have been the sorts of matters you would have
03:57:28 40 discussed with Mr Overland, wouldn't they?---Possibly.
03:57:32 41
03:57:34 42 Are you not prepared to say it's more likely than not that
03:57:38 43 you would have discussed those matters?---Well, I really
03:57:44 44 would only be speculating. I can tell you what's, what I
03:57:48 45 can see in the record. It might be in my diary, a little
03:57:53 46 bit more assistance in terms of actually what we discussed,
03:57:59 47 but otherwise I'm just speculating.

.07/08/19

4088

WHITE XXN - IN CAMERA

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

03:58:01 1
03:58:03 2 All right. What it does say is there was a discussion
03:58:07 3 about motivation firstly. Now, why would there have been a
03:58:13 4 discussion about motivation if there was a discussion about
03:58:17 5 terminating?---I don't know, that may have been in response
03:58:23 6 to a question by Mr Overland.
03:58:25 7
03:58:25 8 Why do you think she's motivated to provide the advice or
03:58:29 9 the information rather?---Maybe. It may have been, again,
03:58:36 10 I'm speculating, but it might have been - all I can say to
03:58:42 11 you is that it was discussed and I can guess that
03:58:46 12 Mr Overland might have asked about it.
03:58:49 13
03:58:49 14 Equally it seems that there was a discussion about
03:58:52 15 counselling for her. Would that have been counselling of -
03:58:59 16 what sort of counselling would that have been?---I'm
03:59:10 17 guessing that might have been a reference to some
03:59:13 18 psychological counselling perhaps.
03:59:15 19
03:59:20 20 Certainly those are matters which, because it's recorded
03:59:24 21 there, you would have had discussions with Mr Overland
03:59:27 22 about that also?---Yes.
03:59:28 23
03:59:29 24 Did the conversation with him also include discussions
03:59:32 25 about Mr Waters do you believe?---Well there is a reference
03:59:41 26 there which I can explain.
03:59:44 27
03:59:45 28 Yes?---I do recall what that was.
03:59:47 29
03:59:48 30 What's that about?---So [REDACTED] was a policeman attached to
03:59:57 31 the Informer Management Unit and there was some suggestion
04:00:04 32 that he had a friendship with Waters.
04:00:07 33
04:00:08 34 Right?---And that that might have represented, actually it
04:00:15 35 says here [REDACTED] was not working at IMU. I think the
04:00:19 36 thought at the time was it might have represented a
04:00:22 37 potential for a leak. Again I'll have to check the record
04:00:26 38 but Waters, there was some information to suggest that he
04:00:32 39 was getting information leaked to him from members of
04:00:37 40 Victoria Police. Waters was a policeman but at this time
04:00:40 41 he was out. He was under suspicion for a range of things
04:00:45 42 and I think you'll see the record shows that he had spoken
04:00:49 43 to Ms Gobbo on a number of occasions giving her
04:00:52 44 information.
04:00:52 45
04:00:53 46 Yes. If we go to the previous entries it says that, "Human
04:00:57 47 source reports meeting with Waters who states he knows

.07/08/19

4089

WHITE XXN - IN CAMERA

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

04:01:00 1 someone in the IMU, [REDACTED]. Now, is that something
04:01:07 2 that you would have discussed with Mr Overland?---I think
04:01:12 3 the fact that it's in that particular description of the
04:01:18 4 meeting means that it was discussed with Mr Overland.
04:01:21 5
04:01:21 6 As I understand it Mr Overland was particularly concerned
04:01:24 7 to get to the bottom of any police corruption matters or
04:01:30 8 inappropriate relations with police officers, involving
04:01:34 9 police officers?---Yes, that's right.
04:01:36 10
04:01:37 11 One assumes that that was something that you would have
04:01:39 12 discussed with Mr Overland?---Well, I think the fact it's
04:01:46 13 mentioned there is a clear indication it was discussed.
04:01:48 14
04:01:49 15 One assumes also that you would have discussed with
04:01:53 16 Mr Overland the relationship of Ms Gobbo, or at least the
04:01:58 17 potential benefits of the relationship for information
04:02:03 18 gathering purposes, the relationship between Ms Gobbo and
04:02:05 19 Mr Waters?---Well I would presume from the fact this
04:02:13 20 reference to [REDACTED] and Waters is in this same meeting with
04:02:18 21 Mr Overland that we must have told him that information had
04:02:21 22 come from her that Waters was getting information from
04:02:25 23 Victoria Police.
04:02:25 24
04:02:25 25 Yes. So what I'm exploring is on the one hand it seems
04:02:28 26 that there's an initial discussion about winding her up,
04:02:32 27 potential rewards and termination processes being put into
04:02:36 28 place, then information is conveyed to Mr Overland about
04:02:40 29 the potential use that she could have with respect to
04:02:44 30 uncovering inappropriate dealings with police officers and
04:02:47 31 the decision is then taken not to wind her up, not to end
04:02:54 32 the relationship, but to continue with her. Do you see
04:02:58 33 that?---I can't assist you with that. There's no - I think
04:03:08 34 if Mr Overland had have wanted her to be registered or
04:03:15 35 tasked in relation to Waters, I would have made a note of
04:03:19 36 that.
04:03:20 37
04:03:21 38 Whose idea was it - how did the meeting with Overland come
04:03:25 39 about?---I don't know what was the trigger for that.
04:03:36 40
04:03:36 41 But certainly there were considerations at that stage to
04:03:39 42 winding her up because there was discussions about
04:03:43 43 potential rewards, counselling, et cetera, do you agree
04:03:50 44 with that?---Yes, I do.
04:03:51 45
04:03:51 46 But between 17 May and 22 May, if we go to your monthly
04:03:57 47 source review, we see this. "Update. Source continues to

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

04:04:03 1 be a very productive source of intelligence".
04:04:06 2
04:04:06 3 COMMISSIONER: Is this a different document? No, I see.
04:04:09 4
04:04:10 5 MR WINNEKE: 32, Commissioner.
04:04:11 6
04:04:11 7 COMMISSIONER: Thank you.
04:04:12 8
04:04:12 9 WITNESS: Is this 22 May?
04:04:14 10
04:04:14 11 MR WINNEKE: Yes, 22 May monthly source review. There
04:04:18 12 seems to have been a bit of an about face between the 17th
04:04:21 13 and the 22nd because the desire is to continue with her
04:04:24 14 because it says the, "Recommendation. Continued management
04:04:28 15 by DSU essential"?--Well it would have been essential
04:04:35 16 because there would have been an ongoing duty of care issue
04:04:39 17 with her. You see there's a reference to she's been under
04:04:43 18 suspicion as an informer. So we couldn't have broken the
04:04:47 19 relationship then.
04:04:48 20
04:04:49 21 That may well be the case but that was, the same position
04:04:55 22 was the case on 17 May, some five days prior?--Yes, it
04:05:04 23 was, yep. And as you can see there's discussion about
04:05:08 24 counselling which suggests that obviously the
04:05:11 25 relationship's going to continue because of the duty of
04:05:15 26 care issues.
04:05:15 27
04:05:16 28 In any event what you say is whether or not you were
04:05:21 29 directed or instructed by Mr Overland to continue with the
04:05:24 30 relationship and not terminate, you simply are not able to
04:05:31 31 say?--No, I'm not able to say. Beyond the fact that if
04:05:38 32 there was a direction to me. If there was a direction to
04:05:45 33 me to continue in relation to Waters, I'm confident I would
04:05:48 34 have made a note of that.
04:05:49 35
04:05:50 36 Yes, okay. If we go back to the document that I was asking
04:05:54 37 you questions about before. If you have a look at the HS,
04:05:59 38 DSU and personal matters, there's a number of references to
04:06:06 39 matters particularly personal to Ms Gobbo, including
04:06:09 40 medical matters.
04:06:12 41
04:06:12 42 COMMISSIONER: The last page of that document.
04:06:14 43
04:06:14 44 MR WINNEKE: Last page, yes. You just read those to
04:06:36 45 yourself?--Yes.
04:06:37 46
04:06:37 47 There is a section there where it says she becomes quite

.07/08/19

4091

WHITE XXN - IN CAMERA

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

04:06:42 1 emotional regarding the current situation, including
04:06:45 2 threats, not surprisingly. "Recently told handlers she has
04:06:50 3 no one else she can talk to about this, even general
04:06:53 4 problems, sometimes sounds very depressed." There's also
04:06:57 5 reference to recently tyres going down on her car,
04:07:01 6 reference to paranoia, paranoid being done deliberately,
04:07:07 7 person knocking on her door, ringing her doorbell. Do you
04:07:11 8 see that?---Yes.

04:07:14 9
04:07:14 10 "Also saw Mick Gatto in the street recently by chance.
04:07:18 11 Hasn't seen him for three years. He embraced her and said
12 you should enjoy life. She found it intimidating.
04:07:25 13 Discussed having a holiday. Encouraged to do so. Has
04:07:28 14 hinted at a reward. Not discussed at all. No info to be
04:07:32 15 given re Overland meeting or any other reward at this
04:07:36 16 stage." Now, is this the case, that seems to suggest that
04:07:48 17 she has hinted at a reward but that hasn't been
04:07:52 18 discussed?---That seems to be what it's suggesting.

04:08:00 19
04:08:00 20 But no information was to be given regarding the discussion
04:08:03 21 that had been had with Mr Overland or the meeting that had
04:08:09 22 occurred some days earlier, or any other rewards at this
04:08:15 23 stage, do you see that?---Yes.

04:08:17 24
04:08:19 25 Now, would it be fair to say that this document has been
04:08:24 26 prepared as a consequence of the meeting with Mr Overland
04:08:30 27 and perhaps for his benefit?---This would not be for his
04:08:37 28 benefit.

04:08:39 29
04:08:40 30 Right?---This is simply not in the format of a document
04:08:45 31 that would be provided to an Assistant Commissioner.

04:08:48 32
04:08:49 33 Certainly would it be fair to say then that the document
04:08:51 34 has been prepared as a consequence of the meeting with
04:08:54 35 Mr Overland?---I think the date, the dates show that that's
04:09:03 36 the case.

04:09:03 37
04:09:04 38 It also says this, "At a recent routine search of her car
04:09:09 39 at Barwon there was \$15,000 found in the boot. This matter
04:09:15 40 has not been discussed with handlers to raise at next
04:09:20 41 meeting". If you read that, that might suggest that you
04:09:25 42 were the person who prepared the document?---I think that's
04:09:40 43 - the context of this, I would suggest to you, is that she
04:09:46 44 has not mentioned this \$15,000 being found in the boot to
04:09:55 45 the handlers and they are to raise it at the next meeting.

04:09:58 46
04:09:58 47 I follow what you're saying. Yes, I follow. Now, I take

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

04:10:02 1 it you were aware about this \$15,000 which was found in the
04:10:05 2 boot?---Yes.

04:10:07 3
04:10:10 4 That's something that you'd been told by Mr O'Brien, is it
04:10:13 5 not?---I can't recall but I think it probably had to have
04:10:20 6 come from Purana because we didn't have any direct contact
04:10:24 7 with Barwon Prison.

04:10:25 8
04:10:26 9 There'd been a search carried out as a result of certain
04:10:30 10 events which had occurred at the prison. As a result of
04:10:32 11 that the money had been found in her car. That information
04:10:35 12 was conveyed to Mr O'Brien and in turn he conveyed it to
04:10:42 13 you?---That sounds reasonable. If it had been conveyed to
04:10:50 14 me it would be in my diary and that would make it clear who
04:10:53 15 told me.

04:10:54 16
04:10:54 17 Right. I'm just going to take you perhaps to an ICR. Just
04:11:18 18 excuse me. If you go to the source management log on 1 May
04:11:22 19 2006, "From JOB. Human source car searched at Barwon gaol,
04:11:31 20 \$15,000 found in the boot".

04:11:35 21
04:11:35 22 COMMISSIONER: Have you got the page number, please?

04:11:38 23
04:11:39 24 MR WINNEKE: Page 29, Commissioner. So it seems that you'd
04:12:03 25 been told that on 1 May?---Yes.

04:12:06 26
04:12:16 27 And the prison records reveal she'd been to the prison on
04:12:22 28 the last day of April, 30 April 2006. Now are you able to
04:12:30 29 - did you, having got that information, ask that any
04:12:34 30 inquiries be made with her as to what that was all
04:12:37 31 about?---I can't recall but this note that you've shown me
04:12:48 32 says that it's going to be raised at the next meeting.

04:12:51 33
04:12:51 34 Yes. Now just in relation to that note, I've been informed
04:12:57 35 by your counsel that at about that time there was a change
04:13:02 36 in handlers from Smith to Green and it may well be that
04:13:07 37 that document was prepared as a handover document. Would
04:13:13 38 that be consistent?---It's definitely a possibility.

04:13:24 39
04:13:27 40 All right. I'll tender the document, Commissioner.

04:13:31 41
04:13:33 42
04:13:34 43 #EXHIBIT RC 301A - (Confidential) 3838 current issues May.
04:13:39 44 2006.

04:13:42 45
04:13:43 46 MR HOLT: If it could be tendered on a confidential basis
04:13:47 47 and we'll review it as soon as we can.

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

04:13:54 1
04:13:54 2 #EXHIBIT RC301B - Redacted version.
04:14:02 3
04:14:02 4 MR WINNEKE: Thanks Commissioner. I'm just turning up an
04:14:04 5 ICR. Commissioner, I note the time - - -
04:14:06 6
04:14:07 7 COMMISSIONER: We're actually going to sit for another 15
04:14:10 8 minutes, thanks.
04:14:11 9
04:14:12 10 MR WINNEKE: Right, okay. Perhaps we'll move on from that.
04:14:23 11 Can I ask you about - I want to ask you about an entry in
04:14:51 12 the ICRs concerning Zaharoula Mokbel, right. If we go to
04:15:12 13 p.656?---Okay, I have that.
04:16:23 14
04:16:27 15 What you'll see on that page under the heading of
04:16:31 16 "Zaharoula Mokbel" is this - this is a communication
04:16:36 17 between Ms Gobbo and Mr Anderson on 24 February 2007, do
04:16:48 18 you accept that?---Yes.
04:16:49 19
04:16:51 20 Under the heading "Zaharoula Mokbel" it says this, "Brief
04:16:57 21 of evidence is of poor standard", right, "Police can't
04:17:03 22 prove the deception, missing statements", do you see
04:17:07 23 that?---Yes.
04:17:08 24
04:17:14 25 "Various points regarding the poor standard of the brief
04:17:17 26 discussed", right, so that's obviously a discussion between
04:17:23 27 Ms Gobbo and Mr Anderson, do you accept that?---Yes.
04:17:27 28
04:17:30 29 "Information provided to Purana by DDI O'Brien for
04:17:37 30 information", do you see that?---Yes.
04:17:38 31
04:17:39 32 That is an example of what's been described or what will be
04:17:44 33 described certainly by Mr O'Brien as a hot debrief, do you
04:17:47 34 accept that?---Yes.
04:17:48 35
04:17:49 36 That is an example of information coming in effect straight
04:17:52 37 from the mouth of Ms Gobbo to the handler and then going
04:17:58 38 really unchecked, straight to Mr O'Brien, do you accept
04:18:01 39 that?---Yes, I do.
04:18:03 40
04:18:04 41 Indeed if we have a look at the next page it seems that the
04:18:10 42 information report was dated 12 December 2007?---Sorry, the
04:18:25 43 contact report?
04:18:26 44
04:18:27 45 ICR, sorry, ICR. About ten months afterwards and it's
04:18:34 46 been, at least this document suggests that it's been put
04:18:39 47 before you on the same date, 12 December 2007?---Yes.

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

04:18:48 1
04:18:55 2 I'm not suggesting you recall receiving it but do you
04:18:58 3 accept the dates on that document as being accurate or
04:19:00 4 not?---No.
04:19:06 5
04:19:07 6 Right?---It just seems, it just seems too long, Mr Winneke.
04:19:14 7
04:19:14 8 All right. In any event - well I agree it seems too long.
04:19:21 9 Are you able to say, have you given any consideration to
04:19:24 10 the question of when it was provided to you, that
04:19:29 11 ICR?---No.
04:19:30 12
04:19:34 13 If I could come back to the actual entry. Do you accept
04:19:39 14 that on its face it is particularly troubling because what
04:19:46 15 it seems to suggest is Ms Gobbo's got hold of a brief of
04:19:50 16 evidence, doesn't how she's got hold of the brief of
04:19:53 17 evidence, but it's plain enough to say that having got hold
04:19:59 18 of a brief of evidence she's of the view that the police
04:20:02 19 can't prove the deception because there's missing evidence
04:20:06 20 in the brief, do you accept that?---On the face of it, yes,
04:20:10 21 I do.
04:20:11 22
04:20:18 23 Without knowing how she gets it and anything more, it would
04:20:24 24 seem an obvious conclusion that she gets it because she's
04:20:30 25 been briefed on behalf of Zaharoula Mokbel?---That's one
04:20:44 26 possibility.
04:20:45 27
04:20:45 28 Yes, it is one possibility. I mean it seems, certainly on
04:20:52 29 the basis of the information you couldn't establish
04:20:54 30 otherwise, could you, as a controller looking at it, you
04:20:58 31 couldn't possibly know whether she was provided with it as
04:21:04 32 counsel or she was provided with it by some other
04:21:09 33 means?---No.
04:21:10 34
04:21:11 35 And the reality is she's a barrister, correct?---Yes.
04:21:15 36
04:21:17 37 And she's a barrister who is engaged on a very regular
04:21:21 38 basis by the Mokbels?---Yes.
04:21:24 39
04:21:28 40 If that's the case, if she's been engaged as a barrister
04:21:31 41 for the Mokbels, for Zaharoula Mokbel in particular, she
04:21:37 42 gets a brief, she identifies weaknesses in the brief and
04:21:42 43 provides that information to Victoria Police, firstly to
04:21:46 44 the handlers, and that is in turn provided to the
04:21:52 45 investigators, that is the people who are putting together
04:21:54 46 the very brief. That would represent a very gross breach
04:22:00 47 of duty on the part of a barrister, would it not?---Yes.

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

04:22:05 1
04:22:06 2 And indeed, it would really mean that any future
04:22:16 3 investigation or any future prosecution of Zaharoula Mokbel
04:22:20 4 would have to be put into real doubt I suggest to
04:22:25 5 you?---Well, I'd want to know a lot more about this.
04:22:32 6
04:22:32 7 Yes?---Looking at it now.
04:22:33 8
04:22:33 9 Yes?---And I think, I tried to make it very clear that she
04:22:39 10 did provide us with information that was privileged but
04:22:43 11 that when she did that we didn't pass it on. Now, I know
04:22:50 12 this dot point suggests we did pass it on to Mr O'Brien.
04:22:53 13
04:22:54 14 It does, doesn't it?---It does, and I'd be very surprised
04:22:58 15 about that, I would like to know what was supplied to
04:23:02 16 Mr O'Brien and why because that was certainly not
04:23:05 17 consistent with how we were operating at the time.
04:23:08 18
04:23:08 19 Unfortunately we can't ask Mr Anderson. Prima facie what
04:23:15 20 it suggests is that a barrister is provided with a brief,
04:23:19 21 goes through it, says, "Here are the points of weakness in
04:23:25 22 this brief" and it's fixed up by the barrister who has been
04:23:31 23 engaged to represent the person. Now, what I suggest to
04:23:35 24 you is that at face value, without any more information
04:23:39 25 than just that, it does suggest that there has been a gross
04:23:44 26 breach by the barrister I would suggest?---Well there's two
04:23:53 27 issues. There's the actions of the barrister, and I agree
04:23:58 28 with you there.
04:23:59 29
04:23:59 30 Yes?---It's obviously very concerning to me to think that
04:24:03 31 one of the handlers might have passed on something like
04:24:06 32 that which was, as I say, not consistent with how we were
04:24:10 33 operating, and I have a great deal of respect for
04:24:13 34 Mr Anderson and his judgment, so I'm quite surprised to see
04:24:17 35 this.
04:24:17 36
04:24:17 37 Yes. In any event, Mr White, it seems that you're the
04:24:24 38 controller. Your obligation is to oversight, to consider
04:24:31 39 records and to, in effect, manage what is going on within
04:24:37 40 your unit, do you agree with that?---Yes, I do.
04:24:45 41
04:24:46 42 Well, assuming that that document has been put before you
04:24:51 43 and it's got your name on it, we can assume that you've
04:24:55 44 read it, haven't you - can't we?---Yes, I think you can and
04:25:06 45 I looked at a briefing from Mr Anderson probably in
04:25:08 46 relation to this, or at least some of this content, some of
04:25:13 47 this content.

.07/08/19

4096

WHITE XXN - IN CAMERA

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

04:25:15 1
04:25:18 2 You're aware that this very case was one of the matters
04:25:20 3 that Mr Comrie's report was concerned about, aren't
04:25:25 4 you?---No, not this one, but he does make the suggestion
04:25:31 5 that we've actively tried to undermine people's defence
04:25:35 6 strategy to improve prosecution success or something to
04:25:40 7 that effect.
04:25:40 8
04:25:40 9 At face value that's what appears from that document?---It
04:25:45 10 does. And I'm saying to you it's very surprising, it's
04:25:50 11 inconsistent with what, how we were operating at that time.
04:25:54 12
04:25:54 13 What's your explanation for it, do you have any?---No.
04:25:58 14
04:25:58 15 So you certainly don't recall contacting, for example, the
04:26:05 16 HSMU for advice about what to do in this case?---No.
04:26:12 17
04:26:12 18 Look, it's something that you would recall because this
04:26:15 19 sort of conduct, both on the part of Ms Gobbo and the SDU
04:26:23 20 has the real potential to undermine the system of criminal
04:26:27 21 justice, doesn't it?---It does, and what I say to you is
04:26:31 22 this is very inconsistent with how we were operating at the
04:26:35 23 time.
04:26:36 24
04:26:36 25 Yes?---I can't explain it to you and obviously at some
04:26:45 26 point in time you'll have the opportunity, if you haven't
04:26:52 27 done so already, to have a look at - Mr O'Brien to see what
04:26:56 28 was passed on because it just doesn't seem appropriate for
04:26:59 29 Mr Anderson to be passing this on. Whilst I realise it is
04:27:04 30 potentially privileged, we all knew that that shouldn't be
04:27:08 31 passed on.
04:27:09 32
04:27:10 33 I mean you would agree with this proposition, that if that
04:27:13 34 information, if that privileged information was passed on,
04:27:16 35 if the brief was fixed up, if Ms Mokbel was never told
04:27:22 36 about that - ultimately she was convicted, I might say -
04:27:28 37 she would be entitled to be quite upset about it, wouldn't
04:27:34 38 she?---Yes, she would.
04:27:35 39
04:27:37 40 And she would be entitled to say, well look I should have
04:27:41 41 been told about this, disclosure should have been made to
04:27:44 42 me about this?---Potentially.
04:27:47 43
04:27:47 44 And what should have happened is that there should have
04:27:52 45 been appropriate disclosure to the Human Source Management
04:27:57 46 Unit or discussions with them, considerations made as to
04:28:00 47 whether, one, there would be disclosure, or alternatively,

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

04:28:03 1 two, the charges simply withdrawn, do you accept that is
04:28:07 2 what should have occurred if that information - - -?--Well
04:28:11 3 what - - -
04:28:11 4
04:28:11 5 Yes?--I don't know what was passed over to Mr O'Brien but
04:28:15 6 taking it at its worst case, then I agree with you totally.
04:28:20 7
04:28:20 8 It was your obligation to know what had been passed over
04:28:24 9 because you were the controller, Mr White?--I don't - I'm
04:28:29 10 not trying to avoid responsibility in any way, Mr Winneke,
04:28:34 11 I'm just telling you what I think.
04:28:38 12
04:28:38 13 Look, you don't have an answer. What I'm asking you is why
04:28:42 14 is there no answer to this? If there was appropriate
04:28:46 15 control and management going on in this unit, questions
04:28:50 16 would have been raised when this document was put under the
04:28:52 17 nose of the controller?--And it may well have been the
04:28:58 18 case, I just don't have a recollection of it.
04:29:01 19
04:29:02 20 Mr White, can I suggest this to you: this is not something
04:29:05 21 that would be forgotten, I suggest?--Seriously,
04:29:12 22 Mr Winneke, this is 14 years ago.
04:29:17 23
04:29:17 24 Do you accept that that is a very serious matter, what is
04:29:20 25 written in this document?--At its very worst, if that
04:29:26 26 happened, yes.
04:29:28 27
04:29:28 28 The document, you couldn't but look at that document and
04:29:31 29 say, "I can see no other basis to conclude from the
04:29:38 30 material that's in that document that something very bad
04:29:42 31 has happened"?--What I'm saying to you, Mr Winneke, is
04:29:47 32 that I do not - I know you don't want to accept this, but I
04:29:51 33 don't remember this. It may well be that I spoke to
04:29:54 34 Mr O'Brien about it. I might have spoken to Mr Anderson
04:29:57 35 about it. I just can't remember it and I think it's
04:30:01 36 unrealistic to try and force me into saying I should
04:30:05 37 remember it.
04:30:05 38
04:30:06 39 Right. As I understand it your reaction to the comment
04:30:11 40 made by Mr Comrie in his report was, "Well was she acting
04:30:18 41 as his solicitor?" That's a document that you provided to
04:30:22 42 your barrister?--Yes.
04:30:25 43
04:30:25 44 So that's a question that should have been asked way back
04:30:30 45 then?--It might have been, Mr Winneke.
04:30:32 46
04:30:32 47 Then let's have a look at the ICR records. Let's go to

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

04:30:37 1 p.666. ICR records. Do you see the entry under Zaharoula
04:30:55 2 Mokbel?---Yes, I do.
04:30:56 3
04:30:56 4 And it says this, "Alex Lewenberg has asked for 3838 to
04:31:00 5 prepare the 8A in response to the hand-up brief of
04:31:05 6 evidence". That's an entry on 1 March 2007. Do you see
04:31:13 7 that?---Yes.
04:31:15 8
04:31:17 9 The entry that we've been discussing was exactly a week
04:31:22 10 before. Now what I suggest is that she's got the brief,
04:31:27 11 she has been briefed by Mr Lewenberg to prepare committal
04:31:33 12 documents, the 8A is the committal document, the response
04:31:37 13 of the defence barrister to the committal hand-up brief.
04:31:45 14 Do you understand that?---I'm not sure what the 8A is.
04:31:50 15
04:31:50 16 The 8A is, in effect a request by the accused person for
04:31:54 17 certain witnesses to be present at committal for
04:31:56 18 cross-examination and in addition to that, for there to be
04:32:01 19 appropriate disclosure made to the defence of all matters
04:32:03 20 relevant to the proceeding, all relevant evidence, do you
04:32:08 21 accept that?---Yes.
04:32:09 22
04:32:10 23 And it says that Alex wants her to represent
04:32:13 24 Ms Mokbel?---Yes.
04:32:18 25
04:32:18 26 Right. And she says that she believes that she has a
04:32:21 27 conflict and can't get involved. Now, what that document
04:32:28 28 or that entry would make absolutely clear is that Ms Gobbo
04:32:34 29 had been provided with a brief by the solicitor and she'd
04:32:38 30 been asked to in effect prepare the brief for committal
04:32:41 31 proceedings?---Yes.
04:32:44 32
04:32:48 33 And indeed on 18 April of that year she charges Ms Mokbel
04:32:55 34 \$660 for doing just that, right?---For, sorry?
04:33:03 35
04:33:04 36 One assumes for preparing the committal documents?---Does
04:33:06 37 she go on to represent her or - - -
04:33:08 38
04:33:09 39 Don't worry about that at this stage. She has prepared a
04:33:11 40 document as counsel and she has charged money for it, okay.
04:33:15 41 Can you accept that proposition?---Yes, I can.
04:33:18 42
04:33:18 43 So the question that you asked in response to Mr Comrie's
04:33:22 44 report, "Was she acting as a solicitor" was there on p.666,
04:33:27 45 or p.9, available to you not in 2012, 14, 15, 19, but I
04:33:34 46 suggest to you when the document was put in front of you
04:33:37 47 way back in December of 2007, the same date that the

.07/08/19

4099

WHITE XXN - IN CAMERA

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

04:33:40 1 previous document apparently was put in front of your
04:33:43 2 nose?---Yes.
04:33:44 3
04:33:45 4 Right. So that was the answer, I suggest to you. Gobbo,
04:33:51 5 having been engaged, told the police and apparently then
04:33:55 6 who passed it on to the investigators that the brief was
04:33:59 7 deficient and all of that information, I suggest to you,
04:34:01 8 was available to you and should have been available to you.
04:34:06 9
04:34:06 10 MR CHETTLE: Commissioner, that in my submission is unfair
04:34:08 11 and misstates what's on p.666. She actually makes it the
04:34:13 12 opposite, she says she's not getting in involved. She has,
04:34:16 13 there's no doubt she has got involved. She has told us
04:34:19 14 she's not. So to put that he knew she had got involved
04:34:24 15 flies in the face of what she said on the 666 entry.
04:34:28 16
04:34:29 17 COMMISSIONER: I'll let Mr Winneke clarify that.
04:34:31 18
04:34:32 19 MR WINNEKE: I said she believes she has a conflict and
04:34:34 20 can't get involved. But you already know that she'd been
04:34:39 21 engaged, I suggest, there's enough material at that stage
04:34:43 22 to establish that she'd been engaged, she'd been briefed by
04:34:47 23 a solicitor and had in fact breached the privilege by
04:34:50 24 providing the information. That information was available
04:34:52 25 to you already. Now, on one view - do you accept
04:35:02 26 that?---The information as set out in this contact report
04:35:09 27 was available to me.
04:35:10 28
04:35:12 29 Now, it could be that she believes that she has a conflict
04:35:17 30 and can't get involved because she's already provided the
04:35:21 31 information to the police, but I suspect that that's not
04:35:25 32 the reason she's maintaining a conflict. Do you accept
04:35:28 33 that?---I'm sorry, can you repeat that?
04:35:31 34
04:35:32 35 She believes she has a conflict and can't get involved.
04:35:35 36 There's no further information about that but I suggest to
04:35:41 37 you that that could be one of two reasons: one of which is
04:35:46 38 that she acts for other members of the Mokbel, or she acts
04:35:49 39 for Zaharoula's husband or alternatively she believes it's
04:35:54 40 not appropriate for her to be involved because she's
04:35:57 41 already given up the information which enabled the police
04:36:00 42 to fix the brief?---I don't know why she says she can't get
04:36:07 43 involved other than the fact that she says here she has a
04:36:11 44 conflict.
04:36:12 45
04:36:12 46 All right. I note the time, Commissioner.
04:36:14 47

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

04:36:15 1 COMMISSIONER: We'll adjourn until 2 o'clock, thanks.

2

04:36:17 3 <(THE WITNESS WITHDREW)

04:36:19 4

04:36:19 5 LUNCHEON ADJOURNMENT

04:36:19 6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

.07/08/19

WHITE XXN - IN CAMERA

4101

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

05:09:08 1 UPON RESUMING AT 2.00 PM:
2

05:19:38 3 COMMISSIONER: Yes, Mr Winneke.
4

05:19:39 5 MR WINNEKE: Thanks Commissioner. Mr White, are you
05:19:42 6 there?---Yes, I am, Mr Winneke.
05:19:44 7

05:19:45 8 <SANDY WHITE, recalled:
9

05:19:47 10 MR WINNEKE: We'll continue on with a few questions about
05:19:50 11 Zaharoula Mokbel. She was charged with fraud offences,
05:19:54 12 relatively serious fraud offences, is that your
05:19:57 13 understanding or you're not aware of that?---I'm not sure
05:20:00 14 what she was charged with.
15

05:20:02 16 In any event if we go to p.674, there's an entry to this
05:20:07 17 effect, "Ms Gobbo wants advice about whether she should
05:20:19 18 represent the same. She's again talking about the poorly
05:20:26 19 prepared brief, it has holes in it. Believes that she
05:20:29 20 could assist Roula in getting off the charges if she
05:20:35 21 represented her. Advised the decision is hers and that she
05:20:39 22 cannot assist police in undermining a client's defence",
05:20:43 23 and she agreed with that. Roula is not a client yet. "She
05:20:47 24 believes that not assisting her would be in accordance with
05:20:50 25 her original goal of getting the Mokbels out of her life."
05:20:54 26 If you just look at that, what you can see is that there is
05:20:58 27 a - there's almost some sort of contradiction in
05:21:03 28 motivations. On the one hand she wants to act for her in
05:21:08 29 circumstances where she believes the brief is poor, has
05:21:12 30 holes in it and she thinks that she could get her off. So
05:21:18 31 she's got that view on the one hand, but on the other hand
05:21:21 32 she believes it's better off not doing so because that's in
05:21:27 33 accordance with the original motivation of getting
05:21:28 34 involved, and that is to have the Mokbels out of her life.
05:21:33 35 It really seems to be that there's a contradiction going on
05:21:38 36 there with Ms Gobbo, do you accept that?---So that last
05:21:50 37 sentence, "Human source believes not assisting her would be
05:21:55 38 in accordance with her original goal of getting the Mokbels
05:21:57 39 out of her life".
40

05:21:58 41 Yes?---I think that's probably a reference to the less
05:22:02 42 contact she has with the Mokbels, the better.
43

05:22:05 44 That may be right. It might also be because she says that
05:22:09 45 there's a weak case, she could get her off but that - and
05:22:15 46 she wants to do so. In any event, she's seeking the advice
05:22:20 47 from the handlers as to what she should do, do you see

.07/08/19

4102

WHITE XXN - IN CAMERA

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

05:22:23 1 that?---Yes, I do.
2
05:22:29 3 Really, she's been told the decision is hers but she can't
05:22:33 4 assist the police in undermining the client's defence, and
05:22:36 5 she agreed with that, do you accept that?---Yes, I do.
6
05:22:41 7 She's not a client yet although, as we've already
05:22:44 8 established, she had been briefed. She'd already charged
05:22:47 9 money and she'd already told police about deficiencies in
05:22:52 10 the case, do you see that, or accept that?---I accept that.
11
05:22:58 12 Then if you go to p.692, this is an entry on 12 March 2007,
05:23:25 13 she's telling the police about the brief, telling the
05:23:32 14 handlers about it. She's talking about the deficiencies in
05:23:40 15 the brief. She's talking about p.200 of the brief
05:23:46 16 additional details are required, p.167 additional details
05:23:51 17 required, p.238, Amex, additional details required, police
05:23:57 18 can't prove that Zaharoula has done anything, general
05:24:02 19 discussion about her not being involved in this matter and
05:24:04 20 the consequences of being involved, and as I suggested to
05:24:11 21 you before, a few days later she charged Ms Mokbel \$660 for
05:24:25 22 preparing the committal documents, do you see that?---The
05:24:35 23 charging I don't see.
24
05:24:37 25 No, I follow that. Can you accept that proposition in any
05:24:41 26 event, if there's evidence to that effect you wouldn't
05:24:45 27 dispute it?---You told me that she charged for that
05:24:48 28 previous checking of the brief, I'm not sure if it's the
05:24:55 29 one and the same.
30
05:24:56 31 Yes, it's the same one?---I do accept what you say, that
05:24:57 32 she charged, of course.
33
05:24:59 34 Effectively she's had the brief since February for about a
05:25:06 35 month. She's looked at it closely, she's prepared the
05:25:10 36 documents and she's charged money for doing that. On any
05:25:17 37 view it would seem that she's acting for Ms Mokbel, do you
05:25:20 38 accept that?---I'm not sure if this is - if she's still got
05:25:26 39 the brief a month later.
40
05:25:27 41 All right. In any event, from what we've been through this
05:25:32 42 afternoon it makes it quite clear that she's acting for
05:25:36 43 her, she's charged, she's done work for her and, not only
05:25:41 44 that, she's told the police about the deficiencies in the
05:25:44 45 evidence, you accept that?---Yes.
46
05:25:49 47 Then if we go on, we get now to p.880. Heading "Zaharoula

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

05:26:07 1 Mokbel". She wants - Zaharoula's Horty's wife. She wants,
05:26:20 2 this is Ms Mokbel wants the human source to do the
05:26:24 3 committal and she, that is Ms Gobbo agreed that this is a
05:26:27 4 conflict of interest, right?--I'm sorry, not there yet.
05:26:40 5 Yes.

6
05:26:41 7 Then if we continue on. This is all information that's
05:26:44 8 been provided to the handlers. If we then move on to
05:26:56 9 p.1089, in fact 1088. You see Roula Mokbel and brother
05:27:21 10 George. There's information about what George does. He'll
05:27:25 11 be funding Roula in the pending cases if she's changed
05:27:30 12 solicitors to Al Grigor, which is consistent with what I
05:27:34 13 put before, that Mr Grigor had taken over the Mokbel
05:27:39 14 matters. Roula wanted to know what will happen at the
05:27:40 15 committal. General talk about this, what to expect, the
05:27:43 16 process. The committal's going to be on 17 September. She
05:27:48 17 doesn't want to represent her but she can't see how to get
05:27:51 18 out of this one. Horty and Roula both want her to do the
05:27:54 19 case, they believe she's the only one capable. "She's open
05:27:57 20 to suggestions by us on how to avoid Roula's case", do you
05:28:01 21 see that?---Yes.

22
05:28:03 23 If you go over the page. There's the reference we went to
05:28:07 24 before, Milad moving over to Grigor. If we can then move
05:28:21 25 on to p.1117. This is a reference to a different matter
05:28:37 26 that she's involved with with respect to Roula Mokbel.
05:28:41 27 There's apparently been [REDACTED] in which Roula
05:28:46 28 Mokbel has been called [REDACTED]. Page 1117. She's
05:28:59 29 telling the handler, telling police about various
05:29:04 30 information concerning Roula Mokbel, information that it
05:29:12 31 appears that she's come by as a result of communicating
05:29:15 32 with either the solicitor or Ms Mokbel. She wants to know
05:29:21 33 what [REDACTED] might be about on [REDACTED]. "Grigor said it
05:29:26 34 will be about [REDACTED] perhaps.
05:29:34 35 And jokes about that." Do you see that?---Yes.

36
05:29:37 37 Over the page, "She wants to have a chat to the human
05:29:40 38 source before [REDACTED]. Will only talk to the human
05:29:42 39 source, Gobbo". This is Zaharoula. "She's saying that a
05:29:46 40 conference has been booked for Wednesday. She wants to
05:29:49 41 talk about the things that she [REDACTED]
05:29:51 42 or else the serious consequences might ensue." Do you see
05:29:57 43 that?---Yes.

44
05:29:58 45 "Horty's apparently told her to trust no one else but the
05:30:02 46 human source", do you see that?---Yes.

47

.07/08/19

4104

WHITE XXN - IN CAMERA

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

05:30:05 1 Not well placed, is it, that trust, but in any event.
05:30:09 2 "Human source intends [REDACTED] on Wednesday to
05:30:12 3 confirm she will be [REDACTED]. She doesn't see it
05:30:15 4 as a problem but points out that someone in there might not
05:30:19 5 want her [REDACTED] because she's been [REDACTED]
05:30:21 6 [REDACTED]" Let's just assume that there are non-disclosure
05:30:25 7 orders - well this is just another example, isn't it, of
05:30:29 8 her breaching the law and telling people about things that
05:30:32 9 she shouldn't tell them about, do you accept that
05:30:34 10 proposition?---In terms of telling us, the handlers?
11
05:30:39 12 Yes?---And if there was non-disclosure orders you would be
05:30:43 13 right.
14
05:30:45 15 Was there any checking done by any of the handlers at any
05:30:49 16 stage to determine whether there were non-disclosure
05:30:52 17 orders?---I can't tell you at this point in time but we
05:30:56 18 were getting briefed by Purana about some of these
05:31:01 19 [REDACTED].
20
05:31:03 21 If she can't represent then she can't talk to Roula on
05:31:07 22 Wednesday. "She thinks it may be in our interest to find
05:31:10 23 out what Roula wants to say." Effectively what she's
05:31:13 24 saying is, "Look, I'll have a conference with her, find out
05:31:16 25 what she wants to say and I'll be able to tell you". She's
05:31:20 26 acting as an agent, isn't she, of yours, not acting for her
05:31:25 27 client, do you accept that?---Yes.
05:31:27 28
05:31:32 29 "Wants me to check with whoever to see if this is a
05:31:34 30 problem. Told her I don't see a problem but will check",
05:31:38 31 and all of that information is verbally disseminated to
05:31:42 32 Gavan Ryan at Purana, do you see that?---Yes.
33
05:31:46 34 That suggests, doesn't it, that there really isn't any
05:31:51 35 filtering process at all going on to filter out legally
05:31:54 36 privileged information, is there?---So the conversation is
05:32:02 37 not from a person who's a client and it's not legally
05:32:05 38 privileged, is it?
39
05:32:06 40 You say, look, she's not a client and therefore not a
05:32:09 41 problem, is that what you say?---Well, yes.
42
05:32:11 43 Okay, that's your explanation. All right. If we go to
05:32:17 44 p.1121, there's another - she's saying that she's going to
05:32:21 45 meet this woman for a conference about what's going to
05:32:24 46 happen at [REDACTED], isn't she?---Well she's also
05:32:28 47 saying if she can't represent her, she won't be at that

.07/08/19

4105

WHITE XXN - IN CAMERA

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

05:32:32 1 meeting.
2
05:32:33 3 If she can't?---Yes.
4
05:32:35 5 Okay. Do you think it might have been appropriate to say,
05:32:38 6 "Hang on, we don't want to hear anything, let's just wait
05:32:41 7 and see what happens"?---Possibly.
8
05:32:43 9 Do you think the client might have been interested to know
05:32:45 10 whether Ms Gobbo was telling information to the police
05:32:48 11 about this discussion?---Yes.
12
05:32:52 13 Do you think the client might have assumed that when she
05:32:55 14 was speaking to Ms Gobbo it was a confidential
05:33:00 15 communication?---Probably.
16
05:33:02 17 Yes, okay. So then we've got, if we move on to an entry on
05:33:08 18 21 August 2007. There's another - this is at p.1121.
05:33:29 19 She's spoken to the human source about money and funding
05:33:32 20 regarding [REDACTED] in the morning. She's
05:33:35 21 worried about what's going to be asked about [REDACTED]
05:33:38 22 She intends to [REDACTED] tomorrow and
05:33:43 23 there's a reference to the [REDACTED]. Indicate that she will
05:33:46 24 be [REDACTED]. She indicated that she wants to see
05:33:50 25 the human source before [REDACTED], there are things she
05:33:52 26 doesn't want to talk about [REDACTED]. She's scheduled this
05:33:56 27 meeting for 4.30 on the Wednesday. "If she's prevented
05:34:00 28 from [REDACTED] she obviously can't talk about the
05:34:03 29 [REDACTED] tomorrow and what Roula wants to [REDACTED]
05:34:06 30 [REDACTED] and told her that there should be no issue
05:34:10 31 regarding this for Roula" and that information is verbally
05:34:15 32 disseminated again to Gavan Ryan, do you see that?---Yes.
33
05:34:20 34 Right. If we go to p.1128. It appears, if you go down -
05:34:44 35 at 11.34 there's a conversation with Ms Gobbo and there's
05:34:48 36 discussion, as we've already established, about Milad
05:34:54 37 Mokbel on that occasion, but it says "cautioned not to
05:34:58 38 represent Milad Mokbel and what she will say to [REDACTED]
05:35:03 39 [REDACTED] just to ensure that she is not prevented
05:35:07 40 from [REDACTED]". Ms Gobbo understands
05:35:12 41 this. What that suggests really is she's been given advice
05:35:17 42 as to what she should do and what she shouldn't do by the
05:35:21 43 handlers, do you accept that?---No.
44
05:35:23 45 No? Why not?---I think it's clear that she's been
05:35:29 46 cautioned about representing Milad.
47

.07/08/19

4106

WHITE XXN - IN CAMERA

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

05:35:34 1 Yes?---I think this is a reference to whether she can or
05:35:41 2 she can't represent Roula, the next sentence. I can see -
05:35:48 3 I see what you're saying and that certainly is how it
05:35:51 4 appears.
5
05:35:52 6 Well it does, doesn't it? It's disquieting, because what
05:35:57 7 it suggests is she's getting advice from the handlers not
05:36:00 8 to represent Milad so as she can then represent Roula so
05:36:04 9 then she will be able to get the information and hand it
05:36:05 10 back to police. That's what it suggests, doesn't
05:36:08 11 it?---Possibly you can draw that inference.
12
05:36:11 13 Right?---It does seem inconsistent to me.
14
05:36:14 15 Well it seems inconsistent with what you've been saying to
05:36:17 16 this Commission, I suggest, that you weren't after
05:36:21 17 information that you shouldn't be getting?---No, well I
05:36:25 18 completely deny that.
19
05:36:27 20 Okay. Now then it seems that on the 22nd of August there's
05:36:38 21 now a meeting. She's actually now had the meeting, do you
05:36:50 22 see that?---No. Where are we?
23
05:36:55 24 I'm sorry, go to 1131. Just have a look at that page.
05:37:32 25 What it suggests is that there's a discussion, amongst
05:37:36 26 other matters including Zaharoula Mokbel, and she's had the
05:37:42 27 meeting she wanted to discuss things that she cannot talk
05:37:46 28 about on [REDACTED]. It relates to [REDACTED]
05:37:50 29 [REDACTED] in conjunction with a couple of other people who
05:37:52 30 are [REDACTED], do you see
05:37:56 31 that?---Yes.
32
05:37:57 33 On any view this is information that Ms Gobbo has received
05:38:01 34 in a conference with her client Zaharoula Mokbel, do you
05:38:06 35 accept that?---If she is her client at this point.
36
05:38:13 37 Well, okay. You don't accept that given all the
05:38:16 38 information that we've been through so far?---Well, it
05:38:22 39 hasn't been resolved whether she is or isn't a client.
40
05:38:27 41 Do you need to see a piece of paper with a signature on it
05:38:29 42 or something like that before you accept the
05:38:31 43 proposition?---Well I'm only relying on the records we've
05:38:38 44 got in front of us and she's been saying that she's not a
05:38:41 45 client but this is going to be resolved at a particular
05:38:45 46 point.
47

.07/08/19

4107

WHITE XXN - IN CAMERA

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

05:38:45 1 Right?---I'm just simply asking you if you've got the
05:38:48 2 information for me to say that she is or she isn't.
3

05:38:51 4 Well there's a pretty grave risk that in fact this woman,
05:38:57 5 Roula Mokbel, is speaking to Ms Gobbo on the understanding
05:39:00 6 that she's speaking to a barrister; that would be a fair
05:39:02 7 assumption, wouldn't it?---I'm sorry, she's speaking to
05:39:07 8 Ms Gobbo on the assumption that she's speaking to a
05:39:13 9 barrister?
10

05:39:14 11 On the material that's available are you prepared to
05:39:16 12 concede that it would be open to conclude that it is likely
05:39:18 13 that Roula Mokbel was speaking to Ms Gobbo thinking that
05:39:23 14 she was speaking to her barrister?---Possibly.
15

05:39:25 16 Only possibly, right?---Well, I don't think it's - I'm
05:39:31 17 happy to concede this if you're telling me that she's taken
05:39:34 18 her on as a client.
19

05:39:36 20 Ultimately - she's already charged her so we know that
05:39:40 21 she's charged already for material for a brief that she's
05:39:44 22 been engaged in previously. She's told you about the
05:39:49 23 likelihood that she's going to have a meeting with her on
05:39:51 24 Wednesday, and it will depend on whether she's been given
05:39:55 25 permission to [REDACTED]. I'm asking you to
05:39:59 26 accept what is a reasonable proposition, that Ms Mokbel
05:40:03 27 would have assumed that she was speaking to her barrister
05:40:05 28 in confidence?---You're asking me, you know, you're asking
05:40:11 29 me today based on those facts and I would agree.
30

05:40:14 31 Okay?---But we didn't have all those facts at the time.
32

05:40:18 33 I'm reading from what is on the page, on the ICRs,
05:40:21 34 Mr White.
35

05:40:22 36 MR CHETTLE: With respect - - -
37

05:40:23 38 MR WINNEKE: Save for - - - ?---I didn't know about the
05:40:27 39 payment, Mr Winneke.
40

05:40:29 41 - - - the payment. Did you make any inquiry to find out -
05:40:31 42 were you giving instructions to your handlers to find out
05:40:35 43 whether she was asking for money from these people?---No.
44

05:40:39 45 No, right. Then you get this information, or at least it's
05:40:46 46 provided to the handler. [REDACTED] is to do
05:40:49 47 with a payment made, [REDACTED]. She's very scared for

.07/08/19

4108

WHITE XXN - IN CAMERA

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

05:40:56 1 her life. She's had this money and it ends up with a
05:41:00 2 particular person. There are issues that are set out there
05:41:04 3 which quite clearly, I suggest, is information which has
05:41:09 4 come to Ms Gobbo's knowledge as a result of a conference
05:41:13 5 she's had with Zaharoula Mokbel. Are you prepared to
05:41:17 6 accept that proposition?---Yes.
7

05:41:30 8 Equally it appears that there's - Ms Gobbo is telling you
05:41:34 9 what advice she's giving the client, long discussions with
05:41:39 10 her and what was - it was explained how she needs to [REDACTED]
05:41:42 11 [REDACTED], she shouldn't [REDACTED], she'll get
05:41:46 12 charged with [REDACTED]. As a result of long talks she's
05:41:49 13 decided it's in her best interests to [REDACTED].
05:41:52 14 She'll be there [REDACTED] to support her. Okay, talk about
05:41:55 15 it will be a slow day, and there's a disparaging comment
05:42:01 16 about the client, do you see that, at the bottom?---Yes.
05:42:04 17 Yes, I do.
18

05:42:05 19 Then over the page at this stage she says that she's
05:42:09 20 decided to [REDACTED] - I withdraw that.
05:42:14 21 Yes, at this stage Roula states, et cetera, do you see
05:42:17 22 that?---Yes.
23

05:42:25 24 There could be no doubt, I suggest, that that information
05:42:28 25 was provided in breach of Ms Gobbo's obligation as a
05:42:33 26 barrister to her client, I suggest?---It's certainly open
05:42:41 27 to interpret that's privileged information.
28

05:42:45 29 If we go down to the bottom of the page, 1132, we see,
05:42:51 30 "Action: verbally disseminated all above information to
05:42:56 31 Gavan Ryan, Purana", do you see that?---Yes.
32

05:43:22 33 If we can go to p.1158. In fact if you go to the very
05:43:40 34 bottom of the previous page, Tony Mokbel and Kabalan
05:43:48 35 Mokbel, so that's information about those people. If you
05:43:54 36 go over the page it says, "Human source says this will all
05:43:58 37 be coming from Roula Mokbel at [REDACTED].
05:44:02 38 It was made clear to her that they had sworn evidence
05:44:05 39 contrary to what she was telling them. This made it clear
05:44:08 40 in her mind that", and she provides further information
05:44:13 41 about certain other people. Do you see that?---Yes.
42

05:44:20 43 Can't say who Roula may have spoken to, et cetera. And
05:44:26 44 then it would be open to conclude there that Ms Gobbo has
05:44:32 45 been telling handlers, in contravention of the law, about
05:44:37 46 what had occurred at [REDACTED], do you accept that
05:44:45 47 proposition?---I'm sorry, I'm just reading it.

.07/08/19

4109

WHITE XXN - IN CAMERA

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

1
05:44:47 2 Yes?---The second bullet point, "At [REDACTED]
05:45:26 3 [REDACTED] it was made clear to her they had", that is I guess
05:45:30 4 to Roula Mokbel, "they had [REDACTED] what
05:45:33 5 she was telling them".
6
05:45:34 7 Yes. So she's telling you that in effect what was going on
05:45:38 8 [REDACTED] and it was suggested to her that she was
05:45:42 9 [REDACTED] or at least she was [REDACTED] which
05:45:45 10 was [REDACTED]?---Yes.
11
05:45:46 12 Do you accept the proposition that I put to you?---That
05:45:50 13 that was information coming from Roula Mokbel about her
05:45:58 14 [REDACTED]?
15
05:46:02 16 The proposition that I put to you simply is this: Ms Gobbo
05:46:04 17 has told the SDU about matters which occurred at [REDACTED]
05:46:11 18 [REDACTED] which would be contrary to law, I suggest?---It
05:46:28 19 would depend where that information came from, but if it
05:46:31 20 came from [REDACTED] then I would agree with you.
21
05:46:34 22 Well it says, "[REDACTED]", so that would
05:46:39 23 be a fair assumption that it had come from [REDACTED],
05:46:44 24 wouldn't it, Mr White?---Well, there'd been a lot of talk
05:46:48 25 about these hearings and when these hearings go on. What
05:46:51 26 I'm saying to you is that's a possibility but I imagine
05:46:54 27 there would have been a lot of people talking about at the
05:46:58 28 time.
29
05:46:59 30 All right. What we know is that [REDACTED] Ms Mokbel
05:47:03 31 [REDACTED], or whenever it was, on [REDACTED] and
05:47:07 32 she's telling the handler about what had occurred [REDACTED]
05:47:12 33 [REDACTED]?---Are you telling me that she did [REDACTED]
05:47:15 34 [REDACTED] ?
35
05:47:16 35
05:47:17 36 It's pretty clear, I suggest, that she did. You say that
05:47:20 37 that's not apparent?---I just don't know.
38
05:47:23 39 All right, okay. What the Commission has information is
05:47:27 40 that on [REDACTED], the very day that the handler's speaking
05:47:32 41 to Ms Gobbo, she charged \$2,000 to Ms Mokbel - charged
05:47:37 42 Ms Mokbel \$2,000 for [REDACTED]?---I
05:47:47 43 think that's pretty clear then.
44
05:47:48 45 "Briefed to [REDACTED], including conference."
05:47:57 46 That would neatly cover [REDACTED] and the
05:48:01 47 conference on Wednesday, wouldn't it?---I think so.

.07/08/19

4110

WHITE XXN - IN CAMERA

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

1
05:48:04 2 Do you think that if the handlers had made appropriate
05:48:07 3 examinations, even if it wasn't abundantly clear on the
05:48:11 4 information they were receiving, that they would have quite
05:48:15 5 clearly discovered that they were receiving information
05:48:17 6 which was privileged information?---They could have found
05:48:19 7 that out, yes.
8
05:48:30 9 Can I ask you to go to p.1207. "Roula and Horty Mokbel
05:48:49 10 trials", do you see that? Roula has her two day committal
05:48:57 11 starting on Monday. Horty's got a case coming up. Says
05:49:05 12 she may have no alternative but to do that one as well as
05:49:11 13 owing to Mr Shirrefs position, she says that Mr Shirrefs is
05:49:16 14 not available and there's no one else available to do the
05:49:19 15 committal and Horty wants her to do it. "Reiterated our
05:49:24 16 position that we do not want her acting for Horty or Roula
05:49:29 17 and she knows this." Can I ask you this: if there was a
05:49:33 18 firm position that Ms Gobbo wasn't to act for Roula Mokbel,
05:49:37 19 why was it that she was encouraged [REDACTED] Roula
05:49:41 20 Mokbel [REDACTED]?---I don't think she was
05:49:46 21 encouraged.
22
05:49:49 23 I took you to the entry before where it suggested that if
05:49:52 24 she wasn't to represent Milad Mokbel that would leave her
05:49:58 25 [REDACTED] and [REDACTED] Roula Mokbel [REDACTED]
05:50:03 26 [REDACTED]?---You did, but I didn't accept that that was
05:50:06 27 encouragement for her to do that.
28
05:50:08 29 Okay. Talked about how she doesn't want to undo all the
05:50:22 30 hard work that she's done over the last two years by
05:50:25 31 representing them and running the risk of getting them off
05:50:29 32 in court. She was effectively saying, "If I represent them
05:50:33 33 there's a good chance that they might get off and that
05:50:35 34 would be undoing all the good work". In any event, there's
05:50:39 35 a two day committal coming up. If we go over to the next
05:50:42 36 page we see at p.208, Roula Mokbel committal, she can't get
05:50:48 37 anyone else to do the brief on Monday. Steve Shirrefs
05:50:52 38 can't. She's hoping Con Heliotis will. She confirmed that
39 she won't be doing this case because we don't want her to
05:50:59 40 but she knows why she can't and "there were extra documents
05:51:00 41 served on Alistair Grigor yesterday", no doubt in the lead
05:51:04 42 up to the committal. If we then go to p.1214, this is on
05:51:15 43 13 September 2007?---I'm sorry, I missed your page
05:51:22 44 reference.
45
05:51:23 46 1214, it's ICR 100. She says that she's frustrated and in
05:51:44 47 a panic regarding the committal on Monday. No one's

.07/08/19

4111

WHITE XXN - IN CAMERA

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

05:51:47 1 available. She's had a screaming match with Horty and
05:51:50 2 Roula. We've been through this before in relation to the
05:51:54 3 other matters. But she says that - "Reiterated to Ms Gobbo
05:51:59 4 that our position is that it is not appropriate for her to
05:52:02 5 represent Roula on Monday. She knows this but does not
05:52:07 6 have any other solution. Suggested why can't the defence
05:52:10 7 make application for an adjournment re the briefed
05:52:15 8 barrister being unavailable?" Would it have been
05:52:23 9 appropriate to say, "Look, if you do this, if you represent
05:52:28 10 this woman, if you charge money to this woman, if you
05:52:31 11 advise this woman, that is it, you can no longer be
05:52:35 12 providing information to Victoria Police"? Would it have
05:52:41 13 been appropriate at any stage to do that?---I don't know
05:52:50 14 that that wasn't done categorically but obviously looking
05:52:56 15 at this here and now it would be a very good thing to see
05:53:03 16 that direction there.

17
05:53:04 18 Yes. What we're doing now is in effect going through the
05:53:10 19 materials that were available at the time. Now granted
05:53:16 20 there's other information about her charging, sending fees
05:53:20 21 off, but what we're simply doing is going through
05:53:25 22 information which was available to you at the time, that is
05:53:28 23 back in 2007, do you accept that proposition?---Yes.

24
05:53:38 25 So there's further discussions about this - what appears to
05:53:42 26 be a quandary for her. Then if we go over the page there's
05:53:54 27 discussion about Horty and then we see this, "She mentions
05:54:03 28 that the Roula brief is lacking a statement". This is on
05:54:06 29 13 September 2007, four days before the committal which is
05:54:09 30 on 17 September 2007, do you see that?---You're talking
05:54:16 31 about the entry at 13:52?

32
05:54:24 33 Yes?---Yes.

34
05:54:25 35 Ms Gobbo who has read the brief, do you accept that?---No.
36

05:54:29 37 Been provided with the brief, she's prepared the documents
05:54:34 38 previously, do you accept that proposition?---Are we
05:54:38 39 talking about Roula's financial brief?

40
05:54:40 41 The charges that she's facing, the committal proceeding
05:54:43 42 which is coming up in a few days' time?---For the financial
05:54:47 43 matters that you mentioned earlier?

05:54:49 44
05:54:49 45 Yes, that's right. What it says is, "She mentions that the
05:54:56 46 Roula brief is lacking a statement from Darren Barclay from
47 the NAB. It would well and truly convict Roula for these

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

05:55:04 1 deceptions. I will tell Jim Coghlan". Do you see
05:55:07 2 that?---Yes.
3
05:55:07 4 "Action: verbally disseminated above information to Jim
05:55:11 5 Coghlan." It's pretty clear, isn't it, that's what
05:55:15 6 happened there is - well it's obvious what's happened there
05:55:19 7 and I suggest to you it is a perversion of the course of
05:55:22 8 justice, do you accept that proposition?---I would just
05:55:33 9 like to read the information. I don't know if I'd go so
05:56:34 10 far to say that's a perversion of the course of justice.
11
05:56:37 12 All right?---Without seeing what was done about it, what
05:56:46 13 Jim Coghlan was told.
14
05:56:49 15 Yes. You would want to know what he was told. You know
05:57:04 16 what he was told. You know that he was told that, "The
05:57:07 17 brief is lacking a statement from someone called Darren
05:57:12 18 Barclay from the NAB. If there was such a statement it
05:57:18 19 would well and truly convict Roula of these deceptions".
05:57:23 20 That's what he was told because it says there?---I think
05:57:26 21 you'll have to check with Jim Coghlan as to whether he was
05:57:28 22 told all of that material. It seems to suggest that he
05:57:30 23 was. I'm just saying to you, you would want to know a bit
05:57:33 24 more.
25
05:57:34 26 You might. You might if you were defending the charge, if
05:57:37 27 you'd been charged with the offence of doing an act which
05:57:40 28 has the tendency to pervert the course of justice, you
05:57:45 29 might want to know all of those things in defending the
05:57:50 30 charge but on face value that is a very troubling entry I
05:57:57 31 suggest to you?---Yes.
32
05:57:58 33 Then if we go over the page to 1216. There's an entry
05:58:11 34 "Roula Mokbel trial", but one assumes it's really a
05:58:15 35 reference to the committal proceeding which is going ahead
05:58:18 36 in a few days' time. Phil Priest has been briefed - a
05:58:30 37 barrister has been briefed for the committal on Monday.
05:58:32 38 There will be no junior. "Horty is very pissed off that
05:58:34 39 Ms Gobbo is not helping. She's had a big fight on the
05:58:38 40 phone with him today. She wishes to complain to us that
41 this is hurting her financially by not representing these
05:58:43 42 people. She understands our stance on why she shouldn't re
05:58:45 43 conflict issues and is adhering to this but it is costing
05:58:49 44 her money". Do you see that?---Yes, I do.
45
05:58:51 46 So what appears to have been the case is that she has
05:58:55 47 determined, for whatever reason, not to appear, do you see

.07/08/19

4113

WHITE XXN - IN CAMERA

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

05:58:59 1 that?---Yes.
2
05:59:01 3 And it's costing her money. Then there's general
05:59:20 4 discussion on why she is doing these cases for nothing and
05:59:24 5 all this running around when it's really a job for the
05:59:27 6 solicitor. Basically it comes down to self-preservation
05:59:30 7 for her. She needs to keep them close and stamp out
05:59:33 8 rumours about her when she sprout up. She needs to keep
05:59:41 9 them on side or else she's in trouble re her life. Plus
10 the [REDACTED] depositions are being released soon from the
05:59:45 11 committal and she needs to control what they hear and think
05:59:48 12 about them as well, do you see that?---Yes, I do.
13
06:00:03 14 Then if you go to p.1236 - I'm sorry, okay. There's an
06:01:09 15 entry on 1219?---On the - on what date?
16
06:01:19 17 This is 14 September. "She's had a conference with
06:01:35 18 Mr Priest and he has worked out a defence strategy for
06:01:40 19 Roula Mokbel on Monday. It relates to s.336 of the Crimes
06:01:45 20 Act, marital coercion of a spouse to commit a crime other
06:01:50 21 than murder or treason, and Ms Gobbo read out the section
06:01:54 22 to me and general discussion on case law as to how it's
06:01:57 23 applied. The defence will argue that Roula was under
24 coercion of Horthy." On that occasion information was not
06:02:07 25 disseminated owing to the fact it was a defence legal
06:02:09 26 strategy, do you see that?---Yes, I do.
27
06:02:12 28 And she's told that she can't go down and see Horthy and
06:02:16 29 Milad at Barwon if she thinks it's necessary to keep them
06:02:20 30 on side. Can I ask you this: this appears to be obviously
06:02:25 31 the same handler, and I think it's Mr Fox. Do you think
06:02:32 32 there was a - do you know whether there would be a reason
06:02:36 33 why he would disseminate information given to him by
06:02:40 34 Ms Gobbo with respect to a deficiency in the prosecution
06:02:45 35 case about the absence of a statement and wouldn't
06:02:49 36 disseminate information about a defence strategy? Do you
06:02:56 37 think there's a reason for that or not?---The entry that
06:03:01 38 you've just shown me, and the one you were about to take
06:03:04 39 me, has a similar comment in it in relation to not
06:03:09 40 disseminating information that relates to defence legal
06:03:12 41 issues. That's exactly what I would expect of Mr Fox. The
06:03:18 42 one that you mentioned to me earlier in regards to the
06:03:19 43 statement, I told you that is a surprise and I questioned
06:03:22 44 whether that was actually disseminated, that one particular
06:03:28 45 piece of information as opposed to all the other
06:03:31 46 information that preceded it.
47

.07/08/19

4114

WHITE XXN - IN CAMERA

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

06:03:32 1 Well no, the reason I asked is because in the first entry,
06:03:36 2 and I think it was Mr Anderson which I took you to before
06:03:40 3 lunch, there was dissemination of information about the
06:03:46 4 inadequacy of the brief after apparently Ms Gobbo first got
06:03:49 5 the brief, and then on this occasion there was a
06:03:51 6 dissemination of information apparently about the
06:03:53 7 deficiency of a brief well down the track. There seems to
06:03:56 8 be a different treatment of information which concerns the
06:03:59 9 adequacy of a brief and the defence tactics. I'm just
06:04:05 10 wondering whether there was a degree of misunderstanding or
06:04:09 11 instructions weren't clear about that?---I can only imagine
06:04:15 12 that Mr Anderson, and I told you my opinion of him.
13
06:04:20 14 Yes?---I can only imagine that he thought that information
06:04:22 15 was not subject to LPP because she wasn't a client.
16
06:04:26 17 Yes?---All these guys are experienced policeman and
06:04:33 18 investigators and I had confidence that they would make the
06:04:37 19 right decisions on these particular matters.
20
06:04:39 21 You'd hope so?---I think the record's clear that they're
06:04:43 22 trying their best to try and steer her away from conflicts
06:04:50 23 of interest and the like.
24
06:04:53 25 Yes, I follow that. The problem is though it just becomes
06:04:58 26 apparent on an ongoing basis that they're not
06:05:04 27 succeeding?---But as I said to you yesterday, we had the
06:05:09 28 view that the conflict of interest was hers.
29
06:05:13 30 Yes.
31
06:05:17 32 MR CHETTLE: Commissioner, again, can I - it's just put
06:05:23 33 that she didn't follow the instructions. In relation to
06:05:26 34 this very matter she did not act at the committal or the
06:05:30 35 trial.
36
06:05:30 37 MR WINNEKE: I'm not going to suggest that she acted in the
06:05:33 38 committal.
39
06:05:34 39
06:05:35 40 MR CHETTLE: She's telling them she's not going to act and
06:05:38 41 she doesn't, that's all.
42
06:05:39 43 COMMISSIONER: I think the entries speak for themselves,
06:05:45 44 Mr Chettle.
45
46 MR WINNEKE: Correct. The problem is the question assumes
47 that she has not followed the instructions. On this

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

1 particular example she did.

2
06:05:46 3 MR WINNEKE: I understand that and I take the proposition
06:05:48 4 that my learned friend makes.

06:06:09 5
06:06:10 6 Nonetheless, if we go 1236, it appears that she is
06:06:15 7 still - well, on this occasion she is having a conference
06:06:18 8 with Mr Priest again regarding Roula Mokbel and talking
06:06:21 9 strategies for the upcoming defence, still going to run the
06:06:25 10 spouse defence at 336 of the Crimes Act, and there's
06:06:29 11 general talk about tactics. That information, it says
06:06:32 12 quite clearly, wasn't disseminated as the information
06:06:36 13 relates to defence legal issues. Now that would be clearly
06:06:39 14 appropriate, do you accept that?---Yes.

15
06:06:44 16 Whilst it appears that she didn't appear at the committal,
06:06:48 17 she certainly provided advice and advices in conference and
06:06:56 18 she's had discussions with her, in effect with Ms Mokbel
06:07:03 19 apparently as a barrister. It would be reasonably open to
06:07:11 20 conclude that that's the case on the materials that are
06:07:14 21 available?---It appears so.

22
06:07:19 23 The Commission has information available to it from
06:07:22 24 Ms Gobbo's records, financial records, that on 18 September
06:07:32 25 2007, two days prior to that entry, she rendered a bill to
06:07:36 26 Ms Mokbel for \$16,520 marked as "Brief to advise and
06:07:51 27 conferences with senior counsel" with respect to that
06:07:54 28 matter. Certainly in that regard she's, I suppose, acted
06:08:07 29 as a barrister by charging considerable fees to advise her
06:08:14 30 client, do you accept that? Now that wasn't information
06:08:18 31 that you had available to you at the time, right?---Yes.

32
06:08:30 33 Clearly that's information that should have been available
06:08:32 34 to you?---Yes.

35
06:08:34 36 And indeed it seems to be the case that Ms Gobbo had
06:08:39 37 provided deceptive information because at one point we went
06:08:47 38 through before it was suggested that all of this was
06:08:49 39 costing her money; she wasn't in effect able to charge
06:08:59 40 these people for acting for them?---I'm sorry, I missed the
06:09:04 41 question.

42
06:09:04 43 All right. I asked you before about an entry at p.1216
06:09:08 44 where she said, "She understands our stance on why she
06:09:11 45 shouldn't because of the conflict issues and she's adhering
06:09:15 46 to this but it's costing her money". It well may be she's
06:09:20 47 referring to actually appearing in court and charging brief

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

06:09:24 1 fees, but she's certainly charging money for providing
06:09:27 2 advice in conference and preparing documents, that seems to
06:09:30 3 be the case, doesn't it?---If that's the information before
06:09:33 4 the Commission then I accept that, yes.
5

06:09:38 6 Can I ask you some questions along a similar line with
06:09:44 7 respect to Horthy Mokbel. If we go to p.784. I'm going to
06:10:26 8 put this to you, that Horthy Mokbel was arrested on the
06:10:29 9 basis of evidence or assistance provided by ██████████ back
06:10:36 10 in April of 2006, do you accept that proposition?---I'm
06:10:48 11 sorry, I can't recall what Horthy was arrested for or how
06:10:52 12 his arrest came about.
13

06:10:58 14 If what I'm putting to you is incorrect no doubt I'll be
06:11:03 15 corrected but I suggest to you and I'm putting to you that
16 that was the basis of the information that led to his
06:11:04 17 arrest.
18

06:11:04 18
06:11:06 19 MR CHETTLE: I don't why Mr Winneke invites it. It's
06:11:08 20 something more than that. Is it not that ██████████ was
06:11:15 21 involved in getting evidence? You can't put a proposition
06:11:18 22 that's not right. There's an issue with it still.
23

06:11:21 24 MR WINNEKE: All right. Maybe we need to have a discussion
06:11:23 25 about it but I understand it will need to be in private.
26

06:11:34 27 MR HOLT: Can I just have a word with my learned friend?
28

06:11:58 29 MR WINNEKE: Can I put this proposition to you and I think
06:12:00 30 I won't be corrected about this. The evidence that led to
06:12:03 31 Mr Mokbel's arrest was integrally connected with ██████████
06:12:09 32 and the information that he provided?---I don't know.
33

06:12:13 34 In any event, the situation is this: Ms Gobbo, for the same
06:12:24 35 reasons as ██████████, Milad Mokbel was simply in a position
06:12:31 36 of conflict whereby she should not have been acting for
06:12:36 37 Horthy Mokbel or advising him?---The reference to Milad
06:12:45 38 Mokbel, did you mean Horthy?
39

06:12:48 40 What I'm saying is the position's the same. Because of her
06:12:51 41 involvement and her involvement in an Operation Posse and
06:12:56 42 the assistance that she provided to police behind the
06:13:00 43 scenes as a registered informer, that information was
06:13:09 44 central to the ultimate arrest of Horthy Mokbel the
06:13:12 45 following year?---I think so.
46

06:13:36 47 Perhaps if we could put up a document. Can I put up a

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

06:14:01 1 document VPL.2000.0001.9681. We might need to get copies
06:14:21 2 of this made as well. We'll need to get copies made. Can
06:14:34 3 we put that document up?
4
06:14:36 5 COMMISSIONER: Yes, they're just finding it. What's the
06:14:38 6 name of the document, how would you describe it?
7
06:14:41 8 MR WINNEKE: The heading is "Interesting dates" saved under
06:14:47 9 the title "Pending court dates", last saved on 26 August
06:14:55 10 2008, according to the metadata.
11
06:14:57 12 COMMISSIONER: Thanks.
13
06:15:08 14 MR WINNEKE: That document - have you seen that document
06:15:11 15 before?---Not that I can recall.
16
06:15:23 17 What I can suggest to you is it was found within the SDU
06:15:26 18 documents?---Yes.
19
06:15:29 20 Right. Then if we go down to an entry on about the eighth
06:15:41 21 line, you see, "Horty M", clearly Horty Mokbel, "Tony Bayeh
06:15:46 22 and AkI Hammoud. Contact Flynn. Peter P. Seized from
06:15:52 23 Hammoud at [REDACTED] and", and then it says "issue" and
06:15:56 24 the issue there is [REDACTED] "four week trial", do you see
06:16:02 25 that?---No, sorry, I don't. Am I looking at the last line?
26
06:16:11 27 No, about eight lines down from the top.
28
06:16:15 29 COMMISSIONER: The second 18th of August 08 date?---Oh.
06:16:30 30 Yes, I can see that.
31
06:16:33 32 MR WINNEKE: The point I'm making is that the issue is
06:16:36 33 [REDACTED] [REDACTED] is obviously involved in the
06:16:44 34 prosecution as a witness and one of the people being
06:16:52 35 prosecuted is Horty Mokbel. What I'm suggesting to you is
06:17:04 36 if that's the case, if he's a witness, then clearly for the
06:17:08 37 same reason as Milad Mokbel, Tony Mokbel and anyone else
06:17:17 38 who [REDACTED] is providing evidence against, she's in a
06:17:23 39 conflict. She can't advise for these people, advise these
06:17:27 40 people, do you accept that proposition?---Yes.
41
06:17:31 42 And that's something that you would have known at the
06:17:34 43 time?---I think so.
44
06:17:37 45 Yes, all right. The evidence is that at p.784, 13 April
06:17:43 46 2007, Horty is arrested. If you go to the entry in that
06:17:52 47 ICR it says that "Gobbo's aware that Horty's been

.07/08/19

4118

WHITE XXN - IN CAMERA

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

06:17:57 1 arrested". Halfway down the page, "Discussed options for
06:18:04 2 her, again reminding her that she should not be involved in
06:18:08 3 the post-arrest phase of Horthy Mokbel". I'll tender that
06:18:14 4 document, Commissioner, thanks.
5
06:18:16 6 COMMISSIONER: Yes. What was the date of the document?
7
06:18:21 8 MR WINNEKE: There's no date on it I believe but the
06:18:24 9 metadata suggests that it was last added to, I can't recall
06:18:29 10 the exact date - 26 August 2008.
11
06:18:34 12 MR HOLT: Again, Commissioner, if we could simply have an
06:18:35 13 opportunity to - it'll just be names, I think, just on my
06:18:37 14 quick look at the document. We haven't seen it before.
15
06:18:41 16 COMMISSIONER: Of course it will have to be tendered in the
06:18:45 17 A and B form.
18
06:18:46 19 MR WINNEKE: As I say, the metadata suggests that it's
06:18:49 20 saved under the name "pending court dates".
21
06:18:53 22 #EXHIBIT RC302A - "Interesting dates" unredacted document.
23
06:18:59 24 #EXHIBIT RC302B - "Interesting dates" redacted document.
25
06:19:23 26 MR WINNEKE: There's reference to a solicitor involved,
06:19:25 27 Mr Lewenberg, and she's passed on information to the effect
06:19:33 28 that he's advised Horthy not to comment during the record of
06:19:41 29 interview. Further, that the solicitor instructed Horthy
06:19:44 30 not to make mention of [REDACTED] as a lying dog. I'm
06:19:56 31 sorry, to. To. "Further instructed Horthy to make mention
06:20:04 32 of [REDACTED] is a lying dog." Interesting advice, but
06:20:12 33 nonetheless that's the advice that the solicitor has given
06:20:16 34 the client according to Ms Gobbo. "Ms Gobbo stated that
06:20:25 35 she must attend the police station if requested to maintain
06:20:29 36 a normal appearance in the eyes of Horthy and she would give
37 the normal pre-interview advice to Horthy". And she was not
38 tasked in relation to the arrest of Horthy and options were
06:20:44 39 discussed. "Further advised that the barrister Steven
06:20:50 40 Shirrefs is not available to represent Horthy today", one
06:20:53 41 assumes, "Gobbo is aware of the reason why she must not be
06:20:56 42 involved in the arrest or subsequent appearances on behalf
06:21:04 43 of Horthy and she agrees and is attempting to arrange for
06:21:08 44 another person to replace her if asked to represent Horthy".
06:21:13 45 Over the page, she's made arrangements to have - "Advised
06:21:23 46 that she's arranged for Mr Lewenberg not to apply for bail
06:21:26 47 on behalf of Horthy today because the magistrate would not

.07/08/19

4119

WHITE XXN - IN CAMERA

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

06:21:29 1 grant bail. She's convinced Mr Lewenberg that she can't
06:21:37 2 represent Horthy and claiming she does not need the negative
06:21:40 3 media coverage. She's already advised that solicitor that
06:21:44 4 she's unavailable during the next week." Then we see that
06:21:50 5 she has certainly arrived at the Custody Centre and is
06:21:53 6 waiting to see Horthy. If we go further down, she's seen
06:21:59 7 Horthy at the cells and she's very emotional. Certainly
06:22:13 8 that - given the desire that she had that she wanted to rid
06:22:22 9 herself of the Mokbels and have them put away, it does seem
06:22:28 10 strange that she's very emotional, would you accept
06:22:30 11 that?---No.

12
06:22:40 13 All right. It may well be - it was suggested that there
06:22:47 14 should be another appointment with the psychologist. She
06:22:51 15 states that, "Horthy's in a blind rage, he wants to know who
06:22:54 16 the informers are, what evidence do police have, who knew
06:22:58 17 about the arrest, who assisted police. She was in tears,
06:23:03 18 very upset and concerned with having to spend the weekend
06:23:07 19 dealing with Horthy's associates and the legal team, and
20 she's concerned about the possible implications of
06:23:18 21 witnesses being cross-examined. Stated that she's upset
06:23:20 22 that the responsibility for [REDACTED] and [REDACTED] has
06:23:27 23 been left with her". It seems that she's emotional about
06:23:31 24 that and she's scared about that?---She was definitely very
06:23:37 25 scared.

26
06:23:42 27 Then over the page she's been communicating with all of
06:23:45 28 Horthy's associates and anticipates doing so all weekend -
06:23:50 29 p.786. Would it be fair to accept that her activities
06:24:13 30 since September of 2005 have put her in greater risk of
06:24:19 31 harm?---Yes.

32
06:24:28 33 It would also be fair to assume, I suggest, that that
06:24:33 34 conduct was in very large part as a consequence of the
06:24:36 35 police encouragement of her, or at least conniving with
06:24:45 36 respect to her involvement with the police in her ongoing
06:24:50 37 way as an informer?---I don't like the use of the word
06:24:53 38 conniving, it implies some sort of evil intent there.
06:24:56 39 There's no doubt her relationship as an informer with
06:25:00 40 Victoria Police has increased the fears for her safety.

41
06:25:06 42 I mean obviously a much safer course for her would have
06:25:11 43 been to rid herself of the Mokbels in a different way to
06:25:20 44 assisting police to put them behind bars?---Yes.

45
06:25:33 46 If we go to ICR no.74 at p.787.

47

.07/08/19

4120

WHITE XXN - IN CAMERA

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

06:25:49 1 COMMISSIONER: Page 787.
2
06:25:51 3 MR WINNEKE: 787. She was asked to do the bail application
06:26:01 4 by the solicitor but she declined. She was concerned that
06:26:05 5 police might mention that informers are involved. She
06:26:17 6 indicated that Horty was claiming that about \$9,000 was
06:26:23 7 seized that he had won playing cards. Do you accept
06:26:32 8 that?---Sorry, do I accept that?
9
06:26:38 10 Yes?---Yes.
11
06:26:45 12 791. The evidence was that she believes that the greatest
06:27:15 13 challenge for the prosecution will be the corroboration of
06:27:17 14 [REDACTED] statement?---Can you point to where you're
06:27:27 15 reading, please?
16
06:27:28 17 Under the heading at - p.790. She's telling handlers that
06:27:38 18 she believes the greatest challenge for the prosecution
06:27:40 19 will be the corroboration of [REDACTED] statement?---I'm
06:27:47 20 still not sure what part of that page you're on,
06:27:50 21 Mr Winneke.
22
06:27:51 23 I'm sorry, about two-thirds of the way down, underneath
06:27:54 24 "Horty Mokbel"?---Yes.
25
06:28:05 26 Then there's entries at p.791. The hearing is still under
06:28:26 27 way. Horty glared at Ms Gobbo on the revelation of the
06:28:32 28 actual date of [REDACTED] arrest, that is [REDACTED] 2006.
06:28:42 29 Shirrefs was demanding to know the identity of the [REDACTED]
06:28:45 30 and [REDACTED] [REDACTED] and they're convinced that there must
06:28:48 31 be more than one informer due to the fact that [REDACTED] has been
06:28:54 32 in gaol since [REDACTED] of 2006. "Ms Gobbo states that she is
06:28:59 33 fucked now that the date of the arrest of [REDACTED] has
06:29:03 34 been released. She believes that this information was said
06:29:05 35 in court and will be published in the media. There were
06:29:09 36 options discussed for her to reply if fronted by any
06:29:10 37 individual and asked questions in relation to her
06:29:12 38 involvement. There were numerous options explored and had
06:29:16 39 been previously discussed and she has an understanding of
06:29:22 40 the prior discussions", right?---Yes.
41
06:29:33 42 Over the page. She's received information from the
06:29:44 43 barrister who represented Horty at the bail application,
06:29:49 44 which application he was refused bail. She's concerned
06:29:52 45 that comments made from a Tim Johns, a Purana investigator
06:29:59 46 as a result - sorry, bottom of p.792?---Can I stop you.
06:30:03 47 I'm not sure where you are on the page?

.07/08/19

4121

WHITE XXN - IN CAMERA

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

06:30:20 1
06:30:21 2 COMMISSIONER: 792, under the heading.
06:30:21 3
4 MR WINNEKE: Bottom of p.792?---Yes.
5
6 She's concerned at comments made from Tim Johns, the
06:30:21 7 investigator, as a result of those comments Horty might
06:30:22 8 guess that she's the informer and there was some comfort
06:30:26 9 from Detective Flynn about that to the effect that no
06:30:33 10 comments were made by Johns that would cause the
06:30:35 11 identification of the human source. If we go over to p.794
06:30:50 12 there's evidence, or there's material which suggests that
06:30:56 13 she will be going to gaol to speak to Horty but she's to
06:31:00 14 maintain a normal appearance and show interest in Horty, or
06:31:07 15 she'd like to maintain a normal interest and show interest
06:31:11 16 in Horty. The bottom of 793, she's going into - perhaps I
06:31:18 17 should start at 793. She's telling handlers that she's
06:31:23 18 actually going into the Custody Centre to face her demons.
06:31:26 19 She's going to go alone and get a gauge on whether or not
06:31:30 20 Horty suspects, is suspect on her as a result of the
06:31:36 21 discoveries from the Horty case, one assumes the bail
06:31:42 22 application, and that is the [REDACTED]
06:31:46 23 She'd like to maintain a normal appearance, show interest.
06:31:49 24 And it was discussed - that is the importance of her not
06:31:52 25 being involved with Horty or any further court proceedings
06:31:54 26 or providing legal advice. She disagrees with any comment
06:31:58 27 about not seeing Horty at this time. That might be for the
06:32:05 28 sake of appearances, one assumes, that she wants to put up
06:32:10 29 a normal appearance and present that she's not involved and
06:32:14 30 appear as either a legal advisor or a friend to
06:32:21 31 Mr Mokbel?---I think it's pretty clear that she believed if
06:32:29 32 she just stopped seeing him that would be entirely
06:32:32 33 consistent with the personal aspect of their relationship
06:32:37 34 and it wouldn't raise suspicions.
06:32:39 35
06:32:42 36 COMMISSIONER: Mr White, would you like a short
06:32:43 37 break?---Yes, please, Commissioner.
38
06:32:46 39 Yes, sorry, Mr Chettle.
06:32:48 40
06:32:48 41 MR CHETTLE: That's exactly what I was going to ask.
42
06:32:51 43 COMMISSIONER: Ten minute break, thank you.
44
45 (Short adjournment.)
46
06:46:18 47 COMMISSIONER: Yes Mr Winneke.

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

06:46:34 1
06:46:38 2 MR WINNEKE: Now, Mr White, it's the case, is it, that
06:46:45 3 [REDACTED] ultimately gave evidence at the committal in the
06:46:49 4 trial of Horty Mokbel?---I'll take it that that's accurate,
06:46:59 5 Mr Winneke. I can't for the life of me remember how he fit
06:47:03 6 in to Horty Mokbel's particular charges.
06:47:07 7
06:47:24 8 Can I say this, that [REDACTED] was instrumental, the
06:47:28 9 evidence of [REDACTED] was instrumental in the prosecution
06:47:31 10 of Horty Mokbel and I can say that without any fear of
06:47:34 11 contradiction from my learned friends. Can you accept that
06:47:38 12 from me, Mr White?---Yes, I can.
06:47:40 13
06:47:44 14 Therefore the involvement of Ms Gobbo was a potential
06:47:50 15 concern, certainly for Ms Gobbo and for the SDU at any time
06:47:55 16 when [REDACTED] was giving evidence because, assuming that,
06:48:02 17 as would normally be the case, his credibility was in
06:48:05 18 issue, the manner in which he came to provide the
06:48:08 19 assistance that I've just described would clearly be an
06:48:11 20 issue in the trial, if you can accept that proposition from
06:48:15 21 me?---Yes.
06:48:16 22
06:48:16 23 Do you understand that?---Yes.
06:48:18 24
06:48:31 25 If we have a look at the source management log. On 16
06:48:46 26 November 2007 you were on leave and I think Mr Smith became
06:48:52 27 controller and at the same time Horty Mokbel was undergoing
06:48:58 28 committal proceedings and [REDACTED] was giving evidence.
06:49:09 29 If you go to the source management log at p.126 you'll see
06:49:14 30 this entry, that update 3838 from, I think Mr Fox - p.126 -
06:49:35 31 "re Horty committal. Flynn gave evidence, no problems for
06:49:38 32 human source. Was asked if human source was present when
06:49:42 33 [REDACTED] rolled and the answer was no". Now, at face value
06:49:58 34 that would appear to be incorrect, wouldn't it?---No.
06:50:03 35
06:50:05 36 Why do you - - - ?---I don't think so.
06:50:07 37
06:50:07 38 Why do you say that? Given that the evidence that we've
06:50:11 39 heard that she was there, she attended against your advice,
06:50:18 40 she was present before he was interviewed, then she was,
06:50:22 41 then she left, then she came back, she was in a discussion
06:50:25 42 in private with the investigators and [REDACTED] for perhaps
06:50:30 43 an hour and a half subsequent to which it became apparent
06:50:35 44 that [REDACTED] was, in accordance with the plan that had
06:50:38 45 been mapped out the previous year, he ended up providing
06:50:43 46 assistance to the police, or to use the vernacular, he
06:50:47 47 rolled. If the answer was given no to that question, at

.07/08/19

4123

WHITE XXN - IN CAMERA

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

06:50:51 1 face value that would appear to be inaccurate, would it
06:50:54 2 not?---I'm not sure that she was actually present when he
06:50:58 3 did, to use that term, roll. I know she was there,
06:51:07 4 obviously subsequent to that at least.
06:51:10 5
06:51:10 6 Yes, all right. So you wouldn't see any problem with that
06:51:16 7 answer to that question?---Well it would depend on when he
06:51:23 8 rolled and how that occurred.
06:51:25 9
06:51:25 10 Yes?---I don't know when that happened.
06:51:27 11
06:51:29 12 All right. I take it you didn't make any inquiries about
06:51:32 13 that and that wasn't the subject of any discussions when
06:51:36 14 you returned?---From leave?
06:51:41 15
06:51:41 16 Yes?---I don't know.
06:51:45 17
06:51:45 18 All right. It also appears in the source management log
06:51:52 19 contact that Ms Gobbo was representing Mr Gatto [REDACTED]
06:52:00 20 [REDACTED] against the handlers' advice. That's another
06:52:04 21 entry on 21 November which would be concerning, would it
06:52:07 22 not?---Yes.
06:52:08 23
06:52:17 24 And then we see on 22 November 2007 an update with respect
06:52:23 25 to Ms Gobbo, [REDACTED] gave privilege answers re legal
06:52:33 26 advice he received when arrested and the magistrate blocked
06:52:35 27 that line of questioning because irrelevant to the case".
06:52:39 28 Now, I mean ultimately it may well not have been irrelevant
06:52:45 29 to the case, it may have been relevant to the case for a
06:52:51 30 number of reasons which we now would appreciate, do you
06:52:54 31 accept that proposition?---No, I don't understand what this
06:53:01 32 reference is all about.
06:53:04 33
06:53:05 34 You say, well, look you didn't make that and you're not too
06:53:09 35 certain what that means?---Yes.
06:53:10 36
06:53:27 37 As a matter of course would you have discussions with
06:53:32 38 handlers who were handling Ms Gobbo when you weren't
06:53:37 39 present? Would you have discussions or would you consult
06:53:40 40 them when you returned from leave and discuss with them
06:53:44 41 what had occurred whilst you'd been away?---Well it would
06:53:48 42 depend on the workload but I would like to do that.
06:53:54 43
06:53:54 44 Sorry?---It would depend on the workload but I would
06:54:01 45 definitely try to do that to catch up.
06:54:03 46
06:54:03 47 If there had been quite close questioning about the

.07/08/19

4124

WHITE XXN - IN CAMERA

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

06:54:06 1 situation with respect to [REDACTED] legal advice and what
06:54:10 2 was going on around the time that he was arrested and he
06:54:19 3 "rolled", certainly it would be reasonable to assume that
06:54:24 4 that would be a relevant area of examination at a committal
06:54:28 5 proceeding, wouldn't it?---I'm sorry, I don't follow your
06:54:36 6 question.
06:54:36 7

06:54:37 8 Just from the note in the source management log and the
06:54:44 9 very fact that it was entered in the source management log,
06:54:47 10 the entry on 21 November, that Mr Flynn gave a particular
06:54:53 11 answer, if we have a look at it, on 21 November and then
06:54:58 12 subsequently the next day there are sole entries in the
06:55:02 13 source management log concerning questions that were asked
06:55:06 14 and privileges that were maintained around the answers to
06:55:09 15 those questions about [REDACTED] legal representation at
06:55:16 16 the time that he decided to become a person who assisted
06:55:21 17 the police, certainly at least by making statements if not
06:55:26 18 in other ways, but those matters are the subject of great
06:55:30 19 concern to the, certainly to Ms Gobbo but also to the SDU,
06:56:00 20 do you accept that?---I accept that any information in
06:56:09 21 relation to Ms Gobbo was of interest to me. I honestly, I
06:56:16 22 can't tell you that I came back, as you already stated, I
06:56:23 23 didn't write this particular comment, I can only assume
06:56:27 24 that I would have been briefed about it when I got back but
06:56:29 25 I just can't remember.
06:56:31 26

06:56:31 27 Perhaps if we can do this. As a person looking back at it
06:56:36 28 from at a distance, knowing the issues, I mean if we go to
06:56:39 29 your diaries on [REDACTED] 2006, there's an entry at 20:13 in
06:56:47 30 your diary which says that [REDACTED] is considering
06:56:49 31 assisting and Ms Gobbo is speaking to him. 20:13. Then at
06:56:56 32 22:15, amongst other things, wanted barrister assisting -
06:57:07 33 has agreed to assist - has agreed to assist, has asked to
06:57:20 34 speak to Dale and Gobbo alone, right. Wanted barrister to
06:57:25 35 assist. Asked to speak to Dale and Gobbo alone and then
06:57:29 36 subsequently has agreed to assist. If we can assume that
06:57:33 37 the knowledge that you had at the time was that Ms Gobbo
06:57:38 38 provided advice to [REDACTED] after he was arrested in
06:57:42 39 circumstances which you had foreshadowed in the discussion
06:57:47 40 with her on [REDACTED] where she's providing him with advice
06:57:51 41 in the same circumstance as she has provided all the
06:57:55 42 assistance that led to him being arrested, right, and then
06:57:59 43 she does the very thing that you were very concerned about
06:58:01 44 to the extent that you wished to, or considered arresting
06:58:06 45 her, it's quite apparent that there is relevant information
06:58:11 46 in the hands of Victoria Police which it seems barristers
06:58:17 47 for Mr Horty Mokbel were trying to find out about and they

.07/08/19

4125

WHITE XXN - IN CAMERA

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

06:58:23 1 were blocked, they were prevented from getting to that
06:58:27 2 information, do you agree with that proposition?--No, I
06:58:32 3 don't think I do.
06:58:33 4
06:58:33 5 Why not?--I don't - are you still talking about the entry
06:58:39 6 on the 21st of - - -
06:58:42 7
06:58:42 8 Yes, I am, Mr White?--November.
06:58:44 9
06:58:45 10 The real proposition is this: she should not have been
06:58:48 11 advising him on [REDACTED] --Yes.
06:58:51 12
06:58:51 13 Do you accept that proposition?--Yes, I do.
06:58:53 14
06:58:53 15 You know that he was there, she was there advising him at
06:58:58 16 the time that he rolled, you know that as a matter of fact
06:59:01 17 now, don't you?--Now because I've read my diary.
06:59:05 18
06:59:05 19 Yes?--And indicated that was the case.
06:59:07 20
06:59:08 21 You know that information, okay, that's why this is taking
06:59:12 22 a while, Mr White, you know that information and you're
06:59:15 23 prepared now to concede that information, all right?--Yes.
06:59:18 24
06:59:19 25 You know when you look at that entry on 21 November, when
06:59:25 26 you come back from leave, let's assume you read it, you've
06:59:28 27 got time to read it, okay. You may or may not have. But
06:59:33 28 do you accept it's your responsibility to read it?--Yes.
06:59:37 29
06:59:38 30 And you discover that on the face of it a police officer
06:59:44 31 has given evidence at the committal when barristers are
06:59:48 32 quite rightfully and properly trying to find out what was
06:59:51 33 going on at the time that this man was arrested and an
06:59:57 34 answer to a question, on face value if you look at that,
07:00:01 35 was Gobbo present when [REDACTED] rolled and an answer is
07:00:08 36 given no. At face value that would be incorrect, it would
07:00:13 37 be not true?--At face value but as I said I don't recall
07:00:18 38 this.
07:00:19 39
07:00:19 40 Yes. Look, you may not recall it, but can we assume that
07:00:24 41 you are a conscientious operator, you read these entries
07:00:28 42 and you say to yourself, "I've got information which
07:00:31 43 suggests that that's just not true, that concerns me", do
07:00:34 44 you see that?--Well, your question was can you assume I'm
07:00:40 45 a conscientious operator, I would like to think that I am.
07:00:44 46 All I can say is I can't recall it, maybe I missed it, I
07:00:48 47 don't know. Maybe I did something about it, I don't know

.07/08/19

4126

WHITE XXN - IN CAMERA

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

07:00:50 1 at this point.
07:00:51 2
07:00:51 3 If you did something about it, what would you have
07:00:54 4 done?---I might have spoken to Flynn, I might have spoken
07:00:58 5 to O'Brien. I don't know.
07:01:00 6
07:01:01 7 If it turned out to be the case that barristers were quite
07:01:06 8 rightfully and justifiably trying to find out what was
07:01:10 9 going on, who was representing [REDACTED] and providing him advice,
07:01:15 10 you must have known, if that's the case, if that's what
07:01:18 11 they were trying to do, it would be quite apparent that
07:01:22 12 that information should be available, should have been
07:01:26 13 available to those who were representing Mr Mokbel at that
07:01:32 14 time, it should have been made available to them, do you
07:01:36 15 accept that?---You might think I'm a bit thick but I'm not
07:01:45 16 following. I understand what you say about - your overall
07:01:51 17 consistent contention has been that we should have advised
07:01:55 18 defence in relation to what you've been saying is both
07:02:06 19 Horty and Milad Mokbel, that she was used as a source. I
07:02:09 20 understand that, and I understand your thinking about that.
07:02:14 21 All I can say is the issue of her going on to represent
07:02:17 22 these people, it was a matter for her. We tried. I think
07:02:21 23 the record is clear we've been trying to stop this sort of
07:02:25 24 thing from happening.
07:02:25 25
07:02:26 26 Mr White, I understand that but what I'm trying to get to
07:02:30 27 is this: you knew, you predicted the difficulty because we
07:02:34 28 heard the interview that you had with Ms Gobbo on the 20th,
07:02:39 29 and you said wouldn't at some stage a defence barrister be
07:02:45 30 asking questions along the lines of, if you're providing
07:02:47 31 information against a person and then you're advising him,
07:02:50 32 wouldn't that be a difficulty? You say you were trying to
07:02:53 33 thrash out hypothetical circumstances and situations and
07:02:56 34 that's what you came up with. Now, that eventuated
07:03:00 35 ultimately, didn't it?---Yes.
07:03:05 36
07:03:05 37 The very person who advised, who was there and present when
07:03:11 38 [REDACTED] decides to assist police, the very person who
07:03:18 39 advised him to do that was the person who put him in to
07:03:22 40 police?---Yes.
07:03:25 41
07:03:28 42 That is information which I suggest to you quite obviously
07:03:33 43 is information that people who are representing accused
07:03:39 44 persons on the basis of evidence that that person has
07:03:42 45 provided or that assistance - the person who has provided
07:03:45 46 that assistance would be entitled to know of?---Sorry, are
07:04:02 47 you waiting for a response?

.07/08/19

4127

WHITE XXN - IN CAMERA

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

07:04:03 1
07:04:04 2 I am?---Yes.
07:04:05 3
07:04:09 4 Those two entries, the fact that they're entered, suggests
07:04:12 5 that consideration was given to these very matters and they
07:04:16 6 were put into the source management log I suggest to
07:04:21 7 you?---As I've already told you I did not put this entry in
07:04:26 8 the log, I don't even know if I saw it. I can't say any
07:04:30 9 more.
07:04:30 10
07:04:31 11 It may well be that given what's occurred that there would
07:04:35 12 be concern on the part of people looking at all this as to
07:04:38 13 why this information wasn't disclosed, what the systems
07:04:44 14 were in place at the time which meant that this information
07:04:47 15 didn't become disclosed. Now, are you able to offer any
07:04:50 16 suggestion as to why that did not come to light at the
07:04:53 17 time?---No.
07:04:55 18
07:05:03 19 All right. Then subsequent to that the following year at
07:05:28 20 the trial of Mr Mokbel, Horthy Mokbel, this is - I'm going
07:05:36 21 to put up an email VPL.0100.0046.0216. It's an email on 3
07:05:50 22 September 2008. If you can just go to the first entry.
07:06:01 23 You can put it on all of the screens I think. This is an
07:06:40 24 email from you to Mr Biggin and Mr Glow under the subject,
07:06:48 25 "One last thing". And it says this, "Forgot to mention
07:06:55 26 that Purana had briefed counsel yesterday for PII hearing
07:07:00 27 today re intel from IRs concerning [REDACTED] 16 IRs have
07:07:08 28 been handed over to Purana from us that are heavily edited.
07:07:13 29 No prizes for guessing where the intel comes from. [REDACTED] will
07:07:21 30 not be giving evidence until this matter is resolved.
07:07:32 31 Defence are obviously looking to discredit [REDACTED] and are
07:07:35 32 trying to get as much information about him as possible.
07:07:39 33 Each IR has the potential to compromise the source and the
07:07:43 34 collection in total would definitely compromise the source,
35 firstly with [REDACTED] himself and then possibly Horthy as
36 well".
37
38 COMMISSIONER: Better take that out.
39
07:07:49 40 MR WINNEKE: This has been tendered I think. Yes, [REDACTED]
07:07:55 41 Again, this is I suggest an email at around the time of the
07:08:02 42 trial of Horthy Mokbel on 3 September 2008, you'll see the
07:08:19 43 date of the trial on the document we've tendered, Exhibit
07:08:23 44 302A and B. But in any event it relates to the same issues
07:08:32 45 that we've been dealing with, do you see that?---Yes.
07:08:35 46
07:08:38 47 Again, "Each IR has the potential to compromise the source.

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

07:08:50 1 The matter is as much under control as we can make it. I
07:08:54 2 will let you both know the result of the PII hearing when
07:08:57 3 we get to it". Then ultimately it says, "We had a win with
07:09:00 4 respect to PII issue for three of the IRs re [REDACTED]
07:09:02 5 appropriately sanitised and the defence are satisfied". I
07:09:06 6 asked you that before. The same issues apply. Do you
07:09:09 7 accept that that information is information which was
07:09:16 8 prevented from getting to the defence and to the court in
07:09:20 9 that trial?---The information that she was a human source,
07:09:25 10 yes.

07:09:26 11
07:09:27 12 And the information that the human source had been acting
07:09:31 13 for [REDACTED] and advising [REDACTED] at the same time as
07:09:37 14 providing information against him?---I think so.

07:09:41 15
07:09:46 16 So again not just at the committal but at the trial steps
07:09:51 17 were taken to prevent that information from coming to
07:09:54 18 light, do you accept that proposition?---Certainly from my
07:10:00 19 point of view protecting the source identity was paramount.
07:10:08 20 What the prosecutor or others involved in that particular
07:10:11 21 prosecution knew, I have no, I can't shed light on that.

07:10:15 22
07:10:16 23 Would you expect that the counsel was given full
07:10:19 24 instructions to the effect that Ms Gobbo was both a human
07:10:24 25 source and the person who provided advice at the time that
07:10:28 26 [REDACTED] decided to start providing assistance to
07:10:34 27 police?---Defence counsel?

07:10:38 28
07:10:39 29 No, counsel who had been briefed to argue the public
07:10:44 30 interest argument?---I don't know.

07:10:48 31
07:10:48 32 Would it be likely and would you expect that that person
07:10:55 33 should have been given that information to properly enable
07:10:58 34 them to argue that public interest argument?---I really
07:11:02 35 don't know.

07:11:04 36
07:11:11 37 You would not think that a person who was briefed to engage
07:11:16 38 in that sort of argument should be deprived that
07:11:19 39 information, you would expect that person would be provided
07:11:21 40 with that information?---I think as a matter of course when
07:11:25 41 it comes to these PII arguments the counsel is briefed
07:11:32 42 pretty fully.

07:11:34 43
07:11:34 44 Would you expect that pretty fully would include the fact
07:11:38 45 that Gobbo was the provider of information and the adviser
07:11:45 46 of the person who then decides to give evidence?---I really
07:11:48 47 don't know, Mr Winneke.

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

07:11:49 1
07:11:53 2 We'll move on. Can I ask you some questions about briefly,
07:12:07 3 very briefly about [REDACTED] If we go to p.530 of the
07:12:19 4 ICRs?---530?
07:12:44 5
07:12:45 6 The first proposition is this, you understand that Gobbo
07:12:49 7 had provided the information which led to his arrest on [REDACTED]
07:12:54 8 [REDACTED] 2006?---She had provided information that assisted in
07:13:02 9 his arrest, yes. Was the page 530?
07:13:06 10
07:13:07 11 530. This is an entry which is made on 30 October 2006.
07:13:52 12 If you have a look at the entry at the bottom of the page
07:13:57 13 on 530?---Yes.
07:13:58 14
07:14:02 15 It says here that Gobbo is going to represent [REDACTED] during
07:14:07 16 the plea of Operation Posse. Do you see that?---Yes.
07:14:11 17
07:14:13 18 And she is considering changing the date of [REDACTED] plea and
07:14:17 19 bringing it forward so he's not standing in the dock with
07:14:21 20 Milad at the end of the day?---I can see that.
07:14:29 21
07:14:30 22 COMMISSIONER: It's 530 and 531, Mr Chettle.
07:14:33 23
07:14:34 24 MR WINNEKE: Over to 531, yes. Do you see that?---Sorry,
07:15:09 25 yes, I thought I'd already said that.
07:15:12 26
07:15:12 27 Again this was a person - we've had discussions about
07:15:18 28 Ms Gobbo's desire to ensure that there weren't contested
07:15:23 29 committal proceedings or trials because every time one of
07:15:27 30 those occurred there was the enhanced risk that her
07:15:30 31 involvement on [REDACTED] might come to light, do you accept
07:15:32 32 that?---Yes.
07:15:33 33
07:15:33 34 And that she was always concerned, it would be in her
07:15:36 35 interests therefore that if a person who potentially might
07:15:40 36 run a trial or committal which could lead to her exposure
07:15:43 37 on that night, it was in her interest that that didn't
07:15:48 38 occur, do you accept that?---Yes.
07:15:50 39
07:15:51 40 And therefore if a person was to plead guilty those risks
07:15:55 41 would be abated, do you accept that?---Yes.
07:15:58 42
07:15:59 43 And on any view it would not be appropriate for at least in
07:16:05 44 those circumstances, if not other reasons, for Ms Gobbo to
07:16:09 45 be appearing and representing and advising [REDACTED] on a
07:16:14 46 plea or on a trial or provide any advice as to whether he
07:16:18 47 should plead or not. Do you accept that?---Yes.

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

07:16:22 1
07:16:24 2 What we see is that she's going to represent him during the
07:16:27 3 plea and there's certainly no suggestion coming from the
07:16:37 4 SDU that she shouldn't do so, certainly in that entry
07:16:43 5 there?---In that reference, yes.

07:16:45 6
07:16:46 7 Then if we go down to the bottom of the page we see that's
07:16:55 8 the occasion where Ms Gobbo was provided with five briefs
07:17:00 9 of evidence by Purana and one of the briefs that she was
07:17:09 10 provided with to look at was his brief?---I can't see it
07:17:33 11 but I imagine it's the same brief as [REDACTED]

07:17:43 12
07:17:46 13 I can suggest to you, and I can tell you this, that these
07:17:50 14 are facts which are agreed before the Supreme Court in the
07:17:52 15 decision of Justice Ginnane, that she appeared for him on a
07:17:57 16 number of occasions after 30 October 2006 and she appeared
07:18:08 17 at mentions on [REDACTED] she represented him at a mention
07:18:13 18 hearing on [REDACTED] 2007. She represented him at a
07:18:21 19 committal mention hearing on behalf of [REDACTED] and she agreed
07:18:25 20 with the prosecutor on the resolution of the charges. On
07:18:30 21 [REDACTED] 2007 she represented [REDACTED] at a plea hearing which
07:18:34 22 was adjourned after approximately 45 minutes and on [REDACTED]
07:18:39 23 2007 she represented him at the resumption of the plea
07:18:44 24 hearing which lasted under two hours, and on 30 October
07:18:50 25 2006 she reviewed the prosecution brief of evidence and
07:18:55 26 that's what I've just been talking to you about. I take it
07:19:03 27 you would accept all of those matters?---Yes.

07:19:05 28
07:19:06 29 What she did was to charge him, the Commission has evidence
07:19:10 30 that she charged him fees totalling \$5085 for that work
07:19:19 31 that she did for him. Now do you accept that in all of
07:19:26 32 those circumstances her representing him, advising him and
07:19:32 33 settling charges on his behalf was inappropriate?---Yes.

07:19:37 34
07:19:45 35 And obtaining fees from him for doing so was
07:19:48 36 inappropriate?---Yes.

07:19:51 37
07:19:52 38 And clearly it would have been expected by the SDU given
07:19:59 39 that she was acting for him and representing him on a plea,
07:20:01 40 it would be expected as a matter of course that she would
07:20:04 41 be charging him money to do so?---I think the agreed facts
07:20:15 42 that you've outlined to me make it pretty clear she
07:20:21 43 represented him, so yes.

07:20:22 44
07:20:22 45 The likelihood is that she would be making money from doing
07:20:25 46 that?---Yes.

07:20:26 47

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

07:20:32 1 Just excuse me. Can I ask you about the case involving
07:20:54 2 Mr Bickley [REDACTED] You understand that Ms Gobbo's initial
07:21:05 3 recruitment in 2005 arose because of her engagement to
07:21:10 4 represent Mr Bickley [REDACTED] at the time and her then approaching
07:21:14 5 Messrs Rowe and Mansell?---Yes.
07:21:17 6
07:21:17 7 And she made it clear to you that as far as she was
07:21:20 8 concerned there was a conflict in representing him whilst
07:21:23 9 she was representing Tony Mokbel?---Yes.
07:21:26 10
07:21:27 11 As we've discussed, she couldn't do both, she couldn't
07:21:30 12 properly represent the interests of both at the same
07:21:33 13 time?---Yes.
07:21:34 14
07:21:35 15 It was considered by her that she couldn't, she wouldn't
07:21:43 16 represent Mr Bickley [REDACTED] because Mr Mokbel was an existing
07:21:47 17 client and therefore his interests had priority?---Yes.
07:21:52 18
07:22:17 19 And ultimately, as we've discussed, the investigation plan
07:22:22 20 with respect to Operation [REDACTED] involved, in the same
07:22:32 21 manner as the attempting to get [REDACTED] to roll, the same
07:22:43 22 was going, the same technique was going to be used to
07:22:47 23 increase the motivation of [REDACTED] by further
07:22:53 24 investigation of current criminal activities and
07:22:55 25 association with [REDACTED] and [REDACTED] et cetera, so the same
07:23:02 26 plan applied to [REDACTED] as it did to [REDACTED] -Not
07:23:06 27 that I'm aware of.
07:23:07 28
07:23:07 29 I'm suggesting that's the case and that's what the
07:23:10 30 investigation plan said. I'm not going to put it up
07:23:13 31 because it's getting late in the day. Ms Gobbo had told
07:23:16 32 the SDU that she believed that [REDACTED] would be
07:23:21 33 vulnerable to rolling I suggest to you [REDACTED]
07:23:24 34 [REDACTED] Ms Gobbo continued to provide intelligence
07:23:27 35 about Mr Bickley [REDACTED] to the SDU throughout her recruitment by
07:23:34 36 police. I'm going to ask you to accept those propositions.
07:23:37 37 Can I take you to p.84, ICR no.12, 13 December 2005.
07:24:00 38 You'll see there that the source Gobbo has been speaking
07:24:03 39 with him about his brief of evidence. She is scheduled to
07:24:07 40 meet with him soon and he's still saving his 130,000 to
07:24:12 41 bribe someone to get off his charges, do you see
07:24:15 42 that?---Yes.
07:24:15 43
07:24:22 44 And she provides his mobile telephone number and that
07:24:29 45 thereafter is submitted as an information report?---Yes.
07:24:33 46
07:24:34 47 And it's quite apparent that she's providing him with

.07/08/19

4132

WHITE XXN - IN CAMERA

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

07:24:38 1 advice in the context of reviewing his brief of evidence
07:24:40 2 and having discussions with him?---Yes.
07:24:43 3
07:24:53 4 Then **Mr Bickley** was arrested by Purana investigators on
07:24:57 5 13 June 2006 in accordance with the [REDACTED], I
07:25:06 6 suggest?---He was arrested a second time, is that what
07:25:14 7 you're telling me?
07:25:15 8
07:25:15 9 Yes?---And what - sorry, what page am I going to?
07:25:21 10
07:25:21 11 I'm going to take you to a page shortly but Mr Flynn has
07:25:25 12 said in his statement that he was arrested mostly as a
07:25:27 13 result of the assistance provided by [REDACTED] and I'm not
07:25:35 14 going to go into the assistance at this stage, but if you
07:25:38 15 can take this as a proposition that Mr Flynn was prepared
07:25:41 16 to accept, indeed he said in his statement it was mostly as
07:25:49 17 a result of the assistance provided by [REDACTED] would you
07:25:51 18 be prepared to agree with that?---Yes, I would.
07:25:54 19
07:26:22 20 In paragraph 83 of your statement you say that, "No better
07:26:25 21 example of the fact that Mokbel was committing ongoing
07:26:28 22 crimes at the commencement of our relationship with
07:26:31 23 Ms Gobbo was the fact that he was using Ms Gobbo to keep
07:26:34 24 **Mr Bickley** from rolling on him for his involvement in
07:26:40 25 **Mr Bickley**'s drug trafficking activity", do you see
07:26:43 26 that?---Yes.
07:26:59 27
07:27:11 28 It's quite clear that as far as you were concerned Ms Gobbo
07:27:24 29 in the circumstance should not have been providing legal
07:27:28 30 advice to him?---You mean from the very outset?
07:27:40 31
07:27:40 32 Certainly after he was arrested?---Well, I think that was
07:27:46 33 her conclusion, because she's told him she was conflicted.
07:27:49 34
07:27:50 35 Yes. Now if we go to p.280, ICR number 30?---I have that
07:28:28 36 page.
07:28:29 37
07:28:29 38 It seems that **Mr Bickley** turned up at Gobbo's office. He
07:28:37 39 had a belief about, had a belief about how he came to be
07:28:43 40 arrested and the way in which [REDACTED] had implicated him
07:28:51 41 in his arrest. Page 280. Do you see that?---I do.
07:29:00 42
07:29:09 43 Right?---Is this after the second arrest by Flynn?
07:29:12 44
07:29:13 45 Yes?---Okay.
07:29:17 46
07:29:18 47 And she told the handler, yes, that if he got arrested he

.07/08/19

4133

WHITE XXN - IN CAMERA

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

07:29:23 1 was - I withdraw that. If he got arrested he was likely to
07:29:28 2 ring her. He hadn't been arrested at this stage but the
07:29:32 3 expectation was that if he was arrested he was likely to
07:29:37 4 ring her?---I see that.

07:29:45 5
07:29:45 6 Yes, okay. Certainly there wasn't any suggestion that she
07:29:49 7 shouldn't be involved and shouldn't advise him?---Not that
07:29:55 8 I can see there.

07:29:56 9
07:29:58 10 If we go to 4 June 2006, p.318, ICR 34. And what she said
07:30:37 11 at p.318 to handlers, she was called - Mr Green I think was
07:30:47 12 called by the source and there was a discussion about
07:30:53 13 Mr Bickley She was, she said that he will [REDACTED]
07:30:58 14 when [REDACTED] if he is granted bail. Do you see
07:31:02 15 that?---Yes.

07:31:03 16
07:31:07 17 Then three days later on 7 June 2006, p.320, 7 June, under
07:31:18 18 the heading "Mr Bickley arrest tips", Ms Gobbo was [REDACTED]
07:31:25 19 [REDACTED] on [REDACTED] on his arrest.
07:31:29 20 She told them about releasing him on bail so that he could
07:31:34 21 further his business idea which will be worth millions to
07:31:40 22 him. He had an idea of a business which was a tradesman on
07:31:47 23 line, like What If, et cetera, for motels and Mokbel had
07:31:51 24 previously promised to back him in that business. Purana
07:31:55 25 was advised about that matter. They were told about that,
07:31:58 26 do you see?---Yes.

07:32:00 27
07:32:01 28 They advised in briefing regarding the same. That is they
07:32:08 29 had advised the SDU in their briefing about that
07:32:11 30 matter?---Yes.

07:32:11 31
07:32:18 32 So just to clarify, Operation Purana was provided with that
07:32:24 33 information?---I'm not sure which way.

07:32:29 34
07:32:29 35 It seems - - - ?---(Indistinct).

07:32:32 36
07:32:33 37 It seems that you were asking or the SDU were asking for
07:32:38 38 tips on arresting him, the angles that could best be used
07:32:43 39 [REDACTED] She's provided some ideas and
07:32:47 40 that's provided to Purana. "No threats like last time
07:32:52 41 interviewed." She told them to talk short and to the
07:33:06 42 point. She told them not to make threats like last time
07:33:10 43 when he was interviewed and Gobbo mentioned that in an ICR
07:33:14 44 in October and November of 2005, that Mansell, the big
07:33:17 45 bloke, had been threatening to him. And I suggest that
07:33:26 46 that information was then provided to Purana, do you agree
07:33:35 47 with that proposition?---I think that's possible.

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

07:33:38 1
07:33:39 2 Then p.324. There was a further discussion between the SDU
07:33:55 3 and [REDACTED] about [REDACTED]. She advised that a phone
07:34:09 4 call to her might be better than visiting the police
07:34:14 5 station, do you agree with that, p.324?---I agree with
07:34:27 6 what's written there, I'm not sure what it means.
07:34:29 7
07:34:30 8 "She could advise over the telephone. Phone call to source
07:34:34 9 rather than visit to the station when arrested." Look,
07:34:43 10 she's providing advice on the best way of going about it to
07:34:48 11 [REDACTED]. I suggest to you?---Yes.
07:34:50 12
07:34:50 13 "She indicated the phone to the solicitor is very important
07:34:53 14 to set his mind at ease, he was a bit scammy last time. He
07:34:56 15 was given a bit of a run around and it left him feeling
07:35:00 16 untrustworthy towards the police." Effectively she's
07:35:04 17 telling you the best way to go to get him on side, do you
07:35:07 18 agree with that?---I think that's consistent, yes.
07:35:12 19
07:35:13 20 Can I ask you this: what do you think, "Checking your
07:35:15 21 statement will be nothing like [REDACTED]", what do you
07:35:20 22 think that would mean?---I have no idea.
07:35:23 23
07:35:26 24 He was arrested on 13 June 2006 and the SML reveals on that
07:35:32 25 day the SDU were advised of his arrest. If we go to p.328,
07:35:44 26 ICR 35. At 1.25 pm Ms Gobbo's SDU handler rang and told
07:35:55 27 Gobbo of the arrest. 1.25 pm. Move up the page, 13:25,
07:36:08 28 called source, advised same, **Mr Bickley** arrested. Call
07:36:13 29 source, advised to expect to a call from same, right. Now
07:36:17 30 that's in accordance with what had been discussed, her
07:36:21 31 advice, telephone call to her would be the best way of
07:36:24 32 going about it?---Yes.
07:36:26 33
07:36:27 34 Do you accept that?---Yes, I do.
07:36:29 35
07:36:29 36 And then at 14:18 the handler was called by the source. At
07:36:42 37 1.56 pm there's evidence that the Commission has that
07:36:46 38 **Mr Bickley** rang and spoke with Ms Gobbo. That's evidence
07:36:51 39 that the Commission has from Rowe's diary. "2.15 pm she
07:36:56 40 spoke to him again later on when he was in the interview
41 room for about 20 minutes." That's evidence the Commission
07:37:01 42 has in Rowe's diary. Gobbo attended the station that day".
07:37:08 43 Sorry, withdraw that last one. At 14:18 the source called
07:37:15 44 the handler and she told the handler that **Mr Bickley** was in
07:37:19 45 tears, left high and dry by the Mokbels. Indicated from
07:37:22 46 the police that he will get bail and to look after
07:37:25 47 yourself. Effectively what she's saying is that this is, I

.07/08/19

4135

WHITE XXN - IN CAMERA

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

07:37:33 1 suggest, part of the plan that Ms Gobbo had told the
07:37:40 2 source, the handlers about, was that she would be called,
07:37:45 3 she would give him advice. Now he calls, he's in tears, he
07:37:49 4 tells her that he's been left high and dry. There's an
07:37:55 5 indication from the police that he would get bail and he
07:37:58 6 should look after himself and that seems to be in
07:38:00 7 accordance with Ms Gobbo's arrest tip. Do you accept that
07:38:04 8 proposition?---Yes.

07:38:05 9
07:38:06 10 And the Commission has evidence from Mr Rowe that **Mr Bickley**
07:38:12 11 spoke with O'Brien and Flynn [REDACTED]
07:38:20 12 right? Was it your understanding that that involved a
07:38:24 13 [REDACTED] the [REDACTED] as had occurred with
07:38:31 14 [REDACTED] Can I put it this way: you understood that
07:38:48 15 there would be [REDACTED] - by
07:38:55 16 [REDACTED] -Um - - -

07:39:02 17
07:39:03 18 Do you have difficulty answering that?---No, I'm just -
07:39:06 19 you're asking me did I understand [REDACTED] would be
07:39:09 20 [REDACTED] and I'm not sure, I don't know if
07:39:15 21 that happened.

07:39:16 22
07:39:17 23 Okay. Commissioner, we're getting into an area where I
07:39:21 24 think we're going to have some difficulties, I'm conscious
07:39:24 25 of that, that's why I'm being careful. I think we are
07:39:28 26 going to have to work out a way to do it.

07:39:32 27
07:39:32 28 COMMISSIONER: All right then, we'll adjourn - - -

07:39:32 29
07:39:33 30 MR CHETTLE: Commissioner, can I raise a matter just of
07:39:34 31 welfare.

07:39:34 32
07:39:34 33 COMMISSIONER: Yes.

07:39:34 34
07:39:34 35 MR CHETTLE: As I understand it every police witness we've
07:39:36 36 had so far has been supported by a welfare person from
07:39:40 37 Operation Landow.

07:39:42 38
07:39:42 39 COMMISSIONER: I specifically, I have specifically asked
07:39:45 40 that this witness be advised of that, so I hope that's
07:39:48 41 happened.

07:39:48 42
07:39:49 43 MR CHETTLE: He's not a member of the Police Force as you
07:39:51 44 would appreciate. He has been in here for a long while.

07:39:56 45
07:39:57 46 COMMISSIONER: Yes, he has been. A big ask of the witness,
07:40:00 47 there's no doubt about that.

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

1
07:40:02 2 MR CHETTLE: He is as I understand it left high and dry.
07:40:04 3 He is not talking to us, he's not talking to the other
07:40:07 4 handlers and so I do have welfare concerns. I understand,
07:40:10 5 Commissioner, that you don't want - - -
07:40:11 6
07:40:12 7 COMMISSIONER: The witness is still on the line, is that
07:40:14 8 all right?
07:40:14 9
07:40:16 10 MR CHETTLE: Yes, yes. He probably doesn't mind me saying
07:40:18 11 this. I'm just asking if you would consider, Commissioner,
07:40:22 12 that you would allow him to talk to other handlers if they
07:40:26 13 undertake not to talk about the case, because that would
07:40:30 14 provide welfare and support in what is a clearly a very
07:40:34 15 stressful time.
07:40:34 16
07:40:35 17 COMMISSIONER: Would you have any problem with that,
07:40:36 18 Mr Winneke?
07:40:37 19
07:40:37 20 MR WINNEKE: Commissioner, I have no difficulty at all with
07:40:41 21 Mr White speaking to support people. I don't know whether
07:40:44 22 it would be appropriate for him to speak to other handlers,
07:40:47 23 I'm sure there are plenty of other people that he can speak
07:40:52 24 to. Commissioner, these are significant matters.
07:40:55 25
07:40:55 26 COMMISSIONER: Yes, he has been provided with the contact
07:40:58 27 details of the Commission's welfare service. I sorted that
07:41:02 28 early in the piece.
07:41:02 29
07:41:03 30 MR CHETTLE: Thank you for that, Commissioner.
07:41:04 31
07:41:04 32 COMMISSIONER: You don't think that would be prudent,
07:41:06 33 Mr Winneke?
07:41:07 34
07:41:07 35 MR WINNEKE: Commissioner, no. I understand the
07:41:08 36 difficulties. These are significant matters that the
07:41:11 37 Commissioner needs to get to the bottom of. There's no
07:41:14 38 doubt, I don't have a problem with Mr Chettle speaking to
07:41:17 39 him or his junior speaking to him so long as - and I've got
07:41:21 40 no doubt he wouldn't talk about the matters that are being
07:41:24 41 asked of him.
07:41:25 42
07:41:25 43 COMMISSIONER: Yes, as long as it's not about his evidence.
07:41:27 44
07:41:28 45 MR HOLT: Commissioner, I've just explained to my learned
07:41:31 46 friend that Task Force Landow, even though he is not a
07:41:35 47 current member, have been providing a level of support.

.07/08/19

4137

WHITE XXN - IN CAMERA

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

1 They are in a position to ramp that up if they need to with
2 people who would have obviously nothing to do with the
3 evidence. We'll talk to our learned friend about that.

07:41:39 3
07:41:41 4
07:41:41 5 MR CHETTLE: I'm happy with that, Commissioner. It's just
6 that I don't want him left out there like a shag on a rock.
7

07:41:45 8 COMMISSIONER: No, no. We've all been concerned about him,
07:41:47 9 as I say, right from day one he has been informed certainly
10 of the Commission's welfare services available and been
07:41:54 11 given a phone number and contact details.
12

13 MR CHETTLE: Thank you Commissioner.
14

07:41:56 15 COMMISSIONER: That would be good if Victoria Police could
07:41:58 16 follow that up.
17

07:41:59 18 MR HOLT: We'll do that, Commissioner, immediately.
19

07:42:01 19 COMMISSIONER: So you and your instructors can certainly
07:42:01 20 talk to him as long as it's not about his evidence and the
07:42:04 21 case.
07:42:07 22

07:42:07 23
07:42:08 24 MR CHETTLE: Thank you Commissioner.
07:42:09 25

07:42:09 26 COMMISSIONER: Details of his evidence. We'll adjourn
07:42:12 27 until 9.30 tomorrow morning.
28

07:42:46 29 <(THE WITNESS WITHDREW)
07:42:46 30

07:42:46 31 ADJOURNED UNTIL THURSDAY 8 AUGUST 2019
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47