

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Tuesday, 20 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 K. O'Gorman
Counsel for CDPP	Ms C. Fitzgerald
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for John Higgs	Ms C. Dwyer
Counsel for Faruk Orman	Ms S. Wallace
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for AFP	Ms I. Minnett

UPON RESUMING IN OPEN HEARING:

MR COLLINSON: I was asking a question of you a moment ago, Mr White, about the implications of the role of Ms Gobbo as a legal actor. As the three and a quarter years went forward some of the problems that arose from that legal actor role became apparent, didn't they?---Yes.

At least two would be as follows: the first would be that by acting for people in the criminal community, whether or not her clients, Ms Gobbo, if she wanted to continue to advise some persons charged to cooperate with the Crown, rather than contest the charges, would be putting her life at risk?---Definitely. That is the case.

And another risk is maintaining the definitional boundary between information that's legally professionally privileged and information that's not?---That - well, we didn't identify it at the outset but yes, that was definitely something that became apparent.

I mean you may not know this, Mr White, but legal professional privilege is in fact a very difficult part of the law and it's pretty common for cases to be travelling up to the High Court to work out what the scope of the privilege is and what it isn't?---I think, Mr Collinson, it is very easy for me to say in hindsight that I didn't know the scope of legal professional privilege or any client or conflict of interest it appears.

Yes. And I think you see now that the obvious course that should have been pursued would have been to speak to some kind of lawyer, whether internally or externally or both, to provide some guidance as to whether it would be really feasible to proceed with a barrister as a human source because of that kind of problem?---Yes.

Now, I for my part don't want to challenge your evidence, Mr White, that when you started on this exercise you really didn't have in mind that you would be targeting legally professional - information that would be the subject of legal professional privilege. Now, you addressed this in paragraph 161 of your statement and perhaps that could be brought up. It's COM.0019.0004.0040.

MR HOLT: Commissioner, if this is the redacted version it can go up on the screens without difficulty. I think there

13:00:30 1 is a redacted version on the website.
13:00:32 2
13:00:33 3 MR COLLINSON: I think, Commissioner, this paragraph is
13:00:35 4 certainly unredacted.
13:00:37 5
13:00:37 6 COMMISSIONER: Yes.
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13:00:49 8 MR COLLINSON: Have you got that paragraph,
13:00:56 9 Mr White?---Sorry, I missed the paragraph reference number.
13:00:59 10
13:01:00 11 Yes, 161 on that page?---I have that.
13:01:02 12
13:01:03 13 I take it you're operating off a hard copy of your
13:01:06 14 statement, are you?---Yes.
13:01:07 15
13:01:08 16 And you say about seven lines - well, actually, four lines
13:01:15 17 down, really commencing three lines down, "Neither I nor
13:01:21 18 any member of the SDU actively sought this type of
13:01:26 19 information" and you're referring to information relevant
13:01:29 20 to an ongoing court matter, "And made it clear to Ms Gobbo
13:01:32 21 that we had absolutely no interest in the defence strategy
13:01:36 22 of any of her clients", do you see that?---Yes.
13:01:38 23
13:01:41 24 And then I think you acknowledge in the next sentence that
13:01:44 25 occasionally information pertaining to defence strategy or
13:01:50 26 Ms Gobbo's knowledge of an ongoing court matter where she
13:01:54 27 was acting for a client might be disclosed but you put that
13:01:58 28 forward as a venting type process from Ms Gobbo?---Yes.
13:02:02 29
13:02:04 30 And then you conclude in the last sentence, "If this
13:02:07 31 occurred, that defence type information was never
13:02:11 32 disseminated to investigators, however the intelligence
13:02:15 33 regarding ongoing or planned serious criminality was". Do
13:02:20 34 you see that?---Yes.
13:02:21 35
13:02:23 36 Now, that might have been the intention but do you accept
13:02:27 37 that as we've seen from the ICRs there were in fact
13:02:35 38 occasions where information that was either legally
13:02:43 39 professionally privileged or confidential information that
13:02:48 40 ought to be confined to counsel acting for an accused was
13:02:53 41 in fact disseminated to investigators within VicPol?---Yes,
13:03:01 42 I do accept that that might have been the case.
13:03:03 43
13:03:07 44 If I could take you now to paragraph 236 of your statement
13:03:17 45 which is on p.0055. And you there - leaving aside the
13:03:30 46 first sentence about Ms Gobbo being a needy individual, you
13:03:35 47 identify, as I think you've said in your evidence a number

13:03:38 1 of times, as you say in the second sentence, "Her social
13:03:41 2 circle prior to our relationship was one whereby she
13:03:46 3 surrounded herself with serious criminals. Unlike the vast
13:03:49 4 majority of lawyers whose only criminal context would be
13:03:53 5 clients, Ms Gobbo's entire social circle were criminals.
13:03:58 6 This was why she was such a useful resource for Victoria
13:04:01 7 Police". I think you would adhere to the accuracy,
13:04:06 8 wouldn't you, of that proposition in paragraph 236?---Yes.
13:04:10 9

13:04:15 10 Now, the problem was, I suggest, that assuming that premise
13:04:21 11 to be true, there's always an ambiguity when a barrister
13:04:27 12 such as Ms Gobbo is in a situation whereby she has social
13:04:33 13 relationships with criminals for whom she's acting because
13:04:39 14 the criminals can never forget that they're speaking to a
13:04:42 15 barrister?---Well, I would probably go a bit further than
13:04:49 16 that. There's no doubt in my mind that some of these
13:04:52 17 people intentionally invited her to meetings or dinners
13:04:58 18 where they could have conversations about criminal
13:05:03 19 activity, ongoing active criminal activity and the reason
13:05:08 20 that she was there was so that if the police were watching
13:05:11 21 these meetings it could always be claimed it was subject to
13:05:14 22 legal professional privilege.
13:05:16 23

13:05:16 24 Yes. That's what I might call the camouflage point?---Yes.
13:05:26 25

13:05:26 26 The point I was making was perhaps a different one, which
13:05:29 27 is if you imagine social circles where a barrister is
13:05:32 28 sitting around the restaurant table talking to criminals,
13:05:37 29 the criminals can never forget she's a barrister and
13:05:41 30 frequently would raise with her, Ms Gobbo in this case,
13:05:46 31 casually or otherwise, questions about legal issues?---I
13:05:55 32 think that's probably right. The same thing happens to
13:06:00 33 policemen.
13:06:00 34

13:06:01 35 Yes. I mean the reality is many of these criminals with
13:06:06 36 whom Ms Gobbo socialised were in the middle of some kind of
13:06:14 37 criminal charge. They might be out on bail or they might
13:06:18 38 fear impending charges or they might be facing a criminal
13:06:22 39 trial, do you agree that many of the criminals fell into
13:06:26 40 that category?---Yes.
13:06:26 41

13:06:29 42 And perhaps with the wisdom of hindsight you can see, can't
13:06:34 43 you, that inevitably, even if Ms Gobbo was not formally
13:06:40 44 appearing for some of these criminals, they would end up
13:06:43 45 asking her questions that would bear upon some aspect of
13:06:48 46 their, a legal case they might be confronting?---Yes.
13:06:52 47

13:06:55 1 And that immediately gives rise to the problem of Ms Gobbo
13:07:00 2 intentionally or otherwise gathering information that would
13:07:04 3 be the subject of legal professional privilege?---With the
13:07:10 4 benefit of hindsight and a greater appreciation for the
13:07:16 5 meaning of a client, yes, I would agree. I think we took a
13:07:19 6 very limited view of what a client was when we were making
13:07:24 7 our assessment as to what would or would not be LPP.
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13:07:29 9 Yes. Probably what you had in mind, I suggest, as your
13:07:34 10 scenario is that Ms Gobbo's social connections might lead
13:07:41 11 to cases where criminals or their associates would disclose
13:07:47 12 some kind of ongoing or planned criminal activity which was
13:07:52 13 not yet the subject of any kind of criminal proceeding from
13:07:55 14 the police?---That's right, and I think it's in my
13:08:02 15 statement, it happened on a number of occasions.
13:08:04 16
13:08:04 17 Yes. You know, sometimes the law makes common sense,
13:08:11 18 sometimes it doesn't, but there is in fact an exception to
13:08:16 19 the legal professional privilege doctrine for information
13:08:21 20 that falls into the category of a planned fraud or
13:08:26 21 illegality. Was that something you were aware of at the
13:08:30 22 time or you were just following your instincts in thinking
13:08:33 23 that it would be permissible to gather information that
13:08:37 24 fell into that kind of category?---No, well my
13:08:40 25 understanding at the time was that information about
13:08:46 26 ongoing crimes or future planned crimes would not be
13:08:52 27 considered part of LPP. Firstly, if it was not a client I
13:08:57 28 didn't see any barrier to getting that information.
13:09:00 29 Secondly, if it was a client, if it was, as in the case of
13:09:05 30 [REDACTED] or Mr Karam, the information about their criminal
13:09:10 31 activity was not part of LPP as I understood it.
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13:09:15 33 Yes. You were somewhat on the right track to a degree but
13:09:20 34 my next question is: where did you gather that
13:09:23 35 understanding that you've just described from? Was it just
13:09:27 36 instinct or any particular source you can identify?---I
13:09:34 37 know we've had reference to a document that is loosely
13:09:39 38 called I think the UK document, Manual [REDACTED]
13:09:45 39 [REDACTED]. And I've given evidence in relation to that and
13:09:50 40 certainly that definition of LPP is in there.
13:09:54 41
13:09:54 42 Right?---And I know I read that document and relied on it
13:09:59 43 fairly heavily, so I'm presuming that's where I got the
13:10:04 44 basis for that understanding of LPP.
13:10:06 45
13:10:07 46 COMMISSIONER: I'm just not sure, is that the document
13:10:07 47 we're not allowed to mention?

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13:10:10 2 MR WINNEKE: Yes, Commissioner, I think we said to - it
13:10:13 3 ought be removed because we said we wouldn't refer to the
13:10:16 4 name of it. Obviously it hasn't been any more detailed
13:10:21 5 than the manual as described.
13:10:22 6
13:10:23 7 COMMISSIONER: It was a manual provided confidentially.
13:10:27 8 It's not the public sphere. The name of that manual,
13:10:29 9 perhaps we can call it the UK manual. If we could refer to
13:10:34 10 it in the transcript as the UK manual and remove the
13:10:39 11 reference to it from the live stream.
13:10:40 12
13 13 MR HOLT: Sorry, Commissioner, and while we're dealing with
13:10:41 14 those kinds of issues, the pseudonyms of handlers and
13:10:43 15 controllers obviously are appropriate to be used in a
13:10:46 16 public hearing but I understand those other pseudonyms we
13:10:49 17 haven't been using in public hearings.
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19 COMMISSIONER: Yes.
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13:10:54 21 MR HOLT: For obvious reasons and one was just used I'm
13:10:55 22 advised by my instructor. Presumably because we're all
13:10:56 23 just in the habit of it at present. If that could be
13:10:58 24 removed from the live stream. It was only a couple of
13:11:03 25 minutes ago.
13:11:05 26
13:11:05 27 COMMISSIONER: The person with a number after it, is that
13:11:10 28 the - - -
13:11:10 29
13:11:12 30 MR HOLT: 4968, line 20, if that assists those who are
13:11:16 31 looking at the transcript.
13:11:17 32
13:11:17 33 COMMISSIONER: Just take that out as a blank.
13:11:20 34
13:11:20 35 MR HOLT: Thank you, Commissioner.
13:11:21 36
13:11:22 37 WITNESS: Commissioner - sorry Mr Collinson - can I
13:11:24 38 continue to use these pseudonyms that I have in front of
13:11:28 39 me?
13:11:28 40
13:11:28 41 COMMISSIONER: The pseudonyms for the handlers are
13:11:30 42 appropriate, so for the police officer pseudonyms. The
13:11:33 43 ones that there's a suppression order in respect of even
13:11:37 44 mentioning the names of the, those who aren't handlers, who
13:11:47 45 are known as person someone or other?---Yes.
13:11:49 46
13:11:50 47 Witness such and such, we can't refer to them at all. So

13:11:54 1 they'll just have to be - - - ?---Right okay.
13:11:57 2
13:11:57 3 We'll just have to see how we manage with that.
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13:12:02 5 MR CHETTLE: It's nearly quarter past 1, I will tell him
13:12:06 6 those names over lunch that he can't mention.
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13:12:08 8 COMMISSIONER: I think he has someone from the Commission
13:12:10 9 there who will do it, thanks Mr Chettle.
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13:12:13 11 MR HOLT: Obviously those issues can be dealt with in
13:12:16 12 private when my friend wishes to deal with them in private.
13:12:16 13
13:12:16 14 COMMISSIONER: Yes. Those issues will be dealt with in
13:12:19 15 private session, if you could keep that in mind. It is a
13:12:21 16 bit like walking a tight rope. We do have the 15 minute
13:12:24 17 delay so it should be all right. We've just got a minute
13:12:29 18 or two if you have something you want to say.
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13:12:33 20 MR COLLINSON: Perhaps just to finish on this point and I
13:12:35 21 won't, I think, press it unduly, but the problem that this
13:12:42 22 whole discourse we've been having about information and the
13:12:46 23 scope of legally professionally privileged information has
13:12:50 24 is that it leaves entirely to one side, doesn't it, the
13:12:54 25 question of whether or not a barrister in providing
13:12:58 26 information to the police, but at the same time continuing
13:13:02 27 to act against the interests of some of her clients, gives
13:13:08 28 rise to an obvious conflict of interest on the part of the
13:13:12 29 barrister?---Yes.
13:13:14 30
13:13:18 31 And one final question before lunch. I've spent a lot of
13:13:26 32 time reading these ICRs, Mr White, and at least to my mind
13:13:30 33 it comes across as something of a spy novel in terms of the
13:13:36 34 extraordinary events that one reads about. But do you
13:13:40 35 agree that at least in the area of developing these social
13:13:45 36 connections that Ms Gobbo did with members of the criminal
13:13:49 37 community, it was quite extraordinary the scale with which
13:13:53 38 she managed to penetrate many parts of the criminal
13:13:59 39 community in Melbourne and perhaps Sydney as well?---Well
13:14:05 40 absolutely, and I think it's worth remembering that at that
13:14:07 41 time the gangland killings were pretty much out of control
13:14:13 42 and she had access to a vast majority of those people that
13:14:19 43 were involved in those events.
13:14:21 44
13:14:22 45 Yes. That might be a convenient time.
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13:14:25 47 COMMISSIONER: Yes, we'll adjourn now until 2 o'clock.

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<(THE WITNESS WITHDREW)

LUNCHEON ADJOURNMENT

13:14:29 1 UPON RESUMING AT 2.04 PM:
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14:04:28 3 COMMISSIONER: Yes Mr Holt.
14:04:29 4
14:04:30 5 MR HOLT: I understand that we're in public, and with the
14:04:32 6 Commissioner's leave I'd like to address an issue if I may.
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14:04:38 8 COMMISSIONER: Yes.
14:04:38 9
14:04:38 10 MR HOLT: Commissioner, yesterday those instructing me
14:04:39 11 wrote to those assisting the Royal Commission in relation
14:04:40 12 to an issue which has just come to our attention.
14:04:46 13 Commissioner, with your leave we think it's a matter of
14:04:51 14 significant importance and that we should place it on the
14:04:52 15 public record now and I ask to do that.
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18 COMMISSIONER: Yes.
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14:04:53 21 MR HOLT: In the correspondence yesterday, Commissioner, we
14:04:55 22 indicated that Victoria Police has discovered the existence
14:04:58 23 of four information reports which were based on information
14:05:04 24 received from Nicola Gobbo in the early part of 2012, in
14:05:09 25 February and March of 2012. As is set out in the
14:05:14 26 correspondence to the Commissioner, the content of those
14:05:17 27 four information reports has been disseminated on at least
14:05:22 28 one occasion to a Federal authority. As the letter sets
14:05:26 29 out, Commissioner, the matter only came to be discovered
14:05:32 30 recently but I'm in a position to provide a short amount of
14:05:35 31 additional information about that if I may.
14:05:37 32
14:05:38 33 On Thursday of last week, that is 15 August, a member
14:05:41 34 of Task Force Landow, one of the analysts, was dealing with
14:05:46 35 a specific request from the Australian Federal Police about
14:05:50 36 the provenance of the information in a particular
14:05:53 37 information report which had been received by the
14:05:56 38 Australian Federal Police. That information report had
14:06:01 39 previously been identified, albeit a number of years ago in
14:06:06 40 the context of the Karam appeal, but it had at that stage
14:06:10 41 incorrectly been identified as not including information
14:06:13 42 from Ms Gobbo. The analyst diligently, with respect,
14:06:19 43 identified the issue, made inquiries and discovered that in
14:06:24 44 fact that information had come from Ms Gobbo. That
14:06:26 45 immediately then caused further inquiries to be made which
14:06:30 46 identified the three further information reports which fall
14:06:33 47 into the same category. Those information reports,

14:06:38 1 Commissioner, are in the process of production and I'm
14:06:40 2 instructed will be provided to the Royal Commission today
14:06:43 3 and that steps either have been or are being immediately
14:06:46 4 taken to ensure that the Court of Appeal proceedings which
14:06:50 5 are impacted by those information reports, that those
14:06:54 6 involved in those proceedings, I'm sorry, are also
14:06:57 7 appropriately updated.

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14:06:59 9 Inquiries, Commissioner, are ongoing to determine why
14:07:02 10 an incorrect assessment of that document was made and, as a
14:07:05 11 result, why these inquiries were not undertaken earlier and
14:07:09 12 we will of course update the Commission as soon as that
14:07:13 13 material is received.

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14:07:14 15 Two further steps are being taken, Commissioner. The
14:07:16 16 first is, as I have discussed with our learned friends, the
14:07:19 17 first is that we are in the process of putting together and
14:07:23 18 have nearly completed a log or timeline of the phases, if I
14:07:29 19 can put it that way, of the management or communication,
14:07:35 20 point of communication with Ms Gobbo from the time after
14:07:37 21 she was deregistered as a human source in late 2009, and
14:07:44 22 that will include an indication of precisely which police
14:07:50 23 personnel were involved in those processes.

14:07:53 24
14:07:53 25 The second thing, as the Commissioner we trust would
14:07:56 26 expect that is being done, is an urgent analysis and
14:07:59 27 investigation to attempt, if possible, to ensure that the
14:08:04 28 four IRs are the only IRs that fall into category. But,
14:08:09 29 Commissioner, for obvious reasons I am not presently in a
14:08:10 30 position to give the Commissioner comfort as to that matter
14:08:13 31 but we hope to be able to do so shortly. The indications
14:08:16 32 at present, I might say, are positive but it may be limited
14:08:22 33 to a short period of time involving a particular point of
14:08:25 34 contact. But I cannot give the Commissioner confidence
14:08:27 35 about that issue at the moment. Those other steps that we
14:08:31 36 are presently undertaking, my expectation, Commissioner, is
14:08:33 37 that you and those assisting you will have questions about
14:08:36 38 that and we obviously invite those and we'll deal with
14:08:39 39 those as we may.

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14:08:41 41 COMMISSIONER: All right. A couple of matters arising.
14:08:43 42 First of all, the log or the timeline, when do you expect
14:08:47 43 that will be completed?

14:08:49 44
14:08:50 45 MR HOLT: Commissioner, I have seen a draft which I have
14:08:52 46 some queries about in the last half an hour. I would
47 expect that we would likely give that to the Commission

1 today or tomorrow would be my expectation.

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14:08:55 3 COMMISSIONER: The analysis will take a little longer?

14:08:57 4

14:08:58 5 MR HOLT: I expect so. As the Commissioner would
14:09:00 6 appreciate, it will depend which rabbit holes one needs to
14:09:04 7 go down, but we will advise those assisting you on a
14:09:07 8 regular basis as to the likely timing of that analysis.

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14:09:10 10 COMMISSIONER: When are the four IRs likely to be produced,
14:09:12 11 did you say later today.

14:09:13 12

14:09:13 13 MR HOLT: Today. They're on a share drive with my
14:09:16 14 instructors at present. At least three of them are.
14:09:21 15 Certainly those three will be produced today, likely the
14:09:24 16 fourth today, if not tomorrow morning.

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14:09:26 18 COMMISSIONER: You'll obviously produce them to the
14:09:27 19 Commission as soon as possible but could you then look at
14:09:31 20 checking for them PII.

14:09:33 21

14:09:33 22 MR HOLT: That's being done on the way, Commissioner.

23

24 COMMISSIONER: So they will be able to be published?

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26 MR HOLT: I would expect so, Commissioner.

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14:09:36 28 COMMISSIONER: And there won't be anything that will
14:09:38 29 concern the AFP in them?

14:09:39 30

14:09:40 31 MR HOLT: There will be some material that will concern the
14:09:44 32 AFP and the Commonwealth Director, and we are dealing
14:09:47 33 directly with them because they relate to extant appeal
14:09:48 34 proceedings. So there's another process for that.

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14:09:51 36 COMMISSIONER: If they have any problems with publication
14:09:54 37 they should let the Commission know as soon as possible.

14:10:00 38

14:10:00 39 MR HOLT: Of course, Commissioner.

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41 COMMISSIONER: I would hope not, of course. Obviously
14:10:03 42 these are documents of public interest and it's important
14:10:03 43 to get them into the public arena as soon as possible.

14:10:06 44

14:10:07 45 MR HOLT: Commissioner, I'll ensure that that's done.

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14:10:08 47 COMMISSIONER: Thanks very much, Mr Holt.

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MR HOLT: Thank you, Commissioner.

COMMISSIONER: Mr Collinson.

MR COLLINSON: If the Commissioner pleases.

<SANDY WHITE, recalled:

COMMISSIONER: Mr White, can you hear us?---Yes, Commissioner.

Yes Mr Collinson.

MR COLLINSON: Mr White, as you probably know, I'm just taking you through some general introductory propositions at the moment. I should mention, when I asked you before lunch about the fraud or the illegality exception to legal professional privilege your counsel, Mr Chettle, showed me the document you identified and it does appear that you're correct with identifying that source as a likely source of your belief about the scope of that exception.

Can I turn, please, to another introductory issue concerning the personality of Ms Gobbo. Plainly you met her for the first time on 16 September 2005, didn't you?---Yes.

But over the course of the ensuing years you got to know her very well, I suggest?---Yes.

If I can ask this question somewhat delphically because I want to do as much as possible of this in the public domain, Mr White. But you'll recall you've given evidence I think in about 2014 about aspects of the engagement between SDU and Ms Gobbo, in the course of another inquiry?---Oh, yes.

My reading of your evidence on that occasion is that you ultimately formed the view that Ms Gobbo was psychologically unstable. Does that accord with your recollection as to how you described your view of Ms Gobbo in the course of giving evidence in 2014?---I don't recall saying that. That seems a bit of an overstatement.

Yes. Would you accept that given the conduct of Ms Gobbo

14:12:45 1 that you observed over the course of the three and a
14:12:50 2 quarter years, on any view of the matter Ms Gobbo's
14:12:55 3 behaviour was not normal?---It's certainly not normal in
14:13:03 4 her role as a barrister and just generally speaking, yes,
14:13:10 5 she did have issues.
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14:13:13 7 At the most general level a criminal barrister is taught,
14:13:19 8 and indeed perhaps doesn't even need to be taught, that the
14:13:22 9 whole essence of the job is to fight for the best interests
14:13:26 10 of your client, correct?---Yes.
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14:13:33 12 The police have the job of, within the confines of the law,
14:13:40 13 ensuring that criminals are brought to justice?---Yes.
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14:13:44 15 So most of the time criminal barristers, unless they're
14:13:52 16 acting on the prosecution side, are pushing against what
14:13:58 17 the police are trying to achieve; is that right?---Well I
14:14:07 18 suppose generally. I make that statement sort of generally
14:14:12 19 only because there's been plenty of barristers and
14:14:16 20 solicitors that have advised people to cooperate and assist
14:14:19 21 the police.
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14:14:21 23 Yes?---Obviously having a belief that that was in the best
14:14:24 24 interests of their client.
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14:14:25 26 Yes. Sometimes given the nature of the evidence
14:14:28 27 confronting an accused the best advice that can be given is
14:14:33 28 for that person to seek to cooperate with the Crown in one
14:14:39 29 way or another, usually in an effort to obtain a discount
14:14:44 30 on sentence?---Yes.
31
14:14:48 32 But that wasn't what was being discussed between you and
14:14:51 33 Ms Gobbo on 16 September 2005 of course, was it?---I don't
14:14:58 34 think we got anywhere near that in the first few meetings.
35
14:15:05 36 It was clear, wasn't it, from that first meeting that
14:15:10 37 Ms Gobbo had found herself in a state where the only course
14:15:20 38 of action that she could think of that was available to her
14:15:24 39 was to seek to have as many members of the Mokbel criminal
14:15:30 40 clan put behind bars as possible?---That's right.
41
14:15:35 42 And that's not what criminal barristers normally are in the
14:15:40 43 business of doing?---No.
44
14:15:44 45 You must have reflected as this engagement with Ms Gobbo
14:15:49 46 continued over these three and a quarter years as to
14:15:54 47 whether this was normal behaviour for a barrister to engage

14:15:58 1 in or not?---I don't know whether I reflected on that. You
14:16:08 2 know, obviously as the time went by we would have certainly
14:16:13 3 addressed her motivation and what the true motivations
14:16:20 4 were. But specifically in regards to your question, I
14:16:23 5 don't know whether I actually thought too much about that.
6
14:16:26 7 It didn't occur to you that this was a motivation that
14:16:32 8 might portray the existence of a personality that was
14:16:37 9 unstable or not quite right of some kind?---No, I don't
14:16:46 10 think I ever thought that.
11
14:16:47 12 Your evidence to the Commissioner is you don't recall
14:16:48 13 giving evidence in 2014 that you considered Ms Gobbo to be
14:16:52 14 psychologically unstable?---I don't recall that but it's a
14:16:57 15 similar question that Mr Winneke put to me and whilst I
14:17:01 16 accept that she did have some issues, I don't know I'm in a
14:17:06 17 position to say she was psychologically unstable.
18
14:17:12 19 Did you ever read the evidence of Assistant Commissioner
14:17:16 20 Overland in 2014 as to what he, how he viewed Ms Gobbo's
14:17:22 21 personality?---No, I've never had access to that material.
22
14:17:36 23 Certainly I think you say in your own statement in these
14:17:39 24 proceedings that a decision was made to allow Ms Gobbo to
14:17:45 25 self-regulate her legal and ethical responsibilities, is
14:17:49 26 that something you accept?---Yes.
27
14:17:56 28 I want to turn to another introductory proposition which is
14:18:02 29 I think you said certainly in answer to questions from
14:18:05 30 Mr Winneke, but I think perhaps before lunch to me as well,
14:18:09 31 that the conduct that Ms Gobbo proposed to embark upon on
14:18:17 32 16 September 2005 carried great risk to her life, you agree
14:18:24 33 with that, don't you?---Yes, I do.
34
14:18:32 35 You say in fact in your - I don't think we need - you can
14:18:37 36 turn to it if you like but it's paragraph 115 of your
14:18:40 37 statement in these proceedings. You say, "There was no
14:18:46 38 doubt in anybody's mind that Ms Gobbo would be murdered if
14:18:50 39 compromised". Do you see that's the last two lines of
14:18:56 40 paragraph 115?---Yes.
41
14:19:02 42 That pictures the risks for Ms Gobbo at a very high level,
14:19:09 43 doesn't it?---Yes.
44
14:19:10 45 It's not at risk of being murdered, it's would be murdered
14:19:15 46 if compromised?---That's correct.
47

14:19:19 1 I think in paragraph 118 you use the - you say, "The
14:19:26 2 greatest risk identified was the risk to the source,
14:19:29 3 especially high in Ms Gobbo's case due to her close
14:19:32 4 association with Melbourne's gangland criminals who at the
14:19:37 5 time were fighting over the drug trade and busy killing
14:19:40 6 each other"?---Yes.
7
14:19:48 8 We know she's still alive, don't we, that's your
14:19:52 9 understanding?---Yes.
10
14:20:00 11 I'm going to take you to various documents that articulate
14:20:06 12 the various threats to her life and well-being over the
14:20:14 13 period she was an informer. I think I said to you before
14:20:20 14 lunch it reads in terms of risk like a spy novel. Just to
14:20:29 15 give some examples which have come out in evidence to date,
14:20:35 16 soon after the arrest of a particular witness whom I won't
14:20:38 17 name Horthy Mokbel grabbed Ms Gobbo around the throat in her
14:20:45 18 own chambers, do you recall that?---I don't think it was in
14:20:49 19 chambers. I think it was in the street.
20
14:20:51 21 I see. We'll come to that?---I think it was in Lonsdale
14:20:55 22 Street.
23
14:20:56 24 Ms Gobbo received abusive and threatening text messages, I
14:21:02 25 think from more than one person over the period that she
14:21:06 26 was an informer?---Yes.
27
14:21:11 28 Her car was burnt while she was out to dinner at a
14:21:16 29 restaurant in South Melbourne?---That's right.
30
14:21:21 31 On one occasion she received a letter with two bullets and
14:21:26 32 it was said in the letter that one was for her heart and
14:21:31 33 one for her head, do you recall that?---I recall the
14:21:35 34 bullets. I don't recall the message.
35
14:21:37 36 Yes. Perhaps this is a question of applying hindsight
14:21:45 37 again, but these risks that I'm going to take you to, these
14:21:50 38 were all occurring at a time when it certainly hadn't been
14:21:55 39 verified that Ms Gobbo was acting as a human source,
14:21:59 40 weren't they?---No, that's right. I think quite a few of
14:22:02 41 them, maybe the majority, I think, might have emanated from
14:22:07 42 the belief that she had helped certain witnesses assist the
14:22:14 43 police.
44
14:22:14 45 Yes. And you could easily be doing that, acting - in fact
14:22:20 46 it would be the natural expectation that when you're doing
14:22:23 47 that against the interests of a particular drug syndicate,

14:22:27 1 that you're doing so in the best interests of the
14:22:31 2 individual for whom you're acting?---Yes.
3
14:22:34 4 Not in the least acting as a human source for the
14:22:38 5 police?---No, no. It was always my view that those
14:22:43 6 individuals that you're talking about, they had nothing to
14:22:49 7 do with her role with us.
8
14:22:52 9 I think in these early stages, I don't think you'd seen so
14:22:56 10 far ahead to see, had you, that Ms Gobbo would undertake
14:23:01 11 these roles of assisting persons charged to cooperate with
14:23:04 12 the police and that the consequence of that would be to
14:23:08 13 greatly increase the risk to her life?---No, I don't think
14:23:19 14 we knew - we certainly didn't know before we met her that
14:23:22 15 she had assisted in the way that you're talking with
14:23:26 16 certain individuals.
17
14:23:28 18 Yes?---And no, there was never an expectation that she
14:23:31 19 would continue to be involved in those sorts of things.
20
14:23:34 21 Yes. Nonetheless that's precisely what happened?---It is.
22
14:23:41 23 With the encouragement of SDU?---Well in relation to - - -
24
14:23:51 25 Perhaps we'll come to a particular individual?---Yes.
26
14:23:54 27 But you know the individual I have in mind?---I think so,
14:23:56 28 yes.
29
14:24:07 30 Given that that's how it started to unfold over the three
14:24:12 31 and a quarter years that she was undertaking this role that
14:24:18 32 I've put to you as a legal actor, undertaking this sort of
14:24:25 33 advice to clients but against the interests of the Mokbels
14:24:28 34 in particular, do you think with the benefit of hindsight
14:24:30 35 the risks to her life were so great that this relationship
14:24:37 36 should never have been embarked upon?---With the benefit of
14:24:45 37 hindsight there's a number of reasons why this relationship
14:24:52 38 shouldn't have been embarked upon, at least without much
14:24:56 39 better support.
40
14:24:57 41 Yes?---From the point of view of the risks only, the issue
14:25:01 42 with that became - obviously once these risks started to
14:25:06 43 bubble to the surface and, as I've just stated, I think
14:25:11 44 they were instigated as a result of her acting as a
14:25:16 45 barrister for those individual witnesses, once the risks
14:25:20 46 started bubbling to the surface then we had a duty of care
14:25:25 47 where we had to maintain that relationship with her and

14:25:27 1 make sure that we could control those sorts of things.
2
14:25:31 3 But wouldn't the best way of giving effect to that duty of
14:25:36 4 care to have been to terminate the human source
14:25:39 5 relationship as soon as it became apparent that this kind
14:25:42 6 of conduct by Ms Gobbo was creating this risk for
14:25:48 7 her?---Well the thinking at the time, and it's in my notes
14:25:51 8 several times and I think in conversations I had with
14:25:55 9 Mr Biggin, that we couldn't just cut her off. What would
14:25:58 10 have happened in the past before the source unit or the new
14:26:02 11 policy back then, is the police were very - what's the word
14:26:09 12 - maybe cavalier in relation to informers. They would use
14:26:13 13 an informer for what they - we would use an informer for
14:26:17 14 what we could get and then once we got that we would cut
14:26:19 15 them loose and never have anything more to do with them.
14:26:22 16 The idea with the SDU was that we would make sure that we
14:26:26 17 recognised and accepted that duty of care. So we were
14:26:29 18 going to have to continue to have a relationship with her.
14:26:35 19 You know, you can see I think in several areas of the
14:26:38 20 record where we've had those discussions to say, "Well,
14:26:41 21 let's develop this exit strategy". But as it turned out
14:26:46 22 we, whilst maintaining that relationship with her, it also
14:26:51 23 meant we were getting told things, some of which we didn't
14:26:54 24 think we could do anything about.
25
14:26:57 26 Would you agree with the description of the three years,
14:27:01 27 three and a bit years that she was a human source for the
14:27:03 28 police and focusing in particular on the risks to her life
14:27:08 29 from many and varied sources over that time, that it was a
14:27:12 30 harrowing tale?---Yes.
31
14:27:22 32 Do you agree that when Ms Gobbo made that fateful decision
14:27:26 33 on 16 September 2005 to provide information to the police
14:27:31 34 in this way it was a total catastrophe from Ms Gobbo's
14:27:37 35 point of view?---That's definitely how it's turned out,
14:27:41 36 yes.
37
14:27:45 38 I'd go a little further and suggest to you that really it
14:27:49 39 was probably a foreseeable catastrophe, wasn't it, for
14:27:54 40 Ms Gobbo?---Well it was not one we saw at the time and
14:27:59 41 bearing in mind that the risk to her life was a pretty
14:28:04 42 standard risk for the sources. She was one of many sources
14:28:12 43 and the risk to her life puts her obviously in that high
14:28:19 44 risk category and that was why most of the people that we
14:28:22 45 were managing were in the same category. If they'd be
14:28:27 46 exposed they would have been killed.
47

14:28:30 1 Yes. That's the difference though, isn't it? Most of
14:28:34 2 these people who become human sources are doing so, aren't
14:28:38 3 they, to get an advantage for themselves, usually in the
14:28:44 4 form of a sentence discount?---I think - yes, the answer is
14:28:54 5 yes, most historically fall into that category. One of the
14:28:59 6 reasons the SDU was set up - and I'm not sure whether this
14:29:06 7 might be PII if I continue on.
8
14:29:11 9 Yes. I think that's sufficient for present purposes. My
14:29:17 10 point is really to expose that Ms Gobbo was not really
14:29:23 11 getting anything like that kind of hard edged advantage,
14:29:28 12 was she, in terms of a sentence discount from her decision
14:29:31 13 to be a human source?---No, you're absolutely right.
14
14:29:37 15 She was solving, inappropriately, and I'll come to this in
14:29:45 16 more detail, an ethical dilemma she considered she had in
14:29:51 17 acting for members of the Mokbel clan, Mr **Bickley** being
14:29:55 18 one example?---That was how she presented in relation to
14:30:03 19 him specifically when she first approached the Drug Squad
14:30:05 20 members. But she - I believe that she didn't think she
14:30:10 21 could get the Mokbel group out of her life. I think she
14:30:16 22 thought if she just left something pretty serious would
14:30:22 23 happen to her because of all the knowledge she had about
14:30:24 24 their inside activities.
25
14:30:26 26 Did she really suggest that to you, that she might be
14:30:29 27 killed if she didn't cooperate with the police as a human
14:30:35 28 source?---No, no.
29
14:30:40 30 No?---No, no, she saw it as a way to get out of the
14:30:44 31 clutches of those people, but obviously it wasn't her only
14:30:47 32 option.
33
14:30:48 34 Perhaps I misstated that. I don't think she seriously
14:30:51 35 suggested to you, did she, that she would be killed by the
14:30:55 36 Mokbel clan if she simply ceased to act for them in the
14:31:02 37 future?---I can't give you an answer definitively about
14:31:06 38 that because I can't point to it in the material because I
14:31:10 39 haven't had the opportunity to look at the material to that
14:31:13 40 extent. But that's what my feeling is now, that that was a
14:31:17 41 consideration for us at the time.
42
14:31:21 43 But you're not aware of any piece of evidence that
14:31:25 44 evidences her telling you that that was a risk that she
14:31:29 45 perceived?---No.
46
14:31:31 47 We'll come to that. Turning to another introductory

14:31:37 1 proposition. Do you agree that over the course of the
14:31:45 2 relationship with SDU you really became something of a
14:31:50 3 father figure to Ms Gobbo?---I think that's right, towards
14:32:00 4 the end of the relationship.
5
14:32:02 6 I don't suggest, Mr White, anything improper in proffering
14:32:08 7 that description but it seems you accept that as accurate
14:32:13 8 at least for the period towards the end of the
14:32:16 9 relationship?---Yes.
10
14:32:27 11 In paragraph 149 of your statement you make reference to
14:32:34 12 the fact that, just to read the last sentence, "Most human
14:32:40 13 sources develop a strong relationship with their handlers
14:32:43 14 and develop a desire to impress the handler. Ms Gobbo was
14:32:46 15 no different in this respect", do you see that?---Yes.
16
14:32:53 17 But my suggestion to you would be that the relationship
14:32:59 18 between you and Ms Gobbo, in the sense I've described of
14:33:02 19 you being a respected father figure, was a stronger
14:33:05 20 relationship than perhaps you've experienced with other
14:33:07 21 sources?---I think that's right, yes. Obviously she saw me
14:33:16 22 as the one that had the authority in the relationship
14:33:20 23 initially but I do think she - and certainly in the
14:33:23 24 material that Mr Winneke pointed me to this morning, when
14:33:29 25 she seemed to be concerned about my opinion as to whether
14:33:34 26 she should or shouldn't make a statement about Paul Dale, I
14:33:39 27 think suggests that.
28
14:33:40 29 Yes. I'll take you to some references over the course of
14:33:45 30 my questions that I'm going to ask of you but I'd suggest
14:33:49 31 that your role as a respected father figure really came
14:33:55 32 into existence quite a deal earlier than the phase that
14:34:01 33 concerned the prosecution of Mr Dale?---I won't dispute
14:34:09 34 that. I accept everything's in the material so if you
14:34:16 35 guide me to that I'm happy to consider it.
36
14:34:19 37 Yes. You're aware, are you, that a psychologist gave
14:34:24 38 evidence on behalf of Ms Gobbo in the court proceedings
14:34:29 39 that were concerned with the attempt to restrain the
14:34:33 40 disclosure of her identity?---No.
41
14:34:40 42 Sorry, you're not aware of that?---No.
43
14:34:51 44 I just want to read you out an extract which is not that
14:34:54 45 long and then ask you your comments on it. The
14:34:57 46 psychologist said - she was asked this question, "In your
14:35:04 47 treatment of Ms Gobbo have you observed that the death of

14:35:06 1 her father has resulted in any similar issues? Yes", the
14:35:13 2 psychologist said, "So one of the things we've worked on,
14:35:16 3 this is a common treatment with trauma, is to help her to
14:35:19 4 deconstruct, if you like, and speak about the matters that
14:35:22 5 occurred some years ago in relation to her relationship
14:35:25 6 with Victoria Police and so we've spoken a lot about why
14:35:29 7 she got involved with that and her sense of there being a
14:35:32 8 void in her life and that some of the people she got
14:35:35 9 involved with at Victoria Police really fulfilled a father
14:35:39 10 figure type of role. I think in that respect she certainly
14:35:43 11 would be a person you would say who was vulnerable to that
14:35:46 12 kind of influence". Do you recall that over the course of
14:35:50 13 the relationship she mentioned the death of her father to
14:35:53 14 you?---I think so, yes.
15
14:35:57 16 Would you agree that that omission in her life probably
14:36:03 17 played a role in you becoming a father figure to her?---I
14:36:09 18 think with hindsight, yes.
19
14:36:28 20 Thank you. In your statement can I ask you to go, please,
14:36:36 21 to paragraph 239. Does it help if I read out the doc
14:36:59 22 number? I've got it but do you want me to read it out for
14:37:02 23 you? Okay, yes, I will. I'll put it on transcript now.
14:37:06 24 It's COM.0019.0004.0056. You'll see paragraph 239 in your
14:37:20 25 statement says, "It's a well-known fact amongst source
14:37:24 26 handlers that many sources may suffer some form of
14:37:30 27 personality disorder. This does not disqualify them from
14:37:36 28 being effective and well motivated human sources". I
14:37:39 29 suppose I interpreted that paragraph, Mr White, as
14:37:41 30 suggesting impliedly that you did consider that Ms Gobbo
14:37:44 31 had a personality disorder, because otherwise why would it
14:37:48 32 be there, but are you able to respond to that?---I think
14:37:53 33 this might have been in response to some criticism of how
14:37:58 34 we operated contained in the Comrie report.
35
14:38:01 36 Yes?---I think it stated in the Comrie report that she has
14:38:08 37 a psychological disorder or something to that effect.
38
14:38:11 39 Yes. But if you had wanted to convey that you didn't think
14:38:18 40 that Ms Gobbo did in fact have a personality disorder,
14:38:22 41 wouldn't this paragraph have been a good place to say
14:38:26 42 that?---Probably.
43
14:38:38 44 Your evidence to the Commission I take it is that you
14:38:42 45 didn't think she had a personality disorder?---No, you
14:38:46 46 asked me if I thought she had a psychological disorder.
47

14:38:53 1 Right?---And I didn't think that she - I don't think you
14:38:59 2 could go that far and certainly I'm not qualified to
14:39:01 3 comment on her psychological state.
4
14:39:06 5 Yes?---Other than the fact that I got some information from
14:39:10 6 the psychologist that we asked her to see.
7
14:39:13 8 Yes. There's no limits on admissibility in this forum I
14:39:21 9 can tell you that, Mr White. I take it then that although
14:39:25 10 you would hesitate to - and I appreciate that you're only
14:39:29 11 speaking as lay person, don't misunderstand me. But
14:39:33 12 although you would perhaps feel uncomfortable with
14:39:39 13 describing Ms Gobbo as having a psychological disorder, you
14:39:42 14 might agree with her having a personality disorder of some
14:39:45 15 kind?---Probably, yes.
16
14:39:50 17 And how do you articulate that, what are the features of it
14:39:54 18 as you observed it?---Oh, well I think she was a very needy
14:40:10 19 person. We had more contact with her than any other source
14:40:19 20 and quite a lot more than any other source. That wasn't
14:40:23 21 all related to intelligence that she wanted to provide.
14:40:27 22 Often times I think it was just a welfare type of chat. So
14:40:35 23 I think she was needy from that point of view. She could
14:40:37 24 be a bit of a drama queen at times. She would totally
14:40:43 25 exaggerate something and then when you'd point that out
14:40:47 26 she'd come back to something normal. She had a - and I'm
14:40:51 27 not saying these are necessarily bad traits.
28
14:40:53 29 Yes?---But she didn't have, seem to have any social life,
14:40:58 30 everything revolved around work and she'd be working some
14:41:02 31 very late hours and of course the lines, well in our view
14:41:06 32 the lines between her work and meeting with criminals were
14:41:11 33 very blurred.
34
14:41:14 35 Yes?---Again, I certainly don't want to be seen to be
14:41:20 36 claiming to have any psychological expertise but I do think
14:41:25 37 her whole, all her sort of social needs were provided by
14:41:30 38 serious criminals and then over time that transferred to
14:41:34 39 the source handlers.
40
14:41:35 41 Yes. Do you agree that over time she - I think it's
14:41:42 42 implicit in your earlier answers, but she became heavily
14:41:47 43 dependent upon her social relationships with the source
14:41:50 44 handlers for her psychological welfare?---I think that's
14:41:55 45 right.
46
14:41:58 47 Do you agree that she over time incorporated the values of

14:42:06 1 the police handlers in terms of this attitude that it was
14:42:12 2 important to pursue significant criminal conduct and put
14:42:18 3 the perpetrators in gaol?---That's right, yep.
4
14:42:26 5 Essentially she really became a member of the team, didn't
14:42:31 6 she, at least in her mind?---In her mind maybe, yes.
7
14:42:46 8 Just while I'm on these general propositions, and I'm
14:42:50 9 nearly finished, one feature that I suggest that would have
14:42:57 10 been appealing to the police in seeking to utilise the
14:43:04 11 services of Ms Gobbo as a human source is that members of
14:43:10 12 the criminal community in a social setting with a lawyer
14:43:15 13 like Ms Gobbo would take the view that the last thing in
14:43:19 14 the world would be that a barrister would be cooperating
14:43:24 15 with the police by telling the police what was being told
14:43:29 16 to the barrister in the social setting?---Sorry, the
14:43:36 17 question was two parts. Is that what was making - sorry.
18
14:43:41 19 It was far too long a question. Put simply: didn't it
14:43:47 20 occur to you that one reason Ms Gobbo could be so effective
14:43:53 21 is that members of the criminal community would feel very
14:43:58 22 safe talking to a lawyer?---I don't know whether we
14:44:04 23 consciously thought that.
24
14:44:09 25 Yes?---At any particular time.
26
14:44:16 27 I think it might have come up and I might see if the
14:44:19 28 technology will permit me to take you to some references.
14:44:24 29 I'd like the operator, please, to go to some audio
14:44:29 30 transcript. It's VPL.0005.0051.0223. It's 21 September
14:44:41 31 2005 at p.88. If that won't work we'll come back to it.
14:44:53 32 It takes a while, does it? Perhaps what I'll do is just
14:45:32 33 read it out. It's one of the handlers speaking to Ms Gobbo
14:45:40 34 at one of the early meetings, as I said, 21 September 2005,
14:45:47 35 and the handler - I won't even give the pseudonym of the
14:45:51 36 handler, but the handler says, "I mean it could be just
14:45:55 37 male ego or it could be the, the safety of the relationship
14:45:59 38 with the legal profession, professional person, who knows?"
14:46:03 39 That's perhaps not as clear as the other one I'll go to.
14:46:21 40 In that same meeting at p.188 of the transcript the handler
14:46:34 41 says to Ms Gobbo, "They obviously think you're trustworthy
14:46:39 42 to some degree". Ms Gobbo answered, "I think so". There
14:46:47 43 do seem to be some - and "they" is referring to members of
14:46:52 44 the criminal community. There do seem to be some
14:46:57 45 references I suggest, Mr White, to this attractive feature
14:47:01 46 of using Ms Gobbo as a source, that criminals would feel
14:47:05 47 safe talking to a lawyer. Does that not ring a bell with

14:47:14 1 you as a perceived advantage back in 2005?---It doesn't
14:47:18 2 ring a bell and it might be the case but I'm not sure that
14:47:21 3 that's completely accurate. There was no doubt we learnt
14:47:25 4 over time that they felt very comfortable around her and
14:47:28 5 trustworthy to the extent where they would ask her if she
14:47:34 6 knew somebody who could buy large quantities of MDMA. I
14:47:41 7 mean that's a stupid question to ask of a lawyer I would
14:47:45 8 think, but they obviously trusted her in relation to that.
9
14:47:51 10 Yes. Perhaps it's a combination of Ms Gobbo's social
14:47:55 11 skills and her status as a lawyer that over time generated
14:48:00 12 trust in communications by some of these criminals, did you
14:48:04 13 see that in the ICRs?---No, but I accept that.
14
14:48:15 15 Perhaps we'll go to some examples. I think Mr Winneke
14:48:20 16 covered this but another reason, I suggest, that Ms Gobbo
14:48:27 17 made - reaching for the adjective I did earlier - the
14:48:36 18 catastrophic decision in September 2005 is that she totally
14:48:41 19 destroyed her legal practice, didn't she?---Yes.
20
14:48:49 21 And apart from the perennial risks to her life over the
14:48:54 22 period she was an informer, you observed her health, her
14:49:01 23 psychological health go completely downhill, didn't you,
14:49:04 24 over this period of time?---Certainly her - she was under a
14:49:13 25 lot of stress and that impacted on her physically and
14:49:20 26 psychologically, I'm not 100 per cent sure about that,
14:49:24 27 but - - -
28
14:49:25 29 Yes?---There were times she would report that she couldn't
14:49:27 30 sleep and she was grinding her teeth and the sorts of
14:49:32 31 issues I think that have been mentioned by Mr Winneke.
32
14:49:36 33 Yes. Well so much so, I suggest, that the ICRs seem to
14:49:41 34 have a standard heading "Health of human source", didn't
14:49:47 35 they, where there would be information recorded as to
14:49:51 36 Ms Gobbo's almost daily descriptions of her
14:49:59 37 health?---That's right, and that's part and parcel of their
14:50:02 38 debriefing task.
39
14:50:09 40 At risk of Mr Holt interrupting, are you saying that
14:50:15 41 psychological health of human sources just often comes up
14:50:18 42 as a subject of discussion with human sources?---If there
14:50:22 43 were health issues for the human sources the handlers would
14:50:28 44 regularly bring that up in their face-to-face meetings.
45
14:50:34 46 But Ms Gobbo's situation was rather more extreme, wasn't
14:50:38 47 it?---It was more extreme, and of course the length of the

14:50:44 1 relationship was much longer than what would be the norm.
2
14:50:50 3 I mean I've read the ICRs and I'll end up taking you
14:50:54 4 through them. But by the end of the process towards the
14:51:00 5 time when she is being tasked to record Mr Dale, she's
14:51:10 6 talking fairly often about suicide, isn't she?---I don't
14:51:16 7 know about fairly often. I know that there's at least two
14:51:21 8 mentions of it in the material that Mr Winneke's shown me.
9
14:51:31 10 All right. Ms Gobbo put on an affidavit in the court
14:51:44 11 proceedings I referred to a while ago which ended up
14:51:49 12 travelling to the High Court. Did you ever read her
14:51:52 13 affidavit in that proceeding, Mr White?---No.
14
14:51:56 15 Yes?---No. I haven't had access to anybody's other than my
14:52:01 16 own.
17
14:52:02 18 Yes, I understand. From your evidence earlier you haven't
14:52:06 19 sat down, as I understand it, in recent times and just
14:52:13 20 turned the pages of the ICRs to read them right through for
14:52:20 21 the purposes of this period?---No, I haven't.
22
14:52:23 23 However you did read them as they came through to you over
14:52:28 24 the course of that period, didn't you?---The vast majority,
14:52:31 25 yes.
26
14:52:32 27 In her affidavit in that court proceeding at paragraph 22,
14:52:35 28 Ms Gobbo said, in referring to the first meeting that took
14:52:38 29 place on 16 September 2005, that she said words to the
14:52:47 30 effect that she didn't want anyone to know about this,
14:52:50 31 referring of course to what was going on at this meeting,
14:52:55 32 and that you said words to the effect that, "The fact of
14:52:58 33 our meeting and the matters we discuss will remain
14:53:01 34 confidential and nothing we discuss will ever be made
14:53:05 35 public". Do you agree that was the gist of one of the
14:53:09 36 messages you conveyed on 16 September 2005?---Yes.
37
14:53:19 38 And probably in good faith you no doubt thought at that
14:53:23 39 time that confidentiality could be maintained, didn't
14:53:30 40 you?---Yes, I did. I probably promised her that she would
14:53:35 41 not be compromised and exposed.
42
14:53:39 43 As events turned out that wasn't to transpire because some
14:53:48 44 member of the Police Force went public with her role to the
14:53:55 45 media and over the course of time, including losing that
14:54:01 46 court proceeding, her role was exposed, you know that of
14:54:11 47 course, don't you?---I didn't - I'm not aware of any

14:54:14 1 information about a member of the Police Force going to the
14:54:16 2 media, that's surprising.
3
14:54:18 4 I see?---Actually, I should say - I should take that, it's
14:54:23 5 probably not surprising.
6
14:54:24 7 Yes. And why do you say it's not surprising?---Well,
14:54:29 8 there's a few members of the Police Force that have
14:54:31 9 relationships with members of the media.
10
14:54:34 11 Yes. I won't dwell upon it but Ms Gobbo in her affidavit
14:54:41 12 tells a story about being contacted by someone from the
14:54:46 13 media and her human source identity number being quoted by
14:54:53 14 the journalist to her in circumstances where she didn't
14:54:57 15 even know what it was. You haven't heard that before; is
14:55:04 16 that right?---No, I haven't heard that before and she'd be
14:55:07 17 right, she wouldn't have known what it was. She may have
14:55:12 18 towards the end but we would never have referred to her by
14:55:15 19 her number in her presence.
20
14:55:16 21 The point I was striving to put to you just a little
14:55:23 22 earlier was that even prior to Ms Gobbo being exposed as a
14:55:28 23 human source, simply the role she undertook without that
14:55:32 24 being confirmed by the police over the three and a quarter
14:55:40 25 years she was a human source, and indeed thereafter, had
14:55:43 26 the most deleterious consequences that you can imagine for
14:55:53 27 a human being other than actually being killed, do you
14:55:56 28 agree with that?---Can I just clarify the question? Are
14:56:01 29 you talking about her role - - -
30
14:56:03 31 Yes?---Before she became associated with the SDU on its
14:56:08 32 own?
33
14:56:12 34 No, as a result of being associated with the SDU and before
14:56:15 35 being exposed as an informer, as I've been putting to you,
14:56:19 36 she lived in ever present fear of being killed by any one
14:56:25 37 of these members of the gangland community, her career as a
14:56:28 38 barrister was destroyed, her health fell to the point of
14:56:34 39 depression and suicide, and it's really for those reasons
14:56:39 40 that I'm putting to you even before her exposure it was an
14:56:45 41 incredibly bad decision Ms Gobbo made in conjunction with
14:56:49 42 the police in September of 2005?---I think towards the end,
14:56:54 43 and before her exposure - well, yeah, exposure, public
14:57:05 44 exposure, I think what you say is accurate.
45
14:57:10 46 Perhaps again hindsight is wise but given what happened to
14:57:14 47 her, and again I stress I limit this to the period while

14:57:19 1 she was an informer, given the things that happened to her
14:57:23 2 over those three years and given the duty of care which I
14:57:29 3 think you acknowledged the Victoria Police owed to her, it
14:57:33 4 would have been a good idea, wouldn't it, to suggest to her
14:57:37 5 that before she leap off a cliff she get advice from some
14:57:44 6 wise independent counsel?---I guess in hindsight but it
14:57:52 7 also would have been a good idea for us to get some decent
14:57:55 8 counsel about it.
9
14:57:56 10 No doubt. No doubt. But the consequences to Ms Gobbo of
14:58:03 11 assuming this role have been far worse, I suggest, than for
14:58:08 12 any member of Victoria Police?---Yes.
13
14:58:20 14 Did any of these potential consequences occur to you around
14:58:23 15 mid-September 2005?---No.
16
14:58:28 17 Destruction of practice, health, risk of murder? I mean
14:58:34 18 risk of murder obviously did, didn't it?---Yes.
19
14:58:40 20 But not the others?---No.
21
14:59:03 22 Just before I - in case I forget, I think you gave an
14:59:07 23 answer, Mr White, in response to some questions from
14:59:12 24 Mr Winneke that Ms Gobbo in effect replaced the criminals
14:59:18 25 in her social network with policemen over the course of
14:59:22 26 being an informer. I think you'd probably agree, wouldn't
14:59:28 27 you, that what she was really doing over this period was
14:59:33 28 enhancing her social circle with criminals and adding
14:59:41 29 policemen to her social network as well? In other words,
14:59:48 30 she wasn't replacing criminals with her handlers, at one
14:59:54 31 level she was greatly expanding her social relationships
14:59:58 32 with the criminals but at the same time she was developing
15:00:01 33 a social, a strong social relationship with the
15:00:05 34 handlers?---I think that's right. It wouldn't be accurate
15:00:09 35 to say that she replaced all those contacts with policemen
15:00:14 36 because then obviously she wouldn't have been talking to
15:00:17 37 any criminals.
38
15:00:23 39 That's all I want to raise with you at that broad level of
15:00:27 40 generality. I now want to go to the first subject matter
15:00:31 41 which is the circumstances comprising the lead-up to the
15:00:37 42 initial approach to recruit Ms Gobbo that, as you know,
15:00:47 43 occurred in September 2005. The reason I want to go
15:00:50 44 through this with you, Mr White, is just to explore some
15:00:54 45 things you do know and possibly some things you don't. The
15:01:05 46 story, I suggest, begins around mid-2003 when some threats
15:01:18 47 are made to Ms Gobbo by a gentleman - perhaps that's not

15:01:24 1 the right word - a person called Andrew Veniamin who was
15:01:29 2 allegedly a hitman for Mr Carl Williams. You're aware of
15:01:36 3 his earlier role before his demise?---Yes.
4
15:01:58 5 Can I ask the operator, please, to bring up Mr Swindells'
15:02:07 6 statement. It's VPL.0014.0025.0001. Hopefully that can
15:02:26 7 appear on a screen for you, Mr White.
8
15:02:30 9 COMMISSIONER: Yes, it's on the screen.
15:02:36 10
15:02:36 11 MR COLLINSON: If the operator could go, please, to .0006.
15:02:48 12 You'll see in paragraph 30 Mr Swindells says, "I also have
15:02:50 13 a recollection of having a conversation with Ms Gobbo upon
15:02:52 14 the steps outside the Melbourne Magistrates' Court in 2003.
15:02:56 15 I am unable to now recall the date upon which the
15:02:59 16 discussion occurred but I believe it was after the
15:03:02 17 application to vary bail for Lewis Moran. The discussion
15:03:07 18 was initiated by me to Ms Gobbo in which I said that I was
15:03:12 19 aware that she had been threatened by Veniamin for
15:03:15 20 representing Moran and that she had been the victim of
15:03:21 21 damage to property". Do you know who Mr Swindells is? Is
15:03:31 22 he someone you know?---Yes.
23
15:03:34 24 It continues in paragraph 31, "Ms Gobbo responded that she
15:03:39 25 declined to make a formal report for fear of reprisal. She
15:03:42 26 told me that she had made a statutory declaration detailing
15:03:46 27 all threats made against her which had been placed into a
15:03:49 28 safe. She told me she had made the statutory declaration
15:03:52 29 so that if she was killed Victoria Police would know who
15:03:56 30 was responsible". Is this something, this encounter with
15:04:04 31 Mr Swindells and the earlier encounter with Mr Veniamin,
15:04:10 32 something that you were aware of before the engagement with
15:04:14 33 Ms Gobbo on 16 September 2005?---I don't think so. This is
15:04:24 34 news to me. I know that Veniamin had at one point come to
15:04:29 35 her door and threatened her but I'm pretty sure I didn't
15:04:37 36 know how all the conversations started.
37
15:04:38 38 It did come up, I think, Mr White, at an early stage in
15:04:43 39 some of the - it's referred to in the ICRs I think and we
15:04:50 40 might come to that. But you're not aware, you don't think
15:04:58 41 you're aware of this event prior to 16 September
15:05:04 42 2005?---No.
43
15:05:10 44 The specific interaction between Ms Gobbo and Mr Veniamin
15:05:19 45 is described in her affidavit in the court proceeding.
15:05:23 46 I'll just read out one paragraph. "On the morning of the
15:05:28 47 Friday following the bail hearing", this is paragraph 8 of

15:05:33 1 her affidavit of 21 November 2016 in the court proceeding,
15:05:40 2 "I was leaving home and saw the late Andrew Veniamin, who
15:05:44 3 is said to have been the hitman for Carl Williams, parked
15:05:46 4 outside my apartment building. He screamed and threatened
15:05:49 5 me saying words to the effect, 'You are part of our crew,
15:05:54 6 you were told not to go anywhere near Moran and you did it
15:05:58 7 anyway. How dare you do what we told you not to do.
15:06:04 8 Tony's not happy with you. Carl is not happy with you.
15:06:09 9 You're a fucking dog.' I understand from Mr Veniamin's
15:06:15 10 comments and demeanour that any further contact with people
11 contrary to directions given by Carl Williams and Tony
15:06:19 12 Mokbels' crew would result in harm to me". Ms Gobbo then
15:06:23 13 says or refers in similar terms to the conversation she had
15:06:27 14 with Mr Swindells, that Mr Swindells refers to. Do you
15:06:35 15 recall Ms Gobbo - perhaps my question was directed to that
15:06:38 16 earlier, but do you remember - leaving aside the
15:06:41 17 interaction between Mr Swindells and Ms Gobbo, do you
15:06:45 18 recollect Ms Gobbo ever telling you about this approach she
15:06:51 19 had to her from Mr Veniamin?---I think she did. I don't
15:06:56 20 recall in anywhere near the detail that you've just
15:06:58 21 outlined.
22
15:06:59 23 Yes?---I actually had a recollection that this might have
15:07:04 24 even come from the last few weeks of cross-examination,
15:07:07 25 that he'd gone to her door.
26
15:07:14 27 Yes. It's possible that's so, the affidavit says it
15:07:17 28 occurred when she was leaving home and Mr Veniamin was
15:07:21 29 parked outside her apartment building. The next event in
15:07:25 30 the events giving rise to the human source relationship I
15:07:30 31 think relevantly is 24 July 2004 when Ms Gobbo suffered a
15:07:37 32 serious stroke which caused transient left side paralysis
15:07:42 33 and temporary loss of speech. You're certainly aware of
15:07:47 34 that event; aren't you?---Yes.
35
15:07:56 36 Later in that year, that is 2004, Ms Gobbo underwent heart
15:08:00 37 surgery, later that year, and was off work for some time.
15:08:05 38 You're aware of that as well I take it?---I'm not sure. If
15:08:15 39 it's in the contact reports then, yes, I would have been.
40
15:08:19 41 Yes?---I'm not sure I didn't - at this stage I can't
15:08:23 42 recollect if they were two separate things.
43
15:08:30 44 The piece of evidence you gave in response to questions
15:08:35 45 asked by Mr Winneke that certainly took me by surprise was
15:08:40 46 at transcript 3642, 31 July 2019, line 21, which the
15:08:52 47 operator might wish to bring up. Mr Winneke said, "You've

15:08:57 1 said previously when you were asked about this when she was
15:09:02 2 first introduced to the SDU, you said this, 'I do remember
15:09:06 3 she had at one point ended up in hospital. She had some
15:09:10 4 sort of heart complaint, we knew', and I'll say we, that is
15:09:20 5 members of the SDU, we were working very closely with
15:09:22 6 members of Purana, we knew that that had occurred and I
15:09:26 7 spoke to the head of Purana at that time, which was a
15:09:30 8 fellow called Jim O'Brien. I gave the information to him
15:09:33 9 and we discussed the possibility of seeing if she could be
15:09:35 10 recruited. We didn't pursue it because we didn't think
15:09:39 11 that quite frankly she'd come on board". I've slightly
15:09:43 12 misstated that, I realised, in the middle of my quote.
15:09:46 13 That's evidence that you gave in 2014 to another Inquiry.
15:09:50 14 Do you recall that answer?---I don't recall that answer at
15:09:57 15 that Inquiry but Mr Winneke did ask me about this, and just
15:10:01 16 to be clear from the record, the SDU wasn't - sorry, 2014,
15:10:08 17 it's in relation to that Inquiry.

18
15:10:10 19 Yes?---This was not the SDU approaching Purana about it.
15:10:16 20 At that time both myself and Mr O'Brien were members of the

21
22
15:10:22 23 Yes?---And he was running the - well he was running one
15:10:26 24 crew of investigators and I was running another. So then
15:10:33 25 we - I remember the conversation. I don't know that I
15:10:35 26 actually took that information to him or he mentioned it to
15:10:40 27 me.

28
15:10:41 29 Yes?---But we did discuss that in a pretty informal sort of
15:10:45 30 way and it didn't go any further.

31
15:10:47 32 When you were being asked about it by Mr Winneke you
15:10:50 33 certainly recollect giving that earlier evidence, didn't
15:10:54 34 you, that you had that discussion?---In the evidence in
15:11:03 35 2014?

36
15:11:04 37 Yes?---I'm not sure whether I recollected it when I told
15:11:10 38 Mr Winneke about it, it was probably several weeks ago.
15:11:14 39 But I had seen my transcript from the evidence some time
15:11:19 40 ago.

41
15:11:20 42 Yes. Put it another way, do you presently have a
15:11:24 43 recollection of having that discussion with Mr O'Brien?---I
15:11:27 44 do only have a vague recollection of it as I've just
15:11:31 45 stated.

46
15:11:36 47 I appreciate what you say which is, first of all, at that

15:11:40 1 point you didn't have an SDU role, am I right to
15:11:46 2 say?---Yes.
3

15:11:48 4 You don't recollect whether it was Mr O'Brien raising it
15:11:52 5 with you or you with Mr O'Brien?---That's right.
6

15:12:00 7 Nonetheless you continued at p.3643 to say at line 32,
15:12:12 8 "That was an ongoing, I guess, tasking for the SDU so when
15:12:16 9 Ms Gobbo had her, I think it was a stroke" - I apologise,
15:12:40 10 Commissioner. I think I can say this, or put this to you:
15:12:45 11 in your earlier evidence you said I think on two occasions,
15:12:51 12 and this is your evidence to Mr Winneke, that you thought
15:12:57 13 at the time of hearing that Ms Gobbo was in hospital that
15:13:02 14 she might have been vulnerable to an approach by the police
15:13:05 15 "and I talked about it with Jim O'Brien". Do you recall
15:13:10 16 saying that?---Yes.
17

15:13:17 18 Mr Winneke didn't seem to follow this up but the question
15:13:44 19 that I wanted to ask is - well, I think you said you didn't
15:13:51 20 follow up with her at this time because you didn't think
15:13:57 21 she'd come on board, is that your recollection?---Is that -
15:14:07 22 are you talking about my recollection at the hearing in
15:14:10 23 2014 or this current hearing?
24

15:14:14 25 Let's keep it as simple as we can. Is it your present
15:14:18 26 recollection that you didn't approach her back then when
15:14:20 27 she was in hospital because you didn't think she'd come on
15:14:25 28 board?---Yeah, I think that's basically it. It was a very
15:14:28 29 informal, short discussion.
30

15:14:33 31 What I don't really understand is did you have in mind
15:14:38 32 visiting her in hospital?---To be honest with you we didn't
15:14:46 33 actually flesh it out from my recollection. So I don't
15:14:51 34 know what the thinking was as to whether she was in
15:14:55 35 hospital then or she had come home or - it didn't proceed
15:15:00 36 beyond this discussion of thinking about it and then
15:15:03 37 deciding not to do it.
38

15:15:05 39 But the way your earlier answers read, the perception of
15:15:09 40 vulnerability seems to be attached to the fact that she was
15:15:13 41 presently in hospital, is that how you saw it to your
15:15:18 42 recollection?---I can't recall specifically what we were
15:15:23 43 thinking but I think that's a pretty good description of
15:15:32 44 why we were thinking about it.
45

15:15:35 46 But it surely wouldn't be appropriate, would it, to
15:15:38 47 approach someone who is a patient in a hospital to put to

15:15:43 1 them that they should become a human source?---Well it
15:15:48 2 would seem, looking at it now, that it probably wouldn't be
15:15:52 3 appropriate.
4
15:15:55 5 But nonetheless that was what was being contemplated,
15:15:59 6 wasn't it, between you and Mr O'Brien?---It was a very
15:16:03 7 casual, as I say, informal conversation.
8
15:16:06 9 Yes. Assuming it to be casual - - - ?---Obviously - sorry.
10
15:16:11 11 I interrupted you, you continue?---I'm only guessing now as
15:16:17 12 to what the thoughts were behind it and how it was going to
15:16:22 13 be done or why it would be done. I'm just - I was asked
15:16:28 14 the question, then I recall that that's the consideration
15:16:31 15 that we had at that particular time.
16
15:16:34 17 But what I'm seeking to explore, and I appreciate that this
15:16:37 18 was incipient, it never went anywhere, I understand all of
15:16:40 19 that, but what seems to be implicit is the notion that one
15:16:46 20 might approach Ms Gobbo while she's a patient in the
15:16:50 21 hospital with this proposal, have I got that wrong?---Well
22 I'm not sure that the approach was to be in hospital, I'm
23 not sure that she was in hospital at the time or had had
24 it. There was obviously an appreciation for the fact that
25 she had a lot of contact with criminals and so it was
15:17:27 26 obviously considered that it might be of value. As to why
15:17:27 27 we didn't do it, I don't know. And as to whether it was
15:17:27 28 going to be done in the hospital, I don't know
15:17:27 29
15:17:27 30 Anyway, the next day you were asked by Mr Winneke, and I
15:17:28 31 think I can ask this but I'll be interrupted if I can't,
15:17:35 32 you were asked about a meeting held, attended by a number
15:17:42 33 of police officers on 10 August 2004, which is about two
15:17:48 34 weeks after Ms Gobbo's stroke, and there was attendance at
15:18:02 35 that meeting by Mr Mansell and Mr Rowe and there's
15:18:09 36 reference at that meeting in a record of the meeting to
15:18:15 37 Ms Gobbo. Do you remember being asked about that?---10
15:18:22 38 August 2004?
15:18:24 39
15:18:24 40 That's right?---So this must be at the time.
15:18:29 41
15:18:30 42 Yes?---That she's spoken to them, yes.
15:18:33 43
15:18:34 44 When you say - who's spoken to them, you mean
15:18:38 45 Ms Gobbo?---She made the approach to Mansell and Rowe
15:18:45 46 initially.
15:18:45 47

15:18:45 1 No, no, that's much later. I'm going to come to that.
15:18:49 2 That's in 2005. You were asked about a meeting - just to
15:18:56 3 recap. The stroke occurs on 24 July 2004. Ms Gobbo's in
15:19:01 4 hospital. On 10 August 2004, about two weeks later,
15:19:07 5 there's a note in Mr O'Brien's diary of a meeting and the
15:19:18 6 meeting is attended by you, Mr O'Brien, some others, but
15:19:25 7 also Mr Mansell and Mr Rowe. Now, do you recall being
15:19:29 8 asked about - I know 14 days is a long time, but do you
15:19:33 9 recall being asked about that meeting?---No, I don't.
15:19:36 10
15:19:38 11 Perhaps I better go to the transcript then. It's
15:19:46 12 transcript 3716 at line 13. I don't seem to have a VPL
15:20:18 13 number. Let's pass on. I can say to you, Mr White, I
15:20:39 14 think all that's relevant for you to know is that you were
15:20:44 15 asked at that page of the transcript about a meeting on 10
15:20:47 16 August 2004 recorded in Mr O'Brien's diary and that the
15:20:52 17 meeting was attended by, among others, you, Mr O'Brien,
15:20:56 18 Mr Mansell and Mr Rowe and that Ms Gobbo's name came up at
15:21:01 19 that meeting, as recorded in the note. I know you don't
15:21:07 20 recollect it, but do you understand what I'm putting to
15:21:10 21 you?---Yes.
15:21:12 22
15:21:15 23 The next item I want to take you to is the witness
15:21:21 24 statement of Mr Bateson. That's at
15:21:41 25 VPL.0014.0027.0001?---Mr Collinson?
15:21:43 26
15:21:43 27 Yes?---Just in relation to your last question, do I
15:21:47 28 understand what that was about in relation to O'Brien's
15:21:53 29 diary.
15:21:53 30
15:21:54 31 Yes?---I'm not sure I understood your question. I don't
15:21:57 32 understand what the meeting was about, but obviously what
15:22:04 33 is in the transcript is my evidence.
15:22:07 34
15:22:07 35 Yes. Perhaps I'll come back to it in private session if
15:22:12 36 need be, but I think you have on the screen, do you,
15:22:15 37 Mr Bateson's statement?---Yes.
15:22:17 38
15:22:21 39 I don't know whether you've looked at his statement?---No.
15:22:25 40
15:22:29 41 I won't take you through the whole of it but if I could ask
15:22:35 42 you to go, please, to paragraph 51, which is on p.0009.
15:23:02 43 Perhaps it begins at paragraph 50. There's - and again I
15:23:10 44 won't give unnecessary detail but there's a particular
15:23:13 45 matter that Ms Gobbo is appearing on, do you see that's
15:23:19 46 referred to in paragraph 50?---Yes.
15:23:22 47

15:23:22 1 In 2004?---Yes.
15:23:26 2
15:23:26 3 And there's been redactions to avoid identifying the
15:23:31 4 details of the person. Paragraph 51 says, I think I can
15:23:45 5 read out the redacted portion, "After the hearing I spoke
15:23:51 6 to Ms Gobbo. I cannot now recall who started the
15:24:08 7 conversation. She told me that she was concerned for her
15:24:11 8 own welfare if it was to become known that she was acting
15:24:15 9 for blank and advising him in relation to his plea deal.
15:24:19 10 She was fearful of retribution from Carl Williams. I told
15:24:24 11 her that our door was always open if she needed
15:24:28 12 assistance". This is Mr Bateson dealing with Ms Gobbo in
15:24:31 13 2004, do you understand that?---Yes.
15:24:33 14
15:24:33 15 And Mr Bateson is known to you, isn't he?---Yes.
15:24:38 16
15:24:39 17 And you knew him in 2004?---No, but I would have known of
15:24:49 18 him.
15:24:50 19
15:24:51 20 You knew of him in 2004?---Yes.
15:24:54 21
15:24:56 22 And over the page it continues in paragraph 53, Mr Bateson
15:25:07 23 talks about some dealings he had with Mr Horgan about a
15:25:12 24 plea deal and paragraph 54, a visit to a prison to give him
15:25:22 25 drafts of his statements. He requested a minor addition
15:25:26 26 and said that he wanted Ms Gobbo to review his statements
15:25:29 27 prior to him signing them. And then in paragraph 56 on,
15:25:34 28 "10 July 2004 I received a telephone call from Ms Gobbo
15:25:40 29 about me speeding up prison visitor clearance processes"
15:25:47 30 and then she expresses some scepticism about her client's
15:25:52 31 claims. And then down to paragraph 59 you'll see that on
15:26:03 32 27 July 2004 Mr Bateson received a telephone call from
15:26:06 33 Ms Gobbo, "Informing me that she was in hospital after
15:26:11 34 suffering a stroke. She said that she would still be
15:26:15 35 acting for that person but that he now had a new
15:26:21 36 solicitor". So you can see from what I've read out to you,
15:26:26 37 Mr White, that certainly Mr Bateson became aware of
15:26:32 38 Ms Gobbo's stroke soon after it occurred on 27 July 2004,
15:26:37 39 you can see that, can't you?---Yes.
15:26:39 40
15:26:40 41 And it's around this very time, of course, that you're
15:26:46 42 having this brief discussion with Mr O'Brien about, as I
15:26:52 43 understand it, approaching Ms Gobbo to become a human
15:26:58 44 source in July 2004. Is it possible that Mr Bateson told
15:27:08 45 you around this time about Ms Gobbo being in hospital
15:27:14 46 having suffered a stroke?---I doubt he would have told me.
15:27:21 47 As I said, I knew of him but I didn't, I didn't know him.

15:27:24 1 We didn't work together anywhere or socialise and at the
15:27:28 2 time both myself and Mr O'Brien were at the [REDACTED]
15:27:33 3 [REDACTED] and I'm assuming Bateson was either
15:27:35 4 at Homicide or Purana, which I think must have been running
15:27:39 5 then.

15:27:40 6
15:27:40 7 Yes?---So I honestly don't know where I got the information
15:27:45 8 from.

15:27:45 9
15:27:46 10 This will be speculation on your part but it's possible
15:27:49 11 that Mr Bateson had a conversation with Mr O'Brien about
15:27:52 12 Ms Gobbo being in hospital in July 2004, but that's not
15:27:56 13 something you've got any recollection of Mr O'Brien saying
15:28:00 14 to you, that he'd heard it from Mr Bateson?---That's right.

15:28:03 15
15:28:06 16 When you had this discussion with Mr O'Brien, by the way,
15:28:09 17 was it then perceived by Victoria Police that Ms Gobbo
15:28:16 18 might be of particular use because of the fact that she was
15:28:22 19 perceived as interacting socially with the criminal
15:28:25 20 community?---I'd only be guessing.

15:28:30 21
15:28:31 22 You don't - I suppose your memory is now so faint
15:28:36 23 understandably of that conversation that it's possible that
15:28:38 24 might have been something that was being thought about
15:28:42 25 between you and Mr O'Brien at that time but you're not able
15:28:46 26 to recollect one way or the other?---I don't have any
15:28:51 27 recollection of her, as I said before, the extent of the
15:28:56 28 conversation or the reason for the conversation and it was,
15:29:01 29 you know, I think it was quite an informal thing. Unless
15:29:05 30 it's made its way into my diary or Mr O'Brien's diary, I
15:29:10 31 can't assist you any further.

15:29:12 32
15:29:12 33 I haven't seen the diary, I'm afraid.

15:29:18 34
15:29:18 35 COMMISSIONER: Mr White, would you like a short
15:29:21 36 break?---Yes, I would, Commissioner.

15:29:24 37
15:29:24 38 Yes, we'll have a ten minute break. I order that there be
15:29:28 39 no publication of that name.

15:29:30 40
41 (Short adjournment.)

15:29:30 42
15:29:30 43 COMMISSIONER: Yes Mr Collinson.

15:47:34 44
15:47:34 45 MR COLLINSON: If the Commissioner pleases. Mr White, to
15:47:38 46 pick up the threads, I'm asking you questions by reference
15:47:43 47 to Mr Bateson's statement and I was taking you through I

15:47:51 1 think the course of events around July 2004 which
15:47:56 2 Mr Bateson refers to in paragraph 59 where he becomes aware
15:48:01 3 that Ms Gobbo has suffered a stroke. And then over the
15:48:08 4 page, if the document - it's at .0011. If that could be
15:48:15 5 expanded. Keep going to the next page, please. Yes.
15:48:33 6 You'll see that in paragraph 66, do you see, Mr White, that
15:48:38 7 by December 2004 Mr Bateson recalls that Ms Gobbo had
15:48:43 8 returned to work and was appearing for a particular person
15:48:50 9 - paragraph 66? Mr White, are you there?
15:48:58 10
15:48:58 11 COMMISSIONER: Mr White, are you there?---Yes, sorry, I
15:49:00 12 haven't got that document on my screen.
15:49:03 13
15:49:04 14 It is now?---Now I have.
15:49:05 15
15:49:06 16 Thank you?---Paragraph 66.
15:49:09 17
15:49:09 18 MR COLLINSON: Yes. Now this is Mr Bateson's
15:49:12 19 statement?---Yes.
15:49:12 20
15:49:12 21 You'll see he says by December 2004 Ms Gobbo had returned
15:49:17 22 to work and was appearing for a particular person?---Yes.
15:49:20 23
15:49:22 24 In paragraph 67, "On 31 January 2005 Carl Williams was
15:49:27 25 charged with the murder of Mark Moran". That's paragraph
15:49:33 26 67?---Yes.
15:49:34 27
15:49:35 28 And then there's a committal proceeding and there was
15:49:42 29 argument before the magistrate about redactions made to
15:49:45 30 police notes. This included notes that identified Ms Gobbo
15:49:48 31 as having acted for a particular person who was to be a
15:49:52 32 witness in the committal proceeding. The redactions had
15:49:55 33 been made because Ms Gobbo was concerned for her welfare if
15:49:59 34 Carl Williams and others were to find out that she had done
15:50:04 35 what's presently redacted there. And then paragraph 69,
15:50:09 36 which is unredacted, you'll see that Mr Bateson records
15:50:15 37 that on 23 March 2005, "Ms Gobbo contacted me", contacted
15:50:20 38 him by telephone to thank him for ensuring that her name
15:50:25 39 was not mentioned during the committal proceeding. So you
15:50:28 40 understand what her concern was, don't you, Mr White, that
15:50:32 41 if her name had come up as being involved in a particular
15:50:41 42 witness against Mr Williams, that that would be something
15:50:48 43 threatening from Ms Gobbo's perspective?---Yes.
15:50:51 44
15:50:53 45 And Mr Bateson continues in paragraph 69, "It was during
15:50:57 46 this telephone conversation that she first raised with me
15:51:02 47 her concerns about various named lawyers in Melbourne. She

15:51:06 1 repeated the same types of matters in telephone calls on
15:51:11 2 19, 20 and 22 May 2005 and at meetings on 23 May, 4 and 29
15:51:20 3 June, 21 July and 23 August, all in 2005". You can see -
15:51:31 4 and continuing, Mr Bateson refers to further contact later
15:51:37 5 in 2005, although some of those dates occur after 16
15:51:41 6 September 2005 when you have your first meeting with her.
15:51:45 7 But my reason for taking you to these paragraphs is, you
15:51:50 8 can see that Mr Bateson has developed some kind of
15:51:57 9 relationship with Ms Gobbo by early 2005 where she is
15:52:04 10 starting to provide some information to him about
15:52:11 11 activities of certain lawyers in Melbourne. Do you see
15:52:15 12 that?---Yes.
15:52:16 13
15:52:19 14 Now, we've moved, of course, some distance past the
15:52:23 15 original stroke on 24 July 2004 but my question to you is:
15:52:31 16 in the earlier part of 2005 do you remember Mr Bateson ever
15:52:36 17 saying anything to you about Ms Gobbo and her potential as
15:52:40 18 a human source?---No.
15:52:42 19
15:52:44 20 Mr Bateson gave similar evidence, I think, to some of your
15:52:50 21 evidence, Mr White, about the police perception of her
15:52:55 22 social activities. I'll just read one passage out to you
15:53:01 23 at p.3341, line 25. This was put to Mr Bateson by
15:53:07 24 Mr Winneke, "Save to say that you are comfortable in your
15:53:10 25 recollection that as far as you were concerned after the
15:53:13 26 time that you came to Purana, which I think was in October
15:53:17 27 2003, you and members of Purana took the view that she was
15:53:21 28 quite potentially engaged in criminal activities" and
15:53:25 29 Mr Bateson answered, "Not so much more that she was engaged
15:53:30 30 in criminal activities, but certainly we thought she was a
15:53:34 31 close associate way beyond what we would expect from a
15:53:37 32 normal lawyer/client relationship. She socialised with
15:53:42 33 them and certainly, you know, she was a group, part of a
15:53:45 34 small group of criminal lawyers that we believe were
15:53:47 35 willing to do anything to keep their clients out and
15:53:50 36 operating their criminal enterprises". That was similar to
15:53:55 37 the view, I think, that you held about Ms Gobbo, did you,
15:53:59 38 in 2005?---Yes.
15:54:03 39
15:54:05 40 Did you know that Ms Gobbo had attended the christening of
15:54:11 41 Carl Williams' daughter Dakota at Crown Casino, is that
15:54:16 42 something that had come to your attention prior to 16
15:54:19 43 September 2005?---I don't think so.
15:54:21 44
15:54:24 45 So just to make sure I haven't missed this, what I'm asking
15:54:29 46 you is whether - leaving aside but starting with your
15:54:34 47 conversation with Mr O'Brien when you became aware that

15:54:38 1 Ms Gobbo was in hospital, whether you had any discussions
15:54:42 2 at all with Mr Bateson in the lead up to 16 September 2005
15:54:48 3 where he might have intimated that Ms Gobbo might be
15:54:51 4 someone worth approaching to act as a human source?---I
15:54:57 5 don't believe I did.
15:54:58 6
15:55:02 7 The next important event is recorded in Mr Rowe's
15:55:11 8 statement, that is VPL.0014.0035.0028. Hopefully that will
15:55:29 9 come up on the screen in a moment for you, Mr White.
15:55:33 10 You'll see, this is a statement of Mr Rowe's. I take it
15:55:39 11 you haven't read this statement?---No.
15:55:41 12
15:55:43 13 But certainly you had an engagement with Mr Rowe and
15:55:50 14 Mr Mansell in late August or early September 2005 shortly
15:55:58 15 before your first meeting with Ms Gobbo on 16 September
15:56:01 16 2005?---Yes. Yes, I would have.
15:56:05 17
15:56:07 18 And did you know Mr Rowe? You say - before this contact
15:56:15 19 with them?---Before that contact?
15:56:17 20
15:56:17 21 Yes?---I did, he was one of Mr O'Brien's detectives from
15:56:23 22 Unit 2.
15:56:24 23
15:56:25 24 Yes. Did you know Mr Mansell?---Yes.
15:56:28 25
15:56:31 26 All right. So if I can take you then to the next page,
15:56:36 27 .0029, you'll see in paragraph 7 that Mr Rowe says his
15:56:41 28 first contact with Ms Gobbo was in August 2005 in the first
15:56:45 29 line. And in paragraph 10 he says, "At this time I do not
15:56:51 30 believe that I had met Ms Gobbo personally". Perhaps I
15:56:55 31 should start at the previous paragraph, paragraph 9, "On 15
15:56:59 32 August 2005 **Mr Bickley** was arrested by other members of the
15:57:03 33 MDID. Early on the morning of 16 August I conducted a
15:57:10 34 record of interview with **Mr Bickley** and he becomes the
15:57:12 35 informant and at Mr **Bickley** suggestion he speaks to
15:57:16 36 Ms Gobbo". Do you see that in paragraph 9?---Yes.
15:57:20 37
15:57:21 38 And Mr Rowe continues in paragraph 10 that he didn't know
15:57:26 39 Ms Gobbo personally at that time but he had heard of her.
15:57:30 40 He says, "Ms Gobbo and other lawyers were suspected of
15:57:34 41 having personal relationships with Tony Mokbel and had
15:57:37 42 reputations for providing protection for him through their
15:57:41 43 role as lawyers. My view was Ms Gobbo and others would
15:57:44 44 assist him to influence the criminal justice process and in
15:57:48 45 turn help him to avoid prosecution". Well, that may have
15:57:54 46 been Mr Rowe's view in August but things were about to
15:57:58 47 rapidly change the following month, weren't they?---Yes.

15:58:02 1
15:58:04 2 And he talks about the basis of his submission in paragraph
15:58:08 3 11. He then deals with the events of 31 August 2005 and
15:58:13 4 you start to become involved shortly after that. He refers
15:58:18 5 to a bail application listed for **Mr Bickley** At 8.30 am
15:58:25 6 Ms Gobbo called him about the bail application. He takes
15:58:28 7 notes. Ms Gobbo, reading at paragraph 13, he stated that,
15:58:32 8 "She had listened to the record of interview and
15:58:35 9 acknowledged that T Mokbel's name was mentioned in the
15:58:38 10 interview. She inquired whether the bail application would
15:58:40 11 prove to be embarrassing for her should Tony Mokbel's name
15:58:45 12 be mentioned. Ms Gobbo also stated that she did not want
15:58:48 13 to represent **Mr Bickley** as it was not in his best interests
15:58:52 14 and she had a conflict of interest but she was being
15:58:54 15 compelled to do it by Tony Mokbel". Do you see
15:58:58 16 that?---Yes.
15:58:58 17
15:58:59 18 And jumping to paragraph 16, Mr Rowe - - -
15:59:06 19
15:59:06 20 MR HOLT: Commissioner, I'm sorry, the version that has
15:59:09 21 been put up is not the redacted version. I'm wondering if
15:59:12 22 that could be swapped to the redacted version. If that can
15:59:15 23 be taken down.
15:59:15 24
15:59:15 25 COMMISSIONER: Some of it's redacted, but anyway you've got
15:59:19 26 a different VPL. If you've got a different VPL number,
15:59:27 27 this one is redacted in parts at least. It may not be the
15:59:30 28 redacted one on the website, I don't know. It certainly is
15:59:35 29 partly redacted at least. Could you give us the one that
15:59:39 30 you'd like us to use.
15:59:41 31
15:59:42 32 MR HOLT: The VPL I have, Commissioner, is 0014.0035.0001
15:59:49 33 and then following pages.
15:59:56 34
15:59:56 35 COMMISSIONER: We'll see if we can get that one.
15:59:59 36
15:59:59 37 MR HOLT: Thanks. Can we take this one down in the
16:00:02 38 meantime?
16:00:26 39
16:00:26 40 COMMISSIONER: Yes, we've got that one up now.
16:00:29 41
16:00:29 42 MR COLLINSON: We're on paragraph 16. And helpfully I
16:00:38 43 think we're not in redacted territory. Mr White, Mr Rowe
16:00:51 44 continues, he has this conversation with Ms Gobbo where she
16:00:55 45 tells him these rather startling things and he says, "It
16:01:00 46 was highly unusual for a barrister to have a conversation
16:01:03 47 like this with me. It was also unusual because I did not

16:01:07 1 know Ms Gobbo. In my mind this conversation confirmed for
16:01:10 2 me what had long been suspected of her association with
16:01:13 3 Tony Mokbel". And in paragraph 17 Mr Rowe speaks to
16:01:20 4 Mr Mansell, his superior, "And we both speak to Mr O'Brien.
16:01:25 5 After speaking with Mr O'Brien the decision was made to
16:01:28 6 record our conversation with Ms Gobbo, in part to see if
16:01:32 7 she would repeat to me what she had said on the phone about
16:01:36 8 being compelled by Tony Mokbel to represent **Mr Bickley** in a
16:01:39 9 way that was against **Mr Bickley's** interests". Then at 9.30
16:01:45 10 am Mansell and Rowe meet Ms Gobbo at court. And there's a
16:01:53 11 discussion which substantively begins at paragraph 20,
16:01:59 12 "Ms Gobbo told us that she felt great pressure from Tony
16:02:04 13 Mokbel to represent **Mr Bickley**. She spoke in a general
16:02:07 14 sense about her relationship with Tony Mokbel and the way
16:02:09 15 in which he used her. Ms Gobbo was very open and candid
16:02:14 16 about the ways in which she obtained information for Tony
16:02:17 17 Mokbel about his associates and was forced to represent
16:02:20 18 them in a way that suited Tony Mokbel's interests rather
16:02:23 19 than their own. She told us that she was concerned about
16:02:26 20 her reputation within the criminal justice system and about
16:02:30 21 whether she had committed any criminal offences herself in
16:02:33 22 assisting Tony Mokbel. She mentioned suffering health
16:02:37 23 problems which she associated with the pressure she was
16:02:40 24 under. She seemed worried and cried during the
16:02:43 25 conversation". And then paragraph 21, "I recall that
16:02:51 26 towards the end of the conversation Mr Mansell said
16:02:54 27 something like 'you should get on board'. This was the
16:02:59 28 first mention of her cooperating. It was not something
16:03:02 29 that had occurred to me and I don't recall Mr O'Brien
16:03:05 30 talking to us about this". Now, one point I want to raise
16:03:12 31 about this passage of events with you, Mr White, is
16:03:16 32 although you don't - I wish I could show you Mr O'Brien's
16:03:21 33 diary note, but both Mr Rowe and Mr Mansell are present at
16:03:26 34 a meeting back in August 2004 about two weeks after
16:03:32 35 Ms Gobbo's stroke when her name is mentioned and you're
16:03:36 36 also at this meeting in August 2004. Is it the case that
16:03:46 37 Mr Rowe and Mr Mansell had discussions with you arising
16:03:52 38 from this discussion with Ms Gobbo on 31 August
16:03:58 39 2005?---Ultimately I did talk to them.
16:04:01 40
16:04:01 41 Yes?---Probably in the presence of Mr O'Brien.
16:04:05 42
16:04:05 43 Yes. I think that would have been - I'll think we'll come
16:04:11 44 to the date but it's probably early September 2005, shortly
16:04:16 45 before your meeting with Ms Gobbo, isn't it?---Yes.
16:04:18 46
16:04:20 47 Mr Mansell you see is recorded in paragraph 21 of Mr Rowe's

16:04:25 1 statement as making this quite bold suggestion for Victoria
16:04:36 2 Police, which is to suggest to a barrister who acts for
16:04:42 3 Mr Mokbel that she should get on board and of course he
16:04:47 4 meant, you'd agree, wouldn't you, he meant that she should
16:04:51 5 become a source and assist the police, or at least assist
16:04:55 6 the police in some way?---I think that's a logical
16:04:58 7 conclusion.
16:04:59 8
16:04:59 9 Yes. And the suggestion seems to come from Victoria
16:05:04 10 Police, not from Ms Gobbo, to act in this way, do you see
16:05:10 11 that?---On the basis of Mr Rowe's statement it seems to be,
16:05:18 12 but I - I shouldn't be commenting on a conversation I
16:05:23 13 wasn't present for.
16:05:24 14
16:05:25 15 Sure. But did Mr Mansell or Mr Rowe say to you, you met
16:05:30 16 with them shortly after this meeting, did they disclose
16:05:35 17 that they had approached Ms Gobbo to suggest she get on
16:05:42 18 board?---I don't recall that. My impression always was
16:05:54 19 that she reached out because she wanted some sort of help.
16:05:59 20
16:05:59 21 She was quite plainly very upset, wasn't she? That's
16:06:03 22 apparent from Mr Rowe's description of this engagement in
16:06:07 23 paragraph 20, last sentence?---I think I was told that
16:06:12 24 she'd been crying, I don't think she was crying when I met
16:06:16 25 her.
16:06:16 26
16:06:16 27 Yes. And I'm not suggesting she wasn't amenable to an
16:06:20 28 approach, Mr White, I'm simply, I think, wanting to make
16:06:23 29 the point that it would appear that the police raised the
16:06:27 30 suggestion with her, rather than the other way
16:06:33 31 around?---Once again, Mr Collinson, I really can't assist
16:06:36 32 in this because I wasn't involved in it.
16:06:39 33
16:06:39 34 As you've said, you don't recollect whether Mr Rowe or
16:06:43 35 Mr Mansell said to you who made the approach when you met
16:06:47 36 with them about a week later?---No.
16:06:51 37
16:06:54 38 Now, paragraph 21 continues, that Mr Rowe having said, "It
16:07:00 39 was not something that occurred to me. Ms Gobbo's initial
16:07:05 40 response is, 'If anyone finds out I'd end up dead'". And
16:07:13 41 Mr Rowe seems to recollect that he'd said that's something
16:07:18 42 we'd have to manage. In paragraph 22 Ms Gobbo agrees to
16:07:23 43 give her telephone number to Mr Mansell and at paragraph 23
16:07:28 44 there's a meeting, or Mr Mansell updates Mr O'Brien at the
16:07:33 45 office and Mr O'Brien instructs Mr Mansell and Mr Rowe to
16:07:42 46 record the subsequent meeting and at this point, reading
16:07:51 47 paragraph 23, "The decision was made to have an open

16:07:53 1 conversation with Ms Gobbo to understand what information
16:07:56 2 she might be able to provide and if she was interested in
16:08:00 3 cooperating. There was a need to be cautious because we
16:08:03 4 did not fully trust Ms Gobbo given her associations with
16:08:07 5 Mr Tony Mokbel and others". Do you see that?---Yes.
16:08:10 6
16:08:10 7 And that was a concern that the police entertained in these
16:08:14 8 early days with Ms Gobbo, wasn't it, that she might be the
16:08:18 9 double agent?---Yes, it was.
16:08:20 10
16:08:20 11 But I think it's also correct to say that those double
16:08:24 12 agent fears quickly dissipated?---I don't know about
16:08:31 13 quickly dissipated but we certainly did reach a point where
16:08:35 14 we were not concerned about that.
16:08:36 15
16:08:36 16 Yes. After, let's say, a couple of months?---That's
16:08:41 17 probably correct.
16:08:41 18
16:08:45 19 Then paragraph 25, 12.27 pm Mansell and Rowe collect
16:08:51 20 Ms Gobbo. Mr Mansell had arranged this with Ms Gobbo.
16:08:56 21 "After picking up Ms Gobbo we then drove to a car park in
16:09:00 22 the inner west of Melbourne. The conversation [REDACTED] in
16:09:05 23 [REDACTED] were [REDACTED] covertly recorded but I'm informed that
16:09:09 24 those recordings cannot be located". Paragraph 27, "We
16:09:13 25 made small talk until we parked but once we arrived
16:09:16 26 Ms Gobbo spoke for about an hour about a number of
27 different topics. She talked openly and she seemed to be
28 venting to get a lot of information off her chest. She
16:09:25 29 covered a lot of different topics without going into great
16:09:25 30 detail on all of them. Ms Gobbo did the vast majority of
16:09:28 31 the talking and Mr Mansell and I did not ask many
16:09:32 32 questions". That's probably pretty similar to what
16:09:35 33 happened in your first meeting with her on 16 September,
16:09:39 34 isn't it, that Ms Gobbo did a lot of venting and you did
16:09:44 35 not much talking, you really just listened?---Yes.
16:09:47 36
16:09:49 37 And so, "Ms Gobbo then described her relationship with
16:09:53 38 Mr Mokbel and how people she didn't know would contact her
16:09:57 39 because Mr Mokbel had said that they had to use her if they
16:10:02 40 were arrested. She said she was expected to represent them
16:10:03 41 but in doing so ensure that they did not cooperate with
16:10:05 42 police. She said she was also expected to tell Mr Mokbel
16:10:08 43 about their charges, the evidence against them and, and
16:10:12 44 whether Mr Mokbel himself might be exposed". Now, again
16:10:17 45 similar things were said by Ms Gobbo to you at the first
16:10:21 46 meeting of 16 September I suggest?---Yes.
16:10:24 47

16:10:24 1 Particularly in relation to Mr Bickley -Yes.
16:10:30 2
16:10:34 3 Paragraph 29, she also spoke about how Mr Mokbel's assets
16:10:37 4 had been concealed and how he laundered money and so on.
16:10:42 5 Paragraph 30, she spoke about Mr Bickley and her sense of
16:10:46 6 conflict. Paragraph 31, "She spoke about how this
16:10:50 7 arrangement with Tony Mokbel was putting her under a lot of
16:10:53 8 pressure and causing her stress which she was concerned was
16:10:57 9 affecting her health. She saw aligning herself with police
16:11:02 10 as her way out of her arrangement with Tony Mokbel". And
16:11:06 11 as I put to you before lunch, that decision by Ms Gobbo to
16:11:16 12 align herself with police to solve this inappropriate
16:11:24 13 interference by Mr Mokbel in her legal practice was from a
16:11:29 14 number of perspectives a very bad decision?---Certainly in
16:11:40 15 the context of what has happened, yes.
16:11:42 16
16:11:42 17 Indeed, you only have to think about it for a moment
16:11:46 18 because even if she got all of the Mokbels in gaol, that's
16:11:50 19 not to say that in doing so her role as acting as an
16:11:54 20 informer might not come out, in which event they could
16:11:59 21 arrange for her to be killed from gaol, couldn't
16:12:03 22 they?---They could. If they'd become aware that she was an
16:12:08 23 informer, yes.
16:12:08 24
16:12:09 25 We know as events transpired that they certainly were being
16:12:15 26 told by other members of the criminal community over this
16:12:22 27 three and a quarter years that she was a human source for
16:12:25 28 the police?---Yes.
16:12:27 29
16:12:29 30 And we also know that in the end the Mokbels became quite
16:12:35 31 aware that she conducted a role of persuading certain
16:12:42 32 persons in the Mokbel crew to cooperate with the police and
16:12:47 33 give evidence against the senior Mokbels?---Yes.
16:12:51 34
16:12:53 35 And that activity caused her to be characterised as a
16:13:03 36 dog?---Yes, that's right.
16:13:04 37
16:13:04 38 And the terminology of dog really is anybody who in some
16:13:11 39 way assists the police to prosecute crime?---Yes, it was a
16:13:22 40 colloquial term for an informer.
16:13:22 41
16:13:23 42 It's wider than an informer, isn't it, because one way to
16:13:26 43 do it is to act as an informer against your criminal crew,
16:13:31 44 but it seems that people used the expression dog against
16:13:35 45 Ms Gobbo not knowing that she was a human source, but
16:13:38 46 merely because she had a role in advising criminal
16:13:42 47 associates of the Mokbels to give evidence against the

16:13:45 1 Mokbels?---I'd have to look at the record but I think
16:13:49 2 that's right. It is a, it can be used in a broader sense
16:13:53 3 certainly to suggest that you're helping the police in some
16:13:56 4 way.

16:13:56 5
16:13:57 6 Yes. Which is why I say it was a very bad decision that
16:14:02 7 Ms Gobbo made because it was going to be almost inevitable
16:14:08 8 that her role in acting as a barrister and seeking to
16:14:13 9 persuade people she acted for to roll against the Mokbels
16:14:18 10 would become public and known to the Mokbels?---That's a
16:14:31 11 difficult question to answer only because if she just acted
16:14:37 12 as a barrister and helped her clients do what she might
16:14:42 13 have thought was the best thing in their interests in
16:14:46 14 relation to those witnesses that made statements against
16:14:48 15 the Mokbel crew, you know, perhaps it never would have -
16:14:55 16 perhaps that could have just eventually skated through and
16:14:59 17 she'd be fine because she's doing the work of a barrister
16:15:02 18 helping her clients, although - and the reason I say this
16:15:08 19 is a hard question to answer because those initial threats
16:15:11 20 seem to relate specifically to her activities in that
16:15:14 21 respect.

16:15:17 22
16:15:17 23 Sorry, you go ahead?---Obviously any information that came
16:15:21 24 out that was suggesting she was doing any more than that
16:15:25 25 was only going to make it worse.

16:15:27 26
16:15:27 27 In favour of your proposition it can be said I've seen from
16:15:31 28 the ICRs that the Mokbels did in fact become aware that she
16:15:34 29 had played a role in involving associates of the Mokbels in
16:15:39 30 giving evidence against her - against them, do you agree
16:15:43 31 with that? The Mokbels did become aware of it? If you're
16:15:55 32 not sure I can take you to the ICRs in due course?---I'll
16:16:00 33 accept that it's in the ICRs, Mr Collinson.

16:16:03 34
16:16:04 35 Yes?---I don't need to be taken through them chapter and
16:16:08 36 verse again.

16:16:09 37
16:16:09 38 To some degree I was putting a point in your favour though,
16:16:14 39 Mr White, in the sense that notwithstanding that knowledge
16:16:16 40 the reality is Ms Gobbo wasn't fact not killed at this
16:16:20 41 point?---That's right.

16:16:20 42
16:16:21 43 Nonetheless, you knew as an experienced police officer that
16:16:25 44 the risks - well this is where we go back to the beginning
16:16:29 45 because I think at the beginning you didn't visualise or
16:16:33 46 see into the future to capture that she would be
16:16:38 47 undertaking this role as a legal actor representing some of

16:16:42 1 the people that would increase these risks to her, did
16:16:45 2 you?---No, I didn't.
16:16:46 3
16:16:47 4 I think your vision was social interactions by Ms Gobbo
16:16:52 5 where she would legitimately or at least not illegally
16:16:56 6 gather information from interactions with criminal
16:17:00 7 communities, perhaps ones she wouldn't be acting
16:17:05 8 for?---That's, even at the outset and that should have been
16:17:10 9 relatively easy but clearly, clearly it got a lot more
16:17:18 10 murky as time progressed and we didn't have sufficient
16:17:22 11 resources to do the job properly.
16:17:28 12
16:17:28 13 I'm not sure any level of resources would ever be
16:17:33 14 sufficient if it were to be the case that Ms Gobbo
16:17:37 15 undertook a role that she did in relation to the person
16:17:43 16 whose pseudonym I won't mention but who had an important
16:17:47 17 role to play in convicting a number of these Mokbels?---Not
16:17:55 18 to be flippant but it would have been hardly to have
16:17:58 19 Mr Winneke beside me during the whole process.
16:18:03 20
16:18:04 21 It might not happen again. Then going back to this Rowe
16:18:09 22 statement, paragraph 32, "Towards the end of the
16:18:12 23 conversation we talked about the process involved in
16:18:15 24 cooperating with police. I recall that Ms Gobbo again said
16:18:18 25 something like she would be killed if people found out she
16:18:21 26 cooperated and wanted assurances that she would be looked
16:18:24 27 after if she did give police information. We told her that
16:18:28 28 if she did cooperate she would be managed by other officers
16:18:32 29 who were specialists", that's a reference to you I think,
16:18:35 30 isn't it, SDU?---Yes.
16:18:36 31
16:18:36 32 "By the end of the conversation I felt that Ms Gobbo had
16:18:39 33 already made up her mind to cooperate with police. Neither
16:18:42 34 Mr Mansell or I pushed or pressured her to do so." Well
16:18:47 35 that's a comment by Mr Rowe but it's apparent from the
16:18:51 36 narrative I've taken you through that Mr Mansell is the
16:18:55 37 person who suggested she undertake this role, you accept
16:18:58 38 that, don't you?---Yes.
16:19:02 39
16:19:06 40 And then at 2 pm, paragraph 34, Mr Mansell and Mr Rowe
16:19:10 41 dropped Ms Gobbo off in the Melbourne CBD and they returned
16:19:15 42 and updated Mr O'Brien and Mr O'Brien then contacted you.
16:19:22 43 And then I think one can jump to paragraph 41 where Mr Rowe
16:19:32 44 says on 8 September he attended a meeting with Hill, you,
16:19:45 45 Mansell and some other members of the DSU, as it was then
16:19:51 46 called, including you, do you see that?---Yes.
16:19:57 47

16:19:57 1 "As my diary records the outcome of the meeting was that
16:20:01 2 the DSU were going to meet with Ms Gobbo and assess her
16:20:04 3 suitability as a human source." Now, presumably - I
16:20:12 4 appreciate you wouldn't remember this meeting very clearly
16:20:16 5 but it was attended by Mr Mansell and Mr Rowe and
16:20:25 6 presumably they - - -
16:20:27 7
16:20:27 8 MR CHETTLE: Sorry to interrupt, Commissioner. Can this be
16:20:30 9 taken out off the screens. I don't know whether it's going
16:20:33 10 out on a live feed or next door as part of the hearing.
11
16:20:36 12 COMMISSIONER: It could be. This hasn't been redacted?
13
14 MR CHETTLE: No, it's the wrong - - -
15
16:20:42 16 COMMISSIONER: It's got the pseudonyms but the wrong ones.
16:20:48 17 That will confuse everyone. Do we have a statement of
16:20:51 18 Bateson with the right pseudonyms?
16:20:54 19
16:20:55 20 MR COLLINSON: This is Rowe.
16:20:56 21
16:20:56 22 COMMISSIONER: Rowe rather, sorry. Rowe with the right
16:21:00 23 pseudonyms. No, I'm told we don't.
16:21:02 24
16:21:03 25 MR COLLINSON: It can be taken off, Commissioner, and I can
16:21:05 26 move on.
16:21:06 27
16:21:07 28 MR HOLT: Commissioner, we actually made an inquiry, I
16:21:08 29 understand what's on the screen is not being streamed out.
16:21:11 30 So long as the proper pseudonyms are being used when it is
16:21:16 31 being referred to there would be no difficulty.
16:21:18 32
16:21:18 33 MR COLLINSON: I'm avoiding pseudonyms all together.
16:21:20 34
16:21:20 35 COMMISSIONER: That's probably a good idea. It's like one
16:21:23 36 of those tricks to avoid going senile I think, the
16:21:27 37 pseudonym trail of these. Anyway, all right. So it can go
16:21:35 38 back up on the screen? Is everyone happy for it to go back
16:21:37 39 on the screen?
16:21:37 40
16:21:37 41 MR CHETTLE: If it's not being streamed I have no problem.
16:21:39 42
16:21:39 43 COMMISSIONER: So what's on the screen is not being
16:21:42 44 streamed and it's not being streamed into the media room?
16:21:44 45
16:21:45 46 MR HOLT: No, we checked that Commissioner.
16:21:48 47

16:21:48 1 COMMISSIONER: That's fine, it can go back up on the
16:21:50 2 screen.
16:21:50 3
16:21:51 4 MR COLLINSON: Mr White, I was asking you about paragraph
16:21:54 5 41 and I was in the middle of asking you this question,
16:21:59 6 although I appreciate you don't have any independent
16:22:04 7 recollection of what was said at this meeting on 8
16:22:07 8 September 2005, given that it was attended by Mr Mansell
16:22:11 9 and Mr Rowe and they'd met with Ms Gobbo on 31 August about
16:22:16 10 a week earlier, I presume they gave you a bit of a summary
16:22:21 11 of the gist of what was said as between them and Ms Gobbo
16:22:28 12 on that occasion, does that seem likely to you?---I think
16:22:32 13 that's very likely.
16:22:34 14
16:22:37 15 Do you recollect Mr Mansell or Mr Rowe saying that they had
16:22:46 16 some extra level of confidence in approaching Ms Gobbo
16:22:51 17 because her name had come up as a potential source in
16:22:55 18 discussions that you were part of about a year earlier, in
16:23:00 19 August 2004?--Well I've got no recollection of that, and
16:23:08 20 as I said the only memory I have of that discussion was
16:23:13 21 with Jim O'Brien. I don't recall others being there, I've
16:23:19 22 got no recollection of others being there, and the meeting
16:23:21 23 that you took me to on, I think it was in August 04.
16:23:25 24
16:23:25 25 Yes?---Where Mansell and Rowe were present with O'Brien,
16:23:29 26 I've got no idea what was discussed there.
16:23:32 27
16:23:32 28 Yes. The reason I took you to it is that it does seem that
16:23:38 29 Ms Gobbo's name came up at that meeting and it seems to
16:23:42 30 dovetail in terms of dates with your recollection of having
16:23:46 31 this brief discussion with Mr O'Brien about approaching
16:23:50 32 Ms Gobbo potentially as a source after she'd suffered the
16:23:55 33 stroke and while she was in hospital, that's why I went to
16:23:58 34 it?---Yes.
16:24:00 35
16:24:00 36 Do you follow that?---I follow it.
16:24:05 37
16:24:05 38 Now, finally can I ask the operator to go to Mr O'Brien's
16:24:13 39 statement. That's VPL.0014.0040.0001. Mine is unredacted.
16:24:30 40
16:24:30 41 MR HOLT: Commissioner, Mr O'Brien's statement hasn't yet
16:24:33 42 been tendered because Mr O'Brien hasn't yet been called.
16:24:36 43 I'm not immediately sure but I think the redactions are in
16:24:39 44 the process of being settled with the Commission and
16:24:41 45 haven't yet been finally settled. You, Commissioner, may
16:24:45 46 have a better idea of that than me immediately on my feet.
16:24:48 47 I wasn't aware we were going to it.

16:24:50 1
16:24:50 2 COMMISSIONER: I'd need to get advice from the legal team.
16:24:56 3
16:24:57 4 MR HOLT: There's probably a shaded version but not yet a
16:25:00 5 finally redacted version of it.
16:25:00 6
16:25:00 7 COMMISSIONER: There's certainly a shaded version because
16:25:03 8 I've got a shaded version.
16:25:05 9
16:25:05 10 MR HOLT: I just wouldn't want anything of that kind going
16:25:08 11 up on a screen at this stage, Commissioner, without - I
16:25:12 12 wasn't aware we were going to it.
16:25:14 13
16:25:16 14 COMMISSIONER: Can you work around that, Mr Collinson?
16:25:17 15
16:25:18 16 MR COLLINSON: I think I can work around it.
16:25:19 17
16:25:20 18 COMMISSIONER: I've got a copy of the statement so I'll be
16:25:23 19 able to follow it.
16:25:24 20
16:25:25 21 MR COLLINSON: Yes. For your purposes, Commissioner, it is
16:25:28 22 p.0009, paragraph 40.
16:25:34 23
16:25:34 24 MR HOLT: There are no proposed redactions in that
16:25:36 25 paragraph so my friend can deal with that with impunity.
16:25:41 26
16:25:41 27 MR COLLINSON: I'm grateful for that. Mr White, I take it
16:25:47 28 you don't have Mr O'Brien's statement in front of
16:25:50 29 you?---No.
16:25:50 30
16:25:55 31 That's all right?---In this room?
16:25:57 32
33 Well, available to you either on a screen or - - -
34
16:25:57 35 COMMISSIONER: They're going to put it up on the screen now
16:25:59 36 because there's no redactions or proposed redactions there,
16:26:02 37 it looks straightforward. We're going to have that page
16:26:05 38 put up. 0009 it's ending in.
16:26:12 39
16:26:12 40 MR COLLINSON: The page we want to go to is
16:26:18 41 VPL.0014.0040.0009. Yes, that's the first page. Thank
16:26:24 42 you. It's paragraph 40. This is Mr O'Brien, although he
16:26:30 43 hasn't given evidence, Mr White, but his proposed evidence
16:26:36 44 is going to say in around - I've taken you back to August
16:26:41 45 2004 now. "In around August 2004 I was receiving feedback
16:26:45 46 from the floor that Ms Gobbo's involvement with her clients
16:26:49 47 went beyond a professional relationship. The feedback that

16:26:53 1 I was receiving suggested that Ms Gobbo's contact with a
16:26:55 2 client went beyond that of a usual lawyer/client
16:26:59 3 relationship. On 10 August 2004 I asked members of the
16:27:03 4 Drug Squad to submit IRs regarding contact with Ms Gobbo in
16:27:10 5 support of a possible telephone intercept application". Do
16:27:15 6 you see that?---Yes.
16:27:16 7
16:27:16 8 This is about the same time as your recollection of a
16:27:20 9 discussion about Ms Gobbo being potentially a source that
16:27:25 10 you had with Mr O'Brien in the same month. Does this
16:27:28 11 trigger any kind of memory bell with you that it was
16:27:33 12 connected in some way to a possible telephone intercept
16:27:36 13 application relating to - - - ?---No.
16:27:39 14
16:27:41 15 - - - Ms Gobbo's phone?---No.
16:27:43 16
16:27:43 17 Then over at paragraph 44 Mr O'Brien deals with the events
16:27:56 18 leading up to August 2005 when Mr Rowe and Mr Mansell tape
16:28:05 19 record and speak to Ms Gobbo. Now, what I wanted to
16:28:14 20 suggest to you is, just invite your comment, bearing in
16:28:19 21 mind some of the matters I've raised with you about your
16:28:23 22 perception apparently in conversation with Mr O'Brien in
16:28:27 23 August 2004 to Ms Gobbo being vulnerable to an approach and
16:28:35 24 the course of events described by Mr Rowe in August 2005
16:28:43 25 and then the meeting you have on 16 September 2005, you
16:28:50 26 would have been pretty confident, wouldn't you, approaching
16:28:55 27 the meeting on 16 September 2005 that Ms Gobbo was looking
16:29:02 28 with some interest at undertaking this role?---I don't know
16:29:16 29 obviously at this point in time and I think you can see
16:29:19 30 from the contact reports that we're still assessing her
16:29:24 31 even three meetings on.
16:29:28 32
16:29:28 33 Yes?---So I think if your question is about on 16 September
16:29:31 34 was I confident that she could play a role in assisting
16:29:35 35 police, is that a fair summation of your question?
16:29:38 36
16:29:38 37 Yes?---I certainly didn't know until I met her and then
16:29:48 38 the, I suppose the rest of the meeting she gave a pretty
16:29:56 39 good indication that she was willing to assist the police.
16:29:58 40
16:29:59 41 Yes?---That's pretty clear.
16:30:00 42
16:30:00 43 My final question this evening is to ask you this: isn't
16:30:04 44 it a fair summation of the narrative of events that I've
16:30:09 45 described that the police, being aware of her role having
16:30:15 46 extensive social contacts in the criminal community, set
16:30:18 47 out to recruit Ms Gobbo as a human source?---In the context

16:30:32 1 of the operations of the Source Development Unit - once
16:30:41 2 again I'm hamstrung in relation to some concerns about PII
16:30:45 3 to answer that question accurately.
16:30:47 4
16:30:47 5 I'm focusing attention on the word recruit?---Yes.
16:30:50 6
16:30:51 7 I'm really suggesting, just characterising what seems to
16:30:54 8 have occurred is that although Ms Gobbo in I think an upset
16:31:01 9 state indicated interest in undertaking this role, the
16:31:05 10 police set out to recruit Ms Gobbo?---I'm not sure. I
16:31:13 11 wouldn't use the term recruit because to me it means
16:31:18 12 something a lot more involved than what you're suggesting,
16:31:21 13 but certainly we were assessing her and made the decision
16:31:25 14 that we were going to go into that relationship with her.
16:31:29 15
16:31:29 16 Yes?---I don't, it's not a recruit as in a strategic
16:31:34 17 recruiting process that I'm familiar with.
16:31:37 18
16:31:37 19 I'll use a less loaded word perhaps. I'm suggesting to you
16:31:42 20 that Victoria Police set out on a positive course of action
16:31:46 21 to utilise the services of Ms Gobbo as a human
16:31:53 22 source?---That's accurate.
16:31:55 23
16:31:55 24 Yes.
16:31:57 25
16:31:57 26 COMMISSIONER: Yes, we'll adjourn now until 9.30 tomorrow.
27
16:32:24 28 <(THE WITNESS WITHDREW)
16:32:24 29
16:32:24 30 ADJOURNED UNTIL WEDNESDAY 21 AUGUST 2019
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