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These claims are not yet resolved.

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Thursday, 8 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 C. McDermott
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for Handlers	Mr G. Chettle Ms L. Theis
Counsel for CDPP	Ms R. Avis
Counsel for John Higgs	Ms C. Dwyer
Counsel for Faruk Orman	Mr M. Koh
Counsel for Pasquale Barbaro	Mr C. Wareham

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08:48:38 1 COMMISSIONER: I'll just remind everyone that this is a
09:49:58 2 closed hearing with only those with permission to be in the
09:50:03 3 hearing room present.
4

09:50:08 5 The appearances are largely as for yesterday. I think
09:50:12 6 Mr McDermott is back for the State, Ms O'Gorman for the
09:50:18 7 DPP, Ms Avis for the Commonwealth DPP. I think they're the
09:50:24 8 only changes.
9

09:50:26 10 The witness is on the line.
11
12 <SANDY WHITE, recalled:
13

09:50:28 14 COMMISSIONER: Mr White, I understand that you're perhaps
09:50:31 15 not feeling terrifically physically well today, you have a
09:50:34 16 cold or a bit of a flu or something, but I'm told,
09:50:39 17 Mr White, that you would prefer to soldier on?---Yes
09:50:41 18 please, Commissioner.
19

09:50:42 20 Could I just say, I appreciate that you've been giving
09:50:45 21 evidence for many days now and I hope you understand that
09:50:51 22 your role as controller makes you very central to this, the
09:50:57 23 process of inquiry that this Commission has to go into and
09:51:00 24 that's why, I suppose, that you're going to be here for
09:51:04 25 such a very long time. I do appreciate it's not an easy
09:51:08 26 task and I thank you for the efforts you're making to
09:51:11 27 assist the Commission and could I reiterate, especially as
09:51:15 28 we're sitting longer hours now in an effort to finish your
09:51:19 29 evidence, that if you're not feeling well, if you'd like a
09:51:25 30 stretch or a break just to let me know?---Thank you
09:51:29 31 Commissioner.
32

09:51:29 32 Yes, all right thanks. Yes Mr Winneke.
33
34

09:51:35 35 MR WINNEKE: Mr White, I was dealing, asking you some
09:51:39 36 questions about Mr Bickley's matter and I think we were
09:51:45 37 dealing with around 13 June 2006, the day of his arrest,
09:51:53 38 and there's reference to that in the ICR number 35 which is
09:51:58 39 at p.328 of the folder. Do you see that? If you could
09:52:09 40 turn to that page?---Yes.
41

09:52:11 42 At 1.25 pm Ms Gobbo's SDU handler rang and told Ms Gobbo of
09:52:18 43 the arrest, do you see that, 13:25?---Yes.
44

09:52:27 44 And at 1.32 Gobbo's SDU handler told Gobbo to expect a call
09:52:29 45 from Mr Bickley soon. That's at 13:32?---Yes.
09:52:36 46
09:52:45 47

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09:52:45 1 I take it the SDU would have been or must have been in
09:52:50 2 contact with Purana investigators to be made aware of this
09:52:55 3 information, that would seem to follow, wouldn't it?---Yes.
09:52:59 4
09:52:59 5 What was the situation with respect to the relationship
09:53:03 6 between the SDU and Purana? Were there regular meetings on
09:53:09 7 a weekly basis to plot out the further
09:53:15 8 investigations?---No.
09:53:15 9
09:53:16 10 How was the information passed from Purana to the SDU?---It
09:53:23 11 would have been a very ad hoc, on a very ad hoc basis.
09:53:28 12 There was probably some meetings between the SDU and Purana
09:53:33 13 but it wasn't a formalised thing.
09:53:37 14
09:53:39 15 If Purana wanted to get a message to the SDU about what was
09:53:45 16 going to happen, it would simply be a case of picking up
09:53:49 17 the phone and letting them know?---I think so.
09:53:51 18
09:53:56 19 I think at 14:18 there's a reference to, we've touched on
09:54:01 20 this, but **Mr Bickley** had been in contact with Ms Gobbo. He
09:54:06 21 was in tears, left high and dry by the Mokbels and the
09:54:10 22 indication from police was that he would get bail. He
09:54:15 23 should look after himself and that, as I discussed
09:54:18 24 yesterday, was part of Ms Gobbo's arrest tip. That seems
09:54:22 25 to be the case?---Yes.
09:54:24 26
09:54:29 27 Mr Rowe indicated, the evidence is that he indicated in his
09:54:32 28 statement that **Mr Bickley** spoke with O'Brien and Flynn about
09:54:36 29 assisting police, right? That seems to be, I suggest, in
09:54:51 30 accordance with what had been mapped out?---I don't know, I
09:55:00 31 don't know what conversations he had with Mr Rowe.
09:55:02 32
09:55:03 33 All right. I'm just suggesting to you that that is -
09:55:08 34 that's what in effect had been put into place. That was
09:55:12 35 the plan with respect to dealing with **Mr Bickley** I guess
09:55:18 36 so.
09:55:18 37
09:55:18 38 If we go to p.329, that's the following page. Ms Gobbo
09:55:32 39 seemed to be suggesting that she felt - this is at 14:15,
09:55:37 40 2.15 - Ms Gobbo was feeling persecuted, she'd spent an hour
09:55:44 41 with **Mr Bickley**. She said that Jim O'Brien was an angry
09:55:48 42 man and later she said that she was annoyed at him for
09:55:53 43 being gruff. She said that **Mr Bickley** was scared of what he
09:55:59 44 was going to do and quite emotional about it all. Said he
09:56:04 45 wanted his bail changed to one or two days a week. That
09:56:11 46 seems to have been recorded, those matters have been
09:56:15 47 recorded, do you accept that?---Yes.

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09:56:17 1
09:56:18 2 Insofar as bail, can I suggest or tell you this, that on 20
09:56:26 3 June 2006 OPP records indicate that Ms Gobbo appeared for
09:56:31 4 **Mr Bickley** in relation to a bail application and on 23
09:56:35 5 June 2006 in Ms Gobbo's fee book she wrote a fee for
09:56:42 6 representing **Mr Bickley** in a bail variation application.
09:56:45 7 Now, I take it you weren't aware of this?---No.
09:56:50 8
09:56:51 9 It would, I suggest, you'd agree, be information that you
09:56:57 10 perhaps should have been aware of?---Yes.
09:57:02 11
09:57:05 12 And do you know whether anything was said to Ms Gobbo about
09:57:09 13 it being inappropriate or wrong for her to advise or appear
09:57:13 14 for **Mr Bickley**?---No.
09:57:15 15
09:57:22 16 Obviously nothing would have been said to **Mr Bickley**
09:57:25 17 about Ms Gobbo not really being in a position to provide
09:57:30 18 impartial or independent advice?---I'm sorry, what is the
09:57:35 19 question?
09:57:35 20
09:57:36 21 I take it you would agree with this proposition, that
09:57:39 22 nothing would appear to have been said to **Mr Bickley**
09:57:43 23 about Ms Gobbo really not being in a position to provide
09:57:47 24 independent advice to him. The police didn't tell him, in
09:57:53 25 other words?---I don't think so. I don't know.
09:57:56 26
09:57:56 27 All right. We can assume that - it would be fair for the
09:58:00 28 Commissioner to assume that he wouldn't have been told
09:58:03 29 obviously about Ms Gobbo's role with respect to -
09:58:07 30 - -
09:58:07 31
09:58:07 32 COMMISSIONER: That's probably a comment for - the witness
09:58:12 33 can't really say - all he can say is that he didn't tell
09:58:16 34 him.
09:58:16 35
09:58:17 36 MR WINNEKE: Thanks Commissioner. It was an obvious - it
09:58:20 37 was certainly, I suggest, an obvious conflict if Ms Gobbo
09:58:25 38 was representing him, you would agree with that
09:58:30 39 proposition?---I can't recall what he was charged with on
09:58:36 40 the second occasion and what the evidence was behind that.
09:58:39 41
09:58:39 42 Yes?---So perhaps if you can remind me I can probably
09:58:45 43 answer your question better.
09:58:47 44
09:58:47 45 Ultimately **Mr Bickley** went on to make numerous statements
09:58:51 46 against various people, do you accept that?---I accept
09:58:58 47 that. I presume you're telling me because you know, I just

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09:59:02 1 don't recall.
09:59:03 2
09:59:03 3 I take it you understand it was intended, that was the
09:59:07 4 design of the investigation which you were participating
09:59:12 5 in, to have Mr Bickley assist police by making
09:59:18 6 statements, rolling in other words?---I'm just saying to
09:59:20 7 you I don't know.
09:59:22 8
09:59:23 9 All right. Now, are you aware that Ms Gobbo continued to
09:59:32 10 have a role in Mr Bickley's representation following
09:59:36 11 that?---No.
09:59:36 12
09:59:37 13 The SDU records indicate, have Ms Gobbo asking handlers to
09:59:46 14 ask O'Brien on behalf of Mr Bickley if he'd done enough to
09:59:50 15 keep himself out of gaol in January 2007, that's what the
09:59:54 16 SDU records say. If that's the case, that would be
09:59:57 17 material which would have been available for you to read,
09:59:59 18 do you agree?---Yes.
10:00:01 19
10:00:02 20 And one assumes that if there was a situation of intrusive
10:00:07 21 supervision going on, it's information which you would
10:00:12 22 have, one, had access to, and two, should have read?---I
10:00:17 23 should have, yes.
10:00:18 24
10:00:20 25 Were you aware that around that time efforts were being
10:00:23 26 made in January of 2007 to get an independent solicitor
10:00:27 27 involved in representing him?---No.
10:00:31 28
10:00:32 29 If the SDU records reveal that, again, that's something
10:00:36 30 that you either would or should have been aware of?---Yes.
10:00:40 31
10:00:41 32 Likewise, an independent solicitor was engaged but Ms Gobbo
10:00:45 33 continued to be involved in advising him nevertheless I put
10:00:51 34 it to you?---Um, if that's what the record reflects.
10:00:57 35
10:00:58 36 Right. Look, you accept this proposition, that a major
10:01:03 37 concern for Ms Gobbo in relation to Mr Bickley like
10:01:09 38 occurred on many other occasions, was her own position as a
10:01:14 39 human source and as someone involved in, again, to use the
10:01:21 40 colloquial, rolling Mr Bickley becoming known, do you accept
10:01:26 41 that?---I think I understand your proposition but I don't
10:01:33 42 know that she rolled Mr Bickley
10:01:36 43
10:01:37 44 I don't want to go back and cover old ground but the point
10:01:41 45 that I'm making is that the exercise, the whole
10:01:45 46 investigative plan was to use, amongst other methods,
10:01:50 47 Ms Gobbo to obtain evidence against [REDACTED] and in doing

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10:01:59 1 so she obtained evidence that enabled Mr Bickley to be
10:02:02 2 arrested and clearly, I suggest to you, that it was in her
10:02:09 3 interest for that information not to come to light, do you
10:02:12 4 agree with that proposition?---Yes.
10:02:15 5
10:02:15 6 And that put her in a conflicted situation in the sense
10:02:18 7 that she was concerned about her own interests ahead of her
10:02:23 8 client's or arguably she was, and - do you accept that
10:02:30 9 proposition?---Arguably, yes.
10:02:34 10
10:02:35 11 And obviously she was very much keen to assist the
10:02:39 12 police?---Yes.
10:02:39 13
10:02:40 14 In March of 2007 Mr Bickley briefed a QC, Mr Phillip
10:02:47 15 Dunn, or at least engaged him through his solicitors to do
10:02:51 16 his plea, and at some stage the Crown had indicated its
10:02:57 17 position on sentence and that it was that Mr Bickley
10:03:00 18 should serve some part of his sentence in custody. Now,
10:03:03 19 were you aware of that or not?---No. Not that I can
10:03:08 20 recall.
10:03:08 21
10:03:14 22 Not surprisingly perhaps, he wasn't happy with that and the
10:03:18 23 documents reveal, these are the ICR records, reveal that an
10:03:25 24 issue arose about Mr Dunn wanting to call Ms Gobbo to give
10:03:29 25 evidence to support the sequence of events and the
10:03:35 26 assistance that Mr Bickley had provided to police. Now
10:03:42 27 that's, I suggest, what the records reveal. You don't take
10:03:47 28 any issue with that proposition I take it?---No.
10:03:49 29
10:03:50 30 Indeed there was a subpoena to be issued for this to occur.
10:03:55 31 Now, once that - I'm sorry, I withdraw that?---I'm just
10:04:01 32 trying to find it.
10:04:03 33
10:04:03 34 COMMISSIONER: Sorry, Mr White, did you want to say
10:04:06 35 something?---I'm just trying to follow the proposition.
10:04:10 36 Are you telling me a subpoena was issued?
10:04:12 37
10:04:12 38 MR WINNEKE: No. The proposition I put was there was
10:04:15 39 discussion about a subpoena being issued by the police -
10:04:19 40 I'm sorry, by the defence to Ms Gobbo to in effect permit
10:04:26 41 that to occur, that is her come to court and give evidence
10:04:30 42 about the role, the assisting role that Mr Bickley had
10:04:35 43 played. Now do you accept that proposition? Again I'm
10:04:38 44 putting to you material which comes from the ICRs?---If
10:04:41 45 it's in the ICRs, Mr Winneke, yes, I accept it.
10:04:44 46
10:04:46 47 Obviously in those circumstances an issue again arose as to

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10:04:53 1 Ms Gobbo's role potentially being revealed. Now, again,
10:05:01 2 this, I suggest to you, it's a repetitive story but in
10:05:07 3 every occasion where there was the prospect of evidence
10:05:11 4 being given, cross-examination occurring, potentially
10:05:17 5 involving questions being asked about Ms Gobbo's role,
10:05:20 6 those, a confluence of those circumstances led to concerns
10:05:26 7 on the part of Ms Gobbo and, not surprisingly, the SDU, do
10:05:32 8 you accept that proposition?---Yes.
10:05:34 9
10:05:34 10 In the end it was agreed that that needn't occur and that
10:05:42 11 Mr Rowe would give evidence and concede all of the points
10:05:46 12 the defence wanted to make on the plea without Ms Gobbo
10:05:50 13 having to give evidence. Now, I suggest to you that that
10:05:54 14 is what is revealed in the SDU records.
10:06:07 15
10:06:08 16 MR CHETTLE: Is this the Phil Dunn point?
10:06:12 17
10:06:12 18 MR WINNEKE: I'm asked to provide references. I can do so.
10:06:16 19 I'm trying to get through the evidence in an expeditious
10:06:20 20 way.
10:06:20 21
10:06:20 22 MR CHETTLE: I understand that, Commissioner, but I need to
10:06:22 23 know what it is Mr Winneke is putting. Is this still on
10:06:25 24 the Mr Dunn asking you to give evidence point?
10:06:28 25
10:06:28 26 MR WINNEKE: The proposition that I'm putting is that it
10:06:30 27 was agreed as between defence and prosecution that there
10:06:32 28 was no need for Ms Gobbo to be called.
10:06:34 29
10:06:34 30 MR CHETTLE: That's in relation to Mr Dunn wanting her as a
10:06:37 31 witness?
10:06:38 32
10:06:38 33 MR WINNEKE: Yes.
10:06:39 34
10:06:39 35 MR CHETTLE: Thank you.
10:06:46 36
10:06:46 37 COMMISSIONER: Perhaps if you could put the last question
10:06:48 38 again. I'm not sure that the witness understood it or
10:06:52 39 accepted it.
10:06:53 40
10:06:54 41 MR WINNEKE: Thanks, sorry, Commissioner. What I'm
10:06:56 42 suggesting is that as between the defence, that is Mr Dunn
10:07:05 43 QC representing Mr Bickley and the police and, in this
10:07:11 44 case, Mr Rowe and the prosecution, it was agreed that he
10:07:14 45 would simply give evidence, that is Mr Rowe would give
10:07:18 46 evidence and there would be concessions on the part of the
10:07:21 47 police of the points that the defence wanted to make on the

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10:07:25 1 plea with regard to the assistance that Mr Bickley had
10:07:30 2 provided. Now, I suggest to you that that is what the SDU
10:07:35 3 records reveal, do you take any issue with that?
10:07:40 4
10:07:40 5 MR HOLT: Excuse me Commissioner.
10:07:41 6
10:07:41 7 COMMISSIONER: That is instead of Gobbo giving evidence
10:07:44 8 police officer Rowe was going to give the evidence?---Yes,
10:07:47 9 Commissioner. If that's what's in the record, Mr Winneke,
10:07:49 10 I accept that.
10:08:21 11
10:08:21 12 There's just a discussion between counsel happening now,
10:08:24 13 Mr White?---Thank you.
10:08:41 14
10:08:43 15 MR WINNEKE: Now, do you recall having any discussions
10:08:45 16 yourself about how to avoid Ms Gobbo giving evidence in
10:08:50 17 this case?---No.
10:08:55 18
10:09:48 19 If I can take you to a specific reference, if I could do
10:09:52 20 that. Page 826. Do you see about midway down the page
10:10:18 21 there's a reference to Mr Bickley "Mr Bickley wants the
10:10:28 22 assistance of 3838 to draft a letter to hand to the judge.
10:10:33 23 Mr Bickley is thinking that he will not be going to gaol. Dunn
10:10:38 24 has been told that Rowe will concede the points required by
10:10:42 25 Dunn for Mr Bickley's plea". At the bottom of the page,
10:10:46 26 "Ms Gobbo has advised Mr Bickley's lawyer that she will not
10:10:52 27 give character evidence". Over the page, "She will not
10:10:55 28 give evidence full stop. Gobbo doesn't believe that it's
10:11:00 29 necessary for her to give evidence when Rowe will concede
10:11:03 30 everything required and she now states that there has not
10:11:07 31 been a summons issued at this time and suggests that there
10:11:11 32 will not be one issued". If we go down to the bottom of
10:11:21 33 that page, Mr Dunn wants Ms Gobbo to give evidence.
10:11:34 34 Ms Gobbo's told Mr Dunn the consequence of giving evidence
10:11:39 35 and her desire not to appear. Mr Dunn wants Ms Gobbo to
10:11:44 36 detail her involvement with Mr Bickley or in Mr Bickley providing
10:11:51 37 the assistance, and Ms Gobbo pointed out that Mr Bickley can
10:12:00 38 give the evidence and she's now stating that the subpoena
10:12:05 39 has not been prepared at this time. There was discussions
10:12:08 40 about Ms Gobbo giving evidence and she finished by saying
10:12:12 41 that Rowe will concede everything that was required.
10:12:39 42 Perhaps if we go back to, sorry, further up the page, 827,
10:12:45 43 I've missed this.
10:12:47 44
10:12:48 45 MR HOLT: Excuse me, Commissioner.
10:12:51 46
10:12:53 47 MR WINNEKE: There's an entry at five past four on that day

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10:12:58 1 which I didn't put to you. She had received a summons to
10:13:15 2 appear at court for Mr Bickley for the plea hearing.
10:13:21 3 So in fact a summons had been issued apparently by the
10:13:24 4 defence for her to give evidence but then the discussions
10:13:29 5 which I've just referred you to later on in the evening
10:13:35 6 occurred and apparently the end result of it was that Rowe
10:13:40 7 was going to concede everything that was wanted. She
10:13:43 8 didn't have to give evidence. And ultimately Mr Bickley
10:13:52 9 received a wholly suspended sentence. Now, do you accept
10:14:01 10 those propositions that I've put to you?---That's from what
10:14:10 11 appears in the record. It appears a bit unclear whether
10:14:14 12 she did get a summons or not get a summons from looking at
10:14:18 13 those two entries but if what you're asking me is that's
10:14:23 14 what's in the record, yes, it is.

10:14:24 15
10:14:25 16 It certainly is in the records that a call has been made, a
10:14:32 17 message left, she's received a summons to appear at court
10:14:38 18 for the Mr Bickley plea hearing, that would seem to
10:14:43 19 be the effect of the entry. Then as you say, she wants to
10:14:49 20 discuss the summons which is yet to be received. I take
21 your point, Mr White, you're quite right.

22
23 COMMISSIONER: She says it hasn't been prepared at this
24 time later down that page.

25
10:14:57 26 MR WINNEKE: And there appears to be a bit of uncertainty
10:14:59 27 about that, right. If we go to 829, at 12.18 there's the
10:15:17 28 entry which says that she wants to discuss the summons
10:15:20 29 which is yet to be received from Phil Dunn to the Mr Bickley
10:15:25 30 plea. There are a number of possibilities to avoiding
10:15:28 31 giving evidence. She believes that she's exhausted all
10:15:31 32 avenues and is demanding that the SDU come up with a
10:15:35 33 solution to this problem and the options open were
10:15:41 34 discussed and at 12.44 a message was left and then the
10:15:49 35 message, it seems, was to the effect that she'd spoken to
10:15:52 36 Phil Dunn and advised him that she will not perjure
10:15:56 37 herself, that she's aware of stuff that Dunn is not and she
10:16:03 38 suggested that if called she might not be helpful towards
10:16:09 39 reducing the sentence of Mr Bickley. Now Mr Dunn agreed
10:16:14 40 that this might not be the best course of action.
10:16:17 41 Effectively what she's saying is, she's trying, it seems
10:16:20 42 she's trying to put Mr Dunn off and saying, "Look, if you
10:16:24 43 call me I might say things that won't help your client" and
10:16:28 44 ultimately what occurs is that there's concessions made, it
10:16:32 45 appears, by the police and - if we go to 19:35 at p.830,
10:16:47 46 discussion between the handler and Ms Gobbo, Mr Anderson.
10:17:02 47 She stated that she had been called - she called to advise

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10:17:07 1 that she'd spoken to Flynn in relation to the plea of
10:17:09 2 Mr Bickley She had a conference with Dunn and Mr Bickley
10:17:15 3 and Dunn no longer wants to call her. Mr Bickley has signed
10:17:19 4 all of his statements at Purana, that's referring to the
10:17:26 5 assistance that he's provided, and Karam was mentioned in
10:17:31 6 the statement of Mr Bickley and Ms Gobbo states that they
10:17:37 7 have only met once and Mr Bickley included Karam's name to
10:17:41 8 build up the statements. And if we go to p.831, the
10:17:49 9 following page, she calls and advises that Mr Dunn had told
10:18:01 10 her that Mr Bickley received a wholly suspended sentence,
10:18:05 11 although the actual dates weren't known. Do you see all
10:18:27 12 that?---Yes.

10:18:27 13
10:18:29 14 Okay. Now, can I ask you some questions - and just to be
10:18:40 15 clear, your name appears as the controller on the ICR with
10:18:49 16 respect to that matter, albeit the date is 12 June 2008, so
10:18:55 17 some time, some months after that, over a year later. In
10:19:03 18 any event - - - ?---The 10 February 2008 and my name
10:19:12 19 appears on 12 June, it's four months later.

10:19:15 20
10:19:16 21 COMMISSIONER: Yes but the events were in May 2007?---I see
10:19:19 22 what you're saying.

10:19:20 23
10:19:21 24 MR WINNEKE: All right. Can I ask you about the matter
10:19:28 25 concerning [REDACTED] If we can go to ICR number 46 at
10:19:42 26 p.448. Commissioner, just before we move to this topic I'm
10:20:29 27 told we need a five minute break with respect to a
10:20:33 28 sensitive issue concerning this matter.

10:20:37 29
10:20:37 30 COMMISSIONER: All right, we'll have a five minute break.

10:21:00 31
10:21:02 32 (Short adjournment.)

10:28:49 33
10:28:49 34 COMMISSIONER: Yes, we're just waiting for the witness to
10:28:53 35 come back now. Yes, thanks Mr White. Yes, we're ready.
10:28:59 36 Mr Winneke. Are you right, Mr White?---Yes, Commissioner.

10:29:03 37
10:29:03 38 Thank you.

10:29:04 39
10:29:06 40 MR WINNEKE: I'll deal with [REDACTED] Mr White, and I'll
10:29:11 41 try and deal with it relatively briefly if I can. If we go
10:29:15 42 firstly to [REDACTED] 2006, ICR 46 and at p.448. In fact if
10:29:36 43 we go back to 447. At 8.25 in the morning [REDACTED] has
10:29:45 44 rung, he has been arrested and is very calm. Now that's
10:29:50 45 information received on a mobile phone call and phone back,
10:29:58 46 is that right?---It was probably received a message to call
10:30:02 47 and phone back.

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10:30:07 1
10:30:11 2 If we go to the source management log there's a reference
10:30:18 3 to a phone call with Mr Smith, "Human source instructed not
10:30:27 4 to act for [REDACTED] today when arrested". Page
10:30:46 5 48?---Yes.
10:30:46 6
10:30:47 7 And then if we go to p.448 of the ICRs we see at about
10:31:00 8 11.59, "Ms Gobbo has spoken to [REDACTED] again, he's very
10:31:08 9 upset, employee rang in panic and Detective Sergeant
10:31:14 10 Coghlan of Purana was already aware of this". Do you see
10:31:21 11 that?---Yes.
10:31:22 12
10:31:22 13 Then at 12.24, "Coghlan rang. Gobbo spoke to [REDACTED] and
10:31:29 14 gave advice. [REDACTED] will be bailed and come and see human
10:31:38 15 source afterwards. He says that human source, Ms Gobbo, is
10:31:43 16 the only person he trusts". Do you see that?---Yes.
10:31:47 17
10:31:49 18 At 2.20, at 14:20, handlers informed Ms Gobbo - sorry,
10:32:03 19 there's reference to Gobbo going to Barwon Prison tomorrow.
10:32:14 20 Sorry, I withdraw that. Below that, "Advised human source
10:32:20 21 that [REDACTED] will be taken to the Magistrates' Court for
10:32:24 22 bail but it will be unopposed and own undertaking". So
10:32:30 23 effectively what that reveals is that the handler's been
10:32:36 24 told by the investigator that [REDACTED] going to be taken to
10:32:39 25 the Magistrates' Court. There'll be no opposition to bail
10:32:44 26 and he'll be released on his own undertaking, do you see
10:32:50 27 that?---Yes.
10:32:50 28
10:32:51 29 One assumes obviously it's the Magistrate who has got to
10:32:55 30 make his or her mind up about that but that will be the
10:32:59 31 position of the police it seems, do you see that?---Yes.
10:33:02 32
10:33:02 33 Gobbo wants to go. She's told not to. Gobbo said that
10:33:08 34 there may be problems if the Magistrate doesn't want to
10:33:11 35 grant bail because [REDACTED] is already on bail. In other
10:33:15 36 words she's saying there may be an issue here because it
10:33:20 37 may well be that the magistrate will take the view, "I'm
10:33:23 38 not going to release this person on bail because he's
10:33:26 39 apparently been committing offences whilst already on
10:33:29 40 bail", so Ms Gobbo is concerned there might be
10:33:31 41 complications, do you see that?---Yes.
10:33:33 42
10:33:34 43 Then at 14:30 she's apparently got on to the solicitor,
10:33:39 44 [REDACTED] and he's doing [REDACTED] bail application but if
10:33:49 45 problems with the magistrate she'll go to court. Again she
10:33:53 46 was told not to because of media attention, et cetera. Do
10:33:59 47 you see that?---Yes.

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10:33:59 1
10:34:00 2 And then at 3.43 it appears that despite what she'd been
10:34:08 3 told, or suggestions that had been made, in fact she did go
10:34:11 4 to court and she assisted [REDACTED]. She left before the
10:34:16 5 hearing started, and didn't run into any media, but she'll
10:34:21 6 talk to [REDACTED] later. So effectively what she's done is
10:34:26 7 provided, it appears to be that she's gone and assisted,
10:34:31 8 provided advice behind the scenes, left before the hearing
10:34:34 9 but nonetheless it appears that she has in effect involved
10:34:41 10 herself in the application for bail. Now, that information
10:34:56 11 was all disseminated to Mr O'Brien, at least, I suggest -
10:35:04 12 just excuse me. I withdraw that for the moment. Now, what
10:35:31 13 I suggest to you is that thereafter she continues to
10:35:36 14 represent [REDACTED], including ultimately representing
10:35:47 15 [REDACTED] in a committal proceeding, including - sorry, in
10:35:52 16 relation to these very charges that he was arrested on on [REDACTED]
10:35:58 17 [REDACTED]. Were you aware of that?---Not that I can recall.

10:36:06 18
10:36:06 19 All right. Can I say this, that the Royal Commission has
10:36:10 20 information that Ms Gobbo represented [REDACTED] in relation
10:36:15 21 to a number of matters between [REDACTED] 2006 and [REDACTED] of
10:36:19 22 2007 when she acted for him in relation to the committal
10:36:24 23 proceeding and charged him a total of [REDACTED] over that
10:36:31 24 period and on the committal proceeding on [REDACTED] 2007,
10:36:38 25 OPP records indicate that she represented [REDACTED] at the
10:36:43 26 committal and Ms Gobbo's fee book entries reveal that she
10:36:49 27 charged [REDACTED] for doing so. Now obviously you say that's
10:37:00 28 not information that you were aware of at the time?---I'm
10:37:06 29 confident I wasn't aware of what she charged and for what
10:37:10 30 services.

10:37:11 31
10:37:11 32 Yes?---In relation to her appearing for him, I may have
10:37:16 33 been, and again that will be a matter of record on the ICRs
10:37:20 34 and diaries.

10:37:26 35
10:37:27 36 We'll see if we can avoid going through all of the records,
10:37:28 37 the records speak for themselves but I just want to make
10:37:29 38 some points in relation to a number of these
10:37:32 39 matters?---Yes.

10:37:32 40
10:37:33 41 I agree, Mr White, the records speak for themselves but I
10:37:35 42 do want to point out a couple of things. If we can go to
10:37:42 43 p.453. At the bottom of p.453 there's an entry with
10:37:59 44 respect to [REDACTED] and it says that, "Documents were
10:38:03 45 seized by Purana and [REDACTED] that there is the actual
10:38:10 46 document used with Horty's wife's name being Roula or
10:38:17 47 Zaharoula". This is what - if we go up the page we see

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10:38:32 1 that there's a telephone call at 17:18, do you see that,
10:38:38 2 received call and phoned back?---Yes.
10:38:40 3
10:38:42 4 Clearly this is information which Ms Gobbo is providing to
10:38:47 5 the handler about, firstly, Horty Mokbel and then about
10:38:52 6 [REDACTED] do you see that?---Yes.
10:38:55 7
10:38:57 8 Certainly the information under the heading [REDACTED] is
10:39:00 9 what Ms Gobbo has been telling the handler about?---Yes.
10:39:05 10
10:39:08 11 "She believes that if he was under pressure of gaol may
10:39:13 12 make statements against [REDACTED] and then Detective
10:39:20 13 Inspector Ryan was advised, nil information report required
10:39:26 14 as aware of letters concerned, and she goes on and says
10:39:30 15 that [REDACTED] may lose everything which he doesn't
10:39:35 16 understand yet. [REDACTED] investigators didn't give him the full
10:39:39 17 picture regarding the consequences and options", do you see
10:39:42 18 that?---Yes.
10:39:42 19
10:39:52 20 Do you know whether, are you able to say whether this
10:39:57 21 information that's provided in that entry, that is that
10:40:00 22 Horty's wife, being Roula or Zaharoula, there's an actual
10:40:05 23 document there used with Horty's wife's name being
10:40:09 24 Zaharoula which indicates she had employment with a company
10:40:18 25 called Roadstar that was submitted to Westpac after which a
10:40:21 26 million dollar loan was granted. Do you know whether that
10:40:24 27 information led to the investigation of Zaharoula
10:40:29 28 Mokbel?---No.
10:40:29 29
10:40:29 30 It may have as far as you know?---I have no idea.
10:40:34 31
10:40:34 32 In any event that information was passed to DI Ryan?---Yes.
10:40:39 33
10:40:40 34 But he was aware of the contents of it, certainly the
10:40:43 35 letter, letter's contents?---Yes.
10:40:45 36
10:40:50 37 Now if we go to an entry, it starts at the bottom of 454
10:41:01 38 but really the guts of it's on the following page, 455, and
10:41:06 39 there's a reference to, there's a reference to Ms Gobbo
10:41:29 40 thinking that [REDACTED] is fair dinkum about making
10:41:33 41 statements and she's told [REDACTED] that he could loose
10:41:40 42 everything and may go to gaol. Told that police were
10:41:44 43 investigating and find out what he's done and other people
10:41:48 44 may do deals to give him up and she thinks that he now
10:41:54 45 finally believes that he's in a lot of trouble and she's
10:41:59 46 told him that [REDACTED] is laughing at him regarding the
10:42:02 47 [REDACTED] and that he's been used by [REDACTED] and he's a

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10:42:08 1 bit emotional after all of this and she's told him to think
10:42:13 2 about what's important to him, [REDACTED] and [REDACTED] and
10:42:16 3 [REDACTED] on the way and [REDACTED] can talk - I'll stop there.
10:42:22 4 That's information that Ms Gobbo is passing on to the
10:42:31 5 handler, do you accept that?---Yes.

10:42:33 6
10:42:47 7 She believes that [REDACTED] can bring a lot of people in the
10:42:52 8 [REDACTED] group down but they will blame Gobbo for [REDACTED]
10:42:57 9 assisting. The consequence - - -

10:43:01 10
10:43:01 11 MR HOLT: Excuse me, Commissioner. Commissioner, there's -
10:43:25 12 just that conversation, I'm conscious that earlier in the
10:43:28 13 hearing we had some discussions about where there was even
10:43:31 14 a suggestion that a person might be thinking about
10:43:34 15 assisting and the risks to safety in that respect. On the
10:43:37 16 same basis I respectfully seek a non-publication order in
10:43:41 17 respect of this conversation, just for that reason, just
10:43:43 18 purely in terms of the implications or inferences that
10:43:46 19 might be drawn.

10:43:48 20
10:43:49 21 COMMISSIONER: So I'm just - on what part of the evidence
10:43:52 22 do you want a non-publication order?

10:43:57 23
10:43:58 24 MR WINNEKE: Commissioner, it may well be that if it's done
10:44:02 25 in this way, if there's a non-publication order with
10:44:05 26 respect to the particular person but so long as any
10:44:11 27 reporting was confined to her not reporting the name of the
10:44:18 28 person but, for example, simply said that another client of
10:44:22 29 hers or a client of hers was the subject of these
10:44:25 30 discussions, in our submission that would be reasonable.

10:44:27 31
10:44:28 32 MR HOLT: I think with respect, Commissioner, that's too
10:44:30 33 difficult in light of what has, will have come just before
10:44:34 34 and just after. In light of the Commissioner's desire to
10:44:37 35 have the transcripts published, it just will be an
10:44:38 36 impossible task I think in that respect to try and enforce
10:44:41 37 an order of that kind. I think it's really from p.4156 of
10:44:48 38 the transcript line 14, through to line 2 on p.4157.

10:44:54 39
10:44:54 40 COMMISSIONER: I don't get the real time transcript.

10:44:57 41
10:44:57 42 MR HOLT: That might assist those assisting you in any
10:45:01 43 event.

10:45:01 44
10:45:01 45 COMMISSIONER: I don't know whether you can put that up for
10:45:04 46 me so I can have a look? No, too hard.

10:45:29 47

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10:45:31 1 MR HOLT: From 4156 line 14 through to 4157 line 2. If
10:45:36 2 that order could just be made for present purposes,
10:45:39 3 Commissioner, and perhaps we'll try and find a better way
10:45:43 4 that doesn't defeat the narrative over the course of the
10:45:47 5 day. For present purposes if there could be no reporting
10:45:50 6 of that last discussion. Again, as I say, purely because
10:45:53 7 it suggests something.
10:45:55 8
10:45:55 9 COMMISSIONER: What do you say, Mr Winneke?
10:45:58 10
10:45:59 11 MR HOLT: I think, Commissioner, you made a similar order
10:46:01 12 in respect of Mr Tony Mokbel.
10:46:04 13
10:46:04 14 COMMISSIONER: What do you say, Mr Winneke?
10:46:05 15
10:46:06 16 MR WINNEKE: Commissioner, I think it's conceded there
10:46:08 17 shouldn't be any information which might suggest that this
10:46:10 18 particular person is an informer or whether or not he is, I
10:46:14 19 don't know. That information oughtn't be, any information
10:46:19 20 which suggests, might suggest that shouldn't be published.
10:46:25 21
10:46:25 22 COMMISSIONER: Yes.
10:46:25 23
10:46:26 24 MR HOLT: I think the terms of the order, Commissioner, you
10:46:28 25 made in respect to [REDACTED] earlier in the hearing was
10:46:31 26 anything which suggested, I think that he was or might be
10:46:35 27 willing to be an informer, I think it was words to that
10:46:38 28 effect and that may well be sufficient, yes. I understand
10:46:41 29 the point our friends make and it's a legitimate line of
10:46:45 30 inquiry, we just want to ensure that those issues are dealt
10:46:49 31 with.
10:46:49 32
10:46:49 33 COMMISSIONER: All right, I'm satisfied under s.26 of the
10:46:52 34 *Inquiries Act* that it's necessary to make, or under the
10:46:55 35 *Inquiries Act* rather that it's necessary to make a
10:46:58 36 non-publication order in respect of anything which could
10:47:09 37 indicate that [REDACTED].
10:47:17 38
10:47:17 39 MR HOLT: Was willing to give assistance to police,
10:47:20 40 Commissioner?
10:47:20 41
10:47:21 42 COMMISSIONER: That's a bit broader, isn't it? Giving
10:47:23 43 assistance is okay, that's not a problem. It's becoming
10:47:27 44 the police informer that's a problem, isn't it? Giving
10:47:31 45 assistance to the police isn't a problem.
10:47:33 46
10:47:33 47 MR HOLT: It's the willingness to give assistance to the

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10:47:36 1 police, Commissioner. This isn't an issue about actually
10:47:39 2 being an informer. My concern at present is the same as it
3 was for [REDACTED] earlier in the proceedings, which is the
10:47:47 4 suggestion of a willingness to assist the police might
10:47:50 5 place somebody at risk.

10:47:51 6
10:47:51 7 COMMISSIONER: What the order in respect of [REDACTED] was
10:47:54 8 that, was or was offering to be a police informant.
10:47:58 9 There's no problem with people giving assistance to police,
10:48:02 10 people do it all the time, it's normal.

10:48:04 11
10:48:04 12 MR HOLT: Yes, Commissioner, I'm content with the order in
10:48:06 13 the terms described.

10:48:06 14
10:48:06 15 COMMISSIONER: Yes, all right. Pursuant to s.26 of the
10:48:09 16 *Inquiries Act* I'm satisfied that there should be no
10:48:12 17 publication in respect of any materials showing or tending
10:48:17 18 to show that [REDACTED] was or was offering to be a police
10:48:20 19 informant.

20
21 MR WINNEKE: Thank you Commissioner.

22
10:48:21 23 COMMISSIONER: And a copy of the order is to be posted on
10:48:24 24 the hearing room door. Thank you.

10:48:28 25
10:48:28 26 MR WINNEKE: Thanks Commissioner. If I could just continue
10:48:44 27 with that. Do you believe that - I'll just go back. You
10:48:52 28 believe he could bring a lot of the people in the [REDACTED]
10:48:54 29 group down. That they will blame her and the consequences
10:48:57 30 of which would be catastrophic and she said that he would
10:49:02 31 buckle easily if put under pressure and she said that she'd
10:49:09 32 sent [REDACTED] to his solicitor for the recent bail matter and
10:49:16 33 she'll have to get someone else to do court matters for
10:49:20 34 [REDACTED] Do you see that?---Yes.

10:49:24 35
10:49:31 36 Then down the bottom of the page she's apparently speaking
10:49:35 37 to [REDACTED] because she went to Krispy Kreme doughnuts
10:49:39 38 with him and bought three dozen. He's spoken to police and
10:49:43 39 is seeing them tomorrow. All right. I think I put to you
10:50:36 40 already, didn't I, that she will have to get someone else
10:50:40 41 - she sent, it says here, "Human source will have to get
10:50:44 42 someone else to do the court matters for [REDACTED] Now, do
10:50:48 43 you know whether that is coming from the handler or
10:50:54 44 Ms Gobbo's own view?---I can't tell.

10:51:00 45
10:51:02 46 In any event it certainly seems to be that she's still
10:51:09 47 advising or speaking to him or providing advice to him.

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10:51:14 1 That seems to be the case from the information that we're
10:51:18 2 reading, doesn't it?---Yes.
10:51:19 3
10:51:24 4 "She'll talk to the solicitor, [REDACTED] first thing
10:51:27 5 tomorrow to takeover handling of his legal matters but will
10:51:32 6 have to wean him off reliance on it. He's a very insecure
10:51:41 7 individual." All right, now, can I ask if we could have a
10:51:51 8 look at p.525. We were dealing, we've just been dealing
10:52:07 9 with the period around and shortly after his arrest from [REDACTED]
10:52:14 10 to [REDACTED] If we go to 529 we can see now it's [REDACTED]
10:52:19 11 [REDACTED] so a few weeks have passed. If we go to the entry
10:52:25 12 at the bottom, in fact if we go to the entry at the bottom
10:52:29 13 of p.528. You understand we're talking about [REDACTED]
10:52:35 14 there?---Yes.
10:52:35 15
10:52:37 16 He's spent a weekend in [REDACTED] and if we go over to the
10:52:46 17 following page. This is information that Ms Gobbo is
10:52:49 18 providing, do you accept that, to the handler?---Yes.
10:52:52 19
10:52:54 20 And she's in effect telling the handler what [REDACTED]
10:53:00 21 been up to in [REDACTED] do you see that? If we go over to
10:53:14 22 p.529?---Yes.
10:53:16 23
10:53:17 24 Talking about previous information which has come from
10:53:21 25 [REDACTED] because she's telling the handler about what he's
10:53:24 26 been up to. Then if we go down to the last five dot points
10:53:32 27 in that particular entry or that particular conversation
10:53:37 28 about [REDACTED] we see that [REDACTED] has told Gobbo that he
10:53:46 29 believes that police do not possess sufficient evidence to
10:53:50 30 provide or to prove any charges at this stage, do you see
10:53:53 31 that, and he's arranged for a particular person to be
10:54:03 32 uncooperative with investigators and inform them
10:54:07 33 documentation relating to loans applied for on his behalf
10:54:12 34 have gone missing and cannot be located and he's told
10:54:17 35 Ms Gobbo that Purana investigators have instructed him to
10:54:20 36 come and collect [REDACTED]
10:54:25 37 that have been seized under warrant. So again, this
10:54:30 38 appears to be information that Ms Gobbo has from her
10:54:35 39 communications with [REDACTED] do you accept that?---Yes.
10:54:39 40
10:54:40 41 And he believes that Purana investigators have failed to
10:54:45 42 find further offences and he's very excited by the fact
10:54:48 43 that they are returning the items seized and he believes
10:54:52 44 that Purana investigators are not aware of what they have
10:54:54 45 in their possession. If they did they would not be
10:54:59 46 returning [REDACTED], do you see that?---Yes.
10:55:01 47

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10:55:02 1 That information was passed to Purana Task Force verbally
10:55:08 2 to Detective Sergeant Coghlan?---Yes.
10:55:11 3
10:55:15 4 I take it your understanding is Detective Coghlan was in
10:55:22 5 that branch of Purana which dealt with asset confiscation
10:55:26 6 and so forth?---Yes.
10:55:28 7
10:55:31 8 All right then. Can I put this proposition to you, that in
10:55:43 9 the period from [REDACTED] 2006 to [REDACTED] 2007, ending with the
10:55:48 10 appearance at the committal, Ms Gobbo represented and
10:55:56 11 advised [REDACTED] in relation to various matters and
10:56:00 12 charged him a total of \$18,910. That's not information
10:56:04 13 that you were aware of at the time certainly - I withdraw
10:56:08 14 that. The amount of money that she charged and what she
10:56:12 15 charged it for isn't something that you were aware
10:56:17 16 of?---No.
10:56:17 17
10:56:18 18 Nonetheless, it would have been an assumption made that if
10:56:21 19 she was acting for him she would have been charging money,
10:56:26 20 charging fees?---Yes. Yes.
10:56:30 21
10:56:31 22 All right. It would be fair to say that he would not have
10:56:39 23 engaged her or paid her if he had known that she was
10:56:43 24 involved in his arrest in the first place, would that be a
10:56:46 25 fair proposition to put?---I think it would be fair for
10:56:52 26 most people. I'm not sure about [REDACTED] because he was
10:56:57 27 infatuated by her.
10:57:00 28
10:57:01 29 Even so, he mightn't have been so infatuated with her if
10:57:06 30 he'd known that she'd provided information firstly that led
10:57:09 31 to his arrest, you'd agree with that proposition, wouldn't
10:57:14 32 you?---He might not have been.
10:57:17 33
10:57:18 34 All right. Now, can I move to a different topic and that
10:57:25 35 is the period of time after Mr Mokbel was arrested in 2007.
10:57:35 36 So if we can have a look at ICR number 83. I can give you
10:57:45 37 - just excuse me. VPL.2474. This is at p.888 and I'm
10:58:10 38 going to take you to an entry on 15 June 2007?---I'm sorry,
10:58:21 39 I missed the reference. I thought it was p.83.
10:58:25 40
10:58:25 41 COMMISSIONER: 888.
10:58:26 42
10:58:26 43 MR WINNEKE: Yes, 888. Now if we perhaps go to the
10:58:41 44 following page, 889. Now there's a reference to Tony
10:58:56 45 Mokbel, do you see that? Wants to engage a media watch
10:59:05 46 company, the more prejudicial material will help his
10:59:08 47 application.

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10:59:13 1
10:59:13 2 COMMISSIONER: Just slow down a minute, I think the witness
10:59:17 3 is still finding the passage.
10:59:19 4
10:59:23 5 MR WINNEKE: Sorry, 889, Mr White.
10:59:25 6
10:59:26 7 COMMISSIONER: About two-thirds of the way down the
10:59:28 8 page?---Yes, I have that.
10:59:29 9
10:59:29 10 MR WINNEKE: Now, Mr White, if you want to have a break at
10:59:32 11 any stage, if you're feeling like you need a break just let
10:59:35 12 us know, all right?---Thank you.
10:59:36 13
10:59:42 14 He wants to engage a media watch company. The more
10:59:46 15 prejudicial material will help his application. She
10:59:50 16 requested to read the brief for the Lewis Moran murder and
10:59:55 17 you understand that Mr Mokbel, one of the charges that
11:00:03 18 police were seeking to bring Mr Mokbel back to Australia to
11:00:08 19 deal with him was for the murder of Lewis Moran, do you
11:00:11 20 understand that?---I do now, yes.
11:00:14 21
11:00:15 22 She was told that she must get the brief from her own
11:00:18 23 circles, the SDU cannot be involved in supplying such a
11:00:22 24 document. Then under the heading of welfare she detailed
11:00:34 25 things again and that things are stressed. She was told
11:00:45 26 that, "If you act for Tony Mokbel that is an end, that will
11:00:52 27 end the relationship with the SDU". Do you see
11:00:56 28 that?---Yes.
11:00:56 29
11:00:59 30 And then over the following page, on 12 June she was
11:01:06 31 advised that the SDU do not want or require her to be
11:01:10 32 involved with Tony Mokbel. She was advised that her
11:01:14 33 involvement would create more problems in relation to
11:01:17 34 ethics and potential compromise. She stated that she was
11:01:22 35 aware of that. She stated she was aware that that would be
11:01:27 36 the police position and she didn't want to discuss the
11:01:31 37 matter any further. She wanted to think about issues and
11:01:34 38 she'd raise concerns later, I presume. Do you agree with
11:01:39 39 that?---Yes.
11:01:40 40
11:01:57 41 Do you know - I take it you would have been aware at the
11:02:00 42 time of these issues because these were fairly significant
11:02:04 43 issues, the arrest of Mr Mokbel in Greece?---Yes.
11:02:08 44
11:02:08 45 You would have been aware of those sorts of issues, that is
11:02:11 46 her vacillating about whether or not she'd like to assist
11:02:14 47 Mr Mokbel and whether it was appropriate for her to do

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11:02:17 1 so?---I would have read this, yes.
11:02:20 2
11:02:21 3 Then if we go to p.891, she's given consideration to
11:02:27 4 arranging Tony Mokbel to be charged with attempting to
11:02:31 5 pervert the course of justice. She said that evidence
11:02:35 6 could be collected from her by coercive hearings, that
11:02:39 7 would protect her status and would harm Tony Mokbel's
11:02:44 8 extradition application and evidence would also corroborate
11:02:47 9 [REDACTED] do you see that?---Yes.
11:02:51 10
11:02:53 11 And again it was discussed with her that Purana and the SDU
11:02:57 12 do not require her to be involved with Tony Mokbel. The
11:03:02 13 risk was too great with respect to ethics and potential
11:03:06 14 compromise however she feels it is her responsibility to
11:03:09 15 ensure that Tony returns to Melbourne. And she states that
11:03:13 16 Tony will ultimately agree to return to Melbourne and there
11:03:19 17 was a discussion about the potential - and she raised that
11:03:27 18 a reward had been offered leading to the arrest of Tony
11:03:31 19 Mokbel and she wanted to know if any consideration had been
11:03:35 20 given to her being given a percentage of the reward
11:03:40 21 offered. And she stated that she had provided intelligence
11:03:44 22 early on relating to Jamou, follow Jamou and he'll lead you
11:03:47 23 to Mokbel and that was a matter which was discussed with
11:03:50 24 you, do you see that?---Yes.
11:03:51 25
11:03:53 26 Again on the following day, 13 June, there was a discussion
11:03:58 27 with the SDU and Purana detectives concerning or discuss
11:04:04 28 with her concerns that the SDU and Purana had regarding her
11:04:08 29 involvement with Mokbel. And under the welfare issues
11:04:16 30 she's having a hard time dealing with everything. And if
11:04:25 31 we go to - just excuse me a minute. And on 14 June there's
11:04:37 32 an entry in the source management log involving a monthly
11:04:44 33 source review, 14 June 2007. Human source has reported
11:04:54 34 that she has been asking - - -
11:04:56 35
11:04:56 36 COMMISSIONER: What page is this on, please?
11:04:58 37
11:05:00 38 MR WINNEKE: Page 113, Commissioner.
39
40 COMMISSIONER: Thank you.
41
11:05:01 42 MR WINNEKE: She's been asked to assist with the Mokbel
11:05:04 43 fight against traditio. She's advised not to be involved
11:05:07 44 because of conflict issues and there are additional risks
11:05:10 45 arising from Mokbel efforts to employ her to represent him
11:05:14 46 regarding the extradition hearings from Greece. What would
11:05:20 47 those additional risks be?---I'm sorry, you're asking about

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11:05:34 1 comments in the risk section?
11:05:36 2
11:05:36 3 Yes, "Additional risks arise from Mokbel efforts to employ
11:05:41 4 Gobbo to represent him regarding the extradition
11:05:48 5 hearings"?---I can't recall at this point in time. I can
11:05:54 6 only presume it's got something to do with the conflict and
11:05:58 7 compromise potential.
11:06:00 8
11:06:01 9 At least there's the issue of conflict, the potential of
11:06:09 10 the interference with up and coming or potential judicial
11:06:13 11 proceedings, that would certainly be a risk I would assume,
11:06:18 12 wouldn't it?---I think the record is pretty clear on that
11:06:22 13 point.
11:06:22 14
11:06:22 15 Again on 15 June she's been contacted by Tony Mokbel, this
11:06:28 16 is in the SML meeting which you attended, "She's been
11:06:35 17 contacted by Mokbel who wants her to represent him. She's
11:06:42 18 advised not to represent same on VicPol behalf. She's
11:06:47 19 reminded of initial objectives regarding getting Mokbels
11:06:53 20 out of her life and agreed that representing Mokbel is not
11:06:55 21 advisable". Effectively it's suggested she's advised not
11:06:58 22 to represent Mokbel on behalf of VicPol. Clearly she
11:07:04 23 couldn't represent him on behalf of VicPol, I assume, do
11:07:08 24 you agree with that?---Are you saying formally?
11:07:16 25
11:07:17 26 Well - - - ?---I think that's a reference to don't do it,
11:07:20 27 don't do it because you think it might be useful for
11:07:24 28 VicPol.
11:07:25 29
11:07:25 30 Ultimately that's what, that's the situation, that is the
11:07:29 31 fact that she had been acting for Victoria Police at all
11:07:34 32 stages with respect to trying to get Mr Mokbel put behind
11:07:38 33 bars, you understand that?---Yes.
11:07:45 34
11:07:46 35 And there had been no cautioning or advising her previously
11:07:52 36 when she had in fact acted for him in earlier proceedings
11:07:55 37 prior to him leaving the jurisdiction?---I don't know.
11:08:03 38
11:08:03 39 Okay. It seems that she's providing telephone numbers of
11:08:11 40 people who might be likely to communicate with Mr Mokbel,
11:08:16 41 particularly Danielle Maguire, do you see that, she's
11:08:21 42 provided a new telephone number and the number was then
11:08:24 43 provided to Purana?---Can you tell me what document or
11:08:28 44 number of the source log?
11:08:29 45
11:08:30 46 I apologise, I'm moving ahead of myself, p.893, I apologise
11:08:39 47 for that. Page 893 of the ICR.

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11:08:45 1
11:08:45 2 COMMISSIONER: Whereabouts on that page?
11:08:46 3
11:08:47 4 MR WINNEKE: About midway down under the heading "Danielle
11:08:52 5 Maguire".
11:08:52 6
11:08:52 7 COMMISSIONER: All right, thanks.
11:09:12 8
11:09:13 9 WITNESS: I can see that.
11:09:14 10
11:09:14 11 MR WINNEKE: Okay. Now then there was a meeting that you
11:09:16 12 had with her with Mr Grey and Mr Fox on 15 June, is that
11:09:25 13 right. That's referred to at p.895?---Yes.
11:09:38 14
11:09:39 15 Obviously that was a long discussion and matters concerning
11:09:43 16 Mr Mokbel were discussed, including there was a discussion
11:09:48 17 about the legal team for Tony Mokbel in Greece. There was
11:09:58 18 going to be a telephone call with Tony Mokbel tonight. If
11:10:04 19 he admits to drug trafficking to Australian authorities
11:10:06 20 then Greece can charge and sentence him there. He will get
11:10:10 21 life, life equals about 15 years. He'll plead guilty to
11:10:15 22 all, plead to all charges but will not plead to any
11:10:21 23 murders. In effect what she's telling you is that she
11:10:29 24 understands that he'll plead to all drug charges but he
11:10:32 25 won't plead to any murders?---Yes, that appears to be what
11:10:40 26 she's saying, yes.
11:10:40 27
11:10:41 28 That's what she told you I suggest?---Yes.
11:10:43 29
11:10:43 30 You understand there was at least one murder charge that he
11:10:47 31 was going to be brought back to Australia to face. He
11:10:52 32 ultimately faced two, do you accept that?---I'll accept
11:10:55 33 that. I've got no recollection about it.
11:10:57 34
11:11:01 35 If he loses all his extradition steps, 15 steps, then he
11:11:07 36 can appeal to the EU and there's a discussion about if
11:11:13 37 there's not enough evidence for the murders then he won't
11:11:16 38 get extradited. She says that this is Tony saying what his
11:11:24 39 lawyer said, Tony may have got a few things wrong but in
11:11:29 40 effect she's passing on to you what lawyers have told him
11:11:33 41 and he's told her and in effect she's passing that on to
11:11:39 42 you. She says that she's feeling a bit sorry for him. She
11:11:44 43 feels some obligation to help him. She understands that
11:11:47 44 this is a fucked decision on her behalf and then you talk
11:11:51 45 to her about all the things that Tony has done to her over
11:11:54 46 the years and she says that she cannot represent Tony
11:11:59 47 anyway because of the pervert charges with respect to the

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11:12:03 1 ACC hearings, although Tony knows nothing about this. And
11:12:06 2 you say, "Well why don't you just say until you pay me then
11:12:11 3 don't ring" and she understands this. Do you see
11:12:15 4 that?---Yes.
11:12:15 5
11:12:15 6 In fact just above that she asks is it worth her talking to
11:12:23 7 Jim O'Brien regarding Tony, that is he'll plead to all drug
11:12:28 8 charges, but no murders. She's in effect saying, "Is it
11:12:32 9 worthwhile me speaking to O'Brien to see if I can broker a
11:12:37 10 deal", do you accept that?---Yes.
11:12:45 11
11:12:46 12 She was told no as he will definitely be charged with
11:12:50 13 murder. Do you agree with that?---Yes.
11:12:59 14
11:13:07 15 And you talk about Tony and him being selfish, not loyal,
11:13:13 16 will use even his own family and she agrees with that. She
11:13:22 17 says there's no downside to telling him to fuck off other
11:13:26 18 than she's worried about the repercussions if he found out
11:13:30 19 she was talking to police. She was asked would it matter
11:13:34 20 if she was helping with extradition and she says no. Does
11:13:39 21 that indicate that she was asked the question would it
11:13:43 22 matter if she was assisting with his extradition and she
11:13:47 23 says no, is that your understanding?---I'm not sure exactly
11:13:53 24 what the context of that comment was.
11:13:57 25
11:14:01 26 She was in genuine tears in relation to his position and
11:14:07 27 she said she felt a little sorry for him, this is over the
11:14:14 28 page at - yes. The following page, 896. And he
11:14:25 29 understands that he's looking at 20 years on the bottom for
11:14:28 30 the drugs but he's adamant he didn't commit the murder. In
11:14:31 31 any event those were all matters which were the subject of
11:14:35 32 discussions. Do you agree with that?---Yes.
11:14:38 33
11:14:38 34 And indeed, he says that he wants, he Tony said that he
11:14:43 35 wants Ms Gobbo to speak to Simon Overland and to do a deal
11:14:47 36 with respect to pleading to the drugs and no murder and
11:14:52 37 everyone appeared to agree that this is Tony in a fantasy
11:14:56 38 world. All right. Then under "welfare and general" she
11:15:09 39 asks, "How can I represent him and charge him money for my
11:15:12 40 services when I'm talking to police and I'm largely
11:15:15 41 responsible for him being where he is?" It appears that
11:15:22 42 you raised a question regarding ethical issues is only
11:15:26 43 regarding money, sure it's more than just about money and
11:15:30 44 there's discussion about the obligations to a barrister
11:15:33 45 with respect to client privilege, instructions for a case
11:15:36 46 as opposed to offender admitting to other crimes. Can I
11:15:42 47 ask you, firstly, what do you mean with respect to the

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11:15:46 1 question, "Ethical issues is only re money, surely it's
11:15:51 2 more than just about money"?--Again, I don't know the
11:15:56 3 context of that. I don't know that I'm questioning the
11:16:00 4 ethical issue, it's a hypothetical, is it only re money or
11:16:07 5 - I'm sorry, I'm just guessing.
11:16:09 6
11:16:09 7 Ultimately it seems to be you're talking about the
11:16:12 8 obligations of a barrister with respect to client privilege
11:16:16 9 instructions for a case as opposed to offender admitting to
11:16:20 10 other crimes. So we might glean something from that. She
11:16:26 11 says that there's no obligation to report other crimes told
11:16:29 12 to her, it's a moral issue only. She has to distance
11:16:33 13 herself from the moral issues and just be neutral. There's
11:16:38 14 talk about moral issues with barristers. Still comes back
11:16:46 15 to a moral issue for the human source, not a legal
11:16:49 16 obligation for her. Then she suggests she could leak
11:16:53 17 certain information to police re certain issues if she was
11:16:56 18 not talking to us knowing that something would get done but
11:17:01 19 would not get back to her and that's how she would deal
11:17:05 20 with her moral issues. So she seems to be grappling with
11:17:10 21 these issues about how can she assist police in
11:17:17 22 circumstances where she might be representing him, would
11:17:24 23 that be fair to say?--I think so.
11:17:27 24
11:17:40 25 If we go to p.902. There's some discussions - now this is
11:18:01 26 still the same conversation but later on. You, that is - I
11:18:16 27 take it you, her handlers' controllers were worried about
11:18:22 28 her coping with stress. Health issues, she's vomiting and
11:18:26 29 not sleeping, she's heading for a breakdown. She's
11:18:30 30 stressed about what she's done in the past and she cannot
11:18:34 31 walk away from. She's stressed about having to lie all
11:18:38 32 day. The question is raised, "We could get out of her life
11:18:48 33 which would be less stress for a start and she could ring
11:18:51 34 with respect to welfare" and she says, "No, I'm in 100 per
11:18:55 35 cent", she's not half-hearted. The motivation is that she
11:18:59 36 wanted the Mokbels out of her life and "we're almost
11:19:03 37 there". Do you see that?--Yes.
11:19:07 38
11:19:11 39 So effectively what you were saying is, "We could, in
11:19:16 40 effect, get out of your life, there would be less stress
11:19:19 41 but you could just contact us for welfare purposes". Do
11:19:30 42 you see that?--Yes.
11:19:30 43
11:19:33 44 Was that a real option that was open to you?--Well we were
11:19:44 45 going to have the ongoing duty of care issues with her, so
11:19:52 46 probably not in terms of just saying, "You're on your own
11:19:57 47 now but ring us if you've got a welfare problem".

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11:20:00 1
11:20:00 2 I'm just exploring the possibility that you could, in
11:20:04 3 effect, if you like, wean her away from you, be there to
11:20:10 4 take her calls with respect to welfare but just not get
11:20:13 5 information from her and certainly not use information from
11:20:17 6 her, was that a possibility at any stage?---Yes, that's
11:20:23 7 what we tried to do.

11:20:24 8
11:20:25 9 And I think you said, well look, at one point you said she
11:20:28 10 was in baby-sitting mode after the arrest on 22 April for a
11:20:34 11 significant period of time, indeed I think you said for the
11:20:37 12 remainder of the period but ultimately when the issues with
11:20:40 13 respect to Mr Karam came up you started using her again or
11:20:44 14 using the information. Do you agree with that, that's what
11:20:55 15 you said?---Yes.

11:20:56 16
11:20:57 17 In any event, can I suggest this to you, as one goes
11:21:02 18 through the ICRs there was constant receipt of information
11:21:09 19 and constant passing on of information, whether it be
11:21:12 20 verbal communications of information to investigators or
11:21:17 21 information reports, I suggest to you that the proposition
11:21:21 22 that you put, that she was simply being baby-sat, isn't
11:21:25 23 borne out by the records?---There's, there's certainly
11:21:36 24 periods where she was shut down and would provide
11:21:40 25 information but that was just intelligence that was not
11:21:42 26 passed on, but there's also occasions where she was in what
11:21:47 27 I think we described as baby-sitting mode, I could be wrong
11:21:51 28 about the dates, where she was giving us intelligence that
11:21:55 29 was passed on. Subsequent to [REDACTED]

11:22:02 30
11:22:02 31 All right. In any event we can look at the records and
11:22:07 32 determine that. If we go to - just excuse me - 4 August
11:22:24 33 2008. In fact - just excuse me. I withdraw that. Page
11:22:43 34 914, 18 June. There's discussions between the handler and
11:22:54 35 Ms Gobbo. She's quite clearly still speaking to Mr Mokbel
11:22:59 36 over the telephone. It's discussed that she's not to act
11:23:06 37 for him and to limit any assistance. He wants her to do
11:23:09 38 some background work on the extradition process, basically
11:23:12 39 to get a second opinion to what he's getting told in
11:23:17 40 Greece. She made it clear that she will not work for him
11:23:23 41 if no funding. Now that seems to suggest that she's
11:23:31 42 actually considering working for him if there's money in
11:23:37 43 it. Now on one view that's one inference that can be drawn
11:23:44 44 from that?---Yes.

11:23:46 45
11:23:46 46 Alternatively it might be said it's an excuse for not
11:23:51 47 working for him?---Yes.

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11:23:53 1
11:23:54 2 All right. Did you get the impression that she was
11:24:01 3 fighting with herself about this. On the one hand she
11:24:04 4 didn't want to work, on the other hand she did want to work
11:24:08 5 for him?---I don't recall what impression I had at that
11:24:15 6 time.
11:24:16 7
11:24:16 8 Okay. In any event the communications in that discussion
11:24:20 9 on 18 June were apparently verbally disseminated to
11:24:23 10 Mr O'Brien?---Yes.
11:24:25 11
11:24:28 12 On the following page there's a call from her, this is on
11:24:32 13 the following day, 19 June, Danielle wants to give her an
11:24:39 14 email address, now that's his girlfriend or partner.
11:24:43 15 She'll text it to Ms Gobbo, after that they'll be able to
11:24:47 16 communicate via email. She wants to send Ms Gobbo
11:24:54 17 documents from their Greek solicitors and asks if she can
11:24:57 18 do this, if she can go over their case. And there's a
11:25:04 19 hypothetical posed. She asked if someone should speak to
11:25:09 20 her directly or go through me. Told her if they know your
11:25:13 21 identity then they should go through her. She didn't want
11:25:18 22 to elaborate any further on this. Told her if this is
11:25:22 23 happening I should know about it. Ms Gobbo said no, it
11:25:25 24 isn't but I'm just asking if it was, what should happen and
11:25:29 25 she assured the handler that if it does happen she'll tell
11:25:32 26 her. What was your understanding of that?---I don't know.
11:25:41 27
11:25:41 28 All right. Then if we go to the 21st of June. There's the
11:26:04 29 reference to an entry which I took you to yesterday as part
11:26:09 30 of the process of getting Mr Mokbel back, it appears that
11:26:13 31 they needed - p.919 - they wanted a copy of an old brief,
11:26:26 32 FedPol brief on Tony Mokbel. They just wanted to look at
11:26:29 33 the same and return and she said she had no problem with
11:26:31 34 this. And she's told Rowe to ensure that he lets Jim
11:26:39 35 O'Brien know and for Jim to tell us. I asked you about
11:26:45 36 this yesterday. Is it your understanding that ultimately
11:26:47 37 she did provide a copy of the brief and that brief was
11:26:51 38 provided to Mr Rowe?---That's not my understanding. I
11:27:00 39 don't know.
11:27:00 40
11:27:01 41 You don't deny it, but you just - you don't know the
11:27:04 42 circumstances, is that right?---I don't, I don't have any
11:27:10 43 information about it, I don't know whether that happened or
11:27:12 44 not.
11:27:12 45
11:27:13 46 All right. If we go to p.926. And it appears that Chris
11:27:33 47 Hayes and Paul Rowe came along this morning to pick up the

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11:27:35 1 FedPol brief on Tony Mokbel. She questions why Hayes came
11:27:40 2 along and it doesn't worry her though. But I suggest to
11:27:43 3 you that she provided the brief and it was provided to
11:27:53 4 Victoria Police to enable - well, as far as the records
11:27:57 5 reveal it was provided to police. Now, is that something
11:28:01 6 that as a controller you would be interested
11:28:14 7 in?---Possibly. I don't know what the relevance of it is
11:28:17 8 and what lawyer was sought at this point in time.
11:28:22 9
11:28:22 10 You'd want to satisfy yourself of a couple of things.
11:28:25 11 Firstly, how she came into possession of it in the first
11:28:30 12 place? Did she come into possession of it as a legal
11:28:33 13 advisor to Mr Mokbel previously? If she's going to hand it
11:28:37 14 over to the police, is it being handed over to the police
11:28:41 15 with Mr Mokbel's permission? And what it's being used by
11:28:48 16 the police for, do you accept that?---Yes.
11:28:50 17
11:28:51 18 For example, if it was being used by Victoria Police to
11:28:54 19 assist their endeavours to bring Mr Mokbel back into the
11:28:57 20 jurisdiction to face criminal charges, you would want to be
11:29:01 21 satisfied that Mr Mokbel had given Ms Gobbo permission to
11:29:05 22 hand it over, would that be reasonable?---Yes.
11:29:09 23
11:29:20 24 And you would like to think that there'd be evidence within
11:29:24 25 the ICRs to suggest that those steps were gone through
11:29:28 26 before it was handed over?---There would have been some
11:29:37 27 explanation of it at the time, I'm sure.
11:29:41 28
11:29:41 29 Right. And would you have been involved in that or
11:29:48 30 not?---If I was around at that time, yes.
11:29:50 31
11:30:01 32 I mean it's something that clearly calls out for seeking
11:30:05 33 legal advice, I would assume, as to whether it was
11:30:08 34 appropriate to hand over?---That's possible.
11:30:14 35
11:30:14 36 Were there concerns about the prospect of Ms Gobbo being
11:30:19 37 involved in - sorry, were the concerns of Ms Gobbo being
11:30:24 38 involved in providing legal advice to Mr Mokbel raised up
11:30:30 39 the chain of command?---I don't know.
11:30:35 40
11:30:44 41 Do you know whether you spoke to Mr Biggin about these
11:30:47 42 matters?---Not at this time.
11:30:50 43
11:30:52 44 Do you expect that you would have?---I don't know. To be
11:30:57 45 honest with you I don't, I'm not understanding the
11:31:01 46 relevance of the FedPol brief, why it was even sought.
11:31:05 47

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11:31:06 1 In any event as a general proposition were there
11:31:09 2 discussions about the possibility of Ms Gobbo becoming
11:31:13 3 involved in the extradition process as Mr Mokbel's
11:31:23 4 advisor?---I think the record shows that clearly we didn't
11:31:26 5 want her to do that but I think your question is whether I
11:31:30 6 spoke to Mr Biggin about it.
11:31:32 7
11:31:32 8 Yes?---And I just don't know. There may be a note in my
11:31:35 9 diary if I did. It wouldn't be in contact reports because
11:31:41 10 - - -
11:31:41 11
11:31:41 12 It would be a management matter, yes?---Yes.
11:31:44 13
11:31:45 14 Did Mr Biggin come by on a regular basis at this stage to
11:31:49 15 see how things were going in relation to each of the human
11:31:53 16 sources who have been managed by the SDU?---I had regular
11:32:00 17 contact with Mr Biggin. He didn't come by to the location
11:32:03 18 regularly.
11:32:05 19
11:32:05 20 Right. He says in his statement that he assumed functional
11:32:19 21 control of the SDU on 1 July 2006 and was thereafter
11:32:23 22 responsible for regularly monthly reviews of each human
11:32:28 23 source managed by the SDU and making recommendations to the
11:32:31 24 controllers or the inspectors as to whether further
11:32:34 25 authorisation was required, and this is at paragraph 63 of
11:32:37 26 his statement, and it was done on a monthly basis by way of
11:32:44 27 an informal discussion with controllers and it involved
11:32:46 28 regularly discussion of 12 to 16 sources over about 30
11:32:50 29 minutes and it was generally recorded in the SMLs. Do you
11:32:58 30 agree with that?---Yes. Yes.
11:32:59 31
11:33:06 32 It also says at p.159, members from time to time raised
11:33:10 33 with me concerns regarding using Ms Gobbo as a human
11:33:15 34 source. These were discussed as part of the risk
11:33:18 35 assessment process. He isn't able to be certain which
11:33:21 36 members but he believed there was more than one member had
11:33:24 37 discussions about concerns between 2006 and 2009 and he
11:33:29 38 says the sorts of concerns were for her welfare and whether
11:33:33 39 the information she'd provided was valuable to the
11:33:37 40 investigative process. Now, would you agree with
11:33:45 41 that?---Yes.
11:33:45 42
11:33:48 43 Were any of the concerns relating to the potential that she
11:33:52 44 may have been providing confidential information against
11:33:56 45 clients for whom she was engaged to act or to whom she owed
11:34:00 46 a duty, do you remember if you had those discussions or
11:34:04 47 not?---I don't remember.

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11:34:04 1
11:34:05 2 He says at paragraph 162 of his statement that, "On
11:34:07 3 occasions Inspector Hardy or the controllers raised
11:34:13 4 concerns with me that they thought that Gobbo may be
11:34:17 5 providing privileged information". Do you know whether
11:34:23 6 either you or the controllers or the handlers raised those
11:34:26 7 concerns with Mr Biggin?---I can't recall.
11:34:32 8
11:34:34 9 Was Inspector Hardy ever involved in discussions about the
11:34:42 10 possibility that Gobbo may have been providing privileged
11:34:45 11 information?---I can't recall.
11:34:49 12
11:34:54 13 Mr Biggin says that he recalls that when concerns were
11:34:58 14 raised, and to be fair he says he can't recall whether it
11:35:04 15 was by Mr Hardy or controllers about the possibility of
11:35:09 16 that Gobbo may be providing privileged information, he
11:35:12 17 directed the SDU to inform her that she is not to provide
11:35:16 18 any information that was subject to LPP and that such
11:35:20 19 intelligence was not to be disseminated, do you agree with
11:35:25 20 that?---Yes.
11:35:25 21
11:35:25 22 And he believes that he gave this direction verbally on
11:35:31 23 more than one occasion although he says he hasn't found any
11:35:35 24 written record of having given such a direction - - -
11:35:37 25
11:35:38 26 MR CHETTLE: I'm just wondering, Commissioner, given he has
11:35:40 27 been going for two hours if he could have a break.
11:35:43 28
11:35:43 29 COMMISSIONER: I'm happy to have a break. Would you like a
11:35:46 30 break, Mr White?---Yes please, Commissioner.
11:35:48 31
11:35:49 32 Yes. Please let me know if you want a break.
11:35:52 33
11:35:52 34 MR WINNEKE: Just before we do I was going to ask a
11:35:55 35 question about that.
11:35:55 36
11:35:56 37 COMMISSIONER: Yes.
11:35:56 38
11:35:57 39 MR WINNEKE: Do you say that you can recall him giving such
11:35:59 40 directions?---No, I can't recall it.
11:36:06 41
11:36:06 42 All right. Thanks very much.
11:36:09 43
11:36:10 44 COMMISSIONER: We'll have a ten minute break thank you.
11:36:12 45
11:36:33 46 (Short adjournment.)
47

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11:51:31 1 COMMISSIONER: We don't have a witness at the moment. We
11:51:39 2 can see the chair but no witness. We might just check that
11:51:42 3 he's going okay. Here he is. Yes, Mr White, are you
11:51:46 4 okay?---Yes, Commissioner.
5
11:51:47 6 All right then. Again, let me know if you need a break
11:51:50 7 otherwise we'll sit through now until 1.15. But, as I say,
11:51:56 8 we know you're not well today and don't feel you can't ask
11:52:00 9 for a break. No one will think any the less of you for
11:52:05 10 that?---Thank you.
11
11:52:06 12 Thank you.
13
11:52:07 14 MR WINNEKE: Thanks Commissioner. I'll see if I can deal
11:52:24 15 with Mr Mokbel's matters reasonably expeditiously if I can,
11:52:34 16 Mr White. On 4 August there was a discussion - I
11:53:40 17 apologise, it's 6 August. There's an entry in the source
11:53:46 18 management log at p.120 and it says this, that this was a
11:53:55 19 meeting between Overland, Biggin, Blayney and Ryan
11:54:10 20 regarding a management update and there were three options
11:54:16 21 available which were discussed. The options were
11:54:29 22 deactivate, ongoing management with no tasking, or witness.
11:54:36 23 So they were the three options. "Agreed witness not an
11:54:39 24 option as the source will be compromised. Deactivation was
11:54:43 25 not an option by virtue of the fact that ongoing
11:54:46 26 communication will be required regarding court issues re
11:54:50 27 Mokbel trials." What do you understand that to mean?---I'm
11:55:03 28 assuming at this time that's probably a reference to her
11:55:09 29 role as a human source in some of those trials.
30
11:55:14 31 Yes. Why would it be necessary to have her on the books as
11:55:23 32 a source if there are trials going on?---Well we've still
11:55:30 33 got a duty of care in relation to her so she's still got to
11:55:39 34 be on the books from that point of view. And what used to
11:55:44 35 happen with sources was that once the police got what they
11:55:48 36 wanted out of them they were cut loose. We were trying to
11:55:52 37 have a lot more attention to duty of care issues,
11:55:56 38 especially in the high risk environment, plus she was still
11:55:59 39 getting a lot of - I'm just looking at the log, she's still
11:56:04 40 getting a lot of threats.
41
11:56:06 42 Yes?---And there's a lot of talk about her being an
11:56:08 43 informer I think at this time.
44
11:56:11 45 Yes, but what it says here is the fact that ongoing
11:56:18 46 communication will be required regarding court issues,
11:56:21 47 that's what I'm getting at, with respect to the Mokbel

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11:56:24 1 trials. That doesn't appear to be in relation to anything
11:56:27 2 else but getting information concerning the matters that
11:56:32 3 Mokbel's being tried for, do you follow that?---I do. I
11:56:39 4 think, as I said, there's a possibility of compromise and
11:56:42 5 her role as a human source coming out.
6
11:56:48 7 Right. But what I suggest to you is if you have a look at
11:56:54 8 the very next entry there's a discussion re utilising her
11:56:59 9 to speak to targets with respect to Operation Petra and
11:57:03 10 Operation Briars to generate conversations with respect to
11:57:08 11 electronic surveillance, do you see that?---Yes.
12
11:57:12 13 So that certainly doesn't suggest any deactivation or
11:57:19 14 simply putting her on ice and looking after her welfare, et
11:57:23 15 cetera?---These were obviously discussions that were had.
11:57:31 16 I don't understand from this entry what the actual decision
11:57:35 17 was.
18
11:57:40 19 You were aware, I take it, that Mr Overland was
11:57:43 20 particularly concerned in utilising her to be involved in
11:57:50 21 ongoing investigations concerning corrupt police with
11:57:53 22 respect to both Petra and Briars?---Yes.
23
11:57:58 24 Ultimately those matters did get under way, didn't
11:58:04 25 they?---Yes.
26
11:58:08 27 In any event, looking at the management log it does seem to
11:58:14 28 suggest that she was - it wasn't an option to deactivate
11:58:20 29 her because of the necessity to receive information about
11:58:24 30 Mokbel trial matters?---No, I dispute that. I think the
11:58:27 31 record is clear we're trying to stop her being involved in
11:58:30 32 those matters.
33
11:58:33 34 Yes, all right. I'm sorry, Mr White. What I want to do is
11:59:40 35 move to a different matter for the moment and that is the
11:59:46 36 issue of the tomato tins. I want to move to the issue of
11:59:59 37 the tomato tins. Do you accept this proposition, that
12:00:07 38 Ms Gobbo was representing Karam and she appeared at his
12:00:13 39 trial as junior counsel in 2007, you're aware of that;
12:00:23 40 aren't you?---Yes.
41
12:00:29 42 And there's discussions throughout the ICRs, for example,
12:00:34 43 at pp.776 to 7 on 10 April she was wanting to - there was a
12:00:42 44 desire to adjourn the trial and the defence - but she's
12:00:47 45 saying that the defence is ready to go, that is the clients
12:00:50 46 were wanting to adjourn the trial but she was saying the
12:00:53 47 defence in fact were ready to go. At p.790, 15 April,

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12:00:59 1 there's still discussions about trying to adjourn the
12:01:04 2 trial. At p.790 to 91 on 16 April you start receiving
12:01:14 3 information about missing containers and that Karam may
12:01:20 4 have another importation arriving, right?---Yes. Sorry,
12:01:35 5 791?
6
12:01:37 7 Yes.
8
12:01:51 9 COMMISSIONER: Top of the page it is.
10
12:01:56 11 MR WINNEKE: "Karam discussed his missing containers and
12:01:59 12 said" - - - ?---Yes.
13
12:02:00 14 "Karam may have an importation arriving at this time.
12:02:04 15 Mannella is also involved." Details not known. And then
12:02:12 16 at p.800, 19 April, there's more discussion about missing
12:02:16 17 containers. "Karam is considering that one of the people
12:02:34 18 he has on the inside is stealing them. Karam is not
12:02:40 19 suspecting police seizure at the time. Karam didn't
12:02:48 20 mention anything about any current importation other than
12:02:50 21 it was expected", and that there's reference to Karam,
12:03:01 22 Mannella, Sergi and Bugeja. They went for a walk along the
12:03:10 23 beach. Do you see that?---Yes.
24
12:03:17 25 If we go to 801 there's a reference to Mannella talking
12:03:21 26 about paying Karam's legal fees with bags of cash - 804 I
12:03:27 27 apologise. This is 21 April?---Yes.
28
12:03:45 29 808, "Karam was going to Sydney for another importation
12:03:49 30 tonight". In fact going back to p.804, I didn't mention
12:04:07 31 another matter. "Mannella was asking Gobbo to wait for
12:04:17 32 Karam's legal fees for about a month." This is at p.804
12:04:35 33 down the bottom?---Yes.
34
12:04:43 35 If we go to p.808, 24 April 2007. "Karam's en route to
12:04:56 36 Sydney regarding an importation tonight", at 21:18?---Yes,
12:05:11 37 I see that.
38
12:05:15 39 Page 811, 27 April 2007. "David provided a plastic
12:05:53 40 shopping bag containing documents and said that these are
12:05:59 41 for Horthy. The documents included a bill of lading and a
12:06:03 42 delivery address." Indeed, if you go up above that you'll
12:06:10 43 see an entry at 4.16, 16:16, call from Gobbo, 16:13.
12:06:18 44 16:16, "Called 3838 back in response to above contact.
12:06:23 45 3838 stated that Charlie Minotti attended at her office
12:06:28 46 with an unknown male named David. David handed 3838 a bill
12:06:33 47 of lading. 3838 has copied same and is seeking

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12:06:35 1 instructions regarding what the SDU would like 3838 to do
12:06:42 2 now. She was instructed to keep a copy of the document and
12:06:45 3 return the document and not gather any further
12:06:48 4 intelligence. She's not to get involved with this any
12:06:50 5 further. Advised that it will be difficult to act upon if
12:06:56 6 any information, if she takes any further part in the
12:06:58 7 transaction". It may well be that this is a different bill
12:07:07 8 of lading. Do you know whether or not that's the case or
12:07:09 9 not?---From the one that ultimately led to the container of
12:07:20 10 MDMA?
12:07:21 11
12:07:21 12 Yes?---I think this is a different one.
12:07:23 13
12:07:23 14 In any event, as we go down the page, at the completion of
12:07:25 15 the conversation there was a plastic shopping bag
12:07:31 16 containing documents for delivery to Horty?---Sorry, I
12:07:36 17 can't see that.
12:07:38 18
12:07:38 19 About the fifth dot point down, "Documents included a bill
12:07:47 20 of lading and a delivery address. David said that these
12:07:51 21 documents" - - - ?---Are we still on page - - -
12:07:54 22
12:07:54 23 Yes, p.811, 16:40, the entry at 16:40?---Yes, I've got
12:08:00 24 that.
12:08:04 25
12:08:04 26 That related to - "David said that it was in relation to
12:08:11 27 tobacco, there's nothing wrong with tobacco, and Ms Gobbo
12:08:14 28 told David that she didn't want anything to do with illegal
12:08:17 29 activity. David again said there's nothing wrong with
12:08:20 30 tobacco. David said that these documents had to be given
12:08:23 31 to the same person as last time and she assumes that this
12:08:27 32 is a reference to Karam. She stated that she was unable to
12:08:31 33 get out of being involved as the situation was unavoidable.
12:08:35 34 She wasn't expecting the sequence of events that followed
12:08:39 35 the contact from Minotti". Do you see that?---Yes.
12:08:48 36
12:08:48 37 The reference to her saying that these documents had to be
12:08:55 38 given to the same person as last time suggests that she had
12:08:58 39 done something like this before, that is she'd handed
12:09:05 40 documents to Mr Karam before, do you accept that?---That's
12:09:09 41 one way you can interpret that.
12:09:13 42
12:09:13 43 Right?---It seems that David's saying they've got to be
12:09:16 44 given to the same person and she assumes it's a reference
12:09:19 45 to Karam.
12:09:20 46
12:09:20 47 Yes?---So I'm not sure if that's the only option or the

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12:09:26 1 only interpretation.
2
12:09:28 3 Right. Do you know if she was asked about that and any
12:09:34 4 clarification sought?---I don't know. I think all we have
12:09:41 5 is what's in front of us in the contact reports.
6
12:09:44 7 Yes, okay. Obviously she had no indemnity with respect to
12:09:54 8 criminal activities, if she had been involved in criminal
12:09:56 9 activities, did she?---No.
10
12:09:59 11 No, okay. At p.812 on 27 April 2007 there's a reference to
12:10:13 12 Karam picking up the documents, that is at the bottom of
12:10:19 13 the page at 631, "Karam has attended and collected the
12:10:24 14 material delivered by David", and David's described as a
12:10:27 15 40-year-old. "Karam didn't have any conversation with
12:10:30 16 Ms Gobbo regarding material provided. He wasn't exactly
12:10:33 17 sure what it was and she advised", that is, "Ms Gobbo
12:10:38 18 advised Karam that she did not want to be involved in
12:10:41 19 anything illegal". Do you see that?---Yes.
20
12:10:47 21 At p.816 there's reference to the David introduced to 3838
12:11:10 22 by Minotti, the fact that he owns a service station. She
12:11:14 23 has the details in her office and she'll supply them.
12:11:17 24 "Assumes that he must be an associate of Horthy but must
12:11:21 25 know Karam as well. Karam's gone to Sydney." Further down
12:11:29 26 the page. "Documents from David have been left with Tony
12:11:32 27 Sergi." She's not aware of the status of the importation
12:11:38 28 and suspects that Karam has a number of importations and
12:11:44 29 suggests that Karam will give Minotti a phone number to
12:11:49 30 communicate with. She was advised not to be a messenger in
12:11:52 31 this criminal activity, including Horthy and Milad, and his
12:11:57 32 trial had been put off until 15 April 2007. She
12:12:04 33 anticipates this trial starting in May of 2007. That's
12:12:09 34 Mr Karam's trial I suggest?---It seems to be.
35
12:12:15 36 Okay. If we go to 819. 30 April 2007 under "Karam".
12:12:38 37 She's going to have dinner with Karam and others. "She
12:12:45 38 suspects that Karam may have a contact on the inside at the
12:12:53 39 Customs office. She's advised to be careful when involved
12:12:59 40 with Karam that the perception from investigation agencies
12:13:03 41 could see Gobbo as a co-conspirator. Discussed that this
12:13:07 42 perception may lead to electronic surveillance and possible
12:13:12 43 execution of a search warrant and even possible charges".
12:13:18 44 Do you see that? Do you agree with that?---Yes.
45
12:13:28 46 The perception - at least the perception from investigative
12:13:33 47 agencies may well be Federal investigative agencies who

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12:13:37 1 were also investigating these matters?---Yes.
2
12:13:51 3 At p.823, 4 May 2007, "Gobbo's now concerned about a
12:14:18 4 perception of investigators monitoring Karam suspecting her
12:14:22 5 involvement and she has decided to remove herself from
12:14:27 6 them", do you agree that's what it says?---Yes.
7
12:14:44 8 If we go to p.830, 8 May 2007. There's a discussion
12:14:57 9 between Ms Gobbo and the handlers to the status of Karam's
12:15:00 10 court case. If we go then to 834, the co-accused in the
12:15:47 11 trial that Mr Karam was undergoing, Mr Minotti, needed to
12:15:58 12 obtain details from Horthy to assist Karam complete the
12:16:02 13 importation for Horthy. The importation is tobacco and
12:16:08 14 Karam and Minotti are discussing hypothetical situations to
12:16:12 15 get the trial adjourned. On 16 May 2007 at p.839 - I'm
12:16:26 16 sorry, 838. The container is arriving today.
12:16:35 17 Transportation is booked for it. Mannella was going to
12:16:39 18 make some arrangements and the Karam trial commences on 21
12:16:43 19 May and there were general discussions regarding the same.
12:16:49 20 At 839, on the same day, details about the container
12:16:58 21 arriving and Ms Gobbo suspects - - - ?---Ah - - -
22
12:17:08 23 Sorry, top of the page?---809?
24
12:17:10 25 "Karam's been preparing the packing declaration. Gobbo
12:17:15 26 assumes the container must have landed. Suspects that the
12:17:17 27 container may have more than tobacco loaded in it.
12:17:23 28 Suspects that Karam is paying the fees for the importation.
12:17:29 29 Karam raised the subject with Ms Gobbo and she suspects
12:17:33 30 that he might be testing her and she'll see him again
12:17:38 31 tomorrow. He's asked what are the intentions of his
12:17:41 32 co-accused for his upcoming trial." Right?---Yes.
33
12:17:49 34 If we go to p.841, ICR no.80. There's a discussion about
12:18:02 35 the trial starting on that day, the 20th. Indeed there's a
12:18:16 36 report - Ms Gobbo's passed on a report that there's a
12:18:23 37 problem with the importation. If we go over the following
12:18:34 38 page at 842, Ms Gobbo has supplied a chronology concerning
12:18:47 39 her current trial although that wasn't taken and that was
12:18:52 40 left with Ms Gobbo. Do you see that?---Yes.
41
12:19:04 42 It would seem to be somewhat unusual, wouldn't it, that
12:19:10 43 Ms Gobbo, who you were relying on to exercise some
12:19:16 44 discretion about the way in which she acted, on the
12:19:25 45 assumption that she was acting ethically, would provide the
12:19:29 46 handlers with a chronology about her current trial?---It
12:19:38 47 would seem unusual, was that what you asked me?

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1
12:19:42 2 Yes?---I don't see why she would do that, what the
12:19:46 3 relevance of it is.
4
12:19:47 5 No?---It's obviously LPP.
6
12:19:51 7 Yeah. So why do you think though - I mean what I'm
12:19:55 8 suggesting is that it's almost extraordinary that she would
12:20:00 9 do so, do you agree with that?---Looking at this today,
12:20:08 10 yes. I don't know - I might have understood what was
12:20:11 11 behind that at the time but it doesn't make any sense to me
12:20:14 12 now.
13
12:20:20 14 She has been told, it's quite clear, on a number of
12:20:27 15 occasions that she shouldn't be providing information with
12:20:32 16 respect to current client's current trials and she just
12:20:39 17 doesn't seem to get the message, I suggest?---Yes.
18
12:20:44 19 It would also indicate, I suggest, any comfort that the
12:20:49 20 handlers might have that Ms Gobbo was able to regulate
12:20:54 21 herself insofar as her ethical obligations are concerned
12:21:03 22 would be completely misplaced, I suggest?---Well she had a
12:21:13 23 pattern of talking about this sort of material so I think
12:21:18 24 your answer would be yes.
25
12:21:19 26 Yes, okay. At 851, p.851, 23 May 2007, there's material
12:21:28 27 which has been provided from Ms Gobbo stating that the
12:21:32 28 container is on track?---Yes.
29
12:21:42 30 If we go to p.856, she's provided a list of contact numbers
12:22:15 31 - are you okay, Mr White?---Yes, thank you.
32
12:22:17 33 Okay. What I suggest is that she's obtained from
12:22:21 34 Mr Karam's mobile phone a number of telephone numbers and
12:22:25 35 passed those on to police and she was advised that if she
12:22:36 36 continued to be involved with the importation with Karam
12:22:39 37 and Mannella, contrary to the instructions of the SDU, it
12:22:43 38 could result in a "relationship ending event" with the SDU
12:22:48 39 and there was general discussion about the same and she
12:22:52 40 ended the conversation, stating that she would not get
12:22:54 41 involved in any relationship ending events. That's at
12:23:01 42 p.856. If we go to p.877. This is now 5 June 2007.
12:23:30 43 "Gobbo told the SDU that Karam had given her documents
12:23:34 44 relating to a shipping container that contained a large
12:23:38 45 amount of MDMA" and these are what's become known as the
12:23:46 46 tomato tins, do you accept that?---Yes.
47

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12:23:48 1 And that was due to arrive in a few weeks?---Yes.
2
12:24:05 3 The documents were handed to Mr Anderson. They were
12:24:10 4 written in Italian and they were copies of documents
12:24:14 5 supplied to her by Karam. The originals had been copied by
12:24:19 6 Ms Gobbo and returned to Karam and she helps to interpret
12:24:25 7 what the documents mean, the container number and the ship
12:24:29 8 name and she's provided - or those details are provided and
12:24:36 9 she's translated them from the Italian, do you agree with
12:24:46 10 that?---Yes.
11
12:24:47 12 I wonder if we might just play an audio clip if we can.
12:24:53 13 It's audio clip no.28. Just excuse me. VPL.0005.0137.0351
12:25:27 14 and it's a clip on the same day, that's 5 June 2007.
12:26:02 15
12:27:17 16 (Audio recording played to hearing.)
12:27:17 17
12:27:17 18 It looks like we've got no more of that in any event.
12:27:26 19 It goes on and says, "His brother, that's Bill. Bill,
12:27:33 20 yeah. He's got them, they're the documents. No, no, look
12:27:37 21 at those. We can have those ones. This is your copy", and
12:27:42 22 Mr Anderson says, "Neat". Effectively what's happened
12:27:47 23 there, as you understand it, Mr White, is that she's handed
12:27:53 24 over those documents to Mr Anderson; is that right?---Yes,
12:27:59 25 I think so.
26
12:28:00 27 There was a reference, albeit it's not transcribed, if you
12:28:04 28 listen carefully there's a reference to Ms Gobbo
12:28:07 29 photocopying the documents, I think around lunchtime.
30
12:28:10 31 COMMISSIONER: It was the "lucky I photocopied" is what I
12:28:17 32 heard.
33
12:28:19 34 MR WINNEKE: Did you hear that too, Mr White?---I didn't
12:28:21 35 but I think it's in the contact report.
36
12:28:24 37 I tender that, Commissioner. That as I understand it - - -
12:28:32 38
12:28:32 39 #EXHIBIT RC303 - Audio recording.
40
12:28:37 41 MR WINNEKE: That's the bill of lading which relates to the
12:28:40 42 tomato tins importation involving many, many MDMA tablets,
12:28:48 43 is that your understanding? Not MDMA tablets, ecstasy
12:28:54 44 tablets?---Yes.
45
12:28:55 46 Okay. If we can go on to ICR 84, 17 June 2007, p.909.
12:29:28 47 There's a discussion that takes place at 11.41. A call is

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12:29:33 1 returned to Ms Gobbo. 11.41 pm. A call is returned. The
12:29:39 2 information that's provided by Ms Gobbo is that the
12:29:43 3 container has 15 million pills in it. Karam referred to it
12:29:50 4 as three times as big as the current trial. He says that
12:29:53 5 the current Federal trial is for 5 million pills. Higgs
12:29:58 6 was present at dinner and container discussion. He came to
12:30:04 7 get an update from Karam about the container. Then there's
12:30:14 8 further information at the bottom of the page, "Karam was
12:30:19 9 off to meet Higgs at midnight somewhere in Coburg. The
12:30:26 10 container comes to Sydney first, then on to Melbourne.
12:30:28 11 Karam met with an unknown contact prior to dinner. The
12:30:32 12 purpose was to get this person to find out exactly where
12:30:35 13 the container is on the ship. This will dictate where they
12:30:38 14 steal it from, Sydney or Melbourne. Karam was worried that
12:30:41 15 the container may already be off by Customs. Apparently
12:30:46 16 Mannella has been dealing with fuckwit who picked the
12:30:52 17 consignee out of the phone book and this fuckwit is the
12:30:56 18 freight forwarder". That's the information that was
12:30:59 19 provided, amongst other matters, by Ms Gobbo on 17 June
12:31:03 20 2007. If we go over the page to p.911, or if you go over
12:31:18 21 the page to p.910 firstly. "The container has been
12:31:27 22 described as paste, thereafter it will be tomato paste as
12:31:32 23 described in the documents. Higgs' contact on the docks is
12:31:35 24 99 per cent sure he will be able to take the container in
12:31:41 25 Melbourne. They are therefore aiming for this scenario.
12:31:48 26 Container coming from Italy via Singapore, then Sydney,
12:31:51 27 then Melbourne. The same people from Italy are involved in
12:31:55 28 this import as the current trial of Karam's. They're
12:31:58 29 prepared to dump if they find the container is off", in
12:32:03 30 other words if police have got wind of it, would that be
12:32:06 31 fair to say?---Yes.
32
12:32:08 33 "This will be the biggest ever import they've done.
12:32:16 34 Apparently their contact can check computer records from
12:32:19 35 Melbourne as each ship has to update their manifest after
12:32:23 36 leaving each port, therefore can track where the container
12:32:25 37 is on the ship at all times. Karam wants to have dinner
12:32:29 38 again tomorrow night to go over transcripts", presumably
12:32:33 39 with respect to the trial that they are currently running
12:32:39 40 and that Ms Gobbo's currently engaged in. Then there'd
12:32:45 41 obviously be more talk about the container that night. Do
12:32:49 42 you agree with that?---Yes.
43
12:32:55 44 If we go to 1 July 2007, p.961, ICR no.87?---Is that 961,
12:33:09 45 the page?
46
12:33:09 47 Yes, 961. If you go right to the bottom you'll see that

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12:33:22 1 Ms Gobbo brings up feeling guilty about what she's doing to
12:33:28 2 Rob Karam. He's never done anything wrong to her. She
12:33:32 3 says she has similar feelings with what happened to
12:33:35 4 ██████████ Over the page, "But this does not sway her
12:33:39 5 conviction of what she is doing and she knows it is for the
12:33:43 6 right reasons". She's reminded the reasons she's doing
12:33:49 7 this and they are for the right reasons, so she agrees. In
12:33:56 8 effect the handler agrees with the reasons that she's doing
12:34:00 9 it for. Do you agree with that?---Yes.
10
12:34:08 11 Okay. She's very tired, she has a headache, she feels very
12:34:12 12 stressed. She's had 18 Panadeine Forte today for the pain
12:34:16 13 she's suffering from. This worries her as she feels that
12:34:19 14 they're not having the same effect on her any more?---For
12:34:22 15 the record, Mr Winneke, sorry, you said 18.
16
12:34:24 17 Did I - eight, eight Panadeine Forte, yes. Immediately
12:34:32 18 below that there's general talk about ██████████ and him
12:34:36 19 giving evidence at ██████████ and he'll do well
12:34:39 20 for Purana. Do you agree with that?---Yes.
21
12:34:50 22 If we go to 3 July 2007 at p.971. This is a face-to-face
12:35:13 23 meeting with you and Mr Fox and Ms Gobbo. There's talk
12:35:31 24 about Mr Karam and she's asked if everything is still okay
12:35:40 25 with Mr Karam and then there's ongoing discussion about
12:35:46 26 that. If we continue over the page to p.973, she's told
12:36:05 27 you that she's just left Mr Higgs and Rob and still
12:36:13 28 inquiring with their contacts and she states that she's the
12:36:17 29 only barrister talking to police, "insinuating that we need
12:36:23 30 her". That was neither confirmed nor denied?---I'm sorry,
12:36:27 31 can you point to where you are on the page?
32
12:36:30 33 Yeah, 973. Towards the top of the page. In fact at the
12:36:37 34 very top. This is 973, if we go to the very top of the
12:36:41 35 page, 973. That seems to be the wrong page?---I have 973.
36
12:36:48 37 Yeah. She's complaining that she doesn't know what's going
12:36:52 38 on with respect to this job and she's reassured it's not a
12:36:56 39 trust issue. There's talk about need to know. Can I
12:37:04 40 suggest that that is not an unusual refrain from Ms Gobbo,
12:37:13 41 she's very keen to know what's going on, find out what's
12:37:15 42 going on on a particular job and she's regularly told,
12:37:18 43 "Look, it's not our procedure to tell you what's going
12:37:21 44 on"?---Yes.
45
12:37:32 46 Do you know when the arrests were made in relation to this
12:37:35 47 operation?---No.

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1
12:37:40 2 I suggest to you that they were the following year in
12:37:42 3 August, so quite some time later?---(Indistinct).
4
12:37:49 5 Twelve months, in fact more than 12 months later. Now - -
12:37:53 6 - ?---Sorry, can I just clarify that? Twelve months after
12:37:56 7 the container was found?
8
12:37:58 9 Yes?---Okay.
10
12:38:10 11 Despite that, and the fact that there aren't arrests until
12:38:14 12 more than a year later, she's being told about how many
12:38:18 13 pills are being seized, approximately 4 and a half tonnes,
12:38:22 14 equating to approximately 18 million pills. As I say, "She
12:38:29 15 states that she's the only barrister talking to police,
12:38:32 16 insinuating that we need her", that wasn't confirmed nor
12:38:36 17 denied. "She thinks this as she is the only barrister
12:38:38 18 because no other barrister is as close to these people as
12:38:42 19 she is and she's questioned as to why she's so close to
12:38:47 20 criminals and she says she got close to [REDACTED] for
12:38:50 21 police, but why so close to Rob Karam? She says she is not
12:38:57 22 close. She has resisted trips to Sydney/Brisbane that he
12:39:01 23 has asked her on and she says it's because they're together
12:39:04 24 during this long trial and that's why she's closer than
12:39:08 25 normal." Do you see that?---Yes.
26
12:39:12 27 Before that she was close to him during Mannella's trial
12:39:16 28 because he wanted to know what was going on and she said
12:39:22 29 that that's good timing regarding the import for the
12:39:25 30 police. So effectively it was just as well that she was
12:39:31 31 close to them during the course of the trial because had
12:39:34 32 that not been the case she wouldn't have got the
12:39:37 33 information and the police wouldn't have been able to track
12:39:39 34 down these pills, that's effectively what she's saying, I
12:39:42 35 suggest?---That's what she's saying, yes.
36
12:39:44 37 And she confirms that she's not sleeping with anyone,
12:39:48 38 doesn't have to. She became close to them all for the
12:39:52 39 simple reason as just being available for them. It's not
12:39:55 40 difficult to get those to them. She admits that there is a
12:39:59 41 bit of teasing going on but nothing more, cock teasing
12:40:03 42 going on but nothing more. When invited out it starts out
12:40:07 43 talking about legitimate barrister and client relations and
12:40:12 44 they ask legal questions but they then get used to her
12:40:15 45 being around and start talking to her about other things.
12:40:19 46 Simple, she says. Then there's talk about the Federal
12:40:24 47 Police investigations regarding the current import.

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12:40:27 1 "They're feeding off their own ego about how they got to
12:40:31 2 know about the container, they think it's all them. Not
12:40:35 3 looking for any source, and that's good for us", she says,
12:40:38 4 or the handlers say that, one or the other. There's talk
12:40:56 5 about how Customs were steered in the right direction and
12:40:59 6 got the right container and they believe they found it.
12:41:03 7 Same tomatoes, same ship, same freight forwarder, et
12:41:08 8 cetera. Again, "That's good for us". Is that you saying
12:41:10 9 that or is that Ms Gobbo?---I can't remember.
10
12:41:16 11 And no mention - - - ?---Customs were steered in the right
12:41:19 12 direction - I imagine that was us.
13
12:41:22 14 No mention or thought of a source involved by any agency.
12:41:33 15 That reflects the conversation that you had with her; is
12:41:37 16 that right?---Yes.
17
12:41:55 18 Effectively that means that there was success on the part
12:42:00 19 of the Victoria Police and the SDU in disseminating the
12:42:09 20 information in such a way that the Federal agencies weren't
12:42:13 21 aware that the information came from Victoria
12:42:20 22 Police?---Yes.
23
12:42:39 24 Are you able to say whether that was done with information
12:42:41 25 provided by Ms Gobbo in other cases?---If what was done?
26
12:42:49 27 Disseminating information to other agencies in a way such
12:42:53 28 that it wasn't known that the information came either from
12:42:58 29 Victoria Police, firstly, do you know whether that was done
12:43:02 30 in other cases?---I don't know.
31
12:43:07 32 And do you know whether information was provided to other
12:43:11 33 agencies from Ms Gobbo, that is information that Gobbo
12:43:14 34 provided to the SDU, are you able to say whether that was
12:43:18 35 provided to other agencies in respect of other
12:43:22 36 matters?---No, I don't know.
37
12:43:29 38 How would we be able to find out whether that was done, how
12:43:32 39 would anyone know whether that was done?---If there were
12:43:41 40 information reports it would be on the information report
12:43:44 41 and I think you also have the dissemination matrix or the
12:43:48 42 information reports.
43
12:43:49 44 So it would be a case of examining where the information
12:43:52 45 went, would it?---Yes.
46
12:43:59 47 In this particular case are there records which indicate

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12:44:02 1 how the information was disseminated?---There will be -
12:44:09 2 there should be IRs that were disseminated in relation to -
12:44:13 3 - sorry, information reports disseminated.
4
12:44:17 5 And do you know how they were disseminated and to whom they
12:44:20 6 were disseminated in this particular case?---I think in
12:44:22 7 this particular case they would have gone to whoever the
12:44:28 8 agency was that was dealing with it. It might have been
12:44:31 9 the Drug Task Force.
10
12:44:33 11 Is that a joint agency between Victoria and Federal
12:44:40 12 Police?---I don't know. They do have joint operations
12:44:44 13 running at various times. I'm not sure if Victoria Police
12:44:52 14 was involved in the larger investigation that the AFP were
12:44:54 15 conducting.
16
12:44:55 17 Although in this case it was quite apparent that the
12:45:01 18 Federal agencies weren't aware that this information had
12:45:03 19 come from Victoria Police from Ms Gobbo. If that's the
12:45:10 20 case how could it be said that it goes through the Drug
12:45:14 21 Task Force, which is a joint operation between Victoria
12:45:16 22 Police and the Federal Police?---No, sorry, I was - I'm not
12:45:21 23 stating that's what happened. I'm just stating that
12:45:23 24 sometimes that's what happens. In relation to this
12:45:27 25 particular set of circumstances, I don't know and, as I've
12:45:32 26 already said, the information did not go to the AFP.
27
12:45:37 28 Are you not aware as the controller how that information
12:45:42 29 was passed from the SDU and ultimately it arrived with the
12:45:54 30 Federal Police, are you not able to say how it got
12:45:58 31 there?---I think from recollection that this information
12:46:00 32 was passed ultimately to Customs.
33
12:46:02 34 Yes?---And Customs found the container and then they
12:46:05 35 alerted the AFP. I think that's how it worked.
36
12:46:13 37 Can I suggest to you that - or can I ask you would Customs
12:46:17 38 have known that the information came from Victoria
12:46:21 39 Police?---I think they would have.
40
12:46:27 41 Right. Is that because it was passed overtly to a member
12:46:37 42 of the Australian Customs Department?---Probably.
43
12:46:42 44 One assumes that they weren't told that the information
12:46:45 45 came from a human source?---I don't think so.
46
12:46:54 47 It seems that the Federal authorities didn't know that the

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12:46:56 1 information came from a human source?---I don't know. They
12:47:05 2 certainly didn't know where the container was found.
3
12:47:15 4 So you say you don't know whether the investigators
12:47:18 5 ultimately knew when the matter came to committal
12:47:21 6 proceeding or came to the preparation of a brief, whether
12:47:25 7 they knew that it had come via Victoria Police from a human
12:47:33 8 source?---No, I don't know.
9
12:47:36 10 What I'm getting at is how would it ever be made known to
12:47:40 11 someone who had an obligation to make disclosure to an
12:47:46 12 accused person that this information had ultimately come
12:47:49 13 from Ms Gobbo?---I don't know.
14
12:48:04 15 In order for a prosecuting authority to make a disclosure
12:48:07 16 they would need to have some idea about where the
12:48:10 17 information came from, wouldn't they?---Yes.
18
12:48:18 19 Can you offer any - including this case there wasn't a
12:48:23 20 disclosure prior to the trial about Ms Gobbo's involvement.
12:48:29 21 Do you have any idea what methods would have been open at
12:48:35 22 the time to enable those who were bringing these charges to
12:48:39 23 know that the information had come ultimately from
12:48:43 24 Ms Gobbo, or initially from Ms Gobbo, in order to consider
12:48:46 25 whether or not there should have been disclosure about
12:48:50 26 it?---No, I don't know if they were aware or not at this
12:48:55 27 point in time.
28
12:48:57 29 I take it the SDU, the HSMU would have been aware that this
12:49:04 30 information had initially come from Ms Gobbo?---Yes.
31
12:49:11 32 Do you know whether there was any understanding between the
12:49:16 33 Federal Police and Victoria Police with respect to
12:49:21 34 disclosures or the possibility of the necessity of
12:49:25 35 disclosure about this particular matter which involved the
12:49:29 36 use of an informer?---No.
37
12:49:33 38 Do you believe that there wasn't?---A disclosure between
12:49:39 39 HSMU and the AFP?
40
12:49:41 41 Well, yeah. Was there any passing of information from
12:49:46 42 Victoria Police to the Federal Police when people were
12:49:49 43 charged to put them on notice that an informer had been
12:49:52 44 involved in the obtaining of the information?---No, I don't
12:49:58 45 know.
46
12:50:01 47 Assuming that you are in effect operationally in direct

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12:50:08 1 control of the SDU, you would have known if there was an
12:50:14 2 issue raised about the potential need for disclosure?---I
12:50:27 3 may have, yes.
4

12:50:31 5 Clearly there was issues with respect to compromise and
12:50:35 6 safety of Ms Gobbo if that issue arose and if there needed
12:50:41 7 to be disclosure?---Yes, there would be.
8

12:50:49 9 Can you offer any suggestions as to, firstly, why in
12:51:03 10 circumstances where Ms Gobbo was actively representing a
12:51:07 11 person in a trial proceeding and at the same time providing
12:51:11 12 information against him which led to his arrest - or
12:51:17 13 firstly can ask you, did that ever cause you to consider
12:51:23 14 whether it might be appropriate to get some advice, those
12:51:31 15 two facts?---Not that I recall.
16

12:51:37 17 If you had have been concerned about those two matters,
12:51:42 18 that is she's acting for someone and at the same time
12:51:44 19 acting against him, how would you have gone about the
12:51:50 20 thorny issue of disclosure, what would have occurred?---I
12:51:58 21 don't know. Looking at this set of circumstances and the
12:52:02 22 issue that you're raising, had that been realised, then I
12:52:09 23 think probably seeking legal advice would have been the
12:52:12 24 option or going to HSMU.
25

12:52:16 26 One of the things that arises if you've got a situation
12:52:21 27 where you've got an informer and there's a sterile corridor
12:52:29 28 between the investigator and the SDU, is that the
12:52:33 29 investigator may not know on each occasion that the
12:52:38 30 information that they're getting has come from a human
12:52:41 31 source, would that be fair to say?---Yes, it would.
32

12:52:46 33 And so as I understand it what you would say is, look, it's
12:52:52 34 a matter for the investigators when they are putting
12:52:55 35 together a brief of evidence to turn their minds to whether
12:53:02 36 there should be disclosure in a particular case. As I
12:53:10 37 understand it that's what you say; is that right?---Well
12:53:15 38 that's right or it might arise as a consequence of
12:53:19 39 subpoenas.
40

12:53:21 41 But putting aside subpoenas, if the investigator doesn't
12:53:25 42 know where the information comes from, how would they
12:53:32 43 possibly turn their mind or know to turn their mind to the
12:53:35 44 need to make disclosure?---I don't know, Mr Winneke.
12:53:42 45 That's been the process for as long as I've been a
12:53:46 46 policeman.
47

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12:53:47 1 But previously - - - ?---I think you mentioned earlier, and
12:53:53 2 I won't get your words right, but something to the effect
12:53:56 3 of the defence being told that an informer was involved in
12:54:02 4 an investigation.
5
12:54:03 6 Yes?---I might have misunderstood you, I apologise if I
12:54:06 7 did, but of course that would never happen.
8
12:54:10 9 No, it's a genuine question?---It's part of the process.
12:54:16 10 Regardless of who the informer is, that would never happen.
11
12:54:21 12 Under the old regime where an investigator was using a
12:54:26 13 human source and had a clear understanding that a human
12:54:28 14 source was involved and then issues arose during the course
12:54:35 15 of pre-trial committal and so forth which raised the
12:54:38 16 possibility, for example, that a defence was going to be
12:54:41 17 put that there was improper or illegal behaviour undertaken
12:54:45 18 either by an informer or by the police which resulted in
12:54:48 19 the gathering of evidence which was potentially
12:54:55 20 inadmissible, then it would be quite apparent to the
12:54:58 21 investigator, who could then speak to someone else about
12:55:03 22 the potential necessity to make disclosure, you follow
12:55:07 23 that?---Yes, I do.
24
12:55:08 25 How does that - how can that situation translate if the
12:55:13 26 investigator simply goes to a source of information and
12:55:18 27 obtains information without having any idea at all where
12:55:22 28 it's come from and how it's been obtained? How then does
12:55:25 29 the issue of disclosure - how can that issue be
12:55:31 30 resolved?---Well you make a good point. It would only get
12:55:36 31 resolved if defence issued subpoenas.
32
12:55:41 33 I follow that, but if the defence - if the investigators
12:55:44 34 don't know about it, if the defence don't know about the
12:55:47 35 issue, well then the issue's never raised?---That would be
12:55:52 36 right.
37
12:55:53 38 That would seem to be a bit of a difficulty with this
12:55:57 39 notion of sterile corridor use of informers, particularly
12:56:01 40 if there's some suggestion of impropriety on the part of an
12:56:04 41 informer, do you agree with that?---Yes, I do.
42
12:56:20 43 Do you know whether that was a matter to which anyone
12:56:26 44 turned their attention when the policies and procedures
12:56:28 45 were being developed about the sterile corridor
12:56:37 46 process?---Well I didn't turn my attention to it. As to
12:56:40 47 whether others did, I don't know.

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1
12:56:46 2 I mean in this case really what can be said is that there's
12:56:50 3 one organisation which does know that Ms Gobbo had been
12:56:57 4 intimately involved in the obtaining of this information
12:57:00 5 and that was Victoria Police and the SDU, do you agree with
12:57:07 6 that?---Yes.
7
12:57:08 8 It appears to be the case that the Federal prosecuting
12:57:11 9 authorities and the Federal Police didn't know about it.
12:57:16 10 So that would - - - ?---I don't know about that,
12:57:21 11 Mr Winneke.
12
12:57:21 13 Okay, all right. What you say is, "Look, I didn't turn my
12:57:28 14 mind to the question of whether or not there was going to
12:57:30 15 be an issue about this and in any event I can say this
12:57:34 16 quite confidently, that the SDU didn't provide any
12:57:41 17 disclosure about Ms Gobbo's involvement in this
12:57:46 18 matter"?---Certainly the first part of that proposition is
12:57:48 19 right, I didn't turn my mind to it. As to the second part,
12:57:55 20 which I'm a bit unclear about, I don't know whether the
12:58:01 21 Australian Federal Police were told but I don't know
12:58:03 22 whether disclosures were made.
23
12:58:05 24 Yes. I take it you would agree with the proposition that
12:58:13 25 as a matter of practice into the future it would be
12:58:18 26 appropriate that a Federal agency who had been in the
12:58:22 27 receipt of information such as the circumstances of this
12:58:24 28 case should be made aware that an informer was involved, do
12:58:29 29 you agree with that?---I do. I think I've already stated
12:58:35 30 you make a good point in relation to a clear floor and the
12:58:41 31 sterile corridor.
32
12:58:42 33 Thanks very much for that, Mr White. I appreciate that.
12:58:50 34 Perhaps if we move forward to ICR 38 under the new regime.
12:58:56 35 If I can just take you to that. It's 10 September
12:59:10 36 2008?---Do you have a page number?
37
12:59:11 38 Yes, I'm just going to get that for you, Mr White. ICR
12:59:18 39 no.38.
40
12:59:33 41 COMMISSIONER: We might be moving into the third volume of
12:59:35 42 the ICRs.
43
12:59:37 44 MR WINNEKE: We are, Commissioner.
45
12:59:38 46 COMMISSIONER: That's exciting.
47

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12:59:43 1 MR WINNEKE: How are you going, Mr White, are you managing
12:59:46 2 or do you need a break?---Yes, Mr Winneke, I'm managing.
3
12:59:51 4 COMMISSIONER: 1.15 we're aiming for if we can make it.
12:59:57 5 What date was it?
6
12:59:59 7 MR WINNEKE: It's 10 September 2008, Commissioner. In fact
13:00:14 8 we might go firstly to p.494.
9
13:00:23 10 COMMISSIONER: 494 of volume 3.
11
13:00:31 12 MR WINNEKE: It's ICR no.38, 2958.
13
13:00:48 14 COMMISSIONER: This is 15 July?
15
13:00:54 16 MR WINNEKE: That's correct, 17 July 2008.
17
13:00:56 18 COMMISSIONER: 17 July 2008.
19
13:01:19 20 MR WINNEKE: This is information provided to I think
13:01:21 21 Mr Wolf. Firstly, can I say this: do you accept the
13:01:28 22 proposition that Ms Gobbo continued to provide evidence
13:01:31 23 about Mr Karam as time went by, so from the time that we
13:01:38 24 were previously dealing with to July of 2008 that we're now
13:01:42 25 up to? Would you agree with that?---That she continued to
13:01:49 26 provide information in relation to Mr Karam?
27
13:01:54 28 Mr Karam, yes?---I think that would be right.
29
13:01:59 30 Indeed, to the people who were involved in this
13:02:04 31 importation, including Messrs Sergi and Higgs, Barbaro,
13:02:08 32 Dominic and Pasquale, Di Pietro, Zirilli and Mr Maroun
13:02:15 33 also. So those people were all on the radar of the SDU
13:02:19 34 during this period after the importation came to
13:02:29 35 light?---If that's what the contact reports show, yes.
36
13:02:32 37 Yes, okay. On this occasion she called and she said that
13:02:36 38 she was en route to see Rob Karam at the Tea House for
13:02:41 39 dinner and she was told to eat and provide any updates if
13:02:48 40 she came across any and then there was a discussion about -
13:02:54 41 she was asked - "RS asked if was still considering going to
13:03:01 42 Hong Kong on trip with Mr Karam. Seriously considering
13:03:05 43 this". Talks about, she talks about constant pain and
13:03:08 44 pressure and stress. Do you see that?---Yes.
45
13:03:16 46 And there's a reference to being concerned about the OPI
13:03:23 47 charging her and having no future employment. That's at a

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13:03:26 1 time where it was suggested that she'd been telling, or
13:03:29 2 that she was before the OPI rather. Page 494. Do you know
13:03:40 3 whether it was discussed from a managerial point of view
13:03:45 4 this question of whether or not she would be going to Hong
13:03:47 5 Kong with Mr Karam?---I can't recall it. I'd have to look
13:03:57 6 at my diary and the log.
7
13:04:02 8 Then if we go to ICR 29, p.503, you'll see at the top of
13:04:23 9 the page Rob Karam is leaving to go to Hong Kong. She
13:04:27 10 didn't have any current phones for him. She was asked to
13:04:31 11 obtain at least one of the 14 he had. Indeed, I think
13:04:48 12 there's a reference in the source management log. You
13:04:50 13 needn't go there, Mr White, but on p.36 of 72 there's a
13:04:54 14 note in the log, "Rob Karam importing another container and
13:04:57 15 states he's invited her to travel to Hong Kong with him"
13:05:01 16 but there appears to be no other entries save for that, in
13:05:06 17 the immediate vicinity of that. That's on 17 July, the
13:05:10 18 date that I was talking about previously?---Yes.
19
13:05:18 20 If we go to that same log, the source management log, on 8
13:05:24 21 August. We're getting to the time when the arrests start
13:05:28 22 to occur. 8 August 2008 in the source management log,
13:05:43 23 p.39. Do you have that?---Sorry, I'm on the wrong log.
24
13:05:48 25 Second one.
26
13:05:50 27 COMMISSIONER: What page number is it?
28
13:05:53 29 MR WINNEKE: 39 of 72, Commissioner, of the second log, the
13:05:57 30 2958 log. At the top of the page, "Rob Karam arrested re
13:06:20 31 four importations including world's largest ecstasy haul.
13:06:23 32 Operation Inca, AFP arrests"?---Sorry, Mr Winneke.
33
13:06:30 34 Page 39?---Thank you.
35
13:06:38 36 The Barbaros are arrested, Sergi also arrested. She's
13:06:43 37 warned not to represent re conflict of interest issues.
13:06:48 38 She reports getting message from Karam to give to assist re
13:06:59 39 - - - ?---I haven't found it, Mr Winneke.
40
13:07:02 41 Sorry. Top of p.39, the first entry of the - - - ?---I
13:07:08 42 think I've got different page numbers to you. Can you give
13:07:11 43 me the date again?
44
13:07:12 45 Yes, 8 August it is.
46
13:07:14 47 COMMISSIONER: Is the source management log?

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These claims are not yet resolved.

1
13:07:17 2 MR WINNEKE: Source management log.
3
13:07:18 4 COMMISSIONER: Yes, the source management log.
13:07:20 5
13:07:21 6 WITNESS: Sorry, it's not 38 for me.
7
13:07:25 8 COMMISSIONER: It's up on the screen I think if that helps.
9
13:07:29 10 MR WINNEKE: No, it's not Commissioner.
11
13:07:31 12 COMMISSIONER: It's not up on the screen.
13:07:31 13
13:07:31 14 MR CHETTLE: He's got it now, p.38.
13:07:34 15
13:07:34 16 WITNESS: Yes, I've got it now.
17
13:07:36 18 MR WINNEKE: What it says is Karam arrested re four
13:07:40 19 importations, including world's largest ecstasy haul, Inca
13:07:44 20 AFP arrest. Barbaros, Sergi also arrested and she's warned
13:07:45 21 not to represent them because of the conflict of interest.
13:07:51 22 Do you see that?---Yes, I do.
23
13:07:57 24 Just to make it clear, the warning that's been given to her
13:08:03 25 is not from the SDU, but that warning is provided by the
13:08:09 26 Federal Police, do you accept that proposition?---I don't
13:08:18 27 know.
28
13:08:19 29 Let me take you to p.543.
30
13:08:38 31 COMMISSIONER: ICRs?
13:08:39 32
13:08:39 33 MR WINNEKE: This is ICR no.31 and it's an entry on 8
13:08:45 34 August 2008, 7.33, so the same date that we're talking
13:08:50 35 about. It says this, "That she's panicking about Rob Karam
13:09:02 36 being arrested and implications for her. Calmed down after
13:09:06 37 minutes and received the following information from
13:09:08 38 Ms Gobbo. AFP had arrested Rob Karam at his address this
13:09:13 39 morning at 06:00 hours. That was for four importations.
13:09:19 40 That the information had been received from her colleague,
13:09:26 41 Mr Valos, who had spoken to an AFP member. That Ms Gobbo
13:09:32 42 was told that she would be arrested regarding
13:09:39 43 implications", importations probably. Maybe. "That she
13:09:44 44 had to be informed what was happening as she did not want
13:09:53 45 to be arrested. She was told to find out what the AFP
13:09:56 46 arresting member was" - "told RS", so told Gobbo to find
13:10:01 47 out what the AFP arresting member was called, what his name

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13:10:05 1 was, and what specifically was said about Ms Gobbo and in
13:10:09 2 what context, right?---Yes.
3
13:10:15 4 Then if you go to the next message from her at 7.41, she's
13:10:21 5 apparently now received that information. "Barbaro and
13:10:29 6 Yuri also arrested, who is unknown to Ms Gobbo. It was
13:10:33 7 said to Valos to inform Ms Gobbo not to be involved with
13:10:37 8 Karam as there was a conflict of interest and that wasn't
13:10:41 9 elaborated on", do you follow that?---Yes.
10
13:10:55 11 What I suggest to you is that information or that
13:11:02 12 suggestion which had been made by the AFP was on the basis
13:11:05 13 of telephone communications which had been picked up by
13:11:10 14 them which had suggested to the Australian Federal Police
13:11:14 15 officers that Ms Gobbo may be compromised or she may well
13:11:19 16 have had some involvement in this, not as a human source,
13:11:23 17 but as a potential conspirator, do you agree with
13:11:37 18 that?---That's possible.
19
13:11:38 20 I take it you are aware that there had been a concern that
13:11:44 21 she wasn't to involve herself and to communicate with
13:11:49 22 Mr Karam in such a way as to lead to the possibility that
13:11:55 23 Federal agencies might consider that she was in some way
13:11:59 24 involved and that was something that had been discussed
13:12:03 25 with her and we've talked about that before?---Talked about
13:12:07 26 that this morning, yes.
27
13:12:09 28 That was a clear, obviously a clear piece of advice from
13:12:17 29 the Federal Police that there was a conflict of interest
13:12:20 30 and she was not to be involved with Mr Karam, right?---Yes.
31
13:12:35 32 If we then go - - -
33
13:12:49 34 COMMISSIONER: Just while Mr Winneke is finding the next
13:12:51 35 point. There's no significance in this handler - Mr Wolf
13:12:59 36 seems to use the expression RS more than HS for human
13:13:04 37 source - registered source instead of human source. No
13:13:07 38 significance in that at all?---No, Commissioner. He should
13:13:12 39 have been using HS.
40
13:13:14 41 I see. So the HS is a more modern term, is it?---Yes,
13:13:19 42 Commissioner.
43
13:13:20 44 Thank you.
45
13:13:22 46 MR WINNEKE: At 7.33 am - if we can go to this document at
13:13:32 47 VPL.6029.0001.0001, it's an email at 7.40 am between you

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13:13:45 1 and Mr Biggin. Just whilst that's loading can I ask you
13:14:55 2 this: there's an email that you have sent to Mr Biggin at
13:15:08 3 7.47 am and it's, "For your information Karam, Barbaro and
13:15:13 4 others arrested by the AFP this morning regarding four
13:15:16 5 importations", and he sends an email back to you about four
13:15:22 6 minutes later saying, "Thanks, do they have any evidence
13:15:25 7 per chance?" Then you say, "Lots of phone product with
13:15:29 8 Ms Gobbo I suspect. They have already told Karam she
13:15:34 9 cannot represent him because of conflict of interest",
13:15:39 10 right? Then perhaps what we might do is put up this
13:15:45 11 document, VPL.6025 - - -
12
13:15:48 13 COMMISSIONER: Do you want that one tendered?
14
13:15:51 15 MR WINNEKE: No, I think I won't, Commissioner. What I
13:15:53 16 might do is tender the next one.
17
13:15:55 18 COMMISSIONER: Right.
19
13:15:56 20 MR WINNEKE: Which has another email which doesn't appear
13:15:59 21 on this one. If you can take that down and put up
13:16:04 22 VPL.6025.0003.0096. I can promise you, Mr White, this will
13:16:19 23 be the last document that you see before lunch.
24
13:16:28 25 COMMISSIONER: I wouldn't make that promise too soon.
26
13:16:33 27 MR WINNEKE: If you see it. We see one more email in the
13:16:58 28 chain and after you've sent the email to Mr Biggin they've
13:17:02 29 already told Karam she cannot represent him because of
13:17:04 30 conflict of interest. Your response is, appears to be
13:17:10 31 somewhat rueful, "More grief on the way I suspect,
13:17:19 32 regards". Sorry, I apologise, Biggin to you is, "More
13:17:22 33 grief on the way I suspect". I tender that.
13:17:25 34
13:17:26 35 #EXHIBIT RC304 - VPL.6025.0003.0096.
36
13:17:31 37 MR WINNEKE: What do you think the grief on the way was
13:17:33 38 that he was suspecting would occur?---I don't know at this
13:17:39 39 stage.
40
13:17:42 41 Can I ask you this also: what you see here is that the
13:17:45 42 Federal Police have said to Mr Karam, quite apparently in
13:17:53 43 no uncertain terms, that Ms Gobbo cannot represent him
13:17:56 44 because of a conflict of interest ...". Obviously they've
13:18:01 45 got information and it may be that it's information with
13:18:05 46 respect to telephone intercepts. But they've made it quite
13:18:09 47 clear to him that she cannot represent him because of a

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13:18:12 1 conflict of interest, do you see that?---Yes.
2
13:18:15 3 Might it have been possible for Victoria Police to do a
13:18:19 4 similar thing, simply to say, "Look, you can't have
13:18:22 5 Ms Gobbo representing you", not just telling Ms Gobbo, but
13:18:26 6 telling the person who is likely to be represented by
13:18:30 7 her?---Are you referring to [REDACTED]
8
13:18:36 9 Generally?---I think the difference here is the conflict
13:18:39 10 from the AFP point of view is they seem to suspect her of
13:18:44 11 actually being a party to the crime.
12
13:18:47 13 Yes, which would clearly put her in conflict as a
13:18:52 14 barrister, she couldn't represent him if she's a
13:18:54 15 participant in the crime. But equally, and we've been
13:18:57 16 through I suppose ad nauseam, she's got conflicts in this
13:19:01 17 case because she'd been a provider of the information.
13:19:05 18 Whatever the reason is, there's a conflict. I'm simply
13:19:08 19 asking you what would have been wrong, without going into
13:19:11 20 any further information, but simply saying to the accused
13:19:15 21 person, as the Federal Police have apparently done, "Look,
13:19:19 22 you can't have her acting for you because there's a
13:19:22 23 conflict"?---Well I think - I think the record shows, and
13:19:27 24 my evidence is pretty clear, that we constantly tried to
13:19:32 25 stop her getting involved in matters that could be seen as
13:19:35 26 a conflict of interest.
27
13:19:36 28 Yes?---This is a bit different. I think the AFP here have
13:19:39 29 got a lot of strength where they suspect her of actually
13:19:43 30 being one of the guilty parties.
31
13:19:44 32 Right. So effectively what you're saying is, "Look, we
13:19:49 33 couldn't tell the client that she can't represent
13:19:52 34 him"?---I'm sorry, I misinterpreted the question. Telling
35 the client.
36
13:20:01 37 Yes, that's what they've done, they've said, "Look, Gobbo
13:20:03 38 cannot represent you because she's got a conflict of
13:20:06 39 interest". I'm asking you why couldn't have Victoria
13:20:10 40 Police said to Karam the same thing, or [REDACTED] the same
13:20:13 41 thing, or Milad Mokbel or Horty Mokbel or Zaharoula Mokbel
13:20:18 42 or any of these?---Yeah, I see what you're saying and I
13:20:23 43 don't have an answer for that.
44
13:20:24 45 All right, thanks very much.
46
13:20:26 47 COMMISSIONER: All right. We'll adjourn until five past

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two.
<(THE WITNESS WITHDREW)
LUNCHEON ADJOURNMENT

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13:55:13 1 UPON RESUMING AT 2.08 PM:
2
3 <SANDY WHITE, recalled:
4
14:08:27 5 COMMISSIONER: Again, Mr White, let us know if you need a
14:08:31 6 break or you feel you can't go any further today.
14:08:33 7 Otherwise we'll have our next break at about 20 past
14:08:39 8 3?---Thank you Commissioner.
14:08:40 9
14:08:41 10 MR WINNEKE: I asked you before lunch, I put a proposition
14:08:44 11 to you arising out of an email in which I said to you, well
14:08:49 12 look the Federal Police were able to say either to Mr Karam
14:08:55 13 or Mr Valos, one or the other, "Look Gobbo cannot appear
14:09:00 14 for you because there is a conflict of interest". It may
14:09:04 15 well be, and I suggested to you it might have been open and
14:09:09 16 appropriate for Victoria Police to say with respect to a
14:09:12 17 number of other people such as Milad Mokbel, Horthy Mokbel,
14:09:18 18 [REDACTED], something similar, "Look, she can't act for
14:09:23 19 you", but I suppose it might be said the obvious question
14:09:28 20 would be, "Why can't she act for me? You can't tell me who
14:09:33 21 and who can't act for me". That might be a response if
14:09:38 22 Victoria Police said that to either a solicitor or a
14:09:42 23 client, do you accept that?---Yes.
14:09:44 24
14:09:46 25 Then you'd be in a difficult position because you'd have
14:09:49 26 real difficulties telling either the solicitor or the
14:09:57 27 client why Ms Gobbo can't act. I suppose that might be an
14:10:01 28 obvious answer to my question which you weren't able to I
14:10:05 29 suppose come up with before lunch?---That's right.
14:10:09 30
14:10:10 31 I mean really that does pose sort of a real difficulty when
14:10:16 32 it comes to the use of an informer who does put him or
14:10:22 33 herself into a position such as Ms Gobbo did, because if we
14:10:28 34 take the case of [REDACTED], you make it quite clear to her
14:10:32 35 that she cannot act for this person but you say, "Well
14:10:36 36 look, really that's an ethical question for that barrister
14:10:39 37 and I can't prevent the barrister from appearing if she
14:10:43 38 chooses to do so". That's really what you're saying, isn't
14:10:50 39 it?---Yes, it is.
14:10:51 40
14:10:54 41 But if that barrister is prepared to act in an unethical
14:11:01 42 way and in an improper way, that is by appearing for
14:11:06 43 someone when she clearly has an interest contrary to that
14:11:12 44 person, in effect whilst that barrister might be prepared
14:11:15 45 to do that, that then makes it a problem for the police, do
14:11:21 46 you accept that?---Yes, I do.
14:11:27 47

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14:11:28 1 Because it may well be that you've got a problem now
14:11:34 2 because you know that something has occurred which
14:11:37 3 shouldn't have occurred and then you've got the difficulty
14:11:40 4 of having to make the appropriate disclosure, do you accept
14:11:45 5 that proposition?---I do accept that, Mr Winneke, looking
14:11:50 6 back with the benefit of much greater knowledge and some
14:11:57 7 hindsight.

14:11:58 8
14:11:58 9 I follow that. I suppose we're again talking about
14:12:01 10 hindsight. One of the things that could have been done and
14:12:04 11 it could have been done quite clearly with Ms Gobbo.
14:12:07 12 Rather than simply saying, "We don't think you should or we
14:12:10 13 don't want you to do so", what could have been done would
14:12:15 14 have something along these lines, "Not only do we not want
14:12:19 15 you to do so but if you do so it will lead to the
14:12:23 16 inevitable consequence that you will have to be exposed as
14:12:27 17 an informer because we will have to, as a matter of
14:12:31 18 fairness, tell the person for whom you have gone along and
14:12:35 19 acted for contrary to our instructions", do you follow
14:12:39 20 that?---I do.

14:12:39 21
14:12:41 22 Look, it may well be with the benefit of hindsight, you
14:12:46 23 would say, but that really was the dilemma which faced you
14:12:50 24 when this occurred and I suggest to you continued to
14:12:58 25 occur?---I think your answer or your solution is the
14:13:04 26 perfect solution but it definitely did not occur to me at
14:13:08 27 that point in time and I was searching for a solution.

14:13:12 28
14:13:14 29 All right. And ultimately, again I suppose we're sort of -
14:13:26 30 whilst I don't want to go over matters, the answer might
14:13:30 31 have been in the guideline that you were looking at and
14:13:34 32 we've been through some time ago. You've got to really
14:13:39 33 think ahead when you're using an informer as to what might
14:13:42 34 occur a few steps down the track, that is something that
14:13:45 35 you would agree, I take it, Victoria Police, police relying
14:13:50 36 on informers really have to do?---Yes. A very difficult
14:13:54 37 area.

14:13:55 38
14:13:55 39 Yes, I follow that. So what's happened is there's been an
14:14:06 40 arrest of Karam and not just Karam, a number of other
14:14:10 41 people arising out of the investigations which arose from
14:14:21 42 the importation of the tomato tins with the ecstasy tablets
14:14:26 43 in them. Then the difficulties arise that Mr Biggin
14:14:33 44 predicted, because Ms Gobbo then commences to involve
14:14:39 45 herself in representing people who were arrested in this
14:14:43 46 operation, do you understand that?---Well, I can't recall
14:14:50 47 whether she did go on representing people in the operation.

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14:14:54 1
14:14:55 2 All right?---If it's in the - I accept it if it's in the
14:14:59 3 record.
14:15:00 4
14:15:00 5 If you go to p.547. What you see is that - this is the 8th
14:15:26 6 of the 8th. If we go over to - if we start off on the 8th
14:15:47 7 of the 8th we see that, "AFP called David Herman from the
14:15:54 8 AFP in response to message left by him. He was on the
14:15:59 9 road, et cetera. Source concerned re arrest or interview
14:16:04 10 over association with Rob Karam. Bail applications. Court
14:16:09 11 told the AFP have a number of TIs". It seems she has then
14:16:17 12 gone to the Custody Centre, Ms Gobbo, to see Rob Karam and
14:16:20 13 she has also seen Tony Di Pietro, John Higgs, Tony Sergi,
14:16:26 14 younger Tony Sergi and Pat Barbaro. "The source asked to
14:16:32 15 help Rob Karam and Tony Di Pietro." It's clear she has
14:16:37 16 accessed them by going into the Custody Centre using her
14:16:42 17 identification as a legal practitioner, do you agree with
14:16:53 18 that?---I expect that would be the case, yes.
14:16:55 19
14:16:56 20 You can't just as a member of the public go in and see
14:17:01 21 people who have been arrested, she has gone in as a legal
14:17:06 22 advisor and indeed she has told you so. Then if we go over
14:17:11 23 to - if we continue down we see that there's information
14:17:21 24 regarding a message from Karam to his brother and Fedi
14:17:33 25 regarding an overseas trip - Fedel Maroun - regarding an
14:17:44 26 overseas trip. Seized phone held by the AFP. Advise
14:17:49 27 connections to change numbers and postpone next shipment.
14:17:52 28 This is information coming from Ms Gobbo as to what she has
14:17:56 29 heard having spoken to these people. And Karam is worried
14:18:00 30 about what texts might arrive on the phone in the meantime.
14:18:06 31 And there's reference to the AFP having missed a laptop
14:18:10 32 that was at his sister Rani's place and that's crucial.
14:18:17 33 And Rob Karam was focused on his conspiracy charges between
14:18:21 34 dates involving only Higgs and Barbaro and him. [REDACTED]
14:18:26 35 has been [REDACTED] There's a welfare
14:18:30 36 issue and they ran over a scenario regarding the documents
14:18:33 37 at the time. Reminiscing - what would that mean?---What
14:18:45 38 page are you on?
14:18:47 39
14:18:47 40 547?---I can't find the word reminiscing.
14:19:12 41
14:19:12 42 You'll find it if you go down to about five boxes from the
43 bottom, come up. "Reminiscing. Ran over the scenario re
44 documents at the time. Reminiscing. Source very concerned
14:19:22 45 if [REDACTED] has told the whole story, AFP including
14:19:25 46 documents. Source will not make a statement to AFP that
14:19:28 47 will exclude her from representing Rob Karam. Concern if

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14:19:32 1 included that her name and reputation will be damaged".
14:19:37 2 It's quite clear that she's going to represent Karam. What
14:19:45 3 do you say about that?---That seems to be what it's
14:19:49 4 suggesting.
14:19:49 5
14:19:50 6 "The source will not make a statement to the AFP that will
14:19:53 7 exclude her representing Karam. Concerned that her name
14:19:56 8 and reputation will be damaged." In any event she says
14:20:04 9 Gobbo is aware that the AFP would love to discredit her and
14:20:08 10 there's an SDU issue which is, "No thanks given she's very
14:20:13 11 cross, very cross about White's attempt, little joy".
14:20:25 12 What's that about?---I have no idea.
14:20:31 13
14:20:35 14 It seems to be a reference to your attempt or an attempt -
14:20:39 15 you're not too sure what that's about?---No.
14:20:42 16
14:20:51 17 Were you aware that Ms Gobbo had previously represented
14:20:57 18 Higgs at some earlier stage? There's reference to that in
14:21:01 19 the ICRs, back in the 90s, so quite some time
14:21:08 20 previously?---If it's in the ICRs then it appears I would
14:21:21 21 have been aware at the time. I think I was aware.
14:21:26 22
14:21:26 23 Anyway, if we go to p.549, about six boxes down. 549?---I
14:22:10 24 have that.
14:22:11 25
14:22:11 26 "I don't care if someone has to tell AFP what I've been
14:22:16 27 doing in order to protect my reputation. [REDACTED] is a big
14:22:20 28 issue. Why Rob Karam and John Higgs but not him?" Again,
14:22:22 29 "Reminisce on day of [REDACTED] trial re documents. Had them
14:22:27 30 for two minutes and carefully photocopied them to not
14:22:30 31 transfer any prints to originals of same" and there's a
14:22:33 32 discussion about "her reputation and naivety in getting
14:22:37 33 involved with us in the first place", that is getting
14:22:43 34 involved with the SDU I take it, you understand
14:22:46 35 that?---Yes.
14:22:46 36
14:22:48 37 And doesn't want the AFP putting text messages between her
14:22:51 38 and Rob Karam on the brief and wants the handler to find
14:22:55 39 out what is on the brief and warn her, with an exclamation
14:22:59 40 mark. I notice at the bottom of the page there's a note
14:23:16 41 regarding Tony Mokbel, bear in mind that around this time
14:23:20 42 Mr Mokbel's back in the country and she's happy about
14:23:33 43 approval to see him in prison one last time. "The handler
14:23:37 44 has the feeling this is an important moment in the source's
14:23:40 45 life and could be pivotal to future dealings." In any
14:23:44 46 event, can I put to you that in Ms Gobbo's fee book there
14:23:57 47 are a number of fees that she has charged in relation to

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14:24:02 1 the information that she - sorry, in relation to the tomato
14:24:08 2 tins importation. The first is on 25 August there's a
14:24:14 3 charge to Tony Sergi for \$550. There's a charge on the
14:24:23 4 same date to Fedel Maroun for \$550, there's a charge to
14:24:32 5 Dominic Barbaro on that day, 25 August for \$550, so it
14:24:39 6 appears she has represented three of those people on that
14:24:43 7 same day and charged - - - ?---This is the day she went
14:24:46 8 into the Custody Centre, is it?
14:24:48 9
14:24:48 10 25 August. No, that's the day that the fee was charged.
14:24:55 11 It may well be that the appearance was on a different
14:24:58 12 occasion. Then in relation Pasquale Sergi and Tony
14:25:09 13 Di Pietro and Salvatore Agresta, on 29 August she is
14:25:16 14 charged for each of those people \$2,200 for a bail
14:25:22 15 application, total of \$6,600, and then equally she has
14:25:29 16 entered into her fee book a charge for \$6,000 to Salvatore
14:25:40 17 Zirilli for what's described as a special mention, a bail
14:25:45 18 application and conferences, total of \$6,000. It would
14:25:48 19 seem that she has, as a result of - at least in part as a
14:25:55 20 result of providing information to police as an informer,
14:26:01 21 been able to profit from that to some significant degree
14:26:06 22 somewhere in the region of 14, \$15,000 by then acting for
14:26:12 23 the people who have been arrested at least in part as a
14:26:17 24 result of the information that she has provided. Do you
14:26:21 25 see that?---Yes.
14:26:23 26
14:26:23 27 You accept that?---Yes.
14:26:24 28
14:26:29 29 Again, this is an example where I suggest she has, contrary
14:26:40 30 to desires on the part of you and your unit, got involved
14:26:48 31 and acted for people who have been the subject of
14:26:53 32 investigations where she's provided information and
14:26:57 33 probably contrary to her own ethical obligations or
14:27:00 34 definitely in contravention of her own ethical obligations
14:27:07 35 done so, do you accept that?---Yes, I do.
14:27:09 36
14:27:13 37 In relation to ICR no. 38 at p.590, on 8 September 2008.
14:27:41 38 It appears that she's appeared as junior counsel to
14:27:47 39 Mr Richter in relation to a bail application for
14:27:56 40 Mr Zirilli. And Mr Richter was told by the prosecution
14:28:00 41 that there was a special witness from Canberra who would be
14:28:03 42 called about passport applications and Ms Gobbo told her
14:28:08 43 handler that she was worried that the key pass application
14:28:12 44 may come out and this may have her name on it as signing
14:28:17 45 the declaration. Spoke about the same issues again, that
14:28:25 46 if her name is on the same it has been forged by someone
14:28:29 47 called Baldy Rob, do you see that?---Yes.

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14:28:33 1
14:28:34 2 It seems quite clear that she was concerned that there may
14:28:38 3 well be evidence which implicated her in the
14:28:47 4 importation?---You'll have to help me. What was the key
14:28:49 5 pass application? What is that?
14:28:53 6
14:28:53 7 I'm simply referring to the material in the ICR which said
14:28:59 8 that she's concerned that the key pass application, which
14:29:02 9 no doubt is, well I suggest is relevant to the evidence in
14:29:08 10 the bail application and in the brief, no doubt, or perhaps
14:29:13 11 concerning a Customs application may turn up with her name
14:29:19 12 on it. Whether or not it's been forged. It's certainly
14:29:24 13 something that she appears to be concerned about?---Yes.
14:29:26 14
14:29:31 15 Then if we go to ICR 38 which is at p.599. If you go to
14:29:50 16 the bottom of the page, this is 10 September 2008, there's
14:29:58 17 a discussion which commences at 1.50 pm on 10 September
14:30:05 18 between Ms Gobbo and her handler, who is Mr Fox. There are
14:30:18 19 a number of issues but the second issue is regarding a
14:30:33 20 journalist and, "This journalist has been sitting in on all
14:30:39 21 of the bail applications, and I believe it's a Mr Butcher,
14:30:44 22 Steve Butcher". I'll come down to over the page but,
14:30:48 23 "Mr Butcher has been sitting in on all the bail
14:30:52 24 applications and he spoke to her today and he said that he
14:30:57 25 has found out from contacts that the AFP were told about
14:31:01 26 the import from a Melbourne based source run by Purana or
14:31:07 27 the Drug Squad. Seems that he's got some decent sources,
14:31:15 28 Mr Butcher, and that VicPol are annoyed at all the
14:31:19 29 publicity that the AFP are getting over the arrests, as if
14:31:23 30 it was their information that started it all off".
14:31:26 31 Apparently he's just discussing that with Ms Gobbo and she
14:31:30 32 was venting her frustrations that there must be a leak
14:31:34 33 somewhere potentially putting her life in danger and
14:31:37 34 "she'll talk to me later about it". And she apparently
14:31:43 35 does that because later on there's a message from her,
14:31:50 36 "Please call as soon as possible" at quarter past 4 and
14:31:54 37 then the call is returned at quarter to five. "She's very
14:32:00 38 annoyed and her perception that there is a leak in VicPol
14:32:04 39 that could potentially endanger her safety". She goes over
14:32:17 40 her conversations that she said that she had with The Age
14:32:21 41 journalist, Mr Butcher, in court. "She stated that he'd
14:32:24 42 found out from sources that VicPol are not happy with the
14:32:28 43 AFP getting all the credit for this big import job, being
14:32:37 44 Operation Inca. It was apparently VicPol's source based in
45 Melbourne that first provided the information to either
14:32:41 46 Purana or the Drug Squad which passed it on to the AFP. He
14:32:45 47 believes that this source is connected to the group somehow

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14:32:47 1 and may be still amongst them. She's hoping the existence
14:32:50 2 of this source is mentioned in a bail application. He,
14:32:56 3 Mr Butcher, is hoping to write an article focusing on the
14:33:00 4 angle that AFP let these targets run for over a year and
14:33:04 5 continued to supply drugs to the community without
14:33:06 6 arresting them. Ms Gobbo states that he was saying these
14:33:09 7 things as what he believed to be fact and he did not seem
14:33:13 8 to be fishing for a response from her. And she was very
14:33:18 9 worried as to what this means with respect to her safety
14:33:21 10 and that clearly there's a leak within Victoria Police and
14:33:24 11 there was a long discussion about this, trying to ease her
14:33:29 12 concerns about the issue". And it was explained to
14:33:32 13 Ms Gobbo that, "We are satisfied that the way the
14:33:36 14 information was disseminated to the AFP is known to only a
14:33:40 15 few and it was done in a way that the AFP believed they
14:33:44 16 discovered the container by their analytical work".
14:33:48 17
14:33:51 18
14:33:54 19
14:34:01 20
14:34:05 21 She worries about all these questions that she'll
14:34:09 22 get from people like Rob Karam and the like about these
14:34:12 23 issues. It was explained to her this is why she needs to
14:34:16 24 make it clear she cannot represent them for the reasons
14:34:19 25 she's already nominated. She agrees with that and she was
14:34:24 26 reassured that Mr Fox would update you about this
14:34:30 27 journalistic theory and if he writes this stuff in his
14:34:34 28 article there will be lots of questions and there's general
14:34:37 29 talk about this and reassuring her and if she sees Butcher
14:34:41 30 again she'll try and get more information about it. Do you
14:34:44 31 recall having a discussion about this with either Ms Gobbo
14:34:47 32 or Mr Fox?---No.
14:34:50 33
14:34:52 34 If we go to p.619. And there's an entry under Rob Karam,
14:35:10 35 16 September 2008. "Karam spoke to her last night on the
14:35:14 36 phone. He was on his sister's mobile phone. He texted
14:35:19 37 over a new number he is now using, that was passed on by
14:35:23 38 Ms Gobbo. He wants to see her tomorrow. Apparently he
14:35:26 39 said there are things that have troubled me and I need to
14:35:29 40 talk to you about it, and Ms Gobbo doesn't know what this
14:35:32 41 means but this is an example of the constant worry that
14:35:35 42 she's under" and the action was that Rob Karam's phone
14:35:42 43 number was not disseminated due to the risk of compromise
14:35:53 44 to Ms Gobbo. Now, those entries are made in the ICR, do
14:35:59 45 you agree?---Yes.
14:35:59 46
14:36:00 47 And then on 20 September 2008 on the following page, at

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14:36:09 1 6.20, again with respect to Rob Karam, asked human source -
14:36:16 2 - -
14:36:16 3
14:36:16 4 COMMISSIONER: Sorry, what page is that?
14:36:18 5
14:36:19 6 MR WINNEKE: I'm sorry, 20 September 2008.
14:36:24 7
14:36:24 8 COMMISSIONER: That's some pages on I think. Maybe 624.
14:36:28 9
14:36:29 10 MR WINNEKE: I'm sorry, Commissioner, you're quite right,
14:36:35 11 624.
14:36:35 12
14:36:35 13 COMMISSIONER: 625.
14:36:41 14
14:36:42 15 MR WINNEKE: Page 625 about two-thirds of the way down.
14:36:45 16
14:36:45 17 COMMISSIONER: Thank you.
14:36:46 18
14:36:50 19 MR WINNEKE: Rob Karam asking Ms Gobbo what, or what the
14:36:53 20 pressing issue Rob Karam had to see her about. "She
14:36:57 21 confirmed that she has met Karam for coffee on Thursday.
14:37:00 22 The issue was that he has found out that [REDACTED] has
14:37:05 23 been moved to PII [REDACTED] Prison for his protection. The AFP
14:37:09 24 have been getting into his ear that Rob Karam has taken a
14:37:11 25 contract out on him because it was he who introduced Rob to
14:37:13 26 [REDACTED] in [REDACTED] Rob Karam is worried what
14:37:18 27 this may mean and if this will mean another reason why the
14:37:22 28 AFP will arrest him. Spoken along the lines of AFP making
14:37:27 29 more shit up against them. Setting him up, not in any
14:37:31 30 admissions to human source and the human source has told
14:37:35 31 him not to worry about the same and that he is
14:37:37 32 overreacting". And then there's a further entry, "Rob
14:37:44 33 Karam new import. Rob Karam has admitted to organising
14:37:48 34 another import as we speak. Human source did not push him
14:37:52 35 for details, she does not know, she does not want to know.
14:37:56 36 Rob saying, 'How else am I going to pay for the legal
14:38:01 37 fees?' And Ms Gobbo, human source obviously told him he
14:38:09 38 was stupid". Do you agree that those entries appear in the
14:38:14 39 ICR?---Yes.
14:38:15 40
14:38:21 41 The evidence before the Commission is that Ms Gobbo entered
14:38:28 42 into her fee book a fee to Rob Karam on 31 October of 2008
14:38:40 43 for appearing for him in court for a bail variation, the
14:38:43 44 amount of \$550 and Pasquale Barbaro on 23 September, bail
14:38:50 45 application preparation and conferences in the amount of
14:39:05 46 \$5,500. Can I suggest to you that in 2010 - - -
14:39:19 47

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14:39:20 1 COMMISSIONER: Just before that, there's also at the top of
14:39:23 2 626 some talk there about her acting for Rob Karam.
14:39:28 3
14:39:29 4 MR WINNEKE: Yes.
14:39:29 5
14:39:29 6 COMMISSIONER: The second dot point.
14:39:34 7
14:39:34 8 MR WINNEKE: Page 626, "She also made it clear to him re no
14:39:47 9 meeting for dinners any more after hours. Talk about this
14:39:50 10 case in her chambers or during business hours for coffee.
14:39:54 11 He has accepted this. And she confirmed he's back living
14:40:00 12 with Renee". It's pretty clear that there's only going to
14:40:13 13 be talk about this case in her chambers during business
14:40:16 14 hours and it's quite clear that she's representing him and
14:40:24 15 then the handler said that he accepted that, do you see
14:40:29 16 that? Karam - - - ?---No, it's not the handler. It's not
14:40:36 17 the handler accepting it. The handler has already told her
14:40:40 18 on at least one occasion that she can't represent him.
14:40:44 19 That can't be the handler. I think that should be Karam
14:40:48 20 has accepted talking in chambers.
14:40:50 21
14:40:51 22 Yes. In any event there is no suggestion immediately after
14:40:53 23 that discussion that she was counselled against doing
14:40:58 24 so?---Not on that discussion.
14:40:59 25
14:41:00 26 Not in that discussion, but I mean clearly it would have -
14:41:03 27 if the view was that she should, it would have been said
14:41:07 28 there and then, shouldn't it?---Yes, it probably should
14:41:12 29 have been said again but you've already shown me at least
14:41:17 30 one example of where the handler's told her not to be
14:41:21 31 involved in - - -
14:41:22 32
14:41:23 33 I understand. The point is this, this is a story which
14:41:26 34 repeats itself and she simply is recalcitrant, I suggest to
14:41:31 35 you, for whatever reason, she continues to act, she
14:41:35 36 continues to act for people despite being counselled not to
14:41:38 37 do so and it's a piece of history which repeats itself I
14:41:45 38 suggest, by this time we're in 2008, again and again. Are
14:41:59 39 you prepared to accept that proposition?---Yes.
14:42:01 40
14:42:04 41 I just want to, before I leave Mr Karam, I just want to put
14:42:10 42 one proposition to you, or two propositions. If you go to
14:42:17 43 p.983 on the first - are you right, Mr White?---Yep, yep.
14:42:36 44 Which folder are we in, Mr Winneke?
14:42:38 45
14:42:38 46 Folder 2, it is 982 to 3. It's a handler discussion with
14:42:44 47 Ms Gobbo. You'll see on 982 that it starts but I want to

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14:42:49 1 take you to a conversation which occurs on 983. This is
14:43:02 2 right, this is earlier in the piece, not that long after
14:43:06 3 she's provided the information which greatly assists this
14:43:12 4 investigation. And she's asked at .6 to go over what she
14:43:22 5 said to Rob in a text - asked her to go over again what she
14:43:27 6 said was texted to Rob about last night. At this stage
14:43:41 7 there are questions that have been arising or there are
14:43:45 8 issues because it's been suggested that the AFP may well
14:43:49 9 have taken the view that she was complicit in this
14:43:53 10 conspiracy because of communications which were passing
14:43:56 11 between her and Mr Karam and so as a consequence she's
14:44:01 12 asked to go over what was being text with Rob the previous
14:44:05 13 night and she says they're a joke between him and her. He
14:44:09 14 sends her texts, she never starts it. They quote key words
14:44:12 15 from the TIs, the telephone intercepts in the current
14:44:16 16 trials that the prosecution are relying on. The joke is
14:44:20 17 that the prosecution are putting spins on them in the
14:44:24 18 court, to the court, when really they are just normal
14:44:27 19 texts. Now, the handler says and tells her, "Look, you've
14:44:32 20 got to stop playing this silly game" and she understood and
14:44:37 21 she'll stop it straight away and she's reminded by the
14:44:42 22 handler that, "We have no control over the investigation
14:44:46 23 now". In other words it's the Federal agencies who are in
14:44:50 24 control of the investigation. She no longer has to ask any
14:44:55 25 more questions for us, better if she keeps out. Of course
14:45:03 26 if she hears anything whilst she's with Rob during the
14:45:06 27 trial she must tell us and that was understood. That's
14:45:12 28 based on the understanding that she's representing Karam in
14:45:15 29 a trial but if she hears anything about him or against him
14:45:18 30 or concerning him she must tell us and that's understood.
14:45:22 31 Human source reminds me that she has done nothing wrong.
14:45:26 32 Everything she knows she tells me. All the texts can be
14:45:29 33 explained. She is not involved at all with any planning
14:45:33 34 for this import, she understands this and she won't. And
14:45:40 35 then there's an entry which is by way of SDU management
14:45:45 36 indicating, told her we're concerned of compromise of her
14:45:50 37 identity with the current phone she's using and want to
14:45:55 38 [REDACTED] as a precaution. Effectively whilst it's
14:45:59 39 being suggested she should stop silly communications with
14:46:02 40 Karam as a precaution, we better get [REDACTED] so
14:46:07 41 she won't be appearing in any materials that the Federal
14:46:11 42 agencies have available. That appears to be the case,
14:46:13 43 doesn't it?---That would be about ensuring that her
14:46:17 44 communications with source handlers wasn't, wouldn't become
14:46:24 45 known.
14:46:24 46
14:46:24 47 Was there a concern that her telephone was intercepted or

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14:46:29 1 being intercepted?---I don't think so.
14:46:31 2
14:46:34 3 In any event, it says that this is to protect her
14:46:44 4 identity?---That's what I mean, her - - -
14:46:49 5
14:46:49 6 I withdraw that. Is it the case that, is it understood
14:46:52 7 that the texts that she is swapping with Mr Karam are on
14:46:56 8 her own phone and the [REDACTED] or being
14:47:01 9 concerned to [REDACTED] is that what you're
14:47:04 10 talking about?---I think so. I think so.
14:47:06 11
14:47:07 12 All right. I want to take you to this entry at the very
14:47:14 13 bottom. She expresses a desire to become a witness if need
14:47:22 14 be in this case in order to avoid her having to represent
14:47:26 15 Rob Karam in any pending trial. "She's told that we'll
14:47:35 16 discuss this later". Now, did you, do you recall hearing
14:47:47 17 that she was expressing a desire to be a witness in the
14:47:50 18 case?---No, I don't recall that.
14:47:55 19
14:47:55 20 And do you recall discussing that with any handlers? I
14:48:01 21 take it you don't?---I don't recall it.
14:48:04 22
14:48:05 23 But it would be extraordinary, wouldn't it, that she is
14:48:08 24 expressing the view that in order to avoid representing
14:48:12 25 Karam in any pending trial she wants to be a witness?---It
14:48:18 26 doesn't sound consistent.
14:48:22 27
14:48:23 28 I mean in any event, she appears not to appreciate that
14:48:27 29 despite that she's got a significant conflict with Mr Karam
14:48:34 30 because of her involvement in this matter. Do you accept
14:48:51 31 that?---Yeah, I do. It doesn't make any sense.
14:48:57 32
14:48:57 33 No?---We told her she can't be involved, we told her why.
14:49:03 34 We pointed out this is a pattern, it is the same position
14:49:06 35 as with the other people we have spoken about. How could
14:49:10 36 she not realise that was not a conflict? It seems
14:49:14 37 illogical to me.
14:49:16 38
14:49:16 39 It does. It's almost bizarre, aside from anything else, if
14:49:21 40 she became a witness, it would be apparent - it would be
14:49:28 41 almost inevitable that she would be outed?---That's right.
14:49:33 42
14:49:40 43 If we go finally to p.1000. There's a call from Ms Gobbo
14:49:50 44 at 11.20 on 10 July of 2007. The call's returned and it
14:50:02 45 seems that Mr Karam has been acquitted because it's all
14:50:05 46 excitement here at the court, all accused have been found
14:50:09 47 not guilty of Rob Karam's trial. In a way she feels sick

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14:50:15 1 about the verdict, discussed how this is her job and she's
14:50:19 2 expected to do the best for her client. And no doubt there
14:50:23 3 will be celebrations all afternoon, possibly into dinner
14:50:27 4 and she'll contact the handler later. But it seems that
14:50:32 5 she feels sick about the verdict when you might expect a
14:50:38 6 barrister at least to be satisfied about the achievement of
14:50:41 7 having a person acquitted, but that's not the case it seems
14:50:45 8 because one would assume that her interests are not those
14:50:49 9 of her clients I would suggest to you. Do you agree that's
14:50:57 10 a fair interpretation of that?---I think that's one
14:50:59 11 interpretation. I don't know that's - yeah, I don't know
14:51:11 12 that's really what that was all about just looking at it.
14:51:15 13 I can't recall it.

14:51:16 14
14:51:16 15 Okay. In any event if we go over the page perhaps it's a
14:51:21 16 bit clearer. 1001. General talk about the justice system.
14:51:26 17 She has been congratulated for the win but inside feels
14:51:31 18 sick that they got off. And that seems to make it pretty
14:51:35 19 clear, I suggest?---Pretty clear that she's - would there
14:51:43 20 be, she wouldn't be the only one in that position surely.

14:51:46 21
14:51:47 22 Perhaps what it indicates is where her allegiances lie, I
14:51:52 23 suggest to you?---But she, I think she had some
14:51:57 24 long-standing involvement with this particular individual
14:52:00 25 who was a massive drug importer and got away with it for
14:52:04 26 years, so maybe she thought that was wrong.

14:52:08 27
14:52:13 28 Finally can I suggest to you that in 2010 there was an
14:52:22 29 instruction, I think it about 24 August 2010, Chief
14:52:32 30 Commissioner's instruction that no one was to have contact
14:52:34 31 with Ms Gobbo I think save for a particular police officer,
14:52:38 32 do you understand that was the case later on in the
14:52:43 33 piece?---No. Sorry, this is the Chief Commissioner's
14:52:47 34 instruction?

14:52:47 35
14:52:47 36 Yes, Mr Overland at that stage was the Chief Commissioner
14:52:50 37 and he issued instructions after the settlement of civil
14:52:53 38 proceedings that no one was to have contact or receive
14:52:57 39 information from Ms Gobbo?---I'm not aware of that
14:53:02 40 instruction but I think, as you know, we ceased contact
14:53:05 41 with her in 2008 or 9.

14:53:09 42
14:53:09 43 Yes. I take it you had ongoing involvement with police
14:53:15 44 officers and an understanding of what was going on with
14:53:17 45 Ms Gobbo at times after the SDU had ceased its involvement
14:53:22 46 with Ms Gobbo?---I was aware there'd been a financial award
14:53:32 47 given to Ms Gobbo.

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14:53:33 1
14:53:34 2 In any event can I suggest this to you, that an
14:53:37 3 investigator by the name of Kelly sought permission to talk
14:53:41 4 to Ms Gobbo despite that Chief Commissioner's instruction,
14:53:46 5 and the reason that he sought permission to do so because
14:53:52 6 she was dealing with Mr Karam as his legal representative.
14:54:04 7 Are you aware of that?---I don't know about that. No.
14:54:06 8
14:54:07 9 Are you aware that she continued with a professional
14:54:10 10 relationship with Mr Karam?---No, I'm not. Once she moved
14:54:17 11 out of the realm of being a human source into being a
14:54:20 12 witness we had pretty much nothing - well we had nothing to
14:54:24 13 do with her directly. But very little involvement in what
14:54:28 14 was going on.
14:54:30 15
14:54:30 16 All right, okay. I was dealing with Mr Mokbel previously
14:54:53 17 and I just wanted to deal with a couple more matters before
14:54:56 18 I finally - I'm going to move away from the tomato tins at
14:55:00 19 this stage. I just want to finish off a couple of matters
14:55:03 20 with Mr Mokbel if I can. I think I asked you about a
14:55:11 21 meeting that you had with Ms Gobbo on 15 June 2007 shortly
14:55:23 22 after he'd been apprehended in Greece. There was a long
14:55:32 23 discussion. If you can go to ICR no. 83. I think it was
14:56:25 24 at - I apologise, Mr White, I've misled you. 530 in the
14:57:02 25 last 2958 folder, 4 August 2008.
14:57:14 26
14:57:14 27 COMMISSIONER: What was the page again please, Mr Winneke?
14:57:17 28
14:57:17 29 MR WINNEKE: 530, Commissioner.
14:57:19 30
14:57:19 31 COMMISSIONER: Thank you.
14:57:20 32
14:57:20 33 MR WINNEKE: This is ICR number 30. Have you got that
14:57:48 34 page?---530, yes.
14:57:50 35
14:58:10 36 At the top of the page can I just briefly deal with what
14:58:15 37 appears to be a welfare issue. She admits to believed
14:58:24 38 psychiatric issues, is frustrated with a change of
14:58:29 39 handlers. She was going along nicely with Mr Fox from her
14:58:33 40 point of view, there was never an issue with what she was
14:58:37 41 talking about, when she could call, she knew the system.
14:58:49 42 Knew his system. There seems to be an interchange between
14:58:53 43 HS and RS, I take it we're not talking about different
14:58:57 44 people, it's the same. We're not talking about the
14:59:00 45 initials, do you accept that?---Yes.
14:59:01 46
14:59:03 47 Never an issue about what she was talking about, when she

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14:59:08 1 could call, she knew his system. Never was frustrated.
14:59:14 2 Does not want to talk to people that she doesn't know. She
14:59:19 3 doesn't believe they know what she's talking about it seems
14:59:24 4 to be. She doesn't want to talk to people that don't know
14:59:27 5 what she's talking about. She's not saying she wants to
14:59:45 6 finish, not manipulating this to be our problem and we
14:59:53 7 either fix it or we don't, and you tell her that there
14:59:58 8 can't be one handler, some are worse than others and it's
15:00:03 9 explained that the SDU does not deal with someone for as
15:00:08 10 long. Our priority was the Mokbels and we're not through
15:00:14 11 this yet. The discovery processes regarding cases is
15:00:21 12 discussed and so on. The discovery processes are obviously
15:00:30 13 the processes which create difficulties, I assume, for you
15:00:33 14 and for her, is that right?---Yes.
15:00:35 15
15:00:45 16 There's also discussion about when last discussed Tony
15:00:54 17 Mokbel - this is at p.532. When last discussed, if you can
15:01:02 18 go over to 532, halfway down, when last discussed Tony
15:01:09 19 Mokbel did not think going to Barwon was a good idea.
15:01:13 20 Phone on list still accepted. No answer out of Mokbel's
15:01:18 21 solicitors, Mirko Bageric and Bill Doogue. Ms Gobbo
15:01:28 22 recalls preferring not to go for reasons discussed. Letter
15:01:35 23 had been sent. Mokbel called once. Still massive
15:01:39 24 unresolved issue. Now Gobbo has an issue with Maguire and
15:01:44 25 her saying to Gobbo, "You have to go, he's having his head
15:01:49 26 filled with rumours and you've not gone so he's concerned".
15:01:54 27 And she mentions, leaving aside the two murders, she
15:01:59 28 doesn't want to be on hers and Mokbel's bad side, doesn't
15:02:07 29 want to go but is concerned about the bucket he will tip on
15:02:11 30 her head. She's scared to go, his brothers are there -
15:02:17 31 this is Greece we're talking about, do you accept - no.
15:02:22 32 I'm sorry, the prison, I apologise, the prison?---This is
15:02:26 33 at Barwon I think.
15:02:27 34
15:02:28 35 Barwon, yes. His brothers are there in custody, she wants
15:02:32 36 the ability, she wants the ability to talk her way out of
15:02:39 37 the situation and explain what she wants. Now, you're
15:02:45 38 concerned about the message from Maguire as it sends to
15:02:49 39 Mokbel a message that this is something that Ms Gobbo is
15:02:53 40 doing for Mokbel. Regarding the message, there is a reason
15:03:01 41 why Maguire is not fighting the ban on her seeing him. She
15:03:05 42 has not done this, suspects that there is something in it.
15:03:10 43 Maguire told Ms Gobbo, "You said you would go and you
15:03:14 44 haven't gone", and by the way, don't waive privilege, it's
15:03:18 45 finished. Can't act, won't act for you and bear in mind
15:03:23 46 cannot threaten Mokbel. Down side is Mokbel will think
15:03:27 47 that Gobbo will make a statement against him. This is with

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15:03:32 1 respect to a 56A matter. What do you understand that to
15:03:45 2 be?---I don't understand it at all.
15:03:50 3
15:03:51 4 That's not an application to call someone to court and have
15:03:55 5 them answer questions?---Sorry, what do I understand - - -
15:03:59 6
15:03:59 7 56A?---Yes, that's what I understand that to be. I thought
15:04:04 8 you meant this whole conversation.
15:04:12 9
15:04:13 10 What's the discussion about him waiving privilege, do you
15:04:19 11 understand what that's all about?---No, I don't. It seems
15:04:24 12 the conversation is about if she doesn't go and see him
15:04:31 13 that will be considered as strange and might light her up
15:04:35 14 in some way. I can't really understand it to be honest
15:04:38 15 with you.
15:04:38 16
15:04:39 17 If we go to p.541. Tony Mokbel's just called. There's no
15:04:58 18 animosity. Obviously spoken somehow with Maguire. Had
15:05:08 19 called Ms Gobbo at her office. Was checking on Ms Gobbo's
15:05:11 20 health and had been advised that she was unwell. She
15:05:14 21 stated that she would see Tony Mokbel was after the trial
15:05:18 22 was over. He's using a solicitor, in fact he is a
15:05:22 23 barrister by the name of Julian McMahon, also using Rob
15:05:27 24 Stary which Ms Gobbo believes is a conflict as he had acted
15:05:31 25 for [REDACTED] I think it is. Do you know who that
15:05:36 26 is?---Yes.
15:05:36 27
15:05:37 28 Who is a witness against Tony Mokbel and also representing
15:05:41 29 the Hodsons and those conflicts are known. Tony Mokbel's
15:05:59 30 telling Ms Gobbo that Ms Gobbo has nothing to worry about
15:06:02 31 as far as conflicts are concerned as Ms Gobbo has not been
15:06:07 32 involved in the process of helping people become informers
15:06:11 33 or making statements against him. He appears to be
15:06:14 34 seriously misinformed there, one would assume, or at least
15:06:19 35 he is ignorant anyway, isn't he, of the information?---Yes.
15:06:22 36
15:06:25 37 Alternatively it is an implied threat. But in any event
15:06:30 38 it's inaccurate, isn't it, clearly?---Yes.
15:06:38 39
15:06:39 40 "Tony Mokbel will be issuing subpoenas soon for lots of
15:06:42 41 people, wants to give his love to Con Heliotis. She is
15:06:49 42 very concerned by bail threats or the mention of what she
15:06:53 43 believes she's done. She knows that she has told no person
15:06:57 44 that she had assisted police, that if anything happens to
15:07:02 45 her it's not her fault." Do you see that?---Yes.
15:07:07 46
15:07:29 47 Do you understand that to mean what she's saying is that

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15:07:32 1 she's telling Mokbels she regards that as the veiled
15:07:36 2 threat, she says, "You've got nothing to worry about as far
15:07:40 3 as conflicts are concerned, because you haven't been
15:07:42 4 involved in the process of helping people become informers
15:07:46 5 or making statements, have you?" Do you understand that to
15:07:49 6 be what she's suggesting is a veiled threat or not?---I do,
15:07:53 7 I think the second-last point from her suggests that
15:07:59 8 that's, she took that as a threat.

15:08:02 9
15:08:02 10 Right. If we go to 9 August 2008 at p.549. At the bottom
15:08:19 11 of that page - we've done that. But she's happy, the
15:08:23 12 source is happy about approval to see him in prison one
15:08:26 13 last time and that's important as well. The Commission has
15:08:49 14 evidence to the effect that on 25 July 2007 she billed
15:09:00 15 Mr Mokbel \$1,800 for advising, conferring and examining
15:09:06 16 extradition material and briefing foreign lawyers. I take
15:09:11 17 it that's something that you weren't aware of?---No,
15:09:15 18 Mr Winneke.

15:09:16 19
15:09:18 20 All right. If I can leave that topic and move to a
15:09:41 21 different one. Is it the case that you had discussions
15:10:01 22 with Detective Iddles in about September or communications
15:10:06 23 with Mr Iddles in about September of 2007 concerning
15:10:14 24 Operation Briars?---I did have discussions with him in
15:10:22 25 regard to Briars. I'm not sure when it was.

15:10:25 26
15:10:26 27 You understood that Operation Briars concerned the
15:10:32 28 investigation of the murder of Shane
15:10:36 29 Chartres-Abbott?---Yes.

15:10:36 30
15:10:39 31 And the Briars Task Force was set up as a consequence of
15:10:44 32 evidence that had come to light from [REDACTED] which
15:10:50 33 suggested that there were police officers who may have been
15:10:59 34 involved in that murder?---Yes.

15:11:03 35
15:11:05 36 And Mr Iddles was involved at Briars investigating
15:11:11 37 that?---I'm sorry, what was the question?

15:11:13 38
15:11:14 39 Mr Iddles was involved in that investigation at Task Force
15:11:18 40 Briars?---Yes.

15:11:18 41
15:11:21 42 Did he seek to utilise your services in obtaining evidence
15:11:29 43 in that investigation?---I can't recall.

15:11:45 44
15:11:45 45 Right?---I don't think so. I know that he spoke to, I know
15:11:50 46 that he spoke to Ms Gobbo but that was after she'd left us.

15:11:54 47

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15:11:54 1 All right. I wonder if we could have a look at
15:12:21 2 VPL.2000.0001.1248. In fact if we can go to
15:12:36 3 2000.0001.0871. If we go to an entry on 26 July 2007. You
15:13:15 4 can see that entry there at 10.20?---Yes.
15:13:19 5
15:13:45 6 It's Mr White's diary. Does that refresh your recollection
15:13:56 7 about that, Mr White?---No.
15:14:03 8
15:14:04 9 Do you accept that that's an entry in your electronic
15:14:08 10 diary?---Absolutely.
15:14:09 11
15:14:12 12 It relates to the viability of using Ms Gobbo to generate
15:14:23 13 intelligence for the purposes of investigating
15:14:30 14 Mr Waters?---That's what it says but it's, I don't have any
15:14:34 15 memory of what that actually was about.
15:14:38 16
15:14:38 17 Well, it's, certainly it's a discussion between you and
15:14:43 18 Iddles about the matters which are set out there in the
15:14:49 19 diary entry and there's a time frame set and it's
15:14:53 20 approximately one month. Do you see that?---I do see that.
15:15:02 21
15:15:03 22 Do you accept that it accurately reflects the discussion
15:15:06 23 that you had with Mr Iddles?---Yes.
15:15:08 24
15:15:13 25 Can we then go to a further entry in your diary of Monday
15:15:33 26 10 September.
15:15:43 27
15:15:44 28 COMMISSIONER: Are you going to tender these as a bundle or
15:15:46 29 - - -
15:15:46 30
15:15:47 31 MR WINNEKE: Commissioner these diaries, I've got a
15:15:49 32 recollection that I tendered - - -
15:15:52 33
15:15:52 34 COMMISSIONER: I think the diaries have been tendered.
15:15:54 35
15:15:55 36 MR WINNEKE: I think I tendered the handwritten diaries,
15:15:58 37 I'm not certain I tendered the electronic diaries as well.
15:16:03 38 If I haven't I tender them now.
15:16:05 39
15:16:06 40 COMMISSIONER: Let's find out if they've been tendered
15:16:11 41 first. I don't think they're tendered, are they?
15:16:28 42
15:16:28 43 MR WINNEKE: Commissioner, I think there were handwritten
15:16:30 44 diaries. Mr White has handwritten diaries, two volumes.
15:16:35 45
15:16:35 46 COMMISSIONER: We have a specific one tendered for October
15:16:38 47 05 to July 07.

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15:16:41 1
15:16:41 2 MR WINNEKE: Yes. They're the handwritten diaries. What I
15:16:45 3 propose to do is tender the entirety of Mr White's
15:16:51 4 electronic diaries redacted for relevance, so only the
15:16:55 5 relevant entries, which commence in July 2007 and conclude
15:17:01 6 I think in 2012. February 2011, 26 February 2011.
15:17:25 7
15:17:25 8 COMMISSIONER: They'll be a confidential exhibit at this
15:17:27 9 stage.
15:17:28 10
15:17:28 11 MR HOLT: They will, I expect we'll treat them in the same
15:17:31 12 way as the other.
15:17:32 13
15:17:32 14 COMMISSIONER: A and B.
15:17:33 15
15:17:34 16 MR HOLT: They're a very long document so it may be that
15:17:36 17 they're more like the transcripts in the sense that we'll
15:17:39 18 go through and identify specific ones.
19
20 COMMISSIONER: Specific ones, I think that would be better.
21
15:17:43 22 MR HOLT: Otherwise it's just enormous, Commissioner.
15:17:43 23 We're happy to do that of course.
15:17:44 24
15:17:44 25 COMMISSIONER: Are you happy with that, Mr Winneke?
15:17:46 26
15:17:46 27 MR WINNEKE: Yes Commissioner.
15:17:47 28
15:17:48 29
15:17:48 30 #EXHIBIT 305 - Redacted for relevance diaries of Mr White.
15:17:54 31 from July 07 to 26 February 11.
15:17:59 32
15:18:00 33 COMMISSIONER: Having said that, did you want to tender
15:18:03 34 these particular diaries?
15:18:06 35
15:18:06 36 MR WINNEKE: Commissioner, I don't - well - - -
15:18:09 37
15:18:09 38 COMMISSIONER: As separate exhibits?
15:18:11 39
15:18:11 40 MR WINNEKE: Perhaps I can do that, I'll tender that but
15:18:13 41 obviously I gather my learned friend will wish to make some
15:18:21 42 submissions about these for public interest immunity
15:18:25 43 purposes.
15:18:27 44
15:18:27 45 COMMISSIONER: At least they're nice and short. It's just
15:18:30 46 that particular entry you want to tender, isn't it?
15:18:34 47

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15:18:35 1 MR WINNEKE: I've discussed with Mr White an entry on 26
15:18:38 2 July 2007.
15:18:42 3
15:18:42 4 COMMISSIONER: That's right. We've just done that one.
15:18:45 5
15:18:45 6 MR WINNEKE: And I'm taking him to - in fact before I take
15:18:50 7 him to that I'll go to an entry on 22 August 2007.
15:18:55 8
15:18:56 9 COMMISSIONER: 26 July 2007, do you want to tender that
15:18:59 10 extract as a separate exhibit?
15:19:01 11
15:19:02 12 MR WINNEKE: Yes Commissioner.
15:19:03 13
15:19:03 14
15:19:03 15 #EXHIBIT 306 - Extract from diary on 26 July 2007 at.
15:19:08 16 10.20 am.
15:19:11 17
15:19:11 18 COMMISSIONER: I'm just seeing, it is 20 past 3. I did
15:19:14 19 promise I would adjourn at 20 past 3 for a 10 minute break.
20
21 MR WINNEKE: Yes, Commissioner.
22
15:19:19 23 COMMISSIONER: Is that convenient to everyone? Yes. We'll
15:19:21 24 adjourn for 10 minutes.
15:19:49 25
15:19:49 26 (Short adjournment.)
15:19:49 27
15:38:05 28 COMMISSIONER: Yes, Mr Winneke.
29
15:38:07 30 MR WINNEKE: Thanks Commissioner. Mr White, do you accept
15:38:47 31 that you did have discussions with Mr Iddles about Ms Gobbo
15:39:01 32 and how she might be able to be utilised to accumulate
15:39:07 33 evidence earlier than you initially considered?---I don't
15:39:18 34 understand your question. Earlier than the section in my
15:39:23 35 diary you put to me before the break?
36
15:39:25 37 Yes?---Whatever's in my diary, Mr Winneke, is - - -
38
15:39:39 39 COMMISSIONER: Sorry, did you want to see your diary
15:39:41 40 again?---I've got it in front of me, Commissioner.
41
15:39:51 42 MR WINNEKE: Is what you're saying that whatever's in your
15:39:54 43 diary is accurate, I take it you'd accept that
15:39:57 44 proposition?---Yes.
45
15:40:01 46 Clearly it's the case that in July there was the discussion
15:40:04 47 about the potential of using her in about a month's time

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15:40:11 1 frame?---Yes.
2
15:40:12 3 Then if we go to your diary on 22 August of 2007. Just
15:40:28 4 have a look at your diary on 22 August?---Yes.
5
15:40:34 6 Does it say in that entry - - -
7
15:40:37 8 COMMISSIONER: Can you give a VPL number?
9
15:40:40 10 MR WINNEKE: Yes, VPL.2000.0001.1141. There's a discussion
15:41:13 11 that you have with Detective Senior Sergeant Iddles of
15:41:18 12 Operation Briars and he's been informed by [REDACTED] that
15:41:23 13 word in the gaol is that there's a female solicitor that
15:41:31 14 people should be careful of because she's playing both
15:41:34 15 sides of the fence and helping police. That's an entry
15:41:47 16 against Ms Gobbo's name, or number - I withdraw
15:41:56 17 that?---Yes.
18
15:41:56 19 Was that the information that [REDACTED] had provided
15:42:04 20 Mr Iddles her name or was it simply a reference to a female
15:42:09 21 solicitor other than the solicitor who's actually mentioned
15:42:13 22 in that entry there?---No, I think it's as is. I think if
15:42:21 23 it had been specific to Ms Gobbo, Iddles would have told me
15:42:24 24 that.
25
15:42:25 26 Right. But it seems reasonably plain to you that that
15:42:28 27 entry is against Ms Gobbo's name and I take it that you
15:42:33 28 assumed that the reference was to Ms Gobbo, or at least
15:42:35 29 that was a pretty strong inference that was able to be
15:42:39 30 drawn?---Yes.
31
15:42:44 32 Do you know whether by that stage any steps had been taken
15:42:49 33 to utilise Ms Gobbo to generate evidence?---No.
34
15:42:59 35 COMMISSIONER: Sorry, you don't know or - - - ?---No, I
15:43:02 36 don't know.
37
15:43:02 38 Thank you.
39
15:43:03 40 MR WINNEKE: Right. Can I tender that entry, Commissioner,
15:43:07 41 at this stage as a confidential exhibit.
42
15:43:11 43 COMMISSIONER: All right. They're very short so they could
15:43:16 44 be looked at it, couldn't they, overnight, Mr Holt?
45
15:43:20 46 MR WINNEKE: I don't believe there's any - - -
47

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15:43:24 1 COMMISSIONER: Obviously the name has to be taken out,
15:43:26 2 perhaps both names.
3
15:43:27 4 MR WINNEKE: Perhaps both names.
5
15:43:28 6 COMMISSIONER: The names and the initials, yes, the
15:43:30 7 initials.
15:43:31 8
15:43:32 9 MR HOLT: Only for that entry, Commissioner, only for that
15:43:36 10 purpose, I'm confident to say that on my feet. Only those
15:43:36 11 two changes.
12
15:43:40 13 MR WINNEKE: So [REDACTED] and the initials I think.
14
15:43:42 15 COMMISSIONER: If that's done that one could go up
15:43:46 16 forthwith, couldn't it?
15:43:48 17
15:43:48 18 MR HOLT: Absolutely, Commissioner, we agree.
15:43:50 19
15:43:50 20 #EXHIBIT RC307 - VPL.2000.0001.1141.
15:43:52 21
15:43:53 22 MR WINNEKE: Certainly a couple of weeks prior to that
15:43:54 23 there had been discussion with DC Overland, Superintendent
15:44:01 24 Biggin, Blayney and Ryan with respect to Ms Gobbo. If you
15:44:13 25 have a look at the entry you've made on 6 August 2007?---I
15:44:21 26 have that.
27
15:44:22 28 And do you accept that you had a meeting with Overland,
15:44:26 29 Biggin, Blayney and Ryan regarding Ms Gobbo's management
15:44:32 30 update?---Yes.
31
15:44:36 32 There was a discussion regarding her and to utilise her in
15:44:44 33 the investigation which was the subject of Operation
15:44:47 34 Briars?---Yes.
35
15:44:48 36 As well as Petra in fact?---Yes.
37
15:44:51 38 And that any strategy that was to be utilised obviously
15:44:56 39 needed to be risk assessed prior to implementation?---Yes.
40
15:45:06 41 Do you understand that subsequent to that in fact there
15:45:10 42 were steps put into place, and I'm not asking you for any
15:45:15 43 details about them, but to utilise Ms Gobbo in the way in
15:45:21 44 which that entry suggests?---I can't remember what actually
15:45:31 45 occurred in relation to that other than obviously in
15:45:35 46 relation to Petra she became a witness.
47

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15:45:38 1 But that was some time down the track?---Yes.
2
15:45:42 3 Then if we go to the diary entry on 10 September - no,
15:45:54 4 actually, I withdraw that. If we go to 8 September. In
15:45:58 5 your diary this is VPL.2000.0001 - - -
6
15:46:04 7 COMMISSIONER: Slow down for a minute, Mr Winneke. I've
15:46:05 8 got up at the moment the diary entry of Monday 6 August.
9
15:46:10 10 MR WINNEKE: Yes.
11
15:46:10 12 COMMISSIONER: 2007. Do you want that tendered?
13
15:46:13 14 MR WINNEKE: Yes, Commissioner.
15:46:15 15
15:46:15 16 #EXHIBIT RC308 - Diary entry of Monday 6 August 2007.
17
15:46:22 18 COMMISSIONER: Again, I think - will you need to look at
15:46:24 19 that overnight, Mr Holt, or is that all right?
15:46:28 20
15:46:29 21 MR HOLT: Sorry, Commissioner. No, Commissioner, we'll
15:46:34 22 need to look at that one overnight. At least overnight.
15:46:37 23 It's an issue I've raised with our learned friend, it's
15:46:40 24 just one that needs some consideration.
25
15:46:42 26 COMMISSIONER: Yes.
27
15:46:47 28 MR WINNEKE: In fact that's the same entry as the entry in
15:46:49 29 the source management log I take it. So effectively you
15:46:53 30 were transferring diary entries, electronic diary entries
15:46:56 31 into your source management log, not on every occasion but
15:47:00 32 on many occasions?---That's right.
33
15:47:13 34 If we can go to your diary of 8 September?---Yes.
35
15:47:23 36 That's an entry which reflects a telephone call from Mr Fox
15:47:29 37 regarding Ms Gobbo, do you see that?---Yes.
38
15:47:47 39 She had contacted Mr Fox and indicated that she had met, or
15:47:51 40 she'd had contact from a police officer by the name of
15:47:56 41 David Waters or Docket Waters - former police
15:48:01 42 officer?---Yes.
43
15:48:15 44 She had in effect acted upon instructions about meeting
15:48:21 45 with him and another former police officer by the name of
15:48:26 46 Peter Lalor at a site in Richmond; is that correct?---Yes.
47

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15:48:57 1 I'm trying to be careful about doing this in this current
15:49:01 2 environment. I asked you before about, as a general
15:49:08 3 proposition, using Ms Gobbo to obtain evidence and does it
15:49:13 4 appear as if that's what's been occurring and that's been
15:49:17 5 recorded in your diary entry?---I can't recall exactly what
15:49:33 6 the thinking there was. Whether it was to generate
15:49:38 7 discussion or gather intel.
8
15:49:41 9 Look, in any event perhaps you can have a look at the
15:49:44 10 source management log of the same date, that is 8
15:49:51 11 September. I won't ask you to read it out but just read it
15:49:54 12 to yourself?---Yes. Yes.
13
15:51:19 14 Can I ask you does that assist you in your recollection as
15:51:24 15 to what occurred?---No.
16
15:51:31 17 Can I ask you about that entry in the source management
15:51:34 18 log. It seems to have been entered on 8 September in the
15:51:46 19 source management log. If you go to your diary on page -
15:52:13 20 that's the wrong entry. Just take that down for the
15:52:15 21 moment. Look, if you can go to your diary - have you got
15:52:21 22 your diary there with you, Mr White?---Yes.
23
15:52:25 24 Have a look at the entry on 12 September 2007 at 16:15.
25
15:52:35 26 COMMISSIONER: Did we tender the 8 September diary entry?
15:52:38 27 No?
28
15:52:39 29 MR WINNEKE: No, Commissioner, I haven't. I tender that as
15:52:42 30 a confidential exhibit at this stage.
31
15:52:44 32 COMMISSIONER: Yes.
33
15:52:45 34 MR WINNEKE: I think Mr Holt will want the opportunity to
15:52:47 35 assess that.
15:52:48 36
15:52:48 37 #EXHIBIT RC309 - (Confidential) 8/9/07 extract.
38
15:53:06 39 MR WINNEKE: Do you see that entry on 8 September in the
15:53:11 40 source management log?---Yes.
41
15:53:14 42 That appears to reflect in exact terms the entry in your
15:53:20 43 diary of 12 September 2007?---Yes.
44
15:53:35 45 I'm just trying to understand which one occurs first. If
15:53:41 46 it appears in your diary at that stage how could it appear
15:53:44 47 in the source management log on 8 September?---The diary -

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15:53:50 1 I would rely on the diary. The source management log
15:53:54 2 wasn't made up, you know, until some time after the events
15:53:58 3 and I guess that must be some sort of error.
4

15:54:05 5 Yes, okay. In any event, so if we can assume that on 8
15:54:13 6 September there was a discussion in which Ms Gobbo reported
15:54:21 7 that she'd spoken to Mr Waters and it was agreed that she
15:54:29 8 could meet but report to Mr Fox before and after the
15:54:34 9 meeting for safety reasons, do you see that?---Yes.
10

15:54:41 11 And it's likely that the meeting occurred because if you
15:54:48 12 see your diary entry immediately following, you get another
15:54:53 13 call from Mr Fox in which Ms Gobbo says that she's attended
15:54:58 14 the meeting, there's been a discussion about the OPI and
15:55:05 15 that Mr Waters reported that he was going to hearings, in
15:55:11 16 other words he was going to OPI hearings. Do you see
15:55:22 17 that?---Yes.
18

15:55:33 19 If you have a look at the source management log on that
15:55:35 20 date there's a reference to discussing taskings with Mr Fox
15:55:44 21 and indicating that Mr Waters commenced the OPI appearance
15:55:48 22 at 4 pm and it may be that the expectation was, or at least
15:55:58 23 it was possible Ms Gobbo may then contact Mr Waters
15:56:05 24 immediately after the hearing - they may communicate and it
15:56:15 25 may be the source may be contacted by Waters immediately
15:56:19 26 after the hearings and Ms Gobbo was to be contacted by
15:56:22 27 Mr Iddles about what she was required to do, do you see
15:56:27 28 that?---Yes.
29

15:56:42 30 Then we see that the diary, the source management entry in
15:56:56 31 effect contains some information for Ms Gobbo, do you see
15:57:03 32 that?---Yes.
33

15:57:04 34 Four items of information and those items of information
15:57:12 35 effectively are to be utilised by Ms Gobbo on behalf of the
15:57:15 36 police?---Yes.
37

15:57:22 38 And the desire was or ultimately the expectation was that
15:57:25 39 then Mr Waters would be potentially going to an OPI hearing
15:57:34 40 and speaking to Ms Gobbo afterwards?---That's potentially
15:57:41 41 right, yes.
42

15:57:43 43 In effect this was a part of the process whereby
15:57:47 44 information for the purposes of an investigation could be
15:57:53 45 obtained?---Yes, I think this information was to be given
15:58:00 46 to her for the benefit of - - -
47

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15:58:06 1 Okay, all right. We'll keep it at that for the
15:58:09 2 moment?---Okay.
3
15:58:09 4 But as a general proposition the manner in which we've
15:58:13 5 described, that Ms Gobbo was in effect - perhaps I'll leave
15:58:25 6 it at that for the moment. Do you know whether - I suggest
15:58:44 7 to you that Ms Gobbo had represented Mr Waters on a
15:58:47 8 previous occasion in legal proceedings?---I don't know at
15:58:53 9 this point in time.
10
15:58:54 11 Right. Do you think that would be a matter which may be
15:58:58 12 relevant when it came to having Ms Gobbo engage in the
15:59:03 13 conduct that we've broadly touched upon?---It may, but I
15:59:13 14 also am aware that she had a social relationship with him,
15:59:17 15 I think it might have been a sexual relationship with
15:59:21 16 Mr Waters.
17
15:59:24 18 Is that speculation?---No, no, I'm sure she told us that.
19
15:59:36 20 In any event have you looked in your ICRs to determine
15:59:39 21 whether in fact that is the case in recent times or is that
15:59:42 22 something based on a recollection that you've had - - -
15:59:48 23 ?---That's a recollection, Mr Winneke. I haven't
15:59:52 24 seen - - -
25
15:59:53 26 Okay?---I've only seen less than ten per cent of the
15:59:56 27 material.
28
16:00:03 29 You wouldn't want to make that proposition firmly, I take
16:00:07 30 it, because at this stage you really couldn't be confident
16:00:11 31 that that's in fact the case, would that be fair to
16:00:14 32 say?---I know that she had a very close personal
16:00:17 33 relationship with him. I won't say any more.
34
16:00:20 35 All right. That sort of tasking that we've broadly
16:00:29 36 described does involve an enhancement of risks I
16:00:36 37 assume?---Yes.
38
16:00:38 39 I mean obviously it didn't lead to a formal reassessment of
16:00:45 40 risk but would you accept that it would increase the risk
16:00:48 41 that she could be exposed and therefore increase the risk
16:00:52 42 of compromise?---Yes. I think actually in relation to
16:00:59 43 Mr Waters, I think that might have been a factor as to why
16:01:05 44 we did the second early risk assessment for risk
16:01:10 45 assessment.
46
16:01:14 47 That was because, I think you've said in your statement,

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16:01:17 1 and you've said - or you understand that Mr Waters had said
16:01:20 2 to her that he had heard that Ms Gobbo's phone may have
16:01:25 3 been the subject of a Federal telephone intercept?---That's
16:01:31 4 right.
5
16:01:32 6 If we can go to ICR 100?---Are we - which folder,
16:01:40 7 Mr Winneke?
8
16:01:42 9 It's the second folder of 3838. We'll talk about 12
16:02:16 10 September 2007.
11
16:02:30 12 COMMISSIONER: Sorry, what page was that, please?
13
16:02:35 14 MR WINNEKE: 1211.
15
16:02:36 16 COMMISSIONER: Thank you.
17
16:02:56 18 MR WINNEKE: Commissioner, Mr Holt is understandably
16:03:00 19 sensitive about these matters and there's no criticism at
16:03:03 20 all about this because obviously with the way in which this
16:03:11 21 thing is proceeding there's a certain amount of, I suppose
16:03:17 22 from his point of view, suddenness as we get to certain
16:03:20 23 areas. I'm content for Mr Holt, to put this examination
16:03:25 24 off until we next meet with Mr White.
16:03:30 25
16:03:30 26 MR HOLT: I think that's sensible, Commissioner. I think
16:03:33 27 we can find a very easy way through it but I just need
16:03:38 28 instructions that I won't be able to get until after the
16:03:40 29 hearing today. We just didn't have notice of this, and
30 again I mean no criticism for the reasons we've just
31 covered.
32
33 COMMISSIONER: Thanks. All right then, I'm sure there's
16:03:54 34 plenty of other things to go on with. We'll leave that
16:03:55 35 topic for the time being and return to it later.
36
16:03:59 37 MR WINNEKE: We'll leave that topic for the time being,
16:04:01 38 Commissioner.
16:04:02 39
16:04:02 40 Can I ask you, Mr White - I want to move to a
16:04:14 41 different topic and that is the relationship that Ms Gobbo
16:04:20 42 had with former member of the Police Force Paul Dale. You
16:04:29 43 understand that the question of Ms Gobbo's relationship
16:04:36 44 with Paul Dale, the nature of that relationship was a
16:04:38 45 matter which recurred on a number of occasions throughout
16:04:44 46 the period in which you were dealing with her in the SDU;
16:04:55 47 is that right?---She did talk - she did speak about Paul

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16:04:58 1 Dale on a number of occasions, yes, that's right. I don't
16:05:00 2 know if it was - for how long throughout that period or how
16:05:05 3 regular it was. I don't think it was that regular.
4
16:05:08 5 Righto. Can we just deal with a couple of matters about
16:05:11 6 that. If we go to p.142 of the first folder of ICRs. This
16:05:40 7 is ICR no.17 and the relevant entry occurs on 2 February
16:05:48 8 2006 and it's at p.142. A number of matters were covered
16:06:01 9 during a meeting that was had. Indeed, it's been - if you
16:06:15 10 go to p.141 it says, "The following matters were covered
16:06:19 11 during an assessment", a [REDACTED] assessment. Are you able to
16:06:26 12 discuss those matters or not, what the purpose of that was
16:06:30 13 or not?---You're on p.141?
14
16:06:36 15 Yes?---And this is 6 April 08?
16
16:06:39 17 No, no, I think you're looking at the wrong folder. It's
16:06:43 18 the first folder 3838.
19
16:07:16 19 Commissioner, I mentioned - - -
16:07:17 20
21
16:07:18 22 COMMISSIONER: Something you shouldn't have.
16:07:19 23
16:07:20 24 MR HOLT: Commissioner, perhaps I can assist. The content
16:07:22 25 my friend wishes to cover there is no issue with. It's
16:07:25 26 just the title.
27
16:07:26 28 COMMISSIONER: It's just the title.
16:07:27 29
16:07:27 30 MR HOLT: If that could simply be - - -
31
16:07:30 32 COMMISSIONER: Just take out the initials [REDACTED] Remove
16:07:33 33 those letters, they're not to be published.
16:07:35 34
16:07:35 35 MR HOLT: Thank you, Commissioner, I'm grateful.
36
16:07:37 37 COMMISSIONER: Thank you. It could be a new university.
38
16:07:47 39 MR WINNEKE: Yes. You understand that [REDACTED]
16:07:56 40 [REDACTED] was having a [REDACTED]
41
16:07:59 42 COMMISSIONER: Yes, take that out too, thanks.
43
16:08:01 44 MR WINNEKE: Strike that. [REDACTED] was having a [REDACTED]
16:08:07 45 [REDACTED] ---I don't recall the [REDACTED]
16:08:17 46 [REDACTED] He had a [REDACTED] I think.
47

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16:08:23 1 Just read the entries. I'm not going to ask you to read
16:08:26 2 them out but have a look at the first entries on p.141.
16:08:30 3 Don't read them out but that might give you an idea. I'm
16:08:31 4 not going to ask you anything else about that, this is
16:08:35 5 simply to refresh your recollection as to what you were
16:08:38 6 doing on this day?---I'm looking at that p.141, aren't I?
7
16:08:43 8 At the top, the entries around 19:32?---Right.
9
16:09:21 10 Does that give you some idea about what was going on at the
16:09:24 11 meeting?---Yes.
12
16:09:29 13 So don't worry about the matter, the heading matter, but
16:09:32 14 what I'm interested in is that there were a number of
16:09:35 15 matters discussed, including Ms Gobbo's motivations, do you
16:10:12 16 accept that?---Yes.
17
16:10:19 18 There's examples of general background of Ms Gobbo and her
16:10:23 19 interactions with targets of investigators and there's a
16:10:36 20 reference to the fact that in 2002 and 3 she'd acted for
16:10:41 21 Lewis Moran on a bail application which was successful and
16:10:43 22 then a day or two later Andrew Veniamin was waiting outside
16:10:47 23 her house and threatened to kill her and told her not to
16:10:51 24 work for those people, saying, "How dare you, he's on the
16:10:55 25 other side", do you see that?---Yes.
26
16:10:57 27 And that might be considered a motivation for her conduct.
16:11:04 28 If you go over the page, at the top of the page she recalls
16:11:07 29 that three weeks, or three or four months before Lewis
16:11:11 30 Moran was murdered Mr Mokbel told her to stay away from
16:11:15 31 Jason Moran and don't act for Lewis, do you see that?---I
16:11:24 32 see that.
33
16:11:24 34 She first met [REDACTED] with Tony Mokbel and [REDACTED] had about
16:11:30 35 three ounces of powder, probably cocaine, on him, and was
16:11:34 36 very open about it and said, "If Tony's happy with you, so
16:11:37 37 am I, but if you ever speak about this you'll be dealt
16:11:42 38 with" and she felt threatened by this. However three weeks
16:11:45 39 later [REDACTED] got arrested and the first person he called was
16:11:48 40 Ms Gobbo. That's what the entry reveals?---Yes, it does.
41
16:12:03 42 And then the next one is that she had attacked Drug Squad
16:12:09 43 member Paul Dale in court but when he got arrested Dale
16:12:13 44 called Ms Gobbo and, further, that one time Terrence Hodson
16:12:22 45 came to see Ms Gobbo and Ms Gobbo believes that he was
16:12:26 46 wired up by ESD and that was a matter which was to be
16:12:30 47 further explored at a later meeting, do you see

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16:12:33 1 that?---Yes.
2
16:12:34 3 That's an early entry amongst the entries in the ICRs about
16:12:41 4 Paul Dale, you accept that?---Yes.
5
16:12:55 6 Now what you say is certainly in the earlier stages there
16:12:58 7 wasn't a great deal of discussion about Paul Dale but
16:13:02 8 subsequently in early 2007 Ms Gobbo's involvement with
16:13:10 9 respect to Paul Dale became a lot more significant for a
16:13:14 10 number of reasons, one of which was that he then became, he
16:13:21 11 was becoming the target of a murder investigation or at
16:13:25 12 least that investigation was being reinvigorated as a
16:13:32 13 consequence of Mr Williams having made a statement, or at
16:13:35 14 least having had discussions with members of Purana, do you
16:13:41 15 understand that? You accept that as a general
16:13:43 16 proposition?---Regarding the Hodson murders?
17
16:13:46 18 Yes, regarding the death of the Hodsons?---Yes.
19
16:13:51 20 If we go, for example, to p.644 of the first ICR. This is
16:14:02 21 ICR number 67, 19 February 2007. There's an entry about
16:14:08 22 Carl Williams. "3838 asked if he had court today. She'd
16:14:19 23 heard that he was assisting police. She's concerned that
16:14:23 24 Mr Williams may try and falsely incriminate her and that
16:14:28 25 she is adamant that she's not done anything wrong", and
16:14:34 26 immediately under that there's general conversation about
16:14:37 27 her welfare and the stress, et cetera, et cetera. Then if
16:14:46 28 you go to the following page, 645, there's another entry
16:14:50 29 and that is towards the bottom, 645. She believes that
16:14:58 30 Carl Williams was at court yesterday and she'd like to know
16:15:01 31 why. If we go over the page, and this is on 20 February,
16:15:11 32 there's a further discussion about that. She's aware that
16:15:14 33 Williams' legal team, Mr David Ross and others, are in
16:15:19 34 negotiations with the OPP for Williams to plead to five
16:15:25 35 murders and for Carl to give evidence against Paul Dale and
16:15:29 36 George Williams. Charges being withdrawn. Further, that
16:15:33 37 all property restrained be returned to George Williams. We
16:15:41 38 understand that Ms Gobbo had acted at this stage for both
16:15:45 39 George Williams and Carl Williams. The information that
16:15:55 40 she provides is that there's an indication - she
16:15:59 41 understands that the sentence is believed to be 32 years
16:16:03 42 and that's what's being talked about, do you agree with
16:16:11 43 that?---Yes.
44
16:16:13 45 And she warns to be careful of whatever Carl Williams is
16:16:16 46 saying against other people. She's concerned that Williams
16:16:20 47 will lie to implicate Paul Dale into a murder and said if

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16:16:29 1 Williams does not accept this deal he will also be charged
16:16:33 2 with the murder of Lewis Moran. Further, that she believes
16:16:42 3 that it's not appropriate for Purana to hold back on
16:16:47 4 charges against Williams for murder for this deal and she
16:16:51 5 wants to see Williams' charges and convicted for all the
16:16:55 6 murders that he is involved in?---I think you might be
16:17:00 7 right, that probably should be charged.

8
16:17:03 9 Yes, charged, probably. Then at 648, which is an entry on
16:17:10 10 21 February 2007, so the following day - have you got some
16:17:25 11 water there?---Yes, I have, thank you.

12
16:17:27 13 Okay. Carl is still ongoing with his plea dealings with
16:17:38 14 police and the OPP and Solicitor 2 said that Carl is going
16:17:42 15 to pay Ms Gobbo back for the things that Ms Gobbo has done
16:17:46 16 behind his back in dealing with the police and she wants,
16:17:53 17 that is Ms Gobbo wants the SDU to monitor what Carl is
16:17:57 18 doing and to ensure that Carl does not produce any false
16:18:01 19 and negative statements about Ms Gobbo. Ms Gobbo ensures
16:18:10 20 that - sorry, that's probably assures the SDU that she has
16:18:15 21 not done anything illegal, everything has been disclosed to
16:18:18 22 the SDU. Do you see that?---Yes.

23
16:18:25 24 I suppose it would have to be said that - perhaps I'll
16:18:32 25 withdraw that at this stage. If we then go over to p.650,
16:18:44 26 this is the next day, it's quite clear that Ms Gobbo is
16:18:48 27 obviously - seems to be quite interested in the goings on
16:18:54 28 with Carl Williams. It seems that Carl Williams rang
16:19:04 29 Ms Gobbo today from Milad Mokbel's prison phone and
16:19:10 30 Williams wants advice about what to do. Williams asked
16:19:14 31 Ms Gobbo not to hang up and to let whatever has happened to
16:19:20 32 be water under the bridge, right? Now, do you understand
16:19:27 33 that to be - the water under the bridge refers to the fact
16:19:31 34 that Mr Williams had, in the preceding year in 2006, made
16:19:36 35 allegations that Ms Gobbo I think was a dog and he'd made
16:19:45 36 complaints to Victorian Bar and perhaps even to the Law
16:19:52 37 Institute about Ms Gobbo's duplicitous dealings, do you
16:19:55 38 understand that?---Yes.

39
16:19:58 40 Mr Williams discussed the term of his plea and the expected
16:20:01 41 sentence of 35 to 38 years to serve and that Williams
16:20:05 42 wanted Purana, stated that Purana want him to give evidence
16:20:12 43 against Paul Dale and Williams has told them that he can't
16:20:15 44 help them with Milad Mokbel and they can get fucked about
16:20:20 45 any assistance with respect to Paul Dale or for Paul Dale.
16:20:23 46 Ms Gobbo discussed the above in general terms and didn't
16:20:26 47 give any advice. Then she seems to have transferred the

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16:20:32 1 telephone call to Con Heliotis, a barrister who apparently
16:20:38 2 was looking after Mr Williams' interest, for whatever
16:20:44 3 reason. I'll withdraw that. Save for the last
16:20:55 4 proposition, do you accept that those are matters which are
16:20:57 5 set out in the extract there?---Yes. I'm not sure what you
16:21:09 6 mean by "save for the last proposition".
7

16:21:11 8 I put to you it may be Mr Heliotis may be acting for him
16:21:16 9 but it seems to be that's not the case because there's
16:21:19 10 evidence I referred to previously which suggested Mr Ross
16:21:22 11 was representing Carl Williams at that stage. If we go
16:21:30 12 then to p.653. In fact you'll see at the bottom, the entry
16:21:54 13 commences at the bottom of p.653 and over the page on the
16:21:57 14 top of the page, this is a message to Ms Gobbo from Milad
16:22:02 15 Mokbel that Williams will knock back the deal with Purana.
16:22:06 16 Williams has spoken to his father who has advised to tell
16:22:09 17 Purana to get fucked and fight on. Ms Gobbo was advised by
16:22:13 18 the handler not to get involved in plea dealing of Carl
16:22:16 19 Williams. That's what that entry reveals, do you accept
16:22:23 20 that?---Yes.
21

16:22:25 22 Then if we move on to p.661. There's a reference to Paul
16:22:40 23 Dale at 7.29 pm. It says this: "Paul Dale has been in
16:22:55 24 contact with Ms Gobbo and is insisting on seeing her as
16:23:00 25 soon as possible. Ms Gobbo states that she feels sick of
16:23:04 26 the thought with meeting with Dale. Dale has been
16:23:07 27 communicating via text messages. She hadn't seen Dale for
16:23:10 28 at least a year. She's concerned because he may be
16:23:13 29 involved with the death with two informers. She relived a
16:23:17 30 couple of stories relating to Dale in the past. Ms Gobbo
16:23:22 31 describes, effectively describes him as a drunk. She
16:23:26 32 states that Dale has requested sex from her and she's
16:23:31 33 concerned that Dale may be aware that she is a human source
16:23:36 34 and she may have an idea of her role with [REDACTED] And
16:23:43 35 she thinks that he may have a message to pass on to Carl
16:23:47 36 Williams and she's concerned that the OPI will be watching
16:23:50 37 if they meet". It was suggested to her that she should not
16:23:56 38 meet with Dale outside of normal business hours and should
16:24:02 39 be in her normal professional capacity, not at night-time,
16:24:07 40 due to the concerns raised by Ms Gobbo. Ms Gobbo does not
16:24:11 41 know the exact relationship between Paul Dale and Carl
16:24:15 42 Williams. She stated that her relationship with Dale was a
16:24:19 43 trusted relationship on both sides. She says that she's
16:24:23 44 going to avoid seeing Dale at this time and will force it
16:24:28 45 to be during normal business hours. Do you accept that
16:24:32 46 that's what the records reveal?---Yes.
47

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16:24:36 1 And then if we move on to 677, there's an entry on that
16:24:46 2 page, on 6 March 2007. It is to this effect, that she's
16:25:02 3 heard a whisper that Dale - - -
4
16:25:06 5 COMMISSIONER: Sorry, did you say that was 6 March?
6
16:25:09 7 MR WINNEKE: 6 March 2007.
8
16:25:10 9 COMMISSIONER: And 667?
10
16:25:13 11 MR WINNEKE: I apologise Commissioner?
12
16:25:15 13 COMMISSIONER: The page number?
14
16:25:18 15 MR WINNEKE: 677. Did I say 667. She's heard a whisper
16:25:25 16 that Dale has been called before the ACC hearing tomorrow.
16:25:34 17 Then we move to 693. This is ICR 70 on 13 March 2007.
16:25:53 18 She's concerned that Williams may try to falsely implicate
16:25:59 19 her into some criminal involvement with Paul Dale. She's
16:26:03 20 not aware of how this might happen but is concerned. She
16:26:07 21 claims that she has not done anything that would enable
16:26:11 22 Williams to implicate her. She states to be very cautious
16:26:14 23 with what Carl Williams is saying and believes that
16:26:18 24 Williams may claim some of Tony Mokbel's actions as being
16:26:24 25 his own. Williams may claim some of Tony Mokbel's actions
16:26:30 26 as being his own. She states that it's unfair that Carl
16:26:43 27 Williams has the freedom to mouth off selectively about
16:26:46 28 whatever he wants. It seems pretty clear that Ms Gobbo,
16:26:51 29 for whatever reason, is quite concerned about being
16:26:55 30 implicated by Carl Williams in some conduct, do you accept
16:27:04 31 that proposition?---Yes.
32
16:27:09 33 If we go to p.707?---Sorry, I missed the number.
34
16:27:16 35 707. This is 14 March 2007. Again, this is a discussion
16:27:25 36 with Mr Anderson. The same ICR but p.707. She's concerned
16:27:43 37 that Williams and even Milad will try and set her for some
16:27:47 38 reason. One assumes that means set her up for some reason
16:27:54 39 for their own benefit. She's aware of this and is very
16:27:57 40 careful when dealing with them and what is discussed when
16:28:00 41 talking with them over the phone. She believes that they
16:28:04 42 want to do the best for themselves ultimately, right. You
16:28:07 43 accept that?---Yes.
44
16:28:14 45 Then I think probably finally today if we can deal with an
16:28:18 46 entry at p.736 in which our - at least in my book is on the
16:28:25 47 next folder.

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1
16:28:35 2 COMMISSIONER: 736?
3
16:28:36 4 MR WINNEKE: 736, Commissioner, 27 March 2007. Have you
16:28:54 5 got that there?
6
16:28:56 7 COMMISSIONER: He's just getting it.
16:29:01 8
16:29:01 9 WITNESS: 736?
10
16:29:03 11 MR WINNEKE: 736?---I have that page.
12
16:29:33 13 All right. She's telling her handler that Milad Mokbel is
16:29:39 14 stating that Carl Williams has assisted Purana and will get
16:29:42 15 a significant discount for putting in Paul Dale and there's
16:29:46 16 a discussion about a threat to kill brief of evidence, do
16:29:53 17 you see that?---Yes.
18
16:29:57 19 Commissioner, I note the time and I note the difficulties
16:30:00 20 that Mr White seems to be having. Is this an appropriate
16:30:03 21 time?
22
16:30:04 23 COMMISSIONER: Certainly. Mr White, you've been very brave
16:30:07 24 soldiering on today when you haven't been well?---Thank
16:30:11 25 you, Commissioner.
26
16:30:11 27 I understand Mr Winneke's probably going to be most of
16:30:15 28 another day and then after that you've got
16:30:22 29 cross-examination from Ms Gobbo's lawyers who I'm told will
16:30:27 30 be at least a day.
16:30:28 31
16:30:28 32 MR COLLINSON: I think at least two days.
33
16:30:31 34 COMMISSIONER: Two days.
16:30:32 35
16:30:33 36 MR COLLINSON: Yes.
37
16:30:33 38 COMMISSIONER: And then there'll be some other questions,
16:30:36 39 perhaps not so long, from some other witnesses, perhaps
16:30:40 40 from the DPP or the CDPP, are there any questions?
16:30:44 41
16:30:44 42 MS O'GORMAN: In the event that there are, Commissioner,
16:30:46 43 they won't be long.
44
16:30:48 45 COMMISSIONER: So that will be the bulk of it, but then
16:30:50 46 Mr Chettle will be re-examining for at least a day, is that
16:30:53 47 right?

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16:30:54 1
16:30:54 2 MR CHETTLE: At least, Commissioner. I'll try and exercise
16:30:56 3 some discretion.
4
16:30:57 5 COMMISSIONER: Obviously I'd ask everyone to be as brief as
16:31:01 6 they can. So you've still got a way to go yet before
16:31:05 7 you're finished. We will adjourn at 3.30 tomorrow and
16:31:10 8 we're not sitting on Monday. Because you're not well I did
16:31:14 9 want to ask you would you prefer to have tomorrow off and
16:31:19 10 then have the weekend break and Monday to give you a chance
16:31:22 11 to recover and you can let Mr Chettle know when you're well
16:31:27 12 enough to return to the witness box, or do you want to
16:31:30 13 soldier on tomorrow? There is another witness - - -
16:31:35 14 ?---Commissioner, if I could raise one issue. Ex-Chief
16:31:43 15 Commissioner Mick Miller's funeral is on Tuesday and I was
16:31:48 16 hoping to get some time to attend that. I would rather
16:31:51 17 push on tomorrow if it meant I could go to the funeral.
18
16:31:55 19 Pushing on tomorrow won't - what time is the funeral? Will
16:31:58 20 you need the whole day off, is that - - - ?---I haven't
16:32:00 21 seen the arrangements yet.
22
16:32:02 23 No. We might be able to interpose another witness at that
16:32:11 24 time to enable you to do that. In any case - I know
16:32:14 25 another witness is available tomorrow if you're wanting a
16:32:17 26 break.
27
16:32:18 28 MR WINNEKE: Commissioner, I could raise - this might be -
16:32:25 29 the other possibility is if we do interpose a witness
16:32:30 30 there's at least the possibility, so long as he isn't going
16:32:35 31 to Mr Miller's funeral, I suspect a lot of police officers
16:32:39 32 will be going, former police officers, he would probably go
16:32:41 33 into Tuesday for some time anyway, in which case it might
16:32:45 34 take some time for him to be completed and then if that's
16:32:49 35 the case then Mr White could come back after that.
16:32:53 36
16:32:54 37 MR HOLT: Commissioner, the funeral is at 10 am I'm
16:32:57 38 instructed on Tuesday. We don't have specific instructions
16:33:00 39 in relation to the other witness, but given his seniority
16:33:03 40 my expectation is he may also want to go to that funeral.
41
16:33:08 42 COMMISSIONER: Sometimes it might be more of a, if it's a
16:33:09 43 duty thing, then not being there is perhaps not the same as
16:33:14 44 if it's a personal - - -
16:33:16 45
16:33:17 46 MR HOLT: Of course, Commissioner. We simply don't have
16:33:18 47 instructions to that effect. But I'm told the funeral is

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16:33:21 1 at 10 am if that assists.
2
16:33:23 3 COMMISSIONER: All right. If it were at 10 am - in
16:33:27 4 Melbourne, I take it, is it?
16:33:29 5
16:33:30 6 MR HOLT: Yes, Commissioner.
7
16:33:31 8 COMMISSIONER: So you'll probably be able to start after
16:33:34 9 lunch if needs be. But I'd ask Victoria Police to make
16:33:40 10 inquiries as to whether there are any other witnesses
16:33:42 11 available that we could use on the Tuesday morning because
16:33:47 12 we have limited hearing days and it is taking longer than
16:33:51 13 expected. But first of all, I guess, what I need to know
16:33:55 14 from you, Mr White, is whether you feel you're well enough
16:33:58 15 to continue tomorrow or whether you would prefer to have
16:34:01 16 tomorrow off to try and beat your lurgy and come back on
16:34:09 17 Tuesday after lunch?---A day off would be appreciated,
16:34:19 18 Commissioner.
19
16:34:20 20 Okay. All right then. I understand police officer Ryan is
16:34:26 21 available tomorrow.
22
16:34:28 23 MR WINNEKE: He's available tomorrow, Commissioner, and
16:34:30 24 we're ready to go with him. As I say, it's expected that
16:34:35 25 he'll probably go into Tuesday. If he was going to former
16:34:41 26 Chief Commissioner Mick Miller's funeral obviously we have
16:34:47 27 another witness called Paige, who would be a relatively
16:34:48 28 short witness, who we could slot in on Tuesday morning and
16:34:52 29 either then Mr Ryan could be concluded or - if that's what
16:34:55 30 we do tomorrow, that would be preferable. Then we could
16:34:58 31 bring Mr White back after he's concluded, which would
16:35:01 32 either be Tuesday afternoon or Wednesday. That may be
16:35:07 33 reasonably neat. It would certainly give Mr White a bit of
16:35:11 34 time to recuperate.
35
16:35:12 36 COMMISSIONER: Yes. Mr Holt, overnight you'll find out
16:35:17 37 which police officers would be available on Tuesday
16:35:20 38 morning.
16:35:21 39
16:35:21 40 MR HOLT: Yes, Mr Winneke's suggestion of officer Paige is
16:35:25 41 a sensible one. It might just work.
42
43 <(THE WITNESS WITHDREW)
44
16:35:29 45 COMMISSIONER: You never know, he might want to go to the
16:35:31 46 funeral too. We've lost him but you'll let him know,
16:35:40 47 Mr Chettle. He's off the hook at this stage until Tuesday,

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16:35:44 1 2 o'clock Tuesday.
16:35:46 2
16:35:47 3 MR CHETTLE: Commissioner, can I make one inquiry? Is it
16:35:50 4 proposed we will keep going at the end of the four week
5 period of come to a screeching halt?
6
16:35:54 7 COMMISSIONER: I don't think we can go beyond this four
16:35:56 8 week period but it doesn't mean we can't come back later.
16:35:59 9
16:35:59 10 MR CHETTLE: I agree. We're just trying to plan who will
16:36:02 11 be coming, that's all.
12
16:36:03 13 COMMISSIONER: At this stage the dates that we have are
16:36:05 14 simply this four week period at this stage.
16:36:08 15
16:36:09 16 MR CHETTLE: Thank you.
17
16:36:10 18 COMMISSIONER: Yes, all right then. We'll adjourn until
16:36:13 19 tomorrow at 9.30.
16:36:16 20
16:36:17 21 ADJOURNED UNTIL FRIDAY 9 AUGUST 2019
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