

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Wednesday, 9 October 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

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| Counsel Assisting: | Mr C. Winneke QC Mr A. Woods Ms M. Tittensor |
| Counsel for Victoria Police | Mr S. Holt QC 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 CDPP | Ms C. Fitzgerald |
| Counsel for Police Handlers | Mr G. Chettle Ms L. Thies |
| Counsel for John Higgs | Ms C. Dwyer |
| Counsel for Pasquale Barbaro | Mr C. Wareham |
| Counsel for AFP | Ms I. Minnett |
| Counsel for Chief Commissioner of Police | Mr A. Coleman SC Mr P. Silver |
| Counsel for the ACIC and Department of Home Affairs | Ms S. Martin |

09:35:50 1 COMMISSIONER: Yes, as for appearances, Mr Woods, I note
09:35:54 2 the Commission's representation. I understand Mr Nathwani
09:36:00 3 has been caught in a train incident and will be here as
09:36:05 4 soon as possible. Mr McDermott is for the State this
09:36:13 5 morning and I think otherwise - and Ms Martin is appearing
09:36:19 6 not only for the Department of Home Affairs but also for
09:36:23 7 the ACIC this morning. Otherwise I think the appearances
09:36:27 8 are as yesterday.
9
09:36:28 10 Yes Mr Holt.
09:36:28 11
09:36:28 12 MR HOLT: Commissioner, I undertook to look at the issue
09:36:31 13 that the Commission made an order on yesterday. We don't
09:36:36 14 maintain that claim and the order which has been handed to
09:36:36 15 the Commissioner by your associate can be rescinded from
09:36:38 16 our perspective.
09:36:39 17
09:36:40 18 COMMISSIONER: Thanks very much and it's good that you
09:36:42 19 remembered that, because otherwise these orders are made
09:36:44 20 and forgotten.
09:36:45 21
09:36:45 22 MR HOLT: I understand that's done, Commissioner, and we've
09:36:48 23 put in the system to make sure those are reviewed now.
09:36:52 24
25 COMMISSIONER: Yes.
26
27 MR HOLT: And I raise those with the Commission in the way
28 I have this morning.
29
09:36:52 30 COMMISSIONER: I appreciate that very much, Mr Holt. I
09:36:54 31 rescind the order made yesterday afternoon in respect to
09:36:58 32 references in the transcript at line 16 to 18 of 7460 and
09:37:06 33 therefore those lines can be restored to the transcript.
09:37:09 34
09:37:09 35 MR HOLT: Can I say we've checked with the transcribers
09:37:14 36 this morning, in fact on the transcript as it's been
09:37:15 37 amended it will be p.7420. I think everybody knows what
09:37:20 38 that is but I should say so for the record.
09:37:24 39
09:37:25 40 COMMISSIONER: Fantastic, thanks very much Mr Holt.
41
09:37:26 42 We're in open hearing and you're going to call the
09:37:31 43 next witness.
44
45 MR WOODS: Yes, that's correct, Commissioner.
46
09:37:31 47 COMMISSIONER: Mr Nathwani, I understand what happened and

09:37:35 1 that's fine.
09:37:36 2
09:37:37 3 MR NATHWANI: Thank you.
09:37:39 4
09:37:40 5 MR WOODS: Yes, Commissioner, I call Anthony Biggin.
09:37:43 6
09:37:43 7 COMMISSIONER: Mr Biggin, I understand you'll take the
09:37:47 8 oath?---Yes.
9
09:37:49 10 Yes.
09:37:49 11
09:37:50 12 <ANTHONY MICHAEL BIGGIN, sworn and examined:
09:38:05 13
09:38:06 14 COMMISSIONER: Yes Ms Argiropoulos.
09:38:07 15
09:38:08 16 MS ARGIROPOULOS: Thank you, Commissioner. Mr Biggin,
09:38:11 17 could you just repeat your full name, please?---Certainly,
09:38:15 18 my name is Anthony Michael Biggin.
09:38:17 19
09:38:17 20 You're currently retired but previously were a member of
09:38:21 21 Victoria Police?---Correct.
09:38:22 22
09:38:22 23 Mr Biggin, you've made three statements to this Royal
09:38:26 24 Commission?---I have.
09:38:27 25
09:38:27 26 And do you have those in front of you?---I do.
09:38:31 27
09:38:31 28 If I could just ask you to have a look at the first
09:38:35 29 statement. Is that dated 14 June 2019?---It is.
09:38:47 30
09:38:48 31 There's a further statement dated 25 July 2019?---Correct.
09:38:57 32
09:38:58 33 And finally, a third statement dated 13 August 2019?---The
09:39:10 34 one I've got is 25 July.
09:39:12 35
09:39:13 36 Do you have one there that's titled third statement?
09:39:19 37 Perhaps at the bottom of your bundle.
09:39:21 38
09:39:21 39 COMMISSIONER: It's a one page statement?---No, I don't
09:39:24 40 have, I have two of - I actually have four. I have the one
09:39:33 41 dated, it looks like 12 August or 13 August 2019 and I have
09:39:41 42 two copies of the document finishing in 0008.
09:39:45 43
09:39:45 44 MS ARGIROPOULOS: Yes. Just in terms of that one you have
09:39:48 45 two copies of?---Yes.
09:39:49 46
09:39:49 47 One of those contains some redactions and one is an

09:39:53 1 unredacted version. To the best of your recollection are
09:40:01 2 the contents of those three statements true and
09:40:04 3 correct?---They are.
09:40:05 4
09:40:05 5 Commissioner, I tender the three statements. There will
09:40:09 6 need to be an A and a B in relation to the second
09:40:14 7 statement, however the first and third statement there are
09:40:18 8 no PII claims in relation to.
09:40:20 9
09:40:21 10 COMMISSIONER: That's wonderful, congratulations.
09:40:23 11
09:40:23 12 MS ARGIROPOULOS: I think that's a first, Commissioner.
09:40:25 13
09:40:25 14 COMMISSIONER: Yes.
09:40:26 15
09:40:30 16 #EXHIBIT RC577A - (Confidential) First statement of
09:40:39 17 Mr Biggin.
09:40:40 18
09:40:41 19 #EXHIBIT RC577B - Unredacted version of second statement of
09:40:48 20 Mr Biggin.
09:40:48 21
09:40:48 22 #EXHIBIT RC577C - (Redacted version.)
09:40:52 23
09:40:53 24 #EXHIBIT RC 577D - Third statement of Mr Biggin.
09:40:55 25
26 MS ARGIROPOULOS: Thank you Commissioner.
27
09:40:55 28 COMMISSIONER: Yes Mr Woods.
09:40:57 29
30 <CROSS-EXAMINED BY MR WOODS:
31
09:40:58 32 Thank you Commissioner. Mr Biggin, your diaries have been
09:41:00 33 reviewed and produced to the Commission, do you understand
09:41:03 34 that to be the case?---Correct.
09:41:05 35
09:41:05 36 I'll tender for the sake of the record the consolidated
09:41:09 37 version of Mr Biggin's diaries which is
09:41:19 38 RCMPI.0075.0001.0001. And as we go through and refer to
09:41:25 39 particular entries, Commissioner, there will be pinpoint
09:41:29 40 references.
09:41:29 41
09:41:30 42 COMMISSIONER: Yes, just while we're thinking of this, in
09:41:32 43 respect of the earlier witness from last week, the
09:41:37 44 Commission staff were going to give us the diary pages and
09:41:40 45 some other references to transcripts so that they could be
09:41:44 46 noted on exhibit numbers and we haven't done that yet, so I
09:41:48 47 just remind you of that.

09:41:49 1
09:41:50 2 MR WOODS: I remember that discussion. We'll chase that
09:41:52 3 up. That was in relation to Mr Flynn.
09:41:54 4
09:41:54 5 COMMISSIONER: It was.
09:41:56 6
09:41:57 7 #EXHIBIT RC578 - (Confidential) Consolidated diaries of
8 Mr Biggin.
9
09:42:06 10 MR WOODS: Mr Biggin, you commenced with Victoria Police on
09:42:08 11 5 February 1973?---I did.
09:42:10 12
09:42:11 13 And you retired on 14 July last year?---Correct.
09:42:15 14
09:42:17 15 You had 45 years with Victoria Police?---45 years and five
09:42:24 16 months, correct.
09:42:25 17
09:42:25 18 You commenced that time at Russell Street, is that
09:42:27 19 right?---That's right.
09:42:28 20
09:42:28 21 And then moved to Prahran afterwards?---I did.
09:42:31 22
09:42:31 23 You had various roles that we won't go through in detail
09:42:35 24 between those early years in 2002, suffice to say you rose
09:42:41 25 through the ranks during those years?---I did.
09:42:46 26
09:42:46 27 In January 2002 you commenced at what was then the newly
09:42:51 28 formed MDID?---Yes, the Major Drug Investigation Division.
09:42:55 29
09:42:55 30 You were the officer-in-charge?---I was.
09:42:58 31
09:42:58 32 Essentially the MDID, as the Commission has heard, was
09:43:03 33 established following the problems that had come out of the
09:43:07 34 Drug Squad that were identified by Ceja and the Purton
09:43:13 35 review, is that right?---Correct.
09:43:15 36
09:43:16 37 You stayed in that role until you're moved to the Covert
09:43:21 38 Support Division, is that right?---Correct, in August of
09:43:23 39 2005.
09:43:24 40
09:43:25 41 In the role that you took over in August 2005 you had
09:43:29 42 control over a number of separate units that were under
09:43:33 43 your control, is that right?---Correct.
09:43:35 44
09:43:35 45 Which units were they?---The Special Projects Unit, the
09:43:39 46 State Surveillance Unit, the Technical Support Unit, which
09:43:43 47 became the Technical Surveillance Unit later on with a name

09:43:48 1 change, and the Undercover Unit.

09:43:50 2

09:43:51 3 During its pilot program the DSU as well, is that

09:43:56 4 correct?---That's correct.

09:43:57 5

09:43:57 6 From 1 July 2006, the structure was such that from that

09:44:01 7 date onwards the SDU as it then became was reporting

09:44:05 8 directly to you?---Correct.

09:44:07 9

09:44:08 10 And then in 14 February 2010 you were appointed to manage

09:44:14 11 the Surveillance Services Division?---Correct.

09:44:17 12

09:44:17 13 That was a new division established at that time?---Yes,

09:44:20 14 that's correct.

09:44:20 15

09:44:20 16 That was within the Intelligence and Covert Support

09:44:24 17 Command?---Correct.

09:44:24 18

09:44:25 19 It consisted of the State Surveillance Unit and the

09:44:27 20 Technical Surveillance Unit?---Correct.

09:44:30 21

09:44:31 22 And then 9 May 2016, long service leave until your

09:44:36 23 retirement on 14 July 2018?---Correct.

09:44:39 24

09:44:40 25 In your second statement that Ms Argiropoulos took you to a

09:44:44 26 moment ago you indicate that you don't have any memory - I

09:44:53 27 should perhaps commence by saying you understand the

09:44:55 28 Commission has heard evidence about two previous

09:44:59 29 registrations of Ms Gobbo as a human source prior to

09:45:02 30 September 2006?---Correct.

09:45:05 31

09:45:05 32 And you didn't have any knowledge of those either at the

09:45:07 33 time or until you recently found out about them?---I knew,

09:45:12 34 I had no knowledge in relation to the one in 1995, I was

09:45:17 35 told about the 2001 registration at the Asset Recovery

09:45:20 36 Squad in either 2009 or 2010.

09:45:22 37

09:45:23 38 Late in the piece?---Yes.

09:45:24 39

09:45:28 40 You think that your first knowledge of Ms Gobbo acting as a

09:45:33 41 human source was about a month or so after 16 September

09:45:37 42 2005 when she became registered?---Correct.

09:45:41 43

09:45:42 44 And you think it might have been Sandy White who told you

09:45:47 45 first?---I believe so.

09:45:48 46

09:45:48 47 In your third statement, the one page statement of 12 or 13

09:45:53 1 August 2019, you set out some instances during your time as
09:45:59 2 officer-in-charge of the MDID where Ms Gobbo was mentioned
09:46:03 3 in your diary. You're aware of those instances?---Correct.
09:46:07 4
09:46:07 5 And essentially the purpose of that statement is to look at
09:46:13 6 a period of time prior to what were initially the Terms of
09:46:18 7 Reference of this Commission and see what references to
09:46:20 8 Ms Gobbo there might have been in your previous
09:46:23 9 diaries?---Correct.
09:46:23 10
09:46:26 11 There's one of those instances I'd like to explore which is
09:46:34 12 - it's at p.38 of your consolidated diary that the operator
09:46:39 13 has. Now, this is an entry on Wednesday, 18 December 2002.
09:46:57 14 Can you see the relevant entry there to Ms Gobbo?---This is
09:47:03 15 p.115?
09:47:04 16
09:47:04 17 Yes, it is?---Yes, it's down one line above, two lines
09:47:09 18 above the bottom of the page, yes.
09:47:10 19
09:47:11 20 There's a meeting you have with Dale and Miechel?---Yes.
09:47:14 21
09:47:14 22 And it's in relation to another source?---Yes.
09:47:18 23
09:47:18 24 And who is that source?---That would be Mr Hodson.
09:47:22 25
09:47:23 26 And there's options that are being discussed in relation to
09:47:27 27 him there and you see further down, unfortunately in the
09:47:32 28 copy that we have those letters aren't, are opaque so we
09:47:39 29 can't quite see all those words, is it "possible
09:47:41 30 implications"?---It does.
09:47:43 31
09:47:44 32 "Of Nicola Gobbo"?---Naming as informer, as an informer.
09:47:49 33
09:47:49 34 What do you understand that note to be recording?---That's
09:47:52 35 Dale and Miechel telling me that there's issues in relation
09:47:55 36 to Mr Hodson, who was 4-390 at the time.
09:47:59 37
09:47:59 38 Yes?---A number of options were discussed, ecstasy was
09:48:04 39 discussed, a possible pill press was also mentioned and
09:48:08 40 there was a need for him to maintain a cover story as a
09:48:13 41 drug dealer, which he was, and there was possible
09:48:15 42 implications of Nicola Gobbo naming Mr Hodson as an
09:48:20 43 informer and my recollection of that is that Gobbo had told
09:48:25 44 him, had told Dale at court that she suspected Hodson was
09:48:30 45 4-390.
09:48:31 46
09:48:32 47 The Commission has heard some evidence about that

09:48:34 1 event?---Yes.
09:48:35 2
09:48:38 3 That was relayed to you and there was a discussion about
09:48:41 4 what can and should be done about that?---Correct.
09:48:43 5
09:48:45 6 At p.56 of the consolidated diary which will come up on the
09:48:52 7 screen. Now this is p.232?---Correct.
09:48:57 8
09:48:57 9 Of your diary?---Yes.
09:48:59 10
09:49:00 11 I just want to find out what's the date of that entry. Are
09:49:04 12 you aware of the date of that entry?---I could find it in
09:49:10 13 my diaries.
09:49:11 14
09:49:11 15 That's all right, you might not need to. There we go, 2
09:49:15 16 April 2003?---Yes.
09:49:16 17
09:49:16 18 And then there's another entry that you've identified
09:49:20 19 there?---Sure.
09:49:20 20
09:49:21 21 Where you're talking to, that needn't come up on everyone's
09:49:25 22 screen, but just the witness's, the Commissioner's and
09:49:29 23 yours, you're talking to officer Sandy White, you
09:49:32 24 understand that's a pseudonym used for him?---Yes.
09:49:34 25
09:49:35 26 What was his role at that stage in 2003?---In fact he was a
09:49:40 27 [REDACTED]
28
09:49:44 29 I see?---Initially he held a role in the [REDACTED] and
09:49:47 30 [REDACTED] office and then in about 2003 [REDACTED]
09:49:54 31 into an operational role, so running one of the [REDACTED]
09:49:57 32 operational units at the [REDACTED]n.
09:50:00 33
09:50:00 34 Is he someone you had contact with before [REDACTED]
09:50:07 35 [REDACTED]?---I've had a number of contact
09:50:10 36 with Sandy White over the years, yes.
09:50:12 37
09:50:12 38 So he's someone well-known to you when you were working
09:50:14 39 [REDACTED] at the MDID?---Correct.
09:50:15 40
09:50:16 41 I think I've seen in some diaries at one stage Mr White was
09:50:21 42 talking to you during the registration period of Ms Gobbo,
09:50:24 43 seeking what seems to be career advice, is that the sort of
09:50:28 44 relationship you had with him?---Correct.
09:50:30 45
09:50:30 46 A mentor role at times?---At times, correct.
09:50:34 47

09:50:34 1 That can come down from the screen. Now paragraph 5 of
09:50:39 2 that same statement, I'm still talking about the 12 August
09:50:45 3 2019 statement, talks about a 27 May 2003 discussion you
09:50:49 4 had with Acting Commander Dannye Moloney. You say, "At
09:50:54 5 that time Mr Moloney was in charge of Ceja Task Force which
09:51:00 6 was investigating police corruption at the former Drug
09:51:01 7 Squad. Mr Moloney informed me that Task Force Ceja had
09:51:04 8 information from Nicola Gobbo regarding an affidavit to do
09:51:08 9 with Mokbel. I can't recall why I was told this. We were
09:51:12 10 not actively investigating the Mokbels at this time". So
09:51:18 11 you don't have any recollection of that conversation, is
09:51:23 12 that correct?---That's correct.
09:51:24 13
09:51:25 14 And was this an occurrence, you've obviously just looked
09:51:31 15 through the diary and looked for references to Nicola
09:51:34 16 Gobbo, that's what you've done?---Correct.
09:51:36 17
09:51:36 18 Was Ms Gobbo known to you as someone prior to your
09:51:40 19 knowledge of her registration later in 2005, as someone who
09:51:47 20 was actively seeking to assist the police?---No. I knew
09:51:52 21 her to be a barrister who represented a number of people
09:52:01 22 that the Major Drug Investigation Division had actually
09:52:05 23 investigated and charged.
09:52:06 24
09:52:07 25 So what can you explain - so Moloney's role at the time was
09:52:12 26 essentially running the Ceja Task Force?---Correct.
09:52:15 27
09:52:16 28 And it was essentially trying to untie the knot of what had
09:52:23 29 happened in the Drug Squad?---Correct.
09:52:24 30
09:52:25 31 And Mr De Santo was involved in Ceja at the
09:52:29 32 time?---Correct.
09:52:29 33
09:52:32 34 And I take it you've done your best to recollect what the
09:52:37 35 reference to the Mokbel affidavit might be and you simply
09:52:40 36 don't know?---I don't know other than to say that Mokbel
09:52:43 37 had been charged by the former Drug Squad and had charges
09:52:46 38 afoot and which ultimately weren't proceeded with. Why
09:52:52 39 Mr Moloney told me I don't know and I don't recall. The
09:52:56 40 reason I know that we weren't actively investigating the
09:52:59 41 Mokbels at that stage is because I'd been given a direction
09:53:03 42 when I first arrived at Drugs that any investigation into
09:53:06 43 Tony Mokbel specifically and Carl Williams had to be
09:53:09 44 [REDACTED] before we commenced the
09:53:13 45 investigation and I hadn't done that.
09:53:14 46
09:53:14 47 I see. I should say if it's not clear, the reason I'm

09:53:18 1 asking questions about this is it would appear to be a
09:53:21 2 fairly unusual thing that a defence barrister would
09:53:23 3 approach the police, although it's a bit unclear in what
09:53:28 4 regard, that seems to be a slightly unusual thing to occur,
09:53:31 5 would you agree with that?---I would agree with that.
09:53:34 6
09:53:35 7 COMMISSIONER: Was any reason given as to why the
09:53:38 8 investigation into Mokbel and Carl Williams had to be
09:53:42 9 approved at high level?---Yes, they'd made allegations
09:53:45 10 against former members of the Drug Squad and my
09:53:47 11 understanding is they were [REDACTED]
09:53:51 12 [REDACTED].
09:53:55 13
09:55:31 14 Now, are you aware after that 2003 period and prior to the
09:55:34 15 registration in 2005 of Ms Gobbo providing information to
09:55:43 16 Detective Bateson in the period prior to her registration
09:55:49 17 with the SDU?---I am aware of this now.
09:55:54 18
09:55:54 19 Were you aware of it at the time?---No.
09:55:56 20
09:56:01 21 In your third statement, this should be the last entry I
09:56:04 22 take you to here, there's a reference to a meeting on 24
09:56:11 23 November 2003 between acting superintendents Fraser, Peter
09:56:20 24 De Santo, Inspector Peter Brigham, yourself. You go and
09:56:28 25 meet with the OPP. Your diary records that the meeting was
09:56:31 26 about Strawhorn issues and just pausing there, at this
09:56:34 27 stage it was well-known that, or the allegations had been
09:56:39 28 made about Strawhorn and they were public, is that
09:56:41 29 right?---Correct, and I believe Strawhorn at that stage had
09:56:43 30 been charged.
09:56:44 31
09:56:44 32 Yes. Your diary note includes, "Conflict issues re Nicola
09:56:52 33 Gobbo to be raised"?---Correct.
09:56:58 34
09:56:58 35 Do you now know what Ms Gobbo's relevance to those events
09:57:03 36 was?---No, I don't, other than trying to join the dots, it
09:57:07 37 was something that the Task Force Ceja had told me, that
09:57:11 38 she was representing a number of clients that they were
09:57:13 39 dealing with.
09:57:14 40
09:57:14 41 So was the possibility or the circumstances of barristers
09:57:23 42 having conflicts of interest something that was of interest
09:57:27 43 to the police from time to time?---Correct.
09:57:29 44
09:57:29 45 All right. And so here, whilst you're not certain what the
09:57:36 46 conflict might have been, it was raised that Ms Gobbo
09:57:40 47 herself might have a conflict of interest in acting for or

09:57:45 1 in the interests of someone?---In this instance it was more
09:57:50 2 in relation to more than one client.
09:57:51 3
09:57:51 4 I see. Acting for a number of individuals which might put
09:57:54 5 her in conflict?---Acting for a number of individuals, I'm
09:57:58 6 not quite sure if I can say this but I will, that were
09:58:01 7 actually talking to Task Force Ceja.
09:58:03 8
09:58:04 9 I understand. Are you aware in your time at Victoria
09:58:12 10 Police of, not necessarily in relation to Ms Gobbo but
09:58:17 11 Victoria Police taking an issue with defence counsel and
09:58:22 12 saying, essentially pointing out a conflict to defence
09:58:25 13 counsel and saying to them, "You're not able to act for
09:58:27 14 that person because of the conflict of interest", is that
09:58:30 15 something you recall occurring?---It's occurred on very
09:58:34 16 rare occasions, but I can recall it occurring.
09:58:36 17
09:58:36 18 Do you recall it happening in relation to
09:58:40 19 Ms Garde-Wilson?---No, I wasn't involved in anything to do
09:58:43 20 with her.
09:58:43 21
09:58:43 22 But you recall it in relation to some other barristers
09:58:46 23 where Victoria Police essentially took the view that there
09:58:50 24 was a conflict of interest and told the barrister as
09:58:53 25 much?---Correct.
09:58:54 26
09:58:55 27 Do you remember the outcome of those discussions?---One I
09:59:00 28 can recall from the 80s, the barrister withdrew and someone
09:59:05 29 else was briefed.
09:59:06 30
09:59:07 31 Did you say in the 80s, did you?---In the 80s, yes.
09:59:10 32
09:59:11 33 Are you aware of any after that period of time?---Me
09:59:13 34 specifically, no.
09:59:14 35
09:59:16 36 Anecdotally?---I'm aware of perhaps the Garde-Wilson
09:59:20 37 matters from the press, but other than that not
09:59:24 38 specifically, no.
09:59:25 39
09:59:28 40 If p.140 of Mr Biggin's diary could be brought up on the
09:59:36 41 screen, this is 5 December 2003. On that date you received
09:59:42 42 a call from Acting Commander Steve Fontana?---Correct.
09:59:46 43
09:59:47 44 And he was advising you about the arrest of Paul
09:59:50 45 Dale?---Correct.
09:59:50 46
09:59:52 47 And there's an interesting entry down there which says,

10:00:00 1 "Advise of incident at court with Nicola Gobbo" and a date
10:00:10 2 there, 4th of the 12th I think it is?---Correct.
10:00:13 3
10:00:16 4 Do you know now what that incident might have been?---No, I
10:00:19 5 don't recall what it was other than what I've been told.
10:00:22 6 It wasn't an incident involving me specifically but I've
10:00:25 7 been told by one of the staff reporting to me there had
10:00:28 8 been a matter at court the day before with Gobbo.
10:00:32 9
10:00:32 10 And there had been a matter, do you remember now what the
10:00:36 11 matter was?---No.
10:00:36 12
10:00:38 13 And then there's finally a reference at the bottom of that
10:00:46 14 same later statement, the one page statement, to a dollar
10:00:52 15 figure of \$10,000 that has a reference to
10:00:57 16 Ms Gobbo?---Correct.
10:00:58 17
10:00:58 18 And I think what you say is your understanding it might
10:01:01 19 have been money that was sought to be raised by Mr Dale's
10:01:06 20 wife?---Correct.
10:01:06 21
10:01:07 22 For representation for Mr Dale?---Correct.
10:01:09 23
10:01:21 24 So in your second statement, which is the most significant
10:01:26 25 statement you've made to the Commission, certainly in
10:01:28 26 length and detail, you give details about when you learnt
10:01:35 27 Ms Gobbo was a source which was shortly after her
10:01:40 28 registration in 2005?---Correct.
10:01:44 29
10:01:44 30 You don't have a clear memory of the moment but you are
10:01:50 31 able to put together some diary entries with some memories
10:01:54 32 and work out it must have been some time in October
10:02:00 33 2005?---Correct.
10:02:00 34
10:02:01 35 As you've already given evidence you believe it was White
10:02:04 36 who informed you of that fact?---Correct.
10:02:07 37
10:02:07 38 Now, at p.201 of the consolidated diary, and this is 5
10:02:12 39 October 2005 of your diaries, I'll have that brought up on
10:02:17 40 the screen, there's a meeting that you talk about in your
10:02:21 41 second statement - 201. That one is completely redacted.
10:02:34 42 Let me just see if I have another copy of that. The copy
10:02:41 43 I've got isn't. Friday, 27 October - look, it might just
10:02:53 44 be easier if I put a few propositions to you. We'll go to
10:02:57 45 your statement. Do you recall a meeting with Mr Moloney,
10:03:14 46 Mr Purton, Mr White and Mr Cruze of 5 October 2005?---I
10:03:25 47 have a sketchy recollection of it, yes.

10:03:27 1
10:03:30 2 And you say that it was at one of the meetings around this
10:03:39 3 time that you learnt Ms Gobbo was acting as a human
10:03:41 4 source?---Correct.
10:03:42 5
10:03:42 6 Do you recall your reaction or your thinking at the moment
10:03:47 7 that you realised that a practising defence barrister was
10:03:51 8 acting as a registered human source?---My thoughts at the
10:03:55 9 time were this was unusual.
10:03:57 10
10:03:57 11 All right. Did you think that it might have been
10:03:59 12 problematic as well?---I didn't specifically think it
10:04:03 13 being, think of that at the time.
10:04:06 14
10:04:08 15 It was known at that early stage, certainly within Victoria
10:04:12 16 Police, that Ms Gobbo was acting on behalf of Tony Mokbel
10:04:17 17 in relation to some Commonwealth charges when she was
10:04:21 18 registered due to be heard in the Supreme Court early the
10:04:24 19 following year, you're aware of that?---I'm aware of that.
10:04:28 20
10:04:28 21 And it was also known that Ms Gobbo was acting - one of her
10:04:37 22 motivations that she spoke about early on was her desire to
10:04:40 23 bring down the Mokbel cartel, including Tony Mokbel?---I'm
10:04:44 24 aware of that now, yes.
10:04:45 25
10:04:45 26 That is something I can only assume was spoken about with
10:04:51 27 you at this early time when you were told she was a
10:04:53 28 source?---No. My recollection of the conversation with
10:04:55 29 Sandy White is that he told me she'd been registered by
10:05:04 30 Drugs and the reason for that is she'd been speaking to a
10:05:08 31 number of police and there was an attempt to try and
10:05:11 32 actually corral who she was speaking to.
10:05:18 33
10:05:20 34 So you don't remember, I want to make sure I don't misquote
10:05:23 35 you here, but you don't remember seeing it as a particular
10:05:26 36 legal issue at the time when you first discovered she was
10:05:31 37 acting as a source?---Not specifically, no.
10:05:33 38
10:05:33 39 Do you see that now as perhaps a bit of a blind spot you
10:05:37 40 should have identified at the time?---Yes.
10:05:39 41
10:05:39 42 All right. And throughout the transcripts and, the
10:05:46 43 transcripts of meetings that the Commission's got between
10:05:49 44 the handlers, controllers and Ms Gobbo and also the ICRs,
10:05:55 45 there's clear grappling by the controller and the handler
10:06:01 46 with issues of conflict of interest and LPP and those sorts
10:06:04 47 of issues. Were those issues raised with you at an early

10:06:09 1 stage as one of the complexities of the relationship with
10:06:12 2 Ms Gobbo?---No.
10:06:13 3
10:06:16 4 Do you remember those issues being discussed between you
10:06:20 5 and others outside the SDU in 2005 or early 2006?---No, I
10:06:28 6 can recall discussions with Rob Hardy in 2007, 2008.
10:06:32 7
10:06:32 8 Yes?---About the potential for those issues, but not
10:06:35 9 earlier, no.
10:06:36 10
10:06:36 11 We'll come to those. All right. Then in your diary at
10:06:41 12 p.0202, which is 7 October 2005, this is the meeting that
10:06:47 13 you have with Sandy White and I think it only uses the
10:06:52 14 phrase "re SDU issues", I think the reason you record it is
10:06:58 15 because you're saying it was either the meeting we've just
10:07:02 16 gone to or this meeting where you were told she was a
10:07:06 17 source, is that right?---Correct.
10:07:07 18
10:07:07 19 In your second statement at paragraph 15 you say, you
10:07:15 20 recall thinking that this was unusual - that can come off
10:07:19 21 the screen in the meantime - it was unusual that Ms Gobbo
10:07:24 22 had been registered as a source, that's correct?---That's
10:07:28 23 correct.
10:07:28 24
10:07:31 25 You understood that her practice at that stage had
10:07:34 26 concentrated on bail applications?---That was my
10:07:37 27 understanding, yes.
10:07:38 28
10:07:38 29 All right. And you knew that she had a personal or
10:07:42 30 personal relationships with a large number of criminals at
10:07:44 31 that stage?---Correct.
10:07:45 32
10:07:48 33 And you had an assumption that her status as a barrister
10:07:52 34 would be managed during her use as a human source, is that
10:07:57 35 right?---That's correct.
10:07:57 36
10:07:58 37 What you're identifying there, I understand, is that by
10:08:02 38 status of barrister you're talking about the issues that
10:08:05 39 might arise by way of there being conflicts of interest or
10:08:09 40 issues to do with legal professional privilege?---Correct.
10:08:12 41
10:08:14 42 Did you satisfy yourself of each of those things in October
10:08:19 43 2005 or did you just leave it to the SDU, leave it as an
10:08:24 44 assumption that the SDU would take care of it?---It was
10:08:27 45 left as an assumption and the reason for that is at that
10:08:30 46 stage I had no functional control of the SDU.
10:08:34 47

10:08:34 1 Did you have discussions with those who did have functional
10:08:38 2 control of the SDU about some of these issues that occurred
10:08:41 3 to you?---No.
10:08:42 4
10:08:46 5 It's now known, well it's now known to you that in fact
10:08:50 6 Ms Gobbo wasn't only acting on behalf of people in bail
10:08:54 7 applications at this early stage or indeed later on, is
10:08:58 8 that correct?---I know that now, yes.
10:09:01 9
10:09:02 10 Were you ever involved in a matter where Ms Gobbo
10:09:07 11 represented an accused person? Let's say as an informant
10:09:13 12 to start with?---No.
10:09:15 13
10:09:17 14 And - - - ?---By informant I take it you mean police
10:09:23 15 informant?
10:09:24 16
10:09:24 17 Yes, that's right?---No, no.
10:09:26 18
10:09:26 19 Your note about the large number of personal relationships
10:09:30 20 that Ms Gobbo had with people who were suspected of serious
10:09:35 21 criminal activity, is the Commission to take that to mean
10:09:40 22 that it was one of the factors when you realised this was
10:09:44 23 the relationship that Ms Gobbo now had with the SDU, that
10:09:47 24 it was unusual that it would be managed that the nature of
10:09:53 25 those relationships being personal indicated to you it
10:09:56 26 would only be in those circumstances that Ms Gobbo would be
10:09:59 27 obtaining information?---It was my understanding, yes.
10:10:01 28
10:10:02 29 But again that's not something, I note you didn't have
10:10:05 30 functional control, but that's not something that you
10:10:08 31 interrogated at that stage?---No.
10:10:11 32
10:10:12 33 All right. Now, in the hearing before Mr Kellam you gave
10:10:19 34 evidence for a couple of days?---Correct.
10:10:21 35
10:10:22 36 At that stage your memory was that you didn't know that she
10:10:27 37 was a source until quite a bit later on, do you recall
10:10:32 38 that?---I do now, yes, yes.
10:10:33 39
10:10:36 40 Essentially, I'm not saying it as a matter of
10:10:40 41 embarrassment, obviously there's a lot of information you
10:10:42 42 would have been called on to remember, but when you were
10:10:45 43 saying to Mr Kellam that you understood that it was on 27
10:10:49 44 April 2006 when you did your audit that you discovered, you
10:10:52 45 now know from your notes, et cetera, and your memory in
10:10:55 46 fact it was somewhat earlier than that?---I'd been told
10:11:00 47 earlier, that's correct.

10:11:00 1
10:11:04 2 I want to take you now to p.213 of your consolidated diary
10:11:08 3 which is 22 November 2005. There was a contact that you
10:11:16 4 had from a judicial officer about there being drugs sold
10:11:26 5 from a particular shop, is that correct?---That's correct.
10:11:30 6
10:11:30 7 That can come down from the screen now but it can stay on
10:11:34 8 the witness's screen if that's all right. Is that an
10:11:37 9 unusual occurrence? The reason I ask the question of
10:11:41 10 course is because the Commission's interested in those with
10:11:45 11 obligations of privilege and confidentiality, which of
10:11:49 12 course a judge doesn't necessarily have. It just stands
10:11:52 13 out as of interest because it's another person in the legal
10:11:56 14 profession obviously providing information to Victoria
10:12:00 15 Police. Now, is that an occurrence you have a memory
10:12:04 16 of?---I do.
10:12:05 17
10:12:05 18 Is that something that happened from time to time with
10:12:09 19 judicial officers or was it an unusual thing to
10:12:13 20 happen?---It's not unusual but it was very infrequent.
10:12:16 21
10:12:16 22 We can move on from that?---Perhaps if I just finish that.
10:12:19 23
10:12:19 24 Yes, go ahead?---It was my understanding that the person
10:12:21 25 telling me that was speaking to me as a private citizen, it
10:12:26 26 was something - - -
10:12:27 27
10:12:27 28 COMMISSIONER: Yes?--- - - - that they learned because they
10:12:31 29 either lived in the area or were associated with that
10:12:34 30 specific area.
10:12:34 31
10:12:35 32 It was like someone reporting a suspected crime?---Correct,
10:12:39 33 and it was passed to me as the officer-in-charge of a
10:12:42 34 particular area.
10:12:43 35
10:12:43 36 MR WOODS: Which I take it would happen from all sorts of
10:12:47 37 citizens?---Correct.
10:12:48 38
10:12:48 39 Whether or not they're members of that particular
10:12:50 40 profession?---Correct.
10:12:51 41
10:12:51 42 At paragraph 16 of your statement, the second statement,
10:12:55 43 you refer to a diary entry of 16 February 2006?---Correct.
10:13:01 44
10:13:02 45 And I just want to bring that entry up on the screen, just
10:13:08 46 at the Bar table and the witness and the Commissioner.
10:13:12 47 Now, there's a meeting there at 12.10 where you've had a

10:13:19 1 conversation with Assistant Commissioner Overland, is that
10:13:22 2 right?---Correct.
10:13:23 3
10:13:23 4 "Re human source"?---Correct.
10:13:24 5
10:13:25 6 "To be protected re Operation Posse, a
10:13:31 7 priority"?---Correct.
10:13:31 8
10:13:31 9 "Discuss possible tactics", is it tasks or tactics?---It's
10:13:37 10 tactics.
10:13:38 11
10:13:38 12 "To manage", is that right?---Correct.
10:13:42 13
10:13:42 14 You understand that to be a reference to
10:13:45 15 Ms Gobbo?---Correct.
10:13:45 16
10:13:47 17 And you don't have any specific recollection of that
10:13:51 18 conversation but obviously by that stage you were already
10:13:54 19 aware of her status as a human source?---Correct.
10:13:57 20
10:13:58 21 And obviously because of the nature of the conversation so
10:14:02 22 was Mr Overland?---Correct.
10:14:04 23
10:14:10 24 So - - - ?---He's actually telling me that the source was
10:14:13 25 to be protected.
10:14:14 26
10:14:14 27 You don't have functional control over the SDU at this
10:14:18 28 stage?---No.
10:14:18 29
10:14:19 30 Can I understand a bit more about why the Assistant
10:14:22 31 Commissioner is telling you to make sure she's protected at
10:14:26 32 all costs?---Certainly. Perhaps if I describe the
10:14:28 33 intelligence covert support, now command it was, department
10:14:32 34 at that stage.
10:14:33 35
10:14:33 36 Yes?---Had two superintendents of which I was one. The
10:14:37 37 other was Ian Thomas who retired in the January of 06. So
10:14:41 38 I was the only substantive Superintendent in the command.
10:14:44 39
10:14:44 40 All right?---The second aspect of that is Operation Posse
10:14:49 41 was a significant investigation and the other four units
10:14:53 42 that reported to me were significantly tied up in that
10:14:57 43 particular operation and Mr Overland was telling me that
10:15:01 44 Operation Posse was a priority and the source was to be
10:15:05 45 protected, so me being the only Superintendent I had to
10:15:10 46 pick up some of the short falls in relation to our
10:15:13 47 management in the command and I also had to manage the

10:15:16 1 expectation of other service requesters across Victoria
10:15:20 2 Police when I was knocking them back to get services
10:15:22 3 because we were providing most of our services to Operation
10:15:26 4 Posse.
10:15:26 5
10:15:26 6 So there was a particular focus, you can see from this note
10:15:30 7 and also from some surrounding documents that I won't take
10:15:34 8 you to now, that Ms Gobbo was going to be utilised in
10:15:38 9 particular in relation to Operation Posse, is that your
10:15:41 10 memory?---That's my understanding of it, yes.
10:15:43 11
10:15:43 12 And Operation Posse, broadly speaking, was the operation to
10:15:47 13 dismantle the Mokbel cartel?---My understanding was it was
10:15:52 14 about a person and it may well - - -
10:15:54 15
10:16:13 16 Just so you know, we'll discuss that quite frankly in
10:16:17 17 closed session in a little while?---Sure.
10:16:19 18
10:16:20 19 But, in fact which probably means I can't ask the next
10:16:26 20 question, I'll delay that for a little while. When the
10:16:29 21 note records that Ms Gobbo was to be protected, what are we
10:16:38 22 to take that to mean? We understand from all the evidence
10:16:41 23 we've heard that the protection of human sources and their
10:16:44 24 identity is a very important thing. Why was there a
10:16:48 25 particular focus on the protection of Ms Gobbo at this
10:16:51 26 stage in February 2006?---I'm not quite sure but my
10:16:57 27 well-educated guess would be is that like all human
10:17:01 28 sources, Mr Overland is telling me that the human source
10:17:04 29 was to be looked after, or Ms Gobbo was to be looked after,
10:17:08 30 to maintain her anonymity.
10:17:12 31
10:17:12 32 Can I suggest one of the reasons was that she was an
10:17:16 33 incredibly significant source in relation to Operation
10:17:20 34 Posse?---Correct.
10:17:21 35
10:17:27 36 You then talk at paragraph 17 of your statement that you,
10:17:32 37 and we've touched on this briefly, that your assumption was
10:17:37 38 that prior to Ms Gobbo being registered the SDU members
10:17:42 39 would have performed intelligence checks across all
10:17:45 40 Victoria Police systems. You say there would have been an
10:17:48 41 open, honest discussion between the relevant Inspector and
10:17:52 42 the handlers and controllers as to the value of the source,
10:17:55 43 including an assessment of risk versus reward in respect of
10:17:59 44 that source, and also an assessment of what was hoped to be
10:18:05 45 achieved by registering her. Do you know if your
10:18:10 46 assumptions were in fact correct, if all of those things
10:18:14 47 were executed by the SDU?---I don't know but I'd be very

10:18:19 1 surprised if they weren't.
10:18:21 2
10:18:22 3 So the risk versus reward, do we understand that to mean
10:18:27 4 the risk to the human source being identified as a source
10:18:32 5 as opposed to the reward to Victoria Police in the
10:18:36 6 successful prosecution of criminals?--When we actually
10:18:41 7 talk about risk, the human source policy mentions there's
10:18:45 8 four tenets of risk and one of them is the risk to the
10:18:49 9 human source.
10 10
10:18:49 11 Yes?--And then the reward is ultimately what is achieved
10:18:54 12 from that human source talking to you. But it must also be
10:18:58 13 stated that in my view human sources should never ever be
10:19:02 14 used for evidence gathering.
10:19:04 15
10:19:04 16 So as in they should never be tasked?--No, they can be
10:19:08 17 tasked but they should never be tasked to actually obtain
10:19:12 18 intelligence or information that should end up as evidence.
10:19:17 19
10:19:17 20 I see. Because ending up as a witness is obviously a
10:19:20 21 dangerous thing for a human source?--It's contrary to why
10:19:22 22 they're a human source.
10:19:23 23
10:19:24 24 Yes, of course. Are you aware that during Ms Gobbo's
10:19:28 25 period of registration she was receiving a number of
10:19:31 26 threats to her life?--Correct.
10:19:32 27
10:19:32 28 And were you aware of some of those threats during her time
10:19:36 29 in registration rather than learning about them
10:19:41 30 afterwards?--I was aware, yes.
10:19:42 31
10:19:42 32 You're aware no one was ever prosecuted for those
10:19:46 33 threats?--Correct.
10:19:46 34
10:19:47 35 And it was never determined with certainty where those
10:19:50 36 threats were coming from?--Correct. And indeed her car
10:19:54 37 was fire bombed at one stage.
10:19:56 38
10:19:57 39 Yes, that's right. You're also aware I take it that
10:20:00 40 there's been some discussion about this, about the context
10:20:03 41 in which the term might well have been used, but the text
10:20:07 42 messages that Ms Gobbo was receiving were identifying her
10:20:09 43 as a dog?--I think that came up, yes.
10:20:13 44
10:20:15 45 And so I take it given that that phrase was used and there
10:20:22 46 was no certainty about where these text messages were
10:20:25 47 coming from, that the risks to Ms Gobbo were in the extreme

10:20:31 1 during her period of registration?---They were high, yes,
10:20:34 2 they were high.
10:20:34 3
10:20:37 4 All right. Given also what we now know about what the
10:20:45 5 courts have made of the arrangement of the Source
10:20:51 6 Development Unit and Victoria Police using Ms Gobbo, it's
10:20:54 7 clear that the risks in using Ms Gobbo have ultimately been
10:20:58 8 shown to well outweigh the rewards, you'd agree with
10:21:02 9 that?---In hindsight I do, yes.
10:21:04 10
10:21:09 11 You spoke a little while ago about your knowledge of the
10:21:12 12 later registration. I think you might have said 2001, it
10:21:16 13 might have been 99 of Ms Gobbo by the Asset Recovery
10:21:22 14 Unit?---Correct.
10:21:23 15
10:21:24 16 And it was Mr Pope who told you about that
10:21:28 17 registration?---He did.
10:21:28 18
10:21:29 19 You are aware what he told you about Ms Gobbo's
10:21:32 20 registration, just bear in mind the person that she might
10:21:39 21 have been giving information in relation to we're not going
10:21:42 22 to name, but those in the room who need to know do
10:21:46 23 know?---Sure. It was at a management meeting, at the close
10:21:50 24 of a management meeting which we conducted every month with
10:21:53 25 all the senior managers within the command. The command at
10:21:56 26 that stage had actually grown from two to something rather
10:22:00 27 bigger. Mr Pope raised that Ms Gobbo had made a complaint
10:22:05 28 against him and it emanated from a period when he was a
10:22:08 29 Senior Constable at the Asset Recovery Squad and he was
10:22:11 30 attempting to recruit her as a human source.
10:22:13 31
10:22:16 32 Are you aware what the trigger was for him to disclose that
10:22:20 33 information to you in 2009?---My understanding of it was
10:22:24 34 that she'd made a complaint about him.
10:22:26 35
10:22:26 36 Made a complaint about Mr Pope?---Correct.
10:22:28 37
10:22:28 38 And he was wanting to disclose it to you for those
10:22:32 39 purposes?---He disclosed it to the management team, me
10:22:35 40 included.
10:22:35 41
10:22:39 42 And I think it goes without saying, but I think you do
10:22:43 43 mention in your statements it would have been a good thing,
10:22:46 44 a very good thing for the SDU to have known about the two
10:22:50 45 prior registrations when it came to them registering
10:22:53 46 Ms Gobbo in September 2005?---Correct.
10:22:56 47

10:22:58 1 Why is that such an important thing?---It's always better
10:23:01 2 to have more information than not enough. If you're aware
10:23:05 3 of previous registrations one of the first steps you would
10:23:08 4 do as any investigator would be to go back to those people
10:23:12 5 that dealt with the particular person and speak to them and
10:23:15 6 find out a little bit about the background, a little bit
10:23:18 7 about some of the triggers used and a little bit about
10:23:23 8 whether it was viable to actually continue with the
10:23:25 9 registration of this particular person.
10:23:26 10
10:23:27 11 Do you have your own view about whether or not those sort
10:23:30 12 of discussions in September 2005, might have changed the
10:23:33 13 outcome of the registration for that time?---It's something
10:23:37 14 I've never thought about.
10:23:38 15
10:23:39 16 Is there anything that indicates to you that it might
10:23:42 17 have?---No, I don't think so. I think that the risks were
10:23:47 18 reasonably obvious to Victoria Police in 2005 and so I
10:23:54 19 think that - and given that I'd been to a meeting with
10:23:59 20 Mr Moloney and Mr Purton prior who were aware of it, I
10:24:05 21 think there was an understanding that, yes, it, this was a
10:24:09 22 risk and yes, it was risky but I think Victoria Police was
10:24:12 23 going to continue on with the registration.
10:24:14 24
10:24:15 25 All right. I'd like to now ask you some questions about
10:24:19 26 the establishment of the DSU that then became the
10:24:24 27 SDU?---Certainly.
10:24:24 28
10:24:25 29 You deal with this at paragraph 21 of your second
10:24:29 30 statement?---Yes.
10:24:29 31
10:24:30 32 You say that it was on 27 July 2003 while you were still
10:24:35 33 part of the MDID that Mr Overland initiated the project
10:24:40 34 that eventually became the SDU?---Correct.
10:24:44 35
10:24:45 36 And the purpose of this initial project, which was named
10:24:48 37 Review and Develop Best Practice Human Source Management
10:24:52 38 Policy, is that right?---Yes.
10:24:53 39
10:24:53 40 Was to examine the way in which the Crime Department
10:24:58 41 currently uses human source information and compare this
10:25:01 42 with national, and if necessary international best practice
10:25:05 43 in human source management, and that's your recollection of
10:25:08 44 why you were involved in the process and what you were
10:25:11 45 doing?---Correct.
10:25:12 46
10:25:15 47 I'm just going to bring that document up on the screen.

10:25:18 1 It's VPL.0100.0048.0789. This is already a tendered
10:25:29 2 document before the Commission but this is the document
10:25:33 3 that you had a hand in putting together?---Correct.
10:25:38 4
10:25:39 5 And it was a document that you worked on with
10:25:43 6 Mr White?---Correct.
10:25:44 7
10:25:45 8 And was it Mr Overland who assigned both you and Mr White
10:25:49 9 to this particular task?---Correct.
10:25:51 10
10:25:53 11 All right. The Commission has obviously heard from
10:25:59 12 Mr Purton who conducted his review a year or two before
10:26:04 13 this?---Yes.
10:26:05 14
10:26:05 15 And he'd identified what had then become some pretty
10:26:10 16 obvious problems with what had occurred in the Drug Squad
10:26:14 17 with the way human sources were managed?---Correct.
10:26:17 18
10:26:17 19 One of the issues was investigators being able to deal
10:26:20 20 one-on-one with significant sources, that was an
10:26:24 21 issue?---Correct.
10:26:25 22
10:26:26 23 And essentially investigators getting too close to human
10:26:30 24 sources at times?---Correct.
10:26:31 25
10:26:32 26 Mr Purton or Ceja and Mr Purton identify and deal with some
10:26:36 27 of these problems and it seems that the next step in the
10:26:39 28 process is Mr Overland gets you and Mr White to consider
10:26:44 29 these issues and this is the document that comes out of it,
10:26:47 30 is that the right genesis?---Correct. Mr Purton did a
10:26:52 31 report with I think 134 recommendations. My first role at
10:26:55 32 the MDID was to implement those 134 recommendations. This
10:27:00 33 was one of them but ultimately it went to Mr Overland who
10:27:03 34 then directed it back to me to actually do a quick review.
10:27:08 35 Not a quick review but a review.
10:27:10 36
10:27:10 37 Just to let you know, we've heard from Mr Purton and we've
10:27:13 38 taken him through not all 134 recommendations but a number
10:27:18 39 of them and discussed why some of those recommendations
10:27:21 40 were made and what some of the problems were that had been
10:27:24 41 persisting?---Correct.
10:27:25 42
10:27:25 43 All right. So this review I think was delivered in April
10:27:30 44 2004?---I think so, yes.
10:27:33 45
10:27:33 46 And it contains 20 recommendations of its own?---It does.
10:27:37 47

10:27:38 1 And then as a result, as I understand it, of this - there's
10:27:45 2 a steering committee that you sat on, and I think you talk
10:27:49 3 about this at paragraph 22 of your statement. You sat on a
10:27:54 4 steering committee alongside Assistant Commissioner
10:27:57 5 Overland, Commander Purton and Mr Moloney?---Correct.
10:28:00 6
10:28:00 7 Does that, that's contemporaneous with that document that
10:28:05 8 we've just seen being put together?---Yes.
10:28:08 9
10:28:09 10 Commissioner, that already has an exhibit number.
10:28:14 11
10:28:14 12 COMMISSIONER: It does. I'll just tell you what it is.
10:28:17 13 276.
10:28:18 14
10:28:19 15 MR WOODS: 276, thank you. All right, so sorry, your
10:28:22 16 answer was yes, that's correct, it happened around the same
10:28:26 17 time?---Yes.
10:28:27 18
10:28:27 19 I'll bring up a project proposal. This is I think
10:28:31 20 September 2003, it's VPL.0100.0048.1064. That's the
10:28:40 21 document that's on the screen in front of you there. Do
10:28:43 22 you see that?---Correct.
10:28:44 23
10:28:46 24 That's another document that was prepared by yourself and
10:28:50 25 Mr White?---Correct.
10:28:51 26
10:28:52 27 And it was prepared as part of your role in the steering
10:28:56 28 committee?---And as part of the project team, yes.
10:29:01 29
10:29:01 30 Yes, I see. I think it's date is before the document we've
10:29:04 31 just looked at but it was, it seems to have been prepared
10:29:07 32 during the process of the document we've just looked at
10:29:10 33 being prepared, is that right?---Correct.
10:29:12 34
10:29:12 35 As part of this work that was to be undertaken at Assistant
10:29:20 36 Commissioner Overland's request, you and Mr White travelled
10:29:23 37 to South Australia?---We did.
10:29:24 38
10:29:25 39 And the purpose of that was to review the South Australia
10:29:28 40 police's human source management policy and
10:29:31 41 practice?---Correct.
10:29:32 42
10:29:33 43 And you say some pretty positive things about the South
10:29:41 44 Australian experience in your statement. Can you remember
10:29:46 45 the aspects of the South Australian model that were
10:29:50 46 attractive to you at the time?---Certainly. We also went
10:29:53 47 to a three day human source conference, or informer

10:29:56 1 conference, they were called informers in those days. At
10:30:00 2 the end of that we had a look at the South Australian
10:30:03 3 model, and the South Australian model had moved, they were
10:30:04 4 significantly ahead of where Victoria Police were in that
10:30:08 5 they had considered some of the risks and had moved their
10:30:11 6 informer management from being an individual resource of a
10:30:14 7 particular investigator or particular investigative group
10:30:16 8 to being a corporate resource. So that the information
10:30:21 9 that the person was providing could be actually spread
10:30:24 10 corporately rather than through just an individual or held
10:30:27 11 at a personal or individual level. So what it was saying
10:30:31 12 was that it was enhancing the way that human source
10:30:34 13 information was being managed. And there was a feeling
10:30:36 14 around, certainly around the rest of Australia that there
10:30:40 15 was some appetite for this way to go in relation to
10:30:44 16 informer management and it certainly, from where Victoria
10:30:48 17 Police had come, there was a feeling that Victoria Police
10:30:51 18 at that stage, or prior to that stage, had probably been
10:30:54 19 recruited by informers rather than recruiting informers, so
10:30:57 20 we were actually doing it the wrong way. So police were
10:31:00 21 recruiting informers in Victoria during the Drug Squad days
10:31:05 22 and then providing information back or in fact entering
10:31:08 23 into unhealthy relationships with informers. This actually
10:31:11 24 then mitigated that by having a specific group that were
10:31:14 25 actually dealing with those particular informers and that
10:31:18 26 was the South Australian model.
10:31:19 27
10:31:20 28 Really, what became the SDU owed a fair bit to what you'd
10:31:28 29 seen in South Australia?---Correct.
10:31:29 30
10:31:29 31 But it seems from your description just then some of the
10:31:32 32 things that Commander Purton had identified were things
10:31:37 33 that were being played out in the South Australian model
10:31:40 34 when you got there and saw it as well?---Correct.
10:31:42 35
10:31:43 36 Do you know what the South Australian model had been based
10:31:47 37 on?---I did at the time but I, for the life of me I can't
10:31:51 38 recall it now.
10:31:52 39
10:31:52 40 But you knew at the time by whatever source that it was a
10:31:58 41 place that you should go and study to work out what the
10:32:01 42 Victorian model should look like?---They were the only ones
10:32:04 43 that had a, a state based specific unit to deal with it at
10:32:09 44 that stage.
10:32:10 45
10:32:10 46 Yes, I see?---They were actually the leaders of this
10:32:13 47 particular concept from - - -

10:32:16 1
10:32:17 2 Do you know whether they had policies that dealt with human
10:32:22 3 sources that might have obligations of confidentiality or
10:32:24 4 privilege, is that something you know as you sit here
10:32:27 5 now?---No, I don't.
10:32:28 6
10:32:28 7 Is it something, we'll go through a couple more documents
10:32:31 8 that lead to the establishment of the SDU, but do you know
10:32:36 9 if those issues were things that occurred to Mr White and
10:32:39 10 yourself through this period?---They weren't at the
10:32:41 11 forefront of my mind. It wasn't something that I really
10:32:45 12 considered.
10:32:45 13
10:32:46 14 Were they discussed at any of the steering - these issues
10:32:51 15 discussed at any of the steering committee meetings?---Not
10:32:55 16 that I recall.
10:32:57 17
10:32:58 18 All right. So I'm not sure whether that document itself
10:33:03 19 has been tendered, I'm sure it has been on the screen
10:33:08 20 before. I don't think it has been tendered. I tender
10:33:10 21 that, Commissioner, it's a project proposal of September
10:33:12 22 2003.
10:33:13 23
10:33:15 24 #EXHIBIT RC579A - (Confidential) Project proposal of
10:33:18 25 September 2003.
10:33:18 26
10:33:19 27 #EXHIBIT RC579B - (Redacted version.)
10:33:24 28
10:33:25 29 I want to move on to, so we're looking at September 2003
10:33:29 30 then. At paragraph 27 of your statement you talk about the
10:33:37 31 human source dedicated teams coordination
10:33:41 32 committee?---Correct.
10:33:41 33
10:33:41 34 And that was another committee that was established in this
10:33:44 35 period after the Drug Squad and before the SDU?---Correct.
10:33:48 36
10:33:49 37 Do you know who the members of that committee were?---I was
10:33:53 38 one of them. There was Mr Moloney, probably would have
10:34:03 39 been Mr Purton, but I'm not quite sure of the rest.
10:34:06 40
10:34:07 41 And how is that coordination committee different to the
10:34:13 42 steering committee that yourself and Mr Moloney and
10:34:16 43 Mr Overland were on?---At the same time we were conducting
10:34:20 44 the Crime Department review into human sources,
10:34:24 45 Intelligence and Covert Support Command, as it now is, were
10:34:28 46 conducting their own review in relation to a dedicated
10:34:32 47 human source handling team, so specifically we had two

10:34:36 1 departments in Victoria Police conducting reviews about the
10:34:39 2 same thing.
10:34:39 3
10:34:39 4 I see. So this was to coordinate those two reviews and to
10:34:45 5 make sure everyone was essentially on the same
10:34:48 6 page?---Correct.
10:34:49 7
10:34:49 8 And from both of those different strains the SDU grew out
10:34:55 9 of the two of them?---Correct.
10:34:56 10
10:34:58 11 I want to bring up another document on the screen, it's the
10:35:01 12 human source dedicated teams coordination committee meeting
10:35:05 13 minutes and this is on 10th of the 6th 2004. You should
10:35:11 14 see that in front of you on the screen?---I do.
10:35:13 15
10:35:13 16 This is for the record VPL.0100.0048.0668. So it appears
10:35:24 17 that, firstly the members or the attendees are Nancarrow,
10:35:31 18 Kelly, Purton, yourself, Overland, Calishaw and
10:35:35 19 Wilson?---Correct.
10:35:35 20
10:35:37 21 And this is a meeting of that coordination committee that
10:35:43 22 you've just described?---Correct.
10:35:45 23
10:35:50 24 That can go on the other screens at the Bar table. It was
10:35:56 25 agreed in this meeting that there be a steering committee
10:36:02 26 established to oversee what then became the DSU pilot
10:36:10 27 program?---Correct.
10:36:11 28
10:36:12 29 And so I take it at this stage you're already dealing
10:36:17 30 pretty closely with Mr White in relation to what might come
10:36:20 31 out of these committees?---Correct.
10:36:23 32
10:36:23 33 And he doesn't have a role in any of these committees but
10:36:29 34 he did have particular expertise and interest in human
10:36:32 35 source management?---Correct.
10:36:33 36
10:36:33 37 Is that simply a matter of rank that someone like himself
10:36:37 38 wouldn't be on these committees?---Probably rank, yes. If
10:36:45 39 it was needed, for example, there was a particular issue
10:36:49 40 going to be discussed in relation to either management or
10:36:52 41 the attributes of the handlers or those types of things
10:36:56 42 that required that only he could answer, he would then be
10:36:59 43 invited to come along on that specific day to talk about
10:37:04 44 those issues. But generally this was a very high level
10:37:07 45 committee, Nancarrow and Kelly were both Deputy
46 Commissioners at that stage, so they're the second rank
10:37:14 47 under the Chief Commissioner of Victoria Police.

10:37:14 1
10:37:15 2 I see. This is still an early stage, in your mind Sandy
10:37:19 3 White was someone who was always going to be heavily
10:37:22 4 involved in whatever grew out of these meetings?---Correct.
10:37:26 5
10:37:30 6 I tender those minutes.
10:37:34 7
10:37:35 8 #EXHIBIT RC580A - (Confidential) Minutes.
10:37:37 9
10:37:38 10 #EXHIBIT RC580B - (Redacted version.)
10:37:41 11
10:37:42 12 And then we move on to the Findings of the Dedicated Source
10:37:50 13 Unit Pilot and that's at VPL.0100.0048.0668. Sorry, that's
10:38:00 14 the one I've just taken you to. The one I wanted to take
10:38:05 15 you to was in fact 6 July 2004 ending in 1279. There it is
10:38:11 16 on the screen?---Yes.
10:38:11 17
10:38:12 18 So this is a month later and there's a direction given, it
10:38:20 19 seems, in this meeting that the Dedicated Source Unit will
10:38:25 20 be trialed for six months?---Correct.
10:38:27 21
10:38:28 22 And Mr White is an attendee at that meeting?---Correct.
10:38:33 23
10:38:34 24 And that's because it appears by that stage there's some
10:38:39 25 form that's being put together for this DSU is going to
10:38:43 26 look like and why it is seen as someone who needs to be
10:38:46 27 involved and so he attends this meeting?---Correct.
10:38:49 28
10:38:51 29 There was the steering committee established to essentially
10:38:58 30 sit on top of the DSU pilot program?---Correct, a decision
10:39:04 31 making group.
10:39:04 32
10:39:05 33 So a decision making group?---Yes.
10:39:07 34
10:39:08 35 And what was the role of the steering committee during the
10:39:11 36 pilot program, what would they do?---They'd make, generally
10:39:15 37 make decisions, make sure the pilot was operating in the
10:39:21 38 way that had been set out in the Terms of Reference, make
10:39:24 39 sure it was meeting its time frames and addressing any
10:39:32 40 organisational issues in relation to resources and funding
10:39:32 41 and those specific issues.
10:39:33 42
10:39:33 43 The pilot program itself ran from November 2004 until May
10:39:37 44 2005?---Correct.
10:39:38 45
10:39:39 46 Just in a practical sense, how were the first sources who
10:39:43 47 were going to be part of this pilot program identified to

10:39:47 1 be used as essentially guinea pigs to try and see whether
10:39:53 2 this source management system would work?---Certainly. If
10:39:56 3 you can see by the minutes, Detective Sergeant Glen Owen is
10:39:59 4 there, Acting Inspector Geoff McLean was also there, they
10:40:02 5 were from the State Intelligence Division and the Informer
10:40:08 6 Management Unit was being, had commenced or was about to
10:40:09 7 commence. I think it had commenced because Glen was at
10:40:12 8 both. They would actually, with the member or members that
10:40:16 9 were going to be at the, working on the pilot, would
10:40:20 10 identify the sources. So the Informer Management Unit, I
10:40:24 11 think in December of 2003, took possession of all human
10:40:29 12 source files held by divisional commanders so they had all
10:40:33 13 the hard copy files in relation to sources that had been
10:40:36 14 registered in Victoria Police so they could actually then,
10:40:40 15 through the data, have a look at the data and work out
10:40:44 16 which sources were specifically suitable for the pilot.
10:40:47 17
10:40:48 18 Am I right to say they were sources who were either very
10:40:52 19 high risk or, well high risk or would need particular
10:40:57 20 attention from a management point of view?---Correct.
10:40:59 21
10:40:59 22 So not your run of the mill there's some drugs being dealt
10:41:03 23 on the corner of the street, type person?---No.
10:41:06 24
10:41:10 25 Then at the next - I'll tender that document.
10:41:14 26
10:41:15 27 #EXHIBIT RC581A - (Confidential) Minutes of 6/07/04 of the.
10:41:19 28 Human Source Dedicated Teams
10:41:23 29 Coordination Committee meeting.
10:41:23 30
10:41:24 31 #EXHIBIT RC581B - (Redacted version.)
10:41:27 32
10:41:27 33 There's some names at least that will need to be attended
10:41:31 34 to. Now I want to take you to a document that ends in
10:41:38 35 0613, which is a report regarding source handling and this
10:41:41 36 is on 30 August 2004. It seems to be a report that you've
10:41:50 37 prepared for Acting Commander Wilson?---Correct.
10:41:54 38
10:41:55 39 Regarding the level of training that the handlers who would
10:42:01 40 become part of this DSU if the pilot program was successful
10:42:06 41 would need to have?---Yes.
10:42:07 42
43 COMMISSIONER: Do you have the VPL number?
44
10:42:08 45 MR WOODS: Yes, I do. It's VPL.0100.0048.0613?---Just for
10:42:17 46 a matter of completeness, Acting Commander Wilson was
10:42:20 47 actually acting in the role of Commander Moloney in charge

10:42:24 1 of intel and covert support.
10:42:26 2
10:42:26 3 I see. We might have some difficulty bringing that
10:42:28 4 document up and we might come back to it. You obviously
10:42:32 5 have a, you know the document I'm talking about?---I have
10:42:37 6 some recollection, yes.
10:42:37 7
10:42:38 8 That's on the screen in front of you?---Yes.
10:42:40 9
10:42:45 10 So you can see there it's to Wilson and you've explained
10:42:49 11 why?---Yes.
10:42:50 12
10:42:50 13 It's from yourself?---Yes.
10:42:52 14
10:42:52 15 And it's 30 August 2004?---Correct.
10:42:55 16
10:42:56 17 It's focus is on making sure that those who were going to
10:43:02 18 be running this program have adequate training?---Correct.
10:43:04 19
10:43:04 20 And was the training something that - at that stage I
10:43:08 21 assume the training was something that Victoria Police
10:43:10 22 wasn't in a position to provide because this was all pretty
10:43:13 23 new?---It was all new and in reality the only training was
10:43:17 24 an information session at the Detective Training School.
10:43:20 25
10:43:22 26 Did you learn when you were in South Australia how they'd
10:43:25 27 gone about their training, do you have any recollection of
10:43:27 28 that?---I know they actually trained their detectives and
10:43:33 29 their proactive police in relation to it. The specific
10:43:35 30 details of it now, with the passage of time I've forgotten.
10:43:39 31
10:43:40 32 I understand. Do you know whether those who were training
10:43:42 33 the detectives had training themselves from other places,
10:43:46 34 other than within South Australia?---No, I don't know.
10:43:50 35
10:43:50 36 Don't know, okay. But essentially what this document, you
10:43:54 37 do in this document is trace through the particular skills
10:43:58 38 that will be needed and that that training will need to be
10:44:05 39 established and brought up to speed quite quickly for the
10:44:08 40 purpose of the pilot program?---Correct.
10:44:10 41
10:44:11 42 I tender that document, Commissioner.
10:44:12 43
10:44:14 44 #EXHIBIT RC582A - (Confidential) Report regarding source
10:41:40 45 handling 30/08/04, VPL.0100.0048.0613.
10:44:16 46
10:44:16 47 #EXHIBIT RC582B - (Redacted version.)

10:44:17 1
10:44:18 2 MR CHETTLE: Commissioner, I've only seen the first page of
10:44:20 3 it, is it possible it can be scrolled up?
10:44:23 4
10:44:24 5 MS ARGIROPOULOS: I can just show it to Mr Chettle.
10:44:26 6
10:44:26 7 COMMISSIONER: Thanks Ms Argiropoulos.
10:44:28 8
10:44:28 9 MR WOODS: I should say, Mr Biggin, I don't intend to take
10:44:32 10 you through all of the documents unless there's a
10:44:34 11 requirement to at this stage. At paragraph 31 of your
10:44:44 12 second statement you talk about the travel that was
10:44:49 13 undertaken in around 2004 to Canada and that was White and
10:44:56 14 Owen?---Correct.
10:44:57 15
10:44:58 16 And again that was for the purpose of looking at another
10:45:03 17 management model for the SDU?---It was. It was a training
10:45:11 18 course and also to have a look at the way the Canadian
10:45:14 19 police, and to a lesser degree the Americans, were dealing
10:45:18 20 with human sources.
10:45:19 21
10:45:19 22 So they visited both the States and Canada?---Yes.
10:45:23 23
10:45:23 24 The training course was in Canada?---Was in Canada.
10:45:26 25
10:45:28 26 Are you aware of another officer or two travelling to the
10:45:39 27 United Kingdom to have a look at what their system of
10:45:42 28 management was of human sources?---Correct.
10:45:43 29
10:45:44 30 What's the name of that person?---Mr McLean went, I think
10:45:49 31 after Detective Sergeant Paul Woltsche.
10:45:53 32
10:45:54 33 So that wasn't travel together, they were
10:45:57 34 separate?---Separate trips. Woltsche was part of a church
10:46:00 35 or fellowship.
10:46:01 36
10:46:01 37 Yes?---And I think McLean may have been part of the
10:46:04 38 intelligence stream going over to the UK.
10:46:06 39
10:46:10 40 So after this travel to South Australia, Canada, United
10:46:15 41 States and the United Kingdom, these practices were, or
10:46:20 42 these models were then, I assume, discussed with you and
10:46:25 43 others as to what the best practice for the DSU should
10:46:29 44 be?---Correct.
10:46:29 45
10:46:31 46 All right. Do you recall in any of those discussions once
10:46:38 47 the travel had been undertaken and the models had been

10:46:43 1 considered, there being any discussion at that stage about
10:46:47 2 human sources who might have obligations of confidentiality
10:46:49 3 or privilege?---No. But let me say for completeness, I
10:46:56 4 think that Paul Woltsche had actually travelled well before
10:46:59 5 this period.
10:47:00 6
10:47:01 7 Yes?---I think, I have a sketchy recollection of him
10:47:06 8 reporting back in 2002, and he'd already been back in
10:47:12 9 Victoria probably six or eight months when he presented to
10:47:15 10 the crime management team.
10:47:17 11
10:47:18 12 The reason that I've asked those questions and I won't
10:47:21 13 trouble you with asking you anything about it, it appears
10:47:24 14 there was an identification in the United Kingdom of some
10:47:27 15 of the issues that might come up in relation to the use of
10:47:31 16 human sources although these obligations it doesn't appear
10:47:36 17 filtered back to Australia?---No.
10:47:37 18
10:47:37 19 Which is why there's an interest in some of this
10:47:41 20 international travel?---Correct.
10:47:42 21
10:47:42 22 There was the Pilot Program Review which is at
10:47:51 23 VPL.0002.0001.0382?---That's an ICR.
10:48:01 24
10:48:01 25 That's not what I'm after. That's my own mistake there. I
10:48:05 26 think what I'm after is 0002.0001.0414. That's all right,
10:48:26 27 we can move on from there. What we might do is move into -
10:48:34 28 I want to talk just very briefly, without going into
10:48:38 29 particular detail, about training methodology, but
10:48:44 30 essentially what had occurred was through this program and
10:48:47 31 through some of the documents I've just taken you to, and
10:48:50 32 indeed through some of the issues that had come out of the
10:48:53 33 Drug Squad, it was important that people who were going to
10:48:57 34 be managing high risk human sources in this environment
10:49:01 35 undergo a probity check?---Correct.
10:49:04 36
10:49:05 37 And I take it that was a very significant probity check
10:49:09 38 into their backgrounds?---It was, it was called an enhanced
10:49:12 39 probity check.
10:49:13 40
10:49:13 41 And also that they should have, because it's a pilot
10:49:18 42 program at this stage and the training, et cetera, hasn't
10:49:21 43 been set up, they should be people with significant
10:49:24 44 experience in human source management?---Correct.
10:49:25 45
10:49:28 46 All right. Once - - - ?---Do you want me to expand on the
10:49:32 47 project?

10:49:33 1
10:49:33 2 Yes, go ahead?---Normally in Victoria Police when people
10:49:36 3 are applying for positions a probity check is conducted as
10:49:41 4 a matter of course. With the systems with Victoria Police,
10:49:45 5 electronic systems, normally all that you're provided with
10:49:51 6 is a list of complaints made against police. For high risk
10:49:57 7 divisions I proposed that an enhanced probity check be
10:50:01 8 conducted. An enhanced probity check contains complaints
10:50:06 9 made in one aspect of it, but also intelligence held by the
10:50:10 10 now Professional Standards Command and the Ethical
10:50:12 11 Standards Command and before that the Internal
10:50:16 12 Investigations Command in relation to specific individuals,
10:50:18 13 because quite often individuals may be named in
10:50:20 14 investigations and for a number of reasons they never
10:50:22 15 proceed any further than just being sheer intelligence, so
10:50:26 16 in order to get a true picture on someone, not only do you
10:50:30 17 get their complaint history you actually get the complaint
10:50:34 18 history and the intelligence history relating to a
10:50:37 19 particular individual so you can actually make an informed
10:50:41 20 decision.
10:50:41 21
10:50:41 22 I think the document I was going to take you to might be on
10:50:45 23 the screen here. Now, this appears to fit into the
10:50:54 24 chronology of the documents that predate the establishment
10:50:59 25 of the SDU. Do you recognise what that document is?---It
10:51:03 26 looks like a document prepared by the CMRD, which is the
10:51:09 27 Corporate Management Review Division, who were called in to
10:51:11 28 actually review the pilot and then make recommendations.
10:51:14 29 They're independent eyes, fresh eyes, to have a look at the
10:51:18 30 pilot to see if there's anything that had been missed.
10:51:20 31
10:51:20 32 We might move on to that in a moment then because I want to
10:51:23 33 talk about some of those, the management of the early
10:51:27 34 stages of the DSU and the SDU and you talk about, you give
10:51:31 35 some evidence about this at paragraph 36 to 39 of your
10:51:35 36 second statement. You say that changes to the structure of
10:51:40 37 the DSU and the HSMU during the pilot program, you talk
10:51:46 38 about the changes that occurred between those and
10:51:49 39 essentially the final result of those changes was that you
10:51:55 40 were placed in charge of the Covert Support
10:52:00 41 Division?---Initially when the SDU commenced, in it's
10:52:08 42 embryonic stage, Ian Thomas was in charge.
43
10:52:11 44 Yes?---And I formed the view that, after running the pilot,
10:52:14 45 that essentially the person who was the gate keeper for the
10:52:17 46 policy, which was Ian Thomas, or Ian Thomas's position, was
10:52:21 47 actually supervising himself in relation to the SDU and I

10:52:24 1 formed the view that they should be actually two roles, two
10:52:29 2 separate people because in a hierarchical situation the
10:52:34 3 Central Source Registrar is in a higher position to
10:52:38 4 actually, than the person running, hands-on running the
10:52:42 5 human source or running the human source area. And I saw
10:52:45 6 that as a conflict. We had a number of discussions and
10:52:49 7 conversations with it. Suffice to say Mr Thomas didn't
10:52:52 8 agree with my position. We debated that over length and
10:52:57 9 ultimately with Mr Thomas's retirement six months later I
10:53:07 10 convinced Commander Moloney that perhaps my position was
10:53:10 11 right and the SDU then came across to me.
10:53:12 12
10:53:12 13 One of the positions you took from early on was that the
10:53:15 14 SDU should have its own dedicated Inspector?---It should
10:53:19 15 have, yes.
10:53:19 16
10:53:20 17 That's certainly something that wasn't the case early
10:53:23 18 on?---No.
10:53:23 19
10:53:24 20 And was a source of frustration for the SDU?---Correct.
10:53:27 21
10:53:27 22 And a source of frustration for you?---And risk for me as
10:53:31 23 well.
10:53:31 24
10:53:32 25 Where did the risk arise from?---Essentially the model as
10:53:35 26 was put up, if I take you back to Victoria Police's
10:53:38 27 management in those specific times, in order to get a
10:53:41 28 position someone had to give one up. I was at Drugs
10:53:47 29 initially when it came up so I gave the White position away
10:53:53 30 to go across, and Crime Command gave up four positions and
10:53:53 31 Intelligence and Covert Support gave up four of their
10:53:57 32 positions which were vacant to form nucleus of the SDU. No
10:54:02 33 one had a spare Inspector and so we didn't have an
10:54:06 34 Inspector's position so I had some conversations with
10:54:08 35 Mr Moloney and he was going to seek some support from
10:54:11 36 either the corporate areas of Victoria Police or the
10:54:14 37 regions from Victoria Police to identify whether there was
10:54:16 38 a spare Inspector's position to see whether we could get
10:54:20 39 that as the officer-in-charge of the SDU. It never came to
10:54:24 40 be.
10:54:24 41
10:54:25 42 I take it that that - the difficulty of finding a spare
10:54:29 43 Inspector came really down to funding?---It actually came
10:54:33 44 down to position numbers. I'm not quite sure it was
10:54:38 45 actually a, the whole funding issue of the SDU was another
10:54:41 46 issue.
10:54:42 47

10:54:42 1 That was what I was about to ask about, yes.
10:54:45 2
10:54:46 3 COMMISSIONER: The position numbers in a sense is a funding
10:54:51 4 issue, isn't it?---Correct.
10:54:53 5
10:54:54 6 If you're funded for an additional position then you've got
7 that position?---Correct.
8
10:54:55 9 If every position is taken there's not enough money for
10:54:58 10 another position to be created?---Correct.
10:55:00 11
10:55:00 12 So it is a funding issue, isn't it?---It's a funding issue
10:55:03 13 and I think at that stage there may have been some
10:55:05 14 legislation in place where Victoria Police was capped in
10:55:08 15 relation to the numbers.
10:55:09 16
10:55:09 17 The number of inspectors?---The number of commissioned
10:55:12 18 officers as a totality.
10:55:14 19
10:55:14 20 Right?---That's now been lifted but I know for many, many
10:55:18 21 years Victoria Police, for example, could only have ten
10:55:20 22 Assistant Commissioners.
23
10:55:21 24 I see?---So you had to actually have a position vacated in
10:55:25 25 order to actually be able to get that position.
10:55:27 26
10:55:27 27 Right. It was actually a legislative prohibition on an
10:55:31 28 additional Inspector?---Yes.
10:55:33 29
10:55:33 30 As well as a funding issue?---As well as the funding issue,
10:55:37 31 yes.
10:55:37 32
10:55:38 33 MR WOODS: And separately, putting the Inspector position
10:55:41 34 to one side and focusing just on the funding issue, really
10:55:45 35 from your time when the pilot program was being run until
10:55:51 36 then you have functional control on 1 July 2006?---Correct.
10:55:56 37
10:55:57 38 And right up until 2007 or late 2007, early 2008, funding
10:56:03 39 was a real issue that posed particular difficulties for
10:56:08 40 me?---A significant issue and it took up a lot of my time
10:56:11 41 actually seeking funding around the organisation.
10:56:13 42
10:56:13 43 Where was the funding coming from and where should it have
10:56:17 44 been coming from?---It should have been a funded unit from
10:56:21 45 the initial establishment, so it was a fault of
10:56:23 46 establishment. Because it was seen, because the pilot was
10:56:28 47 seen to be successful and it was seen that it was a risk to

10:56:31 1 Victoria Police, we didn't want to go back to recreating
10:56:33 2 the issues of the Drug Squad, albeit we probably created a
10:56:37 3 bigger one, the unit was set up in an ad hoc fashion. So
10:56:41 4 the funding wasn't delivered so what happened was that
10:56:45 5 Intelligence and Covert Support Command were told they
10:56:49 6 should actually fund it out of any spare funding they had.
10:56:54 7 Any of us that have ever managed an operational division
10:56:58 8 would know there is no spare funding. So what I used to do
10:57:01 9 is I used to liaise very extensively with our finance
10:57:05 10 sections of Victoria Police and find funding that hadn't
10:57:09 11 been expended towards the end of the year in relation to
10:57:12 12 projects that were ongoing. So, for example, if there was
10:57:13 13 a project running in relation to traffic management, a
10:57:17 14 project over five or six years for example, and funding had
10:57:20 15 been split up over those five or six years, come the
10:57:23 16 February, March or April, if they were under spent in
10:57:26 17 relation to the project I would then go cap in hand to our
10:57:30 18 finance areas and suggest that that funding then be
10:57:34 19 allocated across to support the SDU. That's what I did on
10:57:38 20 numerous occasions.
21
10:57:40 22 Would increased funding have meant increased oversight of
10:57:43 23 the SDU during its operational period?---In one way, yes.
10:57:46 24 If it brings the whole level of financial accountability to
10:57:50 25 a fore and you've got others looking at you, whereas when I
10:57:55 26 was running it, it was always on the smell of an oily rag,
10:57:59 27 so that you were actually just funding your day-to-day
10:58:02 28 operations as best you could.
10:58:03 29
10:58:03 30 One of the complaints or the frustrations that's been
10:58:09 31 expressed by Mr White and the other handlers is that they
10:58:13 32 just simply didn't have administrative support to keep up
10:58:17 33 with the amount of work, so for example, dealing with
10:58:20 34 Ms Gobbo, there might be many hours of phone conversations
10:58:25 35 or face-to-face and then they needed to be distilled into
10:58:29 36 an ICR and that task was meaning real back logs for the
10:58:34 37 SDU. Is that something that made its way to you during
10:58:37 38 your period of control over the SDU?---It did, yes.
10:58:40 39
10:58:41 40 Was that ultimately rectified in any particular way?---Well
10:58:45 41 not - in no meaningful way was it rectified, other than we
10:58:50 42 managed to obtain two analysts. Initially there was one
10:58:56 43 that we managed to, steal is not the right word, but
10:59:01 44 recruit proactively. Initially, and then we recruited a
10:59:06 45 second one, so we had two analysts, the SDU had two teams,
10:59:11 46 one to support each team and one to actually pick up some
10:59:13 47 of the shortfall in relation to that administrative

10:59:16 1 function that was required. But it still wasn't ideal. It
10:59:20 2 would have been ideal to have [REDACTED]
10:59:24 3 [REDACTED]
10:59:27 4 [REDACTED].
5
10:59:27 6 Yes?---So that ideally it would have been nice to actually
10:59:30 7 have had, in an ideal world sufficient funding to actually
10:59:34 8 have that in a contemporary fashion. Did I say something
11:00:26 9 wrong?
11:00:27 10
11:00:28 11 Sometimes you don't even know you're saying something
11:00:31 12 wrong.
11:00:32 13
11:00:32 14 COMMISSIONER: I'm sure someone will tell you in the break
11:00:36 15 what it was about.
11:00:36 16
11:00:37 17 MR HOLT: If we could have permission to do that,
18 Commissioner, we'll just deal with a couple of those issues
11:00:40 19 (indistinct).
11:00:40 20
11:00:40 21 COMMISSIONER: Yes, and it is actually controversial
11:00:43 22 whether it should or shouldn't be in but for the sake of
11:00:46 23 moving things on we're prepared to give Victoria Police
11:00:51 24 their way for the moment.
11:00:52 25
26 MR WOODS: I was just about to say I don't think a final
27 determination has been heard on that but for now we can - -
28 -
29
11:00:53 30 MR HOLT: We understand that, Commissioner, and that is the
11:00:55 31 position for now but in order to protect that position I
11:00:58 32 need to make those claims.
11:00:59 33
11:00:59 34 COMMISSIONER: I understand, Mr Holt.
11:01:01 35
11:01:01 36 MR WOODS: One of the things at least one or two handlers
11:01:04 37 have talked about was that the move to electronic diaries
11:01:09 38 made things a bit easier for them. I take it that was just
11:01:14 39 a shortcut way of getting around some of the resourcing
11:01:18 40 issues which meant that you then didn't have to take
11:01:22 41 handwritten notes and type them up, you could simply do a
11:01:26 42 cut and paste from your typed diary at the time, is that
11:01:29 43 something you recall happening?---Yes, correct. Correct,
11:01:31 44 and it was quite controversial at the time, moving from a,
11:01:37 45 I point to my 20 diaries sitting on the floor, to an
11:01:41 46 electronic system was something that Victoria Police really
11:01:43 47 had talked about for a number of years, hadn't been game to

11:01:47 1 actually attempt and we were actually the first unit to do
11:01:50 2 it in Victoria Police.
11:01:51 3
11:01:51 4 Do you know whether there was any - if you consider a
11:01:55 5 handwritten diary, you can see if an individual goes back
11:01:58 6 in and makes changes to it because you'll see a line
11:02:01 7 through it, a notation above it, was there system in place
11:02:05 8 to ensure that diaries, electronic diaries that were kept
11:02:12 9 weren't changed after the event?---I don't recall. I know
11:02:16 10 now that contemporary systems can go back and backtrack
11:02:21 11 when the document's opened and whether documents have been
11:02:23 12 altered, but at the time I don't know.
11:02:25 13
11:02:25 14 I see.
11:02:27 15
11:02:27 16 COMMISSIONER: I'm wondering if we might move the
11:02:30 17 microphone a little closer to you, it might help with
11:02:34 18 amplification. I'm having trouble hearing you I have to
11:02:36 19 say?---I'm sorry. Is that better?
11:02:39 20
21 Yes, I think it is a lot better, thank you?---Just my nose
22 is a bit big and too long banging against it.
23
24 That's a lot better, thank you.
25
11:02:47 26 MR WOODS: It might be a convenient time to deal with one
11:02:50 27 particular issue in closed hearing, then I think the rest
11:02:52 28 of the examination can be in open hearing, Commissioner.
11:02:57 29
11:02:57 30 COMMISSIONER: Yes, all right. Under s.24 of the *Inquiries*
11:03:01 31 *Act* access to the inquiry during this part of the evidence
11:03:04 32 of Mr Biggin is limited to legal representatives and staff
11:03:09 33 assisting the Royal Commission, the following parties with
11:03:12 34 leave to appear in the private hearing and their legal
11:03:15 35 representatives: namely the State of Victoria, Victoria
11:03:18 36 Police, including media unit representatives, the Director
11:03:21 37 of Public Prosecutions and the Office of Public
11:03:23 38 Prosecutions, the Commonwealth of Director of Public
11:03:25 39 Prosecutions, Ms Nicola Gobbo, the SDU handlers, Australian
11:03:29 40 Federal Police, Department of Home Affairs Commonwealth,
11:03:32 41 the Australian Criminal Intelligence Commission, Graham
11:03:36 42 Ashton, the legal representatives of the following parties
11:03:39 43 with leave to appear: Person 14, John Higgs and Pasquale
11:03:45 44 Barbaro. Media representatives accredited by the Royal
11:03:48 45 Commission are allowed to be present in the hearing room.
11:03:51 46 The hearing is to be recorded but not streamed or
11:03:52 47 broadcast. Subject to any further order there is to be no

11:03:55 1 publication of any materials, statements, information or
11:03:59 2 evidence given, made or referred to before the Commission
11:04:02 3 which could identify or tend to identify the persons
11:04:05 4 referred to as Witness A, Witness B, Witness X, Person 14,
5 any member of the Source Development Unit or their
11:04:14 6 whereabouts. A copy of this order is to be posted on the
11:04:18 7 door of the hearing room.

8

11:04:32 9 All other people are now requested to leave.

11:04:22 10

11:04:23 11 (IN CAMERA PROCEEDINGS FOLLOW)

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1 UPON RESUMING IN OPEN COURT:

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MR WOODS: What I'd like to ask you about next is the audit that you were asked to undertake of Ms Gobbo's human source file?---Yes.

It appears that it was on 19 April 2006 that Mr White and Mr Porter discussed or determined the fact that you would review Ms Gobbo's file. Now do you know when that was explained to you first?---My recollection of it, it was Commander Moloney directed me to conduct an overviewing audit of the file.

In your statement you talk about the fact that Moloney told you to audit that particular file and also told you that Lucinda Nolan would be auditing the other files?---No, my recollection is that Lucinda Nolan was going to conduct a review of human sources. It was always my impression that she had done the Gobbo file as such as well. It was only recently that I was told that she hadn't.

What was your understanding as to why you were asked to review Gobbo's file when you thought that Ms Nolan was reviewing it as well?---I can't recall the exact reason other than it was to be a broad overviewing audit, not an in-depth line-to-line place-to-place audit. I think Mr Moloney - it was the way Mr Moloney operated, that he wanted people external to particular areas to conduct audits.

You understood the reason that Nolan didn't look at Gobbo was simply because she was told that you already had?---I now know that, yes.

Can I bring up Ms Nolan's review, which is VPL.2000.0002.0887.

COMMISSIONER: Sorry, did you then think you were doing the in-depth review?---No, I thought I was doing an overview, an oversighting.

So you thought she was doing the in-depth review of Nicola Gobbo's file along with all the other files?---I thought she was doing the whole - I thought she was doing the SDU in totality.

But as an in-depth review and yours was only going to be a

12:28:22 1 - - - ?---An oversighting review.
2
12:28:23 3 An oversighting review?---Yes
12:28:27 4
12:28:28 5 MR WOODS: Can you just explain that a little bit more? If
12:28:30 6 you're only asked to do one particular review, and only as
12:28:35 7 a high level overview, what was the purpose of it as
12:28:39 8 explained to you?---I don't recall what the purpose was but
12:28:43 9 if I'd been asked to do a full audit I would have started
12:28:47 10 at the Informer Management Unit and inspected the files
12:28:51 11 there and then gone across to the Source Unit. By only
12:28:54 12 going to the Source Unit I've only specifically done half
12:28:57 13 the job.
14
12:28:58 15 All right. At p.2 of - Ms Nolan's review is at 15 June, I
12:29:06 16 think it is?---Yep.
17
12:29:07 18 2006. That's a couple of months after your review?---Yes.
19
12:29:16 20 And you'll see that there's a list of numbers there,
12:29:22 21 audited files, I think she says there were 15 or so chosen
12:29:26 22 and your name is next to Nicola Gobbo's name 3838?---Yes.
23
12:29:30 24 Okay. When Moloney approached you in April to conduct the
12:29:35 25 review, did he mention Lucinda Nolan's review to you at
12:29:42 26 that stage?---I can't recall.
27
12:29:44 28 When do you think it became known to you that Ms Nolan was
12:29:50 29 carrying out a separate review?---I can't specifically
12:29:58 30 recall but I think it was some time, a short time after I'd
12:30:02 31 completed mine, I think.
32
12:30:03 33 Did you ever discuss these reviews with Ms Nolan?---We had
12:30:06 34 a conversation, yes.
35
12:30:07 36 Did she tell you what she was told about the review of the
12:30:10 37 3838 file?---No.
38
12:30:13 39 The discussion you had I take it must have touched on the
12:30:17 40 fact that you were conducting an audit of one of the
12:30:20 41 files?---Probably was, yes.
42
12:30:22 43 Because you'd conducted it well and truly before she
12:30:25 44 conducted hers?---Yes.
45
12:30:27 46 Do you have any recollection of that conversation?---I
12:30:28 47 recall we had one but I don't recall the substance of the

12:30:31 1 conversation.
2
12:30:36 3 You say that it was in the process of you conducting your
12:30:40 4 audit that you first became aware of, and you use the
12:30:45 5 phrase "the nature of the information and intelligence that
12:30:47 6 Gobbo was providing"?---Yes.
7
12:30:50 8 What do you mean by "the nature of the information and
12:30:54 9 intelligence"?---Prior to that date I knew that she'd been
12:30:59 10 registered as a human source. Sandy White and I had had,
12:31:05 11 as I've explained, a conversation, a by the way
12:31:09 12 conversation. I was then briefed in the October by Moloney
12:31:13 13 and Purton in relation to Operation Posse. I've had the
12:31:16 14 conversation with Overland in the February. It wasn't
12:31:19 15 until I started to read the file that I saw there was 147
12:31:24 16 contacts so actually the interaction between Gobbo and
12:31:27 17 Victoria Police was broader than what I presumed at the
12:31:31 18 time.
19
12:31:33 20 That document on the screen by the way is already tendered
12:31:36 21 as RC349 for the record.
22
12:31:41 23 What I'm suggesting to you though is that given you
12:31:44 24 knew that Ms Gobbo was a criminal defence barrister, this
12:31:50 25 is prior to your audit, and was representing a number of
12:31:56 26 serious criminals, for example, the gentleman you'd seen
12:31:59 27 shortly before, you knew that the nature of the information
12:32:05 28 and the significance of the intelligence, you well knew
12:32:09 29 about those prior to [REDACTED] 2006?---Are you putting to me
12:32:14 30 that I knew that she'd given information about a person?
31
12:32:20 32 No, that the information that she was giving was in
12:32:25 33 relation to very serious criminal activity of people that
12:32:32 34 she had been representing on one hand, and on the other
12:32:36 35 hand socially close to?---No, my recollection at that time
12:32:40 36 was that I was given no specifics in relation to anything
12:32:43 37 she was providing up until I did the audit.
38
12:32:46 39 But given what you knew about Ms Gobbo, you knew that she
12:32:49 40 wasn't giving information to the SDU about serial littering
12:32:55 41 or tree removal, illegal tree removal, she was inevitably
12:33:00 42 giving information about serious criminal activity?---She
12:33:03 43 could well have been.
44
12:33:05 45 Well, that was something that was known to you, I suggest,
12:33:08 46 or at least suspected by you?---No, I reject that.
47

12:33:13 1 You knew that the Source Development Unit that you had been
12:33:17 2 integral in establishing was to deal with human sources who
12:33:22 3 were at serious risk because of their informing and had a
12:33:26 4 very high value in relation to the information they were
12:33:30 5 providing, you knew those two things prior to April
12:33:33 6 2006?---That's the reason it was set up, yes. I knew that,
12:33:36 7 yes.
8

12:33:37 9 And you knew that Gobbo was being handled by the members of
12:33:40 10 the Source Development Unit?---Yes.
11

12:33:42 12 And so you knew that she was giving information of high
12:33:45 13 value?---I would suspect that, yes.
14

12:33:48 15 And that her life was at serious risk because of that?---It
12:33:52 16 could have been, yes.
17

12:33:53 18 Given those two things, you knew prior to your audit that
12:33:57 19 there was significant - information of significant value
12:34:04 20 that was being provided by Gobbo?---No, I knew that in the
12:34:06 21 audit.
22

12:34:07 23 So you didn't assume that beforehand?---I didn't know.
24

12:34:10 25 Well you did know because she wouldn't have been handled by
12:34:14 26 the Source Development Unit otherwise?---Let me answer it
12:34:17 27 this way, is that quite often a human source might be
12:34:19 28 registered and provide information once off. They're still
12:34:23 29 registered. It wasn't until the audit of, is it the 23rd
12:34:29 30 or the 27th of April, that I knew there had been 147
12:34:33 31 contacts.
32

12:34:33 33 I'm not talking about the precise number, but you'd had a
12:34:36 34 conversation in February with Mr Overland about her value,
12:34:40 35 hadn't you?---He'd had a conversation with me, yes.
36

12:34:43 37 He'd had a conversation with you, you were a party to the
12:34:46 38 conversation?---Yes, that's right, yes. We're saying the
12:34:53 39 same thing.
40

12:35:05 41 The date on which Mr Moloney asked you to conduct the audit
12:35:12 42 in April 2006, I haven't been able to determine from your
12:35:17 43 diary a date on which that occurred. Do you know the date
12:35:20 44 that he asked you?---No.
45

12:35:23 46 It was some time obviously before the 27th when you
12:35:27 47 conducted the audit?---Yes, I would think so, yes.

1

12:35:32 2 Is there any reason why - is it unusual that we don't have
12:35:37 3 a note of the date when he requested that that
12:35:41 4 occur?---It's not something I would normally record. I had
12:35:45 5 conversations with Mr Moloney every day, multiple
12:35:47 6 conversations. Very rarely, if you check my diaries, I
12:35:53 7 would record those conversations because they're the normal
12:35:56 8 interaction of a management team.

9

12:35:58 10 Given Mr Porter told Mr White on 19 April, can I suggest
12:36:01 11 that it was at least by that stage - sorry, told to him on
12:36:05 12 19 April that you would be conducting the audit of the 3838
12:36:08 13 file, that by that date that you had been told that you
12:36:11 14 would be conducting this audit?---No, that doesn't
12:36:14 15 necessarily follow. Mr Porter may have decided that I was
12:36:16 16 the person to do the audit. Bear in mind that Mr Porter's
12:36:22 17 brand new to the position. Mr Moloney may not have told me
12:36:29 18 until some time before. I don't remember when Mr Moloney
12:36:35 19 told me.

20

12:36:36 21 You were involved in the planning stages of the SDU and how
12:36:38 22 it would be run and we've gone through some of those
12:36:45 23 preliminary documents?---Yes.

24

12:36:46 25 Was this, the audit that you conducted on 27 April,
12:36:49 26 pursuant to a particular policy or procedure?---It was -
12:36:55 27 not specifically, but it followed roughly along the lines
12:36:58 28 of the Chief Commissioner's instructions.

29

12:37:01 30 CCI3 of 05?---Of 05, yes. It didn't follow it correctly or
12:37:08 31 accurately but it basically addressed those issues.

32

12:37:10 33 And what was the requirement, I can bring the document up,
12:37:14 34 but in general terms what was the requirement of CC3 of 05
12:37:21 35 in relation to audits?---It was the policy instructions in
12:37:26 36 relation to conducting audits. This particular audit that
12:37:32 37 I conducted specifically wasn't covered because the audits
12:37:35 38 actually talk about those person specific roles, i.e.
12:37:37 39 controllers, officer in charge and the LIR, which is the
12:37:42 40 Local Informer Registrar, which I wasn't at that stage.
12:37:46 41 This audit was really outside that particular CCI.

42

12:37:51 43 Was there a particular requirement in there that there be
12:37:53 44 separate audits by separate people of separate files that
12:37:57 45 you recall?---I don't recall that, no.

46

12:38:00 47 See, the reason I've been asking these questions about

12:38:03 1 yours and Lucinda Nolan's involvement is it looks very much
12:38:08 2 like Ms Nolan was, or the information that Ms Gobbo was
12:38:12 3 acting as a source and the information she was providing
12:38:14 4 was deliberately quarantined from Ms Nolan. Do you have
12:38:18 5 any understanding of that being the case?---No. If you put
12:38:23 6 that to me I would reject it. No, that's wrong.
7
12:38:26 8 Are you quite certain that was something that wasn't
12:38:29 9 discussed with you prior to your audit?---Yes. Why would
12:38:33 10 you do that?
11
12:38:34 12 Why would you do that's one question, but why would you
12:38:38 13 have one person auditing a file of a practising defence
12:38:42 14 barrister and another person being specifically told not to
12:38:47 15 look at that particular file? So that's the question that
12:38:50 16 I'm wanting to get to the bottom of?---That's a question I
12:38:53 17 can't answer, I'm sorry.
18
12:38:56 19 Do you now suspect that that was the situation?---No.
20
12:39:04 21 In Mr White's statement he talks about the timing here and
12:39:10 22 he talks about the briefing that Mr Porter gives him. If
12:39:14 23 that could be brought up. That's paragraph 41 of
12:39:17 24 Mr White's statement, COM.0019.0004.0001. I just want to
12:39:27 25 check his version of events against yours. He uses this as
12:39:41 26 an example of the way in which the Central Source Registrar
12:39:46 27 practice independent oversight of the registration system.
12:39:49 28 He says on 19 April 2006 he met with the Central Source
12:39:54 29 Registrar, who at that time was Porter. "He informed me
12:39:56 30 that he had briefed an independent officer", Biggin, "to
12:40:00 31 audit the human source file of Ms Gobbo. This audit was
12:40:04 32 unusual and one which was over and above the usual auditing
12:40:09 33 processes required as per policy. Superintendent Biggin
12:40:14 34 was at that time in command of the Covert Support Division
12:40:17 35 and had no line control or input into the source operations
12:40:20 36 at the SDU". I want to put a few propositions to you
12:40:26 37 coming out of this?---Certainly.
38
12:40:28 39 Firstly, you had already been briefed to conduct the 3838
12:40:34 40 audit on or prior to 19 April 2006, you don't dispute
12:40:40 41 Mr White in that regard?---I don't, but I don't recall it.
42
12:40:43 43 Okay. That this audit was unusual, you don't dispute
12:40:50 44 that?---No, I don't dispute that.
45
12:40:53 46 And that it was over and above the usual auditing process
12:40:56 47 required?---Yes.

1

12:40:57 2 And your role as being someone outside the Covert Support
12:41:02 3 Division - sorry, someone who's from the Covert Support
12:41:06 4 Division and not having line or control input, as I
12:41:11 5 understood your evidence a moment ago, that's a good reason
12:41:13 6 why they should get someone like you rather than someone
12:41:17 7 from within to audit the file?---Yes, I agree with that.
12:41:21 8 It was also Mr Moloney's practice to actually bring
12:41:25 9 outsiders in to audit covert groups.

10

12:41:28 11 Yes, I see. Do you know what Ms Nolan's role was at that
12:41:31 12 time?---I believe that she'd finished one role and was
12:41:34 13 temporarily working at the State Intelligence Division
12:41:40 14 until I think a transfer was in place for her to go down to
12:41:46 15 Moorabbin headquarters.

16

12:41:49 17 If Mr White's diary for 19 April 2006 could be brought up.
12:41:55 18 He says here that he has a meeting - this is obviously the
12:41:58 19 meeting that he's talking about with Superintendent Porter,
12:42:00 20 "Collect authorised (indistinct), discuss some training,
12:42:05 21 SDU future, stress welfare management", and then down the
12:42:08 22 bottom, "Advised Superintendent Biggin to review 3838 file
12:42:16 23 and deal direct re same"?---Yep.

24

12:42:21 25 So you understood or you understand from this that what
12:42:24 26 Porter had said to White was that White was to deal
12:42:28 27 directly with you about 3838 and not with anyone
12:42:31 28 else?---Yes, well, that's right, in relation to this audit,
12:42:34 29 yes.

30

12:42:38 31 At p.0719 of that same document, which is 19 April 2006,
12:42:44 32 White's diary, "3838 file to be reviewed by Superintendent
12:42:51 33 Biggin"?---Yep.

34

12:42:54 35 "Discuss need for independent oversight of management of
12:42:58 36 3838"?---Yep.

37

12:43:00 38 "Agreed: tactical decisions re 3838 made in accordance
12:43:06 39 with" - do you understand what that phrase means,
12:43:12 40 "invest"?---No idea. I can't read his writing.

41

12:43:14 42 No, nor can I. "Independent review to" - - - ?---"Check
12:43:20 43 process being completed", would that be right?

44

12:43:23 45 Perhaps. "Complied with"?---"Complied with", okay, yep.
12:43:29 46 "Consideration whether 3838 is too high a risk"?---Yes.

12:43:34 47

12:43:35 1 "Agreed will minimise chance of compromise by spread of
12:43:38 2 disinformation"?---Okay.
3
12:43:41 4 Given your reading of that diary, do you understand that
12:43:47 5 those who were talking about your review were wanting you
12:43:53 6 to review 3838's file in particular to minimise the spread
12:43:59 7 of disinformation?---I can't say what really - it's very
12:44:06 8 hard, you can read it a number of ways actually. I
12:44:11 9 actually thought when I first - "will minimise chance of
12:44:16 10 compromise by spread of disinformation", I actually read
12:44:19 11 that to mean that perhaps they were going to spread
12:44:21 12 disinformation to minimise the chance of compromise. I
13 don't know.
14
12:44:24 15 I see, so it might be the other way round?---May be the
12:44:28 16 other way round. Look, they're someone else's notes and
12:44:30 17 I'm struggling to, one, to read them; two, understand them;
12:44:32 18 and three, interpret them.
19
12:44:33 20 Yes. But there was a discussion - I'm not suggesting that
12:44:35 21 you were a part of this meeting. What I'm wanting to
12:44:37 22 understand is what were the reasons why you were asked to
12:44:41 23 do it and what reasons you understood and what were
12:44:45 24 explained to you as the reasons why you were independently
12:44:48 25 auditing this file. So you can see though that those two
12:44:55 26 gentlemen have had a discussion about there being a need
12:44:57 27 for independent oversight of management of 3838
12:45:01 28 though?---There's a line about that, yes.
29
12:45:05 30 You were asked as part of this to consider whether or not
12:45:07 31 the risk to 3838 was too high?---Yes.
32
12:45:11 33 Okay. That's deciding whether or not it's too high as
12:45:15 34 compared to the value of the information that Ms Gobbo's
12:45:18 35 giving?---Correct.
36
12:45:20 37 If I can just have a moment. Mr Chettle points out to me
12:45:29 38 that, "gave evidence in accordance with investigators", it
12:45:38 39 might be that line that I couldn't - "investigation"
12:45:42 40 perhaps. All right. Your diary on 21 April 2006, if that
12:45:52 41 could be brought up on the screen. So those that I've just
12:45:57 42 taken you to are Mr White's for 19 April and now we're
12:46:01 43 moving to your own on 21 April?---Yep.
44
12:46:04 45 You have a discussion there with Sandy White?---I do.
12:46:08 46
12:46:08 47 Is that right?---I do.

1
12:46:09 2 And that's where he says to you that you are, or he
12:46:13 3 confirms or perhaps tells you for the first time that
12:46:16 4 you're going to be conducting an audit of Ms Gobbo's
12:46:24 5 file?---That would be appear to be. We've made a booking
12:46:27 6 for it, yes.
7
12:46:29 8 All right. Then on 27 April 2006, again there's a meeting
12:46:35 9 with Mr White and this appears to be the actual
12:46:41 10 attendance?---Yes.
11
12:46:42 12 At the DSU or SDU to perform the audit itself?---Correct.
13
12:46:48 14 You meet with Mr White, Mr Smith, Mr Green, Mr Black and a
12:46:57 15 pseudonym I can't remember - Richards. They're the
12:47:03 16 pseudonyms of those other people that are named in that
12:47:05 17 second-last line?---Yes.
18
12:47:08 19 And you say "no issues identified"?---Correct.
20
12:47:12 21 Is that - we'll go to the audit document itself, but that
12:47:17 22 was the outcome of your audit?---Essentially. There was a
12:47:23 23 minor issue identified but that was the over-riding
12:47:28 24 finding.
25
12:47:29 26 As I say, we're going to come to the actual contents of the
12:47:32 27 audit in a likely while but I want to take you to a couple
12:47:35 28 more documents first. The next is Mr White's diary on 24
12:47:39 29 May, so about a month after this has occurred, and this in
12:47:43 30 the period prior to Ms Nolan conducting her audit. So this
12:47:46 31 is Mr White's diary, 24 May 2006. It's at p.799 of that
12:47:53 32 particular VPL. It will come up on the screen. We might
12:47:58 33 struggle again with the handwriting but we'll see how we
12:48:01 34 go. Meet with yourself - so it might be the page above.
12:48:07 35 Sorry, we just need to see what the meeting was. Sorry, go
12:48:13 36 down. Down, down. Other way. Just stop there. Can you
12:48:25 37 just go a little bit further up on the screen? Yeah, just
12:48:29 38 here. Now, see that's a meeting with Assistant
12:48:35 39 Commissioner Biggin?---Acting Commander.
40
12:48:38 41 Acting Commander, sorry?---Yep.
42
12:48:40 43 It's a discussion that you have with him about what we'll
12:48:44 44 get to in a moment, at the top of the page, "Request
12:48:48 45 instructions as to what to tell Superintendent Nolan re
12:48:53 46 files and human source IDs". You don't have operational
12:48:57 47 control at this stage over the SDU?---No.

1
12:49:02 2 All right. I take it that he's talking to you because
12:49:06 3 you're the person who's at this stage already audited
12:49:10 4 Ms Gobbo's file?---And I think because he's put me as
12:49:15 5 Acting Commander I was acting in Dannye Moloney's place
12:49:20 6 whilst Danny was wither away at a course or on leave for a
12:49:23 7 short period of time.
8
12:49:24 9 All right. Then it says "INF". I think that might be
12:49:29 10 informer?---"Informed has been instructed by DC."
11
12:49:32 12 Deputy Commissioner?---I would think - - -
13
12:49:35 14 "By PW not to tell her and" - - - ?---"Refer to Comm."
15
12:49:43 16 Do you understand what those abbreviations mean?---No.
17
12:49:47 18 You understood though that there was a specific plan not to
12:49:51 19 tell Ms Nolan about Ms Gobbo being informer 3838?---No, I
12:49:59 20 don't read that into it.
21
12:50:00 22 You don't?---No.
23
12:50:02 24 He's requested of you what he's meant to tell
12:50:06 25 Superintendent Nolan about the files?---Re files and human
12:50:09 26 source - - -
27
12:50:09 28 And human source ID?---Whether he's speaking about 3838 or
12:50:14 29 about all of them, I don't know.
30
12:50:16 31 You're the person who's just audited 3838 though; aren't
12:50:22 32 you?---I've just done 3838 but I'm also sitting in Dannye
12:50:27 33 Moloney's seat.
34
12:50:28 35 You know that Nolan is going to be coming in and doing an
12:50:31 36 audit of the others?---Yes, yes.
12:50:32 37
12:50:33 38 All right. And you've instructed - well, there has been an
12:50:36 39 instruction by the Deputy Commissioner not to tell her
12:50:43 40 something, you accept that's what the note
12:50:46 41 says?---Something - yeah, that's the way it reads.
42
12:50:50 43 You know that 3838 was the only file that Nolan was told
12:50:54 44 not to look at?---Correct. I know it now, yes.
45
12:51:04 46 Do you know who PW is?---No.
47

12:51:13 1 This is 24 May 2006. I take your evidence to be that you
12:51:31 2 don't accept that you passed on to Mr White not to tell
12:51:36 3 Ms Nolan about the identity of Ms Gobbo?---I don't recall
12:51:40 4 that, I can't see why we would hide it. It just doesn't
12:51:45 5 make sense to me.
6
12:51:46 7 Whilst it's not your note can you understand what other
12:51:49 8 interpretation can be given to that note?---Well it's very
12:51:52 9 ambiguous, the whole thing. It's request instructions re
12:51:56 10 what to tell Superintendent re files and human source ID.
11
12:52:00 12 Request instructions re what to tell Superintendent Nolan
12:52:03 13 re files and human source ID?---Let me just finish there.
12:52:07 14 It may be in relation to all the files because part of the
12:52:12 15 instructions were that the identity of the human source
12:52:16 16 weren't meant to be attached to the informer management
12:52:18 17 file, so it may well be about that issue. I don't know.
18
12:52:22 19 Can you explain, to the best of your recollection, what
12:52:28 20 part of Victoria Police Ms Nolan resided in at that
12:52:33 21 stage?---I think she was temporarily on loan to
12:52:38 22 Intelligence and Covert Support.
23
12:52:40 24 Temporarily on loan from where?---I don't know.
25
12:52:43 26 Do you know the role that she was playing at Covert
12:52:48 27 Support?---I think she temporarily sat in the role of Ian
12:52:54 28 Thomas prior to the appointment of Mark Porter to the
12:52:58 29 position. I think she temporarily filled it. I'm not
12:53:01 30 really sure now.
31
12:53:02 32 Do you know where she went after that?---She went to
12:53:04 33 Moorabbin.
34
12:53:06 35 See, it might be seen by a cynical person that she was
12:53:12 36 given the benign files to review as an outsider who didn't
12:53:18 37 know about Gobbo and the role she was performing and you
12:53:24 38 were given this very problematic file as someone who knew
12:53:28 39 and wouldn't raise any problems about the use of Ms Gobbo.
12:53:32 40 Do you have anything to add to that?---Look, I reject that.
12:53:39 41 Clearly you don't know Lucinda Nolan very well. Lucinda
12:53:43 42 doesn't back down for anyone.
43
12:53:46 44 I understand, but if she's perhaps told, according to some
12:53:49 45 of these notes on one interpretation, that she's not to be
12:53:52 46 told about Ms Gobbo being 3838, then she'd have nothing to
12:53:58 47 back down from, would she?---Knowing Lucinda she would have

12:54:03 1 found out if she'd gone down to the Source Unit, knowing
12:54:04 2 Lucinda she would have found out.
12:54:04 3
12:54:11 4 Mr White's diary, p.813 of the same diary. Now this is
12:54:20 5 second of the - sorry, I might go to 812 first of the same
12:54:28 6 diary. This is 7.30 am. Bear in mind where this sits in
12:54:31 7 the chronology. You've done your - - -
8
12:54:32 9 COMMISSIONER: What date is this one?
12:54:34 10
12:54:34 11 MR WOODS: This is the 2nd of the 6th 2006. So your audit
12:54:40 12 is performed on 27 April and this is the 2nd of the 6th so
12:54:47 13 it's before Ms Nolan's one. There's a meeting there with
12:54:52 14 Mr White, yourself - I won't mention any other names just
12:54:59 15 in case - re 3838 intel, do you see that?---I do.
16
12:55:03 17 There's a discussion about two particular jobs, you see
12:55:08 18 that, the next section down?---One particular job, Farrugia
12:55:12 19 job, Operation Haggis.
20
12:55:14 21 Sorry, yes. It's the Farrugia job within Operation Haggis
12:55:18 22 and there's a reference to Morwell?---Yes.
23
12:55:22 24 Then if you can scroll down. Just stop there. Okay.
12:55:32 25 Sorry, keep scrolling down. Just there, that'll do. So
12:55:40 26 there's a discussion that he then has with you after that
12:55:45 27 and he's asking you what he's to advise Superintendent
12:55:52 28 Nolan, do you see that?---I do.
29
12:55:54 30 You accept that this is before Superintendent Nolan
12:55:59 31 conducts her audit?---I do, yes.
32
12:56:02 33 You accept that he's asking you what he's to tell her about
12:56:06 34 a particular aspect of something, you agree with
12:56:10 35 that?---Yes.
36
12:56:12 37 What I'm suggesting to you is that he was asking you at
12:56:16 38 this stage what he's to tell Superintendent Nolan about the
12:56:19 39 3838 file?---I don't recall that.
40
12:56:23 41 Do you accept that that might have happened?---I don't
12:56:27 42 recall it. I doubt it. I go back to my original evidence,
12:56:32 43 I can't see any reason to keep it from her.
44
12:56:34 45 You can't see any reason to keep it from her but he's come
12:56:38 46 to you a couple of times now with a question about what
12:56:40 47 he's meant to tell Superintendent Nolan, do you accept

12:56:44 1 that?---Yes, yes.
2
12:56:45 3 What else would it be in circumstances where you've audited
12:56:50 4 one file and she's told to audit all the other files but
12:56:53 5 just not that one?---I don't know what it is but it's not
12:56:56 6 the suspicious point that you're trying to raise.
7
12:56:58 8 The suspicious point though that I'm trying to raise is I'm
12:57:02 9 suggesting to you the only obvious point, that was the
12:57:07 10 subject of discussion?---No, you're suggesting that I was a
12:57:11 11 patsy doing this audit and I reject that.
12
12:57:14 13 No, I'm not suggesting you're a patsy doing the audit. I'm
12:57:17 14 suggesting that there was a deliberate plan to keep from
12:57:19 15 Ms Nolan the fact that Nicola Gobbo was acting as a human
12:57:26 16 source?---I don't recall that and I - I've already answered
12:57:30 17 it. I really can't - - -
18
12:57:43 19 Do you recall any discussions along the lines of why it was
12:57:50 20 that Ms Nolan was specifically not to audit the 3838
12:57:55 21 file?---No.
22
12:57:58 23 Did it occur to you as odd that you were asked to audit one
12:58:05 24 file in circumstances where you knew someone was coming in
12:58:08 25 to audit the other files?---I have no specific recollection
12:58:12 26 of that, no.
27
12:58:13 28 Have you ever been asked to audit a single human source
12:58:15 29 file other than on this occasion?---Not that I recall, no.
30
12:58:21 31 It must have struck you as unusual then that you were being
12:58:26 32 asked to audit one file and not the others?---No, I hadn't
12:58:34 33 really thought deeply about the matter. I was asked to do
12:58:37 34 a job and I did the job.
35
12:58:39 36 But specifically you say you were only asked to do a very
12:58:43 37 high level review of that file?---Yes.
38
12:58:46 39 Was the purpose of that high level review explained to
12:58:48 40 you?---No.
41
12:58:50 42 Were there particular issues about the nature of Ms Gobbo's
12:58:55 43 profession that were explained to you as being a potential
12:58:58 44 issue in her use as a human source?---No.
45
12:59:09 46 What I want to do now is bring up the audit itself and go
12:59:14 47 through a couple of aspects of that with you. This is

12:59:23 1 VPL.2000.0002.0017. The first thing I want to ask you
12:59:33 2 while it's being brought up on the screen is it appears to
12:59:37 3 be - so its title is "Issue cover sheet". Was there a
12:59:42 4 document that went behind this or is this the audit
12:59:46 5 itself?---This is the audit itself.
6
12:59:48 7 What do we understand the phrase "Issue cover sheet" to
12:59:53 8 mean?---Initially historically Victoria Police used to use
12:59:57 9 forms called a Form 47 which was a general report form.
13:00:02 10 When Christine Nixon arrived as the Chief Commissioner she
13:00:05 11 introduced the Issue cover sheet because what was happening
13:00:07 12 with the Form 47 is I, perhaps I would do a Form 47,
13:00:09 13 Mr Moloney, if he had to put a comment on it, would do
13:00:12 14 another Form 47, the Deputy Commissioner had to put a
13:00:16 15 comment, they'd do a Form 47, so you'd have a file three
13:00:21 16 inches thick all about the one issues, whereas with the
13:00:22 17 Issue cover sheet, if you go right down to the bottom of
13:00:25 18 it, if you've got no extra comments you wish to make about
13:00:30 19 it they can just simply sign it off down the bottom so the
13:00:31 20 one form can fill for multiple people. So a person
13:00:34 21 generates it and then other people can then adopt the
13:00:37 22 recommendation s.
23
13:00:39 24 That's answered something I thought was quite a mystery, so
13:00:42 25 thank you. This itself is the audit and there's not
13:00:46 26 another document?---No.
27
13:00:47 28 Okay. You talk about in your statement as conducting the
13:00:50 29 audit on the 27th of the 4th and I think that accords with
13:00:54 30 your diary entry we took you to a moment ago. Can you
13:00:58 31 describe for the Commissioner how you conducted the audit,
13:01:01 32 like what did you upon arrival at the SDU?---Well,
13:01:04 33 specifically I can't now but I saw in my diary entry that I
13:01:11 34 had some conversations with Mr White and other handlers. I
13:01:14 35 then checked some records, not all records.
36
13:01:20 37 I'll have to be cautious about some identifying features
13:01:27 38 but one of the things that you spoke about was observing
13:01:35 39 two of the individuals in an operational setting some time
13:01:39 40 before?---Yes.
41
13:01:41 42 That's something you've given evidence about earlier
13:01:44 43 today?---Yes.
44
13:01:45 45 And that was an environment in which you simply saw them
13:01:50 46 interacting with Ms Gobbo?---Yes.
47

13:01:52 1 You didn't hear what they said?---No.
2
13:01:54 3 They appeared to be getting along well?---It appeared to be
13:01:57 4 a cordial meeting, yes.
5
13:01:59 6 How long did that last for?---I think they had two or three
13:02:04 7 conversations over a period of 30 or 40 seconds each.
8
13:02:08 9 Is it the case that seeing them interact with Ms Gobbo in
13:02:14 10 an operational setting wasn't ultimately of much assistance
13:02:17 11 to you in conducting your audit a week later?---Well it was
13:02:23 12 an observation that I made that there was interaction.
13
13:02:29 14 All right. That interaction, as you observed it at the
13:02:35 15 time, was in her capacity as a barrister, not as a human
13:02:40 16 source?---Correct.
17
13:03:00 18 That was a fairly odd set of events though because she was
13:03:07 19 acting in that capacity, you understood, as legal counsel
13:03:10 20 but she was actually talking to human source handlers at
13:03:13 21 the time?---True, but as I've already said it wasn't
13:03:16 22 uncommon for the source handlers to be present during major
13:03:20 23 arrests and [REDACTED]. It
13:03:24 24 was a common practice.
25
13:03:27 26 The fact is, though, if one reads the phrase at paragraph 5
13:03:31 27 of the Issue cover sheet, you're not saying there that
13:03:35 28 you're identifying her in her capacity as legal counsel, I
13:03:41 29 would suggest that anyone reading that would assume that
13:03:43 30 you're talking about the operational setting being her
13:03:46 31 acting as a human source?---I think it's poorly written by
13:03:50 32 me when I look at it, but it was just a comment that I
13:03:54 33 observed her interacting. That's essentially what I'm
13:03:56 34 saying.
35
13:03:57 36 That's simply not the case because of the issues that we
13:04:02 37 have talked about earlier today. You identifying a week
13:04:08 38 later that you saw her in an operational setting says quite
13:04:12 39 clearly that you saw her acting in her capacity as a human
13:04:16 40 source, do you accept that?---No. No, I don't accept that.
41
13:04:20 42 So you've simply made a mistake in your audit; is that
13:04:24 43 right?---I haven't written all that well, written it all
13:04:28 44 that well.
45
13:04:36 46 You are aware that just prior to you conducting the audit
13:04:44 47 that Ms Gobbo has been advising Milad Mokbel and

13:04:52 1 Mr Cvetanovski?---No.
2
13:04:57 3 Not something that was discussed with you and the handlers
13:04:59 4 on that day?---No.
5
13:05:01 6 The process, you say, adopted is to follow the Force policy
13:05:08 7 and you've touched on that a moment ago?---Yes.
8
13:05:11 9 What's the minor breach, unless it's going to make the sky
13:05:15 10 fall in, is it a methodology issue?---No, it's an issue for
13:05:19 11 the Local Informer Registrar, who wasn't me, to document
13:05:23 12 two audits that are being conducted.
13
13:05:28 14 To document two audits that had been previously
13:05:31 15 conducted?---Well, there was no evidence on the file they
13:05:35 16 had been conducted, but I made the observation they may
13:05:38 17 well have been conducted but just hadn't been documented.
18
13:05:43 19 The Commission's certainly not aware of them so I assume
13:05:44 20 that they hadn't been conducted at that stage. Is that
13:05:46 21 something you found out about later on or are you just
13:05:55 22 finding out about that now?---I'm not quite sure I
13:05:56 23 understand your question. At the time I did the audit
24 there was no evidence that they'd been done.
25
13:05:58 26 I see?---So what I did is I've documented this has occurred
13:05:59 27 and it's then gone to the Informer Management Unit, who I
13:06:05 28 would expect to have actually rectified that issue.
29
13:06:08 30 You say I think further down that that's been - so you say
13:06:11 31 the minor breach has been detected. You don't say what it
13:06:17 32 is?---Yep.
33
13:06:18 34 That's not the SDU's issue, it's those who sit above it; is
13:06:22 35 that right?---Correct.
36
13:06:23 37 I think further down the bottom - keep going. You might
13:06:28 38 identify - keep going. Keep going. What to do about that
13:06:41 39 minor breach is what I'm looking for. No, perhaps that's
13:06:46 40 not the case. But what did do you as a result of
13:06:48 41 identifying this failure to audit the file?---This was
13:06:56 42 ultimately done for Commander Moloney, so I handed the file
13:07:02 43 to Commander Moloney who then I would suggest spoke to the
13:07:05 44 LIR and then a copy of this would have been appended to the
13:07:11 45 informer management file for future reference for location
13:07:14 46 as it has been found.
47

13:07:15 1 My issue with that is that on reading the document, as
13:07:16 2 obviously I have, it's not clear to me what the minor
13:07:22 3 breach was, I had to ask you in the witness box. Sorry,
13:07:22 4 here we go. Bottom of the first page. I'll bring that to
13:07:32 5 your attention. "Local Informer Registrar is required to
13:07:36 6 maintain" - so this is the minor breach you're talking
13:07:38 7 about up above?---It is, yes.
8
13:07:40 9 "Required to maintain the informer management file and
13:07:43 10 oversight the relationship. There's no written evidence
13:07:44 11 that the Local Informer Registrar has conducted the two
13:07:47 12 quarterly inspections/reviews as required by policy but may
13:07:51 13 have done without documenting." So that's you bringing to
13:07:54 14 Moloney's attention the minor breach that you talk about
13:07:58 15 above?---Correct.
16
13:08:00 17 I must say, I hadn't understood that reading the
13:08:03 18 document?---It's no big breach, it's no big deal.
19
13:08:05 20 No, I understand?---It's just an observation.
21
13:08:07 22 When you say no big breach though, it's obviously, when
13:08:09 23 you're dealing with high risk human sources, the audits
13:08:13 24 aren't simply redundant exercises though, are they, they're
13:08:18 25 important?---Look, they are important. What I'm suggesting
13:08:21 26 here is that the LIR had done them but bear in mind that
13:08:25 27 also at this point of time Mr Thomas had retired and there
13:08:29 28 are a number of people acting, floating through the role
13:08:34 29 prior to the appointment of Mr Porter.
30
13:08:36 31 Do you know whether you asked whether or not those audits
13:08:39 32 had been done or did you just see there wasn't written
13:08:43 33 evidence of it and just make that assumption?---I don't
13:08:45 34 recall now.
35
13:08:46 36 See, one of the things about the audit process is that all
13:08:51 37 this time later it seems like one of the occasions on which
13:08:57 38 the significant - what's been described as corruption of
13:09:01 39 the legal justice system might have been identified. The
13:09:05 40 audit process is one of those trigger points where someone
13:09:10 41 might well look at this relationship between Ms Gobbo and
13:09:12 42 her human source handlers and see a big red flashing light
13:09:17 43 and say, "We better stop this right now". So whilst you
13:09:22 44 might see it as a minor breach, you accept that that's one
13:09:26 45 of the things that might well come out of an
13:09:30 46 audit?---That's one of the things that might come out but
13:09:32 47 I think you're misquoting me in relation to it being a

13:09:35 1 minor breach. I did the audit.
2
13:09:37 3 Yes?---This was clearly an opportunity to identify that
13:09:40 4 there's a big flashing red light here and I've missed it.
5
13:09:44 6 No, sorry, I was just talking about it being a minor breach
13:09:50 7 that the two previous ones, you couldn't see evidence of,
13:09:52 8 not the DSU's fault but those sitting above it, that they
13:09:56 9 had conducted a particular audit. And what I was
13:09:58 10 suggesting to you is perhaps it's not a minor breach in
13:10:00 11 circumstances where the potential for an audit is one of
13:10:02 12 the occasions and a real possibility that the problems with
13:10:05 13 this relationship might come to light?---Well, it's
13:10:07 14 actually broader than that because the proposition you put
13:10:10 15 is that the Informer Management Unit and the Central Source
13:10:15 16 Registrar are not involved in this process. They are.
13:10:17 17 They're very clearly involved in this process and they
13:10:20 18 eventually receive all the documents, all the information,
13:10:23 19 so they themselves are a gatekeeper to the process. When
13:10:27 20 Interpose, which is a system used to manage human sources,
13:10:32 21 came on line in about 2008, they had real-time information
13:10:38 22 at their fingertips.
23
13:10:42 24 Does that mean then that the audit has less work to do
13:10:46 25 because they're meant to be providing the ongoing
13:10:49 26 oversight?---No, they're as well as.
27
13:10:51 28 Okay?---They're as well as.
29
13:10:53 30 I wasn't saying that the audit is the exclusive or only
13:10:57 31 place that this problem might come to light, I'm just
13:11:00 32 saying it's one of the obvious places where the problem
13:11:03 33 might come to light. So I take your point?---Yes.
34
13:11:07 35 There are other places as well, but what I'm suggesting to
13:11:09 36 you is that the audit is one of the places where this
13:11:12 37 perhaps should have been identified as a problem?---I
13:11:15 38 understand that now, yes.
39
13:11:17 40 And so reflecting on what you - I think you've given
13:11:23 41 evidence - had missed in conducting your audit, it might be
13:11:26 42 that that minor breach was in fact more of a major breach
13:11:29 43 because other people conducting the two previous audits, if
13:11:32 44 they had occurred, might have noticed this as a
13:11:37 45 problem?---True.
46
13:11:37 47 You perused or you went through - you say that the members

13:11:43 1 maintain extensive diary notes?---Yes.
2
13:11:46 3 Is that something that was explained to you or something
13:11:48 4 you would have looked at?---I don't recall but I think I
13:11:52 5 probably would have had a quick scan look. If someone said
13:11:56 6 to me, "We keep extensive diary notes", the obvious thing
13:12:03 7 is for someone to produce a diary and you have a quick look
13:12:06 8 at it.
9
13:12:07 10 You know that the process was that information provided by
13:12:09 11 not just this source but all sources was then distilled
13:12:15 12 into ICRs?---Correct.
13
13:12:16 14 Whilst you don't have an independent recollection of it by
13:12:18 15 the sound of things, was it the case that you would have
13:12:21 16 also had a look at the difference between diaries or the
13:12:28 17 similarities between diaries and ICRs?---I would have
13:12:31 18 looked for that, yes.
19
13:12:34 20 Now the ICRs that you perused, you looked at about ten per
13:12:38 21 cent of them I think you say?---About ten per cent, yes.
22
13:12:40 23 And how were they selected?---At random.
24
13:12:44 25 Is this a drawer that was opened up or a computer that was
13:12:48 26 brought up in front of you, do you know? Were they printed
13:12:56 27 documents or electronic documents?---I think they were
13:12:58 28 electronic documents. I'm stretching my memory. I'm
13:13:04 29 really - - -
30
13:13:04 31 I see. So the last ICR that you looked at in your audit
13:13:11 32 was ICR 21 which was dated - the range was the 3rd of the
13:13:17 33 3rd 2006 to the 9th of the 3rd 2006?---Yep.
34
13:13:23 35 You knew that - and that was the last one that was
13:13:26 36 available to you?---Yep.
37
13:13:28 38 So you knew as at 27 April there was a pretty serious lag
13:13:33 39 in time between the obtaining of information from Ms Gobbo
13:13:39 40 and the recording in an ICR?---Yes, I knew that, yes.
41
13:13:43 42 Sorry, I didn't catch that?---I knew that, yes.
43
13:13:46 44 And is that something you brought to the attention of
13:13:48 45 Commander Moloney?---No.
46
13:13:51 47 Did you see that as an issue at the time?---No, it was just

13:13:54 1 the circumstances we were in. Mr Moloney knew that
13:13:58 2 administrative support was an issue for the SDU and it was
13:14:01 3 leading to a lag in relation to documentation.
4
13:14:04 5 You know that as part of this new SDU that had been
13:14:10 6 established that one of the requirements was that a human
13:14:14 7 source would acknowledge their responsibilities as a human
13:14:17 8 source?---Yes.
9
13:14:19 10 You now know, I take it, that there was no acknowledgement
13:14:23 11 of responsibilities for Ms Gobbo?---I do know that but I -
13:14:27 12 perhaps if I can cut another question off.
13
13:14:31 14 Go ahead?---Sandy White told me that it had been done and I
13:14:35 15 saw on the RFA, which is the request for assessment, which
13:14:40 16 is the form that the Source Unit fill in, that that box had
13:14:44 17 been ticked.
18
13:14:45 19 But you didn't check yourself whether or not there was a
13:14:49 20 normal acknowledgement of responsibilities?---There was
13:14:52 21 none on the file that I inspected.
22
13:14:57 23 Should there be have?---It should have actually been with
13:14:59 24 the Informer Management Unit but a copy should have been on
13:15:02 25 the file.
26
13:15:03 27 Should you perhaps have identified that as a problem with
13:15:06 28 the file as well?---Absolutely, yes.
29
13:15:07 30 Yes. Is that a convenient time?
31
13:15:10 32 COMMISSIONER: Yes. We'll adjourn until 2 o'clock thanks.
13:15:44 33
13:15:45 34 <(THE WITNESS WITHDREW)
13:15:47 35
36 LUNCHEON ADJOURNMENT
37
38
39
40
41
42
43
44
45
46
47

13:55:42 1 UPON RESUMING AT 2.05 PM:
14:05:13 2
14:05:14 3 <ANTHONY MICHAEL BIGGIN, recalled:
14:05:17 4
14:05:17 5 COMMISSIONER: Yes Mr Woods.
14:05:19 6
14:05:19 7 MR WOODS: Mr Biggin, we were in the process before the
14:05:22 8 lunch break of going through your April 2006
14:05:27 9 audit?---Correct.
14:05:28 10
14:05:33 11 One of the questions I didn't get to, but I think you
14:05:36 12 answered in any event, was that in the process of
14:05:39 13 conducting the audit it's the case that you didn't turn
14:05:42 14 your mind to problems that might have arisen as a result of
14:05:46 15 Ms Gobbo's profession?---Correct.
14:05:48 16
14:05:53 17 I take it that means if you had your time again you would
14:05:56 18 hope that you would notice that?---I would, in hindsight,
14:06:02 19 yes, I would.
14:06:03 20
14:06:04 21 I might just ask, I don't know what the evidential value of
14:06:07 22 it is, but had you have noticed it what would you have
14:06:08 23 done?---The first thing I would have done was I would have
14:06:10 24 reported it on the issue cover sheet, so I would have
14:06:14 25 documented it, I would have then briefed Commander Moloney
14:06:17 26 that we have an issue and then probably with him, the
14:06:22 27 Central Source Registrar and the Informer Management Unit,
14:06:25 28 came to a decision as to whether we continued with the
14:06:26 29 relationship or not.
14:06:26 30
14:06:26 31 Yes, I see. As part of that I take it one of your concerns
14:06:37 32 would have been about the propriety of the investigations
14:06:41 33 and the obtaining of information and how it might affect
14:06:45 34 convictions going forward?---Correct.
14:06:47 35
14:06:49 36 One of the things you talk about, if the audit could be
14:06:53 37 brought up on the screen again. There it is. So we talked
14:06:59 38 about you seeing two of the officers in an operational
14:07:04 39 setting?---Yes.
14:07:06 40
14:07:06 41 I didn't want to drill into too much information about that
14:07:11 42 in opening hearing. Just give me a moment?---It's right up
14:07:18 43 the top, it's about the third paragraph or fourth
14:07:21 44 paragraph, isn't it?
14:07:23 45
14:07:23 46 We might have to move up a little bit. Yes, here we go.
14:07:29 47 So you say you had a conversation with White, who was the

14:07:35 1 controller, this is as part of putting together the
14:07:38 2 audit?---Yes.
14:07:39 3
14:07:40 4 You have a conversation with Smith?---Yes.
14:07:43 5
14:07:43 6 Who at that stage I think might have been the primary
14:07:46 7 handler?---Yes.
14:07:47 8
14:07:47 9 And Green, who had been handling I think as at February of
14:07:52 10 that year, and Black as well?---Yes.
14:07:55 11
14:07:57 12 When we spoke earlier about, a couple of paragraphs down,
14:08:02 13 you observing two of the individuals in an operational
14:08:04 14 setting?---Yes.
14:08:05 15
14:08:05 16 And an operational setting is something we spoke about in
14:08:09 17 private session?---Yes.
14:08:10 18
14:08:11 19 It is apparent from the information that's available to the
14:08:14 20 Commission that the first of those two individuals,
14:08:20 21 Mr White, wasn't present on that evening where you've
14:08:25 22 observed them and it might have been Smith and Green that
14:08:28 23 you observed that night. Now, do you have any reason to
14:08:32 24 doubt what I've said is accurate?---No, no.
14:08:35 25
14:08:35 26 So that might have been a typographical error there?---It
14:08:39 27 would have been, yes.
14:08:41 28
14:08:43 29 Has that been brought to your attention before me bringing
14:08:47 30 it to your attention just now?---No, that's the first - I'm
14:08:53 31 actually gobsmacked.
14:08:55 32
14:08:56 33 It just was obviously intriguing from the point of view
14:08:57 34 that the other evidence doesn't indicate that was the fact
14:09:00 35 so that's why I needed to ask. Sorry, I'm told that White
14:09:06 36 was there, which would mean White, Smith and Green were
14:09:12 37 there, so it might have been that you saw White, Smith and
14:09:18 38 Green, is that correct?---Could well have done but I
14:09:22 39 certainly documented that I saw White and Smith.
14:09:25 40
14:09:26 41 So just drilling down into that moment that we spoke about
14:09:30 42 earlier and without going into detail about what the
14:09:33 43 purpose of being there was or the dates or anything like
14:09:36 44 that, the discussion that you had, those two individuals,
14:09:40 45 you saw the two individuals having with Ms Gobbo?---Yes.
14:09:45 46
14:09:47 47 Do you have an independent recollection of that being White

14:09:56 1 and Smith, or are you just going on your note?---I'm going
14:09:59 2 on the note.
14:10:00 3
14:10:00 4 Okay. We might come back to that if required. On 28
14:10:08 5 April, so again in this same document, you talk about Smith
14:10:14 6 having contact with Ms Gobbo in your presence on 28 April,
14:10:20 7 see that? This is almost at the bottom of the screen
14:10:25 8 there?---Yes, yes, I see that, yes.
14:10:27 9
14:10:28 10 I just want to understand, that's the date that I think you
14:10:32 11 attend and actually prepare your report, is that
14:10:38 12 right?---Without going to the bottom, it would probably be
14:10:41 13 right, yes.
14:10:41 14
14:10:42 15 We'll just quickly scan to the very bottom of the
14:10:46 16 document?---It's dated that day, 28 April, yes.
14:10:49 17
14:10:50 18 Other than the note that's contained in the audit itself,
14:10:54 19 are you able to say what type of contact that was with
14:10:59 20 Ms Gobbo?---No. No, but I, an educated guess would be it
14:11:05 21 would be a telephone call.
14:11:06 22
14:11:10 23 Just bring up the ICRs 3838 at p.274. So what I'm wanting
14:11:16 24 to do is just have a look at the contacts that Mr Smith had
14:11:24 25 with Ms Gobbo on that day.
14:11:28 26
14:11:28 27 COMMISSIONER: What page is that again, please?
14:11:30 28
14:11:30 29 MR WOODS: That is at p.274, Commissioner.
14:11:33 30
14:11:34 31 COMMISSIONER: Thank you.
14:11:34 32
14:11:35 33 MR WOODS: You'll see those contacts start at 8.25?---Yes.
14:11:42 34
14:11:43 35 And there's another at 10.10, another 12.28, another at
14:11:48 36 14:30, after five missed calls from Ms Gobbo?---Yep.
14:11:51 37
14:11:51 38 Another at 21:09, another one at 21:17?---Yes.
14:12:00 39
14:12:00 40 We don't have Officer Smith's diary of that day. Your own
14:12:04 41 diary of that day appears to be totally redacted, other
14:12:11 42 than at 15:00, "TRS spoke to Overland and Grant". And so
14:12:17 43 I'm just wanting to understand, if it's at all possible,
14:12:24 44 what was the nature of the conversation that you saw Smith
14:12:27 45 having with Ms Gobbo on that day?---I don't recall it at
14:12:30 46 all.
14:12:31 47

14:12:32 1 Was the phone on loud speaker perhaps and you were able to
14:12:37 2 hear what she was saying to him or not?---I would think
14:12:40 3 not.
14:12:40 4
14:12:40 5 You just saw him having a conversation with someone he told
14:12:44 6 you was Ms Gobbo on that particular day?---I think that
14:12:47 7 would be the case, yes.
14:12:48 8
14:12:53 9 Back to the audit document if possible. You say "the
14:13:01 10 status of the source", just in that middle paragraph
14:13:04 11 there?---Yes.
14:13:05 12
14:13:05 13 "Has been reviewed on 30th of the 10th"?---Yes.
14:13:08 14
14:13:08 15 "28th of the 11th, 9th of the 1st, 14th of the 2nd, 27th of
14:13:14 16 the 3rd and written risks assessments were updated"?---Yes.
14:13:19 17
14:13:20 18 Can you explain what those reviews were that you saw?---I
14:13:22 19 think my understanding of it was, whilst it's not clear, I
14:13:26 20 think they were controller reviews.
14:13:29 21
14:13:30 22 So does that mean the controller looking at the ICRs and
14:13:34 23 signing them?---Well reviewing them, that's right.
14:13:36 24
14:13:38 25 What's the evidence of that review that you would be
14:13:41 26 looking at at that stage?---I'm not quite sure now whether
14:13:46 27 I was verbally advised that or whether I observed it
14:13:49 28 myself. I think most probably I would have been advised by
14:13:53 29 the controllers.
14:13:54 30
14:13:54 31 You know that in, there's such a document as a source
14:13:57 32 management log, is that something that's familiar to
14:13:59 33 you?---Yes.
14:14:00 34
14:14:03 35 And as part of your audit that you conducted, that's a
14:14:08 36 document that you would have had access to?---I would have
14:14:11 37 had access to it, yes.
14:14:12 38
14:14:13 39 There are indications in that document of monthly source
14:14:18 40 reviews?---Yes.
14:14:19 41
14:14:20 42 On those dates, so are they the documents you would have
14:14:24 43 been, the entries you would have been looking at?---Well
14:14:26 44 perhaps not look at the entries, but certainly what I say
14:14:29 45 there is the status of the source has been reviewed, what I
14:14:32 46 mean is they're the dates the controllers have reviewed it.
14:14:35 47

14:14:36 1 So you're saying it might have been the case that someone
14:14:38 2 just told you that they'd been reviewed on that day?---It
14:14:41 3 may have been or I may have read it, I can't recall now.
14:14:44 4
14:14:44 5 In conducting your audit though it would have been the case
14:14:48 6 you would have looked at those reviews, wouldn't you?---I
14:14:50 7 would have looked at some of the reviews, yes.
14:14:52 8
14:14:52 9 You would have looked at some of the reviews. I suggest to
14:14:56 10 properly conduct your audit you would have looked at all of
14:14:59 11 the reviews, they're quite short entries. If the source
14:15:07 12 management log could be brought up on the screen. I'm
14:15:16 13 after the date 30 October 2005. You'll see there, "Monthly
14:15:28 14 source review". It appears that these, because the dates
14:15:32 15 match the dates that you've indicated of reviews, it
14:15:35 16 appears these are the ones that you were reviewing?---Yep.
14:15:37 17
14:15:37 18 Do you accept that?---I've either reviewed them or been
14:15:41 19 told about them, yes.
14:15:42 20
14:15:44 21 Would you be satisfied as someone who had been asked to
14:15:48 22 conduct a review of Ms Gobbo's file simply being told that
14:15:51 23 reviews had taken been on a particular date or would you
14:15:55 24 have insisted on seeing these very brief
14:15:59 25 reviews?---Normally you would insist on seeing them but I
14:16:03 26 have no independent recollection of, one, doing the audit
14:16:04 27 and, two, of this record.
14:16:05 28
14:16:05 29 You wouldn't have been satisfied that you'd done your job
30 properly unless you looked at the monthly source reviews
14:16:09 31 when you were auditing the file I suggest?---I may not
14:16:10 32 necessarily have looked at all. This audit wasn't to look
14:16:13 33 at every document, it wasn't one of those audits at all.
14:16:16 34
14:16:16 35 This is a handful of entries that you identify in your
14:16:21 36 audit, which is conducted six months into Ms Gobbo's time
14:16:25 37 as a registered human source, I suggest that you would have
14:16:28 38 satisfied yourself not only that the source reviews,
14:16:33 39 monthly source reviews had occurred but that their contents
14:16:37 40 were satisfactory from your point of view, do you accept
14:16:40 41 that?---No, not necessarily, no. I accept that I
14:16:44 42 identified that being done, the bit I don't necessarily
14:16:47 43 accept is whether I read them all.
14:16:49 44
14:16:49 45 You don't see that as an important part of the role of an
14:16:53 46 auditor?---It's part of the role of the auditor.
14:16:55 47

14:16:55 1 Part of the role of the auditor is to read the monthly
14:16:58 2 source reviews?---Part of it would be, yes.
14:17:01 3
14:17:01 4 I'm suggesting yet again that you would have looked at the
14:17:03 5 monthly source reviews to properly conduct your audit?---I
14:17:08 6 can't change my answer, my answer remains the same.
14:17:11 7
14:17:11 8 It might not well have been a very detailed audit, is that
14:17:15 9 your position?---No, it was a 10 per cent of all the
14:17:19 10 documents type audit.
14:17:19 11
14:17:20 12 You accept it's likely given what you write in your audit
14:17:24 13 that you would have read these documents?---Not necessarily
14:17:26 14 no, I may have been told about them.
14:17:29 15
14:17:29 16 Sorry, this is a single document that just picks up each of
14:17:32 17 the monthly source reviews?---This particular document?
14:17:37 18
14:17:37 19 Yes?---Not necessarily, no. I may not have read them all,
14:17:44 20 I may have read them all. I really can't remember.
14:17:46 21
14:17:47 22 Can you say whether or not you would be in a position to
14:17:51 23 properly conduct an audit if you hadn't looked at the
14:17:54 24 monthly source reviews that are quite minimal in length as
14:17:59 25 you can see from the one in front of you, when you're
14:18:02 26 actually identifying that those source reviews had taken
14:18:06 27 place in your own audit? That's not a proper audit that
14:18:08 28 you've conducted unless you've looked at and read each of
14:18:13 29 those entries I suggest?---No, I disagree with that. The
14:18:16 30 process of any audit in Victoria Police at that particular
14:18:18 31 time was to look at between 5 and 10 per cent of all the
14:18:21 32 documents, not to read every document, not to read from
14:18:23 33 front to back. As I explained to you earlier, this wasn't
14:18:26 34 a start at the start, finish at the finish, read every
14:18:30 35 document in between audit.
14:18:33 36
14:18:36 37 So let's just look at the first of those, 30 October 2005,
14:18:40 38 "Monthly source review. Source remains high risk", that
14:18:44 39 wouldn't have been a surprise to you if you had read it at
14:18:48 40 the time?---Correct.
14:18:49 41
14:18:49 42 "Ongoing complete debriefing required"?---Correct.
14:18:53 43
14:18:54 44 "Task Force Operation Posse to commence in near future re
14:18:57 45 Mokbel cartel and source is well placed to provide ongoing
14:19:02 46 intel" - given what you've said about your knowledge of a
14:19:05 47 number of factors about Operation Posse, that would have

14:19:08 1 been of no surprise to you either?---Correct.
14:19:10 2
14:19:11 3 "Risk assessment still pending but DSU management
14:19:14 4 essential", had you have read that, that would have rung an
14:19:20 5 alarm bell that you weren't able to locate a risk
14:19:23 6 assessment?---I would have spoken - we may have had a
14:19:24 7 conversation about the risk assessment to find out where it
14:19:27 8 was and the process of it and the progress of it.
14:19:29 9
14:19:30 10 But it's not something that you identify - is it something
14:19:34 11 you identify in your audit that it wasn't conducted?---No.
14:19:38 12
14:19:38 13 And then on 28 November 2005, "Monthly source review.
14:19:48 14 Human source remains active and consistent intel provider",
14:19:51 15 that would have been no surprise to you had you have read
14:19:56 16 it?---Yes.
14:19:56 17
14:19:59 18 "Specific tasking of human source competing commencement of
14:19:59 19 Operation Posse Task Force", that would have been no
14:20:01 20 surprise given what you knew?---Yes.
14:20:03 21
14:20:03 22 "Source remains high risk, risk assessment unchanged.
14:20:09 23 Ongoing management by DSU essential", none of those things
14:20:10 24 would have raised an eyebrow?---No.
14:20:12 25
14:20:12 26 You don't need to bring up the others, operator, but I'll
14:20:16 27 read some to you. On 9 January 2006 the monthly source
14:20:19 28 review says, "Source continues to be high risk for reasons
14:20:23 29 described in initial assessment". Do you know what that
14:20:27 30 assessment was?---No.
14:20:28 31
14:20:30 32 "Risk to source is heightened currently as a result of her
14:20:33 33 acceptance of potential undercover strategy", did you know
14:20:37 34 about that strategy being employed for Ms Gobbo?---No.
14:20:40 35
14:20:40 36 Is it something you should have known about when you were
14:20:44 37 auditing her file?---Not necessarily, no.
14:20:46 38
14:20:47 39 Why is that?---Because really that's an issue, that's a
14:20:50 40 complete operational issue for the controllers, the
14:20:53 41 handlers, investigators and at the middle, perhaps the
14:20:58 42 Inspector. Certainly not something that the Superintendent
14:21:00 43 needs to know.
14:21:00 44
14:21:01 45 Because you were auditing this file and this file alone, is
14:21:04 46 it the case that you read and became familiar with the
14:21:08 47 November 2005 risk assessment?---I read the 2005 risk

14:21:14 1 assessment, yes.
14:21:15 2
14:21:15 3 You did?---Yes.
14:21:16 4
14:21:22 5 14 February 2006, "Monthly source review. Source remains
14:21:28 6 high risk", not a surprise?---No.
14:21:30 7
14:21:30 8 "Intended deployment of uncover creates additional risk
14:21:34 9 factor of potential for compromise of source." Do you know
14:21:37 10 what's that's referring to?---No.
14:21:39 11
14:21:39 12 "Strategy to be discussed with UCU prior to acceptance of
14:21:43 13 proposal"?---Right.
14:21:44 14
14:21:47 15 That was an area that given your position prior to 1 July
14:21:52 16 2006 that you were in charge of?---Correct.
14:21:54 17
14:21:56 18 "Source remains a daily source of high grade intelligence",
14:21:59 19 that was no surprise to you in April 2007?---April 2007?
14:22:05 20
14:22:06 21 Sorry, April 2006?---Yes.
14:22:08 22
14:22:09 23 "Handling duties are intense and a third handler will be
14:22:13 24 introduced to same to minimise risk", again that is
14:22:18 25 evidence that has been given by a number of people and
14:22:22 26 would have been explained to you?---I think so, yes.
14:22:24 27
14:22:24 28 If 27 March could be brought up in front of the witness,
14:22:28 29 please, because there's a name I don't want to refer to in
14:22:31 30 it. "The human source is to be used by a particular person
14:22:46 31 to pass a safe phone to **Mr Bickley**"?---Yep.
14:22:51 32
14:22:51 33 Again, given what you understood to be the focus of
14:22:55 34 Operation Posse and Ms Gobbo's role, that wouldn't have
14:23:00 35 been a surprise?---Wouldn't have been a surprise but that's
14:23:03 36 the first I knew about it. This is the first I knew about
14:23:06 37 it.
14:23:06 38
14:23:07 39 So is it now the fact that you are certain that you never
14:23:10 40 saw this particular entry?---I can't say I'm certain but
14:23:16 41 there's certainly, there is nothing there that you read and
14:23:22 42 go, "Gee whiz, I've got a memory of that".
14:23:24 43
14:23:26 44 Do you accept that you might well have read that in your
14:23:32 45 travels through the documents on 28 April but you simply
14:23:36 46 just don't remember that now?---I may have scanned it and
14:23:39 47 not taken it in, I don't recall.

14:23:41 1
14:23:43 2 There's a question there about how the number was obtained
14:23:47 3 and that - a statement, sorry, and that, "It may compromise
14:23:51 4 the human source. Not the method how obtained, human
14:23:55 5 source is getting closer and closer to both targets", being
14:23:59 6 that person and Mr Karam, see that?---I see that.
14:24:03 7
14:24:03 8 "As a consequence the quality of intelligence is
14:24:05 9 increasing", that wasn't a surprise to you in a general
14:24:08 10 sense, that she was becoming more and more valuable at the
14:24:14 11 time you were looking at her in April?---The second name
14:24:17 12 you mentioned, I thought that was later on, but yes, it's
14:24:21 13 not a particular surprise. I knew she had a relationship
14:24:24 14 with that person or with both those persons.
14:24:26 15
14:24:26 16 "This also increases the risk to the source as any action
14:24:31 17 of high level intelligence could compromise her. The
14:24:34 18 handling duties for this source are now being shared by
14:24:38 19 those three handlers", who are named there?---Yes.
14:24:40 20
14:24:40 21 Again it talks about the high demands on those individuals,
14:24:44 22 do you see that?---I do.
14:24:45 23
14:24:46 24 And then the last sentence talks about Mr Smith. It's
14:24:54 25 proposed that he prepare an updated risk assessment?---Yes.
14:24:57 26
14:24:57 27 As well as list of all persons known to be aware of human
14:25:01 28 source identity and that was on 27 March 2006?---Yes.
14:25:05 29
14:25:06 30 By the time you came to audit the file, that second risk
14:25:14 31 assessment had been prepared by Officer Smith?---There were
14:25:19 32 two risk assessments, yes.
14:25:21 33
14:25:22 34 Those risk assessments were dated, just for the record, 15
14:25:25 35 November 2005 and 20 April 2006?---Yes.
14:25:30 36
14:25:31 37 I take it you read both risk assessments in conducting your
14:25:35 38 audit?---Read being a word, I may have scanned them, yes,
14:25:41 39 as well, yep.
14:25:41 40
14:25:42 41 In fact the largest risk that pertains to a human source is
14:25:48 42 the risk to their life should it be discovered by others
14:25:52 43 that they're acting as a human source, you'd agree with
14:25:56 44 that?---I do.
14:25:57 45
14:25:57 46 In auditing a human source file one of the most important
14:26:00 47 things for you to get your head around is the risks that

14:26:03 1 pertain to Ms Gobbo?---That's partly it, yes.
14:26:06 2
14:26:07 3 There were only two risk assessments on the file at the
14:26:10 4 time that you reviewed it?---Yes.
14:26:12 5
14:26:12 6 Is it your evidence you didn't read either?---I didn't say
14:26:15 7 that, I said I may have read them, I may have scanned them,
14:26:18 8 I don't remember.
14:26:18 9
14:26:19 10 Can I suggest to you that to be conducting your audit in a
14:26:23 11 professional manner, the only way you could do that is to
14:26:27 12 have read the two risk assessments that are on the file, do
14:26:30 13 you accept that or reject it?---No, no, I accept they
14:26:33 14 should have been read.
14:26:35 15
14:26:35 16 If they should have been read then they would have been
14:26:38 17 read, do you accept that?---Not necessarily.
14:26:40 18
14:26:40 19 What's your answer for why you wouldn't have read the two
14:26:45 20 risk assessments on the file?---My answer is I can't
14:26:48 21 remember reading them.
14:26:49 22
14:26:49 23 Under what circumstances would you not read them, would it
14:26:52 24 be a lack of time or lack of interest or what would be the
14:26:56 25 reasons why you wouldn't?---Certainly it wasn't a lack of
14:26:58 26 time and it wasn't a lack of interest, I reject both those.
14:27:02 27 Most probably I did read them, or if I read one and then
14:27:05 28 the other was essentially the same I may have scanned it.
14:27:09 29 I just don't recall at this point in time. We're talking
14:27:13 30 now 13 and a half years ago.
14:27:14 31
14:27:14 32 These are live, not static documents, aren't they, the risk
14:27:18 33 assessments?---They are but it is still 13 and a half years
14:27:21 34 ago.
14:27:21 35
14:27:21 36 No, I understand. But the second risk assessment you would
14:27:23 37 never assume is simply a cut and paste of the first though,
14:27:26 38 would you?---No, it wasn't.
14:27:27 39
14:27:29 40 What we can see from the review of those documents is that
14:27:33 41 the April 2006 risk assessment contains additions in bold
14:27:38 42 print. Is that a methodology of noting updates to a risk
14:27:43 43 assessment that you're familiar with?---I wasn't familiar
14:27:44 44 with it, but I noticed there was some bolding, yes.
14:27:48 45
14:27:51 46 And you gave evidence to IBAC that the risk assessment is
14:27:57 47 an important document. You still agree with that?---I do.

14:28:01 1
14:28:04 2 And that it was meant to be in your view, you say, it
14:28:09 3 should have been updated - in fact I think the instructions
14:28:12 4 were that it was to be reviewed monthly?---Yes.
14:28:15 5
14:28:15 6 Was that your understanding of the instructions in relation
14:28:18 7 to the risk assessment when you gave, when you gave
14:28:22 8 evidence in Mr Kellam's inquiry?---Yes.
14:28:25 9
14:28:26 10 And that was your understanding of the requirements as they
14:28:29 11 stood in 2006?---Yes.
14:28:32 12
14:28:33 13 Did you satisfy yourself that the risk assessment was being
14:28:36 14 reviewed monthly?---No.
14:28:38 15
14:28:41 16 The instructions that you talked about to update the risk
14:28:45 17 assessment monthly, do you know where those instructions
14:28:47 18 were to be found?---I think they were a verbal one with me
14:28:50 19 to Inspector Hardy.
14:28:54 20
14:28:54 21 At the time of your audit?---I'm not quite sure of the
14:28:58 22 timing of it, I don't recall now.
14:28:59 23
14:29:00 24 It's clear - but do you recall whether it was prior to or
14:29:07 25 after your audit?---No, I don't recall.
14:29:10 26
14:29:10 27 It's clear that your instructions weren't followed, do you
14:29:13 28 accept that?---Well they weren't followed to the law, but
14:29:16 29 let me say this, that the way I put it is if the risk
14:29:20 30 assessment was still current there is no need to actually
14:29:23 31 rewrite it each month. But as a part of what the
14:29:27 32 controller's duties were, they'd have a look at the risk
14:29:31 33 assessment to make sure it's current. So if anything
14:29:33 34 needed to be changed it was updated.
14:29:35 35
14:29:36 36 In fact it's a document of some particular importance, and
14:29:40 37 I'm talking about it separately to any assessment of risks
14:29:44 38 that are contained in the ICR, it's a document of some
14:29:49 39 importance because it's a one-stop shop to understand the
14:29:52 40 risks that pertain to a particular human source at a
14:29:55 41 particular time, do you agree?---Yes.
14:29:56 42
14:29:56 43 That's why it should have been updated monthly?---It would
14:29:59 44 have been, that's right, yes.
14:30:00 45
14:30:00 46 You say it would have been, we only have two versions of
14:30:04 47 the formal document, one from November 2005 and one from

14:30:06 1 April 2006. You're not aware of any other formal risk
14:30:11 2 assessment documents?---No, but I take you back to my
14:30:13 3 previous answer where I wanted them to review it every
14:30:16 4 month. If the risks remained the same month upon month
14:30:20 5 upon month there's no need to actually re-date it and
14:30:23 6 re-time it and reposition it. As I said at IBAC it's meant
14:30:26 7 to be a live document, it's a living document.
14:30:29 8
14:30:29 9 Is it your understanding then that the monthly source
14:30:32 10 review that we've looked at in the source management log
14:30:35 11 was essentially taking the place of the risk
14:30:41 12 assessment?---It's meant to compliment it rather than take
14:30:44 13 the place.
14:30:44 14
14:30:45 15 It's simply the case that whether or not there was a
14:30:48 16 monthly source review there, the risk assessment itself
14:30:51 17 should have been looked at monthly and updated?---If
14:30:54 18 needed, that's right.
14:30:55 19
14:30:56 20 If needed, if we're talking about three years later, and
14:31:00 21 there's no indication of any change in the document at that
14:31:04 22 stage, I mean here if we look at the risk assessments, I
14:31:08 23 won't take you through them chapter and verse, but they're
14:31:12 24 very much centred on the way the risks pertained to
14:31:16 25 Ms Gobbo in late 2005 and early 2006. She started
14:31:20 26 receiving serious threats, her car was fire bombed, all of
14:31:23 27 those things would be triggers in your view to update a
14:31:27 28 risk assessment, do you agree?---Yes.
14:31:28 29
14:31:39 30 When you took over control or sat above the SDU, I think
14:31:44 31 you might use the phrase operative control or something
14:31:47 32 similar to that?---Functional control.
14:31:50 33
14:31:51 34 Functional control?---Yes.
14:31:52 35
14:31:53 36 On 1 July 2006. I understand that you would have had an
14:31:59 37 awful lot of different roles to perform at that stage but
14:32:05 38 did you review any of the source management logs as part of
14:32:11 39 your new role from that stage onwards?---From that stage
14:32:15 40 onwards, yes, I would have.
14:32:18 41
14:32:18 42 Did you record - was that a formal review that you would
14:32:22 43 undertake or was it something less than that?---It was
14:32:25 44 both. Every month I did a review with the controllers and
14:32:29 45 the handlers and then occasionally I did a formal one.
14:32:32 46
14:32:32 47 So every month you'd look at the source management

14:32:34 1 log?---Not necessarily, no.

14:32:36 2

14:32:36 3 So every month you'd talk to the handler and controller

14:32:39 4 about their contacts with the source?---Generally their

14:32:44 5 contact with the source. Generally about the - we

14:32:47 6 generally spoke about three things with this source, one

14:32:50 7 was about the welfare of the source, the second was about

14:32:53 8 the welfare of the handlers, I was concerned about both, a

14:32:56 9 lesser issue was any payments that had been made to the

14:33:00 10 source, like there's one note there, \$50 for a parking

14:33:04 11 ticket and things like that. We needed to keep an eye on

14:33:07 12 the finances. And the last that we needed to talk about

14:33:11 13 was the information reports that were disseminated coming

14:33:13 14 from the SDU going to the Informer Management Unit and then

14:33:16 15 going to investigators.

14:33:17 16

14:33:17 17 I understand. You know that the evidence that's been, you

14:33:23 18 may not know, the evidence that's been given to date,

14:33:26 19 certainly this is borne out in the documents, is that

14:33:28 20 rather than the use of information reports, the norm with

14:33:31 21 Ms Gobbo was that the human source handler would simply

14:33:36 22 call the appropriate person at Purana and brief them

14:33:41 23 verbally and not necessarily follow that up with an

14:33:44 24 information report?---My understanding was it was to be

14:33:48 25 followed up with an information report.

14:33:49 26

14:33:50 27 If the situation is such that there's no information report

14:33:54 28 and simply a hot debrief or a phone call to an

14:33:59 29 investigator, that would have been a problem from your

14:34:02 30 point of view?---It's probably an issue, not a problem.

14:34:04 31

14:34:04 32 What's the issue?---The issue is that it should have been

14:34:07 33 followed up so for completeness sake of the investigators

14:34:10 34 they've got what, what the source handlers are actually

14:34:14 35 telling them, because quite often when you have a

14:34:16 36 conversation it gets down to interpretation of the said

14:34:19 37 conversation.

14:34:19 38

14:34:20 39 All right. So for the system to play out as you understood

14:34:24 40 that it should, each of those phone calls should have been

14:34:27 41 followed up with an information report?---That's right,

14:34:29 42 yes.

14:34:29 43

14:34:32 44 In your audit you use the phrase, "It's clear that the risk

14:34:37 45 associated with the source continues to remain high but the

14:34:41 46 risk is being managed in an appropriate level by the right

14:34:44 47 people with the necessary training and attributes". Now,

14:34:53 1 what led you to form that conclusion in April 2006?--Well,
14:34:58 2 she was being managed by people, Mr White specifically plus
14:35:04 3 others, who had undergone extensive training in relation to
14:35:10 4 source management. So they were highly skilled. They were
14:35:12 5 probably at that time the most highly skilled source
14:35:18 6 managers in Victoria Police.
14:35:18 7
14:35:19 8 Albeit the text messages that included identifying Ms Gobbo
14:35:22 9 as a dog and the car bombing came after your audit, were
14:35:26 10 you aware of those issues or were you auditing after those
14:35:31 11 issues had come to light and the perpetrator of those
14:35:36 12 things had not been identified, is it fair to say that the
14:35:42 13 risk at that stage you would have found it wasn't being
14:35:46 14 managed appropriately?---No, I think the risk was being
14:35:49 15 managed. With a lot of human sources the risk remains
14:35:53 16 high, it depends on what you do about it. And in the
14:35:57 17 instance with Ms Gobbo, for example, in relation to the
14:35:58 18 threats, steps were taken, like cameras were put on her
14:36:01 19 home, those types of things. And there were active
14:36:05 20 investigations taken to try to identify the source of the
14:36:07 21 particular threats.
14:36:08 22
14:36:09 23 No one was ever charged with making those threats?---No one
14:36:12 24 was ever charged.
14:36:14 25
14:36:14 26 No. And there were suspicions about who it was making
14:36:17 27 those threats?---There were a lot of suspicions, yes.
14:36:20 28
14:36:21 29 But those suspicions were never confirmed?---No.
14:36:25 30
14:36:26 31 You use the phrase, "The source has a high personal profile
14:36:31 32 both within their chosen industry and the media. This is a
14:36:34 33 potential risk to the source and Victoria Police". Now, is
14:36:40 34 the risk that you're referring to there that it might come
14:36:45 35 out that this well-known barrister is acting as a human
14:36:48 36 source and that might be embarrassing for Victoria
14:36:51 37 Police?---That's one of the risks, yes.
14:36:53 38
14:36:55 39 And the risk of embarrassment came from the fact that there
14:36:59 40 was something that was quite improper that was happening
14:37:01 41 with the use of Ms Gobbo?---I don't understand your
14:37:05 42 question.
14:37:05 43
14:37:06 44 Well, you identify as one of the risks the fact that, that
14:37:13 45 the information might come out that this practising
14:37:16 46 barrister is acting as a human source. What I'm suggesting
14:37:21 47 to you is that the element of risk in that and the thing

14:37:25 1 that's to be avoided arises because it was well-known by
14:37:30 2 you, in writing this report, that if it came out that
14:37:34 3 Victoria Police were using a practising barrister as a
14:37:36 4 source, it would become known that Victoria Police was
14:37:39 5 doing something that it should not do?---That's a pretty
14:37:44 6 broad - it's a pretty broad question actually.
14:37:48 7
14:37:49 8 You've identified the risk. You've accepted that as part
14:37:52 9 of that risk it was that it would become known that she was
14:37:56 10 acting as a human source. What I'm suggesting to you is
14:38:00 11 the only conclusion, given those two things, was that it
14:38:03 12 was known to you that this was a problem that was to be
14:38:06 13 contained, that a lid was to be kept on it?---No, I don't
14:38:10 14 accept that.
14:38:10 15
14:38:11 16 What else does it mean?---Well what it means is that there
14:38:14 17 was potential if this came out for it to be an issue. But
14:38:18 18 if the particular person was providing information that
14:38:22 19 wasn't confidential or wasn't the subject of
14:38:25 20 confidentiality, if she was providing information from her
14:38:31 21 social settings, for example, then this could have been
14:38:35 22 managed.
14:38:36 23
14:38:36 24 All right. Could the operator bring up p.175 of the ICRs.
14:38:58 25 This should only be on the screens at the Bar table and the
14:39:02 26 witness and the Commissioner. What I'm wanting to do is to
14:39:14 27 focus on what you say about the files that you audited and,
14:39:25 28 sorry, the ICRs you looked at, approximately ten per cent,
14:39:29 29 and you say that they were only current up until the 9th of
14:39:35 30 the 3rd and I think we both agreed that they might have
14:39:40 31 been kept up-to-date a bit better than they were at the
14:39:44 32 stage that you looked at them?---Yes.
14:39:46 33
14:39:46 34 But if you look through, and I don't need to take you to
14:39:53 35 the precise, the names in the document, but you'll see this
14:39:56 36 is the last of those ICRs that was available to you to
14:40:02 37 review?---Yes.
14:40:03 38
14:40:04 39 And you'll see that there's the name of each of those
14:40:10 40 individuals there, and there's one in particular that we've
14:40:13 41 been talking about in closed session. Do you see that
14:40:16 42 within the first paragraph it appears again and
14:40:20 43 again?---The name?
14:40:20 44
14:40:21 45 Yes?---Yes.
14:40:22 46
14:40:22 47 And further down, keep scrolling down, you see that that

14:40:25 1 name appears again there?---Yes.
14:40:27 2
14:40:27 3 And at the bottom of the page it appears on two
14:40:31 4 occasions?---Yes, yes.
14:40:32 5
14:40:33 6 All right. Keep scrolling. Top of the next page?---It's
14:40:38 7 there again.
14:40:38 8
14:40:39 9 As you move down?---Yes.
14:40:40 10
14:40:41 11 There really seems to be some real focus on that individual
14:40:45 12 by Ms Gobbo, do you agree?---It's certainly the way it's
14:40:50 13 been documented, yes.
14:40:51 14
14:40:51 15 That was a document that you perused?---I don't recall
14:40:55 16 perusing it.
14:40:56 17
14:40:57 18 You'd accept that if you looked at that document you would
14:41:01 19 see - you couldn't miss that particular name?---You'd see
14:41:04 20 that name, yes.
14:41:05 21
14:41:06 22 And so, look, I don't need to take you to each of the other
14:41:09 23 ICRs that were available to you through the period, but I'm
14:41:14 24 going to suggest to you that each of them contain that name
14:41:18 25 on almost every page?---That may be the case.
14:41:21 26
14:41:22 27 And that wouldn't be a surprise to you that that was a name
14:41:24 28 you saw very regularly in your perusal of the ICRs when you
14:41:29 29 audited?---I don't recall at the time, but I generally
14:41:33 30 agree with your submission, yes, or your question, I'm
14:41:36 31 sorry.
14:41:37 32
14:41:37 33 This is one, this is the document that you state that you
14:41:42 34 actually looked at, which is you use the phrase, "The last
14:41:47 35 contact report perused was 21, which was dated from the 3rd
14:41:52 36 of the 3rd, 06 to the 9th of the 3rd 06"?---Okay.
14:41:56 37
14:41:57 38 As we scroll through we get to the bottom of the page, you
14:42:00 39 accept even on that final short page that name appears on
14:42:04 40 three occasions?---It does, but also beside the name of the
14:42:09 41 handler and the controller and there's a date of 4/4/06 and
14:42:14 42 25/04/06.
14:42:17 43
14:42:17 44 We've heard that there are issues with dates. But if you
14:42:21 45 can scroll up to the top of this ICR, please?---Is that
14:42:26 46 dinner at Ming Dynasty? Is that the one? No.
14:42:28 47

14:42:29 1 You've reviewed it for your audit after the 25th, you agree
14:42:33 2 with that?---Well I put it in the report so I must have.
14:42:35 3
14:42:35 4 In fact you conducted the audit on Thursday 27 April
14:42:39 5 2006?---Yes.
14:42:40 6
14:42:41 7 You see there it's ICR 21?---Yes.
14:42:43 8
14:42:44 9 You use the phrase, "The last contact report perused was
14:42:47 10 21", so you accept this is the document that you looked
14:42:50 11 at?---Must be, yes.
14:42:51 12
14:42:51 13 And you do you accept that in perusing the document you
14:42:55 14 would have read that person's name throughout the
14:43:00 15 document?---I must have.
14:43:01 16
14:43:05 17 The only thing to take from that, from your point of view,
14:43:11 18 was that what Ms Gobbo was doing with Mr Green, Officer
14:43:15 19 Green, was providing him with information about that
14:43:19 20 individual?---That would appear to be so, yes.
14:43:25 21
14:43:26 22 That was an individual that you knew that Ms Gobbo was
14:43:28 23 acting for?---Yes.
14:43:31 24
14:43:32 25 Now, in your risk assessment you say, "Deployment required
14:43:46 26 may be of a non-operational nature" and in this context,
14:43:52 27 the reason I want to ask you about it is there was
14:43:57 28 discussion later on in a period where Ms Gobbo was put in
14:44:01 29 what's called as baby-sitting mode?---Yes.
14:44:04 30
14:44:04 31 If the audit could be brought back up on the screen,
14:44:07 32 please. Is that a similar thing, deployment of a
14:44:11 33 non-operational nature or is that something
14:44:15 34 different?---No, it's a similar thing. Bear in mind
14:44:17 35 they're not my terms, but yes.
14:44:20 36
14:44:20 37 I might bring it up so you can actually see the portion of
14:44:24 38 the audit. Why was it that you were suggesting that
14:44:28 39 deployment may be required, deployment required may be of a
14:44:34 40 non-operational nature?---I think, I really don't know why
14:44:38 41 I put it in the report but my best guess is that given the
14:44:45 42 information that had been provided, we may have needed to
14:44:49 43 consider some contingencies for the source.
14:44:52 44
14:44:53 45 Because of the risk to the source or because of the nature
14:44:56 46 of the circumstances in which the source obtained the
14:44:59 47 information?---Because of the risks to the source.

14:45:02 1
14:45:04 2 And when you say "the deployment required may be", who are
14:45:10 3 you leaving that discretion or that decision up to?---Well
14:45:15 4 ultimately at the end of the day the continued deployment
14:45:19 5 of the source is my responsibility. However I've reported
14:45:22 6 on it so it's gone through my Commander back to the
14:45:26 7 Informer Management Unit.
14:45:27 8
14:45:28 9 You use the phrase, "The accurate number of police that are
14:45:31 10 aware of the identity of the source is not known but it is
14:45:35 11 clear it's many"?---Yes.
14:45:37 12
14:45:37 13 And you then go through a number of those individuals who
14:45:41 14 you know or assume that would know of the identity of the
14:45:45 15 source?---Yes.
14:45:46 16
14:45:47 17 I take it that's a highly unusual thing, that a large
14:45:51 18 number of police officers would know that a particular
14:45:53 19 person is acting as a human source, within the confines of
14:45:56 20 the SDU this is?---Correct.
14:45:57 21
14:46:00 22 That's why you identify that in your report because that's
14:46:05 23 a potential problem in relation to the use of
14:46:08 24 Ms Gobbo?---Correct.
14:46:08 25
14:46:12 26 And it might go without saying, but I take it that's
14:46:15 27 because the more police officers know, the more risk there
14:46:20 28 is that people who aren't police officers might find out
14:46:23 29 about the work that Ms Gobbo was undertaking for Victoria
14:46:27 30 Police?---That's part of the reason, yes.
14:46:29 31
14:46:30 32 Your conclusion is, "Continued deployment. I'm satisfied
14:46:34 33 that the source is a valuable asset to Victoria Police. I
14:46:37 34 consider Victoria Police should continue with the
14:46:39 35 relationship and the DSU should be the one contact point
14:46:44 36 with the source. The source continues to provide excellent
14:46:47 37 information and has led to successful outcomes. The
14:46:50 38 lifestyle of the source continues to be an issue for the
14:46:53 39 DSU, it draws attention to the source". Now, as I think I
14:46:58 40 might have said, the reason the Commission is interested in
14:47:03 41 your audit is it appears to be one of a number of
14:47:07 42 significant moments when these issues that we're now
14:47:12 43 dealing with might have been identified and the process or
14:47:17 44 the use of Ms Gobbo might have been stopped, or at least
14:47:23 45 legal advice might have been sought. Given the opportunity
14:47:27 46 that you have now of looking at those words with all you
14:47:31 47 know, you would accept, I assume, that this, one of the

14:47:35 1 things you should have said in this report is, "We need
14:47:38 2 some external legal advice about whether or not we should
14:47:41 3 continue using this source"?---That's been put to me before
14:47:44 4 and I acknowledged then that whilst it didn't occur to me
14:47:47 5 at the time, when it was put to me it made sense that
14:47:51 6 that's something we should have done, so yes, I agree with
14:47:53 7 your question.
14:47:53 8
14:47:54 9 You use the phrase in your statement at paragraph 62 that
14:47:57 10 the issues that - in fact I'll read the phrase. "With the
14:48:09 11 benefit of hindsight I accept that the risks associated
14:48:13 12 with Ms Gobbo's profession as a barrister were not at the
14:48:16 13 front of my mind when undertaking this audit." Do you see
14:48:20 14 those words there?---I do, yes.
14:48:21 15
14:48:22 16 Were they, I'm not saying this to try and be clever, were
14:48:26 17 they in your mind at all in undertaking your audit?---They
14:48:31 18 were in my mind but not, not flags that are ringing bells
14:48:36 19 within my ears.
14:48:37 20
14:48:37 21 It did occur to you that this use of Ms Gobbo might be
14:48:43 22 creating, let's just say in a general sense, some
14:48:47 23 problems?---The use of any source can potentially cause
14:48:51 24 problems down the track and it occurred to me that she,
14:48:54 25 like any other source that the Source Unit were handling,
14:48:57 26 had potential for the relationship to go wrong and for
14:49:01 27 issues to be. That's just part of the thrust and tackle
14:49:04 28 with any particular source.
14:49:05 29
14:49:05 30 The reason I'm asking it is you're talking about in your
14:49:09 31 statement the risks associated with Ms Gobbo's profession
14:49:12 32 as a barrister, all right. So I'm not talking about any
14:49:16 33 human source here, I'm talking about a human source who is
14:49:18 34 a practising barrister?---Yes, I understand your question.
14:49:20 35
14:49:21 36 What I'm saying is that it seems to be you've accepted that
14:49:25 37 whilst they were in your mind, they weren't at the front of
14:49:28 38 your mind?---Correct.
14:49:29 39
14:49:29 40 And those things were the problems that might be created
14:49:32 41 for the legal justice system given the use of Ms Gobbo as a
14:49:36 42 human source?---Well, the justice system as such wasn't, it
14:49:40 43 was more the issues for Victoria Police. Perhaps if I just
14:49:45 44 explain.
14:49:46 45
14:49:46 46 Yes, go ahead and explain?---What I mean there is that a
14:49:51 47 human source, any human source gives intelligence and

14:49:55 1 information, you don't know where that's going to end up.
14:49:58 2 So at any given time, given that she was a barrister, that
14:50:02 3 had great potential for there to be issues. My broader
14:50:06 4 thinking was, at the time of doing the audit, I didn't know
14:50:09 5 where any of the information was going to end up, indeed if
14:50:12 6 it was going to end up in court, in court cases or not.
14:50:16 7 Ultimately at the end of the day that is a decision for
14:50:19 8 investigators and beyond the Source Unit to actually
14:50:21 9 control that. So really you obtain the information, you
14:50:24 10 then hand it to investigators and the investigators do with
14:50:28 11 it what investigators need to do with it.
14:50:30 12
14:50:31 13 If those obtaining the information and those utilising the
14:50:34 14 information don't do anything about that particular risk,
14:50:37 15 then you're left in the position that we're all in now, do
14:50:40 16 you accept that?---I accept that.
14:50:41 17
14:50:42 18 What I'm suggesting to you is that when you're talking
14:50:44 19 about the risks associated with her profession as a
14:50:47 20 barrister, you are identifying risks that arise out of
14:50:51 21 potential breaches of legal professional privilege and from
14:50:55 22 conflicts of interests, they are the two obvious ones,
14:50:59 23 aren't they?---Well they are now. As I said in my
14:51:01 24 statement they weren't at the forefront of my mind.
14:51:04 25
14:51:05 26 They weren't at the forefront of your mind but they were in
14:51:07 27 your mind?---They were in the back of my mind, yes.
14:51:09 28
14:51:26 29 Another issue that is apparent on the documents in your
14:51:33 30 audit is her closeness to a number of former officers of
14:51:39 31 Victoria Police, that was something that was known to you
14:51:41 32 at the time?---Yes, correct.
14:51:42 33
14:51:44 34 And her, there was a particular focus, I suppose there
14:51:50 35 always is, but there was a particular focus at the time
14:51:52 36 coming out of what had happened in the Drug Squad and
14:51:56 37 beyond on issues of police corruption at the
14:52:00 38 time?---Correct.
14:52:00 39
14:52:02 40 And was one of the things that it was expected of Ms Gobbo
14:52:08 41 was that she might be able to assist in relation to some of
14:52:12 42 those corruption issues?---There was a thought that that
14:52:14 43 might happen, yes.
14:52:15 44
14:52:17 45 Was that something that you discussed with Mr Overland in
14:52:20 46 any of your discussions with him?---Yes.
14:52:23 47

14:52:24 1 All right. In relation to which particular matters?---Well
14:52:29 2 more precisely the Task Force Briars and the Task Force
14:52:31 3 Petra.
14:52:32 4
14:52:33 5 I'm going to come to both of those?---Yes.
14:52:35 6
14:52:42 7 At paragraph 63 of your statement you then deal with the
14:52:49 8 period where you do take over functional control of the
14:52:54 9 SDU?---Yes.
14:52:55 10
14:52:56 11 And that meant from that stage that those members were
14:52:59 12 formally reporting through their Inspector to
14:53:04 13 you?---Correct.
14:53:04 14
14:53:08 15 So the reviews that we've talked about a moment ago then
14:53:13 16 became a responsibility of yours rather than this one off
14:53:16 17 audit that you conducted in April?---Correct.
14:53:19 18
14:53:23 19 There's references in the source management log to some
14:53:31 20 audits that were conducted by you but there don't seem to
14:53:35 21 be corresponding documents, is that something that you're
14:53:38 22 aware of?---I think - I use the term audit and reviews
14:53:47 23 monthly as an interchangeable term, there wasn't one that I
14:53:51 24 actually called a specific audit. They were reviewed every
14:53:54 25 month, whether that's an audit or not, sometimes they were,
14:53:57 26 sometimes they weren't.
14:53:58 27
14:53:58 28 What I'd like to take you to, I want to show you an example
14:54:03 29 so we understand it a bit better. This is in the SML at
14:54:09 30 p.114. This is an entry on 25 June 2007 and it says there
14:54:16 31 - so this is about a year after your audit of
14:54:22 32 Ms Gobbo?---Yes.
14:54:22 33
14:54:23 34 This is in her source management log?---Yep.
14:54:26 35
14:54:27 36 And there's an audit by a Local Source Registrar?---Me,
14:54:30 37 that's right.
14:54:31 38
14:54:33 39 And what I'm interested in, there doesn't appear to be a
14:54:36 40 corresponding document to that but your diary of that date
14:54:42 41 does include an entry at 13:30 that reads as follows.
14:54:49 42 13:30, "SDU Officer White, Officer Smith and Officer
14:54:58 43 Preston audit human source files"?---Yes.
14:55:01 44
14:55:03 45 Now, that seems to be all of the details that we have of
14:55:08 46 that particular audit. Is that a surprise or would you
14:55:12 47 expect there to be a document corresponding, a formal audit

14:55:16 1 document corresponding with those entries?---Depends on
14:55:20 2 whether it was an audit or a review. I can't recall which
14:55:26 3 it was at the time. It's called an audit there. If it's
14:55:29 4 an audit there should have been some documentation done.
14:55:33 5
14:55:35 6 So it would be a matter of surprise if there wasn't a
14:55:38 7 formal audit document that was within the records of
14:55:41 8 Victoria Police?---Somewhere, yes.
14:55:42 9
14:55:46 10 What was the role - was it a similar process that you
14:55:50 11 undertook in this later audit to the audit that had
14:55:56 12 happened in April the year before?---Well essentially I may
14:56:02 13 have read, I can't recall doing it, I can't recall back
14:56:04 14 that far, but my normal practice was to scan through about
14:56:10 15 between five and ten per cent of all the documents. As I
14:56:13 16 explained before there were four specific themes I looked
14:56:16 17 at every time, there's no need for me to re-go over those,
14:56:21 18 and then form a view at the end of it and then supplement
14:56:25 19 that conversation with the handlers and if the Inspector
14:56:28 20 was available with the Inspector.
14:56:29 21
14:56:30 22 There's another in the next lot of SML, the 2958 SML, and
14:56:40 23 this is at p.9237 and it's on 31 January 2008?---I see that
14:56:47 24 one.
14:56:48 25
14:56:48 26 There's an audit again by you?---Yes.
14:56:50 27
14:56:51 28 So that would have been similar to the one the year
14:56:53 29 before?---Yes.
14:56:54 30
14:56:55 31 It's about six months later or so?---Yes.
14:56:57 32
14:56:58 33 And again, because of the use of the phrase audit you'd
14:57:02 34 expect there to be a formal document of some kind that
14:57:05 35 would evidence that audit taking place?---Well there should
14:57:08 36 be but - - -
14:57:09 37
14:57:09 38 Might it be whilst there should be, you might have just
14:57:13 39 simply done a visual audit of these things, satisfied
14:57:17 40 yourself that everything was okay and not recorded it
14:57:19 41 anywhere other than here?---I may have done that but - - -
14:57:24 42
14:57:25 43 Would that surprise you - was that your usual
14:57:27 44 practice?---Sometimes it was, sometimes it wasn't.
14:57:29 45 Normally I tend to document things. My normal practice was
14:57:35 46 to document. If there's no records - whether they've been
14:57:38 47 misplaced.

14:57:39 1
14:57:39 2 In fact an audit, can I suggest, wouldn't be worth very
14:57:44 3 much if it wasn't documented somewhere as well, that would
14:57:47 4 be the case, wouldn't it?---True, true.
14:57:49 5
14:57:50 6 All right. Some of the issues about conflict of interest
14:57:57 7 and some of the other problems with the use of Ms Gobbo did
14:58:02 8 start to bubble up around this period of time. Do you
14:58:06 9 recall in any of your later audits identifying potential,
14:58:11 10 the effect of Ms Gobbo's providing information on ongoing
14:58:16 11 trials or trials that were to happen in the future?---My
14:58:19 12 recollection was, I didn't specifically pick it up on the
14:58:23 13 source management logs, but Inspector Rob Hardy raised with
14:58:26 14 me on a couple of occasions at least that the Source Unit
14:58:30 15 weren't sure as to where the information was coming from.
14:58:32 16
14:58:32 17 Yes?---And so I then instructed him to instruct them that
14:58:37 18 we weren't to receive any confidential information.
14:58:42 19
14:58:47 20 On 13 February 2008 there's an email exchange that I want
14:58:54 21 to take you to. That's at VPL.6025.0002.0533?---Yep.
14:59:07 22
14:59:10 23 It says here, just bear in mind the audit that we've just
14:59:17 24 identified was dated 31 January 2008?---Yep.
14:59:20 25
14:59:20 26 Or the entry in the SML was. And this is to Officers Black
14:59:28 27 and White?---Correct.
14:59:28 28
14:59:28 29 And it's from Andrew Glow?---Yes.
14:59:31 30
14:59:32 31 "Gents, Tony Biggin has directed that I undertake a
14:59:36 32 procedural, ethical and value audit on all current sources,
14:59:39 33 especially 2958. I was hoping to use some form of matrix
14:59:43 34 to achieve this. I'm after your thoughts, et cetera, on
14:59:46 35 how to proceed". Do you see that?---I do.
14:59:49 36
14:59:49 37 Do you remember asking Mr Glow to perform an audit of that
14:59:53 38 nature on all sources, in particular 2958?---I have a
14:59:59 39 recollection of it, yes.
14:59:59 40
15:00:02 41 And he's particularly focused procedural, ethical and
15:00:07 42 value. Value is easy to understand. Procedural, is that
15:00:11 43 simply whether or not the procedures were being
15:00:13 44 followed?---This is Mr Glow's email, reading it at first
15:00:18 45 glance that's what it would mean I presume.
15:00:21 46
15:00:21 47 You have asked him to undertake this?---Yes.

1

15:00:24 2 Whether or not these were your precise words, this was the
15:00:27 3 nature of the audit that you had asked him to
15:00:30 4 undertake?---I'd asked him to undertake an audit, but
15:00:34 5 procedural, ethical and value are not really my terms.

15:00:36 6

15:00:36 7 Is that a phrase that has some particular meaning within
15:00:39 8 the Police Force or is it a phrase you haven't seen
15:00:42 9 before?---It's not a phrase that I use. Perhaps if I
15:00:44 10 explain. Andrew was new to the role. Andrew came into the
15:00:48 11 Undercover Unit as a result of the Victoria Police rotation
15:00:51 12 system and replaced Inspector Hardy, who was moved on. I
15:00:55 13 saw that Andrew had actually come from the central audit
15:00:59 14 area of Victoria Police, the Corporate Management Review
15:01:03 15 Division, so it was actually a good opportunity for a fresh
15:01:05 16 set of eyes to have a look at this particular source and
15:01:08 17 their relationship and to come back with recommendations.

15:01:12 18

15:01:15 19 Now, can I suggest though that one of the things you'd
15:01:18 20 asked Mr Glow to look at, especially in relation to Nicola
15:01:23 21 Gobbo, was whether or not Victoria Police's use of her had
15:01:27 22 been and continued to be ethical?---I don't recall that but
15:01:32 23 I don't dispute that I asked that.

15:01:34 24

15:01:36 25 And you don't recall asking him, you don't dispute that you
15:01:40 26 asked him. Can I suggest that the reason that you did ask
15:01:43 27 him to do so, or the reason you would have asked him to do
15:01:47 28 so is because at this stage you had concerns about whether
15:01:50 29 or not it was ethically proper to be using Ms Gobbo in the
15:01:54 30 way that the SDU had been?---No, I think it was on the back
15:01:58 31 of the conversations with Inspector Hardy, we were unsure
15:02:02 32 about whether what she was providing was in an ethical way.
15:02:07 33 I think that was the genesis of this.

15:02:08 34

15:02:08 35 Whether or not she was operating in an ethical way?---She
15:02:11 36 was operating in an ethical way and then of course by
15:02:11 37 contrast with us receiving the information there's
15:02:15 38 implications for us.

15:02:16 39

15:02:16 40 But her acting in an unethical way that Victoria Police
15:02:20 41 were or should have been aware of would have also
15:02:24 42 implicated Victoria Police acting in an unethical way
15:02:24 43 too?---Well, could well have done.

15:02:26 44

15:02:28 45 What was the result to your memory of Mr Glow's procedural,
15:02:33 46 ethical and value audit?---I don't know.

15:02:35 47

15:02:35 1 Do you know whether it went ahead?---No, I don't. I
15:02:39 2 presume Andrew being very efficient he would have done it.
15:02:43 3
15:02:43 4 You talk about the HSMU's role in oversight of Ms Gobbo and
15:02:53 5 I'm here referring to paragraph 67 of your second
15:02:59 6 statement?---Yes.
15:02:59 7
15:03:00 8 You say, "The HSMU performed a critical role in overseeing
15:03:04 9 the use of Ms Gobbo as a human source"?---Yes.
15:03:07 10
15:03:07 11 "I expected that there would have been regular
15:03:10 12 communications between those three individuals"?---Yes.
15:03:17 13
15:03:17 14 "About the SDU's dealings with Ms Gobbo"?---Correct.
15:03:20 15
15:03:21 16 Can you just explain to the Commissioner where the HSMU sat
15:03:25 17 in relation to what your role was and where the SDU
15:03:32 18 sat?---Certainly.
15:03:33 19
15:03:33 20 Would it help if we brought up the diagram that you've
15:03:36 21 provided in your statement or can you just do that?---I can
15:03:39 22 verbalise it. Whatever is easiest for the Commissioner.
15:03:42 23
15:03:43 24 Go ahead?---It stated the State Surveillance Division and
15:03:45 25 the Human Source Management Unit reported to the
15:03:48 26 Superintendent State Intelligence Division who was the
15:03:51 27 Central Source Registrar, so they actually reported to the
15:03:55 28 registrar. As I explained this morning, might have been
15:03:59 29 even this afternoon, they were the keepers of the policy,
15:04:01 30 so they were the gate keepers so to speak in relation to
15:04:04 31 human sources and human source management and the process
15:04:07 32 and procedures that were being followed, so that as I
15:04:10 33 explained this morning, in my mind the HSMU sat above the
15:04:16 34 operational units that were deploying human sources. They
15:04:20 35 owned the policy with the CSR, the Central Source
15:04:24 36 Registrar, so that they were responsible from an overriding
15:04:27 37 point of view for the management of the source as well.
15:04:31 38
15:04:32 39 Just to focus on, thank you for that, but just to focus on
15:04:41 40 your role of oversight, whether or not they ultimately had
15:04:45 41 that power or ability and control, you also had control
15:04:51 42 over what was happening within the SDU as at 1 July 2006,
15:04:57 43 do you accept that?---Yes, I do, yes.
15:04:59 44
15:05:02 45 Do you accept also that the - well is it the situation that
15:05:07 46 the investigators, those on the other side of the - -
15:05:13 47 -?---Sterile corridor.

15:05:14 1
15:05:14 2 - - - sterile corridor, were essentially reliant on the SDU
15:05:19 3 to provide only safe or usable intelligence?---Yes.
15:05:27 4
15:05:33 5 Do you accept that in fact that, as it's played out here,
15:05:40 6 isn't perhaps the best way to go about things, that because
15:05:44 7 of the particular role or occupation that Ms Gobbo had and
15:05:47 8 the provenance of the information that she was providing
15:05:51 9 was such that the investigators, it should have been made
15:05:56 10 clear to the investigators when it wasn't that the
15:05:59 11 information had come from Ms Gobbo and the circumstances in
15:06:02 12 which she'd obtained the information?---I accept that.
15:06:04 13
15:06:15 14 I want to take you to the SML on 24 July 2007. There's a
15:06:30 15 Crime Department meeting?---Yes.
15:06:32 16
15:06:32 17 You're there?---Yes.
15:06:34 18
15:06:34 19 Mr O'Brien is there, Mr Ryan's there?---Yes.
15:06:37 20
15:06:37 21 O'Connell?---Yep.
15:06:38 22
15:06:39 23 Blayney and Brown?---Yes.
15:06:40 24
15:06:41 25 There's an update provided about Nicola Gobbo?---Yes.
15:06:43 26
15:06:44 27 At this stage, 24th of the 7th 07, there's, "A decision
15:06:49 28 that her value as a source is outweighed by repercussions
15:06:53 29 and risk to same"?---Yes.
15:06:54 30
15:06:56 31 "Agreed to continue deployment with no tasking"?---Yes.
15:06:59 32
15:06:59 33 "Intel received to be assessed on an individual basis and
15:07:03 34 risk determination prior to any dissemination"?---Yes.
15:07:06 35
15:07:07 36 That was to be briefed to Deputy Commissioner
15:07:11 37 Overland?---Yes.
15:07:11 38
15:07:13 39 What I want to understand, albeit you probably don't have
15:07:17 40 an independent recollection of this meeting, is the two
15:07:22 41 sides of that equation which is, one, the value of the
15:07:28 42 information that she was providing against the
15:07:31 43 repercussions and risk to same. Is that identifying risks
15:07:37 44 to Ms Gobbo personally or is it risks to Victoria Police
15:07:43 45 and to the convictions that had and continued to be sought
15:07:50 46 against people she'd implicated?---My recollection of this
15:07:53 47 meeting was it was around about this time it was floated

15:07:56 1 that Ms Gobbo would become a witness. So the - - -
15:08:01 2
15:08:01 3 This is in relation to Briars?---Either Briars or Petra,
15:08:04 4 they were both running around about the same time, I'm not
15:08:08 5 quite sure which one it was. So the investigators were
15:08:11 6 very keen to convert her into a witness. The Source Unit
15:08:18 7 and myself were less than enthusiastic about that approach
15:08:22 8 and so we identified there were a number of repercussions
15:08:26 9 to go down this particular route.
15:08:28 10
15:08:28 11 That answer comes as a bit of a surprise to me because I
15:08:31 12 must say I thought those were the two possibilities that
15:08:34 13 I've just put to you because there's no suggestion in this
15:08:37 14 entry at least of there being a potential - I understand
15:08:43 15 the timing and what you've talked about, but there's no
15:08:45 16 suggestion here of one of the things under discussion that
15:08:50 17 she was going to become a witness for Briars or Petra.
15:08:55 18 Your reading of this is that's what it was discussing?---It
15:08:58 19 was around about that time. O'Connell - can I say that
15:09:03 20 name? O'Connell was an investigator on one of those Task
15:09:08 21 Forces and Graham Brown, it was the only meeting that
15:09:10 22 Graham came to before his retirement so I have an inkling
15:09:14 23 of Graham being present, so that sort of flags a memory, I
15:09:19 24 may be wrong but I think I'm right.
15:09:33 25
15:09:36 26 So just in particular, this is not dealing with the threats
15:09:40 27 which, for example, you see a couple of entries
15:09:46 28 below?---No.
15:09:46 29
15:09:46 30 That Ms Gobbo was receiving. When you say risks to same
15:09:49 31 it's not identifying those risks?---No, well let me answer
15:09:53 32 that. There being risks, there had been threats previous
15:09:58 33 to this. The update may have been about that, I can't
15:10:01 34 recall what the update was about.
15:10:05 35
15:10:09 36 All right. Now at paragraph 69 of your second statement
15:10:15 37 you talk about briefings?---Yes.
15:10:18 38
15:10:19 39 That you received from the handlers?---Yes.
15:10:23 40
15:10:25 41 And you say, "On occasions I received briefings in relation
15:10:29 42 to information or intelligence that was provided by
15:10:31 43 Ms Gobbo"?---Yes.
15:10:32 44
15:10:33 45 "To her handlers. Usually I was verbally briefed in
15:10:36 46 relation to such matters. Relevant matters I would be
15:10:39 47 briefed about as a Superintendent included, for instance,

15:10:42 1 where Ms Gobbo had provided information about serving
15:10:47 2 Victoria Police members, some of which was to be
15:10:50 3 communicated to the ESD", do you see that?---Correct, yes.
15:10:53 4
15:10:54 5 These were verbal briefings, were they?---Yes.
15:10:56 6
15:10:57 7 And who provided these briefings to you, was it
15:11:02 8 Mr White?---Mostly it was Mr White. Very rarely it was a
15:11:08 9 person, I don't know who it is, I don't know what the
15:11:10 10 pseudonym is.
15:11:11 11
15:11:12 12 But another member of the SDU?---SDU or the Inspector.
15:11:15 13
15:11:15 14 I see, okay. Did they brief you - you've talked there
15:11:21 15 about in particular, for instance, where she provided
15:11:25 16 information about serving Victoria Police members?---Yes.
15:11:28 17
15:11:30 18 There were, I assume that being only an example, there were
15:11:34 19 other face-to-face briefings where they would give you
15:11:37 20 particular information that she had provided?---No.
15:11:40 21 Generally, look generally speaking they gave me an
15:11:46 22 overview, there wasn't anything too deep in relation to
15:11:50 23 what information she was providing. Most of the
15:11:52 24 information that was given to me, and where I was provided
15:11:54 25 with information reports, related to interaction or
15:12:00 26 information regarding members of Victoria Police and I was
15:12:02 27 the conduit to then forward that to the Ethical Standards
15:12:06 28 Department for assessment and investigation.
15:12:07 29
15:12:08 30 I want to ask you some questions now about the genesis of
15:12:12 31 the prosecution of the tomato tins matters. You know the
15:12:18 32 matters I'm talking about?---I do, Operation Inca.
15:12:21 33
34 Yes.
35
15:12:21 36 COMMISSIONER: I don't think you've tendered the audit.
15:12:24 37
15:12:25 38 MR WOODS: I'm sorry, I'll do that now. There was another
15:12:27 39 note I've got too. The audit can go first.
15:12:32 40
15:12:35 41 COMMISSIONER: The Biggin audit of 28 April 06 - - -
15:12:35 42
15:12:35 43 MR CHETTLE: That's already tendered, Commissioner.
44
45 COMMISSIONER: Is it tendered?
46
15:12:37 47 MR CHETTLE: 277.

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COMMISSIONER: It's already been tendered.

MR WOODS: I've got two things to tender anyway. One is the audit of Victoria Police Human Source Management Practices, which was another document I took the witness to. That actually has two separate VPLs for pp.1 to 32 and then pp.33 to 66. I think for the purposes of the transcript it's best for me to read those numbers out. The first of those is - it can be tendered as one exhibit I should say. The first of those is VPL.0002.0001.0382. And the second pp.33 to 66 ends, the same number at the start ends in 0414.

#EXHIBIT RC583A - (Confidential) Audit documents
VPL.0002.0001.0382 and
VPL.0002.0001.0414.

#EXHIBIT RC583B - (Redacted version.)

MR WOODS: Thank you Commissioner. There's one document that we don't have that the witness has referred to which is Mr Glow's 2008 audit. It might be that it hasn't been located, I'm not sure, but in any event I'll call for that or for an explanation about its whereabouts if it's known.

MS ARGIROPOULOS: Those inquiries are being undertaken already, Commissioner.

MR WOODS: I'll just explain some background which I'm sure you're aware of, but essentially Ms Gobbo was acting on behalf of Mr Karam in a County Court importation matter in June 2007 when she handed over a document that her client, Mr Karam, had asked her to hold on to so that it needn't be brought into court. She took a photocopy of that document. She provided it to her handlers that evening in a face-to-face meeting and it was used within Operation Agamas which was already on going at that stage, am I right so far?---Well I know that now. It's only recently that I've become aware of that.

Only recently that you've become aware that the bill of lading was provided by Ms Gobbo?---Correct.

That's something that you learnt this year or recently?---This year.

15:15:18 1 And that following - I take it you've also learnt this year
15:15:24 2 that following the handing over of that bill of lading,
15:15:29 3 that the handlers were obtaining information from Ms Gobbo
15:15:33 4 about activities and the whereabouts of Mr Karam and his
15:15:37 5 associates and that was being passed on to Officer Green,
15:15:41 6 who was then positioned at the Drug Task Force, do you know
15:15:46 7 that now?---I know that now.
15:15:47 8
15:15:48 9 And that that information was utilised by a joint operation
15:15:52 10 between Customs, the Australian Federal Police and Victoria
15:16:00 11 Police?---I'm aware of that now, yes.
15:16:02 12
15:16:06 13 You talk in your statement at paragraph 70 about some
15:16:18 14 extracts of an SML and IRs which record information
15:16:25 15 disseminated to you?---Yes.
15:16:28 16
15:16:28 17 As follows. One of those at E I'm interested in, 20
15:16:43 18 December 2007, so a few months after that bill of lading is
15:16:46 19 provided?---Yes.
15:16:47 20
15:16:47 21 White calls you to update you regarding intelligence
15:16:51 22 provided by Gobbo in relation to Higgs, Karam and
15:16:55 23 Khoder?---Yes.
15:16:55 24
15:16:56 25 You made a note of the conversation in your diary?---I do.
15:16:59 26
15:16:59 27 Your diary entry for 20 December 2007 also recalls that you
15:17:03 28 spoke to Inspector Steve Smith regarding information from
15:17:06 29 Ms Gobbo?---Yes.
15:17:08 30
15:17:08 31 So it's the case that at least on this occasion it was
15:17:14 32 being explained to you by those, by that SDU controller
15:17:20 33 that Gobbo was providing intelligence about those three
15:17:25 34 individuals, do you accept that?---He told me that, yes.
15:17:29 35
15:17:31 36 Can I suggest to you that given your position of oversight
15:17:36 37 in relation to him and the fact that he was passing on this
15:17:41 38 information obtained from Gobbo in circumstances where the
15:17:46 39 bill of lading had been handed over a few months before,
15:17:49 40 that it would have been well-known to you and discussed
15:17:51 41 between you and White the circumstances in which the bill
15:17:55 42 of lading was obtained and these three individuals were
15:17:57 43 implicated?---No.
15:17:58 44
15:17:59 45 You don't accept that?---No.
15:18:00 46
15:18:02 47 All right. I want to go to the ICRs at p.1533, which is

15:18:09 1 the 3838 ICRs. This is the same date as that entry, this
15:18:16 2 is 20 December 2007. There's an entry, it will come up on
15:18:24 3 the screen, and it says - - - ?---"Superintendent having
15:18:33 4 management meeting re Higgs job", is that the one?
15:18:36 5
15:18:36 6 Yes, that's the one. You've found it before me?---"And
15:18:38 7 will advise re dissemination to FedPol or not."
15:18:42 8
15:18:42 9 Yes, that's the one. Would that be a reflection, given it
15:18:46 10 was the same day, of the information that was provided to
15:18:50 11 you?---It would appear so, yes.
15:18:52 12
15:18:54 13 So was it you that was in charge or had some say over what
15:18:58 14 would be disseminated to the Federal Police?---No, I had
15:19:02 15 nothing to do with Inca or information to the Federal
15:19:06 16 Police.
15:19:06 17
15:19:06 18 So can I understand why this entry says what it says about
15:19:14 19 you having management meeting re the Higgs job and that
15:19:17 20 you're going to advise re dissemination of info to FedPol
15:19:22 21 or not?---No. My recollection of Operation Inca was, one,
15:19:26 22 I didn't know about the bill of lading until later on, and
15:19:29 23 two, other areas under my control, the State Surveillance
15:19:32 24 Unit and the Technical Support Unit were working with the
15:19:35 25 AFP and Customs in relation to the controller - the
15:19:39 26 container, I'm sorry. We then identified, with others, a
15:19:46 27 safe house and shortly thereafter my division especially
15:19:51 28 was cut out from all communication with the AFP in relation
15:19:54 29 to this operation.
15:19:59 30
15:19:59 31 All right?---And then a little while down the track Sandy
15:20:04 32 White has said to me something along the lines that
15:20:11 33 Ms Gobbo's still having a relationship with - I'm not quite
15:20:18 34 sure whether they mentioned the person's name.
15:20:21 35
15:20:21 36 Is it a - - - ?---I'm a bit confused as to who is protected
15:20:27 37 and who is not.
15:20:28 38
15:20:28 39 Is it a police officer or someone else?---No, it's someone
15:20:30 40 else.
15:20:30 41
15:20:31 42 A person of interest?---It's a person of interest to this
15:20:33 43 group, yes, to this Royal Commission, yes.
15:20:34 44
15:20:36 45 Unfortunately that doesn't narrow down things.
15:20:40 46
15:20:40 47 COMMISSIONER: Do you want him to write the name down on a

15:20:44 1 piece of paper?
15:20:45 2
15:20:47 3 MR WOODS: Yes, maybe?---I'm actually trying to think of
15:20:50 4 the name myself now. I apologise, I've just had a memory
15:20:53 5 lapse.
15:20:54 6
15:20:54 7 That's okay. You might have a few minutes to think about
15:20:57 8 it if we adjourn shortly now?---I apologise for that, I've
15:21:02 9 just gone blank.
15:21:03 10
15:21:04 11 COMMISSIONER: Did you want to have the midafternoon break
15:21:06 12 now?
15:21:07 13
15:21:07 14 MR WOODS: If it's possible.
15:21:08 15
15:21:08 16 COMMISSIONER: We can do that, sure.
15:21:26 17
15:21:27 18 (Short adjournment.)
15:21:27 19
15:37:24 20 MS ARGIROPOULOS: Commissioner, just before Mr Woods
15:37:25 21 recommences can I just raise a matter?
15:37:27 22
15:37:27 23 COMMISSIONER: The microphones are not pointing the right
15:37:29 24 way for you, Ms Argiropoulos. It's a bit hard to hear you.
15:37:32 25
15:37:33 26 MS ARGIROPOULOS: Sorry, Commissioner. Can I just mention
15:37:34 27 the application I made earlier today in relation to Michael
15:37:38 28 O'Connor is no longer pressed. That interim order made is
15:37:43 29 not required.
30
15:37:44 31 COMMISSIONER: Yes, all right. I'll vacate the interim
15:37:46 32 order made earlier today concerning the name O'Connor and
15:37:51 33 that name can be returned to the transcript. Thanks very
15:37:54 34 much for attending to that promptly, Ms Argiropoulos.
15:37:58 35
15:37:59 36 Yes Mr Woods.
15:38:00 37
15:38:00 38 MR WOODS: Thank you, Commissioner. Mr Biggin, we were
15:38:04 39 briefly talking about the tomato tins matters before the
15:38:07 40 break?---We were.
41
15:38:08 42 I want to take you to a couple of diary entries. The first
15:38:12 43 of those, so it's in your consolidated diary, and it's at
15:38:21 44 pp.509 to 510. You'll see - this is 29 June, according to
15:38:40 45 other entries in your diary, that's where it's
15:38:44 46 placed?---Yes.
47

15:38:45 1 What had happened on 5 June was that the bill of lading had
15:38:50 2 been provided by Ms Gobbo and you've given evidence that
15:38:52 3 you weren't aware of that until only very recently?---Yes.
4
15:39:00 5 And that Officer Green had commenced at the Drug Task Force
15:39:03 6 on the 10th or the 12th of June and the evidence that the
15:39:09 7 Commission's heard is that following that occurring, and
15:39:12 8 this is clear on the face of the ICRs, that from that day
15:39:14 9 onwards Ms Gobbo is providing significant information to
15:39:23 10 Officer Smith - sorry, Officer Fox. Officer Fox is the
15:39:33 11 second name you see at the top there I should say?---Yes.
12
15:39:38 13 Officer Fox is then providing that information about Rob
15:39:40 14 Karam and Mr Higgs and a few other people's whereabouts and
15:39:43 15 discussions about the whereabouts of a particular container
15:39:48 16 during that period. So that's the evidence the
15:39:50 17 Commission's heard to date?---Okay.
18
15:39:52 19 So this is 29 June 2007, so it's a couple of weeks after
15:39:58 20 Officer Green has commenced at the Drug Task Force and he's
15:40:02 21 working in Operation Agamas and Operation Inca. You'll see
15:40:09 22 there that there's a discussion with you, it's White and
15:40:14 23 Fox, that's correct?---Correct.
24
15:40:16 25 And they're talking to you about Operation
15:40:19 26 Agamas?---Correct.
27
15:40:20 28 And they're talking about issues pertaining to Nicola Gobbo
15:40:28 29 in relation to Operation Agamas?---Certainly issues.
15:40:30 30 They're a separate line, but certainly it's Operation
15:40:33 31 Agamas, most probably they're the issues, yes.
15:40:37 32
15:40:37 33 Does this assist you with your memory of conversations
15:40:41 34 about Gobbo's involvement in the tomato tins matters as at
15:40:43 35 June 2007?---No.
36
15:40:45 37 Might it be that you don't recall but it's something that
15:40:49 38 was possibly discussed with you at the time?---Look, I
15:40:53 39 really don't recall it. There's a slight, slight
15:40:56 40 possibility it may have been discussed but I don't recall
15:40:58 41 it.
42
15:41:00 43 If it was discussed, I mean would it have been a matter of
15:41:04 44 great surprise to you or would it have just been a matter
15:41:07 45 of more information that Ms Gobbo's given about another
15:41:10 46 individual?---It's more information.
47

15:41:12 1 Yeah, okay. You're open to the possibility that it might
15:41:16 2 have been discussed at this stage?---Look, a slight, slight
15:41:21 3 possibility. Certainly the bill of lading, I don't recall
15:41:24 4 that at all.
5
15:41:25 6 I understand?---Yep.
7
15:41:28 8 At p.551 of that same document, now this is 23 October
15:41:35 9 2007. There's another entry down here. You can see at
15:41:49 10 11.50 there's an entry, "Inspector Rob Hardy SDU"?---Slash
15:41:56 11 UCU ops.
12
13 UCU operations is that?---Yep.
14
15:41:57 15 You'll see down there there's a number of human sources
15:42:00 16 named, the first of which is Nicola Gobbo?---Correct.
17
15:42:05 18 And "Operation Agamas approach times two"?---Yes.
19
15:42:09 20 "DTF to pay" - - -?---"QLD", Queensland, "costs".
21
15:42:15 22 Yes?---Then there a further entry, "Request to
15:42:18 23 recruit" - - -
24
15:42:19 25 Probably leave that?---Sorry.
26
15:42:21 27 That's all right. All right, yes. I see. This was
15:42:26 28 another discussion later in 2007?---Yes.
29
15:42:31 30 Where Ms Gobbo is named, albeit with about ten other
15:42:35 31 sources or maybe more?---Yes.
32
15:42:38 33 And do you accept that this was a - or was this a
15:42:42 34 conversation that touched on Ms Gobbo's role in Operation
15:42:48 35 Agamas?---No, it wasn't.
36
15:42:50 37 How are you aware of that?---Well because the Queensland
15:42:53 38 approach is another person from Queensland that ultimately
15:42:57 39 became a witness in the operation in control.
40
15:43:00 41 Do any of those - I don't want to talk who they are or what
15:43:03 42 their interests were, but do any of those human source
15:43:09 43 numbers there indicate to you whether or not they were
15:43:11 44 people involved in this Operation Agamas or are they
15:43:13 45 numbers that you don't recognise?---None of those people
15:43:17 46 were involved in Agamas other than 3838 as we've discussed.
47

15:43:20 1 I want to take you now to p.544, a couple of pages on.
15:43:29 2 This is 9 November. Again, there's a 9.50 entry
15:43:37 3 there?---Yes.
4
15:43:38 5 There's a conversation with Gavan Ryan?---Yes.
6
15:43:42 7 Risk assessment human source 3838?---Yes.
8
15:43:45 9 And possible disclosure issues?---Yes.
15:43:50 10
15:43:50 11 I take it that at this stage there was a concern that
15:43:52 12 disclosure might have led to the identification of Nicola
15:43:56 13 Gobbo as a human source?---Correct.
14
15:43:58 15 Do you know the matter that that was in relation to given
15:44:00 16 that this is 9 November 2007?---It would be one of the
15:44:05 17 court cases, I don't know which one it was.
18
15:44:08 19 One of many or one of a couple that you can think
15:44:12 20 of?---Well, I'm - if you want me to guess, I can guess.
15:44:16 21 It's probably one of the Mokbel ones, but I don't know.
22
15:44:20 23 There was a discussion about, I can understand from the
15:44:23 24 entry there, that Ms Gobbo's involvement might come out if
15:44:29 25 there was disclosure in whatever matter it was?---Correct.
26
15:44:35 27 That was something to be avoided I understand?---If
15:44:37 28 possible, yes.
29
15:44:38 30 Mr Horthy Mokbel's committal was happening in November 2007.
15:44:49 31 Does that assist you recalling which matter it was you were
15:44:53 32 concerned about?---No. As I said in my earlier evidence, I
15:44:57 33 knew nothing about any court cases.
34
15:44:59 35 Well, here the issue about disclosure comes up obviously
15:45:06 36 only in a court case, doesn't it?---It does. This is Gavan
15:45:10 37 Ryan briefing me about the risk assessment for 3838.
38
15:45:13 39 And possible disclosure issues?---And possible disclosure
15:45:16 40 issues. Gavan was very concerned about her. And there
15:45:19 41 were possible disclosure issues. As a matter of courtesy
15:45:22 42 he's telling me that.
43
15:45:24 44 You understand that, it might go without saying, but the
15:45:29 45 process of disclosure to an accused person is to provide
15:45:33 46 them with information that implicates them in criminal
15:45:41 47 activity and also possible exculpatory material which might

15:45:45 1 mean they are afforded a defence?---Possibly, yes. I have
15:45:49 2 a - - -
3
15:45:50 4 And the reason that there's particular interest in this
15:45:52 5 entry is that it seems to be a discussion with Mr Ryan
15:45:57 6 about possible disclosure issues that were arising in
15:46:00 7 relation to Ms Gobbo's involvement in a matter?---Okay. I
15:46:06 8 have no independent recollection of it.
9
15:46:08 10 Do you recall conversations to the effect that Ms Gobbo's
15:46:12 11 involvement in these matters - Ms Gobbo's involvement with
15:46:17 12 the SDU should not be disclosed in criminal
15:46:20 13 prosecutions?---No, I don't recall that, no.
14
15:46:23 15 There's been evidence by a number of other current and
15:46:29 16 former police members to the effect they were aware of that
15:46:34 17 being an issue but essentially public interest immunity in
15:46:38 18 a human source trumped any of those considerations. Is
15:46:39 19 that something that occurred to you?---No, and I don't
15:46:42 20 particularly take that position. My view was in relation
15:46:45 21 to this is Gavan had spoken to me. I have a slight
15:46:50 22 recollection of it - as a matter of courtesy - and he's
15:46:53 23 telling me there'll be possibly disclosure issues to come
15:46:58 24 as the officer-in-charge of a particular division. My
15:47:01 25 recollection is I then referred Gavan back to speak to the
15:47:04 26 SDU to make sure all material was available if required.
27
15:47:06 28 To make sure that if there was a request for material that
15:47:10 29 might be required to be disclosed it would be
15:47:12 30 disclosed?---Well it would be available and then we would
15:47:14 31 make a decision as to whether we were going to claim public
15:47:17 32 interest immunity. You can't claim public interest
15:47:19 33 immunity on part of the documents, you need the totality of
15:47:22 34 them.
35
15:47:22 36 You're aware though as you sit here now that information
15:47:27 37 demonstrating or evidencing Ms Gobbo's involvement as a
15:47:34 38 human source wasn't ever disclosed?---I only know that
15:47:41 39 through the media, yes.
40
15:47:43 41 But that's one of the main reasons why we're sitting here
15:47:46 42 today I think?---Yes, yes.
43
15:47:49 44 I want to take you to 20 December 2007. Now this is
15:48:03 45 Mr White's diary and it's VPL.2000.0001.1307 is the first
15:48:16 46 page and the page I'm after is 1314. I haven't given the
15:48:23 47 operator prior notice of that, I apologise. While that's

15:48:31 1 coming up I can certainly read that one again if that would
15:48:35 2 assist. At 9.15, so this is the 20th of the 12th, so it's
15:48:40 3 a month after that last entry we were looking at?---Okay,
15:48:43 4 yep.
5
15:48:44 6 There's a call to you and he's updating you about Nicola
15:48:50 7 Gobbo intelligence?---Yes.
8
15:48:51 9 "Concern regarding disseminating intelligence to the Drug
15:48:56 10 Task Force if it is then on-forwarded to the AFP. It may
15:48:59 11 result in compromisation of human source at subsequent
15:49:04 12 court hearings if AFP documents are not properly
15:49:08 13 protected"?---Yep.
14
15:49:10 15 "Tony Biggin to consider same and discuss with Drug Task
15:49:13 16 Force management"?---Yes.
17
15:49:14 18 "Advise Smith on leave and Snare is acting OIC"?---Yep.
19
15:49:21 20 Given the timing of this particular entry and the contents
15:49:27 21 of it, including the AFP and the Drug Task Force, it
15:49:32 22 appears that this is an entry that relates to the Agamas
15:49:38 23 and Inca operations?---It would appear to be so, yes.
24
15:49:43 25 And that there was a concern that Nicola Gobbo would be
15:49:50 26 compromised if certain information was disseminated to the
15:49:59 27 Drug Task Force and then to the AFP?---Yes, correct.
28
15:50:02 29 Is this a conversation that you recall being a part
15:50:05 30 of?---Obviously I was a part of it. I don't recall it at
15:50:07 31 all.
32
15:50:08 33 Given the contents of the note you accept that Ms Gobbo's
15:50:13 34 role in acting as a human source was something that there
15:50:16 35 was a fear of coming out had there been disclosure in the
15:50:22 36 Agamas and Inca, or the prosecutions that followed
15:50:26 37 Operations Agamas and Inca?---That would appear to be the
15:50:31 38 case.
39
15:50:40 40 At paragraph 71 of your statement you start addressing the
15:50:49 41 considered deactivation of Ms Gobbo?---Correct.
42
15:50:52 43 And from around November 2006 you recall discussions taking
15:50:59 44 place with the handlers and controllers about whether to
15:51:03 45 deactivate her?---Correct.
46
15:51:05 47 Your view - sorry, firstly, why was that a topic of

15:51:11 1 conversation from 2006 onwards?---Well one thing I'd learnt
15:51:14 2 in my experience is that the longer human sources are
15:51:17 3 registered by Victoria Police, the more we seem to get
15:51:20 4 ourselves into trouble with them, so my area of thought and
15:51:25 5 operation at that point of time was that - was twofold.
15:51:30 6 One, if the source was registered for 12 months, it was
15:51:33 7 time to actually consider deactivation. And the second
15:51:38 8 point is if a source came on board, so to speak, for a
15:51:41 9 specific purpose, for example, a letter of assistance, and
15:51:44 10 that had been achieved, then that in itself to me were
15:51:49 11 very, very good reasons to actually end the relationship.
15:51:54 12 And so Ms Gobbo had been on board for a little over 12
15:51:57 13 months, had provided information. So I was actually
15:52:01 14 actively looking for a way to actually end our
15:52:04 15 relationship.
16
15:52:04 17 And that 12 months had led to one particular very
15:52:10 18 significant arrest?---Correct.
19
15:52:11 20 And then that arrest had led to some senior members of the
15:52:17 21 Mokbel cartel being implicated by the person who was
15:52:22 22 arrested?---Correct.
23
15:52:26 24 Their arrest and subsequent prosecution?---Correct.
25
15:52:29 26 All right, well I won't drill into that right now. When
15:52:39 27 you say that your view was that she shouldn't be tasked by
15:52:43 28 the SDU, I think it's from around that period
15:52:49 29 onwards?---Yes.
30
15:52:51 31 Is that correct?---Yes.
32
15:52:53 33 Why was that the trigger? Why was this period of time,
15:52:57 34 what was the trigger in this period of time for that
15:53:00 35 occurring?---The 12 month.
36
15:53:02 37 It was just simply a temporal limitation, 12 months is
15:53:06 38 up?---A line in the sand in my own mind, now is the time to
15:53:10 39 actually begin to actually exit out of this relationship.
40
15:53:12 41 All right. Were the threats that she was receiving part of
15:53:18 42 that or was it again just simply a timing issue?---No, no,
15:53:21 43 it was all part of the big, the overall picture. Certainly
15:53:25 44 I was concerned about her.
45
15:53:26 46 Certainly you were concerned about the threats?---I was
15:53:29 47 concerned about the threats and concerned about her.

1
15:53:31 2 All right. You're now aware, in fact you were up until her
15:53:39 3 eventual deactivation, that she continued to be tasked
15:53:44 4 almost entirely through her period of registration?---Yes.
5
15:53:48 6 And as I take it your evidence is such that that simply
15:53:52 7 shouldn't have occurred after that year, that first
15:53:55 8 year?---It would have been ideal if we had have finished
15:53:59 9 our relationship in the November of 2006 or thereabouts.
10
15:54:02 11 In your consolidated diary at p.398 there's a reference to
15:54:08 12 a weekend at [REDACTED] which I think is an SDU course
15:54:16 13 that's being undertaken; is that right?---I'm not quite
15:54:19 14 sure we can say that, can we?
15
15:54:23 16 I think we can say that they undertake courses, I just
15:54:27 17 don't think we can say what the courses are?---There's
18 another issue.
19
15:54:36 20 COMMISSIONER: You're not allowed to name the place they
15:54:37 21 have them either. [REDACTED]
22
15:54:37 22 MR WOODS: We can't say the [REDACTED] place.
23
15:54:38 23
24
15:54:41 25 COMMISSIONER: No. Again, I don't know that this is a - -
26 -
27
15:54:41 28 MR WOODS: Can I say a [REDACTED]?
29
15:54:41 30 COMMISSIONER: It's not really worth arguing about.
15:54:47 31 [REDACTED].
32
15:54:50 33 MR WOODS: That might be too precise?---It's such a [REDACTED]
15:54:53 34 [REDACTED], the moment you mention a particular place everyone
15:54:55 35 can put one and one together. If you Google [REDACTED] it
15:55:00 36 will tell you what I'm talking about.
15:55:03 37
15:55:03 38 MR WOODS: I understand. I have no issue with that being
15:55:05 39 taken from the record, I apologise.
15:55:06 40
15:55:06 41 COMMISSIONER: All right, it better be taken from the
15:55:07 42 record and not streamed. You can put in a [REDACTED]
15:55:11 43 [REDACTED] instead?---Yes.
15:55:13 44
15:55:13 45 MR WOODS: [REDACTED]?---Yes.
46
15:55:16 47 There was a meeting that occurred where there was a course

15:55:22 1 of some description undertaken?---Yes, it was a [REDACTED]
15:55:26 2 human source management - - -
3
15:55:27 4 I don't need you to say that.
15:55:27 5
15:55:27 6 MS ARGIROPOULOS: Sorry, that's the thing that we're
15:55:29 7 actually concerned about?---Sorry.
8
15:55:30 9 Can I ask that that be removed? Don't apologise.
10
15:55:33 11 COMMISSIONER: What's concerned about?
15:55:33 12
15:55:34 13 MR WOODS: The words [REDACTED].
14
15:55:35 15 COMMISSIONER: Sorry?
15:55:36 16
15:55:36 17 MS ARGIROPOULOS: The reference to the [REDACTED] and the [REDACTED]
15:55:38 18 has been a PII claim that has been accepted in relation
15:55:41 19 to - - -
20
15:55:42 21 COMMISSIONER: All right, I thought it was the location.
15:55:43 22
15:55:44 23 MS ARGIROPOULOS: That's actually the matter that's of
15:55:44 24 concern?---Sorry about that.
25
15:55:46 26 I've now said it as well Mr Biggin, if that can be removed.
27
15:55:50 28 COMMISSIONER: Just let me look at what's been said. So
15:55:53 29 can we leave [REDACTED] in then?
15:55:55 30
15:55:56 31 MR WOODS: No.
15:56:01 32
15:56:01 33 MS ARGIROPOULOS: That's at line 6. It's now been
15:56:05 34 mentioned a number of times I think by Mr Biggin, myself
15:56:10 35 and Mr Woods. Line 6, line 12. Probably what I've said at
15:56:35 36 line 16 as well, Commissioner.
37
15:56:43 38 COMMISSIONER: So take out the [REDACTED], I think if you leave
15:56:46 39 in the [REDACTED] but take out the [REDACTED]. So take out the
15:56:49 40 [REDACTED] there, that's right. So the [REDACTED] goes. Is it
15:57:00 41 mentioned anywhere else? Yes, down there at line 12.
15:57:14 42 We'll take out at line 16 the word "[REDACTED]". Did we want -
15:57:23 43 was [REDACTED] - - -
15:57:25 44
15:57:25 45 MS ARGIROPOULOS: There's no problem with [REDACTED],
15:57:28 46 Commissioner.
15:57:31 47

15:57:32 1 MR WOODS: Thank you. So on a day at - - - ?---A place.
2
15:57:43 3 A place some people undertook something?---Correct.
4
15:57:50 5 And there was a Canadian person there?---Presenters.
6
15:57:56 7 Presenting?---More than one, yes.
8
15:57:58 9 Who was an expert in the field?---Yes.
10
15:58:00 11 And you obviously attended this, being in your
15:58:06 12 diary?---Yes.
13
15:58:06 14 And you have lunch after a morning presentation and then
15:58:13 15 yourself, Officer White, Officer Smith and Officer Anderson
15:58:21 16 have a discussion about Nicola Gobbo?---Correct.
17
15:58:24 18 And you talk about an exit strategy for her?---Correct.
19
15:58:29 20 And you talk about the ACC assisting; is that
15:58:34 21 right?---Assistance, yes.
22
15:58:36 23 What's the ACC assistance referring to?---My cunning plan
15:58:41 24 at that point of time was to transition that person to
15:58:44 25 another agency.
26
15:58:45 27 I see?---To break the relationship with Victoria Police,
15:58:48 28 and then it was up to that agency as to whether they took
15:58:51 29 that person on board or not. It didn't work.
30
15:58:53 31 Did you have a relationship with someone at the ACC who you
15:58:57 32 were having discussions with in that regard?---I knew
15:59:00 33 someone at the ACC who knew who she was - - -
34
15:59:03 35 COMMISSIONER: When you say that person, it's Nicola Gobbo
15:59:05 36 we're talking about, is it, that was going to transition to
15:59:09 37 the ACC?---Yes, correct.
38
15:59:10 39 Yes, thank you?---This was my plan, this wasn't the ACC's
15:59:14 40 plan.
41
15:59:14 42 No, no. That was your way of ending the relationship with
15:59:16 43 victoria Police?---This was my way of, my first aborted
15:59:18 44 attempt at trying to end our relationship.
45
15:59:21 46 MR WOODS: And did you have discussions at all with that
15:59:23 47 person at the ACC about Nicola Gobbo potentially coming

15:59:29 1 across to the ACC?---I didn't but Mr White did and our kind
15:59:36 2 offer was rejected.
3
15:59:38 4 But I take it that he discussed that possibility with you
15:59:41 5 before he approached the ACC?---Correct, yes.
6
15:59:44 7 Who was the person at the ACC?---[REDACTED], who's a
15:59:50 8 [REDACTED] who was then on secondment. He'd
15:59:56 9 previously been at [REDACTED]
15:59:59 10 with me and then he went across to the ACC as a
16:00:04 11 [REDACTED] - - -
12
16:00:05 13 There's an objection. Not having much luck this afternoon.
16:00:11 14 There's an objection to the name of that officer being
16:00:13 15 revealed by the ACC. The objection from the ACC. I'm not
16:00:19 16 sure of the basis for the objection but I'll let - - -
16:00:37 17
16:00:39 18 MS MARTIN: Sorry, Commissioner. My instructions are that
16:00:41 19 the person who has been named was at the time in a very
16:00:45 20 sensitive role and whilst not currently in that role the
16:00:49 21 fact of him being in that role at that particular time
16:00:52 22 remains very sensitive.
23
16:00:54 24 COMMISSIONER: When you say sensitive role, do you mean an
16:00:57 25 operational [REDACTED] or something of that nature?
16:01:01 26
16:01:01 27 MS MARTIN: That is my instructions, yes.
28
16:01:03 29 COMMISSIONER: That's it, okay. If that's the case then I
16:01:06 30 suppose it shouldn't be mentioned.
16:01:07 31
16:01:08 32 MR WOODS: It's someone who comes up from time to time in
16:01:10 33 the documents. I think for current purposes - - -
34
16:01:13 35 COMMISSIONER: Would you like a pseudonym?
16:01:15 36
16:01:15 37 MR WOODS: We can't call him [REDACTED]. I said it again.
38
16:01:20 39 COMMISSIONER: We've already got [REDACTED], yes.
16:01:22 40
16:01:22 41 MR WOODS: We'll have to call him an animal or a - I think
16:01:30 42 perhaps for now we might have a discussion with the ACC
16:01:33 43 overnight to see if it's a continuing issue, but perhaps a
16:01:37 44 pseudonym. I don't know who comes up with the pseudonyms.
16:01:40 45
16:01:40 46 MS MARTIN: And I do apologise, but in terms of, given that
16:01:43 47 we are in open hearing, if the reference to the name can be

16:01:46 1 redacted and obviously taken off the - - -
2
16:01:49 3 COMMISSIONER: Yes, all right. We'll redact the name of
16:01:51 4 that person. Do you want me to give you the line numbers
16:01:58 5 or can you work it out? You can work it out. For at least
16:02:01 6 24 hours we'll redact it and not stream it and there'll be
16:02:07 7 no publication.
16:02:14 8
16:02:15 9 MR WOODS: I thought that would be quite a benign diary
16:02:20 10 entry but it turns out not to have been. At paragraph 72
16:02:23 11 of your statement, 72 to 78, you list a number of examples
16:02:28 12 where a potential exit strategy for Ms Gobbo was
16:02:32 13 discussed?---Correct.
14
16:02:34 15 And this was clearly a real desire of yours from 2006
16:02:40 16 onwards?---Correct.
17
16:02:41 18 And it was something that you repeated when able to from
16:02:45 19 time to time?---Correct.
20
16:02:48 21 Look, I won't need to take you through each and every one
16:02:51 22 of those but your diary on 17 November 2006 - sorry, I've
16:03:02 23 taken you to that already. Yes, sorry, no, this is at
16:03:11 24 p.1533 of the consolidated diary. There's an entry there,
16:03:23 25 so it's Officer Smith. "Further threats to 3838 via text
16:03:33 26 message, via text. Meeting Carlton" between those two
16:03:37 27 individuals"?---Yes.
16:03:38 28
16:03:39 29 "Private five minute conversation for Tuesday in
16:03:45 30 Carlton"?---"On Tuesday in Carlton."
31
16:03:48 32 "On Tuesday in Carlton. Known to ESD"?---Correct, they're
16:03:53 33 two separate issues.
34
16:03:56 35 I see, all right. The first of those issues being just the
16:04:01 36 first line under the officer's name?---Correct.
37
38 So this was simply a, one of the threats that was being
39 passed on to you, is that correct?---Correct.
40
16:04:07 41 Was that a common occurrence given your
16:04:10 42 position?---Common-ish, yes.
43
16:04:14 44 At p.5t8 of the diary, that is 558. I'm looking for an
16:04:27 45 entry on the 17th - here we go, on the 17th of November. I
16:04:33 46 just want to bring that up. "SDU management issue", so
16:04:37 47 this is late 2006?---Yes.

1
16:04:40 2 COMMISSIONER: This is in the ICRs now, not the diary?
16:04:44 3
16:04:44 4 MR WOODS: Yes, the ICRs. There's a meeting between
16:04:47 5 yourself, White and Anderson?---Correct.
6
16:04:50 7 "All intelligence to be collected but retained by SDU, not
16:04:54 8 disseminated unless risk assessment justified release of
16:04:57 9 same"?---Correct.
10
16:04:58 11 "3838 to be advised"?---Correct.
12
16:05:00 13 "Option psych. to be investigated for the benefit of the
16:05:04 14 welfare of 3838", and that was a direction you gave?---Well
16:05:07 15 it was put to me and I then approved it, yes.
16
16:05:10 17 I see. Did you understand that that situation was
16:05:15 18 initiated at least at that time?---Yes.
19
16:05:18 20 But you also understand that within not much further time
16:05:22 21 information was collected and utilised in relation to
16:05:27 22 Ms Gobbo?---As I understand it, yes.
23
16:05:31 24 There's an entry in the SML for 18 November 2006 and it's
16:05:38 25 the following date, p.67. There's a meeting there, so the
16:05:46 26 following day, unless it's referring to the same meeting,
16:05:50 27 which it's not clear, "Discuss deactivation of human
16:05:55 28 source. Duty of care will always be present, therefore
16:05:58 29 must maintain contact, therefore deregistering not possible
16:06:04 30 at this time. Human source to be advised that intel will
16:06:06 31 not be acted upon, passed on. Human source be advised that
16:06:09 32 contact will be ongoing. Urgent issues re info will be
16:06:12 33 addressed as they arise". Given the attendees of that
16:06:18 34 meeting it seems to be the same meeting that's referred to
16:06:20 35 that we looked at a moment ago in the ICRs, do you agree
16:06:23 36 with that?---Possibly could be, or they could have been two
16:06:29 37 meetings. I could check my diaries if you'd like me to
16:06:32 38 check.
39
16:06:33 40 That's all right, I don't think much turns on it to be
16:06:34 41 honest. The situation, though, that I'm interested in was
16:06:36 42 the difficulty that you understood was faced by simply
16:06:41 43 cutting Ms Gobbo loose at this stage; is that
16:06:43 44 right?---That's right, yes.
45
16:06:45 46 And the difficulty being that - what gave rise to that
16:06:51 47 difficulty I'll ask?---There was some ongoing issues in

16:06:54 1 relation to some matters that were potentially going to
16:06:58 2 come up.
3
16:06:58 4 Are these matters that affected her safety?---Her safety,
16:07:02 5 yep.
6
16:07:02 7 And you felt that there was an obligation to make sure that
16:07:06 8 she remained safe?---We had a duty of care. Like every
16:07:10 9 human source we had a duty of care with her and so we, a
16:07:13 10 decision was made to actually keep her on the books at this
16:07:16 11 point of time as an active human source, but we were trying
16:07:19 12 to actually corral her information down, trying to still at
16:07:28 13 this stage break that relationship with us.
14
16:07:29 15 Breaking the relationship was difficult, wasn't it, because
16:07:31 16 she had a real desire to continue to engage with the
16:07:34 17 SDU?---Correct.
18
16:07:35 19 But it was passed on to her, to your understanding, that
16:07:38 20 the information would be listened to but not actioned at
16:07:42 21 this stage?---Correct.
22
16:07:46 23 All right. There's an entry on 21 December in the same
16:07:53 24 document. You'll see there there's another meeting with
16:08:00 25 you, "Advise re decision to report any intel from source as
16:08:03 26 part of exit strategy re management of source. Also
16:08:07 27 informed that source has not been tasked for several months
16:08:10 28 and will push to meet with psychiatrist in near future", so
16:08:13 29 that was a follow on from that last
16:08:16 30 conversation?---Correct.
31
16:08:19 32 You say in your statement that there's no corresponding
16:08:22 33 entry in your diary to that and you can't specifically
16:08:25 34 recall the conversation but you don't doubt that it
16:08:29 35 occurred?---Yes, I agree with that.
36
16:08:31 37 Then on 5 December 2006, and this is in your diary, you
16:08:35 38 attend, it will come up on the screen, you attend a meeting
16:08:41 39 with Inspector Hardy and Officer White where the entry I
16:08:46 40 believe says, "Re SDU Ops, 3838, process of deactivation
16:08:51 41 plus three other human sources"?---I remember that entry,
16:08:54 42 yes.
43
16:08:56 44 Here we've moved from the possibility of simply keeping her
16:09:04 45 on the books, but not disseminating the information, to an
16:09:07 46 actual deactivation, is that a move or is that essentially
16:09:10 47 the same thing?---That was my goal, to try and get out of

16:09:17 1 the relationship at that point in time and for a number of
16:09:21 2 reasons that didn't happen.
3
16:09:22 4 I don't need to take you to the precise entries but around
16:09:26 5 this period of time there are some entries in your diary
16:09:29 6 that record that Ms Gobbo is exhibiting signs of
16:09:34 7 substantial stress?---Correct.
8
16:09:36 9 And you understood that that stress had initiated from the
16:09:41 10 position that she was in in relation to both Victoria
16:09:47 11 Police and those she had contact with both professionally
16:09:51 12 and socially, essentially as her role as human
16:09:56 13 source?---And her lifestyle.
14
16:10:00 15 You record in your diary that you're prepared to pay at
16:10:06 16 that stage the value of \$1,000 for some psychiatric or
16:10:12 17 psychological services to be provided to
16:10:15 18 Ms Gobbo?---Correct.
19
16:10:16 20 2 January 2007, there's another meeting which is in your
16:10:24 21 diaries and it discusses a number of sources and you
16:10:29 22 identify this at paragraph 78 of your statement. You say
16:10:33 23 you recall at the time you do not consider you could simply
16:10:37 24 stop engaging with Ms Gobbo because of the risk posed to
16:10:40 25 her by the level of assistance she'd already provided to
16:10:43 26 police in relation to criminal activities?---Yes.
27
16:10:45 28 It's the case, though, that the handlers could have said to
16:10:50 29 Ms Gobbo at that stage, whilst not stopping engaging with
16:10:54 30 her, they could have said to her, "Ms Gobbo, we're really
16:10:59 31 happy and keen to engage with you but we are not going to
16:11:03 32 accept any information from you"?---They could have done
16:11:05 33 that, yes.
34
16:11:07 35 In retrospect that's something that should have happened at
16:11:10 36 that stage?---Yes, it would have been great.
37
16:11:12 38 All right. I just want to ask very briefly some questions
16:11:26 39 about Operation Briars. I won't necessarily take you to
16:11:35 40 each of the entries but in both Mr White's diaries and in
16:11:47 41 your own diaries there are a number of occasions on which
16:11:53 42 there are meetings about Nicola Gobbo and Operation Briars
16:11:58 43 and you wouldn't dispute that was the case?---Correct.
44
16:12:01 45 And the intention, well the discussion from an early stage,
16:12:07 46 or September 2007, I should say, was that Ms Gobbo might be
16:12:11 47 utilised in some way in relation to Operation

16:12:14 1 Briars?---Correct.
2
16:12:15 3 And you're aware that what ultimately happened in relation
16:12:19 4 to Operation Briars is that Ms Gobbo was given some
16:12:23 5 information that she was asked to pass on to one of the
16:12:28 6 persons of interest in Operation Briars so that - the SDU
16:12:34 7 had asked her to do so; is that correct?---It rings a,
16:12:39 8 yeah, a recollection somewhere in my memory, yes.
9
16:12:47 10 We touched on it earlier in relation to Briars but you also
16:12:51 11 were aware that there was the same tussle or same concerns
16:12:56 12 that arose in relation to Briars in that if Ms Gobbo became
16:13:01 13 a witness those risks to her would increase because of
16:13:07 14 that?---Correct.
15
16:13:10 16 You say in your statement that you told the handlers not to
16:13:14 17 receive privileged or confidential information?---Yes.
18
16:13:18 19 Do you know when you had that conversation with the
16:13:21 20 handlers?---As I said before, it was with Rob Hardy, it
16:13:24 21 wasn't with the handlers.
22
16:13:25 23 Yes?---I'm guessing it was 2007, 2008. I don't know.
24
16:13:32 25 Do you know - was that something that you identified as
16:13:36 26 being a potential issue on 1 July 2006 or before
16:13:39 27 that?---No, it was something that Rob Hardy brought to my
16:13:42 28 attention .
29
16:13:43 30 Brought to your attention so you passed on to the handlers
16:13:45 31 and the controller that this was an issue that they should
16:13:49 32 avoid?---Well no, what happened was, we discussed this
16:13:51 33 before, but Rob Hardy came to me and said that the handlers
16:13:55 34 weren't quite sure about some of the information she was
16:13:58 35 giving, the source of it and where it was and whether it
16:14:01 36 was privileged or not. And I said to him well, we don't
16:14:03 37 want to know anything in relation to privileged
16:14:05 38 information, we're not to receive it, don't want to know
16:14:08 39 about it.
40
16:14:10 41 Putting the issue of privileged or confidential information
16:14:13 42 to one side?---Yes.
43
16:14:14 44 What about the issue of conflict of interest that obviously
16:14:18 45 - well, firstly, you accept that given her role as a
16:14:22 46 barrister and as a human source, equally with privilege and
16:14:28 47 confidentiality there was a real concern about conflict of

16:14:33 1 interest?---That's a great potential, yes.
2

16:14:38 3 That was a potential that you realised early on in the
16:14:41 4 piece in your dealings with the SDU and Ms Gobbo?---I
16:14:43 5 realised it at some stage, I'm not quite sure if it was
16:14:47 6 early on, in the middle or the end phase. It's certainly
16:14:49 7 there somewhere.
8

16:14:50 9 Is it something that occurred to you on the occasion that
16:14:53 10 we were talking about in the private session earlier, the
16:14:57 11 night of a particular arrest?---No, I don't think so. No.
16:15:00 12 It didn't occur to me then, it occurred later on.
13

16:15:03 14 What about in the preparation of your audit a few days
16:15:11 15 later?---No, I don't think it was at the forefront of my
16:15:13 16 mind at that point of time, otherwise I would have
16:15:16 17 documented it.
18

16:15:17 19 Even when you were looking through those ICRs, or the one
16:15:21 20 particular ICR 21 that we spoke about earlier, it's
16:15:24 21 something that didn't occur to you at that stage given what
16:15:28 22 you'd observed a few nights before?---Correct.
23

16:15:34 24 Do you recall when the issue of conflict of interest first
16:15:39 25 occurred to you?---I've already answered that. No, I
16:15:43 26 don't, no. I'm not quite sure whether it was - it wasn't
16:15:45 27 in the beginning. Whether it was 2007, 2008, I can't
16:15:49 28 recall.
29

16:15:49 30 The reason I ask is because of what now appear to be, with
16:15:56 31 retrospect appear to be pretty obvious issues, I would have
16:16:00 32 expected it to hit you pretty hard when it did occur to you
16:16:03 33 that her having a conflict of interest might compromise
16:16:07 34 prosecutions that had happened and ones that were to come
16:16:10 35 forward?---My position is that I knew nothing about any
16:16:13 36 prosecutions. That's a matter for investigators. But I
16:16:16 37 know that at some point of time conflict did cross my mind.
16:16:23 38 I'm not quite sure whether you could say it hit me hard,
16:16:29 39 but it certainly was raised in my awareness.
40

16:16:33 41 You know that once an issue like that comes to the fore or
16:16:39 42 is in one's consciousness as a police officer it's an
16:16:40 43 important issue to disclose to an accused person, that
16:16:42 44 there's been this relationship of conflict persisting in
16:16:45 45 the background. In appropriate circumstances you'd say
16:16:48 46 that could be, should be disclosed to an accused
16:16:51 47 person?---Well it should be in a perfect world, of course,

16:16:54 1 but I go back to my initial point, is that I had nothing to
16:16:56 2 do with any prosecutions whatsoever.
3
16:16:58 4 I understand, but given that this is one organisation we're
16:17:04 5 talking about, albeit undertaking separate roles within it,
16:17:08 6 it's of interest to the Commission each of the places where
16:17:12 7 these issues could have and might have been identified by
16:17:16 8 people who weren't necessarily in control of disclosure, so
16:17:19 9 that's the reason that I ask the question?---Sure, and my
16:17:23 10 answer is the same, that I knew nothing about any court
16:17:25 11 cases at all and in fact I deliberately kept myself away
16:17:34 12 from court cases because, as I said this morning, my role
16:17:38 13 was a service provider, I'd previously been a manager in
16:17:40 14 investigations, I wasn't going to get back and involve
16:17:42 15 myself in investigations when there were other
16:17:45 16 Superintendents doing that role. And in fact I used to get
16:17:47 17 quite peeved when someone would actually step into my role
16:17:53 18 and do things in my divisions or my areas of responsibility
16:17:55 19 without me knowing about it.
20
16:17:57 21 Some of the entries that we've gone through recently are
16:17:59 22 talking about the risk that's posed if Ms Gobbo is required
16:18:02 23 to give evidence?---Yes.
24
16:18:05 25 So it was something that was at least on your radar, that
16:18:09 26 that was one of the potential outcomes of all of this and
16:18:13 27 that if she were in the witness box then it would come
16:18:16 28 out?---Yes.
29
16:18:16 30 By disclosure or simply by - it might come out naturally
16:18:20 31 that she was working as a source?---It would have had to
16:18:26 32 have, yes.
33
16:18:27 34 It was something that was on your mind as something that
16:18:29 35 might affect not just her safety, but might also affect the
16:18:35 36 integrity of other criminal proceedings, do you agree with
16:18:38 37 that?---It certainly would have affected the integrity of
16:18:42 38 the proceedings that she was giving evidence in. The
16:18:45 39 others, as I've said, I don't know what she was involved
16:18:48 40 in.
41
16:18:51 42 When you say you don't know what she was involved in, you
16:18:53 43 knew well about the events we were talking about earlier in
16:18:58 44 private session and the people that that led to being
16:19:01 45 implicated?---Correct, but I had nothing to do with any of
16:19:05 46 the court proceedings. I didn't know whether they were
16:19:08 47 still on foot, whether they were still alive, whether

16:19:10 1 they'd been completed, whether they'd been discontinued, I
16:19:13 2 had no idea.
3
16:19:13 4 You did know about two particular individuals that were
16:19:16 5 implicated in those circumstances who Ms Gobbo then went on
16:19:20 6 to represent. We might have to talk about that in the
16:19:22 7 morning, but in a general sense do you know what I'm
16:19:25 8 talking about?---Yes, I do.
9
16:19:27 10 And you knew that because of her involvement in that
16:19:33 11 earlier stage that that put her in a position of conflict
16:19:36 12 as well?---It didn't occur to me at that stage but perhaps
16:19:40 13 later on it may have come to my attention, I'm not sure.
14
16:19:43 15 I see. In your diary of 25 May 2007, at p.0482 of the
16:19:59 16 consolidated diary, there's a discussion between yourself,
16:20:06 17 Officer White and Mr Overland regarding Petra?---Correct.
18
16:20:16 19 There's a discussion - let me just see what it says.
16:20:20 20 "Overland" - - - ?---Is it Petra or Briars?
21
16:20:24 22 I'm not actually sure. My note says Petra but that might
16:20:28 23 simply be because of the timing. Are you aware of whether
16:20:33 24 it's Petra or Briars looking at that?---No, I'd have to go
16:20:37 25 and do some research.
26
16:20:39 27 We might leave that for now. The source management log of
16:20:47 28 that same date might be of some assistance?---Yes.
29
16:20:50 30 Which is at p.9557 of the source management log for
16:20:57 31 3838?---I actually think that when I look at the entry of
16:21:01 32 my diary it's probably about both, it's about Briars and
16:21:06 33 Petra. They were both running parallel to each other, two
16:21:09 34 separate investigations but running at roughly the same
16:21:12 35 time.
36
16:21:12 37 Yes, I see?---Other than one involved the OPI, Office of
16:21:18 38 Police Integrity, and the other was a Victoria Police one.
39
16:21:20 40 The SML at p.9557 is the entry for 25 May 2007. I can read
16:21:33 41 out the entire VPL if that helps, entire relativity number.
16:21:39 42 In any event, it says, "Meeting with Superintendent TB and
16:21:44 43 DC Overland. Briefing re human source knowledge of Paul
16:21:49 44 Dale involvement in stolen IRs"?---Correct.
45
16:21:52 46 "Dublin Street burglary and Hodson murders"?---Yes.
47

16:21:55 1 "Update human source psychological assessment and ongoing
16:22:00 2 viability"?---Yes.
3
16:22:01 4 "Agreed human source viable re Operation Petra
16:22:05 5 investigations and Waters and co."?---Correct.
6
16:22:07 7 "Also agree OPI will not subpoena human source re the
16:22:12 8 same." So in fact it turns out it's in relation to both of
16:22:15 9 those?---Correct.
10
16:22:16 11 There was an agreement of some description that Ms Gobbo
16:22:18 12 would not receive a subpoena for the OPI inquiry. I take
16:22:22 13 it that's into Petra?---It's in relation to the - I thought
16:22:25 14 it was the Hodsons and the IRs.
15
16:22:28 16 Yeah, same thing I think?---Oh, okay. Or was that Briars?
16:22:35 17 I'm now confusing you completely, I'm sorry.
18
16:22:38 19 No, that's all right. I think we all understand what the
16:22:41 20 situation was, which was that the OPI investigation that
16:22:46 21 followed that there was in fact a summons issued in
16:22:51 22 relation to was in relation to Mr Dale's matters?---M'mm,
16:22:55 23 correct.
24
16:23:02 25 That appears to be because of the diary entry looked at a
16:23:11 26 moment ago, an expanded entry of what was discussed at that
16:23:15 27 meeting?---Correct.
28
16:23:16 29 Do you recall what Mr Overland's view was at that stage
16:23:19 30 about the OPI subpoenaing Ms Gobbo?---Mr Overland's view
16:23:24 31 was - well, it was our view that it wasn't a good idea and
16:23:28 32 it was either at this meeting or another meeting where I
16:23:31 33 requested that he contact the OPI and speak to them to
16:23:39 34 disclose her status and then make her available to them if
16:23:42 35 she so desired as a witness or as a source.
36
16:23:46 37 Just stepping slightly back in time but about a related
16:23:49 38 issue. In the SMLs on 5 March 2007 there's a monthly
16:23:56 39 source review and it talks about a risk assessment that's -
16:24:04 40 here we go, it's up on the screen. I've got to be cautious
16:24:07 41 about a couple of names there. But there's a risk
16:24:11 42 assessment, "Source remains high risk". There's an
16:24:16 43 upcoming committal of Milad Mokbel?---Yes.
44
16:24:19 45 That's going to raise the risk level that Ms Gobbo's
16:24:22 46 involvement, I'll say in a general sense, might come
16:24:26 47 out?---Correct.

1
16:24:27 2 In that committal, you agree?---Yes.
3
16:24:30 4 And her involvement is the involvement that you and I
16:24:32 5 discussed in private session earlier?---Correct.
6
16:24:35 7 And that is going to raise her risk level if that discovery
16:24:41 8 process, I understand that to mean if that discovery
16:24:45 9 process plays out?---Yes.
10
16:24:46 11 And may lead to suspicion by targets that she'd assisted
16:24:50 12 police?---Correct.
13
16:24:53 14 You understand that the involvement that they're concerned
16:24:57 15 or that that note is concerned about being discovered by
16:25:03 16 various individuals is her acting in a dual role, both as
16:25:08 17 legal counsel for a person who'd been arrested but also as
16:25:13 18 a human source who's assisting Victoria Police?---I didn't
16:25:18 19 know she was representing Milad Mokbel but she'd certainly
16:25:24 20 assisted in relation to the other person that made the
16:25:26 21 statement.
22
16:25:26 23 I think the meaning of the note is that her involvement in
16:25:31 24 that process that precipitated Milad Mokbel's
16:25:36 25 committal?---Yes.
26
16:25:37 27 And the information that was gleaned?---M'mm.
28
16:25:39 29 Might come out in Milad Mokbel's committal?---Yes.
30
16:25:42 31 What I'm suggesting to you is that what's being identified
16:25:48 32 there is that the dual role of human source and barrister
16:25:51 33 might come out in that committal?---Well it was always my
16:25:54 34 understanding, as I've said before, that when she was
16:25:57 35 representing that person it was in her role as a barrister.
16:26:00 36 That was my understanding.
37
16:26:03 38 You accept that that's not what the document says
16:26:05 39 though?---No, but this is not my document of course.
40
16:26:08 41 No, I understand. I'm just talking about your
16:26:10 42 understanding?---Yes.
43
16:26:12 44 Okay. If I could have Mr White's diary brought up and it's
16:26:25 45 VPL.2000.0001.1510. This is 5 August 2008. There's a call
16:26:52 46 from you and you've discussed with him the details re one
16:26:58 47 source and the other source being Nicola Gobbo?---It was

16:27:01 1 actually three sources in total, but yes.
2
16:27:05 3 Okay?---So that's sources plural but there's actually three
16:27:09 4 sources that I was directed to hand over. Two were SDU
16:27:12 5 sources and one was another source from elsewhere.
6
16:27:15 7 I see. I just took it that underneath that redaction there
16:27:19 8 was only one number, but there are two, is that what you're
16:27:21 9 saying?---There were three. There were three sources that
16:27:25 10 I was directed to provide the details to the OPI.
11
16:27:29 12 Right. But underneath that redaction is it just a single
16:27:34 13 number?---Advised by - the details - - -
14
16:27:39 15 MR CHETTLE: Sorry, you're asking Mr Biggin about
16:27:41 16 Mr White's diary.
16:27:43 17
16:27:43 18 MR WOODS: No, no, I understand.
16:27:45 19
16:27:45 20 MR CHETTLE: Mr White won't have anything about the third
16:27:48 21 source in it.
16:27:49 22
16:27:49 23 MR WOODS: I understand. I'm just wanting to understand
16:27:51 24 why it is that there's only one redaction there when the
16:27:55 25 witness is talking about three.
16:27:56 26
16:27:57 27 MR CHETTLE: There's two names in this entry and there will
16:27:59 28 be three names in Mr Biggin's entry. He's being asked
16:28:00 29 about something that doesn't necessarily have anything
30 - - -
31
16:28:02 32 COMMISSIONER: I think we should clarify it and I think
16:28:06 33 Mr Woods was going to clarify it.
16:28:08 34
16:28:08 35 MR WOODS: Just so Mr Chettle is aware, there's a single
16:28:11 36 redaction there and yet the witness has said three, so I
16:28:14 37 was simply asking him what his understanding of the
16:28:17 38 situation was. In any event, there were - - -
39
16:28:20 40 COMMISSIONER: Does that refer to the names further
16:28:21 41 down?---No.
42
16:28:25 43 MR WOODS: That's okay. It probably is completely
16:28:27 44 immaterial.
45
16:28:28 46 COMMISSIONER: Yes.
16:28:29 47

16:28:29 1 MR WOODS: "Details re sources"?---Yes.
2
16:28:31 3 One of those sources was Ms Gobbo?---Correct.
4
16:28:34 5 Those details were given to Mr Ashton?---Correct.
6
16:28:39 7 Via - - - ?---Me.
8
16:28:41 9 Who was at the OPI at the time?---Correct.
10
16:28:45 11 Via Ashton's secretary?---Correct.
12
16:28:47 13 And Ashton had said that the details were locked in a
16:28:52 14 safe?---Correct.
15
16:28:53 16 That would be normal prudence I take it in relation to
16:28:57 17 human sources?---Correct.
18
16:28:58 19 "Appears to be necessary re telephone intercept product
16:29:01 20 being obtained"?---That's what it says, yes.
21
16:29:05 22 And he has advised you re issues with Nicola Gobbo and
16:29:10 23 outstanding OPI matter?---Correct.
24
16:29:13 25 Agreed that he is to liaise with O'Connell re likelihood of
16:29:21 26 human source having to return?---Correct.
27
16:29:23 28 At this stage is it the case that Ms Gobbo had already
16:29:27 29 given evidence before the OPI once?---I know that she -
16:29:33 30 well my understanding of the matter was she'd either been
16:29:36 31 given pre-notice or had received a summons. I didn't know
16:29:39 32 whether she'd actually given evidence or not at this stage.
16:29:42 33 I didn't know.
34
16:29:45 35 I think the record shows, it's not obviously clear in this
16:29:48 36 diary entry, that she gave evidence firstly on 19 July 2007
16:29:54 37 and then secondly on 17 August 2007. So this is in fact a
16:29:59 38 year later?---Oh, okay, correct. Okay.
39
16:30:02 40 13 August 2008 there's an email - we might not have time to
16:30:10 41 get to it, Commissioner.
42
16:30:12 43 COMMISSIONER: It's pretty much time to - - -
16:30:13 44
16:30:14 45 MR WOODS: There's a bit to get through.
46
16:30:16 47 COMMISSIONER: It might be a convenient point to stop for

16:30:18 1 the day. Ms Martin, I should say if you want that order to
16:30:21 2 continue beyond the 24 hours that I've made it for you'll
16:30:24 3 need to provide sworn material to the Commission to support
16:30:28 4 it tomorrow.

16:30:30 5
16:30:30 6 MS MARTIN: Yes, Commissioner.

7
16:30:32 8 COMMISSIONER: All right then. We'll adjourn until 9.30
16:30:36 9 tomorrow.

16:30:37 10
16:30:37 11 <(THE WITNESS WITHDREW)

16:30:38 12
16:31:08 13 ADJOURNED UNTIL THURSDAY 10 OCTOBER 2019

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