

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

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Friday, 23 August 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Ms R. Enbom Ms K. Argiropoulos
Counsel for State of Victoria	Mr T. Goodwin
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms A. Martin
Counsel for the CDPP	Ms R. Avis
Counsel for Handlers	Mr G. Chettle Ms L. Theis
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for Faruk Orman	Ms S. Wallace
Counsel for John Higgs	Ms C. Dwyer
Counsel for AFP	Ms I. Minnett

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08:47:28 1 MR WINNEKE: Morning Commissioner.
09:40:10 2
09:40:10 3 COMMISSIONER: Good morning Mr Winneke. I see the
09:40:12 4 appearances are largely as for yesterday except that we
09:40:17 5 have Ms Martin for the DPP this morning and Ms Avis for the
09:40:22 6 Commonwealth DPP. Yes.
09:40:23 7
09:40:24 8 MR WINNEKE: Commissioner, I gather there is a technical
09:40:27 9 hitch.
09:40:27 10
09:40:28 11 COMMISSIONER: There is but we have other matters to deal
09:40:31 12 with. Do we have any idea how long the technical hitch
09:40:37 13 will take to fix? You're welcome to continue to try to
09:40:41 14 remedy that whilst we deal with the housekeeping matters.
09:40:45 15 Yes.
09:40:46 16
09:40:46 17 MS ENBOM: Commissioner, we received the foreshadowed email
09:40:51 18 last night and I've taken instructions overnight in
09:40:56 19 relation to the four broad topics raised in that email.
09:41:00 20
09:41:00 21 COMMISSIONER: I think it was sent during the day but you
09:41:02 22 may not have received it until the evening.
09:41:02 23
09:41:02 24 MS ENBOM: Yes. The four topics raised in that email are,
09:41:06 25 the first one is progress of witness statements. The
09:41:11 26 second, progress of the PII review of the ICRs. That's the
09:41:15 27 second topic. The third topic, progress of PII review of
09:41:20 28 closed hearing transcripts.
29
30 COMMISSIONER: Yes.
31
09:41:22 32 MS ENBOM: And then the fourth topic, PII review of
09:41:25 33 exhibits, various exhibits.
09:41:27 34
09:41:27 35 COMMISSIONER: Yes.
09:41:28 36
09:41:28 37 MS ENBOM: Can I begin with witness statements?
09:41:30 38
09:41:30 39 COMMISSIONER: Yes.
09:41:30 40
09:41:31 41 MS ENBOM: That's the good news.
09:41:33 42
09:41:33 43 COMMISSIONER: Is it? There are several - yes, this is in
09:41:36 44 open hearing. There are several pages of them we're
09:41:41 45 waiting for.
09:41:42 46
09:41:43 47 MS ENBOM: Several pages. We have in my submission and are

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09:41:47 1 making good progress in that area. You'll remember there
09:41:50 2 was once a time when we were producing witness statements
09:41:54 3 only days before witnesses were being called. We're now,
09:41:59 4 we've certainly - - -
09:42:01 5
09:42:01 6 COMMISSIONER: The evening before as I recall actually,
09:42:04 7 Ms Enbom.
09:42:04 8
09:42:06 9 MS ENBOM: Yes, and we've now well and truly caught up and
09:42:07 10 are well in front of the hearings. The Commission has
09:42:10 11 statements for nine witnesses who are yet to be called.
09:42:14 12 They are O'Brien, Buick, Flynn, Biggin, Blayney, Hayes,
09:42:17 13 Calishaw, Porter and Brigham. Some of those statements are
09:42:24 14 quite substantial statements. Many of those witnesses will
09:42:27 15 be giving evidence over several days. We've also finished
09:42:31 16 a witness statement for a Mr Attrill and his statement is
09:42:35 17 ready to be produced as soon as we receive a Notice to
09:42:40 18 Produce. Hopefully we'll get that notice today and the
09:42:40 19 statement can be produced. There's a further statement for
09:42:41 20 Mr Terry Purton. His statement is being reviewed for PII,
09:42:46 21 so I expect that to be produced in the next day or so. So
09:42:52 22 we are well in front of the hearings when we think that
09:42:56 23 Mr White still has to give his evidence, we have all the
09:42:59 24 handlers to give evidence and we have Mr Bateson to return,
09:43:02 25 Mr Rowe to return, Mr Kelly to return and we've got to get
09:43:06 26 through all of the witnesses for whom we've provided
09:43:09 27 statements. So we're well in front.
09:43:10 28
09:43:11 29 COMMISSIONER: Not everyone who is giving a statement may
09:43:14 30 necessarily be called. You certainly put an optimistic
09:43:18 31 glow on it. You might be in front of hearings but you're
09:43:22 32 well behind the due date that witness statements were
09:43:25 33 requested.
09:43:26 34
09:43:26 35 MS ENBOM: We are certainly. There are about - - -
09:43:29 36
09:43:29 37 COMMISSIONER: You have a very serendipitous view of the
09:43:34 38 world, Ms Enbom.
09:43:37 39
09:43:37 40 MS ENBOM: I think we've been requested to provide about
09:43:40 41 roughly 80 witness statements and it simply has not been
09:43:44 42 possible to produce that volume in the six months that
09:43:51 43 we've been doing the witness statements. I assure you we
09:43:55 44 are working around the clock on witness statements and
09:43:59 45 we're making good progress. Dozens are underway. Many of
09:44:04 46 those are well advanced. Many of those are substantial.
09:44:08 47 Some of the statements that are being worked on at the

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09:44:11 1 moment are over 50 pages long and they will be produced in
09:44:14 2 the next few weeks. So I expect there will be another
09:44:18 3 tranche of witness statements coming in the next week, then
09:44:22 4 another tranche after that, until we get through the 80-odd
09:44:26 5 that have been requested. They take quite a bit of time.
09:44:34 6 It's unfortunately not simply a case of getting a witness
09:44:38 7 in, asking the questions and recording the answers provided
09:44:44 8 in the witness statement. There is a substantial document
09:44:47 9 review process that must be undertaken for every single
09:44:52 10 witness and we're trying to produce witness statements that
09:44:54 11 are helpful, and we're also conscious that the witness
09:44:59 12 statement contains the witness's evidence-in-chief. So we
09:45:02 13 must ensure that the statement is comprehensive.

09:45:10 14
09:45:10 15 COMMISSIONER: Yes, well some of them were due late, or as
09:45:15 16 long ago as the end of the March.

09:45:17 17
09:45:17 18 MS ENBOM: Yes. There's just so many of them. There's
09:45:20 19 just so many. We are talking about something like 80
09:45:23 20 witness statements and we have a huge team of people
09:45:26 21 working on them. I don't know how many we've produced to
09:45:30 22 date, but a lot. We're all suffering witness statement
09:45:33 23 fatigue but we're just continuing to work through them and
09:45:38 24 as soon as they're finalised we're producing them. My
09:45:46 25 instructions are we've already produced 60.

09:45:54 26
09:45:54 27 COMMISSIONER: All right then. What about the exhibits?

09:45:57 28
09:45:58 29 MS ENBOM: The exhibits - can I start with the PII review
09:46:02 30 of ICRs.

09:46:03 31
09:46:03 32 COMMISSIONER: Yes. I was told that - yes, you can try and
09:46:11 33 dial in - I was told by Mr Holt last week that the plan was
09:46:14 34 that a number of ICRs, and I think transcript, closed
09:46:22 35 transcript hearings, were about to be produced, a small
09:46:27 36 number.

09:46:27 37
09:46:27 38 MS ENBOM: Yes.

09:46:28 39
09:46:28 40 COMMISSIONER: And then it was thought once that small
09:46:30 41 number was produced and had been sorted out for PII, then
09:46:40 42 they would gradually come faster but we haven't received
09:46:43 43 any at all.

09:46:44 44
09:46:44 45 MS ENBOM: Yes. I think there's been a miscommunication
09:46:48 46 because the first set of seven was sent to the Commission
09:46:51 47 on Monday.

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09:46:52 1
09:46:52 2 COMMISSIONER: That's not what I was told. I was told we
09:46:53 3 didn't have any.
09:46:54 4
09:46:54 5 MS ENBOM: There's obviously been a miscommunication. The
09:46:57 6 first set was sent on Monday. We haven't yet received a
09:47:01 7 response to those.
09:47:02 8
09:47:02 9 COMMISSIONER: That is probably because something has gone
09:47:05 10 amiss. My communication was we haven't received any at
09:47:10 11 all.
09:47:12 12
09:47:13 13 MS ENBOM: They were sent by Kite Works on Monday to
09:47:16 14 Ms Tighe and Mr Rapke.
09:47:18 15
09:47:18 16 COMMISSIONER: That's an error at our end.
09:47:21 17
09:47:22 18 MS ENBOM: That's the ICRs. Closed transcripts, we're
09:47:25 19 making progress but they take a long time. The hearings
09:47:28 20 are closed and we're obviously not jumping up and asking
09:47:32 21 that the operator remove bio data that tends to identify
09:47:40 22 the witnesses who I can't identify now because we're in a
09:47:45 23 public hearing. We're letting that bio data all go through
09:47:49 24 which means it must be removed during the review of the
09:47:54 25 closed hearing transcript. It does take the PII review
09:47:58 26 team some time to go through those transcripts. I'm told
09:47:59 27 it takes a couple of days to do each transcript. Having
09:48:02 28 said that, I understand four will be finished today, so
09:48:07 29 those four will be produced hopefully at the end of today.
09:48:12 30 And then I understand another four should be ready early
09:48:16 31 next week. It's a big job and I'm mindful that it is also
09:48:22 32 a big job for the Commission because when we produce, when
09:48:26 33 we produce the transcript redacted for PII or with the
09:48:29 34 shading identifying the PII area, then there's a big job
09:48:34 35 for the Commission to do in reviewing all of those PII
09:48:40 36 claims and responding. We provided our PII claims back in
09:48:47 37 May in relation to one closed hearing transcript and I
09:48:52 38 think, I'll just check, we've only just received back the
09:48:57 39 Commission's response to those redactions, so it is a very
09:49:01 40 big job and I have been wondering in the early hours of the
09:49:05 41 morning whether in circumstances where accredited media are
09:49:12 42 present during closed hearings and reporting the closed
09:49:15 43 hearings every day, subject obviously to compliance with
09:49:19 44 suppression orders, they're reporting the closed hearings
09:49:23 45 every day, so the public are receiving their reports every
09:49:27 46 day as to what's happening in the closed hearings. I
09:49:29 47 understand that the transcripts of the closed hearings are

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09:49:34 1 being provided to the lawyers for the potentially affected
09:49:37 2 people. So we have those who - I withdraw that. We have
09:49:44 3 the lawyers for the potentially affected people receiving
09:49:47 4 transcript of what's occurring in the closed hearings. We
09:49:51 5 have the public receiving reports of what's occurring and I
09:49:55 6 do wonder whether perhaps it might be sensible to
09:50:00 7 re-prioritise things so that we review the closed
09:50:04 8 transcripts after, given it's the biggest job of all, after
09:50:09 9 the review of exhibits. That's a quicker process and we
09:50:17 10 can review those and they can be uploaded to the website.
09:50:22 11 Obviously the review of witness statements is a very
09:50:24 12 important one. The PII review of witness statements does
09:50:27 13 slow us down a little. It would seem sensible to
09:50:30 14 prioritise the PII review of witness statements, the PII
09:50:34 15 review of the exhibits, the PII review of ICRs and then we
09:50:40 16 moved to the closed hearing transcripts when we can. I
09:50:47 17 just raise that as a matter to be considered. It might
09:50:49 18 assist in getting more material onto the website quicker.

09:50:52 19
09:50:53 20 COMMISSIONER: Yes. I guess I have to see what is left of
09:50:56 21 the closed hearing transcripts. I mean if they end up
09:50:59 22 being completely redacted or making no sense then there's
09:51:03 23 probably not much point in publishing them and having that
09:51:08 24 effort put into them. I haven't yet seen that. I can see
09:51:13 25 what you're saying about priority. I don't know, I'll see
09:51:17 26 what they look like, what these closed hearing transcripts
09:51:21 27 look like, whether they're a useful document to be
09:51:24 28 published. If they end up being of no use, well then it's
09:51:28 29 no much point wasting resources trying to put them on the
09:51:33 30 website.

09:51:34 31
09:51:34 32 MS ENBOM: Yes. Four should be coming across at the end of
09:51:39 33 today. The client will have finished reviewing four today.
09:51:45 34 We tend to like to have a look at those redactions and
09:51:48 35 discuss some of them with the client before they're
09:51:51 36 provided to the Commission. So if they're not provided
09:51:55 37 today we'll ensure they're provided to the Commission over
09:51:58 38 the weekend.

09:51:58 39
09:51:59 40 COMMISSIONER: All right then.

09:52:01 41
09:52:01 42 MS ENBOM: Then the last, that leaves the last topic which
09:52:04 43 is the PII review of exhibits. I don't know, I can go
09:52:18 44 through each and every exhibit, that might take some time.
09:52:25 45 There's really a mix of some exhibits are with us.

09:52:30 46
09:52:31 47 COMMISSIONER: What I've been told is we don't have any

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09:52:34 1 exhibits from this round of hearings that have been PIIed
09:52:41 2 yet.
09:52:41 3
09:52:42 4 MS ENBOM: I don't think that's the case. About a dozen
09:52:44 5 have been provided.
09:52:45 6
09:52:45 7 COMMISSIONER: That might be so, but there are 25 anyway
09:52:48 8 that we're waiting on.
09:52:49 9
09:52:50 10 MS ENBOM: Yes. Can I just clarify a couple of things.
09:52:57 11 The IRs that were tendered, they were reviewed for PII
09:53:04 12 before they were produced so the Commission needs to look
09:53:13 13 at those PII claims and once those PII claims have been
09:53:18 14 resolved then those IRs are able to go on to the website,
09:53:23 15 and that's the same for the source management log. Sorry,
09:53:28 16 the source management logs, there's two of them. They were
09:53:32 17 reviewed for PII at the time of production and so the parts
09:53:37 18 that have been tendered are able to go on to the website
09:53:41 19 once the Commission is comfortable or once the redactions
09:53:45 20 have been resolved. And that's also the same for the risk
09:53:49 21 assessments. And then there are some exhibits obviously
09:53:55 22 with us still to be PII reviewed.
09:53:59 23
09:53:59 24 COMMISSIONER: And when are they going to be PII reviewed?
09:54:02 25
09:54:08 26 MS ENBOM: As soon as possible. That's not a satisfactory
09:54:12 27 answer but we will - there's only one witness statement
09:54:19 28 being reviewed for PII at the moment so as soon as that's
09:54:23 29 finished and across to the Commission we'll then move to
09:54:26 30 the outstanding exhibits from this hearing, round of
09:54:29 31 hearings. So I expect that's - other than exhibits that
09:54:32 32 are large, and I think there are some that are very large,
09:54:37 33 I don't expect there to be any delay in reviewing those.
09:54:42 34 There are three that are very big. There's one that is it
09:54:46 35 200 pages. Another 70 pages. There's four. There is a
09:54:50 36 200 page, a 70 page, a 40 page and a 98 page. Those will
09:54:55 37 slow us down a bit. If we perhaps focus on the shorter
09:54:59 38 exhibits, review those and get them across to the
09:55:04 39 Commission and then move to the larger exhibits.
09:55:05 40
09:55:06 41 COMMISSIONER: Yes, all right. Yes, thank you.
09:55:07 42
09:55:08 43 MS ENBOM: Thank you Commissioner.
09:55:10 44
09:55:10 45 COMMISSIONER: Mr Winneke, is there anything you wanted to
09:55:12 46 add?
09:55:12 47

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09:55:13 1 MR WINNEKE: No, Commissioner. We hear what our friend's
09:55:16 2 saying, I understand it's a large task.
09:55:19 3
09:55:19 4 COMMISSIONER: Yes. It seems as though the Commission has
09:55:21 5 some homework to do in terms of catching up with the
09:55:25 6 backlog of PII claims from Victoria Police and sorting
09:55:28 7 those out.
09:55:29 8
09:55:30 9 MR WINNEKE: That's correct, Commissioner. Ultimately if
09:55:32 10 we get documents which have been PIIed we can put them on
09:55:36 11 to the website. If we think there's some claw back to be
09:55:39 12 made that can be done. But I should say we have received
09:55:44 13 the seven ICRs and so they have been received by the
09:55:50 14 Commission. As to the rest, there's not a great deal more
09:55:54 15 I can say. I understand the police are working as hard as
09:55:57 16 they can. As to the statements, we hear what Ms Enbom says
09:56:03 17 about that. Obviously we understand that it's a large task
09:56:09 18 but could we simply reiterate the importance of getting the
09:56:12 19 statements to us as soon as possible because a lot of
09:56:15 20 people are giving evidence. Statements which are
09:56:17 21 outstanding in many cases touch upon the evidence which is
09:56:21 22 currently being given and certainly it would be useful if
09:56:27 23 we had the statements as soon as they possibly can be
09:56:31 24 given.
09:56:31 25
09:56:31 26 COMMISSIONER: Yes. Although I think there is an
09:56:33 27 apprehension that people are delaying the giving of
09:56:37 28 statements to see what evidence comes out in the
09:56:40 29 Commission.
09:56:40 30
09:56:40 31 MR WINNEKE: I would be very disappointed if that was
09:56:42 32 taking place.
09:56:43 33
09:56:44 34 COMMISSIONER: Very disappointing if that was what was
09:56:46 35 happening.
09:56:46 36
09:56:47 37 MS ENBOM: Commissioner, I can assure you that is
09:56:51 38 absolutely not the case. I'm very much across the progress
09:56:51 39 of witness statements, that's something that I'm managing
09:56:53 40 and there has been no hint of that at all from anyone.
09:56:57 41
09:56:57 42 COMMISSIONER: Yes. There are others - yes, all right
09:56:59 43 then, I understand. All right then. I understand the
09:57:06 44 witness is available now. We've got an empty chair, but -
09:57:17 45 here he is, yes, this is looking promising.
46
09:57:22 47 Yes, Mr White, are you there?---Yes, good morning

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09:57:25 1 Commissioner.
09:57:26 2
09:57:27 3 Good morning Mr White. Yes Mr Collinson. We have to go
09:57:31 4 into closed hearing again?
09:57:32 5
09:57:33 6 MR COLLINSON: No, I was going to raise that, Commissioner.
09:57:36 7 I think we should be in open session now.
09:57:38 8
09:57:38 9 COMMISSIONER: All right, we'll continue in open session.
09:57:40 10
09:57:41 11 <SANDY WHITE, recalled:
09:57:43 12
09:57:43 13 MR COLLINSON: Mr White, I want to ask you some questions
09:57:47 14 about the circumstances giving rise to Ms Gobbo giving
09:57:53 15 evidence against Mr Dale and I want to start and move very
09:58:00 16 quickly through some very early aspects of that subject
09:58:04 17 matter. Can I ask you, please, to go to p.648, tabs ICR
09:58:17 18 67?--Which folder, Mr Collinson?
09:58:19 19
09:58:20 20 I think that will be folder number 1 of the 3838?--Thank
09:58:25 21 you. Did you say p.367?
09:59:24 22
09:59:24 23 No, 648?--I have that.
09:59:32 24
09:59:33 25 Right. Now, this is relatively early in the piece, at
09:59:40 26 least in terms of the eventual dealings with Dale that I've
09:59:43 27 mentioned, but you'll see on that page the date 21 February
09:59:46 28 2007?--Yes.
09:59:48 29
09:59:49 30 And just a little below that, about point 7 of the page, do
09:59:54 31 you see the reference under the heading "Carl Williams",
09:59:58 32 "Solicitor 2 said that Carl is going to pay 3838 back for
10:00:03 33 the things that 3838 has done behind his back in these
10:00:08 34 dealings with police"?--Yes.
10:00:11 35
10:00:11 36 Now, and above that you'll see the reference to Mr Williams
10:00:17 37 continuing some on going plea dealings with the police.
10:00:20 38 Now, do you recall - this is around the time when
10:00:25 39 Mr Williams is giving consideration at least to whether or
10:00:30 40 not to give evidence against Mr Dale?--Is it? Okay.
10:00:37 41
10:00:38 42 I think that's clear contextually but I might take you to
10:00:42 43 something to show you that. I just want to suggest, I mean
10:00:46 44 do you - I don't suppose you have a specific recollection
10:00:49 45 of this observation by Solicitor 2 to the handler that - I
10:00:55 46 wanted to suggest to you that you can see, can't you, that
10:01:01 47 in terms of what might go in the Carl Williams' statement,

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10:01:05 1 Ms Gobbo had a legitimate concern that Mr Williams might
10:01:10 2 tell lies about her?---Yes.
10:01:13 3
10:01:16 4 Over at p.650, if you turn over to that, you'll see at
10:01:25 5 point 7 or point 8 of the page another reference to Carl
10:01:31 6 Williams?---Yes.
10:01:32 7
10:01:32 8 And as you can see, there's very few criminals with whom,
10:01:39 9 who don't at some point seek some kind of advice from
10:01:42 10 Nicola Gobbo. It would appear that Mr Williams has rung up
10:01:50 11 Ms Gobbo from prison wanting advice about what to do and
10:01:54 12 you'll see it continues, "Williams asked 3838 not to hang
10:01:58 13 up and let whatever has happened to be water under the
10:02:01 14 bridge". Now he's referring, I suggest, there to threats
10:02:08 15 that he's made to Ms Gobbo and describing her as an
10:02:13 16 informer dog and that sort of subject matter?---Had those
10:02:21 17 matters occurred before this?
10:02:22 18
10:02:23 19 Yes?---The matters we discussed yesterday?
10:02:25 20
10:02:26 21 Yes, that's right?---Yes.
10:02:27 22
10:02:28 23 Then Mr Williams continued, "Discussed the terms of his
10:02:33 24 plea and the expected sentence of that many years to serve.
10:02:36 25 Williams stated that Purana want him to give evidence
10:02:39 26 against Paul Dale. Williams has told them that he can't
10:02:44 27 help them with Milad Mokbel and they can get fucked with
10:02:48 28 any assistance in relation to Paul Dale. 3838 discussed
29 the above in general terms and did not give any advice. At
10:02:52 30 the conclusion of the phone call 3838 transferred the call
10:02:54 31 to Con Heliotis". Somewhat oddly in a context where
10:03:01 32 Mr Williams is, or at least through the version of events
10:03:07 33 presented by Solicitor 2, at risk of sort of telling lies
10:03:11 34 about Ms Gobbo, at the same time he's seeking advice from
10:03:15 35 her about what to do, do you recollect that at all?---I
10:03:19 36 don't recollect it but I do recollect that Solicitor 2 and
10:03:26 37 Ms Gobbo didn't have a very good relationship, let's put it
10:03:37 38 that way.
10:03:37 39
10:03:38 40 Yes. If I could take you to 742?---I have that.
10:04:25 41
10:04:26 42 You'll see a reference on this page to Andrew Hodson, the
10:04:29 43 son of the Hodson parents who had been killed back in
10:04:34 44 2004?---Yes.
10:04:35 45
10:04:36 46 This is just an example, but around this time he's
10:04:40 47 contacting Ms Gobbo wanting to discuss issues associated

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10:04:45 1 with the murders, do you recall that?---Yes.
10:04:49 2
10:04:51 3 And I think Ms Gobbo's suspicious as to why he's making
10:04:56 4 contact with her in that way, do you recollect that?---Yes.
10:05:01 5
10:05:03 6 Then if I could take you to p.830 and on that page at about
10:05:25 7 point 6 of the page, we're on 9 May 2007 now, Ms Gobbo, it
10:05:34 8 says has discovered that Carl Williams has made a statement
10:05:37 9 nominating her as being associated with Paul Dale. Do you
10:05:42 10 see that?---Yes.
10:05:42 11
10:05:44 12 And you can see further down it says under the heading
10:05:51 13 "Carl Williams", "3838 has now calmed down from the time
10:05:57 14 that the message was left". But she's pretty upset, isn't
10:06:01 15 she, about what she then understands to be this suggestion
10:06:04 16 by Carl Williams that she has an association with
10:06:08 17 Mr Dale?---Yes.
10:06:09 18
10:06:13 19 And then over at 833 at point 9 of the page there's a dot
10:06:29 20 point that states, "Coghlan stated that 3838 should have no
10:06:35 21 fears relating to the contents of the statement", referring
10:06:38 22 to the Carl Williams' statement, do you see that?---Yes.
10:06:40 23
10:06:42 24 Is that something that is being told to Ms Gobbo in this
10:06:50 25 reference by the handler or the other way - or is it
10:06:55 26 something that Mr Coghlan is stating to the handler?---This
10:07:01 27 seems to be information coming from Ms Gobbo.
10:07:04 28
10:07:04 29 Right. Anyway, Mr Coghlan, he's from Purana, isn't he?---I
10:07:13 30 don't know if this is a reference to Jim Coghlan from
10:07:16 31 Purana or Mr Coghlan from the OPP.
10:07:19 32
10:07:19 33 I'm told there's two.
10:07:21 34
10:07:22 35 COMMISSIONER: It says Paul Coghlan?---It's Paul Coghlan,
10:07:26 36 yes.
10:07:26 37
10:07:27 38 MR COLLINSON: He's apparently from the DPP. He was the
10:07:30 39 top dog there. Everyone wants to highlight my lack of
10:07:38 40 knowledge of these matters. Anyway, that seems to allay
10:07:41 41 Ms Gobbo's fears, doesn't it, to some degree?---Yes.
10:07:47 42
10:07:48 43 Then there's some discussions over 2007 that I think occur
10:07:55 44 with SDU about Ms Gobbo's dealings and I think I can pass
10:08:07 45 over that because Mr Winneke covered all of that. Perhaps
10:08:12 46 I can take you to - I won't take you, I'll just tell you,
10:08:19 47 that around November 2007 Ms Gobbo is tasked into Mr Dale,

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10:08:26 1 so to speak. In other words seems to be tasked by SDU to
10:08:31 2 gather information from him and I took you to that ICR
10:08:38 3 earlier. So I presume of course she's being tasked in that
10:08:45 4 way, isn't she, to assist with the ongoing investigation of
10:08:50 5 any involvement of Mr Dale with the Hodson murders?---Yes.
10:08:54 6
10:08:56 7 Then if I could take you to 2008, which is the 2958 ICRs.
10:09:33 8 If I didn't say it, p.46. You'll see there the date 18
10:09:56 9 February 2008, Mr White?---Yes.
10:09:59 10
10:10:02 11 Ms Gobbo has called the handler to relate, as you see from
10:10:07 12 the third dot point, that Cameron Davey from Petra has
10:10:12 13 called to set up a meeting with Ms Gobbo?---I see that.
10:10:19 14
10:10:19 15 And that's all to do with the Hodsons?---Yes.
10:10:21 16
10:10:22 17 This seems to be, I mean there may be an earlier one, but
10:10:26 18 this seems to be one of the early direct communications by
10:10:30 19 Petra with Ms Gobbo about giving information about her
10:10:38 20 knowledge of the Hodson murders, does that match your
10:10:42 21 recollection, early 2008?---Yes.
10:10:45 22
10:10:55 23 Ms Gobbo immediately becomes fairly stressed about this, I
10:10:59 24 think, doesn't she? As you can see from the dot points
10:11:04 25 that are lower down on that p.46?---Sorry, your question
10:11:42 26 again, Mr Collinson, does it cause her stress?
10:11:46 27
10:11:46 28 Yes?---Yes, I think she did have some concerns about this.
10:11:53 29
10:11:53 30 I mean one concern she seems to be worried about is that
10:11:57 31 there might be hearings where she gets into this awkward
10:12:01 32 position of being asked questions where if she discloses
10:12:05 33 honestly that she's an informer she's told the truth, but
10:12:09 34 then the information gets out and, if she lies about it
10:12:12 35 then she's told a lie on oath. That's the sort of
10:12:17 36 quandary, isn't it?---I don't think there was any
10:12:24 37 reference, I haven't read this all, I don't think she would
10:12:28 38 ever consider telling a lie on oath. Clearly she's
10:12:34 39 concerned about the fact of being involved in open court
10:12:38 40 hearings would compromise her in regard to her activities
10:12:41 41 with the SDU.
10:12:41 42
10:12:42 43 I didn't mean to suggest she would contemplate doing that,
10:12:46 44 I'm saying that's the sort of terrible position she would
10:12:49 45 be put in. It's the kind of problem that arose with the
10:12:52 46 OPI hearings, isn't it, where to answer honestly, if you're
10:12:56 47 asked questions that are too wide, then you will have to

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10:12:59 1 disclose or may disclose your role as a human
10:13:02 2 source?---Yes, that's right.
10:13:03 3
10:13:03 4 And once information like that gets out, even with the best
10:13:06 5 will in the world, it can percolate in unexpected
10:13:11 6 directions and members of the Mokbel gang might find out
10:13:14 7 about it?---Yes.
10:13:15 8
10:13:17 9 Then she has dealings with Mr Davey and if I could take you
10:13:28 10 to p.69. You'll see at the foot of the page the heading,
10:13:48 11 "Petra"?---Yes.
10:13:49 12
10:13:49 13 It says, "Ms Gobbo was told about Petra and that Ms Gobbo
10:13:52 14 had to cease suggesting ideas of how to help". This is
10:14:02 15 p.69. It continues, "Ms Gobbo acknowledges this and stated
10:14:07 16 that it was hard being there and it was their suggestion
10:14:10 17 and Ms Gobbo wanted to look compliant. Ms Gobbo was told
10:14:13 18 that things would end up in investigatory notes which may
10:14:17 19 indicate Ms Gobbo's willingness to assist police. Ms Gobbo
10:14:22 20 acknowledged this". That's referring to a problem that
10:14:26 21 became manifest around this time, isn't it, that when she
10:14:31 22 starts talking directly to Petra, everything she says is
10:14:36 23 recorded by the officer in the officer's diary,
10:14:42 24 correct?---Yes.
10:14:42 25
10:14:43 26 And one day that diary might be produced to the defence if
10:14:48 27 there were any charges later laid?---Yes.
10:14:52 28
10:14:53 29 And the diary notes might reflect that Ms Gobbo is freely
10:15:01 30 cooperating with the Petra Task Force and that might be
10:15:05 31 information that would be negative for her safety going
10:15:12 32 forward if the person charged heard about it?---Yes. Well
10:15:19 33 not only the person charged.
10:15:21 34
10:15:21 35 Yes, or others if it gets circulated. Then if you could
10:15:31 36 go, please, to p.78. Mr Winneke might have asked you about
10:15:52 37 this, but in the second dot point at the top of the page
10:16:00 38 there's - it says, "General discussions about Ms Gobbo
10:16:05 39 recording conversations and Ms Gobbo stated that if it was
10:16:10 40 to occur Ms Gobbo would have to have something that could
10:16:13 41 be carried in a pocket or something that could be put on a
10:16:16 42 table without suspicion, i.e. a cigarette packet, lighter
10:16:22 43 or keys. Davey gave a guarantee [REDACTED] would not be used
10:16:29 44 as evidence as he would not want blood on his hands". This
10:16:33 45 seems to relate, if one goes forward to p.81, it seems to
10:16:37 46 relate to an intent [REDACTED] some way a conversation
10:16:42 47 between Ms Gobbo and Mr Andrew Hodson. Do you see there's

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10:16:47 1 reference to that in the context of Mr Hodson at the bottom
10:16:51 2 of p.81?---I haven't got to 81 yet but I see the entry
10:17:01 3 you've just taken me to has a dot point there saying that
10:17:05 4 she believes Hodson would talk openly to her over dinner.
10:17:09 5
10:17:09 6 Yes?---So that suggests that's what the [REDACTED] was
10:17:13 7 about.
10:17:13 8
10:17:14 9 It's an easier cross-reference. Do you know what was meant
10:17:18 10 by Mr Davey saying that [REDACTED] would not be used as
10:17:25 11 evidence as he would not want blood on his hands? Is that
10:17:28 12 because it would be a threat to the life of Ms Gobbo, is
10:17:32 13 that what's being conveyed?---I can only speculate now.
10:17:38 14
10:17:38 15 Yes. And, what, would that be your speculation or not?---I
10:17:44 16 think it is suggesting that if [REDACTED] used in evidence
10:17:50 17 then that would compromise her role with the police and she
10:17:55 18 could potentially be killed.
10:17:57 19
10:17:57 20 Yes. And then if I could take you to p.107. This is 19
10:18:13 21 March 2008 and you'll see this seems to be in grey so I'll
10:18:21 22 just put this without being very specific but you'll see
10:18:25 23 that a particular police officer calls Ms Gobbo from
10:18:31 24 Purana?---Yes.
10:18:32 25
10:18:33 26 And he wants documents that you can see referred to in the
10:18:37 27 second dot point. This is about point 3 on the
10:18:46 28 page?---Yes, I see that.
10:18:47 29
10:18:48 30 Now that's an unwise call for the police officer to make, I
10:18:55 31 suggest, for the very same reason I identified earlier,
10:18:57 32 that if this is recorded in police diary, that Ms Gobbo is
10:19:04 33 cooperating in this way it creates the kind of risks I
10:19:08 34 think you conceded in some questions a moment ago?---Yes.
10:19:11 35
10:19:12 36 And in fact that police officer is, I think, later
10:19:17 37 reprimanded for taking the risk of contacting Ms Gobbo in
10:19:21 38 this way?---I can't recall that.
10:19:27 39
10:19:27 40 All right. I can pass over that. And then if I can take
10:19:35 41 you to p.350. We've now arrived at 25 May 2008 and you can
10:20:03 42 see that Ms Gobbo is reporting that Mr Dale is in town and
10:20:09 43 he seems to have been drinking?---I see that.
10:20:14 44
10:20:15 45 And he's been sending lots of texts to her and wants to
10:20:23 46 catch up with Ms Gobbo for dinner?---Yes, I see that.
10:20:29 47

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10:20:34 1 She's already been tasked into Mr Dale at this point,
10:20:37 2 hasn't she?--Has she? I'm not sure.
10:20:45 3
10:20:45 4 I think accept that from me. But this provides this
10:20:50 5 opportunity, doesn't it? I presume it's a more attractive
10:20:54 6 opportunity for the tasking if Mr Dale contacts her because
10:20:59 7 if she's chasing him then maybe it would be more suspicious
10:21:04 8 from Mr Dale's point of view?---That's logical, yes.
10:21:10 9
10:21:13 10 And then if I could take you to p.455. There's discussion
10:21:36 11 about Mr Dale at point 5 of the page. You'll see it says,
10:21:41 12 "Talk about OPI hearings and maybe more to come re Paul.
10:21:45 13 Ms Gobbo believes focus may be on her and allegations of
10:21:48 14 sexual favours done in return for jobs. Discuss how there
10:21:53 15 is no longer any value in seeing him. Ms Gobbo agrees.
10:21:59 16 Therefore if he tries to meet up again throw back at him
10:22:04 17 his own advice re everyone he contacts has been called to
10:22:06 18 the OPI. He said that he was protecting her by not
10:22:09 19 contacting her therefore tell him he should do this and
10:22:13 20 Ms Gobbo does not want to meet". There seems to be
10:22:17 21 something of a decision at this point to keep Ms Gobbo away
10:22:19 22 from Mr Dale. Is this because of forthcoming OPI hearings
10:22:26 23 that Mr Dale is to attend?---I don't know, and as I've said
10:22:37 24 a little bit earlier, I'm not sure when she was tasked in
10:22:41 25 regards to Paul Dale and I don't think that occurred until
10:22:44 26 after he'd contacted her, probably wouldn't even be
10:22:50 27 considered until after he had contacted her wanting to
10:22:54 28 catch up with her. I'm not sure whether it's that
10:22:56 29 discussion you've just taken me to or not.
10:22:59 30
10:22:59 31 I won't take you back to it because I think it's too
10:23:03 32 cumbersome but ICR 110, 11 November 2007, p.1388 from the
10:23:11 33 other volume is the ICR that records that at that time she
10:23:16 34 was tasked in. It's brought up on the screen. I don't
10:23:21 35 know whether you've got the screen there?---Yes.
10:23:24 36
10:23:24 37 You can see there's a tasking into Dale at the end of the
10:23:27 38 previous year? See that?---Yes.
10:23:37 39
10:23:40 40 Maybe taskings become slightly inactive rather than active,
10:23:44 41 is that what might have happened with Ms Gobbo, that she
10:23:48 42 might be formally tasked but in reality not much is
10:23:52 43 happening?---That's probably right. So this is - now we're
10:24:03 44 in June, yes. It might have just been a monitoring type of
10:24:10 45 situation.
10:24:10 46
10:24:10 47 Yes. If I could take you in this volume that you're in to

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10:24:16 1 p.675, ICR 43. I think Mr Winneke probably took you to
10:24:36 2 this but it seems that Petra becomes active again in
10:24:42 3 wanting to see Ms Gobbo around October 2008. Is that entry
10:24:48 4 there at the top at about point 4 of the page, "Operation
10:24:55 5 Petra", where it says, "Spoke for 45 minutes, he wants to
10:25:01 6 see Ms Gobbo next week", is that again a conversation
10:25:05 7 between Mr Solomon and Ms Gobbo or between Mr Solomon and
10:25:10 8 SDU?---No, I think this would be - this would be a
10:25:22 9 reference to Mr Solomon talking to Ms Gobbo I think, but I
10:25:25 10 don't know whether it's come from her or it's come from
10:25:30 11 Petra.
10:25:30 12

10:25:33 13 Yes. Then if you could go to p.716, please. You'll see at
10:25:54 14 point 7 of the page there's a discussion about
10:26:01 15 Petra?---Yes.
10:26:01 16

10:26:04 17 And it says, "Told re Petra Ms Gobbo must clarify position
10:26:07 18 with respect that does not want to be a witness. Ms Gobbo
10:26:12 19 brought up why was there question, why is it that you were
10:26:16 20 having these communications. In retrospect I was used.
10:26:21 21 Was I too close? Yes. Was I getting anything out of it,
10:26:25 22 et cetera? Discuss Carl Williams has seen a few paragraphs
10:26:29 23 of statement. Cut his deal re assets, protected an ex-wife
10:26:34 24 and got away with three murders re his statement. Long
10:26:35 25 discussion re Petra. Ms Gobbo to clarify no statement with
10:26:39 26 investigators". Now, it would seem, wouldn't it, that
10:26:44 27 around this time then, and we're now in late November 2008,
10:26:52 28 Petra has asked Ms Gobbo to produce a witness statement to
10:26:57 29 assist with the prosecution of Mr Dale?---Petra has asked
10:27:07 30 for a statement?
10:27:08 31

10:27:08 32 Yes?---That might be the case. I think it's a bit unclear.
10:27:15 33

10:27:16 34 Yes. And then over to p.721, you'll see the heading
10:27:32 35 "Operation Petra" at the top of the page?---Yes.
10:27:35 36

10:27:36 37 And it says, "Mr Solomon rang three times". Is that
10:27:41 38 Ms Gobbo reporting that he rang her three times?---Yes.
10:27:46 39

10:27:52 40 And then dropping down a few lines it says, "HS to ring
10:27:56 41 Cameron Davey on Monday. Told concerned re anyone knowing
10:28:02 42 Ms Gobbo is assisting Petra. Solomon says they are being
10:28:06 43 careful. Not able to rationalise it but is shit scared.
10:28:10 44 Told they need about an hour. Previous handler told
10:28:13 45 Ms Gobbo that O'Connell knows something about Ms Gobbo
10:28:15 46 (being a source). Mr O'Connell was the one who signed the
10:28:18 47 warrant re searching Ms Gobbo's office". And then you'll

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10:28:33 1 see there's a number of these references but at about point
10:28:36 2 4 of the page under "health" Ms Gobbo is reporting to the
10:28:40 3 handler that she dreamed about killing herself last
10:28:44 4 night?---I see that.
10:28:45 5
10:28:47 6 And lower down at point 7, "If Petra charged someone and
10:28:54 7 Ms Gobbo is a witness, says will kill self", which must
10:28:59 8 mean herself?---Yes.
10:29:02 9
10:29:04 10 "Told that handler is very worried re Ms Gobbo talk of
10:29:08 11 suicide. Asked if handler could get someone else very
10:29:12 12 trusted, i.e. psychologist that Ms Gobbo could talk to.
10:29:17 13 Would Ms Gobbo do this immediately? Has says no". So the
10:29:28 14 handler is expressing concern to Ms Gobbo about her state
10:29:31 15 of mind just at this same time, isn't he?---Yes.
10:29:38 16
10:29:38 17 Isn't the handler? Then over at 722 on 30 November 2008
10:29:46 18 Ms Gobbo at point 5 of the page, "She rings from the
10:29:50 19 toilets at her car wash and Mr Dale has texted her and is
10:29:55 20 in Melbourne and wants to catch up and she said she can't
10:29:58 21 and he replies that he's in Melbourne again next weekend.
10:30:02 22 Ms Gobbo wanting to advise Mr Solomon as per his request of
10:30:06 23 notification of any contact with Dale, told to do so". And
10:30:14 24 then at point 8 of the page there's a discussion about the
10:30:19 25 possibility of Ms Gobbo carrying a recorder and seeing Dale
10:30:25 26 that day and decided that was too risky. See that?---At
10:30:36 27 the bottom of the page, yes.
10:30:37 28
10:30:37 29 Yes. Then if you go to p.749, please. You'll see this is
10:30:56 30 3 December 2008?---Yes.
10:31:00 31
10:31:00 32 At about point 4 of the page. Now, it begins there,
10:31:05 33 "Ms Gobbo says she's just come from seeing Petra, O'Connell
10:31:09 34 and Davey. They told Ms Gobbo that what Ms Gobbo had told
10:31:12 35 them thus far is crucial and extremely important. They
10:31:17 36 said will do everything in their power to use Ms Gobbo as a
10:31:22 37 witness. Discussed recording Ms Gobbo's conversation with
10:31:25 38 Mr Dale next weekend. Ms Gobbo brought up implications of
10:31:30 39 Ms Gobbo being a witness, not able to work as a barrister,
10:31:35 40 won't be able to live in Victoria, let alone threats of
10:31:38 41 death, therefore cannot give evidence. They said that
10:31:41 42 there is nothing that Mr Overland would not do to help
10:31:45 43 Ms Gobbo in relation to this matter. Ms Gobbo asked if
10:31:50 44 does not want to be a witness will Ms Gobbo be forced to
10:31:53 45 give evidence at some type of hearing? Answer yes. This
10:31:59 46 caused Ms Gobbo to cry". Now, in terms of - this is before
10:32:04 47 the recording by Ms Gobbo but nonetheless the first line

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10:32:07 1 indicates that she, even at this point has some crucial
10:32:11 2 evidence to give, doesn't it?---Yes.
10:32:14 3
10:32:14 4 And I suggest that that crucial evidence is, of course, the
10:32:19 5 fact that she was party to some telephone calls, for
10:32:27 6 example the one where she puts on Mr Williams to talk to
10:32:32 7 Mr Dale shortly before the murder of the Hodsons?---Sorry,
10:32:52 8 are you asking me if that was correct?
10:32:54 9
10:32:55 10 Yes, do you agree with that?---My recollection, and it's
10:33:01 11 confirmed I think in the same paragraph, point 2, there's
10:33:05 12 an evidentiary gap and Ms Gobbo can confirm current
10:33:09 13 relationship between Williams and Paul - Dale.
10:33:17 14
10:33:19 15 To put it very simply, if in the context of a charge of
10:33:24 16 murder against Mr Dale, pursuant to an allegation that he
10:33:29 17 arranged with Mr Williams for someone to murder the
10:33:34 18 Hodsons, it's shown that there's a prior relationship
10:33:40 19 between Mr Williams and Mr Dale then that's going to help
10:33:43 20 the prosecution case and that's what Ms Gobbo could do, do
10:33:46 21 you agree?---Yes.
10:33:48 22
10:33:52 23 At the same time it's apparent that Ms Gobbo is reluctant
10:33:57 24 to be a witness from this passage?---I mean I don't know if
10:34:24 25 it's saying she's reluctant but she's certainly pointing
10:34:28 26 out what the repercussions are going to be.
10:34:31 27
10:34:32 28 I think it's - would you agree that the police officers
10:34:36 29 from Petra appear to be putting some pressure on her by
10:34:41 30 telling her that she's going to be forced to give evidence
10:34:44 31 at some type of hearing if she doesn't help out?---I think
10:34:49 32 that seems to be the case.
10:34:50 33
10:34:54 34 Then over the page at 750 there's, you'll see in the first
10:35:08 35 line it says, "Want Ms Gobbo to wear a tape-recording
10:35:14 36 device". Now, you can see from the bottom of 749 that
10:35:19 37 we're dealing here with a conversation that's occurring
10:35:21 38 between you and others at SDU and Mr O'Connell of
10:35:40 39 Petra?---Yes.
10:35:40 40
10:35:43 41 And you discuss with Mr O'Connell some of the problems that
10:35:50 42 might arise if this is going to be allowed to happen. It
10:35:54 43 says, "Discuss evidentiary problems with Ms Gobbo not being
10:35:57 44 able to work again" and down the bottom of that paragraph
10:36:01 45 Mr O'Connell says, "He admits that the use of Ms Gobbo as a
10:36:07 46 witness and all ensuing problems is only justified if
10:36:12 47 evidentiary value is there". There doesn't seem to be any

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10:36:17 1 discussion about her state of mental health at this point
10:36:20 2 with Mr O'Connell, at least as recorded here, do you
10:36:24 3 agree?---Not as recorded.
10:36:28 4
10:36:28 5 And down the bottom Ms Gobbo points out in the last line
10:36:36 6 that, "If she does tape record Mr Dale there is zero chance
10:36:41 7 of Dale confessing to Ms Gobbo because he's always
10:36:45 8 maintained the line that he has done nothing. Other
10:36:48 9 unreliable people are putting him in and they are trying to
10:36:52 10 set him up. Petra say they think that his attitude may
10:36:55 11 have changed. Ms Gobbo doubts this". In one sense she was
10:36:59 12 right, wasn't she, because in the tape-recording Mr Dale
10:37:02 13 never admitted involvement in the murders, in fact he
10:37:05 14 denied it?---I'm not sure what the value of that recording
10:37:13 15 was but I don't believe he admitted it.
10:37:16 16
10:37:17 17 Yes. And then on p.751, about point 3, it says, "Discuss
10:37:28 18 hypothetically situation if Ms Gobbo cuts ties with Petra,
10:37:32 19 SDU handle Ms Gobbo to tape conversation and disseminate
10:37:36 20 info". I think Mr Winneke asked you about all that. That
10:37:40 21 was a thought, was it, to provide a better level of
10:37:45 22 protection for Ms Gobbo because if SDU handled it then they
10:37:50 23 already know of her role as a human source, whereas if
10:37:53 24 Petra handle it there's more of a risk of her role as a
10:38:01 25 human source being released to a wider audience within
10:38:07 26 VicPol?---There was probably one of the reasons. I think
10:38:09 27 there was a range of reasons why they wanted us to do it.
10:38:14 28
10:38:14 29 At point 6 of the page it says, "Advised controller",
10:38:17 30 that's you, "To make point form list of criteria to be
10:38:21 31 covered with Overland", and again Mr Winneke took you
10:38:25 32 through this. Generally you were opposed, I think, weren't
10:38:30 33 you, to Ms Gobbo becoming a witness for Petra?---Yes.
10:38:40 34
10:38:44 35 And if I could take you to 754. At point 7 of the page, is
10:39:03 36 this a meeting that occurred where Mr - did you meet with
10:39:09 37 Mr Overland personally to discuss this issue or was it just
10:39:16 38 - - - ?---Yes.
10:39:16 39
10:39:17 40 Right. And is this the meeting here being recorded?---I
10:39:21 41 don't think so. No, I think this is - again, to be certain
10:39:32 42 you'd have to look at my diary, but I don't think this was
10:39:36 43 a meeting with Overland. I think this is the handler
10:39:40 44 talking to me, telling me that Overland wants Ms Gobbo to
10:39:46 45 be a witness and that I was going to discuss it with
10:39:50 46 Superintendent Biggin the next day.
10:39:52 47

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10:39:52 1 Yes. Then over the page at 756. There's a long list of
10:40:04 2 risks and problems if Ms Gobbo were to become a witness
10:40:10 3 that's put together by one of the handlers?---Yes.
10:40:15 4
10:40:17 5 And then there's a meeting about it at the foot of the page
10:40:22 6 and you meet with Mr Biggin and others to discuss this
10:40:29 7 question?---Yes.
10:40:32 8
10:40:33 9 And again you're getting this consistent message that
10:40:36 10 Mr Overland really just says, "Well I just want to have
10:40:40 11 Ms Gobbo as a witness"?---Yes.
10:40:41 12
10:40:43 13 And it says, "Overland says that he is aware of
10:40:47 14 consequences. With respect this handler does not believe
10:40:50 15 this". So the handler making this record doesn't believe
10:40:56 16 Mr Overland really comprehends the problems that will arise
10:41:03 17 if Ms Gobbo does become a witness against Mr Dale?---I
10:41:10 18 think it's clear that's what the handler believes, yes.
10:41:12 19
10:41:13 20 Then p.757, point 2 of the page, you see the heading
10:41:17 21 "Operation Petra". It says, "Advise Ms Gobbo to deal with
10:41:25 22 Petra. Ms Gobbo reaction, 'I'll kill myself now'". So
10:41:31 23 this is the handler talking to Ms Gobbo?---Yes.
10:41:36 24
10:41:38 25 It then continues, "Advise that they still want to take
10:41:42 26 statement so Ms Gobbo has to advise them direct re this.
10:41:46 27 Told does not have to help, that is up to Ms Gobbo, but
10:41:49 28 must tell them. Advise that they will want Ms Gobbo to
10:41:52 29 tape record meeting. Ms Gobbo says has never done this
10:41:55 30 before and may be nervous. Ms Gobbo brings up irony of
10:42:00 31 doing above and beyond for the last three and a half years
10:42:03 32 and now they want to fuck her around. Don't trust Ms Gobbo
10:42:07 33 not to just tell what happened, et cetera, and make
10:42:09 34 Ms Gobbo give evidence. Told her it is voluntary, if you
10:42:13 35 don't want to go see Dale then don't do it. Says wants to
10:42:17 36 help". So although she has reservations she obviously
10:42:24 37 feels impelled to want to assist the police in relation to
10:42:28 38 this Dale matter?---I think that's right.
10:42:36 39
10:42:36 40 And then it continues, "Ms Gobbo's basic reason", I think
10:42:42 41 it should be for not being a witness, "If because of being
10:42:46 42 an informer for the last three and a half years does not
43 want to be in the witness box and be cross-examined and
10:42:50 44 role as a human source may come out". So that's clearly a
10:42:56 45 very significant risk, isn't it, that if she were to become
10:43:00 46 an actual witness her role as an informer would end up
10:43:04 47 being disclosed?---Yes.

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10:43:05 1
10:43:09 2 And then a little further down at point 6, "Ms Gobbo very
10:43:12 3 upset at prospect of having to give evidence. Bizarrely
10:43:15 4 still wants to assist". So she's not thinking very
10:43:22 5 straight I think, is she, at the moment?---I'm not sure
10:43:32 6 about that. It's pretty consistent with her attitude
10:43:36 7 probably over the whole three year plus journey, I think,
10:43:43 8 when she says she went above and beyond, I think that's
10:43:48 9 right.
10:43:48 10
10:43:49 11 What do you mean by that, that she strived very hard to be
10:43:56 12 the best informer for the police, is that what you mean to
10:44:01 13 convey by that?---Well, I mean there's references to that,
10:44:05 14 so that's right. She was always very willing to assist and
10:44:15 15 going beyond what we actually asked her to do.
10:44:18 16
10:44:18 17 Yes?---So this reference to, even though she knows the
10:44:22 18 ramifications, the possible ramifications that she's still
10:44:25 19 prepared to do it or thinking about doing it is pretty
10:44:29 20 consistent.
10:44:29 21
10:44:29 22 Yes?---I'd say it's consistent with her general motivation
10:44:36 23 which was also pretty consistent in wanting to do the right
10:44:40 24 thing.
10:44:40 25
10:44:40 26 Yes. Over at 758. You'll see at point 2 of the page,
10:44:50 27 "Long discussion with handler re this Petra issue.
10:44:53 28 Eventually advise Ms Gobbo to talk to O'Connell direct and
10:44:56 29 advise will not be a witness. Ask what assurances he can
10:45:01 30 give but also that Ms Gobbo can still assist. If
10:45:05 31 reasonably happy with these replies Ms Gobbo may deal with
10:45:09 32 Petra direct". So that's advice from the handler that
10:45:16 33 apparently Ms Gobbo should tell Petra, Mr O'Connell of
10:45:22 34 Petra, that she doesn't want to be a witness but on
10:45:26 35 conditions will provide some other kind of assistance if
10:45:30 36 she can. That seems to be the gist of it?---I think so.
10:45:36 37
10:45:36 38 And then at point 5 of the page you'll see the heading
10:45:41 39 "Operation Petra", it says Cameron Davey and it continues,
10:45:46 40 "He says leave the witness part aside, just talk to Dale
10:45:50 41 and see what happens. Ms Gobbo says was very clear that
10:45:54 42 will not be a witness. Davey assured Ms Gobbo that they
10:45:57 43 are aware of the danger to Ms Gobbo. Ms Gobbo mentioned
10:46:02 44 diary notes re meeting Ms Gobbo, et cetera. Davey assures
10:46:07 45 can do nothing about this". So Davey at this point seems
10:46:11 46 to be telling her, "Let's park the question of being a
10:46:14 47 witness, go ahead with the recording of Dale and then we'll

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10:46:20 1 just see what happens after that", do you agree?---I'm not
10:46:32 2 sure about the recording part but he's certainly saying put
10:46:36 3 the witness part aside and just go and talk to him and see
10:46:40 4 what happens.
10:46:40 5
10:46:42 6 Am I right to say that once Ms Gobbo did go and see Mr Dale
10:46:49 7 with a recording device, she's effectively trapped, isn't
10:46:54 8 she, in that the police could force her to be a witness by
10:47:01 9 subpoenaing her to give evidence that she wore the
10:47:06 10 recording device and this is what Mr Dale said to
10:47:11 11 her?---Through some sort of compulsory hearing, are you
10:47:14 12 suggesting or - - -
10:47:15 13
10:47:16 14 Just a subpoena requiring a witness to attend to the court
10:47:21 15 and give evidence to assist the prosecution?---I suppose
10:47:28 16 that's, that's a possibility. She could be declared a
10:47:31 17 hostile witness maybe, I don't know. I'm not sure on the
10:47:36 18 technicalities of that.
10:47:37 19
10:47:38 20 Do you agree it seems to, it's pretty clear, isn't it, that
10:47:43 21 Mr Overland has already decided that she is going to be a
10:47:48 22 witness against Dale?---Yes.
10:47:53 23
10:47:53 24 But she's not told that the police are very, very keen for
10:48:00 25 her to be a witness against Dale?---You would have to talk
10:48:07 26 to Davey and Solomon or O'Connell because I'm not - bear in
10:48:14 27 mind what I'm getting here is information from her.
10:48:17 28
10:48:18 29 Yes, all right?---About what's going on. So with the
10:48:22 30 exception where we might have a management entry where
10:48:25 31 we're talking about talking to O'Connell, the rest of it is
10:48:31 32 very much information that comes from her and what she's
10:48:34 33 thinking.
10:48:34 34
10:48:34 35 Fair enough. Page 759, point 3. You'll see it says,
10:48:45 36 "Ms Gobbo sounds unphased by Petra meeting. Says told
10:48:49 37 O'Connell doesn't want to be witness, et cetera. He seemed
10:48:52 38 understanding". So it seems if she's right that
10:48:57 39 Mr O'Connell is not telling her she'll have to be a witness
10:49:02 40 if she does the recording?---Yes, that's how it seems.
10:49:11 41
10:49:11 42 And in the next paragraph, "Re Petra matter. Ms Gobbo says
10:49:15 43 at the end of the day will be guided by handler. Told
10:49:18 44 because of importance of job advised to do it. Most other
10:49:22 45 inquiries would advise Ms Gobbo not to have anything to do
10:49:26 46 with this. Ms Gobbo agrees with this". So the handler
10:49:34 47 seems to be telling her to go ahead with the recording as

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10:49:38 1 well and she's trusting the handler's advice?---Yes.
10:49:43 2
10:49:47 3 And then one sees lower down the date 7 December 2008. So
10:49:54 4 that's the date on which the recording occurs of the
10:49:59 5 conversation between Ms Gobbo and Mr Dale. Do you see
10:50:11 6 that?---Yes, I do.
10:50:12 7
10:50:13 8 Then over the page at 760, Ms Gobbo says in the second
10:50:22 9 paragraph, she says some things about what was said by
10:50:27 10 Mr Dale on the tape but then continues, perhaps that's not
10:50:33 11 that helpful. But then she continues "However Ms Gobbo
10:50:34 12 thinks it's likely that Petra people will be excited about
10:50:38 13 what was said", see that?---Sorry, what paragraph are you
10:50:44 14 on?
10:50:45 15
10:50:46 16 Second paragraph, p.760?---Yes.
10:50:50 17
10:50:51 18 You see that?---Yes, I do.
10:50:53 19
10:50:54 20 Although I'll take you to further entries that seem to
10:50:57 21 suggest that Ms Gobbo wasn't really grasping the
10:51:00 22 significance of one particular aspect of the tape but we'll
10:51:06 23 come to that in a moment. Do you see further down at point
10:51:10 24 8 Ms Gobbo in this conversation with the handler is still
10:51:13 25 maintaining the position that she wants to help Petra but
10:51:17 26 will not be a witness and told them this again
10:51:23 27 today?---Yes.
10:51:23 28
10:51:27 29 Perhaps this is a reformulation of my earlier question, but
10:51:31 30 in a sense I suggest to you Ms Gobbo is being very naive in
10:51:36 31 this respect because once she has gone along and tape
10:51:40 32 recorded Dale in this way, she can be compelled to come to
10:51:44 33 court to give evidence that she did that?---Well, yes -
10:51:56 34 well, I suppose she could. I don't know what would have
10:52:03 35 happened if she refused to make a statement.
10:52:07 36
10:52:08 37 And then over at 763, this is by now 9 December 2008,
10:52:21 38 you'll see sat point 2 it says under the heading "Operation
10:52:26 39 Petra", "Mr Cameron Davey harassing Ms Gobbo on the phone.
10:52:31 40 Ms Gobbo says there are some very significant things they
10:52:34 41 want to speak about. Ms Gobbo has agreed to see them and
10:52:37 42 they've [REDACTED]". And then under "health" it's
10:52:43 43 recorded how she is feeling very sick again. You can see
10:52:49 44 that immediately Petra plays the tape they get in fact
10:52:52 45 pretty excited about some of the information on the tape,
10:52:55 46 don't they?---My recollection was there wasn't much on that
10:53:01 47 tape.

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10:53:01 1
10:53:02 2 Yes, there wasn't, but what was there was pretty important.
10:53:08 3 If you go to p.764 do you see the first full
10:53:19 4 paragraph?---Yes.
10:53:20 5
10:53:21 6 It's headed, "Phone Shane O'Connell Operation Petra", so is
10:53:26 7 this a discussion between the handler and O'Connell?---Yes,
10:53:29 8 it would have been.
10:53:30 9
10:53:30 10 So Mr O'Connell seems to be saying, "To meet Ms Gobbo again
10:53:36 11 on a particular day re what was said last Sunday. One
10:53:39 12 significant thing was Paul Dale talking that Carl Williams
10:53:42 13 made a statement. Dale suggesting re detailed statement.
10:53:46 14 Ms Gobbo says how accurate could it be? Dale says it's
10:53:51 15 very accurate re times, days, meeting, it's like he kept a
10:53:55 16 diary of all the times we met. They wanted to make a
10:54:00 17 statement re this", do you see that?---Yes.
10:54:02 18
10:54:02 19 That was the critical thing, wasn't it? This
10:54:05 20 tape-recording goes on in the transcript form for many
10:54:10 21 pages, but right at the beginning there's a concession by
10:54:14 22 Mr Dale twice that a Carl Williams' statement that recites
10:54:21 23 a whole lot of corrupt dealings between Mr Carl Williams
10:54:29 24 and Mr Dale is very accurate, to use Mr Dale's terms. Do
10:54:32 25 you remember that being the critical feature of the
10:54:35 26 tape-recording?---Not really but I see also in that same
10:54:39 27 paragraph it says that Dale has always denied contact with
10:54:42 28 Williams, which is obviously at odds with what he's told
10:54:50 29 Ms Gobbo.
10:54:50 30
10:54:51 31 Yes. It continues in this paragraph, "They wanted to make
10:54:54 32 a statement re this. In normal circumstances they would
10:54:57 33 turn the screws with applying pressure for a witness
10:55:00 34 statement". What does "turn the screws" mean?---I've got
10:55:06 35 no idea, you would have to talk to Shane O'Connell.
10:55:08 36
10:55:09 37 Right. At point 7 of the page there's a call on the same
10:55:13 38 day, later on, from Ms Gobbo and it says, "Speculating re
10:55:18 39 Petra. Still saying that will not be a witness under any
10:55:21 40 circumstances", so Ms Gobbo at this point is maintaining
10:55:25 41 her posture that she is not to be a witness?---Yes.
10:55:28 42
10:55:30 43 And if you go to 765 she repeats that at point 4 of the
10:55:35 44 page, "HS still saying cannot be a witness"?---Yes.
10:55:44 45
10:55:46 46 And it continues, "Petra said part of conversation last
10:55:50 47 Sunday was crucial. Didn't tell Ms Gobbo exactly what this

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10:55:54 1 was. There was apparently some partial admission and
10:55:57 2 corroboration of certain matters, again they say that this
10:56:00 3 is crucial. Petra say we need to use this" and "need" is
10:56:03 4 in capitals?---I see it.
10:56:07 5
10:56:09 6 That reflects - - - ?---I see that.
10:56:12 7
10:56:12 8 Petra was desperate, weren't they, to get a statement from
10:56:16 9 Ms Gobbo following the tape-recording?---That information
10:56:19 10 from her would suggest that, yes.
10:56:20 11
10:56:24 12 I know you can't remember everything that went on in these
10:56:28 13 ICRs. You'd remember that Petra was very, very anxious,
10:56:33 14 wouldn't you, after the tape-recording to get Ms Gobbo to
10:56:36 15 be a witness?---As I said to you, my recollection was that
10:56:42 16 the tape-recording, the tape recorded conversation was not
10:56:46 17 of any great value. Obviously that was wrong.
10:56:49 18
10:56:49 19 Yes, all right. About point 7 of this page it says,
10:56:54 20 "Ms Gobbo again repeated issues for self as reasons cannot
10:56:58 21 give evidence" and she lists some factors there that are
10:57:03 22 perhaps familiar but objectively they're a lot of very good
10:57:07 23 reasons why she shouldn't be a witness at least from the
10:57:11 24 perspective of her own interests, do you agree?---I'm
10:57:25 25 sorry, I can't find that paragraph.
10:57:27 26
10:57:28 27 Sure. It's the last paragraph, it begins, "Ms Gobbo again
10:57:32 28 repeated"?---Yes, I see that.
10:57:34 29
10:57:34 30 That's a pretty grim list of consequences that are adverse
10:57:38 31 to her if she gives evidence, isn't it?---I think that's an
10:57:44 32 accurate account of what could have occurred, yes.
10:57:47 33
10:57:50 34 And at the same time I think it's plain, isn't it, that
10:57:57 35 Ms Gobbo is in a fragile mental state?---I don't know
10:58:06 36 whether I would agree with that.
10:58:13 37
10:58:14 38 Well, I won't go back to them but she is - - - ?---I
10:58:19 39 understand, I do understand what you're saying and looking
10:58:23 40 at the material in isolation as we did yesterday when you
10:58:29 41 are able to aggregate it all together concerning her health
10:58:34 42 issues, then yes, it does look like she is very fragile.
10:58:38 43 But that's not, but that's not my recollection of Ms Gobbo
10:58:43 44 and she was a person with quite a strong, strong
10:58:50 45 personality, let's say one that couldn't be pushed around.
10:58:53 46 If she didn't want to do something she was never going to
10:58:56 47 do it.

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10:58:58 1
10:58:58 2 Over the page at 766 do you see the heading, "This is the
10:59:05 3 bizarre bit"?---Yes.
10:59:09 4
10:59:10 5 "Ms Gobbo says that if Dale is charged Ms Gobbo wants to be
10:59:13 6 involved as a witness. This is because Ms Gobbo does not
10:59:16 7 want the defence to be able to throw off on Ms Gobbo, that
10:59:20 8 Ms Gobbo was somehow involved and this have a severely
10:59:24 9 adverse effect on Ms Gobbo's life also. Therefore Ms Gobbo
10:59:28 10 cannot win. Handler pointed out the incongruity of this
10:59:32 11 statement. Ms Gobbo says anyway Dale would likely want
10:59:35 12 Ms Gobbo as a witness. If Ms Gobbo does not give evidence
10:59:41 13 the defence implicates Ms Gobbo in the murder in her
10:59:44 14 absence and again Ms Gobbo feels that this would have a
10:59:45 15 devastating effect on Ms Gobbo's life". Do you see
10:59:49 16 that?---Yes.
10:59:49 17
10:59:49 18 So it seems to be some line of reasoning, rational or not,
10:59:54 19 that if she doesn't act as a witness the defence will raise
11:00:01 20 her as an accomplice in the course of conducting the
11:00:05 21 defence and therefore she's better off being a witness
11:00:08 22 anyway to deny that she had any knowing involvement in the
11:00:12 23 murder of the Hodsons, that seems to be the line of
11:00:15 24 reasoning?---That's certainly one line of reasoning. And
11:00:19 25 there's also the reference about Dale would likely want her
11:00:23 26 as a witness, so she seems to be throwing around a few
11:00:28 27 options there.
11:00:28 28
11:00:28 29 Yes. That would have been pretty devastating for Dale's
11:00:33 30 defence if he decided to call her as a witness, wouldn't
11:00:37 31 it?---I think knowing what we know now, that what was the
11:00:42 32 import of that particular statement, you're right.
11:00:46 33
11:00:46 34 Well for example, if Dale called her as a witness not
11:00:49 35 knowing she had tape recorded him, and that came out in the
11:00:53 36 course of calling Ms Gobbo as a witness, the defence would
11:00:57 37 be in a lot of trouble, wouldn't it?---Yes, but you
11:01:04 38 wouldn't just have to need the tape-recording. Dale must
11:01:07 39 have realised that she would have been able to give
11:01:10 40 evidence linking him to Carl Williams.
11:01:12 41
11:01:12 42 Yes. That's true too. Which suggests that it's most
11:01:17 43 unlikely that Mr Dale would want to call Ms Gobbo as a
11:01:21 44 witness in any circumstances, isn't it?---I think
11:01:24 45 rationally, yes.
11:01:25 46
11:01:25 47 And that's why the handler has recorded the introductory

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11:01:30 1 observation, "This is the bizarre bit". It just doesn't
11:01:33 2 make a lot of sense what Ms Gobbo's reasoning is there,
11:01:37 3 does it?---Well, I do recall Ms Gobbo at one point being
11:01:46 4 quite angry at Paul Dale because she felt that he took it
11:01:50 5 for granted that she would lie for him.
11:01:53 6
11:01:54 7 Yes?---I don't know whether you're going to, whether we've
11:01:57 8 gone past that or we're coming to it, so that might be why
11:02:01 9 she's saying that Dale would want her to be a witness,
11:02:04 10 because he would presume that she would lie on his behalf.
11:02:10 11
11:02:10 12 Going over the page to 768. Again, this is a call from
11:02:19 13 Ms Gobbo on 12 December 2008. About point 4 of the page
11:02:24 14 she says the following, "Doesn't know if I can take another
11:02:28 15 two, two and a half years of this type of pressure. I
11:02:31 16 don't think I can do it. This is a reference to suicide.
11:02:35 17 Asked what Ms Gobbo meant. Repeated statement then said
11:02:38 18 maybe in a few weeks if I'm feeling better I'll feel
11:02:42 19 different, but can't imagine going through this amount of
11:02:45 20 stress for another two years". Now, I appreciate what
11:02:49 21 you've said about Ms Gobbo's strength of character, but the
11:02:55 22 ICRs tend to suggest that at least around this time she was
11:03:03 23 in a very depressed state. Are you wanting to deny that,
11:03:10 24 Mr White?---No, as I said I think the material, when you
11:03:16 25 forget everything else and you aggregate what's on paper,
11:03:21 26 that's certainly a conclusion you can draw. Obviously
11:03:25 27 that's what some of the handlers were feeling.
11:03:28 28
11:03:32 29 Then if I could take you to p.776. You'll see the heading
11:03:50 30 "handler note" about point 6. Do you see that?---Yes, I
11:04:06 31 do.
11:04:06 32
11:04:08 33 I won't go through this, Mr Winneke covered it, but this
11:04:11 34 was a meeting where you wanted, Petra wanted you to
11:04:16 35 investigate this issue of Ms Gobbo's involvement in
11:04:21 36 handling bodgie phones and whether that might create some
11:04:30 37 problem with her being called as a witness for the
11:04:33 38 prosecution?---I think that's right.
11:04:37 39
11:04:43 40 Then if I could take you to p.780. About point 3, it's the
11:04:56 41 third paragraph. Now, it says there, "Ms Gobbo adds that
11:05:12 42 if Ms Gobbo says nothing and as a result a guilty man walks
11:05:16 43 free, this would play deeply on Ms Gobbo's conscience", do
11:05:22 44 you see that?---I see that.
11:05:23 45
11:05:24 46 There's a couple of references of this kind and I want to
11:05:30 47 know whether you have a recollection that if one had to

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11:05:33 1 identify the primary reason that Ms Gobbo agrees to become
11:05:39 2 a witness in this case against Mr Dale, I would suggest to
11:05:45 3 you that she seemed to have the motive that she just wasn't
11:05:53 4 going to be happy that if Mr Dale really was guilty, that
11:05:58 5 he'd walk free. I'm suggesting to you that was her primary
11:06:03 6 motivation for agreeing to become a witness against
11:06:08 7 Mr Dale. Now, do you have a view on that?---Only that this
11:06:13 8 is completely consistent with her attitude right throughout
11:06:19 9 our relationship. She, as I said a number of times, she
11:06:25 10 felt she should do the right thing and this is, I think,
11:06:28 11 consistent with that motivation.

11:06:31 12
11:06:32 13 Yes. Does that mean you're agreeing with what I'm
11:06:36 14 suggesting, that her motivation against her own interests
11:06:42 15 to become a witness against Dale was simply to do the right
11:06:47 16 thing?---Well, all I'm saying, I'm not sure what her
11:06:53 17 motivation in regards to going down the track with Petra
11:06:56 18 was. All I'm saying to you is this is simply quite
11:07:01 19 consistent and the issue about playing deeply on her
11:07:05 20 conscience, as I speculated in my statement and we
11:07:08 21 discussed in recent days, maybe there was a bit more to it,
11:07:13 22 maybe she felt that she might have inadvertently or even
11:07:18 23 intentionally been involved in Dale connecting with
11:07:22 24 Williams and then the Hodsons getting murdered.

11:07:26 25
11:07:26 26 Yes. In other words - - - ?---I'm speculating,
11:07:30 27 Mr Collinson.

11:07:30 28
11:07:30 29 Yes. I think what you're referring to is she might have
11:07:34 30 been saying to herself, "Well, gee did I unintentionally by
11:07:39 31 putting those two men in touch with each other by phone,
11:07:44 32 unintentionally aid the committal of the murder of the
11:07:48 33 Hodsons", that's what you mean, isn't it?---That's one
11:07:52 34 possibility.

11:07:54 35
11:07:54 36 Well what's the other one?---It could just be she may not
11:08:00 37 have had any guilty conscience about that and it was just
11:08:04 38 simply a matter of doing the right thing.

11:08:06 39
11:08:07 40 Yes. But just to be clear on this, I was suggesting to you
11:08:13 41 at the beginning of the cross-examination a few days ago
11:08:17 42 that in the context of looking at the motives of Ms Gobbo
11:08:21 43 back in September 2005, which is about three years earlier
11:08:27 44 than this, it's most unlikely that Ms Gobbo was thinking
11:08:32 45 about the Hodsons and Mr Dale when she made that fateful
11:08:37 46 decision on 16 September 2005 to become a source?---I would
11:08:42 47 agree with that.

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11:08:42 1
11:08:53 2 Then p.782, point 7 of the page. You'll see it says,
11:09:09 3 "Ms Gobbo asking what controller you think. Told if Dale
11:09:18 4 is charged you should be a witness". Now, I think
11:09:24 5 Mr Winneke took you to a number of these and I'm not going
11:09:27 6 to go to all of them, but I suggest to you that you, taking
11:09:36 7 this in stages, I think you had a lot of serious
11:09:41 8 reservations, didn't you, about Ms Gobbo adopting the role
11:09:51 9 of a witness in the case against Dale?---Yes, and we have
11:10:00 10 gone through it at length but I don't believe any human
11:10:06 11 source should be put into a position where they then become
11:10:08 12 a witness.
11:10:09 13
11:10:09 14 Yes. I think another witness might have given evidence
11:10:13 15 that it's almost axiomatic in the area of human sources
11:10:17 16 that you don't turn them into witnesses, is that a sort of
11:10:22 17 a rule of thumb that you're familiar with?---Definitely is
11:10:25 18 and I think I even put in my statement that a lot of
11:10:28 19 investigators would like that to occur.
11:10:31 20
11:10:31 21 Yes?---But it's a bad practice.
11:10:33 22
11:10:34 23 Yes. And the essential reason is that it's just
11:10:41 24 inevitable, isn't it, that the role of a human source will
11:10:43 25 come out and that will create unacceptable risks for the
11:10:54 26 witness?---Yes.
11:10:54 27
11:10:54 28 Mr Overland didn't care about Ms Gobbo's welfare at all, I
11:10:59 29 suggest, in taking a position that she should be a witness
11:11:04 30 in the Dale case?---Well I can't speak on behalf of
11:11:11 31 Mr Overland and I don't have an insight in relation to his
11:11:14 32 attitude towards her health and welfare. All I can simply
11:11:20 33 say to you is that we raised our objections and his
11:11:23 34 response was corruption trumps everything.
11:11:30 35
11:11:30 36 I take it you don't recollect him ever making an
11:11:34 37 observation reflective of being concerned about Ms Gobbo's
11:11:38 38 welfare in terms of making, in terms of becoming a witness
11:11:43 39 in the Dale case?---No, I don't believe he ever asked me.
11:11:47 40
11:11:49 41 But certainly SDU put to Mr Overland that amongst other
11:11:53 42 considerations that was one reason for her not to be a
11:11:57 43 witness?---I think we would have spoken about that and I
11:12:03 44 know we had meetings, as I said yesterday, with the Petra
11:12:07 45 team about her and her motivations and that would have
11:12:12 46 included her health issues. They were fully briefed about
11:12:15 47 her.

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11:12:16 1
11:12:17 2 Yes. Although you had these reservations - just to, I
11:12:28 3 haven't seen as many documents as Mr Winneke has. Did you
11:12:32 4 just have one meeting with Mr Overland about this question
11:12:35 5 of whether Ms Gobbo should be a witness?---There's only one
11:12:40 6 that I remember.
11:12:41 7
11:12:41 8 And who else was at that meeting?---Superintendent Biggin.
11:12:45 9
11:12:48 10 Was it before or after she wore a recording device with
11:12:51 11 Mr Dale?---I'm not 100 per cent sure but I think it was
11:13:02 12 after.
11:13:03 13
11:13:07 14 In any event, once the decision was made by the powers that
11:13:11 15 be within Victoria Police that she should be a witness, you
11:13:18 16 consistently advised her that that's the course she should
11:13:22 17 adopt?---I did, yes. I think it was only that one meeting
11:13:33 18 that we had with her where that was discussed. Prior to
11:13:38 19 that, as you can see from the record, the handlers had been
11:13:42 20 trying to talk her out of it.
11:13:43 21
11:13:44 22 I'm not sure about that. Isn't it the case that Ms Gobbo
11:13:50 23 waxed and waned all the time about whether she was making
11:13:54 24 the right decision to become a witness?---I don't know
11:14:04 25 about waxing and waning but she certainly, you've pointed
11:14:08 26 me to plenty of material that showed she didn't want to
11:14:12 27 become a witness or she was telling the investigators she
11:14:16 28 didn't want to become a witness.
11:14:17 29
11:14:17 30 Yes. What I'm suggesting is one day she'd say she was
11:14:22 31 happy to do it and then the next day she said, "I'm not
11:14:26 32 happy to do it". I mean not literally the next day on
11:14:29 33 every occasion but over this period of time in December is
11:14:32 34 bouncing all over the place as to whether or not she should
11:14:37 35 really go ahead or not and do this?---I'm only commenting
11:14:40 36 from what we discussed this morning. It seemed to me there
11:14:43 37 was not an irregular sort of a process. It was, her
11:14:50 38 position was she didn't want to do it, then her position
11:14:53 39 was she would help record but didn't want to be a witness
11:14:56 40 and then - and I'm only referring to what you pointed me to
11:15:01 41 this morning. There may be a lot more material there
11:15:04 42 saying she was up and down about it. But it seems a little
11:15:08 43 bit linear to me.
11:15:10 44
11:15:10 45 The documents speak for themselves I think on this?---Yes.
11:15:13 46
11:15:14 47 Do you agree that she consistently on more than one

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11:15:21 1 occasion sought advice from you as to whether it was the
11:15:25 2 correct thing for her to give evidence?---My recollection
11:15:30 3 is that I had that one meeting with her about it, so I
11:15:34 4 don't think it was, I don't think there was more than one
11:15:38 5 meeting. And again, I'll rely on the record.
11:15:42 6
11:15:43 7 I mean I don't - - - ?---I know the handlers were telling
11:15:46 8 her their views.
11:15:47 9
11:15:47 10 Yes. Don't you remember the telephone call where you've
11:15:52 11 run out of money on the call?---Yes.
11:15:54 12
11:15:55 13 That's all about whether she should be going ahead to be a
11:15:58 14 witness, isn't it?---Yes.
11:16:01 15
11:16:05 16 So I think I'd suggest to you that there is more than one
11:16:07 17 occasion, and indeed I suggest that she was regularly
11:16:13 18 raising with the handlers, "What does Mr White think I
11:16:17 19 should do"?---She definitely did that. Again, I don't know
11:16:22 20 about regularly but I know that she asked them what my view
11:16:26 21 would be.
11:16:26 22
11:16:27 23 Yes. Can I take you to p.791, please. This is 23
11:16:53 24 December. You can see from the previous page this is just
11:17:00 25 one of many discussions Ms Gobbo has with handlers about
11:17:06 26 this question. She mentions, if you look at point 2,
11:17:11 27 "Source's conscience and timing are two major issues. She
11:17:16 28 wanted to prevent others from getting away with breaking
11:17:21 29 the law", do you see that?---Yes.
11:17:22 30
11:17:23 31 I just want to ask you this: where it's suggested in the
11:17:28 32 next line that she might have a new job as an air traffic
11:17:33 33 controller, isn't that a somewhat ridiculous suggestion as
11:17:39 34 to future employment for Ms Gobbo, for her to make?---I
11:17:46 35 know the handlers spoke to her about lots of different
11:17:49 36 potential futures and job offers, or not offers, but
11:17:53 37 employment options. I would have thought becoming an air
11:17:57 38 traffic controller is a pretty stressful job.
11:18:00 39
11:18:01 40 Well I don't know that I know much about how you become an
11:18:05 41 air traffic controller. But if you've been a barrister up
11:18:08 42 to the age of your mid-30s it's hard to see how you could
11:18:12 43 draw a sensible connection with that kind of job, isn't it,
11:18:16 44 as to your future? Do you remember whether she ever
11:18:20 45 explained to you or one of the handlers why she chose - I
11:18:24 46 know she suggested other things as well, I'm not suggesting
11:18:27 47 this was her only choice, but why she alighted on this

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11:18:32 1 particular option?---I don't - I mean looking at it in this
11:18:36 2 light now, it would seem to me it would be a bit of a joke,
11:18:40 3 but I wasn't there so I don't know.
11:18:43 4
11:18:43 5 I suppose that's right, I suppose it's possible, isn't it,
11:18:46 6 because this is only a sort of a summary. Is it possible
11:18:50 7 that she was just suggesting that as a joke?---I honestly
11:18:53 8 don't know.
11:18:54 9
11:19:04 10 I don't want to get too judgmental, but looking at this
11:19:08 11 story whereby Ms Gobbo agreed to become a witness in the
11:19:15 12 Dale prosecution and looking at her state of health at this
11:19:22 13 time, I'd be suggesting to you that really Victoria Police
11:19:34 14 took advantage of Ms Gobbo in relation to her decision to
11:19:39 15 undertake that significant step of being a witness in the
11:19:43 16 Dale case, do you think that's unfair or fair?---I think
11:19:58 17 that is unfair. As I said to you, she was a strong
11:20:02 18 personality. I would want to know exactly what her
11:20:08 19 discussions were with the Petra people as to who came up
11:20:10 20 with this idea about tape-recording. You painted a picture
11:20:17 21 yesterday of somebody who was very frail mentally and
11:20:22 22 physically but that's not how I recall Ms Gobbo.
11:20:28 23
11:20:28 24 Was she a good actor?---She was quite a, not aggressive,
11:20:34 25 but quite a dominant personality.
11:20:36 26
11:20:39 27 I suppose I can only go off the written record and is it
11:20:44 28 possible she was a good actor, she presented confidently
11:20:47 29 even though underneath she wasn't feeling like that at
11:20:52 30 all?---I never got that impression but when you have a look
11:20:57 31 at what she's - whilst there clearly is information that
11:21:02 32 shows her health is not great and it wasn't great before
11:21:05 33 she even came to us but of course it got worse, when you
11:21:11 34 look at the whole relationship she was doing so much more,
11:21:15 35 it wasn't as if she was a depressed person that couldn't
11:21:18 36 get up in the morning and couldn't function and had no
11:21:22 37 interest in life. I never felt that that was her position.
11:21:28 38 I appreciate the comments about her weight loss. I don't
11:21:35 39 recall that either, which is quite surprising because it
11:21:40 40 does seem like a hell of a lot.
11:21:44 41
11:21:45 42 Can I take you to p.815. You'll see that this is 9 January
11:22:03 43 2009 and it's after she's made her statement. Do you see
11:22:11 44 that she reports to the handler that she's sat down with
11:22:16 45 her sister to really tell her everything about what she's
11:22:22 46 done, including as a human source?---Yes.
11:22:30 47

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11:22:32 1 Do you recollect that event occurring?---I do recall having
11:22:40 2 a discussion with her about who knew what she was doing and
11:22:44 3 even from the outset I think she said that her sister might
11:22:47 4 have known something. Her sister was a confidante if you
11:22:50 5 like.

11:22:51 6
11:22:52 7 Yes. Her sister's a barrister?---I think she is.

11:22:59 8
11:23:01 9 It would have been, I'd suggest to you, a useful suggestion
11:23:07 10 to Ms Gobbo before wearing a wire for Mr Dale or signing up
11:23:13 11 a statement perhaps to suggest she speak to her sister
11:23:16 12 then. What do you say to that?---I think that would have
11:23:21 13 been a useful suggestion. I can't be certain she didn't
11:23:24 14 because I'm not exactly sure what she was telling her
11:23:29 15 sister.

11:23:29 16
11:23:30 17 Then if I could take you to p.823. This is the last
11:23:43 18 meeting between Ms Gobbo and her handlers, including you,
11:23:49 19 that occurs before she, as the expression is, is
11:23:54 20 deactivated?---Yes.

11:23:56 21
11:24:07 22 Was that an emotional event from Ms Gobbo's point of
11:24:21 23 view?---I can't remember.

11:24:22 24
11:24:22 25 She certainly didn't trust Petra to look after her going
11:24:25 26 forward as much as she trusted SDU, did she?---No, that's
11:24:29 27 right.

11:24:29 28
11:24:34 29 If one goes to p.825 you see point 2 of the page, "She is
11:24:44 30 talking about how she might deal with the situation when it
11:24:49 31 becomes apparent she's giving evidence against Mr Dale and
11:24:52 32 she says she wants to be able to lay down a foundation and
11:24:55 33 a cover story approximately a week or so before Dale
11:25:00 34 arrested or bail app or whenever her role comes out. She
11:25:02 35 can tell people like Gatto and Rob Karam why she had to
11:25:06 36 make a statement against Dale and do it in a way that makes
11:25:13 37 them think she is trustworthy still to them", do you see
11:25:16 38 that?---Yes.

11:25:16 39
11:25:16 40 That's in fact what happened, isn't it, that somewhat
11:25:21 41 surprisingly she was able to pull off a position with the
11:25:27 42 criminals she'd been associating with over so many years by
11:25:32 43 saying, "Well, giving evidence against a police officer
11:25:36 44 isn't, doesn't suggest I'd ever do anything like that to a
11:25:41 45 criminal"?---Are you saying she did that?

11:25:47 46
11:25:47 47 Yes?---That doesn't surprise me.

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11:25:52 1
11:25:57 2 All right.
11:25:58 3
11:25:58 4 COMMISSIONER: We might take the midmorning break now.
11:26:01 5
11:26:01 6 MR COLLINSON: Yes, I've finished the Dale matter. Just a
11:26:04 7 few other matters and I should finish before lunch.
11:26:30 8
11:26:30 9 COMMISSIONER: Yes, thank you. We'll take a break for ten
11:26:35 10 minutes.
11:26:36 11
11:26:37 12 (Short adjournment.)
11:26:37 13
11:47:58 14 COMMISSIONER: Yes, Mr Collinson.
11:48:00 15
11:48:01 16 MR COLLINSON: Mr White, I just wanted to ask you some
11:48:03 17 final questions on a topic concerned with the relationship
11:48:07 18 between Nicola Gobbo and Tony Mokbel. Can I ask you please
11:48:17 19 to regrettably go back to volume 1 and to go to p.397, ICR
11:48:32 20 41?---I have that.
21
11:49:17 22 Thank you. You recall I think at the beginning of the
11:49:24 23 cross-examination I asked you some questions about the
11:49:26 24 relationship between Nicola Gobbo and Tony Mokbel and I
11:49:30 25 drew your attention to some of the disclosures she made in
11:49:33 26 the very first meeting about how she oddly enough ended up
11:49:39 27 giving evidence in a case against him. Do you remember I
11:49:42 28 asked you some questions about that arising from the
11:49:44 29 transcript of the first meeting on 16 September 2005?---I
11:49:51 30 do remember you asked me questions, yes.
31
11:49:55 32 You'd be forgiven if you don't. At the foot of p.397
11:50:00 33 you'll see - and this is around 17 August 2006, you'll see
11:50:06 34 the reference, "Source going to turn her mind to find Tony
11:50:13 35 Mokbel whereabouts now". Do you see that?---Whereabouts on
11:50:23 36 the page?
37
11:50:24 38 The last line?---Yes.
39
11:50:28 40 This is 17 August 2006 and you may recall Mr Mokbel has
11:50:38 41 absconded in March 2006, a few months earlier, in the
11:50:44 42 middle of a trial in which Ms Gobbo was appearing for
11:50:49 43 him?---Yes.
44
11:50:53 45 She starts to suggest in conversations with handlers that
11:50:59 46 she should get involved in trying to find him. Do you
11:51:05 47 recollect this as a subject matter that was the subject of

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11:51:09 1 some discussion?---Yes. I recall that she made that offer,
11:51:13 2 yes.
3
11:51:17 4 Perhaps I can show you one of those more specifically. If
11:51:19 5 you go to p.778, ICR 74?---I have that.
6
11:52:05 7 You'll see at about point 2 of the page the heading "Reward
11:52:10 8 for Tony Mokbel's arrest - \$1 million"?---Yes.
9
11:52:16 10 This is April 2007. It says, "3838 offered to travel
11:52:21 11 overseas and locate Tony Mokbel. 3838 is confident that
11:52:26 12 Mokbel will go and see 3838, that she is willing to pay for
11:52:32 13 her own ticket to do so. 3838 wants to go to Cyprus and
11:52:36 14 3838 and believes that if 3838 tells the right people Tony
11:52:41 15 will come out and see 3838". There isn't a lot of reaction
11:52:45 16 or recording about the reaction of handlers to these sorts
11:52:49 17 of suggestions. What did you think at the time that these
11:52:54 18 suggestions were being made?---My recollection is that she
11:52:59 19 had no more chance of finding Tony Mokbel than any police
11:53:10 20 member who might want to go overseas and try and search for
11:53:14 21 him. She didn't have any information about where he was.
22
11:53:17 23 Yes?---Or even starting points, so I don't think this was
11:53:22 24 ever taken seriously.
25
11:53:23 26 Right?---I know it was never taken seriously.
27
11:53:29 28 Did you think she was a bit unhinged to make this
11:53:32 29 suggestion or did it seem, was there a possibility that she
11:53:37 30 was right and she could act as some sort of magnet to
11:53:40 31 attract him out of hiding?---Well I don't recall thinking
11:53:45 32 she was unhinged and I don't think she was right suggesting
11:53:56 33 she could be a magnet and he would find her.
34
11:53:58 35 Yes. I'm going to take you to a few references but it
11:54:09 36 seems that Tony Mokbel, I'd suggest, had a relationship of
11:54:14 37 dependency upon Ms Gobbo that almost matched her dependency
11:54:20 38 on him, is that how you recollect the relationship at
11:54:23 39 all?---No. My recollection with him was that he just used
11:54:27 40 and abused her.
41
11:54:33 42 Yes. If you could go then to p.881. This is I think just
11:55:00 43 a reference point actually. This is June 2007 which
11:55:06 44 reflects the time when Tony Mokbel is arrested in Greece.
11:55:16 45 Ms Gobbo says - if one can go to 885. Do you see the
11:55:31 46 heading "Tony Mokbel" at the foot of the page?---Yes.
47

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11:55:36 1 She says in the third dot point that she's still expecting
11:55:41 2 a call from Mr Mokbel?---Yes.
3
11:55:50 4 That's pretty well right. I mean if one looks at the
11:55:52 5 following page, 886, you'll see at the top of the page, 9
11:55:59 6 June 2007, "Called 3838. Tony Mokbel has attempted to call
11:56:06 7 3838 but has been unsuccessful". So he immediately seeks
11:56:10 8 to contact her?---Yes.
9
11:56:15 10 Seemingly?---Yes.
11
11:56:22 12 Can I make this suggestion to you: at the least her
11:56:26 13 apparent intent to go overseas to try to sort of draw him
11:56:33 14 out of hiding does tend to bear out, doesn't it, the thesis
11:56:37 15 that her motive in becoming an informer all along has
11:56:42 16 really been to put Tony Mokbel in gaol?---Yes.
17
11:56:53 18 Then p.896, or 895. Do you see that page?---Yes.
19
11:57:18 20 Yes?---Yes.
21
11:57:19 22 This is I think a meeting you have with Ms Gobbo where he's
11:57:26 23 in Greece awaiting extradition applications and she gives
11:57:31 24 some information and you can see she seems to have some
11:57:38 25 sympathy for his position. If you look at point 4 of the
11:57:42 26 page, do you see it says, "Tony is desperate and emotional.
11:57:47 27 I ended up telling him to get off the phone", see that
11:57:50 28 reference?---Yes.
29
11:57:51 30 Further down about point 5 of the page, "Ms Gobbo is
11:57:54 31 feeling a bit sorry for Tony. She feels some obligation to
11:57:57 32 help him. She understands that this is a fucked decision
11:58:00 33 on her behalf", see that?---I see that.
34
11:58:06 35 Then you say, "Well, what about all the things that
11:58:09 36 Mr Mokbel has done to her over the years" and then there's
11:58:13 37 some discussion about whether she can represent
11:58:18 38 Mr Mokbel?---Yes.
39
11:58:23 40 It's quite absurd, isn't it, to suppose that Ms Gobbo could
11:58:28 41 actually go ahead and represent Mr Mokbel following his
11:58:33 42 discovery given her role as a human source?---Yes.
43
11:58:47 44 If I could take you to p.941. Do you see the heading "Tony
11:59:05 45 Mokbel" on that page about point 7?---Yes, I do.
46
11:59:11 47 You'll see it says, "He is still pushing for Ms Gobbo to

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11:59:14 1 represent him. She is saying no because not funded. This
11:59:17 2 will keep him at bay"?---Yes.
3
11:59:22 4 There's quite a few references, I suggest, during 2007
11:59:27 5 where Mr Mokbel is asking Ms Gobbo to represent him but
11:59:36 6 whatever she says - telling her about what he's doing with
11:59:41 7 aspects of the extradition application?---Yes.
8
11:59:48 9 To just give one example, 1018. You'll see a reference
12:00:05 10 there to Mirko Bagaric, at the top of the page?---I see
12:00:14 11 that.
12
12:00:15 13 He's someone, I think an academic lawyer, isn't he, who's
12:00:19 14 retained - he's Melbourne based, retained to assist Tony
12:00:28 15 Mokbel?---His name doesn't ring any bells for me.
16
12:00:38 17 Go to p.1028, point 3 of the page. You see the heading
12:00:52 18 "Tony Mokbel", "General talk about the extradition process.
12:00:57 19 Ms Gobbo confirms that she is not acting for him. She is
12:01:02 20 saying because no money, which is true. Ms Gobbo asked why
12:01:05 21 then does she talk to him at all? Because she knows what
12:01:09 22 he is up to this way. Ms Gobbo keeps control and if doubt
12:01:13 23 arises about her in any way she can deal with it before it
12:01:17 24 gets out of hand". That's what I asked you about
12:01:22 25 yesterday, isn't it, that she wanted to keep close to her
12:01:25 26 enemies, so to speak?---Yes.
27
12:01:35 28 Mr Mokbel just keeps calling her again and again.
12:01:39 29 Sometimes information seems to be disseminated to Purana
12:01:44 30 arising from the calls and sometimes it doesn't. Can I
12:01:50 31 give you just one example, p.1142, which is ICR 96?---I
12:02:13 32 have that.
33
12:02:14 34 You've beaten me to it. You'll see the heading at point 3,
12:02:31 35 "Return call to 3838. Call from Tony Mokbel was weird".
12:02:38 36 Down the bottom it says in the second-last dot point,
12:02:43 37 "Mirko is applying for a Federal Court injunction to stop
12:02:46 38 the extradition process of him. Idea is to delay the
12:02:49 39 process as long as he can", and that is verbally
12:02:51 40 disseminated to Mr Ryan at Purana?---Yes. We would need to
12:03:04 41 check exactly what was disseminated to Gavan Ryan because
12:03:08 42 there's certain information in there not related to the
12:03:13 43 extradition which we would have had some significant
12:03:17 44 concerns about.
45
12:03:21 46 Yes. If I could take you to the other folder, the 2958
12:03:35 47 folder. Page 228, or rather 227. This is now 26 April

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12:04:08 1 2008. Do you see the heading "Tony Mokbel called". He
12:04:14 2 called yesterday on her mobile?---Yes.
3
12:04:16 4 At this point I think he has been extradited back to
12:04:19 5 Melbourne. The fourth dot point, "Tony Mokbel wanting to
12:04:24 6 know what has happened to her car. She said to him, 'I
12:04:27 7 have worked out that your brothers are calling me dogs and
12:04:31 8 they are behind all this'. She did not mention Bayeh's
12:04:36 9 name or accused Bayeh". Then over the page, "Tony Mokbel
12:04:39 10 immediately distanced himself from his brothers. Ms Gobbo
12:04:42 11 said she is being blamed for things that have nothing to do
12:04:45 12 with her. Tony Mokbel is saying 'you are my special
12:04:49 13 girl'". Then further down at point 3, "Ms Gobbo said she
12:04:56 14 got emotional with Tony. She had been with Tony Mokbel for
12:04:59 15 five years. This is a big part of her life. It was hard.
12:05:02 16 She did not get a chance to say to him that he is wiped".
12:05:06 17 At this point I think SDU was putting a lot of pressure on
12:05:09 18 Ms Gobbo to make clear to Tony Mokbel that she couldn't be
12:05:17 19 his legal advisor in relation to his proceedings back in
12:05:23 20 Melbourne?---That's right.
21
12:05:31 22 But she struggles to actually - just one second, sorry. I
12:05:40 23 think I've misled you in a minor sense, that I think he's
12:05:45 24 still in Greece at the time of this call in April 2008. I
12:05:50 25 think he comes back a month or so later. Can I take you
12:05:59 26 then to p.323. You'll see it's very confusing around this
12:06:24 27 time but at point 5 of the page do you see the heading
12:06:28 28 "Tony Mokbel" and it says, "Talk about that Tony Mokbel
12:06:32 29 said he was asked what barristers he intends using and he
12:06:35 30 said, 'I normally use Ms Gobbo but I know she is
12:06:39 31 conflicted' and he can't". Then further down, "Talk about
12:06:44 32 SDU instructions. She can go see him face-to-face at
12:06:48 33 Custody Centre tomorrow to give him the spiel. If this
12:06:51 34 does not occur it's to be done over the phone. If she is
12:06:56 35 in a position where she thinks it is Tony and cannot
12:06:59 36 properly take the call, the do not answer. She is only to
12:07:00 37 answer where she can talk to him frankly, like in her
12:07:02 38 office. Once she has spoken to Tony Mokbel then she is to
12:07:09 39 remove her number from his phone list. Ms Gobbo
12:07:12 40 understands this and agrees to the above". Then over the
12:07:15 41 page at 324, point 3 of the page under the heading "Tony
12:07:21 42 Mokbel", "One of the driving things why she came to us in
12:07:24 43 the first place is the controlling way Tony had over her.
12:07:27 44 She understands she has to break free from this and the
12:07:30 45 only way is to give it to him and have nothing more to do
12:07:33 46 with him". I asked you about that a little while
12:07:37 47 ago?---Yes.

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1
12:07:40 2 Eventually one gets to - sorry, p.327. Do you see at the
12:07:54 3 foot of the page, "20 May 2008, message from
12:08:11 4 2958"?---Whereabouts on the page?
5
12:08:12 6 At the foot of the page, 1.40 pm, 13:40. Just the very
12:08:24 7 bottom?---Sorry. Yes.
8
12:08:30 9 Having done that, perhaps I could just take you back a
12:08:32 10 page, if you don't mind, to 326. I mentioned I think in
12:08:40 11 some questions earlier that she put a list together of the
12:08:45 12 things she wanted to cover with Tony as to why she couldn't
12:08:49 13 act for him. Do you see that she makes reference to that
12:08:53 14 list on that page?---Yes.
15
12:08:59 16 There's a long list of considerations she seems to have
12:09:03 17 listed to explain to Tony Mokbel why she can't act for
12:09:07 18 him?---Yes.
19
12:09:10 20 Over at the top of 327 the handler is speaking to her and
12:09:18 21 it records "general talk re encouraging Ms Gobbo to get
12:09:22 22 angry at him and tell him like it is". I think this notion
12:09:26 23 of Ms Gobbo getting angry at Mr Mokbel was linked, wasn't
12:09:30 24 it, to the torching of her car, that that was seen as
12:09:35 25 giving a basis for Ms Gobbo to say she was so angry at the
12:09:41 26 Mokbels she wouldn't act for them again? I think I took
12:09:56 27 you to some documents talking about that a few days ago but
12:10:01 28 if you don't remember then by all means say so?---The only
12:10:06 29 reason I'm hesitating is because I thought you showed me
12:10:09 30 something in the last ten minutes where he tries to
12:10:12 31 distance himself from his brothers because she's accusing
12:10:15 32 his brothers of - - -
33
12:10:19 34 Yes?---It wasn't the car it was spreading rumours about
12:10:22 35 her.
36
12:10:22 37 Yes, he does do that?---I can't remember how the car
12:10:26 38 factored in.
39
12:10:27 40 Yes, all right. Down the foot of the page at 327 it says,
12:10:31 41 "Ms Gobbo has just had five back-to-back calls with Tony
12:10:36 42 Mokbel", do you see that?---I see that.
12:10:38 43
12:10:39 44 "Tony is in stunned silence with what she was saying.
12:10:43 45 Claims not to be aware of the full extent of things she is
12:10:46 46 claiming. She is confident she has covered everything on
12:10:50 47 the list we spoke about. She just did not get to finish

.23/08/19

5201

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12:10:54 1 off how she wanted at the end of the last call and Tony
12:10:59 2 Mokbel has not rung back. Maybe he will shortly. Ms Gobbo
12:11:03 3 very emotional. She needs five minutes or so to gather her
12:11:06 4 thoughts". I'm suggesting to you it was quite a complex
12:11:15 5 emotional relationship between Ms Gobbo and Mr Mokbel,
12:11:19 6 wasn't it, because her whole objective in the course of
12:11:24 7 being an informer was to put him behind bars and yet she
12:11:33 8 seems to have a lot of trouble separating from him, is that
12:11:37 9 a recollection you have from your dealings with her?---I
12:11:45 10 don't know if it's a recollection I have but I think the
12:11:48 11 material we've been through over the last month certainly
12:11:51 12 leaves you with that impression, and that's pretty
12:11:54 13 consistent with the fact, I think, that she was in fear of
12:11:58 14 him and she also at the same time was trying to balance
12:12:04 15 this need to control everything and be all over what sort
12:12:08 16 of rumours are being spread by all and sundry.
17
12:12:13 18 Yes. I think I covered that with you yesterday, that
12:12:21 19 really - I don't think we've got time to go to the
12:12:24 20 documents but even Harty Mokbel, when he's arrested, and
12:12:31 21 even though he has other legal representatives acting for
12:12:35 22 him, even Harty Mokbel wants Ms Gobbo to assist in engaging
12:12:42 23 in plea dealings with Victoria Police, do you recollect
12:12:47 24 that?---I recollect talking about it yesterday, yes.
25
12:12:50 26 Okay. Milad Mokbel also wants to utilise Ms Gobbo to deal
12:12:59 27 with the police I think on plea dealings, even though Milad
12:13:04 28 has other legal representatives acting for him?---Yes.
29
12:13:09 30 So she's in a position, isn't she, where she wants to keep
12:13:16 31 close to these people in order to make sure she uncovers
12:13:20 32 any potential threats to her life and that's really her
12:13:24 33 primary reason for maintaining contact after their arrest,
12:13:29 34 do you agree with that?---I do.
35
12:13:34 36 But equally, on their side, they seem to know that she's
12:13:41 37 done things apparently against their interest such as
12:13:45 38 advising a particular person to assist police which is
12:13:54 39 against their interests, yet even in the face of that
12:13:57 40 knowledge they still want to use her as a legal
12:14:01 41 advisor?---I'd probably need to correct you there. When
12:14:03 42 you say they seem to know, my belief is that they didn't
12:14:09 43 know, they suspected.
44
12:14:11 45 Yes. Well I think by - - - ?---She must have been - - -
46
12:14:15 47 You go?---- - - pretty convincing.

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1
12:14:19 2 Yes?---She must have been pretty convincing because clearly
12:14:22 3 she confronted them at different times about these rumours.
4
12:14:28 5 Yes. Just one last matter I wanted to raise with you is in
12:14:32 6 relation to the OPI hearings. I won't go through the story
12:14:38 7 of those but do you agree that when Ms Gobbo is first
12:14:45 8 served with a summons to go to OPI she gets very worried
12:14:51 9 immediately, doesn't she?---Is this in relation to the Dale
12:14:56 10 matter?
11
12:14:56 12 Yes?---Yes.
13
12:15:03 14 Do you agree that her concern is all about the risk of
12:15:07 15 disclosure as a human source?---Yes.
16
12:15:18 17 When a disaster occurs with her - I'll start that again. A
12:15:22 18 disaster occurs with her first appearance before
12:15:25 19 Mr Fitzgerald, doesn't it, because although some attempt
12:15:30 20 seems to have been intended that she be protected from
12:15:35 21 dangerous questions that might expose her role, she's in
12:15:38 22 fact asked a very broad question about all the police
12:15:42 23 officers she has dealt with?---Yes.
24
12:15:47 25 That's exactly the kind of question that puts her in the
12:15:50 26 awful position of if she answers honestly she's going to
12:15:55 27 have to disclose her role as a human source because amongst
12:15:58 28 the police officers she knows are all the SDU
12:16:01 29 handlers?---Yes, that's right.
30
12:16:02 31 And so I think efforts are made to contact Mr Overland,
12:16:07 32 aren't they, to whisper in Mr Fitzgerald's ear that
12:16:13 33 questions of that breadth ought not to be pursued?---Yes.
34
12:16:18 35 But it would also seem that Mr Overland was behind the
12:16:25 36 whole idea of having a summons served upon Ms Gobbo to go
12:16:30 37 before the OPI in the first place?---Was he?
38
12:16:38 39 Well, it seems to - perhaps I'll take you to - if you go to
12:16:41 40 p.838 in the first volume of ICRs.
41
12:17:11 42 COMMISSIONER: It's the second volume.
12:17:13 43
12:17:13 44 MR COLLINSON: I'm sorry, it's the second volume. That's
12:17:15 45 my error. Page 838?---838?
46
12:17:46 47 That's it?---I have that.

.23/08/19

5203

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1
12:17:53 2 You'll see the date is 16 May 2007, you can see that from
12:18:04 3 the preceding page?---Yes.
4
12:18:05 5 Down the foot of p.838 there's a heading "SDU management
12:18:09 6 issues" and it says, "From Gavan Ryan. Assistant
12:18:13 7 Commissioner Simon Overland has approved 3838 being asked
12:18:17 8 questions relating to the Hodson murders". This is a
12:18:26 9 communication from Mr Ryan to the SDU handler?---Yes.
12:18:41 10 Well, I think it probably is from Ryan to the handler.
11
12:18:47 12 Then if you could go forward to p.1003?---Yes.
13
12:19:08 14 This is a couple of months later on 11 July 2007. You'll
12:19:11 15 see this is the occasion upon which Ms Gobbo is first
12:19:14 16 contacted by OPI. You'll see she said that she's ringing
12:19:23 17 to say she's just had a call from Sam at OPI?---Yes.
18
12:19:26 19 It continues in the third dot point, "Obviously she thinks
12:19:30 20 this will be in relation to Paul Dale. Reassured Ms Gobbo
12:19:33 21 not to panic. She says she was talked into speaking to
12:19:39 22 Lindsay Attrill last year about all this and that was a
12:19:43 23 disaster. She has fears of her identity getting out as a
12:19:47 24 human source if she gives evidence at a hearings like
12:19:51 25 this", do you see that?---Yes.
26
12:20:00 27 I think you speak to, or someone at SDU involves
12:20:04 28 Mr Overland, as I said earlier, to seek to protect Ms Gobbo
12:20:07 29 from dangerous questions at the OPI hearing; is that
12:20:11 30 right?---Yes.
31
12:20:15 32 But Mr Overland is also the person who has approved OPI
12:20:23 33 pursuing questions of Ms Gobbo about issues related to
12:20:29 34 Mr Dale and the Hodsons.
35
12:20:33 36 MR CHETTLE: Commissioner, that's not what the note said.
12:20:35 37 It didn't say anything about the OPI.
38
12:20:38 39 COMMISSIONER: It might be best to go to the document if
12:20:40 40 you can, Mr Collinson.
41
12:20:42 42 MR COLLINSON: Yes. If you go back to 838. Perhaps I had
12:20:56 43 this not correct. I think I might have misled you there.
12:21:20 44 It does say at the foot of the page that Mr Overland has
12:21:24 45 approved 3838 being asked questions related to the Hodson
12:21:29 46 murders. It doesn't relate specifically to, it doesn't say
12:21:31 47 anything about OPI, so it might be that I've misled you

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12:21:35 1 there in relation to Mr Overland giving that authorisation.
12:21:40 2 I won't take that any further. Thank you Mr White, I've
12:21:50 3 got no further questions of you.
4
12:21:53 5 COMMISSIONER: Thanks Mr Collinson?---Thank you,
12:21:55 6 Mr Collinson.
7
12:21:58 8 Are there any questions from anybody other than Mr Chettle
12:22:01 9 in re-examination? No. All right then. Yes, Mr Chettle.
12:22:05 10
11 <RE-EXAMINED BY MR CHETTLE:
12
12:22:06 13 Before we leave that topic, Mr White, can I - on the issue
12:22:10 14 of the OPI and what was put to you about that, can you just
12:22:14 15 go to p.1006?---I have that.
16
12:22:24 17 If you look at the top entry on that page you'll see
12:22:27 18 there's a discussion she has with her handler on the
12:22:30 19 telephone about her wanting to know what questions she's
12:22:34 20 going to be asked at the OPI that might out her?---Yes.
21
12:22:42 22 And then in relation to that, the SDU make it clear to her
12:22:52 23 you can't influence the OPI, nor should you, about what
12:22:55 24 she's going to be asked?---Yes.
25
12:22:57 26 Okay. Back on the issue that was just raised of
12:23:04 27 Mr Mokbel's return from Greece and the extradition while I
12:23:11 28 think of it, at p.886 in the same volume - I'm going to try
12:23:26 29 and avoid going through the documents in detail, but the
12:23:31 30 general thrust of the SDU view about her involvement with
12:23:33 31 Mr Mokbel, do you have a recollection of making clear to
12:23:36 32 her the SDU attitude to her being involved with him?---She
12:23:43 33 was told that we didn't want her representing Tony Mokbel.
34
12:23:48 35 An example of that at p.886 at the end of the Mokbel entry
12:23:52 36 on the middle of that page. Do you see what I'm referring
12:24:01 37 to?---Yes.
38
12:24:03 39 If we go forward. At p.890, again the issue of the SDU
12:24:19 40 attitude to her involvement with Tony Mokbel was spelt out
12:24:23 41 clearly there, at 19:29?---Yes, she was told we don't want
12:24:31 42 or require her to be involved with Tony Mokbel.
43
12:24:34 44 Indeed, I think there'll be evidence, you were asked by
12:24:37 45 Mr Winneke whether at any stage the expression
12:24:40 46 "relationship ending experience" or a "relationship ending
12:24:44 47 consequence" were used by the SDU. I suggest to you the

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12:24:49 1 papers reveal that in relation to this very issue she was
12:24:52 2 told that it would be a relationship ending experience if
12:24:56 3 she got involved with them. Do you recall that or am I
12:25:02 4 poking in the dark?---No, no. The expression was "a
12:25:06 5 relationship ending event "
6
12:25:08 7 Yes?---And I can't recall exactly when it was said but it
12:25:12 8 was said by this particular handler.
9
12:25:15 10 That particular handler, is that Mr Anderson?---Yes.
11
12:25:24 12 We haven't had any formal evidence about Mr Anderson but he
12:25:29 13 in fact is deceased, is he not?---Yes, he is.
14
12:25:31 15 He died some time ago from a [REDACTED] is that the
12:25:35 16 reality?---That's correct.
17
12:25:41 18 You were asked questions about whether or not she lived
12:25:45 19 with the stress of being called a dog and the way in which
12:25:50 20 she dealt with the risks that the Mokbels presented to her
12:25:53 21 because of her involvement with earlier witnesses, do you
12:25:56 22 remember those questions?---Yes.
23
12:26:01 24 Did she describe on occasions that she was hiding in plain
12:26:05 25 sight?---Yes.
26
12:26:09 27 By that did she explain to you that she would say to these
12:26:12 28 people, "Look, if I were a dog I wouldn't be here. I'm
12:26:15 29 here, I'm clearly not a dog", things to that
12:26:19 30 effect?---Similar things, yes.
31
12:26:25 32 Mr Collinson asked you questions to suggest that she was
12:26:31 33 rushed into the decision to become a source. Do you
12:26:36 34 remember questions to that end yesterday?---Yes.
35
12:26:38 36 And indeed I think Mr Winneke at some stage suggested to
12:26:42 37 you that you somehow inveigled her into being a source at
12:26:47 38 one stage, do you remember those questions?---Yes, I do.
39
12:26:49 40 All right. In the very first meeting you had with her, can
12:26:54 41 I take you to VPL.0005.0051.0126. This is a transcript of
12:27:09 42 the first meeting you have with her on 16 September 2005,
12:27:13 43 do you follow?---Yes.
44
12:27:18 45 After some hours, at p.125, towards the bottom of that
12:27:23 46 page, you'll see you say to her, "I think you've got a
12:27:29 47 pretty good idea of the sort of things that can be done and

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12:27:32 1 we can talk about this a lot in greater detail about it
12:27:35 2 next week", do you see that?---Yes.
3
12:27:38 4 She says to you, "Okay, have you had enough for some
12:27:42 5 reason?" You said, "Have I? Yeah. No, I could sit here
12:27:46 6 all night and ask some - Okay. Listen, listen to you talk
12:27:49 7 about this particular family quite easily but I don't think
12:27:51 8 it will achieve very much. Okay. The objective today was
12:27:55 9 really just to sort of test the water with you, see where
12:27:58 10 you could be useful. Yep. And most of all make sure that
12:28:04 11 you're comfortable continuing on. If you're comfortable to
12:28:08 12 have another meeting next week we've achieved our objective
12:28:13 13 today. Okay. There's no reason to hurry this". Having
12:28:19 14 read that, what do you say as to the suggestion that you
12:28:23 15 rushed her into making a decision into being an
12:28:27 16 informer?---Oh, well I think I said yesterday that I didn't
12:28:31 17 think we did rush her into a decision. The first three
12:28:36 18 meetings at least were just assessments, gathering
12:28:38 19 information about her and about what she could know about.
12:28:42 20 So I don't believe we did rush her into, or I think the
12:28:46 21 word you used was inveigle her into becoming a source.
22
12:28:51 23 COMMISSIONER: Her next answer was, "Only, only my health,
12:28:55 24 that's all".
12:28:57 25
12:28:57 26 MR CHETTLE: Yes. You can go on and read that, "It might
12:29:00 27 be a relief to get it off your shoulders to Steve". That's
12:29:06 28 a reference from one of the, Mr Mansell, is it not?---Yes.
29
12:29:10 30 And she says, "I do feel relieved". I take it you were
12:29:16 31 never informed at any stage that she had been a human
12:29:20 32 source on two occasions prior to her coming to the
12:29:25 33 SDU?---No, I wasn't.
34
12:29:27 35 She didn't tell you in any of the meetings you had with her
12:29:30 36 that she'd been involved with Pope and another officer back
12:29:34 37 in 95?---No.
38
12:29:38 39 I take it neither did Mr Pope tell you?---No.
40
12:29:46 41 You've been asked a lot over the last 14 days but I want to
12:29:50 42 go back to effectively the start of what you were asked.
12:30:03 43 About three weeks ago - - -
44
12:30:05 45 COMMISSIONER: Mr Chettle, remember we're in open session
12:30:09 46 so when and if you need to go into closed session we'll do
12:30:13 47 that.

.23/08/19

5207

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12:30:13 1
12:30:14 2 MR CHETTLE: I will, Commissioner. Are you okay?---Yes.
3
12:30:21 4 All right.
5
12:30:24 6 COMMISSIONER: You've got some water there,
12:30:26 7 Mr White?---Yes, thank you, Commissioner.
8
12:30:27 9 Thank you.
12:30:28 10
12:30:29 11 MR CHETTLE: At p.2579 Mr Winneke - this is of the
12:30:34 12 transcript and I'm not suggesting you'll have that -
12:30:37 13 Mr Winneke suggested to you that you were down playing the
12:30:44 14 confidentiality aspect of the sterile corridor, down
12:30:48 15 playing the significance of confidentiality. Do you
12:30:53 16 remember questions to that end?---Vaguely.
17
12:30:58 18 All right. This concept of sterile corridor was something
12:31:04 19 that you had set out in writing well before any involvement
12:31:08 20 with Ms Gobbo, was it not?---Yes.
21
12:31:15 22 In Exhibit 276, which is a document entitled "Review and
12:31:20 23 development of best practice human source management
12:31:24 24 policy", a document you wrote?---Yes.
25
12:31:36 26 I don't believe this is confidential. At p.20 of that
12:31:38 27 document did you write this - - -
28
12:31:42 29 COMMISSIONER: What exhibit number was it, please?
12:31:44 30
12:31:45 31 MR CHETTLE: 276, Commissioner.
32
12:31:46 33 COMMISSIONER: Thank you.
12:31:46 34
12:31:56 35 MR CHETTLE: It looks like that, Commissioner.
36
12:31:57 37 COMMISSIONER: Yes, that's fine. Keep going.
12:31:59 38
12:32:00 39 MR CHETTLE: "One of the advantages to appointing a
12:32:02 40 dedicated handler was the ability to implement the concept
12:32:06 41 of sterile corridors. This means nothing more than the
12:32:10 42 ability to separate the management of an investigation from
12:32:13 43 the management of the human source that provides
12:32:16 44 intelligence relevant to that investigation"?---Yes.
45
12:32:27 46 Is that what it is, no more, no less, as you said in that
12:32:31 47 writing?---Yes.

.23/08/19

5208

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1
12:32:42 2 I'll probably jump around a little bit to a couple of
12:32:45 3 different topics. Perhaps it's a convenient time to do
12:32:48 4 this, Commissioner. You were asked questions about what
12:33:02 5 was privileged and what wasn't privileged in your
12:33:05 6 conversations with her in relation to what she could tell
12:33:08 7 you and what she couldn't, do you remember questions along
12:33:11 8 those lines?---Yes.
9
12:33:13 10 What I want to do, and I think it's been ready to be
12:33:17 11 played, there's a section of tape from a meeting you had
12:33:25 12 with her on 9 June 2006. VPL.0005.0097.0815. It wasn't
12:34:10 13 with this particular operator that I arranged this. 815.
14
12:34:46 15 COMMISSIONER: Are we able to play this or should we do
12:34:49 16 this after lunch? Would after lunch be better? Come back
12:34:53 17 to that one if you could.
18
12:34:55 19 MR CHETTLE: I will, Commissioner.
20
12:34:57 21 COMMISSIONER: Give it to them and they can organise it
12:35:00 22 over the lunchtime.
23
12:35:01 24 MR CHETTLE: I had in fact done that, Commissioner, but it
12:35:04 25 was with Andrew, not with this gentleman.
26
12:35:06 27 COMMISSIONER: That was days ago.
28
12:35:08 29 MR CHETTLE: I've had it ready for some time, Commissioner.
12:35:11 30 I've been waiting.
31
12:35:13 32 On the issue of risk and appreciation - - -
33
12:35:16 34 COMMISSIONER: He's been on leave all week.
35
12:35:19 36 MR CHETTLE: Yes, well I try to anticipate, Commissioner.
37
12:35:24 38 COMMISSIONER: Okay.
39
12:35:31 40 MR CHETTLE: Can I put up VPL.2000.0001.9446. Have you got
12:36:37 41 that in front of you now, Mr White?---Yes, I do.
42
12:36:40 43 Do you recognise that document?---Yes, I do.
44
12:36:44 45 Is it a document that you wrote?---Yes.
46
12:36:49 47 And sent to Inspector Hardy who I would gather would be

.23/08/19

5209

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12:36:53 1 your Inspector at the time; is that right?---Yes.
2
12:36:55 3 Mr Biggin and Mr Porter who was at HSMU?---Yes.
4
12:37:02 5 In loose terms this is the document that caused the change
12:37:05 6 of registration number for Ms Gobbo, is it not?---That's
12:37:09 7 right.
8
12:37:14 9 It speaks for itself but can I draw your attention to the
12:37:17 10 "Comments" section in the middle of the page where you
12:37:20 11 specifically refer to documents being released in the
12:37:22 12 public forum either intentionally or via the court
12:37:26 13 processes or accidentally. Do you see that?---Yes.
14
12:37:35 15 I'll tender the document, Commissioner.
12:37:47 16
12:37:47 17 MS ENBOM: That may already be an exhibit, Commissioner,
12:37:50 18 we're just checking.
12:37:51 19
12:37:52 20 MR CHETTLE: I don't believe so, Commissioner.
21
12:37:54 22 COMMISSIONER: Right.
12:37:57 23
12:37:58 24 #EXHIBIT RC348 - Issue cover sheet re change of
12:38:12 25 registration number.
12:38:03 26
12:38:03 27 MR CHETTLE: 348, thank you.
28
12:38:07 29 COMMISSIONER: How would you describe that? What's it
12:38:09 30 called?
12:38:10 31
12:38:10 32 MR CHETTLE: Issue cover sheet re change of registration
12:38:15 33 number. Would that adequately describe it,
12:38:19 34 Mr White?---Yes.
35
12:38:19 36 COMMISSIONER: Thank you.
12:38:20 37
12:38:22 38 MR CHETTLE: Commissioner, I'll just tender it. There's no
12:38:25 39 need for me to read it. I'll come back to it at a
12:38:29 40 subsequent stage.
41
12:38:29 42 COMMISSIONER: Yes.
12:38:30 43
12:38:34 44 MR CHETTLE: One of the topics that was raised with you by
12:38:41 45 Mr Winneke was the oversight or the people who were aware
12:38:50 46 of the activities of the SDU with Ms Gobbo, do you recall
12:38:54 47 that topic?---Yes.

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1
12:38:57 2 And you've already referred to a lengthy email from
12:39:03 3 Mr Biggin that at the end dealt with the number of reasons
12:39:09 4 why she couldn't be managed by the SDU once she became a
12:39:15 5 witness for Petra, do you remember that document?---Yes.
6
12:39:20 7 What I want to do now is put to you a number of documents
12:39:23 8 that relate to oversight of the SDU during the relevant
12:39:27 9 period and the first one is Exhibit 277. If that could be
12:39:37 10 brought up.
11
12:39:53 12 COMMISSIONER: That's probably still in its confidential
12:39:55 13 form because I doubt very much - we haven't got the - - -
12:39:58 14
12:40:00 15 MR CHETTLE: Whether it's been redacted.
16
12:40:02 17 COMMISSIONER: - - - PII claims from Victoria Police yet
12:40:05 18 for that one.
19
12:40:06 20 MS ENBOM: I think that's one exhibit where we have sent
12:40:08 21 the PII claims across so we might have a shaded version.
12:40:11 22
12:40:12 23 MR CHETTLE: There is a shaded version, Commissioner, it's
12:40:15 24 what I have. It's only names I think that would cause any
12:40:19 25 problem. VPL.2000.0002.0017.
26
12:40:43 27 COMMISSIONER: That won't be streamed, will it, the
12:40:46 28 exhibit? No, that's all right then.
12:40:49 29
12:40:49 30 MR CHETTLE: As long as the witness can - it's there.
12:40:53 31 You've got the audio, thank you. Can you see that
12:40:56 32 document, Mr White?---Yes, I can.
33
12:41:00 34 Do you recognise what it is?---Yes.
35
12:41:10 36 You gave some evidence - in mid-2006 was there an audit
12:41:15 37 firstly of the entire informer management files by the
12:41:22 38 CMRD, or by Jacinta Nolan?---Yes.
39
12:41:30 40 Can you tell the Commissioner who are CMRD?---It's the
12:41:38 41 Corporate Management Review Division and they are a
12:41:40 42 governance area across the entire police organisation.
43
12:41:46 44 And what's their - - - ?---Their role is - sorry?
45
12:41:50 46 Yes, go on, I was going to ask you what's their
12:41:53 47 role?---Their role is to randomly audit any area within

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12:42:02 1 Victoria Police to ensure that that area is performing in
12:42:07 2 line with the corporate policies and SOPs.
3
12:42:12 4 Does this document - out of that audit was the - because of
12:42:17 5 its sensitivity was the 3838 file culled out for a separate
12:42:23 6 audit, a separate treatment?---I'm not sure if that was the
12:42:29 7 case. I know that the head of the - well the Central
12:42:36 8 Source Registrar asked for an independent audit from
12:42:40 9 Superintendent Biggin which I think is this document.
10
12:42:43 11 Yes, that's right. Mr Winneke suggested to you that
12:42:45 12 Superintendent Biggin was "hardly independent". Why do you
12:42:49 13 say he was independent, Mr White?---He wasn't in our
12:42:53 14 management stream at all. He wasn't - I didn't answer to
12:42:59 15 him at that particular time. Ultimately he did come to
12:43:04 16 have command of the Source Unit but he certainly didn't at
12:43:08 17 this time.
18
12:43:08 19 So that when he became your effectively head, that it at a
12:43:12 20 time subsequent to this audit?---Yes, that's right.
21
12:43:21 22 At the time that that audit was conducted you'll see that
12:43:24 23 he got the request from Commander Maloney on 27 April
12:43:32 24 2006?---Yes.
25
12:43:32 26 And he talks about attending and reviewing risk assessments
12:43:39 27 that had been updated from time to time and your
12:43:43 28 interaction with the human source?---Yes.
29
12:43:49 30 This is all at the time that you were dealing with or
12:43:54 31 trying to manage - sorry, I better - yes, thank you.
12:44:07 32 Perhaps you're right, thank you. At this point of time you
12:44:11 33 were trying to manage Ms Gobbo and trying to, as you say,
12:44:16 34 to get her not to attend at a police station on 22 April.
12:44:20 35 Do you recall the incident I'm cryptically talking
12:44:23 36 about?---Yes.
37
12:44:36 38 That document speaks for itself but I want to refer to a
12:44:41 39 related document, VPL.2000.0002.0887.
40
12:45:04 41 COMMISSIONER: Will this be a new exhibit?
12:45:06 42
12:45:07 43 MR CHETTLE: It will be, Commissioner, yes. Have you got
12:45:23 44 that in front of you now, Mr White?---Yes.
45
12:45:26 46 That's addressed to Commander Maloney, written by
12:45:30 47 Superintendent Lucinda Nolan. You'll see it's a full page

.23/08/19

5212

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12:45:35 1 document if you go to the bottom of it?---Yes.
2
12:45:48 3 As is obvious, that is the audit of the - report on the
12:45:55 4 audit of the informer management files held by the Source
12:46:01 5 Development Unit at that time, is it not?---Yes.
6
12:46:05 7 If one turns to p.2 of that document, the files that were
12:46:11 8 audited and checked by the auditor, Lucinda Nolan,
12:46:19 9 Superintendent Nolan, are set out. You'll see the audited
12:46:23 10 files?---Yes.
11
12:46:24 12 Next to 3838 you can see that that's been culled out for
12:46:28 13 separate treatment by Mr Biggin?---Yes.
14
12:46:33 15 If I can summarise this, what we saw in the previous
12:46:38 16 document is Mr Biggin's audit of that file culled out from
12:46:42 17 the other files?---Yes, that's right.
18
12:46:46 19 Again, the conclusions of the audit speak for themselves,
12:46:55 20 set out on p.4. But in any time did anyone from the
12:47:02 21 auditors raise with you any concerns about the way in which
12:47:08 22 3838 was being managed?---No.
23
12:47:17 24 Apart from that audit can you be shown VPL.6025 - - -
25
12:47:31 26 COMMISSIONER: That audit was conducted by Superintendent
12:47:34 27 Lucinda Nixon, is that right?
12:47:37 28
12:47:37 29 MR CHETTLE: Nolan. Nixon was the Chief Commissioner,
12:47:42 30 Commissioner.
31
12:47:44 32 COMMISSIONER: I couldn't read my own writing. Is that
12:47:47 33 right?
12:47:47 34
12:47:48 35 MR CHETTLE: Nolan, yes.
36
12:47:48 37 COMMISSIONER: I'm checking with the witness?---Sorry.
12:47:52 38 Yes, that is right, Commissioner.
39
40 Yes, all right. Thank you.
41
12:47:54 42 MR CHETTLE: I'll tender that, Commissioner, as an exhibit.
12:47:54 43
12:47:55 44 #EXHIBIT RC349 - (Confidential) Audit report of the 3838
12:48:00 45 files conducted by Superintendent Nolan.
12:48:04 46
12:48:04 47 MS ENBOM: If that could please be marked as a confidential

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12:48:07 1 exhibit at the moment, Commissioner.
2
12:48:10 3 COMMISSIONER: It seems to have already been redacted.
12:48:13 4
12:48:14 5 MS ENBOM: I'm told it's a partial review, so I don't know
12:48:16 6 what that means.
7
12:48:17 8 COMMISSIONER: Confidential exhibit for the time being.
12:48:19 9
12:48:19 10 MS ENBOM: Thank you.
12:48:22 11
12:48:26 12 MR CHETTLE: Can I have VPL.6025.0002.0533. That's an
12:48:59 13 email to yourself and Mr Black?---Yes.
14
12:49:10 15 And it's from a man called Andrew Glow. Who is
12:49:16 16 Mr Glow?---Yes.
17
12:49:16 18 Who is he?---He was the Inspector in charge of the Source
12:49:21 19 Unit for a period.
20
12:49:23 21 Again, it reads what it says, that he's undertaking a
12:49:31 22 procedural, ethical and value audit of all the sources,
12:49:37 23 especially 2958, which was Ms Gobbo's new number, was it
12:49:41 24 not?---Yes.
25
12:49:43 26 Did Mr Glow ever raise with you any concerns about the
12:49:49 27 procedural or ethical nature of your conduct of the 3838
12:49:54 28 file?---No.
29
12:49:57 30 I'll tender that document, Commissioner.
12:50:00 31
12:50:01 32 #EXHIBIT RC350 - (Confidential) Email from Inspector Glow
12:50:09 33 to SDU.
12:50:21 34
12:50:21 35 MS ENBOM: I expect, Commissioner, that's also one we'll
12:50:24 36 need to look at. I can't access it right at the moment.
37
12:50:29 38 COMMISSIONER: 13 February 2008. Confidential for the time
12:50:32 39 being.
12:50:33 40
12:50:33 41 MR CHETTLE: You were asked some questions by Mr Winneke
12:50:36 42 about a [REDACTED] assessment process that included looking
12:50:43 43 at a reward application or starting a reward application
12:50:47 44 for Ms Gobbo and other matters?---Yes.
45
12:50:56 46 If I can put this in sequence. Originally, I suggest, that
12:51:01 47 was to be held in March of 2009 but it ultimately got

.23/08/19

5214

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12:51:09 1 postponed until July. I suppose those details elude you at
12:51:17 2 the moment?---Yes.
3
12:51:19 4 But let me show you a document, VPL.6025.0007.6862. If I
12:51:36 5 can - it's two emails, one from you to a number of people
12:51:41 6 and then a response from Mr Biggin to yourself and
12:51:45 7 Mr Black, do you see that?---Yes.
8
12:51:47 9 And to Inspector Glow. If we can start at the bottom of
12:51:50 10 the page. You notify all the relevant people that there's
12:51:57 11 to be a workshop and a 3838 case study analysis at the [REDACTED]
12:52:04 12 [REDACTED] surf lifesaving club on dates in March of that
12:52:10 13 year?---Yes.
14
12:52:11 15 Indeed, was one of the things you wanted was Mr Biggin to
12:52:14 16 come and address the meeting in relation to that very
12:52:19 17 topic, 3838?---Yes.
18
12:52:24 19 And as apparent, when you send that email to everyone,
12:52:29 20 Mr Biggin responds to you on Tuesday 17 February, to
12:52:34 21 yourself and Mr Black, with a copy to Mr Glow; is that
12:52:42 22 right?---I can't see the response on the screen at the
12:52:44 23 moment.
24
12:52:45 25 Okay. Could you go up to the top, please. No, the other
12:52:49 26 way. It works the other way around. There you are.
12:52:55 27 Mr Biggin's response to you?---Yes.
28
12:53:06 29 This is a document, Commissioner, that I showed to a
12:53:09 30 previous witness and I indicated I'd be returning to. But
12:53:12 31 can I take you down the page. Mr Biggin makes some
12:53:17 32 comments about her motivation, "Whether we were on the mark
12:53:21 33 or not, that there were some issues of management we could
12:53:25 34 do better" and there's discussion about a the change of
12:53:32 35 codes and things of that sort. Then you get this, "The
12:53:35 36 branding of this person as a human source became a
12:53:38 37 significant issue. I think we scraped through by good luck
12:53:41 38 rather than good management", and then there are three
12:53:45 39 matters mentioned, [REDACTED] Bartlett and Purana issues, do
12:53:50 40 you see that?---Yes.
41
12:53:51 42 In brief compass, does [REDACTED] relate to a surveillance
12:53:56 43 operator from the State Surveillance Unit that nearly
12:54:00 44 effectively blew Ms Gobbo's cover by ringing up and asking
12:54:06 45 where - asked the handler where Mr Gatto is when they lost
12:54:13 46 him when they were following him?---Yes.
47

.23/08/19

5215

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12:54:15 1 And so that's a reference to the security issue that arose
12:54:18 2 in relation to that operator. Mr Bartlett - - - ?---Yes.
3
12:54:24 4 - - - was the officer who originally dealt with, arrested a
12:54:31 5 person in one of his earlier cooks, was he not?---Yes.
6
12:54:52 7 And the Purana issue set out in that paragraph relates to
12:54:56 8 the matter that Mr Winneke asked you about and I think a
12:54:59 9 member of Purana that was suspected to have connections
12:55:02 10 with someone related to Mr Gatto?---Yes.
11
12:55:10 12 That's the matter you said was looked at by Mr O'Brien who
12:55:15 13 assured you there was nothing in it, but it was one of the
12:55:18 14 issues that concerned you?---That's right.
15
12:55:21 16 There's no - the person concerned was said to be related to
12:55:29 17 - or connected to someone called Amatruda, is that the
12:55:36 18 problem?---That's right, yes.
19
12:55:43 20 At this stage on 17 February 2009 she has been
12:55:51 21 deactivated?---Yes.
22
12:55:54 23 And Mr Biggin prophetically says, "We need to prepare
12:55:59 24 ourselves for the inevitable court process and what our
12:56:03 25 process will be". I'll tender that document, Commissioner.
12:56:07 26
12:56:08 27 #EXHIBIT RC351 - (Confidential) Email between the SDU and
12:56:16 28 Mr Biggin of 17/02/09.
29
12:56:25 30 COMMISSIONER: Is that on a confidential basis at this
12:56:27 31 stage?
32
12:56:28 33 MS ENBOM: Yes. I wonder rather than interrupt repeatedly
12:56:32 34 whether we should proceed on the basis that they're
12:56:35 35 confidential unless I do interrupt.
36
12:56:37 37 COMMISSIONER: I think I'll take control there, thanks very
12:56:39 38 much, of that. Yes.
12:56:41 39
12:56:42 40 MR CHETTLE: Can I have VPL.6025.0009.5092.
41
12:57:07 42 COMMISSIONER: What's this document?
12:57:09 43
12:57:10 44 MR CHETTLE: This is the agenda for the [REDACTED] workshop,
12:57:12 45 Commissioner, demonstrating it went on in July, not March.
12:57:22 46 Perhaps if you look at that - if it can be brought up
12:57:25 47 closely. You'll see the heading is "Request for

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12:57:32 1 authorisation to conduct a workshop and training seminar
12:57:35 2 for the Source Development Unit at [REDACTED]"?---Yes.
3
12:57:39 4 That's 16 July 2009, a few months after that email we've
12:57:44 5 seen just a few minutes ago?---Correct.
6
12:57:49 7 If you go to the second page of that document, there's a
12:57:53 8 list of all the people who are going to go, including
12:58:00 9 Inspector Glow and yourselves and the other
12:58:03 10 handlers?---Yes.
11
12:58:05 12 And some analysts as well, down the bottom?---That's right.
13
12:58:12 14 And it's proposed it will be held on Wednesday, 22 July
12:58:15 15 2009 at [REDACTED]?---Yes.
16
12:58:22 17 That's the date. And there's the timetable set out which
12:58:25 18 includes the reward application for Ms Gobbo to be
12:58:29 19 considered?---That's right.
20
12:58:32 21 And to review your Standard Operating Procedures and source
12:58:39 22 management learning outcomes and new procedures for
12:58:44 23 courses?---Yes.
24
12:58:47 25 That was prepared on behalf of the Unit by Mr Fox you'll
12:58:55 26 see on the last page. After the financials, keep going
12:59:01 27 down the bottom, right?---Yes.
28
12:59:11 29 Did that seminar go ahead?---Yes, it did.
30
12:59:15 31 And the items that were set out right at the start under
12:59:18 32 "Agenda", paragraph 3, were they discussed?---Yes.
33
12:59:24 34 I'll tender that document, Commissioner
12:59:27 35
12:59:29 36 #EXHIBIT RC352A - (Confidential) VPL.6025.0009.5092.
12:59:33 37
12:59:33 38 #EXHIBIT RC352B - Redacted version.
12:59:42 39
12:59:44 40 MR CHETTLE: The source management log, the two volumes
12:59:47 41 that have been tendered and produced to the Commission, how
12:59:53 42 did that document come into existence?---That was created
12:59:58 43 by myself just to be a little bit of a ready reckoner or
13:00:05 44 aide-memoire, if you like, as to what was occurring with
13:00:09 45 individual sources. It wasn't created specifically - well
13:00:15 46 the system wasn't created specifically for Ms Gobbo. We
13:00:20 47 used this document for all sources. I think when I was

.23/08/19

5217

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13:00:25 1 earlier asked about this, I think I made the point it's not
13:00:29 2 part of policy, it's not something that we're obliged to
13:00:33 3 do, but it seemed like a pretty good thing to do.
4
13:00:36 5 Right. I'll be taking you to it after lunch to get some
13:00:41 6 details out of it, but before we do that can I show you
13:00:44 7 three letters in relation to it. The first - or three
13:00:48 8 emails - VPL.6025.0006.3049. Is that an email from John
13:01:13 9 O'Connor to yourself and Mr Richards? Can you hear
13:01:44 10 me?---It's just come up on the screen now.
11
13:01:46 12 Sorry. Okay?---Yes, it is an email from O'Connor to myself
13:01:52 13 and Mr Richards.
14
13:01:55 15 It relates to Mr Sheridan wanting to have a PII discussion
13:01:58 16 with you about 3838. Do you recall having that discussion
13:02:02 17 with Mr Sheridan?---No.
18
13:02:07 19 But then Mr O'Connor says, "Both Paul and I have read the
13:02:13 20 source management log", that's the document I referred you
13:02:16 21 to a moment ago?---Yes.
13:02:17 22
13:02:17 23 "And we need to have a discussion around the issues as a
13:02:20 24 reply is required to Command by the end of the month", and
13:02:26 25 then there's something about notes on PII Mr O'Connor would
13:02:30 26 like. Is that an email you received in relation to that
13:02:36 27 source management log?---Presumably I did. I don't recall
13:02:42 28 it.
29
13:02:44 30 I'll tender the email, Commissioner.
13:02:47 31
13:02:47 32 #EXHIBIT RC353A - (Confidential) Email from O'Connor to
13:02:54 33 members of the SDU re PII discussion
13:03:03 34 20/05/10.
13:03:03 35
13:03:03 36 #EXHIBIT RC353B - Redacted version.
13:03:07 37
13:03:08 38 MR CHETTLE: That email is dated 20 May 2010. Seven days
13:03:12 39 later - can I bring up VPL.6025.0008.5087. I don't suspect
13:03:53 40 you'll have seen this document but seven days after the
13:03:59 41 last one does Mr O'Connor send to Mr McCrae, with a copy to
13:04:09 42 Mr Findlay, a copy of the document referred to as the
13:04:13 43 highly - Finn McCrae and copy to Paul Sheridan, a highly
13:04:19 44 protected document re Witness F?---Yes.
45
13:04:29 46 By this stage that's the name that's being used for
13:04:33 47 Ms Gobbo, do you understand that?---Yes.

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1
13:04:37 2 And then the second paragraph, "The management chronology
13:04:42 3 of F dealing with the Source Development Unit is a
13:04:45 4 comprehensive and gives real insight into the use of F as a
13:04:49 5 witness source", that being sent to the legal department,
13:04:52 6 do you follow that?---Yes.
7
13:04:56 8 I'll tender that - perhaps these can both go together.
9
13:05:00 10 COMMISSIONER: Yes. Is there another one coming?
13:05:06 11
13:05:08 12 MR CHETTLE: There's another one related to this. Can I do
13:05:11 13 them both as one exhibit? VPL.6025.0008.5082. You'll see
13:05:26 14 that Mr McCrae acknowledges to Mr O'Connor receipt of the
13:05:32 15 document with a "thank you".
16
13:05:36 17 COMMISSIONER: They may not need much PII so I'll just
13:05:40 18 tender those as 354 for the time being.
13:05:43 19
13:05:43 20 MR CHETTLE: I'll tender both emails, thank you.
13:05:46 21
13:05:47 22 #EXHIBIT RC354 - (Confidential) 27/05/10 email from
13:05:56 23 O'Connor to McCrae and Sheridan, highly
13:05:58 24 protected document re Nicola Gobbo and
13:06:02 25 the acknowledgement of receipt.
26
13:06:08 27 On the issue of - you said before Mr Biggin became your
13:06:12 28 line manager eventually, at some stage after the middle of
13:06:16 29 2006?---Yes.
30
13:06:18 31 Do you recall when that was, Mr White?---No.
32
13:06:25 33 It'll be a matter of record but I won't - can I take you to
13:06:29 34 VPL.6025.0007.4265. If you go to the bottom - this is a
13:06:54 35 series of emails between yourself and Mr Biggin. You start
13:07:00 36 at the bottom. You ask him whether he's online, he
13:07:05 37 responds that he is, and you send him a summary from Shane
13:07:09 38 O'Connell "in relation to the interview of 2958 yesterday"
13:07:14 39 and that you're going to ring him about it, do you see
13:07:17 40 that?---Yes.
41
13:07:19 42 That's a reference to the interview that she'd had in late
13:07:23 43 2008 with O'Connell in relation to the Petra matter, is it
13:07:26 44 not?---I think so.
45
13:07:32 46 Then he responds to you that he's got some technical
13:07:37 47 problem with the computer or system for some reason and

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13:07:41 1 then says to you, "Will discuss with you. We also need to
13:07:45 2 discuss the current risk assessment status of 2958". Is
13:07:51 3 that an example of you keeping Mr Biggin abreast of what's
13:07:54 4 happening with her as far as relevant issues are
13:07:58 5 concerned?---Yes.
6
13:07:59 7 I'll tender that email, Commissioner.
8
13:08:05 9 COMMISSIONER: There are a few emails, aren't there?
13:08:08 10
13:08:08 11 MR CHETTLE: The email chain.
13:08:11 12
13:08:11 13 #EXHIBIT RC355A - (Confidential) Emails of 18 November
13:08:14 14 between Sandy White and Biggin.
13:08:22 15
13:08:23 16 #EXHIBIT RC355B - Redacted version.
13:08:32 17
13:08:32 18 MR CHETTLE: Can I take you then next to another email,
13:08:38 19 VPL.6025.0007.1451. In fact it's another email chain.
13:08:56 20 Again, if you go to the bottom, start with the bottom one
13:08:59 21 first. Is it an email from Mr O'Connor again, Inspector
13:09:06 22 O'Connor, to Finn McCrae, Peter Lardner and Andrew
13:09:13 23 Bona?---Yes.
13:09:13 24
13:09:13 25 With copies to Paul Sheridan. By this stage Mr Sheridan
13:09:18 26 has become your Inspector, has he not?---A Superintendent.
27
13:09:21 28 A Superintendent, sorry. Replacing Mr Biggin. My
13:09:25 29 apologies?---Yes.
30
13:09:26 31 And then [REDACTED] is an analyst?---Yes.
32
13:09:31 33 And yourself copied in?---Yes.
34
13:09:38 35 Mr O'Connor advises as a matter of courtesy he's been
13:09:43 36 placed on the list of persons who are aware of Witness F,
13:09:49 37 HS 3838, and her role with the SDU prior to becoming a
13:09:50 38 witness. "Please note this is done with all our human
13:09:54 39 sources at the office. The list is held on the secure
13:09:56 40 drive at this office". He then asked the analyst to
13:10:01 41 include those names on the list for her, do you see
13:10:04 42 that?---Yes, I do.
43
13:10:10 44 That's a reference to the list - you haven't been shown it
13:10:13 45 yet but there was a list maintained and updated from time
13:10:18 46 to time of all the people who you believe might have known
13:10:21 47 of her identity as a source?---Yes.

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1
13:10:25 2 It was a living document in the sense that it grew as time
13:10:29 3 progressed?---That's right.
4
13:10:33 5 You get this - so because - they're all the legal people,
13:10:39 6 aren't they, Finn McCrae and Andrew Bona - who's Peter
13:10:43 7 Lardner?---Peter Lardner, he was an officer, I think he was
13:10:48 8 in Legal Services at the time.
9
13:10:50 10 Right. So they're all the legal people?---Yes.
11
13:10:53 12 You respond. Why did you respond the way you did?---I
13:11:03 13 recall this. This request to notify McCrae, Lardner and
13:11:12 14 Bona didn't come from John O'Connor. Sorry, the actual
13:11:16 15 email did, but this was a matter I brought to John's
13:11:21 16 attention when I found he had sent the file with the source
13:11:25 17 management log off. I was quite concerned about where it
13:11:27 18 was going, who might see it and I told him that whoever had
13:11:31 19 it needed to be aware that their name was going to be put
13:11:35 20 on our list. So he then compiled this email. And the next
13:11:41 21 reference, "Can you please ensure future emails for this
13:11:45 22 matter do not link the identity of source Witness F to
13:11:51 23 3838", that was obviously a concern I had about her being
13:11:53 24 compromised and more people being put into the loop.
25
13:11:57 26 It was the joining of her new name with the old
13:12:02 27 number?---Yes.
28
13:12:03 29 Is the security concern, yes. Mr Richards apparently
13:12:07 30 agrees with you in relation to your comments?---Yes.
31
13:12:12 32 I'll tender that, that email chain, Commissioner.
13:12:16 33
13:12:17 34 #EXHIBIT RC356A - (Confidential) emails from O'Connor to
13:12:21 35 McCrae and others and response from Sandy
13:12:24 36 White and another.
13:12:30 37
13:12:30 38 #EXHIBIT RC356B - Redacted version.
13:12:34 39
13:12:35 40 MR CHETTLE: Commissioner, can I call it quits for lunch?
41
13:12:37 42 COMMISSIONER: Yes, all right. I'll let you go a minute
13:12:39 43 early. We'll resume at 2 o'clock, thanks.
13:13:11 44
13:13:11 45 <(THE WITNESS WITHDREW)
13:13:12 46
47 LUNCHEON ADJOURNMENT

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

13:58:13 1 UPON RESUMING AT 2.04 PM:
14:04:54 2
14:05:01 3 COMMISSIONER: One thing, Mr Chettle, I might suggest
14:05:04 4 during the break, the week long break we're going to have
14:05:09 5 after today, if you could - the documents you want to put
14:05:12 6 up electronically, if you could give the VPL number ahead
14:05:19 7 to the operators that will make things move - - -
14:05:19 8
14:05:19 9 MR CHETTLE: Yes.
14:05:23 10
14:05:24 11 COMMISSIONER: Faster I hope. That was the idea. I
14:05:25 12 understand, I understand.
14:05:27 13
14:05:28 14 MR CHETTLE: Yes, certainly. In order to save time - are
14:05:33 15 you there, Mr White?
14:05:35 16
14:05:35 17 COMMISSIONER: Yes, he is.
14:05:37 18
14:05:37 19 WITNESS: Yes Mr Chettle.
20
14:05:40 21 <SANDY WHITE, recalled:
14:05:40 22
14:05:42 23 MR CHETTLE: Commissioner, rather than go to the trouble of
14:05:44 24 playing extracts of tape I just want to tend - I've marked
14:05:47 25 two sections of transcript, I'll just tender it rather than
14:05:50 26 play it and I'll make submissions later on.
27
28 COMMISSIONER: Yes.
29
14:05:54 30 MR CHETTLE: The first section is from a meeting between
14:05:57 31 Ms Gobbo and Mr White on 17 July 2007. It's
14:06:08 32 VPL.0005.0137.1246 and it's pp.47-51 of that transcript.
14:06:15 33 I'll just mark it as an exhibit and move on, Commissioner.
14:06:36 34 That's in relation to the issue of discussion of privilege
14:06:39 35 with the witness.
14:06:39 36
14:06:39 37 COMMISSIONER: I dare say that will have to be redacted, I
14:06:43 38 suppose.
14:06:44 39
14:06:44 40 MR CHETTLE: Yes, certainly for names it will.
14:06:48 41
14:06:48 42 COMMISSIONER: For names at least, yes.
14:06:49 43
14:06:19 44 #EXHIBIT RC357A - (Confidential) Tape and transcript of
14:06:27 45 17/07/07 recorded in transcript at
14:06:32 46 pp.47-51.
14:06:52 47 #EXHIBIT RC357B - (Redacted version.)

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

14:06:55 1
14:06:56 2 MR CHETTLE: On a similar note, Commissioner, I tender from
14:06:56 3 9 June 06, VPL.0005.0097.0815. It's five pages of
14:07:15 4 transcript from that number onwards.
14:07:17 5
14:07:18 6 COMMISSIONER: 0815 to 0820, is it? Did you say five
14:07:27 7 pages?
14:07:28 8
14:07:28 9 MR CHETTLE: Yes, Commissioner. I've give you the last
14:07:30 10 page, 0819.
14:07:33 11
14:07:34 12
14:07:35 13 #EXHIBIT RC358A - (Confidential) tape and transcript of.
14:07:51 14 09/06/06 VPL.0815-0819.
14:08:01 15
14:08:01 16
14:08:02 17 #EXHIBIT RC358B - (Redacted version.)
14:08:12 18
14:08:12 19 MR CHETTLE: Mr White, during the course of your answers to
14:08:15 20 Mr Winneke you were asked questions about the reasons the
14:08:20 21 SDU was disbanded and you said that certain documents have
14:08:26 22 come to your attention during the course of the Commission
14:08:28 23 that bear upon that issue. Do you remember those
14:08:31 24 answers?---Yes.
14:08:32 25
14:08:34 26 What I propose to do, I've spoken to Mr Winneke about this,
14:08:39 27 Commissioner, is simply tender them and move on because
14:08:42 28 they will speak for themselves and they'll be more relevant
14:08:46 29 to other witnesses. Perhaps can I start with this. I will
14:08:52 30 show you this document, VPL.0001.0001.0025. This is a
14:09:12 31 document the Commissioner will recognise when it comes up I
14:09:15 32 think. We can't find an exhibit number for it anywhere.
14:09:26 33 The Covert Services Review of 2012.
14:09:29 34
14:09:29 35 COMMISSIONER: We're still in open hearing at the moment.
14:09:32 36
14:09:33 37 MR CHETTLE: Yes, I'm not going to go through it, I just
14:09:35 38 want to identify what it is.
14:09:36 39
14:09:37 40 COMMISSIONER: Right.
14:09:37 41
14:09:38 42 MR CHETTLE: You're familiar with that document,
14:09:40 43 Mr White?---Yes.
14:09:40 44
14:09:41 45 And the documents that you referred to to Mr Winneke relate
14:09:45 46 in part to this particular review, do they not?---Yes.
14:09:48 47

.23/08/19

5223

WHITE RE-XN

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14:09:48 1 I'll tender the Covert Services Review report,
14:09:53 2 Commissioner, as an exhibit of 2012. I think Mr Paterson
14:09:58 3 has already given some evidence about this.
14:10:00 4
14:10:00 5 COMMISSIONER: Right.
14:10:01 6
14:10:02 7 MR CHETTLE: There are two versions of it, Commissioner,
14:10:17 8 one redacted and one not.
14:10:19 9
14:10:19 10 COMMISSIONER: Already in existence.
14:10:20 11
14:10:20 12 MR CHETTLE: I know there is a redacted version and a
14:10:23 13 non-redacted version. I can give the other number.
14:10:27 14
14:10:27 15 COMMISSIONER: It's the preliminary redaction and then
14:10:29 16 there's the full redaction. It will be lovely if we could
14:10:34 17 put one up on the website forthwith, but I'm just not sure.
14:10:39 18
14:10:40 19 MR CHETTLE: That version there is a redacted version but
14:10:43 20 whether it is fully redacted I don't know. There is a
14:10:45 21 totally unredacted version which for the record is
14:10:48 22 VPL.0002.0001.0448.
14:10:53 23
14:10:53 24 COMMISSIONER: That will be 359A.
25
14:10:03 26 #EXHIBIT RC359A - (Confidential) Covert Services Review of
14:09:28 27 2012.
14:10:12 28
14:10:14 29 #EXHIBIT RC369B - (Redacted version).
30
14:10:59 31 Ms Enbom, I don't suppose you know off the top of your head
14:11:03 32 whether this is - - -
14:11:03 33
14:11:04 34 MS ENBOM: Not off the top of my head, we're just having a
14:11:06 35 look at it now.
14:11:07 36
14:11:08 37 COMMISSIONER: If you can let me know if you are able to
14:11:10 38 give me an answer, that would be good.
39
14:11:11 40 MS ENBOM: Yes, I'll do that.
14:11:11 41
14:11:11 42 MR CHETTLE: In relation to that document, Mr White,
14:11:13 43 recently were you provided with VPL.0100.0098.0054.
14:11:56 44 VPL.0100.0098.0054. Should be a one-page document. It's a
14:12:57 45 briefing note from Pope to Fryer, have you seen that
14:13:01 46 document recently, Mr White?---Yes.
14:13:03 47

.23/08/19

5224

WHITE RE-XN

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

14:13:03 1 I'll tender it, Commissioner.
14:13:07 2
14:13:09 3 #EXHIBIT RC360A - (Confidential) 12/09/12 briefing note,
14:13:17 4 Pope to Fryer.
14:13:22 5
14:13:26 6 #EXHIBIT RC360B - (Redacted version).
14:13:30 7
14:13:31 8 In the series VPL.0100.0132.0134. Don't have it. I'm lost
14:14:48 9 then. It will be provided I think by - it's an email from
14:14:56 10 Doug Fryer to Liz Cheligoy, copy Paul Sheridan and Jeff
14:15:02 11 Pope, Monday 22 October 2012. It's a four page document
14:15:11 12 and attached to it is VPL.0100.0132.0140 and
14:15:25 13 VPL.0100.0132.0143. For the purposes of the transcript,
14:15:30 14 Mr White, did you sight the email I'm referring to, an
14:15:35 15 extensive email from Doug Fryer to Liz Cheligoy about the
14:15:41 16 closure of the SDU?---Yes.
14:15:43 17
14:15:43 18 I'll notionally tender it, Commissioner.
14:15:47 19
14:15:47 20 COMMISSIONER: What's the date of it, please?
14:15:49 21
14:15:50 22 MR CHETTLE: 22 October 2012.
14:15:53 23
14:15:54 24 #EXHIBIT RC361A - (Confidential) Email plus attachments re
14:16:00 25 the closure of the SDU 22/10/12, from Fryer to Cheligoy and
14:16:20 26 others.
14:16:24 27
14:16:26 28 #EXHIBIT RC361B - (Redacted version).
14:16:29 29
14:16:29 30 COMMISSIONER: That's to be provided.
14:16:32 31
14:16:33 32 MR CHETTLE: Then try this one, VPL.0100.0098.0049. It's a
14:16:50 33 Covert Services Review recommendation document. Do you see
14:17:08 34 that in front of you, Mr White?---Yes, I do.
14:17:13 35
14:17:13 36 If we go to the next page just so that you can refresh your
14:17:17 37 memory that you've seen it. It's a brief to the Chief
14:17:21 38 Commissioner on the Covert Services Review findings and
14:17:24 39 seek endorsement for a number of actions, do you see
14:17:27 40 that?---Yes.
14:17:28 41
14:17:29 42 That's one of the documents you referred to to
14:17:32 43 Mr Winneke?---Yes.
14:17:33 44
14:17:33 45 I'll mark it as an exhibit and move on, Commissioner.
14:17:38 46
14:17:39 47 #EXHIBIT RC362 - Covert Services Review document to brief

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14:17:46 1 Chief Commissioner 11/12/2012.
14:17:46 2
14:17:46 3 Then can I have VPL.0100.0098.0048. There it is. It's an
14:18:03 4 email from Graham Ashton to Ken Lay dated 15 January 2013.
14:18:22 5 And I'll mark that as an exhibit, Commissioner.
14:18:25 6
14:18:29 7 COMMISSIONER: That one doesn't look as though it needs
14:18:31 8 redactions on the face of it, but we'll see.
9
14:18:26 10 #EXHIBIT RC363 - Email from Graham Ashton to Ken Lay dated
14:18:07 11 15/1/2013.
14:18:34 12
14:18:34 13 MR CHETTLE: That's one of the documents you've seen
14:18:37 14 Mr White?---Yes.
14:18:38 15
14:18:38 16 Then, Commissioner, I've provided my learned friend for the
14:18:42 17 Commissioner, for the Department a letter written, it's
14:18:48 18 undated but it's written in February of 2013 to the
14:18:53 19 industrial relations manager of the Police Association from
14:18:57 20 Doug Fryer, Commander Doug Fryer. Now it hasn't got a
14:19:02 21 number. We've received it obviously from a source other
14:19:07 22 than the Police Force. Clearly they must have a copy of it
14:19:11 23 one one would imagine. How I go about tendering it.
14:19:15 24
14:19:15 25 COMMISSIONER: You have a copy?
14:19:17 26
14:19:17 27 MR CHETTLE: I have a hard copy here.
14:19:18 28
14:19:19 29 COMMISSIONER: Let's tender the hard copy. You have a
14:19:23 30 spare copy.
14:19:25 31
14:19:25 32 MR CHETTLE: I have a spare copy.
14:19:30 33
14:19:52 34 COMMISSIONER: We'll have copies made and provided to
14:19:55 35 counsel.
14:19:57 36
14:19:58 37 MR CHETTLE: I understand hard copies are forbidden.
14:20:00 38
14:20:01 39 COMMISSIONER: We will find the electronic and tender that
14:20:04 40 as well but just in the meantime.
14:20:06 41
14:20:06 42 MR CHETTLE: Yes, all right. Thank you. I'll give that
14:20:10 43 exhibit number to - 364, thank you, Commissioner.
14:20:23 44
14:20:24 45 COMMISSIONER: So it's a letter to Chris Kennedy of VicPol.
14:20:29 46
14:20:29 47 MR CHETTLE: No, no, of the Police Association,

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These claims are not yet resolved.

14:20:32 1 Commissioner.
 14:20:33 2
 14:20:33 3 COMMISSIONER: It's from VicPol, Doug Fryer.
 14:20:41 4
 14:20:42 5 MR WINNEKE: Commissioner, it has a VPL number.
 14:20:52 6 0100.0097.0004.
 14:20:56 7
 14:20:56 8 MR CHETTLE: Thank you. I am indebted.
 14:21:00 9
 14:21:00 10 COMMISSIONER: Provided to the Police Association and it's
 14:21:02 11 dated - - -
 14:21:09 12
 14:21:09 13 MR CHETTLE: Undated Commissioner. It's written in the
 14:21:12 14 first week of February of 2013. It's apparent from the
 14:21:16 15 content on the second page.
 14:21:22 16
 14:21:23 17 COMMISSIONER: That's Exhibit 364. Probably unlikely to
 14:21:32 18 need to be redacted but we'll see. Confidential for the
 14:21:36 19 time being.
 20
 14:19:31 21 #EXHIBIT RC364 - (Confidential) Letter to the industrial
 14:18:53 22 relations manager of the Police
 14:18:57 23 Association from Commander Doug Fryer.
 14:19:52 24
 14:21:44 25 MR CHETTLE: I want to move to something - this morning,
 14:21:47 26 Mr White, I asked you some questions about your first
 14:21:52 27 meeting with Ms Gobbo and the discussion about take our
 14:21:58 28 time and things of that sort, do you remember that?---Yes.
 14:22:01 29
 14:22:04 30 In December of 2005 did you go on holidays or on leave and
 14:22:10 31 Mr Black took over as controller in your absence? Sorry,
 14:22:16 32 I've got that wrong?---Yes.
 14:22:17 33
 14:22:18 34 I withdraw that please. He became a handler first and then
 14:22:22 35 he became a controller, isn't that the situation?---That's
 14:22:25 36 right.
 14:22:25 37
 14:22:26 38 Can I take you to p.105 of the ICRs. It's the first
 14:22:31 39 volume. I just want to briefly refer to the centre of the
 14:22:47 40 page under "DSU management"?---Yes.
 14:22:51 41
 14:22:52 42 And you'll see Mr Black is the handler at this stage from
 14:23:00 43 the front of the ICR?---That's right.
 14:23:03 44
 14:23:05 45 She was told, according to this ICR, that she could leave -
 14:23:10 46 the cooperation is voluntary, she can cease the assistance
 14:23:16 47 at any time, do you see that?---Yes.

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14:23:17 1
14:23:18 2 Was that something that to your knowledge she was told on
14:23:21 3 more than one occasion?---Yes.
14:23:23 4
14:23:24 5 And when she was given the opportunity to depart, did she
14:23:27 6 accept it?---No.
14:23:28 7
14:23:32 8 I apologise for jumping around but I've got more papers
14:23:36 9 here than I want. You've been asked during the course of
14:23:50 10 your cross-examination by Mr Winneke about a couple of
14:23:53 11 topics which he indicated to you were clearly legally
14:23:58 12 professionally privileged or breach of her duties of
14:24:03 13 confidentiality, and in particular I'm referring to -
14:24:06 14 remember the issue about [REDACTED] that a certain person had
14:24:11 15 at his home on PII April of 2006?---Yes.
14:24:15 16
14:24:17 17 Indeed, Mr Smith in his statement to the Commission put it
14:24:23 18 down as being something that may in fact be legally
14:24:26 19 professionally privileged. You agreed with Mr Winneke that
14:24:30 20 on the surface that appeared to be something that might
14:24:33 21 have arisen from Ms Gobbo's conversation with her client at
14:24:37 22 the police station, recall that?---Yes.
14:24:39 23
14:24:43 24 What I want to show you is a document that bears on that
14:24:48 25 issue and it's relevant perhaps for two reasons.
14:25:04 26 VPL.0008.0001.1502. Has it come up yet? No.
14:26:40 27 Commissioner, this is a record of interview conducted with
14:26:48 28 a person that I'm not going to name but it relates to PII
14:26:52 29 [REDACTED] 2006. It relates to the same day that the material
14:27:02 30 Mr Winneke submitted was given in breach of LPP. Can I
14:27:08 31 take you to question 430 of that interview, please. I take
14:27:21 32 it you've not seen this interview before, Mr White?---No.
14:27:25 33
14:27:30 34 During the course of - if the evidence reveals that prior
14:27:37 35 to the record of interview being conducted, and indeed
14:27:40 36 later during the course of the record of interview, the
14:27:44 37 particular person disclosed the existence of [REDACTED]
14:27:49 38 to the police, does that bear upon your issue as to whether
14:27:52 39 or not there was a clear breach of legal professional
14:27:57 40 privilege as was put by Mr Winneke?---Well if he's already
14:28:00 41 told the police about it, it wouldn't be LPP.
14:28:04 42
14:28:04 43 I will tender the interview, Commissioner. It will be
14:28:07 44 relevant for a number of purposes because people have - I
14:28:11 45 don't want to say anything in open hearing about it but
14:28:14 46 I'll tender the interview.
14:28:17 47

.23/08/19

5228

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These claims are not yet resolved.

14:28:18 1 COMMISSIONER: Can we go back to the beginning of the
14:28:20 2 document so I know what the interview is and the date and
14:28:24 3 so forth?
14:28:25 4
14:28:25 5 MR CHETTLE: Yes, right at the top.
14:28:26 6
14:28:27 7 COMMISSIONER: PII [REDACTED] 2006.
14:28:29 8
14:28:30 9 MR CHETTLE: 1429 is the first document page. It's an
14:28:34 10 interview with Mr Flynn.
14:28:35 11
14:28:36 12 COMMISSIONER: Okay, right.
14:28:38 13
14:28:38 14 #EXHIBIT RC365 - Record of interview PII [REDACTED]/06 between
14:28:49 15 police officers Farah, Flynn and another.
14:29:02 16
14:29:10 17 MR CHETTLE: You recall questions you were asked about ICR
14:29:18 18 entries made by Mr Anderson in relation to Roula Mokbel and
14:29:26 19 questions about whether or not the brief was up to standard
14:29:29 20 and whether or not - - - ?---Yes.
14:29:31 21
14:29:32 22 - - - a statement by a certain person could prove the
14:29:34 23 deception, things of that sort you were asked about by
14:29:40 24 Mr Winneke?---Yes.
14:29:40 25
14:29:41 26 You conceded that on the looking at the ICRs that it
14:29:49 27 appears to be in breach of LPP. Do you remember that
14:29:52 28 concession?---Yes, I do.
14:29:53 29
14:29:58 30 If the diary of Mr Anderson for that date, for 24 March of
14:30:04 31 07, indicates that he effectively warehoused that to speak
14:30:12 32 to you, briefed you on 26 March, and then you and he
14:30:17 33 discussed the issue with Ms Gobbo on 5 March, I'm sorry, 5
14:30:26 34 - I'm sorry, I've given the wrong date, the earlier date is
14:30:31 35 24 February and 26 February, then in early March you had a
14:30:34 36 conversation with her about it. I take it you haven't had
14:30:39 37 the opportunity to go through those records?---No.
14:30:44 38
14:30:46 39 What I propose to do, Commissioner, is tender two portions
14:30:49 40 of a conversation with Mr Anderson and Mr White with
14:30:59 41 Ms Gobbo on 5 March 07.
14:31:03 42
14:31:03 43 COMMISSIONER: Sorry, are these in Anderson's diary or - -
14:31:08 44 -
14:31:08 45
14:31:08 46 MR CHETTLE: No. Firstly the transcript of 5 March,
14:31:11 47 Commissioner. I've explained this to Mr Winneke and I'm

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14:31:14 1 trying to do it the quick way rather than the slow way.
14:31:17 2 Mr Anderson makes a notation in his diary on 24 February
14:31:22 3 07. That should be I suppose the first entry, I should
14:31:26 4 tender his diary for that day, and I do so.
14:31:32 5
14:31:32 6 COMMISSIONER: That's Anderson's diary entry on 24
14:31:36 7 February, was it?
14:31:36 8
14:31:37 9 MR CHETTLE: Yes.
14:31:37 10
14:31:37 11 COMMISSIONER: 07.
14:31:37 12
14:31:44 13 #EXHIBIT RC366 - Diary entry on 24/02/07 from Anderson's
14:31:44 14 diary.
14:31:44 15
14:31:47 16 Do you have the VPL number for that?
14:31:49 17
14:31:49 18 MR CHETTLE: No, I don't Commissioner. I'll see if I can
14:31:52 19 find it. The entry reads, "Brief of evidence is not up to
14:31:56 20 scratch. Not proved deception. No statement from relevant
14:32:00 21 person involved in alleged deception. Can't just photocopy
14:32:03 22 application form, need proof of deception. Charlie Manotti
14:32:08 23 completed the application of Roula. Want to discuss
14:32:11 24 further at face-to-face in a future date. This is the type
14:32:16 25 of thing she questions why she is doing it". And then on
14:32:20 26 Monday the 26th, "Briefing of Mr White about that matter".
14:32:25 27 So then you get then - I'll then tender the transcripts for
14:32:31 28 the meeting of 5 March where they have a discussion with
14:32:34 29 her about it. Does the Commissioner follow what I'm trying
14:32:38 30 to do?
14:32:39 31
14:32:39 32 COMMISSIONER: Yes.
14:32:40 33
14:32:41 34 MR CHETTLE: VPL.0005.0127.0354 through to 0356. And then
14:32:56 35 later in the same meeting, VPL.0005.0127.0518 through to
14:33:10 36 0522, the issue is dealt with with her. All of that's
14:33:18 37 probably double Dutch to you, Mr White, I take it.
14:33:21 38
14:33:21 39 COMMISSIONER: It is to me too. First of all can I just
14:33:24 40 have the VPL numbers again please. The tape and transcript
14:33:28 41 of 5 March 07.
14:33:28 42
14:33:29 43 MR CHETTLE: Yes, VPL.0005 - - -
14:33:31 44
14:33:32 45 COMMISSIONER: Just the end ones.
14:33:33 46
14:33:34 47 MR CHETTLE: 0354 to 0356.

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14:33:37 1
14:33:37 2 COMMISSIONER: Yes.
14:33:38 3
14:33:38 4 MR CHETTLE: And 0518 to 0516.
14:33:49 5
14:33:50 6 #EXHIBIT RC367A - (Confidential) Tape and transcript.
14:33:58 7
14:34:00 8 #EXHIBIT RC367B - (Redacted version).
14:34:03 9
14:34:03 10 MR CHETTLE: Commissioner, what I'll do is try and make
14:34:06 11 sense of that over the break we're going to have. But
14:34:09 12 you'll recall it was a matter of some significance during
14:34:13 13 Mr Winneke's cross-examination of Mr White as to whether or
14:34:17 14 not legally professionally privileged matters in relation
14:34:20 15 to Zaharoula Mokbel's brief of evidence were conveyed to
14:34:26 16 the Purana Task Force. The bottom line is they weren't.
14:34:28 17 But that's what that's all about, Commissioner.
18
14:34:37 19 Now, Mr White, I want to turn to the topic of the
14:34:46 20 documents maintained by the Source Development Unit and you
14:34:51 21 recall a number of questions asked of you in relation to
14:34:56 22 ICRs that appeared not to be signed and not to have any
14:35:00 23 controller's name entered in it and things of that
14:35:04 24 sort?---Yes.
14:35:04 25
14:35:04 26 Indeed, there's a whole tranche of about 500 pages of
14:35:14 27 Mr Fox's ICRs which if you take them at face value don't
14:35:16 28 appear to have been checked or looked at by anyone from the
14:35:21 29 controller's end of things?---Yes.
14:35:23 30
14:35:29 31 Was that the reality, were Mr Fox's ICRs unchecked?---No.
14:35:34 32
14:35:35 33 And indeed, the audits that were conducted by Mr Biggin in
14:35:43 34 2006 dealt with the documents and whether or not they were
14:35:51 35 up-to-date, ICRs and things of that sort, did it
14:35:55 36 not?---Yes.
14:35:55 37
14:36:01 38 I'll just try and find the document. I apologise,
14:36:22 39 Commissioner, I had all this in order - - -
14:36:25 40
14:36:25 41 COMMISSIONER: You're doing well, Mr Chettle.
14:36:29 42
14:36:29 43 MR CHETTLE: Managed to shuffle my own papers,
14:36:32 44 Commissioner.
14:36:32 45
14:36:32 46 COMMISSIONER: You're doing well.
14:37:02 47

.23/08/19

5231

WHITE RE-XN

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These claims are not yet resolved.

14:37:02 1 MS ENBOM: While Mr Chettle is looking for the document, my
14:37:04 2 instructors are giving me the answer in relation to the
14:37:07 3 Covert Services Review. It's an attachment to
14:37:11 4 Mr Paterson's statement and it's one of the attachments
14:37:18 5 that has been reviewed for PII and the PII claims have been
14:37:21 6 sent to the Commission. If those PII claims are accepted
14:37:24 7 it's a document that can go on to the website.
14:37:28 8
14:37:28 9 COMMISSIONER: So we're still waiting for the review from
14:37:31 10 the Commission on that, are we?
14:37:33 11
14:37:33 12 MS ENBOM: Yes.
14:37:33 13
14:37:34 14 COMMISSIONER: Okay.
14:37:36 15
14:37:37 16 MS ENBOM: I'm told we're waiting on a response in relation
14:37:41 17 to claims on all of the attachments.
14:37:44 18
14:37:44 19 COMMISSIONER: All right. Hopefully that will be treated
14:37:47 20 with some priority over the next week.
14:37:51 21
14:37:55 22 MR CHETTLE: Can I take you to VPL.6025.0002.4261. This is
14:38:11 23 dated 13 May 2008. It's from Mr Biggin to yourself and
14:38:20 24 Mr Black, you'll see, with a copy to Mr Glow, your
14:38:24 25 Inspector?---Yes.
14:38:28 26
14:38:29 27 He refers to having checked records which tally with
14:38:33 28 something below and he's put correct beside some of them,
14:38:37 29 but in relation to the files that are listed by him in the
14:38:43 30 second half of the email to you, they're all source file
14:38:47 31 numbers, aren't they?---Yes.
14:38:48 32
14:38:49 33 And the top one relates to either 3838 or 2958 in relation
14:38:55 34 to that file, her, Ms Gobbo?---Yes.
14:39:00 35
14:39:02 36 Does that indicate that Mr Biggin is in fact checking the
14:39:06 37 files and their accuracy?---Yes.
14:39:08 38
14:39:09 39 I'll tender that email, Commissioner.
14:39:14 40
14:39:15 41 #EXHIBIT RC368A - (Confidential) Email of 13/05/08 from
14:39:22 42 Biggin to SDU members and others.
14:39:31 43
14:39:31 44 #EXHIBIT RC368B - (Redacted version).
14:39:44 45
14:39:44 46 As part of your process were you checking the diaries of
14:39:53 47 members of the SDU on a regular basis?---Yes.

.23/08/19

5232

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14:39:58 1
14:39:58 2 How often would you do that, Mr White?---I think it was
14:40:06 3 fortnightly.
14:40:08 4
14:40:09 5 Indeed, perhaps if I bring up VPL.6025.0005.5545. That's
14:40:33 6 an email from yourself to Mr Wolf. Firstly from Mr Wolf at
14:40:38 7 the top to you, is it not?---Yes.
14:40:41 8
14:40:41 9 And he's responding to an email that you sent to a number
14:40:46 10 of handlers immediately below that, asking for their
14:40:50 11 diaries for the last fortnight as soon as possible?---Yes.
14:40:53 12
14:40:54 13 And he responds that he's put "2958 ICRs 02 to 09,
14:41:01 14 excluding one of them, by, and three by IR in your drive
14:41:08 15 for info". What's that mean?---The handlers would put the
14:41:16 16 contact reports and the information reports in a directory
14:41:20 17 in my drive so I could check them.
14:41:22 18
14:41:22 19 All right. So that's an example of him giving you some of
14:41:26 20 those and you checking the diaries, as you do, on a
14:41:34 21 fortnightly basis?---Yes.
14:41:35 22
14:41:35 23 I tender that email, Commissioner.
14:41:38 24
14:41:38 25
14:41:38 26 #EXHIBIT RC369A - (Confidential) Email from Sandy White to
27 Mr Wolf.
14:41:43 28
14:41:44 29 #EXHIBIT RC369B - (Redacted version).
14:41:49 30
14:41:49 31 On that topic can I take you to the source management logs,
14:41:52 32 both of them please. They're Exhibit 284, Commissioner.
14:41:58 33
14:41:58 34 COMMISSIONER: Yes.
14:41:59 35
14:42:00 36 MR CHETTLE: You have a copy of those there, do you,
14:42:03 37 Mr White?---Yes.
14:42:03 38
14:42:06 39 In relation to your records, do you have with you some
14:42:11 40 extracts from your diary that relate to particular entries
14:42:14 41 in the source management log?---Yes.
14:42:17 42
14:42:20 43 You've told us how this came into existence but - it
14:42:31 44 summarises in part what's in the ICRs from time to time,
14:42:35 45 does it not?---Yes, it does.
14:42:38 46
14:42:38 47 But in addition to that does it set out important meetings

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14:42:41 1 that you might attend that would not be the subject of
14:42:45 2 ICRs?---Yes, they're the management entries.
14:42:48 3
14:42:49 4 By management entries, they're your records of what's going
14:42:54 5 on effectively around the looking after her that's not
14:42:58 6 necessarily covered in the ICRs?---That's right.
14:43:01 7
14:43:07 8 Does it also cover what you refer to as being the regular
14:43:11 9 meetings that the unit had in relation to risk assessment
14:43:15 10 for the individual source you were considering?---Yes, it
14:43:22 11 does. It becomes a bit more formalised as time goes by.
14:43:28 12
14:43:28 13 It gets better as time goes on, is that what you're
14:43:32 14 saying?---Yes.
14:43:32 15
14:43:33 16 I'm not going to go through every entry in this but I want
14:43:38 17 to go to some of them if I can. If you go forward to 4
14:43:42 18 October 2005. I'm not sure what's on the screen.
14:44:05 19
14:44:05 20 COMMISSIONER: It is on the screen, 4 October. You can't
14:44:07 21 see the screen.
14:44:11 22
14:44:12 23 MR CHETTLE: Okay. The entry there has an entry that I
14:44:18 24 don't want to talk about, but do you have a diary entry for
14:44:22 25 4 October 2005 that relates to what was happening at that
14:44:26 26 time?---Yes.
14:44:26 27
14:44:28 28 What's that, what's your diary indicate for 4 October
14:44:35 29 05?---That the human source registration was given to
14:44:38 30 Maclean, which is Senior Sergeant Maclean from the Human
14:44:45 31 Source Management Unit, for database entry and then there's
14:44:49 32 another reference comes out in my diary that says "full
14:44:52 33 briefing re 3838 given to Commander Moloney".
14:44:58 34
14:44:58 35 On the totem pole where is he, he's above Mr Biggin I take
14:45:03 36 it?---Yes.
14:45:03 37
14:45:03 38 Is there anyone between Mr Biggin and Commander
14:45:10 39 Moloney?---I think it's 4 October 05. I don't think
14:45:17 40 Mr Biggin is in the chain of command at this time. I think
14:45:22 41 it's Superintendent Ian Thomas and then Moloney.
14:45:26 42
14:45:26 43 Is he what's called one of the registrars at that
14:45:30 44 stage?---Yes.
14:45:30 45
14:45:32 46 What's the difference between the two of them, the Central
14:45:36 47 Source Registrar and the Local Source Registrar?---So,

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14:45:39 1 generally speaking the policy then required that the Local
14:45:43 2 Source Registrar would be an officer from within an
14:45:48 3 individual's work group who wants to get a source
14:45:52 4 registered and the Central Source Registrar was the
14:45:55 5 position of the Superintendent in charge of the State
14:45:59 6 Intelligence Department. Now when it came to higher risk
14:46:02 7 sources that the SDU had managed, those levels of authority
14:46:06 8 went up one level. So at that time Superintendent Ian
14:46:10 9 Thomas would have been the Local Source Registrar and
14:46:14 10 Commander Moloney would have been the Central Source
14:46:17 11 Registrar for SDU files.

14:46:19 12
14:46:20 13 Thank you. Do you have your diary there as distinct from
14:46:25 14 the extract from your diary?---Yes.

14:46:28 15
14:46:28 16 Mr Winneke has a redacted version of your diary which finds
14:46:34 17 it difficult to locate what you've just read to the
14:46:39 18 Commission. Can you open the diary for 4 October 05.
14:46:44 19 That's VPL.2000.0001.0451 is the redacted version but
14:46:58 20 you've got the unredacted diary, do you not?---Yes.

14:47:01 21
14:47:03 22 At what time in your diary is the entry for the
14:47:06 23 registration being given to Sergeant Maclean at HSMU?---My
14:47:18 24 diary shows at 9 am I left my office and travelled to the
14:47:22 25 State Intelligence Department. I met with Acting Detective
14:47:28 26 Inspector Maclean. There's a couple of other issues, then
14:47:34 27 I write "3838 registration to G Mac for inclusion in
14:47:40 28 database encrypted".

14:47:42 29
14:47:43 30 And that's on p.10 of your diary, is it?---That entry
14:47:48 31 starts on p.3 and finishes on p.4 and then at 10.30 I had,
14:48:00 32 "Meet with Commander Moloney. Update re", unrelated
14:48:07 33 matters and, "3838 full briefing". That's p.4.

14:48:13 34
14:48:14 35 What's the date on that, Mr White?---That is 4 October
14:48:19 36 2005.

14:48:21 37
14:48:23 38 The confusion with that is, that entry appears in the
14:48:26 39 redacted version Mr Winneke has but not under that date is
14:48:30 40 what it appears. Anyway, what you're looking at is your
14:48:36 41 original diary for Tuesday, 4 October, is that
14:48:41 42 right?---That's right.

14:48:41 43
14:48:45 44 MR WINNEKE: That's what you've got on the screen
14:48:47 45 Commissioner. Which indicates it seems there's a lot of
14:48:50 46 redactions which are clearly relevant material.

14:48:54 47

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14:48:54 1 MR CHETTLE: No, no. Can you go backwards to page - it's
14:49:01 2 not there. It's in Mr Winneke's copy. Excuse me,
14:49:10 3 Commissioner. Can you pull up p.4 in the diary, please.
14:49:24 4 Have you got that on the screen in front of you?---Yes.
14:49:27 5
14:49:27 6 And the 3838 registration and the meeting with Moloney
14:49:32 7 underneath the bar?---Yes.
14:49:32 8
14:49:33 9 Are in 4 October in your diary?---Yes.
14:49:37 10
14:49:40 11 Thank you. Can we go back to the log that you had up.
14:50:00 12 Commissioner, the diary entries, should they be tendered
14:50:05 13 individually or as a bundle?
14:50:10 14
14:50:10 15 COMMISSIONER: I think we have been tendering them
14:50:13 16 separately on the hope that we'd give priority, I think, to
14:50:19 17 getting them on the website. So we should perhaps tender
14:50:27 18 that then.
14:50:27 19
14:50:28 20 MR CHETTLE: I'll tender the extract on 4 October from
14:50:32 21 Mr White's diary.
14:50:34 22
14:50:34 23
14:50:34 24 #EXHIBIT RC370 - Extract from Mr White's diary 04/10/05.
14:50:36 25
14:50:37 26 If I can take you forward as an example to 30 October of
14:50:42 27 05. Do you see there one of those monthly source review
14:50:52 28 meetings that you referred to before?---Yes.
14:50:57 29
14:50:59 30 They will occur on a monthly basis throughout - I'm not
14:51:02 31 going to go to all of them of course, but as an example
14:51:05 32 with this one, at every month at these meetings was there
14:51:10 33 an assessment made of the risk in relation to that
14:51:15 34 source?---I think - yes, it was done monthly but we would
14:51:21 35 talk about the sources fortnightly.
14:51:22 36
14:51:25 37 What's the point, what happens at these meetings?---The
14:51:31 38 whole of the staff of the SDU sit down in the conference
14:51:34 39 room and we would go through each and every source that we
14:51:38 40 currently had under management and then each and every
14:51:42 41 request for assistance from investigators.
14:51:45 42
14:51:46 43 It would appear from this particular entry that you
14:51:49 44 consider what's happening with that particular source at
14:51:52 45 the relevant time?---That's right.
14:51:55 46
14:51:57 47 At the time of this one Mr Smith was still in the process

.23/08/19

5236

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14:52:01 1 of completing his risk assessment that became the first
14:52:05 2 formal risk assessment, is that the position?---Yes.
14:52:08 3
14:52:12 4 All right, thank you. Then if you flip to 22 November.
14:52:32 5 Yes. What happens on that day?---There is a registration
14:52:40 6 application in relation to Ms Gobbo. The application's
14:52:46 7 completed and I took it by hand and delivered it to
14:52:49 8 Detective Acting Superintendent Doug Calishaw.
14:52:54 9
14:52:54 10 And his role at that stage?---So he would have been the
14:52:59 11 Local Source Registrar at that stage. He was also the
14:53:02 12 Officer-in-charge of the Human Source Management Unit.
14:53:05 13
14:53:07 14 Is he in Biggin's position, what Biggin finally becomes?
14:53:12 15 Have I got that right or wrong?---It does, except what
14:53:15 16 happened the SDU, when it started it was under the command
14:53:21 17 of the State Intelligence Department and then when
14:53:25 18 Mr Biggin took over the SDU was moved into his area of
14:53:29 19 operations which was the Covert Services Department.
14:53:32 20
14:53:32 21 So there was a shuffling of the deck chairs to some
14:53:38 22 extent?---Well more accurately aligned with the role of the
14:53:41 23 SDU, the operational role in the covert environment.
14:53:44 24
14:53:45 25 Then the next day, what happens on the 23rd as far as that
14:53:51 26 risk assessment?---So the risk assessment had been
14:53:55 27 completed and again I took it by hand and gave it to
14:53:58 28 Detective Acting Superintendent Doug Calishaw.
29
14:54:04 30 What does he do with these things?---He would have had to
14:54:09 31 have taken the risk assessment to whoever the Commander was
14:54:12 32 then.
14:54:13 33
14:54:13 34 Moloney?---Which was either Dannye Moloney or Ian Thomas
14:54:19 35 may have got upgraded to that role, and then they would
14:54:22 36 have to decide whether they wanted to accept the risk on
14:54:26 37 behalf of Victoria Police and by doing that they then
14:54:28 38 approve the registration.
14:54:29 39
14:54:31 40 There's material before the Commission where you said that
14:54:34 41 you made all the operational decisions in relation to 3838.
14:54:38 42 Do you recall saying things like that?---Yes.
14:54:41 43
14:54:41 44 But as far as these high level - you didn't make all the
14:54:44 45 decisions in relation to 3838 it would appear?---No, I
14:54:50 46 didn't make the decision to actually take her on as a
14:54:53 47 source, that's not my, within my purview.

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14:54:57 1
14:54:57 2 When that decision is made it's your job to handle it I
14:55:03 3 take it?---Yes, it is.
14:55:05 4
14:55:05 5 Was it open to Moloney or Thomas to knock her
14:55:11 6 back?---Absolutely.
14:55:11 7
14:55:12 8 And have there been examples of sources rejected by
14:55:15 9 management?---Yes.
14:55:17 10
14:55:18 11 And then I take it no management?---No management, that's
14:55:23 12 exactly right.
14:55:24 13
14:55:27 14 All right, thank you. Now, if we go over to 28 November,
14:55:33 15 down the bottom, there's another one of those risk, monthly
14:55:38 16 source reviews, is that right?---Yes.
14:55:45 17
14:55:53 18 At that stage, again you were about to wait for Posse to
14:55:59 19 kick off by the look of it?---That's right.
14:56:02 20
14:56:07 21 It says, "Ongoing management by DSU essential". When
14:56:13 22 you're managing a source like this, if the source's status
14:56:18 23 changes in respect of risk, does your handling change or do
14:56:24 24 you de-register them if they're no longer high risk or what
14:56:28 25 happens?---If they drop into a lower risk level they are
14:56:34 26 usually handed over to investigators somewhere else in the
14:56:39 27 department. Basically the risk assessment is an ongoing
14:56:48 28 consideration and if it, if it lessens there's no need for
14:56:52 29 the source unit to be involved. The source unit only
14:56:56 30 manages those high risk sources.
14:56:59 31
14:56:59 32 The change in practice in Victoria Police only related to
14:57:02 33 high risk sources or were ordinary sources still managed by
14:57:08 34 investigators?---No, it only applied to high risk sources.
14:57:11 35
14:57:14 36 Without going through it all, the definition of high risk
14:57:18 37 was set out in your Standard Operating Procedures I take
14:57:24 38 it?---Yes, in terms of what are the categories that we
14:57:27 39 would have to consider.
14:57:29 40
14:57:29 41 I assume the risk assessments themselves deal with those
14:57:33 42 topics to determine whether they're high risk or
14:57:37 43 not?---Yes, and the risk assessment was actually, I think
14:57:41 44 it's a standard risk assessment model used as part of the
14:57:46 45 Australian New Zealand standards and it can be applied to a
14:57:49 46 whole host of organisational risks and it was just being
14:57:54 47 adopted at this time when we were setting up. It was one

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14:57:58 1 of our recommendations when we were setting up.
14:58:01 2
14:58:01 3 The issue of the value of and the content of risk
14:58:05 4 assessments was an ongoing factor, was it not?---Yes.
14:58:09 5
14:58:11 6 Put it this way, it evolved as time went on?---Yes, it did.
14:58:16 7 This was very early in the operations of the DSU.
14:58:21 8
14:58:21 9 If I can take you down to 2 December. You're acting
14:58:30 10 Superintendent Calishaw, he's been upgraded by the look of
14:58:34 11 it or he's in that position?---Yes.
14:58:36 12
14:58:36 13 Gave you some advice about ESD wanting to get involved with
14:58:40 14 her?---Yes.
14:58:40 15
14:58:41 16 Now, does that mean that he was aware that she was a
14:58:49 17 source, that is Feltham from ESD was aware she was a
14:58:53 18 source?---He must have.
14:58:54 19
14:58:54 20 Otherwise he wouldn't have come asking?---No, that's right.
14:58:58 21
14:59:02 22 During the course of the documentation you've had reference
14:59:06 23 to a Mr Attrill I think his name is from ESD, do you know
14:59:11 24 him?---Yes.
14:59:12 25
14:59:13 26 Other ESD officers on occasions spoke to Ms Gobbo?---Yes.
14:59:19 27
14:59:20 28 If ESD were - do they have a separate system for management
14:59:26 29 of informers?---Yes, they did.
14:59:28 30
14:59:29 31 Do they have to go through any of the processes that you
14:59:33 32 do?---I think their system essentially mirrored the
14:59:42 33 organisational system but they didn't like to share the
14:59:47 34 identity of their sources with the Human Source Management
14:59:54 35 Unit.
14:59:54 36
14:59:54 37 All right?---Essentially they had to follow the same policy
14:59:59 38 but they weren't registering their sources on the HSMU
15:00:04 39 organisational database, they had their own database.
15:00:06 40
15:00:07 41 You wouldn't know if they were running a source?---No.
15:00:09 42
15:00:10 43 Would the source necessarily know that they were being run
15:00:13 44 as a source?---Very few sources would know anything about
15:00:24 45 how the systems operated.
15:00:27 46
15:00:32 47 Has there been some, and I call it speculation, amongst

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15:00:37 1 members of the DSU that ESD were running Ms Gobbo as a
15:00:44 2 source?---Not that I can recall.
15:00:48 3
15:00:52 4 Do you know Mr De Santo?---Yes.
15:00:55 5
15:00:55 6 He was from ESD?---Yes.
15:00:57 7
15:01:02 8 Is there a requirement for all informers to be registered
15:01:06 9 regardless of who's managing them?---Yes.
15:01:08 10
15:01:09 11 What's the expression "running off the books" mean, do you
15:01:13 12 know?---I think colloquially that would mean that
15:01:18 13 somebody's being run as a source and they're not
15:01:23 14 registered.
15:01:24 15
15:01:24 16 Mr Winneke asked you some questions about Mr Bateson, as to
15:01:28 17 whether or not he was running her effectively like a human
15:01:31 18 source, do you recall those questions?---Yes.
15:01:33 19
15:01:36 20 And I take it if someone were effectively running off the
15:01:41 21 books it would be something you wouldn't know about?---No.
15:01:44 22
15:01:45 23 In relation to risk, and I touched on this I think earlier,
15:01:51 24 is it important for you to know what interaction a source
15:01:55 25 may have had in the past with police?---Definitely.
15:01:59 26
15:02:02 27 You now know Mr Pope was running her as a source in
15:02:08 28 1999?---Yes.
15:02:09 29
15:02:09 30 And I think some other officer whose name I forget, Segrave
15:02:15 31 in 1995 had her registered as a source as well. Do you
15:02:20 32 know that now?---Yes.
15:02:21 33
15:02:22 34 Would it be important for you to have been aware of those
15:02:27 35 facts?---Yes.
15:02:29 36
15:02:29 37 And more importantly, should you have been told?---Yes.
15:02:32 38
15:02:39 39 Mr Black described it as negligent in failing to inform
15:02:42 40 you, would you agree with that description?---Yes, I would.
15:02:50 41 Especially considering the fact that we're only talking
15:02:53 42 about a high risk source.
15:02:54 43
15:02:56 44 Whose responsibility would it have been to tell you, do you
15:03:00 45 know?---The Human Source Management Unit which was the
15:03:04 46 centralised area for all registrations, except for the ESD
15:03:08 47 registrations.

.23/08/19

5240

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15:03:09 1
15:03:12 2 There is evidence that there were envelopes with details of
15:03:18 3 those registrations in the HMSU safe in 2010 I think it was
15:03:26 4 they were seen. Can you think of any reason why you
15:03:28 5 wouldn't be told about those registrations?---No. The
15:03:36 6 system before we came along was pretty sloppy.
15:03:41 7
15:03:42 8 So far as Mr Pope's concerned, he came back to be the head
15:03:46 9 of the Covert Service Unit, did he not?---Yes, he did.
15:03:51 10 Well, he came back to be the head of the - he came back as
15:03:57 11 an Assistant Commissioner in charge of the covert support
15:04:01 12 area and also the State Intelligence area.
15:04:04 13
15:04:04 14 Is that the position of Mr Paterson now?---Yes.
15:04:07 15
15:04:08 16 Did you from time to time have conversations with
15:04:12 17 Mr Pope?---Yes.
15:04:14 18
15:04:14 19 Did he ever give you any indication that he had her as a
15:04:19 20 source?---Not ever.
15:04:19 21
15:04:22 22 If we can move forward to 5 December. Again, this might be
15:04:33 23 - yes, it is. On 5 December in your diary do you have an
15:04:37 24 entry in relation to 3838?---Yes, I have two entries.
15:04:47 25
15:04:48 26 What are they?---The first is a request from Jim O'Brien
15:04:53 27 for information.
15:04:54 28
15:04:54 29 COMMISSIONER: Sorry, Mr White, what date is this?---The
15:04:59 30 5th.
15:04:59 31
15:04:59 32 December 05?---Yes.
15:05:01 33
15:05:01 34 Thank you?---The first is a request from Jim O'Brien at
15:05:05 35 Purana for IRs, as they now have a secure directory. He'd
15:05:11 36 actually asked me previous to this to not disseminate IRs
15:05:16 37 until they set up a secure entry. The second entry on 5
15:05:20 38 December was a meeting with Commander Moloney and update re
15:05:23 39 3838.
15:05:26 40
15:05:26 41 MR CHETTLE: Just go back to the first entry if you would.
15:05:31 42 No one has dealt much with IRs in the course of the hearing
15:05:35 43 so far but there are three volumes of IRs that were
15:05:39 44 produced and disseminated in relation to the intelligence
15:05:43 45 received from 3838, all right?---Yes.
15:05:45 46
15:05:47 47 And in accordance with the Practice Directions that you got

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15:05:50 1 from the English manual and from your own SOPs, were they
15:05:56 2 sanitised to try and not disclose who the source
15:06:03 3 was?---Yes, heavily.
15:06:04 4
15:06:04 5 So far as Purana was concerned, were there both verbal
15:06:10 6 disseminations and IR disseminations of information?---Yes.
15:06:15 7
15:06:17 8 What distinguished between the two?---The verbal
15:06:23 9 dissemination was generally a hot debrief and, as I
15:06:28 10 mentioned in my evidence, it was given to the person who
15:06:33 11 was the designated point of liaison for the investigators
15:06:37 12 which in the Purana case was Jim O'Brien, unless he was on
15:06:40 13 leave and then I think Dale Flynn might have taken over.
15:06:44 14
15:06:44 15 There's a name I've forgotten of a female witness -
15:06:50 16 Burrows. Do you know Ms Burrows?---I do, she was one of
15:06:54 17 Jim O'Brien's detectives.
15:06:56 18
15:06:56 19 And it would appear from the information the Commission has
15:06:59 20 that she on some occasion received material or hot debrief
15:07:05 21 if you call it, from the SDU, are you aware of that?---I am
15:07:09 22 aware of that but it would have been very few occasions I
15:07:13 23 think.
15:07:13 24
15:07:15 25 What's the point of liaison protocol that you're talking
15:07:19 26 about, what's the point of that?---Well the point of that
15:07:22 27 was to try and make sure that all the information was
15:07:26 28 focused in one place where it can be located and one
15:07:30 29 person, from the investigation team, would be responsible
15:07:32 30 for it. As opposed to telling any investigator in an
15:07:39 31 investigation team or Task Force. It was a means to try
15:07:44 32 and manage the information and make it accountable.
15:07:49 33
15:07:51 34 I might have got this wrong, there's a Detective by the
15:07:54 35 name of Jason Kelly who has received a number of IRs
15:08:00 36 according to the records. Was he at Purana or MDID?---He
15:08:05 37 was at Purana.
15:08:06 38
15:08:07 39 So was there - when you sent the information reports to
15:08:11 40 someone, was there an individual whose job it was to
15:08:16 41 receive and file and deal with them?---So our analysts
15:08:23 42 would hand deliver the IRs and I can't recall whether they
15:08:33 43 were hand delivering them to Jim O'Brien or to his analyst.
15:08:39 44
15:08:39 45 Someone he nominated?---Yes.
15:08:41 46
15:08:45 47 Just turning back to the log if I can briefly. There were

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15:08:52 1 questions asked about when it was that Ms Gobbo went to
15:08:56 2 hospital. She had a stroke in 2004 I think the evidence
15:08:59 3 has been but?---Yes.
15:09:02 4
15:09:02 5 Then there was another issue in relation to her heart. Can
15:09:05 6 you look at 17 December 05, please.
15:09:10 7
15:09:10 8 COMMISSIONER: In his diary are you asking him?
15:09:13 9
15:09:14 10 MR CHETTLE: No, in the log, Commissioner. I should tender
15:09:18 11 the diary entries for 5 December, Commissioner, if I
15:09:21 12 haven't done so already.
15:09:25 13
15:09:26 14 #EXHIBIT RC371A - (Confidential) Diary entries.
15:09:33 15 #EXHIBIT RC371B - (Redacted version).
15:09:39 16
15:09:40 17 On 17 December does the log record that on that day she
15:09:44 18 went and had keyhole surgery for a heart valve issue that
15:09:49 19 she had and she was in there for a couple of days?---Yes.
15:09:52 20
15:09:52 21 There was some issue about the time. Do you have a diary
15:09:56 22 entry for 16 December in relation to Commander Moloney, or
15:10:05 23 maybe I made a note here for no reason?---Not for the 16th.
15:10:09 24
15:10:10 25 All right?---The last was on the 5th.
15:10:13 26
15:10:13 27 For some reason I've noted something but obviously I've
15:10:17 28 made a mistake. On 19 December 05 you'll see an entry of
15:10:21 29 an administrative nature, do you see that?---Yes.
15:10:24 30
15:10:25 31 Go to your diary if you would, not the log. Have you got
15:10:45 32 an entry there about a problem with the ICRs?---I'm just
15:10:53 33 trying to find that entry.
15:10:54 34
15:11:22 35 What I'm looking to locate is an entry in relation to a
15:11:26 36 request for administrative support?---Yes, that's on p.108.
15:11:40 37
15:11:41 38 We're looking at a perfectly black screen for 108, it's
15:11:46 39 been redacted. Could you read what you have in there. I
15:11:49 40 can see why it might have been done for relevance because
15:11:52 41 it doesn't mention 3838 specifically, Commissioner. Can
15:11:55 42 you read the entry that you have in relation to the request
15:11:58 43 you have?---Yes. It says, "Request for admin support re
15:12:18 44 preparation of ICRs" and then it says, "Cannot speed up ICR
15:12:27 45 process without admin support. Has been raised on several
15:12:32 46 occasions. Nil progression".
15:12:36 47

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15:12:36 1 Who do you make - sorry, go on?---"Acting Superintendent
15:12:41 2 believes was considered in business case" and then it says,
15:12:47 3 "Request for same unsuccessful. Acting Superintendent
15:12:50 4 unable to locate, assumes it was done".
15:12:55 5
15:12:55 6 Who have you made the request to?---This must have been to
15:13:01 7 Calishaw.
15:13:02 8
15:13:03 9 This is the first of a number of similar entries we'll come
15:13:06 10 to as we go through, is it not?---Yes.
15:13:08 11
15:13:13 12 What was the problem?---We were struggling to keep up with
15:13:18 13 the paperwork. We needed some admin support and the guys
15:13:26 14 were working horrendous hours, both in their role of
15:13:30 15 operations but also in the admin area, and that includes
15:13:35 16 myself trying to keep up with the checking.
15:13:37 17
15:13:39 18 So more support would have let you get on with your job
15:13:43 19 better?---Yes, definitely. It only got worse as time
15:13:48 20 progressed.
15:13:49 21
15:13:49 22 COMMISSIONER: What did you envisage the admin support
15:13:51 23 would be, Mr White?---It would have - for example, every
15:13:57 24 time the handlers met with a source it required at least
15:14:02 25 [REDACTED] people to go out and do that, so the handlers would
15:14:05 26 spend a lot of time assisting other handlers when they
15:14:08 27 should have been back in the office trying to keep up with
15:14:12 28 their paperwork. And I think at this time we may have only
15:14:16 29 had one analyst, so the handlers were also trying to do the
15:14:20 30 background checks on the information that was being
15:14:23 31 prepared, or sorry, being given to them by the sources,
15:14:30 32 which was quite a time consuming process which was slowing
15:14:33 33 down the production of the ICRs.
15:14:35 34
15:14:35 35 So was it more analysts you were after? I'm just trying to
15:14:40 36 understand how you wanted to improve your system?---It was
15:14:42 37 definitely analysts and it was also, we had a request in
15:14:46 38 for a third team that would have supported the operations
15:14:49 39 in the field, so then the handlers could have just been
15:14:51 40 dedicated to running their own sources and not assisting to
15:14:58 41 such a great extent with other handler's sources.
15:15:01 42
15:15:01 43 A third member, that means an active police officer doing
15:15:06 44 SDU work?---Yes, Commissioner.
15:15:07 45
15:15:07 46 That doesn't seem administrative, is it?---Well it was in
15:15:12 47 order to help them with their administrative duties.

.23/08/19

5244

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15:15:15 1
15:15:15 2 I see, right.
15:15:18 3
15:15:18 4 MR CHETTLE: Can I take you forward to 9 January - sorry,
15:15:25 5 I'll tender the diary entry for 19 December 05,
15:15:29 6 Commissioner.
15:15:29 7
15:15:29 8 #EXHIBIT RC372A - (Confidential) Diary entry for 19/12/05.
15:15:33 9 #EXHIBIT RC372B - (Redacted version).
15:15:36 10
15:15:37 11 MR WINNEKE: We'll need to get a photocopy of that,
15:15:39 12 Commissioner, because as can be seen we simply don't have
15:15:41 13 all these relevant entries.
15:15:43 14
15:15:43 15 COMMISSIONER: Yes. I think someone from the Commission is
15:15:46 16 there with you and has your diary there, Mr White?---Yes,
15:15:51 17 I've got two today.
15:15:53 18
15:15:54 19 Okay, you're lucky. So perhaps they could get a photocopy
15:15:59 20 of that page before you leave tonight. That might be the
15:16:04 21 quickest way of doing it?---I'll mark the pages.
15:16:07 22
15:16:07 23 And we'll also need to have that put on to the database so
15:16:12 24 that's the entry on 19 February that talks about request
15:16:17 25 for admin support, et cetera, for preparation of ICRs.
15:16:24 26
15:16:25 27 MR CHETTLE: Mr White, Mr Winneke asked did you redact
15:16:28 28 these diaries?---No.
15:16:29 29
15:16:29 30 Do you know who did?---No.
15:16:31 31
15:16:38 32 On the topic of diaries while I recall it. You told
15:16:41 33 Mr Winneke that you had a suspicion or belief as to where
15:16:45 34 your missing diary might be, do you remember that?---Yes.
15:16:48 35
15:16:48 36 Where do you think it is?---Well, it seems to me - I had no
15:16:54 37 involvement in the Comrie review, neither myself or any of
15:16:58 38 the [REDACTED], or the other PII [REDACTED] for that matter
15:17:03 39 were ever spoken to by the review team, Comrie and Gleeson.
15:17:07 40 But I do know in his report he makes reference to the fact
15:17:11 41 that he inspected a diary and he had some critical comments
15:17:19 42 to make about the handwriting, which is consistent with my
15:17:23 43 handwriting, and so I only presume that when the Comrie
15:17:27 44 review was done, if they were looking for a diary, the most
15:17:30 45 important diary would have been the diary of the
15:17:34 46 controller, being myself, and it would have been for that
15:17:36 47 period where we were considering whether she should be

.23/08/19

5245

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15:17:38 1 registered and who was involved in approving that whole
15:17:42 2 process. So it seems logical to me that they must have
15:17:46 3 inspected that diary, which I also know from discussions
15:17:49 4 I've had with the operation or the Task Force Loricated
15:17:54 5 team, there's notations that when people first started
15:17:59 6 collecting my diaries for these various discovery and
15:18:05 7 collection purposes several years ago, it's noted that that
15:18:08 8 diary is missing back I think in 2013.
15:18:11 9
15:18:11 10 Can I cut you short. Have attempts been made to find out
15:18:15 11 whether Mr Maclean has got it - Gleeson, sorry?---As far as
15:18:23 12 I know that inquiry has been made but I don't know what the
15:18:26 13 result is.
15:18:26 14
15:18:26 15 He may be away or something to that effect. In any event
15:18:30 16 that's your best guess as to where it is?---Yes.
15:18:33 17
15:18:34 18 COMMISSIONER: Ms Enbom, can you have inquiries made about
15:18:36 19 the missing diary and see whether it can be found from the
15:18:40 20 clues that have been offered by Mr White?
15:18:42 21
15:18:42 22 MS ENBOM: Yes Commissioner.
15:18:43 23
15:18:44 24 MR CHETTLE: If we go to 9 January of 06, please?---In my
15:18:50 25 diary or the log, Mr Chettle?
15:18:52 26
15:18:58 27 I think it's your diary, but can we go to - my notes are
15:19:03 28 not - can we go back to the log for a moment, please.
15:19:08 29
15:19:08 30 COMMISSIONER: 9 January 06.
15:19:12 31
15:19:13 32 MR CHETTLE: There's two things that happen on the 9th I
15:19:15 33 want to ask about. Yes. There's another one of the
15:19:21 34 monthly source reviews in relation to her?---Yes.
15:19:34 35
15:19:37 36 After the recommendation that she be continued to be
15:19:41 37 managed by DSU you say, "Current handlers are appropriate
15:19:46 38 to task however this source is highly commanding and the
15:19:51 39 primary handler should not be distracted by other sources.
15:19:54 40 Allowance will need to be made for other members of the DSU
15:19:56 41 to meet with the source to provide further flexibility in
15:19:59 42 management with leave commitments, et cetera", see
15:20:04 43 that?---Yes.
15:20:04 44
15:20:04 45 Is that touching on what you explained to the Commissioner
15:20:07 46 before about needing extra investigators?---Extra handlers,
15:20:12 47 yes.

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15:20:13 1
15:20:13 2 I'm sorry, I shouldn't use the word investigators. Extra
15:20:18 3 policemen?---Yes.
15:20:20 4
15:20:20 5 All right?---I can't remember how many we had at that
15:20:23 6 stage.
15:20:23 7
15:20:24 8 All right. Now on a similar topic, on the 9th, on that
15:20:29 9 same date in your diary, did you have another meeting with
15:20:32 10 Commander Moloney?---Yes.
15:20:33 11
15:20:35 12 Can you tell the Commissioner what your entry is in
15:20:38 13 relation to that date?---This is, it's actually a call to
15:21:10 14 Commander Moloney.
15:21:11 15
15:21:11 16 Okay, you rang him, yes. What time in your diary is it so
15:21:15 17 Mr Winneke can find it?---I don't have a specific time next
15:21:22 18 to the call but it's the top of p.136.
15:21:25 19
15:21:25 20 And what's the entry read?---There's three dot points, one
15:21:37 21 relates to tenure.
15:21:41 22
15:21:41 23 Tenure?---Tenure, how long people would remain at the unit.
15:21:45 24
15:21:45 25 Right, yes?---And the next relates to career development
15:21:54 26 with assignment opportunities and the last one says,
15:21:57 27 "Inspector position not funded. Still trying, may have to
15:22:03 28 wait until May/June to ID redundant position".
15:22:08 29
15:22:08 30 Is there some reference to the budget? So the note I have
15:22:23 31 here, Mr White, is, "Discussion with Commander Moloney re
15:22:27 32 needing an Inspector's position", that's what you've just
15:22:30 33 read out, isn't it?---Yes.
15:22:32 34
15:22:32 35 Then the note I have that you've written is, "Insufficient
15:22:35 36 budget for it" but I'm wondering where you got that
15:22:39 37 from?---I think that comes from the comment, "Inspector
15:22:42 38 position not funded".
15:22:43 39
15:22:43 40 Not funded.
15:22:45 41
15:22:46 42 COMMISSIONER: Again, that's all been redacted, has it?
15:22:48 43
15:22:49 44 MR WINNEKE: Commissioner, we don't have p.136 of the diary
15:22:52 45 so I'd seek a photocopy of that. But I'd also seek for - -
15:22:56 46 -
15:22:56 47

.23/08/19

5247

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15:22:57 1 COMMISSIONER: One thing at a time, if we can get p.136
15:23:00 2 photocopied and given to the Commission staff before you
15:23:03 3 leave, that would be useful tonight, Mr White?---Yes.
15:23:07 4
15:23:08 5 We also will obviously need the diary amended
15:23:12 6 electronically so that's up on the - - -
15:23:16 7
15:23:16 8 MR WINNEKE: Commissioner, what I would seek is a shaded
15:23:19 9 copy. This may well be difficult because as I understand
15:23:23 10 it what we've been told is that this was blacked out some
15:23:26 11 time ago but I would seek that the Commission be provided
15:23:31 12 with shaded copies, complete and shaded copies of these
15:23:34 13 diaries, because these are obviously significant documents.
15:23:38 14 The Commission should have them.
15:23:39 15
15:23:39 16 COMMISSIONER: Yes.
15:23:40 17
15:23:41 18 MR WINNEKE: I raised this with Mr Holt some time ago. He
15:23:44 19 said it would take an awful long time to do it. As far as
15:23:49 20 I'm concerned, Commissioner, we should have and should have
15:23:51 21 had a complete copy of these diaries.
15:23:55 22
15:23:56 23 MS ENBOM: Commissioner, can I speak to Mr Holt over the
15:23:58 24 weekend about it and my client and perhaps get in contact
15:24:01 25 with Mr Winneke on Monday or over the weekend if that's
15:24:04 26 more suitable?
15:24:05 27
15:24:05 28 COMMISSIONER: Yes, but obviously there's some urgency in
15:24:09 29 this. They need to have access to this quickly so this
15:24:14 30 witness doesn't have to be brought back.
15:24:16 31
15:24:16 32 MS ENBOM: Yes.
33
15:24:16 34 COMMISSIONER: After his examination is completed. It's
15:24:22 35 obviously unsatisfactory.
15:24:24 36
15:24:25 37 MS ENBOM: Yes. I'll make some inquiries over the weekend
15:24:27 38 and contact Mr Winneke.
15:24:28 39
15:24:29 40 COMMISSIONER: All right, thank you.
15:24:31 41
15:24:32 42 MR CHETTLE: I'll tender that diary entry for 9 January 06,
15:24:36 43 Commissioner.
15:24:36 44
15:24:36 45 #EXHIBIT RC373 - Diary entry at p.136.
15:24:49 46
15:24:53 47 Can I take you forward in the log to 19 January, please.

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15:25:02 1 You'll see an entry there, the second of 19 January.
15:25:07 2 What's that all about?---There's three entries for the
15:25:17 3 19th. Which one was it?
15:25:22 4
15:25:22 5 The one in the middle with M next to it?---"Request for
15:25:28 6 PII [REDACTED] on source re [REDACTED],"
15:25:30 7
15:25:31 8 Can you explain what happens there?---That would have been
15:25:39 9 just a part of the process of making sure that the source
15:25:42 10 was PII [REDACTED] in relation to [REDACTED] and
15:25:49 11 those sorts of things. You wouldn't call it an PII [REDACTED]
15:25:53 12 PII [REDACTED] I don't think. It's just a means of trying to make an
15:25:57 13 assessment as to how reliable the source was regarding what
15:26:02 14 they were telling us.
15:26:03 15
15:26:04 16 I think you've already touched on this, you would receive
15:26:08 17 from time to time documents from the PII [REDACTED] Unit and
15:26:10 18 other PII [REDACTED] units that might bear upon her and what she
15:26:16 19 was doing?---Yes.
15:26:17 20
15:26:25 21 As I understand it, and correct me if I'm wrong, part of
15:26:28 22 the role of your analyst was to check the material she was
15:26:31 23 supplying for accuracy with other material available to the
15:26:35 24 unit?---That's right. The analysts, to be succinct,
15:26:46 25 they're job was to find out things that the investigators
15:26:50 26 didn't know because the investigators, or their information
15:26:55 27 was coming wholly and solely from the source. The analysts
15:27:00 28 had access to, that was when the system was all put in
15:27:05 29 place, they had access to all sorts of databases and other
15:27:08 30 intelligence sources. So it was a means of comparing what
15:27:11 31 the source had told to what else we could find out.
15:27:16 32
15:27:16 33 Thank you. On that topic you told Mr Winneke about a
15:27:21 34 document called a profile in relation to a source and you
15:27:25 35 gave some evidence about what happened to that document.
15:27:28 36 Do you remember that?---No, I don't actually.
15:27:33 37
15:27:33 38 Okay. It was about day ten I think. I'm told by my very
15:27:49 39 industrious junior it is at p.3831 of the transcript.
15:27:56 40 There is a document, Commissioner, that I've sighted that
15:27:59 41 is that document, the source profile, which I'm sure the
15:28:04 42 Commission would be interested in. I've asked the police
15:28:06 43 if I could have the number. I know it's on Loricated
15:28:10 44 because I've seen it, but I haven't got a number for it.
15:28:16 45 So I formally call for it, Commissioner, if I could.
15:28:22 46
15:28:22 47 COMMISSIONER: Do we think we might be able to find it

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15:28:25 1 reasonably quickly, or should we leave this until next
15:28:28 2 time?
15:28:29 3
15:28:29 4 MS ENBOM: I think we probably should leave it but we are
15:28:31 5 looking now.
15:28:32 6
15:28:33 7 MR CHETTLE: I'll come back to it.
15:28:35 8
15:28:35 9 COMMISSIONER: I'm sure your industrious junior will make
15:28:38 10 sure you don't forget.
15:28:42 11
15:28:43 12 MR CHETTLE: She is my Jiminy Cricket, Commissioner.
15:28:47 13 Bottom of that page on the source management log for 26
15:28:50 14 January 06, there's a reference there, is that in your
15:28:55 15 diary or the log, the reference to - diary. So here is
15:29:01 16 another diary entry I want you to go to, Mr White, 26
15:29:04 17 January 06, you have a discussion with Mr O'Brien. No,
15:29:14 18 sorry, not Mr O'Brien, another handler, Mr Smith.
15:29:22 19
15:29:22 20 COMMISSIONER: That's another one that's not there for
15:29:30 21 relevance apparently.
15:29:31 22
15:29:31 23 MR CHETTLE: It should be, this one is more relevant.
15:29:35 24
15:29:35 25 COMMISSIONER: That's the worry, Mr Chettle, that is the
15:29:42 26 worry. We've just got a black screen.
15:29:46 27
15:29:46 28 MR CHETTLE: Do you have a reference there to a new point
15:29:50 29 of liaison protocol? "Discussion with Mr Smith re new
15:30:22 30 point of liaison protocol"?---I can't find that on the
15:30:28 31 entry for 26/1 - - -
15:30:31 32
15:30:31 33 06. The note you've provided me, Mr White, says that?---I
15:30:46 34 might have to look for that, Mr Chettle. Maybe I've - - -
15:30:51 35
15:30:51 36 All right?----- - - got the date - - -
15:30:54 37
15:30:54 38 Commissioner, there's a reference to - no, I can't talk
15:30:59 39 about that. We'll come back to that. The question is,
15:31:09 40 what is the new point of liaison protocol and what does
15:31:14 41 that mean, but we'll come back to it next time.
15:31:16 42
15:31:16 43 COMMISSIONER: Yes. You might need, I'll give you leave if
15:31:20 44 you need it to discuss this with the witness so that you
15:31:23 45 can find it.
15:31:24 46
15:31:24 47 MR CHETTLE: Thank you, Commissioner. All right, can we go

.23/08/19

5250

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15:31:27 1 to 27 January and this will be in your diary, I believe.
15:31:34 2 Yes. For that date, 27 January. Did you have a discussion
15:31:38 3 with Mr Calishaw?---Yes.
15:31:48 4
15:31:49 5 What's the entry there? Firstly, what time is it?---I'll
15:31:56 6 just make sure I've only got the one. This is p.190 and I
15:32:31 7 haven't got the exact time. It's a call to Calishaw.
15:32:39 8
15:32:39 9 COMMISSIONER: It looks as though that's redacted too. If
15:32:42 10 you look at the screen, the passage you're referring to is
15:32:47 11 redacted, that's 190, or 189?
15:32:50 12
15:32:51 13 MR CHETTLE: 190, Commissioner. It was a question, an
15:32:59 14 advice from Mr Calishaw in relation to panels for the DSU,
15:33:05 15 it's not the content of it but it's an indication of who
15:33:10 16 was in control of the DSU at that point of time, is it
15:33:13 17 not?---Yes.
15:33:13 18
15:33:14 19 From that entry can you say DDI Calishaw was the boss at
15:33:20 20 that time?---Yes, I designed some questions for the
15:33:23 21 selection panels and he told me they were too hard.
15:33:26 22
15:33:27 23 Can I ask for the mercy rule, Commissioner?
15:33:31 24
15:33:31 25 COMMISSIONER: Yes. Sorry, which mercy rule is this?
15:33:35 26
15:33:36 27 MR CHETTLE: The mercy rule that says we can adjourn now
15:33:39 28 until we come back until Monday week.
15:33:43 29
15:33:43 30 COMMISSIONER: You're finished?
15:33:44 31
15:33:45 32 MR CHETTLE: Not in a pink fit I'm afraid. I am going to
15:33:46 33 cut it down considerably.
15:33:48 34
35 COMMISSIONER: Yes, you've done all you can do now.
36
37 MR CHETTLE: Yes.
38
15:33:48 39 COMMISSIONER: I'm sure everyone will be happy to finish a
15:33:52 40 few minutes early. All right, we'll adjourn until 2
15:33:56 41 September at 9.30.
42
15:34:31 43 <(THE WITNESS WITHDREW)
15:34:32 44
15:34:32 45 ADJOURNED UNTIL MONDAY 2 SEPTEMBER 2019
46
47