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These claims are not yet resolved.

1 PROCEEDINGS IN CAMERA:

2
09:53:10 3 MR CHETTLE: Sorry, about that Commissioner. Do you have a
09:53:12 4 diary entry for 12 February 2008, Mr White?---Yes, I do.

09:53:16 5
09:53:18 6 Can you read the diary entry to the Commissioner,
09:53:21 7 please?---There's several.

09:53:26 8
09:53:27 9 Starting with "updating Detective Inspector Glow" is where
09:53:30 10 I was looking at?---So I met with Detective Inspector Glow
09:53:35 11 and Officer Black in the morning and updated him in
09:53:39 12 relation to the SDU operations.

09:53:42 13
09:53:42 14 Does that mean all of them or an overview?---Yes, all of
09:53:46 15 them.

09:53:46 16
09:53:46 17 And after that did you speak to Detective Inspector
09:53:50 18 Ryan?---I did, at 16:10 I spoke to Detective Inspector
09:53:56 19 Ryan, Purana, re [REDACTED]

09:54:00 20
09:54:00 21 Yes?---"He said he'll make inquiries re [REDACTED] current
09:54:05 22 view of the human source and whether any issues. Was aware
09:54:09 23 of [REDACTED] [REDACTED] last week. [REDACTED] is not happy
09:54:16 24 re forfeiture of his [REDACTED]. Thought the money should
09:54:18 25 have gone to [REDACTED] but only part of it did. He blames
09:54:21 26 investigators for that." And then at 18:00 I received a
09:54:26 27 call from Stuart Bateson, Purana, re [REDACTED] and the
09:54:30 28 human source. [REDACTED] is not overly happy with human
09:54:35 29 source only because he now partially regrets his decision
09:54:38 30 to help police and believes [REDACTED] supported him in
09:54:42 31 making that decision. In fact, he had already made the
09:54:45 32 decision before he spoke to the source and had made
09:54:50 33 statements. Jim Valos was his solicitor re this action.
09:54:56 34 Human source read his statements and provided background
09:54:58 35 advice. She did not and does not represent [REDACTED] She
09:55:02 36 did not alter his statements. Don't believe that [REDACTED]
09:55:07 37 would ever say she told him to roll over."

09:55:15 38
09:55:15 39 Yes. Does it go on, does the note go on?---It goes on,
09:55:19 40 yes. "[REDACTED] committal listed for [REDACTED] 08.
09:55:26 41 [REDACTED] will be a witness. An issue of how [REDACTED]
09:55:29 42 came to assist police may be canvassed. It is believed
09:55:33 43 that [REDACTED] is funding [REDACTED] and may use court
09:55:38 44 hearing to discover how he was rolled. There are
09:55:41 45 transcripts of conversations with [REDACTED] re getting him
09:55:44 46 to make statements. In these transcripts investigators
09:55:47 47 advised [REDACTED] against seeking advice from Nicola Gobbo.

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09:55:51 1 These transcripts have been supplied to defence. They do
09:55:55 2 not reveal any involvement by human source. Agreed Stuart
09:56:00 3 Bateson to visit [REDACTED] early next week to assess his
09:56:04 4 attitude to human source."
09:56:06 5
09:56:06 6 Is that the end of those entries?---Yes.
09:56:09 7
09:56:09 8 I'll tender those diary entries that he's just referred to.
09:56:16 9
09:56:18 10 #EXHIBIT RC447A - (Confidential) Diary entries Sandy White
09:56:19 11 12/2/08.
09:56:19 12
09:56:20 13 #EXHIBIT RC447B - (Redacted version.)
09:56:31 14
09:56:33 15 I'll go forward now to 20 February, to your diary for that
09:56:38 16 day. Did you have a meeting about meeting firstly with
09:56:46 17 Superintendent Biggin on that day?---Yes.
09:56:55 18
09:56:55 19 Perhaps if you read from what you did with Biggin onwards
09:56:59 20 please?---09:00, "Call from Superintendent Tony Biggin.
09:57:04 21 Update re 2958 issues re meet with [REDACTED] today and
09:57:11 22 security measures in place. Also re Amatruda and possible
09:57:17 23 leak from Purana". And then it says, "Advised by TB that"
09:57:23 24 but it doesn't continue on.
09:57:27 25
09:57:28 26 He told you something but you didn't write it down?---Yes.
09:57:31 27
09:57:32 28 Did you get an update from Mr Bateson on the same
09:57:35 29 day?---Yes, I did, that was at 09:10. "Call from Detective
09:57:41 30 Sergeant Bateson. Went to see [REDACTED] In good spirits.
09:57:44 31 Doesn't speak to her, Ms Gobbo, anymore because 'she cost
09:57:51 32 me \$ [REDACTED] after she told me everything would be fine'.
09:58:00 33 Told that we, Purana, were the ones that played hard ball
09:58:03 34 on that and the DPP, not his legal team who did their job.
09:58:07 35 He said, 'You know I get dirty easily'. Asked him, 'Why
09:58:11 36 did you roll?' He said, 'You got me between a rock and a
09:58:15 37 hard place. Always honest, treated me well. Legal team
09:58:19 38 didn't matter to me, I knew what was going on'. Has
09:58:23 39 cracked the shits but in 12 months will be over it. [REDACTED]
09:58:28 40 court starting [REDACTED] 2003, committal".
09:58:31 41
09:58:32 42 I tender that one.
09:58:32 43
09:58:33 44 COMMISSIONER: What date is that one?
09:58:34 45
09:58:35 46 MR CHETTLE: 20 February, Commissioner.
09:58:37 47

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09:58:38 1 #EXHIBIT RC448A - (Confidential) Diary entry Sandy White
09:58:39 2 20/02/08.
09:58:39 3
09:58:40 4 #EXHIBIT RC448B - (Redacted version.)
09:58:41 5
09:58:42 6 Then on 29 February do you have a diary entry of getting an
09:58:49 7 update from Mr O'Connell and Petra?---Yes, I do.
09:58:54 8
09:58:54 9 What did he tell you?---This was at 11:00 hours. "Call
09:59:00 10 from Shane O'Connell, Petra. 3838 visited yesterday.
09:59:08 11 Andrew Hodson rang Cam Dobi. Had heard [REDACTED] had
09:59:15 12 rolled. Very distressed, crying. 3838 had offered to
09:59:21 13 assist and investigators want to use her. Every time he
09:59:26 14 needs advice he seeks her out. If we put pressure on him
09:59:31 15 he will ring her and consider putting Andrew Hodson on
09:59:35 16 polygraph".
09:59:36 17
09:59:36 18 Is that the end of that entry for him?---Then there's a
09:59:40 19 phone number for Shane O'Connell.
09:59:42 20
09:59:43 21 Then did you get a call from Detective Inspector Ryan
09:59:47 22 according to your diary?---Yes, at 14:55, "Call from
09:59:52 23 Detective Inspector Gavan Ryan Purana re 2958. Offered to
09:59:57 24 assist Petra investigation. Investigators to be told that
09:59:58 25 any contact re Nicola Gobbo involvement will go through
10:00:02 26 Gavan Ryan. Issues re legal privilege, et cetera".
10:00:07 27
10:00:08 28 Is that what he's telling you, or you telling him?---I'm
10:00:15 29 not sure.
10:00:16 30
10:00:19 31 Just on that, while you have your diary, go to 3 March 08.
10:00:29 32 Do you go to Canberra for a conference and then on leave
10:00:33 33 until 15 April? It says 15 April but that can't be
10:00:47 34 right?---No, no, it was - I returned to work on 16 April.
10:00:52 35
10:00:52 36 Right. You're in Canberra for work, were you? What's
10:01:00 37 MOSC?---It's Management of Serious Crime Course.
10:01:02 38
10:01:03 39 Someone else was acting as controller whilst you were
10:01:08 40 away?---Yes.
10:01:08 41
10:01:12 42 In that regard I will jump forward then to 14 March, just
10:01:22 43 to look at the log for a moment. You'll see there's
10:01:27 44 reference to Mr Biggin contacting Mr Black. Do you see
10:01:49 45 that?---I'm just trying to find it.
10:01:51 46
10:01:51 47 Go to the log for 14 March?---I see that.

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10:02:01 1
10:02:04 2 Because Mr Black received a call from Mr Biggin, I'm not
10:02:07 3 going to bother you about the detail at this point, does
10:02:12 4 that mean he was being the controller or sitting in the
10:02:15 5 seat, can you tell?---I can't tell.
10:02:17 6
10:02:17 7 But in any event he would have some responsibility with you
10:02:21 8 being away?---Yes.
10:02:22 9
10:02:25 10 I don't want to go through it. Are you aware of the issue
10:02:28 11 that's set out there that Detective Biggin raises with
10:02:32 12 Mr Black? I think we touched on it last time you were here
10:02:36 13 with the name Officer Yes.
10:02:39 14 Esplanade
10:02:39 15 That's the problem with the Surveillance Unit losing
10:02:44 16 Mr Gatto, that one?---Yes, that's right.
10:02:46 17
10:02:49 18 I'll then go forward, if I can, to 14 April of 08. Now is
10:03:00 19 that the date you came back or the day before?---I returned
10:03:04 20 to duty on 16 April.
10:03:07 21
10:03:07 22 All right. So this entry again on 14 April is not one you
10:03:13 23 made. What I'm interested in is the entry in the log for
10:03:31 24 14 April, bottom of the page from Detective Sergeant
10:03:35 25 Butterworth, do you see that entry?---Yes.
10:03:40 26
10:03:41 27 It relates to Stephen Asling and Rod Collins trying to meet
10:03:45 28 each other and there is concern about them being both hired
10:03:51 29 hitmen, that they're looking for somebody. Is that an
10:03:55 30 entry made as you would understand it because of concern
10:03:58 31 for Ms Gobbo's safety, or was that all foreign to you?---I
10:04:24 32 can't tell by looking at that entry.
10:04:26 33
10:04:26 34 Have a look at 16 April. I think I might have misled you.
10:04:33 35 On 16 April the controller changes back to you from an
10:04:36 36 initial there, I think he has a pseudonym Preston, does
10:04:41 37 that indicate the controller while you were away was a man
10:04:44 38 called Preston?---Yes.
10:04:45 39
10:04:45 40 With the pseudonym Preston, thank you. When you come back
10:04:48 41 there's a monthly source review on 17 April, you'll see.
10:04:52 42 It's set out in some detail?---Yes.
10:04:54 43
10:04:55 44 And the update in relation to all the circumstances is an
10:04:59 45 update that's been prepared by Officer Fox?---It's a lot
10:05:11 46 more extensive than I would normally put in an update.
10:05:15 47 It's obviously been copied.

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10:05:17 1
10:05:17 2 From something he's written?---Yes, I think so.
10:05:20 3
10:05:20 4 Can you go to the risk - a risk assessment was conducted
10:05:26 5 again at the end of that meeting, after all those facts
10:05:29 6 were spelt out?---Yes.
10:05:30 7
10:05:33 8 Simply does it read, "Source clearly remains high risk and
10:05:38 9 recent arson on her vehicle would appear to be an
10:05:41 10 escalation of the threats to same. Despite this the source
10:05:43 11 remains relatively calm and has the support of the Carlton
10:05:47 12 crew and Karam", right?---Yes.
10:05:52 13
10:05:53 14 Then you discussed an exit strategy at that meeting for how
10:05:57 15 - which is set out on the next page?---Yes.
10:06:00 16
10:06:00 17 Under the heading "recommendation". It speaks for itself,
10:06:06 18 I won't read to you. On the 17th, the same day, according
10:06:09 19 to your diary, did you have two, did you have an update
10:06:13 20 with Mr Biggin?---Yes.
10:06:14 21
10:06:18 22 Did you update him about two issues?---Yes, the log shows I
10:06:22 23 updated him in relation to the car fire and the **Officer Esplanade**
10:06:26 24 issue.
10:06:27 25
10:06:27 26 And then the next day did you update him about the risk
10:06:30 27 assessment that I've just taken you through?---Yes.
10:06:35 28
10:06:45 29 I take you forward to 5 May 08. You'll see this is under
10:06:56 30 the heading "review", "Analysis of management of HS by SDU,
10:07:02 31 including Biggin and Glow", Superintendent Biggin and DDI
10:07:08 32 Glow?---Yes, I see that.
10:07:15 33
10:07:15 34 Right. Yesterday you'll recall that we tendered an
10:07:20 35 exhibit, 396, and your diary, which we took you to, and
10:07:26 36 I've forgotten, I haven't got it in front of me, indicated
10:07:30 37 that you'd been to a conference in Echuca in 2006.
10:07:36 38 Remember that?---Yes. Yes, I do.
10:07:38 39
10:07:39 40 Well, the minutes that we have tendered that had the date 5
10:07:47 41 May 2008, Exhibit 396, in short, the evidence we gave
10:07:52 42 yesterday about the minutes having the wrong date, when you
10:07:55 43 look at that management log entry, do you adhere to that
10:08:00 44 position? 396, there was a meeting on 5 May 08 where there
10:08:10 45 was an analysis of her management at Echuca. Have you got
10:08:17 46 a diary entry for that date?---I'm just looking at my diary
10:08:22 47 now.

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10:08:27 1
10:08:28 2 COMMISSIONER: Are you trying to establish that the Echuca
10:08:32 3 meeting was in 06 not 08?
10:08:36 4
5 MR CHETTLE: I'm trying to establish that there may have
10:08:37 6 been two at Echuca, Commissioner. These minutes that were
10:08:38 7 tendered yesterday clearly relate to the 08 meeting, not
10:08:41 8 the 06 meeting. You recall we gave it the wrong date
10:08:45 9 yesterday. This is only something we worked out overnight.
10:08:49 10
10:08:49 11 COMMISSIONER: All right, okay.
10:08:54 12
10:08:58 13 MR CHETTLE: Does your diary show you were in Echuca on 5
10:09:01 14 May?---No.
10:09:02 15
10:09:02 16 Try 6 May?---It shows an agenda for an Echuca seminar was
10:09:08 17 being prepared.
10:09:08 18
10:09:09 19 On that day?---On 5 May.
10:09:10 20
10:09:18 21 Perhaps the short answer then - go on?---It looks like we
10:09:24 22 were in Echuca on 6 May.
10:09:27 23
10:09:28 24 The agenda was prepared on the 5th, you went up there on
10:09:31 25 the 6th and you discussed the things that are set out -
10:09:34 26 have you got a diary entry about what happened at that
10:09:36 27 meeting?---Yes.
10:09:39 28
10:09:39 29 Would you read the 6 May diary entry 08, please?---"Seminar
10:09:49 30 issues. Workload and then dot points. Spread evenly?
10:09:55 31 Member interest in recruiting versus management. Best
10:09:59 32 model for high maintenance sources, for example, 2958", and
10:10:05 33 then under that point I've got further dot points, "Two
10:10:09 34 handlers ultimately weekly, daily. Maximum one month at a
10:10:14 35 time. Getting rest on weekend".
10:10:17 36
10:10:17 37 Right. So those topics are covered in Exhibit 396. If you
10:10:24 38 go back just briefly to your diary for 8 May 06, please,
10:10:29 39 and have a look at that?---I have that.
10:11:07 40
10:11:07 41 Where were you on 8 May 06?---Echuca.
10:11:13 42
10:11:13 43 So does it come down to the fact there are two Echuca
10:11:19 44 workshops, one in 06 and one in 08?---Yes.
10:11:22 45
10:11:22 46 The minutes we tendered yesterday are the 08 ones, not the
10:11:28 47 06 ones?---Yes.

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10:11:29 1
10:11:29 2 Commissioner, really to correct what we put yesterday, the
10:11:33 3 minutes dated 5 May relate to the - - -
10:11:37 4
10:11:37 5 COMMISSIONER: What is the date on Exhibit 396?
10:11:39 6
10:11:40 7 MR CHETTLE: 5 May 08 and yesterday - - -
10:11:43 8
10:11:44 9 COMMISSIONER: But he said he prepared the agenda on 5 May.
10:11:49 10
10:11:49 11 MR CHETTLE: On 5 May 08, and had the meeting on the 6th,
10:11:53 12 according to his diary.
10:11:54 13
10:11:55 14 COMMISSIONER: This is minutes, not the agenda. 5 May is
10:11:58 15 not right either.
10:11:59 16
10:12:00 17 MR CHETTLE: That would appear to be right, Commissioner,
10:12:02 18 the date is incorrect. The Tuesday I'm told by my junior
10:12:05 19 is not the 5th anyway. That was a Monday according to the
10:12:10 20 calendar. So the document has some date issues, can I put
10:12:12 21 it that way.
10:12:13 22
10:12:14 23 COMMISSIONER: The point is it relates to the 2008 meeting.
10:12:17 24
10:12:17 25 MR CHETTLE: Not the 2006 meeting, correct.
10:12:20 26
10:12:20 27 COMMISSIONER: And you don't have any exhibits that relate
10:12:22 28 to the 2006 meeting?
10:12:24 29
10:12:24 30 MR CHETTLE: I don't have any, no. Other than the diary
10:12:26 31 point of Mr White. Mr White, your diary for the 06 meeting
10:12:30 32 sets out what you spoke about very briefly, doesn't
10:12:33 33 it?---Yes, it does.
10:12:35 34
10:12:35 35 As far as she is concerned what were those points?---"3838
10:12:39 36 case study" and then there's a note "(indistinct) Sergeant"
10:12:47 37 and there's four dot points.
10:12:48 38
10:12:49 39 What are they?-- Mr Bickley [REDACTED], Waters intel,
10:12:58 40 Karam consignee details, Preston lab to Strathmore lab and
10:13:03 41 there's a reference to handler overload/burn out.
10:13:07 42
10:13:08 43 The Commissioner can be satisfied that there were two
10:13:10 44 meetings in Echuca that related in part to her?---Yes.
10:13:14 45
10:13:15 46 Thank you. On 19 May of 08, just to put this in context,
10:13:53 47 Tony Mokbel was extradited back to Melbourne on 17 May. In

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10:13:59 1 your diary do you have a reference to an ops update in
10:14:03 2 relation to Mr Mokbel?---Yes, I do.
10:14:07 3
10:14:08 4 What does that entry read?---"Tony Mokbel arrived back to
10:14:13 5 Melbourne on weekend. Human source given instructions not
10:14:17 6 to contact same and will refuse to have her name placed on
10:14:20 7 the list at gaol. Has told Bageric that she is not
10:14:27 8 representing him and why and told him to get, get f'd.
10:14:34 9
10:14:35 10 Bageric was the gentleman who went to Greece to act for
10:14:39 11 him, is that right?---Yes, I think so.
10:14:41 12
10:14:41 13 Yes, keep going with the diary note?---"Karam back on
10:14:44 14 Friday from Hong Kong. Seeing him this afternoon. Paul
10:14:48 15 Dale did not arrive on weekend. Petra [REDACTED]
10:14:53 16 [REDACTED] with Tony Mokbel returning to Melbourne. Demani
10:15:00 17 told her that he had spoken to Mokbels who denied that they
10:15:06 18 had any evidence to prove that human source is a dog.
10:15:06 19 Arunta calls checked by Officer Fox. Confirm that Mokbels
10:15:13 20 had told Demani that they did not have proof she was a dog.
10:15:18 21 Reference to human source writing things on paper in gaol
10:15:21 22 for Horthy which police later knew about. Officer Fox to
10:15:26 23 check with Flynn if this is correct. Staminovic" - sorry,
10:15:34 24 will I keep going?
10:15:35 25
10:15:35 26 I was going to go on. There is another entry in relation
10:15:40 27 to a telephone call to Mr Fox, she wanting to speak to Tony
10:15:55 28 Mokbel? Did you get a call, or did you note in your diary
10:15:59 29 that Mr Fox rang her - she rang him, yes?---So there was an
10:16:15 30 update from Officer Fox later in the day - there's actually
10:16:24 31 two updates. The first is, "Crying, want to speak to Tony
10:16:27 32 Mokbel to set him straight once and for all. Advised will
10:16:31 33 think about it. Need to consider in view of Echuca
10:16:34 34 decision that if source does not follow exit strategy
10:16:41 35 ultimatum to be given".
10:16:44 36
10:16:44 37 The ultimatum being?---That the relationship would be
10:16:48 38 ended.
10:16:49 39
10:16:49 40 The relationship ending experience, yes. Then there's
10:16:53 41 another entry?---Another call, an update from Officer Fox,
10:16:58 42 "Agreed human source to make one call to TM", Tony Mokbel
10:17:01 43 "On basis", and then dot points. "The first is to
10:17:06 44 completely ignore, even though justified could support the
10:17:09 45 Mokbel belief that she is assisting police because of big
10:17:13 46 change in attitude by human source. Will make source feel
10:17:17 47 better. One off contact only. If source fails she is to

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10:17:22 1 be advised that we can no longer assist her because she
10:17:26 2 will not follow instructions designed for her safety".
10:17:30 3
10:17:30 4 All right. I tender that diary entry, Commissioner.
10:17:32 5
10:17:33 6 COMMISSIONER: That's 19 May?
10:17:34 7
10:17:34 8 MR CHETTLE: 19 May.
10:17:36 9
10:17:37 10 #EXHIBIT RC449A - (Confidential) Diary entry Sandy White
10:17:39 11 19/05/08.
10:17:39 12
10:17:39 13 #EXHIBIT RC449B - (Redacted version.)
10:17:40 14
10:17:40 15 The following day your diary records that that's in fact
10:17:47 16 what happened, she had passed that message on to Mr Mokbel
10:17:51 17 that she couldn't help him?---Yes.
10:17:52 18
10:17:52 19 And he understood that?---Yes, and he apologised.
10:17:58 20
10:17:59 21 Okay, I don't need to tender that. Again, on 18 June of 08
10:18:14 22 there's another monthly source review recorded in the log.
10:18:26 23 I'm not going to go through it all, it's again an extensive
10:18:30 24 update for that meeting, is it not?---Yes.
10:18:33 25
10:18:34 26 Again an extensive update. Mr Fox did extensive
10:18:39 27 documentation, didn't he?---Yes, he did.
10:18:42 28
10:18:44 29 The position remained the same, that the source had to be
10:18:48 30 managed until the court matters that could compromise her
10:18:52 31 were dealt with?---Yes.
10:18:55 32
10:18:56 33 And you continue to talk to, the idea was to continue to
10:19:01 34 talk to her about an exit strategy trying to get her to get
10:19:05 35 alternative employment, things of that sort, go
10:19:12 36 interstate?---Yes.
10:19:12 37
10:19:13 38 On 18 June according to your diary did you update Mr Biggin
10:19:17 39 in relation to all of that?---Yes.
10:19:33 40
10:19:35 41 Does your diary say anything more than an update or is that
10:19:38 42 it?---No, that's it.
10:19:45 43
10:19:47 44 If I take you to the log on 17 July 08. There's been an
10:20:02 45 update in relation to many things but in particular Rob
10:20:07 46 Karam importing another container and inviting her to go to
10:20:11 47 Hong Kong with him?---Yes.

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10:20:12 1
10:20:16 2 I'll come back to that. So if you move across the page to
10:20:22 3 21 July. The controller was changed back to you on that
10:20:27 4 date?---Yes.
10:20:28 5
10:20:31 6 And do you have a diary entry for 22 July 08?---Yes, I was
10:20:48 7 given an extensive briefing from Officer Black regarding
10:20:53 8 the Operation Petra investigation into a leaked document.
10:21:01 9
10:21:03 10 I don't want to - there's a name that is apparently
10:21:08 11 sensitive. I'll tender as a confidential exhibit the
10:21:19 12 contents of that diary note, Commissioner. I won't have
10:21:24 13 him read it in open court, I'll tender it. It's the diary
10:21:27 14 note on 22 July 08 about his briefing from Black and
10:21:35 15 involving Biggin and other people.
10:21:36 16
10:21:36 17 COMMISSIONER: I haven't seen that.
10:21:38 18
10:21:38 19 MR CHETTLE: No. It's relevant but it's got names - I'll
10:21:43 20 try and be cryptic.
10:21:45 21
10:21:46 22 MR HOLT: I don't know the document, Commissioner.
10:21:54 23
10:21:56 24 MR CHETTLE: Having a look at your diary entry, you were
10:21:57 25 briefed by Black about a meeting he had with Superintendent
10:22:00 26 Biggin about Petra requesting intelligence about a
10:22:04 27 particular people of interest?---Yes.
10:22:08 28
10:22:09 29 They were asking questions whether she had ever acted for
10:22:13 30 that person of interest. Did you then meet with Petra Task
10:22:20 31 Force officers Fisher and O'Connell together with
10:22:24 32 Mr Black?---Yes. Yes, I did.
10:22:26 33
10:22:27 34 Did you note that Fisher had said he was aware of
10:22:30 35 Ms Gobbo's identity as a result of an ESD investigation?
10:22:47 36 Another one on the list of people who knew, have you got
10:22:50 37 that?---Yes, yes.
10:22:50 38
10:22:51 39 They wanted to use her, they told you they wanted to use
10:22:55 40 her in relation to a particular person of interest?---Yes.
10:22:57 41
10:22:58 42 You said you would not task her but would only attend to
10:23:02 43 duty of care issues?---Yes.
10:23:04 44
10:23:07 45 You informed them that SDU were not tasking and that
10:23:13 46 decision had been sanctioned by Command?---Yes.
10:23:15 47

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These claims are not yet resolved.

10:23:23 1 You had some complaints about whether or not you should
10:23:27 2 have been informed about a lost document a little bit
10:23:31 3 earlier?---Yes.
10:23:32 4
10:23:37 5 You were concerned by the investigators conduct in relation
10:23:41 6 to that leaked document?---Yes.
10:23:43 7
10:23:45 8 Commissioner, I'll tender that diary entry for 22 July but
10:23:49 9 it does have issues that Mr Holt's concerned about.
10:23:53 10
10:23:55 11 #EXHIBIT RC450A - (Confidential) Diary entry Sandy White
10:23:56 12 22/7/08.
10:23:56 13
10:23:58 14 #EXHIBIT RC450B - (Redacted version.)
10:24:01 15
10:24:04 16 On 28 July 08 does your diary record that Ms Gobbo wants to
10:24:11 17 have a face-to-face meeting at Barwon Prison and finish her
10:24:17 18 relationship with Mr Mokbel?
10:24:23 19
10:24:23 20 COMMISSIONER: What date is that, Mr Chettle?
10:24:26 21
10:24:27 22 MR CHETTLE: 28 July 08, Commissioner?---Yes, it does.
10:24:36 23
10:24:36 24 She was told not to?---Yes.
10:24:39 25
10:24:41 26 Remember I pointed to you an entry in the log where Karam
10:24:45 27 was going on holiday and wanted her to go with him?---Yes.
10:24:50 28
10:24:51 29 Would you go to - sorry to go backwards - to 23 July 08. I
10:24:57 30 jumped it.
10:25:04 31
10:25:04 32 COMMISSIONER: Is this the diary or the log?
10:25:06 33
10:25:06 34 MR CHETTLE: No, it's his diary, Commissioner. Do you have
10:25:10 35 a diary entry about her wanting to go to Hong Kong with
10:25:14 36 Mr Karam for a holiday? It's in the log, is it? No, it's
10:25:25 37 in the diary. 23/7/08?---I'm just reading the entry. I
10:25:57 38 have an entry, "Human source decided she wants to go to
10:26:03 39 Hong Kong with Karam for holiday".
10:26:05 40
10:26:06 41 COMMISSIONER: That's in the log I think, isn't it?---It's
10:26:08 42 also in the diary, Commissioner.
10:26:10 43
10:26:10 44 Same entry.
10:26:11 45
10:26:11 46 MR CHETTLE: All right. Do you know whether she went or
10:26:14 47 not?---She didn't go, no.

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10:26:16 1
10:26:17 2 If we go down to now 1 August 08 in your diary. I'll do
10:26:30 3 this very quickly. Did you have a meeting with Petra about
10:26:33 4 the missing leaked document and you then had a discussion
10:26:37 5 with Mr Biggin about it?---Yes.
10:26:40 6
10:26:41 7 Did Mr Biggin give you directions from Mr Overland?
10:26:54 8
10:26:54 9 COMMISSIONER: What date are we now?
10:26:56 10
10:26:56 11 MR CHETTLE: 1 August 08, Commissioner?---I have that entry
10:27:02 12 in my diary at 15:30, a call from Superintendent Biggin,
10:27:07 13 "Discussed Petra, possible scenario re leaked document.
10:27:12 14 South Australian police, theft from surveillance and then
10:27:16 15 directed by super to disclose name, date of birth and
10:27:20 16 address for sources involved in operation". It says 2858,
10:27:28 17 but I think it should mean, "2958 and another source had
10:27:33 18 been directed by Deputy Commissioner Overland to pass info
10:27:39 19 to OPI. Complied".
10:27:41 20
10:27:41 21 I tender that diary entry, Commissioner.
10:27:45 22
10:27:46 23 #EXHIBIT RC451A - (Confidential) Diary entry Sandy White
10:27:47 24 01/01/08.
10:27:47 25
10:27:48 26 #EXHIBIT RC451B - (Redacted version.)
10:27:49 27
10:27:49 28 Did that happen? If you go to your diary for 5 August do
10:27:54 29 you have an entry about the follow up to that?---Yes, I do.
10:28:03 30
10:28:03 31 What's your entry? Did you ring about - - - ?---Call from
10:28:08 32 Superintendent Tony Biggin, and we discussed the following,
10:28:12 33 "Details resource's, another source and 2958 given to OPI
10:28:18 34 Ashton via secretary. Advised by Ashton the details locked
10:28:22 35 in safe. Appears to be necessary re TI product being
10:28:27 36 obtained". Then it says, "Advised Tony Biggin re issue
10:28:32 37 with 2958 and outstanding OPI matter. Agreed that I was to
10:28:36 38 liaise with O'Connell re likelihood of source having to
10:28:42 39 return".
10:28:43 40
10:28:43 41 That is to the OPI?---Yes.
10:28:44 42
10:28:45 43 I tender that diary entry, Commissioner.
10:28:46 44
10:28:49 45 #EXHIBIT RC452A - (Confidential) Diary entry Sandy White
10:28:56 46 05/08/08.
10:28:56 47

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10:28:57 1 #EXHIBIT RC452B - (Redacted version.)
10:29:00 2
10:29:15 3 If I can jump forward again. Have you got a diary entry
10:29:22 4 for 7 August - I'm not sure whether this is a diary or in
10:29:27 5 your log and perhaps you can clarify. On 7 August 08
10:29:31 6 there's an entry - do you have an entry in relation to
10:29:36 7 Shane O'Connell considering how to approach the issue?
10:29:46 8 It's in the log. Sorry, can I check. It is, all right,
10:29:49 9 I'll jump back, thank you. I don't need that?---Yes, there
10:29:55 10 is.
10:29:55 11
10:29:57 12 It's in the log as well as your diary. Can I take you to
10:30:02 13 the 8th - that's on same date, next day, 8 August 08. Do
10:30:07 14 you have a diary entry about Mr Manella and
10:30:12 15 Mr Karam?---Yes, I do.
10:30:12 16
10:30:12 17 What's that entry?---I've got an entry, a call from Officer
10:30:38 18 Green, "Spoke to human source. Has been at court re arrest
10:30:43 19 of Barbaro, Sergi and times two Barbaro and Higgs. Human
10:30:49 20 source not representing same. Possibly involved in bail.
10:30:53 21 Understands conflict of interest issues. Human source not
10:30:59 22 happy re no credit, angry and not listening. Also
10:31:03 23 concerned re [REDACTED] who is now in protective custody. May
10:31:08 24 have made statement. Human source concerned re passing on
10:31:11 25 messages to Karam. Advised that sanction messages resulted
10:31:16 26 in identification of containers, not an issue. Undeclared
10:31:22 27 messages will be a problem for human source. Human source
10:31:26 28 stated that Karam tried to get her to get a message to
10:31:29 29 Karam's sister re computer that AFP had not found. Told
10:31:34 30 him she wouldn't. Believes too late now, sister would have
10:31:39 31 moved it".
10:31:40 32
10:31:40 33 Is that it?---Yes.
10:31:42 34
10:31:42 35 I tender that, Commissioner.
10:31:43 36
10:31:45 37 #EXHIBIT RC453A - (Confidential) Diary entry Sandy White
10:31:49 38 08/08/08.
10:31:49 39
10:31:50 40 #EXHIBIT RC453B - (Redacted version.)
10:31:55 41
10:31:59 42 On 12 August 08 do you have an operational update in your
10:32:03 43 diary?---Yes, I do.
10:32:06 44
10:32:06 45 That mentions what you just referred to then, the AFP
10:32:10 46 arrests of Operation Agamas and Inca target?---Yes.
10:32:17 47

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10:32:17 1 What was your next entry in relation to her?---"Human
10:32:23 2 source will have to speak to AFP. Was concerned re arrest.
10:32:28 3 Is conflicted and should not represent targets. OPI issue
10:32:33 4 is still concern for human source."
10:32:38 5
10:32:41 6 Did you get an advice on 13 August from Mr O'Connell at
10:32:46 7 Petra, according to your diary?---Yes, I did that's at
10:33:08 8 12:10. Do you want me to read it out?
9
10:33:09 10 Yes please?---"Call from O'Connell, Petra. Advise that
10:33:13 11 Shane O'Connell had spoken to DC Overland, who had spoken
10:33:16 12 to Ashton from OPI and advised that 2958 will not be called
10:33:22 13 back to OPI hearings. OPI are satisfied that human source
10:33:26 14 has been of assistance to Petra investigators. OPI will
10:33:31 15 notify human source today."
10:33:33 16
10:33:33 17 On 15 August was she given a direction or an advice in
10:33:37 18 relation to whether she could be involved in the tomato
10:33:44 19 cans case? Again, I think that might be in the log. Can
10:33:51 20 you check the log for 15 August. There's an entry about
10:34:04 21 conflict of interest. I don't need to take you to it if
10:34:07 22 it's on the log, thank you. On 20 August do you have an
10:34:29 23 entry about a conversation with a Detective Inspector
10:34:33 24 Smith, not the one from the DSU, the one from Petra?---I
10:34:51 25 had a meeting with Smith at Petra.
10:34:53 26
10:34:54 27 I've got to be cryptic about this. He told you that
10:34:57 28 Overland had given instructions about a proactive operation
10:35:00 29 in respect of a particular individual?---Yes.
10:35:03 30
10:35:07 31 Mr Smith wanted to know whether you could assist with
10:35:10 32 introducing a certain police section to help you?---Yes.
10:35:15 33
10:35:17 34 You raise questions about whether Mr Overland was aware of
10:35:21 35 Ms Gobbo's access to the person of interest and how he
10:35:25 36 might know about that, is that in summary what that's
10:35:43 37 about?---I'm not sure about that second part.
10:35:49 38
10:35:50 39 All right. There's a bit in brackets about whether
10:35:53 40 Mr Overland had knowledge about Ms Gobbo's access to the
10:35:57 41 person of interest, isn't there?---I can't see it on that
10:36:04 42 diary entry.
10:36:05 43
10:36:05 44 All right. Is there an entry about subpoenaing her to OPI
10:36:11 45 in relation to another person of interest? Mr White, the
10:36:48 46 page reference of the diary where we started that, where
10:36:52 47 you had a meeting with Smith about Overland instructing

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10:36:54 1 Petra to do certain things, what page of your diary is
10:36:59 2 that?---That's on p.8 of 35.
10:37:03 3
10:37:03 4 Whereabouts on the page?---It's three-quarters of the way
10:37:10 5 down the page.
10:37:16 6
10:37:16 7 It's been redacted. In any event, I'll leave that as it
10:37:30 8 is. You had some discussion with Mr Smith that involved
10:37:33 9 Mr Overland's involvement?---Yes.
10:37:36 10
10:37:44 11 In your diary on 21 August do you have a notation about
10:37:52 12 reminding the handlers, particular handler, about not to
10:37:56 13 talk about legally privileged matters?---On 21 August?
10:38:06 14
10:38:06 15 21 August in your diary, yes. Officer Green?---I've got an
10:38:38 16 update from Officer Green at 17:45.
10:38:43 17
10:38:43 18 Yes?---Speaking about the Horthy trial and I've again
10:38:54 19 reminded - sorry, again reminded by Officer Green not to
10:39:03 20 speak about potential defences to Officer Green. So this
10:39:07 21 is Officer Green updating me about what he had told
10:39:12 22 Ms Gobbo.
10:39:12 23
10:39:12 24 You didn't have to remind him, he was telling you what he
10:39:16 25 had told her?---Yes.
10:39:18 26
10:39:18 27 What page of your diary is that?---That's on p.11 of 35.
10:39:24 28
10:39:25 29 And she was informed that the police were only interested
10:39:28 30 in issues affecting her safety and nothing else?---Yes.
10:39:31 31
10:39:32 32 I tender that entry.
10:39:34 33
10:39:34 34 COMMISSIONER: That's 21 August 08, is it?
10:39:37 35
10:39:38 36 MR CHETTLE: Yes Commissioner.
10:39:38 37
10:39:40 38 #EXHIBIT RC454A - (Confidential) Diary entry Sandy White
10:39:43 39 21/08/08.
10:39:43 40
10:39:44 41 #EXHIBIT RC 454B - (Redacted version.)
42
10:39:51 43 On 1 September of 08 have you got a diary entry in relation
10:40:13 44 to a meeting you had with Mr Fox and Mr Green?---Yes, I do.
10:40:35 45
10:40:36 46 Did you give them some direction at that meeting?---"The
10:40:48 47 source was to visit Tony Mokbel and give him a message,

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10:40:53 1 spiel, which was basically the message that she is not
10:40:56 2 going to represent him. Not to entertain ongoing contact
10:41:00 3 with or from Tony Mokbel. Not to represent Italians re
10:41:06 4 Inca job. Conflict re what she has said on TI re Karam and
10:41:11 5 perceived by AFP relationship with same".
10:41:14 6
10:41:15 7 I tender that entry, Commissioner.
10:41:19 8
10:41:23 9 #EXHIBIT RC455A - (Confidential) Diary entry Sandy White
10:41:24 10 01/09/08.
10:41:24 11
10:41:24 12 #EXHIBIT RC455B - (Redacted version.)
10:41:25 13
10:41:26 14 Then on the next day did you make a diary entry about
10:41:32 15 sanitised information reports that were being provided to
10:41:36 16 counsel in relation to PII issues?---Yes, I did.
10:41:44 17
10:41:45 18 It relates to [REDACTED], you'll see the name?---Yes.
10:41:50 19
10:41:54 20 What's it say?---"Call to Officer Fox re PII re 3838 IRs.
10:42:02 21 Further sanitised IRs re [REDACTED]. Will take same to
10:42:08 22 court tomorrow. Purana has sought authority to brief
10:42:11 23 counsel. Most of IRs reveal information known only to
10:42:15 24 [REDACTED] or [REDACTED] and will compromise source."
10:42:18 25
10:42:21 26 I'll tender that, Commissioner.
10:42:24 27
10:42:27 28 #EXHIBIT RC456A - (Confidential) Diary entry Sandy White
10:42:29 29 02/09/08.
10:42:29 30
10:42:29 31 #EXHIBIT RC456B - (Redacted version.)
10:42:33 32
10:42:37 33 Perhaps I can do this in short form. You updated Mr Biggin
10:42:41 34 about that and set out some correspondence that has been
10:42:44 35 previously tendered in this case, I think, in the source
10:42:48 36 management log on 3 September?---Yes.
10:42:50 37
10:43:38 38 There's a name I'm not sure we can mention. Mr Holt needs
10:43:42 39 some time so I'll just leave it. If I can take you to 23
10:43:50 40 September, please. Do you have an update in your diary
10:44:15 41 recorded for that day?---I have an update from Officer Fox
10:44:32 42 at 17:00.
10:44:34 43
10:44:34 44 What did you record in your diary?---"Andrew Hodson rang
10:44:40 45 source after Petra release reward. Working on theories
10:44:46 46 about how his parents killed. Asked about Higgs, Tony,
10:44:50 47 et cetera. Asked if Tony had have been involved would he

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10:44:55 1 have said something to you? All evidence re Horthy trial
10:44:59 2 now finished. Human source has copy of transcript, her
10:45:04 3 name mentioned a couple of times. Officer" - I've
10:45:10 4 forgotten his pseudonym - "to get copy to check. Nil
10:45:15 5 issues apparent. Still putting off Tony Mokbel visit. Now
10:45:20 6 pencilled in for Friday. Jury out possibly Thursday or
10:45:23 7 Friday. She doesn't want to cut him off because of issues
10:45:27 8 coming up". Keep going?

10:45:33 9
10:45:34 10 Yes please?---"Valos invited her for coffee. Got there and
10:45:40 11 Ponytail Frank there, intro as John. Human source think it
10:45:44 12 is an undercover. ID as Frank D'Amico. Shown human source
10:45:50 13 photos. Is at threat. Human source been trying to catch
10:45:54 14 up with Rob Karam and did after that meeting, the next day.
10:45:59 15 New mobile phone not passed on. Third year anniversary.
10:46:04 16 Whinge. Birthday on [REDACTED] Tried to say working for us
10:46:11 17 re Mick Gatto, told her no and corrected her. Worried
10:46:15 18 about how she will cope when we, SDU, not there. Training
10:46:19 19 her to only call every second day. Human source did
10:46:25 20 Barbaro's bail app but not Karam's. Rob Karam is planning
10:46:31 21 another import. How else will he pay for legal bills. Rob
10:46:36 22 Karam has heard that Joe Manella was moved because he wants
10:46:39 23 to kill him. Richter told source Thursday night that he'd
10:46:45 24 been to a secret hearing and her name came up. His client
10:46:47 25 was shown photos" - - -

10:46:49 26
10:46:49 27 Hang on. The human source with another person of interest,
10:46:52 28 all right. The name there you can't mention?---Yes, yes.
10:46:57 29 "And Robby McEwan at coffee shop. These people were
10:47:04 30 identified as persons at the hearing as criminal associates
10:47:07 31 of hers, she is worked up". That is the end of that entry.

10:47:11 32
10:47:12 33 I tender that diary entry, Commissioner.

10:47:13 34
10:47:18 35 #EXHIBIT RC457A - (Confidential) Diary entry Sandy White
10:47:19 36 23/09/08.

10:47:19 37
10:47:19 38 #EXHIBIT RC457B - (Redacted version.)

10:47:22 39
10:47:25 40 On 26 September did you meet with Mr O'Connell, according
10:47:31 41 to your diary, about the phone that Mr Hodson had been
10:47:36 42 using to communicate with Dale immediately prior to the
10:47:40 43 Hodson killings?---Yes.

10:47:42 44
10:47:45 45 Did you diarise your meeting with him?---Yes, I did.

10:47:48 46
10:47:48 47 What took place at that meeting?---The meeting was at

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10:47:52 1 Flinders Lane with Shane O'Connell, Petra. "Discussed the
10:47:58 2 call charge records discovered re safe phone used by Paul
10:48:03 3 Dale immediately prior to Hodson killings. Given two phone
10:48:10 4 numbers which appear on call charge records for that phone
10:48:12 5 which may have been used by human source, 2958. Agree SDU
10:48:18 6 to check against intelligence holdings re numbers used by
10:48:22 7 human source and numbers called/received by human source.
10:48:27 8 Human source to be asked if she ever used false phones.
10:48:31 9 Petra investigators keen to interview human source and put
10:48:36 10 allegation to her. Petra have intel that Ahmed knew
10:48:41 11 Hodsons were going to be murdered before they were, ie told
10:48:46 12 Abby Haynes to get alibi for night of murder before it
10:48:49 13 happened".
10:48:49 14
10:48:49 15 Then was there further information about that person of
10:48:52 16 interest again?---Yes.
10:48:53 17
10:48:54 18 I tender that entry, Commissioner.
10:48:57 19
10:48:57 20 COMMISSIONER: What is the date of that one, please?
10:48:59 21
10:49:00 22 MR CHETTLE: 26 September 08.
10:49:02 23
10:49:03 24 #EXHIBIT RC458A - (Confidential) Diary entry Sandy White
10:49:05 25 26/09/08.
10:49:05 26
10:49:06 27 #EXHIBIT RC458B - (Redacted version.)
10:49:08 28
10:49:08 29 Then on the same topic, on 1 October 08 - it's probably in
10:49:21 30 the log I think, isn't it? Have you got a diary entry for
10:49:29 31 1 October about Mr Smith and Petra?---Yes, I have. Yes.
10:49:34 32
10:49:34 33 What's that say?---"Request Queensland source task".
10:49:43 34
10:49:43 35 MR HOLT: Excuse me, Commissioner.
10:49:58 36
10:50:00 37 MR CHETTLE: Sorry, we're having a crossed line here,
10:50:03 38 Mr White. Do you have a diary entry about Smith telling
10:50:07 39 you about Gobbo in possession of false SIM cards?---Yes, I
10:50:13 40 do.
10:50:14 41
10:50:16 42 After that do you have a notation that he was aware of her
10:50:19 43 identity now and it was agreed that it would be better if
10:50:24 44 the investigators interviewed her rather than SDU being
10:50:28 45 involved?---Yes.
10:50:30 46
10:51:07 47 I'll leave that alone and keep going.

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10:51:11 1
10:51:11 2 COMMISSIONER: So not tendering that one?
10:51:14 3
10:51:14 4 MR CHETTLE: No, I'm content with the evidence he's given,
10:51:17 5 Commissioner. It was just a limited amount of material I
10:51:19 6 wanted and there's some issues that I don't want to upset
10:51:23 7 Mr Holt with. Do you have an entry in your diary for 25
10:51:31 8 November of 08? There's a reference in the log to the
10:51:37 9 Petra steering committee but it doesn't really say much.
10:51:40 10 I'm just wondering if you have a more extensive entry in
10:51:45 11 your diary?---25 November 08?
10:51:48 12
10:51:48 13 Yes?---No, I was running a source course out of Melbourne
10:51:54 14 on that day.
10:51:54 15
10:51:55 16 All right, thank you. On 5 December do you have a diary
10:52:05 17 entry of a meeting with Mr Biggin?---Yes.
10:52:09 18
10:52:09 19 And Mr Overland?---I don't have the reference to
10:52:20 20 Mr Overland in my diary, I was still at this course on that
10:52:25 21 date.
10:52:25 22
10:52:25 23 Can I take you to the log then please. Do you remember you
10:52:30 24 indicated to Mr Winneke that there was a change in your
10:52:34 25 position from suggesting that she not be a witness to
10:52:38 26 suggesting that she should be a witness for Petra and you
10:52:41 27 told Mr Winneke you changed your opinion when you were
10:52:43 28 ordered to. Do you remember that line of
10:52:47 29 questioning?---Yes.
10:52:47 30
10:52:51 31 Have you got the log for 5 December there?---Yes, I do.
10:52:56 32
10:52:57 33 Does that record that yourself, Mr Black met with
10:53:01 34 Superintendent Biggin about that issue of her being a
10:53:04 35 witness?---Yes.
10:53:05 36
10:53:05 37 And the log says Mr Overland was present. Do you see
10:53:08 38 that?---Yes.
10:53:09 39
10:53:11 40 Do you have a memory of that meeting?---Not a very good
10:53:18 41 one. I remember where it occurred and I remember
10:53:22 42 Mr Overland saying to me that corruption trumps everything
10:53:28 43 and that was a reference to the Paul Dale investigation.
10:53:32 44
10:53:32 45 This meeting that we have here, the meeting that Mr Winneke
10:53:36 46 took you to where you were effectively ordered to change
10:53:40 47 your opinion about it?---Yes.

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10:53:42 1
10:53:43 2 What does your diary show? The log says what it says but
10:53:47 3 does your diary have a separate entry in it in relation to
10:53:50 4 that meeting? There's an entry in the log that says,
10:54:02 5 "Check diary" so I assume that means something?---The entry
10:54:06 6 in my diary for 5 December says 07:30, "Meet with
10:54:10 7 Superintendent Biggin, Officer Black and Officer Smith re
10:54:17 8 2958 issues re Petra intention to utilise as witness.
10:54:24 9 Agreed deployment of source to be done by Petra to isolate
10:54:29 10 activities re (indistinct) from SDU In order to protect
10:54:31 11 historical relationship from SDU from discovery should
10:54:35 12 source become a witness against Dale". That's, I think, a
10:54:40 13 meeting after the meeting with Mr Overland, Mr Biggin and
10:54:43 14 Mr Black.
10:54:45 15
10:54:46 16 The Overland and Black meeting, was that at
10:54:52 17 Queenscliff?---Yes, it was.
10:54:53 18
10:54:56 19 What's been referred to I think as a breakfast meeting or
10:54:59 20 something to that effect?---Yes.
10:55:00 21
10:55:04 22 You set out in the log, and I just want to take you to 2
10:55:11 23 March of 09 at this stage, and the log obviously speaks for
10:55:17 24 itself but there's a point I wanted to make from it. Do
10:55:24 25 you meet with Biggin, Mr Black, Detective Steve Smith and
10:55:29 26 Shane O'Connell?---Sorry, was the date 2 March 09?
10:55:35 27
10:55:35 28 Yes. Are you there?---I'm just about there. Yes, there
10:55:54 29 was a meeting at the Petra Task Force.
10:55:58 30
10:55:58 31 And I don't need - the log speaks for itself and you've
10:56:01 32 been through it. I want to take you to what was agreed and
10:56:06 33 the steps that were taken to help Petra with their task.
10:56:13 34 Did the SDU train two, train some handlers to assist in the
10:56:21 35 management of Ms Gobbo?---Yes, we did.
10:56:25 36
10:56:26 37 And they now have pseudonyms of Evans and Lloyd, do they
10:56:31 38 not?---I believe so.
10:56:33 39
10:56:33 40 Right. And you provided assistance to them in how they
10:56:41 41 could best manage what was a difficult product?---Yes.
10:56:46 42
10:56:50 43 COMMISSIONER: Were these people investigators or SDU
10:56:53 44 people?---They were investigators, Commissioner, but they
10:56:57 45 had attended a level of training, the highest level of
10:57:04 46 training for source handlers.
47

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10:57:07 1 Thank you?---But they were never dedicated source handlers,
10:57:09 2 they were actually investigators.
10:57:11 3
10:57:11 4 MR CHETTLE: But given some source handling training to
10:57:15 5 help with the task they had to perform?---Yes.
10:57:18 6
10:57:19 7 Look, you've read criticism of the unit in the past that
10:57:23 8 they failed to cooperate with Petra in relation to
10:57:26 9 decisions made to use her as a witness, do you remember
10:57:30 10 that criticism?---Yes, I do know of that criticism.
10:57:34 11
10:57:34 12 What do you say about it?---I'd say it's completely wrong.
10:57:40 13 Once I received the direction from Mr Overland to turn her
10:57:45 14 into a witness, that was done, and we provided every
10:57:49 15 possible help we could to the Petra Task Force. I think
10:57:53 16 there was some effort from the Petra Task Force to try and
10:57:57 17 get the SDU to manage Ms Gobbo on their behalf and
10:58:03 18 Superintendent Biggin and myself strongly resisted that.
10:58:07 19 So I don't know whether that's the basis of their
10:58:10 20 criticism.
10:58:11 21
10:58:12 22 You'll recall Superintendent Biggin wrote a lengthy email
10:58:16 23 which found its way into the source management log in
10:58:20 24 relation to why she couldn't be run by the SDU?---Yes.
10:58:24 25
10:58:25 26 You'll be pleased to know I'm finished with that log,
10:58:29 27 Mr White. Just a few small matters before I finish. You
10:58:39 28 told Mr Winneke that in relation to the handlers for the
10:58:43 29 SDU, you selected them all except one, do you remember
10:58:47 30 that?---Yes.
10:58:48 31
10:58:48 32 Who was the one you didn't select?---Paige.
10:58:53 33
10:59:06 34 He was only with the unit for a relatively short
10:59:10 35 time?---Yes.
10:59:10 36
10:59:11 37 At any stage did Mr Paige make any suggestion to you that
10:59:17 38 there was a problem with the deployment of Ms Gobbo?---No.
10:59:21 39
10:59:22 40 Do you recall - sorry, did I cut you off?---Certainly not
10:59:31 41 that I recall.
10:59:31 42
10:59:32 43 Mr Paige has told the Commission that there was an
10:59:38 44 opportunity to run a source that could perhaps provide
10:59:40 45 information in relation to the death of Carmen Chan, are
10:59:44 46 you aware of that case?---Yes.
10:59:46 47

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10:59:46 1 In fact you've got a background of time being in the
10:59:52 2 [REDACTED] ---Yes.
10:59:53 3
10:59:53 4 As do other members of the SDU at the time?---Yes, that's
10:59:56 5 right.
10:59:56 6
10:59:57 7 Mr Smith and Mr Black?---Yes.
11:00:00 8
11:00:00 9 Was there ever any suggestion by Mr Paige that you should
11:00:08 10 look into the Carmen Chan murder?---No. No, and I would
11:00:14 11 remember that. I reviewed the Carmen Chan investigation
11:00:17 12 when it was underway and so I had a particular interest in
11:00:22 13 it and we were trying to build the reputation for the SDU.
11:00:27 14 It would have been a great result to solve that particular
11:00:31 15 crime.
11:00:31 16
11:00:32 17 If you had the opportunity to look at it, would you have
11:00:35 18 done so?---Absolutely.
11:00:36 19
11:00:37 20 Thank you. In the documentation that you have presented to
11:01:02 21 the Commission, the various reviews and reports that you've
11:01:05 22 authored, are there sections in those notes that deal with
11:01:08 23 the issue of disclosure to courts and the need for the
11:01:12 24 system to be transparent?---Yes, there would be.
11:01:15 25
11:01:17 26 They speak for themselves, I'm not going to take up time by
11:01:21 27 going to them now. But you set out procedures which
11:01:25 28 recognised the need to be honest with the court
11:01:30 29 system?---Yes.
11:01:30 30
11:01:37 31 On a small matter, do you recall there was an issue about
11:01:41 32 some notes that were described as operational notes in the
11:01:46 33 ICRs that were mentioned by Ms Gobbo and then recovered by
11:01:51 34 the SDU from her, copies of documents she had got from Dale
11:01:55 35 in prison?---Yes.
11:01:56 36
11:01:58 37 Mr Winneke put to you that they ended up on the SDU hard
11:02:01 38 drive and you agreed with that proposition. Did the SDU
11:02:06 39 maintain a folder, as it were, a hard copy folder for the
11:02:12 40 storage of hard copy documents they received?---Yes.
11:02:15 41
11:02:17 42 Would that document end up in that folder or on the hard
11:02:20 43 drive?---It would be most likely in that folder.
11:02:23 44
11:02:28 45 To your knowledge was that document disseminated to any
11:02:31 46 other party after it was received by the SDU?---No, I don't
11:02:35 47 believe it was.

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11:02:35 1
11:02:39 2 Commissioner, there are two short matters that I need to
11:02:42 3 raise, otherwise I'm completed, but they are matters that
11:02:47 4 concern, one I touched on yesterday, and it was raised by
11:02:52 5 Mr Winneke in cross-examination of my client, and one I've
11:02:57 6 raised with Mr Holt. Now the only way I can proceed this
11:03:04 7 going forward is in a totally private hearing, without
11:03:08 8 anybody present other than the parties who have leave - at
11:03:12 9 the Bar table. There could be no publication or press as I
11:03:18 10 understand it, but I'm keen to get this material before you
11:03:21 11 in very short compass, but I can't do it in open or, I'm
11:03:26 12 told, in closed court.
11:03:28 13
11:03:28 14 COMMISSIONER: It's all cryptic to me. What's the
11:03:31 15 position?
11:03:31 16
11:03:31 17 MR WINNEKE: Commissioner, as I understand it, it concerns
11:03:33 18 the reason people were at the St Kilda Road police station
11:03:40 19 on [REDACTED] 2006, simply the reason they were there.
11:03:45 20 That's one of the issues. And I don't have any objection
11:03:51 21 myself to Mr Chettle asking those questions and it depends
11:03:57 22 on the way which he proposes to put it. Mr Holt may well
11:04:02 23 have an issue with it but as far as I'm concerned,
11:04:06 24 Commissioner, there ought be no reason it needs to be done
11:04:11 25 in a totally private hearing depending on the way in which
11:04:15 26 Mr Chettle proposes to put it. It relates to the issue we
11:04:19 27 discussed yesterday about public interest immunity and the
11:04:22 28 temporary order that you've made. I think it could be done
11:04:28 29 in a way that doesn't breach that temporary order. As I
11:04:31 30 say there is a dispute about it.
11:04:33 31
11:04:33 32 COMMISSIONER: Which order, the order about non-publication
11:04:37 33 of various witnesses?
11:04:38 34
11:04:39 35 MR WINNEKE: Yes.
11:04:39 36
11:04:40 37 MR HOLT: I note the time, it's five past 11, these issues
11:04:43 38 have been raised at various stages but became acute in
11:04:47 39 conversation this morning just as the Commissioner came
11:04:48 40 into the hearing room. If the Commissioner please might we
11:04:52 41 take the morning break now and I can discuss those issues
11:04:56 42 and see if we can avoid a dispute and argument about this.
11:04:59 43 There may be a simple way through it. I think it's simply
11:05:02 44 a question of identifying actually what Mr Chettle wishes
11:05:03 45 to ask and whether there's any need for us to be taking
11:05:08 46 particular steps.
11:05:08 47

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11:05:09 1 COMMISSIONER: What Mr Chettle seems to be proposing is
11:05:11 2 that the media and the affected parties are not present.
11:05:20 3
11:05:20 4 MR HOLT: I want to avoid having to make a submission of
11:05:23 5 that kind, Commissioner, and we may be able to and if I
11:05:25 6 have to I will, but I want to avoid making that submission
11:05:28 7 if I can.
11:05:28 8
11:05:28 9 COMMISSIONER: All right then.
11:05:29 10
11:05:30 11 MR HOLT: Perhaps if we can have 15 minutes just so I can
11:05:33 12 work that through, I'd be grateful.
11:05:56 13
11:05:57 14 COMMISSIONER: All right then, we'll adjourn for 15
15 minutes.
11:05:58 16
11:06:00 17 (Short adjournment.)
18
11:20:58 19 MR HOLT: Commissioner, I think we've managed to resolve
11:30:14 20 matters in a way that will require no such application to
11:30:17 21 be made.
22
11:30:17 23 COMMISSIONER: Thanks very much, Mr Holt. Yes Mr Chettle.
11:30:22 24
11:30:23 25 MR CHETTLE: Mr White, very briefly just to finish. When
11:30:26 26 [REDACTED] was arrested you'll remember that Officers Green
11:30:32 27 and Smith went to the St Kilda Road Police Station on the
11:30:40 28 night he was taken there, do you remember that?---Yes.
29
11:30:43 30 And did they attend at that police station in order to
11:30:46 31 assist the arresting officers have [REDACTED] cooperate with
11:30:52 32 the police?---Yes, there was some thought that he
11:30:56 33 might - - -
34
11:30:57 35 Don't go into the reasons why, if you would. They were
11:31:01 36 there to help the investigators get him effectively to roll
11:31:10 37 - yes, I understand your concern. Assist them in however
11:31:15 38 they got him to that position, put it that way?---Yes.
39
11:31:25 40 You were asked some questions about [REDACTED]
11:31:28 41 that was going to be used and you gave some evidence to
11:31:35 42 Mr Winneke about there was a consideration in relation to
11:31:38 43 [REDACTED] remember that?---Yes.
44
11:31:43 45 Was it the case that [REDACTED] was considered for a
11:31:48 46 couple of reasons, one of them being that Mr Mokbel was
11:31:53 47 trying to bribe somebody to get hold of the Kayak tape

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11:31:59 1 recordings to get rid of the evidence against him in his
11:32:02 2 current trial?---That was one of the strategies that we
11:32:04 3 considered.
4

11:32:07 5 A police officer by the name of [REDACTED] - have you
11:32:19 6 got his name there? Do you know who I'm talking about?---I
11:32:23 7 know who you're talking about.
8

11:32:25 9 He declared that he'd been offered \$2 million by an ex
11:32:30 10 member to secure those tapes, did he not?---Not sure of the
11:32:35 11 amount but there was an approach, yes.
12

11:32:38 13 So one of the concepts with [REDACTED] was to explore
11:32:40 14 the possibility of seeing whether or not [REDACTED]
11:32:44 15 [REDACTED] could offer to sell them to Mr Mokbel?---Yes, that
11:32:49 16 was a consideration.
17

11:32:50 18 There was another consideration for the use [REDACTED]
11:32:55 19 [REDACTED] which the documents reveal which we don't need
11:32:58 20 to go into today, was there not?---Yes, there was.
21

11:33:13 22 The documents I took you to before in your review of the
11:33:19 23 unit in 2009, the second passage I took you to set out some
11:33:25 24 details about steps you could take to ensure her
11:33:32 25 safety?---Yes.
26

11:33:36 27 Did you employ other means in order to ensure that she was
11:33:40 28 protected throughout the last half of her involvement with
11:33:49 29 the SDU? I'm trying to be cryptic if you can. Were there
11:33:53 30 technical issues employed to assist with her safety?---Yes,
11:33:57 31 there was.
32

11:34:06 33 Yesterday, Mr White, you conceded that with the benefit of
11:34:12 34 hindsight you wouldn't have taken her on knowing what you
11:34:16 35 know now, do you remember that?---Yes, I do.
36

11:34:19 37 Again, with the benefit of hindsight, knowing what you know
11:34:24 38 now, was there any time during the course of that
11:34:27 39 relationship where you think you should have terminated
11:34:29 40 it?---Yes, I do. I think - - -
41

11:34:33 42 What's your position on that?---The time to terminate it
11:34:37 43 would have been when she said that she was going to
11:34:40 44 represent [REDACTED], in hindsight, and Mr Winneke actually
11:34:46 45 came up with an excuse that was a very good one that I
11:34:51 46 hadn't thought of, which would have prohibited her probably
11:34:58 47 going on to represent that individual, but definitely with

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11:35:01 1 the benefit of hindsight that's where all the problems
11:35:06 2 began, major problems.
11:35:07 3
11:35:07 4 Thanks Mr White. I have no further questions.
5
11:35:12 6 COMMISSIONER: Whilst we're still in closed hearing. Could
11:35:13 7 I ask you just briefly about the document that you prepared
11:35:18 8 when the DSU was first set up, the 45 page document, the
11:35:26 9 Review and Develop Best Practice Human Source Management
11:35:29 10 Policy that Mr Chettle took you to yesterday, and he took -
11:35:33 11 - - ?---Yes, Commissioner.
12
11:35:34 13 - - - you to the quote on the front, "Informers are the
11:35:39 14 great corrupters. They have shown their moral standing by
11:35:43 15 the mere act of informing". Where does that quote come
11:35:49 16 from?---I did a very extensive review process before
11:35:53 17 preparing that document was produced and I spoke to over
18 one hundred very experienced investigators who I knew had a
11:35:56 19 lot of experience with informers. That was a quote one of
11:35:58 20 them gave me.
21
11:36:00 22 Right. It doesn't suggest - the quote itself suggests that
11:36:08 23 informers are, well, bad people, essentially. I just
11:36:15 24 wonder how you manage that, and I mean I know that it is
11:36:26 25 renowned and accepted an truth that there are great
11:36:28 26 difficulties in using informers because of the various
11:36:33 27 amounts of self-interest that they have?---Yes.
28
11:36:36 29 I think that's really what the quote's getting to. But on
11:36:39 30 the other hand we're told that police want to encourage
11:36:43 31 more informers to come forward, the courts certainly in
11:36:47 32 giving discounts in sentences to those who assist the
11:36:53 33 authorities encourage people to come forward as
11:36:58 34 informers?---Yes.
35
11:36:58 36 It's recognised as a very important tool in modern
11:37:04 37 policing. But that quote shows a disrespect, as it were,
11:37:10 38 coming from the handlers towards the very role of
11:37:13 39 informers, not all of whom will necessarily be criminals or
11:37:21 40 self-interested perhaps, there's the noble cause informing,
11:37:25 41 for example?---Yes.
42
11:37:27 43 I just really wanted to get your views on that given your
11:37:31 44 experience?---Yes. So the essence of that quote was really
11:37:35 45 saying don't trust them, that's the big problem policemen
11:37:42 46 have had over many years with informers, and in hindsight
11:37:45 47 it's very easy to say that's exactly what we did with

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11:37:49 1 Ms Gobbo, trusted her more than we should have. So that's
11:37:53 2 the essence of that quote. But I think you have to
11:37:58 3 remember too that the historic or traditional way of
11:38:02 4 recruiting a person to be an informer was by hanging a
11:38:06 5 hammer or a gaol sentence over their head and give them no
11:38:09 6 other options, the classic stuck between a rock and hard
11:38:13 7 place type situation for them, which forces them to work
11:38:16 8 with police, but they don't want to work with police, they
11:38:19 9 feel that they have to, and if they can somehow work their
11:38:24 10 way out of doing that they will. So it's very, very hard
11:38:27 11 to trust them because you don't know when they might go
11:38:31 12 back to their old loyalties. Part of the training of the
11:38:35 13 SDU team, it was very high level training, was to try and
11:38:41 14 change that way of dealing with informers so that they
11:38:45 15 weren't treated as criminals, but they were recognised for
11:38:49 16 the assistance that they were actually giving to police.
11:38:51 17 So the reward system factored into that. The way that we
11:38:57 18 dealt with the people that we managed was radically
11:39:01 19 different than the way most detectives would deal with
11:39:04 20 informers in the past. We tried to build good
11:39:08 21 relationships with informers and tried to, if you like,
11:39:12 22 have them believe that they were doing something
11:39:16 23 worthwhile.
24
11:39:16 25 Yes. And part of your strategy seemed to be to treat them
11:39:22 26 like human beings in effect?---Absolutely, absolutely.
27
11:39:26 28 Whereas the criminal classes, of course, saw them as dogs,
11:39:32 29 traitors?---And traitors.
30
11:39:35 31 Yes. But yet that quote seems to put them, that you've got
11:39:39 32 in the front of your report seems to suggest that you
11:39:41 33 really aren't treating them very differently from the way
11:39:45 34 the criminal class would treat them?---I think that was the
11:39:50 35 first report.
36
11:39:55 37 Yes, I think it was at the beginning. I think it was at
11:39:58 38 the beginning, the document at the beginning?---Yes. I
11:40:01 39 think it wasn't - - -
40
11:40:04 41 2005. It's dated 26 September 2005?---So that was the one
11:40:09 42 that recommended the setting up of the system.
43
11:40:11 44 Yes?---It wasn't prepared to be derogatory, it was put
11:40:15 45 there as a reminder of the fact that you just can't trust
11:40:20 46 those people, and I think it's still probably relevant
11:40:23 47 today. When I think of all the high-risk informers we had,

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11:40:28 1 there was probably always other agendas in the background,
11:40:31 2 and today when we talk about Ms Gobbo I probably expected
11:40:37 3 her to be quite different being a professional lawyer, I
11:40:40 4 probably thought that I could trust her, or certainly
11:40:44 5 didn't put as much caution into my thinking as I should
11:40:48 6 have. Finding out that she was charging people for legal
11:40:54 7 advice was quite a shock to me during this hearing. I
11:40:58 8 never knew that happened.
9
11:41:02 10 Thanks Mr White. Mr Winneke.
11
11:41:08 12 MR WINNEKE: I assume no one else has any questions?
13
11:41:12 14 COMMISSIONER: We've had re-examination from Mr Chettle so
11:41:16 15 I think it's just for you now.
16
11:41:18 17 MR WINNEKE: Thanks Commissioner. Just on that question, I
11:41:22 18 suppose of motive, Mr White - can you hear me? I better
11:41:26 19 get this. I'm sure you don't want to but I'm still here.
11:41:31 20 The reality is you were fairly uncertain about her motives
11:41:37 21 throughout, weren't you?---I always believed that her
11:41:45 22 motivation was that she wanted to get the Mokbels out of
11:41:50 23 her life.
24
11:41:50 25 Yes?---At one point, and it's been - it's come out in the
11:41:56 26 process of this examination, at one point I or the handlers
11:42:01 27 have said to her, well, that's been achieved, yet she still
11:42:05 28 wanted to continue to provide assistance. So her
11:42:10 29 motivation clearly must have been more than just getting
11:42:14 30 the Mokbels out of her life.
31
11:42:16 32 There's been evidence that Mr Biggin and you had
11:42:21 33 communications with each other and he said, in an email I
11:42:25 34 think on 17 February 2009, "I don't think we ever got to
11:42:30 35 the bottom of this source's motivation. We did some
11:42:33 36 guessing but the crystal ball will tell us we may have been
11:42:38 37 off the mark". That may well be right, mightn't it?---Yes.
38
11:42:41 39 You, interestingly, in 2010 were communicating with a
11:42:47 40 number of people about SDU business and I've got a
11:42:53 41 document, VPL.6025.0008.7802. There's an email that you've
11:43:05 42 sent. You've linked an article - just have a read of that.
11:43:09 43 At the bottom is your contribution to that discussion.
11:43:33 44 Mr Chettle can't see that. He can now?---I can see my
11:43:48 45 response, Mr Winneke, but I can't see the rest of the
11:43:51 46 document.
47

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11:44:02 1 COMMISSIONER: Can you see it, Mr White?---Yes, I can,
11:44:04 2 thank you.
3

11:44:06 4 MR WINNEKE: Look, it's not of great moment but what you do
11:44:09 5 say, and you're having a general discussion about motives
11:44:12 6 and you link a consistency article and I think if we go
11:44:19 7 over to the next page it's from some publication called
11:44:23 8 insideinfluence.com. Do you see that, that's the link that
11:44:28 9 you - - - ?---Yes.
10

11:44:29 11 Effectively what you say, and effectively looking back you
11:44:31 12 say, "Well, in the case of Ms Gobbo there needed to be
11:44:35 13 constant reminder that she wasn't in it for the money.
11:44:39 14 Worked for a long time in deflecting her comments about
11:44:42 15 money or being forced into a position where she had no
11:44:44 16 choice. Food for thought". I take it what you're really
11:44:49 17 saying is that she had the view or was putting the
11:44:54 18 proposition that she was forced into a position where she
11:44:57 19 had no choice and also there was suggestions of a desire
11:45:02 20 for money and "we had to constantly reinforce the fact that
11:45:06 21 she was doing it for other reasons", you know, for the good
11:45:11 22 of having criminals convicted. That's really what you're
11:45:15 23 saying, isn't it?---I'm not too sure what we're saying
11:45:32 24 there.
25

11:45:35 26 In the above paragraph it isn't about encouraging people to
11:45:39 27 make a voluntary statement about goals and intentions.
11:45:44 28 It's hard to see. I can see it here. "The point about
11:45:48 29 encouraging people to make voluntary statements about goals
11:45:51 30 and intentions is certainly relevant to us. Gobbo is an
11:45:54 31 example. Constant reminded about why a source, became a
11:45:58 32 source, 'I had to get the Mokbels', will keep the source on
11:46:01 33 track. Behaviour consistent with publicly stated
11:46:05 34 principles and therefore easier to manage"?---Yes.
35

11:46:08 36 What you're saying is, "Look, we had to constantly remind
11:46:13 37 her of those things". Are you able to explain what you
11:46:15 38 mean by that or is that simply apparent from the
11:46:18 39 reading?---I can't take it any further than what's in the
11:46:21 40 reading. I think it's a - the issue of consistency was a
11:46:28 41 bit of a management tool for sources to, as it says there,
11:46:34 42 keep them on track when they tell you what their original
11:46:37 43 motivation is. If they start straying from that, remind
11:46:41 44 them what their motivation was.
45

11:46:42 46 In any event, it appears that there was a constant need to
11:46:45 47 do that, at least looking back in 2010, that was your

.03/09/19

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11:46:49 1 impression?---It does appear that way but the material
11:46:55 2 we've gone through, she raises it herself, it seems, quite
11:46:59 3 regularly.
4
11:47:00 5 As in she raises the issue of money or the issue of - - -
11:47:07 6 ?---Yes, money and about being forced into a position where
11:47:12 7 she had no choice. She certainly mentioned that more than
11:47:16 8 once.
9
11:47:18 10 I'll move away from that.
11
11:47:19 12 COMMISSIONER: Just before you do, Mr Winneke.
13
11:47:21 14 MR WINNEKE: Yes.
15
11:47:22 16 COMMISSIONER: Can I just ask you this, Mr White: in terms
11:47:37 17 of Nicola Gobbo's reason for informing, towards the end she
11:47:44 18 did seem to be much more interested in the money, would you
11:47:46 19 agree with that, she kept on talking about it and you kept
11:47:49 20 on - you, that is the SDU handlers, et cetera - - -
11:47:53 21 ?---Yes.
22
11:47:53 23 - - - kept on moving her away from it but it was a
11:47:57 24 recurring theme in the later part of the
11:48:00 25 relationship?---Yes, it was.
26
11:48:01 27 Thank you.
28
11:48:01 29 MR WINNEKE: There was also this desire to be, in effect,
11:48:05 30 validated and thanked and recognised for the work that she
11:48:10 31 been providing, do you accept that?---Yes.
32
11:48:13 33 Because on a number of occasions she said, "Look", for
11:48:20 34 example, "Mr O'Brien hasn't thanked me", and she was
11:48:24 35 apparently upset about that. Do you accept that was a sort
11:48:28 36 of a reason, a need to be wanted, a desire to be
11:48:33 37 wanted?---I think the evidence yesterday about having a
11:48:38 38 large but fragile ego probably factored into that. The
11:48:43 39 need to be wanted is probably right. She also believed
11:48:46 40 that she was doing a very good thing in terms of helping
11:48:49 41 the police put these types of people away and she
11:48:54 42 definitely felt that she should be appreciated for that.
43
11:49:00 44 That was encouraged by police, that view that she was doing
11:49:04 45 the right thing, that was encouraged by police to ensure
11:49:09 46 that she kept assisting?---Well, it was definitely
11:49:15 47 encouraged by police and in regards to your second point,

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11:49:22 1 to keep assisting, well that, as you see, it changed over
11:49:26 2 time. There was several times we wanted to stop the
11:49:28 3 relationship and just focus on the duty of care issues and
11:49:32 4 then it would start up again. So at various times during
11:49:35 5 the relationship, in the early part, it was all right;
11:49:41 6 toward the end what we were trying to do was not do
11:49:45 7 anything with her.
8
11:49:46 9 COMMISSIONER: Do you want to tender that, Mr Winneke?
10
11:49:48 11 MR WINNEKE: I tender that email.
11:49:51 12
11:49:51 13 #EXHIBIT RC459A - (Confidential) Email from Sandy White
11:49:56 14 dated 22/02/10.
11:49:56 15
11:49:56 16 #EXHIBIT RC459B - (Redacted version.)
17
11:50:05 18 Just dealing with a matter that Mr Chettle raised shortly
11:50:10 19 before he sat down, effectively the proposition was being
11:50:15 20 put that on [REDACTED] 2006 there was really one reason why
11:50:22 21 the SDU representatives were at the St Kilda Road Police
11:50:28 22 Station and that was with respect to [REDACTED]. That's
11:50:32 23 what you said; is that right?---Yes, that's right.
24
11:50:36 25 But I want to put it to you that that wasn't the only
11:50:40 26 reason there. There was another reason and that was you
11:50:46 27 wanted, in effect, to make sure that Ms Gobbo's involvement
11:50:52 28 didn't get out?---There would have been some consideration
11:50:59 29 about what would happen if she turned up, yes, and then
11:51:02 30 monitoring that.
31
11:51:04 32 I mean you knew she was going to be turning up, I
11:51:09 33 suggest?---We didn't know for 100 per cent but there was
11:51:14 34 always the certainty that she was going to, yes.
35
11:51:16 36 Just to make it clear. If we go, for example, to the
11:51:20 37 discussion that you had with her, and I know we've been
11:51:22 38 through this at some length in relation to other matters,
11:51:30 39 but if we go to VPL.0005.0097.0011, at p.295, this is 0305,
11:51:45 40 so this is the discussion you had on Thursday [REDACTED]
11:51:48 41 2006, right, and if we go to .0305, which is p.295 of the
11:51:56 42 document. This is a meeting that you and Mr Smith have
11:52:12 43 with Ms Gobbo and I think Green is there also. You say in
11:52:21 44 the middle of the page, "It's good to have an excuse or a
11:52:25 45 series of excuses in your hand without having to be caught
11:52:30 46 on the hop and having to make it up". Ms Gobbo says,
11:52:37 47 "Anyway, my original question, how many people the night

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11:52:38 1 [REDACTED] is arrested, who am I going to find there who's
11:52:43 2 going to know about this?" Mr Smith says, "Two definite,
11:52:47 3 three definites. Three now. Why three?", says Ms Gobbo.
11:52:53 4 "Because one of us will be around", says Mr Green.
11:52:56 5 Ms Gobbo says, "Why are you going to be around?" Mr Smith
11:53:02 6 says the reason that you've, or at least in part the reason
11:53:09 7 you've referred to, "See how [REDACTED] goes". Ms Gobbo
11:53:14 8 said, "But isn't someone there going to say why are you
11:53:17 9 there?" Mr Green says, "They'll be too busy". Then you
11:53:22 10 say, "The other thing, we want to make sure that it is not
11:53:27 11 going to be said that can be attributed to you". She says,
11:53:31 12 "Well fuckin' maybe put a muzzle over some mouths then".
11:53:34 13 So effectively that's the second reason, I suggest, that
11:53:36 14 you're going to be there, you know she's going to be
11:53:38 15 there - at least when I say you, I'm not talking about you
11:53:41 16 personally, but your unit will be there to smooth things
11:53:45 17 over with Ms Gobbo and ensure that her involvement is not
11:53:51 18 attributable or not visible, do you accept that
11:53:56 19 proposition?---To a certain extent I do but the guys
11:54:02 20 obviously would have been there to manage any sort of - - -
21
11:54:10 22 Let's obviously understand the difficulties that we've got.
11:54:15 23 Mr Holt has reminded me of that and that's quite right. If
11:54:18 24 you can answer the question bearing that in mind if you're
11:54:24 25 able to?---Yes, it would have been to manage any
11:54:36 26 possibilities that, or any situations that might have
11:54:39 27 compromised her.
28
11:54:41 29 Okay, all right then. So the point I'm making is by this
11:54:44 30 stage, certainly on the [REDACTED], it's expected by everyone
11:54:49 31 that she's going to be there, she's told you
11:54:53 32 effectively?---She's already - that's right.
33
11:55:00 34 There are a couple of other matters I want to deal with. I
11:55:02 35 asked you, you recall - I'll jump around a bit by
11:55:11 36 necessity. But you recall that one of the things that I
11:55:13 37 dealt with earlier on was whether you had been to a meeting
11:55:21 38 with a number of barristers arising out of the civil
11:55:26 39 litigation in 2010 and what you said is, look, you couldn't
11:55:33 40 recall going to more than one meeting. There was a meeting
11:55:36 41 you went to, and we went through it at some length, you
11:55:39 42 recall, there were notes taken by members of the VGSO which
11:55:46 43 referred to your - - - ?---I recall that.
44
11:55:48 45 Yes. I asked you whether you'd been to a meeting with
11:55:50 46 barristers around the time of the civil litigation earlier
11:55:54 47 on and what I suggest - and you said you didn't recall any

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11:55:59 1 more than the one meeting, do you accept that?---Yes.
2
11:56:03 3 If you have a look at your diary, your electronic diary on
11:56:07 4 4 August 2010?---Sorry, was that 2010?
5
11:56:22 6 Yes, 4 August 2010?---Could I be shown that? I don't have
11:56:26 7 a copy of that here.
8
11:56:28 9 VPL.2000.0001.2364. Do you see that entry at 10 o'clock on
11:56:51 10 that day, 4 August 2010?---Yes.
11
11:56:58 12 No criticism of you because it's a while ago, but certainly
11:57:02 13 it appears that you're at that meeting also with Messrs
11:57:06 14 Rush, Wheelahan, Bona, Ryan and an unknown female who I
11:57:11 15 suggest may be someone called Pekevaska from the VGS0. Does
11:57:22 16 that assist you in your recollection, 200 Queen
11:57:27 17 Street?---Yes. I take it this a separate meeting, a
11:57:30 18 separate date to the one we spoke about?
19
11:57:32 20 Yes, it is, it is?---Yes. And I presume - are these
11:57:36 21 parties the ones that were present in those notes you
11:57:39 22 showed me?
23
11:57:40 24 Yes, I think I showed you earlier some notes in which you
11:57:47 25 had been asked to vet some people about whether they had
11:57:49 26 conflicts and so forth. These were the people, at least
11:57:52 27 the barristers, were two of the people you'd been asked to
11:57:54 28 vet. Do you recall anything that occurred at that meeting,
11:57:57 29 whether you had any discussions with them about your
11:57:59 30 knowledge of Ms Gobbo and what you said or not?---No. As I
11:58:09 31 said the other day, the only thing I really recall about
11:58:14 32 either this meeting or the other one was the surprise when
11:58:17 33 I talked about the fact that Ms Gobbo had been virtually
11:58:21 34 assaulted by Horthy Mokbel.
35
11:58:27 36 In any event, doing the best you can, that's all you can
11:58:30 37 say and you're really not able to attribute that to this
11:58:33 38 meeting or the other meeting; is that right?---That's
11:58:35 39 right.
40
11:58:40 41 Can I move then to another document, 6025.0003.8447. This
11:59:12 42 is an email - Commissioner, I'm not too sure whether we've
11:59:17 43 tendered as a bundle of documents Mr White's emails. I
11:59:21 44 don't think we have. We have? All of them?
11:59:23 45
11:59:23 46 MR HOLT: They were tendered as a bundle effectively for
11:59:26 47 identification and we've been identifying significant ones

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11:59:28 1 as we've gone through and tendering those separately.
2
11:59:35 3 MR WINNEKE: Okay. If we go over to the second page. This
11:59:56 4 appears to be an email from Steve Smith to Mark Porter,
12:00:07 5 CCing Shane O'Connell. Sorry, if we go back to the first
12:00:16 6 page. Mark (Petra) had a meeting with you, that is
12:00:34 7 Mr Smith?---Yes.
8
12:00:35 9 In relation to Ms Gobbo. "We mentioned to him that during
12:00:39 10 the committal of Paul Dale for the Hodson murders, Tony
12:00:43 11 Hargreaves, on behalf of Dale, had requested production of
12:00:46 12 any informer management files relating to this witness.
12:00:49 13 She is Witness F in the committal. We've sought
12:00:52 14 instructions from Mr Gipp", a barrister representing the
12:00:59 15 Chief Commissioner of Police, "and he said that on the face
12:01:02 16 of it we're obliged to hand over any documents on this file
12:01:05 17 that relate to the Hodson matter. Petra requested we be
12:01:08 18 given permission to access this file and identify documents
12:01:11 19 we may need to be produced. I understand the ramifications
12:01:15 20 of this and discussed it at length with Mr White. I'll
12:01:18 21 also bring it to the attention of our steering committee.
12:01:36 22 Once the documents have been accessed we will negotiate any
12:01:41 23 production, redaction or otherwise with Ron. Could you
12:01:44 24 give this request your earliest consideration?" Do you
12:01:52 25 recall having a discussion with - well, indeed with anyone
12:01:58 26 at Petra about this at about this time, in relation to the
12:02:02 27 committal proceeding, about this matter?---Not that I
12:02:07 28 recall. This was the committal of Paul Dale? No, not that
12:02:16 29 I recall.
30
12:02:16 31 This is obviously - this is the committal in which Paul
12:02:20 32 Dale and Rod Collins were charged with the murders of
12:02:28 33 Mr and Mrs Hodson and obviously Ms Gobbo had been presented
12:02:32 34 as a witness, Witness F in the proceeding. Clearly this
12:02:35 35 was a matter of some significance to Victoria Police and to
12:02:38 36 the defendants and, one assumes, to the SDU, you in
12:02:44 37 particular. Do you not have any recollection of having
12:02:46 38 discussions around this time of the committal
12:02:49 39 proceeding?---No.
40
12:02:54 41 Do you recall having any discussions at all with barristers
12:02:58 42 around the time of the committal proceeding?---No, I don't.
43
12:03:05 44 Is your memory about the committal proceeding and matters
12:03:09 45 concerning this committal proceeding completely blank, is
12:03:11 46 it?---Yes, it is. I didn't have anything to do with that
12:03:20 47 committal proceeding. She'd well and truly left us by

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12:03:24 1 then.
2
12:03:24 3 Yes?---I'd have to refer to my diary for those dates that
12:03:29 4 you're talking about.
5
12:03:31 6 In any event, it's clear that you've had the discussion and
12:03:39 7 it seems to have been a lengthy discussion and did you have
12:03:42 8 any discussion with Mr Smith about it or Mr Porter?---Not
12:03:48 9 that I can recall.
10
12:04:01 11 COMMISSIONER: Did you want to tender that?
12
12:04:03 13 MR WINNEKE: I tender that, Commissioner.
14
12:04:04 15 COMMISSIONER: What happened was the bundle of documents of
12:04:06 16 emails were tendered as a confidential exhibit on the
12:04:09 17 understanding - - -
18
12:04:10 19 MR WINNEKE: I tender this as a specific exhibit,
12:04:13 20 Commissioner.
21
12:04:13 22 COMMISSIONER: All right, thank you. The idea being that
12:04:16 23 any we wanted to rely on and have PIIed by Victoria Police
12:04:20 24 we'd tender. So that will be 460A and B.
12:04:24 25
12:04:25 26 #EXHIBIT RC460A - (Confidential) Email VPL.6025.0003.8447.
12:04:37 27
12:04:38 28 #EXHIBIT RC460B - (Redacted version.)
29
12:04:50 30 Perhaps if we go to 9 March 2010, it's at
12:05:12 31 VPL.2000.0001.2253. Have you got that there, 8 of 41 I
12:05:26 32 think it is, p.8 of 41 in that. It appears that you've got
12:05:42 33 a call from another member of the SDU, Preston I think it
12:05:50 34 is. "Shane O'Connell has told a solicitor that Ms Gobbo
12:05:54 35 was a source, had first meeting transcribed where she
12:05:59 36 declared she was a source and put Mokbel away. Solicitor
12:06:02 37 is named Bell and he's representing VicPol in case against
12:06:06 38 Dale. Committal under way." Are you able to shed any
12:06:10 39 light on that entry at all or not?---No.
40
12:06:21 41 Then it appears - it's difficult for us to ascertain what
12:06:24 42 occurs but if we follow through the diary we might be able
12:06:28 43 to find somewhere where there's a date on it, if we just
12:06:32 44 follow through that. Just keep scrolling through that if
12:06:36 45 you wouldn't mind. If we go through to 2277, a call to
12:07:02 46 Shane O'Connell, Petra, re request for source management
12:07:06 47 file. Then there's a meeting - then if we go to 2280.

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12:07:13 1 That indicates your meeting, is that right? Just have a
12:07:20 2 read of that?---I've read it.
3
12:08:08 4 That reflects the meeting that you had and what was
12:08:11 5 discussed?---Yes.
6
12:08:12 7 I tender that, Commissioner. Sorry, did you want to add
12:08:16 8 something?---No, no, just that it would have.
9
12:08:19 10 COMMISSIONER: This is the diary entry of 9 March, is it?
11
12:08:23 12 MR WINNEKE: 10 March.
13
12:08:24 14 COMMISSIONER: 10 March 2010.
12:08:26 15
12:08:27 16 #EXHIBIT RC461A - (Confidential) Diary entry Sandy White
12:08:31 17 dated 10/03/10.
12:08:31 18
12:08:32 19 #EXHIBIT RC461B - (Redacted version.)
20
12:08:36 21 "SS to make written request to Superintendent Porter for
12:08:39 22 release of information relevant to Dale. Suggested that
12:08:42 23 SDU access SCRs for search of Dale references. This
12:08:48 24 material could then be supplied to Gipp for assistance re
12:08:54 25 PII argument. Defence entitled to know prior inconsistent
12:08:59 26 statements. Revealing the fact that Gobbo was a human
12:09:03 27 source several years ago prior to involvement with Petra.
12:09:05 28 Will compromise same and confirm her police assistance at
12:09:08 29 the time of the Mokbel investigation", do you understand
12:09:09 30 that?---Yes.
31
12:09:21 32 At that stage was it your understanding that Mr Mokbel was
12:09:29 33 in custody and his matters hadn't yet been resolved?---I
12:09:37 34 don't know at this point in time.
35
12:09:40 36 Well they weren't resolved until 2011 and ultimately it
12:09:44 37 says at the bottom, "Confirm her police assistance at the
12:09:47 38 time of the Mokbel investigation"?---Sorry, I can only see
12:09:50 39 down to the line that starts, "Revealing fact".
40
12:09:54 41 It says, "Revealing fact that human source was a human
12:09:58 42 source several years prior to involvement with Petra. Will
12:10:01 43 compromise same and confirm her police assistance at the
12:10:04 44 time of the Mokbel investigation"?---Yes.
45
12:10:08 46 Do you recall any discussions about whether Mr Mokbel's
12:10:12 47 position or Mr Mokbel might well be entitled to information

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12:10:19 1 concerning Ms Gobbo's involvement?---No.
2
12:10:31 3 If we then go to 2284. You see at the bottom there's
12:10:44 4 another entry. That's your entry?---Yes, it is.
5
12:10:59 6 I tender that, Commissioner. That's an entry on 11 March
12:11:03 7 2010.
12:11:06 8
12:11:07 9 #EXHIBIT RC462A - (Confidential) Diary entry Sandy White
12:11:08 10 dated 11/03/10.
12:11:08 11
12:11:09 12 #EXHIBIT RC462B - (Redacted version.)
13
12:11:20 14 You've said previously that the HSMU is the body which is
12:11:24 15 involved in discussions around public interest immunity and
12:11:29 16 disclosure, do you accept that?---Yes.
17
12:11:34 18 It seems to be the case that they're certainly involving
12:11:37 19 you in that process?---Yes.
20
12:11:40 21 Is that in the usual course?---I don't know if it's in the
12:11:49 22 usual course or whether that just happened to be specific
12:11:53 23 to this file. They've got copies of everything the SDU
12:11:58 24 did.
25
12:11:59 26 Yes. If we then go over to your entries on 15 March. I
12:12:14 27 might just tender those as well, Commissioner.
28
12:12:21 29 COMMISSIONER: 15 March.
30
12:12:24 31 MR WINNEKE: 15 March, 2287 over to 2288.
12:12:27 32
12:12:28 33 #EXHIBIT RC463A - (Confidential) Diary entries Sandy White
12:12:31 34 dated 15/03/10.
12:12:31 35
12:12:32 36 #EXHIBIT RC463B - (Redacted version.)
37
12:12:36 38 These are, it seems to be an email, a series of emails, if
12:12:40 39 you go over to the second page, starting with the email
12:12:47 40 that we've already referred to, do you see that, of 11
12:12:50 41 March?---Yes.
42
12:12:54 43 And then at the top it refers to you, "You should have
12:13:00 44 access by now, and Hotham', so that's a reference to Mr
12:13:05 45 Mr Hotham and his email to you, is that your Hotham
12:13:08 46 recollection?---Yes.
47

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12:13:18 1 I tender that, Commissioner.
2
12:13:20 3 COMMISSIONER: We've done that, 463A and B.
4
12:13:26 5 MR WINNEKE: Are you able to enlighten the Commission as to
12:13:29 6 any further involvement you had in that process?---No.
7
12:13:37 8 Thanks very much. One of the concerns that you had, and
12:13:52 9 that I think Mr Chettle has asked you about, was the
12:13:55 10 administrative support deficiencies in the SDU and
12:14:03 11 certainly that was the case early days, wasn't it?---Yes.
12
12:14:07 13 And indeed it seems that Superintendent Lucinda Nolan
12:14:14 14 conducted an audit of the SDU or the DSU, as I think it
12:14:24 15 was, in June of 2006 and one of the things that she
12:14:27 16 indicated was that there was insufficient administrative
12:14:32 17 support. That was the case in her report of 15 June 2006,
12:14:36 18 which I think has been tendered.
12:14:39 19
12:14:39 20 MR CHETTLE: Yes, it has.
21
12:14:44 22 MR WINNEKE: That was still the case in June of 2006. Did
12:14:47 23 it continue to be the case thereafter?---Yes.
24
12:14:54 25 Was it ever resolved to your complete satisfaction, that is
12:15:00 26 - - - ?---No.
27
12:15:01 28 That is the sufficiency of administrative support?---No.
29
12:15:05 30 Obviously that led to the difficulties that we've discussed
12:15:07 31 and we've spoken about for you, I suppose?---Yes, and for
12:15:13 32 the office as a whole.
33
12:15:19 34 Whilst we're dealing with Ms Nolan and her audit, we
12:15:28 35 understand that she was to conduct an audit on the SDU
12:15:37 36 files, as I've indicated, and it was finally done on 15
12:15:42 37 June. But she didn't audit Ms Gobbo's files, you recollect
12:15:48 38 that?---Yes, I do.
39
12:15:53 40 Mr Chettle took you to an entry in your diary of 24 May
12:15:59 41 2006 and that's VPL.2000.0001.0798, if we can go there. It
12:16:36 42 may well be it's 25 May. In fact it's p.175 of your diary.
43
12:16:47 44 COMMISSIONER: So 25 May 06, that's Exhibit 400.
45
12:16:53 46 MR WINNEKE: It is, Commissioner. I don't know whether
12:16:55 47 it's been exhibited in its entirety or just that page.

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12:17:00 1 This is an update - sorry, this is a reference to a meeting
12:17:07 2 with, is it Assistant Commissioner Biggin, or Assistant
12:17:15 3 Commander?---Actually, no, sorry, you're probably right. I
12:17:19 4 think I said it was Assistant Commander but there is not
12:17:22 5 such a rank, so it must be - it's either Acting Commander
12:17:25 6 or Assistant Commissioner.
7
12:17:26 8 Okay. If we go up, there's a discussion, "Operation
12:17:39 9 Purana. Meet Jim O'Brien at 13:55". Then there's some
12:17:52 10 information blanked out. But then there's an update by
12:17:58 11 Mr Smith; is that right?---Yes.
12
12:18:01 13 "Agreed that Ms Gobbo human source at this stage, see how
12:18:08 14 it develops." Then there's a meeting with Biggin?---Can I
12:18:13 15 just correct you for one minute?
16
12:18:15 17 Yes, by all means?---The update by Mr Smith, "Agreed human
12:18:23 18 source human source at this stage", I'm not completely sure
12:18:27 19 whether that's actually Ms Gobbo.
20
12:18:28 21 Okay, righto. We may well - that perhaps doesn't matter.
12:18:33 22 But the next entry is the meeting with Biggin. I take it
12:18:35 23 that's a meeting that you're having with him?---Yes.
24
12:18:38 25 And there was the advice about [REDACTED], et cetera, and
12:18:49 26 previous Waters' intelligence, et cetera?---Yes.
27
12:18:53 28 If we go over the page. The next topic is the one I'm
12:18:56 29 interested in. "Request instructions re what to tell
12:19:02 30 Superintendent Nolan re files of human source ID. Inform
12:19:10 31 had been instructed by DC", which may well be Deputy
12:19:19 32 Commissioner, "via PW not to tell her and refer to
12:19:25 33 Commissioner or Commander". I want you to, if you can,
12:19:29 34 shed some light on that and "instructed to advise same if
12:19:34 35 asked". It appears to be you wanted to know what to tell
12:19:40 36 Superintendent Lucinda Nolan about Ms Gobbo's files and it
12:19:48 37 appears to read that the instructions were from, let's say
12:19:55 38 it's Deputy Commissioner Overland at that stage via PW, not
12:20:01 39 too sure who that is, not to tell her. Can you shed any
12:20:05 40 light on that?
41
12:20:08 42 COMMISSIONER: Just before you answer. I have had an email
12:20:11 43 inquiry about whether this can be in open court, in open
12:20:14 44 hearing?
45
12:20:15 46 MR WINNEKE: I see no reason why it can't be, Commissioner.
47

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12:20:19 1 COMMISSIONER: All right then. The hearing is now open.
12:20:21 2 Just keep that in mind, that it's open and you need - - -
3

12:20:25 4 MR WINNEKE: Yes, Commissioner.
12:20:27 5 - - -
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1 PROCEEDINGS IN CAMERA:

2
12:36:43 3 MR WINNEKE: Are you asking me?

4
12:36:45 5 COMMISSIONER: No, no, I was stating that if you're not
12:36:49 6 within that category of people you have to leave the
12:36:52 7 hearing room.

8
12:36:53 9 MR WINNEKE: Yes. What I suggest to you is that it was
12:37:11 10 well-known to you and expected that Ms Gobbo would continue
12:37:22 11 to be engaged by and advise [REDACTED] and indeed you were
12:37:37 12 provided with transcripts by Purana to provide to Ms Gobbo,
12:37:45 13 and we went through these at some length previously, to
12:37:50 14 enable her to go and speak to her client to assist him to
12:37:53 15 roll, in effect, you were aware of that, weren't
12:37:59 16 you?---Sorry, just in relation to [REDACTED]?

17
12:38:03 18 Yes?---So my view was that that was being handled by Stuart
12:38:08 19 Bateson and she was dealing with him. Of course you
12:38:15 20 pointed out the fact that we gave her transcripts to show
12:38:20 21 him.

22
12:38:20 23 Yes?---So we must have known at some time, whether at that
12:38:27 24 time, that she was still assisting Bateson in relation to
12:38:30 25 that witness.

26
12:38:31 27 Yes. I want to ask you about an entry in your diary at
12:38:41 28 p.137 which is VPL.2000.0001.0782.

29
12:39:29 30 COMMISSIONER: What date is this, Mr Winneke?

31
12:39:32 32 MR WINNEKE: Commissioner, it's the 17th of the 5th 2006.
12:39:47 33 Do you see that?---Yes, I do.

34
12:39:50 35 Can we put that up on Mr Chettle's screen.

36
12:39:54 37 COMMISSIONER: I think that's Exhibit 398.

38
12:39:57 39 MR WINNEKE: I just wanted to ask you about this because
12:40:00 40 Mr Chettle asked you about it yesterday and this was the
12:40:03 41 meeting that you had with Mr Overland and Mr Smith
12:40:06 42 regarding Ms Gobbo. There was a discussion with respect to
12:40:11 43 the reward process, the motivation and financial reward not
12:40:18 44 appropriate, and then consider acknowledgement of
12:40:21 45 appreciation by Mr Overland. I just wanted to ask you
12:40:26 46 about this next entry which seemed to be a little bit
12:40:29 47 unclear from your evidence yesterday. What it says is, "AC

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12:40:33 1 advised human source he's aware of human source existence,
12:40:39 2 not extent of the same". You interpreted it yesterday but
12:40:45 3 I'm just not too clear exactly what you think it means.
12:40:52 4 Just have a read of it?---It is confusing.
5

12:41:08 6 Yes. What I suggest it means is this, that you tell
12:41:15 7 Overland that Gobbo has been told that Mr Overland is aware
12:41:22 8 of her role as an informer but not the extent of the same.
12:41:29 9 This is a note of a meeting you're having with Simon
12:41:35 10 Overland?---Yes.
11

12:41:36 12 What you're saying is, "I told Overland that Gobbo knows
12:41:40 13 that Overland knows that she's an informer, but not the
12:41:45 14 extent of that knowledge". In other words - - - ?---I
12:41:47 15 think you might be right. I think that must have been a
12:41:51 16 reference to what we had told her.
17

12:41:53 18 Effectively you're saying, "Look, Mr Overland, we've told
12:41:57 19 Ms Gobbo that you know - this is what we've told her. You
12:42:02 20 know about her existence as an informer and we've told her
12:42:05 21 that we haven't filled you in on the full extent of her
12:42:09 22 involvement as an informer", would that be fair to
12:42:14 23 say?---That is a possible interpretation. It is unclear.
24

12:42:20 25 Yes, no, I follow that. That's not to say Mr Overland
12:42:25 26 wasn't aware of the full extent or the full extent of
12:42:28 27 Gobbo's involvement. That's simply what you're telling him
12:42:31 28 about her understanding, what she'd been led to
12:42:35 29 believe?---Yes.
30

12:42:36 31 Do you follow what I'm saying?---That would be right.
32

12:42:39 33 The point I'm making is this: that Overland was aware as a
12:42:46 34 general proposition of what she was doing and her
12:42:49 35 involvement as a human source?---Yes, and I'm pretty sure
12:42:58 36 Jim O'Brien from Purana was reporting directly often to
12:43:03 37 Mr Overland about the entire investigation and her
12:43:06 38 involvement in it.
39

12:43:07 40 So Overland was aware of the full extent of her
12:43:11 41 involvement?---I believe so, yes.
42

12:43:12 43 What you're really saying in that note is Gobbo wasn't
12:43:17 44 aware, "We" weren't telling Gobbo that Overland knew
12:43:21 45 everything"?---No, that sounds logical and I can't see how
12:43:26 46 else to interpret that.
47

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12:43:28 1 Yes, I follow that. Thanks very much. Mr Chettle asked
12:43:46 2 you about the possibility of Ms Gobbo's unwitting
12:43:49 3 involvement in criminal activity and I think, do you
12:43:56 4 concede that it may well have been that she was unwittingly
12:44:00 5 involved in criminal activity?---Yes.

6
12:44:03 7 One example of that might be her passing over a telephone,
12:44:13 8 providing a telephone to enable [REDACTED] and [REDACTED]
12:44:20 9 to communicate with each other about [REDACTED] getting hold of a
12:44:25 10 [REDACTED]?---Yes.

11
12:44:28 12 And she was involved in that?---Yes.

13
12:44:33 14 She didn't have an indemnity to do that I assume?---No.

15
12:44:40 16 In effect she was facilitating the commission of a very
12:44:48 17 serious criminal offence?---I'd need to look at the
12:44:51 18 specifics of that to answer that question.

19
12:44:53 20 Right. If she's assisting two drug traffickers, commercial
12:45:00 21 drug traffickers, engage in those activities by providing a
12:45:05 22 means by which they could communicate, albeit communicate
12:45:09 23 such that the police could listen to it, it's certainly
12:45:14 24 involving herself in their sort of nefarious activities,
12:45:21 25 isn't it?---It potentially is, yes. But I'd want to know a
12:45:27 26 lot more before I actually said she's committing an
12:45:31 27 offence.

28
12:45:31 29 In any event, that particular issue was one of the things
12:45:34 30 that caused her and caused you concern down the track when
12:45:39 31 it came to exposing her involvement in these activities,
12:45:45 32 isn't it?---I'm not sure. Are you saying that - well, no,
12:45:53 33 can you give me the question again, please?

34
12:45:56 35 The fact that she had been involved in passing over the
12:46:00 36 telephone, the very phone that these people were using to
12:46:03 37 communicate with each other, meant that her involvement
12:46:08 38 would now be possibly the subject of disclosure requests,
12:46:15 39 for example, "How did this person get the telephone? It
12:46:20 40 was provided by Ms Gobbo". All of that then means that
12:46:23 41 you've got difficulties in the future about how to deal
12:46:26 42 with this issue when it comes to disclosure to the court,
12:46:32 43 the disclosure to defendants, et cetera?---I don't believe
12:46:35 44 that ever occurred to me.

45
12:46:38 46 Right. Well I suggest to you that communications between
12:46:42 47 you and Ms Gobbo which are recorded make it clear that

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12:46:46 1 certainly it was apparent to her and she told you, I
12:46:52 2 suggest?--Well I'm not sure about that, Mr Winneke.
3
12:46:56 4 All right. In any event, if it's in the transcripts you'd
12:46:59 5 accept the proposition I take it, would you?---I would,
12:47:06 6 depending on obviously the content and the context.
7
12:47:10 8 I understand that. I don't want to put up - I am going to
12:47:17 9 put a couple of transcripts to you but I'm not going to go
12:47:19 10 down the path of renewing everything that we've done
12:47:23 11 before. I want to ask you about an entry that Mr Chettle
12:47:27 12 took you to yesterday and it's on 18 July 2007 at p.168,
12:47:39 13 VPL.2000.0001.1243. Do you have that there?---Just about.
12:49:04 14 Did you say 18 July 2007?
15
12:49:06 16 I believe it's p.168. I know there's a 68 that we've got
12:49:11 17 on the screen but I have a feeling it's 168?---Yes, I have
12:49:15 18 that now.
19
12:49:16 20 All right. 18 July, it's a Wednesday. Then there's a
12:49:20 21 meeting at 2.30 pm with Jim O'Brien regarding Gobbo
12:49:26 22 issues?---Yes.
23
12:49:27 24 And this is in the context, you'll recall, of her being
12:49:32 25 called before the OPI and you've discussed the possibility
12:49:37 26 of being a witness and - of her being a witness, advised
12:49:44 27 against the same. "Jim O'Brien suggested it was inevitable
12:49:49 28 that human source will" - you read it yesterday - what does
12:49:57 29 that say, "Will be"?---"Will be".
30
12:50:04 31 "Compromised"?---"Comp", which I think is compromised.
32
12:50:07 33 And then, "Should utilise as a witness whilst we can". You
12:50:12 34 express your belief that you don't believe that she'll
12:50:16 35 necessarily be compromised and "value as a witness needs to
12:50:21 36 be weighed against the potential", or is it - - -
37
12:50:26 38 COMMISSIONER: Political.
39
12:50:28 40 MR WINNEKE: "Political fallout from the legal fraternity",
12:50:33 41 that is, "Will impact on [REDACTED]'s convictions and
12:50:39 42 others", do you see that?---That's "will it impact on
12:50:44 43 [REDACTED].
44
12:50:45 45 Will it impact. So the question was clearly in your mind
12:50:48 46 would it impact on [REDACTED]'s convictions, and not just
12:50:53 47 [REDACTED] but others, do you see that?---Yes.

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1
12:50:58 2 You were asking yourself, well, if this gets out there's at
12:51:03 3 least a question in your mind of the potential impact upon
12:51:08 4 his conviction and the conviction of other people,
12:51:13 5 right?---Yes.
6
12:51:14 7 Which other people were you referring to?---I've got no
12:51:20 8 idea at this time.
9
12:51:22 10 I take it what you're considering there is the prospect
12:51:26 11 that her involvement as a human source with ██████████ could
12:51:32 12 well have an impact on the appropriateness of his
12:51:37 13 conviction, that's what you're talking about, isn't
12:51:40 14 it?---Yes.
15
12:51:46 16 And not just his, but other people, perhaps the people in
12:51:50 17 relation to whom he's given evidence?---Perhaps. I'm not
12:51:55 18 sure exactly what that reference is to.
19
12:51:58 20 Or possibly other people who she's acted for and provided
12:52:02 21 information about?---Possibly.
22
12:52:07 23 I mean this is a refrain which doesn't just stop there,
12:52:12 24 this is a refrain which continues through to the following
12:52:15 25 year when there was talk about, you know, in the SWOT
12:52:18 26 analysis of the potential of inquiries, Royal Commissions
12:52:21 27 and so forth, you agree with that proposition?---Yes.
28
12:52:23 29 So you're giving thought to these issues way back in July
12:52:26 30 of 2007; aren't you?---Yes.
31
12:52:30 32 And it was agreed that there was a need for legal advice
12:52:34 33 with respect to that fallout. Firstly, I suggest to you
12:52:39 34 that the fallout is shorthand for saying the potential for
12:52:48 35 impact upon the conviction of ██████████ and others and also the
12:52:53 36 political fallout from the legal fraternity?---Probably.
12:53:02 37 That would make sense.
38
12:53:05 39 It was agreed that it was appropriate to get legal advice
12:53:07 40 about that?---That's correct.
41
12:53:17 42 Clearly these were matters which were no small matters,
12:53:21 43 they were matters of some significance I take it, to you,
12:53:24 44 would that be fair to say?---Yes.
45
12:53:29 46 At that stage ██████████ had made somewhere in the vicinity
12:53:32 47 of 30 to 40 statements, had he not?---I don't know about

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12:53:38 1 that. This is July 07.
2
12:53:44 3 Yes. In any event - - -?---So - - -
4
12:53:46 5 Sorry, keep going?---I know he provided, you know,
12:53:52 6 extensive assistance.
7
12:53:57 8 Then there's a reference further down to a meeting with
12:54:01 9 Gavan Ryan re Ms Gobbo OPI. I think it was the following
12:54:06 10 day, is that right, OPI examination?---So that meeting with
12:54:16 11 Gavan Ryan is on that same day.
12
12:54:18 13 I see?---I'm not sure if the OPI - - -
14
12:54:21 15 I follow, yes. So you meet with Ryan regarding the OPI
12:54:25 16 examination which I think was the following day, 19 July.
12:54:28 17 I might be wrong about that. Right?---I don't know about
12:54:32 18 that.
19
12:54:35 20 In any event, it would be fair to say that you and O'Brien
12:54:39 21 are conscious of these issues on 18 July, the possible need
12:54:45 22 for legal advice regarding the fallout which may involve
12:54:49 23 both political considerations and conviction issues, you
12:54:53 24 accept that?---Yes.
25
12:54:59 26 Then there's a meeting on 24 July, a little less than a
12:55:05 27 week later. If we go to VPL.2000.0001.0870. This is your
12:55:33 28 electronic diary. You'll see that at the top of that
12:55:42 29 page - it's on the screen if that's any easier?---Is this
12:55:51 30 24 July?
31
12:55:53 32 I think it is. It's immediately prior to the next entry
12:55:56 33 which is 25 July or next date, so - yes, there it is?---I
12:56:27 34 see that.
35
12:56:28 36 It seems that there's a call from Jim O'Brien requesting
12:56:33 37 meeting, or "Request meeting with Overland re future
12:56:37 38 viability of Gobbo as a witness", and that's to be at
12:56:40 39 4.30 pm at Purana?---Yes.
40
12:56:45 41 So the expectation was, was it, that there would be a
12:56:48 42 meeting with O'Brien at that time or another time?---I'm
12:56:57 43 presuming that that was at that time, 4.30 pm, and then
12:57:00 44 there was a meeting that he was present at at 4.25.
45
12:57:08 46 It may or may not be. You meet with Tony Biggin, DDI's Jim
12:57:15 47 O'Brien, Gavan Ryan, Senior Sergeant O'Connell,

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12:57:16 1 Superintendents Jack Blayney and Graham Brown, and there
12:57:19 2 was an update with respect to Gobbo, do you agree with
12:57:23 3 that?---Yes.
4

12:57:24 5 Clearly it's a fairly serious meeting examining the ongoing
12:57:29 6 ramifications, consequences of using Gobbo as a source, do
12:57:32 7 you accept that?---I'm sorry, I was reading when you asked
12:57:43 8 me the question.
9

12:57:44 10 What I'm suggesting is it's a meeting with some grunt, I
12:57:48 11 mean there are some fairly senior officers there, and
12:57:51 12 you're all considering what to do with Ms Gobbo?---Yes.
13

12:57:58 14 You've got Superintendents and - you've got a number of
12:58:01 15 Superintendents and it's a Crime Department meeting and
12:58:03 16 you're brought into it?---I think it's unusual that
12:58:11 17 O'Connell was there, unless it was to do with the Petra
12:58:14 18 investigation.
19

12:58:15 20 Right. In any event - - - ?---I don't know - just
12:58:20 21 following on from your previous question about her
12:58:25 22 viability as a witness, I'm not sure whether that was the
12:58:33 23 purpose of the meeting or not.
24

12:58:34 25 What I'm getting at is this: you and O'Brien have had a
12:58:39 26 discussion a little less than a week before about some
12:58:42 27 fairly significant issues, including the prospect of
12:58:47 28 exposure, including the prospect of convictions being upset
12:58:51 29 and political fallout. What I'm suggesting to you is that
12:58:55 30 those matters, being significant matters, would have been
12:58:59 31 tossed around in this meeting surely?---That's possible.
32

12:59:08 33 You were discussing getting legal advice. I mean why would
12:59:13 34 you keep that to yourself? If you've got those concerns
12:59:17 35 wouldn't you spread it around and raise it with these
12:59:21 36 people?---Yes, that would make sense. Obviously we've
12:59:24 37 agreed to have a meeting to brief DC Overland re issues so
12:59:30 38 there might be some more detail in that meeting.
39

12:59:34 40 COMMISSIONER: You do say that "the value of Nicola Gobbo
12:59:37 41 as a source is outweighed by repercussions and risks to
12:59:41 42 same".
43

12:59:45 44 MR WINNEKE: Yes.
45

12:59:47 46 COMMISSIONER: You do say that there?---Yeah. If O'Connell
12:59:51 47 was there it had to do with the Petra investigation, I'm

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12:59:54 1 not sure if that should have read "agreed value of source
12:59:58 2 as a witness is outweighed by repercussions and risk to
13:00:01 3 same".
4
13:00:02 5 MR WINNEKE: You think it might mean value rather than -
13:00:08 6 "HS as source", you think it might mean HS as
13:00:12 7 witness?---I'm only guessing, Mr Winneke. "Agreed to
13:00:17 8 continue deployment with no taskings" suggests that she's
13:00:26 9 still to continue as a source obviously. I'm not sure.
10
13:00:29 11 COMMISSIONER: But with no tasking?---Yes.
12
13:00:31 13 That is limiting her use as a source?---Yes. There's a
13:00:35 14 couple of occasions, as we've seen with this material,
13:00:39 15 where there's times when we try and - I've referred to it
13:00:43 16 as a baby-sitting mode - we tried to put her in
13:00:46 17 baby-sitting mode where she wasn't tasked or wasn't to be
13:00:50 18 tasked.
19
13:00:50 20 Anyway, the entry speaks for itself.
21
13:00:53 22 MR WINNEKE: It speak for itself. Thanks, Commissioner.
13:00:54 23 In any event, it's agreed that Biggin, yourself, JB, would
13:01:02 24 that be Jim O'Brien or would that be someone else? Jack
13:01:09 25 Blayney rather?---It may be Jack Blayney. If it was Jim
13:01:14 26 O'Brien I used to write - - -
27
13:01:15 28 JOB. No, I see that?---Yes.
29
13:01:19 30 Then the meeting does occur with Overland, Biggin, Blayney,
13:01:22 31 Ryan and yourself on 6 August 2007, and that's over on
13:01:35 32 p.0987?---Yes.
33
13:01:41 34 Again, this is a meeting where in effect Ms Gobbo's future
13:01:49 35 as a human source or witness, if that's being discussed
13:01:54 36 also, is being considered by very senior officers within
13:01:58 37 Victoria Police?---Yes.
38
13:02:03 39 If you had considered in the days previously the
13:02:11 40 ramifications that we've been discussing, that is the
13:02:15 41 potential upset to convictions, political fallout, et
13:02:20 42 cetera, surely that would be something as a matter of
13:02:24 43 common sense that you would have raised with your superior
13:02:26 44 officers?---I would think so, yes.
45
13:02:31 46 Do you think it's probable that those matters would have
13:02:34 47 been discussed in that meeting?---Yes, I do.

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1
13:02:38 2 Thanks very much. Ultimately after all matters were
13:02:47 3 considered we can see that the three options were put up
13:02:52 4 and it was agreed that "witness not an option", so clearly
13:03:00 5 her role as a witness would have been discussed and the
13:03:02 6 ramifications of that?---Yes.
7
13:03:04 8 And that would have led to the same ramifications/fallout,
13:03:09 9 if you like, that you'd discussed with Mr O'Brien on 18
13:03:12 10 July, would that be fair to say?---Yes.
11
13:03:15 12 Same consideration?---I think it would be.
13
13:03:19 14 "Deactivation not an option by virtue of the fact of
13:03:22 15 ongoing communication required with respect to court issues
13:03:26 16 regarding Mokbel trials", and she's to be managed with no
13:03:31 17 tasking, et cetera, do you see that?---Yes.
18
13:03:35 19 One of the things that Mr Chettle raised with you yesterday
13:03:37 20 was what this ongoing management involved, what the purpose
13:03:42 21 of it was. I think what you were saying is, "Look, we
13:03:48 22 needed to manage the potential consequences with ongoing
13:03:53 23 court proceedings were it to be the case that she was
13:03:58 24 exposed by legitimate legal disclosure", is that
13:04:03 25 effectively what you're saying?---Yes.
26
13:04:09 27 What you say is, "We didn't have any active role in
13:04:16 28 providing advice, instructions, et cetera, as to what could
13:04:21 29 or couldn't be or should or shouldn't be provided by
13:04:24 30 investigators to either lawyers or accused persons"?---No.
13:04:34 31 So if the material was sought through PII application, as I
13:04:39 32 said to you, that would be managed by the Human Source
13:04:42 33 Management Unit.
34
13:04:43 35 Right?---Well obviously, as you pointed out to me, there
13:04:49 36 was discussions that I had with Mr Flynn about the notes.
37
13:04:52 38 Yes?---But beyond that, no.
39
13:04:55 40 Right. Well see you've said previously that the question
13:04:58 41 of who's involved in redacting, what is appropriately
13:05:05 42 provided, what isn't appropriately provided, isn't a matter
13:05:08 43 that you're dealing with, that's a matter which goes to the
13:05:10 44 HSMU, right?---Well, no. The investigators would do the
13:05:17 45 redacting and then if there was a PII application it would
13:05:20 46 go to the HSMU.
47

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13:05:21 1 Right. See what I - the proposition I want to put is this:
13:05:25 2 that you, in particular you, but also other members of your
13:05:34 3 unit, were actively involved in providing advice to
13:05:38 4 investigators about what notes should or shouldn't be
13:05:41 5 provided?---No, I don't think that's the case. We may well
13:05:51 6 have been consulted and clearly Flynn consulted with me.

7
13:05:54 8 Yes?---But it would not normally be the case.

9
13:06:00 10 Sorry, do you want to - - - ?---No, I've got nothing more
13:06:06 11 to add.

12
13:06:07 13 I just want to put to you a brief bit of transcript. If we
13:06:10 14 can go to VPL.0005.0017.0720. If we go to 0927 of that
13:06:33 15 particular transcript. This is a transcript of a
13:06:36 16 communication or a conversation which occurred I think on
13:06:38 17 30 March 2007, Friday 30 March 2007. It's a discussion in
13:06:47 18 which you and Mr Anderson at least are involved in with
13:06:51 19 Ms Gobbo. Do you accept that?---Yes.

20
13:06:59 21 And obviously with the limitations of the transcript and so
13:07:02 22 forth, I'm not going to play tapes to you, but I just want
13:07:05 23 to go to p.208 of that transcript, which is at 0927.
13:07:27 24 There's a discussion about notes, if we see that at p.208
13:07:29 25 at the bottom. You say, "At the moment none of those notes
13:07:32 26 are getting handed over that pertain to [REDACTED]'s
13:07:37 27 arrest", do you see that?---Yes.

28
13:07:39 29 This is one of the regular discussions about the problems
13:07:43 30 that arose with respect to the arrest of [REDACTED], do you
13:07:47 31 see that?---Yes.

32
13:07:49 33 You say, "Sure, when the subpoenas start to come we'll have
13:07:52 34 to address that issue again". Gobbo says, "Yep. So I'm
13:07:56 35 deferring that problem", you say. Gobbo, "No one's issued
13:08:00 36 a subpoena yet though, have they?" "No, no, no, the OPP
13:08:06 37 have made noises about getting a lot of" - and then
13:08:09 38 Ms Gobbo talks about 8A requests. They're the simple
13:08:13 39 requests where an accused person through their solicitor
13:08:16 40 write to the police and say, "We want proper disclosure",
13:08:20 41 do you understand that?---Yes.

42
13:08:21 43 "Yeah, and the normal course", you say, "we would have
13:08:27 44 given them that stuff". Gobbo says, "But I'm not just in
13:08:32 45 the" - and then obviously we can't see that, we'd have to
13:08:37 46 listen to it - "notes. There's a lot of other police as
13:08:42 47 well from that night". And you say, "Well, we've also

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13:08:43 1 addressed the issue of what other notes there are in
13:08:46 2 existence and we've been told that there are no others that
13:08:50 3 cause a problem. But we're going to actually sit down with
13:08:53 4 those people and work our way through all their notes".
13:08:58 5 Gobbo says, "It would be like O'Brien, obviously, Paul
13:09:01 6 Rowe, Jason Kelly was there that night. Everyone was
13:09:04 7 there". You say, "Yeah, that's a lot of people we need to
13:09:07 8 sit down and as, go through all the notes, so that's been
13:09:10 9 considered and taken care of. The other areas that you've
13:09:13 10 pointed out tonight that you think will be the subject to
13:09:16 11 attack. Yep, we've thought of probably a lot of those.
13:09:20 12 There was a couple you've mentioned that I don't think we
13:09:23 13 had thought of so we'll sit down and address those issues,
13:09:24 14 but again all we're doing is deferring this, but by talking
13:09:28 15 about worst-case scenarios then we can talk about what you
13:09:32 16 could possibly say and what our options are if Horty
13:09:37 17 pleads. She says, "No, Milad. Sorry, Milad. Sorry, Milad
13:09:41 18 pleads. Horty's locked up. If he's locked up the problem
13:09:44 19 is minimised. But it's not going away, there's still a
13:09:48 20 risk, so we've got Milad pleading, we've got Horty
13:09:54 21 potentially getting locked up, we've got the information
13:09:54 22 that will hurt you" - this is you saying - "then we've got
13:09:55 23 the worst case scenario which is that none of that happens
13:09:57 24 and the information is found and you're confronted and then
13:09:59 25 we have to consider, well, what can we say that's
13:10:05 26 plausible? And it's a bit like, you know, an undercover
13:10:07 27 police operation", et cetera. "All we ever really do is
13:10:11 28 that you give people plausible deniability". I'll stop
13:10:15 29 there. What's plausible deniability?---Well, probably just
13:10:22 30 an excuse that she could give to Horty or Milad. I'd have
13:10:32 31 to listen to the whole conversation to try and get my head
13:10:35 32 around that again. But that's all I can assume it would
13:10:40 33 be.
34
13:10:40 35 "All the rest of it. But the people who actually might
13:10:42 36 have done that will always have plausible deniability and
13:10:45 37 it comes down to how good they are at making that story
13:10:50 38 wash, which may end up being the position you're in if
13:10:50 39 [REDACTED] says to you, you know, that he was [REDACTED], or
13:10:53 40 you knew he was [REDACTED], you knew he was potentially
13:10:57 41 [REDACTED] at least and you [REDACTED]".
13:10:59 42 See, what I'm suggesting to you is that the plausible
13:11:04 43 deniability isn't with respect to her, but it's with
13:11:07 44 respect to the police who are making notes that you need to
13:11:10 45 go through and in effect vet or fillet?---No, I think in
13:11:16 46 relation to this conversation, I think it's pretty clear
13:11:24 47 that we're talking about plausible deniability for her in

.03/09/19

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13:11:27 1 relation to her whether she was at the police station on
13:11:29 2 the night that [REDACTED] was arrested. She'd already
13:11:37 3 committed herself to a story with [REDACTED]
4
13:11:43 5 Yes?---That she didn't go there.
6
13:11:46 7 Right?---That was always going to be an issue when it came
13:11:51 8 out in the court that she was there.
9
13:11:53 10 Yes. Obviously we've been through at some length your
13:12:00 11 concern about that and, as you've said now more recently,
13:12:05 12 "It would have been far better if we ditched her right at
13:12:08 13 that very moment", you accept that?---Yes. Yes, I do.
14
13:12:12 15 What I'm suggesting to you is that since that time there
13:12:14 16 was this constant treading on eggshells which occurred
13:12:18 17 where you and Gobbo and other members of Victoria Police
13:12:21 18 were desperately trying to fillet Ms Gobbo's involvement
13:12:26 19 from these events?---Well it's definitely true that our
13:12:34 20 greatest concern was that if she was compromised she would
13:12:37 21 be killed.
22
13:12:37 23 Yes?---And the greatest chance of her getting compromised
13:12:40 24 was going to arise out of court processes. This one in
13:12:45 25 particular was the biggest worry.
26
13:12:47 27 Yes?---She committed herself to a particular path, it
13:12:51 28 wasn't true, and it was going to be very easily found out.
29
13:12:55 30 Yes?---In which case she would have been in trouble.
31
13:12:58 32 I follow that. But what I'm going to suggest to you is
13:13:02 33 that was compounded when her involvement - not only was she
13:13:06 34 not excised from the process, removed from [REDACTED], she
13:13:13 35 actually was brought into that process to an even greater
13:13:20 36 degree by, for example, her being present during the course
13:13:23 37 of the statement taking process from [REDACTED] being
13:13:26 38 involved in that process, do you accept that?---Oh,
13:13:31 39 absolutely. Her involvement with - I can't access the
13:13:38 40 pseudonyms but the three people that she was involved with
13:13:42 41 in regards to her dealings with Stuart Bateson.
42
13:13:45 43 Yes?---Absolutely, it all compounded.
44
13:13:49 45 What I'm suggesting, it compounded but it shouldn't have
13:13:52 46 got to the stage where it was being compounded because it
13:13:56 47 should have got out. It should have been apparent, for

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13:13:59 1 example, that Ms Gobbo had assisted in the statement taking
13:14:01 2 process in the very first place from [REDACTED] because -
13:14:11 3 do you accept that proposition?---Well no, because I don't
13:14:14 4 know enough about that process.

5
13:14:16 6 All right?---I just thought it was a legitimate process she
13:14:19 7 was involved in.

8
13:14:20 9 Righto. I just want to put to you this very short piece of
13:14:24 10 transcript and if we go to VPL.0005.0097.0011 at p.0180.
13:14:48 11 Again, this is a discussion that you have with Ms Gobbo and
13:14:51 12 it's the one - it was had on [REDACTED]?---Which year was
13:14:59 13 that?

14
13:15:00 15 2006. It's at p.170 of the transcript. It's at .0180. If
13:15:15 16 we can go to .0179 firstly. I'm not going to labour this
13:15:20 17 but you recall the discussion where she's been shown the
13:15:27 18 transcripts of [REDACTED], having discussions with
13:15:35 19 Mr O'Brien, and she makes that, or at least [REDACTED] makes
13:15:37 20 the comment, "She is" that is ultimately honest, "but I
13:15:46 21 don't think she'll sell me out. I'll be honest with you,
13:15:48 22 I've got a gut feeling she'd rather help you than help
13:15:52 23 what's going on out there". You recall that was part of
13:15:54 24 the discussion, right?---Yes.

25
13:15:56 26 If we go over the page - - - ?---Sorry, can you just
13:16:00 27 enlighten me a bit? This is me referring to that
13:16:04 28 transcript, is it?

29
13:16:05 30 Yes, that transcript. What happens, she reads it out, you
13:16:08 31 recall, and you're all a bit, you're a bit surprised by
13:16:13 32 that and then there's a lot of sort of to-ing and fro-ing
13:16:17 33 about, you know, what sort of spin you could put on that,
13:16:23 34 what it all means. And then if you go over to the
13:16:25 35 following page, what Ms Gobbo says about the process of
13:16:32 36 involving herself, she says this at the bottom of the page,
13:16:35 37 "He knew, Stuart knew when I went to [REDACTED] hearing
13:16:45 38 when he was", it says on [REDACTED] at the [REDACTED], in fact
13:16:48 39 I think it's [REDACTED], "And I was under extreme pressure
13:16:52 40 around that time for a variety of reasons but he could see
13:16:55 41 ... I was beside myself and I desperately wanted to speak
13:17:00 42 to him. But I couldn't at that time, I probably could have
13:17:05 43 but couldn't". And then it's not really apparent what can
13:17:07 44 be heard but there's a reference to [REDACTED] There's ... there
13:17:14 45 but I suggest there's a reference to her writing on
13:17:16 46 statements and then she says, "But it had my amendments
13:17:19 47 done to them and from the defence barrister's point of view

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13:17:23 1 that's a critical thing to cross-examine about, who made
13:17:26 2 the changes, who did that and who worded it? That never
13:17:31 3 came out but I've got to face the risk of that coming out
13:17:35 4 at the trial so that my fear that it all hasn't" - et
13:17:41 5 cetera, and it goes on. What I suggest to you is that is
13:17:44 6 very critical, that piece of transcript, what Ms Gobbo said
13:17:49 7 to you, because effectively she said to you, "I'm a
13:17:52 8 witness. I involved myself in the making of the
13:17:57 9 statements". Do you accept that proposition?---Well, I
13:18:01 10 think, yes, looking at that - sorry.

11
13:18:05 12 Sorry, two propositions. Sorry, go on. Go on?---Looking
13:18:13 13 at it now and listening to you then I accept it, I accept
13:18:17 14 the proposition, but it's not something I can recall and I
13:18:21 15 certainly - I suspect it's probably just gone straight
13:18:27 16 through to the keeper what she's saying there, because I
13:18:31 17 always had in my mind these were issues for Stuart Bateson.

18
13:18:35 19 In any event, what I suggest to you is that that then
13:18:38 20 repeated itself when on ██████████ 2006, about ██████████ after
13:18:45 21 ██████████ arrest - I notice the time, Commissioner.

22
13:18:53 23 COMMISSIONER: Yes, I thought you were wanting to finish
13:18:56 24 up. You'll be a little bit yet?

25
13:19:00 26 MR WINNEKE: I'll be a little bit longer, not much longer.
13:19:03 27 Certainly Mr White will get away very soon after lunch.

28
13:19:07 29 COMMISSIONER: That's good news for you, Mr White. We will
13:19:10 30 adjourn until 2 o'clock, thank you.

13:19:13 31
13:19:14 32 <(THE WITNESS WITHDREW)

13:19:47 33
34 LUNCHEON ADJOURNMENT

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