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These claims are not yet resolved.

ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Tuesday, 10 September 2019

Led by Commissioner:       The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Ms R. Enbom
Counsel for State of Victoria	Mr T. Goodwin
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDPP	Ms R. Avis
Counsel for Police Handlers	Mr G. Chettle Ms L. Thies
Counsel for John Higgs	Ms C. Dwyer
Counsel for Faruk Orman	Ms S. Wallace
Counsel for AFP	Ms I. Minnett

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11:50:17 1 COMMISSIONER: We're in open session, Mr Nathwani?  
11:50:19 2  
11:50:20 3 MR NATHWANI: Yes, Commissioner.  
4  
11:50:23 5 COMMISSIONER: We're now in open session.  
11:50:21 6  
7 <CROSS-EXAMINED BY MR NATHWANI:  
8  
11:50:24 9 I'm one of the counsel for Ms Gobbo?---Yes.  
11:50:29 10  
11:50:29 11 Can I ask you please, have you got your statement in front  
11:50:32 12 of you?---Yes.  
11:50:32 13  
11:50:33 14 If we can all turn up paragraph 67 and I'll read it. What  
11:50:38 15 you say is this: "When I received information from the SDU  
11:50:42 16 I did not turn my mind to whether or not the information  
11:50:46 17 supplied by Ms Gobbo was subject to legal professional  
11:50:49 18 privilege. My role was to investigate offences. The  
11:50:52 19 information I received from the SDU was considered as  
11:50:55 20 valued in investigating criminal offences". If you quickly  
11:50:59 21 then flick to paragraph 315, which is p.58. And you say,  
11:51:13 22 "I did not have any concerns about the use of information  
11:51:15 23 that Ms Gobbo provided as a human source. Ms Gobbo's use  
11:51:20 24 as a human source had been authorised by Command and was  
11:51:24 25 being managed and documented by the SDU. Issues of LPP  
11:51:28 26 were not front of mind to me. I treated the information  
11:51:33 27 received from Ms Gobbo just as I would have treated  
11:51:35 28 information received from any other source"?---Yes.  
11:51:37 29  
11:51:40 30 You also were asked last week, at the beginning, about the  
11:51:46 31 propriety or otherwise of Ms Gobbo acting for Tony Mokbel  
11:51:50 32 when in effect she had been signed up to get Mr Mokbel and  
11:51:56 33 your response was, and this is in shorthand, was your focus  
11:52:01 34 was not on the propriety of the criminal process. You said  
11:52:06 35 you'd been through the Hodsons, in other words the deaths,  
11:52:09 36 and the only other interest as far as the human source was  
11:52:15 37 concerned was personal safety, do you remember that  
11:52:18 38 evidence?---Yes.  
11:52:19 39  
11:52:20 40 Yesterday at the end of the day you said to the  
11:52:22 41 Commissioner if you could be honest, is how you started it,  
11:52:25 42 and you set out in short your views or maybe suggested your  
11:52:31 43 views as to the use of Ms Gobbo as a human source,  
11:52:34 44 okay?---Yes.  
11:52:35 45  
11:52:36 46 Am I right in saying, and correct me if I'm wrong, that the  
11:52:41 47 position you took was you were simply receiving

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11:52:43 1 intelligence to be acted upon?---Yes.  
11:52:46 2  
11:52:46 3 You were an investigator, that was your job?---Yes.  
11:52:49 4  
11:52:49 5 And you were not particularly bothered one way or the other  
11:52:53 6 whether the information was privileged?---No, I was, as I  
11:52:59 7 say I was more concerned about her ongoing commission of  
11:53:04 8 offences and investigating those.  
11:53:05 9  
11:53:06 10 And the same applies in relation to conflicts of interest,  
11:53:09 11 whether or not she was charging money or otherwise?---Yes,  
11:53:12 12 I didn't know what she was charging.  
11:53:14 13  
11:53:14 14 Because ultimately, as you said, your interest was  
11:53:17 15 commission of offences?---Yes.  
11:53:18 16  
11:53:18 17 You set out fairly in your statement, I think you repeated  
11:53:22 18 yesterday in your long answer, or the inference from what  
11:53:23 19 you said was the murders that were occurring was linked  
11:53:29 20 directly in your mind to the drug chains?---Yes.  
11:53:32 21  
11:53:32 22 The head of those drug chains was Tony Mokbel?---Yes.  
11:53:35 23  
11:53:36 24 He'd displayed arrogance towards you?---I think he  
11:53:40 25 displayed arrogance towards the entire legal system.  
11:53:44 26  
11:53:44 27 Understood?---And the people of Victoria.  
11:53:46 28  
11:53:47 29 What we could get clear from what you were saying yesterday  
11:53:50 30 was, you gave the example of someone who makes an innocent  
11:53:55 31 mistake, or sorry, a single mistake, one-off mistake, ends  
11:53:56 32 up with a prison sentence, whereas someone like Mokbel pays  
11:54:00 33 for the top people to get out of strife?---Yes, what I was  
11:54:03 34 trying to say was the legal system has no distinction  
11:54:07 35 between normal offending and what is termed as continuous  
11:54:13 36 criminal enterprises and that's what he was running.  
11:54:17 37  
11:54:17 38 Correct me if I'm wrong, as I understand it therefore your  
11:54:19 39 view. Certainly as one of those at the top end of Purana,  
11:54:23 40 was, "We want to stop the commission of crimes, Mokbel's at  
11:54:29 41 the top of it, we'll do what we need to"?---My view was we  
11:54:33 42 were investigating offences, yes, and we received  
11:54:35 43 information and used that information to investigate  
11:54:38 44 offences to stop the offending, and to stop drugs  
11:54:42 45 primarily.  
11:54:42 46  
11:54:43 47 As you say, it was the root of all evil in many

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11:54:45 1 respects?---It was costing the State \$845 million dollars  
11:54:52 2 at that stage a year, illicit drug use. It's now costing  
11:54:53 3 the Australian community \$8.2 billion a year.  
11:54:53 4  
11:54:53 5 Something you're obviously still concerned about?---Yes.  
11:54:56 6 While my health held up for a number of years after I  
11:55:00 7 retired I went around speaking to groups of youths, drug  
11:55:04 8 action committees and speaking to parents and grandparents  
11:55:07 9 looking for answers and the silver bullet that doesn't  
11:55:09 10 exist.  
11:55:10 11  
11:55:10 12 What I'm getting at really is this, you've told us, and  
11:55:13 13 just to develop your thought process and perhaps the  
11:55:15 14 thought process of others higher up in the chain of  
11:55:18 15 Victoria Police, was the main objective was to target the  
11:55:24 16 drug syndicates and the collateral issues in your mind of  
11:55:30 17 privilege, where we are now in this Royal Commission,  
11:55:33 18 weren't at the forefront of your consideration back  
11:55:35 19 then?---They certainly weren't.  
11:55:38 20  
11:55:38 21 And you were happy to use information, and by you I mean  
11:55:41 22 Purana, from Ms Gobbo as were those higher up from the  
11:55:45 23 chain from you?---Yes.  
11:55:47 24  
11:55:47 25 Those higher up the chain, paragraph 315, you said your  
11:55:51 26 view was those in command had authorised her use. Who were  
11:55:56 27 you referring to?---As I say it was no secret, I said the  
11:56:01 28 meetings were with the Acting Assistant Commissioner  
11:56:04 29 Mr Purton to start with and later the Deputy Commissioner  
11:56:08 30 and then regular briefings to Crime Command under the  
11:56:12 31 Assistant Commissioner and later Deputy Commissioner.  
32  
11:56:15 33 And so all of those people actively involved in her  
11:56:19 34 use?---Not actively involved in her use, but were actively  
11:56:22 35 aware of what was happening.  
11:56:25 36  
11:56:26 37 None of them objected as far as you can remember?---No one  
11:56:30 38 voiced a concern to me.  
11:56:32 39  
11:56:32 40 One of those people is obviously Simon Overland. You had  
11:56:37 41 regular meetings with him?---Yes.  
11:56:38 42  
11:56:38 43 He was perhaps more implicitly involved than others higher  
11:56:42 44 up, do you agree?---There wasn't much higher up.  
11:56:45 45  
11:56:45 46 I understand.  
11:56:47 47

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11:56:48 1 COMMISSIONER: Really there was only the Chief  
11:56:50 2 Commissioner, wasn't there?---Chief Commissioner, yes.  
11:56:53 3  
11:56:53 4 MR NATHWANI: He perhaps took more of a role in the use and  
11:56:56 5 deployment of Ms Gobbo, do you agree with that?---Yes.  
11:56:58 6  
11:56:59 7 And not just the use and deployment, because as we've seen  
11:57:03 8 through notes, I'm not going to take you through them,  
11:57:03 9 there are times when you were discussing different aspects  
11:57:06 10 of your various investigations into different people using  
11:57:10 11 Ms Gobbo. He also, for example, and this is at paragraph  
11:57:14 12 314, came to you to discuss using her as a witness?---Yes,  
11:57:19 13 that's right. He was considering it at that point.  
11:57:23 14  
11:57:25 15 You obviously had significant concerns about the use of  
11:57:30 16 informers as witnesses?---Not always.  
11:57:36 17  
11:57:38 18 You've given evidence throughout, and this is perhaps  
11:57:41 19 telling, that the death of the Hodsons shared your view to  
11:57:47 20 a degree, do you agree with that?---Yes, it did.  
11:57:51 21  
11:57:51 22 Of course there was a situation where an informer had been  
11:57:54 23 disclosed as a source?---Yes, but there's more to it than  
11:57:59 24 that.  
11:57:59 25  
11:57:59 26 Yes, I understand. What I'm getting at is this. You at  
11:58:05 27 314 say you raised concerns with Mr Overland about using  
11:58:08 28 her as a witness at the OPI and later on. Are you aware  
11:58:12 29 others such as Gavan Ryan also raised such concerns?---Yes.  
11:58:15 30  
11:58:15 31 What was Mr Overland's response?---Well basically just to  
11:58:21 32 inform me a day or so later that he'd made his decision and  
11:58:27 33 it was going to occur.  
11:58:28 34  
11:58:29 35 So it didn't agree with your views and those of Gavan  
11:58:32 36 Ryan?---No.  
11:58:33 37  
11:58:37 38 Back then, can you give a description of Mr Overland in  
11:58:41 39 this sense, he was someone who was ambitious?---Look, you  
11:58:50 40 know, he was a relatively young man holding a fairly senior  
11:58:55 41 position within policing and from what I understood of him  
11:58:59 42 he had risen, you know, to fairly high rank at a fairly  
11:59:03 43 young age I'd consider.  
11:59:05 44  
11:59:05 45 What view if any did he express generally about Ms Gobbo,  
11:59:08 46 the use of her?---Well he didn't as far as I recall.  
11:59:14 47

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11:59:14 1 Obviously there were quite a lot of meetings?---Yes.  
2  
11:59:17 3 That we see from your notes where you're updating him about  
11:59:20 4 different things related to 3838 and then there's a period  
11:59:24 5 where he chooses to send her to the OPI and then later we  
11:59:28 6 know tries to use her as a witness in the Petra  
11:59:32 7 investigation?---Right.  
11:59:33 8  
11:59:33 9 Did he ever express any view as to her safety?---Not that I  
11:59:39 10 recall.  
11:59:40 11  
11:59:42 12 Is it fair to say he was only interested in what she could  
11:59:45 13 provide to Victoria Police?---Well I think his overarching  
11:59:52 14 interest was the direction of the investigations and how  
11:59:54 15 they were progressing. I don't recall any other discussion  
11:59:58 16 around, you know, the welfare issues and all that because I  
12:00:01 17 understood they were being managed by the SDU.  
12:00:03 18  
12:00:03 19 Just dealing with the OPI in brief in passing. You were  
12:00:07 20 asked questions today about it. Are you aware - and it was  
12:00:13 21 put that the investigators were prevented from asking any  
12:00:20 22 questions of Ms Gobbo relating to the Petra investigation,  
12:00:23 23 okay. Are you aware that the only matters that both  
12:00:27 24 Ms Gobbo and others wanted to prevent her being asked about  
12:00:32 25 were that relating to her being revealed as a human  
12:00:36 26 source?---This is in relation to?  
12:00:38 27  
12:00:38 28 The OPI?---Sorry, I'm missing something.  
12:00:45 29  
12:00:45 30 Your evidence earlier was you had no knowledge of what  
12:00:48 31 happened at the OPI?---No, I don't.  
12:00:49 32  
12:00:49 33 You were asked questions about it. We're not going to push  
12:00:51 34 it, I won't ask you any further if you don't know about it.  
12:00:57 35 At the end of your statement you detail, we don't need to  
12:01:00 36 go there, the number of people who knew that Ms Gobbo was  
12:01:01 37 in fact a human source?---Yes.  
12:01:03 38  
12:01:03 39 You obviously detail a number of people within Victoria  
12:01:09 40 Police. Can I ask you more broadly, as far as you were  
12:01:12 41 concerned did anyone at the OPP know?---As far as I'm  
12:01:15 42 concerned, no.  
12:01:15 43  
12:01:16 44 You were at meetings on occasion with either the members of  
12:01:20 45 the OPP or in fact prosecutors?---Yes.  
12:01:23 46  
12:01:23 47 Discussing matters relevant to certain people where 3838

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12:01:29 1 was involved?---Yes.  
12:01:31 2  
12:01:33 3 Those meetings must have had some discussion about 3838, do  
12:01:37 4 you agree with that?---Look I don't recall any mention of  
12:01:45 5 the source as a human source to the OPP.  
12:01:50 6  
12:01:51 7 You've never been present when there's been a conversation  
12:01:54 8 with, I only use the names, I'm not suggesting you  
12:01:57 9 necessarily knew, but there were names of prosecutors who  
12:02:01 10 appeared to be present at certain meetings, Mr Horgan,  
12:02:04 11 Mr Tinney, Mr Coghlan. Were they ever aware or were you  
12:02:09 12 present when there were discussions about Nicola Gobbo as a  
12:02:12 13 human source?---I don't believe so and, you know, as I said  
12:02:15 14 yesterday, I mean surely if there was there would be, the  
12:02:18 15 OPP would have a file on that I'd imagine in relation to  
12:02:22 16 all such discussions with police and case management file  
12:02:25 17 or something like that.  
12:02:27 18  
12:02:29 19 Let's go back to when you were at the MDID?---Yes.  
12:02:33 20  
12:02:34 21 You were asked repeatedly last week when discussing the  
12:02:40 22 issue of a listening device or a TI being put in to  
12:02:45 23 Ms Gobbo's phone about whether or not she committed a  
12:02:49 24 crime, were there suspicions that she'd done anything  
12:02:53 25 criminal, were listening device warrants applied for  
12:02:57 26 because they required some evidence or intelligence in  
12:03:00 27 relation to criminal activity. I just want to ask you  
12:03:04 28 about that. This is paragraph 40 of your statement which  
12:03:07 29 is p.9?---Yes.  
12:03:14 30  
12:03:15 31 You say: "In around August 2004 I was receiving feedback  
12:03:19 32 from the floor that Ms Gobbo's involvement with the crimes  
12:03:22 33 went beyond a professional relationship. The feedback that  
12:03:25 34 I was receiving suggested that Ms Gobbo's contact with her  
12:03:27 35 clients went beyond that of a usual lawyer/client  
12:03:31 36 relationship. On 10 August I asked members of the Drug  
12:03:34 37 Squad to submit IRs regarding contact with Ms Gobbo in  
12:03:38 38 support of a possible telephone intercept application". If  
12:03:41 39 we go on to 41: "To the best of my memory no IRs were  
12:03:45 40 submitted and I'm not aware of any application for a  
12:03:50 41 telephone intercept being made"?---That's correct.  
12:03:52 42  
12:03:52 43 You obviously gave that invite to those beneath you, the  
12:03:56 44 other members of the Drug Squad?---Yes.  
12:03:58 45  
12:03:58 46 An IR would be submitted generally if there was suspicious  
12:04:02 47 activity, would you agree with that?---Yes.

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12:04:04 1  
12:04:04 2 None were submitted?---No.  
12:04:05 3  
12:04:05 4 When you were asked years later about whether or not there  
12:04:08 5 must have been some suspicion as to criminal activity you  
12:04:13 6 rely on the IRs or the lack of?---Lack of, yes.  
12:04:17 7  
12:04:18 8 That's why no application made?---Yeah, I thought there was  
12:04:21 9 a lot of whinging and belly aching going on, nothing of  
12:04:25 10 substance.  
12:04:25 11  
12:04:26 12 Dealing with that whinging and belly aching. Are you aware  
12:04:29 13 that Ms Gobbo between 2002 and 2004 represented a number of  
12:04:34 14 people charged by the MDID and virtually always got them  
12:04:38 15 bail?---I'm not sure. I've never done any analysis around  
12:04:43 16 that sort of thing.  
12:04:44 17  
12:04:45 18 Understood. Were you hearing feedback from members that  
12:04:47 19 she would often get bail by usually cross-examining those  
12:04:52 20 members in quite a hostile manner?---I know there was no  
12:04:57 21 love lost between the MDID members and the IT members and  
12:05:00 22 Ms Gobbo but I don't know what the source of that was.  
12:05:04 23  
12:05:04 24 All right. Let's move on to Paul Dale?---Yes.  
12:05:10 25  
12:05:11 26 Just on your screen and the Commissioner's and one for me  
12:05:19 27 please. Can we pull up your diary, the typed up version of  
12:05:23 28 your diary which is VPL.0005.0126.0001. Can you see that,  
12:05:49 29 Mr O'Brien?---Yes, I can.  
12:05:50 30  
12:05:51 31 I just want to ask you, and this is before the death of the  
12:05:56 32 Hodsons, when I'm particularly interested is in relation to  
12:05:59 33 relevant entries in your diary relating to  
12:06:04 34 Mr Dale?---Right.  
12:06:05 35  
12:06:05 36 If we go to the first page, 22 July 2002. You have your  
12:06:12 37 entry there?---Yes.  
12:06:13 38  
12:06:14 39 Relating to perception of Miechel being too familiar with  
12:06:20 40 Terry Hodson?---Yes.  
12:06:21 41  
12:06:21 42 Dale present, or you spoke to him about it?---Yes.  
12:06:24 43  
12:06:26 44 And then you go to Mr Miechel, as we know, and tell him  
12:06:29 45 about the proper practices required?---Yes.  
12:06:33 46  
12:06:33 47 At that stage were you aware that Miechel was involved with

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12:06:36 1 Terry Hodson's, romantically involved with one of Hodson's  
12:06:45 2 children?---I wasn't but I became aware later on.  
12:06:47 3  
12:06:48 4 When did you become aware of that?---Well after it all went  
12:06:51 5 pear-shaped.  
12:06:51 6  
12:06:51 7 Turn over, please, to 5 September 2002. Obviously got the  
12:06:58 8 meetings there with Mr Hodson. Dale present. Do you see  
12:07:02 9 that?---Yes.  
12:07:02 10  
12:07:05 11 Then 20 March, because we're interested in Mr Dale's  
12:07:11 12 relationship or otherwise?---Yes.  
12:07:14 13  
12:07:14 14 With Carl Williams?---Yes.  
12:07:16 15  
12:07:18 16 This is obviously prior to Dublin Street, prior to the  
12:07:21 17 death of the Hodsons, et cetera. We can see there there's  
12:07:25 18 a meet with a person with Mischeł in Toorak. What does  
12:07:34 19 "previous contact with Carl Williams by phone" relate  
12:07:38 20 to?---Yes, that would have been him just advising me that  
12:07:47 21 he'd had that contact.  
12:07:49 22  
12:07:49 23 With Carl Williams?---Yes.  
12:07:51 24  
12:07:51 25 And then if we look at the next entry.  
12:07:53 26  
12:07:54 27 COMMISSIONER: Does the unregistered informer relate to  
12:07:58 28 Carl Williams?---That's what I've put it there as,  
12:08:02 29 Commissioner, yes. As I say this was relying on the  
12:08:04 30 information provided by Dale which of course - - -  
31  
12:08:07 32 Sure?--- - - -I've got an opinion about now.  
12:08:09 33  
12:08:10 34 MR NATHWANI: Next entry, again by Dale, 20 March 2003.  
12:08:15 35 "Spoke to Dale re meeting with Carl Williams relating to  
12:08:20 36 Mark Smith"?---Yes.  
12:08:21 37  
12:08:26 38 Just pausing there. Do you have RC81 in front of you, or  
12:08:32 39 could you be shown the flash card, please?---Yes.  
12:08:41 40  
12:08:42 41  
12:08:48 42  
12:08:55 43  
12:08:55 44  
12:08:59 45  
12:09:05 46  
12:09:07 47

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12:09:07 1 COMMISSIONER: I'm not sure whether, Ms Enbom, if this  
12:09:09 2 should be in open hearing.  
12:09:11 3  
12:09:11 4 MS ENBOM: It's making me nervous, yes.  
12:09:14 5  
12:09:14 6 COMMISSIONER: Given the suppression orders in place.  
12:09:16 7 Person 16 is one of those. The name isn't supposed to be  
12:09:22 8 mentioned or anything that could tend to lead to the  
12:09:25 9 identity. I'm not one to push for closed hearings but I  
12:09:29 10 also am conscious of us not wanting to breach the very  
12:09:33 11 strict orders that have been made.  
12:09:34 12  
12:09:34 13 MR NATHWANI: Commissioner, if you're indicating it should  
12:09:36 14 be closed then perhaps it's the best indication.  
12:09:39 15  
12:09:39 16 COMMISSIONER: Yes. Is there anything else you can deal  
12:09:41 17 with in open hearing?  
12:09:43 18  
12:09:44 19 MR NATHWANI: Of course. Then I can carry on and we might  
12:09:45 20 come back to that.  
12:09:45 21  
12:09:45 22 COMMISSIONER: Yes, we might carry on with that.  
12:09:48 23  
12:09:49 24 MS ENBOM: Before Mr Nathwani continues, perhaps we should  
12:09:50 25 ensure that the information that might identify that person  
12:09:54 26 is not ~~streamed~~. So it's a reference to the relationship  
12:09:58 27 with [REDACTED].  
12:10:31 28  
12:10:32 29 MR NATHWANI: Sorry about that, Mr O'Brien. Still dealing  
12:10:33 30 with Mr Dale. Is it fair to say certainly back in 2003,  
12:10:36 31 early 2003 you were aware of a relationship as between Carl  
12:10:41 32 Williams and Paul Dale?---I don't know about a  
12:10:46 33 relationship.  
12:10:46 34  
12:10:47 35 Certainly that Dale was in dialogue with or contact with  
12:10:50 36 Carl Williams?---I had a view about it. He said he was  
12:10:57 37 meeting with him. I said, "You need to follow the", he  
12:11:02 38 would have needed to follow the informer process which was  
12:11:05 39 inform his superior, which was me, and also put it in an  
12:11:09 40 information report at the very least otherwise he wasn't  
12:11:12 41 covered.  
12:11:12 42  
12:11:13 43 Was there any particular reason you were giving that advice  
12:11:16 44 to Mr Dale, or would you give it to all of - - - ?---I gave  
12:11:18 45 it to all the members but particularly given the profile of  
12:11:24 46 Williams and also the previous issues around corruption at  
12:11:29 47 the Drug Squad.

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12:11:30 1  
12:11:31 2 Understood. Just following through because you mention  
12:11:36 3 Paul Dale through your statement, through parts. You  
12:11:44 4 received a phone call from Mr Dale soon after Miechel's  
12:11:50 5 arrested, Miechel and Hodson are arrested?---That's  
12:11:56 6 correct.  
12:11:56 7  
12:11:56 8 It's right to say that you felt, or tell us, within a  
12:12:00 9 couple of hours after that phone call you get a phone call  
12:12:02 10 from a colleague of yours?---Yes.  
12:12:04 11  
12:12:05 12 Giving a different scenario?---Yes.  
12:12:07 13  
12:12:07 14 What was your view of the information that Dale had passed  
12:12:10 15 on to you during that phone call?---It was rubbish.  
12:12:13 16  
12:12:15 17 If I was to say Paul Dale is manipulative, what would you  
12:12:19 18 say about that?---Well, my view of him now, knowing what I  
12:12:31 19 know, I'd agree with you.  
12:12:32 20  
12:12:35 21 Soon after the burglary Mr Hodson is met by you and  
12:12:45 22 deregistered?---Yes, that's correct, myself and Mr Shawyer.  
12:12:50 23  
12:12:50 24 In effect you ask him to provide a full detailed  
12:12:54 25 statement?---No, I just told him that the door was always  
12:12:58 26 open but you know what's required for that to be so, which  
12:13:02 27 meant he would have to make full admissions and implicate  
12:13:05 28 the others involved.  
12:13:06 29  
12:13:06 30 That's exactly what happened, isn't it, as far as his  
12:13:09 31 statement was concerned, he implicated both Dale and  
12:13:12 32 Miechel?---I'm only presuming that. I never read any  
12:13:18 33 statement, I was never shown it.  
12:13:19 34  
12:13:20 35 Just fast-forwarding a little because you've been asked  
12:13:23 36 questions last night and this morning generally about when  
12:13:27 37 it is that Carl Williams starts to provide statements in  
12:13:32 38 effect in relation to a number of incidents and one of them  
12:13:36 39 is the Petra investigation, do you recall those  
12:13:38 40 questions?---Yes.  
12:13:39 41  
12:13:39 42 You were asked about why it was you attended I think on 20  
12:13:44 43 February 2007 to go and see Mr Williams, when you go with  
12:13:48 44 Mr Trichias?---Yes.  
12:13:49 45  
12:13:49 46 You were asked at that time is it because you were aware of  
12:13:53 47 the recording?---Yes.

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12:13:54 1  
12:13:56 2 And you said it may have been, you're not sure what  
12:13:59 3 triggered you. I just want to go through some other  
12:14:01 4 evidence in relation to that see if it jogs your memory.  
12:14:06 5 In evidence you indicated that you had been made aware of  
12:14:10 6 the recording in effect by Gavan Ryan and another  
12:14:12 7 colleague?---Yes.  
12:14:13 8  
12:14:13 9 We don't need to know the name of the other  
12:14:17 10 colleague?---Right.  
12:14:17 11  
12:14:17 12 We know from Gavan Ryan's statement that recording was  
12:14:21 13 located on 1 April 2007, okay?---Right.  
12:14:24 14  
12:14:24 15 So almost, I think two months or a month and a bit later  
12:14:30 16 after you meet Carl Williams?---Yes.  
12:14:32 17  
12:14:37 18 Obviously it's difficult looking back now. Do you think  
12:14:40 19 your interest in seeing Carl Williams initially was just to  
12:14:43 20 ascertain what he could give you in relation to Operation  
12:14:47 21 Petra as opposed to in specific Ms Gobbo's involvement in  
12:14:53 22 phone calls between Williams and Paul Dale?---Look it may  
12:14:58 23 well have been, I obviously had unresolved issues there  
12:15:01 24 that I was, would have been keen to resolve.  
12:15:05 25  
12:15:05 26 You were asked a few times about was it concerning about  
12:15:08 27 Ms Gobbo repeatedly raising through ICRs the contents of  
12:15:14 28 Mr Williams' statement and you indicated it may have just  
12:15:17 29 been a paranoia, were your words, okay?---Yes.  
12:15:20 30  
12:15:20 31 Just to put that in context, because you were aware,  
12:15:23 32 weren't you of some of the following facts: Ms Gobbo's  
12:15:32 33 involvement in the statements of some people who gave  
12:15:35 34 evidence as against Mr Williams?---Yes.  
12:15:40 35  
12:15:40 36 One. Second, and there's a reference to it in an ICR,  
12:15:46 37 where Carl Williams had indicated or made threats to  
12:15:54 38 Ms Gobbo?---Yes, yes.  
12:15:58 39  
12:15:59 40 His partner Roberta Williams had also made threats to  
12:16:04 41 Ms Gobbo?---She'd made threats to everybody in Victoria I  
12:16:06 42 think at that point.  
12:16:07 43  
12:16:07 44 Including Ms Gobbo?---Probably.  
12:16:08 45  
12:16:12 46 Mr Williams had engaged in a campaign of letters to the  
12:16:19 47 courts, I think you were present on one occasion where it

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12:16:22 1 was suggested she couldn't act for a particular person and  
12:16:25 2 that's where you heard the phrase from I think Zarah  
12:16:29 3 Garde-Wilson saying, "She's for them, not for us" in  
12:16:32 4 reference to Gobbo?---Yeah, I don't think I recall that.  
12:16:39 5  
12:16:40 6 What I'm trying to get at, I can take you to the ICR when  
12:16:41 7 we're in closed, but what I'm getting at there was no love  
12:16:46 8 lost as between Carl Williams and Ms Gobbo?---Probably not,  
12:16:49 9 and there was certainly no love lost between her and Zarah  
12:16:54 10 Garde-Wilson. They continued to throw each other under the  
12:16:56 11 bus at every opportunity.  
12:16:57 12  
12:16:59 13 Yesterday, moving to another topic, discussing recruitment.  
12:17:03 14 You were asked about the recruitment of Ms Gobbo and you  
12:17:07 15 said she wasn't recruited, your understanding was she came  
12:17:12 16 to you and she was no, I can't remember the phrase you  
12:17:16 17 used, simply no wallflower or something akin to  
12:17:20 18 that?---Shrinking violet I think I said.  
12:17:21 19  
12:17:22 20 No shrinking violet, that was it. I'd just like to go  
12:17:26 21 through that and the timeline that was happening and ask  
12:17:30 22 you if you stand by that answer. Were you aware in late  
12:17:36 23 2003 one of your colleagues Mr Swindells approached her on  
12:17:41 24 the steps of the Melbourne Magistrates' Court and told her  
12:17:45 25 they were aware of a threat made to her by Benji  
12:17:49 26 Veniamin?---I don't think I was.  
12:17:50 27  
12:17:50 28 We know, I think you have been made aware of it, on 18 June  
12:17:55 29 2004, so about eight months later, Mr Bateson said to  
12:18:01 30 Ms Gobbo that the door was always open, a phrase you used a  
12:18:11 31 few minutes ago?---Right.  
12:18:12 32  
12:18:12 33 She has a stroke 24 July 2004. You then have the meeting  
12:18:19 34 you have down in Lorne?---Yes.  
12:18:21 35  
12:18:22 36 Do you remember being asked questions about that? And you  
12:18:24 37 were told there was evidence previously given by Mr White  
12:18:31 38 that there was a brief discussion that Ms Gobbo was  
12:18:34 39 vulnerable to targeting or to being approached whilst she  
12:18:38 40 was in hospital?---Right.  
12:18:40 41  
12:18:40 42 To be fair to you your evidence was you don't remember it  
12:18:44 43 but you accept it if that's what his note says. That was  
12:18:50 44 the evidence you gave last week?---Right.  
12:18:52 45  
12:18:52 46 Piecing it together up to then, we know that Swindells has  
12:18:55 47 spoken to her in 2003?---Right.

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12:18:57 1  
 12:19:00 2 Bateson speaks to her for several months in 2004, including  
 12:19:05 3 the phrase that seems to be used by many of you at VicPol  
 12:19:09 4 of "the door's always open"?---Right.  
 12:19:11 5  
 12:19:12 6 At the time of her stroke there was discussion when  
 12:19:17 7 Mr White was involved?---Right.  
 12:19:18 8  
 12:19:18 9 About possibly going to speak to her to get on  
 12:19:22 10 board?---Right.  
 12:19:22 11  
 12:19:23 12 And then we fast-forward to Mr **Mr Bickley's** arrest, okay,  
 12:19:29 13 and I just want to go through that in a little detail with  
 12:19:34 14 you. Which is August 2005, okay? I just want to read you  
 12:19:39 15 bits of Mr Rowe's statement and ask you about some of the  
 12:19:44 16 contents. Can we pull up RC266 please.  
 12:19:57 17  
 12:19:57 18 COMMISSIONER: Sure. That's Mr Rowe's statement, is it?  
 12:20:00 19  
 12:20:01 20 MR NATHWANI: It is. It's the redacted taken from the  
 12:20:03 21 website. Have you seen Mr Rowe's statement?---I can now.  
 12:20:07 22  
 12:20:07 23 Have you seen it before, Mr O'Brien?---No, I haven't.  
 12:20:09 24  
 12:20:10 25 So I'll take my time through this to make sure you can read  
 12:20:15 26 it. If we can turn straight to paragraph 7. We can see he  
 12:20:23 27 outlines his initial contact with her and you were,  
 12:20:26 28 paragraph 8, briefly the head of the unit?---Yes.  
 12:20:30 29  
 12:20:30 30 We see he is arrested in paragraph 9 on 15 August?---Right.  
 12:20:37 31  
 12:20:38 32 During the interview **Mr Bickley** asked to speak to  
 12:20:41 33 Ms Gobbo?---Right.  
 12:20:42 34  
 12:20:47 35 And then at paragraphs 10 and 11, if we can. We see  
 12:20:55 36 Mr Rowe's suspicions, which probably reflect, don't you  
 12:21:00 37 agree, a view of the MDID at the time?---I don't know  
 12:21:13 38 whether I had that strong a belief about all of this.  
 12:21:16 39  
 12:21:17 40 Let's go then to what actually happens on 31 August because  
 12:21:20 41 it's a fairly key event?---I think that was, I think there  
 12:21:25 42 suspicion about Mokbel funding defence of others, yes,  
 12:21:29 43 paying for their kid's school fees, yes.  
 12:21:32 44  
 12:21:32 45 Let's go to the detail contained in paragraph 12 onwards  
 12:21:38 46 and as we go through I'll ask you questions about whether  
 12:21:42 47 this jogs your memory and then we'll go from there. 31

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12:21:45 1 August there was a bail app listed for Mr Bickley at the  
12:21:49 2 Melbourne Magistrates' Court. Ms Gobbo calls Mr Rowe,  
12:21:53 3 which he took notes of. Read that to yourself, paragraphs  
12:22:04 4 13, 14?---Yes, I'm reading that. Right, yes.  
12:22:22 5  
12:22:28 6 We then see as it follows through Mr Rowe's view this was a  
12:22:32 7 highly unusual conversation and he reports the conversation  
12:22:36 8 to DS Mansell, paragraph 17?---Yes.  
12:22:38 9  
12:22:38 10 As a result both of them speak to you. This is all before  
12:22:45 11 the bail application begins?---Yes.  
12:22:48 12  
12:22:49 13 And you tell them to record the conversation?---No, I don't  
12:22:52 14 recall it.  
12:22:54 15  
12:22:54 16 Obviously Mr Rowe has put that in his statement. He had  
12:23:00 17 notes as well?---Yes.  
12:23:01 18  
12:23:02 19 Would you disagree with the content of those notes?---No,  
12:23:07 20 I'm not disagreeing with it. I don't have a recollection  
12:23:10 21 of it. It fits in with what was said I think earlier in  
12:23:17 22 paragraph 12 or 13 or whatever.  
12:23:21 23  
12:23:21 24 At that stage was the purpose behind recording what  
12:23:26 25 Ms Gobbo says aimed at trying to recruit her or consider  
12:23:32 26 whether she'd be ripe for recruitment?---No, I think what  
12:23:37 27 it was aimed at was protecting the police members and  
12:23:40 28 getting an accurate record of what she was actually  
12:23:44 29 prepared to do or not do.  
12:23:46 30  
12:23:47 31 If you look at paragraph 17, it says, "The decision was  
12:23:51 32 made to record our conversation". It doesn't say who but  
12:23:54 33 it says, "In part to see if she would repeat to me what she  
12:23:59 34 had said on the phone about being compelled by Mokbel to  
12:24:02 35 represent Mr Bickley in a way that was against Mr Bickley  
12:24:04 36 interest". Do you agree when it says "in part" it wasn't  
12:24:08 37 just protection of the police?---As I say, I don't recall  
12:24:12 38 that being part of it. My view was if she was going to say  
12:24:17 39 anything, get an accurate recording of it and then if she  
12:24:20 40 was going to provide information as a source, get the risk  
12:24:24 41 managed by the SDU, which is what they were set up for.  
12:24:28 42  
12:24:29 43 Let's follow through then. If we go to paragraph 20 - we  
12:24:31 44 see at 18, 19 what's spoken about but paragraph 20 is  
12:24:36 45 Mr Rowe's recollection of what she was saying. She said  
12:24:40 46 she felt under great pressure from Mokbel. She spoke in a  
12:24:47 47 general sense about her relationship with Mokbel. She was

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12:24:51 1 open and candid. She was concerned about her reputation  
12:24:55 2 within the criminal justice system, about whether she had  
12:24:59 3 committed any criminal offences herself in assisting  
4 Mokbel. She mentioned suffering health problems which she  
12:25:01 5 associated with the pressure she was under and then this,  
12:25:03 6 she seemed worried and cried during the  
12:25:06 7 conversation?---Right.  
12:25:06 8  
12:25:08 9 Mansell then says at the end of the conversation, "You  
12:25:11 10 should get on board", do you see that?---Yes, I see that.  
12:25:14 11  
12:25:15 12 Third offer made by police towards her. "It was not  
12:25:23 13 something that occurred to me and I don't recall DSS  
12:25:27 14 O'Brien talking to us about this" is what he said. This is  
12:25:30 15 paragraph 21. "I recall Ms Gobbo responded by saying, 'If  
12:25:34 16 anyone finds out I'd end up dead'." Just pausing there,  
12:25:38 17 you agree that was a real concern?---Yes.  
12:25:40 18  
12:25:40 19 "I think I responded, 'This would be something we'd have to  
12:25:45 20 manage'." If we follow it through then, what happens is -  
12:25:46 21 paragraph 22, we don't need to go to it, it just says she  
12:25:52 22 was uncomfortable this occurring in public, it was decided  
12:25:55 23 Mansell would call later on. Mansell and Rowe return back  
12:25:59 24 to the office, this is paragraph 23, they update you. So  
12:26:05 25 they're telling you at this stage, "Offer's been made to  
12:26:10 26 get her on board". Do you recall them saying she was  
12:26:14 27 crying and upset?---I remember she was upset, yes. I think  
12:26:17 28 I had a note of that.  
12:26:18 29  
12:26:19 30 The decision, "We were instructed to record our subsequent  
12:26:22 31 meeting". Did you provide that instruction?---I did, yes.  
12:26:25 32  
12:26:26 33 Again, at the very least was part of that to see what she  
12:26:30 34 had to say to assess her value as a source?---It would have  
12:26:39 35 been, yes.  
12:26:40 36  
12:26:40 37 What we then see obviously is what follows and there's  
12:26:43 38 further recordings. If we then go to your, back to your  
12:26:48 39 diary, the typed version at p.3. This is  
12:27:05 40 VPL.0005.0126.0003. Just on the Commissioner's screen and  
12:27:11 41 your screen. Page 3, at the bottom we see 30 August, okay.  
12:27:25 42 So this is the day before or we can see 14 August to 16  
12:27:31 43 August, "Arrest re **Mr Bickley** and others", do you see  
12:27:34 44 that?---Yes.  
12:27:35 45  
12:27:35 46 Then the day before this event that we've just gone through  
12:27:39 47 in Rowe's statement you have a meeting with the AFP about



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12:27:42 1 Quills and Mokbel. Then at 5 o'clock you have a discussion  
12:27:46 2 with Mansell and Rowe re strategy?---I'm just trying to  
12:27:52 3 find it. Right, yes.  
12:27:54 4  
12:28:00 5 Then we have 31 August, so the day in question, 2 o'clock,  
12:28:05 6 "Received telephone call. Spoke to Mansell re the  
12:28:08 7 conversation re Gobbo, willing to assist"?---Yes.  
12:28:11 8  
12:28:12 9 "Spoken to initially at court, then in the police vehicle,  
12:28:16 10 both conversations taped. Indicating she may be willing to  
12:28:21 11 speak to Flynn as she knows and trusts him"?---Yes.  
12:28:24 12  
12:28:24 13 What you then do very shortly thereafter is go straight to  
12:28:28 14 the offices?---Yes.  
12:28:29 15  
12:28:29 16 And speak to Ryan, Gavan Ryan?---That's correct.  
12:28:32 17  
12:28:36 18 Then we know, because of the history, that she's then  
12:28:39 19 introduced to other parties and the process is undertaken  
12:28:43 20 and we can see then just turning over to p.4, top entry, 12  
12:28:49 21 September, "Speak to Overland about Purana updates"?---Yes.  
12:28:57 22  
12:28:57 23 And the discussions re Gobbo and the opportunities in  
12:29:02 24 relation to Quills?---Yes.  
12:29:03 25  
12:29:03 26 Then you talk about ACC hearings and the like. It  
12:29:07 27 demonstrates, don't you agree, that in fact she was  
12:29:13 28 targeted, she was recruited the whole timeline going all  
12:29:17 29 the way back to 2003 up to after Mr Bickley ---No, I  
12:29:26 30 wouldn't say she was targeted. That was various pieces of  
12:29:33 31 information that came in.  
12:29:34 32  
12:29:35 33 She's sitting in hospital and there's a discussion as  
12:29:39 34 amongst several police officers that she might be  
12:29:39 35 vulnerable to approach. That's targeting, isn't  
12:29:42 36 it?---That's a discussion. I don't know whether it's  
12:29:44 37 targeted. I mean targeted to me would have been someone  
12:29:48 38 had gone up and done the approach.  
12:29:49 39  
12:29:49 40 What happens on 30 August 2005?---As I say, she spoke to  
12:29:53 41 the police at the court.  
12:29:54 42  
12:29:56 43 It's obvious, isn't it, that Rowe and Mansell took up that  
12:30:01 44 vulnerable approach?---I don't - I don't know. Paul Rowe  
12:30:06 45 would know how it occurred at court, how it actually  
12:30:09 46 occurred, who came to who.  
12:30:11 47

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12:30:11 1 That's why I took you through his statement?---Yes.  
12:30:14 2  
12:30:19 3 Can I move to another topic then, a couple of topics just  
12:30:25 4 generally speaking about your knowledge. Can-say  
12:30:28 5 statements. A lot has been mentioned about can-say  
12:30:31 6 statements?---Yes.  
12:30:31 7  
12:30:36 8 It is what it says, it's a statement about what an accused  
12:30:40 9 can say about an incident?---Yes.  
12:30:42 10  
12:30:42 11 There's a couple of different ways that such a statement  
12:30:45 12 can be, there's a few, can be compiled, do you agree with  
12:30:49 13 that?---Yes.  
12:30:51 14  
12:30:51 15 One is, one of the ones that's been put to you, which is  
12:30:55 16 that the police compile the statement?---Yes.  
12:30:59 17  
12:30:59 18 By speaking to an accused over several, over a lengthy  
12:31:03 19 period of time?---Or they may just record it and not type a  
12:31:08 20 statement.  
12:31:08 21  
12:31:09 22 Let's not deal with the recorded because that's not the  
12:31:12 23 situation we'll be dealing with here?---Right.  
12:31:16 24  
12:31:17 25 An alternative way is for an accused and their lawyers, so  
12:31:19 26 the defence team, to draft that document, do you agree with  
12:31:22 27 that?---Yes, and that's been done.  
12:31:24 28  
12:31:24 29 And when that occurs the final, the document that's given  
12:31:27 30 to you is a final version. You don't know what amendments  
12:31:30 31 occurred over the passage of time for that document to come  
12:31:33 32 into existence, do you agree with that?---Yes, I do.  
12:31:35 33  
12:31:38 34 So using the hypothetical, because you were repeatedly  
12:31:42 35 asked and you've been repeatedly asked, as have many other  
12:31:47 36 people, about can-say statements, when the police use a  
12:31:50 37 lawyer and we'll come to the particulars. But the changes  
12:31:54 38 of a statement aren't obvious to someone later on  
12:31:57 39 considering it. Do you agree when it's altered by a  
12:32:00 40 defence lawyer and provided to the police by the defence as  
12:32:04 41 a final version, there's no footsteps or tracing of any  
12:32:08 42 changes in the past, do you agree with that?---Yes.  
12:32:10 43  
12:32:12 44 Just help us a bit more with the process of a can-say  
12:32:16 45 statement. In effect I'm trying to break this down into  
12:32:19 46 the most simple form, it's a deal being brokered between an  
12:32:25 47 accused and the prosecution?---Firstly, it's a first step.

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12:32:30 1 In other words it's, "What I'm prepared to say without  
12:32:35 2 caution that can't be used against me for the Office of  
12:32:39 3 Public Prosecutions to consider in relation to any matters  
12:32:42 4 that are against me".  
12:32:43 5  
12:32:44 6 And to consider, the prosecuting bodies including the  
12:32:49 7 police are involved in consideration of how honest or  
12:32:52 8 truthful that can-say statement is?---Yes, and the  
12:32:55 9 statement would generally be investigated around what can  
12:32:59 10 be corroborated and what can't.  
12:33:01 11  
12:33:01 12 And part of those discussions would involve a defence  
12:33:05 13 lawyer often asking either the police or the prosecutors,  
12:33:09 14 you'd be aware because I'm sure it's happened to you, about  
12:33:13 15 what a police officer would say at a plea hearing as to the  
12:33:16 16 honesty or otherwise of that document?---I'd presume that  
12:33:22 17 would be a question that you'd be asked, yes.  
12:33:23 18  
12:33:24 19 For example at a plea hearing an accused puts in a can-say  
12:33:29 20 statement, often to get a reduce sentence for another case,  
12:33:34 21 do you agree with that?---That's generally mostly the case,  
12:33:35 22 yes.  
12:33:36 23  
12:33:36 24 What happens at a plea hearing is the document is signed  
12:33:40 25 either just before that hearing or at that hearing?---No,  
12:33:44 26 my experience, or one in particular where senior counsel  
12:33:48 27 came down to the office, sat down with his client and read  
12:33:52 28 the statement in my presence and then had the client sign  
12:33:56 29 it.  
12:33:57 30  
12:33:58 31 We'll come back because I think I'm aware of who you're  
12:34:01 32 talking about. Just the actual plea process, just so we're  
12:34:05 33 clear about this. The plea process, an accused gets in the  
12:34:08 34 witness box and undertakes to the court to give evidence in  
12:34:11 35 line with the statement?---I would presume so, yes.  
12:34:15 36  
12:34:17 37 A police officer like yourself is often called to either  
12:34:20 38 give evidence or provide an affidavit to the court talking  
12:34:23 39 about how honest and helpful the can-say statement is as  
12:34:27 40 far as the investigation is concerned?---No, generally it  
12:34:34 41 would - it would end up, my experience, in the sentencing  
12:34:38 42 process for the particular person and you would provide a  
12:34:42 43 sealed document, sealed letter called a letter of comfort  
12:34:45 44 which you would hand up to the presiding justice.  
12:34:48 45  
12:34:49 46 And so that document is important for an accused because if  
12:34:52 47 it says, "They provided a statement, it wasn't very

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12:34:55 1 helpful", they're not going to get the reduction they  
12:34:58 2 want?---They're unlikely to get the letter in the first  
12:35:02 3 place if that's the case.  
12:35:02 4  
12:35:03 5 No doubt. So what I'm getting at is there is a dialogue  
12:35:05 6 often between the prosecution, be it a police officer or  
12:35:06 7 the prosecutor, and the defence team as to the honesty or  
12:35:10 8 accuracy of the contents of that can-say statement?---Yes,  
12:35:13 9 that would be the normal course of events.  
12:35:15 10  
12:35:15 11 Next topic, again if you don't know say. You've been asked  
12:35:19 12 a lot about conflicts of interest. At the beginning of  
12:35:23 13 your evidence when I asked you questions you confirmed it  
12:35:26 14 wasn't something you were necessarily interested about, is  
12:35:30 15 not fair, it wasn't at the forefront of your mind?---No.  
12:35:33 16  
12:35:34 17 Are you aware it is possible to act in some conflict  
12:35:41 18 situations if that conflict is declared?---Look, I'm unsure  
12:35:45 19 really.  
20  
12:35:45 21 When you were asked about Ms Gobbo representing certain  
12:35:48 22 people, you said on a couple of occasions you had no  
12:35:50 23 information about what she was or wasn't advising  
12:35:54 24 them?---No.  
12:35:55 25  
12:35:55 26 I think we are going to have to go into closed bearing that  
12:35:59 27 in mind.  
12:35:59 28  
12:35:59 29 COMMISSIONER: Yes, all right then.  
30  
31 (PROCEEDINGS IN CAMERA FOLLOW)  
32  
33  
34  
35  
36  
37  
38  
39  
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44  
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47

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5976

O'BRIEN XXN

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

1           UPON RESUMING IN OPEN HEARING:  
14:43:46 2  
3           RE-EXAMINED BY MS ENBOM:  
4  
14:43:48 5           Mr O'Brien, you've been asked a lot of questions about  
14:43:51 6           matters that you briefed up?---Yes.  
7  
14:43:53 8           Briefed down. What you knew, what you should have known.  
14:43:56 9           I want to ask you some questions that are aimed at  
14:44:00 10          clarifying for the Commissioner the nature of your role and  
14:44:04 11          your responsibilities within the structure at Victoria  
14:44:07 12          Police between 2005 and 2007. If we focus on that period,  
14:44:14 13          2005 to 2007. In that period the person at the very top of  
14:44:21 14          the organisation was Chief Commissioner Christine Nixon; is  
14:44:25 15          that right?---That's correct.  
16  
14:44:27 17          And do you recall that under Chief Commissioner Nixon there  
14:44:32 18          were two Deputy Commissioners?---Yes.  
19  
14:44:36 20          And an Executive Director of Corporate Services?---Yes.  
21  
14:44:41 22          So we had Chief Commissioner in green at the top and the  
14:44:46 23          two deputies here with an executive director?---Yes.  
24  
14:44:50 25          Sitting underneath. And then under that level here we had  
14:44:57 26          then a series of Assistant Commissioners?---That's correct.  
27  
14:45:02 28          The Assistant Commissioners sitting here, were they  
14:45:08 29          responsible for different parts of Victoria Police?---Yes,  
14:45:13 30          so you would have an Assistant Commissioner or Operations,  
14:45:16 31          one for road policing or traffic in those days, one for  
14:45:19 32          crime. I don't know what the others are. There might have  
14:45:27 33          been one for community policing, something like that.  
34  
14:45:30 35          The Assistant Commissioner for Crime back in 2005, was that  
14:45:34 36          Simon Overland?---That's correct.  
37  
14:45:36 38          And you recall that Mr Overland was promoted to Deputy  
14:45:42 39          Commissioner and then ultimately Chief Commissioner at a  
14:45:44 40          later time?---Yes, after my departure.  
41  
14:45:47 42          Was he promoted to Deputy Commissioner during your time at  
14:45:50 43          Victoria Police or was that also after your  
14:45:54 44          departure?---No, I believe that was during the time I was  
14:45:56 45          there.  
46  
14:45:56 47          Does July 2006 sound about right?---I'm not sure but I

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6003

*O'BRIEN RE-XN*

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These claims are not yet resolved.

14:46:02 1 recall going up to his office on a couple of occasions.  
2  
14:46:09 3 Do you recall who replaced Mr Overland as the Assistant  
14:46:14 4 Commissioner of Crime?---I'm not 100 per cent sure, but  
14:46:25 5 whoever it was, there might have been somebody there in an  
14:46:31 6 acting role until such time as they'd made an appointment.  
14:46:34 7 At this stage I can't recall who it was.  
8  
14:46:35 9 Thank you. We have the Chief Commissioner at the top, then  
14:46:37 10 the Deputy Commissioners with the Executive Director.  
14:46:41 11 We've then got the Assistant Commissioners. Sitting  
14:46:44 12 underneath the Assistant Commissioners do we have a number  
14:46:47 13 of Superintendents?---Yes.  
14  
14:46:48 15 Were those Superintendents responsible for  
14:46:55 16 different - - ?---Areas.  
17  
14:46:58 18 - - - areas. The Superintendents, did they report to each  
14:47:00 19 of the Assistant Commissioners or they're assigned an  
14:47:03 20 Assistant Commissioner?---Yes, so like within the Crime  
14:47:07 21 Department you would have a number of Superintendents in  
14:47:11 22 charge of individuals areas, like there'd be a  
14:47:14 23 Superintendent for sex crimes, there'd be a Superintendent  
14:47:17 24 for Homicide, there'd be a Superintendent for organised  
14:47:20 25 crime, Superintendent Task Force Policing and then I think  
14:47:24 26 during all of this we went through what they called a Major  
14:47:27 27 Crime Management Review where they spilled all the  
14:47:30 28 positions and then set them up under a whole raft of new  
14:47:35 29 names, after - I think it was a review conducted by Boston  
14:47:41 30 Consulting.  
31  
14:47:42 32 Yes. So focusing on Crime Command, we have Mr Overland as  
14:47:46 33 the Assistant Commissioner?---Yes.  
34  
14:47:48 35 And then he has a number of Superintendents under  
14:47:50 36 him?---Yes.  
37  
14:47:51 38 Reporting to him, and those Superintendents are responsible  
14:47:54 39 for different parts?---Yes, as well as that you probably  
14:48:00 40 also have between those positions, you would have had the  
14:48:03 41 Commander, who I believe was Mr Purton.  
42  
14:48:06 43 Did Mr Purton sit between Mr Overland and the  
14:48:09 44 Superintendents?---By rank, yes, but probably not in  
14:48:16 45 function.  
46  
14:48:17 47 What was his function?---Well I don't really know. He

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6004

O'BRIEN RE-XN

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14:48:21 1 stepped into the role when the AC went on leave or he  
14:48:26 2 became the AC because he was a senior ranking person, but  
14:48:29 3 I'm really unsure what his role was. I think Mr Purton  
14:48:34 4 came down there originally to drive the 100 or so  
14:48:39 5 recommendations resulting out of the Ceja Task Force.  
6  
14:48:42 7 The Purana Task Force, it sat within Crime Command, didn't  
14:48:48 8 it?---It did, yes.  
9  
14:48:50 10 You've explained at paragraph 44 of your witness statement  
14:48:53 11 that in the second half of 2005 you were relieving Gavan  
14:48:57 12 Ryan as the officer-in-charge of Purana?---That's correct.  
13  
14:49:00 14 Was Mr Ryan an Inspector at that time?---Yes.  
15  
14:49:05 16 And am I right that Inspector's generally sit under a  
14:49:08 17 Superintendent?---Yes.  
18  
14:49:09 19 So you often have, at that time, Assistant Commissioner,  
14:49:13 20 Superintendent, Inspector?---Yes.  
21  
14:49:18 22 And so when you were relieving Gavan Ryan you were stepping  
14:49:23 23 in as an Acting Inspector; is that right?---That's correct.  
24  
14:49:27 25 You've also explained in paragraph 48 of your statement  
14:49:30 26 that in September 05 Mr Overland asked you to take on the  
14:49:34 27 role of officer-in-charge of Purana on a permanent  
14:49:38 28 basis?---Yes.  
29  
14:49:44 30 Just thinking about the usual structure where you have  
14:49:47 31 Mr Overland, Superintendents, Inspector, was there a - and  
14:49:55 32 then if we focus on Purana?---Yes.  
33  
14:49:57 34 Was there a Superintendent overseeing Purana sitting above  
14:50:00 35 you and reporting to Mr Overland?---I don't believe so.  
36  
14:50:04 37 Do you know why there wasn't?---No, not at this stage I  
14:50:08 38 don't.  
39  
14:50:09 40 Was that a departure from the usual structure?---Yeah, the  
14:50:14 41 usual hierarchy structure it was. I think Mr Grant later  
14:50:19 42 became the Superintendent who had what they called  
14:50:22 43 management of Task Force Operation 600, which was Purana in  
14:50:26 44 effect.  
45  
14:50:28 46 COMMISSIONER: Can I just ask, Purana's direct report to  
14:50:34 47 Overland, was that when he was an Assistant Commissioner or

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6005

O'BRIEN RE-XN

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14:50:38 1 a Deputy Commissioner or both?---I believe it was Assistant  
14:50:41 2 Commissioner, Commissioner. Sorry, I sound like - - -  
14:50:47 3  
14:50:48 4 MS ENBOM: When you're in charge of Purana you're reporting  
14:50:50 5 directly to Mr Overland as the Assistant  
14:50:54 6 Commissioner?---Initially, yes.  
7  
14:50:55 8 I want to clarify the picture - - -  
9  
14:50:57 10 COMMISSIONER: Can I just ask one more question about this.  
14:50:59 11 So then once he was appointed Deputy Commissioner did  
14:51:03 12 Purana report to who? Who replaced - you don't recall who  
14:51:09 13 replaced him?---Whoever was standing in the position,  
14:51:11 14 Commissioner.  
15  
14:51:13 16 Whoever was in the Acting Assistant Commissioner role of  
14:51:18 17 Simon Overland was the one you directly reported to once  
14:51:23 18 Overland became Deputy Commissioner?---That's correct, but  
14:51:24 19 there was a couple of issues where I dealt directly with  
14:51:27 20 him as a Deputy Commissioner and one of them was in  
14:51:29 21 relation to [REDACTED] due to the gravity of the situation.  
22  
14:51:36 23 Thanks Ms Enbom.  
14:51:38 24  
14:51:38 25 MS ENBOM: Thank you. Once Mr Overland has moved to the  
14:51:40 26 Deputy Commissioner role you then, as the person in charge  
14:51:42 27 of Purana, would report to the new Assistant Commissioner,  
14:51:47 28 whoever replaced Mr Overland?---Yes.  
29  
14:51:50 30 Who would report generally to Mr Overland?---Yes.  
31  
14:51:55 32 If we now look - I want to clarify now the picture under  
14:52:00 33 you as the officer-in-charge of Purana?---Yes.  
34  
14:52:04 35 Is it the case that there were a number of crews operating  
14:52:09 36 within Purana?---Yes.  
37  
14:52:12 38 Do you recall how many crews were operating?---Possibly six  
14:52:22 39 or seven. There was a total of 55 staff.  
40  
14:52:27 41 Roughly how many members would be in each crew?---Probably  
14:52:31 42 a Sergeant and three or a Sergeant and four.  
43  
14:52:34 44 So you're effectively overseeing a Task Force comprising  
14:52:41 45 about 55 members?---Yes. I think there was, from memory,  
14:52:44 46 two - initially I didn't have Senior Sergeants but I think  
14:52:50 47 then there was two or I had people that were upgraded into

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6006

O'BRIEN RE-XN



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These claims are not yet resolved.

14:52:54 1 the Senior Sergeant role.  
2  
14:52:55 3 And how were the crews structured in terms of  
14:52:59 4 ranks?---Generally Senior Sergeant, or could be a Senior  
14:53:04 5 Sergeant, a Sergeant and two or three Senior Detectives or  
14:53:07 6 it would be a Sergeant and two or three Senior Detectives.  
7  
14:53:10 8 Was the Senior Sergeant or the Sergeant, whoever was in  
14:53:13 9 place within each crew, was it that person in charge - was  
14:53:18 10 that person in charge of directing and overseeing the work  
14:53:23 11 of the crew?---Yes.  
12  
14:53:27 13 How would you describe the level of autonomy that the  
14:53:31 14 Senior Sergeant or the Sergeant had within the crew?---Well  
14:53:34 15 they ran the investigations. I think I set out it in the  
14:53:39 16 briefing document in November 05 about what my expectations  
14:53:44 17 were. That I was there to assist them but eventually they  
14:53:48 18 were driving the investigations and that's how it works.  
14:53:54 19 Sergeants don't like Senior Sergeants or Inspectors  
14:53:57 20 sticking their nose into their investigations at the best  
14:54:00 21 of times and I was the same when I was one.  
22  
14:54:03 23 The expectation was, was it, that the Sergeants would be  
14:54:06 24 across the detail of the - - - ?---Across the detail and  
14:54:08 25 brief up and then I would get them together every week in a  
14:54:12 26 boardroom and have them share where their investigations  
14:54:17 27 were going and where there may have been a cross-over  
14:54:20 28 between them, so that that wasn't lost.  
29  
14:54:23 30 Yes. So it wasn't your job to be as involved as the  
14:54:28 31 Sergeants in the operational work of the crews?---No.  
14:54:32 32 Mainly I was trying to keep a global view and stay across  
14:54:35 33 the top of things.  
34  
14:54:36 35 Yes?---As well as that I had four or five full-time  
14:54:43 36 telephone intercept monitors that were receiving intel on a  
14:54:46 37 minute by minute basis and seeing over where that was going  
14:54:50 38 and looking at directing what covert support services do I  
14:54:54 39 need to direct to get the best result out of that live  
14:55:00 40 intel as it was coming in. It was very dynamic.  
41  
14:55:04 42 How would you describe the intensity of the workload when  
14:55:07 43 you were the officer-in-charge of Purana?---That was a huge  
14:55:11 44 workload. I think my role, a lot of it was around  
14:55:15 45 supporting the people. They did a magnificent, performed  
14:55:19 46 magnificently but it was one of supporting them to get the  
14:55:22 47 job done. And I adopted some of Gavan's learnings.

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6007

O'BRIEN RE-XN

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These claims are not yet resolved.

1  
14:55:30 2 What were they?---Speak to everybody every day, even if  
14:55:34 3 it's for two minutes or one minute, and support them.  
4  
14:55:46 5 It's a Task Force, you've given evidence it's a Task Force  
14:55:49 6 of about 55 people?---Yes.  
7  
14:55:51 8 There's a lot of operations under way at the one  
14:55:56 9 time?---Yes.  
10  
14:55:56 11 You're sitting above the 55 members overseeing the  
14:56:00 12 work?---Yes.  
13  
14:56:02 14 So if we now focus on the intelligence that you were  
14:56:05 15 receiving from Ms Gobbo via the SDU. How big a component  
14:56:11 16 was that of all the work that was going on within Purana,  
14:56:17 17 are you able to say?---Look, from my point of view, for me  
14:56:21 18 it was a big task keeping up, taking notes, as you can see.  
14:56:27 19 But for the overall running of Purana it was probably lucky  
14:56:31 20 to be five per cent I'd imagine.  
21  
14:56:37 22 Was it the case that you were sitting there desperately and  
14:56:42 23 eagerly awaiting information from Ms Gobbo?---No, we were  
14:56:46 24 getting the information as it came to hand and getting on  
14:56:49 25 with the investigations in the normal process.  
26  
14:56:53 27 I want to - actually I withdraw that?---Later on the Task  
14:57:04 28 Force grew as well, like we ended up with a team from the  
14:57:07 29 serious noncompliance area of the Australian Taxation  
14:57:11 30 Office as well, co-located with us. We had accountants  
14:57:15 31 co-located with us.  
32  
14:57:19 33 Thank you.  
34  
14:57:21 35 COMMISSIONER: Were you overseeing them too?---They were  
14:57:24 36 just part of the whole operation, yes, Commissioner.  
37  
14:57:28 38 How many people did you have then?---Probably upwards of  
14:57:32 39 60.  
14:57:34 40  
14:57:34 41 MS ENBOM: Do you remember a barrister sitting within  
14:57:36 42 Purana? Do you have any recollection of that?---There may  
14:57:43 43 have been, I'm not 100 per cent sure. I mean I could  
14:57:46 44 probably go through the names list. But if there was I'd  
14:57:50 45 imagine it would be something to do with criminal proceeds.  
46  
14:57:54 47 Yes. You said that you could go through your list, what

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6008

O'BRIEN RE-XN

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These claims are not yet resolved.

14:57:59 1 are you referring to there?---I'd have to go back through,  
14:58:02 2 you know, old lists of who was there staff-wise, or speak  
14:58:07 3 to other people. As I say, Mr Coghlan from the Criminal  
14:58:11 4 Proceeds will probably know.  
5  
14:58:13 6 Yes. Before lunch, Mr O'Brien, you remember that  
14:58:19 7 Mr Nathwani put to you that Victoria Police through members  
14:58:26 8 Mansell, Rowe and I think yourself had targeted Ms Gobbo to  
14:58:32 9 be a human source?---Yes.  
10  
14:58:33 11 Do you remember that was put? Mr Nathwani took you to  
14:58:37 12 Mr Rowe's statement?---Yes.  
13  
14:58:40 14 I want to read to you Mr Rowe's oral evidence on this  
14:58:44 15 issue. He was asked about the conversation that he and  
14:58:53 16 Mr Mansell had had with Ms Gobbo?---Yes.  
17  
14:59:04 18 This is the part of the transcript recording Mr Rowe's  
14:59:09 19 cross-examination by counsel assisting. It was put to  
14:59:17 20 Mr Rowe, this is p.3253, line 37, "At that point in time",  
14:59:26 21 so this is a reference to the conversation that's occurring  
14:59:28 22 between Mr Mansell, Mr Rowe and Ms Gobbo, "At that point in  
14:59:31 23 time Detective Mansell saw a real opportunity to make  
14:59:34 24 something of Ms Gobbo's concerns, is that right?" Mr Rowe  
14:59:39 25 said, "No, that's not even remotely right". Then he was  
14:59:44 26 asked, "Did he say something to her like, 'You should get  
14:59:48 27 on board'." Mr Rowe said, "Yeah, but there's a whole  
14:59:54 28 conversation that comes before that where she relays in  
14:59:57 29 detail the extent of the pressure that she was under, the  
15:00:01 30 stress, her health issues, her concerns about committing  
15:00:06 31 offences, her worry about her reputation, her worry about  
15:00:09 32 her safety. This is not a case of us just pouncing on an  
15:00:13 33 injured mouse crawling on the floor. This is an  
15:00:16 34 unbelievably unexpected situation". He was then asked,  
15:00:24 35 "Was it to make her situation better if she started  
15:00:27 36 informing or getting on board in relation to Mr Mokbel?"  
15:00:30 37 Mr Rowe responded, "She was 100 per cent sure looking for a  
15:00:33 38 way out of that environment where she felt compelled to do  
15:00:36 39 these things on behalf of people that, let's face it, were  
15:00:39 40 involved in serious organised crime for many, many years,  
15:00:43 41 homicides, large scale drug trafficking, and don't get me  
15:00:46 42 wrong, I'm not saying she doesn't have a level of  
15:00:48 43 responsibility for her own behaviour, but she was under  
15:00:51 44 enormous pressure and looking for a way out, a hand of  
15:00:55 45 friendship". Then it was put, "And was the way out for her  
15:00:59 46 to get on board?" Mr Rowe said, "That's a way out we could  
15:01:04 47 offer her, yes. Ultimately that decision was up to her".

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6009

O'BRIEN RE-XN

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These claims are not yet resolved.

15:01:08 1 Then he was asked, "That's the effect, those are the words  
15:01:10 2 that Detective Mansell said to her towards the end of the  
15:01:13 3 conversation at the Magistrates' Court?" Mr Rowe said,  
15:01:18 4 "Yes, he did". Then he was asked, "Was that something that  
15:01:21 5 occurred to the three of you earlier, the three of you  
15:01:24 6 being O'Brien, Mansell and yourself?" Mr Rowe responded,  
15:01:28 7 "I can't speak to what occurred for them. It wasn't  
15:01:30 8 discussed and it never occurred to me". Then at p.3255 at  
15:01:37 9 line 24 Mr Rowe was then asked, "Following that, I guess  
15:01:44 10 you hotfooted it back to the office and told Mr O'Brien  
15:01:48 11 what had occurred". Mr Rowe responded, "Yes". Then he was  
15:01:52 12 asked, "Was his reaction", so that's your reaction, "was  
15:01:56 13 his reaction disbelief or excitement, what was it?"  
15:02:01 14 Mr Rowe said this, "I don't think Jim would have that  
15:02:04 15 reaction in any situation, either of those reactions. He's  
15:02:11 16 just very straight, up and down, matter of fact, get on  
15:02:14 17 with business. I think it was a very short conversation  
15:02:18 18 about meeting up with her again. Did you play him the  
15:02:21 19 tape?" The answer's no. That's the oral evidence given by  
15:02:24 20 Mr Rowe. Having heard that evidence what do you say to the  
15:02:27 21 proposition that was put by Mr Nathwani that Victoria  
15:02:32 22 Police through Mr Mansell, Mr Rowe and yourself targeted  
15:02:39 23 Ms Gobbo to be a human source?---I say we didn't target  
15:02:44 24 her. That occurred and I believe that she'd be a source of  
15:02:49 25 information but I didn't want the risk sitting in the squad  
15:02:52 26 given the history and what I'd gone through and what the  
15:02:55 27 squad had gone through.  
28  
15:02:57 29 Can I just ask you, I didn't quite follow that bit of  
15:03:00 30 evidence you gave. Can you explain that?---I said that's  
15:03:03 31 what happened. I told them to go back and tape-record it  
15:03:06 32 and it would be outsourced to the DSU because I didn't want  
15:03:13 33 the risk, that level of risk, that level of informer  
15:03:16 34 sitting in the MDID.  
35  
15:03:18 36 Did you see the DSU as the expert body to handle human  
15:03:22 37 sources?---Yes.  
38  
15:03:24 39 COMMISSIONER: He also said after what the Drug Squad had  
15:03:27 40 gone through, presumably with the Hodson murders you  
15:03:31 41 mean?---The Hodsons and Strawhorn and Paton and Rosenes and  
15:03:37 42 all the rest of it.  
15:03:39 43  
15:03:39 44 MS ENBOM: Thank you, Commissioner, that was the bit I  
15:03:41 45 missed. Mr O'Brien, the next topic I want to ask you about  
15:03:48 46 is your use of your diary?---Yes.  
47

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6010

O'BRIEN RE-XN

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

15:03:53 1 I want to ask you how you used your diary when you were  
15:03:57 2 receiving what he we call hot briefs from the SDU. You  
15:04:01 3 would receive a call from a controller or a handler with  
15:04:04 4 some information?---Yes.  
5  
15:04:06 6 And after picking up the phone what was the first thing  
15:04:09 7 that you would do after taking the call or picking up the  
15:04:14 8 phone?---I generally say hold on a tick while I get my pen  
15:04:18 9 out and I'd start writing.  
10  
15:04:20 11 Would you start writing in your diary?---Yes.  
12  
15:04:22 13 Would you ordinarily record all of the information that was  
15:04:26 14 being provided to you over the phone or only some of  
15:04:32 15 it?---All the information as best I could.  
16  
15:04:34 17 Once you'd written it all down what would you then do with  
15:04:38 18 the information?---I'd read back through it and look at it  
15:04:41 19 and see if some of it was just garbage. There was a lot of  
15:04:47 20 - filter it basically, but things like phone numbers and  
15:04:50 21 things like that which were obviously imperative around  
15:04:54 22 what warrants were currently up. I mean if you look at the  
15:04:57 23 level of TI warrants in this operation, I think we  
15:05:01 24 monitored something like 328,000 telephone calls during the  
15:05:05 25 course of it. You know, keeping affidavits current in  
15:05:08 26 relation to keeping TI's up, that sort of thing, I'd  
15:05:14 27 disseminate that. If I spoke to a crew Sergeant I'd  
15:05:17 28 probably note that in the diary and say come in and sit  
15:05:20 29 down in front of me and some of them would bring their  
15:05:24 30 diary in and make a note of what I told them.  
31  
15:05:26 32 Thank you. It wasn't the case that just because it was -  
15:05:29 33 the information provided by the SDU was in your diary, it  
15:05:33 34 was all then disseminated to members of crews?---No, a lot  
15:05:36 35 of it was irrelevant.  
36  
15:05:37 37 I'm sorry, a lot of it was irrelevant?---Irrelevant.  
15:05:43 38 There's a very danger in these investigations and, you  
15:05:48 39 know, after 30-odd years of it, a very big danger of going  
15:05:54 40 off chasing rabbits up burrows and down burrows and getting  
15:05:58 41 off target and getting off plan and process. That's why I  
15:06:01 42 had an investigation plan and that's why I'd take it out  
15:06:03 43 the Terms of Reference out of the safe every now and again  
15:06:06 44 to remind myself where we were going and what we were  
15:06:09 45 supposed to be achieving.  
46  
15:06:10 47 Yes. So you'd get the Terms of Reference out to make sure

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15:06:16 1 you would stay on track?---Stay on track.  
2

15:06:19 3 At paragraph 64 of your statement you have explained that,  
15:06:23 4 "There may have been occasions where I spoke to the SDU but  
15:06:27 5 did not make a record of it in my diary. However my usual  
15:06:31 6 practice was to record any information received as I  
15:06:34 7 received it". Can you explain the types of circumstances  
15:06:37 8 in which that may have occurred, so the circumstances in  
15:06:40 9 which you may have not recorded information?---As I say,  
15:06:46 10 there'd be rare occasions, but generally if I was busy with  
15:06:50 11 something or I'd say, "I'll ring you back". You know, it  
15:06:53 12 might be some, they might quickly tell me something which I  
15:06:58 13 consider relevant and I mightn't have written that down.  
14

15:07:03 15 Are you able to say whether there were many occasions on  
15:07:05 16 which you received information but didn't put it in your  
15:07:07 17 diary?---I can't recall many occasions where that occurred.  
15:07:09 18 I mean there was certainly occasions when I had to ring  
15:07:11 19 them back and you would see in my diary I've got "MRTC",  
15:07:14 20 made return telephone call.  
21

15:07:16 22 Yes. The next and related topic, you were asked about your  
15:07:20 23 role of signing off on members' diaries?---Yes.  
24

15:07:26 25 Was it your job to check the diaries of all members within  
15:07:30 26 the crews operating within Purana?---From memory I think  
15:07:39 27 initially, yes, until I got some Senior Sergeants who then  
15:07:43 28 would look after their own crews and I would do their  
15:07:46 29 diaries, but - - -  
30

15:07:47 31 Initially you were checking 55, roughly 55  
15:07:53 32 diaries?---That's correct.  
33

15:07:53 34 And then at some point the Sergeants or Senior Sergeants in  
15:07:56 35 charge of the crew would look at their members'  
15:08:01 36 diaries?---Yes, I'd sign off on things like meal claims and  
15:08:05 37 that, so the things I'd be checking there, that they had  
15:08:08 38 the required number of hours, they had to work two hours  
15:08:12 39 past their scheduled shift or whatever to be eligible for a  
15:08:15 40 meal claim or something like that.  
41

15:08:16 42 When you were reviewing the diaries are you reading every  
15:08:22 43 entry and thinking about the information there?---No, I  
15:08:25 44 didn't sit down and read it like a book. As I said, I  
15:08:30 45 checked that the diaries were up-to-date and they were  
15:08:33 46 current, they were maintaining their diary and not getting  
15:08:36 47 behind in the diary. That was one of the reasons I didn't

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O'BRIEN RE-XN

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15:08:40 1 like the use of day books because alls they were doing was  
15:08:43 2 doing twice the work for the same result. Generally it was  
15:08:45 3 looking at the currency of the diary, that it was  
15:08:48 4 up-to-date, their meal claims were signed off and put in.  
5  
15:08:52 6 Thank you. The next topic is Zaharoula Mokbel. Do you  
15:08:56 7 have any memory of receiving from the SDU comments provided  
15:09:01 8 by Ms Gobbo about her brief of evidence?---No.  
9  
15:09:07 10 If your diary records that you were on rest days on 24 and  
15:09:14 11 25 February 2007, do you have any reason to doubt the  
15:09:18 12 accuracy of those entries?---No.  
13  
15:09:30 14 The next topic on my list - - -?---If you like I'll just  
15:09:33 15 check.  
16  
15:09:33 17 Thank you?---Sorry, 2007. Yes, I was on days off, Saturday  
15:09:58 18 and Sunday.  
19  
15:09:59 20 Thank you. You gave some evidence about a conversation  
15:10:07 21 with Tony Mokbel?---Yes.  
22  
15:10:09 23 In which he wanted to strike a deal that would involve the  
15:10:16 24 gangland murders stopping?---Yes.  
25  
15:10:18 26 On certain terms specified by him?---Yes.  
27  
15:10:20 28 Do you remember giving that evidence? What reaction did  
15:10:23 29 you have when Mr Mokbel put forward that proposal?---I was  
15:10:36 30 probably annoyed that he held himself in such a position of  
15:10:42 31 - believed he held such a position of power in the State  
15:10:44 32 and that he controlled things and he controlled these  
15:10:46 33 people and it just reaffirmed my belief that he saw  
15:10:51 34 everybody else, bar family members, as a mere tradeable  
15:10:55 35 commodity.  
36  
15:10:57 37 How do you think he got to the point where he believed that  
15:11:02 38 he had such power and control that he could openly put a  
15:11:07 39 proposal like that to police?---He'd been manipulating the  
15:11:17 40 system for years as far as I was concerned. You only had  
15:11:20 41 to look at what he did in Kayak, you look at the build up  
15:11:23 42 to it and he was offering up to \$2 million for the tapes to  
15:11:26 43 go missing. He was attempting to corrupt police to his own  
15:11:30 44 advantage. You know, he held nothing but contempt for the  
15:11:37 45 system as far as I was concerned.  
46  
15:11:40 47 Commissioner, we have the audio recording of that

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O'BRIEN RE-XN

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15:11:44 1 conversation which I don't propose to play but I do seek to  
15:11:47 2 tender it. We also have the transcript of the recording  
15:11:52 3 which I seek to tender and I can - that has a VPL number so  
15:11:56 4 I can provide that. It's VPL.0100.0037.0005.  
5  
15:12:08 6 COMMISSIONER: This is a transcript of the recording of?  
15:12:12 7  
15:12:12 8 MS ENBOM: Of a conversation - Mr O'Brien, can you please -  
15:12:15 9 - - ?---Yes, a conversation at Yarra Bend Park between  
15:12:19 10 Detective Sergeant Martin Robinson of the Homicide Squad,  
15:12:22 11 Senior Detective David Bartlett of the MDID and Tony Mokbel  
15:12:28 12 and Emeido Navarrolì.  
13  
15:12:31 14 COMMISSIONER: What date is it?---I think it's April 04,  
15:12:35 15 Commissioner.  
16  
15:12:35 17 Thank you. 13 April 04 I'm told.  
15:12:39 18  
15:12:43 19 COMMISSIONER: Do we need to be in closed session, not  
15:12:46 20 really?  
15:12:47 21  
15:12:47 22 MS ENBOM: No.  
15:12:52 23  
15:12:52 24 #EXHIBIT RC483A - (Confidential) Transcript of  
15:11:59 25 VPL.0100.0037.0005.  
15:12:53 26  
15:12:54 27 #EXHIBIT RC483B - (Redacted version.)  
15:12:57 28  
15:12:57 29 COMMISSIONER: Did you say you were going to play the tape  
15:12:59 30 too?  
15:13:00 31  
15:13:01 32 MS ENBOM: No, I don't seek to play the tape. I seek to  
15:13:05 33 tender it.  
34  
15:13:05 35 COMMISSIONER: The tape will be 484.  
15:13:08 36  
15:13:08 37 #EXHIBIT RC484A - (Confidential) Tape.  
15:13:11 38  
15:13:11 39 #EXHIBIT RC484B - (Redacted version.)  
40  
15:13:17 41 MS ENBOM: Thank you, Commissioner. The last topic,  
15:13:19 42 Mr O'Brien, that I wish to ask you about is the arrest of -  
15:13:30 43 I won't use the pseudonym, but the arrest of [REDACTED]  
15:13:35 44 [REDACTED]-Yes.  
45  
15:13:36 46 You'll remember that Mr Nathwani asked you some questions  
15:13:40 47 about the approach that you took to persuading that person

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O'BRIEN RE-XN



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15:13:43 1 - - - ?---Yes.  
2  
15:13:44 3 - - - to cooperate with police. Did you determine for  
15:13:54 4 yourself the approach that was to be taken to him upon  
15:13:57 5 arrest?---Yes.  
6  
15:14:01 7 Was that something that you spent a lot of time thinking  
15:14:04 8 through or was it a fairly straightforward matter?---It was  
15:14:09 9 fairly straightforward. I had the knowledge in my head.  
10  
15:14:14 11 Were you calling on your experience?---My experience plus  
15:14:18 12 the previous [REDACTED] matters.  
13  
15:14:21 14 The previous [REDACTED] matters involving that person?---Yes.  
15  
15:14:24 16 So you were calling on, were you, your knowledge of that  
15:14:26 17 person?---Of that person, yes.  
18  
15:14:30 19 Did Ms Gobbo assist in any way with your strategy?---No.  
20  
15:14:36 21 I don't have any other matters, Commissioner.  
22  
15:14:38 23 COMMISSIONER: Thanks Ms Enbom. Yes Ms Tittensor.  
15:14:43 24  
25 RE-EXAMINED BY MS TITTENSOR:  
26  
15:14:45 27 Just some very quick matters, Mr O'Brien, and we'll have  
15:14:50 28 you out of here finally?---Yes.  
29  
15:14:52 30 At paragraph 42 of your statement, and I took you to this  
15:14:55 31 some days ago now, you spoke about having done some  
15:14:58 32 training and courses in the United States in relation to  
15:15:02 33 Task Force policing and money laundering matters?---Yes.  
34  
15:15:06 35 Were you aware of any use in the United States of lawyers  
15:15:13 36 as informers?---No, I wasn't.  
37  
15:15:17 38 Was there any discussion about that topic or those matters  
15:15:21 39 during your course work or training in the United  
15:15:24 40 States?---No.  
41  
15:15:31 42 Secondly, finally, I've asked you a number of questions in  
15:15:36 43 relation to the relationship between Purana and  
15:15:40 44 Corrections?---Yes.  
45  
15:15:42 46 And specifically I think the main point of contact was  
15:15:45 47 someone by the name of [REDACTED]<sup>PI</sup>; is that right?---Yes,

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O'BRIEN RE-XN

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15:15:49 1 PII [REDACTED] and I think it was PII [REDACTED] down at  
15:15:57 2 PII [REDACTED].  
3  
15:15:58 4 Was it the case that there was any discussion as between  
15:16:02 5 Corrections and Purana about the conditions in which either  
15:16:08 6 witnesses for Purana or targets of Purana were held?---I  
15:16:14 7 think it was more about who was in with who and what was  
15:16:18 8 the risk.  
9  
15:16:20 10 Was there any discussion as between Purana about particular  
15:16:24 11 prisoners maybe getting a bit more favourable treatment or  
15:16:28 12 privileges?---I don't think so. I don't think we had any  
15:16:32 13 effect on that. That was a matter for Corrections.  
14  
15:16:35 15 When those discussions were being had with Corrections  
15:16:38 16 would it be necessarily yourself or might it be some of the  
15:16:41 17 members underneath you that would have those  
15:16:45 18 discussions?---It may have been members underneath me. I  
15:16:48 19 think I attended Corrections at 121 Exhibition, I think  
15:16:54 20 they were at the time, on one or two occasions at the most.  
21  
15:16:58 22 I took you to some material earlier in relation to  
15:17:03 23 information that Ms Gobbo had passed on to the SDU which  
15:17:07 24 was passed on to you?---Yes.  
25  
15:17:08 26 And then passed on to Boris Buick?---Yes.  
27  
15:17:12 28 In relation to Faruk Orman. One of those pieces of  
15:17:16 29 information was about him needing to be around  
15:17:20 30 people?---Yes.  
31  
15:17:21 32 Always. Were you aware that he was placed into conditions  
15:17:26 33 which had him locked down for a lot of time?---No.  
34  
15:17:31 35 If Corrections - were you aware whether Corrections were  
15:17:37 36 given information about threats having been made against  
15:17:43 37 Faruk Orman by the Pierce family?---I'm not aware of that.  
38  
15:17:51 39 You're not aware whether one of your members passed on  
15:17:55 40 information to Corrections to that effect?---No.  
41  
15:17:59 42 You don't say it didn't happen, you just - - - ?---Yeah, I  
15:18:02 43 don't believe I knew about it. But given the fact of the  
15:18:06 44 nature of the charge and given my knowledge of the Pierce  
15:18:10 45 family, I'm not surprised.  
46  
15:18:13 47 Thanks. And thanks for your patience, Mr O'Brien?---Thank

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O'BRIEN RE-XN

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15:18:16 1 you.  
2  
15:18:16 3 COMMISSIONER: Thanks Mr O'Brien, you're excused and free  
15:18:18 4 to go?---Thanks Commissioner.  
15:18:21 5  
6 <(THE WITNESS WITHDREW)  
7  
15:18:23 8 COMMISSIONER: We'll take the afternoon break and then  
15:18:25 9 we'll resume with the next witness who will be giving  
15:18:27 10 evidence remotely. We'll start initially in open hearing,  
15:18:33 11 is that right, Mr Woods?  
15:18:34 12  
15:18:35 13 MR WOODS: That's correct.  
14  
15:18:35 15 COMMISSIONER: Yes. Thank you. We'll adjourn for ten  
15:19:14 16 minutes.  
17  
18 (Short adjournment.)  
19  
15:32:04 20 COMMISSIONER: Yes Mr Smith, can you hear me?---Yes, I can,  
15:32:08 21 Commissioner.  
15:32:08 22  
15:32:08 23 That's good. I understand you're going to take the  
15:32:14 24 oath?---Correct.  
15:32:17 25  
15:32:18 26 Yes, thank you. Mr Chettle, it's your witness, isn't it?  
27  
28 MR CHETTLE: Yes.  
29  
15:32:22 30 COMMISSIONER: Sorry, Mr Woods, you wanted to say something  
15:32:25 31 first?  
15:32:26 32  
15:32:26 33 MR WOODS: No, I'm waiting for the oath to be administered.  
15:32:33 34  
15:32:34 35 COMMISSIONER: Mr Chettle tenders the statement, that's  
36 what usually happens, isn't it?  
37  
38 MR CHETTLE: Yes, Commissioner.  
39  
15:32:35 40 COMMISSIONER: Yes. Yes Mr Chettle.  
15:32:35 41  
15:32:36 42 MR CHETTLE: I thought you wanted him sworn first.  
15:32:40 43  
15:32:40 44 COMMISSIONER: Yes.  
15:32:41 45  
15:32:43 46 <PETER SMITH, sworn and examined:  
15:33:01 47

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SMITHXN

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These claims are not yet resolved.

15:33:03 1 MR CHETTLE: For the purposes of this Royal Commission are  
15:33:04 2 you going by the pseudonym of Detective Peter Smith?---Yes.  
15:33:08 3  
15:33:09 4 Were you one of the handlers that dealt with Ms Gobbo back  
15:33:16 5 from 2005 to 2009?---Yes.  
15:33:21 6  
15:33:22 7 Have you completed two statements in relation to this  
15:33:25 8 Commission?---Yes.  
15:33:27 9  
15:33:27 10 Can I put up firstly COM.0026.0001.0001. Don't have it.  
15:33:58 11  
15:33:59 12 MR WOODS: That was COM.0026, 11.  
15:34:08 13  
15:34:08 14 MR CHETTLE: Yes.  
15:34:09 15  
15:34:10 16 MR WOODS: It's one I've got as well. COM.  
15:34:12 17  
15:34:14 18 MR CHETTLE: COM 1 and 2 are the two numbers.  
15:34:21 19  
15:34:23 20 COMMISSIONER: Until it's loaded on - - -  
15:34:25 21  
15:34:26 22 MR WOODS: We have copies.  
15:34:26 23  
15:34:27 24 COMMISSIONER: We have hard copies, don't we?  
15:34:29 25  
15:34:29 26 MR CHETTLE: Mr Woods is aware of the documents that I'm  
15:34:32 27 referring to.  
15:34:32 28  
15:34:33 29 MR WOODS: The Commission has them.  
15:34:34 30  
15:34:34 31 MR CHETTLE: The Commission has a copy in draft.  
15:34:36 32  
15:34:36 33 COMMISSIONER: I do.  
15:34:37 34  
15:34:38 35 MR CHETTLE: Mr Smith, did you complete your first  
15:34:40 36 statement, provide it and then subsequently do a second  
15:34:43 37 statement which you completed because of time difficulties  
15:34:46 38 with the first statement?---Yes.  
15:34:48 39  
15:34:49 40 In the second statement for clarity, did you review, as  
15:34:55 41 best you could, a number of ICRs?---Some of them, yes.  
15:35:00 42  
15:35:01 43 And indeed did you review some of the ICRs that were  
15:35:04 44 completed by a handler who was deceased but goes by the  
15:35:10 45 pseudonym of Anderson?---Correct, yes.  
15:35:13 46  
15:35:15 47 A decision was made effectively to split Mr Anderson's ICRs

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15:35:19 1 between three of the other handlers for review?---Yes.  
15:35:23 2  
15:35:24 3 Are the contents of both those statements true and  
15:35:28 4 correct?---Yes, they are.  
15:35:29 5  
15:35:29 6 I'll tender each of them, Commissioner.  
15:35:32 7  
15:35:35 8 #EXHIBIT RC485A - (Confidential) Statement of Peter Smith.  
15:35:39 9  
15:35:39 10 #EXHIBIT RC485B - (Redacted version.)  
15:35:43 11  
15:35:43 12 #EXHIBIT RC485C - (Confidential) Second statement of Peter  
15:35:49 13 Smith.  
15:35:49 14  
15:35:50 15 #EXHIBIT RC485D - (Redacted version.)  
15:35:55 16  
15:35:55 17 I notice, Commissioner, that 485C, the second statement,  
15:36:00 18 has the heading, "Statement" with an initials and then a  
15:36:04 19 pseudonym. I don't know whether the copy you have - that  
15:36:10 20 will need to be redacted.  
15:36:11 21  
15:36:12 22 COMMISSIONER: We'll do them both in an original and  
15:36:14 23 redacted form.  
15:36:15 24  
15:36:16 25 MR CHETTLE: Thank you.  
15:36:16 26  
15:36:16 27 COMMISSIONER: So there's a C and D for statement two.  
15:36:21 28  
15:36:21 29 MR CHETTLE: Thank you, Commissioner.  
15:36:22 30  
15:36:23 31 COMMISSIONER: Yes Mr Woods.  
15:36:24 32  
33 <CROSS-EXAMINED BY MR WOODS:  
34  
15:36:25 35 As I understand it, Commissioner, pseudonyms will be  
15:36:28 36 applied to those documents on the public versions of them.  
15:36:33 37  
15:36:33 38 COMMISSIONER: Yes.  
15:36:34 39  
15:36:35 40 MR WOODS: Mr Smith, can you hear me?---Clearly.  
15:36:36 41  
15:36:37 42 Great. Other than those statements that you've just been  
15:36:40 43 taken to, Victoria Police have also provided to the  
15:36:45 44 Commission a number of files of diaries, some of those  
15:36:50 45 single pages, some of them larger documents. Have you had  
15:36:54 46 a chance to look at the electronic versions of your diaries  
15:36:58 47 for the period?---I think I've seen some of them. I've had

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15:37:03 1 the opportunity, I just haven't had the time.  
15:37:04 2  
15:37:05 3 No, no, I quite understand. There's a lot of material to  
15:37:11 4 get through. I'll tender just for the sake of certainty,  
15:37:13 5 Commissioner, there's a consolidated file of all of  
15:37:16 6 Mr Smith's diaries, which is RCMP.0053.0001.0008 and  
15:37:23 7 that's been put together in chronological order from each  
15:37:27 8 of the separate files that we've been provided.  
15:37:30 9  
15:37:33 10 #EXHIBIT RC486 - Peter Smith's diaries.  
15:37:41 11  
15:37:42 12 We can get a copy of that to Mr Chettle. It's a very large  
15:37:47 13 document unfortunately but whatever 1111 megabytes is, it's  
15:37:57 14 a lot. Mr Smith, you completed your schooling in 1977 and  
15:38:00 15 entered the police a couple of years later, is that  
15:38:04 16 right?---Yes.  
15:38:05 17  
15:38:06 18 You had various roles from that stage until in about 2004  
15:38:14 19 you joined what was then known as the DSU pilot program, is  
15:38:19 20 that correct?---Yes.  
15:38:20 21  
15:38:21 22 You stayed in what then became the SDU from 2005, after  
15:38:26 23 that pilot finished, until 2012, is that right?---That's  
15:38:30 24 correct.  
15:38:30 25  
15:38:32 26 You are aware of the Comrie review being published in about  
15:38:36 27 mid-2012, is that something you knew about at the time?---I  
15:38:42 28 definitely knew it existed, I can't remember when I read  
15:38:46 29 it.  
15:38:46 30  
15:38:46 31 Officer Gleeson as we understand it was the person who was  
15:38:50 32 assisting Mr Comrie. Was he someone who spoke to you about  
15:38:54 33 that report when it was in its drafting phase?---No, no one  
15:38:59 34 spoke to me or as I understand it anyone about that report  
15:39:01 35 in the SDU.  
15:39:02 36  
15:39:02 37 It might be slightly after your time in the SDU there was  
15:39:05 38 the Covert Services Review of, I think it's named 2012 but  
15:39:10 39 it might have been published in 2013, signed off by  
15:39:15 40 Officers Fryer and Pope. Are you aware of that  
15:39:19 41 document?---I am. I couldn't tell you the detail of it  
15:39:22 42 right now. I resigned.  
15:39:26 43  
15:39:27 44 Had you resigned by the time that document had been  
15:39:30 45 published? When I say resigned, resigned from the SDU?---I  
15:39:36 46 left the SDU and I resigned from the Force late 14 I think.  
15:39:44 47

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SMITHXXN

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These claims are not yet resolved.

15:39:45 1 Do I understand that the Comrie review and some of those  
15:39:48 2 issues that arose out of it and perhaps the Covert Services  
15:39:53 3 Review had something to do with your leaving certainly the  
15:39:57 4 SDU which was disbanded at the time and going on to other  
15:40:01 5 activities?---I understand that to be the case.  
15:40:03 6  
15:40:07 7 The police have disclosed over the last while that there  
15:40:12 8 were some dealings between Ms Gobbo and the police after  
15:40:17 9 her de-registration in February or January/February 2009,  
15:40:22 10 and going into the next few years. Were you aware or a  
15:40:26 11 participant in any of those dealings with Ms Gobbo after  
15:40:29 12 say February 2009?---Well I knew that police would be  
15:40:35 13 dealing with her, that was explained to us when we finished  
15:40:39 14 dealing with her, but I was not a participant and I don't  
15:40:42 15 know any details.  
15:40:44 16  
15:40:45 17 All right. And the police have also disclosed that after  
15:40:49 18 Ms Gobbo sued Victoria Police and settled that proceeding,  
15:40:54 19 I think in about August 2010, that there was a directive  
15:40:58 20 from Mr Overland that no one would have anything to do with  
15:41:02 21 her following that date. Is that something you were aware  
15:41:05 22 of at the time?---So what year is that?  
15:41:11 23  
15:41:11 24 That was 2010, August 2010 when that proceeding  
15:41:16 25 resolved?---No, but your question prompts me that when the  
15:41:21 26 SDU concluded dealing with Ms Gobbo we were given a  
15:41:25 27 direction not to have any dealings with her, that's earlier  
15:41:29 28 than that, that's 2009 I think.  
15:41:30 29  
15:41:31 30 Did you have any dealings with her after that date might be  
15:41:34 31 the easiest thing to ask?---No.  
15:41:35 32  
15:41:37 33 In your first statement I think as was indicated by your  
15:41:41 34 counsel, Mr Chettle, you indicate that you weren't able in  
15:41:49 35 the time provided to review all the documents, I'm  
15:41:51 36 certainly not being critical of you from that point of  
15:41:54 37 view, but that's correct, isn't it?---Yes.  
15:41:56 38  
15:41:57 39 And that you and your colleagues or your former colleagues  
15:42:00 40 applied for those documents, access to those documents in  
15:42:03 41 February 2019 and were provided access in May 2019, is that  
15:42:07 42 right?---That's the rough time frame, yes. That was the  
15:42:11 43 time frame, yes.  
15:42:12 44  
15:42:12 45 That was access to the Loricated database?---Yes.  
15:42:16 46  
15:42:19 47 You received access to SDU archive documents on 22 May

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15:42:24 1 2019, is that right?---Yes.  
15:42:27 2  
15:42:28 3 You say you've reviewed SCRs, there is a few different  
15:42:34 4 acronyms that are used for various things. Do I understand  
15:42:36 5 that to be what others refer to as ICRs?---Yes, same thing.  
15:42:42 6  
15:42:42 7 Have you been able to review any information reports in the  
15:42:45 8 time available?---I have had a look at, had a look at them.  
15:42:52 9 Mostly I've seen a reference to them within the content of  
15:42:56 10 the ICRs/SCRs.  
15:42:58 11  
15:42:59 12 What about your emails from the period, have you had a  
15:43:02 13 chance to review any of those?---No. Some else did that I  
15:43:10 14 believe, I haven't seen them.  
15:43:11 15  
15:43:12 16 From the ICRs it's clear that Officer Fox, who was one of  
15:43:18 17 your colleagues at the SDU - have you got a copy of a  
15:43:21 18 pseudonym list with you there?  
15:43:23 19  
15:43:24 20 COMMISSIONER: Exhibit 81?---Yes, I do.  
15:43:26 21  
15:43:26 22 MR WOODS: Exhibit 81 that's called. Officer Fox had some  
15:43:31 23 conversations with Ms Gobbo on a couple of occasions in  
15:43:36 24 2007 where she indicated that she was a fan of some novels  
15:43:41 25 called Jack Reacher and then in early 2008, according to  
15:43:47 26 the ICRs, as I understand it you [REDACTED] in  
15:43:51 27 that name, Jack Reacher or similar, to be able to [REDACTED]  
15:43:56 28 [REDACTED] Ms Gobbo, is that right?---I wouldn't  
15:44:01 29 say to [REDACTED]. It was a [REDACTED], if you  
15:44:07 30 like an [REDACTED] that she could [REDACTED] she  
15:44:11 31 [REDACTED] us for the purposes of gathering  
15:44:14 32 intelligence.  
15:44:15 33  
15:44:15 34 My review of the documents provided to the Commission to  
15:44:18 35 date, and I should say again this isn't critical of you, is  
15:44:23 36 that there's only one or two emails that have been  
15:44:27 37 disclosed [REDACTED] Can you recall whether  
15:44:32 38 or not it was [REDACTED] that was used  
15:44:35 39 frequently?---No, no, it was not. So you're talking about  
15:44:40 40 this [REDACTED] that [REDACTED]  
15:44:43 41  
15:44:43 42 Yes, that's the one?---Okay. I'd have to look at the  
15:44:49 43 contact reports. If I had received an email it would be  
15:44:52 44 recorded in a contact report.  
15:44:54 45  
15:44:54 46 That perhaps answers it?---My recollection is there was not  
15:44:57 47 that many. I don't think it was particularly productive.

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15:45:01 1  
15:45:01 2 Having looked through them really only a moment ago, one of  
15:45:05 3 the ones I see there, she passes on some emails from some  
15:45:11 4 people who are likely involved in criminal activity,  
15:45:14 5 they're more social emails than anything else. She says,  
15:45:17 6 "Here you are twinkle toes" in one of them. Do you know  
15:45:20 7 who she's referring to there?--No, I don't. I'd have to  
15:45:26 8 look at it. They were mostly social from my recollection  
15:45:29 9 and it was, from our point of view it was gathering  
15:45:31 10 intelligence on potential associates and criminal  
15:45:34 11 identities.  
12  
15:45:35 13 I see from the ones that I've reviewed it seems to be the  
15:45:39 14 case that they're more passing on funny emails perhaps, but  
15:45:41 15 you can see the list of other people who have received them  
15:45:45 16 so it's largely from an intelligence point of view, would  
15:45:48 17 that be right?--Exactly.  
18  
15:45:50 19 There have also been a large number of recordings and  
15:45:54 20 associated transcripts that have been disclosed to the  
15:45:58 21 Commission by Victoria Police. Have you had an opportunity  
15:46:00 22 to look at least some of those?--Some of them, some of  
15:46:06 23 them I've not seen or read and probably one of them I  
15:46:10 24 looked at quite intensely, yes.  
25  
15:46:15 26 And then again I should say in your second statement you  
15:46:18 27 find yourself in the same position, which is you say due to  
15:46:21 28 the large volume of material you haven't finished reading  
15:46:25 29 the documents or listened to the relevant audio recordings,  
15:46:28 30 thus the statement is incomplete. I take it due to the  
15:46:31 31 volume of those you're still in that same as you sit there  
15:46:36 32 now?--I still find it quite daunting but I can honestly  
15:46:42 33 admit I haven't listened to all of them.  
34  
15:46:45 35 I can freely admit that I haven't either. You had  
15:46:46 36 significant experience in human source management prior to  
15:46:49 37 your time in the SDU, is that right?--I certainly had  
15:46:57 38 some, probably through the good work of the crews I was  
15:47:01 39 supervising. I gained far more experience after coming to  
15:47:06 40 the SDU and certainly the regime changed once we got to the  
15:47:12 41 SDU.  
42  
15:47:12 43 In those experiences that you'd had prior to the SDU I take  
15:47:16 44 it that they were, I won't, for the purposes of not seeking  
15:47:19 45 to identify you I won't talk about the areas that you were  
15:47:22 46 working in?--Yes.  
15:47:23 47

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15:47:24 1 Geographical areas, but I assume they were drug matters  
15:47:27 2 largely arising from your work in those geographical areas,  
15:47:32 3 is that right?---Mostly yeah, mostly drug trafficking,  
15:47:36 4 occasionally serious violence but mostly drug trafficking.  
15:47:39 5  
15:47:40 6 Were you someone who identified some of those sources or  
15:47:42 7 were the sources handed to you and you helped manage them  
15:47:45 8 prior to the SDU?---Prior to the SDU they were both.  
15:47:51 9 Actually, actually, probably mostly I was involved in their  
15:47:56 10 recruiting if you like.  
15:47:57 11  
15:47:58 12 So you'd work out who might be of use to assist with  
15:48:04 13 information to the police and then you would set about  
15:48:07 14 recruiting that person?---That makes it sound like we went  
15:48:14 15 and picked targets. I mean back in those days it was far  
15:48:18 16 more simple than that.  
15:48:19 17  
15:48:20 18 Can you explain. One of the things the Commission has to  
15:48:23 19 grapple with is the way human sources should perhaps be  
15:48:27 20 managed in the optimum circumstances. It would be  
15:48:29 21 interesting to hear what the situation was with  
15:48:35 22 those?---Okay. I was think you were looking for background  
15:48:38 23 on me. In those days it was quite often a person would be  
15:48:41 24 arrested and then they would decide, if they had  
15:48:45 25 information that could help the police they would decide  
15:48:48 26 whether to talk to them or not.  
15:48:50 27  
15:48:50 28 Prior to the establishment of the SDU that was a fairly ad  
15:48:53 29 hoc process that was run by the particular district, is  
15:48:56 30 that right?---Yes, yes, objectively, yes.  
15:49:02 31  
15:49:03 32 Was it that experience that you had to your understanding  
15:49:07 33 that led you to be asked to be part of the DSU pilot  
15:49:11 34 program?---I think so.  
15:49:16 35  
15:49:18 36 You have had some training in source handling, there are  
15:49:22 37 [REDACTED] that you completed. Are you able to say who  
15:49:26 38 designed those courses?---I believe - - -  
15:49:32 39  
15:49:33 40 Have a look at Exhibit 81?---Yeah, I believe Officer White  
15:49:38 41 had the vast majority of input into those.  
15:49:41 42  
15:49:41 43 Was it Officer White who presented the [REDACTED] courses that you  
15:49:45 44 completed, the [REDACTED] I should say?---Yeah, I think  
15:49:48 45 there were other presenters but yeah, certainly he was the  
15:49:51 46 overarching facilitator if you like, yes.  
15:49:55 47

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15:49:55 1 Did you have - had you worked with Officer White prior to  
15:49:59 2 the establishment of the pilot program?---Not with him, we  
15:50:04 3 had been in another area previously but not really, not on  
15:50:08 4 the same crew and I didn't think I had worked with him  
15:50:11 5 before, no.  
15:50:12 6  
15:50:12 7 Was it Officer White who approached you to be part of that  
15:50:15 8 pilot program?---Yes.  
15:50:16 9  
15:50:17 10 When you commence, this was a novel, I shouldn't perhaps  
15:50:23 11 say novel, this was a new way of dealing with human sources  
15:50:27 12 and it was a more robust approach to what had come before  
15:50:32 13 it, as I understand it, is that right, the DSU  
15:50:37 14 establishment?---That's right, yes, you've put it  
15:50:42 15 appropriately. That's correct, yes.  
15:50:43 16  
15:50:43 17 You were aware of the work that Mr Purton had done as part  
15:50:48 18 of the Ceja Task Force and the review of the Drug Squad  
15:50:51 19 where he was looking at aspects of human source management.  
15:50:56 20 I should say the reason I'm asking this, he has given  
15:50:59 21 evidence to the Commission and he's talked about the  
15:51:01 22 evolution of human source management partly through his  
15:51:04 23 review of the Drug Squad in the early 2000s, is that  
15:51:09 24 something you're aware of occurring?---I know he did a  
15:51:12 25 review. I guess I'd be aware of some of the themes to do  
15:51:17 26 with sources about that review but the details of course  
15:51:19 27 now I don't recall.  
15:51:20 28  
15:51:20 29 I understand. What about the design of the SDU, is that  
15:51:23 30 something that you were involved in or was that left to  
15:51:26 31 others?---No, that was done by others.  
15:51:28 32  
15:51:29 33 Overseas travel to work out best practice and how that  
15:51:35 34 would be incorporated into what became the SDU, were you  
15:51:39 35 one of the people who travelled overseas?---No.  
15:51:41 36  
15:51:41 37 You're aware of an individual that went to the United  
15:51:45 38 Kingdom and collected material there?---If you're talking  
15:51:53 39 about - - -  
15:51:53 40  
15:51:54 41 He hasn't got a pseudonym, assume that he was part of the  
15:51:58 42 SDU at some stage. I will probably avoid using his  
15:52:02 43 name?---It may be not the - maybe not the SDU, it may be  
15:52:07 44 the other, the management area.  
15:52:09 45  
15:52:11 46 There's a Code of Practice from the UK Home Office that's  
15:52:14 47 already been tendered to the Commission. There's a public,

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15:52:21 1 this is a public document. It talks about the use of human  
15:52:27 2 sources and it should be on a screen in front of you at the  
15:52:31 3 moment. Do you see that document?---Okay. Yeah, I can see  
15:52:42 4 that's got a year date on it. Okay, yes, I can see that.  
15:52:46 5  
15:52:46 6 Is that a document that you would have used at the time or  
15:52:49 7 that rings any bells for you at the moment?---I'd have to  
15:52:53 8 look further into it. There was one that was used by the  
15:52:59 9 officer I've referred to, by Officer White.  
15:53:04 10  
15:53:04 11 Yes?---And if it's his copy there would be I think markings  
15:53:08 12 on it that would indicate it was him.  
15:53:11 13  
15:53:12 14 COMMISSIONER: That's a different document.  
15:53:14 15  
15:53:14 16 MR WOODS: That might a different document, I'm not sure  
15:53:17 17 that one's a public document.  
15:53:18 18  
15:53:18 19 COMMISSIONER: It's not?---I see an officer's name stamped  
15:53:23 20 on that document who is Officer Black.  
15:53:25 21  
15:53:25 22 MR WOODS: Yes?---I believe that he went overseas at some  
15:53:32 23 stage.  
15:53:33 24  
15:53:33 25 This particular document, is this one of the documents that  
15:53:35 26 you would use within the SDU as a guide to how you would  
15:53:42 27 approach human source management or is it something that  
15:53:45 28 wasn't used, that's what I'm trying to get to?---I think  
15:53:48 29 there was another one that I'm referring to that's perhaps  
15:53:52 30 dated earlier that was in possession of Officer White. I  
15:53:56 31 don't know if this is the same one, it sounds like it's  
15:53:59 32 not.  
15:53:59 33  
15:53:59 34 This document here has some portions in it that talks about  
15:54:04 35 the use of potentially information that might have been  
15:54:08 36 subject to legal professional privilege which is why it's  
15:54:13 37 of interest to the Commission?---Right.  
15:54:14 38  
15:54:14 39 Because it's a document that obviously predates the  
15:54:18 40 formation of the SDU. It appears to be a document that was  
15:54:25 41 within the SDU and the Commission's interested in whether  
15:54:29 42 or not as a document that was referred to, in particular  
15:54:31 43 the parts of the document that talk about the use of  
15:54:35 44 legally professionally privileged information?---Um - - -  
15:54:42 45  
15:54:42 46 If you don't recall seeing the document then that's  
15:54:46 47 fine?---I don't know that that's the document, I know that

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15:54:51 1 Officer White had one and I don't know if this is it. I  
15:54:54 2 believe it came from the UK.  
15:54:57 3  
15:54:57 4 COMMISSIONER: They're different documents. They're  
15:55:01 5 different documents.  
15:55:02 6  
15:55:02 7 MR WOODS: I'm making that point as best I can, just to  
15:55:05 8 make sure we're not referring to any other  
15:55:08 9 documents?---Okay.  
15:55:09 10  
15:55:14 11 Were you aware at the time of the pilot program or during  
15:55:18 12 your time at the SDU of any policies or procedures, whether  
15:55:22 13 they be interstate or international, that did deal with the  
15:55:25 14 use of potentially privileged information by human source  
15:55:32 15 managers?---No. Not that I recall.  
15:55:36 16  
15:55:37 17 MR CHETTLE: Is this document one on the public screen?  
15:55:41 18  
15:55:41 19 MR WOODS: No, it's not.  
15:55:42 20  
15:55:43 21 COMMISSIONER: It wouldn't matter if it was.  
15:55:44 22  
15:55:45 23 MR CHETTLE: It certainly would matter.  
15:55:46 24  
15:55:46 25 COMMISSIONER: Not for this one it wouldn't. It's a public  
15:55:50 26 document. The name, the name, I understand.  
15:55:52 27  
15:55:53 28 MR WOODS: All right. You in your - as you understand it  
15:56:03 29 you first became aware, or I should say first, since the  
15:56:07 30 Commission has been established it's been disclosed to it  
15:56:10 31 there were two former registrations of Ms Gobbo as a human  
15:56:15 32 source prior to her 16 September 2005 registration. Now,  
15:56:19 33 you're aware now I assume that that's the case?---I am and  
15:56:28 34 latterly, towards the end of the SDU I did become aware of  
15:56:34 35 one of those, I can't remember the details, but I happened  
15:56:36 36 upon a document on a computer when I was looking for  
15:56:39 37 something else that indicated there may have been a  
15:56:42 38 previous registration but I think that was even after she'd  
15:56:46 39 been deregistered by us.  
15:56:48 40  
15:56:48 41 What about, I think it's the case that you became aware in  
15:56:52 42 about February 2013 that Ms Gobbo had been registered in 99  
15:57:00 43 by Jeff Pope, does that ring a bell?---I can't remember the  
15:57:02 44 date but it sounds about right.  
15:57:04 45  
15:57:07 46 Is that the registration that you're talking about that you  
15:57:11 47 discovered towards the end of the SDU?---I think so, yes.

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15:57:14 1  
15:57:16 2 And the previous registration before that, did you have any  
15:57:18 3 knowledge of that at that time or since?---Only what's been  
15:57:23 4 disclosed since the Commission started I guess.  
15:57:25 5  
15:57:27 6 The revelation of both of those, and I'll just concentrate  
15:57:32 7 on the 99 one, came as a significant revelation to the  
15:57:36 8 Commission. Are you aware of others who knew about that  
15:57:40 9 registration, the 99 registration, at around the same time  
15:57:43 10 that you found out about it in about 2013?---Not that I  
15:57:50 11 recall now. It would have been the people involved in the  
15:57:54 12 handling I guess. I was - I presume, and that's their  
15:58:00 13 role, it would be the HSMU office maybe should have known.  
15:58:04 14  
15:58:04 15 I assume that your position is that that's, that and the  
15:58:08 16 prior registration are two things that the SDU should have  
15:58:11 17 been told about prior to 16 September or around about 16  
15:58:15 18 September 2005 when Ms Gobbo was registered by the SDU?---I  
15:58:21 19 would have thought that would have been highly appropriate.  
15:58:24 20  
15:58:28 21 When you first started dealing with Ms Gobbo, and we'll  
15:58:31 22 move on to those early dealings in a moment, but she told  
15:58:36 23 you that she'd actually met you some years prior when she  
15:58:39 24 was acting for a drug trafficker, do you recall that  
15:58:42 25 happening?---Yes.  
15:58:43 26  
15:58:44 27 Did you have a memory of that occurring once she reminded  
15:58:47 28 you?---Yeah, I think I remembered the defendant. I don't  
15:58:54 29 know that she recalled my, my correct name but, yeah, there  
15:58:59 30 was a memory of a court case where she was present and I  
15:59:02 31 was, I was either the informant or a witness.  
15:59:04 32  
15:59:06 33 Otherwise did you have any memory of her or dealings with  
15:59:09 34 her prior to September 2005?---No.  
15:59:12 35  
15:59:15 36 I take it that when you first met her in September 2005 you  
15:59:19 37 had an understanding of, firstly, who she was and what her  
15:59:23 38 job was and those sorts of things, is that right?---Yes.  
15:59:27 39  
15:59:27 40 You knew she'd been acting for some people who'd been  
15:59:31 41 implicated in some serious criminal activity?---Yes.  
15:59:34 42  
15:59:34 43 And you knew she was also close on a personal basis to a  
15:59:40 44 number of people who were associated with what we call the  
15:59:45 45 underworld?---Yes.  
15:59:46 46  
15:59:47 47 Did you know in September 2005 that she'd had sexual

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15:59:51 1 relationships with a number of police officers?---I don't  
15:59:57 2 think I ever knew that but it certainly had been intimated  
16:00:03 3 and there was some innuendo and rumours and people saying  
16:00:08 4 that had been the case.  
16:00:10 5  
16:00:15 6 Your first meeting, one of the things that's discussed with  
16:00:19 7 Ms Gobbo is her representation and broader relationship  
16:00:23 8 with Tony Mokbel. Do you remember that that was a  
16:00:25 9 significant part of the early discussions with Ms Gobbo,  
16:00:28 10 that relationship with Mr Mokbel?---Yes.  
16:00:30 11  
16:00:31 12 I take it that you knew on 16 September that at that stage  
16:00:35 13 she was in fact acting for Mr Mokbel?---I can't remember  
16:00:41 14 whether I knew that at the time.  
16:00:42 15  
16:00:44 16 Ms Gobbo's told, in the ICRs, the third ICR Ms Gobbo talks  
16:00:52 17 about the fact that she first started acting for Mr Mokbel  
16:00:55 18 on a different matter I should say in February 2002. And  
16:01:01 19 that given the content of a number of the early ICRs it's  
16:01:06 20 clear that she was disclosing to you and Mr White that in  
16:01:10 21 fact she was acting for Mr Mokbel at that time. Do you  
16:01:13 22 take issue with that?---No, no, I don't, no.  
16:01:16 23  
16:01:20 24 It's correct when one reads these early ICRs, and some of  
16:01:24 25 the associated documents we've looked at an Operation Posse  
16:01:29 26 operational assessment and some other documents, that one  
16:01:32 27 of the significant, just restricting this to the SDU, one  
16:01:36 28 of the significant focuses that you had at that early stage  
16:01:41 29 was to dismantle the Mokbel cartel, do you agree with  
16:01:46 30 that?---Our role was to get information to pass on to  
16:01:50 31 Purana so they could do that, yes.  
16:01:52 32  
16:01:53 33 Yes, I understand. Your part in that was to obtain  
16:01:56 34 information, certainly when you were talking to Nicola  
16:01:59 35 Gobbo, was to get that information from Ms Gobbo?---Yes.  
16:02:01 36  
16:02:04 37 In the first face-to-face meeting Mr White says to Ms Gobbo  
16:02:13 38 when there's a pause in conversation and people are trying  
16:02:16 39 to work out the parameters of this new relationship, he  
16:02:20 40 says, "Tell us everything you know about Tony Mokbel".  
16:02:23 41 Have you read that first transcript any time  
16:02:29 42 recently?---Not recently but I remember that question, I've  
16:02:31 43 asked that exact question of most sources I've ever dealt  
16:02:34 44 with.  
16:02:35 45  
16:02:35 46 It doesn't come as a surprise to you that was one of the  
16:02:39 47 first questions at the first meeting with Ms Gobbo

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16:02:44 1            though?---No, it doesn't, because it's a multi-faceted  
16:02:47 2            question. It's probably not just the question on the  
16:02:50 3            surface, the response can tell us quite a number of things.  
16:02:53 4  
16:02:56 5            Of course, but one of the aspects of that relationship  
16:02:58 6            though of course was that she was acting for Mr Mokbel at  
16:03:00 7            the time and both you and Mr White knew it?---Yes.  
16:03:03 8  
16:03:04 9            Reflecting just on that part of the conversation now, as we  
16:03:08 10           sit here in 2019, what do you say about the propriety of  
16:03:14 11           that being the focus given that he was a known client of  
16:03:20 12           Ms Gobbo's?---Yeah, I have reflected on this quite a bit.  
16:03:29 13  
16:03:29 14           We're just talking about Mr Mokbel at this stage too I  
16:03:32 15           should say?---Yes. We were focused on current and future  
16:03:39 16           criminality, not what, any pending court cases or any  
16:03:45 17           details of any, any court cases that had already started.  
16:03:50 18           We were looking at charging people with crimes they were  
16:03:56 19           currently or going to commit in the future. I'll start  
16:03:58 20           answering your question, I've forgotten the main part of  
16:04:02 21           it, sorry.  
16:04:02 22  
16:04:03 23           That's all right. I'm asking you to reflect given the fact  
16:04:06 24           that Ms Gobbo said she was acting for Mr Mokbel and that  
16:04:09 25           appears to have been well-known in those early meetings,  
16:04:12 26           I'm asking you to reflect on the propriety of using her in  
16:04:15 27           the first place to target one of her known clients?---Yeah.  
16:04:21 28           The propriety?  
16:04:23 29  
16:04:23 30           I'm not talking about particular legally professionally  
16:04:27 31           privileged information, I might talk about some of that in  
16:04:30 32           due course?---The general principle I suppose, is that  
16:04:34 33           correct?  
16:04:34 34  
16:04:34 35           Yes, that's right?---At the time we thought she was a  
16:04:39 36           person who had access and could advise us of ongoing  
16:04:42 37           criminal activity but to answer your question, looking back  
16:04:48 38           now, and I didn't think of it then, yeah, I can understand  
16:04:57 39           some, there are some question marks over that and I suppose  
16:05:03 40           - I'm clearly trying to choose my words carefully, but I  
16:05:08 41           think now, if that happened today, we'd probably get legal  
16:05:11 42           advice about it.  
16:05:13 43  
16:05:14 44           That's inevitably something that you can say now in 2019,  
16:05:18 45           it should have happened in September 2005?---I don't feel  
16:05:23 46           good about saying it but that's correct. We had some  
16:05:26 47           trepidations about getting legal advice in that any source

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16:05:32 1 's identity of course is paramount, or lack of it, making  
16:05:37 2 sure it doesn't get out. But within the legal fraternity  
16:05:42 3 we I guess were not convinced it wouldn't get out if we  
16:05:47 4 made those sort of approaches. I know that was on my mind,  
16:05:51 5 I can't speak for others.

16:05:52 6  
16:05:53 7 You understand that you could have obtained advice, legal  
16:05:57 8 advice from within Victoria Police?---Didn't consider it I  
16:06:03 9 suppose. I didn't consider whether, who the employer of a  
16:06:09 10 barrister or solicitor was, I just, I was, the whole  
16:06:15 11 concept of it, had the potential to put her at risk at that  
16:06:21 12 time.

16:06:21 13  
16:06:21 14 What about superior officers who had law degrees, is that  
16:06:25 15 something that crossed your mind at the time or something  
16:06:28 16 that perhaps should have crossed your mind at the  
16:06:30 17 time?---It didn't cross my mind at the time.

16:06:32 18  
16:06:32 19 Do I understand your evidence to be that you recall  
16:06:36 20 thinking about getting legal advice but were reluctant  
16:06:39 21 because of that potential to identify Ms Gobbo, or are you  
16:06:44 22 thinking in your head now had you sought legal advice that  
16:06:47 23 would have been one of the problems?---No, I remember  
16:06:49 24 thinking at one point, I don't know if it was early days or  
16:06:52 25 once we, you know, we were into it a few months or  
16:06:59 26 whatever, definitely at some stage I had those thoughts.

16:07:02 27  
16:07:02 28 It seems inevitable to me, I'll ask you, is it the case  
16:07:06 29 that as you understand things now, had you got that legal  
16:07:10 30 advice we might well not be in the position we're all  
16:07:13 31 sitting in now, do you agree with that?---Um - - -

16:07:19 32  
16:07:20 33 With what you now know about the propriety of using a  
16:07:23 34 barrister in the circumstances that Ms Gobbo was used  
16:07:25 35 specifically?---I guess until we get into the specifics -  
16:07:33 36 in a general sense yes, we may not have been.

16:07:36 37  
16:07:39 38 What Ms Gobbo herself said in those early meetings was that  
16:07:44 39 she wanted to get the Mokbel group off her back. Do you  
16:07:51 40 agree that that was one of the motivations she spoke  
16:07:54 41 about?---Yes.

16:07:55 42  
16:07:58 43 She was frustrated about their capacity to essentially sit  
16:08:02 44 behind various defendants and pull the strings in the  
16:08:04 45 criminal justice system?---Exactly.

16:08:07 46  
16:08:07 47 And that she was concerned that they were influencing a

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16:08:11 1 number of cases, you agree with that?---Yes.  
16:08:14 2  
16:08:16 3 And so as part of that the early discussions between  
16:08:20 4 Ms Gobbo, you and Mr White, were one of the large focuses,  
5 we can go through some details if that assists, but one of  
16:08:31 6 the large focuses was how to get Mr Tony Mokbel  
16:08:34 7 incarcerated?---Yes, and others, yes.  
16:08:38 8  
16:08:39 9 And others, yes, but others specifically within his group  
16:08:42 10 at that stage, do you agree with that?---Yes.  
16:08:44 11  
16:08:46 12 You understand or you recall that Mr Mokbel, Tony Mokbel  
16:08:51 13 fled the jurisdiction in March 2006?---Yes.  
16:08:57 14  
16:08:57 15 And that was quite early in her period, of Ms Gobbo's  
16:09:02 16 period of registration, do you agree with that?---Yes, it  
16:09:06 17 would have been, correct.  
16:09:07 18  
16:09:08 19 And that the focus of the information both that she was  
16:09:11 20 giving and what was being passed on by the SDU following  
16:09:14 21 that period was on a number of other individuals like, for  
16:09:20 22 example, Mr Karam, Mr Orman, a number of individuals that  
16:09:25 23 weren't necessarily part of the Mokbel cartel, do you  
16:09:28 24 agree?---That's right. Those people don't, don't have  
16:09:35 25 pseudonyms, no.  
16:09:36 26  
16:09:37 27 No, they don't?---Okay.  
16:09:38 28  
16:09:39 29 You can assume - in fact it's probably not safe, but I was  
16:09:44 30 going to say you can assume if I say their name then it's  
16:09:47 31 probably safe for you to say it?---Okay.  
16:09:49 32  
16:09:49 33 We'll see how we go with it. In fact over her period of  
16:09:52 34 registration Ms Gobbo gave information in relation to a  
16:09:57 35 large number of individuals, some of them involved with the  
16:10:00 36 Mokbels and some of them not, you agree with that?---Yeah,  
16:10:05 37 I think on balance most of them were connected to the  
16:10:09 38 Mokbels in some fashion, but yeah. There were others.  
16:10:12 39  
16:10:12 40 Her initial motivation, shall I say, it did move on after  
16:10:17 41 that, which was her sole focus when apparently you go and  
16:10:21 42 read that first transcript, was just on bringing down that  
16:10:25 43 particular cartel. What I'm suggesting to you is her  
16:10:31 44 motivation changed somewhat in that regard as to who her  
16:10:34 45 focus was over the ensuing years?---Yes, motivations quite  
16:10:40 46 often change and I'm sure they did with this source.  
16:10:42 47

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16:10:42 1 We can see from looking at the SDU documents motivation is  
16:10:45 2 one of the important things that's recorded within human  
16:10:48 3 source management documents, is that correct?---As much as  
16:10:50 4 it can be discovered, yes.  
16:10:52 5  
16:10:54 6 At that first meeting on 16 September, Ms Gobbo had been  
16:11:00 7 brought to you and to Mr White by Mansell and Rowe?---Yes.  
16:11:07 8  
16:11:08 9 And she was wanting to talk about a difficult position she  
16:11:11 10 was in in representing Mr Bickley, do you recall  
16:11:19 11 that?---I remember - certainly know that name. I can't  
16:11:23 12 remember what the difficult position was right now, I know  
16:11:25 13 there was those sort of things that came up straight away.  
16:11:28 14  
16:11:29 15 You remember there was a particular trigger whereby she  
16:11:32 16 went to Mansell and Rowe and said, "I want to talk"?---Yes.  
16:11:36 17  
16:11:37 18 Is it correct that in those early - or let's take that 16  
16:11:42 19 September meeting. I should ask first, do you have an  
16:11:45 20 independent recollection of meeting for the first time  
16:11:48 21 Ms Gobbo?---Bits and pieces. I remember where it was, I  
16:11:54 22 remember what the weather was like and otherwise the  
16:11:58 23 content oddly enough. No, I haven't refreshed my memory.  
16:12:04 24  
16:12:05 25 There are transcripts obviously of those face-to-face  
16:12:08 26 meetings. It might be you or it might be another handler  
16:12:12 27 who says, "You have to listen carefully to some of those  
16:12:17 28 recordings because the transcript is not always right", is  
16:12:20 29 that your position?---The transcripts?  
16:12:21 30  
16:12:21 31 The transcripts of those face-to-face meetings?---Yeah, I  
16:12:24 32 was leading to that earlier in the previous question. One  
16:12:27 33 of them I listened to intently. Then I attempted to  
16:12:32 34 correct the transcripts when I made some marked  
16:12:35 35 discrepancies. Not discrepancies, errors.  
16:12:37 36  
16:12:37 37 We've talked about Ms Gobbo's frustration with Tony Mokbel  
16:12:41 38 at that first meeting and as she was expressing that to you  
16:12:45 39 and Mr White. Is that something you have a recollection  
16:12:48 40 of?---Specifically that meeting no, but that was a constant  
16:12:56 41 theme certainly in the early days, yes.  
16:12:58 42  
16:12:59 43 In that transcript she's talking fairly openly about the  
16:13:02 44 issues that she's got in representing Mr Bickley and  
16:13:05 45 she's doing it in front of Mansell and Rowe and you and  
16:13:10 46 Mr White. Do you have any recollection of having concern  
16:13:16 47 given her representing Mr Bickley at that stage, that

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16:13:22 1 perhaps she shouldn't be having conversations of the nature  
16:13:25 2 that she's having openly with the four of you?---Well we  
16:13:32 3 were there to assess a source and when you're assessing a  
16:13:39 4 source you don't want to tell them not to tell you  
16:13:42 5 anything. It's sort of the exact opposite of what a  
16:13:45 6 handler would do.  
16:13:46 7  
16:13:46 8 Yes, I understand?---So I didn't do that. I understand why  
16:13:50 9 you're asking the question because of the nature of her  
16:13:53 10 employment and the situation she was in, but at the time I  
16:13:57 11 wanted to hear everything so we could make a proper  
16:14:01 12 assessment.  
16:14:02 13  
16:14:02 14 Yes, I see. So I understand at that stage, 2005, as far as  
16:14:17 15 you were concerned you wanted to get every item of  
16:14:20 16 information that this person could give. Perhaps if you  
16:14:22 17 were doing the same thing in 2019 with all the water under  
16:14:26 18 the bridge it wouldn't be exactly the same approach with a  
16:14:29 19 barrister, is that a fair assessment?---That's right. May  
16:14:32 20 I just add something to the way you asked that question?  
16:14:35 21 When you say information, it was more than it, because we  
16:14:40 22 make the assessment not just on the information, we make an  
16:14:46 23 assessment on a whole range of things that the source can  
16:14:50 24 provide. It wasn't just straight out, "What information  
16:14:53 25 you got? Full stop".  
16:14:54 26  
16:14:56 27 I can only assume reading that first transcript and  
16:14:59 28 listening to the audio that it must have been a pretty  
16:15:03 29 significant thing for people who worked in the human source  
16:15:08 30 area, given what had transpired in the Melbourne underworld  
16:15:12 31 in the previous years and the position that Ms Gobbo had in  
16:15:17 32 relation to both her status as a legal representative and  
16:15:25 33 apparently a friend of these people who were associated  
16:15:28 34 with the underworld, it must have been a very significant  
16:15:32 35 thing for a handler to have someone like them to fall into  
16:15:36 36 their lap, is that right?---Yes.  
16:15:38 37  
16:15:39 38 Was it a cause of significant discussion at the time to  
16:15:44 39 your memory that there was this new and really very  
16:15:48 40 important source that was coming the way of the  
16:15:54 41 SDU?---Definitely discussed in the office and all our  
16:16:00 42 sources are important but this was something - - -  
16:16:02 43  
16:16:02 44 In the context, I should say, there was a lot of pressure  
16:16:05 45 being brought to bear on Victoria Police during this stage  
16:16:09 46 of the mid-2000s because of what had been happening in the  
16:16:13 47 underworld, is that correct?---I believe there was but

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16:16:18 1 being in the SDU and the other areas I'd worked, I hadn't  
16:16:22 2 felt that directly. I was aware of it though.  
16:16:26 3  
16:16:26 4 Yes, okay. The actual day-to-day management of Ms Gobbo,  
16:16:34 5 it comprised a handler and a controller, for example, at a  
16:16:40 6 face-to-face meeting, the two of those would attend, is  
16:16:44 7 that right?---A controller wouldn't have to attend. There  
16:16:47 8 PII  
16:16:51 9 PII  
16:16:59 10 PII  
16:17:06 11 PII  
16:17:08 12 PII  
16:17:08 13 The reason you had PII face-to-face, I understand,  
16:17:11 14 was to get past some of those issues that happened in the  
16:17:15 15 bad old days with human source management, where it might  
16:17:18 16 have been PII and a human source, is that  
16:17:20 17 right?---That's right, but it certainly had other  
16:17:25 18 advantages as well, but that certainly was the thinking  
16:17:28 19 when they brought that in.  
16:17:29 20  
16:17:29 21 The handler, whether it was a phone contact or a  
16:17:32 22 face-to-face contact, would report the matters that were  
16:17:37 23 discussed in an ICR, is that correct?---Yes, every contact.  
16:17:43 24  
16:17:43 25 And they were handed to the controller?---Yes.  
16:17:46 26  
16:17:49 27 There was always an Inspector within the unit during your  
16:17:53 28 period there, at stages part-time and full-time, is that  
16:17:57 29 right?---I have a memory of early days not being one around  
16:18:05 30 that much, at one stage it was part-time, that's for sure.  
16:18:09 31  
16:18:09 32 Who was that?---I don't know what order they were in, I  
16:18:20 33 remember Inspector Glow, Inspector Hardy and I think there  
16:18:24 34 was another one, possibly might have been for a short time,  
16:18:29 35 Inspector, he's promoted now, perhaps McWhirter and maybe,  
16:18:39 36 I don't know if there was others, that was in the early  
16:18:42 37 days.  
16:18:42 38  
16:18:44 39 Part of the procedures that came in as part of the, growing  
16:18:50 40 out of the pilot program and became part of the SDU was the  
16:18:54 41 completion of an Acknowledgement of Responsibilities, is  
16:18:56 42 that right?---Yes.  
16:18:57 43  
16:18:57 44 Before we go into some details about that document, it's  
16:19:00 45 correct that there wasn't an Acknowledgement of  
16:19:06 46 Responsibilities completed for months Gobbo?---Not in the  
16:19:09 47 formal sense of asking those questions in that order, no

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16:19:12 1 there was not, no, but there was other measures.  
16:19:15 2  
16:19:15 3 The other measures as I understand your evidence if you go  
16:19:18 4 through the ICRs and you go through the recordings, you're  
16:19:21 5 able to see that there was discussion about what the ambit  
16:19:24 6 of the relationship was and what would be expected of  
16:19:27 7 Ms Gobbo, is that correct?---Yes.  
16:19:30 8  
16:19:34 9 Is it correct to say that an Acknowledgement of  
16:19:42 10 Responsibility is an especially important document when  
16:19:44 11 you're dealing with someone from the profession that Nicola  
16:19:47 12 Gobbo came from? Let's just compare that to a street level  
16:19:57 13 drug dealer who might be assisting to provide information.  
16:20:00 14 Given Ms Gobbo's profession, it's a particularly important  
16:20:05 15 document with her?---Well, it's an important document for  
16:20:09 16 the source. That example you gave, I actually disagree  
16:20:11 17 with you. I think in her case she was a highly intelligent  
16:20:16 18 person aware of a lot of legal matters. Where other  
16:20:22 19 sources, as you alluded to then, would be, have to have  
16:20:28 20 things spelt out to them far more clearly.  
16:20:31 21  
16:20:31 22 She was certainly an intelligent person but she was also a  
16:20:37 23 person who was pretty keen despite instructions from time  
16:20:39 24 to time to disclose all sorts of information and represent  
16:20:43 25 people she was told not to represent, do you agree with  
16:20:46 26 that?---That did happen.  
16:20:47 27  
16:20:47 28 And an Acknowledgement of Responsibility that for example  
16:20:49 29 detailed those two areas and said she will not do those  
16:20:54 30 things, might have been a handy document to have from the  
16:20:57 31 start?---I don't know whether it would have changed  
16:21:01 32 anything.  
16:21:01 33  
16:21:01 34 It would have at least given you some kind of arrangement,  
16:21:04 35 formal arrangement that you could go back to her and say,  
16:21:07 36 "Nicola, you'll remember that your part of this deal is  
16:21:10 37 that you will not do the following things, we don't want to  
16:21:14 38 hear this sort of information, and we don't want to be  
16:21:17 39 representing particular people when you have a conflict".  
16:21:19 40 That would have been a useful thing to point to?---She was  
16:21:24 41 told those things on various, at various times. I don't  
16:21:29 42 know whether this is an appropriate time to point it out,  
16:21:32 43 you're talking about the source being, you know,  
16:21:35 44 effectively told what she can and can't do. This source  
16:21:40 45 was, look, there's no question of the amount of I guess  
16:21:46 46 supervision that we had in the initial handling of this  
16:21:50 47 source. I first, I read the documents, I didn't realise

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16:21:54 1 until I started to peruse them, the first seven  
16:21:58 2 face-to-face meetings the controller was present. Now,  
16:22:01 3 that is, that's <sup>PII</sup> [REDACTED] as far as I know in the SDU  
16:22:05 4 office. The amount of scrutiny that her recruitment was  
16:22:12 5 under and, what's the word I'm looking for, how she was to  
16:22:17 6 be handled. It was taken extremely seriously.  
16:22:22 7  
16:22:22 8 It was taken extremely seriously for two reasons, one was  
16:22:26 9 the dangerous people that she mixed with both personally  
16:22:34 10 and professionally, do you agree with that on the one hand,  
16:22:37 11 that was one of the reasons it was taken seriously?---Yes,  
16:22:40 12 certainly other sources have that issue.  
16:22:43 13  
16:22:43 14 The other was her profession?---I think at the time I felt  
16:22:50 15 more like her exposure because of her profession, exposure  
16:22:54 16 to criminals.  
16:22:55 17  
16:22:56 18 Her exposure to being identified as a human source?---Yes.  
16:23:00 19  
16:23:03 20 COMMISSIONER: And therefore her safety, is that what you  
16:23:05 21 mean?---Exactly. That was always a prime issue with any  
16:23:09 22 source.  
16:23:10 23  
16:23:11 24 MR WOODS: You were asked, I don't need to take you to the  
16:23:15 25 document but I will if it would assist, you were asked by  
16:23:18 26 John O'Connor to find whether or not there was an  
16:23:20 27 Acknowledgement of Responsibility for, that had been  
16:23:23 28 completed in relation to Ms Gobbo, do you remember  
16:23:26 29 that?---Yes. Yes, I was.  
16:23:27 30  
16:23:27 31 You undertook a search and the document that I tender is a  
16:23:32 32 document of yours, as I understand it, which you completed  
16:23:37 33 where in the end you were told to stop the task and move on  
16:23:40 34 to other things, but in any event you didn't find any  
16:23:43 35 Acknowledgement of Responsibilities, is that  
16:23:46 36 right?---That's right. I was looking for the particular  
16:23:49 37 four or five questions, whatever it was at that time, like  
16:23:53 38 in order, and I know I didn't find them but of course at  
16:23:56 39 that time you could also, it could be done in words, not  
16:24:00 40 necessarily written in the AOR. I think that changed in  
16:24:05 41 time how that should be delivered. No, I didn't find it.  
16:24:08 42  
16:24:08 43 There was a form that was referred to by your counsel some  
16:24:14 44 days ago during Mr White's evidence that is an incomplete  
16:24:20 45 or not completed form of Acknowledgement of  
16:24:24 46 Responsibilities. Do you agree that there was some  
16:24:26 47 intention to have Ms Gobbo provide an Acknowledgement of

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16:24:31 1 Responsibilities but in fact it was just overlooked?---I  
16:24:35 2 can't explain to you why it wasn't done. I'm not sure  
16:24:39 3 about that document you're talking about.  
16:24:41 4  
16:24:42 5 It unusual that it wasn't done, do you agree with  
16:24:44 6 that?---Yes.  
16:24:45 7  
16:24:46 8 So I tender that document. If it would assist the  
16:24:50 9 Commissioner I'm happy to bring it up on the screen, it's  
16:24:56 10 VPL.2000.0002.0288 and that's simply the search for the  
16:24:59 11 Acknowledgement of Responsibilities.  
16:25:02 12  
16:25:03 13 #EXHIBIT RC487A - (Confidential) Search for the  
16:25:08 14 Acknowledgement of Responsibilities.  
16:25:08 15  
16:25:09 16 #EXHIBIT RC487B - (Redacted version.)  
16:25:16 17  
16:25:16 18 I want to ask you some questions just before we finish for  
16:25:19 19 the day about processes that were in place to manage the  
16:25:24 20 information that Nicola Gobbo provided to the SDU. You  
16:25:29 21 were talking a moment ago about it was unprecedented in a  
16:25:34 22 number of ways, you know, the amount of attention that was  
16:25:37 23 given. Am I right to say, and I should say I'm only aware  
16:25:40 24 of the documents that relate to only one human source,  
16:25:44 25 which is Ms Gobbo, but it would strike me that this was  
16:25:48 26 unprecedented also in the volume of material that this  
16:25:52 27 source was giving as compared to other sources you were  
16:25:55 28 familiar with?---You'd be dead right.  
16:25:57 29  
16:25:59 30 There was a suggestion a couple of days ago in evidence  
16:26:02 31 that when it's indicated on an ICR that information was  
16:26:09 32 passed on to a particular member of Purana, that that might  
16:26:14 33 in fact not have been the case, that that was something  
16:26:17 34 that might have just been recorded by the handler in the  
16:26:21 35 ICR but in fact there's two possibilities, one is that  
16:26:25 36 nothing was passed on. Do you agree that - is that a  
16:26:29 37 possibility or if it's recorded in the ICR that information  
16:26:32 38 was passed on that it was?---I know what my practices were  
16:26:37 39 and I've read it in some of the ICRs. If I said I passed  
16:26:41 40 it on, I passed it on. I'm not sure what you're talking  
16:26:45 41 about there.  
16:26:45 42  
16:26:46 43 I understand. I probably don't need to go into that in  
16:26:48 44 that event. You say in your first statement that standard  
16:26:54 45 DSU or SDU practices were utilised. You agree, I think you  
16:27:02 46 already have agreed that those standard practices in the  
16:27:05 47 documents that were out of the SDU didn't make any

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16:27:09 1 reference to information that might be obtained by someone  
16:27:12 2 who had obligations of confidentiality or privilege?---I  
16:27:17 3 think I've indicated at least one exception.  
16:27:22 4  
16:27:22 5 Yes, about child informers, is that right? I know that  
16:27:26 6 might be the moral issue that comes up later in that  
16:27:29 7 document. What is the one exception?---It was, it related  
16:27:30 8 to the arrest of - sorry, I'll refer to - - -  
16:27:43 9  
16:27:43 10 I think I'm aware of this issue. That's okay, I don't need  
16:27:47 11 you to take it any further than that?---Okay.  
16:27:49 12  
16:27:49 13 If it's an important point then Mr Chettle will no doubt  
16:27:52 14 take you to that down the track, or we might even talk  
16:27:55 15 about that in the closed hearing. There's a standard  
16:27:58 16 operating procedure that, as I understand it, was in place  
16:28:02 17 at the time this document ends in 2232. Do you see that in  
16:28:10 18 front of you on the screen?---Yeah, the instructions from  
16:28:21 19 the Chief at the time, so that's - - -  
16:28:26 20  
16:28:26 21 Is this a document that you had reference to during your  
16:28:29 22 time at the SDU or different iterations of this document.  
16:28:33 23 Is this one of the documents by which you managed  
16:28:37 24 sources?---Yes, I wouldn't have looked at it every day, we  
16:28:40 25 were definitely aware of it. That affected how we did  
16:28:44 26 business, yes.  
16:28:44 27  
16:28:45 28 This version was reissued on 22 September 04 and was  
16:28:50 29 reissued six days after Ms Gobbo was registered. I'm not  
16:28:55 30 saying there's anything sinister about that, but that's  
16:28:58 31 just the timing of it?---H'mm.  
16:29:00 32  
16:29:01 33 One of the things that the Chief Commissioner's instruction  
16:29:06 34 talks about is the legal and moral risk of, for example,  
16:29:10 35 using child informers. Now, the legal and moral risk - did  
16:29:19 36 you have anything to do with, I know this is the Chief  
16:29:22 37 Commissioner's instruction, but did you have anything to do  
16:29:24 38 with the drafting of this document?---No.  
16:29:25 39  
16:29:28 40 Using the phrase "legal and moral risk" in the document, do  
16:29:33 41 you accept that by legal risk when it's talking about the  
16:29:36 42 use of a child informer, there's some risk to the  
16:29:43 43 admissibility or the use of the evidence that might be  
16:29:46 44 obtained from that child informer, that's the legal  
16:29:51 45 risk?---Can we scroll down to that specific part because  
16:29:54 46 I'm still on the top of p.1?  
16:29:56 47

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16:29:56 1 Scroll down, yes, just there, 19. The reason I'm asking  
16:30:00 2 this is obviously in my role when I look at a document like  
16:30:03 3 this and given the Terms of Reference of this Commission,  
16:30:08 4 it's an interest to see what examples are used and what  
16:30:12 5 particular identity of informers might be spoken about in  
16:30:16 6 these documents and a child informer is about as close as  
16:30:19 7 we get in this document. It talks about legal, moral and  
16:30:23 8 psychological risks. The psychological risks are obvious.  
16:30:26 9 The legal risks, do you agree that the drafter of this  
16:30:29 10 document was identifying there that there's potential  
16:30:31 11 problems with the legality of information obtained from a  
16:30:35 12 child informer?---Well clearly it's about children, so that  
16:30:41 13 would be to do with - well I think some of those issues are  
16:30:45 14 obviously to do with children, I can go through them if you  
16:30:48 15 like, I think you understand it.

16:30:50 16  
16:30:51 17 That's all right, I think we do. You say in your statement  
16:30:54 18 that the Standard Operating Procedures were modified over  
16:30:58 19 time and included reporting of every single contact with  
16:31:01 20 the source on an SCR, which we spoke about before,  
16:31:06 21 "Constantly briefing controllers of such contacts, regular  
16:31:10 22 pre-approved meetings conducted [REDACTED]

16:31:13 23 [REDACTED]  
16:31:17 24 PI [REDACTED] submission of sanitised IRS to investigators,  
16:31:19 25 submission of SCRs to the controller for checking and  
16:31:22 26 forwarding to the Human Source Management Unit". That's  
16:31:26 27 the process as it evolved during your time at the SDU, is  
16:31:31 28 that right?---Yeah, I mean I think we started off like  
16:31:34 29 that, that's, when you say evolved, it may have been a  
16:31:38 30 different message, that's what we did from day one as I  
16:31:42 31 recall.

16:31:42 32  
16:31:42 33 COMMISSIONER: Can I ask what LIR stands for?---Local  
16:31:46 34 informer register, which is, would be, from memory would be  
16:31:51 35 within the division of where you worked and if you had a  
16:31:54 36 source registered, he would be either, from memory,  
16:31:57 37 Inspector at least who would have some sort of overarching  
16:32:01 38 control above the controller about the use of that source.

16:32:04 39  
16:32:05 40 Thank you.

16:32:06 41  
16:32:06 42 MR WOODS: Commissioner, I might be moving on to something  
16:32:08 43 else, it might be a convenient time.

16:32:10 44  
16:32:10 45 COMMISSIONER: Do you want to tender it?

16:32:12 46  
16:32:12 47 MR WOODS: Yes, I will, thank you.

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16:32:15 1  
16:32:30 2 COMMISSIONER: It's an attachment to Mr Paterson's  
16:32:33 3 statement. We don't need to tender it.  
16:32:37 4  
16:32:37 5 MR WOODS: For the transcript then at least we know where  
16:32:40 6 to find it.  
16:32:41 7  
16:32:41 8 COMMISSIONER: We do. Before we leave for the afternoon, I  
16:32:44 9 would like to clarify something you were asked about  
16:32:47 10 earlier at the beginning of your evidence. You said you  
16:32:50 11 found out in February 13 that Ms Gobbo was previously  
16:32:56 12 registered as an informer by Jeff Pope in 1999, is that  
16:33:02 13 correct?---It was about then.  
16:33:05 14  
16:33:05 15 About then. How did you come to find that out?---I was -  
16:33:10 16 again I think I was doing a task for one of the Inspectors,  
16:33:16 17 which was probably Inspector O'Connor. I was looking for  
16:33:19 18 something on a computer and I think I came across it then.  
16:33:22 19 That's my memory. I don't know that I've got any way of  
16:33:26 20 confirming that.  
16:33:27 21  
16:33:28 22 Right. Do you recall if you passed that information on to  
16:33:31 23 anybody else?---I'm sure I mentioned it but it was like the  
16:33:40 24 horse had bolted so it wasn't any good after. I don't  
16:33:45 25 recall. I'm sure I would have mentioned it to the [REDACTED]  
16:33:48 26 [REDACTED] at the time.  
16:33:49 27  
16:33:49 28 To the [REDACTED] at the time, the [REDACTED] -  
16:33:52 29 - ?---But as I say I don't really recall.  
16:33:54 30  
16:33:55 31 The [REDACTED] at the time being?---Who was it back  
16:34:01 32 then? I can't remember.  
16:34:03 33  
16:34:04 34 You might recall overnight perhaps?---I definitely spoke  
16:34:09 35 about it. It was within the confines of the SDU.  
16:34:13 36  
16:34:13 37 Within the confines of the SDU. So you were still in the  
16:34:15 38 SDU at that time?---Well I must have been if I was, when I  
16:34:22 39 found it.  
16:34:23 40  
16:34:23 41 Yes, okay. Thank you. And the only other matter I wanted  
16:34:27 42 to mention was, the document that you had up, Mr Woods, at  
16:34:31 43 the beginning, the Covert Human Intelligence Source's UK  
16:34:38 44 Code of Practice which is a publicly available document on  
16:34:40 45 the Internet, the problem being that there was a name on  
16:34:43 46 the front of it.  
16:34:44 47

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16:34:45 1 MR WOODS: Yes.  
16:34:45 2  
16:34:45 3 COMMISSIONER: I'm not sure whether that has already been  
16:34:47 4 tendered or not.  
16:34:47 5  
16:34:48 6 MR WOODS: We do have a list of - - -  
16:34:50 7  
16:34:50 8 COMMISSIONER: Perhaps more importantly, I have a copy of  
16:34:53 9 the document that was publicly available from 2002 onwards  
16:34:58 10 which doesn't have any handler's name on it, but in  
16:35:03 11 particular this one was the one that was publicly available  
16:35:06 12 from 2002 onwards, whereas we're not so sure about when the  
16:35:11 13 other one was downloaded.  
16:35:13 14  
16:35:14 15 MR WOODS: I see. The one that you have, Commissioner,  
16:35:16 16 without the handler's name on it, we're not sure of the  
16:35:19 17 provenance of it. The one I referred to we are.  
16:35:22 18  
16:35:23 19 COMMISSIONER: The one I've got I'm entirely sure of the  
16:35:27 20 provenance of it. It was got by the research people for  
16:35:30 21 the Commission, downloaded in its form it was in in 2002  
16:35:35 22 and publicly available. I'd like to tender it.  
16:35:38 23  
16:35:39 24 MR WOODS: Yes, go ahead Commissioner.  
16:35:41 25  
16:35:42 26 COMMISSIONER: That's right.  
16:35:42 27  
16:35:43 28 #EXHIBIT RC488 - Covert Human Intelligence Source's UK Code  
16:35:47 29 of Practice 2002.  
16:35:47 30  
16:35:47 31 MR WOODS: I should say nothing turns on the name or the  
16:35:51 32 date on the other version of it, so that's an appropriate  
16:35:53 33 one to tender.  
16:35:54 34  
16:35:55 35 MR CHETTLE: It might, Commissioner. The name and date,  
16:35:57 36 the evidence will be from Black that he got on it on the  
16:36:01 37 date stamped on it.  
16:36:02 38  
16:36:03 39 COMMISSIONER: Yes, that's why this is an important  
16:36:05 40 document.  
16:36:05 41  
16:36:06 42 MR WOODS: I'll assume that's the case.  
16:36:07 43  
16:36:08 44 COMMISSIONER: That's why this document is an important one  
16:36:10 45 because it's what was publicly available in 2002. This  
16:36:13 46 document will become Exhibit 488.  
16:36:19 47

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16:36:19 1 MR WOODS: Thank you Commissioner.  
16:36:20 2  
16:36:20 3 COMMISSIONER: We will adjourn for the afternoon resuming  
16:36:23 4 at 9.30 tomorrow morning.  
5  
16:36:26 6 <(THE WITNESS WITHDREW)  
16:36:26 7  
16:36:26 8 ADJOURNED UNTIL WEDNESDAY 11 SEPTEMBER 2019  
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