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ROYAL COMMISSION INTO THE MANAGEMENT  
OF POLICE INFORMANTS

Held in Melbourne, Victoria

On Monday, 19 August 2019

Led by Commissioner:       The Honourable Margaret McMurdo AC

Also Present

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC Ms R. Enbom Ms K. Argiropoulos
Counsel for State of Victoria	Mr C. McDermott
Counsel for Nicola Gobbo	Mr P. Collinson QC Mr R. Nathwani
Counsel for DPP/SPP	Ms K. O'Gorman
Counsel for CDP	Ms R. Avis
Counsel for Police Handlers	Mr G. Chettle Ms L. Theis
Counsel for John Higgs	Ms C. Dwyer
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for Faruk Orman	Ms S. Wallace

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09:43:15 1 COMMISSIONER: Yes Mr Winneke.  
2  
3 MR WINNEKE: Good morning Commissioner.  
4  
09:43:18 5 COMMISSIONER: I note the appearances are largely the same  
09:43:21 6 as on Friday, except we have Mr McDermott for the State and  
09:43:27 7 Ms Avis for the CDPP.  
8  
09:43:30 9 Yes, we have the witness on the line. Can you hear  
09:43:33 10 me, Mr White?---Yes, Commissioner.  
11  
09:43:36 12 <SANDY WHITE, recalled:  
13  
09:43:38 14 MR WINNEKE: Morning Mr White?---Morning Mr Winneke.  
15  
09:43:42 16 On Friday I was dealing with [REDACTED]  
17  
09:43:47 18 COMMISSIONER: I should mention we're continuing of course  
09:43:49 19 in closed hearing.  
20  
09:43:50 21 MR WINNEKE: Yes, thanks Commissioner.  
22  
09:43:52 23 COMMISSIONER: With the orders that were extant on Friday  
09:43:56 24 in place.  
25  
09:44:00 26 MR WINNEKE: What I'm suggesting, Mr White, is that the  
09:44:04 27 ICRs on one reading give the flavour that Purana, in  
09:44:11 28 particular Mr Bateson, was utilising the SDU to enable it  
09:44:17 29 to get information from [REDACTED] that it would not  
09:44:23 30 otherwise be entitled to, in other words it may be  
09:44:29 31 suggested that the idea was to use Ms Gobbo to subvert  
09:44:35 32 [REDACTED]'s right to silence. That's what I'm suggesting  
09:44:40 33 is one reading of these materials. Do you agree or  
09:44:43 34 disagree with that?---I would disagree with that.  
35  
09:44:47 36 Now, did you have an opportunity to listen to the recording  
09:44:52 37 of the meeting between you and Ms Gobbo, Mr Smith and  
09:45:07 38 Mr Green over the weekend, the one on [REDACTED] of  
09:45:15 39 2006?---No, I didn't.  
40  
09:45:22 41 What I suggest to you is that when one listens to that and  
09:45:23 42 reads the transcript it certainly appears as if you were  
09:45:30 43 aware that Ms Gobbo is advising [REDACTED] do you accept  
09:45:40 44 that?---Yes.  
45  
09:45:51 46 And that Purana is of the view that, as far as they're  
09:45:54 47 concerned, [REDACTED] is not telling them the truth, do you

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09:46:07 1 agree with that?---I think so.  
09:46:11 2  
09:46:14 3 And I suggest that you're saying to Ms Gobbo that you are a  
09:46:23 4 person that [REDACTED] trusts and you are a person who could  
09:46:30 5 convince [REDACTED] to tell the truth to Purana. Do you  
09:46:52 6 disagree with that?---That's a possibility.  
09:46:56 7  
09:47:02 8 The last thing we dealt with on Friday was the appearance  
09:47:09 9 before Justice King where Ms Gobbo was called upon to  
09:47:13 10 attend before Justice King and explain what she was doing  
09:47:21 11 by way of going to see [REDACTED] with  
09:47:27 12 [REDACTED] do you recall that?---Yes.  
09:47:32 13  
09:47:34 14 And there was a suggestion that the judge was of the view  
09:47:39 15 that Ms Gobbo was in a conflicted situation, do you agree  
09:47:44 16 with that?---Yes.  
09:47:45 17  
09:47:49 18 You were aware, I take it, that [REDACTED] was to go and  
09:47:55 19 visit, sorry, Ms Gobbo was to go and visit [REDACTED] on the  
09:48:01 20 following day, that is the [REDACTED] 2006, having been  
09:48:07 21 shown the transcript of the conversations between Bateson,  
09:48:13 22 O'Brien and [REDACTED] which had been recorded earlier in  
09:48:17 23 the year, you're aware of that?---No, but if that's what  
09:48:23 24 the record reflects I accept that.  
09:48:25 25  
09:48:27 26 Okay, so you accept. In any event I'm suggesting that's  
09:48:31 27 what the record reveals, and indeed if you go to p.258 of  
09:48:35 28 the ICRs, firstly you see at the bottom of that entry at  
09:48:52 29 15:31, that's on 15:31, that's a reference to the evening  
09:49:01 30 of the day before the 21st, and you're briefed about  
09:49:05 31 Ms Gobbo's court appearance on the day, that is the  
09:49:10 32 21st?---Can you excuse me one second, please, Mr Winneke, I  
09:49:14 33 have to get my glasses?  
09:49:15 34  
09:49:15 35 Yes, certainly.  
09:49:28 36  
09:49:29 37 COMMISSIONER: 258, I'm having trouble finding the  
09:49:33 38 reference.  
09:49:33 39  
09:49:34 40 MR WINNEKE: There's an entry at, in fact it's just below  
09:49:39 41 the entry at 15:31, "Controller White brief HS re court  
09:49:45 42 appearance", et cetera. 17:31, I'm sorry?---Are we on  
09:49:53 43 p.238?  
09:50:00 44  
09:50:01 45 258. So you've been told about the court appearance. The  
09:50:27 46 court appearance is referred to on the previous page of the  
09:50:31 47 ICR where Justice King's asking Ms Gobbo why she's seeing



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09:50:36 1 [REDACTED] if not acting. She's told she is seeing him  
09:50:40 2 with respect to other matters. The judge is querying an  
09:50:43 3 issue of conflict with [REDACTED] Do you see that?---Yes.  
09:50:55 4

09:50:56 5 And in any event you're told about the court appearance.  
09:50:59 6 Now on the [REDACTED] you see at an entry at 9.12 in the morning  
09:51:04 7 Ms Gobbo is about to go into [REDACTED] Prison to see [REDACTED]  
09:51:12 8 and she's advised to keep her phone in the car switched on  
09:51:17 9 silent and to ring the handler immediately if she leaves  
09:51:22 10 the prison. And that's a reference to the up and coming  
09:51:28 11 arrests of [REDACTED] and again you're advised about that.  
09:51:43 12 Do you see that?---Yes.  
09:51:45 13

09:51:46 14 And then there's a description further down at 12.30 where  
09:51:52 15 she's indicating that [REDACTED] is in a bit of a mental  
09:51:57 16 slump. He has been offered psychological or psychiatric  
09:52:04 17 assistance but he has declined the same and he is very  
09:52:11 18 depressed. If we go over to p.261. This is an entry on  
09:52:28 19 the following day, [REDACTED] of 2006. At 10 am we see that  
09:52:45 20 there's a meeting with yourself, update with respect to the  
09:52:52 21 events of [REDACTED], then a meeting with Mr O'Brien of  
09:52:58 22 Purana, a conference. If we move down the page, at 12.35  
09:53:15 23 there's a call received by Mr Smith from Ms Gobbo, a number  
09:53:25 24 of things are discussed. She says that [REDACTED] rang, she  
09:53:32 25 wants to speak to barrister Colin Lovitt and get his  
09:53:39 26 opinion if he is "fucked" and if so likely to assist  
09:53:45 27 Purana. Ms Gobbo believes that Lovitt will affirm this.  
09:53:48 28 She believes that [REDACTED] is very depressed and needs "a  
09:53:54 29 push" to come on board totally. There's a phone call at  
09:53:59 30 12.55. She's repeated the above entry with respect to  
09:54:04 31 [REDACTED]. [REDACTED] has told [REDACTED] to [REDACTED] as he  
09:54:08 32 expects to get at least [REDACTED] years if he assists police, or  
09:54:19 33 [REDACTED] if he doesn't. And [REDACTED] has heard that  
09:54:24 34 [REDACTED] may roll over and is very hurt by this. Do you  
09:54:28 35 see that?---Yes.  
09:54:29 36

09:54:32 37 This seems to be in somewhat of a contrast to what she was  
09:54:37 38 saying the previous day, at least to some extent. She was  
09:54:44 39 in effect putting an argument up to you and the handlers  
09:54:50 40 that [REDACTED] may well have a defence to charges involving  
09:54:59 41 the murders of [REDACTED] and [REDACTED], do you accept that  
09:55:06 42 proposition?---I don't recall that and I don't recall  
09:55:15 43 actually what [REDACTED] was charged with.  
09:55:21 44

09:55:21 45 Well, the records reveal that the discussion that you had  
09:55:27 46 with Ms Gobbo the previous day at least was a discussion  
09:55:31 47 which included a suggestion that he was charged with the



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09:55:35 1 murders of [REDACTED] and [REDACTED] You would have been aware of  
09:55:38 2 that, I suggest?---If it's in the record I accept it.

09:55:43 3  
09:55:46 4 If we then move to p.282, we're moving on into May, 282.  
09:56:06 5 This is ICR number 30. 282, Ms Gobbo contacts, or there's  
09:56:16 6 a communication between Ms Gobbo and Mr Smith. She says  
09:56:22 7 that she hasn't heard from [REDACTED].

09:56:24 8  
09:56:24 9 COMMISSIONER: Which entry is it?

09:56:25 10  
09:56:25 11 MR WINNEKE: This is at 18:10, Commissioner. She hasn't  
09:56:29 12 heard from [REDACTED] for a few days, if he knew that [REDACTED]  
09:56:34 13 [REDACTED] was cooperating he would be more likely to do the same.  
09:56:37 14 She's spoken to [REDACTED] and there's a matter that  
09:56:42 15 [REDACTED] facing and that's been adjourned for a month. Then -  
09:56:50 16 do you see that?---Yes.

09:56:51 17  
09:56:57 18 That is repeated or that view is repeated on p.288 of the  
09:57:01 19 ICRs. If you go over to that page. ICR number 31.  
09:57:16 20 Indeed, this is a meeting, if you go back to 285 you'll see  
09:57:22 21 that it's a meeting that you have with Mr Smith and it  
09:57:27 22 commences at 8.45 pm. There are a number of things  
09:57:33 23 discussed and amongst the things discussed, if we get to  
09:57:43 24 p.288, is [REDACTED]. If we go to the bottom of the page at  
09:57:47 25 288, you'll see there the summary is if [REDACTED] was aware  
09:57:53 26 that [REDACTED] and [REDACTED] are assisting police he will roll.  
09:58:02 27 And Ms Gobbo suggests that Bateson see [REDACTED] as soon as  
09:58:08 28 possible and also to inform him that he can't talk to  
09:58:13 29 Ms Gobbo. Ms Gobbo believes that part of the reason that  
09:58:17 30 he is hesitating with respect to assisting police is [REDACTED]  
09:58:20 31 [REDACTED] Now, you were at the meeting where that was  
09:58:25 32 discussed, I suggest?---Yes.

09:58:28 33  
09:58:30 34 And on that day Ms Gobbo says, that is during the meeting,  
09:58:36 35 Ms Gobbo says, I can take you to an entry, it's  
09:58:43 36 VPL.0005.0087.0397. And I think if you go to .667 of that  
09:58:57 37 discussion. .0667 I think is the page. Can we find that,  
09:59:35 38 .667?

09:59:36 39  
09:59:37 40 COMMISSIONER: Yes, we've got it now.

09:59:38 41  
09:59:42 42 MR WINNEKE: If we move on to the next page. And over the  
09:59:51 43 next page. And she's saying, "That might spur him on but I  
10:00:06 44 can't, and if he heard from me he'd trust me, but I can't  
10:00:11 45 tell him in the same way I wish I could tell [REDACTED]  
10:00:15 46 I'm even in a bigger problem with [REDACTED] because [REDACTED]  
10:00:19 47 [REDACTED] is someone [REDACTED] can and will put in. I've got so many

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10:00:24 1 conflicts it's not funny any more. And besides the police  
10:00:28 2 which might have the rest of it I do worry about this stuff  
10:00:30 3 as well. But anyway, he read the article in the paper and  
10:00:34 4 he rung me the next day". Do you see that there?---Yes.  
10:00:42 5  
10:00:43 6 That's a conversation that you were involved in?---Yes.  
10:00:47 7  
10:00:47 8 If we move on to the next page. If we scroll through that  
10:01:02 9 page. Do you see at the bottom, "And that's the point he's  
10:01:12 10 making is right. I wish I could sit in there and listen.  
10:01:16 11 This is what's about to happen, this is - ... I mean you  
10:01:17 12 really can assist yourself in that situation if you want to  
10:01:21 13 in the same way talk about my conflict. It would be nice  
10:01:24 14 to sit down with [REDACTED] and push him, over the kind of  
10:01:28 15 fence he is sitting on at the moment by saying this is what  
10:01:32 16 [REDACTED] is doing". In effect she's telling you what  
10:01:36 17 she'd like to do and is summarised in the ICR, if he was  
10:01:41 18 aware that [REDACTED] was going to roll that might push him over  
10:01:44 19 the line, do you see that?---Yes.  
10:01:46 20  
10:01:49 21 If we keep going. There's reference to jumping on this  
10:02:00 22 bandwagon. If we keep going through. If you want that to  
10:02:36 23 slow down, Mr White, just say so. We'll just slowly scroll  
10:02:41 24 through that because I want to get to another entry?---Yes.  
10:02:44 25  
10:02:44 26 Are you able to read that?---Parts of it.  
10:02:49 27  
10:02:49 28 You say whether it's too quick.  
10:02:52 29  
10:02:53 30 MR CHETTLE: Does Mr Winneke want him to read it all or are  
10:02:55 31 we going to just topics? He needs to know what he's asked  
10:03:00 32 to do.  
10:03:01 33  
10:03:01 34 MR WINNEKE: I understand that. I'm trying to find a  
10:03:04 35 particular entry. I'm happy for Mr White to read it.  
10:03:46 36 Perhaps if we move on to 78, 0678. At the top of the page  
10:03:59 37 there Ms Gobbo is saying, "He's not rung anybody all week.  
10:04:02 38 When I last spoke to him briefly last Thursday or Friday as  
10:04:08 39 in last week, then I saw [REDACTED] on Friday night. Had a  
10:04:09 40 very serious talk last Friday afternoon, had a very serious  
10:04:13 41 talk to [REDACTED] and [REDACTED] was going to see him on Saturday and no  
10:04:15 42 one's heard from him, hasn't rung Jim, hasn't rung me for a  
10:04:19 43 whole week which is very unusual".  
10:04:21 44  
10:04:21 45 COMMISSIONER: This is [REDACTED] is it?  
10:04:25 46  
10:04:25 47 MR WINNEKE: This is [REDACTED] I'm suggesting, Mr White.

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10:04:28 1 If we go over to the following page, and [REDACTED] saying,  
10:04:34 2 "He's basically there but he's got this kind of fantasy  
3 about trying - he's clinging to some sort of hope. Part  
10:04:40 4 of it is tied up with what [REDACTED] will think. That was  
10:04:44 5 very clear to me, you know, and not so much [REDACTED] but [REDACTED]  
10:04:48 6 [REDACTED] as in her family who disapprove of me because if I  
10:04:50 7 plead guilty, blah, blah, blah. So we spent a bit of time  
10:04:57 8 talking about that, spent a bit of time talking about the  
10:04:59 9 evidence and me having all the, this is the last", and  
10:05:04 10 there's a reference to a transcript. What I'm suggesting  
10:05:07 11 is that it may well be that she's talking about the  
10:05:10 12 transcript that was shown to her when you met with her on  
10:05:17 13 [REDACTED], do you accept that?---It would be a guess,  
10:05:26 14 Mr Winneke. I haven't seen enough information to know  
10:05:29 15 whether that's the transcript she's talking about.  
10:05:33 16  
10:05:34 17 "He's certainly capable of moving away from some of the  
10:05:39 18 sticking points that Bateson has." Over the page, "But  
10:05:43 19 some things he has said are actually true but again that  
10:05:48 20 brings him back to the position of, for example, I know  
10:05:52 21 categorically [REDACTED] was shot by [REDACTED], or [REDACTED]  
10:05:55 22 [REDACTED] Read that article in the paper a couple of weeks ago.  
10:05:57 23 It's also clear that [REDACTED]'s made a statement saying  
10:06:01 24 that [REDACTED] shot [REDACTED] which is unmitigated, just  
10:06:05 25 crap. So why should I be sitting back and saying to Stuart  
10:06:10 26 Bateson, despite the time I've got for the man, these are  
10:06:14 27 the holes in your case if in fact someone like [REDACTED]  
10:06:15 28 ends up going to trial. I can't do that". Then down the  
10:06:21 29 bottom, "Because that should all be a matter that they can  
10:06:26 30 have egg on their faces in the middle of the trial for but  
31 at the same time if he's not going to have a trial then  
10:06:31 32 they may as well know that now, or they may as well, [REDACTED] may  
10:06:36 33 as well get the benefit for it now rather than be put in a  
10:06:39 34 situation where the problem with [REDACTED] is that he just needs a  
10:06:44 35 push and it was bad enough reading the listening device  
10:06:49 36 where he says, "I wouldn't be talking to you except that  
10:06:49 37 she convinced me to" that's a reference to, "Ms Gobbo  
10:06:53 38 convinced me" to or whatever that line is. Over the page,  
10:06:58 39 "But he listened. If he knew that [REDACTED], what [REDACTED] was doing  
10:07:03 40 and he knew what [REDACTED] was doing and he knew the  
10:07:07 41 days of [REDACTED] and so forth were numbered, he'd be jumping  
10:07:12 42 far more quickly than what he's doing but I can't tell  
10:07:17 43 him". Then Mr Smith says, "But again if the investigators  
10:07:21 44 tell him or Stewie Bateson told him that" and Ms Gobbo  
10:07:26 45 says, "That's what I said to you on the phone". And  
10:07:30 46 Mr Smith said, "Yeah, he would take notice of that and yes,  
10:07:33 47 he would". Now, in effect what I'm suggesting, it gets the

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10:07:42 1 flavour of the handlers, Ms Gobbo and Purana sort of  
10:07:49 2 operating as some sort of team to get ██████████ to in  
10:07:56 3 effect come on board, do you accept that  
10:08:01 4 proposition?---Yes, I do.  
10:08:02 5  
10:08:15 6 The discussion with Ms Gobbo through the SDU, that is the  
10:08:20 7 discussion about the transcript and these sorts of matters  
10:08:23 8 in effect means that there would be no disclosure of the  
10:08:28 9 fact that Ms Gobbo had been given the transcript to use for  
10:08:34 10 the purposes of seeing ██████████ and given the flavour of  
10:08:40 11 what we see here, attempting to convince him to get on  
10:08:46 12 board, do you accept that proposition?---No, I don't think  
10:08:52 13 I do.  
10:08:53 14  
10:08:54 15 What is the mechanism whereby ██████'s discussions, the  
10:08:59 16 references to Ms Gobbo and the transcript, would get to the  
10:09:02 17 court and to the defence to enable ██████████ to fully  
10:09:08 18 understand what was going on? What was the mechanism that  
10:09:11 19 was in place, Mr White?---This would have all been within  
10:09:15 20 the knowledge and the notes I would think of Stuart  
10:09:20 21 Bateson.  
10:09:20 22  
10:09:22 23 Right. Sorry, go on?---And as the investigator, as I said  
10:09:26 24 previously, that would be his responsibility.  
10:09:28 25  
10:09:28 26 Right. What about the notes that you're having, the  
10:09:32 27 discussions that you're having with Ms Gobbo, what about  
10:09:35 28 those notes, how would they get to the court and to the  
10:09:39 29 defence to understand what was going on here?---Well, all  
10:09:43 30 these things, as you can see, are very well documented and  
10:09:48 31 they are discoverable according to the process that was in  
10:09:54 32 place at that time.  
10:09:54 33  
10:09:55 34 Right?---So presumably when Bateson is spoken to about all  
10:10:02 35 the issues surrounding that particular case, and as I said  
10:10:07 36 it's my belief it was always the investigator's  
10:10:10 37 responsibility, then it would be referred to the HSMU, as I  
10:10:15 38 mentioned last week, and then the HSMU would look at all  
10:10:20 39 the material, because they had all our material, and they  
10:10:22 40 would have to brief, they'd have to brief counsel about  
10:10:26 41 that matter.  
10:10:27 42  
10:10:27 43 Yes. So what you would hope is that these discussions, a  
10:10:31 44 transcript of this discussion and any notes of Mr Bateson  
10:10:37 45 which concerned the SDU and Ms Gobbo and her involvement,  
10:10:41 46 you would expect that these matters would be made known to,  
10:10:47 47 what, the HSMU and if necessary to lawyers for the HSMU,

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10:10:53 1 police lawyers, to enable a proper analysis of whether or  
10:10:56 2 not this should go to the defence?--Your question, unless  
10:11:06 3 I've misinterpreted it, is that this material should be  
10:11:09 4 volunteered and I - that was not the process, it was not  
10:11:16 5 the system in place. I don't know what is in place now in  
10:11:20 6 relation to disclosure issue because it wasn't source  
10:11:23 7 handlers, but as I said all the material was easily  
10:11:26 8 discoverable.  
10:11:27 9  
10:11:27 10 How was it easily discoverable?--Well, again, going back  
10:11:32 11 to the investigator's notes and the investigator's  
10:11:37 12 evidence.  
10:11:38 13  
10:11:38 14 Yes?--He can be cross-examined about all of that, all  
10:11:42 15 those matters can be subpoenaed, and if it became then an  
10:11:46 16 issue it would be referred, as I say, to the HSMU for some  
10:11:52 17 sort of, you know, consideration as far as helping ■ or  
10:11:57 18 whatever the issue might be, whether counsel is needed. I  
10:12:02 19 think you've highlighted it effectively. And again I  
10:12:06 20 temper this comment by the fact that I don't know what the  
10:12:09 21 system is today and this was 15 years ago, but we did not  
10:12:15 22 have anywhere near the level of appreciation for the  
10:12:19 23 disclosure issues that you're suggesting should have  
10:12:24 24 existed.  
10:12:26 25  
10:12:27 26 Mr White, what I am suggesting is that these matters,  
10:12:30 27 whether we're talking about 15 years ago or today, the  
10:12:33 28 matters, the discussions that you're having on any view  
10:12:39 29 would be something that the court should know about and the  
10:12:47 30 defence should know about, that is the people who are  
10:12:50 31 genuinely representing ■ should have been aware of  
10:12:54 32 what was going on here on any view, whether we're talking  
10:12:57 33 about now or in 2006?--Well, I accept, I accept that today  
10:13:04 34 but at the time I'm just telling you what I think we  
10:13:08 35 believed at the time how we operated.  
10:13:10 36  
10:13:11 37 I mean you were concerned that any discussions that  
10:13:14 38 Ms Gobbo had with Stuart Bateson, you were concerned about  
10:13:20 39 any notes that he might be taking because it might lead to  
10:13:24 40 Ms Gobbo's unveiling and yet you contacted him about it and  
10:13:30 41 he said, "Don't worry, I haven't made any notes yet", do  
10:13:33 42 you recall that?--Yes, I do.  
10:13:35 43  
10:13:35 44 So that is actively taking steps to avoid Ms Gobbo being  
10:13:40 45 disclosed or her role being disclosed, do you accept that  
10:13:43 46 proposition?--No, I - well, I do to a certain extent. I  
10:13:50 47 mean it's pretty clear from the material that we've been

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10:13:53 1 reviewing over the last however many days, we did make  
10:14:00 2 efforts, big efforts to make sure that sources weren't  
10:14:05 3 compromised in the court system unnecessarily and that's  
10:14:09 4 through, as I said previously, a whole range of  
10:14:13 5 investigator's notes and all the rest of it. We tried to  
10:14:16 6 control it.  
10:14:17 7  
10:14:17 8 Yes, all right. I take it you didn't have any discussions  
10:14:23 9 with the HSMU, or no one came to you and said, "Look,  
10:14:30 10 what's the situation with respect to the meetings that  
10:14:32 11 you've had with Gobbo on 25 April, 5 May, can we have a  
10:14:36 12 look at those notes?" No one raised that issue with you at  
10:14:40 13 the HSMU back at the time of the trial?---Not that I  
10:14:45 14 recall.  
10:14:45 15  
10:14:45 16 Or any trial in which [REDACTED] gave evidence?---Not that I  
10:14:53 17 recall.  
10:14:54 18  
10:14:54 19 All right?---My recollection in relation to that whole  
10:14:58 20 matter is clearly not that accurate because I believed  
10:15:02 21 before we started this discovery process that we had very  
10:15:07 22 little to do with him at all.  
10:15:10 23  
10:15:11 24 If we go on to p.293. Ms Gobbo, this is at 293, there's an  
10:15:20 25 entry at 10.45 pm, there's a missed call and a phone back,  
10:15:31 26 do you see that? And that seems to be again Mr Smith and a  
10:15:38 27 matter which you were controlling although it is unclear as  
10:15:43 28 to the date on this because if you go to p.299 these are  
10:15:49 29 events which occurred in May of 2006 and yet it appears  
10:15:53 30 that this document hasn't been completed until 2 April 2008  
10:15:57 31 and you haven't seen it until 29 April 2008. Now, I take  
10:16:03 32 it your comments made previously would apply to this, would  
10:16:09 33 it, you can't see how that would be right?---No.  
10:16:13 34  
10:16:13 35 In any event, if we go back to that entry, and I apologise  
10:16:18 36 for jumping around, but p.293, [REDACTED] rang today", move  
10:16:25 37 down the page somewhat. "Someone from Purana should see  
10:16:29 38 him." Now this is on 9 May and Mr O'Brien, who was at  
10:16:34 39 Purana, was advised of that, do you see that?---Yes.  
10:16:37 40  
10:16:40 41 If we then go over to p.300, this is ICR number 32. The  
10:16:53 42 handler Mr Smith and again you are the controller but again  
10:17:05 43 it appears that it hasn't, at least on the document that we  
10:17:10 44 have it's submitted in April of 2008 and signed off on 29  
10:17:15 45 April 2008. Have a look at p.300. We see an entry at  
10:17:23 46 4.35 pm, "About to make offer re guilty plea for [REDACTED]  
10:17:34 47 Ms Gobbo advising needs to speak to Bateson" and then later

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10:17:41 1 on, over the following page at p.301 it seems that there  
10:17:48 2 has been a discussion with Bateson because there's an entry  
10:17:51 3 at, on the following day, 17 May, "Ms Gobbo has spoken to  
10:18:01 4 Detective Sergeant Bateson, [REDACTED] matter on hold for  
10:18:05 5 the time being". We then move through - do you accept that  
10:18:22 6 around this time there are a number of processes going on.  
10:18:29 7 [REDACTED] is making statements because he's obviously  
10:18:35 8 agreed to roll as we've been discussing, you accept  
10:18:39 9 that?---Yes.

10:18:39 10  
10:18:40 11 If we go to p.323. There's an entry at 20 past 5.  
10:18:58 12 "Arrange to rendezvous between 2 and 3 pm to view [REDACTED]  
10:19:07 13 [REDACTED]'s draft statements. Meet with [REDACTED]  
10:19:09 14 White" - just scroll back up again. At 17:19, there's the  
10:19:22 15 meeting occurs at a particular location and there's  
10:19:24 16 discussion about [REDACTED]'s draft statements. Now, if we  
10:19:38 17 then - do you accept that?---Yes.

10:19:41 18  
10:19:42 19 If we then move on to p.336. Now this is, we're now into  
10:19:52 20 June of 2006. 336 at the top of the page. There's a  
10:20:00 21 reference here to, [REDACTED] having lost faith in his  
10:20:05 22 barrister, [REDACTED]. He has no money and can't get Legal  
10:20:09 23 Aid funding. He wants to plead guilty. Ms Gobbo's wanting  
10:20:13 24 investigators to speak to him before he goes to court next  
10:20:17 25 week and Mr Ryan at Purana is advised with respect to  
10:20:22 26 [REDACTED] was spoken to last Friday, aware of plea of  
10:20:27 27 guilty, also advice with respect to a [REDACTED],  
10:20:33 28 which may well relate to assets involving [REDACTED] or  
10:20:37 29 owned by or controlled by [REDACTED]. Do you agree with  
10:20:42 30 that?---I've got no idea what the [REDACTED] is.

10:20:51 31  
10:20:51 32 Okay. Then if we go on to the following day, I'm sorry, 21  
10:21:01 33 June. We go to an entry on p.338, [REDACTED] just rang, he  
10:21:07 34 wants to sign the statements for Purana. She says to  
10:21:10 35 contact Detective Bateson, advising handler only". Do you  
10:21:17 36 see that?---Yes.

10:21:18 37  
10:21:20 38 If we then go to p.340, entry at about 8 o'clock, "Phone  
10:21:29 39 call to Ms Gobbo, 8 pm, handler to ring between 8.15 and  
10:21:37 40 9.30. If Ms Gobbo in trouble will [REDACTED].  
10:21:42 41 Gobbo has spoken to Bateson re [REDACTED] as above". Then  
10:21:47 42 further down at entry at 1.38 pm on the 23rd, "Gobbo has  
10:21:55 43 spoken to Bateson this morning and [REDACTED] matter is  
10:21:57 44 going ahead as a plea and he will make statements". Over  
10:22:01 45 the page on the same day at 10 minutes past 4 in the  
10:22:08 46 afternoon and there's a discussion between Ms Gobbo and the  
10:22:13 47 handler. "When [REDACTED] pleads guilty it will take weeks

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10:22:18 1 for Purana to take the statements according to Bateson.  
10:22:20 2 She is seeing [REDACTED] at [REDACTED] next Monday. She  
10:22:25 3 stated that she was right again predicting what an  
10:22:28 4 individual would do re [REDACTED]. Do you see that?---Yes.

10:22:36 5  
10:22:36 6 Then over the page at p.342 on 24 June, "Re [REDACTED]  
10:22:44 7 matters". This is at about 10 past 11, 11.09, "Re [REDACTED]  
10:22:49 8 [REDACTED] matters. She wants to find something in the statements  
10:22:51 9 of [REDACTED] that would put her in conflict with other  
10:22:55 10 clients and thus cannot appear in court for him. She is  
10:23:00 11 confident she can do this and will continue nonetheless to  
10:23:04 12 give him advice". Do you accept that's what it  
10:23:07 13 says?---Yes.

10:23:07 14  
10:23:08 15 Again there's this view, it seems to be, that she's taken  
10:23:12 16 that she can't appear overtly or in the open but she can  
10:23:17 17 continue to advise behind the scenes, do you accept  
10:23:20 18 that?---Yes.

10:23:20 19  
10:23:21 20 Then if we go over the page, 343, there's a phone call  
10:23:26 21 between Ms Gobbo and the handler, again Mr Smith. This is  
10:23:44 22 under the heading of [REDACTED], "Solicitor Jim Valos  
10:23:48 23 tried to talk him out of pleading guilty. Ms Gobbo meeting  
10:23:52 24 with the DPP to arrange the basis of the plea which will be  
10:23:56 25 heard Wednesday, Thursday next week. Then he will make  
10:24:00 26 statements which will take weeks. His sentencing will be  
10:24:04 27 after everything is finished". Was it your understanding  
10:24:10 28 that Mr Valos was in fact [REDACTED] solicitor?---I don't  
10:24:17 29 know who was his solicitor.

10:24:19 30  
10:24:23 31 At face value it does seem to be the case and it seems  
10:24:26 32 there is a divergence on one view between the solicitor and  
10:24:30 33 Ms Gobbo, do you accept that?---Yes, at face value.

10:24:34 34  
10:24:34 35 At face value. Now, obviously bearing in mind what we  
10:24:39 36 know, that might be a cause for some concern, do you accept  
10:24:42 37 that proposition?---Yes.

10:24:45 38  
10:24:51 39 Page 345, we see - this is on 27 June. At the top of the  
10:25:02 40 page Ms Gobbo was in court in the afternoon re [REDACTED] s  
10:25:07 41 secret plea hearing. Then on the 28th under [REDACTED]  
10:25:18 42 [REDACTED] rang this morning and said for Ms Gobbo to watch  
10:25:21 43 self. Was a bit teary, said in a coded fashion that he'd  
10:25:26 44 heard from Carl Williams that Ms Gobbo needs to be careful.  
10:25:29 45 Does not think they will harm Ms Gobbo and he will see  
10:25:34 46 Ms Gobbo in court tomorrow and tell further", do you see  
10:25:38 47 that?---Yes.



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10:25:38 1  
10:25:38 2 It certainly does appear that Ms Gobbo is involving herself  
10:25:42 3 in court proceedings involving ██████████ and ██████████  
10:25:53 4 decision to plead guilty to the murder, or at least to an  
10:25:59 5 offence, I think an offence of murder in relation to ██████████  
10:26:06 6 ██████████ do you accept that?---Yes, with the proviso I don't  
10:26:16 7 know what he was actually charged with but I agree with  
10:26:19 8 your general proposition.  
10:26:20 9  
10:26:21 10 I think he was charged with the murder of ██████████ I don't  
10:26:25 11 think he was charged with the murder of ██████████ In any  
10:26:29 12 event that charge appears to have been withdrawn and he  
10:26:32 13 didn't plead guilty to that. Then if we go over the page  
10:26:36 14 to ██████████ 2006, it seems clear enough that Ms Gobbo had  
10:26:41 15 been at the court and you see an entry at 16:28 under the  
10:26:49 16 heading of ██████████ "He seemed relieved that the plea  
10:26:55 17 has gone ahead. She saw him in court. He said to her, 'I  
10:26:59 18 don't think they'll kill you but be very careful' because  
10:27:03 19 of belief that Gobbo works with Purana" and that seems to  
10:27:10 20 be "with Purana" is underlined, do you see that?---Yes.  
10:27:14 21  
10:27:15 22 Indicating obviously, one assumes, a concern on the part of  
10:27:19 23 the handler at least that there's a perception going around  
10:27:22 24 that Ms Gobbo is working with Purana?---Yes.  
10:27:25 25  
10:27:26 26 And indeed that was seemed to have been the view taken by -  
10:27:34 27 at least on a reading of the transcript that we went  
10:27:37 28 through last Friday, that ██████████ seemed to have a  
10:27:41 29 suspicion that that was the case although he was seeking  
10:27:46 30 affirmation from Mr Bateson that Ms Gobbo had his best  
10:27:51 31 interests at heart, do you recall that?---No, I don't, but  
10:27:56 32 - - -  
10:27:56 33  
10:27:56 34 All right. You recall the transcript where there was some  
10:28:00 35 - - - ?---If it's given in evidence I accept it,  
10:28:03 36 Mr Winneke.  
10:28:03 37  
10:28:04 38 All right, okay. The source of the information was  
10:28:11 39 unknown. Bateson was present when she was told this.  
10:28:15 40 Bateson said in front of Valos that if she was put under  
10:28:19 41 pressure to see him, that is Bateson, which Ms Gobbo  
10:28:22 42 appreciated, and then there was a suppression order that  
10:28:25 43 the media was there, therefore everyone knows what happened  
10:28:29 44 and Ms Gobbo wasn't particularly happy with the judge about  
10:28:33 45 that and the handler agreed with her view. Do you see  
10:28:38 46 that?---Yes.  
10:28:38 47

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10:28:40 1 And there were prosecutors, or at least there was  
10:28:45 2 Mr Horgan, members Bateson, L'Estrange and Ryan were in  
10:28:50 3 court when he entered the plea, do you see that?---Yes.  
10:28:52 4  
10:28:55 5 If we then move on to 5 July. There appears now to be an  
10:29:09 6 interview process between Purana and [REDACTED] starting  
10:29:14 7 with a view, it seems, to making statements because you'll  
10:29:18 8 see the entry on 5 July 2006 at 10 am that - - -  
10:29:23 9  
10:29:23 10 COMMISSIONER: This is at 350, yes.  
10:29:25 11  
10:29:26 12 MR WINNEKE: I'm sorry, Commissioner.  
10:29:27 13  
10:29:27 14 COMMISSIONER: Page 350?  
10:29:29 15  
10:29:30 16 MR WINNEKE: 350, yes. You see the highlighted bit there,  
10:29:35 17 "Spoken to Bateson", I take it that's an indication that  
10:29:40 18 the handler has spoken to Mr Bateson, does that appear to  
10:29:43 19 be right? "It's a management issue, spoken to Detective  
10:29:52 20 Sergeant Bateson, Operation Purana. He has started to  
10:29:54 21 interview [REDACTED] more fully. Nil further regarding any  
10:29:59 22 threats to Ms Gobbo. Williams focused on Ms Gobbo because  
10:30:03 23 of Solicitor 2. [REDACTED] doesn't believe they would harm  
10:30:07 24 Ms Gobbo but would make things unpleasant. Mr Bateson  
10:30:11 25 suggests that if it helps Ms Gobbo can tell others that  
10:30:15 26 [REDACTED] started to make statements". Do you see  
10:30:20 27 that?---Yes.  
10:30:21 28  
10:30:21 29 That appears to be discussions, I suggest, between the  
10:30:26 30 handler who is again Mr Smith, do you see that?---Yes.  
10:30:37 31  
10:30:39 32 And again, it seems that your name's on this ICR. Then  
10:30:46 33 over the page there's a phone call between Mr Smith and  
10:30:52 34 Ms Gobbo. On the top of the page, 351, "Regarding [REDACTED]  
10:30:58 35 [REDACTED] believes timing may be good for Ms Gobbo on return as  
10:31:02 36 will be in custody, police making statements, therefore  
10:31:06 37 will appear that Ms Gobbo not around when this was  
10:31:09 38 organised. Advise Ms Gobbo of the opinion of [REDACTED] as  
10:31:14 39 conveyed by Mr Bateson", that is the previous day at 10 am,  
10:31:18 40 5 July, do you see that?---Yes.  
10:31:20 41  
10:31:21 42 And that, "Ms Gobbo can tell others of making statements  
10:31:24 43 and she says that she'll consider that". And then there's,  
10:31:32 44 Mr Smith has received an SMS from Stuart Bateson to the  
10:31:36 45 effect that [REDACTED] is doing well and also - don't worry  
10:31:47 46 about that?---Yes.  
10:31:47 47

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10:31:50 1 She appears to be excited about walking past 5000 marching  
10:31:57 2 policeman whilst she's wearing minimal clothing. Then  
10:32:01 3 there's an SMS. She's relieved to hear that [REDACTED] is  
10:32:06 4 doing well, will not tell anyone else regarding the  
10:32:10 5 statement taking at this stage, so she has decided not to.  
10:32:14 6 If we then go down to 7 July 2008, 1.20, received an SMS,  
10:32:20 7 "The Crown has told everyone of [REDACTED] rolling therefore  
10:32:26 8 trouble for Ms Gobbo next week and she's requesting a  
10:32:31 9 meeting with her handler", do you see that?---Yes.  
10:32:33 10  
10:32:34 11 Over the page at 352 there's further entries with respect  
10:32:36 12 to Ms Gobbo and [REDACTED] At 17:01, 5.01 pm, "Received an  
10:32:44 13 SMS"?---I'm sorry, I'm lost.  
10:32:48 14  
10:32:49 15 Okay?---I don't know - - -  
10:32:50 16  
10:32:50 17 It seems it's another management matter. There's  
10:32:53 18 discussion again between Mr Smith and Purana because  
10:32:58 19 there's contacted by Bateson and there's discussions of  
10:33:05 20 listening device between Solicitor 2 and Williams. Is that  
10:33:10 21 what that indicates, that there's LD material between  
10:33:14 22 Solicitor 2 and Williams?---Um - - -  
10:33:21 23  
10:33:22 24 From [REDACTED] LD, in any event do you think that's what that  
10:33:26 25 is?---That's what it appears to be.  
10:33:30 26  
10:33:30 27 All right. And that suggests that there's a discussion  
10:33:42 28 between Solicitor 2 and Williams which is listened to.  
10:33:48 29 "Talk about the arrest of A, Mr Khoder, several Fridays  
10:33:59 30 ago. That's when Solicitor 2 to correct 'advice given by  
10:34:05 31 Ms Gobbo' that this sealed it for me, i.e. Ms Gobbo was  
10:34:10 32 helping Purana re potential witnesses. No intel re  
10:34:15 33 physical or other retribution. Mr Williams is very  
10:34:17 34 stressed that [REDACTED] is making statements". Obviously  
10:34:22 35 at that stage there must have been some concern about  
10:34:24 36 Ms Gobbo's role assisting police and Purana coming to the  
10:34:30 37 attention of people like Carl Williams, do you accept  
10:34:34 38 that?---I do, and if you have a look at the previous page  
10:34:38 39 there's an entry there where [REDACTED] says she's going too  
10:34:51 40 far assisting police. Is an associate of Carl Williams and  
10:34:57 41 links to ex member Paul Dale. So yes.  
10:35:00 42  
10:35:00 43 Obviously that was a concern. And indeed it was around  
10:35:03 44 this time that Mr Williams started publicly to accuse  
10:35:08 45 Ms Gobbo of being a dog, wasn't it?---I don't know if  
10:35:11 46 that's when it commenced but that certainly was going on at  
10:35:15 47 one point.

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10:35:15 1  
10:35:19 2 What was done about those matters by you, by the SDU by way  
10:35:32 3 of response to those public statements and statements that  
10:35:36 4 you were receiving, what was done by way of protecting  
10:35:39 5 her?--So through the course of our relationship with her  
10:35:47 6 these threats appeared occasionally and from different  
10:35:53 7 sources and there was - I can't remember the timings of  
10:36:00 8 this but there was an investigation started by a team from  
10:36:04 9 Purana to monitor those threats and try and identify where  
10:36:07 10 they were coming from. She was also provided with certain  
10:36:11 11 equipment and we put some procedures in place in terms of  
10:36:17 12 making sure [REDACTED] what she was doing  
10:36:21 13 when we could.

10:36:22 14  
10:36:22 15 Was it your understanding that Mr Williams was the subject  
10:36:25 16 of an investigation when he was making public assertions,  
10:36:28 17 or at least assertions in court that Ms Gobbo was "a dog"?  
10:36:36 18 Were you aware of that?--Not that I can recall. There was  
10:36:41 19 another fellow who seemed to feature as a suspect in a lot  
10:36:45 20 of the threats against her but I don't think it was ever  
10:36:48 21 proven against him. But it was not Mr Williams.

10:36:51 22  
10:36:56 23 If we just to move on with respect to this process, there's  
10:37:02 24 an SMS, this again is p.352, it says that, and this is from  
10:37:12 25 Purana I suggest to the SDU, to Mr Smith, "Spoken to  
10:37:19 26 [REDACTED].

10:37:19 27  
10:37:19 28 COMMISSIONER: Yes, that gets removed from the record.

10:37:22 29  
10:37:22 30 MR WINNEKE: "[REDACTED], I'm sorry, "Wants to see Ms Gobbo  
10:37:26 31 before signs statements and Purana will arrange." Was it  
10:37:33 32 your understanding that again in this case, as which had  
10:37:39 33 occurred previously and had been made clear to you, that  
10:37:43 34 she was going to be involved at the stage of reviewing  
10:37:49 35 statements before they were signed, as had occurred  
10:37:52 36 previously with [REDACTED]?--I think that entry you're  
10:37:56 37 talking about at 17:01 is an SMS from Ms Gobbo, not the  
10:38:02 38 investigators.

10:38:02 39  
10:38:03 40 Okay?--Saying that [REDACTED] wanted to see her before he  
10:38:08 41 did his statements.

10:38:08 42  
10:38:08 43 Okay, all right. In any event, it seems clear enough that  
10:38:13 44 Purana was aware of that and was going to arrange  
10:38:16 45 that?--Yes.

10:38:16 46  
10:38:19 47 Further down at 16:27 on 9 July, "Received SMS. Thinking



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10:38:26 1 about [REDACTED]. Suggests that Mr Bateson bring up the  
10:38:32 2 subject of money and she can explain that further". And  
10:38:37 3 then further down there's a telephone call the following  
10:38:40 4 day, 10 July 2006 at 9.47 in the morning regarding [REDACTED]  
10:38:47 5 [REDACTED] "He will know about money and be able to explain  
10:38:51 6 finances of Carl Williams if interviewing member mentions  
10:38:55 7 appropriately and Ms Gobbo represented Barbara Williams at  
10:39:01 8 [REDACTED]". Do you see that?---Yes.  
10:39:04 9  
10:39:04 10 So effectively what she's saying, it might be presumed, is  
10:39:11 11 that Ms Gobbo had represented Barbara Williams, which I  
10:39:15 12 think is the mother of Carl Williams, at [REDACTED] and  
10:39:19 13 has information and if [REDACTED] is spoken to and the  
10:39:25 14 appropriate questions are asked by investigators, they  
10:39:28 15 might be able to get some information out of [REDACTED]  
10:39:33 16 which would adversely affect, which would be contrary to  
10:39:39 17 Carl Williams' interest, do you see that?---I think you  
10:39:45 18 said it might be the case.  
10:39:47 19  
10:39:47 20 Yes?---It might be. I have no memory of this at all, so I  
10:39:52 21 really don't know what that's about.  
10:39:55 22  
10:39:56 23 In any event it may well suggest, I suggest to you it does,  
10:39:59 24 that Gobbo's got information having represented Barbara  
10:40:02 25 Williams, she's represented Carl Williams also, she's  
10:40:08 26 represented [REDACTED]. She's suggesting if he's asked the  
10:40:11 27 right questions he might be able to provide information  
10:40:14 28 contrary to the interests of Carl Williams. I suggest to  
10:40:18 29 you there are all sorts of conflict issues rearing their  
10:40:22 30 heads there and potential breach of legal professional  
10:40:26 31 privilege issues, I suggest?---Yes.  
10:40:31 32  
10:40:31 33 Sorry, go on?---I, as I say, I don't know.  
10:40:39 34  
10:40:39 35 All right. Again, I mean look if you're - you've got your  
10:40:46 36 signature on this, or at least it appears your name is  
10:40:50 37 against this, this is on 12 September 2006, you're not  
10:40:54 38 suggesting you wouldn't have read this entry and been aware  
10:40:57 39 of it more or less contemporaneously?---No, I'm not.  
10:41:01 40  
10:41:01 41 In any event that information was passed on to DI Ryan at  
10:41:09 42 Purana, do you accept that? Go back to the 10th, 3.52,  
10:41:15 43 bottom of the page. Just stop there. Do you see that,  
10:41:20 44 "Advise DI Ryan" - - - ?---I do but I can't say for sure  
10:41:25 45 whether that's in relation to both those paragraphs or just  
10:41:28 46 that one.  
10:41:28 47

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10:41:28 1 No, okay. Then if we go to 353, there's an entry under 11  
10:41:39 2 July 2006, round a third way of the way down, "Ms Gobbo  
10:41:45 3 rang Bateson. [REDACTED] not being totally truthful re  
10:41:49 4 murder matters. Ms Gobbo to speak to same Thursday  
10:41:54 5 morning, 13 July 2006 re [REDACTED] murder. On the day of  
10:42:00 6 the offence Ms Gobbo was at the airport with mother and may  
10:42:04 7 have received or made calls to [REDACTED] location. Carl  
10:42:07 8 Williams has nominated [REDACTED] as an alibi. Bateson to  
10:42:11 9 sort out. Ms Gobbo supplying phone bill to him to assist",  
10:42:17 10 do you see that?---Yes.

10:42:18 11  
10:42:18 12 Again it's not clear - I withdraw that. Further down the  
10:42:26 13 page at 1.26, 13:26, "Received a call. Phone back.  
10:42:34 14 Transcript of court case a few days ago, prosecutor Horgan  
10:42:39 15 mentions that Ms Gobbo is acting for [REDACTED] and that is  
10:42:42 16 currently overseas and to assist re the matter on return.  
10:42:47 17 Ms Gobbo is not happy about the DPP advertising that she's  
10:42:52 18 acting for [REDACTED]", do you see that?---Yes.

10:42:54 19  
10:42:55 20 That appears to be again a repeated concern that she has  
10:43:01 21 that she's quite happy to do things behind the scenes,  
10:43:04 22 undercover, if you like, but she accepts that it shouldn't  
10:43:07 23 be said that she's doing it publicly, do you see  
10:43:11 24 that?---Yes.

10:43:11 25  
10:43:14 26 If we then move on to p.356. This is ICR number 38 on 12  
10:43:30 27 July in the morning. "Ms Gobbo won't be doing [REDACTED]'s  
10:43:38 28 plea, will be arranged" - no, sorry, back up to where you  
10:43:43 29 were. That's it, stop. "Won't be doing [REDACTED] plea, will be  
10:43:48 30 arranging a QC. Also trying to get out of [REDACTED]'s  
10:43:52 31 matter, but [REDACTED] doesn't see why Ms Gobbo can't do it,  
10:43:56 32 whereas [REDACTED] understands the problems for Ms Gobbo",  
10:44:03 33 right. Another indication of the conflicted situation, do  
10:44:06 34 you accept that?---Yes.

10:44:07 35  
10:44:08 36 If we then go over to p.358 under the heading of [REDACTED]  
10:44:17 37 [REDACTED] "It appears that he's up to 80 per cent truth now. In  
10:44:21 38 June 2003 was an issue with Ms Gobbo on the phone talking  
10:44:26 39 to [REDACTED] She's checked the phone bill, it's correct",  
10:44:30 40 and she also says that [REDACTED] has been dishonest in  
10:44:34 41 relation to, one assumes, the murder of [REDACTED] And  
10:44:41 42 then there's a reference underneath that, "Carl Williams  
10:44:46 43 was aggressive on the phone with respect to what's  
10:44:48 44 happening with [REDACTED] She's told him that she doesn't  
10:44:52 45 know what he is doing. Bateson has told her, Gobbo, that  
10:44:56 46 they can say that [REDACTED] is making statements if causes  
10:44:59 47 less heat on her but Ms Gobbo thinks this may create more



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10:45:04 1 questions than answers and she plans to see Williams  
10:45:07 2 face-to-face once [REDACTED] statements are signed and  
10:45:10 3 tell him that she can't act because of a conflict and she  
10:45:14 4 feels she'll get some closure when this occurs". Did you  
10:45:18 5 understand that - I withdraw that. Then if we go to 16  
10:45:36 6 July 2006, entry at 12:07. 12.07, [REDACTED] statements  
10:46:00 7 to be served tomorrow and she's expecting problems.  
10:46:03 8 Further down at the bottom of the page on 17 July, Bateson  
10:46:08 9 serving [REDACTED] statements this morning. Over the  
10:46:14 10 page, p.360 at 15:58 on 18 July, Ms Gobbo is going to  
10:46:21 11 St Kilda Road police station at six o'clock pm to read  
10:46:25 12 [REDACTED] statements. 19 July from Ms Gobbo, she's very  
10:46:30 13 impressed with [REDACTED] statements. Includes over 40  
10:46:33 14 pages re trafficking. Ms Gobbo amended some slightly. And  
10:46:38 15 then under the heading "management", there's a meeting with  
10:46:44 16 Detective Sergeant Flynn. The note says this, that,  
10:46:51 17 "Ms Gobbo supplied a lot of details re [REDACTED]  
10:46:56 18 statement". Do you see that?---Yes.  
10:46:58 19  
10:47:01 20 Is that information which is coming from Flynn to Mr Smith  
10:47:07 21 who's the handler, or is that something that is coming from  
10:47:10 22 Ms Gobbo, do you know?---No, I don't know.  
10:47:13 23  
10:47:13 24 In any event it's a bit of a concern, isn't it?---Obviously  
10:47:19 25 not that I recognise.  
10:47:20 26  
10:47:23 27 When you say not that you recognise, the fact that  
10:47:26 28 Ms Gobbo's supplying a lot of details in the statement, is  
10:47:29 29 that not a matter of some concern?  
10:47:37 30  
10:47:37 31 MR CHETTLE: That is a misstatement of what it says,  
10:47:40 32 Commissioner. It doesn't say she is supplying details in  
10:47:44 33 the statement, which is the way the question was put.  
10:47:47 34  
10:47:47 35 MR WINNEKE: It may be unclear.  
10:47:48 36  
10:47:49 37 COMMISSIONER: Is there a concern that the note says, "HS  
10:47:51 38 supplied a lot of details re [REDACTED] statements"?  
10:47:57 39  
10:47:57 40 MR WINNEKE: In any event, it may be unclear, it may well  
10:48:01 41 be, do you agree with this, Mr White, that she is providing  
10:48:05 42 a lot of information to the handler about [REDACTED]  
10:48:08 43 statements or indeed it might be that she's providing a lot  
10:48:12 44 of details which went into [REDACTED] statement?---It  
10:48:18 45 could be.  
10:48:18 46  
10:48:18 47 Is one more concerning than the other?---It could be

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10:48:23 1 either, I can't assist.

10:48:24 2

10:48:30 3 I mean if we go back, certainly she has said that she's  
10:48:33 4 amended some of the statements slightly, so at least to  
10:48:36 5 that extent she's conceding, it's apparent that she's  
10:48:40 6 involved in the process of making the statements, do you  
10:48:44 7 agree with that?---Yes.

10:48:45 8

10:48:47 9 And that's troubling, isn't it?---As I said to you,  
10:48:53 10 Mr Winneke, I didn't think we had - she'd obviously  
10:48:57 11 reported this to us. These are all matters that, as I  
10:49:01 12 said, I thought the investigators were dealing directly  
10:49:04 13 with her in relation to.

10:49:06 14

10:49:06 15 All right. As a matter - it's actually a matter, it's  
10:49:09 16 obvious that this is material that should have been brought  
10:49:13 17 to the attention of firstly, the court, secondly, [REDACTED]  
10:49:17 18 and thirdly, anyone who was facing charges based on  
10:49:21 19 statements made by [REDACTED] do you accept that  
10:49:23 20 proposition?---Well, I'm trying to get my head around this  
10:49:30 21 but her role was, as obviously she saw it, was to assist  
10:49:40 22 [REDACTED] in making statements that were true and correct.

10:49:43 23

10:49:43 24 Yes?---And I honestly don't know - I mean obviously there  
10:49:52 25 are many lawyers have done similar things over the years  
10:49:57 26 but I don't know what the extent of that should or  
10:49:59 27 shouldn't be. I think what's clear is she's said she's not  
10:50:05 28 getting involved in it and then she is clearly involved in  
10:50:08 29 it.

10:50:11 30

10:50:11 31 Yes. I mean obviously, just take the example of Faruk  
10:50:16 32 Orman, if he's charged on the basis of statements made by  
10:50:19 33 [REDACTED] charged with criminal offences and faces  
10:50:23 34 criminal offences arising out of those statements, it would  
10:50:27 35 be reasonable, wouldn't it, that in properly assessing  
10:50:33 36 [REDACTED] credibility, his reliability, he should have  
10:50:38 37 the opportunity to understand clearly how the statements  
10:50:41 38 came about, shouldn't he? Do you accept that?---I would  
10:50:45 39 think so.

10:50:46 40

10:50:46 41 And that would include the process that we've been going  
10:50:49 42 through this morning, I suggest?---Well, I'm not sure,  
10:51:00 43 Mr Winneke.

10:51:01 44

10:51:02 45 Do you accept that if there had been changes made to his  
10:51:05 46 statement which may well have relevance to the murder of  
10:51:11 47 [REDACTED] for example, that's something that would be



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10:51:14 1 a matter of relevance to Mr Orman and his lawyers?---Yes,  
10:51:23 2 it would.  
10:51:23 3  
10:51:27 4 Do you understand that it is necessary to enable these  
10:51:34 5 sorts of issues, how a statement is made, the process of  
10:51:39 6 draft statements, changes to statements, it's reasonable  
10:51:42 7 for that sort of material to be provided to the defence to  
10:51:47 8 determine whether or not it's all been done  
10:51:51 9 properly?---Yes.  
10:51:51 10  
10:51:53 11 If we then go to p.365, [REDACTED] 2006 at the top at 15:39,  
10:52:07 12 "Ms Gobbo has been to [REDACTED] Prison. She has seen [REDACTED]  
10:52:11 13 [REDACTED] they're getting along well. Bateson sets  
10:52:16 14 things up to throw off Ms Gobbo". Do you know what that  
10:52:20 15 might mean?---No.  
10:52:22 16  
10:52:26 17 There's an entry at 11 o'clock or 11.01 on 22 July. It  
10:52:34 18 seems that Bateson's provided information either to  
10:52:39 19 Ms Gobbo or to the handler to the effect that Carl Williams  
10:52:43 20 thinks that Ms Gobbo is responsible for [REDACTED]  
10:52:48 21 [REDACTED] and is not happy. "If Ms Gobbo says hasn't read the  
10:52:53 22 statements and it comes out she had something to do with  
10:52:57 23 them, looks worse for Ms Gobbo. Ms Gobbo's suggestion is  
10:53:01 24 to say 'they told me the general subject but wouldn't let  
10:53:05 25 me read them'." That's discussed with you, do you see  
10:53:08 26 that?---Yes.  
10:53:09 27  
10:53:09 28 I take it you won't recall ultimately what view you came to  
10:53:13 29 about that, is that right?---No.  
10:53:15 30  
10:53:25 31 Then it says at 11.38, "Re above call. Advised Ms Gobbo to  
10:53:30 32 ring George Williams and not admit any knowledge of the  
10:53:33 33 contents of the statements", so that would seem to be the  
10:53:35 34 decision that he came to, wouldn't it?---It would seem to  
10:53:40 35 be.  
10:53:40 36  
10:53:41 37 In any event, so messages are being put out that she didn't  
10:53:45 38 have any knowledge of any contents of any statement. To  
10:53:49 39 the extent that there's disclosure it's obviously  
10:53:54 40 incorrect, isn't it? You're effectively saying, "Get the  
10:54:00 41 message out, get it out to William's father that she didn't  
10:54:06 42 have any knowledge of the contents of any of the  
10:54:09 43 statements"?---That's what that entry says, yes.  
10:54:15 44  
10:54:15 45 That would seem to be an attempt by you, I suggest, to put  
10:54:19 46 out misinformation about Gobbo's involvement or  
10:54:27 47 otherwise?---That's a possibility.

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10:54:28 1  
10:54:35 2 Is that something that you would have spoken to Mr Bateson  
10:54:38 3 about or any of the other Purana people or was that  
10:54:40 4 something that you would have done off your own bat?---I  
10:54:45 5 really don't know.  
10:54:46 6  
10:54:47 7 If we then go over to p.366. If we go to the SML, the  
10:55:08 8 source management log. You'll see that there's a  
10:55:12 9 management entry, this is at p.40, on 22 July 2006. 22  
10:55:29 10 July, next page, that's it. Firstly, you'll see there's a  
10:55:39 11 contact note, 22 July, that Ms Gobbo has spoken to George  
10:55:44 12 Williams, do you see that?---Yes.  
10:55:48 13  
10:55:49 14 Then the next entry from Bateson, "Purana intelligence  
10:55:52 15 suggests that Carl Williams believes that Ms Gobbo is  
10:55:56 16 responsible for [REDACTED]", do you see  
10:56:00 17 that?---Yes.  
10:56:01 18  
10:56:01 19 Clearly that's a concern, it's concerning enough, one  
10:56:05 20 assumes, for you to enter it into the management log, do  
10:56:10 21 you agree with that?---Yes.  
10:56:11 22  
10:56:12 23 23 July, "Roberta Williams and Solicitor 2 both saying that  
10:56:19 24 Ms Gobbo is a dog and should be knocked", do you see  
10:56:22 25 that?---Yes.  
10:56:22 26  
10:56:28 27 So one assumes therefore that you are in discussions with  
10:56:31 28 Purana about this matter, which has arisen on the  
10:56:42 29 22nd?---Um - - -  
10:56:43 30  
10:56:43 31 Because it has come from Bateson and that's indicated in  
10:56:47 32 the message, at least in the entry in the ICR on  
10:56:51 33 p.365?---Yes.  
10:56:51 34  
10:57:05 35 Indeed if you go to the source management log of the 24th  
10:57:08 36 of July, there's references to rumours regarding her being  
10:57:30 37 a dog and police informer, that's the first entry of the  
10:57:34 38 24th. The second entry of the 24th is a monthly source  
10:57:38 39 review. "Concern exists that Horthy and possibly Carl  
10:57:45 40 Williams suspect Ms Gobbo of assisting police [REDACTED]  
10:57:51 41 [REDACTED]. The risk assessment remains high. She is now  
10:57:58 42 under suspicion of assisting police, not as a source but in  
10:58:01 43 helping an associate become a Crown witness". Now,  
10:58:07 44 firstly, that's your understanding, that she's not acting  
10:58:12 45 as a human source, is that right, in - - - ?---No, I think  
10:58:20 46 - well, there was a concern that she'd been involved in,  
10:58:26 47 well it's pretty clear in the entry on the 22nd of July,

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10:58:30 1 that Carl Williams believes that she had been responsible  
10:58:35 2 for those [REDACTED] witnesses you mentioned.  
10:58:36 3  
10:58:37 4 Right?---Making statements against other parties.  
10:58:41 5  
10:58:41 6 Yes?---So that was a bit of a separate issue. To me that  
10:58:45 7 was a witness management issue. It was not in the same  
10:58:51 8 category as her being a human source.  
10:58:53 9  
10:58:54 10 Right. Again that comes back to the issue as to how she's  
10:58:58 11 acting, what she's doing in advising, if you like, [REDACTED]  
10:59:05 12 [REDACTED] behind the scenes?---Yes.  
10:59:07 13  
10:59:07 14 Is she acting as an agent of Victoria Police, is she acting  
10:59:11 15 as a barrister? Do you agree with that, that appears to be  
10:59:15 16 sort of a blurred situation in this case?---Well, as I said  
10:59:20 17 to you before, I felt we had very little to do with what  
10:59:23 18 was going on in relation to [REDACTED]  
10:59:26 19  
10:59:27 20 Yes?---And the same with the previous two witnesses that  
10:59:30 21 are mentioned in that entry. I always thought they were  
10:59:34 22 matters being handled directly between her and Bateson in  
10:59:38 23 line with what a barrister would normally be doing.  
10:59:41 24  
10:59:41 25 As far as you were concerned there should be no problem  
10:59:44 26 about disclosing her role as a person who is representing  
10:59:51 27 [REDACTED] and her role in assisting, to use that  
10:59:58 28 expression, the making and taking of statements?---No, I  
11:00:02 29 wouldn't have said there's no concern about it. There was  
11:00:04 30 a lot of concern about it and it's expressed in that entry  
11:00:10 31 of 22 July which is in the contact report you've taken me  
11:00:14 32 to. Clearly if those people think that she was involved in  
11:00:18 33 assisting police in rolling people to make statements her  
11:00:22 34 life was in serious jeopardy.  
11:00:27 35  
11:00:30 36 In any event as far as you were concerned there should be  
11:00:34 37 no reason to, I suggest, prevent any disclosure about that  
11:00:37 38 role?---Well, no, I think there was a lot of concern about  
11:00:43 39 it for the reason I've just stated.  
11:00:45 40  
11:00:45 41 Not because she's an informer though, is that what you  
11:00:49 42 say?---Well, not because she is an informer but because  
11:00:53 43 she's assisted the police.  
11:00:54 44  
11:01:09 45 Now, if we then go to p.367. There's a note at 15:53,  
11:01:22 46 "Missed call, phoned back. Saw Carl Williams". So she's  
11:01:26 47 obviously saw Carl Williams. "Very difficult. He has it

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11:01:30 1 in his head that she must have known that [REDACTED] had - and lied.  
 11:01:36 2 Would have seen statements before signing. He said that  
 11:01:39 3 everyone is saying she's a dog and a police informer." Do  
 11:01:42 4 you see that?---Yes.

11:01:43 5  
 11:01:51 6 Over the following page, 368. Perhaps if I go back to  
 11:02:16 7 15:53, the entry. Also said - I don't want to, at the  
 11:02:23 8 bottom of the entry, "Ms Gobbo told Carl Williams not to  
 11:02:27 9 ring her because of the conflict", do you see that. That's  
 11:02:30 10 what she told Williams?---Is this the 15:53 - - -

11:02:37 11  
 11:02:37 12 Yes, 15:53, "And Mr Gatto had heard someone else was the  
 11:02:45 13 female informer working for Purana and she told Williams  
 11:02:51 14 not to ring her because of the conflict", do you see  
 11:02:56 15 that?---Yes, I do see that.

11:02:57 16  
 11:02:57 17 Over the page, 368, regarding Carl Williams' visit, that is  
 11:03:07 18 Ms Gobbo's visit to Carl Williams, "Gatto had told Roberta  
 11:03:14 19 that [REDACTED] had been sentenced and that Gatto told him  
 11:03:18 20 there is a female source working for Purana. The reason  
 11:03:23 21 that Gatto is talking to Carl Williams is that Gatto wanted  
 11:03:27 22 to advise that Faruk Orman may be in trouble, i.e. get  
 11:03:32 23 arrested because of [REDACTED] statement. And Carl also  
 11:03:37 24 wants affidavits concerning [REDACTED] from 12 months ago,  
 11:03:40 25 one year ago", do you see that?---Yes.

11:03:43 26  
 11:03:46 27 Then over the page, 369, 25 July 2006, [REDACTED] wants to  
 11:03:53 28 speak to Bateson and give more details. Ms Gobbo has seen  
 11:04:08 29 Mr Hargreaves and given him [REDACTED] tapes. Told him that  
 11:04:16 30 Detective Sergeant Flynn only wants transcripts. She saw a  
 11:04:19 31 reporter, a Mr Lunny, and he was asking about [REDACTED].  
 11:04:26 32 And then management issues, meeting with O'Brien of Purana  
 11:04:32 33 and yourself and others. "Update on recent events with  
 11:04:36 34 respect to Ms Gobbo." Do you see that?---Yes.

11:04:39 35  
 11:04:46 36 Then if we go over to p.378, we're now into August of 2006.  
 11:04:52 37 Mr Smith is the handler and you're the controller it  
 11:05:02 38 appears, at least if we judge from the entries at the back  
 11:05:11 39 of the ICR. There's a reference to, [REDACTED] driving  
 11:05:14 40 Ms Gobbo insane with constant phone calls and always  
 11:05:20 41 wanting attention"?---Sorry, what page are you on?

11:05:23 42  
 11:05:24 43 Page 378. Then over the following page on 2 August - -  
 11:05:33 44 -?---Can I just stop you for one minute, please?

11:05:37 45  
 11:05:37 46 Yes, certainly. Certainly. So there's some other  
 11:05:57 47 information she's providing about Jacques El-Hage, Waters,



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11:06:02 1 Saunders, Carl Khoder and over the following page, at the  
11:06:07 2 top, you're advised about all of the above and DDI O'Brien  
11:06:12 3 is advised about the above. And that may well be a  
11:06:17 4 reference - yes. Entry which is at 8 am on 2 August. So  
11:06:34 5 what do you think that means? That's the time you contact,  
11:06:39 6 is it?---I don't know.  
11:06:41 7  
11:06:42 8 Are you saying - - - ?---I don't know. You'll have to look  
11:06:45 9 at other's notes.  
11:06:46 10  
11:06:46 11 What I suggest is on the following morning, on 2 August  
11:06:50 12 2006 at 8 am you've advised Detective O'Brien about all of  
11:06:56 13 the above matters because those events are on 1 August, do  
11:07:01 14 you accept that?---Yes, but I don't know if that's me  
11:07:05 15 advising O'Brien or Officer - - -  
11:07:07 16  
11:07:07 17 I follow?---- - - Smith.  
11:07:11 18  
11:07:11 19 Then if we go to p.381, on 3 August at 16:48, "Missed call.  
11:07:21 20 Call back. Marita Altman", who is then Carl Williams'  
11:07:25 21 solicitor, "Rang and faxed a letter regarding matters of  
11:07:28 22 conflict which had been CCed to Director of Public  
11:07:31 23 Prosecutions, Mr Coghlan", then Mr Coghlan, "And Governor  
11:07:38 24 of the prison. Letter says Ms Gobbo acted for [REDACTED] or  
11:07:43 25 [REDACTED] which in brackets is said to be wrong. And acted  
11:07:49 26 for [REDACTED] re the [REDACTED] which is said to  
11:07:57 27 be wrong and asks why she is visiting [REDACTED] and  
11:08:03 28 apparently a number of subpoenas have been issued regarding  
11:08:07 29 [REDACTED] Do you see that?---Yes.  
11:08:09 30  
11:08:14 31 So obviously the subpoena issue, the disclosure issue is  
11:08:19 32 going to arise, do you accept that?---No, I'm not sure what  
11:08:30 33 this letter's about.  
11:08:31 34  
11:08:32 35 In any event what it's about, it's the commencement of this  
11:08:37 36 complaint that Mr Williams had that Ms Gobbo had a  
11:08:41 37 conflicted position as between her involvement with [REDACTED]  
11:08:50 38 [REDACTED] and him, and [REDACTED]. He's alleging that  
11:08:56 39 she was conflicted with respect to [REDACTED] as well and  
11:09:00 40 obviously the Commission knows that she visited him on two  
11:09:05 41 occasions after the murders, on the [REDACTED], the day after the  
11:09:09 42 murder and subsequently in November she visited him.  
11:09:12 43 You're aware of that because there's the issue about  
11:09:15 44 [REDACTED] statement and her potential complicity for it,  
11:09:21 45 do you accept that?---No, I'm sorry, you've completely  
11:09:25 46 confused me.  
11:09:27 47

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11:09:28 1 Well - - - ?---Can you - - -  
11:09:29 2  
11:09:30 3 Williams is effectively saying, look, she's in conflict.  
11:09:36 4 She's acted for [REDACTED]---Can I interrupt for one  
11:09:40 5 second?  
11:09:40 6  
11:09:40 7 Yes?---Didn't you just take me to an entry where she tells  
11:09:45 8 Williams that she's conflicted and can't represent him?  
11:09:48 9  
11:09:48 10 Yes, that's right. That's what she does say?---Okay. But  
11:09:55 11 - okay. Sorry to interrupt.  
11:09:56 12  
11:09:56 13 COMMISSIONER: So Williams is complaining about her  
11:09:58 14 relationship with others, her professional relationship  
11:10:02 15 with others and saying that's a conflict.  
11:10:06 16  
11:10:06 17 MR WINNEKE: Right. And I take it as the controller you're  
11:10:13 18 aware of the matters which in effect give rise to those  
11:10:17 19 concerns about her conflict I suggest to you?---I might  
11:10:24 20 have been.  
11:10:25 21  
11:10:25 22 Yes. And over the page, p.384, "Ms Gobbo has seen  
11:10:34 23 subpoenas for [REDACTED] regarding the trial of  
11:10:38 24 [REDACTED] They have called for everything", right?  
11:10:46 25 Go further down the page on 6 August under the heading  
11:10:52 26 [REDACTED], "Asked if Ms Gobbo read [REDACTED] statement.  
11:10:57 27 Told no. Ms Gobbo believes [REDACTED] may have exaggerated  
11:11:01 28 some things in his statements. He wants Ms Gobbo to  
11:11:06 29 negotiate with Detective Sergeant Flynn about changes", do  
11:11:11 30 you see that?---Yes.  
11:11:12 31  
11:11:13 32 I apologise, charges. Charges. Then under the heading of  
11:11:26 33 [REDACTED], just above that, "Has signed statements. Is  
11:11:30 34 in reasonably good spirits. She reckons is up to about  
11:11:34 35 \$5000 owed by [REDACTED] by way of fees", do you see  
11:11:41 36 that?---Yes.  
11:11:41 37  
11:11:43 38 Over the page, 385, "Need to move [REDACTED] plea date  
11:11:52 39 because Williams aware of it. Will mention to Detective  
11:11:57 40 Sergeant Bateson tomorrow and Detective Sergeant Bateson  
11:12:02 41 advised regarding [REDACTED] court matter". Further down  
11:12:06 42 on 7 August, "Barrister Faris rang" - this is rang  
11:12:11 43 Ms Gobbo, "Said contact him re some letter. Ms Gobbo  
11:12:16 44 explained lack of conflict". Further down, 17:13, "Bateson  
11:12:22 45 advised Ms Gobbo that in court Faris brought up alleged  
11:12:31 46 conflict with [REDACTED] Prosecutor Horgan suggested to go  
11:12:37 47 to the Ethics Committee and she advises she has already



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11:12:41 1 done so and no problems. The matter is adjourned till  
11:12:44 2 Monday. She has just received an email from Mr Faris,  
11:12:48 3 advising that she will issue an injunction acting for  
11:12:52 4 [REDACTED] regardless of Ethics committee. Ms Gobbo will  
11:12:53 5 get advice regarding this and she may write out a plea for  
11:12:59 6 someone else to read out". Do you see that?---Yes.  
11:13:03 7  
11:13:04 8 So effectively she's saying, well look, she may well not  
11:13:12 9 act if she's prevented from doing so but what she'll do is  
11:13:20 10 in effect write the plea out for someone else to present in  
11:13:23 11 court, that's what she's saying?---Yes.  
11:13:25 12  
11:13:27 13 Do you think if she'd have told the Ethics Committee the  
11:13:31 14 truth about what she had done, that is firstly she was  
11:13:38 15 acting as an agent of the police, an informer if you like,  
11:13:42 16 as a general proposition, that might have caused her some  
11:13:45 17 issues?---Well I don't know anything about the Ethics  
11:13:53 18 Committee, how they operate and what their role is, so I'd  
11:13:57 19 be speculating.  
11:13:58 20  
11:14:00 21 She had previously told you I think on 20 April that "the  
11:14:03 22 ethics of the whole thing were fucked", hadn't she?---Yes,  
11:14:06 23 she had.  
11:14:07 24  
11:14:07 25 If she had told the committee about that, that might have  
11:14:10 26 caused her some difficulties, mightn't it?---Again, I don't  
11:14:16 27 know how the Ethics Committee works.  
11:14:18 28  
11:14:18 29 Do you think if she told the Ethics Committee that she had  
11:14:23 30 acted for [REDACTED] and had been involved in the statement  
11:14:26 31 taking process, that might have caused her some  
11:14:29 32 difficulties insofar as she would have a conflict then with  
11:14:33 33 [REDACTED], do you accept that?  
11:14:36 34  
11:14:37 35 MR CHETTLE: Commissioner, he's told you a number of times  
11:14:39 36 he has no idea how it works.  
11:14:40 37  
11:14:41 38 COMMISSIONER: Yes. Yes, that's probably right. That's  
11:14:43 39 probably right. I think we can move on.  
11:14:46 40  
11:14:46 41 MR WINNEKE: All right. In any event you say as far as you  
11:14:49 42 were concerned there's no problems with conflict, is that  
11:14:52 43 right?---Mr Winneke, I can only tell you what we were  
11:14:58 44 thinking at the time and the conflict issues we were  
11:15:01 45 thinking were hers.  
11:15:03 46  
11:15:06 47 So were you confident when you read this that she had told

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11:15:09 1 the Ethics Committee the truth?---I have no idea what I was  
11:15:15 2 thinking about what she told the Ethics Committee.

11:15:18 3  
11:15:18 4 All right?---And to read into it now I would just be  
11:15:23 5 guessing.

11:15:23 6  
11:15:27 7 And 385 at the bottom under the time 18:44, "She had spoken  
11:15:34 8 to Mr Bateson, probably won't do witness plea in court but  
11:15:39 9 will try and get Duncan Allen, another barrister, but she  
11:15:43 10 will write the plea out", do you see that?---Yes.

11:15:46 11  
11:15:51 12 Then if we go over to p.388, there is a reference, this is  
11:15:55 13 about halfway down, 10 August now. [REDACTED] are  
11:16:03 14 constantly ringing her, sometimes competing for her  
11:16:06 15 attention." Over the page, 391, ICR number 41, Saturday,  
11:16:23 16 12 August, 15:20, "Called by Ms Gobbo. She's preparing  
11:16:27 17 [REDACTED] plea material, 11 pages so far", do you see  
11:16:32 18 that?---Yes.

11:16:32 19  
11:16:42 20 Then if we go over to p.398. 18 August 2006, entry on  
11:16:53 21 Friday the 18th at 8.50 am, [REDACTED] needs a welfare  
11:16:57 22 visit from Detective Sergeant Bateson to reassure him. And  
11:17:06 23 [REDACTED] must have told him that he has put him in and he  
11:17:10 24 thinks that he is going to be charged. And she's  
11:17:14 25 suggesting it would be worthwhile if Mr Bateson went out to  
11:17:18 26 reassure him". Do you agree with that?---Yes.

11:17:31 27  
11:17:31 28 Then if we go over to ICR number 42, this is 19 August  
11:17:37 29 2006. Bottom of the page, "DSU issue. Ms Gobbo has an  
11:17:44 30 \$800 phone bill whilst in Bali for international calls to  
11:17:48 31 [REDACTED] [REDACTED] also Mr Smith will  
11:17:58 32 get a copy of the same and possibility of payment towards  
11:18:02 33 the same", do you see that?---Yes.

11:18:03 34  
11:18:06 35 Of course there wouldn't be any payment by the SDU of any  
11:18:10 36 of those matters if she was simply acting as a barrister,  
11:18:15 37 one assumes, would there?---No, not if she's acting as a  
11:18:24 38 barrister.

11:18:25 39  
11:18:27 40 If on the other hand her role was to keep these people  
11:18:31 41 happy and if she was doing so on the part of Victoria  
11:18:40 42 Police then it might be something that Victoria Police  
11:18:43 43 would be prepared to entertain, that is paying the  
11:18:47 44 bills?---Possibly.

11:18:47 45  
11:18:50 46 Then if we go over to p.405, 25 August 2006. There's an  
11:18:58 47 SDU task from Purana. Underneath that, sorry at 16:10,



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11:19:05 1 4.10. "Source called. Called back. Gobbo is very, very  
11:19:09 2 cross. Carl Williams has written a complaint to the Ethics  
11:19:13 3 Committee and Bar Council regarding her having a conflict  
11:19:16 4 of interest with respect to [REDACTED], do you see  
11:19:20 5 that?---Yes. Commissioner, is it possible to have a break?  
11:19:32 6  
11:19:32 7 COMMISSIONER: Yes, certainly. We're going to have one  
11:19:35 8 shortly anyway. We'll have a ten minute break.  
11:20:06 9  
11:20:06 10 (Short adjournment.)  
11:20:06 11  
11:34:44 12 COMMISSIONER: Yes, Mr Winneke.  
13  
11:34:46 14 MR WINNEKE: Thanks, Commissioner. Mr White, if you can  
11:34:50 15 have a look at p.424 of the ICRs. We're dealing with  
11:35:06 16 Friday 15 September 2006. If we go down to 18:53, it  
11:35:14 17 appears that there was a face-to-face meeting, do you see  
11:35:17 18 that, with Mr Smith, Mr Anderson and yourself?---Yes.  
19  
11:35:29 20 There was a discussion about, or reflections on the past 12  
11:35:33 21 months because we're up to 12 months' anniversary, do you  
11:35:38 22 see that?---Yes.  
23  
11:35:45 24 Threats by Roberta Williams, future involvement with police  
11:35:48 25 and Emil. Ms Gobbo was given a copy of the documents Carl  
11:35:56 26 Williams had received on subpoena from Purana by Detective  
11:36:00 27 Sergeant Bateson regarding [REDACTED] do you see  
11:36:04 28 that?---Yes.  
29  
11:36:05 30 Do you know whether those documents were provided by  
11:36:13 31 yourselves, by Purana via the SDU or was it somewhere else  
11:36:19 32 you got them?---No idea.  
33  
11:36:25 34 Right. In any event, those were matters that you - you  
11:36:31 35 discussed those matters during the course of that meeting,  
11:36:34 36 did you?---Yes.  
37  
11:36:36 38 Obviously it says" minimise talk regarding operational  
11:36:39 39 subjects" but was this a sort of celebratory dinner, was  
11:36:45 40 it?---I wouldn't think it was a celebratory, it might have  
11:36:53 41 just been a welfare meeting.  
42  
11:36:55 43 All right. Over dinner?---You pointed out recently that  
11:37:02 44 Ms Gobbo did have a bit of a penchant for anniversaries and  
11:37:07 45 that type of thing.  
46  
11:37:08 47 Yes. This was clearly the anniversary, the 12 month

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11:37:12 1 anniversary of Ms Gobbo becoming a registered, or at least  
11:37:16 2 a human source officially on this occasion?--Well her  
11:37:19 3 relationship with us, yes.  
4  
11:37:26 5 If we then move to - it might be more appropriate if we go  
11:37:31 6 to, rather than a document that's on your - that you've  
11:37:38 7 got, the printed document, if we can go to this document,  
11:37:42 8 VPL.2001.0002.0001. This, we understand, is a copy of ICR  
11:37:56 9 number 45 which was recovered from the SDU drive. Do you  
11:38:02 10 have that there as a hard copy?---I have a copy of ICR 45.  
11  
11:38:09 12 Yes?---Which you just read to me.  
13  
11:38:15 14 Yes.  
11:38:33 15  
11:38:34 16 MR HOLT: Excuse me, Commissioner.  
17  
11:38:42 18 MR WINNEKE: We might have to put this up then. I gather  
11:39:09 19 it's got to download. If you can just have a look at that  
11:39:52 20 document. You'll see that there's an entry at 11.54, phone  
11:39:57 21 call, phone back. Ms Gobbo has read transcripts of [REDACTED]  
11:40:08 22 [REDACTED] pre-statement conversations, "Understand why Carl  
11:40:13 23 Williams is so adamant that she helped [REDACTED] Bateson.  
11:40:18 24 Redacted many parts but missed one or two references to  
11:40:21 25 gender when mentioning legal representation", do you see  
11:40:26 26 that?---Yes.  
27  
11:40:45 28 You may not be able to recall, and I suspect you won't, but  
11:40:47 29 the document that I suggest that Ms Gobbo was shown on 20  
11:40:51 30 April 2006, when you had your meeting with her, wasn't a  
11:40:59 31 document which had vast amounts of black out all over it,  
11:41:04 32 do you accept that proposition?---I've got no idea.  
33  
11:41:09 34 But in any event what she's now got as a result of  
11:41:13 35 subpoenas, I suggest, are obviously redacted, heavily  
11:41:21 36 redacted versions of that statement which was put in her  
11:41:25 37 hands on 20 April. Do you accept that or not?---I have no  
11:41:38 38 idea, Mr Winneke.  
39  
11:41:39 40 Okay. Then if we go over the page there's a management  
11:41:47 41 issue at 16:55 on 18 September and it says that, "From DI  
11:42:05 42 O'Brien, saw [REDACTED] at [REDACTED] Prison" and there's  
11:42:13 43 mention of possible hit men, et cetera, "any possible  
11:42:21 44 target unable to be confirmed". Did you understand that  
11:42:29 45 that was a concern with respect to Ms Gobbo's safety?---I  
11:42:34 46 don't know.  
47

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11:42:37 1 Then it says, "Confirm if O'Brien contacted/questioned by  
11:42:41 2 the Bar Association Ethics Committee. Would confirm known  
11:42:45 3 threats to Ms Gobbo and ongoing investigation. Further,  
11:42:49 4 that believes Williams had propensity and possibility even  
11:42:53 5 from goal to carry out threats. Ms Gobbo to include this  
11:42:58 6 in response to complaint generated by Carl Williams against  
11:43:02 7 Ms Gobbo", do you see that?---Yes.  
8  
11:43:07 9 And you were advised. Now that entry is a management issue  
11:43:12 10 which has been raised because of the complaint that Carl  
11:43:16 11 Williams had that Ms Gobbo was acting in conflict, had a  
11:43:20 12 conflicted position with respect to her involvement with  
11:43:23 13 [REDACTED] do you accept that?---This is the complaint from  
11:43:38 14 Carl Williams that she was conflicted in relation to  
11:43:48 15 [REDACTED] so she couldn't represent him, is that correct?  
16  
11:43:52 17 One, that she couldn't represent him certainly and she  
11:43:55 18 couldn't represent [REDACTED], do you accept that?---Are you  
11:44:02 19 saying that she couldn't represent either party?  
20  
11:44:05 21 Yes?---Okay. I don't understand that but I imagine - - -  
22  
11:44:14 23 In any event - sorry, go on?---No, that's okay.  
24  
11:44:17 25 And then the next entry is at 5.40: "Handler gave advice  
11:44:30 26 re Corrections to Bar Association Ethics draft response by  
11:44:35 27 Ms Gobbo as received at the meeting of 15 September 2006",  
11:44:35 28 ICR 44 refers, "and advise Ms Gobbo with respect to  
11:44:43 29 O'Brien's response to any further query from same".  
11:44:48 30 "Future query", sorry, "from same". So the advice - there  
11:44:54 31 was advice given by the handler in relation to a draft  
11:44:59 32 response to the Ethics Committee, do you see that?---Yes, I  
11:45:04 33 do.  
34  
11:45:10 35 Do you think it was reasonable for the SDU to be involved  
11:45:15 36 in a response of Ms Gobbo's to a complaint made by a former  
11:45:22 37 client to the Ethics Committee?---I've got no idea.  
38  
11:45:28 39 Well, why do you have no idea?---Well I'm not sure what the  
11:45:33 40 advice was and it might be easier if you take us to that,  
11:45:39 41 and I could probably then answer your question more fully.  
42  
11:45:43 43 I'm just putting a general proposition to you. Based on  
11:45:47 44 the ICRs, which one assumes you were aware of, or at least  
11:45:54 45 the events which you were aware of because it suggests that  
11:45:58 46 you were, is it appropriate for Victoria Police, the SDU  
11:46:05 47 division of Victoria Police to be involving itself in a

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11:46:08 1 barrister's response to a complaint made to her  
11:46:12 2 professional organisation?--Well, again, wouldn't it come  
11:46:17 3 down to what the advice was? If the advice was tell the  
11:46:21 4 whole truth, I wouldn't think that would be inappropriate,  
11:46:24 5 for example.  
6  
11:46:24 7 Right?--Yet there may be other sorts of advice whereby I  
11:46:29 8 would agree with you and say that would be inappropriate.  
9  
11:46:32 10 Well what about advising her to go and get some legal  
11:46:35 11 advice about how she should respond?--Did we do that?  
12  
11:46:39 13 I don't know, did you?--I don't know, Mr Winneke.  
14  
11:46:56 15 Did you find out what the advice was that had been provided  
11:46:58 16 by the handler?--At this stage I've got no idea.  
17  
11:47:07 18 You can't recall?--No.  
19  
11:47:10 20 All right. In any event the SDU and you, I assume, were  
11:47:45 21 aware and had seen a copy of the draft response that  
11:47:50 22 Ms Gobbo had prepared that she was going to provide to the  
11:47:54 23 Ethics Committee; is that right?--Well I've got no memory  
11:47:58 24 of this and we can only go by the entry, which I can't see  
11:48:01 25 at the moment, but I don't know that the entry makes it  
11:48:03 26 clear that Mr - well, whoever handler it was, was actually  
11:48:11 27 looking at the document .  
28  
11:48:15 29 Obviously if it appears to be the case - as appears to be  
11:48:19 30 the case she wasn't sought to get advice from someone else,  
11:48:23 31 whether a senior barrister or another lawyer about it, if  
11:48:30 32 that is the case would that be appropriate? I mean do you  
11:48:38 33 accept that it would have been reasonable to advise her to  
11:48:41 34 get some advice from a lawyer?--I don't know whether she  
11:48:45 35 did or whether she didn't. I've got no memory of this and  
11:48:48 36 you're just asking me to speculate on it.  
37  
11:48:51 38 Can I suggest this, you wouldn't - you certainly wouldn't  
11:48:55 39 have asked her to go and get advice from another person,  
11:48:59 40 certainly insofar as that advice might have required her to  
11:49:02 41 tell the lawyer what her situation was, that is a - I'll  
11:49:09 42 start again. You would not have told her to go and get  
11:49:12 43 independent legal advice, I suggest?--Again, Mr Winneke,  
11:49:19 44 I've got no idea.  
45  
11:49:24 46 Because in order to do so and get proper advice you'd have  
11:49:29 47 to expose her role, I suggest, as a human source?--That

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11:49:36 1 she probably would, yes.  
2  
11:49:39 3 You certainly wouldn't have wanted her to do anything like  
11:49:41 4 that?---Well that's right, I wouldn't have wanted her to  
11:49:45 5 expose her role as a source and compromise herself.  
6  
11:49:55 7 If we go over to the following page, p.3 of 14 at 9.18 in  
11:49:59 8 the morning, there's a note that [REDACTED] rang apparently  
11:50:15 9 Ms Gobbo, "Will ring Purana members Bateson or L'Estrange  
11:50:20 10 regarding further details regarding threats. Says that he  
11:50:22 11 was a bit paranoid and surprised when O'Brien arrived the  
11:50:26 12 other day and he now wants to provide more detail about the  
11:50:31 13 [REDACTED] from [REDACTED]", do you see that?---Yes.  
14  
11:50:37 15 So it appears that the information that Ms Gobbo provided  
11:50:45 16 to you was then having - no, I withdraw that. If we go to  
11:51:04 17 p.5, an entry at 8.46 at the bottom, p.5. There's a  
11:51:17 18 suggestion over the grapevine that Roberta Williams is  
11:51:22 19 trying to recruit someone to bash Ms Gobbo, do you see  
11:51:27 20 that?---Yes.  
21  
11:51:36 22 That's 20 September at 8.46. Do you know what was done in  
11:51:43 23 relation to that? Would that have been acted upon, that  
11:51:49 24 information?---I don't know whether this independent  
11:51:52 25 investigation was up and running at this stage, the  
11:51:57 26 independent investigation I mentioned earlier concerning  
11:52:00 27 the threats to her.  
28  
11:52:02 29 All right. If we then go over to p.9 of that document,  
11:52:06 30 which is an entry on 22 September 2006, 19:40. Phone call  
11:52:14 31 to Ms Gobbo. "She wants to see the handler regarding some  
11:52:17 32 things that she didn't mention at the meeting last week and  
11:52:20 33 also give [REDACTED] transcript documents back", do you see  
11:52:24 34 that?---Yes.  
35  
11:52:27 36 Does that suggest that those transcript documents were in  
11:52:30 37 fact provided by the SDU and then she provides them back as  
11:52:39 38 a consequence of that telephone call on that occasion?---I  
11:52:47 39 don't know exactly what it is but that's a possibility.  
40  
11:52:51 41 If we go to p.11 of the document. There's an entry at  
11:53:03 42 16:42, "Received call, phoned back", about the third  
11:53:08 43 paragraph, says this, "Ms Gobbo sent a response to the Bar  
11:53:13 44 Association Ethics Committee regarding Carl Williams'  
11:53:15 45 allegation. Also spoke to someone at the Bar Association  
11:53:19 46 who said that they understand what type of person Williams  
11:53:22 47 is and in light of that would not make any case notes for

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11:53:26 1 attaching to file because of future potential FOI request  
11:53:32 2 by him and the final draft of her letter was not sighted by  
11:53:38 3 the handler", do you see that?---Yes.  
4

11:53:48 5 Finally, in relation to this ICR, if we go to p.13 at  
11:53:54 6 15:18, "Received call, phoned back. ██████████ sentenced to  
11:53:57 7 ██████ years minimum. Ms Gobbo says that she'll now be the  
11:54:04 8 brunt of his anger again", do you see that?---Yes.  
9

11:54:23 10 Those are the matters that I wanted to ask you about  
11:54:27 11 ██████████ If I can just move to a different topic. I  
11:54:40 12 know how you feel. I just want to put a couple of  
11:54:49 13 propositions just to establish a degree of oversight or the  
11:54:53 14 extent to which there was oversight of what was going on in  
11:54:57 15 the early stages of this process. Quite clearly when  
11:55:06 16 Ms Gobbo was registered there were other police officers  
11:55:09 17 who were aware of it and there was oversight, as I  
11:55:12 18 understand it, by senior police officers, including  
11:55:16 19 Mr McLean, do you accept that?---From the HSMU, yes.  
20

11:55:25 21 Yes. There's diary entries in your diaries which make it  
11:55:31 22 clear that on 7 October Mr McLean already has ICR number 1  
11:55:51 23 and 2, information report 269, 270, et cetera, and to that  
11:55:57 24 extent he's aware of what's going on, do you accept  
11:55:59 25 that?---Yes.  
26

11:56:06 27 Then on 26 October, this is at p.44 of your diary, you met  
11:56:13 28 with Mr Calishaw and you updated him regarding Ms Gobbo's  
11:56:20 29 situation?---Could I have just one second to grab that  
11:56:25 30 diary?  
31

11:56:28 32 You can if you like. I'm just simply putting to you  
11:56:31 33 propositions which come from your diary. You're more than  
11:56:34 34 welcome to do so. Page 44 of your handwritten diary?---26  
11:56:42 35 October 05?  
36

11:56:44 37 It's 26 October 05. Page 44 might be easier?---I'm happy  
11:56:56 38 to take what you say, Mr Winneke, but it seems the  
11:56:59 39 redaction wasn't done me so I'm not sure.  
40

11:57:02 41 I understand that. The point I'm making is that you would  
11:57:05 42 have been telling these people about what was going on. If  
11:57:08 43 you update even, you're basically telling them what you're  
11:57:12 44 doing, you're broadly summarising what's been going on with  
11:57:16 45 Ms Gobbo, is that reasonable to say?---Yes, it is.  
46

11:57:18 47 So, for example, in respect to Mr McLean, you're providing



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11:57:22 1 him ICRs 1 and 2, so he's aware of everything that's in  
11:57:26 2 those documents and you would have been providing him with  
11:57:29 3 general information about what was happening with respect  
11:57:31 4 to Ms Gobbo?---Yes, the HSMU received all the documents  
11:57:40 5 ultimately.  
6  
11:57:41 7 Yes, okay. Then at p.78 of that diary, which appears to be  
11:57:50 8 5 December, there's a meeting with Commissioner Maloney and  
11:57:59 9 again you updated him with respect to Ms Gobbo. 5  
11:58:08 10 December, p.78?---Yes.  
11  
11:58:14 12 14 December, which is at p.100 of your diary, it says that  
11:58:32 13 you meet Acting Superintendent Calishaw and this is,  
11:58:36 14 apparently according to your diary, because it's  
11:58:40 15 unredacted, we're assuming it relates to Ms Gobbo. Are you  
11:58:44 16 keeping him up-to-date with what's going on?---It would  
11:58:47 17 have been but if your copy is redacted there's a reference  
11:58:51 18 to just a financial procedure.  
19  
11:58:54 20 That's an imprest, is it?---Yes.  
21  
11:58:58 22 That wouldn't be a general update, that's only in relation  
11:59:01 23 to a particular financial - in effect, covering of an  
11:59:09 24 expense; is that right?---That's all I noted, that it was a  
11:59:13 25 half hour meeting. It probably would have been.  
26  
11:59:15 27 It would have been more generally I assume than just that,  
11:59:18 28 would be what you say?---Yes.  
29  
11:59:19 30 Again, if we go to p.105. It appears to be on 16 December,  
11:59:32 31 although given the limitations of all the black out it's  
11:59:38 32 not altogether clear. One assumes it's around that time.  
11:59:42 33 There's a meeting with, is that Superintendent Kieren Walsh  
11:59:48 34 - or who is that with?---At 15:00?  
35  
11:59:52 36 Yes?---That's Commander Danye Moloney.  
37  
11:59:58 38 I'm sorry, okay. There's references - what's the entry  
12:00:14 39 that you're reading? Your meeting with Maloney?---Oh  
12:00:21 40 sorry, I'm looking at the 15:00 entry. You're looking at  
12:00:26 41 the top line.  
42  
12:00:27 43 Yeah, what's the one at the top?---That's a meeting with  
12:00:33 44 [REDACTED], that's [REDACTED], Informer  
12:00:37 45 Management Unit.  
46  
12:00:38 47 What goes on there, what's the subject of that

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12:00:43 1 meeting?---Return of ICRs and IRs with Ms Gobbo.  
2  
12:00:50 3 Yes, okay. You say that there's another meeting which we  
12:00:54 4 don't see involving Danye Moloney; is that right?---Yes.  
5  
12:00:59 6 Does that concern Ms Gobbo?---No, there's no reference to  
12:01:06 7 that. It's more administrative about the set-up of the  
12:01:10 8 unit and finding forms and such things.  
9  
12:01:15 10 That's documentation, that's a meeting in effect relating  
12:01:19 11 to the overall operation of the SDU; is that right?---Yeah.  
12:01:27 12 As you know this was the very early days and we were still  
12:01:29 13 creating a lot of positions and policy, et cetera.  
14  
12:01:33 15 All right then. Okay. Insofar as there have been  
12:01:42 16 discussions with more senior officers, we can accept what's  
12:01:48 17 contained in your diaries about your meetings with them, is  
12:01:52 18 that reasonable?---Yes.  
19  
12:01:58 20 Can we assume that any of the senior officers with whom you  
12:02:01 21 spoke would have been aware that Ms Gobbo was a barrister  
12:02:04 22 and as a general proposition was providing information if  
12:02:09 23 not about people for whom she was currently acting,  
12:02:12 24 certainly people for whom she had previously acted, would  
12:02:16 25 that be reasonable to assume?---Yes, I think so. The  
12:02:21 26 intention at the outset was not to focus on people who were  
12:02:25 27 her clients but as you're well aware as time went on  
12:02:30 28 information came out about her clients.  
29  
12:02:32 30 I just want to touch on - - - ?---Sorry, can I just - - -  
31  
12:02:35 32 Yes, go on?---I just want to be accurate about this.  
12:02:45 33 There's two streams of management.  
34  
12:02:47 35 Yes?---There was my management with intel and covert  
12:02:50 36 support.  
37  
12:02:50 38 Yes?---And I think I've outlined who we were reporting to  
12:02:55 39 there. And then because the vast majority of this  
12:03:00 40 information went to the Crime Department, mostly through  
12:03:03 41 Purana, there's the Purana upstream management which I  
12:03:07 42 didn't have a lot of contact with but Jim O'Brien did on a  
12:03:11 43 regular basis.  
44  
12:03:12 45 Yes. Certainly in those records which indicate that you  
12:03:14 46 met with these upstream people, including Simon Overland,  
12:03:20 47 it was quite apparent that he was aware of what you were

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12:03:23 1 doing with respect to Ms Gobbo?---Yes.  
2  
12:03:26 3 And he was aware that one of the main targets of the  
12:03:33 4 operation in which Ms Gobbo was dealing was, providing  
12:03:40 5 information was to bring down the Mokbel clan?---That's  
12:03:44 6 right, absolutely.  
7  
12:03:45 8 And he and others, more senior officers, would have been  
12:03:49 9 well aware that Ms Gobbo was acting for and continued to  
12:03:52 10 act for Mr Mokbel until the time that he fled?---Yeah, I  
12:03:58 11 think so.  
12  
12:04:04 13 I assume that is something that would have been apparent -  
12:04:07 14 well, would have been discussed, wouldn't it, in any  
12:04:10 15 communications that you had with senior officers, do you  
12:04:13 16 agree with that?---I think so. I mean if I had any  
12:04:22 17 meetings with senior officers in the Crime Department that  
12:04:26 18 knew she was a source, they would always ask.  
19  
12:04:29 20 Okay?---But you would have to - you would get a more  
12:04:32 21 accurate idea of them from Jim O'Brien because it's  
12:04:34 22 obviously within his reporting responsibilities.  
23  
12:04:39 24 All right. Can I just ask you, and I'm not going to go  
12:04:50 25 through in any great detail, unless you wish me to, about  
12:04:56 26 Ms Gobbo's state of health. What I want to put to you is a  
12:05:02 27 general proposition that throughout your dealings with her,  
12:05:04 28 your handlers and you, it became apparent that she was a  
12:05:08 29 person who had not insignificant psychological issues?---I  
12:05:21 30 wouldn't say she had significant psychological issues, and  
12:05:25 31 I have been asked this previously. She was a very high  
12:05:29 32 functioning individual but she was certainly under a lot of  
12:05:32 33 stress and that was definitely evident.  
34  
12:05:37 35 Yes?---She also had some physical ailments that might have  
12:05:43 36 been the result of stress, it might not. Of course she had  
12:05:48 37 the pre-existing stroke issue.  
38  
12:05:50 39 On a number of occasions she considered that the stroke  
12:05:52 40 might well have been caused by the stress that she was  
12:05:55 41 under leading into 2004, in particular her involvement with  
12:06:03 42 [REDACTED] and the concern that that was going to come to  
12:06:05 43 light?---Sorry, is this before we started our relationship  
12:06:11 44 with her?  
45  
12:06:12 46 Yes?---I think what she said was - I'm quite ready to be  
12:06:21 47 corrected on this, but I thought at one point she said that

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12:06:25 1 she thought the stroke might have been brought on by all  
12:06:29 2 the pressure of dealing with the Mokbels and the demands of  
12:06:34 3 having to run around for them.  
4  
12:06:35 5 In any event, nonetheless pressures of work had brought on,  
12:06:36 6 she believed, her stroke?---Yes.  
7  
12:06:43 8 She certainly was a needy individual and she spoke to your  
12:06:47 9 handlers very frequently in the middle of the night?---Yes.  
10  
12:06:53 11 She was often in communications with your handlers on  
12:06:56 12 Christmas Day?---Yes. I think ultimately what happened was  
12:07:06 13 her social circle before we started the relationship with  
12:07:10 14 her was just full of criminals and over time she replaced  
12:07:18 15 those with policemen.  
16  
12:07:20 17 Yet she was still seeing criminals but then she was  
12:07:23 18 developing a, if you like, I suggest, a relationship of  
12:07:29 19 dependance upon the handlers?---Yes.  
20  
12:07:36 21 We've already established that you took the view that she  
12:07:38 22 needed psychological assistance, do you accept that?---Yes.  
23  
12:07:48 24 If we go through the various ICRs, and I suggest that at  
12:07:52 25 least in a number of them, ICR 34 in June of 2006, November  
12:07:58 26 of 2006, ICR 53, ICR - the same ICR, 20 November, 21  
12:08:08 27 November, there are references to her seeing and attending  
12:08:13 28 a psychologist, do you accept that?---Yes.  
29  
12:08:23 30 There's references in your diary to a psych. plan on 7  
12:08:28 31 December 2006. I suggest in ICR 57 on 11 December there's  
12:08:37 32 discussion about her seeing a psych. and the fact that she  
12:08:41 33 has a negative view of this. Are you prepared to accept  
12:08:52 34 that?---Is this a reference to the psychologist that we  
12:08:55 35 introduced her to?  
36  
12:08:57 37 Yes?---Yes, I accept that.  
38  
12:08:59 39 Then in your diary you meet with Overland on 11 December  
12:09:04 40 and there's reference to a psychologist in discussions with  
12:09:09 41 Mr Overland, do you accept that?---What was the number?  
42  
12:09:22 43 What I'm suggesting is that in November/December 2006 there  
12:09:25 44 are numerous references to Ms Gobbo and seeing a  
12:09:29 45 psychologist?---Yes.  
46  
12:09:33 47 In December of 2006, ICR 58, there's mention of her losing



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12:09:40 1 a considerable amount of weight I suggest?---Yes.  
2  
12:09:46 3 Do you recall that over the time that you were dealing with  
12:09:49 4 her she did lose a considerable amount of weight?---No, I  
12:09:58 5 don't recall that specifically.  
6  
12:10:01 7 Indeed, on the 20th - - - ?---I do recall it was written in  
12:10:05 8 the IRs at one point.  
9  
12:10:07 10 Okay, there's mention of losing 36 kilograms - - -  
12:10:11 11 ?---Sorry, ICRs.  
12  
12:10:13 13 - - - in ICR 58, yes. Then there's entries in the diary  
12:10:18 14 about her grinding her teeth and needing to see a  
12:10:22 15 specialist about those, do you accept that?---Yes.  
16  
12:10:26 17 And that's in the latter part of 2006 into 2007. Further  
12:10:35 18 entries in early 2007 which suggest that she's seeing the  
12:10:44 19 psychologist. Those entries - there are entries in January  
12:10:52 20 and February of 2007 concerning her relationship with a  
12:10:57 21 psychologist who had been engaged by the SDU, do you accept  
12:11:02 22 that?---Yes.  
23  
12:11:07 24 Do you accept that in your diary on 1 May there's a  
12:11:12 25 discussion about Ms Gobbo's emotional stability and the  
12:11:20 26 ongoing psychologist, the value of ongoing psychologist  
12:11:26 27 attention?---Yes.  
28  
12:11:27 29 Do you accept that in your diary on 26 July 2008 there's a  
12:11:31 30 reference to her being depressed, offered counselling by  
12:11:34 31 psychologist again and she declined it, saying she had no  
12:11:38 32 respect for psychologists?---Yes.  
33  
12:11:41 34 In your diary on 28 July there's a reference to an update  
12:11:46 35 being provided by a handler and Ms Gobbo not being  
12:11:50 36 interested in a psychiatrist. I suggest that on 31 July  
12:12:01 37 2008, ICR 29, there's a discussion about Ms Gobbo,  
12:12:11 38 difficulties of the handler trying to deal with someone  
12:12:15 39 that was depressed, and there's a note which says,  
12:12:18 40 'Suicidal, mental and nervous breakdown, ramifications for  
12:12:24 41 the office and organisation if no action is taken.  
12:12:28 42 Previously raised psychiatrist". Do you accept that that's  
12:12:30 43 in ICR 29?---Yes.  
44  
12:12:34 45 On 2 August, in the same ICR, mentions that she's depressed  
12:12:39 46 again. Lack of sex drive, wanting to do anything. The  
12:12:47 47 handler was of the view that, "Ms Gobbo should see a

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12:12:51 1 psychiatrist, as opposed to a psychologist, as Ms Gobbo  
12:12:56 2 didn't rate them as intelligent enough. Wasn't receptive  
12:12:59 3 to the, "Proposition?---Yes.  
4

12:13:02 5 Again, similar entries subsequent in that ICR. I want to  
12:13:18 6 suggest to you that on a number of occasions throughout  
12:13:20 7 your dealings there has been, or there had been, mainly in  
12:13:24 8 2008, but mentions of suicide, and do you accept that there  
12:13:32 9 are mentions of suicide during the course of your dealings,  
12:13:36 10 or at least the SDU's dealings?---Yes.  
11

12:13:40 12 And that they occur in January of 2008, August of 2008,  
12:13:53 13 October of 2008 and indeed on at least 14 November 2008  
12:14:02 14 there's a reference to a doctor prescribing new  
12:14:05 15 antidepression medication. Obviously to that extent  
12:14:08 16 there's an indication that she's seeing a medical  
12:14:11 17 practitioner about depression. Look, can I just put this  
12:14:21 18 broadly: it is quite clear that in this period of time,  
12:14:24 19 and I think this will be dealt with by Mr Collinson, she  
12:14:31 20 did have not insignificant psychological, if not  
12:14:35 21 psychiatric problems. Do you accept that?---Well I'm not  
12:14:44 22 an expert to that degree.  
23

12:14:47 24 Yes, okay?---I rely on my previous comment that, yes, she  
12:14:55 25 was under a lot of stress and she had - and I don't dispute  
12:15:00 26 any of those entries of course.  
27

12:15:03 28 Yes?---And as time went on the stress was obviously having  
12:15:06 29 a greater and greater impact.  
30

12:15:12 31 So as time went by that stress, the pressures which were  
12:15:15 32 being delivered up to her increased and it was having a  
12:15:21 33 greater effect on her health?---Yes.  
34

12:15:23 35 Okay, all right. Can I just ask you - I want to move to a  
12:15:36 36 different topic. In the lead up to the arrest of ██████████  
12:15:51 37 ██████ in ██████ of, or ██████ in ██████ of 2006, Ms Gobbo was  
12:16:02 38 providing information about ██████████ in other  
12:16:09 39 words ██████████s, ██████████s and ultimately that  
12:16:15 40 leads to the location of ██████████ do  
12:16:18 41 you accept that proposition?---The one in ██████████  
42

12:16:29 43 Yes. ██████ to the ██████?---Yes.  
44

12:16:31 45 The point being that ██████████ is continuing to manufacture  
12:16:36 46 and that was ultimately what he was arrested for in ██████████  
12:16:45 47 of 2006, do you accept that?---Yes.

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1  
12:16:50 2 On [REDACTED], p.238 of the ICRs, there's a reference to a  
12:17:32 3 discussion that she'd had over dinner with [REDACTED] to the  
12:17:38 4 effect that if the [REDACTED] meeting was successful  
12:17:42 5 he might ask her to hold and possibly pass on [REDACTED] on  
12:17:46 6 his behalf?---Can you give me a page number, please?  
7  
12:17:50 8 Yes, 238. If this meeting - she's provided some  
12:18:09 9 information about a meeting at [REDACTED] " If the  
12:18:13 10 meeting's successful [REDACTED] May ask the source to possibly hold  
12:18:17 11 and possibly pass on some money on his behalf. She didn't  
12:18:20 12 know the origins of the money or its intended purpose and  
12:18:26 13 she was instructed not to enter into any agreements to do  
12:18:30 14 so but the SDU will give further instructions about the  
12:18:36 15 money and obviously gain further intelligence on the  
12:18:39 16 [REDACTED] and update the investigators with  
12:18:42 17 all the details", that was her task?---Yes.  
18  
12:18:47 19 On [REDACTED] 2006 at p.240 Ms Gobbo reported that she was  
12:18:59 20 expecting to meet [REDACTED] after he attends the [REDACTED]  
12:19:04 21 [REDACTED] meeting which was scheduled for 10 pm that night, [REDACTED]  
12:19:07 22 [REDACTED]. He expects to collect at least \$ [REDACTED] cash from  
12:19:11 23 [REDACTED] whilst at the meeting, do you see that?---Yes.  
24  
12:19:19 25 There was some SDU management and tasking. "Intelligence  
12:19:23 26 on the money being collected by [REDACTED] and who is the money  
12:19:27 27 intended for. SDU would direct her later regarding  
12:19:31 28 instructions for the [REDACTED] money." Then ICR number 27, p.241.  
12:19:49 29 Ms Gobbo told the handler that she'd just come from a  
12:19:54 30 meeting with [REDACTED] and her instructing solicitor  
12:19:59 31 Mr Hargreaves regarding a pending court case for [REDACTED]  
12:20:04 32 Said she'd arrange to meet him at midnight. "There was  
12:20:11 33 certain that the cock tease approach would not last much  
12:20:16 34 longer in keeping [REDACTED] close", do you see that?---Yes.  
35  
12:20:26 36 Ms Gobbo said that [REDACTED] wanted her to hold some money  
12:20:32 37 he hoped to get from an earlier meeting he'd had and that  
12:20:38 38 not being money for legal fees, do you see that?---Yes.  
39  
12:20:45 40 He didn't want to give the money to [REDACTED] as she  
12:20:49 41 didn't trust him and she thought it was [REDACTED] from [REDACTED]  
12:20:53 42 one assumes that's [REDACTED] given the earlier entry, do  
12:20:59 43 you accept that?---Yes.  
44  
12:21:01 45 She'd arranged to meet [REDACTED] at the [REDACTED] later  
12:21:06 46 that night. At 17:55 you and O'Brien were updated. She  
12:21:11 47 called back at five past six, do you see that?---Yes.

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1  
12:21:14 2 Solutions were discussed. It's suggested "there were no  
12:21:24 3 problems unless pulled over", do you see that down the  
12:21:27 4 bottom?---Yes.  
5  
12:21:29 6 "Solutions were discussed. Source was asked about her  
12:21:34 7 legal standing taking money from [REDACTED] Solutions  
12:21:38 8 discussed. No problem unless pulled over. not on any  
12:21:39 9 brief. Who cares? Breaking the law? No." These were  
12:21:45 10 questions being asked of Ms Gobbo, "Breaking the law?" She  
12:21:49 11 says, "No. Possible restraining order breach". That seems  
12:21:53 12 to be a possibility. "Proceeds of crime?" The answer is  
12:21:58 13 no. "Because it could be money owed and paid back or won  
12:22:04 14 from gambling." Do you understand that it was known by  
12:22:11 15 this stage that this is a man who was a [REDACTED]  
12:22:20 16 and a [REDACTED] of [REDACTED] who may well be committing  
12:22:28 17 proceeds of crime offences, do you accept that?---Yes.  
18  
12:22:31 19 He was on bail for [REDACTED]  
12:22:36 20 [REDACTED] charges, do you accept that?---Yes.  
21  
12:22:45 22 And it could well be that to be in possession of money from  
12:22:50 23 him could be an offence of being in possession of - I'm  
12:22:54 24 sorry, proceeds of crime, do you accept that?---Yes, it  
12:23:02 25 could well be but - - -  
26  
12:23:07 27 Right?---Well, if we're interpreting this entry right she's  
12:23:11 28 saying it's not.  
29  
12:23:14 30 I'm sorry? She's saying no, she's saying it's not proceeds  
12:23:23 31 of crime. The point that I'm making is this is a man who's  
12:23:27 32 a [REDACTED] and who is [REDACTED] for [REDACTED]  
12:23:31 33 [REDACTED] charges. It was quite conceivable that this  
12:23:36 34 sort of money could well have been the proceeds of crime,  
12:23:38 35 despite what she said?---It could have been.  
36  
12:23:43 37 You accept that?---Yes.  
38  
12:23:48 39 You were in the [REDACTED] weren't you, or the  
12:23:51 40 [REDACTED] --Yes.  
41  
12:23:53 42 The offence of being in possession of proceeds of crime is  
12:23:57 43 a strict liability offence with a reverse onus. You would  
12:24:01 44 have been aware of the provisions of the Crimes Act, in  
12:24:04 45 particular s.195 I suggest to you?---Yes.  
46  
12:24:18 47 It's quite conceivable that if she was handed money of this

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12:24:22 1 sort, albeit she said proceeds of crime, no, that it could  
12:24:27 2 well have been the proceeds of crime I put it to you?---It  
12:24:35 3 could have been the proceeds of crime but clearly this  
12:24:38 4 particular handler is trying to get to the bottom of what  
12:24:41 5 she thought it was.  
6  
12:24:42 7 Yes?---And I see on the next page she says she doesn't  
12:24:47 8 truthfully know where the money came from.  
9  
12:24:51 10 Exactly. And she has too weak a heart to do the wrong  
12:24:55 11 thing?---Yes.  
12  
12:24:57 13 She has a psychiatric condition, "must have since she's  
12:25:01 14 talking to the handler", a couple of exclamation marks  
12:25:07 15 there. If she does come into possession of this money it's  
12:25:13 16 quite conceivable that she's committing an offence, I  
12:25:16 17 suggest to you?---Well, there has to be some intent surely.  
12:25:20 18 She's sayings that she didn't think it was the proceeds of  
12:25:25 19 crime.  
20  
12:25:25 21 I'm suggesting there is no intent because the Crimes Act  
12:25:28 22 s.195 says a person who deals with property, if there are  
12:25:31 23 reasonable grounds to suspect that the property is proceeds  
12:25:33 24 of crime is guilty of a summary offence and liable to level  
12:25:40 25 7 imprisonment and there is a reverse onus situation.  
12:25:47 26 Look, I'm simply making the point that if she's handed  
12:25:52 27 [REDACTED] it may well be that that should be the subject of  
12:25:56 28 a close analysis and an investigation, if that was the  
12:25:58 29 case, do you accept that proposition?---Yes, possibly.  
30  
12:26:01 31 Okay. ICR 27, 14 April, p.243?---Yes.  
32  
12:26:20 33 At 28 minutes past midnight. She's on the phone - - -  
12:26:24 34 ?---Sorry.  
35  
12:26:25 36 Yes?---Mr Winneke, can I just interrupt? Just in relation  
12:26:31 37 to that last question, whether there should have been an  
12:26:35 38 investigation into her handling of that money, I do recall  
12:26:40 39 that that particular individual was [REDACTED] and  
12:26:47 40 it may well have been that we thought that it was most  
12:26:50 41 likely that it was [REDACTED] coming from him.  
42  
12:26:56 43 That may or may not be the case, Mr White. But ultimately  
12:27:02 44 effectively what she's saying is that she doesn't know  
12:27:05 45 where it comes from and ultimately it simply is - it's not  
12:27:13 46 possible to know and it couldn't be possible to know where  
12:27:16 47 the money's come from.

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1  
12:27:17 2 COMMISSIONER: In context, if you look at 241, the first  
12:27:20 3 entry there, it says, "He wants her to hold some money he  
12:27:29 4 hopes to get from an earlier meeting in the night. Not for  
12:27:33 5 any legal fees. He's done a clean out from his home after  
12:27:39 6 hearing about [REDACTED] being arrested earlier in the week. He  
12:27:44 7 wouldn't give the money to [REDACTED] because he doesn't  
12:27:48 8 him. Wouldn't get the source to give [REDACTED] to anyone  
12:27:48 9 else, just hold it in a safe overnight". It doesn't really  
12:27:52 10 sound as though it's [REDACTED] does it?---No, not in  
12:27:55 11 the context of what you just read, Commissioner.  
12  
12:27:58 13 MR WINNEKE: In any event, look, as a member of the [REDACTED]  
12:28:08 14 [REDACTED] you would have been aware that one of the  
12:28:11 15 explanations often used is that money came from the  
12:28:12 16 [REDACTED]--That's right.  
17  
12:28:14 18 You wouldn't be, as a police officer, prepared to accept  
12:28:16 19 that without - you'd certainly take that with a grain of  
12:28:19 20 salt, if I can put that to you?---From drug dealers, yes,  
12:28:23 21 you're right.  
22  
12:28:29 23 Then if we go to p.243. Ms Gobbo is on the phone to the  
12:28:34 24 handler when [REDACTED] has arrived and she hangs up, do you  
12:28:38 25 see that? 28 minutes past midnight?---Yes.  
26  
12:28:46 27 And at 54 minutes past midnight she called the handler and  
12:28:51 28 reported a quick piece of information about [REDACTED] and  
12:28:55 29 [REDACTED] related to [REDACTED] that's obviously [REDACTED]  
12:29:02 30 or [REDACTED] do you see that?---I can't find the  
12:29:09 31 reference to [REDACTED]. What time please, Mr Winneke?  
32  
12:29:15 33 It's 0:54, "Call by source. [REDACTED] not going until the  
12:29:21 34 morning notice BMW with [REDACTED]?---Yes.  
35  
12:29:28 36 Mr O'Brien's been updated about that, do you see  
12:29:33 37 that?---Yes.  
38  
12:29:37 39 Then at two minutes to 1 o'clock, "The source was handed  
12:29:40 40 [REDACTED] from [REDACTED] to pay the outstanding bill at the  
12:29:45 41 [REDACTED] concerning [REDACTED] do you see  
12:29:56 42 that?---Yes.  
43  
12:29:56 44 Then the next entry, "He is to collect [REDACTED] on  
12:30:02 45 Wednesday and not give her the money tonight as predicted.  
12:30:06 46 Also he has [REDACTED] possibly in [REDACTED]  
12:30:12 47 Doesn't want to have [REDACTED] like he normally does, it

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WHITE XXN - IN CAMERA



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12:30:14 1 makes a [REDACTED] Worth a couple of hundred  
12:30:18 2 thousand to him. He's going [REDACTED] the next morning  
12:30:21 3 to spend the day [REDACTED] He needs [REDACTED]  
12:30:26 4 [REDACTED] and starts on Saturday on a [REDACTED] et cetera,  
12:30:30 5 do you see that?---Yes.  
6  
12:30:34 7 If we go then to [REDACTED] 2006, ICR number 27 at p.246. A  
12:30:47 8 DS issue arises because [REDACTED] has told Ms Gobbo that he  
12:30:52 9 loves her, do you accept that?---Yes.  
10  
12:30:55 11 At p.248 ICR 27 on [REDACTED] 2006, she's spoken to  
12:31:10 12 [REDACTED] There's an arrangement to come out on Wednesday  
12:31:13 13 night for tea, possibly late in the day, and then a dinner  
12:31:16 14 arrangement was made for Wednesday night, do you see  
12:31:24 15 that?---Yes.  
16  
12:31:26 17 If we then go to p.250 on ICR 28 under the heading of  
12:31:36 18 [REDACTED] She's asked about his accountant and Ms Gobbo  
12:31:44 19 has no knowledge of that. He's been [REDACTED] from [REDACTED]  
12:31:56 20 [REDACTED] so he wouldn't be making any money [REDACTED]  
12:32:00 21 [REDACTED] do you see that?---Yes.  
22  
23 Regarding his assets and money, she doesn't know the  
24 details be believes that [REDACTED] would know all about  
12:32:09 25 it. [REDACTED] still [REDACTED] at [REDACTED] and he's  
12:32:11 26 paid off [REDACTED] that was in [REDACTED]  
12:32:14 27 name. The [REDACTED] is now [REDACTED] and it was [REDACTED]  
12:32:20 28 [REDACTED] Then there's a reference to [REDACTED] who  
12:32:23 29 she believes has no assets, [REDACTED] who's never had a  
12:32:27 30 job. "Regarding the [REDACTED] which has been  
12:32:31 31 discussed last week, he wanted to give her some money to  
12:32:35 32 [REDACTED] but  
12:32:40 33 this hasn't happened yet. She doesn't think he's cashed  
12:32:46 34 up", do you see that?---Yes.  
35  
12:32:56 36 As a general proposition she provides information about  
12:32:58 37 what needs to happen to assist in rolling him, do you see  
12:33:02 38 that in the next paragraph?---Yes.  
39  
12:33:17 40 If we go further down, "He has said he has to [REDACTED] make  
12:33:21 41 things right for [REDACTED] and he once said that he'd give  
12:33:27 42 Ms Gobbo [REDACTED] but this has never eventuated",  
12:33:35 43 and that's down the bottom of at least the second last  
12:33:37 44 paragraph, so you see that?---Yes.  
45  
12:33:38 46 If we go to [REDACTED] 2006, p.252. There's an entry at  
12:33:43 47 quarter past six. This is a Wednesday night, the night

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WHITE XXN - IN CAMERA

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12:33:58 1 that they were to have dinner together, do you see that?  
12:34:05 2 Do you recall there being a discussion about having a  
12:34:08 3 dinner on Wednesday night? This is the Wednesday, [REDACTED]  
12:34:11 4 2006, and there's an indication that she's received a text  
12:34:16 5 message from [REDACTED] indicating "will catch up with [REDACTED]  
12:34:19 6 regarding [REDACTED] and catch up with her at the same  
12:34:23 7 time and he apologised for not meeting tonight". Ms Gobbo  
12:34:30 8 was unsure if the message sent by [REDACTED] was a possible throw  
12:34:38 9 off re a suspicion of TIs. He was to bring some references  
12:34:44 10 to be used in the pending plea. She would advise as to  
12:34:50 11 further contact. Then at p.253 Ms Gobbo - at 20:32, "She's  
12:35:03 12 just worked out what the coded text from [REDACTED] was about. She  
12:35:09 13 thinks that it means that [REDACTED] is picking up some gear  
12:35:13 14 tonight and then seeing [REDACTED] to pick up money", do  
12:35:17 15 you see that?---Yes.

16  
12:35:20 17 It may well be that that's, given the earlier references to  
12:35:24 18 [REDACTED] being a source of money, that that may be the money  
12:35:32 19 that he's picking up, do you accept that proposition?---I  
12:35:39 20 think that is a reference to picking up two things.

21  
12:35:43 22 Yeah, gear?---Being the gear and the money from [REDACTED]

23  
12:35:47 24 And then seeing [REDACTED] and obviously there being  
12:35:52 25 references to [REDACTED] providing a significant amount  
12:35:56 26 of money in the previous ICRs we've been through, do you  
12:35:59 27 accept that?---Yes.

28  
12:36:01 29 Then O'Brien is advised as to his movements and you're  
12:36:05 30 advised also. [REDACTED] 2006, ICR number 28 at p.253, 8.45.  
12:36:20 31 [REDACTED] just rang. Is seeing a [REDACTED] and  
12:36:27 32 others today and he's seeing Ms Gobbo tonight". Then an  
12:36:32 33 entry at 4 o'clock in the afternoon, "She's under a lot of  
12:36:37 34 pressure from [REDACTED]. He's now seen his [REDACTED]  
12:36:42 35 [REDACTED] and his co-accused's solicitors regarding an  
12:36:47 36 adjournment". Do you see that?---Yes.

37  
12:36:58 38 That's obviously the morning or the afternoon of the day  
12:37:02 39 that you have the meeting which we've discussed at some  
12:37:05 40 length with him, sorry, with Ms Gobbo with Green and Smith,  
12:37:11 41 do you accept that?---Yes.

42  
12:37:13 43 That's [REDACTED]. If we go to [REDACTED]. In that meeting I  
12:37:26 44 suggest that there was - she was told that [REDACTED] had  
12:37:34 45 sourced a [REDACTED] for [REDACTED] and he would go to  
12:37:41 46 [REDACTED] to get the money for that [REDACTED]. That's  
12:37:51 47 what she told you in the course of a meeting, I



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12:37:54 1 suggest?---That he would go and - I'm just trying to get  
12:38:00 2 this right, Mr Winneke. Are you saying that he would go  
12:38:02 3 and buy a [REDACTED] from [REDACTED] for [REDACTED]  
4  
12:38:08 5 Just have a look at your diary, if you like, [REDACTED] 2006.  
12:38:12 6 There's a reference to you having been told that [REDACTED]  
12:38:20 7 had sourced a [REDACTED] for [REDACTED] and he would go to  
12:38:23 8 [REDACTED] for the money?---If it's in my diary I accept it.  
9  
12:38:28 10 Okay, all right. It was suggested that she was not to be  
12:38:40 11 involved in handing money to [REDACTED] on behalf of  
12:38:45 12 [REDACTED]. That was an instruction that was given to  
12:38:48 13 Ms Gobbo. Just have a look at your diary if you would.  
14  
12:39:13 15 COMMISSIONER: That's [REDACTED]  
16  
12:39:15 17 MR WINNEKE: [REDACTED], Commissioner.  
18  
12:39:16 19 COMMISSIONER: 06.  
20  
12:39:30 21 MR WINNEKE: Have you found that?---Not yet. [REDACTED]  
12:39:48 22 [REDACTED] sourced" - - -  
23  
12:39:52 24 Can you read that out?---"From Jim O'Brien", that's the one  
12:39:55 25 you want me to read?  
26  
12:39:57 27 Yes?---"From Jim O'Brien. [REDACTED] has sourced [REDACTED]  
12:40:02 28 for [REDACTED] Will go to [REDACTED] for money."  
29  
12:40:08 30 Is there a reference to - - - ?---"HS not to be involved in  
12:40:15 31 handing money to [REDACTED] behalf", sorry on [REDACTED]  
12:40:21 32 behalf.  
33  
12:40:22 34 The view was that she shouldn't be involved in certainly  
12:40:25 35 transferring money or being in possession of that money; is  
12:40:30 36 that right?---Yes.  
37  
12:40:32 38 Why was that?---That would involve her in some sort of  
12:40:35 39 criminal activity that she [REDACTED] for.  
40  
12:40:42 41 On 21 April, ICR number 28, p.258 at 18:23. Ms Gobbo said  
12:40:59 42 that she hadn't heard from [REDACTED] that day?---Yes.  
43  
12:41:15 44 [REDACTED], ICR 28 at p.258, 9.23, "She's advised that  
12:41:22 45 [REDACTED] may be arrested. Was to immediately advise the  
12:41:27 46 handler if contacted by him", and there's the other  
12:41:31 47 references to waxing ironic re the imminent arrest of

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WHITE XXN - IN CAMERA

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12:41:37 1 [REDACTED] and she won't get paid for representing him.  
12:41:45 2 15:03, "Handler advised [REDACTED] and one other arrested".  
12:41:50 3 At 15:04, p.259, "Handler advised Ms Gobbo that [REDACTED]  
12:41:56 4 and one other in custody. Told Gobbo to ignore the handler  
12:42:00 5 if sees her at St Kilda Road. Told to text and meeting  
12:42:04 6 handlers away from the building". Then at ten past four  
12:42:23 7 she rang. She'd been contacted by investigators and  
12:42:27 8 advised [REDACTED] in custody and they were both  
12:42:31 9 asking for her. She was en route to St Kilda Road. She's  
12:42:35 10 happy with the arrest. She asks, "Who's next?" Then at  
12:42:39 11 5.30 she's emotional after seeing him in custody. She's  
12:42:49 12 clearly had the opportunity to speak to him, do you accept  
12:42:54 13 that, in private?---I know she did. Whether she's talked  
12:43:03 14 to him on the phone I'm not sure.

15  
12:43:06 16 If we go to p.451. This is 5 October 2006, so some time  
12:43:20 17 afterwards, there's a - under the heading [REDACTED] "She  
12:43:31 18 says that [REDACTED] has lost the plot a bit. He's told  
12:43:35 19 people that Ms Gobbo is looking after [REDACTED]  
12:43:38 20 for [REDACTED] A figure of [REDACTED] is mentioned". There's also  
12:43:43 21 a reference to [REDACTED] organising for [REDACTED]  
12:43:49 22 [REDACTED] to see Ms Gobbo without her knowledge. In any  
12:43:53 23 event, [REDACTED] is a bit concerned regarding [REDACTED]  
12:43:57 24 general mental well-being, do you see that?---Yes.

25  
12:44:01 26 So certainly coming from [REDACTED] there's a suggestion  
12:44:04 27 that Ms Gobbo is holding a [REDACTED]  
12:44:08 28 somewhere in the region of [REDACTED] for [REDACTED] or it  
12:44:16 29 was mentioned. If we go then to p.741, 29 March  
12:44:29 30 2007?---Sorry, what was the page number again?

31  
12:44:32 32 741.

33  
12:44:34 34 COMMISSIONER: It will be in the other volume.

35  
12:45:23 36 MR WINNEKE: In that entry do you see that there's a call  
12:45:29 37 between the handler and Ms Gobbo. "She attended at [REDACTED]  
12:45:36 38 Prison. [REDACTED] did not want to see her. She sees  
12:45:44 39 [REDACTED] instead, or in any event. He says that [REDACTED]  
12:45:52 40 has stated that he is looking after Ms Gobbo. Stated that  
12:45:58 41 according to [REDACTED] Ms Gobbo is in possession of  
12:46:04 42 \$250,000". Further down at 14:52, [REDACTED] states that  
12:46:16 43 [REDACTED] has been making a lot of calls from within the  
12:46:20 44 prison, making out that he has a lot of money when he gets  
12:46:23 45 out, including [REDACTED] with Ms Gobbo. Ms Gobbo denies  
12:46:27 46 that she's holding any money. [REDACTED] doesn't believe that  
12:46:34 47 [REDACTED] has any money left and this is him just wanting



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12:46:39 1 to be the centre of attention". There's general  
12:46:41 2 conversation about [REDACTED] from [REDACTED]. [REDACTED]  
12:46:47 3 did comment that it was interesting that Ms Gobbo is  
12:46:49 4 supplying [REDACTED] to the prison, yet she's  
12:46:54 5 not holding any money on behalf of [REDACTED] [REDACTED]  
12:46:59 6 wants Ms Gobbo to take a Power of Attorney over his  
12:47:09 7 affairs".  
8  
12:47:09 9 COMMISSIONER: That's over [REDACTED] affairs, is it?  
10  
12:47:17 11 MR WINNEKE: Clearly what that reveals is that she knows  
12:47:21 12 that, she's been told by [REDACTED] that [REDACTED] has been  
12:47:28 13 making calls from within the prison and telling people that  
12:47:35 14 Ms Gobbo has got access to a lot of money and it'll be  
12:47:42 15 available when he gets out and Ms Gobbo's holding it. So  
12:47:48 16 that information's being put out, it seems, according to  
12:47:51 17 that out, by [REDACTED] Ms Gobbo is providing that  
12:48:00 18 information and she denies that she's holding any money but  
12:48:03 19 she would have been aware that [REDACTED] is putting that  
12:48:06 20 information out, do you accept that?---That's what she  
12:48:13 21 says, yes.  
22  
12:48:21 23 I take it you were aware that Ms Gobbo was supplying, at  
12:48:26 24 least in the early stages, [REDACTED]---Whilst  
12:48:37 25 he was in gaol?  
26  
12:48:38 27 Yes?---Yes.  
28  
12:48:44 29 In about August she was - a SDU issue was noted to the  
12:48:50 30 effect that - this is p.410 - that money for [REDACTED]  
12:48:57 31 [REDACTED] was [REDACTED] that's at 210, ICR number  
12:49:05 32 43. On 1 September, p.413, [REDACTED] would  
12:49:17 33 really help him out. The source is paying the same as  
12:49:20 34 there's no one else offering to help". That seems to be  
12:49:29 35 consistent with the proposition or the understanding, or  
12:49:34 36 suggestion raised in the earlier ICR that we went to that  
12:49:37 37 Ms Gobbo would be handed an amount of money and would on a  
12:49:41 38 drip feed basis be providing money into his account, that's  
12:49:45 39 consistent, isn't it?---I think these conversations seem to  
12:49:51 40 be consistent with the [REDACTED] he gave her back in, was it  
12:49:57 41 [REDACTED]?  
42  
12:49:58 43 Yes. That's what I'm suggesting to you, that that plan was  
12:50:02 44 raised earlier on in [REDACTED] and, indeed, it seems to be at  
12:50:06 45 least from that note that that's what's occurring?---I  
12:50:12 46 can't tell at this particular time because the money, as I  
12:50:18 47 understand it, not from recollection but what you're just

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WHITE XXN - IN CAMERA

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12:50:22 1 pointing me to, was the money was given to her for a couple  
12:50:26 2 of days and then returned. But unless there's any  
12:50:28 3 indication in the contact reports it ever was returned,  
12:50:32 4 then presumably this money, that's now down to [REDACTED]  
12:50:38 5 might well be the same money.  
6

12:50:39 7 I'm not suggesting that the ICRs indicate that she was in  
12:50:44 8 fact handed the money prior to his arrest, but it certainly  
12:50:50 9 indicates that that was the plan, that she get from him a  
12:50:52 10 [REDACTED] from [REDACTED] and that at least  
12:51:00 11 there would be payment from that money into his account.  
12:51:04 12 That's what I'm suggesting to you, that's what the ICRs  
12:51:07 13 suggest?---The only, I suppose, disagreement on that point  
12:51:14 14 I have is that I don't know that when she got that money  
12:51:17 15 that was the intention, but it certainly seems later that's  
12:51:21 16 what was happening.  
17

12:51:27 18 I'm not suggesting that the evidence in the ICRs make it  
12:51:31 19 clear that she in fact got the money. I'm suggesting that  
12:51:34 20 it's open to conclude on the basis of the ICRs that there  
12:51:38 21 was plan that she get money, albeit it's not apparent from  
12:51:43 22 the ICRs that she did in fact get the money, but I'm  
12:51:46 23 suggesting to you that it may well be the case that she did  
12:51:51 24 get some money after he [REDACTED] and with that  
12:51:55 25 money she's making payments [REDACTED] It's  
12:52:04 26 at least open to draw that - whether it's a suspicion or a  
12:52:14 27 conclusion, there is at least information to suggest that  
12:52:17 28 she did get money and was using money to pay?---Yes.  
29

12:52:25 30 Do you know whether she was ever examined about that or  
12:52:28 31 whether there was any questioning of her about that as to  
12:52:31 32 whether, how she was making the payment, whether she was  
12:52:36 33 making it with her own money or whether she was getting it  
12:52:40 34 from money that was being provided to her?---I don't know.  
12:52:46 35 She says clearly there that it was her own money in one of  
12:52:51 36 those references you took me to.  
37

12:52:53 38 You accept she does. What I'm trying to get to though is  
12:52:58 39 whether Victoria Police had a close look at it?---I don't  
12:53:09 40 think so, not beyond what will appear in the contact  
12:53:12 41 reports.  
42

12:53:13 43 What I'm suggesting is that effectively if she said that  
12:53:17 44 she didn't get it, that was accepted by you without any  
12:53:22 45 hesitation?---I don't know at this point in time.  
46

12:53:29 47 But what I do suggest is it was something that should have



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12:53:37 1 been looked into very closely?---I'm a little bit confused,  
12:53:42 2 Mr Winneke, because I'm not sure whether you're referring  
12:53:45 3 to the [REDACTED], which may be the same money.

4  
12:53:48 5 Yes?---Much later.

6  
12:53:50 7 What I'm suggesting to you is - - - ?---Or are you saying  
12:53:53 8 that there's some other arrangement that occurred after he  
12:53:56 9 went to gaol? I'm not sure what you're saying.

10  
12:54:02 11 What I'm suggesting to you is that there was plan that she  
12:54:06 12 be getting a significant amount of money, [REDACTED] and on  
12:54:10 13 any view that's what [REDACTED] was saying later on in the  
12:54:13 14 year, that she had in fact got a significant amount of  
12:54:17 15 money, in the region of [REDACTED] or that's the amount that  
12:54:22 16 was left. He was saying that he was going to have that  
12:54:26 17 money available to him when he gets out, right? What I'm  
12:54:30 18 suggesting to you is that there was a significant amount of  
12:54:32 19 information there which Victoria Police should have acted  
12:54:34 20 upon, looked at, examined, asked her about, but it didn't  
12:54:38 21 do so?---Well I can only rely - I don't have a recollection  
12:54:45 22 clearly. I can only rely on what's in the contact reports.

23  
12:54:48 24 Yes?---She was obviously asked questions about it but as  
12:54:53 25 far as whether there was an extensive investigation or an  
12:54:57 26 examination of her safe - well I can tell you that didn't  
12:55:01 27 happen.

28  
12:55:01 29 What I suggest is the information reports certainly give  
12:55:04 30 rise to a clear suspicion that she had received a  
12:55:07 31 significant amount of money and I suggest to you that it  
12:55:10 32 wasn't looked into, aside from asking her questions and  
12:55:15 33 accepting her answers?---I think that's right

34  
12:55:20 35 MR COLLINSON: Commissioner, can I just raise this. The  
12:55:22 36 witness may be confused as to whether Mr Winneke is putting  
12:55:27 37 that the evidence disclosed that Ms Gobbo did receive this  
12:55:31 38 money. It's become confusing, with respect, and my friend  
12:55:37 39 could clarify it by - clarify with the witness that  
12:55:41 40 Ms Gobbo, who reported this whole series of events, denied  
12:55:46 41 receiving any money from [REDACTED]. That's - - -

42  
12:55:49 43 COMMISSIONER: She certainly didn't say she did receive any  
12:55:52 44 anyway.

45  
12:55:53 46 MR COLLINSON: No, she denied receiving it. That seems to  
12:55:57 47 have become lost in the course of the questioning of this

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12:55:59 1 witness. If the question's going to be put to Mr White as  
12:56:05 2 to whether it ought be investigated further, there ought,  
12:56:08 3 with respect, be the correct factual premise. That is that  
12:56:12 4 [REDACTED] was making the allegation that the money was given to  
12:56:16 5 Ms Gobbo, Ms Gobbo is reporting what [REDACTED] is saying to  
12:56:20 6 [REDACTED] is also at the same time denying that she  
12:56:26 7 received any money at all.

8

12:56:27 9 COMMISSIONER: Where does she deny receiving it?

12:56:30 10

12:56:31 11 MR COLLINSON: I'd have to find. It's there. It's where  
12:56:33 12 the [REDACTED] comes up and I think my friends concede that.

13

12:56:38 14 COMMISSIONER: Right.

12:56:38 15

12:56:39 16 MR COLLINSON: That at the time that what [REDACTED] is  
12:56:41 17 saying that [REDACTED] is saying to the handlers is  
12:56:47 18 something that Ms Gobbo is denying ever receiving. That's  
12:56:51 19 not to say my friend might not want to ask questions of  
12:56:54 20 this witness about whether the matter should be further  
12:56:58 21 investigated, but my concern is the witness has become  
12:57:01 22 confused as to what the evidence was to the handlers.

23

12:57:04 24 COMMISSIONER: You've clarified that now, Mr Collinson.

12:57:06 25

12:57:07 26 MR COLLINSON: Yes, I have.

27

12:57:07 28 COMMISSIONER: Yes, thank you. If you could move on from  
12:57:11 29 there, Mr Winneke.

30

12:57:20 31 MR WINNEKE: Do you accept the proposition that in  
12:57:23 32 circumstances where [REDACTED] was at least suggesting that  
12:57:34 33 Ms Gobbo was holding a significant amount of money on his  
12:57:38 34 behalf, that he at least should have been spoken to and the  
12:57:45 35 matter investigated?---Well this might have been  
12:57:59 36 interesting to the investigators in terms of [REDACTED]  
12:58:07 37 claiming he had a large amount of money.

38

12:58:10 39 Yes?---And I'm not sure whether this was disseminated or  
12:58:15 40 not disseminated.

41

12:58:17 42 Yes?---It wouldn't have been an issue that we would have  
12:58:25 43 followed up in an investigation, as source handlers.

44

12:58:29 45 Why not? If Ms Gobbo is your source and if at least there  
12:58:33 46 is a suggestion that she has been provided or handed a  
12:58:35 47 significant amount of money, why wouldn't that be something



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12:58:38 1 that - albeit she's denied it, why wouldn't that be  
12:58:42 2 something which would be of concern to the handlers and to  
12:58:46 3 the SDU?---Are we talking now about the [REDACTED] that she  
12:58:52 4 perhaps received in early [REDACTED] or are we talking now about  
12:58:57 5 the claim that [REDACTED] has [REDACTED] out there somewhere?  
12:59:04 6 Because in respect to the [REDACTED] that would be a matter  
12:59:12 7 of interest to the investigators and it should have been  
12:59:14 8 referred to them.

9

12:59:19 10 Yeah?---It's very difficult for the SDU handlers - well  
12:59:22 11 it's impossible for the SDU handlers to participate in an  
12:59:26 12 investigation as investigators because clearly any  
12:59:32 13 involvement they have as investigators tends to have the  
12:59:36 14 possibility that sources can be compromised because  
12:59:39 15 everybody knows that they're dedicated handlers and that's  
12:59:45 16 their only role. So if there was investigation it should  
12:59:48 17 have been referred to the investigators and in this case  
12:59:51 18 that would be the Purana investigators.

19

12:59:54 20 Obviously that wasn't done, it wasn't put in front of -  
12:59:58 21 this issue wasn't put in front of them, was it?---I don't  
13:00:02 22 know, Mr Winneke.

23

13:00:03 24 What I'm suggesting to you is that you were in possession  
13:00:08 25 of information which gave rise to the reasonable suspicion  
13:00:17 26 that she had been provided with a significant amount of  
13:00:19 27 money which could well have been the proceeds of crime.  
13:00:25 28 I'm suggesting to you that as you go through all of these  
13:00:29 29 materials, as I've done, it suggests that she - at least  
13:00:35 30 there was a reasonable suspicion that she had been provided  
13:00:37 31 with money. Do you accept that proposition?---Well, no.  
13:00:45 32 It's unclear.

33

13:00:46 34 All right, okay. If we then go to, for example, the 16th  
13:00:52 35 of October 2008, p.677. This is in the third  
13:01:04 36 folder?---Sorry, can I have the page number again, please?

37

13:01:08 38 ICR 43 at p.677. 2008. We're now further down the track.  
13:01:57 39 If you have a look at an entry at 16:43. "SDU issue from  
13:02:10 40 DSS Flynn"?---I have p.677.

41

13:02:16 42 Yes?---But I don't have that reference.

43

13:02:19 44 Have you got the third folder?

13:02:23 45

13:02:23 46 COMMISSIONER: Volume 1 of 1, the 2958 one?---Sorry, I  
13:02:27 47 haven't got the right one. It's the 2958 folder that

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13:02:53 1 you're referring to?  
2  
13:02:55 3 MR WINNEKE: Yes.  
4  
13:02:56 5 COMMISSIONER: That's right?---Okay, I have that now.  
6  
13:03:20 7 MR WINNEKE: This is coming from Flynn. █████ re-established  
13:03:24 8 contact with Ms Gobbo but now has had a falling out.  
13:03:28 9 Ms Gobbo gave him a serve re lying in the trial. █████ says  
13:03:34 10 before he was arrested he'd given her a large amount of  
13:03:37 11 money. Some went on his plea, paid █████ \$7,000.  
13:03:46 12 \$10,000 to █████ plea". Ms Gobbo apparently did  
13:03:51 13 that plea so that money was to her. █████  
13:04:01 14 █████ to █████, probably similar to Duncan Allen, plus his  
13:04:09 15 own fees of an unknown amount. Didn't want to say how  
13:04:15 16 much. After all of that some still left over. Flynn  
13:04:17 17 sometimes finds █████ figures difficult to believe but  
13:04:21 18 █████ reckons there should have been enough to cover  
13:04:25 19 his whole █████ years of gaol time at █████ But  
13:04:30 20 Purana is paying", that is Purana is making the payments,  
13:04:38 21 do you accept that?---Yes.  
22  
13:04:39 23 In fact what occurred was that Purana took over the payment  
13:04:43 24 of the █████ the monthly █████ didn't  
13:04:50 25 they?---Yes.  
26  
13:04:50 27 And they did it in such a way to make it appear as if  
13:04:54 28 Ms Gobbo was still making the payments, I suggest to  
13:04:59 29 you?---That certainly was occurring at one point in time.  
30  
13:05:02 31 Indeed, that's confirmed because it says here, █████ doesn't  
13:05:08 32 know this and hasn't been paid for three months by error by  
13:05:14 33 Purana and can't fix but he will then know, think that  
13:05:22 34 Flynn had spoken to Ms Gobbo". Clearly there's a concern,  
13:05:27 35 even at that stage, that they didn't want it to be known  
13:05:30 36 that Ms Gobbo was speaking to Purana. "She usually paid in  
13:05:41 37 █████ on the █████ of each month", do you see that?---Yes.  
38  
13:05:46 39 So in effect it had come down, the Commissioner has reason  
13:05:50 40 to believe, from █████ a month to █████ a month. And that, I  
13:05:57 41 suggest, had been going on since about September of 2006,  
13:06:01 42 that is the payment in effect made by Purana but with the  
13:06:06 43 intention that █████ believed it was Ms Gobbo who was  
13:06:10 44 making the payment, do you accept that?---Yes.  
45  
13:06:14 46 That entry there is another entry which makes it relatively  
13:06:18 47 clear, and this is coming from Flynn, that Ms Gobbo had

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13:06:23 1 been given a significant amount of money before [REDACTED] was  
13:06:29 2 arrested, do you see that?---Yes.  
3  
13:06:35 4 Do you know whether the information that the SDU was in  
13:06:42 5 possession of, that is the information that I've gone  
13:06:44 6 through, had been provided to Purana to enable them to  
13:06:50 7 carry out a more thorough investigation of whether or not  
13:06:59 8 Ms Gobbo had been provided with any money?---I don't know.  
9  
13:07:03 10 Would you expect that they would have been put up to speed  
13:07:07 11 or not?---I'd hope they would have been.  
12  
13:07:08 13 You'd hope so?---Yes.  
14  
13:07:34 15 There are other entries, I suggest, in the records on 29  
13:07:37 16 September 2006, ICR 45. Can I just ask you about a couple  
13:07:49 17 of other matters? On 1 May 2006, at p.278, you touched on  
13:08:04 18 this previously, the SDU had recorded that you were told  
13:08:11 19 that \$15,000 had been located in the boot of Ms Gobbo's  
13:08:18 20 car?---Yes.  
21  
13:08:19 22 At the prison?---Yes.  
23  
13:08:23 24 That information came from O'Brien and you were advised of  
13:08:29 25 it, p.278?---Yes, that's come from O'Brien.  
26  
13:09:11 27 That matter was going to be discussed at the next meeting  
13:09:13 28 that was going to be held with Ms Gobbo, that was what was  
13:09:23 29 determined?---Where did you find that, Mr Winneke?  
30  
13:09:50 31 I'm suggesting that it was intended that it would be raised  
13:09:53 32 with her in the next meeting. Now what I'm going to  
13:09:56 33 suggest to you is that the next time Ms Gobbo was met  
13:10:00 34 face-to-face there was never any discussion about the  
13:10:04 35 \$15,000 - - -  
36  
13:10:06 37 COMMISSIONER: Sorry, he was wanting to know where it was  
13:10:09 38 raised that it would be discussed at the next meeting.  
39  
13:10:20 40 MR WINNEKE: I don't have it immediately, Commissioner, but  
41 it's something that I don't want to spend a great deal of  
13:10:24 42 time on it, I just want to make the suggestion. We've  
13:10:38 43 covered it, Commissioner. It was in a note that had been  
13:10:41 44 forwarded to Mr Overland. What I'm suggesting to you is  
13:10:46 45 that there was an intention to discuss, or at least  
13:10:50 46 apparently there was an intention to discuss it with her  
13:10:53 47 but it was never discussed and the SDU never got to the

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13:10:57 1 bottom of this. If that's the case do you accept that, if  
13:11:04 2 that's the case do you accept that that was an error and it  
13:11:07 3 should have been examined with Ms Gobbo?---It definitely  
13:11:13 4 should have been examined. I'm not comfortable that it was  
13:11:16 5 not ever brought up with her.

6  
13:11:20 7 All right. Certainly on an examination of the records it  
13:11:26 8 appears that it wasn't but I may be corrected if I am in  
13:11:32 9 error about that. Save to say that you would expect that  
13:11:35 10 it is something that should have been looked into, in other  
13:11:38 11 words what she's doing with \$15,000 cash in the boot of her  
13:11:43 12 car?---Yes.

13  
13:11:43 14 There's an entry on 2 May, ICR number 30, p.280 at 16:45.  
13:11:58 15 Ms Gobbo had told a handler that [REDACTED] had turned up at  
13:12:04 16 her office. He believed that [REDACTED] had been wired up  
13:12:07 17 and had been told that he might be arrested. Ms Gobbo  
13:12:09 18 reported that a person called [REDACTED] had given him \$15,000  
13:12:15 19 recently and also that [REDACTED] said that he hadn't done  
13:12:20 20 any business with [REDACTED]. Now it appears that there's a  
13:12:24 21 coincidental discussion or a coincidental sum, \$15,000  
13:12:29 22 being found in her boot the previous day, then a subsequent  
13:12:33 23 discussion about \$15,000 the next day in circumstances  
13:12:38 24 where [REDACTED] is saying that he hadn't done any business  
13:12:42 25 with [REDACTED]. Now I suggest that that of itself was all  
13:12:47 26 the more reason why Ms Gobbo should have been examined  
13:12:51 27 quite closely about why she had \$15,000 in her car on 1  
13:12:56 28 May, do you accept that proposition?---Well I don't accept  
13:13:03 29 it, only because I haven't had the opportunity to look at  
13:13:06 30 all the material, or talk to the handlers so I don't know  
13:13:09 31 that this was raised with her and, as I've already agreed  
13:13:14 32 with you, it should have been.

33  
13:13:16 34 Do you accept the point that I made, the entry the next day  
13:13:22 35 made it all the more important to have a close look at it  
13:13:25 36 and to ask her questions about it?---Yes, I do, yep.

37  
13:13:37 38 In April of 2008 Ms Gobbo's car was set on fire. It's been  
13:13:44 39 reported, or at least it was reported in the press as being  
13:13:48 40 fire bombed. Indeed, in one report, an AAP press report in  
13:13:55 41 April, indicated that - were you aware that there was media  
13:14:17 42 reports or there was a media report at or about the time of  
13:14:22 43 the fire or subsequent to it to the effect that a  
13:14:27 44 significant amount of money had been retrieved from the  
13:14:29 45 boot of the car after the fire, were you aware of that at  
13:14:35 46 any stage?---Not that I can recall.

47

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13:14:42 1 COMMISSIONER: That might be a convenient time I think to  
13:14:44 2 break for lunch.  
3  
13:14:45 4 MR WINNEKE: Yes, Commissioner.  
5  
13:15:09 6 COMMISSIONER: We'll adjourn now until 2 o'clock.  
13:15:12 7  
13:15:12 8 <(THE WITNESS WITHDREW)  
13:15:14 9  
10 LUNCHEON ADJOURNMENT  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
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13:52:12 1 UPON RESUMING AT 2.04 PM:  
14:04:01 2  
14:04:06 3 COMMISSIONER: Yes Mr Winneke.  
14:04:07 4  
14:04:07 5 <SANDY WHITE, recalled:  
14:04:22 6  
14:04:23 7 MR WINNEKE: Mr White, can you hear me?---Yes, Mr Winneke.  
14:04:26 8  
14:04:27 9 I want to turn to perhaps one of the last topics that I  
14:04:32 10 want to deal with and it's the transition or the process of  
14:04:40 11 transitioning Ms Gobbo from being a human source to being a  
14:04:45 12 witness. Can I suggest that this process, or at least the  
14:04:52 13 idea of transition arose earlier than December of 2008 and  
14:04:59 14 had been discussed at least back in, say, February of 2008.  
14:05:09 15 If you go to the source management log, second log. Go to  
14:05:23 16 an entry on 26 February 2008. It appears that there was a  
14:05:58 17 suggestion that Ms Gobbo would be interviewed by Task Force  
14:06:05 18 Petra in February of 2008. Do you see that entry  
14:06:10 19 there?---Yes.  
14:06:10 20  
14:06:13 21 And then subsequently she was interviewed by Messrs Solomon  
14:06:20 22 and Davey. Do you recall discussing that matter?---No.  
14:06:29 23  
14:06:33 24 It appears that on 28 February 2008, if we look at an entry  
14:06:40 25 in the source management log, a management entry, there's  
14:06:45 26 an entry from one of the handlers, "Re phone contact with  
14:06:50 27 Ms Gobbo. She is to be further interviewed by Task Force  
14:06:53 28 Petra today. She went there at 9:00 with instructions to  
14:06:58 29 ring when finished. It's still going. And she was asked  
14:07:04 30 by Petra to record conversations with persons of interest",  
14:07:09 31 do you see that?---Yes.  
14:07:11 32  
14:07:14 33 It does appear that that was the case back in February of  
14:07:19 34 08, there was some desire on the part of the investigators  
14:07:23 35 to use her to record communications with people. You would  
14:07:31 36 have been aware of that I assume?---I think so. I don't  
14:07:36 37 have my diary for that period so I can't refer to that, but  
14:07:43 38 I think I would have been.  
14:07:46 39  
14:07:47 40 You mean you don't have your printed diary, your electronic  
14:07:51 41 diary of 08?---No.  
14:07:53 42  
14:07:53 43 Why not?---This come up in the last couple of weeks, or  
14:08:03 44 actually, let me just make sure I'm 100 per cent accurate  
14:08:09 45 here. I do have an electronic diary showing 2007 to 2008,  
14:08:15 46 but I thought there was one after which I asked about last  
14:08:18 47 week.

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14:08:18 1  
14:08:19 2 We've got electronic diaries from 2007 through to  
14:08:25 3 2011?---Right, okay. I've only got the one set of  
14:08:29 4 electronic diaries and it goes through to 20 December 08.  
14:08:36 5  
14:08:57 6 If you go to your diary of 29 February 2008. Do you have  
14:09:03 7 that there?---Yes.  
14:09:04 8  
14:09:08 9 At 11 o'clock there's a call from Shane O'Connell of Petra,  
14:09:12 10 Ms Gobbo had visited the previous day. Andrew Hodson rang  
14:09:19 11 and there is a reference to a couple of names. I won't ask  
14:09:27 12 you about those but, "She was very distressed and crying.  
14:09:31 13 She'd offered to assist and investigators want to use her".  
14:09:38 14 This is a reference to Andrew Hodson, "Every time he needs  
14:09:43 15 advice he seeks her out. If we put pressure on him he will  
14:09:48 16 ring her and consider putting Andrew Hodson on a  
14:09:54 17 polygraph". That's a call from Shane O'Connell, do you see  
14:09:58 18 that?---Yes.  
14:09:58 19  
14:09:59 20 Later on in the day, "A call from Gavan Ryan from Purana  
14:10:04 21 regarding Ms Gobbo offer to assist Petra investigation.  
14:10:05 22 Investigators to be told that any contact regarding Gobbo",  
14:10:07 23 it says NG involvement, we assume it's Nicola Gobbo?---Yes.  
14:10:12 24  
14:10:12 25 "Will go through Gavan Ryan issues re legal privilege",  
14:10:18 26 et cetera. You see that entry, can you explain that, how  
14:10:23 27 that - what was going on there?---No, I don't have any  
14:10:38 28 recollection of this.  
14:10:40 29  
14:10:41 30 You understand that there was a desire to task her with  
14:10:46 31 respect to Andrew Hodson and the expectation is that Andrew  
14:10:52 32 Hodson would go to Ms Gobbo. Do you have a recollection of  
14:10:55 33 that?---No.  
14:10:55 34  
14:11:02 35 I mean if it was, if it was suggested, and I think  
14:11:06 36 Mr Comrie had something to say about this in his report,  
14:11:09 37 that if it was intended that Ms Gobbo utilise her capacity  
14:11:17 38 or at least her history of providing legal advice to Andrew  
14:11:23 39 Hodson as a means of getting information from him, that  
14:11:26 40 would be concerning, wouldn't it?---Was - I don't think  
14:11:38 41 Andrew Hodson was a client.  
14:11:40 42  
14:11:41 43 He had been a client and it was expected that he would go  
14:11:48 44 to her to seek advice. Do you have any knowledge of that  
14:11:53 45 at all or not?---No, I don't, I'm sorry.  
14:11:57 46  
14:11:57 47 All right. In any event, it seems that she didn't, she

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14:12:16 1 wasn't utilised to record any information at that stage but  
14:12:24 2 if we then go to p.8 of the second source management log,  
14:12:34 3 that is the entry on 5 March, there's a message from, again  
14:12:40 4 from a handler regarding contact with Ms Gobbo. Over the  
14:12:46 5 page, there's discussions about, "Ms Gobbo wanting to meet  
14:12:53 6 handlers before she goes to Bali at the end of the month.  
14:12:57 7 She's convinced that she's under surveillance. And she's  
14:13:03 8 going to Task Force Petra again this afternoon,  
14:13:07 9 investigators will put it on her for more assistance. DI  
14:13:10 10 Gavan Ryan is all over it. They plan to put pressure on  
14:13:14 11 Andrew Hodson later this week with a view to cause him to  
14:13:17 12 go to the source for advice". Do you see that?---Yes.  
14:13:22 13  
14:13:26 14 Did you have any discussions with Mr Ryan about that?---If  
14:13:32 15 I did it would be in my diary.  
14:13:34 16  
14:13:35 17 Right. That would be concerning, wouldn't it? If the plan  
14:13:40 18 was to put pressure on him and then the view was that he  
14:13:44 19 would go to Ms Gobbo for advice, that would be a matter  
14:13:47 20 which would be entirely improper, wouldn't it?---I guess if  
14:13:52 21 they thought that he was her client and he went to her for  
14:13:57 22 legal advice, yes.  
14:13:59 23  
14:14:00 24 Do you know whether anything was done about that from your  
14:14:07 25 perspective?---No. Well I mean insofar as finding out who  
14:14:12 26 was and wasn't a client.  
14:14:14 27  
14:14:14 28 Yes?---We've already had that discussion. I can't recall  
14:14:20 29 whether she told us any information as to whether he was or  
14:14:25 30 he wasn't.  
14:14:28 31  
14:14:40 32 Then on 6 March there's another message from the handler.  
14:14:51 33 There had been phone contact with Ms Gobbo. She had  
14:14:54 34 received five death threats yesterday/last night. To be  
14:15:05 35 fair it may well be that you weren't the controller at that  
14:15:08 36 stage. Would you expect that you would have had  
14:15:11 37 discussions with people who were handling or controlling  
14:15:15 38 her at that stage if you were away?---Not if I was away.  
14:15:20 39  
14:15:21 40 Do you get updated on occasions when you're away?---Yes,  
14:15:27 41 and especially in the early days when there was only I  
14:15:31 42 think five of us.  
14:15:32 43  
14:15:33 44 And then - so it seems that in March of 2008 Petra seemed  
14:15:38 45 to be putting pressure on her because there's an entry in  
14:15:41 46 the source management log on 6 March to the effect that  
14:15:45 47 Petra has been, sorry, "Gobbo's been told by Petra that

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14:15:50 1 investigators, that Ryan is leaving. She's asked the  
14:15:54 2 handler to confirm same and inquired as to what would be  
14:15:58 3 happening as far as she is concerned and Petra  
14:16:00 4 investigators also want her to meet with John Higgs and  
14:16:03 5 record any conversations that she has with him. And  
14:16:07 6 they've promised her that any interview they conduct with  
14:16:11 7 her will not be revealed, and they've also asked her about  
14:16:14 8 Paul Dale and whether she had any notes or documents of  
14:16:17 9 his, particularly material relating to informers. She told  
14:16:21 10 them that she did and they've asked for the documents and  
14:16:23 11 she wants to hand them over. She thinks she has either  
14:16:27 12 given them to one of the SDU handlers or at least a copy of  
14:16:30 13 them. She doesn't think she has any more of them. They  
14:16:33 14 are notes that Dale gave her when he was in custody". Now,  
14:16:36 15 do you know whether those notes were obtained at that stage  
14:16:43 16 and handed over to investigators, or copies of them?--No.  
14:16:51 17  
14:16:51 18 If you weren't there at that time then obviously we'd need  
14:16:55 19 to ask the person who was controlling at that stage, would  
14:16:59 20 we?--Either the controller or the handler.  
14:17:03 21  
14:17:10 22 Do you know who it would have been if you were on  
14:17:39 23 leave?--There's an entry on 23 February in the source  
14:17:44 24 management log that shows there was a change of controller  
14:17:49 25 from myself to an officer at the SDU which you don't yet  
14:17:57 26 have a pseudonym for I don't think.  
14:18:07 27  
14:18:07 28 I think we do. I think that's - just excuse me. I mean if  
14:18:30 29 we look at the ICR which encompasses this period, it's got  
14:18:37 30 your name on it against 12 March of 2008. Do you see that,  
14:18:44 31 p.84?--Yes, I do.  
14:19:25 32  
14:19:33 33 I take it you know who - I'm not going to ask you, but you  
14:19:38 34 know who that controller is I take it, do you?--Yes.  
14:19:40 35  
14:19:41 36 How long was he the controller for?--Sorry, I've just been  
14:19:47 37 handed his pseudonym.  
14:19:50 38  
14:19:50 39 You better tell me what it is?--Preston.  
14:19:54 40  
14:19:54 41 Mr Preston?--Yes.  
14:19:56 42  
14:19:56 43 How long was Mr Preston a controller for, do you know?--On  
14:20:04 44 this particular occasion - he was not actually a  
14:20:07 45 controller, he was acting in an upgraded capacity. He was  
14:20:19 46 one of the handlers. And he got upgraded at this  
14:20:23 47 particular time and in relation to how long was he the

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14:20:27 1 controller, just bear with me.  
14:20:43 2  
14:20:43 3 The only thing is, it's your name - so this date, which is  
14:20:55 4 7 March, has your name as controller at the end of the  
14:21:04 5 document which is apparently signed on 12 March?---So that  
14:21:11 6 would suggest that I checked the contact report.  
14:21:16 7  
14:21:16 8 Yes. And it would suggest that you're the controller at  
14:21:21 9 that stage given that the change wasn't until subsequent to  
14:21:23 10 that period of time anyway. Again, that may indicate an  
14:21:45 11 inaccuracy because your diary suggested that you're on  
14:21:49 12 recreational leave on 12 March 2008. So it would seem  
14:21:54 13 unlikely - have you got your diary there, Mr White, for  
14:22:00 14 that period of time, March of 2008?---Yes.  
14:22:02 15  
14:22:03 16 What does that indicate as to your activities in March,  
14:22:08 17 around the middle of March?---Recreational leave.  
14:22:12 18  
14:22:12 19 Right. On 12 March?---Recreational leave.  
14:22:18 20  
14:22:19 21 All right. So it's unlikely that that document would have  
14:22:22 22 been put before you on 12 March 2008?---I do a lot of work  
14:22:32 23 off duty but I certainly wasn't checking ICRs.  
14:22:36 24  
14:22:36 25 COMMISSIONER: And the date above is clearly wrong too.  
14:22:39 26  
14:22:40 27 MR WINNEKE: Yes, that seems to be wrong as well. So  
14:22:48 28 you're not in a position to say whether or not any notes  
14:22:54 29 were handed on to Operation Purana, or Petra rather?---No,  
14:23:00 30 not unless there's something else in the record that you've  
14:23:03 31 got access to.  
14:23:04 32  
14:23:22 33 It seems in any event that Ms Gobbo doesn't tape any  
14:23:32 34 potential or doesn't get engaged in taping anyone until  
14:23:39 35 much later on in the piece, do you accept that  
14:23:42 36 proposition?---Yes.  
14:23:42 37  
14:23:49 38 On 12 November 2008 it appears that Senior Detective  
14:23:57 39 Solomon wanted to interview Ms Gobbo regarding the murder  
14:24:04 40 or any information that she may have into the murder of the  
14:24:08 41 Hodsons. That's in the source management log on that date.  
14:24:14 42 12 November 2008?---I can see that.  
14:24:20 43  
14:24:25 44 And then on 17 November it appears that she had attended  
14:24:31 45 the Petra Task Force and was interviewed about Mr Dale, is  
14:24:38 46 that right?---Yes.  
14:24:39 47

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14:24:43 1 There was a summary of the information that had been  
14:24:47 2 provided by Ms Gobbo and it's set out in the SML and  
14:24:54 3 there's a significant amount of information provided in  
14:24:58 4 that entry in the source management log and she admitted  
14:25:06 5 that there were mobiles which she had used in the name of  
14:25:11 6 Koskarev and Valersky, most likely used by her but they  
14:25:16 7 were provided to her by Adam Ahmed and they were used by  
14:25:22 8 her to communicate with Paul Dale who also operated on  
14:25:27 9 saved phones. That was information that was provided to  
14:25:30 10 the SDU at that stage in November of 2008, is that  
14:25:34 11 right?---Yes.  
14:25:34 12  
14:25:38 13 The interviewers put to her that after the murders she  
14:25:44 14 would have realised the significance of the communications  
14:25:47 15 that she had between herself, Mr Dale and Mr Williams and  
14:25:57 16 she said, "Look not necessarily due to the stroke that she  
14:26:01 17 had suffered", right. And she also stated that, "She had  
14:26:11 18 no knowledge of the plot to kill the Hodsons. She doesn't  
14:26:18 19 dispute being involved in the arrangement of the meeting  
14:26:24 20 between Williams and Dale in May 2004, but couldn't  
14:26:27 21 specifically recall the meeting. She said that she had  
14:26:30 22 difficulty with recollections of specific incidents, phone  
14:26:33 23 calls, et cetera, due to having suffered a stroke. She  
14:26:36 24 didn't believe that Dale and Ahmed were associated and she  
14:26:40 25 wants to provide a statement to investigators but has to  
14:26:42 26 consider how she would do it". And obviously there's a  
14:26:48 27 reference to what would occur, the consequences of her  
14:26:54 28 making a statement and that's set out there in that last  
14:26:57 29 dot point, do you see that?---Yes.  
14:26:59 30  
14:27:00 31 And she didn't know, she couldn't provide an answer for the  
14:27:03 32 reason for handling the bodgey phones and she wanted to  
14:27:09 33 talk about making a statement, do you see that?---Yes.  
14:27:11 34  
14:27:11 35 She started to volunteer information and says that, "She  
14:27:15 36 has to defend these blokes day in, day out, they're morally  
14:27:20 37 bankrupt. She says that she's acting in a legally correct  
14:27:23 38 manner and that her head is so full of information and she  
14:27:28 39 said she asked Mr Davey, 'Well if it was you, what would  
14:27:32 40 you do?' And he said he didn't know and Ms Gobbo said,  
14:27:37 41 'Well go to the police'", do you see that? Now this is a  
14:27:44 42 summary, is it, of the information that arose from her  
14:27:46 43 interview with Task Force Petra?---Yes.  
14:27:53 44  
14:27:54 45 And Mr O'Connell's comment was, "These guys aren't stupid,  
14:27:59 46 they're wondering who Gobbo is talking to. They have no  
14:28:02 47 direct knowledge, awareness of Gobbo as a source but

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14:28:06 1 they're not stupid". And she's prepared to make a  
14:28:12 2 statement but she wants to think about it and apparently  
14:28:15 3 the information that she provided exceeded what they  
14:28:18 4 thought that they would get, correct?---I'm just reading  
14:28:28 5 the last paragraph on that page. And your question,  
14:28:56 6 Mr Winneke, was that when she first made a statement?  
14:29:02 7  
14:29:02 8 Yes, she was happy to make a statement or prepared to make  
14:29:06 9 a statement but she wanted to think about it?---Yes.  
14:29:08 10  
14:29:09 11 What was your view at that stage as to whether or not she  
14:29:12 12 should make a statement?---Well I'm not sure about that  
14:29:18 13 stage but my recollection about this whole business was  
14:29:21 14 that turning her into a witness was not a good idea.  
14:29:24 15  
14:29:26 16 Because?---Well, because once she's a witness anything she  
14:29:31 17 did as a source would obviously come out and she'd be  
14:29:39 18 compromised.  
14:29:40 19  
14:29:40 20 Is that something that you discussed with her, firstly?---I  
14:29:43 21 would have discussed that with her at some point.  
14:29:46 22  
14:29:48 23 Did you suggest that she not cooperate with Petra?---I  
14:29:55 24 don't know if I ever suggested that specifically but  
14:30:02 25 ultimately I was directed to turn her into a witness if  
14:30:09 26 possible. But I made my views pretty clear that I didn't  
14:30:16 27 think that was a great idea. I can't recall what I told  
14:30:20 28 her.  
14:30:20 29  
14:30:21 30 Was it your view that if she became a witness her role as a  
14:30:25 31 human source or as a police informer must be disclosed?---I  
14:30:31 32 don't know if it was my view it must be disclosed but it  
14:30:36 33 was my view that it would inevitably be disclosed.  
14:30:40 34  
14:30:41 35 Inevitably it would be disclosed?---Yes.  
14:30:42 36  
14:30:43 37 How would that occur?---Probably by her getting into the  
14:30:46 38 witness box and the simplest of questions would establish  
14:30:49 39 that she's had a relationship with Victoria Police for some  
14:30:52 40 time and talked to source handlers.  
14:30:55 41  
14:30:55 42 If she recorded someone the question would simply be asked,  
14:30:59 43 "Hoy did it come to be that you recorded this  
14:31:05 44 conversation"?---That's one of the many questions that  
14:31:09 45 could have compromised her, yes.  
14:31:11 46  
14:31:11 47 And a number of, any amount of questions would probably



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14:31:17 1 lead to the inevitable conclusion or inevitable consequence  
14:31:21 2 that she would have to answer questions revealing her  
14:31:25 3 relationship with Victoria Police and the extent of that  
14:31:28 4 relationship?---Yes.

14:31:29 5  
14:31:38 6 Even without those questions bringing that out in  
14:31:44 7 cross-examination, would it be expected that Victoria  
14:31:46 8 Police would have to disclose as a matter of fairness that  
14:31:50 9 information?---I'm not sure that that occurred to me at the  
14:31:57 10 time. I was just simply of the view that - it's the case  
14:32:03 11 with any informer, we don't encourage turning informers  
14:32:08 12 into witnesses because inevitably they'll be compromised.

14:32:12 13  
14:32:12 14 There was a discussion about Ms Gobbo and the potential of  
14:32:19 15 her being a witness with Mr Overland on 25 November 2008.  
14:32:26 16 Overland, Moloney and Cornelius and the OPI director Graham  
14:32:32 17 Ashton, is that right?---Yes.

14:32:34 18  
14:32:34 19 And they were at that stage all aware of her identity and  
14:32:39 20 her role, right?---Yes.

14:32:44 21  
14:32:50 22 I notice on the following day it appears that [REDACTED] was  
14:32:54 23 in court and you were at least, the SDU was advised that  
14:33:01 24 [REDACTED] in court was not asked questions regarding  
14:33:04 25 Ms Gobbo's involvement. See that?---I'm sorry, that is 36  
14:33:14 26 of - - -

14:33:14 27  
14:33:15 28 36, yes?---Yes, I see that.

14:33:17 29  
14:33:21 30 That must have been a relief?---Well it would have been,  
14:33:28 31 she was not compromised in court, yes.

14:33:30 32  
14:33:30 33 And one assumes therefore whoever it was who was presiding  
14:33:35 34 and the defence didn't find that information out?---Well  
14:33:41 35 I'm not going to presume because I don't know what was said  
14:33:45 36 in court about her, to what parts.

14:33:52 37  
14:33:53 38 On 30 November there was an update from the handler and  
14:34:04 39 Paul Dale had apparently texted Ms Gobbo wanting to catch  
14:34:08 40 up. "Dale was in an ACC hearing and states he uses false  
14:34:14 41 phones to hide relationships with women, including  
14:34:17 42 Ms Gobbo." So that's information that - do you know where  
14:34:24 43 that information would have come from?---Presumably from  
14:34:32 44 Ms Gobbo, I'm not sure.

14:34:33 45  
14:34:34 46 Obviously there's a communication between Dale and Gobbo  
14:34:38 47 and in that communication it appears that that information

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14:34:42 1 has been provided?---Is it in the contact report,  
14:34:49 2 Mr Winneke? I'm not sure.  
14:34:51 3  
14:34:52 4 Perhaps we better go to the entry itself. 30 November  
14:34:59 5 2008. If you go to p.722 in the third ICR volume  
14:35:29 6 2958?---772?  
14:35:32 7  
14:35:32 8 722?---722.  
9  
14:35:52 10 You'll see there that she calls at 11.06. She's ringing  
14:35:57 11 from the toilets at the car wash. This is a reference to  
14:36:00 12 her car wash, is that right?---Well possibly.  
14:36:06 13  
14:36:06 14 You understand that she had got herself involved in a car  
14:36:10 15 wash business?---Yes.  
14:36:11 16  
14:36:13 17 "Paul Dale texted. Ms Gobbo's in Melbourne. Wants to  
14:36:17 18 catch up. She replied she can't. He replied he's in  
14:36:21 19 Melbourne again next weekend. She wants to advise Solomon  
14:36:25 20 as to his request as to notification with any contact with  
14:36:30 21 Dale, told to do so and she did and that was passed on to  
14:36:36 22 DSS O'Connell at Petra", is that right? You get a message  
14:36:55 23 to - - - ?---I think - - -  
14:36:57 24  
14:36:57 25 Sorry?---Yeah, I think that is right. I think that's a  
14:37:03 26 reference to O'Connell being advised that she, sorry, that  
14:37:09 27 she is going to contact Solomon.  
14:37:11 28  
14:37:11 29 It seems there's a recorded message, at least the handler  
14:37:15 30 phoned O'Connell and he advised of Ms Gobbo contacting  
14:37:19 31 Solomon and brackets "i.e. must have done so before  
14:37:24 32 advising handler" exclamation mark times two?---I'm not  
14:37:28 33 sure you've got that right.  
14:37:29 34  
14:37:30 35 No, well I'm happy to be corrected. How do you read  
14:37:35 36 that?---I think that's a reference to, I'm not 100 per cent  
14:37:44 37 sure about this, but whoever the handler is contacting  
14:37:47 38 O'Connell and telling him that Solomon is going to be  
14:37:53 39 contacting, contacted direct by Ms Gobbo and that there's a  
14:37:59 40 reference here she must have done this before she advised  
14:38:06 41 the handler.  
14:38:06 42  
14:38:08 43 Yeah, that's what appears to be the case. In any event,  
14:38:08 44 information that comes from O'Connell is that, "Dale was  
14:38:10 45 subpoenaed to the ACC hearing last Friday. Went in very  
14:38:14 46 cocky and came out a bit shaky. It was put to him new  
14:38:19 47 material regarding bodgey phones. He admitted saying for

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14:38:21 1 the purpose of having privacy whilst under investigation  
14:38:21 2 from the Hodson burglary the reason was having affairs with  
14:38:25 3 policewomen and Ms Gobbo and he admitted a relationship  
14:38:31 4 with Ms Gobbo and O'Connell believed that". Do you see  
14:38:38 5 that? That seems to be where that information comes  
14:38:42 6 from?---Yes. From O'Connell.  
14:38:45 7  
14:38:45 8 From O'Connell and not Ms Gobbo?---Yes.  
14:38:48 9  
14:38:52 10 "Advised O'Connell to interview Ms Gobbo before speaking to  
14:38:55 11 Dale. If human source is not done so already is going to  
14:38:59 12 put allegations so as to possibly unnerve her and he said  
14:39:04 13 he'd do that", is that right?---It seems to be.  
14:39:10 14  
14:39:10 15 In effect the handler was saying, "Look, it might be an  
14:39:14 16 idea to interview her, put the allegations first and in  
14:39:21 17 effect shake her a bit to see what came out". That seems  
14:39:32 18 to be what that's about, isn't it?---It's a bit unclear  
14:39:39 19 what this - I don't know what the reference in the  
14:39:41 20 paragraphs is about.  
14:39:44 21  
14:39:44 22 Right?---"If human source has not done so already", whether  
14:39:49 23 it's a reference to interviewing human source, I'm not  
14:39:52 24 sure.  
14:39:52 25  
14:39:53 26 Isn't it really, "Tell O'Connell to interview Ms Gobbo  
14:39:56 27 before speaking to Dale, that is before Ms Gobbo has an  
14:40:00 28 opportunity to speak to Dale, and if she hasn't done so  
14:40:05 29 already". Do you see, "And if you're going to put the  
14:40:08 30 allegations to her, do it as soon as possible", in effect,  
14:40:14 31 "If you're going to be put allegations to possibly unnerve  
14:40:18 32 her"?---On the face of that that's what it seems to be  
14:40:23 33 about, interviewing her. I'm saying if human source has  
14:40:27 34 not done so already, I'm not sure - that might be a  
14:40:29 35 reference to the fact if she has not participated in an  
14:40:34 36 interview already.  
14:40:35 37  
14:40:35 38 I suggest it's before she speaks to Dale?---Okay, I see  
14:40:38 39 what you're saying, yes. That makes more sense.  
14:40:41 40  
14:40:43 41 Obviously there was at least some suspicion at that stage  
14:40:48 42 that it would be worthwhile getting to the truth of what  
14:40:52 43 Ms Gobbo has to say and not let her speak to Dale and have  
14:40:57 44 Dale tell her what he told the ACC?---Can you repeat that,  
14:41:06 45 please?  
14:41:06 46  
14:41:06 47 The desire was to allow Petra to interview her prior to her

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14:41:11 1 being told by Mr Dale what he had told the ACC?---That  
 14:41:23 2 seems possible, yes.  
 14:41:24 3  
 14:41:29 4 In any event in your diary of that day you make a note of  
 14:41:35 5 having spoken to, I think it's Mr Smith, regarding  
 14:41:42 6 Ms Gobbo. "Paul Dale wants to meet with Ms Gobbo today.  
 14:41:46 7 Paul Dale wants to talk to Ms Gobbo regarding his  
 14:41:48 8 appearance at", it says the OPI hearing but we can assume  
 14:41:52 9 it's the ACC. "Discuss option of recording the same. Good  
 14:41:57 10 test of Ms Gobbo. Decision made to delay the meet until  
 14:42:01 11 after the discussion with O'Connell at  
 14:42:05 12 Petra"?---Whereabouts are you reading this?  
 13  
 14:42:08 14 This is your diary of 30 November 2008. Do you agree  
 14:42:48 15 that's your entry?---I see that, yes.  
 14:42:50 16  
 14:42:50 17 What do you mean by good test for her?---Again, I've got no  
 14:42:55 18 recollection of this but I suppose if she, and I can't tell  
 14:43:01 19 you exactly what I was thinking, but a possibility is that  
 14:43:05 20 I suppose if she said she wasn't prepared to record the  
 14:43:09 21 meeting it might suggest she's got something to hide.  
 14:43:13 22  
 14:43:16 23 Or alternatively she didn't want to be a witness?---Well  
 14:43:26 24 that's a possibility although I don't think we're talking  
 14:43:29 25 about her being a witness at this stage.  
 14:43:31 26  
 14:43:31 27 If she is going to record a conversation - - - ?---I tried  
 14:43:35 28 to talk her out of it.  
 14:43:37 29  
 14:43:37 30 If she was going to record she'd have to be, wouldn't  
 14:43:41 31 she?---Not necessarily.  
 14:43:42 32  
 14:43:43 33 One assumes if she records a conversation the fruit of that  
 14:43:46 34 recording would be provided to investigators, wouldn't it?  
 14:43:54 35 That was the whole point of it, wasn't it?---They're the  
 14:43:57 36 ones that are asking for it so you probably should be  
 14:44:01 37 asking them about the thinking behind it.  
 14:44:03 38  
 14:44:06 39 If you go to the source management log of 1 December.  
 14:44:13 40 There's an update from Mr Smith again. She is to go back  
 14:44:17 41 to Petra. She may get asked to record a meeting with Paul  
 14:44:22 42 Dale and she again reiterates that she will not be a  
 14:44:25 43 witness. And again there's a note that [REDACTED] given evidence  
 14:44:30 44 and no issues with respect to Ms Gobbo have arisen. Do you  
 14:44:36 45 see that?---Yes.  
 14:44:37 46  
 14:44:41 47 3 December 2008, source management log indicates another



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14:44:46 1 update from Mr Smith. "She's had a meeting with Petra.  
14:44:52 2 They're pushing for her to record the meeting with Dale and  
14:44:55 3 to make statements re previous information that's been  
14:45:00 4 supplied. There's discussion about Ms Gobbo becoming a  
14:45:04 5 witness and the belief that the evidence regarding Dale is  
14:45:06 6 very important. And there's discussion regarding options  
14:45:10 7 for management of Ms Gobbo if she has evidentiary meeting  
14:45:15 8 with Dale". So I take it at that stage there was a rising  
14:45:22 9 concern on the part of the SDU that the source might be in  
14:45:31 10 the process of becoming a witness?---I think so.  
14:45:36 11  
14:45:44 12 What was your view about whether she should become a  
14:45:47 13 witness?---As I've previously stated I didn't want her to  
14:45:53 14 be a witness.  
14:45:55 15  
14:45:55 16 Did you ever change that view?---I changed that view when I  
14:45:59 17 was directed to change it.  
14:46:02 18  
14:46:03 19 One assumes that you might have been directed to do some  
14:46:05 20 thing, but did you ever change the view that she shouldn't  
14:46:11 21 be a witness?---No.  
14:46:11 22  
14:46:12 23 Okay?---Well - I never believed that she should have been a  
14:46:23 24 witness up until the point I had a conversation with Simon  
14:46:27 25 Overland and Superintendent Biggin and was told that  
14:46:32 26 corruption overrode everything.  
14:46:36 27  
14:46:36 28 So that was a meeting that was on 5 December, is that  
14:46:41 29 right?---Yes.  
14:46:59 30  
14:47:01 31 So you have a meeting with Biggin and Overland and it was  
14:47:08 32 made clear that Ms Gobbo's value as a witness was more  
14:47:11 33 important than perceived issues. What were the perceived  
14:47:18 34 issues?---As I stated previously, the fact she became a  
14:47:25 35 witness would mean that her relationship with Victoria  
14:47:29 36 Police as a human source would be compromised and, as I  
14:47:33 37 said, with any informer that was not something that I  
14:47:36 38 supported.  
14:47:37 39  
14:47:37 40 So your view at that meeting was that there were a number  
14:47:40 41 of issues which arose if she became a witness, but those  
14:47:46 42 views were overridden when you had the meeting with  
14:47:49 43 Mr Overland and Mr Biggin, is that right?---Well  
14:47:53 44 Mr Overland specifically said that corruption overrides  
14:47:57 45 everything.  
14:47:58 46  
14:47:58 47 Righto. You took some pretty strong views to that meeting,

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14:48:02 1 didn't you?---I probably would have, yes.  
14:48:04 2  
14:48:08 3 Indeed, when you first got wind of the possibility, this is  
14:48:17 4 at p.754, of her being utilised to extract evidence from  
14:48:24 5 Mr Dale, there was a management, there was a meeting that  
14:48:30 6 you had. If you go to p.754. 754. This is on 4 December  
14:48:39 7 2008. Have you got that there?---Yes, I have.  
14:49:00 8  
14:49:00 9 ICR number 48. At 7 pm there's a source management entry  
14:49:09 10 and it was a discussion about Paul Dale, Operation Petra  
14:49:16 11 issue and you were a part of that discussion and the  
14:49:22 12 message is, or at least the discussion involves - have you  
14:49:28 13 found that yet?---Yes. Yes, I have.  
14:49:30 14  
14:49:31 15 And it reads, "Discussed Paul Dale Operation Petra issue  
14:49:34 16 with controller, Mr White. From DC Overland, wants  
14:49:42 17 Ms Gobbo as a witness. To discuss with Superintendent  
14:49:45 18 Biggin tomorrow morning". Now, at that stage whereabouts  
14:49:50 19 were you? Were you - - - ?---The conversation I had, what  
14:49:56 20 date is that, 4th.  
14:49:59 21  
14:49:59 22 4th?---So I was at a remote location running a source  
14:50:04 23 training course.  
14:50:05 24  
14:50:05 25 And you were there with a number of other of Ms Gobbo's  
14:50:11 26 handlers, is that right?---Yes.  
14:50:12 27  
14:50:16 28 Can I suggest that in the morning first thing there was a  
14:50:22 29 discussion about, amongst you or at least amongst the SDU  
14:50:28 30 members, about the risks if Ms Gobbo becomes involved as a  
14:50:34 31 witness in Operation Petra and you were briefed prior to  
14:50:37 32 the meeting with Superintendent Biggin. Do you accept  
14:50:42 33 that? Go to p.756?---Yes.  
14:50:58 34  
14:51:03 35 What occurred was that a number of matters were listed as  
14:51:08 36 being important issues that needed to be considered were  
14:51:13 37 Ms Gobbo to become a witness, do you accept that?---Yes.  
14:51:17 38  
14:51:18 39 Do you recall who prepared the issues document or the  
14:51:23 40 issues that were to be discussed?---No.  
14:51:27 41  
14:51:29 42 In any event if we have a look at p.756, the first thing  
14:51:35 43 that is listed is risk of Ms Gobbo's exposure as a source,  
14:51:41 44 do you see that?---Yes.  
14:51:42 45  
14:51:43 46 The next thing, and these were discussed, I take it,  
14:51:47 47 amongst the meeting, is that right?---Well presumably. I

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14:51:52 1 can't remember it.  
14:51:52 2  
14:51:52 3 Then the next issue that's discussed is, "Risk to  
14:51:56 4 organisation if long-term source role is exposed equals  
14:52:02 5 perception of source passing on privileged information and  
14:52:06 6 police using the same". So that was something that was  
14:52:10 7 regarded as being a matter of concern?---Yes.  
14:52:16 8  
14:52:16 9 Do you accept that?---Yes.  
14:52:18 10  
14:52:18 11 The next matter that was listed, this is the third matter,  
14:52:21 12 "Risk of Royal Commission into source handling by SDU as a  
14:52:26 13 result of above". Do you accept that that was a matter  
14:52:30 14 which was raised during the course of the  
14:52:34 15 meeting?---Presumably, yes.  
14:52:35 16  
14:52:37 17 The next matter is, "Threat to human source personal safety  
14:52:42 18 if she gives evidence", do you see that?---Yes.  
14:52:45 19  
14:52:46 20 Next one is, "Ms Gobbo's inability to work in Victoria  
14:52:51 21 again after giving evidence in these circumstances". Do  
14:52:55 22 you accept that that was a matter that was  
14:52:59 23 discussed?---Presumably.  
14:53:00 24  
14:53:01 25 Then the next entry is, "Risk of exposure of SDU  
14:53:04 26 methodology of source if Ms Gobbo is exposed", do you  
14:53:11 27 accept that was discussed?---Yes.  
14:53:12 28  
14:53:13 29 The next matter is, "Ongoing health issues of Ms Gobbo,  
14:53:21 30 including treatment and medication for depression", do you  
14:53:24 31 accept that that was discussed?---Yes.  
14:53:27 32  
14:53:28 33 The next matter that was discussed is, "Likelihood of  
14:53:31 34 charges being laid?", or at least potentially, "If Ms Gobbo  
14:53:37 35 makes a statement. This may come out regardless even if no  
14:53:41 36 one ever charged", do you accept that that was a matter  
14:53:43 37 that was discussed?---I'm presuming all these matters were  
14:53:49 38 discussed.  
14:53:50 39  
14:53:52 40 "Target Dale already stated innocence to Ms Gobbo and very  
14:53:56 41 likely will maintain the line that he had nothing to do  
14:54:00 42 with the murder." That apparently was discussed, do you  
14:54:04 43 accept that?---Yes.  
14:54:05 44  
14:54:05 45 "If target Dale is charged he will call Ms Gobbo as legal  
14:54:10 46 counsel in the first instance", that was discussed, do you  
14:54:19 47 agree?---Yes.

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14:54:20 1  
14:54:20 2 "Target Dale will claim that all previous conversations  
14:54:23 3 with Ms Gobbo were privileged", that was something that was  
14:54:27 4 discussed?---I assume so.  
14:54:30 5  
14:54:34 6 As we discussed previously that would mean the possibility  
14:54:37 7 that you would have to disclose any information that you  
14:54:39 8 had obtained from Ms Gobbo concerning her interactions with  
14:54:42 9 Mr Dale, do you accept that?---Yes.  
14:54:45 10  
14:54:50 11 "There was a concern about stress that Ms Gobbo would face  
14:54:55 12 in any court case that would bring, that would be cause to  
14:55:04 13 her mother", do you accept that?---Yes.  
14:55:11 14  
14:55:13 15 The one I didn't read out obviously was a consequence to  
14:55:16 16 Ms Gobbo and to her family that may arise if she became a  
14:55:24 17 witness, do you accept that was one of the matters?---Yes.  
14:55:27 18  
14:55:28 19 Without going into the details of it, but that was a very  
14:55:31 20 significant consequence?---Yes.  
14:55:32 21  
14:55:34 22 And the next one was this, this was discussed also:  
14:55:39 23 "Jeopardise future prosecutions if Ms Gobbo's role was  
14:55:43 24 divulged, mostly Mokbel and spin offs", that was a matter  
14:55:48 25 that was discussed, do you agree with that?---I assume so.  
14:55:51 26  
14:55:55 27 So clearly that was a matter that was in effect raised in  
14:56:00 28 the meeting, that those future prosecutions could be  
14:56:06 29 jeopardised?---I'm assuming so.  
14:56:10 30  
14:56:10 31 The next matter that was discussed was that, "Her becoming  
14:56:16 32 a witness and being exposed would leave previous  
14:56:20 33 convictions open to claims of being unsafe because of human  
14:56:24 34 source involvement/privilege", do you accept that that was  
14:56:29 35 a matter that was discussed?---Again, I assume it was.  
14:56:32 36  
14:56:33 37 Well, it was because it was, you'd have to accept that it  
14:56:37 38 was because these are matters which are set out in the  
14:56:42 39 document that we've got, do you accept that?---Well, you'll  
14:56:51 40 have to find out who actually wrote this. It looks like  
14:56:54 41 some sort of an agenda type document so I'm not sure  
14:56:58 42 whether these were all discussed but they were certainly  
14:57:00 43 listed for discussion.  
14:57:02 44  
14:57:02 45 These were documents which had been, these were topics  
14:57:06 46 which had been listed for discussion prior - to bring to  
14:57:10 47 your attention and then to discuss prior to your meeting



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14:57:15 1 with Biggin and Overland, or certainly Biggin  
14:57:26 2 anyway?---Again, I think you're right. I'm presuming that  
14:57:30 3 that's the case.  
14:57:30 4  
14:57:34 5 And then finally, in terms of the ICR, under the heading  
14:57:42 6 "source management" was this issue, "Duty of care to  
14:57:46 7 Ms Gobbo's mental and physical health for proven assistance  
14:57:50 8 over a long-term. Has touched on suicide on several  
14:57:55 9 occasions" do you see that?---No, I'm not sure where you're  
14:58:00 10 looking at.  
14:58:01 11  
14:58:01 12 Just the last entry before - - - ?---Sorry, yep. I see  
14:58:05 13 that.  
14:58:05 14  
14:58:11 15 At 730 it appears there's a reference to source management  
14:58:17 16 again. This finds its way into the source management log  
14:58:21 17 also. This is an indication of a meeting with  
14:58:24 18 Superintendent Biggin, controllers, yourself, Mr Black, is  
14:58:38 19 that right?---Yes, that's right.  
14:58:41 20  
14:58:43 21 Regarding assistance to Operation Petra. Now it appears  
14:58:50 22 that Mr Overland, well at least the indication in the  
14:58:54 23 source management log and the note is that Mr Overland  
14:58:58 24 wants Ms Gobbo as a witness and he conveyed this message to  
14:59:04 25 you last night and Mr Overland says that he is aware of the  
14:59:11 26 consequences. Do you see that?---Yes.  
14:59:14 27  
14:59:15 28 And then it says, "With respect, this handler does not  
14:59:19 29 believe this" and that handler is Mr Smith?---Yes.  
14:59:31 30  
14:59:31 31 If you go to p.17 of the ICR you'll see that it's Mr Smith.  
14:59:38 32 Now, if I can take you to the source management log. In  
14:59:51 33 the source management log it says this, that you and Black  
15:00:00 34 met with Biggin regarding issues of using Ms Gobbo as a  
15:00:05 35 witness and Mr Overland was present. This is on 5 December  
15:00:16 36 2008. And it was made clear to those at the meeting, one  
15:00:25 37 assumes by Mr Overland, that Ms Gobbo's value as a witness  
15:00:30 38 was more important than the issues perceived, do you see  
15:00:33 39 that?---Yes.  
15:00:34 40  
15:00:36 41 And those issues obviously, or that view of Mr Overland, if  
15:00:41 42 that was his view, wasn't a view that the handler, at least  
15:00:45 43 Mr Smith, at least he didn't think that Mr Overland was  
15:00:51 44 fully aware of the consequences?---That's the indication in  
15:00:58 45 the contact report, yes.  
15:00:59 46  
15:01:00 47 Can I ask you this: those issues that have been set out in

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15:01:04 1 the, if you like, the agenda or the consequences of the, of  
15:01:14 2 using her as a witness that I've read through, one assumes  
15:01:19 3 that those were views that didn't simply arise on that  
15:01:24 4 morning, these were views that handlers had had for some  
15:01:29 5 period of time, would that be fair to say?---Some of them  
15:01:33 6 would have been for sure.

15:01:35 7  
15:01:46 8 For example, the risk of a Royal Commission into source  
15:01:53 9 handling by the SDU as a result of exposure, when did you -  
15:02:01 10 or did you, I take it - I'll start again. That was  
15:02:07 11 something that was raised with you on this date, is that  
15:02:10 12 right?---Well, as I said, that's, that's probably an  
15:02:19 13 agenda. I can't recall anybody suggesting we were going to  
15:02:23 14 have a Royal Commission.

15:02:25 15  
15:02:25 16 You were briefed prior to the meeting with Mr Biggin,  
15:02:28 17 that's what the ICR says, right?

15:02:37 18  
15:02:37 19 COMMISSIONER: It's certainly in the ICR at 756, yes.

15:02:42 20  
15:02:42 21 WITNESS: Yes.

15:02:42 22  
15:02:43 23 MR WINNEKE: These are matters about which you were  
15:02:45 24 briefed, it says so, if one accepts what's said here in the  
15:02:49 25 ICR, "Advise controller Mr White regarding risks if she  
15:02:55 26 becomes involved as a witness in Petra. Controller briefed  
15:03:00 27 prior to the meeting with Superintendent Biggin". And  
15:03:04 28 thereafter is set out those matters that I've referred to,  
15:03:09 29 the third one of which is the Royal Commission into source  
15:03:14 30 handling. The second one is, "A risk to organisation if  
15:03:17 31 long-term source role is exposed, perception of source  
15:03:20 32 passing on privileged information and police using the  
15:03:23 33 same". And further down, "Leave previous convictions open  
15:03:35 34 to claims of being unsafe because of Ms Gobbo's  
15:03:41 35 involvement/privilege". I suggest to you this isn't  
15:03:44 36 information which simply dawned on the SDU in the morning  
15:03:48 37 of 5 December 2008. This was accumulated knowledge which  
15:03:52 38 had dawned on members of the SDU over a significant period  
15:03:56 39 of time I suggest?---Some of it certainly would have been.  
15:04:05 40 You're well aware that we were always concerned about her  
15:04:09 41 being exposed.

15:04:10 42  
15:04:10 43 Yes?---So there was obviously discussions over the years  
15:04:13 44 about that and there would have been no doubt discussions  
15:04:15 45 about ramifications.

15:04:22 46  
15:04:22 47 You'll recall I took you some time ago to the second risk



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15:04:28 1 assessment which made reference to - this is 22 April 2006.  
15:04:35 2 "Because of the source's occupation and particular position  
15:04:39 3 if compromised the handling of this source would come under  
15:04:43 4 extreme scrutiny. This could cause embarrassment and  
15:04:47 5 criticism of the Force, this must be considered and  
15:04:49 6 balanced against the proposition of not utilising the  
15:04:52 7 source and potential resultant harm to the public that may  
15:04:53 8 occur through lack of intelligence against very large scale  
15:04:57 9 drug traffickers." What I'm suggesting to you is that that  
15:05:02 10 realisation about the potential of an inquiry and to  
15:05:06 11 exposure and embarrassment to the SDU is something that had  
15:05:10 12 been known from the very start, do you accept that  
15:05:15 13 proposition?---Yeah, I do. It might have been.

15:05:18 14  
15:05:18 15 Indeed, Ms Gobbo has given evidence that there was sort of  
15:05:29 16 a running joke as between her and her handlers in the event  
15:05:34 17 that she was killed, she made jokes to the effect that the  
15:05:41 18 handlers would have to enjoy the Royal Commission that  
15:05:45 19 arose, do you accept that - certainly that's what she  
15:05:51 20 said?---Well, I don't, I don't recall that.

15:05:55 21  
15:05:56 22 Right?---Discussions about the Royal Commission, I don't  
15:05:58 23 recall anything like that and I think I would have.

15:06:03 24  
15:06:04 25 Just excuse me.

15:06:14 26  
15:06:14 27 COMMISSIONER: Would you like to have the afternoon break  
15:06:16 28 now, Mr Winneke?

15:06:20 29  
15:06:20 30 MR WINNEKE: I'll do this now. I suggest that she has told  
15:06:28 31 her handlers that, "If this gets out say nice things at my  
15:06:34 32 eulogy because I'll be gone and enjoy the Royal Commission"  
15:06:38 33 and I suggest to you that there were conversations or  
15:06:42 34 statements made by Ms Gobbo to that effect, or at least  
15:06:44 35 that's what she's been saying or she has said?---Well I'm  
15:06:56 36 not in a position to dispute it because I have no memory of  
15:07:00 37 it.

15:07:00 38  
15:07:00 39 Perhaps if we can have a break now, Commissioner.

15:07:29 40  
15:07:30 41 COMMISSIONER: Yes, we'll have a ten minute break.

15:07:33 42  
15:07:34 43 (Short adjournment.)

15:07:34 44  
15:23:39 45 COMMISSIONER: Yes, Mr Winneke. The witness is back  
15:23:44 46 online.

47

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15:23:46 1 MR WINNEKE: Are you there, Mr White?---Yes, Mr Winneke.  
2  
15:23:49 3 You were, I take it, around 5 December in effect Ms Gobbo's  
15:23:58 4 controller I take it?---Yes.  
5  
15:24:04 6 Yes?---I'm sorry, I'm just thinking. I was at this  
15:24:07 7 particular course but I think I probably was still acting  
15:24:11 8 as the controller.  
9  
15:24:13 10 Right. Obviously the members of the SDU, one assumes with  
15:24:23 11 you, had come up with a number of concerns which arose out  
15:24:25 12 of Ms Gobbo's transferral from, or potential transferral  
15:24:31 13 from being a human source to being a witness and those were  
15:24:37 14 somewhat presciently set out in the ICR, do you accept  
15:24:44 15 that?---Yes.  
16  
15:24:45 17 Including concerns about the potential for upset  
15:24:55 18 convictions in the past, potential for trials in the future  
15:24:58 19 being - difficulties with respect of those trials  
15:25:03 20 jeopardised, do you agree with that, those matters were  
15:25:08 21 raised in the meeting?---I'm presuming they were because  
15:25:11 22 they're on that agenda.  
23  
15:25:13 24 Potential for Royal Commissions, and so forth, do you agree  
15:25:18 25 with that?---Again I rely on the fact that they're in the  
15:25:22 26 agenda so I presume they were discussed.  
27  
15:25:24 28 These are pretty significant matters, I take it, aren't  
15:25:27 29 they?---Yes.  
30  
15:25:28 31 All of those matters are very significant matters, you  
15:25:31 32 agree?---Sorry, I answered. Yes.  
33  
15:25:35 34 Those matters don't find their way into the source  
15:25:40 35 management log, do they, those concerns or those  
15:25:43 36 issues?---Probably not.  
37  
15:25:44 38 No. But what is put into the source management log is that  
15:25:52 39 decision it preferable that Petra deploy Ms Gobbo in case  
15:25:57 40 deployment becomes evidentiary, and then it says, "Need  
15:26:02 41 barrier break between SDU management and witness  
15:26:07 42 management", do you see that?---What date is that?  
43  
15:26:10 44 The 5th of December?---The 5th. Yes.  
45  
15:26:19 46 And in your diary of the same date it says this, something  
15:26:24 47 similar, "Agree deployment of human source to be done by



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15:26:28 1 Petra to isolate activity re Dale from the SDU in order to  
15:26:33 2 protect historical relationship with the SDU from discovery  
15:26:39 3 should Ms Gobbo become a witness against Dale", do you  
15:26:45 4 agree with that?---Yes.  
5  
15:26:46 6 So you're talking about some sort of break or a barrier  
15:26:54 7 between SDU management and witness management. What sort  
15:26:58 8 of break or barrier are you talking about there?---Well  
15:27:05 9 ultimately what happened was that we didn't want the SDU  
15:27:17 10 handlers being dragged into court for evidentiary matters  
15:27:20 11 and so, and the source unit was not run - sorry, was not  
15:27:25 12 set up to manage witnesses. It was set up - - -  
13  
15:27:31 14 What I'm asking you about is the break. What sort of  
15:27:34 15 barrier or break did you envisage?---It would just be a  
15:27:40 16 direct hand-over. It would be one day we're looking after  
15:27:44 17 her and then the next day investigators are looking after  
15:27:47 18 her.  
19  
15:27:47 20 Is that designed to protect the historical relationship  
15:27:49 21 from discovery?---Well, I don't think so because it could  
15:27:55 22 never do that. It was something we hadn't done before.  
23  
15:27:59 24 Yes?---And I think Mr Biggin was of the strong view that  
15:28:03 25 source handlers, it's not their role to manage witnesses.  
26  
15:28:10 27 What is envisaged in the source management log which is  
15:28:16 28 sort of a break or a barrier, is that simply the handing  
15:28:21 29 over from the human source management unit - I'm sorry, SDU  
15:28:27 30 to witness management; is that right?---Well that's how I  
15:28:30 31 interpret it, yes.  
32  
15:28:31 33 The idea is that that would then protect the SDU from  
15:28:39 34 discovery?---Well it would keep the SDU handlers out of the  
15:28:45 35 witness box. It wouldn't protect discovery of her role as  
15:28:48 36 a source as we previously discussed.  
37  
15:28:50 38 Well how? How would it protect them?---Sorry, the handlers  
15:28:58 39 is what I'm saying. Why would the handlers be called to  
15:29:01 40 court? If they were managing a witness and deploying a  
15:29:04 41 witness they'd be called as witnesses in relation to  
15:29:06 42 whatever evidence might have come out of that process. For  
15:29:11 43 example, if she met with Paul Dale and she recorded it and  
15:29:15 44 then there was some useful evidence in that that had to be  
15:29:20 45 part of a brief, we didn't want source handlers getting in  
15:29:25 46 the witness box giving evidence, that's not their role.  
47

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15:29:27 1 But ultimately what you're concerned about is exposure of  
15:29:30 2 Ms Gobbo; aren't you?---Ultimately - there's two things and  
15:29:33 3 I think - - -  
4

15:29:35 5 Are you concerned about exposure?---Probably in that list  
15:29:39 6 that you're talking about. But if source handlers are  
15:29:41 7 called as witnesses then they're subject to all sorts of  
15:29:47 8 questions about methodology and other unrelated issues to  
15:29:54 9 the witness.  
10

15:29:55 11 If it's irrelevant it's irrelevant, isn't it? What would  
15:29:59 12 methodology going back into the period of SDU management,  
15:30:06 13 why would that be a concern? I mean that would hardly be  
15:30:09 14 relevant unless there was a particular reason for it to be  
15:30:13 15 so, wouldn't it?---It might be. I'm only telling you this  
15:30:17 16 is our thinking at the time. Our thinking was that source  
15:30:19 17 - we don't want source handlers in the witness box. It  
15:30:21 18 opens up a whole range of things they can be examined about  
15:30:24 19 that we wouldn't want declared in relation to informer  
15:30:29 20 management practices.  
21

15:30:31 22 But what you're asking though - - - ?---In this case, and  
15:30:34 23 again this was a very unusual and unique set of  
15:30:40 24 circumstances, but in this case she was going to be  
15:30:42 25 deployed to obtain evidence, that was the investigators  
15:30:47 26 from Petra's wish. We did not want to be involved in that  
15:30:52 27 process.  
28

15:30:53 29 I follow that but what your diary indicates is that you're  
15:30:57 30 concerned about the historical relationship with the SDU  
15:30:59 31 being discovered. It's not about witnesses or SDU  
15:31:02 32 witnesses going into the witness box, it's about the  
15:31:05 33 relationship of the SDU with Ms Gobbo?---I think if -  
15:31:14 34 you're looking at a very condensed version of obviously  
15:31:17 35 some of the concerns we were thinking about.  
36

15:31:19 37 Yes. I mean you're concerned about the potential of a  
15:31:23 38 Royal Commission into source development handling and  
15:31:28 39 therefore what you're trying to do is engineer a situation  
15:31:37 40 whereby that information may not be or may not have to be  
15:31:39 41 disclosed.  
42

15:31:40 43 MR CHETTLE: Commissioner, he's given evidence on three  
15:31:42 44 occasions that he has no recollection ever of thinking  
15:31:45 45 about a Royal Commission. Mr Winneke's question assumes  
15:31:48 46 that he had.  
47



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15:31:49 1 COMMISSIONER: Yes. Well, there is of course the ICR at  
15:31:51 2 756.  
15:31:51 3  
15:31:51 4 MR CHETTLE: Yes, he said that was an agenda and he has no  
15:31:54 5 recollection of discussing the Royal Commission.  
15:31:56 6 Mr Winneke's question assumes his concerns.  
7  
15:31:59 8 COMMISSIONER: Yes, Mr Winneke is able to ask the question.  
15:32:02 9 Thank you.  
10  
15:32:03 11 MR WINNEKE: Do you say that you have no recollection of  
15:32:09 12 there being a discussion on 5 December about the potential  
15:32:13 13 of a Royal Commission into your management of  
15:32:18 14 Ms Gobbo?---That's right.  
15  
15:32:19 16 You've got no recollection of that at all?---No.  
17  
15:32:25 18 You don't - is it the first time that you - when was the  
15:32:31 19 first time you saw this entry about there potentially being  
15:32:38 20 a Royal Commission because of the involvement of the SDU  
15:32:41 21 with Ms Gobbo?--Well the first time - well I don't have a  
15:32:49 22 recollection of it so I'm saying to you that this reference  
15:32:54 23 to the Royal Commission on p.756, I can't recall seeing  
15:33:00 24 that before.  
25  
15:33:01 26 You can't recall seeing it before?---Until you brought it  
15:33:05 27 up today.  
28  
15:33:06 29 Today is the first time it's ever been brought to your  
15:33:09 30 attention that there was a discussion about the potential  
15:33:11 31 of a Royal Commission; is that right?---I'm not saying it  
15:33:17 32 has never happened.  
33  
15:33:18 34 Yes?---What I'm saying is I can't recall it.  
35  
15:33:22 36 Yeah, okay. Has there ever been a suggestion that your  
15:33:30 37 management of a witness might, other than this, lead to a  
15:33:34 38 Royal Commission?---Has there - not to my recollection.  
39  
15:33:38 40 This is a pretty significant witness and it's a pretty  
15:33:40 41 significant matter that was raised. Do you say that you've  
15:33:44 42 just got no recollection of it?---Well that's what I said,  
15:33:47 43 yes.  
44  
15:33:49 45 Until today, do you say that you never understood that  
15:33:53 46 there was a possibility or at least a view that was held by  
15:33:56 47 your colleagues that convictions might be affected because

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15:34:00 1 of the conduct of the SDU?---To my recollection, yes.  
2  
15:34:07 3 You've got no recollection of that?---Mr Winneke, you keep  
15:34:11 4 asking me and I keep telling you I haven't got a  
15:34:14 5 recollection. I'm not disputing that it might have  
15:34:16 6 happened, I just can't recall it.  
7  
15:34:18 8 What I suggest to you is that if there had been that much  
15:34:22 9 concern about this matter it's not something that you would  
15:34:25 10 have forgotten about?---Well I wouldn't have thought so  
15:34:29 11 either because I would have thought that would be a pretty  
15:34:34 12 ridiculous thing to say back then.  
13  
15:34:36 14 It would be a ridiculous thing to say?---To think that  
15:34:39 15 there could be a Royal Commission, yes.  
16  
15:34:42 17 You would say to whoever came up with that scenario,  
15:34:46 18 potentially there being a Royal Commission, would be making  
15:34:50 19 a ridiculous statement?---Well, maybe just step back from  
15:34:56 20 ridiculous, maybe that's too strong a word. But I'm sure I  
15:34:59 21 would have discussed that. I mean it's such a unique thing  
15:35:03 22 to have a Royal Commission. I don't ever recall having a  
15:35:08 23 belief that that was something that could happen.  
24  
15:35:10 25 What about what I read out before which was in the risk  
15:35:13 26 analysis document which talked about embarrassment on the  
15:35:20 27 part of Victoria Police should the SDU involvement become  
15:35:23 28 known? I mean that suggests that at the very outset there  
15:35:28 29 was a concern that there could be significant  
15:35:32 30 embarrassment, if not the inquiry, the management of  
15:35:36 31 Ms Gobbo as a barrister became known. Are you aware of  
15:35:39 32 that?---I'm aware of what's in the risk assessment because  
15:35:44 33 you read it to me.  
34  
15:35:45 35 Yes?---But you'll find that that was a - it wasn't a  
15:35:48 36 pro forma but it was something that was considered in most  
15:35:52 37 risk assessments, the embarrassment to Victoria Police if a  
15:35:57 38 source was compromised and all the results or ramifications  
15:36:01 39 of that, especially if the source got killed, such as in  
15:36:05 40 the case of the Hodsons. It was quite common to address  
15:36:10 41 the impact on the reputation of Victoria Police.  
42  
15:36:18 43 You don't have a problem with your recollection or your  
15:36:21 44 memory, do you?---No, nothing more than a person of my age  
15:36:28 45 I wouldn't expect.  
46  
15:36:44 47 Do you remember when Mr Alexander Downer gave evidence



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15:36:49 1 before the Wheat Board Royal Commission and he said he  
15:36:53 2 couldn't recall - just about every answer to every  
15:36:56 3 question, he couldn't recall?---No.  
4  
15:37:00 5 Well, do you recall a conversation that you had with  
15:37:03 6 Ms Gobbo on 20 April 2006 in which there was a concern that  
15:37:09 7 she might end up in a witness box?---No, I don't recall  
15:37:14 8 that but I think there was probably more than one  
15:37:17 9 conversation about that.  
10  
15:37:18 11 Perhaps if we go to VPL.0005.0097.0191. There's a  
15:37:51 12 discussion in which you're involved in and Ms Gobbo said,  
15:37:54 13 "Can I tell you, you know why I don't want to end up in a  
15:37:58 14 witness box anywhere? I don't want to end up in a  
15:38:02 15 witness". Mr Green says, "We don't want you in a witness  
15:38:08 16 box". "For anyone", says Ms Gobbo. I suggest that you're  
15:38:13 17 here and it will become apparent that you are. Mr Smith  
15:38:16 18 says, "'Cos once, once it's in writing you're a witness".  
15:38:22 19 Ms Gobbo says, "Hang on, once you're in the witness box you  
15:38:26 20 can be asked all sorts of things". Over the page. You  
15:38:29 21 say, "No, but you can do the Alexander Downer", that's what  
15:38:33 22 you say. Ms Gobbo says, "Fuckin' liar he is". You say, "I  
15:38:38 23 have no". Ms Gobbo says, "What about the other idiot, the  
15:38:42 24 first one?" It seems that they're talking about either one  
15:38:45 25 of the other people who doesn't remember or Mr Vale. Now,  
15:38:50 26 what I'm suggesting is that you've said to Ms Gobbo, "Well  
15:38:53 27 if you get into the witness box you can do what  
15:38:56 28 Mr Alexander Downer said, 'I can't recall'," do you see  
15:39:02 29 that?---Was the Wheat Board Inquiry in 2006?  
30  
15:39:05 31 No, it had been recently heard shortly prior to  
15:39:10 32 that?---That's obviously how I knew about it.  
33  
15:39:13 34 You're not doing a Mr Downer, are you?---Are you asking me  
15:39:17 35 if I'm forgetting things?  
36  
15:39:19 37 I'm asking if you're forgetting things  
15:39:21 38 deliberately?---Intentionally. No, I'm not. I think I  
15:39:24 39 made that very clear.  
40  
15:39:26 41 Yeah, all right. In any event, that was the first time a  
15:39:31 42 Royal Commission, that you've heard about that today,  
15:39:35 43 right?---No, that's not my evidence.  
44  
15:39:39 45 What's your evidence?---My evidence was I can't recall  
15:39:41 46 being told about it prior to today but I'm not disputing  
15:39:47 47 that it may have happened.

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1  
15:39:49 2 All right?---I mean the agenda clearly suggests it probably  
15:39:54 3 did happen.  
4  
15:39:55 5 All right. Then it seems that what occurred was that on 6  
15:40:12 6 December Ms Gobbo was in effect handed over to Purana,  
15:40:19 7 wasn't she, Petra rather?---6th of September?  
8  
15:40:24 9 December 2008. It was on 6 December 2008 that she was -  
15:40:35 10 that she met with members of Purana, Petra, rather, and  
15:40:39 11 they handed her a tape recording device and she went and  
15:40:45 12 recorded Mr Dale. Have a look at 7 December, "Update. She  
15:41:02 13 meets with Paul Dale, wears recorder as deployed by Petra",  
15:41:08 14 do you see that?---Yes.  
15  
15:41:18 16 If we go to ICR number 48. This relates to a telephone  
15:41:52 17 call received on 7 December at p.759 in the ICRs, 759.  
15:42:12 18 Have you got that?---Yes.  
19  
15:42:16 20 One of the things that was discussed is that - indeed I  
15:42:24 21 think it was 7 December - in the morning, "10.20, en route  
15:42:29 22 to [REDACTED] to meet Petra people. Meeting Dale at  
15:42:35 23 Victoria Avenue, Albert Park, coffee shop. Phone will be  
15:42:38 24 off until concluded. 15:36, advise finishing with Dale and  
15:42:44 25 Petra. No admissions but some material of interest."  
15:42:46 26 Ms Gobbo's going to work. Will ring later. Then she calls  
15:42:49 27 at 8.54 and she said that Dale's solicitor Tony Hargreaves  
15:42:55 28 told Dale not to see or meet with Ms Gobbo. Mr Dale said,  
15:42:59 29 "Any conversation today with Ms Gobbo was privileged if  
15:43:03 30 anybody asked". Do you see that?---Yes.  
31  
15:43:09 32 That's what she conveyed?---Yes.  
33  
15:43:16 34 In effect he said to her, "Any conversation today would be  
15:43:20 35 privileged". Now that may have been significant down the  
15:43:29 36 track if a claim of legal professional privilege was to be  
15:43:35 37 made by Mr Dale, would you accept that?---Yes.  
38  
15:43:38 39 Mr Dale apparently told Ms Gobbo about being called before  
15:43:41 40 the hearing and various allegations that had been put, et  
15:43:44 41 cetera, and that's set out in the note there, do you see  
15:43:48 42 that?---Yes.  
43  
15:44:03 44 On 8 December there's a note in ICR number 48 and under  
15:44:23 45 "Investigation management" it states that, "Spoken to Shane  
15:44:39 46 O'Connell. Meeting between Ms Gobbo and Dale went off  
15:44:42 47 without a hitch. Details as per Ms Gobbo's debrief to this

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15:44:46 1 handler. Dale was more stressed than before according to  
15:44:49 2 O'Connell. She's since rung Cameron Davey to have a vent  
15:44:55 3 and it says, 'Now I know what I've done.' Needed to have a  
15:44:59 4 chat is all. Petra's next step is to speak to Ms Gobbo  
15:45:04 5 again after listening to the tape. Dale not due back in  
15:45:08 6 Melbourne until February. Nil tasking anticipated at this  
15:45:11 7 time". And a new email address was supplied. Do you see  
15:45:14 8 that?---Yes.

9  
15:45:16 10 Then on 9 December at 16:45 Cameron Davey was harassing  
15:45:29 11 Ms Gobbo on the phone, she says that there were some very  
15:45:34 12 significant things that they want to speak about. "She's  
15:45:38 13 agreed to see them at 7 o'clock on Thursday morning.  
15:45:42 14 They've [REDACTED] The handler will find out  
15:45:45 15 what the relevant matters are prior to this. As to her  
15:45:48 16 health, she's feeling sick again. Vomiting most of the  
15:45:51 17 day, says 'with worry about Petra'. Currently she's seeing  
15:45:56 18 doctors regarding stomach ulcer from taking Panadeine Forte  
15:46:01 19 and to ring back shortly", right. At 17:15 there's  
15:46:12 20 discussions with Shane O'Connell to meet Ms Gobbo again on  
15:46:19 21 Thursday and it talks about one of the significant things  
15:46:22 22 that Dale said, "Carl Williams made a statement, Dale  
15:46:26 23 suggested that there was detail in the statement. She  
15:46:29 24 says, 'How accurate could it be?' And Dale says, 'It's  
15:46:35 25 very accurate. Regarding times, days, meetings, it's like  
15:46:39 26 he kept a diary'." At 17:49 Operation Petra. "Speculating  
15:46:44 27 regarding Petra, still saying that will not be witness  
15:46:47 28 under any circumstances". 18:50, "Source management.  
15:46:51 29 Update controller", that is you, "regarding Ms Gobbo. To  
15:46:54 30 advise Ms Gobbo that Petra is still pushing for a statement  
15:46:57 31 and no further details". If we go then to 10 December,  
15:47:06 32 10.16, Operation Petra. "Advised Ms Gobbo that Petra  
15:47:10 33 definitely want Ms Gobbo to make a statement. Will press  
15:47:14 34 this point. But the handler cannot access any further info  
15:47:17 35 at this stage. Discussion re this per previous concerns of  
15:47:20 36 Ms Gobbo. Bottom line: will never be a witness". Do you  
15:47:25 37 see that?---Yes.

38  
15:47:26 39 Then further on, on 11 December, again Petra have told  
15:47:33 40 Ms Gobbo that they cannot charge or convict Paul Dale. She  
15:47:37 41 feels a great weight on her conscience regarding this. She  
15:47:40 42 wants to do the right thing. She's still saying she cannot  
15:47:43 43 be a witness. Asked them if cross-examined can they  
15:47:48 44 control matters? No. They said that Ms Gobbo, if she  
15:47:52 45 doesn't make a statement others may cause her personal  
15:47:58 46 embarrassment by what they say. " Later on she again  
15:48:06 47 repeated issues for self as reasons cannot give evidence as

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15:48:12 1 doesn't want the consequences, will not be able to work in  
15:48:18 2 Victoria or probably Australia again as a barrister. They  
15:48:23 3 cannot guarantee what she'll be asked in the witness box.  
15:48:26 4 Obviously hasn't told them but meaning regarding matters  
15:48:30 5 which may compromise her role. Fear of retribution". Then  
15:48:35 6 she says, somewhat strangely, that if Dale is charged she  
15:48:38 7 wants to be involved as a witness, "This is because she  
15:48:41 8 does not want the defence to be able to throw off on her  
15:48:45 9 that she was somehow involved and this has severely  
15:48:48 10 adversely affected her life. Therefore she cannot win.  
15:48:53 11 The handler points out the incongruity of this, however she  
15:48:59 12 says anyway, Dale would likely want her as a witness. She  
15:49:09 13 talks about the devastating effect, et cetera, on her life,  
15:49:13 14 right. Now if we move to 12 December 2008. This is on 12  
15:49:41 15 December. There's references to Petra identifying false  
15:49:51 16 phones. They'd interviewed Ms Gobbo, "She'd previously  
15:49:55 17 claimed to have given all of the numbers to the SDU and  
15:49:57 18 note that this has been established to be false. She can  
15:50:00 19 now identify corrupt relationship between Dale and  
15:50:03 20 Williams". There's a reference to her being wired up.  
15:50:09 21 "Dale admitted a sexual relationship with a Melbourne  
15:50:12 22 barrister. Petra have told Ms Gobbo she's the only  
15:50:17 23 credible witness"?---Can you - you've lost me. Are we at  
15:50:29 24 the 08:10 entry?  
25  
15:50:32 26 Hang on.  
27  
15:50:35 28 COMMISSIONER: 768 of the final volume of the ICRs?---Thank  
15:50:42 29 you, Commissioner. I can't find where Mr Winneke's  
15:50:47 30 reading - - -  
31  
15:50:47 32 It's under the heading "Petra" and whereabouts are we up  
15:50:52 33 to, Mr Winneke?  
34  
15:50:53 35 MR WINNEKE: Commissioner, I was going to the source  
15:51:02 36 management log. But no, you're correct. It's in the - - -  
37  
15:51:08 38 COMMISSIONER: The source management log isn't up on the  
15:51:11 39 screen.  
40  
15:51:16 41 MR WINNEKE: If you have a look at the source management  
15:51:18 42 log on 12 December, Mr White.  
43  
15:51:23 44 COMMISSIONER: It's now up on the screen.  
45  
15:51:41 46 MR WINNEKE: Do you see that? If we go over the page it  
15:51:46 47 says under the heading "Risk", "Despite the lack of



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15:51:54 1 actioning of the intelligence received from the source the  
15:51:57 2 likelihood is that the source could be compromised and that  
15:52:00 3 remains high. This could most likely occur as a  
15:52:03 4 consequence of court disclosures arising from ongoing  
15:52:07 5 prosecutions of the Mokbel brothers. Source risk remains  
15:52:10 6 high", and there's a recommendation that the SDU continue  
15:52:14 7 managing any committals regarding Mokbel and the success of  
15:52:18 8 witness [REDACTED] Then on 16 December 2008 there's a  
15:52:23 9 meeting, and this is in the source management log. Do you  
15:52:32 10 see that, meeting on the 16th between yourself, Mr Smith,  
15:52:35 11 Ms Gobbo concerning her health, future and use of false  
15:52:41 12 phones whilst acting as a facilitator between Dale and  
15:52:46 13 Williams. She admits to using the phones as part of daily  
15:52:50 14 business and supplied details. There was a discussion  
15:52:52 15 regarding her becoming a witness for Petra, regarding her  
15:52:56 16 conversation with Dale. She's considering the same.

17  
15:53:03 18 COMMISSIONER: Well aware I think it is.

19  
15:53:05 20 MR WINNEKE: "Well aware that the meeting with Dale and  
15:53:07 21 recording conversation puts herself as a potential witness  
15:53:10 22 and a discussed her motivation. States she had guilty  
15:53:13 23 conscience re acting for crooks and helping them get away  
15:53:17 24 with crime." By 17 December, if we look at ICR number 49,  
15:53:38 25 p.785. "Petra hasn't made a decision yet. Still thinking.  
15:54:08 26 Petra spoken to detective" - sorry. "Spoke to Detective  
15:54:15 27 Sergeant Shane O'Connell, Operation Petra. Told no  
15:54:17 28 decision yet and that still thinking". Effectively it's  
15:54:20 29 been passed on to Petra that she hasn't made up her mind?  
15:54:26 30 See that, 16:40?---I do. You understand she's talking  
15:54:33 31 directly to Shane O'Connell here.

32  
15:54:35 33 Right. "Told to take time. Can ask questions, meet with  
15:54:38 34 them any to talk, can even go away for a few days if  
15:54:44 35 required." Then four question marks. "They still want her  
15:54:46 36 to make a statement but also want her to make the decision  
15:54:46 37 when in the right frame of mind and then stick to that  
15:54:48 38 decision". She's considering the likely outcomes thinking  
15:54:53 39 about Mokbel and pending trials. "Likely to drag Gobbo  
15:54:57 40 into that at some stage and Dale will likely do the same  
15:55:02 41 thing as they all look after number one." Then on 19  
15:55:10 42 December there's a meeting which is referred to in your  
15:55:19 43 diary. Do you have your diary?---Yes, I do.

44  
15:56:03 45 In that entry you're meeting with Biggin; is that  
15:56:07 46 right?---Yes.

47

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15:56:08 1 And there's a discussion about meeting with Ms Gobbo on  
15:56:12 2 Tuesday and an exit strategy, do you agree with  
15:56:41 3 that?---Yes.  
4

15:56:42 5 "She needs six to 12 months sabbatical from work and need  
15:56:49 6 to consider sending her interstate or overseas", do you see  
15:56:57 7 that?---Yes.  
8

15:57:00 9 Effectively we're back to square one, six months away might  
15:57:04 10 solve problems, that could have been achieved, couldn't it,  
15:57:06 11 back in September of 2005 without all the trouble?---I'm  
15:57:13 12 sorry, I didn't understand what you mean after you said  
15:57:16 13 we're back to square one.  
14

15:57:18 15 Well, one of the suggestions was back in September 2005 if  
15:57:21 16 she could go away for six months and you said that wouldn't  
15:57:29 17 solve the problem?---Of getting the Mokbels out of her  
15:57:34 18 life, that's right.  
19

15:57:35 20 All right. If we go to 22 December 2008, this is at p.787  
15:57:53 21 under the heading of "Petra". "She's thought about the  
15:57:57 22 Petra matter. Still does not want to give evidence but  
15:58:01 23 wants to know if you have had any further thoughts about  
15:58:05 24 ability for Ms Gobbo to assist without getting into the  
15:58:07 25 witness box." Do you see that?---Yes.  
26

15:58:20 27 Is that something - did you give some consideration to  
15:58:22 28 that, how it could be achieved?---Not that I can recall but  
15:58:29 29 looking at that now I don't see how that could have ever  
15:58:32 30 been possible.  
31

15:58:44 32 Just excuse me. If we go to 30 December 2008, ICR number  
15:58:59 33 51. This is at p.795. Mr O'Connell has arranged to meet  
15:59:21 34 Ms Gobbo at 2 pm. There's a conversation about the stress  
15:59:27 35 of being a witness. This Petra matter will not be one per  
15:59:36 36 cent of what the source could be a witness for. Ms Gobbo  
15:59:44 37 in effect asked, "What if I was a full witness to  
15:59:47 38 everything I've done, indicating the result will be the  
15:59:51 39 same, i.e. the end of her career and life in Melbourne as  
15:59:57 40 we knows it. Advised Ms Gobbo that this thought had  
15:59:58 41 massive implications and would need careful planning. Best  
15:59:58 42 to focus on the Petra request for now". Later she advises  
16:00:03 43 that she's got to make a statement. Did you ultimately  
16:00:10 44 suggest to her that she should make a statement?---I  
16:00:16 45 believe I did. She did ask my opinion at one point.  
46

16:00:26 47 Do you believe that at that stage if she had said, "No, I'm

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16:00:30 1 not going to make a statement" then she wouldn't have been  
16:00:33 2 forced to make a statement?--Well how would she be forced  
16:00:44 3 to make a statement?  
4  
16:00:46 5 Right. So effectively you're suggesting or you seem to be  
16:00:53 6 encouraging her to make a statement, do you agree with  
16:00:56 7 that?---I'm not sure at this point in time but I have a  
16:01:01 8 recollection that I did. She asked my advice and I told  
16:01:05 9 her that I thought she should.  
10  
16:01:08 11 And you believed that that was the appropriate thing for  
16:01:11 12 her to do?---At that time?  
13  
16:01:16 14 Yes?---I'm not sure what I actually believed at that time.  
16:01:20 15 I was simply following instructions.  
16  
16:01:23 17 From whom?---From Mr Overland.  
18  
16:01:27 19 So Overland says, "We want her to be a witness". She asked  
16:01:32 20 your advice and you say, "You should make  
16:01:34 21 statement"?---Ultimately that's pretty much what happened,  
16:01:37 22 yes.  
23  
16:01:37 24 Did you have any discussions with your colleagues about  
16:01:40 25 that, Mr Black, Mr Green, Mr Smith, any of those  
16:01:48 26 people?---I'm sure we would have.  
27  
16:01:51 28 What, do you say that it was a joint decision on the part  
16:01:53 29 of the SDU and the handlers and yourself that she should  
16:01:56 30 make a statement?---Well I can't speak for the handlers,  
16:02:02 31 and at the end of the day it had to be her decision, but  
16:02:06 32 she asked me for my opinion and she may well have asked the  
16:02:10 33 handlers for their opinion. I'd be highly surprised if she  
16:02:13 34 didn't.  
35  
16:02:14 36 Did you consider suggesting to her that she should get some  
16:02:18 37 legal advice at that stage?---I don't think so.  
38  
16:02:29 39 If we go to 30 December 2008. There's a note in the source  
16:02:47 40 management log to the effect that Ms Gobbo advises Mr Green  
16:02:51 41 that she intends to make a statement to the Petra Task  
16:02:55 42 Force. She states that it's never been about the money.  
16:03:10 43 On 31 December contact with Mr Green again. She's unhappy  
16:03:13 44 that Dale expects her to lie for him to protect him. She's  
16:03:18 45 to meet with Petra investigators to sign the statement,  
16:03:29 46 okay?---Yes.  
47

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16:03:43 1 If we go to VPL.0005.0013.1105 at 1108. There's nothing on  
16:04:24 2 my screen. Thanks. At 17:30 it seems - this is the diary  
16:04:36 3 of Mr Black. You know who that is?---Yes.  
4  
16:04:47 5 He indicates that he's been called by Superintendent  
16:04:53 6 Biggin, he's been briefed by the SDU of Command's decision  
16:04:58 7 to request a statement from Ms Gobbo. "AC Moloney passed  
16:05:04 8 the message on to the Superintendent who was on an RD  
16:05:08 9 today" - rest day. "Petra Task Force continues with the  
16:05:13 10 investigation into the murders of the Hodsons. Biggin  
16:05:16 11 wants the SDU to consider the implications if and when  
16:05:21 12 Ms Gobbo makes a statement. And the SDU to brief  
16:05:24 13 Superintendent in the afternoon tomorrow with the foreseen  
16:05:31 14 implications". It seems that at that stage there's still  
16:05:37 15 concern on the part of at least Mr Biggin about what might  
16:05:42 16 occur if a statement's made. Were you involved in the  
16:05:47 17 discussion in the preparation of what's known as a SWOT  
16:05:51 18 analysis?---No.  
19  
16:05:53 20 You weren't?---No.  
21  
16:05:55 22 Where were you?---I don't have my diaries for that  
16:06:02 23 particular date.  
24  
16:06:19 25 It may well be that you were on leave. If that's the case  
16:06:28 26 is it Mr Black who is in effect the controller or in charge  
16:06:33 27 of the SDU at this stage?---If I was on leave he was most  
16:06:41 28 likely to be the next person, he was a [REDACTED] I  
16:06:43 29 think by then.  
30  
16:06:47 31 Would you have had discussions or would you have been  
16:06:56 32 involved at least by way of telephone communication with  
16:06:59 33 this reasonably significant decision?---I don't know.  
16:07:06 34 You'd have to look at my diary.  
35  
16:07:09 36 In any event, it seems that there were a number of issues  
16:07:14 37 which were set up by Mr Black about the possible benefits  
16:07:21 38 and otherwise of Ms Gobbo becoming a witness and that has  
16:07:30 39 been provided to Mr Biggin on 30 December 2008 and some of  
16:07:36 40 those matters include - if you read the document there, the  
16:07:46 41 implications and these are obviously members of the SDU, I  
16:07:54 42 take it, we can see there; is that right?---Yes.  
43  
16:08:01 44 "What's the objective of the process? Have Ms Gobbo make a  
16:08:04 45 statement and become a Crown witness, then there are  
16:08:07 46 implications for Ms Gobbo, the SDU, Petra, VicPol, Hodsons  
16:08:12 47 times two, SDU ongoing viability, SOPs", that would be a

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16:08:17 1 reference to Standard Operating Procedures I assume,  
16:08:17 2 "methodology, trade craft, exposure of staff, Ms Gobbo's  
16:08:24 3 credibility, prior inconsistent statements, there'd be a  
16:08:30 4 call for recordings, medication, fitness for interview, her  
16:08:33 5 identity becomes known, professional employment would be  
16:08:36 6 ended if her role is exposed. Her role with Victoria  
16:08:39 7 Police. The issues with existing court cases. The appeal  
16:08:44 8 issues with former clients regarding unsafe verdicts".  
16:08:48 9 Then advice from Moloney to Biggin they want a statement,  
16:08:52 10 or require a statement. The decision of Petra Task Force.  
16:08:55 11 "The SDU don't know all the intel that Petra are holding.  
16:08:59 12 Evidence could be sought from Ms Gobbo via an OPI hearing  
16:09:03 13 rather than traditional statement. Mr O'Connell's  
16:09:07 14 conducting the investigation. O'Connell's spoken to  
16:09:10 15 Ms Gobbo today". Then there's a briefing paper to  
16:09:13 16 Superintendent re strengths, weaknesses, opportunities and  
16:09:18 17 threats. That's the SWOT analysis that I mentioned. Have  
16:09:23 18 you seen that SWOT analysis?---Yeah, I am aware one was  
16:09:30 19 done. I think I have seen it. I can't recall whether it's  
16:09:36 20 been as a result of this process or at some earlier time.  
16:09:41 21 When I say this process, I'm referring to the Royal  
16:09:43 22 Commission.  
23  
16:09:48 24 If we go to an entry, certainly the entry - the SWOT  
16:09:53 25 analysis we can see in Mr Black's diary. If we go to 31  
16:09:57 26 December perhaps you might be able to have a look at it and  
16:10:00 27 if we can scroll through that to the following day. At  
16:10:11 28 8.50 there's a meeting to discuss assorted issues regarding  
16:10:14 29 Ms Gobbo making a statement and you're obviously not  
16:10:17 30 present. But there are, it seems, about six members of the  
16:10:37 31 SDU there, do you see that? Can you identify those  
16:10:41 32 people?---Yes, but not by their pseudonyms. Some I can but  
16:10:50 33 not all of them.  
34  
16:10:51 35 In any event, they're all members of the SDU; is that  
16:10:55 36 right?---Yes.  
37  
16:10:56 38 The idea was to sit down and undertake a strategic analysis  
16:11:00 39 against the objective being sought; is that right?---That's  
16:11:07 40 what it says.  
41  
16:11:09 42 Does it mean effectively that what is sought to be done is  
16:11:15 43 an analysis which will in effect be by way of an attempt to  
16:11:21 44 persuade those who are seeking to call Ms Gobbo not to do  
16:11:24 45 so - seeking to have her make a statement and give  
16:11:27 46 evidence?---I don't know that you could say that, but to be  
16:11:32 47 fair you'd have to ask Mr Black.

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1  
16:11:36 2 In any event, there is at least - perhaps I'll ask you  
16:11:45 3 this. Is it likely that you would have spoken to Mr Black  
16:11:49 4 about this SWOT analysis?---I really don't know.  
5  
16:12:00 6 Do you know where you were at this point? Were you simply  
16:12:03 7 out of the office or were you overseas or  
16:12:09 8 uncontactable?---I don't have my diaries with me,  
16:12:11 9 Mr Winneke, so I don't know.  
10  
16:12:14 11 We've got your diaries - - -?---At this point in time.  
12  
16:12:18 13 We have your SDU diaries and it appears you're not at the  
16:12:21 14 office at this time. I'm asking you whether you know where  
16:12:25 15 you were?---Am I on recreational leave?  
16  
16:12:54 17 At this stage I suppose all we can do is - we can't say  
16:12:57 18 because we don't have the diaries which would give us an  
16:13:00 19 idea. It appears that we're missing a number of pages.  
16:13:08 20 Certainly it appears that you were around on 5 January.  
16:13:17 21 Just excuse me.  
22  
16:13:37 23 COMMISSIONER: He gets a mention in the source management  
16:13:41 24 log at 8.01 on 2 January about her wanting to speak to him.  
16:13:49 25 And then also at the end of that, on 3 January, "Requested  
16:13:57 26 to see Sandy White and talk before Wednesday, 8 o'clock".  
27  
16:14:03 28 MR WINNEKE: It appears that you're about. If we scroll  
16:14:15 29 down the page, can we? What you've got there is apparently  
16:14:21 30 a message from Mr Black to Mr Biggin and that includes the  
16:14:28 31 SWOT analysis, do you see that?---Yes.  
32  
16:14:31 33 And the strengths of the decision, that is, "To use her as  
16:14:35 34 a witness, information, evidence, critical to support  
16:14:37 35 serious charges, possible prosecution against Dale and  
16:14:40 36 others, disengagement of the SDU from the management of  
16:14:45 37 that individual". That was regarded as a strength, that is  
16:14:50 38 to get her out from your management. That seems to be the  
16:14:53 39 case, doesn't it?---Yes.  
40  
16:14:55 41 "Weaknesses, possible OPI government review and legal  
16:14:59 42 ethical implications. Disclosure of long-term relationship  
16:15:05 43 with the SDU, medical conditions, damage to her business  
16:15:15 44 reputation, likely source will lose reputation and  
16:15:29 45 business. Prior inconsistent statements, verbal. SDU re  
16:15:33 46 relationship with Dale and failure to disclose the bogus  
16:15:37 47 mobile phone numbers. The SDU not aware of intel held by

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16:15:41 1 Petra. SDU should not be seen to be giving advice on this  
16:15:45 2 issue. Decision is to be reached by Ms Gobbo regarding  
16:15:48 3 making a statement". Then there are various other things,  
16:15:53 4 including, "Loss of income arising from loss of business,  
16:15:57 5 occupation, unlikely to be able to continue working.  
16:16:01 6 Opportunities. Consider deactivation of Ms Gobbo as the  
16:16:06 7 individual is now a witness. Ms Gobbo to seek legal  
16:16:09 8 advice. Undertaken by Ms Gobbo at previous hearings".  
16:16:13 9 There was a reference to her speaking to Mr Hill but that  
16:16:15 10 was about the OPI when it was suggested that she wasn't  
16:16:27 11 telling the truth. So was one of the opportunities at  
16:16:31 12 least considered of Ms Gobbo actually seeking legal advice,  
16:16:38 13 is that what that's talking about?---It seems to be. I  
16:16:42 14 know she had a good opinion of Mr Hill.  
15  
16:16:49 16 Okay. Then threats, this is the T in SWOT, "Disclosure may  
16:16:53 17 result in serious death or injury. She doesn't want the  
16:17:00 18 obvious consequence of her becoming a witness. Duty of  
16:17:04 19 care owed to her as a Crown witness. Is she a witness or a  
16:17:09 20 source? Exposure of the source as a consequence of  
16:17:12 21 becoming a Crown witness. Judicial review of police  
16:17:14 22 actions in tasking and deploying one of their own".  
16:17:20 23 There's the reference to Petra tasking Ms Gobbo to record  
16:17:23 24 the meeting. Did you know that Mr Black prepared in effect  
16:18:30 25 a signed version of this document?---No.  
26  
16:18:43 27 Can you have a look at the sixth entry from the bottom.  
16:18:52 28 Just highlight that. The OPI investigation - no, the next  
16:18:55 29 one below. "OPI investigations, implication of involvement  
16:19:03 30 with another person". Without identifying that person are  
16:19:06 31 you able to tell us what the implications of her  
16:19:09 32 involvement is with that person?  
16:19:13 33  
16:19:13 34 MR HOLT: Commissioner, sorry, it wasn't an issue that's  
16:19:18 35 been raised with me briefly. I wonder if I might be  
16:19:21 36 permitted to have a conversation with Mr Winneke overnight  
16:19:24 37 about that. We've only ten minutes left if there was  
16:19:26 38 another topic. There are just obvious implications. I'd  
16:19:29 39 be grateful if we could do them without having - - -  
40  
16:19:33 41 COMMISSIONER: Have you got some other questions to ask?  
42  
16:19:35 43 MR WINNEKE: Yes, I do Commissioner.  
16:19:36 44  
16:19:37 45 MR HOLT: Thank you, Commissioner.  
16:19:37 46  
16:19:38 47 COMMISSIONER: Yes.

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1  
16:19:38 2 MR WINNEKE: The other, the one immediately above that,  
16:19:41 3 "The OPI review, serving barrister assisting police.  
16:19:41 4 Consideration of unsafe verdicts and possible appeals,  
16:19:44 5 prosecutions current, Mokbel and future?" Now obviously  
16:19:49 6 that was a matter that certainly exercised the concerns of  
16:19:52 7 Mr Black and the other handlers who were involved in this  
16:19:56 8 SWOT analysis. Is it something that occurred to you as  
16:19:59 9 well?---Well it never occurred to me along the way. I'm  
16:20:05 10 not sure. As I said, I have seen this SWOT analysis at  
16:20:09 11 some point in time so I'm not sure whether it's brought to  
16:20:13 12 my attention at that time.  
13  
16:20:14 14 Right?---Or not.  
15  
16:20:16 16 It didn't occur to you along the way. When did it first  
16:20:21 17 occur to you?---I don't know.  
18  
16:20:23 19 When did it first occur - and I assume you must have had  
16:20:26 20 discussions with your colleagues with the SWOT analysis,  
16:20:29 21 have you?---I don't know. Presumably I would have.  
22  
16:20:36 23 When you came back - - - ?---This had obviously gone to  
16:20:42 24 Superintendent Biggin.  
25  
16:20:43 26 Yes?---In my absence otherwise he would have spoken to me  
16:20:51 27 specifically about it or asked me to do it I presume.  
28  
16:20:54 29 Mr Biggin was in effect your line superior, wasn't  
16:21:00 30 he?---I'm not sure whether we had an Inspector, a shared  
16:21:06 31 Inspector at this particular point in time.  
32  
16:21:09 33 Right?---I've given evidence previously that at various  
16:21:15 34 times we shared an Inspector with the Undercover Unit.  
35  
16:21:20 36 Right?---So if he was there he would have been involved in  
16:21:23 37 this I would imagine.  
38  
16:21:27 39 He is a person with whom you had a close working  
16:21:31 40 relationship I assume?---Mr Biggin?  
41  
16:21:36 42 Yes?---Yes.  
43  
16:21:37 44 A person who you admired and who you regarded as a very  
16:21:43 45 good policeman?---Yes.  
46  
16:21:45 47 You must have discussed with him, prior to this document

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16:21:49 1 going upstream to superior officers, the context of it?---I  
16:21:56 2 may have discussed this with him earlier before this.  
3  
16:22:00 4 Yes?---As you mentioned earlier, in relation to the item  
16:22:05 5 loosely referred to as an agenda.  
6  
16:22:08 7 Do you recall him saying to you words to the effect of,  
16:22:11 8 "What's all this about? Am I now being told that  
16:22:15 9 something's gone wrong, there's a potential of a Royal  
16:22:17 10 Commission, the potential of convictions being affected,  
16:22:20 11 both past and future trials, OPI investigations", et  
16:22:27 12 cetera, et cetera. Surely you must have had a discussion  
16:22:30 13 with him about that?---Well I might have but I just don't  
16:22:33 14 recall it.  
15  
16:22:34 16 It's a pretty significant matter, isn't it? Do you say  
16:22:36 17 that as far as you're concerned everything's fine, you're  
16:22:41 18 doing a good job, nothing's wrong, there's no problems with  
16:22:46 19 disclosure, et cetera, et cetera, and all of a sudden  
16:22:48 20 you're being told there's a potential for a Royal  
16:22:50 21 Commission. Surely it's something you would have  
16:22:53 22 discussed?---Again, Mr Winneke, I might have. I just can't  
16:22:56 23 recall it.  
24  
16:23:11 25 If we go to your diary of 5 January 2009,  
16:23:23 26 VPL.2000.0001.1735. This is your diary?---Yes.  
27  
16:23:54 28 You receive a call at 11.28 from, I think it was - I've  
16:24:01 29 forgotten the name that we - Mr Green, was it?  
16:24:07 30  
16:24:07 31 MR HOLT: No.  
32  
16:24:10 33 WITNESS: No, Mr Green.  
34  
16:24:12 35 MR WINNEKE: Preston?---No, I think it's Mr Green.  
36  
16:24:17 37 COMMISSIONER: Yes.  
38  
16:24:26 39 MR WINNEKE: In any event, you received a call from that  
16:24:29 40 person regarding Gobbo issues and then at 15:40 a call to  
16:24:35 41 Mr Green. I was talking about the 11.28 entry. Who's  
16:24:40 42 that?---No, that is Mr Richards.  
43  
16:24:43 44 Richards. Then you receive a call from Mr Green about -  
16:24:51 45 you called to Mr Green about issues, "A problem with  
16:24:55 46 Ms Gobbo, statement for Petra, wants to talk you". She  
16:24:59 47 wants to talk to you about the issues as a consequence of



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16:25:01 1 which you call her from a public phone box, do you see  
16:25:05 2 that?---Yes.  
3  
16:25:09 4 She's wanting reassurance regarding the right thing to do.  
16:25:14 5 "Advise whether she makes a statement or not is a matter  
16:25:18 6 for her. Questioned whether she knew what the right thing  
16:25:22 7 to do was." So is she asking you - what do you think that  
16:25:29 8 means - or are you asking her?---I think that must be me  
16:25:36 9 questioning her as to whether she knew what the right thing  
16:25:39 10 to do was.  
11  
16:25:40 12 And she strongly believes, or she should make a statement  
16:25:44 13 against Dale and must do the right thing. You're saying to  
16:25:47 14 her, "Do you know what the right thing to do is?" She says  
16:25:53 15 the right thing to do is make a statement. She doesn't  
16:25:55 16 have a choice but that making a statement will ruin her  
16:25:58 17 business. Did she have a choice?---Yes.  
18  
16:26:04 19 Did you tell her she had a choice?---I told her, advised  
16:26:12 20 whether she made a statement or not is a matter for her.  
21  
16:26:17 22 "Discussed issues but essentially revolves around her  
16:26:21 23 belief that no one will trusts her when they find out she's  
16:26:24 24 made a statement against Dale. She conceded the criminal  
16:26:28 25 community probably wouldn't care and many would think it  
16:26:30 26 was right thing to do". That's obviously because it's an  
16:26:33 27 allegedly crooked police officer; is that right?---I think  
16:26:36 28 that's a fair interpretation.  
29  
16:26:43 30 She stated that she didn't think she could live with  
16:26:46 31 herself if Dale was charged and subsequently acquitted  
16:26:50 32 because of lack of evidence as a consequence of her not  
16:26:53 33 making a statement. You advised her that personal safety  
16:26:56 34 would be easier to manage if she did not make the  
16:26:59 35 statement. She agreed but she still thinks she should.  
16:27:03 36 "Discuss requirement for Ms Gobbo to seriously consider" -  
16:27:10 37 that matter there that's set out?---Yes.  
38  
16:27:14 39 Do you see that?---Yes.  
40  
16:27:15 41 You discussed the possibility of compelling her to make a  
16:27:18 42 statement to provide an excuse for making the same to  
16:27:21 43 clients and associates, do you see that?---Yes.  
44  
16:27:26 45 The statement that she had made, at least the draft  
16:27:30 46 statement, however would show that she wore a recorder when  
16:27:33 47 she met Dale, do you see that?---Yes.

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1  
16:27:37 2 So in other words, the statement that had been made makes  
16:27:42 3 it clear that she receives the recording device from the  
16:27:50 4 Petra officers and she takes it with her and she sits down  
16:27:53 5 with Dale and in effect knowingly records the conversation,  
16:27:56 6 do you see that?---Yes.  
7  
16:27:59 8 You said this, "You advised that this could be changed if  
16:28:03 9 she hasn't signed and committed". It says "omitted" but I  
16:28:08 10 suggest it means committed. Would that be fair to say, or  
16:28:12 11 it might be - - - ?---Possibly.  
12  
16:28:14 13 It might be omitted, okay. So advised it can be changed if  
16:28:21 14 she hasn't signed and the bit about her knowing that she's  
16:28:25 15 recording it could be omitted from the statement, that  
16:28:28 16 might be what you're talking about?---I think it's a 50/50  
17 - - -  
18  
16:28:36 19 Yes?---- - - each way, I'm not sure.  
20  
16:28:38 21 Either way what you're suggesting is that the statement  
16:28:40 22 could be changed if she hasn't signed it and in effect it  
16:28:45 23 would be potentially possible then for the evidence to be  
16:28:51 24 that the conversation was recorded but there would be no  
16:28:55 25 reference in the statement to her knowing that it was  
16:28:57 26 recorded, do you follow that?---It'd be more no reference  
16:29:06 27 to how it was recorded I think.  
28  
16:29:09 29 But the point you were making I suggest is that it could  
16:29:12 30 done in such a way that it wouldn't be apparent that she  
16:29:15 31 was involved in the recording process?---Okay, I see what  
16:29:21 32 you mean. That's a possibility.  
33  
16:29:23 34 That's what you're suggesting I would submit to you?---Well  
16:29:35 35 I can only say that's a possibility. I don't know whether  
16:29:38 36 it's that possibility or it's a reference to how it was  
16:29:44 37 actually recorded.  
38  
16:29:45 39 But what she's concerned about is there being an excuse for  
16:29:48 40 her role that would need to be made to her clients and  
16:29:54 41 associates and you're suggesting, "Look, if the draft  
16:29:56 42 statement hasn't been signed we'll simply remove the fact  
16:30:00 43 that you knew that it was going to be recorded and that can  
16:30:04 44 be just left up in the air" and then that would in effect  
16:30:13 45 enable her to say, "I didn't do it deliberately"?---That's  
16:30:17 46 a possibility.  
47

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16:30:18 1 Then you could, or the Crown could claim privilege on the  
16:30:22 2 manner the recording was made because it discloses  
16:30:28 3 methodology and she agreed with that as an idea. You said  
16:30:31 4 you'd speak to investigators about the same. Do you see  
16:30:36 5 that?---Yes.  
6  
16:30:39 7 What I suggest that you were suggesting is in effect  
16:30:45 8 concealing facts, concealing something which had obviously  
16:30:50 9 occurred, that is that she knew that she was going to be  
16:30:55 10 recorded, that she was taking a device along with a view to  
16:30:58 11 recording Dale and you were coming up with a means by which  
16:31:01 12 that could be concealed?---Well that's a possibility. I  
16:31:14 13 can't assist you much more than what it actually says in  
16:31:18 14 that particular paragraph there.  
15  
16:31:21 16 Can I suggest to you that that appears to be the obvious  
16:31:23 17 inference and the only inference?---Well that might be the  
16:31:31 18 case.  
19  
16:31:33 20 Indeed, you did raise that, I suggest, with investigators,  
16:31:48 21 did you?---I don't recall it so you'll have to point me to  
16:31:52 22 the record.  
23  
16:31:55 24 If we go down in your diary further down, "She having  
16:32:01 25 determined to make the statement believes the evidence is  
16:32:03 26 important, needs reassuring with respect to safety in  
16:32:06 27 future. She's going to make a final decision tomorrow and  
16:32:09 28 will be meeting with Petra investigators". And then you  
16:32:15 29 call Mr Green to update him about the conversations and you  
16:32:19 30 repeat what she has told - a repeat of what she has told  
16:32:26 31 Mr Green. Then what you do is call DDI Smith, right,  
16:32:33 32 Steven Smith, he's at Petra?---Yes.  
33  
16:32:36 34 You agree with that?---Yes.  
35  
16:32:38 36 "Update re likelihood of Ms Gobbo making a statement", so  
16:32:41 37 you were passing that on to Mr Smith at Petra?---Yes.  
38  
16:32:47 39 And - - -  
40  
41  
16:32:49 42 MR CHETTLE: I note the time but I know Mr White has now  
16:32:52 43 been in the witness box for 13 days. They're long days and  
16:32:55 44 I ask that - - -  
45  
16:32:57 46 COMMISSIONER: Yes. I'm just waiting for Mr Winneke to  
16:32:58 47 finish this line of questioning and we'll adjourn then.



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16:33:02 1 I'm conscious of the time, Mr Chettle.  
2  
16:33:05 3 MR WINNEKE: Thanks, Commissioner. You also advised  
16:33:10 4 consideration should be given to removing the sentence from  
16:33:13 5 the statement regarding Ms Gobbo proactively recording  
16:33:18 6 Dale, do you see that?---Yes.  
7  
16:33:20 8 Now that confirms the proposition that I put to you before,  
16:33:23 9 that you were in effect suggesting that what should occur  
16:33:26 10 is that in effect history should be changed in the sense  
16:33:30 11 that you take that out "because we don't want it to be  
16:33:33 12 known that Ms Gobbo proactively recorded Mr Dale", do you  
16:33:37 13 see that?---Yes.  
14  
16:33:38 15 And then you can use the convenience of a public interest  
16:33:43 16 immunity claim to in effect conceal that from the court, or  
16:33:46 17 at least conceal it from the defence, do you see  
16:33:50 18 that?---Yes.  
19  
16:33:52 20 So what you're saying is, "Well, look, the fact that  
16:33:55 21 Ms Gobbo carries with her a recording device, we're going  
16:33:59 22 to use that as a device to withhold that information from  
16:34:03 23 the court, or at least from the defence". That's what  
16:34:07 24 you're suggesting, isn't it?---That seems to be the case.  
25  
16:34:10 26 That's a pretty unethical suggestion, I would suggest to  
16:34:15 27 you, Mr White?---Well, on the face of it I would agree with  
16:34:20 28 you and I can't give you an explanation as to why I said  
16:34:24 29 that.  
30  
16:34:25 31 All right.  
32  
16:34:30 33 COMMISSIONER: Are we nearly there, Mr Winneke?  
34  
16:34:33 35 MR WINNEKE: We are, Commissioner. We are nearly there.  
36  
16:34:36 37 COMMISSIONER: Right. We'll adjourn until 9.30, thank you.  
16:34:41 38  
16:34:41 39 <(THE WITNESS WITHDREW)  
16:35:01 40  
16:35:09 41 ADJOURNED UNTIL TUESDAY 20 AUGUST 2019  
42  
43  
44  
45  
46  
47