

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

ROYAL COMMISSION INTO THE MANAGEMENT
OF POLICE INFORMANTS

Held in Melbourne, Victoria
On Tuesday, 22 October 2019

Led by Commissioner: The Honourable Margaret McMurdo AC

Counsel Assisting:	Mr C. Winneke QC Mr A. Woods Ms M. Tittensor
Counsel for Victoria Police	Mr S. Holt QC
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. Thies
Counsel for Faruk Orman	Mr M. Koh
Counsel for Pasquale Barbaro	Mr C. Wareham
Counsel for AFP	Ms I. Minnett
Counsel for Chief Commissioner of Police	Mr P. Silver
Counsel for Officer Richards	Mr A. Purcell
Counsel for ACIC and Department of Home Affairs	Ms A. Curnow

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09:38:10 1 COMMISSIONER: Yes, I note the appearances are largely as
09:38:12 2 they were yesterday and we're again in open hearing. And
09:38:20 3 we've got the witness on the line and ready to go?---Thank
09:38:24 4 you, Commissioner.
09:38:26 5
09:38:26 6 <OFFICER RICHARDS, recalled:
09:38:29 7
09:38:30 8 MR WINNEKE: Mr Richards, I was asking you yesterday about
09:38:34 9 an email around 4 May 2010 which refers to you and Sandy
09:38:46 10 White and it's up on the screen before you now. Do you see
09:38:51 11 that? What the email is about is this. It's from Jeff
09:39:02 12 Pope to Paul Sheridan, CCing Anthony Biggin. Mr Biggin is
09:39:08 13 your Superintendent, correct?---At that stage it was Paul
09:39:11 14 Sheridan, I believe.
09:39:12 15
09:39:13 16 In any event, it seems that Mr Pope has had a request from
09:39:19 17 Simon Overland and it's along these lines, "Can you please
09:39:23 18 have the SDU compile a chronology detailing all of our
19 dealings with F", that's obviously Ms Gobbo, "And finishes
09:39:31 20 with our hand over to Petra. The rationale for this
09:39:33 21 tasking is that her statement of claims lodged by her
09:39:36 22 begins with her being a witness at Petra and conveniently
09:39:42 23 neglects all of the dealings she has had with us prior to
09:39:46 24 that date. This will assist in informing our response
09:39:52 25 tactics for her claim. Grateful if this could be completed
09:39:55 26 by the end of May, please". That then results in a
09:39:59 27 communication between Mr O'Connor and yourself and Sandy
09:40:03 28 White on the same day because he speaks to you, has spoken
09:40:07 29 to both - well, to you and to Mr White, and certainly
09:40:12 30 White's concerned about the consequences of a chronology of
09:40:15 31 events and meetings, et cetera, making its way into
09:40:21 32 legal/solicitor hands and as we mentioned yesterday, both
09:40:24 33 within and without the organisation and the risk that it
09:40:27 34 would pose to the unit, as well as to the witness?---Yes.
09:40:32 35
09:40:33 36 So what then you do, as I understand it, is you gather
09:40:45 37 together or you get for him what's described as a
09:40:49 38 chronology, it's 250 plus pages, right. It says, "I've
09:40:54 39 inch formed him" and yourself, "That I will read the
09:40:58 40 chronology". Now, you say that this is a reference to the
09:41:02 41 source management log, is that right?---Yes, that's what I
09:41:06 42 believe it would have been. I didn't have any involvement
09:41:09 43 in putting it together.
09:41:10 44
09:41:10 45 Right. I mean you were involved in putting aspects of it
09:41:15 46 together insofar as you were Ms Gobbo's handler, sorry,
09:41:19 47 controller at various stages, you would have made

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09:41:22 1 contributions to that document, I assume?---To the SML over
09:41:26 2 the period, yes, I agree.
09:41:28 3
09:41:30 4 The document that we have obviously, I think it's numbered
09:41:38 5 somewhere in the region of 200 pages, 135 plus 75. Now it
09:41:41 6 may well be with different formatting and so forth it's the
09:41:45 7 same thing. You're confident that it's the same thing and
09:41:48 8 there wasn't a separate chronology that was put
09:41:52 9 together?---Yes.
09:41:54 10
09:41:56 11 All right. Now, it appears then that you've had some
09:42:02 12 further discussions about this matter with Mr O'Connor. Do
09:42:11 13 you accept that?---I would have over time, yes.
09:42:14 14
09:42:16 15 Because he says, that is Mr O'Connor says, that he spoke
09:42:24 16 with you and Mr White about the request. He says in his
09:42:29 17 statement, "They were concerned about the risks to Ms Gobbo
09:42:35 18 and to the SDU". Now I assume - do you accept that you
09:42:39 19 were concerned about both of those matters, Gobbo and the
09:42:43 20 SDU?---I'm just reading that email and it says "within the
09:42:50 21 organisation outside", I absolutely agree we didn't want to
09:42:54 22 compromise her identity as a human source.
09:42:56 23
09:42:57 24 And obviously that would have deleterious effects upon her
09:43:02 25 but also the unit, the SDU?---Yes, it would.
09:43:05 26
09:43:06 27 For reasons which we've already canvassed. He says in his
09:43:09 28 statement, you obviously don't know this, he says in his
09:43:13 29 statement that he told you and White that he would read the
09:43:16 30 chronology and discuss the matter with Superintendent
09:43:19 31 Sheridan and he says, "The chronology document referred to
09:43:22 32 in my email was the SML document prepared by the SDU
09:43:28 33 controllers and summarised the SDU contact with Ms Gobbo".
09:43:30 34 He's clearly of the same view that that's what it was. So
09:43:34 35 we accept that. It then says he finished reviewing the
09:43:38 36 source management log on 17 May 2010 and having noted that
09:43:46 37 there was extensive and detailed contact with SDU members
09:43:49 38 over a long period, that because of the high level of
09:43:52 39 criminals she had been providing information about there
09:43:55 40 was a serious risk to her safety if her role as a human
09:43:58 41 source was disclosed. Now, would you accept that in effect
09:44:04 42 because Mr O'Connor had started at that unit around 3 May,
09:44:10 43 this may well have been his introduction to the SDU's
09:44:16 44 relationship with Ms Gobbo, the historical relationship?
09:44:20 45 It may well be then that he discovered the extent of that
09:44:24 46 relationship, do you accept that?---Yes.
09:44:27 47

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09:44:27 1 And he says that on 20 May 2010 he emailed both you and
09:44:34 2 White regarding public interest immunity around Ms Gobbo.
09:44:39 3 Now this was in the context of the request, I'm reading
09:44:42 4 from his statement at paragraph 21 that, "Details of
09:44:46 5 Ms Gobbo's involvement with the SDU be available as part of
09:44:49 6 formulating a response to her civil suit". Now, did you
09:44:55 7 understand that your involvement at this stage was by way
09:45:02 8 of assisting in a response to Ms Gobbo's civil suit against
09:45:06 9 Victoria Police?---Yeah, going by the email from Mr Pope to
09:45:11 10 Paul Sheridan that would make sense.
09:45:13 11
09:45:13 12 Yes. So then if we have a look at this document, and this
09:45:17 13 is an email chain which commences on the 20th and it
09:45:26 14 reflects his email, it's VPL.6078.0045.4143. You'll see
09:45:37 15 there that that's the email that Mr O'Connor refers to. He
09:45:43 16 sends it to you and to Sandy White and the subject is
09:45:47 17 public interest immunity. Do you see that?---Yes, I do.
09:45:52 18
09:45:52 19 And he says, "Paul Sheridan wants to meet on Monday in the
09:45:59 20 pm to discuss public interest immunity around 3838. Both
09:46:04 21 Paul and I have read the management log and we need to have
09:46:07 22 a discussion around the issues as a reply is required by
09:46:10 23 command by the end of the month. I assume that one or both
09:46:13 24 of you lecture on the PII - can you provide notes,
09:46:17 25 et cetera, prior to the meeting or be in a position to
09:46:21 26 discuss the same?" You then respond, "No probs". You
09:46:26 27 respond the following day, "No probs. Have a meeting with
09:46:29 28 Steve White from ESD at 3.30 for an hour or so and after
09:46:36 29 that will be fine". That's your email I take it?---Yes.
09:46:40 30
09:46:40 31 I tender that, Commissioner.
09:46:41 32
09:46:44 33 #EXHIBIT RC600 - Email of 21/05/10, email chain relating to
09:46:48 34 that email.
09:47:00 35
09:47:02 36 Do you recall going to a meeting to discuss public interest
09:47:09 37 immunity? -No, I don't recall it.
09:47:11 38
09:47:11 39 Do you have your diary available?---I can access that, yes.
09:47:16 40
09:47:17 41 Can you have a look - - - ?---The Monday?
09:47:20 42
09:47:21 43 Yes. The following Monday?---Yes, I attended a meeting at
09:47:59 44 2 o'clock that day with Sandy White and Mr O'Connor.
09:48:12 45
09:48:13 46 And that's - - - ?---Mr Sheridan as well.
09:48:16 47

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09:48:16 1 That's on 24 May 2010?---Yes.
09:48:19 2
09:48:21 3 That meeting clearly related to the question of a claim for
09:48:27 4 public interest immunity over materials concerning
09:48:29 5 Ms Gobbo's civil proceeding, is that right?---That would
09:48:33 6 make sense, yes.
09:48:33 7
09:48:34 8 Did you produce any notes of what you proposed to say or
09:48:40 9 what was discussed at that meeting?---No.
09:48:43 10
09:48:45 11 Do you believe that you and White did go and discuss with
09:48:50 12 O'Connor and Sheridan the question of whether or not any
09:48:56 13 documents should be made available for the purposes of
09:49:00 14 responding to the civil suit?---I couldn't be sure from
09:49:06 15 nine years ago, a one off meeting, sorry, I can't help you
09:49:11 16 with that.
09:49:11 17
09:49:12 18 All right. Are you aware that Sandy White subsequently
09:49:26 19 spoke to legal practitioners, to lawyers, barristers
09:49:30 20 indeed, about the source management log and the contents of
09:49:36 21 it?---I'm not specifically aware no, but I know he spoke to
09:49:42 22 a lot of people.
09:49:43 23
09:49:45 24 Did you have any further involvement in making claims or
09:49:49 25 discussing whether claims ought be made for public interest
09:49:52 26 immunity around that time and concerning that
09:49:57 27 document?---No, not that I can recall.
09:49:58 28
09:50:05 29 If we have a look at a document - just excuse me -
09:50:16 30 VPL.6025.0008.5082. That appears to be an email from
09:50:32 31 Findlay McRae to John O'Connor, Mr Lardner and CCing Paul
09:50:41 32 Sheridan with respect to highly protected document
09:50:44 33 regarding Witness F. And then that seems to have been
09:50:49 34 forwarded to you. Do you know what that may have been
09:50:52 35 about?---No, it's forwarded to Sandy White, myself - no, I
09:50:59 36 don't know what it's about.
09:51:01 37
09:51:13 38 I'd like to ask you, just whilst I'm dealing with your
09:51:23 39 emails, I just want to ask you about, and I'll leave that
09:51:26 40 topic there. I'll tender that email, Commissioner.
09:51:31 41
09:51:31 42 MR CHETTLE: It was already tendered.
09:51:33 43
09:51:33 44 COMMISSIONER: It's tendered, Exhibit 354 I'm told.
09:51:38 45
09:51:39 46 MR WINNEKE: Thanks very much, Commissioner. I just want
09:52:25 47 to back track a little while if I may and ask you about an

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09:52:29 1 email which was - your diary entry for 6 January 2009. Can
09:52:47 2 you go to that VPL.2000.0001.6289?---Yes.
09:52:58 3
09:53:02 4 At that stage you're the, I believe you're the controller,
09:53:08 5 is that right?---Yes, that would be correct.
09:53:11 6
09:53:11 7 Obviously about three odd days prior to de registration of
09:53:16 8 Ms Gobbo? Yes.
09:53:18 9
09:53:18 10 6 January. In fact if we go to the previous day you'll see
09:53:31 11 that there's a call from SOC, left message?---Yes, I see
09:53:39 12 that.
09:53:39 13
09:53:40 14 SOC is?---I'll just check my list of pseudonyms, if you
09:53:46 15 bear with me. I'm not sure.
09:53:49 16
09:53:50 17 It may be Shane O'Connell?---Yes, that's correct.
09:53:53 18
09:53:58 19 "He's aware of the problems with Ms Gobbo. Will try and
09:54:02 20 appease her. Believes she will sign the statement on
09:54:05 21 Wednesday morning." Do you see that?---Yes, I see that.
09:54:08 22
09:54:08 23 Then later on in the morning you get a call from Sandy
09:54:12 24 White. He states that he's spoken to Ms Gobbo. The
09:54:16 25 general topic is obviously explaining the process of
09:54:21 26 signing the statement. She was advised to remove a portion
09:54:25 27 of the statement relating to methodology in the recording
09:54:28 28 of her conversation with Paul Dale. Do you see that?---I'm
09:54:35 29 struggling with my copy, I'm sorry.
09:54:38 30
09:54:38 31 Have a look at it on the screen?---Yes, I have it now, yes.
09:54:44 32 Yes, I see that.
09:54:45 33
09:54:45 34 I asked you yesterday if you recall a discussion with
09:54:48 35 Mr White about potentially Ms Gobbo changing the statement
09:54:52 36 or having the statement changed to remove a portion of the
09:54:58 37 statement which made it clear that she carried with her a
09:55:02 38 recording device to record Mr Dale's conversation with her,
09:55:07 39 do you recall that?---No, I don't recall that. I don't
09:55:12 40 recall that, no, not at all. I'm sure we didn't speak
09:55:17 41 about that.
09:55:18 42
09:55:18 43 Can you read that in front of you there and do you accept
09:55:21 44 that there was a discussion that you had with - - -?---Yes.
09:55:25 45
09:55:27 46 Do you accept that you were aware at that stage that there
09:55:30 47 was a desire, certainly on the part of Mr White, to remove

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09:55:35 1 a portion of the statement?---Yes, I agree with that.
09:55:39 2
09:55:40 3 And I take it you say you can't recall what that's about
09:55:43 4 now?---Reading my diary there it's in relation to
09:55:48 5 methodology, which would have been a PII issue to ensuring
09:55:54 6 her identity as a human source is not divulged or exposed.
09:55:58 7
09:55:59 8 No, what it's about is this: it's about a statement which
09:56:03 9 had been prepared which made it quite clear that Ms Gobbo
09:56:06 10 had in effect been wired, had a recording device upon her
09:56:10 11 person when she went and spoke to Mr Dale and the desire
09:56:13 12 was that that portion of the statement be removed and
09:56:20 13 simply it be left out of the statement so the statement
09:56:23 14 itself didn't make clear how the conversation was to be
09:56:27 15 recorded. Do you follow that?---I follow that. I'm not
09:56:32 16 sure where that's from.
09:56:34 17
09:56:34 18 In any event, if you had any doubts about what Mr White was
09:56:40 19 saying you would have asked him at the time I assume,
09:56:43 20 wouldn't you?---That's a fair comment.
09:56:45 21
09:56:47 22 And the idea would be that if she was subsequently asked or
09:56:52 23 anyone was asked about how the conversation happened to be
09:56:57 24 recorded, there'd be a claim made by way of public interest
09:57:04 25 immunity because of methodology. Do you follow that?---I
09:57:08 26 do follow it.
09:57:09 27
09:57:10 28 Now that wouldn't seriously be methodology, would it, the
09:57:14 29 fact that someone's wearing a recording device and records
09:57:18 30 a conversation?---There is methodology contained within
09:57:23 31 that that probably is, as I speak, a PII issue.
09:57:27 32
09:57:27 33 Do you that's right, that if someone's carrying a tape
09:57:31 34 recorder that that would be something that would need to be
09:57:41 35 concealed from the public, for the benefit of the public,
09:57:44 36 is that what you're saying? Again it's a PII issue. I
09:57:48 37 think I'd need to speak to Victoria Police about that
09:57:52 38 before I answered that in an open court.
09:57:53 39
09:57:54 40 MR HOLT: I understand the point, Commissioner, but with
09:57:55 41 respect I think my friend's attempting to make hay. The
09:57:59 42 point that's been made is that there's never been a claim
09:58:02 43 about recording people generally. What the witness has
09:58:04 44 indicated I suspect is that there might be component parts
09:58:09 45 of that in terms of how it's done, precise aspects of
09:58:10 46 methodology which could be subject to public interest
09:58:11 47 immunity. That's an unexceptional proposition with

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09:58:16 1 respect. I don't think there's any suggestion at all, nor
09:58:21 2 has there ever been, that their recording of a person
09:58:24 3 surreptitiously is the subject of a public interest
09:58:28 4 immunity.
09:58:28 5
09:58:28 6 COMMISSIONER: I'm not sure about that, Mr Holt.
09:58:29 7
8 MR HOLT: In any event, Commissioner, there's no such claim
09:58:30 9 now and the witness can confidently proceed on that basis.
09:58:32 10 If there are particular components of methodology within
09:58:37 11 that then the witness is entitled to raise it.
09:58:38 12
09:58:38 13 COMMISSIONER: All right. Mr Richards, do you understand
09:58:39 14 what Mr Holt has said on behalf of Victoria Police, there's
09:58:43 15 no problem, it's not police methodology just to talk about
09:58:46 16 someone using a tape-recording device?---I agree with that,
09:58:50 17 Commissioner, yes.
09:58:51 18
09:58:51 19 MR WINNEKE: I asked Mr White about this and he conceded it
09:58:54 20 would be - I don't have the transcript in front of me, he
09:58:57 21 conceded that it would be a somewhat improper thing to do
09:59:02 22 to simply alter a statement in the way in which he was
09:59:05 23 suggesting to you, to excise the fact that Ms Gobbo knew
09:59:10 24 that she was being recorded, which was the purpose of
09:59:13 25 changing the statement. Do you agree that that would be an
09:59:16 26 improper thing to do?---Sorry, which part is the improper
09:59:20 27 thing because your previous question related to methodology
09:59:26 28 behind people recording conversations?
09:59:28 29
09:59:28 30 Let me put it this way: the point of taking a portion out
09:59:32 31 of a statement was to remove from the statement evidence
09:59:40 32 that Ms Gobbo was aware that she was being taped or the
09:59:48 33 conversation was being taped, do you follow what I'm
09:59:50 34 saying?---I do now, yes.
09:59:52 35
09:59:52 36 So the purpose - the suggested purpose of doing so, under
09:59:56 37 the cover of public interest immunity, was really to in
10:00:03 38 effect alter the very effect of the statement. Do you
10:00:07 39 follow what I'm saying?---I follow what you're saying but I
10:00:09 40 don't agree it would impact the effect of the statement.
10:00:13 41
10:00:13 42 You don't think it would impact the effect of the
10:00:15 43 statement?---I think from a discovery process at court an
10:00:20 44 affidavit would be put to the court in relation to the PII
10:00:22 45 issue, I would presume.
10:00:23 46
10:00:24 47 Yes, yes, but the point I'm making is this: a purported

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10:00:28 1 claim for public interest immunity on the fact that a
10:00:31 2 person was aware that they were being recorded would not be
10:00:34 3 proper, would it?---If the person knew that they were
10:00:41 4 recording or were being recorded?
10:00:42 5
10:00:44 6 You don't alter the statement, you make a claim for public
10:00:50 7 interest immunity, do you follow what I'm saying? Yes,
10:00:52 8 that's fair.
10:00:53 9
10:00:53 10 And what was being suggested, I suggest to you, was an
10:00:57 11 improper method of making a claim in effect for public
10:01:04 12 interest immunity?---Yeah, I - so it doesn't say that
10:01:10 13 there's being a claim made there or what was in the
10:01:12 14 statement and I think you'd have to refer to Mr White and
10:01:15 15 the investigators.
10:01:16 16
10:01:17 17 All right. If we then go to your diary of 7 January, that
10:01:35 18 is the following day?---Yes.
10:01:37 19
10:01:47 20 You'll see there you've got a note from Mr Green?---Yes.
10:01:52 21
10:01:53 22 Ms Gobbo has signed the statement? - Yes.
23
10:01:55 24 She's now a witness. The plan will be that she'll be out
10:01:59 25 of Victoria for a month before the arrest of Dale in two
10:02:04 26 months' time and then there are issues that we can see
10:02:06 27 there. "And she'll want to work. Guided by us, I'll
10:02:11 28 include you all if she doesn't get what she wants"?---Yes.
10:02:15 29
10:02:15 30 She's crying to Mr Green. "When she is to meet [REDACTED]
10:02:22 31 wants input from the SDU. She wants a million dollar
10:02:27 32 reward upon conviction." Then there's a reference to
10:02:31 33 Mr Dale asking her to go camping. Had previously mentioned
10:02:36 34 the false alibi. She's mentioned that Adam Ahmed taped an
10:02:43 35 interview with - or she mentioned a taped interview with
36 Bezzina, she mentioned Adam Ahmed, taped interview with
10:02:52 37 Charlie Bezzina. Were you aware of that?---No, I'm just
10:02:53 38 recording what Mr Green has reflected from his
10:02:56 39 conversation.
10:02:57 40
10:02:58 41 Then Mr White has spoken to Mr O'Connell at length and then
10:03:05 42 the statement issues, needs to be amended. She's signed
10:03:11 43 even though saw the blemish in the statement re
10:03:15 44 tape-recording. Communication with Mr O'Connell is not the
10:03:19 45 best, can't talk on normal work phone, et cetera. Again
10:03:23 46 there's a discussion that you've had with Mr Green about
10:03:27 47 the statement issues needing to be sorted out and she's

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10:03:31 1 signed even though she saw the blemish in the statement
10:03:34 2 regarding tape-recording. Do you see that?---So the
10:03:39 3 conversation is Mr Green relaying his conversation with
10:03:44 4 3838.
10:03:44 5
10:03:45 6 Yes, all right. And do you recall having a discussion with
10:03:53 7 him about the blemish in the statement and the fact that
10:03:56 8 she'd signed it but it needs to be amended? No, I don't.
10:03:59 9
10:04:01 10 Would you accept that if a statement had been signed it
10:04:05 11 would be inappropriate to amend the statement?---Yes.
10:04:11 12
10:04:24 13 Commissioner, I'm going to tender in their entirety
10:04:33 14 Mr Richards' consolidated diaries if I may. I'll refer to
10:04:39 15 those, tender those ones individually.
10:04:46 16
10:04:47 17 COMMISSIONER: It will be useful if we could have the
10:04:49 18 relevant pages at some point.
10:04:51 19
10:04:51 20 MR WINNEKE: I can do that now. Those particular pages are
10:04:58 21 VPL.2000.0001.6288 through to 6289, and indeed through to -
10:05:22 22 6288 through to 6292.
10:05:25 23
10:05:25 24 #EXHIBIT RC601 - (Confidential) Diaries of Officer.
10:04:58 25 Richards, VPL.2000.0001.6288-6292.
10:05:33 26
10:05:33 27 COMMISSIONER: As part of that exhibit the pages identified
10:05:33 28 will be reviewed by Victoria Police for PII so that they
10:05:42 29 can be published.
10:05:44 30
10:05:45 31 MR WINNEKE: Thanks Commissioner. If I can move forward, I
10:05:49 32 just want to ask you about an email which appears to have
10:05:55 33 been sent on - if I can move back to 2010. Could you have
10:06:15 34 a look at this email, VPL.6159.0064.8754. I understand,
10:06:37 35 albeit it's redacted, that that is an email which has been
10:06:42 36 sent from you to yourself. 12 July 2010. It says this,
10:06:54 37
10:06:59 38
10:07:03 39
10:07:08 40
10:07:11 41
10:07:15 42
10:07:20 43 . Do you
10:07:23 44 know what that's about?---Yeah, absolutely. And I think,
10:07:28 45 Commissioner, I think from a PII point of view that
10:07:32 46 shouldn't be - I'd speak to VicPol about that and in
10:07:37 47 relation to the exposing identity of people not related.

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10:07:37 1 COMMISSIONER: All right then.
10:07:39 2
10:07:39 3 MR WINNEKE: Commissioner, I know nothing about it.
10:07:41 4
10:07:41 5 MR HOLT: Neither do I, Commissioner, I'll need to take
10:07:45 6 some instructions as soon as I can. I wonder as a matter
10:07:50 7 of safety, I simply don't know, if we could seek to have
10:07:59 8 that taken from the stream that reading of that email,
10:08:01 9 until we've made those inquiries.
10:08:03 10
10:08:03 11 MR WINNEKE: I'm happy with that, Commissioner.
10:08:05 12
10:08:05 13 COMMISSIONER: That reading from the email of 12 July will
10:08:07 14 be removed from the record and from the streaming. Did you
10:08:10 15 want to investigate this in closed hearing?
10:08:13 16
10:08:14 17 MR WINNEKE: I'd like to ask a couple of questions about
10:08:17 18 it, if I can, in such a way that it doesn't - you're aware
10:08:18 19 of the sensitive issues about this I take it, Mr Richards,
10:08:24 20 clearly?---Absolutely.
10:08:25 21
10:08:25 22 Firstly, is it an email from yourself to yourself? That
10:08:28 23 would make sense, yes.
10:08:30 24
10:08:31 25 Who wrote - are you able to answer this question: who
10:08:36 26 wrote the content of that email?---Probably me.
10:08:39 27
10:08:40 28 And it's information that you received in your capacity as
10:08:45 29 a handler or a controller?---Again, with all due respect
10:08:52 30 I'm treading on - - -
10:08:54 31
10:08:54 32 COMMISSIONER: All right then.
10:08:55 33
10:08:55 34 WITNESS: - - - the path of PII in relation to a public
10:08:59 35 hearing.
10:08:59 36
10:08:59 37 COMMISSIONER: That's okay, you don't need to answer the
10:09:01 38 question.
10:09:01 39
10:09:01 40 MR WINNEKE: That's okay, you don't need to be apologetic
10:09:04 41 about it. If you say that there are issues there, don't
10:09:06 42 answer it.
10:09:07 43
10:09:08 44 MR HOLT: Can I just speak to my friend?
10:09:14 45
10:09:14 46 MR WINNEKE: Yes. I'll leave that, Commissioner, for the
10:09:23 47 moment.

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

10:09:24 1
10:09:24 2 MR HOLT: And we'll make inquiries immediately,
10:09:26 3 Commissioner, to assist the Commission as to how to proceed
4 with that issue.
5
10:09:33 6 COMMISSIONER: Thanks Mr Holt.
10:09:33 7
10:09:33 8 MR WINNEKE: If we move forward to 2011, April. At that
10:09:38 9 stage you were [REDACTED] in the DSU, is that
10:09:42 10 correct?---Yes, that s correct.
10:09:45 11
10:09:45 12 Or SDU rather?---Yes.
10:09:51 13
10:09:52 14 Mr White was no longer there?---I believe he was performing
10:09:59 15 temporary duties, that would be correct.
10:10:01 16
10:10:01 17 At Briars?---Yes, that's right.
10:10:03 18
10:10:03 19 And who was the other [REDACTED] there, or was there
10:10:06 20 another one?---That's a good question. I believe there
10:10:15 21 were people upgraded into that position and later on there
10:10:23 22 was another member that transferred in as a [REDACTED]
10:10:25 23 [REDACTED]
10:10:25 24
10:10:25 25 In any event it would be fair to say that you were the most
10:10:30 26 experience [REDACTED] or controller at that stage at
10:10:35 27 the SDU, would that be fair to say?---Yes, that's fair to
10:10:38 28 say.
10:10:39 29
10:10:39 30 And it would also be the case that if there were any
10:10:43 31 queries to be made by outside investigators or other
10:10:45 32 members of the Police Force about, for example, Ms Gobbo
10:10:50 33 you would be the obvious person to consult?---Not
10:10:54 34 necessarily, no, because my knowledge of the, I think the
10:10:59 35 time frames around 3838's usage was probably not my forte
10:11:06 36 to be honest.
10:11:07 37
10:11:07 38 In any event - Commissioner, I'll see if I can do this in a
10:11:14 39 way which doesn't cause any difficulties. Can we go to a
10:11:21 40 diary entry of [REDACTED] 2011, it's VPL.0099.0010.0014.
10:11:32 41 It's a 13 page document. If we can go to p.4. I can see
10:11:38 42 Mr Skim is shaking his head. 0099.0010.0014. You'll see
10:12:28 43 there are some redactions there. Do you have access to an
10:12:33 44 unredacted document?---I can do.
10:12:38 45
10:12:38 46 Where you are?---Yes, I can.
10:12:41 47

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RICHARDS XXN

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10:12:41 1 You may not need it - perhaps it might be worthwhile if you
10:12:45 2 do. Have a look at the screen there. It may well be when
10:12:50 3 you look at that entry it might jog your memory. Can you
10:12:57 4 see that there?---Yes, I can.
10:13:02 5
10:13:02 6 COMMISSIONER: It's [REDACTED] 2011.
10:13:04 7
10:13:05 8 MR WINNEKE: At that stage there was a trial going on
10:13:09 9 involving a person by the name of [REDACTED]?---Right.
10:13:18 10
10:13:19 11 And you get - it's not clear to me whether you get a call
10:13:23 12 or you make a call. Are you able to enlighten us?---Just
10:13:29 13 one moment.
10:13:36 14
10:13:36 15 I think we can assume there's a call - - -
10:13:39 16
10:13:39 17 COMMISSIONER: He's just finding his diary at the moment I
10:13:43 18 think. He has disappeared from the screen?---Thank you,
10:13:49 19 Commissioner.
10:13:49 20
10:13:50 21 We'll wait for him for a minute?---Yes, I make the call.
10:14:13 22
10:14:13 23 MR WINNEKE: You make the call. Are you able to tell us
10:14:15 24 who you made the call to?---Yes. I believe that person
10:14:20 25 goes by a pseudonym - Officer Pierce I believe it is.
10:14:29 26
10:14:29 27 Officer Pierce, all right?---So it might have well been
10:14:33 28 from Officer Pierce.
10:14:34 29
10:14:35 30 If you have a look at any entries before that, are you able
10:14:39 31 to see whether there were any calls that you received
10:14:43 32 before this?---No, there's not, hence why I believe it's
10:14:48 33 probably from Officer Pierce.
10:14:50 34
10:14:50 35 So it says "call"?---Yes.
10:14:54 36
10:14:54 37 "Officer Pierce regarding" and I can say it's a
10:15:00 38 [REDACTED] trial, do you agree with that?---Yes, I do.
10:15:02 39
10:15:03 40 And it's - - -
10:15:03 41
10:15:04 42 COMMISSIONER: Can I just clarify that. It's a call from
10:15:06 43 Officer Pierce, is that right?---Yes, I believe so,
10:15:09 44 Commissioner.
10:15:09 45
10:15:10 46 Okay, thank you. Yes.
10:15:14 47

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RICHARDS XXN

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10:15:19 1 MR WINNEKE: And what the message is, is this, it's being
10:15:24 2 brought up that the defence are going to allege that
10:15:26 3 Ms Gobbo is acting in conspiracy with a particular person,
10:15:30 4 who you can see there and I think we know who it is,
10:15:33 5 against the defendant, do you see that?---Yes, I do.
10:15:36 6
10:15:37 7 That Ms Gobbo was helping police to dismantle the Mokbel
10:15:41 8 family. Will bring up against Flynn, and probably the
10:15:49 9 witness, would that be right there, the same person who's
10:15:54 10 blanked out in the previous - is that right?---Yes, that's
10:15:56 11 right.
10:15:56 12
10:15:58 13 Or call Ms Gobbo as a witness and then there's a note
10:16:03 14 "acted inappropriately". In other words the suggestion
10:16:05 15 will be that Ms Gobbo and the blanked out person acted
10:16:12 16 inappropriately. Is that how you read that?---Yes, I do.
10:16:16 17
10:16:17 18 So you get that call. What do you do, having got that
10:16:25 19 call?---At that stage nothing.
10:16:29 20
10:16:29 21 Right?---In my diary.
10:16:31 22
10:16:31 23 Do you have any recollection of doing anything about
10:16:36 24 that?---No.
10:16:37 25
10:16:37 26 If you look at your diary in the entries thereafter, can
10:16:43 27 you see whether you did anything at all?---Not that day, I
10:16:50 28 was not in Melbourne.
10:16:51 29
10:16:52 30 Right. What about subsequent to that date?
10:16:57 31
10:16:58 32 COMMISSIONER: Could you confirm that it relates to the
10:16:59 33 [REDACTED] trial?---Yes, I can confirm that, Commissioner.
10:17:02 34
10:17:02 35 Yes, thank you.
10:17:07 36
10:17:07 37 MR WINNEKE: Subsequent to that did you do anything?---I've
10:17:11 38 notified or I've called Inspector O'Connor at 7.56 the
10:17:19 39 following day.
10:17:19 40
10:17:20 41 Do we have that in your diary?---Yes, I do.
10:17:24 42
10:17:25 43 Could we scroll down?---It's a one line at 17:56.
10:17:33 44
10:17:33 45 So the following day, [REDACTED], is that right?---Yes, I
10:17:37 46 would think it's redacted, it doesn't mention either of the
10:17:41 47 people we've been talking about.

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10:17:43 1
10:17:43 2 Who redacted it?---I'm not sure.
10:17:51 3
10:17:52 4 So clearly your response in relation to that is to call
10:17:56 5 someone and we see that there's a redaction for relevance
10:17:59 6 there, so we're not provided with the benefit of that. In
10:18:02 7 any event, you speak to Mr O'Connor, is that right? The
10:18:08 8 following day, so there's nothing else in my diary to
10:18:13 9 indicate any other communications in relation to that call.
10:18:16 10
10:18:17 11 And what did you tell Mr O'Connor?---I have no idea. It's
10:18:21 12 not in diary as a note at the time.
10:18:24 13
10:18:24 14 It would be pretty alarming, wouldn't it? Because there's
10:18:27 15 some suggestion that Ms Gobbo is going to be called in a
10:18:30 16 trial where there's an allegation made that a particular
10:18:35 17 person who, perhaps we can say this much, who Ms Gobbo had
10:18:39 18 provided information against and who was a client of
10:18:43 19 Ms Gobbo's, the allegation was going to be made that she
10:18:46 20 and that person had acted inappropriately and [REDACTED]
10:18:51 21 evidence against [REDACTED] That's the effect of the
10:18:55 22 allegation that was going to be put, do you understand
10:18:59 23 that?---Yes, that's fair.
10:19:00 24
10:19:00 25 And that there was some suggestion that Ms Gobbo was going
10:19:03 26 to be called in the trial to answer those sorts of
10:19:08 27 allegations. Do you accept that?---Yes. That's what was
10:19:14 28 in the diary, yes, I accept that.
10:19:16 29
10:19:16 30 That would be a fairly alarming occurrence, wouldn't it, as
10:19:20 31 far as you were concerned?---I think it's, in the scheme of
10:19:26 32 things, another bit of information, yes.
10:19:28 33
10:19:29 34 Another bit of information which may well have led to the
10:19:33 35 exposure of Ms Gobbo as a human source and the conduct of
10:19:37 36 the SDU? That's fair.
10:19:39 37
10:19:39 38 Which had, as we've already established, given rise to the
10:19:44 39 concern that the conduct of the SDU might well be the
10:19:47 40 subject of an inquiry and possibly - - - ?---Yes.
10:19:50 41
10:19:51 42 - - - convictions, et cetera. Do you accept my question
10:19:53 43 that this would have been a somewhat alarming proposition
10:19:57 44 to you?---Yes, yes, I can see that.
10:19:59 45
10:19:59 46 Not just another bit of information?---No, that's fair.
10:20:02 47

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10:20:05 1 So you speak to Mr O'Connor about it?---Yes, that's what
10:20:10 2 appears in my notes.
10:20:11 3
10:20:11 4 What else appears in your notes? We don't have them,
10:20:14 5 they're redacted. What else appears in your notes at
10:20:17 6 around that time in respect to that conversation and these
10:20:20 7 events? I was assisting with the deployment of another
10:20:23 8 source outside of Melbourne.
10:20:25 9
10:20:26 10 And as far as you know, you have no further involvement in
10:20:31 11 this particular matter, is that right?---Not that I've
10:20:34 12 written in my diary and not that I can recall.
10:20:36 13
10:20:39 14 Do you recall what the nature of the discussions that you
10:20:43 15 had with Mr O'Connor were?---No, I don't.
10:20:46 16
10:20:46 17 One assumes you would have conveyed to Mr O'Connor the
10:20:51 18 information that had been provided to you?---I could make
10:20:53 19 the assumption, but I have nothing in writing to
10:20:57 20 corroborate that.
10:20:58 21
10:20:58 22 It would be a pretty good guess, wouldn't it, that you
10:21:02 23 would have told O'Connor exactly what you'd been told or
10:21:06 24 the effect of what you'd been told?---That's fair.
10:21:09 25
10:21:10 26 And what did he say to you?---As I say, I can't recall the
10:21:15 27 conversation, I don't have details written in my diary
10:21:18 28 about it.
10:21:18 29
10:21:19 30 All right. Did you consider that it may be necessary, once
10:21:23 31 again, to wheel out your notes about public interest
10:21:28 32 immunity?---Again, I have no recollection of the
10:21:31 33 conversation with Officer Pierce or Mr O'Connor from 2011
10:21:35 34 in relation to that phone call.
10:21:37 35
10:21:38 36 Okay.
10:21:47 37
10:21:47 38 MR HOLT: Commissioner, I wonder whether just to avoid me
10:21:53 39 going back to this document later, might the witness be
10:21:55 40 invited simply to read the entirety of the entry that
10:21:59 41 accords with the conversation with Mr O'Connor? I think
10:22:01 42 there might be some confusion as to exactly what that says
10:22:03 43 in his diary.
10:22:03 44
10:22:03 45 COMMISSIONER: Yes, that's probably a good idea I suppose,
10:22:06 46 is it, Mr Winneke?
10:22:07 47

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10:22:08 1 MR WINNEKE: Yes, I agree Commissioner. Could I also take
10:22:09 2 this opportunity to invite Victoria Police to provide us
10:22:14 3 with relevant diary entries?
10:22:16 4
10:22:16 5 MR HOLT: Could the content of the diary entries be read
6 and then we can determine whether there's an obvious reason
7 as to why it's been redacted for relevance. That's why I'm
10:22:22 8 asking for it to be read so we can - - -
10:22:22 9
10:22:22 10 COMMISSIONER: Mr Richards could you read the entirety of
10:22:25 11 the redacted diary entry concerning - - - ?---Yes.
10:22:29 12
10:22:31 13 - - - Inspector O'Connor the following day, that's 13 April
10:22:34 14 2011?---17:56, call back JOC, update re compilation IR
10:22:43 15 travel details and then a location which is in reference to
10:22:47 16 where I was deploying a source.
17
10:22:54 18 MR WINNEKE: That's the extent of the entry, is it?---Yes.
10:22:57 19
10:22:58 20 But what you have perceived is that in all probability you
10:23:01 21 would have spoken to him about that matter?---Yes, as I
10:23:04 22 said I can't corroborate it because I haven't written
10:23:07 23 anything there.
10:23:08 24
10:23:09 25 It's unlikely you would have just kept that information to
10:23:11 26 yourself, isn't it?---I doubt it, sir.
10:23:16 27
10:23:16 28 You doubt it. As a matter of likelihood you would have
10:23:18 29 conveyed that to your officer in charge?---That's fair.
10:23:24 30
10:23:27 31 Could I ask you to have a look - and I tender those
10:23:32 32 entries, Commissioner.
10:23:35 33
10:23:36 34 COMMISSIONER: Right, perhaps if we just make them part of
10:23:39 35 the identified portions of Exhibit 601, those pages.
10:23:44 36
10:23:44 37 MR WINNEKE: Yes, thanks, Commissioner. In fact - - -
10:23:49 38
10:23:49 39 COMMISSIONER: Is that right? We've tendered the entire
10:23:53 40 diaries.
10:23:53 41
10:23:54 42 MR WINNEKE: It will be part of that, yes, if that could be
10:23:56 43 done. I don't have the actual - - -
10:23:57 44
10:23:58 45 COMMISSIONER: Are they included in the pages you've
10:24:00 46 identified earlier?
10:24:01 47

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These claims are not yet resolved.

10:24:01 1 MR WINNEKE: No.
10:24:02 2
10:24:02 3 COMMISSIONER: They're not. So do we have those page
10:24:03 4 numbers we can identify now?
10:24:08 5
10:24:08 6 MR WINNEKE: If they could be put back on the screen. I
10:24:15 7 have VPL.0099 - - -
10:24:20 8
10:24:20 9 COMMISSIONER: And what page, what's the other page,
10:24:25 10 because it's redacted?
10:24:26 11
10:24:29 12 MR WINNEKE: Page 4.
10:24:31 13
10:24:32 14 COMMISSIONER: We have p.4 of 13.
10:24:34 15
10:24:34 16 MR WINNEKE: Four of 13.
10:24:35 17
10:24:35 18 COMMISSIONER: And then presumably the redacted bit was on
10:24:39 19 another page?---It was two pages later, Commissioner.
10:24:42 20
10:24:42 21 Page 6 of 13, was it? So that will need to be provided,
10:24:47 22 the relevant part of that diary entry.
10:24:57 23
10:24:58 24 MR WINNEKE: Just excuse me.
10:25:10 25
10:25:10 26 COMMISSIONER: Have we got VPL numbers? I can't see a VPL
10:25:14 27 number on the document.
10:25:14 28
10:25:15 29 MR WINNEKE: VPL.0099.0010.0014 at pp.4 and 6 of 13.
10:25:24 30
10:25:24 31 COMMISSIONER: Yes, excellent. We will need the unredacted
10:25:30 32 portion otherwise we're just going to get a black page.
10:25:34 33
10:25:35 34 MR WINNEKE: I agree, Commissioner. It would be useful I
10:25:37 35 think if we had shaded versions of that.
10:25:39 36
10:25:40 37 MR HOLT: Commissioner, in light of the witness's evidence
10:25:41 38 that entry is now plainly relevant and we'll produce a page
10:25:44 39 which includes that for production in those terms.
10:25:48 40
10:25:48 41 COMMISSIONER: Thank you.
10:25:51 42
10:25:52 43 MR WINNEKE: Okay. Now if we can have a look at this
10:25:57 44 email, VPL.6159.0046.9436. If we go to the bottom of that
10:26:25 45 email chain. There's a message from Mr O'Connor to you, is
10:26:35 46 that right? Perhaps if we keep - no, the other
10:26:41 47 direction? I believe that's to someone else.

.23/10/19

8001

RICHARDS XXN

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These claims are not yet resolved.

10:26:43 1
10:26:43 2 Right. Yes, that's to someone at the HSMU or is it someone
10:26:54 3 at the SDU?---That's Sandy White, it's not me.
10:26:58 4
10:26:58 5 He's saying that, "O'Connor's back at work today. Do you
10:27:07 6 know where Ms Gobbo's SML file is at present" and he says
10:27:11 7 that he has it in a safe at Briars. "Tomorrow I'll get
10:27:16 8 Ms Angela Hantsis to give it to another person." Do you
10:27:28 9 know who that is?---No, it's not my email, I don't know
10:27:36 10 who's in that email.
10:27:38 11
10:27:40 12 So do you say you're in none of those emails, is that
10:27:46 13 right?---I'm not sure. I can only see the screen in front
10:27:48 14 of me and it's John O'Connor and Sandy White and the person
10:27:52 15 you've spoken about.
10:27:53 16
10:27:54 17 What about the next email, "Much appreciated if you could
10:27:58 18 arrange that it would be good. Steve Waddell" - - - ?---I
10:28:01 19 can't see that.
10:28:02 20
10:28:04 21 Hey?---I can't see that.
10:28:06 22
10:28:06 23 On the screen? --Yes.
10:28:09 24
10:28:12 25 "Steve Waddell told me the progress that you and your team
10:28:16 26 have made re Briars, enjoy your time away in Bali. ^{Peter Smith-O}
10:28:22 27 Keep going. Answer, "Just in case I forget tomorrow could
10:28:31 28 you please arrange to get the 3838 file which is in the
10:28:35 29 double door safe and give it to someone for Mr O'Connor",
10:28:39 30 do you see that?---Yes, I see that.
10:28:41 31
10:28:42 32 If we keep going. Can I suggest that you are included in
10:28:57 33 this email because there's a reference to you there, do you
10:29:01 34 see that? "Good morning to you both." It's from Angela
10:29:04 35 Hantsis, "I apologise for not getting this to you earlier
10:29:07 36 but as you know I've been away interstate and busy with the
37 witness. Can you let me know when it's a suitable time to
10:29:13 38 drop off the file to you. PS", to you Mr Richards, "Thanks
10:29:17 39 again for all your help over the last week. Sorry for
10:29:20 40 calling you all weekend"?---Yes.
10:29:22 41
10:29:24 42 Is it the case that the 3838 source management log was
10:29:34 43 removed from the offices of the SDU for a period of time
10:29:39 44 and kept at the office of the Briars Task Force at around
10:29:44 45 that time?---Yes.
10:29:46 46
10:29:46 47 Do you know what that was for? -No.

.23/10/19

8002

RICHARDS XXN

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These claims are not yet resolved.

10:29:50 1
10:29:53 2 Was it usual that the SML file or a folder of sensitive
10:29:58 3 materials like that would be taken out of the SDU and
10:30:01 4 transferred to another unit within the Police Force?---It
10:30:06 5 appears that John O'Connor is aware that Sandy White would
10:30:11 6 have it, so I presume it's in relation to the SML
10:30:16 7 production or something similar.
10:30:18 8
10:30:22 9 Is it usual that that would be the case?---No, it's not
10:30:27 10 usual but I see there it's locked away in a safe. So from
10:30:33 11 what I can see in that email chain it looks like it's in a
10:30:39 12 secure holding which is fine.
10:30:40 13
10:30:41 14 That's fine, is it?---Yes.
10:30:43 15
10:30:49 16 I tender that email chain, Commissioner.
10:30:52 17
10:30:52 18 MR CHETTLE: Some of it has been tendered already.
10:30:54 19
10:30:55 20 MR WINNEKE: I tender that email chain in any event.
10:30:57 21
10:30:58 22 COMMISSIONER: Do we need copies with pseudonyms?
10:31:05 23
10:31:06 24 MR HOLT: Yes, Commissioner, there will need to be some.
10:31:08 25 These emails were produced when Officer Richards was
10:31:11 26 brought in unexpectedly so they were produced very quickly
10:31:14 27 overnight. I'm just making inquiries to make sure that a
10:31:19 28 version which has pseudonyms is being appropriately made.
10:31:22 29
10:31:22 30 COMMISSIONER: They're really not very comprehensible in
10:31:24 31 their present state.
10:31:25 32
10:31:28 33 MR HOLT: No, I've raised that with Mr Winneke and I have
10:31:28 34 seen them unredacted which I've invited him to look at as
10:31:30 35 he sees fit. He hasn't taken me up on that yet.
10:31:34 36
10:31:37 37 COMMISSIONER: And then Mr Richards' name needs to be
10:31:37 38 redacted as well. So the email chain from 17 to 25 October
10:31:41 39 involving Angela Hantsis and members of the SDU will be
10:31:49 40 Exhibit 602.
10:31:51 41
10:31:51 42 #EXHIBIT RC602A - (Confidential) Email chain from 17-25/10.
10:31:41 43 involving Angela Hantsis and members of
10:31:45 44 the SDU.
10:31:54 45
10:31:55 46 #EXHIBIT RC602B - (Redacted version.)
10:31:57 47

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These claims are not yet resolved.

10:31:57 1 MR WINNEKE: Can we just have a look at 6159.0060.8713.
10:32:15 2
10:32:15 3 COMMISSIONER: What we'll need then is unredacted and
10:32:20 4 pseudonymised redacted versions for A and B.
10:32:31 5
10:32:33 6 MR WINNEKE: Can I suggest that that's an email chain that
10:32:36 7 you're involved in. Do you agree with that? I'm not
10:32:43 8 sure. It doesn't ring a bell.
10:32:45 9
10:32:45 10 "Have you spoken to Ange about recovering the 3838 SML" and
10:32:49 11 you say, "Why doesn't he ask me? She's in Queensland at
10:32:53 12 the moment anyway. Thanks. He's probably asked a couple
10:32:58 13 of people the same question, maybe a bit nervous about
10:33:01 14 leaving such a sensitive document like this out in the
10:33:04 15 wilderness." You don't recall anything like that?---No.
10:33:10 16
10:33:10 17 I tender that, Commissioner.
10:33:12 18
10:33:15 19 #EXHIBIT RC603 - (Confidential) Email chain of 25/10/11
10:33:21 20 "special request from your boss".
10:33:28 21
10:33:28 22
10:33:29 23 #EXHIBIT RC603B - (Redacted version.)
10:33:30 24
10:33:30 25 COMMISSIONER: We'll have to be a completely unredacted and
10:33:34 26 a redacted version with pseudonyms.
10:33:43 27
10:33:46 28 MR WINNEKE: Could you have a look at this document,
10:33:51 29 VPL.0099.0010.0222 at pp.14 of 16.
10:34:15 30
10:34:15 31 COMMISSIONER: So this is his diary, is it? This is the
10:34:19 32 witness's diary?
10:34:21 33
10:34:21 34 MR WINNEKE: Yes, I believe it is. Is that your
10:34:25 35 diary?---That appears so, yes. I think so, yes.
10:34:27 36
10:34:31 37 There's a reference to calling JOC, "Update re RFA issues,
10:34:38 38 updated re Ms Gobbo issues. Commonwealth OPP shown 2958
10:34:44 39 source management log", do you see that?---Yes, I do.
10:34:46 40
10:34:47 41 Then "ST", and there's a name removed from there. Are you
10:34:51 42 able to say who that is or is that - - - ?---I would
10:34:55 43 presume that's Sandy White.
10:34:57 44
10:34:57 45 "Frustrated re Commonwealth shown SML. Has been told may
10:35:02 46 have to work on providing SCR diary et cetera for 2958 on
10:35:07 47 weekend. Agreed it would take weeks of dedicated time to

.23/10/19

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10:35:10 1 achieve this result", do you see that?---Yes, I see that.
10:35:13 2
10:35:13 3 And then on the following day, 4 November, you missed a
10:35:19 4 call and is that a communication with Sandy White?---It
10:35:24 5 appears so, yes.
10:35:26 6
10:35:27 7 And there's an update regarding concerns over the file and
10:35:31 8 the amount of work to recover required files/diary entries,
10:35:35 9 et cetera. Agreed that the best way to show accountability
10:35:38 10 is to have a subpoena served to officially request the
10:35:41 11 documents. Minimum a written request from AC, is that
10:35:48 12 Assistant Commissioner?---Yes.
10:35:51 13
10:35:52 14 Assistant Commissioner of Crime?---No, Assistant
10:35:57 15 Commissioner.
10:35:57 16
10:35:57 17 Do you know who that refers to?---I'm not sure who the
10:36:01 18 Assistant Commissioner at the time was, it may have been
10:36:04 19 Mr Pope.
10:36:04 20
10:36:04 21 "To discuss further. Spoke re controlled ops meeting, will
10:36:11 22 bring up issues including COC being granted and applied for
10:36:16 23 by the SDU to deploy Ms Gobbo to check tasking cooperation
10:36:21 24 of intel et cetera". Now firstly, who is the COC?---That's
10:36:25 25 got nothing to do with 2958.
10:36:28 26
10:36:31 27 Can you explain your involvement in this process?---The
10:36:38 28 process of - I'm not sure of what process you're talking
10:36:43 29 about.
10:36:43 30
10:36:44 31 Providing the diary, et cetera, and going through the
10:36:47 32 diaries, et cetera, taking weeks of dedicated time to
10:36:51 33 achieve the provision of the materials that you were being
10:36:56 34 sought to look at?---No, I didn't have any involvement in
10:37:00 35 that.
10:37:00 36
10:37:01 37 If we can go over the page. Just have a look at that diary
10:37:13 38 entry there?---Yes.
10:37:42 39
10:37:42 40 Firstly, you get a call again from Sandy White, you discuss
10:37:47 41 the 2958 issues, is that correct?---Yes.
10:37:49 42
10:37:50 43 And report prepared in relation to tasking and deployment
10:37:54 44 whilst Ms Gobbo is registered with the SDU?---Yes.
10:37:56 45
10:37:56 46 Another call at 18:30, "further A/A", what does that
10:38:03 47 mean? - As above.

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10:38:05 1
10:38:06 2 As above. "And concerns about the SML being shown to
10:38:08 3 Commonwealth DPP, confirms in the public domain that she
10:38:12 4 was a human source and gives clarity regarding issues and
10:38:15 5 actions and issues surrounding privilege, conversations by
10:38:18 6 POI who are currently incarcerated in current trials". Can
10:38:23 7 you explain what that means? POI is person of interest.
10:38:26 8 Obviously the other speaks for itself. It talks about
10:38:31 9 issues as it's written.
10:38:34 10
10:38:34 11 It says, "Gives clarity re dates and actions and the issues
10:38:38 12 surrounding privileged conversations by POI who are
10:38:42 13 currently incarcerated in current trials"?---Yes.
10:38:45 14
10:38:45 15 What does that, what is the issue that you're alluding to
10:38:50 16 there?---That there will be issues surrounding, I'm just
10:38:55 17 reading it, I don't remember the exact conversation, so I
10:38:58 18 think it speaks for itself in relation to issues
10:39:01 19 surrounding public, surrounding privilege information in
10:39:06 20 the POI.
10:39:08 21
10:39:09 22 Which POI are you talking about? As I say I'm just going
10:39:13 23 off what's in front of us, that talks about clarity re
10:39:17 24 dates and actions and the issues surrounding privileged
10:39:20 25 conversations. So therefore I can only go off what's
10:39:24 26 written.
10:39:24 27
10:39:25 28 What privilege are you talking about, legally
10:39:29 29 professionally privileged conversations or public interest
10:39:34 30 immunity? What are the issues that you're referring
10:39:36 31 to?---So again, I can only point and agree that that's what
10:39:41 32 I have written there. Do I have a recollection of that
10:39:43 33 conversation? Not necessarily, no.
10:39:44 34
10:39:44 35 Not necessarily or is it no?---It's no, I don't remember
10:39:48 36 that conversation.
10:39:49 37
10:39:49 38 Right, okay. And then at 19.30 there's a call from
10:39:55 39 Mr O'Connor. He's explained the circumstances that a
10:39:59 40 document was to be produced in order to show Assistant
10:40:03 41 Commissioner Ashton that if the human source is compromised
10:40:06 42 due to the impending court process, that the consequences
10:40:10 43 would be catastrophic. The document to include details of
10:40:14 44 all of the persons of interest that Ms Gobbo dealt with and
10:40:19 45 also statistical evidence of Ms Gobbo's usage, including
10:40:23 46 source contact reports and information reports. The report
10:40:27 47 needs to be given to Paul Sheridan by Sunday night,

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10:40:33 1 therefore will have, and I assume that's two members of the
10:40:37 2 SDU assisting on Sunday?---Yes.
10:40:41 3
10:40:41 4 Do you know who they are, those people are?---No, I don't.
10:40:44 5
10:40:44 6 And Mr O'Connor is aware of the issues surrounding owner of
10:40:49 7 information including the SCRs. Are you able to explain
10:40:55 8 what that entry is about? As I say, I'm happy that I've
10:41:00 9 written the notes there. Do I recall the conversation?
10:41:04 10 No, I don't. I know the owner of the information would be
10:41:11 11 HSMU.
10:41:12 12
10:41:12 13 Are you able to hazard a guess as to the catastrophic
10:41:17 14 consequences, do you know what they might be, what is being
10:41:22 15 referred to in that note that you've written?---No, I think
10:41:25 16 you'd have to ask Mr O'Connor that.
10:41:28 17
10:41:31 18 Did you ask him when you wrote the note when you were
10:41:34 19 having the conversation with him?---As I say I can't recall
10:41:35 20 the conversation.
10:41:36 21
10:41:38 22 Can we hazard a guess that it might be to do with the
10:41:40 23 catastrophic consequences of the people who Ms Gobbo had
10:41:43 24 acted for and informed upon during her period as a human
10:41:47 25 source?---No, I wouldn't like to take a guess at it.
10:41:49 26
10:41:50 27 No. And the catastrophic consequences might be the
10:41:52 28 possibility, for example, of an inquiry which you'd
10:41:56 29 referred to previously?---Yeah, again I don't want to take
10:42:01 30 a guess at that. If I can remember the conversation I'd be
10:42:05 31 more than happy to explain it further.
10:42:07 32
10:42:07 33 Might it be the catastrophic consequences to Ms Gobbo, her
10:42:11 34 identity being revealed?---Again, I'm, as I say I can't
10:42:17 35 remember the details of the conversation.
10:42:18 36
10:42:18 37 Might it be, for example, the possibility of a Royal
10:42:24 38 Commission?---Again, I can't remember the details of that
10:42:26 39 conversation. I'm happy with what is in the diary entry.
10:42:29 40
10:42:29 41 When you say you're happy with it, and you said before that
10:42:32 42 you're happy that you wrote it but you don't know what it
10:42:36 43 means, is that right?---I'm not saying I don't know what it
10:42:39 44 means, I'm saying I can't recall the conversation at the
10:42:42 45 time.
10:42:43 46
10:42:43 47 You're not prepared to hazard a guess what it's about

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10:42:47 1 now?---No, you're putting particular explanations to it
10:42:50 2 which I can't say yes or no to.
10:42:52 3
10:42:52 4 I'm making some suggestions?---Yes.
10:42:55 5
10:42:55 6 And you're not prepared to grab any of those?---No, as I
10:42:59 7 say, I think the person who was talking to me, I think
10:43:03 8 you're better off asking who was telling me.
10:43:07 9
10:43:21 10 Perhaps if I can ask you this question: it's clearly a
10:43:25 11 call from or by Mr O'Connor, right? Do you understand
10:43:32 12 that?---Yes.
10:43:33 13
10:43:33 14 And you recall previously I've asked you questions about
10:43:37 15 Mr O'Connor calling for you and for Mr White to come and
10:43:42 16 explain to him and to Mr Sheridan issues of public interest
10:43:46 17 immunity with respect to Ms Gobbo?---Yes, that's fair.
10:43:51 18
10:43:52 19 And you're the person who's at this stage in effect a
10:43:58 20 senior officer within the SDU?---So Mr O'Connor's the
10:44:04 21 officer-in-charge of the SDU so I report to him.
10:44:06 22
10:44:07 23 You do. And he's calling you about the document that's
10:44:10 24 being sought, correct?---That would be fair, yes.
10:44:13 25
10:44:14 26 And do you think it might be that you're explaining to him
10:44:18 27 the circumstances that might arise if a document was to be
10:44:23 28 produced in court to show Mr Ashton?---No, that doesn't
10:44:29 29 make any sense from what I've written, no.
10:44:31 30
10:44:31 31 It doesn't make any sense?---No, well I wouldn't be
10:44:35 32 speaking to Mr Ashton.
10:44:36 33
10:44:36 34 No. "Explain circumstances that a document to be produced
10:44:40 35 in order to show Ashton that if she was compromised due to
10:44:44 36 the impending court processes that the consequences would
10:44:47 37 be catastrophic. The document would include all of the
10:44:49 38 details of persons of interest that she dealt with and the
10:44:53 39 statistical evidence of her usage, including SCRs and IRs
10:44:59 40 and the report needs to be given to Sheridan by Sunday
10:45:02 41 night." Do you think that you're explaining to him the
10:45:06 42 catastrophic consequences?---No, as you can see the report
10:45:10 43 needs to be given to Sheridan by Sunday, that's not
10:45:12 44 something I would be saying to Mr O'Connor. That's
10:45:15 45 something he would be saying to me.
10:45:16 46
10:45:16 47 He might well but you might be explaining to him about the

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10:45:21 1 catastrophic consequences if that was to occur?---No.
10:45:23 2
10:45:23 3 You can recall that much, can you?---No, I'm just going off
10:45:26 4 the notes, what makes common sense.
10:45:29 5
10:45:29 6 Does it? All right. Mr O'Connor says that he got members
10:45:40 7 of the SDU, other members of the SDU, to produce the
10:45:43 8 document and that appears to be the case? That would be
10:45:46 9 fair, yes.
10:45:47 10
10:45:48 11 Didn't get you to do it, but you're, I suggest, explaining
10:45:52 12 to him the consequences of that document getting
10:45:57 13 abroad?---As I said, I disagree with that suggestion.
10:46:01 14
10:46:01 15 Right. In any event I take it would you accept that there
10:46:08 16 would have been catastrophic consequences if all of that
10:46:11 17 information got out?---I think I agree with you as we've
10:46:18 18 spoken about over the last couple of days, I agree.
10:46:21 19
10:46:22 20 So you accept that now?---I have accepted that all the way
10:46:28 21 through, the identity of the source being revealed, yes.
10:46:32 22
10:46:33 23 Yes, okay?-- I've never used the word catastrophic before.
10:46:37 24
10:46:39 25 So you say that in this entry here, albeit you've written
10:46:44 26 it, you say that that's Mr O'Connor resorting to that
10:46:50 27 hyperbole, not you?---As I say, I'm reading the diary entry
10:46:56 28 here in front of us and from how it reads from a common
10:47:00 29 sense perspective it's Mr O'Connor explaining the
10:47:03 30 circumstances, et cetera, et cetera, about Mr Ashton and
10:47:06 31 about the consequences and what he wants done and the
10:47:09 32 tasking he has given me for Mr Sheridan.
10:47:13 33
10:47:14 34 Let's assume it's he using the word catastrophic to you,
10:47:19 35 that's what you say?---That's what I can glean from reading
10:47:25 36 what's in front of us.
10:47:27 37
10:47:27 38 You say as a matter of common sense he's contacted you and
10:47:30 39 he's said, "There's going to be catastrophic consequences
10:47:33 40 if this document gets out", correct?---That would be fair.
10:47:38 41
10:47:38 42 And the catastrophic consequences are those which we've
10:47:41 43 discussed, albeit you say you don't accept and you wouldn't
10:47:44 44 have used that word catastrophic, the consequences which
10:47:47 45 we've discussed over the last couple of days are the
10:47:51 46 consequences that you believe he was referring to?---That's
10:47:54 47 making an assumption.

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10:47:56 1
10:47:58 2 I tender those diary entries, Commissioner.
10:48:01 3
10:48:02 4 COMMISSIONER: Do you want to tender them as a separate
10:48:05 5 document?
10:48:06 6
10:48:07 7 MR WINNEKE: Yes, I'm content to do that, Commissioner.
10:48:11 8 VPL.0099.0010.0222 at pp.14 and 15 I believe.
10:48:22 9
10:48:22 10 COMMISSIONER: We'll need unredacted and a version of
10:48:25 11 pseudonyms and suitable redactions.
10:48:29 12
10:48:30 13 #EXHIBIT RC604A - (Confidential) VPL.0099.0010.0222 at
10:48:18 14 pp.14 and 15 dated 3-4/11/11.
10:48:31 15
10:48:32 16 #EXHIBIT RC604B - (Redacted version.)
10:48:35 17
10:48:35 18 COMMISSIONER: 3 and 4 November 2011.
10:48:55 19
10:48:57 20 MR WINNEKE: Can I just ask you about this document here,
10:49:00 21 VPL.6078.0033.0507. This appears to be a calendar entry
10:49:27 22 referring to a meeting on the 6th floor? -Yes.
10:49:30 23
10:49:30 24 In a conference room on 5 December to which you're
10:49:35 25 invited?---Yes.
10:49:35 26
10:49:37 27 And Mr O'Connor's organised it and you and Mr Sheridan and
10:49:42 28 Mr O'Connor are going to be there, is that right?---That's
10:49:46 29 the email.
10:49:46 30
10:49:46 31 Do you know what, do you recall what that was about?---No,
10:49:51 32 I don't.
10:49:52 33
10:49:55 34 Do you recall that you were tasked in effect to be the
10:50:01 35 point of contact with Ms Gobbo in the latter part of 2011,
10:50:10 36 into 2012? I think I was one of many, yes.
10:50:15 37
10:50:16 38 You understood that Mr O'Connor was the person who was
10:50:20 39 nominated as the contact, the point of contact within the
10:50:25 40 SDU for Ms Gobbo, is that right?---Yes, that would be fair.
10:50:28 41
10:50:29 42 And it was made plain that she was, if she was to contact
10:50:35 43 anyone at Victoria Police it was to be Mr O'Connor?---Yes,
10:50:42 44 I think it had a few caveats around that, obviously if he
10:50:47 45 was on leave or something else occurred, yes.
10:50:50 46
10:50:53 47 For a period of time, I think you refer in your statement

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10:50:56 1 to a number of conversations that you have with Ms Gobbo,
10:50:59 2 you were the person who was tasked to do that, is that
10:51:02 3 right?---Yes, that's right.
10:51:03 4
10:51:05 5 And if we have a look at this document here,
10:51:14 6 VPL.0005.0013.1156. Do you see that there? Is that an
10:51:40 7 email from Mr O'Connor? Yes.
10:51:43 8
10:51:44 9 To Mr Sheridan and it refers to the fact that he'd spoken
10:51:48 10 with Ms Gobbo and that he informs her that you're the point
10:51:52 11 of contact until 1 March. She was going to hospital for
10:51:55 12 her operation. Do you see that?---Yes.
10:51:58 13
10:51:59 14 And she said that she knew you?---Yes, I see that, yeah.
10:52:04 15
10:52:04 16 Did you know her?---No.
10:52:07 17
10:52:09 18 Do you believe that you hadn't met her prior to this?---No,
10:52:14 19 I hadn't met her prior to that.
10:52:16 20
10:52:18 21 I tender that, Commissioner.
10:52:19 22
10:52:22 23 #EXHIBIT RC605A - (Confidential) Email from O'Connor to
10:52:27 24 Sheridan, subject Nicola Gobbo contact
10:52:36 25 via phone.
10:52:40 26
10:52:41 27 #EXHIBIT RC605B - (Redacted version.)
10:52:44 28
10:52:45 29 You had a series of conversations with Ms Gobbo, the first
10:52:50 30 I think was on 17 January 2012, is that right?---Yes, that
10:52:56 31 would be correct.
10:52:57 32
10:53:00 33 If you go to your diary, VPL.0100.0203.0010, and then over
10:53:11 34 to the following page, we can see that's 17 January 2012.
10:53:16 35 Over the page. You see at 12.55 you're briefed by MA, who
10:53:28 36 is that? Excuse me while I check for the list of
10:53:32 37 pseudonyms. It's Inspector Marty Allison.
10:53:45 38
10:53:45 39 So you get a brief from him regarding a call to be placed
10:53:50 40 to Ms Gobbo regarding the obtaining of a police
10:53:53 41 check?---Yes, that's correct.
10:53:53 42
10:53:54 43 And there's a reference to Steve Perry having canvassed the
10:53:58 44 request and you're going to speak to Ms Gobbo and let Marty
10:54:03 45 Allison know when it's been done, right?---Yes.
10:54:06 46
10:54:06 47 You call Steve Perry and you have a bit of a discussion

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10:54:09 1 with him about it and you said that you'd deal with it,
10:54:13 2 that is - there's a reference to various personal matters
10:54:17 3 concerning Ms Gobbo?---Yes.
10:54:17 4
10:54:18 5 And then you call Ms Gobbo?---Yes.
10:54:21 6
10:54:22 7 And that's at about 10 past 3 in the afternoon? Yes.
10:54:26 8
10:54:26 9 She said that she knew who you were upon answering the
10:54:30 10 phone and she asked you if you're the lucky one to cop her
10:54:34 11 inquiry?---Yes.
10:54:34 12
10:54:35 13 You recorded that conversation, I take it, is that
10:54:38 14 right?---I believe I did, yes.
10:54:40 15
10:54:42 16 She states that Boris Buick had been directed not to talk
10:54:47 17 to her or contact her?---Yes, I see that, yeah.
10:54:53 18
10:54:55 19 And she said that - basically she said that she told you a
10:55:01 20 number of things and she also gave you some information
10:55:05 21 about or gave you some intelligence, do you understand
10:55:11 22 that? --Yes, yes.
10:55:14 23
10:55:14 24 About a person, about a hit list that had apparently been
10:55:22 25 drawn up by a particular person?---Yes, I can see that,
10:55:29 26 yes.
10:55:29 27
10:55:30 28 She was on it, Mr Gatto was on it, Mr Higgs was on it, and
10:55:34 29 Toby Mitchell was on it and another male, they were all on
10:55:37 30 the hit list, correct?---Yes, I can see that.
10:55:40 31
10:55:41 32 And she wasn't overly concerned but she thought she should
10:55:44 33 tell someone and she's obviously telling you. And she
10:55:48 34 can't tell you anything specific - I withdraw that. And
10:55:53 35 you said that you'd report the same and obviously you did
10:55:59 36 in due course, is that right? Yes.
10:56:01 37
10:56:01 38 And she also said that she'd been invited to attend
10:56:04 39 somewhere where she wasn't been before and she'd be asked
10:56:09 40 questions but she couldn't tell you anything specific about
10:56:13 41 it for legal reasons, correct?---Yes, yes, I'm reading
10:56:20 42 that, yes.
10:56:21 43
10:56:22 44 And then you assumed that she'd been summonsed to some sort
10:56:27 45 of compulsory hearing, is that right?---Attend to somewhere
10:56:36 46 she hadn't been before and can't say anything for legal
10:56:40 47 reasons so that would make sense.

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10:56:40 1
10:56:41 2 If we go over the page, the inference being she had been
3 summonsed to appear yes.
4
5 And she'd be asked if she's ever been a human source at
10:56:45 6 VicPol, the implications it could cause, stated is suing
10:56:49 7 the Herald Sun and has appointments today and
10:56:55 8 tomorrow? Yes, I see that line.
10:56:57 9
10:56:57 10 Had you been given instructions about what to do with any
10:57:02 11 intelligence that you'd received?---Yes, I had.
10:57:06 12
10:57:06 13 What instructions had you been given?---The Standard
10:57:13 14 Operating Procedures developed by Mr O'Connor and
10:57:16 15 Mr Sheridan.
10:57:17 16
10:57:17 17 Those Standard Operating Procedures in effect permitted the
10:57:21 18 creation of information reports from Ms Gobbo, is that
10:57:23 19 right?---They allowed for that, yes. They allowed for
10:57:28 20 discretion, yes.
10:57:30 21
10:57:30 22 Discretion on whose part? John O'Connor's.
10:57:35 23
10:57:36 24 If it was felt appropriate by Mr O'Connor then an
10:57:40 25 information report could be created, is that
10:57:43 26 right?---That's fair.
10:57:44 27
10:57:45 28 And was that the instruction that you had been
10:57:49 29 given?---Yes, I'd been given a copy of the instructions and
10:57:52 30 briefed, yes.
10:57:53 31
10:57:54 32 And did you create an information report in relation to
10:57:57 33 this information or was it information you received
10:58:00 34 subsequently that you created an information report
10:58:03 35 about?---Subsequently I believe.
10:58:05 36
10:58:05 37 All right. How many information reports did you produce in
10:58:08 38 total?---I'm not sure. It may have only been one.
10:58:15 39
10:58:17 40 In any event - so, Commissioner, what I'll do is tender a
10:58:22 41 number of diary entries. I won't do it just yet, there's a
10:58:25 42 couple of other entries I want to take the witness to
10:58:28 43 before I finish up. If we can then move on to another
10:58:34 44 entry referring to a conversation that you had with
10:58:37 45 Ms Gobbo on 20 January. If we can go to p.14 of that
10:58:44 46 document, the same document. If you could just have a look
10:58:53 47 at that page there?- Yes, I see that, yes.

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10:58:56 1
10:58:56 2 Does that refer to another conversation that you had with
10:58:59 3 Ms Gobbo?---Yes, it does.
10:59:00 4
10:59:04 5 She introduced herself and you listened to general
10:59:13 6 conversation regarding a number of different topics and one
10:59:15 7 of them was the allegation or a suggestion of a corrupt
10:59:18 8 high ranking member of Victoria Police giving evidence at a
10:59:22 9 previous Dale hearing where the member perjured himself and
10:59:27 10 you weren't asked who the member was?---Yes, I see that.
10:59:33 11
10:59:33 12 Sorry, you didn't ask. Was there a reason why you didn't
10:59:43 13 ask?---Sorry, I'm just reading the rest of it. I think I
10:59:58 14 was probably listening more than, a bit of active listening
11:00:02 15 rather than interrupting by the look of what I've written
11:00:05 16 there. I don't recall the particular conversation, so no,
11:00:08 17 I can't answer your question about whether I did or why I
11:00:12 18 didn't.
11:00:12 19
11:00:21 20 There's general conversation that you've referred to. Did
11:00:25 21 you put in an information report about these matters?---No,
11:00:28 22 I don't believe so. I would have confirmed I think further
11:00:32 23 down I've spoken to Inspector Allison in relation to that.
11:00:39 24
11:00:40 25 As you did with the previous conversation?---Yes.
11:00:43 26
11:00:44 27 Where was Mr Allison at that stage?---I believe he was
11:00:48 28 performing the role of Mr O'Connor whilst he was on leave.
11:00:52 29
11:00:52 30 And then if we then go to a further telephone call that you
11:00:57 31 had with Ms Gobbo on 25 January 2012. Go to the following
11:01:02 32 page, p.15. Do you see that? There's a call by - we can't
11:01:12 33 see what's underneath that black box there. Do you know
11:01:16 34 who that is?---That would have been someone notifying me to
11:01:21 35 call Witness F back.
11:01:22 36
11:01:22 37 She had left a message on the phone bank and you'd called
11:01:26 38 her back and initially told as a result of the previous
11:01:29 39 inquiry was that should seek a formal letter from the OPP
11:01:34 40 stating that not required for any VicPol hearing in the
11:01:37 41 future regarding Paul Dale. She stated that this idea was
11:01:40 42 ludicrous due to the fact that the OPP, including the DPP,
11:01:43 43 want the witness to give evidence against Paul Dale.
11:01:46 44 That's information that she conveyed to you, is that
11:01:50 45 right?---Yes.
11:01:52 46
11:01:52 47 Then a number of topics were spoken of and the corrupt

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11:02:01 1 policeman on this occasion, Senior Sergeant, was giving
11:02:05 2 evidence on behalf of or was protecting Paul Dale, do you
11:02:08 3 see that?---Yes, I do.
11:02:09 4
11:02:09 5 So she told you about that and she says that she can't
11:02:12 6 believe that this is endorsed by VicPol. Various other
11:02:17 7 discussions about the new Chief Commissioner? Yes, I see
11:02:22 8 that.
11:02:22 9
11:02:22 10 Who at that stage I think was Mr Overland, is that
11:02:26 11 right?---I'm not sure.
11:02:29 12
11:02:29 13 Okay. Then there was discussions about stress and personal
11:02:39 14 matters and then she talks about a letter from VicPol,
11:02:45 15 specifically Kieran Walsh, and she sets out those matters,
11:02:50 16 do you see that?---Yes, I see that.
11:02:51 17
11:02:51 18 And there was a discussion about Dale's impending case, do
11:02:56 19 you see that?---Yes, I see that.
11:02:57 20
11:02:57 21 And it says this, "Told opinion re shouldn't be giving
11:03:02 22 evidence as it would increase personal risk due to possible
11:03:06 23 exposure of previous work done and would jeopardise
11:03:10 24 numerous convictions that Witness F had helped achieve over
11:03:14 25 a long period of time and this was spoke in regards to
11:03:18 26 private conversations". What do you understand that was
11:03:23 27 all about?---I don't recall the conversation but in reading
11:03:30 28 it this is in regard to private conversations - yeah, I -
11:03:38 29 similar to other conversations, I'm not aware of the full
11:03:42 30 details. I can make a summation from it but that's all I
11:03:46 31 can do.
11:03:46 32
11:03:47 33 In any event effectively what she was saying is that she
11:03:50 34 was saying I suppose what you and a number of other
11:03:53 35 Victoria Police officers had been thinking and saying
11:03:56 36 amongst yourselves for a while, that there could be
11:04:00 37 convictions jeopardised if Ms Gobbo's role became known
11:04:07 38 outside of the Victoria Police Force, would you agree with
11:04:12 39 that?---I think I'd have to listen to the recording to give
11:04:16 40 you a valid explanation about it.
11:04:18 41
11:04:19 42 Okay. In any event what you've recorded is her opinion
11:04:32 43 about the possibility of jeopardising numerous convictions
11:04:37 44 if she gave evidence, do you accept that?---I accept what
11:04:41 45 I've written, but as I say if you're requiring a full
11:04:45 46 explanation of the conversation, I think to give accuracy
11:04:50 47 to any comment I make I'd have to listen to the recording.

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11:04:53 1
11:04:53 2 All right. In any event, then she records she wanted three
11:04:59 3 things and they're set out there?---Yes.
11:05:02 4
11:05:04 5 And the call goes for about 44 minutes, two calls due to a
11:05:13 6 battery going flat and you say they were recorded?---Yes.
11:05:17 7
11:05:18 8 And you inform Marty Allison about the three requests, is
11:05:23 9 that right?---Yes, I've got twice there that I've called.
11:05:30 10
11:05:30 11 Did you speak to anyone about Ms Gobbo's opinion that there
11:05:34 12 may be numerous convictions jeopardised?---In those two
11:05:41 13 calls I make an assumption, again, I don't remember the
11:05:45 14 conversation I had with Inspector Allison, about everything
11:05:48 15 I told him in relation to the diary entries are all checked
11:05:54 16 by Mr Allison.
11:05:55 17
11:05:55 18 Right. So you wouldn't have spoken to anyone about those
11:05:58 19 particular matters but you assume that he would have
11:06:01 20 checked your diary?---I know he has.
11:06:05 21
11:06:07 22 But you didn't actually discuss it with any particular
11:06:10 23 person aside from assuming that Mr Allison would check your
11:06:13 24 diary, is that right?---No, I've spoken to Mr Allison about
11:06:17 25 it, about the telephone call, and you can see there - - -
11:06:20 26
11:06:21 27 All I can see is you spoke about the three things she
11:06:27 28 requested. "Advised three requests"?---Yes, I agree with
11:06:31 29 that.
11:06:31 30
11:06:32 31 Yes, all right. Then finally you have a conversation with
11:06:42 32 her - I'm sorry, the second-last. On 10 February 2012 at
11:06:50 33 p.19, a conversation. There's a short call where she says
11:06:56 34 that she hasn't been subpoenaed at that stage?---Yes, I see
11:07:02 35 that.
11:07:02 36
11:07:03 37 And there's a discussion about Mr Kelly and another matter,
11:07:08 38 do you see that?---Yes, I do.
11:07:09 39
11:07:14 40 And then there's further telephone calls on 28 February
11:07:19 41 2012. If we go to p.21. Just have a look at your diary
11:07:39 42 there?---Yes.
11:07:40 43
11:07:45 44 Does that reflect the telephone call that you had with
11:07:50 45 Ms Gobbo on that day?---Yes, it does.
11:07:52 46
11:07:55 47 Then finally you had a conversation with Ms Gobbo I think

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11:07:57 1 on 29 February, is that right?---Yes, that's correct.
11:08:02 2
11:08:03 3 Let's have a look at that. That's at p.22?---Yes.
11:08:08 4
11:08:10 5 She was upset. There was a problem?---Yes, I see that.
11:08:16 6
11:08:19 7 Just excuse me. There's a reference there to Mr Karam and
11:08:39 8 JH not speaking. Is that a reference to Mr Higgs? That
11:08:43 9 would be correct.
11:08:45 10
11:08:46 11 And she didn't know why and she was asked if it were the
11:08:53 12 fact - what do those initials refer to?---An investigator.
11:08:59 13
11:08:59 14 A private investigator had spoken to Mr Karam, is that
11:09:01 15 right?---No, not a private investigator, that would refer
11:09:04 16 to a police investigator.
11:09:05 17
11:09:05 18 Sorry. Police Task Force investigator would that
11:09:12 19 be?---Purana Task Force.
11:09:13 20
11:09:13 21 Purana Task Force investigator spoken to Karam?---Yes,
11:09:15 22 that's fair, yep.
11:09:16 23
11:09:20 24 The witness told both RK and JH that would tell the truth,
11:09:29 25 told I don't know if investigators have spoken to Karam at
11:09:33 26 this stage, is that right?---Yes, I see that, yes.
11:09:37 27
11:09:37 28 Then there's further discussions that you have about
11:09:48 29 threats on her life, is that right?---Yes.
11:09:50 30
11:09:53 31 All right. Now, Commissioner, I tender those diary
11:09:59 32 entries.
11:09:59 33
11:10:00 34 COMMISSIONER: Yes, page numbers?
11:10:03 35
11:10:04 36 MR WINNEKE: Pages VPL.0100.0203.0010 through to 0022.
11:10:17 37
11:10:20 38 #EXHIBIT RC606A - (Confidential) Pages VPL.0100.0203.0010
11:10:11 39 through to 0022.
11:10:21 40
11:10:22 41 #EXHIBIT RC606B - (Redacted version.)
11:10:29 42
11:10:30 43 You produce an information report. I wonder if you can
11:10:35 44 have a look at this document, VPL.2001.0003.0001. Can you
11:11:39 45 have a look at that document there. Is that an information
11:11:46 46 report that you've submitted on 26 January? There's a bit
11:11:52 47 of anxiety about this, which is understandable, if we can

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11:11:55 1 just have these on the small screens. It doesn't need to
11:12:00 2 be on my screen. Is that an information report that you
11:12:05 3 prepared on 26 January?---It is an information report
11:12:15 4 prepared from the information that I received from 3838.
11:12:19 5
11:12:19 6 Yes, I think you sought some assistance in the preparation
11:12:22 7 of that report. It was prepared on the basis of the
11:12:25 8 information that you gave? Yes.
11:12:27 9
11:12:27 10 Is that right?---Yes, absolutely.
11:12:29 11
11:12:30 12 There's a redacted and unredacted version of that,
11:12:33 13 Commissioner. Can I tender both of those.
11:12:36 14
11:12:38 15 #EXHIBIT RC607A - (Confidential) VPL.2001.0003.0001.
11:12:39 16
11:12:40 17 #EXHIBIT RC607B - (Redacted version.)
11:12:42 18
11:12:43 19 Could you have a look at another document,
11:13:05 20 VPL.2001.0003.0004. This is an information report dated 13
11:13:11 21 February 2012. I wonder if you'd have a look at this.
11:13:44 22 There's a name on that which is an unsworn officer but I
11:13:47 23 assume again this is information which is - do you need to
11:13:51 24 have a look at this?--No, I think it's the same.
11:13:55 25
11:14:00 26 Is that a report based on the information that you
11:14:08 27 provided?---That could be correct. If you can go down just
11:14:12 28 a little bit.
11:14:12 29
11:14:13 30 Just keep scrolling, Mr Skim, if you wouldn't mind. It
11:14:16 31 seems to be similar information?---I would have to go back
11:14:32 32 and sync up that IR number against my diary I think. Can
11:14:40 33 you go back up, please?
11:14:42 34
11:14:42 35 Go to the top?---No, that's - I believe that's different.
11:15:02 36
11:15:02 37 Do you say you're not responsible for that information
11:15:05 38 report?---Yes.
11:15:06 39
11:15:14 40 All right. It appears to refer - I might just tender that
11:15:29 41 for identification in any event at this stage,
11:15:32 42 Commissioner.
11:15:32 43
11:15:33 44 COMMISSIONER: You don't need to worry about those. If you
11:15:36 45 want to tender it you can tender it.
11:15:37 46
11:15:38 47 MR WINNEKE: All right.

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11:15:39 1
11:15:39 2 #EXHIBIT RC608A - (Confidential) VPL.2001.0003.0004.
11:15:45 3
11:15:45 4 #EXHIBIT RC608B - (Redacted version.)
11:15:46 5
11:15:47 6 COMMISSIONER: It's an information report submitted by -
11:15:49 7 there's no problem with the name?
11:15:51 8
11:15:51 9 MR WINNEKE: I don't know, Commissioner, excuse me.
11:15:53 10
11:15:54 11 COMMISSIONER: Could be. Information report of 13 February
11:15:55 12 2012.
11:15:57 13
11:15:57 14 MR HOLT: There's no problem.
11:16:01 15
11:16:04 16 MR WINNEKE: I might show you one more information report.
11:16:09 17 It is a report dated - in fact a couple more.
11:16:18 18 VPL.2001.0003.0006. Can you just have a look at that. Can
11:17:21 19 we scroll through that. Received on 22 February, entered
11:17:27 20 on the 23rd. Verbal dissemination on 23 February. Is that
11:17:33 21 information that you provided on the basis of information
11:17:38 22 provided to you by Ms Gobbo? --Yes, I believe it is.
11:17:47 23
11:17:47 24 I tender that, Commissioner.
11:17:50 25
11:17:53 26 #EXHIBIT RC609A - (Confidential) Information report dated
11:17:55 27 23/2/12.
11:18:09 28
11:18:09 29
11:18:09 30 #EXHIBIT RC609B - (Redacted version.)
11:18:11 31
11:18:19 32 Finally, can I put this document up, 2001.0003.0009. Can
11:18:39 33 we just scroll - have a look at that document, 28 February,
11:18:44 34 submitted by the same person but concerning the subject
11:18:48 35 matter and information in it, do you see that there?---Yes,
11:18:53 36 I do.
11:18:53 37
11:18:54 38 Again, is that information that you received from Ms Gobbo
11:18:58 39 and that you caused to be placed in the information report
11:19:01 40 and - - - ?---No, I don't believe that is.
11:19:06 41
11:19:07 42 Just have a look at that. Do you see that?---Yes, I see
11:19:11 43 that.
11:19:12 44
11:19:12 45 Are you certain that's not information that you passed
11:19:16 46 on?---I can check but I'm fairly sure that that is not from
11:19:21 47 3838.

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11:19:24 1
11:19:28 2 Can you check that, please?---I can. It will take a bit of
11:19:34 3 time. I believe it's from a different source.
11:19:37 4
11:19:38 5 Okay. Do you believe it's information that you caused to
11:19:41 6 be put into an information report but from a different
11:19:44 7 source, is that right? Yes, that's fair.
11:19:46 8
11:19:47 9 Does that apply to the other information report which you
11:19:50 10 said wasn't from Ms Gobbo?---I'm - so I can't identify that
11:20:00 11 other information report. I'm happy to go back through my
11:20:03 12 diaries to look as to where that information has come from
11:20:06 13 and as to whether it's from me but I'm really just not sure
11:20:10 14 looking at that.
11:20:11 15
11:20:11 16 Okay?---It may well be, I'm not sure.
11:20:13 17
11:20:13 18 Okay. Commissioner, I'll tender that on the same basis.
11:20:17 19 We've been provided with these information reports on the
11:20:20 20 basis that they have been provided or submitted on the
11:20:23 21 basis of information Ms Gobbo provided. It appears that
11:20:26 22 may not be the case.
11:20:28 23
11:20:28 24 COMMISSIONER: Right.
11:20:28 25
11:20:31 26 #EXHIBIT RC610A - (Confidential) Information report of
11:20:32 27 28/2/12.
11:20:40 28
11:20:40 29 #EXHIBIT RC610B - (Redacted version.)
11:20:42 30
11:20:42 31 WITNESS: I think, Mr Winneke, you'll find that definitely
11:20:45 32 the last one is not, the second one that you showed me
11:20:48 33 could be.
11:20:50 34
11:20:51 35 MR WINNEKE: Could be Ms Gobbo's information?---Yes. I'm
11:20:56 36 comparing the two and the information that's contained
11:20:59 37 within the two, yep.
11:21:00 38
11:21:00 39 It may well be the first three are Ms Gobbo's information,
11:21:04 40 the fourth one is definitely not?---My apologies. I
11:21:07 41 thought you had only shown me three. The last one that's
11:21:12 42 currently on the screen is definitely not, and the one
11:21:15 43 prior to that could be. Sorry, I'm rambling on a bit.
11:21:21 44
11:21:21 45 Commissioner, what we might do, can we have a break for
11:21:24 46 morning tea and then perhaps Mr Richards can have a look
11:21:28 47 over the break and we can be satisfied over the break?

.23/10/19

8020

RICHARDS XXN

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11:21:30 1
11:21:31 2 COMMISSIONER: That sounds a sensible thing to do. All
11:21:33 3 right then, we'll have the midmorning break.
11:22:01 4
11:22:01 5 (Short adjournment.)
11:22:01 6
11:45:37 7 COMMISSIONER: Yes, Mr Winneke.
8
11:45:39 9 MR WINNEKE: Thanks Commissioner. I've nearly finished.
11:45:41 10 Over the break did you have a look at those two information
11:45:46 11 reports, or those four information reports?---I haven't
11:45:49 12 seen the information reports again but I've identified - I
11:45:55 13 can't remember what number it was - 47993, was one of the
11:46:01 14 information reports.
15
11:46:02 16 Yes, 479433, which was the last one, 28 February
11:46:04 17 2012?---Yes.
11:46:04 18
11:46:05 19 COMMISSIONER: Exhibit 610.
20
11:46:07 21 MR WINNEKE: And you say that that's definitely information
11:46:09 22 that was provided by Ms Gobbo? Yes, sir.
23
11:46:11 24 The first one which was the information report dated,
11:46:16 25 submitted I think on 26 January on the basis of information
11:46:21 26 received on 20 January, you say that's the information from
11:46:24 27 Ms Gobbo?---Yes, and that's in relation to the list.
28
11:46:28 29 COMMISSIONER: That's Exhibit 607?---Yes.
30
11:46:33 31 MR WINNEKE: The two in between, that is an IR submitted on
11:46:35 32 13 February, which is 6813?---Yes.
33
11:46:39 34 You're not certain about; is that right?---Correct, I
11:46:45 35 believe that's from a different source.
36
11:46:46 37 And 8646, that's the one dated 23 February, you're not
11:46:53 38 certain about either; is that right?---Again, I believe
11:46:55 39 that's from a different source.
40
11:46:57 41 In any event, we'll tender all of those and if that turns
11:47:01 42 out to be the case well so be it. Thanks very much.
43
11:47:05 44 COMMISSIONER: They are already tendered, yes.
45
11:47:08 46 MR WINNEKE: Yes. Commissioner, there was also a document
11:47:10 47 which I think I didn't tender which was the calendar

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11:47:17 1 invitation for 5 December 2011. I tender that.
2
11:47:24 3 COMMISSIONER: 5 December 2011, was it?
4
11:47:26 5 MR WINNEKE: Yes.
11:47:28 6
11:47:30 7 #EXHIBIT RC611A (Confidential) Calendar invitation dated
11:47:18 8 5/12/11.
11:47:33 9
11:47:34 10 #EXHIBIT RC611B - (Redacted version.)
11:47:35 11
11:47:36 12 MR WINNEKE: I just want to finish off with a couple of
11:47:38 13 questions about some emails concerning Mr Gleeson's
11:47:46 14 analysis of the SDU documents around May of 2012. At that
11:47:55 15 time you understand that the issues that had arisen with
11:47:59 16 respect to Mr Dale's trial in 2011, the Commonwealth trial
11:48:09 17 that I took you to before the break, that had caused a bit
11:48:16 18 of concern within Victoria Police and Mr Gleeson had been
11:48:22 19 then tasked to carry out an analysis of records held by the
11:48:26 20 SDU, you understand that?---I understand he conducted a
11:48:31 21 review, I'm not sure what the review was.
22
11:48:33 23 Right. I just want to put to you a couple of documents.
11:48:37 24 So we can accept this proposition, that in about May of
11:48:42 25 2012 he's trying to get together files, and on 10 May he
11:48:45 26 sends an email to ^{Mr Hotham} and Jeff Pope, and if we
11:48:50 27 have a look at this, VPL.0100.0040.0624. Just have a look
11:49:01 28 at that email. Whilst it's coming up, what he says is on
11:49:10 29 10 May 2012, he says, "After some pretty heavy reading and
11:49:14 30 some detailed discussions with Tony Biggin I think I have a
11:49:20 31 reasonable handle on the entire file now", but he had some
11:49:25 32 questions about a number of matters, and the questions are
11:49:27 33 set out in the email. That email when we see it ultimately
11:49:30 34 was forwarded to you. The email was sent to ^{Mr Hotham}
11:49:35 35 and Jeff Pope. Do you see that? If we go to the bottom of
11:49:39 36 that page, you see that. Steve Gleeson to ^{Mr Hotham}
11:49:50 37 CCing Jeff Pope. He's got some queries about a gap which
11:49:56 38 seems to exist between ICR 45 and 46 where the 3838
11:50:02 39 reference was being utilised, a 12 day period from 16
11:50:06 40 September 06 to 28 September 06. Do you see that
11:50:12 41 there?---Yes, I did.
42
11:50:13 43 The next point is he couldn't locate any AOR and he wants
11:50:18 44 some assistance there, do you see that?---Yes.
45
11:50:21 46 If we go down the page. There are a few other points.
11:50:27 47 There was ? -Yes.

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1
11:50:29 2 There were formal risk assessments on 15 November and again
11:50:33 3 on 20 April and various other dot points which I needn't
11:50:39 4 read but they're set out there?---Yes.
5
11:50:44 6 That document, if we go back up the screen, ^{Mr Hotham} says
11:50:50 7 he'll have a look at these and provide a response
11:50:54 8 ASAP? Yes.
9
11:50:55 10 That's the first thing. I'll tender that, Commissioner.
11:50:58 11
11:50:59 12 #EXHIBIT RC612A - (Confidential) Email chain from Steve
11:51:05 13 Gleeson to ^{Mr Hotham} [REDACTED], Jeff Pope and
11:51:09 14 others.
11:51:13 15
11:51:14 16 #EXHIBIT RC612B - (Redacted version.)
11:51:16 17
11:51:17 18 If we can just follow this through. There are a couple of
11:51:19 19 issues that then come to you. If we have a look at
11:51:24 20 VPL.0100.0040.0923. Whilst that's coming up I can tell you
11:51:33 21 this, that ^{Mr Hotham} - at that stage ^{Mr Hotham} was he
11:51:39 22 the officer in-charge? Of the HSMU.
23
11:51:42 24 HSMU, yes. He contacts or he responds to Mr Gleeson
11:51:48 25 answering a number of the queries and suggested that the
11:51:51 26 decision to make Ms Gobbo a witness didn't take sufficient
11:51:57 27 account to the risks to Ms Gobbo, the information and the
11:52:06 28 reputation of the Police Force. And in the email he says
11:52:12 29 that you, at that stage you were with him at Airlie, you
11:52:14 30 might be able to answer some of the questions, do you see
11:52:17 31 that?---Yes, I see that.
32
11:52:20 33 You recall at that time, for whatever reason, you were at
11:52:22 34 Airlie over a period of time doing some sort of a course;
11:52:26 35 is that right?---I'm not sure. I guess so. I can't
11:52:28 36 remember what I was doing there at that time.
37
11:52:30 38 In any event, then - so those questions on 15 May are
11:52:37 39 forwarded to you and in turn you sent the questions - so
11:52:42 40 perhaps if we can scroll down. He answers some of the
11:52:45 41 questions there. Sorry, withdraw that. Strike that.
11:52:51 42 "Mr Richards can assist with this search", that is about
11:52:54 43 the IRs that may be missing, do you see that there?---Yes,
11:53:00 44 I see that.
45
11:53:01 46 And there's been a search carried out for an
11:53:05 47 Acknowledgement of Responsibility and there are various

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11:53:08 1 other responses and again he says down the bottom of the
11:53:11 2 page there, insofar as ICRs, you may be able to assist
11:53:19 3 although Mr White would probably have a better handle on
11:53:22 4 it, do you see that?---Yes.
5
11:53:25 6 In any event, that request is ultimately forwarded to you.
11:53:33 7 I'll tender that document, Commissioner.
11:53:37 8
11:53:38 9 #EXHIBIT RC613A - (Confidential) Email of 15/5/12, ^{Mr Hotham}
11:53:43 10 ^{Mr Hotham} to Steve Gleeson.
11:53:48 11
11:53:49 12 #EXHIBIT RC613B - (Redacted version.)
11:53:51 13
11:53:51 14 If we can then have a quick look at this next chain,
11:53:58 15 6078.0008.6058. It seems, whilst again that's coming up,
11:54:08 16 it seems that [REDACTED] forwarded the questions to you
11:54:10 17 and in turn you sent them to one of the analysts there who
11:54:16 18 I don't think has - I don't know whether she needs a
11:54:20 19 pseudonym. She should have one. In any event, let's not
11:54:32 20 worry about that. But an analyst looks into this?---I
11:54:39 21 don't see - thank you. Yes, and that name should have a
11:54:44 22 pseudonym.
23
11:54:44 24 In any event, you sent it to her, you forward that to her,
11:54:48 25 correct?---Yes.
26
11:54:49 27 COMMISSIONER: I think she's already got a pseudonym. Yes,
11:54:53 28 she's Ms Street. It's number 40 on Exhibit 81.
11:55:06 29
11:55:07 30 MR CHETTLE: We stop at 39, Commissioner.
31
11:55:10 32 COMMISSIONER: No one else has got that one?
33
11:55:12 34 MR WINNEKE: Mine finishes at 39, Commissioner.
35
11:55:14 36 COMMISSIONER: Well, there we go.
37
11:55:16 38 MR WINNEKE: Ms Street, is it?
39
11:55:18 40 COMMISSIONER: Ms Street is what I've got handwritten on my
11:55:21 41 document, number 40, Ms Street.
42
11:55:24 43 MR WINNEKE: I'll do the same. In any event, you forward
11:55:31 44 that to her to see if she can assist you in filling in some
11:55:37 45 of the gaps; is that right?---Yes, that appears so, yes.
46
11:55:42 47 Then if we I tender that. Can we scroll that's the

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11:55:47 1 entirety of that email I believe, is that right? Right. I
11:55:51 2 tender that.
11:55:54 3
11:55:56 4 #EXHIBIT RC614A - (Confidential) Email from Richards to
11:56:01 5 Ms Street and email from ^{Mr Hoham}
11:56:11 6 to the witness and the following email
11:56:15 7 from the witness to Ms Street,
11:56:19 8 15 16/5/12.
11:56:26 9
11:56:27 10 #EXHIBIT RC614B - (Redacted version.)
11:56:29 11
11:56:29 12 Thanks, Commissioner. This is by way of explanation as to
11:56:31 13 the situation with respect to the missing, or what was the
11:56:32 14 missing IR. If we can then have a look at this next email
11:56:37 15 chain, VPL.6159.0063.8997. If we go to the bottom of that
11:56:59 16 we'll see the first one. There's some redactions here. I
11:57:03 17 think these are emails from you, Mr Richards, or concerning
11:57:08 18 you and the redactions include the references to your name
11:57:13 19 if you would accept that?---Yes.
20
11:57:15 21 So there's the first one, 15 May. To fill in some gaps.
11:57:21 22 If we keep moving up the screen. Then there's an email 16
11:57:26 23 May, "How did you go with the duck on the pond", do you
11:57:31 24 recall that?---I don't recall it. I'm reading it as you
11:57:35 25 speak, yes.
11:57:36 26
11:57:36 27 "Trying to sort it out." Particular person's away for a
11:57:46 28 few days. "I'll check when she gets back on Tuesday. I
11:57:49 29 checked our stand alone. It appears that ICR 45 covers 9 9
11:57:54 30 September, 15 September"?---Yes.
31
11:57:57 32 I think it's Mr Green. There's a blank diary from the -
11:58:18 33 yes. Regarding contact with Ms Gobbo as, identifies
11:58:27 34 contact with Ms Gobbo as ICR 45. "Can't find an ICR 45, by
11:58:31 35 him or even an ICR 45A on the stand alone". Then she sets
11:58:36 36 out ICR 46, do you see that? I see the conversation, yes.
37
11:58:43 38 There's a question, "Does he have contact between the 6th
11:58:46 39 and 19th? Have you tried calling? Yes, he does according
11:58:49 40 to his diary". That's an attempt to identify or to find IR
11:58:55 41 45. Apparently it can't be found, do you accept
11:58:58 42 that?---That's ICR 45.
43
11:59:02 44 ICR 45?---Not IR.
45
11:59:04 46 I'm sorry, no, ICR 45, quite right. I tender that,
11:59:08 47 Commissioner.

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11:59:10 1
 11:59:10 2 #EXHIBIT RC615A - (Confidential) Emails from 16-17/5/12 re
 11:59:17 3 "as discussed to fill some gaps if it
 11:59:19 4 exists", missing ICR 45.
 11:59:25 5
 11:59:25 6 #EXHIBIT RC615B - (Redacted version.)
 11:59:35 7
 11:59:35 8 The final email chain is this, and this relates to an
 11:59:39 9 Acknowledgement of Responsibilities. Do you recall, I
 11:59:42 10 think communicating with Ms Street again and Mr O'Connor,
 11:59:45 11 about trying to find an AOR, the Acknowledgement of
 11:59:50 12 Responsibilities?---I don't recall the specifics of it. No
 11:59:52 13 doubt there was if you're saying so.
 14
 11:59:54 15 If we could just have a look at VPL.6159.0064.0920. If we
 12:00:40 16 go to the bottom again, you'll see that same list of
 12:00:44 17 questions or some of the questions there. If we move up
 12:00:47 18 the screen. There's a note here, "Just letting you know I
 12:00:53 19 tried to check 38 files in Sheridan's office. I had to
 12:00:57 20 look for the files for - I was going to meet up with (a
 12:01:03 21 particular person" this afternoon to go through the proper
 12:01:05 22 process. Spoke to John re the same to see if I could go
 12:01:12 23 through the files. Sheridan sick today so won't be looking
 24 through his files"?---Yes.
 25
 12:01:13 26 Do you see that there?---Yes, I do.
 12:01:14 27
 12:01:17 28 "Some files in combination sage that refer to Ms Gobbo.
 12:01:18 29 They're just ICRs, no other files. Partial SML logs.
 12:01:22 30 Trying to look for the AOR for 38. Can't find one. No
 12:01:26 31 reference either, even on the SML on the ICRs. Was that
 12:01:30 32 the policy in 2005?" Then there's reference to the
 12:01:36 33 psychologist there. "Can't find any reference to advice",
 12:01:40 34 et cetera. Then there's the next one, and I believe that
 12:01:44 35 that's an email from you to the analyst which says, "Oh my
 12:01:54 36 God what did you tell?" Then we see the gap there. Have
 12:02:03 37 you got an unredacted version of that? -I can look it up.
 12:02:25 38 No, I don't have a copy of the unredacted email.
 39
 12:02:43 40 If we could just go back. The earlier email is this, in
 12:02:48 41 response to the question Tuesday 22 May, it's Ms Street to
 12:02:55 42 you and she says, "Hi", and she uses your name, "Just
 12:02:59 43 letting you know that I tried to check the files in
 12:03:02 44 Sheridan's office to look for files for"?---Yes.
 45
 12:03:07 46 It's ^{Mr Hothem} ^{Mr Hothem} "I was going to meet up
 12:03:09 47 with another analyst this afternoon regarding this to go

.23/10/19

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12:03:14 1 through the proper process. Spoke to John regarding the
12:03:17 2 same to see if I can look through the files. Sheridan's
12:03:20 3 sick today so won't be looking through his files. John
12:03:24 4 advised me we have some files". Then the psych. stuff.
12:03:29 5 "Can't find any reference. Maybe she directly advised
12:03:33 6 Mr White. Could be in hard copy. I spoke to Mr Smith re
12:03:36 7 the date ranges that are missing", ^{okav} Then you respond
12:03:42 8 to Ms Street, "Subject re gaps for ^{Mr Holman} Oh my God, what
12:03:51 9 did you tell JOC", three exclamation marks. Do you have an
12:04:01 10 explanation for that?---None whatsoever.
11
12:04:04 12 Right. She sends a message back to you about an hour later
12:04:10 13 or a bit less on the same email chain, "Call me, just the
12:04:18 14 dot points". You say, "In five!!". She then says, "Okay,
12:04:30 15 I will be here". Do you follow that?---Yes, that's the
12:04:34 16 email chain.
17
12:04:35 18 What was your concern about what she had told
12:04:39 19 Mr O'Connor?---I've go no idea. Don't even know if it was
12:04:44 20 related to what we were talking about.
21
12:04:48 22 I'm just asking you about that particular email
12:04:50 23 chain? - Yes.
24
12:04:51 25 It's clear enough that she's asking - there are questions
12:04:54 26 being asked about it by Mr O'Connor and you're concerned
12:04:58 27 about what Mr O'Connor was told, right?---Yes.
28
12:05:05 29 You wanted to know what she told him and the response is,
12:05:14 30 "Call me. Just the dot points". You, with two
12:05:24 31 exclamation, say, "I'm going to be there in five minutes".
12:05:28 32 Was there a concern about information going to
12:05:30 33 Mr O'Connor?---No, not in the slightest. You can't read
12:05:33 34 anything into that unless we know the details of it.
35
12:05:38 36 There are a number of issues going on here but clearly
12:05:41 37 there are gaps being looked for by [REDACTED] in response
12:05:45 38 to a request by Mr Gleeson and you're concerned about a
12:05:51 39 response from the analyst to those requests and you're
12:05:56 40 concerned about what she may well have told Mr O'Connor.
12:06:01 41 Your response is quite emphatic, "Oh my God, what did you
12:06:06 42 tell him", exclamation mark times two or three. It wasn't
12:06:10 43 put down in writing and then the request is for a telephone
12:06:13 44 call in five. What I'm asking you is, that certainly
12:06:17 45 suggests that there was a desire on your part not - or at
12:06:22 46 least it appears not to have anything in writing, it's
12:06:25 47 going to be in the telephone call, it's not going to be in

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12:06:29 1 an email, and it may suggest there's a withholding of
12:06:33 2 information from Mr O'Connor. Do you follow what I'm
12:06:36 3 saying?---I see your drawing an extraordinarily long bow.
4
12:06:43 5 I don't think it's that long.
6
12:06:47 7 COMMISSIONER: Can you do your best to help us here.
12:06:49 8 You're on your oath? Commissioner, I would not have an
12:06:53 9 idea at all about that conversation from May 2012. I'm
12:06:57 10 reading it, "Oh my God, what did you tell Mr O'Connor?
12:07:03 11 Call me, just the dot points, in five. Okay, I'll be
12 12 there". I can't add unfortunately anything to that.
13
12:07:09 14 Don't you remember some grave concern about this missing
12:07:12 15 ICR, the incomplete records?---No. As I said, it might not
12:07:16 16 even relate to that particular bottom part of the email.
12:07:21 17 I'm not sure.
18
12:07:25 19 MR WINNEKE: Why wouldn't it relate to it?---It could be a
12:07:29 20 totally different HR related matter. I know there were HR
21 matters going on at the same time.
22
12:07:31 23 COMMISSIONER: It's in the same email chain so you
12:07:33 24 naturally assume that it relates to the original email. If
12:07:37 25 you can't tell us to the contrary, that's what you'd
12:07:39 26 assume. So you're just telling us you just don't remember
12:07:44 27 anything about that, is that your evidence?---That's
12:07:46 28 correct, Commissioner.
29
12:07:46 30 That's your evidence?---Yes.
31
12:07:48 32 All right?---I'd love to be able to help, but as I say, the
12:07:52 33 context of it, I see from the bottom part of it what you're
12:07:54 34 talking about, but I have no idea what the response is for.
35
12:07:59 36 MR WINNEKE: You'd love to help us, would
12:08:03 37 you? -Absolutely. That's what I'm here for, for a
12:08:05 38 discovery.
39
12:08:07 40 Okay. This was at a time when Mr Gleeson and you
12:08:16 41 understood - certainly Mr Gleeson was going through your
12:08:22 42 records, right?---Going through the HSMU records,
12:08:26 43 absolutely.
44
12:08:26 45 And trying to get to the bottom of what had gone on?---So,
12:08:32 46 as I said previously, I'm not sure of the scope of his
12:08:34 47 review. I'm just going on the bottom of this email as to

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12:08:37 1 what we're talking about.
2
12:08:39 3 There were a number of questions which he was keen to find
12:08:42 4 answers to, right?---Yes.
5
12:08:45 6 You'd previously been involved in discussions, I suggest,
12:08:49 7 with Mr O'Connor and Mr Sheridan and you'd made it clear,
12:08:58 8 at least as far as I suggest you were concerned, that you
12:09:01 9 did not want information - well, your view was that if the
12:09:07 10 information that was contained in the SDU records got out
12:09:12 11 there could be significant consequences for the
12:09:17 12 SDU?---Absolutely. We never want the identity of the
12:09:20 13 source compromised, agree.
14
12:09:22 15 Not only the identity of the source compromised, but also
12:09:25 16 the conduct of the members of the SDU?---No, we haven't
12:09:30 17 spoken about that and is that a question?
18
12:09:33 19 Yes?---Can you please ask the question?
20
12:09:37 21 You were concerned that if the SDU records, ICRs, SMLs were
12:09:45 22 released then there could be significant consequences not
12:09:48 23 just for Ms Gobbo but for the Unit, the SDU?---Absolutely.
24
12:10:01 25 What Mr Gleeson was doing was just that, trying to get to
12:10:06 26 the bottom of what had been going on in the SDU with
12:10:09 27 Ms Gobbo?---Again, I don't know the scope of Mr Gleeson, he
12:10:13 28 never spoke to, as I understand, anyone from the SDU, so
12:10:15 29 therefore it was all thirdhand going through to what he was
12:10:18 30 trying to achieve.
31
12:10:20 32 You're not happy with the fact you weren't spoken to I take
12:10:23 33 it; is that right?---I'm nonplussed about it. This is the
12:10:29 34 first time I've been asked any questions in relation to the
12:10:32 35 file since 2000, or I haven't been asked anything before.
36
12:10:36 37 Was there some antipathy between the former members of the
12:10:40 38 SDU and Mr O'Connor?---Pardon my ignorance, antipathy, can
12:10:47 39 you explain?
40
12:10:49 41 Did you dislike him?---No. Myself personally? No.
42
12:10:55 43 Were you aware that other members of the SDU were not happy
12:10:57 44 with the way in which Mr O'Connor and Mr Sheridan had come
12:11:01 45 on board and changed the way things operated?---Happy in
12:11:05 46 relation to the operation of the SDU? I wasn't happy with
12:11:07 47 that, no.

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1
12:11:08 2 You weren't happy with it?---No.
3
12:11:10 4 What was it about the way in which they operated which you
12:11:13 5 weren't happy with?---Methodology and trade craft in
12:11:23 6 relation to the use of human sources.
7
12:11:26 8 Your view was that Mr O'Connor really wasn't the
12:11:31 9 appropriate person to be the head of that
12:11:37 10 Unit?---Appropriate's a strong word. I'd say the
12:11:39 11 recommendations put forward for the previous years through
12:11:43 12 Mr Biggin and others was there needed to be an Inspector in
12:11:49 13 charge of the SDU solely due to the workload and an
12:11:54 14 Inspector needed to have the relevant experience in the
12:11:58 15 field.
16
12:11:59 17 As far as you were concerned Mr O'Connor didn't have the
12:12:02 18 relevant experience in the field?---Mr O'Connor, from what
12:12:07 19 I know, obviously it's his background, and he can answer,
12:12:11 20 but did not and had in particular certain things from his
12:12:16 21 experience with sources that shouldn't have been replicated
12:12:19 22 within the SDU.
23
12:12:21 24 Okay. So what was it about, as far as you were concerned,
12:12:24 25 about his background which meant that he wasn't qualified
12:12:27 26 to be the officer-in-charge of the SDU?---I never said he
12:12:33 27 wasn't qualified to do that. The rank was there as an
12:12:36 28 Inspector, so from a qualification point of view that's not
12:12:39 29 the case.
30
12:12:40 31 Yes, but you know what I mean when I say qualification, I'm
12:12:43 32 not talking about his rank?---I don't want to misinterpret
12:12:49 33 what you're saying, that's all.
34
12:12:52 35 I think you're trying to, I suggest.
12:12:53 36
12:12:53 37 COMMISSIONER: Didn't have the experience I think was the
12:12:55 38 word you used?---Yes, that's correct, Commissioner.
39
12:12:57 40 What experience did he not have that he should have had in
12:13:00 41 your eyes?---At the time he didn't possess the relevant
12:13:03 42 training courses in relation to source handling and
12:13:07 43 methodology. I was aware of an instance that I would seek
12:13:14 44 to claim PII on considering the open hearing in relation to
12:13:18 45 the deployment of a source that he was connected with.
46
12:13:26 47 MR WINNEKE: I think there was also an email at one point

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12:13:29 1 where he had joined Ms Gobbo's informer number with the
12:13:36 2 notion Witness F, with that pseudonym, and Mr Sandy White
12:13:42 3 had admonished him for doing so, do you recall that?---Yes,
12:13:46 4 I do.
5
12:13:47 6 And you made some comment to the effect that that was a
12:13:50 7 pretty good point that Mr White had made, correct? I'm
12:13:55 8 not sure of the details but that sounds correct, yes.
9
12:13:59 10 Effectively what I'm suggesting to you is that the
12:14:03 11 relationship between the members of the SDU and Mr O'Connor
12:14:09 12 was not good?---I'd agree with that.
13
12:14:13 14 As far as you were concerned, insofar as this exercise
12:14:18 15 goes, he was trying to get to the bottom of what had gone
12:14:24 16 on and he was trying to assist Mr Gleeson to determine what
12:14:31 17 had gone on and you were trying to prevent that from
12:14:34 18 occurring, I suggest?---No, not at all.
19
12:14:38 20 You were saying, "Oh my God, what did you tell him?",
12:14:46 21 because you were concerned about what the analyst had told
12:14:49 22 Mr O'Connor? -No, that's not true. As I said, I've got
12:15:01 23 I can only go off what's on the email there and maybe
12:15:04 24 Mr O'Connor can shed more light on that.
25
12:15:07 26 He may not be able to because the conversation then stopped
12:15:10 27 in terms of the email chain and it occurred over the
12:15:12 28 telephone?---He was obviously involved in the conversation
12:15:17 29 with that particular person so he may have a recollection.
12:15:21 30 You're asking me whether I have one. I don't. Maybe he
12:15:25 31 does.
32
12:15:25 33 No, what I'm suggesting is Mr O'Connor doesn't appear as a
12:15:29 34 recipient or a sender of any of these emails, it's simply
12:15:36 35 between you and the analyst, right. What you didn't want
12:15:38 36 to have in that email chain was information which you
12:15:42 37 didn't want subsequently to be recorded and so you have a
12:15:47 38 telephone call about it?---I think that again is drawing an
12:15:53 39 extraordinarily long bow.
40
12:15:55 41 That's what you think, is it, all right?---Yes.
42
12:15:59 43 I have nothing further, Commissioner.
44
12:16:00 45 COMMISSIONER: Thank you. Yes Mr Nathwani.
12:16:03 46
47 <CROSS-EXAMINED BY MR NATHWANI:

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1
12:16:04 2 Mr Richards, counsel for Ms Gobbo here.
3
12:16:07 4 MR WINNEKE: I tender that document, Commissioner.
12:16:10 5
12:16:11 6 #EXHIBIT RC616A - (Confidential) VPL.6159.0064.0920.
12:16:14 7
12:16:14 8 #EXHIBIT RC616B (Redacted version.)
12:16:19 9
12:16:19 10 COMMISSIONER: Yes Mr Nathwani.
12:16:20 11
12:16:20 12 MR NATHWANI: I'll try again, Mr Richards. I don't think
12:16:23 13 there's any more tendering. I'm one of the barristers for
12:16:25 14 Ms Gobbo. I just want to take you back to some evidence
12:16:28 15 you gave first thing yesterday morning. You were shown
12:16:32 16 Mr Black's notes of a meeting on 31 December 2008, do you
12:16:36 17 recall seeing those notes?---I would have, yes. I don't
12:16:42 18 particularly remember them, but, yes. Yes, I agree, I
12:16:44 19 would have, yes, seen them.
20
12:16:45 21 Let's see if we can bring them up. They were shown in an
12:16:48 22 open hearing. VPL.0100.0001.3155. If we go to p.137
12:17:41 23 please. The number used by Mr Winneke yesterday was 3155.
12:18:15 24 Okay, perfect. Do you remember seeing this from he 8.50 in
12:18:20 25 the morning?---Yes.
26
12:18:22 27 Okay good?---Absolutely.
28
12:18:23 29 You were asked some questions generally about some matters.
12:18:27 30 I just want to go through the notes first and I'll ask you
12:18:32 31 about the answers you gave. So obviously talking about the
12:18:33 32 issue of Ms Gobbo becoming a witness for Petra?---Yes,
12:18:36 33 providing the statement. I think that's what I was talking
12:18:38 34 about.
35
12:18:38 36 So you see in the middle of the paragraph, 8.50, "Petra
12:18:46 37 needs statements otherwise they'll be unable to charge Paul
12:18:49 38 Dale"?---Yes.
39
12:18:50 40 Stating in the line, "Embarrassing incidents for human
12:18:51 41 source. Fitness of human source to make such a statement",
12:18:54 42 you were asked questions about that. The next one you were
12:18:58 43 asked a question about, and this is what I'm interested in,
12:19:00 44 is "the human source role/criminal liability regarding the
12:19:05 45 murders of the Hodsons", okay?---Yes.
46
12:19:07 47 Mr Winneke asked you yesterday, he said this, "Then there's

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12:19:12 1 the question of her role, criminal liability regarding the
12:19:15 2 murders of the Hodsons. Now are you able to expand on
12:19:18 3 that? Do you know what was discussed there?" Your
12:19:21 4 response, "No. Specifics of the conversation, as I say, I
12:19:25 5 think it was an hour or so conversation in 2008, so no.
12:19:29 6 I'm sorry I can't help you". He then asked you again, "No,
12:19:34 7 I understand that. Do you recall that there have been some
12:19:36 8 concerns expressed by members of the SDU that she may have
12:19:40 9 been, had some sort of criminal involvement in those
12:19:41 10 murders? Was that a concern, do you recall?" You say, "I
12:19:43 11 don't recall specifics but I cannot agree with that
12:19:45 12 statement", okay. If we carry on going down this document,
12:19:50 13 and I know it's not yours - see if I can find it because I
12:19:54 14 only saw it yesterday as well. If you go to the next page.
12:20:08 15 Let me put it another way. Somewhere on there is a
12:20:11 16 reference made by Black about you at the SDU not being
12:20:15 17 aware of all the intelligence held by the Petra Task
12:20:19 18 Force?---I see that, yes.
19
12:20:21 20 We can take that down. At that meeting was there any
12:20:25 21 discussion about what the Petra Task Force had told the SDU
12:20:29 22 about Ms Gobbo's involvement or otherwise in the Hodson
12:20:33 23 murders?---No, not that I could recall.
24
12:20:39 25 Let's see if I jog- - - ?---I still don't know.
26
12:20:41 27 Let's see if I can jog your memory. If we can go to the
12:20:45 28 2958 ICRs at p.706, please. If we can look at 17 November
12:21:04 29 2008, there's an entry at 10.23. It says - this isn't your
12:21:11 30 ICR, we know, and you can accept it from me, it's Mr Smith,
12:21:15 31 with the controller as Mr White, okay. But this was around
12:21:17 32 the time Ms Gobbo engaged with the statement or information
12:21:23 33 providing process to Petra. Do you see at 10.23 it says,
12:21:27 34 "Received a missed call and voice message from 2958. She's
12:21:31 35 just about to go to Petra to see 'those maniacs'. The more
12:21:36 36 I think about it the more I think it's a bad idea. I will
12:21:38 37 ring them as soon as they release me". Do you see
12:21:41 38 that?---Yes, I see that.
12:21:41 39
12:21:41 40 Next entry, a few hours later she's come out and she's
12:21:47 41 stopped crying and says, "Petra want a witness statement
12:21:50 42 about the contact", do you see that?---Yes.
43
12:21:52 44 Let's skip past this to the bottom of p.707. We'll come
12:21:56 45 back to this. I just want to look at - so we see then
12:21:58 46 later in the day, same day, 4.57, "Telephone call made to
12:22:02 47 2958". She gives a debrief to her handler, do you see

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12:22:06 1 that?---Yes.
2
12:22:07 3 Let's go to the next page. We can see the second line in,
12:22:10 4 Ms Gobbo is reporting the investigators are not suggesting
12:22:13 5 she had any knowledge about the murder and they made that
12:22:15 6 clear, right, and if we scroll down a bit further, she
12:22:20 7 repeats it there, "Investigators told human source was
12:22:23 8 being used as a means of communications and are not
12:22:26 9 suggesting she had any knowledge", so there she is telling
12:22:29 10 her handler that she hadn't been involved?---Yes.
11
12:22:34 12 In fact that confirms what the investigators were saying.
12:22:36 13 If we go back now to p.706 and we go to the bottom at
12:22:49 14 15:50, okay?---Yes.
15
12:22:50 16 We see there "investigation management". The handler Smith
12:22:52 17 has spoken to Shane O'Connell, who has provided email
12:22:55 18 points from a debrief between those who conducted - we can
12:23:03 19 see there there's - O'Connell is spoken to by Smith and
12:23:09 20 email points of the debrief provided by Sol Solomon and
12:23:12 21 Cameron Davey who interviewed Ms Gobbo, do you see
12:23:15 22 that? --Yes, I do.
23
12:23:16 24 You can see there they are telling to the police, Petra,
12:23:20 25 are telling the handlers the following, Ms Gobbo was aware
12:23:24 26 of the corrupt relationship between Williams and Dale, she
12:23:27 27 admits being a conduit between Williams and Dale, do you
12:23:30 28 see that?---Yes.
29
12:23:32 30 Admits the use of the bodgie phones?---Yes.
31
12:23:34 32 And also communication with Ahmed. She then discusses what
12:23:40 33 the discussions with Dale were about on the bodgie phones.
12:23:43 34 Now if we scroll down to the next page, please. At the
12:23:48 35 top, there we are, we have Shane O'Connell, who was leading
12:23:52 36 the Petra Task Force into these murders, says quite
12:23:55 37 clearly, "Investigators feel that she was used by Paul Dale
12:23:59 38 and Carl Williams and also likely by Ahmed for an alibi",
12:24:04 39 do you see that?---Yes.
40
12:24:06 41 And so what they were saying was that their view was she
12:24:13 42 was duped, used, however you want to refer to it. Was that
12:24:16 43 raised at all in the meeting of 31 December? Because lots
12:24:21 44 of people at the SDU have been asked about whether she was
12:24:24 45 criminally involved or not in this matter, and of course
12:24:27 46 the investigators appear to be saying she wasn't?---That's
12:24:32 47 fair from that entry, yeah, agree.

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1
12:24:34 2 Just following the process through. The decision to use
12:24:38 3 her as a witness went to the steering committee?---I
12:24:43 4 believe so, yes.
5
12:24:44 6 Which had Overland, Ashton, I think it was Cornelius but I
12:24:48 7 may be wrong about that, and it was their decision to then
12:24:52 8 use her as a witness? I believe that's the case.
9
12:24:56 10 At that meeting on 31 December, was there any reference to
12:25:02 11 pressure from any of those three, or those on the steering
12:25:07 12 committee, to make Ms Gobbo sign the statement so she'd
12:25:10 13 become a witness?---No, I wouldn't be able to tell you.
12:25:15 14 I'm not sure. I can't recall that. If you ask Mr Black,
12:25:20 15 who is the author, he may have a better understanding. I'm
12:25:23 16 not sure. Definitely not saying there was or wasn't, so.
17
12:25:29 18 All right. Thanks very much Mr Richards?---Thank you, sir.
12:25:38 19
20 <CROSS-EXAMINED BY MR HOLT:
21
12:25:39 22 Mr Richards, can you hear me?- Yes, I can.
23
12:25:41 24 Saul Holt again, counsel for Victoria Police. I just have
25 a few questions for you.
26
12:25:44 27 COMMISSIONER: Mr Holt, it's probably wise to point that
12:25:46 28 other microphone towards you as well. Thanks.
12:25:48 29
12:25:49 30 MR HOLT: Thank you, Commissioner. In terms of the Source
12:25:52 31 Development Unit you've told us that through at least most
12:25:56 32 of the operation of the Source Development Unit there was
12:25:57 33 no dedicated Inspector in that Unit; is that
12:26:00 34 right?---That's correct, yes.
35
12:26:01 36 You had an Inspector, you've named those people, but they
12:26:05 37 were also responsible for at least one other Unit?- -Yes,
12:26:07 38 that's right.
39
12:26:08 40 And one of the legitimate complaints of the SDU over that
12:26:12 41 period was that it needed a dedicated Inspector in order to
12:26:16 42 properly equip the functions that it had?---That was a
12:26:19 43 written recommendation, yes.
44
12:26:22 45 When Inspector O'Connor started in May of 2010 he was in
12:26:27 46 fact the first dedicated Inspector for the SDU, wasn't
12:26:31 47 he? No, Mr Glow was he wasn't dedicated to the SDU, no.

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1
12:26:36 2 What I mean is John O'Connor, Mr O'Connor was the first
12:26:39 3 dedicated Inspector, that is the first person who had only
12:26:42 4 the SDU as his responsibility?---No, he wasn't. He had
12:26:45 5 another Unit as a responsibility as well.
6
12:26:48 7 All right. In any event, we agree I think at least that in
12:26:51 8 May 2010 John O'Connor becomes the Inspector? Of both us
12:26:58 9 and another Unit within the division, yes.
10
12:27:00 11 Let's just agree to disagree. At least of the SDU?---Yes,
12:27:05 12 he had. He was the IC of the SDU, yes.
13
12:27:13 14 As Mr Winneke was asking you questions about very quickly,
12:27:16 15 in fact I might suggest, almost immediately there was,
12:27:18 16 shall we say, at least a negative view of Mr O'Connor by
12:27:20 17 the standing members of the SDU?---No, I wouldn't agree
12:27:24 18 with that, no.
19
12:27:25 20 Well, Mr Winneke referred you to an exchange that you had
12:27:28 21 by email with Mr Sandy White, and we have the records, it's
12:27:37 22 27 May 2010? Yes.
23
12:27:40 24 An email from Sandy White to Mr O'Connor, copying in you,
12:27:43 25 saying, "Can you please ensure future emails re this matter
12:27:48 26 do not link the identity Witness F to source 3838". Do you
12:27:54 27 recall that being the email - - - ?---Yes.
28
12:27:57 29 - - - that Mr Winneke was referring you to. Then you
12:28:00 30 reply, "Nicely put!". You accept that or do you want me to
12:28:07 31 show you the email?---No, no, I've accepted that already,
12:28:10 32 yeah.
33
12:28:12 34 Right. And your reply did not include Mr O'Connor, it was
12:28:16 35 just a reply congratulating Mr Sandy White on the reply
12:28:19 36 that he had given to Mr O'Connor? If you'd like to put it
12:28:24 37 that way, yes. Yes, I put "nicely put", correct.
12:28:26 38
12:28:27 39 If you agree, tell me if you don't, Mr White's "can you
12:28:30 40 please ensure future emails re this matter do not link the
12:28:34 41 identity Witness F to source 3838" to the new Inspector
12:28:37 42 Mr O'Connor was a classic exercise in passive
12:28:40 43 aggression?---No, I wouldn't agree with that. I think it's
12:28:43 44 probably an understanding of trade craft and methodology
12:28:45 45 and exposing and linking names to source numbers which is
12:28:49 46 totally against everything that's taught in source
12:28:53 47 management.

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1
12:28:53 2 In any event, those issues are arising as early as 27 May
12:28:57 3 and I suggest Mr O'Connor had started only on 3 May
12:29:01 4 2010?---I'm not sure of his dates, I have no reason to
12:29:05 5 doubt you.
6
12:29:06 7 Thank you. One of the major issues that was live between
12:29:12 8 Mr O'Connor and Mr Sheridan on the one hand, and you and
12:29:15 9 the other members of the SDU on the other, was a pretty
12:29:18 10 profound disagreement about something called maximum time
12:29:21 11 in position, I'm right about that, aren't I?---No.
12
12:29:26 13 All right?---You're asking me, so no, I totally supported
12:29:30 14 maximum time in position.
15
12:29:32 16 No, no quite. There was a view otherwise though - I'm
12:29:36 17 sorry, you supported maximum time in position, that is you
12:29:40 18 supported the idea of people not staying in those kind of
12:29:43 19 covert roles for too long?---Absolutely.
20
12:29:47 21 All right, good. There was an entirely different view held
12:29:50 22 by others in the SDU, including Mr White, do you agree? - I
12:29:54 23 agree with that, yes.
24
12:29:55 25 Mr O'Connor and Mr Sheridan in particular were keen to
12:29:59 26 implement that and it was a cause of significant ongoing
12:30:02 27 dispute and disagreement within and surrounding the Unit,
12:30:06 28 wasn't it?---Yes, I'd agree with that.
29
12:30:07 30 Thank you. As you'd know, because you agree, as you've
12:30:12 31 indicated, thank you, with that idea of maximum time in
12:30:14 32 position, that it relates both to the welfare of members on
12:30:17 33 the one hand?---Yes, that's fair.
34
12:30:20 35 And also to make sure that particularly in these incredibly
12:30:24 36 difficult areas of policing, covert policing, that police
12:30:28 37 members aren't effectively inured too much into these
12:30:34 38 really hard covert difficult areas for too long and they
12:30:38 39 get breaks in their career from it?---No, well that-
12:30:42 40 technically speaking the Source Development Unit is not
12:30:45 41 exactly a full covert area. I've worked at a covert area
12:30:49 42 prior and this is not one that I'd relate to that. You
12:30:52 43 still have exposure to uniform members, you're still having
12:30:56 44 meetings every day, you're still nominated as a police
12:30:59 45 member. You're still a police member, and it's quite - you
12:31:04 46 attend police buildings so therefore I have a very good
12:31:06 47 understanding of the difference.

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RICHARDS XXN

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1
 12:31:06 2 Okay. But the point is that there are a number of reasons
 12:31:09 3 why you support the idea of maximum time in position,
 12:31:12 4 including - - - ?---Yes.
 5
 12:31:14 6 - - - in an area like the SDU?---Yes, I do.
 7
 12:31:18 8 That includes the nature of the work that is being
 12:31:20 9 undertaken, the regular contact with people who, for the
 12:31:22 10 most part, are at least part of the criminal
 12:31:26 11 fraternity?---No, my understanding - or my opinion, if
 12:31:31 12 you're asking that, is definitely as you first stated, into
 12:31:34 13 the health and well-being of the members. Secondly,
 12:31:37 14 support of the organisation in ensuring people become well
 12:31:40 15 rounded and we don't have performance issues, we don't have
 12:31:45 16 people, yeah, underperforming or being - their careers not
 12:31:52 17 being progressed or profession, that type of thing, with
 12:31:55 18 the member and therefore it impacts the ability of the
 12:31:59 19 organisation moving forward with those people.
 20
 12:32:01 21 All right, thank you. Can we move on. What I'd like to do
 12:32:04 22 now is just to see if we can contextualise some of the
 23 correspondence, the diary entries, the emails that our
 24 friend Mr Winneke took you through just to work out what
 12:32:15 25 else was going on at the same time. So you were asked, do
 12:32:16 26 you recall, about some emails which were sent in around May
 12:32:21 27 2010?---Yes.
 28
 12:32:24 29 Particularly about, this is the first occasion on which
 12:32:28 30 there's a discussion about putting together the chronology,
 12:32:29 31 as it's called, in the emails but which you've identified
 12:32:36 32 as the source management log, do you recall those
 12:32:37 33 emails?---Yes. Yes, I do.
 12:32:38 34
 12:32:38 35 Great. And the first of those emails that you were taken
 12:32:41 36 to, which I don't need to take you to it but for the record
 12:32:43 37 is VPL.0005.0013.1182, was in fact on 4 May 2010. Would
 12:32:52 38 you accept that from me?---Yes, I would.
 39
 12:32:55 40 Again, as you've accepted from me that Mr O'Connor started
 12:32:58 41 on 3 May 2010, if you accept that you'd agree that this
 12:33:02 42 request for the provision of a chronology or, as you've
 12:33:07 43 agreed, the source management log must have been one of the
 12:33:10 44 first tasks facing Mr O'Connor in this new role?---That may
 12:33:14 45 be true, yes.
 46
 12:33:15 47 Thank you? Yes, I would agree.

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1
12:33:16 2 All right. What he did, as you would have seen in the
12:33:20 3 email that was shown to you, immediately was indicate to
12:33:23 4 Mr Sheridan that he was going to speak with you and
12:33:27 5 Mr White about a request for the chronology or the
12:33:31 6 SML?---Yes.
7
12:33:32 8 And you'd expect that was an entirely sensible thing to do
12:33:37 9 for a brand new Inspector coming into this role without a
12:33:41 10 history for Ms Gobbo?---Totally agree.
11
12:33:43 12 Thank you. Again, just to contextualise it, you would have
12:33:47 13 understood I think, and if you don't recall I can take you
12:33:49 14 to some emails, that the reason for that request was
12:33:53 15 because Ms Gobbo was taking at the time, had commenced
12:33:57 16 civil litigation against Victoria Police in respect of her
12:34:02 17 role as a witness in relation to Mr Dale?---Yes.
18
12:34:08 19 You understood that the request that came through via
12:34:11 20 Mr Sheridan to Mr O'Connor, and then ultimately for
12:34:14 21 discussion with you, was a request from Simon Overland for
12:34:22 22 a history of the SDU's involvement with Ms Gobbo and what
12:34:31 23 was proposed to be provided was the source management
12:34:34 24 log?---That makes sense, yes.
25
12:34:36 26 If we can have a look, please, firstly at what has I think
12:34:45 27 been tendered today as Exhibit 354, which should be
12:34:51 28 VPL.6025.0008 - or I'll just stop because there it is.
12:34:58 29 This is an email which you were asked about which has an
12:35:01 30 email from Mr O'Connor first to you and Mr White, do you
12:35:07 31 see that, on 27 May?---Yes, I do.
32
12:35:10 33 And then what he's doing is forwarding you an email from
12:35:13 34 Mr McRae, who you would have understood to be the Director
12:35:18 35 of Victoria Police Legal at the time?---Yes.
36
12:35:20 37 Yes. Which in turn was sent to, had been sent to
12:35:22 38 Mr O'Connor and a Mr Lardner and another person, do you see
12:35:26 39 that?---Yes, I see that.
40
12:35:28 41 If we go down, please, further so we can see what comes
12:35:33 42 below. Thank you. This is Mr O'Connor on 27 May offering
12:35:44 43 the assistance of himself and his management team to
12:35:48 44 Mr McRae and Mr Lardner in respect to what in context must
12:35:54 45 be the source management log, do you see that?---Yes, I see
12:35:57 46 that.
47

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12:35:59 1 What that email doesn't show is any attachments, and we can
12:36:05 2 see why. Down at the bottom it says, "You have the only
12:36:11 3 copy of this highly protected document", do you see
12:36:13 4 that?---Yes , yes.
12:36:14 5
12:36:15 6 Do you recall or would you at least accept that what occurs
12:36:17 7 here is that a single copy, unsurprisingly, of the source
12:36:23 8 management log is delivered for review or for whatever
12:36:26 9 purpose as a response to this request?---I think that's
12:36:28 10 fair to say, yes.
11
12:36:29 12 Again, that would not surprise you at all given the
12:36:32 13 sensitivity of the document?---So that's the document that
12:36:36 14 it looks like John O'Connor has provided to Finn McRae.
15
12:36:40 16 That's the document referred to in this email, do you see
12:36:43 17 that?---Yes, yes. Yes, absolutely
12:36:45 18
12:36:45 19 You've agreed that a single hard copy would have been
12:36:49 20 delivered?---I'm not sure. It just says there, "You
12:36:53 21 have" - I don't know between John and Finn what they're
12:36:57 22 talking about, but it says, "You have the only copy of this
12:37:01 23 highly protected". I've never seen the document, so.
24
12:37:05 25 You well have, you've seen the SML, because you were
12:37:07 26 involved in part of its compilation?---Yes, absolutely,
12:37:09 27 yes. I've seen the SML, yes. It's an electronic - it's on
12:37:12 28 Interpose, yes, and before that it was on the SDU system.
29
12:37:16 30 Do you not accept from me, at least as a matter of common
12:37:19 31 sense, that where it says, "You have the only copy of this
12:37:21 32 highly protected document", what is being referred to is a
12:37:25 33 single hard copy of that highly protected document,
12:37:28 34 otherwise it makes no sense to describe it a single
12:37:32 35 copy?---I'm just reading it. Yeah, I accept what you're
12:37:36 36 saying. Yeah, I can't say it is or isn't. But I accept
12:37:40 37 what you're saying, yes.
38
12:37:42 39 Did you have any involvement to your recollection in the
12:37:46 40 delivery of or anything else to do with the provision of
12:37:48 41 that document to Mr Lardner or to Mr McRae?---No.
42
12:37:52 43 Thank you. Could we just come back, please, to the form A
12:38:00 44 2010 email. I'm sorry, I didn't take a note of the exhibit
12:38:03 45 number. I think it's VPL.0005.0013.1200. It's Exhibit
12:38:23 46 599, I'm grateful, thank you. If we could go to the top of
12:38:31 47 the page, please. Thank you. This is an email you were

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12:38:34 1 shown from Mr O'Connor to Mr Sheridan, can you see
12:38:39 2 that?---Yes, I do.
3
12:38:42 4 It notes that he's spoken to both you and Mr White about
12:38:46 5 the request, do you see that?---Yes, yeah, it says - yes,
6 absolutely, yes, agree.
7
12:38:53 8 Don't say what it says for obvious reasons? Yes.
9
12:38:57 10 It's clearly the two of you. Again, this is the day after
12:39:01 11 Mr O'Connor has started, you agree?---I'd agree with you
12:39:06 12 that's the case, yes.
13
12:39:07 14 Assuming I'm right about 3 May 2010?---Yes. Okay, yes.
15
12:39:11 16 And he notes that, "Sandy White in particular is quite
12:39:16 17 concerned re the consequences of a chronology of
12:39:20 18 events/meetings, et cetera making its way into
12:39:22 19 legal/solicitors' hands (within the organisation and
12:39:26 20 outside)"?---Yes.
21
12:39:30 22 I just want to perch on that phrase for a moment. And
12:39:34 23 please, as best as you can just try and recall back to this
12:39:36 24 time, see if you can help us with what concern there was by
12:39:40 25 you or Mr White or others within the SDU as to why lawyers
12:39:44 26 inside the organisation ought not see the chronology, the
12:39:52 27 source management log?---So I'm working through this in my
12:39:57 28 mind. You're asking me to comment on an email from John
12:40:03 29 O'Connor to Paul Sheridan talking about Mr White's
12:40:09 30 concerns?
12:40:09 31
12:40:10 32 Sure, I guess at one level, yes, but maybe I could put it a
12:40:14 33 slightly different way. Do you recall there being concerns
12:40:16 34 by you or Mr White or others within the Source Development
12:40:19 35 Unit about the chronology of the history of the SDU with
12:40:24 36 Ms Gobbo making its way into the hands of internal lawyers
12:40:29 37 at Victoria Police?---Good question. I presume there would
12:40:36 38 have been. It depends who Victoria Police employed,
12:40:45 39 whether it's part of anyone that has been nominated within
12:40:48 40 this hearing that had connections to 3838.
41
12:40:52 42 I'm not sure anyone inside Victoria Police Legal has been
12:40:55 43 nominated as having such issues?---I'm not sure.
44
12:41:11 45 Thank you. I think that's all we need from that. In terms
12:41:16 46 of then this 2010 period, this is all for the purposes, as
12:41:22 47 you understood it, relating to the civil litigation which

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12:41:25 1 Ms Gobbo had which related specifically to her role as a
12:41:29 2 witness or a proposed witness in respect of Mr Dale?---As I
12:41:35 3 said, I'm going with what you're saying here, yes.
4
12:41:38 5 You were though told, and we have an email to this effect,
12:41:43 6 and you may recall it, that on 12 August 2010 you were told
12:41:48 7 by way of a forwarded email that the proceedings by
12:41:52 8 Ms Gobbo against the Chief Commissioner of Police had by
12:41:55 9 that stage settled out of court?---Okay.
10
12:41:58 11 Do you recall being told that or do you accept that date
12:42:00 12 from you?---I accept that, absolutely accept that.
13
12:42:03 14 For the record if it assists for later reference it's
12:42:06 15 VPL.6025.0002.4033. Once that settles would you agree that
12:42:17 16 as far as you were aware you had no other further
12:42:19 17 involvement in that request for information associated with
12:42:23 18 civil proceedings, perhaps unsurprisingly?---Yes, that's
12:42:26 19 fair.
20
12:42:26 21 All right. Can I move on then to another period which you
12:42:31 22 were asked some questions about, which is the period around
12:42:36 23 November 2011. You were shown some of your own diaries in
12:42:43 24 respect of this period, particularly diary entries for 3
12:42:47 25 November 2011 and 4 November 2011. If I can give the VPL
12:42:52 26 because I think the exhibit number won't help, it's
12:42:57 27 VPL.0099.0010.0222. The entries are on 3 November which
12:43:11 28 should be on p.14 of that document. I'll need 14 and 15.
12:43:18 29 If it were possible to put them next to each that would
12:43:21 30 make me very happy. No, that's fine. Perfect, thank you.
12:43:30 31 Can we make it a bit bigger just for my benefit. Thank
12:43:34 32 you. At 19:35, so 7.35 pm on 3 November, your diary
12:43:46 33 records you calling Mr O'Connor, "Updated re 2958 issues -
12:43:52 34 Commonwealth OPP shown 2958 SML". Do you see that?---Yes,
12:43:57 35 I do.
36
12:43:58 37 I take it, given everything that you've been through
12:44:00 38 already, that information must have come as a very
12:44:03 39 significant concern to you, that not only someone outside
12:44:08 40 Victoria Police, but a Commonwealth agency, on the face of
12:44:11 41 the information you're receiving has been shown the source
12:44:14 42 management log for Ms Gobbo?---That's a fair comment, yes.
43
12:44:18 44 Indeed, at 19:55, 7.55 pm, you spoke to - I think that's
12:44:27 45 Sandy White, you might need to just check your diary for
12:44:30 46 me, I'm sorry, I can't recall that immediately?---That
12:44:33 47 would probably be correct.

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1
12:44:34 2 "Frustrated re Commonwealth, shown SML - has been told may
12:44:39 3 have to work on providing SCR/diary, et cetera, for 2958 on
12:44:45 4 weekend - agreed it would takes weeks of dedicated time to
12:44:48 5 achieve this result", do you see that?---Yes, I do.
12:44:51 6
12:44:52 7 I think, putting all the various documents together, that
12:44:54 8 on or about no, not on or about on 3 June 2011
12:44:56 9 Mr O'Connor seems to be facilitating the provision of
12:45:00 10 information in respect of 3838, of Ms Gobbo?---Yes, you
12:45:04 11 said 3 June 2011.
12
12:45:06 13 I'm sorry, I meant November 2011. I apologise. That he
12:45:10 14 seemed to be involved in making requests of you guys,
12:45:13 15 presumably based on requests that he had got, to provide
12:45:16 16 information about Ms Gobbo's file which Mr White appeared
12:45:22 17 to agree with you would take weeks of dedicated time to
12:45:25 18 achieve?---Yes, that would be right.
19
12:45:29 20 Thank you. Then we can see when we go down - no, sorry. I
12:45:35 21 promised we'd contextualise them, we should. So did you
12:45:42 22 understand at the time or have you since come to understand
12:45:44 23 that on 3 November 2011 was about the date that members of
12:45:49 24 Victoria Police Command discussed and made decisions about
12:45:55 25 what we've come to know as the Maguire advice in this
12:45:59 26 case?---I can't say I've heard of that.
27
12:46:01 28 All right. And on or about, at about this time was the
12:46:07 29 time that the decision is made to institute what became
12:46:12 30 known as the Comrie review?---No, I have no idea about
12:46:15 31 that.
32
12:46:15 33 And I think, because we'll come to these names, some of
12:46:18 34 these names a little bit later, that in fact the decision
12:46:21 35 to take those steps, that is to implement what became known
12:46:25 36 as the Comrie review following the Maguire advice, and the
12:46:28 37 specific requests of the SDU that we're talking about in
12:46:32 38 early November 2011, had come from a combination of
12:46:35 39 Mr Ashton, Mr Cartwright and Mr Lay, Mr Lay then being the
12:46:40 40 Chief Commissioner, you recall that?---I have no idea about
12:46:44 41 that.
42
12:46:44 43 All right. In any event, all of this - so you've got 3
12:46:49 44 November 2011, you know the Commonwealth, or you're told
12:46:53 45 the Commonwealth had been shown the SML, and then there's
12:46:57 46 requests for this further analysis work to be done, again
12:47:01 47 must have given rise to all of the concerns that Mr Winneke

.23/10/19

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12:47:04 1 has raised with you about Ms Gobbo's identity becoming
 12:47:08 2 known?---So the previous things, that's the first I've
 12:47:11 3 heard of them, what you just raised, but the Commonwealth
 12:47:15 4 OPP, yes, agree, and the SML ledger to be compiled,
 12:47:19 5 absolutely there were concerns, yes, agree.
 12:47:22 6 Thanks. Now if we go then, we can see then on 4 November
 12:47:26 7 at 7.23, that's a.m., there's an update, I think again
 12:47:32 8 that's Sandy White, "Update re concerns over the 2958 file,
 12:47:37 9 the amount of work to recover required files and diary
 12:47:41 10 entries, et cetera", you see that?---Yes.
 11
 12:47:44 12 Then as Mr Winneke took you through, and I won't repeat
 12:47:47 13 what's been said, there are a series of entries in your
 12:47:50 14 diary relating to various calls during that day, do you see
 12:47:55 15 that?---Yes.
 16
 12:47:56 17 And then at 18:30 - so at 6.30 pm there's a call there,
 12:48:10 18 "Concerns re the SML being shown to Commonwealth DPP.
 12:48:15 19 Confirms the public domain that 2958 was a human source and
 12:48:18 20 gives clarity re dates and actions and issues surrounding
 12:48:22 21 privileged conversations by POI who are currently
 12:48:25 22 incarcerated and current trials"? -Yes.
 23
 12:48:28 24 This is a conversation between you and Mr White?---Yes.
 25
 12:48:36 26 If you then go to 7.30 on that day. This is why I
 12:48:39 27 referenced Mr Ashton before, who was at that stage we think
 12:48:43 28 the Assistant Commissioner as you'll see. You're called by
 12:48:46 29 JOC, that's the acronym most commonly given to John
 12:48:50 30 O'Connor in your diaries?---Yes, that's his initials.
 31
 12:48:54 32 It says, "Explain circumstance that a document was to be
 12:49:00 33 produced in order to show AC Ashton that if the HS is
 12:49:08 34 compromised due to the impending court process, that the
 12:49:11 35 consequences would be catastrophic", do you see
 12:49:14 36 that? -- Yes, that's what we spoke about in the call, sorry
 12:49:14 37 (indistinct).
 12:49:14 38
 12:49:14 39 You did. I want to suggest to you that was in fact you
 12:49:17 40 telling Mr O'Connor that the consequences would be
 12:49:21 41 catastrophic, him explaining to you the circumstances which
 12:49:25 42 were that a document was to be - I'm sorry, as a result of
 12:49:28 43 conversations that you and he had had?---I'm pretty sure I
 12:49:33 44 went over this with Mr Winneke, that I don't recall the
 12:49:36 45 conversation, but looking at that diary entry it's not me
 12:49:39 46 saying it, it's John who called me and explaining the
 12:49:43 47 circumstances.

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1
12:49:45 2 In any event, what's overwhelmingly clear is that it's
12:49:49 3 Mr Ashton, then Assistant Commissioner Ashton, who you're
12:49:55 4 having to try and convince effectively not to further
12:49:57 5 disclose the identity of Ms Gobbo, presumably because the
12:50:01 6 requests that he had made would have had that consequence
12:50:05 7 in your mind? Again, I'm by the look of this diary
12:50:09 8 entry I'm not trying to convince anyone. It's Mr O'Connor
12:50:12 9 explaining to me.
10
12:50:23 11 Just before we move too far away from the period of time
12:50:27 12 when Ms Gobbo was being handled, you've made reference and
12:50:32 13 you were asked some questions about the making of public
12:50:35 14 interest immunity claims in respect of human source
12:50:37 15 information?---Yes.
16
12:50:40 17 And you very properly noted to Mr Winneke that public
12:50:45 18 interest immunity claims are made across broader categories
12:50:50 19 than just human sources, police methodology and assumed
12:50:54 20 identities and other matters that you identified?---Yes.
21
12:50:57 22 When you were at the SDU, and indeed I might suggest more
12:51:02 23 generally over the time you've been at Victoria Police, you
12:51:05 24 were aware that issues relating to public interest immunity
12:51:09 25 were dealt with by what's called the police branch of the
12:51:14 26 Victorian Government Solicitors Office or the VGSO?---Yes.
27
12:51:17 28 And effectively, not effectively, actually police
12:51:21 29 investigators had immediate access or access to go directly
12:51:26 30 to VGSO to deal with public interest immunity issues as and
12:51:30 31 when they arose?---Yes, that's fair.
32
12:51:32 33 All right. That's where it was well understood that the
12:51:37 34 expertise in respect of public interest immunity lay and
12:51:39 35 that's where they were accessed by not just you, but other
12:51:44 36 investigators within the service as well? Yes, I'd agree
12:51:46 37 with that.
38
12:51:47 39 And where a matter needed to go further, where there needed
12:51:52 40 to be litigation about public interest immunity, you
12:51:54 41 understood that the VGSO would often brief barristers to do
12:51:57 42 that work?---I've never had that experience, so I'm not
12:52:01 43 saying - but that may be the case, I'm not sure. I haven't
12:52:05 44 had that experience.
45
12:52:06 46 That's all right. If you haven't had that experience I can
12:52:08 47 leave that topic with you. So on indictable matters,

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12:52:13 1 right, so serious matters that are going to end up in the
12:52:17 2 County Court or the Supreme Court, where PII issues arise,
12:52:20 3 the first port of call is the VGS0?---Yes.
4
12:52:23 5 And where legal issues associated with the case itself
12:52:28 6 arise, the first port of call should be to the OPP or the
12:52:32 7 DPP? Yeah. I'm not sure, as I say, about that process.
12:52:39 8 I haven't had to personally deal with that side of it.
9
12:52:42 10 All right. That's because of the various roles you've had
12:52:45 11 have kept you out of that kind of investigative role for a
12:52:48 12 long time?---Correct.
13
12:52:50 14 Understood, thank you. Now, you talked about the period of
12:52:56 15 time when Mr Biggin was the Superintendent?---Yes.
16
12:53:02 17 And between Mr Biggin and Mr White there was always an
12:53:07 18 Inspector, albeit that sometimes that Inspector had
12:53:11 19 responsibility or always, as you say, that Inspector had
12:53:14 20 responsibility for more than the SDU?---Correct, there was
12:53:17 21 always divided responsibility with each Inspector.
22
12:53:21 23 All right. Mr Winneke asked you a lot of questions about
12:53:23 24 the concerns that you and members of the SDU had and openly
12:53:26 25 expressed about the use of Ms Gobbo as a human source, the
12:53:30 26 risks associated with her as a human source at various
12:53:34 27 stages, you recall that?---Yes, that's fair.
28
12:53:37 29 Which ultimately culminate in that SWOT analysis that you
12:53:42 30 described?---The SWOT analysis was in regards to the
12:53:44 31 preparation of a statement for Petra.
32
12:53:47 33 In any event, you gave evidence yesterday that those issues
12:53:51 34 were discussed not just within the operational staff of the
12:53:55 35 SDU but also, for example, with Inspectors and then in fact
12:54:02 36 you nominated Superintendent Biggin as well? Yes.
37
12:54:04 38 In what context do you suggest that those concerns were
12:54:08 39 raised in the presence of, take, for example, Mr Biggin,
12:54:11 40 given that he's two ranks removed from the
12:54:17 41 SDU?---Mr Biggin, like Inspectors, were involved in the
12:54:19 42 discussions around the use of 3838. I'm not sure if that
12:54:25 43 assists you but just in conversations around source
12:54:28 44 meetings, you'd have to ask probably Sandy White as well as
12:54:34 45 to the direct involvement that he had with Mr Biggin.
46
12:54:36 47 I see. Is at least part of your answer, and I'll come to

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12:54:41 1 the other part in a moment, but is at least part of your
12:54:43 2 answer based on an assumption that Mr White was having
12:54:46 3 those conversations with Mr Biggin outside of your
12:54:49 4 presence?---And the Inspector.
5
12:54:51 6 Outside of your presence?---Yes.
7
12:54:52 8 Thank you. Can you recall any particular occasion,
12:54:55 9 location, time, date, ballpark, anything for me, where
12:54:59 10 Mr Biggin is present when these sorts of conversations are
12:55:01 11 occurring?---No, I know - no, I can't give you the time and
12:55:06 12 location unless I go through the human source meetings to
12:55:09 13 see when he was present or when he was at the office or
12:55:12 14 whether we attended at his office. Yeah, I can't point you
12:55:16 15 in a single particular direction.
16
12:55:18 17 Let's just see if we can - I just want to see if we can
12:55:22 18 help you at all with this. If that occurs at one of these
12:55:26 19 human source meetings or in his office or whatever, that
12:55:28 20 would presumably not just be with you and Mr Biggin, there
12:55:31 21 would be other persons present as well?---As I said, more
12:55:35 22 than likely Mr White would be doing it. Whether it would
12:55:37 23 be by himself or with others present, agree.
24
12:55:41 25 And given the significance of those issues you would expect
12:55:42 26 that someone at one of those meetings might have had a note
12:55:47 27 of the sort of concerns that you suggested were discussed
12:55:49 28 in Mr Biggin's presence?---Yes, that'd be fair.
29
12:55:53 30 Thank you. Just last couple of topics. In 2012 you've
12:56:05 31 explained to Mr Winneke that you became the contact point
12:56:08 32 for a period I think of about three months for
12:56:12 33 Ms Gobbo?---I think it was about two weeks.
34
12:56:16 35 Okay. I suggest to you - - -?---Sorry, I know there were
12:56:20 36 contacts in my statement between 17 January 2012 and 29
12:56:25 37 February 2012.
38
12:56:27 39 Well, if I suggest that - again, I know it's a really long
12:56:31 40 time ago, but if I suggest that on 5 December 2011, as
12:56:36 41 Mr Winneke showed you, there was a calendar invite - I'm
12:56:42 42 sorry, pause there a moment. Oh yes?---Yes, there was,
12:56:45 43 yes, yes.
44
12:56:46 45 In fact I need to go back a step so it's clearer. There's
12:56:50 46 a contact log re Witness F which identifies that you were
12:56:55 47 to be the point of contact from 5 December 2011 until 1

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12:56:59 1 March 2012, does that sound about that right?---Yeah, that
12:57:04 2 could be right, yes.
3
12:57:05 4 Over that period of time you had a number of contacts,
12:57:09 5 single figures, but maybe sort of mid to high single
12:57:12 6 figures with Ms Gobbo?---I believe it was five.
7
12:57:14 8 You understood though, didn't you well, let's pause there
12:57:18 9 for a moment and work out what's happened up to this point.
12:57:21 10 She's sued Victoria Police and that issue has
12:57:25 11 settled?---Not sure on the settlement, but yes, she's sued
12:57:29 12 Victoria Police, yes.
13
12:57:31 14 And you're aware I think that John O'Connor has been her
12:57:39 15 contact point for quite some significant period of time
12:57:41 16 before you took over for this three month period?---Yes.
17
12:57:45 18 And there were in fact, the management of how to deal with
12:57:49 19 the need to have a contact point for Ms Gobbo on the one
12:57:52 20 hand, but also the need to make sure that none of what's
12:57:56 21 happened previously is replicated, meant that John O'Connor
12:58:01 22 in fact made Standard Operating Procedures, SOPs in
12:58:04 23 relation to how that was going to work, do you remember
12:58:07 24 that?---Yes, he did.
25
12:58:09 26 One of the key things that was done in that period was that
12:58:11 27 Ms Gobbo was to phone a number that went to a Messagebank
12:58:14 28 and then the person allocated to her, which was ordinarily
12:58:17 29 John O'Connor, would then call back from that message being
12:58:20 30 given?---Yes.
31
12:58:21 32 And the idea of the whole thing was to try and, as much as
12:58:25 33 possible, take the sort of immediacy and heat out of
12:58:29 34 conversations so that she wouldn't continue to do what it
12:58:34 35 was very hard to get her to stop doing, which was
12:58:37 36 continuing to try and give information? Yes, I would
12:58:38 37 agree with that.
38
12:58:39 39 In fact, once you start speaking to her, as we'll see in a
12:58:44 40 couple of transcripts in a moment, when you start speaking
12:58:46 41 to her it becomes immediately apparent that she's desperate
12:58:50 42 to continue to give you and Victoria Police information
12:58:54 43 even in the early part of 2012?---I think she was providing
12:58:58 44 it to Boris Buick and Jason Kelly and others along the way,
12:59:04 45 which she indicates through I think some of those phone
12:59:07 46 calls we've discussed with Mr Winneke.
47

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12:59:09 1 Thanks for that. I just want to focus on your interactions
12:59:12 2 with Ms Gobbo over this time. It became clear to you,
12:59:15 3 didn't it, in those two - sorry, in the conversations you
12:59:18 4 had, particularly the longer ones, that she's still trying
12:59:21 5 to give you information about lots of different things and
12:59:24 6 lots of different people?---Absolutely, yes, that's fair.
7
12:59:27 8 All right. In respect of now, Commissioner, there are
12:59:33 9 two of the conversations which were audio recorded and
12:59:36 10 where transcripts have been made and these have been
12:59:38 11 produced to the Commission. I might tender them both,
12:59:42 12 though I only intend to take the witness to the second.
12:59:45 13 They seem to be relevant. The first is VPL.0100.0255.0393.
12:59:58 14 Perhaps we'll get that up. That's 17 January 2012,
13:00:04 15 Commissioner.
16
13:00:06 17 COMMISSIONER: This is a tape?
13:00:09 18
13:00:09 19 MR HOLT: It's a tape recording of a conversation between
13:00:12 20 this witness and Ms Gobbo. It's the transcript of that.
13:00:16 21 The audio has also been produced, Commissioner, so perhaps
13:00:21 22 that ought be tendered as an exhibit for completeness.
13:00:21 23
13:00:22 24 COMMISSIONER: 17 January 2012, is it?
13:00:25 25
13:00:26 26 MR HOLT: Yes.
13:00:26 27
13:00:27 28 #EXHIBIT RC617A - (Confidential) Tape.
13:00:30 29
13:00:33 30 #EXHIBIT RC617B - (Redacted version.)
13:00:37 31
13:00:38 32 #EXHIBIT RC617C - (Confidential) Transcript.
13:00:44 33
13:00:44 34 #EXHIBIT RC617D - (Redacted version.)
13:00:50 35
13:00:51 36 MR HOLT: Mr Richards, do you see the transcript in front
13:00:53 37 of you there? Is that coming up on your screen?- -Yes, it
13:00:57 38 is.
13:00:57 39
13:00:57 40 Excellent. I know you haven't done this transcript or
13:01:00 41 checked it. There's nothing in this conversation I want to
13:01:03 42 take you to specifically but if we could just scroll, just
13:01:08 43 have a quick look at that page and scroll to the second
13:01:12 44 page. Perhaps just stop there. This was a really hard
13:01:15 45 audio to transcribe but you can see from that, would you
13:01:19 46 accept, that that is an audio of the conversation you had
13:01:22 47 with Ms Gobbo on 17 January 2012? I'd accept there is an

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13:01:26 1 audio but without being privy to the transcript I can't say
13:01:31 2 that's a true and accurate recording of the transcript of
13:01:34 3 the conversation.
4

13:01:34 5 Can I say, I should have been clearer, I'm not asking you
13:01:37 6 to do that because it's clearly not, even the dots tell you
13:01:42 7 that. It's a difficult transcript to do. But if you look,
13:01:45 8 for example, on the conversation you can see on the page
13:01:47 9 we're looking at, which is number 2 of the transcript, is
13:01:51 10 that starting to ring bells for you in terms of the kinds
13:01:54 11 of things that you and Ms Gobbo were discussing?---Yes,
13:01:57 12 that's fair.
13

13:01:58 14 We need to go to a second transcript, please, of a
13:02:01 15 conversation on 20 January 2012. That is
13:02:14 16 VPL.0100.0255.0206. Again, Commissioner, while that's
13:02:25 17 coming up I'll tender the transcript and I should also
13:02:30 18 tender the audio.
19

13:02:31 20 COMMISSIONER: The tape of 20 January 2012 between Officer
13:02:35 21 Richards and Nicola Gobbo will be 618A and B. The
13:02:39 22 transcript C and D.
23

13:02:41 24 #EXHIBIT RC618A - (Confidential) Tape of 20/01/12 between
13:02:41 25 Officer Richards and Nicola Gobbo.
13:02:43 26

13:02:44 27 #EXHIBIT RC618B - (Redacted version.)
13:02:45 28

13:02:46 29 #EXHIBIT RC618C - (Confidential) Transcript.
13:02:47 30

13:02:48 31 #EXHIBIT RC618D - (Redacted version.)
13:02:51 32

13:02:51 33 MR HOLT: Thank you, Commissioner. Again, this was an
13:02:52 34 easier audio for transcription it would appear. Just have
13:02:57 35 a read through the first page and again I'm not asking you
13:02:58 36 to attest to the authenticity of the transcript, I'm just
13:03:00 37 asking you to read it and tell us whether it feels like
13:03:03 38 it's that conversation?---Yes.
13:03:04 39

13:03:05 40 Is that right?---Yes.
41

13:03:06 42 All right, thank you. Just a couple of parts I'd like to
13:03:09 43 take you to. Can I take you firstly please to p.14 of the
13:03:13 44 transcript. About a quarter or a third of the way down the
13:03:25 45 page there's a statement by you where you say, "Yep, well
13:03:31 46 yeah I, I, I, I know what's happened in the past and
13:03:34 47 obviously John was your contact point", do you see

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13:03:37 1 that?---Yes.
2
13:03:37 3 The John referred to there logically in context is John
13:03:40 4 O'Connor?---Yes.
5
13:03:43 6 And then you say, "And he's not here so that's where I fall
13:03:48 7 into" I'd be interested to know what you say after that
13:03:53 8 but anyway, that's what you say? Again, yeah, that's what
13:03:56 9 the transcript in front of us says, yes.
10
13:03:58 11 Understood. Then Ms Gobbo says, "I wasn't gonna talk to
13:04:02 12 him anyway, he's - I mean, that bloke had no clue. And it
13:04:07 13 - and I'm not being critical of him, it's not his fault.
13:04:10 14 He didn't have a clue". She then says, "I mean he just, he
13:04:13 15 just drew the short straw, and they said here's a, here's
13:04:18 16 a, here's a shit sandwich, you deal with it", do you see
13:04:22 17 that?---Yes, I see that.
13:04:23 18
13:04:24 19 So given that the plan through the SOPs was to try and
13:04:26 20 limit Ms Gobbo's desire and willingness to give
13:04:30 21 information, at least on the face of that it seems like
13:04:33 22 John O'Connor might have done an okay job? Yes, I agree
13:04:37 23 with that.
24
13:04:38 25 Thank you. Again, just a couple of other points out of
13:04:42 26 here. Again, I want to suggest generally that, without
13:04:46 27 taking you chapter and verse through it, that Ms Gobbo
13:04:52 28 seems excited to speak to someone who she knew previously
13:04:56 29 from SDU time?---Whereabouts is that?
30
13:05:03 31 No, I'm asking - but she was aware that you had that
13:05:08 32 history, wasn't she, because she talks with you about
13:05:10 33 Mr White and her history with Mr White?---Yes.
34
13:05:11 35 In quite fond terms, kind of looking back at the times with
13:05:15 36 the SDU and very fondly and positively about Mr White.
13:05:22 37 Does that ring a bell?---It doesn't ring a bell but
13:05:25 38 absolutely, I'd have nothing to say that that didn't
13:05:29 39 happen.
40
13:05:29 41 Again, without for a moment making any comment on whether
13:05:35 42 what Ms Gobbo is telling you is accurate or inaccurate or
13:05:38 43 anything of that kind, can I ask you to look at p.7 of the
13:05:41 44 transcript please. It will come up in front of you. If we
13:05:46 45 look up the - follow down from the top and we get to a
13:05:56 46 point where she says, "And I got a letter sent to me,
13:05:58 47 sorry, given to me which said you are no longer allowed to

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13:06:01 1 have contact with anyone from the Task Force at all", do
13:06:04 2 you see that?---Yes, I do.
3
13:06:05 4 Were you aware over this period of time generally that
13:06:09 5 there were efforts, quite apart from the SOPs that John
13:06:13 6 O'Connor had put in place, there are efforts being made in
13:06:17 7 various parts of the organisation to stop lines of
13:06:19 8 communication with Ms Gobbo? Yes, that's what I said
13:06:22 9 before when I inadvertently didn't rely on a pseudonym.
10
13:06:26 11 You're not the first, you won't be the last,
13:06:33 12 Mr Richards?---Thank you.
13
13:06:34 14 And she seemed upset or annoyed about all of this
13:06:37 15 restriction that was stopping her from speaking to people
13:06:40 16 she thought she should be speaking to?---Yes, that's fair.
17
13:06:43 18 And in fact even when we look at the next part down, yes,
13:06:45 19 she says, "And the Task Force is not aware of what's going
13:06:49 20 on with the DPP that I can tell you. They're not aware of
13:06:52 21 it. It's pretty ironic really, considering they are the
13:06:58 22 Task Force investigating, yet they've got no idea what's
13:07:01 23 going on". And you say, "They're not aware of what the
13:07:05 24 DPP's doing?" Ms Gobbo says, "Absolutely not". Now again,
13:07:11 25 not making any comment on the accuracy of any of that, we
13:07:13 26 go over to p.8. Bottom of p.8. She says, "And prior to
13:07:16 27 that", that is prior to, if you look at above, "being
13:07:20 28 instructed by those above him", this is Mr Buick, "that all
13:07:24 29 contact should cease, prior to him and prior to speaking to
13:07:27 30 him, unbeknownst to police, I was dealing with the DPP
13:07:30 31 because I'd offered to do it even before I got asked and I
13:07:34 32 did it in writing and no one could ever say that it wasn't
13:07:37 33 done in writing". And you say, "And you're still dealing
13:07:38 34 with them now, are you?" And she says, "Yep". Again,
13:07:43 35 these are examples of how Ms Gobbo, even in 2012, is
13:07:48 36 talking about and trying to find ways of continuing to give
13:07:52 37 information to Victoria Police, and other agencies it would
13:07:56 38 seem?---Yes, I don't discount that.
39
13:08:02 40 And you do some IRs, let's not get into the question of
13:08:05 41 precisely which ones were yours, but you do some
13:08:09 42 information reports and you do them entirely consistently
13:08:13 43 with the directions that have been given to you, don't
13:08:15 44 you?---As per the SOPs developed by Mr Sheridan.
45
13:08:21 46 That is notwithstanding the efforts to try and not get
13:08:24 47 information or encourage the giving of information,

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13:08:26 1 information that it's felt needs to be given or used or
13:08:31 2 disseminated in some way in the public interest, and that
13:08:33 3 is not to be done unless it's authorised at a higher level
13:08:39 4 than you?---Yeah. As I say, I think you have a copy of the
13:08:46 5 Standard Operating Procedure with the contact.
6
13:08:47 7 There are a couple of points I can make quickly though.
13:08:51 8 You were asked some questions about a hit list, if I can
13:08:54 9 use the vernacular on that, information Ms Gobbo gave you
13:08:57 10 about a number of persons who were said to be on a hit list
13:09:01 11 and information she gave about actually the person whose
13:09:04 12 hit list it was, that is the person intending that those
13:09:08 13 people be killed, do you recall those questions?---Yes.
14
13:09:09 15 And unsurprisingly you do an IR on that because it's a
13:09:15 16 matter of public safety?---It falls within the criteria of
13:09:20 17 the SOPs, yes.
18
19 Exactly. And then if I can just read to you, I don't need
13:09:22 20 to take you to it unless we have to, for the record it will
13:09:24 21 be VPL.0100.0203.0034. You did a briefing note to AC
13:09:35 22 Segrave on 21 February 2012 where you refer to Ms Gobbo
13:09:40 23 having given you some potential evidence in respect of a
13:09:43 24 murder and it's advised that no further action is to be
13:09:52 25 taken without the written agreement between the Assistant
13:09:55 26 Commissioner Crime and the Assistant Commissioner of the
13:09:57 27 Covert Services Division?---I can't recall that. Do you
13:10:01 28 have it there?
29
13:10:02 30 Sure, we'll pull it up if you need to see it. That's
13:10:06 31 fine?---Thank you.
32
13:10:07 33 This is a briefing note to Acting Superintendent Segrave
13:10:11 34 from you, do you see that?---Yes.
35
13:10:13 36 Can I promise you it is you. I'm sorry it's not shown on
13:10:16 37 the screen?---Yes.
38
13:10:17 39 Without naming the detail of the particular case, you're
13:10:22 40 noting to AC Segrave that you have received information and
13:10:28 41 then at 4 it says, "Due to a range of legal issues and
13:10:35 42 complexities this matter has been referred to the ACIC SD
13:10:40 43 and AC Crime for discussion"?---Yes.
44
13:10:44 45 And, "It is advised to take no further action concerning
13:10:47 46 this matter unless on the written agreement between the
13:10:52 47 ACIC SD and AC Crime"? Yes, I see that.

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13:10:56 1
2 And that's an example of the kind of framework that was put
13:10:57 3 into place over this period to try and better manage the
13:10:58 4 way in which any information from Ms Gobbo was being used
13:11:02 5 and dealt with?---Yes, I make the assumption that
13:11:05 6 Mr Segrave was the Acting Superintendent in place of
13:11:08 7 Mr Sheridan.
8
13:11:09 9 Yes, I think that is correct. We can check that, but thank
13:11:14 10 you. Just very finally, you were asked some questions some
13:11:18 11 time ago about disclosure obligations for members of
13:11:22 12 Victoria Police, do you recall that?---Yes, I do.
13
13:11:23 14 And you answered those but, again, by reference back to an
13:11:29 15 answer you gave today, you haven't actually been in an
13:11:33 16 informant role or that kind of investigator role where
13:11:37 17 you're directly dealing with issues of disclosure for a
13:11:41 18 long, long time in your policing career, have you?---As an
13:11:45 19 investigator, not since - no, you're quite right.
20
13:11:48 21 It's just that you suggested that your training had been
13:11:50 22 that you were not obliged to disclose exculpatory material,
13:11:54 23 that is material that mind tend to suggest the innocence of
13:11:57 24 a person. Do you recall the questions and answers
13:11:59 25 surrounding that?---I do recall, yes, the conversation with
13:12:02 26 Mr Winneke, yes.
27
13:12:03 28 All right. You referenced detective training. Can I just
13:12:08 29 suggest this to you. Do you recall the position in
13:12:12 30 Victoria - this isn't a legal test so please just tell me
13:12:16 31 if you don't recall this - the position in Victoria since
13:12:18 32 1993 being governed by a case known colloquially as Sohb's
13:12:27 33 case, S-o-h-b, Sohb's case?---No, I'm not aware of that.
13:12:32 34
13:12:32 35 I want to suggest to you that certainly in the time you've
13:12:36 36 been a member of Victoria Police, it has never been part of
13:12:39 37 Victoria Police's training to suggest that exculpatory
13:12:42 38 material should be withheld or not provided to an accused
13:12:46 39 person?---Okay.
40
13:12:46 41 Yes, thank you, Commissioner.
42
13:12:48 43 COMMISSIONER: Thank you. It's almost time for lunch.
13:12:54 44
13:12:54 45 MR HOLT: I'm sorry, I should tender that briefing note
13:12:58 46 from Mr Richards to Assistant Commissioner Segrave.
47

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13:13:03 1 COMMISSIONER: Right.
13:13:04 2
13:13:07 3 MR HOLT: I'm sorry, Acting Superintendent.
13:13:10 4
13:13:12 5 #EXHIBIT RC619A - (Confidential) Briefing note from
13:12:58 6 Mr Richards to Acting Superintendant
13:13:02 7 Segrave.
13:13:15 8
13:13:15 9 #EXHIBIT RC619B - (Redacted version.)
13:13:17 10
13:13:17 11 MR HOLT: If the Commissioner pleases.
12
13:13:19 13 COMMISSIONER: Mr Silver, have you got any questions?
13:13:22 14
13:13:22 15 MR SILVER: No questions, Commissioner.
16
13:13:24 17 COMMISSIONER: Mr McDermott?
13:13:26 18
13:13:26 19 MR McDERMOTT: No, Commissioner.
20
13:13:27 21 COMMISSIONER: Mr Chettle, you have a few?
13:13:29 22
13:13:30 23 MR CHETTLE: I do Commissioner, yes.
24
13:13:31 25 COMMISSIONER: We might start after lunch.
13:13:33 26
13:13:37 27 MR CHETTLE: Thank you.
28
13:13:39 29 COMMISSIONER: Yes, there's an application for leave?
13:13:40 30
13:13:40 31 MR WAREHAM: Yes, Commissioner. We've provided questions
13:13:43 32 to the counsel assisting and they didn't have any objection
13:13:48 33 to that.
34
13:13:51 35 MR WINNEKE: Commissioner, Mr Wareham has given me a page
13:13:52 36 of about ten questions none of which I have any objection
13:13:54 37 to him asking.
38
13:13:57 39 COMMISSIONER: Yes. Does anybody have any problem with
13:14:00 40 me - - -
13:14:01 41
13:14:02 42 MR PURCELL: It might be useful if I can have a look at
13:14:04 43 them, Commissioner.
13:14:05 44
13:14:06 45 MR WINNEKE: I don't see why, Commissioner.
46
13:14:08 47 COMMISSIONER: I don't see that that's necessary.

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RICHARDS XXN

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13:14:10 1
13:14:11 2 MR PURCELL: Yes, Commissioner.
3
13:14:13 4 COMMISSIONER: No. I don't see that that's necessary.
13:14:14 5 It's the view of the counsel assisting that Mr Wareham's
13:14:19 6 client has a genuine interest in asking the questions and
13:14:29 7 that's sufficient to me until something is shown to the
13:14:33 8 contrary.
13:14:35 9
13:14:36 10 MR PURCELL: Yes, Commissioner.
11
12 COMMISSIONER: Yes, does anyone else want to be heard on
13 that?
14
15 MR HOLT: No, Commissioner.
16
13:14:37 17 COMMISSIONER: All right. In any case, we'll hear from you
13:14:39 18 next, Mr Chettle, at 2 o'clock. We'll adjourn now until 2
13:14:43 19 o'clock.
13:15:07 20
13:15:08 21 <(THE WITNESS WITHDREW)
13:15:10 22
13:15:11 23 LUNCHEON ADJOURNMENT
24
25
26
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28
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13:15:11 1 UPON RESUMING AT 2.04 PM:
 14:04:52 2
 14:04:52 3 COMMISSIONER: Yes Mr Chettle.
 4
 14:04:53 5 <OFFICER RICHARDS, recalled:
 14:04:53 6
 7 <CROSS EXAMINED BY MR CHETTLE:
 8
 14:04:54 9 Thank you Commissioner. Can you hear me,
 14:04:57 10 Mr Richards?---Yes, I can, sir.
 14:04:58 11
 14:04:59 12 I just want to ask you firstly a few questions about the
 14:05:01 13 inspectors that were there up until Jock O'Connor came on.
 14:05:07 14 In your evidence at about p.7845 a few days ago, you
 14:05:14 15 indicated as best as you could your memory in relation to
 14:05:18 16 whether or not the inspectors maintained offices at the SDU
 14:05:22 17 premises, do you remember those line of questions?---Yes, I
 14:05:26 18 do.
 14:05:27 19
 14:05:27 20 I think to summarise it, you weren't, you didn't know
 14:05:34 21 whether Inspector McWhirter and Mr Hardy had an office at
 14:05:39 22 the first office that the SDU operated from? --Correct -
 14:05:45 23 yes, that's right.
 14:05:46 24
 14:05:47 25 My instructions are that they did and if I remind you that
 14:05:50 26 the office was the first off the kitchen of those premises,
 14:05:54 27 would that help you?---Yes. Yes, I know what you're
 14:06:02 28 talking about.
 14:06:03 29
 14:06:03 30 So again, is - I don't have Mr McWhirter's diaries but I
 14:06:10 31 have Mr Hardy's diaries and I'll come to these in a moment
 14:06:14 32 but he was actively involved in the management meetings
 14:06:19 33 that occurred in relation to all sources?---Yes.
 14:06:22 34
 14:06:23 35 He regularly attended at the premises of the SDU or DSU,
 14:06:28 36 depending on what name it had at the time? Yes, he was
 14:06:31 37 intrusively involved.
 14:06:33 38
 14:06:35 39 And that was his job to be so, wasn't it?---Absolutely.
 14:06:38 40
 14:06:44 41 Again, can I suggest to you that the inspectors, Hardy in
 14:06:48 42 particular because he was there for the longest period, but
 14:06:50 43 the inspectors would be at the SDU or DSU premises for
 14:06:56 44 about half the time of a working week?---Yes, minimum.
 14:06:59 45
 14:07:06 46 I'll just take you to a couple of your diaries. Mr Hardy
 14:07:11 47 is, as you would know, unfortunately deceased? -Yes,

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14:07:15 1 that's right.
 14:07:15 2
 14:07:16 3 And the diaries start, Commissioner, at VPL.0100.0178.0352
 14:07:25 4 is the number I gave you before and then they go forward in
 14:07:30 5 sequence. I'm not going to go through all the entries that
 14:07:34 6 relate in those diaries. Can I indicate to you,
 14:07:39 7 Commissioner, that I have marked up the relevant sections
 14:07:42 8 of those diaries which we say are relevant, at Mr Winneke's
 14:07:47 9 suggestion, and they will speak for themselves. I just
 14:07:50 10 want to put a couple of examples to Mr Richards. You have
 14:07:58 11 your diaries available, I take it, with you where you
 14:08:03 12 are?---Yes, I have.
 14:08:04 13
 14:08:04 14 So you would be able to check on a given date - any of the
 14:08:10 15 dates I give you to see whether or not they record what
 14:08:14 16 Mr Hardy records?---Yes.
 14:08:17 17
 14:08:17 18 All right. I'll start with 14 June of 2007. And I'll give
 14:08:36 19 you the page number of that in a moment. Page 0463 at the
 14:08:48 20 end?---Is that Thursday 14 June 2007?
 14:08:52 21
 14:08:52 22 It is indeed? -You'll have to apologise, I'm on a rest day
 14:08:57 23 on that day.
 14:08:58 24
 14:08:58 25 So you weren't there, I apologise. I'll take you to
 14:09:04 26 another one then. Try Tuesday 17 April of that
 14:09:59 27 year?---Yes.
 14:10:00 28
 14:10:00 29 Do you have recorded at 15:00 hours on that day an office
 14:10:08 30 meeting in relation to all the sources?---Yes, I do.
 14:10:10 31
 14:10:11 32 And does it record that Inspector Hardy was there?---I
 14:10:18 33 haven't got that in my diary that he was there, but
 14:10:23 34 Mr Hardy stamped the page.
 14:10:25 35
 14:10:25 36 He stamped your diary? Yes.
 14:10:28 37
 14:10:29 38 Just as an example what does your diary record for that
 14:10:34 39 day, as far as office management meetings are
 14:10:39 40 concerned?---15:30, there is an office meeting and then
 14:10:42 41 there is 13 sources discussed.
 14:10:48 42
 14:10:48 43 Yes. By number?---Yes, by number.
 14:10:51 44
 14:10:53 45 Including 3838?---Yes, that's correct. And that briefing
 14:11:01 46 was provided by Officer - - -
 14:11:04 47

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14:11:04 1 Smith?---Anderson.
 14:11:06 2
 14:11:06 3 Sorry, you're right. Anderson, yes. Perhaps can you bring
 14:11:13 4 that up on - no. No, you can't it up on the screen. One
 14:11:19 5 of the problems, I apologise, is that it lists, Mr Hardy
 14:11:24 6 puts the names of all the other sources in his diaries, so
 14:11:27 7 I won't take the risk and bring it up, Commissioner. Do
 14:11:31 8 you have a notation in relation to the detail that was
 14:11:34 9 provided in relation to 3838?---No, I don't, no. I've got
 14:11:41 10 an update from Mr Anderson at 15:00 prior to that office
 14:11:46 11 meeting.
 14:11:46 12
 14:11:47 13 But the detail of what's happening with her is not
 14:11:51 14 something - - - ?---Yes.
 14:11:52 15
 14:11:52 16 Have you noted any of that down?---I've given my diary,
 14:11:56 17 I've noted as above "briefing by Officer Anderson" and he
 14:12:03 18 gave that briefing at that office meeting.
 14:12:05 19
 14:12:08 20 There's reference to her hostility to Victoria
 14:12:12 21 Police?---Yes, is still emotional.
 14:12:15 22
 14:12:16 23 Her psychiatric - - - ?---I can go - - -
 14:12:19 24
 14:12:19 25 I'll put things that are in Mr Hardy's diary and you can
 14:12:23 26 confirm that they were discussed. Psychological meetings
 14:12:29 27 she's having and she's adjourned her psych's meeting.
 14:12:33 28 Driving Mr Anderson nuts?---Yes.
 14:12:38 29
 14:12:38 30 And she gave some information about further imports that
 14:12:42 31 were going to occur?---And about other criminals involved,
 14:12:48 32 yes.
 14:12:48 33
 14:12:49 34 Yes. And then at the end of that meeting, having gone
 14:12:52 35 through a number of other sources, can I suggest to you
 14:12:55 36 there was a further discussion about 3838 with Mr Hardy in
 14:13:02 37 relation to Waters, Saunders, some Task Force, a secret
 14:13:09 38 Task Force, and issues re 3838 - - - ?---I'm sorry,
 14:13:19 39 Mr Chettle, I wasn't present at that particular meeting.
 14:13:24 40
 14:13:24 41 At the end?---Yes.
 14:13:25 42
 14:13:25 43 I think it will be an unproductive task but you would
 14:13:30 44 accept that where Mr Hardy has recorded in his diary his
 14:13:34 45 attendance at meetings, that he did so and the matters that
 14:13:39 46 he sets out there were discussed?---Yes, absolutely right.
 14:13:42 47

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14:13:45 1 In general it would be fair to say that Mr Hardy, and the
14:13:50 2 other inspectors but in particular Mr Hardy, were kept up
14:13:53 3 to speed with what was happening with 3838 and the various
14:13:56 4 issues that confronted you?---Absolutely, yes.
14:14:00 5
14:14:07 6 I've decided to accept defeat, Commissioner. I'll hand it
14:14:11 7 back, I won't go through it. I should formally tender his
14:14:16 8 diaries if I can. The relevant portions of Inspector
14:14:20 9 Hardy's diaries.
14:14:21 10
14:14:21 11 COMMISSIONER: Which are what, what are the relevant
14:14:24 12 portions?
14:14:26 13
14:14:27 14 MR CHETTLE: They are all highlighted.
14:14:28 15
14:14:28 16 COMMISSIONER: You better read them.
14:14:29 17
14:14:30 18 MR CHETTLE: If I read them we would be here for a week.
14:14:32 19
14:14:33 20 MR WINNEKE: Commissioner, what we're in the process of
14:14:35 21 doing is putting together a relevant extract, a document
14:14:39 22 which contains relevant extracts of Mr Hardy's diaries and
14:14:43 23 where they need to be reduce them to typed record, so it
14:14:48 24 becomes apparent of what occurred while he was there.
14:14:50 25 Mr Chettle is making suggestions as to those entries which
14:14:53 26 he regards as being relevant and obviously we're happy to
14:14:57 27 hear from Mr Holt about that also, but ultimately - - -
14:15:01 28
14:15:01 29 COMMISSIONER: All right. What if I make his diaries 619A
14:15:03 30 and then B will be the redacted extracts for publication.
14:15:03 31 Entries. 620, Sorry.
14:15:04 32
14:15:16 33 MR CHETTLE: The 619A will have to be confidential,
14:15:18 34 Commissioner.
14:15:18 35
14:15:18 36 COMMISSIONER: Yes, that's right, that's the idea.
14:15:21 37
14:15:22 38 #EXHIBIT RC620A - (Confidential) Diaries of Inspector
14:15:27 39 Hardy.
14:15:29 40
14:15:30 41 #EXHIBIT RC620B - (Redacted version.)
14:15:33 42
14:15:34 43 MR CHETTLE: I'm happy to work with Mr Winneke when they're
14:15:37 44 done, Commissioner. I've marked up the ones I think are
14:15:41 45 right. Can I take you to a different document please,
14:15:44 46 Mr Richards, it's the source management log for 3838 for 3
14:15:48 47 July 2007? I can track that down unless it's on the

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14:16:01 1 screen, sir.
14:16:01 2
14:16:01 3 We're going to pull it up on the screen?---Thank you.
14:16:05 4
14:16:05 5 What I'm asking you is to get your diary for that period of
14:16:09 6 time if you've got it?---Yes, I've got it.
14:16:11 7
14:16:11 8 And start at 3 July of 2007? Yes.
14:16:15 9
14:16:16 10 You'll see there is a reference to a change of controller
14:16:18 11 from Mr White to you. See that?---Yes, yes.
14:16:23 12
14:16:23 13 And your diary no doubt would have something similar in
14:16:27 14 it?---Yes.
14:16:29 15
14:16:30 16 There's an entry, Mr Winneke took you to the entry on 4
14:16:35 17 July about Ms Gobbo telling the handler, as it's recorded
14:16:43 18 in the management log, of her playing games with Mr Karam
14:16:46 19 sending text messages back and forward. Remember that - -
14:16:50 20 - ?---Yes, I do.
14:16:51 21
14:16:52 22 Apart from the reference in the source management log, is
14:16:56 23 there an entry in your diary in relation to your
14:17:00 24 conversations, it's probably with Mr Fox, in relation - -
14:17:04 25 -?---Yes, there is.
14:17:04 26
14:17:05 27 And what does the entry in your diary in relation to that
14:17:08 28 say?---"Briefed by Officer Fox re 3838, game with Rob that
14:17:18 29 plays quotes from current trial due to TI material the
14:17:22 30 prosecution has lead, again to stir up the Feds, no s.51
14:17:27 31 issue, 3838 has been told not to involve self in the drug
14:17:31 32 import, only taskings in relation to supplying intel."
14:17:35 33
14:17:35 34 So at the same time there was material coming back from the
14:17:41 35 Feds, as she calls them, that indicated she might have
14:17:44 36 crossed the line or been involved in dealing with
14:17:49 37 Karam?---Yes.
14:17:50 38
14:17:50 39 So this was really a high risk game she was playing putting
14:17:56 40 false SMSes to Karam making it look like she was involved
14:18:01 41 in trafficking?---Yes, that's true.
14:18:03 42
14:18:03 43 The [REDACTED] issues is the [REDACTED] that's referred to in the
14:18:08 44 source management log?---Yes, that's correct.
14:18:10 45
14:18:11 46 All right. Now if you go over the page, that entry
14:18:15 47 continues about Operation Agamas. This is in the source

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14:18:20 1 management log. Telephone lines being intercepted by the
14:18:25 2 Drug Task Force. Her messages therefore are being
14:18:28 3 intercepted by the Drug Task Force and they would somehow
14:18:32 4 assume that she's involved in the importation, just what
14:18:35 5 I've put to you a moment ago?---Yes, that's correct.
14:18:38 6
14:18:38 7 Mr Green, who at that stage was at the Drug Task Force, was
14:18:41 8 updated? Yes.
14:18:44 9
14:18:44 10 And that was discussed with Mr Biggin, I take it?---Yes,
14:18:50 11 that's right.
14:18:50 12
14:18:50 13 Do you have a diary entry in relation to your discussion
14:18:53 14 with Mr Biggin about this?---Yes, I do.
14:18:55 15
14:18:56 16 What's it say, please?---14:45 I spoke to Superintendent
14:19:01 17 Biggin as above, being the comments from Officer Fox. Will
14:19:07 18 brief further shortly. Have Homicide job priority and
14:19:11 19 maybe unable to get TI for 3838.
14:19:14 20
14:19:14 21 That's the end of it?---Yes.
14:19:17 22
14:19:18 23 That's Mr Biggin saying they're unlikely to get a phone off
14:19:24 24 - - - ?---Yeah, that's correct.
14:19:25 25
14:19:26 26 For reasons - all right. Now you continued to be the
14:19:33 27 controller up until 17 July of that year?---That's correct.
14:19:41 28
14:19:42 29 Do you have diary entries in the interim in relation to
14:19:47 30 your role as a controller?---In relation to all sources,
14:19:52 31 yes, I do.
14:19:53 32
14:19:53 33 No, no, I'm only interested in 3838?---Yes.
14:19:58 34
14:19:58 35 Can you tell us what - because I haven't got your
14:20:02 36 diaries? Okay.
14:20:02 37
14:20:03 38 Can you just tell us what diary entries you have as a
14:20:05 39 controller in relation to 3838?---There's quite a few.
14:20:12 40 There's - - -
14:20:16 41
14:20:17 42 From 4 July onwards?---On 4 July there's a further one
14:20:21 43 following the discussion with Mr Biggin with the handler.
14:20:26 44
14:20:26 45 In relation to [REDACTED] over [REDACTED]?---That's even before
14:20:30 46 that, there's further - that's in relation to one of the
14:20:39 47 targets and also speaking to Karam, talking about what

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14:20:44 1 Karam did on Sunday. 3838 not privy to the details of the
14:20:50 2 calls. Karam calls as prearranged and then updating
14:20:55 3 Mr Biggin in relation to that. Updating Mr White in
14:20:59 4 relation to that.
14:21:01 5
14:21:02 6 So that I understand that?---Yes.
14:21:04 7
14:21:05 8 That's Karam making phone calls that she's reporting to the
14:21:09 9 handlers, is that what it is?---It's actually the calls
14:21:13 10 going back on my notes, I can't recall the conversation,
14:21:16 11 but it's in relation to Karam going to the Melbourne
14:21:22 12 Assessment Prison, the MAP, on the Sunday, where 3838 has
14:21:27 13 not heard anything in relation to that meeting and so
14:21:30 14 therefore not privy to the details of the calls of the MAP
14:21:35 15 meeting.
14:21:35 16
14:21:36 17 The intelligence relates to him communicating with somebody
14:21:39 18 in the prison?---Correct.
14:21:41 19
14:21:51 20 In order to save time, I've just been handed copies of your
14:21:56 21 diaries and if you just bear with me for a moment. Can I
14:22:16 22 put it this way, you receive regular updates from Mr Fox in
14:22:20 23 relation to his interaction with 3838? - Absolutely, yes.
14:22:26 24
14:22:32 25 I'm now being told I can have these, Commissioner.
14:22:35 26
14:22:35 27 MR HOLT: Not now being told. There's an arrangement, if
14:22:39 28 we'd been asked, they would have been provided. In
29 communication with the Commission, Mr Chettle's welcome to
14:22:43 30 them and we can make those arrangements.
14:22:43 31
14:22:44 32 MR CHETTLE: They speak for themselves and I won't waste
14:22:47 33 time going through them. If I can get them. This was a
14:22:50 34 discovery exercise, Commissioner.
14:22:52 35
14:22:53 36 COMMISSIONER: Thanks very much, Mr Holt, I'm very
14:22:55 37 grateful.
14:22:56 38
14:22:57 39 MR CHETTLE: Can I take you then to the end. The source
14:23:04 40 management log for 12 July of 07, the last entry?---Yes.
14:23:11 41
14:23:12 42 You make. It reads, "Inquiries being made via DC Overland
14:23:20 43 re prohibiting certain questions of source at OPI that
14:23:24 44 would reveal her role as a source", do you see that?---Yes,
14:23:27 45 I do.
14:23:27 46
14:23:28 47 That's an entry you've made in the log, I gather? Yes.

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14:23:32 1 It would have been either myself in conjunction with
14:23:36 2 Mr White, yes.
14:23:37 3
14:23:38 4 You'll look underneath that, he comes back on board on 17
14:23:43 5 July and you go off?---Yes.
14:23:46 6
14:23:47 7 All right. Specifically in relation to that entry about
14:23:51 8 Mr Overland on 12 July is there an entry in your diary
14:23:55 9 about that?---There's an entry in relation to speaking to
14:24:12 10 Mr Biggin.
14:24:13 11
14:24:13 12 Yes, and he's the one who told you that Mr Overland would
14:24:17 13 be making the inquiries, is it?---Yes.
14:24:18 14
14:24:19 15 That was the point of my question. You got that
14:24:22 16 information from a discussion with Tony Biggin?---Correct.
14:24:25 17
14:24:25 18 All right, thank you. Can I have a different document
14:24:32 19 brought up. Mr Holt referred to it, it's an email dated 4
14:24:37 20 May of 2010. It's about the Chief Commissioner of Police.
14:24:44 21 It's 0005.0013.1200. Remember you were asked questions
14:24:58 22 about this before? --Yes.
14:25:00 23
14:25:00 24 Now this is from John O'Connor to Paul Sheridan. It's not
14:25:07 25 sent to you apparently but it's about you in part, do you
14:25:10 26 follow?---Yes, that's correct.
14:25:11 27
14:25:12 28 This is passing on the source management log which O'Connor
14:25:17 29 calls a chronology?---Yes.
14:25:19 30
14:25:20 31 You'll see the bottom line, "In its present form the
14:25:25 32 chronology, it would pose some significant risks", do you
14:25:28 33 see that?---Yes, I do.
14:25:29 34
14:25:30 35 Without getting technical, Mr Holt was asking about this,
14:25:35 36 one of the risks or concerns in relation to that log is
14:25:38 37 that it does reveal other sources on a close reading,
14:25:43 38 doesn't it?---Yes, because there'd be nothing redacted.
39
14:25:46 40 And as such that would pose a risk to the unit as well as
14:25:50 41 to Ms Gobbo?---And the unit and the other sources that may
14:25:54 42 or may not be identified through it, yes.
14:25:56 43
14:25:57 44 So it would be fair to assume, wouldn't it, that the
14:26:00 45 significant risks that Mr O'Connor is pointing to could
14:26:04 46 well be - I know it's not your document - could well be the
14:26:09 47 fact that it does reveal other sources? You rightly put

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14:26:15 1 it it's not my document so I'm not sure what John was
14:26:17 2 talking about but absolutely that could be the case.
14:26:19 3
14:26:20 4 I'll take you to some emails that Mr Winneke showed you
14:26:23 5 which are starting with Exhibit 612. These are the emails
14:26:34 6 that relate to Mr Gleeson making inquiries for some
14:26:39 7 documents he wants. Do you recall? Yes, I do.
14:26:42 8
14:26:43 9 All right. Now, taking the top line, the very first thing
14:26:49 10 he asks about, "I've been able to reconcile most of the
14:26:55 11 contact reports in the Interpose file despite the often
14:26:56 12 jumbled order" and he talks about a gap between ICRs 45 and
14:27:00 13 46, do you see that?---Yes, I do.
14:27:02 14
14:27:02 15 For a start off, Interpose was not used to store the SDU
14:27:07 16 records until after 3838 was deregistered, I
14:27:14 17 suggest?---Yes, that's correct.
14:27:14 18
14:27:16 19 And it was shortly, very shortly after she was deregistered
14:27:19 20 in January that they migrated material across to
14:27:24 21 Interpose?---Yes, they tried, yes.
14:27:27 22
14:27:27 23 It didn't work very well, did it?---It was a difficult
14:27:31 24 process, yes.
14:27:32 25
14:27:32 26 And Interpose had a real issue with accepting audio
14:27:38 27 files?---Yes, it does, from a back end perspective,
14:27:42 28 absolutely.
14:27:43 29
14:27:43 30 Prior to that SDU had maintained a complete set of their
14:27:47 31 records in chronological order on the Z drive?---That's
14:27:53 32 correct.
14:27:53 33
14:27:53 34 And there was a copy of the documents maintained at HMSU on
14:28:00 35 their records?---Yes, that's correct.
14:28:01 36
14:28:02 37 Did you have anything to do with the jumbled placing of
14:28:10 38 records on Interpose in relation to 3838?---No. No, I
14:28:16 39 didn't.
14:28:16 40
14:28:16 41 Do you know how it happened or who did it?---No, I would be
14:28:22 42 thinking that it would have been between our analysts and
14:28:27 43 between the HSMU.
14:28:30 44
14:28:32 45 So Mr Gleeson's looking at the wrong records, isn't he, in
14:28:37 46 relation to getting accurate SDU records?---If you were
14:28:42 47 looking for, yes, the easiest and most accurate way to

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14:28:45 1 observe the records it would have been on the Z drive.
 14:28:48 2
 14:28:48 3 It's obvious that no one comes to you and asks you about
 14:28:52 4 that?---No, that didn't occur.
 14:28:54 5
 14:29:02 6 When you go to the last one, Exhibit 616, please. This is
 14:29:08 7 the one Mr Winneke we go through a whole lot of emails to
 14:29:12 8 come to this one? -Yes.
 14:29:13 9
 14:29:29 10 This is the email about - you were asked so many questions
 14:29:35 11 about, "OMG, what did you tell Jock?" Those questions, do
 14:29:39 12 you see those?---Yes.
 14:29:41 13
 14:29:42 14 If you go down to what it was you were in fact talking
 14:29:45 15 about, the analyst has told you she's trying to locate
 14:29:50 16 answers to the questions that have been raised by
 14:29:56 17 Mr Gleeson, in particular she had been trying to find an
 14:30:00 18 AOR and some explanation for that missing ICR 44 or 45 we
 14:30:05 19 talked about before?---Yes, I see that, yes.
 14:30:07 20
 14:30:11 21 Were you ever made aware what in fact had occurred was
 14:30:15 22 there had been an overwriting of an ICR inadvertently by
 14:30:24 23 one member of the SDU that led to make it appear that one
 14:30:27 24 of them wasn't done?---Yeah, that rings a bell, absolutely.
 14:30:31 25 And I can shed further light on my conversations with that
 14:30:35 26 other member during that day as well if you'd require.
 14:30:39 27
 14:30:39 28 Other member being Mr Black, was it?---No, the one within
 14:30:42 29 the email chain that I was asked about, where I said, "OMG,
 14:30:47 30 what did you tell him?"
 14:30:48 31
 14:30:48 32 With Ms Street, yes?---So I've looked through my diary from
 14:30:52 33 that date for some context around it.
 14:30:55 34
 14:30:55 35 Yes?---I was at Airley that day and we were talking about a
 14:30:59 36 training course and about a particular person from a
 14:31:04 37 particular agency that wasn't allowed to come.
 14:31:12 38
 14:31:12 39 That gives context to what that blue stuff is, "OMG what
 14:31:17 40 did you tell Jock"?---That's the only contact I've had with
 14:31:21 41 that particular person on the day. That's the only
 14:31:23 42 reference I can draw.
 14:31:24 43
 14:31:24 44 In relation to the contents of what's in that email at the
 14:31:29 45 bottom, starting, "Hi, just to let you know I tried to
 14:31:34 46 check the files in Sheridan, he's not there so I couldn't
 14:31:37 47 get in". Something about the safe, can't find the AOR and

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14:31:43 1 there's something about the psychologist, you see all those
14:31:46 2 things?---Yes.
14:31:46 3
14:31:46 4 Were any of those things controversial or in any way
14:31:52 5 detrimental to the conduct of the SDU?---No, nothing
14:31:56 6 whatsoever.
14:31:56 7
14:31:57 8 Anything there that has to be kept secret? No, nothing.
14:32:03 9
14:32:03 10 You were asked about Mr O'Connor's experience. Had he done
14:32:07 11 any of the handler courses that other members of the - I
14:32:12 12 didn't say anything other than the handler courses - had he
14:32:16 13 done any of the handler courses that any of the other
14:32:20 14 members had done?---No, and I know we're not talking about
14:32:23 15 the numbers of the courses.
14:32:25 16
14:32:25 17 That's right?---But there were particular courses that all
14:32:28 18 members of VicPol should undertake as well.
14:32:31 19
14:32:31 20 Had he done those?---No.
14:32:34 21
14:32:34 22 Okay. You said he wasn't dedicated to the SDU. Did he
14:32:43 23 spend his time there or did he go elsewhere?---He spent
14:32:50 24 time at both the other unit that he was in charge of, the
14:32:55 25 SDU and St Kilda Road and he had his own personal
14:33:01 26 commitments as well.
14:33:02 27
14:33:03 28 He had some very heavy pressing personal commitments, did
14:33:07 29 he not, that made it difficult for him to be there all the
14:33:10 30 time?---Looking back, it's almost set up for him to fail in
14:33:15 31 that respect. I see that his workload plus that
14:33:19 32 commitment, it would have been extraordinarily difficult to
14:33:26 33 manage.
14:33:26 34
14:33:26 35 The other unit - I don't know if we have to be coy. Okay,
14:33:49 36 when the SDU was established a maximum time in position was
14:33:57 37 set up as part of its original charter, was it
14:34:03 38 not?---Sorry, Mr Chettle, I'm not sure if that's the case
14:34:06 39 or not from the original SDU days. I'm not sure, it may
14:34:10 40 well.
14:34:11 41
14:34:11 42 There's records written by Sandy White that demonstrate
14:34:14 43 that. Would you accept that for the moment?---Yes. Yes, I
14:34:17 44 would.
14:34:18 45
14:34:18 46 Insofar as the issue of maximum time in position, you said
14:34:21 47 that Mr White had some views about it. Do you remember

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14:34:26 1 saying that to Mr Holt?---Yes, he did.
14:34:29 2
14:34:29 3 Let me suggest to you that there was another unit, the one
14:34:34 4 that you were referring to cryptically before, that was,
14:34:41 5 the command were attempting to impose maximum time in
14:34:44 6 position on that unit?---Yes, that's correct.
14:34:47 7
14:34:47 8 And that caused a lot of industrial trouble, did it
14:34:53 9 not?---Yes, absolutely.
14:34:54 10
14:34:54 11 The union were involved and there was a lot of hostility
14:34:59 12 between the union and management in relation to the attempt
14:35:02 13 to impose MTIP on that other unit?---There was a lot,
14:35:08 14 absolutely.
14:35:09 15
14:35:09 16 As far as the SDU was concerned, they did not at any stage
14:35:14 17 enter into any debate about that issue, I suggest, they
14:35:18 18 accepted that it should have been done?---Yes, the unions
14:35:23 19 weren't involved at all.
14:35:23 20
14:35:24 21 Indeed there was no push back from the unit, the SDU, in
14:35:27 22 relation to the attempt to impose maximum time in
14:35:32 23 position? -As the [REDACTED] there at the time I
14:35:34 24 supported the implementation of maximum time in position.
14:35:38 25
14:35:38 26 And that happened, didn't it, that's what occurred?---Yes,
14:35:41 27 it did.
14:35:41 28
14:35:43 29 The point I'm making, without whimper, murmur or dissent
14:35:49 30 from the SDU, but a lot of whimpering and dissent from the
14:35:54 31 other unit that I can't mention?---So in fact I think some
14:35:57 32 of the other organisation's view was to have members
14:36:02 33 perform temporary secondments in other areas and I know
14:36:05 34 from experience that every member from the SDU performed
14:36:09 35 those duties and were quite happy to. The other unit
14:36:12 36 you're talking about, again it was extraordinarily
14:36:19 37 difficult for that to happen.
14:36:21 38
14:36:21 39 You know about that because of your prior involvement,
14:36:23 40 without going into details?---Yes, that's correct.
14:36:25 41
14:36:25 42 There was a difference in approach between, a fundamental
14:36:33 43 difference in approach to management between Mr Biggin and
14:36:36 44 Mr Sheridan, was there not?---Yes, there was a fundamental
14:36:41 45 difference, yes.
14:36:41 46
14:36:42 47 Mr Biggin had what might be described as a collaborative

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14:36:47 1 approach where the views of everybody involved were taken
14:36:50 2 and listened to?---Yeah, I'd call it like a flat management
14:36:55 3 approach.
14:36:56 4
14:36:56 5 Whereas Mr Sheridan was very much a linear manager?---Yes,
14:37:01 6 that's fair.
14:37:01 7
14:37:02 8 And he was a very, very, very capable investigative
14:37:06 9 Detective?---Absolutely.
14:37:08 10
14:37:08 11 And he and Mr O'Connor sought to impose a different sort of
14:37:13 12 management upon the unit to that that had been there under
14:37:16 13 Mr Biggin?---Yes, looking back in hindsight absolutely.
14:37:21 14
14:37:23 15 Perhaps it was open under Mr Biggin and when Mr White was
14:37:27 16 there, there was very much an open door policy?---Yes,
14:37:31 17 that's true.
14:37:31 18
14:37:31 19 That changed, didn't it?---Yes, there was a hierarchical
14:37:37 20 approach to management.
14:37:39 21
14:37:40 22 Rightly or wrongly that led to some issues between some
14:37:45 23 members of the SDU and management?---That's correct, yes.
14:37:49 24
14:37:52 25 I don't act for all the SDU, I only act for some of them.
14:37:55 26 Mr White leaves and goes to Briars?---Briars, yes.
14:38:02 27
14:38:02 28 Mr Black has already gone out to a suburban station or
14:38:07 29 somewhere?---Yes, that's correct.
14:38:09 30
14:38:20 31 Mr Fox has gone elsewhere?---Correct.
14:38:23 32
14:38:24 33 And at the time the unit shut Mr Smith was still there,
14:38:32 34 Mr Green had come back from leave and Mr Wolf was still
14:38:38 35 there, is that right?---That, that would be fair and some
14:38:41 36 others, yes.
14:38:42 37
14:38:42 38 As far as my clients are concerned there were a number of
14:38:45 39 other handlers?---Yes, that's true.
14:38:47 40
14:38:48 41 All right. Now, in his statement, Mr O'Connor makes a
14:38:57 42 number of criticisms of the - p.150 onwards - of the SDU
14:39:04 43 from 2010 to 2012. Do you follow?---Yes.
14:39:09 44
14:39:21 45 One of the things that occurred of some significance was
14:39:26 46 the move from covert premises back to head office?---Yes.
14:39:30 47

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14:39:32 1 And that caused significant operational risk to the unit,
14:39:38 2 did it not?---Yes, that's correct.
14:39:39 3
14:39:41 4 And without going into too much detail, you can't have
14:39:47 5 covert operatives meeting with high risk sources coming in
14:39:53 6 and out of police stations?---I totally agree with that.
14:39:58 7
14:39:59 8 Can you tell the Commissioner why? Without delving too
14:40:04 9 much into the methodology, Commissioner, having a source
14:40:08 10 attributable to a police vehicle or a police premises would
14:40:12 11 compromise the identity of the source. It's best practice
14:40:16 12 and trade craft.
14:40:16 13
14:40:25 14 Did you have conversations with Assistant Commissioner Pope
14:40:32 15 at any time?---I wouldn't have by myself, no, but I would
14:40:35 16 have had dealings with Mr Pope, yes.
14:40:37 17
14:40:37 18 Were you ever made aware that Mr Pope had managed Ms Gobbo
14:40:42 19 as a human source from 2009 onwards?---No, not at all.
14:40:49 20
14:40:50 21 At some stage did you become aware of that or was it only -
14:40:54 22 - - ? --Yes, a lot later, yes.
14:40:56 23
14:41:06 24 You weren't aware in 2009?---Would have been information to
14:41:14 25 have.
14:41:14 26
14:41:14 27 Would have been something good to have?---Yes.
14:41:17 28
14:41:24 29 Were you involved in the development of the process of risk
14:41:30 30 assessment at the SDU?---Not in the formulation of the
14:41:35 31 Dedicated Source Unit as it was at the time, no. I came in
14:41:42 32 2006.
14:41:42 33
14:41:43 34 By the time you come on board they have taken steps to
14:41:46 35 develop a risk management policy?---Yes, it was unheard of
14:41:50 36 at the time.
14:41:51 37
14:41:51 38 In the sense that it was new and new to Victoria
14:41:55 39 Police?---Yes.
14:41:55 40
14:41:56 41 Were you aware that there was a document described as the
14:42:01 42 Human Source Risk Assessment Manual?---When I got to the
14:42:07 43 unit, yes.
14:42:07 44
14:42:09 45 And that had been developed as a policy to assist with this
14:42:15 46 growing risk assessment culture that was occurring?---Yes,
14:42:19 47 it was as I say it was unique at the time.

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14:42:23 1
14:42:32 2 The way - perhaps I can put it this way. Apart from the
14:42:38 3 formal risk assessment that takes place at the time of
14:42:42 4 registration, under the SOPs that's what's supposed to
14:42:48 5 occur, is it not?---Yes.
14:42:49 6
14:42:50 7 There is a requirement to update a risk assessment if
14:42:53 8 circumstances significantly change, if the risk
14:42:58 9 alters?---Yes.
14:42:58 10
14:42:59 11 Apart from that, risk was managed on virtually a daily
14:43:04 12 basis by ongoing assessment and recording in the source
14:43:12 13 management log for the particular source you are
14:43:15 14 considering?---Yes, that's fair. From a risk assessment
14:43:18 15 perspective to me the SML is likely an addendum to the
14:43:24 16 actual original risk assessment.
14:43:27 17
14:43:27 18 Thank you, that's what I was getting to?---Just to further
14:43:41 19 that, just to give it probably context, if you think about
14:43:45 20 what's in that risk assessment and the risks surrounding
14:43:49 21 it, targets, all those mentioned within a risk assessment
14:43:53 22 and the original concept of it, to continually provide for
14:43:57 23 a new risk assessment if the source talks about a new
14:44:00 24 target I think you'd be doing a risk assessment every
14:44:03 25 meeting, every day, versus updating the risk contained
14:44:07 26 within the SML.
14:44:08 27
14:44:10 28 So the unit was effectively developing policy and
14:44:13 29 procedures as it went along?---Yeah, that would be fair.
14:44:17 30
14:44:18 31 And to a large extent that was driven by Sandy White, was
14:44:21 32 it not?---Yes, that's fair.
14:44:23 33
14:44:25 34 All right. Now, a number of times you said to Mr Winneke
14:44:31 35 that there were risks to Ms Gobbo and there were risks to
14:44:37 36 the SDU, to the unit itself, do you remember questions that
14:44:42 37 elicited those answers?---Yes.
14:44:46 38
14:44:46 39 Mr Winneke as I understood it was suggesting to you that
14:44:49 40 there was effectively a consciousness that the SDU had been
14:44:53 41 doing the wrong thing in the way in which they were
14:44:56 42 handling Ms Gobbo. Do you follow what I'm putting?---I
14:45:00 43 follow what you're putting and it's totally incorrect.
14:45:02 44
14:45:03 45 Totally?---Incorrect.
14:45:04 46
14:45:06 47 Did you ever believe you were doing the wrong thing? No.

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14:45:10 1
14:45:10 2 So far as PII issues are concerned, were they issues for
14:45:15 3 the SDU or were they issues for the investigators?---I
14:45:19 4 think they're issues for both. At the end of the day it is
14:45:23 5 an investigator utilising us as a service to provide
14:45:27 6 information back to them to do their job, so I believe it's
14:45:31 7 both.
14:45:31 8
14:45:31 9 All right. So on that, they have their job to do and you
14:45:38 10 have your job to do?---Correct.
14:45:40 11
14:45:40 12 As I understood your answers to Mr Winneke, the
14:45:45 13 determination of PII issues effectively rested ultimately
14:45:50 14 with the HMSU?---Yeah, as a governing body and effectively
14:45:58 15 Victoria Police as an organisation, yes.
14:45:59 16
14:46:00 17 VicPol get a subpoena, it finds its way, if it relates to a
14:46:05 18 source, to HSMU, who liaise with the investigators in SDU
14:46:11 19 to provide the materials subject to PII?---Yes, correct.
14:46:14 20
14:46:18 21 On the topic of Mr Biggin. He was, I think you've already
14:46:24 22 told me, intricately involved in discussions with the unit
14:46:30 23 from time to time?---Yes.
14:46:30 24
14:46:32 25 Can I show you Exhibit 351, please. This is an email,
14:46:56 26 you'll see, from Mr Biggin to Mr Black and Mr White with a
14:47:00 27 copy to your Inspector at the time, Mr Glow, right?---Yes.
14:47:07 28
14:47:08 29 And there's discussion about what was to be a workshop,
14:47:14 30 initially it was to be planned I think in March of 2009 to
14:47:18 31 study 3838, see that?---Yes, I do, yes.
14:47:22 32
14:47:23 33 Mr Biggin sets out some observations in relation to it and
14:47:30 34 I'm not going to take you through it in great length but
14:47:35 35 it's clear he has some view and understanding of the issues
14:47:39 36 that surround her? Yes, that's right.
14:47:42 37
14:47:42 38 Including the fact that you could probably do some things
14:47:47 39 better than you had done in the past?---I agree.
14:47:49 40
14:47:49 41 That's a sentiment you do agree with?---Yes, we can always
14:47:56 42 do better, whether it be that source or others, yes.
14:48:00 43
14:48:00 44 In that regard the plan was that Mr Biggin was going to
14:48:04 45 come down to the, I think it turns out to be [REDACTED], but
14:48:07 46 down to a workshop to discuss these issues?---Yes, that's
14:48:13 47 correct.

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RICHARDS XXN

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14:48:13 1
14:48:47 2 Now I've got it, yes. Could I have VPL - I'm sorry, I may
14:48:54 3 not have given you this number - 6025.0012.3892. It's an
14:49:15 4 email from Mr White to Mr Black, I think. While that's
14:49:35 5 being found can I scroll the one that's on the screen down
14:49:37 6 to the bottom. Right, there we are. You'll see that the
14:49:44 7 various parties, including you, are being notified that
14:49:47 8 this is going to happen at the [REDACTED] and it's
14:49:52 9 planned to happen in March coming up, do you see
14:49:56 10 that?---Yes, I do.
14:49:57 11
14:50:00 12 What you'll find is that that didn't happen, it got
14:50:03 13 adjourned, but I wanted to pull up - it's coming, all
14:50:09 14 right. Thank you. There we are. You'll see it's an email
14:50:36 15 following up from the one I showed you a moment ago to
14:50:39 16 various members, including yourself?---Yes.
14:50:42 17
14:50:42 18 And to Mr Biggin and Mr Glow about the very thing, the
14:50:46 19 overnight workshop and about the 3838 case study?---Yes.
14:50:52 20
14:50:53 21 I'm sorry, go back. Thank you. On 18 March Mr White
14:51:00 22 writes to Mr Black about that seminar and then says this
14:51:05 23 using his nickname, "I have been advised by the super that
14:51:08 24 he will be unavailable for the seminar next week. He has
14:51:11 25 some extensive views about the 3838 deployment and I really
14:51:16 26 think he should be there. I'm thinking of postponing again
14:51:21 27 - your views?" Do you follow that?---Yes, I do.
14:51:23 28
14:51:24 29 I'm not suggesting you saw this email, but the reality of
14:51:27 30 life is it was postponed until July, was it not?---Yes, I
14:51:31 31 believe a lot later, yes.
14:51:33 32
14:51:33 33 Because of the fact that Mr Biggin had extensive views
14:51:36 34 about 3838?---Yes, I think you refer to that in the
14:51:42 35 previous email, that he had been thinking about it.
14:51:45 36
14:51:45 37 As it turned out it didn't make much difference because he
14:51:49 38 couldn't make the July one either, do you remember
14:51:53 39 that?---I can't remember if he was there or not but
14:51:55 40 obviously not.
14:51:56 41
14:51:56 42 You went?---Yes.
14:51:57 43
14:51:57 44 Were you part of the first day's proceedings which was to
14:52:02 45 analyse Ms Gobbo's, effectively reward application?---No.
14:52:08 46
14:52:09 47 All right. Lastly - I'll tender that email of 18 March,

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14:52:17 1 Commissioner.
14:52:17 2
3 #EXHIBIT RC621A - (Confidential) Email between Sandy White
4 and Officer Black re seminar dated
14:52:18 5 18/03/09.
6
14:52:41 7 #EXHIBIT RC621B (Redacted version.)
14:52:41 8
14:52:42 9 Thank you. Before I leave Mr O'Connor that I mentioned
14:52:50 10 before, you said that there was something that occurred in
14:52:52 11 a PII context, in relation to Mr Winneke, about
14:52:59 12 Mr O'Connor's management of the source. Remember making
14:53:02 13 some comment?---Yes.
14:53:03 14
14:53:03 15 Without giving anything away did that involve ^{PII} [REDACTED]
14:53:06 16 ^{PII} [REDACTED]?---It, I think that's probably a PII
14:53:13 17 issue.
14:53:14 18
14:53:14 19 Okay. I didn't want to take it any further than that. But
14:53:18 20 you think that's too, even that's breaching issues, is
14:53:22 21 it?---Yes.
14:53:23 22
14:53:24 23 COMMISSIONER: ^{PII} [REDACTED], of course, the
14:53:26 24 informer privilege goes.
14:53:28 25
14:53:29 26 MR CHETTLE: Yes.
14:53:33 27
14:53:34 28 MR HOLT: The public interest immunity issues arise. I
14:53:39 29 don't know this area. I want to understand what it is.
14:53:42 30 I'm not sure why it's necessary.
14:53:42 31
14:53:42 32 MR CHETTLE: There's two issues I wanted to - can I put
14:53:46 33 that to him?
14:54:24 34
14:54:24 35 MR WINNEKE: Commissioner, I'm just not too sure of the
14:54:26 36 relevance of this. I know this is an area where I've got
14:54:30 37 no information about what it's about. It doesn't
14:54:34 38 immediately seem to me to be relevant to the issue that
14:54:37 39 we've got to deal with. I don't know if Mr Chettle is
14:54:40 40 going to continue with it, but if he does I think we need
14:54:44 41 to stand down and find out exactly what it's all about.
14:54:47 42
14:54:48 43 MR CHETTLE: There's two issues. I'll try and do it in a
14:54:51 44 way that doesn't concern Mr Holt. As to relevance, in one
14:54:53 45 sentence, Commissioner, Mr O'Connor's statement creates
14:54:56 46 issues that I didn't think we had to deal with but he does.
14:55:00 47 As such, I only got it at lunchtime and I'm seeking to deal

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14:55:05 1 with matters that he raises that I didn't think I would
14:55:08 2 have to.
14:55:09 3
14:55:09 4 COMMISSIONER: It sounds pretty cryptic. Do you understand
14:55:11 5 it, Mr Winneke?
14:55:11 6
14:55:11 7 MR WINNEKE: If Mr Chettle can identify the aspect in the
14:55:14 8 statement with which he takes issue or which is relevant to
14:55:20 9 his clients and relevant to the Terms of Reference of the
14:58:09 10 inquiry as opposed to a sort of an internecine dispute
14:55:25 11 between Victoria Police and the - - -
14:55:25 12
14:55:25 13 MR CHETTLE: Sheridan and Pope press O'Connor up as a very
14:55:34 14 experienced Inspector who ran the unit properly and that we
14:55:37 15 suggest is just not true. Now, I know you're not
16 interested in having a fight about whether he was a good
14:55:38 17 inspector or a bad inspector. I accept that, Commissioner.
14:55:40 18 It's just that he makes comments in his statement that
14:55:44 19 insight the flame, if I can put it that way.
20
21 COMMISSIONER: Yes.
22
14:55:47 23 MR CHETTLE: And what I wanted to demonstrate, as briefly
14:55:50 24 as I could - - -
14:55:50 25
14:55:51 26 COMMISSIONER: How does this relate to the Terms of
14:55:53 27 Reference?
14:55:53 28
14:55:54 29 MR CHETTLE: The way in which the source - it relates
14:55:56 30 finally to the conduct of the SDU. Commissioner - - -
14:56:02 31
14:56:02 32 COMMISSIONER: The relationship between the police and
14:56:04 33 Nicola Gobbo?
14:56:05 34
14:56:05 35 MR CHETTLE: Yes. The reason the unit was shut down in our
14:56:09 36 submission, as you know, was in relation to trying to keep
14:56:12 37 management away from their responsibility and the way they
14:56:15 38 ran her. That's what we've been going on, you would
14:56:19 39 appreciate and I'm sure Mr Winneke does, that we say that
14:56:22 40 what occurred - - -
14:56:22 41
14:56:24 42 COMMISSIONER: At the time it was shut down there was no
14:56:26 43 relationship with Nicola Gobbo, was there?
14:56:28 44
14:56:29 45 MR CHETTLE: No, but the shutting us down was designed to
14:56:32 46 give the management a chance to blame others for what
14:56:34 47 occurred. That's all. I don't want to get into submission

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14:56:39 1 but Mr Winneke understands my attack on the closure of the
14:56:44 2 unit, what you saw with the cross-examination I had of
14:56:48 3 Mr Biggin in relation to Mr Fryer and Mr Pope's emails and
14:56:54 4 Liz Cheligoy's emails, all demonstrate there was an attempt
14:56:59 5 to come up with a reason to shut us down. We say that was
14:57:02 6 to try and, when you look at the Comrie report, distance
14:57:07 7 management from what occurred. Nothing to see here, we've
14:57:10 8 done it, move on. And incidentally, conceal Mr Pope's
14:57:14 9 involvement in the matter. But that's another issue. I
14:57:18 10 don't want to make - I completely agree that the issue
14:57:21 11 about whether Mr O'Connor was a super Inspector or a bad
14:57:27 12 Inspector is probably not to the point. If you give me two
14:57:30 13 minutes I'll ask Mr Holt what it is I want to ask him in
14:57:34 14 short form and see if it causes any problem.
14:57:36 15
14:57:37 16 COMMISSIONER: Yes, all right. Mr Winneke, did you want to
14:57:38 17 say anything?
14:57:39 18
14:57:40 19 MR WINNEKE: Commissioner - - -
14:57:41 20
14:57:41 21 COMMISSIONER: Sometimes it's just easier.
14:57:42 22
14:57:43 23 MR WINNEKE: I don't want to take a whole lot of time on
14:57:46 24 this unnecessarily.
25
26 COMMISSIONER: Yes.
27
14:57:46 28 MR WINNEKE: I understand what Mr Chettle is trying to
14:57:49 29 achieve. If the assertion is that there's been some sort
14:57:53 30 of cover up and blaming the SDU for it, it may well be
14:57:58 31 something that is of some, albeit marginal relevance to
14:58:01 32 this Royal Commission, because it's the conduct of
14:58:02 33 management. But it's of marginal relevance. If we're
14:58:02 34 going to trespass into areas where there is a detailed, as
14:58:07 35 I say, internecine dispute about whether it should or
14:58:14 36 whether it shouldn't have and aspects of Mr O'Connor's
14:58:18 37 management style and whether he did something which was
14:58:22 38 wrong or right, I'd be objecting and saying it's outside
14:58:26 39 the bounds of relevance. If we can deal with it in a
14:58:27 40 concise way, okay.
14:58:27 41
14:58:27 42 COMMISSIONER: Sometimes it's quicker just to deal with it,
14:58:30 43 but you'll have to deal with it concisely.
14:58:33 44
14:58:33 45 MR CHETTLE: I will. If I could be given one minute to
14:58:38 46 talk - - -
14:58:38 47

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14:58:38 1 COMMISSIONER: Yes, all right then.
14:58:55 2
14:58:55 3 MR CHETTLE: Okay, thank you. One matter only,
14:58:59 4 Mr Richards. You were given directions by Mr O'Connor to
14:59:04 5 go to a place and interview a source that you considered to
14:59:08 6 be very, very high risk, didn't you?---Yes, that's correct.
14:59:12 7 That occurred.
14:59:13 8
14:59:13 9 And you refused to go?---Yes, I did.
14:59:17 10
14:59:17 11 Except you asked him to put it in writing and he wouldn't,
14:59:20 12 is that right?---Yes. I thought due to the nature of the
14:59:25 13 request it needed to be documented.
14:59:28 14
14:59:28 15 Yes. Last thing. Can I have Exhibit 618, please. It's
14:59:39 16 the transcript that Mr Holt put up. Thank you. If you go
14:59:46 17 to p.22. To put this in context, leaving it right there,
14:59:56 18 you recall that on this conversation you had with her on 20
14:59:59 19 January she made complaints about the people who were
15:00:04 20 dealing with her, in particular VGS0. Does that ring any
15:00:09 21 bells?---No, it doesn't ring great bells and I'm just
15:00:15 22 reading it as we look at it, sir.
15:00:18 23
15:00:18 24 No, no, I'm taking you to p.22. Perhaps if you go back to
15:00:21 25 the previous page. See what she says at the bottom, "I
15:00:25 26 would have had a dollar for every time I've mentioned
15:00:29 27 Mr White's name", right?---Yes.
15:00:30 28
15:00:30 29 Then she says, "There wasn't a problem, there wasn't a
15:00:33 30 problem that couldn't have been dealt with when he was in
15:00:36 31 charge but the minute somebody hand balled my
15:00:39 32 responsibility to a bunch of other people things went
15:00:43 33 downhill from then", right?---Yes.
15:00:46 34
15:00:46 35 What she was telling you is her problems that led to her
15:00:50 36 suing Victoria Police and the problems she had arose not
15:00:53 37 because of the way she was managed by the SDU and Mr White
15:00:56 38 but by what happened when she was made a witness?---I would
15:01:02 39 agree with that as an overall concept, yes.
15:01:05 40
15:01:06 41 Thank you.
15:01:06 42
15:01:06 43 COMMISSIONER: Yes. Any re-examination?
15:01:09 44
15:01:09 45 MR PURCELL: No Commissioner.
15:01:09 46
15:01:11 47 MR WINNEKE: I think Mr Wareham's - - -

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15:01:11 1
15:01:11 2 COMMISSIONER: Yes, Mr Wareham, sorry.
15:01:14 3
4 <CROSS-EXAMINED BY MR WAREHAM:
5
15:01:16 6 Mr Richards, my name is Chris Wareham, I'm for Pasquale
15:01:23 7 Barbaro? Yes.
15:01:24 8
15:01:24 9 Can you hear me?---Yes, I can.
15:01:27 10
15:01:27 11 You'll be relieved to hear this is going to be very
15:01:30 12 brief?---Thank you sir.
15:01:31 13
15:01:31 14 Are you aware that Ms Gobbo provided the bill of lading to
15:01:34 15 the SDU at the beginning in respect of the tomato tins
15:01:38 16 case?---Yes, I am.
15:01:38 17
15:01:39 18 And you're aware that that was a crucial piece of evidence
15:01:45 19 in that investigation?---Not aware of the brief but that
15:01:50 20 would be, that would be fair, yeah.
15:01:52 21
15:01:53 22 We've heard some evidence from other members of the SDU
15:01:57 23 that there was some discussion about the importance of that
15:02:00 24 document. Were you party to any of those
15:02:05 25 discussions?---No, I believe I was briefed by Mr Anderson
15:02:08 26 in relation to what was going on at the time though.
15:02:11 27
15:02:12 28 And do you know or are you aware that Ms Gobbo then went on
15:02:17 29 to represent a number of people involved in the
15:02:21 30 importation?---I couldn't give you the details, I'm not
15:02:25 31 aware of who 3838 did or did not represent.
15:02:28 32
15:02:29 33 If I told you that she went on to represent at least
15:02:33 34 Pasquale Barbaro, you wouldn't be in a position to dispute
15:02:37 35 that?---No, I wouldn't.
15:02:39 36
15:02:39 37 Do you have a view on the appropriateness of Ms Gobbo going
15:02:44 38 on to represent Mr Barbaro in circumstances where she had
15:02:49 39 provided what I say is the initial document that sets off
15:02:54 40 the investigation?---I suppose my only comment in relation
15:03:00 41 to that was the person that she was dealing with at the
15:03:03 42 time I don't believe was Mr Barbaro, it was in fact someone
15:03:07 43 else.
15:03:08 44
15:03:08 45 But if she goes on to represent - I take that back. I'll
15:03:14 46 ask you this. Do you not think that there's a conflict of
15:03:17 47 interest for Ms Gobbo in circumstances where she goes on to

.23/10/19

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15:03:20 1 represent others involved in the importation where she sets
15:03:25 2 in train the investigation that they're ultimately arrested
15:03:31 3 for?---Absolutely understand your concept with that, I
15:03:35 4 suppose my point is in relation to did she have an
15:03:40 5 opportunity to tell the police about the bill of lading or
15:03:43 6 not tell the police about the bill of lading. If she
15:03:46 7 doesn't, is she acting as a co conspirator, so therefore I
15:03:53 8 think the option was taken out of her hands.
15:03:56 9
15:03:56 10 COMMISSIONER: But you're not being asked that. You're
15:03:57 11 being asked whether there was a problem with her then going
15:04:00 12 on to represent people charged. That's the
15:04:03 13 question?---Thank you, Commissioner, yes. Yes, I do see
15:04:05 14 there could be a perceived conflict of interest, yes.
15:04:08 15
15:04:09 16 MR WAREHAM: And that would be a conflict of interest that
15:04:12 17 would be of interest to people that she went on to
15:04:15 18 represent, would you accept that?---I would accept that.
15:04:18 19
15:04:20 20 As I understand it, and please correct me if I'm wrong, but
15:04:24 21 in the period December 2008 and January, February 2009 you
15:04:31 22 were having contact with Ms Gobbo? - Yes, as a witness -
15:04:37 23 yes, as Witness F.
15:04:38 24
15:04:41 25 During that time, you might have already answered this, but
15:04:44 26 during that time I take it you weren't aware that she was
15:04:48 27 representing Mr Barbaro in a bail application in the
15:04:53 28 Supreme Court?---No.
15:04:54 29
15:04:55 30 I take it from your earlier answer you would accept that
15:05:00 31 there would be at least a perception of a conflict of
15:05:02 32 interest in respect of her going on to represent him in
15:05:06 33 that proceeding?---Yes, I accept that.
15:05:08 34
15:05:08 35 Thank you, Commissioner, that's all the questions I have.
15:05:11 36
15:05:11 37 COMMISSIONER: Thank you. Just checking no re-examination?
15:05:14 38
15:05:14 39 MR PURCELL: No Commissioner.
15:05:15 40
15:05:15 41 COMMISSIONER: Yes, Mr Winneke.
15:05:16 42
43 <RE-EXAMINED BY MR WINNEKE:
44
15:05:17 45 Mr Richards, Mr Chettle asked you some questions about I
15:05:22 46 think what you've described as the Z drive?---Yes.
15:05:27 47

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15:05:27 1 The Z drive as I understand it is the document, I'm sorry,
15:05:31 2 the hard drive within the SDU which contained all of the
15:05:34 3 information in chronological order and set out in a way
15:05:40 4 which was easy to view and easy to - - - ?---Yes.
15:05:48 5
15:05:50 6 - - - research, is that right?---Yes, that's the case.
15:05:52 7
15:05:53 8 Then what happened is information over a period of time was
15:05:57 9 removed, or at least transferred from the Z drive into the
15:06:01 10 Interpose system, is that right?---It was copied, yes.
15:06:05 11
15:06:05 12 Copied. And it seems, and we've established during the
15:06:09 13 course of our questioning of you that there seemed to be a
15:06:13 14 fairly difficult transition, if you like, where there was
15:06:23 15 information, wasn't flowing across easily and fluidly if
15:06:27 16 you like from one system to the other, do you accept
15:06:30 17 that?---I accept that.
15:06:31 18
15:06:32 19 And if one were to look at the Interpose system, it seems
15:06:38 20 at least in around 2012, when Mr Gleeson was trying to get
15:06:44 21 to the bottom of things, he seemed to be confronted with
15:06:51 22 some difficulties that have been put before you, that is
15:06:54 23 it's been suggested that documents weren't in order, there
15:06:58 24 was at least one IR missing, IR 45, and so forth, we've
15:07:04 25 heard about those things, do you accept that?---Yes.
15:07:06 26
15:07:07 27 It was apparent to you from the emails that we've examined,
15:07:12 28 that he was trying to get to the bottom of that issue and
15:07:16 29 questions were being asked ultimately of you and your
15:07:20 30 analysts about certain issues that he was trying to get to
15:07:26 31 the bottom of, do you accept that?---Yes, I do.
15:07:28 32
15:07:29 33 Wouldn't it have been quite simple to say, "Look, there's a
15:07:32 34 much easier way for Mr Gleeson to get to the bottom of
15:07:37 35 issues here and that is simply to come and have a look at
15:07:41 36 our Z drive"? -- Yes.
15:07:42 37
15:07:42 38 That could have been done, couldn't it?---Yes.
15:07:44 39
15:07:44 40 And if you were conscious of the fact that he was trying to
15:07:47 41 find out exactly what was going on that could easily have
15:07:50 42 been done by you, is that right?---Yes.
15:07:52 43
15:07:53 44 Or Mr White?---Yes.
15:07:55 45
15:07:58 46 That wasn't done apparently?---No, it was done through the
15:08:02 47 HSMU being the governance body.

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15:08:05 1
15:08:06 2 What I'm suggesting is it could easily have been said by
15:08:10 3 you in any response to an email from Mr Gleeson, "Look,
15:08:15 4 he's much better off coming and having a look at it here if
15:08:18 5 he wants to get to the bottom of these issues"?---Yes, I
15:08:22 6 agree.
15:08:22 7
15:08:22 8 "It's all in order, it's all here". That wasn't done, was
15:08:23 9 it, by you or Mr White?---No.
15:08:24 10
15:08:25 11 Does that suggest you weren't trying to make the job any
15:08:28 12 easier for Mr Gleeson?---Not in the slightest.
15:08:31 13
15:08:32 14 Why doesn't it suggest that?---I think you showed me one of
15:08:36 15 the emails in relation to a ^{Mr Hotham} conversation with
15:08:39 16 Mr Gleeson. I'm not aware of the protocols as to who
15:08:46 17 Mr Gleeson was or wasn't allowed to talk to, but I agree
15:08:51 18 absolutely, it would have been done easier.
15:08:53 19
15:08:53 20 And it could have been done by you quite simply by inviting
15:08:56 21 him along and saying, "Look, here it all is"?---Yes, that's
15:09:00 22 fair.
15:09:00 23
15:09:00 24 Why shouldn't the Commissioner come to a conclusion that
15:09:04 25 you didn't want to make it any easier for him because that
15:09:08 26 invitation wasn't extended to him?---I'm not sure why the
15:09:13 27 invitation wasn't extended to him. I agree with you.
15:09:17 28
15:09:17 29 I'm sorry?---I agree with you, I think it would have been
15:09:19 30 easier and in hindsight that's a good thing that could have
15:09:23 31 been done, absolutely.
15:09:24 32
15:09:25 33 Okay. Can I ask you, you've got your diaries there, have
15:09:34 34 you, your handwritten diaries?---Yes, I do.
15:09:37 35
15:09:40 36 And do you have your diaries which would include a period
15:09:44 37 of around July of 2006?---Yes, I do.
15:10:03 38
15:10:04 39 Can you tell me whether there was a unit meeting on 24 July
15:10:07 40 2006 at which you attended?---At 09:00.
15:10:34 41
15:10:34 42 Yes?---Yes.
15:10:35 43
15:10:35 44 Are you able to say who attended on that occasion?---No, I
15:10:39 45 don't have notes of that meeting, the participants in the
15:10:43 46 meeting. I have my diary entry "09:00 office meeting".
15:10:49 47

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15:10:49 1 What entries do you have in relation to Ms Gobbo?---None.
15:10:52 2
15:10:53 3 No mention at all about her?---No.
15:10:56 4
15:11:00 5 Any general comments or are you able to read the diary
15:11:03 6 entry without - - - ?---Yes.
15:11:05 7
15:11:06 8 - - - trespassing on public interest immunity? -Yes, all I
15:11:09 9 have is the fact that there was a meeting at 09:00 for the
15:11:13 10 office meeting. Then I have other source related
15:11:16 11 activities post that meeting.
15:11:18 12
15:11:18 13 How long did the meeting go for?---From my notes I have
15:11:25 14 11.30 I was out with other sources.
15:11:27 15
15:11:27 16 Okay. So from about 9 o'clock till 11.30?---Yes, that
15:11:32 17 would be fair.
15:11:32 18
15:11:33 19 Was it your practice generally not to take a record of
15:11:37 20 discussions which were had at those sort of
15:11:41 21 meetings?---There would have been meeting minutes taken.
15:11:44 22
15:11:44 23 Who would have taken those meeting minutes?---Probably
15:11:49 24 documented in Mr White's diary I think.
15:11:51 25
15:11:52 26 Was there a nominated minute taker of those meetings, was
15:11:56 27 there?---I doubt it. Not that I can recall.
15:11:58 28
15:12:00 29 Effectively what you're saying is if there were discussions
15:12:03 30 going on it would be up to the particular officers to make
15:12:07 31 a note of matters which were of concern to them or the
15:12:10 32 people they handled?---That's fair, sir.
15:12:14 33
15:12:15 34 And Mr White being the controller, the responsibility would
15:12:23 35 fall to him to make particular notes of matters which he
15:12:28 36 regarded as relevant to his unit, or at least the
15:12:31 37 unit? --That's a fair comment.
15:12:35 38
15:12:35 39 You gave evidence before about there being discussions and
15:12:43 40 divisions within the SDU about the appropriateness or
15:12:46 41 otherwise of using Ms Gobbo as a human source?---Yes,
15:12:51 42 that's correct.
15:12:51 43
15:12:52 44 And Mr Chettle asked you whether inspectors such as
15:12:59 45 Mr Hardy, others such as Mr Glow would have been present
15:13:06 46 during the course of those meetings and you say yes, they
15:13:09 47 would have been? Yes, that's right.

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15:13:10 1
15:13:11 2 I take it you weren't there when Mr McWhirter was there, or
15:13:14 3 am I wrong about that?---I was there when Mr McWhirter was
15:13:17 4 there, yes.
15:13:18 5
15:13:18 6 What about Mr Calishaw?---No.
15:13:22 7
15:13:22 8 How long was Mr McWhirter there for? A short period of
15:13:27 9 time. I don't have a record of it. It could have been
15:13:30 10 from the time I got there, maybe a month or two.
15:13:33 11
15:13:33 12 And thereafter Mr Hardy took over?---Yes, that's correct.
15:13:36 13
15:13:38 14 During the course of those discussions in which there were
15:13:43 15 divisions about whether or not Ms Gobbo should have been
15:13:49 16 used as a human source, do you recall there ever being
15:13:54 17 mention of the possibility of a Royal Commission arising
15:13:59 18 out of her use?---No.
15:14:02 19
15:14:05 20 Do you say that such, that it wouldn't have been said at
15:14:11 21 any stage?---No, I couldn't discount that.
15:14:16 22
15:14:17 23 You couldn't discount it? -No.
15:14:18 24
15:14:25 25 You were asked questions about subpoenas and the subpoena
15:14:31 26 process. As I understand it what you say is that as a
15:14:39 27 general proposition if there was a subpoena issued in
15:14:42 28 relation to a particular prosecution, that subpoena would
15:14:46 29 be directed obviously to the Chief Commissioner as a
15:14:49 30 general rule but then it would then go to the relevant
15:14:54 31 investigative team to consider, is that right?---I'm not
15:15:01 32 sure of that, but that does sound like a normal process
15:15:05 33 that would occur, yes.
15:15:06 34
15:15:08 35 You say that you don't have any experience yourself in the
15:15:14 36 consideration of public interest immunity arguments when
15:15:18 37 subpoenas have been issued. Do you say that, is that the
15:15:22 38 situation as far as you're concerned?---Yeah, that would be
15:15:25 39 correct. Not that I can recall anyway.
15:15:27 40
15:15:27 41 Not that you can recall. Do you have a recollection of
15:15:32 42 ever being consulted by the HSMU or any investigators
15:15:37 43 during the period of time that you were at the SDU about
15:15:42 44 whether or not the SDU might have holdings or might have
15:15:46 45 relevant materials concerning a particular subpoena?---Not
15:15:53 46 sure. No, I'm not sure.
15:15:55 47

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15:15:55 1 You don't have a recollection of that?---No.
15:15:58 2
15:16:00 3 Let's say a subpoena was issued which on its face appeared
15:16:08 4 to cover material which was held by the SDU and no doubt it
15:16:13 5 would be held in its Z drive, let's just assume that
15:16:18 6 hypothetically?---Yes.
15:16:20 7
15:16:21 8 How would that material ever get to the appropriate person
15:16:26 9 to consider whether or not it should be produced or whether
15:16:32 10 or not a public interest immunity claim should be made,
15:16:34 11 what's your understanding of the situation?---That would be
15:16:37 12 a matter between the investigators and the HSMU.
15:16:40 13
15:16:41 14 So the HSMU would liaise with the investigators, is that
15:16:45 15 right?---Yes, that would be correct.
15:16:48 16
15:16:49 17 And then would the HSMU consult with any members of the SDU
15:16:55 18 to see whether there's relevant material which might
15:16:58 19 answer, be answered by the subpoena?---I think out of
15:17:02 20 courtesy they would, but they have access to everything
15:17:05 21 anyway.
15:17:06 22
15:17:06 23 Do they? I mean we've asked, certainly in relation to the
15:17:10 24 period where the Interpose issue was going on it seems that
15:17:15 25 there was at least a lacuna between the provision of some
15:17:20 26 documents going from the Z drive to the HSMU holdings, do
15:17:26 27 you accept that?---No, so they had access to the Z drive.
15:17:29 28
15:17:29 29 They had access to the Z drive, did they?---Yes.
15:17:33 30
15:17:34 31 If they wanted to find out whether there was particular
15:17:37 32 material within the Z drive they would simply log on to the
15:17:41 33 Z drive from the HSMU office, is that right?---They had a
15:17:45 34 copy of it.
15:17:46 35
15:17:46 36 What, a complete copy? I believe so. (Indistinct) from
15:17:54 37 HSMU.
15:17:55 38
15:17:55 39 I was asking you questions before about Mr Gleeson who was
15:17:59 40 clearly trying to get to the bottom of the situation with
15:18:02 41 respect to ICRs, et cetera. It was apparent to you and it
15:18:06 42 seemed apparent to us or me that he was having
15:18:09 43 trouble?---Yes.
15:18:09 44
15:18:09 45 And he was presented with documents which were
15:18:12 46 higgledy-piggledy and all over the place?---Yes.
15:18:17 47

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15:18:17 1 How can that be the case if the HSMU has access to your Z
15:18:22 2 drive?---You'd have to ask the HSMU that.
15:18:25 3
15:18:26 4 You've just said to the Commissioner that they've got
15:18:28 5 access to the Z drive?---Yes, I believe they do.
15:18:31 6
15:18:32 7 That would suggest they don't have access to the Z drive if
15:18:36 8 Mr Gleeson is having communications with people and he's
15:18:38 9 being told that he doesn't, he's not able to get a
15:18:43 10 sequential series of documents. Do you follow what I'm
15:18:47 11 saying?---I do, but I believe that he was looking through
15:18:49 12 Interpose and you rightly pointed out before in hindsight
15:18:56 13 the question should have been asked of the SDU or the SDU
15:19:01 14 should have been given the opportunity to look through the
15:19:06 15 Z drive. But my belief is that HSMU had full access to the
15:19:06 16 Z Drive.
15:19:06 17
15:19:06 18
15:19:11 19
15:19:15 20
15:19:16 21
15:19:18 22 Surely ^{MrHoltam} would have realised that - -
15:19:23 23
15:19:23 24 MR HOLT: Commissioner, I have identified a breach of the
15:19:28 25 Commissioner's earlier order about SDU members. I think
26 that will now need to come out.
27
28 MR WINNEKE: Oh, okay.
29
30 COMMISSIONER: I'm sorry, I can't hear you, Mr Holt.
31
15:19:30 32 MR HOLT: Sorry, Commissioner.
15:19:32 33
15:19:38 34
15:19:47 35 I'd ask that that portion be taken out.
36
37 MR WINNEKE: Yes, I think that might be right,
15:19:47 38 Commissioner.
15:19:47 39
40 COMMISSIONER: Do you need some guidance on that or do you
15:19:47 41 know? That should be taken out of the transcript and the
15:19:51 42 live streaming.
43
15:19:54 44 I understood you to say that the HSMU had a copy of
15:19:58 45 the Z drive. You're nodding?---Yes, that's what I believe
15:20:02 46 to be true, yes.
15:20:03 47

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15:20:05 1 MR WINNEKE: I've got to say, Mr Richards, I'm not too sure
15:20:09 2 what the situation is now. The HSMU is located in a
15:20:14 3 different place obviously, is that right?---Yes.
15:20:17 4
15:20:18 5 They're at [REDACTED] right?---Yes.
15:20:21 6
15:20:21 7 And the SDU is somewhere else, until it was brought back to
15:20:26 8 [REDACTED]? Yes.
15:20:27 9
15:20:28 10 The Z drive is a stand alone or was a stand alone hard
15:20:34 11 drive which existed at the SDU premises, is that
15:20:38 12 right?---Yes.
15:20:39 13
15:20:40 14 Certainly insofar as - did that continue to be the case
15:20:44 15 when the SDU returned to [REDACTED]?---Yes, I believe
15:20:56 16 so. Testing my memory but I believe so.
15:20:59 17
15:20:59 18 It's a stand alone system and it always remained so?---Yes.
15:21:02 19
15:21:03 20 Then it was migrated to Interpose and it seems that that
15:21:06 21 occurred somewhere around, wherever it was, 2011,
15:21:13 22 2012? --Yes.
15:21:13 23
15:21:13 24 Or prior?---Or before, yes.
15:21:15 25
15:21:17 26 Was the Z drive a separate encrypted file?---Yes.
15:21:26 27
15:21:26 28 How could it be then that what you say now, that the HSMU
15:21:30 29 could simply tap into this separate encrypted file and get
15:21:35 30 access to it if it's at a different location, firstly, how
15:21:38 31 do they do that?---So your original question was around
15:21:43 32 transference from the Z drive to Interpose and I might be
15:21:47 33 completely wrong, I'm saying that my thought process was
15:21:51 34 they had to have a copy of it to transfer it to Interpose
15:21:54 35 because they were the gate keepers for Interpose.
15:21:57 36
15:21:57 37 Sorry, who was the gate keeper?---HSMU.
15:22:01 38
15:22:02 39 Right. So it physically had to be - well it had to be
15:22:09 40 transferred from the encrypted Z drive to the Interpose
15:22:16 41 system, is that right?---Yes.
15:22:19 42
15:22:19 43 All right. This all started out because I wanted to find
15:22:23 44 out how a subpoena was answered. One assumes that the best
15:22:28 45 way of doing it, if one wanted to see whether there was
15:22:33 46 material which was properly responsive to a subpoena, the
15:22:37 47 proper and the best way of doing it would be to go to the Z

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15:22:40 1 drive and to interrogate the Z drive by whatever means was
15:22:44 2 available to you then to see whether there was any material
15:22:47 3 which answered the subpoena, that would be the best way of
15:22:50 4 doing it, wouldn't it?---That's not the process though.
15:22:52 5
15:22:53 6 Okay. So what was the process?---As I stated before, the
15:22:57 7 investigators liaised with the HSMU.
15:22:59 8
15:22:59 9 Yes?---And then the HSMU to provide what was required.
15:23:05 10
15:23:05 11 I follow that. But how does the HSMU know what's required,
15:23:10 12 how do they know what's required if they're not in a
15:23:15 13 position to interrogate the Z drive?
15:23:17 14
15:23:17 15 MR CHETTLE: Commissioner, I've let this go. If Mr Winneke
15:23:22 16 wants help, there has been evidence, it was from Mr Biggin,
15:23:25 17 Mr Black has already given evidence and his statement
15:23:28 18 contains detail and copies of the Z drive were filed on the
15:23:31 19 HSMU drive. HSMU got copies of everything that was on the
15:23:34 20 Z drive, that's the bottom line. You'll remember that
15:23:36 21 there was issues about ICRs being late and it's referred to
15:23:41 22 in the 2009 review. It made it difficult for HSMU to
15:23:46 23 timely search the records which they were getting and being
15:23:50 24 filed on their system. So there's the stand alone Z drive
15:23:55 25 and the copies of it with receipts for tapes that you might
15:23:59 26 remember Mr Biggin told about, which was introduced so that
15:24:02 27 all the records are duplicated at HSMU. They had access to
15:24:08 28 everything that the SDU have.
15:24:08 29
15:24:09 30 COMMISSIONER: Mr Winneke's investigating - - -
15:24:12 31
15:24:13 32 MR CHETTLE: How they answer subpoenas.
15:24:14 33
15:24:14 34 COMMISSIONER: He's investigating that, but he's also
15:24:18 35 investigating if they had that then why was there the
15:24:21 36 problem with the lost file on Interpose.
15:24:23 37
15:24:23 38 MR CHETTLE: As you know, Commissioner, there's no lost
15:24:27 39 file, the overwriting thing happened. I think Mr Winneke
15:24:30 40 knows about that too. Can I say the next witness, who not
15:24:34 41 only was he at the SDU but he went back and worked at HSMU
15:24:38 42 for a period of time. So he has done a lot of work on all
15:24:43 43 this.
15:24:44 44
15:24:44 45 COMMISSIONER: Yes, all right. I'll let Mr Winneke finish
15:24:48 46 his line of questioning to his satisfaction. Thanks for
15:24:50 47 that Mr Chettle.

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15:24:53 1
15:24:53 2 MR WINNEKE: Just coming back to that. I mean Mr Chettle
15:24:56 3 has given evidence about the way in which it operated but
15:25:01 4 I'm asking you. In order for it to be - what you're saying
15:25:07 5 though is the Z drive and whatever the HSMU has is not
15:25:13 6 identical, it's not the same, do you accept that?---It
15:25:17 7 depends at what point in time you're talking about, are you
15:25:21 8 talking about the transition from one to the other?
15:25:23 9
15:25:23 10 Let's talk about prior to the transition to Interpose. The
15:25:28 11 HSMU relies upon the provision of ICRs, is that
15:25:32 12 correct?---Yes.
15:25:32 13
15:25:32 14 So until the HSMU gets a copy of an ICR it doesn't have it
15:25:38 15 on its system, is that fair to say?---Yes, it is.
15:25:41 16
15:25:41 17 So if there's a long lag between the provision of ICRs to
15:25:45 18 the HSMU, then when the HSMU interrogates its, whatever
15:25:51 19 system it has, it won't have those ICRs and therefore it
15:25:54 20 won't have that information, is that correct?---It won't be
15:26:00 21 on their systems, correct, I agree.
15:26:02 22
15:26:05 23 Let's assume an ICR is created. Once it's produced, once
15:26:13 24 it's completed, no doubt then it will be, or it was
15:26:18 25 physically transferred to the HSMU system, is that
15:26:22 26 right?---Yes.
15:26:23 27
15:26:24 28 COMMISSIONER: And how quickly was that done?---I believe
15:26:28 29 it was weekly, Commissioner. I'd have to rely on the
15:26:32 30 analyst's answer to that, with a better memory than mine.
15:26:39 31
15:26:40 32 MR WINNEKE: What rank of police officer at the HSMU could
15:26:43 33 access all of the material on the HSMU system?---I couldn't
15:26:51 34 answer that. I don't know.
15:26:52 35
15:26:59 36 You see, as an example there was a subpoena issued a
15:27:10 37 subpoena was issued in a trial of Kallipolitis. The
15:27:19 38 document is VPL.6031.0004.5687. If we scroll down we can
15:27:36 39 see - keep going. Scroll down. Page 5 of the document we
15:27:49 40 want. See the date, it's 24 February 2012. Keep going.
15:28:01 41 If you stop there. Just scroll up. "A copy of all
15:28:06 42 information report and intelligence products held by
15:28:09 43 Victoria Police containing information or references to the
15:28:11 44 following, including the date the report was submitted, the
15:28:13 45 date and time received and supervisor who verified the
15:28:17 46 information report", and then it says - have a look at F,
15:28:23 47 I'm not going to mention the name, but, "Meetings and/or

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15:28:27 1 discussions between Nicola Gobbo and that particular person
15:28:32 2 between 1 April 2002 and 31 March 2009"?---Yes, I see that.
15:28:37 3
15:28:37 4 You'd be aware that there would be numerous records within
15:28:43 5 the SDU holdings at least of those sorts of communications
15:28:49 6 which would have been, subject to public interest immunity,
15:28:54 7 producible in accordance with that subpoena. Do you see
15:28:58 8 that? Do you accept that proposition? I have no idea
15:29:03 9 between the - actually the awareness of that, I have no
15:29:07 10 idea, I've never heard of that name.
15:29:09 11
15:29:10 12 Right. In any event, let's just take it for the purpose of
15:29:17 13 this exercise that there would have been materials relevant
15:29:21 14 to those matters, right?---Yes.
15:29:24 15
15:29:24 16 Assume that's the case. So what you would say is that that
15:29:30 17 subpoena would go, ultimately would end up with the
15:29:36 18 investigators, is that right?---I would think so, yes.
15:29:39 19
15:29:40 20 And they would then go to the HSMU, would that be the
15:29:46 21 process?---Yes, I would believe so. I haven't done it
15:29:50 22 myself but that's yes.
15:29:52 23
15:29:53 24 Would you expect then that the HSMU would communicate with
15:29:57 25 any members of the SDU who may have had knowledge of
15:30:04 26 particular matters which were relevant to Nicola Gobbo and
15:30:08 27 that person? So in other words, would you expect them to
15:30:12 28 communicate with, for example, Ms Gobbo's handler or
15:30:18 29 controller?---I'd probably make a comment first of all.
30
31 Yes?---That that would obviously have to be a fact, that
15:32:06 32 the investigator knew that 3838 was a source to contact the
15:32:06 33 HSMU.
34
15:32:06 35 Let's assume they did, okay. If they did, what would your
15:32:06 36 expectation be? I would think that they would as I said
15:32:06 37 before earlier, that as a matter of courtesy they would,
15:32:06 38 but it's not necessary.
39
15:32:06 40 It's not necessary for the HSMU to contact or the
15:32:06 41 investigator to contact?---For the HSMU. The investigator
15:32:06 42 wouldn't contact the SDU.
43
15:32:06 44 The investigator would contact the HSMU and say, "Look,
15:32:06 45 could you interrogate your holdings and see what there is
15:32:06 46 which might answer that subpoena"?---Yes, I agree.
47

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15:32:06 1 All right. The expectation then would be that the HSMU
15:32:06 2 person would examine the computer, the database and look
15:32:06 3 for any material; is that right?---Yes, that's fair.
4
15:32:06 5 And on the assumption that there was material within the
15:32:06 6 database it would then be produced, would it, to
15:32:06 7 lawyers? I presume it would go through Victoria Police
15:32:06 8 lawyers, through to a disclosure/PII setting before the
15:32:06 9 court.
10
15:32:06 11 Sorry, when you say disclosure/PII setting before the
15:32:06 12 court, what do you mean?---So if there was information
15:32:06 13 contained within the records produced by HSMU then that
15:32:08 14 would be a responsibility of Victoria Police to understand
15:32:12 15 issues around PII.
16
15:32:13 17 Yes?---Prior to supplying it to defence.
18
15:32:16 19 Righto. In any event, what you can say is from your
15:32:22 20 recollection at no stage did anyone ever consult you when
15:32:26 21 you were a member of the SDU about whether or not there's
15:32:29 22 material within the SDU holdings which might or might not
15:32:33 23 have answered any subpoenas?---Yes.
24
15:32:37 25 That was never, ever discussed with you in your time at the
15:32:40 26 SDU?---No, from the HSMU asking me, not that I can recall.
27
15:33:01 28 All right. Yes, thanks very much.
29
15:33:05 30 COMMISSIONER: Yes, thanks very much Mr Richards. You're
15:33:08 31 free to go now?---Thank you, Commissioner.
32
15:33:13 33 We'll take the afternoon break and we'll resume with
15:33:16 34 Officer Black, the next witness.
35
15:33:49 36 (Witness excused.)
15:33:49 37
15:33:50 38 <(THE WITNESS WITHDREW)
15:33:55 39
15:33:56 40 (Short adjournment.)
41
15:54:32 42 COMMISSIONER: Yes. We've got Mr Black on the line. You
15:54:37 43 can hear me, Mr Black?---Yes, I can, Commissioner.
44
15:54:41 45 I understand you're going to take the oath?---That's
15:54:43 46 correct.
47

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15:54:43 1 Yes, if you could take the Bible in your right hand and the
15:54:46 2 oath will be administered now.
15:54:48 3
15:54:49 4 <OFFICER BLACK, sworn and examined:
5
15:55:08 6 COMMISSIONER: Yes Mr Chettle.
15:55:09 7
15:55:10 8 MR CHETTLE: Thank you, Commissioner. Mr Black, for the
15:55:11 9 purposes of this Commission do you go by the pseudonym of
15:55:16 10 Officer Black?---Yes, I do.
11
15:55:18 12 Your real name is known to the Commission?---It is.
13
15:55:20 14 And is your address for service care of your solicitors
15:55:24 15 Tony Hargreaves & Partners?---That's correct.
16
15:55:27 17 Have you for the purposes of this Royal Commission made
15:55:30 18 three statements. The first - - - ?---Yes.
19
15:55:35 20 - - - one of 52 pages on 5 June of this year?---Yes.
21
15:55:41 22 Are the contents of that statement true and correct?- It
15:55:44 23 is.
24
15:55:45 25 I tender that one, Commissioner
15:55:51 26
15:55:52 27 #EXHIBIT RC622A - (Confidential) Statement of Officer
15:55:54 28 Black dated 5/06/19.
15:55:54 29
15:55:54 30 #EXHIBIT RC622B - (Redacted version.)
15:55:56 31
15:55:57 32 Subsequently, SDU complete a second statement that
15:56:02 33 effectively in number follows on from the numbers of the
15:56:04 34 first statement in paragraph numbers of 33 pages on 1
15:56:08 35 August of this year?---That's correct.
36
15:56:09 37 Are the contents of that statement true and correct?---Yes,
15:56:13 38 it is.
39
15:56:14 40 I tender that, Commissioner.
15:56:17 41
15:56:20 42 #EXHIBIT RC622C - (Confidential) Statement of Officer Black
15:56:22 43 dated 1/08/19.
15:56:22 44
15:56:23 45 #EXHIBIT RC622D - (Redacted version.)
15:56:24 46
15:56:24 47 The parties are now aware that earlier in the year you

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15:56:27 1 attended and gave evidence to the Commission in closed
15:56:30 2 session?---I did.
3
15:56:34 4 In order to clarify one of the matters that you raised in
15:56:37 5 that evidence, to correct one of the matters that you
15:56:40 6 raised in that evidence, did you prepare a one page
15:56:44 7 statement dated 2 September this year? Yes, I did.
8
15:56:48 9 Is that statement true and correct?---It is.
10
15:56:51 11 In essence, the evidence that you gave when you came to the
15:56:56 12 Commission earlier in the year carried with it the
15:57:00 13 assertion that you believed Mr Overland had dinner with
15:57:03 14 Ms Gobbo, do you remember that?---Yes.
15
15:57:05 16 And the purpose of that statement is to clarify that. That
15:57:09 17 did not occur?---Correct.
18
15:57:11 19 All right.
20
15:57:12 21 COMMISSIONER: That statement 3 will be 622E and F.
15:57:17 22
15:57:17 23 #EXHIBIT RC622E - Statement of Officer Black dated 2/09/19.
15:57:18 24
15:57:19 25 #EXHIBIT RC622F - (Redacted version.)
15:57:22 26
15:57:23 27 MR CHETTLE: Thank you, Commissioner. In your statement
15:57:24 28 you refer to the Standard Operating Procedures that existed
15:57:29 29 at the relevant time so far as the SDU or DSU was
15:57:32 30 concerned?---Yes.
31
15:57:33 32 Firstly, the DSU and then subsequently it changed to the
15:57:37 33 Source Development Unit?---Correct.
34
15:57:39 35 Commissioner, I have hard copies of those documents but for
15:57:42 36 the transcript if I read in their VPL numbers of each of
15:57:46 37 them would that suffice?
38
15:57:47 39 COMMISSIONER: You're going to tender them?
15:57:50 40
15:57:50 41 MR CHETTLE: I think that's what they're here for.
42
15:57:52 43 COMMISSIONER: Yes, thank you.
15:57:53 44
15:57:54 45 MR CHETTLE: VPL.0100.0123.0323 is the one for 28 January
15:58:05 46 2005. For 13 August 2008 it's VPL.0100.0123.0430.
15:58:22 47 Mr Black, they were the SOPs that applied during the course

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15:58:25 1 of Ms Gobbo's registration with SDU and DSU?---Yes, they
15:58:33 2 were.
3
15:58:33 4 I tender those two sets of Standard Operating Procedures.
5
15:58:37 6 COMMISSIONER: Yes.
15:58:38 7
15:58:39 8 #EXHIBIT RC623A (Confidential) Standard Operating
15:58:44 9 Procedures dated 28/01/05 and 13/08/08.
15:58:44 10
15:58:44 11 #EXHIBIT RC623B - (Redacted version.)
15:58:48 12
15:58:48 13 MR CHETTLE: You also make reference to a document called
15:58:57 14 the Human Source Risk Assessment Manual?---Yes.
15
15:59:01 16 It's a document that you have viewed and I think referred
15:59:04 17 to that is some 13 pages and it's on Loricated?---Correct.
18
15:59:10 19 I'm told, Commissioner, that it has a VPL number but I
15:59:13 20 don't know what it is.
15:59:15 21
15:59:16 22 MR HOLT: It does. It was only just asked for. We're just
15:59:19 23 finding it and I'll update the record shortly,
15:59:24 24 Commissioner.
15:59:25 25
15:59:25 26 #EXHIBIT RC624A - (Confidential) Australasian Human Source
15:59:26 27 Risk Assessment Manual.
15:59:26 28
15:59:27 29 #EXHIBIT RC625B - (Redacted version.)
15:59:28 30
15:59:29 31 MR CHETTLE: There's stuff in that that will cause Mr Holt
15:59:33 32 some concern, Commissioner.
33
15:59:34 34 COMMISSIONER: It's got an A and B so he'll sort it out.
15:59:38 35
15:59:38 36 MR CHETTLE: As part of the policy that applied in relation
15:59:40 37 to risk assessment there was a template created that guided
15:59:48 38 handlers to create risk assessments; is that right?---Yes.
39
15:59:54 40 You've hard copied a printout of that - we've got a hard
16:00:00 41 copy of that document here which - it's a three page
16:00:04 42 document?---Yes.
43
16:00:05 44 And after the handler completes the various categories that
16:00:11 45 the risk is to be addressed, there's space for the
16:00:17 46 controller's comments?---Correct.
47

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16:00:20 1 And in relation to the risk assessment, the first risk
16:00:25 2 assessment completed here by Officer Smith, you were the
16:00:28 3 controller that signed off the controlling comments in that
16:00:32 4 document?---Yes, I was.
5
16:00:34 6 As you say in your statement, you then provided that in
16:00:37 7 hard copy personally to Inspector McWhirter, wasn't
16:00:42 8 it? No, it went direct to Detective Inspector Doug
16:00:50 9 Calishaw. I think at the time he was upgraded as the
16:00:53 10 Central Source Registrar as the Acting Superintendent.
11
16:00:55 12 Yes, thank you. You hand delivered it to him?---Yes.
13
16:00:57 14 And the form that is set out and has provision for him, for
16:01:01 15 the Registrar, to put his comments on the document before
16:01:04 16 he signs it?---Correct. In short it's a three part
16:01:08 17 document. It's a template at that time for Victoria
16:01:12 18 Police. The handler had to address five categories, the
16:01:15 19 controller then needed to put his over-arching endorsement
16:01:19 20 to his satisfaction of those risks, and then there was a
16:01:23 21 requirement that the Local Source Registrar then basically
16:01:28 22 endorses the risk assessment, does some other
16:01:33 23 administrative thing and formally accepts the risk.
24
16:01:36 25 In this Commission we've only seen, as it were, the first
16:01:39 26 two parts of that. The third part does not seem to have
16:01:41 27 been, that is with the comments, doesn't appear to have
16:01:45 28 been provided. But can I tender, Commissioner, the
16:01:47 29 pro forma risk assessment. That's a hard copy document. I
16:01:55 30 have it here.
31
16:01:56 32 COMMISSIONER: All right.
16:01:57 33
16:01:58 34 #EXHIBIT RC625A - (Confidential) Pro forma risk assessment.
16:02:07 35
16:02:07 36 #EXHIBIT RC625B - (Redacted version.)
16:02:12 37
16:02:12 38 MR CHETTLE: I'll hand that to your staff, Commissioner,
16:02:15 39 and they can copy it if they need to.
16:02:15 40
16:02:16 41 COMMISSIONER: Thank you. You'd like it returned to you,
42 would you?
43
44 MR CHETTLE: I'm sure everyone would at some stage.
45
16:02:20 46 COMMISSIONER: All right. We'll have copies done.
16:02:20 47

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16:02:21 1 MR HOLT: I can provide the VPL for that earlier document
16:02:24 2 when the Commission pleases.
3
16:02:25 4 COMMISSIONER: This is the Standard Operating Procedures?
16:02:28 5
16:02:29 6 MR HOLT: No, this is the - - -
7
16:02:31 8 COMMISSIONER: The standard risk assessment manual.
16:02:33 9
16:02:33 10 MR HOLT: Yes. It's call Australasian Human Source Risk
16:02:37 11 Assessment Manual and it's VPL.6085.0051.6632. I can
16:02:48 12 confirm for obvious reasons it hasn't yet been reviewed for
16:02:55 13 public interest immunity, but it will be.
16:02:59 14
16:02:59 15 MR CHETTLE: They're all the matters I have at this stage.
16
16:03:02 17 COMMISSIONER: Yes, Mr Winneke.
16:03:03 18
19 <CROSS-EXAMINED BY MR WINNEKE:
20
16:03:04 21 Mr Black, you've been here before and we've asked you some
16:03:08 22 questions over a period of time so I'll try and avoid
16:03:12 23 asking questions that I've already asked before. Just
16:03:20 24 before we kick off, what I want to understand is the way in
16:03:26 25 which the computer system operated, the data storage system
16:03:31 26 operated at both the SDU - well, I suppose starting at the
16:03:35 27 DSU, then SDU, and how it operated at the HSMU because as
16:03:41 28 we understand it you've been in both locations; is that
16:03:44 29 right?---Yes.
30
16:03:46 31 Certainly Mr Chettle has told us that you know all about
16:03:49 32 it. Is that the case?---I know all about the DSU and SDU
16:03:57 33 machines. As far as the HSMU one's concerned, I didn't
16:04:01 34 strictly work at HSMU during that period.
35
16:04:03 36 No?---I was at HSMU from September 2013.
37
16:04:12 38 I take it then that you don't know exactly how it worked
16:04:15 39 during the period that you were at the DSU/SDU, is that
16:04:19 40 right, how it operated at the HSMU?---Correct.
41
16:04:22 42 Do you have an idea though as to the way in which it
16:04:28 43 operated? Are we able to get some information from you
16:04:31 44 about that?---They had a relatively similar system
16:04:34 45 operating at HSMU but I never actually used it.
46
16:04:37 47 Righto, okay. So what was as we understand it when the

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16:04:43 1 DSU first started it was at [REDACTED]?---Correct.
2
16:04:48 3 And then subsequent, I think in 2006, early 2006, would
16:04:51 4 that be right, you moved?---That would be about right, yes.
5
16:04:56 6 And we don't want to know exactly where but you moved to a
16:05:03 7 location away from [REDACTED]? Correct.
8
16:05:05 9 You took with you obviously some computers?---Yes.
10
16:05:09 11 Were they all interconnected?---No. The PC machine, the
16:05:24 12 [REDACTED] machine, was exactly that, and the others
16:05:29 13 operated on what we called data cards, plug and play USB
16:05:34 14 devices.
15
16:05:35 16 I want to know what it was back in 2004/5. I don't know
16:05:39 17 whether they were floppy discs or thumb drives or something
16:05:42 18 like that?---Something similar, yes.
19
16:05:45 20 Something similar. In any event, the stand alone system
16:05:48 21 which we understand contains what's called a Z drive,
16:05:51 22 that's where all the important information was kept; is
16:05:55 23 that right? - -Correct. It was not connected to the outside
16:05:57 24 world.
25
16:05:58 26 No, I follow that. It was encrypted?---Yes.
27
16:06:02 28 I'm not too sure exactly what that means but you obviously
16:06:06 29 had to have some sort of password to get in there?---It was
16:06:10 30 [REDACTED]
31
16:06:12 32 What does that mean in real terms, in practical terms? I'm
16:06:16 33 told Mr Holt's on his feet - I don't want to know details
16:06:21 34 of it
16:06:22 35
16:06:22 36 MR HOLT: For obvious reasons, Commissioner.
37
38 MR WINNEKE: No, no, I understand that.
39
16:06:24 40 COMMISSIONER: But encrypted is a term used.
16:06:29 41
42 MR HOLT: No, I'm not complaining about that but once we
43 start getting into those other terms and details about them
44 we're going to be in really difficult territory.
45
16:06:34 46 MR WINNEKE: No, I'm more interested in the practical
16:06:36 47 aspects of it, how information gets on to the system,

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16:06:38 1 right?---I'm conscious of the PII and methodology stuff
16:06:41 2 but - - -
3
16:06:41 4 Do as well you can without going into that. What I want to
16:06:45 5 know is how data was entered, either by the controllers and
16:06:49 6 by the handlers, how it all ends up in the system. Do you
16:06:53 7 follow what I'm saying? Yes.
8
16:06:55 9 Okay?---So basically software you can't buy off the shelf.
10
16:06:59 11 Yes?---And that ensured that the machine was unable to be
16:07:07 12 hacked and it also protected the integrity of the
16:07:11 13 information. So any source related document or PII [REDACTED]
16:07:14 14 was loaded on to the PII [REDACTED] computer and that machine
16:07:20 15 was routinely backed up as well.
16
16:07:24 17 Righto, okay. The sort of documents that go on to that
16:07:27 18 machine are obviously contact reports?---Yes.
19
16:07:32 20 ICRs?---Yes.
21
16:07:33 22 SMLs? --Correct.
23
16:07:35 24 Risk assessments?---Yes.
25
16:07:38 26 Profiles?---Yes.
27
16:07:43 28 AORs?---Yes.
29
16:07:46 30 Anything else?---All the PII [REDACTED]
31
16:07:50 32 PII [REDACTED] Hand-over documents? So, for example,
16:07:54 33 if one controller is handing over to another controller
16:07:58 34 would there be a document created that enables the new
16:08:02 35 controller to get an idea about what the issues are or - -
16:08:06 36 - ? -- No, I've spoken about that later in my statement in
16:08:09 37 relation to what we referred to that we developed as a
16:08:13 38 handler worksheet, that was a manual hard copy that was
16:08:16 39 kept in a secure location.
40
16:08:17 41 Right?---But each source had its own files on the PII [REDACTED]
16:08:21 42 PII [REDACTED]
43
16:08:24 44 Righto. Who had access to that, was it only the controller
16:08:28 45 or did the handlers have access to that system?---Handlers,
16:08:33 46 controllers and the TIO.
47

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16:08:37 1 Was it one console or was there more than one console to
16:08:41 2 that - - - ?---Only one machine.
3
16:08:43 4 Only one console, one machine?---Correct.
5
16:08:48 6 Handlers obviously had to create documents themselves, for
16:08:51 7 example, you had to create as a handler a risk assessment
16:08:54 8 and Mr Chettle's just referred to a template of a risk
16:08:59 9 assessment. Would that template be available to each of
16:09:03 10 the handlers on their own computer system?---Yes.
11
16:09:13 12 I take it handlers use, again we don't want to get into
16:09:18 13 methodology, one assumes that handlers had their own laptop
16:09:22 14 devices; is that right?---Correct. Until those templates
16:09:25 15 are populated they're just a blank template.
16
16:09:30 17 There's no problem with them. So they're on their own.
16:09:33 18 And each handler had their own personal laptop
16:09:38 19 computer?---Yes. Soon after we developed that was
16:09:43 20 effectively the position we got to, yes. As the DSU.
21
16:09:48 22 And each person would have access to the pro forma
16:09:53 23 ICR? -Yes.
24
16:09:53 25 The pro forma risk assessment and pro forma AOR?---Yes.
26
16:09:59 27 Or template if you like?---Yes.
28
16:10:01 29 And then they would fill out that document and would save
16:10:04 30 it not on to the laptop, but would save it on to whatever
16:10:09 31 the data transfer device was, whether it be floppy disc or
16:10:16 32 thumb drive or whatever, is that right? -Correct, yes.
33
16:10:19 34 Then, once whatever that document was completed, so, for
16:10:25 35 example, if a handler was completing an ICR - or perhaps
16:10:30 36 I'll go back. Bearing in mind this is before we go to the
16:10:38 37 electronic diaries, right? --Yes.
38
16:10:40 39 If a handler is communicating with Ms Gobbo they would be
16:10:44 40 writing information down in their diary, or if they're away
16:10:47 41 from the office and Ms Gobbo happens to ring when they're
16:10:50 42 at home or at a restaurant or something like that, then
16:10:53 43 they would need to utilise whatever they have at hand to
16:10:57 44 write down notes; is that right?---Correct.
45
16:10:59 46 And then they would, as a general rule, if it's written on
16:11:03 47 note paper, or whatever, it would then go into the diary,

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16:11:06 1 the official police diary?---Correct.
2
16:11:08 3 And then when you get a moment you would then start to
16:11:14 4 complete the next ICR; is that right?---Yes.
5
16:11:19 6 Okay?---Correct.
7
16:11:21 8 I think you say in your statement that in the initial
16:11:23 9 stages the idea was that there would be a separate contact
16:11:27 10 report, a separate ICR for each communication with a
16:11:32 11 source?---Yeah, that was the initial policy of Victoria
16:11:36 12 Police.
13
16:11:36 14 And it became pretty apparent soon after - now I don't know
16:11:42 15 whether this was simply after Ms Gobbo's commencement as a
16:11:46 16 source or were there other sources in relation to whom it
16:11:50 17 became apparent that it just wasn't going to be appropriate
16:11:52 18 to have a contact report for each communication?---Yeah, we
16:11:57 19 quickly identified that not just from 38 but other sources.
16:12:02 20 It was just not practical.
21
16:12:04 22 Okay. Then I think you've said in your statement that you
16:12:06 23 produced a new pro forma which permitted an ICR to be
16:12:12 24 completed at the end of, I think, ten days or ten days at
16:12:17 25 the outside; is that right?---Precisely.
26
16:12:21 27 And t wouldn't always be ten days, it might be less. For
16:12:24 28 example, if there was a change over of handler obviously
16:12:27 29 that ICR might count for less than ten days?---Quite right.
30
16:12:34 31 Once that ICR is completed it is then transferred into the
16:12:41 32 Z drive, that one computer system which is encrypted and
16:12:48 33 contains all the sensitive information; is that
16:12:50 34 right?---Yes.
35
16:12:52 36 We know that the job, certainly of looking after Ms Gobbo
16:12:58 37 as a handler could be onerous because there would be many,
16:13:02 38 many communications in a ten day period, or even in a day
16:13:06 39 period there might well be multiple communications and the
16:13:09 40 job of completing an ICR became pretty onerous; is that
16:13:13 41 right?---Yes.
42
16:13:14 43 And it appears to be the case that if a handler was looking
16:13:22 44 after Ms Gobbo for more than a number of weeks, the backlog
16:13:26 45 might get quite considerable and, you know, it would be
16:13:29 46 some time before that ICR was completed?---From time to
16:13:33 47 time we had a delay, yes.

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1
16:13:36 2 In any event, once it was completed would you say as a
16:13:42 3 matter of course on the day that it's completed it would be
16:13:47 4 saved on to the thumb drive and then as near as possible
16:13:53 5 thereafter transferred into the Z drive?---Yes.
6
16:13:59 7 What's the process for the transfer of that ICR into the
16:14:06 8 HSMU database? Sorry, our TIO would back up our holdings
16:14:16 9 and take them in weekly/fortnightly into HSMU and do the
16:14:20 10 transfer.
11
16:14:22 12 So on a weekly or fortnightly basis your technical officers
16:14:28 13 would take them into [REDACTED] is that right?---Yes.
14
16:14:35 15 I haven't asked you about information reports. The system,
16:14:37 16 I assume, was the same. An information report was prepared
16:14:43 17 as a result of information received; is that
16:14:45 18 right?---Correct.
19
16:14:47 20 The information reports would not have to be, and indeed as
16:14:54 21 a matter of course would not be over a ten day period, it
16:14:58 22 would be over a if information came in on a particular
16:15:03 23 day or on a particular contact and it was considered
16:15:07 24 appropriate to put into an information report, would it
16:15:09 25 there and then be completed, the IR?---Depending on the
16:15:13 26 time sensitivity of it all. Sometimes the IRs were done
16:15:16 27 immediately, checked with the controller and disseminated
16:15:19 28 straight to the investigator. Others sort of wait until
16:15:23 29 the next day, depending on the severity of the information.
30
16:15:27 31 How was it disseminated?---Usually delivered by hand.
32
16:15:34 33 If, for example - we've had evidence since you initially
16:15:38 34 gave evidence from members of Purana, particularly
16:15:42 35 Mr O'Brien, for example. He said when he was receiving
16:15:44 36 information from the SDU in relation to Ms Gobbo invariably
16:15:52 37 it was done by a hot debrief or a verbal dissemination of
16:15:56 38 information, right?---Yes.
39
16:16:01 40 What do you say about that?---In some instances. Yeah,
16:16:04 41 correct. If the information is time sensitive or they need
16:16:07 42 an update about a particular thing it would be not uncommon
16:16:11 43 for the handlers to ring, in this case with Purana,
16:16:15 44 Mr O'Brien was our point of contact and he would receive
16:16:19 45 the information straight away if that's what was required,
16:16:24 46 on the phone, and we'd back that up with an IR and an
16:16:27 47 appropriate contact report in the days that followed.

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1
 16:16:29 2 What he said is that he didn't recall ever receiving
 16:16:32 3 information on an IR, would you accept that?---No, no. The
 16:16:39 4 information reports, again, our TIOs were constantly
 16:16:47 5 handing information around to the appropriate counterparts.
 6
 16:16:51 7 To be fair, he'd say well, look, his analyst might get that
 16:16:53 8 information but he personally would expect and would
 16:16:55 9 receive information directly from handlers from information
 16:17:06 10 which had come from Ms Gobbo. Would you accept
 16:17:08 11 that?---There was - in relation to information there was
 16:17:13 12 always an information report that followed that actionable
 16:17:18 13 intelligence.
 14
 16:17:18 15 Can I ask you this - - - ?---He might not have seen it
 16:17:21 16 direct on a particular day, I accept that. But certainly
 16:17:23 17 that intelligence is fed into their system with his
 16:17:26 18 appropriate counterparts.
 19
 16:17:29 20 Can I ask you this, just to go back to the IRs. An IR is
 16:17:35 21 created if it's considered that there is intelligence which
 16:17:38 22 is relevant material which should be fed off to the
 16:17:41 23 investigators, right?---Yes.
 24
 16:17:44 25 But then on some occasions there is no IR but information
 16:17:47 26 is conveyed verbally, right?---Well, yeah, verbal
 16:17:55 27 dissemination was something that occurred later on in
 16:17:59 28 relation to the relationship with 3838, but we ensured that
 16:18:08 29 those IRs and the information as such - if we disseminated
 16:18:15 30 something that was addressed in a contact report, if we
 16:18:18 31 didn't, it was covered. If the handlers from time to time
 16:18:20 32 decided to or needed to update the investigators about
 16:18:24 33 something and not submit a contact report, it would have
 16:18:27 34 been recorded in their diary and on the contact report.
 35
 16:18:30 36 Right. So the point that I make is this: it's not correct
 16:18:35 37 to say that every time information was conveyed verbally
 16:18:39 38 that there was an equal information report officially filed
 16:18:47 39 in the way in which the SOP envisaged, do you accept
 16:18:51 40 that?---There were occasions when verbal disseminations did
 16:18:58 41 take place later in the relationship with 3838 but the vast
 16:19:04 42 majority of them should have had and did have an
 16:19:07 43 appropriate comment on the contact report if an IR was
 16:19:10 44 disseminated or if not.
 45
 16:19:12 46 All right. What I want to put to you is this proposition:
 16:19:15 47 firstly, Mr O'Brien commenced receiving verbal

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16:19:20 1 dissemination of information from handlers who were
16:19:25 2 handling Ms Gobbo almost immediately that Operation Posse
16:19:29 3 started, that's the first thing. Do you accept that
16:19:35 4 proposition or not?---I have no problems with that at all.
16:19:38 5 It was time sensitive. He would have got a verbal
16:19:42 6 dissemination and that would have been followed up with the
16:19:43 7 appropriate notation in your diary and contact report and
16:19:44 8 an IR would have been disseminated - -
9
16:19:48 10 Can we take that one step at a time. What I suggest to you
16:19:51 11 is insofar as you have said that it was only later on in
16:19:53 12 the piece after Ms Gobbo came on board that there started
16:19:57 13 to be verbal disseminations, I put it to you that that's
16:20:01 14 not correct at all, it started virtually straight away?---I
16:20:04 15 don't agree with that.
16
16:20:05 17 You don't agree with that?---No, because - - -
18
16:20:07 19 Mr O'Brien says from the very outset - I mean obviously we
16:20:10 20 can look at the record, but what I suggest to you is that
16:20:13 21 the records show that there were verbal disseminations of
16:20:18 22 information coming from Gobbo almost from the very start of
16:20:21 23 her use. You disagree with that, do you?---I was one of
16:20:25 24 her handlers at the very start and that wasn't the case in
16:20:29 25 my time. As a handler, just as an example, that wasn't the
16:20:33 26 case.
27
16:20:33 28 What you say is when you were her handler, and obviously
16:20:37 29 you weren't the first handler, I think Mr Smith was, is
16:20:41 30 that right?---Correct.
31
16:20:42 32 When you took over handling her somewhere around November
16:20:45 33 of 2005, every time there was information which was
16:20:49 34 intelligence that which needed to be passed on, it was
16:20:52 35 passed on not through a verbal dissemination, but via an
16:20:56 36 official information report prepared in accordance with the
16:21:02 37 Standard Operating Procedures; is that right?---If I
16:21:04 38 disseminated any intelligence it was the subject of an
16:21:09 39 information report. There are occasions when I would give
16:21:11 40 Mr O'Brien a verbal update, but then that was always
16:21:14 41 followed with an information report which may have followed
16:21:16 42 the next day and each transaction was recorded in my diary
16:21:19 43 and on the contact report.
44
16:21:20 45 If we wanted to know all of the information which was
16:21:23 46 conveyed by you to Mr O'Brien, we could look at the
16:21:28 47 information the ICR, firstly, and then we would be able

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16:21:33 1 to see what information was received from Ms Gobbo and then
16:21:37 2 what information was passed on to Mr O'Brien because it
16:21:40 3 would say, "This particular information was received and
16:21:43 4 this particular information was passed on to Mr O'Brien
16:21:47 5 verbally"?---Yes.
6
16:21:50 7 In addition to that there would be information reports
16:21:56 8 which reflected more or less exactly that information which
16:22:01 9 was passed over verbally, which would then be, would have
16:22:04 10 been created by way of an IR and forwarded by your analysts
16:22:12 11 to, what, Purana or to the general data system, the
16:22:16 12 information holdings of Victoria Police? How would it
16:22:18 13 go?---Yes, that's correct. That's correct. All the IRs
16:22:21 14 are checked by the controller. It should be reflected on
16:22:23 15 the source management log and fed into the intelligence
16:22:27 16 system.
17
16:22:27 18 Righto. Did you prepare the IR?---Yes.
19
16:22:32 20 That IR would be typed out by you as a handler on your
16:22:36 21 computer, on your laptop computer, and it would then have
16:22:42 22 been printed out and provided to the analysts or would it
16:22:46 23 have been forwarded to the analyst via some other
16:22:49 24 system?---It'd be checked by the controller first.
25
16:22:51 26 Yes?---Then given, put on to the system and then conveyed
16:22:55 27 to the investigators either by us or one of our TI0s.
28
16:23:02 29 Just coming back - it's put on to the system by way of
16:23:05 30 what, being put on to the hard drive, the Z drive?---On to
16:23:08 31 the Z drive, yes.
32
16:23:10 33 Then how is it conveyed, is it emailed or is it then
16:23:13 34 printed out and - - - ?---No.
35
16:23:15 36 How's it done? We would physically take the IR over to
16:23:18 37 the investigators.
38
16:23:20 39 Into St Kilda Road and give it to them?---Correct.
40
16:23:24 41 Would that be done by you or would it be done by the
16:23:27 42 analyst?---Generally done by the analyst.
43
16:23:29 44 Would they be doing that every day?---Yeah, the visits to
16:23:34 45 St Kilda Road, depending on what was going on at the time,
16:23:39 46 was a pretty regular event.
47

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16:23:41 1 How would those information reports then be stored in other
16:23:47 2 locations? For example, did they go on to the HSMU
16:23:51 3 system?---HSMU eventually had a copy of all the contact
16:23:57 4 reports, the IRs and the [REDACTED], that's done as a
16:23:59 5 matter of course.
6
16:24:00 7 Yes? But the investigators, we would hand over because
16:24:03 8 the IR is sanitised and we track what IRs were disseminated
16:24:08 9 at our office and that IR's then disseminated to be
16:24:15 10 actioned by the investigators on their appropriate
16:24:19 11 databases.
12
16:24:20 13 Obviously you can only speak for yourself, I assume. The
16:24:24 14 verbal information, was that done by way of a
16:24:31 15 self-sanitisation process, in other words the handler
16:24:33 16 himself only passed on that which was, to his perception,
16:24:38 17 sanitised information?---Indeed. The verbal dissemination
16:24:47 18 particularly arose during our caretaker mode, as it were,
16:24:50 19 of 38.
20
16:24:53 21 Right. But what I asked you was that the SOPs seemed to
16:25:05 22 envisage that there would be a careful process of
23 sanitisation. It's set out in the document, the Chief
24 Commissioner's Standing Order and the Standard Operating
16:25:08 25 Procedure, that there would be this strict procedure of
16:25:11 26 sanitising information. All of the information which was
16:25:14 27 produced was then put into a document which then became
16:25:20 28 intelligence and it was looked at by the controller. The
16:25:23 29 controller would make sure that the information was
16:25:25 30 sanitised and only then would it go on, do you accept
16:25:30 31 that?---Yes.
32
16:25:30 33 That's what the Standard Operating Procedure
16:25:34 34 suggested?---Absolutely.
35
16:25:35 36 If we look at the Standard Operating Procedures and the
16:25:38 37 Chief Commissioner's Standing Order we see nothing in there
16:25:43 38 which suggests that it is a valid method of passing on
16:25:48 39 information, to verbally disseminate information without
16:25:52 40 there being any check or control by the controller, do you
16:25:58 41 accept that proposition?---On most occasions when - - -
42
16:26:01 43 Just listen to the question. There's nothing in the SOP
16:26:04 44 and the Chief Commissioner's Standing Order about verbal
16:26:06 45 dissemination of information, do you accept that
16:26:09 46 proposition?---I was about to answer the question. Those
16:26:14 47 verbal disseminations would occur in conjunction with an

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16:26:17 1 update to the controller.
2
16:26:18 3 Okay, go on?---When it was done, when it was done the
16:26:22 4 controller and the handler would have a conversation about
16:26:24 5 that. Sometimes it happened before, sometimes it happened
16:26:27 6 after. But you're right, I agree, there is no comment,
16:26:31 7 there is no reference, I don't believe, unless you point
16:26:34 8 out otherwise, about a verbal dissemination.
9
16:26:37 10 Right. I mean obviously what you say is it may well be
16:26:42 11 that after the dissemination of information there might be
16:26:44 12 an update to Mr White by way of saying, "Look, this is what
16:26:49 13 I've got from Gobbo, this is what I've passed on to
16:26:55 14 O'Brien", and that would be the control, if you like, or
16:26:58 15 that be would the oversight of the information passed on,
16:27:01 16 correct?---Yes.
17
16:27:02 18 Clearly that is not what is envisaged by the Standard
16:27:06 19 Operating Procedures, you accept that?---Yes.
20
16:27:09 21 And whether or not it's window dressing or otherwise, it
16:27:12 22 seems to be the case that the Standard Operating Procedures
16:27:19 23 were never brought into line with that practice which
16:27:22 24 seemed to be the common practice with respect to
16:27:25 25 Ms Gobbo?---I'll go back to my original answer about verbal
16:27:30 26 dissemination was something that had started to commence in
16:27:34 27 the caretaker mode with 3838. I don't agree that verbal
16:27:39 28 disseminations were taking place from, as you describe,
16:27:43 29 just for a matter of clarity, from the commencement of the
16:27:48 30 start of the relationship with her.
31
16:27:49 32 When did the caretaker mode commence?---When we were told
16:27:54 33 there was a discussion between Mr Biggin and Mr White where
16:27:56 34 we decided that we were no longer going to task 38 and we
16:28:01 35 went into the quasi caretaker mode for want of a better
16:28:06 36 description.
37
16:28:07 38 Was that following a period of around April of 2006?---That
16:28:15 39 would be about right, yes.
40
16:28:16 41 And for what period of time did that caretaker mode go
16:28:20 42 for?---Quite an extensive period of time. I almost need to
16:28:27 43 say, without checking the dates, I'm sure you have them, it
16:28:30 44 would be at least over 12 months we were in caretaker mode
16:28:34 45 with her. That addressed the duty of care obligations
16:28:38 46 Victoria Police believed we had to her, even though we
16:28:41 47 weren't actively tasking 38.

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1
16:28:44 2 As we understand it, and this has been said before, there
16:28:47 3 was a caretaker mode which commenced somewhere around April
16:28:50 4 or thereabouts and continued for at least 12 months and
16:28:55 5 would that be to a period of time about when Ms Gobbo
16:28:59 6 started to provide information about the tomato tins case,
16:29:04 7 the bill of lading, et cetera, et cetera; is that
16:29:06 8 right? I would have thought that the caretaker mode was
16:29:09 9 probably towards the end of May, start of June 2006 from
16:29:14 10 memory. If you can point me a document, but I think that's
16:29:18 11 probably a more accurate time stamp of when the caretaker
16:29:22 12 mode was discussed. As I said, there would be a diary note
16:29:25 13 between Mr Biggin and Mr White and I'm sure it's recorded
16:29:29 14 on the source management log exactly when that occurred.
15
16:29:31 16 All right. But nonetheless despite it being a caretaker
16:29:36 17 mode we know that she continued to receive - sorry, the SDU
16:29:41 18 continued to receive information from Ms Gobbo, and utilise
16:29:44 19 that information, that is pass it on to members of
16:29:48 20 Purana?---Yes. She was not tasked though.
21
16:29:52 22 Well, what's the definition of tasking? Is tasking saying
16:29:57 23 to Ms Gobbo, "Look, give us any information that you get
16:30:01 24 about, for example, from Rob Karam, give us any information
16:30:05 25 you get from him", is that tasking or not?---The definition
16:30:08 26 of tasking is setting a task for a registered human source
16:30:12 27 to achieve.
28
16:30:13 29 It wasn't the task for Ms Gobbo get any information that
16:30:16 30 she could get in relation to criminal activity from people
16:30:20 31 she was dealing with and provide it to the
16:30:24 32 SDU?---Traditionally, absolutely, that is tasking. But
16:30:27 33 when we went into caretaker mode we weren't tasking 38.
34
16:30:32 35 Traditionally that's tasking but that's what was going on
16:30:35 36 from May, June of 2006 throughout 2006 into 2007. You were
16:30:41 37 asking her to provide you with information. She was doing
16:30:44 38 that and she was doing it on a regular basis and multiple
16:30:49 39 times daily throughout that period?---She wasn't being
16:30:52 40 tasked.
41
16:30:54 42 We're getting a bit semantic here, aren't we? The fact is
16:30:58 43 you're asking her to provide information and she's doing
16:31:01 44 so?---When we had contact with 38, if she decided to
16:31:09 45 discuss something with us, share something with us,
16:31:12 46 absolutely we would listen. But we weren't actively
16:31:15 47 tasking her to gain intelligence.

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16:31:17 2 Were you taking any steps at all to prevent her from
16:31:22 3 providing information?---Absolutely. We had many
16:31:25 4 strategies to try and prevent her basically just going into
16:31:32 5 caretaker mode and we weren't actively tasking her.
6
16:31:40 7 So what you would say is that throughout the period from
16:31:41 8 May when you decided that she's going into caretaker mode,
16:31:44 9 you were taking steps to prevent her or to restrict the
16:31:47 10 amount of information that she was providing to you; is
16:31:50 11 that right?---Yes.
12
13 Okay, all right.
14
16:31:52 15 COMMISSIONER: I suppose it's that time. All right then.
16:31:55 16 We'll adjourn until 9.30 tomorrow morning, thank you.
16:32:01 17
16:32:02 18 <(THE WITNESS WITHDREW)
16:32:02 19
16:32:27 20 ADJOURNED UNTIL WEDNESDAY 23 OCTOBER 2019
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